

STATE OF MISSOURI
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT HEARING

MARCH 6, 2018

No court reporter was present and no transcript exists.

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

HEARING

MS. [REDACTED]

MARCH 7th, 2018

INDEX OF EXAMINATION

Ms. [REDACTED]	
Examination by Mr. Barnes	5
Examination by Mr. Phillips	61
Examination by Ms. Mitten	66
Examination by Ms. Lauer	79
Examination by Mr. Austin	94
Examination by Mr. Rhoads	109
Examination by Mr. Tommie Pierson, Jr.	118
Re-examination by Mr. Barnes	128

INDEX OF EXHIBITS

EXHIBITS:	
Exhibit No. 1 (Audio Recording Transcript)	107
Reporter's Note: Exhibit 1 was retained by the panel.	

APPEARANCES

Mr. Jay Barnes, Chairman
 Mr. Alex Curchin, Senior Counsel/Legislative Director
 Representative Don Phillips
 Representative Jeanie Lauer
 Representative Kevin Austin
 Representative Gina Mitten
 Representative Shawn Rhoads
 Representative Tommie Pierson, Jr.

Also present:

Ms. Alix Hallen
 Mr. Bryan D. Scheiderer

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(The hearing commenced at 8:02 a.m.)

MR. BARNES: I call to order this meeting
 of the House special committee on investigative
 oversight.

Mr. Secretary, please call the role.

MR. CURCHIN: Chairman Barnes.

MR. BARNES: Here.

MR. CURCHIN: Representative Phillips.

MR. PHILLIPS: Here.

MR. CURCHIN: Representative Lauer.

MS. LAUER: Here.

MR. CURCHIN: Representative Austin.

MR. AUSTIN: Here.

MR. CURCHIN: Representative Mitten.

MS. MITTEN: Here.

MR. CURCHIN: Representative Rhoads.

MR. RHOADS: Here.

MR. CURCHIN: Representative Pierson.

MR. PIERSON: Here.

MR. BARNES: All here and accounted for.

Seven present, so everyone is here. So everyone
 knows that in order to -- state your questions
 clearly and loudly enough.

Good morning. Thank you for being here.

While Mr. Simpson is getting coffee, have

1 you ever given testimony before?
 2 [REDACTED]: I don't know if I can say.
 3 MR. BARNES: Okay. And that's a fair
 4 question.
 5 This is going to be a conversation, and if
 6 there's any question that we that you don't
 7 understand the question, it's important to just say,
 8 Stop, I don't understand what you're asking. If you
 9 can't hear us, stop us. If you need to stop for any
 10 reason, feel free to stop and use the restroom,
 11 whatever -- for whatever purpose.

12 Now that Mr. Simpson is back, we're going
 13 to administer the oath.

14 [REDACTED]
 15 being first duly sworn, was examined and testified as
 16 follows:

EXAMINATION

17 BY MR. BARNES:

18 Q. Can you state your name.

19 A. [REDACTED]

20 Q. And, ma'am, how long have you known

21 Eric Greitens?

22 A. Since, like, 2013.

23 Q. What were the circumstances in which you
 24 came to know Eric Greitens?
 25

1 A. He came into the salon for a haircut.
 2 Q. Okay. So that was 2013. How was your
 3 relationship -- how long did it go? How did it
 4 start? Can you describe as a client what it was
 5 like?

6 A. It just started where he -- I believe he
 7 came in to a couple of my coworkers beforehand, but
 8 once he came to me, he became a regular client of
 9 mine. And -- I don't know. I saw him pretty
 10 regularly, unless he was traveling. Seemed pretty
 11 typical, except for I would say we had a lot of -- I
 12 mean, I had conversed with most of my clients pretty
 13 often, but we got to know each other pretty well,
 14 and I thought he was great. I thought he was this
 15 perfect guy. I probably knew too much about what he
 16 had maybe done in the past, as far as -- I knew -- I
 17 knew that he was an author, I knew he was a
 18 motivational speaker, I knew he was a Navy Seal, I
 19 knew he had volunteered at the Mother Teresa House,
 20 I knew that he -- I mean, he -- to -- I mean -- I
 21 guess he -- I don't want to say that he was speaking
 22 highly of himself, but he found a way to tell me
 23 these things, and so I thought he was just
 24 wonderful.

25 Yeah, other than that -- I mean, I think

1 it was pretty typical.
 2 Q. When did -- at what point in time did you
 3 see him socially outside of the context of your
 4 workplace?

5 A. That wasn't until March of 2015.

6 Q. And can you describe how that came about?

7 A. So I hadn't seen him for about a six-month
 8 period, which was pretty abnormal, and I noticed it.
 9 The time before he came in -- so that would have
 10 been the summer of 2014, I knew that his wife was
 11 having a baby soon, and I had just gotten back from
 12 a vacation with my whole family, and I mentioned
 13 something about my husband not letting me go to the
 14 gym without him being with me -- and he didn't
 15 exercise, just to kind of -- I can't remember how
 16 the conversation went, but I know that in that
 17 conversation that happened in August --

18 Q. Do you mean your husband didn't exercise?

19 A. He didn't -- right. Exactly. My husband.
 20 Eric did. He asked about the trip, and I said, They
 21 had this really cool gym, but going to the gym was a
 22 little annoying at times because my husband refused
 23 to let me go by myself, and he would sit there,
 24 like, at the machine, the equipment next to me just
 25 to watch me and make sure nobody was watching me

1 sort of thing. And I don't know that I went into
 2 that detail with him. I just said, Oh, yeah, it was
 3 really cool, except for I had my -- my husband, who
 4 didn't really exercise, kind of watching me.

5 And that was the first time that I felt
 6 like -- maybe the other times where he had boasted
 7 about himself a little bit -- he had brought me
 8 books -- signed books in the past that I didn't ask
 9 for. He would, like, stop in after his visit. So
 10 maybe had flirted a little bit here and there, but
 11 that was the first time that summer. After that
 12 conversation, he was like, Tell me about your
 13 husband. I mean, what does he look like? I picture
 14 him being this, like -- you know, very confident,
 15 tall, you know, handsome man. And I was like, No,
 16 my husband is an artist. He's not a big guy,
 17 he's -- he's an artist. He's an emotional guy --
 18 you know, it's -- and then -- it just felt a little
 19 bit, like -- a little flirty.

20 And so after that day -- I didn't see
 21 him --

22 Q. So that was in the summer/fall of --

23 A. Summer of 2014.

24 Q. -- of 2014?

25 A. Yes. And then I didn't see him at all --

1 I had heard that following February that he was
2 running for office. And then in March, he came in.
3 And so this would have been the very beginning of
4 March, maybe -- [REDACTED] birthday is March 7th, and
5 I know it was right around then.

6 Q. He came in for an appointment?

7 A. He came in for an appointment. And that
8 week prior to, my husband and I had just separated,
9 and he had just moved into his brother's house -- or
10 was sleeping at his brother's house at that time.
11 So when I saw Eric was coming in that time, I was
12 super nervous because he was one of -- you know,
13 really, my only client that I had somewhat of a
14 crush on and thought he was this great guy, and so I
15 just felt kind of nervous having him come in, and
16 because I thought that maybe he didn't come in to
17 see me after that time because he felt bad flirting
18 with me, because he was having a baby soon.

19 So --

20 Q. So what happened, like, March -- at that
21 appointment in early March?

22 A. So he came in and went to go give me a
23 hug, [REDACTED] it's great to see you, and he noticed I
24 was visibly shaking. So this is the morning -- he
25 was my first client. And he was like, Oh, you seem

1 kind of shaky. Did you exercise? Did you not eat?
2 And I was like, Oh, yeah, no, I didn't -- which was
3 not the case; I was just super nervous. And he was
4 like, Okay, well I'll be right back. And literally
5 just took out the door -- or ran out the door and
6 went across the street to Straub's and came back,
7 and he had, like, a protein shake and a banana and
8 chocolate and a water. He's like, [REDACTED] just sit
9 down and talk to me before you start the
10 appointment. I want you to be -- you know, feel
11 good. And so we sat there and talked for a few
12 minutes before I started his appointment and just
13 filled him in -- I had started school again, and I
14 had started CrossFit. And he had mentioned that he
15 was running for office.

16 So that was about it. And then once we
17 sat down and I was cutting his hair, it was really
18 obvious that he was flirting with me, to me. [REDACTED]
19 you look incredible. You look better than you've
20 ever looked. You're glowing today. I mean, this is
21 just crazy. Something is going on with you. You
22 just look beautiful. And so I was shampooing his
23 hair -- this was at the end of his appointment. And
24 I had just finished, but he was still laying back in
25 the shampoo bowl, and I was standing next to him

1 and -- describing a conversation I had with one of
2 my professors, and I noticed -- I could feel his
3 hand on my leg. And at first I just ignored it,
4 thinking, like, This really -- he's not really --
5 and then he kept doing that and staring at me while
6 I was telling him the story. So I just kept
7 continuing the story, and then he, like, moved his
8 hand all the way up to my crotch, at which point I
9 stepped back and was like, What are you doing? And
10 he just laid back and kind of looked up at me like,
11 I don't know, and didn't say anything.

12 So I just walked back to my chair, and he
13 followed me back there. And I was blow drying, not
14 saying anything at first, I just looked at him and
15 said, Is that why you didn't come in for all of this
16 time? And he just said, I don't know.

17 So -- and I had a coworker right next to
18 me, so we didn't discuss what had just happened, why
19 he felt like that. I went to go walk him up to the
20 front, and he asked -- or [REDACTED] let me show you
21 this thing over here -- he wanted to talk to me
22 about it, and I just said, No. You're married and
23 I'm married. Because I didn't tell him I had just
24 separated. I didn't mention my husband at all. And
25 he said, I know -- like, I know, but -- whatever --

1 I have these feeling -- I don't know. There was
2 just so much unspoken. So I just walked him up to
3 the front, he left.

4 Later on that day, he shows up dressed in
5 his suit and everything, and he had a book for me --
6 his newest book -- and left it with the girls at the
7 front because I had a client. And later on -- I
8 believe it was that night, I received an e-mail from
9 him, which -- the only reason why he had my e-mail
10 was because maybe a year, year and a half prior to,
11 he had asked me for my e-mail so he could send me
12 book suggestions -- because that's the other thing
13 we talked about a lot was what we were reading. But
14 he never used it, he never e-mailed me, so I had
15 totally forgotten he had even had it.

16 So that night he e-mailed me with: Hey,
17 I -- great to see you as always, I dropped off a
18 book for you, let me know that you got it. Also, is
19 there a better way to reach you because sometimes
20 it's hard to book an appointment with you. To which
21 I thought about it before I wrote him back what I
22 was going to write, because I knew -- he doesn't
23 know that I'm newly separated. He also doesn't know
24 my husband is extremely controlling. He looks
25 through everything of mine. My phone, my Facebook,

1 my everything he had access to, and he was obviously
2 extremely -- paying attention to everything at this
3 point, too, so ...

4 So I e-mailed him back with, Great to see
5 you, too, but you -- here is my cell phone number --
6 oh, because I also didn't want to say, Well, you
7 can't have my cell phone number, because I didn't
8 want him to think I'm extremely angry at him,
9 because I was at least curious. Did he have the
10 same feelings for me? Was he going through
11 something similar with his wife? Why did he feel
12 like he could do that? Because he didn't know I was
13 separated. So, anyway -- so I was at least curious.
14 I didn't want to talk to him, but I did want him to
15 call me. So I said, Well, here is my cell phone
16 number; however, the best way to reach me is to
17 still go through the salon, they'll let me know if
18 you can't get an appointment so I can try to get you
19 in.

20 Q. Okay. So that is approximately March 7th?

21 A. Yes.

22 Q. Okay. When was your next contact with him
23 after that?

24 A. So he called my cell phone that -- a phone
25 call I missed because it was [REDACTED] birthday. I

1 knew it had to be him because it was a D.C. number,
2 and the only other person I knew that had a D.C.
3 number was my friend [REDACTED] and it would have
4 showed up as her name. So -- so I called him that
5 following Friday -- so that would have been most
6 likely on a Sunday. And then that following Friday,
7 I called him back, and we were trying to have a
8 conversation in code of sorts of like, I'm really --
9 my friend is really curious -- she's in a situation.
10 She was really curious what happened and why,
11 because this person -- you know, it was kind of in
12 code. The way he was talking, I could tell he was
13 most likely at his house because he wasn't really
14 talking. And -- so he said, Actually -- hey, can
15 you meet me outside of Starbucks in an alley -- oh,
16 because he asked me where I was, and I said -- I was
17 in the Central West End with some of my friends
18 at --

19 Q. Hold on. Let me slow you down, because
20 I'm confused by the timeline.

21 A. Sure.

22 Q. So you missed a call from him on [REDACTED]
23 birthday?

24 A. Right. Yes.

25 Q. Okay. And then you called him -- I

1 believe it was the following Friday?

2 A. Yes.

3 Q. Okay. And you were having this
4 conversation in code the following Friday?

5 A. Correct. Yeah, I went --

6 Q. So that would be approximately -- it's
7 around March 14th or so -- March 13th would have
8 been a Friday.

9 A. Yes.

10 Q. Okay.

11 A. Okay. So he asked where I was, and I said
12 I was at a restaurant in the Central West End -- a
13 Mexican restaurant there. And he said, Well, can
14 you meet me in a few minutes in the alleyway behind
15 Starbucks, because I think I have a solution to your
16 friend's problem. So I said, Okay. And I went over
17 to kind of where he was talking about behind the
18 Starbucks, and I was, like, shaking, because I was
19 nervous to even be talking to him like this. And he
20 kind of hugged me and just said, Listen, calm down,
21 it's not -- it'll be okay. I have an idea of, you
22 know, of a time when we can talk about this openly.
23 Next weekend, my wife is going out of town, you can
24 come over to my house, we can discuss these things,
25 because I don't have -- you know, I have to get back

1 to my house in a minute. And I said, Well, I don't
2 know if I can do that. I knew -- my husband's
3 birthday was that following Friday. I also knew --
4 I don't know how this is going to go.

5 Really quick, just to back up, when Eric
6 called and I saw that missed number, I saved it
7 under my -- I saved his number under my friend
8 [REDACTED] name, worried that if he -- because anytime
9 my husband would see a number that he didn't
10 recognize, he would either call it or text it, just
11 to find out who is contacting my wife. So,
12 meanwhile, during that week, he had done what I
13 thought he would do, which was call that number, and
14 he told me -- he made up a story about how he had to
15 call [REDACTED] -- which he never called [REDACTED] -- I had
16 to call [REDACTED] about something, but I called the
17 number that was on there, and Eric Greitens's
18 voicemail picked up, so what is going on with this
19 guy? So I also didn't know what was going to happen
20 with that with my husband and how I would feel about
21 meeting him the next week, so we left it at, I will
22 call you on Friday -- I told him I will call him on
23 Friday when I'm leaving work and let you know if I
24 feel comfortable coming over to talk about this. He
25 said, Fine.

1 So that following Friday --

2 Q. So this would be March 20th?

3 A. Twentieth. And that is -- that was [REDACTED]

4 [REDACTED] actual birthday. I called him from my

5 salon and I said, I don't feel comfortable coming to

6 your house, can you please meet me at Starbucks or

7 Coffee Cartel, something -- because I had told him I

8 don't have any time other than before work on

9 Saturday, I come could by that week before. He

10 asked if I could come by that weekend, and I said

11 that would be the time.

12 So, anyways, I said, Can we please just

13 meet at Coffee Cartel or Starbucks. And he said,

14 No, [REDACTED] I cannot be seen in public with you. I'm

15 running for office. People are going to be out to

16 get me, they cannot see me with you. And I said,

17 What do they know we're talking about? We can just

18 meet in that room -- Coffee Cartel has a back room.

19 No. I cannot meet you in public. I'm telling

20 you -- especially in the Central West End, people

21 will be looking. And I know I said, Well, I'm

22 not even going to have too much time. And he said,

23 Well, I live right by there, so if you come to my

24 house, if you come in through the back door, nobody

25 will see you, we can talk, you can get back to work,

1 it'll be fine.

2 So he eased my mind enough that I said --

3 and I know during that conversation that we had on

4 that Friday night -- because I said, No, I'm not

5 comfortable being in your house -- I have never

6 cheated on my husband at all. That was not my

7 intention. I'm not going to come to your house -- I

8 feel uncomfortable. And he said, I get it, but

9 you -- I can't meet you in public. Just come to my

10 house and we can still just talk. I said, Okay.

11 So that next morning, I came to his house

12 and came in through the back door --

13 Q. What time was it?

14 A. Approximately, like, 7:00 a.m. on that

15 Saturday.

16 Q. And this was before you had go to work?

17 A. Yeah. So I had to be at work by 7:45,

18 7:50.

19 Q. Okay.

20 A. So I came in through the back door, and he

21 was waiting right there in the kitchen. And he was

22 waiting and did this (indicating) to me as I was

23 walking up.

24 Q. Can you -- can you describe --

25 A. Oh. Like making a shush motion.

1 Q. With his finger over his mouth?

2 A. With his finger over his mouth.

3 And so I just kind of stood there. And he

4 grabbed my purse and my keys out of my hand and sat

5 them at -- there was a countertop kind of right to

6 his right, and he sat this down. And I watched as

7 he went through my purse, taking stuff out and

8 looking through my purse. And he, you know, looked

9 at me a couple of times, basically telling me don't

10 say anything. He searches through my purse, comes

11 over to me and pats me down, like, head to toe -- I

12 guess to see if I was wearing a wire. And then he

13 went back outside, checked to see if anybody had

14 seen me come in or whatever, and comes back inside.

15 And at this point I'm like, Oh, my gosh. I guess

16 this is a Navy Seal thing, maybe this is my -- that

17 he knows my husband -- because I had told him on

18 that Friday night, Just so you know, my husband saw

19 that you called, and he is extremely controlling

20 over stuff like this. I -- you know? So I thought,

21 well, maybe he's doing this because he's worried my

22 husband -- I don't know.

23 So I was shaking, I was so nervous. And

24 he said, [REDACTED] it's okay, calm down. How much time

25 do you have? I said, I only have, like, 45 minutes.

1 And he said, Can you come back later? What time do

2 you get off work? And I said, No, I can't. I get

3 off at four, but I have to go back and get my

4 kids -- because my husband was staying at his

5 brothers, but my kids didn't go there. I was

6 responsible for them, if I wasn't working.

7 So, anyways, he said, Well, okay, I have

8 this idea. And I thought about you so much, and I

9 have this idea, and it's to make you feel good. I

10 feel like you haven't been treated good in so long.

11 And I said, Well, I want to talk to you. I want to

12 know what is going on in your relationship. You

13 don't even know what's going on in mine. And he

14 said, I know, [REDACTED] but we don't have a whole lot

15 of time. Have you exercised today? It was like he

16 was on a mission, sort of, like this kind of high

17 energy -- it was kind of high energy. And I said,

18 No, I haven't exercised. And he said, Will you let

19 me take you through an exercise -- like, through a

20 workout? I just have this idea. It's going to make

21 you feel so good and -- for whatever reason, I

22 trusted him, thought this is okay, this is --

23 somehow we're going to get to this -- I don't

24 know -- I'm going to leave here feeling more

25 clarified that, obviously, he has feeling for me.

1 So he said, I have these clothes I want
 2 you to put on. He had clothes sitting on his
 3 countertop. I want you to go change into these --
 4 take off all of your stuff -- take off everything
 5 you're wearing and put on these clothes. And I just
 6 kind of looked at him like, Oh, God, what do you
 7 have? And he said, Just trust me, just trust me.
 8 [REDACTED] I just want to make you feel good.
 9 So I went -- he has, like, a little
 10 bathroom off his kitchen, and I went in there,
 11 changed into these clothes. The shirt was his --
 12 like, a man's white T-shirt that he had cut a slit
 13 at the top, and the pants were men's pajama pants.
 14 So I came out of the bathroom, and he
 15 said, Follow me downstairs, I'm going to show you
 16 how to do a proper pull-up. So I did what he said.
 17 And at this point, I was intrigued, definitely,
 18 because I thought for sure he really has feelings
 19 for me. He's definitely not going to take it to
 20 any -- past any point that I'm uncomfortable with
 21 because he respects me and -- you know? And maybe
 22 this is going to be some sort of hot workout. We
 23 talked about exercising quite a bit. And the fact
 24 that he asked me to take off everything and put this
 25 on, I thought, Oh, this is going to be some sort of

1 anything I want to do right now, but I'm intrigued
 2 enough and I'm letting him and I trust him -- I
 3 don't know. No, I'm not talking at all at this
 4 point.
 5 Q. Okay.
 6 A. So I just spit it out. He does it and
 7 he's like, You're not going to be a bad girl, are
 8 you? Tries to do it again, to which I just let it
 9 dribble out, because I didn't even want to kiss him.
 10 So then he starts kissing me down my neck and he
 11 starts kissing kind of like down to my chest. And
 12 he takes the shirt and he rips it open. And then he
 13 commented -- I have [REDACTED] from having my kids,
 14 and he commented -- that was the only time that he
 15 broke character was -- he was like, What happened
 16 here on your stomach? Other than that, it was
 17 pretty much like he was in character, so -- anyways,
 18 he starts kissing down my stomach and gets to my
 19 pants, and he pulls down my pants, and then I hear
 20 him kind of, like, step back -- take a step back and
 21 I hear -- I can hear like a (indicating), like a
 22 cell phone -- like a picture, and I can see a flash
 23 through the blindfold.
 24 And -- so, anyways, he says, You're not
 25 going to mention my name. Don't even mention my

1 sexy workout and -- I don't know.
 2 So I follow him downstairs, and he says,
 3 Put your hands on the pull-up rings. And he had
 4 this gauzed tape stuff, and he starts putting it on
 5 my hands. And he was -- he kind of had this
 6 controlling sort of -- again, it was almost as if he
 7 had a -- like we were on a movie set. So he's got
 8 this whole thing down of what he was going to say or
 9 whatever, but he was super -- he was in a controlled
 10 state, which at this point was intriguing to me.
 11 And so he takes this gauze tape and he
 12 puts it around my hands, and then he tells -- or
 13 then he takes a blindfold and puts a blindfold on
 14 me. And then he said, First, before we start a
 15 workout, you have to be hydrated and puts water in
 16 his mouth and tries to spit it in my mouth, at which
 17 point I realized he's trying to kiss me, but I don't
 18 even want to kiss him. So I spit it out, and he's
 19 like -- oh, sorry.
 20 Q. I'm sorry. Have you said anything to him?
 21 A. I haven't said anything.
 22 Q. Okay.
 23 A. I honestly was, like, in shock, because I
 24 was -- I was intrigued, but I'm also -- how -- I'm
 25 not even talking to him. I'm not -- we're not doing

1 name to anybody at all, because if you do, I'm going
 2 to take these pictures, and I'm going to put them
 3 everywhere I can. They are going to be everywhere,
 4 and then everyone will know what a little whore you
 5 are.
 6 So I just stood there, because I was like,
 7 What the fuck? He doesn't have feelings for me, he
 8 just wants to fuck me. So, anyways, I was
 9 completely silent. I didn't say anything,
 10 especially -- so I didn't even -- my husband
 11 traveled for a living, and I didn't even let him get
 12 pictures of me. So I just stood there quietly, and
 13 then he came up close to me and he said, Are you
 14 going to say anything? Are you going to mention my
 15 name? Of course, in my head, I was screaming, Fuck,
 16 all I want to do is tell people right now. I'm
 17 dying. This is the most embarrassing thing that's
 18 ever happened to me. So I just didn't answer at
 19 all, and then he spanked me and said, Are you going
 20 to mention my name? And I said -- I just gritted
 21 through my teeth and I said, No. And he's like,
 22 Good -- now that's a good girl and was, like, back
 23 in his -- whatever -- you know, the thing that he
 24 had in his mind, the thing he was going to do with
 25 me. And he comes around front and starts kissing

1 down my stomach again. And as soon as he got, like,
2 low on me, I just started freaking out and I started
3 ripping down my hands. I was like, Get me out of
4 here. I'm not ready for this. I don't want this.
5 I don't want this. And then he stood up and started
6 helping me take down this tape. He was like, [REDACTED]
7 [REDACTED] calm down, it's okay. It's okay. I was
8 like, No, I'm leaving, I'm leaving. And I start
9 walking out -- or going to go up the stairs, and he
10 grabs me and like -- like, in a bear hug and was
11 like, Shh, shh, it's okay, calm down, calm down,
12 and, like, lays me down on this ground in the
13 basement.

14 Q. Lays you down as in -- did he --

15 A. Not, like, hard, like -- I mean, I was
16 like a puddle of -- no. I just, like, was crying.
17 So he, like, hugged me, kind of like laid
18 down with me. So he was laying there and I was
19 laying next to him just crying -- like,
20 uncontrollably crying. And he was like, Shh, shh,
21 it's okay, it's okay. That's all he was really
22 saying at this point. And he was trying to, like,
23 fondle my body.

24 Q. Are you still crying at this point?

25 A. I'm bawling my eyes out. Yeah, so I'm

1 still crying. And then he's like -- I can tell he's
2 still, like, in it -- he's still in this -- in this
3 thing that he's got in his mind of whatever he's
4 doing, and he's still, like, messing with me. He
5 starts undoing his pants, and he takes his penis out
6 and puts it, like, near where my face is. And I'm
7 like -- so this guy literally just wants me for
8 this, and this is all he wants, and then he'll let
9 me -- because at this point, too, I also know I have
10 to be at work, and he's not going to let me leave,
11 because he's obviously still horny. So I gave him
12 oral sex at this point. And this -- and this -- and
13 he finished. He did exactly what I thought he would
14 do. He was just like, Okay. I literally got up --
15 he didn't stop me from leaving. I walked upstairs,
16 went into the bathroom, got dressed, and left and
17 went to work.

18 So I grabbed my purse as I was leaving the
19 door, and it wasn't until I got to work that I
20 realized, I don't have my freaking keys -- because I
21 always put my keys inside of my purse, and -- so all
22 day long, I just kept thinking, I don't know what to
23 do. He's told me I cannot call him. He obviously
24 will freak out if I call him. I have to get my
25 keys. I literally can't leave. I can't tell

1 anybody else to go get them because then somebody is
2 going to know.

3 Q. When you were leaving and gathering your
4 stuff in your purse, you previously testified he
5 took everything out of your purse.

6 A. And then he put it back in.

7 Q. Were your keys in your purse when you
8 walked in the door?

9 A. No. I had them in my hand.

10 Q. Okay. And then you sat them down?

11 A. I didn't. He took them from me. He took
12 my keys and he took my purse as he did that, and
13 then he sat them down, and then he just went through
14 my purse and he put that stuff back in there.

15 Q. Okay. So you're back at work and you
16 realize that you don't have your keys?

17 A. Right. So all day long I just pondered
18 what to do. At this point, obviously, I haven't
19 told anybody. I just kind of made it through work
20 that day and decided -- just made the ultimate
21 decision -- because he never brought them back up
22 there -- because that's what I thought, maybe he'll
23 find some sort of excuse to bring an envelope to me
24 or something.

25 So at the end of the day, I just make the

1 decision to walk down there. I knew he knew what
2 time I got off work because he asked me earlier in
3 hope that he would be, you know, waiting or
4 whatever, which he was. I went in through -- or I
5 walked up to the back door, and he was already in
6 the kitchen and opened the door and said, You forgot
7 your keys. I said, Yeah. And I was obviously
8 pissed. And he said, You're angry. And I said, I'm
9 really angry. I'm so angry. That is not at all
10 what I wanted to do, Eric. And he said, I know, I
11 know, I just -- I kept thinking about you. And I
12 said, No, you took a freaking picture of me. My
13 husband doesn't even have a picture of me. You took
14 a picture of me. And he said, I know, [REDACTED] but
15 you have to understand, I'm running for office, and
16 people will get me, and I have to have some sort of
17 thing to protect myself. And I thought about you,
18 though, and I felt bad, so I erased it. To which --
19 you know, I didn't believe him, but at least he,
20 like, acknowledged that it was messed up and had a
21 reason why and -- so then I -- he said -- I said,
22 Yeah, but I wanted to come here to talk to you. And
23 he said, Well, ask me any question now, I'll tell
24 you. To which -- I mean, that wasn't really the
25 case, but because -- I don't know how many questions

1 I asked him. And, really, all he -- about his
 2 relationship, what is going on? What made you feel
 3 like you could do that, because I feel like if you
 4 were in a happy marriage, you wouldn't be doing
 5 that, you know? He just said, Well, my wife had a
 6 baby, we're not really intimate now, and that was
 7 really the only answer I got. Not that they were
 8 separated, not that -- you know, really, anything
 9 else, that was the only reason he gave me.

10 And we talked some, and he was back to
 11 kind of being that guy that I knew from the salon.
 12 It was extremely charismatic, very -- kept looking
 13 at me straight in my eyes and engaged -- like, I
 14 felt like he cared about me. He kept trying to hug
 15 me and touch me and kind of fondle me, meaning,
 16 like, maybe hugging me and trying to put his hand up
 17 my shirt. And at this point, it -- I was really
 18 kind of mixed, because I hated him from earlier, but
 19 I also loved the man that I knew before, so ...

20 I stayed there for about 30 minutes, maybe
 21 45 minutes having this type of a conversation,
 22 having a calming, soothing -- and his excuse was, I
 23 fantasized about you for so long that, you know, I
 24 had this idea, and I thought you would really enjoy
 25 it. So whenever I went to leave -- and he and I

1 both agreed we wouldn't see each other under these
 2 circumstances again -- because I told him, I know
 3 I'm in a vulnerable state, my husband and I just
 4 separated. I don't know what's going to happen with
 5 that, I just know that I'm -- I don't know. I just
 6 feel so uncomfortable with all of this. I just
 7 said, I'm not ready for this.

8 So I left that day, and he -- with the
 9 understanding that we wouldn't see each other like
 10 this, but he would still come in and get a haircut.
 11 And that night I was supposed to be going -- I was
 12 supposed to hang out with a friend of mine -- my
 13 friend [REDACTED]. And she called me, and I said, I
 14 can't go anywhere, can you please just come to my
 15 house? She said, Yeah. What's going on? I said,
 16 Just come to my house, please.

17 So she came over that night, and I told
 18 her what had happened, and she was just -- I
 19 couldn't quit crying. She laid with me in my bed.
 20 I couldn't fall asleep. So -- and her response was
 21 like, [REDACTED] that's -- this is really messed up.
 22 And I didn't even -- at this point, I didn't
 23 necessarily want her or anybody to think bad things
 24 about him, because it was so embarrassing to me,
 25 too. I didn't want him to not want me. It was so

1 embarrassing.

2 So I know -- the few friends that I told
 3 during this period of time, I just -- I didn't want
 4 to believe what they saw, you know, looking
 5 outside -- that wasn't -- I didn't feel the way that
 6 I feel now about it until way later. I was way too
 7 embarrassed to think about it. So I didn't sleep --
 8 I didn't sleep. I called my friend [REDACTED]. I believe,
 9 the next day and talked to her about it and told
 10 her, I can't -- all I can think about is my husband.
 11 I feel so awful. I'm sick about it. I feel like I
 12 have to tell him. And she's like, You know how he
 13 is, [REDACTED] he's going to freak out. He freaks out
 14 if you flirt with somebody. He will really lose his
 15 mind. And I'm just like, I know, but I'm not going
 16 to sleep if I don't tell him. I can't quit thinking
 17 about him. Because now, of course, he seems really
 18 great to me.

19 So --

20 Q. Let me pause. You mean -- "he seems
 21 really great to me." You mean your husband?

22 A. Yeah.

23 Q. Your ex-husband now? To him you're
 24 referring?

25 A. Yes.

1 Q. And so you called [REDACTED] the next morning
 2 and you told her what had happened the previous day?

3 A. Right.

4 Q. Okay. That would be Sunday when you
 5 called her?

6 A. Yes.

7 Q. Okay. So you had the conversation with
 8 [REDACTED] -- I'm sorry for interrupting. I want to go
 9 back where we were.

10 A. Sure.

11 Q. You had the conversation with [REDACTED]. She
 12 said, Your now ex-husband is so jealous, what are
 13 you going to do? You said, I have to talk to him.
 14 I'm not going to be able to sleep?

15 A. (Witness nods.)

16 Q. Okay. And then?

17 A. And so another --

18 Q. Were you still separated at the time from
 19 your ex-husband?

20 A. Yes. He was still living at his
 21 brother's. So the day before I saw Eric, on [REDACTED]
 22 [REDACTED] birthday -- on the weeks -- in
 23 the very beginning of our separation -- I mean, even
 24 right away, he just kept pushing me, my husband,
 25 asking me, Does this mean you want a divorce? You

1 have to tell me, do you want to divorce? He just
 2 kept pushing it and pushing it. We had that
 3 conversation I don't know how many times -- a dozen,
 4 maybe, between the very beginning of March -- it
 5 could have been the very end of February,
 6 whatever -- it was about a week before I saw Eric, I
 7 know that, until now -- this is March 20th, [REDACTED]
 8 birthday. When I got home from work that night,
 9 knowing I had just had that conversation with Eric,
 10 that I'm at least going to talk to him in the
 11 morning about how I have feelings for him or he has
 12 feeling for me or whatever, I get home -- and that
 13 night, [REDACTED] was going out for [REDACTED] birthday with some
 14 [REDACTED] friend, and he looked at me and said, I need
 15 to know tonight. Do you want a divorce or not? And
 16 I said, Fine, if you have to know tonight, yes, I
 17 want a divorce.

18 Q. This was on the 20th?

19 A. On the 20th. So the 21st, I see Eric, now
 20 a mess, as far as emotional -- I have no clue what's
 21 going on. And the 25th, I believe -- 24th --
 22 24th or 25th, at this point, I was going on almost
 23 no sleep, other than a few hours of sleep total over
 24 a four-day period. I make the decision that I have
 25 to tell [REDACTED]

1 Don't tell anybody. Please, please, please, please,
 2 don't. And, also, after that day, it was, I need to
 3 get an apartment. I'm going to get an apartment,
 4 you're -- [REDACTED] is going to get an apartment,
 5 because -- I mean, you're exactly what I thought.
 6 You're a home-wrecker -- because he kept saying, you
 7 know, exactly what he knew would get to me.
 8 Probably one of the biggest things I felt so guilty
 9 about was I did go into a married woman's -- I went
 10 into a married woman's home. So he just kept saying
 11 that throughout this whole -- from that point
 12 forward was, you're a home-wrecker, you're a
 13 horrible person. You went to a married woman's
 14 home -- because he knew that -- even though we had
 15 newly separated, they were definitely married. So
 16 it was, you're a home-wrecker, you're a whore,
 17 you've cheated, you -- you know, I have to get an
 18 apartment, and we'll meet with a mediator.

19 So Eric came in for an appointment again
 20 maybe like a week and a half or two weeks later.
 21 And when he came in, the first thing, of course, he
 22 says is, You didn't tell anybody, did you? And I
 23 was just like, Oh, no, knowing that now -- telling
 24 my friends is one thing, because they wouldn't break
 25 my trust, but telling now my soon-to-be ex-husband,

1 MS. LAUER: I'm sorry. Who?

2 MS. [REDACTED]: I made the decision that I
 3 have to tell my husband.

4 A. So I told him, I have to tell you
 5 something, it's really sensitive. Can you meet me
 6 so we can talk about it? And he said, Yeah, we can
 7 meet in the parking lot -- we were at a parking lot
 8 by our house, and he asked me to get in his car, and
 9 I proceeded to tell him everything, except for -- I
 10 didn't tell him that Eric called me a whore.
 11 There's -- by that point, there is no way I can tell
 12 him that, because I thought -- even me just telling
 13 him anything -- he's gritting his teeth the whole
 14 time, like -- I am so angry. When my husband gets
 15 angry, he's really angry. And I know he's so
 16 jealous anyway, so -- and there's no way -- by the
 17 time I got to the point where even I gave him oral
 18 sex, I could not tell him at that point.
 19 Eventually, I did tell him -- because my husband and
 20 I got back together in July, and I told him, you
 21 know, everything.

22 And so after I finished that conversation,
 23 his response was, A, you know, I'm going to get this
 24 guy one day, I'm going to get him. And I just kept
 25 saying, Please, you cannot you can't tell anybody.

1 who hates me, hates him, is going to do God knows
 2 what, you know, now this on my mind. So I just
 3 said, No, no. And he was like, Good, because I have
 4 to see you again. I cannot quit thinking about you.
 5 You're on my mind all the time. You're the most
 6 incredible woman -- you know, just complimenting,
 7 complimenting -- please tell me when I can see you
 8 again. Which, to me, felt so much better than,
 9 Okay, yeah, he doesn't think of me as a whore, he
 10 doesn't think of me as this thing that he just wants
 11 to get off with.

12 So he asked when was the next time he
 13 could see me. And from this point forward -- so
 14 this would have been early May, you know, maybe --
 15 early to mid-May. I saw him a total of, really,
 16 five times that were consensual -- or wait, no -- I
 17 guess three times. One of the times is the first
 18 time, and then I saw him -- so the next time I
 19 agreed to --

20 Q. (By Mr. Barnes) Okay. So let me back up.
 21 You were not talking about what happened on
 22 March 21st?

23 A. Correct.

24 Q. Now you're talking about what happened
 25 afterwards?

1 A. Afterwards.

2 Q. And you said three other times?

3 A. Correct.

4 Q. Okay. Can you describe -- can we talk

5 about each of those?

6 A. Sure.

7 Q. And sort of the -- just the general --

8 what happened in your relationship with Eric?

9 A. So kind of forward. So I meet -- here's

10 March, and then I do his hair. We've agreed that,

11 Okay, maybe the next time -- because he said, Could

12 you come in early the next time I come in for an

13 appointment to see me, and that way we can actually

14 talk alone and whatever? So that next time I saw

15 him was at the salon. I didn't typically -- the

16 front desk girls would typically get there first,

17 unless you had a client who had to be there early.

18 So that day I did get the keys from the salon and he

19 showed up maybe 30 minutes before his appointment,

20 and that -- he would have been the first appointment

21 of that day. So that would have been the next time

22 that I saw him in more of a sexual sense or more of

23 a social sense. When he showed up, I consensually

24 kissed him -- so that would have been like the first

25 time that I was -- that was totally my decision. He

1 A. No. Probably 6:30, seven at the latest.

2 Because usually I worked until six or 6:30.

3 And then I went down to his house, came in

4 through the back way again. That time would have

5 been -- I consensually partook in both of us --

6 essentially, oral sex. We were in his bathroom the

7 whole time, pretty much. I wasn't there for a super

8 long time. I don't know, maybe 45 minutes, an hour.

9 I don't know. Left. There was nothing really crazy

10 that happened that time or anything. And -- so then

11 the next time that I saw him would have been --

12 wouldn't have been until, like, the end of June.

13 So he had come in to the salon at some

14 point, maybe early June, mid-June and said his wife

15 would be out of town for a week, and he wanted to

16 see me during that week. And so on that Saturday, I

17 went over to his house. I went -- I went out with a

18 few of my girlfriends after work and then went over

19 to his house afterwards. So this -- my guess would

20 have been 10:00 p.m., kind of later. And at first

21 was consensual, you know -- he has a spare bedroom

22 upstairs and took me up there, and we were, like,

23 making out at this point. My guess is at least

24 seminude at this point. And he looks at me and

25 asked me, [REDACTED] have you been intimate with

1 came in -- at that time we stayed clothed and

2 everything, but, essentially, made out. And then

3 he -- my client -- my coworkers showed up, I did his

4 hair, and he left.

5 And then my guess is -- this would have

6 been three, four weeks later --

7 Q. So we're -- now we're --

8 A. In May.

9 Q. May? Okay.

10 A. I was sitting outside of the salon. There

11 was a fountain outside of [REDACTED], and I was

12 sitting out there reading in between clients, and he

13 drove by and stopped his car and said, [REDACTED] come

14 here. And he said, You just look incredible sitting

15 there. You know, I want to see you so bad. What

16 are you doing tonight, because I actually have the

17 house tonight. Would you come over? And even

18 though my husband had an apartment, the kids never

19 saw the apartment. They never went there. They

20 would stay with me every night, so I knew I couldn't

21 be home late, because my husband was staying with

22 the kids at my house until I got home, but I said

23 maybe I could come by for a little bit. So after I

24 left work that night, I went over to his house --

25 Q. What time was that? Five o'clock?

1 anybody? And I said, What do you mean? And he

2 said, Well, since you and I started -- because he

3 knew that I had been separated from my husband. And

4 I said, Well, I slept with my husband -- because I

5 knew at some point I had. And he slapped me across

6 my face, just like hard to where I was like, What?

7 Eric, what in the heck? You're married. Why

8 would -- what do you mean? And he just said, No.

9 Like, that was -- you're mine. This is -- what do

10 you mean you slept with your husband? You are not

11 supposed to be sleeping with him, you know? And I

12 said, I think you're screwed up from being in the

13 Navy or -- this is -- I grew up with a dad who was

14 0 percent physical with me ever. That was just so

15 bizarre to me, you know?

16 So then -- I know we laid there and talked

17 about him being in the Navy and what happened there.

18 Because I know we talked about -- there was a bomb

19 that went off -- I don't know. That was pretty much

20 our conversation after that, because it was just

21 bizarre.

22 Q. Let me back up. How -- you said he hit

23 you hard.

24 A. Yeah, not like a playful, Oh, you silly;

25 it was like, You're mine, what are you doing?

1 Q. With intent to harm or -- I mean -- I'm
2 trying --
3 A. Just, like -- sure.
4 Q. I'm trying to get something other than
5 just hard. Super hard? Did it knock you down?
6 A. It just swung my face.
7 Q. Okay.
8 A. I didn't have a bruise from it.
9 Q. Was it open -- an open hand?
10 A. Open hand. Uh-huh.
11 Q. Right hand?
12 A. So -- I don't know. That's a good
13 question. I'm not positive.
14 Q. Okay. So you talked, and then what
15 happened?
16 A. I left that night, and I know I saw him
17 one more time that week. And at -- I believe it
18 was -- so if that was on Saturday, on Sunday he
19 called me and told me, I want to be able to talk to
20 you this week. I got, like, a throwaway phone or,
21 like, a burner phone to be able to call you.
22 Because at this point, we really didn't have much
23 communication outside of the salon. So he got this
24 phone that he could call me on, I believe, on that
25 Sunday. And I know we talked a few times that week,

1 but then I saw him one more time, which was in the
2 morning before work. He asked if I would come over
3 and work out with him. And I did that, came over --
4 we did exercise and went through, like, a workout,
5 and then at the end of it, then it turned sexual in
6 nature. And at first it was fine, and then we were
7 in a position that would have been as if we were
8 having sex, like doggy style, but we didn't ever
9 have intercourse throughout all of the times that I
10 saw him. So he was essentially, like, fingering me
11 and -- but in that position, and out of nowhere,
12 just, like, kind of smacked me and grabbed me and
13 shoved me down on the ground. And I instantly just
14 started bawling and was just like, What is wrong
15 with you? What is wrong with you? And I just laid
16 there crying while he was just like, [REDACTED] you're
17 fine, you're fine. You know, not really -- I think
18 he was just -- I don't know. Maybe that's normal,
19 but, to me, it's not.
20 So after that, I got ready and left and
21 went to work. And it was that day that at the end
22 of the day, I went to leave work, and he was waiting
23 outside of The [REDACTED] and he said, I need to talk to
24 you, you have got to follow me, there's an issue.
25 And I said, Okay. So I got in my car and pulled

1 out, and his car was right outside of the garage,
2 and I followed him to -- off of Manchester by --
3 there was, like, a Kmart by there. Pulled into a
4 parking lot by him, and he asked me to get into his
5 car. And he said, Somebody has e-mailed my wife
6 today. I think it's this Democratic operative that
7 lives in my neighborhood. And, of course, in my
8 mind, I'm like, it's my husband, I know he's been
9 following me. I know -- I've seen people who he's
10 had following me. A couple of his -- a friend and
11 his friend's brother, you know, as well.
12 But, anyways, he says, I'm going to fly
13 out. I'm going to go see her, convince her. You
14 know, I -- what I've told her -- and I -- is that
15 you were running in the neighborhood. You came in
16 through the front door to get a -- you came up to
17 the door to get a book for your daughter, and then I
18 gave you a tour of the house, and then you went out
19 the back way. I guess, just in case somebody saw me
20 leaving the back way. So this is the story you're
21 going to tell if anybody asks you.
22 And so I said, Well -- and so at this
23 point, he finally agreed, Yes, you know, I can't see
24 you like this, but I still want to come in and get
25 my haircut. I said, No, do not come into the salon.

1 This is not fair to me, this is not fair to your
2 wife, just leave me alone.
3 So I know he called me one more time that
4 next morning early before he got on a flight to go
5 to see Sheena to convince her that all of this was a
6 lie and that this was nothing. And he told me he
7 was throwing away the phone and that was, you know,
8 going to be it.
9 So that following week, my husband and I
10 had a -- our mediator appointment and -- to discuss
11 the details of our divorce, and my husband was
12 extremely kind to me for the first time since,
13 really, all of our separation had started, and he's
14 like, I don't want this divorce, she's the one that
15 wants it, I'm really sad about it, I love her -- you
16 know? And so after that we discussed, could we give
17 it one last try? I told him, I will not be seeing
18 Eric ever again, I know I won't. And so we decided,
19 yes, we would give it one last try. And that's when
20 we had conversation after conversation after
21 conversation about what did I do with him? When did
22 I see him? How did I see him? What exactly
23 happened?
24 And in October, Eric came in -- or he was
25 walking by the salon and came in to the front desk

1 and said, you know, Does [REDACTED] have anything
 2 available today? Well, her client after this one
 3 canceled if you, you know, want that appointment.
 4 So as soon as he sat down, I was like, Eric, you
 5 have got to stop. I'm back with my husband. And
 6 he's like, What? You cannot be back with this guy?
 7 What do you mean? You haven't told him anything,
 8 have you? And I was just like, No, but you have to
 9 leave me alone. I mean, what about your wife? And
 10 he's like, She doesn't think anything. Everything
 11 is fine. She doesn't think anything. So I said,
 12 Well, okay, just please don't -- don't come in, just
 13 leave me alone. And in that conversation, I felt
 14 like there was enough things said -- like, [REDACTED]
 15 you're on my mind all the time, that I thought, he's
 16 not going to leave me alone.
 17 When I got home that day, I promised my
 18 husband if I ever saw him or talked to him, I would
 19 tell him. So I told my husband, Listen, he came in
 20 today. And my husband flipped out, got super angry
 21 with me, How dare you even cut his hair. And he
 22 said, He's going to continue to do this because he
 23 wants to maintain some control over you, just in
 24 case. And I said -- and part of me thought,
 25 regardless, I do think that's true, so I decided to

1 write that e-mail and sent him an e-mail just
 2 saying, Please think of everyone involved and just
 3 leave me alone. Don't come in at all. And then
 4 that was it. I never saw him again.
 5 Q. So that was October of 2015?
 6 A. Yes.
 7 Q. And you have not since seen Eric Greitens?
 8 A. No.
 9 Q. Okay. Did Eric Greitens or anyone
 10 associated with him pay you or give you anything of
 11 value --
 12 A. No.
 13 Q. -- in exchange for -- let me finish my
 14 question, okay?
 15 A. Oh.
 16 Q. Did Eric Greitens or anyone associated
 17 with him pay you or give you anything of value in
 18 exchange for staying quiet about this?
 19 A. No.
 20 Q. Did Eric Greitens or anyone associated
 21 with him ever offer you anything of value in
 22 exchange for staying quiet about this?
 23 A. No.
 24 Q. Your ex-husband, I believe -- tell me if
 25 this is correct -- is the one who turned the audio

1 recording over to the media; is that correct?
 2 A. Yes. So after that day, he kept saying,
 3 I'm going to ruin this guy, I'm going to ruin this
 4 guy. And it wasn't until October -- the reason why
 5 we for sure went to get a divorce is not simply
 6 because of this. When we got back together, my
 7 husband admitted to sleeping with five women -- with
 8 five women from the time that we first got
 9 separated, two of them being before his birthday,
 10 and then -- the only reason why -- the only reason
 11 why he admitted to it is because I met one of the
 12 women when we first got back together, and when I
 13 met her, I asked him if he had slept with her -- and
 14 he thought maybe I had asked her, because I actually
 15 spoke with her. So he admitted, yes, I did, but you
 16 are the one that wanted to separate, this is your
 17 fault. So -- and I agreed. You know, I was the one
 18 who asked him to go to his brother's, I am the one.
 19 And, plus, I felt so bad for him for what I had
 20 started with Eric. So that was fine. And then he
 21 admitted that following week that he slept with five
 22 women and -- but I just made the ultimate decision
 23 that if we're going to make this work, I can
 24 absolutely look past this. This was when we were
 25 separated, and I'm hoping for his forgiveness, too.

1 And then in October when I told him that
 2 Eric had come in, he told me, I still can't be
 3 married to you. Even after I sent the e-mail, he
 4 said, I still can't be married to you. This is way
 5 too -- too much. And so at that point, I just said,
 6 Okay. I am so tired. I am so tired of being shamed
 7 and hearing how horrible I am. Okay. And so then
 8 he kind of freaked out thinking, Oh, my gosh, it's
 9 really going to happen. So he said, Well, wait. I
 10 need to talk to you. You were right -- I had been
 11 asking him in that maybe month and a half or -- so
 12 just saying, Is there another woman involved?
 13 Because I had met a woman who he worked with, and I
 14 caught them talking alone in August at a concert
 15 that he had. And I asked him if she was one of the
 16 five women, and he said no, she's married, she has
 17 two kids, it's not her. And I said, Okay, I just
 18 knew something was weird. And so I kept asking him,
 19 Are you sure none of these other women are still
 20 involved? You aren't talking to any of them?
 21 Because he had access to everything in my phone --
 22 he had everything, but I was not allowed access to
 23 his stuff because it was me who wanted the
 24 separation -- whatever.
 25 So in October he says, Yes, there is

1 another woman involved right now, and I did sleep
2 with one of the five again -- the one who I met.
3 After I met her, after we were back together, they
4 slept together again at some point while we were
5 back together. And then there was another woman
6 involved, which I believe to be the woman who he is
7 still currently with. So she ended up leaving her
8 husband -- it was just such a mess at that point.
9 I'm like -- so now there's this woman, there's --
10 you slept with somebody else after we were back
11 together -- so much. No, I -- I can't do it. This
12 is too much. And then that's when he started with,
13 Well, you're the one who wanted a divorce, this is
14 your fault, you asked for this. Just wait, because
15 your good reputation, [REDACTED] your outstanding
16 reputation is going to be ruined and so is
17 Eric Greitens'. You guys are going to go down
18 because I have proof of it. And that was the first
19 time he admitted he had proof, but I didn't see it;
20 he just said it.

21 Q. So that was in October of 2015?

22 A. Yes.

23 Q. That -- his name is [REDACTED]

24 A. Yes.

25 Q. [REDACTED] started threatening you --

1 A. Yes.

2 Q. -- with the proof -- let me start over so
3 we have a clear record.

4 In October 2015, [REDACTED] started
5 threatening you with disclosure of the proof that he
6 had regarding you and Eric Greitens; is that
7 correct?

8 A. Yes.

9 Q. Okay. And how did he go about threatening
10 you with that and for how long? Was it a one-time
11 deal?

12 A. No. So it would be random texts that he
13 would send saying, you know, You ruined your kids'
14 family. You have coming to you what you deserve. I
15 can't believe people don't see behind, you know,
16 what you've done. Just wait, this -- you know, when
17 Eric was running for office, you know, multiple
18 times he would say things to me like, you know, If
19 this POS gets into office, this is absolutely
20 insane, he doesn't deserve this, just wait. And I
21 just kept hoping he -- because I would just ignore
22 it. I never would say, Well, you did this, too, or
23 whatever, because at this point, I really just don't
24 want to talk about it, I just want to move on, and
25 I'm hoping he really did not record me.

1 So then right around the election, I had
2 multiple people -- nobody came to me -- nobody from
3 the media, nobody from the political world came and
4 said, Tell me about your story, we want to run a
5 story. Nobody did that. [REDACTED] started claiming to
6 friends and family, anybody who would listen, You
7 don't even know the story that's trying to come out,
8 but I'm protecting [REDACTED] I've paid thousands of
9 dollars to protect her. He also told me the same
10 thing. You deserve it, but I'm -- I'm protecting
11 you, even though you don't deserve it, [REDACTED] -- even
12 though I don't deserve his protection.

13 And, again, nobody came up to me, nobody
14 said anything until after the election. I had
15 multiple people tell me that Koster's campaign had
16 the information but decided not to use it, and that
17 [REDACTED] had tried to get them to use it but refused to
18 give them that tape at that point because that would
19 prove that it was him, and also refused to go on
20 record saying anything. And so at this point, I was
21 just relieved that no matter how hard he was trying
22 to hurt me, that somehow it wasn't going to happen
23 until this past December. That was when the first
24 reporter came in -- I'm in a different salon where I
25 have essentially -- think of, like, a tiny home

1 salon. It's like a little room. And this woman
2 comes in -- she had booked a fake appointment under
3 a fake name, and she came in and announced that she
4 wasn't there for a haircut, that she was working on
5 a story about the governor. And I just started
6 crying. I said, No. No, you do not understand how
7 traumatic this whole thing is. I cannot go there.
8 I have kids. My ex-husband is so, so vindictive, he
9 wants to hurt me so bad. Please do not run this
10 story. She said, Well, I understand, but there are
11 some allegations. Some of these rumors are pretty
12 disturbing. And I said, I understand that, but my
13 ex-husband is so, so evil with this stuff. He just
14 wants to hurt me. Please, please do not do this to
15 me. I have children. I'm in school full time, I
16 work full-time -- my life is so busy. So she was
17 just after -- the only thing that I confirmed or
18 denied was -- she said, There's a rumor that you got
19 paid off, and I said, Well, that's not true. The
20 rest of it, I didn't confirm or deny; I just
21 essentially said, Please, I don't want to do this.
22 And she said, Well, there are rumors of other women.
23 And I said, Well, tell them -- that's one thing. If
24 you find these other women, you can contact me, and
25 I will talk to them, and that's how I left it. I

1 said, Thank you for, you know, respecting me --
 2 because she seemed as though she was not going to do
 3 this story at all. She -- I gave her a hug. She
 4 left my salon, and I called my friend [REDACTED] who had
 5 known about the situation since the very beginning.
 6 She was one of my best -- she was the one that I
 7 saved his number under from D.C., and she's an
 8 attorney. And I said, [REDACTED] this woman just came
 9 in and I'm freaking out. And she said, She's not
 10 going to run a story without your word, [REDACTED]
 11 please, just don't say anything, and it'll be okay.
 12 You'll be fine.

13 And then she -- that woman continued to
 14 call me throughout that month, and I didn't answer
 15 ever. I received other missed phone calls. I never
 16 talked to anybody else. And then the day before it
 17 aired, I got a missed phone call from her, and she
 18 said on my voicemail, [REDACTED] I've just heard a
 19 recording with your voice on it and your ex-husband,
 20 and I know other media people have, too, and
 21 somebody is going to run this story, so we really
 22 want your word. And I called [REDACTED] and I said,
 23 [REDACTED] -- because [REDACTED] had asked me, They're not
 24 going to run it -- do they have any proof? And I
 25 said, Well, [REDACTED] has threatened me that he has this

1 tape, but I can't see him doing it because then it
 2 goes against his story that he's claimed to
 3 everybody that he's just trying to protect me, so I
 4 don't think he would use it, if he even had it. So
 5 when I called her and said they have this tape,
 6 [REDACTED] said, Just don't say anything. I will call
 7 her back. For all you know, it's really jumbled,
 8 you know, you can't even hear it. Because -- who
 9 knows. Maybe he had it in his pocket. So then the
 10 next day, she called -- she called the -- Lauren
 11 back. Because the reporter had texted me saying,
 12 Did you get the voicemail?

13 So [REDACTED] called her back and just said,
 14 Listen, my client was not aware of being taped.
 15 Where did you get this from? And she said at first
 16 she was not telling her, and then she said, Well, I
 17 got it from the ex-husband. And she said, Listen,
 18 she does not want any part of this. Please, do not
 19 do this. And she just said, I know, but somebody is
 20 going to run this story, we just want her word, to
 21 which she just said, No comment, no comment. And
 22 then three minutes before it aired, that woman,
 23 Lauren -- called [REDACTED] my friend, and just said,
 24 We're going live with it. He admitted to the
 25 affair. So that was the first time I ever heard

1 that. I asked my -- my kids were in my room,
 2 because I sleep with them sometimes, and I asked
 3 them to leave the room because I was going to watch
 4 an adult show. And then I heard it -- I heard it
 5 for the first time then, because I was hoping to God
 6 that it didn't really exist. And he said in that
 7 interview that he had to do -- my ex-husband --
 8 because his daughter was being -- getting calls,
 9 which was so untrue. It was my daughter. I had a
 10 daughter when I was in college the first time, like,
 11 three years before I married [REDACTED] and [REDACTED] is the
 12 one who got the missed call. She had no clue what
 13 it was about. She thought it was about [REDACTED]
 14 neighbor, because they asked for [REDACTED] about
 15 an incident, and she just passed along the message;
 16 it wasn't a big deal. And then in the morning --
 17 she was already asleep when that came on, and in the
 18 morning -- the morning after, I went downstairs and
 19 had to wake her up and tell her about everything and
 20 what she might see on TV about her mom.

21 So -- this just makes it so complicated,
 22 because I have -- it's not somebody who -- I didn't
 23 really know that wanted to put this information out
 24 there; it's the father of my kids. So ...

25 Q. I have four more questions for you, and

1 then I think we'll take a break.
 2 The first three are questions I feel like
 3 I have to ask because there have been so many rumors
 4 swirling about, and the first two relate to
 5 something I think you've already answered but I want
 6 to follow up with the particulars.

7 Are you driving a new car?

8 A. No. I have a 2009 van.

9 Q. Okay. So you're not driving around in a
 10 Range Rover paid for by someone unknown?

11 A. No.

12 Q. Okay. Do you know where that -- is there
 13 any, like --

14 A. I know where that came from. So my
 15 current boyfriend just got a new job as a -- he's an
 16 [REDACTED] that will be traveling, and -- his work car
 17 that he got, before it came in -- or a company car,
 18 before it came in, he had two rental cars, one of
 19 them being an Infinity, like, bigger car -- I don't
 20 know what it is -- and one of them being a Tahoe.
 21 And so on two occasions I picked up my kids -- and
 22 this just happened. He just got the job in
 23 November, and he didn't get his current company car
 24 until maybe the beginning of February or something.
 25 Anyway, so I showed up to pick up my kids

1 from my ex-husband in both of those cars, because as
 2 soon as this broke, my boyfriend said, Take my cars,
 3 do not drive your van -- because I was followed in
 4 my van by reporters. And so my sister-in-law went
 5 to go pick up my nephew from my ex-husband's house
 6 and said, Hey, just so you know, [REDACTED] says that you
 7 have some new car and that it's fishy how you got
 8 it. And I said, Well, no this is [REDACTED] rental car.
 9 But he never asked me about it, never -- you know,
 10 just to see, Hey did you get a car or whatever. The
 11 next thing I know, that's a rumor that reporters had
 12 asked Scott about.

13 Q. So the second question is about a rumor,
 14 and that is, Did you just remodel your house?

15 A. So I did kind of update my kitchen. I
 16 painted the cabinets and put new hardware on the
 17 cabinets. I did get new countertops and ...

18 Q. Did that cost, like, \$200,000?

19 A. No. It cost a couple of thousand dollars,
 20 but I paid for it with my own money.

21 Q. Okay. The third question is of a
 22 relationship with Chris Koster. That is another
 23 thing that is bandying about the Capitol, and I feel
 24 like I have to ask you the question. Did you have
 25 any relationship with Chris Koster?

1 room, without revealing whether you spoke to the
 2 grand jury, is there anyone else with whom you
 3 spoke --

4 A. Prior to? My friend [REDACTED]. That would
 5 have been a couple of weeks later.

6 Q. [REDACTED]; is that correct?

7 A. Yes.

8 Q. Okay. And that week -- and she's been
 9 identified in something we received from your
 10 ex-husband. Of course, there's your ex-husband?

11 A. Yes. So that was it at that time. He had
 12 told -- he sat my family down -- at some point [REDACTED]
 13 when I was -- I took a vacation for the first time
 14 ever by myself. I went to Tucson to go hiking in
 15 early June, just to get away from this stuff, and he
 16 sat my family down while I was gone and told them
 17 everything -- told my mom, my sisters, my dad.

18 Q. When was that?

19 A. Early June.

20 Q. 2016 or --

21 A. 2015. He told friends, friends of
 22 friends, anybody who would listen what ...

23 Q. Hold on. He told your family?

24 A. He sat my family down when I was out of
 25 town and told them.

1 A. Zero percent. I mean, he was my client.
 2 He was my client, that is true, but nothing outside
 3 of that. He's like a father to me.

4 Q. And then the last question I want to ask,
 5 and then we'll take a break, is, other than the
 6 people in this room, and without revealing whether
 7 you spoke to a grand jury, who else have you spoken
 8 with about your relationship with Eric Greitens?

9 Now, let me start with examples, because
 10 you said [REDACTED].

11 A. Yes.

12 Q. And what is [REDACTED] last name?

13 A. [REDACTED], [REDACTED].

14 Q. And you said [REDACTED]

15 A. Yes. [REDACTED]

16 Q. And you said [REDACTED]

17 A. Yes.

18 Q. [REDACTED]?

19 A. Yes.

20 Q. But she was your lawyer?

21 A. Yes.

22 Q. She's a friend and a lawyer?

23 A. Correct. And she acted as my attorney in
 24 the very beginning until Scott took over for me.

25 Q. Okay. So other than the people in this

1 And then -- so at that time, that was all
 2 I had told. None of my coworkers -- [REDACTED] was my
 3 coworker, but none of them -- not even -- I have a
 4 really close friend that I didn't tell. She didn't
 5 know anything until this came out. She called me
 6 that night -- I mean, most people knew it was me
 7 because of my voice, but the only other people I
 8 told was -- right after the election, I was at a
 9 dinner with a group of, like, six girls -- one of
 10 them was turning 40, and all of the girls except for
 11 one are Republican and had voted for him, and they
 12 were talking political stuff. I was staying silent.
 13 At this point, they were talking about all of these
 14 women who were complaining about Trump, they're just
 15 babies -- I mean, all of these -- why did they care?
 16 And I don't know, it just got to me. I started
 17 crying. They said, [REDACTED] what's wrong? I said,
 18 Guys, I had something happen that I'm actually
 19 sensitive to Trump's comment about grabbing them --
 20 grabbing women by the pussy whenever you have power
 21 like that. And they were like, What do you mean?
 22 And so I sat there at, like, a fancy restaurant with
 23 all of these women crying with them, telling them
 24 what had happened and -- you know, You guys do not
 25 ever tell anybody, please. And they all were like,

1 Why did you let us vote for him, you know? I said,
2 because I don't want anybody to know, please.

3 So other than them, that was it. And
4 then -- now I've just -- obviously, like I said, a
5 lot of people have asked me about it because they
6 knew my voice and they've heard from -- I mean,
7 everybody, I feel like, knows.

8 Q. Okay.

9 MR. BARNES: Let's take a break and go off
10 the record.

11 (A recess was taken.)

12 MR. BARNES: Thank you. After having
13 taken a short break, I'm going to let vice chairman
14 ask some questions now. And just so you can be
15 aware of what our order is going to be here, we're
16 going to go with our vice chair, ranking member --

17 MS. LAUER: Senior.

18 MR. BARNES: Senior, in terms of
19 legislative experience, and then we're going to go
20 in order of legislative age here. I'm the chairman
21 of the said committee.

22 So Representative Phillips.

23 EXAMINATION

24 BY MR. PHILLIPS:

25 Q. Don Phillips. And is it all right if I

1 call you [REDACTED]

2 A. Yes.

3 Q. Okay. [REDACTED] you'll be pleased to know my
4 questions will be somewhat brief. I think you have
5 been very open, and I appreciate that, and I'm sure
6 the other committee members do. So I don't mean to
7 rehash some of those details that aren't comfortable
8 for you, obviously, and -- I want to kind of cut to
9 the chase as to what we're really doing here.

10 So one thing I wanted to ask about was the
11 picture. Do you know absolutely for a fact that he
12 took a picture -- I know he admitted taking your
13 picture.

14 A. Yes?

15 Q. And did you just see the flash or what --
16 what did he use? His phone? Was that it?

17 A. Yes. I could hear it and I could see the
18 flash.

19 Q. You could hear it click?

20 A. Yeah. It sounded like a cell phone
21 click -- you know, like a (indicating).

22 Q. Okay. And was there a flash to you?

23 A. Yes. I could see it through the
24 blindfold.

25 Q. Okay. Then as far as you know, if there

1 is a picture now, they're going to have to get it,
2 like, forensically, they'll have to pull it up --
3 or -- do you think this phone is gone, he destroyed
4 that particular phone, or would anybody have access
5 to it?

6 A. That's a good question. I don't know. I
7 would assume that he's probably gotten rid of it by
8 now.

9 Q. Okay. All right.

10 A. But I'm not sure.

11 Q. Okay. Was there ever any attempt to
12 blackmail -- I know what -- you testified what was
13 said to you, but was there actually ever any attempt
14 after that for any kind of blackmail or anything?

15 A. No. He would just ask me, Have you told
16 anybody?

17 Q. Okay.

18 A. And it was just -- to me, that was kind of
19 an understanding of, You're not going to tell
20 anybody otherwise something will happen.

21 Q. Okay. Then -- since then, has there been
22 any contact from him to call you and say, [REDACTED]
23 this has all broken down, this has all broke in the
24 media, my job as governor could be in trouble, you
25 need to keep your mouth shut? Has he ever called

1 and said anything like that --

2 A. No.

3 Q. -- since the news broke?

4 A. No. His attorney reached out right after
5 my attorney's name was released -- reached out to my
6 attorney and essentially said, What does your client
7 want out of this? And my attorney said, She wants
8 this to not be the case. She doesn't want to be a
9 part of this. She's a mother -- and he said,
10 Well -- yeah -- I mean, that was the general
11 conversation, was, essentially, Tell me what does
12 she want out of this.

13 Q. So by "what does she want," did you
14 interpret that to mean if you said, You know, I can
15 think of a quarter million reasons why I can keep my
16 mouth shut; did you interpret it as a question
17 leading down that road, like what does she want,
18 meaning monetary?

19 A. I took it more to mean does she want to
20 fight my client on this?

21 Q. Okay.

22 A. Or is she just going to remain quiet and
23 it's going to go away?

24 Q. Okay. So the tone -- you spoke directly
25 to the attorney; is that right?

1 A. I did not.
 2 Q. Oh, you did not?
 3 A. Right. His attorney contacted my
 4 attorney.
 5 Q. Okay. And so that was your take on it.
 6 You didn't see that as some attempt to buy you off
 7 or anything like that?
 8 A. No.
 9 Q. Okay. And then any other staff members
 10 ever get ahold of you after that? Any follow-up
 11 calls or --
 12 A. No.
 13 Q. -- anything?
 14 A. Unless I missed a call that I don't know
 15 what it is. Nobody ever left me a message, and I
 16 never spoke to anyone.
 17 Q. Okay. One other thing real quick. The
 18 thing that he's been charged with by way of grand
 19 jury is invasion of privacy. And -- based on that
 20 picture, that's going to be fairly hard to prove
 21 unless they've got a picture. My question to you
 22 is, if you feel comfortable answering it, do you
 23 feel like your privacy was invaded?
 24 A. Yes.
 25 Q. It's pretty obvious from what you said

1 here and I thank you for your courage and your
 2 candor. I can only imagine how difficult this whole
 3 thing has been for you, and my thoughts are with you
 4 in that respect.
 5 So these are going to be some difficult
 6 questions, and I want to apologize in advance for
 7 them, but, first of all, you described it the first
 8 time on March 21st, when you came to Eric's house at
 9 approximately 7:00 a.m., that he grabbed your purse.
 10 Was that a forceful grab? Could you sort of
 11 elaborate on exactly what your sense was of how that
 12 happened?
 13 A. I didn't pull it away from him, so he
 14 didn't have to pull hard, but he -- it wasn't --
 15 there was no spoken word of, Can I look through your
 16 purse --
 17 Q. Right.
 18 A. -- it was just literally looking at me
 19 with -- making the quiet --
 20 Q. The shh signal?
 21 A. The shh signal. And then looking at me
 22 while he grabbed my purse and keys out of my hand,
 23 and then sat them over -- but looked back at me to
 24 make sure I'm still not talking, and then he started
 25 going through my purse.

1 that -- I knew the answer to that question, but I
 2 needed to be sure, because, you know, in one sense,
 3 you were willing to go there -- to the house. I
 4 mean, you weren't -- you didn't sign up for the
 5 other stuff. So, anyway, that's really all I've
 6 got, and I thank you, again, [REDACTED] for being here
 7 and being open and telling us some things that were
 8 pretty painful for you to share, so ...
 9 MR. BARNES: Back up, because she was --
 10 we had a head shake -- and I'm sorry to play the --
 11 you said -- I'm sorry to play the lawyer role, but
 12 to make a clear record here, the representative
 13 asked you, You didn't sign up -- you came to the
 14 house willingly; correct?
 15 MS. [REDACTED]: Yes.
 16 MR. BARNES: But you did not sign up for
 17 the other things that happened; correct?
 18 MS. [REDACTED]: No. No.
 19 MR. BARNES: No, you did not sign up?
 20 MS. [REDACTED]: No, I did not.
 21 MR. BARNES: Thank you.
 22 EXAMINATION
 23 BY MS. MITTEN:
 24 Q. Hi. I'm Representative Mitten from the
 25 St. Louis area, and, again, I thank you for being

1 Q. Okay. So you never obviously consented to
 2 him doing any of that?
 3 A. No.
 4 Q. Okay. Then did he search your purse at
 5 any other time -- during any of the other encounters
 6 that you had with him? So the second time, I guess,
 7 was in May of 2015, the third time would have been
 8 in June 2015. I can't remember if there was a
 9 fourth time or not, honestly, but --
 10 A. No. The only other thing like that that
 11 he did was when I was in his car, he took my phone.
 12 Q. Right.
 13 A. Because my phone had vibrated at some
 14 point, and he took it to make sure that nothing --
 15 it wasn't being recorded or anything, and he took my
 16 phone and sat it aside, that way I couldn't touch it
 17 while I was in his car.
 18 Q. Okay. And then, again, that first time,
 19 in addition to grabbing your purse and going through
 20 its contents, he also then touched your person
 21 without your consent. Is that a fair
 22 characterization?
 23 A. Yes.
 24 Q. And you believe he was -- he was touching
 25 your whole person? In other words, your --

1 A. Correct.

2 Q. -- clothed chest, buttocks, that sort of

3 thing?

4 A. Yes.

5 Q. Okay. Then -- how was that touch? How

6 would you describe that touch when he was -- that

7 you did not consent to immediately upon your arrival

8 in May of -- excuse me -- on March 21st?

9 A. It just made me more nervous than I

10 already was. But he was -- he seemed as though he

11 knew what he was doing.

12 Q. Okay. Would you describe it as a forceful

13 touch?

14 A. Yes. Not to hurt me, but -- yes. Not a

15 gentle petting, but more, I'm going to see what's in

16 here.

17 Q. Right. Okay. Okay.

18 Then during any of your sexual contacts

19 with Eric, did he ever ask you for your consent

20 beforehand? And I'm going to sort of run through

21 some of these, just so that you understand the broad

22 question, and we'll get a little more specific, but,

23 for instance, did he -- did he ask for your consent

24 before he tied you to the rings?

25 A. No. He just told me to put my hands on

1 the rings.

2 Q. Okay. And did he ask you for your consent

3 before he placed the blindfold on you?

4 A. No. He just placed the blindfold.

5 Q. Did you object verbally or by action?

6 A. Not at this point. I was silent.

7 Q. Okay. Did he ask you for your consent

8 when he tore the shirt that you were wearing -- it

9 was apparently -- the shirt that he had provided you

10 was torn, I believe, pretty quickly after you were

11 blindfolded and bound?

12 A. No, he did not.

13 Q. But you did not consent to that -- to the

14 tearing of that -- your clothing?

15 A. No.

16 Q. Or the clothing you were wearing? It

17 wasn't really even your clothing.

18 A. Correct.

19 Q. And you may have answered this -- or

20 testified to this, so I apologize to have to rehash

21 this, but he tore the white shirt. Did he remove it

22 or tear it all the way off of you?

23 A. He tore it, and then it was just kind

24 of --

25 Q. Hanging?

1 A. Exactly. Because it was still on my arm.

2 Q. Okay.

3 A. But it was just completely open, I guess.

4 Q. And then you testified that you -- that he

5 provided you a pair of male pajama bottoms that you

6 were wearing at the time that you were in the

7 basement. Were those -- was that piece of clothing

8 also removed?

9 A. It was down at my feet.

10 Q. Okay.

11 A. So he pulled it down.

12 Q. So he pulled the -- he pulled those pants

13 down to your ankles. Is that a fair

14 characterization?

15 A. Yes.

16 Q. And you did not consent to that happening,

17 either?

18 A. No.

19 Q. And then he -- you testified that he then

20 kissed you, at least on your upper body?

21 A. Yes.

22 Q. And you never consented to that?

23 A. No.

24 Q. And -- there is some --

25 MR. BARNES: Did you consent to that? We

1 have an ambiguity question in the answer.

2 MS. MITTEN: Did you consent to --

3 MR. BARNES: Yes. Did you consent --

4 MS. MITTEN: To the pulling down of the

5 pants.

6 MR. BARNES: Yes. Yes. But that's not

7 what you asked initially, so I want to back up

8 and -- again, clear record.

9 MS. MITTEN: Thank you. Thank you. I

10 appreciate it.

11 MR. BARNES: Okay.

12 Q. (By Ms. Mitten) Did you consent to Eric to

13 pulling the pajama bottoms down to your ankles?

14 A. No, I did not.

15 Q. Okay. Did you consent -- there's -- the

16 transcript of the tape that we've sort of touched

17 upon -- and I believe we'll touch upon more later --

18 indicates that he was touching you with his fingers.

19 Is that -- did that happen?

20 A. Yes.

21 Q. On March 21st at the 7:00 a.m. -- in the

22 basement, after you were blindfolded, after you were

23 tied, he touched you with his fingers; correct?

24 A. Yes.

25 Q. And did that touching include genital

1 touching of you -- of your genitals by his fingers?
 2 A. Yes.
 3 Q. Did that include -- the word used in the
 4 transcript is "inside." We would call it legally
 5 "digital penetration," so -- sorry to kind of go
 6 down this route, but was there digital penetration
 7 at the March 21st 7:00 a.m. encounter in his home?
 8 A. Yes.
 9 Q. Did you consent to that digital
 10 penetration?
 11 A. Not verbally, no.
 12 Q. Okay. Okay. Would you -- do you believe
 13 you consented in some other fashion to that digital
 14 penetration?
 15 A. I mean, I was silent.
 16 Q. Okay. No, that's not the same, so --
 17 that's fine.
 18 Then you indicated that there was, then,
 19 oral sex at the March 21st 7:00 a.m. encounter --
 20 we'll just call it that. Did you consent to
 21 performing that?
 22 A. It's a hard question because I did it --
 23 it felt like consent, but, no, I didn't want to do
 24 it.
 25 Q. Okay. Do you feel that you were coerced

1 or otherwise forced to do that?
 2 A. Coerced, maybe. I felt as though that
 3 would allow me to leave. That's what he wanted -- I
 4 felt that's what he wanted, and then I would ...
 5 Q. So you didn't feel necessarily able to
 6 leave without performing oral sex?
 7 A. Correct.
 8 Q. When you said no -- and I'm sorry. I'm
 9 sort of backtracking a second here. But, again,
 10 during the March 21st encounter, when you were bound
 11 and blindfolded and he had begun to touch you, you
 12 indicated that you said, No, and he then stopped.
 13 Is that a fair characterization?
 14 A. Yes.
 15 Q. And then he unbound you and removed the
 16 blindfold?
 17 A. Correct.
 18 Q. Did you feel that saying no at that point
 19 extended to the further contact?
 20 A. Oh. Looking back, yes. In the moment, I
 21 was so emotional.
 22 Q. Okay. Would you describe -- I mean, would
 23 you describe one of those emotions as being fear?
 24 A. Definitely.
 25 Q. Physical -- fear for your physical self?

1 A. Yes.
 2 Q. Okay. And then I'm going to move forward
 3 to -- I believe you testified that you went to his
 4 house again in May of 2015 -- or was that at the
 5 salon? I can't remember.
 6 A. I believe May was at his house.
 7 Q. At his house. Well, let me ask this way:
 8 Were there three times that you went to Eric's
 9 house?
 10 A. Four times, including the March time.
 11 Q. Okay. So March, May, June -- oh, twice in
 12 March.
 13 A. And then June -- well -- okay. So in
 14 March -- I guess it's five, if you include the fact
 15 that I came back that day.
 16 Q. Twice on March 21st.
 17 A. Right. And then in May, and then at the
 18 end of June and the very beginning of July.
 19 Q. Okay. And then that was -- the very
 20 beginning was the July 3rd when the e-mail --
 21 A. Yes.
 22 Q. Okay. Okay. Then in -- it was the --
 23 late June 2015 when he asked you if you had had any
 24 sexual encounters with anybody else; is that
 25 correct?

1 A. Correct.
 2 Q. And when he slapped you, did you feel he
 3 was trying to hurt you?
 4 A. I felt like he was trying to claim me.
 5 Q. Okay.
 6 A. More slap sense into me, if that makes
 7 sense at all.
 8 Q. Do you believe that he slapped you with
 9 the intent to hurt you?
 10 A. Not necessarily. I don't know the intent.
 11 Q. Right.
 12 A. I've never been in a relationship like
 13 that, so I'm not sure. It felt to me as if it was
 14 just claiming me.
 15 Q. Okay. Okay. And then what happened after
 16 he slapped you? Was there sexual contact -- I'm a
 17 little bit fuzzy about what happened after he
 18 slapped you.
 19 A. I believe it was just conversation after
 20 that. I remember laying there talking to him about
 21 it -- about him being in the Navy and asking
 22 questions about that. It kind of became more -- I
 23 wanted to understand that. There had been sexual
 24 contact that night prior to --
 25 Q. Right.

1 A. -- but I don't believe afterwards. I --
 2 my -- I just remember asking -- you know, saying,
 3 You're married. I'm so confused. It just didn't
 4 make sense to me.
 5 Q. Okay. So, again, just so that I can
 6 understand here -- so in the June 2015 encounter,
 7 you're at his home, you're engaging in consensual
 8 sexual behavior?
 9 A. Yes.
 10 Q. And then at some point during that sexual
 11 session, for lack of a better term, he asked you
 12 about if you had sex with anybody else, and then
 13 you're slapped, and then you have a discussion. Is
 14 that a fair characterization of the chain of events?
 15 A. Yes.
 16 Q. And then at some point, you leave, and
 17 then the next encounter was, I guess, July 3rd,
 18 probably less than ten days after that slapping
 19 incident? Is that a fair --
 20 A. Yes.
 21 Q. Okay. You discussed at some point Eric
 22 having a second phone or a burner phone. When did
 23 you first become aware of the existence of a second
 24 phone?
 25 A. That week that his wife was going to be

1 out of town all week, I saw him -- I believe she
 2 left -- let's say Thursday or Friday. I saw him
 3 that Saturday, and he did not have it at that point.
 4 Maybe Sunday, the next day, he let me know that --
 5 he had wanted to talk to me more while his wife
 6 gone, so he had gotten this burner phone.
 7 Q. Okay. And that was -- that was not in
 8 March, that was in May or --
 9 A. This would have been end of June.
 10 Q. Okay. That's what I was going to say.
 11 Okay. End of June. So you're not aware of him
 12 having a second or burner phone as of March 21st --
 13 A. Correct.
 14 Q. -- of 2015? Okay. Did you ever see a
 15 photograph that he took of you in any state of
 16 undress?
 17 A. No. He did not show it to me.
 18 Q. So your only personal knowledge is from
 19 hearing a click and seeing a flash on March 21st --
 20 A. Yes.
 21 Q. -- of 2015?
 22 A. And him acknowledging it after he took it
 23 and saying, I'm going to put this picture
 24 everywhere. And then whenever I came back, telling
 25 me that he had erased it.

1 MS. MITTEN: Thank you. Thank you so
 2 much.
 3 EXAMINATION
 4 BY MS. LAUER:
 5 Q. Hi. I'm Representative Jeanie Lauer. And
 6 I will probably not go in order, as my colleagues
 7 have done here; I might jump around a bit.
 8 First of all, can you confirm that it is
 9 your voice on the audio?
 10 A. Yes.
 11 Q. And at what point -- at what point -- or
 12 were you ever aware of this audio being recorded?
 13 A. In October of 2015. So at the end of that
 14 year, whenever my husband and I were for sure
 15 getting a divorce, that's when he told me he had
 16 proof and he had taped that conversation.
 17 Q. But you had never heard it at that point?
 18 A. I had never heard it until it came out on
 19 January 10th in the news.
 20 Q. Okay. We've talked about blackmail, and,
 21 of course, they were talking about more of the
 22 financial thing. I'm going to ask a bit more about
 23 the emotional side, because there were times when
 24 you said that Eric would ask if you had told and
 25 said, Good girl and so forth. Did you feel that

1 there was a threat coming from him, that if you did
 2 say something, that something would happen?
 3 A. Oh, definitely. I -- during this time
 4 period, I was also fearful of the picture, but also
 5 of what I didn't know, what else would he do.
 6 Because this obviously meant a lot to him. It
 7 wasn't until later that I became not as worried
 8 about the picture, more worried of my physical
 9 wellbeing.
 10 Q. Talk about that a bit -- about your
 11 physical -- what caused you to feel that way?
 12 A. I felt as though -- this obviously meant a
 13 lot to him to be running for governor. I knew I had
 14 told my husband -- more -- more importantly than
 15 anybody, and that if the word got back to him, he
 16 would do something to hurt me to make sure that I
 17 couldn't tell anybody else or that, you know,
 18 this -- I would know that I wasn't supposed to be
 19 doing -- you know, telling anybody this.
 20 Q. Did that create a level of fear in you?
 21 A. Yes. So my current boyfriend reminded me
 22 of an incident that happened -- maybe that -- before
 23 he was elected -- while he was running was the worst
 24 period of time -- after my husband and I were
 25 separated. Because I knew he had no reason to

1 protect me now. He doesn't want to; he's made it
 2 clear, and Eric knows he cannot contact me because I
 3 had sent him that e-mail. I was dating my
 4 boyfriend, and every single time I would come home,
 5 I would search my house first and just make sure
 6 nobody was in my house, nobody was hiding and -- but
 7 my boyfriend didn't know -- he knew that something
 8 had happened in my marriage. I told him -- because
 9 he asked why was he so mean to me? And I said,
 10 Well, I did hurt him. I cheated on him at the end
 11 of our marriage, and that was all he really knew at
 12 this point. And he had let himself into my house --
 13 we had been dating for probably four or six months
 14 at this point. My boyfriend let himself into my
 15 house without me knowing. I'm calling his name,
 16 calling his name. I'm looking around my house,
 17 nobody was there. I come up the stairs, and it's
 18 pitch black. And I walked into my bedroom, and when
 19 I went to go switch on the light, he grabbed my
 20 ankle trying to scare me, and I literally started
 21 shaking, crying like -- I mean, freaking out --
 22 which, of course, he was nice about it. He thought
 23 this was going to be so funny. And, of course, it
 24 really didn't hit him until -- he knew about this
 25 whole situation after the election, because I could

1 not quit crying for like a week, and finally he just
 2 said, If you want to tell me something, you can tell
 3 me. So he did know about it when this broke, but I
 4 think he fully got it, why I freaked out to that
 5 point. You know, because at that time -- especially
 6 during the election, because I thought, he really
 7 has a lot to lose, because he hasn't gotten to the
 8 place he wants to get yet, you know?

9 Q. Okay. Which kind of leads into the next
 10 question. When we were discussing your privacy
 11 being invaded, did you ever feel that -- I think we
 12 were talking about the situation when you were at
 13 his house. But at any other time, did you feel that
 14 your privacy was invaded -- and to the point where
 15 what you're describing was fear, going through your
 16 house, or that he drove by while you were sitting
 17 outside reading. Did you ever feel the -- that that
 18 was going on?

19 A. No. He lived in the area, and so he would
 20 walk by the salon sometimes. And I worked right at
 21 the window. To me, it just felt like he was
 22 checking in, just to make sure I still had feelings
 23 for him. It more just felt like that. I felt like
 24 he was at ease when he could tell I had feelings for
 25 him still.

1 Q. Okay. All right. And so when -- you had
 2 been -- you had known him for some time prior to all
 3 of this beginning?

4 A. Correct.

5 Q. And you described that you had a lot going
 6 on with your then husband and some different things,
 7 and you indicated that Eric made you feel -- he had
 8 made you feel -- how would you describe that?

9 A. You mean what was the benefit to it?

10 Q. How did he make you feel when he came into
 11 the salon?

12 A. Oh, he -- I mean, he made me -- so the --
 13 there are a couple of things. At this time, a big
 14 issue in my marriage was that my husband was
 15 extremely insecure. And as I stated -- he's a
 16 [REDACTED], and -- so he's very emotional. And, to
 17 me, Eric seemed like this very strong figure that
 18 could take care of things, whereas, in my household,
 19 I was the one who paid the bills, I was the one who
 20 took out the trash, I was the one cleaning --
 21 whatever -- really did a lot of the stuff, whether
 22 it was female or male associated. And Eric seemed
 23 to me like a very strong person who knew what he
 24 wanted, and he wanted me, and it just felt like
 25 somebody who would take care of me, I guess.

1 Q. So that was comfort to you?

2 A. It was comfort.

3 Q. All right. And so let's follow up on some
 4 of the words you used to describe Eric. You said
 5 that he was controlling, he was charismatic, and
 6 that he was on a mission.

7 A. Correct.

8 Q. Could you describe that a little bit more
 9 as far as how he -- what caused you to feel that
 10 way? What did he do, say; not say, not do?

11 A. Charismatic because he has a way of
 12 looking at you in your eyes and -- while you're
 13 talking, paying attention to certain things that you
 14 say and -- or that I would say. Even throughout
 15 this -- in particular, when we were at the salon,
 16 when he wasn't -- and on a mission, I would say it's
 17 almost as if he gets a testosterone high and he
 18 seems as though that's his focus. He's no longer
 19 caring and looking at you in your eyes and not
 20 telling you things that make you feel close to him.
 21 And controlling, the -- he would always stand very
 22 close to me or whoever he was speaking to, shake
 23 your hand very hard. He's a very -- it just felt
 24 kind of intimidating sort of person. And he seemed
 25 to just want to have all of the knowledge of

1 whatever was going on. So that type of control.
 2 Q. Okay. So when you were with him in those
 3 private situations, did any of these types of
 4 descriptors fit any of the situations you were in
 5 where you felt he was controlling, charismatic, on a
 6 mission, any of those things?

7 A. When I would be alone with him -- there
 8 were moments where I definitely felt as though he
 9 cared about me, and I would see that charismatic,
 10 loving guy, but, in general, it was more -- more of
 11 a testosterone sort of high that I saw that would
 12 get very -- very controlling, as far as what's going
 13 to happen and what he wanted, and then afterwards,
 14 he would kind of -- that was kind of it.

15 Q. And you said at one point that you knew --
 16 or it was like he knew what he was going to say.

17 Like he had maybe a script of this in his mind or --

18 A. Correct. It felt like that.

19 Q. Okay. Tell me a little bit more about
 20 that.

21 A. Some of the things felt as though -- it
 22 just wasn't what -- it was not how he normally
 23 talked to me at all. So it was almost as if he was
 24 in character -- he had stepped into a character, and
 25 we were in some sort of play zone -- which maybe you

1 would be with if you had been with your partner for
 2 a really long time or something. So it was just
 3 odd. I don't know. Not normal talk, I guess.

4 Q. Okay.

5 A. Like, he knew what he was going to say
 6 next. That's a good girl. You're going to believe
 7 that sort of thing.

8 Q. Okay. When you went to his house the
 9 first time, and as Representative Mitten asked,
 10 you've already discussed the purse and the keys, and
 11 then you said he had clothes. Were they there on
 12 the cabinet?

13 A. They were sitting on his kitchen island.

14 Q. On the kitchen island. So it would
 15 appear -- so that was planned to have those
 16 available?

17 A. Yes.

18 Q. All right. So when this was all going on,
 19 the frisking and the taking of your things and put
 20 your clothes on, what was going through your mind at
 21 that time?

22 A. I think it was shocked. I still really
 23 thought he was perfect. He definitely knew -- I
 24 know I had made it clear I had not cheated on my
 25 husband before and that, you know, I didn't want to

1 do anything physical with him. So I think I was
 2 just confused, kind of shocked. And I was curious
 3 enough -- he likes me this much that he has
 4 something planned for our workout? I don't know.
 5 I -- I guess more than anything, confused.

6 Q. Okay. Did you feel like you were being
 7 led into a situation?

8 A. I did. But at this point, not a bad
 9 situation.

10 Q. Uh-huh.

11 A. More that he had a plan and -- like I
 12 said, I think I really thought maybe he will, you
 13 know, have some sort of sexy workout planned, which
 14 is why -- because he said, Change your clothes into
 15 these, and I said, What do you mean? And he said, I
 16 want to take you through a workout, come on. Just
 17 trust me. I want to make you feel good. And I just
 18 feel like you haven't been treated good in so long.

19 So at this point, it was more
 20 curiosity/confusion.

21 Q. Okay. Uh-huh. And so the first situation
 22 was where you were blindfolded and so forth, and
 23 then you went back that night to ask that -- what?

24 A. I came back that day after work.

25 Q. The day. Uh-huh.

1 A. To get my keys.

2 Q. And what was the conversation at that
 3 point?

4 A. It was, What the heck happened? I'm so
 5 angry with you. And that's when I said, You took a
 6 picture of me. My husband doesn't even get pictures
 7 of me. And that's when he explained, [REDACTED] I have
 8 to protect myself, and you have to understand this.
 9 You know, but I thought about you all day and I
 10 feel, you know -- I erased the picture.

11 Q. Uh-huh.

12 A. That was when that conversation occurred.

13 Q. So you expressed that there were different
 14 emotions going on during that time and certainly
 15 during that first encounter, that there was a level
 16 of concern, to whatever degree that might have been,
 17 but then there were follow-up visits and
 18 get-togethers.

19 A. Yes.

20 Q. Why -- because you said you were angry at
 21 him for the picture and so forth, so why would you
 22 continue to have contact with him?

23 A. I've asked myself that so many times. I
 24 think it comes down to a few things. One, I felt
 25 really disgusted with myself that I allowed that

1 first time to happen. Really embarrassed that he
2 thought of me as a whore. And so after my -- I told
3 my husband and he was clear that he did not want
4 anything to do with me, that he wanted to move into
5 an apartment, and when Eric came back in and he was
6 normal and so kind to me, that felt so much better
7 and it allowed me to just ignore any of those bad
8 feelings about myself, in particular. Because if I
9 thought he was this horrible person, I really felt
10 shameful of myself.

11 And so I think I just wanted to feel
12 better about it. I didn't want to think that he
13 thought of me as just a whore. I wanted to think
14 that he actually really liked me and wanted to have
15 a relationship with me of sorts.

16 Q. And was that your intent, too, to have a
17 relationship with him?

18 A. I think at that time -- I think -- I don't
19 even know. I think just to feel better than
20 whatever I felt the day before. Because then I
21 would have -- we had chunks of time where we didn't
22 see each other where I did feel more like myself, I
23 started to feel better. And then when I would see
24 him, it was almost like this excitement would build
25 up, and then I would feel, you know, a ton of

1 emotions again, and then I would feel awful and
2 disgusting and I hated myself and it was horrible.
3 And then I would start to feel better, and then he
4 would come in again -- you know, it was just such an
5 up and down. Because I didn't want to be involved
6 with somebody who was married. I didn't want to be
7 having any feelings for him, in particular because I
8 was so embarrassed about the first encounter. He
9 basically made it clear that he felt like that I was
10 a thing to him.

11 Q. So during your discussion here today --
12 and, again, thank you, as everyone has thanked you
13 for doing this. And you became emotional during --
14 several times during this, and one of the
15 descriptors that you said that triggered the crying,
16 as I believe, was the embarrassment of that. What
17 are the other things that have triggered, just in
18 today, your being upset and crying? What are some
19 of the things that were going on -- those feelings?

20 A. So -- I'm angry that I'm in the middle of
21 this. I am -- of course, I'm upset with myself for
22 any of my involvement with him. In particular,
23 because he was married, but, also, because he didn't
24 share the same type of feelings. And, also, because
25 I was still technically married. But I'm also

1 dealing with things for the first time these past
2 two months that I never did before. I just pushed
3 them aside because it was too scary. I didn't want
4 to think about it. I didn't want to talk about it.
5 I just wanted it to go away, and then maybe it never
6 happened like that. And knowing that I'm in the
7 situation and knowing that at this point, the only
8 parts that Eric has denied are the parts that were
9 hurtful. The other parts weren't traumatic to me at
10 all. You know, it was -- it was consensual, and
11 those parts were not traumatic. The parts that he
12 denies are the parts I'm finally dealing with and
13 going -- I feel sad for that person I was. That was
14 so vulnerable. I was so vulnerable. I just feel
15 really taken advantage of, I think -- and, also, by
16 my ex-husband, hugely.

17 Q. So you had it kind of all around you.

18 A. Yeah.

19 Q. So when you say you were taken advantage
20 of, what do you mean by that?

21 A. So I think when you enter a situation --
22 whatever it is -- a lot of the times you enter it
23 assuming that that other person -- maybe in a
24 conversation or whatever it is you're doing -- you
25 assume that they're coming in with the same sort of

1 background that you have, and in my mind, I was
2 feeling that way. Maybe Eric has this same type of
3 feelings towards me. And that day in particular,
4 and even the other times when I was with him, I
5 don't think his intentions were to love me -- you
6 know, have mutual feelings towards me; I think it
7 was just really, I'm -- I'm horny and you're
8 vulnerable. So I think I felt taken advantage of,
9 as far as -- that's -- he got what he wanted, but I
10 obviously wasn't getting what I wanted. And with my
11 ex-husband, just -- I don't know all of his
12 intentions, other than the -- you know, having --
13 get sympathy and also getting revenge and -- you
14 know? I don't know.

15 Q. When you say your ex-husband was trying to
16 get revenge, is that in regards to you or to
17 Greitens?

18 A. I believe both.

19 Q. Both?

20 A. (Witness nods.)

21 Q. So now that this is all out, what are some
22 of the things that you're -- what concerns do you
23 have now, if you have any?

24 A. How will this affect my kids? Because it
25 has already. What's going to come of all of this,

1 you know? What will people think of me that don't
2 know me? I've had huge support with family and
3 friends and clients -- and that's the other thing,
4 too. Beforehand, I thought what will happen to all
5 of my clients? I have a huge client base, and I
6 love my clients, and a big part of why we love each
7 other is because I am -- I'm a very open book,
8 normally. This is the one thing I just kept in a
9 pit in my stomach and I never talk about this. And
10 so far, that's actually been a pretty good -- my
11 clients have been pretty good to me, for sure. So
12 now I think my fear is if this comes -- becomes
13 public -- I'm in school full time. So far I don't
14 think the students on campus know, but then how does
15 that affect my schooling? I only have one semester
16 left. Does that push me back? Luckily, I'm not as
17 fearful physically anymore, because I feel like
18 anybody would be crazy to hurt me because they would
19 know who it is, so -- that's one huge positive thing
20 that's happened.

21 Q. Anything else, as far as concerns?

22 A. I can't think of anything.

23 MS. LAUER: Thank you very much, and I
24 appreciate the emotion that you have. And that's
25 okay.

1 Thank you, Mr. Chair.
2 EXAMINATION

3 BY MR. AUSTIN:

4 Q. Ma'am, my name is Kevin Austin, and I'm a
5 state representative in District 136. I'll try not
6 to repeat questions we've already had, but I'm going
7 to bounce around a little bit, so if for some reason
8 we get out of context and you don't understand,
9 please tell me or your attorney and I'll rephrase or
10 go back.

11 A. Okay.

12 Q. So as I understand it, you first met Eric
13 in 2013; correct?

14 A. Correct.

15 Q. So between 2013 and through 2015, did you
16 ever talk about Eric either directly to your now
17 ex-husband or in front of him?

18 A. Yes. So after he had given me -- I
19 believe to be the second book -- it could have been
20 the first book, my mom, who is an avid reader, I
21 showed her the book. My ex-husband was there at the
22 time. So we had been having marital issues for
23 about two and a half years prior to 2015. When this
24 happened, I showed my mom this book, and he was
25 over -- was listening to my conversation with her.

1 I said, Mom, I have this client who wrote this book,
2 and he's just this, you know, great guy who has done
3 all of these wonderful things. And he overheard and
4 said, Who is this douchebag, what are you talking
5 about? Who is this person? Let me see that. And
6 he said, Nobody would give you this unless they're
7 hitting on you. And that was the start of the
8 obsession with who is this person? Because I didn't
9 speak like that about very many of my clients or --
10 you know? I mean, I spoke highly of people, but I
11 guess he could sense that I thought this guy was
12 really great.

13 So when he discovered that that was the
14 phone number, he was definitely on to, What does
15 that mean, you know?

16 Q. From your prior testimony, it sounds like
17 you would characterize your husband as a very
18 suspicious man.

19 A. Yes.

20 Q. He would go through all of your personal
21 documents in your phone; is that correct?

22 A. Correct.

23 Q. Do you think he ever had you followed or
24 surveilled by either friends or professionals?

25 A. Yes.

1 Q. Okay. Friends or a professional?

2 A. I would guess both.

3 Q. Okay.

4 A. He made a comment -- so when we got back
5 together, he made a comment that he had sent the
6 e-mail to Sheena, which is what I thought was the
7 case, that somebody had taken pictures of me going
8 in and out of the house. So somebody, meaning,
9 like, private investigator. But I never saw these,
10 I never --

11 Q. You never -- I'm sorry to interrupt you.
12 Go ahead.

13 A. No, you're fine.

14 Q. You never saw any documentation or
15 photographs or video of his surveillance evidence;
16 is that correct?

17 A. Correct.

18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 So this would have been -- yeah, two and a half
24 years prior. I said, I want a divorce. I can't go
25 through this anymore. This is too many -- it's just

1 too much. [REDACTED]
 2 [REDACTED]
 3 [REDACTED] We had been in marital counseling, made --
 4 we maintained that counseling, and then that summer
 5 before -- I mentioned we went on vacation. After we
 6 got back from that vacation, I said, I can't do it.
 7 I can't do anymore. So he said, Fine, I'll try
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]. And then
 11 January -- which is the reason I signed up for
 12 school. That's something I had talked about for a
 13 long time. I wanted to finish my degree. So I
 14 signed up -- it was starting in January, and maybe a
 15 week or two prior to that is when he started with
 16 the big emotions again, [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED] I said,
 23 Fine. That was January. February/March is when I
 24 said, I just can't do it.
 25 Q. I read in the transcript -- and I don't

1 know if you have access to this transcript, but I
 2 read in the transcript of the recording that your
 3 ex-husband made between you and him in the parking
 4 lot of the grocery store -- I don't know if you've
 5 seen it or not, but it mentions a man named [REDACTED].
 6 Who was [REDACTED]?
 7 A. That was our marital counselor.
 8 Q. Did your husband see this [REDACTED] before you
 9 and him went to see [REDACTED] for marital counseling?
 10 A. No. We saw him just for marital
 11 counseling. But he had seen him alone afterwards.
 12 So we saw him together, [REDACTED] saw him alone a couple
 13 of times after our separation, and then we saw him
 14 still a few times together, even after we were
 15 separated.
 16 Q. Did your ex-husband have a personal
 17 relationship with this [REDACTED]?
 18 A. No.
 19 Q. Going to the day of 3/21/2015, I still
 20 don't understand. How did you get to Eric's house?
 21 Did you walk? Did you drive?
 22 A. I walked. [REDACTED] was about a block and
 23 a half up the street from where he lived.
 24 Q. So when you say you left your keys there,
 25 you were -- you just walked back to the salon?

1 A. Correct.
 2 Q. And then later that evening, when you went
 3 back and got your keys, you walked back again to the
 4 salon to get your car?
 5 A. Exactly.
 6 Q. When you first went into the house on
 7 3/21/2015, Eric had some clothes for you. Did you
 8 ever see his phone at that point?
 9 A. Not at that point.
 10 Q. When was first time you saw his phone?
 11 A. I don't know. That's a good question.
 12 I'm not sure.
 13 Q. At some point, you went to the basement to
 14 the exercise equipment?
 15 A. Yes.
 16 Q. And at what point did he produce the tape
 17 and the blindfold?
 18 A. Right whenever we got downstairs.
 19 Q. Were they laying on the table or something
 20 or --
 21 A. I believe -- there's like a -- there was
 22 like a workbench or a like a workout bench right
 23 there, and that's where he had that stuff. And then
 24 there were rings hanging up. There were weights
 25 behind -- I believe it was just right whenever we

1 came downstairs, it was sitting there. He didn't
 2 carry it downstairs, I guess.
 3 Q. Could you describe this tape a little bit
 4 more. I think you said something about gauze tape.
 5 A. It was kind of that stretchy athletic
 6 tape.
 7 Q. And was that something that if you applied
 8 some force, you could rip your hands free, if you
 9 wanted to?
 10 A. Yes. I started to -- I couldn't really
 11 get down myself because it was -- there was just a
 12 lot of it or whatever, but with his help, I was able
 13 to get it down. It wasn't sticky, I guess.
 14 Q. Yeah. Because, you know, you think of
 15 something like Duct tape, that would -- that's
 16 really hard to get that off your skin. But this
 17 gauze tape -- I think I know what you're talking
 18 about.
 19 So when you -- I think you said you
 20 freaked out and said, No, enough, he immediately
 21 stopped his behavior and helped you down from the
 22 rings?
 23 A. Yes.
 24 Q. That basement -- was it a workout
 25 basement?

1 A. No.

2 Q. What was the lighting like down there?

3 A. It was dim.

4 Q. Do you remember if there were, like,

5 fluorescent lights like we have here or was it lamps

6 or ...

7 A. Like a lightbulb.

8 Q. Okay.

9 A. At least on at that time. It was dim.

10 Q. Was there other exercise equipment in this

11 room?

12 A. Yes. There was, like, a rower machine.

13 Q. Was this exercise room or workout room,

14 was it like -- what I would call a great room part

15 of the basement, or was it in a separate room, or

16 how did that --

17 A. It was right whenever you walked

18 downstairs. It was pretty much all of his exercise

19 stuff -- an unfinished basement.

20 Q. And at the point where -- as I read

21 through the transcript, you freaked out and said,

22 No, no, no and then before that, had you given Eric

23 any sort of indication, physically, verbally, or in

24 any way that you did not want to proceed?

25 A. No. I was silent.

1 Q. And let me ask you this then: What was

2 the blindfold? What was it? A workout towel? What

3 was it?

4 A. No. It was -- I believe to be like a

5 blindfold. I mean -- like a long strip of

6 something. It was a dark material. So it wasn't a

7 towel, it was an actual material.

8 Q. Do you know what kind of material it was?

9 A. I don't remember. It was nothing strapped

10 to your -- nothing that I remember specifically,

11 other than I know it was dark and that it was, you

12 know, a blindfold.

13 Q. If I have the order right, first he taped

14 your hands to the rings; correct?

15 A. Correct.

16 Q. And did you have -- were your feet on

17 anything stable?

18 A. The ground.

19 Q. Okay. So your feet were able to touch the

20 ground? You weren't dangling?

21 A. Right. No.

22 Q. And then he put the blindfold around you?

23 A. Yes.

24 Q. When he put the blindfold around you, did

25 you leave your eyes open or did you close your eyes?

1 A. At that point -- probably both. Because I

2 know I kept opening and closing them throughout this

3 time because I was so curious -- because he had

4 something planned. But when he first put it on,

5 maybe my eyes were closed and then I just kept -- so

6 it wasn't super tight, I guess, if you're asking

7 that.

8 Q. How did he bind the blindfold back? Did

9 he tie it or did he have some sort of clasp?

10 A. He tied it.

11 Q. Tied it. And at some point he stepped

12 away from you physically, and what was the sequence?

13 Flash, click, or simultaneous? I don't know.

14 A. I would say simultaneous.

15 Q. And you testified you have never seen the

16 photograph he took of you; correct?

17 A. Correct.

18 Q. And let me ask you this. Do you have any

19 reason to believe that this photograph was

20 transmitted in any manner that allowed access to

21 that photograph via the computer -- and I know it's

22 a long question.

23 A. If it -- so I know he had an iPhone, so if

24 it -- because I have an iPhone, too, so we could

25 iMessage or -- you know? And if he had iCloud, yes.

1 Or if he, you know, connected his phone to his

2 computer or something, yes.

3 Q. And did he have an iPhone? Is that what

4 you said?

5 A. He did.

6 Q. And that was what he had that day?

7 A. Yes.

8 Q. And he that -- you saw that in the

9 basement, that iPhone?

10 A. I would assume that would be the only

11 phone that he would have -- that was the only phone

12 that I was aware that he had in general at that

13 time.

14 Q. And you don't recall one way or the other

15 whether you saw it that very day in the basement?

16 A. Right. I just know that I heard and saw

17 the flash.

18 Q. And before 3/21/15, had either you or your

19 ex-husband had an extramarital affair?

20 A. No.

21 Q. Either before or after 3/21/15, had you

22 ever had -- had you yourself photographed yourself

23 in a state of partial or complete nudity?

24 A. No.

25 Q. Have you ever met a man named Roy Temple?

1 A. No.

2 Q. Have you ever been contacted by anybody

3 from the FBI?

4 A. No. No.

5 Q. Have you ever been contacted from anybody

6 that said they're from Intera, LLC?

7 A. I don't believe I can answer that

8 question.

9 Q. Well, let's --

10 MR. AUSTIN: Am I getting out of --

11 MR. BARNES: Here is my concern, is

12 there's -- if it relates to grand -- things that

13 went in front of a grand jury, I think that --

14 Counselor, are you concerned with grand

15 jury secrecy, without confirming or denying

16 testimony before a grand jury? So I --

17 MR. AUSTIN: I'll just withdraw the

18 question.

19 MR. BARNES: I think the answer to that

20 question may be a crime in and of itself.

21 MR. AUSTIN: Well, let's withdraw the

22 question.

23 Q. (By Mr. Austin) Part of your testimony

24 was, My husband travels -- and I just didn't

25 understand this -- I did not or did let him take

1 pictures of me?

2 A. Oh, I did not.

3 Q. Did not. Okay.

4 Who was the reporter that contacted you

5 and continued to contact you through -- when this

6 was -- came out?

7 A. Lauren Trager.

8 Q. After the election -- I think you

9 testified you were at dinner with six friends. Who

10 were those friends?

11 A. [REDACTED] -- did you want me to spell

12 this?

13 Q. Yes.

14 A. Okay. [REDACTED], [REDACTED],

15 [REDACTED], [REDACTED], [REDACTED]

16 and -- it's [REDACTED]. I can't remember her

17 name right now.

18 Q. That's all right.

19 A. She -- yeah.

20 Q. That's four.

21 A. So there is another girl that's in that

22 group. Her name is [REDACTED] I had

23 told her, actually -- she's part of that group. She

24 happened to not be there that night, and so I

25 talked -- I discussed it with her as well.

1 Q. And that is all of the ladies that were at

2 that dinner?

3 A. Yes. I believe so.

4 Q. And when Representative Phillips was

5 asking you questions, you said Eric's attorney

6 reached out. Who was that, if you know?

7 A. I don't know.

8 Q. It was attorney contact with your

9 attorney; right?

10 A. Correct.

11 Q. So the only conversation you would have

12 would be from what your attorney told you; correct?

13 A. Exactly.

14 MR. BARNES: I would like to take a break.

15 (A recess was taken.)

16 (Exhibit No 1 was marked for

17 identification.)

18 MR. BARNES: Back on the record.

19 Representative Austin.

20 Q. (By Mr. Austin) Ma'am, we have just come

21 back from a recess, and I've handed your attorney

22 what I've marked as Exhibit 1. And I'll just submit

23 to you that that's a transcript of a tape recording

24 made by your now ex-husband of you and him in the

25 parking lot of a grocery store. Have you reviewed

1 that transcript before?

2 A. So I started to read part of it, and I got

3 to the part where he took the picture, and I just

4 couldn't read it, so I have not read any of the rest

5 of it.

6 Q. Okay.

7 A. I've heard some of the things that are in

8 it and can recall some of that, too, but I have not

9 read it -- the rest of it.

10 Q. What page did you get to? Probably 17?

11 MS. MITTEN: There's an index at the back,

12 if that would help you.

13 A. Okay. Yes, I believe it was on 18 that I

14 stopped.

15 Q. (By Mr. Austin) Well -- and it's your

16 testimony that -- I mean, you're emotionally unable

17 to go past that point, as far as reading the

18 transcript?

19 A. Yes.

20 Q. If we can just, then limit it to pages 1

21 through 17, you weren't under oath then, but you are

22 now, and my question will be -- or is, are your

23 answers that you gave then truthful to the questions

24 posed then, and if not, what answers or portions of

25 answers were untruthful?

1 A. I don't believe I told him -- I should
2 having looked at this right before; I didn't.
3 Q. And we can take a break if you want to
4 read it. I mean ...
5 A. I don't believe I told him that he patted
6 me down.
7 Q. And there may have been some omissions,
8 but what you did say was true?
9 A. Oh. Oh. Oh, yes.
10 Q. Is that okay to say?
11 A. Yes.
12 Q. There were omissions, but what you did say
13 was truthful in response to the questions posed?
14 A. Yes.
15 Q. Pages 1 through 17?
16 A. Yes.
17 Q. Okay.
18 MR. AUSTIN: That's all I have.
19 MR. BARNES: Representative Rhoads.
20 EXAMINATION
21 BY MR. RHODS:
22 Q. Ma'am, my name is Shawn Rhoads. I want to
23 ask you some questions -- and it's going to get a
24 little graphic. I'm not trying to be mean to you, I
25 just -- we have to have some clarification on a

1 couple of things. And I want to go back to the
2 day -- the first encounter when you went to his
3 house that morning and where you came in and where
4 he took your purse and keys and looked through all
5 of this stuff.
6 So you come in the house, he takes your
7 purse, your keys, he looks through it and puts it
8 back in there, and then he tells you to change into
9 these clothes that he provided for you there;
10 correct?
11 A. Correct.
12 Q. What were you wearing before -- and where
13 did you go to change?
14 A. I was wearing -- I would have been wearing
15 black pants and a black T-shirt for work.
16 Q. Okay.
17 A. I was dressed in work clothes. And he has
18 a -- he has, like, a very small bathroom right by
19 his kitchen, so I went into there and changed in
20 that room.
21 Q. So were you wearing undergarments
22 underneath those clothes?
23 A. Underneath my clothes?
24 Q. Yes.
25 A. But he told me to take off everything and

1 put pants on.
2 Q. Okay. So you did that?
3 A. I did that.
4 Q. So all that you were wearing was the
5 T-shirt that he provided and the pajama pants that
6 he also provided; correct?
7 A. Correct.
8 Q. So at that point in time -- and maybe you
9 said earlier and I didn't catch it, but what were
10 your thoughts that his intentions were going to be?
11 A. I thought this was going to be some sort
12 of, like, sexy workout. I knew he -- he had asked
13 if I worked out that morning. I knew he -- he said
14 he had this idea that -- something that would be --
15 make me feel really good and I did work out, because
16 he wanted to take me through a workout. And at this
17 point I thought -- we hadn't worked out together
18 ever, so I thought, Oh, maybe it'll be some sort
19 of -- I don't know -- sexy workout.
20 Q. Okay. At that time were you okay with a
21 normal sexual encounter with him if he said, Hey, I
22 just want to have sex in the basement?
23 A. No.
24 Q. Then I want to go forward to the incidents
25 when you were at his house again -- and forgive me,

1 I don't know the date -- when there was alleged --
2 that you said he slapped you.
3 A. Yes.
4 Q. Okay. So you go in the house -- and I'm
5 just making sure I'm correct. You go up to the
6 spare bedroom; correct?
7 A. Correct.
8 Q. Okay. And were you clothed, unclothed --
9 help me through that.
10 A. I believe at this time we were at least
11 partially unclothed. I know there was sexual
12 activity taking place. I know when I got there, we
13 kissed and we talked a little bit, and then he was
14 like, Come upstairs with me. And I know it was
15 sexual in nature at this point. So I believe that
16 at least both of us were partially nude.
17 Q. Okay. Did he take your clothes off or did
18 you take his clothes off or did you take your own
19 clothes off, or how did that happen?
20 A. I don't recall.
21 Q. Okay. And by "partially nude," can you
22 clarify for us how that was?
23 A. When he slapped me, I just remember being
24 bare at the top.
25 Q. Okay. Okay. So let's go to that. So

1 were you sitting on the bed, laying on the bed --
2 how -- where were you in relation to him and him in
3 relation to you when that happened?

4 A. He was standing up, and I was kind of
5 sitting -- laying back like this (indicating) on the
6 bed.

7 Q. Okay. Okay.

8 A. So he was standing in front of me.

9 Q. Okay. And I'm going to bounce around a
10 little bit here, I apologize. So -- because, to me,
11 there's a question when you're -- your ex-husband
12 e-mailed Eric's wife and said, you know, she's in
13 your house or whatever the e-mail said -- or he --
14 yeah -- and you think that someone was following
15 you. So would your husband follow you around
16 periodically or ...

17 A. Yes. So he worked -- works downtown, and
18 there were multiple times that either I or coworkers
19 would see him driving by the salon.

20 Q. Gotcha.

21 A. Where he didn't have to.

22 Q. So -- but you walked from your business --
23 your place of business to that house; correct?

24 A. Correct.

25 Q. So there wouldn't be like you had a long

1 drive where somebody would follow you through town
2 or anything like that?

3 A. Correct.

4 Q. Do you think anybody is following you now
5 because this has all come out, that people are
6 following you around?

7 A. I've only positively known of one instance
8 when I left work. When I got on the highway, I
9 noticed that there was this same car behind me that
10 was behind me right whenever I left work, and this
11 would have been probably a week and a half after the
12 news broke. And I got to the [REDACTED]
13 [REDACTED], and once I got there, I noticed
14 this car was definitely still there, so I'm going to
15 pretend like I'm getting off my exit and get back on
16 the highway and see if they do that. If they do, I
17 know for sure they're following me. When that
18 happened, they did that, so I right then called a
19 friend of mine who is in law enforcement and said,
20 I'm almost positive this person is following me. So
21 he directed me back to -- I essentially got back on
22 the highway, drove back east. This person followed
23 me all the way to [REDACTED]. So from [REDACTED] to
24 [REDACTED]. I went inside a Walgreens
25 and waited for the car to leave. The friend of mine

1 met me there, and he said, I think you can leave,
2 but I'm going to make sure. So when I left, the car
3 was waiting across the street from me, tried to
4 follow me, but he got behind and didn't allow him
5 to, so I was -- and then I went to my mom's.

6 Q. Was he on duty -- like, a uniform police
7 officer or --

8 A. No. Off duty. Just acting as a friend.

9 Q. Just a friend helping you?

10 A. Yes.

11 Q. So what I'm gathering is -- and make sure
12 that I'm right -- is -- in this relationship with
13 Eric Greitens, he was wanting a physical
14 relationship and you were wanting more than that;
15 correct?

16 A. Correct.

17 Q. And that would have been your frustration
18 with kind of how things went down?

19 A. Yes. And, also, that I didn't -- this was
20 really just with myself. I didn't feel like I was
21 acting in ways that I wouldn't -- I didn't feel like
22 in control of my own --

23 Q. Sure.

24 A. -- feelings and thoughts and actions the
25 way that I typically would be, so ...

1 Q. And I'm sorry. I'm backing up. Let's go
2 back to the incidents with the slap. You said
3 afterwards you talked. Do you recall what you
4 talked about and how long were you there after that?

5 A. The only thing I remember for sure is that
6 we talked about his -- what was it like being in the
7 Navy and did he feel like that affected him and,
8 really, just talked mainly about that. Maybe -- I
9 wasn't there a super long time afterwards. I don't
10 know.

11 Q. Is there anything that anybody has not
12 asked you that you feel like we need to know?
13 Because I realize -- and I -- I sympathize with you
14 when you say you don't want your kids involved with
15 this. And what I'm trying to get at was, if there
16 was no angry ex-husband, there was no reportings,
17 where do you think that we would be right now?
18 Would this be an issue?

19 A. I don't -- I'm not sure. That's a great
20 question, because -- I keep thinking, had I -- maybe
21 had I not told [REDACTED] -- I know for sure I would have
22 felt very differently immediately about what
23 happened on March 21st. Because the second I told
24 him, it became his thing, and I was afraid of him
25 and what he would do with it. I really didn't even

1 process it.
 2 So would I have eventually told somebody?
 3 Possibly. But I also didn't want to hurt anybody,
 4 too, so that ...
 5 Q. I understand. And I see where you're
 6 coming from with your business and with -- you know,
 7 you don't want to damage those things. And I
 8 apologize that you're in the middle of this. I
 9 appreciate your cooperativeness, but, again, I just
 10 want to give you the opportunity, if there's
 11 anything somebody hasn't asked that you feel like is
 12 pertinent to what we're doing, we'd love to hear,
 13 because you've been answering questions and not gave
 14 us a free thought.
 15 You can come back to that if you want, if
 16 you want to discuss that.
 17 MS. [REDACTED]: Okay.
 18 MR. BARNES: If you want -- let's finish
 19 our questioning, because he asked you something that
 20 you probably haven't even thought of.
 21 MS. [REDACTED]: Right. I haven't.
 22 MR. BARNES: So if you -- we'll finish our
 23 questions and then give you a short break, if you
 24 want to answer that question --
 25 MR. RHODES: Well -- and Representative

1 Austin took about half of my questions I have, so --
 2 because he seen them, I think, and that's why he was
 3 trying to do.
 4 Thank you, Chairman.
 5 EXAMINATION
 6 BY MR. PIERSON:
 7 Q. Good morning. I'm Tommie Pierson, Jr.
 8 state representative of the 66th district in
 9 St. Louis County, St. Louis City. And I, too, will
 10 kind of have some questions that may not be in
 11 chronological order. The first one is --
 12 apparently, he -- there was -- so Eric hit you
 13 physically?
 14 A. Yes.
 15 Q. How many times do you recall him hitting
 16 you physically?
 17 A. Well, the first time he spanked me
 18 multiple times, but where I actually felt kind of
 19 scared of -- what is he -- I guess I could say it
 20 was more physical was the two times, though. The
 21 one time where he slapped me in the face and the
 22 other time where he slapped me and pushed me.
 23 Q. Okay. So the spanking, did it leave any
 24 mark? Was there any welt or anything of that
 25 nature?

1 A. Not that I recall.
 2 Q. Okay. Did you consent to that?
 3 A. No.
 4 Q. Okay. Then the second time was a slap on
 5 the face; is that correct?
 6 A. Correct.
 7 Q. And did that leave a mark?
 8 A. Not that I recall.
 9 Q. Okay. Could you describe that a little
 10 bit more? Do you think -- you said it was open
 11 handed, I think; is that correct?
 12 A. Correct. Meaning it could have left a red
 13 mark right away, I guess. It was dark and at night
 14 and we were alone in a room. Did it leave anything
 15 later? No. It was just jarring. It wasn't sweet
 16 and gentle; it was forceful.
 17 Q. Okay. And then the third time.
 18 A. The third time might have actually left a
 19 mark. I know that it actually hurt, and I know that
 20 I actually was really scared and sad when that
 21 happened. The only reason why I say it might have
 22 actually left a mark is because I can remember
 23 afterwards looking in a mirror -- so it was only
 24 maybe a week and a half, two week, tops, later that
 25 my husband and I were back together of sorts -- at

1 least considering it. I remember looking in the
 2 mirror and thinking, Can he see anything? So -- I
 3 think that there's probably a good chance that there
 4 was something there. I didn't take pictures of it.
 5 Q. Did your husband make any comments
 6 about --
 7 A. Not that I remember. Not that I remember.
 8 Q. And that last time, can you talk a little
 9 bit about that situation, kind of what led up to
 10 that and what happened subsequently?
 11 A. Up until that point, the -- that
 12 encounter -- like I said, we had exercised
 13 earlier -- or that same morning, and then it turned
 14 sexual in nature, that was consensual. You know, I
 15 was nude at this point. And I couldn't see him, so
 16 I didn't know what was on his face. He was behind
 17 me. And I like I said, we had not -- we did not
 18 have intercourse during this period of time -- we
 19 never did. But he was mimicking that, of sorts,
 20 behind me, and so I just remember him, like, hitting
 21 and shoving me, and it felt out of nowhere as if,
 22 like, all of the sudden you just got -- I don't even
 23 know. I don't know. Because it was so shocking to
 24 me and it made me fall on the ground -- kind of on
 25 my face and on my side a little bit and just made me

1 start crying. I just know it was really
 2 embarrassing and confusing.

3 Q. How would you describe, I guess, the
 4 source of the crime -- was it physical in nature?
 5 Was it emotional in nature?

6 A. I would say both at that -- that time, in
 7 particular. Because it actually hurt, and, also --
 8 also, it was embarrassing. I don't know what
 9 happened. It was just kind of a bizarre thing to
 10 happen, I guess.

11 Q. The picture that was taken, did any
 12 discussion ever occur about the picture after -- is
 13 it the 21st of March?

14 A. Not that I recall. I only recall him
 15 asking me -- like, each time I did his hair -- in
 16 particular, at the salon, he would say, You haven't
 17 told anybody, have you? It was more that checking
 18 in to make sure I hadn't said anything. But I don't
 19 remember him bringing up the picture again after
 20 that first day. Probably knowing it was -- I mean,
 21 I kind of freaked out, so I don't know if he knew,
 22 let's just not go there -- I don't know. But we
 23 really didn't discuss it after that.

24 Q. Very good. So you never brought up the
 25 picture, either; is that correct?

1 A. No.

2 Q. Okay. Okay.

3 In the time that you-all worked together,
 4 did you-all share any meals or drinks or anything of
 5 that nature?

6 A. He does not drink at all, so it was never
 7 like that. I remember that morning -- I believe it
 8 might have been that last morning -- because that
 9 was the time that we worked out together. He made a
 10 smoothie that was -- like, as I was leaving, he made
 11 a smoothie.

12 Q. Okay.

13 A. That's all I remember.

14 Q. On 3/15 you were -- I believe you
 15 described doing his hair and shampooing his hair at
 16 the salon.

17 A. Yes. This would have been earlier -- or,
 18 like, maybe a week prior to that, yes.

19 Q. Okay. And I believe that was -- or would
 20 you agree that that was the first time where he
 21 touched you in a way that startled you?

22 A. Yes.

23 Q. And what was your reaction when that
 24 happened?

25 A. So I was standing up -- I had actually

1 just finished shampooing his hair, but he was still
 2 laying back in the shampoo bowl, kind of looking up
 3 at me. And at first I just ignored it. I was
 4 thinking -- I think I'm picturing something that's
 5 not really happening, and I didn't look down. And
 6 then once he got up to my crotch, I stepped back and
 7 said, What are you doing? And then that's whenever
 8 he looked up at me like, I don't know. And at that
 9 point -- I think it was just shock, because -- even
 10 though I had had definitely somewhat of this crush
 11 on him, I never pictured that happening. So I think
 12 it was just shock.

13 Q. Do you recall anyone else being in the
 14 room when that happened?

15 A. A coworker was in the room, but she was
 16 not at the shampoo area. She was -- she worked
 17 right next to me at that time at our actual hair
 18 station, and so she was back there, so -- she did
 19 not see that happen.

20 Q. Okay.

21 A. I told two of my coworkers that day that
 22 that happened, but she was not one of the ones who I
 23 told.

24 Q. So there are a couple of coworkers who
 25 were made aware of that incident?

1 A. Yes.

2 Q. Do we know who those individuals are?

3 A. One of them is [REDACTED], who I mentioned,
 4 and another one is a -- the friend that I was saying
 5 is very close to me but I didn't tell anything until
 6 this came out and she called me that night. Her
 7 name is [REDACTED]. Her reaction was so angry
 8 and ticked off at just that, that I felt
 9 uncomfortable telling her anything else after that,
 10 so ...

11 Q. In the course of your discussions with
 12 Eric, did he ever mention The Mission Continues?

13 A. Definitely throughout the times whenever I
 14 cut his hair. Oh, definitely. That was also a big
 15 draw to him, that he had started this nonprofit that
 16 helped veterans and ...

17 Q. But, subsequently, that was not a topic of
 18 discussion, it was specific or relegated to times in
 19 the salon?

20 A. Correct. When -- yes. When I was alone
 21 with him, it was not -- he wasn't as forthcoming
 22 with discussing things. Like I said, it felt a
 23 little more like he was on a mission.

24 Q. Was there any discussions in relationship
 25 to any campaign-related issues?

1 A. Other than -- I -- when that person
2 e-mailed him -- being my husband -- him mentioning
3 that he thought it was Democratic operatives that
4 lived in his neighborhood that he felt like were
5 always watching him, I know when I came back that
6 first time, that was actually a question I asked
7 him, was, Why did you switch parties? I know that I
8 asked him that, because I just remember that --
9 because he asked if I had any questions for him,
10 because I thought we were going to have a
11 discussion. Other than that, I don't remember --
12 oh, except for he knew that I did Chris Koster's
13 hair. And so he didn't ask about any specifics
14 about him, just, What do you think about him?

15 So other than that, not really. It
16 wasn't -- I'm not a very political person,
17 typically, so that wouldn't have been something we
18 would have discussed; it was more, What type of
19 charities are you working with? What did you -- it
20 was more along the lines of that.

21 Q. So you described Chris Koster as kind of a
22 father figure. Can you describe that relationship a
23 little more?

24 A. Yes. I mean, he had been going to a
25 friend of mine up until -- I didn't start doing his

1 hair until maybe late 2014, possibly, early 2015.
2 Anyways, my coworker moved to New York, and then he
3 started going to me. I knew he was a client of the
4 salon before that, and, in general, he would ask me
5 what was going on in my life and kind of give -- he
6 likes -- or he liked to give advice as to what's
7 going on with school or what's going on with -- he
8 knew I was separated with my husband. We did not
9 discuss anything throughout the election period, in
10 particular, after Eric was not my client. He didn't
11 bring it up. I didn't bring it up. We just didn't
12 discuss that.

13 Q. So there was no discussion of Eric in your
14 conversations with Chris Koster?

15 A. Not -- when they first -- when I first
16 knew that he was running as well, Eric was still my
17 client at that time, and I knew that -- Chris knew
18 that he was my client as well, and I'm sure he asked
19 the same question -- you know, What did you think of
20 this guy? That was pretty much it. Both of them
21 were pretty good about not asking me anything that
22 would make me feel uncomfortable. He didn't really
23 ask anything else in regards to Eric, other than
24 that.

25 Q. And, you know, the incident on 3/21, it

1 seemed very planned. Would you agree with that?

2 A. Yes.

3 Q. In your subsequent encounters with Eric,
4 did those seem planned as well or ...

5 A. Not like the first time. No. The other
6 times seemed a little more just -- I don't know. I
7 didn't feel like I was living a script out, no.

8 Q. If Eric asked you to meet with him now,
9 would you go?

10 A. Positively not alone. With my attorney
11 and his attorney, possibly, but I have no clue what
12 would come of that.

13 Q. How do you deal with stress -- so this was
14 a stressful time during this period. How would you
15 say you deal with stress?

16 A. So I had just started CrossFit that
17 January before -- no, no, no, it was that August,
18 too. During this time, I just weight lifted a lot.
19 I ended up injuring my back because I wasn't
20 sleeping very much, I was just exercising and -- I
21 read -- I was still reading during this time. I was
22 seeing a counselor on my own. I switched to a
23 personal counselor right after the March -- I want
24 to say it was sometime in April, I started seeing
25 her. And I was still reading. I know I read a lot

1 of self-help books during this period of time.

2 Definitely exercising was a huge thing.

3 MR. PIERSON: Thank you. Thank you for
4 your time and your being here today.

5 MR. BARNES: Thank you. I have a few more
6 questions.

RE-EXAMINATION

8 BY MR. BARNES:

9 Q. Were you afraid to ask about the picture?

10 A. Yes. I just didn't want to bring it up at
11 all. So, A, I didn't want to remind him of it. I
12 didn't want to remind myself of it. I really just
13 wanted to pretend like it didn't happen.

14 Q. Did -- the time that you described as
15 being slapped when you were in the spare bedroom,
16 did that cause physical pain?

17 A. More like a stinging -- it didn't make me
18 cry. It wasn't like a, Oh, my gosh, this is
19 absolutely horribly painful, it was more of a
20 stinging shock.

21 Q. The last sexual encounter where you
22 described getting hit, do you feel that that was a
23 punch or a slap?

24 A. It was as if he, like, roughly, like,
25 slapped and grabbed me and shoved me. So I don't

1 know.

2 Q. You testified earlier that you attempted
3 to look in the mirror.

4 A. Yes.

5 Q. How -- approximately how many days after
6 was that?

7 A. Well, I'm sure I did right away -- you
8 know, a day or two after, but I know that -- the
9 memory that I have is after I had gone to the
10 mediator with [REDACTED] I'm thinking, if he knows this
11 or if he sees this, he's going to flip out. So that
12 had to have been a week later.

13 Q. So a week later, you're looking in the
14 mirror to see if there's a mark?

15 A. Yes.

16 Q. Was it still achy or painful at that point
17 in time when you're looking for the mark?

18 A. In that direct area, yes.

19 Q. I want to go back to March 21st as well.
20 And you testified that Eric was kissing you -- let
21 me -- after -- you testified that you started
22 freaking out as Eric was kissing you and coming down
23 the front of your body. Yes?

24 A. Yes.

25 Q. And you freaked out, and he took you and

1 untied the gauze strips; correct?

2 A. Correct.

3 Q. Were you crying at that point?

4 A. Yes.

5 Q. And describe the emotions that you had at
6 that point in time.

7 A. I was definitely fearful. I was so
8 embarrassed and ashamed, because I really felt like
9 a whore because I had let him get me in this
10 position before we've even kissed. I felt really
11 used. I felt like what the -- who are you? I think
12 it was the thing that just kept playing through my
13 mind is, who are you? What is this? What is this?
14 Oh, my God, where am I? Get me out of here --
15 because I just kept saying, Get me out of here. I'm
16 not ready for this. It was also, too, that feeling
17 of, I came here not wanting to do anything --
18 nothing.

19 Q. Did you start walking towards the door?

20 A. Yeah, I -- well, to go upstairs. There's
21 not like a door that closes, but, yeah, I started
22 walking towards the door, and that's when he just,
23 like, enveloped me -- that's a good word. Because
24 it wasn't as if he, like, threw me around. He
25 literally just kind of bear-hugged me and literally

1 walked me up and was saying, [REDACTED] just calm down,
2 calm down, it's okay, it's going to be okay. And
3 then laid me down -- kind of laid down with me like
4 I was a little doll or something.

5 Q. Okay. And when you were laying down,
6 where was he?

7 A. Like, laying next to me.

8 Q. Laying next to you face to face?

9 A. Face to face -- at this point, from what
10 I -- what I'm picturing -- so I don't know if he
11 started behind me -- I know that he was laying face
12 to face with me.

13 Q. Okay. And were you still crying?

14 A. I was crying so hard, yeah.

15 Q. Were you naked at that point in time?

16 A. Yes.

17 Q. Did he have a shirt on?

18 A. I believe so, at this point.

19 Q. Did he have pants on?

20 A. Yes. At this point.

21 Q. Did you unzip his pants?

22 A. No.

23 Q. How -- did he unzip his pants?

24 A. He unzipped his pants.

25 Q. While you were crying?

1 A. While I was crying.

2 Q. And laying on the floor next to him?

3 A. Yes.

4 Q. And what did he do after he unzipped his
5 pants?

6 A. He kind of pulled them down and pulled his
7 penis out.

8 Q. Okay. And -- I'm sorry. These are
9 difficult questions. In relation to your face, how
10 far away?

11 A. Max, 6 inches or something. Close to me.

12 Q. And he is the one who put his penis in
13 that position?

14 A. Yes.

15 Q. Were you still crying at that point?

16 A. Yes.

17 Q. Did you feel afraid to leave?

18 A. No. Not at this point. I feel like he
19 hadn't gotten what he wanted. It was just -- he was
20 still obviously turned on.

21 Q. Would you say you were under duress?

22 A. Yes.

23 Q. Did you feel like you had another choice
24 if you were going to get out of that basement?

25 A. Not at that point.

1 Q. And after feeling you had no other choice
2 at that point in time, is that when there was oral
3 sex?

4 A. Yes.

5 Q. The last time you were hit from behind, I
6 want to make sure -- was it your right hip and --

7 A. Yes. My memory is that I kind of fell
8 into, like -- kind of more into my left, and that it
9 was on my right side.

10 Q. Okay. What's the basement floor like?

11 A. Just a concrete basement floor.

12 Q. I'm sorry. Say --

13 A. We exercised in the basement, so this
14 would have been the last time. And it was after we
15 exercised, so we were still in the basement at this
16 point.

17 Q. (By Mr. Barnes) Okay.

18 MR. BARNES: Okay. I have no further
19 questions.

EXAMINATION

20 BY MR. AUSTIN:

21 Q. Just a couple more questions.

22 The basement floor is concrete?

23 A. Yes.

24 Q. There's no rugs or carpeting or anything,
25

1 it's just concrete?

2 A. Over where the exercise area was, there
3 was some gym -- the squishy mat.

4 Q. Where you were hit the third time, you
5 were on concrete at that point?

6 A. Yes.

7 Q. Let me back up a little bit. You said
8 that -- this was before, that your husband e-mailed
9 Eric's wife. Do you know that for sure, or is that
10 something you're supposing, knowing your husband?

11 A. He told me after we were back together.

12 Q. Okay.

13 MR. AUSTIN: That's all I have.

14 MR. BARNES: Okay. If you want to make a
15 statement, you can. If you want to take a minute to
16 collect your thoughts and -- tell me if you want to
17 take a five-minute break, collect your thoughts, and
18 make a statement or -- really, it's up to you. I --
19 you know, I think Representative Rhoads had a very
20 good question, and he kind of caught you off guard
21 after having -- we're three hours into a barrage of
22 questions for you from seven separate people, and so
23 I think it's fair to let you collect your thoughts
24 before you make such a statement.

25 So do you want to take a break just for a

1 moment?

2 MR. SIMPSON: I would. And before we get
3 that far -- and if this isn't the proper time to do
4 so, please let me know. The transcript that you put
5 in as an exhibit, out of respect for my client, I
6 would like to request that any identifying
7 information between her, her ex-husband or anybody
8 else that would lead back to who she is be redacted.
9 I'm am well aware of the potential that this may
10 become public at some point and would like to really
11 redact that. Frankly, anything in this proceedings
12 that would identify her specifically, I would ask
13 for that courtesy from this panel.

14 MR. BARNES: You will certainly have that
15 courtesy.

16 So let's take a five-minute break.

17 (A recess was taken.)

18 MR. BARNES: And so we -- do you want to
19 make a final statement, please feel free to do so.

20 MS. [REDACTED]: I really just wanted to say a
21 couple of things, which is, one, thank you for
22 clearing up the rumors that are out there, because
23 that's been one of the most difficult things is
24 hearing them and knowing -- I've taken the position
25 to truly try to not involve my children as much as

1 possible, therefore, it is kind of difficult to hear
2 those things and know I don't have a voice. So I do
3 appreciate that. And, also, the lengths that you
4 have taken to make this private, and I really do
5 appreciate that.

6 I really think you guys covered most of
7 the things that I felt and appreciate you for being
8 understanding, because I did not like that person at
9 that time, which is why I'm so emotional. If I
10 liked her, I could tell you guys, He's a jerk and
11 he's a jerk, and I did nothing. So I appreciate
12 your understanding. And it's really hard for me to
13 be vulnerable in front of people I don't know, as
14 opposed to my friends and family, who know that that
15 wasn't me; I was going through a crazy period of
16 time. So I really do appreciate it, because it does
17 help me -- or at least you aren't throwing stones at
18 me if you guys hate me. But thank you.

19 That's it.

20 MR. BARNES: You guys will be excused, and
21 we'll talk about future business of the committee.

22 MR. SIMPSON: Sure.

23 MR. BARNES: Thank you so much.

24 I want to get with you on contact
25 information for the people identified with whom you

1 spoke. I don't want you to read their phone numbers
2 into the record, but I want to get that contact
3 information.

4 MR. SIMPSON: And whether you want to do
5 it -- I'll let you decide. We have provided an
6 answer to some requests for production. As of
7 yesterday, after I got -- after I left my office, I
8 came into the possession of another document that
9 you probably want. If you want it today, you can
10 have it, but I need a photocopy because I have the
11 original.

12 MR. BARNES: We can arrange for that here.
13 There's got to be a copy machine somewhere in this
14 building. So if you want to ask one of the officers
15 outside, I'm confident they'll make a copy.

16 So we'll excuse you. Thank you for being
17 here today.

18 MR. BARNES: Let's go off the record for
19 just a moment.

20 (Discussion off the record.)

21 MR. BARNES: Friday at one, [REDACTED]
22 who is -- who is identified as a witness in
23 [REDACTED] answers to our requests to documents.
24 After that, does the committee believe --

25 MS. LAUER: Will that be here?

1 MR. BARNES: That will be here.

2 Does the committee believe we need
3 [REDACTED] here?

4 MR. RHOADS: I do. I feel like it puts
5 the pieces of the puzzle together.

6 MR. BARNES: Do we want to see if we can
7 get him for next Monday?

8 MS. MITTEN: Can we do 3:00 p.m. on
9 Friday?

10 MR. RHOADS: I'm afraid that conversation
11 is going to take hours and hours.

12 MS. MITTEN: Why should that take hours,
13 though? This is four hours. What do we need to get
14 from [REDACTED] Authentication.

15 MR. RHOADS: I'm afraid there'll be a
16 little game played with his attorney on, Well, we
17 don't want to answer that, we're going to --

18 MS. MITTEN: Fine. He can leave.

19 MR. RHOADS: Regroup and go and then --

20 MS. MITTEN: I'm just thinking -- I don't
21 know what we need from [REDACTED]

22 Can we go off the record for a second?

23 (Discussion off the record.)

24 MR. BARNES: I move that we attempt to get
25 the testimony of [REDACTED] this Friday at

1 11:30 a.m.

2 MS. MITTEN: Okay. Or 3:00 p.m.

3 MR. BARNES: Or 3:00 p.m.

4 Does anyone disagree to that idea?

5 All of those in favor say, aye.

6 (Unanimous "Aye")

7 MR. BARNES: In failure of Friday, I'll
8 ask his lawyer about Monday availability.

9 MR. AUSTIN: Time out. You said earlier?
10 Well, how is this [REDACTED] going to take very long? If
11 he cools his heels out there for an hour, that's not
12 our problem.

13 MS. MITTEN: We could do it at two.

14 MR. BARNES: So do you want me to try
15 three first?

16 MR. AUSTIN: I prefer 11:30 first.

17 MS. MITTEN: Either way. Just see what we
18 can do.

19 MS. LAUER: Is it okay if they see each
20 other?

21 MR. BARNES: 11:30 or two?

22 MS. MITTEN: Or three, if it has to be
23 three. I just want to get it out of the way Friday
24 if he can.

25 MR. BARNES: Okay. And I want to take a

1 roll call vote to close Friday's hearing.

2 So the motion on the floor here is to
3 close Friday's hearing.

4 All of those in favor, voice, yes.

5 Mr. Secretary, please call roll.

6 MR. CURCHIN: Representative Barnes.

7 MR. BARNES: Aye.

8 MR. CURCHIN: Representative Phillips.

9 MR. PHILLIPS: Aye.

10 MR. CURCHIN: Representative Mitten.

11 MS. MITTEN: Aye.

12 MR. CURCHIN: Representative Lauer.

13 MS. LAUER: Aye.

14 MR. CURCHIN: Representative Austin.

15 MR. AUSTIN: Aye.

16 MR. CURCHIN: Representative Rhoads.

17 MR. RHOADS: Aye.

18 MR. CURCHIN: Representative Pierson.

19 MR. PIERSON: Aye.

20 MR. BARNES: The vote is seven aye; zero
21 no to close Friday's hearing. It know everybody is
22 getting excited.

23 We have eight additional witnesses
24 identified, I believe, beyond [REDACTED], [REDACTED] --
25 is everyone in agreement we should attempt to her

1 testimony.
 2 Is that a yes all around?
 3 Yes all around. [REDACTED] is
 4 another. Is everyone in agreement?
 5 MS. LAUER: She was at the dinner?
 6 MR. BARNES: Yeah.
 7 [REDACTED]. Is everyone in agreement
 8 on her?
 9 Okay. [REDACTED] was identified as a
 10 lawyer. I would -- I don't want to try to breach
 11 anyone's attorney-client privilege. Is everyone in
 12 agreement that we're not going to call her as a
 13 witness?
 14 MS. MITTEN: I agree.
 15 MR. PIERSON: With her, she seemed like
 16 she wanted to get some information from [REDACTED] order;
 17 is that correct? Did that breach -- so that would
 18 be a breach if we talked to her --
 19 MR. BARNES: For [REDACTED], yes. [REDACTED]
 20 [REDACTED] was a lawyer for Ms. [REDACTED], and as a
 21 result, I do not --
 22 MR. PIERSON: [REDACTED]?
 23 MR. BARNES: Lauren Trager was the
 24 reporter.
 25 Does anyone believe we should have the

1 reporter?
 2 MS. MITTEN: No.
 3 MR. BARNES: Okay. Then there were the
 4 women who were at the dinner, [REDACTED], [REDACTED]
 5 [REDACTED], [REDACTED], and [REDACTED]
 6 [REDACTED]. And then there was, essentially, I think
 7 [REDACTED], and I heard a [REDACTED] name. I
 8 think that -- I want everybody to think about
 9 whether we need to call them after having spoken
 10 with these other witnesses.
 11 MR. RHODES: Mr. Chairman, I'm afraid
 12 there'll be very limited information with these
 13 women. They were in public talking about this
 14 incident. I doubt she went into detail about
 15 everything in a restaurant with six other women.
 16 MR. BARNES: That's -- that's fair. And I
 17 think these other witnesses that we've already
 18 identified -- we need to talk to them first before
 19 making this decision, but I wanted to put that out
 20 there as something for people to think about, even
 21 as we were getting the next round of testimony.
 22 MS. LAUER: Sure.
 23 MR. BARNES: Okay. The other thing is we
 24 should be receiving documents soon from Michael
 25 Hafner relating to use of The Mission Continues --

1 resources from The Mission Continues private grants.
 2 They may arrive today. We subpoenaed those
 3 documents. They may arrive today. His lawyer has
 4 been in contact with our counsel and should have
 5 them soon, and when we do, we will spread the word
 6 that they have arrived. They will be in the chief
 7 clerk's office with our folders that we're going to
 8 turn into binders. The idea is everyone to have a
 9 binder in there. Let's leave it in there, mainly --
 10 because I don't even trust myself to take documents
 11 outside -- and then take notes in there.
 12 MR. AUSTIN: And we can have access to
 13 those binders --
 14 MS. MITTEN: I believe Representative
 15 Barnes is going to try to get access to the office
 16 so that even after hours we'll have the ability to
 17 force [REDACTED] to let us in.
 18 MR. BARNES: Mr. Curchin -- Alex has that
 19 ability, so he's on permanent call.
 20 MS. MITTEN: Lovely.
 21 So, Mr. Chair, Mr. Simpson indicated that
 22 documents have already been produced.
 23 MR. BARNES: I believe he said they were
 24 mailed -- well, he told me in the hallway they have
 25 been mailed. He said we've sent them.

1 MS. MITTEN: So we haven't seen those yet,
 2 and those will be added to our binder folders.
 3 MR. BARNES: And what he has brought here
 4 today is a phone record.
 5 MS. LAUER: Is there any reason to
 6 consider the Boys State?
 7 MR. BARNES: I think -- let's hear from
 8 Mr. Hafner first. Let's look at his documents and
 9 hear from him first. I take that from you, you
 10 think that there is.
 11 MS. LAUER: I would question him.
 12 MR. BARNES: And I'm open to that
 13 possibility. I'm open to what the committee
 14 considers. Obviously, we have people in -- public
 15 statements from people who need to get one of those
 16 people who was quoted publicly to do so. What I
 17 also want to do is bring the board of Boy's State
 18 down here to testify. I think what may be helpful
 19 to them is to send written interrogatories to them
 20 or ask them to sign a declaration or affidavit.
 21 But -- we could direct interrogatories to him to
 22 make sure that we're getting answers to the
 23 questions that we want.
 24 MS. MITTEN: Well -- and my only -- and I
 25 don't know -- is there anything about that that --

1 is there some law that was violated by virtue of
 2 that, or is it just sort of bad behavior?
 3 MR. BARNES: It's potentially a
 4 misappropriation or a theft if you get information
 5 for one purpose and use it for another.
 6 MS. MITTEN: Okay.
 7 MS. LAUER: Without the individuals
 8 knowing about it.
 9 MS. MITTEN: Okay.
 10 MR. BARNES: Potential. And, you know, I
 11 want to go down the path and find out the -- were
 12 there expectations? What were those expectations?
 13 MS. MITTEN: What were the expectations.
 14 Okay. That's fair.
 15 MR. PHILLIPS: And all of this falls in
 16 the guidelines of the resolution to be passed --
 17 MR. BARNES: It does.
 18 MS. MITTEN: Those are also allegations at
 19 that point, I guess.
 20 MR. BARNES: Any further comments or
 21 questions?
 22 MS. LAUER: What about next week so I know
 23 whether or not to pack more clothes or not.
 24 MR. BARNES: So Mr. Hafner will be here on
 25 Wednesday morning at 8:00 a.m. We're going to try

1 to get some testimony on Monday morning and --
 2 MR. RHOADS: As of right now, do you have
 3 testimony lined up for Monday morning?
 4 MR. BARNES: I do not. Because
 5 Mr. [REDACTED] lawyer gave us this list of other
 6 witnesses, we attempted to make contact with all
 7 three of them. I made contact with [REDACTED]
 8 she's coming on Friday. I made contact with [REDACTED]
 9 [REDACTED] regarding Monday at one. She said she had
 10 to check back and see about child care arrangements.
 11 I'm still waiting to hear back. And then [REDACTED] did
 12 not respond to my calls.
 13 MS. LAUER: Did you say there is another
 14 one next Friday?
 15 MR. BARNES: We do not have anything
 16 scheduled for next Friday at this point.
 17 MS. MITTEN: I would pack for it.
 18 MR. BARNES: Is anyone planning to be out
 19 of town on Friday?
 20 MS. MITTEN: Not anymore.
 21 MR. BARNES: I'm glad that looks cannot be
 22 not recorded.
 23 MR. RHOADS: Is it spring break week?
 24 MR. BARNES: No. I'm talking about next
 25 Friday.

1 MR. RHOADS: I'm good. If sounds like we
 2 can eliminate spring break, if at all possible.
 3 MR. BARNES: You mean eliminate testimony
 4 during spring break? Or at the very least, everyone
 5 can have Monday and Tuesday of spring break. Is --
 6 does everyone like the idea of Monday and Tuesday
 7 for spring break?
 8 MS. LAUER: Tuesday, Wednesday, Thursday
 9 is not good for me. I could try to shift things
 10 around.
 11 MR. BARNES: Let's adjourn.
 12 I hereby adjourn.
 13 (The hearing concluded at 12:08 p.m.)
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1 CERTIFICATE OF REPORTER
 2
 3 I, Lisa Ballalatak, a Certified Court
 4 Reporter for the State of Missouri, do hereby certify
 5 that the witness whose testimony appears in the
 6 foregoing hearing was duly sworn by me; the testimony
 7 of said witness was taken by me to the best of my
 8 ability and thereafter reduced to typewriting under my
 9 direction; that I am neither counsel for, related to,
 10 nor employed by any of the parties to the action in
 11 which this hearing was taken, and further that I am
 12 not a relative or employee of any attorney or counsel
 13 employed by the parties thereto, nor financially or
 14 otherwise interested in the outcome of the action.
 15
 16
 17
 18 Lisa Ballalatak
 19 Missouri Supreme Court
 20 Certified Court Reporter
 21
 22
 23
 24
 25

HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
HEARING
MARCH 9th, 2018

INDEX OF EXAMINATION

Ms. [REDACTED]	
Examination by Mr. Barnes	5
Examination by Mr. Phillips	14
Examination by Ms. Lauer	15
Examination by Mr. Austin	21
Examination by Mr. Rhoads	24
Examination by Mr. Tommie Pierson, Jr.	31
Re-examination by Mr. Barnes	33
Re-examination by Ms. Lauer	34
Re-examination by Mr. Barnes	38
Mr. [REDACTED]	
Examination by Mr. Barnes	42
Examination by Mr. Phillips	53
Examination by Ms. Lauer	66

INDEX OF EXHIBITS

EXHIBITS:	
Exhibit No. 2 (E-mail)	41
Reporter's Note: Exhibit 2 was retained by the panel.	

APPEARANCES

Mr. Jay Barnes, Chairman
Mr. Alex Curchin, Senior Counsel/Legislative Director
Representative Don Phillips
Representative Jeanie Lauer
Representative Kevin Austin
Representative Gina Mitten
Representative Shawn Rhoads
Representative Tommie Pierson, Jr.

Also present:

Ms. Alix Hallen
Mr. Bryan D. Scheiderer
The Court Reporter:
MS. LISA BALLALATAK, CCR
Kansas CSR No. 1670
Missouri CCR No. 1336
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(The hearing commenced at 12:59 p.m.)

MR. BARNES: I hereby open this committee of the House Special Investigative Committee on Oversight.

Mr. Secretary, please call the role.

MR. CURCHIN: Representative Barnes.

MR. BARNES: Here.

MR. CURCHIN: Representative Phillips.

MR. PHILLIPS: Here.

MR. CURCHIN: Representative Mitten.

MS. MITTEN: Here.

MR. CURCHIN: Representative Lauer.

MS. LAUER: Here.

MR. CURCHIN: Representative Austin.

MR. AUSTIN: Here.

MR. CURCHIN: Representative Rhoads.

MR. RHOADS: Here.

MR. CURCHIN: Representative Pierson.

MR. PIERSON: Here.

MR. CURCHIN: All here and accounted for.

MR. BARNES: A full committee being

present, we are ready to start. And I believe we

told -- I told the officers to bring the witness in.

Good afternoon. Thank you for being here.

Just go ahead and take a seat. We'll start with

1 administering an oath.
 2 [REDACTED]: Okay.
 3 [REDACTED]
 4 being first duly sworn, was examined and testified as
 5 follows:
 6 EXAMINATION
 7 BY MR. BARNES:
 8 Q. Can you state your name.
 9 A. [REDACTED]
 10 Q. And, ma'am, have you ever given testimony
 11 in a deposition before?
 12 MR. BRIGHAM: I'm sorry?
 13 Q. Have you ever given testimony in a
 14 deposition before -- not --
 15 MR. BRIGHAM: In a deposition.
 16 Q. (By Mr. Barnes) In a deposition.
 17 A. No. No. Never.
 18 Q. In a deposition?
 19 A. No.
 20 Q. Okay. So we're just going to have a
 21 conversation. There are a couple of ground rules.
 22 If someone asks you a question, and you don't
 23 understand it, please don't hesitate to ask them to
 24 stop and rephrase. I see you're nodding your head
 25 now. You can't nod your head in answers to

1 A. Almost ten years.
 2 Q. How would you describe your relationship?
 3 A. Good friends.
 4 Q. And have you worked together or just met
 5 as social acquaintances?
 6 A. No. I met her almost ten years ago. My
 7 husband was friends with her now ex-husband, and so
 8 when I got with my husband almost ten years ago, I
 9 was introduced to [REDACTED] and [REDACTED] and we hung around
 10 as a foursome. A few years after I met her, I --
 11 she also started doing my hair and ...
 12 Q. Have you known [REDACTED] to have a
 13 reputation for truthfulness and honesty?
 14 A. Yes.
 15 Q. And is that her reputation?
 16 A. Yes.
 17 Q. Did [REDACTED] ever speak to you about
 18 contacts she had with Eric Greitens?
 19 A. Yes.
 20 Q. And when was the first time she spoke with
 21 you?
 22 A. I don't remember the specific date, but it
 23 was sometime in March of 2015.
 24 Q. Do you remember it in relation to when the
 25 events happened and how many days after?

1 questions.
 2 A. Okay.
 3 Q. You have to say "yes" or "no."
 4 A. All right.
 5 Q. And if you need to take a break at any
 6 time, just let us know, and we can take a break.
 7 MR. BARNES: And, Counsel, would you like
 8 to introduce yourself?
 9 MR. BRIGHAM: Sure. My name is
 10 Chad Brigham, counsel at Goldenberg, Heller &
 11 Antognoli in Edwardsville, Illinois.
 12 Q. (By Mr. Barnes) And so the way this is
 13 going to work is, I'm going to ask you a series of
 14 questions to start, and then our vice chair is going
 15 to ask some questions, our ranking member is going
 16 to ask you some questions, and then down the line in
 17 terms of legislative seniority. Some people may not
 18 have questions, and we'll -- we will see.
 19 I'm the chairman of this committee. I'm
 20 Jay Barnes. I'm from here in Jefferson City. You
 21 should also know that we have the authority under
 22 our rules -- we will redact your name and protect
 23 your privacy in this process.
 24 Ma'am, how long have you known [REDACTED]
 25 [REDACTED]

1 A. No. She first mentioned him before the
 2 event, that he was a client that had come in that --
 3 there was flirtation, that he was a good-looking
 4 guy, he was a Navy Seal, that he was a Rhodes
 5 Scholar -- I remember that specifically, because I
 6 had no idea what a Rhodes Scholar was, so I had to
 7 go home and Google -- that he had authored some
 8 books. I couldn't even remember his name when I had
 9 gotten back from getting my hair done, so I had to
 10 Google -- I remembered Eric and a word in one of his
 11 books, and that's all I -- I didn't know who he was
 12 or anything.
 13 Q. So she had mentioned previous to March
 14 those types of facts about him?
 15 A. It was probably maybe sometime in early
 16 March, maybe. It wasn't long before I heard about
 17 the event.
 18 Q. Okay. And where were you when -- you
 19 referred to it as "the event" -- and we'll get into
 20 that in a minute.
 21 A. It was a phone conversation.
 22 Q. And who were the parties to that
 23 conversation?
 24 A. Just me and [REDACTED]
 25 Q. And what did she tell you?

1 A. That she had been invited over to
2 Greitens' house. She had suggested that -- she
3 really wasn't comfortable going to his house; she
4 would rather do something like a coffee shop.
5 Q. When you say "she had suggested," was she
6 suggesting that to you or --
7 A. Oh, I'm sorry. To Greitens. That
8 Greitens had suggested that she come over to his
9 house, that she had said that she really didn't feel
10 comfortable going there, that she would rather do
11 something like talk at a coffee shop. He said that
12 he could not do that because he could not be seen in
13 public with her. And so -- that he wanted her to
14 come over to his house. And it was within walking
15 distance of The Chase, where she worked, and that
16 she did -- she did end up going over there.
17 Q. Okay. And did she tell you what happened
18 after she went over there?
19 A. Yes.
20 Q. And what did she say?
21 A. She had went into his house, that he was
22 trying to make her feel comfortable because she was
23 nervous. He had given her some sort of
24 loungewear -- some sort of lounge pant to put on and
25 some sort of T-shirt -- not what she wore over

1 She was married, so she was worried about the stuff
2 being out. She has family that she's close to, that
3 she had gotten upset, and that Greitens was trying
4 to comfort her, telling her that it was going to be
5 okay, and that she did end up performing oral sex on
6 him.
7 Q. Did she tell you the circumstances of how
8 that came about?
9 A. I don't recall. I think it was on a
10 floor -- a basement floor. She was upset, and he
11 was consoling her. That's the only thing I can
12 remember from that, besides the actual act.
13 Q. Did she tell you what happened after that?
14 A. That she had went back upstairs. She got
15 back to the salon. She had forgotten her keys
16 there, so she had to go back to his house. She was
17 upset, she was angry, she was embarrassed, and that
18 he said, Just don't worry about it; I have deleted
19 the picture.
20 Q. When she spoke with you, how many days
21 after the incident do you believe it was?
22 A. I'm not sure of the exact number of days,
23 but it was what I would consider, like, fresh --
24 like, it had -- it had newly happened.
25 Q. And what was her demeanor on that phone

1 there, but clothes that he had had, and that he
2 invited her down to his basement to teach her how to
3 do a proper pull-up -- she's really into fitness.
4 She went downstairs. He had bound her hands to some
5 sort of pull-up equipment with some sort of tape
6 that he had, put a blindfold over her eyes. He had
7 ripped her shirt and pulled down her pants some,
8 because -- she has a hernia scar, and he had made
9 some comment about her -- maybe not a scar -- or
10 something abnormal because of the hernia. He had
11 made some comment about that. She had seen a flash
12 through the blindfold, and that he had taken a
13 picture.
14 Q. Did she tell you whether she had consented
15 to that?
16 A. No, she did not consent.
17 Q. Did she tell you whether she had?
18 A. No. She said she was embarrassed and
19 shocked that he had said that she had better not
20 mention his name because he would then distribute
21 the pictures.
22 Q. Did she tell you about anything that
23 happened after that point in time that she told you
24 about?
25 A. Yes. That she was embarrassed and upset.

1 call?
2 A. Embarrassed. Shocked. My -- when she was
3 telling me this, my very first reaction was that
4 it -- he sounded creepy. It was creepy for him to
5 be taking this picture. It doesn't sound like this
6 was, in my opinion, the first time he had done this,
7 because he was taking this picture and using it to
8 keep her quiet, for whatever reason. I thought it
9 was because he was married. She thought he had
10 feelings for her. I -- I didn't think that was
11 true, but she was pretty set on it. She thought
12 that -- that he cared about her.
13 Q. Did she speak to you at any other time
14 after that about her relationship with
15 Eric Greitens?
16 A. We spoke several times after that, and it
17 probably partly had to do with Greitens, but we
18 talked a lot about her marriage problems and then
19 kind of how the Greitens thing was intertwined in
20 this.
21 Q. Did she tell you of any other -- is there
22 anything else that stands out to you about the
23 things she said about Eric Greitens?
24 A. She did recount a story that occurred -- I
25 want to say it was in July, but I didn't hear about

1 it right when -- I only heard about it maybe a month
2 or so ago when we had met up for dinner, about how
3 she had met him back in -- met him again in July,
4 that he was communicating with her through a
5 TracPhone, and that she had went there. His wife
6 was out of town, that she had -- he had asked her if
7 she had any sort of sexual relationship with anybody
8 since they had been together last. She stated that
9 she had had sex with her husband -- her husband at
10 the time, and that that had made him angry, and that
11 he had slapped her in the face and called her a
12 whore.

13 Q. Is there -- I'm going to ask -- this is
14 similar to the last question I asked. Is there any
15 other conversation you recall?

16 A. That she had sent -- well, she had told me
17 that after the event -- the event at his house with
18 the picture, that he had came in sometime after that
19 to the salon -- it would have been before July --
20 before working hours. [REDACTED] was the only one there,
21 and he had showed up. There was some sort of
22 make-out session only then. She had also commented
23 that -- the way her station was set up at the salon,
24 the whole back wall was windows, and that she could
25 see him several times walking past the windows while

1 she was doing hair. She also ran into him one time
2 at a grocery store -- I don't recall which one --
3 and that he was there with a toddler, and that it
4 was uncomfortable for her. That's all -- and that
5 she had sent him an e-mail -- and this would have
6 been after, even, the July incident, that he
7 couldn't come in and get his hair cut, he couldn't
8 come into the salon anymore.

9 MR. BARNES: I have no further questions
10 for now.

EXAMINATION

11 BY MR. PHILLIPS:

12 Q. I'm Representative Don Phillips, and I
13 just have a couple of questions.

14 One is, do you have any knowledge if [REDACTED]
15 was contacted by Governor Greitens or any of his
16 staff or attorney after the story broke? Did she
17 ever share anything like that with you?

18 A. No.

19 Q. Okay. Do you have any knowledge that she
20 received -- or did she tell you about receiving any
21 kind of compensation or anything related to her
22 remaining quiet on the story?

23 A. She specifically told me she did not
24 receive anything.
25

1 Q. Okay. All right.

2 MR. PHILLIPS: That's all I've got.

3 MR. BARNES: Representative Mitten.

4 MS. MITTEN: I have no questions.

5 MR. BARNES: Representative Lauer.

6 MS. LAUER: Yes, Mr. Chair.

EXAMINATION

7 BY MS. LAUER:

8 Q. Jeanie Lauer from the Kansas City area.

9 And I want to ask you about -- from the period of
10 time -- you're good friends for ten years?

11 A. Yeah.

12 Q. And so over the period of time that she
13 was talking to you about the situation, would you
14 describe -- if you were to, like, chart this out on
15 a graph, her level of emotion as she was talking
16 with you about this? So as an example, after the --
17 when she talked to you about she had met him, he was
18 flirtatious, what her emotions were like when she
19 talked to you, and then after the event -- kind of
20 walk through that -- what her emotions were.

21 A. I feel like they were pretty consistent,
22 that it was anxiety and stress -- because her
23 marriage was so intertwined with it, too. A lot of
24 the conversations, even after the event with
25

1 Greitens, had to do with how it would affect her
2 marriage, if it -- you know, her ex-husband -- her
3 now ex-husband found out. She was embarrassed, in
4 general, but I think that -- she was in such a bad
5 place in her marriage, and I think that she really
6 thought that Greitens had feelings for her. So I
7 feel like she was very conflicted, especially
8 between the actions that Greitens was doing and then
9 what he was telling her, how smart she was and --
10 trying to balance those with the -- his actions,
11 too.

12 Q. Okay. And did she ask you for any advice
13 that you gave to her?

14 A. Yes.

15 Q. And what was that?

16 A. Right after it happened, I told her not to
17 tell her ex-husband all of the details. Several
18 months afterwards, her and [REDACTED] were trying to work
19 on their marriage. They were going to counseling.
20 I told her that she should tell him everything. My
21 fear was if they actually made their marriage work,
22 and then a year went by, and she didn't tell him
23 every single detail, and then [REDACTED] found out
24 something she had left out a year from now, then all
25 of the work that she had -- they had put into it to

1 make their marriage work would all be gone. So I
2 told her that she should be fully honest with him
3 about everything that happened.

4 Q. Okay. When you were discussing the first
5 event that she talked with you -- the first meeting,
6 you said that she said that Mr. Greitens was
7 flirtatious --

8 A. Yes.

9 Q. -- or flirty -- yeah, flirtatious. Did
10 she give you any specific descriptors about what
11 that meant?

12 A. Just that he was extremely complimentary
13 of her. He came off really intelligent and good
14 looking and was paying her a lot of attention and
15 compliments. I know that she was eating up --
16 specifically because she was in such a low spot in
17 her marriage.

18 Q. Okay. And, also, the other thing you
19 said, that she -- she did not feel comfortable going
20 to his house.

21 A. Uh-huh.

22 Q. Could you describe that? Did she use any
23 specific descriptors about what that meant?

24 A. No. Not that I can recall.

25 Q. Okay. And when this whole thing came out

1 into the open, you were still communicating with
2 her?

3 A. Yes. We were still talking. I had no
4 indication that this was going to come out except
5 for the fact that I started getting phone calls from
6 reporters. That's how I first found out about it,
7 that a reporter from Politico called me and left me
8 a message asking for some comment. I had no idea
9 what they were talking about. Thirty minutes later,
10 I got another phone call from a reporter, and that's
11 when my husband and I started Googling on, like,
12 Twitter to see what could possibly it be, and that's
13 when I texted her.

14 Q. So she had not given you any indication
15 that anything was breaking?

16 A. I think she was just keeping everything
17 quiet.

18 Q. And so what is your thought on how these
19 reporters got your name?

20 A. I'm not sure how they got my name, but
21 several of them -- I have gotten calls from the
22 New York Times, CNN. I haven't talked to any of
23 them, so I'm not sure -- they just leave me messages
24 telling me they want some comment and it can be off
25 the record; they just want my voice, but I just -- I

1 haven't talked to any of them.

2 Q. Okay. So you've never responded to any of
3 their requests for interviews?

4 A. No. I haven't even answered the phone.

5 Q. You haven't answered the phone?

6 A. No.

7 Q. What is your relationship with [REDACTED] now?

8 A. With [REDACTED]

9 Q. [REDACTED] I'm sorry.

10 A. Still good friends.

11 Q. Okay. And how would you describe her
12 emotions -- her feelings at this point in time, now
13 that everything has come out?

14 A. Anxiety.

15 Q. Okay.

16 A. Stress. She would -- she never wanted
17 this to come out. She would have never brought this
18 out. She's got minor children; she has her own
19 business and -- a lot of stress.

20 Q. Okay. And as her friend, she may have
21 told you what caused her to continue to interact
22 with Greitens. What was it that -- when she said
23 she didn't feel comfortable and had anxiety and so
24 forth, yet she continued? Did she share -- to what
25 degree did she share with you why she was doing

1 that?

2 A. She thought -- I think she thought he
3 cared for her.

4 Q. She thought he cared for her?

5 A. Yes.

6 Q. And you questioned that feeling?

7 A. Immediately.

8 Q. Okay. And why was that?

9 A. Immediately. Because his actions of
10 binding her and taking a picture, it sounded
11 extremely creepy for me. I mean, I didn't
12 understand why he would take great lengths -- that's
13 a really big step to take for your wife not to find
14 out. You know, you take a picture of someone that
15 you're planning to be intimate with, and you're
16 taking a picture and telling her that you'll
17 distribute if she says his name, I thought, was a
18 very big step to take just so his wife wouldn't find
19 out. I didn't even occur me that it would have been
20 any other reason than for his marriage.

21 Q. Okay. And what did she specifically say
22 that caused you come to the feeling that he was
23 creepy?

24 A. The blindfolding, the picture, not wanting
25 her to tell anybody or he was going to distribute

1 this picture, making her change clothes, I thought,
2 was odd. The whole thing, to me, from an outsider
3 didn't seem like he cared at all; it just seemed
4 like a creepy action to me.

5 Q. Okay. As her friend, were you ever
6 concerned about her safety?

7 A. No. Because I thought it was just -- I
8 was concerned about it leaking out to her house --
9 you know, I wasn't concerned for her safety,
10 because, to me, it was just a married man having an
11 affair with a married woman, so my biggest concern
12 was spouses finding out.

13 MS. LAUER: Thank you, Mr. Chair.

EXAMINATION

14 BY MR. AUSTIN:

15 Q. Hi, I'm Kevin, state representative in
16 District 136.

17 You said earlier that you and [REDACTED] were
18 still -- that was when you were still talking, but
19 then you also said you're still friends; is that
20 right?
21

22 A. Uh-huh.

23 Q. Do you guys still talk?

24 A. Oh, yeah. Regularly. Sorry.

25 Q. And when was the last time you talked with

1 her?

2 A. A couple of days ago.

3 Q. Okay. Was there any talk about these
4 hearings that we're having that you're in today?

5 A. Just that I was really nervous and asking
6 her kind of who was in the room. So -- it's
7 intimidating being on this side.

8 Q. I'm sure it is. And I apologize for that.

9 Did you talk about any of the substance of
10 the questions that you could anticipate?

11 A. No. Just that we were sitting here and
12 kind of that the panel would be there.

13 Q. Physical layout?

14 A. Yeah.

15 Q. Okay. Has anybody besides reporters
16 approached you about this?

17 MR. BRIGHAM: Next question. We better
18 keep that ...

19 Q. (By Mr. Austin) Same question. We'll
20 exclude the circuit attorney's office regarding the
21 grand jury.

22 MR. BRIGHAM: Not narrow enough.

23 Q. (By Mr. Austin) Has anybody from
24 Eric Greitens' office or anybody claiming to be
25 associated with Eric Greitens contacted you?

1 A. No.

2 Q. We have what we believe to be a recording
3 made by her husband -- an audio recording of a
4 conversation between her now ex-husband and her. Do
5 you know of any other recordings that he made?

6 A. No. I was surprised to hear that there
7 were audio recordings.

8 Q. Has anybody besides reporters and law
9 enforcement contacted you about this matter?

10 MR. BRIGHAM: I'm hesitant, just
11 knowing -- I don't know if some of the relationships
12 of -- of the relationships between certain offices,
13 so I think we better not answer that, as well, at
14 this time.

15 Q. (By Mr. Barnes) And I'll just ask you --
16 has anybody from Enttera, LLC, or anybody claimed to
17 be associated with Enttera, LLC contacted you?

18 MR. BRIGHAM: We can't answer that
19 question.

20 Q. (By Mr. Austin) When [REDACTED] was describing
21 that -- the event, if you will, did she in any way
22 describe what the tape was that was put around her
23 hands?

24 A. No. I only recall it just being tape.

25 Q. She just said tape?

1 A. Yeah.

2 Q. Did she in any way describe the blindfold?

3 A. No. Just that it was a blindfold.

4 Q. And did she tell you how she knew there
5 was a photograph?

6 A. A flash of light.

7 Q. And did she ever tell you that she
8 actually saw the photograph -- obviously, no?

9 A. No. That she -- she had saw the flash,
10 and then when she came back to get her keys that she
11 left, that he said, I deleted the picture; don't
12 worry about it.

13 Q. Did you -- did she ever tell you or show
14 you any screenshots she made of any texts or copies
15 of any e-mails between her and Eric Greitens?

16 A. No.

17 MR. AUSTIN: That's all.

EXAMINATION

18 BY MR. RHODES:

19 Q. My name is Shawn Rhoads. State
20 representative from West Plains.

21 Just to kind of clarify a couple of things
22 that you have said before. You said you have been
23 contacted by, like, CNN and -- and whatever. Is
24 that on your cell phone, or is that --
25

1 A. Yes.

2 Q. So someone is giving out your cell phone.

3 A. And my full name. [REDACTED] is what

4 they're asking for.

5 Q. Okay. Well, ma'am, who would you

6 speculate has done that?

7 A. I don't know.

8 Q. Okay. Did [REDACTED] husband -- ex-husband --

9 know your cell phone number?

10 A. Yes.

11 Q. Okay. So you said earlier that you and [REDACTED]

12 often talk. Are we talking five times a week? More

13 than that? Once a day? I'm talking talking -- I'm

14 sorry, I want to clarify. I'm talking, talking on

15 the phone, not texting, because I'm sure I am going

16 to answer that question here in a little bit, too.

17 A. I think that we talked more often back in

18 2015 because I was getting my hair done by her. So

19 for a woman, that's, like, six -- every six to eight

20 weeks that I would see her for a couple of hours,

21 getting my hair done consistently, and then talking

22 between my hair appointments, too. I would say more

23 recently, probably once a month.

24 Q. Okay. Do you text each other very much?

25 A. Probably around the same. Probably once

1 or twice a month, a phone call, text, now.

2 Q. So how many times would you say -- and I

3 realize you can't point that you have talked about

4 the -- any incident or any kind of interaction with

5 Eric Greitens and [REDACTED]?

6 A. I would say quite a bit, but in varying

7 capacities, because, again, a lot of our talks may

8 not have been about the event but more about her

9 marriage and her ex-husband and how all of that was

10 kind of being brought into play because of all of

11 our talks about marriage and all of that stuff.

12 Q. Do you think she was really detailed in

13 what she told you, or do you think that maybe she

14 didn't give you all of the details?

15 A. As far as the event?

16 Q. As to what happened and went on during her

17 interaction with Eric Greitens.

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

19 Q. Okay. I want to touch on a question that

20 Representative Phillips had asked about

21 compensation. How did that come up in a

22 conversation?

23 A. Because [REDACTED] had made a comment somewhere

24 about -- I think maybe -- I want to say it was --

25 I'm not real sure -- that [REDACTED] had made some comment

1 about how it must be nice for -- basically implying

2 that [REDACTED] had gotten a new car or that she had been

3 compensated. And [REDACTED] was like, Of course I never

4 got paid anything. So it was all centered around

5 some allegations that [REDACTED] thought she had been paid

6 some hush money.

7 Q. I understand. Okay.

8 A. I was trying to remember where I had seen

9 that conversation. I think it was a third-party

10 Twitter account that we suspected may have been set

11 up by [REDACTED], and that's where that conversation came

12 from.

13 Q. Do you know what that Twitter account is?

14 A. It was, like, show_metro, t-o-o, something

15 like that.

16 Q. Do you think it's still active?

17 A. I'm not sure. I try to stay off of there.

18 Q. I understand.

19 So I want to go back to these calls you've

20 been getting. When did they start?

21 A. I don't know the date, but it was the very

22 evening that the -- Greitens made his -- the --

23 Q. So the night of the State of the State --

24 that didn't get over until, like, 8:30 or nine

25 o'clock, and you immediately started getting calls

1 after that?

2 A. Before that.

3 Q. Before --

4 A. Probably -- if I had to guess, like,

5 between six and seven that evening. It was early.

6 Q. Okay.

7 A. The first one.

8 Q. What is your feelings about someone giving

9 out your number and giving this information about

10 you?

11 A. I'm not happy about it because -- I'm,

12 like, constantly watching my phone to make sure --

13 any number -- I'm not able to answer any number that

14 I don't know. Sometimes they're not leaving

15 messages. We do some sort of reverse lookup to see

16 who it is that's calling. Most recently it's been

17 the St. Louis Post Dispatch. I think my last three

18 or four phone calls have been from a Jack Suntrup

19 from the St. Louis Post.

20 Q. Do they say, Hey, I got your number from

21 so-and-so when they leave a message --

22 A. No.

23 Q. They just say --

24 A. Hey, [REDACTED].

25 Q. They can go straight to the point and say,

1 Hey, we need to talk to you about this; call me
2 back?
3 A. Yeah.
4 Q. Okay.
5 A. They could be off the record -- you know,
6 that kind of -- those kind of comments.
7 Q. I understand. I understand.
8 So when you were talking to [REDACTED] on the
9 phone -- and you may have already said this, and I
10 apologize if I'm asking you a second question that
11 you have already answered. Did she seem upset on
12 the phone; did she seem okay on the phone, just kind
13 of like a normal conversation but just say --
14 telling you what's going on or -- I realize that's
15 several conversations, but at any time did you hear
16 an emotional -- her getting very emotional on the
17 phone or anything like that?
18 MR. BARNES: Can you specify the time of
19 the call?
20 MR. RHOADS: The first one -- the first
21 call.
22 A. She was emotional. To be honest, she was
23 emotional in some way on almost every phone call
24 during that time. Because it was either emotional
25 about what had happened with Greitens or it was

1 EXAMINATION
2 BY MR. PIERSON:
3 Q. I'm Tommie Pierson, Jr., state
4 representative in St. Louis County.
5 So -- just, again, did anyone contact you
6 about Eric Greitens other than reporters -- state --
7 law enforcement or federal law enforcement, any
8 circuit attorney or any staff member of the circuit
9 state's attorney's office, any investigator, expert,
10 or other person retained by or affiliated with the
11 circuit attorney's office?
12 MR. BRIGHAM: Anyone other than that?
13 MR. PIERSON: Yes.
14 A. Nope.
15 Q. (By Mr. Pierson) Has anyone from New
16 Missouri ever contacted you about [REDACTED] or Eric?
17 A. I don't think so, because I'm not sure
18 what that is.
19 Q. Has anyone from Axiom Strategies contacted
20 you about [REDACTED] or Eric?
21 A. Nope.
22 Q. Has anyone from the Dowd Bennett law firm
23 ever contacted you about [REDACTED] or Eric?
24 A. No.
25 Q. Anyone from Scott Rosenblum's office ever

1 emotional about the state of her marriage.
2 Q. Okay. And that -- you reminded me of a
3 question that I had typed up that I was going to ask
4 you.
5 My interpretation of when she was here,
6 she said that she was kind of in a -- in a rough
7 place, obviously, with her marriage not being in a
8 good way, and I'm going to ask you, from that point,
9 when that stuff was going on to now, her dealing
10 with problems in her life, saying they are better
11 than they used to -- because at that point in time,
12 when all of this was going on, this alleged -- what
13 we're talking about here was going on, she appeared
14 to be -- and she even said, I was really distraught
15 and confused and just not in a good place and -- you
16 know, obviously it seems like she's a lot better now
17 than she was. Is that correct?
18 A. Oh, my -- yes. Yes.
19 Q. Okay. I said a lot of words but -- sorry
20 about that.
21 Mr. Chair, thank you.
22 MR. BARNES: Representative Pierson.
23 MR. PIERSON: Thank you, Mr. Chair.
24
25

1 contacted you about [REDACTED] or Eric?
2 A. No.
3 Q. Were you under the impression that [REDACTED]
4 believed that Eric did, in fact, delete the photo?
5 A. Yes.
6 Q. So your relationship started with [REDACTED]
7 based upon the relationship with the husband?
8 A. Yes. I met them both at the same time,
9 but my husband knew her -- knew [REDACTED] before he even
10 met [REDACTED].
11 Q. And how would you describe that
12 relationship now?
13 A. Which relationship?
14 Q. Well, the relationship with [REDACTED].
15 A. My relationship with [REDACTED]?
16 Q. Yes.
17 A. It's nonexistent. Once they got divorced,
18 you almost had to pick a side. And I was still
19 getting my hair done by [REDACTED] and -- it was kind of
20 an ugly time. So I have not spoken to him in a
21 couple of years.
22 Q. Did you talk about a conversation where it
23 was relayed to you that -- in an encounter with
24 Eric and [REDACTED] where she got slapped in the face?
25 A. Uh-huh.

1 Q. And you said that he called her a whore?
 2 A. Right.
 3 Q. Have you ever noticed any -- I guess, any
 4 facial -- any bruises or scars or anything of that
 5 nature on [REDACTED]
 6 A. No.
 7 MR. PIERSON: Thank you.
 8 EXAMINATION
 9 BY MR. BARNES:
 10 Q. Have you shared this information with
 11 anyone other than the list that Representative
 12 Pierson -- let's go back. Scratch that. Let's
 13 start it this way.
 14 Prior to January, did you share any of
 15 this with anyone other than [REDACTED]?
 16 A. The attorneys at the law firm that I work
 17 with, when I started getting phone calls. My
 18 husband, also.
 19 Q. You described to us two acts, at some
 20 level, of a physical altercation between Greitens
 21 and [REDACTED]. Are there any other incidents that
 22 you're aware of beyond those two acts?
 23 A. No. Not -- just what information I gave
 24 you today. That's all I know.
 25 MR. BARNES: Okay.

1 Representative Lauer.
 2 MS. LAUER: Yes, Mr. Chair. A few
 3 follow-up questions.
 4 MR. BARNES: Yes, ma'am.
 5 MS. LAUER: Thank you.
 6 EXAMINATION
 7 BY MS. LAUER:
 8 Q. As being a hairstylist -- and in that
 9 business, I know that in my experience, it is very
 10 normal to have conversations with a hairstylist
 11 while you're spending time there and so forth. Was
 12 that natural for her to do with her customers, to
 13 have conversation and just kind of get to know her?
 14 A. I'm not sure. I was already friends with
 15 her by the time I started getting -- having her do
 16 my hair, so I really didn't see her do anybody
 17 else's hair.
 18 Q. Okay. All right.
 19 A. I'm not sure.
 20 Q. At the time -- during the times when she
 21 was talking to -- and you said she had anxiety and
 22 stress about her situation with her ex-husband and
 23 so forth. Did she give you any indication that
 24 there was a concern of what the ex-husband might do?
 25 A. I think that all of us that knew -- my

1 husband, me --
 2 MR. BRIGHAM: Are you asking if [REDACTED]
 3 expressed that to her?
 4 MS. LAUER: Yes. I'm sorry.
 5 A. Yes. That it -- that he would -- that it
 6 was kind of hung over her head that he had this
 7 information.
 8 Q. (By Ms. Lauer) Okay. And continuing with
 9 that, did she share -- did [REDACTED] share with you any
 10 specifics as to what she was concerned that her now
 11 ex might do to her, to Greitens, to anyone?
 12 A. I think she was just afraid he'd tell.
 13 Q. That he would tell?
 14 A. Right.
 15 Q. Whom?
 16 A. Tell whoever would listen -- his friends,
 17 her family, his family. I think that was her
 18 biggest fear, is that he just wouldn't keep it under
 19 wraps. You know, that he had this information; he
 20 was hurt by this information, and that she was
 21 worried about what he'd do with the information.
 22 Q. And did she feel that there was a risk
 23 that he would share this publicly?
 24 A. Yes.
 25 Q. She did state that?

1 A. That she was scared that he would say
 2 something?
 3 Q. Yeah. That he would share this
 4 information publicly.
 5 A. Publicly to not her friends and family?
 6 Q. Uh-huh.
 7 A. I'm not sure.
 8 Q. Okay.
 9 A. I'm not sure how to answer that.
 10 Q. All right. And I just want to confirm the
 11 money -- that she had not received any monies for
 12 keeping quiet and not sharing anything. Have you
 13 been at her home?
 14 A. Have I been to [REDACTED] home?
 15 Q. Uh-huh.
 16 A. Yes.
 17 Q. Have you noticed any remodeling that was
 18 done there in the kitchen area?
 19 A. No.
 20 Q. Okay. Have you noticed that she has a
 21 different vehicle than what she might be driving
 22 originally?
 23 A. No. I haven't noticed anything.
 24 Q. She still has the same vehicle, same
 25 kitchen?

1 A. Nothing that I have noticed.
 2 Q. Okay.
 3 A. But I don't know. I don't really pay
 4 attention to that stuff. Sorry.
 5 Q. And at any -- at any time during her
 6 discussions with you, she shared that she had
 7 feelings for him, that -- and that she did not feel
 8 like that was reciprocated. Is that right? Or did
 9 she feel that there was a love or -- whether you
 10 might call --
 11 A. Yes. Absolutely.
 12 Q. She did feel that?
 13 A. I think she felt that Greitens cared a lot
 14 about her.
 15 Q. Okay.
 16 A. I think that was from the beginning, she
 17 felt that.
 18 Q. Okay. And did she share why she felt that
 19 way?
 20 A. I think because he was saying nice things
 21 to her. He was making nice comments, very
 22 complimentary -- like, this was a new thing for him
 23 to be outside of his marriage. I think she felt
 24 special.
 25 Q. Did she feel excited about that, as in

1 in Illinois that you want to live and don't want to
 2 be dragged down here to Jefferson City, and I wish I
 3 could give you specifics, but I have no specifics at
 4 this time.
 5 MR. BRIGHAM: Could this be used as a
 6 deposition-type testimony, something like that?
 7 MR. BARNES: If we need to go there, we'll
 8 go there.
 9 MR. BRIGHAM: Fair enough.
 10 MR. BARNES: Thank you.
 11 And now I will motion that we recess
 12 until -- he's coming in at 3:30 -- 3:15?
 13 We'll recess until 3:15. All of those in
 14 favor, signify by saying "aye."
 15 (Unanimous "aye")
 16 MR. BARNES: Actually, let me back up.
 17 Having voted and decided that -- the
 18 prevailing side, I'd like to reconsider the motion
 19 to reconvene at 3:15, and instead we will reconvene
 20 at 3:30, the time we actually told him to get here,
 21 and we will each show up 15 minutes early.
 22 So now the motion is to roll call to
 23 reconsider the previous motion.
 24 Mr. Secretary, please call the roll.
 25 MR. CURCHIN: Barnes.

1 joyful?
 2 A. I don't remember her feeling excited about
 3 it; I just remember her feeling anxiety about the
 4 whole situation.
 5 MS. LAUER: All right. Thank you.
 6 Thank you, Mr. Chair.
 7 MR. BARNES: I have just a few more.
 8 EXAMINATION
 9 BY MR. BARNES:
 10 Q. You testified earlier that [REDACTED] said
 11 she was uncomfortable going to Greitens' house.
 12 A. Uh-huh.
 13 Q. Did she express why?
 14 A. Not that I recall.
 15 MR. BARNES: I have no further questions.
 16 Thank you for taking the time to come down
 17 and speak with us today. We appreciate it.
 18 [REDACTED]: You're welcome.
 19 MR. BRIGHAM: Thank you.
 20 Is there a process, just to kind of set
 21 the table for what could potentially happen in the
 22 future, in terms of testimony or --
 23 MR. BARNES: At this point in time, we
 24 will not -- I appreciate the question because you're
 25 trying to plan -- you know, you've got a life and --

1 MR. BARNES: Aye.
 2 MR. CURCHIN: Phillips.
 3 MR. PHILLIPS: Aye.
 4 MR. CURCHIN: Mitten.
 5 MS. MITTEN: Aye.
 6 MR. CURCHIN: Lauer.
 7 MS. LAUER: Aye.
 8 MR. CURCHIN: Austin.
 9 MR. AUSTIN: Aye.
 10 MR. CURCHIN: Rhoads.
 11 MR. RHOADS: Aye.
 12 MR. CURCHIN: Pierson.
 13 MR. PIERSON: Aye.
 14 MR. CURCHIN: Okay. That motion is
 15 carried, seven.
 16 MR. BARNES: So the witness may show up
 17 early. I know everyone wants to go home as early as
 18 they can. So let's -- can we recess to an
 19 indefinite time, and people plan to be back here
 20 about -- let's recess until three o'clock, and we
 21 may stand at ease until such time as the witness ...
 22 All of those in favor of recessing until
 23 3:00 p.m. say aye.
 24 (Unanimous "aye")
 25 MR. BARNES: The ayes clearly have it.

1 We'll stand in recess.
 2 And we can go off the record.
 3 (A recess was taken.)
 4 (Exhibit No. 2 was marked for
 5 identification.)
 6 MR. BARNES: I call us back to order.
 7 And I now move, while we're waiting on the
 8 witness, to close Monday's session, which will begin
 9 at 1:00 p.m.
 10 All those in favor will vote yes, and all
 11 those opposed will vote no.
 12 MR. CURCHIN: Summarize what will be
 13 involved in that.
 14 MR. BARNES: Monday at one we are hearing
 15 from another person I identify is by [REDACTED] as someone
 16 she spoke with in the week or two after March 21st.
 17 Mr. Secretary.
 18 MR. CURCHIN: Barnes.
 19 MR. BARNES: Aye.
 20 MR. CURCHIN: Phillips.
 21 MR. PHILLIPS: Aye.
 22 MR. CURCHIN: Mitten
 23 MS. MITTEN: Aye.
 24 MR. CURCHIN: Lauer.
 25 MS. LAUER: Aye.

1 MR. CURCHIN: Austin.
 2 MR. AUSTIN: Aye.
 3 MR. CURCHIN: Rhoads.
 4 MR. RHOADS: Aye.
 5 MR. CURCHIN: Pierson.
 6 MR. PIERSON: Aye.
 7 MR. BARNES: There were seven ayes. We
 8 vote to close Monday's hearing.
 9 And now we will stand at ease until the
 10 witness arrives.
 11 MR. BARNES: We are now back in session,
 12 having recessed. It is approximately 3:45 in the
 13 afternoon.
 14 Mr. [REDACTED], my name is Jay Barnes; I'm the
 15 chairman of this committee. I'm a state
 16 representative here in Jefferson City. Before we
 17 start, I'm going to swear you in.
 18 [REDACTED]
 19 being first duly sworn, was examined and testified as
 20 follows:
 21
 22 EXAMINATION
 23 BY MR. BARNES:
 24 Q. Please state your name.
 25 A. [REDACTED]

1 Q. And have you ever given testimony in a
 2 deposition -- not in front of a grand jury or any
 3 sort of investigation, just a deposition?
 4 A. No, sir.
 5 Q. Okay. Well, this is not a deposition, but
 6 it's kind of like a deposition, so there's some just
 7 basic ground rules. One is, if you don't understand
 8 a question, that's okay. Stop the person asking the
 9 question and ask them to ask it again.
 10 A. Yeah.
 11 Q. The second rule is, you can't nod your
 12 head yes or shake your head no, you have to answer
 13 "yes" or "no," because the court reporter cannot get
 14 a head shake.
 15 A. Yes, sir.
 16 Q. Okay. And the third rule is if you need
 17 to stop for any reason, just let us know, okay? And
 18 we can do that.
 19 A. Yes, sir.
 20 Q. Okay. You should also know that the
 21 committee will redact your name and certain
 22 information for privacy reasons. We insist that the
 23 rules establishing this committee allow us the
 24 authority to do that, so feel free to speak freely
 25 and know that we have the power with that.

1 A. Thank you, sir.
 2 Q. I want to start with what I've set on that
 3 table, which is an e-mail that was sent by your
 4 attorney to us in response to a request for
 5 documents. Do you recognize this e-mail?
 6 A. Yes, sir.
 7 Q. And how do you recognize it?
 8 A. It was an e-mail that I sent when I had
 9 suspected my ex-wife of being at her home -- being
 10 Sheena -- Sheena's home during a time that she
 11 wasn't there.
 12 Q. Is it a fair and accurate representation
 13 of the e-mail that you sent?
 14 A. Is this the e-mail that I sent?
 15 Q. Yes. Is it a fair and accurate
 16 representation of that e-mail?
 17 A. Yes.
 18 Q. It is, in fact, that e-mail?
 19 A. Yes, sir.
 20 Q. And on page 2, is that the response -- are
 21 these the responses that you received in response
 22 from Sheena Greitens' e-mail?
 23 A. Yes, sir. I think it was an
 24 auto-response.
 25 Q. That's what it looks like to me, as well.

1 A. Yes, sir.
 2 Q. Okay. Did you ever speak with Sheana
 3 Greitens?
 4 A. Not specifically.
 5 Q. Did you -- how did you know that your
 6 ex-wife was at the Greitens' home at the time that
 7 you sent this e-mail?
 8 A. I had driven -- I had driven by multiple
 9 times when I suspected that she wasn't at work when
 10 she was supposed to be at work, and I seen my car --
 11 her car/my car out in the front of the home.
 12 Q. And that was on this date in question, on
 13 July 3rd?
 14 A. Yes, sir. Yeah, I believe. I was on my
 15 way to or from work. It was during the day.
 16 Q. Okay. Your attorney also sent certain
 17 recordings to the committee. Have you listened to
 18 those recordings?
 19 A. In the past, yes.
 20 Q. Okay. Did you participate in those
 21 recordings?
 22 A. Yes, sir.
 23 Q. Were you the person who, in fact, recorded
 24 those conversations that were sent to this
 25 committee?

1 A. Yes, sir.
 2 Q. And have you altered them in any form or
 3 fashion?
 4 A. Absolutely not.
 5 Q. Were -- who had possession of those
 6 recordings before they came to this committee?
 7 A. From my understanding, only myself and my
 8 attorney.
 9 Q. And are those recordings true and accurate
 10 depictions of conversations that you had with your
 11 ex-wife, [REDACTED]
 12 A. Absolutely.
 13 Q. Now, those recordings have a lot of
 14 information in them and conversations that really
 15 are no business of this committee and your marital
 16 relationship with your ex-wife. Obviously, though,
 17 the -- her relationship and your conversation about
 18 her interactions with Eric Greitens are relevant.
 19 So before I ask you the next question, I want to
 20 start with the preface that we don't want to get
 21 into the feelings and the marital strife that you
 22 have; we want to talk about what she told you about
 23 Eric Greitens.
 24 A. Yes, sir.
 25 Q. Okay?

1 A. Yes, sir.
 2 Q. And so other than the recordings that you
 3 sent us -- in particular, recording No. 1, did your
 4 ex-wife ever speak to you about contacts she had
 5 with Eric Greitens?
 6 A. Yes, sir.
 7 Q. And other than what she told you in that
 8 long recording that has been -- parts of which have
 9 been played on the air, what did she tell you?
 10 A. In --
 11 MR. WATKINS: In addition to what was on
 12 the recording.
 13 Q. (By Mr. Barnes) Let me narrow my question,
 14 okay?
 15 A. Okay.
 16 Q. Let's start with -- I believe the date was
 17 March 21st of the incident in the basement.
 18 A. Yes, sir.
 19 Q. Okay. And you had a conversation -- on
 20 what date did you record the conversation in your
 21 car -- I believe it was in the Save-A-Lot parking
 22 lot?
 23 A. That was the following -- it was the --
 24 March 21st was on a Saturday -- 22nd, 23rd, 24th --
 25 so the 25th.

1 Q. Wednesday, March 25th?
 2 A. Wednesday, March 25th was when the
 3 recording was made.
 4 Q. So we obviously know from that recording
 5 what she told you in that recording on March 25th.
 6 Is there anything else she told you that day on
 7 March 25th?
 8 A. On that day, no. That was the extent --
 9 that was the extent of our discussions regarding
 10 that.
 11 Q. When was the next time she talked to you
 12 about the events of March 21st?
 13 A. We spoke about it many times. Many times
 14 after that, probably within a week.
 15 Q. What else did she tell you about the
 16 events of March 21st that is not on the tape
 17 recording?
 18 A. Within a few weeks of the recording, a
 19 period of reconciliation had begun between my
 20 ex-wife and I, and over the course of a month or
 21 two, had many conversations, many hours spent
 22 talking about all sorts of things -- other details
 23 were explained. The story always stayed the same;
 24 just additional details came out.
 25 For instance, she initially didn't tell me

1 that when she walked in, he had -- he asked her to
2 go in the bathroom and put his clothes on, and that
3 the clothes that he removed from her when she was
4 tied up were actually his clothes, being shorts and
5 a T-shirt, which he ripped off of her. That was
6 information that was told to me afterwards. I don't
7 think it was even touched on in the initial
8 discussion.

9 How specific would you like me to get,
10 sir?

11 Q. I would like to know as specific as you
12 accurately recall --

13 A. All right.

14 Q. -- what she told you.

15 A. Okay. In the first one -- in the first
16 conversation about the incident, she said that she
17 forgot her keys and had to return after this, saying
18 that when the picture was taken, she freaked out and
19 asked to leave, left, went to work, forgot her keys,
20 had to come back, but there was only discussion, but
21 it went on for far longer than it should. He was
22 enticing her and comforting her and these other
23 things. And then later, I was -- she told me
24 that -- in the kitchen, actually, when she returned,
25 that he -- that she gave him a blow job in the

1 kitchen, and that's when I learned -- after that,
2 which was not in the initial conversation.

3 Q. What else about that day?

4 A. Yeah, she discussed that she was told to
5 not park anywhere near there and to come -- she kept
6 her car in the Chase garage, walked the few blocks
7 down there, but walked by an alleyway behind the
8 house. She described then how there was a detached
9 garage and a fence that was high. She would be let
10 in through the back door; she went through the
11 fence. The back door then led into a kitchen-type
12 area, which is where the -- he was sitting with her
13 keys on the table, invited her in; they talked, and
14 then it unfolded into more of a sexual encounter.

15 Q. Let's go back to the morning. Did she
16 describe to you anything that happened after she --
17 describe being removed from the exercise rings?

18 A. The only thing she would say was just more
19 detail about the conversation and about how upset
20 she was, that she left; he was apologizing saying he
21 would delete the photo, and that that's not what he
22 wanted, he thought that this is what she wanted, and
23 some other things along those lines.

24 Q. Okay. Is there anything else about that
25 day, in particular, that you recall her talking

1 about?

2 A. Oh, that was -- that was the initial one.

3 Q. Okay.

4 MR. BARNES: I'd advise counsel to let the
5 witness answer the questions.

6 Q. (By Mr. Barnes) After that day, did you
7 have any conversations with your ex-wife about other
8 encounters with Eric Greitens?

9 A. Yes. Many.

10 Q. Can you describe any of those other
11 encounters?

12 A. Yes. During the first reconciliation
13 period, she told me more details about the first
14 encounter. She would tell me about other times
15 where she had conversations with him. She wouldn't
16 necessarily tell me if they were on the phone, but
17 she always said he was very protective, so it's
18 unlikely it was on the phone. I tried to get
19 details about if he was coming into the salon or if
20 she was meeting him otherwise, and she never led on
21 to specifics, necessarily, about conversations that
22 were had in that exact period.

23 Then later, around July -- late July,
24 August, during the second reconciliation period,
25 where I knew lots and lots of information was being

1 withheld from me, I knew something had been going
2 on -- during the period in between the
3 reconciliation periods -- because everything was on
4 a trajectory for reconciliation, and then suddenly I
5 was cut off. I suspected that there was a good
6 reason for that. And then she had a change of heart
7 again. During our second reconciliation, she
8 finally confessed around August time that during
9 that time, that they did have other meetups, one of
10 which she told me about was in a guest bedroom next
11 to his son's bedroom -- it was upstairs. She went
12 into pretty graphic detail and said that in the
13 beginning of the encounter, that he asked her if she
14 had been with anybody else, and she said, Yes, I was
15 with my husband; we were trying to reconcile. He
16 then hit her in the face, according to her -- she
17 said that he hit her in the face. And that during
18 that sexual encounter, while things were happening,
19 he got extremely rough with her, and she was crying
20 and asking him to stop and -- some other sexual
21 detail.

22 Q. What -- you said "and some other detail."
23 What other detail about asking him to stop?

24 A. That he was calling her names, that he
25 called her a whore and similar names. It was just

1 getting very rough in a sexual sense, and she was --
2 she said she was crying at that point and then asked
3 to go to the bathroom.

4 Q. Were there other events that she told you
5 about?

6 A. She led on to other encounters but never
7 got specific in that sense. She told me about a few
8 encounters that happened at work where he would come
9 in unannounced and be in the chair and make
10 appointments and things like that where she was --
11 during reconciliation was telling him to please go
12 away, and he was showing up at her work.

13 MR. BARNES: Representative Phillips.

EXAMINATION

14 BY MR. PHILLIPS:

15 Q. Don Phillips, state representative from
16 District 138, down by Branson.

17 My questioning is going to be a little bit
18 different.

19 The transcript that we -- the transcript
20 that we have, based on the recording that you did,
21 were you ever compensated for the release of that
22 information?

23 A. I spoke to the Post-Dispatch well before,
24 and I have received nothing so far. My lawyer has a
25

1 trust account that someone put something in after
2 speaking to the Post-Dispatch, to cover lawyer fees
3 and all of the things that were about to happen to
4 me financially because of the fallout, but I had
5 spent 15,000 or so dollars of my own prior to all of
6 this, trying to keep all of this quiet, and then
7 everything exploded underneath me. And while I was
8 talking to the Post, someone contacted my lawyer and
9 said he was going to help with legal fees.

10 Q. Okay. So that's the Post-Dispatch. Is
11 there anybody else that has offered you any kind of
12 compensation for the release of any of this
13 information or encouraged you in that regard?

14 MX. SPEAKER2: I want to make sure there's
15 clarity here, because I think what you just said was
16 the Post-Dispatch offered and --

17 MR. PHILLIPS: Did I get that wrong?

18 MR. WATKINS: Yeah. So I'm instructing --
19 you know, my client has been very, very candid with
20 me about the forthcoming nature of my scope of
21 disclosures that can be made.

22 MR. PHILLIPS: Okay.

23 MR. WATKINS: The representation by our
24 firm of Mr. [REDACTED] commenced in September of 2016,
25 before the election.

1 MR. PHILLIPS: Okay.

2 MR. WATKINS: There was significant
3 resources that were expended by my client.

4 MR. BARNES: Counsel, we are not directing
5 questions to you.

6 MR. WATKINS: I understand that, but --

7 MR. BARNES: Counsel, we are not --

8 MR. WATKINS: I understand that --

9 Mr. Barnes, please understand --

10 MR. BARNES: Counsel --

11 MR. WATKINS: -- I have a duty and an
12 obligation to my client. I will not allow him to
13 compromise the integrity of his rights as a client
14 with an attorney. So with respect to anything
15 having to do with finances --

16 MR. BARNES: You can state your objection
17 to the question and he can either answer it or not
18 answer it, but we are not asking questions of
19 counsel.

20 MR. WATKINS: I understand. And I
21 don't -- I'm not answering questions or asking any
22 questions; I'm providing you with information. You
23 can choose to listen to it or choose not to, and
24 that's up to you, but I'm making a record. I will
25 instruct my client to feel free to disclose any and

1 all information that he has that is within the
2 subject matter of the purpose of this committee and
3 to do so --

4 MR. BARNES: And the subject matter of
5 this committee --

6 MR. WATKINS: So I have a duty and an
7 obligation to my client that I will discharge today.
8 Go ahead and answer any questions. If I
9 instruct you not to respond, please do so.

10 A. I -- the Post didn't give me anything, and
11 I have not received any money.

12 Q. (By Mr. Phillips) That's all I needed to
13 know. Thank you.

14 Now, as far as -- what was your motive for
15 releasing the information?

16 A. I didn't want the information released.
17 The only reason I -- the reason that I retained
18 counsel is, A, I felt that the person that had
19 threatened my wife at the time probably knew that
20 she had told me, and I feared for my safety and my
21 life and everything, if he knew that I had
22 information, especially since he had started a
23 campaign shortly afterwards. The guy frightened
24 me -- things frightened me about the situation; I
25 wanted nothing to do with him.

1 So the first thing I told my attorney was,
2 I need a lawyer, somebody in law to have this
3 recording in case I turn up dead so you guys know
4 who to go after. I'm just telling you the exact
5 words that I said to this man.

6 Secondly, I said, I don't want this to go
7 anywhere. I've already been contacted by somebody
8 that knows the rumors. People had contacted me
9 and -- a representative, actually -- a politician
10 guy who I was mutual friends with -- or wasn't
11 friends with him -- we had mutual friends. He
12 contacted me and talked to me and everything, and I
13 realized, this is a political game; I want nothing
14 to do with it. So I went straight to him and said,
15 You've got to represent -- somebody has got to
16 represent me so I can send this to you for you to
17 keep this crap quiet. I need this crap quiet. I'm
18 over the marriage. We were in the process of a
19 divorce. I didn't want it to come out in the
20 divorce. I didn't want anything to happen where my
21 children knew about any of this. I didn't want any
22 of this.

23 Over the course of the last two years,
24 probably once -- once a month, if not more frequent,
25 on occasion, less frequent on others, somebody would

1 members and my boss, no one knew some of these
2 details -- nobody knew these details, and these were
3 coming back to me on my work voicemail.

4 All of that, I'm calling him saying, These
5 people know something, and they're saying that
6 they're going to go with the story with or without
7 me. That's all I kept hearing, and they were -- it
8 was -- was a threat, certainly, the way that these
9 things were being presented to me, saying, We know
10 this; we know this; we're going to go ahead with
11 this with or without you. It was media manipulation
12 where they're telling me they've got something. And
13 all I thought was, either this man was hacked or my
14 phone was hacked. Because around the same time, my
15 Facebook -- my Facebook, my phone, all sorts of
16 digital things that I work with were acting real
17 funky -- and I'm an awfully savvy guy, so I'm -- I'm
18 not super susceptible to being hacked, but I'm also
19 willing to admit that anything can happen, and I'm
20 not the most technical guy. So I'm freaking out
21 thinking that this audio is out there, because all
22 of the details in the audio are being told back to
23 me in the media. Scared me to death.

24 But the kicker for me was, my daughter got
25 a voicemail from the media -- my teenage daughter.

1 contact me, either through a voicemail or leaving a
2 business card or something in my home -- in my front
3 door, in my mailbox, et cetera. Not enough where it
4 freaked me out where I needed to do anything, but
5 enough where I would always send it to my lawyer
6 saying, So-and-so from this station contacted me;
7 so-and-so from this magazine contacted me; please
8 make sure this is quiet.

9 All of a sudden, November, December of
10 last year, I was getting messages four or five times
11 a day from all sorts of places that I -- some that I
12 knew; some that I didn't. Some national,
13 international publications, some small -- a whole
14 bunch that I couldn't keep track of, and I didn't
15 want anything to do with it. But something had
16 happened with a rumor or the story had got into the
17 wrong hands where it was going somewhere.

18 Authorities knew a lot more and apparently
19 were all over this and media was all over this.
20 They were swarming me, and I couldn't -- I couldn't
21 go to work without having work -- voicemails on my
22 work saying -- and I mean down to the details --
23 down to the details I've never told anybody, down to
24 the details I know that he's never told anybody.
25 And aside from -- and I mean a couple of family

1 She forwarded me the voicemail that was sent, and
2 that was it, man. Like, I had to -- we had some
3 serious conversations to be had. There was a couple
4 of media outlets that said that they were going to
5 go with the story right around the time that it was
6 about to break. They gave me a timeline,
7 essentially. Different publications gave different
8 timelines, and, ultimately -- ultimately, I felt
9 like I had, absolutely had to get out in front of it
10 in order to, A, ask whoever broke the story to
11 please not use my ex-wife's name, to please not use
12 my child's name in that voicemail, to please try to
13 protect the sanctity of my family, the privacy of my
14 family. I begged for that, and I needed to get out
15 ahead of the story, because one of the ways that it
16 was being put to me -- and I don't -- no offense to
17 everyone that's in politics, but I know enough about
18 some of these papers that are owned and in the
19 pockets of some of these parties and politicians,
20 that they were going to spin it to make my ex-wife
21 look like some dirty blackmailer or something that
22 was trying to take down the governor, and that's not
23 who she is. We may have our differences, but we're
24 coparents, and we're responsible for these kids, and
25 I don't want them in the limelight. And I certainly

1 don't want my ex-wife in the limelight as a bad
2 person and destroying her reputation in front of my
3 children. And I -- I just felt it necessary -- I'm
4 sorry to cut you off, sir. I just felt that I had
5 no choice but to jump on the grenade, so to speak,
6 and take some of the shrapnel and let -- take some
7 of the fallout for hopefully the benefit of my
8 children and the reputation of their mom.

9 MR. PHILLIPS: And I think that's the very
10 reason I asked you that question, because you
11 undoubtedly care about your children, that's pretty
12 obvious, and your wife cares about those children.
13 You have more than one, I assume?

14 A. Yes, sir.

15 Q. (By Mr. Phillips) I'm using the plural
16 here. Okay.

17 So your testimony, then, is that you
18 didn't voluntarily go and release any information
19 because that would have been harmful to not only
20 your wife's reputation but your children -- and very
21 harmful for them and yours as well. And so anything
22 that's tied into compensation goes through -- I
23 don't understand the trust part of this, but it goes
24 through a trust through your attorney; is that
25 right?

1 A. Yes, sir.

2 Q. Okay.

3 A. I don't want anything. If it was offered,
4 I don't want it.

5 Q. Okay.

6 A. I want to take care --

7 Q. To help with the legal fees, is that what
8 you're saying?

9 A. Yeah. Legal fees and if -- who knows. If
10 something was given or whatever, this is going into
11 a trust for my children. I want nothing. I don't
12 want a thing. I don't want any of this. I don't
13 want a part of this. I don't want to be in the
14 news. I don't want my ex-wife in the news. I don't
15 care about politics. I don't care what happens to
16 this man. I wish him luck. I don't want anything
17 to do with this; I really don't. I cannot overstate
18 that. I don't want to be here.

19 Q. Now, to get back with what you just said
20 real quick. It's hard for me to imagine a husband
21 whose wife has been through this with another man
22 and be that forgiving. Have you always had that
23 attitude? It's like, Oh, well, I wish him the best.
24 I hope he gets along well?

25 A. Yeah.

1 Q. That really doesn't make too much sense to
2 me.

3 A. I think it does, sir, if you were raised
4 with my principles and my parents and my background
5 and my spirituality and the way I am in my life
6 these days, the person I'm in love with, the person
7 that loves me now. Believe me, sir -- I have been
8 through this before. When I was 21 -- I had a child
9 at 17 with my high school sweetheart. My Baptist
10 background told me I had to marry her at 18. I
11 married her at 18. We were never supposed to be
12 married; we were two kids. That woman had an affair
13 on me and cheated on me with some ex-boyfriend.
14 I've been through this before.

15 Q. Uh-huh.

16 A. And that boyfriend ultimately did me a
17 favor, and me that woman are better than ever --

18 MR. BARNES: Let's get back to the focus
19 of --

20 THE WITNESS: I'm just answering the man's
21 question based on a principle, because some men
22 probably couldn't forgive.

23 A. But I guarantee you guys, this man has
24 this much (indicating) to do with my daily thoughts
25 or my life or anything. My life is better than

1 ever, and I want nothing more than a good
2 relationship with the mother of my kids. That's all
3 I care about.

4 Q. (By Mr. Phillips) Okay. All right.

5 A. Truly.

6 Q. Did you say earlier that you had been
7 threatened, or did I misunderstand that?

8 A. No. The -- the media -- the way that was
9 being --

10 Q. The way the media did?

11 A. Yeah, the way the media was presenting
12 these things.

13 Q. Okay?

14 A. Saying -- giving all the details, and
15 we're going with this story, regardless. That's --
16 that was the scariest.

17 Q. Right.

18 A. I'm thinking, you know, what am I going to
19 read in the paper in the morning?

20 Q. I understand that. So there was never a
21 threat coming from the governor's office or any of
22 his people or calls from an attorney or
23 representative of the governor in any way?

24 A. No, sir.

25 Q. Okay. One more question, real quick.

1 Did you give the media or names released
2 to the media of any of -- friends of your wife or
3 your friends or so that they could contact them and
4 get statements from them and so forth?

5 A. I don't recall giving anything to the
6 media. I gave my lawyer the few names of the people
7 that knew the story as I did from my understanding.

8 Q. Okay. So your role would have been
9 passing information along to your attorney?

10 A. Yes, sir.

11 Q. Okay. And then one more thing, real
12 quick, that I happened to think about. Earlier, I
13 think, if I understood you right, you said something
14 about what prompted this e-mail on 7/3 of '15 to
15 Sheena Greitens, was that you saw your wife's car,
16 as I understood it, at his home; is that right?

17 A. Yeah. On the street.

18 Q. Okay. And so, typically, I think you said
19 after that, that she would park her car somewhere
20 else and walk up there to his house. Why would she
21 be careless on that day and have her car parked
22 right out there in plain sight?

23 A. During that period, she was parking at a
24 different garage -- a farther garage because the
25 Chase Park Plaza garage was closed for construction,

1 but I knew she had left the house at an hour that
2 wasn't normal, so on my way to work or wherever I
3 was going, I would drive by there and see if the car
4 was there.

5 And you've got to remember, this was the
6 time -- right after a reconciliation period that
7 seemed to be going well, as far as I was
8 concerned -- all of a sudden, I was cut off. So I
9 was -- I was an emotional disaster. I was sleeping
10 an hour and a half a night. It was the worst time
11 in my entire life.

12 But during this second reconciliation
13 period -- the deterioration of that reconciliation,
14 I was able to really grasp life and accept things
15 and move on. But that summer was --

16 MR. PHILLIPS: Okay. Thank you.

17 MS. MITTEN: I have no questions.

18 MR. BARNES: Representative Lauer.

19 MS. LAUER: Yes, Mr. Chair. Thank you.

20 EXAMINATION

21 BY MS. LAUER:

22 Q. What was your reason for audio taping this
23 conversation?

24 A. Well, I mean, just like I said about the
25 summer, I was an emotional wreck. My -- my wife at

1 the time, I had seen on her phone a few weeks prior,
2 numbers that were connected to his phone -- they
3 were his phone number. I had always known for many
4 years that she had a crush on this guy and that --

5 Q. For how long did you think she had a
6 crush --

7 A. I knew she had a crush on him for a number
8 of years.

9 Q. A number of years?

10 A. Yeah, yeah. Since she had met him. He
11 was just a client that she spoke of in a way that
12 she wouldn't talk about other clients. And we were
13 married for ten years. I know when, you know, my
14 wife at the time, was attracted to another man. And
15 this wasn't the first time.

16 So seeing those types of patterns and
17 going through a number of weeks of not sleeping,
18 knowing that my wife had been texting and calling
19 and potentially meeting with another man had
20 destroyed me, and she wasn't telling me.

21 It's a pretty common practice by me in my
22 profession, and the way that my mind works -- I'm
23 not very organized --

24 Q. I'm sorry. Back up. you said it's a
25 pretty common practice for you to audio people?

1 A. No, no, no. To audio -- let me finish.

2 To use my phone as, like, a memo pad.

3 First of all, I have to drive a lot because my
4 children are in two different school districts, and
5 I -- I'm in music -- I do music for a living. So
6 it's a habit, instead of writing down a memo or
7 jotting down in a notebook, I will use the audio
8 recorder to say, I have to be at 7-Eleven at
9 so-and-so time, or I have a song idea, and I'll sing
10 into my phone. And, you know, I've done that a lot.
11 I've -- I've never recorded anybody before, but I
12 recorded myself taking notes, a lot of -- songs, all
13 sorts of things. And all you know is that something
14 had happened on the 21st, when my wife wasn't
15 sleeping for a number of days. No sleep. Something
16 was tearing her up. I had been torn up for a number
17 of weeks. And on Wednesday morning at 3:00 a.m. on
18 my drive to work that day, she had called me to tell
19 me that she needed to speak to me. And I knew that
20 whatever it was going to be -- from the sound of her
21 voice, it was going to devastate me. So I asked her
22 not to tell me prior to me going to work and to tell
23 me at the end of my workday.

24 I left the office around 11:30 or noon,
25 picked her up, took her to the parking lot -- had

1 been up since three, had not slept, really, in
2 weeks, and knew that something huge was happening.
3 I also knew that it was my legal right to record her
4 in Missouri -- in Missouri -- under the law. So I
5 put the phone in the cup holder, hit record, knowing
6 this was going to be a long and detailed
7 conversation to which I was not going to be
8 emotionally ready to handle all the details.

9 It's as easy of an answer as I can give.
10 That was my motive. Did I know anything like this
11 was coming? Absolutely not. I had no clues. I
12 thought she was going to tell me that she was
13 beginning something on the phone, because that's all
14 I had had prior to that. I had no idea any of this
15 was coming.

16 Q. So using your terms that you used that
17 mechanism as a way -- as memo recorder, basically --

18 A. Yeah. It's called voice memos.

19 Q. So having that conversation as a
20 quote/unquote memo, what was your purpose -- what
21 were you going to do with it as a memo? What were
22 you going to do with it at that point, then?

23 A. I knew that if we were going to reconcile
24 and other conversations were going to go on, if I
25 had learned anything -- if she told me anything that

1 was different, I was going to be able to compare it
2 to the initial story.

3 Q. So you were looking to catch her in some
4 discrepancies?

5 A. I was looking to catch her in some
6 minimalization of it. Because you've got to
7 remember, I didn't know, necessarily, what was
8 coming. I had just known that in the past, if I
9 suspected her of doing something or expected any
10 human of doing some, in an initial confession or
11 discussion, they're going to minimize their role and
12 minimize details and minimize something. It's going
13 to be a concise version. So I just needed something
14 to compare it to.

15 Q. So how long after 3/21 did you start
16 driving by the house and kind of trying to find out
17 where she was at?

18 A. Probably not until the end of the second
19 reconciliation -- I'm sorry -- of the
20 reconciliation.

21 Q. What time was that?

22 A. We're talking May -- May, June --
23 actually, probably -- yeah, May. I was a wreck.
24 And I remember in April and May, I was trying to
25 recalibrate myself. I knew that I was not

1 performing well as an employee or as a father, and I
2 needed to figure out how to sleep. I had talked to
3 my doctor and said, I needed Xanax to sleep. I
4 needed to recalibrate.

5 So I wasn't able to take in everything
6 right off the bat. So I was -- I laid low and just
7 kind of tried to take care of myself during that
8 period and focus on -- I wasn't focused on too much
9 except for that -- and hopefully saving my marriage.
10 That's really all I focused on until something
11 clicked and she said, I don't want to be with you.

12 Q. So your intent is on saving your marriage.
13 You indicated that you are protective of her -- I
14 think that was your word a while ago -- and that you
15 are in a good relationship -- you want to be in a
16 good relationship with her because you're parents of
17 the children; right?

18 A. Yes.

19 Q. So why were you looking for discrepancies,
20 then, as if to try to catch her in something?

21 A. Because there were phone calls and texts
22 that were being hidden from me. I wanted to know
23 the truth. I want to have a relationship that's
24 always based on honesty and truth. When I say that,
25 I'm protecting her --

1 MR. BARNES: Representative, if we could
2 go back to -- I think we're now getting -- we're
3 straying --

4 MS. LAUER: I'm sorry.

5 MR. BARNES: All right. Thank you.
6 I'd like to get back on track.

7 Q. (By Ms. Lauer) In the transcript on
8 page 10, it says, "This won't leave the car."

9 A. Sure.

10 Q. And it did.

11 A. Yes.

12 Q. So why is that discrepancy, then? What
13 happened -- why is there -- why did you say, This
14 will not leave the car -- this conversation will not
15 leave the car, then go to these extents to keep a
16 tape, share it with an attorney, and it ends up
17 public?

18 A. Okay. Again, when this all came and I
19 really found out all of the details, you got to
20 remember that I feared for my life.

21 Q. By whom? Who did you think was going
22 to --

23 A. With this man and his commercials with his
24 guns and the millions of dollars going to politics
25 and this whole game that you hear about and

1 conspiracy this and this person ends up dead and
2 this person is missing and all this kind of crap --
3 I 100 percent feared for my life from the guy that's
4 on TV holding guns talking about this and talking
5 about that.

6 Now, knowing that he had just threatened
7 my wife -- and I just heard this for the first time,
8 and all I'm concerned about is my marriage and
9 whether I can fix this and whether I'm getting all
10 of the details from this encounter. Of course I'm
11 going to say, This won't leave the car, because I
12 never planned on it leaving the car. Never. Never.
13 My intent was -- and my hope was for -- and I would
14 think anybody in that position -- if you can put
15 yourself in that position for a second. I'm a
16 destroyed man hearing about his wife with another
17 man. My hope, as small as it may have been, was
18 that my marriage was going to survive this and this
19 would all be in the past -- between me and her in a
20 van. That was the hope. That was the hope all the
21 way until December, when all of this --

22 MR. WATKINS: December of what year?

23 A. December of last year, when I was -- I
24 felt forced -- my hand was forced to release this
25 thing to protect what was happening. Because if

1 somebody else had already had it -- I don't know how
2 they were going to spin things. I knew that I
3 hadn't edited anything. It can be proved that I
4 hadn't edited anything. This is her telling a story
5 about what happened to her. And if somebody else
6 had the thing, you can manipulate all sorts of audio
7 to serve a purpose, and I didn't know who or what
8 side or what group or what politics were going to
9 play into this, where they can manipulate and use
10 that to then harm my family or harm her reputation
11 or defend themselves in something they were going to
12 have to admit. This is a political game that these
13 people play, and I want nothing in it.

14 So I said, Okay, I'll sacrifice my -- do
15 you know how embarrassing this is to have everybody
16 hear all of this stuff and me damn near crying and
17 groveling and all of that. It would take an insane
18 person to release that.

19 Q. (By Ms. Lauer) At what time did you ever
20 consider getting rid of the audio?

21 A. As soon as my marriage was final. This
22 meant nothing to me. I didn't listen to it; I
23 didn't do anything with it except for, Oh, my God,
24 if this man suspects that she told me, which I --
25 anyone would assume that that conversation had

1 happened, because she then confessed to me that she
2 went back there during -- in between the
3 reconciliation periods. He was calling and trying
4 to FaceTime her and he ended up in the salon in
5 October. When all of that became clear that this is
6 a relationship, but I don't know all the details. I
7 don't know what they discussed; all I know is it's
8 probably likely that if they had a relationship to
9 the intimate degree that they did, she probably told
10 him that he -- I'm sorry -- she probably told --

11 MR. BARNES: Let's stop. I'm going to
12 stop -- we are far in the realm of speculation
13 and -- again, if we could --

14 MS. LAUER: That was beyond what I had
15 asked. That's fine.

16 MR. BARNES: Okay.

17 Q. (By Ms. Lauer) On page 28 -- sorry -- 22
18 and 28, you stated that she was half raped and
19 blackmailed, and then on page 28, you said that she
20 was raped and blackmailed on the transcript. So to
21 what degree did you report that or address that?

22 A. Okay. I -- listen, that was my reaction
23 to what I was being told. I still think -- again,
24 if I had reported anything or -- the only thing is,
25 you are dealing with a destroyed man sitting in a

1 van still hoping that his marriage was reconcilable.
2 I was trying to save my marriage. I loved my wife,
3 and I wanted her back. I lost her for this moment
4 in my head. I lost her for a moment in the past,
5 and I was looking for the future, and all I thought
6 was, This woman is telling me something that
7 happened to her. I love this woman, and she's been
8 violated.

9 I don't know what you want from me. I
10 mean, I'm -- you got more words than I'm willing to
11 say, because I'm not going to listen to these tapes.
12 You think this is something I want to relive and --
13 Q. I'm just -- no, I'm not asking that; I'm
14 just asking what you did in response to that --
15 having that statement.

16 A. I tried to save my marriage.

17 Q. So then --

18 A. I tried save --

19 Q. How many times did you follow her?

20 A. May I respond to that -- I never followed
21 her.

22 Let me respond to what you said, though.
23 I was trying to save my marriage. The only thing
24 that was important to me was to save the marriage,
25 and nothing was going to do but discussing things

1 with my wife and trying to get everything out in the
2 open and honest and keeping it between me and her.
3 If you're asking why I didn't report anything,
4 because I certainly didn't see it helping my
5 marriage. And I'll tell you what, I didn't care
6 about anything but my marriage at the time.

7 Q. Okay.

8 MS. LAUER: Thank you, Mr. Chair.

9 MR. BARNES: Can we take a five-minute
10 recess?

11 (A recess was taken.)

12 MR. BARNES: Representative Austin.

13 MR. AUSTIN: No questions.

14 MR. BARNES: Rhoads.

15 MR. RHOADS: No questions.

16 MR. BARNES: Representative Pierson.

17 MR. PIERSON: No questions, Mr. Chair.

18 MR. BARNES: It's always -- I will have no
19 questions at this time either.

20 I'm always reluctant to say I've got no
21 further questions.

22 MR. WATKINS: For the record, my client
23 will make himself available for supplemental
24 requests for information, documentation, anything
25 above and beyond that we haven't already given you.

1 We're not aware of, but if there is something that
2 triggers, perhaps, the need to disclose something
3 else, he's ready, willing, and able, and that
4 includes a response to supplemental questions that
5 you may have.

6 MR. BARNES: Okay. And we appreciate
7 that, and we appreciate your willingness to come
8 down here.

9 And we already voted to close Monday, so
10 we will close that.

11 THE WITNESS: Can I make a statement real
12 quick?

13 I'm here for you guys; I'm here for my
14 state; I'm here for my country. This is not my
15 fight. Contrary to whatever people would like to
16 spin this into and put on me, I'll take the
17 shrapnel. I don't care about this. I don't -- if
18 my ex-wife -- this is not her fight; this is not my
19 fight. I don't want anything to do with anything
20 that she doesn't want anything to do with. All I
21 care about is my children. That's all I cared about
22 from the get-go. You question what you want. I
23 truthfully don't care what people think of me -- I
24 really don't. I just knew that I felt like I had a
25 choice between something extremely bad and

1 devastating or possibly bad for me, and that is
2 devastating. I just want you guys to know I'm here
3 for you, and I'll do what's legally required of me,
4 but this is not my fight. I have moved on. My
5 children are awesome and healthy and have moved on,
6 and this doesn't benefit them, and it ain't my
7 fight.

8 MR. BARNES: Thank you. Today's hearing
9 is adjourned.

10 (The hearing adjourned at 4:38 p.m.)

1 CERTIFICATE OF REPORTER

2
3 I, Lisa Ballalatak, a Certified Court
4 Reporter for the State of Missouri, do hereby certify
5 that the witness whose testimony appears in the
6 foregoing hearing was duly sworn by me; the testimony
7 of said witness was taken by me to the best of my
8 ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to,
10 nor employed by any of the parties to the action in
11 which this hearing was taken, and further that I am
12 not a relative or employee of any attorney or counsel
13 employed by the parties thereto, nor financially or
14 otherwise interested in the outcome of the action.

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18 Lisa Ballalatak
19 Missouri Supreme Court
20 Certified Court Reporter
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SPECIAL INVESTIGATIVE
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Monday, March 12, 2018

Jefferson City Police Department
401 Monroe Street
Jefferson City, Missouri 65101

COMMITTEE MEMBERS:

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Representative Donald Phillips, Vice-Chair
Representative Kevin Austin
Representative Shawn Rhoads
Representative Jeanie Lauer
Representative Gina Mitten
Representative Tommie Pierson Jr.

Also present: Bryan Scheiderer, Legal Analyst
Alex Curchin
Alixandra Hallen, Minority Counsel

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2

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INDEX

Page

Questions by Representative Barnes	6
Questions by Representative Phillips	19
Questions by Representative Mitten	22
Questions by Representative Lauer	24
Questions by Representative Austin	28
Questions by Representative Pierson Jr.	32

3

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(March 12, 2018)

REPRESENTATIVE BARNES: Call this hearing of
the House Special Committee on Investigative Oversight
to order. Mr. Secretary, please call the roll.

SECRETARY CURCHIN: Representative Barnes.

REPRESENTATIVE BARNES: Here.

SECRETARY CURCHIN: Representative Phillips.

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Representative Mitten.

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Representative Lauer.

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Representative Austin.

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Representative Rhoads.

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Representative Pierson Jr.

REPRESENTATIVE PIERSON: Here.

REPRESENTATIVE BARNES: Seven present. We
have a quorum and, in fact, everyone is here.

I would now move that we vote to close
Wednesday morning's hearing at 8:00 a.m. We are going
to hear from Michael Hafner who pursuant to a subpoena
we sent to him has provided the Committee with documents
about the disclosure and use of a list of donors for The

4

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1 Mission Continues to the Greitens campaign in early
2 2015. Discussion on the motion to close? Seeing none,
3 I now move that we do, in fact, close that hearing. Mr.
4 Secretary, please call the roll.
5 SECRETARY CURCHIN: Representative Barnes.
6 REPRESENTATIVE BARNES: Aye.
7 SECRETARY CURCHIN: Representative Phillips.
8 REPRESENTATIVE PHILLIPS: Aye.
9 SECRETARY CURCHIN: Representative Mitten.
10 REPRESENTATIVE MITTEN: Aye.
11 SECRETARY CURCHIN: Representative Lauer.
12 REPRESENTATIVE LAUER: Aye.
13 SECRETARY CURCHIN: Representative Austin.
14 REPRESENTATIVE AUSTIN: Aye.
15 SECRETARY CURCHIN: Representative Rhoads.
16 REPRESENTATIVE RHOADS: Aye.
17 SECRETARY CURCHIN: Representative Pierson Jr.
18 REPRESENTATIVE PIERSON: Aye.
19 REPRESENTATIVE BARNES: Seven ayes, zero nos
20 vote to close Wednesday's hearing. And with that, we
21 are ready for today's witness.
22 Good afternoon. Counsel, would you like to
23 note your presence for the record?
24 MR. LUDWIG: My name is Jason Ludwig of the
25 law firm Carson & Coil. I'm here on behalf of [REDACTED]

5

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1 [REDACTED].
2 REPRESENTATIVE BARNES: Before we start, I'm
3 going to swear you in to start. We'll just talk about
4 kind of the ground rules what we're doing here today.
5 Okay?
6 (Witness sworn.)
7 [REDACTED] being sworn, testified as follows.
8 QUESTIONS BY REPRESENTATIVE BARNES:
9 Q. Can you state your name?
10 A. [REDACTED]
11 Q. And can you spell your name for the court
12 reporter?
13 A. It's [REDACTED]
14 Q. Ms. [REDACTED], have you ever testified in a
15 deposition before?
16 A. No, sir.
17 Q. Okay. So just let me give you some brief
18 ground rules. This is not a deposition but it is a lot
19 like a deposition that we have a court reporter here.
20 When we ask you questions, you cannot answer by nodding
21 your head yes or shaking your head no. You have to
22 actually say yes or no so that our court reporter can
23 make a record of your answers. Do you understand that?
24 A. Yes, I do.
25 Q. In addition to that, if there's anything that

6

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1 anyone asks you where you don't understand the question,
2 please just ask them to repeat because it's important
3 that if you're going to give an answer you understand
4 what the exact question is that's being asked.
5 A. Okay.
6 Q. In addition to that, if you need to stop for
7 any reason to take a break, just let us know and we can
8 do that. Okay?
9 A. Okay. Thank you.
10 Q. Now, you should also note before starting that
11 this Committee, the resolution which created it gives us
12 the authority to redact names and information for the
13 privacy of witnesses, and we will, in fact, be doing
14 that. So your name will not be displayed out in full
15 for the public. We will, in fact, redact your name from
16 any report. I want to make sure you understood that
17 before testifying.
18 A. Yes, thank you.
19 Q. Okay. How long have you known [REDACTED]
20 A. I've known [REDACTED] since kindergarten since
21 five years old. I'm 35 so about 30 years.
22 Q. So did you go to school together?
23 A. Yes, we did.
24 Q. So elementary school?
25 A. Elementary school.

7

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1 Q. Middle school?
2 A. We went to Catholic school. So it's K through
3 8, eighth grade.
4 Q. Did you go to high school?
5 A. No, we did not.
6 Q. Okay. But you've known each other even
7 through high school?
8 A. Yes.
9 Q. And even after high school?
10 A. Yes.
11 Q. Have you worked with [REDACTED]
12 A. No, I have not.
13 Q. Just life long friends; is that how you
14 describe it?
15 A. Yes.
16 Q. Does [REDACTED] have a reputation for
17 truthfulness and honesty?
18 A. Yes, she does.
19 Q. And what is that reputation?
20 A. She's never lied to me about anything. She's
21 pretty honest about her life in general.
22 Q. Did [REDACTED] ever speak to you about contact
23 she had with Eric Greitens?
24 A. She did.
25 Q. When was the first time she spoke with you

8

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1 about contacts with him?
2 A. Approximately mid March of 2015.
3 Q. Do you remember where you were when she spoke
4 to you about it?
5 A. Yes, I do. We were at my parents' home.
6 Q. And where is that?
7 A. That's in --
8 Q. Not address, just city.
9 A. -- St. Charles, Missouri.
10 Q. Is that a home that the two of you had hung
11 out in and played in as children?
12 A. Yes.
13 Q. Were your parents home at the time?
14 A. I believe my mother was home.
15 Q. Was there anyone else who was involved in the
16 conversation you had with [REDACTED]
17 A. No.
18 Q. How did it come about that you were there on
19 that day speaking with [REDACTED]
20 A. We were going to go to dinner and we met at my
21 mom and dad's house.
22 Q. And then before you went to dinner you had a
23 conversation?
24 A. Yes, she gave me a book.
25 Q. Okay. And can you tell me what the book was?

9

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1 A. It was his book, Eric Greitens' book. I don't
2 know the name of it.
3 Q. What did she tell you about Mr. Greitens and
4 her relationship with him at that point in time?
5 A. Just that she spoke fondly of him, said that
6 she cut his hair and that she thought I would really
7 like the book, and she gave it to me as like an early
8 birthday present. My birthday is in March, the end of
9 March.
10 Q. And did she say anything else at that time
11 about Mr. Greitens?
12 A. Nothing in particular.
13 Q. When was the next time you spoke with her
14 about Mr. Greitens?
15 A. Approximately the beginning of April 2015.
16 Q. And where were you at the time you had that
17 conversation with her?
18 A. At her home in [REDACTED], Missouri.
19 Q. What were the circumstances of your being at
20 the home?
21 A. Coffee, we were just having coffee.
22 Q. Did she ask to speak with you?
23 A. No. It was something that we had done for
24 several years, just to go over in the morning before
25 work or school and have coffee together.

10

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1 Q. And what day of the week was this? Do you
2 remember?
3 A. I don't recall.
4 Q. Okay. Did she speak to you then about
5 Mr. Greitens?
6 A. Yes.
7 Q. And what did she tell you then?
8 A. She described an encounter that she had with
9 him at his home.
10 Q. Go ahead and describe what she described in
11 that encounter.
12 A. She said that she went to his home and that
13 when she entered his home he had checked her for bugs as
14 far as being bugged, wired I guess, and made her disrobe
15 into one of his dress shirts. And he checked her purse
16 and her belongings for any devices, recording devices.
17 Q. And then what did she tell you happened after
18 that?
19 A. I think -- or she told me that they spoke on
20 the couch or some sitting area for a little bit and then
21 they had gone down to a lower area of the home. I don't
22 know if it's a basement or just some lower part of the
23 home.
24 Q. What happened in the lower part of the home
25 that she described to you?

11

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1 A. She described to me being helped into some
2 type of device that was hanging, some type of workout
3 equipment that was hanging and having her hands tied
4 behind her back, that she was blindfolded, and that he
5 had pleased her with his hands at that point.
6 Q. Okay. And then is there anything she said
7 after that point in time?
8 A. After that -- During that discussion after she
9 had described that she said that after he had
10 blindfolded her that she had saw a Flash type and
11 recognized that he had taken a photograph of her, and he
12 said that if you mention my name that I'll put this out
13 there or put this on the Internet, something to that
14 effect. And she got very upset and wanted to get down,
15 wanted him to get her down.
16 Q. And what did she describe to you happened
17 after that?
18 A. I don't recall exactly, but she got down, he
19 helped her down, and was trying to comfort her. She was
20 very upset. Freaking out was how she described it. And
21 said that -- He said that "I deleted it. I deleted it."
22 REPRESENTATIVE LAUER: I'm sorry. Would you
23 repeat that?
24 THE WITNESS: He said that he deleted the
25 photograph and was apologetic.

12

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1 BY REPRESENTATIVE BARNES:

2 Q. And what did she describe to you that happened
3 after that point in time?

4 A. From what I recall, she gathered her clothing
5 and got dressed. And at that point in this conversation
6 she had told me that he was apologetic. I think they
7 sat in the same sitting area or some sitting area and
8 talked and then she left. But she had forgotten her
9 keys.

10 Q. Okay. And did she talk to you about what
11 happened later that afternoon?

12 A. Yeah. I don't know the exact time frame as
13 far as how much time went by before she went and
14 retrieved her keys, but she went back to the house and
15 got her keys at his home.

16 Q. Did she tell you what happened when she
17 returned to the home?

18 A. I don't recall everything about that. I
19 believe that she had said she was still very upset about
20 the situation and embarrassed.

21 Q. How would you describe her demeanor when she
22 was relaying this information to you?

23 A. She was embarrassed but she was not hyper but
24 just sort of excitable when she was telling me the
25 story. Almost like can you believe this type of

13

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1 excitable is the only word I can describe it I guess.
2 She wasn't hysterical or anything. Upset.

3 Q. Did she tell you anything else on that morning
4 and beginning of April 2015?

5 A. Not that I recall from that conversation.

6 Q. Did you have any further conversation with her
7 about Mr. Greitens that you recall?

8 A. Yes.

9 Q. So that we can give the Committee a road map
10 here, how many different conversations do you recall
11 having after that day?

12 A. We've had several.

13 Q. Had several. Okay. Do you recall any
14 conversations in particular, the next conversation you
15 had with her after the beginning of April 2015?

16 A. The next conversation that we had was about
17 discussing with her husband and confessing to her
18 husband about the encounter.

19 Q. And what was the substance of that
20 conversation?

21 A. That she had told her husband what had
22 happened and told him everything that had happened
23 between her and Eric Greitens.

24 Q. Regarding her interactions with Eric Greitens,
25 did she tell you anything about further encounters she

14

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1 had with Mr. Greitens?

2 MR. LUDWIG: During that conversation or
3 subsequent conversations?

4 REPRESENTATIVE BARNES: During that
5 conversation.

6 THE WITNESS: During that conversation, the
7 only thing that she had really talked about in that
8 conversation was that her husband did not want her to do
9 his hair any further and come into the salon any more.

10 BY REPRESENTATIVE BARNES:

11 Q. You mean Mr. Greitens' hair?

12 A. Yes.

13 Q. Did you have further discussions with her
14 about interactions with Mr. Greitens?

15 A. Yes.

16 Q. What was the substance of those discussions?

17 A. Another encounter was him coming into the
18 salon. I don't recall if it was after her already
19 asking him not to but that he had come in again and
20 smoothed things over with her, told her that he couldn't
21 stop thinking about her, that he was sorry again.

22 Q. And did she describe to you what happened
23 after those efforts by Mr. Greitens to smooth things
24 over?

25 A. She spoke fondly of him again.

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1 Q. Did she speak to you about any subsequent
2 interactions she had after what you described as the
3 visit to smooth things over?

4 A. I don't know when this incident occurred, I'm
5 not sure if it was from the original encounter or not, I
6 don't know, but there's pieces of things that we've
7 talked about and she had described an encounter where
8 she was really upset and that she had given him oral sex
9 and she said that she just did it so that she could
10 leave.

11 Q. Do you recall when she told you that?

12 A. It was after our original conversations. I
13 don't know if it was a separate occasion that that
14 happened or if it was from the original encounter at
15 their home.

16 Q. How often do you speak with [REDACTED]

17 A. Fairly often.

18 Q. Okay. And so would you describe [REDACTED] as
19 one of your best friends?

20 A. Yes.

21 Q. So to the extent you've had conversations, and
22 I'm asking you about specific details of the dates in
23 which you speak, would you say you speak with her so
24 often that it is difficult for you to identify the exact
25 dates and times upon which information was relayed to

16

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you?

A. Yes, other than the original conversation when she gave me the book and then the following conversation in the beginning of April. I recall those dates mainly because it was around my birthday and that was the first I had ever heard of him or anything about him.

Q. As to the first conversation, she gave you a gift?

A. Yes.

Q. Are there other conversations you had with her that stick out in your mind about interaction she had with Mr. Greitens?

A. Yes.

Q. And can you relate to us the substances of those conversations and to the extent you recall the times on which you had those conversations?

A. The only -- There's I guess two conversations that stick out that were around probably that summer of 2015, maybe possibly June roughly in that area. One was that his wife had come into the salon not to get her hair done by [REDACTED] but by another lady at the salon. And she was -- She felt very upset about that. She said that she seemed like a really nice woman and she was very ashamed.

Q. And do you recall the other thing that sticks

17

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out to you?

A. Yes.

Q. And what is that?

A. That she had, and I don't really recall a whole lot about this one, but mainly that she had let him into the salon before hours, and I don't really know why we were talking about that other than her just saying that there was only a few occasions they had been alone together.

Q. Is there anything else you can recall that sticks out to you about the conversations you had with her about interactions with Mr. Greitens?

A. Recently I had specifically called her and asked her about him hitting her, slapping her, Eric Greitens, and she told me that that was true and that she was embarrassed. And I asked her specifically because one of my sisters had read that story. I hadn't seen it anywhere and they had asked me about it. I said that I didn't think that that could be true because [REDACTED], [REDACTED] wasn't -- that's not like her to let someone physically harm her, man, woman or anyone. She's not a violent person.

And I called her and asked her and she told me about that. And the specifics of what happened, I don't know where they were, I don't know that I asked. But

18

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he, Eric Greitens, had asked her if she had slept with anyone and she said my husband and he slapped her.

Q. And this is what she relayed to you. This would have been --

A. More recent.

Q. -- in the last two months?

A. Yes.

Q. So since the news broke?

A. Yes, she never told me about that prior.

REPRESENTATIVE BARNES: Thank you. And now so our process here is, and I apologize for the length of this process, but each member has the opportunity to ask you questions. And so we're going to start with the Vice Chair and the ranking member and we're going to go in order of seniority. Representative Phillips.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Chair.

QUESTIONS BY REPRESENTATIVE PHILLIPS:

Q. Don Phillips, State Representative District 138, which is down by Table Rock Lake near Branson. Do you call [REDACTED]?

A. Yes.

Q. Okay. I'm going to call her that in reference to my questions. First of all, though, have you spoken to anyone that has already testified before this

19

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Committee since we started this process? Have you talked to other witnesses?

A. Other than [REDACTED]?

Q. Right.

A. No.

Q. But you have spoken to [REDACTED] since she testified?

A. I spoke with her on a Friday, Friday, this past Friday. So I don't know when she testified.

Q. Did she share with you what she testified to us, what she told us?

A. No, she did not.

Q. Do you have any knowledge of [REDACTED] receiving any kind of compensation for being quiet on this subject? She's not spoken to the media at all and has assumed a certain amount of anonymity to this point. Do you have any knowledge of her receiving any kind of compensation from anyone?

A. No, I do not.

Q. She didn't share anything like that with you?

A. No.

Q. Knowing her like you do, when she told you the story about her and Eric Greitens first encounter, led to the basement and all that, did you think it was odd that she continued to see him after that?

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1 A. Yes, I did.
2 Q. Did she share with you why she continued to
3 see him after that?
4 A. Yes.
5 Q. What did she say?
6 A. She said that she didn't want to feel like --
7 I think she believed that he cared about her, and I
8 tried explaining to her that he didn't care about you if
9 he would do something like that, but I believed that she
10 thought he cared about her.
11 Q. Once the story broke, did she ever share with
12 you what she thought about the source of releasing the
13 information to the media?
14 MR. LUDWIG: Do you understand?
15 THE WITNESS: I believe I do. As far as her
16 husband, ex-husband?
17 BY REPRESENTATIVE PHILLIPS:
18 Q. Did she believe he's the one that released the
19 information?
20 A. Yes.
21 Q. She based that on something she told you about
22 a conversation with him or just suspected that he would
23 be the obvious one to do it?
24 A. No. We both saw the Channel 4 news and
25 recognized his voice and his partially blurred face.

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1 REPRESENTATIVE PHILLIPS: Okay. I think
2 that's all, Mr. Chair. Thank you.
3 REPRESENTATIVE BARNES: Representative Mitten.
4 QUESTIONS BY REPRESENTATIVE MITTEN:
5 Q. Good afternoon. I'm Gina Mitten from the St.
6 Louis area and I appreciate you being here today. First
7 of all real quickly, when Representative Phillips asked
8 you about sort of your feelings about Ms. [REDACTED]
9 continuing to see Mr. Greitens, and I probably don't
10 have this quite down yet so bear with me, but you said
11 that [REDACTED] indicated that she thought Eric cared about
12 her and you indicated that you didn't think Eric cared
13 about her because he wouldn't, quote, do that to you if
14 he did. What do you mean by do that in that sentence?
15 A. Take that picture of her.
16 Q. Okay. Did [REDACTED] ever talk to you about having
17 any fear of Eric?
18 A. The only time she mentioned that was in one of
19 the original conversations was that when he said that to
20 her about the photograph or that incident that he
21 sounded different and that she was afraid at that point.
22 Q. And when you say the original conversations,
23 you're meaning the mid March, early April conversations?
24 A. Uh-huh, yes.
25 Q. Did you have any other conversations with

22

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1 [REDACTED] regarding any other sexual encounters with Eric?
2 A. No, other than that oral sex one that she said
3 she just wanted to leave.
4 Q. Okay. And then I just want to make sure that
5 I'm not mischaracterizing your testimony here that you
6 don't recall if that was -- the oral sex was at the
7 first encounter she had with Eric or a later encounter?
8 A. Right. I don't know for a fact. I can only
9 assume.
10 Q. Okay. Do you believe that she told you that
11 at some point and you just don't remember or is that a
12 possibility I guess would be the better way to put it?
13 A. I don't believe she told me.
14 Q. Exactly when that happened?
15 A. Yes. I don't believe she told me.
16 Q. You don't believe -- Let's just make sure we
17 get our record clear. So you don't believe that [REDACTED]
18 ever told you specifically when the oral sex with Eric
19 occurred?
20 A. That's correct.
21 Q. And you don't recall any other details about
22 that incident of oral sex for lack of a better way to
23 put it?
24 A. No, other than that she felt as though she did
25 that -- that he just wanted to get off is what she said

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1 and that if she did that that she could leave.
2 Q. Okay. So did she indicate some fear during
3 that -- during the encounter that included oral sex or
4 is that your impression?
5 A. That's my impression that she was
6 uncomfortable and wanted to leave and that if she did
7 that that he would let her leave.
8 Q. Did you get the impression that [REDACTED] believed
9 if she did not perform oral sex she would not be able to
10 leave?
11 A. I didn't -- She didn't say that so.
12 Q. Was that your impression though?
13 A. The only impression I had was just that she
14 felt uncomfortable that he was prolonging the stay and
15 that he wanted to get off and that if she did that then
16 he would let her leave.
17 REPRESENTATIVE MITTEN: Thank you. Thank you
18 very much. I know this is difficult. So I appreciate
19 it. No further questions.
20 REPRESENTATIVE BARNES: Representative Lauer.
21 REPRESENTATIVE LAUER: Thank you, Mr. Chair.
22 QUESTIONS BY REPRESENTATIVE LAUER:
23 Q. Good afternoon. Thank you for being here. I
24 know this is not great fun and you never planned on this
25 ever in your life probably. I'm Jeanie Lauer, a

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Representative from Blue Springs which is near Kansas City.

So you've known [REDACTED] for a long time which is great, and would you say that the two of you are confidants, that you confide in each other?

A. Yes.

Q. Does she have other friends that you feel she will confide in?

A. Yes.

Q. Who might those be?

A. I don't know her other -- I don't know her other personal friends too well. I know she has sisters that she would probably confide in and maybe two or three friends that she would confide in that I don't personally know.

Q. And during the time you've known her, has she been an individual who gives you the straight scoop or at sometimes might she dramatize things?

A. She's not a dramatic person. She'll tell me her opinion but she's not judgmental in any way. She's open-minded to everyone.

Q. Okay. So prior to meeting Mr. Greitens, how would you describe her demeanor?

A. Prior?

Q. Just as her.

25

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A. Just as her?

Q. Just her. How is she? How would you describe her?

A. She's a happy, very good mother, good friend, good daughter, sister.

Q. And based on what you were saying --

A. Hard worker.

Q. -- awhile ago you did see a difference then when she started seeing him and talking about him?

A. Yes. And she was also, you know, going through a rough marriage at the time. So she had probably a lot on her plate at that time.

Q. Okay. Have you ever known her prior to this situation having relationships with others outside of her marriage?

A. No.

Q. So it's not in her character?

A. No.

Q. So when you -- You mentioned that she had expressed or explained what happened with the physical nature of the encounter with Mr. Greitens and that you thought it was not a good deal that he was physical with her --

A. Yes.

Q. -- yet she continued to see him?

26

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A. Yes.

Q. And then you also said that that would not be in her character to have that happen or to -- Would you explain that a little bit? It's not in her character to accept it?

A. When I found out about the slapping?

Q. Uh-huh.

A. Yes. That's completely out of character for her to allow someone to physically harm her in any way. I say that based on the fact of how she was raised. Her parents didn't have physical punishment in any way, no spanking, no slapping, smacking, and just from past relationships and interactions that either one of us have had that that was an absolute no for her.

Q. So prior again to this event, if something like that had happened, what would you anticipate her reaction would have been to that?

A. If it was her husband or something, she would have left them.

Q. So why is it then do you think -- I know you indicated that she thought he cared for her, but given that physical nature why do you feel she would want to go back given that she would have left him in another situation? That's just your opinion.

A. Yeah. The only opinion, and it is just that,

27

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is that she was very embarrassed by what had happened. She had been called a whore by her husband and felt as though she was a whore to Eric and was trying to find some thing that she felt that he cared about her for her to feel okay with herself. She was very critical of herself.

REPRESENTATIVE LAUER: Thank you very much. That's all.

QUESTIONS BY REPRESENTATIVE AUSTIN:

Q. I'm Kevin Austin, State Representative District 136. Just a few follow up questions. As I understood your timeline, I understand you may not be too clear, the third contact you had with [REDACTED] regarding Eric Greitens was when you discussed about her confessing to her husband; is that correct?

A. Yeah. The second or third conversation she had mentioned that she told her husband almost immediately after the encounter.

Q. The first conversation was mid March. Second one as I have it, tell me if I'm wrong, was beginning of April. The third one, whenever that was, was the confession to her husband. Have I got the timeline right?

A. No, I think you do. I just -- I don't recall if that second conversation in early April if she had

28

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1 already told me as far as she confessed to her husband
2 or if she was just telling me about the encounter and
3 then at another conversation. We had several
4 conversations in a short span of time, and I don't
5 remember if it was from the second conversation or the
6 third, but within a week's time or very short period of
7 time she told me she had confessed to her husband.

8 Q. May have been your second conversation
9 concerning Eric Greitens or may have been a subsequent
10 one but within a short period of time that spring of
11 2015, correct?

12 A. Yes.

13 Q. You said that she spoke fondly of him again.
14 Are we now into the summer of 2015?

15 A. Yes.

16 Q. Possibly a June date you said?

17 A. Yes, or early summer, late spring area.

18 Q. And when she described to you about giving him
19 oral sex, approximately when was that?

20 A. I don't recall exactly when the conversation
21 had, but she had just -- The only thing that I remember
22 about the conversation was her telling me that she felt
23 -- she was upset that all he wanted was to get off and
24 that he didn't recognize she was upset and she felt he
25 was prolonging the stay; that if she did this that she

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1 could leave.

2 Q. And the conversation, the approximate date is
3 sometime after that June or July date when she's
4 speaking fondly of him?

5 A. Yes, roughly. I don't really know exactly. I
6 just know that there was another sexual encounter that I
7 was aware of and that was that. I don't know when it
8 happened.

9 Q. And whereabouts in the time frame did she
10 mention to you about the photo being taken, and correct
11 me if I misquote you, but Eric Greitens would have said
12 to her in a different tone that made her afraid, when
13 was that conversation?

14 A. That was that early April conversation.

15 Q. Has [REDACTED] ever told you about other incidences
16 of, for lack of a better phrase, domestic violence
17 against her?

18 A. No.

19 Q. Do you know of any that occurred that she
20 didn't tell you about?

21 A. No.

22 Q. You mentioned that she had two or three
23 friends who she confided in. Who are those friends? Do
24 you know the names?

25 A. I don't know. She didn't tell me who they

30

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1 were. I have an idea of who her closer friends are.

2 Q. Who is that?

3 A. There's --

4 THE WITNESS: Is that okay to answer?

5 There's like a [REDACTED]. I don't know her last
6 name. There's [REDACTED] and I don't know her last name but
7 I think I could probably recall it if I thought hard
8 enough. And there's [REDACTED] and [REDACTED].

9 BY REPRESENTATIVE AUSTIN:

10 Q. What?

11 A. [REDACTED].

12 Q. Can you spell that?

13 A. I think it's [REDACTED]. Those are just the
14 friends that I know of that she's close with.

15 REPRESENTATIVE AUSTIN: Thank you.

16 REPRESENTATIVE BARNES: Representative
17 Pierson.

18 REPRESENTATIVE PIERSON: Tommie Pierson Jr.,
19 State Representative.

20 REPRESENTATIVE BARNES: I'm sorry. I went out
21 of order. Are you okay? Sorry, Representative.

22 REPRESENTATIVE RHOADS: I don't have any
23 questions.

24 REPRESENTATIVE BARNES: Now Representative
25 Pierson. I wondered why you looked at me why are you

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1 calling me out of order.

2 QUESTIONS BY REPRESENTATIVE PIERSON:

3 Q. Tommie Pierson, State Representative St. Louis
4 County. Thank you for being here. Not many questions.
5 The question I have is around the picture. Did [REDACTED]
6 ever talk about the picture?

7 A. I don't know that she ever saw it or anything.
8 She only described that she had been aware that he had
9 taken a picture. I recall that she had sort of seen
10 some type of flash through the cloth or whatever was
11 blindfolding her and she was upset and he had said he
12 deleted it.

13 Q. And did that picture or that encounter come up
14 in any subsequent conversations that you all had?

15 A. Yes. Mainly because I had said to her he
16 doesn't care about you if he did that to you, and I've
17 said that to her several times.

18 Q. Was there any conversation in relation to the
19 possibility that the picture was not deleted?

20 A. No, not that I recall.

21 Q. Do you recall her sharing with you any other
22 times where perhaps she was bug checked?

23 A. Other than that initial visit, no, not that I
24 recall. She didn't mention to me about that.

25 REPRESENTATIVE PIERSON: Thank you. Thank

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1 you, Mr. Chair.
2
3 REPRESENTATIVE BARNES: I have no further
4 questions. If any other members of the Committee have
5 further questions? Seeing none, that will conclude the
6 testimony. Thank you very much for being here for
7 driving down to Jefferson City to be with us. We
8 appreciate it greatly.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 REPRESENTATIVE BARNES: Do we have any -- We
12 voted closed Wednesday. I don't think we have anything
13 else pending right now unless anyone else can think of
14 something. That will close today's hearing of House
15 Special Investigative Committee on Oversight.

16 (Off the record.)
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1 CERTIFICATE OF REPORTER
2

3 I, Beverly Jean Bentch, CCR No. 640, within the
4 State of Missouri, do hereby certify that the witness
5 whose testimony appears in the foregoing questioning was
6 taken by me to the best of my ability and thereafter
7 reduced to typewriting under my direction; that I am
8 neither counsel for, related to, nor employed by any of
9 the parties to the action in which this questioning was
10 taken, and further, that I am not a relative or employee
11 of any attorney or counsel employed by the parties
12 thereto, nor financially or otherwise interested in the
13 outcome of the action.

14
15 Beverly Jean Bentch

16 Beverly Jean Bentch, CCR No. 640
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34

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SPECIAL INVESTIGATIVE
COMMITTEE ON OVERSIGHT

Wednesday, March 14, 2018

Jefferson City Police Department
401 Monroe Street
Jefferson City, Missouri 65101

COMMITTEE MEMBERS:

Representative Jay Barnes, Chair
Representative Donald Phillips, Vice-Chair
Representative Kevin Austin
Representative Shawn Rhoads
Representative Jeanie Lauer
Representative Gina Mitten
Representative Tommie Pierson Jr.

Also present: Bryan Scheiderer, Legal Analyst
Alex Curchin
Alixandra Hallen, Minority Counsel

REPORTED BY: Beverly Jean Bentch, CCR No. 640
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INDEX

Page

MIKE HAFNER

Questions by Representative Barnes	5
Questions by Representative Phillips	45
Questions by Representative Mitten	52
Questions by Representative Lauer	78
Questions by Representative Austin	90
Questions by Representative Rhoads	100
Questions by Representative Pierson Jr.	103
Further Questions by Representative Barnes	112
Further Questions by Representative Phillips	119
Further Questions by Representative Lauer	125
Further Questions by Representative Austin	129
Further Questions by Representative Barnes	131
Motion to Close Meeting Next Friday	132
Motion for Subcommittee to do Interview	133
Motion to Authorize Interview of Mr. Laub	137

(March 14, 2018)

REPRESENTATIVE BARNES: we'll call to order
this meeting of the House Special Investigative
Committee on Oversight. Mr. Secretary, please call the
roll.

SECRETARY CURCHIN: Barnes.

REPRESENTATIVE BARNES: Here.

SECRETARY CURCHIN: Phillips.

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Mitten.

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Lauer.

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Austin.

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Rhoads.

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Pierson.

REPRESENTATIVE PIERSON: Here.

REPRESENTATIVE BARNES: Seven members being
present. Everyone is here.

Good morning. Thank you for being here.
Before we start, let me administer the oath as
prescribed in the resolution creating our committee.
would you raise your right hand?

(Witness sworn.)

MICHAEL HAFNER, being sworn, testified as follows:

QUESTIONS BY REPRESENTATIVE BARNES:

Q. Can you state your name?

A. Mike Hafner.

Q. Can you spell your name for the court reporter?

A. M-i-k-e H-a-f-n-e-r.

Q. Mr. Hafner, have you ever given testimony in a deposition before?

A. I have not.

Q. Okay. So this is not a deposition but it's a lot like a deposition. So there are a few ground rules. The first is that in answering a question, you need to use words, not actions. So shaking your head yes or no will not work. You have to say yes or no.

The second is we want to be sure to have a clear record, and the way we do that is if someone asks you a question and you don't understand it or it's a compound question or asks multiple things, just ask them to stop, repeat the question so that you understand.

The third is that if you need to stop for any reason, feel free to tell us I'd like to stop for a moment. With that, you've got a stack of documents in front of you there that we'll get into in a second.

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First, some preliminary questions. When did you --

Counsel, if you'd like to note your presence for the record?

MR. ERNST: Thank you. Edwin C. Ernst, IV of Sowers Ernst for Mike Hafner.

REPRESENTATIVE BARNES: Thank you.

BY REPRESENTATIVE BARNES:

Q. Mr. Hafner, when did you start working for Eric Greitens?

A. I began work in January 2015 as a paid advisor to Eric Greitens.

Q. Did you work for him at any point in time prior to that in a consulting role?

A. I served as an informal advisor as a volunteer basis throughout 2014. That relationship started in December 2013.

Q. Can you describe that first year as an informal advisor what was your job?

A. Essentially to introduce Eric, network, help him network among Republican donors, influencers, activists. He was new to the political scene, to the Republican political scene. So when we first met him, that kind of began the relationship. Like I said, we first met in December 2013. He relied on us to help

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introduce him and go through the process of running for office.

Q. At what point did you start getting paid by Mr. Greitens?

A. We finalized a compensation agreement in late December of 2014 in a meeting at his office, and then I began officially working as a paid employee of his in January of 2015.

Q. Now, you said paid employee of his. Who was that? Who was paying the bill?

A. So in January I don't recall exactly. It was either Eric Greitens himself or the Greitens Group. I don't recall where the check came from. I do know that the last two months in February and March of my employment with him was paid by Greitens for Missouri.

Q. How would you describe Eric in that first year that you were working with him?

A. A lot of how I would describe my relationship with first-time candidates, very new to the process. Also, he was coming from a unique background in the sense that he hadn't made very many relationships around the state with Republican elected officials or donors or influencers, and so it was our job to help him do that plus going through the whole process of deciding to run for office and with Eric the options, the offices that

7

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he wanted to run for were -- it was always indicated to us that it was either governor or lieutenant governor and our conversations were geared towards him running for a state-wide office. But my interaction with him it was certainly a lot like how you would approach a first-time candidate. With him it was a little bit of a unique background because he had had a very, a very great resume and profile for what you would want in a candidate.

Q. Okay. Let's go to the documents if you could. Just pull the one off the top, the one that has the green sheet of paper on top labeled January 6, 2015. Do you recognize this document?

A. Yes, that was an invitation for --

Q. Let me back up because I believe is that the document labeled Exhibit 3 in the bottom right corner?

A. Yes.

Q. Page 1 of 24?

A. Yes.

REPRESENTATIVE BARNES: For members of the Committee, they're not labeled with numbers in your books but they are labeled with dates.

BY REPRESENTATIVE BARNES:

Q. Do you recognize this page 1 here of Exhibit 3?

8

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A. I do.

Q. And how do you recognize this?

A. So this was a meeting that was set by Eric and his assistant. I was hired by Eric to help him with fundraising.

Q. Hold on a second. Is this a fair and accurate representation of the meeting notes you received?

A. Yes, it is.

Q. And was this sent, in fact, by Eric Greitens?

A. I do not know if it was sent by Eric. I can tell you it was either sent by Eric or his assistant.

Q. If his assistant sent it, was it sent at his direction?

A. Yes.

Q. Okay. And then the e-mail address at the top, egreitens@missioncontinues.org, was that the e-mail address that Mr. Greitens used to communicate with you?

A. Not so much to communicate with me. All the meeting notices I believe came from The Mission Continues e-mail address. He had a number of other e-mails that he communicated with. I don't recall all of them, but there was at least a couple.

Q. Was this one of the e-mails used by Eric Greitens?

A. For the meeting notices, yes.

Q. Okay. And if Krystal Taylor set a meeting, would she have done so with the input and direction of Eric Greitens?

A. Yes.

Q. And what was Krystal's job title?

A. I believe it was vice president. She -- when I first met Krystal in 2015 -- sorry, in 2014, I believe her job title was his personal assistant. At some point, I don't know exactly when, she was made vice president of the Greitens Group.

Q. Can you explain did she operate -- I'm sorry. Let me back up. Did she operate as an executive assistant -- in sort of an executive assistant role to Mr. Greitens?

A. Yes. Setting the schedule, setting meeting times, phone calls, everything.

Q. Would you describe her as a free agent within the Greitens Group or as someone who worked at the direction of Eric Greitens?

A. At the direction of Eric Greitens.

Q. This meeting notice was sent out Tuesday, January 6 at 1:57 p.m. I want to direct you to page 2 of Exhibit 3. Do you recognize this?

A. I do.

Q. And what is this?

A. So this is one of the first e-mails that I was provided when I became an official paid staffer of Eric's, and I was supplied the four donor lists that they had that they I presume had been using in some capacity.

Q. And who sent this e-mail? what e-mail address was this sent from?

A. Krystal Taylor's.

Q. Was that an e-mail address she regularly used to communicate with you and others?

A. Yes. I believe it is the only one she used to communicate with me and others.

Q. Did Ms. Taylor send this e-mail as a free agent or do you believe she would have sent that at the direction of Mr. Greitens?

A. At the direction of Mr. Greitens.

Q. Okay. And there are four attachments to these e-mails. Can you explain what each of those are?

A. Yes. So the first attachment, the All Donors 1,000 Total and Up as of 5/17/14, that was provided to me and communicated that that was The Mission Continues list which was Mr. Greitens' former charity.

Q. Whose idea was it to use The Mission Continues list?

A. I don't recall exactly whose idea it was. I

just know that -- I didn't know any of these lists existed. However, I was supplied them in one of the first days I was officially employed at Eric's or Mr. Greitens'.

Q. Was it your decision to use them?

A. It wasn't my decision. I know that that was one of the main lists that we used to create a fundraising plan and call list for Mr. Greitens.

Q. Prior to this e-mail, did you have access to any list of donors to The Mission Continues?

A. I did not.

Q. There's a Danny Laub on this e-mail as well. Who's Danny Laub?

A. Danny Laub was a political consultant that Eric had hired at some point in fall of 2014. I had known Danny from years prior. We went to the same college. He was a little bit younger than I was. We had a preexisting relationship before both working for Mr. Greitens, and he essentially was serving as Eric's campaign manager at the time.

In December, I set up -- he set up meetings with me to discuss the campaign and a potential role for me in Eric's campaign.

If I could state something really quick. The e-mail that -- obviously it says The Mission Continues

1 list. I did not at the time know that that was direct
2 property of the charity. Even though it obviously says
3 it, I was unaware that that had -- I have no idea where
4 it originated from. The press reports say it was the
5 charity's e-mail list, but at the time I did not know
6 that that was direct property of The Mission Continues.

7 **Q. Was it your idea to take The Mission Continues**
8 **list?**

9 A. It was not my idea certainly to use it. I
10 didn't know it existed before this e-mail. It was an
11 e-mail list, a contact list that we utilized in the
12 first -- in January.

13 **Q. By "we," who is we?**

14 A. Mr. Greitens and myself.

15 **Q. Was Danny Laub ever an employee of The Mission**
16 **Continues, to your knowledge?**

17 A. To my knowledge, no.

18 **Q. And briefly can you explain what the other**
19 **three attachments are?**

20 A. So I believe the EG Finance Prospects -- so
21 the EG Finance Prospects and the fundraising tracker, I
22 don't recall exactly what was in those documents. I
23 believe one of those was just people Eric had met
24 throughout 2014, potential donors, some national people
25 that he had been referred to. I know one of those

1 documents was that. I don't know exactly which one.

2 **Q. Okay.**

3 A. And I think one of the other fundraising
4 trackers -- to my knowledge, the other fundraising
5 tracker or the Finance Prospects was a list that was
6 created by a gentleman that Eric had been working with,
7 a national fundraiser named Mason Fink.

8 Oh, okay. The EG Finance Prospects, that's
9 the one that was Mason Fink's list. He supplied that to
10 the campaign. The fundraising tracker, yeah, that was
11 the list that had people that -- donors, influencers,
12 that just Eric had come across through different
13 contacts. The Schweich list, I don't know how they
14 acquired that list, but it was Tom Schweich's
15 fundraising list which had to be created internally in
16 the Schweich campaign, but I don't know how they
17 acquired it.

18 **Q. To be clear for the record, these documents,**
19 **you provided these documents to this Committee pursuant**
20 **to a subpoena sent to you; is that correct?**

21 A. Correct.

22 **Q. And so these come from your own records; is**
23 **that correct?**

24 A. Yes.

25 **Q. They are records you used in the process of**

1 **working for and at the direction of Eric Greitens?**

2 A. Yes.

3 **Q. Ask you to turn to the next page which is page**
4 **3, Attachment No. 1 and then pages 4 through 24. If you**
5 **could take a moment to review these. So we're clear,**
6 **you sent this to the Committee in the form of an Excel**
7 **spreadsheet. We turned this on its side so that it**
8 **could all fit on one page.**

9 A. Yes.

10 **Q. Do you recognize this?**

11 A. I do.

12 **Q. And what is this?**

13 A. This is what was described to me as The
14 Mission Continues list.

15 **Q. Is it a fair and accurate representation of**
16 **what you were sent in that e-mail as The Mission**
17 **Continues list?**

18 A. Yes. To clarify, the Attachment No. 2 on page
19 16, that's part of the same list.

20 **Q. That's correct. How many -- Do you recall how**
21 **many tabs there were?**

22 A. There was three. There was one of individual
23 donors which is the first attachment, and then the
24 document listed as Attachment No. 2 is I believe the
25 foundation tab, and the last -- if there's another

1 attachment in here, there was another tab of
2 corporations and companies.

3 **Q. And do you recall anything about the meeting**
4 **on January 7?**

5 A. So there were two meetings that we had,
6 fundraising meetings in January, finance meetings. I
7 don't recall exactly which of those two meetings we went
8 through this list. It might have been both of them.
9 But at least in one of those meetings we went through
10 the list, the attachments from that e-mail except the
11 Schweich list. I don't recall ever going through the
12 Schweich list, but I worked with Mr. Greitens through
13 the list to identify donor prospects for him to contact.

14 **Q. When you say the list, you mean -- restate**
15 **what you just said. You worked with Mr. Greitens**
16 **through The Mission Continues donor list to identify**
17 **people to contact to donate to the political campaign?**

18 A. Yes. And most of these donors -- I've been a
19 political consultant, worked in campaigns for a number
20 of years on the Republican side. Most of The Mission
21 Continues donors I was not familiar with. There was
22 some overlap with your general Republican donors, but a
23 lot of them I encountered for the first time on that
24 list. In those meetings Eric gave me notes on specific
25 donors. And of course, donors were selected based on

1 their ability to give which is denoted in the list of
 2 their lifetime giving history to The Mission Continues.
 3 So there were specific names obviously that were
 4 selected from that specific donor list that I received
 5 notes on and further leads and people to reach out to
 6 which came directly from Mr. Greitens.

7 **Q. Did you -- Can you explain the note? Who made**
 8 **the notes in the far right-hand column? I presume this**
 9 **was being sent to you. Do you know who made those**
 10 **notes? So for example, on page 6 of 24, there's a note**
 11 **that says family of [REDACTED] (phonetic spelling.)**

12 A. Sure, it is -- it's possible --

13 **Q. If you don't know who made that column.**

14 A. I do not know exactly. Some of these I have
 15 no recollection of. Now, there's some other notes on
 16 here that I possibly could have made at the time of
 17 going through this list with Eric, but some of these
 18 notes they don't ring any -- I don't have any
 19 recollection of making. Most of the notes that I took
 20 regarding this list were taken on a notepad and then I
 21 transferred them -- I typed them out on a computer.

22 **Q. Okay. If you could bundle those together in**
 23 **order. We will set those to the side. Now, I want to**
 24 **ask you about -- Are you on what's labeled January 19,**
 25 **2015?**

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1 A. Yes.

2 **Q. If you could turn to the next page, I believe**
 3 **that's labeled Exhibit 4; is that correct?**

4 A. Mine is not labeled. It does have an exhibit
 5 but it does not say 4.

6 **Q. Let's label that one Exhibit 4 if you have a**
 7 **pen.**

8 A. (The witness complied.)

9 **Q. Okay. Do you recognize this?**

10 A. I do.

11 **Q. And what is this?**

12 A. This was an invitation for another fundraising
 13 finance meeting with Mr. Greitens.

14 **Q. Was Mr. Greitens present in both this**
 15 **fundraising meeting and the fundraising meeting**
 16 **mentioned in Exhibit 3?**

17 A. Yes.

18 **Q. Okay. And did that meeting, in fact, occur on**
 19 **January 19, 2015?**

20 A. To my knowledge, yes.

21 **Q. I'd like you to turn to page 2. Do you**
 22 **recognize this and what is this?**

23 A. I do. This is an e-mail that I sent to myself
 24 on January 19. Just personally the way I organize
 25 things it's all done through my e-mail. So on specific

18

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1 notes and action items from things I send them to my
 2 inbox so I can organize them better. It's just
 3 something that helps me. So they're notes that I took.
 4 They're action items that I took from our meeting with
 5 Mr. Greitens.

6 **Q. And can you explain to the Committee the**
 7 **second line what that is in regards to?**

8 A. The second line, there was an individual.

9 **Q. Let's state what the line says for the record.**
 10 **Line says meeting with Lindsey Hodges and Krystal Taylor**
 11 **regarding TMC Contribution List. Meet with sometime**
 12 **this week. What was that about?**

13 A. So after going through The Mission Continues
 14 donor list, at some point during the process Mr.
 15 Greitens didn't recall a number of names from the list
 16 and I was directed -- he directed me to set up a meeting
 17 with Lindsey Hodges who it was indicated that she was
 18 either a current employee or a former employee of The
 19 Mission Continues. And Eric indicated that she would
 20 have more extensive information on many of the donors
 21 from the list and that I needed to reach out to her to
 22 go over the list with her.

23 I never met with Lindsey. I don't recall ever
 24 reaching out to her, but it's possible I could have.
 25 But to my knowledge, I don't think she ever came into

19

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1 the office, and I certainly never met with her
 2 personally to go over the list.

3 **Q. Do you know why at this point in time?**

4 A. I don't -- I don't -- I don't know why, why
 5 that meeting was never set.

6 **Q. Can you explain to the Committee the layout of**
 7 **the office in which you were working with -- Did Krystal**
 8 **Taylor work in the same office space?**

9 A. She did.

10 **Q. Did Danny Laub work in the same office space?**

11 A. Yes.

12 **Q. Did Eric Greitens work in the same office**
 13 **space?**

14 A. Yes.

15 **Q. Was there anyone else who worked in that**
 16 **office space?**

17 A. There was --

18 **Q. On a regular -- Let me back up. Was there**
 19 **anyone else who worked in that office space on a regular**
 20 **basis?**

21 A. There were two individuals that worked in
 22 there on a regular basis. One who was solely doing
 23 Greitens Group tasks, a gentleman by the name of Chris
 24 Bobak. Then there was his father who also worked out of
 25 the same space regularly, not everyday but multiple days

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every week.

Q. Is that Mark Bobak?

A. Yes.

Q. Okay. Can you describe the set-up of this office space?

A. It was the first floor of a converted home in the central west end located on west Pine. They had just moved in there sometime in the fall of 2014. They had access to the upper floors as well as the basement. And when you walked in the office to the right -- when you walked into the first floor from the street, to the right was Krystal's office. To the left was where Danny and I worked in an office along with Mark Bobak. I'm sorry if I said that incorrectly. To the left was where Danny and I worked out of an office and then also to the left was a conference room which is what Mr. Greitens worked out of.

Q. Okay. So this is on the first floor of the home. There's a common hallway between these spaces. Is this the type of space where if you needed something from another lawyer that basically others could hear your conversations in your office?

A. Yes.

Q. So it's a -- would you describe it as a sort of open office setting where everyone could hear

21

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everyone else and everyone is operating basically within the same space?

A. Yes. For private conversations, I know I stepped out a number of times, but generally, yes, we worked in an open space. Most of the time Mr. Greitens' conference room door was closed.

Q. Okay. If I could now direct you to -- if we could put that one away -- to January 28, 2015. And is there a number on that exhibit?

A. There is not.

Q. If we could label that Exhibit 5. Do you recognize this?

A. I do.

Q. What is this?

A. This was an e-mail thread that started because I was working on building some call lists for Mr. Greitens and there was contact information that I needed that I didn't have, numbers and some other, you know, e-mails and maybe some notes that -- but basically just contact information, and Sales Force was the contact management system that Mr. Greitens used for the Greitens Group.

Q. Was this his account eric@greitensgroup.com?

A. To my knowledge, yes.

Q. Okay. And did you input information about The

22

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Mission Continues -- from The Mission Continues fundraising list into this Sales Force database?

A. I do not remember if I did or not. I know I utilized Sales Force to take information from it.

Q. And so on page 4 of this exhibit, this list of persons, do you remember -- do you recall where you came up with this list of persons?

A. To my recollection, this was -- these were names that we identified off those lists that -- off the fundraising lists that Mr. Greitens and I went through and --

Q. Off the fundraising lists. Do you mean the combination of the four lists that were in that first exhibit?

A. I know we never used the Schweich list but certainly those other three lists.

Q. Including The Mission Continues list?

A. Yes. And so to my recollection these were names that there weren't any contact information for and I needed to secure phone numbers and contact info so Eric could solicit them for contributions.

Q. Are the documents contained within what we've labeled here as Exhibit 5 fair and accurate representations of the documents that you were utilizing at the direction and employment of Mr. Greitens?

23

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A. Can you repeat the question?

Q. Are the documents in Exhibit 5 fair and accurate representations of documents that you created and utilized while you were employed and working under the direction of Mr. Greitens?

A. Yes.

Q. And in case, I'm not sure if I asked the question, for Exhibits 3 and 4, the documents in Exhibit 3 and 4 fair and accurate representations of documents that you both created and received in the course of working for Mr. Greitens and at the direction of Mr. Greitens?

A. Yes.

Q. You have not altered them in any form or fashion?

A. Certainly not the e-mails I've not altered in any form or the meeting invites. So in Exhibit 4, no.

Q. Let me be clear with my question because you received fundraising lists?

A. Uh-huh.

Q. In the course of your employment for Mr. Greitens, your duty was to use those fundraising lists to create another list?

A. Yes.

Q. So you did alter those lists at some point in

24

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1 time, correct? You used them in some fashion to create
2 something else, correct?

3 A. Yes.

4 Q. Okay. But what you sent us in response to our
5 subpoena are the documents as they were sent to you on
6 those particular dates and time?

7 A. Yes.

8 Q. And you did not alter them in any form or
9 fashion before sending them to us as they were received
10 by you on those dates and times?

11 A. I think I'm not sure how to exactly answer
12 that because those lists I would have saved on my own to
13 my computer. So if you can -- so in terms of that, they
14 were altered because they saved them.

15 Q. You saved them. Your alteration -- To the
16 extent that you were testifying that you altered them,
17 it was to the extent you pressed the save button on your
18 computer?

19 A. Yes.

20 Q. You did not input new things into them?

21 A. No.

22 Q. You didn't delete items from them?

23 A. No.

24 Q. Okay. You just hit the save button to your
25 own hard drive, correct?

25

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1 A. Yes. Now, as I said earlier on the specific
2 Mission Continues list, some of those notes it's
3 possible but not likely that some of those notes were
4 mine in the column; but in terms of actually adding to
5 the list or deleting anything, that did not occur.

6 Q. I now direct you to February 2. I think that
7 has six pages. If you could put that to the side. And
8 if you could turn to the first page there. Does that
9 have an exhibit number on it?

10 A. It does.

11 Q. Okay. We're going to renumber. We're on 6.

12 MR. ERNST: If I may. Give me just one second
13 to clarify something that you're asking him. I think it
14 will make it go a little smoother.

15 REPRESENTATIVE BARNES: Okay.

16 BY REPRESENTATIVE BARNES:

17 Q. Is that -- I'm sorry. Are we on 6? Can you
18 mark that as Exhibit 6. Do you recognize this?

19 A. Yes.

20 Q. And what is this?

21 A. This was a finance plan, a fundraising plan
22 for Mr. Greitens' campaign that I developed based on the
23 lists that I received and also input from Mr. Greitens.

24 Q. Okay. I want to ask you about this paragraph.
25 Let me read the paragraph. It says it is more

26

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1 complicated than running a regular --

2 THE COURT REPORTER: I'm sorry. Could you
3 read a little bit slower.

4 REPRESENTATIVE BARNES: Yes, I can.

5 BY REPRESENTATIVE BARNES:

6 Q. Let's scratch where I started. I'll go
7 slower. To whom did you send this e-mail?

8 A. To Danny Laub.

9 Q. And was this processed at the direction and
10 service of Mr. Greitens?

11 A. Yes.

12 Q. Okay. Now, here's what the paragraph says,
13 and I quote: It is more complicated than running a
14 regular fundraising program because the majority of our
15 plan is based on engaging a whole new group of
16 non-traditional R donors that I will only have a limited
17 background research on, hence why I need Eric's guidance
18 one more time on these donors and then we can get
19 rocking. Can you explain what you meant by that long
20 sentence?

21 A. So Mr. Greitens coming from the background of
22 being the CEO of The Mission Continues, as well as not
23 being familiar with many Republican donors in the state
24 or donors that generally would give to Republicans in
25 Missouri, he was engaging in a completely

27

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1 non-traditional group of donors and would rely on a
2 completely different group of donors than other
3 Republicans in his position running for a state-wide
4 office. And so what I meant by this paragraph was that
5 I really needed more background information on some of
6 the donors in order to put together a call list, a
7 solicitation list for Mr. Greitens to work through, and
8 many of these donors were people that he would only --
9 he would have known through the charity and so I needed
10 his first-hand knowledge of his relationship of other
11 pertinent information regarding these donors.

12 Q. Did you sit down with him with information
13 from The Mission Continues to go through these donors
14 and learn more about them?

15 A. Yes.

16 Q. How would you describe Mr. Greitens' political
17 outlook at this time, at this time? By "at this time,"
18 I mean February 2015 and the months prior.

19 A. Sure. Still very new. He was occupied with
20 some other things at the time as well including a book
21 that he had just written that was planned for launch.

22 Q. Let me back you up because I think you heard
23 my question one way and I meant it the other. I'm going
24 to the non-traditional R donor part of your sentence. I
25 think you're thinking of the question prognostication of

28

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election results. My question is directed to his politics at the time as it regards your statement the non-traditional R donors. So the question is what his political outlook at that time not as regards to elections but as regards to these donors, potentially other donors, public statements and the like. Can you describe what that was in February if you'd like, February 2015 if you'd like prior to that?

A. Just so I understand the question. Were you referring to his political philosophy at the time?

Q. I am. I am. Particularly this sentence gets into the non-traditional R donors and your work with him up to that point in time.

A. Sure. Well, he had built relationships with a lot of Democratic donors. Everything that we had heard up until the time I started working with Mr. Greitens was that he was a solid Democrat. And he approached this whole process from a completely different viewpoint than most candidates would when they're running for one of the highest offices in the state in terms of we needed -- we had meetings and messaging sessions where he had to work through Republican policies because he just wasn't familiar with them. The running joke between Danny Laub and I was that Eric didn't have two sentences where he could tell you why he was Republican.

29

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That's a major issue when you're going out to solicit donors when you can't tell them why you're running in the party that you're running in.

Q. What do you believe his motivations were at the time based on your meetings with him and conversations with him?

A. In terms of the office that he wanted to run for or his ambition?

Q. In terms of what moved him to be in this race and to hire you in the first place.

A. It was solely his ambition for the highest office in the state for governor.

Q. How many candidates do you think you've worked with over the last decade?

A. At least ten personally. In a much broader scale, a lot more than that. I wouldn't know the exact number. I worked for a consulting firm that advised different party committees and things like that where I worked with a number of candidates.

Q. In terms of candidates being driven by core ideological beliefs, where would you rank Mr. Greitens on the scale of every candidate you've worked for?

A. Very, very low on a scale, on an ideological scale.

Q. Did you have a belief that he was a blank

30

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slate in January or February of 2015?

A. I was extremely skeptic of his conservative beliefs at the time.

Q. Are we on Exhibit 6?

A. Whether he was a blank slate or not, again, my previous experience with him, what I had heard and knowing some of his background from other individuals about him looking at running for office as a Democrat in years prior, there wasn't a blank slate per se but I believed up until the point he started talking to us and talking about running as a Republican that he was a Democrat.

Q. I'd like to direct you to page 7 of this exhibit. This is also from February 2, 2015. This is also to Mr. Laub, correct?

A. Uh-huh.

Q. It describes a list that's listed as Draft 1, very creative name. We've attached that herein. Are these fair and accurate representations both of the e-mail that you sent to Mr. Laub and of the attachment you sent to him?

A. Yes.

Q. And did you create these?

A. Yes.

Q. In the course and scope of your employment for

31

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Mr. Greitens and at the direction of Mr. Greitens?

A. Yes.

Q. Okay. You state in the e-mail you weren't sure if he had made calls from this list. Do you know if he later made calls using this list?

A. To my knowledge, he did. There are some documents that I believe have been withheld from the Committee that would indicate that he did make calls using the list.

MR. ERNST: Just for the record, there is the potential for attorney/client privileged documents as it pertains to Mr. Greitens or his campaign. Out of an abundance of caution because there are multiple investigations ongoing, including with the Attorney General's Office and circuit attorney in St. Louis who's conducting a criminal investigation, we have attempted to segregate those documents out subject to further review and determination about whether they are privileged. We have no opinion about whether they're privileged. Once that process plays out and if it's determined that they're not privileged and you would like further testimony from Mr. Hafner, he'll be happy to provide it at that time. So he's going to stay away from any topic that would require him to disclose communications that may have involved attorneys

32

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1 associated with the Greitens campaign including Mark
2 Bobak.

3 REPRESENTATIVE BARNES: Okay. Thank you.
4 Thank you for that.

5 BY REPRESENTATIVE BARNES:

6 Q. If I could direct you to page 9 of this
7 exhibit and the notes herein. It's kind of cool to see
8 George W. Bush's name on this list. This notes column,
9 if you look at the second row.

10 A. Uh-huh.

11 Q. It says TMC \$1,000 Donor. And did you fill
12 out that notes column through -- in conjunction with
13 review of The Mission Continues list?

14 A. Yes.

15 Q. Was it also in conjunction with conversations
16 with Mr. Greitens?

17 A. Yes.

18 Q. That would be true of this entire column in
19 this entire document, correct?

20 A. Yes, yes.

21 Q. Now direct you to February 5, 2015. If I
22 could have you label this as Exhibit 7. And can you
23 describe what Exhibit 7 is?

24 A. It appears to be the first call list that I
25 developed for Mr. Greitens.

33

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1 Q. And to whom did you send that call list?

2 A. To Mr. Greitens and Danny Laub.

3 Q. And did that call list which is attached
4 include information about Mission Continues donors and
5 how much they had given?

6 A. Yes.

7 Q. At any point in time, did Mr. Greitens tell
8 you you shouldn't be using The Mission Continues list?

9 A. No.

10 Q. If you had refused to use The Mission
11 Continues list, do you believe -- what do you believe
12 Mr. Greitens would have said or done?

13 A. I don't want to speculate on that. Again, at
14 the time I did not know it belonged to The Mission
15 Continues or how it was acquired. So I didn't really
16 think very much of it. It obviously was described as
17 that to me, but again I didn't.

18 Q. Did you believe Mr. Greitens had permission to
19 use this list?

20 A. Yes.

21 Q. Is this a fair and accurate representation of
22 the e-mail as you sent it with the attachment as you
23 sent it to Mr. Greitens?

24 A. Yes.

25 Q. You've not altered it in any form or fashion?

34

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1 A. No.

2 Q. In response to our subpoena?

3 A. No.

4 Q. I now direct you to February 17, 2015. Is
5 there a sticker on that? Can we label that as Exhibit
6 8, Mr. Hafner?

7 A. (The witness complied.)

8 Q. And can you describe what this is?

9 A. This is a call list.

10 Q. Let me back up. I want to make sure we're
11 correct. This is on February 17. I believe I said
12 February 7. It is February 17. Can you describe what
13 we've labeled as Exhibit 8, what it is?

14 A. Yes. This is another call list that I
15 modified and supplied to Eric to make phone calls off
16 of.

17 Q. When you say "modified," do you mean before
18 sending it on February 17 or do you mean subsequent to
19 sending it -- right before sending it to us?

20 A. No. While sending it on -- prior to sending
21 it on February 17.

22 Q. Okay. And is this e-mail and the attachment
23 thereto a fair and accurate representation of the e-mail
24 you sent to Mr. Greitens and Ms. Taylor and the
25 attachment thereto?

35

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1 A. Yes.

2 Q. To your knowledge, did Mr. Greitens use this
3 attachment call list?

4 A. To my knowledge, yes.

5 Q. And did it identify Mission Continues donors
6 and the precise amounts of their donations?

7 A. Yes.

8 Q. Did Mr. Greitens use that information in the
9 course of making phone calls to raise money for his
10 campaign?

11 A. To my knowledge, yes.

12 Q. I now direct you to March 20, 2015. And if
13 you could label that as Exhibit 9.

14 A. (The witness complied.)

15 Q. Can you describe for the Committee what this
16 e-mail is?

17 A. Yes, it is a donor prospect list that I
18 created that included all the notes that Mr. Greitens
19 provided to me on specific donors and donor prospects
20 that could contribute to his campaign.

21 Q. So if we could turn to page 6 of 25, [REDACTED] and
22 [REDACTED].

23 A. Uh-huh.

24 Q. They're labeled as a \$10,500 donor to The
25 Mission Continues?

36

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A. Uh-huh.

Q. And that is data you pulled from The Mission Continues list; is that correct?

A. Yes.

Q. And at the request and working with Mr. Greitens?

A. Yes.

Q. And the same would be true of everywhere else in this database where it is listed as TMC and an amount?

A. Yes.

Q. Do you know approximately how much money was raised by the Greitens campaign from Mission Continues donors?

A. I do not know the approximate amount. I know it was substantial.

Q. Do you believe it to be over a million dollars?

A. Yes.

Q. Do you believe it to be around \$2 million?

A. I don't want to speculate. I know that's what one of the press accounts said on it. I do not know.

Q. Of course the documents will speak for themselves. We have public records reports to do this. I'm going to hand you another exhibit. If you could

label that Exhibit 10. This is not your document. So this is an amended report from the Missouri Ethics Commission. If I could turn you to I believe the second to last page. Let me approach again and get another exhibit in the record. Mr. Curchin is going to hand you what's been labeled as Exhibit 11. If you could turn to paragraph 10 of Exhibit 11. In your experience with campaigns, does a list which results in the raising of over a million dollars have a value -- would it have a value of \$600?

A. Yes.

Q. Yes, it would have a value of \$600?

A. I'm sorry. It would have a value of much greater than \$600.

MR. ERNST: I believe you said over 600.

REPRESENTATIVE BARNES: Let's back up and I'll ask the question.

BY REPRESENTATIVE BARNES:

Q. Do you believe it is accurate to say that the value of The Mission Continues list which was used to raise over a million dollars was \$600?

A. No.

Q. Okay. And do you believe the value to be higher than \$600?

A. I believe it would be a lot higher than \$600,

and that is based on my knowledge of the fundraising of The Mission Continues charity which raised in excess of \$10 million a year.

Q. And based on your first-hand experience, did the campaign receive the list from Daniel Laub?

A. No.

Q. In fact, your e-mail shows it was received from Krystal Taylor at the direction of Eric Greitens, correct?

A. Yes.

Q. Do you know why Mr. Laub would agree to state that he had given that contribution?

A. I can only speculate on that. I do not know the exact reason why.

Q. Have you spoken to Mr. Laub about it?

A. I have not spoken to Mr. Laub since March 2015.

Q. Do you know what Mr. Laub -- how long he lasted with the campaign?

A. I don't know the exact time of his separation with the campaign. It was in the fall of 2015.

Q. Do you have any idea where he worked after leaving the campaign?

A. I just know where he works now. I don't know what he did in between. I had heard that he had worked

on a congressional race or something in Michigan, but I don't have any direct knowledge.

Q. You never talked to Mr. Laub after leaving the campaign; is that correct?

A. No. Last time I spoke to him was the day of our separation in March of 2015.

Q. And after leaving the Greitens campaign, did you work for any other campaigns in 2016?

A. Yes. I worked for John Brunner starting in August of 2015, and then I worked for Kurt Schaefer in 2016. I believe those were the only two campaigns I had a role on the rest of that cycle.

Q. Did you work for Mr. Brunner through the primary in 2016?

A. I did.

Q. And for Mr. Schaefer through the primary in 2016?

A. Yes.

Q. In those months between January and March, did you have any discussions with Mr. Greitens about how the campaign may conceal the source of donations?

A. Not directly to that topic, but he directed me to have conversations with donors who intended to raise significant amounts of money and conceal the donors, conceal the identity of those donors.

Q. Do you recall who those donors were?

A. There was one in particular, an individual by the name of Monu Joseph. He was in California. To my recollection, I had two phone conversations with him. There was some e-mail traffic as well which has been withheld due to privilege from Mr. Greitens' end. He contributed early to the campaign in the form of some LLCs that he had in California, and I discussed with Monu -- he wanted to discuss with me how the campaign was going to bundle contributions and conceal the identity of donors.

Q. Who is Monu Joseph? What's the nature of his business? I assume he owns a business?

A. I believe he does.

Q. Do you know what the nature of that business is?

A. No, but I was led to believe it was something in real estate, and there were two contributions early on to Mr. Greitens campaign that came from Monu. One had an odd name like Gray Income LLC or Gray Income Property or something like that, but there were two early conversations -- there were two early contributions from him that didn't have his name on it. They came from LLCs, but I don't know the nature of those businesses.

41

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Q. Where were those LLCs located?

A. I believe they were located in California.

Q. Were they created for the purpose of making a contribution?

A. I do not know.

Q. If you were provided with a campaign finance disclosure statement from the Greitens campaign for the first six months of 2015, do you believe you'd be able to identify the LLCs attached to --

A. Yes.

Q. -- Mr. Joseph?

A. Yes.

Q. Okay. We may follow up.

A. Well, I think they might even be in this exhibit if this is from that time period.

Q. That is an amended period. So we'll take a break at some point if you want to review those rather than have you look down as the Committee is staring at you. Were there any other individuals with whom you had contact who were discussing ways to conceal donations?

A. Yes. Again, I think the information on that would be withheld.

Q. Were there any other individuals with whom you had conversations who were not lawyers and there were not lawyers present in the room when you were having

42

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discussions about concealing the identity of donors?

A. No.

Q. So you had conversations with Mr. Greitens, correct?

A. Uh-huh.

Q. You've got to use yes or no.

A. Yes.

Q. And that was about -- one of those conversations was about concealing the identity of a donor?

A. It was about reaching out to specific donors who were intending to raise a lot of money and wanting to know how to do it.

Q. Okay. Mr. Joseph. Do you have any other names of donors who intended to do so through a route of concealment?

A. There was one other individual named Alex Rogers. He was a gentleman I never had any direct conversations with him, but I was led to believe that he lived overseas. He was intending to raise a lot of money and wanted to know how to do it.

Q. From whom was he going to raise money?

A. I don't -- We didn't get that far in conversations or anything. I never spoke to him directly. There was e-mail traffic that indicates all

43

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of that, but that would be withheld.

Q. Were there any conversations about receiving donations from foreign nationals?

A. Yes.

Q. Were those conversations surrounding Mr. Rogers?

A. Yes, I was led to believe that he was one of the people. There was another conversation with Monu that I had where Monu said that he had -- that he had a bunch of friends from Oxford. I believe that was Monu's connection to Eric, that they had met while at Oxford, and Monu indicated that there was a number of people that would contribute to Mr. Greitens' campaign.

Q. Were these British donors or do you know what nationality?

A. No, I do not know.

Q. Where is Mr. Rogers' neighborhood? I'm sorry. I couldn't resist. I'm sorry.

Do you know what country Mr. Rogers is a resident of?

A. I believe him to be British.

Q. Okay.

A. I don't know -- I do not know where he lived at the time. I know he lived overseas, but I don't recall where he was from.

44

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1 **Q. Based on your work in that campaign, do you**
 2 **believe that, in fact, there was a strategy employed to**
 3 **conceal donors?**

4 A. I believe that was an intention of the
 5 campaign's early on.

6 **Q. Do you believe it was carried out?**

7 A. Yes.

8 REPRESENTATIVE BARNES: I believe I'll hand it
 9 over to my vice-chair. Do you want to take a short
 10 break to prepare?

11 REPRESENTATIVE PHILLIPS: Not to prepare.

12 REPRESENTATIVE BARNES: Let's take a short
 13 break. We'll come back in approximately ten minutes.

14 (A recess was taken.)

15 REPRESENTATIVE BARNES: Back from break.
 16 Representative Phillips.

17 REPRESENTATIVE PHILLIPS: Thank you.

18 QUESTIONS BY REPRESENTATIVE PHILLIPS:

19 **Q. Don Phillips, State Representative District**
 20 **138 which is near Branson, Table Rock Lake.**

21 **Why did you leave the Eric Greitens campaign?**
 22 **Did I miss that? I didn't hear that discussed at all.**
 23 **I'm just curious why you left.**

24 A. So a number of consultants that I have
 25 professional relationships with had indicated to Eric,

45

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1 Mr. Greitens, that if he ran for governor that they
 2 would not be -- they would not have a role on his
 3 campaign for governor. And because of my professional
 4 relationship with those consultants, in the days that
 5 they had that conversation with Mr. Greitens, Danny Laub
 6 asked me to come into his office when I got in in the
 7 morning and he said that they were severing -- they had
 8 made the decision to sever all ties with those
 9 consultants and that Eric was 100 percent focused on
 10 running for governor and he had ruled out any other
 11 potential office to run for and because of, as I said,
 12 because of my relationship with those consultants, they
 13 wanted to take a, quote, strategic pause on my
 14 relationship with Mr. Greitens and his campaign.

15 It was never indicated that a separation was
 16 permanent at the time. Danny Laub, Mr. Greitens'
 17 attorney and Mr. Greitens himself all told me that at
 18 some point if things changed, if the dynamics of the
 19 primary had changed, they would love to bring me back
 20 on. Mr. Greitens himself told me that I would make a
 21 great employee in the governor's office some day. It
 22 was as amicable separation as it could have been.

23 **Q. Okay. So in your mind was there a political**
 24 **conflict of interest on your part? Is that the way they**
 25 **saw it maybe?**

46

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1 A. They saw a conflict of interest because the
 2 relationships I had with other consultants. As it was
 3 said earlier, I did end up going to work for John
 4 Brunner. That wasn't until months later in August of
 5 that year. In their mind, because I had a relationship
 6 with other consultants that had known John and had
 7 worked with John, that there was a conflict in their
 8 mind but at the time I never had a conversation with
 9 John Brunner that I recall. I had no professional
 10 relationship with him or anything else.

11 **Q. So you left on a good basis?**

12 A. As good as it could have been, yeah.

13 **Q. Now, when you worked for Brunner and**
 14 **Schaefer's campaign, did you experience the same**
 15 **procedures with them when it came to fundraising as far**
 16 **as hiding donors? Is that just typical in politics**
 17 **behind closed doors to typical try to hide donors? Did**
 18 **you experience that in the other two campaigns? Can you**
 19 **comment on that?**

20 A. I did not experience that in either of the
 21 campaigns I had a role on. The candidates I've worked
 22 for I've not experienced that either.

23 **Q. Okay. So this was unique to Greitens campaign**
 24 **as far as your knowledge goes?**

25 A. Yes and no. In my experience with candidates

47

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1 and my personal experience, it was unique. There are
 2 other candidates that operate in that fashion.
 3 **Q. Okay. I was just curious about your part.**
 4 **Now, what's the purpose -- Educate me a little on the**
 5 **purpose of concealing donors. I mean why would a person**
 6 **want to do that running for a high profile job?**
 7 A. Sure. There's a number of reasons for it. I
 8 think from a candidate's perspective it's they don't
 9 want to be seen as being purchased by a particular donor
 10 if they're giving mass amounts of money. I know it's
 11 legal -- or it was legal at the time in Missouri. There
 12 weren't any contribution limits to give a million
 13 dollars to a specific candidate, but I think the
 14 exposure certainly is one both from the candidate side
 15 and from the donor side. They don't want to be seen as
 16 influencing a certain candidate. They might have
 17 business before the state. There might be a legitimate
 18 conflict. And I think there's a number of reasons for
 19 why you'd want to from a candidate perspective and from
 20 a donor's perspective. I'm not going to argue on the
 21 legitimacy or why, you know, people should or should not
 22 operate in that manner.

23 **Q. Do you have an opinion about why Eric Greitens**
 24 **particularly wanted to hide the donors?**

25 A. Again, I don't really want to speculate on

48

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1 something like that. I don't know what his motivation
2 specifically was.

3 **Q. All right. There's been a term tossed around**
4 **called dark money when it comes to the Greitens**
5 **campaign. Are you comfortable describing what you think**
6 **dark money is?**

7 A. Yes.

8 **Q. Okay. Would you describe that to me because I**
9 **don't know that I totally understand what it is. I've**
10 **got an idea.**

11 A. Sure. I believe it to be a way that donors
12 exert influence in campaigns without having to conceal
13 their identity -- without having to disclose their
14 identities. It happens for a number of reasons. But
15 yeah, I believe it's an effort to not be transparent
16 with who's funding particular issues or candidates.

17 **Q. So it's fair to say it's people that have a**
18 **considerable amount of money and therefore they have**
19 **some influence as well probably due to the amount of**
20 **money that they're putting into the fundraising efforts?**

21 A. Generally, yes. However, everyone has the
22 ability to give to some of these ghost corporations and
23 LLCs and other things that in turn can provide money to
24 a state little PAC like in Missouri or operate outside
25 of the normal campaign finance structure, but yeah, you

1 could give \$50 or you could give \$500,000 or \$5 million.

2 **Q. Were you ever aware of any conversations that**
3 **specifically mentioned the Ethics Commission and not**
4 **reporting accurately to them, trying to hide money from**
5 **them specifically?**

6 A. I don't recall any conversations to that
7 effect, no.

8 **Q. Would you describe yourself as an honest**
9 **person?**

10 A. Yes.

11 **Q. Would your acquaintances agree with that, as**
12 **far as you know?**

13 A. Yes. As far as I know, yes.

14 **Q. Not just your friends but acquaintances as**
15 **well?**

16 A. I work in politics so everybody has enemies in
17 politics.

18 **Q. Broader definition, isn't it?**

19 A. Yes.

20 **Q. My last question to you is what is your motive**
21 **for providing us with this particular information, the**
22 **e-mails, records of your e-mails, the records of the**
23 **donors? What prompted you or what drives you to share**
24 **that information with us?**

25 A. I think a number of things. In campaigns, I

1 do believe in transparency. On another level, I know
2 what the truth is and I had always assumed that this
3 issue would come back up when I saw the consent form
4 from the MEC. It's not easy for me to be here. I am a
5 Republican campaign consultant, and I think this is a
6 very serious and somber time for our state. But my
7 motivation is -- it's not the money or anything else.
8 I'm paying for my own attorneys. Probably the only --
9 may be the only one that doesn't have a defense fund on
10 this. But my motivation is I believe in good
11 government. That's what drove me to get in politics in
12 the first place. I believe in working for good
13 candidates that align with my political philosophy and
14 the same principles that I have.

15 **Q. So you have no axe to grind with Eric**
16 **Greitens? You're not attempting to get back at him in**
17 **any way or anything like that?**

18 A. No. You know, it hurts me with some of my
19 clients that I'm here if they knew I was testifying. I
20 advise some pro business PACs and I am a registered
21 lobbyist. I lobby for a Senate right group that
22 advocates for labor reform and other premarket reforms,
23 education reform and some other things. Yeah, it
24 probably -- I mean it hurts me professionally if they
25 know that I'm here testifying against the sitting

1 governor of our party.

2 MR. ERNST: And I should also clarify for the
3 record just so it's clear, the documents that are
4 provided and the testimony today were pursuant to a
5 subpoena from this Committee which compelled the
6 production of those documents and his testimony.

7 REPRESENTATIVE PHILLIPS: Right, and I
8 understand that, but I think there had to be some
9 conversations prior to that than just occurred out of
10 the clear blue. I think there had to be some agreement
11 if there were documents available if a subpoena had ever
12 been issued. would that be fair to say?

13 MR. ERNST: I can't speak to that. I don't
14 know how the Committee determined that Mr. Hafner, my
15 client, should be subject to a subpoena. But again, it
16 was in response to and as compelled by that subpoena
17 that he provided the information.

18 REPRESENTATIVE PHILLIPS: All right. Thanks.
19 Thank you, Mr. Chair.

20 REPRESENTATIVE BARNES: Representative Mitten.
21 QUESTIONS BY REPRESENTATIVE MITTEN:

22 **Q. Good morning. I'm Gina Mitten. I'm from St.**
23 **Louis County. My district is the 83rd that represents**
24 **both parts of St. Louis City and St. Louis County.**
25 **Could you briefly describe your campaign experience?**

You said you've been in this business for a number of years. I don't necessarily need the whole candidates but, you know, how many years and in what roles?

A. Sure. I'll give you a quick 30-second rundown.

Q. The pitch.

A. I got my start with Governor Matt Blunt's campaign in 2004. In college took a semester off, worked for US Senator Jim Talent, worked for Sarah Steelman and the state party in 2008, state Republican party as coalitions director. I worked for a business civic group in St. Louis called the Regional Business Council for a year and ten months, and then I worked on a number of campaigns starting with then Lieutenant Governor Peter Kinder in 2011-2012 and a number of other campaigns until 2015 when I worked for -- when I began work for Mr. Greitens.

Q. And in your role working for these prior candidates or campaigns, what would -- well, had you done fundraising for those prior campaigns?

A. Yes.

Q. How many years sort of fundraising? I'm going to get this question out one way or the other. How many years did you work as a fundraiser or perform that function for political campaigns prior to January 2015?

53

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A. My first experience in fundraising for a candidate was in 2008.

Q. Okay.

A. Since then, yeah, it's always been a role that I've had. Not the direct role that I've had but I've managed and directed every department of the campaign whether it's grassroots, fundraising, communications.

Q. Is it fair to say that starting in 2008 fundraising was at least one if not a primary component of your work as a --

A. Yes.

Q. -- political advisor throughout from 2008 to 2015 or '14?

A. Yes.

Q. Okay. Thank you. Then in your work when performing the fundraising aspects -- let me ask this first.

When you were hired by Mr. Greitens, was fundraising your primary role or what was your title and what duties were encompassed in that title?

A. I was led to believe that I was brought on to coordinate fundraising for his campaign. In my experience, I was an advisor on numerous other issues, including policy development, some communications work, just general political stuff.

54

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Q. Right. Isn't it fair to say that even if your primary duty is fundraising, folks in that position would generally be involved in some of these other more policy?

A. Yes.

Q. Right?

A. Yes.

Q. Because part of fundraising is being able to provide a message to the potential donor?

A. Absolutely.

Q. In your fundraising experience outside of your work for Governor Greitens, was it traditional to pull from a charitable list?

A. No, that's not my experience with any candidates I've ever worked for.

Q. Is it fair to say the time from January to March of 2015 while you worked for Eric Greitens, that's the only time in your political employment history in which you pulled from a list owned or maintained by a charitable organization?

A. Yes.

Q. Can you just sort of give a little bit of understanding about how does this work in that not necessarily for Mr. Greitens but, okay, I'm going to come and I'm going to do fundraising for you. The first

55

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thing we're going to do is pull some lists. What is sort of the traditional method by which you would pull lists or what expectations would you have from the candidate or campaign to support in that endeavor?

A. Sure. Well, for me personally you build a fundraising plan and you have a goal that's set based on how much money you need to win your campaign. From that you develop a plan. You select prospects for the candidate to solicit and build numbers around that. And selecting prospects is generally based on their ability to give. How you determine that is a lot from their previous donor history. You all know donors that have given to previous campaigns or active in politics are the ones that are likely to give in future elections and future candidates.

So it's a process of selecting those prospects, building the fundraising plan and then your direct outreach.

Q. Then making the calls?

A. Yes.

Q. Where do these lists come from? In other words, obviously the candidate or, you know, the candidate or the stakeholders to the campaign, they're going to start with their own Rolodexes and all that kind of stuff?

56

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A. Friends and family.

Q. Right, friends and family, all of that. Outside of that individual's personal network, where else do lists come from that you reference? You reference -- there are lists referenced in the e-mail. There is, what is it, the TMC 100, I can't remember, 2,000?

A. Yeah, 1,000 plus.

Q. So where do those lists come from just generally speaking? Where else do you go to get this information?

A. Certainly consultants will share a list among their clients.

Q. Right.

A. They'll take a list from a certain state-wide campaign and use it for another state-wide campaign. They'll have one from 2012 that they use for 2016 cycle.

Q. Is it fair to say that that's part of your value?

A. Sure, yeah. I don't consider myself a full-time fundraiser which is something that I know how to do that I've done for other candidates. Certainly the fundraisers in our state, they have built up lists and cultivated those lists and donors over a period of election cycles.

57

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Q. Right. And it's not just the data, it's also the relationships?

A. Absolutely.

Q. That again is part of the value of hiring an experienced fundraiser is they're going to be able to bring to the campaign that data, those relationships and the general information about what the pitch looks like I guess would be the way to say it?

A. Absolutely. They'll have an understanding of what drives specific donors to give to a candidate or to a cause.

Q. Right. So if a fundraiser or campaign needed to reach beyond those networks, do you purchase lists?

A. I have never purchased a list, but that's certainly possible for some candidates.

Q. Do you know how one would determine the value of a list that was purchased?

A. I do not.

Q. So in your testimony earlier that the value of The Mission Continues list would be in excess of I think it was \$600, what qualifies you to render that opinion I guess?

A. In my personal experience, a list that is developed and maintained over six years potentially, that involves a lot of staff work, a lot of just

58

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maintaining contact information, cell phone numbers, e-mail addresses, as well as providing a list, a lifetime contribution list. Most of the time we'll go through an MEC report and pull off but you still have to find contact information.

Q. Right.

A. Valuing it at over \$600, I don't know what the exact value would be, but in my personal experience a list that raises in excess of millions of dollars a year, \$10 million a year would be pretty valuable to me.

Q. It's something that a lot of folks would want to get their hands on?

A. A lot of candidates, absolutely.

Q. Right. And also that value would be combined from again sort of the manpower of creating it, the manpower of maintaining it and whatnot?

A. Sure, yeah.

Q. Would you say that a list like that is similar in value or operation to any business's list of clients or customers?

A. Can you ask that question again?

Q. Well, for instance, if I'm ABC Widget Company and I sell widgets to a thousand different businesses across the country, XYZ Widget Company might be very interested in knowing who my customers were, what the

59

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details of that relationship, the cost, the amount of sales I make. Is a donor list sort of a similar function, donor list functions to a campaign similar to the way that a customer or client list would function to a business? Is that a fair assessment?

A. Yes. And I can give a good example of that. If a candidate like Jason Kander who had a military background had a list of people that were sympathetic to causes involving veterans and the military, I believe that a candidate like Jason Kander would really like to have a list like that available to him.

Q. Oh, I can imagine. That's certainly fair to say. Representative Phillips sort of touched on this as well, but it's your understanding that bundling is, or I'm calling it secret bundling, is or is not sort of a traditional thing to do or does it really just depend on the candidate?

A. Bundling is something that a lot of candidates do at the national level.

Q. Right.

A. A donor comes in with a pledge to raise 250,000. They have five other donors that are going to give 10,000. It is a general thing. But normally with federal candidates and with state candidates it's done in the open, it's reportable.

60

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Q. Right. So in other words, if I were to say I'm going to raise, I'm trying to think of a candidate, I'm going to raise \$10,000 for Jay Nixon, we'll say somebody that's not in the game, I just tell Jay, okay, I got \$1,000 from Sally and I got \$5,000 from Joe and I got another \$2,500 from Missy and another \$1,500 from Karen and that's my \$10,000 here. But it would be reported to the MEC -- stop that. That's what we mean by bundling so that we're all clear about the definition?

A. Yes.

Q. In turn, those checks would go to the Nixon campaign from Sally and whatever, Karen?

A. Uh-huh.

Q. Is that correct?

A. Yeah.

Q. And then in turn the Nixon campaign would report to the Ethics Commission the \$1,000 from Sally -- I've lost track of the names.

A. Yes.

Q. Each of those individual contributions. So although the Nixon campaign would know that I was responsible for collecting those donations or getting them, it would be completely transparent to the rest of the world by virtue of filing ethics campaign filings,

61

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right?

A. Yes, generally.

REPRESENTATIVE BARNES: For the record, I believe you were a thousand dollars short of your \$10,000 bundle.

REPRESENTATIVE MITTEN: I apologize but math has never been my strong suit. I thought that's why I went to law school.

BY REPRESENTATIVE MITTEN:

Q. When I refer to it as secret bundling though would be me saying to the Nixon campaign -- I probably should say me saying to the Greitens campaign I'm going to raise \$10,000 and I go to Karen and Sally and all of those folks and they write a check to me and then I write one check for \$10,000. Is that a fair way of sort of putting how that works?

A. That's not really how I view that it works. It certainly can work that way.

Q. It's one of doing it --

A. Sure.

Q. -- to bypass? What's your vision?

A. It could be. My view is that it's done when somebody -- In the case before us, I think it was intended to get a group of people that didn't want to disclose who they were.

62

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Q. Okay.

A. But that they individually or through their companies would give directly to a certain entity like a --

Q. Instead of the dollars -- instead of somebody writing a check to Gina Mitten which I in turn, it would be let's create an LLC, let's create Gina Mitten LLC, everybody donates to Gina Mitten LLC and becomes a shareholder or partner or whatever the corporate structure is and then Gina Mitten LLC gives the \$10,000 check; is that how you envision that?

A. Yes. Generally it's not -- yeah, it's a freedom group.

Q. It's another PAC?

A. Sure.

Q. That's not required to disclose -- I guess it would have to be not a state PAC. It would have to be a federal PAC.

A. I'm not an attorney. I don't know how they do it.

Q. I am an attorney and I don't get it honestly.

A. They do it in a way that conceals donors.

Q. Right. And the reason why I'm asking that is because was that your understanding of what was going to happen with Monu?

63

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A. Yes.

Q. And Mr. Rogers, right, obviously?

A. It was my understanding that, yes, that Mr. Greitens campaign was going -- they had indicated that they were going to go down that road very early on in the campaign.

Q. Okay. Now, and I'm sorry to rehash because you may have already been asked this, but did you have specific conversations -- did you personally have conversations or witness conversations with Alex Rogers or Monu?

A. Monu I did, yes.

Q. Okay. Do you remember -- Well, I guess those conversations would have happened sometime between --

A. January and March of 2015.

Q. Right, exactly.

A. Uh-huh.

Q. And then is Monu's name spelled M-o-n-u?

A. Yes.

Q. And his last name is Joseph, J-o-s-e-p-h?

A. Yes.

Q. Okay. And then Alex Rogers on Exhibit 7, page 5 is your entry for Alex Rogers in your what I would call a call list?

A. Uh-huh.

64

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1 Q. You were calling it a call list as well. So
2 that makes it easy. It says that ask for commitment in
3 exploratory phase and Hong Kong schedule. Does that
4 that refresh your recollection as to where Mr. Rogers'
5 neighborhood really was?

6 A. Yes. To my recollection, Eric was going to be
7 in Hong Kong at some point and wanted to meet with Alex,
8 and there are some other e-mails along this line that
9 have been withheld.

10 Q. Right. Then is it Mr. Bobak that's the
11 attorney, Mark Bobak?

12 A. Yes.

13 Q. So were you an employee when you started in
14 January '15 or were you an independent contractor?

15 A. I was always an independent contractor
16 essentially, but I was paid by Eric either through him
17 or the Greitens Group. I don't remember what his name
18 was on the check.

19 Q. Then one of your e-mails, it's Exhibit 4, page
20 2. Let's see if I can get to that.

21 MR. ERNST: Should we put Exhibit 7 away?

22 REPRESENTATIVE MITTEN: Pardon me?

23 MR. ERNST: Are you done with Exhibit 7?

24 REPRESENTATIVE MITTEN: I am, yes. Thank you.
25 I think I am. No guarantees I suppose.

65

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1 BY REPRESENTATIVE MITTEN:

2 Q. Exhibit 4, page 2 has you marked at Barklage.
3 So were you also employed there or what was the -- why
4 is there the Barklage logo and e-mail string even though
5 it says from your Gmail account on this page?

6 A. Right. That was a company that I was
7 affiliated with. I had been employed by that company
8 from 2011 on. At this particular time, I was still
9 affiliated -- I was not being paid by that company. I
10 had my own clients. I was still affiliated -- they
11 covered my health care and maybe my cell phone. I still
12 had an e-mail address. I was not being paid by them at
13 that time, but I was affiliated with them.

14 Q. Fair enough. You described the offices as
15 this sort of renovated home in the central west end in
16 January '15. And in this building, right, it was a
17 whole building; is that correct?

18 A. It was a three-story converted home.

19 Q. Right. There were employees of The Mission
20 Continues which I believe was Ms. Knodell -- no, I'm
21 sorry, Taylor?

22 A. There was -- You're referring to the Greitens
23 Group offices that I worked out of, correct?

24 Q. That's what I'm trying to understand is who
25 was Greitens Group, who was The Mission Continues? Who

66

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1 was what in that building?

2 A. In the building that I worked out of from
3 January to March 2015 was a converted home in the
4 central west end. Out of that office, out of that
5 office building, office, housed the Greitens Group and
6 eventually Greitens for Missouri. Now, I first met Eric
7 in December of 2013 at the Greitens Group office which
8 was then located at The Mission Continues office just
9 south of downtown St. Louis. I don't know the exact
10 address.

11 Q. I think that's probably where my confusion
12 lies. So in 2013 or in December 2013, the Greitens
13 Group officed with TMC, The Mission Continues, but by
14 2015 the Greitens Group had found its own space separate
15 and apart or physically separate from The Mission
16 Continues?

17 A. Yes.

18 Q. And at the time that you started, the only
19 entities operating out of that building in the central
20 west end were the Greitens Group and then ultimately
21 Greitens for Missouri?

22 A. Yes.

23 Q. And you don't remember if you were paid by
24 Eric Greitens, the Greitens Group, or Greitens for
25 Missouri?

67

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1 A. I know the first month I was not paid for -- I
2 was not paid by Greitens for Missouri. I was paid the
3 last two months by Greitens for Missouri. The first
4 month I do not recall if Eric gave me a check personally
5 or if it came from Greitens Group.

6 Q. Okay. Do you know if Greitens for Missouri
7 reported any payments to you made in January of 2015 as
8 campaign expenditures?

9 A. I do not believe they did.

10 Q. Okay.

11 A. And as an additional point to that, there was
12 another employee, Danny Laub, who I was led to believe
13 was also being paid by Greitens Group. He was hired
14 sometime before me. I don't know which month. I was
15 led to believe he had been hired in November or December
16 and I was led to believe that he was paid by either Eric
17 personally or by the Greitens Group. He is a political
18 consultant as well. We were brought on to do political
19 oriented tasks.

20 Q. So speaking for yourself personally, did you
21 ever do any work for the Greitens Group or was all of
22 your work during the month of January 2015 affiliated
23 with the Eric Greitens campaign?

24 A. There's only one task -- there's -- it's a
25 little bit of a tough question to answer. There's a

68

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1 couple tasks that I had to do that would have fallen
2 under the Greitens Group umbrella. One was prepping
3 Eric for a speech that he had at the Manhattan Institute
4 I think it was. It was a brief conversation that I put
5 some research together and gave it to him. I don't know
6 exactly when that date was. There would have been
7 little stuff around the office that would have been
8 under the Greitens -- I had to move I don't know how
9 many boxes of books they had to the basement of his --

10 **Q. Loading the books, right?**

11 A. -- of his office. That wasn't a campaign
12 thing. There's little stuff like that.

13 **Q. Is it also fair though that your assistance**
14 **with Mr. Greitens preparing a speech, even though the**
15 **money was being funneled through the Greitens Group,**
16 **would also sort of fall into your role as a policy**
17 **advisor to the extent that what the governor said at his**
18 **speech impacts your ability to fundraise from a**
19 **Republican donor list?**

20 A. Yes, absolutely. The speech had some major
21 donors that Eric was reaching out to around the same
22 time period and it was a speech based on I believe it
23 was veterans statistics. It would have been in some of
24 the files I turned over. Yeah, it was a little memo
25 that I developed.

1 **Q. Right. But again, to the extent that what**
2 **candidates say in public can impact --**

3 A. Yes.

4 **Q. -- their campaign and their fundraising, that**
5 **role or responsibility as to a speech sort of has a dual**
6 **purpose; is that a fair assessment?**

7 A. Yes.

8 **Q. Okay. Do you know when Greitens for Missouri**
9 **was actually formed?**

10 A. I don't know the exact date. I know it was in
11 late February. I always get it confused. I believe it
12 was February 24 or February 25.

13 **Q. Okay.**

14 A. And I was directly involved in helping get the
15 papers over to Missouri Ethics Commission.

16 **Q. Okay. Now I'm trying to go back to notes that**
17 **I really scribbled because I didn't understand some of**
18 **the answers.**

19 **Is it fair to say that what happened as far as**
20 **the fundraising lists go, okay, so looking at the**
21 **e-mails and the exhibits, you know, that we've already**
22 **marked and testified about, basically you received a**
23 **list from The Mission Continues, those top 15 or top**
24 **1,000 -- can you help me what were those called?**

25 A. It was donors that had contributed.

1 **Q. TMC top 200?**

2 A. The TMC donor list was donors that had given
3 over \$1,000 to supposedly the charity at the time.

4 **Q. Go ahead.**

5 A. To clarify, I did not know -- Again, I did not
6 know this was a direct property of the charity. The
7 first time that it was indicated that it had come from
8 The Mission Continues was when I was contacted by David
9 Lieb from the Associated Press in October of 2016. He
10 had gotten a copy of the donor list and my name was in
11 the donor list as having accessed it. That was the
12 first time -- he had apparently done some research on
13 the list and looked in the metadata of the document,
14 realized that it was created by a Mission Continues
15 employee, and so the first knowledge that I had that it
16 originated from Mission Continues was essentially from
17 the reporter who called me and told me.

18 **Q. Okay. Okay. So you start -- Ms. Taylor,**
19 **right?**

20 A. Yes. She's married. Her name is Krystal
21 Proctor now, yes.

22 **Q. Ms. Taylor sends you an e-mail saying here,**
23 **here's the four lists that we have, right; you take**
24 **those lists, maybe take some of your own data, and the**
25 **goal is to create one sort of master fundraising or**

1 donor list --

2 A. Yeah.

3 **Q. -- for this particular candidate and as we**
4 **discussed earlier, sort of how this process works is**
5 **that that comes from the candidate's own contacts and**
6 **the value that you bring of data and relationships to**
7 **the table and then possibly other lists; is that sort --**
8 **that's how it works, right?**

9 A. Yes, generally.

10 **Q. Then you take all of these different lists and**
11 **combine them into one, combine all of the information,**
12 **all the contact information. There might be tidbits for**
13 **lack of a better term or information about the donor**
14 **that are in different sources. So say you've got John**
15 **Doe is on The Mission Continues list as a \$1,000 donor**
16 **to The Mission Continues and you have some notes that**
17 **he's very interested in veterans issues. John Doe might**
18 **also be listed in the top 200 donor list and he's also**
19 **interested in labor issues. And you take both entries**
20 **for John Doe and you might know John Doe from your own**
21 **personal experience and know that, you know, he likes**
22 **unicorns and puppy dogs. You'll take those data points**
23 **and combine them with one entry for John Doe, he gave to**
24 **The Mission Continues, he's on the top 200 Republican**
25 **list and he loves unicorns and puppy dogs so that then**

1 when the candidate makes the phone call they can say
2 thank you for your help with veterans, I support your
3 labor issues and unicorns and puppy dogs are awesome.
4 Is that a fair assessment of how it works?

5 A. Yes. Maybe not so much the unicorns and puppy
6 dogs. Normally it's a kid's name.

7 Q. Trying to be charitable for lack of a better
8 term.

9 A. Yes.

10 Q. Then in doing that process and coming up with
11 this ultimate list or the ultimate list, let's call it
12 that, or I think you refer to it as your campaign plan
13 or your donor plan, you're constantly in contact with
14 the candidate about hey, we have e-mails reflecting
15 this, I need information, I need to sit down with him so
16 that we can go through just what John Doe -- does John
17 Doe still like unicorns or was my puppy dog information
18 wrong or whatever; is that a fair characterization?

19 A. Yes. It's a continual process where you need
20 to get feedback from the candidate who's having those
21 conversations with the donor.

22 Q. Right. Or I heard from so and so that John
23 Doe can't stand your opponent so we're going to add that
24 data point or that information to the list?

25 A. Yes.

73

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1 Q. Is that fair?

2 A. Yes.

3 Q. Okay. Now, I have a note here and it's
4 probably been -- we're probably so far down the road you
5 might not remember but I have a note here that says that
6 you didn't add or delete anything to the list. Do you
7 mean The Mission Continues list? Do you mean -- I mean
8 that's what I'm trying to understand what did you mean
9 by that?

10 A. So this is a document that I accessed
11 obviously, and I could not recall if some of those notes
12 in the column I took myself or I took from Mr. Greitens
13 and added those. I just don't recall that, but these
14 are the same documents that I -- well, most of them are
15 the same documents I supplied when I was subpoenaed by
16 the MEC.

17 Q. Right.

18 A. None of them have been altered in any way
19 since that point certainly and certainly before that
20 since 2015 when I was employed by Mr. Greitens.

21 Q. Okay. And then going back one last time to
22 the sharing of the Greitens Group and the Greitens for
23 Missouri or at least the campaign, both the campaign and
24 the Greitens Group folks all being in one big house,
25 were folks using office equipment, et cetera, the

74

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1 computers, were those owned by the Greitens Group to the
2 best of your knowledge or do you have any understanding
3 of that?

4 A. Yes. The office equipment, the Internet at
5 the time was certainly owned by Greitens Group. I was
6 part of a furniture purchase --

7 Q. You don't look like furniture to me.

8 A. -- along with Danny Laub where they wanted to
9 get a bunch of furniture to put in the second level,
10 second and third level of the building, and I was
11 involved in that. I believe those expenditures were
12 made through the campaign committee because that was
13 later on. But up until the committee was -- yeah, it
14 was.

15 Q. It was really basically the first month or two
16 months. Assuming that Greitens for Missouri was formed
17 in late February of 2015, then from January 1 we'll say
18 of 2015 until the end of February your day-to-day
19 officing expenses and perhaps your salary were paid for
20 by the Greitens Group?

21 A. Yes. Until --

22 Q. When I say salary, I guess I should probably
23 say compensation just because you were an independent
24 contractor.

25 A. Until the committee was filed, yeah,

75

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1 everything would have been paid for, you know, desks,
2 Internet, everything by the Greitens Group.

3 Q. Photocopier?

4 A. Obviously I departed before the April
5 quarterly MEC report was filed so I had no role in that,
6 and I haven't even looked through it to see if those
7 expense --

8 Q. In kind expenditures were reported?

9 A. Yeah, which they should have been if they were
10 used for the campaign.

11 Q. Right. So Mark Bobak was an attorney that was
12 employed by the Greitens Group. Is that -- or do you
13 know?

14 A. I do not know. My sense was that he was -- he
15 was. He had a Greitens Group e-mail address, but I
16 can't speak to his compensation or anything else.

17 Q. But he was there in the office building in the
18 central west end?

19 A. Regularly. Many times per week. Not everyday
20 but at the minimum two or three days a week.

21 Q. Okay. Did he have his own office or desk?

22 REPRESENTATIVE BARNES: I think we're getting
23 in the realm of -- if we're going to go down the
24 attorney/client realm, I think that's a topic for a
25 different day.

76

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1 REPRESENTATIVE MITTEN: Okay. I'm just trying
2 to determine what his role was.

3 REPRESENTATIVE BARNES: I think we can get
4 there.

5 MR. ERNST: I'm okay with questions that don't
6 intrude on the privilege.

7 REPRESENTATIVE MITTEN: Right, I'm not asking
8 about communications, just who is this guy, why is he
9 there.

10 MR. ERNST: We're not getting there yet. As I
11 said before, we don't have an opinion about whether it's
12 privileged just because he's an attorney. Out of an
13 abundance of caution, we're very clear. I'm comfortable
14 with your question. If I think it's a problem, I'll
15 voice my concern.

16 REPRESENTATIVE MITTEN: Thank you.

17 BY REPRESENTATIVE MITTEN:

18 **Q. So did he have like, you know, a desk, an**
19 **office, his own sort of workstation for lack of a better**
20 **term?**

21 A. He had his own desk. I worked out of the same
22 office as him for the duration of this time.

23 **Q. By office, do you mean the same room, physical**
24 **room?**

25 A. Same room. Our desks were in the same room.

1 And then we moved to the second floor sometime in I
2 think late February or maybe mid February. I don't
3 recall the exact date on that front. But yeah, I was
4 working in the same room as him.

5 **Q. Okay. Did you ever have any understanding**
6 **that he was an attorney for the campaign?**

7 A. I don't want to speculate. He was a personal
8 friend of Eric's too. I didn't know if he was a
9 volunteer advisor or if he was getting paid or exactly
10 what his defined role was, but he certainly was an
11 advisor to myself on political issues.

12 **Q. But not legal issues?**

13 MR. ERNST: I think we're now straying into
14 the gray area.

15 BY REPRESENTATIVE MITTEN:

16 **Q. But he advised you about political issues?**

17 A. And campaign related issues.

18 REPRESENTATIVE MITTEN: Okay. Thank you.

19 Thank you, Mr. Chair.

20 REPRESENTATIVE BARNES: Representative Lauer.

21 REPRESENTATIVE LAUER: Thank you, Mr. Chair.

22 QUESTIONS BY REPRESENTATIVE LAUER:

23 **Q. Thank you for being here and mine is probably**
24 **a list of random questions. So it won't be as**
25 **chronologically listed as the others might have been.**

1 **when you started with Mr. Greitens -- let's back up.**
2 **There are four groups I think we're kind of dealing**
3 **with. We have The Mission Continues. We have the**
4 **Greitens Group. We have Greitens for Missouri. And**
5 **then a little bit later maybe appears New Missouri. So**
6 **what is your understanding of the purpose mission of The**
7 **Mission Continues?**

8 A. Purely a (c)(3) charity, charitable
9 organization that helps veterans around the country.

10 **Q. That's its sole purpose to help the veterans?**

11 A. Essentially, yes. It's an organization that
12 helps returning veterans find ways to continue to serve
13 their communities.

14 **Q. Okay. And the Greitens Group, what was its**
15 **purpose mission?**

16 A. The way that I understand the Greitens Group
17 to be more of a PR, marketing, promotional company for
18 Mr. Greitens to help book speeches and sell his books.

19 **Q. So would that have been more affiliated with**
20 **The Mission Continues then versus his political? This**
21 **might be an A, B, C or D question.**

22 A. It's a hard question to answer because the CEO
23 of both was Mr. Greitens. So certainly there were areas
24 that overlapped within Greitens Group and Mission
25 Continues. For one example they were housed out of the

1 same office. And then during the campaign the Greitens
2 Group and Greitens for Missouri were located in the same
3 offices as well.

4 **Q. Okay. So then let's go to Greitens for**
5 **Missouri. That purpose was what?**

6 A. That was for Mr. Greitens' specific campaign
7 for governor.

8 **Q. And did that overlap with Greitens Group in**
9 **any way like we were just discussing? Did it dovetail?**

10 A. Certainly in terms of sharing resources and,
11 yeah, sharing resources whether that's staff or office
12 equipment.

13 **Q. Okay. And then the New Missouri, I believe**
14 **that may have happened after you left or was there a**
15 **discussion about that when you were there?**

16 A. No, no. There was -- That was well after I
17 had departed.

18 **Q. Okay. So then is it fair to say then that**
19 **there was a bit of overlap in all of these not really**
20 **definitively clear lines of where they would -- one**
21 **starts and one ends; is that fair?**

22 A. Yes. Generally, yes.

23 **Q. Okay. Thank you. Thank you for walking me**
24 **through that. It gets a little confusing sometimes.**
25 **All right. So when you received on one sixteen -- I'm**

1 **sorry, one six fifteen the list and in the exhibit on**
 2 **one sixteen that's given to you, the spreadsheet has no**
 3 **identifier on it, no header or title or anything like**
 4 **that. It's pretty generic from that standpoint?**

5 A. Just so I'm following which?

6 **Q. I'm sorry. It's on page 4 of 24 on --**

7 REPRESENTATIVE BARNES: Representative, so you
 8 understand, Mr. Hafner in response to the subpoena sent
 9 us an Excel file and we printed it sideways. The title
 10 of it would have been the 1K whatever.

11 REPRESENTATIVE LAUER: So there was a typo on
 12 it?

13 REPRESENTATIVE BARNES: In the e-mail itself
 14 it has a name which is Donors Over 1K. I don't have the
 15 e-mail in front of me there.

16 REPRESENTATIVE LAUER: But the title does not
 17 say Mission Continues; is that correct?

18 REPRESENTATIVE BARNES: In that title, the
 19 document title there.

20 REPRESENTATIVE LAUER: Right. It does in the
 21 descriptor.

22 BY REPRESENTATIVE LAUER:

23 **Q. So when you got the spreadsheet and the e-mail**
 24 **saying that it was The Mission Continues, that was your**
 25 **understanding of what that spreadsheet was; is that**

81

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1 **correct?**

2 A. It was my understanding, yes. I did not know
 3 where it originated or how it was acquired.

4 **Q. All right. And when you joined with Mr.**
 5 **Greitens, what was your understanding of the expectation**
 6 **of your role? Was there a written list of your roles**
 7 **and responsibilities or what was your understanding?**

8 A. There was no written list, but I had had more
 9 campaign experience than the person that he had working
 10 for him whose name was Danny Laub and it was my
 11 understanding that I would come on to particularly help
 12 with fundraising but also to assist in a lot of other
 13 areas having to do with campaign issues, political
 14 issues, helping network, introducing Eric around,
 15 setting up political meetings.

16 REPRESENTATIVE BARNES: Let me interrupt one
 17 more time about that particular list. We have the
 18 actual Excel file that was sent to us back in the room
 19 in which we are keeping the documents and so everyone
 20 you can review that in that room. I would anticipate
 21 that this exhibit is not going to be a part of the
 22 report that we release because it is a trade secret. It
 23 appears to be a trade secret of The Mission Continues.
 24 We're not going -- we would have a summary of that
 25 particular exhibit in a report but not the exhibit

82

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1 itself.

2 REPRESENTATIVE LAUER: Okay. Thank you.

3 BY REPRESENTATIVE LAUER:

4 **Q. As part of your job being fundraising, you**
 5 **were given or put together several lists. Was there a**
 6 **strategic order to how you received those lists? Was**
 7 **there like a master list you started with and then added**
 8 **on? How did that work?**

9 A. I was -- so I was supplied four lists one of
 10 the first days I started which is in Exhibit 3 I think
 11 this is. And from those lists I created a couple other
 12 documents based on input from Mr. Greitens and going
 13 through these lists with him.

14 **Q. Okay. And I believe you said there was one**
 15 **that was from Mission Continues, one from larger**
 16 **individual donors and one from corporations; is that**
 17 **right?**

18 A. There were three tabs in The Mission Continues
 19 list, and those were the three tabs, yes.

20 **Q. Okay. You said that Danny Laub was the**
 21 **campaign manager; is that right?**

22 A. I don't know if he had that exact title, but
 23 he certainly was in charge of the campaign.

24 **Q. Was he your go to person?**

25 A. Yes, yes.

83

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1 **Q. Okay. Did Danny have sole decision making**
 2 **authority or do you feel he had to get final approvals**
 3 **from Mr. Greitens?**

4 A. Yes. He had to get final approvals on almost
 5 anything. Maybe -- I'm sure there were some minor
 6 things that he did on his own, but everything was
 7 directed by Mr. Greitens.

8 **Q. Okay. Who was the individual for lack of a**
 9 **better word who was responsible for the accounting**
 10 **function meaning where deposits are made and tracked and**
 11 **expenses?**

12 A. Early on they put me --

13 REPRESENTATIVE BARNES: I'm sorry. Can you
 14 clarify from which entity you're referring?

15 REPRESENTATIVE LAUER: For the entity of which
 16 you were working which I guess would be the Greitens
 17 Group. Thank you, Mr. Chair.

18 THE WITNESS: So for the Greitens Group, just
 19 so I'm clear in your question, for the Greitens Group
 20 you're wanting to know who was in charge of accounting?

21 REPRESENTATIVE LAUER: Right.

22 THE WITNESS: I don't know. I assume Mr.
 23 Greitens himself in terms of the finances for the
 24 company.

25 BY REPRESENTATIVE LAUER:

84

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Q. Okay. In regards to the campaign, who would have been the one responsible for filing the reports to Missouri Ethics Commission?

A. So I don't know the exact date but when Mr. Greitens brought on an individual named Jeff Stuerman, Jeff served as the campaign treasurer. Mr. Stuerman was working out of the office. I don't recall when he was brought on. I believe it was in February but he was brought on to put in a system of reporting procedures and document retention policies and other things. He was a former Edward Jones executive and was a personal friend of Eric's and Mr. Greitens had brought him in to help file the reports and do compliance work for the campaign.

Q. Okay. Thank you. In your work with as we talked about these other groups, more particularly The Mission Continues and Greitens for Missouri, who was the -- did you have direct contact with a key individual at The Mission Continues?

A. No, I did not. Now, as I stated earlier in testimony, I was directed to reach out to somebody that was -- that I was told was either a current employee or former employee named Lindsey Hodges, but to my recollection I never reached out to her. I certainly never met with her.

85

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Q. And was Danny Laub the key contact at Greitens Group or who would have been the key contact?

A. So early on in 2014 when I was serving as essentially an informal advisor there was a gentleman named Dave Whitman who was kind of my go-between Eric and myself with the Greitens Group. Eric and Dave parted ways in the fall of 2014 and then it was Krystal Taylor. And moving forward it was Krystal Taylor when I was working as a paid advisor from January through March. It was essentially Krystal that was the go-between between myself and the Greitens Group.

Q. I appreciate you kind of clarifying all this because there's a lot of people, a lot of different moving parts here.

A. Yes.

Q. Then with Greitens for Missouri who was the key contact there?

A. Danny was the manager.

Q. For Greitens for Missouri?

A. At the time, Danny, yeah, Danny certainly was the lead staffer. Of course the candidate as well directed -- had the final say on campaign activities.

Q. So any moneys that you generated from donors, your understanding was that it went to which group then?

A. The Greitens for Missouri.

86

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Q. Greitens for Missouri. Okay. When the ethics situation came up, I believe most everybody has talked about the list and it was shown that that may have been an inappropriate use and there was a fine associated with that, was there any discussion ever about any moneys being returned to donors?

A. Not to my recollection.

Q. Okay. You mentioned that Mr. Rogers and Mr. Joseph were overseas individuals?

A. I was led to believe Mr. Rogers was overseas somewhere, and from the notes it kind of jogs my memory that he was in Hong Kong.

Q. And had Mr. Greitens been overseas regularly to establish those relationships?

A. So he had built a number of relationships based from his time at Oxford, and some of those he was utilizing for campaign purposes. I don't know the exact people. If I went through all my notes, it would probably jog my memory. But there was certainly a lot of people from that. Of course in his military work too there would have been some officers and things like that that had contacts overseas of course.

Q. And to your knowledge, were any of those individuals, did they make donations outside of the LLCs, and so forth, that we've talked about --

87

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A. The only one to my knowledge --

Q. -- outside of the United States?

A. The only one to my knowledge that made contributions directly to Greitens for Missouri was the gentleman Monu Joseph. Certainly there was much discussion about Alex and then some other potential donors to the campaign in conversations I had with Monu. Monu mentioned that they had a lot of buddies from Oxford that would probably contribute, and I don't know what happened after I left with those particular donors.

Q. I want to go back to the overlapping of the Greitens Group and Greitens for Missouri because you indicated that there was some overlap because of the Greitens Group being a PR marketing group which could certainly dovetail into campaign, and so forth. So when the moneys were put into Greitens for Missouri, were those moneys to your knowledge ever used for Greitens, the Greitens Group? The reason I'm asking that is because it was unclear as to where you were paid from.

A. Sure.

Q. So I'm trying to identify that.

A. Can you repeat the question just so I'm clear?

Q. Sure. You indicated that you weren't clear on where you received your paycheck from, thought it might have been from the Greitens Group. If the moneys went

88

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1 -- the donor moneys went into Greitens for Missouri,
2 then was there a shift of moneys from Greitens for
3 Missouri into Greitens Group to help pay for your
4 expenses and any other campaign expenses?

5 A. I don't believe so.

6 Q. Okay. You also talked about the transparency
7 and that was something that you truly believe in and
8 feel should be part of government. Were there any other
9 issues during the time you were with Mr. Greitens that
10 led you to believe that there were other parts that
11 might not be transparent?

12 A. Yes. I think on a -- maybe not so much in
13 terms of campaign finance but certainly some of his
14 personal background, his history as a member -- or as
15 somebody that wanted to run for office, a member of the
16 opposing party, there's information like that that I
17 believe he wanted to have concealed.

18 REPRESENTATIVE LAUER: I'll leave that to
19 someone else to ask if they want to. Thank you,
20 Mr. Chair.

21 THE WITNESS: I know I was paid by Greitens
22 for Missouri in February and March of 2015. In January
23 I just don't remember what the top of the check said.
24 It was either from Eric personally or the Greitens
25 Group. I can go back through my bank records and find

89

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1 it. I know it wasn't from Greitens for Missouri. I
2 remembered the moment when he handed me the check.

3 BY REPRESENTATIVE LAUER:

4 Q. That was in January?

5 A. Of 2015.

6 REPRESENTATIVE LAUER: Okay. I appreciate
7 your efforts to try and recall all this information.
8 Thank you.

9 REPRESENTATIVE BARNES: Gentleman from Greene.

10 REPRESENTATIVE AUSTIN: Thank you, Mr. Chair.

11 QUESTIONS BY REPRESENTATIVE AUSTIN:

12 Q. My name is Kevin Austin, District 136. It
13 sounds to me like when you were reviewing your history
14 that you spent your entire career in politics either for
15 candidates or for groups or for individual companies; is
16 that correct?

17 A. Correct. And for the last three years now
18 I've been a registered lobbyist too for a number of
19 clients, but I only have one lobbying client right now.

20 Q. It sounds like your career in politics
21 actually started while you were still in college --

22 A. Uh-huh.

23 Q. -- with Matt Blunt; is that right?

24 A. Yes. Started with Matt in 2004.

25 Q. What college did you attend?

90

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1 A. St. Louis University.

2 Q. And Danny Laub was also a student at SLU?

3 A. He was. He was I think a couple years younger
4 than me.

5 Q. Did you graduate from college?

6 A. I did.

7 Q. What was your degree in?

8 A. English and business.

9 Q. And how old are you now?

10 A. I am 32.

11 Q. And Danny is younger than you I assume since
12 he was behind you in class?

13 A. Uh-huh.

14 Q. Is that yes?

15 A. Yes, he is. I don't know how old he is. I
16 want to say he's at least a couple years younger than
17 me.

18 Q. Okay. And you said you started with Eric
19 Greitens as a paid advisor in January 2015?

20 A. January 2015 was the first month I was paid
21 for my work for Mr. Greitens.

22 Q. And I think your testimony was is that Eric
23 Greitens relied -- needed help to introduce him to GOP
24 donors and activists and relied on us. The question is
25 that first did I get you right what you said? I I

91

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1 paraphrased you. If so, who's us? You and Danny?

2 A. Danny certainly and then there were other
3 consultants that I was associated with, Robert Knodel
4 and David Barklage. We all helped introduce Mr.
5 Greitens around to a lot of people that ended up
6 becoming his inner circle too.

7 Q. That may just lead into you testified earlier
8 about some other consultants because of your
9 relationship with them is why Mr. Greitens wanted to put
10 your relationship on pause with you; is that correct?

11 A. That's how it was told to me by Danny, Mr.
12 Greitens and Mr. Bobak.

13 Q. Is because these other consultants, whoever
14 they may have been, were also associating or maybe not
15 working for money but associating with other potential
16 candidates for governor, lieutenant governor?

17 A. Yes. Those individuals were just more direct
18 with Mr. Greitens than -- there was some other
19 consultants as well that were involved with Mr. Greitens
20 helping him do some of the same things that we were,
21 Dave Hageman and Steve Michael in particular. The
22 consultants that I was referring to are ones that I
23 think were just more direct with Mr. Greitens and told
24 him that if he did run for governor that they wouldn't
25 be on board with his campaign.

92

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Q. It's your belief that because of your relationship with those consultants who are more direct with Mr. Greitens, Mr. Greitens then wanted to have less relationship with you?

A. That's how it was communicated to me by those three individuals.

Q. What three individuals was that?

A. Danny Laub, Mark Bobak and Mr. Greitens, and the specific phrase that they used was they wanted to take a strategic pause on our relationship, and I just remember that because I've never heard that phrase before.

Q. And that was in March of 2015?

A. Yes.

Q. And then you started to work for John Brunner in the fall of 2015, correct?

A. Yes. I started working for him as a paid advisor -- not fall. In August I believe I'm almost positive was the first month I was paid by the Brunner campaign.

Q. This may have been asked and I apologize if I'm bouncing around twice, but what did you do between March and August of 2015?

A. What was I involved with? So at that time I was doing a little bit of lobbying. So that would have

been until May. And then there was some other clients that I had been working with, donor groups. There's a pro business PAC called the Lewis and Clark Group that I advised. I advise one of the groups now. At the time there were three of them in St. Louis and Springfield and I was doing a lot of work with those groups of donors. And there's a couple other clients that I -- obviously it was a big hit to my income at the time and I had intended to stay with Eric a little bit longer than March. So I had picked up some extra work with the consultants I mentioned earlier, Robert Knodell and David Barklage, and I can't remember the other clients that I was working on. I know that there was something else, maybe a local government issue in St. Louis County. There were some other things that I was working for them.

Q. And this relationship with Barklage and Knodell you've been asked about it before because it's on one of your e-mails and one of your e-mail addresses in fact on Exhibit 3 has it and later it was a Gmail. This was just referrals back and forth between you and Barklage and Knodell as maybe happens with other consultants?

A. Yes. Again, at the time I wasn't employed directly by Barklage and Knodell but they did cover my

health insurance and my phone for sure. I was certainly affiliated with them for the last, you know, the number of years before that. My relationship with them was kind of unique though. I would normally go and work on other campaigns and still be affiliated with that firm. So 2014 I went to work for Rick Stream who was running for county executive and I worked directly with Rick for that entirety. Our relationship was kind of -- was unique. I was always affiliated with that firm and people still ask. It's politics.

Q. It sounds like you're an independent contractor for a lot of different campaigns and organizations?

A. Yes.

Q. I'm not trying to do a bad comparison here but like somebody who does construction work?

A. Yes.

Q. You did a lot of work on a lot of different houses?

A. Yeah. I had my own LLC.

Q. Yeah. If you would, could you go to Exhibit 3. And page 2, back to these attachments, if I understand it right, the first attachment is page 4 through 15; is that correct?

A. It's actually the full through 24. So

starting on page 16 it says Attachment No. 2 but this is the other tab.

REPRESENTATIVE BARNES: If I could. I can explain. This is a chairman error in copying. What are labeled there as Attachments 1, 2 and 3 are the sub tabs of Attachment 1.

BY REPRESENTATIVE AUSTIN:

Q. So truly what we have on pages -- thank you, Mr. Chair. Truly what we have on pages 4 through 24 is just The Mission Continues list?

A. Yes.

Q. But what also threw me off is it looks like tab number 1 is in alphabetical order because it ends with [REDACTED] or Z on page 15 and then we have a second list looks like it starts in As.

A. So the second list was organized by -- it was foundations. So it was organized not necessarily by individual name. It was organized by the name of the overall foundation.

Q. Okay. Maybe I'll lead you here. A good idea. Looks to me like we have some tab differences in between individuals and corporations and that's why we have individual A to Z and then A to Z for corps?

A. Yes. There were three tabs in the document. One for individuals, one for foundations and one for

corporations.

Q. Back to page 2 of Exhibit 3. So the second attachment, this EG Finance Prospects, that's not in pages 2 through 24, correct?

A. Correct. That was a list provided by Mason Fink. Mason Fink was a fundraiser that Eric had met. He had done some extensive work for Mitt Romney. And he supplied that list that included a lot of national donors, national Republican donors. He supplied that list to the campaign or to Eric or Krystal Taylor.

Q. We go to the fourth list. It says Schweich list and if we look up above it says Schweich list-Steve Michael. Who is Steve Michael?

A. Steve Michael is a consultant that works for Dave Hageman at Victory Enterprises.

Q. Do you know how this Schweich list was obtained?

A. I do not. And I do remember looking at that list. We never -- I never went over that list with Eric, but it appeared to be Schweich's internal fundraising list. I have no idea how it was acquired.

Q. Why was it never used?

A. It was very, very extensive. It looks like the kind of list that one of the professional fundraisers in our state use, one that has Kit Bond, you

know, Kit Bond donations, Matt Blunt donations. It was developed over years. And it was just extremely, extremely long. There was information that just wasn't relevant to Mr. Greitens campaign just because he wasn't a traditional Republican candidate.

Q. And you said, if I understood you right, that you were extremely skeptical of his conservative viewpoints. When did you arrive at that opinion?

A. I'm not sure exactly when I arrived. I would say from the first time we met with him in December of 2013 it was always before that I had assumed he was a Democrat. Later on, you know, later on we learned he was very close with Governor Holden and Mayor Slay and we just -- everyone always assumed in the circles that I ran in that he was a Democrat. So to answer your question at what point, I think from the first meeting we had and certainly when I worked with him in a paid capacity in January there were many conversations that we had and policy discussions and other things that he had to formulate certain positions that were essentially new to him and had to work through them. So I think kind of answer to your question was I always kind of viewed him with skepticism.

Q. If we can go to Exhibit 5, please. If we go to like the fourth paragraph -- well, third paragraph

down it says go to: Salesforce.com. What's salesforce.com?

A. It's a contact management tool that businesses, people use to help manage their contacts and it's a database system for managing your contacts.

Q. Software program of some sort?

A. Yeah, essentially. You can access it online too. You can log onto Sales Force from anywhere and get your contact list.

Q. And if we can go to Exhibit 7, first page and I may have missed this certainly too. It says GFM call list. What does GFM stand for?

A. Greitens for Missouri.

REPRESENTATIVE AUSTIN: Thank you, Mr. Chair.

REPRESENTATIVE PHILLIPS: Representative Rhoads, are you ready to go or do we need to take a break?

REPRESENTATIVE MITTEN: Representative Lauer needs a break I think.

REPRESENTATIVE PHILLIPS: We'll take a break, go off the record for about ten minutes.

(A recess was taken.)

REPRESENTATIVE BARNES: Back from break. Gentleman from Howell.

REPRESENTATIVE RHOADS: Thank you,

Mr. Chairman.

QUESTIONS BY REPRESENTATIVE RHOADS:

Q. Shawn Rhoads from Howell County. One question, were you under -- you say you were a contractor obviously. You do contract with various people. Did you have a written contract with Eric Greitens or the Eric Greitens campaign or anything like that?

A. I don't recall that there was a written contract. We verbally agreed in December of 2014 that I would be paid \$4,000 a month starting in January and I would work out of his office four days a week. But to the best of my recollection, we never had any contract --

Q. I'm sorry to interrupt you. You didn't have any kind of hey, look, this is exactly what your job is other than a verbal agreement; is that right?

A. To the best of my recollection, no, there was no.

Q. Is that common practice for you or do you normally have contracts with people?

A. It is standard practice with a lot of consultants to have contracts with candidates. I certainly have had some with others, but the campaigns I've been involved with I think were just made in good

1 faith agreements with those particular candidates.

2 **Q. So were they -- The other good faith handshake**
3 **verbal agreements, were they with people that you're**
4 **more familiar with?**

5 A. Generally, yeah, yeah.

6 **Q. Okay. And I want to make sure that I'm clear**
7 **on this. Obviously you knew -- I'm assuming, you can**
8 **tell me yes or no, you were aware of what The Mission**
9 **Continues does?**

10 A. Yes.

11 **Q. And you were aware that when you got the list**
12 **where it came from?**

13 A. I was not positive where it originated or
14 where it came from or how it was acquired.

15 **Q. No one explained to you?**

16 A. It was listed in the, I forget which exhibit
17 it was.

18 **Q. The one with the e-mails, correct.**

19 A. It was listed as The Mission Continues list.
20 When I mentioned with Mr. Greitens to discuss it, they
21 all were Mission Continues donors. In the first
22 instance that I knew that it originated or that I was
23 told it originated at The Mission Continues was when
24 David Lieb called me in October of 2016. He said in the
25 metadata of the document it was created by some Mission

101

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1 Continues employee.

2 **Q. So you weren't at any point, based on your**
3 **knowledge and experience in consulting, ever thought we**
4 **shouldn't be using this list?**

5 A. No, it certainly crossed my mind. Again, I
6 did not know how it was acquired.

7 **Q. Gotcha. Did you ever bring that up and say**
8 **hey, based on my training or my experience doing this,**
9 **you know, where did we get this from and we want to be**
10 **right in how we're doing this, did you ever bring that**
11 **up to Mr. Greitens or Danny or whoever?**

12 A. I did -- To my recollection, no, I did not.
13 Certainly there were some directives given to me at like
14 reaching out to the employees of The Mission Continues,
15 which I never did, because I was hesitant to reach out
16 to a charity or former employees of the charity to be
17 used for political campaign, but I never spoke to Eric
18 about using that list. In my mind, one, I did not know
19 how it was acquired and, two, I knew that I would be
20 using that list to make another list to developing a
21 call list and a fundraising plan. So it was more of a
22 reference that I was using it for.

23 **Q. Did they utilize the entire list or just parts**
24 **of it?**

25 A. We went through the whole list and he selected

102

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1 donors and gave me notes on specific donors, and then he
2 wanted me to meet with Lindsey Hodges who I don't know
3 who she was. I don't know if she was an employee there
4 or if she was a former employee. I was led to believe
5 she was development director at Mission Continues for a
6 time when Eric was CEO of Mission Continues. And that
7 directive was given so Lindsey and I could then go
8 through the list more extensively on donors that Mr.
9 Greitens did not recall details of.

10 REPRESENTATIVE RHOADS: I think that's it,
11 Mr. Chairman. Thank you.

12 REPRESENTATIVE BARNES: Gentleman from St.
13 Louis County.

14 QUESTIONS BY REPRESENTATIVE PIERSON JR.:

15 **Q. Good morning. I'm Tommie Pierson Jr., State**
16 **Representative of the 66th District in North St. Louis**
17 **County and City. Just a few questions. My questions**
18 **too may be a little out of sequence, but hopefully**
19 **you'll be able to enlighten me on some of them. Where**
20 **do most donor lists come from?**

21 A. So generally campaigns if you're starting from
22 the beginning they're created from a list of personal
23 contacts first from the candidate, maybe friends and
24 family. You add kind of a prospect list to that of
25 potential donors that you want the candidate to reach

103

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1 out to or you reach out to. In a lot of campaigns and a
2 lot of higher level campaigns lists come from -- there's
3 only a few specific fundraising, professional
4 fundraisers in the state that do this sort of thing. So
5 lists are shared between different campaigns and among
6 candidates. Certainly a lot of state-wide candidates
7 that have cultivated their lists, if they've come from a
8 lower office to a higher office, they've cultivated that
9 list over years over election cycles. To answer your
10 question more directly, they come from a number of
11 different sources.

12 **Q. When you say "shared," does that often include**
13 **compensation? How does that process work?**

14 A. Well, among political candidates, say a
15 fundraising vendor in our state or a fundraiser in our
16 state will have a couple clients each cycle. They will
17 have a master list that they work off of. Maybe they
18 just add another column on the side of it and that's for
19 a specific candidate and they work through that list
20 name by name and they're higher level donors or donors
21 that the candidate needs to solicit because they could
22 give at an increased level. For a fundraiser, they will
23 have cultivated a list like that over years over
24 election cycles and they'll work off of the same list
25 for multiple candidates. So when I say shared, that's

104

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1 kind of what I mean. Normally a candidate would not
2 give his or her own fundraising list to another
3 candidate that they don't know. A lot of that -- sorry.

4 **Q. So if I were to hire you knowing your past**
5 **connections with past candidates, would I hire you**
6 **knowing that you would bring a list with you?**

7 A. Certainly with the connections that I've built
8 with donors and others over time, that's why people hire
9 specific fundraising vendors, specific fundraisers in
10 the state. Yes, they bring along those connections,
11 that network. Along with that would come a contact list
12 normally.

13 To answer your question further, different
14 offices have a different donor base, of course. Many
15 donors that are interested in a state-wide state level
16 race wouldn't be interested in a federal race, vice
17 versa. There's different -- obviously, you know,
18 there's a million different reasons why people
19 contribute.

20 **Q. So in looking at a couple of the specific**
21 **lists, and I believe it's the list from Exhibit 3, page**
22 **2, if I start with the Schweich list, you did not use**
23 **that list; is that correct?**

24 A. I remember opening that file and reviewing it
25 at least one time, but no, I did not work off that list

105

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1 with Mr. Greitens.

2 **Q. And I believe you stated the primary reason**
3 **was just difficult to work with?**

4 A. A little bit. It was a very, very extensive
5 list. It was kind of hard to read because there was I
6 don't know how many -- I mean tens of columns in it. It
7 was just kind of difficult to work off of. And I know
8 it was developed by a professional fundraiser. I don't
9 know who. And usually people have their own system when
10 they're working with lists. I have my own. I know
11 others do too. It just wasn't useful to us. Plus, at
12 the time Tom Schweich was running for governor too, and
13 obviously you don't want to have a candidate reach out
14 to donors of your opponent. It's just not a
15 professional thing to do. So I never utilized that list
16 when I was there.

17 **Q. Do you know if anyone -- do you have any**
18 **knowledge of that Schweich list being used subsequently**
19 **not by you?**

20 A. I do not have any knowledge of that. It could
21 have been, but I do not know.

22 **Q. Okay. Do you know the origin of the Schweich**
23 **list?**

24 A. I do not. I do not.

25 **Q. One of the other lists is referenced as EG**

106

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1 **FNCE Prospects?**

2 A. Uh-huh.

3 **Q. The source of that list was Mason Fink; is**
4 **that correct?**

5 A. At the time that this was sent to me, to my
6 recollection I did not know who Mason Fink was. It was
7 later described that he was a Romney fundraiser from
8 2012, had a lot of national contacts and was helping
9 Eric in some capacity. The e-mail that you see that's
10 designated as Mason Fink's list, I was led to believe
11 that he created it; that I remember when opening it it
12 had a lot of donors that were viewed as national level
13 type donors that contributed to races across the board,
14 and I was led to believe that that was his personal
15 fundraising list. I don't know why -- but I don't know
16 when he gave it to the campaign or anything else. My
17 first contact with it obviously was when Krystal Taylor
18 e-mailed that list to me.

19 **Q. But you would say it was a list of value?**

20 A. Yes, absolutely.

21 **Q. Did you know if there was compensation given**
22 **to Mason Fink for this list?**

23 A. I do not, no.

24 **Q. Or do you know if there was or if it was given**
25 **in an in kind fashion?**

107

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1 A. I do not know that.

2 **Q. Lindsey Hodges, you stated you did not meet**
3 **with her; is that correct?**

4 A. No. I never met with her regarding the list.
5 There was one person that came into the Greitens office
6 one time and I don't recall if it was her or not. I
7 want to say that it might have been, but I certainly
8 never met with her about fundraising or The Mission
9 Continues list which is what I was directed to do.

10 **Q. So even though you were directed to perhaps**
11 **use her as a resource, you chose not to?**

12 A. Yes. And I don't remember -- but I don't
13 remember the reason why I chose not to. I just don't
14 recall.

15 **Q. Do you recall meeting anyone else directly**
16 **related to The Mission Continues?**

17 A. Other than -- yes. There were a number of
18 levels. One, the individual that I was working with
19 through most of 2014, Dave Whitman worked out of The
20 Mission Continues office and the Greitens Group office
21 and they were located at the same place. You could say
22 he was related.

23 Then there was board members, people like Tim
24 Noonan I believe, I was led to believe was a board
25 member at Mission Continues or was very active at

108

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1 Mission Continues. Tim was in the Greitens office a
2 couple of different times and I met him. So yes, I did
3 meet people that were involved with the charity and I
4 was led to believe were still involved with the charity.

5 **Q. I think you stated there was a meeting on**
6 **January 7 where you went through a Mission Continues**
7 **donor list. Who was involved in that meeting?**

8 A. So there were two meetings that we had
9 specifically dealing with fundraising. I know the
10 calendar invites are in the exhibits. Eric and I were
11 involved in both meetings. I don't recall the other
12 people there. I would like to say Danny Laub was in at
13 least one of those meetings too. I just know Eric and
14 -- Mr. Greitens and I were involved in both of those
15 meetings.

16 **Q. In those meetings there were specific Mission**
17 **Continues lists that were reviewed?**

18 A. Yes.

19 **Q. Did you ever get a chance to look through the**
20 **MEC listing?**

21 A. At this time or in the past?

22 **Q. Right. I know we had a little break. I**
23 **didn't know if you had a chance to go back and go**
24 **through it.**

25 A. Not really. I glanced through it a little

109

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1 bit.

2 **Q. Did anything familiar jump out at you?**

3 A. Certainly there's some payments --

4 REPRESENTATIVE BARNES: Representative, you're
5 inquiring about Monu Joseph?

6 REPRESENTATIVE PIERSON: Yes.

7 THE WITNESS: Yes. There is an entry on

8 3/9/2015, two entries, one from Gray Arch Income
9 Property and one from Monu Joseph. Both of those were
10 from him. And there are documents proving that, but
11 they've been withheld.

12 BY REPRESENTATIVE PIERSON JR.:

13 **Q. I know Alex Rogers was another name that we**
14 **talked about. Were you aware of any LLCs that perhaps**
15 **were set up by that individual?**

16 A. I am not aware. I do know again there is some
17 e-mail traffic regarding involvement and how much he
18 would raise, but those have been withheld.

19 **Q. Krystal Taylor, when you first met her who did**
20 **she work for?**

21 A. The Greitens Group.

22 **Q. Do you know who she -- anything about her**
23 **former employment history?**

24 A. Just from -- just from what I know from
25 LinkedIn that she used to work at Mission Continues. I

110

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1 don't have any direct knowledge of her time in Mission
2 Continues, though.

3 **Q. So she's a former employee of The Mission**
4 **Continues?**

5 A. As I understand, yes.

6 **Q. And it's your understanding that after, I**
7 **forget the gentleman's name, I think -- well, let me ask**
8 **who was the person that she replaced at the Greitens**
9 **Group?**

10 A. A gentleman named Dave Whitman.

11 **Q. That was the name. And she came on to the**
12 **Greitens Group around what time frame?**

13 A. I don't know the exact dates. I do know she
14 was present at a number of strategy meetings and other
15 political meetings that we held with Mr. Greitens in
16 2014. I don't know the exact time that I met her, but I
17 know she was present in a couple of those. And she, as
18 I understand, took over Dave Whitman's role whenever
19 they separated -- whenever Dave Whitman and Mr. Greitens
20 separated sometime in the fall of 2014.

21 **Q. And did you know Mr. Greitens outside of the**
22 **office?**

23 A. In terms of?

24 **Q. Just if you had a personal relationship with**
25 **him?**

111

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1 A. Yeah. We'd grab lunch together. We never
2 really hung out or anything, but we'd grab lunch
3 together a number of occasions. Certainly I drove him
4 down here for a series of meetings in January of 2015 to
5 meet with elected officials and some other Republican
6 activists. So yeah, I knew him outside, certainly
7 outside of the Greitens Group office.

8 **Q. What kind of person would you describe him to**
9 **be?**

10 A. Extremely ambitious and driven. A guy that
11 doesn't like to lose at anything. Somebody that gives
12 100 percent and is very calculating and self-aware of
13 how he comes across.

14 REPRESENTATIVE PIERSON: Thank you. Thank
15 you, Mr. Chair.

16 REPRESENTATIVE BARNES: Just a few additional
17 questions.

18 FURTHER QUESTIONS BY REPRESENTATIVE BARNES:

19 **Q. How much were you paid in January of 2015?**

20 A. \$4,000.

21 **Q. Do you recall the name of The Mission**
22 **Continues employee who created the list? You mentioned**
23 **a couple times metadata. Do you recall the name of that**
24 **employee?**

25 A. I do not. The first time I heard the name was

112

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1 with the investigator from the MEC when I testified
2 there and she had asked if I knew this person. I don't
3 recall the name.

4 **Q. You testified earlier you believe the**
5 **computers were owned by the Greitens Group. Do you have**
6 **first-hand knowledge of that of who purchased those**
7 **computers? Were the computers there when you showed up**
8 **at the office?**

9 A. At that time we only used our laptops. There
10 was other office equipment, printers and things like
11 that.

12 **Q. Your own personal laptop?**

13 A. I did.

14 **Q. And Krystal Taylor's computer, when you**
15 **arrived to work there, was her computer already there?**

16 A. Yes.

17 **Q. And you don't know who paid for her particular**
18 **computer, do you?**

19 A. No.

20 **Q. Mr. Greitens, did he have his own computer at**
21 **the time you arrived?**

22 A. Yes, it was a laptop, a Mac.

23 **Q. You don't know who purchased that particular**
24 **computer?**

25 A. No.

1 **Q. The campaign paid for furniture?**

2 A. Yes.

3 **Q. Is that an ordinary campaign expense?**

4 A. Is what?

5 **Q. Is that an ordinary campaign expense?**

6 A. For a state-wide campaign I think you could
7 make the argument that it is.

8 **Q. In your involvement with the campaign, did you**
9 **witness Mr. Greitens publicly promise to run an open and**
10 **transparent campaign?**

11 A. Yes.

12 **Q. Were there particular occasions on which?**

13 A. Yes. A particular one that comes to mind in
14 late fall of 2015, Mr. Greitens was very upset that a
15 web video had been released. I don't recall the topic
16 of the web video. But it was questioning his
17 conservative credentials. As a result of that, he made
18 a series of two phone calls to John Brunner when John
19 was in Kansas City for a campaign event. There was a
20 staffer who was with John Brunner at that time.

21 **Q. Were you working for the Brunner campaign at**
22 **this time?**

23 A. I was at that time.

24 **Q. Okay. Continue.**

25 A. There was a staffer who was in the car with

1 Mr. Brunner by the name of Jill Noble. Jill overheard a
2 lot of the contents of the first phone call between Mr.
3 Greitens and Mr. Brunner. In that phone call, according
4 to an affidavit that Jill had signed, Mr. Greitens was
5 extremely irate with Mr. Brunner, challenged him to come
6 down to his boxing gym and used some curse words. I
7 don't recall the exact language of the affidavit. I can
8 certainly supply it if needed. But because of that
9 first phone call and Jill's experience, the decision was
10 made I assume by her to record the second phone call
11 that Mr. Greitens made to Mr. Brunner.

12 That phone call ended up making its way to the
13 press by somebody in our campaign. And after that phone
14 call made its way to the press, Mr. Greitens went on the
15 Mark Reardon Show on KMOX in St. Louis and said that
16 Mr. Brunner wasn't taking responsibility for his
17 actions, that he lacked the courage to come here and sit
18 down with Mark and face him and address questions about
19 the situation. And what Eric said at that time was that
20 he was going to run a positive campaign; that the
21 campaign he was going to run was going to be transparent
22 that you could see his donors and that essentially he
23 was going to run a clean fully transparent campaign.

24 At that time, of course, I was under an NDA.
25 The first time I spoke about any of this was to Missouri

1 Ethic Commission. Of course at that time when Mr.
2 Greitens had that interview, I knew that that wasn't the
3 case at all because I had had conversations with people
4 associated with him in January and February and March
5 when I was employed and working out of that office that
6 I knew that I was led to believe that they were planning
7 -- that they were planning on concealing donors in some
8 way or having people associated with -- on their
9 campaign having staff associated with on their campaign
10 reach out and coordinate donors who would be operating
11 to the contrary of what Mr. Greitens told Mark Reardon
12 on his show.

13 **Q. And I have one more question and I'll allow**
14 **other members to ask additional questions as well if you**
15 **have some additional ones. You testified earlier that**
16 **Mr. Greitens in the course of meeting with you would**
17 **have to -- this is a quote I wrote down -- formulate**
18 **positions that were new to him. Can you explain that?**

19 A. There was at least one session that we did
20 just a general Q&A about different questions that he
21 would probably get in a Republican primary, things
22 having to do with social positions, say pro-life issues
23 or guns, Second Amendment, or education. And during
24 that Q&A session there was at least one that I remember
25 in particular that he had to work through where he stood

1 on these particular issues, issues that you would get
2 with a lot of Republican primary voters.

3 So it kind of led me -- it kind of reinforced
4 what I already knew that, one, this whole new process as
5 a candidate, of course, was new to him but, two, he
6 wasn't coming from a philosophical benchmark on his
7 political positions. And he had met with some other
8 people that we introduced him to throughout 2014 but
9 there was a person that we coordinated Mr. Greitens and
10 her to meet, name was Jennae Neustadt, ended up working
11 at the governor's office for him. She helped him a lot
12 with policy formulation. There was a lobbyist as well
13 involved in that, Shawn Ferry (phonetic spelling) and
14 John Lamping. Those three helped him formulate his
15 conservative positions during that same time period in
16 January, February, March -- January and February in
17 particular of 2015.

18 **Q. What do you mean formulate?**

19 A. Come up with answers that would be -- come up
20 with answers that would be acceptable to a Republican
21 primary voter.

22 **Q. Whose answers were they when they were
23 formulated?**

24 REPRESENTATIVE LAUER: I'm sorry?
25 BY REPRESENTATIVE BARNES:

117

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1 **Q. Whose answers were they when they were
2 formulated?**

3 A. I was not in the sessions with Jennae, John
4 Lamping and Eric, but I know that when I was working
5 with him in the Q&A sessions that he and I would talk
6 through them together and where the base was on a
7 particular issue, you know, what the general
8 conservative voter would generally hear from a candidate
9 that's running for a high office in the state. So
10 certainly myself, Mr. Greitens and Mr. Bobak as well
11 would have been involved in that particular session that
12 I'm speaking about right now.

13 **Q. In your experience, is that typical for a
14 candidate to have to be explained such positions?**

15 A. Usually when you decide to run for a
16 particular party you already know the platform of that
17 party. Mr. Greitens was not really familiar with those
18 issues. With that said, with candidates you always work
19 through messaging points and help them develop a concise
20 message on particular issues.

21 REPRESENTATIVE BARNES: Is there anyone else
22 who has further questions? I'll try and go in order.

23 REPRESENTATIVE PHILLIPS: I would like to.

24 REPRESENTATIVE BARNES: Yes, sir.
25 Representative Phillips.

118

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1 REPRESENTATIVE PHILLIPS: Thank you.
2 FURTHER QUESTIONS BY REPRESENTATIVE PHILLIPS:

3 **Q. I'm gathering you're a strong Republican?**

4 A. Yes.

5 **Q. I assume you have been all of your young life?**

6 A. I've always been a Republican.

7 **Q. As a contract political advisor, have you ever
8 worked for a Democrat?**

9 A. No, never as a -- never as a paid.

10 **Q. How were you approached by the Greitens people
11 about coming on board with them initially?**

12 A. So I had a mutual friend who had known Eric
13 from a number of years ago. His name was Tyler Holman,
14 somebody I'm still friends with. At the time in 2013,
15 we had started to hear rumors that Mr. Greitens was
16 looking to run for office as a Republican. We weren't
17 entirely sure which office he was planning on running
18 for. It was merely just rumors. Tyler had set a
19 meeting up between myself, David Barklage, Mr. Greitens
20 and Dave Whitman. He actually gave me -- I can't
21 remember how the initial meeting or initial outreach
22 happened. Either I contacted Dave or Dave contacted me.

23 From that initial meeting, from that initial
24 outreach, we met -- we then met at the Greitens Group
25 office which was located where The Mission Continues

119

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1 office was located and that was in December of 2013. So
2 the initial outreach happened because we had a mutual
3 friend, Tyler Holman.

4 And we had been told at the time that Mr.
5 Greitens was receiving advice from Ed Martin who was I
6 believe at that time the current Republican party
7 chairman. And again, we had been told then that Ed was
8 trying to engineer a deal with Mr. Greitens and himself
9 that Ed would provide support, network and help for Eric
10 in exchange for Eric agreeing to Ed that he would run
11 his governor's race in 2016. And we were led to believe
12 that Eric was very uncomfortable with that arrangement,
13 and that was kind of when we were brought into the
14 picture. And our first meeting occurred in December of
15 2013.

16 **Q. Okay. So you were contacted by the Greitens
17 campaign. You didn't contact the Greitens campaign; is
18 that what your testimony is?**

19 A. I don't recall the initial outreach whether it
20 was me to Dave Whitman or Dave Whitman to myself, but I
21 do know that Tyler Holman was the one that put us both
22 in touch.

23 **Q. You being a life long Republican and an
24 interest in seeing the party succeed and having
25 knowledge that Mr. Greitens was a Democrat for an**

120

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1 **apparently good while, why in the world would you go to**
 2 **work for him? I don't understand your desire to even be**
 3 **employed by him.**

4 A. Well, certainly when you come across a
 5 candidate that had a resume that he did it makes for a
 6 powerful narrative. It was a great candidate profile.
 7 Somebody who had served in the military that ran a
 8 respectable organization, and on the surface on paper it
 9 is certainly -- it certainly presents itself as a great
 10 profile for a potential candidate for office.

11 I wanted to believe -- A lot of candidates
 12 have conversions in beliefs, and I certainly wanted to
 13 believe that his was sincere. And at the time I didn't
 14 know what his true intentions were. Later on in 2014 it
 15 was always kind of -- we were always kind of led to
 16 believe that he was looking at either governor or
 17 lieutenant governor. At the time I had done a lot of
 18 work for Lieutenant Governor Peter Kinder. In a very,
 19 very small circle I had known that the lieutenant
 20 governor wasn't going to run for re-election. I had no
 21 idea that he'd end up running for governor. At the time
 22 I knew that he wasn't planning on running for
 23 re-election. I did believe that Eric could have made
 24 great lieutenant governor for the state, and it's a job
 25 that gives him a natural segue into Republican party

121

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1 politics because of his veterans background and the
 2 lieutenant governor is veterans advocate and so he could
 3 use that office to kind of prove that he had these
 4 conservative credentials that he said he did and also
 5 help build the party and network and make sure that he
 6 was building these relationships with people around the
 7 state. Obviously that advice wasn't heeded at all.

8 But I went to work for him because I believed
 9 in him. I believed that the conversion was sincere and
 10 I didn't -- I also didn't know at the time the extent of
 11 how he met with senior Democrat officials in Washington,
 12 D.C. in 2008 or 2010; that he actively tried to get them
 13 to recruit him to run for office at that time.

14 I didn't know about the web domains he took
 15 out in 2008 or 2010, the Greitens for President and the
 16 Greitens for America, the Greitens for Governor. I had
 17 no idea about any of those web domains. A lot of that I
 18 learned later on. Initially I certainly believed in him
 19 and that's why I wanted to help him.

20 **Q. Earlier I think you testified that you were**
 21 **doubtful that, I'm putting that word in the sentence, I**
 22 **don't think that's exactly what you said, I think what**
 23 **you meant was you were doubtful about the odds of him**
 24 **becoming governor; is that right?**

25 A. Yes. Yes, he was a virtual unknown to

122

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1 Republican party donors.

2 **Q. He's a rising star in a resume, but yet you**
 3 **knew that the odds of him becoming governor were slim.**
 4 **And then you knew on day one, if I understood your**
 5 **testimony right, when you first met with Governor**
 6 **Greitens that you were very skeptical then about whether**
 7 **or not he truly was a Republican; is that right?**

8 A. Maybe the right word isn't very skeptical, but
 9 certainly I approached the meeting with some skepticism
 10 because up until this point we didn't --

11 **Q. From the Republican candidates that you had**
 12 **worked with in the past, he was vastly different. I**
 13 **think we all agree on that.**

14 A. Yes.

15 **Q. So I guess the part that I'm wondering about**
 16 **is why again would you stay there? Why wouldn't you bow**
 17 **out early if you sensed this is not going to work out?**
 18 **You don't even have to answer that one.**

19 **But how long of a span was there from the time**
 20 **you departed Greitens campaign and became involved in**
 21 **the John Brunner campaign? How many months was that or**
 22 **weeks?**

23 A. The first time it was August when I first was
 24 paid by John Brunner, the first time I did any sort of
 25 substantial work. There might have been some things --

123

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1 I knew the people that were running his campaign. There
 2 were some guys out of Springfield who had been in charge
 3 of it. There really wasn't much that I would have done
 4 before August, though. August was when I started full
 5 time.

6 **Q. Were you in communication with his campaign at**
 7 **anytime while you were -- his campaign or him or his**
 8 **people while you worked for Eric Greitens?**

9 A. I was not involved. I was not in
 10 communication with John Brunner at all. I had met him
 11 briefly a couple times before that but had never spoke
 12 to him about employment or anything else. Now, the
 13 people that I was associated with, some other
 14 consultants, which is why the separation between
 15 Mr. Greitens and myself happened, they were in
 16 communication with John on some issues but it wasn't me
 17 directly with John Brunner, but I don't know and I'd
 18 have to -- I just don't know and I don't know if they
 19 were -- I don't think they were getting paid at that
 20 time either by Mr. Brunner. I think, as consultants do
 21 a lot, I think they were in communication with a number
 22 of different candidates. The people I mentioned, Robert
 23 Knodel and David Barklage, I know David had a number of
 24 conversations with Catherine Hanaway too. That's just
 25 kind of a, yeah, standard operating procedure for some

124

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1 consultants.

2 REPRESENTATIVE PHILLIPS: Thank you. Thank
3 you, Mr. Chair.

4 REPRESENTATIVE MITTEN: I'm good. Thanks.

5 REPRESENTATIVE BARNES: Representative Lauer.

6 REPRESENTATIVE LAUER: Yes, sir, just a few
7 questions. Thank you, Mr. Chair.

8 FURTHER QUESTIONS BY REPRESENTATIVE LAUER:

9 **Q. When you were talking about his demeanor about**
10 **being controlling and ambitious and self-aware, and so**
11 **forth, what was he like as I'll use the term office**
12 **manager? Working with him in the office, what was that**
13 **like?**

14 A. Very structured. I didn't really meet with
15 him. There were times that I would come into the office
16 to ask him a question or something like that. I didn't
17 meet with him to discuss a particular issue unless there
18 was a scheduled time on the calendar to. So extremely
19 very structured.

20 **Q. You spent four days a week in the office, is**
21 **that right, that was part of the agreement?**

22 A. Yes. And maybe some weeks it was just three
23 days. Generally our agreement was four days and most
24 weeks it was.

25 **Q. During the time you were there, even though**

125

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1 **you may not have had contact with him, was there any**
2 **sort of indication as to how he might be managing that?**

3 A. So at the time he was also -- he also had a
4 book launch that he was preparing for. Mr. Greitens is
5 somebody that's, like I said, is very structured and,
6 you know, he was a motivational speaker, motivational
7 leadership speaker as well. A lot goes into that
8 especially with him. There's a lot of rehearsals and
9 things like that that he goes through. There's a
10 process to everything that he does.

11 So he was focused on other things as well and
12 not just politics at that time is what I'm trying to
13 answer.

14 **Q. So when you were working with him as part of**
15 **the Greitens Group I assume, then were you involved in**
16 **any of the initiatives regarding his book or The Mission**
17 **Continues as far as veterans, the book, the PR things?**
18 **How did that all work?**

19 A. That was very, very limited of what I was
20 involved with. They invited me to the book launch that
21 they had in St. Louis and they wanted me to invite a
22 bunch of political people to it, which I did.

23 **Q. What was the purpose of that?**

24 A. It was the release of his latest book called
25 Resilience, and there was an event at the St. Louis

126

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1 Public Library in March, in early March 2015, and he
2 wanted me to reach out to a number of local political
3 people to invite them. I did.

4 So in terms of overlap between Greitens Group
5 and the promotional stuff, there was little stuff like
6 that that I did.

7 **Q. With you being the fundraiser and him asking**
8 **for political guests to come, one might think there was**
9 **an association there of trying to get donor money?**

10 A. Sure, absolutely.

11 **Q. All right. And then I just want to go back to**
12 **the campaign itself and we were talking about**
13 **transparency earlier. Were there things that you were**
14 **told that were not transparent or to be concealed that**
15 **would have impacted his campaign?**

16 A. So he had me sign an NDA the first day that I
17 was working out of the office. So it was expected that
18 I wouldn't discuss probably confidential information
19 with anybody unless compelled to. But in terms of other
20 things that he wanted to conceal, I think there was a
21 lot that he didn't want information to get out on. And
22 take, for instance, say Op Re files or things like that.

23 **Q. I'm sorry? What?**

24 A. Opposition research files or files where you
25 do an assessment on a candidate running and you assess

127

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1 their vulnerabilities, something like that, or maybe a
2 background information on his -- other background
3 information on his past or -- Certainly, yeah, certainly
4 there's other information that I think he would have
5 wanted to conceal.

6 **Q. What were the terms of the confidentiality**
7 **agreement?**

8 A. I don't have it in front of me. I know it was
9 quite extensive.

10 REPRESENTATIVE BARNES: If I might,
11 Representative, we have -- I believe the agreement was
12 provided to us. It's not in the packet that was put
13 together.

14 REPRESENTATIVE LAUER: Thank you. I'm done.

15 THE WITNESS: Also just to add to my earlier
16 answer, another thing is our Q&A sessions that we had,
17 things where we were helping him with his positioning
18 and the Republican platform and our conversations.
19 There's a lot of things like that that they didn't want
20 to ever share or let out in the public.

21 REPRESENTATIVE LAUER: I really appreciate you
22 being so forthcoming and making sure we're very clear on
23 that. Thank you.

24 REPRESENTATIVE BARNES: Representative Austin.

25 REPRESENTATIVE AUSTIN: Thank you.

128

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1 FURTHER QUESTIONS BY REPRESENTATIVE AUSTIN:

2 **Q. So you had an NDA with Eric Greitens, correct?**

3 A. I did.

4 **Q. Did you have an NDA with John Brunner?**

5 A. No.

6 **Q. Have you ever signed an NDA with any other**
7 **candidate that you worked for?**

8 A. To my knowledge, no.

9 **Q. You testified that Jill Noble signed an**
10 **affidavit. Under what circumstances would she be**
11 **signing an affidavit or asked to sign one?**

12 A. There was a situation. It was -- I believe it
13 was the same interview that Mr. Greitens had with Mark
14 Reardon, and in that interview Mark Reardon said that
15 they, in terms of the Brunner campaign, said that there
16 was an earlier phone call that precipitated the phone
17 call that ended up in the media.

18 Eric, after Mark said that, said that is a lie
19 from them. I don't know the exact quote. He said that
20 is a lie from them, Mark, that is an absolute lie. The
21 reason the phone call was recorded in the first place
22 was because the first phone call was of a pretty
23 threatening nature. I guess the calculation was made in
24 the car at the time that they wanted to have a record of
25 the second phone call. And from that phone call John, I

129

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1 think if I remember correctly, Jill had sent the phone
2 call to John. John then sent it to a group of campaign
3 people and it got out. I was not the one that leaked
4 it. Kevin McDermott from the Post called me when I was
5 in Troy, Missouri and said he had a copy of it and then
6 I had to deal with it. It was not a fun thing because
7 it made both candidates look really bad.

8 Anyways, the affidavit was signed as a
9 response to Mr. Greitens' claim that we were lying about
10 that, and we issued the affidavit plus produced John's
11 phone records showing the phone calls made from Eric to
12 John.

13 **Q. And regarding the documents that are the**
14 **subject of the subpoena you received from this**
15 **Committee, why did you keep those documents?**

16 A. So it's really just a personal thing. I save
17 a lot of stuff. I organize it in my files and up until
18 the subpoenas -- obviously the donor lists and a lot of
19 this information I never gave to the Brunner campaign.
20 I was still under an NDA until the MEC subpoenaed me on
21 a lot of this information. But why I held onto it,
22 obviously it wasn't used politically in the primary for
23 John. I doubt they knew any of this stuff even existed.
24 But I held onto it just because it's something I do. I
25 catalog stuff. I save it. And if there's documents

130

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1 that I create, like I say, a fundraising plan, I'll copy
2 that as a template and use for other candidates.

3 **Q. Can you say the same for other campaigns**
4 **you've worked on, you've kept their documents too; is**
5 **that what you've done?**

6 A. Yes. Obviously I never expected them to be
7 subpoenaed and produced to many different agencies and
8 everything.

9 **Q. Okay.**

10 A. Yes, I generally save and organize a lot of
11 files that I work on for other candidates.

12 **Q. You would have documents from the Brunner**
13 **campaign when you worked on that. You'd have documents**
14 **from -- and I forgot who else you said you worked for.**

15 A. Kurt Schaefer.

16 **Q. Yeah. Kurt Schaefer. You'd have documents**
17 **from their campaigns too?**

18 A. Absolutely. Rick Stream, Peter Kinder, yeah,
19 a lot of local candidates I worked on as well.

20 REPRESENTATIVE AUSTIN: Thank you.

21 REPRESENTATIVE BARNES: Representative Rhoads.

22 REPRESENTATIVE RHOADS: Nothing else.

23 REPRESENTATIVE PIERSON: Nothing, Mr. Chair.

24 FURTHER QUESTIONS BY REPRESENTATIVE BARNES:

25 **Q. One final question. Do you believe it's in**

131

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1 **your financial interest to be here today?**

2 A. No, not at all.

3 **Q. The opposite?**

4 A. Yeah. As I said, my clients don't know that
5 I'm here, and I'm here to produce the documents under
6 subpoena. Yeah, it's not my decision to be here.

7 REPRESENTATIVE BARNES: Thank you. Thank you
8 for your testimony. Can we excuse this witness? Thank
9 you.

10 (Witness excused.)

11 REPRESENTATIVE BARNES: Let's take a short
12 break while they go to the door.

13 We're back. So the first motion I will make
14 is to send notice of a meeting for -- to close a meeting
15 scheduled from Friday, March 23 in this location at
16 10:00 a.m. Mr. Secretary, please call the roll.

17 SECRETARY CURCHIN: Chairman Barnes.

18 REPRESENTATIVE MITTEN: Wait a second. So
19 we're going to do 10:00 a.m. on Friday?

20 REPRESENTATIVE BARNES: Unless you want to be
21 here at 8:00 a.m. on Friday.

22 REPRESENTATIVE MITTEN: I have an 8:30 a.m.
23 appointment. I'll see if I can reschedule that.

24 REPRESENTATIVE BARNES: Let's do noon. Let's
25 do noon. That's easier for everyone. 10:00 a.m. makes

132

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1 you leave at 6:00 a.m. Actually let's do 12:30 so
 2 everyone can eat lunch someplace other than here.
 3 REPRESENTATIVE MITTEN: Thank you, Mr. Chair.
 4 REPRESENTATIVE BARNES: I now move to close
 5 the hearing for 12:30 p.m. next Friday, March 23, at
 6 this same location. Mr. Secretary, please call the
 7 roll.
 8 SECRETARY CURCHIN: Chairman Barnes.
 9 REPRESENTATIVE BARNES: Aye.
 10 SECRETARY CURCHIN: Representative Phillips.
 11 REPRESENTATIVE PHILLIPS: Aye.
 12 SECRETARY CURCHIN: Representative Mitten.
 13 REPRESENTATIVE MITTEN: Aye.
 14 SECRETARY CURCHIN: Representative Lauer.
 15 REPRESENTATIVE LAUER: Aye.
 16 SECRETARY CURCHIN: Representative Austin.
 17 REPRESENTATIVE AUSTIN: Aye.
 18 SECRETARY CURCHIN: Representative Rhoads.
 19 REPRESENTATIVE RHOADS: Aye.
 20 SECRETARY CURCHIN: Representative Pierson.
 21 REPRESENTATIVE PIERSON: Aye.
 22 REPRESENTATIVE BARNES: By your vote seven
 23 aye, zero no to close the meeting next Friday, 12:30
 24 p.m. I now move that the Committee authorize a
 25 subcommittee of myself, Representative Austin and

1 Representative Mitten to interview Mr. David Whitman who
 2 is currently located at the federal penitentiary in
 3 Springfield, Missouri and for whom recording devices are
 4 not allowed into those interviews except with special
 5 permission of the warden which I believe we can get but
 6 I think that's a somewhat lengthy process. At this
 7 point in time I think it would behoove us to go have a
 8 conversation first before deciding whether it makes
 9 sense to have a court reporter there to take it down.
 10 Any discussion on that motion?
 11 REPRESENTATIVE LAUER: So it cannot be
 12 recorded in any fashion?
 13 REPRESENTATIVE BARNES: You are prohibited
 14 from -- Unless you have special dispensation from the
 15 warden, you are prohibited from being recording devices
 16 into the facility.
 17 REPRESENTATIVE LAUER: How would that be
 18 recorded?
 19 REPRESENTATIVE BARNES: We will come back to
 20 the Committee with a summary of what he tells us in that
 21 meeting and potentially if he has relevant information
 22 for our Committee then we will follow up with a recorded
 23 statement of some sort if not --
 24 REPRESENTATIVE MITTEN: A request for special
 25 dispensation.

1 REPRESENTATIVE BARNES: -- if not a signed
 2 declaration on the day that we go down there. Further
 3 discussion on said motion?
 4 REPRESENTATIVE PIERSON: And he will be, of
 5 course, under oath?
 6 REPRESENTATIVE BARNES: When we have him
 7 without the special dispensation, he's not going to be.
 8 REPRESENTATIVE PIERSON: So he's not under
 9 oath without the special dispensation?
 10 REPRESENTATIVE BARNES: This is just an
 11 initial meeting to see if he has information relevant to
 12 the investigation.
 13 REPRESENTATIVE MITTEN: An informal interview.
 14 REPRESENTATIVE BARNES: It is an informal
 15 interview to determine whether we need a formal
 16 interview to go through the process of getting a court
 17 reporter into the federal penitentiary in Springfield.
 18 REPRESENTATIVE MITTEN: But it's also possible
 19 -- Mr. Chairman, if I might just reiterate. I think
 20 think it's also possible that if the subcommittee
 21 believes that there is some information that could be
 22 obtained by way of a sworn affidavit that we could just
 23 get then and there, that's another possibility.
 24 REPRESENTATIVE BARNES: Yes. Our intent is to
 25 report back to the Committee rather than go through this

1 lengthy process where we have to get the warden's
 2 special permission and then -- I don't know if all of us
 3 could even get in there for this purpose. My
 4 understanding from speaking to the public information
 5 officer in the facility is that they've never had
 6 anything like this done which should not be surprising.
 7 There's never been a committee of the Missouri House to
 8 interview a witness at the federal penitentiary in
 9 Springfield, Missouri.
 10 REPRESENTATIVE AUSTIN: They've had lawyers
 11 there depose.
 12 REPRESENTATIVE BARNES: They've had lawyers
 13 there. But the question is there are so many of us.
 14 They're nine people to come in, bring a recording
 15 device. That presents a different sort of thing that
 16 they've never done before.
 17 REPRESENTATIVE MITTEN: Something they're not
 18 logistically prepared for.
 19 REPRESENTATIVE BARNES: They're not
 20 logistically prepared for. So I now move that the
 21 Committee grant permission to Representative Austin,
 22 myself and Representative Mitten and I believe
 23 Mr. Curchin is going to be with us for said interview on
 24 Friday. So I now move.
 25 SECRETARY CURCHIN: Chairman Barnes.

1 REPRESENTATIVE BARNES: Aye.
 2 SECRETARY CURCHIN: Phillips.
 3 REPRESENTATIVE PHILLIPS: Aye.
 4 SECRETARY CURCHIN: Mitten.
 5 REPRESENTATIVE MITTEN: Aye.
 6 SECRETARY CURCHIN: Lauer.
 7 REPRESENTATIVE LAUER: Aye.
 8 SECRETARY CURCHIN: Austin.
 9 REPRESENTATIVE AUSTIN: Aye.
 10 SECRETARY CURCHIN: Rhoads.
 11 REPRESENTATIVE RHOADS: Aye.
 12 SECRETARY CURCHIN: Pierson.
 13 REPRESENTATIVE PIERSON: Aye.
 14 REPRESENTATIVE BARNES: Finally, there is some
 15 question about this Committee's authority to issue a
 16 subpoena to force either a Mr. Dan Laub or anyone
 17 associated with The Mission Continues in Manhattan to
 18 appear before us here in Missouri. One potential
 19 solution to that is to take a deposition. There's a
 20 statute that authorizes the speaker to deputize a member
 21 or even a non member to take a deposition for any
 22 purpose to be used in the House of Representatives. So
 23 I want the Committee to vote on said authorization if
 24 necessary to interview Mr. Laub or someone from The
 25 Mission Continues for that limited purpose.

137

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1 REPRESENTATIVE LAUER: He would not be able to
 2 come here?
 3 REPRESENTATIVE BARNES: We don't know the
 4 answer to that question yet. It's if he would not come
 5 here, refuse to come here, I want to offer up the
 6 possibility that if they deem that to be too costly and
 7 time consuming, then we will say fine, we will come to
 8 you so that there's no great excuse not to speak with
 9 us. Further discussion of the motion? Seeing none I so
 10 move. Mr. Curchin, please call the roll.
 11 SECRETARY CURCHIN: Chairman Barnes.
 12 REPRESENTATIVE BARNES: Aye.
 13 SECRETARY CURCHIN: Phillips.
 14 REPRESENTATIVE PHILLIPS: Aye.
 15 SECRETARY CURCHIN: Mitten.
 16 REPRESENTATIVE MITTEN: I'm sorry. But what
 17 are we voting on here?
 18 REPRESENTATIVE BARNES: Let's back up.
 19 REPRESENTATIVE MITTEN: We're basically saying
 20 that the chair -- that should the New York witness
 21 refuse to come to Missouri that we would -- we're
 22 authorizing the Committee or the chair to either travel
 23 to New York to interview or deputize somebody else --
 24 travel to New York for a deposition or deputize somebody
 25 in New York to take said deposition; is that what we're

138

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1 voting on?
 2 REPRESENTATIVE BARNES: Yes. And my
 3 inclination it would be myself and perhaps another
 4 member of the Committee if someone else would choose to
 5 do so. The same is true for Mr. Laub who I believe is
 6 in Virginia at this point.
 7 REPRESENTATIVE MITTEN: I just want to make
 8 sure I know what I'm voting on. Aye.
 9 REPRESENTATIVE BARNES: That was an aye. Was
 10 that an aye?
 11 REPRESENTATIVE MITTEN: Yeah.
 12 SECRETARY CURCHIN: Lauer.
 13 REPRESENTATIVE LAUER: Yes, indeed.
 14 SECRETARY CURCHIN: Austin.
 15 REPRESENTATIVE AUSTIN: Aye.
 16 SECRETARY CURCHIN: Rhoads.
 17 REPRESENTATIVE RHOADS: Aye.
 18 SECRETARY CURCHIN: Pierson Jr.
 19 REPRESENTATIVE PIERSON: Aye.
 20 REPRESENTATIVE BARNES: By your vote of seven
 21 ayes, zero nos, you have approved the motion. That ends
 22 today's hearing.
 23 (Off the record.)
 24
 25

139

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1 CERTIFICATE OF REPORTER
 2
 3 I, Beverly Jean Bentch, CCR No. 640, within the
 4 State of Missouri, do hereby certify that the witness
 5 whose testimony appears in the foregoing questioning was
 6 taken by me to the best of my ability and thereafter
 7 reduced to typewriting under my direction; that I am
 8 neither counsel for, related to, nor employed by any of
 9 the parties to the action in which this questioning was
 10 taken, and further, that I am not a relative or employee
 11 of any attorney or counsel employed by the parties
 12 thereto, nor financially or otherwise interested in the
 13 outcome of the action.

Beverly Jean Bentch

Beverly Jean Bentch, CCR No. 640



140

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HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
HEARING
MS. KRISTAL PROCTOR
MARCH 27th, 2018

1	INDEX OF EXAMINATION	
2	Ms. Krystal Proctor	
3	Examination by Mr. Barnes	6
4	Examination by Mr. Phillips	41
5	Examination by Ms. Mitten	45
6	Examination by Ms. Lauer	58
7	Examination by Mr. Austin	70
8	Examination by Mr. Rhoads	75
9	Examination by Mr. Tommie Pierson, Jr.	78
10	Re-examination by Mr. Barnes	82
11	Re-examination by Ms. Mitten	85
12		
13	INDEX OF EXHIBITS	
14	EXHIBITS:	
15	Exhibit No. 3A (E-mail from Ms. Proctor to	
16	Mr. Laub)	22
17	Exhibit No. 5A (E-mail from Ms. Proctor to	
18	Mr. Hafner)	31
19	Exhibit No. 8A (Call List E-mail From Mr. Hafner)	35
20	Exhibit No. 12 (Nondisclosure Agreement)	21
21	Exhibit No. 13 (Stevens E-mail Re: Call Lists)	33
22	Exhibit No. 14 (The Mission Continues Handbook)	52
23		
24	Reporter's Note: Exhibits 3A, 5A, 8A, and 12 through	
25	14 were retained by the panel.	

APPEARANCES
Mr. Jay Barnes, Chairman
Mr. Alex Curchin, Senior Counsel/Legislative Director
Representative Don Phillips
Representative Jeanie Lauer
Representative Kevin Austin
Representative Gina Mitten
Representative Shawn Rhoads
Representative Tommie Pierson, Jr.

Also present:

Ms. Alix Hallen
Mr. Bryan D. Scheiderer

The Court Reporter:

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(The hearing commenced at 12:16 p.m.)
MR. BARNES: I now call to order the
House Special Committee on Investigative Oversight.
Mr. Secretary, please call the roll.
MR. CURCHIN: Representative Barnes.
MR. BARNES: Here.
MR. CURCHIN: Representative Phillips.
MR. PHILLIPS: Here.
MR. CURCHIN: Representative Mitten.
MS. MITTEN: Here.
MR. CURCHIN: Lauer.
MS. LAUER: Here.
MR. CURCHIN: Austin.
MR. AUSTIN: Here.
MR. CURCHIN: Rhoads.
MR. RHOADS: Here.
MR. CURCHIN: Pierson, Jr.
MR. PIERSON: Here.
MR. BARNES: All are present. I now move
that we close this here meeting. All those in favor
will vote yes.
Mr. Secretary, please call the roll.
MR. CURCHIN: Barnes.
MR. BARNES: Aye.
MR. CURCHIN: Phillips.

1 MR. PHILLIPS: Aye.
 2 MR. CURCHIN: Mitten.
 3 MS. MITTEN: Aye.
 4 MR. CURCHIN: Lauer.
 5 MS. LAUER: Aye.
 6 MR. CURCHIN: Austin.
 7 MR. AUSTIN: Aye.
 8 MR. CURCHIN: Rhoads.
 9 MR. RHOADS: Aye.
 10 MR. CURCHIN: Pierson, Jr.
 11 MR. PIERSON: Aye.
 12 MR. BARNES: By your vote, seven ayes,
 13 zero no, you voted to close today's hearing. I now
 14 move to close Thursday's hearing, which will be held
 15 in the Capitol via Skype with Mr. Spencer Kympton,
 16 the CEO of The Mission Continues. He will be in
 17 Washington, D.C. All those in favor vote yes.
 18 Mr. Secretary, please call the roll.
 19 MR. CURCHIN: Barnes.
 20 MR. BARNES: Aye.
 21 MR. CURCHIN: Phillips.
 22 MR. PHILLIPS: Aye.
 23 MR. CURCHIN: Mitten.
 24 MS. MITTEN: Aye.
 25 MR. CURCHIN: Lauer.

1 MS. LAUER: Aye.
 2 MR. CURCHIN: Austin.
 3 MR. AUSTIN: Aye.
 4 MR. CURCHIN: Rhoads.
 5 MR. RHOADS: Aye.
 6 MR. CURCHIN: Pierson, Jr.
 7 MR. PIERSON: Aye.
 8 MR. BARNES: By your votes, seven aye and
 9 zero no, you voted to close Thursday's meeting with
 10 Mr. Spencer Kympton, which will take place in a
 11 House hearing room at 8:00 a.m.
 12 And with that, I believe our sergeant at
 13 arms has gone to notify the witness that we are
 14 ready for her.
 15 Good afternoon. Thank you for being here.
 16 MR. BARNES: First let's administer the
 17 oath.
 18 KRYSTAL PROCTOR,
 19 being first duly sworn, was examined and testified as
 20 follows:
 21 EXAMINATION
 22 BY MR. BARNES:
 23 Q. Thank you. Can you state your name.
 24 A. Krystal Proctor.
 25 Q. And did you formerly go by Krystal Taylor?

1 A. Yes.
 2 Q. And, Ms. Proctor -- can I call you
 3 Ms. Proctor?
 4 A. Uh-huh.
 5 Q. Have you ever given testimony in a
 6 deposition before?
 7 A. I have not.
 8 Q. Okay. So just -- this is a conversation,
 9 but it's a conversation that's a little bit strange
 10 because we have someone here recording. This is not
 11 a deposition, but it is like a deposition because we
 12 have a court reporter here and there are a few
 13 ground rules. Number one is you can't -- when
 14 you're asked a question, nodding your head yes or
 15 shaking it no will not do; you have to say "yes" or
 16 "no" so that she can get a record. Do you
 17 understand that?
 18 A. Yes.
 19 Q. Okay. And if anyone asks a question that
 20 you do not understand, please just ask them to stop
 21 and restate the question, because it doesn't make
 22 any sense for us to be asking questions that are
 23 confusing to you, and you're giving an answer
 24 that -- you think they're asking one thing, and
 25 you're giving this answer, but they're actually

1 asking something else.
 2 A. Okay.
 3 Q. And if you need to stop for any reason,
 4 just let us know. The way this is going to work is,
 5 generally, I start with sort of a broad overview,
 6 and then we will go in order. The vice chairman
 7 will ask questions, the ranking member will ask
 8 questions, and then we'll go in order of legislative
 9 seniority. So there's seven of us. I apologize; it
 10 takes some time, obviously. Some people will hit on
 11 points that I might have missed.
 12 A. Okay.
 13 Q. Okay. Ms. Taylor, can you tell us -- for
 14 the record, you have counsel here, and if they want
 15 to note their presence or the record.
 16 MR. HAMMER: Sure. Thank you very much.
 17 My name is Mark Hammer, last name is H-a-m-m-e-r,
 18 attorney for Ms. Proctor.
 19 MS. CHIRAVOLLATTI: Nicole Chiravollatti,
 20 also attorney for Ms. Proctor.
 21 MR. BARNES: Thank you. Thank you for
 22 being here this afternoon. Sorry we're a little bit
 23 late. We were voting on budget bills.
 24 Q. (By Mr. Barnes) Ms. Proctor, how long have
 25 you known Eric Greitens?

1 A. I have known him since January of -- well,
2 I guess before January 2011, but I started working
3 for him in January of 2011.

4 Q. Okay. And how long before you started
5 working for him?

6 A. Probably a couple of months before that, I
7 was interviewing for the position.

8 Q. So it was just through the hiring process
9 that you met him?

10 A. Yes.

11 Q. Okay. And so you started in January 2011.
12 For whom did you work when you started in
13 January 2011?

14 A. So when I was hired in January 2011, I was
15 a dual employee of The Mission Continues and the
16 Greitens Group.

17 Q. And how much of your work was spent on the
18 Greitens Group?

19 A. Probably -- it probably changed, you know,
20 from time to time, but, generally, it was 50/50.

21 Q. And so the other 50 would be The Mission
22 Continues?

23 A. Yes.

24 Q. And that was as you -- right when you
25 started?

1 A. Yes.

2 Q. And generally throughout the time period
3 in which you worked for Mr. Greitens, it was in that
4 dual capacity?

5 A. Yes.

6 Q. And how long was it that you worked for
7 him in that dual capacity?

8 A. So I worked for The Mission Continues and
9 the Greitens Group, splitting my time up until the
10 summer of 2011 -- sorry, 2014.

11 Q. Okay. July 1st, 2014, does that sound
12 right as a final day of employment with -- under The
13 Mission Continues?

14 A. I don't know the exact date, but when Eric
15 stepped down as CEO of The Mission Continues, I left
16 The Mission Continues with him.

17 Q. And -- so summer 2014 --

18 A. Yes.

19 Q. -- is when your employment with The
20 Mission Continues ended?

21 Do you recall who paid -- what equipment
22 did you use when you paid -- when you worked for --
23 and I'm glad you caught it in my question earlier,
24 because I said, When did you work for Mr. Greitens,
25 and you answered with, I worked for the Greitens

1 Group and The Mission Continues.

2 A. Uh-huh.

3 Q. When you were dual employed by The Mission
4 Continues and the Greitens Group, starting in 2011,
5 what type of equipment did you use?

6 A. When I started in 2011, I had, like, a
7 desktop computer, I believe.

8 Q. Do you know who paid for that desktop?

9 A. I do not know. It was just -- you know, I
10 came in that day, and it was there -- the first day
11 I started. If -- yeah, so I do not know.

12 Q. And "I do not know" is an acceptable
13 answer to any question. If you do not know the
14 answer, I would prefer you say, I do not know, than
15 to make something up or try to please us with an
16 answer that you don't know to be the truth.

17 A. Okay.

18 Q. Do you know -- was that computer replaced
19 at any time?

20 A. Yes. I mean, I worked for him for
21 five-plus years, so I had a variety of computers
22 over the course of that time. I do -- I don't
23 remember, like, the exact year or month or date of
24 when I would have gotten a new computer, but I did
25 get a new computer at some point.

1 Q. And do you know which organization paid
2 for that computer?

3 A. I do not.

4 Q. Okay. Do you know the breakdown of your
5 paycheck, in terms of which organization was paying
6 how much?

7 A. I can't tell you, like, the specific
8 amount -- I just don't remember -- but I do know
9 that The Mission Continues was paying -- was paying
10 for more of my salary than the Greitens Group.

11 Q. When you say "more of your salary,"
12 explain that -- and, again, I understand you're not
13 going to know to the penny how much you were making
14 every month, but did you get one check or more than
15 one check every month?

16 A. So I got two checks -- two separate
17 checks. So one came from The Mission Continues and
18 one came from the Greitens Group.

19 Q. Do you know what the proportions of those
20 checks were -- I don't want to put words in your
21 mouth, but I think you just said what The Mission
22 Continues paid is a higher amount. Do you know what
23 the approximate proportion of the checks was?

24 A. I do not know. I could guess, and I'd say
25 it's probably something like 60/40 or 70/30 --

1 70 percent of my pay coming from The Mission
 2 Continues.
 3 Q. Do you still have any pay stubs from that
 4 period of time?
 5 A. I doubt it. I'd say -- you know, I --
 6 because my bank account is also closed, because when
 7 I got married, I joined bank accounts with my
 8 husband, so I doubt I have anything.
 9 Q. Would you mind looking if you -- just to
 10 see and get back to us if you do, in fact, have that
 11 information?
 12 A. Uh-huh.
 13 Q. Thank you. What were your duties as an
 14 employee of -- let's start with The Mission
 15 Continues. What were your duties as an employee of
 16 The Mission Continues?
 17 A. So when I was hired in January of 2011, I
 18 think my title was administrative assistant. At
 19 some point over the course of that year, I became an
 20 executive assistant, and so my job in both roles was
 21 to maximize Eric's time. And so with The Mission
 22 Continues, maximizing his time would have meant, you
 23 know, scheduling meetings, booking his travel,
 24 working with a development team to ensure that he
 25 had, you know, the appropriate amount of donor calls

1 or donor meetings on his calendar. Those are --
 2 that's sort of the bulk of my job -- and ensuring he
 3 was prepared for every meeting.
 4 Q. Okay. And what was -- what were your
 5 duties for the Greitens Group?
 6 A. So for the Greitens Group, it was similar,
 7 so -- then my role was really to maximize his time.
 8 So I would have been scheduling any meetings, any
 9 travel. He traveled a lot for speaking engagements,
 10 so I would have been coordinating the logistics for
 11 some of those engagements and speeches. And then we
 12 also had a series of book tours, so I would have
 13 been coordinating with our publisher as well. And
 14 that's probably -- I mean, that was really the bulk.
 15 It was coordinating logistics and travel and things.
 16 Q. So how did that work in terms of
 17 deciding -- what was sort of your first -- when
 18 you're making his schedule, what was the impetus to
 19 make his schedule for an event?
 20 A. I'm sorry. What do you mean?
 21 Q. So -- let me back up. So he would book a
 22 speech; right? How did you coordinate -- what was
 23 the process by which you coordinated his schedule
 24 between the Greitens Group and The Mission
 25 Continues?

1 A. So the process for coordinating his
 2 schedule between the two organizations -- so,
 3 typically, I would work with Dave Whitman, who was
 4 Eric's managing director back in January of 2011,
 5 and, you know, Dave would communicate to me if he
 6 was able to book or contract a speaking engagement,
 7 and he would give me that information of what the
 8 company -- what the company was called and where the
 9 company is based or where Eric would be flying to
 10 speak, and so those engagements would go on the
 11 calendar. And then, typically, I would then
 12 communicate, you know, to the development team, Eric
 13 is going to be in Florida for a speaking engagement;
 14 you guys probably want to use this opportunity to
 15 set up some donor meetings, and I was maximizing his
 16 time in that way.
 17 Q. So the development team, that would be The
 18 Mission Continues development team?
 19 A. Yes.
 20 Q. Okay. And was that the typical way it
 21 worked, is that Mr. Whitman would book a speech --
 22 or some sort of event, tell you about it, and then
 23 it was that Mr. Greitens is going to be in this
 24 location at a certain time; let's not waste time;
 25 let's be as efficient as possible? Is that a fair

1 recitation of how it went?
 2 A. Yes, typically. He also would have big --
 3 if there was a really large donor or a really large
 4 corporation that was interested in The Mission
 5 Continues, that might be something that was put on
 6 the calendar on his own.
 7 Q. And then if that -- if The Mission
 8 Continues' large donor or corporation was put on the
 9 calendar on his own, would you, in turn, talk to
 10 Mr. Whitman and try to get some sort of speaking
 11 engagement arranged around that donor or corporate
 12 event?
 13 A. I mean, typically, that is a harder
 14 transition to make, because he -- I don't think that
 15 Dave -- now, I don't know that -- I don't know how
 16 Dave did his job, but I don't think that you could
 17 go to a company and say, Hey, you know, our CEO is
 18 going to be in Florida; can you hire him for a
 19 speaking engagement? So it didn't necessarily work
 20 that way; however, that's not to say if he was
 21 traveling for The Mission Continues, that he
 22 wouldn't do, like, Greitens Group work.
 23 Q. Okay. Do you know -- were you involved at
 24 all with travel expenses? For Mr. Greitens.
 25 A. Typically, when he would come back from

1 traveling, he would hand me a stack of receipts, and
2 I would give them to the appropriate person who was
3 in charge of kind of handling those or booking those
4 expenses or --

5 Q. By "appropriate person," do you mean
6 someone from The Mission Continues?

7 A. Yes. There would have been someone from
8 The Mission Continues and someone from
9 the Greitens Group.

10 Q. Do you know if those expenses were shared,
11 or did one organization or the other take the brunt
12 of them?

13 A. I mean, that, I do not -- I don't know. I
14 wasn't traveling and, you know -- and putting those
15 expenses on credit cards.

16 Q. So let me ask it this way. With whom did
17 you -- to whom did you give the travel expenses?
18 Did you give the same set of documents to both
19 individuals or separate sets of documents?

20 A. Typically, there would be receipts that
21 were charged to the Greitens Group credit card, and
22 there would have been receipts that were charged to
23 The Mission Continues credit card, and so there were
24 two sets of documents that would go to two separate
25 people.

1 Q. Okay. And you didn't have anything to do
2 with the decision as to what to charge to whom;
3 correct?

4 A. Typically not. Now, if I was booking a
5 hotel room or something, I would know, generally, if
6 he was traveling for The Mission Continues or for
7 the Greitens Group, and I would, you know, book the
8 hotel under that -- the appropriate credit card.

9 Q. In the event of a dual event, where you
10 explained that there would be a speech booked, and
11 then The Mission Continues events created around
12 that speech, whose -- which organization's credit
13 card would be used, typically, to pay for the
14 expenses?

15 A. Typically, if he was traveling for a
16 speaking engagement and he was, you know, traveling
17 for that purpose, the hotel expense, the flight
18 expense would go on the Greitens Group credit card.

19 Q. And so is it your belief and testimony
20 that the only hotel and travel expenses charged to
21 The Mission Continues were for events that were
22 solely The Mission Continues?

23 A. I believe so, yes.

24 Q. Okay. To your knowledge, did The Mission
25 Continues ever purchase books that Eric had written?

1 A. So I recall there being a conversation
2 around how The Mission Continues could use the book
3 to promote the organization, because the book is,
4 you know, about Eric's life, and then sort of ends
5 on The Mission Continues -- that's the final chapter
6 of the book, and so it's my understanding that
7 they -- they found that to be a good promotional
8 tool for the organization, and so I recall a
9 conversation around using books to, you know, hand
10 to donors as a good intro to Eric and The Mission
11 Continues, but I do not know the arrangement of how
12 those books were -- you know, were bought or
13 purchased or ...

14 Q. Were they -- do you know if they were
15 purchased by the Greitens Group?

16 A. I don't know.

17 Q. Okay. And so you -- and you didn't have
18 access to The Mission Continues financing or -- so
19 you wouldn't know about The Mission Continues books;
20 is that fair to say?

21 A. Yes. Yes. I did not do the finances.

22 Q. Did you ever witness pushback from The
23 Mission Continues employees about expensing by
24 Mr. Greitens towards The Mission Continues?

25 A. What do you mean? Sorry.

1 Q. So -- a hypothetical arrangement, for
2 example, would be that Mr. Greitens had used the
3 credit card for a purchase, and what I'm asking is,
4 did you ever have a situation like -- such a
5 situation -- receive pushback from employees from
6 The Mission Continues about Mr. Greitens' use of The
7 Mission Continues resources?

8 A. I don't believe so, no.

9 Q. In your role as the administrative
10 assistant and then executive assistant, did you work
11 at the direction of Mr. Greitens?

12 A. Yes.

13 Q. And so actions you took, if it was a big
14 deal, it would have been at his direction; is that
15 fair to say?

16 A. Yes.

17 Q. I provided you and your counsel with a set
18 of documents, and I believe --

19 MR. BARNES: Do you have stickers?

20 THE REPORTER: I do.

21 (Discussion off the record.)

22 (Exhibit 12 was marked for
23 identification.)

24 Q. (By Mr. Barnes) Do you recognize this
25 document -- I'm sorry. Let me back up, because we

1 went off the record.
 2 You've been handed what's been identified
 3 as Exhibit No. 12. Do you recognize this document?
 4 A. I do. I recognize it.
 5 Q. And what is that document?
 6 A. I believe it's The Mission Continues'
 7 nondisclosure agreement.
 8 Q. And did you sign that nondisclosure
 9 agreement?
 10 A. I do not remember signing it, but I -- I
 11 see here that I did sign it.
 12 Q. Is that, in fact, your signature?
 13 A. Yes.
 14 Q. And to the best of your knowledge, is that
 15 a fair and accurate representation of your signature
 16 and the nondisclosure agreement from The Mission
 17 Continues?
 18 A. Yes.
 19 Q. I now direct you to the next document in
 20 the stack, and this document has been previously
 21 marked -- not that particular document, but that
 22 is -- as Exhibit 3 in our binder. I want to use the
 23 same numbers, and I'm highly confident that it is
 24 the same Exhibit 3 that we had earlier.
 25 Is there any objection to using the old

1 number, even though we don't have the original?
 2 MR. HAMMER: So do we want to make this
 3 document, which I've now just put the sticker 13 on
 4 it, actually Exhibit 3?
 5 MR. BARNES: We want to make it Exhibit 3.
 6 (Discussion off the record.)
 7 (Exhibit 3A was marked for
 8 identification.)
 9 (Exhibit No. 13 was marked for
 10 identification.)
 11 Q. (By Mr. Barnes) You've been handed what's
 12 been marked as Exhibit 13. Do you recognize this?
 13 A. I do.
 14 Q. And what is this?
 15 A. This is an e-mail from Lori Stevens, who
 16 at the time, I believe, was the vice president of
 17 development for The Mission Continues, and she is
 18 e-mailing Eric a set of call lists and donor lists
 19 and some other documents.
 20 Q. And did you receive that e-mail?
 21 A. Yes. I was cc'd on the e-mail.
 22 Q. And to the best of your knowledge here
 23 today, is that a fair and accurate representation of
 24 the e-mail that was sent from Lori Stevens to you
 25 and others on May 8th, 2014?

1 A. Yes.
 2 Q. Do you recall the circumstances of that
 3 e-mail being sent?
 4 A. I do.
 5 Q. And can you explain the circumstances?
 6 A. So as I mentioned earlier, Eric was
 7 stepping down as CEO of The Mission Continues around
 8 that time -- the summer of 2014 -- and I recall that
 9 he asked the development team at The Mission
 10 Continues, which would have been Lori Stevens and
 11 Lyndsey Hodges at the time, who were both on this
 12 e-mail. He asked the development team to send him a
 13 list of donors of The Mission Continues, and then
 14 also a list of calls that he would be making to
 15 The Mission Continues sort of top donors to let them
 16 know that he would be transitioning and stepping
 17 down as CEO.
 18 Q. And were you in the room when he told them
 19 he wanted this information?
 20 A. I do not remember.
 21 Q. Do you recall the substance of why it was
 22 stated that this information was needed?
 23 A. Yes.
 24 Q. And what was the substance of why he
 25 stated he needed this information?

1 A. My understanding was that he had -- you
 2 know, Eric had built The Mission Continues, and
 3 these were his contacts, his friends, his family,
 4 his family members, colleagues, and, you know, at
 5 some point in the future, he might need to reference
 6 this list and, you know, get in touch with these
 7 people.
 8 Q. Do you know of any e-mail communication
 9 from Mr. Greitens to Lori Stevens or anyone else to
 10 that effect?
 11 A. I do not remember. There could be. I
 12 can't think of an exact e-mail where he's asking for
 13 this information.
 14 Q. And the reason I ask is because this
 15 particular e-mail, providing the list, the first
 16 line says: "Here is the transitional call info."
 17 In your conversations with employees of The Mission
 18 Continues, what was the purpose, do you believe, of
 19 them sending the documents attached to this e-mail?
 20 A. The purpose, I believe, was that Eric
 21 would be making a number of phone calls to
 22 The Mission Continues donors to let them know he
 23 would be transitioning and stepping down as CEO, and
 24 then I also believe the purpose was to have a list
 25 of contacts, because, like I said, these were his

1 contacts, his friends and family members and
2 colleagues, people he had brought into The Mission
3 Continues who were supporters of his, and I believe
4 that he -- you know, for convenience's sake, he
5 wanted their contact information in one place and
6 one list.

7 Q. But, to your knowledge, there's no e-mail
8 specifying that he wanted the list for that purpose?

9 A. No.

10 Q. Do you know of anyone at The Mission
11 Continues who provided him this list, knowing it
12 would be for a purpose other than transition calls?

13 A. I recall Lyndsey Hodges, who is on this
14 e-mail -- I recall her being sort of concerned and
15 voicing those concerns around, you know, sending a
16 list of The Mission Continues donors to Eric, but I
17 don't -- I just sort of remember the conversation.

18 Q. Did she say -- you said "conversation," as
19 in a meeting -- a conversation in a meeting?

20 A. I mean, Lyndsey and I worked in the same
21 office, so -- and we were close friends, so it's
22 possible that we just might have been chatting,
23 not -- you know, not in a formal meeting setting,
24 and I recall her sort of voicing some concerns
25 around sending a list. I don't think it would be --

1 I don't think it was necessarily a formal meeting
2 setting, but ...

3 Q. And do you recall her saying that to you?

4 A. Yes.

5 Q. Do you recall her saying that to
6 Mr. Greitens?

7 A. I do not.

8 Q. Do you recall her saying that to anyone
9 else in a meeting where you were present?

10 A. I do not.

11 Q. Do you recall anyone else expressing
12 reservation about providing the list?

13 A. Not -- I don't remember, but I -- not to
14 my knowledge.

15 Q. Do you recall anyone from The Mission
16 Continues stating that list could be used for
17 political purposes?

18 A. No.

19 Q. Do you recall anyone from The Mission
20 Continues expressly stating that the list would be
21 used for any purpose other than the transition calls
22 and items relating to The Mission Continues?

23 A. Can you repeat the question?

24 Q. Do you recall anyone from The Mission
25 Continues stating that Mr. Greitens could use this

1 list for a purpose not relating to The Mission
2 Continues?

3 A. I do not remember. Like I said, I -- I
4 remember Lyndsey voicing concern to me about sending
5 this list, but I don't remember the specifics around
6 the conversation.

7 MR. HAMMER: Just to be clear, I think
8 that what the chairman is asking you is whether or
9 not, on the other hand, there was anybody at
10 The Mission Continues that said, Hey, you can go
11 ahead and use this list for something unrelated to
12 The Mission Continues. Did you have ever have a
13 conversation with Hodges or anybody else where they
14 said, Yeah, here is the list; you can go ahead and
15 use it for something other than The Mission
16 Continues?

17 THE WITNESS: Oh. Sorry.

18 MR. HAMMER: That's okay.

19 A. No.

20 MR. BARNES: Thank you, Counsel, for
21 stating the question better than I did.

22 MR. HAMMER: No problem. I knew I was
23 here for some reason.

24 Q. (By Mr. Barnes) I'll now direct you to the
25 document in front of you that is labeled as

1 Exhibit 3A, and I'd ask you to turn to the second
2 page of that exhibit.

3 Do you recognize what's been labeled as
4 Exhibit 3A?

5 A. I do.

6 Q. And what is this?

7 A. This is an e-mail that I am sending to
8 Danny Laub and Michael Hafner with four separate
9 Excel documents with donor lists.

10 Q. Did you send that e-mail on your own
11 accord, or was it at someone's direction?

12 A. This would have been at someone's
13 direction.

14 Q. And whose direction did you send this
15 e-mail?

16 A. It would have been at Eric's direction.

17 Q. If you could turn back to page 1. This is
18 a meeting -- do you recognize this document? And "I
19 do not know" -- "I don't" is an acceptable answer to
20 any question.

21 A. I mean, I don't recognize it, but having
22 seen it now, yes, it looks familiar as a meeting I
23 had.

24 Q. Did you create meeting invites with
25 Mr. Greitens' e-mail address, or was he the one who

1 had access to his e-mail address to create e-mail
 2 invites?
 3 A. We both had access to create e-mail
 4 invites. Typically -- or invitations. Typically, I
 5 would be the one to create an invitation.
 6 Q. At this point in time, do you remember
 7 whether you created this invitation or whether that
 8 was Mr. Greitens?
 9 A. I do not remember.
 10 Q. Do you recall what computer you
 11 e-mailed -- you sent this e-mail from -- let me back
 12 up. Clear question for the record.
 13 Do you recall the computer that you used
 14 to send this e-mail?
 15 A. Yes.
 16 Q. And what computer -- and was that
 17 computer -- do you recall who paid for that
 18 computer?
 19 A. No.
 20 Q. Can you describe that computer?
 21 A. This computer would have been one I was
 22 using after we had left -- transitioned from
 23 The Mission Continues, so it would have been the
 24 computer I was using for Greitens Group work, and it
 25 was a desktop computer. I have no idea what type.

1 Q. Do you remember when you started using
 2 that computer -- when it was purchased?
 3 A. It would have been purchased at some point
 4 when I was working for both organizations, and it
 5 would have come with me during the transition when
 6 we left The Mission Continues office.
 7 Q. Do you have any idea when it would have
 8 been purchased?
 9 A. No.
 10 Q. I now direct you to what's been marked as
 11 Exhibit 5A.
 12 (Exhibit 5A was marked for
 13 identification.)
 14 Q. (By Mr. Barnes) Do you recognize this?
 15 A. I do.
 16 Q. And what is this?
 17 A. This is an e-mail that I'm sending to
 18 Mike Hafner and copying Chris Bobak and Danny Laub.
 19 It's an e-mail that I'm sending letting him know he
 20 should log on to the Greitens Group Salesforce.
 21 Q. Can you explain what Salesforce is?
 22 A. So Salesforce is a CRM system, so like a
 23 contact database system.
 24 Q. Customer Relations Management?
 25 A. Yes. That would be it.

1 Q. Okay. And the Greitens Group had a CRM
 2 system?
 3 A. Yes.
 4 Q. Did The Mission Continues have a CRM
 5 system?
 6 A. Yes.
 7 Q. To your knowledge, did any Greitens Group
 8 employees ever pull data from the CRM system managed
 9 by The Mission Continues?
 10 A. Not to my knowledge.
 11 MR. HAMMER: Just a second.
 12 MR. BARNES: Counsel, we can take a short
 13 break.
 14 MR. HAMMER: No, that's all right.
 15 MR. BARNES: Okay.
 16 MR. HAMMER: Just one moment.
 17 Can you do me a favor? Can we have the
 18 court reporter read back your last question?
 19 MR. BARNES: Yes.
 20 (The pending question was read by the
 21 reporter.)
 22 MR. HAMMER: Just one moment.
 23 She'd like to go ahead and amend the
 24 answer to that question.
 25 MR. BARNES: Okay. Can you restate the

1 question?
 2 (The pending question was read by the
 3 reporter.)
 4 A. Yes.
 5 Q. (By Mr. Barnes) And who was that employee?
 6 A. I would have pulled information from
 7 The Mission Continues CRM system.
 8 Q. And what was the purpose of pulling --
 9 what type of data would you have pulled?
 10 A. So as a Mission Continues employee, I
 11 would have been pulling contact information -- most
 12 likely, contact information.
 13 Q. The course and scope of your duties as a
 14 Mission Continues employee?
 15 A. Yes.
 16 Q. Okay. Did you ever transfer that data
 17 from The Mission Continues database to the Greitens
 18 Group database?
 19 A. I don't believe so.
 20 MR. HAMMER: Can I ask a question, just to
 21 make sure that we're clear here? Do you mind?
 22 MR. BARNES: Sure.
 23 MR. HAMMER: Was there a point in time
 24 after you left The Mission Continues where you ever
 25 accessed The Mission Continues CRM database?

1 THE WITNESS: I don't believe so.
 2 MR. HAMMER: Okay. That's fine. I think
 3 we're clear.
 4 MR. BARNES: That's a good clarification
 5 question, Counsel.
 6 MR. HAMMER: I just want to be sure we
 7 were clear.
 8 Q. (By Mr. Barnes) Were you ever directed
 9 while you were a joint employee to move data from
 10 The Mission Continues database to the Greitens Group
 11 database?
 12 A. I don't believe so.
 13 Q. Would anyone else working for the Greitens
 14 Group have taken data from The Mission Continues
 15 database and moved it to the Greitens Group
 16 database?
 17 A. I think that's possible. I don't --
 18 Q. Do you know of anyone who did that?
 19 A. -- know of anyone.
 20 Q. And back to this e-mail, 5A, when you make
 21 the suggestion of checking The Mission Continues
 22 list there in paragraph 2, did you do so as it was
 23 your understanding that Mr. Greitens and campaign
 24 advisers were using The Mission Continues list for
 25 purposes of the campaign?

1 A. Can you repeat the question?
 2 Q. Sure. If you look at paragraph 2 in your
 3 response to -- or Bullet Point 2 in your response,
 4 you say, "Some of these will be in Salesforce. If
 5 not, I would suggest checking The Mission Continues
 6 list."
 7 A. Uh-huh.
 8 Q. And then you sent that -- did you send
 9 that under the understanding campaign workers and
 10 Mr. Greitens were using The Mission Continues list
 11 for purposes of making a call list for the campaign?
 12 A. Yes.
 13 Q. Okay. I'll now direct you to what's been
 14 labeled as Exhibit 8A. Do you recognize this?
 15 (Exhibit 8A was marked for
 16 identification.)
 17 A. Yes.
 18 Q. (By Mr. Barnes) And what is this?
 19 A. This is an e-mail from Mike Hafner to Eric
 20 and myself with a call list attached.
 21 Q. Do you recall receiving e-mails like this
 22 throughout the course of the campaign?
 23 A. Yes.
 24 Q. To the best of your knowledge, is this a
 25 fair and accurate representation of the e-mail that

1 you received that day?
 2 A. Yes.
 3 Q. To your knowledge, did Mr. Greitens, in
 4 fact, use these call lists?
 5 A. Yes.
 6 Q. How much involvement did you have with the
 7 Greitens campaign for governor?
 8 A. So it depends on what time period
 9 you're --
 10 Q. Let's just go chronologically, okay? So
 11 you -- you tell me when you started, because you
 12 know the facts better as to when things started. So
 13 what was the first date you had any involvement in
 14 political activity of any sort with Mr. Greitens?
 15 A. So I wouldn't have had any involvement in
 16 political activity probably until late 2014, when he
 17 started, you know, talking with consultant --
 18 potential consultants.
 19 Q. And who were those consultants?
 20 A. David Barklage, Mike Hafner, Danny Laub,
 21 Tyler Holman.
 22 Q. And did he go on to hire two of those
 23 individuals?
 24 A. Yes. He went on to hire Danny Laub and
 25 Tyler Holman.

1 Q. And Mr. Hafner for just a brief period of
 2 time?
 3 A. Yes.
 4 Q. When did he hire Mr. Laub, to your
 5 knowledge?
 6 A. I believe that Danny was sort of formally
 7 hired and received payment of some sort in December
 8 of 2014.
 9 Q. And Danny was purely a political
 10 consultant; is that fair to say?
 11 A. Yes.
 12 Q. And Mr. Holman, do you recall when he was
 13 hired on?
 14 A. Mr. Holman was not hired until, like,
 15 mid-2015.
 16 Q. Was he a volunteer before that period of
 17 time?
 18 A. That's my understanding.
 19 Q. Okay. And Mr. Hafner, do you recall when
 20 he was hired?
 21 A. Mike Hafner probably was hired around the
 22 same time as Danny, December 2014 or maybe January
 23 of 2015.
 24 Q. Do you recall which organization paid
 25 their salaries?

1 A. The Greitens Group.
 2 Q. And --
 3 MS. MITTEN: Excuse me. When you say
 4 "their salaries," do you mean all of them or --
 5 MR. BARNES: Fair.
 6 THE WITNESS: That's a great question.
 7 Q. (By Mr. Barnes) As -- regarding Mr. Laub
 8 and Mr. Hafner, which organization paid their
 9 salaries?
 10 A. That would also depend on time period, but
 11 at the beginning, in December of 2014 and January of
 12 2015, it would have been the Greitens Group.
 13 Q. Okay. And after January of 2015, who paid
 14 Mr. Laub's salary, to the best of your knowledge?
 15 A. So once the campaign was officially
 16 created, Greitens for Missouri would have been
 17 paying his salary.
 18 Q. Okay. So you said -- I turned down a side
 19 path here. In late 2014, that was your first
 20 involvement with the campaign. What did that entail
 21 on your part?
 22 A. On my part, I would sit in on meetings
 23 with some of the -- these potential consultants and
 24 really just listen in. And then I'd obviously -- I
 25 was his scheduler, so I would help set these

1 meetings up.
 2 Q. After that period of time, there were
 3 decisions made about campaign consultants and
 4 campaign staff. How did your role in the campaign
 5 change or not?
 6 A. So after this time, in maybe late 2015 --
 7 mid- to late 2015, I would -- I was scheduling, you
 8 know, more political meetings, so meetings with
 9 potential donors or, you know, supporters of a
 10 potential campaign. I would schedule those
 11 meetings. And at some point in late 2015, I think I
 12 got a title of operations director for Greitens for
 13 Missouri.
 14 Q. All right. Let me try to put some general
 15 months. By mid- to late 2015, do you mean starting
 16 around April or May of 2015?
 17 A. Probably like July.
 18 Q. Okay.
 19 A. August.
 20 Q. And do you recall approximately when you
 21 were given the title of operations director for the
 22 Greitens campaign?
 23 A. I believe that would have been, like,
 24 December -- well --
 25 Q. Late 2015?

1 A. Late 2015.
 2 Q. That is --
 3 A. Yes.
 4 Q. I'm not going to ask you for the
 5 particular date and time.
 6 Did your role change at all when you
 7 became operations director?
 8 A. Not really. I mean, my goal still was to
 9 maximize Eric's time and make sure he had the right
 10 meetings on his calendar.
 11 Q. Is it fair to say you essentially had the
 12 same role you had earlier, coordinating
 13 Mr. Greitens' schedule for The Mission Continues and
 14 the Greitens Group and that you had now transitioned
 15 into a phase where you were making sure that he was
 16 making efficient use of his time on the campaign
 17 trail?
 18 A. Yes.
 19 Q. How much involvement, if any, did you have
 20 with campaign donors?
 21 A. I set up donor meetings, so I -- I'm sure
 22 I talked to them on the phone sometimes and set
 23 up -- to set up meetings or e-mail with them to set
 24 up meetings. And then I occasionally would go to,
 25 like, a fundraising dinner or meeting of some type,

1 but that was -- that was less likely than just the
 2 contact of setting up a meeting or travel
 3 arrangements or something.
 4 Q. When you went to a fundraising meeting or
 5 dinner, were those typically larger events?
 6 A. Yes.
 7 Q. Okay. So not one-on-one donor meetings,
 8 more --
 9 A. No.
 10 Q. -- more of a public setting or less than a
 11 public setting, but you had ten potential donors
 12 there, rather than --
 13 A. Yes. Typically -- I probably shouldn't
 14 have said "donor meeting." I would go to sort of
 15 like an event of supporters. So it wasn't
 16 necessarily, like, only donors in the room; it was a
 17 big event of some sort.
 18 Q. Okay. Did donors ever contact you either
 19 on the telephone or via e-mail about methods of
 20 donation?
 21 A. I think it's possible that I would have
 22 sent, like, a link to donate or something in an
 23 e-mail, but, generally, no.
 24 Q. Would you have directed them to someone
 25 else if they were asking particulars about making a

1 donation?

2 A. Yes. Yes.

3 Q. Let me ask you about women. Did

4 Mr. Greitens ever say anything to you about a woman

5 named [REDACTED]?

6 A. The only understanding that I know of

7 [REDACTED] was that -- I knew he had a hairstylist, and

8 I knew her name because I occasionally would set up

9 his hair appointments, but that's the only knowledge

10 I had of that relationship.

11 Q. Do you know of any other encounters with

12 women who were not Mr. Greitens' wife?

13 A. No -- I assume you mean personal

14 encounters?

15 Q. Yes.

16 A. No.

17 MR. BARNES: That exhausts my list of

18 questions here, so Mr. Vice Chairman.

19 EXAMINATION

20 BY MR. PHILLIPS:

21 Q. I'm Don Phillips, state representative

22 from District 138, which is Kimberling City, down by

23 Table Rock Lake. Thank you for being with us today.

24 I'm just going to go ahead and piggyback

25 on the last question, since it came out.

1 So you worked with Eric Greitens for a

2 period of time of how long?

3 A. I worked for Eric from January of 2011

4 through May of 2016 -- well, May 1st or something of

5 2016.

6 Q. Okay. So roughly a five-year period; is

7 that right?

8 A. Yes.

9 Q. In that time, in your relationship with

10 him, was he ever inappropriate towards you, anything

11 other than a typical business professional

12 relationship?

13 A. No, he was not.

14 Q. And when you worked -- you said you split

15 your time -- dual roles. I think you also said you

16 got 70 percent of your pay from The Mission

17 Continues. Whose signatures were at the bottom of

18 each one of those checks?

19 A. I do not remember. I think they were

20 probably, like, direct deposit.

21 Q. Okay. So I don't understand how it's all

22 set up. So Governor Greitens -- or Eric at that

23 time -- he wasn't signing the checks; someone else

24 would do that on his behalf; is that correct? You

25 would know if his signature was at the bottom of

1 your check, I guess, is what I'm asking.

2 A. I just -- I'm sure at some point in time

3 his signature was on the bottom of the check. That

4 may have changed over time, but I honestly don't

5 remember.

6 Q. You were under a direct deposit-type

7 thing?

8 A. Yes. I didn't receive, like, a physical

9 check.

10 Q. Okay. I'm kind of lost in the past.

11 A. I don't think I even look at my current

12 check. I don't know who signs my check.

13 Q. I'm kind of the same way, to be honest.

14 A. Maybe that's a bad thing.

15 Q. So have you been in contact with anyone

16 from Governor Greitens' office concerning your

17 appearance before this committee?

18 A. I have not.

19 Q. Have you had any contact with any

20 witnesses who we may have already spoken to prior to

21 coming here today?

22 A. I have not.

23 MR. BARNES: That's a hard question,

24 because she doesn't know who we've talked to.

25 MR. HAMMER: Yeah. So let's just open up

1 a little bit more. So you asked the question before

2 about whether or not she's had contact with anybody

3 about her testimony today. The answer to that

4 question is no. The question about whether or not

5 she's had any contact with anyone -- what was that

6 question again?

7 MR. PHILLIPS: Okay. The first question

8 had to do with the governor's office or his

9 attorneys, and the answer was no.

10 MR. HAMMER: Correct.

11 MR. PHILLIPS: And the second question was

12 geared more toward people who have already appeared

13 before this committee as witnesses. Has she spoken

14 to anyone like that.

15 MR. HAMMER: Do you know of anybody who

16 has appeared before this committee?

17 THE WITNESS: The only person that I know

18 of is my good friend, Lyndsey Hodges, and she

19 mentioned to me that she would be appearing. And

20 beyond that, we -- there was nothing.

21 Q. (By Mr. Phillips) Okay. So beyond

22 Lyndsey Hodges, you're not aware of any -- you

23 haven't spoken to anybody that's spoken to us?

24 A. I don't believe so.

25 MR. HAMMER: And just to be clear, she

1 hasn't spoken to Ms. Hodges about her testimony; it
2 was just about the fact that apparently Ms. Hodges
3 was asked to testify before this panel.

4 MR. PHILLIPS: Okay. All right. Very
5 good. That's all I've got.

6 MR. BARNES: Ranking member.

EXAMINATION

7 BY MS. MITTEN:

8 Q. Hi. I'm Gina Mitten. I'm from St. Louis
9 City -- or St. Louis County, St. Louis City, and
10 thank you for coming here today. I know this is not
11 your idea of a swell day.

12 And forgive me, because I write out my
13 questions, and I try to get rid of them as they're
14 already asked by somebody else, so there might be
15 some duplicative -- duplication, and I don't intend
16 to do that, but just let me make sure.

17 So you began working for the Greitens
18 Group and The Mission Continues in January of 2011,
19 then in -- if I have this correctly, it was in 2014
20 when Mr. Greitens was transitioning out of
21 The Mission Continues, you also transitioned out of
22 The Mission Continues?

23 A. Yes.

24 Q. Okay. At that point -- first of all,

1 up -- during that period, 2011 to 2014, were
2 The Mission Continues and the Greitens Group both
3 housed in the same office space?

4 A. Yes.

5 Q. Okay. So then you and Mr. Greitens
6 transitioned off of The Mission Continues into
7 solely working for the Greitens Group? Is that a
8 correct assessment?

9 A. Yes.

10 Q. Okay. And are you still in the same
11 office suite at that point, or didn't you move --

12 A. We moved offices.

13 Q. Okay. So -- and this is roughly what time
14 again, late 2014?

15 A. Like, the summer of 2014.

16 Q. Summer of 2014.

17 A. Uh-huh.

18 Q. Okay. So summer of 2014, then, you and --
19 you're then paid solely by the Greitens Group?

20 A. Yes.

21 Q. Okay. And then -- hang on a second. I'm
22 just trying to read.

23 We already talked about your roles. And
24 then you left the Greitens Group in May of 2016?

25 A. So at that time, I would have been

1 splitting my time between the Greitens Group and the
2 campaign -- Greitens for Missouri, and I left those
3 two organizations at that time.

4 Q. And -- just for another --

5 A. In May.

6 Q. Okay.

7 A. May of 2016.

8 Q. May of 2016?

9 A. Uh-huh.

10 Q. Okay. So before the campaign was over?

11 A. Yes.

12 Q. Obviously, in sort of the middle of the
13 campaign?

14 A. Yes.

15 Q. Was that an amicable parting?

16 A. Yes.

17 Q. Okay. So when did you start to become
18 paid by Greitens for Missouri?

19 A. I don't recall the exact date, but early
20 2016, maybe January 2016.

21 Q. Okay. So late '15, early '16, is that --

22 A. Yes.

23 Q. Okay. And then -- so were you paid by
24 Greitens for Missouri as an employee with, like,
25 taxes being taken out and all of that?

1 A. Yes.

2 Q. Okay. Well, just --

3 A. Oh.

4 MR. HAMMER: You weren't a 1099; you were
5 an employee?

6 MS. MITTEN: Exactly, yeah. Thank you.

7 A. Yes. I was an employee, yes.

8 Q. (By Ms. Mitten) Again, I'm reading, just
9 because I -- some of this stuff has already been
10 asked.

11 And when you were being paid -- so at that
12 point in -- we're going to say, what, late 2015,
13 early 2016, are you then back in sort of that dual
14 capacity, and then you're getting paid both by
15 the Greitens Group and by Greitens for Missouri?

16 A. Yes.

17 Q. Okay. And was that also 50/50 or some
18 other split?

19 A. The split would have been more heavy on
20 the campaign at that time.

21 Q. Okay.

22 A. I don't remember exact amounts, but
23 something like 80/20.

24 Q. Oh, really? Okay.

25 A. Yes.

1 Q. And -- okay.
 2 Did we talk about who Lori Stevens is?
 3 A. I believe so.
 4 Q. Okay. I thought so, too; I just want to
 5 make absolutely sure. Did she -- she only worked
 6 for The Mission Continues, though; she did not --
 7 she was not a dual --
 8 A. Yes.
 9 Q. Were you the only person employed in that
 10 dual capacity that you're aware of or ...
 11 A. Just myself and Eric, obviously.
 12 Q. Okay. Right. Okay. Yeah, that's a good
 13 point. Thank you.
 14 When you talked about the split, the 80/20
 15 split, I'm assuming that it was -- the campaign was
 16 paying 80 percent of the salary?
 17 A. Yes.
 18 Q. And then the Greitens Group would be
 19 paying less. Was that also roughly the split of
 20 your time?
 21 A. Yes. Once we moved into 2016, the
 22 campaign sort of picked up.
 23 Q. Okay. Okay. And then prior to that time,
 24 though, in that -- if memory serves, the -- Greitens
 25 for Missouri was formed in roughly the spring of

1 2015, you were -- during that period of time,
 2 you were -- I believe your testimony was that you
 3 also sat in on meetings with consultants and did the
 4 scheduling and whatnot. During that period of time,
 5 you were not compensated at all by Greitens for
 6 Missouri for those services?
 7 MR. HAMMER: I'm sorry. What period of
 8 time?
 9 MS. MITTEN: From roughly spring of 2015
 10 or January of 2015, when Danny Laub and
 11 Michael Hafner started coming around, until 2016 or
 12 late 2015 and early 2016, when you became -- when
 13 you were doing this sort of dual employment role.
 14 A. Yes, I believe so.
 15 Q. (By Ms. Mitten) Okay. Are you aware of
 16 whether Greitens for Missouri ever indicated on its
 17 campaign finance reports that your services were
 18 being provided to the campaign as an in-kind
 19 donation?
 20 A. Sorry. Repeat the question.
 21 Q. I know that's a mouthful, isn't it? I
 22 apologize.
 23 Are you aware of whether Greitens for
 24 Missouri -- the campaign side -- reported on its
 25 campaign finances -- filings that it received

1 in-kind services from you as part of its filings?
 2 A. I do not know.
 3 Q. Okay. I'm assuming you had -- is it --
 4 did you have anything to do with the campaign
 5 finance filings of Greitens for Missouri?
 6 A. No.
 7 Q. That's what I figured.
 8 Lyndsey Hodges, then, she was solely an
 9 employee of The Mission Continues; correct?
 10 A. Yes.
 11 Q. Okay. Then I do have -- so I'm going to
 12 have something marked here.
 13 (Exhibit 14 was marked for
 14 identification.)
 15 Q. (By Ms. Mitten) So your lawyer is giving
 16 you what's been marked as Exhibit 14, and,
 17 unfortunately, we only have one copy of it, so you
 18 have the whole shebang.
 19 Could you identify that document for us?
 20 MR. HAMMER: Could she just have a minute
 21 to review?
 22 MS. MITTEN: Oh, absolutely.
 23 MR. BARNES: Let's take a quick break for
 24 the witness to first review and for others to
 25 review.

1 (A recess was taken.)
 2 MR. BARNES: Back from break.
 3 Representative Mitten.
 4 MS. MITTEN: Okay. Thank you.
 5 Q. (By Ms. Mitten) So you've had now a chance
 6 to look at Exhibit 14. Do you recall -- can you
 7 tell us what that document is?
 8 A. It is The Mission Continues team member
 9 handbook.
 10 Q. And it looks to me from the bottom that
 11 it's dated December of 2012. Does that ring a bell?
 12 Does that seem about right? Maybe the next page
 13 will say 12/12.
 14 A. Oh. Yeah, that's -- I guess that sounds
 15 right.
 16 Q. Do you recall ever seeing that before?
 17 A. I do.
 18 Q. Okay. And as far as you can tell, this is
 19 a true and accurate representation of The Mission
 20 Continues manual that you received when you began in
 21 your employment there or -- I guess, actually, it
 22 would have been in December of 2012.
 23 A. It would have been after, yes.
 24 Q. Right. After you started there. Is this
 25 a true and correct representation of that

1 document -- that manual?

2 A. Yes.

3 Q. Okay. Thank you.

4 I'm going to ask you to turn your

5 attention to page 21 of the manual where it talks

6 about care of donor records. It's Section 4, page

7 21, I believe -- sometimes our copies don't

8 always --

9 A. Okay.

10 Q. -- look as nice as the real books.

11 Anyway, that section on care of donor records -- do

12 you recall being aware of this policy?

13 A. I recall the handbook.

14 Q. Okay.

15 A. I recall signing something.

16 Q. Right.

17 A. But I don't recall being, like, reminded

18 of it or the policy.

19 Q. Yup. Unfortunately, that's the way it

20 works for most employees; we don't remember those

21 policy manuals.

22 Anyway, if you could read that paragraph,

23 just to familiarize yourself with it.

24 MR. HAMMER: Read it to herself?

25 MS. MITTEN: Yeah.

1 MR. HAMMER: We've had an opportunity to

2 review it.

3 MS. MITTEN: Okay. Great.

4 Q. (By Ms. Mitten) So -- I mean, is it a fair

5 assessment to basically say that this portion of the

6 manual wants to outline for employees that donor

7 files are confidential files and are to be treated

8 as confidential files?

9 A. Yes.

10 Q. So going back to -- I believe it was

11 Exhibit 3A, when -- that was an e-mail sending The

12 Mission Continues list to, I believe, Mr. Laub and

13 Hafner.

14 A. Yes.

15 Q. Okay. Were -- and I believe that your

16 testimony earlier was that you were directed to send

17 that e-mail by Mr. Greitens.

18 A. Yes.

19 Q. Is that a fair recharacterization?

20 A. Yes.

21 Q. Okay. After you sent Exhibit 3A, did

22 Eric Greitens direct you to do anything with the

23 list that was being sent that would then comport

24 with The Mission Continues policy that we've just

25 talked about?

1 For instance -- let me ask it this way.

2 I'll try and make it a little bit easier.

3 So one of the things it says is that, you

4 know, "When possible, obtain all material from donor

5 files and then return the materials back to the

6 files."

7 Were you ever asked or directed to return

8 the donor materials that were sent in that e-mail

9 that we've referred to as Exhibit 3A, were you ever

10 directed to return those materials back to the donor

11 files at The Mission Continues?

12 A. No.

13 Q. Okay. Do you recall ever being directed

14 by Mr. Greitens to return any of the donor materials

15 that you had access to, that we've discussed at some

16 length today, to return donor materials or donor

17 data back to The Mission Continues?

18 A. No.

19 Q. Okay. So is it a fair characterization of

20 your testimony that you have specific personal

21 knowledge of donor data coming from The Mission

22 Continues to the Greitens Group, but no recollection

23 of the Greitens Group or Mr. Greitens ever returning

24 that donor data to The Mission Continues?

25 A. Can you repeat the question?

1 Q. That was a long one.

2 Do you have any personal knowledge of

3 Mr. Greitens ever returning donor -- The Mission

4 Continues donor data back to The Mission Continues?

5 A. No.

6 Q. Do you have any personal knowledge of

7 anyone from the Greitens Group -- which would

8 include yourself, but I think we've already answered

9 that -- but anyone from the Greitens Group returning

10 The Mission Continues donor data back to The Mission

11 Continues?

12 A. No.

13 Q. No. And I -- okay. I'm going to leave it

14 at that.

15 Then one final question. We've kind of

16 already touched on this, but your testimony -- and I

17 want to make sure I'm understanding this correctly.

18 Your testimony is that starting in roughly January

19 2015, you began to do more work for the Greitens

20 campaign, and that was -- began with consultants and

21 sitting in on meetings. Is that a fair

22 characterization?

23 A. Yes.

24 Q. And is it a fair characterization that as

25 2015 continued, your role -- the work that you would

1 do for the campaign increased during the year 2015?

2 A. Yes.

3 Q. And if I remember, your testimony was that

4 that role included during the summer and fall of

5 2015, arranging for donor meetings, scheduling,

6 contact and interaction with donors, attending

7 events. Is that a fair characterization?

8 A. Yes.

9 Q. And all of these things occurred prior to

10 January of 2016, when you first became paid by

11 Greitens for Missouri? Is that a fair

12 characterization?

13 A. I don't recall the date that I became paid

14 by Greitens for Missouri, but around that time, yes.

15 Q. Okay. So I'll just represent to you that

16 Mr. Greitens formed a campaign committee that

17 required him to file with the Ethics Commission

18 starting in roughly March of 2015, but during that

19 time, you were performing services for the --

20 throughout the year 2015, basically, you were

21 providing services to the Greitens campaign, but you

22 were not being paid for by the Greitens campaign.

23 Is that a fair characterization?

24 A. Yes.

25 Q. Okay.

1 MS. MITTEN: Okay. Thanks. That's it.

2 MR. BARNES: Representative Lauer.

3 MS. LAUER: Thank you, Mr. Chair.

4 EXAMINATION

5 BY MS. LAUER:

6 Q. I'm Jeanie Lauer, and I'm from the Kansas

7 City area, eastern Jackson County, and I apologize

8 for my voice, but I'm not contagious.

9 What was the actual date of your last

10 employment with -- it was with Greitens for

11 Missouri?

12 A. I don't recall the specific date, but I

13 think, like, May 1st, 2016.

14 Q. Okay. And --

15 A. Around that time.

16 Q. Okay. And so going back in time, when you

17 were working for The Mission Continues, that was, as

18 I understand, but correct me if I'm wrong --

19 specifically designed for the veterans, and that was

20 the sole purpose of the organization; is that

21 correct?

22 A. Yes.

23 Q. Okay. And then the Greitens Group was

24 designed for what?

25 A. The Greitens Group was Eric's for-profit

1 company that promoted his books and speaking

2 engagements.

3 Q. So did the monies from the books go back

4 into The Mission Continues, or where did --

5 A. So it was his for-profit company, so the

6 money, you know, is for his profit.

7 Q. I see. So that was the for-profit

8 company?

9 A. Yes.

10 Q. It was not a not for profit?

11 A. No.

12 Q. Okay. Thank you for clarifying that. And

13 then we had Greitens for Missouri, which was the

14 political campaign group?

15 A. Yes.

16 Q. Okay. So when you were working for the

17 two groups, TMC and the Greitens Group, did you

18 track hours for each, or how did they determine what

19 you were going to get paid for what?

20 A. I did not track my hours, and I'm not sure

21 how it was determined. I was just sort of told that

22 I would be, you know, getting X amount of dollars,

23 and part of it would come from The Mission Continues

24 and part of it would from the Greitens Group.

25 Q. Okay. So you did not have to provide any

1 documentation of specific number of hours spent on

2 each one?

3 A. No.

4 Q. But you would have at each -- at the end

5 of each of that year receive a W-2 -- I mean a 1099

6 for your -- a W-2, I'm sorry -- for your wages and

7 filing a tax return and --

8 A. Yes.

9 Q. So that document is around?

10 MR. HAMMER: I'm sorry. Is what around?

11 Q. (By Ms. Lauer) That documentation is

12 around somewhere with the tax return --

13 A. Oh, W-2 information?

14 Q. Uh-huh.

15 A. Yes.

16 Q. All right. Thank you. Then you've used

17 the term that Eric was "transitioning." And could

18 you define what that meant when he -- when you use

19 this term, what does that mean? What did he use to

20 list for his transition? What did that mean?

21 Transitioning from what to what?

22 A. So he was stepping down as the CEO of

23 The Mission Continues, and so he was transitioning

24 to a board role.

25 Q. I'm sorry. Can you --

1 A. A board member role.

2 Q. A board member role. Okay. And was he

3 transitioning to the Greitens Group at that time, as

4 well, or was he already part -- how did that work?

5 A. So he was already the CEO of the Greitens

6 Group, but he was transitioning to a board member

7 role, so he was stepping down as CEO and

8 transitioning to a board role, and he would then

9 become a full-time CEO of the Greitens Group.

10 Q. Okay. Here is what he thinks. Would you

11 mind sharing --

12 MR. AUSTIN: Here is what I think your

13 testimony meant to be -- you may have misspoke, but

14 maybe I just misheard -- is that at this time,

15 Eric Greitens was transitioning from CEO of Mission

16 Continues to be a board member of Mission Continues

17 and also then transition to be a full-time CEO of

18 Greitens Group.

19 THE WITNESS: Yes -- well, he was already

20 the CEO, of the Greitens Group --

21 MR. AUSTIN: Full-time CEO of the Greitens

22 Group. Is that -- did I get that right?

23 THE WITNESS: Yes.

24 MR. AUSTIN: Is it correct what I said or

25 wrong?

1 MR. HAMMER: Hold on just a second.

2 MR. AUSTIN: Yeah. Yeah.

3 MR. HAMMER: So just be to clear -- and

4 you can ask her further questions about this. His

5 role did not change at all with respect to Greitens

6 Group. The word "transitioning" only relates to

7 The Mission Continues. He was CEO of Mission

8 Continues. He was transitioning to a board member

9 of Mission Continues, and he wants the donor of The

10 Mission Continues to know that he is no longer going

11 to be the CEO; there's other people -- there's going

12 to be a development team, et cetera, other people

13 now who are going to be running The Mission

14 Continues; it's no longer going to be Eric Greitens.

15 MS. LAUER: Thank you.

16 MR. HAMMER: Nothing to do with Greitens

17 Group; his role as CEO of Greitens Group, it remains

18 CEO of Greitens Group.

19 MS. LAUER: I appreciate your clarifying

20 that term "transition," because it got a little

21 muddled.

22 MR. BARNES: I would like to get an answer

23 from the witness --

24 MR. AUSTIN: To confirm that what her

25 attorney just said is true.

1 MR. HAMMER: Please do.

2 Is what I just said in any way inaccurate?

3 THE WITNESS: No. It is accurate.

4 MR. HAMMER: Does that help?

5 Q. (By Ms. Lauer) Okay. So is it fair, then,

6 to say that he was full time Greitens Group and full

7 time serving as CEO? Full time Greitens Group and

8 full-time The Mission Continues?

9 A. Yes.

10 Q. Okay. And so then when he went to the

11 board, did he assume a position as chair or any

12 other position on the board?

13 A. He -- I don't believe he was chair; he was

14 just a board member.

15 Q. Okay. And to what degree did he have a

16 decision-making authority solely for The Mission

17 Continues as a board member -- or what was his role

18 in decisions as a board member for The Mission

19 Continues?

20 A. So he -- when he stepped down as CEO and

21 became a board member, he wouldn't have been

22 involved in the day-to-day decision-making at that

23 point; he just would have attended the -- I don't

24 know -- three or four board meetings that -- you

25 know, in a given year, and whatever his duties were

1 as a board member.

2 Q. And who was the chair of the board at that

3 time?

4 A. I think it was Gary Giglio who was at

5 Goldman Sachs, I believe.

6 Q. Okay. Thank you.

7 You have -- you've looked at the

8 nondisclosure agreement, and you -- to what degree

9 did folks talk about that in the office? Was that

10 something that was normally referred to like, Oh, be

11 careful; we have a nondisclosure agreement, or was

12 it ever discussed even in the office among people?

13 A. No, it was not discussed.

14 Q. Okay. What was your feeling as to the

15 seriousness of this document?

16 A. Well, I don't remember -- I don't really

17 remember it until today.

18 Q. Okay.

19 A. So, you know, I -- I don't know that I

20 didn't think of it as serious, but it wasn't

21 something that I was reminded about on a regular

22 basis.

23 Q. It wasn't a top-of-mind thing?

24 A. No.

25 Q. Nor did it dictate your day-to-day job

1 functions? Is that fair to say?

2 A. Yes.

3 Q. Okay. And then -- so given that it was

4 not a day-to-day, top-of-mind thing, was there any

5 discussion or concern shared about what the

6 consequences might be that were violated?

7 A. No.

8 Q. And you then moved to Greitens for

9 Missouri, right? I'm sorry; I'm kind of asking

10 random questions here.

11 You moved -- you were with Greitens Group,

12 and then you worked with Greitens for Missouri?

13 A. Yes.

14 Q. Together, again?

15 A. Yes.

16 Q. Part time. Okay. And so the for-profit

17 organizations -- Greitens Group, that was just from

18 the sale of the books and the moneymaking of that

19 business; is that right?

20 A. Yes. And speaking engagements.

21 Q. Okay. And so there were -- there was not

22 a donor list or anything in that regard for

23 Greitens Group?

24 A. No.

25 Q. Okay. And when we got to Greitens for

1 Missouri, then there was a donor list for a

2 not-for-profit political campaign.

3 A. Yes.

4 Q. And so all of the contacts that were made

5 throughout his lifetime career, I would imagine,

6 would have been ones -- like you said, family,

7 friends, anybody he's ever met could potentially be

8 on that list?

9 A. Yes.

10 Q. To what degree did you maintain contact

11 with The Mission Continues when you were with

12 the Greitens Group and -- let's just go with that

13 one first. To what -- I know you're working for

14 both, but then you switched and went to Greitens

15 Group. So to what degree did you have contact with

16 The Mission Continues while you were with the

17 Greitens Group exclusively?

18 A. Well, Eric was still a board member at

19 that time, when I would have switched full-time to

20 the Greitens Group. Eric was still in a board

21 member role, and so occasionally he might go to a

22 board meeting or he might go to an event for

23 The Mission Continues, and so I would have been in

24 contact with The Mission Continues occasionally,

25 like for scheduling purposes.

1 Q. Okay. And would that have remained to be

2 true when there was this movement to Greitens for

3 Missouri? He still went to The Mission Continues

4 events and he was scheduling efforts?

5 A. At some point he stepped down from the

6 board completely. I don't recall what date. And so

7 at some point while he was working for the campaign,

8 we were less likely to be communicating with

9 The Mission Continues or attending events.

10 Q. And what is your understanding as to why

11 he stepped down from the board?

12 A. You know, to -- because he was running for

13 political office, and the nonprofit needed to -- you

14 know, to be separated from any sort of political ...

15 Q. Did he still attend The Mission Continues

16 events?

17 A. I don't recall. It's possible. I don't

18 remember.

19 Q. Okay. To what degree -- as you were

20 working on the campaign, to what degree was there

21 any discussion about any potential -- I'll just say

22 issues that might come up during the campaign that

23 were of concern that might be a pitfall or a

24 negative issue that would come up into the campaign

25 that they were going to have to address?

1 A. Can you repeat the question?

2 Q. To what degree was there any discussion

3 while with Greitens for Missouri, during the

4 campaign, was there a discussion on any particular

5 issues that came up that might be of concern that

6 would have a negative impact on his campaign?

7 MR. BARNES: That is a very broad

8 question.

9 MS. LAUER: Let's zero that down.

10 Q. (By Ms. Lauer) Was there any discussion

11 when he was with Greitens for Missouri on any issue

12 regarding the donor list from The Mission Continues

13 that might have been looked at as a negative issue

14 in his campaign?

15 MS. LAUER: Is that specific enough?

16 MR. BARNES: (Nods.)

17 A. I don't recall conversations, if I'm

18 understanding your question correctly.

19 Q. (By Ms. Lauer) Uh-huh.

20 A. Maybe you can repeat the question. Sorry.

21 Q. Well, it's just a matter of if there was

22 any discussion going on -- because we've been

23 talking about the donor list and the movement of

24 that whole thing -- and was there at any point where

25 that was brought up as an example of, maybe we

1 didn't handle that right or maybe it's a concern or
2 do we need to do something about it. Was there ever
3 any discussion about it being an issue?

4 A. Oh. I recall there being a -- like a
5 Missouri Ethics Commission investigation of some
6 sort. I was not involved in the investigation, but
7 I do recall that being a topic of discussion.

8 Q. Can you share what the discussion was?

9 A. I just remember there being an
10 investigation, and I think a couple of people had to
11 go and talk to the Missouri Ethics Commission who
12 were working for the campaign at that time, but
13 beyond that, I wasn't involved in that conversation;
14 it was just sort of -- just generally, I knew of it.

15 Q. Okay. And who were those individuals?

16 A. I believe Danny Laub and I think maybe
17 Barth Fraker was involved in the Missouri Ethics
18 Commission investigation, but that's ...

19 Q. Do you recall any discussion with
20 Eric Greitens regarding that topic?

21 A. No.

22 MS. LAUER: That's all, Mr. Chair. Thank
23 you very much.

24 MR. BARNES: Representative Austin.

25 MR. AUSTIN: Thank you, Mr. Chair.

1 EXAMINATION

2 BY MR. AUSTIN:

3 Q. I'm Kevin Austin, District 136, southeast
4 Springfield. You were asked about two exhibits,
5 Exhibit 14 and Exhibit 3A. Fourteen you were
6 directed to Section 4, page 21, and you were talking
7 about when pos- -- you were asked about the line
8 where it says:

9 "When possible, obtain all material from
10 donor files and then return the materials back to
11 the files."

12 And then you were directed to Exhibit 3A,
13 and that was the donor list.

14 Were you ever given hard copies of donor
15 information or donor lists or donor files?

16 A. Not in this instance.

17 Q. Okay.

18 A. No.

19 Q. And I guess the reason I ask is, you were
20 asked, Did you ever return that, and you said, No,
21 but let me ask you this: How could you return it if
22 it was just an E-copy?

23 A. Yeah, that's -- I sort of wondered the
24 same thing, because it was e-mailed to me. I
25 don't -- yeah. Typically, no, there weren't hard

1 copies.

2 Q. So physically couldn't return it back to
3 the donor file. Do you know where these donor files
4 were within Mission Continues, either electronically
5 or physically?

6 A. I don't know. I'm not sure that there
7 were physical files.

8 Q. That Exhibit 3A, there's a list of donors
9 there. Do you know who was responsible for
10 initially recruiting those donors for Mission
11 Continues?

12 A. The donors in the -- the donor total-up
13 list?

14 Q. Yes.

15 A. Yes. I -- Eric would have been
16 responsible for recruiting.

17 Q. And what exactly -- when you were working
18 for both Mission Continues and Greitens Group, what
19 did -- what were Eric Greitens' job duties or work
20 that was performed for Mission Continues?

21 A. For Mission Continues, his, you know,
22 biggest responsibility was to make money for the
23 organization. He also helped with, you know, hiring
24 the senior leadership team and that sort of thing.

25 Q. Were there other individuals within

1 Mission Continues that also visited these donors
2 that we see in Exhibit 3A?

3 A. I mean, I'd have to go through the list,
4 but, generally, he was going to almost all donor
5 meetings. It's possible that the development team
6 also went to, you know, one-on-one donor meetings.

7 Q. When there was a problem with the donor,
8 was it -- was it one of Eric Greitens' primary
9 responsibilities to go in and resolve that problem?

10 A. Yes. I'd say so.

11 Q. You testified earlier that approximately
12 May 1st, 2016, you left Greitens for governor, and
13 you -- I heard you say it was an amicable departure,
14 but why did you leave?

15 A. I mean, I had been working for Eric for
16 over five years at that point, and since I was right
17 out of college, and I was sort of ready to do
18 something else. I also wasn't -- I'm not very
19 politically involved; I didn't have any interest in
20 being involved in politics, and so that was also
21 part of the reason. And I was also getting married
22 that year, and so I was very busy.

23 Q. As far as this list -- we keep talking
24 about -- I think you said that Lyndsey had mentioned
25 some concerns to you. Were you ever present when

1 any concerns were voiced -- to more than just you
2 and Mr. Greitens or anybody else with the Greitens
3 Group or Mission Continues, be it Lyndsey or Stevens
4 or anybody else?

5 A. I don't believe so.

6 Q. You were asked to kind of divide your
7 percentage of time that you devoted to Mission
8 Continues versus Greitens Group in a particular
9 period of time. I'll ask the same question about
10 Eric Greitens, at least what you were able to
11 witness. What percentage of his time did he devote
12 to Mission Continues versus Greitens Group?

13 A. Percentage of time?

14 Q. Yeah.

15 MR. HAMMER: This would be pre campaign,
16 pre --

17 MR. AUSTIN: Yes.

18 MR. HAMMER: So we're talking about maybe
19 2011 to 2014 period?

20 MR. AUSTIN: Right.

21 A. Yeah. I mean, I think it would probably
22 depend on what year it was, but in 2011 and 2012,
23 probably -- I don't -- 50/50? I mean, it's hard to
24 say, like, a percentage of time.

25 Q. (By Mr. Austin) Okay. All right. And

1 then after that period, did The Mission Continues
2 period time lower and the Greitens Group period
3 increase before the campaign era?

4 A. So as he -- you know, in late 2013 and in
5 2014, as he was thinking about stepping down as CEO,
6 he hired, you know, a team of senior members, and as
7 they could take on more of the work of The Mission
8 Continues, yes, I'd say he probably started to do a
9 little bit more Greitens Group work.

10 Q. Did he also assist that team in meeting
11 and building a relationship with that donor list we
12 see on Exhibit 3A?

13 A. Can you repeat the question?

14 Q. Sure. After he hired this team during the
15 transition period, did he also assist that team for
16 Mission Continues in establishing a relationship
17 with the donors on Exhibit 3A?

18 A. What do you mean by "assist"?

19 Q. Introducing them or having them come with
20 him to meetings or participating in calls or sharing
21 information about these donors that he might have
22 because of his relationship with the team from
23 Mission Continues?

24 A. Yes. Yes.

25 MR. AUSTIN: That's all I have. Thank

1 you.

2 EXAMINATION

3 BY MR. RHOADS:

4 Q. My name is Shawn Rhoads, state
5 representative from the great town of West Plains.
6 Quick question. If we go back to the
7 policy manual, and it says -- the last paragraph,
8 "In the care of donor records."

9 It says: "Under no circumstances should
10 outside requests for donor material be fulfilled
11 unless prior written permission is received by the
12 team leader."

13 Who was your team leader?

14 A. That would have been Eric.

15 Q. Okay. Everybody in the office would have
16 been --

17 A. No.

18 Q. Is that a correct assumption that
19 everybody that worked in that office in St. Louis
20 that -- I mean, Mike Hafner -- and I'm talking
21 pre-2015 -- Lyndsey, would she -- her team leader be
22 Eric?

23 A. No.

24 Q. Okay.

25 A. So Mike Hafner never worked for The

1 Mission Continues.

2 Q. I'm sorry. Yes. He never did. That's
3 correct.

4 A. Lyndsey, her team lead would have been
5 Lori Stevens, the director of development. So there
6 were other team leaders.

7 Q. Okay. Great. So you had mentioned that
8 you and Lyndsey were close and you worked, I'm
9 assuming, side by side every day in the same office;
10 correct?

11 A. Uh-huh.

12 MR. HAMMER: That's a yes?

13 THE WITNESS: Yes.

14 Q. (By Mr. Rhoads) So you mentioned earlier
15 that Lyndsey said there was -- she kind of had some
16 problems with this list being used; is that correct?

17 A. Yes.

18 Q. Can you elaborate a little bit on what --
19 if you can recall -- what she said was her problem?

20 A. Yeah. I don't recall the specific
21 conversation. It's hard to remember that far back.

22 Q. I completely understand.

23 A. I just remember her sort of feeling like,
24 you know, putting together this list and, you know,
25 sending it to Eric felt, you know, inappropriate in

1 some way.

2 Q. Yes, ma'am. So do you think that Lyndsey

3 put together the list and sent it?

4 A. I don't know who put together the list.

5 Q. Okay. Did she ever go to her team leader

6 and say, This is a problem, that you know of?

7 A. Not that I know of.

8 Q. When were you made aware that this list,

9 The Mission Continues list, was used for the

10 campaign? You stated earlier that you knew they

11 were using the list. When were you made aware that

12 they were using the list?

13 A. I mean, probably when I was instructed to

14 send the list to Mike Hafner and Danny Laub, who

15 were, you know, putting together a call list.

16 That's the first time that that would have ...

17 Q. Did you work in the same building as

18 Mike Hafner when they were there and Danny Laub?

19 A. Yes.

20 Q. Okay. Same office complex?

21 A. Same office building.

22 Q. Okay.

23 A. Yes.

24 Q. Was that the house that was kind of

25 converted to a --

1 A. Yes.

2 Q. Okay.

3 MR. RHOADS: I don't have anything else.

4 MR. BARNES: Representative Pierson.

5 MR. PIERSON: Thank you, Mr. Chair.

6 EXAMINATION

7 BY MR. PIERSON:

8 Q. Tommie Pierson, Jr., state representative

9 from St. Louis County, little bit of St. Louis City.

10 Congratulations on your wedding and marriage and all

11 of that.

12 A. Thank you.

13 Q. Did Mr. Greitens make the wedding list?

14 A. He did, yes.

15 Q. That is wonderful.

16 So I wanted to talk just a minute about

17 the nondisclosure form. And I believe -- can you

18 tell me again the date that you signed that form?

19 A. The date that is listed on the form is

20 11/21/2012.

21 Q. 2012. And your starting employment was

22 January of 2011?

23 A. Yes.

24 Q. Do you know of any impetus as to why they

25 would have you sign such a form?

1 A. I mean, I -- I would assume it's standard

2 practice for most companies, so that's my -- I was

3 just thinking that this was standard practice.

4 Q. I just thought it interesting that you

5 didn't sign it when you first were hired, but you

6 signed it later on, so I didn't know if there was

7 any kind of climate atmosphere going on at that time

8 to make such a activity seem worthy. Anything that

9 you recall?

10 A. I mean, my understanding is -- or my

11 assumption would be when I started in January of

12 2011, I was, like -- I was the 11th employee. We're

13 a small organization, and as the organization

14 started to grow, there were more formalities, such

15 as, you know, this handbook. And so it was just

16 sort of a matter of getting things organized and

17 being compliant or whatever.

18 Q. So you didn't really see it as anything

19 strange but just something to kind of tighten up

20 procedures?

21 A. No, I didn't see it as strange.

22 Q. Very good. And when Ms. Hodges -- when

23 Lyndsey Hodges kind of expressed some concerns

24 regarding the list, did you share those concerns?

25 A. With anyone else?

1 Q. Oh, I'm sorry. Did you share those -- did

2 you feel the same way, as far as having the same

3 concerns?

4 A. No. I don't think I felt the same way. I

5 don't remember how I felt at that exact moment, but,

6 no, I didn't have the same concerns.

7 Q. So I noticed in looking at some of the

8 e-mails your -- you became the vice president of

9 Greitens Group; is that true?

10 A. Uh-huh. Yes.

11 Q. And how did that come about?

12 A. I think I was promoted in December-ish of

13 2014. I, at that time, was sort of thinking about

14 moving on to -- you know, finding another job, just

15 because I had sort of been doing the same thing for

16 three or four years, and expressed that concern --

17 or Eric got wind of it and gave me a promotion at

18 that time.

19 Q. So no change in role?

20 A. No, not really. I mean, my responsibility

21 was always to maximize his time. And I would have

22 been, you know, running a book tour the next month

23 or two, in early 2015, so that was, you know, a lot

24 of responsibility, but ...

25 Q. But a change in pay?

1 A. Oh. I also received a raise, yes.

2 Q. So The Mission Continues was in -- at an

3 address -- in a -- whatever that address is, and

4 that was co-located with the Greitens Group address;

5 is that correct?

6 A. Yes. We were in the same building -- same

7 address.

8 Q. And then when you and Eric parted with

9 The Mission Continues, you-all moved it a different

10 physical location?

11 A. Yes.

12 Q. Isn't that correct? Did you take anything

13 with you from one location to the next?

14 A. Yes. My computer would have come with us

15 and, you know, my personal files, whatever I had,

16 and then any of the Greitens Group files or books

17 would have come to the new office.

18 Q. And likewise for Eric and his items --

19 A. Yes.

20 Q. -- his computer, other files?

21 A. Yes.

22 MR. HAMMER: Do you have specific

23 knowledge of what Mr. Greitens brought over? Do

24 you -- I just want to make sure that you're not

25 guessing about that and you actually know what it

1 was.

2 THE WITNESS: Oh.

3 A. I mean, a lot of the things in his office

4 were -- some of them were moved to his home, so, no,

5 I don't know what ended up at our office.

6 Q. (By Mr. Pierson) Okay. And then the

7 transition from Greitens Group to Greitens for

8 Missouri, was there any physical location change at

9 that point?

10 A. No. It was the -- the same building.

11 Q. The same building. Okay.

12 MR. PIERSON: All right. Thank you.

13 Thank you, Mr. Chair.

14 MR. BARNES: I have just a few follow-up

15 questions.

16 RE-EXAMINATION

17 BY MR. BARNES:

18 Q. Who is Chris Bobak?

19 A. Chris Bobak was a member of the Greitens

20 Group. He --

21 Q. Do you mean he was an employee of the

22 Greitens Group?

23 A. Yes. Employee.

24 Q. Okay. When was he hired?

25 A. He was first an intern, so it's hard for

1 me to, like, remember the exact dates, but he

2 probably started interning somewhere in 2013, and

3 then he was hired on at some point after that as an

4 employee of Greitens Group.

5 Q. Okay.

6 A. And he also would have worked on Greitens

7 for Missouri.

8 Q. Did he also work with The Mission

9 Continues?

10 A. No.

11 Q. No. Okay. To your knowledge, did Chris

12 Bobak ever gain access to The Mission Continues

13 data?

14 A. Not to my knowledge.

15 Q. Did you actually testify before the

16 Missouri Ethics Commission?

17 A. I did not.

18 Q. Okay. And you stated you had some

19 knowledge. Was that knowledge gleaned from news

20 reports that you had heard about the donor list?

21 MR. HAMMER: Knowledge about the donor

22 list or just knowledge that there was a Missouri

23 Ethics Committee?

24 Q. (By Mr. Barnes) What was the source of

25 your knowledge about the Missouri Ethics Commission

1 complaint and process?

2 A. I mean, A, the news, obviously, and then I

3 think just hearing about it around the office. I

4 don't -- there isn't, like, a specific --

5 Q. Your office in the new place of

6 employment, you mean? Because at that point in

7 time, you would not have -- a complaint was filed in

8 November of 2016. You were no longer working for

9 Greitens for Missouri. Maybe I'm refreshing your

10 recollection.

11 A. Yeah. Yeah, you are. You are. When was

12 the complaint filed?

13 Q. I believe the complaint was filed in

14 November of 2016.

15 A. Okay.

16 Q. So you have no firsthand -- sitting here

17 right now, you have no firsthand knowledge of

18 conversations from people within the Greitens

19 campaign about that particular ethics committee?

20 A. No.

21 Q. Okay. Thank you for that.

22 You stated earlier that Eric stepped down

23 from the board of The Mission Continues because he

24 was running for political office and the nonprofit

25 needed to be separate from that. When did he step

1 down from the board?

2 A. From the board of The Mission Continues?

3 Q. Yes.

4 A. I do not remember.

5 Q. Do you remember any conversation about

6 members of the board or Mr. Spencer Kympton, who was

7 the CEO, telling Eric that because of these

8 political activities, the board needs to maintain

9 some separation with him?

10 A. I don't think I would have been involved

11 in those conversations, so, no, I don't remember.

12 Q. And the source of your knowledge is, then,

13 Mr. Greitens was talking about stepping down from

14 the board because of the political run for office?

15 A. Yes.

16 Q. Okay. And I guess -- okay.

17 MR. BARNES: Any further questions?

18 Representative Phillips?

19 RE-EXAMINATION

20 BY MR. PHILLIPS:

21 Q. Just a couple of quick questions. One is,

22 in your dealings with the governor and those five

23 years of employment, did you see him as being a

24 trustworthy person?

25 A. Yes.

1 Q. Did you see him as being an honest person?

2 A. Yes.

3 Q. So his dealings with you were never

4 anything but above board, honest, trustworthy? You

5 never had any thoughts of, Man, this guy -- nothing

6 like that?

7 A. No.

8 Q. Okay. Thank you.

9 Now, what about Barth Fraker? That name

10 came up -- a familiar name. What was his role in

11 the organization at the time of this ethic -- I

12 think you mentioned that Barth answered the ethics

13 complaint or was one of the two people that went to

14 answer the complaint; is that right?

15 A. So I think I'm confusing maybe two

16 separate ethics complaints.

17 Q. Okay.

18 A. The reason Barth's name came up is because

19 I -- at some point, he mentioned to me that he had

20 been involved in some sort of investigation, but I

21 don't -- I think there might have been two separate

22 ones.

23 Q. Okay. What was Barth's role in the

24 organization?

25 A. So Barth was an employee of the Greitens

1 Group for a period of time before moving over to

2 Greitens for Missouri, and then was an employee for

3 Greitens for Missouri.

4 Q. And then why did he leave Greitens for

5 Missouri? Was it -- I guess the governor got

6 elected, and at that point, he moved on to something

7 else? Was that it?

8 A. I don't know.

9 Q. Okay.

10 A. I think he left -- I actually don't know.

11 Q. Okay. Thank you.

12 MR. BARNES: Representative Mitten.

13 MS. MITTEN: Just real quick -- and thank

14 you to my colleague for pointing out my negligence

15 in my questioning.

16 CROSS-EXAMINATION

17 BY MS. MITTEN:

18 Q. So going back to my earlier line of

19 questioning about The Mission Continues manual and

20 the protection of the confidentiality of donor

21 records, did -- were you ever directed to delete any

22 of the donor lists or other donor data that was

23 property of The Mission Continues in order to -- and

24 I'm going to quote from the manual -- "Ensure that

25 donor files are handled with care." Were you ever

1 directed to delete or otherwise discard, dispose,

2 get rid of any of that donor data?

3 A. No.

4 Q. And did you on your own initiative and,

5 again, "In order to the ensure that donor files are

6 handled with care," delete, discard, dispose, or

7 otherwise destroy any of the donor data that was the

8 property of The Mission Continues?

9 A. No.

10 MS. MITTEN: Thank you.

11 MR. BARNES: Any other questions?

12 Seeing none, thank you for your testimony

13 here this afternoon. We greatly appreciate it.

14 Is there any other item of business that

15 we need to take care of? I do not believe that

16 there is.

17 MS. MITTEN: I do not believe that there

18 is either.

19 MR. BARNES: This will conclude today's

20 hearing of the House Special Investigative Committee

21 on Oversight.

22 (The hearing adjourned at 2:20 p.m.)

23

24

25

1 CERTIFICATE OF REPORTER

2
3 I, Lisa Ballalatak, a Certified Court
4 Reporter for the State of Missouri, do hereby certify
5 that the witness whose testimony appears in the
6 foregoing hearing was duly sworn by me; the testimony
7 of said witness was taken by me to the best of my
8 ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to,
10 nor employed by any of the parties to the action in
11 which this hearing was taken, and further that I am
12 not a relative or employee of any attorney or counsel
13 employed by the parties thereto, nor financially or
14 otherwise interested in the outcome of the action.

15
16
17 _____
18 Lisa Ballalatak
19 Missouri Supreme Court
20 Certified Court Reporter
21
22
23
24
25

HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
 HEARING
 MR. SPENCER KYMPTON
 MARCH 29th, 2018

1	INDEX OF EXAMINATION	
2	Mr. Spencer Kympton	
3	Examination by Mr. Barnes	5
4	Examination by Mr. Phillips	43
5	Examination by Ms. Mitten	47
6	Examination by Ms. Lauer	51
7	Examination by Mr. Austin	62
8	Examination by Mr. Rhoads	69
9	Examination by Mr. Tommie Pierson, Jr.	71
10	Re-examination by Mr. Barnes	72
11		
12	INDEX OF EXHIBITS	
13	EXHIBITS:	
14	Exhibit No. 15 (Memorandum of Understanding)	13
15	Exhibit No. 16 (Nondisclosure Agreement)	19
16	Exhibit No. 17 (E-mail String)	32
17	Exhibit No. 18 (Mission Continues E-mail)	37
18		
19	Reporter's Note: Exhibits 15 through 18 were retained	
20	by the panel.	
21		
22		
23		
24		
25		

APPEARANCES
 Mr. Jay Barnes, Chairman
 Mr. Alex Curchin, Senior Counsel/Legislative Director
 Representative Don Phillips
 Representative Jeanie Lauer
 Representative Kevin Austin
 Representative Gina Mitten
 Representative Shawn Rhoads
 Representative Tommie Pierson, Jr.

Also present:

Ms. Alix Hallen
 Mr. Bryan D. Scheiderer

The Court Reporter:

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 Phone: (573) 449-0561

(The hearing commenced at 8:00 a.m.)
 MR. BARNES: The House Special
 Investigative Committee on Oversight will come to
 order.
 Mr. Secretary, please call the roll.
 MR. CURCHIN: Chairman Barnes.
 MR. BARNES: Here.
 MR. CURCHIN: Representative Phillips.
 MR. PHILLIPS: Here.
 MR. CURCHIN: Representative Mitten.
 MS. MITTEN: Here.
 MR. CURCHIN: Representative Lauer.
 MS. LAUER: Here.
 MR. CURCHIN: Representative Austin.
 MR. AUSTIN: Here.
 MR. CURCHIN: Representative Rhoads.
 MR. RHOADS: Here.
 MR. CURCHIN: Representative Pierson.
 MR. PIERSON: Here.
 MR. CURCHIN: Okay.
 MR. BARNES: All seven present; we are all
 here.
 Mr. Kympton, thank you for being here with
 us this morning via Skype. We really appreciate it.
 We're kind of cramped in here because we had a hard

1 time finding a hearing room this morning because
 2 there are bill hearings going on everywhere, so we
 3 are in a back corner office all shoved into one
 4 spot.
 5 Can you speak to test how we can hear you
 6 okay?
 7 THE WITNESS: Sure. Thanks for having me
 8 here. How does my voice sound?
 9 MR. BARNES: Sounds great. Okay. Now
 10 before we start, let's have you take an oath.
 11 SPENCER KYMPTON,
 12 being first duly sworn, was examined and testified as
 13 follows:
 14 EXAMINATION
 15 BY MR. BARNES:
 16 Q. Can you state your name for the record.
 17 A. Spencer Kympton.
 18 Q. And can you spell that for the court
 19 reporter -- your last name, that is.
 20 A. Spencer, S-p-e-n-c-e-r, last name Kympton,
 21 K-y-m-p-t-o-n.
 22 Q. And, Mr. Kympton, my name is Jay Barnes.
 23 I'm the chairman of this committee. I'm from
 24 Jefferson City, Missouri. I'm also an attorney.
 25 Have you ever given testimony in a deposition or

1 anything like a deposition before?
 2 A. I have not.
 3 Q. Okay. So I just want to give you a few
 4 quick ground rules. The first is that shaking your
 5 head yes or no is not sufficient to answer a
 6 question; you have to actually use your voice and
 7 say "yes" or "no." Do you understand that?
 8 A. I do.
 9 Q. Okay. In addition to that, if anyone asks
 10 you a question that you do not understand -- and
 11 I -- I think you have counsel there next to you,
 12 if -- counsel might tap you on the shoulder if it's
 13 a question that you might not understand. Just go
 14 ahead -- if you don't understand the question being
 15 asked, ask us to repeat it or rephrase it in a
 16 different way. Do you understand that?
 17 A. I do.
 18 Q. And if you need to take a break for any
 19 reason, please feel free to let us know, and we can
 20 do that.
 21 A. Okay.
 22 Q. Okay. Mr. Kympton, what is your current
 23 title?
 24 A. I'm the president of The Mission
 25 Continues.

1 Q. And before you were the --
 2 MR. AUSTIN: Don't we need to know who all
 3 is present there?
 4 MR. BARNES: Yes, that's right.
 5 Let's let counsel make his presence known
 6 for the record.
 7 MR. JACOB: Thank you,
 8 Representative Barnes.
 9 Matthew Jacober from Lathrop Gage in the
 10 room representing The Mission Continues, and my
 11 cocounsel also in the room with Mr. Kympton this
 12 morning is Kevin Metz, Brian McManus and
 13 Catherine Yao.
 14 Kevin, can you confirm that's an accurate
 15 representation of who is in the room there?
 16 MR. METZ: Yes. And we have an associate
 17 also here -- an additional associate here with us,
 18 but that's correct.
 19 MR. BARNES: Thank you.
 20 Q. (By Mr. Barnes) Before -- when did you
 21 start with The Mission Continues?
 22 A. I started with The Mission Continues on
 23 June 1, 2011.
 24 Q. Prior to working for The Mission
 25 Continues, what was your career history?

1 A. Well, I came to The Mission Continues from
 2 an organization in the education reform space called
 3 Teach for America, where I had been for the previous
 4 three years as vice president of recruiting, but my
 5 career started in the military. I went to
 6 undergraduate at West Point and transitioned out of
 7 West Point into an eight-year Army career as a
 8 helicopter pilot -- a BlackHawk helicopter pilot. I
 9 transitioned out of the military via business
 10 school. I went to -- I got an MBA at Harvard and
 11 then went into management consulting for several
 12 years, where I was ultimately able to work with
 13 government and social sector clients, and
 14 transitioned from management consulting into more of
 15 a social sector community and the nonprofit
 16 community a little over ten years ago via Teach for
 17 America, and that ultimately started my path to
 18 The Mission Continues.
 19 Q. So you were with Teach for America for
 20 three years; is that right?
 21 A. That's correct.
 22 Q. And then The Mission Continues in July of
 23 2011?
 24 A. June of 2011, yeah.
 25 Q. How long have you known Eric Greitens?

1 A. I first spoke to Eric Greitens on or about
2 April of 2011, and it was part of, you know, more of
3 a formal interview process and discovery process as
4 I was considering joining The Mission Continues.

5 Q. And why were you brought on -- why were
6 they bringing you -- or I assume they were
7 interviewing other candidates as well. Why were
8 they bringing people into The Mission Continues at
9 that time?

10 A. At the time Eric had got the help of an
11 executive placement firm. The organization was
12 growing; they didn't really have a -- an executive
13 team. The organization was positioned to need, you
14 know, additional executives and senior leadership at
15 the time, and I believe Eric recognized that and
16 contracted the help of, you know, a firm to find
17 other executives. I just happened to be also
18 working with that firm as I was considering my next
19 career option.

20 Q. And did you move to St. Louis?

21 A. I did not. I live in New York City.

22 Q. Okay. And you've remained in New York
23 City?

24 A. I have.

25 Q. How much day-to-day interaction did you

1 have with Eric Greitens?

2 A. Well -- and that changed --

3 Q. Let's put it by year. Let's start --

4 A. Okay.

5 Q. -- for 2011, when you started in July.

6 How much interaction did you have with
7 Eric Greitens?

8 A. When I started in June of 2011, I would
9 call it fairly frequent. You know, I was brought on
10 as the chief partnerships officer at the time, so my
11 role was specifically focused on, you know, building
12 relationships with partners and supporters and
13 donors that would help take our mission and our
14 organization to the next level, so, accordingly, my
15 interactions with Eric were, you know, if not daily,
16 certainly quite a bit over the course of the week.
17 That would be largely virtual, but I probably went
18 to St. Louis twice a month in those first few years,
19 not only 2011, but kind of, you know, 2011, 2012.
20 My role -- not probably six months -- six to nine
21 months after I joined the organization, I
22 transitioned to a chief operating officer role, and,
23 you know, my responsibilities at that point expanded
24 beyond just a partnerships role to kind of more of
25 an all-encompassing role focused on the operations

1 and growing the operations of the organization, and
2 then, ultimately, maybe a year after that, I
3 transitioned into what -- a new role which we called
4 the president role, which at that time, I managed
5 everyone internally. The entire organization, in
6 some way, shape, or form -- again, from an org chart
7 point of view -- rolled up to me, and at that point,
8 I was -- in term of my interactions with Eric at
9 that point, you know, transitioned into -- most of
10 our coordination was around, you know, building
11 external partnerships, taking -- working on the
12 strategy of The Mission Continues, the long-term
13 strategy of The Mission Continues, and some of the
14 more kind of vision- and mission-oriented, you know,
15 executive conversations. And that -- you know, that
16 probably -- by the time -- up to and including, you
17 know, 2013 and 2014, would have been less regular
18 interactions than the daily or weekly that it might
19 have been in 2011 and more driven by either events
20 or strategy discussions that we needed to have.

21 Q. Okay. Was the plan all along for you to
22 transition to the COO? Were these expected --

23 A. Are you talking about in 2011, was the
24 plan for me to transition --

25 Q. That's right. When you were hired in

1 2011, did you expect a quick transition -- you said
2 six to nine months -- to COO?

3 A. When I joined The Mission Continues, I
4 didn't expect -- I had no expectations of what my
5 role was going to be within, you know, any horizon.
6 I was hired as the chief partnerships officer, and
7 when I became COO, it was a natural and -- it seemed
8 the right decision for the organization at the time.

9 Q. Okay. And then you said you became
10 president sometime -- I think you said 2012; is that
11 right?

12 A. I don't recall the exact dates, but it was
13 probably end of 2012, 2013.

14 Q. Okay. I want to direct you to a
15 memorandum of understanding that you provided us --
16 to us. Do you have that -- we -- on the front of my
17 page -- sheet or -- exhibit here it says,
18 "Exhibit A." And I'm going to hand this around to
19 members here. The first page on the document in
20 front of you say, "The GG Monthly Cost Obligation."
21 You may have it in a different form.

22 A. I have it in reverse order. I have it as
23 an exhibit to the main document.

24 Q. So the memorandum of understanding is the
25 first document you have there in front of you, and

1 then the second document is a letter, and the third
2 document, is that Exhibit A?

3 A. That's correct.

4 Q. Okay. I'll put our -- mine, at least, in
5 order here, and we're going to mark ours as
6 Exhibit 15.

7 (Deposition Exhibit No. 15 was marked for
8 identification.)

9 MR. AUSTIN: Are we marking this whole
10 thing?

11 MR. BARNES: Yeah, let's mark the whole
12 thing as 15. It's the -- Representative Lauer is
13 handing out a different folder. This is the
14 memorandum of understanding.

15 MS. LAUER: Okay. Got it. Sorry.

16 Q. (By Mr. Barnes) Do you recall the process
17 of entering into this memorandum of understanding
18 with Mr. Greitens?

19 A. I do.

20 Q. And why was this agreement necessary?

21 A. This was a board-directed initiative and
22 effort and agreement that was intended to protect
23 and preserve the nonprofit status of The Mission
24 Continues. Recognizing that our CEO at the time was
25 also the CEO of a for-profit entity, so this

1 memorandum of agreement respected that relationship
2 but also was intended to preserve and protect the
3 fact that The Mission Continues is a 501(c)(3)
4 entity that had the opportunity to benefit from its
5 CEO and wanted to allow for that, while also
6 protecting the assets and resources of The Mission
7 Continues as a nonprofit.

8 Q. Were there concerns about Mr. Greitens and
9 the Greitens Group using The Mission Continues'
10 resources for personal purposes at the time?

11 A. There were not concerns, but this was an
12 attempt to formalize and make sure that those
13 protections and preservations were in place.

14 Q. So it was to make very clear what the
15 boundaries were of the relationships between the two
16 organizations?

17 A. That's correct.

18 Q. Okay. On page 3 of the document -- at the
19 bottom of page 3 of the document, it speaks about
20 TMC-generated requests and what to do if there was a
21 TMC-generated request, which bleeds over into
22 page 4.

23 Did The Mission Continues ever receive
24 notice from the Greitens Group pursuant to this
25 provision about TMC-generated requests?

1 A. I don't know if my document is labeled
2 differently -- here we go.

3 Q. It says -- and I'll read to you here so
4 we're on the same -- make sure we're in the same
5 spot. The bottom of page 3 starts with:

6 "For the purposes of this section, 4(a), a
7 TMC-generated request shall mean a request made to
8 Mr. Greitens or the Greitens Group for a private
9 business activity, such as a private speaking
10 engagement or a book event that (I) is made by a
11 Missions Continues donor, sponsor, volunteer, or
12 event participate and (II) occurs during or as a
13 direct result of a Mission Continues event or
14 activity. In the event a TMC-generated request has
15 been made and the Greitens Group desires to engage
16 in such private business activity, the Greitens
17 Group must first take the following actions:

18 (I) properly notify the COO of The Mission
19 Continues of such TMC-generated request.

20 (II) Cooperate with The Mission Continues
21 to generate a donation opportunity for
22 The Mission Continues from such TMC-generated
23 request."

24 Was that -- did TMC ever receive notice of
25 such request pursuant to this memorandum of

1 understanding?

2 A. I don't recall any specific requests that
3 it would have come from TMC donors, sponsors, or
4 volunteers, but I trust that in the event that it
5 did, this MOU was followed by either our staff
6 members or those involved.

7 Q. Well -- and the question was, Do you know
8 if the impetus under the memorandum of understanding
9 was on the Greitens Group to contact The Mission
10 Continues. Do you recall -- it seems not, from your
11 answer here, but I want to ask it more clearly.

12 Do you recall any circumstances in which
13 the Greitens Group notified The Mission Continues of
14 TMC-generated activity?

15 A. I do not recall any specific activity like
16 that.

17 Q. Okay. This document shows a cost split
18 for a Krystal Taylor that, I believe, is maybe
19 50/50. Do you know what the percentage of -- she's
20 now Ms. Proctor, but at that time Ms. Taylor. Do
21 you know what percentage of her salary was paid by
22 The Mission Continues prior to the signing of this
23 memorandum of understanding?

24 A. I do not.

25 Q. Let me ask you some questions about just

1 general practices.

2 We have had a previous witness testify
3 that the standard practice between the Greitens
4 Group and The Mission Continues would be that the
5 Greitens Group would book an event for Mr. Greitens
6 to speak to a group of people, and that then they
7 would get together with employees of The Mission
8 Continues and build Mission Continues events around
9 that private speaking schedule arrangement. Is that
10 your recollection of how Eric Greitens' events
11 occurred in approximately 2011, 2012, 2013?

12 A. My recollection -- Eric's speaking events
13 in 2011 and 2012 were that -- you know, through
14 either his book events or paid speaking engagements,
15 he was exposed to any number of individuals who,
16 through the course of that engagement, were able to
17 learn about The Mission Continues, and as a result
18 of learning about The Mission Continues and that
19 element of Eric Greitens' story, became interested
20 in The Mission Continues' programs and impact across
21 the country, and as a result of that, The Mission
22 Continues was able to build a relationship with
23 those individuals, and in many cases, those
24 relationships remain today.

25 Q. Okay. And as far as travel expensing for

1 those events, was it just expected that if he did a
2 private speaking event, that that would be -- the
3 travel would be paid by The Mission Continues,
4 regardless of whether there was a specific set-aside
5 event for The Mission Continues?

6 A. Pursuant to the MOU, if the purpose of
7 Eric's travel was for a paid speaking engagement or
8 anything that had been arranged through the Greitens
9 Group, that the travel would be paid for by the
10 Greitens Group and not The Mission Continues.

11 Q. And it's your testimony that, in fact,
12 that was the case, at least as far as when you were
13 a part of the organization?

14 A. I can testify that that was the intent and
15 that was what -- how this MOU is arranged, and it
16 was our intent as an organization that The Mission
17 Continues paid for travel-related expenses if Eric
18 was conducting Mission Continues business.

19 Q. Do you know who purchased the Greitens
20 Group's office equipment when there was a shared
21 office?

22 A. I do not.

23 Q. That may have been before your time in --
24 I think that was likely before your time in the
25 organization.

1 Do you know who purchased Krystal Taylor's
2 computer?

3 A. I do not.

4 Q. Did The Mission Continues ever purchase
5 books by Eric Greitens?

6 A. I have no reason to believe that The
7 Mission Continues purchased Eric Greitens' books.

8 Q. When you were COO or CEO, did The Mission
9 Continues ever purchase Greitens' books?

10 A. Again, I have no reason or have seen any
11 evidence that suggests we ever purchased books
12 during my time there.

13 Q. I now would like to direct you to the
14 nondisclosure agreement.

15 (Deposition Exhibit No. 16 was marked for
16 identification.)

17 Q. (By Mr. Barnes) Do you have it in front of
18 you?

19 A. I do.

20 Q. And just to make sure we're on the same
21 document, it's one -- four pages long. It starts
22 with --

23 A. I have it.

24 Q. Okay. And it's signed on the -- page 4 by
25 Eric Greitens on November 27th, 2012; is that

1 correct?

2 A. That's correct.

3 Q. Okay. And to be clear, you provide --
4 your organization provided this document to this
5 committee; is that right?

6 A. That's correct.

7 Q. I'm going to mark this as Exhibit 16.

8 What was the impetus of a nondisclosure
9 agreement for the organization?

10 A. Well, this is a document that all of our
11 staff signs. And, again, this is a -- an effort to
12 protect and preserve the confidential information
13 that The Mission Continues might have -- any
14 information that The Mission Continues might have
15 that could be used for anything other than explicit
16 TMC purposes, so it's a general expectation that we
17 were able to communicate to our entire staff via
18 this document and their signing of this document,
19 that as a 501(c)(3) organization, we were intent
20 upon protecting and observing that.

21 Q. Did the board make that clear in oral
22 representations to Mr. Greitens?

23 A. I do not know.

24 Q. Okay. To be clear -- and I want to get
25 this in the record. Paragraph 1(c), it's the

1 definition of confidential information. Can you
2 read for the committee what 1(c) defines as
3 confidential information of The Mission Continues?

4 A. So within the definition of confidential
5 information, 1(c) defines:

6 "The identities of donors or investors and
7 any personal information of donors or investors and
8 any contact information for donors or investors" as
9 confidential information.

10 Q. Have you had -- I sent to your attorneys
11 the e-mail from January 6th, 2015 from
12 Krystal Taylor, now Proctor, to Danny Laub and
13 Michael Hafner that included an attachment with
14 The Mission Continues' donor list. Would your donor
15 list fit under what is defined here in 1(c)?

16 A. The list that was attached to that e-mail
17 I would -- I would consider as something that would
18 fall under 1(c).

19 Q. And now I'd like to direct you to
20 paragraph 1(i). And just to get this in the record,
21 could you read for the committee paragraph 1(i),
22 which also is -- is that included as confidential
23 information, what is in paragraph 1(i)?

24 A. 1(i) also states that confidential
25 information are "plans, lists, databases, marketing

1 and sales practices, projections, trade or business
2 secrets, identities of consultants or advisers,
3 identities of contractors, studies, findings,
4 correspondence, and similar or dissimilar
5 information relating to the operations or activities
6 of TMC."

7 Q. Do you believe that that donor list that
8 you've reviewed fits in with paragraph -- the
9 definition of confidential information in
10 paragraph 1(i)?

11 A. I can see how it would fit under the
12 definition within 1(i).

13 Q. Okay. I'd now like to direct you to
14 paragraph 2, and to, again, read into the record
15 those first two sentence of paragraph 2(A).

16 A. 2(A) reads: "Employees shall keep all
17 confidential information disclosed to or received by
18 employee in strict confidence. Employee shall not
19 at any time during employee's employment with TMC or
20 at any time after termination or expiration of
21 employee's employment with TMC, disclose any
22 confidential information to any third party in whole
23 or in part."

24 Q. Would that restriction include the list
25 that you reviewed attached to the e-mail of

1 January 6th, 2015?

2 A. It would.

3 Q. And is there any exception for political
4 activity?

5 A. There are no exceptions.

6 Q. Would there ever be an exception for
7 political activity for a nonprofit organization?

8 A. I can't see a case where there would be an
9 exception made.

10 Q. Would that jeopardize your 501(c)(3)
11 status?

12 A. I don't have a position on whether it
13 would jeopardize our 501(c)(3) status, I --

14 Q. Let me ask it a different way.

15 A. It would not be an authorized use of any
16 information from The Mission Continues' point of
17 view.

18 Q. Let me ask it a different way.

19 If a 501(c)(3) charitable organization had
20 employees using that charitable organization's
21 information for political purposes, would that
22 potentially jeopardize -- with the authorization of
23 the 501(c)(3), would that jeopardize its status?

24 A. Again, I don't know if it jeopardizes its
25 status as a 501(c)(3); I can only speak to the fact

1 that that would be an unauthorized -- and be
2 considered a misuse, as far as The Mission Continues
3 is concerned.

4 Q. Okay. I now would like to direct you
5 to -- well, let's -- 2(b) has some exceptions in it.
6 Exception B Roman Numeral I says:

7 "An employee shall not be liable for
8 disclosure if TMC specifically authorizes and
9 directs an employee in the performance of employee's
10 duties to disclose such confidential information."

11 Did The Mission Continues authorize or
12 direct the disclosure of that list for political
13 purposes?

14 A. No.

15 Q. Did it do so implicitly in any way?

16 A. I don't have any reason to believe that we
17 would have implicitly given permission or
18 authorization to use that list.

19 MS. MITTEN: I'm sorry. I'm going to ask
20 you to kind of repeat that because our speaker is
21 not so great, and I'm worried about the court
22 reporter.

23 A. I don't have any reason to believe that we
24 would have implicitly authorized the use of this
25 list.

1 MS. MITTEN: Okay. Thank you.

2 Q. (By Mr. Barnes) Did you implicitly

3 authorize the use of this list?

4 A. No. Not for purposes of outside of TMC.

5 Q. Do you know of any employee of TMC who

6 would have authorized the use -- implicitly

7 authorized the use of the list?

8 A. I do not know of anyone at TMC who

9 authorized --

10 Q. And, actually, let me back up and talk

11 about the organization chart. You were the

12 president at that time; correct?

13 A. That's correct.

14 Q. Is there anyone else to whom -- who would

15 have had the authority to either expressly or

16 implicitly authorize the use of this list above

17 Mr. Greitens?

18 A. Well, I have to clarify what time you're

19 talking about -- the time frame.

20 Q. And when the list was -- so we have

21 another e-mail from May of 2014, when the list was

22 sent from -- that we'll get to in a moment -- when

23 the list was sent from Mission Continues employees

24 to Mr. Greitens, Ms. Taylor, and some others within

25 The Mission Continues.

1 Was there -- so at that point in time, in

2 May of 2014, when the list was sent to Mr. Greitens

3 and Ms. Taylor, who had the authorization to

4 expressly or implicitly permit the use of the list

5 for purposes outside of The Mission Continues?

6 A. In May of 2014, Eric Greitens was the CEO

7 of The Mission Continues. This is prior to his

8 departure from the organization, so from an org

9 chart point of view, I would have reported to

10 Eric Greitens as the CEO.

11 Q. Okay. And as the CEO now, do you report

12 to the board?

13 A. I'm still the president. We don't have a

14 fee structure, but I do report to the board; that's

15 correct.

16 Q. Did the CEO report to the board?

17 A. Yes.

18 Q. Okay. I now direct you to paragraph 3(a).

19 And, Mr. Kympton, have you signed an agreement like

20 this with The Mission Continues?

21 A. I don't recall specifically signing it,

22 but I would assume as an employee of The Mission

23 Continues, I've also signed it.

24 Q. Okay. And that first sentence -- I'd like

25 to, again, get this into the record. If you could

1 read that first sentence for us.

2 A. Sorry. You're asking for 3(a) on the same

3 page.

4 Q. 3(a), that's correct.

5 A. Okay. 3(a) reads:

6 "Employee acknowledges and agrees that all

7 intellectual property that is developed by employee

8 during the time employee is employed by TMC, and

9 that is within the scope of employee's employment

10 with TMC, is the property of TMC, including but not

11 limited to any copyrights or trade secrets."

12 Q. Was the list you reviewed that was sent in

13 May 2014 a list that was created by someone within

14 the scope of their employment with TMC?

15 A. Yes, it was.

16 Q. Do you know who was primarily responsible

17 for that list?

18 A. I can't -- can you clarify what you mean

19 by "primarily responsible" for the list?

20 Q. Well, the list that was sent on 5/7 of

21 2014 was later attached to the e-mail in 2015. Do

22 you know who created that document?

23 A. I believe it was a member of our

24 development team. I'm not certain which member of

25 our development team, but that is a list that was --

1 would have been created through the normal course of

2 reporting through our Salesforce databases and

3 generated for the purposes of development for

4 The Mission Continues.

5 Q. Okay. And that may have been

6 Lyndsey -- Lyndsey Hodges may have been a person

7 that created that?

8 A. She certainly would have been in a

9 position to do that, yes.

10 Q. Or -- and if she didn't create it herself,

11 she would have been a person who -- she may know who

12 created that list?

13 A. That's correct.

14 Q. Okay. I'd also like to direct you to

15 paragraph 3(c), and the sentence there reads -- and

16 I'll read this one for you.

17 "Unless employee has first received the

18 prior written consent by e-mail or letter of TMC,

19 employee shall not use or display any portion of any

20 such intellectual property in connection with

21 employee's portfolio, employee's Web site, or

22 otherwise in any context outside of employee's

23 employment."

24 Did TMC ever write to Mr. Greitens by

25 e-mail a letter authorizing the use of the list that

1 was attached to the January 6th e-mail for political
2 purposes?

3 A. I have not seen any evidence that there
4 was any authorization to Mr. Greitens, either in the
5 context of his role as CEO or after to suggest any
6 authorization to use it for political purposes.

7 Q. So there is no such prior written consent
8 in your records anywhere of an e-mail or a letter
9 from TMC?

10 A. Not that I have seen.

11 Q. Direct you to page 4. Who is Jack Neyens?

12 A. Jack Neyens was our vice president of
13 finance and administration.

14 Q. And is he still with the organization?

15 A. He's not.

16 Q. What were the circumstances in which he
17 left?

18 A. Jack left, I believe, in the second half
19 the 2016 as a natural transition as the organization
20 grew and the size and scope of the role, you know,
21 grew to kind of national. We were looking to change
22 the financing.

23 MR. BARNES: Can you -- let's try to --
24 we're going to -- we're having problems with this
25 speaker. Can we take a short break to try to get an

1 external speaker that -- our court reporter is
2 having trouble -- and some of our members, I can
3 tell, are having trouble, so let's take a short
4 break to fix our speaker problem.

5 THE WITNESS: Okay.

6 (A recess was taken.)

7 MR. BARNES: We are back on the record
8 with a fixed hookup.

9 Q. (By Mr. Barnes) Jack Neyens is where we
10 left off. Did he -- was that an amicable split with
11 the organization?

12 A. My recollection was that it was an
13 amicable split. It was a natural transition, and as
14 I said previously, we were a growing organization
15 that needed a skill set and a finance component and
16 didn't feel that Jack had that going forward.

17 Q. So it fair to say that Jack was let go or
18 terminated? I mean --

19 A. I don't know how others would characterize
20 it, but I would call it a transition that was --
21 didn't -- that was because we had a staff member who
22 didn't have a skill set we needed going forward.

23 Q. It wasn't necessarily that he did anything
24 wrong in his role; it was that he didn't have the
25 skill set you needed to move forward?

1 A. That's correct.

2 Q. Okay. So as far as him leaving the
3 organization, if he were asking for references from
4 your organization, you would give those
5 references --

6 A. That's correct.

7 Q. -- as to the skill set that he had?

8 A. That's a correct representation.

9 Q. Okay. I would now would like to direct
10 you to an e-mail you provided to us from
11 Lyndsey Reichardt to Lori Stevens, yourself,
12 Eric Greitens, Krystal Taylor, and Lyndsey Hodges.
13 Isn't -- Lyndsey Hodges is Lyndsey Reichardt; is
14 that right?

15 A. Yes.

16 Q. Okay. She just had -- so she just had two
17 separate e-mails that she was working, and one was
18 her maiden name; one was her married name. I'm just
19 looking at the list of to's here.

20 Do you have this e-mail in front of you?
21 It's an e-mail from May 19th, 2014, and it has a
22 string below that includes e-mails that were sent
23 from May 13th, May 12th, and May 8th. And your
24 counsel provided this to us -- to me, I believe, in
25 an e-mail yesterday -- Tuesday may have been the

1 e-mail.

2 A. Okay. I think I'm looking at the e-mail.
3 Can you just describe a couple of the
4 characteristics, just so I can make sure?

5 Q. Sure. At the top the attachments say
6 "5/19/2014 Call List," and then the first line is:
7 "Hi, Eric. Sorry I missed you on
8 April 24th."

9 A. Yes. I have that e-mail.

10 Q. My -- the last line is: "My usual skills
11 don't work."

12 A. Yes.

13 Q. Okay. We're on the same -- we're on the
14 same document.

15 Have you had an opportunity to review this
16 e-mail prior to today?

17 A. Not in depth.

18 Q. Okay. Would you like to take a moment to
19 look at it now before I ask you questions about it?

20 A. Sure. We'll take a little bit of time
21 here, and I'll review it.

22 Q. Okay.

23 (Deposition Exhibit No. 17 was marked for
24 identification.)

25 Q. (By Mr. Barnes) Ready?

1 A. I am.

2 Q. And so counsel can be ready, if they have

3 the list itself, they could gather that; that might

4 be helpful. I might go to it in a moment.

5 Okay. Mr. Kympton, can you explain the

6 circumstances of this series of e-mails?

7 A. So the original e-mail that was sent

8 sometime earlier -- I mean, beginning on May 8th of

9 2014, was part of an overall plan that our

10 development team constructed to guide the external

11 communication of our CEO's transition. So this sat

12 a week or two after Eric had communicated internally

13 that his plan was to transition from the CEO role

14 over the summer -- so several months later.

15 So this was our first step in our

16 development team's first step at guiding a proactive

17 communications plan with our partners to not only

18 communicate the transition itself but also talk

19 about how The Mission Continues would be a going

20 concern, how their partnership in support of

21 The Mission Continues would continue to be valued by

22 the organization and just -- it was all part of a

23 natural transition plan that we had created.

24 Q. Was -- a previous witness testified that

25 Mr. Greitens thought of this list as his, that the

1 folks on it were his friends, his contacts that he

2 had built up himself. Was your counsel able to put

3 that list in front of you?

4 (Inaudible.)

5 Yes, the attachment to the 5/8/14 e-mail.

6 MR. BARNES: Off the record.

7 (Discussion off the record.)

8 Q. (By Mr. Barnes) Okay. Now, let me start

9 fresh with this question.

10 A previous witness testified that

11 Mr. Greitens thought -- essentially thought of this

12 list as his own, that the list was comprised of his

13 friends, his contacts that he had built up, and --

14 you've had an opportunity to review the list; you

15 know the list. Do you believe that to be true?

16 A. I would not characterize this list that

17 way. This list is a list of 500 -- more than 500

18 donors, supporters, partners of The Mission

19 Continues who had given collectively or over time

20 \$1,000 or above to The Mission Continues. Within

21 this list might be, you know, friends or family of

22 Eric Greitens that have transitioned into being

23 supporters of The Mission Continues, but as context,

24 I have friends and family who are on this list;

25 other staff members from The Mission Continues have

1 family on this list. There are individuals on this

2 list who came into The Mission Continues

3 relationship via events that we ran, and they might

4 have been invited by host committee members to those

5 events. There are individuals on this list who came

6 into a relationship with The Mission Continues by

7 the company that was supporting The Mission

8 Continues. So I think that there certainly are

9 individuals on this list who might have been a

10 friend or family member of The Mission Continues,

11 but I would very much characterize this list as a

12 list of supporters and partners of The Mission

13 Continues that came from a variety of different

14 pathways to that relationship.

15 Q. Now, you said you have friends and family

16 that are on the current Mission Continues donor

17 list. Do you have separate contacts -- do you

18 maintain contact information for those friends and

19 family separate from The Mission Continues donor

20 list?

21 A. Yes. Of course.

22 Q. So you have that in your own personal

23 files; right?

24 A. Yes.

25 Q. To your knowledge, did anyone ever tell

1 Mr. Greitens he could use this list for purposes

2 outside of The Mission Continues?

3 A. To my knowledge, no. And, again, to do so

4 would have been, you know, a misuse or an

5 unauthorized permission to use the list in that way.

6 Q. And that's by contract; correct?

7 A. That is both explicit, as we've discussed,

8 within our -- in the nondisclosure agreement that

9 we've already gone through.

10 Q. Okay. I now direct you to two

11 communications your organization sent out to

12 supporters in recent weeks. And there are no dates

13 on these, but I want to authenticate that you assert

14 to the truthfulness to the statements contained

15 therein.

16 So the first one starts with, "To our

17 partners," and there's a sentence that says:

18 "The Mission Continues did not provide nor

19 authorize any use of our donors' information to the

20 Greitens campaign or any persons or groups for

21 political or campaign purposes."

22 Did you send this e-mail out to Mission

23 Continues supporters?

24 A. I did.

25 Q. And is that statement true?

1 A. To the best of my knowledge, it is true.
 2 Q. Okay. You also state in here:
 3 "Any use of The Mission Continues
 4 resources for any political or other unauthorized
 5 purpose would violate our policies and the trust we
 6 expect from each member of our staff."
 7 Is that statement true?
 8 A. To the best of my knowledge, that is true.
 9 Q. And then you have a second e-mail here
 10 where it starts with, "Continuing progress,
 11 continuing the mission."
 12 A. I have that.
 13 Q. I'm going to mark these together as
 14 Exhibit 18.
 15 (Deposition Exhibit No. 18 was marked for
 16 identification.)
 17 Q. (By Mr. Barnes) And in that e-mail -- did
 18 you send this e-mail as well?
 19 A. I did.
 20 Q. And you sent that --
 21 A. Well, I -- it was sent on behalf of me
 22 but, yes, it came from The Mission Continues.
 23 Q. Okay. So your team drafted it; correct?
 24 A. I drafted it in partnership with my team,
 25 yes.

1 Q. You gave approval to send it; correct?
 2 A. That's correct.
 3 Q. And the person you have in charge of your
 4 e-mail sends hit the send button; correct?
 5 A. That's correct.
 6 Q. Okay. And are the statements contained in
 7 this e-mail true?
 8 A. To the best of my knowledge, they're true.
 9 Q. Do you recall when Mr. Greitens resigned
 10 from the board of The Mission Continues?
 11 A. I believe that the actual date where we
 12 notified the board that he would be stepping down
 13 was the end of August 2015.
 14 Q. What precipitated his departure from the
 15 board?
 16 A. Well, at that time, Eric notified both me
 17 and, as I recollect, our board chair that he was
 18 preparing to announce his candidacy for governor,
 19 and those conversations suggested that it was
 20 probably in the best interest of The Mission
 21 Continues at that time to -- and for Eric to step
 22 away from the board to avoid any types of conflict
 23 of interest that might arise as having a candidate
 24 for political office involved formally on our board.
 25 Q. Would one example of such a conflict of

1 interest be the use of Mission Continues resources
 2 for political purposes?
 3 A. I think that could be an example.
 4 Q. And at that time, were you or the board
 5 aware that The Mission Continues list had been sent
 6 to people associated with the Greitens campaign?
 7 A. I was not aware that any list had been
 8 sent at that time in August of 2015.
 9 Q. When did you become aware of the list
 10 being shared in that fashion?
 11 A. I believe the first time that any notion
 12 that the -- or suggestion or allegation that the
 13 list had been sent was when we were contacted by a
 14 reporter in the summer of 2016 suggesting that he
 15 was in possession of a list, shared the title of
 16 that list, and it was a list that was titled and
 17 very closely matched -- or exactly matched the list
 18 in question that we've already discussed.
 19 Q. And what happened after you were contacted
 20 by that reporter, if anything?
 21 A. Well, internally, you know, we -- as you
 22 might imagine, we wanted to understand what the list
 23 was, whether or not it was something that we had
 24 created or were all involved in, so we did, you
 25 know, a bit of internal -- just kind of historical

1 analysis to understand that. But subsequent to
 2 being contacted by the reporter, several months
 3 later, the same list became the subject of a
 4 Missouri Ethics Commission investigation of which we
 5 participated and cooperated.
 6 Q. Did you testify before the Missouri Ethics
 7 Commission in any form or fashion?
 8 A. We did speak -- I did testify, yes.
 9 Q. And did you tell them that -- and what did
 10 you tell them?
 11 A. I don't recall the exact testimony, but I
 12 would have provided and authenticated the fact that
 13 that was a list generated -- as far as we could
 14 tell, a list generated by The Mission Continues.
 15 Q. Did you give any opinion as to the value
 16 of that list?
 17 A. I did not give an opinion to the value of
 18 the list, as far as I recall.
 19 Q. Do you have an opinion as to the value of
 20 the list for your organization?
 21 A. Well, my opinion would stem from the fact
 22 that, you know, this is a list of over 500 donors
 23 and partners and supporters of The Mission Continues
 24 who had given to The Mission Continues over time and
 25 was paired not only with the amount of that gift,

1 but, also, in some cases, paired with the contact
2 information of those donors. So I can attest to its
3 value to The Mission Continues.

4 Q. And what -- could you put a dollar figure
5 on the value to The Mission Continues?

6 A. I can't put a dollar figure on it.

7 Q. In terms of the amount of work that -- by
8 Mission Continues employees that went into creating
9 the list, is it a couple of hours? Dozens of hours?
10 Hundreds of hours?

11 A. Well, can you clarify what you mean by
12 "the work"? You know, there's the work and actually
13 -- you know, the kind of manipulation of the system
14 to generate the list, which is, you know, probably
15 less than an hour, but the work that, you know, goes
16 into the content itself and the relationships that
17 are contained within --

18 Q. I mean the second. The cultivation of the
19 donors that comprise the list, not just the data
20 manipulation.

21 A. You know, in some cases, you know, those
22 relationships with individuals were built over a
23 significant amount of time, and, you know,
24 collectively across 500-plus of those. I would
25 imagine that could represent a fair amount of time

1 to The Mission Continues broadly.

2 Q. Would you say the list has a value of over
3 a thousand dollars to your organization?

4 A. I can't speak to the value of the list
5 itself.

6 Q. That's fair.

7 MR. BARNES: So the way we operate here --
8 and we've got this odd arrangement now -- is what --
9 we go in order from the vice chair to our ranking
10 member, and then order of seniority, and if we get
11 to a member who you can't see, we'll have them raise
12 their hand to start, and then I may move around so
13 you can see people better.

14 THE WITNESS: Okay. I just want to make
15 sure that you know that for the last probably 10
16 minutes or so, your entire screen has been frozen,
17 so I really can't see anyone. I don't know if
18 that -- if -- we might give a try to refresh the
19 screens.

20 MR. BARNES: Okay. We're going to try to
21 refresh the screen.

22 How about now? Can't see anything, but
23 you can hear us okay? You can hear us --

24 THE WITNESS: I can hear you.

25 MR. BARNES: Okay. Well, let's do it that

1 way.

2 So the next person who will ask questions
3 who will be a voice with no body is
4 Representative Don Phillips, who is our vice chair.

5 EXAMINATION

6 BY MR. PHILLIPS:

7 Q. Thank you, Mr. Chairman.

8 Mr. Kympton, a lot of people consider it a
9 blessing if they can't see me while I talk, so you
10 may feel the same way, if we ever personally meet or
11 our video starts working.

12 Thank you for joining us this morning.
13 I'm Don Phillips, state representative from
14 District 138, and that means nothing to a man from
15 New York, but it's down near Branson, if you've ever
16 heard of Branson, Missouri.

17 I want to begin by just asking when the
18 original donor list was created and Eric formed The
19 Mission Continues in 2007, that was his baby, so to
20 speak? Did he implement the list to begin with?

21 A. I'd like to clarify the question. Are you
22 asking that I -- for me to speak to the generation
23 of a list beginning in 2007?

24 Q. If you have knowledge of that. Surely
25 somewhere in your conversation, you have knowledge

1 of how the list originally originated. Was that
2 something that Eric -- it seems pretty obvious to me
3 that he probably started the list.

4 A. When I arrived in 2011 -- I can speak to
5 what happened, you know, subsequent to June 2011.
6 You know, it was a fairly regular course of action
7 and practice for us to be in regular contact with
8 our donors, and one of the practices that
9 facilitated that was the generation of call lists
10 and the generation of lists that would facilitate
11 that outreach. And that was, in some cases, a
12 practice that we would do weekly or monthly, and the
13 list that was ultimately generated for that same
14 purpose in 2011 was probably a larger list than we
15 would have done in the past, but it was for the same
16 purposes, and that was to contact and be -- to
17 cultivate and steward relationships that had been
18 built to further the work of The Mission Continues.

19 Q. Okay. Great. So the list has grown
20 considerably since the list that maybe you
21 inherited?

22 A. That's correct. As has the organization.

23 Q. Did Mr. Greitens, to your knowledge,
24 solely run the organization from 2007 to 2011? What
25 was his pecking order in that? Do you have any

1 knowledge of that?

2 A. My knowledge was that he was the CEO from
3 inception in 2011, up until he stepped down from the
4 CEO role on July 4th of 2014.

5 Q. And there's always been a board of
6 directors, correct, as far as you know?

7 A. As far as I know.

8 Q. Okay. Would it be fair to assume that you
9 and Eric Greitens are friends?

10 A. I would characterize my relationship with
11 Eric Greitens as a colleague. It was a professional
12 relationship. Very limited social interaction
13 outside of our professional relationship.

14 Q. Have you heard from Mr. Greitens since he
15 became Governor Greitens?

16 A. I don't recall any interaction with the
17 governor since he's stepped into office.

18 Q. Okay. Was there ever a time -- in your
19 seven years of relationship with the governor, was
20 there ever a time that you felt uncomfortable in any
21 of the business dealings that took place in
22 The Mission Continues?

23 A. No.

24 Q. Okay. In your seven years of relationship
25 and knowing Mr. Greitens, do you feel like you could

1 characterize him as trustworthy and honest, in your
2 opinion?

3 A. I would have no reason to characterize
4 Eric Greitens as anything other than trustworthy and
5 honest, based on my interactions with him.

6 Q. Okay. Does he continue to have some
7 influence over The Mission Continues currently?

8 A. And when you ask -- I mean, I want to
9 clarify what you mean by "influence." Do you mean
10 does he have any way to influence the business
11 dealings or the focus of The Mission Continues?

12 Q. Yes. If he called in a favor, would it be
13 honored?

14 A. Eric does not have a professional
15 relationship with The Mission Continues. He's
16 stepped away from our board. He will always be the
17 founder of the organization. That's part of our
18 organization's history and part of his history, but
19 in terms of his influence on the organization, his
20 ability to request favors of The Mission Continues
21 is no different than any other donor or partner or
22 anyone else who has been a part of our history.

23 MR. PHILLIPS: Okay. Very good. Thank
24 you. That's all I've got.

25 Thank you, Mr. Chair.

1 MR. BARNES: Representative Mitten.

2 Is your screen working?

3 THE WITNESS: No.

4 MR. BARNES: Okay. Still not. How about
5 if you let us know if the screen starts working so
6 I'll stop asking that question.

7 THE WITNESS: Okay.

8 EXAMINATION

9 BY MS. MITTEN:

10 Q. Thank you. Good morning. I don't know if
11 your attorney here asked you to get The Mission
12 Continues' -- I think it was -- I called it the
13 employee manual. Do you have that on your end of
14 the world?

15 A. Give us one second; we'll have it in front
16 of us.

17 Okay. I have our team member handbook in
18 front of me.

19 Q. Yes. That's exactly right. And I'm going
20 to call your attention to -- hang on a second; now
21 I'm having a hard time finding my version of it.

22 I think it's Section 4, page 21 where it
23 talks about care of donor records.

24 A. Okay. I'm on that page.

25 Q. Okay. So I'm just -- I mean, if you want

1 that take a moment to familiarize yourself with that
2 paragraph.

3 So my question is just basically, based
4 upon this employee manual, are you aware of any time
5 when Eric Greitens returned donor lists to
6 The Mission Continues or returned them to the files?

7 A. I'm sorry. I'm not sure I understand the
8 question. Can you clarify?

9 Q. The second paragraph under "Care of Donor
10 Records."

11 "When possible, obtain all materials from
12 donor files and return the materials back to the
13 files."

14 Are you aware that Eric Greitens or
15 Krystal Taylor or anyone affiliated with the
16 Greitens Group, in fact, did that with donor
17 materials?

18 A. Again, just to clarify, are you asking if
19 I'm aware that they returned the materials to our
20 files after using them?

21 Q. Correct.

22 A. Well, first, I want to make clear that
23 employees of the Greitens Group would not have had
24 access -- authorized access to donor files. You
25 know, there's --

1 Q. Well, I'm going to interrupt you real
2 quickly there, because I believe that Krystal Taylor
3 was a dual employee and would have, by virtue of
4 that status, had access to those files.

5 A. Eric and Krystal were, in fact, employees
6 of both The Mission Continues and the Greitens Group
7 and would have been the only Greitens Group
8 employees to have access to those files. I'm not
9 aware of times when either Krystal Taylor or
10 Eric Greitens would have used those files and then
11 returned them.

12 Q. Okay. Are you aware of Eric Greitens or
13 Krystal Taylor destroying donor materials or other
14 materials obtained by The Mission Continues?

15 A. I'm not aware, no.

16 Q. Okay. When did you first become aware
17 that Eric Greitens was running for political office?

18 A. I don't recall the exact date that Eric
19 would have told me, you know, that he was running
20 for office. I would probably peg it at that
21 August 2015 time frame, when our discussions were
22 around his stepping away from the board, and then I
23 learned officially when the general public learned,
24 subsequent to his announcement in September of 2015,
25 that he was running for governor.

1 Q. Okay. Okay. And then earlier you
2 testified that you -- nothing about your
3 interactions with Eric Greitens would cause you to
4 believe he was not trustworthy and honest. Would
5 you characterize using The Mission Continues donor
6 list for his political purposes as being trustworthy
7 or honest?

8 A. I would characterize the use of any list
9 or donor information or contact information --
10 anything that would fall under what we would have
11 earlier described as confidential information -- as
12 unauthorized by The Mission Continues and a misuse
13 of those resources.

14 Q. So you -- if I get your testimony
15 correctly, you believe that the unauthorized use of
16 confidential information from a nonprofit
17 corporation for political purposes as being honest?

18 A. No. I would constitute the use of donor
19 information and confidential information of
20 The Mission Continues as a misuse of our resources
21 and against policies that The Mission Continues had
22 established.

23 Q. Would you characterize using that data for
24 political purposes as indicating the character trait
25 of trustworthiness?

1 A. I'm sorry. Can you repeat the question?

2 Q. Would you characterize the use of
3 The Mission Continues donor materials for political
4 purposes as an exhibit or as -- display of the
5 character trait of trustworthiness?

6 A. I would characterize the use of Mission
7 Continues resources in that way as -- as misusing
8 the trust of The Mission Continues.

9 Q. Thank you.

10 MS. MITTEN: No further questions.

11 MR. BARNES: Representative Lauer.

12 EXAMINATION

13 BY MS. LAUER:

14 Q. Thank you, Mr. Chair. Thank you for being
15 here -- or for being there. And I also want to
16 thank you for your service to our country. We
17 certainly appreciate that.

18 A. Thank you.

19 Q. When we talked about the nondisclosure
20 statement, it appeared as though this was a very
21 important document to your organization; is that
22 correct?

23 A. That's correct.

24 Q. All right. And you said that the board
25 wanted to have this in place. Did the board come up

1 with a decision to initiate this agreement or to
2 develop this agreement, or upon whose direction did
3 this agreement begin?

4 A. It was a board-directed and
5 board-initiated effort.

6 Q. And what was -- I know you said that you
7 wanted to make sure that things were separate and
8 distinct, but at that time, was there a level of
9 concern that there might have been any crossover?

10 A. I think it was a -- and, again, I'm
11 speculating and wasn't on the board at the time --
12 but was part of the process in developing it. It
13 recognized the very simple fact that, you know, the
14 CEO of The Mission Continues, a nonprofit
15 organization, was also CEO of a for-profit
16 organization, and this effort was focused on
17 ensuring that those two entities remain separate and
18 distinct.

19 Q. Okay. So given the fact that there was,
20 as you just described, the for-profit and
21 not-for-profit element with the same individual,
22 there was a level of concern of potential conflict
23 of interest?

24 A. I can't speak to the level of concern; I
25 can only speak to what the board was focused on,

1 which is what their responsibility in governing the
2 organization and their focus on governance.

3 Q. Okay. Thank you.

4 Over a period of time with this donor
5 list, is it fair to say that this may -- the list
6 may have began in 2007, with Mr. Greitens beginning
7 it, and then continued on as normal practice to be
8 developed over periods of time even today?

9 A. I can speak to the fact that donor lists
10 and supporter lists were a part of our development
11 activities and the generation of those lists, and
12 they do continue to today.

13 Q. And that's part of your normal practice,
14 would be to continue to obtain donors throughout the
15 process?

16 A. That's correct.

17 Q. And would it be your practice to receive
18 those names from, again, as you indicated, a variety
19 of pathways?

20 A. Yes.

21 Q. All right. And so whether they are from
22 other authorized lists or events or wherever they
23 might come from, there is no set or exclusive
24 list -- or exclusive way of obtaining those names?
25 They can come from all over?

1 A. That's correct.

2 Q. Okay. Thank you.

3 The Greitens Group, as I understand it, is
4 responsible more for the for-profit side and the
5 sales of the books; is that correct?

6 A. The Greitens Group, as I understood it,
7 was a for-profit entity that was created to cover
8 Eric Greitens' separate literary and media
9 activities, as well as his professional speaking.

10 Q. And were there names -- were the names of
11 the people who purchased books or other lists of
12 names obtained from those events as well?

13 A. I'm not aware of any lists that were
14 generated as a result of individuals who had
15 purchased the books. As we've previously talked
16 about, there were either speaking engagements or,
17 you know, book tour-type events during which
18 individuals might have demonstrated an interest in
19 The Mission Continues as part of Eric Greitens'
20 stories that we then were able to build
21 relationships with in the context of The Mission
22 Continues.

23 Q. Okay. The -- let's go -- in talking about
24 the list -- and the Chair had asked about the value
25 of the list, and we've kind of been through that

1 discussion -- but in the nondisclosure agreement,
2 when we're talking about the misuse or indicators
3 for misuse, what would have been the remedy for
4 misuse?

5 A. Can you -- you're speaking to the
6 remedy --

7 Q. Based on the nondisclosure --

8 A. How we would handle the allegation of
9 misuse?

10 Q. Yeah. Based on the nondisclosure
11 agreement as the president of the organization --

12 MR. BARNES: Well -- hold on. Let me --

13 MS. LAUER: I'm sorry.

14 MR. BARNES: To the extent you're asking
15 him for a legal conclusion about the legal remedy is
16 one question, but if you're asking --

17 MS. LAUER: I'm asking about operational.

18 MR. BARNES: Operational remedy within the
19 organization, I think, is another.

20 MR. AUSTIN: As opposed to this -- does
21 this activity violate, you know, the rights to
22 501(c)(3) -- I mean, you did, too --

23 MR. BARNES: No, you're right, Kevin --
24 Representative, you're right.

25 MS. LAUER: I'm asking more about the

1 operational side. I want to clarify that.

2 MR. BARNES: Okay. And you can ask the
3 legal question, as well, but I think that might have
4 been the source of the confusion.

5 Q. (By Ms. Lauer) I'm sorry, sir. Let's back
6 up, if you would.

7 As the president of an organization, you
8 have a nondisclosure agreement, and should any
9 employee violate that nondisclosure agreement, what
10 would have internally been the remedy for that?

11 A. Well, if you're speaking about employee --
12 you know, I can't speak to the legal ramifications
13 thereafter, but if we're speaking about an employee,
14 it would have been viewed as an unauthorized use in
15 express -- you know, in violation of our
16 nondisclosure agreement and our employee handbook,
17 as we've mentioned, and we enter, likely, into a
18 discussion about the employee's future at The
19 Mission Continues.

20 Q. Okay. So it could potentially be a
21 disciplinary action and/or up to termination?

22 A. I would -- yes. I would assume so.

23 Q. And while we're talking about employees,
24 it could be anyone, again, who signed a
25 nondisclosure agreement; is that correct?

1 A. Yes.

2 Q. All right. And share with us -- again,

3 I'm not looking for a specific number -- what is

4 the -- internally, operationally, what is the impact

5 of the misuse of this to The Mission Continues?

6 A. I can't speak to what that impact would be

7 externally or internally.

8 Q. Do you have -- based on the information

9 that you sent out to your donors and your partners,

10 did you receive feedback from them as to their

11 concern about the misuse of a list?

12 A. We received limited -- or near zero, you

13 know, kind of impact or direct communications from

14 our --

15 Q. I'm sorry. You're somewhat frozen, sir.

16 Could you repeat your response?

17 THE WITNESS: We'll try and reconnect.

18 MR. BARNES: Off the record.

19 (A recess was taken.)

20 MS. LAUER: Ma'am, would you please

21 restate what we were discussing?

22 (The pending question was read by the

23 reporter.)

24 A. So we have been -- we've been in contact

25 and regular interactions with some of our primary

1 partners and donors, and this has been a distraction

2 for The Mission Continues. We're focused on -- our

3 mission all across the country, empowering veterans

4 to serve their country again and find pathways for

5 them to serve, and it has been a distraction. It's

6 not the type of conversation, as you might imagine,

7 that I want to have with our partners and

8 supporters. It's been a distraction across the

9 organization, in terms of the amount of time that we

10 have spent preparing and cooperating with multiple

11 investigations. We have -- as you may be aware, you

12 know, we have been placed on an advisory notice by

13 Charity Navigator, which has been -- which has

14 ranked us as a four-star organization for the last

15 three years running but have put that on hold as

16 investigations have gone on.

17 So while I still firmly believe in the

18 organizational health and governance of the

19 organization, you know, it's been a distraction, and

20 I'm not going to hide that fact.

21 Q. (By Ms. Lauer) And I appreciate -- I

22 certainly appreciate you explaining that and kind of

23 going into more depth, and I want to clarify that my

24 questioning of this is not for the integrity of The

25 Mission Continues; it is just in the events that

1 we're talking about. Is that fair?

2 Sir, can you hear me?

3 A. That's fair.

4 Q. Okay. Thank you. So there has been an

5 impact, obviously, as you've just described.

6 When -- I want to shift gears a little bit.

7 When you were with The Mission Continues

8 and Krystal was with Mission Continues and Greitens

9 Group -- as we know, that was a part time in both

10 groups -- how did you know that there were separate

11 and distinct roles that she was fulfilling?

12 A. Could you ask the question again? There

13 was a phrase in the middle that was a bit garbled.

14 MS. LAUER: Okay. Would you restate that,

15 please?

16 (The pending question was read by the

17 reporter.)

18 A. Well, in terms of how -- knowing the

19 distinction between the roles, you know, there were

20 the -- there were the prescriptions [sic] that were

21 explicit within the MOU within the Greitens Group

22 and The Mission Continues that outlined that

23 relationship and how we handled the different

24 responsibilities and the -- in terms of her roles

25 and responsibilities at The Mission Continues, it

1 was outlined as pursuant to, you know, her role as

2 an executive assistant and the activities that

3 Eric's -- and time that Eric spent on Mission

4 Continues business. In terms of her roles and

5 responsibilities in the Greitens Group, I can't

6 speak to those.

7 Q. (By Ms. Lauer) Okay. And going back to

8 the e-mails on the donor list, we discussed that

9 Lyndsey sent an e-mail to a variety of people carbon

10 copying you as well as Krystal Taylor and

11 Eric Greitens on 5/19/2014, which we listed as

12 Exhibit 17, and that was sent to Krystal Taylor at

13 The Mission Continues; correct?

14 A. Yes.

15 Q. Okay. And then I have an e-mail that we

16 have previously identified as Exhibit 3A --

17 MS. LAUER: I'm sorry. He may not have

18 that.

19 MR. BARNES: What we've labeled as

20 Exhibit 3A is the e-mail from January 6th, 2015,

21 from ktaylor@greitensgroup.com to Danny Laub and

22 Michael Hafner. I provided that to your counsel

23 because that was the e-mail to which the list was

24 attached. And so --

25 THE WITNESS: I have that list -- I have

1 that e-mail now.

2 MR. BARNES: Okay. Great.

3 Q. (By Ms. Lauer) Okay. So then -- just to
4 kind of put this back in framework here.

5 So on 5/19/14, Lyndsey sends an e-mail to
6 ktaylor@missioncontinues with information on
7 Exhibit 17, and then at some point on Exhibit 3A,
8 Krystal Taylor then sends the donor list from the
9 Greitens Group. So there's a transience at some
10 point from ktaylor from The Mission Continues to the
11 Greitens Group as listed in the e-mail here.

12 So are you familiar or do you have any
13 insight as to how that donor list might have gotten
14 from Mission Continues into Greitens Group through
15 that e-mail transaction?

16 A. I have no idea how it would have gotten
17 into Greitens Group e-mails, other than the fact
18 that we sent Krystal Taylor, in her role as -- at
19 The Mission Continues, the list, as was general
20 practice for us to do, and as she served as Eric's
21 adjunct and administrative assistant during the
22 course of his time as CEO, that -- you know, as that
23 e-mail indicates, we did send it to her in her role
24 as executive assistant in May of 2014.

25 Q. And that would have been appropriate

1 because she was part of the organization at that
2 time, and that was an internal document; correct?

3 A. That's correct.

4 Q. Okay. Thank you. And just to clarify,
5 has Eric Greitens -- I think Representative Phillips
6 asked about influence that Greitens might have. To
7 what degree might he have any association with
8 The Mission Continues, or does he continue to
9 reference The Mission Continues in his events and so
10 forth? What is your knowledge of that? To what
11 level is he --

12 A. I have no knowledge of whether he
13 continues to reference The Mission Continues
14 externally.

15 Q. Okay. Again, I want to thank you for your
16 service and your help with our veterans. Thank you.

17 THE WITNESS: Thank you.

18 MR. BARNES: Representative Austin.

19 EXAMINATION

20 BY MR. AUSTIN:

21 Q. Thank you, Mr. Chair. I'm Kevin Austin.
22 Just a few follow-up questions. I'm going to be
23 jumping around; I apologize for that.

24 If we go to Exhibit 17 --

25 A. I'm sorry to cut you off, but we -- it's a

1 bit garbled, and I, unfortunately, can't understand
2 your question.

3 Q. (By Mr. Austin) Let me scoot up.

4 I'm Kevin Austin, District 136, and I'm
5 going to jump around a little bit, and I apologize
6 for that.

7 A. It's still fairly garbled. I'm having a
8 hard time understanding.

9 I think we should try to call back.
10 (A recess was taken.)

11 Q. (By Mr. Austin) We're back on record, sir.

12 My name is Kevin Austin, representative
13 from District 136, and I'm going to jump around a
14 little bit, and I apologize for that.

15 If we go back to Exhibit 17, that's the
16 e-mail from Lyndsey to you and others that
17 Representative Lauer was asking about, and it's from
18 Lyndsey to Lori Stevens. Do you still have that
19 front of you?

20 A. I do.

21 Q. It carbon copies you, Eric Greitens,
22 Krystal Taylor, and then Lyndsey Hodges. If you
23 look at that, there -- it addresses Eric Greitens
24 twice: Once Eric Greitens with his Mission
25 Continues e-mail and then addresses Eric Greitens

1 the -- actually, the first time to his Gmail
2 address. Do you know why that is?

3 A. My recollection is that from time to time,
4 given Eric's travel schedule, occasionally, e-mails
5 would pop up to him quicker if some went to his
6 personal address. So it wasn't general practice
7 that we would do that on all e-mails, but sometimes
8 on more important or time-sensitive e-mails, we
9 would also put his personal address.

10 Q. Okay. And then we're going to continue to
11 jump. If we go to Exhibit 16, that's the NDA, and
12 to follow up on some previous questioning, if we go
13 to paragraph 4, it discusses remedies.

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

15 Q. And it discusses remedies against an
16 employee or former employee who violated this NDA,
17 and one of the remedies is that The Mission
18 Continues shall be entitled to adjoin the employee
19 from the continuance thereof and may apply to any
20 court of competent jurisdiction for entry of a TRO.

21 Has The Mission Continues done that with
22 regard to the list we're talking about today?

23 A. We have not.

24 Q. Has The Mission Continues done that ever
25 in the history, as far as you know, to any employee?

1 A. As far as I know, we have not.

2 Q. How many employees are there right now for

3 The Mission Continues?

4 A. I don't know an exact figure.

5 Q. Well, that's -- while we don't want you to

6 speculate, I'm going to ask you to guess. That may

7 be the same thing.

8 A. Okay. We have close to 70 employees

9 nationwide.

10 Q. And when you first came there, how many

11 employees were there?

12 A. My recollection was there was certainly

13 under 20. Maybe on the order of 15.

14 Q. When you go to seek donors and cultivate

15 them, what percentage or number of employees when

16 you first came there were dedicated to seeking

17 donors and then afterwards cultivating them?

18 A. So when I -- I was hired as chief

19 partnership officer in 2011. That was the team that

20 I would have managed as the team of two individuals

21 at the time who were specifically focused on

22 development and fundraising. I believe there was

23 a -- an administrator-type individual, but it was

24 roughly two or three of that 15 who were

25 specifically focused on development of fundraising.

1 Q. Do you remember their names?

2 A. Well, Lyndsey Hodges -- at the time --

3 Hodges-Reichardt now was one of them, and Tony Bryan

4 was another.

5 Q. And what about Eric Greitens? Did he play

6 a role in that?

7 A. Well, Eric was the CEO and founder of the

8 organization and was the chief fundraiser for the

9 organization at the time.

10 Q. And I assume that you had different

11 methods -- and marketing may be a bad term, but

12 marketing The Mission Continues to various donors,

13 say, smaller donors versus larger donors.

14 A. We were able to triage donors based on

15 their contributions to the organization, yes.

16 Q. And when you had larger donors, say, those

17 that you might hope to get a

18 thousand-dollars-or-above donation, what employees

19 were concentrating on those when you first got

20 there?

21 A. It would have been the same. It would

22 have been the development team, in partnership with

23 Eric on identifying and prioritizing across that

24 donor list.

25 Q. So we're talking about Lyndsey, Tony, and

1 Eric Greitens?

2 A. In 2011, if that's the time frame we're

3 talking about.

4 Q. And we are. And I'll ask you here in a

5 second how that changed over time, but what was

6 Lyndsey's role in cultivating these donors in 2011?

7 A. You know, my recollection is that Lyndsey

8 was more of the, kind of, process and orchestrating

9 the process itself, and that the cultivation and

10 personal interaction fell more on Eric's shoulders.

11 Q. Okay. What was Tony's role?

12 A. Similar. Tony had a bit more of an

13 external role, but, again, the lion's share was on

14 Eric's shoulder.

15 Q. And then how did that change from 2011

16 onward?

17 A. Well, subsequent to my transitioning from

18 the chief partnerships officer role, at which time

19 both Tony and Lyndsey would have reported to me,

20 embarked on professionalizing the development team

21 even further, and the first step of which, as far as

22 I remember, was hiring Lori Stevens, which is a name

23 that you've seen on some of these e-mails, as well,

24 as our vice president of development. And, you

25 know, following her joining our senior team in that

1 capacity, she built up the practices and procedures

2 on development of fundraising even more. Our team

3 grew larger, and, you know, our donor pipeline

4 diversified, as well as our team.

5 Q. And while Eric Greitens no longer plays an

6 active role, do you still use his image or excerpts

7 from his books or anything like that that help in

8 your marketing?

9 A. We do not.

10 Q. Have you ever been contacted by

11 Michael Hafner?

12 A. I have not.

13 Q. And very early in your testimony, you were

14 asked about evidence of permission to give written

15 consent to use the donor list that we've been

16 talking about. Can you tell us what you've done to

17 search your records -- and maybe you haven't,

18 because I know you don't know what questions you're

19 going to be asked today.

20 A. What we've done to search our records for

21 what, in particular?

22 Q. For -- to see if there has been any sort

23 of written permission for the donor list that we've

24 been talking about to be transferred from The

25 Mission Continues to the Greitens Group?

1 A. No. Well, we've done internal searches of
2 our e-mails that surrounds this list in particular,
3 and, again, pursuant to our MOU, have not found --
4 and nondisclosure agreements and employee handbooks,
5 have not found anyplace evidence that suggests that
6 internally this list was shared in a manner that
7 wasn't consistent with those prescriptions.

8 MR. AUSTIN: That's all I have. Thank
9 you.

10 MR. BARNES: Representative Rhoads.

EXAMINATION

12 BY MR. RHOADS:

13 Q. Thank you, sir. My name is Shawn Rhoads.
14 I've just got a couple of quick questions, and I
15 think Representative Austin kind of touched on one
16 of those real quick.

17 I want to send you over here to Exhibit 18
18 again, please, which would be the Mission Continues
19 letter to our partners that says, "You may have read
20 about The Mission Continues in the news lately."

21 A. Okay. I have the one that begins, "To our
22 partners. You may have read about The Mission
23 Continues in the news lately."

24 Q. Yes. What was the date that was sent out?

25 A. I don't recall the exact date, but,

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1 roughly, this would have -- this was probably two
2 weeks ago.

3 Q. Okay. And so you sent this out two weeks
4 ago. And when were you made aware that this list
5 was possibly used?

6 A. Again, our first indication or allegation
7 that we were aware of that the -- this list was out
8 there and that others outside of The Mission
9 Continues had it was in the summer of 2016, when a
10 reporter contacted us with -- in possession of this
11 list.

12 Q. Okay. Thank you.

13 And I think Representative Austin just
14 kind of touched on this. As -- has The Mission
15 Continues been conducting their own internal
16 investigation into this matter?

17 A. Can you clarify -- are you talking about
18 the use of the list?

19 Q. Yes. I'm sorry. Yeah. Being made in
20 light of that this list was out and not kept
21 internal, has The Mission Continues looked into this
22 matter about the list?

23 A. Well, we've been looking deeply into the
24 matter, pursuant to these investigations, and, you
25 know, we -- again, our internal investigations over

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1 the use of the list internally and with employees,
2 in the context of The Mission Continues, has not
3 uncovered evidence, to my knowledge, that suggests,
4 you know, internal misuse of the list or that the
5 list was generated for anything other than purposes
6 of The Mission Continues and contact of The Mission
7 Continues partners and supporters, subsequent to a
8 CEO transition claim that we had developed
9 internally.

10 MR. RHOADS: Okay. Thank you, sir.

11 MR. BARNES: Representative Pierson.

EXAMINATION

12 BY MR. PIERSON:

14 Q. Thank you, Mr. Chair. And thank you,
15 Mr. Kympton, for your time here today.

16 I just have one question, and that was
17 just to ask was there anything, as we have been at
18 it for over an hour and a half, that you wanted to
19 say or express to us or clarify at this point in
20 your testimony?

21 A. There's nothing I'd like -- thank you for
22 the opportunity to add that. Nothing I'd like to
23 add or clarify, other than what I mentioned before.
24 I mean, we are -- I have appreciated the opportunity
25 to participate in this investigation, as you might

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1 imagine, as someone who is focused on preserving and
2 protecting an organization whose impact we want to
3 have nationally and whose impact we want to continue
4 with veterans all across the country. It's
5 important for us to present what we know and the
6 evidence that we have that suggests and reflects our
7 internal practices at the time, so thanks for the
8 opportunity to do that.

9 MR. PIERSON: Very good. Thanks for your
10 service, work, and time here today.

11 Thank you, Mr. Chair.

12 MR. BARNES: We are back to me, and
13 everyone is trying to wrap up here, but I am going
14 to have a few short, I think, easy questions, and
15 then we're going to be finished.

RE-EXAMINATION

17 BY MR. BARNES:

18 Q. Does Lori Stevens still work for
19 The Mission Continues?

20 A. Lori transitioned for another opportunity
21 at the end of 2017.

22 Q. Do you -- where was she based?

23 A. In Boston.

24 Q. Did she leave amicably?

25 A. Yes.

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1 Q. Okay. Lyndsey Hodges, when did she leave
2 the organization?
3 A. I don't recall the exact dates. I believe
4 it was, you know, the first half of 2014 -- or 2015,
5 but not certain of the dates.
6 Q. Did she leave -- did Lyndsey
7 Hodges-Reichardt leave the organization amicably?
8 A. Yes. That's how I would characterize it.
9 Q. Okay. And where -- does The Mission
10 Continues maintain an e-mail list separate from the
11 donor list?
12 A. Well, all of our contact information,
13 donor or otherwise, would be contained within our
14 Salesforce databases.
15 Q. Was that true in 2014 as well?
16 A. To the best of my recollection, yes.
17 Q. Are they separate databases -- as
18 regarding -- let me clarify that question.
19 Is the e-mail list a separate database
20 from the donor list?
21 A. No. It would be contained within the same
22 database. There could be different levels of access
23 based on, you know, individuals' access rights into
24 whether or not it's donor information or contact
25 information.

1 Q. Okay. Are they contained within different
2 lists within that larger database?
3 A. Not to my knowledge.
4 Q. So they are not different tabs; it's just
5 one big -- okay. It's all -- they're all merged
6 together?
7 A. They would be merged together under an
8 individual's file. So if you had -- if you were in
9 The Mission Continues databases, your donor
10 information might be a tab under your file; your
11 contact information might be separate.
12 Q. Okay.
13 A. But contained within your file on the
14 Salesforce architecture.
15 Q. So if a Mission Continues employee who
16 logs into Salesforce, if they want to get the entire
17 e-mail list, they could click on a button that says,
18 Give me all of the e-mails?
19 A. I'm not a technical expert, but you --
20 there are reports that are generated by Salesforce,
21 and you would have to execute a report that then
22 pulls that information down into a usable list like
23 an Excel file.
24 Q. Are you aware of any program that would --
25 that you could check that would make you aware of a

1 person downloading -- running such a report?
2 A. I'm not aware of a program that would do
3 that.
4 Q. Okay. I believe your counsel provided
5 some documents, but I'm -- I'm not -- it's hard to
6 go back and trace things five years into the past,
7 so -- okay.
8 MR. BARNES: I have no further questions.
9 Does anyone else have any further questions?
10 MR. AUSTIN: Do you want to know where
11 Lori went to? I don't know if you want --
12 MR. BARNES: Do you have contact
13 information for Lori Stevens -- I think that's a
14 question -- we'll ask counsel if they can arrange
15 that.
16 MR. AUSTIN: Okay. That's fine.
17 MR. BARNES: Thank you very much. We
18 really appreciate your willingness to spend some
19 time with us this morning.
20 THE WITNESS: Yeah, I appreciate the
21 opportunity to share.
22 MR. BARNES: Thank you.
23 I move that we close Monday's hearing,
24 which starts at noon, and it -- in the Jeff City
25 Police Department.

1 All those in favor will vote yes.
2 MR. CURCHIN: Chairman Barnes.
3 MR. BARNES: Aye.
4 MR. CURCHIN: Representative Phillips.
5 MR. PHILLIPS: Aye.
6 MR. CURCHIN: Representative Mitten.
7 MS. MITTEN: Aye.
8 MR. CURCHIN: Representative Lauer.
9 MS. LAUER: Aye.
10 MR. CURCHIN: Representative Austin.
11 MR. AUSTIN: Aye.
12 MR. CURCHIN: Representative Rhoads.
13 MR. RHOADS: Aye.
14 MR. CURCHIN: Representative Pierson, Jr.
15 MR. PIERSON: Aye.
16 MR. BARNES: By your vote of seven aye and
17 zero no, you have voted to close Monday's hearing at
18 noon sharp at the Jefferson City Police Department.
19 And that will -- is there anything else we
20 need to vote on?
21 That will close today's hearing.
22 (The hearing adjourned at 9:54 a.m.)
23
24
25

1 CERTIFICATE OF REPORTER

2
3 I, Lisa Ballalatak, a Certified Court
4 Reporter for the State of Missouri, do hereby certify
5 that the witness whose testimony appears in the
6 foregoing hearing was duly sworn by me; the testimony
7 of said witness was taken by me to the best of my
8 ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to,
10 nor employed by any of the parties to the action in
11 which this hearing was taken, and further that I am
12 not a relative or employee of any attorney or counsel
13 employed by the parties thereto, nor financially or
14 otherwise interested in the outcome of the action.
15
16

17 _____
18 Lisa Ballalatak
19 Missouri Supreme Court
20 Certified Court Reporter
21
22
23
24
25

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Monday, April 2, 2018

TAKEN AT
Jefferson City Police Department
401 Monroe Street
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS

Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

REPORTED BY:

Shelly Stewart
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A P P E A R A N C E S

FOR THE TESTIFYING WITNESS, LYNDSEY HODGES REICHARDT:

PATRICK WATTS
Attorney at Law
212 South Bemiston Avenue
Suite 200
St. Louis, Missouri 63105
E-mail: pwatts@swattslaw.com
Telephone: 314-669-5490

ALSO PRESENT:

Alixandra Hallen, Minority Counsel; Alex Curchin,
Legislative Counsel to the Speaker of the House of
Representatives; and Bryan Scheiderer, Legislative Analyst.

E X H I B I T S

Exhibit No. 3 (previously marked)	
List of donors	31
Exhibit No. 13 (previously marked)	
E-mail	22
Exhibit No. 16 (previously marked)	
Nondisclosure Agreement	25
Exhibit No. 17 (previously marked)	
E-mail	24
Exhibit No. 19 (newly marked)	
E-mail dated April 24, 2014 at 10:59 a.m. from Eric Greitens to TMC Staff	20

I N D E X

Page

Roll Call by Secretary Curchin	4
Lyndsey Reichardt sworn	6
Questions by Chairman Barnes	6
Questions by Representative Phillips	35
Questions by Representative Mitten	36
Questions by Representative Lauer	41
Questions by Representative Pierson	47
Further Questions by Chairman Barnes	49
Question by Representative Rhoads	51
Further Question by Chairman Barnes	51
Questions by Representative Austin	51

EXHIBIT INSTRUCTIONS:

Exhibits not attached to the transcript; retained by
Committee.

P R O C E E D I N G S

CHAIRMAN BARNES: I now call to order the Special Investigative Committee on Oversight.

Mr. Secretary, please call the roll.

SECRETARY CURCHIN: Representative Barnes?

CHAIRMAN BARNES: Here.

SECRETARY CURCHIN: Representative Phillips?

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Representative Mitten?

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Representative Lauer?

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Representative Austin?

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Representative Rhoads?

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Representative Pierson, Jr?

REPRESENTATIVE PIERSON: Here.

CHAIRMAN BARNES: I now move -- well, let me say, I heard last week from Mr. Ed Dowd about a gentleman named Jack Neyens, who was the chief financial officer for The Mission Continues for a significant period of time, and a period of time that overlapped with Governor Greitens tenure at The Mission Continues.

Mr. Dowd suggested that we should talk to

1 Mr. Neyens, and I think it is a good idea.

2 I subsequently had a conversation with Mr. Dowd
3 this morning, who I do not believe formally represents
4 Mr. Neyens, and we had talked earlier about him being here
5 at eight a.m. He's coming from St. Louis. I asked if nine
6 a.m. would probably work better.

7 He said he was going to get Mr. Neyens my contact
8 information. I haven't heard from Mr. Neyens yet, but --

9 REPRESENTATIVE MITTEN: For tomorrow?

10 CHAIRMAN BARNES: For tomorrow. He's coming from
11 St. Louis. I don't foresee any possibility that he would
12 rather be here at eight rather than nine.

13 So is the Committee okay with nine a.m. tomorrow?

14 REPRESENTATIVE AUSTIN: If not ten.

15 REPRESENTATIVE MITTEN: Are we noticed up?

16 CHAIRMAN BARNES: Let's take a break.

17 (A BREAK WAS TAKEN.)

18 CHAIRMAN BARNES: After having made phone calls
19 to contact the clerk's office on timing, tomorrow's hearing
20 we are going to schedule at 12:15 in the afternoon.

21 It is 12:15 right now, and I move to close the
22 hearing for tomorrow. All those in favor will vote yes.

23 Mr. Secretary, please call the roll.

24 SECRETARY CURCHIN: Chairman Barnes?

25 CHAIRMAN BARNES: Aye.

1 SECRETARY CURCHIN: Representative Phillips?

2 REPRESENTATIVE PHILLIPS: Aye.

3 SECRETARY CURCHIN: Representative Mitten?

4 REPRESENTATIVE MITTEN: Aye.

5 SECRETARY CURCHIN: Representative Lauer?

6 REPRESENTATIVE LAUER: Aye.

7 SECRETARY CURCHIN: Representative Austin?

8 REPRESENTATIVE AUSTIN: Aye.

9 SECRETARY CURCHIN: Representative Rhoads?

10 REPRESENTATIVE AUSTIN: Aye.

11 SECRETARY CURCHIN: Representative Pierson?

12 REPRESENTATIVE PIERSON: Aye.

13 CHAIRMAN BARNES: Vote of seven ayes, zero nos.

14 We voted to close tomorrow's hearing to start at 12:15 p.m.
15 in this location.

16 Is there any other housekeeping we need to take
17 care of?

18 (No response.)

19 LYNDSEY REICHARDT, having first been duly sworn by the
20 Chairman, testified as follows:

21 QUESTIONS BY CHAIRMAN BARNES:

22 Q. Can you state your name for the record?

23 **A. Lyndsey Reichardt.**

24 Q. And, Lyndsey, is your maiden name Hodges?

25 **A. That's correct.**

1 Q. Okay. And so when you worked for The Mission
2 Continues, was your name Lyndsey Hodges?

3 A. Most of the time.

4 Q. And then it was Lyndsey Hodges Reichardt?

5 A. Yes.

6 Q. Okay. Now it's just Lyndsey Reichardt?

7 A. Correct.

8 Q. Okay. Have you ever given testimony in a
9 deposition before, Ms. Reichardt?

10 A. No.

11 Q. Okay. Just to give you a few ground rules. We
12 are having a conversation. It is somewhat abnormal
13 conversation because there is someone sitting right there
14 taking notes on it.

15 When you answer a question, we need you to answer
16 yes or no and not just shake your head one way or another
17 so that we can get a record of your answer; you understand
18 that?

19 A. Yes.

20 Q. Great. If someone asks you a question and it has
21 multiple parts or is confusing to you in any form or
22 fashion, please just stop them and ask them to restate the
23 question. Because we would rather have you make sure that
24 you understand the actual question being asked of you than
25 to answer something vague, ambiguous or multi -- that has

1 multi-parts to you; do you understand that?

2 **A. I do.**

3 Q. Okay. And if you need to stop for any reason,
4 just let us know, okay?

5 **A. Okay.**

6 CHAIRMAN BARNES: Counsel, would you like to
7 state your appearance for the record?

8 MR. WATTS: Yes. Thank you, Mr. Barnes. Patrick
9 Watts on behalf of Lyndsey Reichardt.

10 BY CHAIRMAN BARNES:

11 Q. Okay. With that out of the way, Ms. Reichardt,
12 when did you start working for The Mission Continues?

13 **A. September 2009.**

14 Q. And who hired you to work for The Mission
15 Continues?

16 **A. Eric Greitens.**

17 Q. Did you know Mr. Greitens before that period of
18 time?

19 **A. Yes.**

20 Q. And what was the context which you came to know
21 him?

22 **A. He was my professor at the University of Missouri
23 in graduate school.**

24 Q. And what was the context of that relationship
25 that led to you applying for a job at The Mission

1 Continues?

2 A. During part of the class he was talking about The
3 Mission Continues as a nonprofit, and I thought the idea
4 and the model sounded innovative.

5 And the last night after class, I went to talk to
6 him and asked him about if they had any job openings, and
7 he said he wasn't sure but for me to send him my resume',
8 so I did.

9 Q. I take it then you were an outstanding student?

10 A. I hope so.

11 Q. Okay. And that's why -- that's how it -- was
12 that in -- did you graduate then in the summer/spring of
13 2008?

14 A. No. I actually moved to St. Louis to take a job
15 with The Mission Continues, and continued some of my
16 graduate schooling at the University of Missouri-St. Louis
17 and transferred those credits back to Mizzou.

18 Q. Oh, I get it. You already had an undergraduate
19 degree?

20 A. Yes.

21 Q. And you were in graduate school at the University
22 of Missouri?

23 A. That's correct.

24 Q. What was the school?

25 A. The School of Public Affairs, Truman School.

1 Q. Have you since earned your graduate degree?

2 A. I have.

3 Q. Congratulations.

4 A. Thank you.

5 Q. When did you stop working for The Mission

6 Continues?

7 A. February of 2015.

8 Q. Would you describe that as an amicable parting?

9 A. Yes.

10 Q. And what was the reason for it?

11 A. Just working a lot of hours for several years,
12 and I had just recently got married and wanted to start a
13 family and wanted to cut back on my work hours a little
14 bit.

15 Q. And what was your role with The Mission

16 Continues?

17 Let me start with 2009, and then if you could
18 describe how it grew or whether it was the same all the way
19 through?

20 A. Sure. When I was first hired, I was the
21 community outreach manager, so I was responsible for
22 marketing and communications efforts as well as a little
23 bit of fundraising. And then after a period of time, I was
24 promoted to development director.

25 Q. And when was that?

1 **A. I don't remember.**

2 **Q. Was it prior to 2014?**

3 **A. Yes.**

4 **Q. Okay. And what did you do as the development**
5 **director?**

6 **A. Basically anything related to fundraising. We**
7 **had a big annual veterans' gala that I helped plan. I**
8 **wrote corporate proposals for fundraising.**

9 **I worked with individual donors. I helped write**
10 **appeal letters, identifying donors that would be good for**
11 **Eric or other leadership members to meet with.**

12 **Q. So I think I heard -- maybe there was more than**
13 **this, but I heard four different things there. And I want**
14 **to take each of them and give you an idea of where I'm**
15 **going.**

16 **One was work with individual donors; two, you**
17 **identified donors; three, you worked with appeals to**
18 **corporations I guess for donations; and four is you said**
19 **something about foundation?**

20 **A. Yes.**

21 **Q. Okay. Well, let's take each of these in turn.**
22 **I'm going to start with identifying donors. What do you**
23 **mean by you worked to identify donor? What did that**
24 **process look like and what were your tasks?**

25 **A. So people would come to us because they were**

1 interested in learning more about veteran issues or more
2 about Eric, and would make a small donation to The Mission
3 Continues.

4 And I would help set up meetings with people that
5 I thought might have more potential to give larger gifts or
6 to contribute more to The Mission Continues.

7 Q. Okay. So you get a donation, a hundred dollars
8 from an individual, and as donations are coming in, are you
9 looking at, even at those small dollar amounts, who the
10 individuals are?

11 A. Yes.

12 Q. And then you noticed that John Doe, or let's say
13 Jane Doe is the CEO of a public traded corporation and she
14 gave a hundred dollars, right, would that be -- is that the
15 type of thing you're looking for to identify whether they
16 are the type of donor that has capacity to give more?

17 A. Yes.

18 Q. Okay. And then did you do that on a frequent
19 basis?

20 A. Yes.

21 Q. Can you describe what that process was, how
22 frequent it was?

23 A. Every time somebody made a donation online, I
24 received an e-mail that showed me who that person was and
25 the amount that they gave.

1 And I was also responsible in the beginning for
2 helping opening the mail and seeing what types of checks
3 were coming in.

4 So as I -- I would always prepare a list of
5 donors that came in to share with the organizations'
6 leadership.

7 So sometimes it would be me identifying who I
8 thought might be a good prospect, and other times it would
9 be the leadership looking at the list to see if they knew
10 any of the names of those people.

11 Q. And did you make -- was it common practice for
12 you to call anyone who made a donation over a certain
13 amount to thank them and --

14 A. Yes. We had a practice at The Mission Continues
15 where we called every donor regardless of the amount on
16 typically a quarterly basis to thank them for their gift.
17 And that involved all the staff.

18 So we would prepare a list and give it to -- give
19 it amongst staff members and give them notes about that
20 gift, and then have them call and thank those donors.

21 Q. And this was a shared responsibility?

22 A. The development team was responsible for creating
23 the list, but it was part of the whole organization's
24 responsibility to thank the donors.

25 Q. How were donors directed to -- you mentioned

1 Internet donations, did The Mission Continues use money to
2 advertise on Google AdWords or Facebook or anything of that
3 nature to get potential donors to come to their web page?

4 **A. Not to my knowledge.**

5 Q. Okay. So it would be more natural search engines
6 for other events that would lead people to The Mission
7 Continues website; is that a fair statement?

8 **A. I think so.**

9 Q. Okay. You said you worked with individual
10 donors, obviously some of that is what we just talked about
11 with identifying them, creating lists for members of the
12 organization, calling them yourself; did you call them
13 yourself?

14 **A. Some of them, yes.**

15 Q. Okay. What other types of things would you do to
16 work with individual donors?

17 **A. Sometimes I would go have coffee or lunch with**
18 **them, tell them about the organization's plans and how we**
19 **were growing, and assess their interest in being more**
20 **involved with the organization.**

21 Q. Were you responsible for gaining donors who
22 donated in excess of a thousand dollars?

23 **A. Yes.**

24 Q. Was that -- were there dozens of them, hundreds
25 of them? Can you give an estimate as to the frequency with

1 which you would have those types of meetings?

2 A. I don't remember. Initially I met with more
3 people, but as the organization grew, the leadership
4 members above me would take those meetings.

5 Q. And by other leadership members above me, who are
6 you referring to?

7 A. Spencer Kympton, who is now the president; Lori
8 Stevens, who was my boss; Meredith Knopp, she was the vice
9 president of programs.

10 Q. And Mr. Greitens himself?

11 A. Yes.

12 Q. Of those five, would you say that one of them did
13 the bulk of these meetings?

14 A. No.

15 Q. Can you describe for us what you believe the
16 breakdown would be of responsibility for such a meeting?

17 A. I think it would depend on where the meetings
18 were. Lori was located in Boston, and Spencer in New York,
19 and Meredith in St. Louis, so it just would depend on where
20 the donors lived and their proximity to that staff person
21 and what their travel was.

22 Q. So Spencer -- and did Eric go between all three,
23 amongst all three? I'm sorry, Mr. Greitens go amongst all
24 three?

25 A. Can you clarify what you mean?

1 Q. Well, you listed Boston for Lori Stevens, New
2 York for Spencer Kympton and St. Louis for Meredith Knopp,
3 and then you did not mention Mr. Greitens.

4 And so the question is: Did Mr. Greitens have a
5 geographic base or was he sort of the free-floater that
6 went to multiple places?

7 **A. That's correct. He traveled all over the**
8 **country.**

9 Q. Did you have any experience with nonprofit
10 organizations before going to work for The Mission
11 Continues?

12 **A. Yes.**

13 Q. And who were those org-- which of those
14 organizations?

15 **A. Before The Mission Continues I was previously**
16 **employed at the American Cancer Society. Before that**
17 **employment I was involved as a volunteer with a number of**
18 **those nonprofit organizations throughout high school and**
19 **college.**

20 Q. And what did you do at the American Cancer
21 Society?

22 **A. Fundraising there. I primarily helped plan Relay**
23 **For Life fundraising events.**

24 Q. Is -- let me back up to planning the banquet in
25 St. Louis.

1 **A. Yes.**

2 Q. You planned the banquet?

3 **A. It was a team effort, but yes, I led that.**

4 Q. And how did you identify sponsors for tables?

5 **A. Some of them identified themselves. We put**
6 **together a sponsorship packet and went to companies. And**
7 **we also had a leadership committee comprised of individual**
8 **volunteers who would help us identify corporations who**
9 **might want to sponsor tables and individuals who might want**
10 **to purchase tickets.**

11 Q. Who was on that leadership committee?

12 **A. [REDACTED], [REDACTED], [REDACTED], [REDACTED]**
13 **[REDACTED], [REDACTED], [REDACTED]. Those are the names I**
14 **can remember right now.**

15 Q. Three years later that is a phenomenal answer to
16 that question.

17 **A. That gala took up a lot of my life.**

18 Q. Okay. And so was Mr. Greitens on the leadership
19 committee?

20 **A. He was not.**

21 Q. Did he work with -- obviously he worked with the
22 leadership committee some?

23 **A. Some, yes.**

24 Q. Okay. But the leadership committee was
25 responsible for identifying these table donors and

1 corporate givers?

2 **A. Yes.**

3 Q. And was that limited to St. Louis or did that go
4 broader than St. Louis?

5 **A. Broader than St. Louis.**

6 Q. And so when the leadership committee identifies a
7 corporate donor, did they also identify a potential
8 individual donor?

9 **A. Yes.**

10 Q. When they identify a corporate donor or an
11 individual donor, what was the next process?

12 **A. So the sponsorship packet that I told you about**
13 **identified both sponsorship opportunities, an individual**
14 **ticket, and those committee members would typically do the**
15 **solicitations themselves.**

16 **In fundraising it works better if somebody who**
17 **has a personal relationship asks you for money versus the**
18 **organization.**

19 **They would also provide us with names for the**
20 **invitation list.**

21 Q. Were there individuals who, and corporations, who
22 donated more than a thousand dollars to The Mission
23 Continues for whom Mr. Greitens was not primarily
24 responsible for their first introduction to The Mission
25 Continues?

1 **A. Yes.**

2 Q. How frequent would you say that was an
3 occurrence?

4 **A. I'm not sure that I can answer that.**

5 Q. Okay. Would you say that the majority of the
6 people were -- I'll get there. Let me ask it a different
7 way.

8 Did you have daily contact with Mr. Greitens in
9 your work for The Mission Continues?

10 **A. No.**

11 Q. How would you describe your contact and your
12 relationship with Mr. Greitens when you worked at The
13 Mission Continues?

14 MR. WATTS: Can -- can -- I'm sorry. Can you
15 break that down, because that's very broad?

16 BY CHAIRMAN BARNES:

17 Q. How often did you have contact with him when you
18 were with The Mission Continues?

19 And, again, you start in 2009, you went to 2015.
20 Sort of can you give it in the terms of starting in 2009 as
21 you moved forward?

22 **A. Yes. In the beginning it was probably more**
23 **frequent because we had a smaller staff, and I was the**
24 **primary development person that was reporting to him.**

25 **As the organization grew and we had more people,**

1 I had less direct contact with him over the years. We
2 would try to have weekly meetings, but again, that depended
3 on his travel and his schedule.

4 Q. Was his travel for The Greitens Group ever a
5 point of contention with people who worked for The Mission
6 Continues?

7 A. Not to my knowledge.

8 Q. You said you would try to have weekly meetings.
9 What would you say your batting average was of actually
10 having said weekly meetings?

11 A. I don't remember. That was so long ago.

12 Q. Okay. That's fair.

13 (EXHIBIT NO. 19 WAS MARKED FOR IDENTIFICATION.)

14 BY CHAIRMAN BARNES:

15 Q. I have placed in front of you what has been
16 labeled as Exhibit 19.

17 CHAIRMAN BARNES: Everyone on the Committee
18 should have this in front of them. This was a document
19 that was included in the document production from The
20 Mission Continues. Make sure we're all working from the
21 same page.

22 BY CHAIRMAN BARNES:

23 Q. It's from Eric Greitens,
24 egreitens@themissioncontinues to TMC Staff. It starts:
25 Team, it's good to be back from sabbatical.

1 Have you had the opportunity to review this
2 e-mail?

3 **A. Yes, I have.**

4 Q. Do you recognize this e-mail?

5 **A. Yes.**

6 Q. Do you remember receiving it at some point in
7 time?

8 **A. Yes.**

9 Q. And was it approximately April of 2014 when you
10 received it?

11 **A. Yes.**

12 Q. What were your thoughts when you first received
13 this e-mail?

14 **A. Can you clarify what you mean by that?**

15 Q. Yeah. Were you -- first of all, do you remember,
16 were you at the office on Thursday, April 24th, because I
17 think there's a later e-mail that indicates you might not
18 have been there on April 24th?

19 **A. I got married on April 26th, so I don't think I**
20 **was in the office.**

21 Q. You were planning?

22 **A. Yes.**

23 Q. Planning accordingly?

24 Okay. But you did get this at some point --

25 **A. Yes.**

1 Q. -- thereafter; is that correct?

2 A. That's correct.

3 Q. And did Mr. Greitens' decision to leave The
4 Mission Continues trigger any preparation by the
5 development team?

6 A. Yes.

7 Q. And what were those preparations?

8 A. Anytime there is a big leadership change within
9 an organization it's standard fundraising practice to take
10 your top donor and let them know about that change.

11 Q. And so do you recall the plan put together to
12 notify top donors of the change in the organization?

13 A. After seeing this e-mail, yes.

14 (EXHIBIT NO. 13 WAS PREVIOUSLY MARKED FOR
15 IDENTIFICATION.)

16 BY CHAIRMAN BARNES:

17 Q. I'll now direct your attention to what's marked
18 as Exhibit 13. Do you recall receiving this e-mail?

19 A. Yes.

20 Q. And what was the development team's plan for the
21 transition?

22 A. Essentially to identify our top donors and let
23 them know that Eric was going to be leaving the
24 organization in a few months, and that the organization is
25 in good hands with Spencer Kympton, the new president.

1 Q. And was that the purpose of Lori Stevens sending
2 this e-mail?

3 A. Yes.

4 Q. And was that the purpose of Ms. Stevens including
5 the attachments to this e-mail with it?

6 A. Yes.

7 Q. Was there any alternative purpose to providing
8 Mr. Greitens the full list of The Mission Continues donors
9 who had given over a thousand dollars?

10 A. Not to my knowledge.

11 Q. Let me give you two perspectives that the
12 Committee has heard and just ask your general thoughts.

13 So we've heard one point of view was that this
14 e-mail, the attachment thereto were kind of as you've
15 described, which is part of an overall plan for the
16 development team to transition and to create a proactive
17 communications plan. I would call that perspective A.

18 Perspective B is that it was for transition and
19 also for Mr. Greitens own use because these were his
20 contacts, his friends, his family, his family members and
21 his colleagues, and it would be good to have a reference
22 list for him to get in touch with them in the future.

23 From the perspective as a person on the
24 development team at The Mission Continues, which of those
25 two competing thoughts is closer to the truth; the one that

1 says this was part of a transition or the one that says it
2 was part of a transition and this was Mr. Greitens' list?

3 **A. In my opinion, the first option. This is part of**
4 **a transition.**

5 Q. And the transition only?

6 **A. Yes.**

7 Q. Were employees of The Mission Continues generally
8 aware at this time in the spring of 2014 of Mr. Greitens'
9 plan to run for office?

10 **A. Not to my knowledge.**

11 Q. Do you know if there was any expressed consent
12 from anyone at The Mission Continues for Mr. Greitens to
13 use this list of donors over \$1,000 for political purposes?

14 **A. Not to my knowledge.**

15 Q. Do you know if there was any implied consent from
16 anyone at The Mission Continues that Mr. Greitens could use
17 this list for political purposes?

18 **A. I don't think so.**

19 Q. Another witness before this Committee testified
20 that they remembered you expressing some concerns about
21 providing Mr. Greitens with The Mission Continues list. Do
22 you recall orally expressing those to anyone at the time?

23 **A. I don't remember that.**

24 **(EXHIBIT NO. 17 WAS PREVIOUSLY MARKED FOR**
25 **IDENTIFICATION.)**

1 BY CHAIRMAN BARNES:

2 Q. I'll now direct your attention to Exhibit 17. Do
3 you recognize this?

4 A. After seeing it in front of me, yes.

5 Q. And what is this?

6 A. I had been gone on my wedding and honeymoon, and
7 when I returned, I looked at the previous list that Lori
8 provided to make sure that there were -- everybody we
9 needed to contact to let them know about Eric's transition.

10 Q. And I see in here it says, the second -- no, I'm
11 sorry, the third sentence says: Additionally, I went
12 through the thousand-dollar-plus list and flagged donors
13 that you might want to consider calling.

14 Do you recall doing that?

15 A. I don't.

16 Q. But if you say that in this e-mail at the time,
17 do you believe you, in fact, did it?

18 A. Yes, I do.

19 Q. Okay. To your recollection did the development
20 team track the calls that Mr. Greitens made in relation to
21 this transition?

22 A. I'm not sure.

23 (EXHIBIT NO. 16 WAS PREVIOUSLY MARKED FOR
24 IDENTIFICATION.)

25 BY CHAIRMAN BARNES:

1 Q. I would like to direct you now to Exhibit 16, and
2 there is no reason for you to recognize this particular
3 document, because you did not sign this document, but do
4 you recall ever signing a nondisclosure agreement with The
5 Mission Continues?

6 A. Yes, I do.

7 Q. And was it substantially similar, if not
8 identical, to this nondisclosure agreement in front of you
9 today?

10 A. I believe so.

11 Q. Did you have -- go back to the list. Did you
12 have family, friends or acquaintances who donated more than
13 a thousand dollars to the list?

14 A. No.

15 Q. And where did you go after working for The
16 Mission Continues?

17 A. I worked at a nonprofit called Justine Peterson.

18 Q. It's called Justine Peterson?

19 A. Yes.

20 Q. And what type of -- what's their general field?

21 A. It's a nonprofit organization that provided
22 micro-lending so that people in poverty could avoid Payday
23 loans.

24 Q. Did you use The Mission Continues \$1,000-plus
25 donors' list when you moved to Justine Peterson?

1 **A. No.**

2 Q. Why not?

3 **A. I'm not sure that I had the list.**

4 Q. If you had the list, would you have used it?

5 **A. No.**

6 Q. Why not?

7 **A. It's typical practice in fundraising not to take**
8 **donors from one organization to the next unless you**
9 **specifically have developed a friendship with them outside**
10 **of the donation.**

11 Q. What about use of the list?

12 **A. Can you clarify what you mean?**

13 Q. Taking a document from one organization and using
14 it in a subsequent organization for which you worked to
15 identify donors?

16 MR. WATTS: Can you restate that? I'm not --

17 THE WITNESS: Yeah.

18 MR. WATTS: Can you just restate the total
19 question so it's all in one piece?

20 BY CHAIRMAN BARNES:

21 Q. In the nonprofit world, is it appropriate for a
22 person in a fundraising role to take a list of donors from
23 one organization and use it to identify the potential
24 donors to a separate entity which they are now working?

25 **A. Not unless the donors are interested in that**

1 **topic.**

2 Q. Does it involve seeking permission from the prior
3 organization?

4 **A. I don't know.**

5 Q. Okay. And do you still work for Justine
6 Peterson?

7 **A. I do not.**

8 Q. Whom do you work now for?

9 **A. Oasis.**

10 Q. And is that another nonprofit?

11 **A. It is.**

12 Q. Do you still work in fundraising?

13 **A. I do.**

14 Q. To your knowledge -- I'm going to change gears
15 here.

16 To your knowledge did The Mission Continues ever
17 purchase Mr. Greitens' books?

18 **A. I don't think so.**

19 Q. To your knowledge did The Mission Continues ever
20 pay for travel expenses for Mr. Greitens for activity that
21 was not related to The Mission Continues?

22 **A. Not to my knowledge.**

23 Q. Do you know a person named Michael Hafner?

24 **A. I do not.**

25 Q. You never met with Michael Hafner?

1 **A. I did not.**

2 Q. And to your knowledge did you ever speak with
3 Michael Hafner on the telephone?

4 **A. Not to my knowledge.**

5 Q. Did you have any contact with Mr. Greitens'
6 Campaign For Governor?

7 **A. Yes.**

8 Q. And what was the nature of that contact?

9 **A. When I worked at Justine Peterson, I was not**
10 **happy with my job, and I went to talk to Eric. He let me**
11 **know he had a fundraising position open, but we decided**
12 **that I had a baby due in a few weeks and that having a**
13 **newborn and working on a campaign was probably not the**
14 **smartest decision.**

15 Q. When approximately was that?

16 **A. Probably April or May of 2015.**

17 Q. Did you have any communications with anyone else
18 at the campaign other than that? Was this a single meeting
19 that you had with Mr. Greitens?

20 **A. Yes.**

21 Q. Okay. Did you have any communications with
22 anyone else on the campaign?

23 **A. Yes.**

24 Q. And who was that?

25 **A. Meredith Gibbons.**

1 Q. Okay. When were those communications? When were
2 those communications and what were the nature of those
3 communications?

4 A. My boss at Oasis knew Meredith's family and knew
5 that I used to work with Eric and suggested that I go meet
6 her and give her some suggestions about working with Eric.

7 Q. When was that?

8 A. Fall of 2016 I think, or '15 maybe.

9 Q. There's a pretty big difference between the two
10 of those.

11 A. I don't -- I don't remember.

12 Q. You don't recall. Okay. Do you recall the
13 nature of your advice?

14 A. Yes.

15 Q. And what was that?

16 A. I -- I told Meredith that Eric likes updates, and
17 to always be over-prepared for every meeting.

18 Q. Did Ms. Gibbons speak to you at all about the
19 list from The Mission Continues of donors who gave more
20 than a thousand dollars?

21 A. She had a donor list, but I don't know if it was
22 that same list.

23 Q. When you say she had a donor list, what do you
24 mean?

25 A. Meredith provided me with a list of people that

1 **Eric was considering asking for money for the campaign.**

2 Q. How big was that list?

3 A. **I don't remember.**

4 Q. And what did she ask about the people on that
5 list?

6 A. **She asked if any of them would be good prospects.**

7 **(EXHIBIT NO. 3 WAS PREVIOUSLY MARKED FOR**
8 **IDENTIFICATION.)**

9 BY CHAIRMAN BARNES:

10 Q. I'm handing you what's marked as Exhibit 3. If
11 you could flip beyond that first page, there's a list
12 attached here.

13 The second page is an e-mail to which The Mission
14 Continues 1K-plus list is attached. And then the third
15 page -- starting on the third page are the -- is The
16 Mission Continues list as been identified by other
17 witnesses. If you could take a moment to look at that?

18 MR. WATTS: Do you want us to look at the second
19 attachment as well?

20 CHAIRMAN BARNES: It's the second attachment is
21 the foundation.

22 BY CHAIRMAN BARNES:

23 Q. I'm not going to go through line by line and ask
24 you about these folks, but do you recognize any names? Is
25 this what the list that Ms. Gibbons spoke to you about

1 looked like?

2 **A. I don't remember honestly.**

3 MR. WATTS: Can you break that question down into
4 two questions?

5 CHAIRMAN BARNES: Yes.

6 MR. WATTS: Listen to the question.

7 BY CHAIRMAN BARNES:

8 Q. Do you -- is this what the list Ms. Gibbons
9 showed you looked like?

10 **A. I don't know.**

11 Q. Was it in an Excel spreadsheet format?

12 **A. I don't remember.**

13 Q. Do you remember any of the individuals whose
14 names she asked you about?

15 **A. No.**

16 Q. Did Ms. Gibbons -- did the campaign reach out to
17 you through -- to you for this meeting?

18 **A. No.**

19 Q. They reached out to your boss?

20 **A. No.**

21 Q. I'm trying to figure out how it got to you. Your
22 boss of Oasis was friends with the Gibbons family?

23 **A. Correct.**

24 Q. And your boss said, hey, I'm friends with the
25 Gibbons family, you used to work for Mr. Greitens, now

1 Meredith Gibbons works for him, would you be willing to go
2 meet with her?

3 **A. Yes.**

4 Q. Do you know who contacted your boss to make
5 that --

6 **A. I don't know that anybody did.**

7 Q. How was it learned that Ms. Gibbons was working
8 for Greitens?

9 **A. I don't know.**

10 Q. You don't know. It was just your boss said, hey,
11 I've got this family friend who's now working for him,
12 would you be willing to go talk to her?

13 **A. Yes.**

14 Q. So --

15 MR. WATTS: Can we identify her boss so we make
16 sure we're discussing the correct individual?

17 THE WITNESS: Brett Heinrich is his name.

18 MR. WATTS: Okay. I just don't want any
19 confusion on the record.

20 BY CHAIRMAN BARNES:

21 Q. And so someone -- someone likely talked to
22 Mr. Heinrich first about the fact that Ms. Gibbons worked
23 there?

24 **A. I don't know.**

25 Q. You don't know. Do you remember approximately

1 how long the list of donors was that they wanted to talk
2 about?

3 **A. With Meredith?**

4 Q. With Meredith. Not -- I'm sorry -- that she
5 asked you about?

6 **A. I don't recall.**

7 Q. Do you recall how long the meeting was?

8 **A. An hour. We went to lunch.**

9 Q. And did you say -- had she just recently been
10 hired on to the campaign; is that correct?

11 **A. I believe so.**

12 Q. That might help us nail down the year. Outside
13 the context of your testimony, you can't recall whether it
14 was 2015 or 2016, but when she started on the campaign is a
15 more easily verifiable date.

16 Do you recall any further conversations with
17 Ms. Gibbons?

18 **A. No.**

19 Q. Did you have any further contact with anyone from
20 the campaign?

21 **A. No.**

22 Q. Okay. So now this is definitely one way this is
23 not like a deposition, because there are seven people
24 asking questions.

25 And so you're not surprised as we go through, but

1 the order we're going to go is our vice chairman, our
2 ranking member, and then we're going to go in order of
3 legislative seniority and then down the table.

4 **A. Okay.**

5 CHAIRMAN BARNES: Representative Phillips?

6 QUESTIONS BY REPRESENTATIVE PHILLIPS:

7 Q. I'm state representative Don Phillips, District
8 138, which is Kimberling City, is where I live near Table
9 Rock Lake.

10 I'm going to totally switch gears on you here.

11 **A. Okay.**

12 Q. In the years that you worked with Mr. Greitens,
13 would it be fair to say that you got to know him pretty
14 well as a person?

15 **A. I think that's fair.**

16 Q. Okay. And did it come as a surprise to you when
17 the news broke that Mr. Greitens had been involved in an
18 extramarital affair?

19 **A. I don't think I had any opinion about that either**
20 **way.**

21 Q. Okay. And if I understood you right, you were
22 single at the time that you first started working with him;
23 is that correct?

24 **A. That's correct.**

25 Q. Okay. Was there ever a time that he was anything

1 but professional and business-like in his relationship with
2 you as a single woman?

3 **A. No.**

4 Q. In your work time with Mr. Greitens, would you
5 say that he was a person that you would characterize as
6 honest and trustworthy?

7 **A. Yes.**

8 Q. Okay. Thank you. That's all I've got.

9 CHAIRMAN BARNES: Representative Mitten?

10 REPRESENTATIVE MITTEN: Thank you. Hopefully I
11 just have a couple here.

12 QUESTIONS BY REPRESENTATIVE MITTEN:

13 Q. Hi. I'm Gina Mitten.

14 **A. Hi.**

15 Q. I'm from the St. Louis area. And I apologize,
16 some of this might be things you've already testified
17 about, but maybe something in the record wasn't clear, so
18 it piqued my curiosity.

19 First of all, did you ever have an issue or are
20 you aware of there ever being any issues within The Mission
21 Continues about how The Mission Continues accounted for
22 Mr. Greitens' salary or bonus or any sort of accounting
23 issues?

24 **A. Not to my knowledge.**

25 Q. Okay. Did Mr. Greitens ever ask you to change

1 how any compensation or bonus he was received was accounted
2 for, like for instance, anticipation of an annual audit?

3 **A. Not to me.**

4 Q. Did you sign a nondisclosure agreement with The
5 Mission Continues?

6 **A. Yes.**

7 Q. Okay. And did you sign a nondisclosure agreement
8 with your -- you've had two subsequent not-for-profit
9 employers. I'm going to start all over again on this
10 question.

11 You've had -- you've worked -- did you sign a
12 nondisclosure agreement with the second -- was it Justine
13 Peterson?

14 **A. No.**

15 Q. Did you sign a nondisclosure agreement with
16 Oasis?

17 **A. No.**

18 Q. Have you had any conversations with Mr. Greitens
19 regarding your testimony here today?

20 **A. No.**

21 Q. Have you had any conversations with anybody
22 currently affiliated with The Mission Continues about your
23 testimony here today?

24 **A. No.**

25 Q. Have you had any conversations with anybody

1 formerly affiliated with The Mission Continues about your
2 testimony here today?

3 **A. Yes.**

4 Q. Who would that be?

5 **A. Krystal Taylor, Krystal Proctor.**

6 Q. Could you just briefly describe for the Committee
7 what that discussion entailed?

8 **A. Just that I had to testify.**

9 Q. Okay. Nothing specific?

10 **A. No.**

11 Q. Nothing about the questions that she was asked
12 or --

13 **A. No.**

14 Q. You've testified that The Mission Continues never
15 purchased any books authored by Eric Greitens; is that a
16 fair characterization?

17 **A. To my knowledge, no.**

18 Q. I understand. Are you aware of whether books
19 authored by Eric Greitens were ever donated to The Mission
20 Continues?

21 **A. I'm not sure.**

22 Q. Okay. You just don't know?

23 **A. No.**

24 Q. Okay. Are you aware of whether The Mission
25 Continues ever reimbursed anyone for purchases of books

1 authored by Eric Greitens?

2 **A. Not to my knowledge.**

3 Q. Did The Mission Continues ever have involvement
4 in book signings or book signing events that Mr. Greitens
5 would participate in?

6 **A. I don't think so.**

7 Q. Just that you're not aware?

8 **A. I'm not aware.**

9 Q. And you didn't do the accounting for The Mission
10 Continues?

11 **A. Correct.**

12 Q. So it's possible that you wouldn't know?

13 **A. Correct.**

14 Q. Were you aware of the joint -- apparently
15 -- I can't get this out. I'm sorry. It's Monday morning.

16 **A. You're fine.**

17 Q. I'm not on my game.

18 Were you aware of any, The Mission Continues,
19 joint meetings between The Mission Continues and The
20 Greitens Group? Did they have, like, regular Friday
21 meetings?

22 **A. Can you clarify what you mean?**

23 Q. Are you aware of whether The Mission Continues
24 and The Greitens Group had joint meetings?

25 **A. We would have meetings to try and maximize Eric's**

1 travel if he was going to a city for one cause. We would
2 try to figure out if there was a way we could build in
3 extra meetings and make the most out of the trip.

4 Q. And would that typically happen -- I'm going
5 to -- again, it's Monday morning. I am sorry.

6 This Committee has heard testimony that generally
7 speaking Mr. Greitens would book a speaking engagement and
8 then reach out, perhaps through Krystal or perhaps through
9 somebody else, to The Mission Continues in order to, as you
10 said, maximize that travel and find it a Mission Continues
11 related meeting also in the same town; is that a fair
12 characterization?

13 A. Yes.

14 Q. And it typically happened -- this speaking
15 engagement was sort of the horse before the cart, so to
16 speak; is that a fair characterization?

17 A. I'm not sure.

18 Q. Well, in other words, the way it was described to
19 us is that if The Mission Continues had a donor say in
20 Houston that they wished Mr. Greitens to reach out to, it
21 would be difficult for Mr. Greitens to then build a
22 speaking arrangement around that Mission Continues meeting?
23 Does that make sense?

24 A. Yes. I think he did both travel for his speaking
25 engagements and for The Mission Continues, sometimes

1 separately and sometimes together.

2 Q. Right. But if they were combined -- in other
3 words, if he were to go to a city and would involve himself
4 in both a speaking engagement on behalf of The Greitens
5 Group and a meeting on behalf of The Mission Continues,
6 would it be -- it would be the speaking engagement that
7 sort of drove that trip; is that a fair characterization?

8 A. I don't know.

9 Q. You don't know, okay. Are you aware of The
10 Mission Continues then paying for his travel expenses if he
11 were to -- if Mr. Greitens were to go to a city for a
12 speaking engagement and then also meet The Mission
13 Continues' donor?

14 A. I don't know.

15 Q. Did you discuss any of The Mission Continues'
16 donors with Meredith Gibbons?

17 A. No.

18 Q. Did you discuss donors of The Mission Continues
19 with anybody else associated with the Greitens For
20 Missouri?

21 A. No.

22 Q. Thank you.

23 REPRESENTATIVE MITTEN: No further questions.

24 CHAIRMAN BARNES: Representative Lauer?

25 REPRESENTATIVE LAUER: Thank you, Mr. Chair.

1 QUESTIONS BY REPRESENTATIVE LAUER:

2 Q. Thank you for being here today.

3 A. Thank you.

4 Q. When you were with The Mission Continues -- we
5 know there was a time where Ms. Taylor worked part-time
6 with The Mission Continues and part-time with The Greitens
7 Group. And were you -- were you working with The Mission
8 Continues during that time when there was dual roles?

9 A. Yes.

10 Q. And what -- how would you -- how were the -- how
11 were the roles clearly defined so that you knew she was
12 wearing one hat versus another?

13 A. Can you clarify what you mean?

14 Q. How did you know when she was working in the role
15 of The Mission Continues versus the role of The Greitens
16 Group, because you're all in the same office, same --

17 A. Right.

18 Q. -- facility and so forth?

19 A. I think a lot of the business intermingled, so I
20 would just communicate with her about Mission Continues
21 items.

22 Q. Okay. And I appreciate your saying that, because
23 that kind of goes around in my mind that there was a lot of
24 overlap between the two, because you had events scheduled
25 which were coordinated together. And, of course, you had

1 the books selling along with the speaking arrangements,
2 right?

3 **A. Correct.**

4 Q. And so how else did you see those overlapping?
5 What sort of efforts were you working on collaborative with
6 her in the other role?

7 **A. Krystal organized Eric's travel, so primarily it**
8 **was my job and my colleague's job to ensure whenever Eric**
9 **was going somewhere that we were maximizing that**
10 **opportunity, whether it was a trip or an event in**
11 **St. Louis, so . . .**

12 Q. Okay. And then The Greitens Group, as I
13 understand it, was the for-profit organization?

14 **A. That's correct.**

15 Q. Okay. And then were you in that -- in The
16 Mission Continues when Greitens For Missouri was developed?

17 **A. I'm not sure when it was developed.**

18 Q. Okay. Were you familiar with that as to --

19 **A. I left in February of 2015, so . . .**

20 Q. And were you familiar with anything about it
21 being developed or was developed?

22 **A. I was not familiar with that.**

23 Q. All right. And so when the -- I realize there
24 was a formal announcement as to his run for governor that
25 was more official, but to what degree was there discussion

1 about that prior to, even before Greitens For Missouri when
2 it was Greitens Group and maybe even into The Mission
3 Continues?

4 **A. I don't know.**

5 Q. All right. So looking at the donor list, going
6 back to that, you sent the e-mail to Ms. Taylor and --
7 well, you sent it to Lori Stevens, Exhibit 17?

8 **A. Yes.**

9 Q. And then a bunch of people are copied on there,
10 including Eric Greitens and K. Taylor. So those were all
11 individuals that at the time they were within the confines
12 of The Mission Continues' roles and responsibilities?

13 **A. Yes.**

14 Q. So how -- in another e-mail we see that K. Taylor
15 uses her Greitens Group e-mail with the list. So to what
16 degree are you familiar with how she may have gotten the
17 list from The Mission Continues e-mail into Greitens Group
18 e-mail?

19 **A. I'm not familiar with that.**

20 Q. Okay. Hindsight is always great. In looking
21 back now that there has been a decision that there was an
22 ethics violation and fine and so forth, were you involved
23 in that at all?

24 **A. Involved in what?**

25 Q. In gathering data or speaking in regards to

1 ethics violation against him?

2 **A. No, I was not.**

3 Q. Were you gone then?

4 **A. I'm -- I don't know. I don't think I was asked**
5 **to --**

6 Q. You were not asked to participate in that?

7 **A. Right.**

8 CHAIRMAN BARNES: And, Representative, you're
9 speaking of the Missouri Ethics Commission?

10 REPRESENTATIVE LAUER: Right. Yeah. I'm sorry.
11 Thank you.

12 CHAIRMAN BARNES: You never testified before the
13 Missouri Ethics Commission?

14 THE WITNESS: That's correct, I did not.

15 BY REPRESENTATIVE LAUER:

16 Q. Looking back on -- again, hindsight looking back,
17 were there ever times when you felt that there were
18 inappropriate actions being taken in regards to donor lists
19 or use of information from The Mission Continues and other
20 groups?

21 **A. No.**

22 Q. Looking back, were you aware of any -- or could
23 you see any inappropriate actions that Mr. Greitens might
24 have taken which could have had an impact on The Mission
25 Continues, Greitens Group or any other group?

1 **A. No.**

2 Q. So there was no -- there was no underlying
3 information that was going around that could potentially be
4 detrimental --

5 **A. Not to my knowledge.**

6 Q. -- to him or his group?

7 In looking back, were there ever any times when
8 you felt that information was not being transparent?

9 **A. No.**

10 Q. Are you familiar with New Missouri?

11 **A. No.**

12 Q. And you did say that you signed a nondisclosure
13 agreement?

14 **A. That's correct.**

15 Q. Okay. And what is your understanding of how that
16 would have been handled should there have been -- would
17 have been a misuse where someone did not comply with the
18 nondisclosure?

19 **A. I'm not sure I understand what you're asking.**

20 Q. What was -- what was your understanding -- by
21 signing the nondisclosure agreement, what was your
22 understanding of what would happen if you did not comply
23 with that?

24 **A. I would have to read it over again. It's been so**
25 **long since I've signed it.**

1 Q. Was there any discussion in the office about the
2 nondisclosure agreement?

3 A. Yes.

4 Q. And what was that discussion about?

5 A. I don't remember. That was a long time ago.

6 Q. All right. I think that's everything. Thank
7 you.

8 CHAIRMAN BARNES: Representative Austin?

9 REPRESENTATIVE AUSTIN: Thank you, Mr. Chair.
10 I'm Kevin Austin, District 136 and I have no questions.

11 THE WITNESS: Okay.

12 CHAIRMAN BARNES: Representative Rhoads?

13 REPRESENTATIVE RHOADS: I have no questions.

14 CHAIRMAN BARNES: Representative Pierson?

15 QUESTIONS BY REPRESENTATIVE PIERSON:

16 Q. I'm Tommie Pierson, State Representative for the
17 66th District in St. Louis County. Thank you for being
18 here. I wanted to just take you back to the meeting with
19 Ms. Gibbons.

20 A. Yes.

21 Q. And you said it was over lunch?

22 A. Yes.

23 Q. Do you recall the topic of discussion over lunch?

24 A. I think I answered that for Representative
25 Barnes. She was asking me about general advice on working

1 with Eric, and if there were any specific people that I
2 thought that he should meet with?

3 Q. Were you able to direct her to some specific
4 people?

5 A. I don't think so.

6 Q. Did she show you any specific names to ask any
7 specifics about if this person is a good person versus this
8 person is a bad person or those types of questions?

9 A. She did share a list with me, but I don't
10 remember what was on it.

11 Q. Do you have any knowledge of Ms. Gibbons heeding
12 any of your advice from that lunch conversation?

13 A. I don't, no.

14 Q. So you had a wedding?

15 A. I did.

16 Q. Mr. Greitens make your invite list?

17 A. He did, but I don't think he was able to attend.

18 Q. Okay. So you've been working with fundraising
19 subsequently and prior to your time at The Mission
20 Continues?

21 A. That's correct.

22 Q. And then I think you may have alluded to, is it
23 common practice to share the lists between organizations?

24 A. No.

25 Q. And seeing several lists, would you be able to

1 put any value to the list that you used at The Mission
2 Continues?

3 **A. No.**

4 Q. Would you say it was a valuable list?

5 **A. Can you clarify what you mean?**

6 Q. Would you say that any of the subsequent
7 organizations that you have worked with would be eager to
8 get their hands on such a list?

9 **A. Not necessarily. Donors typically tend to**
10 **support certain types of organizations. Just because they**
11 **support one nonprofit doesn't necessarily mean they will**
12 **support another.**

13 Q. Very good. Thank you.

14 REPRESENTATIVE PIERSON: Thank you, Mr. Chair.

15 FURTHER QUESTIONS BY CHAIRMAN BARNES:

16 Q. I want to ask you just a few more questions.

17 **A. Okay.**

18 Q. You said Ms. Gibbons had a list with her?

19 **A. Yes.**

20 Q. Do you recall anything about this list? Was it
21 more than one page?

22 **A. I don't remember.**

23 Q. Do you remember if you recognized any of the
24 names on the list?

25 **A. Yes.**

1 Q. Okay. Do you remember where you recognized the
2 names on the list from?

3 A. There is only one name that I can recall from the
4 list.

5 Q. And who was that?

6 A. [REDACTED].

7 Q. Was he a Mission Continues person identified as a
8 donor to The Mission Continues?

9 A. Yes.

10 Q. Large donor?

11 A. \$10,000.

12 Q. Other than [REDACTED] do you remember any
13 other names that were discussed?

14 A. I do not.

15 Q. And what do you recall about [REDACTED] in
16 terms of -- was that a person that you helped cultivate?

17 A. Yes.

18 Q. Above and beyond any other person at The Mission
19 Continues you were the cultivator of for The Mission
20 Continues?

21 A. He typically gave us \$10,000, and one year he
22 gave us \$10, so I called him.

23 And he said, you guys never told me what you did
24 with my money.

25 And so I went and had coffee with him and shared

1 some stories of what he had helped support hoping that we
2 could bring him back as a donor, and we were able to do
3 that.

4 Q. And that's one of the reasons why everyone we
5 have talked to has said good things about you as an
6 employee of The Mission Continues.

7 CHAIRMAN BARNES: Representative Rhoads?

8 QUESTION BY REPRESENTATIVE RHOADS:

9 Q. Just one quick question. Was he a Missouri
10 resident?

11 A. Yes.

12 Q. Nothing further.

13 FURTHER QUESTIONS BY CHAIRMAN BARNES:

14 Q. All right. And I think I already asked this:
15 You don't remember any other names from that list?

16 A. I do not. I'm sorry.

17 Q. Okay. Thank you. If there are no further
18 questions --

19 CHAIRMAN BARNES: Representative Austin?

20 REPRESENTATIVE AUSTIN: Thank you, Mr. Chair.

21 QUESTIONS BY REPRESENTATIVE AUSTIN:

22 Q. You said you cultivated him, but you kind of
23 brought him back into the fold was your role?

24 A. Yes.

25 Q. Who originally brought him in?

1 A. I don't know.

2 Q. You don't know?

3 A. Huh-huh.

4 Q. Thank you.

5 CHAIRMAN BARNES: Try again. Seeing no further
6 questions, thank you for being here this afternoon. I know
7 that you've got a lot of things that you would rather be
8 doing than sitting here on the day after Easter when it
9 feels like the day after Christmas. We appreciate you
10 making the time. Thank you.

11 THE WITNESS: Thank you.

12 MR. WATTS: Mr. Barnes, before we go off the
13 record, I'm not sure if this is a request I need to make or
14 if this is an automatic, but to the extent possible my
15 client requests that this record remain confidential and
16 nonpublic to the extent that that is possible.

17 CHAIRMAN BARNES: We will -- we will do our best
18 in that regard.

19 MR. WATTS: Very good. Just so the request is
20 out there to the extent it needed to be made by us.

21 CHAIRMAN BARNES: Thank you.

22 MR. WATTS: Thank you.

23 THE WITNESS: Thank you.

24 CHAIRMAN BARNES: Before we go off the record, I
25 want to make sure we don't have any other housekeeping

1 matters.

2 We've got tomorrow cleared.

3 REPRESENTATIVE MITTEN: Did we vote to close it?

4 CHAIRMAN BARNES: We voted to close.

5 That shall conclude today's hearing of the --

6 Hold on. Hold on. Does anyone have further
7 items to discuss today?

8 REPRESENTATIVE MITTEN: Are we on the record or
9 off the record?

10 CHAIRMAN BARNES: We're on the record.

11 Seeing none, that will so conclude today's
12 hearing of this Committee.

13 (END OF PROCEEDINGS.)

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C E R T I F I C A T E

I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 3rd day of April 2018.

SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Tuesday, April 3, 2018

TAKEN AT
Missouri State Capitol, Room B22
201 West Capitol Avenue
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS

Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

REPORTED BY:

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1 ALSO PRESENT:

2
3 Alixandra Hallen, Minority Counsel; Alex Curchin,
4 Legislative Counselor to the Speaker of the House; and
5 Bryan Scheiderer, Legislative Analyst.
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P R O C E E D I N G S

CHAIRMAN BARNES: I call to order this meeting of the House Special Investigative Committee on Oversight.

Mr. Secretary, please call the roll.

SECRETARY CURCHIN: Chairman Barnes?

CHAIRMAN BARNES: Here.

SECRETARY CURCHIN: Phillips?

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Mitten?

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Lauer?

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Austin?

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Rhoads?

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Pierson, Jr.?

REPRESENTATIVE PIERSON: Here.

SECRETARY CURCHIN: Everyone is here and accounted for.

CHAIRMAN BARNES: That was seven people; we are all here.

I want this meeting to be about process, and we, as I see it -- and others can weigh in. I think we

1 really have two process questions in front of us. One
2 is, how to go about the redactions. And the second is,
3 how to go about the report. And so let's start with
4 redactions.

5 And for the record, a combination of myself,
6 Vice-Chairman Phillips, ranking member Mitten, and
7 counsel -- both of our counsels here, both Alexes, have
8 gone through a number of the transcripts and made or
9 suggested redactions to those transcripts which we've
10 gone through.

11 Representative Mitten now has the full -- she
12 has the most fancy software for redaction purposes.
13 She's currently working on them now.

14 And do you want to give an update on where
15 you are?

16 And then let's talk about how we're going to
17 go about the rest of the process.

18 REPRESENTATIVE MITTEN: Okay. So Witness 1
19 is done; however, I actually made -- the redactions are
20 actually made electronically. So we will print out
21 that transcript, and the transcript -- I'm going to
22 maybe start all over again.

23 What I did with Witness 1 was, we had a
24 printout of the transcript, redactions were
25 highlighted. I have made all of those redactions

1 electronically. Based upon our discussion, I guess it
2 was yesterday, I understand that some members may not
3 feel comfortable with all of that. So this afternoon,
4 I will have printed a copy of the actual redacted
5 transcript, and already in the Chief Clerk's office is
6 the original printout with the highlights. And those
7 are in a mini-script format.

8 I am right now, for the spouse of Witness 1
9 and for -- well, I guess, frankly, it's for Witnesses 2
10 and 3, because we did Witnesses 2 and 3 on the same
11 day. I am, as we speak, going through and
12 electronically marking those redactions. I should
13 finish that sometime this afternoon, and we will print
14 that out. And how it will show up is, as just a box
15 around whatever.

16 And then, again, once the Committee decides
17 or doesn't decide that everything is okay, then I will
18 electronically make the actual redactions. And what
19 that would do is, it just makes what is now a box
20 around the word become a red box that covers the entire
21 word. And I just think that that's the process to go
22 through with the rest of them as well.

23 CHAIRMAN BARNES: Representative Lauer?

24 REPRESENTATIVE LAUER: Just philosophically,
25 are we keeping the documents as they are? We're not

1 taking anything -- we're not exempting any documents,
2 we're keeping the documents as they are and covering
3 them, as you're saying?

4 CHAIRMAN BARNES: Yes.

5 REPRESENTATIVE LAUER: So it is as is, the
6 document with the redactions?

7 CHAIRMAN BARNES: With the blackout marks.

8 REPRESENTATIVE LAUER: Okay. So there are no
9 documents that are excluded?

10 CHAIRMAN BARNES: No documents that are
11 excluded.

12 REPRESENTATIVE LAUER: Okay.

13 CHAIRMAN BARNES: After we get done with
14 these transcripts of the hearings, then we need to go
15 through the documents themselves.

16 REPRESENTATIVE MITTEN: Right.

17 CHAIRMAN BARNES: Which I think are much
18 easier. For example, The Mission Continues list is
19 just going to be 24 pages of blackout. But I think
20 yesterday we talked about did we need to have the
21 document, itself, in the record, even if it's -- 99
22 percent of it is blacked out.

23 REPRESENTATIVE MITTEN: I mean, I could show
24 you right now, just since I have my laptop. Let me go
25 up to --

1 CHAIRMAN BARNES: So what I would -- here's
2 what I propose.

3 REPRESENTATIVE MITTEN: Yeah, I mean, I could
4 show you witness -- but it'll -- just so that you
5 see -- you'll understand what it will look like when
6 you look, you know. We'll print it out and that's what
7 you're going to see. It's just a box around the word.
8 And then assuming that that word is something that the
9 Committee agrees should be -- or that name, is what
10 that is, is something the Committee agrees should be
11 redacted in all instances, then I just push the button
12 and it just does it.

13 CHAIRMAN BARNES: So I think, based on
14 discussions I've had with others, that our biggest
15 potential disagreement on redactions is with Witness 1,
16 regarding certain things about her ex-husband. I think
17 what we can do is, save that debate and discussion for
18 a formal time period in which everyone has had a chance
19 to go through all of the documents.

20 What I would suggest is, Representative
21 Mitten will get these documents into the Chief Clerk's
22 office.

23 REPRESENTATIVE MITTEN: Uh-huh.

24 CHAIRMAN BARNES: And keep them in one file.

25 REPRESENTATIVE MITTEN: Yep.

1 CHAIRMAN BARNES: Everyone will have an
2 opportunity to review. And as you note things that you
3 disagree with, write them down. Let's distribute them
4 amongst the Committee so we can know before our special
5 redaction meeting exactly what we're going to be
6 talking about redacting. Is everyone in agreement on
7 general --

8 GROUP RESPONSE: Yes.

9 CHAIRMAN BARNES: And that would be true for
10 exhibits, as well as transcripts. And I think I
11 gave -- not I think, I know I gave Bryan all of the
12 exhibits and asked him to create pdfs of them --

13 REPRESENTATIVE MITTEN: Right.

14 CHAIRMAN BARNES: -- for purposes -- oh,
15 there you are.

16 MR. SCHEIDERER: The green folders. Now, we
17 haven't scanned them yet, but I went through them this
18 morning. They all 19 should be in there ready to go if
19 you're -- if he wants them all scanned.

20 REPRESENTATIVE MITTEN: So they're ready to
21 be scanned?

22 CHAIRMAN BARNES: Yeah, so let's go ahead and
23 scan these and then start the redaction process on
24 them.

25 REPRESENTATIVE MITTEN: Yep.

1 MR. SCHEIDERER: So do you want me to get
2 you, like, a pdf file to go through, or do you want me
3 to print it out for you and see -- what do you want
4 exactly?

5 CHAIRMAN BARNES: Let's do --

6 REPRESENTATIVE MITTEN: I think that we
7 should have individual pdf files for each individual
8 exhibit.

9 MR. SCHEIDERER: Okay.

10 REPRESENTATIVE MITTEN: Don't print them,
11 just scan them, because then once I do those markings,
12 once I make the red box around it, then we're going to
13 have to print them again, so --

14 MR. SCHEIDERER: Okay. I can get you, like,
15 a -- on a USB key, something like that?

16 REPRESENTATIVE MITTEN: Yep, that's perfect.
17 Perfect.

18 CHAIRMAN BARNES: And no appendices to
19 transcripts for anything, because they will have to
20 redact things from the appendices, and based -- because
21 it's in alphabetical order.

22 REPRESENTATIVE MITTEN: Right. No indexes.

23 MR. SCHEIDERER: No index. Okay. It's
24 really just to that Exhibit 1 there on that.

25 CHAIRMAN BARNES: Yeah, but it's also in all

1 the transcripts.

2 REPRESENTATIVE MITTEN: Right.

3 CHAIRMAN BARNES: We have to get rid of all
4 the exhibits.

5 MR. SCHEIDERER: Okay. All right.

6 CHAIRMAN BARNES: I mean, all of the indexes
7 to the exhibits and to the transcripts.

8 REPRESENTATIVE MITTEN: Right.

9 SECRETARY CURCHIN: So that would be a
10 deletion, not redaction on the indices.

11 CHAIRMAN BARNES: Yeah, the indices will be a
12 deletion, not a redaction.

13 REPRESENTATIVE MITTEN: And honestly, let's,
14 you know -- I agree, I don't think that the index -- I
15 mean, in the legal world, I don't know that the indexes
16 are even part of the official record anyway, so I don't
17 feel like it's so much of a deletion as it's --

18 CHAIRMAN BARNES: Yeah, it's not part of the
19 official record. It's not evidence.

20 SECRETARY CURCHIN: I'm not even sure --
21 right.

22 REPRESENTATIVE MITTEN: It's not evidence,
23 it's just an index. It's a convenience that, in order
24 to ensure that the redactions are --

25 SECRETARY CURCHIN: I agree. Just wanted to

1 be clear on what the process was for the indices.

2 REPRESENTATIVE MITTEN: Yeah.

3 COUNSELOR HALLEN: Then you still have
4 Witness 4 to do as well.

5 REPRESENTATIVE MITTEN: Right. Then I still
6 have Witness 4 to do for -- for the allegations
7 regarding the extra-marital affair.

8 COUNSELOR HALLEN: When is -- The Mission
9 Continues should be --

10 CHAIRMAN BARNES: It's a lot easier, but
11 there are things in those transcripts that are going to
12 be --

13 REPRESENTATIVE MITTEN: There are going to
14 be --

15 COUNSELOR HALLEN: But not nearly as -- not
16 nearly as much.

17 REPRESENTATIVE MITTEN: Right. I mean, yeah.
18 So I think as we've discussed before, the stuff about
19 The Mission Continues, those donor names, and that will
20 apply to both the transcripts and the documents -- or
21 the exhibits.

22 What am I missing Representative?

23 CHAIRMAN BARNES: I think that's it.

24 REPRESENTATIVE MITTEN: Yeah. Those should
25 be a little quicker. And again, please bear in mind, I

1 am human, and I'm doing this by search, so I may have
2 missed something, and would be appreciative if you guys
3 catch it.

4 REPRESENTATIVE LAUER: Thank you for doing
5 it.

6 CHAIRMAN BARNES: Yeah, that's -- we have
7 to -- we have to catch everything in this.

8 REPRESENTATIVE MITTEN: We have to get this
9 right.

10 CHAIRMAN BARNES: So I mean, everyone should
11 read it. I have a problem that I've read them so many
12 times, that I -- you get blind to it, right? But
13 you've got to go line by line, or one trick that I do
14 sometimes is --

15 COUNSELOR HALLEN: Read it backwards.

16 CHAIRMAN BARNES: -- read it backwards.

17 REPRESENTATIVE MITTEN: Right.

18 CHAIRMAN BARNES: Let's go off the record.

19 (A BREAK WAS TAKEN.)

20 CHAIRMAN BARNES: So that takes care of part
21 one. Part two is the report process. We've kind of
22 talked about -- I have it on a zip drive here, and I
23 thought about putting it up there and going through
24 paragraph by paragraph. But that's not fair to any of
25 you, to see the draft report for the first time here on

1 a screen and expect to have discussion about it.

2 So what I would propose is, to print a copy
3 for each member of the Committee, place them in Adam's
4 office. Everyone has the opportunity to review them,
5 in conjunction with the exhibits, and then to make
6 notes on them and be prepared to have further
7 discussion.

8 Thoughts, ideas on that?

9 REPRESENTATIVE AUSTIN: Yeah, I don't
10 remember everything that was testified to.

11 CHAIRMAN BARNES: I tried to cite the record,
12 every single paragraph, and if not every single
13 sentence. And I think I've come pretty close, but
14 recognize, this was one guy working five straight days
15 with my eyes getting tired and going through lots of
16 transcripts.

17 So again, the same thing with Representative
18 Mitten is, read this very thoroughly. I am not going
19 to be upset at suggestions or finding flaws. It's the
20 purpose of this process.

21 REPRESENTATIVE RHOADS: Is there any way --
22 because, I mean, I'm thinking I can sit in my office
23 tonight and go through a ton of it.

24 REPRESENTATIVE MITTEN: Or Adam's office.

25 CHAIRMAN BARNES: Why don't we just make

1 Adam's office available? I would rather just have
2 them all in one centralized -- this document is in
3 two places right now. It's on my desktop at my
4 office; not here, my law office. And it's on this
5 zip drive. And there are two copies that Alex has
6 possession of right now. And I don't want -- I just
7 want them --

8 REPRESENTATIVE RHOADS: No, I understand
9 that, but for -- because I can see where five of us are
10 going to be sitting in Adam's office trying to go
11 through this, you know what I mean? Because we may not
12 have the same time to do it, and where, if I could just
13 sit down with nobody around, I can go through these
14 things and pay more attention.

15 I see what you're saying, and if that's what
16 everybody decides they want to do, I'm okay with that.

17 COUNSELOR HALLEN: Do you know when you want
18 the Committee to meet again?

19 CHAIRMAN BARNES: Thursday on Adjournment.

20 REPRESENTATIVE LAUER: Jay, is there any
21 merit -- and I know it's maybe a little bit more time
22 consuming for all of us; for you and everybody else.
23 But is there any merit to having, like, a master report
24 that we go through individually, just that one report
25 rather than having seven reports to go through and to

1 modify and put all changes on one?

2 CHAIRMAN BARNES: Well, I'm not suggesting we
3 make changes electronically.

4 REPRESENTATIVE LAUER: No, I'm saying, put it
5 on the report or whatever we're going to do.

6 CHAIRMAN BARNES: Well, and then you get
7 into Representative Rhoads' problem, which I think
8 is --

9 REPRESENTATIVE RHOADS: We're just going to
10 have to make notes.

11 CHAIRMAN BARNES: We've got -- we've got two
12 days, and if we don't -- you know, I don't want to have
13 three copies, because then if Representative Austin is
14 available at the same time you're available --

15 REPRESENTATIVE RHOADS: I get it.

16 REPRESENTATIVE AUSTIN: How do we have access
17 to Adam's office, like, before eight?

18 REPRESENTATIVE LAUER: After five, yeah.

19 REPRESENTATIVE MITTEN: I think that's the
20 only thing, is making sure that, you know, we are just
21 going to have to have somebody available there to let
22 us in. I had that problem today where I had to go
23 deliver the transcripts in there, and --

24 SECRETARY CURCHIN: What time are we meeting
25 tomorrow?

1 CHAIRMAN BARNES: We're meeting at -- what
2 did I text you yesterday?

3 REPRESENTATIVE MITTEN: Eight, I thought.

4 CHAIRMAN BARNES: I believe it's at noon.
5 Noon.

6 REPRESENTATIVE LAUER: So we are at noon
7 tomorrow?

8 CHAIRMAN BARNES: Here in the Capitol, this
9 same room.

10 REPRESENTATIVE RHOADS: We're going to hear
11 testimony in this room tomorrow?

12 CHAIRMAN BARNES: We are.

13 REPRESENTATIVE RHOADS: Okay.

14 CHAIRMAN BARNES: And then the idea would be
15 to meet Thursday on Adjournment to talk about redaction
16 and the report.

17 Let's take a short break.

18 (A BREAK WAS TAKEN.)

19 CHAIRMAN BARNES: So the idea then is,
20 Thursday on Adjournment to talk about redactions and
21 the report. And the suggestions I would make on the
22 report is that there's -- I used numbered paragraphs.
23 So I don't know if we want to -- it's not going to be
24 quite like an amendment process.

25 REPRESENTATIVE MITTEN: But we could make

1 suggestions based upon the numbered paragraphs?

2 CHAIRMAN BARNES: Yeah. I would say make --
3 suggest we'll go in order of numbered paragraphs.

4 REPRESENTATIVE LAUER: Could we -- would
5 there be merit to having -- just showing us the
6 report, not line, by line, by line, but for us to
7 look at it and make sure we're all on the same track
8 as far as where we're going with this process with the
9 report?

10 CHAIRMAN BARNES: I can describe it for
11 you.

12 REPRESENTATIVE LAUER: Okay.

13 CHAIRMAN BARNES: I mean, it starts with
14 just a recitation of the resolution creating this
15 committee. The second section is a timeline of when
16 we met and who we spoke with, and what documents we
17 received, which requests we made. And then the third
18 part starts with, the Committee finds reason to
19 believe, boom, Paragraph 1, and it goes for -- it's
20 over 100 paragraphs. And then that ends the report at
21 the end of that.

22 REPRESENTATIVE LAUER: Okay.

23 REPRESENTATIVE PIERSON: There were some
24 subpoenas that went unanswered; is that correct?

25 CHAIRMAN BARNES: They were not subpoenas,

1 they were requests for production of documents, but,
2 yes.

3 REPRESENTATIVE PIERSON: Okay.

4 CHAIRMAN BARNES: And that is in --

5 REPRESENTATIVE PIERSON: That is in there as
6 well?

7 CHAIRMAN BARNES: Those are noted in the
8 report. But general -- what we thought was that if we
9 were meeting someone, or there's correspondence sent of
10 some type, or a request sent of some type, that that
11 needs to be in the report.

12 And so our meeting with Mr. Whitman is in the
13 report. It notes that he refused to speak on the
14 record, but that a subcommittee of us went down there
15 to talk to him.

16 REPRESENTATIVE AUSTIN: So your hard copy of
17 the report will be in Adam's office soon?

18 CHAIRMAN BARNES: Yes, by three.

19 REPRESENTATIVE AUSTIN: And we need to get
20 Adam -- talk to Adam about how we can -- some people
21 like to work late, be here at midnight, some people
22 like to get here at 6:30.

23 REPRESENTATIVE LAUER: Ramona is only there
24 until five.

25 REPRESENTATIVE MITTEN: Curchin is supposed

1 to have a key, but, yeah, I agree, I think that there
2 needs to be a better way to be -- I've had trouble
3 getting access to that office as well.

4 CHAIRMAN BARNES: No one is going to work
5 after ten, is that -- anybody plan to work after
6 ten p.m.?

7 REPRESENTATIVE RHOADS: No. If I am, it's
8 not a good day.

9 CHAIRMAN BARNES: So I know that tonight
10 there's a meeting in the Speaker's office, so I know
11 that Mr. Curchin, who's not here, will be here
12 relatively late and can probably stay until ten. And
13 then we'll just figure that out tomorrow.

14 Does anybody plan to show up before
15 eight a.m.?

16 REPRESENTATIVE AUSTIN: Yeah.

17 CHAIRMAN BARNES: Oh, okay. No, that's fine.
18 We can talk to Ramona about tomorrow morning.

19 COUNSELOR HALLEN: How early are you planning
20 on getting here?

21 REPRESENTATIVE AUSTIN: I mean, I get -- I
22 get to the office about like at 6:30.

23 COUNSELOR HALLEN: I get here about 7:30.
24 And I was going to say, if Alex slips the key under my
25 office door --

1 CHAIRMAN BARNES: We can work all that out.

2 REPRESENTATIVE AUSTIN: We'll figure it
3 out.

4 CHAIRMAN BARNES: We will figure that out.
5 That's probably the best time.

6 Okay. What else?

7 REPRESENTATIVE LAUER: Well, it's outside
8 this, but extensions?

9 CHAIRMAN BARNES: Oh, you mean to vote, the
10 general extension we talked about?

11 REPRESENTATIVE LAUER: Yeah. Uh-huh.

12 CHAIRMAN BARNES: I think we can vote on that
13 on Thursday. I think we're in good shape as far as
14 timing of this report, assuming that this next witness
15 doesn't say something that no other witness from The
16 Mission Continues told us. As it's been described to
17 me, I think his testimony is going to be consistent
18 with what other witnesses have said. But we need to --
19 we need to talk to him tomorrow.

20 REPRESENTATIVE MITTEN: I'm going to go back
21 to redactions. So we have agreed that other than the
22 first four witnesses, the only information that's going
23 to be redacted from any subsequent witnesses -- with
24 obviously the exception from the witness tomorrow,
25 because we don't know what that witness will say. We

1 are not redacting their names, we are not redacting
2 anything other than the names of donors to The Mission
3 Continues. Am I correct?

4 CHAIRMAN BARNES: Right now, that is my
5 belief. We can talk about that further Thursday. My
6 feeling is that, let's say we redacted their names,
7 people are going to -- you can figure out who they are
8 from --

9 REPRESENTATIVE MITTEN: But there's no reason
10 to redact their names, you know.

11 CHAIRMAN BARNES: There's nothing especially
12 sensitive about it.

13 REPRESENTATIVE MITTEN: Exactly. I mean,
14 these were people that had roles in an ongoing
15 non-for-profit or for-profit business, or the campaign,
16 or whatever. And I don't believe there was anything
17 sensitive about any of their testimony, any personal
18 information. You know, maybe somebody got married or
19 somebody had a baby, but that's also, I'm pretty sure,
20 probably readily available on social media.

21 I just want to make sure that we're all on
22 the same page about that, because I really don't want
23 to have to try and go back.

24 REPRESENTATIVE AUSTIN: I am. And plus,
25 think of it like a judge, there's no way he'd redact --

1 REPRESENTATIVE MITTEN: Right. No judge
2 would ever close that file.

3 REPRESENTATIVE AUSTIN: Right.

4 REPRESENTATIVE MITTEN: I agree.

5 CHAIRMAN BARNES: We have agreement.

6 And now we're going to vote to close
7 tomorrow's hearing, but Mr. Curchin -- or the vote
8 tallier stepped out of the room for a moment.

9 REPRESENTATIVE AUSTIN: Do you want me to go
10 grab him?

11 CHAIRMAN BARNES: Why don't you go grab
12 him? We'll take a break while we go grab the vote
13 tallier.

14 (A BREAK WAS TAKEN.)

15 CHAIRMAN BARNES: I now move that we notice
16 up a hearing for tomorrow at noon. Based on exigent
17 circumstances, we'll be 22 hours and 48 minutes'
18 notice, rather than 24 hours. The witness, I do not
19 believe to be available at any other time. This is the
20 last witness that we are aware of regarding The Mission
21 Continues at this point in time. And I don't believe
22 that he is available Thursday or Friday, so if we're
23 going to talk to him, this is the point in time in
24 which we're going to be able to talk to him.

25 Discussion?

1 Seeing none, Mr. Secretary, please call the
2 roll.

3 SECRETARY CURCHIN: Barnes?

4 CHAIRMAN BARNES: Aye.

5 SECRETARY CURCHIN: Phillips?

6 REPRESENTATIVE PHILLIPS: Aye.

7 SECRETARY CURCHIN: Mitten?

8 REPRESENTATIVE MITTEN: Aye.

9 SECRETARY CURCHIN: Lauer?

10 REPRESENTATIVE LAUER: Aye.

11 SECRETARY CURCHIN: Austin?

12 REPRESENTATIVE AUSTIN: Aye.

13 SECRETARY CURCHIN: Rhoads?

14 REPRESENTATIVE RHOADS: Aye.

15 SECRETARY CURCHIN: Pierson, Jr.?

16 REPRESENTATIVE PIERSON: Aye.

17 SECRETARY CURCHIN: Seven, zero.

18 CHAIRMAN BARNES: By a vote of seven ayes,

19 zero nos, we voted to notice up a hearing for noon

20 tomorrow.

21 I now move that we close said hearing

22 tomorrow.

23 All in favor will vote aye.

24 Mr. Secretary, please call the roll.

25 SECRETARY CURCHIN: Barnes?

1 CHAIRMAN BARNES: Aye.

2 SECRETARY CURCHIN: Phillips?

3 REPRESENTATIVE PHILLIPS: Aye.

4 SECRETARY CURCHIN: Mitten?

5 REPRESENTATIVE MITTEN: Aye.

6 SECRETARY CURCHIN: Lauer?

7 REPRESENTATIVE LAUER: Aye.

8 SECRETARY CURCHIN: Austin?

9 REPRESENTATIVE AUSTIN: Aye.

10 SECRETARY CURCHIN: Rhoads?

11 REPRESENTATIVE RHOADS: Aye.

12 SECRETARY CURCHIN: Pierson, Jr.?

13 REPRESENTATIVE PIERSON: Aye.

14 SECRETARY CURCHIN: Seven, zero.

15 CHAIRMAN BARNES: By a vote of seven aye,
16 zero no, we've voted to close tomorrow's hearing.

17 I now suggest we are going to notice up for
18 on Adjournment Thursday, and while we are here voting
19 on this, I move that we close Thursday's on Adjournment
20 hearing discussion.

21 REPRESENTATIVE MITTEN: Will we have a court
22 reporter?

23 CHAIRMAN BARNES: We can get one. Two days'
24 notice is sufficient.

25 REPRESENTATIVE MITTEN: No, I mean, that's

1 fine. I don't mind closing it as long as we have a
2 record.

3 CHAIRMAN BARNES: Okay. Is everyone in
4 agreement on that, if we're closing a hearing, we need
5 a court reporter?

6 SECRETARY CURCHIN: Yes.

7 CHAIRMAN BARNES: I now move to close
8 Thursday's hearing.

9 All of those in favor vote yes.

10 Mr. Secretary, please call the roll.

11 SECRETARY CURCHIN: Barnes?

12 CHAIRMAN BARNES: Aye.

13 SECRETARY CURCHIN: Phillips?

14 REPRESENTATIVE PHILLIPS: Aye.

15 SECRETARY CURCHIN: Mitten?

16 REPRESENTATIVE MITTEN: Aye.

17 SECRETARY CURCHIN: Lauer?

18 REPRESENTATIVE LAUER: Aye.

19 SECRETARY CURCHIN: Austin?

20 REPRESENTATIVE AUSTIN: Aye.

21 SECRETARY CURCHIN: Rhoads?

22 REPRESENTATIVE RHOADS: Aye.

23 SECRETARY CURCHIN: Pierson, Jr.?

24 REPRESENTATIVE PIERSON: Aye.

25 SECRETARY CURCHIN: Seven, zero.

1 CHAIRMAN BARNES: By a vote of seven aye,
2 zero no, you voted to close Thursday's hearing on
3 Adjournment, which we will speak about redactions and
4 the report.

5 Any further business before the Committee at
6 this point in time?

7 Seeing none, this will conclude today's
8 hearing of the House Special Committee on Investigative
9 Oversight.

10 (WHEREUPON, hearing concluded.)
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[illegible]

I, Tammy F. Ballew, Certified Court Reporter for the firm of Capital City Court Reporting, P.O. Box 446, Jefferson City, Missouri 65102, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenomask the proceedings had, and that the above and foregoing is a true and accurate transcription, to the best of my ability, of said proceedings.

IN WITNESS WHEREOF, I have hereunto set
my hand this 4th day of April, 2018.

Tammy F. Ballew
CAPITAL CITY COURT REPORTING

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Wednesday, April 4, 2018

TAKEN AT
Missouri State Capitol
201 West Capitol Avenue
Room B-22
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS

Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

REPORTED BY:

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A P P E A R A N C E S

TESTIFYING WITNESS JACK NEYENS

ALSO PRESENT:

Alixandra Hallen, Minority Counsel; Alex Curchin,
Legislative Counsel to the Speaker of the House of
Representatives; and Bryan Scheiderer, Legislative Analyst.

E X H I B I T S

Exhibit No. 15 (previously marked)
Memorandum of Understanding 51

Exhibit No. 19 (previously marked)
E-mail dated April 24, 2014 at 10:59 a.m.
from Eric Greitens to TMC Staff 38

Exhibit No. 22 (newly marked)
E-mail dated August 16, 2016 62

EXHIBIT INSTRUCTIONS:

Exhibits are not attached to transcript; retained by
Committee.

I N D E X

	Page
1	
2	
3	
4	Roll Call by Counselor Hallen 4
5	Jack Neyens sworn 5
6	Questions by Chairman Barnes 5
7	Questions by Representative Phillips 26
8	Questions by Representative Mitten 27
9	Questions by Representative Lauer 33
10	Questions by Representative Austin 49
11	Questions by Representative Pierson 50
12	Further Question by Chairman Barnes 52
13	Further Question by Representative Lauer 58
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

P R O C E E D I N G S

CHAIRMAN BARNES: Call to order this meeting of
the House Special Committee On Investigative Oversight.

Madam Secretary, will you call the roll?

COUNSELOR HALLEN: Barnes?

CHAIRMAN BARNES: Here.

COUNSELOR HALLEN: Phillips?

REPRESENTATIVE PHILLIPS: Here.

COUNSELOR HALLEN: Mitten?

REPRESENTATIVE MITTEN: Here.

COUNSELOR HALLEN: Lauer?

REPRESENTATIVE LAUER: Here.

COUNSELOR HALLEN: Rhoads?

REPRESENTATIVE RHOADS: Here.

COUNSELOR HALLEN: Austin?

REPRESENTATIVE AUSTIN: Here.

COUNSELOR HALLEN: Pierson, Jr.?

REPRESENTATIVE PIERSON: Here.

CHAIRMAN BARNES: Seven being present. We have
more than a quorum. We have everyone here.

Mr. Neyens, thank you for being here this
afternoon.

MR. NEYENS: Uh-huh.

CHAIRMAN BARNES: I trust that you got in okay?

MR. NEYENS: No problem at all.

1 CHAIRMAN BARNES: Okay. We're going to start by
2 administering the oath.

3 MR. NEYENS: Okay.

4 CHAIRMAN BARNES: If you can raise your right
5 hand?

6 MR. NEYENS: Okay.

7 JACK NEYENS, having been sworn in by the Chairman,
8 testified as follows:

9 QUESTIONS BY MR. BARNES:

10 Q. Mr. Neyens, can you state your name?

11 A. **Jack Neyens, N-e-y-e-n-s.**

12 Q. And, Mr. Neyens, have you ever given testimony in
13 a deposition or any other sort of legal proceeding before?

14 A. **No, I have not.**

15 Q. Okay. So let me give you just some short ground
16 rules here. This is not a deposition, but it's a lot like
17 one.

18 The first rule is that when you answer a
19 question, you have to use yes or no and actually say the
20 words rather than shaking your head --

21 A. **Gotcha.**

22 Q. -- one way or the other; do you understand that?

23 A. **Yes.**

24 Q. Okay. That's always a good test of what in
25 fact -- if you understand what the rule is.

1 **A. Yeah.**

2 Q. If any of us ask a question that is confusing to
3 you or you don't understand, please just ask us to stop and
4 restate the question. Because there is not much sense in
5 us asking a question and getting an answer from you if you
6 don't understand the question; do you understand that?

7 **A. Yes.**

8 Q. And finally, if you need to stop for any reason,
9 just let us know and we'll take a break.

10 **A. Gotcha.**

11 Q. Okay. Mr. Neyens, what is your current
12 occupation?

13 **A. I am semi-retired. I do some financial**
14 **consulting with non-profits.**

15 Q. How long have you known Eric Greitens?

16 **A. I have known him since May of 2011.**

17 Q. And what was the circumstances in which you came
18 to know him?

19 **A. I met him as I interviewed for the position of**
20 **vice president or finance, CFO of Mission Continues.**

21 Q. Where did you work prior to that period of time?

22 **A. I worked -- well, I worked in Kansas City with a**
23 **commodity trading elevator operator company.**

24 **And then prior to that I was CFO of the Jewish**
25 **Federation of St. Louis for six and a half years.**

1 Q. And how long did you work for the elevator
2 company?

3 A. Three years.

4 Q. And that was in Kansas City you said?

5 A. Yes. Yes, sir.

6 Q. So you moved across the state for that?

7 A. Yes, sir.

8 Q. And then moved back to St. Louis?

9 A. Yes, sir.

10 Q. A big move. And is the Jewish Federation of
11 St. Louis, that's a nonprofit; is that correct?

12 A. Yes. Yes. Uh-huh. It's a rather large
13 nonprofit.

14 Q. Okay. So moving back -- going back to The
15 Mission Continues, was that part of a desire for you to get
16 back to the nonprofit sector, or was it a wish to get back
17 to St. Louis?

18 A. Well, I actually moved back and then started
19 looking for a position. And I had read Eric's book. And I
20 also was just looking for another -- a position in a
21 nonprofit community, and I understood that they had an
22 opening, so I submitted my resume' and went through the
23 interview process.

24 Q. And what was the approximate date you were hired?

25 A. May of '11, I believe.

1 Q. Okay.

2 A. Right. Right. Plus or minus a day.

3 Q. I understand. And what did you say your title
4 was at the organization?

5 A. It was vice president of finance and operations
6 slash CFO.

7 Q. And did that remain your title for as long as you
8 were there?

9 A. Yes.

10 Q. Okay. And how long did you work there?

11 A. I retired -- officially I retired in December of
12 2016.

13 Q. And when you stopped working there, would you say
14 that was an amicable split with the organization?

15 A. Right. I was -- yes. I was at that age --

16 Q. Okay.

17 A. -- I'm sorry to say.

18 Q. And now you say you're semi-retired, and so
19 you -- correct -- tell me what that means, to be
20 semi-retired.

21 A. Well, I -- semi-retired means that, you know, I'm
22 willing to take on short-term jobs or positions that will,
23 you know, be -- that will be not full-time.

24 Q. Projects with an end date, is that a good way to
25 say it?

1 A. I would say that, except the project I'm just
2 finishing up is 15 months old.

3 Q. Okay.

4 A. So -- but that would be my goal, to help
5 transition as an organization wants to hire a new CFO, or,
6 you know, they've had turnover or whatever, or they have a
7 problem.

8 Like, where I am finishing up my work at is
9 St. Louis DDR, which is the Developmental Disability
10 Resources. And they went through some serious issues about
11 15, 16 months ago.

12 And so I came in with another gentleman that was
13 the -- took -- was interim ED, executive director, and
14 helped to get them reorganized, helped them get
15 straightened out along the path to where they're now viable
16 again.

17 Q. Okay. So you've got 12 years experience with
18 sort of the same role with nonprofits just that you've
19 recounted here. Prior to that experience, did you have
20 additional work for nonprofits and that type of role?

21 A. I was the -- and don't ask me the years, okay.
22 That's what you get into when you talk to an older person.
23 There's too many years.

24 But I was the -- I was the CFO of the American
25 Soybean Association for almost four years, a little less

1 **than four years.**

2 Q. And that is another nonprofit?

3 A. **Yes.**

4 Q. Okay. So this is something that you've made a
5 career out of certainly?

6 A. **Yes.**

7 Q. Okay.

8 A. **I've had a lot of experience in the nonprofit
9 community.**

10 Q. What were your daily job duties as CFO for The
11 Mission Continues?

12 A. **The Mission Continues -- actually I wrote an
13 intro, so I'll just go look at that page.**

14 Q. Yeah, that's fine.

15 A. **I was basically -- you've got to remember with a
16 small nonprofit, you carry many hats. And I was in charge
17 of the accounting, human resources, the IT area, employee
18 benefits.**

19 I handled most legal issues that would come up,
20 as far as working with the lawyers. We didn't have very
21 many, but occasionally you would have an issue come up, and
22 that included also registering the organization in various
23 states and stuff.

24 I worked with -- in just general office
25 management, and whatever else needed to be done that would

1 fall under my experience.

2 Q. Did you work with Mr. Greitens on a regular
3 basis?

4 A. I did while he was there, yes. I reported
5 directly to him.

6 Q. Can you describe how the organization operated
7 from your perspective as the CFO?

8 A. It -- very efficiently. We were -- when I joined
9 the organization in 2011, they were on the crux of really
10 starting to grow.

11 Mr. Greitens had secured -- they were in the --
12 they had just secured some -- a donor. A three-year
13 commitment from a major donor to help develop an
14 infrastructure so that his idea, concept that he was
15 working along could really be put into a growth mode and
16 grow.

17 Q. If I remember correctly, there was one year where
18 there was a jump from somewhere around 1.5 or 2 million
19 dollars in revenue to 7 million dollars in revenue?

20 A. Right. And that's correct.

21 Q. Was that in '11 when you came on?

22 A. It was -- yes, it was, '11. It was either '11 or
23 '12. It was right around that time frame, correct, because
24 we had several -- actually it was '12, I believe.

25 Because '11 we had the commitment from a major

1 New York firm that was -- that gave us, I think, about
2 right at -- they gave us a three -- a little over a
3 3 million dollar commitment over a three-year period, but a
4 lot of it was front-end loaded. So then we had to -- so
5 each year we got less, so we had to learn how to live on --
6 you know, replace that money.

7 Q. So more or less an infrastructure grant for the
8 organization?

9 A. That's exactly right, yes. And at that point
10 Eric had -- we were right at 15 people when I joined the
11 organization. And really there was -- you know, this is a
12 good while ago, so it was right in that area.

13 And over the course of the next couple years we
14 grew to 30. And when I left we were a little over -- right
15 at 60 people.

16 Q. And were -- were the financial aspects of The
17 Mission Continues audited while you were CFO?

18 A. We were audited by a regional accounting firm,
19 Brown Smith Wallace. And they not only -- they performed
20 our audit, and then they also filed our 990 tax return for
21 us.

22 They were -- they were -- we were -- as a growing
23 organization, but we -- during that course of time of those
24 audits, we never had a -- we never had an adjustment entry
25 as far as even, you know, an auditor's adjustment, which is

1 unusual for a small nonprofit growing quickly.

2 Because, you know, and part of that was we worked
3 with them as a partnership. When we had -- we had unusual
4 transactions sometimes come up, and instead of -- instead
5 of just winging it and based on what I thought or based on
6 what, you know, our staff thought, we would talk to the
7 Brown Smith Wallace, their tax people or their audit people
8 and figure out the best way to handle it.

9 A good example is one year a donor gave us a
10 car. It wasn't just a car. It was like a collector's car,
11 like -- I can't remember what it was. It was like a Camaro
12 or something like that. It was redone and it was -- we --
13 and our intent was it would -- they gave it to us, but it
14 would immediately be auctioned in Las Vegas with one of
15 those -- one of those firms that do that stuff.

16 So we had to work -- you know, I've never done
17 that, and, you know, if I had, I still think I would have
18 talked to experts, but we talked to them about how do we
19 handle this transaction, because it was also legal and tax
20 on what we could do.

21 So they helped -- we worked with them together to
22 gear the transaction so that it would, you know, be handled
23 properly and the ownership would change properly.

24 You know, it was just a very -- and that's the
25 types of things we would do. If we had new items or new

1 things, we would talk to them about it versus waiting until
2 the end of the year and hope we -- you know, and then have
3 them say, you know, what's this, or you should have done it
4 this way.

5 You know, they're our auditors. Let's do it --
6 let's work with them. We didn't -- you know, and that was
7 one of the monitors that -- and actually that's what kind
8 of impressed me when I interviewed with Eric. He said, we
9 do things right, and we spend our money -- monitor it
10 closely. We watch our money closely. And if we make a
11 mistake, we fix it.

12 That was kind of like, you know, his mantra of
13 how he wants to run this organization. And so it just
14 makes sense to do it that way.

15 Q. Let me ask you this: Did The Mission Continues,
16 to your knowledge, ever purchase any of Mr. Greitens'
17 books?

18 A. Not that I'm aware of.

19 Q. Okay. And as CFO, if there was a large book
20 purchase, would that have eventually come across your desk?

21 A. I would have seen the payables. I would have
22 probably seen the check issued, yes.

23 Q. Okay.

24 A. But I -- I -- I can't remember doing that. I do
25 know that I think he did give books to donors, but I don't

1 believe we ever purchased any from him.

2 Q. Okay.

3 A. I'm sure we didn't quite honestly.

4 Q. And that's consistent with what others have told
5 us, so your recollection --

6 A. Okay.

7 Q. -- I do believe seems to me is correct, but we
8 want to make sure to ask other witnesses --

9 A. Okay.

10 Q. -- some of the same sorts of questions.

11 One previous witness testified that -- well, did
12 you have any interaction with The Greitens Group?

13 A. We -- they were -- when I first joined the
14 organization, or when -- yeah, they had an office that when
15 we came in the hallway, we would go by their office as we
16 entered our office, okay, so it was kind of like adjoined
17 our office. And so in that regard, yes.

18 And then to keep everything in arm's length as
19 things grew, we had -- we had an agreement, an operating
20 agreement with The Greitens Group that -- that would --
21 we -- we charged them for -- I think there were a couple of
22 years this went on, where they paid us for some of the
23 shared services, which included his administrative
24 assistant, a portion of her salary and benefits.

25 Q. Do you recall, prior to the signing of that

1 Memorandum of Understanding, which was, I believe, December
2 of 2012, what proportion of Krystal Taylor's salary that
3 The Mission Continues was paying?

4 A. I believe that in that agreement that we were
5 looking at -- and I'm really -- this is really digging
6 back, but I believe we were talking 25 percent.

7 Q. And do you -- when you say we're talking
8 25 percent, is that your understanding of the MOU?

9 A. Yes, that is. And I believe it was 25 percent
10 of -- or the makeup of the money that was 25 percent of her
11 salary and benefits. That's the way I remember it anyway.

12 Q. Do you recall, prior to that, in 2011 what the
13 percentage of Ms. Taylor's salary was being paid by The
14 Mission Continues versus The Greitens Group?

15 A. I do not. And I'm not sure that -- I -- I -- as
16 I said, that was when I was coming on. And I don't
17 remember if in 2011, and looking back 2010, if there was
18 any shared.

19 I can't tell you that for sure, but I know that
20 when I was there was when it was decided we would have this
21 operating agreement going forward.

22 Q. Okay. Ms. Taylor -- I believe it was
23 Ms. Taylor -- described to us, and others, the process of
24 travel for Mr. Greitens.

25 And that would be The Greitens Group would book a

1 speech somewhere, and then they would get together with
2 people from The Mission Continues to maximize his time and
3 be as efficient as possibly?

4 And that when he was on the road to, say, Dallas,
5 that they would organize a meeting with The Mission
6 Continues donor in Dallas, correct?

7 **A. Uh-huh.**

8 Q. As far as you can recall, is that an accurate
9 assessment of how his travel typically worked?

10 **A. That's very accurate, yes.**

11 Q. Okay. In your experience with nonprofits, is
12 that a typical arrangement for a leader of the organization
13 to arrange private events and then to schedule the
14 nonprofits event sort of on top of the private event?

15 **A. Well, it is maximizing expenses. It's maximizing**
16 **his time. Eric was a very, you know, public figure as far**
17 **as in the nonprofit community and the donor community, so,**
18 **yeah, that would make sense.**

19 Q. It made sense in your experience with the other
20 nonprofits? I mean, did you have a similar experience in
21 other nonprofits?

22 **A. Not -- no, I did not. Except for the American**
23 **Soybean Association, because that was more of a --**
24 **throughout -- we had -- we had an off-- not office, but we**
25 **had farmers in all 50 states, all of the soybean growing**

1 states, so we would have things like that, but not nearly
2 like we did with The Mission Continues.

3 Q. Not the travel? Well, I guess the difference
4 here is that with the CEO of the American Soybean
5 Association, did he have a private business at the same
6 time?

7 A. No.

8 Q. Okay. And the Jewish Federation, the president
9 while you were there, did they have a private business at
10 the same time?

11 A. The executive director did not. Of course the
12 president was a volunteer position, so . . .

13 Q. Okay. So the president in that case was not
14 paid?

15 A. Yeah. Exactly.

16 Q. And the executive director was paid?

17 A. That's correct.

18 Q. And did they have a side -- another job, a
19 private job at the time that they traveled and then
20 would --

21 A. No. That is -- I mean, you know, just -- well,
22 you've got to remember the Jewish Federation is really an
23 organization that's centered in St. Louis for the St. Louis
24 community.

25 The ED did a lot of travel, but it was more to

1 support Jewish organizations, or a meeting of all the
2 federations in the country together, things like that. But
3 that's the only kind of travel they had.

4 Q. Yeah. Much different type of organization,
5 because like you said, that is a regional organization?

6 A. Yes.

7 Q. To your knowledge, what would happen in that sort
8 of -- I'll call it dual-purpose trip -- when there is a
9 private speech followed by a Mission Continues donor, to
10 your knowledge, was what the typical expensing arrangement
11 when there was a dual-purpose trip?

12 A. Typically the way I remember it is that The
13 Greitens Group paid most of his expenses, okay, because,
14 you know, that's -- that's -- Eric just tried to use that
15 opportunity to meet with donors for The Mission Continues
16 when he was on these speeches, is the way I understood it.

17 Q. Okay. Thank you for that. Sorry. I'm looking
18 at my notes here.

19 When you were at The Mission Continues, did you
20 have any contact with -- direct contact with donors?

21 A. Yeah, some. I wasn't in the fundraising area,
22 but I attended events. We had orientations where I would
23 attend and some of our donors would come out that were in
24 that city.

25 You know, our gala, I would meet with donors.

1 And sometimes donors would come into the office a lot of
2 times too, so I had those interactions.

3 That wasn't my primary focus, but they always --
4 when they were around us, they liked to talk to me, because
5 donors always want to know how the money is being taken
6 care of. You know, they want to feel comfortable that
7 things are done right.

8 Q. So would you describe that as more as
9 happenstance when you -- when you met with donors rather
10 than sort of a frequent planned event for you?

11 A. That's correct. It was happenstance.

12 Q. But also not infrequent?

13 A. That's correct, yes.

14 Q. Okay. So I'm just trying to figure out and get a
15 clear -- that you didn't go out and say, hey, every Friday
16 I'm going to call these donors and do A, B and C?

17 A. No. No, I didn't.

18 Q. But instead, anytime a donor, particularly a big
19 donors, would want to talk to you, you would be willing to
20 talk to them?

21 A. I would be very available. Or potential big
22 donors I would be very available. And that's another thing
23 about an organization the size of The Mission Continues,
24 you know, it's not completely departmentalized, because
25 we're just not big enough.

1 You know, we were not big enough at that time
2 to -- you know, to have every segment, you know, so you did
3 crossover some, that's correct.

4 Q. Were you part of the thank-you team for donors?

5 A. Yeah.

6 Q. Okay.

7 A. I didn't like that, but yes.

8 Q. Okay.

9 A. Yeah. Now, that was something we were
10 required -- that was a planned event.

11 Q. That was a frequent thing, but you were given
12 your list of thank-you calls to make and --

13 A. Yes. That was a planned event, okay.

14 Q. Okay. Did you -- do you recall signing a
15 nondisclosure agreement when you worked for The Mission
16 Continues?

17 A. Yes, I believe I did. I know all of our board
18 members were required to. Because that was one thing, we
19 had them update them every year to -- you know, but I -- I
20 think I did.

21 Q. Okay. And did you have access to lists of The
22 Mission Continues donors?

23 A. I guess I could have had. You know, I didn't
24 work with donors in that manner. I would get a list of the
25 ten people or twenty that I had to call. I mean, I could

1 have gotten into the database and pulled out the
2 information.

3 Q. Did you do that?

4 A. No.

5 Q. Okay. Have you violated your nondisclosure
6 agreement in any way since leaving The Mission Continues?

7 A. No.

8 Q. You've not used the donor list or a list of any
9 information --

10 A. No.

11 Q. -- you had from The Mission Continues for any
12 other purpose?

13 A. No. I probably have talked to a few of the
14 donors, but that was because I knew them personally. They
15 were on my phone list. You know, they were in my contact
16 list.

17 Q. In your own personal phone?

18 A. That's right, yes.

19 Q. Okay. Did you have any involvement with the
20 Campaign For Governor?

21 A. I attended some of the events from the
22 perspective of I would go hear Eric speak, and that's
23 about -- that's about it. I didn't go out and campaign for
24 him. I didn't --

25 Q. You weren't officially involved in raising money

1 for the campaign?

2 A. Not a -- no.

3 Q. You didn't call banks?

4 A. No.

5 Q. If you didn't like making thank-you cards, I can
6 assure you you didn't like the callbacks. I don't think
7 there are any of the people in here who have done them like
8 the callbacks. I'm not sure any of us like doing the
9 callbacks.

10 A. Yeah. So, no, I didn't do that at all. No.

11 Q. Okay. And did anyone from the Greitens campaign
12 ever contact you for any purpose relating to campaign
13 issues?

14 A. Not for campaign issues, no.

15 Q. For other issues?

16 A. The only time is there was some questions about
17 the historical 990s and Eric's salary or the monies. And
18 so I looked at those for them to show them. You know,
19 because it's all public information.

20 It's not like anything is hidden, but I just
21 helped them see the seven or eight years Eric was there
22 what the annual -- what his draws were, of which the first
23 two years he drew zero, and another year he only drew -- he
24 drew very -- his draws were nominal compared to what he was
25 doing.

1 Q. So you were sort of a decipherer of what the 990
2 meant to certain people on the campaign --

3 A. Yes.

4 Q. -- and helped them answer questions?

5 A. Yes.

6 Q. Okay.

7 A. And that -- which would be a natural thing for
8 them to ask me.

9 Q. And I don't know that we've asked any questions
10 of other witnesses about this, but I want to get this on
11 the record. Do you recall a contract with
12 Fleishman-Hillard?

13 A. Yes. Uh-huh.

14 Q. Okay. And approximate dates of that contract?

15 A. I believe it was around -- we used -- well,
16 actually I think -- I think The Mission Continues still
17 uses them.

18 Q. Okay.

19 A. And I know they did well after Eric left, but we
20 used them in 2000-- I believe it was '13 and '14. You
21 know, I -- I -- but we used them for like -- since
22 around -- I start in '11 -- since 2012.

23 Now, we used them some more than other years, but
24 we used them to re-brand -- we were re-branding the
25 organization, okay?

1 Q. And was that part of the ramp up due to the
2 increased fundraising you were able to do?

3 A. Yes, it was. And we were also at that point in
4 time -- we were -- you know, we were going from -- we
5 changed our logo. They helped us design our new
6 catch-phrase.

7 We originally were a -- not a charity, a
8 challenge. You know, something along those lines. And
9 then we moved on to a different tag line. We changed our
10 logo. They helped develop a new logo. They really helped
11 us re-brand the organization, okay?

12 They worked on our mission statement. They
13 worked on every aspect of the organization.

14 Q. And the purpose of that contract was for -- was
15 organizational, not individual to Mr. Greitens, correct?

16 A. Had nothing to do -- had nothing to do with Eric
17 at all. It had strictly to do with the re-branding of the
18 organization and our growth forward, and occasionally we
19 would have a PR issue and we would ask them to help us,
20 how we would Wordsmyth, what our response was or something,
21 but it was strictly -- it was always related to the
22 organization.

23 Q. Thank you. Thank you for being here today. So
24 now this is where it's definitely not like a deposition,
25 because there are seven of us.

1 So our vice chairman is going to ask questions,
2 our ranking members are going to ask questions, and then
3 we're going to go in order of legislative seniority. And
4 they're all -- everybody is all branched out over here.

5 CHAIRMAN BARNES: So Representative?

6 QUESTIONS BY REPRESENTATIVE PHILLIPS:

7 Q. State Representative Don Phillips from District
8 138, Kimberling City, which is down near Table Rock Lake.

9 In the time that you became acquainted with
10 Governor Greitens, would you say that your personal
11 relationship with him is -- would you call him a friend?

12 A. You know, he's an acquaintance. I wouldn't say
13 necessarily he's a friend. Like when he comes to
14 St. Louis, he doesn't call me and say, hey, Jack, let's go
15 get a beer. I mean, he doesn't drink, but let's go meet
16 for coffee or something, no. No. You know, it was
17 basically a professional relationship, I would say?

18 Q. In the time that you've known him, would you
19 characterize him as honest and trustworthy from what you've
20 seen?

21 A. Most assuredly, yes.

22 Q. And that was his reputation amongst others?

23 A. That was basically, as I said earlier, he
24 believed in doing things right, and he stressed that. And
25 he -- he would hold everybody else to a high standard, and

1 he held himself to a high standard.

2 Q. Okay. Did it surprise you personally when the
3 news broke of -- concerning his extramarital affair?

4 A. Yes.

5 Q. Did it had change your opinion of him?

6 A. No. It gave me -- you know, I had concerns, but,
7 you know, who of us -- you know, I don't know the
8 circumstances of, you know, if he and his wife have
9 reconciled the issue. It's none of my business, you know.
10 I still got to look at him as the person, what else he
11 does.

12 Q. Fair enough. Did you ever observe or hear,
13 within the workplace, of Mr. Greitens conducting himself in
14 any way other than professional and business-like?

15 A. No, sir.

16 Q. Thank you.

17 REPRESENTATIVE PHILLIPS: That's all I've got,
18 Mr. Chairman. Thank you.

19 CHAIRMAN BARNES: Representative Mitten?

20 QUESTIONS BY REPRESENTATIVE MITTEN:

21 Q. Hi. I'm Gina Mitten from St. Louis.

22 A. Hi.

23 Q. Thank you for being here.

24 A. Uh-huh.

25 Q. Hopefully this will go pretty quick.

1 Representative Barnes asked you some questions about
2 25 percent of salary was being paid by somebody, and I
3 don't think that the record is actually very clear on that.

4 So when you talked about, I think it was
5 25 percent of -- I believe we were talking about Krystal
6 Taylor's salary.

7 **A. Yes.**

8 Q. Was it 25 percent being paid by The Mission
9 Continues or The Greitens Group, or can you just sort of
10 explain to us how that works?

11 **A. It was -- it was paid by The Greitens Group.**

12 Q. Okay.

13 **A. She was our -- The Mission Continues' employee,**
14 **so it was kind of like a shared -- shared salary.**

15 Q. Okay. So The Mission Continues paid for all of
16 Krystal Taylor's expenses, her salary, her -- whatever,
17 health or those kinds of benefits?

18 I don't know if there was a 401-K or something
19 like that going on, but parking, all of the expenses
20 related to Krystal Taylor's salary was paid for by The
21 Mission Continues?

22 **A. Yes. As they were by all other employees.**

23 Q. Right.

24 **A. She was treated no different than anybody else.**

25 Q. And then The Greitens Group was then reimbursing

1 The Mission Continues 25 percent of all of those costs?

2 **A. Yes.**

3 Q. Okay. And they also -- like, how did that work
4 for sort of general office equipment and that kind of
5 thing?

6 For instance it's my understanding that, you
7 know, Krystal Taylor and Lyndsey Hodges shared an office.
8 I'm assuming, again, that all of that was paid for by The
9 Mission Continues or -- they shared space?

10 **A. They shared space, and honestly she didn't**
11 **always -- you know, who they shared with is separate,**
12 **because one reason I'm hesitant like this is she -- then we**
13 **moved her next to -- and she shared space with Greg Favre,**
14 **who was Eric's assistant, and that was -- so that was a**
15 **different office.**

16 Q. Right.

17 **A. Let's just say -- can we just say office space?**

18 Q. Right.

19 **A. She had a portion of the office space.**

20 Q. Okay. So she had a desk somewhere --

21 **A. Exactly.**

22 Q. -- wherever that might be?

23 **A. Yes.**

24 Q. Okay. And was The Greitens Group also
25 reimbursing you for office space?

1 A. Yeah. We -- for Krystal, yes. We -- we -- we
2 got -- there was a percentage of, and I'm really talking --
3 because that wasn't a big deal or a big thing.

4 Q. Right.

5 A. So -- but there was a portion of that expense
6 allocated to them also. And that was part of the
7 agreement. We came up with the -- and, you know, the same
8 thing. And part of the agreement was to cover, like, if we
9 had a copier, we had a printer that Krystal used.

10 Q. Right.

11 A. Okay. That shared service like that.

12 Q. Right. I understand that. You know, regardless
13 of the size of the organization it seems to me the
14 nitpicking over copying is never a good idea.

15 A. That's right.

16 Q. It doesn't intender cooperation and consensus for
17 the building, let's put it that way.

18 You indicated that you had worked for other
19 nonprofits, did you -- have -- was -- at -- let me get this
20 out. I'm not on my game this week.

21 So did you ever do -- or what was your
22 involvement in doing fundraising for any nonprofits before
23 you came to The Mission Continues?

24 A. Very similar to what I did with The Mission
25 Continues. I'm a -- I don't know. How do you say it? I'm

1 a bank guy.

2 Q. Right.

3 A. I go to the banks and ask them for money. I run
4 inside the office, but, you know -- glad-handing, you know,
5 asking -- I'm not real good at, but I -- when I have to
6 compliment the fundraisers, I'm very good at that, because
7 I have credibility. But, man, don't send me in the door by
8 myself.

9 Q. Sort of a team player when it comes to that, but
10 absolutely not directing the ship?

11 A. Exactly.

12 Q. Okay. And then you -- just to make sure your
13 testimony is clear. You did not directly work with donor
14 lists at The Mission Continues --

15 A. No.

16 Q. -- with the exception of your thank-you calls?

17 A. That's correct.

18 Q. Okay.

19 A. The only thing I -- you know, of course by the
20 accounting department money coming in and going out, so you
21 see those names. And then the filings that you do at the
22 end of year in various states that you fundraise in, but
23 that's not individualized, that's more, you know --

24 Q. This is how much we raised from all of our
25 donors, and I'm -- did you use some sort of computer

1 software to do that, like an Excel or another proprietary
2 software?

3 **A. To do the registration?**

4 Q. To do the filings and whatnot?

5 **A. We would -- we would -- we would gather**
6 **information. We work with the fundraising area. They**
7 **would provide us information.**

8 **And then we worked with another organization**
9 **called The Affinity Group that specialized in registering**
10 **nonprofits in various states.**

11 Q. Okay.

12 **A. Because that -- you don't want to get involved in**
13 **that.**

14 Q. Right.

15 **A. Okay.**

16 Q. Note to self. I'll keep that in mind.

17 In your work for nonprofits throughout your
18 career, were you ever aware of your employers purchasing
19 donor lists?

20 **A. No.**

21 Q. Okay. So you're not aware of The Greitens
22 Group -- excuse me -- The Mission Continues ever purchasing
23 a donor list?

24 **A. Not aware, no.**

25 Q. Okay. I don't have any other questions. Thank

1 you.

2 **A. Uh-huh.**

3 CHAIRMAN BARNES: Representative Lauer?

4 REPRESENTATIVE LAUER: Thank you, Mr. Chair.

5 QUESTIONS BY REPRESENTATIVE LAUER:

6 Q. And thank you again for being here, and I want to
7 thank you also for your approaching -- having a
8 conversation with us today. That is very helpful.

9 I am Jeanie Lauer from the Kansas City area, Blue
10 Springs, and I have random questions, so we'll just kind of
11 hop around.

12 **A. Okay.**

13 Q. So you have worked obviously with
14 not-for-profits, and was it your responsibility to complete
15 the yearly filings for the not-for-profits that you worked
16 with?

17 **A. By yearly filings, you mean with the various**
18 **states?**

19 Q. Correct.

20 **A. Yes and no. And I'll tell you.**

21 Q. Okay.

22 **A. We -- as I mentioned a minute ago, we would**
23 **obtain information from our fundraising area, and then we**
24 **would start asse-- we worked with an organization called**
25 **The Affinity Group in Colorado. That was their business**

1 was registering organizations in various states.

2 So we provided that information, the data, and
3 the information on The Mission Continues, you know, the
4 board of directors, all the administrative stuff, and then
5 the dollars that were raised in various states. And then
6 they would formally file the -- do the filings for us.

7 Q. Okay. But you were very familiar with
8 not-for-profit status and the requirements and regulations
9 associated with that?

10 A. Sure. Yes, ma'am.

11 Q. And was there any time during your work with The
12 Mission Continues that there was any concern about the
13 status of not-for-profit being jeopardized?

14 A. No.

15 Q. Okay. So you've -- that was just very clear that
16 we were -- you were in alignment with IRS code and
17 everybody else?

18 A. I can't remember ever a discussion like that.

19 Q. Okay.

20 A. Okay?

21 Q. Sure. And so you've worked for a for-profit as
22 well as with the not-for-profit. So you're familiar
23 certainly in a for-profit industry on client lists?

24 A. Right. Yes.

25 Q. And I would assume that the elevator that you

1 worked with would want to protect their client list that
2 they do business with?

3 A. Yes and no. I mean, yes, but the client lists --
4 all elevators in a region use the same client list, you
5 know, work with the same clients, so there's not a -- it's
6 not privileged, you know, what I mean?

7 Q. Sure.

8 A. It's not confidential information that anyone
9 else couldn't come up with. The elevator next door could
10 have a --

11 Q. Okay.

12 A. Because it's all based on market price.

13 Q. Sure. And so there's a lot of common
14 denominators as to who would be engaged in that?

15 A. Yes.

16 Q. And what about for the not-for-profits? What
17 about donor lists and things like that?

18 A. I mean, the Jewish Federation had a huge list of
19 donors. I mean, I never looked at it. You know, what were
20 good for -- you know, once again though, that was a cause.
21 And, you know, you -- basically it was a cause of the
22 Jewish community.

23 And that was where probably 95 percent of the
24 donors, you know, individual and the companies, were of
25 that religion or supported that religion. So, you know,

1 I'm not sure what else I can say on that.

2 Q. Okay. So obviously not-for-profits have an asset
3 list. They still do balances sheets and all those sorts of
4 things --

5 A. Uh-huh.

6 Q. -- that any organization would do?

7 Were there any points where the not-for-profits
8 that you worked with list your donor list as an asset?

9 A. No. No, ma'am. The only thing that would be on
10 our financial statements related to donors would be in
11 total like if we had pledge receivable, or if we had a
12 commitment from the organization, we would --

13 Say ABC company had signed an agreement to give
14 us -- to pay us \$100,000 year one for the next three years,
15 we would recognize that as a discounted amount as a
16 receivable on our books, okay?

17 Q. Okay.

18 A. And then we would -- I don't know if you're
19 familiar with accounting in a nonprofit, but you have
20 restricted and unrestricted.

21 Q. Right.

22 A. And we would restrict part of it. But anyway,
23 that's how we would handle it.

24 Q. Okay. So it was really based on a
25 commitment-cash basis?

1 A. Yes.

2 Q. Okay. And so who was the guardian of the list of
3 donors at The Mission Continues?

4 A. You know, honestly, I don't know for sure. I
5 would assume it's in the fundraising area. Once again, I
6 didn't necessarily -- I didn't go over there and say, can I
7 have the list of all of our donors?

8 I didn't need it. That wasn't something that
9 really was part of my job. Well, everything is my job,
10 but, you know, it wasn't part of my responsibility to
11 know -- to look at that individual list.

12 Q. Okay. So there was really no one
13 organizationally that said in my role I am responsible for
14 maintaining, obtaining the donor list?

15 A. I mean, I would say it was in the fundraising
16 area.

17 Q. Okay.

18 A. That's -- for an individual, a particular
19 individual, I couldn't tell you. You mentioned, you know,
20 Lyndsey. You know, those people worked there and that's
21 what they would do.

22 Q. Okay. While you were working with The Mission
23 Continues, what discussions might Eric have had or shared
24 with you or others regarding his future plans?

25 A. You know, he was very tight-lipped about that,

1 because he didn't want to compromise the organization or
2 compromise what his thoughts were.

3 Because, you know, I think that, you know, he --
4 he wasn't sure, okay? And if he -- I will say this: He
5 did take a leave of absence from the organization for, I
6 can't remember how long, but it was -- during that time
7 frame I think that's when he did a lot of soul searching to
8 decide what he wanted to do.

9 Q. About what time frame was that?

10 A. I shouldn't have brought it up.

11 Q. Thank you for doing it, but --

12 (EXHIBIT NO. 19 WAS PREVIOUSLY MARKED FOR
13 IDENTIFICATION.)

14 CHAIRMAN BARNES: If I show you Exhibit 19, which
15 is a letter that Mr. Greitens sent to all the stuff that
16 was sent on April 24th, 2019 (sic) and says I'm --

17 REPRESENTATIVE MITTEN: Not '19.

18 CHAIRMAN BARNES: I'm sorry. Exhibit 19, but he
19 sent it in 2014. I think the first sentence says something
20 to the fact of it's good to be back. Here is the decision
21 I've made. Does that refresh your recollection as to the
22 time frame?

23 THE WITNESS: Yes, it does. It was right around
24 that time. And he -- I don't know if it says it here, but
25 he remained on the Board for a while. And then at a point

1 in time he resigned from the Board too, because that's when
2 he was officially going to announce that he was going to
3 seek public office.

4 BY REPRESENTATIVE LAUER:

5 Q. So when he resigned from the Board, is that when
6 he took a leave of absence?

7 A. No. He took a leave of absence -- he took a
8 leave of absence to determine -- to both finish a book, and
9 then also to kind of, you know, get his thoughts together
10 on what his next move was.

11 Because I would say that at this point he had The
12 Mission Continues on the right path. He had a management
13 team in place that was very strong, and, you know, was
14 capable of, you know, carrying the mantra, carrying the
15 torch.

16 Eric is a very -- he has a lot of plans in his
17 life, and, you know, this was --

18 Q. So did he -- I'm trying to narrow this down, but
19 did he take a leave of absence while he was the CEO of The
20 Mission Continues?

21 A. No. He was no longer a CEO.

22 Q. Was he on the Board?

23 A. He was CEO and he took a leave of absence, and
24 when he came back, I believe he just remained -- he was --
25 he came back to be on the Board.

1 Q. Okay.

2 A. But he did not -- he was not running the
3 day-to-day operations anymore.

4 Q. Okay. So that was that transition period where
5 that happened?

6 A. Uh-huh.

7 Q. And to what degree were you involved in that
8 whole transition first from CEO to the Board?

9 A. Well, he was already on the Board.

10 Q. Right.

11 A. But just basically when he announced it. I was
12 not involved in any discussion as to what he should do or
13 not do. I mean, this was, you know, very guarded.

14 Q. Okay. And what about from the Board to Greitens
15 Group, discussions about that?

16 A. Once again, when he announced, he had talked to,
17 I think, a couple of the Board members. And I only found
18 out about it -- you know, I found out about it as basically
19 everybody else did.

20 Q. Okay. Are you still consulting with TMC?

21 A. No. No, ma'am.

22 Q. Okay. When was your last date of doing that?

23 A. Well, I worked for them -- I officially retired
24 December 2016.

25 Q. Okay. And let's go back to your role in the

1 finance accounting position at The Mission Continues.
2 You've indicated that there were some shared expenses with
3 payroll and so forth.

4 A. Uh-huh.

5 Q. Was there, for lack of a better word, an invoice
6 or something given to you as documentation as to how to
7 split the expenses that you would know what you would pay
8 and what another group would pay?

9 A. I don't have the agreement in front of me, but if
10 I remember correctly, we just agreed -- we did a
11 calculation to determine how much the monthly fee would be,
12 and we didn't adjust the fee every month, I don't believe.

13 Q. Okay. So it was just a standard, agreed upon
14 rate?

15 A. Yeah. I believe that's what the agreement said.
16 And once again, you know -- I'm -- there wasn't a lot of
17 money in it. I didn't think about -- it's been a long
18 time.

19 Q. Sure. All right. Not-for-profits are rated by a
20 large group of raters?

21 A. Uh-huh.

22 Q. And during the period of time you were with The
23 Mission Continues, what was the rating that you were given?

24 A. We were given -- well, Charity Navigator -- and I
25 will never forget this -- gave us a 97 one year instead of

1 100. And the reason being is we were so fast to get things
2 done -- remember I said --

3 Q. Yeah.

4 A. -- okay, that we actually -- the finance
5 committee approved the 990, okay, and we filed it, and then
6 we gave it to the Board. And just as a prec-- but the
7 process is to get the 100, you've got to give it to the
8 Board first.

9 Q. Oh.

10 A. So after that we -- you know, and it wasn't -- it
11 was just -- and actually our auditors didn't -- you know,
12 we -- they called Charity Navigator to argue about it with
13 them. From thence forward it's always been 100 from what I
14 know.

15 Q. Okay.

16 A. So it's always been the highest ratings. And we
17 were also -- the Better Business Bureau gave us the Golden
18 Torch award. So, you know, once again, Eric stressed doing
19 things right.

20 Q. Okay.

21 A. He stressed, you know, no, no, no, no give here
22 on those type of things.

23 Q. Okay. And so when the information came out
24 regarding the use of the donor list by the campaign
25 committee, was -- and you were not there at that point, is

1 that right, or you were?

2 A. I left December 2000-- when it came out in the
3 news or when it came out?

4 Q. Uh-huh.

5 A. No, I was no longer there.

6 Q. Okay. Were you involved in any of the ethics
7 questioning or --

8 A. No.

9 Q. -- sharing information?

10 A. No.

11 CHAIRMAN BARNES: Can I clarify?

12 REPRESENTATIVE LAUER: Sure.

13 CHAIRMAN BARNES: You mean Missouri Ethics
14 Commission?

15 REPRESENTATIVE LAUER: Missouri Ethics
16 Commission. I'm sorry.

17 THE WITNESS: No. I was not involved in any of
18 those discussions. I would like to say one thing about
19 that is: Eric grew the organization from zero, okay?

20 He, people, donors, corporations, individuals,
21 foundations migrate. They were attracted to him. They
22 migrated to him as he spoke around the country, as he met
23 them and stuff.

24 I would venture to say that he probably
25 personally knew a major percentage of all the donors and

1 had their contact information. And by all the donors, I
2 mean above a certain level, you know. You know, that he
3 could have had in his phone, in his business cards. He
4 could have created a list that would be very close to
5 whatever list you're talking about.

6 BY REPRESENTATIVE LAUER:

7 Q. Okay.

8 A. Okay? Because he just -- he was the
9 organization. Even after we hired a fund-- a chief
10 fundraiser, they still wanted to see Eric, so he was the
11 contact guy.

12 Q. It sounds like he was very charismatic; would you
13 agree with that?

14 A. Super charismatic, yes.

15 Q. Okay.

16 A. And he's a gifted speaker. He's -- he's -- he
17 comes off as a very -- you know, I should say comes -- he
18 was very sincere and very dedicated to The Mission
19 Continues.

20 Q. Okay.

21 A. As I said, the first two years he didn't even
22 draw a salary. He slept on the floor sometimes in the
23 office. He was a very -- you know, he had a mission.

24 Q. Uh-huh. And was that character trait of being
25 charismatic, was that something that was demonstrated with

1 the donors, with staff, with anywhere he went would you
2 say?

3 A. Yes. He had a very loyal staff. He -- donors,
4 you know, I mean, they just wanted to see him. They wanted
5 to talk to him.

6 Q. So he would just draw people to him?

7 A. Yes, he would.

8 Q. Okay.

9 A. And he would give a lot of speeches or
10 presentations, and it's amazing the people that would come
11 up to him afterwards and would say, I want to talk to you
12 more. I would like to spend some time with you. I mean,
13 he was --

14 Q. It sounds as though the donors and everybody else
15 might have been as drawn to him as they were to The Mission
16 Continues?

17 A. I can't speak for them, but I would say that a
18 lot them probably were. The reason they donated to The
19 Mission Continues was him.

20 Q. Okay. I want to go back to the ratings by
21 Charity Navigator and so forth. In your experience with
22 not-for-profits and having had great ratings consistently
23 all across, given that there was this issue with the
24 Missouri Ethics Commission in regards to the use of the
25 donor list, how would that have impacted the ratings of the

1 not-for-profit?

2 A. My understanding is right now that they have not
3 changed the -- and this is current.

4 Q. Sure.

5 A. I understand they have not changed the rating,
6 they just made a note that there is an investigation going
7 on or something like that.

8 Q. Okay.

9 A. So, you know -- but I can't -- I really can't
10 answer how they would handle that or what they would say,
11 because it really -- you know, I don't know.

12 Q. Okay.

13 CHAIRMAN BARNES: Let me back up and clarify
14 that.

15 REPRESENTATIVE LAUER: Okay.

16 CHAIRMAN BARNES: Sorry about that.

17 Your understanding is you don't have any contact
18 with The Mission Continues today?

19 THE WITNESS: No. No, I don't, but I do have --
20 I can get on Charity Navigator.

21 CHAIRMAN BARNES: Okay. So this is based on your
22 reading of Charity Navigator?

23 THE WITNESS: Exactly. Yes.

24 CHAIRMAN BARNES: Okay.

25 THE WITNESS: It has nothing to do with -- I have

1 had no contact whatsoever.

2 CHAIRMAN BARNES: No inside knowledge?

3 THE WITNESS: None whatsoever. Sorry. I didn't
4 mean to talk too much.

5 CHAIRMAN BARNES: That's fine. No, you're fine.
6 I just wanted to make sure we got the basis of that.

7 REPRESENTATIVE LAUER: I appreciate that. Thank
8 you.

9 BY REPRESENTATIVE LAUER:

10 Q. And so having that note, again, in your
11 experience and seeing that on Charity Navigator, what would
12 be the impact of that on a not-for-profit?

13 A. I think it would be a -- I would want to take a
14 wait and see what really has transpired. I mean, because,
15 you know, it's very questionable, and there's --

16 You know, I -- I -- I -- I think that individual
17 organizations would probably -- each of them look at it
18 differently, so I really can't tell. I can't answer that.

19 Q. That's fair. I appreciate that. Just a couple
20 more questions.

21 What was your interaction with the Board
22 specifically?

23 A. When I was there, I attended almost every board
24 meeting, okay?

25 Q. Uh-huh.

1 A. After Eric left, Mr. Kympton decided that he
2 didn't need senior staff at board meetings, so he kind of
3 changed the scope of things a little bit.

4 So from that point forward I would get the
5 minutes and I would read them, you know, because we had to
6 for the audit and stuff, but I wasn't as involved.

7 While Mr. Greitens was there and up until he
8 formally left the Board, I would attend most meetings.

9 Q. Okay. And then one last question: You were
10 talking about people would ask about the history of the
11 990s that they would have questions?

12 A. Uh-huh.

13 Q. What type of questions would they inquire of?

14 A. Well, the specific thing I was talking about is
15 in a 990 there is a list of the highest paid employees in
16 the organization. And that's the point I was -- that's the
17 part I was addressing.

18 Q. I see.

19 A. Okay. Other questions come up. Anybody that can
20 read a 990 is pretty smart. I can't. I mean, they are
21 very confusing to look at.

22 Q. Sure.

23 A. But they're almost too thorough is the problem.

24 Q. Okay. So mostly it was salary information that
25 was being looked at by them?

1 **A. Yes.**

2 Q. Thank you very much.

3 REPRESENTATIVE LAUER: And thank you, Mr. Chair.

4 CHAIRMAN BARNES: Representative Austin?

5 REPRESENTATIVE AUSTIN: Mr. Chair, Thank you.

6 QUESTIONS BY REPRESENTATIVE AUSTIN:

7 Q. Kevin Austin. I'm from Springfield. I'm not
8 going to rehash what you have already testified to, but I
9 can't help but notice -- I wasn't trying to eavesdrop or
10 look over your shoulder, but you have brought documents
11 with you?

12 **A. No. No. This is just if I had an opportunity.**
13 **I've never done this before.**

14 Q. Okay.

15 **A. So I -- you know, on TV you always get a chance**
16 **to give your opening statement, so I was ready.**

17 Q. Okay. If the Chair wants you to read that, we'll
18 leave that up him. Thank you. No questions.

19 **A. Okay.**

20 CHAIRMAN BARNES: Representative Rhoads?

21 REPRESENTATIVE RHOADS: I don't have any
22 questions.

23 CHAIRMAN BARNES: He's like an angel on my
24 shoulder here.

25 REPRESENTATIVE RHOADS: I'll decline to comment.

1 CHAIRMAN BARNES: Okay. That --

2 REPRESENTATIVE MITTEN: Representative Pierson.

3 CHAIRMAN BARNES: Representative Pierson?

4 REPRESENTATIVE PIERSON, JR.: Thank you for
5 acknowledging the youngest in legislative age.

6 QUESTIONS BY REPRESENTATIVE PIERSON, JR.:

7 Q. I'm Tommie Pierson, Jr. I'm from St. Louis
8 County. Thank you for being here, Mr. Neyens.

9 Did you have a counterpart that did your role in
10 The Greitens Group?

11 A. No. The Greitens Group was very small. They had
12 a gentleman that basically went out and booked his
13 speeches, his appearances and kind of managed his little
14 office.

15 And then he had, I believe, one other, like, an
16 accounting-type clerk, you know, that paid the checks, that
17 did the invoicing. And, you know, once again, it was
18 basically a two-person office. And I think at one point
19 they hired a third person for a while, but that was all
20 that they had.

21 So the counterpart would have probably been, you
22 know, much lower level because it was a QuickBooks thing.

23 Q. Anther person who wore a lot of hats?

24 A. Yes. And it was small. It was so small that you
25 probably could have actually done it on a piece of paper

1 and pencil if you wanted to.

2 Q. And to your knowledge the only reimbursement that
3 The Greitens Group paid to The Mission Continues was for
4 Krystal Taylor's salary?

5 A. And some shared -- and some -- you know, some,
6 like, the rent.

7 Q. Okay.

8 A. You know, I think there is a number in there for
9 office supplies.

10 CHAIRMAN BARNES: Representative, I was a little
11 slow when Representative Lauer was asking these questions.
12 I have got a document that could help refresh the witness'
13 recollection.

14 REPRESENTATIVE PIERSON: Go ahead.

15 (EXHIBIT NO. 15 WAS PREVIOUSLY MARKED FOR
16 IDENTIFICATION.)

17 CHAIRMAN BARNES: This is the Memorandum of
18 Understanding. And then I believe you might have signed
19 that somewhere, but I'm not -- and then here is the Exhibit
20 A as to costs.

21 REPRESENTATIVE AUSTIN: So that's Exhibit 15?

22 CHAIRMAN BARNES: That's correct. I've handed
23 the witness what's been marked as Exhibit 15 from previous
24 testimony to refresh his recollection about the Memorandum
25 of Understanding.

1 REPRESENTATIVE AUSTIN: And Exhibit A, is that an
2 exhibit to Exhibit 15?

3 CHAIRMAN BARNES: Exhibit A is an exhibit to
4 Exhibit 15 marked by the parties who entered into the
5 Memorandum of Understanding.

6 THE WITNESS: Right. I do remember this. That's
7 the 600 bucks I was -- \$635 I was talking about.

8 CHAIRMAN BARNES: I apologize. I was a little
9 bit slow to pull that up. It could have helped earlier.

10 REPRESENTATIVE LAUER: That's okay.

11 BY REPRESENTATIVE PIERSON:

12 Q. So you've worked with the Jewish Federation of
13 St. Louis previous to coming over to The Mission Continues?

14 A. Uh-huh.

15 Q. Just knowing Eric's faith, was there anything
16 asked of you to perhaps bring in any donors from the Jewish
17 Federation of St. Louis?

18 A. No.

19 Q. Okay. I don't have anything. Thank you.

20 REPRESENTATIVE PIERSON: Thank you, Mr. Chair.

21 FURTHER QUESTIONS BY CHAIRMAN BARNES:

22 Q. Two additional followups.

23 A. Okay.

24 Q. Maybe three. The Exhibit 19, which you've had
25 the opportunity to review about when Mr. Greitens came back

1 from sabbatical that triggered the transition, did you take
2 part in any transition planning for The Mission Continues
3 organization?

4 A. Not -- by transition you mean how we would handle
5 with Eric leaving?

6 Q. How to get from Eric being there to Eric not
7 being there?

8 A. Not -- no. Basically Eric recommended to the
9 Board that Spencer Kympton take on the role of president.
10 And the Board discussed it and determined that that would
11 be the best trans-- would be the thing to do.

12 Q. And as far as the plan of how the organization
13 was going to get from Point A to Point B in just as strong
14 a shape as it was at the beginning, did you have a role in
15 that or were you just generally aware of those -- of those
16 plans?

17 A. You've got to remember that Eric, strategically,
18 is a very planned out person, okay? And the growth of The
19 Mission Continues after Eric left was geared around -- he
20 was the genesis of the idea that has created a lot of the
21 new growth, which was service platoons.

22 Okay. That's something that we, as a management
23 team, developed -- actually worked with Fleishman-Hillard a
24 little bit on it too. We developed that the next thing
25 after our fellowship program, which a fellowship program

1 was a six-month program where we would select anywhere from
2 60 to 80 veterans four times a year and they would be in
3 this fellowship program for approximately six months.

4 We would -- our goal was to help them transition
5 back to citizenship. And by that I mean a lot of times
6 they would be sitting in the family basement, you know,
7 PTSD, a lot of different things wrong. And our goal was to
8 get them either back in school to secure a job or, you
9 know, back in life, okay?

10 And what we figured was, this was an intensive
11 plan, and there were a lot of veterans coming back that
12 really were in school and did have jobs, but they still
13 were having transition problems because they missed their
14 camaraderie of what they were doing. They missed doing
15 things for their community and giving back.

16 So we developed this concept of platoons, service
17 platoons. And it was an all volunteer-type group. We
18 started out with 12 in different cities, and then we -- you
19 know, when I left we were at about 60 I believe around the
20 different cities in the country.

21 So your touch then is -- a platoon could be 25 to
22 60 vets. They would do service projects. They would meet.
23 They would -- so the touch got bigger that way.

24 Eric was the genesis of that thought. We took it
25 and ran with it, okay? And, you know, so the transition

1 plan was let's execute what we got.

2 You know, let's continue doing a good fellowship
3 program, but let's move into this new area that Eric had
4 developed, helped developed.

5 And as far as the transition -- normally you
6 think of transition as to who is going to do what after
7 someone is gone, but we had a pretty strong group of
8 leaders.

9 You know, Spencer was a natural, I guess, to take
10 that role. I think he had some issues with Eric in a way
11 that, you know -- you're talking about this guy can walk in
12 a room and everybody wants to talk to him. You talk about
13 this guy that I'm talking to you as a donor and they say,
14 how is Eric, or where is Eric, can we talk to Eric?

15 You know, it plays on the ego, okay? And I think
16 that in that regard there was some issues, but anyway
17 that's --

18 Q. Okay. You are the first witness, I believe, who
19 appeared without counsel. And there were a lot of
20 witnesses we didn't think needed counsel, but showed up
21 with counsel anyway.

22 A. Are you saying I needed one?

23 Q. No.

24 A. I'm worried now.

25 Q. You did not need -- you certainly did not need

1 counsel. We appreciate your candor and your forthrightness
2 with the Committee.

3 Representative Austin noted you had a prepared
4 statement. Did you prepare that statement?

5 Let me put it this way, if you want to submit
6 that to us, you can. That's perfectly fine.

7 If you don't, you don't have to, and that's fine.
8 If you are going to submit it, I need to ask the question:
9 Did you prepare it by yourself exclusively, or did you have
10 any help preparing it?

11 **A. I prepared it myself.**

12 **Q. Okay. Exclusively?**

13 **A. Exclusively.**

14 **Q. Okay. And did you have any conversations with**
15 **anyone else before you came here to speak today?**

16 **A. No. I will say this: I did meet with -- the**
17 **reason I came here was I -- I -- Eric asked me to talk to**
18 **Ed Dowd and his group and just see if there was anything I**
19 **could add or help or say. So I met with them, and they**
20 **thought it would be a really good idea for me to meet with**
21 **you people.**

22 **Q. Okay.**

23 **A. It's mainly to clarify some things or answer**
24 **questions, because I was on the inside. I was there for a**
25 **long time. I was there after Eric left, but I have no --**

1 you know, I have no skin in this game at all now. I don't
2 work there. I don't -- you know, I -- I -- I --

3 Q. Did you have a lengthy conversation with
4 Mr. Greitens?

5 A. No. It was very short.

6 Q. Okay. And your meeting with his lawyers, was
7 that a lengthy meeting?

8 A. Lawyers, they are never -- it was -- no, it
9 was --

10 Q. That's a fair assessment. I'm one of them.
11 That's a fair assessment.

12 A. I'm sorry. I didn't mean to insult you. It was
13 about a little over an hour.

14 Q. Kind of like here, they're asking you questions?

15 A. Yeah. They were just asking questions, one, to
16 clarify things they were wondering about; and, two, just to
17 see what my knowledge level was and what could I add to
18 this whole process.

19 Q. And then, of course, they asked you the question:
20 Would you be willing to speak to this, that or the
21 Committee, and you said yes, and that's how we got
22 connected?

23 A. Exactly. That's correct. He said that. He
24 asked me if I would be willing to.

25 And I said, I'm not really a speaker, but if I

1 can sit down, I'm happy to talk to anybody.

2 Q. Good enough. This conference room is more like a
3 conversation than anything else.

4 CHAIRMAN BARNES: Representative Lauer?

5 REPRESENTATIVE LAUER: Thank you, Mr. Chair.

6 FURTHER QUESTIONS BY REPRESENTATIVE LAUER:

7 Q. I want to go back. You said something in just
8 the dialog that just happened that Eric was a very
9 strategic person and that he liked to have things planned
10 out; is that right?

11 A. He planned things out, okay? Yes. Yes. He --
12 he -- he -- he didn't go into -- you know, I guess it's
13 kind of like going into battle. You just don't randomly
14 run in there. He had a plan of building his business --

15 Q. Okay.

16 A. -- building his organization.

17 Q. And was that his day-to-day nature, to be that
18 way, from what you've seen?

19 A. Yes, it was, but he also expected people that
20 were involved in that plan to follow their -- to follow
21 what was their responsibility. And he didn't come back and
22 check on you every day.

23 You know, he developed a plan, like, all right,
24 Jack, you're going to do this. Spencer, you're going to do
25 that. You know, this is your area of responsibility, then

1 we would -- he would regularly check-in or talk about where
2 we were in the process.

3 Q. Okay. Did you have any opportunity to observe
4 him being impulsive?

5 A. No.

6 Q. Okay. Thank you.

7 REPRESENTATIVE LAUER: Thank you, Mr. Chair.

8 CHAIRMAN BARNES: Any further questioning?

9 REPRESENTATIVE AUSTIN: So are you going to
10 submit that or not?

11 THE WITNESS: If you would like me to?

12 CHAIRMAN BARNES: The thing you should know is --

13 REPRESENTATIVE AUSTIN: It becomes an exhibit and
14 then it's public.

15 CHAIRMAN BARNES: If it becomes an exhibit, it
16 will be a part of the report. So we'll leave it up to you.

17 REPRESENTATIVE LAUER: Unless there is something
18 you just want to share there that we haven't covered?

19 THE WITNESS: Let me read it real quick.

20 CHAIRMAN BARNES: That may be easier. If there
21 is something -- because we've asked the questions. If
22 there is something we haven't asked or that you haven't had
23 the opportunity to share that you wish to do so, that's
24 probably the better way to do this.

25 THE WITNESS: Thank you. I think you guys really

1 hit most of the things. I think one thing -- and you
2 mentioned this a little bit with the salaries and stuff --
3 that, you know, the Board pressured Eric, or wanted Eric to
4 take a salary. They wanted him to be --

5 And even after he started taking a salary -- I
6 told you we went through this growth -- he was the third
7 highest paid employee in the organization.

8 Now, you know, if he was in it to take money out
9 of the organization or do something like that, I think he
10 would probably be the highest paid by far, okay?

11 So, you know, and salaries were driven -- were
12 driven by the Board. I mean, they had to approve, like,
13 his salary and -- but he -- he hired -- you know, he hired
14 people to -- paid them more than himself. I think that --
15 I think that says something you need to think about too.

16 And he -- we -- one thing I mentioned in here is
17 we had an annual gala, and Eric, even if he didn't -- could
18 have -- didn't have to, but he always -- he always
19 purchased a table for his family to attend the gala.

20 You know, that's out of his pocket. He was -- he
21 donated a decent amount of money to The Mission Continues
22 every year.

23 So you take that away from his salary too, so he
24 was dedicated, okay? He truly loved the organization.

25 I think we've touched on everything that we --

1 that I had thought about that I wanted to make sure we
2 said, so I don't see why I need to submit this then.

3 CHAIRMAN BARNES: Okay. Thank you. We really
4 appreciate you being willing to come down here and working
5 with us on schedule, because I know you had a bunch of
6 other things going on and being able to fit this in.

7 REPRESENTATIVE LAUER: Absolutely.

8 CHAIRMAN BARNES: We really appreciate it. We're
9 going to excuse you so we can talk about other committee
10 business.

11 THE WITNESS: Okay.

12 (A BREAK WAS TAKEN.)

13 CHAIRMAN BARNES: Back from a break. I want the
14 Committee to be aware that we received an extra set of
15 e-mails from August of 2016. It's an e-mail from Spencer
16 Kympton to Austin Chambers and a response about use of
17 Mission Continues intellectual property in the campaign.

18 Those -- everyone should have a copy now. They
19 are upstairs. I would like to mark that as an exhibit and
20 enter it into the record. Everyone has been looking at the
21 draft report.

22 I have taken Lyndsey Hodges' testimony and
23 incorporated some new paragraphs of the report, kind of
24 like we're reinventing the wheel on this draft. And then I
25 will do the same as soon as we have a transcript of this

1 one.

2 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

3 (EXHIBIT NO. 22 WAS MARKED FOR IDENTIFICATION.)

4 CHAIRMAN BARNES: We need to vote to close
5 tomorrow's meeting, which is on adjournment.

6 All those in favor will vote yes.

7 Mr. Secretary, please call the roll.

8 SECRETARY CURCHIN: Barnes?

9 CHAIRMAN BARNES: Aye.

10 SECRETARY CURCHIN: Phillips?

11 REPRESENTATIVE PHILLIPS: Aye.

12 SECRETARY CURCHIN: Mitten?

13 REPRESENTATIVE MITTEN: Aye.

14 SECRETARY CURCHIN: Lauer?

15 REPRESENTATIVE LAUER: Aye.

16 SECRETARY CURCHIN: Austin?

17 REPRESENTATIVE AUSTIN: Aye.

18 SECRETARY CURCHIN: Rhoads?

19 REPRESENTATIVE RHOADS: Aye.

20 SECRETARY CURCHIN: Pierson, Jr.?

21 REPRESENTATIVE PIERSON: Aye.

22 CHAIRMAN BARNES: Seven ayes and zero nos. We
23 have voted to close tomorrow afternoon's hearing of this
24 Committee.

25 We actually have a hearing room tomorrow and it

1 will be in Room 5.

2 Any further business of the Committee?

3 This will conclude today's hearing of the House
4 Special Committee On Investigative Oversight.

5 That's it.

6 (END OF PROCEEDINGS.)

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C E R T I F I C A T E

I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 5th day of April 2018.

SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Thursday, April 5, 2018

TAKEN AT
Missouri State Capitol, Room B22
201 West Capitol Avenue
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS
Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

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1 ALSO PRESENT:
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3 Alixandra Hallen, Minority Counsel; Alex Curchin,
4 Committee Majority Counsel; and Bryan Scheiderer,
5 Legislative Analyst.
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P R O C E E D I N G S

1 CHAIRMAN BARNES: We'll call to order
2 Missouri House Special Investigative Committee on
3 Oversight.
4
5 Mr. Secretary, please call the roll.
6 SECRETARY CURCHIN: Representative Barnes?
7 CHAIRMAN BARNES: Here.
8 SECRETARY CURCHIN: Phillips?
9 REPRESENTATIVE PHILLIPS: Here.
10 SECRETARY CURCHIN: Mitten?
11 REPRESENTATIVE MITTEN: Here.
12 SECRETARY CURCHIN: Lauer?
13 REPRESENTATIVE LAUER: Here.
14 SECRETARY CURCHIN: Austin?
15 REPRESENTATIVE AUSTIN: Here.
16 SECRETARY CURCHIN: Rhoads.
17 REPRESENTATIVE RHOADS: Here.
18 SECRETARY CURCHIN: Pierson, Jr.?
19 REPRESENTATIVE PIERSON: Here.
20 CHAIRMAN BARNES: Now that we are properly
21 situated where everyone wants to sit, or almost
22 situated, today we're going to do essentially a mark-up
23 session of a draft report. I've taken comments from
24 various members about points in the Committee report
25 that we need to have discussion on, and I have marked

1 them on the screen and highlighted in color. And my
2 plan is just to go straight down the list of everywhere
3 that I have highlighted.
4 The first is -- we'll call this sensitive
5 content warning. I think that due to the nature of the
6 report and the language in it, that it's fair to put
7 this on the cover so that readers can properly be
8 apprised that they're about to see descriptions of an
9 adult nature and, of course, language. Is there any
10 objection to this?
11 GROUP RESPONSE: No.
12 CHAIRMAN BARNES: Seeing none, I'll remove
13 the highlight. Okay.
14 REPRESENTATIVE MITTEN: Can we go off the
15 record real quick?
16 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)
17 REPRESENTATIVE MITTEN: Okay. I'm sorry.
18 Back on the record.
19 CHAIRMAN BARNES: Okay. Back on the record.
20 For the record, the discussion that was just had was
21 regarding how to refer to witnesses in this hearing, so
22 we are all on the same page as to who is Witness 1, who
23 is Witness 2, who is Witness 3, who is Witness 4, so
24 that we are not creating a report whereby we have to
25 have a series of redactions per name.

1 REPRESENTATIVE MITTEN: Thank you, Mr. Chair.
 2 CHAIRMAN BARNES: Our first suggested change
 3 is on Page 2, and there was a suggestion mentioning
 4 that Mr. Greitens' declining to testify before the
 5 Committee at this point in time was consistent with his
 6 Constitutional rights. I have no objection to this
 7 change. If anybody else does, please speak them now.
 8 REPRESENTATIVE MITTEN: I have no objection.
 9 REPRESENTATIVE AUSTIN: None.
 10 REPRESENTATIVE RHOADS: I have none.
 11 REPRESENTATIVE LAUER: None.
 12 REPRESENTATIVE PIERSON: None.
 13 REPRESENTATIVE PHILLIPS: None.
 14 REPRESENTATIVE MITTEN: This refusal is
 15 consistent with -- is that --
 16 CHAIRMAN BARNES: Are we capitalizing?
 17 REPRESENTATIVE MITTEN: Yes.
 18 CHAIRMAN BARNES: Did we decide we were going
 19 to capital --
 20 REPRESENTATIVE MITTEN: Yes, we are --
 21 COUNSELOR HALLEN: We have to fix it in all
 22 of the --
 23 REPRESENTATIVE MITTEN: We need to capitalize
 24 it.
 25 COUNSELOR HALLEN: There's going to be a

1 bunch of grammatical changes we need to --
 2 REPRESENTATIVE MITTEN: Greiten. So
 3 declined. And he needs to be specific. Thank you.
 4 CHAIRMAN BARNES: And we can delete this last
 5 phrase if we want -- the committee has treated --
 6 REPRESENTATIVE MITTEN: An equal
 7 Constitutional right.
 8 CHAIRMAN BARNES: Well, I don't -- it's not
 9 an equal Constitutional right before this Committee.
 10 REPRESENTATIVE MITTEN: I guess that's right.
 11 Right. That's true.
 12 CHAIRMAN BARNES: Because if we chose to --
 13 REPRESENTATIVE MITTEN: You're right.
 14 CHAIRMAN BARNES: -- say you can't, we could
 15 say you can't, but we're treating it as if he has had
 16 that right.
 17 REPRESENTATIVE AUSTIN: Yeah. Good.
 18 CHAIRMAN BARNES: Okay. Okay. The
 19 suggestion here, and I don't like how this is worded at
 20 all, the first two sentences here are just --
 21 REPRESENTATIVE MITTEN: Wait, wait, wait.
 22 Before we go there, I would just like to again note for
 23 the record that when we're going through that list --
 24 where are we -- again, that we will need to go through
 25 and capitalize Committee throughout. There may be some

1 other grammatical changes. I don't want to bog us down
 2 with that. And I don't know if this is the appropriate
 3 time to talk about whether -- what -- you know, how
 4 we -- how we want to process this through; in that,
 5 we're going to sit here, we're going to, you know, come
 6 to a consensus or vote, perhaps, on making specific
 7 changes. But my hope would be that then on, perhaps,
 8 Monday morning, you know, we'll have reports back in
 9 the Speaker's office, we'll all have another
 10 opportunity to review --
 11 REPRESENTATIVE AUSTIN: Yes.
 12 REPRESENTATIVE MITTEN: -- the collective
 13 changes. And at that point, my hope would be that what
 14 we will -- what I'm thinking is, maybe we'd produce a
 15 redline with the grammatical changes that I believe --
 16 that the Chair certainly and I have kind of talked
 17 about --
 18 CHAIRMAN BARNES: Agreed.
 19 REPRESENTATIVE MITTEN: -- so that you guys
 20 see that.
 21 CHAIRMAN BARNES: Today is about the
 22 substantive changes.
 23 REPRESENTATIVE MITTEN: That's fine.
 24 REPRESENTATIVE AUSTIN: Scrivener's errors,
 25 grammatical, who cares.

1 CHAIRMAN BARNES: So we'll take the
 2 opportunity --
 3 REPRESENTATIVE MITTEN: Perfect. Just want
 4 to be clear that we're all on the same page about that,
 5 you know, the Committee being --
 6 CHAIRMAN BARNES: And I think you're right,
 7 the redline form is what we need to do for the next
 8 thing.
 9 REPRESENTATIVE MITTEN: Yeah. Yeah, we'll do
 10 that.
 11 CHAIRMAN BARNES: I -- I think actually we
 12 delete this part. I want to point -- I do want to
 13 point out that -- how -- or here's the alternative.
 14 And I'm just talking out loud here, guys, is we could
 15 delete that part.
 16 REPRESENTATIVE MITTEN: I would delete the
 17 first part. I believe that --
 18 CHAIRMAN BARNES: Okay. Is -- hold on.
 19 Before I do that, that was a little bit -- that was a
 20 little bit quick.
 21 REPRESENTATIVE MITTEN: So I'm assuming you
 22 have a back-up?
 23 CHAIRMAN BARNES: I -- I think -- because I
 24 think that, Representative Austin, it was your
 25 suggestion to delete that first part, I think.

1 REPRESENTATIVE AUSTIN: I just said it was a
2 little too much, but I -- but -- I did. But here's
3 what I also like, is that I think we do need to say
4 something about our time constraints. I mean, we've
5 been asked to do -- Jay, and what you said before is,
6 an investigation that would take law enforcement six
7 months to do, we've had to do it in a very much shorter
8 time frame.

9 CHAIRMAN BARNES: We've talked to a number --
10 yeah, we've talked to a number of witnesses and we
11 don't have, necessarily, the resources to hire folks to
12 go out and do a lot of this work. So I -- I think
13 that's fair to keep in. You know, for the part that
14 we're doing today, we've -- we've talked to all the
15 most relevant witnesses, and we've done so in a short
16 time frame.

17 REPRESENTATIVE AUSTIN: We have, but there's
18 still others. I mean --

19 CHAIRMAN BARNES: There are some others.
20 There's --

21 REPRESENTATIVE AUSTIN: There -- there was a
22 request made for interros, et cetera, and, I mean, so
23 I -- I think that -- I mean, we have been under a time
24 crunch, and this isn't also our full-time job as
25 legislators. I mean, we've had to do other things, as

1 well. So I -- I like your statement noting the crunch
2 we've been under.

3 CHAIRMAN BARNES: So what if we keep that. I
4 want to delete the second part of the paragraph,
5 because we are not -- we're going to get to this vote
6 on -- on bifurcating the report, but this obviously
7 references a second part.

8 REPRESENTATIVE MITTEN: Well, I have a
9 problem with that, and here's the thing, first of
10 all -- and I'm -- I'm just going to bring a minority
11 caucus perspective here, is that the significant time
12 and resource constraints were self-imposed. And I -- I
13 believe that saying, you know, these are self-imposed
14 time and resource constraints. We could have gone
15 about this in different -- in a different way. I'm not
16 suggesting that we should have, but I am saying that
17 I -- I have a problem with that sentence.

18 REPRESENTATIVE AUSTIN: Well, self-imposed,
19 now, you mean because we didn't vote to extend our
20 deadline, or self-imposed because we all voted for the
21 resolution in the first place?

22 REPRESENTATIVE MITTEN: Well, I mean, to some
23 extent, yes. And, you know, the second -- the second
24 phrase of that first sentence, I don't -- I mean --

25 CHAIRMAN BARNES: The resource constraints.

1 REPRESENTATIVE MITTEN: Right.

2 CHAIRMAN BARNES: You're saying that if we
3 had so chosen as a body --

4 REPRESENTATIVE MITTEN: Exactly.

5 CHAIRMAN BARNES: -- we could have spent
6 money to hire private investigators --

7 REPRESENTATIVE MITTEN: Yes.

8 CHAIRMAN: -- and counsel at this point in
9 time.

10 REPRESENTATIVE MITTEN: I don't want to
11 diminish what we are doing, but I think that that sort
12 of --

13 REPRESENTATIVE AUSTIN: I don't disagree with
14 what you're saying, Gina, but I'd still like to have
15 something in there to show that, you know, we've had to
16 do this in 40 days or under.

17 REPRESENTATIVE MITTEN: Could we remove the
18 second, third -- first, second, third -- fifth word?
19 No. The Committee operated under --

20 CHAIRMAN BARNES: You know what, let's do
21 this. Let's put this in the parking lot; is that okay?

22 REPRESENTATIVE AUSTIN: Yeah.

23 REPRESENTATIVE LAUER: Is it not though --
24 the time frame was somewhat dictated by the lengthy
25 session?

1 CHAIRMAN BARNES: And by the Resolution.

2 REPRESENTATIVE PIERSON: And the Resolution.
3 I think we should --

4 REPRESENTATIVE MITTEN: Right.

5 REPRESENTATIVE PIERSON: I think we should
6 point to the Resolution here in some way.

7 REPRESENTATIVE PHILLIPS: Why can't we just
8 say 40 days? Just call it like it is instead of --

9 REPRESENTATIVE LAUER: There's a reason for
10 it.

11 REPRESENTATIVE PHILLIPS: That's fine.

12 COUNSELOR HALLEN: Just -- just --

13 REPRESENTATIVE AUSTIN: That's fine. I'm
14 fine with just saying that.

15 REPRESENTATIVE MITTEN: One, two, three --
16 one, two, three -- the fifth word, I don't think that
17 we need to modify time constraints.

18 COUNSELOR HALLEN: You probably can say that
19 word if you want to.

20 CHAIRMAN BARNES: So that's the question. I
21 mean, there's no way we could have got --

22 REPRESENTATIVE MITTEN: No, I understand.

23 I -- I -- I -- I just -- okay.

24 REPRESENTATIVE AUSTIN: And then after
25 Resolution, delete the rest?

1 CHAIRMAN BARNES: I think so.
 2 REPRESENTATIVE MITTEN: Yes.
 3 CHAIRMAN BARNES: Yes, because we're going to
 4 be -- we're issuing a bifurcated report.
 5 REPRESENTATIVE AUSTIN: Okay.
 6 CHAIRMAN BARNES: Do we want to do this, or
 7 do we want to delete the second sentence?
 8 REPRESENTATIVE MITTEN: I would just take
 9 away -- no, no, no. Go -- after procured to -- in -- a
 10 cost. I think that's reasonable.
 11 CHAIRMAN BARNES: Well, no, I -- I would take
 12 the whole sentence out.
 13 REPRESENTATIVE MITTEN: Okay.
 14 REPRESENTATIVE AUSTIN: Okay.
 15 CHAIRMAN BARNES: Okay. And then I'd just
 16 move this up.
 17 REPRESENTATIVE MITTEN: Yes, that's fine.
 18 CHAIRMAN BARNES: All right. I'll remove the
 19 highlight from that. Are we in agreement?
 20 REPRESENTATIVE PIERSON: So now at no point
 21 have we referenced the, I guess, criminal
 22 investigation. Is that an issue?
 23 REPRESENTATIVE MITTEN: I don't think we --
 24 personally, I don't think that we have to spell out
 25 what we're -- what we've done is going to be spelled

1 out in the report itself. We don't have to say, here's
 2 what we did -- here's what we did, and now here's five
 3 pages explaining what we did.
 4 REPRESENTATIVE AUSTIN: You mean, his
 5 declining to testify because of his -- the criminal --
 6 REPRESENTATIVE PIERSON: Or at least --
 7 REPRESENTATIVE MITTEN: That -- that appears
 8 later.
 9 REPRESENTATIVE PIERSON: Okay. I'm just
 10 making sure, since we took it out here, to make sure it
 11 doesn't appear somewhere else. Because I think in some
 12 way that -- I mean, that ties in to what it is that --
 13 that we're doing.
 14 REPRESENTATIVE PHILLIPS: You're saying,
 15 Tommie, we're stating the purpose of our investigation?
 16 REPRESENTATIVE PIERSON: No, I'm just wanting
 17 to make sure that if we take out the fact that there's
 18 a criminal investigation going on concurrent to what it
 19 is that we're doing, I think that's a piece of
 20 information that in some way should be included in
 21 this.
 22 CHAIRMAN BARNES: And I think we still have
 23 it here.
 24 REPRESENTATIVE MITTEN: We do. It's -- we
 25 have it later.

1 REPRESENTATIVE PIERSON: Okay.
 2 CHAIRMAN BARNES: And then there's some of it
 3 later.
 4 REPRESENTATIVE PIERSON: Okay. Very good.
 5 REPRESENTATIVE RHOADS: So I -- Mr. Chairman,
 6 I want to go back to the second sentence.
 7 CHAIRMAN BARNES: The second sentence here?
 8 REPRESENTATIVE RHOADS: Yes.
 9 CHAIRMAN BARNES: Okay.
 10 REPRESENTATIVE RHOADS: It says, the
 11 Committee also notes that Greitens declined to
 12 participate in it's fact-finding process. Can we put
 13 that --
 14 CHAIRMAN BARNES: Kind of like you're
 15 suggesting, later on in the document?
 16 REPRESENTATIVE RHOADS: As long as they're
 17 consistent, because that wouldn't be consistent as the
 18 other one. It would say --
 19 REPRESENTATIVE MITTEN: Time.
 20 REPRESENTATIVE RHOADS: At this point in
 21 time, due to --
 22 REPRESENTATIVE MITTEN: Just at this time,
 23 not point in time; it's just a time.
 24 REPRESENTATIVE RHOADS: Do we want to put in
 25 there, due to a criminal case or --

1 REPRESENTATIVE MITTEN: I thought there's a
 2 paragraph that specifically talks about that.
 3 SECRETARY CURCHIN: There is, Paragraph 3.
 4 There is. And instead of at maybe at this point in
 5 time, be more deferent by the issuance -- or at the
 6 time of the issuance of this report.
 7 REPRESENTATIVE MITTEN: At this time,
 8 that's -- the report is dated, so it's as of today, you
 9 know.
 10 REPRESENTATIVE AUSTIN: All right. Let's
 11 move on.
 12 CHAIRMAN BARNES: Are we good?
 13 REPRESENTATIVE MITTEN: Less is more.
 14 CHAIRMAN BARNES: Okay. All right. Our
 15 wordsmithing. So here are some ideas. One idea is, to
 16 varying degrees, the members of the Committee -- so
 17 right now it says Witness 1 was a credible witness.
 18 Option one: To varying degrees, the members of the
 19 Committee believe Witness 1 was a credible witness.
 20 That's one option.
 21 I believe Representative Rhoads had an option
 22 that might be easier.
 23 REPRESENTATIVE RHOADS: I just put that the
 24 witness appeared to be a credible witness.
 25 REPRESENTATIVE AUSTIN: I like varying

1 degrees better.

2 REPRESENTATIVE RHOADS: I don't -- I'm not an
3 English major, so you need to word it to where --

4 REPRESENTATIVE MITTEN: Let me ask this. Is
5 there any member of this Committee that believes
6 Witness 1 was not credible?

7 REPRESENTATIVE RHOADS: I think my --

8 REPRESENTATIVE AUSTIN: I can't -- I can't
9 give a blanket statement that -- to say to everybody
10 who reads this that I found her 100 percent credible.

11 REPRESENTATIVE LAUER: Can we say overall?

12 REPRESENTATIVE RHOADS: I cannot say that
13 every fact that she told us -- everything that she told
14 us is 100 percent truth, because we have nothing to go
15 on.

16 REPRESENTATIVE MITTEN: There's no way.
17 That's not what you're saying though. It's saying, do
18 you find her to be credible; that's different than
19 saying --

20 REPRESENTATIVE RHOADS: But how do I say
21 she's credible?

22 REPRESENTATIVE MITTEN: Well, because --
23 well, because if I tell you that the sky is blue, you
24 decide. Do you think that I'm telling the truth or do
25 you think that I'm not? That doesn't mean that it is,

1 in fact, the truth. Do you think that I'm telling the
2 truth.

3 REPRESENTATIVE RHOADS: But --

4 REPRESENTATIVE MITTEN: Credibility is
5 different.

6 REPRESENTATIVE RHOADS: But -- but the thing
7 is though, is what Witness 1 said in Committee, how do
8 we prove that that's exactly what happened?

9 REPRESENTATIVE MITTEN: That's not what
10 you're saying. You're saying, we found her to be
11 credible.

12 CHAIRMAN BARNES: You're saying -- and I
13 think everyone would agree that, overall, she was a
14 credible witness. I know there are some members who
15 have -- who --

16 REPRESENTATIVE RHOADS: She appeared credible
17 to me. She appeared to be.

18 REPRESENTATIVE MITTEN: Well, Rashomon,
19 that's probably a reference that's --

20 REPRESENTATIVE PHILLIPS: So, Shawn, you're
21 saying we have no proof, so, therefore --

22 REPRESENTATIVE RHOADS: Exactly.
23 Unfortunately, the problem is -- and I get it -- is we
24 don't have somebody else that was involved in that
25 situation that said X, Y, and Z happened, yes, that's

1 correct. Okay?

2 REPRESENTATIVE MITTEN: You never have that.

3 REPRESENTATIVE RHOADS: Look, I know, but --

4 CHAIRMAN BARNES: All right. Hold on, hold
5 on, hold on. Hold on, let's slow down, because we're
6 all interrupting each other. We are all interrupting
7 each other, so --

8 REPRESENTATIVE MITTEN: Fair enough.

9 CHAIRMAN BARNES: And we're around this
10 circle table, so it's more of a conversation. I want
11 it to be conversational, but I also don't want
12 everybody to be interrupting each other. So I'm going
13 to then start calling on people. And I still want it
14 to be free-flowing, but Representative Austin, and
15 then --

16 REPRESENTATIVE MITTEN: I'll -- yeah.

17 REPRESENTATIVE AUSTIN: Okay. I have some
18 doubts about the veracity of some of the things she
19 said. And the reason I say it is, one is, she kind of
20 gave conflicting testimony. And she allowed herself, I
21 believe, to be kind of led down this one path, and then
22 she'd say something else when she was asked similar
23 questions.

24 So I can't sit there and say to whoever reads
25 this report that I found her credible, knowing that

1 they'll take from that that I believe everything she
2 said in there is 100 percent truth.

3 REPRESENTATIVE LAUER: Well, the definition
4 of a credible witness is, competent to give evidence
5 and is worthy of belief.

6 REPRESENTATIVE AUSTIN: Number -- part one,
7 I'm okay with; part two, worthy of belief? What
8 is -- I mean --

9 CHAIRMAN BARNES: Well, here's --

10 REPRESENTATIVE AUSTIN: We need to define
11 that.

12 CHAIRMAN BARNES: -- a couple of things.
13 First, I think the standard of, if there's not someone
14 else saying it, we can't say it's credible, is not a
15 real-world standard. There's thousands of criminal
16 trials every single year where you would never be able
17 to get a conviction if that were the real-world
18 standard.

19 Number two, there are things about her
20 testimony that lend credibility to her. The first is
21 regarding the first instance, up until the point where
22 she was taken down. Her testimony before our Committee
23 is entirely consistent with what she said in a car with
24 her husband when she -- her husband promised that --
25 that it would never get out of the car. It's a tearful

1 conversation, and that's what she says there.

2 After that point in time, we have friends of
3 hers that corroborate certain things that she said at
4 certain points in time. Now, some -- one was within
5 three to four days, another one was -- I think both of
6 them were within a week. And the details don't match
7 up 100 percent correct, but --

8 REPRESENTATIVE AUSTIN: Nor should they.

9 CHAIRMAN BARNES: Nor should they. Exactly.
10 If they matched up perfectly, we would be highly
11 suspicious of them matching up perfectly.

12 In addition to that, the things that she said
13 that happened after the things that were already in
14 that call are so embarrassing that I don't see a person
15 making facts that embarrassing up when there's nothing
16 in it for her.

17 And she testified to us that -- she testified
18 that she felt guilty herself. She felt shame and
19 embarrassment, and that she didn't like that person, I
20 think she said at some point in time, which is not --
21 she didn't come in and play this victim of all victims
22 part.

23 REPRESENTATIVE MITTEN: Innocent, yes.

24 CHAIRMAN BARNES: She said she was -- she
25 said, you know, there are things that I really regret.

1 And I think that that adds to her credibility. This is
2 not -- these are not the types of things that I imagine
3 her making up, in any respect, and her demeanor when
4 she was telling this. Yes, there were times where
5 she -- there were leading questions, but most of it --
6 the start of it was free-flow. It was, what happened
7 next, what happened next, what happened next.

8 And if we go later in the document, where
9 there's that conflict, we need to know where there is
10 that conflict, and it is noted in the document.

11 REPRESENTATIVE MITTEN: May I -- I have some
12 proposed language from our superstar, Alix Hallen here,
13 which is, Witness 1 provided credible testimony from
14 which the Committee drew the following facts.

15 REPRESENTATIVE AUSTIN: I don't want to say
16 facts, but I'll say evidence. But here's what -- why
17 don't we do Shawn's --

18 REPRESENTATIVE MITTEN: From which the
19 Committee found -- finds the following.

20 REPRESENTATIVE AUSTIN: The Committee finds
21 Witness 1 to be, overall, a credible witness.
22 Credibility is defined as, and then we use Jeanie's
23 definition.

24 REPRESENTATIVE RHOADS: And while you're
25 typing, I'll -- I'll make my case, as well.

1 CHAIRMAN BARNES: I'm not going to delete
2 what's up there; I'm going to put all the options up
3 there.

4 REPRESENTATIVE RHOADS: I -- I --

5 CHAIRMAN BARNES: Because I -- well, the good
6 thing is, we have a reporter here who can read it back,
7 but I want -- the Committee finds -- so hold your
8 thought, let me write this down so we've got multiple
9 options on the board.

10 The Committee finds Witness 1 to be an
11 overall credible witness -- and what did you say next?

12 REPRESENTATIVE AUSTIN: Credibility is
13 defined as -- and then Jeanie's definition.

14 REPRESENTATIVE LAUER: I'll find it.

15 REPRESENTATIVE PHILLIPS: Do we really need
16 to define that? I don't think so.

17 CHAIRMAN BARNES: I think I'm fine with that
18 definition, because I think what Representative Austin
19 is saying is, there's certain things in this
20 testimony --

21 REPRESENTATIVE AUSTIN: I need to take this.

22 CHAIRMAN BARNES: Let's take a short break.

23 (A BREAK WAS TAKEN.)

24 CHAIRMAN BARNES: Back to -- after a short
25 phone call break, we are back, and Representative

1 Rhoads has the floor.

2 REPRESENTATIVE RHOADS: I guess to say an
3 overall credible witness, is that any different than
4 saying credible witness?

5 REPRESENTATIVE MITTEN: Yes.

6 CHAIRMAN BARNES: I think that it is. I
7 think overall is a -- is a word of limitation on --

8 REPRESENTATIVE PHILLIPS: Uh-huh.

9 REPRESENTATIVE AUSTIN: I think it is, too.
10 I think it shows there's little areas that --

11 REPRESENTATIVE RHOADS: All right.

12 REPRESENTATIVE PHILLIPS: Yeah. I like that.

13 REPRESENTATIVE MITTEN: Can we delete the
14 definition?

15 REPRESENTATIVE AUSTIN: Yeah.

16 REPRESENTATIVE MITTEN: We don't need that.

17 CHAIRMAN BARNES: I like -- I like having it
18 in. I'm open either way. I --

19 REPRESENTATIVE PIERSON: I say less is more.
20 I say we can -- I think the overall helps --

21 REPRESENTATIVE PHILLIPS: I actually like
22 having it in, but I can go either way.

23 REPRESENTATIVE LAUER: I'm either way. I
24 think it just does give a level of standard as to what
25 we were all basing it on. It doesn't matter to me.

1 CHAIRMAN BARNES: Representative Rhoads, does
2 it bother you one way or another? Do you have a strong
3 preference?

4 REPRESENTATIVE RHOADS: I think -- I think we
5 could go with the majority on that. I don't -- I don't
6 see that -- I mean, I don't think that having a
7 definition there really adds or takes away. I mean, I
8 think it's --

9 REPRESENTATIVE PHILLIPS: I think most people
10 understand the word credible.

11 REPRESENTATIVE RHOADS: They should know what
12 credible means.

13 CHAIRMAN BARNES: Okay. There it is. Okay.
14 So are we -- I can take the highlight off of this?

15 REPRESENTATIVE MITTEN: Yes.

16 CHAIRMAN BARNES: Are we in agreement on
17 that? Okay.

18 Okay. Paragraph 2, I -- and this is going to
19 be a theme. We have -- every witness we -- I think
20 every witness, other than Witness 1 -- well, and
21 Witness 3 -- we asked whether they had a reputation for
22 truthfulness and honesty. And the answer we got, no
23 matter who we were asking about it, was yes. So I am
24 in favor of taking it out all around.

25 So the other thing is, technically, that sort

1 of question isn't relevant until it's been questioned
2 in some respect.

3 REPRESENTATIVE AUSTIN: I'm for taking it
4 out, but you're not meaning take it out of the
5 transcript?

6 CHAIRMAN BARNES: No.

7 REPRESENTATIVE AUSTIN: Just out of our
8 report?

9 CHAIRMAN BARNES: Just out of the report. I
10 don't think it adds anything.

11 REPRESENTATIVE MITTEN: I think that taking
12 it out of the transcript could be sort of a gross
13 violation of our duty, frankly.

14 CHAIRMAN BARNES: Yeah.

15 REPRESENTATIVE MITTEN: But I'm fine with
16 taking it out.

17 REPRESENTATIVE PHILLIPS: Yeah.

18 REPRESENTATIVE LAUER: And just to confirm,
19 the transcript will be part of the report --

20 CHAIRMAN BARNES: Yes.

21 REPRESENTATIVE LAUER: -- or an appendix to
22 the report?

23 CHAIRMAN BARNES: Okay. In addition to
24 grammatical changes, we are going to have to go through
25 and check that our citations stayed correct after the

1 edits and -- because we have -- remember, we have
2 corrections to the transcript coming, and we're making
3 edits to the document right now that -- did I spell
4 confidant right? I don't think that I did.

5 REPRESENTATIVE MITTEN: Yes. Also, I just
6 want to -- I want to make, again, clear for the group
7 again and for the record, that any corrections to the
8 transcript are really just typographical errors.
9 Sometimes, you know, a word gets jumbled, especially --
10 well, I know some of my testimony was jumbled, because
11 I talk really fast, and I know there were times when
12 Chairman Barnes couldn't be heard. So we are not
13 making anything remotely close to substantive changes;
14 I believe that those changes have been available for
15 review, or if they haven't been, they will be. But I
16 want to make it clear that --

17 CHAIRMAN BARNES: Well, let's just give an
18 example. Vice-Chairman John Phillips is what one of
19 them said, and so -- it's Don Phillips.

20 REPRESENTATIVE MITTEN: It's Don Phillips.

21 SECRETARY CURCHIN: I think confidant does
22 not have an E on it.

23 CHAIRMAN BARNES: Does not have an E? Okay.

24 REPRESENTATIVE MITTEN: Yes. So -- so the
25 changes that we will be getting in the transcripts are

1 going to be the redactions, which we're going to talk
2 about, I believe, later today. And then whatever
3 corrections, which I believe also for the most part are
4 going to be -- we're going to try to throw them up on
5 the screen.

6 CHAIRMAN BARNES: Okay. No one marked this
7 paragraph about Witness 3. I'm going to mark it now,
8 because I think we're going to need to come back to it
9 after our discussion about redactions. So if someone
10 could take down a note that we're going to have to come
11 back to Paragraph 3 --

12 COUNSELOR HALLEN: I've got it.

13 CHAIRMAN BARNES: -- at the very end. So
14 Paragraph 4 here, consistent with what we just had,
15 we're going to delete this.

16 REPRESENTATIVE MITTEN: Take away the E.

17 REPRESENTATIVE PHILLIPS: E off confidant.

18 CHAIRMAN BARNES: Okay. I'll take away that.

19 REPRESENTATIVE MITTEN: What?

20 CHAIRMAN BARNES: No, I'm just --

21 REPRESENTATIVE MITTEN: Oh, it's highlighted.
22 Okay.

23 REPRESENTATIVE LAUER: It doesn't leave much
24 of a sentence.

25 CHAIRMAN BARNES: I think that's a -- I think

1 that's a -- since how long she's known the witness. I
 2 think that's --
 3 REPRESENTATIVE LAUER: Uh-huh.
 4 CHAIRMAN BARNES: Okay. So Paragraph 5, what
 5 we want to do is track the language from above; is that
 6 correct? Okay. So let's go get our language from
 7 above.
 8 REPRESENTATIVE LAUER: You might want to just
 9 highlight what we've done in a different color so we
 10 can easily go back and reference some of these things.
 11 REPRESENTATIVE PIERSON: Well, I think
 12 we're -- I think we're --
 13 CHAIRMAN BARNES: This sentence right here,
 14 is that what we want to take?
 15 REPRESENTATIVE MITTEN: We still are going to
 16 reference the criminal case? I just want to -- I can't
 17 remember where -- so we're keeping both of those
 18 sentences?
 19 CHAIRMAN BARNES: Yes, that's my intent.
 20 REPRESENTATIVE MITTEN: Yes, that's fine.
 21 CHAIRMAN BARNES: Is everyone in agreement
 22 with that change?
 23 GROUP RESPONSE: Yes.
 24 CHAIRMAN BARNES: Okay. This is further
 25 detail that I think is very important to put -- to put

1 in here in -- in Paragraph 6, which is the relationship
 2 prior to the incident of March 21, 2015. And I, again,
 3 I follow the same pattern of just quoting from the
 4 transcript.
 5 REPRESENTATIVE MITTEN: Can we trim some of
 6 this of this though? I mean, it's in the transcript
 7 and I -- it just seems to me that an ellipsis, again,
 8 starting from, seemed pretty typical until we got to
 9 know each other pretty well; it's, like -- no, no.
 10 Not -- you're going -- that's not what I'm talking
 11 about. I'm talking about, like, the third line.
 12 CHAIRMAN BARNES: Well, hold on. I'm cutting
 13 down up front because --
 14 REPRESENTATIVE MITTEN: Okay. Yeah. Yeah.
 15 CHAIRMAN BARNES: I mean, let's just go line
 16 by line. He became a regular --
 17 REPRESENTATIVE MITTEN: Yeah.
 18 CHAIRMAN BARNES: -- client of mine.
 19 REPRESENTATIVE MITTEN: I saw him pretty
 20 regularly as he was traveling. Seemed pretty typical,
 21 ellipsis. We got to know each other pretty well, and I
 22 thought he was great. You know what I'm saying; this
 23 stuff is in the transcript verbatim. We don't
 24 necessarily -- again, less is more.
 25 CHAIRMAN BARNES: Do we want to ellipsis all

1 of this?
 2 REPRESENTATIVE MITTEN: Sure.
 3 CHAIRMAN BARNES: Yes or no?
 4 GROUP RESPONSE: Yes.
 5 CHAIRMAN BARNES: I would almost take this
 6 out except for -- that it puts context to the second
 7 part of the sentence.
 8 REPRESENTATIVE MITTEN: Right. I agree.
 9 REPRESENTATIVE LAUER: Leave that in.
 10 REPRESENTATIVE MITTEN: I agree. And again,
 11 it's only a couple of sentences, but it's in the
 12 transcript, and clarity --
 13 CHAIRMAN BARNES: Yes, ma'am, I agree in
 14 unanimity on that point. Okay.
 15 REPRESENTATIVE MITTEN: I don't think we
 16 need -- going back to -- what was that, seven? We
 17 don't need the, fall to March, Greiten didn't make any
 18 appointments. Just on or about March 7th, Greiten
 19 returned for, you know, came -- made an appointment or
 20 came for a haircut.
 21 CHAIRMAN BARNES: No, I think it matters,
 22 because if you look at the transcript, that gap in time
 23 is something that she testified to.
 24 REPRESENTATIVE MITTEN: Okay.
 25 CHAIRMAN BARNES: All right. You're -- I

1 could be amenable to that.
 2 Representative Rhoads? Representative
 3 Austin?
 4 REPRESENTATIVE AUSTIN: Yeah.
 5 REPRESENTATIVE MITTEN: Just the first
 6 sentence. You could even just say on or about
 7 March 7th, Greiten returned after a six -- you know,
 8 a --
 9 REPRESENTATIVE LAUER: What was the start
 10 date?
 11 REPRESENTATIVE MITTEN: It's, like, 2013,
 12 wasn't it?
 13 REPRESENTATIVE LAUER: Is there a date up
 14 above that says --
 15 REPRESENTATIVE MITTEN: Then again, it was,
 16 unless he was traveling. I saw him regularly unless he
 17 was traveling.
 18 REPRESENTATIVE AUSTIN: Let's just leave it
 19 in.
 20 CHAIRMAN BARNES: Leave it in.
 21 REPRESENTATIVE AUSTIN: You may think it's a
 22 bit verbose, but come on.
 23 CHAIRMAN BARNES: Okay. Now I see footnote
 24 three here and -- where is footnote three? This is for
 25 the declining to testify, and so I think that

1 correspondence with counsel, that should be included in
2 the record. And we're going to have to get exhibit
3 numbers for that stuff. And what I would propose is,
4 we just append it onto the end of the -- whatever
5 exhibit number we're on now, we just do -- we just do
6 one exhibit that contains all of that traffic.

7 REPRESENTATIVE MITTEN: May I make a
8 suggestion, which is that we just -- exhibits that were
9 used in the course of witness testimony would have
10 numbers; exhibits that we -- came to us outside of
11 witness testimony would have letters? Maybe that's
12 more confusing though; that's kind of a lawyer thing.

13 CHAIRMAN BARNES: I think it's --

14 REPRESENTATIVE MITTEN: You may be right
15 about that.

16 CHAIRMAN BARNES: I think it's more
17 confusing.

18 REPRESENTATIVE MITTEN: You may be right
19 about that.

20 CHAIRMAN BARNES: We'll just put our exhibits
21 in number order --

22 REPRESENTATIVE MITTEN: In number order,
23 and -- yeah.

24 REPRESENTATIVE LAUER: Because we had
25 a 15A.

1 REPRESENTATIVE MITTEN: That's a lawyer
2 thing.

3 REPRESENTATIVE LAUER: And that was a subset
4 of 15, so we used --

5 CHAIRMAN BARNES: Well, 15A -- 15A was a --
6 the A was created by the parties to that agreement, not
7 by us.

8 REPRESENTATIVE LAUER: Okay.

9 CHAIRMAN BARNES: Okay. So here's another
10 deal, Witness 1 testified straight out of the
11 transcript. I'm fine with it.

12 GROUP RESPONSE: Fine.

13 CHAIRMAN BARNES: Okay. Everybody's waiting
14 on somebody else to say something.

15 REPRESENTATIVE MITTEN: No, I mean, it is
16 what it is.

17 REPRESENTATIVE LAUER: That's the facts.

18 CHAIRMAN BARNES: Well, but, Representative,
19 I want to make sure everybody has a chance to actually
20 read it that I've added to the document.

21 Okay. Next.

22 REPRESENTATIVE MITTEN: This -- on
23 Paragraph 8, it needs to be in with witness testified
24 that during the March 7th appointment, Greitens moved
25 his hand.

1 REPRESENTATIVE LAUER: 2015?

2 REPRESENTATIVE MITTEN: Yeah, 2015.

3 CHAIRMAN BARNES: I -- guys, I don't want
4 to -- once we start in a year, until we're in a new
5 year, we don't need to put the year in every single
6 paragraph.

7 REPRESENTATIVE AUSTIN: Agreed.

8 CHAIRMAN BARNES: Nobody's going to be
9 confused that this was different.

10 REPRESENTATIVE MITTEN: I think folks that
11 haven't been living with it like we have --

12 CHAIRMAN BARNES: Yeah, but it flows together
13 as a document. Okay. New -- new phrase, and I'll just
14 shut up, because I'm -- I added this here and you guys
15 were waiting for me to say something.

16 REPRESENTATIVE MITTEN: What?

17 REPRESENTATIVE AUSTIN: I'm good with
18 Paragraph 9.

19 CHAIRMAN BARNES: Paragraph 10 is the code
20 conversation.

21 REPRESENTATIVE AUSTIN: I'm good with
22 Paragraph 10.

23 REPRESENTATIVE MITTEN: Oh, right, okay.
24 Good grief. Is this now 42 pages of --

25 CHAIRMAN BARNES: No.

1 REPRESENTATIVE MITTEN: -- solely related to
2 the --

3 CHAIRMAN BARNES: No.

4 REPRESENTATIVE MITTEN: -- charges to
5 Witnesses 1 through 4?

6 CHAIRMAN BARNES: We're going to be less
7 than 30 pages.

8 REPRESENTATIVE MITTEN: Okay.

9 CHAIRMAN BARNES: There's nothing wrong with
10 detail.

11 REPRESENTATIVE AUSTIN: Could we go down a
12 little bit?

13 CHAIRMAN BARNES: Yes.

14 REPRESENTATIVE AUSTIN: Yep.

15 CHAIRMAN BARNES: Okay. And then I deleted
16 what I had there previously, so I had that --

17 REPRESENTATIVE PIERSON: What is this -- what
18 does that word go with, the t-w-o-n?

19 REPRESENTATIVE MITTEN: Oh, is there a bad
20 hyphen?

21 REPRESENTATIVE AUSTIN: I think it's between,
22 isn't it? What is that?

23 REPRESENTATIVE MITTEN: Let's go up again.

24 REPRESENTATIVE AUSTIN: Can you go up a
25 little bit?

1 CHAIRMAN BARNES: Oh, yeah.
 2 REPRESENTATIVE MITTEN: Out of town. Thank
 3 you.
 4 CHAIRMAN BARNES: Out of town. Okay. All
 5 right. I'm going to un-highlight this.
 6 REPRESENTATIVE MITTEN: Wait a minute, is
 7 there -- I don't have hyphen you comma; is that
 8 accurate? It should be you know, that last sentence in
 9 the quote. I don't know -- well, I can go and look at
 10 the actual transcript.
 11 CHAIRMAN BARNES: How about we do this,
 12 because it's not pertinent either way? How about we
 13 just do that?
 14 REPRESENTATIVE MITTEN: No, no, just take
 15 away the don't have, because I have to get back to my
 16 house in a minute. Yeah.
 17 CHAIRMAN BARNES: Yeah. Okay. Where are we
 18 next?
 19 REPRESENTATIVE PIERSON: We're making
 20 progress now.
 21 REPRESENTATIVE AUSTIN: Look at this.
 22 CHAIRMAN BARNES: Okay. This was -- I agree
 23 with this and leave it to what was in there. I was
 24 trying to do a summary. And what -- I need to take the
 25 strike off.

1 REPRESENTATIVE MITTEN: So --
 2 CHAIRMAN BARNES: I think that change is
 3 relating to let the -- let the testimony speak for
 4 itself.
 5 REPRESENTATIVE MITTEN: Delete again; delete
 6 again. You've got two semicolons. Yes.
 7 CHAIRMAN BARNES: This is an additional
 8 citation to -- where's 41 -- to something -- to this
 9 type of testimony, about being taken down, and so I
 10 just want to cite everywhere in the record there's
 11 discussion of it.
 12 REPRESENTATIVE MITTEN: Oh, right. Uh-huh.
 13 CHAIRMAN BARNES: And if people are reviewing
 14 this and you see anything that we missed -- we missed
 15 something else that's in the record that relates to
 16 something we've already cited, point it out. I mean, I
 17 did my best to find every place -- every place in the
 18 record. I added this, because it's better with the
 19 context of the specific question that was asked.
 20 REPRESENTATIVE MITTEN: Well, wait a minute.
 21 I know that she was specifically asked about being
 22 coerced.
 23 CHAIRMAN BARNES: I believe that is in there
 24 somewhere; yes. So that's earlier. It's a hard
 25 question --

1 REPRESENTATIVE MITTEN: The second line.
 2 CHAIRMAN BARNES: -- because I did, it felt
 3 like consent, but, no, I didn't want to do it. She
 4 further explained coerced maybe. I felt as though --
 5 do you want to say when directly asked?
 6 REPRESENTATIVE MITTEN: No, I'm okay.
 7 CHAIRMAN BARNES: Okay. And this is what
 8 happens back at the house, her testimony about back at
 9 the house.
 10 REPRESENTATIVE MITTEN: The man that I knew
 11 before -- last sentence.
 12 CHAIRMAN BARNES: Yes, ma'am. Okay. Let me
 13 save this before I --
 14 REPRESENTATIVE MITTEN: It's control S.
 15 CHAIRMAN BARNES: Yes, yes, yes, yes, yes.
 16 REPRESENTATIVE MITTEN: I mean, this is just
 17 really recitations of the testimony.
 18 CHAIRMAN BARNES: Well, but it does so in a
 19 fashion that merges --
 20 REPRESENTATIVE MITTEN: Right, I get that.
 21 CHAIRMAN BARNES: -- the testimony together
 22 in a fashion that is readable.
 23 I do not know why this is highlighted. Does
 24 anyone know why this is highlighted? I know why it's
 25 highlighted, because this is what happens after she

1 testified that he slapped her and they had this
 2 conversation. And I think that what happens after that
 3 is important to put in the report itself.
 4 Discussion, if any?
 5 REPRESENTATIVE LAUER: No.
 6 CHAIRMAN BARNES: So what I did was the -- do
 7 we have the -- the current -- before I added that
 8 change. I'm not sure why that's highlighted, because
 9 it's the same in this copy that I have in front of me.
 10 So that may have been an accidental highlight. I
 11 apologize for that. This -- I had this highlighted.
 12 This was highlighted, and I've looked -- it's the same
 13 as it was before.
 14 This is what was new, it's 56. Discussion?
 15 Is everyone fine with adding --
 16 REPRESENTATIVE MITTEN: You're adding that?
 17 CHAIRMAN BARNES: We are adding this. Any
 18 objections? Seeing none. Okay. This is the details
 19 on the --
 20 REPRESENTATIVE RHOADS: Mr. Chairman, can we
 21 go back?
 22 CHAIRMAN BARNES: Yeah.
 23 REPRESENTATIVE RHOADS: 63, 64 -- wait a
 24 minute. Never mind. I apologize. Go ahead. You --
 25 you added numbers.

1 CHAIRMAN BARNES: Yeah, I've added numbers,
 2 so your --
 3 REPRESENTATIVE RHOADS: Okay.
 4 CHAIRMAN BARNES: -- 63 and 64 are different.
 5 Okay. So 65 is -- this is the -- we want to add this
 6 constitutional language again?
 7 REPRESENTATIVE LAUER: Uh-huh.
 8 CHAIRMAN BARNES: Do we -- can we do it in a
 9 footnote this time? The Committee notes once again --
 10 REPRESENTATIVE MITTEN: Yes.
 11 REPRESENTATIVE RHOADS: That's fine.
 12 CHAIRMAN BARNES: Okay. So let me --
 13 REPRESENTATIVE MITTEN: It's an automatic
 14 numbering; it's not going to like that.
 15 CHAIRMAN BARNES: Yeah, we've got to fix
 16 that.
 17 REPRESENTATIVE PHILLIPS: Is there a legal
 18 reason we keep saying this point in time after
 19 everything?
 20 REPRESENTATIVE MITTEN: I agree. There is no
 21 reason to do that. It just says, at this time, is all
 22 that's needed. The report is dated.
 23 REPRESENTATIVE PHILLIPS: See, because right
 24 there, it says, or answer interrogations under oath.
 25 It doesn't say, at this point in time. It just seems

1 like all that is extra if it doesn't need to be in
 2 there.
 3 REPRESENTATIVE MITTEN: You know what, that
 4 could actually be changed to say, Greitens declined to
 5 testify, comma, provide documents, or answer
 6 interrogatories under oath at this point in time
 7 stating, through counsel, that he --
 8 REPRESENTATIVE LAUER: At this time.
 9 REPRESENTATIVE MITTEN: Oh, sorry. Did I say
 10 that?
 11 REPRESENTATIVE PHILLIPS: You did.
 12 REPRESENTATIVE MITTEN: At this time. Look
 13 at that, I'm guilty of my own crime.
 14 REPRESENTATIVE AUSTIN: Okay. At this time
 15 is now, but at the point we asked --
 16 REPRESENTATIVE MITTEN: Well, at this time is
 17 the date of the report.
 18 REPRESENTATIVE AUSTIN: But that's not when
 19 he declined. He declined when we asked him earlier.
 20 REPRESENTATIVE MITTEN: Well, then you would
 21 say as of March 20 --
 22 REPRESENTATIVE AUSTIN: At that time.
 23 REPRESENTATIVE MITTEN: Right. Exactly. So
 24 that's why if you say, at this time, you know.
 25 REPRESENTATIVE PHILLIPS: What's wrong with

1 just saying he just declined to testify, period?
 2 CHAIRMAN BARNES: Amen.
 3 REPRESENTATIVE MITTEN: I'm fine with that,
 4 too.
 5 REPRESENTATIVE AUSTIN: Yeah.
 6 REPRESENTATIVE PHILLIPS: I mean, really,
 7 that's the bottom line.
 8 REPRESENTATIVE MITTEN: I would be fine with
 9 that.
 10 REPRESENTATIVE AUSTIN: Okay.
 11 REPRESENTATIVE PHILLIPS: That covers it all;
 12 that covers all of it.
 13 REPRESENTATIVE MITTEN: There. There you go;
 14 I think that's perfect.
 15 CHAIRMAN BARNES: And also you need to split
 16 up the documents and the interrogatories from the
 17 testimony, because that's a separate -- those are
 18 separate issues.
 19 REPRESENTATIVE MITTEN: That's why. Okay.
 20 Thank you.
 21 REPRESENTATIVE AUSTIN: Okay. But he has
 22 offered to testify, you know, later on after the --
 23 REPRESENTATIVE MITTEN: That's in there.
 24 CHAIRMAN BARNES: But -- but that's in here,
 25 that he would be willing to testify at the conclusion

1 of the criminal case.
 2 REPRESENTATIVE AUSTIN: Oh, okay. Sorry.
 3 REPRESENTATIVE MITTEN: Yeah.
 4 REPRESENTATIVE PHILLIPS: Uh-huh.
 5 CHAIRMAN BARNES: I can get rid of some
 6 commas, and I can get rid of that. Okay. These are --
 7 let's see, I think -- so I'm going to do a slow fly by
 8 here, and everybody -- here, you can look at the copy.
 9 We've got one, two -- I think there are four
 10 paragraphs, and I think they -- they kind of flow --
 11 REPRESENTATIVE AUSTIN: These are news
 12 reports.
 13 CHAIRMAN BARNES: Well, they're more than
 14 news reports, they are recordings. They are audio
 15 recordings or video recordings of his statements, so
 16 they're not -- this is not at all, hey, we've got a
 17 transcription from a reporter, and who knows if the
 18 transcription is correct. It is -- and we've -- I've
 19 cited them. And what I -- actually, what I want, you
 20 know, I would hope is that we've got this document. I
 21 can set forth the -- the links of where these are for
 22 people to review and make sure that I've got -- got it
 23 right, what was said.
 24 REPRESENTATIVE AUSTIN: Right. So -- but our
 25 resolution says we are to administer an oath -- none of

1 these folks have been administered an oath. Now, we
2 are accepting some documents that weren't -- a
3 foundation was laid, I understand, but most of them we
4 have had foundations. And I mean, this is in the
5 public sphere, I mean, as far as news reports.

6 CHAIRMAN BARNES: I think a couple of things.
7 As to reliability, so laying the foundation -- for the
8 video, I think we can lay the foundation ourselves
9 based on we can see that it is, in fact, him. There
10 were lots of news reports where we can call the
11 reporter in to testify that they were there -- someone
12 in the room, that they were there, and, yes, that's
13 what they heard him same.

14 For the tape recording, it's clearly his
15 voice -- the tape recording of the Associated Press.
16 It's clearly his voice. It appears to be an interview
17 that was set up by the Governor's office for the --
18 the -- so let's take these one at a time. Sorry.

19 The Associated Press interview, the entire
20 interview is posted here at this SoundCloud.com. It is
21 clearly his voice. It appears that it was an interview
22 set up by the Governor's office. He was asked
23 questions that this Committee would have asked.

24 REPRESENTATIVE AUSTIN: Oh, but, now that's a
25 little problematic, because now, obviously, you're

1 saying, well, we're taking the Governor's testimony as
2 if he were here. But he's not here and he's not under
3 oath as we are required under the Resolution to put our
4 witnesses under.

5 REPRESENTATIVE RHOADS: And quick question to
6 add to that, that would be like taking Witness 3's
7 statement from the news media and entering it as well.

8 CHAIRMAN BARNES: Well, a couple of things.
9 Number one, if it's, in fact, a statement of Witness 3
10 that is an audio recording, it would be admissible as a
11 statement of a party or -- he would be -- he's not
12 necessarily a party; he's a witness. It -- this type
13 of stuff is admissible in trials as statements of a
14 party. Yes, he's not under oath, but it is, in fact,
15 his statement.

16 REPRESENTATIVE RHOADS: But, yes. The other
17 thing is, and I apologize, are we 100 percent sure that
18 what you're quoting up here was not edited in any way?

19 CHAIRMAN BARNES: I would encourage you to
20 read the -- to listen to the interviews.

21 REPRESENTATIVE RHOADS: I just don't think
22 that it has any place in our report.

23 CHAIRMAN BARNES: They're his words.

24 REPRESENTATIVE RHOADS: Doesn't matter.

25 REPRESENTATIVE AUSTIN: Maybe -- I mean, the

1 audio portion? Now, maybe we can have a little give
2 there, but it's still not under oath, but let me ask
3 you this --

4 CHAIRMAN BARNES: I -- I think we should -- I
5 think that that should be noted, but also I, you know,
6 I think that's obvious, but fine with noting it.

7 REPRESENTATIVE AUSTIN: Well, I don't know if
8 we have to note it if we do put it in. But let me back
9 up just a little bit and just ask a couple of
10 questions. Since this is an investigative Committee,
11 there aren't parties. So admission of a party
12 opponent, I think is improper law.

13 What is it when you have a statement against
14 interest of a witness; what's the law there? Do you
15 guys -- I don't remember that.

16 CHAIRMAN BARNES: Statement against interest
17 if it --

18 REPRESENTATIVE MITTEN: It's hearsay.

19 CHAIRMAN BARNES: It's an exception to
20 hearsay.

21 REPRESENTATIVE AUSTIN: Unless -- but does it
22 have to be contrary to their interest? I mean, it's
23 not just anything. Like, I always think of as a
24 admission of a party opponent, you can throw anything
25 in there and get it into evidence. But if it's a

1 witness -- just a witness, it has to be something
2 contrary to their interest.

3 CHAIRMAN BARNES: Well, I think, obviously,
4 he's a -- he is a party in some sense. There's two --
5 I think there's two parties here: Witness 1 and the
6 Governor. So also the rule -- I mean, those are the
7 conflicting sides. I mean, this is audio; this is a
8 recording from the Associated Press that's been online
9 and reported, and the Governor's office didn't say he
10 was misquoted or that there was anything wrong with the
11 recording.

12 The other one is a -- is a video from a press
13 conference that you can see the words coming out of his
14 mouth. It's a 40-minute press conference. They're
15 words that came out of his mouth; we didn't put them in
16 there. There's no editing of the transcript that is
17 obvious at all, and I would -- I want to encourage that
18 we get people to actually go look at this and check how
19 I've done this. But he said it; they're his words.

20 REPRESENTATIVE AUSTIN: Yeah. I'm trying to,
21 you know, also defend my position about statement
22 against interest and the rules of hearsay on all this,
23 but there's just something that just strikes me in my
24 gut that's wrong that we're putting in AP reports, even
25 my beloved KY3 reports in here.

1 CHAIRMAN BARNES: But it's not an AP report.
2 We are putting in what he said on a -- sort of like
3 Witness 1 was tape recorded in a car and that is
4 relevant. And --

5 COUNSELOR HALLEN: And it's part of our
6 transcript.

7 CHAIRMAN BARNES: And it's part of our
8 transcript.

9 REPRESENTATIVE AUSTIN: After a foundation
10 was laid.

11 REPRESENTATIVE RHOADS: With people under
12 oath.

13 CHAIRMAN BARNES: She wasn't under oath in
14 that car.

15 REPRESENTATIVE AUSTIN: No, but she --

16 REPRESENTATIVE RHOADS: Well, she -- she
17 testified under oath that that was her in -- in the --
18 in the audio recording.

19 CHAIRMAN BARNES: Yes, she did. Are you --
20 Representative Lauer?

21 REPRESENTATIVE LAUER: Oh, sorry.

22 CHAIRMAN BARNES: Well, you had your hand up.

23 REPRESENTATIVE LAUER: Yeah. Okay. We
24 cannot not have -- we do not have a direct statement
25 from him, because he did not come forward to testify.

1 And without that, we -- without this, we have no
2 reference to him and his position. That would be
3 absent. So given that this exists, it seems to me we
4 should include it, because it does complete the
5 framework of the entire picture and it includes
6 information that we have regarding him -- or of him.

7 CHAIRMAN BARNES: I've got it up here; we'll
8 play it for the Committee. I mean, this is --

9 REPRESENTATIVE RHOADS: I don't think playing
10 the -- the tape doesn't do anything. I mean, that's
11 not -- the whole thing is, is that we're quoting --
12 we're quoting newspaper and media stuff that --

13 CHAIRMAN BARNES: This isn't --

14 REPRESENTATIVE RHOADS: If we're going to do
15 that, we're going to -- we're going to quote

16 Witness 3's interview on whatever TV station it was on.

17 CHAIRMAN BARNES: Okay. It's his statement.

18 REPRESENTATIVE RHOADS: I mean --

19 CHAIRMAN BARNES: They're words that came out
20 of his mouth. It's not that it was in a news report,
21 it's that there were words -- this is -- these --

22 (VIDEO PLAYED.)

23 CHAIRMAN BARNES: Let's listen to this
24 without a transcript of the audio, because that -- I
25 mean --

1 (VIDEO PLAYED.)

2 CHAIRMAN BARNES: So that is his voice. That
3 is his statement about facts that are fundamental here.
4 It is admissible in any type of proceeding, because it
5 is a statement of -- any type of proceeding relating to
6 this, because it's a statement of a party. It's going
7 to be admissible in the criminal proceeding.

8 REPRESENTATIVE AUSTIN: Because he's a party.
9 He's not a party here. This is an investigative
10 committee. Hey, how do you want to resolve this,
11 Mr. Chair?

12 CHAIRMAN BARNES: They're -- they're his
13 words. Representative Pierson? I'm sorry.

14 REPRESENTATIVE PIERSON: It sounds like the
15 difference between what we allowed as admissible that
16 happened in the car with Witness 1, and this is that
17 Witness 1 had an opportunity and Witness 3 had an
18 opportunity to, under oath, confirm that that's who
19 said what we are allowing as evidence.

20 So we did not get an opportunity to do that
21 with these statements, so can we put -- or make that
22 statement that, you know, we were not able to -- some
23 kind of qualifying statement? I think having this kind
24 of -- I would be in favor of keeping this in there with
25 some kind of qualifying statement of, we did not have

1 an opportunity to, you know, confirm. But I think with
2 reasonable -- I mean, I believe that that was his
3 voice. I believe that these were his statements; some
4 type of a qualifying statement.

5 REPRESENTATIVE MITTEN: Can I?

6 CHAIRMAN BARNES: Yes, ma'am.

7 REPRESENTATIVE MITTEN: It seems to me, and I
8 don't -- I guess we'd have to go back to the paragraph
9 that started all of this. But it seems to me that the
10 Governor has made a decision not to testify. We can
11 all debate the reasons for that and we can write that
12 up in our report. But the bottom line is that this
13 Committee is making in its findings that the Governor
14 has declined to come and appear. The Governor has
15 declined to produce documents. The Governor has
16 declined to answer written interrogatories, and the --
17 and we can still say this is out in the public.

18 And as an -- as an -- basically, this is a
19 way for this Committee to say, we recognize that the
20 Governor has not authenticated this information. And
21 maybe that's the qualifying statement that
22 Representative Pierson would like to see.

23 But I agree, I think that -- I think that it
24 should be in here. This is -- this is pertinent to our
25 investigation, and just because it's not under oath,

1 the public -- let the -- let the public look at these
2 words and decide for themselves.

3 CHAIRMAN BARNES: Sorry. I just wanted to
4 pull it up. So this one's not just audio, this is a
5 video of -- of him. I mean, there's no case to be made
6 that these are not authentic.

7 And then the third one is -- let me pull the
8 third one up. The fourth one, I think there's --
9 there's a case. We can -- we can talk about that in a
10 moment. The -- so the third one, again, is --

11 (VIDEO PLAYED.)

12 CHAIRMAN BARNES: This is clearly Governor
13 Greitens. So -- and then the third one is an interview
14 on KMOV, which is a spliced interview. They don't
15 provide -- otherwise, we have -- one, two, and three we
16 have all the way through. We have, like, a 30-minute
17 uninterrupted for the press conference. We have 20
18 minutes uninterrupted for the Associated Press
19 interview, and then we have three minutes uninterrupted
20 for Missouri Press Association.

21 Here we have an interview that is clearly
22 spliced together, and so to the extent there's
23 authentication problems or anything, this -- this is
24 the one that more relies on a news report, is this
25 fourth one.

1 REPRESENTATIVE AUSTIN: Jeanie, what do you
2 think?

3 REPRESENTATIVE LAUER: My thought is that
4 absent him testifying, this is, indeed, evidence that
5 has been put forth, including the verification that it
6 is, indeed, him in person and in audio. And that,
7 again, absent of him testifying, we are including this
8 as part of the report.

9 REPRESENTATIVE RHOADS: I think that if we
10 want to include this in the report, this stuff's
11 already out there, why would it need to be in our
12 report if it's already out in the public?

13 CHAIRMAN BARNES: It's relevant to the --

14 REPRESENTATIVE MITTEN: Yeah, the story.

15 REPRESENTATIVE PIERSON: Yeah. These are
16 directly --

17 REPRESENTATIVE RHOADS: I just -- I don't --
18 I don't see that that's something that we did in our
19 Committee. We've never even discussed this in
20 Committee. In any of our investigations, this portion
21 was never discussed in front of the Committee at all.

22 CHAIRMAN BARNES: That is true. That is
23 true.

24 REPRESENTATIVE RHOADS: And that's the sole
25 reason why it needs to be gone.

1 CHAIRMAN BARNES: Well, we can notice it up
2 for Monday and watch the videos in full.

3 REPRESENTATIVE RHOADS: That's what I'm
4 saying is, the report's preliminarily made and we're
5 going to have to have a hearing so we can watch TV
6 programs and news stories.

7 CHAIRMAN BARNES: We can -- we can watch them
8 today. I mean, this is what -- I would encourage every
9 member of the Committee to double verify -- and I've
10 got the citations down here -- to double verify the
11 exact words and to watch these videos. We've -- we've
12 got the links. It's not like I'm pulling this out
13 of --

14 REPRESENTATIVE RHOADS: I also think that if
15 we're going to do that, then we need to subpoena who
16 was taking the audio recording so they can authenticate
17 it.

18 REPRESENTATIVE MITTEN: This is not a trial.
19 This is an investigative report.

20 REPRESENTATIVE RHOADS: I agree. But if
21 we're going to -- if we're going to go through the
22 steps that we've went through to get to the point where
23 we're at, we can't just go, well, it's okay for this
24 one.

25 REPRESENTATIVE MITTEN: I don't think that

1 that's what anybody's saying. That's certainly not
2 what I'm saying. My attitude is, because the Governor
3 declined -- and -- and I'm not trying to weigh in on
4 those -- on the basis or the reasons for that decline
5 or why he declined. But because the Governor has
6 declined, it does seem to some degree that we would be
7 remiss if we did not point out that the Governor has
8 made public statements that, you know, as we're seeing
9 here, as -- as the Chair is outlining in his draft.

10 CHAIRMAN BARNES: Do you believe that that
11 was, in fact, Governor Greitens?

12 REPRESENTATIVE RHOADS: I mean, sure, it
13 looks like him, but I'm not talking about that. I'm
14 talking more about the audiotapes, the cut news
15 stories, that kind of stuff. I mean, that's not work
16 the Committee did. None of it is.

17 CHAIRMAN BARNES: That's true, there -- it --
18 it's also relevant to our inquiry. And if we want
19 to notice it up on Monday and watch the videos -- watch
20 the videos with the court reporter.

21 REPRESENTATIVE MITTEN: We can notice up --

22 REPRESENTATIVE LAUER: If I were called in --

23 REPRESENTATIVE RHOADS: Well, let's notice it
24 up tomorrow. Let's do it. I'm here; let's go.

25 COUNSELOR HALLEN: We already are.

1 CHAIRMAN BARNES: We can do Monday.
 2 REPRESENTATIVE RHOADS: Well, we'll do
 3 tomorrow morning.
 4 REPRESENTATIVE LAUER: If I were called in to
 5 this Committee and asked to testify on the phone call I
 6 got from Greitens, it would -- I would say, during that
 7 conversation, he said he admitted to the affair, that
 8 he -- he said he did not blackmail, he said that there
 9 was no violence. That's what he told me on the phone.
 10 So we have numerous people in the body who have been
 11 contacted with those statements.
 12 REPRESENTATIVE AUSTIN: Let me throw this --
 13 oh, go ahead.
 14 REPRESENTATIVE LAUER: That's all right. I'm
 15 fine.
 16 CHAIRMAN BARNES: Well, I think, can we --
 17 Representative Phillips hasn't -- and maybe you don't
 18 want to say anything, because I think we --
 19 CHAIRMAN BARNES: I think everybody's talked
 20 except for Representative Phillips, and then you've got
 21 a suggestion for another idea.
 22 REPRESENTATIVE AUSTIN: Yeah, I do.
 23 REPRESENTATIVE PHILLIPS: I don't see
 24 anything wrong with referencing it; I don't. I think
 25 it ties into the fact that he wasn't willing to talk to

1 us, but he was more than willing to talk to the press.
 2 It's documented there. I don't think it -- I don't
 3 think it's a problem.
 4 REPRESENTATIVE AUSTIN: Not that this is how
 5 you have to handle it because you're Chair, but if we
 6 took a vote, I think it would be five to two about
 7 coming in. Having said that, both Tommie and Jeanie
 8 have some qualifying language or intro language. Now,
 9 here's -- put that in there.
 10 Now, here's maybe the hard part. Do we want
 11 to footnote Shawn and my's objection? Just say, we
 12 object to this intro, but we'll side with the --
 13 CHAIRMAN BARNES: I'd be -- yes, I'm open to
 14 that. I also think --
 15 REPRESENTATIVE AUSTIN: But that gets us down
 16 a path where, do we want to go?
 17 REPRESENTATIVE MITTEN: Yep.
 18 REPRESENTATIVE RHOADS: I think we're going
 19 to hit that path on another issue, too, aren't we?
 20 CHAIRMAN BARNES: Not -- maybe on -- on the
 21 redaction issue?
 22 REPRESENTATIVE RHOADS: Well, I -- possibly,
 23 yeah. I mean --
 24 CHAIRMAN BARNES: Yeah, you're talking about
 25 the redaction issue. I'm fine -- I am absolutely fine

1 with that, because I don't think -- you don't
 2 dispute -- I think if you listen to the audio and you
 3 watch the video, there's no person that can dispute
 4 that that is, in fact, Governor Greitens.
 5 REPRESENTATIVE AUSTIN: My complaint is not
 6 that I'm worried about the CIA or KGB coming in here
 7 and putting words, you know, on the -- on these tapes,
 8 you know. Also they're all in one piece, they're not
 9 spliced like that KMOX one or KMOV, whatever it is.
 10 CHAIRMAN BARNES: Do you want to take KMOV
 11 out because --
 12 REPRESENTATIVE AUSTIN: I do, but --
 13 CHAIRMAN BARNES: -- of the splicing? I'm
 14 fine with that.
 15 REPRESENTATIVE AUSTIN: The ones that are in
 16 their entirety, but I still just -- I just didn't want
 17 any media reports in here.
 18 CHAIRMAN BARNES: Well, let's put --
 19 MR. RHOADS: I echo the same comments as
 20 Representative Austin.
 21 CHAIRMAN BARNES: I -- I'm in favor of taking
 22 KMOV out, because it is spliced together.
 23 REPRESENTATIVE MITTEN: Look at that
 24 compromise.
 25 REPRESENTATIVE RHOADS: You didn't hear what

1 I said just a minute ago, did you?
 2 REPRESENTATIVE MITTEN: I'm hoping you all
 3 remember what I said later.
 4 REPRESENTATIVE RHOADS: I don't think any
 5 media reports should be in our report.
 6 CHAIRMAN BARNES: So it's this Paragraph 70,
 7 which is the St. Louis television station? Are we okay
 8 with taking that out, because that was not the full
 9 interview?
 10 REPRESENTATIVE PHILLIPS: Yep.
 11 REPRESENTATIVE MITTEN: Correct.
 12 REPRESENTATIVE LAUER: The one that was him
 13 standing there speaking, was that a press conference?
 14 CHAIRMAN BARNES: That was a press conference
 15 on the State budget.
 16 REPRESENTATIVE LAUER: Okay. So that would
 17 have been controlled by him, that is him, that's him
 18 saying it.
 19 CHAIRMAN BARNES: Well, I would add, the
 20 Associated Press interview was in his office, and if
 21 you listen to it, there's a press person there
 22 directing the interview saying, okay, we've got to wrap
 23 up here; clearly set up by his office in preparation
 24 for being asked these questions. Which we might not
 25 have asked that question exactly, but we would have

1 certainly asked that question in some way.

2 So Representative Austin, can we -- let's --
3 why don't we put this in the parking lot to think about
4 how you want to word that footnote and come back to it,
5 or do you want to do it now?

6 REPRESENTATIVE PHILLIPS: Or do you want to
7 do it?

8 CHAIRMAN BARNES: Or do you want to do it?

9 REPRESENTATIVE PHILLIPS: If you're going to
10 object anyway, it doesn't matter, does it?

11 REPRESENTATIVE MITTEN: I would like to go on
12 record that -- just that I do -- it seems to me that if
13 we're going to have a report that includes footnotes of
14 who disagrees with what, we could end up with a lot of
15 footnotes.

16 CHAIRMAN BARNES: No, but I don't know that
17 there -- I don't know that he's -- that they're
18 disagreeing as to the fact that it was said and that it
19 was Governor Greitens. They're disagreeing as to its
20 inclusion in the report.

21 REPRESENTATIVE MITTEN: Right. And I
22 would --

23 REPRESENTATIVE AUSTIN: Possibly the record
24 we're making right now is sufficient to record our
25 objections; I don't know. Let's -- let's think about

1 it and come back.

2 CHAIRMAN BARNES: Okay. I'll leave it
3 highlighted. And we agreed to delete the KMOV, which
4 was edited -- an edited report.

5 REPRESENTATIVE AUSTIN: And I don't remember
6 the qualifying language that Tommie and Jeanie had;
7 though I hope they do.

8 CHAIRMAN BARNES: We'll figure it out.

9 REPRESENTATIVE LAUER: It was absent his
10 testimony.

11 CHAIRMAN BARNES: We'll come back to it.

12 Okay. Paragraph 70. Representative Austin, I --

13 REPRESENTATIVE AUSTIN: Oh, is this --

14 CHAIRMAN BARNES: This is her fear, and I
15 think -- she's expressing fear to both Governor
16 Greitens and to her ex-husband.

17 REPRESENTATIVE AUSTIN: First place, I had a
18 question as to who she's talking about fear of, because
19 if you look at Page 80, Lines 13 through 16, to me it's
20 clearly saying the ex-husband. Jay and I both kind of
21 read it, maybe she's meaning both.

22 But let me just ask this overall, what's the
23 relevancy of -- of her feelings, at this point, of
24 fear. I mean, with -- certainly without -- I mean, the
25 only supportive evidence we might have is she testified

1 that -- that the ex may have surveyed her either by
2 having friends or professionally, and that Eric
3 Greitens walked by her salon afterwards. So I -- I
4 mean, but I don't see how it's relevant, her fear.

5 CHAIRMAN BARNES: I think it's -- her fear is
6 relevant to credibility, and because there's the
7 suggestion, at least in the public space, about the
8 fact that she did not come forward of her own accord
9 for a long period of time, that somehow that cuts
10 against her credibility. And the fact that she had
11 fear both of Governor Greitens and of her ex-husband is
12 relevant to suggest why she would not come forward.

13 And it goes to what I think is not atypical
14 behavior of someone who's been a victim of sexual
15 assault or violence in this sort of fashion to have
16 that kind of fear and to testify to that kind of fear.

17 REPRESENTATIVE AUSTIN: Is that evidence
18 weighty enough to deserve a paragraph in a report?
19 It's certainly in there as an exhibit.

20 REPRESENTATIVE MITTEN: My gosh, we're on
21 Page 22 and we've had 15 pages of what they could
22 arguably consider to be not relevant to the extent that
23 we're reciting transcripts. So it seems to me,
24 honestly, I -- it's, like, I don't see the problem. If
25 the point of this is to pull out portions of the

1 transcript in order to basically write a more concise
2 story of what this Committee has heard, yeah, it's
3 relevant.

4 REPRESENTATIVE LAUER: I would go a step
5 further and say, the relevance has to do with that very
6 last line.

7 REPRESENTATIVE MITTEN: Yeah.

8 REPRESENTATIVE LAUER: I was not as concerned
9 about the picture, but worried about my physical well
10 being. That is significant in this situation to her
11 whole make-up and everything that's going on.

12 REPRESENTATIVE RHOADS: Let's back up.

13 CHAIRMAN BARNES: I -- I also think it's
14 important to -- we get this next line; she's also
15 fearful of her ex-husband.

16 Representative Rhoads?

17 REPRESENTATIVE RHOADS: Please remind me the
18 time where she's referencing that she was --

19 REPRESENTATIVE MITTEN: During this period?

20 REPRESENTATIVE RHOADS: -- worried for her
21 physical well being. Was that during the first sexual
22 encounter?

23 CHAIRMAN BARNES: No, this is -- this is
24 later. This is 1-11, so 79 -- I've got her testimony
25 here in front of me.

1 REPRESENTATIVE RHOADS: I guess we could
2 reference it to which visit that she made to his house
3 that she was fearful for her life.

4 CHAIRMAN BARNES: Well, but that's not --

5 REPRESENTATIVE MITTEN: Well, we don't know
6 that.

7 CHAIRMAN BARNES: So let me -- let me just
8 read from the transcript for you. So this is
9 Representative Lauer, she says, starting on Page 79,
10 Line 20: Okay. We've talked about blackmail and, of
11 course, they were talking about more of the financial
12 thing. I'm going to ask a bit more about the emotional
13 side, because there were times when you said that Eric
14 would ask if you had told, and said good girl and so
15 forth. Did you feel that there was a threat coming
16 from him, and that if you did say something, that
17 something would happen?

18 And her answer is, oh, definitely. Oh
19 definitely. I -- during this time period, I was also
20 fearful of the picture, but also of what I didn't know;
21 what else would he do, because this obviously meant a
22 lot to him. It wasn't until later that I became not as
23 worried about the picture, more worried about my
24 physical well being.

25 And then Representative Lauer asks, talk

1 about that a bit, about your physical; what caused you
2 to feel that way?

3 And then she says, I felt as though this
4 obviously meant a lot to him to be running for
5 governor. I knew I had told my husband, more -- more
6 importantly than anybody, and that if the word got back
7 to him -- and I think that him refers then to Governor
8 Greitens -- he would do something to hurt me to make
9 sure that I couldn't tell anybody else, or that, you
10 know, this -- I would know that I wasn't supposed to be
11 doing -- supposed to be doing, you know, telling
12 anybody this.

13 REPRESENTATIVE RHOADS: Okay. Well, thank
14 you. I was trying to clarify where that was.

15 REPRESENTATIVE LAUER: It gets confusing.

16 CHAIRMAN BARNES: And so this is after -- I
17 think because of where it is in the report, it is clear
18 that it's not relating back to the first incident.
19 Maybe I should -- why don't we just put, testified to
20 her fear after --

21 REPRESENTATIVE RHOADS: After her four sexual
22 encounters with -- or their four visits.

23 REPRESENTATIVE LAUER: After encounters with
24 Greitens.

25 CHAIRMAN BARNES: After encounters with

1 Greitens.

2 REPRESENTATIVE RHOADS: Well, they were all
3 sexual encounters.

4 CHAIRMAN BARNES: Well, not necessarily; she
5 had some that weren't.

6 REPRESENTATIVE RHOADS: The one where she
7 went and got her keys back.

8 REPRESENTATIVE LAUER: Well, the one in the
9 alley.

10 CHAIRMAN BARNES: K-Mart.

11 REPRESENTATIVE RHOADS: The one at K-Mart,
12 yeah.

13 CHAIRMAN BARNES: Alley. Phone call.

14 REPRESENTATIVE RHOADS: Okay.

15 CHAIRMAN BARNES: Haircuts.

16 REPRESENTATIVE AUSTIN: So since this was all
17 after these feelings of fear that arose, this goes to
18 her credibility --

19 CHAIRMAN BARNES: I think --

20 REPRESENTATIVE AUSTIN: -- in your guys' --
21 in your belief?

22 CHAIRMAN BARNES: Yes.

23 REPRESENTATIVE MITTEN: Uh-huh.

24 REPRESENTATIVE LAUER: Absolutely.

25 CHAIRMAN BARNES: Are we -- can I move on

1 to 71?

2 REPRESENTATIVE AUSTIN: Wasn't it pretty much
3 like the same things?

4 CHAIRMAN BARNES: It -- it's related, and I
5 think that more than one member might not want this to
6 come out. I don't know, and this is just a particular
7 example of that fear manifesting itself.

8 REPRESENTATIVE MITTEN: Could we, maybe on
9 this one, because it's very long and it -- to just say
10 that she has testified to a particular instance of
11 her --

12 CHAIRMAN BARNES: And footnote where it is in
13 the record?

14 REPRESENTATIVE MITTEN: Exactly. It just
15 seems that that's a lot of ink.

16 CHAIRMAN BARNES: Absolutely. Absolutely,
17 Representative. You are getting your brevity wish
18 here.

19 REPRESENTATIVE MITTEN: Thank you.

20 CHAIRMAN BARNES: Okay. What else?

21 REPRESENTATIVE AUSTIN: The last ones, I
22 think, are still my complaints about, you know, is
23 this -- what's the purpose here talking about this?
24 And -- I mean, it certainly evokes sympathy, I got it,
25 but that -- I mean --

1 CHAIRMAN BARNES: Well, but it's more than
 2 sympathy. It also goes to credibility that --
 3 REPRESENTATIVE MITTEN: Yes.
 4 CHAIRMAN BARNES: -- she doesn't want to be
 5 here. I mean, imagine her sitting in her bedroom and
 6 having to tell the children to leave the room because
 7 this report is about to air that is so embarrassing to
 8 her, that no woman would ever want this on television
 9 about them with their children in the room.
 10 REPRESENTATIVE MITTEN: Could we continue to
 11 curser down, just because I'm trying to see what
 12 else --
 13 CHAIRMAN BARNES: And this --
 14 REPRESENTATIVE LAUER: Something about her
 15 daughter?
 16 REPRESENTATIVE MITTEN: I would take out that
 17 second paragraph.
 18 CHAIRMAN BARNES: This one?
 19 REPRESENTATIVE MITTEN: Yeah, that it --
 20 whose daughter it was. I don't know that that
 21 really -- personally, and then to tell her --
 22 CHAIRMAN BARNES: We could -- if we get rid
 23 of that paragraph, we need to get rid of the next two.
 24 REPRESENTATIVE MITTEN: Keep the third.
 25 CHAIRMAN BARNES: This one?

1 REPRESENTATIVE MITTEN: Yeah. Wait a minute.
 2 Go back up. Sorry.
 3 CHAIRMAN BARNES: Let me put that paragraph
 4 back up there. What --
 5 REPRESENTATIVE MITTEN: Just do control Z.
 6 CHAIRMAN BARNES: I don't -- I'm not hip with
 7 all your computer expertise here, okay?
 8 REPRESENTATIVE MITTEN: You could have just
 9 ended after not hip.
 10 CHAIRMAN BARNES: Okay.
 11 REPRESENTATIVE MITTEN: Well, wait, maybe
 12 it's --
 13 CHAIRMAN BARNES: You know what we could do,
 14 Witness 1 testified she learned the story was going to
 15 air minutes before it went live, and then explain --
 16 comma, explain the circumstances of the airing of the
 17 report, and then explain how she was -- had to tell her
 18 family members about it.
 19 REPRESENTATIVE MITTEN: I'm fine. Yeah.
 20 REPRESENTATIVE LAUER: Yeah, that's good.
 21 REPRESENTATIVE MITTEN: Her children -- her
 22 child about it.
 23 CHAIRMAN BARNES: Can we take a short break?
 24 (A BREAK WAS TAKEN.)
 25 CHAIRMAN BARNES: Okay. Back from break.

1 So the plan relating to the Associated Press
 2 interview, the Missouri Press Association video, and
 3 the budget and press conference video, is that at the
 4 conclusion of our hearing today -- actually, before we
 5 gavel out, the court reporter will take down a
 6 transcription of those audio so that we have her
 7 transcription rather than a member's transcription of
 8 it. And the citations will be to where it is online so
 9 that people viewing it out in public can listen to it
 10 for themselves, and to the transcript that we're
 11 creating here today.
 12 REPRESENTATIVE AUSTIN: So if I understand it
 13 right, we'll have two paragraphs that have the -- the
 14 interview and video -- audio and video of an interview
 15 in toto, and we'll have another one where it's just an
 16 audio in toto, and that's going to be the two
 17 paragraphs. And it will only say, here it is, here's
 18 the cite reference, and then it will also represent an
 19 exhibit, which will be the court reporter's
 20 transcription of what is said in the airings?
 21 CHAIRMAN BARNES: It will be three.
 22 REPRESENTATIVE AUSTIN: Okay.
 23 CHAIRMAN BARNES: Because there's the
 24 Associated Press, there's the Missouri Press -- I'm
 25 sorry. I'll do it in chronological order of when they

1 were made. Missouri -- Associated Press was first,
 2 then I believe there's the Budget Press Conference,
 3 then there was the Missouri Press Association video.
 4 And my thought was to take the relevant questions out
 5 and put the relevant questions and answers in the
 6 report, because it -- for example, in the Budget Press
 7 Conference, there's ten questions about the budget.
 8 There's no need -- but she would take a transcription
 9 of the entire press conference.
 10 REPRESENTATIVE AUSTIN: Okay. For the
 11 reasons I've stated earlier, I certainly just register
 12 my objection to including any of those three, but --
 13 CHAIRMAN BARNES: But if we're going to do
 14 it, do you agree that that's the best way to do so?
 15 REPRESENTATIVE AUSTIN: Yeah, I agree with
 16 that.
 17 CHAIRMAN BARNES: Okay. All right. We have
 18 this last paragraph and then we're going to circle back
 19 to some things.
 20 So paragraph 81, Witness 1 testified to her
 21 concerns. Again, I think this is relevant to state of
 22 mind and to her coming forward right now or talking to
 23 our Committee. I wouldn't even say that she has come
 24 forward. She has talked to people at this point in
 25 time, but that's why I think her concerns should be in.

1 REPRESENTATIVE AUSTIN: And I -- and I don't
2 think her state of mind subsequent to the events that
3 we're talking about is -- is relevant. I just -- I
4 just don't get it, I mean. And they talk about
5 somebody's emotions as they are now or after the events
6 that we're investigating; I just don't see how it's
7 relevant. I just can't see it.

8 CHAIRMAN BARNES: And -- and here's my
9 question about that is, one thing that we've heard --
10 and not just this case, I think it's a lot of cases --
11 is, people see a lapse in reporting something like this
12 as some sort of evidence of lack of credibility by the
13 person saying it. And I think that her state of mind
14 after it happened is relevant to the reporting or not
15 reporting.

16 And if we're comfortable as a Committee
17 saying, a lapse in time and not the -- the failure to
18 immediately report this has no bearing on the
19 credibility of what is said, okay, then all of this
20 stuff is -- is not necessary, because that's the
21 conclusion that it goes to is, there are reasons people
22 in this situation don't report right away. And I think
23 that her fear goes to one of those reasons.

24 REPRESENTATIVE AUSTIN: Now, I can --
25 conversely, I think, putting in her fears right here,

1 people will infer that there's actual threats of
2 violence used by either Eric Greitens or her ex.

3 CHAIRMAN BARNES: But --

4 REPRESENTATIVE AUSTIN: You're saying that if
5 we just put it in a paragraph that, hey, from our
6 review of the transcript in total, we see no reason to
7 believe that her delay in reporting is -- in any way
8 affects her credibility. I -- I mean, that's something
9 I can --

10 REPRESENTATIVE RHOADS: She's never reported
11 anything though.

12 REPRESENTATIVE MITTEN: No.

13 REPRESENTATIVE AUSTIN: But I can live with
14 that; it's not being -- saying she's not credible, you
15 know.

16 REPRESENTATIVE RHOADS: And I think even now,
17 since it came to light in January, she could have went
18 to the police and made a report, and she's failed to do
19 so.

20 REPRESENTATIVE AUSTIN: Instead of those two
21 paragraphs talking about her kids and the fear she had,
22 if we put in something to allay your concerns that
23 people don't read in to this that there's a credibility
24 factor in her delaying in her reporting or not
25 reporting, I mean, I -- I'm okay.

1 CHAIRMAN BARNES: Okay. Representative
2 Phillips?

3 REPRESENTATIVE PHILLIPS: I don't know.

4 REPRESENTATIVE LAUER: Could you go back to
5 the beginning of that dialogue so I can get the
6 reference back in check?

7 CHAIRMAN BARNES: I want to make it clear in
8 the transcript here, we have no evidence of an actual
9 physical threat after these encounters were -- were
10 over. I just want to make that -- that clear, so that
11 there's no mistaking that.

12 REPRESENTATIVE RHOADS: Now, am I right in
13 saying that there has not been any contact between him
14 and her since the last encounter that they had?

15 REPRESENTATIVE: That was her testimony.

16 REPRESENTATIVE PIERSON: That was her
17 testimony.

18 REPRESENTATIVE PHILLIPS: Uh-huh.

19 CHAIRMAN BARNES: Since -- yes, since
20 the -- the email in October of '15.

21 Is that correct? Does everyone agree with my
22 recollection?

23 REPRESENTATIVE LAUER: Yeah.

24 REPRESENTATIVE PHILLIPS: Uh-huh.

25 REPRESENTATIVE MITTEN: With Greitens, you

1 mean?

2 REPRESENTATIVE RHOADS: Correct.

3 CHAIRMAN BARNES: So, Representative Austin,
4 are you proposing we would take 70, 71 -- 70 and 71
5 would come out, and then we'd leave 72 and -- actually,
6 in their place we would say --

7 REPRESENTATIVE AUSTIN: In the review of the
8 evidence in total, this Committee does not view
9 Witness 1's delay or -- I don't want to say failure,
10 but non-reporting of these events to -- to lead us to
11 question her credibility. I mean --

12 REPRESENTATIVE LAUER: Is it a question
13 or --

14 REPRESENTATIVE RHOADS: Uh-huh.

15 REPRESENTATIVE AUSTIN: The concern that was
16 expressed was -- because when she didn't come forward
17 with this --

18 REPRESENTATIVE LAUER: Uh-huh.

19 REPRESENTATIVE AUSTIN: -- that she's not
20 telling the truth now.

21 REPRESENTATIVE LAUER: Who thought of that
22 concern?

23 SECRETARY CURCHIN: Disclosure.

24 REPRESENTATIVE MITTEN: Yeah. Disclosure.

25 SECRETARY CURCHIN: Instead of involving.

1 REPRESENTATIVE MITTEN: I agree.
 2 CHAIRMAN BARNES: Delay.
 3 SECRETARY CURCHIN: Delay.
 4 REPRESENTATIVE MITTEN: No. Or decision to
 5 not -- I mean --
 6 SECRETARY CURCHIN: Or lack of public
 7 disclosure.
 8 CHAIRMAN BARNES: Yeah.
 9 REPRESENTATIVE AUSTIN: Well, why even say
 10 public, because even if she reported it to the police,
 11 that would -- you wouldn't want to include that.
 12 REPRESENTATIVE RHOADS: Well, if she reported
 13 it to the police, it wouldn't be public.
 14 REPRESENTATIVE AUSTIN: Right. So just
 15 leave --
 16 CHAIRMAN BARNES: Lack of reporting of the
 17 events to law enforcement or others as bearing on her
 18 credibility.
 19 COUNSELOR HALLEN: And/or after enforcement.
 20 CHAIRMAN BARNES: That gets us out of this
 21 space of having this -- I think that she did have
 22 fears, but there was no -- we have no evidence of any
 23 actual, physical threat. And so it's relevant to the
 24 extent it's to her state of mind, but I -- we don't
 25 want to create any misimpression that there was an

1 actual physical threat out there.
 2 REPRESENTATIVE AUSTIN: And it's still in the
 3 transcripts, which will be part of our report.
 4 CHAIRMAN BARNES: Okay. Representative
 5 Phillips?
 6 REPRESENTATIVE PHILLIPS: Uh-huh.
 7 CHAIRMAN BARNES: Representative Lauer?
 8 REPRESENTATIVE LAUER: Sure. Okay. Now
 9 wait, are we taking -- we're taking 70 out then?
 10 CHAIRMAN BARNES: 70 and 71.
 11 REPRESENTATIVE LAUER: Okay. Could we go
 12 back up to 69 -- let's see, where we're at.
 13 CHAIRMAN BARNES: 69 is interviews. So 70
 14 and 71 are out. In review of the evidence, this
 15 Committee does not view Witness 1's lack of reporting
 16 of the events to law enforcement or others as bearing
 17 on her credibility.
 18 REPRESENTATIVE LAUER: Okay. Well, I go back
 19 to that very last line about her being concerned about
 20 her physical well being, whether that's real or
 21 imagined.
 22 CHAIRMAN BARNES: Hold on. Witness 1's
 23 non-reporting of the events. Of these events?
 24 Oh, I hate it when it does that; I don't know
 25 what that means. How do I fix that?

1 REPRESENTATIVE MITTEN: What?
 2 CHAIRMAN BARNES: All right. Okay.
 3 Representative Lauer?
 4 REPRESENTATIVE LAUER: We took out that part
 5 about, I wasn't as much worried about the picture as I
 6 was for my physical well being. Is that correct, we
 7 took that out?
 8 CHAIRMAN BARNES: Yes.
 9 REPRESENTATIVE LAUER: Real or imagined,
 10 that -- that I -- that creates a level of severity to
 11 the events.
 12 CHAIRMAN BARNES: I think that --
 13 REPRESENTATIVE LAUER: Or the significance of
 14 the events or --
 15 CHAIRMAN BARNES: I think that it does, but
 16 it goes to her state of mind, and I think the purpose
 17 of going to her state of mind is to say that, look, the
 18 fact that she didn't report this right away doesn't
 19 mean -- doesn't go to her credibility. There --
 20 because there's other -- there -- we have this other
 21 evidence of her state of mind, which is a reason.
 22 Representative Rhoads?
 23 REPRESENTATIVE RHOADS: I don't have the
 24 transcript to say go back to, but did she reference
 25 that at that point in time in her life that there was a

1 lot going on and that she's a different person than she
 2 was then?
 3 CHAIRMAN BARNES: Yes, she did.
 4 REPRESENTATIVE MITTEN: Let me see if I can
 5 find that.
 6 REPRESENTATIVE RHOADS: Which, obviously, I
 7 think you could tell by interviewing her and what she
 8 talked about the actions that she did then and the way
 9 she was handling herself now. I gathered that she,
 10 obviously, was dealing with a lot, and that she's
 11 probably at a better place now than she was then.
 12 REPRESENTATIVE: So to speak.
 13 CHAIRMAN BARNES: Yeah, I think more than so
 14 to speak. I think most -- most definitely.
 15 REPRESENTATIVE RHOADS: Even with the actions
 16 that are going on.
 17 REPRESENTATIVE MITTEN: So the parts that he
 18 denies are the parts we're finally dealing with, and I
 19 feel sad for that person I was that was so vulnerable.
 20 Is that what you're talking about?
 21 CHAIRMAN BARNES: Yeah. Yeah, here we go,
 22 and we have that at 71. I'm also dealing with things
 23 for the first time these past two months --
 24 REPRESENTATIVE MITTEN: Yes.
 25 CHAIRMAN BARNES: -- that I never did before.

1 I just pushed them aside because it was too scary. I
2 didn't want to think about it, I didn't want to talk
3 about it, I just wanted it to go away, and that maybe
4 it never happened like that.

5 REPRESENTATIVE RHOADS: Okay. Thank you.

6 REPRESENTATIVE LAUER: Mr. Chair, I'm just --
7 one more, please?

8 CHAIRMAN BARNES: Yes, ma'am.

9 REPRESENTATIVE LAUER: If I had an incident
10 occur and I came to any one of you and said, I'm very
11 uncomfortable with this, that creates a level of
12 severity or seriousness. If I come to you and say, I'm
13 really fearful of my physical well being, that is a
14 whole other level. And for that person, whether it is
15 perceived by the outside world or not, for that person
16 that is a reality. It -- it is a level of state of
17 mind, but it also is a -- a thing that impacts their
18 total behavior, their -- everything they're going to do
19 during the day. It's going to run -- run through that
20 person, so it's more than just a statement.

21 CHAIRMAN BARNES: I think that's true, but I
22 also -- I'm concerned about -- we want to be clear that
23 we have no evidence of an actual physical threat. And
24 I think that getting to -- the reason I -- I wanted to
25 include that was to get to the state of mind to -- to

1 get to this issue of the idea that is floated out there
2 publicly, at least, that, oh, if it wasn't reported,
3 you know, then it must not have been so bad or must not
4 have happened.

5 REPRESENTATIVE LAUER: Okay.

6 CHAIRMAN BARNES: I -- I think the point of
7 that is to rebut that general idea that if someone
8 doesn't report it right away, it must not have
9 happened, which that's not true as it -- in some cases
10 it could be true and some cases not, but --

11 REPRESENTATIVE MITTEN: Generally speaking.

12 CHAIRMAN BARNES: Generally speaking in this
13 area. I mean, we could talk to experts in this area,
14 who I think will tell you that, again, her actions are
15 not atypical of people --

16 REPRESENTATIVE LAUER: True.

17 CHAIRMAN BARNES: -- in this situation. And
18 so in place of having all of that, if we just get to
19 the larger point of the non-reporting has no bearing on
20 her credibility based on what she's told us, that gets
21 us to the -- that actually gets us to the conclusion --
22 it skips past those facts and gets to the conclusion to
23 which those facts, I believe, are relevant.

24 REPRESENTATIVE LAUER: Okay. Yeah, my
25 underlying -- I -- I get that now. My underlying

1 concern is that we're not over-diluting that statement.

2 CHAIRMAN BARNES: Yeah, I don't -- I don't
3 think that we are diluting it. And, I mean, it's still
4 going to be in the transcript.

5 REPRESENTATIVE LAUER: Yes.

6 CHAIRMAN BARNES: Remember that, so -- I
7 would imagine these transcripts are going to be picked
8 apart, not just -- you know, people are going to read
9 our report first, and then they're going to go pick
10 these transcripts apart, and then they're going --
11 they're going to ask, well, why didn't they include
12 this in the report.

13 REPRESENTATIVE MITTEN: Yes.

14 CHAIRMAN BARNES: So --

15 REPRESENTATIVE LAUER: Because it's in the
16 transcript.

17 CHAIRMAN BARNES: Well, because it is, and
18 there are some things that are not in the report; we
19 also know they're in the transcript.

20 Okay. So 80, those are present concerns, and
21 I feel like that goes to, again -- I think this goes to
22 her credibility, and it was kind of her -- I think
23 that's what she might have said at the end when we
24 said, do you want -- you know, we've given a couple of
25 witnesses the opportunity to end with a statement. So

1 I would -- I would leave that in.

2 REPRESENTATIVE AUSTIN: I don't see the
3 relevance.

4 CHAIRMAN BARNES: I mean --

5 REPRESENTATIVE MITTEN: I mean, again, I
6 think we could be using ellipses with a lot of this.
7 We start with, you know, how will this affect my kids,
8 because it has; what's going to come of all this --
9 dot, dot, dot. What will people think of me or, you
10 know, what's going to come of this, what will people
11 think of me -- dot, dot, dot.

12 CHAIRMAN BARNES: Every time we use
13 ellipses --

14 REPRESENTATIVE MITTEN: I have a huge client
15 base --

16 CHAIRMAN BARNES: -- we are making a judgment
17 as to our words, not witnesses' words.

18 REPRESENTATIVE MITTEN: That's not true.
19 We're just -- we're -- we're -- I disagree with that,
20 but -- and the transcripts are available. I mean,
21 that's part of my concern is that I think that we're
22 putting in a lot -- if we're trying to tell sort of a
23 succinct story, I think that we could be far more
24 succinct.

25 REPRESENTATIVE LAUER: Should we put

1 something in the report then that says this -- this is,
2 indeed -- not like a summary, but this is the key
3 findings and the actual transcript is available for --

4 CHAIRMAN BARNES: Oh, my plan is to attach
5 the transcripts --

6 REPRESENTATIVE MITTEN: Yes.

7 REPRESENTATIVE LAUER: Okay.

8 CHAIRMAN BARNES: -- to the digital report.

9 REPRESENTATIVE LAUER: But do we need to
10 state that right at the beginning?

11 REPRESENTATIVE MITTEN: Okay.

12 CHAIRMAN BARNES: I -- no, I think it will be
13 obvious --

14 REPRESENTATIVE LAUER: Okay.

15 CHAIRMAN BARNES: -- to anyone who gets the
16 report the transcripts are -- it will be one packet.

17 REPRESENTATIVE LAUER: Okay.

18 CHAIRMAN BARNES: My idea is that Trevor will
19 send out a single packet that -- so -- and then
20 wherever -- if it's posted online, it will be all
21 together.

22 REPRESENTATIVE AUSTIN: I mean, certainly it
23 evokes sympathy for her. She has her kids, she has her
24 clients, she's in school, she's trying to move on with
25 her life. I just don't see why that's relevant to the

1 actions that occurred in 2014, '15, and '16.

2 CHAIRMAN BARNES: I think it goes to, again,
3 her credibility. It also is a good -- for purposes of
4 a report that wraps up, it's, like, her last statement.
5 It is a wrap-up of where we are to finish the report,
6 and I think it does go to her credibility again. It
7 goes to -- this is the one thing I've just kept in the
8 pit of my stomach; I never talk about this.

9 REPRESENTATIVE RHOADS: Yeah, but that's --
10 that's vague. I'm sorry. But that's a vague
11 statement. What did she put in the pit of her
12 stomach?

13 CHAIRMAN BARNES: I think if you go to her
14 statement up here about the -- the -- I'm dealing with
15 this, the parts that Eric denies are the parts that
16 were hurtful, the other parts were traumatic to me.
17 She's talking about these things that she pushed aside
18 because it was too scary.

19 REPRESENTATIVE RHOADS: I get it, but, again,
20 what did Eric deny?

21 CHAIRMAN BARNES: Well --

22 REPRESENTATIVE RHOADS: We haven't talked to
23 Eric.

24 CHAIRMAN BARNES: Well, here's what he --
25 here's what he's publicly said. We have his public

1 statements that she's aware of.

2 REPRESENTATIVE RHOADS: I understand -- I
3 understand that she quoted a news article or media
4 whatever --

5 CHAIRMAN BARNES: This is not a news article,
6 these are the -- his words from a tape recording and
7 from a video.

8 REPRESENTATIVE RHOADS: Of a news -- a media
9 outlet.

10 CHAIRMAN BARNES: That he said -- this is not
11 a -- they're his words.

12 REPRESENTATIVE RHOADS: Well, I mean, we
13 can -- we can get around that. I mean, I don't -- I
14 think probably both those sections. I mean, I made it
15 clear I'm not happy with referencing the -- the media
16 on that, and I'm probably with Representative Austin on
17 this section of that.

18 CHAIRMAN BARNES: Paragraph 80?

19 REPRESENTATIVE RHOADS: Correct.

20 CHAIRMAN BARNES: Representative Lauer?

21 REPRESENTATIVE LAUER: I think this goes back
22 and -- and confirms what we just said as to why she
23 didn't report. She just wanted to move on. She didn't
24 want to have it out in the public, she didn't want to
25 have to report it, she didn't want to have to deal with

1 it; she was just trying to move on.

2 CHAIRMAN BARNES: And then it's also not
3 weighed down by the physical violence language for
4 which we have no evidence of an actual threat being
5 made.

6 Representative Pierson?

7 REPRESENTATIVE PIERSON: Well, we know
8 what -- I mean, we know what Governor Greitens is doing
9 now, and we know what this woman is doing now, and it
10 kind of puts it in that context.

11 REPRESENTATIVE LAUER: That's the same things
12 Greitens said. We've -- we've reconciled this; we're
13 moving on and we're --

14 REPRESENTATIVE PIERSON: Yeah. And it's kind
15 of her current state.

16 CHAIRMAN BARNES: Well, I don't -- it's not
17 the same thing. I don't think it's the same thing he
18 said.

19 REPRESENTATIVE AUSTIN: And what he said is
20 not in our report.

21 REPRESENTATIVE LAUER: Well, yeah.

22 CHAIRMAN BARNES: So --

23 REPRESENTATIVE PIERSON: I'm fine with it
24 being there.

25 CHAIRMAN BARNES: Okay. Representative

1 Phillips?

2 REPRESENTATIVE PHILLIPS: I'll just -- you

3 know, I haven't had a problem with it, but I told you I

4 didn't have a problem with much of any of it -- we've

5 been picking apart.

6 CHAIRMAN BARNES: Representative Mitten?

7 REPRESENTATIVE MITTEN: I'm okay with it.

8 CHAIRMAN BARNES: Let's -- it's a potential

9 parking lot, let's go up to our real conflict. Right.

10 So -- okay. So in my plan here, we're going

11 to vote in a little while to -- well, why don't we just

12 vote now to bifurcate the report -- because now that

13 we're at this point.

14 So I move that this Committee bifurcate this

15 report such that we release the part that we have

16 reviewed so far today next week, and we place all of

17 the stuff relating to The Mission Continues and the

18 campaign in a separate report to be released at a later

19 time.

20 Discussion on that motion?

21 Seeing none, Mr. Secretary, please call the

22 roll.

23 SECRETARY CURCHIN: Chairman Barnes?

24 CHAIRMAN BARNES: Aye.

25 SECRETARY CURCHIN: Vice-Chair Phillips?

1 REPRESENTATIVE PHILLIPS: Aye.

2 SECRETARY CURCHIN: Representative Mitten?

3 REPRESENTATIVE MITTEN: Aye.

4 SECRETARY CURCHIN: Representative Lauer?

5 REPRESENTATIVE LAUER: Aye.

6 SECRETARY CURCHIN: Representative Austin?

7 REPRESENTATIVE AUSTIN: Aye.

8 SECRETARY CURCHIN: Representative Rhoads?

9 REPRESENTATIVE RHOADS: Aye.

10 SECRETARY CURCHIN: Representative Pierson?

11 REPRESENTATIVE PIERSON: Aye.

12 CHAIRMAN BARNES: By a vote of seven ayes,

13 and zero no, you have voted for a bifurcation. And

14 I -- I should have put this before, but I want to state

15 this on the record. I think I talked to everyone

16 individually today on the House floor. We have, in The

17 Mission Continues and campaign part of the report, we

18 have a substantial number of emails that still need

19 review that are already in our possession. And we

20 have, based on the witness testimony we received this

21 week, maybe ten, maybe more -- somewhere around there,

22 but a significant number of new paragraphs that the

23 members of this Committee have not had any opportunity

24 to review before today's hearing. And I don't think

25 it's fair to just plop this up on the screen and say,

1 hey, let's discuss and vote on it very quickly.

2 REPRESENTATIVE AUSTIN: And it's not fair to

3 the recipients of this report for us to sit there and

4 do willy-nilly knee-jerk reactions.

5 CHAIRMAN BARNES: That's exactly right.

6 REPRESENTATIVE LAUER: Agreed.

7 CHAIRMAN BARNES: So I -- what I would

8 propose to the Committee is, after we're finished here

9 today, I will cut everything relating to The Mission

10 Continues and the campaign out of the report, paste it

11 into a different document that will then become the

12 first draft of Report No. 2. Which also means as we go

13 up here, where we -- starting here, on this -- on

14 March 14, 2018, all of that is going to come out of the

15 report, all of those bullet points, because they relate

16 to -- it's going to create an interesting situation

17 with our exhibits, because our exhibits

18 span -- but -- but we're good. Okay.

19 REPRESENTATIVE LAUER: So along with that,

20 Mr. Chair, do we need to ask for a continuance?

21 CHAIRMAN BARNES: We will -- we will get to

22 that.

23 REPRESENTATIVE LAUER: Okay.

24 CHAIRMAN BARNES: Now, for the big

25 discussion. Paragraph 3, Witness 3, the ex-husband of

1 Witness 1. First, I want to just ask the open

2 question. Is there anyone who believes that Witness 3

3 is a credible witness?

4 REPRESENTATIVE RHOADS: I'm going to go on

5 the record and say absolutely not.

6 CHAIRMAN BARNES: I'm going to go on record

7 with you and say absolutely not.

8 REPRESENTATIVE LAUER: I agree.

9 REPRESENTATIVE AUSTIN: I join.

10 REPRESENTATIVE RHOADS: I think if you read

11 his --

12 REPRESENTATIVE PHILLIPS: I don't believe

13 he's credible either.

14 REPRESENTATIVE RHOADS: If you read the

15 transcript, he contradicts himself several times.

16 CHAIRMAN BARNES: So the debate here is in

17 our redactions. Do you want to pull up -- can we get

18 that on the screen?

19 REPRESENTATIVE MITTEN: I can.

20 REPRESENTATIVE AUSTIN: Well, hold on; time

21 out. What do we -- I mean, the redactions are kind of

22 like part two.

23 CHAIRMAN BARNES: Yeah, actually, we need --

24 we probably need to be off the record. But it relates

25 to how Paragraph 3 is going to be written, which is

1 about Witness 3.

2 REPRESENTATIVE AUSTIN: See, I don't
3 understand quite either what you're getting here on
4 Paragraph 3, for the reasons set forth below. Well,
5 there's nothing below, there's an attached transcript.

6 CHAIRMAN BARNES: There are some things about
7 Witness 1 set forth below -- about Witness 3 -- I'm
8 sorry -- about Witness 3, but it's way below. So let's
9 get -- we can start by deleting this, okay?

10 REPRESENTATIVE AUSTIN: Yeah.

11 CHAIRMAN BARNES: We could add a sentence
12 here that says, the Committee only accepts Witness 3's
13 testimony for purposes of authenticating --

14 REPRESENTATIVE MITTEN: No. I mean, why
15 would we need to say that?

16 REPRESENTATIVE: Say -- say what?

17 REPRESENTATIVE MITTEN: The Committee only
18 accepted the testimony, I mean --

19 CHAIRMAN BARNES: No, we accepted the
20 testimony. We only -- the only thing he's -- that he
21 says that I think is worthwhile is that he
22 authenticates the tape recording.

23 REPRESENTATIVE MITTEN: Again, I have a
24 hard -- his testimony is what his testimony is, and it
25 seems to me the testimony should just be out there.

1 I -- I -- I --

2 REPRESENTATIVE AUSTIN: You mean just cut out
3 Paragraph 3 altogether?

4 REPRESENTATIVE MITTEN: Well, no, because he
5 did authenticate -- here's -- here's -- here's the way
6 that I see this. He did authenticate the recording,
7 and obviously the recording is something that is a part
8 of our report. And the recording, to some extent, and
9 portions of the transcript, is already out in the
10 public domain. So this Committee, as part of its
11 investigation, has said this recording is authentic.

12 We believe -- do we believe that the
13 recording is authentic? I believe that. I'm happy to
14 go on record saying that. And the rest of his
15 testimony is just his testimony. It's out there. Why
16 does our report have to go specifically into --

17 CHAIRMAN BARNES: Well, I think that -- to
18 that point, a little bit, we don't testify as to
19 credibility of witnesses to or for either. And I think
20 we all thought -- I -- general consensus might have
21 been that Witness 4 was the most credible witness of
22 all. Maybe not, I don't know.

23 But -- go ahead Representative Austin.

24 REPRESENTATIVE AUSTIN: So I mean, Gina, are
25 you saying leave Paragraph 3 as it is, don't add

1 anything else, and we'll move on?

2 REPRESENTATIVE MITTEN: Yeah.

3 REPRESENTATIVE AUSTIN: Well, I don't know
4 that I disagree with that. I know, what's happening
5 here?

6 REPRESENTATIVE RHOADS: Are you talking about
7 putting the sentence back in it that you took out; is
8 that what you're talking about, Representative Mitten?

9 REPRESENTATIVE MITTEN: Yeah, just leave it
10 as it is.

11 REPRESENTATIVE AUSTIN: Yeah. And then if
12 we -- if we happen to redact something from his
13 transcript, then we do.

14 REPRESENTATIVE MITTEN: Right. It's not his
15 transcript, it's Witness 1's transcript.

16 REPRESENTATIVE AUSTIN: Oh, it's -- yes.

17 REPRESENTATIVE RHOADS: I'm going to -- I'm
18 going to -- you may not ever hear this again, but I do
19 agree with Representative Mitten.

20 REPRESENTATIVE MITTEN: For the record --

21 COUNSELOR HALLEN: You've got to quit now.

22 REPRESENTATIVE MITTEN: Yeah, exactly, I
23 think I'm about to have a heart attack.

24 CHAIRMAN BARNES: All right. We'll take it
25 out.

1 REPRESENTATIVE AUSTIN: No, as is.

2 CHAIRMAN BARNES: We'll leave it as is.

3 REPRESENTATIVE MITTEN: Right, yeah.

4 CHAIRMAN BARNES: Leave it as is. So that --
5 we've -- okay.

6 REPRESENTATIVE PIERSON: Because --
7 because did Witness 1 also authenticate the recording?

8 CHAIRMAN BARNES: Witness 1 also
9 authenticated the recording.

10 REPRESENTATIVE MITTEN: Yes.

11 REPRESENTATIVE AUSTIN: No, only to, like,
12 Page 17.

13 REPRESENTATIVE MITTEN: That's true.

14 CHAIRMAN BARNES: That's right. That's
15 right.

16 REPRESENTATIVE AUSTIN: Okay. Got you. But
17 she did say it was her voice.

18 CHAIRMAN BARNES: It says it's her voice, but
19 she never listened to it and she didn't read the --

20 REPRESENTATIVE MITTEN: And she didn't want
21 to.

22 REPRESENTATIVE PIERSON: Okay.

23 CHAIRMAN BARNES: Why is -- do we know why
24 this is highlighted; did I miss that?

25 COUNSELOR HALLEN: Because we didn't have an

1 exhibit number.

2 REPRESENTATIVE RHOADS: Yeah, because it says
3 see EX, and then capital XXX.

4 REPRESENTATIVE PIERSON: Then what about
5 this?

6 CHAIRMAN BARNES: We have to -- we have to
7 number these exhibits, that's why that's there.

8 REPRESENTATIVE MITTEN: I think you wanted
9 just a colon there, because then you're quoting.

10 CHAIRMAN BARNES: I -- I don't -- if no one
11 has an issue with this paragraph, it might have been an
12 accidental highlight.

13 REPRESENTATIVE MITTEN: I think that --
14 actually, I think that that needs to be moved to the
15 beginning -- the beginning of Paragraph 7. Witness 1
16 testified from the fall -- dah, dah, dah, dah.

17 CHAIRMAN BARNES: Oh, you know what -- what's
18 the difference between the footnotes in 6 and 7? So 6
19 is 7,2 to 9, 19; 7 is 9,11 to 9, 18. Okay. We've got
20 a -- there's a distinction there, so let's leave those
21 separate.

22 REPRESENTATIVE AUSTIN: Okay. Time for
23 redactions?

24 CHAIRMAN BARNES: Yes. How do we want to --
25 well, the first question is, how do we -- I want to

1 make a record of how we're handling this. It's kind of
2 hard for us to have a redactions conversation on the
3 record, because we've got to talk about the substance
4 of the redaction --

5 REPRESENTATIVE MITTEN: No. We can --

6 CHAIRMAN BARNES: -- or we're going to redact
7 the whole darn thing.

8 REPRESENTATIVE MITTEN: We can absolutely do
9 it. We'll put the things up, and it's by page and line
10 number.

11 REPRESENTATIVE LAUER: But that's --

12 CHAIRMAN BARNES: But we -- but we have to
13 talk about the contents of the page and line number. I
14 mean, we're going to debate whether to do it or not, in
15 debating whether to redact something.

16 REPRESENTATIVE MITTEN: I understand. I
17 would ask that we try it and see if we run into
18 trouble.

19 CHAIRMAN BARNES: Fair enough.

20 Representative Austin?

21 REPRESENTATIVE AUSTIN: I bet you there's
22 only one or two redaction issues, correct?

23 REPRESENTATIVE MITTEN: Exactly.

24 CHAIRMAN BARNES: Yes. And they're -- I
25 think they're related.

1 REPRESENTATIVE AUSTIN: Do we want to take --
2 do we want to take a restroom break before we get into
3 the redactions?

4 REPRESENTATIVE MITTEN: Sure.

5 CHAIRMAN BARNES: I'm fine with that. Let's
6 go off the record.

7 (A BREAK WAS TAKEN.)

8 CHAIRMAN BARNES: We're back from break to
9 speak about redactions and --

10 REPRESENTATIVE MITTEN: Can I just make a
11 proposal?

12 CHAIRMAN BARNES: Well, yes, in just a
13 minute. I think the Committee is in agreement on -- go
14 ahead Representative Mitten.

15 REPRESENTATIVE MITTEN: Well, okay, so I
16 propose that we do not redact the portions on basically
17 the late 40's, I think. In the transcript for
18 Witness 1, the pages, I think it's about 47 through 49,
19 but we do redact on Page 9, Lines 18 through 21 --
20 excuse me, through 22. Did I say Line 9?

21 CHAIRMAN BARNES: You said Page 9.

22 REPRESENTATIVE MITTEN: Page -- I'll get this
23 right. Page 96, Lines 18 through 22; Page 97, Lines 1
24 and 2; Page 97, Lines 8 through 11; Page 97, the middle
25 of Line 17 to this on Line 19.

1 Wait a minute. That might be a little bit --
2 what page are you on there? Oh, there we go. Let's go
3 down to Line 17. Yeah. No, no, no. We want the --
4 from -- from -- after the again on Line 17, into I said
5 on Line 22. Yeah.

6 CHAIRMAN BARNES: Does everyone concur with
7 that?

8 GROUP RESPONSE: Yes.

9 CHAIRMAN BARNES: Hearing all ayes and no
10 objections, everyone agrees to that redaction.

11 In addition to this redaction, we have --
12 there has been available the transcripts where there
13 are a number of other redactions for which I don't
14 think there's any great controversy. If anyone has any
15 other areas they deem need to be redacted right now,
16 speak up.

17 Seeing none, we have a redaction plan.

18 REPRESENTATIVE MITTEN: Great. And just if I
19 could, I want to make it clear on the record, and I
20 believe that our disclaimer may have already addressed
21 that, but I don't believe that other than names, there
22 are some references to dates that could be seen as
23 identifying. I -- I -- I don't believe we have
24 redacted anything of substance, other than -- other
25 than information that could be -- readily identify the

1 Witnesses 1, 2, 3, or 4, or their family members or
2 their locations of their homes for instance.

3 If I have somehow forgotten something, I hope
4 that somebody on the Committee will remind me. And if
5 I come across something in my travels over the weekend,
6 I will certainly remind the members.

7 CHAIRMAN BARNES: We will all need Monday and
8 Tuesday to take a look at this with fresh eyes.

9 REPRESENTATIVE MITTEN: Yes.

10 CHAIRMAN BARNES: And it's very -- I think
11 it's very important to -- we don't want to
12 unintentionally let something out. For example, today,
13 Representative Pierson found a footnote in the report
14 that contained a -- a witness' name.

15 Okay. So, so ends our discuss on redactions.

16 We have -- so we've moved for bifurcation.
17 And our due date depends on how you judge this
18 calendar, is either Saturday, Monday, or Tuesday. I'm
19 going to move that we release this report on Wednesday,
20 which is 24 hours later. We're going to go through the
21 process of making sure -- dotting I's, crossing T's on
22 redactions and this report, and notify -- notifying
23 members of this body and both Caucuses shortly before
24 making the report available to the public.

25 I think that we owe that to our colleagues

1 who have placed a lot of trust in us to do this and
2 have been asking us many question for the last 40 days
3 about where we are and how's it going and what's going
4 on. And I think we deserve -- they deserve to know
5 before the public release of the information.

6 Discussion on the motion?

7 REPRESENTATIVE MITTEN: When you say they
8 deserve to know, what does that mean?

9 CHAIRMAN BARNES: I think that we should have
10 discussions with -- Caucus discussions about the facts
11 of the report shortly before it becomes public. I'm
12 not talking about 24-hours' notice. If -- if people
13 don't think they can trust their Caucus members for 30
14 minutes --

15 REPRESENTATIVE PHILLIPS: Oh, it will become
16 public alright.

17 CHAIRMAN BARNES: It's on its way to becoming
18 public, so any tweet storm that follows will soon be
19 swallowed by the report itself.

20 REPRESENTATIVE PIERSON: Is there -- so -- so
21 the Resolution -- the Resolution said -- yeah, we need
22 to --

23 REPRESENTATIVE MITTEN: Let's go off the
24 record.

25 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

1 CHAIRMAN BARNES: And so, now I move that we
2 extend the Committee until May 18, 2018. Further
3 discussion on the motion?

4 REPRESENTATIVE MITTEN: Chair, with all due
5 respect, I have expressed some concerns about the
6 ability to perform -- and I suspect that I'm not alone
7 in this -- to perform my legislative duties during the
8 course of this, you know, in order to accommodate the
9 needs of this Committee, and I -- I want to express
10 those concerns again. I think that it has been --
11 there are some ways in which Majority leadership has
12 been accommodating, but there are some ways in which
13 they have absolute -- I don't feel that they have been.
14 And it certainly puts an additional burden on us.

15 I would hope that we would be able to explore
16 hiring some assistants to help with the -- with the
17 work of this Committee. If we're going to extend it
18 and we're going to do it by Committee vote and not by a
19 new resolution, I do think that some of these things
20 need to be -- at least I personally feel that I need to
21 express my concerns about this, and I -- I -- I just
22 feel that that's important.

23 So my hope would be that we can work together
24 moving forward if this Committee is going to stay
25 intact until the end of session, because it has -- and

1 I can't speak for any other member but myself, but it
2 has been a -- a -- a strain.

3 CHAIRMAN BARNES: Representative Pierson?

4 REPRESENTATIVE PIERSON: And I echo the
5 sentiments of Representative Mitten. Even as we go
6 into further investigation, it seems that we are moving
7 into a realm of evidence review, so it's kind of a
8 different flavor and feel to the investigation that is
9 just headed into a kind of a different realm of depth.
10 Again, with evidence review, as opposed to interviews
11 and those types of things, which I think require some
12 expertise in some areas, which require more time. And
13 so I -- I echo what Representative Mitten has
14 expressed.

15 REPRESENTATIVE MITTEN: And I just -- I'm
16 sorry. I want to reiterate -- I will -- I'm sorry.
17 Well, here's the thing, as we move --

18 CHAIRMAN BARNES: Representative Mitten?

19 REPRESENTATIVE MITTEN: -- as we move towards
20 the -- you know, we're coming around the bend to the
21 end of session and -- and the idea that my -- at least
22 my colleague, Tommie -- and I actually feel this way
23 about all members of the Committee. To the extent that
24 this Committee meets while we are in session, it is a
25 problem for me, and it's going to -- it's going to be a

1 bigger problem as we start getting -- as we go from
2 waist deep to shoulder deep in bills that are going
3 to -- you know, that have the potential to end up on
4 the Governor's desk.

5 And I -- I -- at the time this Resolution was
6 drafted, you know, I think that we all worked together
7 in good faith, and I appreciate that, but I do have
8 concerns that as we're going to be -- you know, as the
9 Floor Leader schedules six or eight hours or ten hours
10 on the floor, in addition to trying to prepare for and
11 take witness testimony or review documents, that's
12 going to be problematic, and I feel that that needs to
13 be expressed.

14 CHAIRMAN BARNES: Further discussion? Point
15 is taken. I think that we have worked together to try
16 to avoid missing session. We've missed -- is it twice,
17 and not that much those two days. But even though we
18 had a missed session, taking away preparation time is
19 also important. You have my continued commitment, the
20 members of this Committee, we're all bearing a heavier
21 load here because of this Committee, both time wise and
22 brain space. And I don't think it's been a cake walk
23 for anyone to be on this Committee and adding it to the
24 other responsibilities they had. And so you have my
25 commitment that I will work with the two of you and

1 every member of this Committee to try to make these
2 things work and to work with leadership about that, as
3 well.

4 Representative?

5 REPRESENTATIVE LAUER: I might just add that,
6 I agree, everyone's worked well together and in good
7 faith. And to end it now, I feel that we would not
8 have completed due diligence in the process. This is
9 significantly important, and so is the legislative part
10 of this, too; they're all important. But, of course,
11 we don't want to cut anything short. And I would
12 suggest that we try to balance this as best we can with
13 the Chair's help.

14 CHAIRMAN BARNES: Further discussion?

15 Seeing none, all those in favor will vote.

16 Mr. Secretary, please call roll.

17 SECRETARY CURCHIN: Representative Barnes?

18 REP BARNES: Aye.

19 SECRETARY CURCHIN: Representative Phillips?

20 REPRESENTATIVE PHILLIPS: Aye.

21 SECRETARY CURCHIN: Representative Mitten?

22 REPRESENTATIVE MITTEN: Aye.

23 SECRETARY CURCHIN: Representative Lauer?

24 REPRESENTATIVE LAUER: Aye.

25 SECRETARY CURCHIN: Representative Austin?

1 REPRESENTATIVE AUSTIN: Aye.

2 SECRETARY CURCHIN: Representative Rhoads?

3 REPRESENTATIVE RHOADS: Aye.

4 SECRETARY CURCHIN: Representative Pierson,
5 Jr.?

6 REPRESENTATIVE PIERSON: Aye.

7 CHAIRMAN BARNES: By your vote of seven aye
8 and zero no, you have voted to extend the Committee,
9 the Resolution under which it is operating, until
10 May 18, 2018.

11 I now move that we vote to issue -- I now
12 vote that we cancel tomorrow's hearing.

13 SECRETARY CURCHIN: Do you need to vote on a
14 report issuance date?

15 REPRESENTATIVE MITTEN: Yes.

16 SECRETARY CURCHIN: Okay.

17 REPRESENTATIVE MITTEN: If we're exceeding.

18 SECRETARY CURCHIN: You've already extended
19 the authority of the Committee.

20 REPRESENTATIVE MITTEN: Not the -- not the
21 deadline for the report.

22 SECRETARY CURCHIN: Okay.

23 CHAIRMAN BARNES: For the Committee's
24 knowledge, we have canceled tomorrow's hearing because
25 we got through the stuff we needed to do today.

1 I now move that we vote to release the report
2 on Wednesday of next week. We've got a little more
3 work to do, and I want to make sure that we've got this
4 right and the report that we're speaking of relates to
5 everything that we've reviewed today.

6 Discussion on the motion?

7 REPRESENTATIVE MITTEN: Just briefly. I'm
8 sorry, guys. I know -- I know we all need -- want to
9 get out of here. I appreciate the Chair working with
10 us in this regard. I, obviously, am not particularly
11 happy about the delay. I am going to support the
12 delay.

13 Can -- you know, there was some discussion
14 earlier about being on the record; I do believe that
15 it's important that the issuance of the -- that we
16 comport with the Resolution. I just want to make sure
17 our record is clear because we went down a different
18 path and then came back and had a motion withdrawn, and
19 I think that it's important that because the Resolution
20 has a specific outline of who in the body is able to
21 receive information from the members of this Committee
22 as to the witnesses or the testimony or the evidence,
23 that we all understand that that has not been changed,
24 and that our report will be issued contemporaneously
25 with any discussions that anybody wants to have with

1 members of their Caucus. Is that a fair
 2 characterization?
 3 CHAIRMAN BARNES: I think that's a fair
 4 characterization. I think we punted the issue of that
 5 notification until next week and further discussions on
 6 the mechanics of that.
 7 REPRESENTATIVE MITTEN: Okay. So is the idea
 8 then that we're going to release, what, the end of
 9 business on Wednesday? Is there a time that we're
 10 talking about?
 11 CHAIRMAN BARNES: I would guess in the
 12 afternoon on Wednesday would be --
 13 REPRESENTATIVE MITTEN: Okay.
 14 CHAIRMAN BARNES: And I don't want to set a
 15 specific time --
 16 REPRESENTATIVE MITTEN: I understand.
 17 CHAIRMAN BARNES: -- in this motion. I just
 18 want to state that we will -- we will release the
 19 report on Wednesday of next week, which would be --
 20 SECRETARY CURCHIN: April 11.
 21 CHAIRMAN BARNES: April 11th. So Wednesday,
 22 April 11th. And it's a 24-hour delay.
 23 REPRESENTATIVE MITTEN: I understand. I
 24 understand.
 25 REPRESENTATIVE LAUER: Then could I clarify,

1 Mr. Chair?
 2 CHAIRMAN BARNES: Yes, ma'am.
 3 REPRESENTATIVE LAUER: That this would be the
 4 Speaker's decision to make, as far as the release of
 5 the information, or is it the Committee's?
 6 CHAIRMAN BARNES: I -- I believe that it's
 7 the Committee's decision to make the release of the
 8 report.
 9 REPRESENTATIVE LAUER: Okay.
 10 CHAIRMAN BARNES: And we're going to do it --
 11 my motion is to do it on Wednesday.
 12 REPRESENTATIVE LAUER: Okay. Thank you.
 13 REPRESENTATIVE PIERSON: And is it the
 14 Committee's decision on how the report is released, as
 15 well, the mechanics of that?
 16 CHAIRMAN BARNES: I think that it is the
 17 Committee's decision, but -- I believe that next week
 18 Monday, Tuesday, Wednesday, we're going to have a
 19 broader conversation amongst -- how -- Majority Party
 20 and Minority Party leadership about mechanics. We are
 21 not -- you know, we're not an island here. We're --
 22 our colleagues put a lot of trust in us and want to
 23 consult with others.
 24 So the motion on the table is to release the
 25 report on Wednesday, April 11th. All those in favor

1 will vote yes.
 2 Mr. Secretary, please call the roll.
 3 SECRETARY CURCHIN: Representative Barnes?
 4 CHAIRMAN BARNES: Aye.
 5 SECRETARY CURCHIN: Representative Phillips?
 6 REPRESENTATIVE PHILLIPS: Aye.
 7 SECRETARY CURCHIN: Representative Mitten?
 8 REPRESENTATIVE MITTEN: Aye.
 9 SECRETARY CURCHIN: Representative Lauer?
 10 REPRESENTATIVE LAUER: Aye.
 11 SECRETARY CURCHIN: Representative Austin?
 12 REPRESENTATIVE AUSTIN: Aye.
 13 SECRETARY CURCHIN: Representative Rhoads?
 14 REPRESENTATIVE RHOADS: Aye.
 15 SECRETARY CURCHIN: Representative Pierson,
 16 Jr.?
 17 REPRESENTATIVE PIERSON: Pass. I need a
 18 comeback. Aye.
 19 CHAIRMAN BARNES: By your vote of seven aye
 20 and zero no, you voted to release the report on
 21 Wednesday of next week.
 22 Representative Mitten?
 23 REPRESENTATIVE MITTEN: Do we want to meet
 24 Monday?
 25 COUNSELOR HALLEN: We need to notice up.

1 SECRETARY CURCHIN: We are noticed up.
 2 REPRESENTATIVE MITTEN: Perfect. Perfect.
 3 Do we need to close it?
 4 SECRETARY CURCHIN: Two o'clock. We need to
 5 vote to close it if you want it closed.
 6 CHAIRMAN BARNES: Okay. Let's vote to close
 7 it. I vote to close Monday's hearing at two p.m. All
 8 those in favor will vote aye.
 9 Mr. Secretary, please call the roll.
 10 SECRETARY CURCHIN: Representative Barnes?
 11 CHAIRMAN BARNES: Aye.
 12 SECRETARY CURCHIN: Representative Phillips?
 13 REPRESENTATIVE PHILLIPS: Aye.
 14 SECRETARY CURCHIN: Representative Mitten?
 15 REPRESENTATIVE MITTEN: Aye.
 16 SECRETARY CURCHIN: Representative Lauer?
 17 REPRESENTATIVE LAUER: Aye.
 18 SECRETARY CURCHIN: Representative Austin?
 19 REPRESENTATIVE AUSTIN: Aye.
 20 SECRETARY CURCHIN: Representative Rhoads?
 21 REPRESENTATIVE RHOADS: Aye.
 22 SECRETARY CURCHIN: Representative Pierson,
 23 Jr.?
 24 REPRESENTATIVE PIERSON: Aye.
 25 CHAIRMAN BARNES: By your vote of seven aye,

1 zero no, you have voted to close Monday's hearing at
 2 two p.m.
 3 REPRESENTATIVE LAUER: Will we be in this
 4 same hearing room then?
 5 REPRESENTATIVE MITTEN: Here.
 6 CHAIRMAN BARNES: We will be in this hearing
 7 room.
 8 Okay. Now that we're finished, I would like
 9 to create a -- the transcript of these two -- these
 10 three items up here. And so I'm going to hold the
 11 Committee hearing open for purposes of creating that
 12 transcript. Is there any objection --
 13 REPRESENTATIVE MITTEN: Nope.
 14 CHAIRMAN BARNES: -- to that?
 15 REPRESENTATIVE LAUER: None.
 16 REPRESENTATIVE RHOADS: I have a question.
 17 What's the process; she's going to sit in here and --
 18 REPRESENTATIVE MITTEN: She's got to leave;
 19 we're going to get a new court reporter.
 20 THE COURT REPORTER: She's waiting outside.
 21 REPRESENTATIVE RHOADS: And she'll come in,
 22 watch it, transcribe it?
 23 CHAIRMAN BARNES: Yes.
 24 REPRESENTATIVE LAUER: And you will be here
 25 with her?

1 CHAIRMAN BARNES: I will -- I will stick
 2 around. Yeah, if you've got a long drive, drive home.
 3 All we're going to do is, I'll create a record of what
 4 we're watching and then we'll --
 5 REPRESENTATIVE MITTEN: Can we let her go
 6 now?
 7 CHAIRMAN BARNES: But we're not going to end
 8 today's hearing. I will end the hearing --
 9 REPRESENTATIVE MITTEN: Can we stand in
 10 recess for a minute while we switch court reporters?
 11 CHAIRMAN BARNES: We will stand in recess
 12 while we switch court reporters. We will then do a
 13 transcript and I will conclude the hearing at the end
 14 of the day.
 15 (HEARING WILL STAND IN RECESS.)
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C E R T I F I C A T E

1
 2
 3 STATE OF MISSOURI)
 4) ss
 5 COUNTY OF HOWARD)
 6

7 I, Tammy F. Ballew, Certified Court Reporter
 8 for the firm of Capital City Court Reporting,
 9 P.O. Box 446, Jefferson City, Missouri 65102, do hereby
 10 certify that I was personally present at the
 11 proceedings had in the above-entitled cause at the time
 12 and place set forth in the caption sheet hereof; that I
 13 then and there took down in Stenomask the proceedings
 14 had, and that the above and foregoing is a true and
 15 accurate transcription, to the best of my ability, of
 16 said proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand this 8th day of April, 2018.
 19

20 _____
 Tammy F. Ballew
 CAPITAL CITY COURT REPORTING
 21
 22
 23
 24
 25

SPECIAL INVESTIGATIVE
COMMITTEE ON OVERSIGHT

Monday, April 9, 2018

State Capitol Building
201 W. Capitol Avenue
Jefferson City, Missouri

COMMITTEE MEMBERS:

Representative Jay Barnes, Chair
Representative Donald Phillips, Vice-Chair
Representative Gina Mitten, Ranking Minority Member
Representative Jeanie Lauer
Representative Kevin Austin
Representative Shawn Rhoads
Representative Tommie Pierson, Jr.

Also present: Bryan Scheiderer, Legal Analyst
Alex Churchin, Legislative Counsel to
Speaker of the House
Alixandra Hallen, Minority Counsel

REPORTED BY: Tracy Taylor
Tiger Court Reporting, LLC
111 East Broadway, Suite 310
Columbia, Missouri 65203
573.999.2662

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WWW.TIGERCOR.COM 573.999.2662

REPRESENTATIVE BARNES: Call to order
this meeting of the Special Investigative Committee on
Oversight. Mr. Secretary, please call the roll.

SECRETARY CURCHIN: Representative
Barnes.

REPRESENTATIVE BARNES: Here.

SECRETARY CURCHIN: Representative
Phillips.

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Representative

Mitten.

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Representative Lauer.

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Representative

Austin.

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Representative

Rhoads.

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Representative

Pierson, Jr.

REPRESENTATIVE PIERSON: Here.

SECRETARY CURCHIN: All here and

accounted for.

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2

REPRESENTATIVE BARNES: By your vote of
seven present, none absent, we are all here.

What I wanted to do today was a couple
things. First, Alix Hallen took the report that we
went through Thursday and made a series of grammatical
edits and capitalizing Committee everywhere that it
was. I accepted all of those for which I deemed there
would be no objection whatsoever in this Committee, to
save us time.

I, perhaps to her dismay, rejected
changes that put ellipses in direct quotes from
witnesses, to leave as many witness quotes as we
could.

And then there are a couple things
remaining. That's the first thing I'd like to do --
let's write this down. All right? The second
thing -- create an order of business here -- is to
discuss the letter that we received from the First
Lady.

SECRETARY CURCHIN: Okay. Are we on --
probably redact this discussion if it's not going to
be part of the record.

REPRESENTATIVE BARNES: Well, I'm going
to -- let's keep the discussion in. I just want to
talk about the fact that we received a letter. And

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it's been publicly reported that we did receive a
letter and it's been publicly reported what the
general contents of that letter was.

The third item is that attorneys for
Governor Greitens filed a Motion to Compel this
morning in the case in the City of St. Louis, and I
want to briefly speak about that.

The fourth item is going over
correspondence between myself and, in a few cases,
others and the Governor's counsel. And what I'd like
to do is mark those as exhibits and enter them into
the record. There's been -- I don't know. I wouldn't
characterize them as leaks because they're their own
letters that have been released in the last four or
five days, but I think it's important that we give a
context to those letters, both of which were sent in
response to correspondence from me apprising them of
we expected to hear from them in some form or fashion.

The articles only talk about the response
and never set forth the correspondence that led to
them. And so I think it's clear -- it's good to have
a clear record as to why those responses were sent to
this Committee.

And then if there's -- does any -- before
we even start, does anyone else have anything to add

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1 to this list? And we can add it later as well. After
2 we get through these four, I'm open to adding
3 additional things.

4 REPRESENTATIVE MITTEN: Can I look at
5 your list?

6 REPRESENTATIVE LAUER: Are we going to
7 talk about the time frame of the report?

8 REPRESENTATIVE BARNES: Yes.

9 REPRESENTATIVE LAUER: Okay.

10 REPRESENTATIVE MITTEN: Yeah, I think my
11 questions all come down to --

12 REPRESENTATIVE BARNES: I'll add that as
13 five.

14 REPRESENTATIVE MITTEN: -- process,
15 timing.

16 REPRESENTATIVE BARNES: All right. So
17 first thing's first. I'm just going to scroll down
18 until we meet our first --

19 REPRESENTATIVE MITTEN: Okay. Can I add,
20 like, next steps?

21 REPRESENTATIVE BARNES: Sure.

22 REPRESENTATIVE LAUER: Is it the --

23 REPRESENTATIVE BARNES: Given the
24 temperature, permission granted to remove jackets.

25 REPRESENTATIVE LAUER: Is it the intent

1 for us to review this report and complete it at this
2 sitting, or will we have an opportunity to go back and
3 look at it individually again?

4 REPRESENTATIVE BARNES: I think it's to
5 do this, look at it individually and sign tomorrow.

6 REPRESENTATIVE LAUER: Okay.

7 REPRESENTATIVE BARNES: Again, because
8 I -- you know, we want to go through this one more
9 time and have an opportunity to review.

10 So let me go down -- okay. So Footnote 3
11 is -- and we'll cover this in a minute -- the
12 correspondence with Greitens' counsel. They are not
13 yet marked as exhibits and they're going to be marked
14 as exhibits, so that's just a placeholder for that.

15 Also want to note that after we get to a
16 document today, Alex or Alix and Alexes should go
17 through and check that all of the citations to the
18 record are accurate. I think they're pretty close,
19 but we want them to be entirely accurate.

20 Okay. So the first change -- and this is
21 something that I made. Footnote 32, paragraph 30,
22 Representative Phillips asked if she felt like her
23 privacy was invaded. She answered yes. And I want to
24 add something to the footnote that you did not go
25 through the elements of the crime.

1 REPRESENTATIVE PHILLIPS: Right.

2 REPRESENTATIVE BARNES: There's a common
3 interpretation of the phrase, "Did you feel like your
4 privacy was invaded?" And then there's the technical,
5 legal interpretation of the phrase in the statute.
6 And I want to make clear that we're speaking to --
7 that was a common interpretation. We didn't ask her
8 for a legal conclusion there.

9 Is everyone in agreement to adding that
10 to the footnote?

11 REPRESENTATIVE AUSTIN: Good.

12 REPRESENTATIVE BARNES: Okay. I think
13 this is a good suggestion from Alix, which is to break
14 these paragraphs up. The first -- first of all,
15 because it's a really long paragraph. But the first
16 paragraph talks about whether she consented; and then
17 the new second paragraph talks about the conflicting
18 testimony at that particular time. And I'll give you
19 guys time to read.

20 REPRESENTATIVE MITTEN: Oh, right. Then
21 it just re-numbers. I got it. So that was just one
22 monumentally long -- makes sense.

23 REPRESENTATIVE BARNES: Yes. And I think
24 where the breakdown makes sense is where we say,
25 "Later, Witness 1 presented conflicting testimony as

1 to whether she was physically afraid at that
2 particular moment."

3 REPRESENTATIVE PIERSON: So those were
4 two different times during the questioning?

5 REPRESENTATIVE BARNES: Two different
6 times during the questioning. And I believe what
7 happened here is Representative Mitten asked a series
8 of questions and then when we came back around, I
9 asked a series of clarifying questions. And -- and
10 she testified that she was definitely in fear for her
11 physical self at one point. And then another time she
12 said -- when asked, "Did you feel afraid to leave?"
13 She answered, "No, not at this point."

14 Now, there's some ambiguity and, you
15 know, hindsight is always 20/20. The follow-up
16 question should have been, What did you mean -- what
17 do you mean by "not at this point"? But we didn't ask
18 that -- I didn't ask that follow-up question in the
19 moment.

20 And so it could be that she could have
21 reconciled those two statements. She could have said
22 when she said "not at this point," she was speaking
23 about something different than what she said to you.
24 But we have the testimony we have at this point and I
25 think it's important to put both of those in there.

1 And it would be -- it would be a little bit misleading
2 to not include both of those statements in there.
3 REPRESENTATIVE MITTEN: No, I get it. I
4 get it. I get it. Yep, fine.
5 REPRESENTATIVE BARNES: Further
6 discussion? Everybody fine with this?
7 REPRESENTATIVE AUSTIN: Good.
8 REPRESENTATIVE BARNES: Is anybody not
9 fine with it?
10 Okay. I'm going to --
11 REPRESENTATIVE MITTEN: Accept, accept.
12 Not reject.
13 REPRESENTATIVE BARNES: Fine. You guys
14 win on your -- okay. Accept, accept, accept, delete
15 comment, no, accept. Okay. Now, watch this magic.
16 Okay. Alix?
17 REPRESENTATIVE MITTEN: We will fix this.
18 REPRESENTATIVE BARNES: Yeah. Somebody's
19 going to have to fix this.
20 MS. HALLEN: Yeah, we'll fix it. Stuff
21 is going to get messed up with all the footnote --
22 when we have to make footnote changes.
23 REPRESENTATIVE MITTEN: There. You're
24 good.
25 REPRESENTATIVE BARNES: But it's not --

1 REPRESENTATIVE MITTEN: It's not
2 formatted -- okay. Yeah, we'll fix that. That is not
3 a Committee Chair's --
4 REPRESENTATIVE BARNES: I cannot be
5 trusted with that format fix.
6 REPRESENTATIVE MITTEN: -- duty. You
7 cannot be trusted with a format fix. Yeah.
8 REPRESENTATIVE BARNES: Okay. Paragraph
9 68. So after everyone left Thursday, we had the court
10 reporter stick around and make a transcript of those
11 statements that were on YouTube -- or two of them were
12 on YouTube, one of them was on SoundCloud. And so the
13 rep-- what Alix did is took the words straight from
14 the transcript and changed the citations so that they
15 cite to the transcript.
16 REPRESENTATIVE MITTEN: And we're waiting
17 for those transcripts.
18 MS. HALLEN: We have them.
19 REPRESENTATIVE MITTEN: Oh, we have them?
20 Okay.
21 REPRESENTATIVE BARNES: Let me fix this
22 stuff. Accept, accept, accept, accept, accept.
23 REPRESENTATIVE MITTEN: Are we meeting
24 tomorrow?
25 REPRESENTATIVE AUSTIN: At noon.

1 REPRESENTATIVE MITTEN: Okay.
2 REPRESENTATIVE AUSTIN: We better
3 schedule meetings every day because you never know
4 what's going to come up.
5 SECRETARY CURCHIN: We have one scheduled
6 for Wednesday as well.
7 REPRESENTATIVE BARNES: Yeah, I think at
8 this point in time, following your advice,
9 Representative Mitten, we are just going to notice up
10 for every day; and if we have to cancel, we have to
11 cancel. But that's the -- better safe that we've got
12 something noticed up if we need to meet than to be
13 scrambling for notice.
14 Okay. Come on.
15 REPRESENTATIVE PHILLIPS: I know we'll
16 talk about this, Jay, but what are going to be our
17 marching orders for the press? Because they're going
18 to interview everybody that they possibly can
19 concerning this topic.
20 REPRESENTATIVE BARNES: Let me add that
21 to the list.
22 REPRESENTATIVE PHILLIPS: Okay.
23 REPRESENTATIVE LAUER: I'm already
24 getting requests for appointments.
25 REPRESENTATIVE PHILLIPS: It won't just

1 be us. It will be everybody.
2 REPRESENTATIVE BARNES: Sorry, guys. I
3 want to make sure though that everybody got a chance
4 to look at this. I think that this is it. Okay.
5 Come on.
6 Okay. I'm going to accept this deal in
7 the footnotes and then I'm going to accept these as --
8 let me back up. I'm going to reject this first one
9 because I want to put the publicly-available link in
10 there.
11 MS. HALLEN: Oh, yeah. That's fine.
12 REPRESENTATIVE BARNES: Does everyone
13 agree to that?
14 REPRESENTATIVE AUSTIN: Yes.
15 REPRESENTATIVE LAUER: Uh-huh.
16 REPRESENTATIVE BARNES: See AP interview
17 with --
18 REPRESENTATIVE PHILLIPS: In most sources
19 when you reference God, the H is capitalized in "His
20 forgiveness."
21 REPRESENTATIVE BARNES: Where did you see
22 that?
23 REPRESENTATIVE LAUER: Last line, first
24 word.
25 REPRESENTATIVE PHILLIPS: I'm grateful to

1 Sheena for her forgiveness, grateful to God for His
2 forgiveness. I think it's pretty common to capitalize
3 the H in "His."
4 REPRESENTATIVE BARNES: Good catch. I'm
5 going to delete the mark of the video. This would
6 be --
7 MS. HALLEN: You can just reject that
8 change.
9 REPRESENTATIVE BARNES: Yes. Okay.
10 Accept, accept, accept, accept, accept, accept.
11 MS. HALLEN: Just go back. Hit --
12 REPRESENTATIVE BARNES: Reject, reject.
13 MS. HALLEN: And then just accept that
14 one.
15 REPRESENTATIVE BARNES: I don't want to
16 reject that change because we still want that. Right?
17 Okay. There we go. All right. So file, save as.
18 Okay. The next question, moving on to
19 Topic 2 -- take one and pass it down. I think
20 everyone received an e-mail this weekend from the
21 First Lady. Most of it relates to Witness 3. I don't
22 know that it -- not I don't know. I am 100 percent
23 confident it does not change any member of this
24 Committee's conclusions about Witness 3. It adds to
25 our conclusions about Witness 3.

1 This morning I sent an e-mail in response
2 to her and thanked her for her letter and asked if she
3 sent this intending it to be made a part of the public
4 record. My intent is if she says yes, we will include
5 this further redacted copy. If she says no, then we
6 will not include it as part of the record.
7 REPRESENTATIVE MITTEN: Hasn't she
8 responded?
9 REPRESENTATIVE PHILLIPS: Uh-huh.
10 REPRESENTATIVE RHOADS: I received e-mail
11 from her at one o'clock.
12 REPRESENTATIVE MITTEN: Yes. Saying no.
13 REPRESENTATIVE BARNES: She said no.
14 REPRESENTATIVE MITTEN: Correct.
15 REPRESENTATIVE BARNES: Is everyone in
16 unanimous agreement that we will not include this -- I
17 move then that we do not include this letter in our
18 report. Again, I think it solidifies feelings that
19 members of this Committee already had.
20 REPRESENTATIVE AUSTIN: I just read her
21 response, the one o'clock response. Yeah, I'm for not
22 including it.
23 REPRESENTATIVE LAUER: Agreed.
24 REPRESENTATIVE BARNES: I would --
25 SECRETARY CURCHIN: Without objection.

1 REPRESENTATIVE BARNES: Without
2 objection, we will not include that e-mail in the
3 report. Seeing no objection, we will not include the
4 e-mail in the report.
5 Let's take a break for one second.
6 (Off the record.)
7 REPRESENTATIVE BARNES: The next issue
8 is -- for today is the Motion to Compel that was filed
9 this morning. And, again, I believe everyone -- at
10 least my e-mail shows that everyone got a copy of
11 this. Can everyone put the letter in a stack here
12 that we'll -- so it's no longer just floating around?
13 So the first thing is I'm going to move,
14 on the next item at issue, that we create exhibits for
15 all of the correspondence with Greitens' counsel.
16 This is also correspondence. It's a publicly-filed
17 document. So does everyone agree that this should be
18 an exhibit attached to the report?
19 REPRESENTATIVE AUSTIN: I do.
20 REPRESENTATIVE LAUER: I do.
21 REPRESENTATIVE MITTEN: I have not had a
22 chance to review it, but what is the status of the,
23 quote, gag order in that case? That's my only
24 concern.
25 REPRESENTATIVE BARNES: Well, this

1 isn't --
2 REPRESENTATIVE MITTEN: I haven't looked
3 on Case.net, for instance, so I just don't know.
4 REPRESENTATIVE BARNES: This is a
5 publicly-filed document.
6 REPRESENTATIVE MITTEN: So it's a
7 pleading available on Case.net?
8 REPRESENTATIVE BARNES: It's a pleading
9 available on Case.net. It was sent to us. And we are
10 under no obligation to follow the nondisclosure order
11 in the Circuit Court case.
12 REPRESENTATIVE MITTEN: Well, I guess one
13 could -- would assume that it's not part -- subject to
14 the gag order because it came from one of the
15 attorneys involved now that I think that through,
16 but --
17 REPRESENTATIVE BARNES: Well, from my
18 perspective, we are not a party to that case, we are
19 not subject to the nondisclosure order. And I don't
20 think there's a constitutional way we could ever be
21 subject to the nondisclosure order in that case.
22 REPRESENTATIVE MITTEN: I guess my only
23 concern is that has any -- has a member of the
24 Committee -- because I have not -- gone through the
25 publicly-available pleadings in that matter to see

1 what other, if any -- there exists any other pleadings
2 filed that would also be pertinent to attach?

3 REPRESENTATIVE BARNES: Well, the reason
4 this is different is because this was sent to us by a
5 party to that litigation. This was sent to us by
6 Greitens' counsel.

7 REPRESENTATIVE MITTEN: And that makes it
8 different because?

9 REPRESENTATIVE BARNES: Because it's a
10 communication from his counsel to this Committee in
11 particular.

12 REPRESENTATIVE MITTEN: Well, but we just
13 made an opposite -- go ahead.

14 REPRESENTATIVE AUSTIN: I haven't seen
15 anything that I thought was relevant. The only thing
16 that makes this relevant is a somewhat cite to her --
17 to Witness Number 1's testimony.

18 REPRESENTATIVE MITTEN: Right.

19 REPRESENTATIVE BARNES: Yes. And so the
20 second question would be whether at this point in time
21 we would no-- or take this exhibit and footnote in our
22 report where there is some sort of reference to
23 testimony that's in the report right now.

24 REPRESENTATIVE AUSTIN: And I guess my
25 thoughts are we do. Because I don't think the

1 defendant's attorneys are making up quotes, you know.
2 We don't have the actual transcript, which means maybe
3 we could reconcile her testimony, maybe we can't
4 because we don't have the transcripts.

5 Because as you know, when you cite lines
6 from a deposition, you're not -- certainly not going
7 to make up stuff from the deposition, but you're going
8 to cite stuff that's favorable to your client. I
9 mean, that's what I would -- that's what I do as an
10 attorney.

11 So -- but having said that, it's still
12 apparently sworn testimony from her that they quote.

13 REPRESENTATIVE MITTEN: These are not --
14 these are not quotes.

15 REPRESENTATIVE AUSTIN: Yeah.

16 REPRESENTATIVE BARNES: They are -- no,
17 there's no citations.

18 REPRESENTATIVE AUSTIN: I agree there's
19 no citations.

20 REPRESENTATIVE BARNES: The deposition
21 was taken Friday. They may not have the full
22 transcript yet.

23 REPRESENTATIVE MITTEN: Well, I'm looking
24 at the second paragraph under --

25 REPRESENTATIVE BARNES: What page are you

1 on?

2 REPRESENTATIVE MITTEN: Page 3, second
3 paragraph under B. This just looks -- this is not
4 quoted. But in an event never previously disclosed,
5 she now admits, blah, blah, blah. We don't know what
6 the context of that was. We're just taking this at
7 face value without looking at a transcript, and I do
8 have a little heartburn about that.

9 REPRESENTATIVE AUSTIN: Well, if you look
10 on page 2, there certainly are quotes.

11 REPRESENTATIVE PHILLIPS: Where they do
12 quote her though, it's pretty much out of context. I
13 mean, they're framing it the way they want and then
14 they're quoting her, it looks like.

15 REPRESENTATIVE AUSTIN: I mean, we're
16 adding as exhibits news reports. At least we have
17 somebody here under oath.

18 REPRESENTATIVE PHILLIPS: Well, I'm not
19 opposed to entering it.

20 REPRESENTATIVE BARNES: I'm comfortable
21 with adding it as an exhibit to this.

22 REPRESENTATIVE MITTEN: Well, hang on a
23 second. First of all, to response to your comment,
24 we're adding news reports that are direct questions
25 and answers that have been transcribed. This is

1 editorializing and this is just very different, in my
2 opinion. And I see the quotes on the second page.
3 And, frankly, those quotes comport with the testimony
4 that was given to this Committee.

5 REPRESENTATIVE AUSTIN: Well, let's look.
6 I mean, there's a couple things brought up. One is
7 about did she ever see the phone. Second one, she's
8 referring to this dream. And then there's another
9 part where she's talking about --

10 REPRESENTATIVE MITTEN: A FaceTime --

11 REPRESENTATIVE BARNES: So let's take
12 them one issue at a time. So the first issue,
13 Representative Austin, is on -- this is on page 2.
14 This is regarding the phone, seeing the phone.

15 REPRESENTATIVE MITTEN: Right.

16 REPRESENTATIVE BARNES: And I believe
17 that is consistent with her testimony before us.

18 REPRESENTATIVE MITTEN: It is absolutely
19 consistent with her testimony before us.

20 REPRESENTATIVE AUSTIN: What did she say,
21 just so we'll know?

22 REPRESENTATIVE BARNES: Sorry. I'm
23 making sure I've got the right quote.

24 REPRESENTATIVE AUSTIN: No, that's fine.

25 REPRESENTATIVE BARNES: Page 99, line 6

1 through 9.
2 "Question: When you first went into the
3 house on 3/21/15, Eric had some clothes for you. Did
4 you ever see his phone at that point?
5 "Answer: Not at this -- at that point."
6 Line 10, "When was the first time you saw
7 his phone?
8 "Answer: I don't know. That's a good
9 question. I'm not sure."
10 Page 103, line 15, "You testified you
11 never -- you have never seen the photograph he took of
12 you. Correct?
13 "Answer: Correct."
14 Then on line 23 she testifies that she
15 knew he had an iPhone.
16 And then the question on page 104, line 3
17 is, "And did he have an iPhone? Is that what you
18 said?
19 "Answer: He did.
20 "And that was what he had that day?
21 "Yes."
22 There's some ambiguity in that question
23 because she might have known that he had an iPhone
24 that day, but she's not testifying that he [sic] saw
25 it that day --

1 REPRESENTATIVE MITTEN: She saw it.
2 REPRESENTATIVE BARNES: -- in front of
3 us.
4 "And you saw that in the basement?"
5 She says, "I would assume that would be
6 the only phone that he would have. That was the only
7 phone that I was aware of that he had in general at
8 that time.
9 "Question: And you don't recall one way
10 or the other whether you saw it that very day in the
11 basement?
12 "Answer: Right. I just know that I
13 heard and saw the flash."
14 And so actually it's a good --
15 Representative Austin, I think these were your
16 questions. It was a good follow-up question to go
17 back to make sure that there was no ambiguity. She
18 says there, I think on line 16, right, she doesn't
19 recall one way or another whether she saw the phone
20 that very day in the basement. And I think that's
21 consistent with what's here on page 2 of the motion.
22 REPRESENTATIVE AUSTIN: Sort of; it's
23 sort of not, in my mind. Because she's saying, I
24 don't know if it's because I'm remembering it or a
25 dream or I don't know if I felt I saw it happen. I

1 saw it -- I mean, I don't -- I'm not for sure what
2 she's --
3 REPRESENTATIVE MITTEN: But -- I'm sorry.
4 Finish. I'll let you go ahead and finish.
5 REPRESENTATIVE AUSTIN: No, go ahead.
6 REPRESENTATIVE MITTEN: I'm going to have
7 to get a talking stick, if I'm not careful.
8 Look, here's the thing. This is not a
9 transcript. This is not sworn testimony. I believe
10 that every attorney in this room understands what we
11 do when we take testimony and we write a motion about
12 it.
13 And I don't have a problem to the extent
14 that this contains quoted testimony, although I would
15 still argue that we don't -- without the full
16 transcript, it's being taken out of context, which is
17 part of why this very Committee is producing all of
18 the transcripts, so that nothing can be taken out of
19 context by the general public. And that, I think, is
20 a part of our duty to the public.
21 To release this -- if you go to the next
22 page, this is not direct quotes. This is -- this
23 is -- we have no idea what that questioning looks
24 like.
25 And I'm sorry, but the Governor, as we

1 spoke at great length on Thursday, made a personal
2 choice not to come and testify before this Committee.
3 That was the Governor's choice. We all understand
4 that. That doesn't mean that the Governor then gets
5 to say, But here's a motion my lawyers filed that may
6 or may not take testimony under oath out of context,
7 and that should be included in our report. I just --
8 that is not what this Committee is supposed to be
9 about.
10 REPRESENTATIVE RHOADS: I see what you're
11 saying, but to go back to the other point, we're
12 taking testimony where he wasn't under oath at an
13 interview and --
14 REPRESENTATIVE MITTEN: Those are direct
15 quotes.
16 REPRESENTATIVE RHOADS: Doesn't matter.
17 He wasn't under oath, was he?
18 REPRESENTATIVE MITTEN: Those are direct
19 quotes. If this had a list of direct quotes, I would
20 have a very different view of it, but this doesn't.
21 REPRESENTATIVE RHOADS: We can take -- we
22 can take -- we don't want this, but when we got
23 somebody that's not under oath, we'll take that
24 public --
25 REPRESENTATIVE MITTEN: When you can see

1 the questions and answers, those I guess, you know,
2 one could argue are statements against interest,
3 whatever. But I just -- this is -- this is not --
4 this is not direct quotes. Whether it's under oath or
5 not, it is not.

6 It is an attorney doing their -- they're
7 very good attorneys. I'm sure that they're doing a
8 very good job. I'm not trying to question that at
9 all. But that's what you do when you're a lawyer; you
10 make an argument. This is an attorney's argument, not
11 actual testimony or direct evidence.

12 REPRESENTATIVE RHOADS: So as the
13 non-attorney in the room --

14 REPRESENTATIVE BARNES: And there's more
15 than one.

16 REPRESENTATIVE MITTEN: Oh, there's more?

17 REPRESENTATIVE RHOADS: On behalf of this
18 one anyways, so my question is, is if it was said in
19 the deposition, even though they didn't quote it,
20 would they have put it in here? Are you allowed to
21 put that in there and file it in a motion?

22 REPRESENTATIVE BARNES: They'd be
23 treading on very dangerous ground because they know a
24 transcript is on the way. So my guess would be that
25 these were -- somebody was there taking copious notes

1 of what was being said and that's how they put it in
2 there. And there's -- there's going to be a
3 transcript to follow. They're probably being produced
4 today.

5 REPRESENTATIVE AUSTIN: As an officer of
6 the court, I would never misquote somebody in there.
7 But having said that, to address maybe what Gina's
8 saying, well, there are some direct questions. Now,
9 we don't get the question before and the answer
10 before, the question after and the question after --
11 or the answer after, but, you know, I'm not saying
12 they're -- those things are in context. I don't think
13 we can say it's taken out of context. We just don't
14 know.

15 But we do have some direct quotes. And
16 to me, if nothing else, it bothers -- what I find
17 bothersome, especially for the line of credibility
18 because now we're maybe getting two different stories,
19 and maybe not. Maybe they can be reconciled and maybe
20 they can't. So now we have this coming -- this. you
21 know, eleventh-hour bombshell coming on, but yet it's
22 there.

23 REPRESENTATIVE BARNES: Hold on. I don't
24 know that I would characterize anything in this motion
25 as a bombshell.

1 REPRESENTATIVE AUSTIN: Okay. Maybe I'm
2 going too far.

3 REPRESENTATIVE BARNES: You weren't
4 surprised as to what was said, at least on page 2 that
5 we're talking about right now, about her not
6 testifying about seeing the phone, because she told us
7 she didn't see the phone.

8 REPRESENTATIVE MITTEN: Let me put it
9 this way --

10 REPRESENTATIVE BARNES: Hold on. And let
11 me -- hold on just a second.

12 REPRESENTATIVE MITTEN: I'm sorry. I
13 thought you were done.

14 REPRESENTATIVE BARNES: And I want to go
15 back. I sent Mr. Dowd an e-mail on March 23rd, 2018
16 and the last paragraph of that e-mail said this: We
17 also discussed the possibility of reviewing discovery
18 from the criminal case pending in the City of
19 St. Louis. We are happy to review evidence from that
20 case and are supportive of a motion by either party to
21 make an exception to the current order against
22 disclosure to third parties.

23 However, in the event any such evidence
24 is provided, we will insist on having a complete set
25 of evidence. In other words, we will not accept

1 cherry-picked evidence from either the Circuit
2 Attorney's office or your client.

3 Now, having said that and drawn that
4 line, I think that we still need to include the motion
5 in the documents of the Committee. It's already a
6 publicly-filed document. We may also have a footnote
7 that we told defense counsel we support any motion to
8 release the evidence from that case, but it can't
9 be -- it shouldn't be cherry-picked evidence.

10 And it is obvious any lawyer is -- when
11 they file a motion -- maybe the words aren't
12 cherry-picked. Right?

13 REPRESENTATIVE AUSTIN: Right.

14 REPRESENTATIVE BARNES: The words are
15 you're going to use the testimony that best fits your
16 client and attempt to --

17 REPRESENTATIVE MITTEN: Minimize.

18 REPRESENTATIVE BARNES: -- minimize any
19 testimony that doesn't. So, of course, we don't have
20 that other testimony. But this is what we have from
21 them at this point. And I think it would be fair to
22 include this, if nothing else, as an exhibit to the
23 report.

24 REPRESENTATIVE MITTEN: All that I can --
25 I could just restate what I've said before with the

1 addition of the fact that I think that there's two
2 sort of money quotes right here. The first was
3 Representative Austin saying we don't know. And that
4 to me is indicative of we don't know enough to add
5 this to our report, which is a reflection upon this
6 Committee's work. And I don't think that we -- I
7 think that we don't know is probably not a sufficient
8 basis.

9 The other thing is --

10 REPRESENTATIVE BARNES: Well, hold on.
11 When you say "we don't know," you mean what else is in
12 that transcript?

13 REPRESENTATIVE MITTEN: Right. Exactly.
14 We don't know. Which falls into the comments that you
15 just made, Mr. Chair, which is that an attorney is
16 going to cherry-pick and they're going to minimize
17 what's not there.

18 So here's one of my questions is, so for
19 instance, if at one place this basically says that
20 Witness 1 acknowledged the recordings made by her
21 ex-husband contained lies, okay, maybe there's another
22 place in the transcript where she says the exact
23 opposite. And those are facts that would not be
24 cherry-picked by one side to a criminal case.

25 I mean for all of these reasons, this --

1 this pleading is a publicly-available record. I have
2 absolute faith and confidence that the members of the
3 press are going to take what they want out of this and
4 make sure that the public is made fully aware of its
5 contents. This Committee's role is not to take
6 cherry-picked pleadings filed by one party in a
7 criminal case, particularly in light of the very well
8 thought-out comments that you made, Mr. Chair, to the
9 Governor's counsel.

10 REPRESENTATIVE AUSTIN: Well, I mean, but
11 on the other hand, this Committee's also made a couple
12 of value judgments; one is the credibility of Witness
13 1. So if we sit there and say we don't even take this
14 into account, I don't think we're doing ourselves any
15 service by not taking it into account, saying, Well,
16 this may -- I mean, this may or may not affect that
17 value judgment. And in my mind, it might have -- it
18 might affect now that statement that we agreed upon
19 last Thursday.

20 REPRESENTATIVE BARNES: Well, as it
21 relates to the phone -- seeing the phone, she
22 testified in front of us --

23 REPRESENTATIVE MITTEN: That's what she
24 testified to us. It's page 3.

25 REPRESENTATIVE BARNES: "You don't recall

1 one way or the other whether you say it that very day
2 in the basement?

3 "Answer: Right. I just know that I
4 heard and saw the flash."

5 And in -- and then this motion is, "You
6 can't say you saw it on his person -- being the
7 phone -- you can't say you saw him put it down in the
8 kitchen, take it from the kitchen or put it anywhere
9 in the basement?"

10 She says, "Yes, I cannot say." That's
11 what she -- I cannot -- I don't -- you don't recall
12 either way whether you saw it.

13 REPRESENTATIVE AUSTIN: But on page 2, I
14 think we can infer that she's remembering she saw it,
15 but she doesn't know if she remembered it because she
16 actually saw it or she saw it in a dream. I mean,
17 she's saying something by this because I remember I
18 was -- through a dream or if I saw it as it actually
19 happened.

20 REPRESENTATIVE BARNES: If anything, I
21 think that that second paragraph -- so it says --
22 apparently recognizing the difficulty, which is --
23 it's a -- ignore the lawyering in the sentence and
24 start with the factual part of it.

25 "The Assistant Circuit Attorney later

1 asks Witness 1, Did you see what you believed to be a
2 phone. She answered."

3 First of all, there's an ellipses.

4 REPRESENTATIVE AUSTIN: There is.

5 REPRESENTATIVE BARNES: So what did she
6 say in the ellipses before they got to this?

7 REPRESENTATIVE AUSTIN: I hear you.

8 REPRESENTATIVE BARNES: "I haven't talked
9 about it because I don't know if it's because I'm
10 remembering it through a dream or -- I'm not sure, but
11 yes, I feel like I saw it after that happened but I
12 haven't spoken about it because of that."

13 To me, what that answer says is I wasn't
14 sure whether I saw the phone itself or not so I
15 haven't said that I saw the phone. Because the things
16 that I am stating are the things that I am confident
17 that I experienced. And the things that she says
18 she's not confident about experiencing are the things
19 that she's not stating.

20 REPRESENTATIVE MITTEN: For the record,
21 only page 1 -- or page 2 has any quotes whatever. The
22 rest of it is just pure argument.

23 REPRESENTATIVE PIERSON: And even the
24 quote that was just stated by Mr. Chair has the
25 ellipses and a lot of "its" with no direct mention of

1 what it is and that's -- that's troublesome.
2 REPRESENTATIVE BARNES: Representative
3 Lauer?
4 REPRESENTATIVE LAUER: Going back to
5 page 2 and under A, second paragraph, when they're
6 doing the questioning and she says in the third line,
7 "I haven't talked about it because I don't know." So
8 it's obviously not a fact. If you don't know, it's
9 not a fact. Right? And then she continues, "I feel
10 like I saw it." But that's not a fact if you feel
11 like it.
12 And then we go on to the next paragraph,
13 I'm sorry, the third line of the last paragraph that
14 her recollections may well be from a dream or vision,
15 not fact. And then we go on --
16 REPRESENTATIVE BARNES: But that -- hold
17 on.
18 REPRESENTATIVE LAUER: Okay.
19 REPRESENTATIVE BARNES: That is their
20 words.
21 REPRESENTATIVE LAUER: That's their
22 words, right.
23 REPRESENTATIVE BARNES: And the only
24 quoted words were as to seeing the phone.
25 REPRESENTATIVE LAUER: Right. I'm with

1 you on that.
2 REPRESENTATIVE BARNES: So defense
3 counsel extrapolating from that statement about seeing
4 the phone --
5 REPRESENTATIVE MITTEN: Right.
6 REPRESENTATIVE BARNES: -- to then try to
7 get at everything else --
8 REPRESENTATIVE MITTEN: Color.
9 REPRESENTATIVE BARNES: -- is good
10 lawyering, but it doesn't tell us that that, in fact,
11 was said anywhere else --
12 REPRESENTATIVE LAUER: Exactly.
13 REPRESENTATIVE BARNES: -- in the
14 deposition.
15 And my bet would be that if those words
16 were said, something similar to what is in that
17 paragraph, that we would have a direct quote instead
18 of words of lawyers.
19 REPRESENTATIVE LAUER: Because then in
20 the last sentence, moving onto the next page, "It was
21 not until after" --
22 THE COURT REPORTER: I'm sorry? I didn't
23 hear what you said.
24 REPRESENTATIVE LAUER: I'm sorry. The
25 last sentence on page 2, "It was not until after hours

1 of testimony that Witness 1 -- she was having a dream
2 or vision."
3 Now we're into a more finite, that she
4 was. And then, of course, it takes a big leap into
5 they may well extend. That's just editorializing.
6 So I'm agreeing with you, Mr. Chair, that
7 I think that the quotations are the key part and the
8 rest is what you're saying is -- without seeing all of
9 that, this all is superfluous, the rest of this stuff.
10 It's their opinion, it's their editorializing.
11 REPRESENTATIVE RHOADS: Well, and I'll
12 interject this. We've interviewed one side of this
13 whole thing. Regardless of who said they couldn't
14 testify now or not, which doesn't -- which really --
15 pertaining to what has happened, we have interviewed
16 one person.
17 And even though that one person through a
18 recording may have said this again, through whatever,
19 it doesn't necessarily make it a fact. It may be you
20 believe what Witness 1 said, but we've yet to be able
21 to corroborate that into this person did this, other
22 than they've told this story once and then told it
23 again.
24 I think on this document obviously, you
25 know, Witness 1 is being quoted, but it's -- you know,

1 whatever the defense has done in producing their
2 document, I think we have to take it as the quotes
3 that are there. And like I believe Representative
4 Mitten said, you know, the press is going to do
5 whatever they want to do with it. It's kind of like
6 our report. You know --
7 REPRESENTATIVE MITTEN: If I could --
8 REPRESENTATIVE BARNES: Well, whoa, whoa,
9 whoa, whoa. There's a tremendous difference between
10 this motion and our report.
11 REPRESENTATIVE LAUER: Uh-huh.
12 REPRESENTATIVE RHOADS: No, I get that.
13 REPRESENTATIVE BARNES: And this idea --
14 there is a false narrative being played by Governor
15 Greitens' lawyers in this that somehow he cannot
16 testify. It happens every single day in this state,
17 in this country that there are parallel criminal and
18 civil or administrative proceedings going on.
19 It happens in every DWI case in the state
20 of Missouri. The Department of Revenue does not pause
21 license revocation proceedings for criminal trials to
22 happen. You can testify if you want in those, you
23 cannot testify if you don't want, you have the
24 Constitutional right to testify or not testify, and
25 this Committee respects that. But the idea that the

1 Governor is unable to testify is very simply a false
2 narrative.

3 REPRESENTATIVE RHOADS: I don't think I
4 said that. I said for whatever reason, he chose not
5 to testify. I mean, I think that there are other
6 means and areas that we could have went out and looked
7 to people, you know. I mean, I don't know if we want
8 to go down that road right now or not. But I think
9 there's some -- there's some left on the table, so to
10 speak, for what we could have done as a Committee.

11 REPRESENTATIVE PHILLIPS: What would be
12 an example of that?

13 REPRESENTATIVE RHOADS: We could have
14 interviewed the Interra (phonetic) folks on their
15 investigation or what they could have -- at least
16 tried to. That's just a start. I mean, I'm just
17 looking at it from a criminal perspective of when I
18 would investigate a crime. If something touches
19 something else, you've got to go that route. You got
20 to go down that and you got to go here and you got to
21 go there.

22 REPRESENTATIVE MITTEN: If I could just
23 remind the Committee briefly that this Committee had a
24 very long discussion as witnesses came to testify
25 about the fact that we wanted to hear from witnesses

1 and not from their attorneys. We were very specific
2 about that and for, I believe, good reason at the time
3 and I don't believe that any of those reasons have
4 changed. So that sort of -- to address -- further
5 address the motion before us.

6 As to your comments, Representative, I
7 mean are you implying that we should hold off on
8 releasing any report until we --

9 REPRESENTATIVE RHOADS: I never said
10 that.

11 REPRESENTATIVE MITTEN: Okay. No, I just
12 want to ask. You know, I want to make sure that I'm
13 understanding what you're saying.

14 REPRESENTATIVE RHOADS: Here's the deal
15 with the report. If you don't put the report out on
16 time, then you're not doing what you said you were
17 going to do. Right?

18 REPRESENTATIVE MITTEN: Okay.

19 REPRESENTATIVE RHOADS: So you have to do
20 that. Regardless of what it does, you have to do
21 that. I feel like that that's what's in our House
22 Resolution, that's what we need to do, we need to
23 honor that.

24 I just wish we could have went a little
25 different way about it. I feel like that the report

1 has to go out on the day it's supposed to go out. It
2 needs to, without a doubt.

3 REPRESENTATIVE MITTEN: Okay. I just
4 wanted to make sure I understand.

5 REPRESENTATIVE BARNES: Representative,
6 to the extent there is anything in this report that is
7 incomplete, it is by the choice of Governor Greitens
8 and his lawyers.

9 REPRESENTATIVE RHOADS: I don't -- I
10 don't think that's right. I think there's more --

11 REPRESENTATIVE BARNES: He is free to not
12 testify and he is free to testify.

13 REPRESENTATIVE RHOADS: I'm not
14 addressing that. He can do whatever he wants to do.
15 If he don't want to testify, don't testify. But I
16 feel like we could have done more. And not trying
17 to -- not trying to belittle what we've done. I think
18 there's been a lot of work done, but I feel like
19 there's some left on the table still.

20 REPRESENTATIVE BARNES: Let me ask this.
21 Let me go back to page 2. And that is -- so I pulled
22 up on the screen what we have in our current report
23 that relates to the testimony on page 2.

24 Paragraph 31 says, "Witness 1 testified
25 that she never saw an actual picture nor did she

1 recall, quote, the first time she saw his phone."

2 What I would propose is either adding
3 directly in the body or in a footnote that a motion
4 from Greitens' counsel filed on this date asserted
5 that in a deposition, Witness 1 stated these things.
6 And also noting that that motion did not provide a
7 full transcript of those proceedings and so there very
8 well could be other relevant testimony that was left
9 out.

10 Also noting that unless somebody can find
11 another direct quote somewhere --

12 REPRESENTATIVE MITTEN: Which I cannot.

13 REPRESENTATIVE BARNES: -- which I
14 cannot, that I don't -- the other items are not words
15 of witnesses, they're words of lawyers. And so to the
16 extent that there are words of witnesses in here, I --
17 like Representative Austin said, I'm going to trust
18 that as officers of the court, those places where they
19 have direct quotes are either exactly accurate or
20 really close to it and the reason they're not accurate
21 is because they don't have a full transcript yet. And
22 so I think that it is -- we are capable of putting
23 them in this report.

24 REPRESENTATIVE MITTEN: So you'd like to
25 make a footnote as to paragraph 31 just indicating

1 that a motion was filed that -- I mean my attitude is
2 a motion was filed in the criminal case that says --
3 that basically comports with that.
4 REPRESENTATIVE BARNES: I think the
5 testimony is consistent.
6 REPRESENTATIVE MITTEN: Right. So is
7 that what the footnote says?
8 REPRESENTATIVE AUSTIN: I think just -- I
9 mean reference just her quotes where --
10 REPRESENTATIVE BARNES: Do we add a new
11 paragraph here?
12 REPRESENTATIVE AUSTIN: We're not adding
13 a -- we're not going to --
14 REPRESENTATIVE MITTEN: I think it should
15 be part of the footnote.
16 REPRESENTATIVE BARNES: Footnote or new
17 paragraph?
18 REPRESENTATIVE AUSTIN: New paragraph.
19 REPRESENTATIVE MITTEN: This is -- I'm
20 sorry. I'm sorry.
21 REPRESENTATIVE BARNES: Hold on. We are
22 going to have a footnote, Representative, that notes
23 that we are relying on their duty as officers of the
24 court to not make up these quotes. I think that we
25 can trust that the quotes themselves are accurate or

1 very close to it.
2 REPRESENTATIVE MITTEN: Type and I'll
3 read.
4 REPRESENTATIVE BARNES: What's today's
5 date?
6 SECRETARY CURCHIN: It's the 9th.
7 REPRESENTATIVE MITTEN: Filed in the
8 criminal case.
9 MS. HALLEN: 2011, holy moly.
10 REPRESENTATIVE MITTEN: And then a motion
11 filed in the criminal case by Greitens. No, you file
12 in the criminal case by -- what are you modifying?
13 REPRESENTATIVE BARNES: Filed by
14 Greitens' counsel.
15 REPRESENTATIVE MITTEN: No. Filed in the
16 criminal case by Greitens' counsel.
17 REPRESENTATIVE BARNES: Fine.
18 REPRESENTATIVE MITTEN: Do you want me to
19 read these?
20 REPRESENTATIVE BARNES: I'll do it.
21 REPRESENTATIVE LAUER: The first line.
22 You can't say you --
23 REPRESENTATIVE MITTEN: Yeah, let him
24 finish.
25 REPRESENTATIVE LAUER: I'm sorry.

1 REPRESENTATIVE MITTEN: You can't say you
2 saw him put it down. Right.
3 REPRESENTATIVE BARNES: Okay. I want to
4 insert a footnote -- where are we? Okay.
5 REPRESENTATIVE MITTEN: We'll have to
6 mark this as an exhibit? No, we can't mark this as --
7 never mind. Duh.
8 REPRESENTATIVE BARNES: The Committee
9 notes that if --
10 REPRESENTATIVE AUSTIN: You can't mark
11 what as an exhibit?
12 REPRESENTATIVE MITTEN: Never mind.
13 REPRESENTATIVE BARNES: So the question I
14 want to ask is we're only using the direct quotes and
15 that's consistent with the e-mail that we sent that
16 said -- well, first of all, it's not entirely
17 consistent with the e-mail because the e-mail said,
18 listen, we don't want cherry-picked evidence at all.
19 But I'm not -- I don't want to put
20 lawyer's words in the report if there's direct quotes.
21 We note that it's not consistent with that e-mail
22 saying we don't want cherry-picked evidence
23 and -- but that to the extent it quotes directly from
24 the witness, we are relying upon the attorney's
25 obligation not to misrepresent the words.

1 REPRESENTATIVE AUSTIN: So you're saying
2 that this FaceTime stuff is not direct quotes so that
3 won't be --
4 REPRESENTATIVE BARNES: That will not be
5 in the report.
6 REPRESENTATIVE AUSTIN: But the motion
7 itself will be in there?
8 REPRESENTATIVE BARNES: Well, I think the
9 motion itself is -- I guess I'm fine with including
10 the motion. It's already a public document.
11 REPRESENTATIVE AUSTIN: Yeah.
12 REPRESENTATIVE MITTEN: Okay.
13 REPRESENTATIVE BARNES: We'll include the
14 motion itself as an exhibit. We only include the
15 direct quotes in the report itself.
16 REPRESENTATIVE AUSTIN: All right.
17 REPRESENTATIVE BARNES: Committee --
18 okay. Here we go. Now I'm drafting this. Includes
19 these quotes in the absence of a full transcript. It
20 does so in reliance on Greitens' counsel's
21 obligation --
22 REPRESENTATIVE MITTEN: As an officer of
23 the court. As officers of the court, I guess.
24 Can we say, however, the Committee
25 declines to --

1 REPRESENTATIVE BARNES: Also notes that
2 March 23rd, 2018 --
3 REPRESENTATIVE AUSTIN: Are you quoting
4 your letter?
5 REPRESENTATIVE BARNES: Yes.
6 REPRESENTATIVE AUSTIN: Okay.
7 REPRESENTATIVE MITTEN: How about only to
8 the extent it has been presented as direct testimony,
9 or no? I think I get where you're going, but I don't
10 know how to --
11 REPRESENTATIVE BARNES: What I just want
12 to say is, listen, we don't have the transcript. And
13 I want to note -- I do want to note that even though
14 we said, listen, we're not going to do anything unless
15 we get the full report, we are going back on that to
16 the extent they're providing what purports to be a
17 direct quote and we are doing so out of an abundance
18 of fairness to Governor Greitens.
19 I mean the other thing is we told them
20 March 23rd, how many weeks ago is that? It's two -- a
21 little over two weeks ago that we would be supportive
22 of a motion to disclose all of this stuff to us. Has
23 such a motion ever been filed? The answer is no.
24 There's other stuff in the -- in the
25 deposition -- I'm confident there is something in that

1 deposition that is not great for Governor Greitens,
2 but it's not their role in that case to point out the
3 things that aren't great. But we don't have that in
4 front of us either. And so to rely too heavily on
5 this motion of the two thing -- two or three questions
6 they picked out is not something that we should do.
7 Okay.
8 REPRESENTATIVE MITTEN: Still, I don't
9 think that we need that final sentence. We are
10 including these quotes only, you know, in the absence
11 of a full thing but they're direct quotes. I mean if
12 anything, you're just going to say, you know, these
13 excerpts are included in the report solely because
14 they're direct quotes or else we have to say that
15 we -- you know --
16 REPRESENTATIVE BARNES: The other
17 question is I think this testimony is consistent with
18 what she already told us. And at the very least, it
19 is not inconsistent with what she told us.
20 REPRESENTATIVE MITTEN: I would agree.
21 REPRESENTATIVE BARNES: And so to the --
22 may add a paragraph that says these particular
23 questions and answers are not inconsistent with --
24 REPRESENTATIVE MITTEN: No, I don't think
25 we need to editorialize.

1 REPRESENTATIVE BARNES: That's right.
2 That's right.
3 REPRESENTATIVE AUSTIN: Just leave it.
4 REPRESENTATIVE BARNES: All right. So in
5 the footnote review, there's also going to be a review
6 for -- for a whatchamacallit -- review this for
7 grammar and spelling as well. We are on the fly here.
8 We are on the fly here and the type is really small.
9 Well, let me -- actually let me go back
10 and undo so that those are both marked for the review.
11 REPRESENTATIVE MITTEN: Yes.
12 REPRESENTATIVE BARNES: Okay. So this is
13 a new -- this is going to be an exhibit and that's the
14 only thing we're putting in the report.
15 REPRESENTATIVE AUSTIN: But then the next
16 thing on the thing is you're going to say all
17 correspondence between you and the Governor's
18 attorneys.
19 REPRESENTATIVE BARNES: Yes. Where's my
20 list? So Item 4 on the list is correspondence
21 regarding the governor's counsel. These letters do
22 not go to facts. Here is what I want in the public
23 record.
24 There has been leaked -- I'll call them
25 leaks. They have released both letters that they sent

1 to this Committee. Both of those letters were sent in
2 response to e-mails that said, We have told your
3 client from the beginning that he has the right to
4 testify. It's time to tell us whether he's going to
5 avail himself of that opportunity or waive it. They
6 followed up with an e-mail that said no, we're not.
7 And then last Friday, after we voted
8 Thursday to release the report on Wednesday, I called
9 and left a message for Mr. Dowd that said, Hey, just
10 want to let you know we voted to release the report on
11 Wednesday, wanted to give your client one more
12 opportunity to testify Monday, Tuesday or Wednesday of
13 next week. You tell us the date and time and we will
14 accommodate his schedule.
15 In response to that, we got another
16 letter that was again sent to the media and just so
17 happened that the e-mail that was sent which
18 precipitated the letter, was not also shared at the
19 same time.
20 And to the extent that Governor Greitens'
21 lawyers are sharing communications with this Committee
22 with the world, I think it's fair for this Committee
23 to, in response, share the communications that led to
24 those letters being sent to this Committee.
25 REPRESENTATIVE MITTEN: To avoid

1 cherry-picking.
2 REPRESENTATIVE AUSTIN: I agree with
3 that, but I think we need to take a time out because
4 don't you have a motion out there? Didn't you move --
5 didn't he move something?
6 REPRESENTATIVE BARNES: I don't think
7 I -- I don't think I moved. Regarding what to do with
8 the Motion to Compel?
9 REPRESENTATIVE AUSTIN: I think there was
10 a motion.
11 REPRESENTATIVE BARNES: If I so moved, I
12 now retract that motion.
13 And now --
14 REPRESENTATIVE MITTEN: So is the -- are
15 we at the, you know, assuming no objection, that the
16 correspondence is going to be in?
17 REPRESENTATIVE BARNES: Assuming no
18 objection, the correspondence will be attached as an
19 exhibit. Seeing no objection, the correspondence will
20 be attached as an exhibit.
21 And we discussed this, but I want to say
22 it on the record. Assuming no objection, we will add
23 this new paragraph 32 and attach the motion and the
24 letter, which is also correspondence --
25 REPRESENTATIVE MITTEN: Right.

1 REPRESENTATIVE BARNES: -- as an exhibit.
2 REPRESENTATIVE MITTEN: Yes.
3 REPRESENTATIVE BARNES: Seeing no
4 objection --
5 REPRESENTATIVE LAUER: Do we have to
6 number the exhibit?
7 REPRESENTATIVE BARNES: Yes. We will
8 number them, we will number the correspondence as
9 well.
10 REPRESENTATIVE LAUER: Okay.
11 REPRESENTATIVE BARNES: The next item,
12 Item Number 5, is the time frame of the report. And
13 Representative Mitten raised this as an issue. This
14 is not to be coy. I can't tell you the precise time
15 at which we're going to release it. My belief is it
16 will be Wednesday afternoon.
17 REPRESENTATIVE RHOADS: I think that's a
18 good idea not to have a time because we may have
19 something that we -- something may happen that we
20 don't anticipate and then we say, Hey, we're supposed
21 to have it out at 2:15 and something's happened and --
22 so I think that's fair enough.
23 REPRESENTATIVE PIERSON: In regards to
24 that, are we open to receive further items up until we
25 release? Because what happens when we get a letter

1 tomorrow or Mond-- or Wednesday morning?
2 REPRESENTATIVE MITTEN: Representative
3 makes a good point.
4 REPRESENTATIVE BARNES: At this point in
5 time I'm ready to close the door, I mean, on new stuff
6 for the report. Anything that's sent to us by the
7 Governor's counsel at this point in time, as we've
8 seen over the last week and a half, is going to be
9 made public anyway. And to throw something on us new
10 at the last minute, I think would be purely designed
11 as a way to delay release of the report rather than
12 substantive.
13 REPRESENTATIVE MITTEN: Can we take a
14 quick break?
15 (Off the record.)
16 REPRESENTATIVE BARNES: Back on the
17 record, back from break. Seeing -- the motion on the
18 floor is that we close the record to new facts at this
19 point in time. I shouldn't say -- not forever, but as
20 to its release on Wednesday. Is there any objection
21 to this plan?
22 REPRESENTATIVE LAUER: To this particular
23 report?
24 REPRESENTATIVE AUSTIN: When are you
25 going to set that time? Is it tomorrow at noon?

1 Because look, what happens if the Circuit Attorney
2 files a response?
3 REPRESENTATIVE MITTEN: Files a response.
4 REPRESENTATIVE AUSTIN: As I understand
5 it, this motion was filed Sunday?
6 REPRESENTATIVE BARNES: It might have
7 been filed this morning. How about we say tomorrow at
8 1:00 p.m.?
9 REPRESENTATIVE AUSTIN: We go in at noon,
10 this Committee meeting. Right?
11 REPRESENTATIVE BARNES: Okay. Tomorrow
12 at noon. So tomorrow at noon is the shut-off time for
13 any new information that this Committee may receive
14 before the report.
15 And I just also want to note, it's going
16 to be very brief no matter who it comes from. And if
17 something comes from the Circuit Attorney's office
18 that likewise includes a bunch of lawyer's words,
19 we're only going to include it to the extent it is the
20 witness's words themselves.
21 REPRESENTATIVE MITTEN: Agreed.
22 Absolutely.
23 REPRESENTATIVE AUSTIN: Goose/gander
24 rule.
25 REPRESENTATIVE BARNES: Yeah. Treated

1 the exact same.

2 REPRESENTATIVE MITTEN: Mr. Chair, one

3 more question about that. Is this all just going to

4 get released electronically? Are we going to have

5 copies in the Speaker's office or actually the library

6 is where they should be. I don't know if that's for

7 the Committee to discuss or not.

8 REPRESENTATIVE BARNES: I believe it

9 should be electronic. We don't need to print a

10 thousand copies of a 400-page document. Or in the

11 alternative, we could print a bunch of copies of the

12 report itself and then release the transcripts and

13 stuff electronically.

14 REPRESENTATIVE RHOADS: How do we go

15 about doing that?

16 REPRESENTATIVE MITTEN: Doing what?

17 REPRESENTATIVE RHOADS: Releasing this.

18 REPRESENTATIVE BARNES: You mean the

19 printing of it?

20 REPRESENTATIVE RHOADS: No. Just -- is

21 someone going to have to call and request from you or

22 the Clerk's office to get this report? How is this --

23 REPRESENTATIVE MITTEN: Is it going on

24 the website?

25 REPRESENTATIVE BARNES: This is all --

1 REPRESENTATIVE MITTEN: This is for

2 tomorrow?

3 REPRESENTATIVE BARNES: This is for

4 tomorrow, but it's also -- these are logistics

5 questions that are questions for the Chief Clerk and

6 the Clerk's office as to entering it into the record.

7 Because I think we need it enter it into

8 the day's journal. The report itself. They may not

9 want the transcripts to be in the journal itself, but

10 I think that in the past when there have been

11 committees of this general nature, the report itself

12 has been included in the journal.

13 REPRESENTATIVE MITTEN: Okay. So we can

14 talk to the Chief Clerk's office tonight then and find

15 out by tomorrow?

16 REPRESENTATIVE BARNES: Those logistics,

17 yeah.

18 REPRESENTATIVE MITTEN: Which makes

19 sense, but we should all have some understanding of

20 what that's going to be.

21 REPRESENTATIVE AUSTIN: Or they're all

22 going to be asking, Hey, where can I get those

23 reports.

24 REPRESENTATIVE MITTEN: Exactly.

25 REPRESENTATIVE RHOADS: You're the

1 investigative reporter.

2 REPRESENTATIVE AUSTIN: So when is the

3 transcripts for like our Committee meetings going to

4 be --

5 MS. HALLEN: I haven't gotten any. I can

6 contact Shelly.

7 REPRESENTATIVE BARNES: Can you get us a

8 transcript by tomorrow?

9 (Off the record.)

10 REPRESENTATIVE BARNES: And then

11 tomorrow's meeting we can publicize -- we can publish

12 the transcript --

13 REPRESENTATIVE MITTEN: Whenever.

14 REPRESENTATIVE BARNES: -- Thursday or

15 Friday or whatever. It doesn't have to be -- people

16 don't -- people don't want to hear what we have to

17 say.

18 REPRESENTATIVE MITTEN: A discussion

19 about website versus paper is maybe not as urgent.

20 REPRESENTATIVE BARNES: Nobody is going

21 to be paying attention to our argument about paper or

22 website.

23 REPRESENTATIVE BARNES: Okay. So the

24 next question was next steps. So what I would propose

25 is the two Alexes go through this, get footnotes

1 right, get the transcripts of the hearings set up.

2 REPRESENTATIVE MITTEN: Right.

3 REPRESENTATIVE BARNES: Bryan get the

4 exhibits set up and put into a PDF format and we meet

5 tomorrow at noon.

6 REPRESENTATIVE LAUER: When do we get a

7 copy of the report -- the revised report as amended?

8 MS. HALLEN: I'm planning on doing this

9 immediately after we're done right now. Well, at

10 least on my end.

11 SECRETARY CURCHIN: I will be up there as

12 soon as I can.

13 REPRESENTATIVE BARNES: So first thing

14 tomorrow morning or close of business tonight?

15 REPRESENTATIVE LAUER: Tomorrow morning.

16 REPRESENTATIVE BARNES: Tomorrow morning?

17 Nine o'clock? And by nine o'clock in Adam's office?

18 MS. HALLEN: I can do that.

19 REPRESENTATIVE BARNES: 9:00 a.m., I

20 should say, in Adam's office.

21 Okay. Further questions about next

22 steps?

23 REPRESENTATIVE MITTEN: Well, my next

24 steps was also beyond just this report, but are we --

25 do we have any witnesses coming up? What are our --

1 we have some documents that need to be reviewed.
2 REPRESENTATIVE BARNES: We need to make a
3 plan for review of those documents.
4 REPRESENTATIVE MITTEN: Yeah.
5 REPRESENTATIVE BARNES: And there's some
6 additional witnesses who have been identified.
7 Perhaps at the -- after we get done with this part, we
8 can talk -- we can put together --
9 REPRESENTATIVE MITTEN: Have a broader
10 conversation?
11 REPRESENTATIVE BARNES: -- an e-mail plan
12 at the least.
13 REPRESENTATIVE MITTEN: Well, and listen,
14 Mr. Chair, again, I've expressed these concerns to
15 you. There's apparently a pretty voluminous number of
16 documents already. We're at what, April 9th today. I
17 know you don't need me to remind you that the clock is
18 ticking.
19 REPRESENTATIVE BARNES: Your concerns are
20 very well taken. So yes. Your concerns are very well
21 taken.
22 REPRESENTATIVE LAUER: Do you want these
23 returned?
24 REPRESENTATIVE MITTEN: No. Those we
25 can -- those get to go in your notebook.

1 REPRESENTATIVE BARNES: Further questions
2 about next steps?
3 Seeing none, the seventh item is media.
4 This Committee, and myself as the Chairman, is in no
5 position to try to introduce a gag order on any other
6 member of this Committee.
7 REPRESENTATIVE MITTEN: The body you
8 mean?
9 REPRESENTATIVE BARNES: The body or
10 members of this Committee. Because I think the
11 question was how are we going to deal with media
12 requests because you know they're going to be swarming
13 all over us.
14 My intention is to be -- is to be very
15 limited in public comments.
16 REPRESENTATIVE AUSTIN: I think that's
17 right. If I can interject, I mean this Committee's
18 going to continue. So we're still under the
19 Resolution. Right?
20 REPRESENTATIVE BARNES: Yes, we are.
21 REPRESENTATIVE AUSTIN: Where we can only
22 talk amongst ourselves and Gail and Todd.
23 SECRETARY CURCHIN: You're not going to
24 want to issue any statements prejudging any further
25 action by the Committee, should that be necessary.

1 REPRESENTATIVE BARNES: So I think every
2 member of the Committee should be very limited in
3 their public comments. And that's my intent as well.
4 REPRESENTATIVE AUSTIN: Or as we have
5 been, say nothing. Because, I mean, it's not beyond
6 the realm of possibility that we'll find something or
7 want to supplement the first part of this report.
8 REPRESENTATIVE LAUER: Since we're still
9 under the Resolution.
10 REPRESENTATIVE AUSTIN: Yeah.
11 REPRESENTATIVE MITTEN: Well, it seems to
12 me that this report though is an accurate
13 representation of the evidence this Committee has
14 heard to date.
15 REPRESENTATIVE LAUER: And that it should
16 speak for itself.
17 REPRESENTATIVE MITTEN: And that it
18 speaks for itself. I agree with you.
19 REPRESENTATIVE BARNES: There's certain
20 more or less procedural questions about the
21 Committee's operation that I want to be able to
22 answer, but not to go into depth.
23 MS. HALLEN: You're not bound by your
24 Resolution regarding procedure. You're only bound in
25 terms of witness and evidence.

1 REPRESENTATIVE MITTEN: So you're fine
2 talking procedure.
3 MS. HALLEN: You could talk about it now
4 if you really want to.
5 REPRESENTATIVE PHILLIPS: What's going to
6 happen is that there's going to be a bunch of people
7 that will get interviewed that don't have anything to
8 do with this Committee. They're going to start
9 throwing their speculation out there and giving their
10 theories on stuff. And it's going to seem very odd if
11 we have no statement whatsoever.
12 And the people that are mum on this
13 subject are the ones that served on the Committee and
14 everybody else is stepping up to the mic. I don't
15 think we need to be telling what we know, but I think
16 we need to tell -- we need to kind of have a blanket
17 statement from -- some guidelines within our body here
18 as to what we are going to say pertinent to what we've
19 found out.
20 SECRETARY CURCHIN: Say the Committee
21 voted to extend its authority on a date certain until
22 that time. We're operating as a Committee under
23 the --
24 REPRESENTATIVE BARNES: I think your
25 broader point is --

1 SECRETARY CURCHIN: -- Resolution.
2 REPRESENTATIVE BARNES: -- about this
3 report itself. And I think it's important --
4 REPRESENTATIVE PHILLIPS: It is.
5 REPRESENTATIVE BARNES: -- for us to say
6 our job was to conduct a fact-finding investigation.
7 We did so. We think the facts that are included in
8 this report -- we're going to let them speak for
9 themselves at the present time. The Committee
10 continues in existence and will continue doing its
11 work.
12 REPRESENTATIVE PHILLIPS: And they're
13 available.
14 REPRESENTATIVE BARNES: And they're
15 available with full transcripts, 400 pages. Have we
16 figured out what our page --
17 REPRESENTATIVE LAUER: It's like a tax
18 bill. Maybe we could --
19 REPRESENTATIVE MITTEN: No, no.
20 REPRESENTATIVE LAUER: Sorry.
21 REPRESENTATIVE PHILLIPS: Because they're
22 going to take our other members, our colleagues,
23 they're going to take them down a different road than
24 we want to go down, with their questioning and their
25 "what do you think" and speculation.

1 REPRESENTATIVE BARNES: And we can't
2 control --
3 REPRESENTATIVE PHILLIPS: I know, but I'm
4 just saying.
5 REPRESENTATIVE BARNES: Even if -- no
6 matter how hard we try, there is no hurting of these
7 cats in either caucus.
8 REPRESENTATIVE PHILLIPS: Right. That's
9 why it's important that we have a -- just a fairly
10 consistent statement to give.
11 REPRESENTATIVE PIERSON: And we
12 bifurcated the report. So there is still opportunity,
13 from what I understand, that there could be
14 supplemental reporting done on what we will come out
15 with on Wednesday. Is that true since we have --
16 REPRESENTATIVE BARNES: Well, to the
17 extent that new facts and information come to light,
18 absolutely.
19 REPRESENTATIVE PIERSON: Okay.
20 REPRESENTATIVE BARNES: And we do have --
21 there will, no doubt, be a second report from this
22 Committee relating to all the work we did on other
23 topics.
24 REPRESENTATIVE PIERSON: Right. But the
25 other bit of information that's still what ongoing, in

1 that if we find out other information, then a
2 supplement report can go out?
3 REPRESENTATIVE BARNES: Depending --
4 yeah, depending on what the members of the Committee
5 view as to whether it should.
6 REPRESENTATIVE PIERSON: Okay.
7 REPRESENTATIVE BARNES: Any further
8 discussion?
9 Seeing none, we will reconvene tomorrow
10 at noon o'clock in this hearing room. And that will
11 close today's hearing in the Special Committee --
12 Special Investigative Committee on Oversight.
13 (Meeting adjourned.)
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1
2 CERTIFICATE OF REPORTER
3
4 I, Tracy Thorpe Taylor, CCR No. 939, within the
5 State of Missouri, do hereby certify that the witness
6 whose testimony appears in the foregoing deposition
7 was duly sworn by me; that the testimony of said
8 witness was taken by me to the best of my ability and
9 thereafter reduced to typewriting under my direction;
10 that I am neither counsel for, related to, nor
11 employed by any of the parties to the action in which
12 this deposition was taken, and further, that I am not
13 a relative or employee of any attorney or counsel
14 employed by the parties thereto, nor financially or
15 otherwise interested in the outcome of the action.
16
17 *Tracy T. Taylor*
18 Tracy Thorpe Taylor, CCR 939
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1 SPECIAL INVESTIGATIVE
2 COMMITTEE ON OVERSIGHT
3
4

5 Tuesday, April 10, 2018
6

7 State Capitol Building
8 201 W. Capitol Avenue
9 Jefferson City, Missouri
10

11 COMMITTEE MEMBERS:

12 Representative Jay Barnes, Chair
13 Representative Donald Phillips, Vice-Chair
14 Representative Gina Mitten, Ranking Minority Member
15 Representative Jeanie Lauer
16 Representative Kevin Austin
17 Representative Shawn Rhoads
18 Representative Tommie Pierson, Jr.

19 Also present: Bryan Scheiderer, Legal Analyst
20 Alex Curchin, Legislative Counsel to
21 Speaker of the House
22 Alixandra Hallen, Minority Counsel

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1 REPRESENTATIVE BARNES: We will call to
2 order the House Special Committee on Investigative
3 Oversight. Mr. Secretary, call the roll.

4 SECRETARY CURCHIN: Representative
5 Barnes.

6 REPRESENTATIVE BARNES: Here.

7 SECRETARY CURCHIN: Phillips.

8 REPRESENTATIVE PHILLIPS: Here.

9 SECRETARY CURCHIN: Mitten.

10 REPRESENTATIVE MITTEN: Here.

11 SECRETARY CURCHIN: Lauer.

12 REPRESENTATIVE LAUER: Here.

13 SECRETARY CURCHIN: Austin.

14 REPRESENTATIVE AUSTIN: Here.

15 SECRETARY CURCHIN: Rhoads.

16 REPRESENTATIVE RHOADS: Here.

17 SECRETARY CURCHIN: Pierson, Jr.

18 REPRESENTATIVE PIERSON: Here.

19 SECRETARY CURCHIN: Everyone's present
20 and accounted for.

21 REPRESENTATIVE BARNES: By your vote of
22 seven present, zero absent, everyone is here.

23 our agenda today -- oh, I move that we
24 close today's hearing. All those in favor will vote
25 yes, all those opposed, no. Mr. Secretary, please

1 call the roll.

2 SECRETARY CURCHIN: Barnes.

3 REPRESENTATIVE BARNES: Aye.

4 SECRETARY CURCHIN: Phillips.

5 REPRESENTATIVE PHILLIPS: Aye.

6 SECRETARY CURCHIN: Mitten.

7 REPRESENTATIVE MITTEN: Aye.

8 SECRETARY CURCHIN: Lauer.

9 REPRESENTATIVE LAUER: Aye.

10 SECRETARY CURCHIN: Austin.

11 REPRESENTATIVE AUSTIN: Aye.

12 SECRETARY CURCHIN: Rhoads.

13 REPRESENTATIVE RHOADS: Aye.

14 SECRETARY CURCHIN: Pierson, Jr.

15 REPRESENTATIVE PIERSON: Aye.

16 SECRETARY CURCHIN: Seven to zero.

17 REPRESENTATIVE BARNES: By your vote of
18 seven aye, zero no, you voted to close today's
19 hearing.

20 The agenda items for today, and then we
21 can open it up after this, is to finalize the report.
22 I you want to talk about what's been done since
23 yesterday and then two documents that are in front of
24 the Committee.

25 First, what's been done since yesterday

1 is that the two Alexes got together and some folks
2 from the leadership office chipped in a little bit,
3 but mainly the two Alexes got together to work on
4 non-substantive edits to the document.

5 I went ahead and told them -- I know I
6 had a brief conversation with Representative Austin
7 about this -- that we would trust both of them to make
8 non-substantive edits and review the document before
9 we sign it. And so those changes have been made. And
10 you can see the comments are off and everything -- has
11 everything been accepted or rejected

12 MS. HALLEN: I think we did for
13 everything.

14 SECRETARY CURCHIN: I believe so.

15 REPRESENTATIVE BARNES: Okay. There
16 are -- is everyone okay with that order of operations
17 there? Okay. The --

18 SECRETARY CURCHIN: There is one issue,
19 Mr. Chairman.

20 REPRESENTATIVE BARNES: The footnote? Is
21 that what you're referring to?

22 SECRETARY CURCHIN: No. Well, there
23 is -- it is a footnote.

24 REPRESENTATIVE BARNES: Footnote 36 on
25 page 8? And this relates to one of the documents

1 that's been distributed.

2 SECRETARY CURCHIN: I will say -- if you
3 will go to the first page of the report, I wanted
4 to -- we inserted a Footnote 1, which moved everything
5 down, which -- where you quoted the correspondence
6 with Greitens' counsel. And we tagged that with
7 Exhibit 23, which is the correspondence with Greitens'
8 counsel.

9 REPRESENTATIVE BARNES: Okay.

10 SECRETARY CURCHIN: I think --

11 REPRESENTATIVE BARNES: No objections
12 here.

13 REPRESENTATIVE MITTEN: No objections.

14 SECRETARY CURCHIN: So that moved all the
15 footnotes down one.

16 MS. HALLEN: Did we fix the footnote that
17 went to nothing?

18 SECRETARY CURCHIN: No. That was my next
19 one. If you go to Footnote 75 now --

20 REPRESENTATIVE BARNES: It looks like
21 it's going somewhere now.

22 SECRETARY CURCHIN: Seventy-five. We
23 could not find that in the transcript anywhere close
24 to where that cited to.

25 MS. HALLEN: It's not in anything. It's

1 not in the transcript. Do you believe you quoted that
2 from somewhere else?

3 REPRESENTATIVE BARNES: I think I -- I
4 don't think so. Nothing happened on the 14th is the
5 only quote.

6 REPRESENTATIVE MITTEN: Yeah. That could
7 very well be from the grocery store transcript.

8 MS. HALLEN: Because 14 does not appear
9 in the -- 1/14th does not appear in the transcript.
10 So I don't know --

11 REPRESENTATIVE BARNES: You know what?
12 Maybe it's just nothing happened.

13 REPRESENTATIVE AUSTIN: But you quoted.

14 REPRESENTATIVE BARNES: Well,
15 Representative, you know, that's not -- I did quote it
16 and so I'm sure I --

17 REPRESENTATIVE AUSTIN: I mean so it's
18 somewhere.

19 REPRESENTATIVE BARNES: I would think
20 that it is somewhere, but I may have put the quotation
21 mark in the wrong spot.

22 SECRETARY CURCHIN: You have it as
23 Exhibit 1. It may be witness testimony.

24 REPRESENTATIVE BARNES: So Exhibit 1
25 is --

1 REPRESENTATIVE MITTEN: The grocery
2 store.

3 SECRETARY CURCHIN: Is the grocery store
4 tape. It may be in her testimony, but I couldn't find
5 it in her testimony.

6 MS. HALLEN: I didn't either.

7 REPRESENTATIVE MITTEN: Okay. Hang on.
8 Let's --

9 REPRESENTATIVE BARNES: Whoa, whoa, whoa,
10 whoa. You know what? This is why -- it can't be --
11 well.

12 SECRETARY CURCHIN: That's all from the
13 grocery store parking lot transcript.

14 REPRESENTATIVE BARNES: Yeah, you're
15 right.

16 REPRESENTATIVE LAUER: Well, it falls
17 right along between C and D.

18 REPRESENTATIVE MITTEN: Whoa, whoa, whoa.
19 There is on page 39 -- no, that's a different --

20 MS. HALLEN: Yeah. The words "nothing
21 happened" like exist together, but not in the way
22 that -- that in D exists.

23 REPRESENTATIVE MITTEN: I think that it's
24 probably from Exhibit 1. Let me double check that.

25 REPRESENTATIVE BARNES: Well, I think --

1 SECRETARY CURCHIN: You mean the
2 transcript?

3 REPRESENTATIVE MITTEN: Exhibit 1.
4 Exhibit 1, which is the grocery store.

5 MS. HALLEN: That's where it's cited to
6 now.

7 SECRETARY CURCHIN: That's where it's
8 cited now.

9 MS. HALLEN: It doesn't exist in there.

10 REPRESENTATIVE MITTEN: Really?

11 MS. HALLEN: Yeah.

12 SECRETARY CURCHIN: Couldn't find it.

13 REPRESENTATIVE MITTEN: Okay. Hang on a
14 second.

15 REPRESENTATIVE AUSTIN: But if we take
16 away the quotes, so he's just paraphrasing, you
17 know --

18 REPRESENTATIVE BARNES: Well, I'd still
19 want to find where she said that nothing happened. I
20 mean that's certainly my memory of the testimony. And
21 maybe --

22 REPRESENTATIVE LAUER: Could we have a
23 binder where we could go through and look?

24 MS. HALLEN: Could we go off the record?

25 REPRESENTATIVE BARNES: Let's take a

1 short break.

2 (Off the record.)

3 REPRESENTATIVE MITTEN: So it's -- right.
4 Page -- Exhibit 1, page 13, lines 11 through 14 and
5 then let's go back to the quote. You could put quote,
6 nothing happened.

7 REPRESENTATIVE BARNES: Put, quote,
8 nothing happened.

9 REPRESENTATIVE MITTEN: Yeah. Hang on a
10 second.

11 REPRESENTATIVE BARNES: Is nothing
12 happened in quotes?

13 REPRESENTATIVE MITTEN: Let me get to the
14 exact -- hang on a second. I want to just get back to
15 the exact place. No -- okay. "Witness 3: So nothing
16 happened on the 14th? Witness 1: No, comma, nothing
17 happened on the 14th." That is a quote.

18 REPRESENTATIVE BARNES: Hey, hey, hey.
19 Look at that. It was precise.

20 REPRESENTATIVE MITTEN: On -- now that
21 the 14th. On the 14th. Yes. Quote.

22 REPRESENTATIVE BARNES: The Chairman has
23 been vindicated on the footnote.

24 REPRESENTATIVE AUSTIN: But you can't --
25 but nothing happened on the 14th, that -- you have

1 kind of a run-on there.

2 REPRESENTATIVE BARNES: Yeah, comma.

3 REPRESENTATIVE AUSTIN: Okay.

4 REPRESENTATIVE BARNES: Other than --

5 REPRESENTATIVE BARNES: And she told --
6 okay.

7 REPRESENTATIVE MITTEN: But you might
8 want to say that she met Greitens --

9 REPRESENTATIVE BARNES: But that she had
10 met him outside and he told her that he wanted to see
11 her on the next weekend.

12 REPRESENTATIVE MITTEN: Okay. Okay.

13 REPRESENTATIVE BARNES: We're good?

14 REPRESENTATIVE MITTEN: Hang on a second.
15 I want to just make sure.

16 REPRESENTATIVE BARNES: Yeah, make sure
17 we've got the citation right.

18 REPRESENTATIVE MITTEN: Right. Well, and
19 then you could also say again, Exhibit 1, page 13,
20 "And I came outside to meet him. I didn't touch him,
21 nothing."

22 That's -- that's -- yeah.

23 REPRESENTATIVE BARNES: I think we're
24 good.

25 REPRESENTATIVE MITTEN: I think we're

1 good too.

2 REPRESENTATIVE BARNES: We've got a lot
3 of block quotes, as Representative Mitten reminded me.

4 REPRESENTATIVE MITTEN: Just doing my
5 job, Mr. Chair.

6 REPRESENTATIVE BARNES: Yes, you are.
7 Yes, you are.

8 Other issues, either Alex?

9 MS. HALLEN: I had an issue that I don't
10 know if you and Alex discussed. We reference Witness
11 3 in two different ways. We reference him as
12 ex-husband and we reference him as Witness 3 and it's
13 confusing. Is there a preference for referencing?

14 REPRESENTATIVE BARNES: Whatever the
15 Committee would prefer. Representative Phillips, it's
16 your decision.

17 SECRETARY CURCHIN: If you go to page 1,
18 it talks about Witness 3 and summarizes his
19 relationship, I believe.

20 REPRESENTATIVE PHILLIPS: AKA.

21 REPRESENTATIVE MITTEN: Then why don't we
22 do that and refer to him as Witness 3 then throughout?

23 SECRETARY CURCHIN: Yeah. Witness 3, the
24 ex-husband of Witness 1.

25 REPRESENTATIVE MITTEN: So then let's

1 just global search and replace ex-husband. Right?

2 REPRESENTATIVE BARNES: We can have one
3 of the Alexes do that after the hearing.

4 REPRESENTATIVE MITTEN: Right. Somebody
5 got that on their list of to-do?

6 SECRETARY CURCHIN: Yes.

7 REPRESENTATIVE BARNES: Okay. Other
8 issues?

9 Okay. Let's start with what I have. I
10 received an e-mail yesterday evening at 8:46 p.m. from
11 Scott Simpson, attorney for Witness 1. And he is
12 responding to the motion that we've included as
13 Exhibit 23.

14 However, as we discussed yesterday, in
15 the body of the report itself, we only included the
16 quotes from the witness. So I don't think it's
17 appropriate to include quotes from Scott Simpson;
18 however, I do think it is appropriate to add his
19 response as Exhibit 24. And I have noted -- in
20 Footnote 36 we've added new language that states --

21 REPRESENTATIVE MITTEN: Can we zoom that
22 up a little bit?

23 REPRESENTATIVE BARNES: Yes.

24 REPRESENTATIVE MITTEN: Thank you.

25 REPRESENTATIVE BARNES: Any objection to

1 this -- these two new sentences summarizing
2 Exhibits 23 and 24, which are correspondence?

3 REPRESENTATIVE AUSTIN: Well, it's
4 Witness 1's attorney statement. I mean, am I reading
5 it right?

6 REPRESENTATIVE BARNES: Yeah. And
7 Exhibit 23 we talked about was that that's their --
8 oh, you mean by quoting -- by quoting mischaracterizes
9 there?

10 REPRESENTATIVE AUSTIN: No. The very
11 last -- where it says Witness 1 statement and
12 e-mail --

13 REPRESENTATIVE BARNES: Yes, you're
14 right. Yes. Yes. Right there?

15 REPRESENTATIVE AUSTIN: Yeah.

16 REPRESENTATIVE BARNES: Good catch,
17 Representative.

18 Are we fine with these three sentences?

19 REPRESENTATIVE MITTEN: Can we just say
20 mischaracterizes her deposition testimony instead
21 of -- sorry. I'm an editor at heart.

22 REPRESENTATIVE AUSTIN: Why use a
23 prepositional phrase when a good old adjective will
24 get the job done.

25 REPRESENTATIVE MITTEN: Thank you. Thank

1 you.

2 MR. SCHEIDERER: Jay, can I ask while
3 you're on it, is this 24 the bold back and front?

4 REPRESENTATIVE BARNES: Yes. So we're
5 going to mark the e-mail and letter -- or e-mail and
6 statement from Witness 1's counsel as Exhibit 24.

7 MR. SCHEIDERER: Twenty-four, gotcha.

8 REPRESENTATIVE LAUER: Both pages?

9 REPRESENTATIVE BARNES: Yes. It's going
10 to be one exhibit. Seeing no objection, it will be so
11 marked.

12 The next item in front of you is
13 correspondence from Dowd Bennett from March 5th, 2018.
14 And I confess that my legislative assistant was a
15 savior here in that he found this -- he went back
16 through my spam mailbox for my House e-mail and found
17 this this morning.

18 I recall Mr. Dowd and I speaking about
19 the facts that are in this letter. Attached to the
20 letter is a transcript of a motion hearing at which no
21 witness appears. I'm inclined not to include it as an
22 exhibit. I'm also open to including it as an exhibit.
23 It doesn't relate directly to witness testimony. Then
24 again, it's also correspondence from counsel.

25 And so I'd leave it to the Committee's

1 will, but again, we're going down the line of it's
2 essentially lawyer testimony. And we've got --
3 Exhibit 23 is in because it includes direct quotes --
4 purported direct quotes which we believe to be
5 accurate from a witness. And then Exhibit -- but it
6 includes all the other statements of attorneys. And
7 Exhibit 24 is in as a response to all the statements
8 of the attorneys in Exhibit 23.

9 REPRESENTATIVE AUSTIN: And this
10 correspondence -- or this transcript that was attached
11 here, I mean this is nothing more than the
12 prosecutor's motion to reset the trial somewhere, some
13 other time. Right? I mean --

14 REPRESENTATIVE BARNES: I believe so.

15 REPRESENTATIVE AUSTIN: I don't -- how is
16 that substantive to us?

17 REPRESENTATIVE MITTEN: It's not
18 substantive to us, in my opinion. Could I -- could we
19 go and look at what is -- how do we refer to
20 Exhibit -- is it Exhibit 23? Because here's the
21 thing --

22 REPRESENTATIVE BARNES: Correspondence
23 with counsel.

24 REPRESENTATIVE MITTEN: Right. Yes. Can
25 we look at what exactly that language is? Because it

1 seems to me as long as we're not purporting to say in
2 the report that we've disclosed every single piece of
3 information --

4 REPRESENTATIVE BARNES: I don't think --
5 I think we just say that Exhibit 23 is -- we cite
6 counsel promised to work with the Committee and then
7 we cite Exhibit 23.

8 REPRESENTATIVE MITTEN: Yep. So we're
9 not making a representation in the report that we have
10 provided every single piece of paper we've received
11 from Dowd Bennett.

12 REPRESENTATIVE BARNES: No, we are not.

13 REPRESENTATIVE MITTEN: Then I'm fine
14 with leaving it out.

15 REPRESENTATIVE AUSTIN: We talked about
16 at one time, but I don't think --

17 REPRESENTATIVE MITTEN: Right. Then I'm
18 fine with leaving it out. So long as it comports with
19 our report, I think it should be left out. I agree
20 with -- oh, my gosh, here we go again. I agree with
21 Representative Austin and -- I agree with
22 Representative Austin and I think it should not be
23 included.

24 REPRESENTATIVE BARNES: Let the record
25 reflect that there is laughter in the room. And

1 goodwill.

2 REPRESENTATIVE MITTEN: And goodwill
3 exactly.

4 SECRETARY CURCHIN: There was one other
5 change.

6 REPRESENTATIVE BARNES: One other.

7 SECRETARY CURCHIN: In the portion where
8 it says --

9 REPRESENTATIVE BARNES: Hold on. Let me
10 finish this. Seeing no objections, we will not
11 include this correspondence from March 5th, 2018 as an
12 Exhibit.

13 Mr. Curchin.

14 REPRESENTATIVE PHILLIPS: Its. Did you
15 see that?

16 REPRESENTATIVE BARNES: I'll go back.
17 Where did you see it?

18 REPRESENTATIVE PHILLIPS: Keep going.
19 I-t-s. That needed to have an apostrophe in it. It's
20 down a little bit further. Right there.

21 REPRESENTATIVE BARNES: Representative --

22 MS. HALLEN: But that might not be how
23 the transcript reads.

24 REPRESENTATIVE MITTEN: You could put a
25 [sic] in.

1 REPRESENTATIVE BARNES: We're not putting
2 a [sic] in.

3 REPRESENTATIVE PHILLIPS: Now, wait a
4 minute.

5 REPRESENTATIVE BARNES: For punctuation?

6 REPRESENTATIVE PHILLIPS: What do you
7 mean that's the way the transcript reads? That its is
8 it's. That's a whole -- whole different deal if you
9 don't put the apostrophe in there. How is that any
10 different than how the transcript reads?

11 MS. HALLEN: Because the transcript may
12 not have an apostrophe in it.

13 REPRESENTATIVE PHILLIPS: So the way it
14 was recorded, you're saying, not the way it was said.

15 MS. HALLEN: Correct. I'm happy to check
16 it, if we'd like. Where are we? What's the footnote
17 on L, please? Can we go down a little bit?

18 REPRESENTATIVE PHILLIPS: Almost makes us
19 look like we don't know our --

20 REPRESENTATIVE AUSTIN: Open bracket --

21 MS. HALLEN: Could you go down to --
22 19:9.

23 REPRESENTATIVE MITTEN: Is this Witness
24 1?

25 MS. HALLEN: It's Exhibit 1.

1 REPRESENTATIVE MITTEN: It's Exhibit 1?
2 Bates stamp. Could we go back to the --

3 MS. HALLEN: No, Representative Phillips
4 is correct. The footnote reads -- it reads i-t,
5 apostrophe s. The transcript reads i-t apostrophe s.

6 REPRESENTATIVE MITTEN: Vindicated.

7 REPRESENTATIVE BARNES: Good eye.

8 REPRESENTATIVE PHILLIPS: Keep swinging,
9 you're going to hit eventually.

10 REPRESENTATIVE BARNES: Really, really
11 good eye.

12 REPRESENTATIVE PHILLIPS: Especially as
13 fast as you were moving through.

14 REPRESENTATIVE BARNES: I know. It's
15 like an eye test.

16 SECRETARY CURCHIN: One other issue. On
17 50A -- well, it's in the transcript and it's not
18 redacted. I think we had a discussion of this.
19 Within walking distance of the actual place where she
20 worked, had the name of the hotel where she worked.

21 REPRESENTATIVE BARNES: And you guys took
22 out the name.

23 SECRETARY CURCHIN: And I took out -- I
24 said ellipses where she worked -- a distance of where
25 she worked.

1 MS. HALLEN: It's not redacted from the
2 transcript.

3 SECRETARY CURCHIN: It's not redacted
4 from the transcript. And I didn't remember that
5 conversation, whether it should be redacted out. I
6 seem to remember that we did have a discussion as a
7 Committee on that as identifying, but she thought that
8 it was maybe in the public record. I think it's
9 already --

10 REPRESENTATIVE MITTEN: I believe it is
11 as well.

12 REPRESENTATIVE BARNES: I think it is.
13 Let's leave A how it is -- how it is right now where
14 it says where she worked. That's the important point.

15 MS. HALLEN: And we can just leave it
16 unredacted in the transcript.

17 REPRESENTATIVE MITTEN: I'm happy to
18 redact it. It's not a big deal if you want it
19 redacted from the transcript.

20 MR. PIERSON: Is the proper name stated?

21 REPRESENTATIVE MITTEN: Yes. The
22 transcript includes the name.

23 SECRETARY CURCHIN: Here's 50A.

24 REPRESENTATIVE MITTEN: So say she worked
25 at, I don't know, Fantastic Sam's. It says the actual

1 name in the transcript. But she no longer is employed
2 there and it is in the public record so that was why
3 it didn't seem important to redact it to me at the
4 time, but it can be changed if the Committee chooses
5 otherwise.

6 REPRESENTATIVE PIERSON: Does that leave
7 any undue focus on that location?

8 REPRESENTATIVE BARNES: I don't think so.
9 It's already in the public record. Does anyone think
10 it's not in the public record?

11 Give me just a minute and I will tell
12 you.

13 REPRESENTATIVE MITTEN: And I didn't --
14 yeah, I didn't think to consult with her attorney
15 about that. That would be another -- I can always ask
16 him. If the Committee wants me to just do what
17 Mr. Simpson --

18 REPRESENTATIVE BARNES: Let's just hold
19 on a second.

20 REPRESENTATIVE PHILLIPS: I'd almost opt
21 to take it out.

22 REPRESENTATIVE PIERSON: That's how I
23 would lean.

24 REPRESENTATIVE BARNES: Okay. Let's do
25 that. Take it out.

1 REPRESENTATIVE MITTEN: Done.

2 REPRESENTATIVE BARNES: It's out of the
3 report and you'll redact it in the transcript.

4 REPRESENTATIVE MITTEN: Will you add that
5 to my list or your list?

6 MS. HALLEN: Yeah. You don't have
7 anything else on your list here.

8 REPRESENTATIVE BARNES: Did we say it
9 here this morning? Did I say the name?

10 REPRESENTATIVE MITTEN: No, I don't
11 believe we did.

12 REPRESENTATIVE BARNES: Good. I have no
13 further items relating to this report. Does anyone
14 else have an item relating to this report?

15 REPRESENTATIVE RHOADS: Real quick,
16 Mr. Chairman, does the report reflect that we're still
17 in the process of working through things in the
18 Committee?

19 REPRESENTATIVE BARNES: I don't know that
20 it does. I think from our public -- I don't know that
21 we need to put that in this report, but we do need to
22 make that clear tomorrow.

23 REPRESENTATIVE RHOADS: I agree.

24 REPRESENTATIVE BARNES: Is everyone okay
25 with that; that rather than put that in this report,

1 we make that clear in Committee statements that this
2 Committee's work is not completed?

3 REPRESENTATIVE LAUER: Would that not be
4 in the Committee's transcript where we discussed it?

5 REPRESENTATIVE BARNES: It is in it, but
6 Representative Rhoads is right. We need to make it
7 clear tomorrow. I just don't think we need to make it
8 clear in the context of this particular report.

9 REPRESENTATIVE MITTEN: What is the
10 title? Can we go back to the very beginning? Are we
11 calling it just a Report? Not a Preliminary
12 Investigative Report 1?

13 REPRESENTATIVE BARNES: No. Report.

14 REPRESENTATIVE MITTEN: If another report
15 would be issued, would it also just be called a Report
16 or Supplemental?

17 REPRESENTATIVE BARNES: We'll call it
18 Report 1. Report 1.

19 SECRETARY CURCHIN: That's fine. Report
20 and then just subsequently number it 2, 3, 4, 5

21 REPRESENTATIVE MITTEN: Okay. I'm fine.
22 I'm fine with that. That's fine. So it doesn't have
23 to say Report 1. Just say Report.

24 REPRESENTATIVE LAUER: If it has the date
25 on there, that would --

1 REPRESENTATIVE PHILLIPS: Yeah, that will
2 cover it.

3 REPRESENTATIVE MITTEN: I think you're
4 right. Sorry. Just had to talk that through, I
5 guess.

6 REPRESENTATIVE LAUER: So don't I get an
7 atta boy?

8 REPRESENTATIVE MITTEN: There you go.
9 vindicated.

10 REPRESENTATIVE BARNES: Is there a reason
11 that's not on the top line? If I move that up a line,
12 am I going to mess something up?

13 MS. HALLEN: Reason what is not on a top
14 line?

15 REPRESENTATIVE AUSTIN: Don't touch it.

16 REPRESENTATIVE LAUER: Don't touch it.

17 MS. HALLEN: One move and it messes up
18 the whole thing.

19 REPRESENTATIVE BARNES: Further comments,
20 discussion on this report?

21 MS. HALLEN: I have a comment. Obviously
22 Alex and I have both spent a lot of time looking at
23 this, but one more eyes on all of the transcripts and
24 this one more time to make sure we haven't
25 accidentally not redacted something that needs to be

1 redacted would probably be beneficial.

2 REPRESENTATIVE BARNES: So you're seeking
3 a new set of eyes?

4 MS. HALLEN: Just another set, yes.

5 REPRESENTATIVE BARNES: I am supportive
6 of that. Does anyone oppose that? Seeing no
7 opposition, we will make sure that a new set of eyes
8 gets one more look to make non-substantive changes to
9 this document.

10 MS. HALLEN: And the transcripts, I think
11 more importantly.

12 REPRESENTATIVE BARNES: The transcripts,
13 more importantly. Actually, let's do this. Let's
14 find -- you two were tasked with -- what was your task
15 with the footnotes?

16 SECRETARY CURCHIN: Cross-referencing
17 every footnote with every bit of transcript referenced
18 in the footnote, making sure the block quotations and
19 the actual language used was --

20 REPRESENTATIVE BARNES: And that's work
21 you're still going to do by this afternoon?

22 MS. HALLEN: We've completed that.

23 SECRETARY CURCHIN: We completed that.

24 REPRESENTATIVE BARNES: Okay. You've
25 completed that. I believe we have one other thing we

1 mentioned at the start. Maybe I'm wrong. Maybe we
2 already covered it here today.

3 What I'm looking for is I want to get in
4 a place where we can print this thing and sign it and
5 move on. Because we have a lot of cooks in the
6 kitchen. That's not a criticism of having a lot of
7 cooks in the kitchen, but there's seven of us and then
8 there's really nine of us making edits at this point.
9 And at some point we have to say this is -- leave well
10 enough alone.

11 MS. HALLEN: Alex and I, I don't think,
12 have any more non-substantive changes to the report.
13 My concern was just the transcripts are very long and
14 I know last night when I was going through them, I
15 found a couple additional identifiers that needed to
16 be redacted because we've now all read the transcript
17 several times and we're just missing things and I'm
18 concerned about that. I just want to make sure --

19 REPRESENTATIVE BARNES: I think everyone
20 in this room reading the transcripts is going to be
21 blind to things that we've seen --

22 REPRESENTATIVE MITTEN: Yes.

23 REPRESENTATIVE BARNES: -- a hundred
24 times already. So I fully support getting someone
25 else who's not seen these transcripts to take a look.

1 In the clerk's office.

2 Okay. Representative Austin?

3 REPRESENTATIVE AUSTIN: What do we do --
4 Okay. One more set of eyes. There's a redaction we
5 mentioned. I guess we're going to have to -- what do
6 you call those things? Those sticks?

7 REPRESENTATIVE LAUER: PDFs?

8 REPRESENTATIVE MITTEN: Thumb drives?

9 REPRESENTATIVE AUSTIN: Thumb drives.
10 One with our report and one with the transcripts; is
11 that right? Am I understanding that right?

12 REPRESENTATIVE BARNES: No. I think they
13 want to combine it altogether in one document.

14 Representative Phillips, you're good with that?

15 REPRESENTATIVE PHILLIPS: Yeah.

16 REPRESENTATIVE BARNES: I'm supportive of
17 that as well.

18 REPRESENTATIVE AUSTIN: I am too.
19 Report, exhibits, all one. We turn it over then to
20 Adam?

21 REPRESENTATIVE BARNES: Tran--
22 transcripts as well.

23 REPRESENTATIVE AUSTIN: Well, aren't the
24 transcripts going to be a part of whatever's on that
25 thumb drive?

1 REPRESENTATIVE BARNES: Yeah. But I
2 think we want to combine them all into a single PDF.

3 REPRESENTATIVE AUSTIN: Okay. So --

4 REPRESENTATIVE BARNES: We are really in
5 the weeds. I feel like maybe let's let Trevor and
6 Adam figure out the best way for distribution and
7 printing of -- we know what needs to be in it and
8 what's -- let's let them handle what -- the logistics
9 of what they think is best, whether it's one PDF or
10 three PDFs.

11 REPRESENTATIVE AUSTIN: So we give them
12 all of our stuff in whatever format we've got it,
13 might be multiple formats. And then Adam and Trevor
14 will put it all together and figure out to let the
15 media get it?

16 REPRESENTATIVE BARNES: Well, first we'll
17 give it to the Speaker's office, the Minority Floor
18 Leader's office, Majority Floor Leader's office, and
19 then there will be a media distribution. My position
20 is that is above our pay grade. You know, we speak
21 obviously with leadership about plans for how they're
22 going to do this distribution, but not micromanage it.

23 REPRESENTATIVE AUSTIN: Fine with me.

24 REPRESENTATIVE LAUER: Good.

25 REPRESENTATIVE BARNES: Further items?

1 REPRESENTATIVE PHILLIPS: What about that
2 April 8th -- or May 18th date that they put out?
3 Seems to be causing a little confusion amongst people.
4 They said our Committee would continue or something to
5 that effect until May the 18th.

6 REPRESENTATIVE RHOADS: Well, I think the
7 inaccuracies of reporting have been through the media
8 for hundreds of years, so.

9 REPRESENTATIVE BARNES: I think that
10 that -- to Representative Rhoads' comment about we
11 need to make it clear that this Committee's work is
12 not done, I think that will --

13 REPRESENTATIVE PHILLIPS: As long as they
14 don't think we're totally finished.

15 REPRESENTATIVE BARNES: -- correct that
16 misconception. I think he's completely -- he's
17 entirely correct that we need to make sure that that
18 is stated tomorrow. I just don't think it needs to be
19 in this particular report.

20 REPRESENTATIVE AUSTIN: I assume then
21 there's going to be a press conference tomorrow?

22 REPRESENTATIVE BARNES: I believe that
23 there is going to be a press conference, but again, I
24 don't know the particulars of it at this point in
25 time.

1 REPRESENTATIVE AUSTIN: And as far as
2 stating it, that would come from you as the Chair,
3 that this Committee is not done yet -- or better
4 wording than that, of course.

5 REPRESENTATIVE BARNES: What I would do
6 is if that statement is going to come from me, I would
7 run it by everyone here. It's going to be like
8 Representative Phillips and I -- we made a statement
9 about two weeks ago that was about ten words.

10 REPRESENTATIVE PHILLIPS: Yes.

11 REPRESENTATIVE BARNES: It's going to be
12 very brief --

13 REPRESENTATIVE AUSTIN: Right, right.
14 Absolutely.

15 REPRESENTATIVE BARNES: -- in regards to
16 that. So I really don't have any plans right now to
17 speak tomorrow. That may -- that may change and I
18 will let members of the Committee know. But if I do
19 say something, it's not going to be very much.

20 REPRESENTATIVE PHILLIPS: It's going to
21 be tough to have a press release or a press conference
22 and the Chairman of the Committee doesn't speak, so.

23 REPRESENTATIVE AUSTIN: Yeah. Your luck
24 would have to change drastically for that to happen.

25 REPRESENTATIVE PHILLIPS: Have to have

1 something ready to go.

2 REPRESENTATIVE LAUER: Could that not be
3 reinforced with Trevor and so forth and their
4 communication?

5 REPRESENTATIVE BARNES: Yes. Yes.

6 REPRESENTATIVE LAUER: They could include
7 that as well.

8 REPRESENTATIVE BARNES: Yes.

9 Further discussion on this particular
10 report? Seeing none, I want to -- so our order of
11 business is finalization, one hard copy to the -- Alex
12 Curchin is going to be responsible for carrying it
13 around for signatures.

14 SECRETARY CURCHIN: I was under the
15 impression that we'd leave that in the Clerk's office
16 under lock and key for members to come and review and
17 sign.

18 REPRESENTATIVE BARNES: That will work as
19 well. That works. Make a copy, in the Clerk's
20 office, come in and sign it this afternoon.

21 REPRESENTATIVE LAUER: This afternoon?

22 REPRESENTATIVE PIERSON: Is this after
23 these fresh set of eyes look at it?

24 REPRESENTATIVE BARNES: We want the fresh
25 set of eyes on the transcripts. We've had a fresh set

1 of eyes on the report.

2 MS. HALLEN: The transcripts and
3 exhibits, there should be -- we'll have to make --
4 print out all of the exhibits, all of the transcripts
5 and give them to whomever the selection is to read
6 them.

7 SECRETARY CURCHIN: And a meeting is set
8 for tomorrow at noon. Should we keep it?

9 REPRESENTATIVE BARNES: Let's keep it. I
10 want to talk about logistics of the other items. I
11 want to do that at -- we've got a bunch of e-mails to
12 review and I want to figure out how we're going to
13 divvy them up and I don't think that needs to be on
14 the record of who's getting which batch of e-mails.

15 SECRETARY CURCHIN: One other question
16 with regard to references to the ex-husband where
17 we're replacing that with Witness 3.

18 REPRESENTATIVE BARNES: That is the other
19 thing that we had to do, yes.

20 SECRETARY CURCHIN: Which I will do.
21 Where the term "ex-husband" appears in the
22 transcripts, I will leave it as ex-husband, not put in
23 brackets Witness 3.

24 REPRESENTATIVE MITTEN: Correct.

25 SECRETARY CURCHIN: Deal.

1 REPRESENTATIVE BARNES: Seeing no further
2 business before the Committee --

3 REPRESENTATIVE MITTEN: Do we have --

4 REPRESENTATIVE BARNES: Let's vote to
5 close tomorrow. I vote to close tomorrow's hearing.

6 SECRETARY CURCHIN: Move.

7 REPRESENTATIVE BARNES: I move to close
8 tomorrow's hearing. All those in favor will vote yes.
9 Mr. Secretary, please call the roll.

10 SECRETARY CURCHIN: Barnes.

11 REPRESENTATIVE BARNES: Aye.

12 SECRETARY CURCHIN: Phillips.

13 REPRESENTATIVE PHILLIPS: Aye.

14 SECRETARY CURCHIN: Mitten.

15 REPRESENTATIVE MITTEN: Aye.

16 SECRETARY CURCHIN: Lauer.

17 REPRESENTATIVE LAUER: Aye.

18 SECRETARY CURCHIN: Austin.

19 REPRESENTATIVE AUSTIN: Aye.

20 SECRETARY CURCHIN: Rhoads.

21 REPRESENTATIVE RHOADS: Aye.

22 SECRETARY CURCHIN: Pierson, Jr.

23 REPRESENTATIVE PIERSON: Aye.

24 SECRETARY CURCHIN: Seven ayes voted to
25 close tomorrow's hearing.

1 REPRESENTATIVE MITTEN: Do we have any
2 witnesses coming or --

3 REPRESENTATIVE BARNES: Not tomorrow.

4 REPRESENTATIVE MITTEN: Are we going to
5 be here Friday or Thursday? I just want to try to
6 plan my weekend.

7 REPRESENTATIVE BARNES: Oh, man, the
8 looks right now. The looks right now.

9 REPRESENTATIVE PHILLIPS: Don't do it.

10 REPRESENTATIVE LAUER: We will not be
11 here Friday.

12 REPRESENTATIVE MITTEN: I am aware of
13 that.

14 REPRESENTATIVE BARNES: We will not be
15 here Friday. I seriously doubt we will be here
16 Thursday. And I think that everyone on the Committee
17 has been working very hard and we're -- we are not
18 schedu-- we only have a technical on Monday. So I
19 will leave -- I will leave it to you guys. It looks
20 like we want no Monday hearing because we didn't
21 get -- we didn't get Easter, we didn't get spring
22 break. We can take a Monday after having pushed out
23 one report. Any -- seeing no objection --

24 REPRESENTATIVE PHILLIPS: I don't have
25 any objection.

1 REPRESENTATIVE BARNES: And then tomorrow
2 we will notice up for Tuesday of the following week.
3 There are some additional witnesses. That also will
4 give us an opportunity to review documents.

5 REPRESENTATIVE MITTEN: Okay.

6 REPRESENTATIVE BARNES: We will then have
7 a five-day gap to review documents.

8 REPRESENTATIVE PHILLIPS: Now my question
9 would be though what's the schedule look like past
10 Tuesday next week?

11 REPRESENTATIVE BARNES: Let's deal with
12 that tomorrow and Tuesday.

13 REPRESENTATIVE PHILLIPS: Because some of
14 us may have things on the schedule that need to be
15 taken care of.

16 REPRESENTATIVE RHOADS: I agree.

17 REPRESENTATIVE BARNES: Well, let's do --
18 listen, if you guys have conflict dates, I mean if
19 you've got something going on that you're not going to
20 be here, get those to me.

21 REPRESENTATIVE PHILLIPS: That's a
22 Chairman for you right there.

23 REPRESENTATIVE BARNES: Now, I'm
24 reserving the right to ignore said conflict dates.

25 REPRESENTATIVE AUSTIN: That's also a

1 Chairman for you.

2 REPRESENTATIVE PHILLIPS: That's not a
3 good Chairman.

4 REPRESENTATIVE BARNES: This concludes
5 today's hearing of the House Committee -- Special
6 Committee on Investigative Oversight.

7 (Meeting adjourned.)

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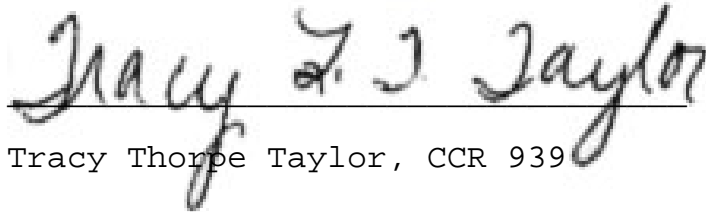
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR 939

1 SPECIAL INVESTIGATIVE
2 COMMITTEE ON OVERSIGHT
3
4

5 Wednesday, April 11, 2018
6

7 State Capitol Building
8 201 W. Capitol Avenue
9 Jefferson City, Missouri
10

11 COMMITTEE MEMBERS:

12 Representative Jay Barnes, Chair
13 Representative Donald Phillips, Vice-Chair
14 Representative Gina Mitten, Ranking Minority Member
15 Representative Jeanie Lauer
16 Representative Kevin Austin
17 Representative Shawn Rhoads
18 Representative Tommie Pierson, Jr.

19 Also present: Bryan Scheiderer, Legal Analyst
20 Alex Curchin, Legislative Counsel to
21 Speaker of the House
22 Alixandra Hallen, Minority Counsel

23 REPORTED BY: Tracy Taylor
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25 111 East Broadway, Suite 310
Columbia, Missouri 65203
573.999.2662

1 REPRESENTATIVE BARNES: Let's go on the
2 record for the House Special Investigative Committee
3 on Oversight. Madam Secretary, please call the roll.

4 MS. HALLEN: Chairman Barnes.

5 REPRESENTATIVE BARNES: Here.

6 MS. HALLEN: Vice Chairman Phillips.

7 Ranking Member Mitten.

8 REPRESENTATIVE MITTEN: Here.

9 MS. HALLEN: Lauer.

10 REPRESENTATIVE LAUER: Here.

11 MS. HALLEN: Austin.

12 REPRESENTATIVE AUSTIN: Here.

13 MS. HALLEN: Rhoads.

14 REPRESENTATIVE RHOADS: Here.

15 MS. HALLEN: Pierson, Jr.

16 REPRESENTATIVE PIERSON: Here.

17 REPRESENTATIVE BARNES: Six present and
18 one excused absence. Representative Phillips is
19 dealing with something else right now and we're --
20 this is going to be a very short meeting where we're
21 not going to get into that much substance. We have
22 established a quorum.

23 I now move that we notice up a hearing
24 for 8:00 a.m. next Tuesday

25 REPRESENTATIVE MITTEN: 8:00 a.m.?

1 REPRESENTATIVE BARNES: Noon next
2 Tuesday.

3 REPRESENTATIVE MITTEN: Thank you,
4 Mr. Chair.

5 REPRESENTATIVE BARNES: Noon next
6 Tuesday. Is everyone supportive of that?

7 REPRESENTATIVE PIERSON: Yes.

8 REPRESENTATIVE BARNES: Seeing no
9 objection, it will be noon next Tuesday. And it will
10 be a closed meeting. I now move that we close next
11 Tuesday's meeting at noon. We always have the option
12 to open it after we vote to close. Again, we are --
13 we don't have a witness secured right now, but we're
14 going under the realm of we made this mistake one time
15 where we didn't notice up far enough in advance, so
16 we're not going to make that mistake again. All those
17 in favor of closing the hearing will vote yes.

18 REPRESENTATIVE MITTEN: Okay. So I'm
19 going to vote to close this hearing, but at some point
20 we're going to have to have a conversation about how
21 we're going to do this moving forward. I don't know
22 if that's a conversation to have today, particularly
23 when Representative Phillips isn't present, but just
24 to sort of heads-up everybody.

25 REPRESENTATIVE BARNES: I agree

1 completely. At some point we are going to have to --
2 we are going to have fully open hearings.

3 REPRESENTATIVE MITTEN: Exactly.

4 REPRESENTATIVE BARNES: But to the extent
5 when we're in the middle of an investigation, you
6 can't have witnesses testifying --

7 REPRESENTATIVE MITTEN: I understand.

8 REPRESENTATIVE BARNES: -- and every word
9 they say gets in the newspaper and the next witness --
10 Representative Phillips has arrived.

11 You missed the roll call. We are
12 noticing up for noon next Tuesday. And we are about
13 to move to close said hearing. All those in favor
14 will vote yes. Madam Secretary, please call the roll.

15 MS. HALLEN: Barnes.

16 REPRESENTATIVE BARNES: Aye.

17 MS. HALLEN: Phillips.

18 REPRESENTATIVE PHILLIPS: Aye.

19 MS. HALLEN: Mitten.

20 REPRESENTATIVE MITTEN: Aye.

21 MS. HALLEN: Lauer.

22 REPRESENTATIVE LAUER: Aye.

23 MS. HALLEN: Austin.

24 REPRESENTATIVE AUSTIN: Aye.

25 MS. HALLEN: Rhoads.

1 REPRESENTATIVE RHOADS: Aye.

2 MS. HALLEN: Pierson, Jr.

3 REPRESENTATIVE PIERSON: Aye.

4 REPRESENTATIVE BARNES: By your vote of
5 seven aye, zero no, you've voted to close next
6 Tuesday's hearing at noon.

7 The one item of the day is I wanted to
8 show the Committee how to use this website. You go to
9 that url at the top of the screen. If you don't have
10 one already, we can get you a user name. That's mine
11 that you can see on the screen. They will also get
12 you a password. Man, this would be a nice screen to
13 do document review on.

14 MS. HALLEN: You can hook your computer
15 up to your TV and do it.

16 REPRESENTATIVE MITTEN: You can.

17 Really?

18 REPRESENTATIVE BARNES: Are either of you
19 offering to come set that up?

20 REPRESENTATIVE MITTEN: No. No. No one
21 is offering to help you in the tech assistance
22 category.

23 REPRESENTATIVE BARNES: So this is -- and
24 so you can see down in the total -- the custodian here
25 is listed as Krystal Taylor. There are 95,000 total

1 items.

2 REPRESENTATIVE LAUER: Does it have a
3 list of witness name or witness number?

4 REPRESENTATIVE BARNES: No. You can see
5 up here that we have these lines. You've got the
6 document ID, the custodian, the date in which it was
7 sent. You can organize by these things; who it was
8 from, who it was to and then the subject line.

9 And you can go up here to the top. Right
10 now we're at 25 per page. We can do a thousand per
11 page. I'm going to ask them -- I'm going to talk to
12 the folks who put this together, to the extent they
13 can, whether we can get the body of the e-mails in
14 this column so that we can review them all --

15 REPRESENTATIVE LAUER: That would be
16 great.

17 REPRESENTATIVE BARNES: -- just
18 scrolling.

19 REPRESENTATIVE MITTEN: Just scrolling.

20 REPRESENTATIVE BARNES: Otherwise, I have
21 a meeting set up with the folks tomorrow about this to
22 try to go through these and eliminate e-mails from,
23 for example, NewYorkTimes.com. These aren't going to
24 be relevant. E-mails from Expedia aren't going to be
25 relevant.

1 REPRESENTATIVE MITTEN: So can you search
2 them so we're -- I'm trying to see the From. Can you
3 just type in Expedia in the From category or is there
4 a --

5 REPRESENTATIVE BARNES: I believe you can
6 through the filter, but what I'm going to do tomorrow,
7 with the Committee's permission, is go through this
8 with a techie to identify those From addresses that
9 are frequent and not relevant and get those completely
10 out of the document set. The other thing that they
11 can do -- help me do and will help me do is to take
12 these documents and put them in separate folders.

13 REPRESENTATIVE MITTEN: The non-indexed
14 ones or -- oh. So, for instance, look at that line 7
15 like there's no To, there's no From.

16 REPRESENTATIVE LAUER: Oops.

17 MS. HALLEN: Because that's an
18 attachment.

19 REPRESENTATIVE BARNES: It's an
20 attachment. So I want to go through with the techie
21 to get the frequent Froms that are not relevant
22 removed from the data set and then have them --
23 whatever number we have left -- let's say it's 80,000.

24 REPRESENTATIVE MITTEN: Right.

25 REPRESENTATIVE BARNES: Have them put --

1 depends on how many helpers we have, but 20,000
2 documents in a folder.

3 REPRESENTATIVE MITTEN: Got it.

4 REPRESENTATIVE BARNES: And then those
5 folders, when you log in, you'll be able to log into
6 that folder and review the said documents in your
7 folder.

8 The way you review them is over here in
9 the right-hand column, you would click on the
10 document, click on the right-hand column and you
11 can -- you can -- let's save this.

12 REPRESENTATIVE LAUER: Will we be
13 assigned a folder of documents or how will we know if
14 somebody's already been in that folder?

15 REPRESENTATIVE MITTEN: That's what he's
16 trying -- that's what Jay was just saying is that
17 tomorrow we wants to segregate them so that it would
18 be like sort of by reviewer.

19 REPRESENTATIVE LAUER: Got it.

20 REPRESENTATIVE BARNES: You click review
21 up here, and I can make them make that sticky. That's
22 not the right document. There is a -- apologize.
23 Review and edit. So this is non-responsive. You can
24 click one of these --

25 REPRESENTATIVE MITTEN: Oh, just code

1 non-responsive and boom, you're done.

2 REPRESENTATIVE BARNES: Boom. Then you
3 save index or save and it takes you back out. If it
4 is responsive or relevant in some way -- this is not
5 litigation, so, you know, our -- we don't necessarily
6 have hot documents, but I would just click both of
7 them because hot -- it's something that we want to
8 save. We'll know that those are things that are
9 relevant to something.

10 I included this additional -- I'm the one
11 who put that additional tab in there --

12 REPRESENTATIVE MITTEN: Got it.

13 REPRESENTATIVE BARNES: -- when I was
14 logging on. So let's say this is non-responsive. Hit
15 save and next and it will take you to the next
16 document.

17 REPRESENTATIVE MITTEN: Again,
18 non-responsive, save and next.

19 REPRESENTATIVE BARNES: Okay.

20 REPRESENTATIVE MITTEN: Okay.

21 REPRESENTATIVE PIERSON: So if it is
22 responsive, we also do hot?

23 REPRESENTATIVE BARNES: Yes.

24 REPRESENTATIVE MITTEN: Correct.

25 REPRESENTATIVE BARNES: Hot is our --

1 SECRETARY CURCHIN: You need to set up a
2 little --

3 REPRESENTATIVE MITTEN: Primer?

4 SECRETARY CURCHIN: Yeah.

5 REPRESENTATIVE MITTEN: Or we'll have a
6 transcript.

7 REPRESENTATIVE LAUER: Did we decide what
8 responsive means?

9 MS. HALLEN: Responsive is relevant.
10 It's responsive to what we're looking for.

11 MR. SCHEIDERER: I mean, I have a general
12 idea what we're looking for. Can we have specific
13 direction of exactly what you want?

14 REPRESENTATIVE BARNES: Relating to the
15 use of Mission Continues' resources and Mission
16 Continues' list.

17 And the way -- every document I review,
18 you know, you're looking for -- obviously you have a
19 singular focus, but then sometimes you run into
20 documents that you didn't know about that are, well,
21 what is this? And you may flag those. I don't --
22 from my review, I don't think there are any such
23 documents in here, but --

24 REPRESENTATIVE LAUER: You might want
25 anything in regards to the transition?

1 REPRESENTATIVE BARNES: Transition
2 e-mails, yes. Those documents are in here. Anything
3 with the list, use of resources and transition. Those
4 are the main -- those are the things we're looking
5 for.

6 So if you see something else that sticks
7 out, flag it and put it in the list. I don't know
8 that there's going to be, but -- any further questions
9 on this?

10 REPRESENTATIVE RHOADS: No. I guess once
11 the documents's already been done, it won't be
12 available for us to review. Correct? So we're not
13 doubling it?

14 REPRESENTATIVE BARNES: Yes. That's the
15 intent. If you mark non-responsive, then it --

16 REPRESENTATIVE RHOADS: But it's not like
17 if Representative Mitten is doing it at the exact same
18 time I am, we're not looking at the same documents?
19 So we're not going to double up review of those.
20 Right?

21 REPRESENTATIVE BARNES: Well, I think
22 we're going to do some double review.

23 The other -- so let me -- let's pretend
24 this one is relevant. Okay? You can save the
25 document up here and so that is what I would encourage

1 you to do. In addition to if you have a particularly
2 relevant document, don't just click it on there.

3 REPRESENTATIVE MITTEN: Save it.

4 REPRESENTATIVE BARNES: But go ahead and
5 save it as a PDF on whatever computer you're on and
6 print and bring it to Committee.

7 REPRESENTATIVE LAUER: So you want us to
8 go ahead and print?

9 REPRESENTATIVE BARNES: Yes.

10 REPRESENTATIVE MITTEN: If you see
11 something, save something.

12 REPRESENTATIVE BARNES: And I always --
13 this is so unnecessary and ridiculous when I've done
14 document reviews, but I flag it, I save it to my
15 desktop and I write down the Bates number on a pad of
16 paper.

17 REPRESENTATIVE MITTEN: I do the same
18 thing.

19 MS. HALLEN: You might also put the Bates
20 number on the top of the document.

21 REPRESENTATIVE BARNES: So the Bates
22 numbers here are on the back -- or on the bottom right
23 of each document. Okay. I'm going to log out.

24 All right. I have a meeting tomorrow
25 with the Attorney General's office to just talk about

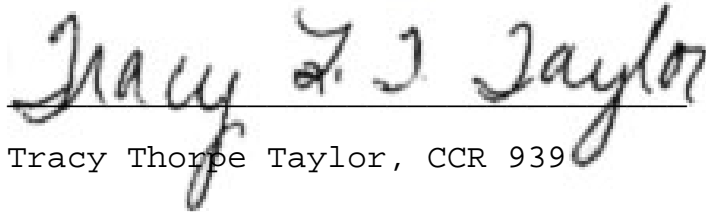
1 their progress. They cannot speak to me in any
2 details, so we're going to have more of a one-way
3 street tomorrow. And the plan is what we'll need to
4 do -- they can speak in details if they get a subpoena
5 and a court order to do so and there's a way to do
6 that. And I will be hopefully getting said subpoena
7 soon because it takes about five days before they can
8 turn around and get the order for us to then have a
9 substantive conversation.

10 Is there anything else before the
11 Committee today? Seeing none, that will conclude
12 today's hearing of the House Special Committee on
13 Investigative Oversight.

14 (Meeting adjourned.)
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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR 939

Hearing 4/17/2018

<p style="text-align: right;">Page 1</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT</p> <p>7 HEARING</p> <p>8 APRIL 17th, 2018</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2 Representative Jay Barnes, Chairman</p> <p>3 Representative Don Phillips, Vice-Chairman</p> <p>4 Mr. Alex Curchin, Senior Counsel/Legal Director</p> <p>5 Representative Jeanie Lauer</p> <p>6 Representative Kevin Austin</p> <p>7 Representative Gina Mitten</p> <p>8 Representative Shawn Rhoads</p> <p>9 Representative Tommie Pierson, Jr.</p> <p>10</p> <p>11</p> <p>12 A so present:</p> <p>13 Ms. Alexis Haen</p> <p>14 Mr. Bryan D. Scheiderer</p> <p>15</p> <p>16 The Court Reporter:</p> <p>17 MS. LISA BALLALATAK, CCR</p> <p>18 Kansas CSR No. 1670</p> <p>19 Missouri CCR No. 1336</p> <p>20 ALARIS LITIGATION SERVICES</p> <p>21 2511 Broadway Buﬀs, Suite 201</p> <p>22 Columbia, Missouri 65201</p> <p>23 Phone: (573) 449-0561</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 Hearing by Committee Members 4</p> <p>4</p> <p>5 INDEX OF EXHIBITS</p> <p>6 EXHIBITS:</p> <p>7 (No exhibits marked.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 (The hearing commenced at 8:06 a.m.)</p> <p>2 MR. BARNES: call to order this meeting</p> <p>3 of the House Special Investigative Committee on</p> <p>4 Oversight.</p> <p>5 Mr. Secretary, please call the roll.</p> <p>6 MR. CURCHIN: Representative Barnes.</p> <p>7 MR. BARNES: Here.</p> <p>8 MR. CURCHIN: Representative Phillips.</p> <p>9 MR. PHILLIPS: Here.</p> <p>10 MR. CURCHIN: Representative Mitten.</p> <p>11 MS. MITTEN: Here.</p> <p>12 MR. CURCHIN: Representative Lauer.</p> <p>13 MS. LAUER: Here.</p> <p>14 MR. CURCHIN: Representative Austin.</p> <p>15 MR. AUSTIN: Here.</p> <p>16 MR. CURCHIN: Representative Rhoads.</p> <p>17 MR. RHOADS: Here.</p> <p>18 MR. CURCHIN: Representative Pierson, Jr.</p> <p>19 MR. PIERSON: Here.</p> <p>20 MR. CURCHIN: All here.</p> <p>21 MR. BARNES: Seven present. We have a</p> <p>22 super quorum. Now move that we not cease for</p> <p>23 tomorrow at noon, just to be safe, and that we close</p> <p>24 said -- that we vote to close said hearing. All of</p> <p>25 those in favor will vote yes.</p>

1 (Pages 1 to 4)

Hearing 4/17/2018

Page 5	Page 7
<p>1 MS. MTTEN: May ask what the top c s</p> <p>2 go ng to be or --</p> <p>3 MR. BARNES: We are just not c ng up</p> <p>4 pursuant to your dea --</p> <p>5 MS. MTTEN: Okay.</p> <p>6 MR. BARNES: -- two weeks ago that</p> <p>7 rejected, and now 've accepted t, and so now we're</p> <p>8 do ng t.</p> <p>9 MS. MTTEN: Okay. Thank you, Mr. Cha r.</p> <p>10 MR. BARNES: Mr. Secretary, p ease ca</p> <p>11 the ro .</p> <p>12 MR. CURCH N: Representat ve Barnes.</p> <p>13 MR. BARNES: Aye.</p> <p>14 MR. CURCH N: Representat ve Ph ps.</p> <p>15 MR. PH LL PS: Aye.</p> <p>16 MR. CURCH N: Representat ve M tten.</p> <p>17 MS. MTTEN: Aye.</p> <p>18 MR. CURCH N: Representat ve Lauer.</p> <p>19 MS. LAUER: Aye.</p> <p>20 MR. CURCH N: Representat ve Aust n.</p> <p>21 MR. AUST N: Aye.</p> <p>22 MR. CURCH N: Representat ve Rhoads.</p> <p>23 MR. RHOADS: Aye.</p> <p>24 MR. CURCH N: Representat ve P erson, Jr.</p> <p>25 MR. P ERSON: Aye.</p>	<p>1 stap ed one w th the ho e punch that s b g wh ch</p> <p>2 says, " nterv ew w th nvest gator, W tness 1."</p> <p>3 We' get to that n a second. f you go to the</p> <p>4 back of th s, for the purpose of sav ng pages, about</p> <p>5 four pages back s a transcr pt of Er c Gre tens'</p> <p>6 statement -- sort of prestatement before the re ease</p> <p>7 of th s report.</p> <p>8 MR. RHOADS: Wasn't that the one that they</p> <p>9 came n the hear ng room and transcr bed watch ng</p> <p>10 the --</p> <p>11 MR. BARNES: Th s s a statement from</p> <p>12 Wednesday -- ast Wednesday, and had a court</p> <p>13 reporter transcr be t on Saturday --</p> <p>14 MR. RHOADS: Okay.</p> <p>15 MR. BARNES: -- to make t part of the</p> <p>16 record.</p> <p>17 The next tem s Exh b t 25, wh ch shou d</p> <p>18 be n front of you, wh ch s a screenshot of a</p> <p>19 Facebook ad that captured on -- be eve t was</p> <p>20 Thursday morn ng or afternoon of ast week. And</p> <p>21 then the next document, Exh b t 26, th s s a</p> <p>22 statement that Er c Gre tens made Thursday even ng</p> <p>23 about our report and ev dence that the c rcu t</p> <p>24 attorney K m Gardner fa ed to turn over.</p> <p>25 Mr. Gre tens states that th s v deo underm nes the</p>
Page 6	Page 8
<p>1 MR. CURCH N: Seven-zero.</p> <p>2 MR. BARNES: By your vote seven aye and</p> <p>3 zero no, you've voted to c ose tomorrow's space that</p> <p>4 we have f ed at noon.</p> <p>5 now move that we not ce up for Thursday</p> <p>6 at e ght and we vote to c ose Thursday's hear ng</p> <p>7 unt further not ce.</p> <p>8 Mr. Secretary, p ease ca the ro .</p> <p>9 MR. CURCH N: Representat ve Barnes.</p> <p>10 MR. BARNES: Aye.</p> <p>11 MR. CURCH N: Representat ve Ph ps.</p> <p>12 MR. PH LL PS: Aye.</p> <p>13 MR. CURCH N: Representat ve M tten.</p> <p>14 MS. MTTEN: Aye.</p> <p>15 MR. CURCH N: Representat ve Lauer.</p> <p>16 MS. LAUER: Aye.</p> <p>17 MR. CURCH N: Representat ve Aust n.</p> <p>18 MR. AUST N: Aye.</p> <p>19 MR. CURCH N: Representat ve Rhoads.</p> <p>20 MR. RHOADS: Aye.</p> <p>21 MR. CURCH N: Representat ve P erson, Jr.</p> <p>22 MR. P ERSON: Aye.</p> <p>23 MR. CURCH N: Seven-zero, a n favor.</p> <p>24 MR. BARNES: Okay. have -- you have a</p> <p>25 coup e of documents n front of you. One s the</p>	<p>1 narrative pushed in the House report and direct y</p> <p>2 contradicts a egations in the House report. n</p> <p>3 response to those c aims from Mr. Greitens and his</p> <p>4 team, Speaker Richardson issued subpoenas on Friday</p> <p>5 morning to counse for Witness 1 to the circuit</p> <p>6 attorney's office and to defense counse . We did</p> <p>7 not hear back from defense counse and sti have</p> <p>8 not heard back from defense counse . We did obtain</p> <p>9 the video, however, from counse for Witness 1, and</p> <p>10 my p an is -- and we have a transcript of this</p> <p>11 video, and my p an is to p ay the video and ta k</p> <p>12 about the video and whether it purports with the</p> <p>13 statements made Thursday.</p> <p>14 There are -- and so we have a court</p> <p>15 reporter here, but have to d her there's no need</p> <p>16 for her to retranscribe this, because we have the</p> <p>17 transcription right in front of us from Saturday.</p> <p>18 But thought it was important not just to get the</p> <p>19 transcription, but for everybody to view this.</p> <p>20 This first video, the first 11 minutes,</p> <p>21 the audio is not working. So, you know, with the</p> <p>22 committee's indu gence, ' go to certain parts and</p> <p>23 show you we have no audio -- and it's not our</p> <p>24 computer.</p> <p>25 MS. LAUER: Can we assume that the hands</p>

2 (Pages 5 to 8)

Hearing 4/17/2018

<p style="text-align: right;">Page 9</p> <p>1 n the corner might be her course, or do we know if</p> <p>2 her course was there?</p> <p>3 MR. BARNES: That's -- thank that's</p> <p>4 key true. Ms. Gardner appears here in a moment,</p> <p>5 and so would assume that -- thank that that's a</p> <p>6 safe bet, that that would be her course.</p> <p>7 MR. RHOADS: Have a real quick question.</p> <p>8 MR. BARNES: Okay.</p> <p>9 MR. RHOADS: So, obviously, that's a</p> <p>10 recording device in frame -- and we may not know,</p> <p>11 but that's that used in conjunction with -- mean, with</p> <p>12 the camera they have? mean -- or is that another</p> <p>13 one --</p> <p>14 MR. BARNES: Do not know.</p> <p>15 MR. RHOADS: Okay.</p> <p>16 MR. BARNES: Are we ready?</p> <p>17 MR. RHOADS: Yes. I'm sorry.</p> <p>18 MR. PERSON: The transcript, however,</p> <p>19 captures the entire --</p> <p>20 MR. BARNES: No. The transcript covers</p> <p>21 the audio that can be heard on these videos. This</p> <p>22 is a transcript that we had made from these videos.</p> <p>23 MS. MTEN: Similar to what we did with</p> <p>24 the governor's public statements a couple of weeks</p> <p>25 ago; is that correct?</p>	<p style="text-align: right;">Page 11</p> <p>1 distributed these paper copies of the draft.</p> <p>2 (A recess was taken.)</p> <p>3 MR. BARNES: Back on the record.</p> <p>4 Representative Austin.</p> <p>5 MR. AUSTIN: Thank you, Mr. Chairman.</p> <p>6 noticed an error in the transcript, page 67, line 3.</p> <p>7 We have now listened to that again, and thank we a</p> <p>8 confirmed that there was an error in the</p> <p>9 transcript. It should read, "At this point,</p> <p>10 after he had won the governor's seat or whatever,</p> <p>11 wasn't scared of the pictures anymore at that</p> <p>12 point."</p> <p>13 MR. BARNES: Seeing no objection, we will</p> <p>14 hand note the change in the transcript to be</p> <p>15 released.</p> <p>16 Okay. Let's start at paragraph 1. And if</p> <p>17 you look at Exhibit 26 -- and what we've done is</p> <p>18 quote from -- have quoted from Mr. Greten's</p> <p>19 statement on Thursday. The first quote is there,</p> <p>20 the "undermine the narrative," that's in the second</p> <p>21 paragraph, and "directly contradicted allegations"</p> <p>22 is in the third paragraph.</p> <p>23 MR. AUSTIN: And Exhibit 26 is exact</p> <p>24 quotes from Governor Greten's?</p> <p>25 MR. BARNES: Yes. This is a Facebook post</p>
<p style="text-align: right;">Page 10</p> <p>1 MR. BARNES: That's correct.</p> <p>2 (Video was played to committee members</p> <p>3 from 8:13 a.m. to 10:03 a.m.)</p> <p>4 MR. BARNES: Let's go on the record.</p> <p>5 MR. PHILLIPS: This weekend had the</p> <p>6 opportunity to see these, so it's my second time of</p> <p>7 looking that over, and said to Jay -- said, you</p> <p>8 know, the Greten team made such a deal of how</p> <p>9 these -- this interview would totally exonerate</p> <p>10 him -- those were his words. And said to Jay --</p> <p>11 said, Unless there's something I'm missing, that's</p> <p>12 absolutely not the case, and wouldn't it be</p> <p>13 appropriate for us to do a supplemental report</p> <p>14 before they try to take over this entire process?</p> <p>15 So are we going to --</p> <p>16 MR. BARNES: Have --</p> <p>17 MR. PHILLIPS: -- review it?</p> <p>18 MR. BARNES: Have a draft report -- a</p> <p>19 draft addendum, and my intent is that we will review</p> <p>20 and release today. And then we've got to do that,</p> <p>21 too, and we might want to -- you guys want to take a</p> <p>22 short break and give everybody a chance to look at</p> <p>23 this stuff? Give me a chance to get it up on the</p> <p>24 screen.</p> <p>25 Okay. So we'll take a short break,</p>	<p style="text-align: right;">Page 12</p> <p>1 on his page that made a screen capture of.</p> <p>2 MS. LAUER: On the -- I'm sorry -- are we</p> <p>3 still just on the paragraph --</p> <p>4 MR. BARNES: Paragraph 1, yes.</p> <p>5 MR. RHOADS: Have a real quick question,</p> <p>6 Mr. Chairman.</p> <p>7 MR. BARNES: Yes.</p> <p>8 MR. RHOADS: Exhibit 26.</p> <p>9 MR. BARNES: Yes.</p> <p>10 MR. RHOADS: Are we sure that he made that</p> <p>11 post, or is it someone else made that post for him,</p> <p>12 like a staffer or anybody like that?</p> <p>13 MR. BARNES: Have a high amount of</p> <p>14 confidence that any words placed in any public place</p> <p>15 at that time attached to Mr. Greten have been</p> <p>16 reviewed by counsel, himself, and others.</p> <p>17 MS. LAUER: Mr. Chairman, would it not also</p> <p>18 be that, given his names on the top of this, that</p> <p>19 he either knew or should have known what was being</p> <p>20 posted?</p> <p>21 MR. RHOADS: With a degree of certainty --</p> <p>22 mean, we're going to say that he posted this.</p> <p>23 MR. BARNES: Do you believe he has</p> <p>24 staffers posting comments about this case without</p> <p>25 his authorization?</p>

3 (Pages 9 to 12)

Hearing 4/17/2018

Page 13	Page 15
<p>1 MR. RHOADS: mean, don't know who</p> <p>2 posts th s stuff. mean, 'm assum ng he wou d</p> <p>3 need some type of -- he wou d have to okay t, but</p> <p>4 just -- don't know.</p> <p>5 MS. M TTEN: Mr. Cha r, when d d you grab</p> <p>6 th s?</p> <p>7 MR. BARNES: Th s was --</p> <p>8 MS. M TTEN: t's dated Apr 12th. When</p> <p>9 d d you --</p> <p>10 MR. BARNES: Yeah, t's dated Apr 12th.</p> <p>11 be eve made th s screen capture yesterday or</p> <p>12 Sunday. be eve t's st on the nternet.</p> <p>13 MS. M TTEN: 'm go ng to check that r ght</p> <p>14 now.</p> <p>15 MS. LAUER: Who posted t s not the</p> <p>16 quest on --</p> <p>17 MR. BARNES: t's posted under --</p> <p>18 MS. M TTEN: We , the bottom ne s that</p> <p>19 th s s dated Apr 12th; today s Apr 17th. f</p> <p>20 there was some ssue w th th s, g ven the</p> <p>21 c rcumstances, t seems to me that f the governor</p> <p>22 had some ssue w th th s tweet, t wou d be, at a</p> <p>23 m n mum, ncompetent to have not removed t or</p> <p>24 changed t between Apr 12th and Apr 17th, so,</p> <p>25 persona y, don't have a prob em attr but ng th s.</p>	<p>1 frst paragraph as we as to the ast box under</p> <p>2 the c rcu t attorney test mony about the coerc on --</p> <p>3 MR BARNES Representat ve et's make t</p> <p>4 through the frst before we get --</p> <p>5 MS LAUER Okay Let's go down to the</p> <p>6 paragraph then The fourth paragraph where t</p> <p>7 says "C a m W tness 1 never once ment ons any</p> <p>8 coerc on n the v deotaped nterv ew" And n the</p> <p>9 test mony on page 66 beg nn ng on ne 4 the</p> <p>10 quest on s</p> <p>11 "Coerc ve to you? mean n your own</p> <p>12 words you fe t that he wou d cont nue to harass</p> <p>13 you " and she says "Yeah "</p> <p>14 So she's --</p> <p>15 MR BARNES Ho d on s that n the --</p> <p>16 MS LAUER n th s test mony</p> <p>17 MR BARNES That's n the c rcu t</p> <p>18 attorney --</p> <p>19 MS LAUER Correct</p> <p>20 MS M TTEN Yeah</p> <p>21 MS LAUER That's why t goes to the --</p> <p>22 MR BARNES We're go ng to have to go</p> <p>23 broader</p> <p>24 MR PH LL PS sn't that prov ng our</p> <p>25 po nt?</p>
Page 14	Page 16
<p>1 MR. BARNES: Here are the posts -- th s</p> <p>2 post s st --</p> <p>3 MS. M TTEN: t's st there, has not</p> <p>4 been mod fed. Doesn't t show that t's been</p> <p>5 ed ted f t's been ed ted?</p> <p>6 MR. RHOADS: don't know.</p> <p>7 MS. M TTEN: Yeah, be eve that t wou d</p> <p>8 show an "ed ted" f t's been changed, but -- the</p> <p>9 bottom ne s, et's go back and ook at the texts</p> <p>10 that are actua y on the page r ght now. 'm</p> <p>11 assum ng that t st says: "Ev dence that</p> <p>12 underm ned the narrat ve pushed n the House</p> <p>13 report --" wh ch s a quote -- and then "d rect y</p> <p>14 contrad cts a egat ons n the House report," wh ch</p> <p>15 s st there.</p> <p>16 MR. BARNES: Uh-huh.</p> <p>17 MS. M TTEN: So th nk the governor, to</p> <p>18 the extent he's mak ng pub c statements, and g ven</p> <p>19 the c rcumstances, has a respons b ty to have</p> <p>20 corrected them by th s t me. don't have a prob em</p> <p>21 w th the comm ttee us ng those quotes.</p> <p>22 MR. BARNES: Further d scuss on?</p> <p>23 Representat ve Lauer -- 'm go ng to</p> <p>24 de ete th s word here because we don't need t.</p> <p>25 MS. LAUER: On page -- th s app es to the</p>	<p>1 MR. BARNES: t s. th nk t further --</p> <p>2 t further proves the po nt. So -- so -- th nk</p> <p>3 that wou d be -- et's add a paragraph 2. So ho d</p> <p>4 that thought, Representat ve.</p> <p>5 MS. LAUER: Okay.</p> <p>6 MR. BARNES: The next sentence s,</p> <p>7 "W tness 1 descr bed the same facts regard ng the</p> <p>8 morn ng of March 21st n her nterv ew w th the</p> <p>9 c rcu t attorney's off ce as she d d w th th s</p> <p>10 comm ttee," and then have th s box of compar sons</p> <p>11 that put her test mony s de by s de before us and</p> <p>12 n that c rcu t attorney nterv ew.</p> <p>13 MR. PH LL PS: To go back qu ck y, that</p> <p>14 comment about the coerc on, he's correct n the fact</p> <p>15 that -- f he's say ng perta n ng to h m, that was</p> <p>16 not her test mony. She was say ng t n reference</p> <p>17 to her ex-husband.</p> <p>18 MR. BARNES: R ght. Okay. On page 66, s</p> <p>19 that --</p> <p>20 MR. PH LL PS: Yes.</p> <p>21 MS. LAUER: 'm sorry.</p> <p>22 MR. BARNES: Okay. Thank you,</p> <p>23 Representat ve.</p> <p>24 So we w sk p that.</p> <p>25 MS. LAUER: 'm sorry.</p>

4 (Pages 13 to 16)

Hearing 4/17/2018

<p style="text-align: right;">Page 17</p> <p>1 MR. BARNES: That's okay. That's why we 2 have seven sets of eyes, p us two. 3 MS. LAUER: She goes back between Er c and 4 ex-husband severa t mes. 5 MR. PH LL PS: Yes. t gets a tte 6 confus ng, but r ght there she's ta k ng about the 7 ex. 8 MS. LAUER: Okay. Thank you. 9 MR. RHOADS: Mr. Cha rman, members of the 10 comm ttee, do we need to put n there her state of 11 m nd, that she sa d -- when she was -- dur ng the 12 frst March 21st nc dent, spec f ca y on the 13 transcr pt, page 10, ne 21 to 22 -- and maybe even 14 23? 15 MS. M TTEN: So we're ook ng at the 16 transcr pt page -- 17 MR. BARNES: Go ahead and read the -- 18 MR. RHOADS: Page 10, ne 21 -- ha fway 19 through 21 on the beg nn ng of the sentence: 20 " was probab y just as much turned on as 21 am fearfu , as am cur ous." 22 MR. BARNES: We cou d. There's a so a 23 coro ary of when she test f ed to us. She te s 24 us, "At th s po nt, was ntr gued, def n te y, 25 because thought for sure he rea y has fee ngs</p>	<p style="text-align: right;">Page 19</p> <p>1 Same -- s m ar statement s on page 21 2 where she says she was ntr gued. th nk those two 3 statements are cons stent. happened to ook up 4 the def n t on of " ntr gued" th s morn ng and wrote 5 t down. 6 MS. M TTEN: On page 21, t's ne 16 and 7 17. 8 "So d d what he sa d. At th s po nt, 9 was ntr gued, def n te y, because thought for 10 sure he rea y has fee ngs for me." 11 That's page 21 of the -- 12 MR. BARNES: And " ntr gue" s "to arouse 13 the cur os ty or nterest of." 14 MR. AUST N: Ho d on. What are you guys 15 say ng that means the same th ng as? 16 MR. BARNES: 'm say ng t s not ent re y 17 ncons stent w th say ng "turned on." Be ng 18 ntr gued -- now, t doesn't go -- 19 MR. AUST N: Cons stent -- 20 MR. BARNES: t doesn't go to the next 21 step, but -- 22 MR. AUST N: Drawn or sexua y -- 23 MR. BARNES: The turned on s stronger 24 anguage, that s certa n, but the " ntr gued" 25 certa n y h nts at the same th ng before us.</p>
<p style="text-align: right;">Page 18</p> <p>1 for me " 2 She te me at another po nt -- 3 MS M TTEN 'm sorry Where are we? 4 MR BARNES Okay We're on -- 5 Representat ve Rhoads po nts out -- 6 MS M TTEN got the transcr pt but 7 where are we n th s draft report that we haven't 8 seen? 9 MR BARNES We are not on the document 10 MS M TTEN Okay apo og ze 11 MR BARNES Representat ve Rhoads s 12 suggest ng add ng another paragraph 13 MR RHOADS Can you repeat what you sa d 14 there about -- s th s -- what you're read ng from 15 s not on th s report r ght? 16 MR BARNES No t's n the comm ttee 17 test mony 18 MR RHOADS Okay 19 MR BARNES And on page 22 of her 20 test mony to us -- et me pu th s up 21 She says " was honest y ke n shock 22 because was ntr gued but 'm a so not even 23 ta k ng to h m not do ng anyth ng want to do 24 r ght now but 'm ntr gued enough and 'm ett ng 25 h m and trust h m "</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. RHOADS: th nk f 'm ntr gued n 2 what you're say ng, doesn't mean that 'm turned on 3 to t. 4 MR. BARNES: We , the def n t on s 5 "arouses the cur os ty." 6 MR. RHOADS: But t doesn't arouse you; t 7 arouses your cur os ty. th nk those are two 8 separate th ngs. We're ta k ng a sexua act, and 9 now 'm say ng, Wa t a m nute; hey, 'm nterested 10 n what you're say ng. 11 MR. BARNES: Except that she had 12 prev ous y test f ed -- she's us ng the word "sexy 13 workout" -- can't f nd t n the transcr pt. 14 MR. RHOADS: No, remember her say ng 15 that. 16 MR. BARNES: And she thought they were 17 go ng downsta rs for a sexy workout. 18 MR. RHOADS: Yeah, but 'm ta k ng about 19 at that po nt n t me, when you're on page 10, 20 ne 21, when -- after she was -- the gauze tape and 21 puts the b ndfo d on her. 22 "You know, at th s po nt 'm, ke, rea y 23 not ta k ng. rea y was stand ng there, ke, 24 have no c ue what the he s go ng on. 'm 25 probab y just as much turned on as am fearfu as</p>

5 (Pages 17 to 20)

Hearing 4/17/2018

<p style="text-align: right;">Page 21</p> <p>1 am curious."</p> <p>2 think my point would be that intrigued</p> <p>3 by something and turned on by something, and given</p> <p>4 the context of what this is, would be two separate</p> <p>5 things.</p> <p>6 MR. BARNES: We, here is what we can do,</p> <p>7 Representative.</p> <p>8 MS. MTTEN: Page 22, believe, is sexy</p> <p>9 workout.</p> <p>10 MR. BARNES: Let's insert another box,</p> <p>11 setting those testimonies side by side. Is that --</p> <p>12 MR. RHOADS: Very good.</p> <p>13 MR. AUSTIN: We're going to release this</p> <p>14 whole transcript; right?</p> <p>15 MR. BARNES: We are.</p> <p>16 Okay. Representative, where are we on</p> <p>17 your transcript?</p> <p>18 MR. RHOADS: On page 10, it would be</p> <p>19 line -- mean, we could start at line 19; that way</p> <p>20 we're not jumping in in a sentence --</p> <p>21 MR. BARNES: Think -- let's start at</p> <p>22 line 8.</p> <p>23 MR. RHOADS: Yeah. Just put her whole</p> <p>24 answer in there -- or even 16, for that matter,</p> <p>25 Mr. Chairman.</p>	<p style="text-align: right;">Page 23</p> <p>1 you.</p> <p>2 "He said, Follow me downstairs; 'm going</p> <p>3 to show you how to do a proper pickup. So did</p> <p>4 what he said. And at this point, was intrigued,</p> <p>5 definitely, because thought for sure he really has</p> <p>6 feelings for me."</p> <p>7 MR. BARNES: Okay. And then --</p> <p>8 MS. MTTEN: You don't want to go into the</p> <p>9 exercise?</p> <p>10 MR. BARNES: No, no, no. And then you go</p> <p>11 to page 22 --</p> <p>12 MS. HALLEN: Put a footnote on there.</p> <p>13 MS. MTTEN: That's committee page 21,</p> <p>14 lines 14 through 19.</p> <p>15 MR. BARNES: Okay.</p> <p>16 MS. MTTEN: Do you want the "inquired"</p> <p>17 from page 22? Line 10 is where the word is, but ...</p> <p>18 MR. BARNES: Think that 22, 23 is the --</p> <p>19 don't want to do --</p> <p>20 MS. MTTEN: We, couldn't we just add</p> <p>21 that to that box?</p> <p>22 MR. BARNES: Do you want to --</p> <p>23 MS. MTTEN: We, it seems to me that if</p> <p>24 that's what we're talking about, is that he was --</p> <p>25 mean, what are we comparing? What are our app es</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. BARNES: Yeah. Okay. 'm going to</p> <p>2 put the whole thing in here, and then we may shorten</p> <p>3 it.</p> <p>4 MS. MTTEN: Yes, think we should</p> <p>5 shorten that. There's -- do you want me to dictate</p> <p>6 this to you?</p> <p>7 MR. BARNES: No.</p> <p>8 Okay. Now, put the committee testimony</p> <p>9 up --</p> <p>10 MS. MTTEN: What page do you want?</p> <p>11 MR. BARNES: Twenty-two.</p> <p>12 MS. MTTEN: Sexy workout.</p> <p>13 MR. BARNES: Fourteen to 22.</p> <p>14 MS. MTTEN: Page 10, lines 16 through 23.</p> <p>15 MR. BARNES: Okay. Now --</p> <p>16 MS. MTTEN: So do you want to start with,</p> <p>17 "I'm going to show you how to do a proper pickup"</p> <p>18 on page 21 of the committee testimony?</p> <p>19 "So did what he said, and at this point,</p> <p>20 was intrigued." Put some context in it?</p> <p>21 MR. BARNES: want to start with, "So</p> <p>22 came out of the bathroom," because that's the point</p> <p>23 in time -- "He said, Follow me downstairs --"</p> <p>24 actually, how about we start at, "He said."</p> <p>25 MS. MTTEN: Okay. I dictate this to</p>	<p style="text-align: right;">Page 24</p> <p>1 and app es?</p> <p>2 MR. BARNES: Think that's her state of</p> <p>3 mind at this point in time</p> <p>4 MS. MTTEN: Turned on fearful curious</p> <p>5 intriguing sexy workout? Is that -- we line 23</p> <p>6 on page 22 you don't want to do that?</p> <p>7 MR. BARNES: Yeah. That's where 'm</p> <p>8 starting here</p> <p>9 MS. MTTEN: Okay. "But 'm inquired</p> <p>10 enough letting him and trust him"</p> <p>11 Page -- okay. Footnote -- 22 lines 23</p> <p>12 through 25 23 line 4</p> <p>13 MR. BARNES: Okay. Does anyone recall</p> <p>14 further testimony in front of us? Think there was</p> <p>15 some talk of confusion</p> <p>16 MS. MTTEN: Page 77 is the first time</p> <p>17 see "confused" but this is a different encounter</p> <p>18 MR. BARNES: Uh-huh</p> <p>19 MS. MTTEN: Confusion about being</p> <p>20 frisked --</p> <p>21 MR. BARNES: Yeah that doesn't --</p> <p>22 MR. CURCHIN: What are you looking for</p> <p>23 here?</p> <p>24 MR. BARNES: thought there was some</p> <p>25 other statement about state of mind in front of</p>

6 (Pages 21 to 24)

Hearing 4/17/2018

Page 25	Page 27
<p>1 us --</p> <p>2 MS M TTEN Page 87 nes 11 through 20</p> <p>3 "So at th s po nt t was more cur os ty/confus on "</p> <p>4 MR BARNES don't know Let's eave</p> <p>5 we enough a one here th nk</p> <p>6 Okay We are on to a fourth page</p> <p>7 paragraph 2 Th s s a d rect quote from -- we are</p> <p>8 at page 14 19 through 23 essent a y of the new</p> <p>9 transcr pt of -- of the transcr pt of the c rcu t</p> <p>10 attorney nterv ew</p> <p>11 MS M TTEN Wa t wa t 'm sorry</p> <p>12 Because we haven't seen th s before so -- okay</p> <p>13 MR BARNES Paragraph 3</p> <p>14 MR AUST N The second sentence -- am</p> <p>15 read ng that wrong? "However ne ther the</p> <p>16 test mony --"</p> <p>17 MS M TTEN Yeah agree</p> <p>18 MR BARNES Yeah that makes no sense</p> <p>19 MS M TTEN Just take away "ne ther" and</p> <p>20 not a per od or co on just one or the other</p> <p>21 MR BARNES th nk a per od s f ne</p> <p>22 MS M TTEN Okay How do we know about</p> <p>23 the fr ends referenced by Gre tens? Do we have --</p> <p>24 s that part of the statement?</p> <p>25 MR BARNES Yeah t's -- t's n 26</p>	<p>1 was referenced -- in regard to some type of physica</p> <p>2 contact, which is why they ta ked about -- why did</p> <p>3 you et me vote for him?</p> <p>4 MR. AUST N: Right. Right. Right. The</p> <p>5 s ap was just a -- she said one friend she wou dn't</p> <p>6 te about the s ap because she was too embarrassed,</p> <p>7 if remember right.</p> <p>8 MS. M TTEN: She says, " just said --</p> <p>9 just -- te ing them what had happened, and you guys</p> <p>10 don't te anybody."</p> <p>11 MR. P ERSON: So she didn't give any</p> <p>12 specifics?</p> <p>13 MS. M TTEN: Okay. So it does not appear</p> <p>14 that that was a part of the discussion at the</p> <p>15 dinner.</p> <p>16 MR. BARNES: Okay. And she did not</p> <p>17 testify that either Witness 2 or Witness 4 -- that</p> <p>18 she had to d Witness 2 or Witness 4 contemporaneous.</p> <p>19 MS. M TTEN: Correct.</p> <p>20 MR. BARNES: And Witness 2 and Witness 4,</p> <p>21 in fact, testified to us that they did not hear of</p> <p>22 anything of a s ap unti recent y. Witness 2 said a</p> <p>23 month or so ago, and Witness 4 said she specifica y</p> <p>24 ca ed Witness 1 after the story, and Witness 1 to d</p> <p>25 her it was true and that she was embarrassed.</p>
Page 26	Page 28
<p>1 then. n the second-to- ast paragraph, t says:</p> <p>2 "On th s new v deo, she says that when</p> <p>3 th s story broke n the med a, she asked her two</p> <p>4 fr ends f they remember her ta k ng about a s ap,</p> <p>5 and they both sa d no."</p> <p>6 MS. M TTEN: Do we -- are we c ear that</p> <p>7 the two fr ends referenced n the v deo are the same</p> <p>8 two fr ends?</p> <p>9 MR. BARNES: We are not, but the th ng s,</p> <p>10 W tness 1 never test f ed to -- n front of us, to</p> <p>11 my memory, of contemporaneous y te ng a fr end.</p> <p>12 be eve she may have sa d someth ng to W tness 3,</p> <p>13 her ex-husband.</p> <p>14 MS. M TTEN: Okay. t just seems to me,</p> <p>15 then, that we maybe need to mod fy that. "She d d</p> <p>16 not c a m to the comm ttee that she to d fr ends --"</p> <p>17 MR. AUST N: We , what d d she te at</p> <p>18 d nner that n ght w th a of the -- after the</p> <p>19 e ect on? D dn't she br ng someth ng up, and they</p> <p>20 were a ke -- or was t just --</p> <p>21 MR. BARNES: Yeah. And we dec ded not to</p> <p>22 br ng them n because t was n a pub c sett ng and</p> <p>23 thought that there was tt e chance that she went</p> <p>24 nto great deta w th them n that pub c sett ng.</p> <p>25 MR. P ERSON: That the d nner s where t</p>	<p>1 MS. M TTEN: Okay. just worry about the</p> <p>2 fr st two -- the fr st fu sentence n paragraph A,</p> <p>3 "E ther of and referenced by."</p> <p>4 MR. AUST N: Okay. Ho d on a m nute,</p> <p>5 because here's -- maybe 'm m ss ng t n th s</p> <p>6 th ng. n the governor's Facebook post t sa d --</p> <p>7 he was mak ng t that she asked her two fr ends f</p> <p>8 they ever remember her ta k ng about a s ap, and</p> <p>9 they both sa d no. Where -- mean, we're to show</p> <p>10 that -- We -- that she -- n our -- n her</p> <p>11 test mony to us, f she sa d anyth ng about t, t</p> <p>12 was ong after the --</p> <p>13 MR. BARNES: Yes. And that her test mony</p> <p>14 to us -- be eve she on y dent f ed W tness 3,</p> <p>15 her ex-husband, as someone she to d about the s ap</p> <p>16 anywhere near to contemporaneous w th th s</p> <p>17 occur ng, be eve, w thout -- but am</p> <p>18 100 percent conf dent she d d not test fy to te ng</p> <p>19 one of the two fr ends who test f ed before us about</p> <p>20 the s ap pr or to January of th s year.</p> <p>21 How about th s, that W tness 1 d d not</p> <p>22 c a m to the comm ttee that she to d e ther of the</p> <p>23 fr ends who test f ed to the comm ttee --</p> <p>24 MS. M TTEN: That wou d work.</p> <p>25 MR. BARNES: And there s some amb gu ty</p>

7 (Pages 25 to 28)

Hearing 4/17/2018

<p style="text-align: right;">Page 29</p> <p>1 there as to who Gre tens s referr ng to n that 2 statement. There's no -- there's no -- there's no 3 pr or sentence that dent f es who the w tnesses 4 are, and so maybe when draft ng th s, thought of, 5 We , the two w tnesses who spoke to us -- 6 MR. AUST N: Let me ask you th s: D dn't 7 W tness 1 n the nvest gat ve transcr pt say she 8 asked two fr ends, and they both sa d no? 9 MR. BARNES: As to speak ng about t 10 contemporaneous y. 11 So here s what Exh b t 26 says. 12 Exh b t 26 says: 13 " n the House report, there's a fa se 14 a egat on that s apped the woman. That 15 a egat on has been made once before, and t was 16 d sproved." 17 That sentence -- "that a egat on has been 18 made once before, and t was d sproved" has to 19 reference back to the story about the hosp ta , and 20 what that s, s attempt ng to conf ate an 21 unver f ed story n a Br t sh newspaper that m ght 22 or m ght not have been eaked by W tness No. 3 w th 23 what W tness No. 1 s say ng. W tness No. 1 never 24 test f ed to anyone, to our know edge, that a s ap 25 occurred wh e anyone was n the hosp ta . She</p>	<p style="text-align: right;">Page 31</p> <p>1 about your re ationship with Eric Greitens? 2 MS. M TTEN: Right. 3 MR. BARNES: And so we asked a broad 4 question, rather than that narrow, specific 5 question. And then when Witnesses 2 and 4 came in, 6 they testified that Witness 1 did not te them 7 about it contemporaneous to it happening but on y 8 to d them in January. 9 Let's come back to this. Let's go to 10 paragraph 4. Again, we have a comparison of 11 testimony about the s ap. Any objection to the 12 side-by-side? 13 MS. M TTEN: To the new boxes? 14 MR. BARNES: Yes. 15 MS. M TTEN: 'm fine with that. 16 MR. BARNES: Any other objections? 17 Seeing none, paragraph 5 -- et me fix the 18 paragraphing on paragraph 7. 19 MR. AUST N: wou d rather it say "The 20 committee doesn't find anything in the circuit 21 attorney interview that caused them to change its 22 statement with regard to Witness 1's credibi ty." 23 MR. BARNES: Okay. 24 MR. AUST N: Because we did have an 25 overa credib e ...</p>
<p style="text-align: right;">Page 30</p> <p>1 test f ed to the c rcu t attorney that t occurred 2 n the spare bedroom wh e Ms. Gre tens was out of 3 town, and she test f ed to our comm ttee that t 4 happened wh e t was out of town. 5 The next sentence n Exh b t 26 says: 6 "On th s new v deo, she says that when the 7 story broke n the med a, she asked her two fr ends 8 f they ever remembered her ta k ng about a s ap, 9 and they both sa d no." 10 We , that's not ncons stent w th what 11 she to d us. She never to d us that she to d a 12 fr end contemporaneous y about the s ap. 13 MR. AUST N: We , th nk he's referr ng 14 to contemporaneous y when the story broke at the 15 state of the state, but -- 16 MS. M TTEN: Here's the th ng: just -- 17 my prob em w th th s sentence s that he d dn't 18 c a m to the comm ttee that she to d any fr ends who 19 test- -- any fr ends, whether they test f ed or not, 20 about the s ap contemporaneous to the event. 21 MR. BARNES: We -- and to be fa r, we 22 d d not ask the spec f c quest on, Who d d you te 23 about the s ap? 24 MS. M TTEN: understand that. 25 MR. BARNES: We asked, Who d d you te</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. BARNES: Okay. 2 MR. AUST N: Then wou d take out "to the 3 contrary" comment. 4 MR. BARNES: t seems to be a restatement 5 of -- we're restat ng the f rst sentence. 6 MS. M TTEN: Yup. 7 MR. AUST N: Yeah, agree w th that. 8 MR. BARNES: Paragraph 6. 9 MR. AUST N: Oh, don't know about that. 10 f t underm nes h s cred b ty -- f they're fa se 11 statements and the peop e read t, they can 12 determ ne h s cred b ty. 13 MR. BARNES: Okay. 14 MS. M TTEN: We -- Contro Z. 'm 15 wonder ng, though, f -- do we want to make a 16 statement that, based upon the ev dence before the 17 comm ttee, those c a ms about the content of the 18 nterv ew -- you know that t's -- that, bas ca y, 19 t's a m scharacter zat on of the nterv ew? Do we 20 make a f nd ng -- because do be eve t's a 21 m scharacter zat on of the nterv ew. 22 MR. AUST N: We , don't -- guess 23 don't want to get n th s pos t on of, You're a 24 ar; no, you're a ar; no, you're a ar, you 25 know? And a we're do ng here s putt ng out the</p>

8 (Pages 29 to 32)

Hearing 4/17/2018

Page 33	Page 35
<p>1 facts, and here you've got a n ce compar son, 2 contrast/compare -- fo ks, you be the judge. 3 MR. PH LL PS: What wou d be wrong w th 4 just tak ng out the word "fa se"? t st has the 5 same mean ng, but t's a ot more subt e way to go 6 about t. Are we ta k ng about s x -- paragraph 6? 7 MS. LAUER: Take that out, and then put 8 that they're unfounded? 9 MR. PH LL PS: Yeah. Just put "Gre tens 10 c a ms the c rcu t court nterv ew underm nes --" 11 MR. AUST N: They can see that r ght n 12 here. just -- 13 MR. PH LL PS: We , they -- 14 MR. BARNES: But we can see t as we . 15 mean, the -- 16 MR. PH LL PS: th nk t's part of what 17 prompted us to -- or prompted me to ask Jay to 18 produce th s supp ementa report. th nk th s goes 19 back to that. 20 MR. BARNES: The c a m n court ast 21 week -- and the other c a ms that we've seen, 22 nc ud ng the Facebook post, were essent a y that 23 th s v deo s exonerat ng. don't th nk anyone who 24 v ew s th s v deo wou d v ew t as exonerat ng. The 25 other c a m was sa d that there was noth ng about --</p>	<p>1 comm ttee mak ng that statement, assum ng that 'm 2 not the on y one that fee s th s way, but maybe am 3 the on y one that fee s that way. 4 MR. BARNES: Representat ve Lauer? 5 MS. LAUER: 'm sorry. 'm just fa ng. 6 MR. BARNES: Oh, thought -- 7 MS. LAUER: Oh. Are you ask ng me a 8 quest on? 9 MR. BARNES: Yeah. mean, as to a 10 m scharacter zat on as to Representat ve M tten's 11 comments about m scharacter zat on of the c rcu t 12 attorney nterv ew. 13 MS. LAUER: agree. t s a 14 m scharacter zat on of our report. 15 MR. BARNES: And -- we -- and the 16 quest on s the c rcu t attorney nterv ew -- 17 MS. LAUER: Uh-huh. 18 MR. BARNES: s that a yes? 19 MS. LAUER: Yeah. 'm sorry. was 20 ook ng up the def n t on of "coerc on." 21 MR. PH LL PS: Run t by me aga n. 22 MR. BARNES: Okay. Representat ve M tten 23 suggested stat ng that the statement on Thursday s 24 a m scharacter zat on -- 25 MR. PH LL PS: Yes.</p>
Page 34	Page 36
<p>1 never once ment ons any coerc on. Now, t's true 2 the word "coerc on" s not used. nstead she says, 3 "At th s po nt, just rea y coax ng me, ke a 4 wounded tt e an ma on the ground." 5 So suppose t's true that that's not 6 coerc on, but -- "-- coax ng me ke a wounded 7 tt e an ma on the ground" s certa n y n that 8 space of coerc on. 9 MS. M TTEN: Wh ch s why go back to 10 just -- aga n, t seems to me that h s c a ms about 11 the content of the nterv ew -- or the -- or c a ms 12 about the nterv ew prov d ng a bas s for 13 exonerat on -- t just seems to me that -- 14 persona y, as a comm ttee member, after v ew ng 15 th s v deo as a who e, after rev ew ng the 16 transcr pt, at a m n mum, th s Facebook post s a 17 gross m scharacter zat on of what s actua y before 18 th s comm ttee of what was actua y conta ned n the 19 tape, and that's my beef. can't speak to whether 20 or not t wou d further underm ne future statements, 21 but can speak to the fact that ook ng at the 22 Facebook post and ook ng at the transcr pt and 23 ook ng at the v deo, that Facebook post s 24 abso ute y a m scharacter zat on of what's conta ned 25 n the tape. And don't have a prob em w th the</p>	<p>1 MR. BARNES: -- of the c rcu t attorney 2 nterv ew. 3 MR. PH LL PS: Yes. 4 MR. BARNES: How about th s? 5 MS. M TTEN: th nk that, to me, s fa r. 6 That's the truth. 7 MR. P ERSON: th nk we stay away from 8 comments about what he may say n the future. 9 MS. M TTEN: t's a nonjudgmenta truth. 10 MR. BARNES: don't fee that any 11 rat ona person cou d read our report, read the 12 statement from Thursday, and then watch th s v deo 13 and come away w th the dea that the v deo s e ther 14 exonerat ng or that there's no test mony about 15 coerc on. 16 MS. M TTEN: agree. 17 MS. LAUER: f they put a of the p eces 18 together, and th nk the summary -- or the 19 supp ement s des gned to do that, f they don't put 20 a of the p eces together. 21 MR. BARNES: t s des gned to a ow 22 peop e to eas y compare her test mony before us 23 w th her test mony n the c rcu t attorney 24 nterv ew. 25 MS. M TTEN: And wou d a so note that</p>

9 (Pages 33 to 36)

Hearing 4/17/2018

<p style="text-align: right;">Page 37</p> <p>1 Merram-Webster defines "coerce" as "to compel an 2 act or a choice." Examples was "coerced into 3 agreeing. Abusers who coerce the victims into 4 silence." 5 It seems to me that saying somebody down 6 like a broken tile and make someone act or 7 choose. 8 MR. BARNES: Paragraph 7. 9 MR. PERSON: The statement about water 10 says -- for me, 6 is a most No. 1, but we can move on 11 to 7. 12 MR. BARNES: wanted to do that sort of thing 13 none -- 14 MS. MITTEN: Okay. So line 3 of 15 paragraph 7, "The committee finds that --" guess 16 my concerns that -- don't know that we've seen 17 that actual testimony. 18 MR. BARNES: We -- and here is the 19 problem. That is part of the problem -- 20 MS. MITTEN: Yeah. 21 MR. BARNES: -- is that we have counsel 22 for Gretna submitting cherry-picked evidence to us 23 with the pieces in front of it that they then run out 24 and claim exonerating evidence and represent it 25 to attach to her testimony as a whole. And in the</p>	<p style="text-align: right;">Page 39</p> <p>1 testify to that in this circuit attorney interview, 2 she did not testify to that before us, and in the 3 motion that they submitted, where they cherry-picked 4 this quote, even their motion was clear that the use 5 of the word "dream" was in response to a particular 6 question about her phone, in which she testified 7 that she had not said that previously because she 8 wasn't sure of that particular memory. And the 9 point is, that actually supports the credibility of 10 her other statements, because she's stating right 11 there that unless she knows it, that she experienced 12 something, she's not going to testify to it. 13 MR. AUSTIN: I'm good with 7 and 8. 14 MR. BARNES: Okay. 15 MS. MITTEN: First of all, there's an 16 issue with the footnote -- which is now Footnote 7. 17 It's Footnote 24 in the printed thing, in that -- 18 MR. BARNES: Yeah. Okay. 19 MS. MITTEN: Starting with, "The committee 20 will no longer --" 21 MR. BARNES: Hold on. 22 MS. MITTEN: think that that last 23 phrase, "The committee will no longer accept --" 24 that should probably be deleted, and then we make 25 corresponding changes to prior parts of the</p>
<p style="text-align: right;">Page 38</p> <p>1 absence of that entire deposition transcript 2 think it's incumbent upon us to point out the fact 3 that we do know that it was in response to a 4 question about her phone on 5 MS. MITTEN: Right. But it -- my concern 6 is that -- 7 MR. BARNES: If you look at Exhibit 25 and 8 then the transcript of the statement which is 9 Gretna's statements -- 10 MS. MITTEN: That's a so -- okay 11 MR. AUSTIN: So you're going to make 12 this -- the Gretna statement a separate exhibit? 13 MR. BARNES: It's just another transcript 14 to attach 15 MR. AUSTIN: Correct. mean because -- 16 think we need to make it a separate exhibit so that 17 people's minds -- that's not -- 18 MR. BARNES: Okay 19 MR. AUSTIN: The only reason I'm saying 20 it's so people can easily find it -- don't -- 21 MR. BARNES: Okay 22 MR. AUSTIN: Just my two cents 23 MR. BARNES: And that's on page 3 24 He's -- Gretna states that the testimony we now 25 know may have come from a dream. She did not</p>	<p style="text-align: right;">Page 40</p> <p>1 sentence. Just take away because so it says, 2 "However --" take away because -- just take away 3 the "because." 4 MR. PHILLIPS: Couldn't you just put a 5 period after "false" -- 6 MS. MITTEN: Yes. 7 MR. PHILLIPS: -- and call it good? 8 MS. MITTEN: Yes. "Demonstrably false," 9 think, is acceptable, period. 10 MR. PHILLIPS: Uh-huh. Yeah. 11 MR. BARNES: And here is -- here is the 12 point of this footnote. Listen, last week we 13 included a paragraph in this report based on 14 representations of course that were taken out of a 15 deposition transcript that was not provided to this 16 committee or to the Court in that case. We included 17 that because we were relying upon the assertions of 18 course. Now that we have seen these statements on 19 Thursday, I'm very reluctant to include anything 20 that is an assertion of course without a full 21 transcript. 22 MS. MITTEN: And agree with that. 23 MR. BARNES: Let me back up. More than 24 very reluctant; I'm opposed to it at this point. 25 Unless we get a full transcript of what someone is</p>

10 (Pages 37 to 40)

Hearing 4/17/2018

<p style="text-align: right;">Page 41</p> <p>1 referenc ng, we are not go ng to ncude t n our 2 record. 3 MS. M TTEN: Other than refute. 4 MR. BARNES: We -- 5 MS. M TTEN: We , that's what we're do ng 6 here. We are refut ng based upon the ev dence that 7 s before th s comm ttee. 8 MR. BARNES: Ev dence that's before th s 9 comm ttee. And f someth ng s exonerat ng, then t 10 s ncumbent upon the peop e who are c a m ng t s 11 exonerat ng to get the ent re ev dence n front of 12 th s comm ttee -- 13 MS. M TTEN: agree. 14 MR. BARNES: -- rather than cherry-p ck 15 port ons. 16 MS. M TTEN: agree. My other suggest on 17 wou d be, s that we rep ace n that sentence 18 "however" w th, you know, "after rev ew of the 19 v deo --" or, you know, n ght -- or " n ght of 20 the forego ng, the comm ttee f nds these c a ms --" 21 you know what 'm say ng? Because we're mak ng a 22 f nd ng n that note, we rea y are. 23 MR. AUST N: Yeah. 24 MS. M TTEN: And we're mak ng a f nd ng 25 based upon our rev ew of ev dence that was c ted by</p>	<p style="text-align: right;">Page 43</p> <p>1 entire transcript. 2 MR. PH LL PS: Can't we just say that it's 3 obvious to us it's taken out of context and is 4 acking -- 5 MS. M TTEN: We -- or in ight of the 6 deference provided that is now turned out to -- you 7 know, we provide deference and we -- 8 MR. BARNES: How about just, "The 9 committee wi no onger provide such deference"? 10 MS. M TTEN: Yeah. That, think, is 11 fair, to "cherry-picked evidence." 12 MR. BARNES: That's awyering it up. 13 MS. LAUER: Mr. Chair? n regards to that 14 ine, is it necessary -- and maybe not -- that we 15 inc ude something that other than the transcript, 16 the defense has provided no other information to 17 substantiate their c aims? 18 MR. BARNES: We , et's back up, because 19 the defense did not provide the transcript of the 20 circuit attorney interview. 21 MS. LAUER: Okay. 22 MR. BARNES: They were served a subpoena 23 on Friday. t was due ast night at 5 p.m., and 24 they did not respond to that subpoena. That 25 subpoena a so requested more documents than just the</p>
<p style="text-align: right;">Page 42</p> <p>1 the governor -- 2 MR. BARNES How about th s? 3 MR. PH LL PS Cou dn't you just put "the 4 Gre tens team"? 5 MR. BARNES nsert there and we say 6 "Further --" 7 MS. M TTEN Yeah okay That's -- et's 8 read th s now 9 MR. BARNES "Are demonstrab y fa se " 10 MR. AUST N Based upon th s comm ttee's 11 rev ew of that v deo and maybe as we as -- 12 we -- 13 MR. PH LL PS Doesn't t say that? 14 mean n so many words t says -- 15 MR. BARNES We've a ready sa d that 16 above but what f we say "Based upon th s 17 conc us on the comm ttee w no onger accept --" 18 MR. AUST N don't ke that 19 MS. M TTEN Representat ve Aust n and 20 are agree ng aga n so 21 MR. BARNES What want to say s 22 someth ng about cherry-p cked ev dence s that f 23 we're go ng to cons der someth ng we need -- f 24 t's taken from a transcr pt of a w tness no matter 25 who subm ts t to us at th s po nt we need the</p>	<p style="text-align: right;">Page 44</p> <p>1 c rcu t attorney nterv ew. t a so requested -- t 2 d dn't request, t demanded the fu transcr pt of 3 W tness 1's n ne-hour depos t on -- 4 MS. LAUER: Okay. 5 MR. BARNES: -- and we don't have that 6 today e ther. 7 MS. M TTEN: want to -- may we p ease 8 read th s one? just wou d ke to read th s 9 now -- we , 'm sorry, but we haven't seen th s 10 before; th s s a d fferent way of do ng t. 11 MR. BARNES: understand. 12 MS. LAUER: We don't need that n there, 13 do we? "The comm ttee further notes that --"? We 14 just need -- 15 MS. M TTEN: Take away that "further," 16 actua y n that sentence -- we , maybe not. 17 wou d -- nstead of the "further" n that 18 second-to- ast sentence, wou d change that to, " n 19 ght --" okay. 20 Thank you, Mr. Cha r. 21 MR. BARNES: How about -- and we change 22 th s to "fu transcr pt." That saves us some 23 space -- a ot of space. And Representat ve 24 Ph ps wanted to -- 25 MS. M TTEN: Yeah, that's great.</p>

11 (Pages 41 to 44)

Hearing 4/17/2018

Page 45	Page 47
<p>1 MR. BARNES: Okay. Paragraph 9.</p> <p>2 MS. LAUER: The fact that it was</p> <p>3 disproven, 've not seen anything that it was even</p> <p>4 n there.</p> <p>5 MS. MTTEN: First of all, the committee</p> <p>6 agrees with Gre tens that wh e h s w fe was n, he</p> <p>7 d d not s ap -- or that those events d d not occur</p> <p>8 wh e h s w fe was n --</p> <p>9 MR. BARNES: How about -- th nk we just</p> <p>10 get r d of the who e sentence.</p> <p>11 MS. MTTEN: Okay.</p> <p>12 MR. AUST N: That's f ne.</p> <p>13 MS. MTTEN: Yes.</p> <p>14 MS. LAUER: Have we ever seen or have</p> <p>15 anything that references that?</p> <p>16 MS. MTTEN: Do we say, "Never c a med to</p> <p>17 the committee, nor s the committee aware of any</p> <p>18 pub c statement --" someth ng ke that -- or to</p> <p>19 anyone e se -- we don't know -- just get a tte</p> <p>20 b t -- to the pub c.</p> <p>21 Okay. So paragraph 10, what s --</p> <p>22 MR. BARNES: Spend ng of campa gn money,</p> <p>23 that m s character zes the test mony before.</p> <p>24 MS. MTTEN: Are we go ng to say that th s</p> <p>25 m s character zes t? mean, s th s just --</p>	<p>1 MR BARNES t s wanted to put the</p> <p>2 other stuff out there but t s someth ng that has</p> <p>3 happened s nce the re ease of the report that</p> <p>4 deemed re evant -- that th nk s re evant to our</p> <p>5 proceed ngs</p> <p>6 MS LAUER Do we respond to that or just</p> <p>7 eave t as s?</p> <p>8 MR BARNES wou d ke to just -- t's</p> <p>9 a statement of fact as to the sponsored</p> <p>10 advert sement that --</p> <p>11 MR P ERSON Sponsored by who? H m</p> <p>12 persona y or --</p> <p>13 MR RHOADS Does t spec fy?</p> <p>14 MR BARNES t doesn't spec fy t just</p> <p>15 says "sponsored "</p> <p>16 MR P ERSON So we don't know who</p> <p>17 sponsored t</p> <p>18 MR BARNES Actua y we may be ab e to</p> <p>19 f gure th s out</p> <p>20 So that s -- you know -- f you ook at</p> <p>21 the top eft corner of Exh b t 26 that's th s --</p> <p>22 MS MTTEN Account</p> <p>23 MR BARNES Account</p> <p>24 MS MTTEN That s h s off c a account</p> <p>25 MR BARNES There's th s ongo ng</p>
Page 46	Page 48
<p>1 MR. BARNES: No. think we said that</p> <p>2 ear ier, and don't think we need to say it again.</p> <p>3 MR. AUST N: And is it Apri 10th or the</p> <p>4 12th?</p> <p>5 MR. RHOADS: The 12th is when it posted.</p> <p>6 MR. BARNES: We , the -- the -- 'm</p> <p>7 speaking to the -- 25, be iev e, is the 11th --</p> <p>8 MS. MTTEN: Twenty-five is just the --</p> <p>9 MR. BARNES: The video. And be iev e</p> <p>10 that before did a screen capture, saw Exhibit 26</p> <p>11 as a so an advertisement, but by the time decided</p> <p>12 to do the screen capture, it was -- cou d not find</p> <p>13 it as an advertisement, so we're not going to assert</p> <p>14 that it was an advertisement without proof thereof.</p> <p>15 MS. MTTEN: We , it says "sponsored."</p> <p>16 MR. BARNES: That's the video on 25 to</p> <p>17 which we refer in paragraph 10. Exhibit 16 is a</p> <p>18 post from a page, which be iev e was a Facebook ad</p> <p>19 at some point in time. We don't have a screen</p> <p>20 capture of it, so 'm not going to submit that it</p> <p>21 was an advertisement without a screen capture</p> <p>22 showing that it was an advertisement.</p> <p>23 MS. MTTEN: Okay. t just seems to me</p> <p>24 that paragraph 10 is just sort of f oating out</p> <p>25 there.</p>	<p>1 debate -- and th nk broader than here -- about</p> <p>2 whether Facebook s an off c a account, s a -- s</p> <p>3 pub c property or not, and, you know, there was</p> <p>4 th s d spute w th Governor Gre tens about tak ng</p> <p>5 down comments or someth ng, and there's been that</p> <p>6 d spute n other states where peop e cha nge the</p> <p>7 ab ty of a pub c f gure to de ete comments on</p> <p>8 the r Facebook page --</p> <p>9 MS. MTTEN: Or b ock users.</p> <p>10 MR. BARNES: Or b ock users on the r</p> <p>11 Facebook page. So 'm -- t's just nterest ng that</p> <p>12 t's sponsored to h s off c a account.</p> <p>13 MR. RHOADS: don't th nk that -- your --</p> <p>14 you pu up h s account, ke h s page, and get the</p> <p>15 sponsor stuff. That's go ng to f y n on your</p> <p>16 page --</p> <p>17 MR. BARNES: t d d. Th s f ew n on my</p> <p>18 page.</p> <p>19 MR. RHOADS: Just ke an ad, you know?</p> <p>20 MR. BARNES: But when you see the</p> <p>21 sponsor -- and so maybe that's ncorrect. But t's</p> <p>22 someone and t's Er c Gre tens-assoc ated.</p> <p>23 MR. RHOADS: t's a pa d advert sement.</p> <p>24 MR. BARNES: And t's from -- t's c ear y</p> <p>25 from v deo taken n --</p>

12 (Pages 45 to 48)

Hearing 4/17/2018

Page 49	Page 51
<p>1 MR. RHOADS: For nstance, 've got a</p> <p>2 gent eman runn ng for judge, and there's h s</p> <p>3 sponsored ad that pu ed up on my Facebook page.</p> <p>4 'm not -- don't " ke" h s page, haven't sa d</p> <p>5 anyth ng ke that, but t's -- t pu s t up, so</p> <p>6 that's how you wou d have to f gure out ...</p> <p>7 MR. P ERSON: But t's nterest ng that</p> <p>8 that has a name for judge versus -- don't know f</p> <p>9 th s s h s pub c or h s --</p> <p>10 MR. BARNES: We , no, that's not -- et's</p> <p>11 back up. That wou dn't be h s off c a account. So</p> <p>12 th s wou d ke y be h s off c a account,</p> <p>13 Governor Er c Gre tens.</p> <p>14 MS. M TTEN: Yes.</p> <p>15 MR. BARNES: Okay. So that's to the</p> <p>16 nonoff c a account -- nonoff c a Facebook account.</p> <p>17 MR. P ERSON: Wh ch has far ess kes</p> <p>18 than --</p> <p>19 MR. BARNES: th nk t has more.</p> <p>20 MR. P ERSON: No. Look at the governor</p> <p>21 one.</p> <p>22 MR. BARNES: The off c a one has on y</p> <p>23 2,400 kes.</p> <p>24 MR. P ERSON: That's what 'm say ng.</p> <p>25 MR. BARNES: And the campa gn has --</p>	<p>1 MS. M TTEN: So that wou d be Exh b t 26</p> <p>2 or --</p> <p>3 MR. BARNES: No. t wou d be -- want to</p> <p>4 make t 28.</p> <p>5 MS. M TTEN: Okay.</p> <p>6 MR. AUST N: The actua -- the</p> <p>7 transcr pt on of W tness 1 wou d be 27; r ght?</p> <p>8 MR. BARNES: was go ng to do t as a</p> <p>9 separate transcr pt. Do you want to make them --</p> <p>10 MR. AUST N: Th s s 28.</p> <p>11 MR. BARNES: Do you want to make her</p> <p>12 transcr pt an exh b t, rather than just ca t a</p> <p>13 transcr pt? 'm f ne w th that. th nk that that</p> <p>14 makes sense.</p> <p>15 MS. M TTEN: Whoa, whoa, whoa, whoa, whoa.</p> <p>16 th nk we shou d be cons tent w th how we've done</p> <p>17 t n the past. th nk that both of these shou d</p> <p>18 be re eased as separate transcr pts.</p> <p>19 MR. BARNES: But ho d on. The transcr pt</p> <p>20 of the conversat on n the car was sted as</p> <p>21 Exh b t 1. These are transcr pts of nterv ews --</p> <p>22 MS. LAUER: Another source.</p> <p>23 MS. M TTEN: How d d we st the</p> <p>24 transcr pt of the pub c statements?</p> <p>25 MS. HALLEN: Transcr pt.</p>
Page 50	Page 52
<p>1 we -- and that makes sense, because the campa gn</p> <p>2 s go ng to pay money to try -- on advert sements to</p> <p>3 get peop e to go to the campa gn Facebook page, and</p> <p>4 no one s go ng to spend money to go to the off c a</p> <p>5 page.</p> <p>6 MS. LAUER: So does t matter that he's</p> <p>7 mak ng statements on a nongovernor page? s he</p> <p>8 ho d ng h mse f out as -- th s s h s person --</p> <p>9 MR. BARNES: You know, don't th nk so.</p> <p>10 th nk he's mak ng h s pub c statement, and the</p> <p>11 fact that t -- wou d have had more concern had</p> <p>12 the sponsored ad nked back to the off c a page,</p> <p>13 but the sponsored ad nk ng back to the campa gn</p> <p>14 page --</p> <p>15 MS. M TTEN: Because that's who pays for</p> <p>16 t. f t was sponsored by the -- n other words,</p> <p>17 f t was not sponsored by the campa gn, that m ght</p> <p>18 be an ssue.</p> <p>19 MR. BARNES: That s the ast of the</p> <p>20 c tat ons.</p> <p>21 So Representat ve Aust n noted that he</p> <p>22 thought we shou d make Gre tens' statement on</p> <p>23 Comm tee Report No. 1.</p> <p>24 MR. AUST N: Yeah, just so t's --</p> <p>25 MR. BARNES: So we can make that --</p>	<p>1 MR. BARNES: Okay. Then et's keep t</p> <p>2 w th transcr pt.</p> <p>3 MS. M TTEN: Because these were a so</p> <p>4 transcr bed at our d rect on --</p> <p>5 MR. BARNES: That s true.</p> <p>6 MS. M TTEN: And Exh b t 1 was not</p> <p>7 transcr bed at our d rect on or contro . t just</p> <p>8 seems to me that f th s comm tee s d rect ng and</p> <p>9 creat ng transcr pts, that they shou d a be</p> <p>10 treated the same way.</p> <p>11 MR. BARNES: So we' ca -- you know,</p> <p>12 we've got transcr pt c rcu t attorney and we've got</p> <p>13 transcr pt Gre tens --</p> <p>14 MS. M TTEN: The pub c statements of</p> <p>15 Apr 11th and --</p> <p>16 MR. BARNES: Okay. But they need to be</p> <p>17 separate.</p> <p>18 MS. M TTEN: Separate transcr pts, r ght.</p> <p>19 MR. BARNES: Okay.</p> <p>20 MS. M TTEN: They' just be treated as</p> <p>21 transcr pts the same way as transcr pts were treated</p> <p>22 n what we re eased ast week. s that a fa r</p> <p>23 statement?</p> <p>24 MR. BARNES: t s my ntent to have th s</p> <p>25 s gned and re eased today.</p>

13 (Pages 49 to 52)

Hearing 4/17/2018

<p style="text-align: right;">Page 53</p> <p>1 MS. M TTEN: Okay. So then Exh b t 25 and 2 26, those are st go ng to just be the r own 3 separate exh b ts? 4 MR. BARNES: Yes. And attached to -- 5 MS. M TTEN: Okay. And then do we a so 6 have the d sc a mer? Do we want to cont nue -- 7 don't -- can't -- 8 MR. BARNES: No. 9 MS. M TTEN: -- reca off the top of my 10 head exact y how exp c t th s one s. We , the 11 transcr pt -- 12 MR. BARNES: t's exp c t enough. 13 MS. M TTEN: Yeah. We shou d add the 14 d sc a mer. 15 MR. RHOADS: th nk you shou d. You're 16 ta k ng about ora sex ssues and -- on one she 17 says, "ora sex," and then she goes nto s ang 18 terms. 19 MR. BARNES: Does anyone have a copy of 20 the f rst report on hand so can use the exact same 21 anguage? 22 MS. M TTEN: suspect can get t on the 23 House Web s te. 24 Okay. Are you ready? 25 MR. BARNES: Yes. Can just --</p>	<p style="text-align: right;">Page 55</p> <p>1 transcr pt. 2 MR. BARNES: 'm not vot ng to d sc ose 3 t; 'm vot ng -- was suggest ng to vote not to 4 d sc ose t. 5 MS. M TTEN: don't know that we need to 6 make a vote on that; th nk we just don't d sc ose 7 t, un ess somebody has -- 8 MR. AUST N: We're under the r gors of the 9 reso ut on anyways, so th nk -- 10 MR. RHOADS: Yeah, agree. agree. 11 MS. M TTEN: Exact y. 12 MR. RHOADS: th nk we're good e ther 13 way. 14 (A recess was taken.) 15 MS. M TTEN: So want to ca the 16 comm ttee's attent on to -- t's been marked as 17 Exh b t 27, but th s was an e-ma that was found 18 over the weekend as part of The M ss on Cont nues' 19 product on, and wou d note the t me, wh ch s 20 May 8th of 2015. t s an e-ma from Er c Gre tens 21 us ng The M ss on Cont nues e-ma address to 22 Er c Gre tens at h s Gma address, and t's 23 forward ng an e-ma from Mark Bobak, whom we've 24 heard about n pr or test mony, aga n, dated 25 May 8th, and t's bas ca y prov d ng nformat on</p>
<p style="text-align: right;">Page 54</p> <p>1 MS. M TTEN: "Sens t ve content warn ng. 2 Th s report conta ns content of a sens t ve and 3 sexua nature. The House Spec a nvest gat ve 4 Comm ttee on Overs ght has kept descr pt ons of an 5 adu t nature and coarse anguage n order to prov de 6 an unf tered record of w tnesses test mony. n some 7 cases, the dent t es of w tnesses and sens t ve 8 nformat on have been redacted from the record to 9 protect pr vacy." 10 Okay. So that's f ne. 11 MR. BARNES: Never et t not be sa d that 12 you are not exact ng. 13 MR. AUST N: Are you a so go ng to -- and 14 don't know how you do th s -- attach the actua 15 v deo aud o? 16 MR. BARNES: No. We are not go ng to 17 re ease v deo aud o to the med a. And et's vote to 18 c ose that unt we vote otherw se. 19 MS. M TTEN: To c ose what? 20 MR. BARNES: The v deo aud o -- to 21 c ose t -- do we need to -- 22 MS. M TTEN: To not re ease t? 23 MR. BARNES: To not re ease t. don't 24 know that we need to. mean, we're not -- 25 MS. LAUER: They've a ready got the</p>	<p style="text-align: right;">Page 56</p> <p>1 for a cr m na defense attorney that was a former 2 ass tant U.S. attorney. And t seems to me that -- 3 just th nk that the comm ttee sort of needs to be 4 cogn zant of the fact that dur ng the t me per od n 5 wh ch we're d scuss ng th s, the governor seemed to 6 be search ng for a cr m na defense attorney who 7 prov des a 50 percent n ta reta ner and a so 8 accepts a major cred t cards. 9 MS. LAUER: So May of '15 t mew se wou d 10 have been r ght around the t me of -- 11 MR. BARNES: t was n the m dd e of -- 12 MS. M TTEN: t was n the m dd e of th s 13 re at onsh p. So we know that the f rst sexua 14 encounter was n March -- 15 MR. BARNES: March 21st. 16 MS. M TTEN: March 21st. And then can't 17 remember -- th nk that by May, though, he had -- 18 the governor had come to the sa on and they made 19 out. just th nk the comm ttee needs to be aware 20 of the ex stence of th s document. don't know 21 that t -- 22 MR. AUST N: don't see how we attach t 23 on our supp ementa , but th nk -- yeah. 24 agree -- 25 MR. BARNES: t doesn't be ong on today's</p>

14 (Pages 53 to 56)

Hearing 4/17/2018

<p style="text-align: right;">Page 57</p> <p>1 report because it's not -- but -- mean -- what</p> <p>2 wou d be great is if we had -- you know, at the</p> <p>3 start of this process, we were promised cooperation,</p> <p>4 and what wou d be great wou d be ab e to ask the</p> <p>5 witness who sent this about why it was sent. Why</p> <p>6 was he seeking a crimina defense awyer at this</p> <p>7 point in time, five weeks after this</p> <p>8 March 21st incident?</p> <p>9 MS. LAUER: Cou d this have -- ref ective</p> <p>10 of TMC?</p> <p>11 MS. M TTEN: We , at the time -- the</p> <p>12 campaign committee was formed in February of 2015,</p> <p>13 but don't be ieve that -- the e-mai s that we saw</p> <p>14 don't start unti after this date, be ieve. t</p> <p>15 was May 14th, wasn't it -- or no -- no, no, you're</p> <p>16 right --</p> <p>17 MR. BARNES: wou dn't think that this</p> <p>18 wou d have any particu ar re ationship to activities</p> <p>19 with The Mission Continues. mean, it's sent to</p> <p>20 themissioncontinues.org on an e-mai address, but</p> <p>21 don't think it has anything to do with work for</p> <p>22 The Mission Continues.</p> <p>23 MS. M TTEN: Okay.</p> <p>24 MR. BARNES: So the question is what to do</p> <p>25 with it? think everyone agrees it doesn't go on</p>	<p style="text-align: right;">Page 59</p> <p>1 was to make -- to have somebody go through and</p> <p>2 redact everyth ng probab y -- we'd get th s one</p> <p>3 tomorrow and then do the redact ons and just</p> <p>4 re ease them</p> <p>5 MR. AUST N And the reason ask s</p> <p>6 we -- we're ta k ng about Exh b t 27 but we k nd of</p> <p>7 she ved that to ater We f t's go ng to be n</p> <p>8 the transcr pt of us d scuss ng t today --</p> <p>9 MR. BARNES We -- but t won't be -- t</p> <p>10 certa n y wou dn't be re eased today Let's -- part</p> <p>11 of the reason want to put that to the next day</p> <p>12 s -- we can tack e that the next day when we ta k</p> <p>13 about -- because we can't re ease th s transcr pt</p> <p>14 today</p> <p>15 MR. AUST N Rght Okay A rght</p> <p>16 MR. BARNES Because we won't have t --</p> <p>17 we won't have th s transcr pt --</p> <p>18 MS. M TTEN We won't have the</p> <p>19 transcr pt -- have not rece ved an e-ma from --</p> <p>20 at east not on my House e-ma Are we aware f</p> <p>21 that was sent to everybody?</p> <p>22 MR. BARNES thought t was</p> <p>23 MR. P ERSON t must just be to the fo ks</p> <p>24 sted here</p> <p>25 MR. BARNES No There's a -- t's a</p>
<p style="text-align: right;">Page 58</p> <p>1 today's report. One potent a th ng s to re ease</p> <p>2 t on ts own at another t me.</p> <p>3 MS. M TTEN: Yeah. don't -- agree.</p> <p>4 don't know that t shou d be re eased at th s t me.</p> <p>5 don't know -- you know, aga n, th nk that one</p> <p>6 can draw the r own conc us ons, but -- and as the</p> <p>7 cha r has ment oned, we haven't had an opportun ty</p> <p>8 to rea y d ve nto that, but t s nterest ng to</p> <p>9 me that dur ng the t me per od that -- about wh ch</p> <p>10 the reports that we have re eased, the governor was</p> <p>11 apparent y n search of cr m na defense counse .</p> <p>12 MR. BARNES: Do we want to put th s to the</p> <p>13 s de for ater d scuss on?</p> <p>14 MR. RHOADS: Yes. Abso ute y.</p> <p>15 MS. M TTEN: Done.</p> <p>16 MR. BARNES: So we a rece ved a etter</p> <p>17 th s morn ng from Mr. Dowd, and th nk t -- t</p> <p>18 arr ved n my nbox wh e we were n here.</p> <p>19 MS. M TTEN: Oh, have not checked my</p> <p>20 e-ma wh e we were n here.</p> <p>21 MR. AUST N: Let me ask a quest on.</p> <p>22 Are -- mean, when are we go ng to re ease the</p> <p>23 transcr pt for, ke, today's comm ttee hear ng?</p> <p>24 MR. BARNES: We've got about three or four</p> <p>25 comm ttee hear ng transcr pts to re ease. My ntent</p>	<p style="text-align: right;">Page 60</p> <p>1 separate e-ma -- here</p> <p>2 MS. M TTEN From J m Mart n? s th s</p> <p>3 from J m Mart n?</p> <p>4 MR. BARNES Yes Let me just pu t up</p> <p>5 here d d not check my e-ma pr or to com ng</p> <p>6 nto here -- at east my House e-ma</p> <p>7 MS. LAUER Th s was at s x th s morn ng</p> <p>8 MR. BARNES So the frst th ng want to</p> <p>9 note s -- where s t?</p> <p>10 "We note that the Court has asked us to</p> <p>11 request that your comm ttee keep th s nformat on</p> <p>12 conf dent a and that s prov s oned to you as</p> <p>13 contrary to the Court's current gag order "</p> <p>14 So -- but we have to ta k about -- t</p> <p>15 seems -- that sentence s tte b t troub ng to</p> <p>16 me Here s th s etter we want you to cons der</p> <p>17 but you can't make t pub c The etter goes on to</p> <p>18 cherry-p ck ev dence from -- or test mony from the</p> <p>19 depos t on of W tness 1 --</p> <p>20 MS. M TTEN Aga n?</p> <p>21 MR. BARNES -- that they took --</p> <p>22 MS. M TTEN Aga n?</p> <p>23 MR. BARNES -- and does not prov de the</p> <p>24 fu transcr pt don't want to ta k about the</p> <p>25 content of what's n here have some ssues w th</p>

15 (Pages 57 to 60)

Hearing 4/17/2018

<p style="text-align: right;">Page 61</p> <p>1 some of th s content, because th nk t goes to 2 m srepresentat ons of what has pub c y been sa d 3 about th s test mony, n part cu ar, but want to 4 respect the fact that -- the conf dent a ty of the 5 depos t on transcr pt for now. There's further 6 nformat on down here, and then there are some 7 th ngs that are outs de the context of that 8 depos t on. And 'm scro ng through here fast 9 because -- we don't want to ta k about th s on the 10 record because of that sentence r ght now, and we 11 want to get some further c ar f cat ons on t. But 12 there s someth ng -- ' get down cose to the 13 end -- that -- where there's th s c a m that 14 W tness 3 drove W tness 1 -- W tness 3 be ng her 15 ex-husband -- drove W tness 1 to Jefferson C ty on 16 the day she test f ed before the comm ttee. 17 be eve th s to be abso ute y fa se, and wou d 18 ke to br ng our sergeant at arms n here to 19 test fy as to who was there when they pu ed h m n 20 the sa y port. 21 MS. M TTEN: Abso ute y. 22 MR. RHOADS: Go back. Show me where that 23 s aga n. What page s that? 24 MR. BARNES: t's on the second-to- ast 25 one.</p>	<p style="text-align: right;">Page 63</p> <p>1 Somebody cou d have drove her to the br dge, and 2 somebody cou d have drove her -- 3 MR. CURCH N: We know that there were 4 w tnesses -- 5 MR. BARNES: Can we take a break for a 6 second? 7 (D scuss on off the record.) 8 MR. BARNES: Back on the record. 9 MS. M TTEN: W we accept an 10 aff dav t -- s that what we're ta k ng about, s an 11 aff dav t from whoever accompan ed W tness 1? s 12 that what we're ta k ng about? 13 MR. AUST N: 'm a r ght w th that, 14 espec a y g ven he's, you know, an off cer of the 15 Court. 16 MS. M TTEN: R ght. No, agree. And 'm 17 assum ng that doesn't create any pr v ege ssues. 18 MR. AUST N: That wou d be for h m to 19 reso ve. 20 MS. M TTEN: R ght. That's h s prob em. 21 MS. HALLEN: He arr ved w th her -- 22 mean, n front of the who e group of us, so don't 23 know that there's rea y pr v ege there anyway. 24 MS. M TTEN: We -- yeah. f there was a 25 th rd-party n the car, then ...</p>
<p style="text-align: right;">Page 62</p> <p>1 MS. M TTEN: What -- yeah. How do we -- 2 if we're going to re ease testimony from our 3 sergeant at arms, if we're doing it in response to 4 this etter, do we have an ob gation to a so 5 re ease the etter? 6 MR. BARNES: don't be ieve that we do. 7 The concern have -- think that the 8 confidentiality of whether that sentence re ates to 9 the contents of the deposition transcript. 10 MR. CURCH N: s there someone e se that 11 wou d be ab e to provide more accurate testimony, as 12 in someone who drove the entire distance with 13 Witness 1? 14 MR. BARNES: be ieve we can -- 15 MR. CURCH N: Whether or not he appeared 16 at the destination -- 17 MR. BARNES: be ieve we can get that as 18 we , but for today, Mr. Werner was there when they 19 arrived at the po ice station. 20 MS. M TTEN: He can testify as to who got 21 out of the vehic e when it was in the sa y port. 22 MR. AUST N: t's not a comp ete chain of 23 custody, though, and that's what A ex is getting at. 24 MS. M TTEN: get it. 25 MR. RHOADS: That's what 'm saying:</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. BARNES: Further comments on the 2 etter? 3 MR. RHOADS: Am off to say that even 4 though we tota y d sagree w th that, that -- why 5 are we spend ng a ot of t me even mess ng w th t? 6 MR. BARNES: Because t goes to the 7 verac ty of statements made by counse to th s 8 comm ttee. 9 MR. RHOADS: We get that, but st yet, 10 at the end of the day, whether t's an mpeachment 11 process or not, that's not go ng to be perta n ng to 12 th s. 13 MR. BARNES: t goes to the cred b ty of 14 defense counse and the -- 15 MR. RHOADS: But at the end of the day, 16 the defense counse s not go ng to be on tr a 17 here. t's not the defense counse -- t's not the 18 defense counse that's go ng to be mpeached; t's 19 somebody e se. 20 MR. BARNES: That s true, but -- 21 MR. RHOADS: mean, don't care f t's 22 n there or not. just don't th nk t's rea y -- 23 MR. BARNES: But t a so, th nk -- 24 you're r ght. But t a so goes to the ssue of what 25 sort of at tude, f any, th s comm ttee w perm t</p>

16 (Pages 61 to 64)

Hearing 4/17/2018

<p style="text-align: right;">Page 65</p> <p>1 defense course to have. And we have yet another 2 example of a statement of defense course that is 3 unsupported by facts as we know and believe them to 4 be. 5 MR. RHOADS: Oh, get that, but just -- 6 mean, we're going to spend a lot of time on that, 7 and it's like, don't know if we -- at the end of 8 the day, mean, you draw your own conclusion of 9 what's, you know, right or wrong, and -- no 10 offense, but it's a lot of lawyering that's going 11 on, so -- mean ... 12 MS. MTTEN: I am just shocked to see 13 pages and pages of this deposition testimony. 14 MR. BARNES: Without the entire 15 deposition. And would note we have subpoenaed the 16 entire transcript of the deposition. They claim it 17 to be exonerating; if so, they should be moving as 18 fast as they can, asking the judge for permission to 19 share it with us, rather -- in its entirety, rather 20 than this piecemeal nonsense. 21 Here is the other suggestion I want to 22 bring to the committee's attention. First -- the 23 statement is: 24 "The way to get to the truth is to bring 25 KS back for more testimony."</p>	<p style="text-align: right;">Page 67</p> <p>1 This sentence is offensive to me. They 2 had a nine-and-a-half-hour deposition of her from 3 which they can share the full transcript of the 4 testimony with us, if they so choose. They've 5 chosen not to, to this point, and until we get that 6 transcript, this is not happening. 7 In addition to that, the -- in the 8 Morarty proceeding, at this stage of proceedings, 9 there is no right to cross-examination of witnesses. 10 At trial proceedings when you get into that, but 11 not at this stage. 12 MR. RHOADS: I was going to agree with 13 Kevin. Think, given a different circumstance -- 14 let's say the two statements were hugely 15 different -- then we start going into just that, a 16 cross-examination, because that's what it would be, 17 essentially, but unless something that we don't know 18 has come about -- mean, sure, there's questions 19 that think about which would have asked when we 20 had that witness in front of us, but think barring 21 something in her deposition that's 180 away from the 22 two times it's been shown to us, would say no. 23 MR. BARNES: Okay. Think we're at an 24 agreement, then. We want to leave open the 25 possibility if we receive a new piece of evidence,</p>
<p style="text-align: right;">Page 66</p> <p>1 Representative Phillips 2 MR. PHILLIPS: Huh-uh 3 MR. BARNES: You've got to say "yes" or 4 "no." 5 MR. PHILLIPS: No, thank a -- 6 s -- really looks like an attempt to control this 7 committee and once they get us to take that bait 8 then there's no end to what's going to follow. 9 That's just my opinion. Think it would be a 10 horrible move to ever agree to bring her back. 11 MR. AUSTIN: Say no, subject to changing 12 it to yes if we see her deposition testimony from 13 the criminal case and for some reason that then 14 triggers. 15 MR. BARNES: Agree to that, seeing the 16 deposition testimony. 17 MS. LAUER: Would say no because we 18 have the circuit attorney's transcript that matches 19 with ours to me, which validates her testimony 20 across the board. 21 MR. BARNES: The other thing I want to 22 note up here is this sentence 23 "We would appreciate the opportunity to 24 cross-examine KS with the committee to enable 25 getting to the truth."</p>	<p style="text-align: right;">Page 68</p> <p>1 but to this point in time, there is absolutely 2 nothing that gives us the belief that we need to 3 call her back as a witness at this time. 4 MS. MTTEN: Agree. Don't see 5 anything -- and agree with you, Mr. Chair, that 6 the request to ask to cross-examine this witness is 7 kind of beyond the pale. 8 MR. AUSTIN: Well, think it's contrary 9 to our resolution. Doesn't that say on any way we can do 10 questions? 11 MS. MTTEN: It's not on any contrary to the 12 resolution, but just -- mean, to say we won't 13 provide -- we won't allow the governor to testify, 14 but we would like to inject ourselves -- 15 MR. BARNES: Even more to the point is 16 they had a nine-and-a-half-hour deposition, and they 17 have a transcript and a video of it. If they 18 want -- that's an environment they were in complete 19 control of. If they want us to see the 20 cross-examination, just provide us with the 21 deposition testimony. 22 MS. MTTEN: Agree. 23 MR. AUSTIN: I understand this right, 24 is the Court has ordered the litigants in that case, 25 the prosecutor and the defense -- they can't</p>

17 (Pages 65 to 68)

Hearing 4/17/2018

<p style="text-align: right;">Page 69</p> <p>1 disclose any of this, and didn't they just recently 2 say no more -- like, in motions quoting deposition 3 testimony? mean -- 4 MR. BARNES: That is true, to some extent. 5 think 've seen a transcript, though, where the 6 Court -- or at least a news story -- one or the 7 other, a news story or a transcript, where the Court 8 has said openly that he does not have authority over 9 the Legislature in this matter. We are a separate 10 and coequal branch of government. We have subpoena 11 power, and would hope that Judge Burison would 12 recognize and respect that fact and inform the 13 parties to the case that they cannot hide behind the 14 nondisclosure order in his case to avoid 15 awful-y-issued subpoenas seeking documents for this 16 committee. 17 MR. AUSTIN: agree. Do we intervene for 18 a motion to -- 19 MR. BARNES: You know, he -- do we 20 intervene? He has not specifically ordered not to 21 disclose it to us. There's this general order. 22 think about -- we're going to learn about in the 23 next couple of days, because we're going to issue 24 this report today. I think probably send a letter 25 to Mr. Dowd that requests that he inform the Court</p>	<p style="text-align: right;">Page 71</p> <p>1 this letter will not be part -- and nothing from it 2 will be part of our proceedings, and we have a 3 unanimous agreement that in the absence of a full 4 transcript, we're not going to include these 5 cherry-picked quotes anymore. 6 MS. MITTEN: At least not at this time. 7 still believe that, you know, there may be cases 8 where it seems warranted. You know what I'm saying? 9 don't want to -- don't have a crystal ball, but 10 at this juncture, I see no reason to. 11 MR. BARNES: Okay. So let's -- real 12 quickly, The Mission Continues, number one, we 13 have -- there were 8,500 emails from January 1st, 14 2014 until mid-to-late 2015. Aix Hansen and 15 started going through them this weekend. I got 16 through a thousand of them. 17 MS. HALLEN: I'm at 2,570. 18 MR. BARNES: She's at 2,500, so we're 19 about halfway through. I am done looking at these 20 emails for now. So, Representative, are you a 21 volunteer? 22 MS. LAUER: would love to, except I have 23 never gotten the password, and I emailed and texted 24 them again -- 25 MR. BARNES: Okay. We will follow up on</p>
<p style="text-align: right;">Page 70</p> <p>1 it is our position that the Court does not have 2 authority to prohibit disclosure of information to 3 us under awful-y-issued subpoenas, and we expect 4 both sides of that case to support giving us the 5 documents that we have demanded via subpoena. To do 6 otherwise is just hiding the ball from this 7 committee. 8 MR. AUSTIN: And to enforce a subpoena 9 issued by the House, the normal procedure would be 10 to file a suit here in Coe County? 11 MR. BARNES: believe that to be true. 12 believe that to have happened a couple of years ago 13 with Senator Schaefer and Planned Parenthood. 14 MS. HALLEN: They never went to court. 15 MR. BARNES: They never went to court? 16 MS. HALLEN: As far as I know. 17 MR. BARNES: Okay. They negotiated a 18 settlement? 19 MR. AUSTIN: That's what courthouse steps 20 are for sometimes. 21 MS. HALLEN: think Coe County it is 22 where -- 23 MR. BARNES: So we have to cross that 24 bridge when we get there. 25 Okay. So we have unanimous agreement that</p>	<p style="text-align: right;">Page 72</p> <p>1 that, and then we will subdivide the remaining 2 emails in that group of 8,500. 3 We met -- myself and the two Axes [sic] 4 met briefly with the attorney general's staff last 5 week. It was really much ado about nothing, because 6 they couldn't give us any details what they were 7 doing until they got a court order, and we didn't 8 want to share too much the other way until we got -- 9 the court order was there, but we got a court order 10 yesterday for the sharing of information, and so 11 -- they said that -- to follow up sometime on 12 Wednesday or Thursday of this week with them to 13 communicate about where they were on 14 The Mission Continues, and we'll give an update 15 then. 16 MS. MITTEN: And am I correct that in the 17 press conference today, the attorney general has 18 indicated he's issued subpoenas? 19 MS. HALLEN: Yes. 20 MR. BARNES: Okay. And then the final 21 -- you guys saw the first -- there was a draft 22 section on The Mission Continues. I've updated that 23 to include the testimony of Lindsey Hodges-Reichardt 24 and Jack Neyens. We also have an additional letter 25 from Dowd Bennett that is in here -- you guys can</p>

18 (Pages 69 to 72)

Hearing 4/17/2018

<p style="text-align: right;">Page 73</p> <p>1 take a copy of -- that have incorporated into the</p> <p>2 draft. I'm hopeful to be able to circulate</p> <p>3 something early next week, maybe even as early as</p> <p>4 Thursday for a draft of The Mission Continues</p> <p>5 report, but don't hold me to that timeline.</p> <p>6 MS. MITTEN: We, what's the --</p> <p>7 MR. BARNES: We, want to talk to the</p> <p>8 attorney general's office.</p> <p>9 MS. MITTEN: Right.</p> <p>10 MR. BARNES: That's my holdup of saying,</p> <p>11 Don't hold me to that timeline, because we've got</p> <p>12 this order, they said follow up. Want to follow</p> <p>13 up with them, and it's after the conversation with</p> <p>14 them that can come back with a better idea of when</p> <p>15 we can finalize a report.</p> <p>16 MS. MITTEN: Okay.</p> <p>17 MR. BARNES: Does everyone understand?</p> <p>18 MS. MITTEN: Uh-huh.</p> <p>19 MR. BARNES: Okay.</p> <p>20 MS. MITTEN: So we're scheduled for</p> <p>21 tomorrow?</p> <p>22 MR. BARNES: We're scheduled for tomorrow.</p> <p>23 Pursuant to Alexander's idea, we may get a</p> <p>24 notarized statement of the person who brought</p> <p>25 Witness 1 to our committee on that day.</p>	<p style="text-align: right;">Page 75</p> <p>1 prompt you -- yes.</p> <p>2 MR. BARNES: Before we leave, where's the</p> <p>3 report for today?</p> <p>4 MS. HALLEN: You have to give it to</p> <p>5 you to have everybody sign.</p> <p>6 (A recess was taken.)</p> <p>7 MR. BARNES: The committee report will be</p> <p>8 upstairs printed for your signature today, and with</p> <p>9 that, we close today's hearing of the House Special</p> <p>10 Investigative Committee on Oversight.</p> <p>11 (The hearing adjourned at 11:56 a.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 74</p> <p>1 MS. MITTEN: Okay.</p> <p>2 MR. BARNES: Release the same and have a</p> <p>3 discussion about Exhibit 27, and --</p> <p>4 MS. HALLEN: Can we try to get this</p> <p>5 transcript early tomorrow?</p> <p>6 THE REPORTER: Yeah. Of course.</p> <p>7 MS. HALLEN: Because then maybe can get</p> <p>8 them done.</p> <p>9 MS. MITTEN: Right. We'd like to get them</p> <p>10 redacted and have that discussion.</p> <p>11 MR. BARNES: Okay. Anything further?</p> <p>12 MR. RHOADS: So we're meeting tomorrow at</p> <p>13 noon; correct?</p> <p>14 MR. BARNES: Yes.</p> <p>15 MR. RHOADS: For more of what we're doing</p> <p>16 today; correct?</p> <p>17 MR. BARNES: A little bit more of what</p> <p>18 we're doing today. And I'd like -- people can get</p> <p>19 set up on these emails and -- we've got to get</p> <p>20 through those 8,500.</p> <p>21 MS. HALLEN: Can everybody please send me</p> <p>22 their preferred email address again, and will</p> <p>23 send it to the litigation specialist.</p> <p>24 MS. LAUER: Will you send us --</p> <p>25 MS. HALLEN: Will send you an email</p>	<p style="text-align: right;">Page 76</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, L. David Bata, a Certified Court</p> <p>4 Reporter for the State of Missouri, do hereby certify</p> <p>5 that I appeared at the time and place first</p> <p>6 hereinbefore set forth, that I took down in shorthand</p> <p>7 the entire proceedings had at said time and place, and</p> <p>8 that the foregoing constitutes a true, correct, and</p> <p>9 complete transcript of my said shorthand notes.</p> <p>10 Witness my hand and seal this 18th day of</p> <p>11 April 2018</p> <p>12</p> <p>13</p> <p>14</p> <p>15 L. David Bata</p> <p>16 Certified Court Reporter</p> <p>17 State of Missouri</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

19 (Pages 73 to 76)

Hearing 4/18/2018

Page 1	Page 3
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT</p> <p>7 HEARING</p> <p>8 APRIL 18th, 2018</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES</p> <p>2 Representative Jay Barnes, Chairman</p> <p>3 Representative Don Phillips, Vice-Chairman</p> <p>4 Mr. Alexander Curchin, Senior Counsel/Legal Director</p> <p>5 Representative Jeanie Lauer</p> <p>6 Representative Kevin Austin</p> <p>7 Representative Gina Mitten</p> <p>8 Representative Shawn Rhoads</p> <p>9 Representative Tommie Pierson, Jr.</p> <p>10</p> <p>11</p> <p>12 A so present:</p> <p>13 Ms. Alexis Haen</p> <p>14 Mr. Bryan D. Scheiderer</p> <p>15 The Court Reporter:</p> <p>16 MS. LISA BALLALATAK, CCR</p> <p>17 Kansas CSR No. 1670</p> <p>18 Missouri CCR No. 1336</p> <p>19 ALARIS LITIGATION SERVICES</p> <p>20 2511 Broadway Bldg, Suite 201</p> <p>21 Columbia, Missouri 65201</p> <p>22 Phone: (573) 449-0561</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 Hearing by Committee Members 4</p> <p>4</p> <p>5 INDEX OF EXHIBITS</p> <p>6 EXHIBITS:</p> <p>7 Exhibit No. 28 (Scott Simpson Affidavit) 10</p> <p>8</p> <p>9 Reporter's Note: Exhibit No. 28 was retained by the</p> <p>10 panel.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (The hearing commenced at 12:30 p.m.)</p> <p>2 MR. BARNES: call to order this meeting</p> <p>3 of the House Special Investigative Committee on</p> <p>4 Oversight.</p> <p>5 Mr. Secretary, please call the roll.</p> <p>6 MR. CURCHIN: Representative Barnes.</p> <p>7 MR. BARNES: Here.</p> <p>8 MR. CURCHIN: Representative Phillips.</p> <p>9 MR. PHILLIPS: Here.</p> <p>10 MR. CURCHIN: Representative Mitten.</p> <p>11 MS. MITTEN: Here.</p> <p>12 MR. CURCHIN: Representative Lauer.</p> <p>13 MS. LAUER: Here.</p> <p>14 MR. CURCHIN: Representative Austin.</p> <p>15 MR. AUSTIN: Here.</p> <p>16 MR. CURCHIN: Representative Rhoads.</p> <p>17 MR. RHOADS: Here.</p> <p>18 MR. CURCHIN: Representative Pierson, Jr.</p> <p>19 MR. PIERSON: Here.</p> <p>20 MR. CURCHIN: All seven here and accounted</p> <p>21 for.</p> <p>22 MR. BARNES: All seven here and accounted</p> <p>23 for.</p> <p>24 We voted a few days ago to release a</p> <p>25 report. We subsequently had conversations about</p>

1 (Pages 1 to 4)

Hearing 4/18/2018

<p style="text-align: right;">Page 5</p> <p>1 holding off on that in order to attempt to obtain</p> <p>2 the transcript of the deposition of Witness 1 from</p> <p>3 defense counsel for Mr. Greitens, who claimed that</p> <p>4 that deposition transcript contains exonerating</p> <p>5 information for their client. I'd like to make --</p> <p>6 want to make a motion that we withdraw our previous</p> <p>7 vote to release that committee report -- to -- let's</p> <p>8 just vote -- back up.</p> <p>9 MS. HALLEN: De ay --</p> <p>10 MR. BARNES: Let's vote to de ay the</p> <p>11 release of that report until such time --</p> <p>12 indefinitely -- move that we de ay release of that</p> <p>13 report indefinitely with -- until such time as we</p> <p>14 can either obtain the contents --</p> <p>15 MR. CURCH N: Just de ay indefinitely.</p> <p>16 MR. BARNES: De ay indefinitely.</p> <p>17 MS. MTTEN: May -- discussion?</p> <p>18 MR. BARNES: Discussion.</p> <p>19 MS. MTTEN: Thank you.</p> <p>20 So with the idea that we at some point, we</p> <p>21 may obtain additional information, which would</p> <p>22 prompt the committee to vote to release it or --</p> <p>23 MR. BARNES: Or we may go --</p> <p>24 MS. MTTEN: -- because a fluid</p> <p>25 situation -- some other --</p>	<p style="text-align: right;">Page 7</p> <p>1 Governor Greitens, and in saying -- stating</p> <p>2 "interviews" rather than "depositions," that left a</p> <p>3 small space with which a lawyer could make at least</p> <p>4 a facial argument that we had not requested the</p> <p>5 right -- or more than a request -- demanded the</p> <p>6 correct document.</p> <p>7 MS. LAUER: Thank you.</p> <p>8 MR. BARNES: Further discuss on?</p> <p>9 Mr. Secretary, please call the roll.</p> <p>10 MR. CURCH N: Representative Barnes.</p> <p>11 MR. BARNES: Aye.</p> <p>12 MR. CURCH N: Representative Phelps.</p> <p>13 MR. PHELPS: Aye.</p> <p>14 MR. CURCH N: Representative Mitten.</p> <p>15 MS. MTTEN: Aye.</p> <p>16 MR. CURCH N: Representative Lauer.</p> <p>17 MS. LAUER: Aye.</p> <p>18 MR. CURCH N: Representative Austen.</p> <p>19 MR. AUSTEN: Aye.</p> <p>20 MR. CURCH N: Representative Rhoads.</p> <p>21 MR. RHOADS: Aye.</p> <p>22 MR. CURCH N: Representative Peterson, Jr.</p> <p>23 MR. PETERSON: Aye.</p> <p>24 MR. CURCH N: Seven to zero.</p> <p>25 MR. BARNES: By your vote of seven to</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. BARNES: We may go down this path, and</p> <p>2 there may be a refusal to provide it, and we may</p> <p>3 decide that we will just provide what we have with</p> <p>4 what we have.</p> <p>5 MS. MTTEN: Right. Okay. So --</p> <p>6 MR. BARNES: But thank it's incumbent</p> <p>7 upon us to attempt to obtain that. We've been told</p> <p>8 that it's exonerating. In fact, it's</p> <p>9 exonerating, then believe that the governor's</p> <p>10 counsel would do everything in their power to make</p> <p>11 sure they can get it before the committee, which</p> <p>12 would include filing motions in the circuit court of</p> <p>13 the City of St. Louis seeking permission to give it</p> <p>14 to us, which I'm not entirely clear they need to ask</p> <p>15 for permission from the circuit court, because we</p> <p>16 are a separate and coequal branch of government.</p> <p>17 MS. LAUER: Had this been asked for</p> <p>18 previously in our request for documents?</p> <p>19 MR. BARNES: It -- believe that it falls</p> <p>20 under our request -- and there is an argument</p> <p>21 that -- if you read it -- very close reading, one</p> <p>22 might argue that we had not previously requested</p> <p>23 because we did not specifically request depositions.</p> <p>24 Instead, we requested interviews of Witness 1 taken</p> <p>25 by the circuit attorney's office or counsel for</p>	<p style="text-align: right;">Page 8</p> <p>1 zero, you vote in favor of the motion.</p> <p>2 now inform the committee that what was</p> <p>3 working on while you guys -- while everyone was</p> <p>4 patiently waiting on me -- was sending e-mail</p> <p>5 correspondence to the Honorable Rex Burson to</p> <p>6 Mr. Ed Dowd, to Kim Gardner, and to Scott Simpson</p> <p>7 regarding this subpoena -- or these subpoenas. And</p> <p>8 what we did send we informed counsel -- we reminded</p> <p>9 counsel that we are a separate and coequal branch of</p> <p>10 government, and that we have an interest in</p> <p>11 obtaining the video of that deposition. There is no</p> <p>12 motion on this; just wanted the committee to be</p> <p>13 aware that had this correspondence.</p> <p>14 In addition to that, we have already discussed</p> <p>15 granting authority to Mr. Chip Robertson, former</p> <p>16 chief justice of the Missouri Supreme Court, to</p> <p>17 communicate on our behalf with counsel and, if</p> <p>18 necessary, Judge Burson in this case. At this</p> <p>19 point in time, Mr. Robertson has indicated he would</p> <p>20 do this with no fee, and it's a reference to the</p> <p>21 committee to have someone to speak on our behalf</p> <p>22 with others. But would like to make a formal</p> <p>23 motion to authorize Mr. -- Judge Robertson to</p> <p>24 represent the interest of the committee.</p> <p>25 Discuss on?</p>

2 (Pages 5 to 8)

Hearing 4/18/2018

Page 9	Page 11
<p>1 MR AUST N Good dea 2 MS M TTEN Thank you 3 MS LAUER Uh-huh 4 MR BARNES Mr Secretary please ca 5 the ro 6 MR CURCH N Representat ve Barnes 7 MR BARNES Aye 8 MR CURCH N Representat ve Ph ps 9 MR PH LL PS Aye 10 MR CURCH N Representat ve M tten 11 MS M TTEN Aye 12 MR CURCH N Representat ve Lauer 13 MS LAUER Aye 14 MR CURCH N Representat ve Aust n 15 MR AUST N Aye 16 MR CURCH N Representat ve Rhoads 17 MR RHOADS Aye 18 MR CURCH N Representat ve P erson Jr 19 MR P ERSON Aye 20 MR CURCH N Seven to zero n favor of 21 the mot on 22 MR BARNES Th s morn ng rece ved an 23 e-ma and an aff dav t from Scott S mpson We're 24 on Exh b t No 28 be eve 25 MS HALLEN Yes</p>	<p>1 nqu r ng about cr m na defense counse . And, 2 Representat ve Aust n and have had th s 3 conversat on mu t p e t mes, and th nk t's a 4 cose ca whether to re ease th s, and just -- 5 want to open t up for d scuss on. 6 MR. AUST N: And say -- p an to vote 7 no on re eas ng t at th s t me. F rst p ace, 8 don't want to g ve the mp cat on or et somebody 9 draw the nference that seek ng ega counse s an 10 nd ca of gu t. th nk that's rea y what we're 11 commun cat ng here. t k nd of goes aga nst, 12 th nk -- part of my creed, anyway, as far as that 13 goes. mean, just because somebody awyers up, 14 that's not necessar y nd ca of gu t. t's sure 15 not -- and don't be eve t to be adm ss b e n 16 ev dence as hav ng any re evance on the case. 17 th nk the second th ng s, f there's 18 others that be eve s m ary as me as far as that 19 goes, then th nk that makes us -- cou d make th s 20 comm ttee ook as f we have an agenda other than 21 what th nk are the two goa s here, s that s to 22 be thorough and to be fa r, and f that's the case, 23 then th nk t affects our cred b ty. mean -- 24 and so don't want that to -- don't want that to 25 be affected.</p>
Page 10	Page 12
<p>1 (Exh b t No. 28 was marked for 2 dent f cat on.) 3 MR. BARNES: And am go ng to mark th s 4 as Exh b t 28. And what th s s, s an aff dav t 5 rece ved th s morn ng from Mr. Scott S mpson, and 6 ' just read what he says. 7 " am over the age of 18. am the 8 attorney of record for W tness 1. On March 7th, 9 2018, W tness 1 test f ed n front of the Spec a 10 nvest gat ve Comm ttee on Overs ght. p cked 11 W tness 1 up from her house the morn ng of 12 March 7th, 2018, and drove her to the hear ng. 13 W tness 1 and were the on y peop e n the veh c e. 14 was w th W tness 1 pr or to the hear ng, dur ng 15 the hear ng, and after the hear ng. And, f na y, 16 W tness 1 d d not speak or otherw se commun cate 17 w th her ex-husband on March 7th, 2018." 18 And t s sworn n front of a notary. 19 s there any object on nto enter ng th s 20 nto the record? 21 MS. M TTEN: Nope. 22 MR. BARNES: See ng none, Exh b t 28 s n 23 the record. 24 The tem we had rema n ng from yesterday 25 was Exh b t 27, and Exh b t 27 s the e-ma</p>	<p>1 MR. BARNES: And th nk 've come to that 2 post on. And what we've d scussed s, f 3 Mr. Gre tens wou d test fy before th s comm ttee, 4 there s no doubt that we wou d ask quest ons about 5 th s document, and yet we have no ab ty to ask 6 those quest ons. That's rea y troub ng to me. 7 And one of the defenses hear -- n pub c at 8 east -- s there's noth ng here; there's noth ng to 9 th s at a . You're r ght, contact ng cr m na 10 defense counse s not by tse f nd ca of gu t of 11 anyth ng, but when the pub c c a ms are, There's 12 noth ng to see here at a , and the ack of 13 report ng t for so ong s sa d to be a defense, on 14 the other hand, try ng to make that contact at that 15 po nt n t me goes to one person's potent a state 16 of m nd at that per od of t me. 17 So 'm nc ned to not re ease t at th s 18 po nt, but -- and a so don't want to br ng th s up 19 n every hear ng we have from now on. But at 20 east wanted to have the d scuss on one more t me. 21 MS. M TTEN: , aga n, agree w th 22 Representat ve Aust n. 23 MR. RHOADS: w say th s: 'm -- 24 apprec ate the work that you d d, 25 Representat ve M tten, to f nd t, but th nk t's</p>

3 (Pages 9 to 12)

Hearing 4/18/2018

<p style="text-align: right;">Page 13</p> <p>1 probab y too premature to et t go r ght now. f 2 we cou d maybe f nd someth ng that corre ates 3 someth ng w th someth ng e se that wou d -- then 4 th nk we have someth ng to k nd of -- to just 5 mmed ate y go, Hey, ook, s probab y not worthy of 6 what th s comm ttee's hard work has a ready been. 7 MR. BARNES: And 've come to that 8 conc us on as we , but -- et's tab e t, and 'm 9 go ng to move that when we re ease these -- the 10 transcr pts of these hear ngs n wh ch we d scuss 11 t, that we redact that port on of the transcr pts. 12 D scuss on on the redact on? 13 MR. P ERSON: Noth ng on the redact on, 14 but thought heard you say someth ng about -- 15 guess maybe refra n ng from br ng ng t up w th 16 subsequent w tnesses? D d you say -- 17 MS. LAUER: Subsequent meet ngs. 18 MR. BARNES: No. mean, don't want to 19 br ng th s up at every hear ng. 20 MR. AUST N: th nk what you're referr ng 21 to s that every t me we meet together, you don't 22 want one of us to have a mot on to suppress t or 23 re ease t or someth ng. 24 MR. BARNES: Yes. Let's tab e t for a 25 wh e.</p>	<p style="text-align: right;">Page 15</p> <p>1 redact ng hea th nformat on, wh ch, you know -- 2 anyway. 3 MR. BARNES: But th nk the fa ure to 4 redact defeats the purpose of not re eas ng the 5 document. 6 MS. M TTEN: And understand that. do 7 understand that. 'm cogn zant of that ssue. 8 MR. BARNES: So why don't we do th s: We 9 w agree to not re ease the transcr pts for now n 10 wh ch we d scuss t. We w have proposed 11 redact ons, and then we can -- 12 MS. M TTEN: That's f ne. 13 MR. BARNES: -- d scuss the redact ons. 14 MS. M TTEN: And 'm happy to do the 15 redact ons and present them, as d d w th the other 16 transcr pts. 17 MR. BARNES: Okay. 18 MR. AUST N: So d. 19 MS. M TTEN: Yeah, f gured you guys 20 wou d go for that, and a so f gured t was com ng 21 anyway, so ... 22 MR. BARNES: See ng unan m ty, we w 23 proceed accord ng y. 24 MS. M TTEN: When are we meet ng aga n? 25 MR. BARNES: Ho d on.</p>
<p style="text-align: right;">Page 14</p> <p>1 MR. P ERSON: Just k nd of ho d onto t 2 and see what may come. Okay. 3 MS. LAUER: And we don't know at what 4 po nt that may become mportant, so f we cou d just 5 say at th s t me, we're not go ng to re ease t and 6 eave t at that? 7 MS. M TTEN: 'm nc ned to not vote n 8 favor of redact ons as to th s part cu ar document 9 unt see what those redact ons are go ng to 10 enta and have actua y seen a transcr pt to see 11 how the d scuss on works. One concern that do 12 have overa -- and t's not part cu ar to th s 13 document -- s that t -- w th the re ease of the 14 frst report, th nk that every member of th s 15 comm ttee was nterested n be ng as transparent as 16 poss b e, and know that we had some d scuss ons 17 about add t ona transparency, some that won and 18 some that d dn't, and suspect that we a k nd 19 of fee ke we a won some and ost some. So -- 20 t does cause me a tt e b t of concern when we 21 start ta k ng about redact ng transcr pts -- 22 certa n y when haven't even seen the 23 transcr pts -- and we're ta k ng about someth ng 24 substant ve, as opposed to, you know, redact ng a 25 name or -- you know, we had a d scuss on about</p>	<p style="text-align: right;">Page 16</p> <p>1 MS. LAUER: Tomorrow at e ght o'clock? 2 MR. BARNES: We have 8:00 a.m. Are we 3 square on The M ss on Cont nues e-ma s? 4 MR. AUST N: haven't got my -- a 5 password. 6 MS. LAUER: 'm not f n shed. 7 MS. HALLEN: D d you -- you d dn't e-ma 8 me your e-ma address to forward -- because got 9 passwords for these two guys. 10 MR. AUST N: knew she was go ng to say 11 t's my fau t. 12 MS. HALLEN: No, 'm happy to send t 13 to -- how about th s, Representat ve Aust n. Why 14 don't we ta k after the hear ng, and we' get you 15 a set up? 16 MR. AUST N: Fa r enough. Thank you. 17 MS. HALLEN: Okay. You're we come. 18 MR. BARNES: Let the record ref ect that 19 when Representat ve Aust n sa d that, t was n a 20 jok ng manner, fo owed by aughter n the room. 21 Somet mes comedy doesn't make t through 22 transcr pts. 23 MR. AUST N: That's true. And a ways 24 adv sed c ents of that before a depo. sa d, t's 25 not fa r. Lawyers can somet mes make a joke, and we</p>

4 (Pages 13 to 16)

Hearing 4/18/2018

Page 17	Page 19
<p>1 can redact t n a depos t on transcr pt n a case.</p> <p>2 You make a joke, fa s f at, and we ook bad. So</p> <p>3 ' try to fo ow that same adv ce.</p> <p>4 MS. HALLEN: s there anybody e se who</p> <p>5 wants to part c pate? d d send an e-ma</p> <p>6 yesterday, and know t was sort of ate n the day</p> <p>7 and t was busy, so we can converse about that and</p> <p>8 get other fo ks set up, because then we can rej gger</p> <p>9 the -- how many documents are you to read.</p> <p>10 MR. P ERSON: assume that request to</p> <p>11 mean the need s st there, so, yes.</p> <p>12 MS. HALLEN: Yeah, there's about 3,000</p> <p>13 documents to go around to somebody. Because 've</p> <p>14 got about 1,500 myse f, and then there's 3,000 eft</p> <p>15 to g ve to fo ks. So f you -- the more peop e, the</p> <p>16 ess everybody has to do.</p> <p>17 MR. BARNES: And th nk you can do</p> <p>18 probab y a tt e over 200 an hour, when we're</p> <p>19 rea y mov ng.</p> <p>20 MS. LAUER: Keep n m nd, found out that</p> <p>21 f you're awake too ong, t has a t me m t and t</p> <p>22 exp res, and then you have to og back n, so f</p> <p>23 you're do ng t and try ng to go to the chamber and</p> <p>24 vote and do th ngs, be aware of that.</p> <p>25 MS. HALLEN: Are we okay w th maybe</p>	<p>1 attend as we</p> <p>2 R ght now see no other bus ness for</p> <p>3 Thursday at e ght want to eave t open just n</p> <p>4 case a so want to not ce us up and c ose a</p> <p>5 hear ng for Monday at --</p> <p>6 MS LAUER Caucus s usua y --</p> <p>7 MS M TTEN Yeah that's the caucus --</p> <p>8 MR BARNES -- 2 00 p m So move to</p> <p>9 c ose Monday's hear ng</p> <p>10 Mr Secretary p ease ca the ro</p> <p>11 MR CURCH N Representat ve Barnes</p> <p>12 MR BARNES Aye</p> <p>13 MR CURCH N Representat ve Ph ps</p> <p>14 MR PH LL PS Aye</p> <p>15 MR CURCH N Representat ve M tten</p> <p>16 MS M TTEN Aye</p> <p>17 MR CURCH N Representat ve Lauer</p> <p>18 MS LAUER Aye</p> <p>19 MR CURCH N Representat ve Aust n</p> <p>20 MR AUST N Aye</p> <p>21 MR CURCH N Representat ve Rhoads</p> <p>22 MR RHOADS Aye</p> <p>23 MR CURCH N Representat ve P erson Jr</p> <p>24 MR P ERSON Aye</p> <p>25 MR CURCH N Seven-zero n favor of the</p>
Page 18	Page 20
<p>1 ta k ng about the rest of th s off the record?</p> <p>2 MR. BARNES: Yes. Let's d scuss og st cs</p> <p>3 of that off the record.</p> <p>4 Further matters for today?</p> <p>5 MS. M TTEN: Are we go ng to re ease</p> <p>6 the -- Exh b t 28? s there --</p> <p>7 MR. BARNES: don't th nk at th s t me we</p> <p>8 re ease Exh b t 28 because t s a response to</p> <p>9 correspondence from counse that a so s not n the</p> <p>10 pub c record, so f somebody sees Exh b t 28, they</p> <p>11 th nk --</p> <p>12 MS. M TTEN: What the heck does that mean?</p> <p>13 R ght. Got t. Sorry.</p> <p>14 MR. BARNES: Aga n, sort of -- you know,</p> <p>15 you need context for --</p> <p>16 MS. M TTEN: You're r ght. You're r ght.</p> <p>17 MR. BARNES: am schedu ed to meet w th</p> <p>18 representat ves from the attorney genera 's off ce</p> <p>19 tomorrow morn ng. They have a hear ng n</p> <p>20 Co e County C rcu t Court. A exes [s c] are we come</p> <p>21 to attend.</p> <p>22 MS. HALLEN: What t me?</p> <p>23 MR. BARNES: t s f ex b e on our s de.</p> <p>24 They are supposed to ca as soon as the hear ng s</p> <p>25 over. And others on the comm ttee are we come to</p>	<p>1 mot on.</p> <p>2 MR. BARNES: Seven-zero n favor of the</p> <p>3 mot on.</p> <p>4 understand your concerns w th</p> <p>5 cont nu ng -- cont nued c ose hear ngs,</p> <p>6 Representat ve M tten.</p> <p>7 MS. M TTEN: Yeah, 'm actua y -- that</p> <p>8 wasn't so much -- 'm a so concerned about the t me.</p> <p>9 'm th nk ng that we m ght have to do t more ke</p> <p>10 one, 1:30. have a 2:30 meet ng -- whatever.</p> <p>11 MR. RHOADS: How ong are we gonna --</p> <p>12 mean, what are you expect ng?</p> <p>13 MS. M TTEN: Yeah. That's the prob em.</p> <p>14 s th s go ng to be a 30-m nute or s th s go ng to</p> <p>15 be a two-hour or what? We don't know.</p> <p>16 MR. BARNES: We need to be f ex b e.</p> <p>17 MS. M TTEN: know. We don't know.</p> <p>18 MR. BARNES: Remember, Representat ve,</p> <p>19 am fo ow ng your ead on th s not c ng up, no</p> <p>20 matter what.</p> <p>21 MS. M TTEN: get t. Wh ch s why 'm</p> <p>22 more nc ned to maybe not ce t for one, to the</p> <p>23 extent that -- f we come n at one, and we're done</p> <p>24 n 30 m nutes, great; f we come n at two, and we</p> <p>25 have --</p>

5 (Pages 17 to 20)

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Hearing 4/18/2018

<p style="text-align: right;">Page 21</p> <p>1 MR. BARNES: Except that</p> <p>2 Representat ve Ph ps has a near y four-hour</p> <p>3 dr ve, Representat ve Rhoads has a three-hour</p> <p>4 dr ve -- the other f ve of us -- espec a y me --</p> <p>5 can't comp a n -- but St. Lou s, Kansas C ty,</p> <p>6 Spr ngf e d, not so much.</p> <p>7 MR. RHOADS: A so, th nk t shou d be</p> <p>8 noted that one of our staffers a so has a three-hour</p> <p>9 dr ve.</p> <p>10 MR. BARNES: So a tte b t ater on</p> <p>11 Monday. t s -- th nk we' be ab e to te much</p> <p>12 more, after meet ng w th the attorney genera</p> <p>13 tomorrow, how c ose we can be to f n sh ng and</p> <p>14 re eas ng a report on The M ss on Cont nues. That's</p> <p>15 the b ggest unknown. We've got these e-ma s that</p> <p>16 we have to get through th s weekend. We can --</p> <p>17 that's one th ng -- that's what we're go ng to go</p> <p>18 over Monday, no matter what, s the e-ma s. And</p> <p>19 then we can d scuss what the attorney genera shared</p> <p>20 w th us, pursuant to the court order that we</p> <p>21 rece ved, and make some determ nat ons.</p> <p>22 MR. CURCH N: So what t me do you want</p> <p>23 not ced for Monday?</p> <p>24 MR. BARNES: Two.</p> <p>25 MR. CURCH N: 2:00 p.m.</p>	<p style="text-align: right;">Page 23</p> <p>1 me fumb ng a over the p ace try ng to get the</p> <p>2 nformat on</p> <p>3 So r ght now t s for the purposes of</p> <p>4 speak ng on th s part cu ar ssue w th the dea</p> <p>5 that as we have further ssues go ng forward he s</p> <p>6 w ng to he p us</p> <p>7 MR AUST N Very good dea</p> <p>8 MR BARNES And at the po nt n t me n</p> <p>9 wh ch we're pay ng expenses or any fee th nk</p> <p>10 we' obv ous y have to have a forma arrangement</p> <p>11 but at th s po nt n t me these are nforma phone</p> <p>12 ca s w thout a fee</p> <p>13 MS M TTEN But he wou d be do ng that as</p> <p>14 our representat ve correct?</p> <p>15 MR BARNES Yes As our counse</p> <p>16 MS M TTEN The pr v ege wou d app y et</p> <p>17 cetera</p> <p>18 MR BARNES The pr v ege app es</p> <p>19 MS M TTEN Thank you</p> <p>20 MR BARNES Any further bus ness before</p> <p>21 the comm ttee?</p> <p>22 See ng none that w conc ude today's</p> <p>23 hear ng on the Spec a nvest gat ve Comm ttee on</p> <p>24 Overs ght</p> <p>25 (The hear ng adjourned at 12 53 p m)</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. PH LL PS: Mr. Cha rman, w there be</p> <p>2 a press conference or a press re ease today of any</p> <p>3 sort?</p> <p>4 MR. BARNES: t s not my ntent to do so</p> <p>5 at th s t me.</p> <p>6 Further bus ness?</p> <p>7 MR. P ERSON: Mr. Rob nson --</p> <p>8 MR. BARNES: Robertson.</p> <p>9 MR. P ERSON: s that pub c know edge,</p> <p>10 what ro e w he pay n these gather ngs?</p> <p>11 MR. BARNES: t w be pub c know edge</p> <p>12 at some po nt. R ght now he's not go ng to s t n</p> <p>13 on comm ttee meet ngs. What happened s that we --</p> <p>14 Gre tens' counse , one n the same t me, c a ms that</p> <p>15 the depos t on test mony s exonerat ng, and then</p> <p>16 says, Oh, we can't re ease anyth ng to you pursuant</p> <p>17 to the Court order. be eve that Mr. S mpson and</p> <p>18 the c rcu t attorney's off ce are ke y to urge the</p> <p>19 court to order the re ease of the nformat on that</p> <p>20 Gre tens' counse states to be excu patory, and</p> <p>21 there's go ng to be commun cat ons go ng on w th</p> <p>22 those counse and the Court over the next coup e of</p> <p>23 days regard ng the re ease of that nformat on. And</p> <p>24 thought t wou d be better for the comm ttee to</p> <p>25 have Mr. Robertson speak on our beha f than to have</p>	<p style="text-align: right;">Page 24</p> <p>1 CERT F CATE</p> <p>2</p> <p>3 , L sa D. Ba a atak, a Cert f ed Court</p> <p>4 Reporter for the State of M ssour , do hereby cert fy</p> <p>5 that appeared at the t me and p ace frst</p> <p>6 here nbefore set forth, that took down n shorthand</p> <p>7 the ent re proceed ngs had at sa d t me and p ace, and</p> <p>8 that the forego ng const tutes a true, correct, and</p> <p>9 comp ete transcr pt of my sa d shorthand notes.</p> <p>10 W tness my hand and sea th s 19th day of</p> <p>11 Apr 2018</p> <p>12</p> <p>13</p> <p>14</p> <p>15 L sa D. Ba a atak</p> <p>16 Cert f ed Court Reporter</p> <p>17 State of M ssour</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

6 (Pages 21 to 24)

Hearing 4/19/2018

Page 1	Page 3
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT</p> <p>7 HEARING</p> <p>8 APRIL 19th, 2018</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES</p> <p>2 Representative Jay Barnes, Chairman</p> <p>3 Representative Don Phillips, Vice-Chairman</p> <p>4 Mr. Alexander Curchin, Senior Counsel/Legal Director</p> <p>5 Representative Jeanie Lauer</p> <p>6 Representative Kevin Austin</p> <p>7 Representative Gina Mitten</p> <p>8 Representative Shawn Rhoads</p> <p>9 Representative Tommie Pierson, Jr.</p> <p>10</p> <p>11</p> <p>12 Also present:</p> <p>13 Ms. Alexis Hansen</p> <p>14 Mr. Bryan D. Scheiderer</p> <p>15</p> <p>16 The Court Reporter:</p> <p>17 MS. LISA BALLALATAK, CCR</p> <p>18 Kansas CSR No. 1670</p> <p>19 Missouri CCR No. 1336</p> <p>20 ALARIS LITIGATION SERVICES</p> <p>21 2511 Broadway Bufiles, Suite 201</p> <p>22 Columbia, Missouri 65201</p> <p>23 Phone: (573) 449-0561</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 Hearing by Committee Members 4</p> <p>4</p> <p>5 INDEX OF EXHIBITS</p> <p>6 EXHIBITS:</p> <p>7 Exhibit No. 29 (Witness Affidavit) 4</p> <p>8</p> <p>9 Reporter's Note: Exhibit No. 29 was retained by the</p> <p>10 panel.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 (The hearing commenced at 9:03 a.m.)</p> <p>2 MR. BARNES called to order the House</p> <p>3 Special Investigative Committee on Oversight</p> <p>4 Mr. Secretary please call the roll</p> <p>5 MR. CURCHIN Representative Barnes</p> <p>6 MR. BARNES Here</p> <p>7 MR. CURCHIN Representative Phillips</p> <p>8 MR. PHILLIPS Here</p> <p>9 MR. CURCHIN Representative Mitten</p> <p>10 MS. MITTEN Here</p> <p>11 MR. CURCHIN Representative Lauer</p> <p>12 MS. LAUER Here</p> <p>13 MR. CURCHIN Representative Austin</p> <p>14 MR. AUSTIN Here</p> <p>15 MR. CURCHIN Representative Rhoads</p> <p>16 MR. RHOADS Here</p> <p>17 MR. CURCHIN Representative Pierson Jr.</p> <p>18 MR. PIERSON Here</p> <p>19 MR. CURCHIN All seven here and account</p> <p>20 for</p> <p>21 MR. BARNES Everyone is present</p> <p>22 (Deposit on Exhibit No. 29 was marked for</p> <p>23 identification)</p> <p>24 MR. BARNES I'm going to mark this as</p> <p>25 Exhibit 29 This is an affidavit of Witness 3</p>

1 (Pages 1 to 4)

Hearing 4/19/2018

<p style="text-align: right;">Page 5</p> <p>1 which, states that:</p> <p>2 "Witness 3 is of the age of majority,</p> <p>3 sound mind and body; that he did not travel -- that</p> <p>4 he did not drive, travel, or traverse the landscape</p> <p>5 with his former spouse on March 7th to any location</p> <p>6 or from any location, including specifically the</p> <p>7 location which is understood by the undersigned that</p> <p>8 she proffered testimony to the committee in</p> <p>9 connection with the investigation and the</p> <p>10 circumstances surrounding Mr. Greitens as they</p> <p>11 relate to her. And, further, that on that morning,</p> <p>12 the undersigned was working normal hours and he was</p> <p>13 at work during the general period of time in which</p> <p>14 she would have been traveling to Jefferson City and</p> <p>15 we would have been taking her testimony."</p> <p>16 Any objection to entering this into our</p> <p>17 record?</p> <p>18 MS. LAUER: None.</p> <p>19 MS. MITTEN: Did we receive another --</p> <p>20 MR. BARNES: Yesterday we received what</p> <p>21 think we marked as Exhibit 28, which was a letter</p> <p>22 from Mr. Simpson --</p> <p>23 MS. MITTEN: No, no, no. Understand.</p> <p>24 just wanted to make sure -- was off on the</p> <p>25 numbers.</p>	<p style="text-align: right;">Page 7</p> <p>1 MS. MITTEN: Yeah, that's exactly --</p> <p>2 will make no representation before review of that</p> <p>3 report.</p> <p>4 MR. BARNES: We're going to start PQ'ing.</p> <p>5 I'm going to exercise the PQ on punctuation.</p> <p>6 MS. LAUER: And, Mr. Chair, would you</p> <p>7 restate the motion in Coe County this morning.</p> <p>8 MR. BARNES: The governor's team has moved</p> <p>9 to disqualify Attorney General Hawley from</p> <p>10 investigation of The Mission Continues.</p> <p>11 MS. LAUER: Thank you.</p> <p>12 MR. BARNES: Would note that the</p> <p>13 governor himself signed a sworn authorization in</p> <p>14 support of that motion. Going under oath for at</p> <p>15 least one purpose.</p> <p>16 The other item of business today is -- and</p> <p>17 maybe -- because -- does anyone else have anything</p> <p>18 other than the logistics of e-mail review?</p> <p>19 MR. CURCHN: Vote to close Monday's</p> <p>20 hearing, if you want -- if you should even desire</p> <p>21 Monday's hearing to be closed.</p> <p>22 MR. BARNES: We, let's vote to close</p> <p>23 Monday's hearing.</p> <p>24 All of those in favor will vote yes.</p> <p>25 Mr. Secretary.</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. BARNES: And we are going to hit these</p> <p>2 one more time. Think we may even have an</p> <p>3 affidavit from the employer of Witness 3 to state</p> <p>4 that he was, in fact, at work on that day. When</p> <p>5 counsel is going to spread these letters to us, we</p> <p>6 are going to beat those letters into the ground.</p> <p>7 MR. AUSTIN: We're going to invest gate.</p> <p>8 MR. BARNES: We're going to invest gate</p> <p>9 them when they are paying untrue, and these</p> <p>10 something that believe to be paying untrue and</p> <p>11 very disappointed that the claim would be made when</p> <p>12 these are paying untrue and false.</p> <p>13 MS. MITTEN: We, and with absolute y no</p> <p>14 basis. There's no basis to make that assertion.</p> <p>15 MR. BARNES: So having taken care of that,</p> <p>16 there's a motion hearing this morning in Coe</p> <p>17 County. After that, me and the two Axes [sic] are</p> <p>18 going to meet with the attorney general's office.</p> <p>19 have a draft report that may change significantly,</p> <p>20 based on stuff we get from the attorney general's</p> <p>21 office, but want to share that draft report with</p> <p>22 the two Axes [sic] to work on nonsubstantive</p> <p>23 changes so that we've got it in a format and shape</p> <p>24 that we don't have to have a three-hour debate on</p> <p>25 commas again.</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. CURCHN: Representative Barnes</p> <p>2 MR. BARNES: Aye</p> <p>3 MR. CURCHN: Representative Phillips</p> <p>4 MR. PHILLIPS: Aye</p> <p>5 MR. CURCHN: Representative Mitten</p> <p>6 MS. MITTEN: Aye</p> <p>7 MR. CURCHN: Representative Lauer</p> <p>8 MS. LAUER: Aye</p> <p>9 MR. CURCHN: Representative Austin</p> <p>10 MR. AUSTIN: Aye</p> <p>11 MR. CURCHN: Representative Rhoads</p> <p>12 MR. RHOADS: Aye</p> <p>13 MR. CURCHN: Representative Peterson Jr</p> <p>14 MR. PETERSON: Aye</p> <p>15 MR. CURCHN: Seven to nothing</p> <p>16 MR. BARNES: You have voted to close</p> <p>17 Monday</p> <p>18 Further business before the committee</p> <p>19 today?</p> <p>20 MS. MITTEN: So we're meeting at two on</p> <p>21 Monday?</p> <p>22 MR. BARNES: We're meeting at two on</p> <p>23 Monday</p> <p>24 MS. MITTEN: And at this point the</p> <p>25 topics --</p>

2 (Pages 5 to 8)

Hearing 4/19/2018

<p style="text-align: right;">Page 9</p> <p>1 MR. BARNES: The top cs are go ng to be 2 e-ma rev ew, because hope that everyone can get 3 done by Sunday w th the r top cs. And then f 4 you're mark ng them n there, then the two A exes 5 [s c] and Monday morn ng can get the cop es of a 6 of them and put them together for us to rev ew. And 7 a so to d scuss what s earned th s afternoon from 8 the attorney genera 's off ce. 9 MS. HALLEN: And transcr pt redact on. 10 MS. M TTEN: And transcr pt redact on. 11 MR. BARNES: Depend ng on how ong -- 12 th nk t's go ng to take fo ks a wh e to get 13 through the r documents, so -- but for the attorney 14 genera stuff, f they are very key documents that 15 we don't have or that are d ss m ar from someth ng 16 that we a ready have, th nk what may do s put 17 them on Dropbox -- create a Dropbox that peop e can 18 ook at t over the weekend. 19 MR. RHOADS: ke the dea of be ng ab e 20 to rev ew them; that way, f -- because here s why: 21 So f you g ve them to us here, by the t me we start 22 read ng over them, we may end up hav ng a quest on 23 three hours ater, that f rev ewed t th s 24 weekend, cou d go, You know what -- and have some 25 t me to k nd of soak t n.</p>	<p style="text-align: right;">Page 11</p> <p>1 fight as hard as they can to get it to us. don't 2 think it requires much fight; think it requires 3 just giving us the documents demanded under a awfu 4 subpoena. 5 MR. RHOADS: And refresh my memory. What 6 did we request? 7 MR. BARNES: The deposition video and 8 transcript -- 9 MR. RHOADS: Of Witness 1. 10 MR. BARNES: Of Witness 1. 11 MR. RHOADS: Great. Good. 12 MR. PH LL PS: Do you have any way of 13 knowing, for p anning purposes, what kind of 14 schedu e we might be on next week, or are we just 15 going to be taking it as it comes or -- 16 MR. BARNES: We're going to take it as it 17 comes. f we get the deposition video and 18 transcript, it is nine-and-a-ha f hours ong, and 19 we're going to watch it, so ... 20 MS. LAUER: We've a ready seen two-p us 21 hours of it; right? 22 MS. M TTEN: No. That was the 23 investigation. 24 MS. LAUER: That was the investigation. 25 Oh, 'm sorry. Deposition, yeah.</p>
<p style="text-align: right;">Page 10</p> <p>1 MR. AUST N: And then have a quest on, 2 too. A x, th s -- you may not ke to hear th s. 3 p an to do the e-ma rev ew Fr day, f can. f 4 th ngs get pushed back, 've k nd of b ocked off a 5 day Saturday. f run nto techn ca ssues, can 6 -- 7 MS. HALLEN: You can ca me. That's 8 f ne. t's not a prob em. 9 MS. LAUER: May we a so Monday need to 10 d scuss the f nd ngs from the hear ng th s morn ng 11 n St. Lou s? 12 MR. BARNES: We cou d. We're a so go ng 13 to need to d scuss -- because we have these 14 outstand ng subpoenas, and we're go ng to need to 15 d scuss what to do -- we don't know what the outcome 16 of that s. 17 MR. RHOADS: Mr. Cha rman, how many 18 subpoenas do we have outstand ng? 19 MR. BARNES: We have three outstand ng: 20 One to Mr. S mpson, one to counse for the governor, 21 and one to the c rcu t attorney's off ce. Counse 22 for W tness 1 has to d me that he does not have the 23 document we requested, so, rea y, t's go ng to be 24 up to counse for Gre tens. They've stated that t 25 s exonerat ng. th nk t's ncumbent upon them to</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. P ERSON: Hopefu y not n one 2 s tt ng. 3 MR. BARNES: th nk -- yes. We w 4 break -- we w break t up. 5 MS. M TTEN: And 'm go ng to aga n -- and 6 know that th s w not, you know, endear me to 7 the other members of the comm ttee, but t -- have 8 concerns g ven that, at east, my s de of the a s e 9 needs to caucus at 3:00 p.m., and wou d ke to be 10 present for that caucus; that we meet at one nstead 11 of two on Monday. just -- don't want to be n a 12 s tuat on where th s comm ttee s rushed or 'm 13 unab e to attend to my other caucus dut es. 14 MR. RHOADS: w not be ab e to be here 15 unt at east two o'clock. 16 MR. BARNES: apprec ate caucus dut es. 17 The comm ttee s more mportant -- 18 MS. M TTEN: understand that, and -- you 19 know, -- 20 MR. BARNES: -- than caucus dut es at one 21 part cu ar meet ng. So we're go ng to st ck w th 22 2:00 p.m. 23 MS. M TTEN: Okay. 24 MR. CURCH N: Wou d th s comm ttee ke to 25 meet on Tuesday? want to get that not ce n.</p>

3 (Pages 9 to 12)

Hearing 4/19/2018

Page 13	Page 15
<p>1 MR. BARNES: Yes. Not ce us up for</p> <p>2 8:00 a.m. on Tuesday.</p> <p>3 MS. LAUER: Does that conf ct --</p> <p>4 MR. BARNES: And we may move t back.</p> <p>5 MS. LAUER: We -- we can reschedu e.</p> <p>6 MR. PH LL PS: We' have to turn our v ce</p> <p>7 cha r oose on that.</p> <p>8 MS. LAUER: Four of us w be m ss ng for</p> <p>9 that ...</p> <p>10 MS. M TTEN: At what t me?</p> <p>11 MS. LAUER: There, potent a y, s a</p> <p>12 quorum ssue, then. We can move t -- the</p> <p>13 comm ttee -- th s comm ttee --</p> <p>14 MR. PH LL PS: We , not so -- no.</p> <p>15 MR. BARNES: Wou d you rather do noon?</p> <p>16 MR. PH LL PS: Yes.</p> <p>17 MR. BARNES: Okay. Noon on Tuesday.</p> <p>18 MR. PH LL PS: Yes.</p> <p>19 MR. BARNES: We do have -- we ose a</p> <p>20 quorum on that comm ttee and a quorum n here and a</p> <p>21 quorum over there.</p> <p>22 Okay. So noon on Tuesday.</p> <p>23 MS. LAUER: And do we vote to c ose that?</p> <p>24 MR. BARNES: Let's vote Monday.</p> <p>25 MS. LAUER: Okay.</p>	<p>1 See ng no further bus ness before the</p> <p>2 comm ttee, th s w conc ude today's hear ng.</p> <p>3 (The hear ng adjourned at 9:14 a.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 14	Page 16
<p>1 MR. BARNES: ant c pate that after we</p> <p>2 ssue the next report, we w be hav ng open</p> <p>3 hear ngs.</p> <p>4 MS. M TTEN: wou d be -- w ook</p> <p>5 forward to that.</p> <p>6 MR. BARNES: Th nk everyone here w ook</p> <p>7 forward to that.</p> <p>8 MS. M TTEN: So Tuesday the 24th at noon?</p> <p>9 MR. BARNES: Noon.</p> <p>10 Okay. Any further bus ness before the</p> <p>11 comm ttee th s morn ng?</p> <p>12 MS. M TTEN: And, aga n, 'm --</p> <p>13 MR. BARNES: Your object on can be stated</p> <p>14 as a runn ng object on --</p> <p>15 MS. M TTEN: My object on can be stated as</p> <p>16 a runn ng object on to the extent that don't</p> <p>17 be eve that t's appropri ate for th s comm ttee to</p> <p>18 be meet ng, at east not at th s juncture, when</p> <p>19 there's f oor debate, so my hope s that the f oor</p> <p>20 eader -- there' be some conversat on w th the</p> <p>21 f oor eader n order to ensure that these --</p> <p>22 members of th s comm ttee are ab e to a so perform</p> <p>23 the r eg s at ve dut es, so, thank you, Mr. Cha r.</p> <p>24 MR. BARNES: Your runn ng object on s</p> <p>25 noted.</p>	<p>1 CERT F CATE</p> <p>2</p> <p>3 , L sa D. Ba a atak, a Cert f ed Court</p> <p>4 Reporter for the State of M ssour , do hereby cert fy</p> <p>5 that appeared at the t me and p ace f rst</p> <p>6 here nbefore set forth, that took down n shorthand</p> <p>7 the ent re proceed ngs had at sa d t me and p ace, and</p> <p>8 that the forego ng const tutes a true, correct, and</p> <p>9 comp ete transcr pt of my sa d shorthand notes.</p> <p>10 W tness my hand and sea th s 20 th day of</p> <p>11 Apr 2018</p> <p>12</p> <p>13</p> <p>14</p> <p>15 L sa D. Ba a atak</p> <p>16 Cert f ed Court Reporter</p> <p>17 State of M ssour</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

4 (Pages 13 to 16)

MISSOURI HOUSE
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Monday, April 23, 2018

TAKEN AT
Missouri State Capitol
201 West Capitol Avenue, Room B-22
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS
Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

REPORTED BY:

Shelly Stewart
Certified Court Reporter
Capital City Court Reporting
Post Office Box 446
Jefferson City, Missouri 65102
Telephone: 573-761-4350
E-mail: capitalcitycourtreporting@mchsi.com
www.capitalcitycourtreporting.com

ALSO PRESENT:

Alixandra Hallen, Minority Counsel; Alex Curchin,
Legislative Counsel to the Speaker of the House of
Representatives; and Bryan Scheiderer, Legislative Analyst.

E X H I B I T S

Exhibit No. 30

E-mail regarding a meeting notice to be held
on March 18, 2014

Exhibit No. 31

E-mail from Krystal Taylor's account on April 1, 2014

Exhibit No. 32

E-mail dated May 8, 2014 with The Mission Continues
1K-plus donor list.

Exhibit No. 33

E-mail regarding political conference call

Exhibits are not attached to the transcript; retained by
The Committee.

I N D E X

Roll Call by Secretary Curchin
Statement by Chairman Barnes

Page
3
4

P R O C E E D I N G S

CHAIRMAN BARNES: I've called this hearing of the Missouri House Special Investigate Committee on Oversight to order.

Mr. Secretary, please call the roll.

SECRETARY CURCHIN: Representative Barnes?

CHAIRMAN BARNES: Here.

SECRETARY CURCHIN: Phillips?

REPRESENTATIVE PHILLIPS: Here.

SECRETARY CURCHIN: Mitten?

REPRESENTATIVE MITTEN: Here.

SECRETARY CURCHIN: Lauer?

REPRESENTATIVE LAUER: Here.

SECRETARY CURCHIN: Austin?

REPRESENTATIVE AUSTIN: Here.

SECRETARY CURCHIN: Rhoads?

REPRESENTATIVE RHOADS: Here.

SECRETARY CURCHIN: Pierson, Jr?

REPRESENTATIVE PIERSON, JR.: Here.

SECRETARY CURCHIN: All seven here and accounted for.

CHAIRMAN BARNES: All seven are here and accounted for. We are going to be brief today.

First, we had, myself and the two Alexes, had a meeting with the Attorney General's -- representatives from

1 the Attorney General's Office on Thursday.

2 They provided us with deposition transcripts and
3 exhibits. You guys all should have access to them.

4 I want to take a vote, have the Committee
5 authorize the actual release of information from the
6 Committee to the Attorney General's Office and leave it at
7 the discretion of the Chair.

8 I mean, I'm not going to be doing crazy stuff,
9 but I also -- I don't want to have to disclose everything
10 to them, and I want some flexibility with what we provide
11 them.

12 Any discussion?

13 REPRESENTATIVE MITTEN: Providing to who?

14 CHAIRMAN BARNES: The Attorney General's Office.

15 REPRESENTATIVE MITTEN: Oh, okay.

16 CHAIRMAN BARNES: Do you believe we need a vote,
17 Mr. Secretary?

18 SECRETARY CURCHIN: No.

19 CHAIRMAN BARNES: Seeing no objection, hearing no
20 objection, yeah, I have such permission.

21 REPRESENTATIVE MITTEN: Can I ask a question just
22 to clarify? I -- I'm making an assumption, but I just want
23 to make sure that we're all clear about this, that any
24 information that we release to the Attorney General's
25 Office is not going to be made public without our --

1 CHAIRMAN BARNES: Yeah. Okay.

2 REPRESENTATIVE MITTEN: I mean --

3 CHAIRMAN BARNES: We will be -- we will be
4 mindful of that.

5 The next item of business is I have one, two,
6 three, four documents to enter as exhibits. These come
7 from The Mission Continues' e-mail production.

8 Exhibit 30 is a meeting notice from March 18th,
9 2014 -- well, for a meeting on March 18th, 2014 that is a
10 political meeting for Eric Greitens set up by Mike Hafner.

11 If there are no objections to Exhibit 30, I will
12 enter Exhibit 30 into the record?

13 Seeing no objections.

14 The next e-mail is -- the next item is
15 Exhibit 31, which is an e-mail from Krystal Taylor's
16 account on April 1st, 2014.

17 The purpose of this e-mail in putting it into the
18 record is that is the date at which we lose access to a lot
19 of information because Krystal Taylor stops using that
20 Mission Continues' account, and apparently delinks her
21 Greitens Group e-mail account at the same time.

22 And so there is a period of time where we have a
23 desert of information, and the reason is because she
24 started sending these, hey, contact me at The Greitens
25 Group at that point in time.

1 If there are no objections, we'll enter
2 Exhibit 31 into the record.

3 Seeing no objections.

4 REPRESENTATIVE LAUER: Mr. Chair, on -- on that
5 regard I had several (inaudible) in this stack I was doing.

6 That would not be considered any type of
7 solicitation where she's sending the letter to Mission
8 Continues folks and then saying contact me at Greitens
9 Group.

10 CHAIRMAN BARNES: I don't think so, because if
11 she had had a friend or a contact who was trying to get
12 ahold of her, that's fairly -- that's common.

13 You know, if a lawyer leaves a law firm,
14 oftentimes the law firm will set up an automatic response
15 rule that says such and such has left this law firm. They
16 can now be contacted at this address.

17 The next item is Exhibit 32, which is the May
18 8th, 2014 e-mail that contains The Mission Continues
19 1K-plus donor list as an attachment.

20 We already have part of this, which is included
21 in Exhibit 13, I believe. My number may be off.

22 The reason I want to include this is because this
23 comes from The Mission Continues' actual e-mail production.
24 And it has the header information at the top from which you
25 can see the attachments, and so it's a more accurate

1 reflection of the sent and received e-mail.

2 Any objections to Exhibit 32?

3 Seeing none, Exhibit 32 is in the record.

4 And finally Exhibit 33 is a -- an invitation to a
5 conference call, political conference call for Eric
6 Greitens, Krystal Taylor, Dave Whitman and two political
7 consultants, Steve Michael and Dave Hageman that apparently
8 took place on August 14th, 2014.

9 This is the -- we've got that gap in time there,
10 but we've got one e-mail that shows up for an invitation,
11 and it's cited in the record, or in the draft report.

12 If there are no objections to Exhibit 33, we will
13 enter it into the record.

14 Seeing no objections, Exhibit 33 is now in the
15 record.

16 The next item of business is, I have distributed
17 a draft report. It is my hope -- unlike the previous
18 report, we're not going to do the -- the deal where we keep
19 the one copy in the chief clerk's office, because the
20 information contained within this report is nowhere near as
21 sensitive as the information contain within the first
22 report.

23 My goal is to have a mark-up session starting at
24 noon tomorrow, and my hope is we would have the same sort
25 of deal where you guys would tell me what paragraphs you

1 want to talk about so that we can have an orderly process.

2 REPRESENTATIVE PHILLIPS: I've already spotted
3 what I think is a misspelled word.

4 COUNSELOR HALLEN: So just an hour conversation
5 on grammar, no (inaudible).

6 REPRESENTATIVE RHOADS: Who typed this report,
7 Mr. Chairman?

8 CHAIRMAN BARNES: I did.

9 REPRESENTATIVE PHILLIPS: I already found a
10 spelling error.

11 CHAIRMAN BARNES: Yeah.

12 REPRESENTATIVE PHILLIPS: Immediately.

13 COUNSELOR HALLEN: Grammar, spellings.

14 REPRESENTATIVE PHILLIPS: I really don't think
15 relating has an E in it, the second sentence.

16 REPRESENTATIVE MITTEN: I will be creating a
17 cheat sheet of the word shortcuts for the Chairman.

18 REPRESENTATIVE PHILLIPS: The second sentence.

19 CHAIRMAN BARNES: Okay.

20 REPRESENTATIVE PHILLIPS: Do you really want us
21 to look this over?

22 CHAIRMAN BARNES: The fourth item on the list is,
23 we are either finished or very close to finished, I think,
24 with looking through e-mails.

25 We've identified 199 relevant e-mails in that

1 two-year period. We are going to print them out and have
2 them available for viewing to see if any of them ought to
3 be released and are highly relevant.

4 We got the benefit last week of the Attorney
5 General's Office reviewed -- got the same document
6 production and reviewed the e-mails with more lawyers than
7 we have, and more time than we have given our legislative
8 responsibilities, before doing these depositions.

9 So I think there is some additional things in
10 there that maybe we want to include, but maybe not. I
11 think we've got a pretty well full picture based on our
12 review, and then the Attorney General's additional review.

13 Fifth item, if I'm counting correctly, is we
14 talked last week about the potential of -- we agreed to the
15 retaining Mr. Chip Robertson, former chief justice of the
16 Missouri Supreme Court, as counsel.

17 I asked him to put together a team that can help
18 him. He's agreed to work without a fee, so I don't think
19 it's fair to say, hey, you're going to work without a fee,
20 and we don't want you to have any help.

21 So he has suggested Gerard Carmody of Carmody
22 MacDonald in St. Louis; and a Mark Kempton, who is a former
23 prosecutor from Pettis County.

24 Are there any objections to either of those
25 individuals?

1 Seeing none.

2 My hope is that two, if not all three of them,
3 will be here to meet with the Committee on Wednesday
4 morning at eight a.m.

5 Finally -- no, it is not finally. The sixth item
6 is to discuss what's going on with our subpoena for the
7 deposition transcript.

8 I'll just start from the start. So defense
9 counsel claims that the deposition transcript -- first,
10 they claimed that the witness interview was exonerating.

11 We subpoenaed the witness interview. We
12 unanimously came to the opposite conclusion, that it was
13 not exonerating.

14 Defense counsel then claims that the deposition
15 transcript was exonerating, so we took the step of
16 subpoenaing the deposition transcript.

17 The circuit attorney's office does not object to
18 giving us the deposition video and transcript. Scott
19 Simpson, the lawyer for Witness 1, does not object to
20 giving us the transcript.

21 Defense counsel has not given a response yet. I
22 received an e-mail from Mr. Dowd, I believe it was Sunday
23 evening, saying that they were in receipt of our
24 communication, and they were considering the law and their
25 position and would get back to us.

1 I have since talked to Mr. Robertson this
2 morning, and Chip wanted to give them until the end of the
3 day to make a decision whether they would agree to hand it
4 over or not.

5 Because his belief was that because the circuit
6 attorney was in favor of handing it over, because the
7 attorney for Witness 1 was in favor of handing it over,
8 that if the defense counsel agreed to hand it over, that we
9 just -- the judge would just order them to hand it over and
10 it wouldn't be a big deal.

11 If he doesn't hear from them by five p.m. that
12 they are willing to do that, then he's going to file, I
13 want to say a motion, but there is no template for how to
14 do this.

15 We're not a party to the case. We have
16 independent subpoena power. We could enforce that subpoena
17 in Cole County, but the quickest and -- quickest way with
18 the least resistance is the first, ask the judge in
19 St. Louis City to tell the parties, listen, I don't have
20 authority over the legislature to stop them from issuing
21 the subpoena or to prohibit you from responding to a
22 lawfully-issued subpoena.

23 So I don't know if Chip was planning on filing
24 that at 5:30 tonight or if he's planning to file it
25 tomorrow morning.

1 I told him, listen, whatever you think is best,
2 as far as the time to file it, go ahead and file it.

3 REPRESENTATIVE MITTEN: Can we get an expedited
4 hearing date on that motion?

5 CHAIRMAN BARNES: The hearing -- the judge has
6 set aside Mondays and Thursdays for motions in this case.
7 And so we would likely be in front of the judge on Thursday
8 on the issue.

9 REPRESENTATIVE MITTEN: What if the judge says --
10 well, we'll cross that bridge when we get to it.

11 CHAIRMAN BARNES: If the judge says something
12 that is against the interest of a separate and coequal
13 branch of government, then we'll go about enforcing our
14 subpoena power in different ways.

15 REPRESENTATIVE MITTEN: Got it.

16 CHAIRMAN BARNES: Seventh and final thing I have
17 on our list, is we have some backlogged transcripts that
18 relate to the supplemental report to which we agreed.

19 And I don't think we need a motion for this. I
20 think we would need a motion to release them, but I'm not
21 inclined to release them at this point in time while we're
22 attempting to enforce our subpoena on the deposition
23 transcript.

24 Is everyone in agreement with that?

25 REPRESENTATIVE MITTEN: Yes.

1 REPRESENTATIVE PHILLIPS: Uh-huh.

2 CHAIRMAN BARNES: And then at such a period of
3 time where we release a supplemental report, then we will
4 also release the transcripts of those hearings.

5 Okay. See no objection.

6 Further items?

7 SECRETARY CURCHIN: New business, which would be
8 a vote to close Tuesday's hearing on April 24th, 2018.

9 CHAIRMAN BARNES: I move that we close tomorrow's
10 hearing starting at noon which will be our mark-up session.

11 Will the secretary please call the roll?

12 SECRETARY CURCHIN: Representative Barnes?

13 CHAIRMAN BARNES: Aye.

14 SECRETARY CURCHIN: Phillips?

15 REPRESENTATIVE PHILLIPS: Aye.

16 SECRETARY CURCHIN: Mitten?

17 REPRESENTATIVE MITTEN: Aye.

18 SECRETARY CURCHIN: Lauer?

19 REPRESENTATIVE LAUER: Aye.

20 SECRETARY CURCHIN: Austin?

21 REPRESENTATIVE AUSTIN: Aye.

22 SECRETARY CURCHIN: Rhoads?

23 REPRESENTATIVE RHOADS: Aye.

24 SECRETARY CURCHIN: Pierson, Jr.?

25 REPRESENTATIVE PIERSON JR: Aye.

1 SECRETARY CURCHIN: Seven-zero in favor of the
2 motion.

3 CHAIRMAN BARNES: Seven ayes, zero nos, we've
4 voted to close Tuesday's hearing starting at noon.

5 Further items for the Committee?

6 Seeing none, that will conclude today's hearing
7 of the Missouri House Special Investigative Committee on
8 Oversight.

9 (END OF PROCEEDINGS.)

C E R T I F I C A T E

I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 24th day of April 2018.

SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

Tuesday, April 24, 2018

TAKEN AT

Missouri State Capitol, Room B22
201 West Capitol Avenue
Jefferson City, Missouri

MISSOURI HOUSE OF REPRESENTATIVES COMMITTEE MEMBERS

Jay Barnes, Chairman
Don Phillips, Vice-Chairman
Gina Mitten, Ranking Minority Member
Jeanie Lauer
Kevin Austin
Shawn Rhoads
Tommie Pierson, Jr.

REPORTED BY:

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1 ALSO PRESENT:

2 Alixandra Hallen, Minority Counsel; Alex Curchin,
3 Committee Majority Counsel; and Bryan Scheiderer,
4 Legislative Analyst.

5 E X H I B I T S

6 Exhibit No. 34 (newly marked)

Correspondence between counsel for Greitens

7 and the campaign with counsel for the MEC

53

P R O C E E D I N G S

CHAIRMAN BARNES: We'll call to order the --
this hearing of the Missouri House Special
Investigative Committee on Oversight.

Mr. Secretary, Please call the roll.

MR. SECRETARY: Representative Barnes?

CHAIRMAN BARNES: Here.

MR. SECRETARY: Representative Phillips?

REPRESENTATIVE PHILLIPS: Here.

MR. SECRETARY: Representative Mitten?

REPRESENTATIVE MITTEN: Here.

MR. SECRETARY: Representative Lauer?

REPRESENTATIVE LAUER: Here.

MR. SECRETARY: Representative Austin?

REPRESENTATIVE AUSTIN: Here.

MR. SECRETARY: Representative Rhoads.

REPRESENTATIVE RHOADS: Here.

MR. SECRETARY: Representative Pierson, Jr.

REPRESENTATIVE PIERSON: Here.

MR. SECRETARY: All seven present and
accounted for.

CHAIRMAN BARNES: Everyone being here, you
have all been -- we have distributed a draft report for
mark up. I think and hope, at least, we'll be far
quicker today. And that's not a complaint about the

1 previous one, I just -- so we'll get started. I did
2 not speak with anyone beforehand about where we are, so
3 we'll just go page by page. And if you've got
4 something on a page, identify it.

5 Page 1 --

6 REPRESENTATIVE MITTEN: Wait, wait.

7 CHAIRMAN BARNES: Do we want to debate the
8 name of this report?

9 REPRESENTATIVE RHOADS: Report 3.

10 CHAIRMAN BARNES: This is Report 2, the other
11 one was Addendum.

12 REPRESENTATIVE MITTEN: The other one was
13 circled, too.

14 REPRESENTATIVE RHOADS: No.

15 CHAIRMAN BARNES: Okay. Moving on. Thank
16 you.

17 REPRESENTATIVE LAUER: Okay, Don, your turn,
18 Line 2 -- 3.

19 REPRESENTATIVE MITTEN: Well, first of all,
20 can I just make -- I'm assuming that we can make a
21 global change to -- from Hodges Reichardt to just
22 Reichardt. Oh, never mind, it's already been done.

23 CHAIRMAN BARNES: And for the Committee's
24 edification, there were some grammar and punctuation
25 issues that were fixed by Alix Hallen prior to coming

1 to the Committee.

2 REPRESENTATIVE MITTEN: Okay. Well, then --

3 CHAIRMAN BARNES: We fixed relating on
4 Line 3.

5 REPRESENTATIVE PHILLIPS: Nice. It looks
6 much better.

7 CHAIRMAN BARNES: Anything on Page 1?

8 REPRESENTATIVE MITTEN: Okay. So can we zoom
9 that in a little bit -- the lower right-hand corner;
10 there you go. Thank you.

11 REPRESENTATIVE PIERSON: The March 27th
12 bullet.

13 CHAIRMAN BARNES: Yes, sir.

14 REPRESENTATIVE MITTEN: Wait, wha -- wha --
15 what -- I'm sorry. I'm still on the --

16 REPRESENTATIVE PIERSON: Oh, I'm sorry.

17 REPRESENTATIVE MITTEN: Okay. Never mind,
18 sorry. I just -- it's hard to follow because my
19 changes have already been made.

20 REPRESENTATIVE PIERSON: The -- the
21 pronoun -- so Krystal Proctor, former Executive
22 Assistant to Greitens when -- should that be she?

23 MS. HALLEN: No, it's Greitens, when he
24 worked -- when Greitens worked. Do you get what I'm --
25 it's a little confusing.

1 REPRESENTATIVE PIERSON: I must have a
2 different --

3 REPRESENTATIVE AUSTIN: Well, I think you're
4 talking about Greitens worked for TDG and TMC, and then
5 the next one it says and, and then it starts off with
6 that prepositional phrase, in an operational role --
7 operations role; that's not Greitens, that's her.

8 REPRESENTATIVE PIERSON: Yes.

9 MS. HALLEN: So I think --

10 REPRESENTATIVE AUSTIN: So we kind of have --

11 MS. HALLEN: So I made it two sentences
12 because prepositional phrases are bad.

13 REPRESENTATIVE PIERSON: So the two sentences
14 make it better. Okay.

15 REPRESENTATIVE AUSTIN: Okay. I'm good with
16 Page 1 to 21.

17 REPRESENTATIVE MITTEN: On Page 2, just the
18 April 3 -- on April 3, 2018, they met to discuss
19 redactions.

20 CHAIRMAN BARNES: Yes?

21 REPRESENTATIVE MITTEN: I guess my question
22 is not so much about the report, but did we -- I didn't
23 have a chance to check, do we know, was that April 3rd
24 report, was that released -- or the April 3rd
25 transcript was released as part of the first report; am

1 I correct? Okay. I just wanted to double check and
2 make sure that we're good on that.

3 CHAIRMAN BARNES: Okay.

4 REPRESENTATIVE RHOADS: No. 5 there.

5 CHAIRMAN BARNES: Paragraph five?

6 REPRESENTATIVE RHOADS: Yes. It's the next
7 one down. Where it says Dave Whitman worked --

8 CHAIRMAN BARNES: Yes.

9 REPRESENTATIVE RHOADS: -- for TGG.

10 REPRESENTATIVE PIERSON: 2014. So did he
11 work there from the start, so from it's inception until
12 then, or did he have a different --

13 CHAIRMAN BARNES: I believe he started
14 about 2011, and the reason there is, you know, some
15 vagueness there, but there's nothing -- I want to
16 explain who Dave Whitman is, because he's on some of
17 these e-mails and the fact that we went down there to
18 meet with him. But there's nothing in this report in
19 which we rely on anything Mr. Whitman said.

20 REPRESENTATIVE MITTEN: Going back up to the
21 transcript list, do we want to add the -- yesterday's
22 meeting and today's meetings? I mean, I don't know
23 that --

24 CHAIRMAN BARNES: I don't think we did with
25 the last report.

1 REPRESENTATIVE MITTEN: Okay. Then I'm not
2 gonna worry about it.

3 REPRESENTATIVE AUSTIN: No. 3.

4 CHAIRMAN BARNES: Hold on. I thought you
5 just ceded all your changes --

6 REPRESENTATIVE AUSTIN: But that's Page 2 --
7 this is Page 2.

8 CHAIRMAN BARNES: You said Page 1 --

9 REPRESENTATIVE AUSTIN: Page 1 of 21.

10 CHAIRMAN BARNES: I thought you said Pages 1
11 to 21.

12 REPRESENTATIVE MITTEN: Should we make a
13 motion --

14 CHAIRMAN BARNES: All right. Sorry.

15 REPRESENTATIVE MITTEN: -- that says
16 Representative Austin's comments -- he's already
17 relinquished?

18 CHAIRMAN: All right. We've got to get some
19 order in here.

20 REPRESENTATIVE MITTEN: Yes, we do.

21 REPRESENTATIVE AUSTIN: So, No. 3, how do we
22 know that -- that that's when he formed TGG?

23 REPRESENTATIVE MITTEN: Should we cite to
24 something?

25 REPRESENTATIVE AUSTIN: Yeah.

1 REPRESENTATIVE MITTEN: I have the same thing
2 with Paragraph 2 actually.

3 CHAIRMAN BARNES: We have -- the information
4 in Paragraph 2 comes from their -- TMC's Form 990's.

5 REPRESENTATIVE MITTEN: Okay.

6 CHAIRMAN BARNES: So do you want me to insert
7 a footnote here, and then we'll -- we'll put --

8 REPRESENTATIVE AUSTIN: I do. And there's a
9 couple of other places in there where I --

10 CHAIRMAN BARNES: Okay.

11 REPRESENTATIVE AUSTIN: If we cite
12 everything, and I think --

13 CHAIRMAN BARNES: Yeah. No, that makes
14 sense. So let me --

15 REPRESENTATIVE MITTEN: Oh, we didn't fix
16 that?

17 CHAIRMAN BARNES: I think this data is
18 available online. Because the 990's are public filings
19 of charities.

20 REPRESENTATIVE AUSTIN: Well, are you going
21 to say that it's 990?

22 REPRESENTATIVE MITTEN: Okay. So that's
23 fine.

24 REPRESENTATIVE AUSTIN: Okay. Good.

25 REPRESENTATIVE MITTEN: And the same thing

1 for --

2 CHAIRMAN BARNES: Is that okay, this data is
3 available on line --

4 REPRESENTATIVE AUSTIN: Correct. Right.

5 CHAIRMAN BARNES: TMC's Form 990 filings.

6 REPRESENTATIVE AUSTIN: And then on No. 3, is
7 that just when you went to the Secretary of State and
8 got --

9 REPRESENTATIVE MITTEN: And No. 3, we should
10 say this is available at the Secretary of State's
11 website.

12 CHAIRMAN BARNES: I believe that to be
13 correct.

14 REPRESENTATIVE MITTEN: Yeah, she's got it.

15 MS. HALLEN: So 2007 is when they -- he
16 formed Eric Greitens, LLC, and then The Greitens Group
17 is the d/b/a, and that was -- the filing was 2009.

18 REPRESENTATIVE AUSTIN: Perfect. So we can
19 just the Secretary of State's website.

20 CHAIRMAN BARNES: Okay.

21 REPRESENTATIVE MITTEN: Does -- do we know if
22 those filings -- well, it's okay.

23 CHAIRMAN BARNES: Okay. I'll roll this up.
24 Paragraph 6, that comes -- here's -- that would be
25 something in Neyens' testimony.

1 REPRESENTATIVE MITTEN: Oh, and we don't have
2 a cite?

3 CHAIRMAN BARNES: I don't have a citation for
4 Paragraph 6, but --

5 REPRESENTATIVE MITTEN: Oh. Do we need to
6 cite to the transcript then for six?

7 CHAIRMAN BARNES: We could, if you guys want
8 to cite every paragraph. Some of these items that
9 we're -- I thought there would be no disagreement as to
10 that fact.

11 REPRESENTATIVE MITTEN: Was he, in fact, the
12 CFO?

13 MS. HALLEN: He was the Vice president of
14 Finance and Organization, technically, I think was his
15 actual title. But he said he was the CFO in his
16 transcript. So I'm not sure what the -- whether
17 there's -- really who the --

18 REPRESENTATIVE MITTEN: Maybe instead of
19 saying worked as, we'll say acted as, because I
20 think -- I think that's right. I think that was his
21 more -- yeah.

22 CHAIRMAN BARNES: Okay. Let me reference
23 his -- insert transcript, Neyens, generally. I mean,
24 he's talking about the --

25 MS. HALLEN: You don't even have to say

1 generally, just say transcript.

2 REPRESENTATIVE MITTEN: Just say Transcript
3 Neyens.

4 CHAIRMAN BARNES: Transcript Neyens.

5 REPRESENTATIVE MITTEN: I did not make my
6 Word cheat sheet.

7 CHAIRMAN BARNES: I like Transcript Neyens,
8 for what it's worth. Okay.

9 REPRESENTATIVE MITTEN: Paragraph 7, again,
10 we're grammar. Okay. Would book a for-profit event
11 for Greitens and then TMC -- and TMC would then work
12 around; I just think it makes it clearer moving that
13 then to after would. Yeah.

14 CHAIRMAN BARNES: I don't think it makes it
15 any clearer, but for the purpose of Committee comity,
16 c-o-m-i-t-y, we will accept said change. And comity --
17 and both comities.

18 REPRESENTATIVE LAUER: On No. 11 --

19 CHAIRMAN BARNES: Yes, ma'am.

20 REPRESENTATIVE LAUER: Where we talk about
21 TMC's Board initiated the procedures, we talk about
22 Greitens being required to sign a non-disclosure, as
23 well as -- was it K.T. that was required to sign? Is
24 it -- is it important for us to include that all
25 employees were required to sign so that there's

1 not a --

2 CHAIRMAN BARNES: Well, I don't know that all
3 employees were required to sign, and I don't think
4 that's a fact that we have, whether all employees were
5 required to sign. We know that Greitens and Taylor
6 were required --

7 REPRESENTATIVE LAUER: Right.

8 CHAIRMAN BARNES: -- to sign because we have
9 their non-disclosure agreements.

10 REPRESENTATIVE LAUER: Okay.

11 REPRESENTATIVE AUSTIN: We can look that up.

12 REPRESENTATIVE LAUER: I thought he said
13 that, but that's okay. If it's not probative, it
14 doesn't matter.

15 REPRESENTATIVE AUSTIN: No, I agree. If --
16 if -- if it did require everyone to sign -- I mean, if
17 we have it in the record.

18 REPRESENTATIVE LAUER: I'm good.

19 REPRESENTATIVE MITTEN: This is nit picky.
20 In 13, I would take away the further.

21 CHAIRMAN BARNES: Is this going to get us a
22 line? Yeah, look at that, saved a line.

23 REPRESENTATIVE MITTEN: You're welcome. I'm
24 good until 19; I don't know if anybody --

25 REPRESENTATIVE LAUER: Line 19 or Page 19?

1 REPRESENTATIVE MITTEN: Paragraph 19.

2 REPRESENTATIVE AUSTIN: Let's go back to 16.
3 So what is -- see, I wasn't following this. 16, then
4 you have a colon and then -- oh, and you're just
5 telling us what you've attached?

6 CHAIRMAN BARNES: Yes. AGO Proctor,
7 Exhibit 12. And then this is a screenshot from a
8 portion of Exhibit 12.

9 REPRESENTATIVE AUSTIN: But -- well, then
10 on 16, you have colon, and then are you just going
11 to -- you're -- we're just moving everybody to the
12 exhibit then, right?

13 REPRESENTATIVE MITTEN: No.

14 CHAIRMAN BARNES: Yes. And -- and so it --
15 because we've got this page break here, this is a
16 screenshot portion of Exhibit 16.

17 REPRESENTATIVE AUSTIN: You're going to have
18 an inserted block within the body of this report under
19 six -- under Paragraph 16 following the colon, right?

20 REPRESENTATIVE MITTEN: Yeah.

21 CHAIRMAN BARNES: Yeah. What -- right here.

22 REPRESENTATIVE MITTEN: I mean, we -- we
23 didn't have to do the screenshot; we probably could
24 have typed it in, but --

25 REPRESENTATIVE AUSTIN: Yeah. No, no, no.

1 Let's --

2 CHAIRMAN BARNES: I'd rather do a screenshot
3 to --

4 REPRESENTATIVE MITTEN: Yeah, I think that
5 makes sense.

6 REPRESENTATIVE AUSTIN: Yeah, if it saves
7 time, I get you.

8 MS. HALLEN: Just if there's a -- want a --
9 we want a clarification in one of -- the paragraph
10 above about the NDA's, Spencer Kympton says in his
11 testimony, well, this is a document that all of our
12 staff signs.

13 REPRESENTATIVE MITTEN: Also paragraph --

14 REPRESENTATIVE AUSTIN: So --

15 REPRESENTATIVE MITTEN: I don't -- to -- I
16 would, maybe, if anything, just add to the footnote
17 saying -- yeah.

18 CHAIRMAN BARNES: Add to the footnote,
19 Transcript Kympton --

20 MS. HALLEN: That's 20, 10 and 11.

21 REPRESENTATIVE MITTEN: And I would put
22 before that --

23 CHAIRMAN BARNES: This is a document that all
24 of our employees sign.

25 MS. HALLEN: All of our staff signs.

1 CHAIRMAN BARNES: Period.

2 MS. HALLEN: And this would -- the T in this
3 would be in a bracket.

4 REPRESENTATIVE LAUER: Did you say signs or
5 signed?

6 REPRESENTATIVE MITTEN: Signs.

7 MS. HALLEN: Signs.

8 CHAIRMAN BARNES: Okay.

9 REPRESENTATIVE MITTEN: Great.

10 SECRETARY CURCHIN: Down to the screenshot,
11 do you need emphasis added on the highlighted or was
12 that --

13 CHAIRMAN BARNES: I did it to pull it out of
14 the -- that's the relevant part.

15 SECRETARY CURCHIN: Right.

16 CHAIRMAN BARNES: And I didn't just want to
17 do two lines.

18 SECRETARY CURCHIN: So do we need emphasis
19 added there?

20 CHAIRMAN BARNES: Oh, I see what you mean.
21 Yeah.

22 REPRESENTATIVE MITTEN: I don't know where
23 you put that. There; will it work there?

24 SECRETARY CURCHIN: No -- yeah.

25 REPRESENTATIVE AUSTIN: You still wouldn't

1 bracket it? You wouldn't bracket emphasis added?

2 REPRESENTATIVE MITTEN: Well, but you're
3 not -- you're outside of the quote. I would -- I would
4 put it back to the left margin, honestly, the emphasis
5 added to show that -- well, no, seriously. Come on,
6 you've got a bunch of Blue-Book lawyers in here, what
7 do you expect? Yeah. Don't you remember research and
8 writing from high school?

9 CHAIRMAN BARNES: No. Listen, I think it
10 should be four indents then. I am holding for --

11 REPRESENTATIVE MITTEN: Well, do we
12 compromise at two and a half indents?

13 REPRESENTATIVE AUSTIN: Two and a half, I get
14 brackets.

15 CHAIRMAN BARNES: All right. Next paragraph.
16 Next paragraph, 19. Representative, what did you add?

17 REPRESENTATIVE MITTEN: Oh, on 19, I was just
18 wondering did we also want to add something about
19 Neyens' testimony or Neyens' -- in other words, the
20 thank you stuff is what I was thinking. The thank you
21 calls involved all the staff. And I was only just
22 thinking on, do we want to add in the footnote that we
23 had two witnesses testify to that fact, or does it
24 matter? I mean, it's not that big of a deal to me.

25 CHAIRMAN BARNES: I don't think it matters.

1 I think that's duplicative.

2 REPRESENTATIVE MITTEN: Okay.

3 REPRESENTATIVE RHOADS: Real quick question,
4 do we need to make a direct correlation with
5 fundraising, as far as campaign fundraising, what we're
6 indicating or TMC fundraising?

7 CHAIRMAN BARNES: Not -- I don't think yet,
8 because we haven't even mentioned the campaign. I
9 think we're just setting forth the parameters of TMC.

10 REPRESENTATIVE RHOADS: I didn't know if
11 maybe we wanted to kind of clarify that to say, hey,
12 we're talking about TMC fundraising. I mean, it's up
13 to you guys; I'm just --

14 CHAIRMAN BARNES: Here, Representative, I
15 added for TMC there.

16 REPRESENTATIVE RHOADS: Yeah, that way it
17 clarifies it, just -- because then --

18 CHAIRMAN BARNES: It makes it more accurate.

19 REPRESENTATIVE RHOADS: -- they're -- they're
20 fundraising for who?

21 CHAIRMAN BARNES: So I may just put TMC in
22 there in various spots. We don't have to put it
23 everywhere, just --

24 REPRESENTATIVE RHOADS: I think it just sets
25 the --

1 CHAIRMAN BARNES: No. Yeah.

2 SECRETARY CURCHIN: In 20, you've got an
3 extra space -- to the left of the quote sometimes.

4 REPRESENTATIVE MITTEN: No, he doesn't. It's
5 the justification.

6 SECRETARY CURCHIN: Oh, it's the justified.
7 Okay.

8 CHAIRMAN BARNES: Why does it do that?

9 REPRESENTATIVE MITTEN: Because you --
10 because of the numbering stuff which we had to go
11 through and fix.

12 REPRESENTATIVE RHOADS: We're going to have
13 to do that again.

14 REPRESENTATIVE MITTEN: We're going to have
15 to do that -- we will fix that, as we did last time.

16 CHAIRMAN BARNES: Okay. We could -- double
17 spacing it solves the problem, but then we've got a --

18 REPRESENTATIVE MITTEN: No, no, no. It's a
19 setting that is above your Word pay grade.

20 CHAIRMAN BARNES: Let the record reflect
21 there was laughter throughout the room at the
22 Chairman's expense.

23 REPRESENTATIVE MITTEN: On 21, I just wanted
24 to note that -- that Hodges testified that TMC's annual
25 banquet was a team effort -- identified -- and were

1 identified by leadership committee. The names of that
2 leadership committee, pursuant to previous
3 conversations, were marked for redaction. I haven't
4 actually pushed the redaction button on that
5 transcript. But I wanted to, you know, to touch base
6 about whether or not we want to maintain that
7 anonymity, or what the story is on that -- or what the
8 Committee feels?

9 CHAIRMAN BARNES: I do. I do. The members
10 of The Mission Continues leadership committee who
11 served in that role didn't ask for their names --

12 REPRESENTATIVE MITTEN: Right.

13 CHAIRMAN BARNES: -- to be in these reports.
14 They're not -- they didn't test-- if they didn't
15 testify in front of us, then --

16 REPRESENTATIVE MITTEN: Right. They seem to
17 have --

18 REPRESENTATIVE RHOADS: Mr. Chairman, sorry.
19 Are they, like, on their website or anything like that
20 that it says --

21 CHAIRMAN BARNES: I don't think so.

22 REPRESENTATIVE MITTEN: I looked at the time
23 that I was doing the redactions a couple of weeks ago.
24 I did look and did not find them. Well, their names
25 may be on the website, but not identified in this

1 context.

2 REPRESENTATIVE RHOADS: Got you, got you.

3 REPRESENTATIVE MITTEN: But I just wanted,
4 again, to make sure the Committee was clear that those
5 names have been redacted from the transcripts.

6 REPRESENTATIVE LAUER: Could we go back
7 to 21?

8 CHAIRMAN BARNES: Yes, ma'am.

9 REPRESENTATIVE LAUER: There's a that, and
10 it's on the second line midway -- leadership committee
11 and that those -- you can get rid of that, that's a
12 throw-away word.

13 CHAIRMAN BARNES: Yep.

14 REPRESENTATIVE MITTEN: 22. And sent -- and
15 then where it says, and sent him Schweich, I would say
16 and sent a Schweich donor list.

17 CHAIRMAN BARNES: It's described as
18 Schweich's --

19 REPRESENTATIVE MITTEN: Oh, it has a --

20 CHAIRMAN BARNES: -- I'm quoting from the
21 document.

22 REPRESENTATIVE LAUER: Yeah.

23 REPRESENTATIVE MITTEN: And sent -- take away
24 the him -- as an attachment. It just seems to -- yeah.

25 CHAIRMAN BARNES: Yeah.

1 REPRESENTATIVE MITTEN: Then 25.

2 REPRESENTATIVE AUSTIN: I'm sorry. Back to
3 that same paragraph, 22; look at this as
4 October 16, 2013, at which blank a --

5 CHAIRMAN BARNES: I just added that.

6 REPRESENTATIVE AUSTIN: Never mind. Go. Go
7 then.

8 CHAIRMAN BARNES: Good catch.

9 REPRESENTATIVE MITTEN: And 25. Wait a
10 minute. Okay. So that's been changed; that he
11 prepared a memo for Greitens. I -- instead of on a
12 strategy, I would say regarding strategy. Well, I
13 don't know what on a strategy means. You don't get on
14 a strategy.

15 May the record reflect that Mr. Curchin seems
16 to agree with the ranking member.

17 REPRESENTATIVE LAUER: On 26, the second
18 line, the second to last word, that.

19 REPRESENTATIVE MITTEN: And then we have a
20 name also in Paragraph 26, and that name had been
21 redacted from our -- the Committee's testimony from
22 Michael Hafner. And so if I need to go back and remove
23 those redactions; it appears that I would if we're
24 using the name in the report, which is fine. I just
25 want, again, to make sure that we're all on the same

1 page about that.

2 CHAIRMAN BARNES: I'm comfortable using his
3 name here. Mr. Vice Chairman?

4 REPRESENTATIVE PHILLIPS: 26.

5 REPRESENTATIVE MITTEN: We're using an email,
6 so --

7 REPRESENTATIVE PHILLIPS: When you go over to
8 the end of the first line, I don't think it needs a in
9 there. It says a schedule for --

10 REPRESENTATIVE MITTEN: Uh-huh.

11 REPRESENTATIVE PHILLIPS: -- Greitens' trip
12 to Orange County, California.

13 CHAIRMAN BARNES: It's the -- I think it
14 does.

15 REPRESENTATIVE MITTEN: For Greitens' trip --
16 I would say that --

17 MS. HALLEN: The schedules were in there.

18 REPRESENTATIVE MITTEN: I would -- I'd put
19 dates first, generally, so it relieves that issue.

20 REPRESENTATIVE LAUER: Uh-huh.

21 MS. HALLEN: Was scheduled for a
22 March 12th, 2014 Greitens' trip to Orange County.

23 REPRESENTATIVE MITTEN: For a March -- right.
24 Yeah. Greitens' trip to --

25 REPRESENTATIVE PHILLIPS: Scheduled for --

1 REPRESENTATIVE MITTEN: If you put for a
2 March 12th, 2014, Greitens' trip to Orange County --

3 MR. SECRETARY: Yeah, I don't think you need
4 the A on the end.

5 CHAIRMAN BARNES: What?

6 MR. SECRETARY: Delete the A on the end of
7 that sentence.

8 REPRESENTATIVE MITTEN: The first sentence of
9 Paragraph 20. Yeah, there you go.

10 CHAIRMAN BARNES: There, I got it.

11 REPRESENTATIVE PIERSON: So we're leaving the
12 gentleman's name?

13 CHAIRMAN BARNES: I believe so.

14 REPRESENTATIVE MITTEN: Yes, and I will -- I
15 have a note to remove that redaction -- or that marking
16 from the Hafner transcript.

17 Paragraph 27, it says the document discussed
18 fundraising, comma, issues, comma -- were those policy
19 issues? What -- what were those?

20 CHAIRMAN BARNES: Those are 44 AGO Proctor.

21 MR. SCHEIDERER: I've got a printout.

22 REPRESENTATIVE MITTEN: Or else we just move
23 issue so it says fundraising campaign organization
24 political endorsement strategy and other issues. I
25 just didn't know what issues.

1 CHAIRMAN BARNES: I'm confident I took that
2 from headers within the document. We can -- but we can
3 still check this, so -- boom. Boom. Boom.

4 MS. HALLEN: Yeah, it was just headers.

5 CHAIRMAN BARNES: What's the exhibit --

6 REPRESENTATIVE MITTEN: Then should we quote
7 it?

8 CHAIRMAN BARNES: What's the exhibit number?

9 MS. HALLEN: It's 9, isn't it?

10 MR. SECRETARY: Yes.

11 REPRESENTATIVE MITTEN: Oh, that's not good.

12 CHAIRMAN BARNES: Yeah.

13 MS. HALLEN: So we need issues --

14 REPRESENTATIVE MITTEN: Okay.

15 CHAIRMAN BARNES: Issues; this is under
16 education. I labeled that issues. We can just take
17 that word out. It's not --

18 REPRESENTATIVE MITTEN: Yeah.

19 CHAIRMAN BARNES: The document -- the
20 document speaks for itself.

21 REPRESENTATIVE MITTEN: Right. Okay. Great.
22 Then let's, if we could.

23 CHAIRMAN BARNES: Iss-- actually issue
24 education, how about that?

25 REPRESENTATIVE MITTEN: Perfect. I like

1 that.

2 CHAIRMAN BARNES: Okay.

3 REPRESENTATIVE PIERSON: Issue education,
4 that --

5 CHAIRMAN BARNES: That -- it -- that's what
6 it says. It says education. So the Missouri House and
7 Senate, Missouri history and geography --

8 REPRESENTATIVE PIERSON: Uh-huh.

9 CHAIRMAN BARNES: -- jobs and economic
10 growth, new cities, right to work, education and school
11 choice, healthcare and Medicare -- well, we don't do
12 anything with Medicare in this building -- Second
13 Amendment, pro life, budget, prison and sentencing
14 reform, and war on drugs, public safety, support for
15 the family, North St. Louis, poverty, crime,
16 destitution, know the Governor's cabinets and key
17 departments.

18 REPRESENTATIVE LAUER: It sounds like there's
19 a word missing after education though; issue education.

20 REPRESENTATIVE MITTEN: No, because that
21 would be -- it's -- it -- that's what it is, is it's
22 how to -- and this is consistent with -- with Hafner's
23 testimony to the Committee, which was --

24 REPRESENTATIVE LAUER: Oh, you're talking
25 about education on issues?

1 CHAIRMAN BARNES: No, it's --

2 REPRESENTATIVE MITTEN: No, issue education.

3 REPRESENTATIVE AUSTIN: It's the education of
4 the candidate on the issues --

5 REPRESENTATIVE MITTEN: Right.

6 REPRESENTATIVE LAUER: I got you. Okay.

7 REPRESENTATIVE MITTEN: Right, which comports
8 with Hafner's testimony to our Committee --

9 REPRESENTATIVE LAUER: Uh-huh.

10 REPRESENTATIVE AUSTIN: Okay.

11 REPRESENTATIVE MITTEN: -- about --

12 CHAIRMAN BARNES: About issue education.

13 REPRESENTATIVE MITTEN: Right.

14 REPRESENTATIVE LAUER: All right.

15 REPRESENTATIVE PHILLIPS: Is it trying to
16 tell us something there when it's on the list,
17 under 27, is -- is the computer trying to tell us
18 something there? Right there, when it --

19 MR. SECRETARY: Yeah, it's formatting we need
20 to fix.

21 CHAIRMAN BARNES: It often tells -- it tell
22 us that formatting fix --

23 REPRESENTATIVE MITTEN: We fixed that.

24 CHAIRMAN BARNES: -- with every paragraph.

25 REPRESENTATIVE PHILLIPS: Okay.

1 CHAIRMAN BARNES: And then they'll come back
2 and clean this up.

3 REPRESENTATIVE PHILLIPS: Okay. Got you.

4 CHAIRMAN BARNES: Okay. 28. I want a note
5 that Paragraph 37, yes, we're citing -- I'm sorry, not
6 Paragraph 37, Footnote 37, we are citing a newspaper
7 article. We all -- in a courtroom we would say we
8 would take judicial notice of this fact that Schweich
9 was seen at that period in time of being a candidate
10 for governor. Most of us, with one exception, were
11 here, and so we can -- we can state that we knew that
12 to be a fact with or without the footnote, but I threw
13 the footnote in there just so it was public knowledge,
14 as well.

15 REPRESENTATIVE MITTEN: Not just our --

16 REPRESENTATIVE AUSTIN: I noted it, but
17 raised no objection. Carry on.

18 REPRESENTATIVE MITTEN: I have a question on
19 Paragraph 29. Oh, no, we're not there yet. Okay.
20 Just that -- do we need to provide any context of who
21 Mr. Fink is?

22 MS. HALLEN: There's a footnote.

23 REPRESENTATIVE MITTEN: Is it in -- does
24 it -- will it -- it just references --

25 CHAIRMAN BARNES: Mason Fink is a national

1 political fundraiser.

2 REPRESENTATIVE MITTEN: 44 --

3 CHAIRMAN BARNES: 47.

4 REPRESENTATIVE MITTEN: Oh, sorry. How did I
5 miss that? I apologize.

6 And then at the end of Paragraph 29, it said,
7 in fact, settled Missouri's Governor's -- wouldn't it
8 be settled upon? Yeah.

9 And then I'm good until 31. It does not --
10 for which the Committee does not have access to emails;
11 should it be access or records or -- oh, you added
12 emails. Okay.

13 MR. SECRETARY: As it relates to the
14 Greitens --

15 REPRESENTATIVE MITTEN: Right. No. Because
16 emails was not in the draft we received.

17 CHAIRMAN BARNES: And I think it's impor-- I
18 think it's important to point that out, because we have
19 a gap in time here where we -- we've got a lot of
20 emails for a certain period of time and then we've got
21 a four- or five-month gap, and I just want to point out
22 in the report the reason for the gap.

23 REPRESENTATIVE MITTEN: Well, may I -- what
24 is it -- it's not that we have access -- is it that
25 they haven't produced them or --

1 CHAIRMAN BARNES: No, it's that we don't have
2 acc-- we have not subpoenaed The Greitens Groups' email
3 accounts.

4 REPRESENTATIVE MITTEN: Oh, that's right.

5 CHAIRMAN BARNES: We emailed The Mission
6 Continues email.

7 REPRESENTATIVE MITTEN: Subpoenaed, right.

8 CHAIRMAN BARNES: The Mission Continues had
9 Greitens Group -- they were merged --

10 REPRESENTATIVE MITTEN: Right, because they
11 were merged.

12 CHAIRMAN BARNES: -- into The Mission
13 Continues stuff.

14 REPRESENTATIVE MITTEN: Got it. Okay.

15 CHAIRMAN BARNES: And then apparently on
16 April 1, 2014, they were split apart again -- those
17 accounts were split apart again.

18 REPRESENTATIVE MITTEN: Well, should we say
19 then does not -- this does not have TGG emails dated
20 after instead of access to? It just implies that,
21 like, I don't know -- whatever.

22 CHAIRMAN BARNES: I'm okay with --

23 REPRESENTATIVE MITTEN: It's not -- it's not
24 that big a deal.

25 CHAIRMAN BARNES: I agree. Thank you.

1 REPRESENTATIVE LAUER: On 32, where we're
2 talking about the transition, she had indicated in
3 testimony that that transition was designed to create
4 separateness.

5 CHAIRMAN BARNES: Oh, where is that?

6 REPRESENTATIVE LAUER: Crap, I didn't write
7 the line down, but it was to create separateness of
8 positions in the organization.

9 MS. HALLEN: We can look it up on hers.

10 REPRESENTATIVE AUSTIN: That index might
11 point out separateness.

12 CHAIRMAN BARNES: Is this -- yeah, this is
13 not Proctor, it's Reichardt, to explain this.

14 REPRESENTATIVE MITTEN: Oh, we didn't do a
15 global?

16 REPRESENTATIVE LAUER: Yeah, that's right.

17 CHAIRMAN BARNES: Are you -- can --

18 MS. HALLEN: What -- so are we checking
19 Proctor's or are we checking Reichardt's?

20 CHAIRMAN BARNES: It's Reichardt, right, is
21 that --

22 REPRESENTATIVE LAUER: I think so.

23 CHAIRMAN BARNES: Okay.

24 REPRESENTATIVE MITTEN: Okay. So that's
25 Footnote 51?

1 MS. HALLEN: I don't see the word
2 separateness.

3 REPRESENTATIVE LAUER: Okay. Try Proctor.

4 MS. HALLEN: I don't see separateness.

5 REPRESENTATIVE LAUER: Okay.

6 CHAIRMAN BARNES: We can parking lot that and
7 go back and check.

8 REPRESENTATIVE LAUER: That's fine. Yeah. I
9 found it.

10 CHAIRMAN BARNES: Okay. Paragraph 33. We
11 need to do an emphasis added. We're doing all the way
12 over here to the left. I'm not confident in your
13 Blue-Book analysis of that emphasis added, just for the
14 record.

15 REPRESENTATIVE MITTEN: I appreciate that. I
16 believe I have a Blue Book in my office.

17 MS. HALLEN: I have one.

18 CHAIRMAN BARNES: Now, don't be going to the
19 actual source.

20 REPRESENTATIVE MITTEN: I'm happy to consult
21 it.

22 CHAIRMAN BARNES: We will not consult it. I
23 will take your Blue-Book advice here.

24 REPRESENTATIVE MITTEN: I could be -- I could
25 stand corrected on this front.

1 Okay. I was good until Paragraph 41.

2 CHAIRMAN BARNES: Does anyone have anything
3 before 41?

4 MS. HALLEN: Where is the paragraph that we
5 describe Spencer Kympton as the CEO?

6 REPRESENTATIVE AUSTIN: Stop at 37, if you
7 would, and we need to take a quick look here.

8 REPRESENTATIVE PIERSON: Yeah, you put a two
9 in there.

10 REPRESENTATIVE AUSTIN: Oh, okay.

11 CHAIRMAN BARNES: Sending.

12 REPRESENTATIVE MITTEN: Yeah.

13 MS. HALLEN: So I think we described Spencer
14 Kympton as CEO, and I think he technically is the
15 president.

16 CHAIRMAN BARNES: Yes. So --

17 MS. HALLEN: I just can't remember which
18 paragraph it was.

19 CHAIRMAN BARNES: So we are on 39. Let me
20 go -- it would be prior to this.

21 MS. HALLEN: There you go.

22 CHAIRMAN BARNES: Okay. So we were at 30
23 what?

24 REPRESENTATIVE MITTEN: 37, 38.

25 CHAIRMAN BARNES: Okay. I will scroll down

1 until people tell me to stop.

2 REPRESENTATIVE AUSTIN: 45. Attend --

3 CHAIRMAN BARNES: Yep. Okay. Now, Ms. Blue
4 Book, Paragraph 47, 17, is that the numeral or spelled
5 out?

6 REPRESENTATIVE MITTEN: I believe it's
7 spelled out.

8 REPRESENTATIVE RHOADS: If it's over ten, is
9 it spelled out?

10 REPRESENTATIVE LAUER: It's over 10.

11 REPRESENTATIVE RHOADS: If it's over ten,
12 it's not spelled out, right?

13 REPRESENTATIVE PHILLIPS: I thought when it
14 hit ten, it wasn't spelled out -- double digits and
15 beyond?

16 REPRESENTATIVE LAUER: Right. Yeah.

17 REPRESENTATIVE RHOADS: That's what I'm
18 saying, over ten.

19 REPRESENTATIVE PHILLIPS: Why'd we change
20 that 10 from -- to t-e-n a while ago?

21 CHAIRMAN BARNES: I think 10 and down --

22 REPRESENTATIVE MITTEN: I think -- no. I
23 think --

24 CHAIRMAN BARNES: -- 10 and down is spelled
25 and above --

1 REPRESENTATIVE MITTEN: I've got Straugh, I
2 think, upstairs in my office, too.

3 MS. HALLEN: I have a Blue Book in my --

4 REPRESENTATIVE MITTEN: I was always -- I
5 always thought it was under 100.

6 REPRESENTATIVE AUSTIN: Unless it's round, I
7 mean --

8 CHAIRMAN BARNES: Whether to use a numeral or
9 spell out a number is a matter of style.

10 MS. HALLEN: Let's just be consistent.

11 REPRESENTATIVE LAUER: Zero to 100.

12 REPRESENTATIVE RHOADS: I agree with --

13 REPRESENTATIVE MITTEN: APA is numbers
14 below -- is words below 10, numbers above. MLA is the
15 exact oppo-- MLA is numbers that can be written in one
16 or two words, numerals for other numbers.

17 REPRESENTATIVE AUSTIN: Which one is that?

18 REPRESENTATIVE RHOADS: However we do it, I
19 feel like we need to be accurate just like Alix said.

20 MS. HALLEN: Be consistent and accurate.

21 REPRESENTATIVE RHOADS: Need to be
22 consistent.

23 CHAIRMAN BARNES: Below ten -- ten and below
24 we spell; ten and above we type -- we numeral.

25 REPRESENTATIVE MITTEN: That's -- so we're

1 going -- we're going APA.

2 REPRESENTATIVE PHILLIPS: No, then you've got
3 it both ways. Above ten you type.

4 CHAIRMAN BARNES: Above ten we numeral.

5 REPRESENTATIVE PHILLIPS: Numeral, right.

6 CHAIRMAN BARNES: Below ten we spell.

7 REPRESENTATIVE PHILLIPS: Okay. There you
8 go.

9 REPRESENTATIVE MITTEN: Right. Yep.

10 REPRESENTATIVE PIERSON: It's just ten and
11 under.

12 REPRESENTATIVE MITTEN: I know, I agree.
13 Representative Austin and I are old school in this
14 regard I would suspect.

15 CHAIRMAN BARNES: I love the whole look of
16 Representative Austin. I'm not sure when the last time
17 I'm seen you with a look of such disgust.

18 REPRESENTATIVE AUSTIN: It's only the
19 degradation of Western society.

20 REPRESENTATIVE MITTEN: There you go. I'm
21 with Representative Aus-- this is yet another instance
22 of Representative Austin and I agreeing.

23 MS. HALLEN: And it's on the record.

24 CHAIRMAN BARNES: Okay. Having resolved that
25 dispute to noone's liking.

1 I added Paragraph 53; it's new. So the
2 citation is the citation to an absence of a report.
3 Any disagreement with adding Paragraph 53?

4 REPRESENTATIVE MITTEN: Oh, first -- it needs
5 to be Laub's either -- Laub needs to be possessive.
6 And, again, where -- I mean -- well -- we
7 interchange -- never mind.

8 CHAIRMAN BARNES: How about do --

9 REPRESENTATIVE MITTEN: Should we also say
10 add --

11 CHAIRMAN BARNES: How about that?

12 REPRESENTATIVE MITTEN: Yeah. Do we want to
13 say -- okay. Did not report to the Missouri Ethics
14 Committee or --

15 REPRESENTATIVE AUSTIN: No, hold it. Did not
16 report -- okay.

17 REPRESENTATIVE MITTEN: As in-kind
18 contributions, not and. Should we say to the campaign?
19 I don't know.

20 REPRESENTATIVE AUSTIN: Okay. I think that's
21 got it.

22 CHAIRMAN BARNES: Okay. So all your
23 paragraphs now that you have marks on are going to be
24 one paragraph off.

25 REPRESENTATIVE AUSTIN: Okay. I think it

1 will be now Paragraph 56.

2 CHAIRMAN BARNES: Footnote?

3 REPRESENTATIVE AUSTIN: Yeah.

4 CHAIRMAN BARNES: We need a footnote back
5 to -- I think it's Exhibit 11.

6 REPRESENTATIVE MITTEN: What's the -- the old
7 paragraph will be 55 then?

8 REPRESENTATIVE AUSTIN: Yes.

9 CHAIRMAN BARNES: Yeah. So -- yeah, it's
10 Paragraph 33, which cites to -- I'm sorry --
11 Exhibit 32. And I -- I'm citing to, you know, where it
12 says for the purpose of transition calls when Greitens
13 left TMC in May of 2014. And then transition calls
14 quotes -- quote comes from that May 8, 2014 email,
15 which I think we have twice in the -- in our record;
16 once is Exhibit 11 without the header information, and
17 then we added it yesterday as Exhibit 32 with the
18 header information.

19 MS. HALLEN: Is Exhibit 32 from the AG's --

20 CHAIRMAN BARNES: No, Exhibit 32 is what we
21 added yesterday --

22 MS. HALLEN: Okay. Okay.

23 CHAIRMAN BARNES: -- for purpose of adding
24 that -- being able to include --

25 REPRESENTATIVE MITTEN: Right.

1 CHAIRMAN BARNES: -- the header information in
2 our exhibits.

3 MS. HALLEN: I just wanted to make sure we're
4 citing everything --

5 CHAIRMAN BARNES: I believe that -- on
6 Paragraph 60, I believe I counted more than 500
7 individuals at one point in time; do we want to do a
8 recount here? Paragraph 60, we talk about The Mission
9 Continues donor list and how large it was.

10 REPRESENTATIVE MITTEN: Do we -- why would we
11 need to do a recount?

12 CHAIRMAN BARNES: I -- if somebody wants to
13 check my --

14 REPRESENTATIVE MITTEN: Oh.

15 REPRESENTATIVE RHOADS: Wasn't that his
16 testimony on it?

17 CHAIRMAN BARNES: -- my math.

18 REPRESENTATIVE MITTEN: I think that was the
19 testimony, as well.

20 CHAIRMAN BARNES: I did -- I did not cite the
21 testimony. It would have been -- likely have been
22 Kympton's testimony.

23 MS. HALLEN: Yeah, it was.

24 CHAIRMAN BARNES: Can you --

25 MS. HALLEN: Do you want me to check his

1 testimony; is that what you're saying?

2 CHAIRMAN BARNES: Yes, please.

3 MS. HALLEN: Okay.

4 REPRESENTATIVE PIERSON: Well, this is later
5 on -- it's later on.

6 REPRESENTATIVE RHOADS: Now, hang on a
7 second. So --

8 CHAIRMAN BARNES: Oh, yeah, yeah, yeah,
9 you're right. We already cite it.

10 MR. SECRETARY: Right. We cited it on
11 Kympton's --

12 MS. HALLEN: It's also on Page 34, right, of
13 Kympton's testimony.

14 CHAIRMAN BARNES: Okay. But we've got it.
15 Representative Pierson is right; we've got it right
16 here, as well.

17 Is that where you want to go to,
18 Representative Rhoads?

19 REPRESENTATIVE RHOADS: Yeah, you're fine. I
20 was just -- I was on the same path as Representative
21 Pierson.

22 CHAIRMAN BARNES: Okay.

23 MS. HALLEN: Okay. So you don't want the
24 transcript citation? Okay.

25 CHAIRMAN BARNES: No, we have it below here.

1 REPRESENTATIVE MITTEN: 61. Again, I just --
2 it's very stylistic, so -- but Greitens did, in fact --
3 well, I guess that's now 62. Greitens did, in fact,
4 put substantial effort into cultivation of donors for
5 the list. However, for most -- it just seems to me
6 that, however, for most of the time -- and I don't even
7 know what that time is referring to.

8 CHAIRMAN BARNES: The time that he was
9 cultivating donors for the list.

10 REPRESENTATIVE MITTEN: Okay. So then,
11 however, for most that time, Greitens also -- or
12 Greitens earned -- not was earning, but earned -- a
13 salary as the CEO, period. And then I would just say,
14 you know, in addition, other people put labor -- I
15 don't know.

16 CHAIRMAN BARNES: I agree with the earned
17 rather than was earning, but I disagree with the other,
18 because I can. Every once in a while, I can't let
19 Representative Austin and Representative Mitten win
20 every --

21 REPRESENTATIVE MITTEN: Representative
22 Phillips has an idea that we will talk about.

23 CHAIRMAN BARNES: Off the record?

24 REPRESENTATIVE PHILLIPS: Yes.

25 CHAIRMAN BARNES: Whoa, I think I need to go

1 up here; did I highlight anything? No. Never mind.
2 Okay. All right. Paragraph 69, which was
3 previously 68, we have no citation, but they're both
4 Hafner and Reichardt.

5 MS. HALLEN: Would you like a citation?

6 CHAIRMAN BARNES: Yes, where they say the
7 meeting never happened.

8 MS. HALLEN: Okay. So on Michael Hafner's
9 testimony, it's Page 19. We can just cite directly to
10 the line where he says, I never met with Lyndsey.

11 CHAIRMAN BARNES: Okay.

12 MS. HALLEN: It's Line 32 -- or I mean,
13 Line 23.

14 CHAIRMAN BARNES: Okay. Man, this is in the
15 leads. The footnotes, are we doing at page --

16 MR. SECRETARY: Yes.

17 CHAIRMAN BARNES: -- line number?

18 MR. SECRETARY: Yeah.

19 CHAIRMAN BARNES: Okay. Well, because not
20 all of them are that way.

21 MS. HALLEN: Okay. His -- hers, Reichardt,
22 is Page 28 -- or -- yeah, 28, Line 25, and then
23 Page 29, Line 1.

24 REPRESENTATIVE MITTEN: Okay. Can we go back
25 to 66? I think it's 66. Kympton -- not expressly

1 stated -- take away the have; Kympton and TMC expressly
2 stated that it did not authorize.

3 CHAIRMAN BARNES: I think whenever -- you
4 know, as we move on from the General Assembly, when I'm
5 filing briefs as an attorney, I need to reconvene this
6 Committee for a write tight exercise with every brief
7 that I file with the Court.

8 REPRESENTATIVE RHOADS: Mr. Chairman, do you
9 think you'll get a quorum?

10 CHAIRMAN BARNES: We may struggle for a
11 quorum.

12 REPRESENTATIVE AUSTIN: It depends on the
13 hourly rate.

14 REPRESENTATIVE MITTEN: I was going to say,
15 I'll get back to him with my hourly rate. Could --
16 Paragraph 67, which I guess is now 68; on
17 January 19, 2015, Hafner testified that Greitens
18 instructed him.

19 CHAIRMAN BARNES: Yeah.

20 REPRESENTATIVE MITTEN: When did he testify?
21 Yeah. Okay.

22 REPRESENTATIVE AUSTIN: You mean to me?

23 REPRESENTATIVE MITTEN: On -- right. Thank
24 you.

25 MR. SECRETARY: I don't think you need the

1 commas -- the first comma. Well --

2 REPRESENTATIVE MITTEN: Paragraph 69, which I
3 guess is now 70. Okay. On January 28th, Hafner
4 emailed Proctor, Laub, and Bobak seeking help inputting
5 information, or is that obtaining information for an
6 initial fundraising list?

7 CHAIRMAN BARNES: I think it's input --
8 inputting.

9 REPRESENTATIVE MITTEN: Okay.

10 MS. HALLEN: He wanted information for the
11 list -- that his list would be --

12 CHAIRMAN BARNES: Obtaining works, too.

13 REPRESENTATIVE MITTEN: Okay. Obtaining.

14 CHAIRMAN BARNES: Paragraph 72, it's
15 available on the --

16 REPRESENTATIVE MITTEN: Paragraph 71. I know
17 you -- that seems to need a year.

18 REPRESENTATIVE PIERSON: That's what I was
19 thinking.

20 REPRESENTATIVE MITTEN: Whoa.

21 CHAIRMAN BARNES: Whoa, whoa, whoa.

22 REPRESENTATIVE LAUER: Save, save, save.

23 REPRESENTATIVE MITTEN: Control S.

24 CHAIRMAN BARNES: I can't -- you know people
25 are going to read that. I don't know if you're going

1 to put a bunch of whoa, whoa, whoas -- what just
2 happened in the Committee room.

3 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

4 CHAIRMAN BARNES: We're back on the record.

5 MS. HALLEN: I'll go through and fix all the
6 footnotes to make sure they're --

7 REPRESENTATIVE MITTEN: Yeah. Okay. Okay.
8 So that's just in 2015. Okay. Okay.

9 CHAIRMAN BARNES: Bryan raised the issue of
10 whether we need to redact any of this. I think that's
11 too small for anyone to read.

12 REPRESENTATIVE MITTEN: I think we should
13 redact it.

14 CHAIRMAN BARNES: I'm talking about --

15 REPRESENTATIVE MITTEN: Folks have ways.

16 CHAIRMAN BARNES: Really?

17 REPRESENTATIVE RHOADS: I would tend to
18 agree --

19 CHAIRMAN BARNES: Okay.

20 REPRESENTATIVE RHOADS: -- with that same
21 statement. I mean, somebody's going to do nothing but
22 sit around and try to clean it up and clean it up,
23 enhance it, clean it up, enhance it, clean it up. Can
24 it be done? I don't know. Will it be tried?
25 Absolutely.

1 MS. HALLEN: There are other screenshots that
2 need to be redacted in the report anyways, because they
3 have Spencer Kympton's email address.

4 CHAIRMAN BARNES: Okay. So what we'll do is,
5 we'll get a PDF of the report, and then you can go
6 through and add the redactions. We'll sign the front
7 page, get a PDF of the other thing in the report, come
8 back and make those redactions for that potentially
9 personal information.

10 Okay. I have -- anything on this page
11 with 76, 77, 78? Okay. I want to add that after this
12 ethics complaint was filed --

13 REPRESENTATIVE MITTEN: Could we -- I'm --
14 sorry.

15 CHAIRMAN BARNES: Go ahead. You want to go
16 back?

17 REPRESENTATIVE MITTEN: Yeah, 73. Do we need
18 it again? Or, I guess, yeah -- now it's 74.

19 CHAIRMAN BARNES: It is again, because she
20 first testified that it was shared with Hafner and Laub
21 for political purposes, and here she's testified again
22 it was shared with Meredith Gibbons for political
23 purposes.

24 REPRESENTATIVE RHOADS: Should it say again
25 or maybe later in her testimony?

1 REPRESENTATIVE MITTEN: Right.

2 CHAIRMAN BARNES: Yeah. It works either way.

3 REPRESENTATIVE AUSTIN: I think he was --

4 CHAIRMAN BARNES: Okay. Okay. So I don't
5 have a footnote for this ethics complaint.

6 REPRESENTATIVE MITTEN: Is that cited in the
7 settlement?

8 CHAIRMAN BARNES: It may be.

9 REPRESENTATIVE AUSTIN: But the complaint is
10 filed with EBC, we can all see it online; we've done
11 that before.

12 REPRESENTATIVE MITTEN: Can you see
13 complaints?

14 CHAIRMAN BARNES: I don't think you can see
15 the complaints.

16 REPRESENTATIVE AUSTIN: Oh, okay.

17 REPRESENTATIVE RHOADS: I don't think you can
18 see judgments or --

19 REPRESENTATIVE MITTEN: I don't think you can
20 see the complaints. Right. So the question is -- I
21 think it's --

22 CHAIRMAN BARNES: I'm comfortable with that
23 being -- let's have one paragraph without a citation
24 unless we can find a citation right now. But -- and
25 that's why I put in approximately November, 2016. So

1 the thought I had was to add a paragraph noting that
2 the MEC subpoenaed Michael Hafner, and I believe they
3 were -- because of documents we have -- they were in
4 possession of that January 6, 2015 email.

5 REPRESENTATIVE AUSTIN: I don't know why you
6 want to --

7 CHAIRMAN BARNES: Okay. I mean, if you don't
8 think that's -- I just -- the MEC had that email from
9 January 6, 2015. Stating it in here is as good as
10 putting it --

11 REPRESENTATIVE MITTEN: Yeah.

12 CHAIRMAN BARNES: -- putting it in the report
13 in many respects.

14 I don't know if this is necessary;
15 Paragraph 84, we could add also, pursuant to a
16 negotiated settlement with the MEC, Greitens signed a
17 Joint Stipulation of Facts. But I think we already --
18 we've already said that with the sentence we have in
19 there now.

20 REPRESENTATIVE MITTEN: Yeah, I'm fine
21 with 80, whatever it is now.

22 CHAIRMAN BARNES: 84.

23 REPRESENTATIVE MITTEN: Right.

24 CHAIRMAN BARNES: Okay. Putting in there
25 another clause at the beginning that says, pursuant to

1 a negotiated agreement, it's --

2 REPRESENTATIVE MITTEN: It's implied.

3 CHAIRMAN BARNES: It's restating what --
4 well, it's not just implied, it's a joint stipulation.

5 REPRESENTATIVE MITTEN: Right. So there you
6 go. It's restating the title. I agree.

7 CHAIRMAN BARNES: So the \$600 value is --
8 that was -- so that's part of what was -- the documents
9 that were sent to us by Mr. Dowd, and that are also
10 part of the AGO's -- what the Attorney General's office
11 gave to us that came from the MEC. That number came
12 from the fact that MEC's attorney and counsel for
13 Mr. Greitens and The Greitens Campaign had a back and
14 forth about the value of the list. And Greitens'
15 attorney said, hey, I've talked informally with an
16 appraiser in Virginia. She -- it's \$1 per name, I
17 think, or anywhere from \$1 to a \$1.25 per name, and
18 that's how they got to the \$600 -- \$600 number. You
19 guys think I ought to put that in there?

20 REPRESENTATIVE LAUER: I don't think there's
21 a standard of evaluation.

22 REPRESENTATIVE MITTEN: Well, and if memory
23 serves me though, those documents indicated that it's
24 kind of impossible to put a value on this, because
25 501(c)(3) lists are not for sale.

1 CHAIRMAN BARNES: Well, I don't know that it
2 would be impossible to put a value on it.

3 REPRESENTATIVE MITTEN: Well, maybe she
4 didn't use the word impossible.

5 CHAIRMAN BARNES: Yeah. So Committee's
6 belief on whether to add something in the footnote
7 about the amount of \$600 was part of a back and forth
8 between counsel.

9 REPRESENTATIVE MITTEN: Right.

10 CHAIRMAN BARNES: Again, it might be implied.
11 What do you think, Representative Austin?

12 REPRESENTATIVE AUSTIN: I think -- yeah, put
13 it in is what I think.

14 REPRESENTATIVE MITTEN: And I think you're
15 right. I think she said it was difficult. Was that it
16 or was it third party?

17 CHAIRMAN BARNES: All right. How about the
18 value assigned pursuant to -- the fact is, that the
19 emails that we have show that that was the thing that
20 they went back and forth the most over it seemed to me.
21 I have one of those emails in front of me here.

22 REPRESENTATIVE MITTEN: Can't we just say
23 negotiated, do we --

24 CHAIRMAN BARNES: I mean, here, for example,
25 we have a -- this is an email from counsel for the MEC

1 that says, because you have -- Mr. Adams, because you
2 have access to persons who have provided valuations of
3 donor lists in the past, my hope was that you might be
4 able to get one of them to provide a valuation about
5 these lists. At this point, any number that I might
6 come up with for the in-kind contribution would be
7 pretty subjective unless and until we engage a
8 professional to provide one. If you, on the other
9 hand, would be able to do that, and if you would be
10 willing to share it, then an independent basis would
11 exist for the number that would be reported.

12 REPRESENTATIVE AUSTIN: That's our
13 Exhibit 11, right?

14 CHAIRMAN BARNES: This is not contained
15 within Exhibit 11; this is correspondence between
16 Michael Adams and counsel for The Mission -- for the
17 Missouri Ethics Commission.

18 REPRESENTATIVE AUSTIN: This was forwarded to
19 us by Greitens' attorney here recently; is that right?

20 CHAIRMAN BARNES: It -- it was partly
21 forwarded -- one portion was forwarded by Greitens'
22 counsel, and then we also have separate communications
23 in the AGO's production for us.

24 MR. SECRETARY: So how about the list was
25 assigned a value of -- the list was assigned a value

1 after negotiations between Greitens' counsel and the
2 MEC.

3 CHAIRMAN BARNES: Assigned -- after
4 negotiations between Greitens' counsel and --

5 MR. SECRETARY: The list was assigned a
6 value.

7 REPRESENTATIVE MITTEN: As a result of.

8 CHAIRMAN BARNES: In which the MEC relied
9 upon the value asserted by Greitens' counsel.

10 Can someone pull out what we have from the --
11 what we got from Dowd?

12 MR. SECRETARY: By -- by the way, I would say
13 the list was assigned a value through negotiations
14 between Greitens' counsel and the MEC after which the
15 MEC relied upon the value asserted by Greitens'
16 counsel.

17 CHAIRMAN BARNES: Let's just -- let's take a
18 little break while we're trying to figure this out.

19 REPRESENTATIVE AUSTIN: Now, hold on -- is --
20 is --

21 THE COURT REPORTER: And do you still want to
22 go off?

23 REPRESENTATIVE AUSTIN: Yeah, I want to be
24 off.

25 (AN OFF-THE-RECORD DISCUSSION WAS HELD.)

1 CHAIRMAN BARNES: Exhibit 34 will be the
2 correspondence between counsel for Greitens and the
3 campaign with counsel for the MEC. And in this
4 footnote, we will simply reference this new exhibit,
5 see Exhibit 34 for email negotiations on the value of
6 the list between Greitens' counsel and the MEC, period.

7 REPRESENTATIVE LAUER: Mr. Chair?

8 CHAIRMAN BARNES: Representative -- hold on,
9 hold on.

10 REPRESENTATIVE LAUER: Okay.

11 CHAIRMAN BARNES: Is there any objection to
12 creating new Exhibit 34 and referencing in the
13 footnote, so -- rather than attempting to characterize
14 how this negotiation went we can have -- cite the
15 public to the document itself, and they can make their
16 own determinations?

17 REPRESENTATIVE AUSTIN: No objection.

18 CHAIRMAN BARNES: Okay. Representative
19 Lauer?

20 REPRESENTATIVE LAUER: Thank you, Mr. Chair.
21 It's more of a concern that I'm bringing up. In these
22 negotiations where it has the Governor's counsel and
23 MEC counsel, but no where in there does The Mission
24 Continues have counsel represented, which is the owner
25 of the list to help establish what that fee would be,

1 if it were, indeed, appropriately transferred. The
2 second part of that would be in 501(c)(3)'s generally,
3 the donor lists are not used for political purposes, so
4 I would -- I would suggest that any value you put on
5 this would not be reflective based on those situations.

6 CHAIRMAN BARNES: Point taken. Further
7 discussion?

8 Okay. Paragraph 93c, I'm just going to flag
9 this. I have put in here, the list has a value that is
10 likely in excess of \$600. They expected to raise
11 millions from it.

12 REPRESENTATIVE MITTEN: They did.

13 CHAIRMAN BARNES: They did, in fact, raise
14 millions from it. I have a problem with a \$600
15 valuation for a -- for property that is used to come
16 into possession of millions of dollars. That's the
17 greatest ROI in history.

18 REPRESENTATIVE RHOADS: But the thing is
19 though, you can get a list; that doesn't mean they're
20 going to give you anything. You're not guaranteed
21 anything with it.

22 CHAIRMAN BARNES: No, there's no guarantee.
23 That's right.

24 REPRESENTATIVE RHOADS: I mean, you're not.
25 You're going to have to put some personal skill into it

1 to -- I mean --

2 REPRESENTATIVE AUSTIN: Yeah, the reason that
3 the list has value is because there's also an extra
4 component and that's --

5 REPRESENTATIVE MITTEN: Exactly.

6 REPRESENTATIVE AUSTIN: -- the relationship
7 between Eric Greitens and the individual members on
8 that list.

9 CHAIRMAN BARNES: And -- and The Mission
10 Continues.

11 REPRESENTATIVE AUSTIN: And I don't know --

12 CHAIRMAN BARNES: And the donors, and that
13 connector for some, and then for others it was the
14 connector. So if -- I'm fine taking this out, because
15 we don't have independent testimony about it and
16 that -- so I'm fine with taking that out. That's why I
17 wanted to flag it --

18 REPRESENTATIVE AUSTIN: Yeah.

19 CHAIRMAN BARNES: -- because I realized on
20 review here that that's something that likely comes
21 out.

22 REPRESENTATIVE AUSTIN: I'd like to take it
23 out.

24 CHAIRMAN BARNES: Second?

25 REPRESENTATIVE MITTEN: Second.

1 CHAIRMAN BARNES: Third, fourth, fifth,
2 sixth, seventh. Okay. Unanimous.

3 REPRESENTATIVE LAUER: Mr. Chair, just
4 another comment.

5 CHAIRMAN BARNES: Yes, ma'am.

6 REPRESENTATIVE LAUER: Okay. My
7 understanding is at the time this was transferred
8 in 2015, the limit for consideration of a felony
9 was \$500; is that right?

10 CHAIRMAN BARNES: That's correct.

11 REPRESENTATIVE LAUER: Okay. Thank you.

12 CHAIRMAN BARNES: Okay. Let's take a break
13 for a second.

14 (A BREAK WAS TAKEN.)

15 CHAIRMAN BARNES: This Paragraph 95, we've
16 subpoenaed Washington University. I want to take that
17 out. Is there any other points -- my plan is to
18 have -- Alix, do you want to fix some footnotes?

19 MS. HALLEN: Sure.

20 CHAIRMAN BARNES: I think you -- not just
21 sure; you volunteered for that earlier. I want to make
22 sure.

23 MS. HALLEN: I volunteered. Yes. That's
24 good. Yeah, yeah, yeah, I will.

25 CHAIRMAN BARNES: Okay. We will have it

1 printed out. We will have -- put the final version in
2 the Chief Clerk's office for signature this afternoon,
3 and then we will create a pdf of the document so that
4 we can -- they can redact the things within this
5 document that may have a little bit of danger in
6 revealing personal information.

7 MS. HALLEN: Bryan has the exhibits redacted.
8 Do you all want to approve them? He has a PDF of it.

9 REPRESENTATIVE AUSTIN: Well, when we go and
10 sign it, won't they be attached then --

11 MS. HALLEN: Okay. I just didn't know if you
12 wanted to take a vote to approve them first before
13 your -- before the final final.

14 REPRESENTATIVE AUSTIN: I thought all the
15 exhibits were already -- we've already agreed to,
16 because we did --

17 MS. HALLEN: No, I meant the redactions.

18 REPRESENTATIVE AUSTIN: Oh, oh, yes, yes, I
19 hear you. Do we need to go on the record you mean?

20 MS. HALLEN: If you just want to approve the
21 redactions.

22 REPRESENTATIVE MITTEN: We are on the record.

23 CHAIRMAN BARNES: Well, we can do so by
24 signing the report.

25 REPRESENTATIVE AUSTIN: That's right. That

1 way we can -- so we've viewed the redactions --

2 MS. HALLEN: Okay. That's fine. I just
3 wanted to make it available --

4 REPRESENTATIVE AUSTIN: Yeah, that's right,
5 Alix.

6 MR. SCHEIDERER: So it will be up in Alix's
7 office.

8 MS. HALLEN: Adam's office.

9 MR. SCHEIDERER: Adam's office. I'm sorry.

10 CHAIRMAN BARNES: Okay. Further discussion?
11 Seeing no further discussion, I will --

12 MR. SECRETARY: We've got new business.

13 CHAIRMAN BARNES: Oh. We're noticed up for
14 tomorrow at eight a.m. We are going to have counsel
15 here.

16 REPRESENTATIVE LAUER: In here?

17 CHAIRMAN BARNES: Where -- do we have a room,
18 Alex?

19 REPRESENTATIVE MITTEN: We'll need a bigger
20 room.

21 CHAIRMAN BARNES: We have this one?

22 REPRESENTATIVE MITTEN: We're going to need a
23 bigger boat.

24 CHAIRMAN BARNES: I -- listen, I'm really
25 tired of closed hear -- closed hearings.

1 REPRESENTATIVE LAUER: My committee usually
2 meets tomorrow morning and we will not be having a
3 meeting, and that's in Hearing Room 4, so that may be
4 available.

5 REPRESENTATIVE MITTEN: We've got to block
6 off the doors.

7 REPRESENTATIVE AUSTIN: Okay. We're meeting
8 with counsel, so --

9 CHAIRMAN BARNES: When we meet with counsel
10 and have substantive discussions with counsel, we'll
11 kick everyone out of the room.

12 REPRESENTATIVE RHOADS: You know the room
13 will be packed.

14 REPRESENTATIVE MITTEN: Right.

15 MS. HALLEN: Well, let's --

16 REPRESENTATIVE RHOADS: You're talking about
17 a ten-minute process.

18 MS. HALLEN: Let's do the open part first and
19 then meet with counsel afterwards.

20 CHAIRMAN BARNES: Well, but Representative
21 Rhoads is right. If we're --

22 REPRESENTATIVE LAUER: How do we know if
23 they're going to be in and out?

24 CHAIRMAN BARNES: We don't have a witness
25 secured for --

1 REPRESENTATIVE AUSTIN: Can we change
2 location at this late date?

3 REPRESENTATIVE RHOADS: Can't we move
4 whoever's in, say, Hearing Room 5 to 4, and then --

5 CHAIRMAN BARNES: I think Representative
6 Lauer offered up her committee's hearing room.

7 REPRESENTATIVE LAUER: 4.

8 REPRESENTATIVE RHOADS: I like 4, because I
9 think you can control it better, and there's no
10 microphones and those kinds of things.

11 REPRESENTATIVE LAUER: It's pretty close.

12 MS. HALLEN: Are we doing anything besides
13 meeting with counsel tomorrow?

14 CHAIRMAN BARNES: I have no plans other than
15 meeting with counsel tomorrow. And we're either going
16 to release this report this afternoon or tomorrow. If
17 we release it tomorrow, that could be a reason for --
18 to have a public hearing.

19 REPRESENTATIVE LAUER: How would we know when
20 we're in and out of specific conversation with counsel
21 until we get into the conversation? That's --

22 CHAIRMAN BARNES: Well, when we have a
23 conversation with counsel, we are going to -- we are
24 going to close the room.

25 REPRESENTATIVE MITTEN: So we could have our

1 conversation with counsel and then open it up publicly
2 after that conversation is over?

3 REPRESENTATIVE AUSTIN: Just say there's
4 nothing more?

5 CHAIRMAN BARNES: Yeah, that seems to be --

6 REPRESENTATIVE MITTEN: I would agree.

7 CHAIRMAN BARNES: -- not worth it. Okay. So
8 let's vote to close tomorrow's hearing. All those in
9 favor will vote yes. Mr. Secretary?

10 REPRESENTATIVE MITTEN: All those opposed?

11 CHAIRMAN BARNES: All those opposed will vote
12 no. Mr. Secretary, please call the roll.

13 MR. SECRETARY: Representative Barnes?

14 CHAIRMAN BARNES: Aye.

15 MR. SECRETARY: Representative Phillips?

16 REPRESENTATIVE PHILLIPS: Aye.

17 MR. SECRETARY: Representative Mitten?

18 REPRESENTATIVE MITTEN: Aye.

19 MR. SECRETARY: Representative Lauer?

20 REP LAUER: Aye.

21 MR. SECRETARY: Representative Austin?

22 REPRESENTATIVE AUSTIN: Aye.

23 MR. SECRETARY: Representative Rhoads?

24 REPRESENTATIVE RHOADS: Aye.

25 MR. SECRETARY: Representative Pierson, Jr.?

1 REPRESENTATIVE PIERSON: Aye.

2 MR. SECRETARY: Seven zero in favor of the
3 motion.

4 CHAIRMAN BARNES: Seven aye, zero no, we
5 approve the motion.

6 MS. HALLEN: Can I make a comment? So it
7 seems in Moriarty they, of course, retained counsel,
8 but they didn't have any transcripts of their meetings.
9 So I'm not sure we need to even have -- we can just
10 have a meeting with our counsel.

11 REPRESENTATIVE MITTEN: Because that would
12 never be --

13 MS. HALLEN: If it's never even going to be a
14 hearing, you know --

15 REPRESENTATIVE MITTEN: It would be subject
16 to the privilege no matter what.

17 MS. HALLEN: Right. So we don't have to
18 have -- I don't think we have to -- you can correct me
19 if I'm wrong. Do you even think we need to have a
20 hearing? Because I'm sure they met with their counsel
21 in '94.

22 MR. SECRETARY: Well, my belief is, when you
23 have a quorum committee meeting together --

24 MS. HALLEN: Okay.

25 MR. SECRETARY: -- it should be noticed, with

1 an exception to the closed hearing --

2 MS. HALLEN: Okay.

3 MR. SECRETARY: -- which is provided in 6
4 Stat 021.

5 MS. HALLEN: Okay.

6 CHAIRMAN BARNES: So we notice it up and
7 then we have discussions in private without a court
8 reporter, because they're conversations with counsel.

9 MS. HALLEN: Right.

10 CHAIRMAN BARNES: Okay. Seeing nothing --

11 REPRESENTATIVE LAUER: Need to confirm with
12 Adam the room?

13 CHAIRMAN BARNES: No, we're going to do -- I
14 think we'll just do -- no, we'll do 4. No, we'll do 4,
15 because we need the extra -- we want the extra space.

16 REPRESENTATIVE MITTEN: We need the space.

17 CHAIRMAN BARNES: Because we have extra
18 people.

19 Thursday, let's -- any further business for
20 today? Seeing none, I hereby close this hearing.

21 REPRESENTATIVE MITTEN: Adjourn.

22 CHAIRMAN BARNES: Adjourn this hearing of the
23 House Special Investigative Committee on Oversight.

24 (HEARING WILL STAND IN RECESS.)

25

C E R T I F I C A T E

STATE OF MISSOURI)
) ss

COUNTY OF HOWARD)

I, Tammy F. Ballew, Certified Court Reporter for the firm of Capital City Court Reporting, P.O. Box 446, Jefferson City, Missouri 65102, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenomask the proceedings had, and that the above and foregoing is a true and accurate transcription, to the best of my ability, of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand
this 25th day of April, 2018.

Tammy F. Ballew

CAPITAL CITY COURT REPORTING

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2
3
4 SPECIAL INVESTIGATIVE
5 COMMITTEE ON OVERSIGHT
6
7

8 Wednesday, April 25, 2018

9 State Capitol Building
10 201 West Capitol Avenue
11 Hearing Room 4
12 Jefferson City, Missouri 65101

13 COMMITTEE MEMBERS:

14 Representative Jay Barnes, Chair
15 Representative Donald Phillips, Vice-Chair
16 Representative Gina Mitten, Ranking Minority Member
17 Representative Jeanie Lauer
18 Representative Kevin Austin
19 Representative Shawn Rhoads
20 Representative Tommie Pierson Jr.

21 Also present:

22 Bryan Scheiderer, Legal Analyst
23 Alex Curchin, Legislative Counsel to
24 Speaker of the House
25 Alixandra Hallen, Minority Counsel

26 REPORTED BY: Beverly Jean Bentch, CCR No. 640
27 Tiger Court Reporting
28 111 East Broadway, Suite 310
29 Columbia, Missouri 65203
30 573.999.2662

1 (April 25, 2018)

2 REPRESENTATIVE BARNES: Call this hearing of
3 the House Special Committee on Investigative Oversight
4 to order. Mr. Secretary, please call the roll.

5 SECRETARY CURCHIN: Representative Barnes.

6 REPRESENTATIVE BARNES: Here.

7 SECRETARY CURCHIN: Representative Phillips.

8 REPRESENTATIVE PHILLIPS: Here.

9 SECRETARY CURCHIN: Representative Mitten.

10 REPRESENTATIVE MITTEN: Here.

11 SECRETARY CURCHIN: Representative Lauer.

12 REPRESENTATIVE LAUER: Here.

13 SECRETARY CURCHIN: Representative Austin.

14 REPRESENTATIVE AUSTIN: Here.

15 SECRETARY CURCHIN: Representative Rhoads.

16 REPRESENTATIVE RHOADS: Here.

17 SECRETARY CURCHIN: Representative Pierson Jr.

18 REPRESENTATIVE PIERSON: Here. All seven here
19 and accounted for.

20 CHAIRMAN BARNES: With seven present, we have
21 a full quorum. I think we're going to be brief today.
22 I hope we're going to be brief.

23 I've distributed, I suppose we call this a
24 motion although we're not a party, and I don't believe
25 that the Court in St. Louis has any jurisdiction over

1 what we're doing in this matter, but I suppose to be
2 polite we have made a request to the Court and the City
3 of St. Louis to instruct the parties in that case to
4 comply with our lawfully issued subpoena. I just passed
5 this around for the Committee's knowledge. I know we
6 talked about this, but you have the actual document in
7 front of you now.

8 As for the report that I think we all signed
9 yesterday -- Anybody not sign? Anybody not get to the
10 chief clerk's office?

11 (Representative Rhoads raised his hand.)

12 CHAIRMAN BARNES: Okay. Well, we'll all be
13 signed today. House, who is it, technology section?

14 MS. HALLEN: IT, yeah.

15 CHAIRMAN BARNES: IT has an issue with the
16 size of the files which is causing delay.

17 SECRETARY CURCHIN: Only with regard to them
18 being in a searchable format. If it were a
19 non-searchable format, we'd be able to get it up
20 immediately.

21 CHAIRMAN BARNES: We are going to do it in a
22 searchable format.

23 SECRETARY CURCHIN: If we're going to choose
24 to do it in a searchable format, it's going to take a
25 little bit.

1 CHAIRMAN BARNES: We're waiting on IT and a
2 signature for --

3 MS. HALLEN: We're also needing to do some
4 additional redactions, but we can talk about that.

5 REPRESENTATIVE MITTEN: It will be done this
6 morning.

7 MS. HALLEN: We'll take care of it.

8 CHAIRMAN BARNES: That's the second item of
9 business.

10 The third item of business is counsel is here
11 today to speak to the Committee. We voted last week to
12 authorize Mr. Robertson and Mr. Kempton, I believe. We
13 also had a separate vote to speak on behalf of the
14 Committee. So I wanted them to come in and speak to the
15 Committee.

16 Before we speak to them, we are going to go, I
17 guess we call this a double closed hearing.

18 REPRESENTATIVE MITTEN: Yeah, Mr. Chair, and
19 please no offense, is there an issue with the court
20 reporter being here and protecting the privilege?

21 CHAIRMAN BARNES: It doesn't matter. If you
22 could step outside the room when we have a conversation
23 with counsel.

24 REPRESENTATIVE MITTEN: I just don't know.
25 I've never had a court reporter present when I spoke to

1 my client.

2 CHAIRMAN BARNES: We're not going to be on the
3 record.

4 REPRESENTATIVE MITTEN: Right.

5 CHAIRMAN BARNES: I now move for double
6 closed. We're closed. Do you want to go off the
7 record? Do you want to have a vote to go off the
8 record?

9 SECRETARY CURCHIN: No, I don't think you need
10 that.

11 REPRESENTATIVE MITTEN: I do think, Mr. Chair,
12 we need to make it clear that we're going off the record
13 in order to protect and preserve the privilege.

14 CHAIRMAN BARNES: Let's go off the record and
15 speak with counsel.

16 (Off the record.)
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CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, CCR No. 640, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing examination was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this examination was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Beverly Jean Bentch, RPR, CCR No. 640

Beverly Jean Bentch, CCR No. 640

1 SPECIAL INVESTIGATIVE
2 COMMITTEE ON OVERSIGHT
3
4

5 Monday, April 30, 2018
6

7 State Capitol Building
8 201 W. Capitol Avenue
9 Jefferson City, Missouri
10

11 COMMITTEE MEMBERS:

12 Representative Jay Barnes, Chair
13 Representative Donald Phillips, Vice-Chair
14 Representative Gina Mitten, Ranking Minority Member
15 Representative Jeanie Lauer
16 Representative Kevin Austin
17 Representative Shawn Rhoads
18 Representative Tommie Pierson, Jr.

19 Also present: Bryan Scheiderer, Legal Analyst
20 Alex Curchin, Legislative Counsel to
21 Speaker of the House
22 Alixandra Hallen, Minority Counsel

23 REPORTED BY: Tracy Taylor
24 Tiger Court Reporting, LLC
25 111 East Broadway, Suite 310
26 Columbia, Missouri 65203
573.999.2662

1 REPRESENTATIVE BARNES: Call to order
2 this House Special Investigative Committee on
3 Oversight. Mr. Secretary, please call the roll.

4 SECRETARY CURCHIN: Representative
5 Barnes.

6 REPRESENTATIVE BARNES: Here.

7 SECRETARY CURCHIN: Representative
8 Phillips.

9 REPRESENTATIVE PHILLIPS: Here.

10 SECRETARY CURCHIN: Representative
11 Mitten.

12 REPRESENTATIVE MITTEN: Here.

13 SECRETARY CURCHIN: Representative Lauer.

14 REPRESENTATIVE LAUER: Here.

15 SECRETARY CURCHIN: Representative
16 Austin.

17 REPRESENTATIVE AUSTIN: Here.

18 SECRETARY CURCHIN: Representative
19 Rhodes.

20 REPRESENTATIVE RHODES: Here.

21 SECRETARY CURCHIN: Representative
22 Pierson, Jr.

23 REPRESENTATIVE PIERSON: Here.

24 SECRETARY CURCHIN: All seven here and
25 accounted for.

1 sit next to you, if you don't mind.

2 REPRESENTATIVE MITTEN: I do not mind.
3 We have -- that's probably a big, giant hassle.

4 REPRESENTATIVE PHILLIPS: May I leave and
5 return in about three minutes, Mr. Chairman?

6 REPRESENTATIVE BARNES: Yes.

7 REPRESENTATIVE MITTEN: There. That was
8 the footnote. Footnote 27. Here we go. That's not
9 working. Sorry. See. Look, I cracked it that very
10 day actually.

11 REPRESENTATIVE BARNES: Footnote 27 in
12 current form reads, The Committee included purported
13 quotes of Witness 1 from her deposition in the
14 criminal case on the theory explained in Note 36, that
15 counsel had an obligation not to mislead the Court.
16 The Committee further notes that the ellipses placed
17 in front of the quote from Greitens' lawyers makes it
18 impossible for the Committee to determine a full
19 answer to the question in the absence of the full
20 transcript. Further, Greitens' claims about a recent
21 video disclosed by the circuit attorney are
22 demonstrably false. As a result, the Committee will
23 no longer provide such deference to cherry-picked
24 evidence.

25 I don't think we need to change that. I

1 think what we need to do is create a paragraph at the
2 end explaining what has since happened.

3 REPRESENTATIVE MITTEN: I agree.

4 REPRESENTATIVE AUSTIN: Will that
5 paragraph be right behind that one?

6 REPRESENTATIVE MITTEN: Wait. What was
7 this last paragraph?

8 REPRESENTATIVE BARNES: Paragraph 10 is
9 the last paragraph.

10 REPRESENTATIVE MITTEN: Advertisements,
11 political witch hunt. Okay. We'll fix that. Here.
12 This might be easier.

13 REPRESENTATIVE BARNES: Yes.

14 REPRESENTATIVE MITTEN: There you go.

15 MS. HALLEN: Sign away. Want to make
16 sure I got the date right?

17 REPRESENTATIVE PIERSON: Looks good.

18 REPRESENTATIVE MITTEN: The 30th. Right?

19 REPRESENTATIVE BARNES: Okay.

20 REPRESENTATIVE MITTEN: I'll type. You
21 dictate. Oh, shoot. I don't know what happened
22 there. Okay. No.

23 REPRESENTATIVE BARNES: Okay.

24 REPRESENTATIVE MITTEN: The Committee --
25 the Committee -- did we file a motion or did we send a

1 subpoena?

2 REPRESENTATIVE BARNES: Yes. But I want
3 to lay out what happened before then.

4 REPRESENTATIVE MITTEN: Okay.

5 REPRESENTATIVE BARNES: Go down to
6 paragraph 11. On the afternoon of April 16th, comma,
7 after learning that the Committee was in possession of
8 the interview video, comma, counsel for Greitens
9 requested leave from the Circuit Court of the City of
10 St. Louis to provide information to the Committee
11 relating to the interview video, period. In an order
12 that afternoon -- same paragraph. In an order that
13 afternoon, comma, the Court granted such leave.

14 And then I'm going to go find the order
15 and we'll take a direct quote from the order, we'll
16 make the order an exhibit.

17 MS. HALLEN: Can I get the order -- I
18 have the order up in my office -- or not the order.
19 Can I get it on Case.net?

20 REPRESENTATIVE BARNES: You can get it on
21 Case.net if you have a Case.net log-in.

22 MS. HALLEN: Yeah, I do.

23 REPRESENTATIVE BARNES: Okay. So we're
24 waiting for Alix there. And then I'm going to --

25 MS. HALLEN: Jay, when was the order?

1 REPRESENTATIVE BARNES: April 16th.

2 MS. HALLEN: If my internet would ever
3 choose to participate by pulling it up. Here you go.

4 REPRESENTATIVE MITTEN: Okay. So the
5 order --

6 MS. HALLEN: Should be loading itself.
7 Why doesn't it want to do anything?

8 REPRESENTATIVE MITTEN: Good grief.
9 There it goes.

10 MS. HALLEN: It's trying. Oh, come on.
11 I don't know why it is being such a pain in the butt.

12 REPRESENTATIVE MITTEN: It's not working
13 for me either, I don't think. It might be a Case.net
14 issue.

15 MS. HALLEN: Yeah.

16 REPRESENTATIVE BARNES: I have it in my
17 office. I'll call my office and have it brought down.

18 REPRESENTATIVE MITTEN: It is a Case.net
19 issue.

20 MS. HALLEN: Yeah. Clearly they're
21 having some kind of issue with -- okay. Okay.

22 REPRESENTATIVE BARNES: On April 17th --
23 next paragraph.

24 REPRESENTATIVE MITTEN: Okay.

25 REPRESENTATIVE BARNES: On April 17th, at

1 12:07 a.m., counsel for Greitens e-mailed the
2 Committee with a letter containing purported excerpts
3 of testimony from the nearly 10-hour deposition of
4 Witness 1 taken in the Circuit Court case, period.

5 The Committee --

6 REPRESENTATIVE MITTEN: Yep.

7 REPRESENTATIVE BARNES: -- subsequently
8 subpoenaed defense counsel, the Circuit Attorney's
9 Office and counsel for Witness 1 for the entirety of
10 the deposition video and transcript.

11 REPRESENTATIVE AUSTIN: Just the entire
12 deposition transcript.

13 REPRESENTATIVE BARNES: Yes. For the
14 entirety -- the entire deposition transcript.

15 REPRESENTATIVE MITTEN: I'll do it like
16 that.

17 REPRESENTATIVE BARNES: Period.

18 The Circuit Attorney's Office and counsel
19 for Witness 1 informed the Committee that they --

20 MS. HALLEN: Here's the order.

21 REPRESENTATIVE BARNES: Okay.

22 REPRESENTATIVE MITTEN: Yep. The Circuit
23 Attorney's Office and counsel for Witness 1 informed
24 the Committee that they --

25 REPRESENTATIVE BARNES: They supported

1 the subpoena and wish to disclose said documents to
2 the Committee, period.

3 REPRESENTATIVE MITTEN: Yep.

4 REPRESENTATIVE BARNES: Defense counsel
5 objected to immediately turning over the deposition
6 transcript and suggested a briefing schedule to the
7 Court. Let's --

8 REPRESENTATIVE MITTEN: Suggested the
9 Court --

10 REPRESENTATIVE BARNES: Hold on. Back
11 up. Circuit Attorney's Office and counsel for
12 Witness 1 informed the Committee that they supported
13 the subpoena, desired to disclose -- erase all that.
14 Desired to disclose said documents. Did not -- okay.
15 Defense counsel -- defense counsel ignored the
16 subpoena. That's what they did to start.

17 REPRESENTATIVE RHODES: Did you have any
18 contact with them about the subpoena?

19 REPRESENTATIVE BARNES: They were served
20 the subpoena and they said -- that's right. They
21 said, Give us extra time. We need a little extra
22 time. We got that on Sunday. We got from the other
23 two --

24 REPRESENTATIVE RHOADS: What if we said
25 they failed to comply with the subpoena?

1 REPRESENTATIVE BARNES: Well, they all
2 failed to comply. Witness 1's attorney didn't have
3 it, so he didn't fail to comply. Circuit Attorney's
4 Office was getting beat up for having failed to
5 disclose the other video. They didn't want to do
6 anything that might make the judge mad. So they said,
7 We'll give it to you as soon as we get an order from
8 the Court, but we support the subpoena.

9 REPRESENTATIVE RHOADS: Sure.

10 REPRESENTATIVE BARNES: The Governor's
11 team said, Oh, we need some more time to consider
12 this. Then we noticed it up, then we filed a motion
13 of -- I wouldn't call it a motion because we're not a
14 party to the case. We apprised the Court of our
15 subpoena.

16 And counsel for Greitens responded by
17 saying we need a briefing schedule that set us out a
18 week or two before getting a Court decision, at which
19 point in time the response was basically you guys have
20 said this is exonerating. If it is, you should be
21 doing everything you can, in your power, to get it to
22 us, including just plain giving it to us.

23 REPRESENTATIVE RHOADS: Sure. Yeah.
24 Yeah.

25 REPRESENTATIVE BARNES: And having failed

1 to do so, we're not going to go waste time and
2 resources seeking something that they claim to be
3 exonerating but they won't provide us.

4 MS. HALLEN: Are we done with that?

5 REPRESENTATIVE MITTEN: No, we're not
6 done with it.

7 REPRESENTATIVE PIERSON: Mr. Chair, would
8 we also include in there since that time, they have
9 also -- they're also going to be deposing her again?
10 Do we put that -- I mean, think it sounds --

11 REPRESENTATIVE BARNES: I don't think
12 it --

13 REPRESENTATIVE MITTEN: I don't think --

14 REPRESENTATIVE BARNES: I don't think
15 it's necessary. We're trying to be -- to
16 Representative Mitten's point, brief and explaining
17 what the delay was after our hearing in releasing
18 this. And the delay was we were trying to get this
19 information that they claim to be good for them.

20 REPRESENTATIVE MITTEN: Okay. State
21 versus Greitens. Here. No, but Alix wants her
22 computer back.

23 MS. HALLEN: I mean, it's okay.

24 REPRESENTATIVE MITTEN: I'm just going to
25 download it to the drive so we don't have to worry

1 about this. This is April 16th.

2 REPRESENTATIVE MITTEN: So this is the
3 Court order. After this morning's hearing -- okay.

4 MS. HALLEN: All right. You're good. So
5 I'm taking this back.

6 REPRESENTATIVE MITTEN: So do you want to
7 deal with the quote or what? Do you want to just
8 leave that they ignored it and then later -- or do you
9 just want to --

10 REPRESENTATIVE BARNES: Okay. On
11 April 24th, the Committee filed a request that the
12 Circuit Court in St. Louis City instruct circuit
13 attorney and defense counsel to comply with
14 Committee's duly-issued subpoena.

15 Motion -- no, the request indicated that
16 circuit attorney and counsel for Witness 1 -- sorry --
17 were prepared to honor the subpoena. Subsequent to
18 the filing of the request, counsel -- defense counsel
19 requested more time and a briefing schedule. Defense
20 counsel refused to join the circuit attorney and
21 counsel --

22 REPRESENTATIVE MITTEN: And instead --
23 right.

24 REPRESENTATIVE BARNES: -- for Witness
25 1 --

1 REPRESENTATIVE MITTEN: And instead.

2 REPRESENTATIVE BARNES: -- and instead,
3 requested more time and a briefing schedule on the
4 request.

5 Okay. So that lays out the facts. Do we
6 want it -- do we care to state --

7 REPRESENTATIVE LAUER: Could you read
8 what you have written now?

9 REPRESENTATIVE MITTEN: Okay. Starting
10 with 11. Correct? Yes.

11 On the afternoon of -- on the afternoon
12 of April 16th, after learning that the Committee was
13 in possession of the video interview of Witness 1,
14 counsel for Greitens requested leave from the Circuit
15 Court of the City of St. Louis to provide information
16 to the Committee relating to said video interview. In
17 an order that afternoon, the Court granted such leave.

18 Do we have the quote from that?

19 REPRESENTATIVE BARNES: I would quote
20 directly from the document you just downloaded, but --

21 REPRESENTATIVE MITTEN: Right. And we'll
22 insert -- and the quote would be, Defendant and his
23 counsel are permitted to submit information to the
24 Committee which may otherwise be in violation of the
25 Court's scheduling order? Is that what you want me to

1 put in?

2 REPRESENTATIVE BARNES: Yeah.

3 REPRESENTATIVE MITTEN: Shall be
4 limited --

5 REPRESENTATIVE BARNES: Shall be
6 limited --

7 REPRESENTATIVE MITTEN: That's right.
8 That's what we really care about.

9 REPRESENTATIVE BARNES: -- to the
10 contents of the videotape --

11 REPRESENTATIVE MITTEN: And shall be
12 limited to the contents of the video interview of
13 Witness 1.

14 Next paragraph. On April --

15 REPRESENTATIVE BARNES: That's what I
16 want to quote directly, because that's --

17 REPRESENTATIVE MITTEN: Okay. Do you
18 want starting from the Court grants? Just defenda--
19 okay.

20 REPRESENTATIVE BARNES: Starting with
21 limited.

22 REPRESENTATIVE MITTEN: All right. Are
23 you good with that?

24 REPRESENTATIVE BARNES: Yes.

25 REPRESENTATIVE MITTEN: Okay. Do you

1 want me to just pass this around?

2 REPRESENTATIVE AUSTIN: We heard you read
3 it.

4 REPRESENTATIVE MITTEN: Alix, is it
5 possible for me to hook this up to that?

6 MS. HALLEN: Yeah. I can do it if you
7 want to.

8 REPRESENTATIVE BARNES: Save it. Let's
9 take a short break and we'll talk about that.

10 REPRESENTATIVE MITTEN: Let's do that.

11 (A recess was taken.)

12 REPRESENTATIVE BARNES: Having failed to
13 get the document up on the big screen, we have one
14 more paragraph to add. And that is a new paragraph
15 14. This keeps the report -- addendum report at four
16 pages.

17 New paragraph 14 states, This Committee's
18 charge is to determine the truth. Having claimed that
19 the deposition testimony is helpful to Greitens,
20 comma, it is incumbent upon his counsel to comply with
21 the Committee's duly-issued subpoena and to
22 expeditiously provide it with the entire deposition
23 transcript, period.

24 Any objections to said paragraph?

25 REPRESENTATIVE AUSTIN: No.

1 REPRESENTATIVE LAUER: Good.

2 REPRESENTATIVE BARNES: Seeing none, this
3 should complete this. We should get a printout of
4 this. No one should leave. We should sign it right
5 now and --

6 REPRESENTATIVE MITTEN: One quick thing.
7 Do we want to add at the end of that that
8 unfortunately to date, this has not happened?

9 REPRESENTATIVE BARNES: No. I think it's
10 obvious.

11 REPRESENTATIVE MITTEN: Speaks for
12 itself? That's fine. So this has been saved. Should
13 we take a quick break to print it?

14 REPRESENTATIVE RHOADS: Do you want to go
15 off record again, take a break?

16 REPRESENTATIVE BARNES: Yeah. Take a
17 break to go print.

18 (Exhibits 35 and 36 were marked for
19 identification.)

20 REPRESENTATIVE BARNES: We're noticed up
21 for tomorrow at 2:45 in the HR Room. I want to keep
22 that hearing time in case counsel wants to speak with
23 us about something. And because the purpose of it
24 would be to speak with counsel, I move that we close
25 tomorrow's hearing. All those in favor, vote yes.

1 Mr. Secretary, please call the roll.

2 SECRETARY CURCHIN: Representative
3 Barnes.

4 REPRESENTATIVE BARNES: Aye.

5 SECRETARY CURCHIN: Phillips.

6 REPRESENTATIVE PHILLIPS: Aye.

7 SECRETARY CURCHIN: Mitten.

8 REPRESENTATIVE MITTEN: Aye.

9 SECRETARY CURCHIN: Lauer.

10 REPRESENTATIVE LAUER: Aye.

11 SECRETARY CURCHIN: Austin.

12 REPRESENTATIVE AUSTIN: Aye.

13 SECRETARY CURCHIN: Rhodes.

14 REPRESENTATIVE RHODES: Aye.

15 SECRETARY CURCHIN: Pierson, Jr.

16 REPRESENTATIVE PIERSON: Aye.

17 SECRETARY CURCHIN: Seven to zero in
18 favor of the motion.

19 REPRESENTATIVE BARNES: By your vote of
20 seven aye and zero no, you've voted to close
21 tomorrow's hearing. We'll deal with Wednesday
22 tomorrow.

23 REPRESENTATIVE LAUER: If we're going to
24 do Wednesday morning, we'll have to do it today.
25 Because if we wait until 2:45 tomorrow, we'll --

1 REPRESENTATIVE MITTEN: We should
2 probably go ahead and --

3 MS. HALLEN: Well, Alex can notice it up.

4 REPRESENTATIVE BARNES: Let's notice it
5 up for 8:00. We can vote to close it if we need to or
6 we can have an open hearing Wednesday.

7 Okay. Representative Mitten is finishing
8 the exhibit list for us. And then our capable Alexes
9 will take care of the next step. We are noticed at
10 2:45 tomorrow.

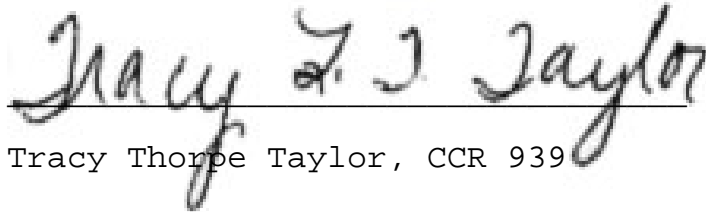
11 Anything further for today? Seeing
12 nothing, seeing no remarks, no further business before
13 the Committee today, I hereby adjourn.

14 (Meeting adjourned.)

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR 939

STATE OF MISSOURI

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT HEARING

MAY 2, 2018

No court reporter was present and no transcript exists.

STATE OF MISSOURI

SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT HEARING

MAY 14, 2018

No court reporter was present and no transcript exists.

AUDIO TRANSCRIPTION

Page 1

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7 SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

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10 AUDIO TRANSCRIPTION OF CANCELLED MEETING

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1 Good afternoon. So good to see people here today.
2 Uh, we -- I am going to cancel this hearing. I've
3 been in contact with members of the
4 Committee. Some of whom are stuck on I-70,
5 apparently there was a pretty bad traffic
6 accident. Others of whom are aware of what we are
7 going to say.
8 And that is this: Upon the release of our second
9 report Katherine Hanaway promised that her
10 clients would cooperate with subpoenas for production
11 of documents and testimony to this
12 Committee.
13 This Committee took her up on that promise. Speaker
14 Richardson and the Committee issued
15 subpoenas to Greitens for Missouri, A New Missouri
16 and Austin Chambers.
17 Unfortunately after having promised to be fully
18 opened and fully transparent, Hanaway
19 provided by - responded by providing some documents
20 that were responsive to our subpoena.
21 She also objected to other large categories of
22 documents. We are in the process of reviewing
23 the documents that were provided to this Committee.
24 Of which there was a substantial
25 number and we are considering our options on which

1 path to take to enforce the Legislature

2 and this Committee's subpoena power.

3 When we decide what we will do and furtherance of

4 that we will provide an update.

5 And so with that having cancelled the hearing we are

6 finished for today.

7 SPECIAL INVESTIGATIVE COMMITTEE ON OVERSITH

8 (End of audio)

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1 CERTIFICATE OF TRANSCRIPTIONIST

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3 I, MICHELE R. NIEHAUS, do hereby certify that
4 the witness whose testimony appears in the foregoing
5 transcript is transcribed testimony of said witness
6 by me to the best of my ability and therefore reduced
7 to typewriting under my direction; that I am neither
8 counsel for, related to, nor employed by any of the
9 parties to the action in which this tape was taken,
10 and further, that I am not a relative or employee of
11 any attorney or counsel employed by the parties
12 thereto, nor financially or otherwise interested in
13 the outcome of the action.

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MICHELE R. NIEHAUS

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AUDIO RECORDING

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STATE OF MISSOURI

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SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT HEARING

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MAY 16, 2018

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(Due to the quality of the recorded media, portions

15

were unable to be transcribed and include inaudible

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portions. The transcript may also include

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misinterpreted words and/or unidentified speakers.

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The transcriber was not present at the time of the

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recording; therefore, this transcript should not be

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considered verbatim.)

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TRANSCRIBED BY: MELISSA J. LANE, CSR/CCR/RPR

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1 (Silence in audio.)

2 CHAIRMAN BARNES: Here.

3 UNIDENTIFIED MALE: Representative
4 Phillips.

5 MR. PHILLIPS: Here.

6 UNIDENTIFIED MALE: Representative Mitten.

7 MS. MITTEN: Here.

8 UNIDENTIFIED MALE: Representative Lauer.

9 MS. LAUER: Here.

10 UNIDENTIFIED MALE: Representative Austin.

11 MR. AUSTIN: Here.

12 UNIDENTIFIED MALE: Representative Rhoads.

13 MR. RHOADS: Here.

14 UNIDENTIFIED MALE: Representative Pierson.

15 MR. PIERSON: Here.

16 CHAIRMAN BARNES: With seven present, we
17 have a full quorum established. We're here this
18 morning as we discussed yesterday to talk about
19 process.

20 Mr. Greim and Mr. Garber are here to speak
21 with us. If you guys would like to take a seat and
22 come on forward.

23 There should be witness forms up there so
24 make sure you fill those out. If you want to briefly
25 introduce yourselves.

1 UNIDENTIFIED MALE: I'm (inaudible).

2 (Background noise in audio.)

3 MR. GREIM: (Inaudible) -- Bryant.

4 CHAIRMAN BARNES: Well, Mr. Greim, let me
5 slow you down. We -- we've looked at the transcripts,
6 and I let Mr. Garber introduce himself. We've looked
7 at the transcripts from Moriarty, and we don't know
8 that we're going that direction, but certainly
9 Mr. Garber's presence and the memo that you have sent
10 us suggests that and in Moriarty -- counsel for
11 Ms. Moriarty was sworn, and so what I'd like to do is
12 swear both of you in, if that's okay.

13 (Background noise in audio.)

14 MR. GREIM: All right. I think I'm just
15 here to make a presentation, but I'm (inaudible).

16 CHAIRMAN BARNES: We'll do it one at a
17 time.

18 Mr. Greim, can you raise your right hand?

19 (Mr. Greim was sworn by Chairman Barnes.)

20 MR. GREIM: I do.

21 CHAIRMAN BARNES: And, Mr. Garber, can you
22 raise your right hand?

23 (Mr. Garber was sworn by Chairman Barnes.)

24 MR. GARBER: Yes.

25 CHAIRMAN BARNES: Okay. Mr. Greim, before

1 you begin, the committee wants to ask some questions
2 to understand the basis of your representation. And I
3 think I've got -- I know some answers to the
4 questions, but, first, who do you represent? And as I
5 ask questions, I'd like both of you to answer them.
6 Who do you represent, Mr. Greim?

7 MR. GREIM: Well, Mr. Chairman, just to
8 start off, I've entered an appearance where I've
9 clearly stated that. I told that to your counsel, but
10 I'll answer these questions. I represent the Office
11 of the Governor.

12 CHAIRMAN BARNES: Okay. And any other
13 entity or person?

14 MR. GREIM: No, Mr. Chairman.

15 CHAIRMAN BARNES: And, Mr. Garber, who do
16 you represent?

17 MR. GARBER: Hi. Good morning,
18 Mr. Chairman. So I represent the Office of the
19 Governor, and I think it's also fair to say,
20 Mr. Chairman, that we both represent the Governor in
21 his official capacity.

22 CHAIRMAN BARNES: Okay.

23 MR. GREIM: I -- I would agree with that,
24 Mr. Chairman.

25 CHAIRMAN BARNES: Can you explain to me how

1 the hiring processing worked?

2 MR. GREIM: Mr. Chairman, I'll -- I'll
3 answer this up to the point where we get into
4 privileged communications, but I was contacted by
5 Lucinda Luetkemeyer, and I was asked whether we would
6 be interested in taking on the engagement. We
7 considered it. We negotiated the rate, and we entered
8 into an engagement letter.

9 CHAIRMAN BARNES: With whom did you
10 negotiate the rate?

11 MR. GREIM: I will say Lucinda Luetkemeyer.

12 CHAIRMAN BARNES: And, Mr. Garber, how did
13 your hiring process work?

14 MR. GREIM: Mr. Chairman, it was roughly
15 the same and -- and, yes, we negotiated with Ms.
16 Luetkemeyer as well.

17 CHAIRMAN BARNES: Now, Mr. Garber, when --
18 when did that happen?

19 MR. GARBER: I -- I honestly don't know. I
20 can get that information to the committee.

21 CHAIRMAN BARNES: Mr. Greim, when did that
22 happen for you?

23 MR. GREIM: Well, it's been within the last
24 couple of weeks.

25 CHAIRMAN BARNES: Mr. Garber, is that the

1 same for you?

2 MR. GARBER: No. It's -- it's been longer,
3 Mr. Chairman. And, again, I -- I can get that
4 information to the committee.

5 CHAIRMAN BARNES: Would it be inaccurate
6 for me to say that Mr. Dowd informed me that you would
7 be engaged in representation? I mean, you don't know
8 the contents of that conversation, but were you -- did
9 you speak with Mr. Dowd at some point?

10 MR. GARBER: I'm sure I did, Mr. Chairman.

11 CHAIRMAN BARNES: When was the first time
12 you were contacted by Mr. Dowd about this?

13 MR. GARBER: Mr. Chairman, I -- I honestly
14 can't remember. I can get that information to the
15 committee.

16 CHAIRMAN BARNES: Do you represent
17 Mr. Dowd?

18 MR. GARBER: I -- I do not.

19 CHAIRMAN BARNES: And so is there any
20 privilege attached to your communication with
21 Mr. Dowd?

22 MR. GARBER: Mr. Chairman, if you're trying
23 to get at when I was engaged by the Office of the
24 Governor, I can get you that information. In fact, I
25 think I can -- you know, with the permission of the

1 Governor get you the engagement letter.

2 CHAIRMAN BARNES: My question, when were
3 you engaged in any fashion in this manner? What is
4 the date -- what was the date your contract was
5 entered into.

6 MR. GARBER: Sitting here today,
7 Mr. Chairman, I -- I thought we were talking about
8 standards and processes. I -- I honestly don't know.

9 CHAIRMAN BARNES: We are, but -- but I
10 also -- the committee wants to understand the basis of
11 your representation and the contract that's using
12 taxpayer funds to pay you, and so we're asking basic
13 questions about the contract and how you came to be in
14 the state of Missouri.

15 MR. GARBER: Yeah. And, again, I'm happy
16 to provide that information.

17 CHAIRMAN BARNES: Who contacted you first?
18 Mr. -- Ms. Luetkemeyer or Mr. Dowd?

19 MR. GARBER: Mr. Chairman, I can't
20 remember.

21 CHAIRMAN BARNES: It was only three months
22 ago; right?

23 MR. GARBER: Mr. Chairman, I'm -- I'm happy
24 to provide that information to the committee. Again,
25 today I thought we were talking about standards and

1 processes.

2 CHAIRMAN BARNES: We are. I think it's a
3 pretty simple question. Who contacted you first?
4 Ms. Luetkemeyer? Mrs. -- Mrs. Luetkemeyer or
5 Mr. Dowd?

6 MR. GARBER: Mr. Chairman, this was months
7 ago, and sitting here today, I can't remember.

8 CHAIRMAN BARNES: Well, was Ms. Luetkemeyer
9 involved at all in our previous meeting?

10 MR. GARBER: The meeting that we had with
11 you, Mr. Chairman?

12 CHAIRMAN BARNES: Yes, Mr. Garber.

13 MR. GARBER: I don't believe she was.

14 CHAIRMAN BARNES: Okay. That was you and
15 Mr. Dowd; is that correct?

16 MR. GARBER: That is correct.

17 CHAIRMAN BARNES: And you flew into
18 St. Louis; is that correct?

19 MR. GARBER: I honestly can't remember
20 whether it was St. Louis or Columbia.

21 CHAIRMAN BARNES: Did you drive to my
22 office with Mr. Dowd?

23 MR. GARBER: Did I drive to your office --
24 I can't remember who drove. Or -- or who was in the
25 car.

1 CHAIRMAN BARNES: Were you in the same car
2 coming down to meet with Mr. Dowd?

3 MR. GARBER: I cannot remember sitting here
4 today, Mr. Chairman.

5 CHAIRMAN BARNES: You can't remember
6 whether when you showed up at my office and -- was it
7 in February? Was it in February, Mr. Kerchum
8 (phonetic)? It was March.

9 MR. GARBER: Right. See, that's -- that's
10 exactly it. We do a lot of meetings, Mr. Chairman. I
11 can't remember if -- if I knew that that's what we
12 were going to be talking about today, I would have
13 refreshed my recollection and I would have been
14 prepared.

15 CHAIRMAN BARNES: In fact, I know it was
16 March.

17 MR. GARBER: I can't remember.

18 CHAIRMAN BARNES: Have you ever been to
19 Jefferson City, Missouri, before?

20 MR. GARBER: No.

21 CHAIRMAN BARNES: And you can't remember
22 whether you drove a separate car or whether you rode
23 with Mr. Dowd?

24 MR. GARBER: Mr. Chairman, sitting here
25 today, I cannot remember, but I appreciate your --

1 your seeing me that day, and I appreciate the
2 committee hearing from us today.

3 CHAIRMAN BARNES: Would you dispute the
4 other people who were present at that meeting that
5 would say that you showed up in the same car with
6 Mr. Dowd?

7 MR. GARBER: I would not dispute that.
8 Because I can't remember.

9 CHAIRMAN BARNES: Mr. Greim, do you have
10 Governor Greitens' consent for this representation?

11 MR. GREIM: I do. I have that through the
12 agent of the Office of Governor Greitens, who is
13 authorized to engage counsel. That's Ms. Luetkemeyer.

14 CHAIRMAN BARNES: Did Mr. Greitens grant
15 permission to Ms. Luetkemeyer to engage you?

16 MR. GREIM: I have to assume that in
17 dealing with an agent of the principal that the
18 principal has authority to do so, and I have reason
19 since then to believe that the principal is authorized
20 the agent to do that.

21 CHAIRMAN BARNES: Ms. Luetkemeyer, can you
22 bring up a chair?

23 MS. LUETKEMEYER: (Inaudible) I'm not
24 prepared to (inaudible).

25 CHAIRMAN BARNES: Ms. Luetkemeyer, it's

1 going to be a simple question.

2 MR. GREIM: Mr. Chairman, I -- I object to
3 this, and we came here -- I actually asked for me to
4 talk about process.

5 CHAIRMAN BARNES: We are going to talk
6 about process, Mr. Greim. I promise you.

7 MR. GREIM: We asked your counsel if there
8 were any further questions, and now we come here,
9 instead of talking about process, we are actually
10 being inquired of as witnesses in this matter for
11 factual information. And, respectfully, this is not
12 the -- this is not the matter we came here to talk
13 with you about.

14 CHAIRMAN BARNES: Mr. Greim, we are
15 prepared to talk about process.

16 Ms. Luetkemeyer, are you refusing to give
17 testimony to this committee.

18 MS. LUETKEMEYER: (Inaudible) committee
19 I'll accept that request (inaudible).

20 CHAIRMAN BARNES: Mr. Garber, do you have
21 Governor Greitens' consent for this representation?

22 MR. GARBER: Yes.

23 CHAIRMAN BARNES: How do you know you have
24 that consent?

25 MR. GARBER: I -- I've spent time with the

1 Governor, Mr. Chairman.

2 CHAIRMAN BARNES: Did the Governor
3 participate in the process making sure that you were
4 going to be his counsel based on your experience?

5 MR. GARBER: Mr. Chairman, again, I'm --
6 I'm -- I'm not sure where we're going with this. I'm
7 happy to -- to talk to you about these issues, as --
8 as the chairman of the committee know and, you know, I
9 appreciate the opportunity to talk to the committee
10 today. I've represented governors' offices in several
11 states. I -- I honestly believe I'm here as a
12 resource for the committee representing the Office of
13 the Governor to talk about these incredibly important
14 issues of processes and procedures and -- and, again,
15 I appreciate the committees' willingness to hear from
16 me.

17 CHAIRMAN BARNES: Mr. Garber, it's really a
18 simple question.

19 MR. GARBER: Yeah. And I --

20 CHAIRMAN BARNES: How do you know
21 Mr. Greitens; consent? Did he authorize you to
22 represent him in this proceeding?

23 MR. GARBER: Yeah. I think I've said yes.

24 CHAIRMAN BARNES: Okay. Thank you. Thank
25 you. For each of you, what are your representative

1 hourly rates?

2 MR. GREIM: My hourly rate in this matter,
3 Mr. Chairman, is \$340 per hour.

4 CHAIRMAN BARNES: And Mr. Garber?

5 MR. GARBER: It's \$320 an hour, which is
6 half of my normal rate.

7 CHAIRMAN BARNES: Okay. Have -- Mr. Greim,
8 have you submitted any time sheets for payment to
9 date?

10 MR. GREIM: I have not.

11 CHAIRMAN BARNES: Mr. Garber, have you
12 submitted any time sheets for payment to date?

13 MR. GARBER: I believe we submitted our
14 first invoice.

15 CHAIRMAN BARNES: And because you have
16 submitted your first invoice, have you been paid that?

17 MR. GARBER: I don't think so, but I
18 don't -- I don't know.

19 CHAIRMAN BARNES: Will the two of you
20 provide the committee with a copy of your contract to
21 represent your clients.

22 MR. GREIM: I will say that my client has
23 received a sunshine request for my engagement letter,
24 and I'm going to abide by client's decision as to
25 whether to produce it. As you well know, Chairman

1 Barnes, frequently engagement letters contain
2 privileged information. They contain attorney/client
3 privileged information, but there's also information
4 that's not privileged within an engagement letter, and
5 so I'm happy to consult with the client and get back
6 to you on that request.

7 CHAIRMAN BARNES: Mr. Greim, I don't want
8 the stuff that -- that is privileged. I'm not trying
9 to -- to get into that. If -- but I want the basic
10 contract with you and your client. Can we -- can we
11 have an agreement that you'll provide the committee
12 with the contract with your client with the
13 stipulation that if there is privileged information
14 contained within it that you can redact that
15 information?

16 MR. GREIM: Mr. Chairman, I -- I would like
17 to make the agreement with you, but it's not the kind
18 of thing I'm going to just say without consulting with
19 the client and I -- I will agree to consult with the
20 client and I -- I'm happy to answer questions about
21 the rate, but I'm not going to just on the fly start
22 making promises about disclosure of information.

23 CHAIRMAN BARNES: I'm not -- you're getting
24 paid by taxpayers; right?

25 MR. GREIM: That's right. That's right.

1 CHAIRMAN BARNES: Okay. Representative
2 Lawson, can you put that microphone down?

3 Mr. Garber, is it the same contract or is
4 it -- you guys have -- I assume you have a separate
5 engagement letter.

6 MR. GARBER: Yeah. Although, I haven't --
7 I haven't reviewed Mr. Greim's engagement letter, but
8 I assume it's different.

9 CHAIRMAN BARNES: Do you have an engagement
10 letter for yourself?

11 MR. GARBER: I do, in fact, yes.

12 CHAIRMAN BARNES: Are you prepared to
13 provide the committee with a copy of that engagement
14 letter?

15 MR. GARBER: I believe it would be the same
16 answer as Mr. Greim. It would be up to the Office of
17 the Governor.

18 CHAIRMAN BARNES: Further questions,
19 Representative Phillips?

20 MR. PHILLIPS: To inquire, Mr. Chair?

21 CHAIRMAN BARNES: Proceed.

22 MR. PHILLIPS: Thank you. Thank you both
23 for being here this morning and -- appreciate that a
24 lot. One of the things that's weighed on our mind all
25 along has been a concern on your end as well is, we've

1 been rather accused of getting one-sided information
2 and we're more than happy to get both sides of the
3 story. That's not been available to us at this point,
4 but when the charges were dismissed in the last couple
5 of days, the Governor said, quote, today, prosecutors
6 dropped the false charges against me, this is a great
7 victory, and it's been a long time coming. And I
8 agree with that.

9 Mr. Bennett said the real reason why the
10 case was dropped was, there no evidence. I have a
11 tendency to agree with that.

12 So my question this morning is, now that
13 the dramatical dust has cleared, when can we expect to
14 hear from Governor Greitens?

15 MR. GREIM: Well, first of all, I want to
16 make clear that this is -- your question is probably a
17 good time to say this, but the Governor will have --
18 there are -- there are two sets of counsel. There's
19 the Governor in his personal capacity, and there's the
20 Governor in his official capacity, and so the decision
21 about whether and when the Governor testifies, the
22 decision about, you know, which witnesses will be used
23 to produce information -- I'm not doing that, I don't
24 think. Those are decisions that are going to be made
25 by personal capacity counsel for the Governor, and

1 so -- now I will say that official capacity counsel --
2 that's us. We represent the executive branch. We --
3 we may participate in that decision, but, frankly,
4 that is not -- that's not a decision that we've
5 participated in right now. I couldn't tell you the
6 answer to that. I expect that the answer to that will
7 come soon. Our laser-like focus these next two days
8 before the special session starts, Representative
9 Phillips, is to get the procedure for this proceeding
10 set so that adequate process -- due process is -- is
11 given.

12 MR. PHILLIPS: Okay. So I -- I think I
13 understand what you're saying. I understand your role
14 is totally different than Mr. Dowd and Mr. Bennett,
15 but you surely know the answer. I mean, you've got --
16 you're -- you're protecting the -- what you're calling
17 the Office of the Governor. So not literally his
18 office, but his position as Governor and apparently
19 not exactly Governor Greitens; is that -- is that
20 correct?

21 MR. GREIM: No. The -- we're representing
22 the Office of the Governor.

23 MR. PHILLIPS: Okay.

24 MR. GREIM: And the Governor in his
25 official capacity.

1 MR. PHILLIPS: Okay.

2 MR. GREIM: So, you know, it's our job to
3 make sure that the Governor has the opportunity to
4 testify.

5 MR. PHILLIPS: Right.

6 MR. GREIM: And has the opportunity to
7 present, you know, the other witnesses that have
8 knowledge that he doesn't.

9 MR. PHILLIPS: Right.

10 MR. GREIM: That's our main role. And then
11 the handoff to the personal capacity counsel is, okay,
12 you know, how will the testimony come in, when will
13 the Governor testify, you know, there -- there's
14 another charge out there. You know, he'll have to get
15 counsel from them and not from us on that. So I hope
16 that maybe an answer -- I mean, the answer is, I
17 certainly can't tell you what or when he's going to
18 testify, but I hope that in answering this it helps to
19 tease out the differences between what the taxpayers
20 pay for to represent the Office of the Governor and
21 what is privately paid for, which is personal capacity
22 counsel.

23 MR. PHILLIPS: Wouldn't it be to your
24 advantage, though, to give us an answer to find that
25 answer out, if you don't know the answer, to make a

1 phone call and say, hey, they want to know -- the
2 public wants to know -- we're having public hearings
3 now -- they want to know, and it's been expressed to
4 us over and over again that the cooperation is there,
5 ready to go, and now there seems to be a pretty clear
6 path to do that.

7 So it sounds like to me that from what
8 you're saying that you kind of set the stage for his
9 attorneys who are representing him on the -- in the
10 legal aspect of it, and so it looks to me like it
11 would be to your advantage to provide us with some
12 information, some kind of timetable here as to when we
13 can expect to hear from him.

14 MR. GREIM: I'm acutely aware it would be
15 to our advantage especially because one of the members
16 of the committee is -- is directly asking me, so I'd
17 like -- I'd like to have the answer just to be able to
18 answer your question, but the reality is that we're
19 putting the cart before the horse a little bit. Our
20 focus over the next 48 to 72 hours has to be, let's
21 put the rules in place that will allow that to happen
22 and that will allow due process to occur in this
23 initial stage. And so -- I mean, I know you'll get an
24 answer to that question, but, frankly, you know,
25 planning out which witnesses will testify and when is

1 not -- is not part of what I'm doing here. I'm
2 talking about the right to testify.

3 MR. PHILLIPS: Right. I understand that.
4 And we're not looking for a list of witnesses to
5 testify. We've kind of got that figured out. What
6 we're interested in is this specific witness. So
7 you're saying, then, just for the record, that you
8 cannot come up with an answer to that question or even
9 a ball park idea of maybe in the next week, maybe in
10 the next month, maybe in the next six months, maybe in
11 the next year, next two years; is that your answer?

12 MR. GREIM: Well, next two years --

13 MR. PHILLIPS: I'm giving you a little time
14 frame here.

15 MR. GREIM: Okay.

16 MR. PHILLIPS: I don't want to pressure
17 you.

18 MR. GREIM: I -- now, I always like to --
19 no. All I can say is that that's a call ultimately
20 for the governor's personal capacity counsel to make.
21 I think that we'll be involved in that decision to the
22 extent that it means we've got to come back to ask
23 this committee for something, but I will have to just
24 admit since I -- made my first call to the speaker the
25 middle of last week and started e-mailing with Chip

1 Robertson counsel, I have solely been focused on
2 process, procedure, reading the rules of other states,
3 reading Missouri precedent, and I just can't answer
4 questions about the order of proof or who will testify
5 in proceedings. And I'm sorry, representative.

6 MR. PHILLIPS: All right. Fair enough. I
7 won't pick on you much more, but I do want to ask one
8 question, why does it take two of you to do the same
9 job? Is it that complicated?

10 MR. GREIM: Well, it takes a lot of counsel
11 on the side of the -- of the House committee, too, and
12 I've represented the House committees or not this
13 committee. I've represented the general assembly in
14 matters. I usually have more than one attorney on it.
15 Mr. Garber is a national expert in the area of
16 gubernatorial impeachment. He just is, but he's not a
17 Missouri lawyer. I'm -- I'm a Missouri lawyer, and I
18 handle, you know, constitutional litigation in this
19 state, and so it is pretty natural that we'd have two
20 lawyers. Just like the House has Mr. Robertson,
21 former supreme court judge. He's the constitutional
22 guy, but then it's got a Mr. Kempton (phonetic), who
23 is a trial order from Sedalia, and so lawyers bring
24 different strengths and it's very natural to pair
25 people together like this.

1 MR. PHILLIPS: That wasn't a setup
2 question. It was a curious question on my part, and
3 it was a great answer.

4 Thank you, Mr. Chairman.

5 CHAIRMAN BARNES: Ms. Luetkemeyer, are you
6 prepared to answer the question when Mr. Greitens will
7 testify?

8 MS. LUETKEMEYER: No, I'm not for the same
9 reason (inaudible).

10 CHAIRMAN BARNES: Representative Mitten.

11 MS. MITTEN: I'd like to inquire.

12 CHAIRMAN BARNES: Proceed.

13 MS. MITTEN: Thank you. Sorry. All right.
14 Good morning, gentlemen. The first question I just
15 wanted to make sure I'm understanding your previous
16 testimony.

17 So, Mr. Garber, you have recently submitted
18 a bill to the Office of the Governor?

19 MR. GARBER: Yeah. I believe my office has
20 submitted a bill.

21 MS. MITTEN: And I understand how -- how
22 that -- that works. Is -- is it not your practice to
23 bill monthly.

24 MR. GARBER: It is my practice to submit
25 bills monthly.

1 MS. MITTEN: Is there some reason why you
2 haven't submitted a bill when it's now May given that
3 your representation, we know, started at least in
4 March.

5 MR. GARBER: I think the way -- I think
6 that the way it worked, although, I am less involved
7 in the billing than I think my partners would like is
8 I think the way it works is for time billed in March,
9 I'm supposed to get a bill out by the end of April. I
10 think that's probably what happened.

11 MS. MITTEN: Okay.

12 MR. GARBER: So either the end of April,
13 first part of May.

14 MS. MITTEN: Okay. And -- and you can't
15 remember if you represented the office in February?

16 MR. GARBER: I -- I honestly can't.

17 MS. MITTEN: Okay.

18 MR. GARBER: Yeah.

19 MS. MITTEN: And, Mr. Greim, sort of the
20 same question to you. I guess you're saying that your
21 representation only started in the last couple of
22 weeks?

23 MR. GREIM: That's right.

24 MS. MITTEN: Okay. So, I mean, and I'm
25 assuming that you do bill monthly and, perhaps, you're

1 more involved -- involved to a level that your
2 partners are more appreciative.

3 MR. GREIM: Well, I -- I will say this. I
4 may bill more often than monthly in this matter, but I
5 don't have a bill out yet.

6 MS. MITTEN: I -- I understand. Again,
7 let's start first with Mr. Garber. You indicated or
8 at least there was certainly a discussion about a
9 meeting that I was unable -- excuse me, a meeting in
10 Jefferson City that I was unable to attend earlier and
11 you couldn't remember whether or not you drove in with
12 Mr. Dowd. Is it safe to assume that you and Mr. Dowd
13 speak frequently regarding, you know, in conjunction
14 with your representation of the Office of the
15 Governor?

16 MR. GARBER: I don't know what frequently
17 is but not -- not -- not infrequently. Maybe, you
18 know, once every -- it -- it depends on the week.
19 Once every week, two weeks. It just depends, which is
20 not -- I will tell you, members of the committee, it
21 is not unusual -- I've now done this several times,
22 and one of the things that I always insist on in any
23 jurisdiction I operate in is that the Office of the
24 Governor and the Governor officially have counsel
25 because certainly there are institutional issues at

1 stake for the Office of the Governor, but then there
2 are issues at stake for a Governor personally, and
3 sometimes those issues overlap and sometimes they
4 are -- they're different, and so one of the things we
5 work on is coordinating whose issue it is. Yeah.

6 MS. MITTEN: Okay. And, Mr. Greim, I'm --
7 again, are you -- have you had conversations with
8 Mr. Dowd?

9 MR. GREIM: No, I haven't.

10 MS. MITTEN: Okay. Mr. Greim, have you had
11 discussions with anyone else with the Dowd --
12 associated with the Dowd Bennett firm in connection
13 with this representation?

14 MR. GREIM: No, I have not.

15 MS. MITTEN: Okay. And, Mr. Garber, the
16 same, have you had discussions with anyone else at
17 Dowd Bennett in conjunction with this representation?

18 MR. GARBER: Yes. Yeah, yeah.

19 MS. MITTEN: And who were those people?

20 MR. GARBER: I think I spoke once with
21 Mr. Bennett, and then there's -- there's a Jim Martins
22 there.

23 MS. MITTEN: Uh-huh. Okay. And going back
24 to your discussions that are -- apparently not
25 infrequent discussions with Mr. Dowd, do you discuss

1 strategy during those discussions?

2 MR. GARBER: So obviously that is subject
3 to privilege, but one of the things we -- we do try to
4 do is make sure that who's ever issue it is, is
5 handling it and that, you know, the personal side is
6 handling the personal side, and the official side is
7 handling the official side.

8 MS. MITTEN: So is it a fair assessment
9 that you're -- by virtue of these discussions with
10 Mr. Dowd or other members of the Dowd Bennett Law Firm
11 that you are then participating in discussions about
12 the Governor's personal legal issues?

13 MR. GARBER: No. None of those -- so,
14 again, the focus is on making sure that, that the
15 Governor's office and the Governor's office counsel is
16 focused on just the Governor's official issues.

17 MS. MITTEN: But wouldn't you have to
18 represent which bucket, so to speak, those -- or which
19 person is going to be assigned to which bucket?

20 MR. GARBER: We try to figure that out in
21 advance and -- and segregate it.

22 MS. MITTEN: Okay. So with whom do you
23 consult to figure that out in advance?

24 MR. GARBER: It -- it would be somebody
25 from the Dowd Bennett Firm.

1 MS. MITTEN: So you're figuring out that --
2 well, I'll just leave it at that. Have you had any
3 discussions with Catherine Hanaway or anyone
4 affiliated with her law firm in conjunction with this
5 representation?

6 MR. GARBER: Have I?

7 MS. MITTEN: Yes.

8 MR. GARBER: I have occasionally.

9 MS. MITTEN: And when were those
10 discussions?

11 MR. GARBER: I can't remember.

12 MS. MITTEN: Okay. What was the substance
13 of those discussions?

14 MR. GARBER: Again, that would be subject
15 to the privilege, but I -- I do have to say, we asked
16 the committee through the Chairman and its counsel
17 what we were going to be discussing today, and we were
18 told it was processes and procedure. It was on that
19 basis that I was here. And -- and, again, I
20 appreciate very much the chance to talk to the
21 committee about these things. I will say that in all
22 of the jurisdictions I've appeared in, and I know
23 members of the committee are -- are lawyers that, I'm
24 sure, practice in other jurisdictions. This
25 discussion, this colloquy question is -- is, I think,

1 in my experience, unprecedented, and it's not because
2 I'm concerned about the subject matter, it's because
3 we asked about what we were going to be talking about
4 and --

5 MS. MITTEN: Well, and I appreciate that,
6 sir --

7 MR. GARBER: -- what was going on --

8 MS. MITTEN: I appreciate that, but I also
9 think that given you guys are both paid with taxpayer
10 dollars and I think that as in conjunction with our
11 process in moving forward that it's important that all
12 of us understand the expense of your representation.

13 So could you tell me the substance of your
14 discussions with Catherine Hanaway in conjunction with
15 this representation?

16 MR. GARBER: Oh. I'm sorry again. So the
17 substance --

18 MS. MITTEN: Uh-huh.

19 MR. GARBER: -- again, is -- is subject to
20 the -- the privilege.

21 MS. MITTEN: Does -- are you -- who did
22 Ms. Hanaway indicate to you she was representing?

23 MR. GARBER: I understand that she
24 represents -- I believe it's the campaign.

25 MS. MITTEN: Okay.

1 MR. GARBER: So, again, what we're trying
2 to do for --

3 MS. MITTEN: Could you explain to me why it
4 is that somebody that is being paid for with taxpayer
5 dollars is having discussions with somebody -- with an
6 attorney that represents a campaign?

7 MR. GARBER: Yes. Certainly. So -- so
8 right now this committee is embarking on and has been
9 involved in a historic process of investigating a
10 Governor, a sitting Governor, and that implicates very
11 significant issues, the separation of powers, balance
12 of powers, significant constitutional issues. An
13 Office of the Governor operates through an individual.
14 It's unusual and --

15 MS. MITTEN: I think we all understand
16 that, yeah.

17 MR. GARBER: Well -- but that -- that
18 answers -- that, that is going to answer your
19 question. It's unusual in that way. So a -- a
20 legislature, as you know, operates through -- the
21 legislative branch operates through a lot of
22 legislature. The judicial branch operates through
23 lots of judges. The Governor, there's one Governor.
24 The President, there's one President. And so as a
25 result, it -- it winds up getting complicated because

1 there are separation and balance of powers issues at
2 stake that affect the Governor in his official
3 capacity and the Office of the Governor and then there
4 are issues that affect the Governor personally and
5 then there are issues that affect the Governor as a
6 candidate, and so one of the things we try to do is
7 make sure we understand whose bucket something is in
8 and the extent to which this committee's work or the
9 legislature's work affect things in all of those
10 buckets.

11 MS. MITTEN: Okay. Do you remember when
12 you've had discussions with Catherine Hanaway or
13 anyone affiliated with her -- her firm regarding your
14 representation?

15 MR. GARBER: Sitting here today, I -- I do
16 not.

17 MS. MITTEN: And did you discuss
18 strategy -- excuse me -- with Ms. Hanaway or other
19 representatives of her firm in conjunction with your
20 representation of the Office of the Governor?

21 MR. GARBER: I will discuss strategy with
22 anybody, but my strategy is to actually have an open,
23 fair, honest process. That is -- that is why I'm
24 sitting here today. If anybody on this committee
25 wants to have that strategic discussion with me, I am

1 happy to have it.

2 MS. MITTEN: Fair enough.

3 MR. GARBER: And I'm sure I have had it --
4 I'm sure. I think I've probably had it with
5 Ms. Hanaway. I've probably had it with Mr. Dowd.
6 I'll have that discussion with anyone.

7 CHAIRMAN BARNES: May I interject?

8 MS. MITTEN: Absolutely, Mr. Chairman.

9 CHAIRMAN BARNES: So is it fair to say
10 you're all working together.

11 MR. GARBER: Mr. Chairman, I -- I don't
12 know what that means. I'm representing the Office of
13 the Governor.

14 CHAIRMAN BARNES: Well, you're talking to
15 Ms. Hanaway. You're talking to Mr. Dowd, and you guys
16 are trying to figure out what's going on with what.

17 MR. GARBER: Mr. Chairman, as you know --

18 CHAIRMAN BARNES: Let me -- let me explain
19 why I'm asking.

20 MR. GARBER: Yeah. Sure.

21 CHAIRMAN BARNES: And it relates to
22 process.

23 MS. MITTEN: Yep.

24 CHAIRMAN BARNES: To whom do we speak? Who
25 is our point of contact for the committee? Is it

1 Mr. Greim? Is it Mr. Garber? Is it Mr. Dowd? Is it
2 Mr. Bennett? Is it Mr. Rosenblum? Is it Ms. Hanaway?
3 This -- this relates to process, guys. And tell me
4 how you're working with them? How do we -- do you CC
5 every time we want to contact any? We just do a CC to
6 everyone?

7 MR. GREIM: Chairman Barnes, I've had this
8 discussion with your counsel, who isn't here today,
9 and I'll just -- I'll say this. If you want to talk
10 to the Office of the Governor, there are two
11 attorneys. I've entered an appearance with you, with
12 this committee, and I've said on any matter regarding
13 the subpoena that you sent to us, the fact that your
14 committee directed to me only two hours after I had
15 called the speaker to let him know I was working on
16 this, on any of those matters and on any matters about
17 the process of this committee that -- that I was the
18 person to speak with, and Mr. Garber is along with me
19 on that.

20 CHAIRMAN BARNES: But you're the point of
21 contact, not Mr. Dowd?

22 MR. GREIM: Mr. Chairman, I -- I've never
23 once -- I don't -- perhaps, you have some experience
24 from months ago, but I think you well know,
25 Mr. Chairman, that I'm the point of contact for

1 communications with the Office of the Governor. For
2 the Governor in his personal capacity, on evidence
3 that the Governor may have or things like that,
4 Mr. Dowd would be the point of contact. There might
5 be some matters when we both have to be involved, but
6 we're just trying to get off the ground here with the
7 rules that we're suggesting for this committee. For
8 Ms. Hanaway, it's for her clients. She's told you, I
9 think, who her clients are. And I'm not sure who all
10 the counsel are for other witnesses you've subpoenaed.

11 CHAIRMAN BARNES: And it relates to that
12 process and how we move forward knowing who -- with
13 whom we need to speak and whether an e-mail to you or
14 a notice to you is sufficient for a notice to Mr. Dowd
15 or --

16 MR. GREIM: I -- Chairman Barnes, lawyers
17 know how to communicate with each other and we know
18 that when someone enters an appearance, that that's
19 the person we speak with. Respectfully, I don't think
20 there can be any confusion about who represents who
21 here. And, you know, usually a phone call or a letter
22 or an e-mail are how those things are handled.

23 Sworn questions under oath, respectfully,
24 seem like a bizarre and unprecedented way to cover the
25 preliminaries that really could have been covered over

1 the last week. We -- we came --

2 CHAIRMAN BARNES: Mr. Greim, it is not
3 unprecedented.

4 MR. GREIM: We requested, Chairman Barnes,
5 the opportunity to come and explain our process that
6 we're proposing and the process is rules. It's what
7 happens in the hearing themselves. And we were told
8 to come and do it, that you'd make yourselves
9 available. Instead, there are series of questions
10 that I -- and respectfully, I think you know the
11 answer to them.

12 CHAIRMAN BARNES: Well, Mr. Greim, to be
13 fair, we've -- we've -- we have received some answers
14 and we've received some I don't know.

15 Representative Mitten, do you have any
16 further questions?

17 MS. MITTEN: Yes, if I may.

18 Have either of you had discussions with
19 other consultants or other consultants to the Governor
20 in conjunction with your representation of the Office
21 of the Governor, folks that are not paid for on the
22 taxpayer dime?

23 MR. GARBER: Ms. Mitten, I think at this
24 point -- I think we've gone very far afield of why we
25 were told we were going to be here. I'm happy to

1 answer questions about policies and procedures.
2 Mr. Greim and I are here on behalf of the Office of
3 the Governor, the executive branch of government. We
4 appreciate the opportunity to have this discussion
5 with the legislative, a co-equal branch of government,
6 but the notion of being brought here to talk about one
7 thing and peppered with questions about another, I
8 will tell you is unprecedented in my experience in any
9 jurisdiction. I would like to have a thoughtful,
10 thorough discussion about this being the first time a
11 Governor of Missouri is potentially going to be
12 subject to an impeachment process. We've now been
13 sitting here for -- I don't know -- a half an hour
14 talking about all of these other issues when,
15 respectfully, this committee is about to embark on an
16 historic process and --

17 CHAIRMAN BARNES: Mr. Garber, to be fair, I
18 think we've asked some pretty simple questions and
19 I -- you will have all the opportunity you need --
20 we'll get to that process. Are you refusing to answer
21 the representative's questions?

22 MR. GARBER: What I'm doing is saying that
23 if this committee wants to talk about that, then
24 let's -- and it's one of the concerns about --

25 CHAIRMAN BARNES: Mr. Garber, I'm not even

1 sure --

2 MR. GARBER: It's one of the concerns --

3 CHAIRMAN BARNES: Excuse me, Mr. Garber.

4 Mr. Garber, I will give you an opportunity to speak.

5 Are you refusing to answer Representative Mitten's

6 question?

7 MR. GARBER: I'm not refusing to answer any

8 questions, Mr. Chairman.

9 CHAIRMAN BARNES: Hold on. Mr. Garber, you
10 will have all the opportunity you want to speak.

11 Committee members and the House get to ask questions,

12 and they are simple questions. I don't even remember

13 what your question was, Representative, but if you

14 want to ask it again since Mr. Garber stated he would

15 not refuse to answer it, go ahead and ask it.

16 MR. GARBER: Let me be clear.

17 MS. MITTEN: Well, first of all,

18 Mr. Garber, with all due respect, I do believe that

19 the people you have spoken and consulted with prior to

20 coming to giving us this presentation could very well

21 go into the information that you wish to present to

22 us, and I certainly think that it's wholly within our

23 business to understand what may have gone into what it

24 is that you wish to say to us.

25 CHAIRMAN BARNES: Representative, let's try

1 to avoid both sides --

2 MS. MITTEN: Thank you. I'll repeat my
3 question, which is --

4 CHAIRMAN BARNES: I know I'm trying to --

5 MS. MITTEN: I'll repeat my question.

6 CHAIRMAN BARNES: Repeat your question.

7 MS. MITTEN: Have you had any discussions
8 with anyone that consults to the Governor, who is not
9 paid for with taxpayer dollars?

10 MR. GARBER: And now that --

11 MS. MITTEN: Outside of the attorneys that
12 we've already spoken about, any outside consultants?

13 MR. GARBER: Now that I know that is
14 something that the committee wants to address, which I
15 found out for the first time just now, I will take
16 that -- all of those issues under advisement and get
17 back to the committee.

18 MS. MITTEN: Mr. Greim, the same question
19 to you.

20 MR. GREIM: And I'll have the same answer,
21 Representative Mitten.

22 MS. MITTEN: Have you had any discussions
23 with Ms. Hanaway?

24 MR. GREIM: Yes. I have actually. I've
25 had a discussion over the last week of -- to

1 understand -- I learned that there was a subpoena, and
2 I just wanted to understand the timetable and what was
3 going to be produced, and so I learned that
4 information, and I think documents were produced on
5 Friday.

6 MS. MITTEN: Thank you very much. Thank
7 you, Mr. Chair.

8 CHAIRMAN BARNES: Representative Austin.

9 MR. AUSTIN: Thank you. Just to -- maybe
10 we can do a little clarification, because you
11 mentioned a couple of phrases, official capacity and
12 personal capacity. Could you maybe explain to the
13 committee and those here in attendance what you
14 believe to be the definitions or what Missouri laws
15 regarding official capacity versus personal capacity.

16 MR. GREIM: Personal capacity pertains to
17 the officeholder himself and his ability to mount a
18 defense, that -- the defense he actually mounts. The
19 official capacity is the office itself, and so this
20 comes up in the law many times. It's just not a
21 question in Missouri law.

22 But, for example, if -- if an officer of
23 the state is sued under Section 1983 -- federal civil
24 rights' statute, you may sue that official in their
25 individual or in their official capacity. Against the

1 officer in their official capacity is the kind of suit
2 you bring for injunctive relief, and in that case, you
3 will have usually someone paid by the state, by the
4 taxpayers, to defend the actions of that person. If
5 they leave office, then usually the next person who
6 comes in is substituted as a party because you're
7 trying to enjoin the state. Individual capacities,
8 when you sue for money damages -- and I bet -- I bet
9 Chairman Barnes has done this before. Although, I
10 don't -- I haven't kept up on your private practice,
11 but I bet you've done some civil rights or some suits
12 like this, and -- and so usually in that case a
13 private attorney represents the person, the
14 officeholder, not always, and sometimes the state will
15 indemnify that person but not always. And so think of
16 it this way: Think of it as the individual has some
17 personal interest in maintaining their office. That's
18 sort of personal capacity. Official capacity is the
19 Office of the Governor and what's happening to it now
20 and from here on out. So if this -- if what happens
21 here diminishes that office permanently, if it sets
22 new standards, if it deals with the power of the
23 executive branch versus legislative branch, now we're
24 in the heartland of official capacity.

25 That's the best I can do. There is no

1 statute with the definition.

2 MR. AUSTIN: Well, thank you. I appreciate
3 that. So you touched upon one thing that -- that
4 struck me. So if somebody, entity or person, in the
5 state is complaining of alleged wrongdoing of the
6 Office of the Governor, we're talking about the
7 official duties and obligations that the person that,
8 at that time, holds that office of; is that correct?
9 Feel free to correct me if I'm wrong. I mean --

10 MR. GREIM: Sure. I -- they -- they may or
11 may not. I mean, I think that what our impeachment
12 provisions in the constitution have in mind is what
13 they do in office, but remember, that you can have a
14 sort of personal capacity interest in defending
15 yourself even when you're acting in your official
16 capacity as the Governor.

17 MR. AUSTIN: And it -- it might attempt to
18 help clarify some things. You know, this committee
19 has been charged in investigating reports and all
20 allegations against the Governor and -- you know, one
21 area has been regarding witness one or what the Court
22 has referred to as K.S. So I guess the allegations
23 involving witness one, how would that pertain to
24 Governor Greitens in his official capacity?

25 MR. GREIM: Well, it -- it does precisely

1 because it's been made a matter, seemingly, although,
2 I think there's some murkiness what we understand the
3 committee is doing, but it's made a matter between the
4 executive and legislative branch when it becomes a
5 matter of impeachment. And so when someone says that
6 the (inaudible) holder has to --

7 CHAIRMAN BARNES: Mr. Greim, I think it's
8 below you because I've been in that same spot.
9 There's a little wire -- just -- because it's happened
10 a couple of times. I don't --

11 MR. GREIM: My feet aren't kicking around
12 down there. But, yeah -- Mr. Garber.

13 CHAIRMAN BARNES: I'm sorry. I want you to
14 be aware because I've been in that spot where it keeps
15 doing that.

16 MR. GREIM: No, it's okay.

17 But I guess the quick answer is, you know,
18 even in a -- even in the civil rights context, which
19 isn't exactly what we have here. I -- I know that.
20 You know, what -- what -- the conduct of an individual
21 that might make them personally liable could also be
22 used to get injunctive relief against the state, and
23 so -- same thing here. It could be action from before
24 the Governor was in office, but as soon as somebody
25 says that's a sufficient reason to remove the Governor

1 from office. Now it's an executive branch issue. It
2 still is a personal issue because the Governor might
3 want to say or have witnesses that can say, this is
4 what happened, this is what didn't happen. All the
5 Governor is going to say, wait a second, this is not
6 what the constitution provides, you can't use this
7 conduct. And if it does become this way, now the
8 Office of the Governor has been diminished to that
9 degree for all future holders of the office.

10 MR. AUSTIN: We've talked -- there's been
11 questions and answers referring to a bucket. You
12 know, there's a bucket for personal capacity and a
13 bucket for professional capacity, but it sounds like
14 you may be saying that maybe some of these items can
15 fit in either bucket.

16 MR. GREIM: Well, as I told Mr. Robertson a
17 few days ago, it's sort of like a Venn diagram, which
18 you can make those on the Internet. Now you can make
19 your little diagram. There are things over in one
20 circle -- maybe circles are better. One circle that's
21 personal capacity. Another circle is official
22 capacity. And based on the facts of the case and --
23 and the arguments and positions that the committee
24 takes, you know, those circles are either closer
25 together or further apart. That space in the middle

1 will change sort of depending on the facts of the case
2 and -- and there might be matters where what turns out
3 to be the cases that the outer sides of each circle
4 are pretty slim, but there might be other matters
5 where it's mainly, you know, the outside circle is
6 bigger, and the part in the middle is very small.

7 MR. AUSTIN: Okay. So to continue with the
8 diagram -- I mean, no. That's all right. When I said
9 earlier can fit in either the personal bucket or the
10 official capacity bucket, I guess what I was referring
11 to that was both and you're saying each circle may be
12 close, but it can't be both.

13 MR. GREIM: Well, I think I was saying
14 actually that, you know, in the event, these diagram
15 circles come together; right? And so -- and I,
16 frankly, have kind of forgotten -- I'm not sure if you
17 gave me an example specifically -- oh, we're talking
18 about the K.S.

19 MR. AUSTIN: K.S., and we can extend it to
20 the mission continues issues or the ethics reports to
21 the MEC (phonetic), I mean --

22 MR. GREIM: Sure. No, I mean -- I think it
23 depends on the specific questions then about K.S., and
24 so without really having all of the facts and -- you
25 know, without having marked down the -- you know, into

1 a real life scenario where someone's testifying and,
2 you know, there's cross-examination or a witness comes
3 in, it's kind of hard to tell you in the abstract, but
4 I think -- I think what I've said about things that
5 relate to the office itself, that if they come to pass
6 are going to forever color impeachment in our
7 constitution. That is fairly within the circle that's
8 official capacity, but there may come a point where
9 you cross outside the circle and you're fully over on
10 the personal capacity side.

11 MR. AUSTIN: And alleged wrongdoing
12 regarding the Office of the Governor, that continues
13 to exist no matter -- even if the present Governor
14 leaves office and we get a new Governor in there; am
15 I --

16 MR. GREIM: I -- I would say this. And I
17 bet Mr. Garber -- not to -- but, you know, he deals
18 with this exact issue over and over again, but as a
19 litigator who covers these issues and other context
20 here's what I'll say. Any questions about what's
21 covered or not covered by impeachment, for example, I
22 mean, that's interpreting the Missouri Constitution
23 about what this legislative check on the executive
24 branch and on the judicial branch what it looks like
25 and what it covers, so that's -- that's precedent

1 setting. That's an Office of the Governor. The
2 individual facts of what happened in one of these
3 matters, that looks a lot more like a personal
4 capacity issue because, obviously, the facts will be
5 different next time.

6 MR. AUSTIN: I mean, the office of the --
7 the Governor will continue on, no matter what happens
8 here. So if we have a problem or -- or a complaint it
9 may become moot because the present Governor may
10 leave, but if not, if the new Governor comes in, we
11 still have an issue that's alive because our complaint
12 is against the office of Governor, if it's an official
13 capacity situation.

14 MR. GREIM: Okay. Here -- now I understand
15 a little better. If precedent is set here, that, for
16 example, we don't allow due process, fair open
17 hearings and -- and search for truth at this stage,
18 let's say that that becomes the -- the new rule. It
19 doesn't matter whether the conduct was in someone's
20 official capacity or not. That's going to be the new
21 rule that's going to apply to the Governor -- the next
22 Governor that comes in, if there's impeachment.
23 That's going to apply to judges. That's going to
24 apply to anybody else subject to impeachment. So I
25 would -- I would think about it in terms of precedence

1 being set rather than, you know, the capacity in which
2 the actor was acting in the conduct that we're
3 investigating. It's really about, what does this mean
4 for future impeachment. So think about standards and
5 think about rules of proceeding that we came here to
6 discuss today.

7 MR. AUSTIN: If I have some follow ups,
8 I'm sure the Chair, will give me leave, but thank you.

9 CHAIRMAN BARNES: Representative Lauer.

10 MS. LAUER: Thank you, Mr. Chair.

11 Good morning. I wanted to ask, what is the
12 scope of your services have been found to be at this
13 point?

14 MR. GREIM: You can --

15 MR. GARBER: It is to the represent the
16 Governor and the officer of the governor in his
17 official capacity with respect to the Houses' work and
18 investigation in this matter.

19 MS. LAUER: Okay. So once this committee
20 ends, then your service ends?

21 MR. GARBER: Once the House investigation
22 process ends, then -- then, yes, I assume my services
23 end.

24 MS. LAUER: Okay. And to your -- since
25 (inaudible) pretty specific event --

1 MR. GARBER: Yeah.

2 MS. LAUER: -- (inaudible) is given that
3 their outlined of such (inaudible) sort of outlined,
4 what was your discussion (inaudible) your services
5 were needed to work with the House or (inaudible) in a
6 situation?

7 MR. GARBER: Well, I think it's probably
8 just because that's -- that's the precedence for how
9 these things work. In other words, as Mr. Greim was
10 pointing out, when -- when there's an legislative
11 investigation of a sitting Governor, there are
12 personal issues, which we don't care about, but then
13 there are official capacity issues that involve the
14 Office of the Governor and the executive branch, so --
15 so that's sort of how it's defined.

16 MS. LAUER: What is your understanding of
17 (inaudible).

18 MR. GARBER: I think let's -- let's -- I
19 think let's get to that because we're going -- you're
20 going to have a full presentation. I think that goes
21 to the full presentation, that particular question.

22 MS. LAUER: Oh, I'm sorry. Chair, I'll
23 hold off on that, on any other questions.

24 CHAIRMAN BARNES: Representative Rhoads.

25 MR. RHOADS: Thank you, Mr. Chairman. Just

1 to inquire for a minute.

2 CHAIRMAN BARNES: Proceed.

3 MR. RHOADS: You touched on something that
4 I need a little clarification on, Mr. Greim, that
5 dealt with official capacity and personal and -- and I
6 think that -- and I think maybe Mr. Garber be able to
7 answer it if he's had some experience with things like
8 this. And you were talking about how in a personal
9 capacity something happened and impeachment based upon
10 that versus what's happened in an official capacity
11 and I guess we'll start with Mr. Garber. I don't know
12 what your experience is dealing with that, but maybe,
13 do you have an example, a generic example, of possibly
14 that kind of situation?

15 MR. GARBER: Meaning how you divide it up?

16 MR. RHOADS: Well, no. I mean, have you
17 seen -- well, let's back up. Have you seen a
18 situation, which I probably know the answer to this
19 question but like what we've had right now with --
20 with the -- with our current situation with the
21 Governor.

22 CHAIRMAN BARNES: And by current -- by
23 current situation --

24 MR. RHOADS: This all happened before he
25 was in office.

1 MR. GARBER: That's a good question. I --
2 I -- I'm not sure, but often there are issues in
3 investigation -- in legislative investigations where
4 there is conduct that is not completely official that,
5 that is at issue. Sitting here today it is unusual
6 for a legislative body to investigate matters that
7 occurred, you know, purely before the official was
8 elected in a personal capacity.

9 MR. RHOADS: Sure.

10 MR. GARBER: Yeah.

11 MR. RHOADS: Okay. I suppose the less
12 questions we ask, the quicker they'll get into their
13 presentation, so.

14 CHAIRMAN BARNES: Thank you gentleman.
15 We've got one more, Representative Pierson.

16 MR. PIERSON: To inquire, Mr. Chair.

17 CHAIRMAN BARNES: Proceed.

18 MR. PIERSON: Thank you.

19 Good morning. Gentlemen, thank you for
20 being here and -- you know, I was going to say thank
21 you for the 50 percent discount on your rate. I hope
22 that continues. You -- you're in the business of
23 representing people and -- and different clients and
24 so I wanted to get an understanding of, perhaps,
25 some -- some folks or some entities that, perhaps,

1 you've represented in the past to give us an
2 understanding of kind of what you bring to us today.
3 So -- so I would like the -- the both of you, if you
4 could, to kind of answer these questions based upon
5 this -- this kind of list that, that I present to you
6 as it relates to, have you ever represented -- so have
7 you ever represented Greitens for Missouri?

8 MR. GREIM: No.

9 MR. GARBER: No, I have not.

10 MR. RHOADS: Thank you.

11 Have you ever represented New Missouri,
12 Inc.?

13 MR. GREIM: No.

14 MR. RHOADS: Have you ever represented a
15 committee for a New Missouri or Missouri?

16 MR. GREIM: I have to say on that question,
17 it's possible that my firm has. We may have done it,
18 but I -- but don't quote me on that. I -- I would
19 have to run a search on our -- on our system. I -- so
20 I hesitate on that, but I'm not actually aware of any
21 engagement like that.

22 MR. PIERSON: So is that something that you
23 can get back with the committee on?

24 MR. GREIM: I -- I could do that. The only
25 caution I have is that the fact of our representation

1 for specific clients could be submitted, if that
2 client wants to remain confidential, so I put an
3 asterisk for that reason, but I don't even know if
4 we've represented that entity. I think -- I think if
5 we have, I think the process would be check with the
6 entity and see whether they object to -- to disclosure
7 of that.

8 MR. PIERSON: And that's something that you
9 don't mind engaging in?

10 MR. GREIM: Sure. We don't mind doing
11 that, Representative.

12 MR. PIERSON: Thank you. Thank you.

13 Have you ever represented LG Pack?

14 MR. GREIM: These are all going to be
15 harder for me because at least it's possible that we
16 did. Again, I don't have knowledge that we did. But
17 it's possible. If we did, it was not -- it was not
18 me. It would have been another member of my firm.

19 MR. PIERSON: Okay. And so I guess the
20 same -- this follow up would be, if that's something
21 that you could find out, that would be -- that would
22 be appreciated.

23 Have you ever represented Jeff Rowe?

24 MR. GREIM: I think at this point, I --
25 first of all, we have -- our law firm has represented

1 Jeff Rowe. But if we go down -- I -- I really am not
2 prepared to go down my client list here today of -- I
3 don't really see how that's germane to our -- even if
4 we want to investigate our payment of taxpayers, but I
5 can say that we have represented Jeff Rowe in the
6 past.

7 MR. PIERSON: Okay. Thank you. And just a
8 couple more.

9 What about Axium Strategies?

10 MR. GREIM: On that matter, I can say --
11 I'm very certain that there are matters in which we've
12 represented Axium Strategies. I will say we don't
13 represent Axium Strategies on anything involving what
14 this committee is reviewing, but I will say that we
15 have represented Axium Strategies in the past.

16 MR. PIERSON: Okay. Mr. Garber.

17 MR. GARBER: No. And -- and certainly not
18 to the best of my knowledge.

19 MR. PIERSON: Very good. What about the
20 Missouri Republican party?

21 MR. GREIM: I think as the representative
22 knows one of my lawyer partners is the chair of the
23 party. However, the counsel for the party is Lowell
24 Pearson and Harvey Tettlebaum of the Husch Blackwell
25 Law Firm. I actually did not believe we have

1 represented the Missouri Republican party, but I -- I
2 would have to check on that. I'm aware of no current
3 engagement with the party.

4 MR. PIERSON: And -- and just for
5 completeness, what about the Missouri Democratic
6 party?

7 MR. GREIM: Well, I -- I am pausing here
8 because I represented the General Assembly in
9 defending its redistricting maps in 2011, and it's
10 been seven years, and I cannot remember whether we
11 represented the Democratic party in that. I would
12 have to go back and check, but certainly that map was
13 drawn and approved by both Republican and Democrat
14 legislatures.

15 MR. PIERSON: Very good. Yes, Mr. Garber.

16 MR. GARBER: Again, no, and certainly not
17 to the best of my knowledge.

18 MR. PIERSON: Very good. Very good. Well,
19 thank you.

20 Thank you, Mr. Chair.

21 CHAIRMAN BARNES: Okay. And I want to
22 clarify, regarding New Missouri, is your firm
23 representing New Missouri, Mr. Greim?

24 MR. GREIM: No. I -- I think a New
25 Missouri -- I think I'm aware that it is distinct from

1 a new -- a committee for a New Missouri and I guess my
2 answer is the same on that one. I -- I believe the
3 answer is no. I think the answer is no, but I -- I
4 really would have to check, and I will -- I will say
5 this: We did not represent the New Missouri -- a New
6 Missouri now, and I think that's -- frankly, I think
7 that's the relevant question for this committee, so I
8 can tell you for sure we don't represent New Missouri
9 now. I can't tell you whether we've represented it at
10 some point in the past.

11 CHAIRMAN BARNES: So it's existed for about
12 a year; right?

13 MR. GREIM: Well, you know the committee is
14 investigating it and knows whether --

15 CHAIRMAN BARNES: If it would be -- it
16 wouldn't have been you. You personally have not; is
17 that -- is that --

18 MR. GREIM: Definitely. I personally have
19 not.

20 CHAIRMAN BARNES: It may very well have
21 been a partner. If -- if it happened, it was a
22 partner is what you're --

23 MR. GREIM: That's right. Yeah. I mean,
24 only a partner can represent a -- you know, that
25 brings a -- represents a client is in charge of a

1 matter, and I'm the only partner in our firm working
2 on this matter.

3 CHAIRMAN BARNES: Okay. We've been through
4 all seven. If you want to take a quick break, we can
5 do that or we can jump right in. I'll leave it up to
6 you. And let me tell you, we'll give you plenty of
7 time, and so it's just up to you whether you want to
8 take a quick break and come back or whether you want
9 to just barge right in.

10 MR. GREIM: Yeah. We'll just roll right
11 through. I will -- I've been drinking --

12 CHAIRMAN BARNES: You've been drinking
13 copious amounts of water, I've noticed. So if you
14 need to take a break at any moment, Mr. Greim.

15 MR. GREIM: I do that. I drink a lot of
16 water and coffee in the morning. But I'm -- I'm good
17 to go, and let's just forge ahead. So thank you,
18 Mr. Chairman.

19 With that, do we have leave to go ahead?

20 CHAIRMAN BARNES: You have leave to go
21 ahead, but we're going to treat it like a legislative
22 committee hearing, not -- and I think -- as a lawyer,
23 every time I've been in front of an appellate court, I
24 don't want to be up there reading a brief anyway, so,
25 say, out the outset, we share a common desire to have

1 an open and fair process, and we want to give you the
2 full opportunity to do this, and I do want to apprise
3 you, if members have questions in the middle of your
4 presentation, I'm going to call on them.

5 MR. GREIM: Fair enough. I think we'll
6 get -- I think that's probably a fair way to go. So
7 I'll -- I'll jump off and be ready. I'll be scanning
8 for questions that you'll recognize, Mr. Chairman.

9 I'll just start off. On Friday I -- as you
10 know, I wrote the committee through the Chairman to
11 request four simple elements that we believe will
12 satisfy due process at this early stage. I'll explain
13 them in more detail momentarily. The key point for
14 now is that those four elements are a far cry from the
15 full protections afforded to a criminal defendant or
16 even a civil litigant or a participant in an
17 administrative proceeding. If these are all that
18 would be allowed at trial, the four things that we're
19 asking for, our legal system could not function. They
20 fall far short of what would be allowed at trial, but
21 they're just enough for hearings in the House. Their
22 carefully tailored to allow each member of this House
23 to be able to face his or her constituents to satisfy
24 his or her conscience and to satisfy his or her
25 constitutional duty to ensure that the facts justify a

1 vote to impeach and thereby negate the results of a
2 recent election. This is a weighted task, members of
3 the committee.

4 Since the founding of our country, only 15
5 governors have been impeached and only eight have been
6 removed. Only two have been removed in the United
7 States since World War II. Of course, as we all know,
8 this would be the first Governor in Missouri history.
9 So it's truly a rare event and in American history,
10 despite the political storms that have raged since we
11 became a state, and that was only due to a shaky
12 political compromise.

13 So the facts, Mr. Chairman, must truly be
14 extraordinary, and we will submit that unless
15 impeachments are to be meted out each legislative
16 session to Missouri judges and other officeholders
17 based on the same standards as, for example,
18 indictments a greater degree of process and certainty
19 should be required. Otherwise, we will do severe
20 violence to the careful separation of powers we have
21 maintained since 1821.

22 So the basic question I want to ask now and
23 I'll end with is this: If the purpose of this House
24 proceeding is to satisfy each member that he or she
25 has the truth and if the facts justify removing the

1 Governor from office, why would we adopt anything less
2 than an open, fair proceeding targeted to find the
3 facts?

4 Based on what we know over the last week or
5 so and comments that have been made to legislatures, I
6 think there are two choices that have emerged, and the
7 question -- one way to think about this is to decide
8 which of these two choices do we want, and I think the
9 law answers that question. The first choice is to
10 consider the type of proceeding that would be
11 happening in the House, including what is it at stake
12 for the person at issue and for the executive branch
13 of Missouri government, and then assign to that
14 proceeding whatever procedures will bring us to the
15 truth in a fair open way that can be reported by the
16 press and understood by the public. The second choice
17 is a simply treat impeachment as a -- as a quick
18 review to decide whether there's sufficient reason to
19 have the Senate's appointees grapple with the mess of
20 the facts of the law. It treats due process, the
21 second choice, as an on/off switch. Due process
22 fairness in the request for truth doesn't apply to the
23 impeachment decision. The judges can handle all of
24 that later.

25 So which is correct? Let's turn to the

1 first choice.

2 The law, Mr. Chairman, is that due process
3 does apply in accusatory proceedings. You review a
4 series of factors to decide then just what that --
5 just what process is due. So it's a two-step process.

6 The Supreme Court case of Jenkins versus
7 McKeithen, 395 U.S. 411 from 1969 explains that due
8 process is not like an on/off switch.

9 CHAIRMAN BARNES: I'm sorry, Mr. Greim.
10 What year was that?

11 MR. GREIM: 1969.

12 CHAIRMAN BARNES: Okay. Go ahead. Sorry.

13 MR. GREIM: So long as there will
14 eventually be a trial, the thinking could go, we can
15 avoid fairness, openness and the request for truth
16 treating the proceeding like an accuser's private
17 playpen.

18 CHAIRMAN BARNES: Mr. Greim, what was the
19 context of that case? What was the case name again?

20 MR. GREIM: Sure. Jenkins versus
21 McKeithen.

22 CHAIRMAN BARNES: And.

23 MR. GREIM: That case arose in Louisiana.
24 It's obviously a U.S. Supreme Court case. And the
25 question there was whether a proceeding that was held

1 in Louisiana by a special commission that had been
2 established by statute was sufficiently accusatory
3 that some due process should apply.

4 CHAIRMAN BARNES: Who was the respondent in
5 that case? I don't mean in the supreme court. I
6 mean --

7 MR. GREIM: Sure. Sure.

8 CHAIRMAN BARNES: -- the party that was in
9 front of the special commission? What was their
10 interest?

11 MR. GREIM: Mr. Chairman, I -- of course, I
12 haven't committed it to memory. I try to have a copy
13 of the case here with me, and I see that I don't. So
14 I don't -- I don't trust my memory. Obviously, I can
15 just -- I can just supplement this in a letter to you,
16 but I believe it was a commission that covered a
17 particular industry. May have been gambling, but
18 here -- here's the key point. Not what the industry
19 was or who the respondent was, it was, the end result
20 of this hearing was simply to accuse a person of
21 having violated the law. No other sanction arose
22 other than the public accusation, and so, perhaps,
23 those who have the Internet can pull it up.

24 CHAIRMAN BARNES: I've pulled it up. It's
25 a labor and industrial relations commission.

1 MR. GREIM: Right.

2 CHAIRMAN BARNES: The respondent was a
3 member of a labor union.

4 MR. GREIM: Oh, yeah. Yeah. Thank you.

5 So you'll see that that is the case that
6 established this category of proceedings called
7 accusatory and what it holds is that due process is
8 required in accusatory proceedings. What the due
9 process is that's required, though, you know, is
10 judged on a case-by-case basis.

11 CHAIRMAN BARNES: Well, let me slow you
12 down, Mr. Greim. There's a case -- a Missouri case.
13 It's Copeland versus City of Union. Are you aware of
14 this case from 2016?

15 MR. GREIM: If -- if you can tell me more
16 about it, Your -- Mr. Chairman, I probably could.

17 CHAIRMAN BARNES: What it says, in Taylor
18 versus Beckham 178 U.S. 548, the Supreme Court wrote,
19 public offices are mere agencies of trust and not
20 property as such. Later in Snowden versus Hughes, the
21 Supreme Court held that an unlawful denial of state
22 action of a right to state political office is not a
23 denial of a right of property or liberty secured by
24 the due process clause. Later, it says, plaintiff
25 cannot contend and the plaintiff in this case was an

1 officeholder -- he was the city collector in Franklin
2 County, and the board of aldermen passed an ordinance
3 authorizing the mayor to enter into an agreement with
4 Franklin County by which the county would collect the
5 property taxes on behalf of the city, so that -- so
6 he -- so his spot was in trouble; right?

7 MR. GREIM: Uh-huh.

8 CHAIRMAN BARNES: The court says in this
9 case, plaintiff cannot contend that Missouri law --
10 and it's from Eastern District of Missouri, Federal
11 Court. The plaintiff cannot contend that Missouri law
12 conferred upon a property interest in the city
13 collector's position. The Missouri Supreme Court has
14 held that elected officeholders have no contractual or
15 vested right to a particular office, and there's a
16 case citation. Specifically -- and here's a direct
17 quote: Public officers are created solely to meet the
18 needs of the public and the incumbent has no
19 contractual or vested right to the office.

20 Now we're going to have a fair and open
21 process, and we want that, but when you're invoking
22 due process -- official due process rights and it
23 seems to me that there's a case pretty close to --
24 directly on point regarding an officeholder and
25 stating that due process rights don't attach to the

1 officeholder.

2 CHAIRMAN BARNES: Right. And I'll let you
3 distinguish -- go ahead.

4 MR. GREIM: Yeah. I mean, I don't think
5 the case -- I mean, I think the -- distinguishing even
6 is a strong word because there's -- we have a line of
7 authority and it's come up in challenges to changes to
8 the Missouri court plan also that says that
9 officeholders don't have a due process right to hold
10 the office, but here's the problem: The Supreme Court
11 precedent that finds due process arising from an
12 accusatory proceeding is based precisely on the
13 accusation of misconduct, and so the question there is
14 not the property interest in someone's right to hold
15 office. The question is, the right to due process as
16 part of accusatory proceeding, and so --

17 CHAIRMAN BARNES: But -- but hold on.
18 Because if the -- if the result of -- and, again, the
19 committee -- we're not there yet, but you're talking
20 about due process with an impeachment proceeding. If
21 the result of potential impeachment is only removal of
22 office, you agree there's no criminal consequence;
23 correct?

24 MR. GREIM: Well, the point is, is it's not
25 whether there's a criminal consequence. It's whether

1 the accusation is made.

2 CHAIRMAN BARNES: Is there a civil
3 consequence?

4 MR. GREIM: Well, actually one question
5 that we have for -- that we'll have for the committee
6 is, there's been suggestion that there could be
7 suspension as a result of impeachment, and so,
8 frankly, there could be immediate results or an
9 attempt to go to the tribunal that would be appointed
10 to try to achieve suspension.

11 CHAIRMAN BARNES: That relates solely to
12 the holding of the office; correct?

13 MR. GREIM: It does.

14 CHAIRMAN BARNES: Okay. It's solely
15 holding on the office. It's not to personal civil
16 liability. It's not personal criminal liability;
17 correct?

18 MR. GREIM: That's true, but what we're
19 missing in all of this is there's two components that
20 are critical. One is due process not just for the
21 sake of the person being accused, but this is not a
22 private person who's being investigated by the House.
23 This is the chief executive, and so the second area of
24 interest we have to consider, that I was going to get
25 to later, but let's cover it now is the separation of

1 powers and the interest of the executive branch in not
2 having impeachment be meted out, you know, merely
3 based on, you know, secret proceedings in which both
4 sides of the evidence are presented, at least in the
5 sort of format that falls short of a trial that we're
6 asking for here.

7 And so it can happen too quickly and too
8 easily, if people are able to just say, well, there's
9 at least something here, I don't -- I'm not sure I
10 know the facts, but there's something here, we'll let
11 the Senate appointees or the Supreme Court handle it,
12 that right there -- if that were actually the standard
13 being applied, would lead to far more impeachments and
14 at that point -- and, again, judges are implicated by
15 that and other people in the executive -- the chief
16 executive are implicated by that. So that's not
17 really a due process issue at that point. That's a
18 separation of powers. That's a balance of powers
19 issue, and we're now changing the -- you know, the
20 strengths of each branch of government under the
21 Missouri Constitution if it happens that quickly.

22 CHAIRMAN BARNES: So -- so let me slow you
23 down here because Mr. Garber said something earlier
24 that -- you know, I agree with at least as far -- let
25 me find where I -- Mr. Garber said his interest is

1 insuring that the Office of the Governor is not
2 diminished at all for future officeholders. Do you
3 remember him saying that? You understand that here as
4 a House committee that we represent a separate and
5 co-equal branch of government; right?

6 MR. GREIM: That's the entire point of the
7 process.

8 CHAIRMAN BARNES: Okay. And, Mr. Garber,
9 both of you, would understand that the House should
10 also take the position that it ought not act in a way
11 that diminishes the constitutional obligations and
12 authorities of this separate and co-equal branch of
13 government. Would you grant that to the House?

14 MR. GREIM: I would -- I would obviously
15 grant that to the House, but the House does not
16 diminish -- does not diminish its power by trying to
17 seek the truth. In fact, it enhances its power and
18 stature to actually serve a roll in trying to find the
19 answer rather than just kicking it over to the
20 Missouri Supreme Court or in this case, the seven
21 appointees.

22 CHAIRMAN BARNES: And you've done a very
23 good job there of restate the question. That's not
24 what the question is, because this committee from the
25 start has been out to get the truth, and we want to

1 hear from every witness who has any knowledge of
2 facts. We want to hear from Governor Greitens. We're
3 begging to hear from Governor Greitens, and it's
4 really hard to listen to you say that about this
5 process knowing that Mr. Greitens has refused multiple
6 pleadings for him to come and testify before us.

7 So the question isn't whether the process
8 is going to be fair. It's going to be -- it's who's
9 going to be in charge of that process? Where in the
10 Constitution can you site authority for the
11 legislature handing over subpoena power to the
12 executive branch?

13 MR. GARBER: Mr. Chairman, respectfully,
14 there's not a -- a single -- no one's made a proposal
15 to hand over the subpoena power to the executive
16 branch. We have asked -- what we're asking the House
17 to do is to implement its own rules just like every
18 other state that has addressed this issue. Missouri
19 would be an out liar, but to put in its own rules that
20 the accused here -- that the Governor would actually
21 be able to ask for subpoenas to be issued to bring in
22 witnesses that he wants to produce.

23 CHAIRMAN BARNES: So let's -- I think we
24 can have some agreement on that, because this
25 committee to date, Mr. Dowd contacted us and asked us

1 to call one witness. That was Mr. Jack Nians
2 (phonetic). Do you know what the committee did? We
3 immediately called Jack Nians as a witness, and to the
4 extent that your side is going to request witnesses,
5 we are by and large going to call them. Now I'm not
6 going to give you a blank check on calling any and all
7 witnesses, but we are going to call witnesses that are
8 relevant and we've, in fact, already done that. As it
9 relates to cross-examination -- you guys said
10 something earlier that bothers -- it's a little bit
11 bothersome. Let me -- I want to show this to you.
12 You guys know this isn't the first proceeding relating
13 to this in Missouri; right?

14 MR. GREIM: We do.

15 CHAIRMAN BARNES: Okay. Can you point to
16 me anywhere in there, in this -- this book where the
17 counsel for Judy Moriarty had the right to
18 cross-examine witnesses?

19 MR. GREIM: Well, the -- I appreciate the
20 rhetorical flourish here of giving us this volume.

21 CHAIRMAN BARNES: Mr. Greim, you said that
22 there was no precedent for it. There is a precedent
23 for it and not allowing counsel for Moriarty to
24 cross-examine witnesses is what the precedent is in
25 Missouri. This isn't Connecticut.

1 MR. GREIM: Mr. Chairman, this is not a
2 gubernatorial impeachment. This is a matter which the
3 Secretary of State had already been convicted, had
4 already been convicted, and there was a complete
5 record from a trial where due process was allowed.

6 CHAIRMAN BARNES: And I think it's
7 interesting that you bring up that point, because
8 there was a gentleman from Butler County at that time
9 named Richardson, who was serving in the minority
10 party, who was sitting in a committee -- and the
11 committee, and made the point that -- I think our
12 speaker and I have made from the beginning -- and you
13 would agree with this; right? That the House has a
14 separate and independent process from a criminal
15 trial; do you agree with that?

16 MR. GREIM: We've never disagreed with
17 that.

18 CHAIRMAN BARNES: Okay. And what the
19 committee decided was that they were going to pay no
20 heed to the findings of the jury in that case, but
21 instead were going to take testimony on their own
22 because it was, in fact, a separate process with
23 separate responsibilities. Have you -- were you aware
24 of that?

25 MR. GREIM: Chairman Barnes, we're very

1 aware of it, but that's an easy thing to do when a
2 jury has already --

3 CHAIRMAN BARNES: I just think it's
4 inaccurate for you to say there's no precedence for
5 cross-examination when, in fact, the only precedent is
6 that it didn't happen. Now it's okay for you to say,
7 listen, the precedent in that case was this and now we
8 want something different, but I think it's a little
9 bit disingenuous to say, there's no precedent in this
10 state for it. I'm sorry, because that's the
11 precedent, and now you're asking for a new one. Just
12 say you're asking for a new one.

13 MR. GREIM: Respectfully, Mr. Chairman, I
14 mean, it's a slide of hand to say that the Moriarty
15 case is, quote, the precedent, that this is what we
16 look to. Remember that in this case they had
17 transcripts of the trial in which cross-examination
18 occurred. So when examination occurred the second
19 time around, they had transcripts in which full
20 process was allowed in each -- and the knowledge of
21 each witness was fully probed, and so while they
22 brought them back a second time to testify -- in fact,
23 there's -- there's evidence in the record, if I recall
24 correctly, that originally they weren't going to have
25 those transcripts and exhibits and the members of the

1 committee said, we need to see the transcripts where
2 someone was cross-examined. And so, again, this is a
3 unique situation in Moriarty. What we should do and
4 what we're supposed to do in these cases, let's look
5 to where the chief executive officer of a state was
6 actually put under threat of removal from office. In
7 those cases, the uniform example is that
8 cross-examination, subpoenas and presence and
9 participation of counsel was allowed in every single
10 one of those situations, and those are in states where
11 impeachment is not -- is not thought to be a judicial
12 process. Those are in states where it's purely a
13 political process. So why Missouri would depart from
14 its sister states on this point and be the only state
15 to -- to not allow this -- these simple basic
16 procedures when it is actually the leader in making
17 this judicial is beyond -- is beyond us.

18 CHAIRMAN BARNES: We do -- we should have
19 some cross-examination testimony. Do you know how
20 long witness one was cross-examined in deposition for?

21 MR. GREIM: Well, I -- I don't know. And I
22 think witness one was interviewed multiple times,
23 but -- and she was cross-examined. From my
24 understanding, her story has changed many times, but I
25 don't think the issue --

1 CHAIRMAN BARNES: Hold on.

2 MR. GREIM: -- should be relied on witness
3 one.

4 CHAIRMAN BARNES: Have you reviewed the
5 testimony?

6 MR. GREIM: Chairman Barnes, I have not. I
7 have simply gotten summaries of the testimony, but it
8 would be surprising to me if the basic procedures of
9 due process in this House would turn on your -- your
10 own judgments without participation but with counsel
11 from the Governor about what happened in --

12 CHAIRMAN BARNES: No one ever said that
13 counsel for the Governor would not be allowed to
14 participate. Again, I appreciate the attempt to set
15 up a straw man, but that's just not -- that's --
16 that's not factual, Mr. Greim.

17 MR. GREIM: And, Mr. Chairman, if -- if I
18 might, it is true at this point the committee is -- I
19 think is just embarking on this process. You know,
20 the special session starts Friday, and if I can bring
21 it back to sort of 35,000 feet in a way -- I view
22 this -- this exchange as -- as productive. It'd sort
23 of be a fun law school class to have and to teach.

24 CHAIRMAN BARNES: I think you teach that
25 class; don't you?

1 MR. GARBER: And I teach it and -- but,
2 obviously, that's not what this is, and -- and one of
3 my points when I teach that class is, look, we can
4 talk about the law. We can even talk about the
5 precedent, and we do. But I actually explain that
6 when the rubber hits the road, it's really a
7 discussion like this that winds up creating what there
8 is about impeachments.

9 And so, you know, we can talk about the due
10 process clause, and we can argue that there is a right
11 to due process. That discussion would go a long time,
12 and I promise, I wouldn't convince you, that there's a
13 right to due process, and I can tell you that because
14 I haven't convinced any House that there is a right to
15 due process. I wound up convincing a judge that that
16 was the case, but that's not where I want to wind up
17 being, and usually it's not where I am, and so -- so
18 if you can indulge me for --

19 CHAIRMAN BARNES: I will. And, Mr. Garber
20 I appreciate you. You know, Mr. Greim and I are
21 arguing about due process and 14th Amendment Rights
22 and property rights, and I appreciate you bringing it
23 back, because this is lawyers being lawyers, I think,
24 getting hung up on the due process and we do share
25 that common interest in having a fair process going

1 forward. We might not agree on all of the particulars
2 and -- but that is the shared interest and Mr. Greim
3 and I -- you know, can save the debate on property
4 rights, perhaps, for a different day.

5 MR. GARBER: And -- and, Mr. Chairman,
6 that's usually where the discussion lies. It's -- you
7 know, this committee and the House, you want to get
8 the facts. You want to get the facts, and then you
9 want to figure out what to do with the facts.
10 That's -- that is the job and -- and I believe you are
11 all operating in good faith to -- to do that. You're
12 trying to do your job. It's my understanding you
13 don't get paid a lot extra to sit here and do this.
14 You've spent a lot of time on these issues working on
15 this. It looks like you're going to spend a lot more
16 time doing it, you know, as is the full House. So
17 I'm -- I'm crediting that you're not doing this for
18 the fun or the money or anything like this. You're
19 doing it to discharge your constitutional duties and
20 to get the facts and figure out what to do with them.
21 And so that's -- that's sort of where I start is say,
22 okay, let -- that is the case. You are trying to get
23 the facts.

24 Putting aside the due process arguments,
25 when -- when we came up with the proposal to the -- to

1 the committee, in terms of process, it is a proposal
2 that is not one that I've made before in any other
3 state. In the other states I've -- I've worked in, I
4 have proposed a lot more due process and the proposal
5 that we made to the committee is where we wound up in
6 those states, which, frankly, I -- I don't think goes
7 far enough, but it doesn't matter what I think
8 because -- because it's this House that is making the
9 rules. And so, fundamentally, where I start out
10 and -- and where I wind up is, what's the process
11 working together and -- and recognizing that it's
12 within the House's discretion to set the process, you
13 know, subject to the constitutional protections.
14 What's the process that actually gets at the truth?
15 And that's why we proposed -- and, again, for your
16 consideration, you know, number one, is -- is some
17 level of participation by the Governor's counsel. And
18 as the Chairman said, you haven't decided that you're
19 not going to allow that participation and -- and,
20 honestly, I would love if it were the same amount of
21 participation you'd get in a court case. I'm not
22 asking for that. I'm not asking for it here. I --
23 I've asked for it in a lot of other states, and I've
24 been told no. I'm not asking for that here. But as
25 we've seen, I think, today on some of the back and

1 forth, the participation by the governor's counsel
2 actually can elucidate some issues. And then the
3 question is, what's -- what's that level of
4 participation? And we can talk about that. And
5 second, is advance notice of -- of subject matters
6 and -- and what meetings are about. That allows us to
7 prepare. That allows the press to know what's going
8 on, and -- and I think probably makes for a more
9 efficient process. So that's the second thing that
10 we've asked for. The third thing is -- it is,
11 perhaps, more controversial, but I would hope
12 shouldn't be a huge problem, which is the right to
13 cross-examine witness. And here's why we're asking
14 for that -- and it's because historically that is how
15 you get at the truth.

16 A -- a witness testifies and somebody who
17 has an interest adverse to that -- that witness and
18 the members of the committee knows this -- gets to ask
19 that witness questions and that winds up bringing out
20 the truth and that's why we have it at trials, but we
21 also have it in administrative proceedings and
22 legislative proceedings, and we've had that -- that
23 part of the rule -- give me 30 seconds.

24 CHAIRMAN BARNES: Hold on. We don't have
25 legislative proceedings. I'll let you go ahead.

1 MR. GARBER: Fair enough. We have
2 administrative proceedings and that's why I -- I
3 probably misspoke if I said legislative hearings. I
4 apologize. So we have at in judicial proceedings, the
5 judicial branch. We have it in administrative
6 proceedings with the executive branch and in the
7 impeachment proceedings that I've been involved in,
8 we've had it at the -- at the legislative branch also,
9 and it's because not because I demanded it and
10 probably honestly not because I was -- you know, so
11 persuasive that I convinced anybody that we had a
12 right to it, but it's because the folks in your chair
13 said, you know what? Actually, if we're -- if we want
14 to get at the truth, why not. Why not have the
15 cross-examination and see what the truth is.

16 And then, you know, the other thing is that
17 all of that play out in the open, because what's at
18 stake, is -- you know, is impeachment, is the
19 potential reversal of an election, and so that's --
20 that's sort of the other thing we've asked is that all
21 of this takes place in public so that the public can
22 see if that actually is a potential result they know
23 why -- why votes are being essentially, you know,
24 discarded and the election is being thrown out.

25 Did I miss any of the key elements?

1 So, Chair -- Mr. Chair and members of the
2 committee, that's why we've made these proposals and
3 why, honestly, I appreciate the ability to talk to the
4 committee about it and do it in this constructive way,
5 not arguing that we have a right to do it, but -- but
6 proposing it respectfully to you that you'd want it.

7 CHAIRMAN BARNES: Thank you. Mr. Greim,
8 because we kind of got sidetracked and Mr. Garber
9 jumped in, I didn't -- I want to make sure if you want
10 to add to that.

11 MR. GREIM: Mr. Garber and I are of one
12 mind on that and what he brings especially is just
13 having worked through this procedure with committees
14 in the past, and so we each have our strengths and
15 I -- I appreciate his testimony on that point.

16 CHAIRMAN BARNES: I want to reiterate -- go
17 ahead, Mr. Garber.

18 MR. GARBER: I realized I did forget
19 something, and that was the ability to actually have
20 the Office of the Governor and the Governor personally
21 be able to put on a defense or put on evidence. And,
22 again, as the chairman noted, you had allowed the
23 governor's personal lawyer to propose a witness and
24 then you called the witness. I'm talking about
25 something a little bit more.

1 CHAIRMAN BARNES: And it's our intent to
2 continue to -- to do that fully. I just -- I want to
3 reserve the prerogative to say no, which I would say
4 no if any committee member said, well, we need to call
5 this witness. The Chair and the committee as a whole
6 can preserve the prerogative.

7 MR. GARBER: I think under our proposed
8 rules we actually embedded and we're -- and we're
9 happy to talk about it, a significant amount of
10 discretion to -- to the Chair on --

11 CHAIRMAN BARNES: Not just the Chair. It's
12 a committee process, the majority of the committee.

13 MR. GARBER: But the committee and the
14 Chair. But, again, you know, it's one thing to
15 suggest to the committee that a particular witness be
16 called. It would be another -- and, again,
17 respectfully, if I were you -- I won't say that word.
18 You may want to and benefit from and the public may
19 benefit from actually allowing the Governor and the
20 Office of the Governor to -- subject to, you know,
21 the -- the Chair's appropriate discretion and the
22 committee's appropriate discretion, bring in a witness
23 and ask that witness questions, and then you'd, of
24 course, be able to ask that witness questions and
25 cross-examine the witness and -- and have that sort of

1 built in as an orderly process again to -- to get at
2 the truth and -- and -- and, again, I appreciate the
3 time, but one last thing I'd probably mention is, it
4 has been suggested that, wait a minute, isn't that
5 what the trial is for? If there is an impeachment
6 trial, isn't that what happens later? And that's
7 something that -- that I do talk about with other
8 legislatures. And the answer that they've come with
9 to that is, number one, is -- yeah, there is a
10 potential trial later, and the standards for that
11 trial and the processes are more rigorous and give
12 the -- the accused more latitude, but that doesn't
13 mean that what this committee is doing and what the
14 House is doing isn't of overwhelming importance both
15 in -- in this instance and also for the state and also
16 for -- for the public, and so I know that this
17 committee does want to get at the truth even at this
18 level, and so we don't have to make that sort of
19 technical legal argument about -- and I don't think I
20 would hear that from, you know, anybody sitting in
21 this room, as we can wait to get into the truth until,
22 you know, some sort of future trial, and so that's why
23 we've proposed these rules to try to get at the truth,
24 and then as the committee knows, we also proposed a
25 timeline. A month is, in my experience, an incredibly

1 short amount of time to try to get at this and so
2 we -- we made a proposal to -- to get it done in a
3 month, to work together with you and --

4 CHAIRMAN BARNES: We appreciate. Your
5 office can always extend that timeline. Your -- your
6 client has the ability to -- has the authority to do
7 so.

8 MR. GARBER: Which -- that's something that
9 could be discussed, because, again, from the point of
10 view of the Office of the Governor, the -- the goal
11 really is to get at the truth through a full and fair
12 and open process. That's -- that's my goal. That's
13 Mr. Greim's goal. We represent the Office of the
14 Governor, and so I think there's -- we talked about a
15 Venn diagram before. I think there's a lot of overlap
16 in that respect. So thank you.

17 CHAIRMAN BARNES: Mr. Garber, Mr. Greim,
18 not overlap. There's overlap between us here. As I
19 look at your list, I think I see far more things that
20 we agree upon than what we disagree upon, and, again,
21 Mr. Greim and I focused on this side issue of due
22 process rights for a while, which is really kind of --
23 in my view but that legal argument is beside the
24 point. What's important is how the process looks
25 going forward, and we share that goal, and we're going

1 to agree on a lot of this stuff, although, I bet we're
2 not going to agree on everything. Although, I -- I
3 want to ask you something about -- you know, you
4 talked about the ability to present documentary
5 evidence and witnesses to the committee and to -- you
6 understand there's a two-way street here; right?
7 That's -- that's a rhetorical question. There's a
8 two-way street.

9 MR. GREIM: Meaning you're going to give us
10 documents, too?

11 CHAIRMAN BARNES: Well, you want to be able
12 to present documents and witnesses; right?

13 MR. GARBER: Yes.

14 CHAIRMAN BARNES: And we want to be able to
15 receive documents and witnesses.

16 MR. GREIM: Yes. Yes.

17 CHAIRMAN BARNES: And we've received some
18 documents, yes. We have also been forwarded in our
19 attempts to get at the truth with objections to
20 documents that we've requested. We've been forwarded
21 in an attempt to get the truth with refusals to
22 testify, and in order for us to have this process that
23 you want, that we want, we need a two-way street on
24 this.

25 MR. GREIM: And, Mr. Chairman and members

1 of the committee, that I agree with you on. And --
 2 and it's my understanding that the Office of the
 3 Governor has now gotten two subpoenas for documents
 4 with an incredibly quick turnaround date of one week
 5 and last night produced all of those documents and an
 6 explanation. And so, you know, I control only what I
 7 control, which is not very much.

8 CHAIRMAN BARNES: We're going to go with a
 9 trust but verify --

10 MR. GREIM: No, that's fine.

11 CHAIRMAN BARNES: -- on the documents
 12 because we haven't reviewed them. We got them last
 13 night. And I appreciate the timeliness, but we really
 14 haven't gotten to look at them.

15 MR. GREIM: And we're happy to work with
 16 you on that, yes.

17 CHAIRMAN BARNES: But, you know, there's
 18 sort of -- you're working with others as well, and
 19 if -- if we're going to have this process that's going
 20 to be fair, it is incumbent upon your side to be
 21 forthcoming. I mean, at -- at the very beginning when
 22 this committee was appointed Mr. Dowd said that they
 23 looked to be cooperative with this committee, and I
 24 think I speak for unanimous committee in feeling that
 25 there really has been no cooperation to date and

1 that's not what we want. We want to get at the truth.
2 We want to hear from the Governor. We want to hear
3 from, for example, the one witness that was suggested
4 by Mr. Dowd. We immediately called him to testify and
5 allowed him all the time he needed, even told him at
6 the end, is there anything else that you want the
7 committee to hear?

8 MR. GARBER: And, Mr. Chairman, there --
9 there are lots of other parties involved in all of
10 this. Sitting at this table is -- are the lawyers for
11 the executive branch of this government, the Office of
12 the Governor, and we're across from the legislative
13 branch. And, again, it's my understanding that so far
14 the Office of the Governor and has cooperated with
15 this committee and -- and, again, I appreciate the
16 dialog, and I hope we get to continue this dialog,
17 because I do take seriously that, that notion. We're
18 not asking for all -- anybody else to have the right
19 to cross-examine witnesses and bring witnesses.
20 It's -- it's the Governor and the Office of the
21 Governor. That's -- that's what we're asking for.

22 CHAIRMAN BARNES: If the Governor refuses
23 to testify, and I hope that's not the case, are you
24 going to accuse this committee of being unfair?

25 MR. GARBER: I -- we're -- look. Right

1 now, we are beginning a dialog.

2 CHAIRMAN BARNES: Okay. I just -- I just
3 want to -- because that's what we -- we really want
4 all the facts. I'm begging you. I'm begging you to
5 help us have a fair process where we hear both sides.

6 MR. GARBER: Yeah.

7 CHAIRMAN BARNES: Seriously.

8 MR. GARBER: Mr. Chairman, the -- the same.
9 That's -- that's --

10 CHAIRMAN BARNES: That's when I get down
11 there on both knees and say, please, please, please,
12 please, Mr. Garber, convince Mr. Greitens to testify.
13 That's what I'll do. We want to hear from him.

14 MR. GARBER: I -- I hear you. And right
15 now, it's why I appreciate us talking about a -- a set
16 of rules and procedures that we can work together on
17 to -- to get to the truth, and -- and so I appreciate
18 that.

19 CHAIRMAN BARNES: Thank you. Mr. Greim.

20 MR. GREIM: Mr. Chairman, I have nothing to
21 add other than that if we'll go on for a bit longer, I
22 wonder if we could now take a short break. I'm sorry,
23 I wanted to try not to ask for.

24 CHAIRMAN BARNES: Okay. Let me see. Do
25 other members have questions?

1 We have no other questions. So if you --
2 Mr. Greim, if you want to take a break and come back
3 and give more statement, we can do that. I'm
4 perfectly fine with that. I'll give you all the time
5 you need. We're not -- we're done with questions, so
6 it's up to you guys.

7 MR. GREIM: Perhaps, Mr. Chairman, if we
8 can take three minutes.

9 CHAIRMAN BARNES: Yes. Right.

10 MR. GREIM: There's no -- there's no
11 rushing involved or I won't do it in front of you, but
12 if we could just take three minutes, I may come back
13 and say we have nothing more, but.

14 CHAIRMAN BARNES: Okay. That's fine.

15 MR. GREIM: If that's all right.

16 CHAIRMAN BARNES: Well, we're going to be
17 on real world time, not legislative on these three
18 minutes. As soon as Mr. Greim comes back into the
19 hearing room, we're going to start.

20 So members of the committee, I guess as
21 soon as he comes back and says he's ready, we're going
22 to start, so we'll take a brief recess.

23 (Silence in audio.)

24 CHAIRMAN BARNES: Mr. Watson, if you'd like
25 to take a seat, we can get started.

1 (Silence in audio.)

2 CHAIRMAN BARNES: We're back in to the
3 hearing.

4 MR. GREIM: Mr. Chairman, I -- I think I've
5 covered my main points. I guess I -- I was reflecting
6 a little bit on our conversation earlier in our legal
7 debate and, you know, it's interesting -- I -- I
8 wanted to say something a little more personal and
9 make a -- say something about what I think this matter
10 is and I hope what this engagement becomes. You know,
11 one -- one thing that our firm has done and the part
12 that I've led over the last several years, a lot of it
13 has led to very bitter litigation. Fighting in
14 Wisconsin when Governor Walker was under investigation
15 and putting an end to that. Suing the IRS on behalf
16 of all of the conservative groups -- and I think I'm
17 the only person that's deposed Lois Lerner. Bitter
18 fights with the governments' official and personal
19 capacity counsel, and then dealing even with the
20 Attorney General Paxton in Texas with his issues down
21 there.

22 What I appreciate -- I guess I'll say this.
23 What I appreciate about what I think we're getting
24 ready to do here, Mr. Chairman, is that we have a
25 chance to actually come together to put in place a

1 process that we can all be proud of later, and while
2 you did get me going on due process there -- I mean,
3 I -- you -- we had that discussion. What I -- what I
4 appreciate especially from hearing you talk to
5 Mr. Garber is that this is a chance for two branches
6 of government to come together and say, what's the
7 right way to run impeachments in Missouri and there
8 will be things we'll disagree on. There will be
9 details, but I like the idea that we can come together
10 and sort of fashion the process and it's something in
11 those other engagements we were just fighting. We
12 were just in the trenches fighting and I -- I don't
13 see that as what we're doing here. I just want to
14 convey that. That's how I feel about this, and I
15 think having this hearing in the open was a good
16 thing. I do want to just explicitly invite you to the
17 extent that we have to iron out details, we are happy
18 to actually have a meeting with you, a working
19 meeting, to work out, you know, specifically how we
20 would handle the subpoena issue or, you know, the
21 cross-examination issue. Let's see, specifically,
22 where we would have issues. I mean, we've got
23 printouts and models of these other rules. You'll see
24 that the chairman and the committee has great
25 authority. That's how you're going to have to run it,

1 we think, and so we've got language we -- we can sit
2 down and work on. I -- I appreciate that.

3 And I have to say, many years ago when you
4 and I were in college together, I probably never
5 thought that there would come a day like this where we
6 had this sort of a meeting, but I appreciate the
7 opportunity to work with you.

8 CHAIRMAN BARNES: Everyone, certainly,
9 thought you would be more than likely in this role
10 than I was, Mr. Greim, with your grades compared to
11 mine, so.

12 MR. GARBER: And I suppose I'll -- I'll
13 close by -- by thanking all the members of the
14 committee for having -- having this discussion. We
15 appreciate your accepting our invitation to do this.
16 I hope it has been helpful to the committee and,
17 perhaps, the public that's -- that's watching this.
18 You know, today, we didn't talk much and I think,
19 appropriately, about sort of the -- the elephant in
20 the room, which is why we're all doing this, why we're
21 all having this -- this discussion, this special
22 session that's starting on Friday and -- and I
23 respectfully request, perhaps, if we get down the road
24 that we have a discussion about -- about that, the
25 notion of -- of impeaching a Governor, because, you

1 know, that's -- that possibility, impeachment or some
2 other discipline is why these facts are being
3 gathered. I think somebody asked me if I -- I could
4 recall being involved in an impeachment where it was
5 solely personal conduct from before the person took
6 office and I -- I can't. I'm not aware of any case
7 like that existing, but, you know, at the end of the
8 day, you know, impeachment is considered only for the
9 most grave offenses against our system of government
10 that are proved in a way that we've just discussed
11 proving them, you know, to a high degree of certainty
12 with the facts and doing it in public so that the
13 public can see what we all are doing here and -- and
14 because at stake, ultimately, is an election, which
15 you and we and, you know, the people of our -- of our
16 country and I know the State of Missouri take very
17 seriously.

18 So with that, I -- I really do appreciate
19 the ability to have this -- this constructive dialog
20 with the committee. Thank you.

21 CHAIRMAN BARNES: Thank you, Mr. Garber.

22 Thank you, Mr. Greim.

23 Further questions? Thankfully seeing none,
24 we -- they are holding off on starting session for us,
25 so this will conclude today's hearing of the House,

1 special investigative committee on oversight.

2 Members of the committee, I got it right
3 the first time.

4 And for the record, if my children ever
5 hear that, I did get descent grades. I just didn't
6 get straight As.

7 (Silence in audio.)

8 (Audio ended.)

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1 CERTIFICATE OF REPORTER

2

3 I, Melissa J. Lane, Certified Court
 4 Reporter, Certified Shorthand Reporter and Registered
 5 Professional Reporter, do hereby certify that I was
 6 asked to prepare a transcript of proceedings had in
 7 the above-mentioned case, which proceedings were held
 8 with no court reporter present utilizing an open
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10 I further certify that the foregoing pages
 11 constitute a true and accurate reproduction of the
 12 proceedings as transcribed by me to the best of my
 13 ability and may include inaudible sections of said
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17 Melissa J. Lane, CCR, CSR, RPR

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22 Date:

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6 HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

7 HEARING

8 May 22nd, 2018

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1

INDEX OF EXAMINATION

2

3

Hearing by Committee Members

4

4

5

INDEX OF EXHIBITS

6

EXHIBITS:

7

(No exhibits were marked.)

8

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1 APPEARANCES
2 Representative Jay Barnes, Chairman
3 Representative Don Phillips, Vice-Chairman
4 Mr. Alex Curchin, Senior Counsel/Legislative Director
5 Representative Jeanie Lauer
6 Representative Kevin Austin
7 Representative Gina Mitten
8 Representative Shawn Rhoads
9 Representative Tommie Pierson, Jr.
10 Representative Greg Razer
11 Representative Curtis Trent
12 Representative J. Eggleston

13

14

Also present:

15

Mr. Bryan D. Scheiderer

16

17

The Court Reporter:

18

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1 (The hearing commenced at 11:04 a.m.)
2 MR. BARNES: I call this hearing of the
3 House Special Investigative Committee on Oversight
4 to order.
5 Mr. Secretary, please call the roll.
6 MR. CURCHIN: Representative Barnes.
7 MR. BARNES: Here.
8 MR. CURCHIN: Representative Phillips.
9 MR. PHILLIPS: Here.
10 MR. CURCHIN: Representative Austin.
11 MR. AUSTIN: Here.
12 MR. CURCHIN: Representative Eggleston.
13 MR. EGGLESTON: Here.
14 MR. CURCHIN: Representative Lauer.
15 MS. LAUER: (Not present.)
16 MR. CURCHIN: Representative Mitten.
17 MS. MITTEN: Here.
18 MR. CURCHIN: Representative Pierson, Jr.
19 MR. PIERSON: Here.
20 MR. CURCHIN: Representative Razer.
21 MR. RAZER: Here.
22 MR. CURCHIN: Representative Rhoads.
23 MR. RHOADS: (Not present.)
24 MR. CURCHIN: Representative Trent.
25 MR. TRENT: Here.

1 MR. BARNES: With nine present -- I'm
2 sorry -- eight present -- we have a quorum.

3 Okay. Per the committee member's
4 knowledge -- we're trying to reach
5 Representative Lauer. Representative Rhoads, hello.
6 He is watching on stream right now.

7 Here is the order of today -- and I think
8 I've spoken with everyone but Representative Razer
9 and Representative Pierson, and I apologize. I
10 deputized Representative Mitten to pass things on.

11 We're going to start with a discussion and
12 a vote on House Resolution No. 2. We are going to
13 take a break. We have received a large packet of
14 documents from the circuit attorney's office in the
15 City of St. Louis that includes, I believe, 730
16 pages of testimony of Witness 1. We are going to
17 proceed to read that into the record page by page,
18 line by line. Committee members will take turns
19 playing the roles of the questioner and the
20 answerer, with the caveat that there may be some
21 things in the record that we choose to redact.
22 We're not going to release the documents that we are
23 reading into the record until after the hearings are
24 over. The purpose of that is to ensure -- early in
25 the process, we had these closed hearings, and we

1 had plenty of time to make sure we made the
2 redactions that were necessary. I want to make sure
3 that we have a process that allows for redactions
4 before releasing the document and allows us to get
5 eyes on it before releasing the document. So we'll
6 spend today reading that. We'll spend tomorrow
7 morning continuing to read that evidence into the
8 record. I believe -- I guess we'll figure out how
9 long it's going to take, but I've been told it's
10 anywhere from 14 to 16 hours of cross-examination --
11 includes anywhere from 14 to 16 hours of
12 cross-examination of Witness 1 by counsel for
13 Mr. Greitens. At one o'clock tomorrow, Scott Faughn
14 has said he will be here to testify. Through
15 counsel, he has made that known to the committee.
16 On Thursday at 9:00 a.m., Mr. Al Watkins will be
17 here to testify. He, too, has made that known to
18 the chair and members of the committee. And
19 after -- so before taking Mr. Faughn's testimony on
20 Wednesday, we're going to read -- continue the
21 process of reading this into the record. And after
22 Mr. Watkins on Thursday, we are going to continue
23 the process of reading these documents into the
24 record. And if we're not finished by Friday, we're
25 going to continue the process of reading the

1 transcript of the cross-examination into the record.
2 And if we're not finished by Friday, we're going to
3 take Saturday to finish the process of reading the
4 14 hours of cross-examination of Witness 1 into the
5 record.

6 Seeing glazed eyes already.

7 Okay. Now, open discussion on
8 House Resolution No. 2. These are slightly
9 different than the rules we adopted for the
10 committee before. Obviously, we're here in public
11 now. I actually don't think in regards to that, it
12 is much, if any, different than it was before. We
13 were ready for public hearings, so -- and here we
14 are.

15 Is there any comments on House Resolution
16 No. 2?

17 MR. BARNES: Representative Trent.

18 MR. TRENT: Just a comment.

19 Thank you, Mr. Chairman. So there are a
20 lot of good things to like in these rules. I think
21 the rules are designed to create a process that is
22 more open and more fair, that will be able to get
23 out evidence from both sides and to probe the
24 veracity of the evidence, the accuracy of the
25 evidence, make sure the evidence that we receive is

1 of the highest quality. I do lament that
2 cross-examination is not possible under these rules.
3 I understand that there are separation of powers
4 concerns and happen to agree with a lot of those
5 concerns. But cross-examination, for the attorneys
6 in the room, we know that that is one of the best
7 ways to evaluate witness testimony and determine
8 whether or not it is sound and accurate. So, you
9 know, that is an issue, but I think that we've tried
10 to address that in other ways that I hope will be
11 effective and that will create a product that
12 everyone can rely upon and have confidence in. I
13 also am glad that we are giving these rules a test
14 run, so to speak, before their formal adoption by
15 the House, that if we do identify areas where they
16 could be improved further, that we would hopefully
17 have a potential to do that before the full House.

18 So with that, Mr. Chairman, I appreciate
19 the effort that you've put into this, appreciate the
20 speakers appointing me to this committee, and look
21 forward to working with everyone that has already
22 put so much effort into this issue.

23 MR. BARNES: Thank you, gentlemen.

24 Further discussion?

25 MR. PHILLIPS: Just a comment, Mr. Chair.

1 MR. BARNES: Proceed.

2 MR. PHILLIPS: Thank you. I like these
3 rules that were laid out in the resolution. If the
4 cross-examination was a typical cross-examination,
5 it might be okay. I think they've already had ample
6 time to basically cross-examine everybody. They've
7 talked to the same key witnesses that we have for
8 hours on end, so I don't think the cross-examination
9 would be much more than probably just an attempt to
10 almost filibuster our committee, for lack of a
11 better way to put it.

12 Thank you, Mr. Chairman.

13 MR. BARNES: Further discussion on the
14 resolution?

15 Seeing none, I now move that we do pass
16 House Resolution No. 2.

17 Mr. Secretary, please call the roll.

18 MR. CURCHIN: Representative Barnes.

19 MR. BARNES: Aye.

20 MR. CURCHIN: Representative Phillips.

21 MR. PHILLIPS: Aye.

22 MR. CURCHIN: Representative Austin.

23 MR. AUSTIN: Aye.

24 MR. CURCHIN: Representative Eggleston.

25 MR. EGGLESTON: Aye.

1 MR. CURCHIN: Representative Lauer.
2 MS. LAUER: (Not present.)
3 MR. CURCHIN: Representative Mitten.
4 MS. MITTEN: Aye.
5 MR. CURCHIN: Representative Pierson, Jr.
6 MR. PIERSON: Aye.
7 MR. CURCHIN: Representative Razer.
8 MR. RAZER: Aye.
9 MR. CURCHIN: Representative Rhoads.
10 MR. RHOADS: (Not present.)
11 MR. CURCHIN: Representative Trent.
12 MR. TRENT: Aye.
13 MR. BARNES: By your vote eight aye; zero
14 no, you have due passed House Resolution No. 2.
15 Okay. I want to talk about process again
16 for a minute. We had some discussion this morning
17 about finding staff members to play the roles of the
18 questioner and answerer in the process of reading
19 these into the record, and after some discussions, I
20 made the executive decision as the chairman that the
21 members of the committee are already thrust into
22 this role, in which we're not exactly doing
23 backflips over, and there's no need to put members
24 of staff and throw them in the same boat. So my
25 plan for reading these into the record is to go in

1 the order of questioning that we've gone so far, and
2 it's going to change a little bit, since we have
3 three new members of the committee.
4 Representative Razer, I hate to tell you, you're
5 going to be the last person who is going to ask a
6 question, member of the minority party and a
7 freshman. So, Representative Trent, I think that
8 means you're going to be third to last.
9 Representative Eggleston, I think you're a
10 sophomore; is that correct?

11 MR. EGGLESTON: Correct.

12 MR. BARNES: So you'll be fourth to last.
13 And the intent -- when we go through reading this
14 into the record, we're going to start with
15 co-chair -- or vice-chair -- vice-chair asking
16 ranking member, and then ranking member asking the
17 next person here, and then seniority on down the
18 line, and then we'll just shift on until it comes
19 back to me. And I promise we have enough pages in
20 these depositions that it will get back to me. I am
21 not foisting this upon you without also having
22 responsibility to do so.

23 With that said, Representative Mitten was
24 working on redactions of the first two. I don't
25 want to break again for lunch. Is an hour

1 sufficient before we come back in and start this
2 process?

3 Okay. Then we are going to recess for an
4 hour. We're going to come back in at 12:20. By
5 that point in time, we should have the first couple
6 documents redacted enough that we can go through
7 this process.

8 Seeing no objection, we are in recess
9 until 12:20.

10 (A recess was taken.)

11 MR. BARNES: We are back into hearing of
12 the House Special Investigative Committee on
13 Oversight. We are going to start with the testimony
14 of Witness 1 before the grand jury of the City of
15 St. Louis on February 15th, 2018, with vice-chairman
16 asking -- playing the role of the questioner and
17 Representative Mitten, the ranking member, playing
18 the role of the answerer, which, in this case, is
19 Witness 1. We're going to use our microphones
20 because we're going to be creating a record. For
21 members of the committee, as we go along, if we have
22 questions and comments, I'd like to keep them to a
23 minimum, but if anybody has a reason they want to
24 take a break and ask something, or take a break for
25 another reason, we can do that.

1 Representative Phillips.

2 MS. MITTEN: Mr. Chair, can I just --
3 there's some profanity in this. I don't know
4 exactly how you would like to handle that.

5 MR. BARNES: Do we want to use the
6 nonprofane word -- we had this discussion before
7 with the written word, and we decided the words are
8 the words, and so we're putting them in writing.

9 Are we going to use the words as they are,
10 or are we just -- how about we do this: We let
11 every member -- seeing that I designated myself last
12 in this -- not for this purpose; I didn't think of
13 it this way -- but every member can decide on their
14 own whether they are going to --

15 MS. MITTEN: Thank you, Mr. Chairman. And
16 are we live streaming this?

17 MR. BARNES: We are live streaming this.

18 MS. MITTEN: I guess we need to sort of --

19 MR. BARNES: I don't know that there are
20 any parents in this state that after having started
21 this are going to allow their children to watch
22 this --

23 MS. MITTEN: I would certainly hope not.

24 MR. BARNES: So that is the warning.

25 MS. MITTEN: I think there needs to be

1 some sort of warning that this is sensitive material
2 and there may be profanity.

3 MR. BARNES: Okay. So warned.

4 MR. PHILLIPS: Mr. Chairman, I'm not real
5 crazy about the inconsistency of it. I wish we'd
6 decide one way or the other whether we're going to
7 read it as it is. It looks like if we're reading it
8 into the record, we're reading it as it is. I don't
9 like using some of the language that is in here, but
10 that looks like it would be more consistent with our
11 approach.

12 MR. BARNES: Representative.

13 MR. TRENT: Mr. Chairman, the written
14 transcripts are going to be available; correct?

15 MR. BARNES: The written transcripts are
16 going to be available.

17 MR. TRENT: So if anyone wants to see the
18 full transcript and all of its expletive written
19 form, they can do so without us actually reading
20 them aloud here; correct?

21 MR. BARNES: That's true. At the end of
22 the process -- at the end of reading this into the
23 record, we will make this available. So I was just
24 simply -- as a matter of decorum, that we might just
25 delete the explicit as we go through.

1 MR. BARNES: Representative Eggleston.

2 MR. EGGLESTON: I think that's -- as you
3 have often said, words matter, and we should read it
4 the way it is.

5 MR. BARNES: I tend to agree with
6 Representative Eggleston. It's not comfortable, but
7 these are the words used, so that's the position
8 that we're in, and I appreciate -- Representative, I
9 appreciate your position on the other side; I do.
10 And we had this discussion before the first report,
11 what we were going to do, and we determined that, as
12 Representative Eggleston said, that the words
13 matter, and even though they can be offensive to
14 some, I -- they are what they are and --

15 MR. PIERSON: You know, just for the
16 record, you know, I agree that this is language
17 that, you know, I wouldn't use in any other setting,
18 and, you know, knowing that and the -- and seeing
19 that, I am not all that comfortable doing it, but I
20 will ask for forgiveness now. How's that?

21 Thank you, Mr. Chair.

22 MR. BARNES: I mean, we can do it
23 without -- let's do it without. Let's state that it
24 was an expletive.

25 MR. PHILLIPS: In my first role here as

1 Ms. Gardner, I'm not going to have to worry about
2 those.

3 MR. BARNES: It was nice that we made
4 Representative Mitten have the first decision.

5 MS. MITTEN: Hence my question.

6 MR. PHILLIPS: Let's see how she handles
7 it, Mr. Chair.

8 MR. BARNES: Each member feel free to
9 handle it how you wish as the words come along.
10 Obviously, there are some words in here that are
11 less than others.

12 Okay?

13 MR. PHILLIPS: All right.

14 MR. BARNES: Representative Phillips.

15 MS. MITTEN: So we're going to begin with
16 the -- this is the testimony before the grand jury
17 on February 15th, 2018?

18 MR. BARNES: Yes.

19 MS. MITTEN: Okay. Just want to make sure
20 we're all literally on the same page.

21 MR. BARNES: Starting on page 3.

22 MS. MITTEN: Thank you, Mr. Chair.

23 MR. PHILLIPS: And I am playing the role
24 of Ms. Kim Gardner, the prosecutor.

25 Should we say that you're KS.

1 MS. MITTEN: And I will be playing the
2 role of KS.

3 (The following testimony was read from the
4 transcript of "KS's" grand jury testimony taken on
5 February 15th, 2018, narrated by Representative Gina
6 Mitten and Representative Don Phillips)

7 Q. Could you please introduce yourself.

8 A. KS.

9 Q. Now, Ms. S, you know I'm going to say
10 "EG." He's an elected official, but how do you
11 know -- come to know EG?

12 A. I was his hairstylist for at least, like,
13 a year and a half to two years before March of 2015.

14 Q. And prior to March of 2015, how many times
15 have you styled EG's hair?

16 A. At least, like, ten times, probably.

17 Q. Now, during this time, what were the
18 conversations between you and EG?

19 A. We talked about everything. We talked
20 about -- both of us like exercising. We talked a
21 lot about his volunteer work and things that he had
22 done, you know, in his career and stuff like that.

23 Q. So on -- let me go back. How long have
24 you worked as his hairstylist?

25 A. At that point, I had worked --

1 MS. MITTEN: I'm sorry. There was -- the
2 question was, "How long have you worked as a
3 stylist?"

4 A. At that point, like, 12 years.

5 Q. And where did you work at that time?

6 A. [REDACTED].

7 Q. Is that located in the city of St. Louis?

8 A. Yes.

9 Q. That's [REDACTED]?

10 A. Yes.

11 Q. Now, let's go to March 2015. Prior to
12 that March 2015, was there any flirting between EG
13 and yourself?

14 A. So the time -- he hadn't come in for about
15 six months prior to March 2015, which was odd for
16 him, because he was coming in to me regularly, which
17 was every three to five weeks, typically. So -- and
18 I noticed that -- and I was thinking that before he
19 came in March 2015, that that summer prior to, which
20 was 2014, maybe he felt bad that he -- he had kind
21 of flirted. So -- his wife was having a baby; I
22 knew that. We were talking about that. That was
23 coming up soon. And I mentioned a vacation that I
24 went on with my family, and I mentioned that I went
25 to the -- that I -- there was this really cool gym,

1 but it was a little obnoxious because my husband was
2 completely controlling. I don't know how I worded
3 it to him, but that he wouldn't let me go to the gym
4 by myself, and he didn't work out, so he just kind
5 of went to watch me to make sure nobody flirted with
6 me. When I mentioned that, however I had mentioned
7 it, EG said, Your husband sounds really insecure. I
8 mean -- I don't know. He asked me somehow how tall
9 or how big my husband was, and I said, No, he's a
10 small guy. He's an artist, you know, like, he's
11 5'7". And he said, Really? I mean, I do not
12 envision that. I envision you being with this,
13 like, brawny, really confident guy that is tall and
14 handsome. So whenever I took him over to the
15 shampoo bowl, he stood next to me and gauged me up
16 and down and -- like, Oh, yeah, I'm probably bigger
17 than that guy. That's at least how I took it. And
18 in our conversation that day, I felt like that was
19 the first time he was flirty enough that when he
20 didn't come in, I thought, Oh, it was probably
21 because he felt bad. He's having a baby soon, and
22 he maybe, like, has feelings for me. So when he
23 didn't come in for a few months, I know my coworker
24 who works next to me and knew who he was, as well,
25 she and I had talked about that. So when he came in

1 in March, I was --

2 Q. Let's go back.

3 A. Yeah.

4 Q. So kind of tell me about your husband.

5 Talk about your relationship with your husband at
6 that point. With this gym incident, how was -- what
7 was going on in your marriage?

8 A. So the year prior to that -- so this would
9 have been -- this would have been, like, 2013 was
10 the first time I expressed to my husband that if
11 things didn't change, that I wanted a divorce. And
12 so he did make a few changes. Things were kind of
13 okay for that following year, but I didn't feel like
14 enough was different as far as his emotions and --

15 Q. Was he controlling?

16 A. Yes. Extremely controlling. He -- so he
17 had our phones. That -- I found out later that he
18 had our phones set up --

19 MR. BARNES: I want to make sure that
20 people understand. When we come to a redacted
21 paragraph -- there's a redacted paragraph here, so
22 as we go forward, we'll show the redactions -- we'll
23 have a committee discussion later about the
24 particular redactions. I believe this paragraph is
25 related to information that we had previously

1 redacted under Report No. 1.

2 Proceed.

3 MS. MITTEN: Thank you, Mr. Chair.

4 A. Yes, extremely controlling. So we had our
5 phones -- that -- I found out later that he had our
6 phones set up like he was my dad on the plan. So I
7 couldn't see anything that he was doing, but he
8 could see everything that I was doing, which -- and
9 he had to have the passwords to everything, which
10 wouldn't have been an issue except for he questioned
11 me on everything. So if --

12 Q. And at this point, it was just a
13 relationship where it was no issues, in terms of an
14 affair?

15 A. Yes. Zero affairs, no.

16 Q. And it was just kind of like a very
17 controlling kind of insecure relationship between
18 you and him; is that right?

19 A. Yes. Yes.

20 Q. So now let's fast-forward to March 2015
21 and kind of talk about where the relationship with
22 you and your husband was at that time.

23 A. So, the week before EG came in, my --
24 really quick, to backtrack -- in that summer after
25 the vacation, my husband and I, we had been in

1 counseling and he had made the decision to try
2 antidepressants, and he was on it for, like, six
3 months, and it truly -- it felt like it kind of
4 stabilized things; it was helpful. And so the
5 January before that March -- so a couple of months
6 before, I started school again for the first time.
7 I had been wanting to for -- or restarted school, I
8 should say to finish my degree.

9 **Q. Let's go back. So right now, how many**
10 **kids do you have?**

11 A. So three kids. I have two with my
12 ex-husband, and then I had one previously when I was
13 in college, which is why I didn't finish my degree.

14 MS. MITTEN: Then there's a redacted
15 portion.

16 **Q. So March 2015, you were separated from**
17 **your husband?**

18 A. Yeah. So he moved into his brother's
19 house the week prior to EG coming in.

20 **Q. So now let's go to how were you feeling**
21 **when EG came and -- EG. Tell me what happened on**
22 **that incident.**

23 A. So I found out he was coming in probably a
24 couple of days before, because he had booked the
25 appointment ahead of time and --

1 Q. So let me stop you. Around, like what,
2 March 7th, 6th, you don't know? Just around early
3 March?

4 A. It would have been -- yeah, probably 6th
5 to the 8th, like around that time that he came in.

6 Q. 2015?

7 A. Yes. And that made me feel extremely
8 nervous, because I did have somewhat of a crush on
9 him. I thought he was perfect, really. He --

10 Q. Now explain that. What are you talking
11 about "perfect"?

12 A. So a couple of times after I had did his
13 hair, he brought in the first book that he wrote for
14 me that was signed, you know, just because. He had
15 told me about it, and he wanted to show it to me and
16 gave me this book. It's called Strengths and
17 Compassions, I believe. It was all about -- you
18 know, he volunteered at the Mother Teresa House; he
19 was this caring Navy Seal; he had this -- you know,
20 he was a Rhodes Scholar; he was so smart, that --
21 and he was strong and independent and all of these
22 wonderful things.

23 Q. And he told you this, or did you ask about
24 this?

25 A. No, he just told me these things, which --

1 the first time I did his hair, I remember thinking,
2 Who is this guy? You know, who talks about himself
3 like this? But he kind of backed off after the
4 first time; then he would slowly and subtly tell me
5 things and -- I don't know. I really thought he was
6 just so great.

7 **Q. Let's go to the early March, around the**
8 **6th to 8th, 2015. What happened?**

9 A. So he came in, and when he came in, he was
10 my first client that day. And I was visibly shaking
11 because I was so nervous he was coming in, and I
12 knew I was vulnerable. My husband had just moved
13 out, and he hadn't been in in so long. So I didn't
14 know why he didn't come in. In any mind, I thought
15 he probably hasn't come in because he was flirting
16 with me and he was having this baby. So when he
17 came in, I was visibly shaking. He was like --
18 redacted -- it's so great to see you.

19 **Q. Now, go back. When you say -- redacted --**
20 **that's --**

21 A. I go by -- redacted -- I go by "KS."

22 **Q. It's a nickname?**

23 A. Yeah. And so he came up and he hugged me,
24 and when he did, I was obviously shaking. So he was
25 like, Oh, gosh, you seem shaky. Did you work out

1 this morning? Have you not eaten? I was like, oh,
2 yeah, yeah, yeah, that's what it is. Which, of
3 course, I had eaten, so -- he said, Oh, well, hang
4 on; I'll be right back. And he just ran out of the
5 salon, and he ran across the street, which is
6 Straub's -- it's across the street -- to get me --
7 and he came back a few minutes later. He had a
8 protein shake and a chocolate bar and a banana, so
9 he was like, sit down with me, you know. Just have
10 something to eat first; that way you can kind of
11 calm down. Tell me, what's going on with you? You
12 look incredible. You look better than ever, KS.
13 You just -- you're glowing. And so I explained that
14 I had started school and I exercised prior to that
15 but I had started CrossFit, so we talked about that
16 and --

17 **Q. What happened next after you kind of**
18 **talked? Where did you go next?**

19 **A.** So then I was cutting his hair and it
20 continued. I felt like, Whoa, he's way more
21 complementary towards me than he had ever been
22 before. Did notice that, but it was okay. And then
23 I went over to shampoo his hair, and I was like -- I
24 had just finessed shampooing his hair, but he was
25 laying back in the shampoo bowl, and I was standing

1 next to him like where Ms. Gardner is, and as he was
2 laying back, I was explaining to him what my
3 professor and I -- a conversation we had had. And
4 while he was still looking at me nodding, his hand,
5 like, slyly came over and started rubbing my leg.
6 And at first I ignored it because I thought, there's
7 no way. There's no way he's really doing this. And
8 then -- so I kept -- just kept talking and ignoring
9 him, and then he felt my leg all the way up to my
10 crotch, to which I stepped back and I say, Whoa,
11 what are you doing? And he just kind of laid back
12 and looked up at me like, I don't know, and didn't
13 say anything.

14 So I just turned and walked back to my
15 chair, and he had to follow me back there. So he
16 follows me and he sits down, and I was blow-drying
17 his hair, not talking, and I looked at him in the
18 mirror and asked him, Is that why you haven't come?
19 Because that's what I thought, you know?

20 **Q. What did he say?**

21 A. Maybe.

22 **Q. What happened next?**

23 A. So we started walking up to the front
24 desk, and there was a coworker next to me, so we
25 weren't having a conversation about this and, as we

1 were walking up to the front he said, KS, let me
2 show you something over here. And I knew he wanted
3 to talk to me, but I said, No, and we stood right
4 where we were, kind of on our way up to the front
5 desk. And I said, EG, you're married and I'm
6 married -- because he didn't know that I was newly
7 separated because it -- it definitely was not
8 technical at this point. So he said, I know, but,
9 you know -- and that was kind of it. Like, I know,
10 but I don't know what this means.

11 So I just continued on. I walked him up
12 to the front desk, and he checked out and left. And
13 then --

14 **Q. Okay. So let me stop you there. So after**
15 **he left, you went back to your work; is that**
16 **correct?**

17 A. Yeah.

18 **Q. And so what were you thinking at that**
19 **point?**

20 A. I was so confused because -- so this is
21 this perfect guy. So if he hit on me, there must be
22 a -- he must be separated. There must be something
23 I don't know, because he didn't really talk about
24 his wife.

25 **Q. Did he ever tell you he was married?**

1 A. I asked him after I had done his hair a
2 few times, after I thought he was this great guy.
3 Like, who is this guy? Is he married? Because he
4 had not mentioned a wife, and so I flat-out asked
5 him, to which he said, yes, he was newly married.

6 **Q. So what happened later that day?**

7 A. So he showed up a couple of hours later.
8 I saw -- I had a client, but I could see him walk up
9 to the front and give them something. And the girls
10 up front were like, Hey, he just dropped off a book
11 for you.

12 **Q. Now, did you plan for him to drop off the**
13 **book?**

14 A. Oh, no, no.

15 **Q. Did you know he was going to do this?**

16 A. No.

17 **Q. Okay. What happened next?**

18 MR. BARNES: Representative, let me pause
19 you because I believe we need a redaction on line 20
20 starting with the word "my" and ending on line 21
21 with the word "yeah."

22 MS. MITTEN: Yes. Okay.

23 MR. BARNES: And then on line 25 starting
24 with the word "my" and ending with "the obvious
25 point there" on line 25.

1 MS. MITTEN: Okay.

2 MR. BARNES: Unanimous with the committee
3 on this redaction?

4 MS. MITTEN: Yes. Thank you, Mr. Chair.

5 **Q. What happened next?**

6 A. So I -- later on that night -- I believe
7 it's -- it was that same night. Yeah, I got an
8 e-mail from EG.

9 MR. BARNES: First three words of page 15,
10 Representative Mitten, as well.

11 MS. MITTEN: Okay.

12 MR. BARNES: This is redacted always.

13 MS. MITTEN: Yeah. I'm just going to kind
14 of --

15 A. I believe it was the same night --
16 redacted -- birthday or maybe the day before -- I
17 got an e-mail.

18 **Q. What happened next?**

19 A. Okay. So I got an e-mail that was from
20 EG, in which -- I had given him my e-mail address
21 about a year before. He asked for my e-mail
22 address, that he -- he wanted to give me some book
23 suggestions and -- but he never e-mailed me, so I
24 completely forgot I even gave him my e-mail. And so
25 that night he gets -- he send this e-mail saying, I

1 dropped off a book for you; I just wanted to make
2 sure you got it. Great to see you as always, but,
3 hey, it's hard to book an appointment with you
4 sometimes. Is there a better way to get ahold of
5 you?

6 **Q. So what did you think about this point**
7 **where you get this e-mail?**

8 A. So I thought, okay, he's obviously trying
9 to get my number because he wants to talk to me.
10 The problem is that he doesn't know my husband looks
11 through everything of mine, and if my husband sees
12 this weird number, he's going -- he's going to call
13 it or he's going to freak out. So I debated on how
14 to respond to this, because I didn't want to say,
15 no, you absolutely can't have my number, because I
16 was curious enough as to why he hit on me like that.

17 So I responded with, Here is my number,
18 with my cell phone number. But, actually, the best
19 way to get ahold of me is to call the salon, and
20 then just leave a message for the girls, if you
21 can't get an appointment, and I can call you from
22 there or they can call you back and book an
23 appointment.

24 **Q. So what happened next?**

25 A. He called me that same night.

1 **Q. That same night? Okay.**

2 A. And --

3 **Q. Did you pick up?**

4 A. I missed -- no. No, I missed the call
5 but -- so I saw the number was from D.C. and --

6 **Q. What area code?**

7 A. 202.

8 **Q. And what happened? What did you think at**
9 **this point? What's going through your mind?**

10 A. Oh, my gosh. My husband is going to see
11 this. He's going to freak out. He's going to
12 assume that we're having an affair or, you know,
13 he's going to -- jump to conclusions. So I took
14 EG's number and saved it under my friend --
15 redacted -- who -- she lived in D.C. She was the
16 only other person I knew that had a 202 area code,
17 and I only say that because then it had to have been
18 a few days or a week later, whenever my husband says
19 to me, Hey, I was trying to get ahold of --
20 redacted -- which he never ever called.

21 **Q. So let's stop right there. Did your**
22 **husband have a habit, prior to this, of going**
23 **through your phone?**

24 A. Yes.

25 **Q. And he would call numbers back; right?**

1 A. Yes. So he says, you know, Hey, I was
2 trying to get a hold of -- redacted -- and I called
3 the numbers that was in there and it went to EG's
4 voicemail, so why is that? So, you know, I told
5 him, I don't know, he was getting ahold of me for an
6 appointment or whatever, so ...

7 **Q. And at that time, that was a true**
8 **statement in your mind?**

9 A. Right. I mean, I knew he wanted to get
10 ahold of me, most likely to talk about whatever he
11 hit on me for or whatever, but we hadn't talked at
12 this point. So during that week, I just -- I kept
13 thinking about it. Why did that happen? I don't
14 know, because this guy is so perfect. So that --

15 **Q. So go back to that. You were saying that**
16 **guy is perfect. What are you -- at that point,**
17 **what's going on in your relationship? Like, what**
18 **are you going through with your husband?**

19 A. With my husband? So my husband was a very
20 insecure person. He's an artist, and so he was
21 extremely emotional, and some of those emotions were
22 great emotions. Some emotions were extremely
23 difficult, and so it was just a lot of explaining
24 what I was doing. Who did you talk to? What do
25 they mean by that? Why was that person just -- you

1 know? Everywhere we went, it was, I think that guy
2 is looking at you. You know, those types of things.

3 So EG seemed like this really strong
4 person who was very confident -- noticeably
5 confident, and my husband's confidence was -- if you
6 knew him, was more of a show, where people who
7 didn't know him could see him as this very confident
8 person on stage and stuff.

9 **Q. So when was the next time you made contact**
10 **with EG?**

11 A. So that following Friday or Saturday
12 night, I went out with my girlfriends and decided
13 I'm curious.

14 **Q. So stop right there. Where did you go**
15 **out? Where are you and --**

16 A. The Central West End.

17 **Q. Okay.**

18 A. So right by my work. We went after work
19 for, like, happy hour.

20 **Q. And what happened next?**

21 A. I called him, and he answered. But I
22 could tell it was not going to be like a -- I mean,
23 obviously, his wife or somebody was around, as well
24 as -- I was with his friends, so it wasn't a
25 conversation; it was us trying to have an

1 conversation in code, you know?

2 **Q. What was it like -- like --**

3 A. Like, I -- when he answered I said -- he
4 said, Hey, you know, hi, KS. What is going on? And
5 I said, Well, my friend is really curious about some
6 things that she experienced, so she just really
7 wants to know what happened, because she knows that
8 this person doesn't know -- you know? So it was
9 really not a conversation but -- so he said,
10 Actually, hey, can you meet me in a few minutes in
11 the alley behind Starbucks.

12 **Q. And this is in the Central West End?**

13 A. This is in the the Central West End. And
14 I knew he lived in the neighborhood. I didn't know
15 where at this point.

16 **Q. What happened next?**

17 A. So I met him in the alley, and I was kind
18 of shaky, so he hugged me and he said, Listen, it's
19 going to be okay. I know you want to talk about
20 this; I do too. I have an idea. My wife is going
21 to be out of town next weekend. Can you come over?

22 **Q. And what did you say?**

23 A. And I said, Well, can we meet somewhere?
24 Why can't we meet, like, at Starbucks or something?
25 And he said, No, I can't be seen with you, KS.

1 Q. And why did he tell you he could not be
2 seen with you?

3 A. Because he had just announced that he was
4 running for the governorship, and I knew that -- he
5 had told me that, too, at his appointment. And he
6 couldn't be seen with me because who knows who would
7 be watching. So I was like, Well, I don't know.
8 I'll have to think about it. I'm not sure. I will
9 call you Friday night from work -- because he had
10 already told me do not call him again, because I
11 called him from my cell phone. Don't call him;
12 don't e-mail him. So I said, Okay, well, I'll call
13 you from my work.

14 MR. BARNES: Do we want -- that's page 20.
15 Do we want to flip and do this on the even numbered?

16 MR. PHILLIPS: That's up to you.

17 MS. MITTEN: I don't care.

18 MR. BARNES: I think 20 is easier.

19 MR. PHILLIPS: We're having a good time.

20 MR. BARNES: You guys are making progress.

21 So Representative Mitten, you're the
22 questioner, Representative Austin, you're the
23 answerer, starting on page 21.

24 (The following testimony was read from the
25 transcript of "KS's" grand jury testimony taken on

1 February 15th, 2018, narrated by Representative Gina
2 Mitten and Representative Kevin Austin.)

3 MR. BARNES: Hold on. Redaction, line 4
4 to line 5 starting with "I" at the end of line 4.

5 MS. MITTEN: I just redacted those two
6 words on line 5.

7 MR. BARNES: Just redact the whole
8 sentence. Is there any disagreement on the
9 committee?

10 MR. AUSTIN: No.

11 MR. BARNES: Seeing none -- okay.
12 Representative Mitten, you're now the questioner.

13 **Q. So what happened? Did you call him from**
14 **your work?**

15 A. Yes. So the following -- the plan -- so I
16 told him I couldn't see him on Friday night.

17 **Q. And when was that date?**

18 A. March 20th.

19 **Q. 2015?**

20 A. Yes. But I also knew I worked late on
21 Fridays and I had my kids and -- so my husband was
22 sleeping at his brother's, so I had to be home
23 regardless, because he didn't take the kids to his
24 brothers at all. But I told him maybe Saturday
25 morning before work I could stop by or we could meet

1 somewhere.

2 Q. And you were -- when you're saying "meet
3 somewhere," where did you suggest you meet?

4 A. So Friday when I called him, I said,
5 listen, I feel too guilty; I can't meet you. I feel
6 weird going to your house. Can we just meet at
7 Coffee Cartel or Starbucks, and he said, No, nobody
8 somebody will see us there. Really -- redacted -- I
9 cannot take that chance. Just come to the -- my
10 house. Nothing will happen; we'll just talk. And I
11 said, I -- I just feel so guilty. Please, can we
12 just meet, like, in -- because Coffee Cartel has,
13 like, a back room. Can't we just meet back there?
14 And he said, No -- redacted -- I live right by --
15 that was the other thing, too, I didn't know where
16 exactly he lived. And I said, I'm not going to have
17 very much time. He said, No, I live right by there,
18 so just come to my house. Promise you, it will
19 okay. Come in through the back door, and I'll be
20 waiting for you.

21 Q. Can you go to the pictures of the house?
22 You're probably going to have to come over here so
23 you can see.

24 So go the first picture in the front of
25 the house. So that -- is that the house?

1 A. Yes.

2 Q. And then go to the picture with the door,
3 please.

4 And that says -- what is it, 4522? Is
5 that -- on what street did you know that it was on?

6 A. Maryland.

7 Q. Maryland?

8 A. Maryland, yeah.

9 Q. Is that in the City of St. Louis, to the
10 best of your knowledge?

11 A. Yes.

12 Q. Now, go to the back. And that's where you
13 came in?

14 A. Yes.

15 Q. And, also, did you see an address on the
16 back, kind of --

17 A. Yes. Yeah.

18 Q. And where did you come in at --

19 A. That one day?

20 Q. Go over there and point.

21 A. Oh. Right there in the little gate.

22 Q. Okay. So when you're coming over there,
23 what are you thinking? Like, you're coming over
24 here just to do what?

25 A. I'm coming over to -- I'm thinking, okay,

1 whenever I leave here, I'm going to have a better
2 grasp as to why he hit on me. Does -- is he -- what
3 is going on in his marriage, and, you know, fill him
4 in on where my marriage is. So in the weeks leading
5 up to this, my husband, of course -- EG was on his
6 mind, right, and he continued to ask me, Are you
7 having an affair with him? What's going on with
8 this? And do you want a divorce? Tell me, do you
9 want a divorce? I need to hear those words: Do you
10 want a divorce? He just kept saying it. So the
11 night before, knowing I'm going to EG's house to
12 even talk tomorrow is wrong; I feel bad about it.
13 So we had this discussion again. I get home Friday
14 night from work; my husband asks me again, so I say,
15 Fine; yes, if you have to have an answer tonight,
16 yes, I want a divorce.

17 Q. Okay.

18 A. So it's a --

19 Q. So stop there. So when you go through the
20 back -- kind of go to the next picture.

21 You don't have to see it.

22 A. Yeah.

23 Q. But you walk through the back, that's
24 through the -- that's the garage. But there's a
25 path; right? And where does that path lead to?

1 A. To his kitchen. To his kitchen.

2 Q. So -- now, what time of day is this?

3 A. This is 7:00 a.m. on a Saturday.

4 Q. And you picked -- the time was 7:00 a.m.
5 because why?

6 A. Well, I knew I only had an allotted amount
7 of time. I was going to talk to him, and I had to
8 be at work at eight, you know, or, like, by 7:45.
9 So I thought, okay, if I'm going to go to his house,
10 at least I know -- he knows I have to be at work by
11 this point. It's in the morning, you know?

12 Q. So it's March 21st, 2015, around
13 7:00 a.m.?

14 A. Yes.

15 Q. Okay. So what happens when you go walk up
16 to the back way through the path to the kitchen?
17 What happens next?

18 A. So as I'm walking in, he was waiting in
19 the kitchen, and he was doing this to me (gesture).
20 So I walked in. I was kind of like (gesture), and
21 he kept doing that to me, like, do not say anything.
22 And he grabs my purse and keys out of my hands and
23 sets them down.

24 Q. Sets them down where?

25 A. On his counter to the right. So when you

1 walk in, there was, like, a countertop right there.
2 So he sets them down, looks back at me again, like,
3 do not say anything, shuffles through my whole
4 purse, takes everything out and --

5 **Q. Is he saying anything at this point?**

6 A. No, nothing.

7 **Q. So what happens next?**

8 A. Literally just shuffling through it all.
9 Then comes over to me, and without saying anything,
10 just gropes me, like, feels down everywhere.

11 **Q. Was he patting you down?**

12 A. To see if -- patting me down to see if I
13 was bugged.

14 **Q. Did he say anything like that?**

15 A. No. He -- not at this point. He was just
16 doing that. There was no spoken anything. I was
17 just standing there like, What's going on?

18 **Q. So what are you thinking in your mind?**

19 A. What the heck? I don't -- I don't know.
20 Is this some sort of an operation or what? So --
21 but did I -- I did know when I met him that week
22 before -- I did I say to him -- I believe I even
23 told him, my husband knows that you called -- I'm
24 pretty positive he knew that. I had already told EG
25 that, and I said, my husband is really -- he's a

1 jealous guy, and I'm really afraid of him.

2 Q. Okay. Let me go through -- let's go
3 forward. So when he's patting you down, what
4 happens next?

5 A. So he stops and says, Okay, I just had to
6 make sure you weren't bugged, you know? Are you
7 sure you weren't followed? Did your husband or
8 anybody follow you? Did anybody see you come in?
9 And I said, No, I don't think so. I believe he went
10 outside to check to make sure no one followed us,
11 so -- or followed me.

12 So when he comes back in, I was, like,
13 shaking, so he hugged me to calm me. He's like,
14 listen, it's going to be okay; it's going to be
15 okay. Just trust me. How much time do you have?

16 Q. So at this point you're like -- what are
17 you here for?

18 A. Right. I'm here to talk, so --

19 Q. What do you say when he asked you how much
20 time did you have?

21 A. I said, I only have, you know, 40 minutes
22 or whatever. I have to be work by 7:45. And he
23 asked me, Well, what time do you get off work? Can
24 you come back? And I said, no, I can't, because I
25 knew I had to get my kids. And he's like, Well, we

1 don't have very much time -- redacted. I have this
2 idea. I just really want to make you feel good, and
3 I just -- I have this idea. I want you to do this
4 thing with me. And I was like, Wait, wait, I -- I
5 want to talk to you.

6 **Q. So let's go back. What does he do? What**
7 **does he tell you next?**

8 A. So he tells me that he has this plan. He
9 wants me to take these clothes he had set out, go
10 change into them -- take off everything I have on
11 and go change into them because he wants -- well, he
12 said, Have you worked out today, and I said, No, he
13 said, Well, I want to take you through a workout.

14 **Q. So go back to describe -- where were the**
15 **clothes and what type of clothes were they?**

16 A. The clothes were sitting on the kitchen
17 counter. It was a white T-shirt, like a man- --
18 man's T-shirt with a slit at the top that had been
19 cut previously and then pajama bottoms -- his pajama
20 bottoms.

21 **Q. So at this time, you have nothing under**
22 **the shirt; is that correct?**

23 A. Right.

24 **Q. And you have nothing under --**

25 A. The pants.

1 Q. -- the pajama pants?

2 A. Yeah.

3 Q. So what happens -- so what does he do
4 next?

5 A. So he says, you know, just follow me. I
6 promise it'll be so good -- redacted. I just want
7 to make you feel good. You haven't been treated
8 good for so long. Come downstairs with me. I want
9 to show you how to do a proper pull-up.

10 Q. So he says come downstairs where? What is
11 downstairs?

12 A. He has, like, a home gym. Like a -- it's
13 an unfinished basement, but he had a home gym.

14 Q. So now you're in the gym. And I want to
15 say -- I know this is difficult for you, so we're
16 just going to go step by step. Mr. Steel may ask
17 you some questions and clarification when we're
18 done. We're going to take it step by step, okay?

19 He took you downstairs into a basement; is
20 that correct?

21 A. Yes. And so it was unfinished. He had
22 some work-out equipment, and so he said, Follow me,
23 put your hands on these rings. And this point he
24 was -- it was as if he was, like, on a mission, so I
25 was definitely intrigued at this point because he

1 was different than all -- I had ever seen him, but
2 he was still this really strong guy.

3 **Q. So tell me -- explain to me about this**
4 **difference that you saw.**

5 A. Well, so even whenever I first came in, it
6 was like he had zero desire to talk to me about
7 anything. He had this other idea that he wanted to
8 do, so it was kind of just this look in his eyes of,
9 I have no clue what you're saying to me; I don't
10 care; I want you to do this, and you're going to do
11 it. And so as I'm following him, I'm like, Okay.

12 Well, first of all, he's definitely going
13 to respect me because I just even said the night
14 before, I don't -- I'm not going to cheat on my
15 husband; I just want to talk to you. I know --
16 redacted -- just come over, and we'll talk. But I'm
17 at least thinking he's -- this is a turn-on enough
18 that maybe he'll, like, turn me on, but, you know,
19 nothing is going to happen, so ...

20 **Q. So what happens when you get downstairs?**

21 A. So he tells me, Put your hands on the
22 pull-up rings. He has the pull-up rings hanging
23 down, and I do what he told me. He took this kind
24 of like stretchy gauze stuff and taped it around my
25 hands to the rings, and, meanwhile, just kept

1 looking at him, like, I can trust you; I can trust
2 you. So there really wasn't anything spoken at this
3 point. And he takes a blindfold and he puts a
4 blindfold on me.

5 Q. Did you say put a blindfold on you?

6 A. No.

7 Q. Did you say wrap your hands up?

8 A. No.

9 Q. What happens after he puts the blindfold
10 on you?

11 A. So he puts a blindfold on and says, All
12 right. Before you get started working out, you need
13 to be properly hydrated, like he had this script
14 thing in his mind. So he puts water in his mouth
15 and comes over to, like, spit it my mouth with the
16 idea of, I guess, like, hot kissing or something,
17 but it creeped me out because I haven't even kissed
18 him yet, so I just let it dribble everywhere. And
19 then he does it again, and he's like, I need you to
20 be a good girl, and take the water in his mouth and
21 spits it in my mouth again, to which I let it
22 dribble down. Then he starts kissing my neck and
23 kissing kind of down my, like, chest area and takes
24 the T-shirt and rips it half -- like, rips it off of
25 me.

1 **Q. What were you thinking at this point?**

2 A. I was definitely a little scared and a
3 little grossed out, because I had not cheated on my
4 husband at all. Definitely nobody had seen me even
5 partially nude. But I have three kids, and I have,
6 like, a weird hernia in my stomach, so I was also
7 like, Oh, God, not only is he seeing me like this,
8 but this is the first time -- and he commented on
9 it. He was like, What happened to your belly button
10 there? That was the only time he, like, broke
11 character. So this is on my mind as well as, Oh, my
12 God, what -- what the hell is going on? Now I'm
13 partially nude and I'm down here.

14 **Q. What happens next after he kisses your**
15 **stomach area?**

16 A. So he starts kissing my stomach area and
17 takes my pants and pulls the pants down.

18 **Q. So at this point are you naked?**

19 A. I'm naked and I'm completely silent.

20 **Q. And what happens next?**

21 A. He steps back and I hear (gesture) and I
22 see a flash through the blindfold, and he said,
23 You're never going to mention my name to anyone.
24 Don't even mention my name. Otherwise, I'm going to
25 take this picture and I'm going to put it everywhere

1 and everyone will know what a whore you are.

2 Everyone will know what a little whore you are.

3 **Q. What were you thinking at this point?**

4 A. F, I am a whore. I am F'ing stuck down
5 here. You're an asshole. I hate you. Who are you?
6 Oh, my God, I don't know. I was like, What is going
7 on? We haven't even kissed.

8 **Q. Did you ever consent to a picture being**
9 **taken?**

10 A. No. No.

11 **Q. So what happens next after you hear this?**
12 **What are you -- what happens?**

13 A. So he said, Now are you going to mention
14 my name, to which I just stood there. I didn't say
15 anything because I thought, F, all I want to do
16 right now is tell somebody. This is insane.

17 So I didn't answer. And then he got up
18 close to me and spanked me and said, Are you going
19 to tell anybody? And I just said, No. Like, kind
20 of gritting through my teeth, and it was like he was
21 back on, like, okay.

22 **Q. And what happens next?**

23 A. We're back in motion, and he just comes
24 around to the front of me and was back in his, like,
25 character or whatever and starts kissing my stomach

1 again and starts kissing down. Then I just flipped
2 out and I started, like, ripping down my hands off
3 of the rings, starting bawling crying. I was like,
4 Get me out of here; I don't want this. I'm not
5 ready for any of this. I want to leave. And I --
6 and at this point he's like -- redacted -- calm
7 down, calm down, and he starts kind of helping my
8 hand -- get my hand out of the thing.

9 **Q. And you're trying to leave; is that**
10 **correct?**

11 A. Yeah. And I was like, I'm leaving. And I
12 started going to go up the stairs, and he takes me
13 and, like, wraps me in his arms. He's like --
14 redacted -- no, don't leave like this; don't leave
15 upset; don't leave. And he takes me and lays me on
16 the ground -- like, I'm in the fetal position on
17 his, like, workout mat crying hysterically, and he's
18 holding me just going, It's okay; it's okay; you're
19 fine; it's okay; it's okay, just, like, hushing me.

20 **Q. So at this point, what are you thinking?**
21 **What's going through your mind?**

22 A. I was just numb. I don't know. I felt so
23 disgusted. I was so embarrassed. I was so mad. I
24 don't know. I'm laying on the ground crying in
25 front of somebody.

1 **Q. So what happens next?**

2 A. So then he's, like, calming me and
3 shushing me, and then he starts, like, kind of
4 trying to grope me and mess with me. And then he
5 takes his pants down and puts his penis, like, in
6 front of me -- like, in front of my face. And I
7 thought, Okay, I guess he really does think I'm a
8 whore. I'm just going to suck him off, and then
9 he's happy and I'm done and I can leave.

10 So I did that. So I did that until he
11 was -- until he was done. And then he completely
12 changed and was just like, okay -- like he was
13 totally fine with me getting up and leaving at this
14 point. I literally just got up and went upstairs --
15 because my clothes were upstairs -- and went into
16 the bathroom by myself, got changed, and grabbed my
17 purse and left and went to work.

18 **Q. So when you went to work, what happened?**
19 **Like, what were you thinking?**

20 A. Oh, my God, I was so disgusted. I was so
21 mad. I hated him, but I was also so embarrassed
22 because I let him get me in that position, too, so I
23 was like, Oh, my God, I am so gross. I hate him.

24 But as soon as I get to work, I realize I
25 freaking don't have my keys, because I always put my

1 keys inside of my purse. I don't have my keys. He
2 had taken them and sat them separate from my purse.
3 So all day long, I'm just thinking, come on, please
4 just drop them off. Find a reason to bring them to
5 the front desk, you know? But, of course, that
6 would incriminate him. So all day long, I'm just
7 thinking, How am I going to get these freaking keys,
8 because I -- I have to get them.

9 **Q. So why couldn't you call him?**

10 A. He had told me do not call me. And now I
11 had called him from my work the night before, so do
12 not call me from your work. Don't call me from
13 anything.

14 **Q. So what did you -- when did you get off**
15 **work that day?**

16 A. So I got off work at four, and he knew
17 what time I was getting off because I had told him
18 that morning, but I said, I can't come back. So I
19 just took a chance and thought, I'm just going to go
20 back there; I don't even care. And, hopefully, he's
21 there. And I went back through the back door, and
22 he was waiting in the kitchen.

23 **Q. What happened next?**

24 A. He was like, You left your keys, and he
25 knew it. And I said, Yeah, all day long I was

1 thinking of ways to get them back because I knew you
2 told me, don't call you. And he said, I know, and
3 I'm glad you didn't.

4 **Q. What did you say to him?**

5 A. I just said, I'm so pissed off. I'm so --
6 I'm so grossed out. I'm so pissed off. He said, I
7 know. I thought about you all day long -- redacted.
8 I knew you had to be mad. And I said, I know, EG,
9 you took a picture of me. I haven't even let my
10 husband take a picture of me. And he said, I know.
11 I know. Do you have to --

12 **Q. Please stop right there. He acknowledged**
13 **he took a picture?**

14 A. Oh, yeah.

15 **Q. How did he acknowledge he took a picture**
16 **of you?**

17 A. Yes, I know -- yes, I -- I know --
18 redacted -- but I had to protect myself. You know,
19 people will do whatever they can to take me down,
20 you know, because I'm running for governor, so --
21 but I deleted it. You know, I thought about you,
22 and I deleted it.

23 **Q. Did he ever show you --**

24 A. No.

25 **Q. -- that he deleted it? Did you believe**

1 **that he deleted --**

2 A. No.

3 **Q. -- the picture?**

4 A. No.

5 **Q. So what happened next?**

6 A. So he just was -- he was back to, like,
7 the guy I knew in the salon. He was the sweet,
8 loving guy. He was sorry for what he had done.
9 He -- and he told me, I'm sorry. I just thought
10 that this would be something you would like. I
11 fantasized about you so much. And he had enough of
12 an explanation that I was like, Okay, maybe he's not
13 actually disgusting. When I left, I left with, I'm
14 not going to see you like this again. He agreed,
15 and he said, But I still want to come in and get my
16 hair cut with you.

17 **Q. So you told him you do not want to see him**
18 **in this way?**

19 A. Right.

20 **Q. And he said what now? What did he say?**

21 A. And he agreed and said, But I still want
22 to come in and get my hair cut with you.

23 **Q. So where did you go after you left?**

24 A. So I went home, and one of my best friends
25 and I were supposed to be going out. And I called

1 her -- I said, I need you to come over. I can't --
2 I can't go out. She said, okay, and so she came --
3 so she came, and I -- she was a coworker of mine,
4 and I had told her about him rubbing on my leg, so
5 at least she knew that part and she knew that I
6 thought that he was this great guy or whatever.

7 **Q. So what did you tell your friend that**
8 **night?**

9 A. So I told her everything.

10 **Q. What did she say?**

11 A. Oh, my God -- redacted. There's no way
12 this guy has not done this before, and oh, my God --
13 redacted -- stop, it's okay. Because I was, like,
14 inconsolable. I could not quit crying.

15 **Q. When you say you were inconsolable, what**
16 **happened the next couple of days? What were you**
17 **thinking?**

18 A. So I just kept thinking, I have to tell my
19 husband, but I didn't. I hadn't had any sleep --
20 like, zero sleep. I could not sleep. I didn't
21 sleep that night. I didn't sleep for the next,
22 like, three nights, and I thought, the only way I'm
23 going to be able to sleep is if I tell my husband,
24 because I felt disgusting. I felt so shameful. I
25 felt so embarrassed, and I -- I knew it was wrong of

1 me to even go in his freaking house and do what I
2 did.

3 Q. So at this time, you and husband are
4 separated; is that correct?

5 A. Yes.

6 Q. But you felt so bad that you needed to
7 talk to him?

8 A. Yeah. Because our separation wasn't legal
9 and -- yeah. And also, too, I knew EG had a wife
10 and --

11 Q. So what did you -- how did you reach out
12 to your husband?

13 A. So I -- and I had talked to another one of
14 my best friends who --

15 Q. Who is that person?

16 A. "J."

17 MS. MITTEN: Excuse me. We're going to
18 have to redact line 9, the first word of that
19 sentence.

20 MR. BARNES: Okay. Yeah.

21 Q. J. What's her last name?

22 A. I talked to her, and, of course, she was
23 like, Gosh -- redacted -- this guy is a total creep,
24 but, you know, do not tell -- redaction -- you know,
25 because she -- I know her through my ex-husband.

1 They -- she and her husband used to be friends with
2 him, but he was -- he was no longer -- he hasn't
3 been friends with them for years because --

4 Q. So tell me your husband's name. I never
5 asked you. Who is your husband? What's your
6 husband's name?

7 A. PS.

8 Q. Okay.

9 A. So she -- but she said, you know how he
10 is -- redacted -- and he will go insane. Do not
11 tell. I was like, I know, but I can't -- I can't --
12 I can't sleep. I can't function like this. I can't
13 do it. So I told -- I called my husband and I said,
14 Listen, I need to tell you something, and it's
15 really sensitive and really private. So he had
16 said, Okay, how about let's meet somewhere.

17 MS. MITTEN: Shall we move on?

18 MR. BARNES: Yes.

19 MS. MITTEN: Page 41.

20 MR. BARNES: Next questioner and answerer.

21 (The following testimony was read from the
22 transcript of "KS's" grand jury testimony taken on
23 February 15th, 2018, narrated by Representative
24 Kevin Austin and Representative J. Eggleston.)

25 Q. So when was this from the incident?

1 A. Like, it was four days later.

2 **Q. So about March 20th -- around March 24th,**
3 **2015?**

4 A. Yes.

5 **Q. What happened next?**

6 A. So we met in a parking lot -- like, a Shop
7 'n Save parking lot, and I got in his car, and he
8 just said, KS, tell me everything. You better tell
9 me everything, because I will know. I -- I know
10 more than you think, and I will know if you don't
11 tell me everything. I know -- I mean, in this -- in
12 regards to EG? And I said, Yes. And he said, Well,
13 just -- you have to tell me everything. So --

14 **Q. And did you tell him everything?**

15 A. I told him everything, except for I didn't
16 tell him that I had given him oral sex until I -- I
17 did tell him later, when we were back together, but
18 I told him all -- all of the other.

19 **Q. And what was your husband's response when**
20 **you tell him about that the incident in the**
21 **basement?**

22 A. Oh, my God. I think -- kill him -- I will
23 kill him. This guy is the lowest life. I -- I'm --
24 can destroy this guy in 30 seconds. And I just
25 said, No, you can't do that, you can't do that.

1 Please, please, I'm begging you, do not. Please --
2 redacted -- just leave him alone. I'm not going to
3 see him like this. Like -- please.

4 And he just -- so after we went through
5 every single detail, because that was how our
6 conversation went --

7 Q. At the time -- let's go back. At the
8 time, did you know your husband was taping this?

9 A. Zero percent. No.

10 Q. So after you told him and you were begging
11 him not to say anything, what was your -- I mean,
12 you were trying to talk to your husband?

13 A. Yeah. I mean, I thought -- I didn't
14 necessarily want to be back with him. I didn't know
15 what I wanted; I just knew I can't sleep. I feel
16 like complete shit. I feel awful. Maybe I'll feel
17 somewhat better -- I'll be able to sleep, which I
18 did, but he told me after that day that he -- I was
19 disgusting. I was exactly what he thought I was. I
20 was a home wrecker; I was a whore; I was all of
21 these things. So he had to get an apartment instead
22 of -- instead of staying at his brother's, to which
23 he got an apartment for the next three months and --

24 Q. Well, just the conversation was -- was
25 that it -- was that?

1 A. Yeah.

2 Q. So tell me, after this -- after you told
3 your husband, did you tell anybody else besides your
4 friends and your husband?

5 A. No. I didn't tell anybody else.

6 Q. And were you concerned about these
7 pictures at that point?

8 A. Yeah. I was petrified about the pictures,
9 and I was also petrified about -- obviously, he
10 cares about this so much, so what else would he do,
11 you know?

12 Q. So tell me, did he come -- did EG come
13 back into the salon?

14 A. Yeah. So maybe a week or two after that,
15 he came in for a -- what would be a regular
16 appointment.

17 Q. Was that with you?

18 A. With me.

19 Q. And what happened next?

20 A. After he got there, he was like, Hey, you
21 haven't told anybody, have you? Which, of course, I
22 feel, like, so guilty, but I was like, No, no, I
23 haven't. I haven't told anybody. He said, Good,
24 because I have to see you. I cannot quit thinking
25 about you. It's -- you're on my mind all of the

1 time. I want to see you so bad. You are, like, the
2 most incredible person ever. And he went back to
3 that sweet, amazing guy filling me up with, you
4 know, any sweet things that he could say to me.

5 **Q. And at that point, did you later see him**
6 **again?**

7 A. I did.

8 **Q. And when was that -- around when was the**
9 **next time you saw him?**

10 A. In that type of way would have been work.
11 So he said, Can I come in early for my -- like, can
12 you open up the salon early for my next appointment,
13 and then, you know, we can see each other. Then we
14 can actually talk -- because we still haven't even
15 really, like, talked or anything, and we can see
16 other.

17 So that was the next time that I saw him,
18 and that was the first that I -- like, I let him in,
19 I would assume at, like, 9:30. The salon usually
20 opens at ten o'clock during the week. And I did
21 kiss him willfully that time when he came in, and --

22 **Q. And so after that, did have occasion to**
23 **see him again, or did you -- did he make**
24 **arrangements to see you again?**

25 A. Yes.

1 **Q. And when was that?**

2 A. So the next time I saw -- then I didn't
3 see him -- so there were, like, chunks of time that
4 we just had no communication between haircuts or
5 whatever. I was sitting outside the salon -- this
6 would have been probably in May -- and I was sitting
7 outside of the salon in between clients. I was
8 reading a book. There was -- there was, like, a
9 fountain by [REDACTED].

10 **Q. And that's in [REDACTED]?**

11 A. Yeah. So I was sitting there reading a
12 book, and he drove by and was like, KS, come here,
13 come here, and had me come up to his car and said,
14 Oh, my gosh, you know, you look stunning. What are
15 you doing tonight? Can you come over tonight? You
16 know, I'm -- I want to see you.

17 So I said, Well, maybe I could come by for
18 a little bit. I don't have long -- because even
19 though my husband had an apartment, the kids never
20 stayed the night there; they stayed the night with
21 me every night. So that was the next time that I
22 saw him. And that time was consensual.

23 I came in, we engaged in what would be
24 oral sex, and the only thing that would have been
25 even weird at all about that was that thing that he

1 gets that's like -- like, this anger, testosterone
2 thing he gets. That was the only thing that I
3 thought was weird. Any time I was with him, I was
4 just like, God, you're so different. You're so
5 turned on.

6 Q. So tell me about that. So tell me about
7 that. So you said it was like -- you know, you said
8 it's two different EGs.

9 A. Yeah. Like a -- like I'm on a mission. I
10 am -- I am this kind of angry guy, which I took it
11 as, oh, it's probably because he was a Navy Seal;
12 maybe some -- you know, maybe it's some sort of
13 after effects of that. I don't know. But he was --
14 but he would get really kind of aggressive and just
15 testosterone filled, and then he was just
16 (demonstrated) afterwards.

17 So that night afterwards, he was just kind
18 of like, okay -- after he had finished, and then I
19 just left.

20 Q. And did you see him again in the salon?

21 A. So -- yes. He came in at least, like,
22 probably one more time to me, but then I told him --
23 because at this point, my husband knew what I had
24 already told him, so I told him, You can't come to
25 see me, because if anybody sees you in my chair --

1 of course, I'm thinking my husband, because now he's
2 moved out, but he's still obsessed. This is all he
3 can talk about when he talks about -- or when he
4 talks to me and has told me, If I ever drive by the
5 salon or if anybody I know ever sees him in your
6 chair, I will come in and I will absolutely confront
7 him, and this guy will know that I know or whatever.

8 So EG -- then I told him, You can't come
9 to me. So he started going to another girl in my
10 salon for a short period of time.

11 **Q. Then at that time, did you ever meet up**
12 **again?**

13 A. Yes. So he told me -- and it might have
14 been in May when I saw saw him. I know at some
15 point he told me -- because it was enough time away
16 that his wife would be out of town for a week, and
17 he wanted to see me as much as he could during this
18 week.

19 **Q. Do you remember what time frame that was?**
20 **Like, where?**

21 A. It would have been, like, end of July --
22 very -- end of June, very beginning of July.

23 **Q. And what happened?**

24 A. And he said, I want to be able to talk to
25 you, so can I -- or I'm going to get you, like, a --

1 like, a disposable phone, so that way I can call you
2 and I can't be traced, during this time when he
3 was -- when she was out of town.

4 **Q. Did you find that weird?**

5 A. Yeah. But he made everything make sense
6 to me, which was -- I just, regardless, can't -- I
7 can't be seen with you because I'm running for
8 office and people will try to destroy me.

9 **Q. Now, let me back up. Every time he would**
10 **come into the salon, would he say anything? Even**
11 **prior, just after the incident?**

12 A. Yeah. Well, he always was concerned with,
13 Have you told anybody, KS; right? Have you not told
14 anybody? You haven't mentioned my name to anybody?

15 **Q. And what does this do to you in your mind?**
16 **What would you feel like?**

17 A. It makes me insane, because I feel guilty
18 that I've even told anybody, let alone I've told
19 somebody that I know for sure wants to kill him
20 and -- or, you know, figuratively -- and me as well,
21 because we're separated. He's angry at me, and all
22 it will take is him telling him or it getting back
23 to EG that he knows, and EG will do God knows what
24 to me -- release this picture, but, also, you know,
25 do whatever. So there's no I way can tell him that

1 I've told anybody, but he keeps bringing it up, so
2 it's just kind of an awful place to be in.

3 **Q. So when EG says his wife is going to be**
4 **out of town and he wants to see you that week, what**
5 **happens that week?**

6 A. So I told him that I could possibly see
7 him. It was, like, a Saturday night. I went out
8 with my girlfriends again. We were in the Central
9 West End, which is common at that time, if we ever
10 went out after work. And so after I went out with
11 my friends for a little while, I left and went to
12 his house. And at this point, I know he had the
13 phone. I don't think it; he had it for a -- very
14 long before --

15 **Q. And this is a different phone from the**
16 **first incident?**

17 A. Right. It was like --

18 **Q. It was a different number?**

19 A. A random number, yeah.

20 **Q. What kind of number was it, excuse me?**

21 A. I don't know. I mean ...

22 **Q. But it --**

23 A. It was a 314 number, I believe, yeah.

24 **Q. So it wasn't a 202 number; right?**

25 A. No.

1 **Q. Okay. What happened next?**

2 A. So I went over to his house, and at first
3 it was, you know, kind of exciting and consensual.
4 We were just making out, and he was going to come
5 upstairs into a room -- into a bedroom that he
6 had -- I guess, spare bedroom. When were there, we
7 were making out, and he sat up on the bed, like --
8 or he was standing. I was kind of leaning on the
9 bed and he said, KS, have you been intimate with
10 anybody? And I said, What do you mean? And he
11 said, Have you had sex with anybody? And I said,
12 Well, my husband. And I don't know at what point I
13 had, but I had since the very beginning of this --
14 of me ever seeing him -- and he just slapped me hard
15 across the face. And I was like, What the F? What
16 did you do that for? You're married. And he said,
17 You should not -- you should not be intimate with
18 anybody else.

19 **Q. At that point, what did you think? Did**
20 **you consent to being slapped?**

21 A. No. No. I thought -- I've never been hit
22 like that, first, and, secondly, it was just like,
23 Oh, my God, I think he's really screwed up from the
24 war. So -- which I said to him -- I was like, EG, I
25 think you have anger issues. I think the war

1 screwed you up or something. And he was like, at
2 this point, definitely no apology. I think in his
3 mind, it was, You're mine; what do you mean?

4 So we talked, and so I -- then I asked him
5 about -- you know, about being in a war, and,
6 really, we just kind of had a conversation and --
7 because I wanted to understand why the hell would
8 you think that that's a normal response? That's
9 so --

10 **Q. And so he said, even though you had a**
11 **normal conversation, you still thought that**
12 **situation was weird?**

13 A. Yeah.

14 **Q. So did you see EG later on?**

15 A. So that would have been -- my guess would
16 be, like, on a Saturday, so we talked probably
17 Sunday, and I said I would come by -- because he
18 said, you know, when else can I see you, KS? I want
19 to see you again. And I said, Maybe before work one
20 of these days this week. And so my guess is that I
21 saw him either Monday or Tuesday before work,
22 because he said, Can you come by and we'll do a
23 workout together, like, just do -- go through a
24 workout? So I agreed to come over one of those
25 days.

1 Q. So -- excuse me. So it was the same
2 time -- every time you come in is -- would it be the
3 back way?

4 A. Yeah.

5 Q. It's always the same kind of similar, you
6 know?

7 A. And then he goes out and he checks to make
8 sure nobody followed me, yeah.

9 Q. Okay. So when he said, Let's do a
10 workout, and you said it's probably before work,
11 what happened next?

12 A. So I came in, and we did go through,
13 actually, a normal workout together, and it was
14 fine. And then -- and then he kind of -- you know,
15 he came on to me. And then it was kind of sexual.
16 Again, consensual at this point, but then -- then at
17 some point -- this is really embarrassing. Sorry
18 about --

19 Q. Take your time.

20 A. So we had never, like, actual intercourse,
21 even throughout all of the times that I saw him. So
22 to this point, we're, like, on the ground, I'm -- it
23 would be as if we were in, like, doggy style
24 position, but we weren't actually having sex. He
25 was, like, fingering me. So -- and out of nowhere,

1 he just, like, takes me and smacks me and shoves me
2 to where I, like, hit the ground and started, like,
3 bawling instantly, because it freaked me out. So I
4 was like, What? And it was as if he was, like, all
5 of a sudden overcome by some sort of psycho rush. I
6 don't know.

7 So I just laid on the ground crying with
8 him being, like, KS, it's okay; it's okay, not
9 giving me any sort of explanation. I was just like,
10 EG, I think something is really wrong with you.
11 This is so weird. Oh, my God. And that time, like,
12 it really hurt. I was like, What the hell? And it
13 just came out of absolutely nowhere, too, so ...

14 **Q. So at this point, do you -- do you still**
15 **want to see EG at this point?**

16 A. I don't know. That time -- that was the
17 last time I saw him, but I don't know. I -- I left
18 there so confused and grossed out at that point.

19 So I got ready, I went to work that day,
20 and whenever I was leaving work that day, I was
21 walking to my car. And you have to walk outside of
22 the building to go into the garage, and EG was
23 waiting for me kind of on the side, and he was kind
24 of -- slyly said, Hey, I need -- I need you to
25 follow me. And I was like, Oh, okay. And he

1 followed me kind of to the car, watched me get in my
2 car, and then got -- and just said, I'll be down. I
3 guess, got in his car, and I followed him to a
4 parking lot off of, like, Manchester -- kind of
5 Manchester and Kingshighway, around there. And he
6 said, Get in my car; I need to talk to you.

7 So I get in his car, and he said, KS,
8 somebody e-mailed my wife today and said that they
9 saw a woman coming into the house and that she's
10 been there before. And I don't -- I think it's my
11 neighbors who are, like, these Democrat operatives.
12 Of course, in my mind, I'm like, Oh, my God, it's my
13 husband or somebody else who he's had follow me; oh,
14 no.

15 So he said, I told Sheena that is
16 absolutely false, but -- so what I told her was that
17 you came in to get a book for your daughter that I
18 had signed and that I took you on a tour of the
19 house, and then you went out the back way. And, you
20 know -- so if anybody ever asks you, this is what
21 you're going to say.

22 **Q. What are you thinking at that point?**

23 A. I just felt so used and disgusting. I
24 felt so bad for his wife. I felt so gross. It was
25 just like he obviously got what he wanted, and now

1 he's -- you know? I don't know. I mean, at
2 least -- so before I kept saying to him whenever I
3 would see him, Please -- like, we just can't see
4 each other, because I knew, even if I'm not married,
5 you know, regardless of what happens in my marriage,
6 he is staying married. This was the first time he
7 expressed -- because he kept saying, I know, but I
8 just have to see you. So this was the first time he
9 expressed the same feeling of I -- I can't see you
10 again like this. I want to still come in, and I
11 said, No, do not come into the salon. That's not
12 fair to me; it's not fair to your wife. Leave me
13 alone; don't ever come in again.

14 **Q. And this happened around what time? You**
15 **said end of June, early July?**

16 A. Yeah. Yes.

17 **Q. Now, after this incident, did you have any**
18 **other conversations with EG after this July**
19 **incident?**

20 A. One more. So shortly after that, my
21 husband and I tried to reconcile, but from July to
22 October, he tried FaceTiming me one time. Oh,
23 and -- and he had also said he threw away that phone
24 that -- when I saw him that day. He was like, I'm
25 getting on a plane to go see her to convince her

1 that it's absolutely nothing. I'm getting on a
2 plane today -- even though she was still not going
3 to be home for another four days or whatever -- and
4 I'm throwing this phone away.

5 **Q. And that happened. That's the**
6 **conversation you had in the car; right?**

7 A. Yeah. That was in July. And then in
8 August at some point, I know he -- I had missed
9 FaceTime, to which at that point I was back with my
10 husband. I showed him, because he said, You ever --
11 you ever see him or anything, you need to tell me.

12 **Q. So you have an iPhone; right?**

13 A. I have an iPhone.

14 **Q. And you believe that EG --**

15 A. EG had to have an iPhone because there --
16 there was some point where he knew if he FaceTime
17 audio me or whatever, that that wouldn't be on his
18 phone bill. So I know he had done it at least once
19 before. That was one of our discussions. So when
20 he FaceTimed -- and then he FaceTimed me, but I
21 missed it. I didn't talk to him in August.

22 **Q. And what happened next?**

23 A. So in October I saw EG walk by the salon,
24 and, you know, I definitely knew he saw me. He
25 walked in and asked them if he could get an

1 appointment with me -- the girls at the front. And
2 they said, Oh, yeah, KS can. Her -- my client after
3 the one I had, had just canceled, so you can come or
4 you can wait around and she'll do your hair.

5 So he sits down. And I said, EG, you
6 cannot be here. And he said, I can't quit thinking
7 about you, KS. I -- I just -- I want to see you.
8 And I said, No, I'm back with my husband. And he
9 was like, You have not told him anything, have you?
10 And I said, No, but you can't -- you have to leave
11 me alone. And I said, Whatever happened with your
12 wife? And he said, She doesn't know anything. I
13 convinced her it's nothing. And when -- but he was
14 like, I can't believe you could be back with this
15 guy, KS. He said enough things that I felt like
16 he's not really going to leave me alone.

17 So in -- I got home again that day. I
18 told my husband if I ever see him again or talk to
19 him, I'll let you know. So I told him he came in; I
20 did his hair. And he was -- my husband was so
21 angry. How dare you ever do his hair. Who are you?
22 This guy is never going to leave you alone. So I
23 said, Fine, I'll e-mail him -- because I knew that
24 he had told me so many times, do not e-mail me, do
25 not call me -- and that way he won't. He will leave

1 me alone.

2 So I e-mailed him just basically saying,
3 You can't come into the salon at all. Please leave
4 me alone. Please think of both of our families.

5 **Q. And that's around October 2015?**

6 A. Yes. And then that was the last time I
7 had talked to him.

8 **Q. And after October 2015, you never talked**
9 **to him?**

10 A. No. Not once.

11 **Q. And at that time, were you -- what do you**
12 **think about those photos? What were you thinking**
13 **about those photos?**

14 A. That's all it's going to take is my --
15 because shortly after this, my husband and I decided
16 to for sure get a divorce, and my husband made it
17 very clear that he wanted to ruin us, and I thought,
18 all it's going to take is this word getting back to
19 EG, and EG is going to kill me. At this point, I
20 actually -- I got to the point where I wasn't as
21 scared of the pictures once I was out of it,
22 realizing you would be insane to do that because it
23 would show -- it would incriminate him, but I was
24 scared of him at this point.

25 **Q. So when did you know your husband taped**

1 **your conversation where you first told him?**

2 A. So in October, after that happened where I
3 explained, Listen, I sent the e-mail, and my husband
4 said, Well, I still can't be married to you. I
5 said, Okay. At this point, I was so exhausted --
6 because from July to October, we just had
7 conversation after conversation about every detail
8 of me seeing EG; everything I said, everything I
9 felt, everything of his feelings towards me about
10 how awful I was -- whatever -- I was a home wrecker.
11 I was just so exhausted.

12 So I said, Fine, let's get a divorce,
13 then. And he was like, You're not going to fight
14 about it? And I said, No, I'm tired. I'm so
15 exhausted. I did what you told me.

16 **Q. So when did you get a divorce?**

17 A. March.

18 **Q. So October to March? Okay.**

19 A. Yeah.

20 **Q. So now when did you hear about this**
21 **incident that this was out in the news media? Like,**
22 **how did you hear about this prior to it being**
23 **released out to the public? Like, when did you get**
24 **notice of this?**

25 A. I noticed it the month before. A woman

1 showed up at my salon. She had booked it -- so I'm
2 at a different salon, and now it's literally only my
3 clients -- so it would very odd for somebody else to
4 book an appointment -- and I noticed this -- but
5 it's -- I have an online booking system, and I
6 noticed this person was on my book that I had never
7 met. I thought maybe a friend of mine gave her name
8 out. I don't know.

9 So one of -- and I had even told -- one of
10 my friends was in earlier that day, and I said,
11 There's this person on my book that's kind of weird.
12 So she comes in, and I said -- you know, Hi, I'm KS,
13 I'm sorry. I was kind of shaken up. My client
14 right before her -- a man probably in his 70s who
15 had a glass of wine -- like a glass and a half of
16 wine and fell into my mirror. He was obviously
17 intoxicated, so I was super worried about him
18 driving and hurting somebody.

19 So I said, I am so sorry, I'm kind of
20 shaken up about my last client. And she said, Oh,
21 well, your night is going to get a lot more weird.
22 I'm not here for an appointment; I'm here because
23 I'm a reporter for Channel 4. I'm working on a
24 story about EG. And I just instantly started
25 crying. I'm like, Please, you cannot do this. This

1 is -- this was so traumatic; do not go there. This
2 whole thing. And I am finally past this point.
3 Like, just please, do not do this. And she -- I
4 said, my husband will do anything to hurt me, please
5 do not. And she said, I know, but there are parts
6 of this story that are really disturbing. And I
7 said, Whatever you heard, you have to understand, my
8 ex-husband will literally do whatever he can to hurt
9 me, so please, please do not. I have children. I'm
10 in school full-time. I own my own business; please.

11 And she was like, I understand, you know;
12 I'm just concerned about some of the things that I
13 heard, and, supposedly, there are other women. And
14 I said, Well, if that's true, then I will talk to
15 them. Tell me who they are, and I will talk to
16 them. I do not want to talk to you. I don't want
17 to talk about anything. I don't want to go on the
18 record, please. And she said, Well, there are also
19 rumors that you signed a nondisclosure.

20 MR. BARNES: Okay. Now we'll flip the
21 questions and the answers. Do you -- technically, I
22 believe we would go to Tommie. Do you guys mind if
23 we just go in order, for ease of process -- or are
24 the three of you okay with that, because we're going
25 out of order -- Tommie is really the one that gets

1 bumped out of order.

2 Representative Pierson, if you're good
3 with that.

4 MR. PIERSON: In this case, not a problem
5 at all.

6 MR. BARNES: Okay. Don't worry; you're
7 going -- we're going to get to you, okay? We've got
8 800 pages. We are going to get to you.

9 MR. PIERSON: No problem.

10 MR. BARNES: Okay.

11 Proceed.

12 (The following testimony was read from the
13 transcript of "KS's" grand jury testimony taken on
14 February 15th, 2018, narrated by Representative J.
15 Eggleston and Representative Curtis Trent.)

16 **Q. So let's stop right there. Is that true?**

17 A. No. And -- and that was the only thing
18 that I did confirm to her, is that, no, I have not.
19 I have not signed anything. I have not received any
20 type of payment in any form. That was the only
21 thing. The rest of it, you know -- she was like,
22 Well, I -- one of the rumors is that he took a
23 picture of you, and I -- I just said, Please, do
24 not. Just don't do this story.

25 **Q. So you're not -- you never wanted this to**

1 **come out; is that correct?**

2 A. No.

3 **Q. And so when you finally heard it, it came**
4 **out January 11th, 2018. What happened? What did**
5 **you think?**

6 A. It was awful. So that same woman -- so I
7 kept getting these calls throughout the month. My
8 good friend, who is an attorney, had -- I had told
9 her about the incident way back when it happened,
10 and she was one of the first ones -- as an attorney,
11 she was like -- redacted -- do not be scared of this
12 picture, because he's insane and, like, that would
13 incriminate him.

14 **Q. But did you believe that he -- you still**
15 **believed that he would --**

16 A. Yeah.

17 **Q. -- have this picture?**

18 A. Oh, yeah. Yeah. But -- and, also, too,
19 what else are you capable of, you know? But she
20 said -- redacted -- listen, do not say anything,
21 period. If anybody tries to catch you off guard,
22 just, like, don't say anything. They're not going
23 to run this story without you.

24 **Q. And when they ran the story with it out,**
25 **what did you think? What was going through your**

1 **mind?**

2 A. I just felt so, like, used. Obviously,
3 this woman had an agenda. Obviously, my ex-husband
4 had an agenda. At this time, EG had an agenda. Oh,
5 it was awful.

6 So -- and, too, I found out three minutes
7 before it that it was her going live with it. She
8 kept calling, and I would miss her calls. And the
9 day before, she left a message on my voicemail
10 saying, I need you to call me back. I just heard a
11 recording where you say -- where you're speaking to
12 your ex-husband and you say that, you know, you were
13 blindfolded and there was a picture taken or
14 whatever -- or, no, I think at this point, she just
15 said there was a recording -- that's right.

16 And then I called -- redacted -- my friend
17 and I said, I'm freaking out. She says that there
18 is a recording and somebody is going to run a story.
19 And so she called her -- redacted -- called her as
20 my attorney and said, What is the deal with this
21 recording, because she's never heard a recording
22 that she's supposedly part of. And she -- and
23 Lauren, the reporter, said, Well -- and then she
24 explains that she was blindfolded; there was a
25 picture taken.

1 So -- redacted -- called me back, and
2 she's like, It sounds like he really did tape you
3 because after we had positively decided to get a
4 divorce, he had at some point threatened me saying,
5 I could ruin you both in 30 seconds; I have proof of
6 it.

7 **Q. And this is your -- this is your husband;**
8 **right?**

9 A. This is my husband. And I said, Proof?
10 And he said, I recorded you whenever you first
11 confessed to me.

12 **Q. So when you hear -- now, let me go back.**
13 **Did anybody reach out to you from EG's?**

14 A. No.

15 **Q. Did anybody reach out to your counsel from**
16 **EG's office?**

17 A. Yes.

18 **Q. Did you have a -- did you have knowledge**
19 **of that conversation?**

20 A. Yes.

21 **Q. What was that conversation?**

22 A. So this was after it came out. Nothing
23 came in at first, and then I released a statement,
24 because this was -- would have been, like, the day
25 after.

1 **Q. So January 12th?**

2 A. Or two days after, maybe.

3 **Q. 2018?**

4 A. Yeah. Or the 13th. Because I had read a
5 report that the reporter -- the Channel 4 reporter
6 was kind of getting -- people were asking her
7 questions. Why did you decide to run this without
8 the woman? And she made a comment that it was
9 because she had had an off-the-record interview with
10 me, and I wanted to make sure that people knew, you
11 know, this was not an interview; this was you
12 ambushing me at my salon.

13 So my attorney wrote a statement saying,
14 you know, any on-the-record or off-the-record
15 interviews were simply to say she didn't want to be
16 a part of this story, and then, you know, whatever
17 else, just please allow me privacy.

18 And so after that was released, EG's
19 attorney reached out to my attorney and said,
20 Listen, I know a way that -- you know -- or what
21 does your client want out of this? And my attorney
22 said, She doesn't want to be part of this. And he
23 said, Well, I know a way that she could do that.
24 She could come out and say that none of this is
25 true.

1 Q. Now, were you going to say none of this
2 was true?

3 A. No. No. And --

4 Q. Then what happened next? Was there
5 another conversation that took place?

6 A. So then he called back again and said,
7 I -- we were going -- I took this back to EG, and he
8 was actually going to be doing an interview where he
9 would explain that everything, you know, was false,
10 but now that he knows where she stands, he decided
11 to cancel it.

12 Q. So when you hear there was no blackmail,
13 there was no photo, there was no thread of a photo
14 being taken -- is that true?

15 A. No. No. And that's like -- I think he
16 would have just stepped out and said, I don't want
17 to talk about any of it; I don't even know what I
18 would feel that I would feel that emotional, because
19 that would be some -- that would be him admitting
20 it, to me.

21 Q. And you never wanted this come out, so
22 this is not some vindictive --

23 A. No.

24 Q. You know, you didn't come here because
25 you -- I mean, this has been --

1 A. No. It's because I -- it's embarrassing,
2 and I have kids, and I just keep thinking -- because
3 my -- my ex-husband is very well known, and I'm
4 like -- you know, I know that whether it's EG's fans
5 or my ex-husband's fans, somebody who doesn't know
6 me is going to do or say something to me or my kids
7 that's harmful, you know?

8 **Q. And you're not a political person?**

9 A. No.

10 **Q. Mr. Steel, have you any questions?**

11 MR. BARNES: Mr. Steel says, Yeah, just to
12 wrap things up.

13 And now questions by Mr. Steel. You can
14 be Mr. Steel.

15 MR. EGGLESTON: Okay.

16 **Q. I know you talked to her for a while.**
17 **Just so we're clear, is there any doubt in your mind**
18 **that EG took your photo in March of 2015?**

19 A. No doubt.

20 **Q. Did you have knowledge prior to him taking**
21 **that photo that he was going to take a photo? Did**
22 **you have consent to him taking that photo?**

23 A. No.

24 **Q. Were you bound when he took that photo?**

25 A. Yes.

1 Q. Did he rip off your shirt?

2 A. Yes.

3 Q. Did he pull down your pants?

4 A. Yes.

5 Q. Were you partially or fully nude when he
6 took a photo?

7 A. Yes.

8 Q. Now, you also indicated that at some
9 point, you and him had -- did what's called
10 FaceTime. I could -- and could you explain what --
11 what is FaceTime?

12 A. FaceTime. You know, to have an iPhone --
13 both people have to have an iPhone, and you can
14 either -- it basically uses WiFi to call each other
15 either through -- you know, you can see each other's
16 face, or you can do it through FaceTime audio, but
17 it goes through WiFi, as opposed to your calling
18 plan.

19 Q. Okay. Now, in terms of that picture that
20 he took that -- again, you said there's no doubt in
21 your mind that he took that nude picture of you
22 while you were bound, and he took it, in your
23 opinion, with an iPhone. Do you know if you can
24 transmit or send a photo from an iPhone to social
25 media?

1 A. Yes.

2 Q. Okay. In addition -- I'll wrap this up.
3 You indicated that you told a friend back in March
4 of 2015 about that incident.

5 A. Yes.

6 Q. And this was the same night; is that
7 right?

8 A. That -- I may have told her the next day,
9 but it was -- yeah -- right away.

10 Q. Okay. Right away.

11 A. Oh, I -- I did tell somebody that night.
12 That was another friend, yes.

13 Q. Okay. So at least within a couple of
14 days, you told those two people?

15 A. Yes.

16 Q. And in addition to that, three or four
17 days later, you told your husband?

18 A. Yes.

19 Q. And at the time you did not know he was
20 taping you?

21 A. No.

22 Q. But you told him that EG had taken your
23 picture in his basement while you were bound and
24 that you were nude and he took that picture without
25 your consent?

1 A. Yes.

2 Q. Okay. That's it.

3 MR. BARNES: Keep going. So now you're
4 back to Ms. Gardner, and then you're going to be
5 grand jury members.

6 MR. BARNES: I'll do the indication.

7 Ms. Gardner.

8 Q. So we're going to have questions and, we
9 could -- because I know it went long -- you know, we
10 can -- if you guys wanted to wait, and we'll bring
11 Ms. ---

12 MR. BARNES: How did that make it in
13 there? Redacted.

14 Q. Redacted -- back if there's any questions,
15 but did anybody have any questions?

16 MR. BARNES: Question by a grand juror.

17 Q. I don't want to be disrespectful. It
18 sounds like you've been through a lot. I guess all
19 I want to ask you is, having had the experience you
20 had with EG the first time you went to his house,
21 why did you go back a second time?

22 A. That's a great question. I think that's
23 why it was so insane for me. I think it's because
24 of my conversation with my husband and how he
25 reacted. I felt like I wanted to think that he

1 liked me; that he didn't think of me as this gross,
2 you know -- expletive -- or whatever. And when he
3 came back in and he was so nice to me, and now my
4 husband obviously thinks I'm disgusting, he
5 doesn't -- he hates me. I don't know. I think I
6 just wanted to feel like truly desired instead of
7 that. After that first time, I felt so shameful. I
8 feel awful. So I think it was just maybe if my
9 husband had responded by some other way and we
10 didn't have to get back together, because I
11 obviously didn't necessarily want that either -- I
12 didn't know what I wanted. I just felt awful. When
13 he came back in, I felt like this -- this guy is --
14 yeah, he's good. I -- I think he was just maybe --
15 that was a weird thing. I don't know. I just tried
16 to convince myself that it wasn't. I really and
17 truly did not go back there in my mind until he won
18 governorship. That was the first time that I -- and
19 it's true that he's sad about it. Before that, I
20 was really just scared and I didn't want to think
21 about it. I really just pushed it out of my mind
22 because it was so gross to me.

23 **Q. So it was a traumatic experience?**

24 A. Really traumatic. But I thought, no, no.
25 It -- he really liked me. He had feelings for me.

1 I mean, he said a lot of things that made me feel
2 good, too, and it really wasn't -- I didn't -- I
3 didn't really cry about it. I didn't really feel
4 sad about it until he won, and then I was really sad
5 because I thought, When is this ever going to go
6 away? Because I knew my husband was, at that time,
7 even trying to put it out to the media, because I
8 knew people who had told me: I just wanted you to
9 know that there's these rumors that your husband is
10 shopping his story, so I just thought, it's never
11 going to go away, and this guy has all of this
12 power, you know?

13 And that was the first time that I
14 realized how -- and, plus, I was outside of it, I
15 think, because I had never been vulnerable like that
16 before. I was always so strong or so I thought, you
17 know? So that was the other reason why it was
18 extremely shameful to me, because I was so weak. I
19 did go back. That was so -- yeah.

20 **Q. When you were there and he separated your**
21 **keys from your purse, then how did you get to --**
22 **you've got separate keys from your job from your**
23 **car?**

24 A. Oh, my. There were already people at my
25 salon.

1 **Q. Oh, you --**

2 A. Yeah. So the only way that it would --
3 like, the day that I came in early, if you are the
4 on -- if you are the one opening the salon, you
5 would go to the front desk. They keep the keys
6 there.

7 **Q. So how did you get from his house --**

8 A. I walked. It's a block away.

9 **Q. Now, where did you park your car when you**
10 **initially started going to his house? Because you**
11 **said he would come out to make sure you weren't**
12 **followed. So did you have to park your car, like, a**
13 **block away and walk?**

14 A. I would -- yeah. I would -- I would park
15 at the salon.

16 **Q. Oh. And walk? Okay. Got it.**

17 A. And then it's a block away, so then I
18 would walk down through that --

19 **Q. Alley?**

20 A. -- alleyway, and then he would come out
21 there to make sure nobody, you know, was physically
22 following -- like, walking by or whatever.

23 **Q. Okay. That's my only question. I'm sorry**
24 **that happened to you.**

25 A. Thank you.

1 Q. Any other questions?

2 It's more of a kind of personal. I'm
3 curious, because it sounds like you were -- and it
4 sounds like he was -- well, anyway, do you think you
5 would still have somewhat of a relationship with him
6 at this point today, if it hadn't been --

7 A. That's a great question. I mean ...

8 Q. -- creepy or whatever you want to call it?

9 A. If he hadn't --

10 Q. If he hadn't been so creepy about that
11 side of him and had been that nice, telling you what
12 you wanted to hear --

13 A. Him still married? Yeah.

14 Q. -- kind of stuff.

15 A. The part that -- honestly, at that time,
16 those things, I couldn't even physically deal with.
17 I couldn't even think -- oh, my -- a reference to
18 Divine -- he hit me that really grossed me out so
19 much, or I couldn't believe that I had dealt with
20 that, that I couldn't deal with that at the time. I
21 wasn't thinking those things when I left. I was,
22 however, extremely obsessed with and thought about
23 it a million times. He's married. He has a wife.

24 So I had not told my husband, had he been
25 separated or expressed that that was the route that

1 he was wanting to take, possibly, but because I did
2 not feel like that, I just felt gross. I -- so even
3 if he was this loving, great guy the whole time,
4 that would have just -- that was the biggest thing
5 in my mind at that time.

6 Q. Thank you.

7 So other than this the specific times that
8 you already talked about -- so, anyway, you had
9 talked about when -- the day the picture -- then you
10 you talked about when you got knocked down on the
11 mat and that. Other than that, was there ever any
12 violence?

13 A. No. No. Just his demeanor. I don't -- I
14 don't know how else to describe that, other than --
15 and not even when he was at the salon. He's a
16 very -- he's kind of an aggressive guy, which was
17 part of the appeal, if it didn't go to the other
18 side, because he's very -- he stands very close.
19 He -- when he shakes your hand, he shakes it hard.
20 When he touches you, everything is aggressive with
21 him. But the only time it -- I actually felt scared
22 were those times. The other times it was more just
23 an observation of you're an extremely aggressive
24 person; whereas, my dad was, like, a gentle dad, you
25 know? I don't -- I just wasn't -- I'm not familiar

1 with that sort of --

2 Q. So other than that -- not really violent,
3 just more intimidating?

4 A. Yes. That would be -- yes.

5 Q. Any other questions?

6 So when you guys initially went down to
7 the basement and the photo was taken, you said you
8 were blindfolded at the time. Did you -- did he
9 bring his phone downstairs with him, or was there
10 anything -- a camera sitting out on a table?

11 A. There was definitely not a camera. No, it
12 sounded like a phone. I didn't see his phone, but
13 it had to have been down there. I mean, I heard --
14 it sounded, you know, just like a phone --
15 (demonstrated) -- like that. But it -- but I didn't
16 see the phone prior to. I didn't really notice
17 anything because I was so in shock at, like, what is
18 going -- you know?

19 Q. And to clarify, you also saw a flash;
20 right?

21 A. Yeah.

22 Q. So just so I have it clear in my own
23 head -- so it seemed like that time, the time that
24 the picture was taken, it seemed like it was all
25 planned out ahead of time --

1 A. Yes.

2 Q. -- to have the picture to convince you not
3 to talk to anybody?

4 A. Possibly.

5 Q. Like, this was all like a -- like you were
6 saying something about it was more like an
7 operation. Like this was a plan?

8 A. Yes.

9 Q. To set up for anything else?

10 A. Right.

11 Q. Well, I appreciated you.

12 Your case is not any different than people
13 in the past or in the future. Why are you here in
14 the grand jury telling your story to a grand jury?

15 A. Because I was subpoenaed.

16 Q. Who subpoenaed you?

17 A. (Indicated.)

18 Q. Can I -- I'm going to have him, and then
19 I'm going to go to you.

20 Yes, sir.

21 And you say when you went downstairs and
22 he had you place your hands in the -- on the -- some
23 type of bar, did he, like, take something and wrap
24 it around your wrist so that you were -- so you
25 couldn't -- you couldn't take your hands down?

1 A. Right. But it was -- it was, like, a
2 spongy sort of exercise tape to where I was able
3 to -- once I was ripping my arms, it was kind of
4 coming apart.

5 Q. Right. It wasn't something that --

6 A. So -- and he had to help me. He did --

7 Q. But it was something that you had to --
8 something that you could just wrap around, like --

9 A. Just like a -- like a tape.

10 Q. Yeah.

11 A. Just like a tape, yeah.

12 Q. Any other questions?

13 Yes, ma'am.

14 It's very unfortunate. After all of that,
15 did he allow you to shower, or did he just say, you
16 know, I'm done and we're done, and go on your way?
17 He didn't try to --

18 A. Like, care for me?

19 Q. Yeah. He didn't allow you to take a
20 shower or anything?

21 A. The last time that I was there, I said we
22 worked out.

23 Q. Uh-huh.

24 A. That time, I did. That was the only time.
25 The other times --

1 Q. Okay.

2 A. I literally left right after. It was, you
3 know, it was like ...

4 Q. I'm sorry?

5 A. Oh, I'm done.

6 Q. Okay. I understand.

7 Any other questions?

8 MR. BARNES: Now we're back to Mr. Steel
9 here.

10 Q. And I just want to get some clarification.
11 If there are any other questions -- just so we're
12 clear on something, she asked -- one of the
13 alternates asked -- not an alternate -- one of the
14 jurors asked you about the picture, and you were
15 blindfolded. After that, I believe you previously
16 testified that you approached him and asked him
17 about the picture, and he acknowledged that he had
18 taken that picture and that he had deleted it.

19 A. Yes.

20 Q. Okay. So there was no doubt he confirmed
21 he took the picture?

22 A. Correct. When I had to come back to get
23 the keys.

24 MR. BARNES: And then the rest is
25 Ms. Gardner thanking the grand jurors being there

1 and talking about a potential next time.

2 So why don't we then go -- Representative
3 Trent, you can be the questioner.

4 What I want to do is take, like, three
5 minutes, because we got caught off guard a couple of
6 times there with things that should have been
7 redacted that weren't. So three minutes to do --
8 everyone to do a quick run-through. It's only the
9 first 20 pages of this.

10 Representative Mitten went to print, I
11 believe, the first 100 pages of the
12 cross-examination, and then we'll have a break to do
13 that same thing for the cross-examination.

14 (A recess was taken.)

15 MR. BARNES: So let me set the stage here
16 for exactly what we're doing. This is the --
17 Witness 1's apparent second appearance before the
18 grand jury. The first transcript that we read was
19 an appearance on February 15th, 2018. The second
20 one is February 22nd, 2018. The questions start
21 with Mr. Steel.

22 Representative Trent.

23 (The following testimony was read from the
24 transcript of "KS's" send grand jury testimony taken
25 on February 22nd, 2018, narrated by Representative

1 Curtis Trent and Representative Greg Razer.)

2 Q. Would you put your name on the record for
3 us.

4 A. KS.

5 Q. Okay. Now you've previously testified --
6 I think it was Tuesday; is that correct?

7 A. Thursday.

8 Q. Thursday. Okay. And I'm going to just
9 refer you back to that. Do you recall your
10 testimony on that date?

11 A. Yes.

12 Q. Okay. Was it the truth, the testimony
13 that you gave at that point?

14 A. Yes.

15 Q. Was it the whole truth?

16 A. Yes.

17 Q. Was it nothing but the truth?

18 A. Yes.

19 Q. Did you leave anything out?

20 A. No.

21 Q. And is it your testimony today that all of
22 that you told us previously was the truth, the whole
23 truth, and nothing but the truth?

24 A. Yes.

25 Q. And you stand by it affirmatively?

1 A. Yes.

2 Q. Okay. We'll just go over a couple of
3 things, just to make sure this stuff is also on the
4 record. You talked about the incident on
5 March 21st, 2015?

6 A. Yes.

7 Q. And you know it was the 21st, because --
8 redacted -- was on March 20th?

9 A. Correct.

10 Q. And you also talked about an incident in
11 that -- in the basement with Mr. G?

12 A. Yes.

13 Q. Now, you indicated -- or I'll just let you
14 tell the story again.

15 When you went there and went into the
16 basement, what happened in the basement?

17 A. Well, he had prior to asked me to change
18 into a T-shirt and pajama pants.

19 Q. Okay. Let me interrupt you one second.
20 Did the T-shirt and the pajama pants -- where were
21 those located when you came to his house?

22 A. On the kitchen counter.

23 Q. And the T-shirt, was it already cut?

24 A. Yes. It was cut at the top.

25 Q. Okay.

1 A. Like a little slit at the top.

2 Q. And was the slit in the T-shirt when you
3 got there?

4 A. Yes.

5 Q. Okay. Go ahead.

6 A. And when he took me downstairs, he told me
7 he was going to take me through a workout, wanted to
8 show me how to do a proper pull-up, and asked me to
9 put my hands on these pull-up rings that he had in
10 his basement. He took, like, a gauze tape and taped
11 my hands to them -- to the rings and then --

12 Q. And let me interrupt you one second. The
13 gauze tape that he taped you to --

14 A. Yes.

15 Q. -- was that already in the basement?

16 A. Yes. I mean, he didn't have -- he never
17 left the room.

18 Q. Okay. So whatever was there, he had
19 already put in the basement?

20 A. Yes.

21 Q. Okay. Go ahead.

22 A. And then he began, like -- or no. Then he
23 put a blindfold on me, and then he began trying to,
24 I guess -- what he said was to hydrate me and tried
25 to put -- like, spit water into my mouth.

1 Q. Okay. Had you-all -- yourself and Mr. G
2 had any physical sexual contact at that point?

3 A. None.

4 Q. Had you ever kissed him at that point?

5 A. No.

6 Q. Okay. Go ahead.

7 A. And so he tried doing that a couple of
8 times, and I just kind of let the water spill out,
9 because I was confused about this. And so then he
10 began kind of kissing on my neck and kissing down my
11 chest, and then he ripped open the shirt.

12 Q. Okay. Now, with the shirt, you indicated
13 that the shirt was already cut at the top?

14 A. Correct.

15 Q. In your opinion, did that previously cut
16 portion of the shirt make it easier for him to tear
17 the shirt off?

18 A. Yes.

19 Q. And do you think that that was part of the
20 plan? That he had already planned to tear that
21 shirt off?

22 A. Yes.

23 Q. Okay. Go ahead. And then he kind of
24 kissed down my stomach, and then he pulled down my
25 pants and then stepped back and was kind of just

1 quiet for a minute, and then he -- I could hear like
2 a -- (she makes a sound effect) -- and see a flash
3 through the blindfold. And then he said, You're not
4 going to speak my name to anybody. Don't even speak
5 my name, because if you do, then I'll put these
6 pictures everywhere for everyone to see what a
7 little whore you are.

8 Q. Okay. And this incident took place at his
9 home?

10 A. Yes.

11 Q. In the Central West End?

12 A. Yes.

13 Q. And that's in the City of St. Louis?

14 A. Yes.

15 Q. I believe he lived on Maryland. I'm not
16 sure of the exact address.

17 A. Yes.

18 Q. But the address was posted on the rear way
19 as you come through the alley?

20 A. Correct.

21 Q. Now, after he had taken this photo, you
22 indicated that he had said something to the effect
23 of, Don't say my name, or something?

24 A. Yes.

25 Q. Did he tell you what repercussions would

1 **happen if you did not follow his instructions?**

2 A. Yes.

3 **Q. Okay. And did he tell you would happen?**

4 A. He said he would put the picture
5 everywhere he could, blast it all over the Internet
6 for everyone to see.

7 **Q. Okay. And did you have children?**

8 A. Yes.

9 **Q. Were you concerned about your children**
10 **seeing this on the Internet?**

11 A. Yes.

12 **Q. Now, at some point, you left the house?**

13 A. Yes.

14 **Q. Okay. And you returned. And did you ask**
15 **him about the photo when you returned?**

16 A. Yes.

17 **Q. And what did he say?**

18 A. I deleted it. I -- he said, I thought
19 about you today -- because he obviously -- he knew I
20 was upset. Whenever I left, he just said, I thought
21 about you, and I deleted it. But I had to protect
22 myself, you know? There are people who will be out
23 to get me because I was running for governor.

24 **Q. Okay. I'm going to go over a few things**
25 **for you, just to wrap this up and try to get you out**

1 of here as soon as possible.

2 I asked you this before, and I'll ask you
3 again. Did Mr. G knowingly take your picture?

4 A. Yes.

5 Q. Did he do so without your knowledge and
6 consent?

7 A. Yes.

8 Q. At the time he took your picture, were you
9 in a state of full or partial nudity?

10 A. Yes.

11 Q. Did you have some expectation of privacy
12 in his home?

13 A. Yes.

14 Q. The item that he took your picture with,
15 is it your belief that it was an iPhone?

16 A. Yes.

17 Q. And I assume you have one yourself?

18 A. Yes.

19 Q. And I think -- I think you said you and he
20 had did -- is it called FaceTime?

21 A. FaceTime, correct.

22 Q. Okay. And on those iPhones or a
23 smartphone, can you transmit those pictures to a PC
24 or a laptop?

25 A. Yes.

1 **Q. And can those pictures also be transmitted**
2 **straight to the Internet, Facebook, or some other**
3 **social media?**

4 A. Yes.

5 **Q. Okay. Nothing further.**

6 MR. BARNES: Ms. Gardner opens the
7 questions to the grand jury. So question from Grand
8 Jury No. 1.

9 **Q. What was the blindfold made of? What kind**
10 **of cloth?**

11 A. I don't remember. That's a good question.
12 It was dark. I mean, it wasn't, like, a white sock
13 or anything; it was something dark. Some sort of
14 dark material. I'm not sure.

15 MR. BARNES: Any other questions?

16 Yes, ma'am.

17 **Q. So he physically tied the blindfold?**

18 A. Yes. My hands were already --

19 **Q. And you saw that, and you saw that it was**
20 **a blindfold before he put it on your face?**

21 A. Yes.

22 **Q. Okay.**

23 MR. BARNES: Ms. Gardner says, Thank you;
24 I appreciate it. Thank you. And then proceeds with
25 the examination of -- I believe it was the person

1 who was Witness 2 for us.

2 Okay. We're going to skip the Witness 2
3 here, and we are going to go to the
4 cross-examination of the first deposition of
5 Witness 1. Representative Mitten is going to hand
6 these out. I believe these are the first 100 pages.

7 The reason -- for members of the media,
8 we're working on the additional redactions that we
9 made to those grand jury transcripts, and we'll be
10 releasing that this afternoon. We're also going to
11 be doing the same thing with these other documents
12 as we go through them. We just want to make sure
13 you guys who are in the room saw that there were a
14 couple of things in our redactions that we missed
15 the first time around -- part of the reason why
16 we're doing it this way -- and so what I want to do
17 is take a moment, again, here for members of the
18 committee to look through this.

19 Why don't we go ahead and call this a
20 recess for ten minutes, because this is a hundred
21 pages, and I want to make sure that we've got this
22 redacted properly. If we're going to take a break,
23 let's do it, but we are not going to be on
24 legislative time; we are going to be on real world
25 time, ten minutes.

1 We'll be back here at 2:20.

2 Representative Trent, I believe, has ten more pages.

3 (A recess was taken.)

4 MR. BARNES: We are going back on the
5 record. I called Mr. Dowd, because I wanted to make
6 sure he knew we were going back in. He said he knew
7 that; thanks for calling; go ahead and start.

8 Obviously, he knows what we're about -- what we're
9 about to do, and I -- I don't know if he was in this
10 deposition, but I'm 100 percent confident that he
11 has read this deposition before.

12 So now we are on the deposition --
13 videotaped -- it says, "videotaped deposition." For
14 the record, we have not just requested, but we have
15 subpoenaed the actual videotape itself from the
16 Greitens team. We've yet to receive it. We've also
17 sent a subpoena to the circuit attorney's office.
18 They immediately complied with the subpoena, as they
19 had previously discussed, although they do not have
20 possession of the video itself.

21 It has come to my attention -- I think
22 that there are three separate cross-examination
23 depositions of Witness 1. We have two of them of
24 which I'm aware right now. I hope to obtain the
25 third in short order. And this is the longest one

1 that we're starting right now, and this is the first
2 cross-examination deposition taken of Witness 1. It
3 is approximately 820 pages long. It was taken by
4 Scott Rosenblum. It lasted -- it started at 9:16 --
5 I think it lasted nine and a half hours. And we
6 will take this -- my plan is to go 100 pages at a
7 time between breaks.

8 Seeing no objection, I believe we were
9 on -- we start on page 7 -- let me clarify for the
10 record that this began on April 6th, 2018, at
11 9:16 a.m. There are six pages of legalisms, getting
12 on the record, and who is there, and then you get to
13 the examination by Mr. Rosenblum, and for the
14 moment, Mr. Trent is going to be Mr. Rosenblum, and
15 Mr. Razer is going to be Witness 1.

16 So starting on line 15.

17 (The following testimony was read from the
18 first cross-examination transcript of "KS" by Mr.
19 Scott Rosenblum on April 6th, 2018, narrated by
20 Representative Curtis Trent and Representative
21 Greg Razer.

22 **Q. So we're going to be referring to you as**
23 **KS during the course of this deposition.**

24 **A. Okay.**

25 **Q. And we have never met; correct?**

1 A. Correct.

2 Q. As you know, you have been now informed I
3 represent, along with Ms. Nasser and Mr. Garvey next
4 to me, EG. We're going to be asking you some
5 questions regarding the case that is now pending
6 against the governor here in the circuit court,
7 okay?

8 A. Okay. Yes. I'm sorry.

9 Q. All right. So have you been deposed
10 before?

11 A. No.

12 Q. So you are under oath, and I'll talk to
13 you a little bit about that, and we'll be asking you
14 questions. You're on video. And even though on
15 video, you can see heads nod and your gestures and
16 facial expressions. It's still important that we
17 make a record, which means I'm going to ask you to
18 answer the questions actually verbally, okay?

19 A. Okay.

20 Q. If you don't understand any of my
21 questions, please let me know; otherwise, I will
22 assume that you've understood the question.

23 A. Okay.

24 Q. If you haven't answered or you need to
25 guess or speculate, I would also ask you to let me

1 know about that.

2 A. Okay.

3 Q. Okay? Or if at any time you need me to
4 rephrase a question so that you have a specific
5 understanding, we have as much time as you need, so
6 let me know if that ever happens, okay?

7 A. Okay.

8 Q. Do you have any questions before we get
9 started?

10 A. No.

11 Q. And as you can probably imagine, this case
12 has been pending for a while, and we have been
13 investigating this case, about every aspect of it.
14 That probably does not surprise you, does it?

15 A. No.

16 Q. You notice that before you start answering
17 these questions, you were placed under oath?

18 A. Yes.

19 Q. And you understand that's going to be the
20 same oath that you will be placed under in the event
21 that you're called as a witness in this matter?

22 A. Yes.

23 Q. And you understand that a violation of
24 that oath, in some circumstances, would be a crime
25 of perjury?

1 A. Yes.

2 Q. Okay. Now your social security number
3 is -- redacted?

4 A. Yes.

5 Q. And the date of birth is -- redacted?

6 A. Correct.

7 Q. And do you have a phone number that is
8 different from the phone number that was used during
9 the year 2015?

10 A. Currently, no.

11 Q. Currently?

12 A. No.

13 Q. Okay. And just for the record -- and --
14 and just for our knowledge, who will be defending
15 this deposition, Mr. Steel? Ms. Gardner?

16 MR. BARNES: Steel.

17 Q. Okay. And it's my understanding, just so
18 that we are clear, you have your personal attorney
19 here with you today, Mr. Simpson.

20 A. Yes.

21 Q. And it's my understanding as to the
22 protocol, is that Mr. Simpson can make objections
23 with respect to privilege or constitutional issues
24 such as the Fifth Amendment, but, otherwise, it's my
25 understanding he will not be defending the

1 deposition with respect to the form of the questions
2 and other such objections. Is that your
3 understanding as well?

4 MR. BARNES: (Mr. Simpson) Yes, I believe
5 it is.

6 Q. Okay.

7 Now prior to the meeting here today, I
8 would assume you've had some discussions with the
9 circuit attorney's office and those prosecuting this
10 case?

11 A. Yes.

12 Q. And you had some discussions, obviously,
13 before you testified before the grand jury; correct?

14 A. Correct.

15 Q. Specifically, you were informed that this
16 case was going to be used as initials; correct?

17 A. Correct.

18 Q. So within the grand jury, you testified
19 with respect to EG, as opposed to a name, and that
20 was at the direction of the circuit attorney's
21 office?

22 A. Correct.

23 Q. Before you testified before the grand
24 jury, did Mr. Steel, Ms. Gardner, or anyone
25 associated with the circuit attorney's office review

1 with you the specific elements of the crime which
2 they are pursuing against EG?

3 A. No.

4 Q. Do you know what I mean when I'm talking
5 about elements?

6 A. Maybe clarify.

7 Q. Okay. I will. Did they discuss with you
8 at any point before the grand jury what the crime --
9 what the facts or factors are comprised within this
10 particular offense, invasion of privacy, for
11 instance, what the state has to prove?

12 A. No.

13 Q. Okay. Now, prior to this deposition, did
14 you spend some time with the prosecutors in the
15 circuit attorney's office in preparing for this
16 deposition?

17 A. Oh, I mean -- I got together with my
18 attorney.

19 Q. Your attorney, Mr. Simpson?

20 A. Yes.

21 Q. And I certainly don't want --

22 A. Yeah.

23 Q. -- to know about the discussions you had
24 with him, okay?

25 A. Correct.

1 Q. So I'm specifically excluding those
2 discussions, unless Mr. Simpson was present with you
3 when you were talking about or discussing or
4 reviewing this deposition with the circuit
5 attorney's office, Ms. Gardner, Mr. Dierker,
6 Mr. Steel, or anyone else in that office.

7 A. I didn't discuss it with them, but I've
8 spoken to them before this, I guess, yeah.

9 Q. Well, when was the last time you met with
10 the circuit attorneys? And when I'm saying "the
11 circuit attorneys," I'm referring to any of the
12 individual circuit attorneys that have been involved
13 in this case, okay? So when was the last time you
14 spoke with them prior to this deposition?

15 A. Tuesday.

16 Q. Of this week?

17 A. This week, correct.

18 Q. And for how long of a period of time did
19 you meet with them?

20 A. A couple of hours.

21 Q. Two hours? More? Less?

22 A. I would say around two hours, yes.

23 Q. Okay. So I would imagine, generally, they
24 spoke to you about what a deposition is all about;
25 correct?

1 A. Correct.

2 Q. And did they go over with you some of the
3 subject matters that they believed we would be
4 asking you?

5 A. I don't know if it was what they believed
6 were -- that you would ask. I'm not sure.

7 Q. Well, it was a two-hour conversation, and,
8 obviously, just what's -- what a deposition is
9 doesn't take that long; correct?

10 A. I have no clue.

11 Q. Well, why don't you tell me what you
12 talked about, then. Maybe it's easier that way.

13 A. Sure. They kind of just asked me to tell
14 me -- go through the details of what I remembered
15 and stuff like that.

16 Q. So, essentially, they asked you, again, to
17 go over some of the issues that you discussed with
18 grand jury; correct?

19 A. Correct.

20 Q. Now, at any time during the course of that
21 discussion did they talk to you about questions that
22 they believed that I may be asking you or that
23 anyone taking your deposition?

24 A. They never stated, Oh, I think this is
25 what he's going to ask, but they asked questions, I

1 think, just to ease my mind, to make me feel a
2 little bit more comfortable.

3 Q. They asked questions that they thought
4 would come up in this deposition?

5 A. No. I have no clue if that's --

6 Q. At any point in time after they asked you
7 questions did they review with you a particular
8 answer that you gave?

9 A. No.

10 Q. Did they ever suggest to you -- suggest to
11 you a different way to answer a particular question?

12 A. No.

13 Q. Now, would it be fair to say -- well,
14 first of all, you know what a lie is, do you not?

15 A. Yes.

16 Q. And you certainly know that when one lies,
17 they can lie by commission, which is -- which means
18 they actively tell a lie; correct?

19 A. Correct .

20 Q. Or sometimes one can lie by omission. Do
21 you know what that means?

22 A. Yes.

23 Q. And just so we're on the same page, lying
24 by omission would be specifically not answering a
25 question that you know the answer to, but you chose

1 not to because you're trying to be deceitful at that
2 time. Would that be fair?

3 A. Yes.

4 Q. Okay. And it would also be fair that
5 throughout the course of this case, going back to
6 2015 and -- and -- and before you certainly had lied
7 to your husband, PS, on numerous occasions.

8 A. In regards to this case or in --

9 Q. Well, let's -- we can say in regards --
10 generally -- that was an issue in your marriage
11 where you were accused of lying, rightfully or
12 wrongfully, throughout the course of your marriage?

13 A. I was accused, yes.

14 Q. And specifically with this case, you lied
15 to your husband, PS, on numerous occasions. We can
16 go through the material and I can point them out,
17 but would you agree with me that you lied to him
18 multiple times?

19 A. I would say that I -- I did omit certain
20 things because of real reasons.

21 Q. Well, I didn't ask you about the reasons.
22 Right now I'm just asking you about whether or not
23 you lied to your husband during the course of this
24 case.

25 A. Yes. I did omit certain things during

1 first conversations with him.

2 Q. Okay. Well, not only did you admit
3 certain things, you told lies about certain things,
4 did you not?

5 A. Can you clarify?

6 Q. Well, about certain activities you were
7 engaged in. You made up stories, yes?

8 A. No. I'm --

9 Q. Certain?

10 A. Can you clarify, please?

11 Q. Sure. Maybe you would tell him you were
12 going to a location that you didn't go to, which was
13 a lie.

14 A. I don't -- can you clarify, please?

15 Q. Well, sure. If we go through -- you've
16 read the tran- -- have you -- by the way, what have
17 you reviewed prior to this deposition?

18 A. I read a couple of pages of my
19 conversation with my ex-husband.

20 Q. So when you say "a couple of pages," the
21 transcript is --

22 A. I got to -- I got to the part where I was
23 in the basement, and then I -- I couldn't read any
24 further.

25 Q. Okay. So you didn't read the whole

1 transcript. Did you read your grand jury testimony?

2 A. No, I have not.

3 Q. You've testified before the House
4 committee, have you not?

5 A. Yes, I have.

6 Q. How long was that testimony?

7 A. A few hours.

8 Q. To your recollecting was that testimony
9 that you gave to the House committee essentially the
10 same as what you gave to the grand jury?

11 A. Yes.

12 Q. Does anything stand out that was
13 different?

14 A. No.

15 Q. As you sit here now, do you recall whether
16 you added information or left out any information?

17 A. If it was asked of me, yes.

18 Q. Okay.

19 A. I mean, I would have added if people asked
20 me something.

21 Q. All right. And I'm not going to beat this
22 up, but, I mean, it's fair to say that you have lied
23 to your husband during the course of this case. Is
24 that a correct statement? Yes or no?

25 A. In the beginning, there were certain

1 things omitted, yes.

2 Q. Again, that's a lie; correct? I'm just
3 asking if you lied to your husband during the course
4 of this case. It's a yes-or-no answer.

5 A. By your definition, yes --

6 Q. Okay.

7 A. -- I lied to him.

8 Q. And, obviously, you had lied to others
9 during the course of this case, have you not?

10 A. Can you clarify?

11 Q. Sure. There was a counselor -- a marriage
12 counselor by the name of -- redacted -- that you
13 lied to, yes?

14 A. Yes.

15 Q. That was my question.

16 A. I would -- I would like to clarify that.

17 Q. Well, the lawyers on the other side of the
18 table can clarify something, if they choose to,
19 okay? Right now I'm asking the questions, and I
20 would appreciate it if you would answer them. Fair
21 enough?

22 A. Yes.

23 Q. Okay. So when I'm asking you whether or
24 not you lied to what -- what's -- redacted -- last
25 name, by the way?

1 A. Redacted.

2 Q. Okay. And -- redacted -- was a marriage
3 counselor?

4 A. Yes. And -- redacted -- was a marriage
5 counselor that you and PS were going to for the
6 problems in your marriage; correct?

7 A. Correct.

8 Q. And that predated any activity with EG,
9 yes?

10 A. Yes.

11 Q. Okay. And there's no question that you
12 lied to -- redacted. You admitted that to your
13 husband?

14 A. Yes.

15 Q. And there's no question that during the
16 course of this case, you lied to your friends;
17 correct?

18 A. No.

19 Q. You never lied to your friends for any
20 reason?

21 A. No. Not -- not intentionally.

22 Q. I didn't tell every person every part of
23 the story because there are parts --

24 Q. I understand --

25 A. That are extremely personal.

1 **Q. I understand that's your definition, but**
2 **there was an evening, for instance, where you left**
3 **your friends to go see EG, yes?**

4 A. Yes.

5 MR. BARNES: Okay. Representative Razer,
6 Representative Pierson.

7 I think for clarification -- here is why
8 I'm pausing. April 6th -- did we release our report
9 on April 21st?

10 MS. MITTEN: 11th.

11 MR. BARNES: Report No. 1.

12 We'll get back to that. April 11th; is
13 that correct? April 11th. So this was five days
14 before Report No. 1 came out.

15 Okay. Representative Razer.

16 (The following testimony was read from the
17 first cross-examination transcript of "KS" by
18 Mr. Scott Rosenblum on April 6th, 2018, narrated by
19 Representative Greg Razer and Representative Tommie
20 Pierson, Jr.)

21 **Q. And you told your friends you were going**
22 **to see PS, yes?**

23 A. No.

24 **Q. That never happened?**

25 A. I told my -- no. Because I knew my

1 girlfriend knew that I was going there, yes. So
2 whoever I told, that's what I told them.

3 Q. You said you read the transcript;
4 correct -- or portions of it; correct?

5 A. I have not read past that -- whenever I
6 was in the basement.

7 Q. And starting on page 38 of that
8 transcript, which depicts the conversation you had
9 unwillingly with your husband -- well, that you had
10 with PS that was to you and that you did not know it
11 was taped; fair enough?

12 A. Correct.

13 Q. Okay. And in that transcript there was a
14 question. And to give you the context:

15 "Could you have sex with me after this
16 this last weekend?"

17 Your answer was: "No. Just --"

18 "And you just talked to him for a moment
19 on the 20th, when you were supposed to be out with
20 your friends?"

21 Your response was: "I was out with my
22 friends. They thought I was talking to you. I lied
23 to them."

24 Do you recall making that statement?

25 A. Oh. This was on the phone when I was

1 speaking to EG on the phone, yes.

2 Q. And his response, "Oh, the circles we
3 weave."

4 And your response: "PS, I don't know who
5 I am."

6 Okay. So given the additional
7 information, does that refresh your recollection
8 that you, in fact, lied to your friends on that
9 occasion?

10 A. I believe what it's talking about is EG
11 and I spoke on the phone, and I told them that it
12 was PS on the phone, so yes.

13 Q. That's my question. You lied to your
14 friends; correct?

15 A. Yes.

16 Q. Okay. During the course of this case;
17 correct?

18 A. Not during the course of the case. This
19 wasn't a case at that time.

20 Q. Well, during the course of --

21 A. Being involved in something that was --

22 Q. Being involved in something.

23 A. -- very difficult, yes.

24 Q. And you lied to your friends at that
25 point. I would imagine at that point, suited your

1 **purposes, yes?**

2 A. At that point, I think I was extremely
3 nervous, extremely confused. I didn't know what was
4 going on at that point.

5 Q. At this point you lied to your friends
6 because, at that point in time in your life, it
7 suited your then purposes to accomplish a particular
8 goal, yes? Why else would you have made up that lie
9 to your friends? You didn't want them to know
10 something, yes?

11 A. So EG had asked me not to say anything at
12 that point. I was still technically married. It
13 was, you know, a pretty confusing situation. And I
14 had no clue what was going to happen. That
15 conversation with EG, thank you.

16 Q. KS, that's your definition. That's your
17 explanation; right? You're giving me an explanation
18 as to why you lied to your friends on that occasion;
19 right? That's what you're doing now.

20 A. Yes. Bringing --

21 Q. Okay.

22 A. -- clarification to it, yes.

23 Q. And all I'm saying and all I'm asking is
24 at that point in time, it suited your purposes to
25 lie to your friends. For whatever explanation you

1 want to give, it suited your purposes at that time
2 to lie to your friends; right?

3 A. I mean, I wasn't lying to them to hurt
4 anybody. I was lying simply because --

5 Q. I'm not trying to make this complicated.
6 I'm not asking for a particular motive; I'm simply
7 asking at that time, it suited your purposes to lie
8 to your friends. Yes or no?

9 A. I guess I just don't want -- I wasn't
10 trying to hurt anybody, I guess, is the point, yes.

11 Q. I didn't ask whether you were trying to
12 hurt anyone. Again, I simply asked at that point,
13 did it suit your purposes to lie to your friends?
14 Yes or no?

15 A. Yes. Being the purpose of keeping what EG
16 wanted private and what I wanted private, yes.

17 Q. And, of course, you lied to EG?

18 A. Yes.

19 Q. Because you didn't keep it private and you
20 told him you did; correct?

21 A. Yes.

22 Q. Multiple occasions you lied to EG?

23 A. Yes, I did.

24 Q. And were there occasions where you lied in
25 addition to PS -- redacted -- your friends, and EG,

1 you lied to your family members, either by
2 commission or omission? Did you lie to your family
3 members?

4 A. My family members didn't know anything
5 until my husband sat them down and told them.

6 Q. And prior to that time, did you lie to
7 your family members by omission or commission?

8 A. No. Because nobody had asked me.

9 Q. Did you ever lie to your family members
10 about the situation with EG at any time?

11 A. I don't recall.

12 Q. Very possibly; right?

13 A. I don't recall.

14 Q. Did you ever lie to your children about
15 this situation?

16 A. They've never asked me, so I wouldn't
17 have. It wouldn't have come up. It didn't affect
18 them, you know?

19 Q. The conversation you had in the car that
20 was being taped -- and I'll get to that -- was in
21 front of your children; right?

22 A. No.

23 Q. You don't recall having a conversation
24 with PS with your children in the car?

25 A. No. They were not in the car.

1 Q. Were they in the house?

2 A. They were back at home, yes.

3 Q. Okay.

4 A. We were away.

5 Q. Pardon me?

6 A. We were away at the grocery store.

7 Q. Are you aware of a taped conversation
8 where your children were heard on the tape as you
9 and PS were engaging in an argument about,
10 potentially, your relationship with EG, as well as a
11 potential relationship with an individual in Las
12 Vegas? Do you recall?

13 A. I have not heard it. I have no clue what
14 is on it at all.

15 Q. Does that refresh your recollection at
16 all?

17 A. Yes. There were many arguments.

18 Q. Okay. And, incidentally, when you -- when
19 you're going over these situations in the past where
20 you have lied -- and now we've established that you
21 lied to a number of individuals; right? Whether you
22 want to give an explanation or not, we've
23 established that you've lied to a number of
24 individuals throughout the course of this case. Is
25 that a fair statement?

1 A. Throughout the course of what was
2 happening back then, yes.

3 MR. BARNES: Let me pause for a minute so
4 I can explain to the three members of the committee.

5 There was a second tape -- and I believe
6 Representative Austin reviewed -- I reviewed,
7 Representative Mitten reviewed, both counsels
8 reviewed -- that was not -- we did not deem it to be
9 relevant to this investigation. It consisted of --
10 emotional abuse is the way I would describe it --
11 from ex-husband to Witness 1. We will share that
12 recording with others of the committee. It's my
13 intent to not release that recording. In fact, that
14 is what is referred to in this series of questions.

15 Proceed.

16 **Q. That was my question. And I'm watching**
17 **you talk now, okay, and I don't see any particular**
18 **ticks or twitches or anything of that nature. So**
19 **when you were telling these lies to these**
20 **individuals, are you aware of any, what I would call**
21 **tells? Do you break -- has anyone ever said when**
22 **you're lying, that you break out with a rash or that**
23 **you twitch or that you look a certain way? Nobody**
24 **has ever said that; right? That you know of.**

25 A. No.

1 Q. Okay. So, essentially, in the past, when
2 you -- and I understand you may have your
3 explanations. When you've lied, you essentially
4 appear the same way that you're appearing right now,
5 the way I'm looking at you. Words are coming out of
6 your mouth, but you're not telling the truth. Would
7 that be fair to say?

8 A. I have no clue. I don't know what I look
9 like -- I don't.

10 Q. Do you have -- do you have any reason to
11 dispute that?

12 A. I don't know.

13 Q. And in your personal experience, a person
14 that has -- that tells lies is what?

15 A. I don't understand.

16 Q. You don't know that? Have you ever
17 encountered someone that has told lies?

18 A. Everyone that I know.

19 Q. Okay. But a person that tells lies is
20 generally called what?

21 A. A person. I think every person ever has
22 lied.

23 Q. Do you know what a liar is?

24 A. It would be someone who perpetually lies,
25 yes.

1 Q. And would it also be a person that tells
2 lies, that could be defined as a liar? Would that
3 be a fair statement, KS?

4 A. No. I don't think that's fair, because I
5 view it as something that somebody is perpetually
6 lying no matter what, you know?

7 Q. So a person that just lies on occasion to
8 suit their purposes would not be a liar in your
9 definition? Is that what you're telling us?

10 A. I would view that as anybody who has been
11 in a difficult situation.

12 Q. I didn't ask you about anybody; I'm asking
13 if your definition of a person that tells lies to
14 various individuals to suit their purposes, if that
15 occasion, in your definition, you would not call
16 that person a liar. Is that what you're telling us
17 now? Yes or no?

18 A. I would say that that person is a person
19 with a real heart and mind.

20 Q. Now, are you currently a -- a member --
21 let me ask this:

22 In 2015, were you a member of any gym?

23 A. Yes.

24 Q. What was the name of that gym?

25 A. Redacted.

1 **Q. Was that the only gym that you were a**
2 **member of?**

3 A. Yes. I believe so. I would -- I think at
4 that time, I was still going to the -- redacted --
5 gym, occasionally, but I wasn't a member.

6 **Q. And the -- redacted -- gym was located**
7 **where?**

8 A. It was downtown -- redacted.

9 **Q. But you didn't frequent that in 2014, '15,**
10 **'16?**

11 A. No. Redacted was where I've been, yes.

12 **Q. Okay. And how often would you go to --**
13 **redacted?**

14 A. Typically, four days a week.

15 **Q. At any time, did you have discussions with**
16 **respect to EG with any individuals at that gym?**

17 A. Well --

18 MR. BARNES: (Mr. Simpson) One second;
19 let me lodge an objection as to or some
20 clarification.

21 Anything you and I have discussed is 100
22 percent privileged, and so as it relates to
23 conversations with myself, we're claiming privilege.

24 **Q. No question.**

25 **I'm not asking about conversations with**

1 respect to you and your lawyer, but my question was
2 specifically with other individuals at the gym. Was
3 your lawyer a member of the gym?

4 A. Yes.

5 Q. Okay. Anyone else at the gym?

6 A. My sister. My sister is also a member
7 there.

8 Q. Redacted?

9 A. Yes.

10 Q. Is that her name? Okay. Did you have
11 discussions with -- about EG with -- redacted?

12 A. I'm sure we have -- I'm sure we have a
13 little bit. The majority of our discussions are
14 based typically around other things, including my
15 ex-husband, but, yes, she's my sister.

16 Q. With respect to any social media, and
17 specifically starting in 2014, were you -- did you
18 participate in Facebook?

19 A. Yes.

20 Q. And has that been consistent up and until
21 now?

22 A. No. I canceled it in December.

23 Q. December of what year?

24 A. 2017.

25 Q. And was that canceled because of the

1 **notoriety of this case?**

2 A. Yes. A woman came to my salon and
3 confronted me about it.

4 Q. But up until that point, you had
5 **maintained a Facebook account?**

6 A. Correct.

7 Q. Did you maintain a Snapchat account?

8 A. No.

9 Q. An Instagram account?

10 A. Yes. I used to.

11 Q. Was that canceled around the same time?

12 A. Correct.

13 Q. What name did you use on your Facebook
14 **account?**

15 A. I'm not -- I think KS -- KS -- I'm not
16 sure.

17 Q. Any nickname?

18 A. No.

19 Q. And the same with Instagram?

20 A. Redacted or KS or KS-something.

21 Q. Were you a member of any other Web sites?

22 A. No. I'm sorry. Clarify. I'm not sure.

23 Q. Any Web sites. Did you participate in any
24 **other Web sites, dating Web sites, anything of that**
25 **nature?**

1 A. No.

2 Q. So you've talked about the House committee
3 that you shared information with. You've talked
4 about, potentially -- redacted -- that you shared
5 some information with, with respect to this case.
6 Obviously, you -- you've shared information with PS.
7 I believe you shared information with a woman by the
8 name of -- redacted.

9 A. Redacted, yes.

10 Q. Redacted?

11 A. Redacted.

12 Q. Redacted. Okay. Did you start sharing
13 information with her early on?

14 A. Yes.

15 Q. Has this been consistent throughout these
16 proceedings?

17 A. No. I mean, we haven't talked about the
18 details or anything, but I've spoken to her.

19 Q. Have you provided all of the details that
20 you know to her at any time?

21 A. No. Just what -- like, for the House
22 committee thing, what to expect, how many people
23 would be sitting there, that type of thing, but
24 not -- when this first came out, I asked her what
25 she remembered, and that was it. I didn't say

1 anything beyond that, just, What do you remember?
2 And she even remembered things I didn't. That was
3 it.

4 Q. Okay. Well, let's talk about that. So
5 you initially talked to -- redacted -- when -- when
6 you were first starting a relationship with EG; is
7 that true?

8 A. Yes.

9 Q. Was she the lady that spent the night with
10 you on the 21st?

11 A. No. That was another friend.

12 Q. Who was that?

13 A. Her name is -- redacted.

14 Q. Redacted. Okay. So was -- redacted -- a
15 coworker?

16 A. No. She was just a long-time friend.

17 Q. A long-time friend. So you initially
18 shared information with her at the time as it was
19 developing?

20 A. Correct.

21 Q. You told her how you felt about EG?

22 A. Correct.

23 Q. You told her you are obviously interested
24 in him?

25 A. I didn't speak to her until I saw him the

1 first time.

2 Q. After --

3 A. Outside of the salon.

4 Q. After the 21st?

5 A. Correct.

6 Q. So when was the first time you spoke
7 with -- redacted -- about EG?

8 A. It would have been maybe the 22nd, right
9 around then.

10 Q. Okay. And you said you spoke with her
11 again before the House committee?

12 A. Yes.

13 Q. And you asked her what she remembered?

14 A. No. I spoke with her right after this
15 came out in the public.

16 Q. In January of '18?

17 A. Correct.

18 Q. And you asked her what she remembered?

19 A. Correct.

20 Q. Why?

21 A. Because -- or maybe it was January. It
22 was whenever I knew that the investigation had
23 turned to -- they were interested in speaking with
24 me and anybody who I had spoke on it right away.

25 Q. So you went -- you reached out to --

1 redacted -- because somebody asked you who else you
2 spoke with?

3 A. I'm not sure. I don't know if it was
4 after I had spoken to the prosecutors or right
5 before. But it was basically -- the gist was, I
6 know I spoke to you right afterwards; what do you
7 remember?

8 Q. I understand that. But I'm asking you why
9 did you feel it was necessary to -- to reach out to
10 her to ask her what she remembered? Did somebody --
11 because you provided her name to somebody?

12 A. Well, her name was in the transcript.

13 Q. The transcript between you and PS?

14 A. Correct.

15 Q. But you --

16 A. So that --

17 Q. -- don't reach out to her until 2018 at
18 some point; correct?

19 A. Well, we talk all the time.

20 Q. I understand.

21 A. Yeah.

22 Q. But you didn't specifically reach out
23 about what she remembered until 2018?

24 A. Correct.

25 Q. What precipitated that? Who had you

1 **talked to, to precipitate that contact?**

2 A. I can't remember. I don't know if it was
3 my attorney with us speaking about do we go to --

4 MR. BARNES: (Mr. Simpson) Okay. Hang on
5 a second. I'm going to object. As to anything we
6 said, you don't have to talk, nor should you say
7 anything you and I have talked about.

8 So if you can answer his question without
9 divulging what you and I have talked about, please
10 do.

11 Okay.

12 **Q. And that's fair. That's fine, but I would**
13 **add -- I would add one caveat. If you're going to**
14 **give me information about a conversation you had**
15 **with your attorney, and it was in the presence of**
16 **someone else, such as the circuit attorneys, I'm**
17 **going to ask you to divulge that information because**
18 **there will be no privilege at that point. Do you**
19 **understand that?**

20 A. Correct.

21 **Q. Okay.**

22 A. I really can't remember when that
23 conversation happened. I just know that it was
24 conversation of -- in the transcript, here is the
25 names. There's this -- redacted -- guy -- who was

1 this? Who was this? Redacted. Who is redacted,
2 and who is redacted?

3 Q. So were the prosecutors or the
4 prosecutors' investigator asking you specifically
5 about that?

6 A. When I met them, they asked who those
7 people were, but I don't know if it was after I
8 spoke to my attorney or after I spoke to them. I'm
9 not sure.

10 Q. What information did redacted tell you now
11 in 2018 that you did not remember that she reminded
12 you of?

13 A. She remembered that he came to my salon
14 and I opened the salon early and I saw him there. I
15 didn't remember that.

16 Q. And that was information you provided to
17 the grand jury?

18 A. Yes. I believe so.

19 Q. Based on your conversation with --
20 redacted?

21 A. Based on my memory after the conversation,
22 yes.

23 Q. All right. So you also had conversations
24 regarding your involvement with EG with -- redacted?

25 A. Correct.

1 Q. What's her last name?

2 A. Redacted.

3 Q. Redacted?

4 A. Redacted.

5 Q. Redacted.

6 And what's your relationship with her?

7 A. We worked together for five or six years.

8 We were extremely close during that period of time,

9 and I had spoke to her all the time.

10 Q. Did she actually work at the salon?

11 A. Yes.

12 Q. And what's the name of that salon?

13 A. Redacted.

14 Q. How long did you work there?

15 A. Fourteen years.

16 Q. And you left there, then?

17 A. This past June.

18 Q. And -- redacted -- worked with you for how
19 long?

20 A. Like, five or six years.

21 Q. Okay. So she was receiving information,
22 would it be fair to say, almost contemporaneously as
23 you were living it?

24 A. Yes. Close to, yes.

25 Q. And you confided in her not only about EG,

1 but you confided about PS; correct?

2 A. Correct.

3 Q. Some of the difficulties you and PS were
4 having in your marriage, you confided in her?

5 A. Correct.

6 Q. And, in fact, on the evening of the 21st,
7 she spent the night with you?

8 A. Yes.

9 Q. And that was after your first physical
10 contact with EG?

11 A. Yes.

12 Q. Now, incidentally, about your salon, do
13 you have -- do they have a noncompete agreement?

14 A. No.

15 Q. How do they keep track of your
16 appointments and your revenue?

17 A. The computer system they had.

18 Q. So your clients -- your particular clients
19 would be tracked in a computer system?

20 A. Correct.

21 Q. Would you maintain a separate calendar or
22 book?

23 A. No.

24 Q. A personal book?

25 A. No.

1 Q. So the way you were advised the clients
2 were booking, they would call the -- typically, the
3 call the front desk, and then it would go in the
4 computer system, which would then -- you would look
5 at. How would you access that, through a cell
6 phone?

7 A. No. Through the computer at the salon.

8 Q. Everybody used the same computer, or did
9 every station have a computer?

10 A. No. There were two at the front and one
11 in the back room.

12 MR. BARNES: Okay. Let's trade here.

13 Representative Pierson, I'll be the answerer;
14 Representative Phillips, you are the interjector, if
15 anyone interjects.

16 (The following testimony was read from the
17 transcript of "KS's" grand jury testimony taken on
18 February 15th, 2018, narrated by Representative
19 Tommie Pierson, Jr. and Representative Jay Barnes.)

20 Q. So just walk me through how that would
21 work. Would you then come in on Monday and see what
22 your schedule looked like for the week?

23 A. Yes. Or typically you would look for --
24 you would look at your scheduler for the day and
25 then the next day, typically. You could look at

1 your schedule for the week, but there was nothing,
2 really. You could print it out, but most people
3 didn't, so ...

4 Q. And the people or customers or clients
5 booked directly through you at times?

6 A. I did have some clients who would text me,
7 Hey, I can't get in, stuff like that, but, in
8 general, they went through the front desk.

9 Q. But it wouldn't be unusual where some
10 individual clients would have your cell phone number
11 or access to it and book through you?

12 A. Correct.

13 Q. If they couldn't get me through the front
14 desk, they would text me, and then I would go up to
15 the front and could look at my schedule there, but I
16 didn't have access to it on my phone.

17 Q. But I would assume even some really close
18 clients or friends wouldn't go through the front
19 desk, they would just text you; right?

20 A. Yeah. Some clients did.

21 Q. So they didn't all have to go through the
22 front desk?

23 A. No.

24 Q. And do you recall -- could you give a
25 percentage or breakdown of your male clients versus

1 **female clients?**

2 A. Oh, I have no clue. I know it's around
3 50/50. More -- probably more female clients, yes.

4 Q. And in addition to the people that we've
5 mentioned that you've talked to -- redacted --
6 and -- redacted -- did you talk about EG as you sit
7 here now to any other customers that you can
8 remember?

9 A. At that time?

10 Q. Well, first of all -- I'll break it down.
11 During the time that you were in a
12 relationship with him, did you talk to EG about any
13 other customer?

14 A. No. No. Not that I can think of.

15 Q. Since that time, since your relationship
16 or since this was in the news, have you talked to
17 customers about your relationship with EG?

18 A. Clients who have brought it up to me?
19 Yes.

20 Q. How many clients do you think have brought
21 it up to you?

22 A. Probably 70 percent of my clients have
23 brought it up. I -- so I haven't necessarily spoken
24 to them about it, but I've confirmed, yes, that's
25 me, that type of thing.

1 Q. As you sit here now, do you recall any
2 client that you may have spoken to in any
3 significant detail?

4 A. A couple of my really close clients, yes.

5 Q. Can I have their names?

6 A. I can't even think of a particular person.
7 I mean, I would really have to go through -- I'm
8 pretty close with my clients. I don't know.

9 Q. Well, you said a couple?

10 A. Yes.

11 Q. To me, that means two.

12 A. Well --

13 Q. Yes?

14 A. I'm not sure. Either way, I'm not sure
15 how that is relevant.

16 Q. If you're telling me -- well. Okay. So
17 here is another rule --

18 A. Yes.

19 Q. -- of depositions. It's not up to you to
20 determine what's relevant, okay. Ultimately, it may
21 be up to a judge. Generally, a deposition allows us
22 to ask questions that may lead to relevant evidence,
23 and I'm specifically asking you information that I
24 now believe you possess because you mentioned a
25 couple of clients --

1 A. Sure.

2 Q. -- that were close that you provided
3 significant details to. I'm asking you now, give me
4 the names of those clients.

5 A. Well -- so I'll clarify. One of my
6 clients that I'm very close with is one of my good
7 friends, who also is acting as attorney for me, as
8 well, whenever this first came out. Her name is --
9 redacted. She was in this -- or she was in the
10 transcript, and so, originally, she was acting as my
11 attorney. So she is one of them that is my client.

12 Q. Okay. So that's one.

13 A. And her husband as well. My mom is my
14 client; my sister is my client -- you know? So
15 there are people like -- they're just close in my
16 life. They're also my clients. They also come to
17 my salon, you know what I mean?

18 Q. I'm going to go back to what you -- how
19 you answered my question, okay?

20 A. Sure.

21 Q. Because without having the court reporter
22 read it back, I specifically asked you, Can you name
23 clients that you gave significant details to? And
24 you answered by saying, "A couple." So now I'm
25 asking you to name those individuals that were under

1 **that classification as a couple of clients. Can you**
2 **provide their names?**

3 A. Okay. My mother -- redacted.

4 **Q. Redacted is who?**

5 A. My mother.

6 **Q. Okay.**

7 A. My friend -- redacted -- who is -- who was
8 also the attorney -- redacted -- and her husband --
9 redacted -- well -- and I don't even know if I would
10 include my sister, because my sister doesn't even
11 know the details of what happened. She mainly knows
12 about PS and my -- you know, my situation with him,
13 so --

14 **Q. So it's no? It's your testimony under**
15 **oath that no other individuals that would be**
16 **categorized as a client you provided significant**
17 **details?**

18 A. Not details that they don't -- that they
19 didn't know from hearing in the news. KS, is this
20 true? KS, I heard this. KS, I head this rumor.
21 KS, I heard this. What is true about this? You
22 know, so that -- that has been the gist of my life.

23 **Q. Redacted wasn't your attorney at the time;**
24 **correct?**

25 A. She was when this first broke. She was

1 the one who was going back and forth with the media
2 telling them, Don't put this out there.

3 Q. But prior to the time when it first broke,
4 when she was -- when you were cutting her hair, as
5 you're going through the relationship with EG, she
6 was not your attorney?

7 A. Well, she didn't even move back here until
8 this year -- this summer, and this didn't even come
9 up until after this came out, when she was already
10 my attorney, so, yes.

11 Q. So when you -- let me rephrase that.

12 A. Sure.

13 Q. In an effort to deceive or to prevent PS
14 from discovering your connection with EG, you
15 used -- redacted -- telephone number because it was
16 a 202 area code; correct?

17 A. Correct.

18 Q. And that would have been back in March of
19 2015; correct?

20 A. Correct.

21 Q. Did you tell her?

22 A. I did shortly after.

23 Q. Well -- because it wouldn't have -- it --
24 it wouldn't make sense. It would logically follow
25 that if you're going to use a fake name -- and

1 **that's what you did; right?**

2 A. Yes.

3 **Q. You'd attributed a fake name to EG's**
4 **number -- to EG's number; right?**

5 A. Correct.

6 **Q. Okay. In an effort to be deceitful to**
7 **your husband, yes? In an effort to be deceitful?**

8 A. In an effort, yes, to have him not call
9 his number and -- yes.

10 **Q. In an effort to be deceitful; can we agree**
11 **with that statement?**

12 A. I didn't feel I was trying to be
13 deceitful, no. I didn't --

14 **Q. Well --**

15 A. I really -- it was a difficult time. We
16 had just separated, and I knew --

17 **Q. Again --**

18 A. -- he was looking through everything
19 and --

20 **Q. We'll get to that.**

21 A. -- he was going to assume something that
22 wasn't necessarily the case at this point.

23 **Q. KS, I get that you may have an**
24 **explanation.**

25 A. Yes.

1 Q. Is there any other -- is there any other
2 description of taking one person's phone number and
3 attributing another name to prevent someone from
4 finding out the real individual's phone number? Is
5 there any other explanation, other than you trying
6 to be deceitful to your husband for whatever reason?

7 A. I would --

8 Q. Is that a fair statement? Yes or no?

9 A. I would say I was trying to avoid --

10 Q. Again, I -- I understand what you're
11 explanation is, but in an effort to avoid, it was --
12 you were engaging in deceitful conduct, yes? I
13 understand you didn't like certain words.

14 A. Right. I understand that.

15 Q. But you understand what those words mean;
16 right?

17 A. I understand what those words mean, but
18 it's different for each situation. And in this
19 situation, we had just separated, and he already
20 went through my phone all the time.

21 Q. Again --

22 A. So I thought he was going to jump to
23 conclusions and --

24 Q. Again, you may have had reasons.

25 A. Right.

1 Q. But was the actual action that you took
2 deceitful? Yes or no?

3 A. I don't believe so. I believe it was
4 truly avoiding something that ended up being a
5 big --

6 Q. Let me ask you this way:
7 Was the 202 number that you attributed
8 to -- redacted -- accurate?

9 A. Not whenever I saved it under his -- or
10 his number, no.

11 Q. Did you put a different number -- a
12 different name on EG's number purposefully?

13 A. Yes.

14 Q. What -- or that was not accurate?

15 A. Correct.

16 Q. That was deceitful, yes -- for whatever
17 reason?

18 A. If you knew my marriage, I think you would
19 understand.

20 Q. Okay. You understand I'm not asking for
21 explanations at this point?

22 A. I understand that.

23 Q. Okay. I'm just asking whether that action
24 was deceitful. Yes or no?

25 A. Maybe in some people's situation -- or

1 even in my situation, if it was different, but, no,
2 I don't believe so in this -- in this case. I
3 believe it was truly avoiding something.

4 Q. So you think you were being absolutely
5 above board and honest by changing the name
6 attributed to that number?

7 A. No, I didn't say that, nor do I feel like
8 that.

9 Q. Okay.

10 A. I don't -- I'm not saying I think it was
11 right.

12 Q. I'm not asking you that.

13 A. But it was my phone and my -- you know
14 what I mean?

15 Q. Well, is it honest? Yes or no, was it
16 honest?

17 A. I would say it was not honest.

18 Q. Okay. That's all I'm asking.

19 Now, you said you engaged in CrossFit and
20 you were, I think, pretty active it in; correct?

21 A. Correct.

22 Q. Did you recall ever discussing -- did you
23 have a trainer?

24 A. Nope.

25 Q. Did you -- were there trainers at your

1 gym?

2 A. No. There are coaches.

3 Q. Coaches?

4 A. For everybody, yeah.

5 Q. Now -- and, again, I just want you to
6 reflect back as how we started this deposition. And
7 I told you that we have investigators and talked to
8 a number of people.

9 A. Correct.

10 Q. That does not surprise you, does it?

11 A. Nope.

12 Q. Did you ever make a statement to anyone at
13 your CrossFit that you could seduce any male in your
14 chair? Did you make that statement?

15 A. No, not to my -- not that I recall.

16 Q. Is it possible you made that statement?

17 A. Not like that, no.

18 Q. Well, tell me how you may have made a
19 statement that could have been interpreted like
20 that.

21 A. I may have said, I have a lot of male
22 clients who come on to me, but not that I would
23 seduce, no.

24 Q. Did you ever make a statement that the
25 male clients that would come on to you, that if you

1 chose to, you could seduce or anything such as that,
2 that could have been misinterpreted by someone that
3 you worked out or associate with at a CrossFit gym?

4 A. Definitely not to my memory, no. I don't
5 recall that at all.

6 Q. Are you saying it's not possible?

7 A. It's not possible that I would have said I
8 can seduce anybody, no.

9 Q. So the only -- anything you remember in
10 that context is that you have a lot of male
11 customers?

12 A. I have a lot of male customers.

13 Q. That come on to you?

14 A. That have made passes at me?

15 Q. Made passes at you?

16 A. In some way or another, yes.

17 Q. And anything else associated with that,
18 that conversation about once you had said that they
19 made passes at you?

20 A. No. Not to my memory. I don't even
21 remember specific conversations, so, no.

22 Q. Now, at some point early on or before you
23 testified before the grand jury, you had a
24 conversation with an investigator by the name of
25 Tisaby, did you not?

1 A. Correct.

2 Q. Can you tell me who set that up?

3 A. Prosecutor did.

4 Q. And tell me how that happened. Tell me --
5 walk me through exactly how you were informed that a
6 gentleman by the name of Tisaby was connected to the
7 prosecuting attorney's office was going to be
8 talking to you?

9 A. I learned that the prosecutor -- the
10 prosecutor and I had spoken, and she felt she needed
11 a third party that was kind of out of the loop or
12 whatever to speak to me and give his opinion.

13 Q. Okay. So I want to walk through this for
14 a moment, okay?

15 A. Okay. Yes.

16 Q. Generally, the context that we're talking
17 about is you had reached out to -- redacted -- about
18 this becoming public in January of 2018; right?

19 A. I spoke to her in December, after the
20 woman came to my salon, yes.

21 Q. So you sort of got word or you were
22 notified that something was brewing?

23 A. Correct.

24 Q. And we're going to get to this at some
25 point, but you were essentially sabotaged at your

1 new salon?

2 A. Yes.

3 Q. Ambushed; right? Obviously, disturbing
4 for you; correct?

5 A. Yes.

6 Q. Because, in your mind, this is history
7 that you have preferred to forget?

8 A. Yes.

9 Q. I would assume -- and you correct me if
10 I'm wrong -- that the last thing on your mind at
11 that point would have been potential criminal
12 prosecution. Your mind wasn't going there, was it?

13 A. No.

14 Q. Your mind was just about embarrassment,
15 publicity, I would assume, maybe for you or your
16 kids; correct?

17 A. Correct.

18 Q. Okay. So you reached out to your then
19 friend, and then you formally engaged her as your
20 attorney?

21 A. Correct.

22 Q. Did you pay her for being your lawyer, or
23 was she doing it just as a friend?

24 A. She did it as a friend -- or as --

25 Q. And, essentially, you tried to run

1 interference with the news -- the news lady -- the
2 news reporter. Did you recall her name?

3 A. Lauren Trager.

4 Q. Trager. Obviously, she wasn't -- you
5 weren't a very big fan of hers at the time?

6 A. No, not at the time.

7 Q. Probably not now, I wouldn't imagine;
8 right?

9 A. I'm in a -- yeah. Right. I'm not a fan
10 of what she did or how she went about it.

11 Q. Other than when she broke the story, have
12 you had additional contact with her?

13 A. No, I have not.

14 Q. So going through the timeline, you reach
15 out to -- redacted -- you have her reach out to
16 you -- you have her reach out to, I guess, Trager;
17 correct?

18 A. Correct. Yes.

19 Q. And you tried to basically put the kibosh
20 on this story?

21 A. Yes.

22 Q. At some point you have contact with the
23 circuit attorney's office?

24 A. Correct.

25 Q. And you were expecting contact, or did it

1 **come as a surprise?**

2 A. I was expecting it by the time they
3 reached out, yes.

4 Q. Okay. So let's talk about that. Why were
5 you expecting -- first of all, when did the circuit
6 attorney reach out to you?

7 A. I don't remember specifically.

8 Q. Can you give me an estimate? Was it the
9 end of '17, beginning of '18?

10 A. Oh, no. It would have been after -- after
11 this broke. After they announced that they were
12 investigating, which is the reason why I was
13 expecting them to reach out.

14 Q. So you read a circuit attorney's news
15 release from Ms. Gardner that said they're launching
16 a formal investigation?

17 A. Correct.

18 Q. How soon after that did you then have
19 contact with the circuit attorney's office?

20 A. I really don't know. Weeks? I'm not
21 sure.

22 Q. Did the circuit attorney --

23 A. It wasn't right away, I know that.

24 Q. Did the circuit attorney's office -- was
25 it Ms. Gardner that was your initial contact?

1 A. Yes.

2 Q. Okay. Was it by phone?

3 A. It was through my attorney.

4 Q. Mr. Simpson?

5 A. Correct.

6 Q. And I'm not asking about any
7 conversations, but why at that point did you feel
8 you needed an attorney?

9 MR. PHILLIPS: This is Mr. Simpson's
10 response.

11 I'm -- hang on a second. I'm going to
12 object that's it's privileged as to why she decided
13 to hire me, and it gets into, potentially, what we
14 discussed, so that's privileged.

15 Q. I'm not asking what you discussed. Let me
16 ask this.

17 Do you recall when you formally engaged
18 Mr. Simpson?

19 A. Right after the story came out and I had a
20 million calls and e-mails and people showing up at
21 my salon, after I was overwhelmed. I was just like,
22 I can't do this. Somebody needs to help. So it was
23 more just please help field these calls. Help take
24 some of this off of me. It was more --

25 Q. Okay.

1 A. So, no, it was after it came out.

2 Q. And I'm not asking about conversations,
3 but, logistically, would you have asked Mr. Simpson
4 to then contact the circuit attorney?

5 A. No, I did not.

6 Q. So you were just informed that they were
7 contacting you?

8 A. Correct.

9 Q. And, again, I -- I -- I may have missed
10 that -- was the initial call that you received from
11 Ms. Gardner, that was a telephone call?

12 A. I believe so. It was through my attorney,
13 I found out.

14 Q. Well, I don't know what you mean by
15 "through your attorney."

16 A. He told me he had spoken to her, so I
17 believe it was through the phone.

18 Q. And when you made that phone call or had
19 that phone call with Ms. Gardner, were the two of
20 you the only ones on the telephone?

21 A. I did not speak to her on the telephone.

22 Q. Who did you speak to?

23 A. My attorney told me that she --

24 MR. PHILLIPS: Hang on a second.

25 Anything we talked about --

1 THE WITNESS: Okay.

2 MR. PHILLIPS: -- is privileged. So his
3 question was, Who did you speak to?

4 THE WITNESS: Okay.

5 MR. PHILLIPS: You spoke to me.

6 THE WITNESS: I spoke to Scott.

7 MR. PHILLIPS: But anything we talked
8 about is privileged.

9 THE WITNESS: I would agree with that.

10 Q. So then at that point, you had contact
11 with Ms. Garnder?

12 A. Correct. After that.

13 Q. Was it in person or by telephone?

14 A. It was in person.

15 Q. And was that at her office?

16 A. No. It was at a third -- I mean, it was
17 at, like, a meeting room.

18 Q. Okay. A meeting room?

19 A. Uh-huh.

20 Q. Where?

21 A. At a hotel somewhere.

22 Q. Do you know what city or municipality?

23 A. I don't.

24 Q. Was it in St. Charles County, St. Louis
25 County, St. Louis City?

1 A. Clayton, I believe.

2 Q. Clayton, Missouri? Can you tell me the
3 name of the hotel?

4 A. I don't know. I'm not sure.

5 Q. Can you tell me what it was next to? Was
6 it the Ritz?

7 A. No. Maybe it was Brentwood. It's by the
8 Burger King there.

9 Q. So the Residence Inn?

10 A. I believe so.

11 Q. And you don't recall the date; correct?

12 A. No.

13 Q. And so when you arrived, you arrived alone
14 or were you with your attorney?

15 A. With my attorney.

16 Q. Okay. You understand that -- and when you
17 and -- you're directed to a meeting room?

18 A. Correct -- or let me go back. We met two
19 times. That was the second time. The first time
20 was at a hotel in -- I think that was Illinois.

21 MR. BARNES: So we'll switch. I'll ask
22 questions. Representative Phillips will answer, and
23 Representative Mitten -- or would you like to -- are
24 you in redaction process, Representative Mitten?

25 MS. MITTEN: I'm in redaction process. I

1 think Representative Austin is the perfect --

2 MR. BARNES: Okay. Representative Austin,
3 you are the interceder, should there happen to be
4 any intercessions.

5 Q. In Illinois?

6 A. Uh-huh.

7 Q. So you and your attorney travel to
8 Illinois?

9 A. Correct.

10 Q. To meet Ms. Gardner?

11 A. Correct.

12 Q. And why Illinois?

13 A. She knew I was petrified and I didn't want
14 to be involved in this and just said, If you're more
15 comfortable -- and I was more comfortable not being,
16 you know -- because at this time, it was still
17 people constantly around. People would follow me to
18 my house.

19 Q. Had you moved?

20 A. Nope.

21 Q. Were you living with a friend in Illinois?

22 A. No. I think it was just -- I don't know.
23 That wasn't my measure.

24 Q. That wasn't your what?

25 A. It wasn't my idea. But it did make me

1 more comfortable.

2 Q. Did you have any connection to anyone in
3 Illinois?

4 A. No -- oh, I have a friend in Illinois,
5 but, yeah.

6 Q. What city in Illinois did you initially
7 meet?

8 A. I'm not sure. I know it wasn't far. It
9 was --

10 Q. Immediately across the bridge?

11 A. Yes. I mean, it wasn't far.

12 Q. Belleville? Edwardsville?

13 A. I really don't -- I didn't drive. I'm not
14 sure.

15 Q. So your attorney drove?

16 A. Correct.

17 Q. Okay. And when you show up at this
18 initial meeting in Illinois, you said it made you
19 more comfortable?

20 A. Yes.

21 Q. Whose idea was it in Illinois -- to meet
22 in Illinois?

23 A. I believe Ms. Gardner's but I'm -- I'm ...

24 Q. Because you expressed to her that you were
25 petrified?

1 A. Through my attorney.

2 Q. Had you expressed that you did not want to
3 be involved?

4 A. I was very nervous, yes.

5 Q. Well, certainly, initially you made it
6 public that you wanted to be left alone. You wanted
7 your privacy, and you didn't want to participate in
8 these proceedings.

9 A. Correct.

10 Q. Was that your mindset at the time you
11 first met with Ms. Gardner?

12 A. I was just very nervous. I was still kind
13 of neutral on whether or not I wanted to go forward
14 at all.

15 Q. Well, let me ask this: Your initial
16 impression was you didn't want to do anything with
17 this; right?

18 A. My initial impression was to crawl into a
19 hole, yes.

20 Q. Okay. Ma'am, please just answer my
21 questions, okay? You're going -- they're going to
22 have an opportunity to go into your explanations,
23 okay?

24 A. Not -- but not that I -- I had no clue
25 there was an investigation. I really just wanted

1 none of this to be the case.

2 Q. Okay. But as you're going -- but you had
3 made it public that you didn't want to be involved.
4 You wanted your privacy.

5 A. Correct.

6 Q. Okay. And you didn't want anything to do
7 with this; that was your mindset initially; right?

8 A. Correct.

9 Q. Okay. That was your mindset when Trager
10 contacted you, that was your mindset in January of
11 2018 when you learned there was an investigation
12 going on. You didn't want to participate initially?

13 A. Yes, initially.

14 Q. Okay. So then you said shortly thereafter
15 there's this Illinois meeting; right?

16 A. Correct.

17 Q. That you didn't arrange?

18 A. Correct.

19 Q. That came through the idea of
20 Ms Gardner; correct?

21 A. Correct.

22 Q. And you said at that point you were
23 neutral?

24 A. Well, just on -- I had no clue what any of
25 this was -- what was investigatio, and I had a long

1 sit-down with my attorney prior to meeting
2 Ms. Gardner and decided that that was what I was
3 okay doing, meeting.

4 Q. When you -- when this first broke, did you
5 have any communications about the subject matter
6 with PS?

7 A. No.

8 Q. Did you ask him if he was involved in it
9 at all?

10 A. Prior to, in December, I did -- or he
11 brought it up to me --

12 Q. Okay.

13 A. -- via text.

14 Q. Okay. And so before we get back to this
15 Illinois meeting, you get ambushed by Trager, and PS
16 reaches out to you or you reach out to him?

17 A. He reached out to me.

18 Q. And tell me what he said.

19 A. He said the media was asking about you and
20 your affair with EG. He spelled it out and said --

21 Q. Spelled out what?

22 A. Spelled out his name, meaning he was
23 trying to be discreet.

24 Q. Well, you would have no reason to know. I
25 mean, you never referred to --

1 A. No. But if you would --

2 Q. Let me finish.

3 A. Oh, I'm sorry.

4 Q. You never referred -- at any time to EG as
5 "EG" to PS -- I mean, to PS, did you?

6 A. No.

7 Q. Was there --

8 A. But I felt like he was trying to be
9 blatant, I guess.

10 Q. Well, had he ever used any other reference
11 to EG, other than his name, in the past?

12 A. Not via text to me, but it was an odd
13 thing, I felt.

14 Q. Okay. So he -- so he states his full time
15 and he said the media is asking questions; right?

16 A. Correct.

17 Q. Did you ask him if at any point -- and
18 we'll get to this in the deposition, but, obviously,
19 he made various threats to you as this unfolded;
20 right?

21 A. Correct.

22 Q. And he made various threats personally to
23 you, as well as threats to you about EG and what he
24 could do; correct?

25 A. Correct.

1 **Q. Did you ask him if he was involved?**

2 A. I said that he was involved.

3 **Q. You said he was?**

4 A. I said for the media outlets, you're
5 responsible for this and this is extremely selfish
6 and sad.

7 **Q. Because you had learned that he was**
8 **shopping his story?**

9 A. I had learned. I didn't know at that
10 point he was "shopping it," but I had heard from
11 people he was being very vocal about it in the
12 media.

13 **Q. Even before Trager?**

14 A. Yes.

15 **Q. And when did you start hearing from people**
16 **that PS was being vocal about this?**

17 A. Back before the election or right around
18 the election.

19 **Q. November of '16?**

20 A. Correct.

21 **Q. Can you tell me who had told you that?**

22 A. One of my clients said that her coworker's
23 wife worked -- was working on Koster's campaign and
24 said my ex-husband was trying to get them to use the
25 story, and she didn't know anything about it until

1 she confronted me with it.

2 Q. I'm sorry. That was a customer?

3 A. Correct. A client.

4 Q. What's her name?

5 A. Redacted.

6 Q. Redacted what?

7 A. Redacted.

8 Q. Redacted?

9 A. Redacted.

10 Q. Redacted.

11 A. Redacted.

12 Q. And, incidentally, just as an aside,
13 during the whole time you were involved with EG, you
14 were also cutting Chris Koster's hair; correct?

15 A. Correct.

16 Q. Did you ever have any discussion with
17 Mr. Koster about EG?

18 A. After the the election, he just looked at
19 me and said, KS, I knew. And I said, What do you
20 mean? Oh, because I -- it was shortly after, so I
21 knew he was, you know, dealing with that, and he
22 said, Are you still cutting EG's hair? Because he
23 knew that I cut his hair, and he never brought it
24 up. I never brought it up. He never talked about
25 it.

1 Q. Okay. So let me walk through that.

2 A. Uh-huh.

3 Q. During this whole period that we're
4 talking about, March, April, May of '15, you're
5 cutting both men's hair?

6 A. Yes.

7 Q. And it's your testimony you were aware, at
8 least early on, that EG announced -- that EG
9 announced an exploratory committee; correct?

10 A. Correct.

11 Q. Certainly, it was no secret that
12 Mr. Koster was running for governor; correct?

13 A. Correct.

14 Q. So you were generally aware that both men
15 were running for the same position?

16 A. Yes.

17 Q. So during this period of time, it's your
18 testimony that you never discussed anything at all?

19 A. No. I really didn't.

20 Q. About either men to either one of them,
21 the men?

22 A. No. I mean, they -- they knew that the
23 other one was my client.

24 Q. How would they know that?

25 A. I think I would have told them that. Now,

1 isn't that funny; he's my client, too, but that's
2 it. I mean, neither one really asked questions.

3 Q. So just in passing, like a coincidence?

4 A. Yeah.

5 Q. All right. And then -- well, certainly,
6 you never would have confided in Mr. Koster about a
7 relationship that you had with EG?

8 A. No.

9 Q. And leading up until now, at the time of
10 the election, when you heard -- started hearing
11 rumblings from a client about PS, all during that
12 time, you never discussed anything with Mr. Koster
13 about a relationship?

14 A. I'm sorry. Restate your question. Sorry.

15 Q. Well, did you ever -- up until you said
16 you claim that Mr. Koster made the statement, KS --
17 or, KS, I knew, did you ever tell Mr. Koster that
18 you had a relationship with EG?

19 A. No. Not at all. Not up until that point,
20 no.

21 Q. And when you -- and when did you say that
22 Mr. Koster made the statement to you? At what point
23 in time?

24 A. It was after election was over.

25 Q. So it was in November of '16?

1 A. Correct.

2 Q. So before any of this went public?

3 A. Correct.

4 Q. How would he have known?

5 A. It was my belief that my ex-husband was
6 trying to get somebody to pick up the story.

7 Q. So it's your belief that he went directly
8 to Mr. Koster?

9 A. No. He told me he hadn't spoken to him,
10 because I did ask him that.

11 Q. Did you ask him --

12 A. And he said no.

13 Q. -- how he knew?

14 A. Just through his people; that's all I
15 knew.

16 Q. Did you confirm it was true?

17 A. I said, there's a lot to that, because --
18 so I --

19 Q. Did you --

20 A. Essentially, yes.

21 Q. Did you initially deny it to Mr. Koster?

22 A. No.

23 Q. You said just there's something to it?

24 A. Something. Something to that effect.

25 Q. So you were vague?

1 A. I was. I was vague, yes.

2 Q. And then now you're suspecting PS is out
3 there trying to "shop the story"; right?

4 A. Correct.

5 Q. So what was the status of your
6 relationship from, say, I think March of '16, when
7 you divorced PS to now, November of '16, when you
8 started hearing this information? Did you talk on a
9 regular basis?

10 A. No. We don't speak on the phone, just
11 text.

12 Q. And --

13 A. About the kids.

14 Q. Is it anything about -- other than
15 transportation of kids, anything of that ilk?

16 A. He would bring up stuff, and then I would
17 just ignore it or shoot it down, meaning that he
18 would say that -- that was irrelevant to the kids,
19 to be mean to me.

20 Q. So, for instance, bringing up your past
21 with EG from time to time?

22 A. Bringing up that, correct, and other
23 things.

24 Q. And your past with other individuals that
25 he thought you were unfaithful with?

1 A. Mainly. Mainly EG, yes.

2 Q. Pardon me?

3 A. EG, yes.

4 Q. Mainly EG, but he also had issues with
5 others?

6 A. No. I think you're referring -- what
7 you're referring to is the argument -- is from,
8 like, six years ago. I flirted with somebody, came
9 home, told my husband about it, and I heard about it
10 for three years, that -- the Vegas thing. I never
11 cheated on him. I guess, if that's what you're
12 referring to.

13 Q. We'll get to that.

14 A. All right.

15 Q. So other than those sort of snide remarks,
16 there was no ongoing conversation with PS?

17 A. No.

18 Q. So then you -- he texted you in November
19 of '16, when he started hearing these rumblings.
20 And do you -- do you specifically ask him or accuse
21 him?

22 A. In December, yes.

23 Q. December of '16?

24 A. Correct.

25 Q. And you accused him of actually shopping

1 **the story?**

2 A. I just said, This is you trying to put
3 this out there.

4 **Q. Was it your understanding he was trying to**
5 **be compensated for it?**

6 A. No. I didn't know that.

7 **Q. Did you think that?**

8 A. I more thought it was him trying to be
9 revenge -- you know, vengeful and hurt me, hurt EG.

10 **Q. Did it cross your mind that he was trying**
11 **to shop it for compensation?**

12 A. I had heard that rumor after this point.
13 I still didn't know. So I don't -- I don't know.

14 **Q. All right. So going back to now this**
15 **initial meeting. Who was present in this initial**
16 **Illinois meeting?**

17 A. Just Ms. Gardner, my attorney, and I.

18 **Q. And you can't tell me the city, nor can**
19 **you tell me the hotel?**

20 A. I'm not sure. I know it was right over
21 the bridge. I mean, I know it wasn't far.

22 **Q. Was it a hotel restaurant?**

23 A. Yes.

24 **Q. Conference room?**

25 A. No. Just like a room.

1 Q. A hotel room?

2 A. Yes. Correct.

3 Q. Was it rented?

4 A. I believe so, yes.

5 Q. Do you know who rented it?

6 A. I believe Ms. Gardner.

7 Q. How long did you stay in the room? How
8 long did the conversation last?

9 A. I would say two or three hours.

10 Q. So two to three hours?

11 A. Uh-huh.

12 Q. And the meeting was between yourself and
13 your attorney and Ms. Gardner?

14 A. Correct.

15 Q. Were there any other investigators in the
16 room?

17 A. No. Not at this time.

18 Q. Did you express to her -- Ms. Gardner
19 initially that you were reluctant to participate?

20 A. Yes. I expressed how I was feeling, yes.

21 Q. So -- and I'm assuming -- and correct me
22 if I'm wrong -- that at some point, then, you
23 provided Ms. Gardner with all of the details that
24 you had -- that you could at that time about your
25 relationship interaction with EG?

1 A. Correct.

2 Q. Prior to that time, there was some
3 discussion about your comfort level, was there not?
4 There had to be.

5 A. I'm sorry?

6 Q. Well, you go into the meeting and you're
7 reluctant to participate; right?

8 A. Correct.

9 Q. And you tell her that; right?

10 A. Yes.

11 Q. And, ultimately, you wind up telling her
12 everything that you believe at that time that you're
13 claiming happened between yourself and EG; correct?

14 A. Correct.

15 Q. So what happened? What was said to you to
16 change your mind?

17 A. Well, I already decided prior to -- like I
18 said, I had very long conversations with my
19 attorney, that I was at least comfortable sharing
20 that because I knew that didn't necessarily mean
21 that we would move forward at all. It was --

22 Q. It didn't mean that, that the case would
23 move forward?

24 A. Correct.

25 Q. It was more -- it was just more for

1 **informational purposes?**

2 A. Correct.

3 Q. And, again, what did Ms. Gardner tell you
4 to ease your mind or to convince you to participate
5 in whether to have the case move forward for
6 informational purposes for you to divulge this
7 information?

8 A. She didn't really tell me anything prior
9 to, other than "I will respect your privacy. I
10 understand that you're -- " I knew that she knew I
11 was nervous, and I felt that by her trying to take
12 steps to keep my privacy my privacy, that that made
13 me feel more comfortable being there.

14 Q. What specific steps were promised to keep
15 your privacy?

16 A. At that point, just that. Where the
17 meeting place was, that that was it at that point.

18 Q. Anything with respect to keeping your name
19 out of the public domain or anything like that?

20 A. I know that conversation happened
21 eventually, but at that first time it wasn't about
22 that we're going to do this and then we're going to
23 do that, you know, what -- I didn't know exactly
24 what was going to happen after this.

25 Q. So the first time -- the first meeting

1 **was -- the only thing that was said in the first**
2 **meeting was simply, I'm going respect your privacy?**

3 A. Yes -- well, I explained my story. She
4 said, Well, let me think on it, and then I'll get
5 back to you on just my thoughts, and then explained
6 to my attorney that -- or through my attorney, I
7 found out that --

8 MR. AUSTIN: Interjection by Mr. Simpson.
9 Hang on a second.

10 THE WITNESS: Sorry.

11 MR. AUSTIN: Again --

12 THE WITNESS: Okay.

13 MR. AUSTIN: Anything we've talked about
14 it privileged, so you can't get into what you and I
15 have said to each other.

16 THE WITNESS: Okay.

17 MR. AUSTIN: If you and I were the only
18 ones in the conversation. Any things that happened
19 at the meeting when three people --

20 THE WITNESS: Sure.

21 MR. AUSTIN: -- were present, you can talk
22 about. Subsequent conversations between you and I
23 are privileged and not subject to these proceedings.

24 THE WITNESS: So -- I'm sorry.

25 **Q. Do you typically get nervous when you lie?**

1 You know yourself. Do you typically get nervous
2 when you lie?

3 A. I don't know.

4 Q. You don't know?

5 A. I guess if I was blatantly saying
6 something that was --

7 Q. How old of a woman are you now?

8 A. Thirty-five.

9 Q. Okay. And, certainly, we've established
10 you've lied in the past; right?

11 A. Yes.

12 Q. Do you typically get nervous when you lie?
13 Yes or no?

14 A. I would assume so.

15 Q. Okay. So we have a two- or three-hour
16 meeting in Illinois?

17 A. Correct.

18 Q. It doesn't take you up to three hours to
19 talk about your relationship -- the relationship you
20 had with EG, does it?

21 A. Yes.

22 Q. It took you a full three hours?

23 A. Yes.

24 Q. And the only thing other than the
25 relationship that was talked about was Ms. Gardner's

1 **promise to respect your privacy?**

2 A. Yes. At that time, correct.

3 **Q. No other promises?**

4 A. Nope.

5 **Q. Was there any discussion about if you**
6 **chose not to testify, what the circuit attorney**
7 **could do?**

8 A. No.

9 **Q. Was there any discussion about subpoena**
10 **power?**

11 A. No, not --

12 **Q. You seem to hesitate?**

13 A. Not that I was -- well, yes. I understood
14 that they could give me a subpoena, but I wasn't
15 afraid that they were going to harm me or -- you
16 know? I don't know.

17 **Q. Well, I didn't ask you about being harmed.**
18 **Was there a discussion about subpoena power? That**
19 **if you choose not to testify or participate, that**
20 **they could subpoena you initially before a grand**
21 **jury and possibly at a trial at a later date? Did**
22 **they have that discussion with you on that first**
23 **meeting? Did Ms. Gardner?**

24 MS. MITTEN: So we're on 80?

25 MR. BARNES: Page 81. Do you want to

1 redact -- are you still working on the redaction?

2 MS. MITTEN: Nope. I can move forward.

3 MR. BARNES: Do you want to do this all at
4 the end of the day -- because I was thinking we
5 would just -- to help with Trevor and IT, the
6 documents that we have previously been through, that
7 we could get those to them, that they could release
8 those to the media, and then however much of this we
9 get through today, we will release this at the --
10 we'll release this in hundred-page increments?

11 MS. MITTEN: Okay. So you want to --

12 MR. BARNES: Are we okay if we skip you so
13 that you can go provide that to Trevor --

14 MS. MITTEN: Perfectly fine.

15 MR. BARNES: -- and we will get back to
16 you?

17 MS. MITTEN: Yes. However -- just one
18 quick housekeeping, which is -- well, we'll just go
19 to 99. This one starts at 100 instead of 101.

20 MR. BARNES: Okay. And we agree that
21 we're going to take breaks every hundred pages,
22 so --

23 MS. MITTEN: So we will go to page 99, and
24 then be at a break.

25 MR. BARNES: Okay. We're going to do

1 Phillips Austin.

2 (The following testimony was read from the
3 first cross-examination transcript of "KS" by
4 Mr. Scott Rosenblum on April 6th, 2018, narrated by
5 Representative Kevin Austin and Representative Don
6 Phillips.)

7 MR. AUSTIN: Now I'll take the -- be
8 Witness 1, and the answer to the last question was:
9 No. I understood that that was the case but not --
10 that was not a threat, no.

11 Q. I didn't ask if it was a threat. How do
12 you understand that was the case?

13 A. When my attorney and I spoke before, that
14 was something that I understood.

15 Q. Okay. Now, during this three hours of
16 discussion with Mr. Gardner, did you bring anything
17 with you? Had you brought anything with you?

18 A. My phone, purse, maybe.

19 Q. Had you kept any notes, diary, or
20 memoranda with respect to anything that went on in
21 your relationship with EG?

22 A. No.

23 Q. And I think I asked what you had reviewed
24 here prior to the deposition, and you said the only
25 thing you reviewed was partially the transcript of

1 **your conversation with PS?**

2 A. Correct.

3 **Q. Nothing else at all?**

4 A. No.

5 **Q. Did you look at phone records recently?**

6 A. I know I have mine. I've seen them.

7 **Q. Did you review them?**

8 A. Yes, I did.

9 **Q. Why?**

10 A. From -- so there was a phone number EG had
11 got -- or he bought, like, a throw-away phone.

12 **Q. EG did?**

13 A. EG.

14 **Q. And I understand. And we're going to**
15 **that, but I'm just asking you --**

16 A. Oh, right.

17 **Q. -- what prompted you before? Was it**
18 **before this deposition that you asked for the phone**
19 **records?**

20 A. This was a while ago as part of this.

21 **Q. Preparation?**

22 A. No, not as preparation; just to have, I
23 guess. That was something that was asked, that I
24 get my phone records to find that phone number.

25 **Q. Somebody asked you to get your phone**

1 **records?**

2 A. Correct.

3 **Q. And that would have been the circuit**
4 **attorney's office, Gardner?**

5 A. Yes.

6 **Q. Okay. And then did you review them prior**
7 **to this deposition?**

8 A. Not directly prior to, but I had right
9 whenever they came in.

10 **Q. For what purpose?**

11 A. To point out that phone number.

12 **Q. To Ms. Gardner?**

13 A. Correct. I highlighted it.

14 **Q. All right. Now, during this meeting in**
15 **Illinois, did Ms. Gardner take notes?**

16 A. I believe so.

17 **Q. Okay. Now -- and this was, to the best of**
18 **your recollection, in January 2018?**

19 A. I would say January or February.

20 **Q. Okay. That was the first meeting. And**
21 **then shortly thereafter, there was another meeting?**

22 A. Correct.

23 **Q. Did you think it was odd at all that you**
24 **were meeting in a hotel room?**

25 A. I thought this whole thing was odd.

1 Q. Well, that wasn't my question.

2 A. I didn't know what to expect. I -- I had
3 never ever --

4 Q. My question was, did you think it was odd
5 that you were meeting in a hotel room?

6 A. No. I felt grateful that I wasn't being
7 followed or out in some public place or -- so, no.

8 Q. Did you ask Ms. Gardner if there -- if the
9 police were involved?

10 A. No.

11 Q. Or FBI or any law enforcement?

12 A. No. Not that I remember.

13 Q. Okay. When was the next meeting that you
14 had with Ms. Gardner?

15 A. A week or two later, possibly.

16 Q. So again?

17 A. I would assume February, because I know it
18 wasn't right away, this whole thing.

19 Q. And, again, where did that meeting take
20 place?

21 A. That was the one that was at Residence or
22 whatever that is.

23 Q. In Clayton?

24 A. It's right behind Burger King in
25 Brentwood.

1 Q. And who attended that meeting?

2 A. My attorney, Ms. Gardner, and Mr. Tisaby.

3 Q. Was that the first time you met
4 Mr. Tisaby?

5 A. Yes.

6 Q. Had you heard his name before?

7 A. No.

8 Q. Before that meeting, were you informed by
9 Ms. Gardner that there was going to be a gentleman
10 by the name of Mr. Tisaby at the meeting?

11 A. Yes.

12 Q. So you knew to expect a gentleman by the
13 name of Mr. Tisaby. What was your understanding of
14 his role or occupation?

15 A. That he was a third-party investigator
16 that could keep my name and everything very private,
17 and he was going hear my story and give a
18 third-person perspective.

19 Q. So your understanding of why Tisaby was
20 there was that he was brought in to protect your
21 privacy?

22 A. Well, I understood that he was a third
23 party because of that and that he was going to just
24 listen to what I had to say and then make a decision
25 on how he felt about it.

1 Q. Did you ask why there had to be a third
2 party to make a decision about what you had to say?

3 A. No. I --

4 Q. You had already told your story to
5 Ms. Gardner; right?

6 A. Yeah. But I didn't know what was normal
7 or not normal for a situation like this. I really
8 had no clue.

9 Q. You understood she was the circuit
10 attorney; right?

11 A. Yes.

12 Q. I mean, you're sophisticated enough to
13 know who prosecutes crimes, aren't you?

14 A. Yes. But I didn't know if they always do
15 stuff like that. I had no clue.

16 Q. Were you sophisticated enough to know
17 that, typically, crimes were investigated by police
18 agencies?

19 A. I didn't know. I didn't think that this
20 was abnormal, if that's what you're asking, no.

21 Q. You didn't think it was abnormal that you
22 hadn't met with any law enforcement?

23 A. No.

24 Q. Did you know where Tisaby came from?

25 A. I -- it was, like, a private firm or

1 something. That's all I knew.

2 Q. Did you ask any questions about him? I
3 mean ...

4 A. No.

5 Q. You wanted to protect your privacy, so did
6 you say, How is this third-party, who is going to
7 evaluate my claims, how is this individual going to
8 protect my privacy? Did you ask that?

9 A. I'm sure I did. I know I felt comfortable
10 that he would.

11 Q. Why did you feel comfortable? What
12 information was given to you to allow you to reach a
13 comfort level that this man, that you never met, was
14 going to protect your privacy in a fashion that made
15 you feel comfortable?

16 A. I think it was just told to me.

17 Q. By Ms. Gardner?

18 A. By Ms. Garnder and by him. I know
19 whenever I first got there, he explained that he was
20 part of this private firm, and he would do what he
21 could do to protect my privacy and, yeah, I know I
22 felt -- I didn't think any of this was weird or out
23 of the normal.

24 Q. So I know you have been a hairstylist for
25 quite a while.

1 A. Correct.

2 Q. Correct? Have you ever taken acting
3 lessons?

4 A. No.

5 Q. Have you ever modeled?

6 A. No.

7 Q. Have you ever looked into modeling or
8 acting?

9 A. When I was 14.

10 Q. You looked into which? Modeling or
11 acting?

12 A. Modeling. I did, like, a shoot one time
13 when I was 14, yes.

14 Q. So you did look into it at a young age?

15 A. Kind of, yes.

16 Q. I mean, did you get a -- like, photographs
17 or -- what are they -- face sheet or whatever that
18 is taken?

19 A. Yes.

20 Q. Did you go through like a -- Barbizon or
21 any other agency?

22 A. Yes. Another agency in town.

23 Q. Okay. Do you recall the name of the
24 agency?

25 A. The Raspberry Company.

1 Q. And does the Raspberry Company also teach
2 you how to walk a runway and things of that nature?

3 A. No. Because I really only did the one
4 shoot, so I didn't do the classes or anything like
5 that, no.

6 Q. No classes at all?

7 A. No.

8 Q. And that's the only involvement in
9 modeling or acting?

10 A. Yes.

11 Q. Are you certain?

12 A. Yes. I mean, other than in college.

13 Q. Tell me about college.

14 A. In college I took an intro to theater arts
15 class.

16 Q. Okay. Well, that's part of my question.

17 A. That was a seminar class where she just
18 kind of taught the intro to theater arts.

19 Q. Well, when you say -- first of all, when
20 was "in college"? Had you gone twice?

21 A. 2000 -- correct. Two thousand, so 18
22 years ago.

23 Q. And you took a -- one that would be called
24 an acting class; right?

25 A. I don't know that that -- that one is

1 considered acting, but I did. I also took -- it was
2 called Acting 1, I believe.

3 Q. In college?

4 A. In college, yeah.

5 Q. So when you were taking these acting
6 classes in college, was that because you were
7 considering a career in theater?

8 A. No. My degree at the time was going to be
9 communication arts, and that was part of it.

10 Q. Okay. And when you would take these
11 acting classes, did you actually have to perform
12 skits and things of that nature?

13 A. Not -- intro to theater arts was just a
14 seminar class. The Acting 1, we did, I think to --
15 I can remember one specific skit, yes.

16 Q. Okay. So you would have to assume
17 characters or roles or things of that nature?

18 A. Yes.

19 Q. And you would participate in that?

20 A. Yes.

21 Q. Okay. Anything else in your background
22 with respect to modeling or acting or classes or
23 theater as a hobby? Anything of that nature?

24 A. In high school I was an extra in a play
25 called -- redacted. I mean, I did little stuff like

1 that in high school, and then that was it. So, no,
2 nothing beyond that.

3 Q. Since high school?

4 A. No.

5 Q. Have you engaged in any other performances
6 performance art, dancing, anything of that nature?

7 A. No.

8 Q. I mean, other than recreational dancing?

9 A. No.

10 Q. Okay. All right. So Mr. Tisaby then sits
11 down and he tells you something about his
12 background; right?

13 A. Yes.

14 Q. Did he provide a resume?

15 A. I believe so. I believe he gave that to
16 my attorney.

17 Q. Did you review that resume before you sat
18 for that meeting?

19 A. Briefly, yes.

20 Q. Did he discuss his resume with you?

21 A. Briefly.

22 Q. Did he tell you in his brief discussion
23 that he had worked with the FBI?

24 A. Yes.

25 Q. Did he tell you that he had also done --

1 had engaged in some sophisticated security work, for
2 instance, with the Laclede Gas?

3 A. He may have. I don't remember that, yeah.

4 Q. Did he tell you enough about his
5 background that you felt that he was a -- a
6 substantially qualified third person to do an
7 assessment?

8 A. Yes.

9 Q. Now, I'm not asking about what you
10 potentially may have read in a newspaper -- well,
11 let me rephrase it.

12 Have you have followed this case in the
13 newspaper, when these various articles come out?

14 A. Yes. To some extent, yes.

15 Q. Have you followed it in the newspaper with
16 respect to any motions that have been filed by EG's
17 defense team?

18 A. I've been made aware of them, too, from my
19 attorney, yes.

20 Q. Have you personally read them?

21 A. A couple of them, I know I've read, yes.

22 Q. Have you been made aware of them by any
23 other individual, other than your attorney, about
24 sort of the various filings going on in court?

25 A. I mean, other people saying, Oh, I read

1 this, that type of thing. No.

2 Q. And do you have any -- do you recall any
3 specific conversations?

4 A. No.

5 Q. About any filings?

6 A. No. Not in particular.

7 Q. So as we go back to this Illinois meeting
8 that you had with Mr. Tisaby, and you said he
9 discussed his background and his resume in a
10 sufficient fashion to give you this comfort level;
11 right?

12 A. Correct.

13 Q. Would it be fair to say that that caused
14 you an additional level of comfort?

15 A. Possibly. I was --

16 Q. I mean, was the FBI significant to you?

17 A. Not necessarily. I was still pretty
18 nervous at that time.

19 Q. Was the fact that he represented himself
20 as retired FBI, did that have any meaning to you or
21 incision, or add to his credibilities, so to speak?

22 A. Yes. I felt going into the meeting that
23 this was going to be somebody who I should trust
24 or ...

25 Q. Have you learned since that time that

1 there's been questions of -- with respect to
2 Mr. Tisaby's background?

3 A. Yes, I have.

4 Q. And did you learn it through the circuit
5 attorney or through your reading of the various
6 motions?

7 A. I believe I read that, yes.

8 Q. You read that? And you read that there
9 was issues with respect to how he was separated from
10 the FBI and he was totally terminated for lying
11 under oath?

12 A. Yes.

13 Q. You read that; right?

14 A. I believe so, yes.

15 Q. You read that there was issues with him
16 with respect to him committing a crime of bigamy?

17 A. Correct.

18 Q. You read that he is -- there was issues
19 with respect to past due child support?

20 A. Correct.

21 Q. You read there was issues with respect to
22 his involvement with a homicide suspect?

23 A. No. I don't -- I didn't read that.

24 Q. After reading all of this, did you make
25 any -- did you take any action -- did you call on

1 **Ms. Gardner** and question her about why you were not
2 informed about that prior to sitting down with
3 **Mr. Tisaby?**

4 A. No, I did not.

5 Q. Did it cause you to feel different at all
6 about this person that you initially trusted?

7 A. No. I don't know that I had any feelings
8 about him before.

9 Q. How long was the meeting that you had with
10 **Tisaby?**

11 A. Probably two hours -- a little over two
12 hours.

13 Q. Might be more?

14 A. I'm not sure. I would say around two
15 hours, yes.

16 Q. At least two; fair to say?

17 A. Yes.

18 Q. I would imagine just from common sense
19 that it wasn't a situation where Mr. Tisaby said,
20 **Tell me your story, and you just then spoke for two**
21 **hours. That doesn't sound plausible, does it?**

22 A. It kind of did. That was pretty much what
23 happened.

24 Q. You spoke for two hours without --

25 A. Pretty much, other than, Will you clarify

1 this, yeah.

2 Q. -- interruption? And Ms. Gardner was
3 taking notes, was she not?

4 A. I think so, yes. I think so.

5 Q. And Mr. Tisaby was as well?

6 A. I don't know. I'm not sure.

7 Q. Well, I'm interested in that question.

8 A. Okay.

9 Q. You have a specific recollection of
10 Ms. Gardner taking notes in that Illinois meeting;
11 correct?

12 A. Yes.

13 Q. Because you saw something -- somebody
14 putting pen to paper, right, or potentially?

15 A. No.

16 Q. Using a laptop?

17 A. Okay. No, because prior to, that was the
18 discussion I had about was I comfortable with
19 that -- was I comfortable being recorded? So I
20 asked her about that, Do you have to take notes?
21 That's the only reason I know for sure that first
22 time, because I was uncomfortable with it.

23 Q. And she said she was going to take notes?

24 A. Yes.

25 Q. And you were okay with that, right,

1 **because she did?**

2 A. Yes. Yes.

3 Q. Right?

4 A. Yes.

5 Q. Okay. And nothing would have changed
6 between the first meeting and the second meeting;
7 right?

8 A. Right.

9 Q. I mean, if you were comfortable with notes
10 on the first meeting, you're going to be comfortable
11 on the second; right?

12 A. Correct.

13 Q. There's no reason to reengage that
14 subject, is there?

15 A. Correct.

16 Q. So in the second meeting, you recall
17 Ms. Gardner taking notes; right? I mean, this is a
18 long meeting.

19 A. So --

20 Q. My first --

21 A. That's what I'm trying to picture. So she
22 wasn't sitting directly in front of me; she was kind
23 of sitting back, so, no, I don't -- I'm not
24 positive, but I think so, yes.

25 Q. This was not a particularly large hotel

1 room, was it -- or in a large room?

2 A. No. It wasn't particularly large.

3 Q. So you believe she was taking notes;
4 right?

5 A. Yes, I believe so.

6 Q. Pen to paper or laptop?

7 A. I don't remember a laptop, so ...

8 Q. And with respect to Tisaby --

9 A. Right.

10 Q. -- you're facing him; right?

11 A. Kind of. It was at an angle.

12 Q. Okay. Was it at a table?

13 A. Yes.

14 Q. And was it just the two of you at a table?

15 A. No. So my attorney was next to me. He
16 was kind of off to the -- kind of where you are.

17 Q. Uh-huh.

18 A. And then Mrs. Gardner was kind of scooted
19 back.

20 Q. And when you say "where I was," where --
21 we're at a rather long conference table; right?

22 A. Correct. So not as big of a table, no.

23 Q. Okay. So just as a point of reference,
24 would it be to your left, about where Mr. Garvey
25 would be, but he would be up at the table?

1 A. No. I'm sorry, I forgot your name.

2 Q. Ms. Nasser?

3 A. Yes.

4 Q. So maybe towards you; right?

5 A. Yes.

6 Q. Okay. Did he have anything in front of
7 him?

8 A. Not that I remember. He could have.

9 Q. Okay.

10 A. But I don't remember specifically.

11 Q. Did he have notes?

12 A. He had -- so he had a folder that had his
13 stuff in it, so I know that.

14 Q. Did you see him writing anything?

15 A. Possibly.

16 Q. Okay. I mean, this is a two-hour
17 conversation.

18 A. I know.

19 Q. Right? So --

20 A. I don't know.

21 Q. -- for two hours you're saying that you
22 essentially spoke; right?

23 A. Correct.

24 Q. Now, I want you to really try to remember
25 whether or not you saw him taking notes during this

1 **two hours.**

2 A. He could have.

3 **Q. Okay.**

4 MR. BARNES: Okay. We're going to take a
5 break in just a second.

6 For the members not on the committee
7 previously, to give some context to that
8 conversation: This conversation took place on
9 April 6th. The circuit attorney interview --
10 Mr. Dowd may recall off the top of his head the date
11 that that interview took place. Think it was
12 sometime in February. And somehow that interview
13 was not turned over until April 11, which was the
14 night of our first report.

15 MR. DOWD: That's correct. The interview
16 was actually on January 29th.

17 MR. BARNES: Okay. So the interview was
18 on January 29th. This deposition was April 6th.
19 The interview, despite discovery requests having
20 been sent, was not turned over until April 11th.

21 So there's a period of time in this
22 deposition where there's a lot of focus on what
23 happens in the circuit attorney's interview. If it
24 had been timely disclosed, really likely wouldn't
25 have spent so much time on that in the deposition

1 itself. We have the video itself -- we sat as a
2 committee and actually watched the video, in
3 addition to having made a transcript of it, and so
4 we'll make that available to any committee members.
5 But it may seem odd that there's all of this
6 argument over talking about a video -- and I think
7 you guys have heard the video exists, and the reason
8 is, it was sort of floating in the ether at the time
9 period of this.

10 I want to do some housekeeping here. The
11 first is we have -- this deposition is 425 pages.
12 We have 704 pages of transcripts to go through in
13 our possession right now. We have currently done --
14 was that 100 pages -- we have currently done 190.
15 So I would like to get to at least the 350 point, if
16 not to 400 pages tonight.

17 Mr. Dowd, I believe we are missing a
18 deposition -- a cross-examination deposition. We
19 obtained these from the circuit attorney's office.
20 I believe that we've requested information from you
21 and your client as well. I'm not sure whether it
22 was in the form of subpoena or request at this
23 point. I have what's labeled as Volume 3 of a
24 deposition that took place on May 3rd. Is that --
25 am I right, Representative Mitten -- yeah, it's

1 labeled as Volume 3. Is there a Volume 2?

2 MR. DOWD: Yes.

3 MR. BARNES: And do you have possession of
4 Volume 2?

5 MR. DOWD: I do not. I mean, I have it at
6 my office.

7 MR. DOWD: Are you willing to provide it
8 to the committee so that we can go through that this
9 week?

10 MR. DOWD: I am as soon as the judge says
11 I can. I think that Ms. Gardner violated the
12 court's orders when she disclosed that and the grand
13 jury testimony to you, which -- I don't even care
14 about at this point. But I do want the judge to
15 authorize it. That's something we'll take up with
16 the judge.

17 MR. BARNES: Okay. My understanding was
18 that your team requested that the order be lifted at
19 the close of -- at the close -- with the dismissal
20 of that case.

21 MR. DOWD: No, that's not true.

22 MR. BARNES: Okay. And --

23 MR. DOWD: And there were two orders. One
24 was just a discovery order and then the gag order.
25 The gag order was lifted, not the discovery order.

1 But we can contact the judge and see what he says.

2 MR. BARNES: And I would argue -- I think
3 we've had this discussion before, that our subpoenas
4 have equal merit --

5 MR. DOWD: Yes, we have.

6 MR. BARNES: And I don't want to get into
7 that discussion today. But it would be very
8 important for this committee's review process to, in
9 fact, have that transcript of Volume 3. And I think
10 we're going to reach out to the circuit attorney's
11 office, in fact, to get Volume 3 so that we can do a
12 full review. And I would hope that you and your
13 team would turn over heaven and earth to get us the
14 documents that we have requested.

15 In addition to that, the circuit
16 attorney's office, I don't believe, was ever
17 provided the video of these depositions, and so we
18 would request the video. I don't know if that's
19 true or not, and I have, like -- I'm on hearsay
20 evidence here.

21 MR. DOWD: I don't know why they wouldn't.
22 They've spent a fortune on this case.

23 MR. BARNES: Okay. Well, in addition to
24 requesting Volume 3 from you, which I think is
25 important for this --

1 MR. DOWD: Volume 2 or Volume 3?

2 MR. BARNES: I'm sorry. Volume 2. We
3 have Volume 3. Volume 2. We would like the video
4 from Volumes 1, 2, and 3.

5 Are there any other volumes regarding
6 Witness 1 that I -- of which I am not aware at this
7 point in time?

8 MR. DOWD: No.

9 MR. BARNES: So there are three
10 depositions --

11 MR. DOWD: That's my understanding.

12 MR. BARNES: Okay. So the plan now is we
13 are going to take another ten-minute break. We're
14 going to come back in at four. We have the redacted
15 documents that we are going to release that we have
16 been through, and then we'll be on this first 100
17 pages, working on getting those redactions and get
18 that released. So as we're doing this in
19 hundred-page increments, we're releasing.

20 MR. EGGLESTON: The January 29th interview
21 you were talking about is the one with Gardner and
22 Tisaby?

23 MR. BARNES: It is with Gardner and Tisaby
24 in a hotel room. The first 11 minutes have no
25 audio. Is that correct, because --

1 MR. DOWD: We were told there was no video
2 -- no recording had been made. And then when we
3 were filing the motions to compel with the court,
4 the court was granting them, they said, Oh, there is
5 a video, but the first 11 minutes are missing, but
6 there is a video, and the rest of it you can hear.

7 MR. BARNES: And it's approximately two
8 hours long?

9 MR. DOWD: Yes. It's the same thing,
10 right.

11 MR. BARNES: Okay.

12 Okay. Let' go into recess until 4:00 p.m.

13 (A recess was taken.)

14 MR. BARNES: Let's go back on the record.

15 From 115, line 14 to 117, line 22. Yeah,
16 we're fine releasing that as a part of this; it's
17 just there's no sense in reading. And I've read
18 through the first 25 pages and we're good here. So
19 if the redactions are correct, I believe you
20 gentlemen can start when you're ready.

21 Representative Phillips, can you be the
22 interjector?

23 MR. PHILLIPS: I certainly can.

24 MR. BARNES: And at some point in time,
25 these larger redactions -- what I plan to do is,

1 we'll have a closed committee meeting where we'll
2 discuss those and decide whether they need to remain
3 redacted or not. What I think this goes into now is
4 broad -- this is a broader redaction, and if we want
5 to narrow the redactions, that's fine, but once it's
6 out, it's out, and you can't take it back; so it's
7 better to be broad at this stage and then have our
8 redaction meeting later to make those decisions.

9 MR. AUSTIN: All right. I'm the
10 questioner now. We'll go to page 100, line 3.

11 (The following testimony was read from the
12 first cross-examination transcript of "KS" by
13 Mr. Scott Rosenblum on April 6th, 2018, narrated by
14 Representative Kevin Austin and Representative J.
15 Eggleston.)

16 Q. Did you see a laptop?

17 A. Definitely not a laptop.

18 Q. Okay. And I want you to remember you're
19 under oath, okay?

20 A. Yes.

21 Q. And I -- and I want you to try to clear
22 your mind as to go back in time during that
23 particular meeting, okay?

24 A. Yes.

25 Q. And I want you to try to remember whether

1 or not as you were talking if he was
2 contemporaneously writing notes to capture your
3 version of what you were saying.

4 A. I really don't remember.

5 Q. I think earlier --

6 A. I really don't.

7 Q. -- you said you believed so; right?

8 A. I believe he could have.

9 Q. Okay.

10 A. Absolutely. He had this -- I can picture
11 there being a folder in front of him, so he could
12 have had something there, but I'm not sure.

13 Q. Can you picture a pen in his hand or a
14 pencil?

15 A. No.

16 Q. Let me ask this: Do you recall that there
17 was -- do you recall that there was any audio
18 equipment?

19 A. I believe they were trying to set up some
20 type of video camera.

21 A. A video camera?

22 Q. Yes.

23 A. Okay. Now, when you say, "trying to set
24 up a video camera," tell me what that means to you.

25 A. That's what I mainly focused on, because I

1 was nervous about that.

2 Q. So a video camera, such as the one that is
3 staring at you right now?

4 A. Correct.

5 Q. And you saw that -- you saw what we went
6 through today to make sure that that video camera is
7 working; right?

8 A. Correct.

9 Q. And I would assume that happened on that
10 occasion?

11 A. I don't know. I don't -- after I was
12 there, it was pretty much, KS, would you be
13 comfortable doing -- you know, having this, just for
14 our -- keeping -- us keeping or whatever.

15 Q. A video rendition?

16 A. Yes.

17 Q. Okay. So at any time were you informed
18 that it didn't work?

19 A. Yes.

20 Q. At what point?

21 A. After the taping or whatever was over, my
22 attorney we received a call saying, just so you
23 know, that didn't work.

24 Q. So during this entire two hours, it's your
25 testimony that nobody checked the video?

1 A. No.

2 Q. You didn't see anyone checked it at all?

3 A. No.

4 Q. Nobody checked to see whether there had to
5 be a change of tape or anything of that nature?

6 A. No.

7 Q. Getting back to your answer with Tisaby
8 and notes --

9 A. Yes.

10 Q. -- was this two-hour or so meeting
11 straight, or were there any breaks?

12 A. No breaks where I got up, no.

13 Q. No breaks at all to stop, to go to the
14 bathroom, to get a drink, to do anything?

15 A. No.

16 Q. For anybody?

17 A. No. Not that I remember.

18 Q. And, again, getting back to this meeting,
19 you're aware that the subject of Tisaby and notes
20 has been brought up by the defense. As you sit here
21 now, are you -- you're aware of that; right?

22 A. Yes.

23 Q. Okay. And what source of information made
24 you aware of that? Who or where did you learn that?

25 A. I believe, my attorney. I'm not positive.

1 I think, my attorney. I think so.

2 Q. And had you had any discussions with the
3 circuit attorney about the subject notes?

4 A. I don't know. It could have come up last
5 week or whatever.

6 Q. Okay.

7 A. But I don't remember specifically.

8 Q. Do you have a -- you have a fairly decent
9 memory, don't you?

10 A. Yes.

11 Q. Because before the committee, before the
12 grand jury, you were recalling details that you
13 claimed happened three years ago; right?

14 A. Correct.

15 Q. I'm going to ask you something that
16 happened last week, okay?

17 A. Okay.

18 Q. And what happened last week is the subject
19 of Tisaby's notes came specifically about this
20 deposition. That's a correct statement, is it not?

21 A. I don't know if it came up with a circuit
22 attorney. I'm being honest. I'm -- I know that I
23 was made aware of it because my reaction was -- I
24 don't remember specifically. I don't know. He
25 could have been taking notes. I truly don't

1 remember. I don't remember having that conversation
2 with the circuit attorney; however, we could have.
3 I am not sure.

4 **Q. You knew it was the subject matter of this**
5 **case; right?**

6 A. Not that it was a big deal, no. I didn't
7 know that.

8 **Q. Well, you knew we were raising questions**
9 **about whether or not Tisaby was answering questions**
10 **under oath accurately. You're aware of that; right?**

11 A. Yes. So --

12 **Q. And you're aware that that subject was his**
13 **taking notes in a two-hour meeting, yes?**

14 A. No, not specifically. What I heard was
15 that there was some things that he said that were
16 false or were they false, and that's what I remember
17 specifically.

18 **Q. And what did you hear he said that was**
19 **false?**

20 A. He said that I got undressed in the
21 kitchen, which is false. That's all I remember
22 specifically.

23 **Q. Who was providing that information to you?**

24 A. My attorney.

25 **Q. In anticipation of this deposition?**

1 A. I think just to let me know, Hey, I mean,
2 maybe -- possibly, but I think just to let me know
3 that this was out there and also, too, that was part
4 of a motion, I believe.

5 Q. Did you ever ask to review the finished
6 product of your two-hour or more meeting with
7 Tisaby?

8 A. No, I did not.

9 Q. Did you ever review his notes or his --
10 his memorandum?

11 A. No. I'm not -- I'm not aware of --

12 Q. Do you know --

13 A. I'm sorry.

14 Q. Do you know whether or not your lawyer has
15 that in his possession?

16 A. I'm not aware.

17 Q. I think what you said is that you're not
18 aware of -- that you have not had any ongoing
19 discussions with PS about this matter.

20 A. Correct.

21 Q. Have you been made aware as to whether or
22 not PS and/or his lawyer and/or both have been paid
23 for their role in this case?

24 A. No, I'm not aware.

25 Q. Would it surprise you if they have?

1 A. It wouldn't surprise me.

2 **Q. It would not?**

3 A. It would not surprise me.

4 **Q. Why would that not surprise you?**

5 A. Because I don't know what he's capable of.

6 **Q. Do you know -- have you researched or been**
7 **reading anything that his lawyer, Albert Watkins,**
8 **has had to say?**

9 A. Yes.

10 MR. PHILLIPS: At this point, Mr. Steel
11 interjects and says:

12 I'm going to object that this is not
13 relevant.

14 Mr. Rosenblum says --

15 MR. AUSTIN: I'm sorry?

16 MR. PHILLIPS: It's not relevant what
17 Watkins said. At this point it is not relevant.

18 **Q. You can answer. That's an objection.**

19 MR. PHILLIPS: Don't answer that.

20 MR. AUSTIN: Excuse me?

21 MR. PHILLIPS: I'm instructing her not to
22 answer that.

23 MR. AUSTIN: What Watkins had to say?

24 MR. PHILLIPS: Right. Because that's not
25 relevant.

1 Q. Okay. So let me just tell you how this is
2 going to work, okay? Mr. Steel can add or subtract
3 anything he wants from this, okay? So this is our
4 deposition. We get to ask questions. You
5 understand that; right?

6 A. Yes.

7 Q. I've asked you a question of whether or
8 not you have made yourself aware or become aware of
9 anything that Watkins has had to say in this case,
10 okay?

11 A. Yes.

12 Q. That's my question. And as a foundation,
13 you know that Watkins represents PS; right?

14 A. Correct.

15 Q. You just said that PS is capable of
16 anything and don't know what he's capable of;
17 correct?

18 A. I believe so. Or he -- I don't know what
19 he's capable of.

20 Q. And you also -- and you also indicated
21 that, in fact, PS -- that, in fact, you had followed
22 to extent some of the various filings that have gone
23 on; right?

24 A. Correct.

25 Q. Now I'm asking if you're aware of anything

1 that Watkins has said relative to this case, and
2 Mr. Steel has instructed you not to answer.

3 A. Yes.

4 Q. Are you -- do you have -- do you possess
5 that information as we speak? Could you answer the
6 question?

7 A. Oh.

8 Q. Could you answer that question --

9 A. Oh.

10 Q. -- that I just asked.

11 A. Yes.

12 Q. All right. So the way that this is going
13 to work -- he's objecting to the form of the
14 question; I'm going to certify the question. Then
15 I'm going to approach the judge, and if the judge
16 agrees with me, I'm going to ask to reconvene this
17 deposition at your expense. Is that okay with you?

18 MR. PHILLIPS: At this point, Mr. Simpson
19 says:

20 I'm going to object. If it's -- it's my
21 understanding the judge is on call downstairs. I'm
22 not going to have you threaten my client with some
23 sort of financial expense. If we want to certify it
24 and go find the judge, we can go find the judge.

25 MR. AUSTIN: I don't know if the judge is

1 available and it's not a threat. That's what
2 happens in depositions. I think you're aware of
3 that, too. It not uncommon for parties, that if
4 there's an objection where you're told not to answer
5 the question, and if we approach a judge, and if
6 he's not available today, and orders you to answer
7 the question, I will ask him to reconvene the
8 deposition at your expense.

9 Q. I am asking you if you're now aware of
10 what I've just said?

11 A. Yes.

12 Q. Are you still choosing not to answer the
13 question?

14 A. Yes.

15 Q. Now, have you pursued or looked into
16 filing a lawsuit in this case?

17 A. No.

18 Q. I know in the past that you have sought
19 counseling, and we talked about counseling that you
20 sought with -- redacted; correct?

21 A. Correct.

22 Q. And you gave us his last name; right?

23 A. Correct.

24 Q. And to be sure you talked to --
25 redacted -- about issues with respect to EG; right?

1 A. Correct.

2 Q. It's also -- we've established that you've
3 been lying to -- redacted -- correct?

4 A. Correct.

5 Q. And we've established that specificity in
6 response to one of your -- to one of PS's questions
7 when he asked if you confessed to -- redacted. You
8 denied it; right?

9 A. Correct.

10 Q. And you've also had various problems
11 with -- redacted -- that you shared with PS; right?

12 A. Yes. In regards to that.

13 Q. You just thought he was sort of an off
14 person?

15 A. I thought how he handled asking me about
16 that was not comforting and was really scary to me.

17 Q. You know, this is just as an aside. I
18 mean, I -- we're watching you on videotape here
19 today; correct?

20 A. Correct.

21 Q. And you're conscious of your demeanor, are
22 you not?

23 A. Not at the moment.

24 Q. But, I mean, you understand how you're
25 presenting yourself now; correct?

1 A. No, not in the moment, if that's what you
2 mean.

3 MR. AUSTIN: Then we have a redaction from
4 page 111, line 13 through line 19, and I'll begin at
5 line 20 with the next question.

6 Q. Other than -- redacted -- did you --
7 have you -- other than -- redacted -- have you
8 shared information about EG with any other
9 counselors?

10 A. Yes.

11 Q. More than one or just one?

12 A. With one.

13 Q. And, in fact, you spoke to that individual
14 frequently about EG, among other things; correct?

15 A. Yes. Some. A lot of it more personal or
16 with PS, yes.

17 Q. Well, you had a counselor separate from
18 PS, did you not?

19 A. Correct.

20 Q. And in one conversation, I know that you
21 said, "I spoke to him an hour the other day about
22 this situation, EG."

23 Would that be fair to say?

24 A. It was a female, so ...

25 Q. Well, a female.

1 A. A counselor, yes.

2 Q. What's this person's name?

3 A. Redacted.

4 Q. Redacted?

5 A. Yes.

6 Q. Do you still see her?

7 A. No.

8 Q. So you were seeing her near the time that
9 this was -- that you were having a relationship with
10 EG?

11 A. Correct.

12 Q. Have you sought counseling from anyone
13 since?

14 A. The counselor at my school at --
15 redacted -- that was part of -- so I have a Title 9
16 or Title 10, I believe --

17 Q. A Title 10 claim?

18 A. No. I -- I guess so. They basically
19 said -- I went to my adviser and said, Look, I'm in
20 the middle of this situation, and so then I met with
21 the lady from Title 10, I believe, and she said,
22 Well if you want to speak to -- redacted -- on
23 campus -- anyways, that's who I've been speaking to
24 since then.

25 Q. All right. So let me break that down a

1 **little bit.**

2 A. Sure.

3 **Q. So the female counselor you're talking**
4 **about, how often did you see this individual?**

5 A. At that time, probably twice a week.

6 **Q. And for how long a period of time?**

7 A. Maybe half a year -- a year and a half.

8 **Q. And was a frequent subject matter in your**
9 **sessions about EG?**

10 A. No. In the beginning -- yes, in the
11 middle of it all, but then not after that, no.

12 **Q. Okay. And you gave us her name. Do you**
13 **know her address?**

14 A. No, I don't.

15 **Q. Do you know what city?**

16 A. Redacted.

17 **Q. Redacted proper?**

18 A. Redacted.

19 **Q. Redacted. Do you know what municipality?**

20 A. So she was off of -- redacted. I don't
21 know where she is now, though.

22 **Q. Would you provide those records to the**
23 **circuit attorney's office --**

24 MR. AUSTIN: Then we have a long legal
25 discussion about -- objections in the record that

1 goes from line 14, page 115 to probably line 25 on
2 117?

3 MR. BARNES: Well, I think until line 4 on
4 page 118.

5 MR. AUSTIN: Okay.

6 MR. BARNES: Line 5 on 118. And, again,
7 we're not going to redact this from what we release;
8 we're just going to skip it.

9 So go ahead.

10 MR. AUSTIN: Beginning page 118, line 6
11 the questioning resumes.

12 Q. So I'm going to ask a series of questions
13 specifically starting in 2014 during the time that
14 EG was initially a client through 2015. Were you on
15 any medication -- psychotropic medication or any
16 other type of medication -- other than aspirins or
17 something of that nature?

18 A. I had a prescription for -- redacted.

19 Q. Okay.

20 A. However, I had not taken it any of the
21 times that I was with him.

22 Q. How long have you had the prescription?

23 A. I don't remember when it was first
24 prescribed, but I would -- my guess would be 2014,
25 around then.

1 Q. So you -- did you seek the prescription
2 because of EG or PS?

3 A. No. I believe my physician prescribed it
4 even without me asking, because at the time, I had
5 mono. I didn't know what that was, but, anyways, I
6 was nervous about that, and I told him I was having
7 trouble sleeping, so he said, Well, try this.

8 Q. So he prescribed -- redacted -- without
9 you asking?

10 A. I'm sorry?

11 Q. He prescribed -- redacted -- without you
12 asking?

13 A. Right. Not specifically for it.

14 Q. So would it be your testimony that you
15 received -- that you filled a prescription?

16 A. Correct.

17 Q. But you never used it; never took a pill?

18 A. No. I would if I had trouble sleeping.

19 Q. Okay.

20 A. Yes.

21 Q. So during that period of time, and from
22 time to time, you would use -- redacted?

23 A. Yes. If I couldn't sleep.

24 Q. And any other drug?

25 A. After that happened with EG.

1 **Q. EG.**

2 A. EG. I'm sorry. I went a series of days
3 without sleeping and --

4 **Q. And you're specifically talking about the**
5 **March 21st incident?**

6 A. Correct.

7 **Q. Okay.**

8 A. And I called my doctor after -- how many
9 days -- a few days of not sleeping at all, and he
10 prescribed -- I believe it was -- redacted -- like,
11 a lower dose of -- redacted -- which is a sleeping
12 anxiety medication that I took if I had trouble
13 sleeping during that period of time. But I haven't
14 had that prescription in years.

15 **Q. Anything else?**

16 A. No.

17 **Q. And the same question with respect to**
18 **current. Currently, as you've been dealing with the**
19 **circuit attorney's office, as you've been dealing**
20 **with Tisaby, up and through today's date, are you on**
21 **any medication such as that we have spoken about?**

22 A. I still have the -- redacted --
23 prescription; however, the only time I would take it
24 is at night. It's the lowest dose, and if I need
25 it. But, typically, since this, my last

1 prescription was in December for a month.

2 Q. And --

3 A. So it's not something I take every day, I
4 guess, would be a good way to describe it.

5 Q. And getting back to that same time frame
6 that we're speaking about, the first time frame in
7 2014 and 2015, did you engage in any recreational
8 drugs?

9 A. No.

10 Q. None whatsoever?

11 A. None.

12 Q. Just alcohol?

13 A. Just alcohol occasionally.

14 Q. Same question with respect to the last,
15 say, six months.

16 A. Correct.

17 Q. Recreational drugs?

18 A. No.

19 Q. So you were married to PS, I believe, in
20 2005. You met him in '03. Would that be accurate?

21 A. Correct.

22 Q. Prior to that, you were in a relationship
23 where a child was born?

24 A. Yes.

25 Q. And you were not married to that

1 individual?

2 A. No.

3 Q. No, that's correct?

4 A. Sorry. I was not married to him.

5 Q. Okay.

6 A. No.

7 Q. And you had one child with that
8 individual?

9 A. Yes.

10 Q. You married -- ultimately married PS, but
11 he brought two children into the relationship?

12 A. Yes.

13 Q. You married in '05, and I think you
14 officially divorced in 2016. Would that be correct?

15 A. Correct.

16 Q. Now, would it be fair to say that you had
17 a number of problems with PS during the course of
18 your relationship?

19 A. Yes.

20 Q. Were there any domestic disturbances where
21 police were called?

22 A. No.

23 Q. Primarily, would it be fair to say that
24 the problems that you had with PS during the course
25 of your relationship would be that he was extremely

1 controlling?

2 A. That was a big issue, yes.

3 Q. And not only was he extremely controlling,
4 but he would tend to investigate every aspect of
5 your life?

6 A. Yes. That was an issue.

7 Q. And he would sometimes act out with
8 extreme jealousy?

9 A. Yes.

10 Q. He would go to great lengths to keep,
11 essentially, tabs on you? Would that be fair?

12 A. Yes.

13 Q. I think you described it at one point it
14 was basically just a controlling and insecure
15 relationship?

16 A. Yes.

17 Q. And that just wasn't something that
18 occurred during your relationship with EG; that had
19 predated that for quite some time?

20 A. Yes. Almost since the beginning.

21 Q. And going to the extremes of actually, you
22 believe, putting an app on your phone to keep track
23 of who called you and when you called?

24 A. So -- no. He had my phone number set up
25 under his, as if he was my father. I went to go

1 change my phone -- and this was in June of 2015 --
2 and the man said, I can't do it unless I get -- you
3 get permission from your father. And I said, Who is
4 that? And he said PS. He's your father on this.
5 So he had it set up where he could look at
6 everything of mine, but I didn't have access to his.

7 **Q. When you say "look at everything of**
8 **yours," could he actually read text messages as they**
9 **were occurring? Was that your understanding?**

10 A. That was my suspicion. Not through that,
11 though. My guess was that -- would be that he had
12 some sort of other --

13 **Q. App?**

14 A. App or something. I don't know.

15 **Q. Like a clone -- like a clone phone that he**
16 **had access to your phone? He put something on your**
17 **phone that would essentially allow him to read your**
18 **text messages as they -- on his phone as they came**
19 **up on your phone?**

20 A. That's --

21 **Q. Something of that nature?**

22 A. Correct. But that's just a -- I don't
23 know for sure. I have nothing to prove it; I just
24 feel that way.

25 **Q. What gave you that suspicion?**

1 A. Because he would say comments about things
2 that he wouldn't have known unless he read it.

3 Q. Did you ever determine that one way or the
4 other, or was it just something that -- that it
5 would seem that that was the case because he would
6 have information that he ordinarily wouldn't have
7 had unless he saw the text?

8 A. Correct. With the text messages. With
9 Facebook and my e-mail, those things of nature, he
10 also had access to all of that. I did know that for
11 sure, because he would comment on things that
12 wouldn't make sense to a third-party individual,
13 unless you knew what the original conversation was.
14 So he would say, Who is so-and-so, and why are they
15 messaging you about this, you know? It wouldn't be
16 nothing.

17 Q. Right.

18 A. So ...

19 Q. So you had a number of problems with him
20 or with respect to his -- I think you described it
21 as incredible insecurity; correct?

22 A. Correct.

23 Q. And I think you described that in the past
24 that he could portray himself publically as sort of
25 a secure person but privately he was riddled with

1 insecurities?

2 A. Correct.

3 Q. Because he was a performer of some sort,
4 was he not?

5 A. Yes.

6 Q. And these insecurities drove him
7 throughout the course of your relationship and at
8 times worse than others, but I believe you said it
9 got worse and worse where it literally would just be
10 like big brother and watched your every move and
11 knew your every move?

12 A. Yes. That's how I felt.

13 Q. And it literally was driving you insane at
14 times -- and I don't mean literally insane; I'm
15 using it as a term of art?

16 A. It was very difficult, yes.

17 Q. Very difficult; correct?

18 A. Correct.

19 Q. And, in fact, I -- I think at one point --
20 and this may have been after your relationship with
21 EG, he was in frustration -- was upset with you
22 because he was accusing you of telling your friends
23 and family that he was completely crazy and
24 depressed and impossible to be around. Do you
25 recall having that conversation?

1 A. I -- I don't recall it, but ...

2 Q. That's something you probably would have
3 said?

4 A. Yes.

5 Q. And when you said -- when you said in the
6 past that he had issues with boundaries, what did
7 you mean by that? Because I think you were --
8 specifically related to a situation with your
9 sister -- redacted.

10 A. I'm not sure. Can you refresh my memory?

11 Q. I mean, there wasn't much definition. I
12 think you had just made a statement that he had
13 issues with boundaries. That doesn't ring a bell?

14 A. It doesn't ring a bell, but, yes. So I
15 would say that throughout the course of our
16 marriage, it got to the point where I felt there
17 could be absolutely nothing he didn't know that I
18 even thought, let alone did or was desiring. I
19 mean -- so there was no kind of separation between
20 me and him, other than I -- I did allow for those
21 boundaries.

22 Q. I'm sorry. You did what?

23 A. I allowed for those boundaries, meaning I
24 didn't push him on those things about him, but I
25 felt as though anything I thought or did or was

1 going to do or liked or -- I felt was his business,
2 you know?

3 Q. At some point, I think the summer before
4 2015, you talked about a vacation you went on;
5 correct?

6 A. Correct.

7 Q. And I think you shared that information,
8 in fact, with EG at some point, that you went on
9 this vacation and you were -- and that the place you
10 were at had this incredible gym, but he would
11 literally stalk you to the gym -- not to work out;
12 just to make sure you didn't flirt.

13 A. Correct. That's how I felt.

14 Q. So you almost felt like you were a
15 prisoner of some sort; correct?

16 A. In some ways, yes.

17 Q. But in addition to -- well, let me back
18 up. I know that you have said -- and we're going to
19 get there, but you've said that -- you know, that he
20 would act out and voice that he was going to ruin
21 you at some point; correct?

22 A. Correct.

23 Q. And that he was going to ruin EG at some
24 point. I think we're going to cover this in more
25 detail, but -- so he would -- his MO, so to speak,

1 **was to threaten you?**

2 A. Yes. In particular, after we were not
3 together, it got worse, yes.

4 **Q. And that would have been March 20th?**

5 A. So after March -- after I told him about
6 EG, after he had something against me that was
7 tangible, then he -- originally, it started in March
8 through October. October is when we were for sure
9 getting divorced. During that period of time, it
10 was, you know, this guy is awful, you know? He
11 should pay for this, that type of thing. And it
12 didn't turn into, I could ruin you both, and I have
13 proof of it, until October 2015, when we were for
14 sure getting divorced.

15 **Q. You told him you wanted a divorce, I**
16 **believe, in -- on March 20th; right?**

17 A. Correct.

18 **Q. So in addition to -- in addition to the**
19 **problem that you were having with PS, you were**
20 **dealing with some of your own issues with respect to**
21 **the marriage; correct?**

22 A. I'm sorry. Rephrase or explain that.

23 **Q. Well, I think you described some of the**
24 **feelings that you were experiencing leading up to**
25 **your relationship with EG, is that you were**

1 **suffering from horrible feelings that you were**
2 **suppressing constantly. Do you recall saying that?**

3 A. Yes. After he hit on me that first time,
4 in particular, prior to that, I definitely had a
5 crush or had feelings on him, but had no clue that
6 they were -- that -- that they were that
7 reciprocated.

8 Q. But the way you described it was that you
9 were dealing with when that -- that your truth, so
10 to speak, was that you -- for four years prior to
11 EG, you were dealing with these issues, horrible
12 feelings that you had to suppress about various
13 other men.

14 A. Not -- no. Not wanting to leave my
15 marriage and go have an affair or anything like
16 that. It was more to me -- even just having
17 feelings for someone else when you're married or
18 thinking somebody else is attractive was wrong.
19 Like I said, that thing that happened in Vegas, I
20 really and truly flirted with somebody. Came home,
21 I felt that my husband and I really needed to be in
22 counseling. I had been saying that for a period of
23 time, and I said, Listen, this is the first time I
24 found myself attracted to someone else. We need to
25 be in counseling. We need to figure this out.

1 MR. AUSTIN: And there's a question
2 beginning line 20 ending line 24 that's completely
3 redacted.

4 A. And the answer to that is:

5 I believe that vacation was in 2013. It
6 was before I was 30, so -- I'm sorry.

7 **Q. Before you were 30, you said?**

8 A. Correct.

9 **Q. The vacation about where he stalked you to**
10 **the gym?**

11 MR. EGGLESTON: And then the answer,
12 line 6 through line 9 are all redacted. Looks like
13 maybe theres's a question there.

14 So then the answer begins:

15 A. Correct. I'm sorry.

16 **Q. And that was in an effort to resolve some**
17 **of these issues; correct?**

18 A. Correct.

19 MR. AUSTIN: And then the question, lines
20 14 and 15, it's redacted.

21 A. And then correct.

22 **Q. And resolve some of the issues you were**
23 **having with this compulsive stalking, for lack of a**
24 **better word?**

25 A. Yes.

1 Q. But your issue specifically that I want to
2 ask about -- you said -- you say to PS, So when you
3 have this sort of come to Jesus discussion in the
4 car; right?

5 A. Uh-huh. Correct.

6 Q. That your first truth is that you've had
7 these horrible feelings for years. You described
8 them as horrible feelings.

9 MR. BARNES: Pause. Pause. Line 6
10 starting with the word "and"; line 7, ending the
11 redaction before the word "I." Does everyone agree
12 on that redaction?

13 Let's have a discussion -- we can --

14 MR. AUSTIN: Let's redact and then
15 we'll --

16 MR. BARNES: Let's redact, and if we want
17 to add it back later, we can add it back later.
18 Again, broader redactions now so we can have a
19 discussion in a closed hearing about it.

20 MR. AUSTIN: Okay. So five --

21 MR. BARNES: So it's 132, 6 to 7; 133 is
22 line 18 -- actually, it's line 18 starting with the
23 second "Who"; right? Not -- not the whole line,
24 just the second "who" -- starting at the front of
25 the second "who." 134, line 6 starting before the

1 third "I," that second sentence there and ending on
2 line 7 after the word "now."

3 Page 144, line 6 starting before the word
4 "with" and ending after the word -- before the word
5 "that." Same page, line 19, starting before the
6 word "either," following through to line 20, ending
7 after the word "appointments."

8 And then on page 151, starting on line 19
9 and going to 152, 24. This is the tape recording
10 of -- and I referenced the general description of
11 it, which is a recording of -- what I would
12 characterize as an emotionally abusive recording
13 conversation between ex-husband and Witness 1, and
14 this has just some details about it, I think, that I
15 want to have a conversation later about the
16 specifics.

17 MR. RAZER: So from 151, 19 to 152, line
18 24, all of that?

19 MR. BARNES: Yes. And we'll -- I want to
20 revisit it at some point; it's just I want to have
21 an actual discussion of it before we read it.

22 Fair enough, Representative Austin?

23 MR. AUSTIN: Fine.

24 MR. BARNES: Okay.

25 MR. AUSTIN: Okay. We're resuming page

1 132, line 5.

2 Q. And that's what you've begun constantly
3 suppressing --

4 MR. AUSTIN: And then I think we redact
5 down to line -- what was it -- 8?

6 MR. BARNES: Seven.

7 Q. "I thought he was great, the guy in Vegas.
8 He was great -- clients -- whatever -- I know that
9 it's me."

10 Do you remember making that statement?

11 A. Yes.

12 Q. So what were these horrible feelings?

13 A. Just being attracted to other people,
14 which, to me, was wrong. Being in my marriage and
15 feeling like that guy is attractive or truly -- if
16 my husband asked me, Do you find this guy
17 attractive, that was a wrong statement, really, in
18 my marriage, and so I did feel horrible. I felt
19 like I shouldn't be attracted to anybody else. What
20 is -- you know, what's wrong with me?

21 Q. Well, attraction is, it seems to me a
22 little bit different than suppressing horrible
23 feelings. So you're saying that you may have found
24 Bradley Cooper attractive; to you, that caused you
25 to feel that you were having horrible feelings that

1 jeopardized your marriage?

2 A. Yes.

3 Q. So you're saying today under oath that if
4 you found any other human being attractive, other
5 than your husband -- male human being attractive,
6 that that would cause you to have these horrible
7 feelings that you would have to suppress?

8 A. At that time. One hundred percent.

9 Q. And that's because of the nature of the
10 relationship that you were in?

11 A. Correct.

12 Q. He constantly questioned you about whether
13 you're were acting on any of these feelings, did he
14 not?

15 A. Correct.

16 Q. So you were constantly being accused of
17 affairs, were you not?

18 A. Correct.

19 Q. And, in fact -- then we had a redaction.

20 A. His name is -- redacted.

21 Q. And what year was that? And I'm only
22 using that term because that's the term you used.

23 A. Let's see -- 2011.

24 Q. While you were with PS?

25 A. Correct.

1 **Q. Was that at his request or was that on**
2 **your own?**

3 A. That was on my own.

4 MR. BARNES: Line 3 -- redact all of
5 line 3 on page 134 -- but not line 5.

6 MR. AUSTIN: Okay.

7 A. So line 4, answer to the redacted question
8 was "No."

9 **Q. Do you have a belly button ring?**

10 A. I did when I was 14, so, no.

11 **Q. At 14 you had a belly button ring?**

12 A. Or 16, yes. When I was --

13 **Q. Did you ever use it since, on occasion?**

14 A. Oh, it's been 15 years, yeah.

15 **Q. But you have used it since you were 16?**

16 A. Since I was 16, but I was -- before I had
17 my nine- and eight-year-old, yes.

18 **Q. And there also was a situation with --**
19 **where he accused you of being with a chiropractor.**

20 A. Yes.

21 **Q. What was his name?**

22 A. Redacted.

23 Oh, I don't remember his last name. He
24 was at -- redacted -- I believe. This was a
25 chiropractor that my sister and I both saw. He made

1 a comment in front of my husband, He's so cute, and
2 that's all it took. That -- then it was, You must
3 be with this guy. What is it with this guy? You
4 think he's cute, too? That's how it started.

5 Q. The two men in Vegas that was a concern of
6 your husband, what was his name?

7 A. Redacted.

8 Q. Do you have a last name?

9 A. I think -- redacted.

10 Q. Redacted?

11 A. Redacted, I think.

12 Q. And --

13 A. Redacted.

14 Q. And what was your connection or
15 involvement with him?

16 A. So I went on a bachelorette party with a
17 friend of mine and --

18 Q. Would that have been considered a solo
19 vacation you went on?

20 A. No. That was after PS and I were
21 separated.

22 Q. So the solo vacation was after you were
23 separated?

24 A. Correct.

25 Q. Okay. So tell me about the bachelor

1 **party.**

2 A. I went to Vegas with a group of girls for
3 a bachelorette party, and we met this group of men.
4 And one of them -- or, actually, two of them, in
5 particular, were talking to me, asking me questions
6 about marriage and stuff like that. They were both
7 the bachelors in this big bachelor party, and the
8 one I -- I viewed it as we both found ourselves
9 attracted to each other. Just through conversation,
10 I felt he was being flirty. I felt I was being
11 flirty, especially considering I even felt bad
12 thinking somebody was attractive. So nothing
13 happened between us, but we did have conversation.
14 Whenever I got home from Vegas, I told my husband
15 about him. He did digging somehow through seeing
16 pictures on Facebook, became obsessed with this guy.
17 You had to have slept with him if you would tell me
18 about him. But, anyways, that was -- and then I
19 heard about it for years after. But, really, for
20 me, it was -- if I'm at this point, I really and
21 truly need to seek help.

22 Q. Well, I mean, he was -- it became more
23 than an obsession. I mean, what -- well, when was
24 this bachelorette party, by the way?

25 A. It would have been before I turned 30. I

1 know I was turning 30, so August of 2012, yeah.

2 Q. August of 2012. And did you text this
3 individual?

4 A. Yes.

5 Q. Okay. How long did you continue texting
6 this individual after you returned from Vegas?

7 A. I believe a couple of days afterwards.

8 Q. Did you, in fact, take off your wedding
9 rings while you were in Vegas?

10 A. No.

11 Q. PS suggested that you did.

12 A. I did not.

13 Q. But you understand he suggested that you
14 did?

15 A. That's fair.

16 Q. In fact, he's talking about -- well, let
17 me ask you this: When you went on your solo
18 vacation, you took off your wedding rings; correct?

19 A. I imagine I would have then. That was
20 June. He had been in an apartment since April, yes.
21 But we had separated the very beginning of March, so
22 I may have had my rings off then.

23 Q. And at some point, I think you said -- and
24 I'm curious about this statement, that he had shamed
25 you 8 million times about Vegas.

1 A. Yes.

2 Q. Do you remember making that statement?

3 A. No. But I did believe it, yes.

4 Q. And what did that statement mean?

5 A. He just brought it up time after time
6 after time after time again. It wasn't ever left
7 alone.

8 Q. Because in the grand jury -- you
9 specifically said that you had zero affairs; right?

10 A. Correct.

11 Q. And at one point I think you said that
12 PS -- there were two occasions?

13 A. That -- what?

14 Q. Well, that you had an affair, but one you
15 may not count. Do you remember that?

16 A. No, I do not.

17 Q. The solo vacation, when was that?

18 A. That was in June of 2015.

19 Q. So approximately -- well, would it be fair
20 to say that it was during the period of time that
21 you were involved with EG?

22 A. Yes.

23 Q. I just want to see if this refreshes your
24 recollection.

25 A. Okay.

1 Q. Give me one second.

2 So in the course of him accusing of you of
3 these various affairs -- and that happened; right?

4 A. Correct.

5 Q. Do you recall saying -- his responding to
6 you about having to do that, you said, all that
7 research that you would have to do -- do you
8 remember this conversation in the car?

9 A. Explain it. I'm sorry.

10 Q. Well, I feel like in doing this, I'm
11 afraid this -- is you -- I feel -- I feel like in
12 doing this, I'm afraid that there's no way we could
13 be together and being okay, because the thing that
14 I've hated more than anything in our relationship is
15 the researching everything. I hate it. I hate it
16 more than I hate anything. And PS says, And every
17 time I've been right -- and you say, Not every time.
18 Fuck that. You look into this -- you look into shit
19 all the time. No, not every time, PS. Two times in
20 fucking 12 years. One time, really, is the only --
21 only the one time I've ever cheated. What's the
22 other time?

23 A. That's the Vegas thing. He considered
24 that cheating, so that's the other time.

25 Q. And in Arizona you were still married;

1 correct?

2 A. Correct.

3 Q. And did you get involved with an
4 individual in Arizona?

5 A. Not in Arizona. I met someone when I was
6 there that was on, like, an engineering conference
7 thing. He was a French guy that happened to be
8 doing work that next week in St. Louis, so when he
9 was in St. Louis the following week, I took him to
10 dinner with some friends and he walked me to my car.
11 We kissed in the car, and that --

12 Q. While you were married, obviously?

13 A. Yes.

14 Q. Okay. And was that part of the horrible
15 feelings that you would have had, or is that
16 separate and apart of the horrible feelings that you
17 would have had from being attracted that you
18 actually acted on?

19 A. No. That was very different, because at
20 that point, we were -- you know, at this point,
21 we -- still currently, we were for sure getting a
22 divorce. He had an apartment. Obviously, it was
23 still in the middle of going through all that stuff,
24 but --

25 Q. Well, when you say --

1 A. That was different, yeah.

2 Q. -- "in the middle of going through all of
3 that stuff," you're referring to going through all
4 of that stuff with EG; right?

5 A. And my ex-husband, yes.

6 Q. So in June you take a solo vacation;
7 right?

8 A. Correct.

9 Q. So to be sure, you said to the grand jury
10 that you had zero affairs. You said that under
11 oath; right?

12 A. Correct. Before this point.

13 Q. You recall --

14 A. Yes.

15 Q. -- you recall making that statement;
16 right?

17 A. Yes. Before I ever did anything with EG,
18 positively.

19 Q. And also to be sure -- and you didn't
20 mention anything to the grand jury about this
21 alleged maybe affair, depending on your
22 determination about the Vegas situation; correct?

23 A. Correct. Because it was --

24 Q. Well, it's in PS's mind --

25 A. Right.

1 Q. -- it was an affair, which you said
2 counted as two, yet you don't mention that to the
3 grand jury, do you?

4 A. No.

5 Q. And, in fact, part of the reason was that
6 you were texting this person. You weren't just
7 texting about the weather, were you?

8 A. No.

9 Q. I mean, it was more deeper than that --
10 these texts, were they not?

11 A. I don't remember the gist of them. I know
12 that I told my husband about it. Like I said, that
13 was considered enough of a breach in our marriage
14 that it caused for us to have some sitdowns, you
15 know?

16 Q. Well, the -- he was looking at the text
17 you were sending this person in Vegas that caused
18 him some concern; right?

19 A. Just me telling him about this person
20 caused him concern.

21 Q. Did he look at the texts?

22 A. Not that I remember. No, I don't remember
23 that.

24 Q. I thought he looked at all of your texts?

25 A. Well, he could have, but ...

1 Q. Did he look at his phone records to see
2 you were texting a person from a Vegas number, a 702
3 number?

4 A. I'm not sure. He may have.

5 Q. When you said -- when you said shamed
6 8 million times in respect to the Vegas situation
7 and that you're trying to make amends for it,
8 obviously, 8 million times is an exaggeration?

9 A. Correct.

10 Q. But it went on for quite a period of time.
11 It was significant to your husband at the time, was
12 it not?

13 A. Yes.

14 Q. And he was 100 percent convinced that you
15 had a relationship?

16 A. Correct.

17 Q. And you're saying that the only
18 relationship you had with this person in Vegas was
19 by text?

20 A. Correct.

21 Q. You never kissed him?

22 A. No.

23 Q. Did you ever talk about intimate things in
24 the texts?

25 A. No.

1 Q. So what was the purpose of carrying on a
2 text relationship with this man that you met at a
3 bachelorette party while you were still married?
4 What was the purpose of that?

5 A. I know our conversations was based around
6 the fact that we both found ourselves in a situation
7 where we were attracted to somebody that we
8 shouldn't be. He was getting married; I was
9 married, so, basically, that. Then that was it. I
10 never spoke to him again after 2012.

11 Q. So all of these horrible feelings that you
12 had to suppress -- redaction -- that you have given
13 us his name -- the chiropractor -- I think you've
14 given us his name. What is it?

15 A. Redacted-something. I don't know his last
16 name.

17 Q. And some various clients through the years
18 that you had these feelings of attraction that you
19 had to suppress?

20 A. Correct.

21 Q. Does anybody stand out as we sit here now?

22 A. No.

23 Q. Just various attractive men?

24 A. Yes.

25 Q. When you saw any of these men that are --

1 redaction -- or for -- with the chiropractor or
2 clients which you see, when you would see them
3 because of these suppressed feelings you would have
4 over the four years that you're talking about, did
5 you actually physically shake when you would see
6 them?

7 A. No. My -- not that I remember, no.

8 Q. I mean, did they have --

9 A. No.

10 Q. -- such an effect on you that you would
11 physically shake upon looking at them or thinking
12 about them?

13 A. Other than EG, no, not that I remember.

14 Q. There was a portion of this --
15 incidentally, can you tell me when you had this
16 discussion with PS about being shamed in Vegas
17 8 million times when the kids were also recorded?
18 Do you know when in time that occurred?

19 A. I don't remember, no. I'm not sure.

20 Q. Would it have happened after the
21 March 24th recording?

22 A. I don't know. The only recording I knew
23 about was while we were separated and we got back
24 together, which was in July. We got back together.
25 He -- we argued, and he played a snip of it back to

1 me and said, This is how crazy you are and --

2 **Q. He played it back together?**

3 A. Not together. He played this little snip
4 of --

5 A. How crazy you were --

6 MR. BARNES: Hold on. This is on that
7 same audio that we're going to listen to.

8 Redact to line 8 -- 146, line 8. And what
9 I'll -- we will discuss this further.

10 Starting on line 16, ending on 146,
11 line 8.

12 MR. AUSTIN: Page 146, line 9, beginning
13 with the question again.

14 **Q. Would it refresh your recollection if this**
15 **tape, basically, was involving your anger at the**
16 **fact that, apparently, he told his family or your**
17 **family about something very private?**

18 A. Was this when we were arguing about him
19 telling my family about EG?

20 A. EG -- I mean EG.

21 **Q. I'm sorry. EG. I believe so. I was**
22 **really angry.**

23 **Q. Okay. So it was -- first of all, just in**
24 **context?**

25 A. Yes.

1 **Q. The anger was then that he told your**
2 **family about EG. When did this happen?**

3 A. When I was -- when I was on a vacation by
4 myself, he sat my whole family down and told them
5 everything I told him in the car.

6 **Q. So this would have been, I think you said,**
7 **in June, some three months after the fact, that you**
8 **were tape-recorded in March; correct?**

9 A. Yes. So I didn't -- I never heard that.
10 I had no clue he'd taped me. No, I did know that he
11 did that, too. I was so angry. That is the most
12 angry I've ever been.

13 **Q. And he -- and this was because he told**
14 **your family about EG; correct?**

15 A. About --

16 **Q. Pardon me?**

17 A. Yes. About what happened.

18 **Q. Did he also tell his family about EG?**

19 A. Yes. But I don't know about that at this
20 time.

21 **Q. And did he also tell your family about at**
22 **least his belief that you had an affair with**
23 **somebody in Vegas?**

24 A. Yes. At the time, but --

25 **Q. And this is also part of this conversation**

1 where you were angry?

2 A. Yes.

3 Q. Leading up to that time, before he told
4 your family about EG in June on this tape-recorded
5 conversation --

6 A. Yes.

7 Q. -- had you ever had any discussions at all
8 with EG about EG with your family -- with anybody in
9 your family, including your sister?

10 A. Yes. Not about liking him or anything
11 like that, but just how I thought he was great and
12 showed them -- showed my mom his book so she knew
13 who he was.

14 Q. Were you ever specifically asked by
15 anybody in your family if there was anything more,
16 if you had stepped out of your marriage with respect
17 to EG, ever asked prior to June by anybody in your
18 family?

19 A. I don't recall. I'm not sure.

20 Q. You don't recall ever having asked or
21 answered -- ever having to answer a question by
22 anybody in your family prior to June of 2015 as to
23 whether or not this attraction that you had towards
24 EG, if there was something more?

25 A. I assume my mom did.

1 Q. Okay.

2 A. But I don't remember our conversation.

3 Q. Right. And if you assume your mom did,
4 then I assume your answer to her at that time was
5 no.

6 A. Correct.

7 Q. So you lied to your mom?

8 A. EG told me do not tell anyone.

9 Q. I didn't ask that question, did I?
10 You lied to your mom, did you not?

11 A. I --

12 Q. Did you lie to your mom, ma'am?

13 A. Yes, I did.

14 Q. Okay. You're saying it because -- it's
15 because EG told you not to tell anybody, but you
16 certainly didn't follow that same advice instruction
17 when you told your friend -- redacted. Would that
18 be correct -- or your friend --

19 A. I was --

20 Q. -- redacted?

21 A. -- petrified, and I hoped that they were
22 not going to tell anybody.

23 Q. Well, did you think your mom was going to
24 tell anybody?

25 A. Yes. I felt she might. I felt she would

1 be extremely angry and do something about it.

2 Q. So that's the reason you lied to your mom?

3 A. Yes.

4 Q. Anybody else in your family that caused
5 this anger outburst in June, when PS went behind
6 your back and told them. Anybody else your family
7 that you lied to?

8 A. The whole family. I'm so close to them.

9 Q. So you lied to your whole family?

10 A. Oh, no. I hadn't talked to any one of
11 them about it. I hadn't told anyone.

12 Q. Now -- and this is when you were on your
13 solo vacation in Arizona; right?

14 A. Right.

15 Q. Where you met the French guy; right?

16 A. Uh-huh.

17 Q. And you actually share, both before and
18 during your relationship with EG, you had shared a
19 lot of information, would you not, some of your
20 personal thoughts, desires, things of nature; right?

21 A. Not necessarily before this. I mean,
22 except for the stuff about our lives, me going to
23 school, stuff like that. Things that we liked --
24 books -- whatever.

25 Q. During this June period of time that we're

1 talking about, now that I've refreshed your
2 recollection, do you recall where this conversation
3 took place where you experienced this rage towards
4 him?

5 A. I was in the hotel.

6 Q. You were in what hotel?

7 A. I was in the hotel in Tucson.

8 Q. Okay. So this was a telephone call?

9 A. Yes.

10 Q. And he was home?

11 A. Correct.

12 Q. And the kids were home?

13 A. Yes.

14 Q. So he -- so was he -- do you know whether
15 he was speaking in front of the kids or not?

16 A. I have no clue.

17 Q. Were you actively seeking a divorce at
18 this time?

19 A. Yes.

20 Q. Do you believe that PS was basically
21 building a divorce file against you?

22 A. I -- that would be fair.

23 MR. BARNES: And here's where we're going
24 to have that redaction discussion through the end of
25 page 152, starting again on page 135.

1 A. In Tucson my mom and sister called me,
2 yelling at me that they were upset that PS sat them
3 down and told --

4 MR. BARNES: Do you guys want to switch
5 or --

6 MR. AUSTIN: I don't care. I can switch
7 or I can not switch.

8 MR. BARNES: Really, any time you want to
9 switch, just say so, and we'll flip over to the
10 next -- we'll move down, but ...

11 MR. AUSTIN: We've built a rapport.

12 Page 153, line 4.

13 **Q. Okay. So let's back up. So in Tucson,**
14 **they were yelling at you because now they've**
15 **learned, and your mom specifically learned, that**
16 **your attraction with EG was more than just from**
17 **afar, that it was physical, at least according to**
18 **PS; right?**

19 A. She --

20 **Q. Yes?**

21 A. Yes.

22 **Q. And when you had that conversation and you**
23 **were confronted by your mom on the telephone, you**
24 **then again lied to her; right?**

25 A. No, I did not.

1 Q. Well, you've spent your entire life
2 telling your mom and your family that PS is crazy
3 and obsessed and accusing you of everything under
4 the sun for no reason; right?

5 A. Correct.

6 Q. So it would be fair to assume that they
7 would have believed that because that's the
8 foundation that they were working on?

9 A. No. I had not -- my family had no clue,
10 other than my sister, who saw it firsthand, that
11 there was real issues until the very end, other than
12 what they saw from him.

13 Q. So this conversation, now that I've
14 refreshed your recollection, was face to face?

15 A. I would assume then, yes.

16 Q. And we've talked about the rage and anger
17 that you were displaying in this conversation?

18 A. Correct.

19 MR. BARNES: I'm really sensitive to
20 what's on line 11, and that's why I'm also sensitive
21 to what was on the previous page because of their
22 presence. So line 11, the fourth word of the
23 sentence is -- that's my concern here; that's my
24 concern on the other two pages.

25 MR. AUSTIN: What do you want to do?

1 MR. BARNES: I -- let's skip to line 20.

2 MR. AUSTIN: Okay. We'll redact lines 11
3 through 19, and then we'll begin with the questions
4 starting on line 20.

5 Q. In that same conversation, he talked about
6 the fact that, again, where you were obviously upset
7 that he told your parents, and you remember most of
8 that conversation; right?

9 A. Yes.

10 Q. And he essentially responded. You said
11 you -- you believe he was doing it out of spite;
12 right?

13 A. Yes.

14 Q. And that was part of his MO, to do things
15 out of spite towards you; right?

16 A. That's how I felt, yes.

17 Q. And at that point, when you said that, he
18 said, "I was standing up for myself and what seemed
19 to be a moment of another bit of manipulation from
20 you. You emotionally blackmailed me; you really
21 did."

22 So he's accusing you of emotionally
23 blackmailing him. Do you have any idea what he's
24 talking about?

25 A. No, I have no clue.

1 Q. Was that a common theme, where he would
2 accuse you of emotionally blackmailing him?

3 A. No. I have no clue what that is. I don't
4 know what he's referring to.

5 Q. But you heard those words; right?

6 A. Right now, I have no clue. Does he
7 explain it?

8 Q. Well, you respond by saying, Are you
9 kidding me, because that's what you did to me.
10 That's exactly what you said. You did this or else.
11 You do -- who the F is -- is ever going to do that
12 for you, PS?

13 What were you talking about? Because now
14 he's saying, no, that you were blackmailing him.

15 A. Yeah, I have no clue.

16 Q. You do this or no else. You have no clue?

17 A. I really don't.

18 Q. You have no clue what he was saying you
19 have to do that you felt like you were being
20 blackmailed?

21 A. I really have no clue.

22 Q. But you guys were throwing around the word
23 "blackmail" in the course of your marriage, are you
24 not?

25 A. I guess so. I mean ...

1 Q. I mean, they're here. We can play it;
2 right?

3 A. Sure.

4 Q. So there's some sort of a theme in your
5 marriage where when you would get into these raging
6 arguments, that you would accuse each other of
7 blackmailing each other, emotionally, at least.
8 Yes?

9 A. I have no recollection of it.

10 Q. My understanding --

11 A. So it was not -- so it was not a theme,
12 because I don't remember it at all.

13 Q. Well, I say -- I understand you don't have
14 a recollection.

15 But you -- you hear the words; right?

16 A. Correct.

17 Q. And you can't tell me as you sit here
18 today that either one of you are referring to when
19 you're talking about emotionally blackmailing each
20 other?

21 A. I have no clue.

22 Q. No clue?

23 A. Truly, I have no clue.

24 Q. With respect to this trip in Arizona with
25 the French guy, you were involved with EG at that

1 time; right?

2 A. Correct.

3 Q. And do you recall FaceTiming EG during
4 that time?

5 A. Yes.

6 Q. Do you recall posing naked for him during
7 a FaceTime?

8 A. No, not naked.

9 Q. Pardon me?

10 A. I said, no, not naked. No, I don't
11 recall.

12 Q. Are you saying it didn't happen?

13 A. I'm saying I don't recall that, no.

14 Q. So you're not denying it?

15 A. I don't believe I was naked, no.

16 Q. Well, if you don't recall it, you can't
17 say one way or the other.

18 A. I don't recall.

19 Q. So by not recalling it, it's possible that
20 you did FaceTime with EG and you were naked?

21 A. I don't recall. I know that we FaceTimed,
22 but, no, I don't recall.

23 Q. Again, by not recalling, you're not saying
24 it didn't happen, yes?

25 A. I'm saying I don't recall, yes.

1 Q. Well, how many times have you FaceTimed
2 naked?

3 A. None that I recall.

4 Q. So if you FaceTimed with EG naked, that
5 would be something that you would recall; right?

6 A. Correct.

7 Q. You were still interested in him at that
8 time; correct?

9 A. Correct.

10 Q. At least according to your story, you
11 claim that he had seen you naked previously; right?

12 A. Correct.

13 Q. You were still involved with him; correct?

14 A. Correct.

15 Q. You still planned to see him when you got
16 back from Arizona?

17 A. I believe so, yes.

18 Q. So it wouldn't be out of the question that
19 you would have FaceTimed naked?

20 A. Not naked.

21 Q. Well, wearing what? Topless?

22 A. To my recollection, I believe what you're
23 referring to, I was wearing a robe.

24 Q. And did you expose yourselves?

25 A. No, not fully. Not -- not that I recall,

1 no.

2 Q. Not fully?

3 A. Correct.

4 Q. Well, you seem as we're having this
5 conversation, you're recalling more and more. Do
6 you see how that's going?

7 A. Well, no. I just answered your specific
8 question about was I naked.

9 Q. Did you expose yourself by opening the
10 robe so that he would see you in a state of nudity
11 or partial nudity at that time in Arizona?

12 A. I would say partial nudity, yes.

13 Q. And in Arizona, when you exposed yourself
14 in a state of partial nudity, describe in detail, if
15 you would, as to what you mean.

16 A. I mean, I was alone in a hotel room.

17 Q. Again, that's not my question.

18 A. Okay.

19 Q. I'm asking you to describe how you exposed
20 yourself at that time in that hotel room.

21 A. As I recall, we were FaceTiming. He
22 asked -- because I was getting ready, he asked if he
23 could see me.

24 Q. And you complied?

25 A. To some extent, from what I remember, yes.

1 To some extent, but, no, I wasn't sitting there just
2 naked.

3 Q. So you opened your robe; fair enough?

4 A. Fair enough. To some extent, yes.

5 Q. Okay. And when you opened your robe, you
6 didn't have any clothing on underneath. Again, fair
7 enough?

8 A. I'm not sure.

9 Q. Don't know. Well, if you opened up your
10 robe and you didn't have your clothes on, that would
11 be partial nudity, would it not? Your arms would
12 have been --

13 A. I had undergarments, correct.

14 Q. You don't -- you can't even say that, can
15 you?

16 A. I don't remember specifically.

17 Q. Okay.

18 A. But I remember FaceTiming him and -- yeah.

19 Q. And showing him a portion of your body?

20 A. Correct.

21 Q. Nude?

22 A. Or semi-nude.

23 Q. Okay. And, incidentally, you wouldn't
24 have known where EG was when he was receiving that
25 image?

1 A. I knew that he was somewhere close enough
2 that he wanted me to come see him, and I refused to,
3 so I don't know.

4 Q. Okay.

5 A. Arizona, I assume, somewhere.

6 Q. Somewhere in Arizona; right?

7 A. Uh-huh.

8 Q. And this was in the solo vacation that you
9 described as phenomenal?

10 A. Yes.

11 Q. And while you were involved with EG,
12 that's when you met this individual from Arizona;
13 correct?

14 A. Well, from France, yes.

15 Q. And you had a relationship with him; fair
16 enough?

17 A. No, that's not fair enough.

18 Q. You didn't tell EG that you had slept with
19 him?

20 A. No. I did not sleep with him.

21 Q. Had you had any sexual relationships with
22 him?

23 A. I kissed him once in the car.

24 Q. That's it?

25 A. I swear.

1 Q. And you -- I didn't ask you to swear. You
2 already have sworn. This whole testimony is under
3 oath, okay?

4 A. Yes.

5 Q. You don't have to swear again if you're
6 telling me the truth; right?

7 A. Correct.

8 Q. For emphasis or otherwise.

9 A. Correct.

10 Q. You didn't tell him that you had sex with
11 this individual. You didn't tell EG that?

12 A. No, I did not.

13 Q. Did this gentleman from Arizona come to
14 see you?

15 A. Not to see me. He -- his company brought
16 him here that following week. I took him to dinner
17 with some friends, anyway.

18 Q. Did you ever see him alone when he was in
19 St. Louis?

20 A. No. Other than in the car that day or
21 whenever he walked me to my car.

22 Q. At one point you tell PS that you
23 described yourself as a coward. Do you remember
24 that?

25 A. I believe I -- I know what you're talking

1 to or about.

2 Q. You believe you do or you don't?

3 A. I believe I know what you're talking
4 about.

5 Q. Okay. Well, why would you have done that?
6 What did that mean -- what did you mean by that?

7 A. Because I shouldn't have gone to EG's day.
8 I felt I should have stuck with going through
9 everything I was going through with PS first and not
10 gotten involved.

11 Q. So the only reason you would have said
12 that is because you felt you shouldn't have gone to
13 PS's -- I mean to -- I mean, not PS's -- you
14 shouldn't have gone to EG's at all?

15 A. Correct.

16 Q. The context that I was looking at is when
17 he was trying to get you to essentially 'fess up in
18 the car. Do you recall that?

19 A. Correct.

20 Q. And he told you that he knew for sure that
21 you were lying to him; right?

22 A. Correct.

23 Q. And, in fact, you had been -- we'll just
24 put that out there; right?

25 A. Yes.

1 Q. And you said, I -- he says, I deserve to
2 know. I -- I knew that I was being lied to. I knew
3 that you were lying to me. Your response: I
4 couldn't go anywhere with it. He said, Stop. I
5 understand -- I understand, but I'm not the coward
6 that when I lie I make sense of it by apologizing.

7 Do you recall that?

8 A. Yes.

9 Q. So he is saying when he lies he
10 apologizes?

11 A. Yes.

12 Q. And you respond by saying, I'm a coward?

13 A. Correct.

14 Q. Well, that doesn't mean you're a coward
15 for going there in the first instance.

16 A. I didn't recall exactly what we were
17 talking about.

18 Q. That means that you're saying you're a
19 coward because why you couldn't apologize?

20 A. I did apologize, but --

21 Q. But not in this conversation?

22 A. No. I did apologize.

23 Q. But not in -- not in this context?

24 A. No. I did many times, but before that
25 point, I was referring to -- no. I hadn't 'fessed

1 up to him. I hadn't told him yet, and I just
2 shouldn't have done it.

3 Q. You know, I just want to -- so just to get
4 the timeline down again -- and we're going to go --
5 we're going to walk through this, but around the
6 6th to 8th of March, that's when you -- that's when
7 EG resurfaces; right?

8 A. Correct.

9 Q. And we're going to talk about this, but
10 that's when you cut his hair again after about a
11 five-month layoff?

12 A. Yes.

13 Q. And then there's -- we're going to talk
14 about what happened on the 14th when there was a
15 conversation, maybe a meeting; right?

16 A. Correct.

17 Q. And you were smitten with EG? That's an
18 old-school term, but you know what it means; right?

19 A. Yes.

20 Q. Because on the 20th -- redacted -- you
21 tell him you want a divorce?

22 A. Correct.

23 Q. You were serious, were you not? I mean,
24 that's not something you joke about.

25 A. Right. That was an conversation that had

1 continually come up since the beginning of our
2 separation.

3 Q. I get it, but just to be sure --

4 A. Right.

5 Q. And you're certain it was on the 20th --
6 redacted -- that you said you wanted a divorce;
7 right?

8 A. Correct.

9 Q. And timing-wise, that just happened to be
10 when you were making plans or establishing plans
11 that you were going to see EG on the 21st; correct?

12 A. My husband kept bringing it up. That was
13 every single day. You need to say the words. You
14 have to say you actually want a divorce.

15 Q. Okay. So --

16 A. But at this time, he was staying at his
17 brother's house.

18 Q. Ma'am, now that you've answered --

19 A. Sure.

20 Q. -- apparently the question you wanted to,
21 try mine.

22 A. Sure.

23 Q. All right. Timing-wise you tell him you
24 want a divorce on the 20th, yes?

25 A. Yes.

1 Q. And --

2 A. He asked me, I guess, is my point. I
3 didn't come home and just tell him that.

4 Q. But you weren't kidding, were you? You
5 said you wanted a divorce.

6 A. I wasn't kidding, no.

7 Q. And on the 21st was when you knew you were
8 going to meet EG at his house?

9 A. Correct.

10 Q. Just to go through the timing; right?

11 A. Correct.

12 Q. And with respect to that, I'm curious,
13 because I think according to you, he had been a
14 client for approximately a year.

15 A. Or a little longer, yeah.

16 Q. I think you told Tisaby two years prior.
17 Was it a year or two years?

18 A. I'm not exactly sure. I know that it was
19 in between about year and a half, two years.

20 Q. Did -- do you know or have any reason why
21 PS would say that, that you met him in 2011 and had
22 been a client or a customer since that time?

23 A. I have no clue. I don't -- I'm not
24 positive how long he was my client. You could ask
25 him. I'm not sure.

1 Q. But you know it wasn't from 2011. That
2 would be five years?

3 A. Yeah, I don't think so, no. I think it
4 was a couple of years. Yeah, a year or two years --
5 to two years.

6 Q. And I think in describing how you felt
7 about him, EG instantly -- I think you described as
8 having a big crush on him; right?

9 A. Correct.

10 Q. Would that be fair?

11 A. Yes. After the appointments, yes.

12 Q. I think in -- in response to your
13 conversation with PS, you said, so -- yes. I met EG
14 a year ago, and I instantly had a big crush on him.
15 It would help if you would look at me. Do you
16 recall that?

17 A. Yeah.

18 Q. Does that refresh your recollection?

19 A. Uh-huh.

20 Q. So when you said about a year, is that
21 about right?

22 A. Yeah. I would say.

23 Q. And when you talk about a big crush, I
24 mean, it was a seriously big crush, right, you were
25 enamored?

1 A. Yes. I thought highly of him.

2 Q. Well, thinking highly of someone is
3 different than having a crush on somebody; right?

4 A. It could have been, yes.

5 Q. You're old enough to know what a crush
6 means; right? Yes?

7 A. Yes. I would say I had a crush on him.

8 Q. A crush means that you're looking at a
9 person in a sexual sense or an attractive sense;
10 right?

11 A. I would say in an attractive sense, yes.

12 Q. And it caused you almost -- well, it
13 caused you, I think you said, to be feeling insanely
14 guilty?

15 A. Yes.

16 Q. And so much so that you had this crush
17 that you actually couldn't stop your brain?

18 A. Yes. After he hit on me, that's what I
19 was referring to, those -- those couple of weeks
20 leading up to that were extremely difficult.

21 Q. Are you saying he hit on you and flirted
22 with you at the very beginning?

23 A. He did to some extent, but I'm not -- I'm
24 not talking about that, actually. I'm talking about
25 when he put his hand on my leg, when it was blatant.

1 Q. But that's not what you told your husband,
2 just to rephrase it. You said, I met EG a year ago,
3 and I instantly had a big crush on him.

4 A. Correct.

5 Q. Okay. So that would imply at first sight
6 you met him, and you instantly had a big crush. Am
7 I reading that wrong?

8 A. Well, by "instantly," I mean within the
9 first couple of times that I saw him, yes.

10 Q. Okay. Right. And that's how you felt
11 just as soon as you saw him; right?

12 A. Not as soon as I saw him, but, yes, after
13 I got to know him a little bit.

14 Q. Okay.

15 A. Yes.

16 Q. And, I mean, incidentally, I want to ask
17 you this: I'm not trying to delve, but that's what
18 we do in depositions. At one point PS says he's
19 concerned that you're going to hurt yourself. Do
20 you recall that?

21 A. No, I don't recall what.

22 Q. Where he actually looks at you and says,
23 Are you going to hurt yourself?

24 A. No.

25 Q. Towards the end of the conversation he's

1 taping, and you say, I'm sorry for everything; yeah,
2 me too -- redacted -- there's something I need to
3 know. I need to know you're not going to hurt
4 yourself. I don't want to make this to become
5 overwhelming and you do something rash. Do you
6 recall that?

7 A. No. Not at all.

8 Q. Have ever indicated to him that you were
9 suicidal?

10 A. Never.

11 Q. Or had thoughts of hurting yourself?

12 A. Never.

13 Q. Have you ever attempted suicide?

14 A. Never.

15 Q. So you have no idea why your husband would
16 have said --

17 A. Not me.

18 Q. Pardon me? Where he would have looked at
19 you at the end of that conversation and had concerns
20 about you hurting yourself?

21 A. He's had those thoughts, so maybe it
22 was --

23 Q. Projecting?

24 A. Projecting sort of thing. No, I have not
25 had that thought.

1 Q. But you responded by just saying,
2 Seriously; right? You didn't respond by saying, Are
3 you crazy or anything like that?

4 A. I probably said, Seriously? I haven't
5 heard it.

6 Q. So when you first started seeing him
7 within that year, you would be seeing him, what,
8 like, once every three weeks or so for the regular
9 haircut?

10 A. Correct.

11 Q. And as you said, you instantly had this
12 crush; right?

13 A. Right.

14 Q. Okay. And then he doesn't book for five
15 months.

16 A. Correct.

17 Q. And, incidentally, during this time that
18 you had this big crush on him --

19 A. Yeah.

20 Q. -- he never flirted with you?

21 A. He did but not in a -- not in a blatant
22 way, not in a way that I thought was disrespectful
23 or rude at all.

24 Q. Well, a lot of -- I'm sorry -- a lot of
25 customers, especially male clients, it wouldn't be

1 unusual for them to compliment you. Hey, you look
2 pretty; I like your hair; I like your outfit; right?

3 A. Correct.

4 Q. That wouldn't be considered flirting,
5 would it?

6 A. No. Not blatant flirting.

7 Q. Okay. And there would be no reason why
8 you would have, out of all of the things that you're
9 telling PS in that conversation, there would have
10 been no reason why would you have lied to him about
11 whether or not EG ever flirted with you. Would
12 there have been initially?

13 A. No. Right.

14 Q. Okay.

15 A. It wasn't ever blatant.

16 Q. Okay.

17 A. Yeah.

18 Q. So when you said to him that you initially
19 had this, that you used the words "initially"
20 because -- or instant because that's how you felt;
21 right?

22 A. Yeah. I mean, I think I was generalizing
23 after.

24 Q. And you talk about the fact that what
25 attracted you, his personality, that he was

1 motivating, that he did charitable work, all of
2 these things that you learned; right?

3 A. Correct.

4 Q. That he was an author. You read his
5 books; right -- or looked at his books?

6 A. Yes.

7 Q. You went on to say that he never flirted
8 with me, other than complimenting me a couple of
9 times. Is that a true statement?

10 A. Yes.

11 Q. Okay.

12 A. Nothing blatant.

13 Q. Well, you didn't say "blatant," did you?
14 I know you're saying it today, but I'm just going
15 back in time when you were addressing your husband.
16 You use the word, "He never flirted with me other
17 than complimenting me a couple of times"; right?
18 You chose the words "he never flirted with me." Am
19 I misreading it?

20 A. I chose that then, but I'm just saying he
21 never blatantly did.

22 Q. I understand that's what you're saying.

23 A. He brought me in books when he wasn't
24 getting a haircut. That's kind of -- that's kind of
25 flirting, because I didn't ask for the books, or he

1 would -- I feel like, in a sense, yes, he was enough
2 to where --

3 Q. Well, let's put it this way --

4 A. I didn't think he didn't like me at all;
5 it's not that.

6 Q. Well, he was going to you --

7 A. He was just never blatant. He was never
8 rude.

9 Q. Okay. He was going to you --

10 A. Yeah.

11 Q. -- as a stylist?

12 A. Yes. But he also -- I mean, you can just
13 tell if somebody is attracted to you.

14 Q. Let's just put it this way: As of
15 March 24th of 2015, you made the statement, "He
16 never flirted with me" because that's what you
17 believed at that time, when you were saying it to
18 your husband, PS. Yes?

19 A. I believe he never blatantly flirted with
20 me or was out of line.

21 Q. I'm not going to go back and forth. I
22 understand that's what you're saying today, but
23 those are the words you chose back in March; fair
24 enough?

25 A. Those are the words I chose.

1 Q. Okay. Fair enough.

2 Now, he -- he disappears essentially;
3 right?

4 A. Correct.

5 Q. And he disappears for approximately five
6 months; right?

7 A. Yes.

8 Q. When he returns -- and, incidentally, by
9 March, when did -- when did PS actually move out?

10 A. It was the very beginning of March.

11 Q. The beginning of March?

12 A. Yes.

13 Q. Okay. So --

14 A. In with his brother, but then he got the
15 apartment in April.

16 Q. Okay. So he moves out the beginning of
17 March, and then all of a sudden you look, and
18 there's EG back on your books; right?

19 A. Correct.

20 Q. And you paid attention to that; right?

21 A. I noticed it, I know, the day before,
22 because when I came in that morning, I was aware.

23 Q. Well, when you saw him on your books --

24 A. Yes.

25 Q. -- I think you described your reaction as

1 **extremely nervous.**

2 A. Yes.

3 Q. Now, you don't get nervous every time
4 **somebody makes an appointment; right?**

5 A. No.

6 Q. And you don't get nervous when these other
7 **customers that you referred to during the four years**
8 **where you had these horrible feelings that you**
9 **couldn't contain, that you didn't get particularly**
10 **nervous when they scheduled, did you?**

11 A. Not particularly, no.

12 Q. EG -- EG was different for you, was he
13 **not?**

14 A. Yes.

15 Q. And, in fact, I think you made a statement
16 **that you thought he was the perfect man?**

17 A. I did in many ways, yes, but I was also
18 **extra nervous, too, because it had been that chunk**
19 **of time where I didn't know why he didn't come in.**

20 Q. Well, you were sort of nervous that that
21 **morning in anticipation that you were literally**
22 **shaking?**

23 A. Yes.

24 Q. That's how much anticipation you had;
25 **right?**

1 A. Yes. Or I just felt -- I felt -- oh --

2 Q. And you were wondering, I think -- well,
3 what you told the grand jury is that you surmised
4 that the reason you believed he hadn't come in is
5 because he had previously flirted with you.

6 A. Yes.

7 Q. But he hadn't, according to what you told
8 your -- told PS -- what you told PS.

9 A. Well, just --

10 Q. You specifically said he had never flirted
11 with you.

12 A. Well, it wasn't blatant. It was this --

13 Q. Well, I understand you're using the word
14 "blatant" now.

15 A. Correct.

16 Q. But previously you told PS that he had
17 never flirted with you during that period of time
18 you were cutting his hair.

19 A. Right.

20 Q. That's what you said.

21 A. Well, I'm -- I'm referring to -- and even
22 then I was referring to he had not blatantly put it
23 out there.

24 Q. You would agree with me that what you told
25 the grand jury is different, that you believed he

1 hadn't come in because he had been flirting with
2 you. You would believe that is a different
3 statement than what you said to him and said to PS?

4 A. I believe it's more of a statement.

5 Q. Indifferent?

6 A. The added to, yes.

7 Q. And had your instant crush on him
8 subsided, or did you still have a big crush on him?

9 A. I still had a crush on him, yes.

10 Q. And, in fact, I -- I think you -- you
11 actually mentioned to your coworkers that he had not
12 come in; right?

13 A. Correct.

14 Q. That's because how you felt about him?

15 A. Yes.

16 Q. So my coworker sitting next to me knew who
17 he was because she also did one of his family
18 members' hair and commented, Where the heck has he
19 been, because she also knew who he was. And I said
20 to her, I don't know. I don't know. He was having
21 a baby. I don't know if he feels weird about -- he
22 kind of flirted with me, so that was it. It was
23 just really that -- that coworker in particular,
24 because she knew who he was, so ...

25 Q. So you don't notice all your customers

1 that take time off, do you?

2 A. Most of them, I do.

3 Q. So when he comes in that morning, I
4 understand -- understand the way you described was
5 that he was -- you were shaking almost
6 uncontrollably?

7 A. Yes.

8 Q. So much so that EG arrives and said you
9 must not have eaten anything; right?

10 A. Correct.

11 Q. And you sort of told a white lie to him
12 that you had; that's correct?

13 A. Correct.

14 Q. And, essentially, basically, it starts off
15 by him just complimenting you and why you look so
16 good, that you've been doing CrossFit and things of
17 that nature; right?

18 A. Yeah. Well, he ran across the street to
19 get me that stuff, yeah -- yes.

20 Q. And you sort of instantly go into some of
21 the things that you've been -- going on with him,
22 right, or with -- with you about your vacation with
23 your husband and that your husband is controlling?

24 A. Oh, no. That was the time before. That
25 time I told him nothing about my husband, nothing,

1 because I knew that was a very vulnerable place, so
2 I -- I just didn't talk about it. I was still
3 wearing my rings. I didn't talk about it.

4 Q. So when you told EG about the
5 controllingness when he was in the gym, that he
6 followed you to the gym and that you mentioned the
7 vacation, that wasn't on that March -- that first
8 visit in March, March 6 or 7?

9 A. Correct. That was five months prior or
10 whatever.

11 Q. It wouldn't be unusual as you developed a
12 relationship with EG, like most, I would assume,
13 stylists, in particularly with you and EG, that you
14 would share information; right? That you would
15 talk?

16 A. Talk, for sure, yes.

17 Q. And talk about sometimes personal stuff;
18 right?

19 A. Maybe personal. Not necessarily intimate,
20 but definitely personal.

21 Q. Talk about likes and dislikes?

22 A. Yes.

23 Q. Talk about relationships?

24 A. Not necessarily. We -- he and I really
25 didn't. EG and I really didn't, but, yes, with some

1 of my clients.

2 Q. Well, timing-wise, that February --
3 specifically, February 12th and 13th of 2015, the --
4 the movie Fifty Shades came out -- Fifty Shades of
5 Grey.

6 A. Correct.

7 Q. And you're aware of that; right?

8 A. Yes.

9 Q. Did you see the movie?

10 A. Yes.

11 Q. Did you talk to EG about it?

12 A. Not that I recall, no.

13 Q. It's possible, though; right?

14 A. It's possible, but I don't remember it,
15 no.

16 Q. It's possible that you expressed your
17 opinions about the movie, your likes or dislikes,
18 what you thought about it, whether it turned you on
19 or not?

20 A. It's possible, but I don't recall that,
21 no.

22 Q. Well, you're not saying it didn't happen;
23 right?

24 A. I'm saying I don't recall.

25 Q. Okay.

1 A. That conversation, no.

2 Q. So by not recalling it, that's different
3 than saying, no, it didn't happen. Would you agree
4 with that?

5 A. Correct.

6 Q. Okay. So you certainly saw the movie.
7 Did you see it with a group of girls when it first
8 came out, as I -- I mean, I may be wrong, but that's
9 how, typically --

10 A. No. I don't remember.

11 Q. Do you recall who you saw it with?

12 A. No, I don't, actually.

13 Q. Do you recall whether you saw it with PS?

14 A. I could have. I don't remember.

15 Q. Or you could have seen it with
16 girlfriends; right?

17 A. Yeah. I -- I don't remember.

18 Q. And fair to say it was a topic of
19 conversation in the shop, probably, because a lot of
20 people were talking about it; right?

21 A. I believe at that -- I don't know. I
22 don't remember, but I believe so, yes. I know it
23 was a popular thing.

24 Q. Okay. And you think you may have talked
25 about it with EG; right?

1 A. I -- I really don't recall talking about
2 it with him, but ...

3 Q. But it's possible?

4 A. I really don't recall.

5 Q. My question is, is it possible?

6 A. It's possible.

7 Q. Okay.

8 A. I just don't recall the conversation.

9 Q. And is it possible you talked to him about
10 your opinions about that movie. What did you think
11 about it? How did you feel about it?

12 A. I could have, right.

13 Q. You could have; right?

14 A. I don't know.

15 Q. Again, possible; right?

16 A. I don't know.

17 Q. Could you talk -- could you have talked to
18 him about whether or not something like that -- like
19 what -- the content of that movie, whether you found
20 that to be a turn-on, whether you found that
21 enticing or attractive?

22 A. I would not have talked to him about that
23 in the salon, no.

24 Q. Well, you have some privacy in the salon,
25 don't you?

1 A. Not really there, no.

2 Q. In that conversation that you had with PS
3 in the car, incidentally, do you recall talking to
4 EG about potentially whether or not you felt the
5 Fifty Shades content or subject matter was a turn-on
6 somewhere else other than the salon?

7 A. I don't recall a conversation with him
8 about it in general.

9 Q. But you're not saying it didn't happen?

10 A. Right.

11 Q. Okay.

12 A. I'm saying I don't remember.

13 Q. Because something else caught my
14 attention. Because as you were describing the
15 situation to PS, you say, I'm so sorry. Like, I
16 don't even know, PS. I was just -- I was just
17 wanting so bad to get rid of all my thoughts, I
18 thought that would do it.

19 First of all, let's stop there. So you're
20 saying your thoughts about EG were so overwhelming
21 that the only way you could extricate yourself from
22 those thoughts was to meet him on the 21st? Is that
23 what you're saying?

24 A. To have a conversation, yes.

25 Q. To have -- I get that. We'll get there.

1 But that's what -- your thought, that the only way
2 you were going to get rid of these horrible
3 thoughts, as you described them --

4 A. Correct.

5 Q. -- that you couldn't get your brain to
6 stop thinking about it; right? That's what --
7 that's how you've described it.

8 A. Right. During this --

9 Q. You described it as --

10 A. After he -- yes. During that chunk of
11 time. That is what I was referring to. He hit on
12 me, and those next couple of weeks were, you know, a
13 brain (gesture).

14 Q. You just made an expression that the video
15 can pick up, but what you're saying is --

16 A. I'm sorry.

17 Q. -- you've had the problem in the past that
18 you've described over four years where you can't
19 even control your brain and how you think about
20 sometimes other men and being attracted; right?

21 A. No, I have not said that.

22 Q. You said you --

23 A. I could control my brain, right. What I
24 had said was in the past, me finding other men
25 attractive, I felt that was wrong. I felt that was

1 wrong. To me, those were horrible thoughts.

2 Q. You described it as your brain actually
3 going insane; correct?

4 A. I'm not sure what you're referring to.

5 Q. You're describing that you instantly had a
6 big crush on him.

7 A. Correct.

8 Q. You said -- and we went over this -- and
9 he never flirted with me other than he complimented
10 me. That's what you said. Then you said,
11 meanwhile, I did develop a big crush, and I felt
12 insanely guilty.

13 A. Correct.

14 Q. I couldn't stop my brain. I don't know
15 about you, but I can't control my brain as much as I
16 would like to. That's the worst aspect of me. It's
17 been that way since I was a kid. I just can't stop
18 it. Whenever I don't want to think, it does. Does
19 that refresh your recollection of how you described
20 it?

21 A. Yes.

22 Q. That's a pretty intense feeling you were
23 having; right?

24 A. Well, I think prior to this --

25 Q. Well, this is referring --

1 A. Right.

2 Q. -- to you instantly having a big crush.

3 A. Right. But that wasn't a constant thing.
4 I have -- I have a ton of stuff in my life. It's
5 not like EG is on my brain all the time.

6 Q. I'm not saying that you just thought about
7 him all the time; I'm going over how you described
8 it, and I specifically said you described it in such
9 a way that you couldn't even control your brain.
10 That's what you said; right?

11 A. Right. And --

12 Q. Okay. And that these thoughts were almost
13 overwhelming, were they not?

14 A. I'm assuming at times, you know, that's
15 how I felt. Like I said, I have a million things
16 going on in my life, so that wasn't the only thing
17 on my mind.

18 Q. And when you were talking about your
19 involvement with this Fifty Shades of Grey, did you
20 read the book or just saw the movie?

21 A. I read the book, too.

22 Q. All right. So you're particularly
23 interested in it; right?

24 A. Me and most women, yes.

25 Q. I'm not saying you were on an island; I'm

1 just saying you read the book. When did you read
2 the book?

3 A. Prior to the movie coming out, so I'm not
4 sure.

5 Q. Okay. So within 2015?

6 A. Correct.

7 Q. Okay. Did you read -- have you read all
8 three books?

9 A. I believe so, yes.

10 Q. Have you seen all three movies?

11 A. No, I have not.

12 Q. Two movies?

13 A. I think just the first one.

14 Q. But you've read all three books?

15 A. Yes.

16 Q. And at some point when you're telling PS
17 that you can't get rid of all these thought, he
18 responds by saying, A woman who was raped and
19 blackmailed Fifty-Shades-of-Grey style, how F'ng
20 poetic, and you never came. How long does it --
21 what do you mean? Like, 30 minutes in the morning
22 and then I don't know how long -- how long I was
23 there -- 45 minutes. Do you recall that?

24 A. Yes.

25 Q. So do you know what -- when somebody

1 refers to the term "poetic," have you used that term
2 before?

3 A. Not necessarily.

4 Q. Do you know what it means?

5 A. I believe so.

6 Q. Have you ever used a term like "poetic
7 justice"?

8 A. No.

9 Q. Do you know what that means?

10 A. Can you tell me what it means?

11 Q. Well, like -- it's almost -- there's a
12 sense of irony that something happens to somebody in
13 such a way, in such a fashion that's almost, like
14 predetermined or predestined.

15 A. Right. So you're saying that that was
16 referring to something else?

17 Q. Well, I -- I wasn't in this conversation;
18 you were.

19 A. Yeah.

20 Q. So what I'm asking is, your husband, PS,
21 is saying a woman who was raped and blackmailed
22 Fifty-Shades-of-Grey style, how F'ing poetic. Do
23 you recall him saying that to you?

24 A. Kind of, yes.

25 Q. So was Fifty-Shades-of-Grey style

1 something that you and PS engaged in at times?

2 A. No, we did not.

3 Q. That comment, I'm assuming, was referring
4 to -- that was the talk amongst women. Other wives,
5 girlfriends, whatever, and men, including my husband
6 were -- didn't like that, per se.

7 Q. Didn't like it?

8 A. Right.

9 Q. Had you expressed to your husband how you
10 felt, how you were turned on by it? Is that what he
11 was referring to when he said Fifty Greys --
12 "Fifty-Shades-of-Grey style; how poetic"?

13 A. No.

14 Q. Had you discussed with him that you
15 actually thought it was -- that that was a turn-on?

16 A. No.

17 Q. A sexual turn-on?

18 A. No. But he knew I read the books. I
19 think it was really that this was super relevant.
20 This was everywhere, and something like that
21 happened to me and went wrong.

22 Q. When he came in that day, I think you
23 had -- let me back up.

24 Are you saying that on that first visit in
25 early March -- I think the 7th was a Sunday, so I

1 guess we can assume it was the 6th or the
2 7th; right?

3 A. Correct. Maybe the 5th or 6th, yeah.

4 Q. And, incidentally, if -- if you're saying
5 you weren't particularly attracted or turned on by
6 these books -- these novels, why would you have read
7 all three? Why wouldn't you just quit at one?

8 A. I haven't said I wasn't. I'm not saying I
9 didn't like the books. I liked the books.

10 Q. Did you like the content?

11 A. Sure. Some of it, sure.

12 Q. Did you find it stimulating?

13 A. Sure. Some of it.

14 Q. Did you find it attractive?

15 A. Some of it.

16 Q. Did you find it to be a turn-on?

17 A. Sure. Some of it.

18 Q. Now, when he came in that first day, is it
19 your testimony you didn't talk to him at all about
20 your husband or his -- his insecurities?

21 A. Correct.

22 Q. Not a word?

23 A. Not that day, I did not.

24 Q. So it would have been unusual for him to
25 have commented that he would have been surprised by

1 the type of man that you're with, that he would have
2 expected you to be with a really tall or confident
3 and handsome man?

4 A. No. That was the time before. That was
5 in August. That -- all of that conversation
6 happened in August or whenever that was -- that he
7 didn't come in for a chunk of time.

8 Q. So that was in August when you said that
9 you described your husband as sort of a small guy
10 and he was an artist and he's not very secure.

11 A. Correct.

12 Q. And that's when you took EG's action by
13 standing up next to you as some -- as actually some
14 sort of -- showing that he's taller or something?

15 A. Correct.

16 Q. But he never said that to you; right?

17 A. I don't believe so.

18 Q. He -- that was just an assumption you
19 made?

20 A. Correct.

21 Q. And I just want to be -- I just want to be
22 certain again. Have you never read your grand jury
23 testimony?

24 A. No, I have not.

25 Q. Never?

1 A. No, I have not.

2 Q. Has anybody provided it to you?

3 A. No. I haven't seen it.

4 Q. Have you ever had a copy of it?

5 A. No.

6 Q. So the only thing you've been provided to
7 you was the copy of the conversation you had with
8 PS?

9 A. Correct.

10 Q. And you maintained possession of that?

11 A. No. I don't have it.

12 Q. Who provided it?

13 A. I think I might have -- that in e-mail
14 form.

15 Q. Who provided that to you?

16 A. My attorney.

17 Q. So I think we covered how you were feeling
18 towards EG when he came in; right?

19 A. Correct.

20 Q. I mean, there was some serious physical
21 attraction.

22 A. Just attraction in general, yeah.

23 Q. I mean, again --

24 A. I --

25 Q. -- you were visibly shaking; right?

1 A. Correct.

2 Q. And then you shampooed him, and this is
3 when you say that he touched your leg; right?

4 A. Correct.

5 Q. Now, tell me how long it takes to go
6 through this process of shampooing.

7 A. Probably five minutes.

8 Q. And you were sharing with him, certainly,
9 information that was going on in your life, like
10 what you were doing at school, your professor,
11 something of that nature; right?

12 A. Correct.

13 Q. And you said at that point you started to
14 feel his hand on your leg?

15 A. Correct.

16 Q. You knew he was coming in that morning;
17 right?

18 A. Correct.

19 Q. And do we know whether it was a -- do you
20 know what time he had came in?

21 A. It was morning. He was my first client.

22 Q. Early morning?

23 A. I'm not sure because -- if it was a
24 Friday, it would have been ten. If it was a
25 Saturday, it would have been eight, so I'm not sure.

1 Q. When you were getting dressed they did,
2 you keep in mind that he was coming in that day, you
3 knew it?

4 A. I could have. But we have a uniform,
5 so -- we have a T-shirt and pants.

6 Q. A T-shirt and pants?

7 A. Yes.

8 Q. What kind of pants?

9 A. Just black pants.

10 Q. Everybody is dressed in the same outfit?

11 A. Similar, yes.

12 Q. Did you pay attention to the way you
13 looked that morning, other than -- as opposed to
14 other mornings?

15 A. I'm sure I did to some extent or ...

16 Q. Right. Well, I mean --

17 A. I had to anyways. As a hairstylist, you
18 have to do your hair. You have to do your makeup.

19 Q. Right. As a hairstylist, that has to do
20 with their hair and makeup, and you know that this
21 guy that you have a big crush, that you're visibly
22 shaking and thinking about, almost to the point
23 where your brain can't control it, you may pay
24 particular attention to it; right?

25 A. Sure.

1 Q. And as he sat down at the shampoo bowl,
2 you're stating that he then starts to caress -- rub
3 your leg; right?

4 A. Correct. Correct.

5 Q. And at first I think you said you ignored
6 it.

7 A. Correct.

8 Q. And according to you, you claim that he
9 eventually works his way up to your crotch.

10 A. Correct.

11 Q. Now, does he actually touch your crotch --
12 your vagina?

13 A. He touched on the outside, yes.

14 Q. You had pants on?

15 A. Yes.

16 Q. How long of a period of time did he keep
17 it there?

18 A. Zero seconds. I backed up then.

19 Q. How long had he been on your leg before
20 you took any action during this five-minute
21 shampooing?

22 A. It was at the ended of the shampoo. So I
23 was finished shampooing, and I was standing next to
24 him still talking, but he was lying back. Maybe --
25 I don't know -- a few seconds. It wasn't lasting

1 the whole time, I guess.

2 Q. And tell me again what you claim your
3 response was.

4 A. To him?

5 Q. Right.

6 A. What are you doing? And he just looked up
7 at me and kind of shrugged his shoulders like, I
8 don't know.

9 Q. What are you doing or Whoa, what are you
10 doing? Anything like that?

11 A. Something to that effect, yes.

12 Q. Did you say to him or is it possible you
13 said, You're driving me crazy?

14 A. No.

15 Q. You've had situations in the past where
16 your shop -- where you had to terminate clients, did
17 you not -- have you not?

18 A. We have.

19 Q. Okay. And, certainly, was that an option?

20 A. Correct.

21 Q. You could have asked him to leave?

22 A. Correct.

23 Q. You could have called security?

24 A. Correct.

25 Q. You could have called the police?

1 A. Correct.

2 Q. If you felt he touched you inappropriately
3 so that he committed an offense; right?

4 A. Right.

5 Q. You didn't do any of those things; right?

6 A. Right.

7 Q. This was a man you had an extremely
8 serious attraction to?

9 A. Yes. I wasn't angry at him for doing
10 this; I was shocked.

11 Q. And you sure -- are you sure you said --
12 that you didn't say, you're driving me crazy?

13 A. Correct.

14 Q. You're known around -- well, there's been
15 occasions, for instance, around your shop -- your
16 salon that you use curse words; right?

17 A. Not like -- on occasion. I mean, no, not
18 regularly.

19 Q. Well, I understand. But isn't one of your
20 running jokes is that if you use you the F word --
21 if you say the F word, you have said that it was
22 when you were horny?

23 A. Never. I have no clue what you're talking
24 about.

25 MR. BARNES: The next series -- I think

1 Representative Austin was wearing down at the end.

2 MR. AUSTIN: No, no.

3 MR. BARNES: Do we want to take a short
4 break while they're printing those?

5 Ten minutes again.

6 (A recess was taken.)

7 MR. BARNES: We are back from recess. We
8 left off with -- the two gentlemen to the left here
9 just went through a hundred pages. Representative
10 Trent has got to skip one of his times. We're going
11 to go back to the 20-page increments. The plan is
12 to do the next 100 pages and then to call it a
13 night.

14 So.

15 MR. RAZER: There is an overlap.

16 MR. BARNES: The first two lines of 201.

17 MR. TRENT: The first page is 101 and the
18 last page is 200, so I believe starting on page --
19 page 200, line 25.

20 Are we ready to proceed, Mr. Chairman?

21 MR. BARNES: I am ready if you are ready.

22 MR. TRENT: All right.

23 (The following testimony was read from the
24 first cross-examination transcript of "KS" by
25 Mr. Scott Rosenblum on April 6th, 2018, narrated by

1 Representative Curtis Trent and Representative Greg
2 Razer.)

3 Q. Have your coworkers ever said anything to
4 the effect that when you use the word --
5 expletive -- that means you're -- expletive?

6 A. I have no clue what you're talking about.

7 Q. Have your coworkers ever suggested to you
8 in response to something that you've said or
9 something that you've expressed or a word that you
10 used that they would have said, Hey, you should call
11 EG -- EG?

12 A. I have no clue what you're talking about.

13 Q. Did you respond to them at that point, or
14 do you believe you responded to him when you claim
15 that he touched your -- expletive -- in a way that
16 you just described, that you said, is that why you
17 have not come here?

18 A. Yes. But not in that moment. We went
19 back to my chair while -- where I was drying his
20 hair, and that's -- I kind of looked at him in the
21 mirror and said that quietly in the mirror, and he
22 just said, I don't know, maybe.

23 Q. Now, you relayed this information to PS,
24 did you not?

25 A. I'm not sure if I did or not.

1 Q. I think you said at first you ignored it;
2 right?

3 A. Correct.

4 Q. When he started touching and caressing
5 your leg.

6 A. Yes.

7 Q. You didn't tell him to stop; right?

8 A. No. Correct. I was shocked. I didn't
9 think it was really happening.

10 Q. And, in fact, you never told him that he
11 needed to stop?

12 A. Well, I did. I said, What are you doing,
13 and backed up.

14 Q. But you never used the words "you need to
15 stop"?

16 A. I never used those exact words, no.

17 Q. And so when you told your husband that
18 your response was -- in that conversation that was
19 on the tape that you said, EG, you need to stop, and
20 he said, What, and you said, You need to stop, that
21 would not have been accurate; right? That was sort
22 of, like, an exaggeration to your husband,
23 potentially?

24 A. I don't know. I could have said something
25 to that effect.

1 Q. Well, it's a little bit different than you
2 said to the grand jury or just now; right?

3 A. I honestly didn't read that part, so I
4 don't know. That -- that does kind of sound
5 familiar. I could have said something like that,
6 but I'm positive I said, What are you doing?

7 Q. Do you know what else you didn't tell your
8 husband during that conversation?

9 A. What?

10 Q. That he touched your -- expletive. Why
11 did you leave that out?

12 A. I'm not sure. Probably because I was
13 telling my husband and this is someone who was upset
14 with me for years for flirting with somebody, so ...

15 Q. Well, he was upset for years over flirting
16 with customers; right?

17 A. No.

18 Q. So he's upset over flirting generally?

19 A. No. With that guy -- I'm saying in Vegas.

20 Q. Right?

21 A. Right.

22 Q. So when you started to tell your -- your
23 husband and -- and -- and to be sure, and to be
24 certain, the premise of this whole powwow was
25 that -- as is your husband want, as is his practice,

1 he was -- you knew he was going to ask you every
2 little specific detail; correct?

3 A. Correct.

4 Q. That was his rule; correct?

5 A. Correct.

6 Q. And you knew that's what you were in for;
7 right?

8 A. Not necessarily going into this. I knew I
9 had to get this off my chest.

10 Q. And you specifically did not tell PS
11 anything about him touching anything other than your
12 leg. No mention about the -- expletive?

13 A. Well, that wasn't intentional, as far as I
14 remember. But it makes sense that I wouldn't want
15 to just say he did this and he did this. I wasn't
16 trying to throw him under the bus.

17 Q. So you're saying that it wasn't a specific
18 live admonition?

19 A. Right.

20 Q. And -- but you had another opportunity to
21 talk to Tisaby; right?

22 A. Correct.

23 Q. And you started, and you asked, and -- and
24 you're aware that we took Tisaby's deposition,
25 obviously; right?

1 A. Yes.

2 Q. So if Tisaby said in that deposition that
3 in response to him touching your -- expletive --
4 that you said nothing at all --

5 A. That was his recollection.

6 Q. Well, his recollection --

7 A. Yeah.

8 Q. -- of a two-hour interview where you're
9 supposed to talk to him; right?

10 A. Correct.

11 Q. By the way, did -- did he ask any
12 questions during those two hours, any questions at
13 all?

14 A. I know he asked me to clarify stuff, but
15 not, like -- what did you mean by -- what did you
16 mean by "questions"? Outside of what I was talking
17 about?

18 A. Well, no. I mean, I don't -- I'm not
19 asking if he asked you questions about, for
20 instance, what sports team you like. I mean, you
21 were talking about specific events related to EG;
22 right?

23 A. Correct.

24 Q. And you talked to the man for two hours or
25 more; right?

1 A. Around there.

2 **Q. That would be considered a conversation;**
3 **correct?**

4 A. Truly, it was me explaining the story. He
5 would stop me and say, Can you clarify this, stuff
6 like that.

7 **Q. So it's your recollection is all he said**
8 **was, Can you clarify?**

9 A. I'm not sure what else, no. I don't
10 remember any other specific conversation or
11 questions at all.

12 **Q. He wouldn't say anything like, What do you**
13 **mean? What happened next? How did you feel? How**
14 **did it make you feel? What were you thinking?**

15 A. Possibly.

16 **Q. He didn't ask any of those questions?**

17 A. He might have.

18 **Q. That would certainly make sense; right?**

19 A. Yeah.

20 **Q. That would make more sense than a person**
21 **speaking nonstop for two hours, wouldn't it?**

22 A. Yes. But I did, really. I told my story.

23 **Q. Well, I get that you told your story.**

24 A. Yeah.

25 **Q. But my question is, in the course of you**

1 telling your story, if the man was asking you
2 questions.

3 A. Maybe just in that --

4 Q. In the context?

5 A. In context, right.

6 Q. Sure.

7 A. It wasn't question, answer; question,
8 answer. That's not how it was.

9 Q. And you can't say why he said that you
10 said nothing after this event that you claimed
11 happened?

12 A. Well, he recollected it wrong, I guess.

13 Q. Now, to be certain, you understood him
14 touching you in a way -- in such a way that was
15 sexual in nature; right?

16 A. Yes. Physical.

17 Q. There wasn't any doubt about that; right?

18 A. No. That it was -- that it was physical
19 to me, yes.

20 Q. And as he left that day, and you had your
21 parting conversation, you were intrigued, were you
22 not?

23 A. Yes. After he left, for sure.

24 Q. And all of those thoughts that you were
25 having that -- that caused you to physically shake,

1 **they were in your mind still; right?**

2 A. Well --

3 **Q. This man that you thought was perfect.**

4 A. Right. I don't know exactly what was in
5 my mind, but ...

6 **Q. But certainly you were intrigued; right?**

7 A. Correct.

8 **Q. Fascinated?**

9 A. Not necessarily. I mean, more just -- I
10 wanted to know what -- what this was all about.

11 **Q. You were, what, 32 at the time?**

12 A. Correct.

13 **Q. I mean, you're not naive, are you?**

14 A. It depends on what you mean by that.

15 **Q. Well, you've been in relationships; right?**

16 A. Yes.

17 **Q. You've been out and about in social
18 situations?**

19 A. Correct.

20 **Q. Both as a married and as a -- and a single
21 woman; correct?**

22 A. Correct.

23 **Q. You certainly know well and good what
24 flirtation is, what a come-on is, and what it means
25 to be intrigued by a man, what it means to be**

1 **interested; right?**

2 A. Right.

3 Q. I mean, you believe that EG was the guy --
4 **was this perfect man?**

5 A. I believed he was a really great person,
6 yes.

7 Q. And your marriage was on the rocks?

8 A. Correct.

9 Q. And as your brain that you couldn't
10 **control would wander at times, it would wander in a**
11 **way that you would visualize yourself with him in**
12 **the future?**

13 A. No. That wasn't part of it; it really
14 wasn't. I'm not that kind of person going ten years
15 in the future or anything like that.

16 Q. I'm not asking about ten years; I'm asking
17 **about just going forward --**

18 A. No.

19 Q. -- whether or not in your mind if your
20 **marriage was truly over.**

21 A. Right.

22 Q. And you just told the guy you wanted a
23 **divorce; right?**

24 A. Correct.

25 Q. And he separated from you; right?

1 A. Right.

2 Q. So at least in your mind, your marriage,
3 if not over, was dangerously on the rocks?

4 A. Correct.

5 Q. And you were potentially going to enter
6 the world of being a single woman again?

7 A. Correct.

8 Q. And you now meet a person that you've
9 described as perfect?

10 A. Correct.

11 Q. And it causes you to shake uncontrollably?

12 A. Correct.

13 Q. Now, you were not ever once considering
14 whether or not this could be a relationship?

15 A. No. Not at this point, because he was
16 married.

17 Q. Well, so were you.

18 A. Right. But I knew where my relationship
19 was.

20 Q. But you didn't know where his was?

21 A. Right.

22 Q. And you're still saying you didn't wonder
23 whether or not this could be something, whether you
24 could build a relationship? Your mind never went
25 there?

1 A. That wasn't -- I mean, that was part of
2 the -- that was part of the intrigue was, is that
3 possible.

4 Q. Right.

5 A. Does that make sense?

6 Q. Yes. That was my question. That's why
7 you were intrigued, because you were wondering, is
8 it possible for you to be with a man that you
9 believed was perfect. Is that a potential
10 possibility in your future at some time, no matter
11 how long or short? That's what was causing you to
12 be intrigued, yes?

13 A. Yes. That was part of it.

14 Q. Okay. All right.

15 A. It was, I think, just curious about the
16 whole -- all of the feelings surrounding this, that
17 he had and I had both.

18 Q. And he shows up later in the day to drop
19 off a book; correct?

20 A. Correct.

21 Q. On -- redacted -- March 7th, you receive
22 an e-mail, I believe; correct?

23 A. Correct.

24 Q. Asking to contact you; right?

25 A. Right.

1 Q. And, certainly, nothing at that point
2 caused you not be intrigued; right?

3 A. Correct.

4 Q. So you are sort of faced with a dilemma,
5 right, because he's asking for your number.

6 A. Correct.

7 Q. And what you know is two things: You want
8 to establish a way to continue to communicate with
9 this man that you're intrigued by, but you also know
10 that you have essentially an insanely controlling,
11 jealous, stalking husband that you don't want him to
12 find out that EG called you?

13 A. Correct.

14 Q. So you had to deal with that dilemma;
15 right?

16 A. Correct.

17 Q. And the way you dealt with it was to send
18 some sort of information to him that would
19 accomplish two things: To try to send a message
20 that would accomplish that I get it, there's a --
21 there's mutual attraction, but at the same time, try
22 to dissuade him from using that number. Did I get
23 that right?

24 A. Correct.

25 Q. So the tightrope you walked at that time

1 was, Hey, it's just best to contact me at the
2 office, but here is my number?

3 A. Correct.

4 Q. So you put it out there?

5 A. Yes.

6 Q. And then you engaged in the deceitful
7 conduct to cover it up by saying it was your friend,
8 yes?

9 A. I --

10 Q. There's no other way to describe it. You
11 can try all day, but it wasn't honest.

12 A. I wasn't trying to deceive my husband. I
13 think that's why I'm uncomfortable with it, because
14 I wasn't trying to do anything other than -- I want
15 to avoid him jumping to conclusions at this point.

16 Q. Well, how about this: Regardless of what
17 you're trying to do, the sum total of your actions
18 was to engage in deceitful conduct for whatever your
19 motives were. Yes?

20 A. Can you rephrase that?

21 Q. Sure. Regardless of what you were trying
22 to do, the result of your conduct was to engage in
23 deceitful conduct for whatever your motives were.
24 You could justify --

25 A. Right.

1 Q. -- in your brain all you want, but your
2 action were deceitful. Yes or no?

3 A. They were viewed -- they could be viewed
4 as deceitful.

5 Q. Okay. Probably viewed by every other
6 human being on earth as being dishonest behavior.
7 Fair to say?

8 A. I -- I don't know what other people think.

9 Q. Well, you know what you would think if
10 somebody told you that story. You would think that
11 was deceitful or dishonest if you heard it told to
12 you by somebody else, yes?

13 A. Maybe if this was a totally different
14 situation, but knowing my husband, knowing the
15 situation we were in, I knew if he sees this, he's
16 going to instantly jump to conclusions.

17 Q. I get it.

18 A. It's going to turn into some sort of
19 crazy, crazy thing. So, anyways, I wasn't trying to
20 do anything deceitful.

21 Q. But you did.

22 A. You feel that way.

23 Q. Now, I believe you stated that on
24 March 7th, that you had a missed call from him.

25 A. Yes.

1 Q. And you only knew that because of the 202
2 number?

3 A. Correct.

4 Q. So at that point, you knew that
5 potentially you could have an issue, because you had
6 missed a call from --

7 A. Correct.

8 Q. -- a 220 number?

9 A. Correct.

10 Q. And you could have an issue with PS --

11 A. Correct.

12 Q. -- because he's all over your phone
13 records.

14 A. Correct.

15 Q. And potentially has an app on your phone?

16 A. Potentially.

17 Q. That you had thought about; right?

18 A. Right.

19 Q. So other than this missed call that you
20 had on March 7th, you had no contact with EG;
21 correct?

22 A. Correct.

23 Q. But you still were overwhelmed with these
24 thoughts that you have described about him during
25 that week?

1 A. Yes.

2 Q. And these thoughts that you were
3 describing were such that you couldn't even sleep.
4 As you said, you couldn't control your brain; right?

5 A. I don't remember my --

6 Q. That's what you said?

7 A. Right. Right. I don't remember my
8 sleeping being disrupted at that point, no.

9 Q. And I'm not saying you thought about him
10 24/7, but it was occupying a lot of your
11 uncontrollable thought?

12 A. Yes. I was very curious as to what was
13 going on.

14 Q. Curious is one word; intrigued is another;
15 turned on could be another; attracted could be
16 another. You're shaking your head that you agree
17 with me, yes?

18 A. I'm agreeing that those are different,
19 yes.

20 Q. Well -- different that could apply?

21 A. Yes. I was curious. Yes, I was
22 intrigued.

23 Q. Yes, you were attracted?

24 A. I was attracted to him.

25 Q. Yes, you were turned on?

1 A. No. I was not turned on by him yet.

2 Q. Well, all of these thoughts also had some
3 sexual component, because that's just human nature.
4 When you look at the opposite sex --

5 A. Right.

6 Q. -- and you're attracted, you're attracted
7 almost by way of pheromones. You were attracted
8 sexually; right?

9 A. Yes. But I wasn't fantasizing about him,
10 I guess.

11 Q. Well, were you fantasizing about anybody?

12 A. No. Not at this time.

13 Q. Were you fantasizing about the book you
14 just read, *Fifty Shades*?

15 A. I can't remember what I was thinking about
16 in particular.

17 Q. But, certainly, in -- in those thoughts
18 were a sexual component with regard to EG, yes?

19 A. Not that I remember. I just know this
20 time was driving me crazy that I -- I could not --
21 I -- I definitely was thinking about him a lot.

22 Q. Driving you crazy? I mean, you weren't
23 being driven crazy thinking about what he was doing
24 for a living, right; you were being driven crazy
25 because you were thinking of -- thoughts about him,

1 **about your attraction, about your sexuality towards**
2 **him. That makes sense. Would you agree?**

3 A. I really don't remember exactly what I was
4 thinking at that time. I knew I really liked him.
5 I knew I thought about him a lot during this --
6 those couple of weeks or whatever after that
7 happened.

8 Q. **During those couple of weeks?**

9 A. Yes.

10 Q. **Well, in fact, what you thought was going**
11 **to happen did, in fact, happen, and PS tracked down**
12 **the number; right?**

13 A. Correct.

14 Q. **And, in fact, he played it off as saying,**
15 **Hey, I'm just looking for -- redacted's -- number?**

16 A. Correct.

17 Q. **Now, you were separated; correct?**

18 A. Yes.

19 Q. **And when -- when you were separated and he**
20 **was living with his brother during this period of**
21 **time, how often were you with him?**

22 A. Often, because he -- the kids didn't stay
23 over there, so he would come pick up the kids, stay
24 with the kids at my house --

25 Q. **Would you --**

1 A. -- while I was gone and stuff.

2 Q. How often would you physically be in his
3 company?

4 A. I would say most days, yes.

5 Q. So when you said that he -- so he would
6 have -- are you assuming that he physically looked
7 for -- through your phone?

8 A. That's what I think, yes.

9 Q. Okay. Do you know?

10 A. I don't know for sure.

11 Q. So it could have been the app; it could
12 have been he physically looked through the phone?

13 A. Yeah. It could have been anything.

14 Q. And was he friends with -- redacted?

15 A. Not really, no.

16 Q. Had he ever called her in the recent past?

17 A. No.

18 Q. Would there have been any reason for him
19 to look for her number?

20 A. No.

21 Q. So you knew that that was sort of BS that
22 he said, I was looking for the number; right?

23 A. I felt that way, yes.

24 Q. And I think you said that it was like
25 three or four days after the 7th or the

1 6th, whenever you cut his hair?

2 A. Yes.

3 Q. So at that -- and, incidentally, when he
4 approached you about that, because EG had left a
5 voicemail, did he listen to the voicemail?

6 A. No. He called and heard EG's voicemail.

7 Q. EG's voicemail?

8 A. Correct.

9 Q. Was it EG or was it SG, his wife? Do you
10 know?

11 A. Oh. I have no clue. I -- I believe he
12 told me it was EG.

13 Q. And he approached you about that; correct?

14 A. Correct.

15 Q. And you lied?

16 A. What do you mean?

17 Q. Do you know what a lie is?

18 A. Well, I didn't. I mean, the conversation
19 was, why the heck did he call you? Because I hadn't
20 talked with EG yet at this point, so I don't
21 remember what I told him exactly why at that point.
22 I know eventually, you know, he asked me the
23 contents of our conversation, but I don't believe
24 that first time I had anything to say about it
25 because I missed the call. But EG and I spoke on

1 the 14th, and I -- I believe that's the conversation
2 my ex-husband also asked me about, and I -- that's
3 the one I told him.

4 Q. Well, actually, he asked you about the
5 voicemail that he called or found out it was --

6 A. Uh-huh.

7 Q. -- EG, okay?

8 A. Correct.

9 MR. BARNES: We're at 20 if you guys want
10 to switch.

11 MR. PIERSON: I'm fine with switching.

12 MR. BARNES: Okay.

13 (The following testimony was read from the
14 first cross-examination transcript of "KS" by
15 Mr. Scott Rosenblum on April 6th, 2018, narrated by
16 Representative Greg Razer and Representative Tommie
17 Pierson, Jr.)

18 Q. And a couple of things. What you told him
19 was, in fact, you sort of just played it off: I
20 don't know; he was getting a hold of me for an
21 appointment or whatever. That's what you told him;
22 right?

23 A. That's fair.

24 Q. And -- and you knew that not to be true?

25 A. I didn't believe that to be true, no.

1 Q. Okay. So, of course, then, if you did not
2 believe that to be true, that would also indicate
3 that you had not -- that that would not have been a
4 true statement in your mind?

5 A. Correct.

6 Q. So when you answered that question to the
7 grand jury, when Ms. Gardner asked you -- and at
8 that time, that was a true statement in your mind
9 when you answered, right? Then was that --

10 A. Well, it could have been. I mean --

11 Q. I'm just asking.

12 A. Right.

13 Q. You just heard the line of questioning.
14 I'm not asking you to explain; right? I just asked
15 you --

16 A. Right.

17 Q. -- if you knew it not to be true -- not to
18 be a true statement in your mind, and you just
19 answered, yes; correct? Do you remember that series
20 of questions? If not, I can read them back.

21 A. I don't really remember in particular,
22 but ...

23 Q. No. Do you remember the question that I
24 just asked you about, whether or not that was a true
25 statement in your mind, that that was just an

1 innocuous call where he was trying to get ahold
2 of -- where he was getting -- trying to make an
3 appointment, and your answer was, no, I knew that
4 wasn't a true statement in my mind. Do you recall
5 --

6 A. Well --

7 Q. -- that series? I mean, I can read it
8 back.

9 A. Right.

10 Q. Okay. You recall just having that
11 conversation?

12 A. Correct.

13 Q. Okay. Do you recall when you answered to
14 the grand jury, right -- that was a true statement
15 in my mind that, in fact, I believe he was getting
16 ahold of me for an appointment. Do you recall
17 saying that to the grand jury?

18 A. No, I don't. However --

19 Q. Stop. If you said that to the grand jury,
20 that would not have been true, because you can't
21 have it both ways, ma'am.

22 A. Right.

23 Q. Okay. Can we agree with that?

24 A. That first phone call, though, it was just
25 a missed call, so my point is --

1 Q. I'm not talking about that.

2 A. It could have been about anything. He
3 could have been calling about an appointment.
4 That's what he e-mailed me about.

5 Q. He could have been calling about martians,
6 but that's not what you were being asked by me, and
7 it's not what you were being asked by the grand
8 jury. Can we agree with that?

9 A. How I took the question to be for the
10 grand jury was could that have been why he was
11 calling? It could have been.

12 Q. Okay.

13 A. I hadn't spoke to him yet.

14 Q. Interestingly enough --

15 A. Yeah.

16 Q. -- I would assume, just like I began at
17 this deposition, when I said if you don't understand
18 any of the questions, restate them; right?

19 A. Correct.

20 Q. And you had that same ability during the
21 grand jury; right, if you didn't understand a
22 question, to have it restated?

23 A. It wasn't this type of setting, no.

24 Q. I understand. But, certainly, everybody
25 wanted to be on the same page; right? Nobody said,

1 just go guess. That wouldn't make sense, would it?

2 A. Correct.

3 Q. So when she asked the question -- and at
4 that time, that was a true statement in your mind,
5 and your response was, Right, okay, was there
6 anything that -- about that question you didn't
7 understand at the time?

8 A. No. I think --

9 Q. Okay.

10 A. -- it could have taken multiple ways.
11 Maybe that's how I took it.

12 Q. Let's talk about your next contact with
13 EG. And that would have been when you had a girls'
14 night at the CWE; right?

15 A. Correct.

16 Q. This was at El Burro Loco; right?

17 A. Correct.

18 Q. And it was at that time that, I believe,
19 you reached out to EG?

20 A. Correct.

21 Q. He didn't invite you to, at that point;
22 you reached out to him. You hadn't had any contact
23 that week?

24 A. Correct.

25 Q. We just established the degree of which

1 you were thinking about him; right?

2 A. Correct.

3 Q. And you decided to take it on your own to
4 reach out to him, just like men and women do all the
5 time to pursue your attraction, yes?

6 A. Well, also, to call him back, because all
7 week long I hadn't called him back yet.

8 Q. Well, you had that missed call?

9 A. Correct.

10 Q. And you chose a time when you were out
11 with your girlfriends for happy hour?

12 A. Correct.

13 Q. How many drinks had you had?

14 A. I don't know. I'm not a heavy drinker, so
15 a drink, maybe.

16 Q. But when you drink, do you feel it?

17 A. Sure.

18 Q. Fair to say you may have been a little
19 more emboldened by your cocktail when you made that
20 call?

21 A. Possibly.

22 Q. And it was obvious to you, when you made
23 that call, that he was in a space where he couldn't
24 really talk?

25 A. Correct.

1 Q. And I think you described to the grand
2 jury that you started talking in some sort of code;
3 right?

4 A. Correct.

5 Q. Well, you didn't need to talk in code, did
6 you? No one was listening at your end.

7 A. No. He -- he possibly would not have been
8 okay with that. He was like, what are you talking
9 about? It was very clear that he did not want to
10 have this conversation over the phone.

11 Q. What conversation were you trying to have?

12 A. What happened. I keep thinking about it
13 all week long. What happened?

14 Q. Well, as you're thinking about it, I want
15 you to think about this: When you called him and
16 you spoke in this code, did you say something to the
17 effect that, Look, I have a friend that is curious
18 about an experience she's having. I have a friend
19 that is obsessed with a guy and can't get this guy
20 off her mind. Did you possibly say that to him?

21 A. I know I was speaking about there's this
22 friend that I have -- yeah. So it was something
23 along those lines.

24 Q. Along the lines that this friend was
25 obsessed with some guy; right?

1 A. Not obsessed, but, yes.

2 Q. Well --

3 A. I --

4 Q. What word would you have used instead of
5 "obsessed"?

6 A. Well, was thinking about him and so
7 curious what happened.

8 Q. But to be clear, when you're describing it
9 in terms of this friend that has this -- what word
10 do you want to use -- obsession, that she's thinking
11 about him, this attraction -- I mean, you knew
12 damn -- darn well that this friend was you and that
13 was --

14 A. Correct.

15 Q. -- the message you were conveying to it?

16 A. Correct.

17 Q. You weren't talking to him at that time --
18 I'll rephrase that.

19 You -- at that point in time, you had that
20 conversation, and after you described your situation
21 in terms of this hypothetical friend; right?

22 A. Right.

23 Q. You said he wants to meet you behind
24 Starbucks?

25 A. Correct.

1 Q. And that's when you got up and left your
2 friends; right?

3 A. Correct.

4 Q. That's when you lied to your friends. You
5 said it was about PS. We've established that.

6 A. Yeah. I don't remember if that -- yeah.
7 But I think that was the conversation. Right. I
8 don't remember.

9 Q. In any event, that's the time frame when
10 you lied to these -- this set of friends, whether it
11 was the conversation lying that you were talking to
12 PS or whether you lied to them and said you were
13 going to meet PS.

14 A. I don't recall. I don't remember.

15 Q. Well, you do recall lying to them. We've
16 established that.

17 A. I recall going to meet him, and I knew
18 that my girlfriends didn't know that I was meeting
19 him, so ...

20 Q. Yes, you lied. Do you want me to read it
21 back to you again? I can.

22 A. I'm not sure exactly what our conversation
23 was back then.

24 Q. But within that context, whether it was
25 lying about getting off the phone or lying to go

1 meet him, you lied to your girlfriends. We
2 established that. Your husband says, Oh, the web --
3 the weave -- the wicked web that we weave or
4 something of that nature; right?

5 A. I'm not sure.

6 Q. I'll be happy to read it to you again. Do
7 you want me to?

8 A. Yes. I'm kind of confused as to what
9 you're talking about.

10 MR. BARNES: And then they take a short
11 break, I believe.

12 Let's go until -- quite an argument
13 between counsel on 230. It goes into 231. It is
14 starting on line 25, 231. Again, for the people in
15 the audience, we're not going to redact that. It is
16 just attorneys arguing, so no need to reread it.

17 Q. All right, a couple of matters I want to
18 address real quickly on some items that we talked
19 about. We talked about this Facebook incident when
20 you were Facebook -- FaceTiming incident in Arizona
21 with EG. You never mentioned that to the grand
22 jury, did you?

23 A. I don't believe so.

24 Q. And you never mentioned it in your
25 testimony to the House. Would that be fair?

1 A. Yes.

2 Q. Okay.

3 A. Or I don't -- I don't believe so.

4 Q. Also, with respect to the conversation and
5 the testimony that was given with respect to the
6 book *Fifty Shades of Grey*, again, that was never
7 mentioned in the grand jury, nor was it ever
8 mentioned at the House. Is that also a correct
9 statement?

10 A. Correct.

11 Q. And you had mentioned that you had been
12 told -- I don't know -- I don't know if you ever
13 read Tisaby's report, but you had been told and you
14 took issue with a couple of matters.

15 A. Correct.

16 Q. I'm going to address about -- I'm going to
17 address one of those -- the one about undressing.

18 Was there any other issue that comes to
19 your mind about what you don't agree with what is
20 attributed to you by Mr. Tisaby?

21 A. I don't remember specifically, but if you
22 tell me what it is, I'll address it or whatever.
23 I'm not sure, because I don't know this whole thing.

24 Q. Okay. And with respect that you mentioned
25 about getting undressed in the kitchen, I just want

1 to make sure that we're on the same page, because as
2 is described by Mr. Tisaby, in his conversation with
3 you in the hotel room, it has you describing that EG
4 pats you down, checking for bugs. That was -- that
5 was accurately portrayed; correct?

6 A. Correct.

7 Q. And then it has you stating that EG said
8 that your husband can be controlling and follow you.
9 Is that also accurately portrayed?

10 A. That EG said that?

11 Q. That EG said, after he patted you down,
12 that, quote/unquote, your husband can be controlling
13 and could -- your husband can be controlling and
14 follow you. Was that accurately portrayed by
15 Mr. Tisaby?

16 A. I believe he was both worried about that
17 and just anybody following me, so I'm not sure.

18 Q. My question was --

19 A. Right. He quoted him saying that, and I
20 don't believe that.

21 Q. I'm not asking you what you believe. I'm
22 asking -- he actually put that in quotation marks,
23 so I'm asking you, was that accurately -- was that
24 accurate by Mr. Tisaby?

25 A. I don't believe so.

1 Q. Okay.

2 A. I don't believe EG said that.

3 Q. And then he goes on to say, How much time
4 do you have? You stated that EG said, I want you to
5 trust me. I want to make you feel good. I want you
6 to put on these clothes, quote/unquote.

7 Was that accurately portrayed by Tisaby?

8 A. I don't know that it was a quote, but,
9 yes, it was something to that effect, correct.

10 Q. "EG made her change clothes out. EG made
11 her take off everything, and he was shaky and
12 nervous."

13 Are those statements accurately portrayed
14 by Tisaby?

15 A. That --

16 Q. That he made you?

17 A. Right. No, because that -- that sounds as
18 though he made me get undressed right there.

19 Q. And that's not true?

20 A. I think -- I think that's misleading.

21 Q. Okay. "EG kept saying he wants to take
22 care of her. She stated that EG provided a white
23 T-shirt with a slit in the neck area and put on
24 pajama pants."

25 Was that accurately portrayed by Tisaby?

1 A. He told me, I want you to change into
2 these clothes, so change into these clothes, yeah.

3 Q. Tisaby said: Redacted stated that she
4 asked EG, what are you talking about? What are you
5 talking about? Just want to talk."

6 Is that what you said? Is that accurately
7 portrayed?

8 A. Something along those lines, yes.

9 Q. And we'll get to this point.

10 A. Okay.

11 Q. "She stated that EG said, I don't think
12 you have taken -- I don't think you have been taken
13 care of, and we don't have much time."

14 A. That -- something to that effect, yes.

15 Q. "KS stated that she trusted EG, did not
16 want to have a crush on -- did not want to have a
17 crush, but was confused and never cheated on her
18 husband." Correct? Did that happen?

19 A. Can you state it again?

20 Q. That "EG said that KS stated that she
21 trusted EG and did not want to have a crush but was
22 confused and never cheated on her husband."

23 Did you make that statement to Tisaby?

24 A. Oh, I -- I could have, but not about that
25 specific instance.

1 Q. And then at that point Tisaby said that
2 you said that KS stated that EG told her to follow
3 him downstairs into the basement which would have
4 had you naked at this point?

5 A. No. I was -- I was in the white T-shirt
6 and pants.

7 Q. So --

8 A. I think that's confusing.

9 Q. And just to be sure, because he was asked,
10 At no time did you tell Tisaby that you got
11 completely undressed and were in a nude state in the
12 kitchen. You never made that statement?

13 A. No. Positively not.

14 Q. And if he said that, that you said that
15 you were -- that you were nude in the kitchen and
16 then walked downstairs or changed clothes in the
17 kitchen in his presence, that you actually got
18 completely undressed and put on the pajama pants and
19 the white T-shirt in the kitchen, that would be
20 incorrect?

21 A. Correct. Yeah, that would be --

22 Q. Tisaby would have gotten that wrong?

23 A. Exactly.

24 Q. And just to be sure, I'm also including
25 not only changing clothes in EG's presence in the

1 kitchen but also potentially, say, partially
2 obscured in a bathroom next to the kitchen. That
3 didn't happen either?

4 A. No.

5 Q. And if Tisaby attributed that to you,
6 again, that would be wrong?

7 A. Correct.

8 MR. BARNES: Let me jump in real quick,
9 because this goes back -- for the new members of the
10 committee, this goes back to the issue of -- this
11 deposition took place on April 6th. This videotape
12 was missing, and then the videotape was provided
13 April 11th. The tape speaks for itself -- to the
14 extent Tisaby said that, the tape speaks for itself,
15 and we have a transcript of the tape, and that's not
16 what was stated on the -- what Tisaby said is not
17 what is, in fact, on the tape, but at the time of
18 the deposition, counsel for Greitens didn't have the
19 benefit of having the actual tape. So, you know,
20 it -- they should have at the time of this
21 deposition, but they didn't, and so that's why we
22 just had the three pages of stuff on something
23 that's inconsistent with the tape because they
24 didn't have the tape.

25 Go ahead.

1 Q. I want to read you this and ask if this
2 sounds familiar:

3 "Blindfolded by pulling shirt up over eyes
4 and I can't see anything. Are you thirsty?

5 I hear the ice clink against the glass,
6 and he leans down and kisses me, pouring a delicious
7 crisp liquid into my mouth as he does. It's so
8 unexpected, so hot. It tastes all the more divine
9 because it's been in his mouth. He leans down and I
10 drink another mouthful from his lips. Oh, my."

11 Does that sound familiar?

12 A. No.

13 Q. Never read a passage like that?

14 A. No. I'm guessing it's from Fifty Shades
15 of Grey, but I don't remember it specifically, no.

16 Q. It certainly sounds like the book that
17 you -- one of the books -- well, the book that you
18 read, one which -- the series that you read -- the
19 three books you read; right?

20 A. Right.

21 Q. All right. Getting back to where we left
22 off. We had you at El Burro Loco and -- again, I
23 think -- whether it was a phone call or not, you
24 said, I was out with my friends. They thought I was
25 talking to you. I lied to them.

1 That's talking about that evening; right?

2 A. Okay. Yes.

3 Q. Right?

4 A. Right.

5 Q. Okay. I think what you said with respect
6 to how the contact was made, that you initiated a
7 phone call; is that correct?

8 A. Yes.

9 Q. Now, I think when you said to -- when you
10 were talking to PS about it, you said: "So on
11 Saturday, I did the wrong thing. It was me who
12 e-mailed him, and I said my friend is having these
13 troubles with her thoughts."

14 I'm just curious, was it an e-mail or did
15 you phone? Did you make a phone call, or do you not
16 remember?

17 A. Well, I for sure called him, so I don't
18 know. I could have e-mailed him before. Like, can
19 I call you tonight or something? I don't know. I
20 don't remember that.

21 Q. But in any event, you were certainly
22 interested in meeting him when he suggested start --
23 to meet behind the alley at Starbucks; correct?

24 A. Yes. To finish our conversation, yes.

25 Q. Well, you wanted to see him; right? You

1 **wanted to see him?**

2 A. I mean, I wanted -- I wanted to talk to
3 him, yes.

4 **Q. And you left your friends; correct?**

5 A. Correct.

6 **Q. Who were the friends?**

7 A. I'm not sure exactly. It was girls from
8 work.

9 **Q. You don't know? You can't give us a name?**

10 A. I mean, I don't know exactly who was
11 there.

12 **Q. When you -- it would have been -- because**
13 **we would do happy hours, and it could be three of**
14 **us; it could be six of us. I'm not sure exactly who**
15 **was there that night.**

16 **Q. Were you inside El Burro Loco, were you on**
17 **the patio?**

18 A. I believe I was on the patio when I was
19 speaking to him.

20 **Q. And when you left, do you recall where you**
21 **told your girlfriends you were going?**

22 A. I don't recall. I'm not sure.

23 **Q. Did you tell them you were going to be**
24 **right back?**

25 A. I don't recall that conversation.

1 **Q. Did you come back?**

2 A. I did come back.

3 MR. BARNES: Representative Pierson and
4 I'll be the answer.

5 (The following testimony was read from the
6 first cross-examination transcript of "KS" by
7 Mr. Scott Rosenblum on April 6th, 2018, narrated by
8 Representative Tommie Pierson, Jr. and
9 Representative Jay Barnes.)

10 **Q. And what -- how long were you gone?**

11 A. Ten minutes, maybe.

12 **Q. And so you leave a group of girls and you**
13 **walk, essentially, a block or two across the street**
14 **catty-corner behind Starbucks; correct?**

15 A. Correct.

16 **Q. You're gone for what you're saying is ten**
17 **minutes; then you come back, and there was no**
18 **conversation at all about, Hey, where did you go?**

19 A. I don't remember. I don't remember the
20 conversation.

21 **Q. Nobody asked what you were up to?**

22 A. They could have; I just don't remember.

23 **Q. Well --**

24 A. I don't recall.

25 **Q. Fair to say you wouldn't have said, I just**

1 went to meet EG?

2 A. Correct.

3 Q. Okay. So you probably would have made up
4 some story; fair to say?

5 A. I'm not sure exactly what was asked or --
6 I'm not sure.

7 Q. Now, the way you have described it, that
8 when you were walking across the street to meet EG,
9 again, you were actually shaking; right?

10 A. Yes. I'm sure I was. I was nervous.

11 Q. And shaking because of what you have
12 described what was going through your mind with
13 respect to your attraction about him?

14 A. No. Shaking because I -- I felt this was
15 wrong. I'm sure to meet him or to talk to him.
16 This whole thing was pretty nerve-racking.

17 Q. Well, you were shaking in a similar
18 fashion that -- you were shaking when he walked into
19 that appointment after having been -- after not
20 having seen him for five months; right?

21 A. Yes. But that also was -- I hadn't seen
22 him. This was somebody who I do have this crush on,
23 and I was newly separated, so I think it was just a
24 combination of things.

25 Q. And, in fact, when you walked over there,

1 you guys hugged, didn't you?

2 A. Sorry. Yes.

3 Q. And it was a little more sexual than just
4 a hug? I mean, were you -- you were forehead to
5 forehead and you hugged and kissed?

6 A. A hundred percent, no.

7 Q. Did he take his hand and pull your -- pull
8 you closer?

9 A. No.

10 Q. And putting his hand down the front of
11 your pants -- not all the way down, just, like,
12 inside of your pants and underwear and pull you
13 closer?

14 A. No. Not that I remember at all, no.

15 Q. Not that you remember?

16 A. I'm going to say no.

17 Q. You are going to say no on this one?

18 A. Correct.

19 Q. But, indeed, you did hug and you
20 remembered that; right?

21 A. I do remember that.

22 Q. How long did you embrace him?

23 A. A couple of seconds.

24 Q. So you touched him?

25 A. I mean, I hugged him. I hugged him at the

1 salon, too.

2 Q. Do you recall being asked by PS on that
3 occasion when you met him if you had any contact
4 with him?

5 A. No. I don't remember.

6 Q. Do you recall you said, I came outside to
7 meet him. PS says you told him, and then you offer,
8 I didn't -- but I didn't touch him. Nothing?

9 A. Well, that means I didn't touch him
10 sexually. I didn't kiss him. I wasn't doing
11 anything with him.

12 Q. Well, you didn't say to PS you hugged him?

13 A. That was irrelevant to me. I wasn't
14 saying I didn't -- I didn't touch you. I wasn't
15 saying that. I was simply saying I didn't touch
16 him, meaning I didn't have sexual contact with him.

17 Q. And you're saying you went over there just
18 because you wanted to discuss these thoughts that
19 you were having that were racing through your brain,
20 that you couldn't turn your brain off. Is that what
21 your testimony is?

22 A. Yes.

23 Q. And how to get these thoughts away from
24 you?

25 A. Yes.

1 Q. How were you -- how was that going to --
2 how were you going to get these thoughts away from
3 you?

4 A. We were going to discuss it. Why did he
5 feel that he could do that? He didn't know what was
6 going on in my marriage, so what -- how did he feel
7 about me? What was going on his marriage? Those
8 types of things. Just answer questions.

9 Q. And you wanted to know how he felt about
10 you because you knew how you felt about him; right?
11 That was on your mind.

12 A. To some extent, absolutely.

13 Q. And that point you got -- you devised --
14 you and EG devised a plan about how you were going
15 to see him; correct?

16 A. He said, KS, I have an idea. My wife is
17 going to be out of town next week, so you can come
18 over in the morning -- or no. He said, When are you
19 available? Could you come over next week? And I
20 said, I don't know. I have to let you know sometime
21 this week. Can I call you? So -- from my salon.
22 So --

23 Q. So while -- while -- while leading up to
24 this week specifically -- redacted -- on the 20th,
25 you had discussed I think -- or you're claiming that

1 EG said his wife was going to be out of town, and he
2 wanted to have a plan to see you at his house;
3 right?

4 A. Correct.

5 Q. And I think you have described the
6 situation leading up to actually the 21st. PS had
7 EG on his mind and was asking if you were having an
8 affair. And what was going on and, specifically, do
9 you want a divorce, and, basically, that he had EG
10 on his mind?

11 A. Yes.

12 Q. And this was -- so I'm just having a
13 little bit of trouble understanding that, because as
14 I understand what you've said, if we're now in this
15 week leading up to the 21st, the only issue that PS
16 could have had with EG was making this phone call
17 that turned out to be EG's number, and then saying
18 whose number? And you made up a lie and said it
19 was -- redacted.

20 A. Yes.

21 Q. Was there anything else that would cause
22 him to, as you've described, this obsession that
23 this was -- that you and EG were having an affair?
24 Anything else?

25 A. Absolutely not, no.

1 **Q. So it was at this point that you would**
2 **say, based on one missed phone call, essentially?**

3 A. Well, like I said, I think he may have
4 seen that he called or that I called him that night.
5 There could have also been a conversation once that
6 week. You know what I mean? After I called him, I
7 recall that, that PS knew about that. PS knew about
8 that.

9 **Q. That you called?**

10 A. That he knew that I called EG's phone.

11 **Q. But you didn't call EG's phone until when,**
12 **like, the 14th?**

13 A. Correct.

14 **Q. So based on those two events, that's what**
15 **this obsession became?**

16 A. Well, he was already prior to -- when I
17 showed my mom EG's book, he was in the room, so this
18 would have been maybe a year before. And that was
19 when he was first rear. Who is this guy? What is
20 this? He gave you something? So when he -- so he
21 was already suspicious then. That's just how he
22 was. That's how our relationship was. Then after
23 he called me and then I called him back or whatever,
24 that was how it was. I don't know.

25 **Q. But you told PS that -- you told PS that**

1 you e-mailed him.

2 A. Right. That -- I don't remember. Like --
3 like, I said, I'm not sure.

4 Q. So when he confronted you about either the
5 e-mail or the call that you placed, what did you --
6 what did you say to PS at that point?

7 A. I don't remember our conversation.

8 Q. Fair to say you made up another lie,
9 obviously?

10 A. It's fair to say I didn't tell him I was
11 meeting EG.

12 Q. Fair to say you didn't tell him the truth?

13 A. It's fair to say --

14 Q. Okay.

15 A. -- that I -- I didn't tell him I was
16 meeting EG.

17 Q. Now -- so that takes us to, at this point,
18 the 20th, that we've established that you've asked
19 him for a divorce, and now you're going to the 21st;
20 correct?

21 A. Correct.

22 Q. And you think on the 21st, when you're
23 meeting him at his house, right, you agree to meet
24 him at his house?

25 A. Yes. Because he's explained we cannot

1 meet out in public, yes.

2 Q. Again, you agreed to meet him at his house
3 at seven in the morning?

4 A. Yes.

5 Q. Okay.

6 A. After conversations.

7 Q. And you knew his wife wasn't going to be
8 there; right?

9 A. Correct.

10 Q. You knew that you both had this
11 attraction -- sexual attraction?

12 A. I knew that there was a physical
13 attraction, yes.

14 Q. You knew that he had certainly made a
15 sexual move on you described in the shop, correct --
16 at the salon?

17 A. A physical move, yes.

18 Q. You knew that you certainly had options
19 that you didn't have to go to his house. That's
20 fair to say; right?

21 A. Yes. But I felt like when -- when else
22 are we going to talk about this? When -- the night
23 before when we discussed, can we please meet
24 somewhere else, please, his response was, No. This
25 is it. She's out of town, KS. Nothing will happen.

1 Come to my house. And I said, Well, I don't have
2 very much time, either; please, just meet me right
3 there, Coffee Cartel or Starbucks. And he was like,
4 KS, I live by there anyways; just come to my house.

5 Q. And it's your testimony that every --
6 after everything that you have just described with
7 respect to how your brain was working, the sexual
8 mood that was made, the attraction, the hug behind
9 Starbucks, that you think you were just going there
10 to talk?

11 A. Yes.

12 Q. And before you met him on that Saturday?

13 A. Yes.

14 Q. Now, you correct me if I'm wrong, but
15 sometimes in the salon business, early a.m. Saturday
16 stylists don't necessarily get dressed to the nines
17 because sometimes they are out late Friday night and
18 it's an early wake-up, so they just sort of throw
19 themselves together?

20 A. My salon is different. I mean, you're
21 really supposed to do your hair and makeup before.

22 Q. Did you shower that morning?

23 A. I don't remember.

24 Q. You don't recall?

25 A. I don't recall, no.

1 Q. So you recall wearing just your regular
2 outfit?

3 A. Yes.

4 Q. You certainly put on makeup; right?

5 A. I would assume so.

6 Q. Do you recall -- you don't recall whether
7 you showered -- and I'm not trying to get too
8 personal, but do you recall whether you did female
9 grooming? Shave?

10 A. I don't recall.

11 Q. Certainly possible; right?

12 A. I really don't recall.

13 Q. Now, the way I understand this, you walk
14 over there and you have had direction to go around
15 the back; correct?

16 A. Correct.

17 Q. And when you walked over there, the first
18 thing that, I think, as you've described was that he
19 basically said, Shh, or something to that effect;
20 correct?

21 A. Correct.

22 Q. But nobody was home?

23 A. Right.

24 Q. And very almost instantly, he took your
25 keys and your purse out of your hands?

1 A. Correct.

2 Q. So my question is, why would you have your
3 keys and purse in separate hands?

4 A. I don't know. I'm walking there. I'm not
5 sure.

6 Q. Don't you say -- haven't you said that you
7 almost always keep your purse -- your keys in your
8 purse?

9 A. When I -- I set my purse down. I put --
10 at the time -- I don't even carry a purse anymore,
11 but I always had a front pocket on my purse that I
12 would just throw my keys in once I set it down.

13 Q. But my question is on this occasion, it is
14 your testimony, at least to the grand jury, that
15 walked in and essentially had a purse in one hand
16 and your keys in the other?

17 A. Correct.

18 Q. Although you walked there?

19 A. Correct.

20 Q. And you placed them on the counter?

21 A. I did not. He took them out of my hands.

22 Q. Well, did you watch where he placed them?

23 A. He placed them on the counter and started
24 going through it.

25 Q. Did you see where he placed them?

1 A. Yes. On the counter.

2 Q. Right in front of you; right?

3 A. Correct.

4 Q. He didn't appear to hide them, did he?

5 A. No.

6 Q. And then he went through your purse?

7 A. Correct.

8 Q. Which you attributed to just him being in
9 a situation where he's concerned about that his --
10 his position and being looked at; right?

11 A. Correct.

12 Q. When you walked in like that, did he hug
13 you?

14 A. No. Not right away.

15 Q. He went back outside to check to see
16 whether you were followed?

17 A. Yes.

18 Q. And he came back in, and at that point,
19 you're shaking?

20 A. Yes.

21 Q. And he hugs you?

22 A. Yes.

23 Q. And he hugs you passionately, does he not?

24 A. He embraced me and was just like, KS, it's
25 okay; it's okay; just kind of to calm me down.

1 Q. Did you hug him?

2 A. It's going to be okay.

3 Q. Did you hug him back?

4 A. Yes. I believe so.

5 Q. And you just didn't stand there with your
6 arms down --

7 A. Right.

8 Q. -- did you? And once he hugged you and he
9 told you it's going to be okay, what did you say?

10 A. EG, oh, my gosh, I'm so nervous; what is
11 going on? What -- I just want to talk to you. What
12 is going in your life -- whatever. I don't even
13 know. Our conversation really was bizarre and very
14 short-lived. Just -- I'm nervous. I don't know.
15 He -- he just kind of jumped right in with, how long
16 do you have?

17 Q. Did you tell him I'm only here to talk?

18 A. I did the night before.

19 Q. Did you tell him that morning, I'm only
20 here to talk, when you showed up at seven in the
21 morning? Did you make a point to say, I'm only here
22 to talk?

23 A. I'm sure I said to him, Can we talk or --
24 that was the intention -- the night before on the
25 phone, I'm positive that I said that I can't -- I

1 don't want to be alone in your house. I'm
2 uncomfortable with that. I've never cheated on my
3 husband. I feel uncomfortable being alone with you
4 in that setting. I'm positive that I said that.

5 Q. But my question is when you walked in
6 Saturday morning at 7:00 a.m., did you say to him
7 then I am only here to talk?

8 A. I wouldn't have said those exact words.
9 It wouldn't have made sense knowing he knew why I
10 was there.

11 Q. Well, then, when you said to the grand
12 jury after commenting that he hugged you and saying
13 it's going to be okay; how much time do we have.
14 And the question from the grand jury was, so at this
15 point, you're like, What are you here for? They're
16 asking you at this point -- asking you what are you
17 here for? And you say, I'm here to talk. And then
18 on page 15 of the transcript, when your husband asks
19 you the question, you said, I showed up, and I said,
20 I'm only here to talk. And he said, I know. That
21 would be -- would have been inaccurate?

22 A. It would have been a paraphrase. I --
23 like I said, I know for sure when I got there it
24 was -- I'm nervous, you know? I don't know exactly
25 what our conversation consisted of. I just know the

1 gist of it. So if I said that, I said it again to
2 him or something to that effect. I could believe
3 it.

4 Q. So you thought you were only there to
5 talk; right?

6 A. Yes.

7 Q. And when you walked in, we already
8 established that you weren't made to change clothes;
9 right?

10 A. He told me to change my clothes, yes.

11 Q. Well, he didn't threaten you, did he?

12 A. No, he didn't threaten me.

13 Q. Didn't force you to change your clothes?

14 A. He didn't force me to, no.

15 Q. Just basically asked you to change your
16 clothes -- made a statement?

17 A. He made a statement.

18 Q. Did you say no?

19 A. I know I said, What do you mean, you know?

20 Q. Did you say no?

21 A. What are you talking about? No, I didn't
22 say that with the words, no.

23 Q. Well, you didn't say it not only with the
24 words, "no," but you didn't say it by deed, either,
25 did you?

1 A. I eventually did what he told me to do,
2 yes.

3 Q. What he told you -- what?

4 A. I eventually did what he told me to do,
5 yes.

6 Q. Well, let's go through that. Okay. So
7 you said that you eventually did what he told you
8 to.

9 A. Correct.

10 Q. He said put these on; right?

11 A. Right.

12 Q. Okay. And --

13 A. He said -- I'm sorry.

14 Q. And were they laid out in the kitchen
15 according to you? Are you claiming that?

16 A. Correct.

17 Q. Did you see what they looked like?

18 A. I could see they were folded up. I didn't
19 know exactly what it was.

20 Q. Okay. When he said, put these clothes on,
21 at some point, you had to hold them up; right?

22 A. Correct.

23 Q. And according to you, it was a white
24 T-shirt with a slit; correct?

25 A. Correct.

1 Q. And I think you said pajama bottoms?

2 A. Correct.

3 Q. Short or long?

4 A. Long.

5 Q. With a drawstring or elastic?

6 A. I don't recall. I'm not sure.

7 Q. But in any event, they were able to stay
8 up; right?

9 A. Correct.

10 Q. Now -- so this conversation about putting
11 the clothes on, was that in the kitchen?

12 A. Yes.

13 Q. And so when you said eventually you
14 agreed, it didn't take you very long; right? This
15 whole episode was 40 minutes -- 45 minutes; right?

16 A. Correct.

17 Q. You didn't say no, you -- I'm not doing
18 that, did you?

19 A. I don't believe I said those words.

20 Q. Well, you didn't say anything to indicate
21 that you were refusing to put the clothes on; you
22 said or did nothing to indicate to him that you were
23 refusing to put those clothes on?

24 A. Eventually, yes.

25 Q. Is that a true statement?

1 A. Eventually, yes, but I know I said what
2 you were talking about. What do you have -- what do
3 you have in mind? I'm here to talk. I am positive.
4 I don't know exactly our conversation, though. I
5 don't know the words.

6 Q. Okay. Fine. According to you, you're
7 claiming that -- are you talking about, I'm here to
8 talk; right?

9 A. Correct.

10 Q. Now, again, at the time, you're a
11 32-year-old woman that's had some life experiences;
12 right?

13 A. Correct.

14 Q. I mean, you were married 12 years, about
15 to get a divorce; you had a relationship that
16 produced another child. I mean, it wasn't like you
17 hadn't been on a few dates or been around men;
18 right?

19 A. Yes.

20 Q. Okay. You dealt with these inner feelings
21 for four years where you couldn't control some
22 attraction, where your brain ran wild about these
23 horrible feelings you described; right? We
24 discussed that.

25 A. I had been attracted to other people, yes.

1 Q. So -- I mean, you knew that if I'm only
2 here to talk -- you didn't need to change to talk?

3 A. Correct.

4 Q. Okay. And you knew by changing into those
5 clothes that was suggesting other activity?

6 A. Not sex, though, or anything of that
7 nature. I thought it was going to be this -- he's
8 going to take me through some hot workout, which is
9 basically all he told me, that he had some idea he
10 wanted to do with me. He -- we didn't have very
11 long. Please, just come on, KS; you can trust me.

12 Q. KS --

13 A. KS, just come with me.

14 Q. KS, you are basically a fitness freak, are
15 you not?

16 A. I love to exercise.

17 Q. Right. And you know how to dress when you
18 exercise; right?

19 A. Correct.

20 Q. And you know what kind of clothes you
21 exercise in?

22 A. Correct.

23 Q. I'm speculating, but I bet I'm right that
24 you worked out from time to time in yoga pants?

25 A. Sure.

1 **Q. Lululemon? What type of stuff?**

2 A. Exercise and work-out clothes.

3 **Q. And what you appeared in that day, you**
4 **said, were they yoga pants?**

5 A. No.

6 MR. BARNES: Do you want to switch?

7 MR. PIERSON: Sure.

8 (The following testimony was read from the
9 first cross-examination transcript of "KS" by
10 Mr. Scott Rosenblum on April 6th, 2018, narrated by
11 Representative Jay Barnes and Representative Don
12 Phillips.)

13 **Q. Jeans?**

14 A. They would have been black pants -- black
15 work -- no, they were like black work pants.

16 **Q. And a T-shirt; right?**

17 A. Like, a fitted T-shirt that said the salon
18 and spa -- redacted -- yeah.

19 **Q. So when you were looking at a white**
20 **T-shirt with a slit and pajama bottoms, you know**
21 **those aren't work-out clothes?**

22 A. Well, they were --

23 **Q. You have to know.**

24 A. -- comfortable clothes. I -- I really
25 truly thought he's going to take me through some

1 sort of hot workout where it might be flirty. Don't
2 get me wrong. I knew it might be sexual in nature
3 but not sex --

4 Q. Okay.

5 A. -- by any means.

6 Q. Well, let's talk about that.

7 A. Sure.

8 Q. You knew it may be sexual in nature?

9 A. Yes.

10 Q. So what does that mean, that you knew it
11 may be sexual in nature?

12 A. That maybe it was going to be some type of
13 heavy flirting or I don't know -- I had no clue what
14 to expect.

15 Q. Heavy flirting?

16 A. I knew for sure it's not -- well, I
17 mean -- maybe he would.

18 Q. Touch you?

19 A. Outside of my clothing.

20 Q. Did you have a bra on?

21 A. Nope. He told me to take off everything.

22 Q. Okay. Do you typically work out without a
23 bra?

24 A. No, not typically.

25 Q. Okay. So that was a signal, wasn't it?

1 A. Yes.

2 Q. And did you have --

3 A. Yes.

4 Q. -- did you wear underwear that day?

5 A. He told me to take off everything.

6 Q. Okay.

7 A. I believe I wore them, yes.

8 Q. So you took off your underwear; right?

9 A. Yes.

10 Q. You took off your bra?

11 A. I changed into these -- clothing.

12 Q. Correct. And you knew that that was a
13 signal. That's what -- you didn't need to do that
14 to work out, no matter what kind of workout?

15 A. I honestly did not have very long to think
16 of anything other than -- trust me. I've already
17 told him that I'm not going to cheat. I've never
18 done anything with anybody.

19 Q. Now, just stepping away for a moment --

20 A. Yeah.

21 Q. -- does this sound -- does this sound like
22 it makes common sense to you?

23 A. No.

24 Q. You have to recognize this rendition
25 sounds a little bit ridiculous. You have to

1 recognize that.

2 A. I mean, on the outside looking back in,
3 it's -- I can't believe this happened.

4 Q. So, again, you have to recognize it sounds
5 a little bit ridiculous.

6 A. I can only tell you that -- what was going
7 on through my mind at that time.

8 Q. And so now you take these clothes and you
9 change for -- according to you -- because you said
10 you didn't change in front of him in the kitchen.

11 A. Correct.

12 Q. So where did you claim that you changed?

13 A. In a bathroom off of his kitchen.

14 Q. Off of his kitchen?

15 A. Right.

16 Q. And did you leave the door open?

17 A. No.

18 Q. And no question that you were intrigued at
19 that point, were you not?

20 A. Correct.

21 Q. You didn't tell either the grand jury or
22 the House that you took off voluntarily your
23 underwear and your bra, did you?

24 A. I said I changed into the clothes, I
25 assume.

1 Q. I'm not asking what you assumed. You
2 didn't tell the grand jury, nor did you tell the
3 House that you voluntarily took off your bra and
4 voluntarily took off your underwear. You didn't
5 make that statement, did you?

6 A. I believe I made the statement I took off
7 everything and put this on.

8 Q. Again, did you specifically say you took
9 off your bra and underwear?

10 A. If it was asked of me, I would have. I
11 don't know if it was or not. You tell me; I'm not
12 sure.

13 Q. Well, you didn't say it to the grand jury.
14 I wasn't at the House.

15 A. If it was asked, I absolutely would have
16 said that.

17 Q. And you have no recollection at this
18 point?

19 A. No.

20 MR. BARNES: For the record, I think
21 Representative Rhoads asked the question about
22 underwear or bra. I could be wrong, but we'll go
23 back and check the record, and we've got the grand
24 jury here today.

25 Okay. Back to line 12.

1 Q. But certainly, as you say, you're just
2 thinking that you're there to talk. And this -- at
3 this point, when you're now thinking the talk has
4 shifted to some sort of sexual workout -- and we can
5 agree that even in your mind, you're thinking
6 there's going to be some sexuality involved. You
7 can't be that naive; right?

8 A. Right.

9 Q. I mean, you're basically stripped down to
10 nothing but the flimsy T-shirt and pajama bottoms;
11 right? Yes?

12 A. I -- I am picturing -- like I said, he
13 obviously wants to do some sort of workout thing
14 with me and he obviously wants it to be sexy.

15 Q. Did it enter into your mind at that point,
16 as you're stripping nude, except for these light
17 clothes, that there may have been some idea of sex
18 on his mind? Did that enter your mind as a
19 32-year-old woman?

20 A. I had no clue what was on his mind. I
21 knew what I told him.

22 Q. Did it enter your mind -- I'm not asking
23 about what was his mind. Did it enter into your
24 mind that you may have thought that he had sex on
25 his mind?

1 A. It didn't. I mean, something sexual
2 maybe, but --

3 **Q. You're 32?**

4 A. Yes. I was naive, I guess. I had just
5 told him --

6 **Q. Something sexual?**

7 A. -- the night before --

8 **Q. Tell me what something sexual means to**
9 **you.**

10 A. Maybe it's kiddish, but --

11 **Q. Maybe it's what?**

12 A. Maybe it's childish, but heavy -- you
13 know?

14 **Q. Heavy petting?**

15 A. Maybe. Like -- well, I don't -- I don't
16 even know what I was expecting, but I was not
17 expecting anything sexy or even kissing him.

18 **Q. The word "something" -- the word**
19 **"something sexual" came out of your mouth; right?**

20 A. But not sex. Not sex.

21 **Q. Well, what was it -- what do you mean by**
22 **"something sexual" as a 32-year-old woman with a man**
23 **that you didn't know that well, in his kitchen with**
24 **a barely covering T-shirt with a rip and pajama**
25 **bottoms that wasn't yours? What was something**

1 **sexual?**

2 A. The rip was there. The rip was, like, not
3 showing anything.

4 Q. What was sexual? When you said that you
5 were thinking about something sexual, what does that
6 mean at that point? You can't be that naive.

7 A. I'm not thinking we were going to have sex
8 by any means.

9 Q. As in intercourse?

10 A. As in any type of sex.

11 Q. Did you think that you may have engaged in
12 making out or touching each other?

13 A. No. Maybe over the clothes, that he's
14 helping me up on something or -- I don't know. I
15 wasn't expecting anything. I had no clue what to
16 want.

17 Q. So over the clothes petting? Is that what
18 you're saying?

19 A. Possibly. I don't know.

20 Q. You're not in high school.

21 A. Maybe I was. The last time I was single,
22 I was. It does sound naive; I get it.

23 Q. You're intrigued because this guy was
24 different than any guy you've ever met and he was a
25 really strong guy; right? That's what you were

1 **thinking?**

2 A. He was very strong.

3 Q. And at that point, as you go downstairs
4 and you're in this outfit that you changed into --
5 and you said it was off the kitchen in the bathroom;
6 right?

7 A. Correct.

8 Q. And you're 100 percent you didn't leave
9 the door open when you changed?

10 A. Yes.

11 Q. A hundred percent?

12 A. A hundred percent.

13 Q. Because you're not a hundred percent
14 certain of a lot of the things we've been talking
15 about. You would agree with that?

16 A. I remember looking in the mirror and
17 thinking, What the F are you doing?

18 Q. So when you looked in the mirror and said,
19 What the F are you doing, you had a number of
20 options at that point; right?

21 A. Sure.

22 Q. One of the options is you could have left?

23 A. Correct.

24 Q. Walked out the door?

25 A. Correct.

1 Q. You still were in your clothes?

2 A. Correct.

3 Q. You could have looked at him and said, Oh,
4 wait a second, we agreed the night before that we
5 were just talking about these unrequited feelings.
6 This is not what I signed off for. You could have
7 said that?

8 A. I could have said many things, yes.

9 Q. And that didn't even come close to
10 entering your mind because you stayed.

11 A. I'm sure many things entered my mind.
12 That what the most jumbled crazy thing that I've
13 ever been through.

14 Q. And once -- not only did you stay, you did
15 go ahead and change into the clothes and start to
16 walk downstairs?

17 A. Correct.

18 Q. And it's your story at this point, you
19 walked downstairs, and he said, I'm going to show
20 you how to do a proper pull-up?

21 A. Yeah. So --

22 Q. Right.

23 A. Correct. There's a back story to that as
24 to why --

25 Q. Well --

1 A. -- why he said.

2 Q. You haven't told this back story before,
3 have you?

4 A. Yes. Anybody who has asked, I've told
5 them.

6 Q. Well, the grand jury was asking all sorts
7 of questions, and you didn't give us the back story
8 about how you did a proper pull-up; right?

9 A. So in CrossFit we do something called
10 Kipping pull-ups, which is different than a normal
11 pull-up, but he said, That's not the proper pull-up.
12 This is a normal conversation. He said, Someday
13 I'll show you a proper pull-up. So that was kind of
14 his lead into us going downstairs, so it made sense.

15 Q. Did it make sense that to do a proper
16 pull-up, you almost had to be naked?

17 A. I was clothed.

18 Q. Well, did it make sense that you had to be
19 wearing this particular outfit to do a proper
20 pull-up? No? You certainly could have done a
21 proper pull-up in the clothes that you came in;
22 right?

23 A. Correct.

24 Q. Okay. And as a CrossFiter, you know how
25 to do pull-ups; right?

1 A. I do, yes.

2 Q. So -- and, certainly, when you CrossFit
3 and you do your pull-ups, you wear a bra?

4 A. Yes. Unless I'm not at my house, yes.

5 Q. So at this point, as I understand, you see
6 these pull-up rings, and he takes this stretchy
7 gauze stuff -- have you ever seen that type of stuff
8 before?

9 A. Yes. It's like exercise tape.

10 Q. And wraps your hands; right?

11 A. Correct.

12 Q. And is this sort of similar to what we see
13 in a gym where people sort of wrap their hands to
14 assist them on pull-ups?

15 A. No.

16 Q. You've seen that, haven't you?

17 A. Right.

18 Q. But he didn't wrap your hands so tight
19 that you couldn't extract them if you wanted to?

20 A. I mean, I had to rip it down; right? They
21 weren't, like, loosely. It was tight around it.
22 But, yes, I -- it was stretchy stuff, too -- break
23 apart.

24 Q. And as I understand, once you're now in
25 this position -- and you're now gauzed hanging from

1 a pull-up strip; correct?

2 A. Correct.

3 Q. Facing him or facing away?

4 A. Facing him.

5 Q. And at that point in time, it's your
6 testimony and your claim that he puts blindfolds or
7 you; right?

8 A. Correct.

9 Q. And these blindfolds, as I understand, are
10 sort of like people sleep in to get sleep or put on
11 a plane or -- to make total darkness?

12 A. Right. I -- I don't know exactly what it
13 was. It was something that he put around my head.

14 Q. But to be sure, that you couldn't see a
15 thing once they were on; right?

16 A. I mean, I could see up and down from it,
17 yes. But, no I couldn't see anything straight
18 ahead.

19 Q. Okay. And at that point, had he already
20 said that I want to make you feel good and I want
21 you -- I -- I want to make you feel good, and I
22 don't think you've been taken care of and we don't
23 have much time?

24 A. Correct.

25 Q. Well, you knew what that meant, didn't

1 **you?**

2 A. Not the sex. If it's -- if that's what
3 you're insinuating, no. I thought he got some sort
4 of fantasy about me, and this is going to be some
5 type of sexy workout that he's going through.

6 Q. **That he was going to make --**

7 A. I don't know.

8 Q. **-- you feel good? That was doing to be a**
9 **sexy workout?**

10 A. Yes.

11 Q. **And once you're claiming to be blindfolded**
12 **as you were, and once your hands were on the ring,**
13 **you said even at that point you in your mind were**
14 **thinking that EG just wanted to talk; you've said**
15 **that.**

16 A. Well, I --

17 Q. **You said that.**

18 A. I thought we were going to talk, yes.

19 Q. **Well, you've actually said it in the**
20 **context that as you were hanging -- are your feet on**
21 **the floor? I don't know how tall --**

22 A. Correct. My feet are on the floor.

23 Q. **So your hands are essentially gauzed to**
24 **the ring; correct?**

25 A. Correct.

1 Q. I mean, you can take them off if you rip
2 them down, but they're on there; right?

3 A. Right.

4 Q. You're wearing this outfit without a bra,
5 without underwear, a flimsy T-shirt, at best;
6 correct?

7 A. It was a regular white T-shirt.

8 Q. And pajamas; correct?

9 A. Correct.

10 Q. And now you're blindfolded.

11 A. Correct.

12 Q. And even then you had stated that in your
13 belief, you thought you were there just to talk at
14 that time. That's what you've said?

15 A. At that time, there were a lot of things
16 going through my mind.

17 Q. Okay. Well, I didn't ask about a lot of
18 things. Among those things, in that condition, in
19 that place, in time, regarding what you were
20 wearing, you made a statement that even then, you
21 thought you were just there -- you were there just
22 to talk.

23 A. I thought.

24 Q. That's what you said.

25 A. I was there just to talk.

1 Q. So you thought in that position, hanging
2 from a pull-up bar in those clothes, blindfolded,
3 you were then going to engage in this conversation
4 that you talked about the night before, that that's
5 how you were going to engage in that conversation?

6 A. Not this is how. I had no clue what to
7 expect.

8 Q. I didn't ask that.

9 A. I knew what I wanted --

10 Q. You said that even then, you thought you
11 were just going to talk. Are you standing by that
12 statement, that even in that position in that
13 condition, that you thought that at that point, you
14 were going to engage in a conversation that was
15 promised the night before? That's what you thought?
16 That's how -- that's what you thought? That's how
17 you were going to talk?

18 A. No. I didn't think we were going to talk
19 right then. I still wanted to, yes, I'm sure.

20 Q. So when you made statements in the past
21 that even then, KS stated that at this point, she
22 was still thinking that EG just wanted to talk?

23 A. That's definitely not words from my mouth,
24 no.

25 Q. Because --

1 A. I knew that he was being sexual in nature.
2 I knew that at this point.

3 Q. Right. And that would be preposterous,
4 wouldn't it, that -- for you to think that at that
5 point, that you guys just wanted to talk as you're
6 hanging there and blindfolded?

7 A. I still wanted to, yes.

8 Q. I didn't ask if you wanted to. But that
9 would be preposterous to actually have thought that
10 that's what you were going to do at that point;
11 right? I mean, use your common sense.

12 A. I was not thinking it was going to turn
13 sexual, no.

14 Q. You've said that a number of times.

15 A. Like, sex, right.

16 Q. Well, did you think maybe you were going
17 to talk after whatever sex was going to occur? Did
18 you think that that was a possibility?

19 A. I was not expecting to have sex in any
20 way, but after this -- or during this -- somehow --
21 this is why I'm here. Please clarify, yes.

22 Q. Have you ever had sex when you weren't
23 expecting to? Have you ever had sex?

24 A. This is the only time.

25 Q. When you weren't expecting to?

1 A. Literally, this is the only -- the only
2 time.

3 Q. You then talk about -- I think you said
4 even at that point, you were still intrigued?

5 A. Yeah.

6 Q. Correct?

7 A. Correct.

8 Q. Okay. So you used the word "intrigued,"
9 but even at that point, you're sort of getting
10 excited; right? I mean, that could be another word
11 for "intrigued," yes?

12 A. I'm not exactly -- I'm not sure exactly.
13 I know that --

14 Q. Well, how -- what would you call it? Tell
15 me your definition of intrigue. Let's start there,
16 because I don't want to play semantics. Tell me
17 what you mean when you say even at that point, you
18 were still intrigued.

19 A. I was --

20 Q. What does that mean to you?

21 A. -- anticipating what was happening next.

22 Q. Okay. So you were anticipating?

23 A. What was he thinking?

24 Q. What was going to happen next?

25 A. What was -- because I had no clue what he

1 was planning, what is --

2 Q. And there was excitement in the
3 anticipation?

4 A. Correct.

5 Q. Were you getting sexually aroused? You
6 are under oath.

7 A. I believe so, to some extent, yes.

8 Q. Okay. So you're getting sexually aroused
9 at that point; correct?

10 A. Correct.

11 Q. Was your mind harkening back at that point
12 to any conversations that you may have had with EG
13 about your affinity for the Fifty Shades novels?

14 A. No.

15 Q. It didn't cross your mind -- because, as
16 you said, this conversation -- this whole Fifty
17 Shades thing was all over at the time.

18 A. Right.

19 Q. You're saying it never even crossed your
20 mind that, Hey, I'm now living out what I'm reading
21 about and what I just saw a movie about? That never
22 crossed your mind? It had to cross your mind.

23 A. It may -- I -- I would assume it did, to
24 some extent.

25 Q. Okay. Right.

1 A. During that first part, sure.

2 Q. And not only did it cross your mind, you
3 had had discussions with EG about that; right?

4 A. Not to my memory, no.

5 Q. But you're not saying you didn't; right?

6 A. I'm saying I don't recall.

7 Q. And as it crossed your mind as you're
8 hanging there as this scenario is playing out, you
9 have described that at times -- or at the time that
10 EG appeared to be in character; right?

11 A. Correct.

12 Q. And when you describe something as "in
13 character," even with your limited acting background
14 or actress experience, that was like role-playing at
15 that point to you; correct?

16 A. Kind of. I didn't have a role, no.

17 Q. Well --

18 A. I mean, I wasn't talking. I wasn't part
19 of this.

20 Q. Well, if you -- I -- I understand what
21 you're saying, but, potentially, your role could
22 have been right out of the move that you just saw.

23 A. I don't know.

24 Q. Because you just said you were thinking
25 about it at the time; right?

1 A. I said it very well could have been in my
2 mind.

3 Q. It very well could have been in your mind.

4 A. But I don't --

5 Q. And that would make sense; right?

6 A. I -- I'm not sure.

7 Q. Well, given the context and the timing,
8 that would make perfect sense. Would you not agree
9 with that?

10 A. The timing, absolutely.

11 Q. Okay. Now, at that point, was it before
12 or after that you're claiming that he ripped your
13 clothes off, did he give you a drink?

14 A. Before.

15 Q. And you said you let it dribble out?

16 A. Yes.

17 MR. BARNES: Okay.

18 (The following testimony was read from the
19 first cross-examination transcript of "KS" by
20 Mr. Scott Rosenblum on April 6th, 2018, narrated by
21 Representative Don Phillips and
22 Representative Gina Mitten.

23 Q. Because it's your claim that you hadn't
24 kissed him the break before behind Starbucks?

25 A. Correct.

1 Q. But you're getting sexually aroused.

2 You've admitted that; right?

3 A. To some extent, yes.

4 Q. And you had sexual thoughts as you're in
5 that position, yes?

6 A. I'm sure in nature, yes.

7 Q. Okay. Certainly wouldn't be unusual in
8 that circumstance to kiss a person in that state,
9 would it?

10 A. Right.

11 Q. Okay. So you're just claiming, at this
12 point, you didn't like the method of his kissing?

13 A. I just -- I had literally never crossed
14 that line. I told him I didn't want to.

15 Q. Well, you told him the night before,
16 right, because -- let's get something perfectly
17 clear. At no time up to the point where we're just
18 describing the water did you ever say, Stop, I don't
19 want this; I'm leaving? Anyway --

20 A. Not blatantly. I did 100 percent ask him,
21 like, please, what do you mean? What are you
22 talking about? What is this about upstairs?

23 Q. Okay.

24 A. When that jumbled --

25 Q. That was upstairs?

1 A. -- quick conversation happened.

2 Q. That's when -- that's when you changed
3 clothes. We've discovered that, and I know that you
4 used the word "blatantly." You used it a couple of
5 times this afternoon. I'm talking about when you're
6 on that pull-up with your hands restrained with
7 blindfolds on in that outfit, at no time did you
8 ever say, I don't want this?

9 A. Not up until this point, no.

10 Q. And you were sexually aroused.

11 A. To some extent, yes.

12 Q. And you indicated to him such that you
13 your sexually aroused?

14 A. I'm -- I don't recall.

15 Q. And at that point is when your clothes
16 were -- well, let me back up.

17 I think you said there was another event
18 where he kissed you with water in his mouth?

19 A. Correct.

20 Q. To hydrate; right?

21 A. He tried to put it in my mouth again.

22 Q. I mean, you would have to agree at this
23 point, it was abundantly clear to you that this
24 wasn't about exercise.

25 A. I knew it was going to be this kind of hot

1 thing, but, to me, that was, like -- oh, shoot he's
2 thinking that we're going to go past that line.

3 Q. It was pretty clear; right?

4 A. This is the first point.

5 Q. And you didn't tell him you're not going
6 past that line?

7 A. Not at this point.

8 Q. And you certainly knew you weren't doing
9 whatever this vision of hot exercise was at this
10 point; right?

11 A. Correct.

12 Q. And, once again, you were hydrated.
13 Shortly thereafter, I believe you -- you're saying
14 this he rips off your shirt -- he rips your shirt
15 off with a preformed rip, your pants go down that he
16 pulls. Do you take them down or does he pull them
17 down? You can't because your hands are --

18 A. Correct.

19 Q. When you described this to PS -- I mean --
20 I'm sorry -- to PS you told him that you were turned
21 on; right?

22 A. I believe so.

23 Q. And you told him it means -- and you know
24 what it means to be turned on; right?

25 A. Sure.

1 Q. And you know when you use those words
2 that -- what they mean? And I'm only asking this --

3 A. Yeah.

4 Q. -- because you stated on a number of
5 occasions that you know this was sort of a new event
6 to you since high school that --

7 A. Correct.

8 Q. You're not unsophisticated?

9 A. No.

10 Q. And you know what it means to be turned
11 on; right?

12 A. Not that I'm expecting to have sex, if
13 that's what you're insinuating.

14 Q. I'm not insinuating anything; I'm just
15 talking about the words you used.

16 A. You tell me. What does it mean?

17 Q. Tell me what?

18 A. I know what turned on to me --

19 Q. Tell me what it means to you.

20 A. It means that I feel alive; I feel
21 energized; I feel attractive; connected in this
22 moment.

23 Q. And you were getting stimulated to the
24 point where you were wetting wet?

25 A. I don't recall.

1 Q. Makes sense, though, doesn't it?

2 A. It makes sense.

3 Q. And once you were naked, you were naked in
4 his basement; right?

5 A. Correct.

6 Q. Now, are there windows in the basement?

7 A. Yes. To my knowledge, yeah.

8 Q. And the windows lead to what?

9 A. I have no clue.

10 Q. You weren't thinking at that point in time
11 as whether or not this is a private place or not,
12 were you?

13 A. I was not thinking very -- my brain was
14 going crazy at this point.

15 Q. I understand. But in your crazy thoughts,
16 you weren't thinking if I am in a private location
17 or not, were you?

18 A. Well, I felt I was.

19 Q. Well, you know -- okay. So you just
20 changed -- you said that you changed clothes in the
21 bathroom; right?

22 A. Correct.

23 Q. And I think you said you're claiming, at
24 least, you closed the door; right?

25 A. Correct.

1 Q. And you closed the door in the bathroom
2 because I'm assuming that you wanted to make -- have
3 some privacy as you got naked and changed clothes,
4 right, at that point in time?

5 A. Correct.

6 Q. According to your claim; right?

7 A. Correct.

8 Q. What did you do when you were in the
9 basement, as you were in that position, to ensure
10 you were private? Did you ask him if anybody has
11 access to the basement?

12 A. That wasn't on my mind, no.

13 Q. Did you ask him?

14 A. I wasn't thinking people could -- yes.

15 Q. Did you ask him if people could see in the
16 windows?

17 A. I don't know. I was blindfolded at this
18 point. I was not thinking anything but what was
19 presently happening.

20 Q. So as you sit there now -- and you said
21 you were turned on and you were sexually aroused,
22 and you may or may not have been wet, he starts
23 touching you all over; right?

24 A. Correct.

25 Q. And I think he said he starts touching

1 **your boobs; right?**

2 A. Correct.

3 Q. And you said, at least, PS -- to PS that I
4 **let him; right?**

5 A. Well, I don't know -- I don't know --
6 whatever.

7 Q. So as you were standing -- or standing
8 **with your hands in that position, he's feeling all**
9 **over your body. Is that fair to say?**

10 A. Correct.

11 Q. And you were still aroused, were you not?

12 A. At that point -- I know I was both kind of
13 scared and both -- I think there were so many things
14 going through my mind.

15 Q. Well, we just left where you were aroused
16 **to point where you were getting wet; right?**

17 A. Correct.

18 Q. So nothing really changed, other than now
19 **he's actually touching your body; he's touching your**
20 **breasts; he's touching your vagina; right?**

21 A. I believe so, yes.

22 Q. You're not indicating to him at any point
23 **not to?**

24 A. I was silent.

25 Q. That's a correct statement; right?

1 A. I haven't said anything, no.

2 Q. You didn't say anything. You didn't say
3 stop?

4 A. I haven't said anything at this point, no.

5 Q. And he was in that position, manipulating
6 you digitally, was he not?

7 A. I believe so, yes.

8 Q. And, again, I'm going to ask you this,
9 and, again, you're under oath: Did he use a
10 vibrator on you?

11 A. No, he did not.

12 Q. He did not use a pink vibrator?

13 A. No.

14 Q. A dildo? Do you know what a dildo is?

15 A. Yes, I do.

16 Q. Did he not use a dildo?

17 A. No. Not in the basement, no.

18 Q. No in the basement?

19 A. Correct.

20 Q. Where?

21 A. I believe later when I saw him --
22 whatever -- a month or two later, he did, but -- no.
23 Not at that time.

24 Q. With your consent and your permission a
25 month or two later?

1 A. Later, yes.

2 Q. And he didn't on that occasion? You're
3 certain?

4 A. Not even with my permission, but, yes, not
5 that day, no.

6 Q. Wait a second. What was not with your
7 permission? The dildo?

8 A. At a later time, I -- we'll get to that,
9 but --

10 Q. Okay. But on that occasion, he didn't?

11 A. Right. Correct.

12 Q. Did you orgasm on that occasion in the
13 basement?

14 A. Not to my knowledge.

15 Q. Well, it would be to your knowledge.

16 A. No.

17 Q. You wouldn't know?

18 A. I would know, but I'm saying --

19 Q. You don't remember?

20 A. -- if I actually did --

21 Q. If you actually did?

22 A. Right.

23 Q. You don't remember?

24 A. Correct.

25 Q. So there's a possibility you did?

1 A. There's a possibility.

2 Q. Because you were aroused to that extent,
3 yes?

4 A. I don't know at this point. I know that I
5 was aroused and up until this point.

6 Q. Now, I think you said that these
7 blindfolds were such you couldn't see anything in
8 front of you.

9 A. Anything in front, correct.

10 Q. Right.

11 A. Correct.

12 Q. You couldn't see EG, could you?

13 A. Not -- no. Not -- no.

14 Q. You couldn't see him at all; right?

15 A. I may have been able --

16 Q. You could feel him?

17 A. -- to see a little bit below, but --
18 right. I couldn't see him head-on or anything.

19 Q. You can't even say whether you could see a
20 little bit below, could you?

21 A. I am not sure.

22 Q. Okay. So at that point -- before I leave
23 that subject, you never told the grand jury that in
24 the basement, as you were there nude, that you got
25 to a state of potentially orgasming, did you? You

1 **never said to the grand jury?**

2 A. That was never asked of me.

3 Q. I understand. So, therefore, it was never
4 **said, yes?**

5 A. Correct.

6 Q. And you never said it to the House?

7 A. I don't believe so. I don't -- unless it
8 was asked.

9 Q. Well, do you have a recollecting of saying
10 **that to the House?**

11 A. No. To my recollection.

12 Q. Do you have a recollection of saying to
13 **the House that you were aroused to the point where**
14 **you orgasmed or the grand jury?**

15 A. I'm not sure that I did. I just know I
16 was aroused at that point; I do know that.

17 Q. And then you said the next thing that
18 **happens is a light flashes; right?**

19 A. I -- I could feel him, like, kind of step
20 away. I could hear him step away from me.

21 Q. So you can't see him. He just steps. You
22 **could feel him?**

23 A. I could feel him, and I knew that nothing
24 was happening.

25 Q. So I have a series of questions about

1 **this. You never -- how is -- how is EG dressed?**

2 **Was he dressed to work out?**

3 A. I mean, he wasn't wearing exercise
4 clothes. It was casual, jeans and a shirt.

5 **Q. Jeans -- T-shirt?**

6 A. I believe it was a long-sleeve shirt.

7 **Q. Did you ever see him in possession of a**
8 **camera or a phone?**

9 A. Not to my knowledge. I didn't see him
10 with it.

11 **Q. Again, did you ever on that day see him in**
12 **possession of a camera or a phone. That is a**
13 **yes-or-no answer. Visually see him in possession of**
14 **a camera or phone?**

15 A. That's, like, a strong memory. Not
16 that -- not that stands out to me at all, no.

17 **Q. Well, you've never ever said it anywhere,**
18 **correct?**

19 A. Correct.

20 **Q. That you actually all him in possession of**
21 **a phone?**

22 A. Right.

23 **Q. Right? And as you sit here now, you**
24 **cannot state under oath that you ever saw him in**
25 **possession of a camera with a camera or a phone?**

1 A. Correct.

2 Q. That is a true statement; correct?

3 A. Correct.

4 Q. And you can't say you saw it on his
5 person; you can't say you saw him put it down in the
6 kitchen; take it from the kitchen; or put down
7 anywhere in the basement. Those are call correct
8 statements, are they not?

9 A. Yes. I cannot say.

10 Q. It's fair to say that assuming EG had a
11 phone, you have no idea what type of phone, from
12 your personal knowledge?

13 A. I do know that it was an iPhone because we
14 had FaceTimed.

15 Q. Well, you don't know how many phones he
16 had.

17 A. Correct. As far as I knew, he had an
18 iPhone.

19 Q. And you never asked him how many phones he
20 had?

21 A. Well, he -- I knew that he got the one
22 phone.

23 Q. On one occasion he got another phone, but
24 to your knowledge, you don't know whether, for
25 instance, he had a phone associated with the

1 campaign, a private phone, a public phone? You have
2 no idea whether he had a phone or ten phones; one
3 phone or 10 phones, do you?

4 A. Correct.

5 Q. No idea?

6 A. No idea.

7 Q. Okay. You just know at one point in your
8 life you FaceTimed him in Arizona and there was a
9 missed FaceTime call, but other than that, you have
10 no other additional knowledge; correct?

11 A. Correct.

12 Q. Was your phone in your purse?

13 A. I believe so. I don't remember. I would
14 assume so.

15 Q. Do you have any idea whether or not you
16 can have -- you have service in EG's basement,
17 whether you can actually get phone service in that
18 basement?

19 A. I have no clue.

20 Q. No idea; right?

21 A. Correct.

22 Q. Assuming -- any hypothetical phone in this
23 question -- including a hypothetical iPhone -- do
24 you have any idea whether or not he had an iCloud
25 storage available?

1 A. I -- I have no clue.

2 Q. Well, you have an iPhone; right?

3 A. Yes.

4 Q. And you've been in situations where you've
5 been -- where there's been a warning that your
6 iCloud storage was not available or something to
7 that nature; correct?

8 A. Correct.

9 Q. So, for instance, if you take too many
10 pictures, it gets to the point where you can't take
11 any more. Your iCloud storage is used up. You're
12 familiar with that; right?

13 A. Correct.

14 Q. You have no idea whether any of his
15 hypothetical phones, including an iPhone, was in
16 that condition, do you?

17 A. I have no clue.

18 Q. Whether or not he -- whether or not this
19 hypothetical phone that we're talking about could
20 even take a picture and store it in iCloud, because
21 you don't know the nature or extent of what storage
22 he had; true?

23 A. True.

24 Q. And as you know, with an iPhone for
25 iCloud, you have to turn a setting on or off,

1 correct? You have to go into your settings and
2 actually push a button for iCloud; right?

3 A. I think it's already on, but you can turn
4 it off.

5 Q. Turn it off?

6 A. Correct.

7 Q. So, again, on these -- on any hypothetical
8 phone that we're talking about that may be in EG's
9 possession, including a iPhone, you would have no
10 idea whether that setting was turned off; right?

11 A. Correct.

12 Q. You have no idea whether or not there was
13 a setting that would turn a hypothetical phone,
14 including an iPhone, off to access social media, the
15 Internet, or anything of that nature, do you?

16 A. Correct.

17 Q. So what you're saying is, at that point,
18 all you can say is you're claiming that you saw a
19 flash; right?

20 A. And I could hear it.

21 Q. Well, initially, to the grand jury, you
22 said you saw a flash.

23 A. Well, I could also hear it.

24 Q. So now it's your testimony that you saw it
25 and heard it; right?

1 A. Correct.

2 Q. Now, you're not any sort of phone expert,
3 are you?

4 A. No.

5 Q. And you can't state with 100 percent
6 certainty whether or not this hypothetical -- this
7 flash that you're claiming came from a phone, a
8 camera, or some other device?

9 A. I know what it sounded like.

10 Q. Well, again, you're not an expert, are
11 you?

12 A. No, I'm not an expert.

13 Q. So you can't say under oath with any
14 certainty whether or not that flash came from a
15 phone, what time of phone, or a camera?

16 A. I just know what it sounded like to me.

17 Q. I understand. Again, you cannot testify
18 with certainty that it came from a phone or a camera
19 to start with, right -- the flash -- because you
20 didn't see it?

21 A. Well, if it was a camera, it would have
22 went (indicating), like you. That makes a certain
23 type of sound.

24 Q. I understand. But you're making
25 assumptions now, correct, to a certain extent, based

1 on what you've experienced?

2 A. Based on my knowledge, yes.

3 Q. But it would be fair that you haven't
4 heard every camera on earth; right?

5 A. Correct.

6 Q. Or every phone on earth?

7 A. Correct.

8 Q. So you can't state with any certainty as
9 to whether or not that sound you heard or a flash
10 came from a phone or a camera. You can't state that
11 with certainty; right?

12 A. Correct. I'm just going off of what I --
13 I knew to be the -- the case.

14 Q. Well -- so you would agree with me that
15 there's some degree of speculation going on here;
16 right?

17 A. Just -- I don't know. It was -- whatever.

18 Q. It was what you thought at the time;
19 right?

20 A. It was what I felt at the time, yes.

21 Q. But you cannot say it with any certainty,
22 can you, because you never saw it and you haven't
23 compared it to every other phone or every other
24 camera; right?

25 A. Correct, I haven't.

1 Q. And certainly you're aware that an
2 iPhone -- a hypothetical iPhone and sometimes other
3 phones have a flashlight; right?

4 A. Yes.

5 Q. Okay. A flashlight that can be turned on
6 and off; right?

7 A. No. Not like this. This was a flash; I'm
8 positive.

9 Q. But you're 100 percent certain of this?
10 You never saw a picture of you?

11 A. Correct.

12 Q. You never saw a picture of you in a state
13 of partial or complete nudity?

14 A. Correct.

15 Q. You never, for that matter, saw any
16 picture that you're claiming was on -- was taken by
17 EG?

18 A. Correct.

19 Q. And at the time you're claiming that you
20 heard this --

21 A. Correct.

22 Q. -- and saw this flash, you never asked to
23 see it; right?

24 A. Correct.

25 Q. Okay. Because at some point right after

1 that, you were taken down, you were on the ground,
2 according to you; right?

3 A. Correct.

4 Q. At some point your hands were freed;
5 right?

6 A. Correct.

7 Q. And you were engaging in conversation --
8 or talk?

9 A. Kind of.

10 Q. Kind of. But during that period of time,
11 you didn't indicate that you were concerned about
12 this picture that you're claiming was taken?

13 A. I was -- I couldn't quit crying. I
14 couldn't even explain what was on my mind.

15 Q. Well, one thing that wasn't on your mind
16 at the time was -- you didn't ask to see the picture
17 that you claim was taken.

18 A. I couldn't even say anything. I was
19 really so upset.

20 Q. So, again, the answer to my question --
21 you never asked to see the picture that you claim to
22 be concerned about?

23 A. No. I didn't really say anything.

24 MR. BARNES: That's 301. We're 301 at
25 7:20. We are tired, I think. Take a break until --

1 we are noticed up for tomorrow at nine, so we'll
2 resume on 301. We have 190 pages of Transcript 3.
3 Mr. Dowd has indicated that he's going to attempt to
4 get us Transcript 2. We're in the process of trying
5 to obtain Transcript No. 2.

6 You guys might have seen Mr. Dowd come up
7 here and say something to me early in the last
8 reading. What he said was they've identified the
9 forensic examiner as a witness. I asked him to go
10 see if he could make contact and make the forensic
11 examiner available Friday, and he is available
12 Friday at 10:00 a.m., so we are going to take his
13 testimony Friday at 10:00 a.m.

14 The other thing -- I don't know if you
15 guys saw us -- myself and Mr. Dowd went into
16 publications to speak so that we could be away from
17 these cameras, and I'll just share, in agreement
18 with him, that my intent in redactions is to do
19 things -- to redact things that involve children,
20 names, or medical information of some sort, and I
21 informed Mr. Dowd of that. I asked him to review
22 the redactions as the documents are made public and
23 to let the committee know if he has any objection to
24 any of the redactions that we've made. And, again,
25 my intent is to stay in those three categories. He

1 said that he didn't know -- and this is right, he
2 doesn't know the redactions that we've made, because
3 he doesn't have the document in front of him, so it
4 wasn't a fair question to ask of him at the moment,
5 but before we have that redaction hearing, I wanted
6 him to make sure he had the opportunity to weigh in
7 on whether something in those -- that we've redacted
8 he thinks should be made public.

9 If there's no further comments/questions
10 for this evening, we will be here at 9:00 a.m.
11 sharp.

12 (The hearing adjourned at 7:20 p.m., with
13 the time and location of the continuation agreed
14 upon by all parties.)

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1 C E R T I F I C A T E

2

3 I, Lisa D. Ballalatak, a Certified Court
4 Reporter for the State of Missouri, do hereby certify
5 that I appeared at the time and place first
6 hereinbefore set forth, that I took down in shorthand
7 the entire proceedings had at said time and place, and
8 that the foregoing constitutes a true, correct, and
9 complete transcript of my said shorthand notes.

10 Witness my hand and seal this 24th day of May
11 2018

12

13

14

15 Lisa D. Ballalatak
16 Certified Court Reporter
17 State of Missouri

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21

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25

HEARING 5/23/2018

Page 1	Page 3
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 SPEC AL NVEST GAT VE COMM TTEE ON OVERS GHT</p> <p>7</p> <p>8</p> <p>9</p> <p>10 HEAR NG</p> <p>11</p> <p>12 May 23, 2018</p> <p>13</p> <p>14</p> <p>15 (Beg nn ng at 9:11 a.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES</p> <p>2</p> <p>3 Jay Barnes, Cha rman</p> <p>4 A ex Curch n, Sen or Counse , Leg s at ve D rector</p> <p>5 Representat ve J. Egg eston</p> <p>6 Representat ve Kev n Aust n</p> <p>7 Representat ve Don Ph ps</p> <p>8 Representat ve G na M tten</p> <p>9 Representat ve Tomm e P erson</p> <p>10 Representat ve Curt s Trent</p> <p>11 Representat ve Greg Razer</p> <p>12</p> <p>13</p> <p>14</p> <p>15 ALSO PRESENT: Bryan Sche derer</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 2	Page 4
<p>1 INDEX</p> <p>2 PAGE</p> <p>3</p> <p>4 EXAMINATION BY MR. BARNES185</p> <p>5 EXAMINATION BY MR. PHILLIPS198</p> <p>6 EXAMINATION BY MS. MITTEN203</p> <p>7 EXAMINATION BY MR. AUSTIN218</p> <p>8 EXAMINATION BY MR. EGGLESTON232</p> <p>9 EXAMINATION BY MR. PIERSON245</p> <p>10 EXAMINATION BY MR. TRENT252</p> <p>11 EXAMINATION BY MR. RAZER299</p> <p>12 EXAMINATION BY MS. LAUER303</p> <p>13 FURTHER EXAMINATION BY MR. BARNES311</p> <p>14 FURTHER EXAMINATION BY MR. PHILLIPS316</p> <p>15 FURTHER EXAMINATION BY MR. BARNES325</p> <p>16 FURTHER EXAMINATION BY MS. MITTEN327</p> <p>17 FURTHER EXAMINATION BY MR. AUSTIN329</p> <p>18 FURTHER EXAMINATION BY MR. EGGLESTON330</p> <p>19 FURTHER EXAMINATION BY MR. TRENT357</p> <p>20 FURTHER EXAMINATION BY MR. RAZER363</p> <p>21 FURTHER EXAMINATION BY MS. LAUER365</p> <p>22 FURTHER EXAMINATION BY MR. TRENT368</p> <p>23 (No exhibits marked.)</p> <p>24</p> <p>25</p>	<p>1 --oOo--</p> <p>2 PROCEED NGS 9 11 a m</p> <p>3 MR BARNES hereby open th s hear ng</p> <p>4 of the M ssour House Spec a nvest gat ve</p> <p>5 Comm ttee on Overs ght Mr Secretary p ease ca</p> <p>6 the ro</p> <p>7 MR CURCH N Representat ve Barnes</p> <p>8 MR BARNES Here</p> <p>9 MR CURCH N Representat ve Ph ps</p> <p>10 MR PH LL PS Here</p> <p>11 MR CURCH N Representat ve Aust n</p> <p>12 MR AUST N Here</p> <p>13 MR CURCH N Representat ve Egg eston</p> <p>14 MR EGGLESTON Here</p> <p>15 MR CURCH N Representat ve Lauer</p> <p>16 Representat ve M tten</p> <p>17 MS M TTEN Here</p> <p>18 MR CURCH N Representat ve P erson</p> <p>19 Jun or</p> <p>20 MR P ERSON Here</p> <p>21 MR CURCH N Representat ve Razer</p> <p>22 MR RAZER Here</p> <p>23 MR CURCH N Representat ve Rhoads</p> <p>24 Representat ve Trent</p> <p>25 MR TRENT Here</p>

1 (Pages 1 to 4)

HEARING 5/23/2018

Page 5	Page 7
<p>1 MR PH LL PS E ght present</p> <p>2 MR BARNES E ght present</p> <p>3 MR PH LL PS Two absent We have a</p> <p>4 quorum</p> <p>5 MR BARNES now move to c ose the</p> <p>6 hear ng for approx mate y 15 m nutes</p> <p>7 MR PH LL PS Yeah wou d say to --</p> <p>8 for the purpose of nspect ng --</p> <p>9 MR BARNES For the purpose of</p> <p>10 nspect ng exh b ts that were attached to the</p> <p>11 depos t on that are pornograph c n nature</p> <p>12 MS M TTEN Sens t ve mater a</p> <p>13 MR PH LL PS Sens t ve mater a</p> <p>14 MR P ERSON What s the or g n of t?</p> <p>15 MR BARNES Let's vote to c ose the</p> <p>16 hear ng f rst Mr Secretary, p ease ca the ro e</p> <p>17 MR CURCH N Representat ve Barnes</p> <p>18 MR BARNES Aye</p> <p>19 MR CURCH N Representat ve Ph ps</p> <p>20 MR PH LL PS Aye</p> <p>21 MR CURCH N Representat ve Aust n</p> <p>22 MR AUST N Aye</p> <p>23 MR CURCH N Representat ve Egg eston</p> <p>24 MR EGGLESTON Aye</p> <p>25 MR CURCH N Representat ve Lauer</p>	<p>1 The purpose of show ng th s to you now</p> <p>2 s that the three of you weren't here to see w tness</p> <p>3 one. And so want that so you can see w tness one,</p> <p>4 at east th s sn ppet so at east you can see her</p> <p>5 face. The p ctures that we're pass ng around, three</p> <p>6 of them were nc uded as exh b ts to a depos t on</p> <p>7 that we are go ng to rev ew today n wh ch counse</p> <p>8 for Gre tens asked f t was her. She says no.</p> <p>9 A rev ew of the p cture shows --</p> <p>10 th nk anyone who saw her and sees th s wou d say</p> <p>11 that these p ctures are not her. Th s morn ng</p> <p>12 asked f Mr. Dowd wou d st pu ate that these</p> <p>13 p ctures were not her. My concern was that there s</p> <p>14 test mony that w be re eased to the pub c that</p> <p>15 ns nuates that she s on th s pornograph c webs te,</p> <p>16 wh ch, un ess we take a vote to say that these</p> <p>17 p ctures are not her, ets that nger out there and</p> <p>18 puts the comm ttee n a catch-22 s tuat on; where n,</p> <p>19 where to d sprove those ns nuat ons, we have to</p> <p>20 re ease a p cture of w tness one and the</p> <p>21 pornograph c p ctures of th s woman who has noth ng</p> <p>22 to do w th th s and so to drag somebody new nto</p> <p>23 th s.</p> <p>24 And so when Mr. Dowd dec ded that he</p> <p>25 wou d not st pu ate that that was not her, thought</p>
Page 6	Page 8
<p>1 Representat ve M tten</p> <p>2 MS M TTEN Aye</p> <p>3 MR CURCH N Representat ve P erson</p> <p>4 Jun or</p> <p>5 MR P ERSON Aye</p> <p>6 MR CURCH N Representat ve Razer</p> <p>7 MR RAZER Aye</p> <p>8 MR CURCH N Representat ve Rhoads</p> <p>9 Representat ve Trent</p> <p>10 MR TRENT Aye</p> <p>11 MR CURCH N E ght to noth ng n favor</p> <p>12 of The mot on carr es</p> <p>13 MR BARNES By your vote of e ght to</p> <p>14 noth ng you have voted to c ose th s hear ng</p> <p>15 br ef y</p> <p>16 (Whereupon a v deo was</p> <p>17 p ayed)</p> <p>18 MR BARNES Okay So for the benef t</p> <p>19 of the members who were not here for w tness one's</p> <p>20 test mony want to pay -- we have a c p that we</p> <p>21 were -- ear er we ta ked about show ng t to the --</p> <p>22 both caucuses and dec ded not to because we were</p> <p>23 concerned that f we showed t to the caucuses then</p> <p>24 we've got sunsh ne requests for th s part cu ar</p> <p>25 v deo and we d dn't want to re ease the v deo</p>	<p>1 we needed to have a c osed sess on rev ew th s</p> <p>2 v deo and then take a vote that those p ctures are</p> <p>3 not w tness one</p> <p>4 MR RAZER Mr Dowd s not go ng to</p> <p>5 adm t that that's not her</p> <p>6 MR BARNES Mr Dowd w not make any</p> <p>7 such statement</p> <p>8 MR PH LL PS f the or g n of the</p> <p>9 p cture come from what Dowd used as exh b ts</p> <p>10 MR BARNES t was not Mr Dowd's</p> <p>11 exh b ts They were Mr Rosenb um n the</p> <p>12 depos t on be eve they came from a webs te</p> <p>13 ca ed fete fe com</p> <p>14 MR PH LL PS And they just went there</p> <p>15 and found somebody that ooked ke her? s that</p> <p>16 how they came about?</p> <p>17 MR BARNES t's a woman who has a</p> <p>18 n ckname that s s m ar who s a so from St Lou s</p> <p>19 sts herse f as be ng 26 years o d</p> <p>20 MR PH LL PS Okay Thank you</p> <p>21 MR TRENT Have we ever dent f ed who</p> <p>22 the actua person s?</p> <p>23 MR BARNES No</p> <p>24 MR TRENT Because these p ctures</p> <p>25 are -- mean you don't rea y get a c ear p cture</p>

2 (Pages 5 to 8)

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HEARING 5/23/2018

Page 9	Page 11
<p>1 of the face n any of these shots.</p> <p>2 MR. BARNES: We , you get a p cture of</p> <p>3 her genera body type, and there are some p ctures</p> <p>4 where you get a c earer p cture of her face.</p> <p>5 MR. TRENT: d dn't see those. D d</p> <p>6 you see that, a c ear p cture of the face? Wh ch</p> <p>7 exh b t s the c ear p cture of the face?</p> <p>8 MR. BARNES: We don't have the -- et's</p> <p>9 watch the v deo f rst.</p> <p>10 MR. RAZER: Can you te us who e se s</p> <p>11 n the v deo r ght now?</p> <p>12 MR. BARNES: Th s s the v deo of the</p> <p>13 c rcu t attorney's nterv ew w th Mr. T saby, and</p> <p>14 these hands are w tness one's awyer's hands, named</p> <p>15 Scott S mpson, and then -- sorry. You guys can't</p> <p>16 see where 'm po nt ng. These hands are Scott</p> <p>17 S mpson's hands. Th s s W am Don T saby, and</p> <p>18 Ms. Gardner s s tt ng somewhere back here. don't</p> <p>19 know f she appears on screen at a n th s</p> <p>20 part cu ar c p, but she does appear on screen at</p> <p>21 var ous t mes n the v deo.</p> <p>22 (Whereupon, a v deo was p ayed</p> <p>23 as fo ows:</p> <p>24 "FEMALE SPEAKER: guess</p> <p>25 f rst you need to know how to</p>	<p>1 through the blindfold, and I</p> <p>2 hear like a phone take</p> <p>3 picture -- a picture at least.</p> <p>4 And then he said, Now, if you</p> <p>5 ever mention my name to</p> <p>6 anybody, I will put this</p> <p>7 picture everywhere. I ll put</p> <p>8 it everywhere I can.</p> <p>9 MALE SPEAKER: His exact words</p> <p>10 were what? I need his exact</p> <p>11 words. He said --</p> <p>12 (inaudible).</p> <p>13 FEMALE SPEAKER: If you ever</p> <p>14 mention my name to anyone, I m</p> <p>15 going to take this picture and</p> <p>16 put it everywhere I can so</p> <p>17 everyone will know</p> <p>18 (inaudible).</p> <p>19 MALE SPEAKER: So everyone</p> <p>20 will know --</p> <p>21 FEMALE SPEAKER: Will know</p> <p>22 what a little whore you are.</p> <p>23 So I just stood there and</p> <p>24 didn t say anything, and he</p> <p>25 walked over to me and said,</p>
Page 10	Page 12
<p>1 drink. And he tries like --</p> <p>2 he pours water into his mouth</p> <p>3 and he tries spitting it in</p> <p>4 mine. I guess I was supposed</p> <p>5 to kiss him or something. I</p> <p>6 just let it dribble out. He</p> <p>7 just stood there. And he did</p> <p>8 it again, and I still did</p> <p>9 nothing. I just kind of let it</p> <p>10 dribble out. And then he</p> <p>11 started kissing kind of down</p> <p>12 my neck and down my chest.</p> <p>13 And then he got to right here</p> <p>14 on my chest he took the shirt</p> <p>15 (inaudible) and then proceeded</p> <p>16 To kiss down my stomach and</p> <p>17 then got to the pants and</p> <p>18 pulled down my pants, and then</p> <p>19 I was just standing there</p> <p>20 motionless like, oh, my God.</p> <p>21 I have no clue what s going</p> <p>22 on. And then he step -- I m</p> <p>23 still blindfolded and he steps</p> <p>24 back, I guess. I can hear and</p> <p>25 see at the same time a flash</p>	<p>1 So are you going to say</p> <p>2 anything? And I didn t say</p> <p>3 anything at all. I was quiet,</p> <p>4 and then he spanked me and</p> <p>5 said, Are you going to say</p> <p>6 anything?</p> <p>7 MALE SPEAKER: Your buttocks?</p> <p>8 FEMALE SPEAKER: Yeah. And I</p> <p>9 just said, No, like that. I</p> <p>10 was seething through my teeth.</p> <p>11 So then he -- it was as if he</p> <p>12 was still going to go on with</p> <p>13 whatever he had planned and</p> <p>14 started kissing down my</p> <p>15 stomach again. And as soon as</p> <p>16 he got to like my genital</p> <p>17 area, I just started freaking</p> <p>18 out and started ripping my</p> <p>19 arms down. I was like, I</p> <p>20 don t want this. I don t want</p> <p>21 this. I m not ready for this.</p> <p>22 I don t want this. And he --</p> <p>23 he was like, Hey, oh, my God.</p> <p>24 Oh, my God. Here. And he</p> <p>25 was helping me take my arms</p>

3 (Pages 9 to 12)

<p style="text-align: right;">Page 13</p> <p>1 down as I was ripping them 2 off. And I was like, I m 3 leaving, and went to go 4 upstairs and he took me in his 5 arms and was like, No, no, 6 [REDACTED], you can t leave 7 like this. You can t leave. 8 Come here, and lays me down 9 on the ground where I m laying 10 on his, like, basement floor 11 in the fetal position, and he 12 was like -- I m crying like 13 hysterically at this point. 14 And he was like, Shh, it s 15 okay. It s okay. It s okay. 16 It s okay. And at this point 17 just really coaxing me like a 18 wounded little animal on the 19 ground. I don t know. That s 20 how I felt. And I just kept 21 saying, I m not ready for 22 this. And at this point he 23 proceeds to undo his pants and 24 take his -- take himself out 25 of his underwear.</p>	<p style="text-align: right;">Page 15</p> <p>1 FEMALE SPEAKER: But fe t 2 ke 'm just go ng to do th s 3 and he' be sat sf ed that he 4 had h s tt e whore, and 'm 5 go ng to eave, and ' never 6 see h m aga n.") 7 MR. BARNES: Okay. just want -- 8 wh e we have a c osed hear ng and wh e we're a 9 together and to see the v deo tse f, the ent re two 10 hours s ava ab e. Obv ous y, t's go ng to be 11 hard to get an opportun ty to v ew t today wh e 12 we're tak ng a th s test mony, but t can be made 13 ava ab e. So, guys, et's have a d scuss on the 14 record. 15 Okay. The purpose of the c osed 16 hear ng -- we're on the record. We've been on the 17 record the who e t me, correct? 18 THE REPORTER: (Nods head.) 19 MR. BARNES: The purpose was to take a 20 report on whether the comm ttee be eves these 21 p ctures are, n fact, w tness one or whether 22 they -- we do not be eve them to be w tness one, 23 based on w tness one's appearance as we've seen her. 24 And the reason for that s we're about to re ease 25 th s transcr pt that ns nuates that t s her, so</p>
<p style="text-align: right;">Page 14</p> <p>1 MALE SPEAKER: Take his penis 2 out of his underwear? 3 FEMALE SPEAKER: Yeah. And 4 put it near my face, and I 5 gave him a b ow job at this 6 point to finish his 7 (inaudib e) I remember. The 8 who e time -- at this point I 9 hate him in my mind. I think 10 he s disgusting. I hate him. 11 I can t be ieve I m down here 12 (inaudib e). 13 MALE SPEAKER: You fe t 14 disgusting? 15 FEMALE SPEAKER: I just fe t 16 super degraded, rea y 17 disgusting. 18 MALE SPEAKER: Did you -- 19 FEMALE SPEAKER: I just 20 cou dn t be ieve that he was 21 sti turned on. 22 MALE SPEAKER: Uh-huh. 23 FEMALE SPEAKER: And he had no 24 idea how pissed off I was. 25 MALE SPEAKER: Uh-huh.</p>	<p style="text-align: right;">Page 16</p> <p>1 'd ke to have a vote on that. 2 The second th ng s, 'd ke to have a 3 vote to make the p ctures ava ab e n the ch ef 4 c erk's off ce so that other house members when they 5 come back can see them to -- whatever, to -- but 6 we're not go ng to -- does anyone want to re ease 7 these p ctures pub c y? 8 MR. P ERSON: Mr. Cha r, we're not 9 re eas ng w tness one -- 10 (Reporter c ar f cat on.) 11 MR. P ERSON: just asked, we're not 12 re eas ng w tness one's dent ty or face n the 13 ch ef c erk's off ce; s that correct? 14 MR. BARNES: We are not, wh ch that 15 creates a prob em. There's a catch-22. There's a 16 catch 22 here, because n order to d sprove the 17 ns nuat on, you have to re ease -- th s comm ttee 18 wou d have to re ease p ctures of w tness one and 19 p ctures of th s woman, who very ke y has no dea 20 that we are ook ng at these p ctures r ght now. 21 D scuss on on -- et's start w th the 22 frst mot on, wh ch s that we do not be eve th s 23 to be w tness one. 24 MR. TRENT: f cou d suggest an 25 a ternat ve mot on, that what we st pu ate to s</p>

<p style="text-align: right;">Page 17</p> <p>1 that we have no basis to believe that these pictures 2 are the first witness, that they are obscured, and 3 we also don't have conclusive proof either way. That 4 would not be admissible in court, and you couldn't 5 come in with some random pictures with no 6 foundation, no evidence that they are actually the 7 person. But after looking at those, mean, the 8 faces obscured and we're in vastly different 9 situations. So think that there's really no way 10 to tell conclusively either way, in my opinion. 11 MR. PHILLIPS: think they made sure 12 the face was undisturbed when they submitted it. 13 don't think there's any question about it. 14 Now, don't have any knowledge of what 15 she looked like two or three years ago, whenever 16 that thing there, or if that's even accurate what it 17 says at the bottom of those shots. But can't 18 you from seeing her in person, she probably has been 19 about the same size she is now her whole life. 20 mean, we all got to see her right 21 across the table from them, basically a few feet 22 away, and she's a slim woman. She's not -- she's 23 not a strong-built woman. mean, she's certainly 24 adequately, but this woman in these pictures looks 25 like she's muscular. There's not any question that</p>	<p style="text-align: right;">Page 19</p> <p>1 can't say. We, certainly can't say that she, 2 and take a picture of a thing with a rope around 3 it. 4 MR. BARNES: So these are the three 5 pictures that were provided in the deposition. 6 went to this website, to this person, this -- that 7 is the screen name. don't want to say it on the 8 record because I'm going to have to redact it. And 9 created a lot of those screen shots of a lot of the 10 other pictures, so it was all under one person's 11 identity. 12 MR. AUSTIN: So does your motion just 13 go, then, to the three photos you have up there or 14 is it the stack you passed around? 15 MR. BARNES: it goes to say that this 16 person on this particular profile of this expert 17 website, that we do not believe to be witness one 18 based on our knowledge of witness one's appearance. 19 MR. PHILLIPS: And we're mentioning to 20 those three pictures you have up there? Because 21 there could be other pictures on her website of 22 other women. 23 MR. EGGLESTON: Because they could be 24 all the same people. 25 MR. BARNES: But in the absence of --</p>
<p style="text-align: right;">Page 18</p> <p>1 she's got some probably as Representative Mitten 2 said probably 20 pounds more in weight 3 MR. TRENT Maybe more than that 4 MS. MITTEN At least 5 MR. PHILLIPS She's bigger Now 6 don't know how obvious this scar is on her stomach 7 that he noticed immediately but there's a couple 8 pictures in there that show this woman's abdomen 9 area You don't see any scar She's fairly wide in 10 girth to me if those pictures are accurate 11 compared to what K S 12 mean K S is going to be reasonably 13 slim She's not going to be as wide as those 14 pictures show to me just don't think there's 15 any -- any chance that that's K S 16 MR. AUSTIN We think for those 17 same reasons we can certainly impute both those 18 pictures in my mind as being her from my seeing her 19 in person and refreshing my recollection with this 20 video both because of her body size and because of 21 the absence of a scar around her bellybutton and on 22 some of the pictures just looked to me like the jaw 23 line and some of her chin to me looked different as 24 well as the nose on some But there are a couple 25 where there's just take a picture of the rear end</p>	<p style="text-align: right;">Page 20</p> <p>1 that's the -- 2 MR. TRENT You're asking us to 3 stipulate to a negative that we can definitely say 4 for sure that none of those pictures are her as 5 opposed to saying there's no evidence that any of 6 those pictures are her which in my mind are two 7 different things Like you're saying there's lack 8 of any evidence on the one hand or you're saying 9 there's evidence that it's not true on the other 10 MR. BARNES think that these 11 pictures tend to show they're all the same person 12 Whoever that person is that they're all of the same 13 person it's -- it's a pornographic website profile 14 that has some 55 or whatever pictures 15 MR. TRENT And you think pornographic 16 websites are likely to make sure that on your 17 pictures of the individual associated with that 18 account gets in that account? 19 MR. BARNES it's the individual's 20 account 21 MR. TRENT And so you don't think 22 there's any way that someone else's pictures could 23 get in there? 24 MR. BARNES it would have to be placed 25 up there by this person The other photographs are</p>

HEARING 5/23/2018

<p>Page 21</p> <p>1 s m ar enough to the photographs that we know are</p> <p>2 not w tness one that that s the on y reasonab e</p> <p>3 conc us on s that th s s the account ho der</p> <p>4 MR RAZER Can add? Hav ng not seen</p> <p>5 w tness one n person the th ng that str kes me</p> <p>6 about the photographs we're ook ng at s there's a</p> <p>7 vast y d fferent nose Do we know f w tness one</p> <p>8 has had p ast c surgery on her nose?</p> <p>9 MR BARNES We do not And t wou d</p> <p>10 be suppose n the ast --</p> <p>11 MS M TTEN can say that she has</p> <p>12 test f ed def n t ve y that she has not</p> <p>13 MR BARNES That's r ght We d d read</p> <p>14 that</p> <p>15 MS M TTEN There was test mony -- and</p> <p>16 be eve that we redacted there was other cosmet c</p> <p>17 surgery wh ch s a so who y ncons stent w th those</p> <p>18 photographs who y ncons stent w th those</p> <p>19 photographs And we're just go ng to have to redact</p> <p>20 th s because she's test f ed to hav ng a breast job</p> <p>21 And f you ook at those photographs there's no way</p> <p>22 that somebody that has mp ants cou d ever have</p> <p>23 the r breasts man pu ated n that fash on</p> <p>24 MR RAZER Just the way ook at t</p> <p>25 though s -- as the person n these photographs --</p>	<p>Page 23</p> <p>1 coup e of d fferent --</p> <p>2 MR TRENT We , just know the</p> <p>3 photographs are h gh y man pu ab e, and we're</p> <p>4 dea ng w th a product here mean, th s s a</p> <p>5 webs te that se s product and they want that</p> <p>6 product to be as sa eab e as poss b e</p> <p>7 MR EGGLESTON We have better</p> <p>8 p ctures</p> <p>9 MR BARNES That's not exact y the</p> <p>10 type of webs te that says 'm go ng to --</p> <p>11 MR RAZER That's what was about to</p> <p>12 ask Th s d d not appear to be a for-prof t k nd of</p> <p>13 webs te</p> <p>14 MR BARNES t appears to be ke a</p> <p>15 Facebook for peop e of a ternat ve sexua tastes</p> <p>16 MR TRENT So no money s be ng made,</p> <p>17 s your content on, on th s webs te?</p> <p>18 MR BARNES Do what?</p> <p>19 MR TRENT No money s be ng made?</p> <p>20 MR BARNES don't know f money s</p> <p>21 be ng made or not 'm sure they're mak ng some</p> <p>22 money</p> <p>23 MR TRENT We , et me ask you --</p> <p>24 MS M TTEN Just one second, Jay</p> <p>25 There's somebody out there</p>
<p>Page 22</p> <p>1 MS M TTEN Not from persona</p> <p>2 exper ence</p> <p>3 MR RAZER Doesn't have the same nose</p> <p>4 as w tness one</p> <p>5 MR PH LL PS agree</p> <p>6 MR BARNES Or ch n</p> <p>7 MS M TTEN Or ch n</p> <p>8 MR P ERSON Or ength of neck</p> <p>9 MS M TTEN Or ength of neck</p> <p>10 MR BARNES That's r ght W tness one</p> <p>11 has a ong neck</p> <p>12 MS M TTEN f you ook at those</p> <p>13 photographs as a who e the ght ng the sort of</p> <p>14 sk n tone co or there s cons tency amongst those</p> <p>15 photographs and there's no reason to be eve</p> <p>16 that -- n my op n on there's no reason to be eve</p> <p>17 that one photograph -- mean one cheek shot for</p> <p>18 ack of a better term s not -- s ncons stent</p> <p>19 w th a of the other attr butes of the scenery and</p> <p>20 the background</p> <p>21 n other words f you ook at one of</p> <p>22 those shots you can sort of p ace that body part or</p> <p>23 that photograph n the context of a of the other</p> <p>24 photographs t's just -- or most of the other</p> <p>25 photographs t ooks to me ke there m ght be a</p>	<p>Page 24</p> <p>1 MR. RAZER: We want to make sure no one</p> <p>2 s ook ng through th s w ndow.</p> <p>3 MR. P ERSON: He wa ked away, but there</p> <p>4 was a d rect shot there, d rect ne of v ew. 'm</p> <p>5 not ta enough, man.</p> <p>6 MR. BARNES: So want to --</p> <p>7 Representat ve, et me go through th s. So th s s</p> <p>8 ke a prof e page ke on a Facebook th ng. You</p> <p>9 can see the screen name up here, return to prof e,</p> <p>10 browse a p ctures. There's 55 p ctures that have</p> <p>11 been posted. Same, same, same, same, same, same.</p> <p>12 Same at the top. 'm do ng th s for purposes of</p> <p>13 show ng what -- and when had them pr nt them n</p> <p>14 the pr nt shop, they d dn't turn out very we .</p> <p>15 MR. TRENT: What are you say ng s the</p> <p>16 same?</p> <p>17 MR. BARNES: On the eft. Th s s ke</p> <p>18 a Facebook -- a soc a med a webs te for peop e of</p> <p>19 a ternat ve sexua tastes.</p> <p>20 MR. TRENT: R ght. But what 'm say ng</p> <p>21 s we don't know who has access to the account. t</p> <p>22 cou d be mu t p e peop e. We don't know that the</p> <p>23 person who contro s the account s putt ng up</p> <p>24 photographs of on y the same person. We have no</p> <p>25 nformat on about any of th s.</p>

6 (Pages 21 to 24)

Page 25	Page 27
<p>1 MR EGGLESTON Jay, do we have better</p> <p>2 qua ty p ctures of K S that we can ook at?</p> <p>3 MR BARNES We on y have the one</p> <p>4 there, so -- and th s was -- you can te here</p> <p>5 w tness one s not that arge</p> <p>6 MR TRENT And some of those appear to</p> <p>7 have p erc ngs that the others don't have L ke</p> <p>8 there's a p erc ng</p> <p>9 MS M TTEN be eve w tness one a so</p> <p>10 den ed ever hav ng a n pp e p erc ng</p> <p>11 MR TRENT Not every photograph has a</p> <p>12 p erc ng, does t?</p> <p>13 MR BARNES Th s woman s much arger</p> <p>14 than w tness one</p> <p>15 MR EGGLESTON Do you have soc a</p> <p>16 med a for K S ?</p> <p>17 MR TRENT And there's no p erc ng n</p> <p>18 that shot that can see</p> <p>19 MS M TTEN But those breasts cou d</p> <p>20 not be man pu ated ke that</p> <p>21 MR BARNES th nk there s</p> <p>22 MR TRENT s there one over there?</p> <p>23 Okay can't see</p> <p>24 MR BARNES Yeah And to --</p> <p>25 augmentat on cannot be man pu ated ke that</p>	<p>1 th s comm ttee -- or you be eve and maybe th s</p> <p>2 comm ttee as we be eves that those photographs</p> <p>3 that they use as ev dence were not her to d spe</p> <p>4 any sort of rumors or ns nuat ons or anyth ng ke</p> <p>5 that?</p> <p>6 MR BARNES That's correct</p> <p>7 MR PH LL PS So f we m t t then</p> <p>8 to just those exh b ts that m ght be a tte b t</p> <p>9 eas er than say the one sk nny eg that has ropes</p> <p>10 around t or not don't know f that's her eg or</p> <p>11 not</p> <p>12 MR BARNES Where's the other --</p> <p>13 there's one more that has doub e-s ded</p> <p>14 MR TRENT What s even the po nt of</p> <p>15 say ng what our op n on s on the verac ty of th s</p> <p>16 ev dence to the pub c?</p> <p>17 MR BARNES Because there w be an</p> <p>18 ns nuat on made that these photographs are her n</p> <p>19 pub c</p> <p>20 MR TRENT W that not be made</p> <p>21 anyway n court?</p> <p>22 MR BARNES don't th nk t w</p> <p>23 because th nk anyone who sees w tness one and</p> <p>24 rev ews these photographs w say th s s not her</p> <p>25 And so don't want to perm t the ns nuat on to be</p>
Page 26	Page 28
<p>1 MR. RAZER: Wou d t burst?</p> <p>2 MS. M TTEN: Yeah. Yeah, th nk you</p> <p>3 wou d -- t wou d ump.</p> <p>4 MR. BARNES: So are we done w th our...</p> <p>5 MR. TRENT: mean, just the -- don't</p> <p>6 know. They don't a ook the same to me, but</p> <p>7 obv ous y not an expert n th s area, so...</p> <p>8 MR. EGGLESTON: f we had better</p> <p>9 p ctures of K.S. or had K.S. herse f, these</p> <p>10 part cu ar -- these, what, f ve or s x photos of</p> <p>11 th s mode each show on her neck a mo e and a mo e.</p> <p>12 Un que. They wou dn't have Photoshopped n these</p> <p>13 mo es, so they're probab y natura on the mode . So</p> <p>14 f we had someth ng to compare that to, the who e</p> <p>15 argument of whether she's ga ned we ght or not or</p> <p>16 had surgery or not, but wou d say --</p> <p>17 MR. BARNES: The fac a structure s --</p> <p>18 MR. TRENT: We , et's go back. So</p> <p>19 one of the reasons we're do ng th s s because an</p> <p>20 attorney, n quest on ng her, brought up three</p> <p>21 photographs -- or two photographs.</p> <p>22 MR. BARNES: Yes.</p> <p>23 MR. AUST N: And asked her f that s</p> <p>24 her. That s go ng to be re eased to the pub c,</p> <p>25 and you want t c ear to the pub c that at east</p>	<p>1 made that these photographs are her when th nk</p> <p>2 everyone who saw her test fy does not be eve</p> <p>3 they're her.</p> <p>4 MR. TRENT: Then why wou d that purpose</p> <p>5 not be accomp shed by s mp y say ng we have</p> <p>6 rev ewed the photos and we know what w tness one's</p> <p>7 appearance ooks ke, and we have no ev dence to</p> <p>8 suggest that they're the same person, as opposed to</p> <p>9 aff rmat ve y st pu at ng that we be eve t's not</p> <p>10 the same person.</p> <p>11 MR. BARNES: How about we take two</p> <p>12 votes? We' take the frst vote and then we'</p> <p>13 take the second vote.</p> <p>14 MR. TRENT: Fa r enough.</p> <p>15 MS. M TTEN: Mr. Cha r, don't know f</p> <p>16 th s s he pfu or not.</p> <p>17 MR. BARNES: Yes, that's a good --</p> <p>18 MR. PH LL PS: K nd of bony up</p> <p>19 around --</p> <p>20 MS. M TTEN: Come up around because</p> <p>21 th s s -- there's no mo es. Look at the bone</p> <p>22 structure n the face. She test f ed to do ng</p> <p>23 Crossf t at the t me of the re at onsh p. There's</p> <p>24 no way a woman that's act ve n Crossf t s go ng to</p> <p>25 ook ke any of the bod es n those photographs.</p>

Page 29	Page 31
<p>1 MR. AUSTIN: We don't know when they</p> <p>2 were taken, though. mean, do we?</p> <p>3 MR. PHILLIPS: Those pictures, don't</p> <p>4 they have a date on them, these here? Webs te</p> <p>5 post ngs ke three years ago or someth ng, or two</p> <p>6 years ago?</p> <p>7 MS. MITTEN: t's not a touchscreen.</p> <p>8 MR. BARNES: The posts do have --</p> <p>9 MR. PHILLIPS: She's very th n.</p> <p>10 MS. MITTEN: She's pet te and that's</p> <p>11 not a funct on of we ght. That's just a funct on of</p> <p>12 body type.</p> <p>13 MR. CURCHIN: Do you see a mo e up</p> <p>14 there?</p> <p>15 MS. MITTEN: No woman that ooks ke</p> <p>16 th s who s n Crossf t s go ng to a ow those</p> <p>17 k nds of p ctures to be taken of herse f when she's</p> <p>18 got that k nd of we ght on her. wou d th nk most</p> <p>19 men wou dn't do that.</p> <p>20 MR. TRENT: don't see any mo es on</p> <p>21 th s neck.</p> <p>22 MR. BARNES: Oh, come on. Th s says --</p> <p>23 took th s -- don't know how ong, a coup e</p> <p>24 months ago -- not a coup e months ago. A month ago.</p> <p>25 Th s was over three years ago, was the rep y. Over</p>	<p>1 MR BARNES There s no way that s</p> <p>2 w tness one</p> <p>3 MR TRENT hate to say t but ook</p> <p>4 at her str ngy ha r too A ha rdresser s not go ng</p> <p>5 to have str ngy ha r</p> <p>6 MR BARNES And ook at her stomach</p> <p>7 MR TRENT So no don't th nk</p> <p>8 that's even the same woman as n the other p ctures</p> <p>9 wh ch s my po nt th nk these are not a the</p> <p>10 same person</p> <p>11 MR BARNES We obv ous y there's</p> <p>12 an add t on a woman n that one</p> <p>13 MR RAZER Go back to the -- one more</p> <p>14 mean you just ook at the ps n those That's</p> <p>15 not her</p> <p>16 MR TRENT No mo es on the neck The</p> <p>17 ha r co or s d fferent mean wh ch obv ous y s</p> <p>18 eas y changeab e but --</p> <p>19 MR BARNES So et's take -- my</p> <p>20 proposa s we take two votes We take an</p> <p>21 aff rmat ve vote that t s not her We take a vote</p> <p>22 that that there s no ev dence t s her s that</p> <p>23 acceptab e?</p> <p>24 MR AUSTIN We mean s the vote</p> <p>25 for every s ng e photograph that you've pu ed</p>
Page 30	Page 32
<p>1 three years ago. Between three and four years</p> <p>2 ago --</p> <p>3 MR. TRENT: So somet me n ear y 2015</p> <p>4 or ate 2014 --</p> <p>5 MR. BARNES: Yeah.</p> <p>6 MR. TRENT: -- was when the rep y</p> <p>7 happened?</p> <p>8 MR. BARNES: When the rep y happened,</p> <p>9 yeah.</p> <p>10 MR. TRENT: We , there t says about</p> <p>11 three years ago.</p> <p>12 MR. BARNES: Come on. Why s th s so</p> <p>13 s ow?</p> <p>14 MR. TRENT: Th s says over two years</p> <p>15 ago.</p> <p>16 MR. BARNES: The rep y says over three.</p> <p>17 MR. RAZER: The p cture was posted</p> <p>18 over --</p> <p>19 MR. BARNES: Over two years ago.</p> <p>20 MR. RAZER: So now t's mov ng c oser</p> <p>21 to us.</p> <p>22 MR. TRENT: So 'm not even sure.</p> <p>23 MR. RAZER: f that says two years ago</p> <p>24 and the rep y says three, then don't know f the</p> <p>25 t me stamp s accurate at that po nt.</p>	<p>1 today?</p> <p>2 MR BARNES We're go ng to vote on the</p> <p>3 three that we've seen the three that we've --</p> <p>4 MR TRENT So the three are the on y</p> <p>5 ones we're say ng are not?</p> <p>6 MR BARNES We yeah 'm prepared</p> <p>7 to state unequ voca y that the other ones are not</p> <p>8 her based on that photograph that we have on ne</p> <p>9 based on what we've seen of her</p> <p>10 MR TRENT You're ask ng for two</p> <p>11 votes one that we be eve w -- so can c arfy</p> <p>12 that</p> <p>13 MR BARNES Yeah 'd ke to g ve --</p> <p>14 MR TRENT We guess be abored</p> <p>15 th s</p> <p>16 MR BARNES Let's take a short break</p> <p>17 Let's take a short break</p> <p>18 (Recess taken)</p> <p>19 MR BARNES move that the comm ttee</p> <p>20 f nd that there s no cred b e ev dence that the</p> <p>21 photographs ntroduced as Exh b ts 16 17 and 18 n</p> <p>22 the depos t on and used to nqu re of w tness one</p> <p>23 about a part cu ar webs te were w tness one</p> <p>24 D scuss on on the mot on D d state t correct y?</p> <p>25 MR EGGLESTON Were photographs of</p>

8 (Pages 29 to 32)

<p style="text-align: right;">Page 33</p> <p>1 witness one</p> <p>2 MR RAZER Yeah t sounds when you</p> <p>3 read t that s ow y what you're say ng t s her</p> <p>4 at the end but you're correct when you read t as a</p> <p>5 who e</p> <p>6 MR BARNES th nk t's go ng to have</p> <p>7 to be a -- t's a comp cated sentence</p> <p>8 MR RAZER Yeah t s</p> <p>9 MR PH LL PS The frst part of the</p> <p>10 sentence states --</p> <p>11 MR BARNES How about there s no</p> <p>12 cred b e ev dence that the photographs marked as</p> <p>13 Exh b ts 16 17 and 18 are witness one?</p> <p>14 MR TRENT Okay</p> <p>15 MR EGGLESTON Are photographs of</p> <p>16 witness one</p> <p>17 MR AUST N Ho d on Back up After</p> <p>18 got comp ments they're just ta k ng about</p> <p>19 exh b ts here and don't have an exh b t st of</p> <p>20 the depos t on</p> <p>21 MS M TTEN don't have t e ther</p> <p>22 MR AUST N 've got to make sure 've</p> <p>23 got the r ght exh b ts t beg ns on page 391 f</p> <p>24 have t r ght</p> <p>25 MS M TTEN And just see --</p>	<p style="text-align: right;">Page 35</p> <p>1 MR. RAZER: Wou d four be a photo of</p> <p>2 the hand e?</p> <p>3 MR. AUST N: t ooks ke Exh b t 19</p> <p>4 they're ta k ng about an P address or ga ned access</p> <p>5 to an P address.</p> <p>6 MR. BARNES: Okay. So et's sk p 19</p> <p>7 and say 16, 17, and 18.</p> <p>8 MR. AUST N: Do you want to read th s</p> <p>9 and make sure 'm read ng t r ght?</p> <p>10 MR. RAZER: We , hang on. f 19 s</p> <p>11 the hand e, the name, then we want to say we have no</p> <p>12 ev dence that that's her as we , that these --</p> <p>13 these p ctures aren't her and that that hand e s</p> <p>14 not her e ther, correct?</p> <p>15 MS. M TTEN: 16, 17, 18, and 19 were</p> <p>16 a photographs. Yeah, we don't have -- we don't</p> <p>17 know what -- and they're a referenced on or</p> <p>18 ntroduced on page 397.</p> <p>19 MR. AUST N: Yep.</p> <p>20 MS. M TTEN: They were reta ned by</p> <p>21 Ms. Nasser.</p> <p>22 MR. AUST N: And those are a</p> <p>23 photographs?</p> <p>24 MS. M TTEN: Yes.</p> <p>25 MR. BARNES: 16, 17, 18, and 19.</p>
<p style="text-align: right;">Page 34</p> <p>1 MR TRENT 397 -- 'm sorry</p> <p>2 Depos t on Exh b t 16 "Have you ever seen that</p> <p>3 mage before?" So t's k nd of -- "Can show you a</p> <p>4 photo and just te me whether or not t's you or</p> <p>5 not?</p> <p>6 "Answer Yes</p> <p>7 "Okay " And then he hands her 16</p> <p>8 MR BARNES So that was 15</p> <p>9 MR AUST N That was on page 397</p> <p>10 Exh b t 16</p> <p>11 MR EGGLESTON M ne s a bank</p> <p>12 MR BARNES Okay We're go ng to read</p> <p>13 t n now</p> <p>14 MS M TTEN Let me see qu ck y f</p> <p>15 have unredacted and comp ete vers ons</p> <p>16 MR AUST N have unredacted r ght</p> <p>17 here</p> <p>18 MR BARNES Kev n's got t We'</p> <p>19 just know when we go to that sect on we're go ng to</p> <p>20 need to read that --</p> <p>21 MR TRENT But just want to make</p> <p>22 sure 16 17 18 and 19 so t's -- are there four?</p> <p>23 thought we on y had three</p> <p>24 MR BARNES There's on y three that</p> <p>25 were prov ded</p>	<p style="text-align: right;">Page 36</p> <p>1 MS. M TTEN: Yes. They are a sted</p> <p>2 on the ndex of exh b ts as photographs.</p> <p>3 MR. BARNES: We ooked at four, s the</p> <p>4 prob em. We need to note that we do not have 19.</p> <p>5 We're not aware of what -- and th nk t's fa r to</p> <p>6 say g ven -- we have no cred b e ev dence of 18.</p> <p>7 Because we don't have 19, obv ous y we have no</p> <p>8 cred b e ev dence of 19.</p> <p>9 MR. EGGLESTON: We don't have one of</p> <p>10 them. We don't know wh ch one was numbered what,</p> <p>11 so ...</p> <p>12 MR. BARNES: Okay. So et me restate</p> <p>13 my mot on.</p> <p>14 MR. PH LL PS: Do we need the exh b t</p> <p>15 numbers spec f ca y n there?</p> <p>16 MR. BARNES: th nk that t makes t</p> <p>17 more --</p> <p>18 MR. EGGLESTON: He ps c ar fy t.</p> <p>19 MR. RAZER: Do we have three p ctures</p> <p>20 of a woman and then one p ctur e that s a screen</p> <p>21 shot of the hand e of --</p> <p>22 MR. BARNES: n the packet that we</p> <p>23 have, we have three p ctures.</p> <p>24 MR. RAZER: One of wh ch s that screen</p> <p>25 shot?</p>

Page 37	Page 39
<p>1 MR BARNES Yeah</p> <p>2 MR RAZER A r ght</p> <p>3 MR BARNES They're dent fy ng four</p> <p>4 exh b ts We have three p ctures They're not</p> <p>5 abe ed as exh b ts So th nk t's fa r to say we</p> <p>6 have no cred b e ev dence that any of them are</p> <p>7 w tness one And we can further state that we don't</p> <p>8 have one of them There's one of them f oat ng out</p> <p>9 there and the other but because of the fact that</p> <p>10 there's no cred b e ev dence of the other three</p> <p>11 we're comfortab e at th s po nt n t me -- not just</p> <p>12 comfortab e --</p> <p>13 MR TRENT We don't have a p cture</p> <p>14 MR BARNES That's r ght</p> <p>15 MR TRENT We've got no ev dence</p> <p>16 MR BARNES So et me restate The</p> <p>17 mot on s move that the comm ttee f nd there s</p> <p>18 no cred b e ev dence that the photographs marked --</p> <p>19 that the exh b ts marked as 16 17 and 18 and 19</p> <p>20 some of wh ch -- some or a of wh ch purport to be</p> <p>21 p ctures of w tness one --</p> <p>22 MR AUST N Are n fact w tness one</p> <p>23 MR EGGLESTON P ctures of w tness</p> <p>24 one</p> <p>25 MR BARNES Are n fact w tness one</p>	<p>1 MR. RAZER: n the depos t on.</p> <p>2 MR. AUST N: n w tness one's</p> <p>3 depos t on.</p> <p>4 MR. BARNES: Those -- how about second</p> <p>5 sentence: Those exh b ts as dent f ed --</p> <p>6 MS. M TTEN: n her depos t on.</p> <p>7 MR. BARNES: -- n Vo ume of her</p> <p>8 depos t on.</p> <p>9 MS. M TTEN: Perfect.</p> <p>10 MR. RAZER: Yes.</p> <p>11 MR. PH LL PS: can te you get pa d</p> <p>12 by the hour.</p> <p>13 MR. BARNES: move -- now, th s s the</p> <p>14 mot on. know t's the s xth t me we've stated t,</p> <p>15 but th s s the mot on now: move that the</p> <p>16 comm ttee f nd there s no cred b e ev dence that</p> <p>17 the exh b ts marked 16 through 19 are photographs of</p> <p>18 w tness one as dent f ed n Vo ume of her</p> <p>19 depos t on.</p> <p>20 MR. RAZER: Good job.</p> <p>21 MR. PH LL PS: Do you have a comma</p> <p>22 before as?</p> <p>23 MR. BARNES: Mr. Secretary, p ease ca</p> <p>24 the ro e.</p> <p>25 MR. TRENT: Do we get d scuss on frst?</p>
Page 38	Page 40
<p>1 MR AUST N Are n fact p ctures of</p> <p>2 w tness one</p> <p>3 MR P ERSON Do we need to spec fy</p> <p>4 that those exh b ts are from the depos t on as</p> <p>5 opposed to our exh b t numbers?</p> <p>6 MR PH LL PS Yes because --</p> <p>7 MS M TTEN What f we sa d we as a</p> <p>8 comm ttee f nd -- what f we make t we as a</p> <p>9 comm ttee f nd there's no cred b e ev dence -- 'm</p> <p>10 try ng to -- you're r ght The sentence --</p> <p>11 MR TRENT don't be eve we have to</p> <p>12 say -- we can say there's no cred b e ev dence that</p> <p>13 the photographs wh ch are dent f ed as exh b ts</p> <p>14 whatever through 19 are photographs of w tness one</p> <p>15 MR PH LL PS There you go</p> <p>16 MR BARNES That's t r ght there</p> <p>17 because that's so hard to -- the pub c sten ng to</p> <p>18 that s just not go ng to get t</p> <p>19 MR RAZER No t's rea y --</p> <p>20 MR BARNES A r ght Now we're now</p> <p>21 on the correct mot on Thank you to the gent eman</p> <p>22 from Greene move that the comm ttee f nd there</p> <p>23 s no cred b e ev dence that the exh b ts marked 16</p> <p>24 to 19 are photographs of w tness one</p> <p>25 MR AUST N Exh b ts 16 through 19</p>	<p>1 MR. BARNES: Do you want to discuss?</p> <p>2 MR. P ERSON: Just you said we get a</p> <p>3 brief statement if we wanted. Let's -- et's vote.</p> <p>4 MR. TRENT: Vote first.</p> <p>5 MR. BARNES: was thinking when they</p> <p>6 came back on because wanted to exp ain why we want</p> <p>7 to move for it.</p> <p>8 MR. CURCH N: Okay. You move that --</p> <p>9 the committee finds that there is no credib e</p> <p>10 evidence that the Exhibits 16 through 19 are photos</p> <p>11 of witness one as D'd in Vo ume of her</p> <p>12 deposition?</p> <p>13 MR. BARNES: Yes.</p> <p>14 MR. CURCH N: President Barnes.</p> <p>15 MR. BARNES: Aye.</p> <p>16 MR. CURCH N: Representative Phi ips.</p> <p>17 MR. PH LL PS: Aye.</p> <p>18 MR. CURCH N: Representative Austin.</p> <p>19 MR. AUST N: Aye.</p> <p>20 MR. CURCH N: Representative Egg eston.</p> <p>21 MR. EGGLESTON: Aye.</p> <p>22 MR. CURCH N: Representative Lauer.</p> <p>23 Representative Mitten.</p> <p>24 MS. M TTEN: Aye.</p> <p>25 MR. CURCH N: Representative Pierson,</p>

HEARING 5/23/2018

Page 41	Page 43
<p>1 Jun or</p> <p>2 MR PERSON Aye</p> <p>3 MR CURCH N Representat ve Razer</p> <p>4 MR RAZER Aye</p> <p>5 MR CURCH N Representat ve Rhoads</p> <p>6 Representat ve Trent</p> <p>7 MR TRENT Aye</p> <p>8 MR CURCH N E ght to zero</p> <p>9 MR BARNES By a vote of e ght to</p> <p>10 zero you have passed the mot on that has been</p> <p>11 stated and recrafted and recrafted and recrafted and</p> <p>12 recrafted</p> <p>13 now move that we go nto --</p> <p>14 MS MTTEN Mr Cha r because of th s</p> <p>15 mot on do need to -- frst of a d d not ce a</p> <p>16 redact on on -- m ssed redact on on a page that</p> <p>17 want to po nt out but we redacted some you know</p> <p>18 test mony regard ng th s Shou d -- do need to</p> <p>19 unredact and repr nt those pages?</p> <p>20 MR BARNES th nk you do And the</p> <p>21 good news for us r ght now s t's on page 397 so</p> <p>22 t's not n the batch we're about to read</p> <p>23 MS MTTEN So what page do you want</p> <p>24 me to unredact?</p> <p>25 MR BARNES We --</p>	<p>1 (Co ect ve "aye" responses.)</p> <p>2 MR. BARNES: A opposed, "no."</p> <p>3 (Recess taken.)</p> <p>4 MR. BARNES: We are back n from c osed</p> <p>5 sess on fo owed by a short recess. As prom sed,</p> <p>6 we' exp a n why we c osed the sess on. There's a</p> <p>7 part of th s depos t on n wh ch Mr. Rosenb um,</p> <p>8 counse for Gre tens, asks w tness one about certa n</p> <p>9 photographs that are present on a webs te that s</p> <p>10 some sort of soc a med a webs te of a pornograph c</p> <p>11 nature, and we want -- the comm ttee has seen</p> <p>12 w tness one's appearance, and eav ng that out n</p> <p>13 the open w thout some sort of d scuss on by the</p> <p>14 comm ttee of whether those photographs, n fact, are</p> <p>15 w tness one, wou d have a owed for the ns nuat on</p> <p>16 to be made that they m ght have been w tness one or</p> <p>17 that there was some ev dence that they were w tness</p> <p>18 one.</p> <p>19 So the purpose of c os ng the hear ng</p> <p>20 was to rev ew those photographs and compare them</p> <p>21 w th photographs of w tness one and dec de what the</p> <p>22 comm ttee wou d do before we re ease that part of</p> <p>23 the depos t on, est there be any confus on or</p> <p>24 ns nuat ons for wh ch there s no ev dence. So the</p> <p>25 comm ttee voted and unan mous y adopted the</p>
Page 42	Page 44
<p>1 MS MTTEN So n other words there's</p> <p>2 test mony</p> <p>3 MR BARNES Why don't we take a break</p> <p>4 when we get to that po nt and we can have that</p> <p>5 d scuss on when we get to that po nt</p> <p>6 MS MTTEN Okay</p> <p>7 MR RAZER But then we have to pr nt</p> <p>8 MR BARNES That's f ne We' just</p> <p>9 pr nt the new pages And rea y t's on y necessary</p> <p>10 to make two cop es of whoever s read ng at that</p> <p>11 part cu ar moment</p> <p>12 MS MTTEN R ght</p> <p>13 MR RAZER Okay</p> <p>14 MR BARNES And eventua y -- everyone</p> <p>15 shou d have unredacted cop es but we've got</p> <p>16 redacted cop es n front of us for purposes of</p> <p>17 read ng Anyth ng further before we open t up?</p> <p>18 MR TRENT mean are we go ng to</p> <p>19 take a break when a the cameras come back n?</p> <p>20 MR BARNES Yeah Okay So she w</p> <p>21 take a short recess to et everybody come back</p> <p>22 ns de w have a br ef exp anat on of what we</p> <p>23 just d d and then we w start w th the read ng</p> <p>24 move we go back nto open sess on</p> <p>25 A n favor say "aye "</p>	<p>1 fo ow ng statement, that there s no cred b e</p> <p>2 ev dence that the exh b ts marked 16 to 19 are</p> <p>3 photographs of w tness one as dent f ed n Vo ume</p> <p>4 of her depos t on.</p> <p>5 And prom sed -- some representat ves</p> <p>6 fe t strong y and m ght want to make statements when</p> <p>7 we came back n, so Representat ve Ph ps.</p> <p>8 MR. PH LL PS: Thank you, Mr. Cha rman.</p> <p>9 We spent a cons derab e amount of t me nterv ew ng</p> <p>10 w tness one. She was just a few feet away from us.</p> <p>11 n my m nd, there's abso ute y no quest on that th s</p> <p>12 s not a representat on of w tness one.</p> <p>13 She was a woman of s ender bu d. The</p> <p>14 ady n these p ctures s cons derab y arger,</p> <p>15 cons derab y more muscu ar bu d, and so forth. But</p> <p>16 after see ng her persona y and then v ew ng these</p> <p>17 p ctures that we used as an exh b t, there's no</p> <p>18 doubt n my m nd that these are not p ctures of</p> <p>19 w tness one. Thank you, Mr. Cha rman.</p> <p>20 MR. BARNES: Further comments?</p> <p>21 Representat ve M tten.</p> <p>22 MS. MTTEN: 'd just ke to echo the</p> <p>23 comments of Representat ve Ph ps.</p> <p>24 MR. BARNES: Further comments?</p> <p>25 Representat ve Trent.</p>

11 (Pages 41 to 44)

Page 45	Page 47
<p>1 MR TRENT Thank you Mr Cha rman</p> <p>2 So the nature of the photos are such that you cannot</p> <p>3 rea y ascerta n the dent ty of the nd v dua n</p> <p>4 quest on at east not to the best of my ab ty</p> <p>5 have not had the opportu ty ke the rest of the</p> <p>6 comm tee to be n the same room w th the f rst</p> <p>7 w tness So you know adm tted y you know that</p> <p>8 exper ence may y e d ns ght that don't have But</p> <p>9 th nk t's mposs b e to ascerta n the dent ty of</p> <p>10 the nd v dua one way or the other based on the</p> <p>11 rev ew of the mages that we just had so th nk</p> <p>12 that the mot on s appropri ate because we certa n y</p> <p>13 don't want to ns nuate someth ng when there s no</p> <p>14 ev dence to the aff rmat ve So thank you</p> <p>15 Mr Cha rman</p> <p>16 MR BARNES Thank you Representat ve</p> <p>17 Further quest ons or comments? See ng none we</p> <p>18 got -- we proceeded to page 301 ast n ght</p> <p>19 Yesterday we sort of threw the v ce cha r and</p> <p>20 rank ng member under the bus by mak ng them start</p> <p>21 w start myse f today w th the quest ons</p> <p>22 Mr V ce Cha r do you want to do the</p> <p>23 answer?</p> <p>24 MR PH LL PS Certa n y</p> <p>25 MR BARNES And we w go n 20-page</p>	<p>1 of something in the basement, of anything, right?</p> <p>2 Anything's possib e.</p> <p>3 "A: just know what he to d me.</p> <p>4 "Q: We , he didn't te you that at</p> <p>5 the time, did he? Did he te you that right at the</p> <p>6 time?</p> <p>7 "A: That he took a picture, yes, he</p> <p>8 did.</p> <p>9 "Q: And he said that was for you, so</p> <p>10 you won't te anybody, right?</p> <p>11 "A: Yes.</p> <p>12 "Q: And this is a so at a time when,</p> <p>13 according to you, he was in some sort of character,</p> <p>14 right?</p> <p>15 "A: Correct.</p> <p>16 "Q: And this character was sort of</p> <p>17 stepping back and ooking at it, maybe simi ar to a</p> <p>18 50 Shades-type character, right?</p> <p>19 "A: This was very persona .</p> <p>20 "Q: And in 50 Shades, in those three</p> <p>21 books, isn't there passages where the main</p> <p>22 protagonist took pictures?</p> <p>23 "A: Not that remember where he</p> <p>24 b ackmai ed somebody or threatened somebody. have</p> <p>25 no memory of that.</p>
Page 46	Page 48
<p>1 ncrements f that's okay w th everyone un ess</p> <p>2 Representat ves Aust n and Egg eston want to</p> <p>3 vo unteer another 100-page -- no See ng no</p> <p>4 vo unteer ng we' start on ne 3 of page 301</p> <p>5 (Whereupon test mony s be ng</p> <p>6 read nto th s record)</p> <p>7 "Q Can you te me whether or not</p> <p>8 the -- that th s c a med p ctur e that you can't even</p> <p>9 say for certa n was taken w th a camera or a phone</p> <p>10 or any other type of phone can you te me what was</p> <p>11 conta ned on the p ctur e?</p> <p>12 "A He to d me t was of me</p> <p>13 "Q d dn't ask what he to d you</p> <p>14 asked --</p> <p>15 "A We he adm tted</p> <p>16 "Q We d dn't ask 'm ask ng</p> <p>17 you what you observed D d you see -- you d dn't</p> <p>18 see a p ctur e r ght?</p> <p>19 "A d dn't see the p ctur e</p> <p>20 "Q Do you know whether t was a</p> <p>21 se f e?</p> <p>22 "A don't know on y know what he</p> <p>23 to d me</p> <p>24 "Q Certa n y t cou d have been a</p> <p>25 p ctur e -- f there was a p ctur e taken of h mse f</p>	<p>1 "Q You can't -- you used the word --</p> <p>2 t's nterest ng that you used the word</p> <p>3 'b ackma ed ' And that's what you're c a m ng he</p> <p>4 sa d, r ght, at the t me? Not that he's go ng to</p> <p>5 b ackma you, that he's go ng to -- f you ever</p> <p>6 ta k to anybody or you ever ment on t, that he's</p> <p>7 go ng to put t on the nternet, r ght?</p> <p>8 "A Correct</p> <p>9 "Q So you have no -- even f that</p> <p>10 cou d be true, even f your c a m s to be true, you</p> <p>11 can't say whether or not that was part of th s</p> <p>12 character he was n at the t me, can you?</p> <p>13 "A Yes</p> <p>14 "Q You can't say whether or not he</p> <p>15 was -- you can't say -- f rst of a , he never used</p> <p>16 the word 'b ackma ed,' d d he?</p> <p>17 "A He was very spec f c</p> <p>18 "Q D d he use the word 'b ackma '?</p> <p>19 "A 'You w never ment on my name '</p> <p>20 "Q Wh e he was c a m ng to you n</p> <p>21 character, yes? So he jumped --</p> <p>22 "A Th s was as h m</p> <p>23 "Q Th s was as h m? D d you te</p> <p>24 h m -- d d he te you 'm out of character?</p> <p>25 "A fe t t</p>

12 (Pages 45 to 48)

Page 49	Page 51
<p>1 "Q You fe t that he was out of</p> <p>2 character? Okay</p> <p>3 "A The same th ng w th mak ng h m --</p> <p>4 ask ng me about my hern a knew he was out of</p> <p>5 character</p> <p>6 "Q So he got out of character</p> <p>7 prev ous to that when he asked you about that,</p> <p>8 r ght?</p> <p>9 "A R ght</p> <p>10 "Q And that's just -- that's not</p> <p>11 anyth ng that's terr b y s gn f cant; t's just a</p> <p>12 scar on your --</p> <p>13 "A No But remember h m say ng</p> <p>14 that because t was not go ng a ong w th t s</p> <p>15 person, who d dn't even know who he was</p> <p>16 "Q Do you wear b k n s at the beach?</p> <p>17 "A No, don't</p> <p>18 "Q You never wear b k n s?</p> <p>19 "A No, wear a two-p ece</p> <p>20 "Q A two-p ece?</p> <p>21 "A mean, wear ke a -- so have</p> <p>22 a -- one that comes up to here t's ke an</p> <p>23 o d-schoo , ke, 1940s sw mm ng su t That's the</p> <p>24 on y two-p ece have, and then have one-p eces</p> <p>25 "Q So there wou d never be a p ctu re</p>	<p>1 the beach?</p> <p>2 "A No mean they cou d have but</p> <p>3 they d dn't no</p> <p>4 "Q And you wore a b k n yes?</p> <p>5 "A Not -- 'm uncomfortab e w th t</p> <p>6 yes</p> <p>7 "Q Okay But that's d fferent than</p> <p>8 say ng you've never worn one r ght? Do you see a</p> <p>9 d fference?</p> <p>10 "A d dn't say 've never worn one</p> <p>11 "Q We you d d actua y</p> <p>12 "A don't typ ca y wear them no</p> <p>13 "Q Okay When you have p ctu res of</p> <p>14 you taken -- when you have p ctu res taken of you out</p> <p>15 w th your fr ends mean t's pretty common for</p> <p>16 you espec a y among g r s to ook at the p ctu res</p> <p>17 and ed t them r ght?</p> <p>18 "A Poss b y</p> <p>19 "Q And request to de ete them</p> <p>20 correct?</p> <p>21 "A G r s -- mean peop e do that</p> <p>22 yes</p> <p>23 "Q And are you c a m ng that after</p> <p>24 he accord ng to you got out of character and sa d</p> <p>25 'You w never te anybody' d d you ask h m to</p>
Page 50	Page 52
<p>1 of you anywhere under any context post-hern a</p> <p>2 where you were wear ng a b k n ?</p> <p>3 "A Maybe w th my fam y</p> <p>4 "Q So the answer s you do wear</p> <p>5 b k n s from t me to t me?</p> <p>6 "A Not out n pub c no But f 'm</p> <p>7 w th my fam y --</p> <p>8 "Q Yes f you're w th your fam y</p> <p>9 where?</p> <p>10 "A L ke when we were on vacat on ast</p> <p>11 t me be eve</p> <p>12 "Q Where were you on vacat on?</p> <p>13 "A At ke -- t was a pr vate beach</p> <p>14 but when went on vacat on w th a bunch of fr ends</p> <p>15 recent y wore one-p eces</p> <p>16 "Q Okay So when you were w th the</p> <p>17 fam y -- excuse me Once you were w th the fam y</p> <p>18 on a pr vate beach now th s beach wasn't owned by</p> <p>19 your fam y was t?</p> <p>20 "A No but we had th s t was our</p> <p>21 pr vate area</p> <p>22 "Q But there was other peop e on the</p> <p>23 beach?</p> <p>24 "A Not r ght there no</p> <p>25 "Q But they cou d have wa ked down</p>	<p>1 de ete t at that po nt?</p> <p>2 "A 'm te ng you no just stood</p> <p>3 there -- just stood there n shock Th s was</p> <p>4 someth ng fe t fond y of He just sa d th s He</p> <p>5 just d d th s</p> <p>6 "Q We --</p> <p>7 "A d dn't rea y fee had power</p> <p>8 to do anyth ng at th s po nt</p> <p>9 "Q Assume -- assum ng accord ng to</p> <p>10 you and sten ng to what you're c a m ng occurred</p> <p>11 and after you're c a m ng that he sa d th s as you</p> <p>12 s t here now you have no poss b e dea as to</p> <p>13 whether or not that was transm tted anywhere do</p> <p>14 you? You cou d not poss b y know that cou d you?</p> <p>15 "A No don't know</p> <p>16 "Q You have no dea as to whether or</p> <p>17 not whatever he took t w th was even capab e of</p> <p>18 transm tt ng t to the Coud or anywhere e se?</p> <p>19 That wou d be a correct statement yes?</p> <p>20 "A can't be certa n</p> <p>21 "Q Pardon me?</p> <p>22 "A can't be certa n</p> <p>23 "Q You not on y can't be certa n we</p> <p>24 just went through a who e st of quest ons asked</p> <p>25 you that you can't be certa n as to whether or not</p>

<p style="text-align: right;">Page 53</p> <p>1 whatever device you're carrying this occurred on was</p> <p>2 even capable at that time to transmit to the</p> <p>3 internet or anywhere else. That's a true</p> <p>4 statement, yes?</p> <p>5 "A: Just know he told me he deleted</p> <p>6 it.</p> <p>7 "Q: That was not my question.</p> <p>8 "A: Which would --</p> <p>9 "Q: My question specifies, once</p> <p>10 you're carrying the picture was taken, you have no</p> <p>11 idea whether or not that device, whatever it was</p> <p>12 that you're carrying it was, Phone or otherwise,</p> <p>13 was even capable of transmitting based on</p> <p>14 everything we just went through, right?</p> <p>15 "A: Know what he told me. Know he</p> <p>16 told me he would put it all over, all over the</p> <p>17 internet for everyone to see.</p> <p>18 "Q: Let's go back and talk about my</p> <p>19 question. Do you remember it?</p> <p>20 "A: So would assume if he puts it</p> <p>21 all over the internet, it has to have that</p> <p>22 capability.</p> <p>23 "Q: Now, 'm -- did ask you what you</p> <p>24 were assuming? No. Asked you what you know. And</p> <p>25 my question again, you have no idea in the world,</p>	<p style="text-align: right;">Page 55</p> <p>1 Instagram, the internet? He never told you</p> <p>2 subsequent that he --</p> <p>3 "A: Correct.</p> <p>4 "Q: -- transmitted the photo anywhere?</p> <p>5 "A: Correct.</p> <p>6 "Q: And you have no idea, nor do you</p> <p>7 have any proof, nor do you have any assumption based</p> <p>8 on everything you know that even -- that that</p> <p>9 possibly occurred, do you?</p> <p>10 "A: I'm not sure.</p> <p>11 "Q: But not only are you not sure, you</p> <p>12 have no -- nowhere to point to where that would even</p> <p>13 indicate that there was a subsequent transmission.</p> <p>14 You can't point to anything that he said, anything</p> <p>15 that you assumed at the time, any piece of evidence</p> <p>16 that you were shown? You can't point us to anywhere</p> <p>17 where you believe there's any indication of proof that</p> <p>18 there was a subsequent transmission after that</p> <p>19 picture was taken, according to you, according to</p> <p>20 what you're carrying; that's a true statement, is it</p> <p>21 not?</p> <p>22 "A: -- I'm not sure.</p> <p>23 "Q: You're not sure of what? Do you</p> <p>24 not understand my question?</p> <p>25 "A: -- don't know.</p>
<p style="text-align: right;">Page 54</p> <p>1 whatever device you're carrying that this picture</p> <p>2 was taken, Phone or otherwise, you have no</p> <p>3 knowledge as to whether or not that device was even</p> <p>4 capable of transmitting a picture or anything else</p> <p>5 to Cloud, to social media, or anywhere else; that's</p> <p>6 a true statement, yes?</p> <p>7 "A: Can't be certain because I'm not</p> <p>8 certain exactly what it was, other than my knowledge</p> <p>9 of what it sounded like to me.</p> <p>10 "Q: And even --</p> <p>11 "A: And what he said.</p> <p>12 "Q: And even with your knowledge, we</p> <p>13 went through all sorts of issues with respect to</p> <p>14 setting, service, storage, all those types of issue,</p> <p>15 correct?</p> <p>16 "A: Correct.</p> <p>17 "Q: Which would mean you have no</p> <p>18 knowledge as to whether or not that was even</p> <p>19 capable, whatever device you're carrying it was;</p> <p>20 true statement, yes?</p> <p>21 "A: -- am not sure.</p> <p>22 "Q: And at no point in time did he</p> <p>23 ever come to you, subsequent to what you're carrying</p> <p>24 happened, and saying, hey, K.S., have sent this</p> <p>25 photo to anyone or any entity or any site, Facebook,</p>	<p style="text-align: right;">Page 56</p> <p>1 "Q: Do you have any proof?</p> <p>2 "A: If he took it with a Phone with</p> <p>3 his Cloud on, it definitely was. To my knowledge,</p> <p>4 he took it with his Phone.</p> <p>5 "Q: Well, we went over that. I'm</p> <p>6 asking a different question. Any evidence in your</p> <p>7 mind that subsequent to this carried picture, he</p> <p>8 transmitted it anywhere? Do you know the word</p> <p>9 'subsequent'? After? At some point after, that's</p> <p>10 what subsequent -- subsequent means, okay? Are you</p> <p>11 with me?</p> <p>12 "A: Yes.</p> <p>13 "Q: Do you have any evidence to</p> <p>14 suggest that at some point after you're carrying</p> <p>15 that there was a transmission of that photo to</p> <p>16 anyone, any site, any entity?</p> <p>17 "A: I have no knowledge of that.</p> <p>18 "Q: And according to you, once you're</p> <p>19 carrying that you heard the sound and saw the flash,</p> <p>20 according to you, you at that point in your story,</p> <p>21 had knowledge, personal knowledge that a photo was</p> <p>22 taken according to you?</p> <p>23 "A: Correct.</p> <p>24 "Q: You did not tell The House and the</p> <p>25 Grand Jury about your lack of knowledge or a</p>

Page 57	Page 59
<p>1 subsequent transm ss on?</p> <p>2 "A That was not asked d rect y</p> <p>3 "Q We and therefore t was not</p> <p>4 d scussed true?</p> <p>5 "A We f t wasn't asked t</p> <p>6 wasn't asked</p> <p>7 "Q Do you have an ndependent</p> <p>8 reco ect on of ta k ng to the Grand Jury or ta k ng</p> <p>9 to The House and say ng that you had no know edge</p> <p>10 that there was a subsequent transm ss on?</p> <p>11 "A don't remember spec f ca y no</p> <p>12 "Q th nk you -- at east to the</p> <p>13 Grand Jury that at th s t me he -- d d he -- when</p> <p>14 you made th s a eged threat d d he -- are you</p> <p>15 c a m ng he ca ed you some sort of name?</p> <p>16 "A Yes</p> <p>17 "Q And what wou d that be?</p> <p>18 "A A whore</p> <p>19 "Q Now that was someth ng that your</p> <p>20 husband referred to you as from t me to t me r ght?</p> <p>21 "A No not from t me to t me No</p> <p>22 "Q We that was someth ng your</p> <p>23 husband referred to you as</p> <p>24 "A After th s he was horr b e at</p> <p>25 sham ng me and say ng mean th ngs to me yes</p>	<p>1 that word r ght?</p> <p>2 "A Correct</p> <p>3 "Q That was essent a y three days</p> <p>4 after th s event</p> <p>5 "A Correct</p> <p>6 "Q D d you purposefu y om t that?</p> <p>7 "A There were certa n parts when</p> <p>8 was te ng h m that knew he was go ng to ose</p> <p>9 t He was s tt ng there the who e t me that was</p> <p>10 ta k ng to h m just gr tt ng h s teeth ke so</p> <p>11 angry</p> <p>12 "Q And so then you chose not to use</p> <p>13 that part cu ar word r ght?</p> <p>14 "A Yes</p> <p>15 "Q When he was -- he actua y d d n</p> <p>16 fact get to the po nt where he k ssed your vag na</p> <p>17 d d he not?</p> <p>18 "A After th s he came up c ose to</p> <p>19 me And ke sa d n my ear 'You're not go ng to</p> <p>20 speak my name are you?' And d dn't answer and</p> <p>21 then he d d t aga n Frst he ke spanked me</p> <p>22 and d d t aga n -- to me aga n Are you -- 'You're</p> <p>23 not go ng to say my name are you?'</p> <p>24 And just gr tted through my teeth and</p> <p>25 sa d 'No ' and he came around the front and started</p>
Page 58	Page 60
<p>1 "Q: So before you test f ed before the</p> <p>2 Grand Jury, that wou d have been someth ng that you</p> <p>3 wou d have heard used by your husband, yes, about</p> <p>4 you, yes?</p> <p>5 "A: After th s, about me be ng w th</p> <p>6 h m, yeah.</p> <p>7 "Q: And before you test f ed before</p> <p>8 the Grand Jury and The House or any other ent ty,</p> <p>9 r ght?</p> <p>10 "A: 'm sorry. Restate.</p> <p>11 "Q: You wou d have heard your husband</p> <p>12 ca you a whore before the Grand Jury test mony</p> <p>13 because t wou d have been r ght after th s; do you</p> <p>14 understand?</p> <p>15 "A: Before the Grand Jury test mony?</p> <p>16 "Q: Yes.</p> <p>17 "A: 'm sure my husband sa d someth ng</p> <p>18 to that effect.</p> <p>19 "Q: Now, when you --</p> <p>20 "A: After th s.</p> <p>21 "Q: When you descr bed th s event to</p> <p>22 your husband, you never to d your husband that he</p> <p>23 ca ed you a whore, that E.G. ca ed you a whore?</p> <p>24 "A: Correct.</p> <p>25 "Q: You never d d? You never used</p>	<p>1 k ss ng down my stomach and tr ed k ss ng me down</p> <p>2 there and ke freaked out</p> <p>3 "Q Now he a ready had k ssed there</p> <p>4 "A No he had not</p> <p>5 "Q We he touched you there you</p> <p>6 sa d</p> <p>7 "A Yes</p> <p>8 "Q And that's when you were aroused</p> <p>9 and potent a y orgasmed r ght?</p> <p>10 "A Yes</p> <p>11 "Q Okay And then accord ng to you</p> <p>12 be eve you sa d that you were a d on the ground</p> <p>13 "A Yeah tr ed eav ng was</p> <p>14 ke 'm -- 'm not ready for th s don't want</p> <p>15 th s</p> <p>16 "Q So you tr ed eav ng?</p> <p>17 "A Yes</p> <p>18 "Q We he d dn't restr n you d d</p> <p>19 he?</p> <p>20 "A Yes He tera y grabbed me ke</p> <p>21 a bear hug and a d me on the ground and just sa d</p> <p>22 'K S ca m down ca m down You can't eave ke</p> <p>23 th s '</p> <p>24 "Q D d you ns st on eav ng?</p> <p>25 "A No a d on the ground and</p>

HEARING 5/23/2018

Page 61	Page 63
<p>1 cred</p> <p>2 "Q And that's when you were c a m ng</p> <p>3 that n that state he takes down h s pants and he</p> <p>4 puts h s pen s n front of you, correct?</p> <p>5 "A We , after try ng to, ke, coax</p> <p>6 me, 'K S, you're okay, you're okay '</p> <p>7 "Q D d t work?</p> <p>8 "A 'You're okay '</p> <p>9 "Q Accord ng to you, d d you ca m</p> <p>10 down?</p> <p>11 "A was st just -- now 'm</p> <p>12 cry ng</p> <p>13 "Q And then you gave h m ora sex</p> <p>14 "A Yes</p> <p>15 "Q And accord ng to you, th s was --</p> <p>16 d d he actua y force h s pen s n your mouth; s</p> <p>17 that what you're c a m ng?</p> <p>18 "A No He just -- -- he was</p> <p>19 obv ous y st aroused and hadn't gotten what he</p> <p>20 wanted</p> <p>21 "Q We , that's your assumpt on,</p> <p>22 r ght? You potent a y orgasmed, r ght, dur ng th s</p> <p>23 ep sode?</p> <p>24 "A Not at that po nt</p> <p>25 "Q R ght But you had been aroused,</p>	<p>1 the way that sounded.</p> <p>2 "A: However sa d t, 'm te ng</p> <p>3 you.</p> <p>4 "Q: How ong d d t take you to g ve</p> <p>5 h m ora sex to the po nt of orgasm?</p> <p>6 "A: don't know. A coup e m nutes.</p> <p>7 "Q: Wh ch you d d vo untar y?</p> <p>8 "A: f you ca vo untar y.</p> <p>9 "Q: We , d d you refuse?</p> <p>10 "A: -- just set there. don't --</p> <p>11 "Q: We , you cou dn't have just sat</p> <p>12 there. You had to go through the movements of</p> <p>13 perform ng ora sex, r ght? mean, t wasn't the</p> <p>14 frst t me n your fe you d d t, r ght?</p> <p>15 "A: Frst t me d d t to somebody</p> <p>16 e se n 13 years. Th s was rea y --</p> <p>17 "Q: D d you use your hand at the same</p> <p>18 t me as we as your mouth?</p> <p>19 "A: God, have no c ue.</p> <p>20 "Q: Dur ng these two m nutes, you</p> <p>21 don't have any c ue? 'm just try ng to --</p> <p>22 "A: was rea y so numb at th s</p> <p>23 po nt.</p> <p>24 "Q: Okay. But to be sure, you gave</p> <p>25 h m ora sex, r ght?</p>
Page 62	Page 64
<p>1 r ght? R ght?</p> <p>2 "A had been aroused</p> <p>3 "Q Okay</p> <p>4 "A Prev ous y</p> <p>5 "Q Okay And d d you actua y say to</p> <p>6 h m 'm not aroused anymore?</p> <p>7 "A d dn't say anyth ng</p> <p>8 "Q Okay</p> <p>9 "A was so upset cou dn't</p> <p>10 be eve -- how do you not know that 'm th s upset?</p> <p>11 "Q We th nk what you sa d then</p> <p>12 s you sucked h m off and fgured that wou d be then</p> <p>13 he's happy and done r ght? s that what you sa d?</p> <p>14 "A Not ke that but fgured he --</p> <p>15 he's obv ous y st aroused He has no c ue how</p> <p>16 fee So he's not go ng to et me go unt he gets</p> <p>17 what he wants from th s whore</p> <p>18 "Q So when you sa d to the Grand</p> <p>19 Jury ' 'm just go ng to suck h m off and then he's</p> <p>20 happy and 'm done and can eave so d d that '</p> <p>21 wou d that be a true statement that you made to the</p> <p>22 Grand Jury?</p> <p>23 "A Yes But t wasn't ke that</p> <p>24 yeah</p> <p>25 "Q You don't sound -- you don't ke</p>	<p>1 "A Yes</p> <p>2 "Q And he d dn't force you to that's</p> <p>3 a true statement yes?</p> <p>4 "A He d dn't phys ca y make me do</p> <p>5 t</p> <p>6 "Q And you never to d h m no 'm</p> <p>7 not do ng t? You never sa d no 'm not do ng t?</p> <p>8 "A d dn't say rea y anyth ng</p> <p>9 "Q You d dn't say anyth ng mean</p> <p>10 you're not c a m ng for one nstant that he forced</p> <p>11 you -- forced h mse f on you at that po nt are you?</p> <p>12 You're not mak ng that statement</p> <p>13 "A 'm not c a m ng that he forced</p> <p>14 me --</p> <p>15 "Q Now --</p> <p>16 "A -- to put my mouth around h m</p> <p>17 "Q You a so d dn't te P S at a</p> <p>18 about g v ng h m ora sex at the t me on the 24th</p> <p>19 correct?</p> <p>20 "A No</p> <p>21 "Q Pardon me?</p> <p>22 "A No d d not</p> <p>23 "Q So that was essent a y a e at</p> <p>24 that t me r ght? Certa n y a e by om ss on?</p> <p>25 "A That was someth ng --</p>

16 (Pages 61 to 64)

HEARING 5/23/2018

Page 65	Page 67
<p>1 "Q That was a e by om ss on</p> <p>2 "A -- that kept out</p> <p>3 "Q A e by om ss on, r ght?</p> <p>4 "A t was someth ng that d d not</p> <p>5 te h m for h s sake and for m ne at that po nt</p> <p>6 "Q Because at that t me t served</p> <p>7 your purposes, yes?</p> <p>8 "A Because at that t me t was rea y</p> <p>9 traumat c, yeah</p> <p>10 "Q And t served your purposes at</p> <p>11 that t me to keep that out; that's a true statement?</p> <p>12 "A At th s -- at th s -- at th s</p> <p>13 po nt, thought P S was go ng to f p out, and</p> <p>14 can't even ta k about t r ght now to h m</p> <p>15 "Q So where d d you change your</p> <p>16 c othes? D d you go back upsta rs?</p> <p>17 "A went back upsta rs and changed</p> <p>18 n the bathroom</p> <p>19 "Q And when you eft, d d you te</p> <p>20 h m 'm d sgusted; never want to see you aga n?</p> <p>21 "A don't -- don't remember other</p> <p>22 than gett ng out of there as fast as cou d</p> <p>23 "Q We , th nk what you sa d to the</p> <p>24 Grand Jury s that you were mad and you were</p> <p>25 d sgusted and you hated h m and that you were</p>	<p>1 that hook up w th guys and eave tems beh nd so</p> <p>2 they can see them aga n You've heard of that</p> <p>3 r ght?</p> <p>4 "A That was not the case Not the</p> <p>5 case at a</p> <p>6 "Q That wasn't the case?</p> <p>7 "A No t was not the case here</p> <p>8 "Q Okay Because the reason 'm</p> <p>9 ask ng s that you c a med that a day ong at work</p> <p>10 you were try ng to f gure out a way to get those</p> <p>11 keys and you know you're not supposed to ca h m</p> <p>12 r ght?</p> <p>13 "A Yes</p> <p>14 "Q We you get unch breaks don't</p> <p>15 you?</p> <p>16 "A No don't</p> <p>17 "Q You don't get any breaks?</p> <p>18 "A No take a break wh e my</p> <p>19 c ent processes for ke f ve m nutes</p> <p>20 MR BARNES Sw tch?</p> <p>21 "Q He's f ve m nutes away You cou d</p> <p>22 have knocked on h s door</p> <p>23 "A d dn't have the t me</p> <p>24 "Q You cou d have made a phone ca</p> <p>25 from the shop r ght? That wou dn't have been</p>
Page 66	Page 68
<p>1 embarrassed. Do you reca mak ng those statements</p> <p>2 to the Grand Jury?</p> <p>3 "A: Yes.</p> <p>4 "Q: You s m ar y made some -- you</p> <p>5 made s m ar statements to T saby, correct?</p> <p>6 "A: wou d assume made someth ng</p> <p>7 s m ar.</p> <p>8 "Q: And then at some po nt you c a med</p> <p>9 that you freaked out because your purse -- your keys</p> <p>10 weren't n your purse, r ght?</p> <p>11 "A: Correct.</p> <p>12 "Q: But we've a ready gone through</p> <p>13 that and you wa ked n w th h m separate, r ght?</p> <p>14 "A: Correct.</p> <p>15 "Q: And he d dn't h de them from you?</p> <p>16 "A: No, but norma y wou d set my</p> <p>17 purse down, and then wou d put my keys ns de the</p> <p>18 purse n the front pocket, so wou d never th nk to</p> <p>19 grab my keys too.</p> <p>20 "Q: You never wou d th nk even f</p> <p>21 they're r ght next to each other?</p> <p>22 "A: No, got out of there so fast.</p> <p>23 "Q: We , understand that that's</p> <p>24 what you're say ng. But you're not -- certa n y</p> <p>25 you've been around enough to hear stor es of g r s</p>	<p>1 ca ng from your number.</p> <p>2 "A: wasn't a owed to ca from</p> <p>3 there e ther. ca ed h m from there the n ght</p> <p>4 before and he sa d, 'Do not ca me.'</p> <p>5 "Q: A r ght. How about th s? How</p> <p>6 about hav ng a fr end ca ?</p> <p>7 "A: 'm te ng you what he to d me.</p> <p>8 "Q: just sa d, you had opt ons to</p> <p>9 get your keys, d dn't you? You cou d have ca ed a</p> <p>10 cour er, r ght?</p> <p>11 "A: cou d have had a m on</p> <p>12 opt ons.</p> <p>13 "Q: But you chose not to?</p> <p>14 "A: chose not to.</p> <p>15 "Q: Because after te ng the Grand</p> <p>16 Jury that you were mad, d sgusted, hated h m, and</p> <p>17 embarrassed, what you chose to do was go back to h s</p> <p>18 house at 4:00 p.m. that afternoon, r ght?</p> <p>19 "A: Correct.</p> <p>20 "Q: Vo untar y go back to th s man</p> <p>21 that just -- that you just descr bed n a way that</p> <p>22 you descr bed, r ght?</p> <p>23 "A: Correct.</p> <p>24 "Q: And you on y went back there --</p> <p>25 you stayed for 45 m nutes?</p>

17 (Pages 65 to 68)

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HEARING 5/23/2018

Page 69	Page 71
<p>1 "A Around there</p> <p>2 "Q You engaged n add t ona sexua</p> <p>3 act v ty?</p> <p>4 "A K nd of</p> <p>5 "Q K nd of?</p> <p>6 "A K nd of</p> <p>7 "Q We n fact you engaged n ora</p> <p>8 sex w th h m aga n?</p> <p>9 "A No not that remember No</p> <p>10 "Q We et's wa k through that</p> <p>11 okay? You're there 45 m nutes r ght?</p> <p>12 "A Correct</p> <p>13 "Q That's a s gn f cant t me r ght?</p> <p>14 "A Yes and no</p> <p>15 "Q And to be certa n and to be sure</p> <p>16 he was touch ng you touch ng your boobs r ght?</p> <p>17 "A do remember that</p> <p>18 "Q And you a owed h m to do that?</p> <p>19 "A K nd of You wou d have to have</p> <p>20 been there</p> <p>21 "Q We we weren't okay none of</p> <p>22 us so we have to re y on you</p> <p>23 "A wa ked n -- we wa ked n</p> <p>24 and was extreme y angry at h m and upset And he</p> <p>25 was just ke 'K S' t was -- t was back to</p>	<p>1 pu away and just say 'Stop p ease ' And then t</p> <p>2 ended w th me just say ng or us agree ng -- can't</p> <p>3 remember how the conversat on went -- that</p> <p>4 wou dn't see h m ke th s because was --</p> <p>5 "Q We what you to d P S about the</p> <p>6 45-m nute v s t s that he was touch ng you a</p> <p>7 over r ght?</p> <p>8 "A R ght</p> <p>9 "Q A over That wou d nc ude your</p> <p>10 vag na r ght?</p> <p>11 "A 'm assum ng so</p> <p>12 "Q And he was touch ng your boobs and</p> <p>13 you et h m that's what you sa d you et h m?</p> <p>14 That means consensua correct? Yes?</p> <p>15 "A t wasn't consensua t was</p> <p>16 just -- aga n th s s a hard-to-exp a n s tuat on</p> <p>17 "Q Okay We et's try th s Let</p> <p>18 me --</p> <p>19 "A mean t wasn't h m say ng K S</p> <p>20 et me do th s and et h m do t at that po nt</p> <p>21 t was just --</p> <p>22 "Q th nk we can a agree that n</p> <p>23 sexua s tuat ons somet mes you commun cate by</p> <p>24 words and somet mes you commun cate by act ons</p> <p>25 correct?</p>
Page 70	Page 72
<p>1 norma E.G. The guy who or g na y had fee ngs</p> <p>2 for, and he was so much more norma and was ke,</p> <p>3 'K.S., 'm sorry. just kept fantas z ng about</p> <p>4 you, and just wanted to make you fee good.'</p> <p>5 And sa d, 'But you took a fr gg ng</p> <p>6 p cture of me.'</p> <p>7 And he sa d, ' know. know. just</p> <p>8 had to protect myse f, but de eted t.'</p> <p>9 "Q: That's what you're c a m ng?</p> <p>10 "A: Huh?</p> <p>11 "Q: And that's what you're c a m ng,</p> <p>12 he sa d he de eted t or erased t?</p> <p>13 "A: He c a med he de eted t.</p> <p>14 "Q: Now --</p> <p>15 "A: So...</p> <p>16 "Q: So n any event, a these</p> <p>17 fee ngs that you just descr bed that you c a m you</p> <p>18 had n the 45 m nutes, they a d ss pate, r ght?</p> <p>19 "A: Not comp ete y, no. But they do</p> <p>20 enough to where he just keeps po nt ng to me say ng,</p> <p>21 'K.S., t's go ng to be okay.' And he was ke --</p> <p>22 he wou d ke k nd of rub on me aga n.</p> <p>23 "Q: He was turn ng you on aga n,</p> <p>24 r ght?</p> <p>25 "A: He wou d start to, and then 'd</p>	<p>1 "A: Correct.</p> <p>2 "Q: And somet mes you can nd cate</p> <p>3 consent by words, wh ch s rare, but most often</p> <p>4 consent ng adu ts nd cate consent by act ons,</p> <p>5 r ght?</p> <p>6 "A: Correct.</p> <p>7 "Q: Whether or not they're nto t,</p> <p>8 correct?</p> <p>9 "A: d dn't even k ss h m when came</p> <p>10 back.</p> <p>11 "Q: Pardon me?</p> <p>12 "A: d dn't even k ss h m when came</p> <p>13 back. kept pu ng away.</p> <p>14 "Q: We , you sa d, 'He was touch ng</p> <p>15 me and touch ng me a over, wh ch you sa d was your</p> <p>16 vag na, 'touch ng my boobs, and et h m.' That's</p> <p>17 what you sa d, r ght?</p> <p>18 "A: 'm assum ng to P.S., yes.</p> <p>19 "Q: That's what -- and that's what</p> <p>20 consensua means, correct?</p> <p>21 "A: That means et h m do t.</p> <p>22 Aga n, you wou d just have to be there.</p> <p>23 "Q: And you sa d you were turned on by</p> <p>24 that n that afternoon, correct?</p> <p>25 "A: don't remember that.</p>

18 (Pages 69 to 72)

<p style="text-align: right;">Page 73</p> <p>1 "Q: 'We , no. was turned on, you 2 sa d, about k ss ng. Not rea y. don't know. 3 don't th nk rea y ever k ssed h m.' Do you 4 reca mak ng that statement? 5 "A: don't reca t, but that makes 6 sense. 7 "Q: But you wou d agree -- 8 "A: Because he kept try ng. 9 "Q: And then you were spec f ca y 10 asked, we -- he sa d, 'D d you?' And your 11 response was, 'No, was turned on n the 12 beg nn ng.' Do you reca that? Do you reca that 13 4:00 o'clock sess on for 45 m nutes that you were 14 turned on aga n? 15 "A: mag ne that was aga n. 16 "Q: Okay. And -- 17 "A: t was tera y the most -- the 18 b gggest emot ona ro ercoaster because wou d back 19 away and just say, 'Stop, stop,' and then he wou d 20 start n aga n w th 'K.S.' 21 "Q: And you, that afternoon, gave h m 22 ora sex aga n? 23 "A: No, not -- 24 "Q: No? 25 "A: d d not.</p>	<p style="text-align: right;">Page 75</p> <p>1 "Q And you to d the Grand Jury that 2 you sa d you were p ssed off r ght? 3 "A Correct 4 "Q You c a m you to d the Grand Jury 5 about th s p ctur e that you c a m he had took wh ch 6 he c a med he de eted r ght? 7 "A Correct 8 "Q After -- and after that 9 conversat on w th the Grand Jury and after you c a m 10 that he sa d he de eted t they Ms Gardner 11 asked 'So what happened next?' And you sa d 't 12 was back to the sweet guy at the sa on 'r ght? 13 "A Correct 14 "Q You reca that He to d you he 15 had fantas zed about you correct? 16 "A Yes 17 "Q And then after that you eft? 18 "A Okay 19 "Q Never ment oned you were there for 20 45 m nutes r ght? 21 "A That wasn't asked so 22 spec f ca y -- 23 "Q We -- 24 "A -- how ong you were there or 25 whatever</p>
<p style="text-align: right;">Page 74</p> <p>1 "Q You don't remember? 2 "A remember that morn ng do not 3 remember that afternoon at a no 4 "Q s t poss b e? 5 "A No 6 "Q That afternoon? 7 "A wou d assume no 8 "Q We you're assum ng no 9 "A don't have any memory of t 10 "Q You have no memory of t? 11 "A No And remember be ng w th h m 12 the other t mes 13 "Q An nc dent a y you never 14 ment oned to the Grand Jury that you came back for 15 45 m nutes d d you? 16 "A don't know don't be eve -- 17 don't remember what was exact y asked or how that 18 was -- 19 "Q We you to d the Grand Jury that 20 you got there at 4 00 You went through the back 21 door r ght? 22 "A Correct 23 "Q Because you c a m you d dn't 24 purposefu y eave the keys r ght? 25 "A Correct</p>	<p style="text-align: right;">Page 76</p> <p>1 "Q: Do you not th nk th s context -- 2 t may have been nterest ng to the grand jurors, 3 that you came back after te ng the grand jurors 4 that you were d sgusted, mad, and hated h m, do you 5 not th nk t m ght have been nterest ng -- 6 nterest ng to the grand jurors that you came back 7 for 45 m nutes, engaged n consensua sexua 8 act v ty where you were turned on aga n? Do you not 9 th nk that may have been nterest ng? 'm just 10 ask ng that quest on. 11 "A: have no c ue. 12 "Q: You th nk t m ght have been 13 nterest ng to The House to te The House that you 14 came back and stayed 45 m nutes and engaged n 15 consensua act v ty? 16 "A: f that was asked, def n te y 17 sa d t. 18 "Q: Okay. We , t wasn't asked by 19 the Grand Jury n the Grand Jury. We can estab sh 20 that, okay? 21 "A: Correct. 22 "Q: Do you reca te ng The House 23 that you went there for 45 m nutes n the afternoon? 24 "A: be eve so, but can't remember 25 exact y.</p>

Page 77	Page 79
<p>1 "Q D d you te -- do you remember 2 te ng The House that you were turned on by h m 3 aga n that afternoon? 4 "A don't remember f that was asked 5 or not 6 "Q Do you remember te ng The House 7 that you engaged n consensua sexua act v ty that 8 afternoon? 9 "A don't remember what was asked 10 "Q You asked -- you were 11 spec f ca y on two occas ons -- we et me ask 12 th s Your husband P S spec f ca y asked you -- 13 et me wa k that back th nk you sa d that at 14 some po nt n th s 45 m nutes you agreed you were 15 not go ng to see each other 16 "A Correct 17 "Q Your husband -- 18 "A We except for to get h s ha r 19 done yeah 20 "Q We he asked you f you were 21 go ng to see h m aga n r ght? 22 "A Correct 23 "Q Your answer was ' don't know'? 24 "A Correct 25 "Q You cou dn't state to your husband</p>	<p>1 "A: Correct. 2 "Q: And that's because you wanted to? 3 "A: We , because he had said sti 4 p an on coming into the sa on. 5 "Q: We , certain y you have -- cou d 6 have said no. 7 "A: cou d have. 8 "Q: And you wanted to see him again? 9 "A: After that first day -- or after 10 eft that second time, fe t ike things were 11 smoothed enough that him coming into the sa on wou d 12 be -- 13 "Q: After that second 45-minute 14 session that you hadn't ta ked about before where 15 you engaged in additiona sexua activity, that's 16 what you're referring to, yes? After that second 17 45-minute period of time -- 18 "A: That second 45-minute session was 19 us ta king. 20 "Q: And fond ing -- 21 "A: Fina y -- 22 "Q: Fond ing each other, fond ing each 23 other? 24 "A: No, not fond ing each other. 25 "Q: Okay.</p>
Page 78	Page 80
<p>1 def n t ve y that you weren't go ng to see h m? 2 "A Correct 3 "Q You wanted to see h m aga n 4 d dn't you? You were st ntr gued 5 "A don't know exact y how fe t at 6 that moment 7 "Q We -- 8 "A After that day t red tera y 9 never to th nk of that f rst -- 10 "Q Rea y? Because some of the 11 thoughts you had were be ng n ove w th the dea of 12 E G r ght? 13 "A The dea before for sure 14 "Q We actua y as you were 15 descr b ng -- 16 "A thought he was awesome 17 "Q As you were descr b ng how you 18 fe t to P S you sa d you were -- you weren't n 19 ove w th h m but you were certa n y n ove w th 20 the dea of h m r ght? 21 "A We sure before that 22 "Q And you cou dn't comm t to h m 23 that you weren't go ng to see h m aga n and you 24 sa d there's a chance you're go ng to see h m aga n 25 correct?</p>	<p>1 "A Th s was -- 2 "Q So when you stood there -- 3 "A You weren't there 4 "Q And he was fond ng a over your 5 body and your vag na you had -- you had your arms 6 stra ght down? 7 "A kept stepp ng away and then he 8 wou d come to me aga n 9 "Q Even though you sa d you et h m 10 wh ch s consensua r ght? That wou d be -- 11 "A Yes wou d et h m and then 12 wou d step away and say 'Stop stop' 13 "Q Now th s s the same person that 14 you had ear er sa d you actua y had thoughts of a 15 future w th r ght? 16 "A Not necessar y thoughts of a 17 future 18 "Q But not necessar y thoughts" -- 19 MR BARNES "But not unnecessar y 20 thoughts " 21 MR PH LL PS Pardon me 22 "Q But not unnecessar y thoughts of 23 a future You wanted to see -- 24 "A Just thoughts about h m n 25 genera yes</p>

20 (Pages 77 to 80)

Page 81	Page 83
<p>1 "Q And where th s cou d poss b y go?</p> <p>2 "A thought very fond y of h m</p> <p>3 before yes</p> <p>4 "Q You're say ng where th s cou d go</p> <p>5 and you're say ng that's a correct statement your</p> <p>6 thoughts of where th s cou d go r ght?</p> <p>7 "A Poss b y but not the future</p> <p>8 "Q And were you mad at yourse f for</p> <p>9 what you cons der hav ng an affa r or stepp ng out</p> <p>10 on your husband?</p> <p>11 "A Oh abso ute y</p> <p>12 "Q And there's no doubt that you</p> <p>13 d dn't know you were be ng taped on the 24th r ght?</p> <p>14 You had no dea?</p> <p>15 "A had no c ue</p> <p>16 "Q And a so to be sure and be</p> <p>17 certa n tape-record ng your husband tape-record ng</p> <p>18 you was not part of a marr age counse ng or adv ce</p> <p>19 you rece ved?</p> <p>20 "A No</p> <p>21 "Q t was not part of therapy to</p> <p>22 address mar ta ssues n retrospect together by way</p> <p>23 of a tape of any sort?</p> <p>24 "A No</p> <p>25 "Q t was not anyth ng that you wou d</p>	<p>1 un ess they were do ng some sort of counse ng th ng</p> <p>2 that had no c ue about.</p> <p>3 "Q: Who s they?</p> <p>4 "A: Our mar ta counse or and my</p> <p>5 ex-husband. was not aware of any type of</p> <p>6 record ng for counse ng, no.</p> <p>7 "Q: So th nk you sa d the next event</p> <p>8 that occurred -- et me -- et me back up for a</p> <p>9 second.</p> <p>10 Your husband asked you on a coup e of</p> <p>11 occas ons whether or not you cou d ever have sex</p> <p>12 w th h m aga n, r ght? Do you reca that?</p> <p>13 "A: No, don't reca .</p> <p>14 "Q: Ho d on one second. We , we</p> <p>15 spec f ca y asked f you had sex w th h m just</p> <p>16 before meet ng your husband. Do you reca that?</p> <p>17 "A: Who asked that?</p> <p>18 "Q: P.S.</p> <p>19 "A: P.S. asked f --</p> <p>20 "Q: f want to get the context,</p> <p>21 there's a coup e of fo ow-up quest ons to th s.</p> <p>22 MR. AUST N: nterject on.</p> <p>23 Mr. S mpson says, "Counse , wh e you</p> <p>24 ook, we a -- may we a take a f ve-m nute</p> <p>25 break?" Sorry.</p>
Page 82	Page 84
<p>1 have agreed to?</p> <p>2 "A Correct</p> <p>3 "Q You fe t -- n fact, you fe t</p> <p>4 v o ated by that, d d you not?</p> <p>5 "A Correct</p> <p>6 "Q You heard A bert Watk ns, your</p> <p>7 husband's awyer, address t d fferent y, have you</p> <p>8 not?</p> <p>9 "A Oh, yes, have</p> <p>10 "Q How d d that make you fee ?</p> <p>11 "A Hurt, sad, angry</p> <p>12 "Q D d you take any act on aga nst</p> <p>13 Mr Watk ns?</p> <p>14 "A No, d d not</p> <p>15 "Q D d you cons der tak ng any</p> <p>16 act ons aga nst Mr Watk ns?</p> <p>17 "A No, haven't at th s po nt</p> <p>18 "Q D d you take any act on to set the</p> <p>19 record stra ght w th the aud ence that Mr Watk ns</p> <p>20 was ta k ng to?</p> <p>21 "A have not to date have tr ed</p> <p>22 to 'm n an awfu pos t on r ght now</p> <p>23 "Q n any event, what he sa d that</p> <p>24 came out of h s mouth was patent y fa se, true?</p> <p>25 "A t was not the truth, un ess --</p>	<p>1 MR. BARNES: Rosenb um add. We're back</p> <p>2 to Rosenb um's. That's you.</p> <p>3 "Q: Th s w on y take a second, then</p> <p>4 we can take a f ve-m nute break.</p> <p>5 Do you reca when your husband asked,</p> <p>6 'Do you th nk that you cou d ever hea and be ab e</p> <p>7 to have sex w th me aga n?' And your response was,</p> <p>8 ' don't know. 've thought about you. know you</p> <p>9 wou d never -- you wou dn't cheat on me ke that.'</p> <p>10 Do you reca that?</p> <p>11 "A: Not rea y, but when was th s?</p> <p>12 "Q: Th s was n the car.</p> <p>13 "A: Oh.</p> <p>14 "Q: The taped conversat on on the --</p> <p>15 on the 24th --</p> <p>16 "A: Correct.</p> <p>17 "Q: -- of March. You're te ng h m</p> <p>18 that you don't know whether you -- whether you cou d</p> <p>19 ever have sex w th h m aga n, mean ng P.S., r ght?</p> <p>20 "A: R ght.</p> <p>21 "Q: And wou d t be fa r to say that</p> <p>22 at that po nt n t me, your marr age wasn't very</p> <p>23 good?</p> <p>24 "A: Correct.</p> <p>25 "Q: And you weren't hav ng sex w th</p>

<p style="text-align: right;">Page 85</p> <p>1 your husband P.S.?</p> <p>2 "A: had been up unt maybe a few</p> <p>3 weeks before we separated or whatever.</p> <p>4 "Q: So you had been up unt a few</p> <p>5 weeks before?</p> <p>6 "A: That was not an ssue n our</p> <p>7 marr age, no.</p> <p>8 "Q: But you had been up unt , say,</p> <p>9 February?</p> <p>10 "A: Correct.</p> <p>11 "Q: Unt you separated?</p> <p>12 "A: Correct.</p> <p>13 "Q: And d d you have sex w th your</p> <p>14 husband at any t me through the course of your</p> <p>15 separat on?</p> <p>16 "A: Yes, we d d.</p> <p>17 "Q: Do you know what month?</p> <p>18 "A: don t remember. just know we</p> <p>19 d d at some po nt.</p> <p>20 "Q: L ke March, Apr , May, June?</p> <p>21 "A: Maybe. don t know.</p> <p>22 "Q: Pardon me?</p> <p>23 "A: Apr . m not sure.</p> <p>24 "Q: Okay.</p> <p>25 "A: don t remember.</p>	<p style="text-align: right;">Page 87</p> <p>1 he was ask ng dur ng sexua act v ty, d d you gu de</p> <p>2 h m or d d you te h m what to do, r ght?</p> <p>3 "A: R ght. --</p> <p>4 "Q: D d you have any part cu ar un que</p> <p>5 turnons that your husband wanted to know you shared</p> <p>6 w th E.G.?</p> <p>7 "A: No. don't be eve that's what</p> <p>8 he was ta k ng about, no.</p> <p>9 "Q: So you don't know what he was</p> <p>10 mean ng, what he was say ng, r ght?</p> <p>11 "A: 'm not sure what that was a</p> <p>12 about.</p> <p>13 "Q: A r ght. Can we just take a</p> <p>14 f ve-m nute break?"</p> <p>15 MR. AUST N: Mr. S mpson says, "Yeah."</p> <p>16 "Q: Okay. We're back from break.</p> <p>17 just want to back up for a m nute on a quest on w th</p> <p>18 respect to Mr. T saby. Do you reca te ng T saby</p> <p>19 that wh e you were on the r ngs, that when you</p> <p>20 c a med the photograph was taken, that you st had</p> <p>21 the sk rt on" --</p> <p>22 MS. M TTEN: "Sh rt."</p> <p>23 "Q: The sh rt on that you r pped?</p> <p>24 "A: Yes. t wou d have been around my</p> <p>25 arms st , yeah.</p>
<p style="text-align: right;">Page 86</p> <p>1 "Q: And ' ask th s one ser es and</p> <p>2 we can take a f ve-m nute break, and hopefu y 'm</p> <p>3 not go ng to go a that much onger. There was a</p> <p>4 t me when your husband was ask ng about the k nd of</p> <p>5 sex you had w th -- w th E.G., r ght?</p> <p>6 "A: Yes.</p> <p>7 "Q: W th E.G. Do you remember that?</p> <p>8 "A: Yes.</p> <p>9 "Q: And t struck me odd that he</p> <p>10 wou d -- that he just d dn't ask whether or not you</p> <p>11 guys had sex or ntercourse. He spec f ca y asked,</p> <p>12 'D d he ask you to have sex w th h m?'</p> <p>13 And your response was, 'No.'</p> <p>14 'D d you ask h m?'</p> <p>15 'No.'</p> <p>16 And then he asked you th s: 'D d you</p> <p>17 gu de h m? D d you te h m what to do?' Do you</p> <p>18 reca that quest on your husband asked you?</p> <p>19 "A: No, don't. don't know what --</p> <p>20 "Q: You sa d no.</p> <p>21 "A: assumed -- 'm not sure.</p> <p>22 th nk that quest on had to do w th, ke, d d set</p> <p>23 the boundar es sort of th ng, that -- that's what</p> <p>24 assume that means.</p> <p>25 "Q: We , when he sa d you sa d that</p>	<p style="text-align: right;">Page 88</p> <p>1 "Q So were your pants st on?</p> <p>2 "A They were down No they were at</p> <p>3 my feet</p> <p>4 "Q Were they down or off?</p> <p>5 "A They were at my feet yes</p> <p>6 "Q And w th respect to the T-sh rt at</p> <p>7 that po nt you sa d 'So t wou d have been</p> <p>8 r pped ' but you're c a m ng t had -- that t had</p> <p>9 been r pped r ght?</p> <p>10 "A Correct</p> <p>11 "Q So your arms st wou d have been</p> <p>12 through the arm ho es?</p> <p>13 "A Correct</p> <p>14 "Q So essent a y your torso wou d</p> <p>15 have been exposed?</p> <p>16 "A mean everyth ng n the m dd e</p> <p>17 yes t wou d have been hang ng f that makes</p> <p>18 sense ke the arms wou d have been on What</p> <p>19 fe t was the sh rt s ke hang ng the s eeves are</p> <p>20 st on my arms but t was r pped comp ete y open</p> <p>21 "Q So you d dn't see t but you fe t</p> <p>22 that t was open?</p> <p>23 "A Correct</p> <p>24 "Q So do you know whether or not your</p> <p>25 breasts were exposed?</p>

HEARING 5/23/2018

<p>Page 89</p> <p>1 "A: -- yes, be eved them to be</p> <p>2 because when he was touch ng them --</p> <p>3 "Q: Consensua y.</p> <p>4 "A: -- cou dn't fee the sh rt</p> <p>5 there.</p> <p>6 "Q: And certa n y consensua y at that</p> <p>7 po nt?</p> <p>8 "A: At that po nt, had not stopped</p> <p>9 h m, no."</p> <p>10 MS. M TTEN: Representat ve Aust n.</p> <p>11 MR. AUST N: Ask away.</p> <p>12 MS. M TTEN: Okay.</p> <p>13 "Q: Okay. So mov ng on, be eve</p> <p>14 that you sa d your next contact was a week or two</p> <p>15 ater at h s regu ar appo ntment, r ght?</p> <p>16 "A: Yes.</p> <p>17 "Q: And th nk that wou d have been</p> <p>18 probab y around March 28th or Apr 4th. Those were</p> <p>19 both Saturdays. Does that sound about r ght?</p> <p>20 "A: Somewhere around that t me.</p> <p>21 "Q: Had there been any phone ca s n</p> <p>22 between that you're aware of?</p> <p>23 "A: No.</p> <p>24 "Q: So from the afternoon of the</p> <p>25 21st --</p>	<p>Page 91</p> <p>1 contact that -- that's what you're referr ng to,</p> <p>2 yes. The next v s t where there was any contact was</p> <p>3 at the sa on wh ch wou d have been after that</p> <p>4 appo ntment.</p> <p>5 "Q: That wou d have been after that</p> <p>6 appo ntment?</p> <p>7 "A: Correct.</p> <p>8 "Q: So f the -- f that appo ntment</p> <p>9 that you're say ng was the frst t me you saw h m</p> <p>10 after that afternoon, and that was e ther on the</p> <p>11 28th of March or the 4th, r ght, do you reca</p> <p>12 whether t was a week or two weeks?</p> <p>13 "A: 'm not pos t ve. don't want to</p> <p>14 say.</p> <p>15 "Q: Because you ta k about an event,</p> <p>16 and 'm gett ng ahead of myse f, but you ta k about</p> <p>17 an event where he drove -- an event where you drove</p> <p>18 by and you were n the founta n -- on the founta n?</p> <p>19 Do you reca that?</p> <p>20 "A: Correct.</p> <p>21 "Q: And you dated that event, wh ch</p> <p>22 we' get to, n May of 2015. You sa d that was n</p> <p>23 May, a though you to d Mr. T saby that event, the</p> <p>24 founta n event, was ear y Apr . Do you have a</p> <p>25 reco ect on?</p>
<p>Page 90</p> <p>1 "A Yes</p> <p>2 "Q -- you had no contact w th h m</p> <p>3 unt your next appo ntment?</p> <p>4 "A No</p> <p>5 "Q s that your test mony?</p> <p>6 "A Correct</p> <p>7 "Q Okay And you certa n y wanted to</p> <p>8 see h m when he came n r ght?</p> <p>9 "A don't remember exact y how</p> <p>10 fe t unt he -- remember how fe t when he eft</p> <p>11 that day at the sa on was happy that he came n</p> <p>12 after</p> <p>13 "Q We was that when he came n</p> <p>14 ear y?</p> <p>15 "A No that was not</p> <p>16 "Q So when he came n for th s</p> <p>17 regu ar appo ntment you were happy to see h m</p> <p>18 r ght?</p> <p>19 "A Not necessar y r ght away 'm</p> <p>20 sure was nervous</p> <p>21 "Q We because 'm a tte</p> <p>22 confused because you then ta k chrono og ca y to</p> <p>23 the Grand Jury that essent a y your next v s t</p> <p>24 wou d have been --</p> <p>25 "A The next v s t where there was any</p>	<p>Page 92</p> <p>1 "A wou dn't have sa d that was</p> <p>2 ear y Apr 'm not sure exact y the t me ne</p> <p>3 just know he came n aga n for another appo ntment</p> <p>4 "Q Okay And dur ng that</p> <p>5 appo ntment --</p> <p>6 "A And --</p> <p>7 "Q And there was -- anyth ng awkward</p> <p>8 about t? Th s was r ght after you spent 45 m nutes</p> <p>9 w th h m or a week or after maybe two r ght?</p> <p>10 "A t def n te y started awkward t</p> <p>11 started uncomfortab e and --</p> <p>12 "Q Pardon me?</p> <p>13 "A sa d t started uncomfortab e</p> <p>14 yes</p> <p>15 "Q And when you say t started</p> <p>16 uncomfortab e you were st hav ng some of those</p> <p>17 same fee ngs towards h m they d dn't a of a</p> <p>18 sudden --</p> <p>19 "A They were very m xed fee ngs</p> <p>20 "Q They were Your fee ngs of</p> <p>21 des re and attract on and the perfect man and a</p> <p>22 of that they d dn't just d sappear</p> <p>23 "A They d dn't d sappear but they</p> <p>24 were tarn shed yeah</p> <p>25 "Q So dur ng that v s t t was just</p>

23 (Pages 89 to 92)

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Page 93	Page 95
<p>1 a forma ha rcut?</p> <p>2 "A Yeah for the most part He</p> <p>3 stated -- he asked me f had to d anyone</p> <p>4 "Q And of course you sa d no even</p> <p>5 though that wasn't true?</p> <p>6 "A Correct had reason to be</p> <p>7 fearfu</p> <p>8 "Q And then short y -- anyth ng e se</p> <p>9 stand out at that part cu ar ha rcut po nt?</p> <p>10 "A He sa d -- he was norma aga n</p> <p>11 He was k nd He was back to the person who had</p> <p>12 known pr or to see ng h m at h s house and he --</p> <p>13 our conversat on guess was more norma than</p> <p>14 towards the end of the ha rcut and know he sa d</p> <p>15 -- ' have to see you aga n When can see you</p> <p>16 aga n?'</p> <p>17 "Q When he sa d ' have to see you</p> <p>18 aga n ' what d d you say? D d you say want to see</p> <p>19 h m aga n too?</p> <p>20 "A don't remember 'm not sure</p> <p>21 exact y how that ended</p> <p>22 "Q D d you nd cate to h m at a</p> <p>23 dur ng that ha rcut appo ntment that you d d not</p> <p>24 want to see h m?</p> <p>25 "A don't reca</p>	<p>1 n ear y?</p> <p>2 "A Around that t me</p> <p>3 "Q R ght</p> <p>4 "A Correct</p> <p>5 "Q And that was okay w th you r ght?</p> <p>6 "A Correct</p> <p>7 "Q And the purpose of com ng n ear y</p> <p>8 was to spend some a one t me w th h m?</p> <p>9 "A Correct</p> <p>10 "Q Outs de of A the pub c v ew</p> <p>11 and B anybody n the shop because you had access</p> <p>12 to the shop r ght?</p> <p>13 "A K nd of had to go to the front</p> <p>14 desk to get the keys f was go ng to come n ear y</p> <p>15 for my c ents</p> <p>16 "Q But you had the keys r ght?</p> <p>17 "A That morn ng went to the front</p> <p>18 desk and got them beforehand yes</p> <p>19 "Q Was anybody e se there?</p> <p>20 "A Not for 15 m nutes or whatever</p> <p>21 "Q Poss b y onger? 30 m nutes?</p> <p>22 "A wou d say -- wou d say not</p> <p>23 much onger than 15 m nutes no</p> <p>24 "Q And when d d you have a</p> <p>25 conversat on w th E G about arrang ng to come n</p>
Page 94	Page 96
<p>1 "Q You don't reca or you th nk</p> <p>2 there's a poss b ty dur ng that ha rcut</p> <p>3 appo ntment you sa d don't want to see you</p> <p>4 anymore?</p> <p>5 "A don't remember say ng don't</p> <p>6 want to see you anymore no</p> <p>7 "Q And certa n y you had the opt on</p> <p>8 of not cutt ng h s ha r?</p> <p>9 "A Correct</p> <p>10 "Q And even referr ng h m out of the</p> <p>11 sa on or to somebody e se n the sa on you had that</p> <p>12 opt on?</p> <p>13 "A Yes</p> <p>14 "Q Okay And then the next event</p> <p>15 that you ta k about at east to the Grand Jury s</p> <p>16 at some po nt he requested to come n ear y and you</p> <p>17 can't te me whether t was 9 30 or 10 00 9 30 f</p> <p>18 t was a weekday or potent a y before 8 00 f t</p> <p>19 was a weekend correct?</p> <p>20 "A wou d -- be eve t to be a</p> <p>21 weekday</p> <p>22 "Q So that wou d have been -- he came</p> <p>23 n ear y around 9 30?</p> <p>24 "A Correct</p> <p>25 "Q And you knew he was go ng to come</p>	<p>1 ear y?</p> <p>2 "A don't remember spec f ca y</p> <p>3 'm not sure just know that that happened</p> <p>4 "Q So do you reca whether t was by</p> <p>5 ema or whether t was by te ephone?</p> <p>6 "A No don't reca</p> <p>7 "Q Now when you came -- was he</p> <p>8 wa t ng for you n the ha before enter ng?</p> <p>9 "A don't reca 'm not sure</p> <p>10 "Q We he cou dn't have gotten n?</p> <p>11 "A Correct</p> <p>12 "Q You had the key?</p> <p>13 "A Correct</p> <p>14 "Q D d you go through th s -- you go</p> <p>15 nto the sa on and you guys are the on y ones there?</p> <p>16 "A Yes</p> <p>17 "Q And you embrace? You k ss?</p> <p>18 "A We d d</p> <p>19 "Q And you k ssed th nk you</p> <p>20 descr bed t as w fu y?</p> <p>21 "A Correct</p> <p>22 "Q You made out?</p> <p>23 "A Correct</p> <p>24 "Q Because you were that attracted to</p> <p>25 h m?</p>

HEARING 5/23/2018

Page 97	Page 99
<p>1 "A: Because, yes, wanted to.</p> <p>2 "Q: Of course. Right. mean, he</p> <p>3 didn't force you to, correct?</p> <p>4 "A: No, didn't feel forced.</p> <p>5 "Q: You kissed?</p> <p>6 "A: At the time.</p> <p>7 "Q: You kissed him pass onate y?</p> <p>8 "A: kissed him, yes.</p> <p>9 "Q: Making out pass onate y?</p> <p>10 "A: -- yes, we were kissing.</p> <p>11 "Q: And at some point you moved to a</p> <p>12 closet to be out of public view even for --</p> <p>13 "A: It's not a closet, but it's a back</p> <p>14 room.</p> <p>15 "Q: We, it's a back room where you</p> <p>16 keep dye, right?</p> <p>17 "A: Correct.</p> <p>18 "Q: And you made that choice, correct,</p> <p>19 to go into that closet?</p> <p>20 "A: Maybe we made that choice,</p> <p>21 yes.</p> <p>22 "Q: Again, for further privacy?</p> <p>23 "A: Yes.</p> <p>24 "Q: Because you were making out,</p> <p>25 right?</p>	<p>1 that.</p> <p>2 "Q: And he did so in a way to try and</p> <p>3 arouse you to orgasm --</p> <p>4 "A: --</p> <p>5 "Q: -- as you kissed?</p> <p>6 "A: Yes, would maybe so.</p> <p>7 "Q: And did you orgasm on that</p> <p>8 occasion?</p> <p>9 "A: don't know. Not that recall.</p> <p>10 -- could have, but --</p> <p>11 "Q: Could have?</p> <p>12 "A: But not that recall.</p> <p>13 "Q: And at the same time he was doing</p> <p>14 that, you were peasuring him?</p> <p>15 "A: could have been touching him,</p> <p>16 yes.</p> <p>17 "Q: We, could you have given him</p> <p>18 oral sex in that room?</p> <p>19 "A: No, didn't.</p> <p>20 "Q: Are you certain?</p> <p>21 "A: I'm certain, yes.</p> <p>22 "Q: So when you were touching him,</p> <p>23 were you touching him bare penis?</p> <p>24 "A: maybe so.</p> <p>25 "Q: And to touch his bare penis, you</p>
Page 98	Page 100
<p>1 "A: Correct</p> <p>2 "Q: You continued to make out in the</p> <p>3 back room?</p> <p>4 "A: Correct</p> <p>5 "Q: And in fact in the back room you</p> <p>6 peasured each other? You're under oath</p> <p>7 "A: Right. We were fucking</p> <p>8 So yes there was hands and stuff like that. I</p> <p>9 that's what you're referring to</p> <p>10 "Q: We, I'm referring to that</p> <p>11 "A: Sure</p> <p>12 "Q: But it was more than hands</p> <p>13 mean he put his hands in your pants and peasured</p> <p>14 you on your vagina</p> <p>15 "A: To some extent but we didn't have</p> <p>16 that much time so it wasn't like -- we both stayed</p> <p>17 fucking guess is the point</p> <p>18 "Q: Okay. Again, didn't ask that</p> <p>19 did? My question is where you were in the back</p> <p>20 room in a secure private area you peasured each</p> <p>21 other for a period of time yes?</p> <p>22 "A: Yes</p> <p>23 "Q: He placed his hand on your bare</p> <p>24 vagina for a period of time?</p> <p>25 "A: As far as remember yes, know</p>	<p>1 unbutton his pants?</p> <p>2 "A: don't know if he did or didn't</p> <p>3 I'm not sure</p> <p>4 "Q: But they were unbuttoned?</p> <p>5 "A: maybe so</p> <p>6 "Q: And did they -- were they moved</p> <p>7 down?</p> <p>8 "A: Not that remember</p> <p>9 "Q: And once you touched his bare</p> <p>10 penis did you do so in a way to try and arouse him</p> <p>11 and cause him to ejaculate?</p> <p>12 "A: don't remember</p> <p>13 "Q: We mean --</p> <p>14 "A: just know we didn't have very</p> <p>15 long know that we were making out in the back</p> <p>16 and --</p> <p>17 "Q: And he was doing a penetrating</p> <p>18 you and you were essentially stroking his penis?</p> <p>19 "A: To some extent yes</p> <p>20 "Q: We understand you're saying</p> <p>21 'to some extent' I'm not asking you to tell me</p> <p>22 but those events were occurring correct?</p> <p>23 "A: Correct</p> <p>24 "Q: And they were occurring</p> <p>25 consensually and voluntarily correct?</p>

25 (Pages 97 to 100)

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HEARING 5/23/2018

Page 101	Page 103
<p>1 "A: Correct.</p> <p>2 "Q: And d d you br ng h m to orgasm?</p> <p>3 "A: don't remember.</p> <p>4 "Q: s t poss b e?</p> <p>5 "A: Maybe.</p> <p>6 "Q: And then once you comp eted that</p> <p>7 sexua encounter, you essent a y put on a d fferent</p> <p>8 face, so to speak, and went out about do ng your job</p> <p>9 of cutt ng h s ha r and others?</p> <p>10 "A: mean, wasn't ke that a</p> <p>11 day, f that's what you're referr ng to. mag ne</p> <p>12 once you f n sh sexua act v ty, you don't cont nue</p> <p>13 a day ong.</p> <p>14 "Q: You got yourse f back together,</p> <p>15 correct?</p> <p>16 "A: Correct.</p> <p>17 "Q: Now, 'm cur ous as to why you</p> <p>18 never ment oned any of th s to T saby.</p> <p>19 "A: -- mag ne d d st , but</p> <p>20 have no c ue what he remembers and what he doesn't</p> <p>21 remember.</p> <p>22 "Q: We , are you say ng you</p> <p>23 spec f ca y reca ment on ng th s sexua encounter</p> <p>24 to T saby?</p> <p>25 "A: be eve so, yes.</p>	<p>1 "Q Okay</p> <p>2 "A My po nt say ng that was that t me</p> <p>3 prev ous y had not k ssed h m w fu y hadn't</p> <p>4 consensua y --</p> <p>5 "Q We et me ask you th s --</p> <p>6 "A -- dec ded to k ss h m no</p> <p>7 "Q You've answered And aga n you</p> <p>8 know we've estab shed that wasn't sa d to the</p> <p>9 Grand Jury r ght?</p> <p>10 "A Correct</p> <p>11 "Q And t wasn't sa d to The House</p> <p>12 e ther r ght?</p> <p>13 "A 'm not sure f that was asked</p> <p>14 "Q And not ced that n response to</p> <p>15 a ser es of these quest ons that you d dn't say t</p> <p>16 to The House or you d dn't say t to the Grand Jury</p> <p>17 You respond by say ng ' 'm not sure whether or not</p> <p>18 t was asked ' r ght?</p> <p>19 "A Correct</p> <p>20 "Q We've had severa breaks here as</p> <p>21 we've gone on r ght?</p> <p>22 "A Correct</p> <p>23 "Q Have you had d scuss ons w th the</p> <p>24 c rcu t attorneys regard ng how th s depos t on s</p> <p>25 proceed ng?</p>
Page 102	Page 104
<p>1 "Q We you d dn't ment on t to the</p> <p>2 Grand Jury d d you?</p> <p>3 "A Yes that we made out n the</p> <p>4 sa on</p> <p>5 "Q We what you sa d was ' d d</p> <p>6 k ss h m w fu y at the t me when he came n ' r ght?</p> <p>7 "A Correct</p> <p>8 "Q And the next quest on was 'and so</p> <p>9 after that d d you have occas on to see h m aga n</p> <p>10 or d d you -- d d he make arrangements to see you</p> <p>11 aga n?" And then you go nto essent a y the next</p> <p>12 t me that you saw h m r ght?</p> <p>13 "A Correct</p> <p>14 "Q So we can estab sh for certa n</p> <p>15 that th s sexua act v ty wh e you were</p> <p>16 man pu at ng each other and try ng to arouse each</p> <p>17 other to orgasm was never ment oned to the Grand</p> <p>18 Jury?</p> <p>19 "A t wasn't asked spec f ca y what</p> <p>20 happened or anyth ng no</p> <p>21 "Q We what do you th nk you were</p> <p>22 there test fy ng about? You ment oned that you</p> <p>23 k ssed h m w fu y</p> <p>24 "A Yes</p>	<p>1 "A: Not at a , no.</p> <p>2 "Q: There was no d scuss on about how</p> <p>3 to respond to some of these quest ons?</p> <p>4 "A: No.</p> <p>5 "Q: Was there ever a quest on about</p> <p>6 respond ng by say ng you weren't asked?</p> <p>7 "A: No.</p> <p>8 "Q: So you don't th nk t was</p> <p>9 s gn f cant when you were test fy ng n front of the</p> <p>10 Grand Jury that you w fu y k ssed h m to add to</p> <p>11 the grand jurors and adv se the grand jurors that</p> <p>12 you engaged n sexua , consensua , pass onate</p> <p>13 contact where you each touched each other's, we ,</p> <p>14 vag na and pen s? You don't th nk that was maybe</p> <p>15 re evant nformat on, g ven that one of the ast</p> <p>16 th ngs you sa d to the Grand Jury before that s</p> <p>17 that you eft or at some po nt on the 21st you hated</p> <p>18 h m and you were d sgusted and you were embarrassed?</p> <p>19 You don't th nk t wou d have been s gn f cant to</p> <p>20 te these grand jurors that w th n a coup e weeks,</p> <p>21 you are essent a y engag ng n very consensua</p> <p>22 act v ty?</p> <p>23 "A: No.</p> <p>24 "Q: Do you th nk that wou d have had</p> <p>25 some re evance?</p>

26 (Pages 101 to 104)

HEARING 5/23/2018

<p>Page 105</p> <p>1 "A mean f-- f somebody -- or f</p> <p>2 was to d K S go K S go nto deta about</p> <p>3 every s ng e encounter at any t me you ta ked to</p> <p>4 h m any t me that you saw where were h s hands</p> <p>5 you know t's --</p> <p>6 "Q Let me --</p> <p>7 "A That's not how v ewed th s</p> <p>8 "Q Let me ask you th s</p> <p>9 "A And sorry To go back as we</p> <p>10 d dn't say eft hat ng h m and then that was t</p> <p>11 After that frst t me sa d when went back he</p> <p>12 d d smooth over th ngs to some extent d dn't</p> <p>13 eave hat ng h m that day eft extreme y</p> <p>14 confused and rea y n a d ff cu t we rd p ace</p> <p>15 "Q Before you test f ed before the</p> <p>16 Grand Jury d d you te Ms Gardner about th s</p> <p>17 sexua encounter n the broom -- n the dye c oset?</p> <p>18 "A don't know when to d her about</p> <p>19 t But know we ta ked about t or we d scussed</p> <p>20 t</p> <p>21 "Q You can't --</p> <p>22 "A Yes</p> <p>23 "Q -- te me when you asked about</p> <p>24 t when you ta ked about t? You can't te me</p> <p>25 whether t was before or after the Grand Jury?</p>	<p>Page 107</p> <p>1 quest on?</p> <p>2 "A We because sa d that t</p> <p>3 happened</p> <p>4 "Q She never asked you after you sa d</p> <p>5 you w fu y k ssed h m whether there was any</p> <p>6 add t ona sexua contact? can show you the</p> <p>7 transcr pt</p> <p>8 "A R ght</p> <p>9 "Q She never asked you that?</p> <p>10 "A mean no she d dn't</p> <p>11 "Q The next occas on that you spoke</p> <p>12 about was when you were s tt ng at th s founta n</p> <p>13 correct?</p> <p>14 "A Correct</p> <p>15 "Q And he dr ves by and he says --</p> <p>16 we et me ask you th s n reference to the</p> <p>17 sexua encounter that you had n your sa on wh ch</p> <p>18 th nk we can put t what at some po nt n Apr</p> <p>19 wou d that make sense?</p> <p>20 "A Maybe the end of Apr</p> <p>21 "Q Okay So then n -- at some po nt</p> <p>22 n May you're s tt ng outs de of your sa on read ng</p> <p>23 on what mag ne wou d be a break of some sort</p> <p>24 r ght?</p> <p>25 "A Correct</p>
<p>Page 106</p> <p>1 And -- and t's just a po nt of reference</p> <p>2 "A Sure</p> <p>3 "Q mean you d dn't say anyth ng to</p> <p>4 T saby t doesn't appear un ess he d dn't wr te t</p> <p>5 down?</p> <p>6 "A R ght don't know what he wrote</p> <p>7 down d dn't wr te -- or d dn't wr te down but</p> <p>8 whatever remembered to d her</p> <p>9 "Q But you can't te me whether you</p> <p>10 to d her that before you test f ed before the Grand</p> <p>11 Jury about the broom c oset the dye c oset?</p> <p>12 "A We that was part of t so</p> <p>13 assume so sa d he came nto my sa on yeah so</p> <p>14 assume</p> <p>15 "Q Okay So you be eve that you had</p> <p>16 prov ded that nformat on to Ms Gardner before you</p> <p>17 test f ed n the Grand Jury that you had had th s</p> <p>18 sexua encounter n the c oset you be eve that you</p> <p>19 test f ed that you to d that to Ms Gardner?</p> <p>20 "A Yes</p> <p>21 "Q And you understand she was the one</p> <p>22 ask ng the quest ons of you n front of the grand</p> <p>23 jurors?</p> <p>24 "A Yes</p> <p>25 "Q And she never asked you that</p>	<p>Page 108</p> <p>1 "Q: So do you get breaks?</p> <p>2 "A: f don't have a c ent, but on</p> <p>3 Saturdays n part cu ar, don't.</p> <p>4 "Q: And you were s tt ng at that</p> <p>5 founta n, wh ch th nk s r ght n front of, what,</p> <p>6 Scape?</p> <p>7 "A: Correct.</p> <p>8 "Q: And he dr ves by and asks f you</p> <p>9 can come over that n ght, r ght, or that day?</p> <p>10 "A: Correct.</p> <p>11 "Q: But that was actua y a day where</p> <p>12 you spent some s gn f cant t me w th h m, d dn't</p> <p>13 you?</p> <p>14 "A: No, not that day.</p> <p>15 "Q: What day was t?</p> <p>16 "A: That wou d have been the Saturday</p> <p>17 or whatever day that was at n ght. t was k nd of</p> <p>18 ate at n ght, you know, 9:00 p.m. or whatever.</p> <p>19 That t me, no, wasn't there for a very ong t me.</p> <p>20 "Q: Pardon me?</p> <p>21 "A: That t me was not there for a</p> <p>22 very ong t me.</p> <p>23 "Q: You d dn't spend a ot of t me</p> <p>24 ta k ng to h m?</p> <p>25 "A: Not that n ght, no.</p>

27 (Pages 105 to 108)

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HEARING 5/23/2018

<p style="text-align: right;">Page 109</p> <p>1 "Q How much time were you over at his 2 house on that particular night after you met him at 3 the salon? 4 "A I'm not sure Less than an hour 5 it wasn't a long time 6 "Q So you walked over? 7 "A Correct 8 "Q And you entered through the back 9 door? 10 "A Yes 11 "Q Did you knock or just walk in? 12 "A I don't remember 13 "Q Possibly you just walked in? 14 "A I don't remember 15 "Q Would it be fair to say you were 16 getting more comfortable around EG at this time? 17 "A No -- more comfortable than 18 the first time if that's what you're referring to 19 but no 20 "Q And certainly -- and to be 21 certain on that occasion you engaged in consensual 22 oral sex right? 23 "A Correct 24 "Q And he had oral sex with you as 25 well?</p>	<p style="text-align: right;">Page 111</p> <p>1 correct? 2 "A Correct be event to be 3 "Q And you say there was yet another 4 occasion? 5 "A Correct 6 "Q And this would have been when do 7 you know? June? 8 "A Correct The end of June 9 "Q And this is when you were advised 10 of the fact he had a phone of some sort? 11 "A Yes 12 "Q And who contacted whom or how was 13 this next arrangement? 14 "A I don't remember exactly mean 15 don't remember other than him telling me his wife 16 is going to be out of town for a week want to 17 see you as much as can When -- when are you 18 available But I don't remember was that -- 19 be event that was at his appointment or I don't 20 know I'm not -- I'm not sure just know that 21 knew ahead of time at least a few weeks ahead of 22 time that this -- that this was the case 23 "Q Do you know how many times you saw 24 him that week? 25 "A Twice yes</p>
<p style="text-align: right;">Page 110</p> <p>1 "A Correct 2 "Q So the two of you on that day 3 you gave him oral sex until he climaxed and then he 4 gave you oral sex until you climaxed? 5 "A Correct 6 "Q And he -- do you know how many 7 times he -- 8 "A No have no clue 9 "Q More than once? 10 "A Possibly 11 "Q And certainly during those periods 12 of sexual activity at his house on that occasion 13 you were both completely nude correct? 14 "A be event so yes 15 "Q Okay And the lights were on you 16 could see each other? 17 "A Yes 18 "Q You felt comfortable enough around 19 him to be nude in front of him and engage in oral 20 sex and have him reciprocate on you correct? 21 "A At this point yes " 22 MR AUSTIN Ready? Back to the 23 transcript 24 "Q Now this -- now was this about 25 the time where -- so this is in May at some point</p>	<p style="text-align: right;">Page 112</p> <p>1 "Q And both times at his house? 2 "A Correct 3 "Q Was that on one of the occasions 4 where you actually claimed that you worked out? 5 "A Yes correct 6 "Q Okay So the first time that 7 you -- that you came that particular week -- let me 8 back up one second Did you tell The House the fact 9 that you engaged in that he engaged in oral sex 10 with you on that occasion and that you were 11 completely nude with him and that you felt 12 comfortable being nude with him at that point? Did 13 you tell that to The House? 14 "A be event said we engaged in 15 consensual oral sex yes 16 "Q And the time now where you say 17 that you went over when you were advised that his 18 wife was going to be out of town this you're 19 saying was this June? And -- 20 "A At the end of June 21 "Q So this time was this the time 22 you stayed as significant period of time? 23 "A was there -- we don't 24 remember the specific amount of time but feel 25 like that time and the time in the morning were more</p>

28 (Pages 109 to 112)

Page 113	Page 115
<p>1 t me We had more t me than we d d the other t mes</p> <p>2 yes</p> <p>3 "Q Okay We wh ch t me n the</p> <p>4 morn ng?</p> <p>5 "A When we worked out</p> <p>6 "Q So the next t me --</p> <p>7 "A The ast t me correct</p> <p>8 "Q After th s? Okay So et's ta k</p> <p>9 about th s t me How many hours d d you spend w th</p> <p>10 h m on th s occas on n June?</p> <p>11 "A R ght 'm not exact y sure --</p> <p>12 sure exact y but wou d -- wou d say t was more</p> <p>13 t me than the other t mes Not hours and hours or</p> <p>14 anyth ng ke that but et's say --</p> <p>15 "Q A coup e hours? Severa hours?</p> <p>16 "A No ess Or no more than two</p> <p>17 hours no</p> <p>18 "Q And -- wou d assume that there</p> <p>19 was a ot of -- because you haven't seen each other</p> <p>20 that much a ot of fond ng and touch ng and</p> <p>21 k ss ng ke most peop e do r ght?</p> <p>22 "A Correct</p> <p>23 "Q You just d dn't s t there and</p> <p>24 watch TV? You d dn't have that much t me r ght?</p> <p>25 "A R ght We d dn't watch TV</p>	<p>1 "A be eve to be ora sex</p> <p>2 fond ng stuff ke that</p> <p>3 "Q D g ta man pu at on w th h s</p> <p>4 f ngers?</p> <p>5 "A Yes be eve so</p> <p>6 "Q Okay And d d you -- d d you</p> <p>7 reach orgasm dur ng that t me?</p> <p>8 "A can't say for sure 'm not</p> <p>9 sure</p> <p>10 "Q And th s s the occas on</p> <p>11 be eve you sa d that there was a -- he stopped and</p> <p>12 asked f you were hav ng sex w th anybody e se</p> <p>13 r ght?</p> <p>14 "A Correct</p> <p>15 "Q And you ment oned your husband?</p> <p>16 "A Correct</p> <p>17 "Q But you were separated r ght?</p> <p>18 "A Correct But knew had s ept</p> <p>19 w th h m at some po nt Not sure when</p> <p>20 "Q You can't say when?</p> <p>21 "A Yeah</p> <p>22 "Q You can't even say for certa n --</p> <p>23 certa n whether t was before or after th s ep sode</p> <p>24 r ght?</p> <p>25 "A 'm sorry? What?</p>
Page 114	Page 116
<p>1 "Q And dur ng the fond ng and</p> <p>2 k ss ng and touch ng, at some po nt that ed to</p> <p>3 another sexua encounter, r ght?</p> <p>4 "A Yes, be eve so</p> <p>5 "Q And where d d th s take p ace?</p> <p>6 "A n a spare bedroom that he has</p> <p>7 "Q And d d you wa k upsta rs naked?</p> <p>8 Had you undressed on the couch?</p> <p>9 "A don't be eve so, no</p> <p>10 "Q D d you start to undress on the</p> <p>11 couch?</p> <p>12 "A 've never been on h s couch, so,</p> <p>13 no</p> <p>14 "Q D d you start to undress</p> <p>15 downsta rs?</p> <p>16 "A Not that remember, no</p> <p>17 "Q D d you undress yourse f when you</p> <p>18 went upsta rs?</p> <p>19 "A don't remember don't know</p> <p>20 "Q You don't -- you don't remember</p> <p>21 how your c othes came off?</p> <p>22 "A No, because don't even know f</p> <p>23 my c othes were fu y off rea y don't remember</p> <p>24 "Q So what type of sexua act v ty</p> <p>25 d d you engage n on that occas on?</p>	<p>1 "Q: Before or after th s encounter</p> <p>2 w th E.G., you can't say whether or not you had</p> <p>3 s ept w th your husband aga n dur ng th s</p> <p>4 separat on?</p> <p>5 "A: We , know d d afterwards once</p> <p>6 we were back together, but, no, had -- had s ept</p> <p>7 w th h m pr or to th s.</p> <p>8 "Q: Dur ng the separat on?</p> <p>9 "A: Correct.</p> <p>10 "Q: And that's where you're c a m ng</p> <p>11 that he responded by gett ng angry and s app ng you?</p> <p>12 "A: Yes.</p> <p>13 "Q: We , you d dn't eave r ght then,</p> <p>14 d d you?</p> <p>15 "A: No.</p> <p>16 "Q: And you -- th s a eged s ap that</p> <p>17 you're c a m ng a dur ng th s per od of t me,</p> <p>18 you're conf d ng n your fr end [redacted], are you</p> <p>19 not?</p> <p>20 "A: Yes, was. But not every day or</p> <p>21 not te ng her, you know, every s ng e deta of</p> <p>22 everyth ng, but, yes.</p> <p>23 "Q: Was there anybody e se you were</p> <p>24 conf d ng n as you were go ng through these events?</p> <p>25 "A: Yes. My fr end [redacted].</p>

HEARING 5/23/2018

Page 117	Page 119
<p>1 "Q [Redacted]</p> <p>2 "A Who --</p> <p>3 "Q Your quas representat on?</p> <p>4 "A R ght</p> <p>5 "Q So 'm cur ous as to why you</p> <p>6 d dn't te your fr end [redacted] about th s</p> <p>7 c a med s ap f t was so --</p> <p>8 "A Because t was embarrass ng 've</p> <p>9 never ever been s apped n my fe not by a g r</p> <p>10 not by a guy not by anybody not by my dad</p> <p>11 "Q So noth ng e se that you were</p> <p>12 te ng [redacted] seemed to be embarrass ng to you</p> <p>13 except the fact that you're c a m ng that he</p> <p>14 s apped -- s apped you so you don't te her?</p> <p>15 "A We at that po nt t was super</p> <p>16 embarrass ng because --</p> <p>17 "Q So that was a d fferent eve of</p> <p>18 embarrassment so you cou dn't --</p> <p>19 "A Yes</p> <p>20 "Q -- to br ng yourse f to te one</p> <p>21 of your best fr ends that he s apped you?</p> <p>22 "A Yes</p> <p>23 "Q Was that the on y deta you eft</p> <p>24 out?</p> <p>25 "A That remember yes the phys ca</p>	<p>1 "A Because he to d them guess</p> <p>2 "Q To d who?</p> <p>3 "A We whoever have no c ue</p> <p>4 "Q Do you know that or are you</p> <p>5 specu at ng?</p> <p>6 "A 'm specu at ng That's -- he's</p> <p>7 the on y one that remember te ng other than</p> <p>8 be eve to d my fr end [redacted]</p> <p>9 "Q [Redacted] But you're not</p> <p>10 certa n of that e ther?</p> <p>11 "A don't remember spec f ca y</p> <p>12 remember P S asked me that spec f c quest on when</p> <p>13 we were back together</p> <p>14 "Q He asked you f he -- f he ever</p> <p>15 s apped you?</p> <p>16 "A Was there ever any phys ca</p> <p>17 v o ence? D d he touch you?</p> <p>18 "Q When d d he -- he d dn't ask you</p> <p>19 that on the 24th?</p> <p>20 "A When we were back together When</p> <p>21 we were back together</p> <p>22 "Q So when you got back together and</p> <p>23 then once you got back together and you were --</p> <p>24 wou d -- wou d mag ne you got back nto P S or</p> <p>25 P S 's good graces correct?</p>
Page 118	Page 120
<p>1 stuff</p> <p>2 "Q On y that deta ?</p> <p>3 "A The phys ca stuff yes</p> <p>4 "Q So at what po nt n your h story</p> <p>5 w th [redacted] d d t -- d d you have th s moment</p> <p>6 where you dec ded to te her about the fact that on</p> <p>7 th s part cu ar encounter you were s apped?</p> <p>8 "A When she confronted me</p> <p>9 "Q Pardon me?</p> <p>10 "A When she confronted me because she</p> <p>11 heard t n the news</p> <p>12 "Q She heard t on the news and she</p> <p>13 d dn't confront you unt 2018 r ght?</p> <p>14 "A Correct</p> <p>15 "Q Do you know who prov ded that</p> <p>16 nformat on to the news?</p> <p>17 "A Yes</p> <p>18 "Q Who was that?</p> <p>19 "A My ex-husband</p> <p>20 "Q Dur ng the tape?</p> <p>21 "A No because that wou d have</p> <p>22 happened after that</p> <p>23 "Q Correct So how -- who -- how</p> <p>24 d d -- n what form d d that nformat on get</p> <p>25 d ssem nated to the news to your know edge?</p>	<p>1 "A Yes</p> <p>2 "Q And wou d t be fa r to say</p> <p>3 poss b y dur ng that per od of t me you were</p> <p>4 portray ng yourse f to P S as more of a v ct m?</p> <p>5 "A No rea y wasn't v ew</p> <p>6 myse f as a horr b e person</p> <p>7 "Q Okay But you were try ng to</p> <p>8 portray yourse f n -- n any way as a v ct m or</p> <p>9 taken advantage of as you were try ng to resurrect</p> <p>10 your re at onsh p w th P S wh ch at that po nt had</p> <p>11 been broken?</p> <p>12 "A No because d dn't want h m to</p> <p>13 go after E G</p> <p>14 "Q And --</p> <p>15 "A d dn't want to be where 'm at</p> <p>16 r ght now No d d not</p> <p>17 "Q And then once you're confronted n</p> <p>18 2018 by [redacted] that's the fr st t me she had</p> <p>19 ever heard of any a eged s ap r ght?</p> <p>20 "A Correct</p> <p>21 "Q Even though you had prov ded her</p> <p>22 w th a most every other deta n your re at onsh p</p> <p>23 w th E G ?</p> <p>24 "A don't remember a the deta s</p> <p>25 that d d but was pretty -- we ta ked you know</p>

30 (Pages 117 to 120)

HEARING 5/23/2018

Page 121	Page 123
<p>1 quite a while about everything --</p> <p>2 "Q And --</p> <p>3 "A -- with P S too</p> <p>4 "Q Then there was another occasion</p> <p>5 that week And was that another occasion where you</p> <p>6 spent some significant time?</p> <p>7 "A Yes</p> <p>8 "Q And you shared a lot of</p> <p>9 information private information with him correct</p> <p>10 at that time?</p> <p>11 "A At times be even so</p> <p>12 "Q And thank you talked about where</p> <p>13 you went to school [redacted]?</p> <p>14 "A Correct</p> <p>15 "Q You talked about what your career</p> <p>16 goals were your major the fact you wanted to go</p> <p>17 back to school problems with your marriage</p> <p>18 correct?</p> <p>19 "A Correct "</p> <p>20 MR PH LL PS Then we have a redacted</p> <p>21 portion from lines 11 through 23</p> <p>22 "A No don't remember that</p> <p>23 "Q But you're not saying it didn't</p> <p>24 happen?</p> <p>25 "A No if it was in the tape yeah</p>	<p>1 "Q: Nobody was forcing you to have</p> <p>2 oral sex with him to reciprocate, and he</p> <p>3 reciprocated on you, right?</p> <p>4 "A: Yes, that was --</p> <p>5 "Q: A that other stuff was -- was</p> <p>6 enjoyable to you and you were attracted to him?</p> <p>7 "A: Some of it was, yes.</p> <p>8 "Q: Okay. You chose to go over again</p> <p>9 for another occasion that week where --</p> <p>10 "A: Right.</p> <p>11 "Q: -- S.G. was out of town, right?</p> <p>12 "A: Correct.</p> <p>13 "Q: That was in the morning before</p> <p>14 work, right?</p> <p>15 "A: Correct.</p> <p>16 "Q: And you knew at that point that</p> <p>17 you were going to work out, supposedly?</p> <p>18 "A: Yes.</p> <p>19 "Q: Right? So you did arrive in</p> <p>20 workout clothes?</p> <p>21 "A: Yes.</p> <p>22 "Q: And you also knew there was going</p> <p>23 to be some sexual activity involved, given what's</p> <p>24 been going on with the two of you, right?</p> <p>25 "A: No, I didn't know. But</p>
Page 122	Page 124
<p>1 "Q So mean, you were close enough</p> <p>2 to EG at that point that you're sharing some very,</p> <p>3 very intimate details of your life, right?</p> <p>4 "A Yes be even to him that at</p> <p>5 that point and not prior to the email</p> <p>6 "Q And at that point, even though</p> <p>7 you're claiming this, that he started you by</p> <p>8 harassing you, you certainly -- that certainly didn't</p> <p>9 prevent you from returning to his home shortly</p> <p>10 thereafter, correct?</p> <p>11 "A Correct</p> <p>12 "Q Because the sex that you had with</p> <p>13 him was enjoyable? You enjoyed it? You were</p> <p>14 attracted to him?</p> <p>15 "A There were -- there were many</p> <p>16 reasons</p> <p>17 "Q Right?</p> <p>18 "A There was -- there were many</p> <p>19 reasons</p> <p>20 "Q Nobody was forcing you to go over</p> <p>21 there, right?</p> <p>22 "A Correct</p> <p>23 "Q Nobody was forcing you to engage</p> <p>24 in consensual sex with him, correct?</p> <p>25 "A Correct</p>	<p>1 didn't --</p> <p>2 "Q That would be a logical assumption?</p> <p>3 "A Correct</p> <p>4 "Q And when you walked in that day</p> <p>5 be even that EG was already downstairs working</p> <p>6 out?</p> <p>7 "A Yes that's correct</p> <p>8 "Q And you walked in and you met</p> <p>9 yourself in the back door correct?</p> <p>10 "A be even that he told me to yes</p> <p>11 "Q But you walked in right?</p> <p>12 "A Yes he told me to</p> <p>13 "Q And you walked downstairs</p> <p>14 correct?</p> <p>15 "A Yes he told me to</p> <p>16 "Q You walked understand but you</p> <p>17 walked through his home correct?</p> <p>18 "A Correct</p> <p>19 "Q And as you got downstairs do you</p> <p>20 recall commenting to him that this feels really</p> <p>21 normal and natural for you now?</p> <p>22 "A No don't recall that</p> <p>23 "Q But it's not unusual for you to</p> <p>24 have said that because you're feeling pretty</p> <p>25 comfortable that you just walked into his house You</p>

31 (Pages 121 to 124)

HEARING 5/23/2018

Page 125	Page 127
<p>1 had been there on several things. You had sex in</p> <p>2 his house on several occasions.</p> <p>3 "A: He told me to though.</p> <p>4 "Q: We okay get it.</p> <p>5 "A: Wouldn't have just come in.</p> <p>6 "Q: But you did right?</p> <p>7 "A: Yes, after he told me to.</p> <p>8 "Q: Walked through. And you were</p> <p>9 feeling normal and natural with him, like you were in</p> <p>10 a relationship?</p> <p>11 "A: That was not a normal and natural</p> <p>12 relationship.</p> <p>13 "Q: Didn't say it was.</p> <p>14 "A: No, did not feel like that.</p> <p>15 "Q: We because he was married.</p> <p>16 "A: Because he was married, was in</p> <p>17 the middle of my stuff, yes. No, that was not</p> <p>18 normal.</p> <p>19 "Q: But you had -- however you want to</p> <p>20 define it at that point, you had an ongoing</p> <p>21 relationship with him?</p> <p>22 "A: To some extent, yes. That was --</p> <p>23 "Q: Understand you like to clarify</p> <p>24 things by using the term 'to some extent' but you</p> <p>25 had an ongoing relationship with him, correct?</p>	<p>1 "Q: And so at some point, he brought you</p> <p>2 to orgasm by using his hands or his fingers,</p> <p>3 correct, when you were in, quote-unquote, a doggy</p> <p>4 style?</p> <p>5 "A: Don't remember that.</p> <p>6 "Q: A doggy-style position?</p> <p>7 "A: Don't remember specifically</p> <p>8 that, no.</p> <p>9 "Q: You don't remember saying that you</p> <p>10 were in a doggy-style position?</p> <p>11 "A: Remember saying that, yes.</p> <p>12 "Q: Okay. Was that that day?</p> <p>13 "A: Yes.</p> <p>14 "Q: And was that after you received</p> <p>15 oral sex that he also, when that position, used</p> <p>16 his fingers to bring you to orgasm?</p> <p>17 "A: Don't remember that.</p> <p>18 "Q: You're not saying it didn't</p> <p>19 happen?</p> <p>20 "A: Don't recall, yeah.</p> <p>21 "Q: And then, believe at some point</p> <p>22 you were offended because you felt you were pushed</p> <p>23 down?</p> <p>24 "A: Yes.</p> <p>25 "Q: And -- but you weren't hurt? You</p>
Page 126	Page 128
<p>1 "A: We didn't talk -- to me</p> <p>2 view a relationship as being two people who are</p> <p>3 communicating regularly and they're seeing each</p> <p>4 other regularly, saw him, literally a handful of</p> <p>5 times.</p> <p>6 "Q: And when you would see --</p> <p>7 "A: We can only -- communicated a</p> <p>8 handful -- you know what I mean?</p> <p>9 "Q: And when you would see him, you</p> <p>10 were essentially hooking up with him and having sex</p> <p>11 with him or engaging in sexual activity?</p> <p>12 "A: Yes, that occurred.</p> <p>13 "Q: And even on that occasion where</p> <p>14 you worked out, you didn't really work out, that</p> <p>15 much did you?</p> <p>16 "A: We went through a whole workout</p> <p>17 yeah.</p> <p>18 "Q: You also had sex?</p> <p>19 "A: Yes, we engaged in sexual</p> <p>20 activity.</p> <p>21 "Q: You had oral sex with him?</p> <p>22 "A: Correct.</p> <p>23 "Q: And he had -- he had oral sex with</p> <p>24 you?</p> <p>25 "A: Correct.</p>	<p>1 got up to get some water?</p> <p>2 "A: Started crying, yes.</p> <p>3 "Q: We but --</p> <p>4 "A: Think it hurt.</p> <p>5 "Q: After that, do you recall going</p> <p>6 over to a real push-up -- a real push-up bar</p> <p>7 chin-up bar because he had that in his basement too</p> <p>8 right?</p> <p>9 "A: Yes, prior to this, yes --</p> <p>10 "Q: And do you --</p> <p>11 "A: -- happen.</p> <p>12 "Q: -- recall doing or performing a</p> <p>13 chin-up fully nude? Want you to think about it</p> <p>14 "A: That sounds familiar, yes.</p> <p>15 "Q: And it sounds familiar because it</p> <p>16 happened?</p> <p>17 "A: Yes, believe so.</p> <p>18 "Q: And just to be clear, what</p> <p>19 happened on that occasion, you voluntarily went</p> <p>20 over to his push-up bar while working out or before</p> <p>21 working out or after?</p> <p>22 "A: After, mean we worked out</p> <p>23 fully clothed.</p> <p>24 "Q: Okay. And you also felt</p> <p>25 comfortable enough to take a shower at his home?</p>

32 (Pages 125 to 128)

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HEARING 5/23/2018

Page 129	Page 131
<p>1 "A d d take a shower that day, yes</p> <p>2 "Q Was that before -- was that</p> <p>3 upsta rs n the shower?</p> <p>4 "A Yes, be eve so</p> <p>5 "Q Okay So et's wa k through th s</p> <p>6 So you work out, r ght?</p> <p>7 "A Yes</p> <p>8 "Q And at some po nt you get fu y</p> <p>9 nude?</p> <p>10 "A Yes</p> <p>11 "Q So th s was after the workout when</p> <p>12 you were engag ng n sex?</p> <p>13 "A Correct</p> <p>14 "Q And at some po nt as you were</p> <p>15 fu y nude, you wa k over to a pu -up bar and you</p> <p>16 start do ng comp ete y nude pu -ups</p> <p>17 "A We , don't know about do ng</p> <p>18 them, but remember do ng one</p> <p>19 "Q Do ng one n h s presence?</p> <p>20 "A don't know f he was r ght</p> <p>21 there</p> <p>22 "Q He was there</p> <p>23 "A Yes f he remembers t, then,</p> <p>24 yes</p> <p>25 "Q We , mean, why e se wou d you</p>	<p>1 E G that th s was -- th s has to stop because</p> <p>2 somebody essent a y was send ng an ema ?</p> <p>3 "A Correct, to h s w fe</p> <p>4 "Q And do you reca h m say ng at</p> <p>5 th s po nt th s has to stop, r ght?</p> <p>6 "A Correct</p> <p>7 "Q Were you hurt?</p> <p>8 "A was many th ngs, yes Hurt,</p> <p>9 embarrassed fe t awfu for h s w fe fe t</p> <p>10 d sgusted Yes, was many th ngs</p> <p>11 "Q Fee ng awfu for h s w fe d dn't</p> <p>12 keep you from hav ng a these sexua encounters</p> <p>13 that we've ta ked about, r ght?</p> <p>14 "A fe t pretty awfu</p> <p>15 "Q d dn't ask that quest on d d</p> <p>16 not -- t d d not prevent you from hav ng a these</p> <p>17 sexua encounters that we just ta ked about, r ght?</p> <p>18 "A Correct</p> <p>19 "Q And t d dn't prevent you from</p> <p>20 hav ng the fee ngs that we ta ked about, r ght?</p> <p>21 "A Correct</p> <p>22 "Q A those fee ngs that you fe t</p> <p>23 for E G , those fee ngs were rea , were they not?</p> <p>24 "A What do you mean by 'rea '?</p> <p>25 "Q They were rea fee ngs that you</p>
Page 130	Page 132
<p>1 have done t f t wasn't for h m?</p> <p>2 "A just remember do ng that</p> <p>3 That -- that sounds rea fam ar to me so yes</p> <p>4 "Q And then you took a shower?</p> <p>5 "A Yes</p> <p>6 "Q And you went stra ght from the</p> <p>7 basement to the shower?</p> <p>8 "A don't -- 'm not sure</p> <p>9 "Q D d you wa k upsta rs nude at that</p> <p>10 t me?</p> <p>11 "A don't remember</p> <p>12 "Q You wou dn't have -- we you</p> <p>13 wou dn't have put your d rty workout c othes on</p> <p>14 r ght?</p> <p>15 "A cou d have don't know</p> <p>16 don't reca "</p> <p>17 MR AUST N Pass the baton</p> <p>18 "Q But you reca tak ng a shower?</p> <p>19 "A do yes</p> <p>20 "Q And t was ater that day where</p> <p>21 you wa ked out to your car and you to d h m -- and</p> <p>22 he to d you to fo ow h m to --</p> <p>23 "A Correct</p> <p>24 "Q -- Manchester and K ngsh ghway</p> <p>25 and t was at that po nt where you were nformed by</p>	<p>1 had rea emot ons?</p> <p>2 "A Yes They were fee ngs yes</p> <p>3 "Q So th s wou d have been just t me</p> <p>4 frame when?</p> <p>5 "A Beg nn ng of Ju y very beg nn ng</p> <p>6 of Ju y</p> <p>7 "Q And just to be c ear th nk you</p> <p>8 sa d to the Grand Jury at that po nt that you -- you</p> <p>9 fe t used that you had gotten -- that he had gotten</p> <p>10 what he wanted r ght?</p> <p>11 "A Yes 'm sure that was one of the</p> <p>12 fee ngs too yes</p> <p>13 "Q Some of the other fee ngs were</p> <p>14 that you were sort of heartbroken r ght?</p> <p>15 "A To some extent maybe but there</p> <p>16 was so much more there as far as --</p> <p>17 "Q And to some extent not on y d d</p> <p>18 your heart hurt but whatever fee ngs you were</p> <p>19 hav ng about a potent a future you knew that was</p> <p>20 not n the works d dn't you?</p> <p>21 "A That was not -- to me ater had</p> <p>22 a conversat on w th h m t was -- was super</p> <p>23 grossed out at myse f hated myse f</p> <p>24 "Q So th s was n Ju y that you were</p> <p>25 grossed out and hated yourse f 'm sorry?</p>

33 (Pages 129 to 132)

HEARING 5/23/2018

<p style="text-align: right;">Page 133</p> <p>1 "A: Yes.</p> <p>2 "Q: And just to be sure, th s so o</p> <p>3 tr p that we ta ked about, that was n August; was</p> <p>4 t not?</p> <p>5 "A: That was n June.</p> <p>6 "Q: That was n June. Are you certa n</p> <p>7 of the date?</p> <p>8 "A: am certa n. June 3rd.</p> <p>9 "Q: When d d you start to attempt to</p> <p>10 reconc e w th P.S.?</p> <p>11 "A: That week after saw E.G. that</p> <p>12 ast t me.</p> <p>13 "Q: So essent a y after E.G. to d you</p> <p>14 that t has to stop?</p> <p>15 "A: Yes, at that t me or after that</p> <p>16 t me.</p> <p>17 "Q: So once you heard that E.G. sa d</p> <p>18 that t had to stop, that's when you dec ded that</p> <p>19 you were go ng to reconc e w th P.S.?</p> <p>20 "A: We went to med at on that</p> <p>21 fo ow ng week.</p> <p>22 "Q: But t m ng-w se?</p> <p>23 "A: T m ng-w se, yes.</p> <p>24 "Q: T m ng-w se, have t r ght,</p> <p>25 don't ?</p>	<p style="text-align: right;">Page 135</p> <p>1 "Q But n fact even though he got</p> <p>2 the appo ntment w th [redacted] you were present</p> <p>3 were you not?</p> <p>4 "A Yes be eve was there</p> <p>5 "Q And actua y as h s ha r was</p> <p>6 be ng cut by [redacted] you stayed n the sa on</p> <p>7 d d you not?</p> <p>8 "A Yes be eve so</p> <p>9 "Q And actua y ta ked to E G the</p> <p>10 ent re t me?</p> <p>11 "A No d d not</p> <p>12 "Q You d d ta k to h m d dn't you?</p> <p>13 "A d d br ef y yes</p> <p>14 "Q We what's br ef y because --</p> <p>15 "A L ke for -- for tera y a</p> <p>16 m nute</p> <p>17 "Q D d P S br ng up any of th s n</p> <p>18 your d voice proceed ngs?</p> <p>19 "A We never had any proceed ngs</p> <p>20 d dn't h re an attorney</p> <p>21 "Q D d he threaten you w th any of</p> <p>22 th s act v ty outs de of the proceed ngs?</p> <p>23 "A After we were for sure gett ng a</p> <p>24 d voice n October or whatever after that he just</p> <p>25 sa d 'You know cou d ru n you n 30 seconds and</p>
<p style="text-align: right;">Page 134</p> <p>1 "A Correct</p> <p>2 "Q Okay And then at some po nt</p> <p>3 dur ng th s per od of reconc at on or attempted</p> <p>4 reconc at on you sent h m an ema say ng 'You</p> <p>5 need to go to a d fferent sty st ' correct?</p> <p>6 "A Correct</p> <p>7 "Q D d he actua y go to a d fferent</p> <p>8 sty st?</p> <p>9 "A Yes that was n the m dd e of</p> <p>10 that</p> <p>11 "Q The m dd e of what?</p> <p>12 "A L ke from Ju y to October</p> <p>13 "Q And --</p> <p>14 "A Because after October never saw</p> <p>15 h m Yes he d d</p> <p>16 "Q How does August 25th 2015 -- does</p> <p>17 that sound about r ght?</p> <p>18 "A Yes</p> <p>19 "Q And that's when he thanked you for</p> <p>20 gett ng h m an appo ntment w th [redacted]?</p> <p>21 "A Yes</p> <p>22 "Q And even though -- was th s dur ng</p> <p>23 a per od of t me when you were try ng to reconc e</p> <p>24 w th P S ?</p> <p>25 "A Correct</p>	<p style="text-align: right;">Page 136</p> <p>1 have proof,' and that was the frst t me that</p> <p>2 sa d, 'What do you mean proof?' And he sa d, '</p> <p>3 taped you.'</p> <p>4 "Q: And gett ng back to that afternoon</p> <p>5 on the 21st when you had further d scuss ons w th</p> <p>6 P.S., do you reca te ng P.S. essent a y that</p> <p>7 what -- there was d scuss on about that, he, n</p> <p>8 add t on to touch ng your boobs and touch ng you a</p> <p>9 over, that he was f nger ng you?</p> <p>10 "A: 'm sorry. 'm confused.</p> <p>11 "Q: 'm back to the afternoon of the</p> <p>12 21st.</p> <p>13 "A: Okay.</p> <p>14 "Q: n engag ng n conversat on w th</p> <p>15 P.S. about exact y what went on dur ng that 45</p> <p>16 m nutes, do you reca hav ng d scuss ons as to</p> <p>17 whether or not he was f nger ng you dur ng that</p> <p>18 t me?</p> <p>19 "A: don't reca that, but know</p> <p>20 that --</p> <p>21 "Q: He d d?</p> <p>22 "A: He kept fond ng me, and then</p> <p>23 wou d back away, and then he wou d fond e me aga n,</p> <p>24 and --</p> <p>25 "Q: But fond ng and f nger ng -- f</p>

34 (Pages 133 to 136)

<p style="text-align: right;">Page 137</p> <p>1 he was f nger ng you you had to s t st ong 2 enough for h m to take h s hand and st ck t down 3 your pants and f nger you r ght? 4 "A mean f you're actua y do ng 5 t to comp et on but h m try ng to put h s hands 6 down my pants and stuff ke that don't remember 7 spec f ca y just remember us -- we wou d ta k 8 because kept say ng want to ta k and then he 9 wou d say f ne ask me quest ons and then 10 wou d -- and then he wou d k nd of pu me to h m 11 and then he wou d start fond ng me aga n and 12 wou d wa k away and then eft 13 "Q What's your -- what's your ema ? 14 "A [Redacted] 15 "Q [Redacted]? 16 "A Yes 17 "Q [Redacted]? 18 "A Yes 19 "Q [Redacted]? 20 "A No [Redacted] 21 "Q [Redacted]? 22 "A Correct 23 "Q And what's [redacted]?" 24 MR BARNES [Redacted] 25 MR TRENT [Redacted]</p>	<p style="text-align: right;">Page 139</p> <p>1 and then we' trade back 2 MR EGGLESTON For the record, say the 3 page numbers 4 MR BARNES L ne 5 MR PH LL PS Th rteen s where t 6 actua y ends 7 MR BARNES A r ght Okay Now -- 8 okay 9 "Q Now, n d scuss ons w th E G , d d 10 you ever refer to a s te ca ed czechstreet, 11 C-Z-E-C-H? 12 "A don't know Not that reca 13 "Q Do you know what that s? 14 "A be eve t's a porn s te, yes 15 "Q Okay And s that a porn s te 16 that you ooked at and enjoyed from t me to t me? 17 "A 've ooked at t, yes 18 "Q You've ooked at Czech -- 19 "A Yes 20 "Q -- street, r ght? 21 "A Yes, be eve so 22 "Q mean, you ooked at that pr or 23 to ever hav ng th s re at onsh p w th E G ? 24 "A That was someth ng my husband had 25 shown me, yes</p>
<p style="text-align: right;">Page 138</p> <p>1 MR. BARNES: f we d dn't redact t, we 2 shou d have got that. 3 MR. EGGLESTON: Okay. 4 MR. BARNES: And then the next nes, 5 a the way down to 23, r ght? Just -- we m ght as 6 we redact the ent re. 7 MR. TRENT: Essent a y the rest of the 8 mater a . 9 MR. EGGLESTON: So we have everyth ng 10 [redacted] on page 386. Everyth ng. 11 MR. BARNES: No, th nk page 386, 12 ne 6 to ne 23. And then 24 we're -- we ta ked 13 about Representat ve M tten has the unredacted. 14 MR. TRENT: No, the unredacted port on 15 s on 91. 16 MR. BARNES: We , we're go ng to 17 unredact 386 too. 18 MR. TRENT: Are we go ng to redact 387 19 too? 20 MR. BARNES: Representat ve Ph ps 21 and w do 386 and 388. Te me when the squares 22 are out because we have an unredacted copy that the 23 representat ve brought back n. Yeah, t's redacted 24 there, but we've got an unredacted copy there. 25 We're just go ng to go unt those squares are n,</p>	<p style="text-align: right;">Page 140</p> <p>1 "Q And your husband showed you th s 2 as someth ng that was nterest ng to h m? 3 "A Yes 4 "Q And you a so ooked at w th your 5 husband and a so ndependent y? 6 "A Yes had 7 "Q And that was someth ng you 8 d scussed w th E G ? 9 "A f d d don't remember 10 "Q We t wou d make sense that you 11 d d r ght? 12 "A don't know don't remember 13 "Q Are you say ng you d dn't d scuss 14 t w th h m? 15 "A don't remember that Yeah 16 rea y don't reca that 17 "Q Okay And have you ever -- s 18 th s someth ng you regu ar y d d ook at porn 19 s tes? 20 "A No d dn't 21 "Q Was there any part cu ar type of 22 porn that you and your husband were nterested n? 23 "A No there was not " 24 MR BARNES Back to other 25 representat ves</p>

Page 141	Page 143
<p>1 "Q Have you ever caused any mages to 2 be sent from your ema , mages of you? 3 "A don't be eve so 4 "Q Pardon? 5 "A You mean mages of me n genera ? 6 "Q Frst of a , n genera , mages 7 of you 8 "A Sure " 9 MR BARNES Redact on -- don't have 10 a redacted copy Just, guys, ook ahead for these 11 names that are popp ng up 12 MR TRENT t's redacted 13 MR BARNES Okay ' be qu et now 14 "Q And that wou d have been sent from 15 an ema ca ed [redacted]? 16 "A Yes 17 "Q Have you ever sent any mages n 18 any states of undress? 19 "A No, not v a ema or not pr or to 20 th s No 21 "Q At any t me have you sent mages 22 n states of undress? 23 "A 'm not sure that t's re evant 24 after th s po nt, no 25 "Q We , 'm not ask ng you to make a</p>	<p>1 "A Not nude no But sexy or 2 whatever 3 "Q Okay [Redacted]" 4 MR PH LL PS Mr Stee e jumps n and 5 sa d " 'm go ng to object to the re evance at th s 6 po nt " 7 MR BARNES So the quest on s 8 "Q So n add t on to czechstreet any 9 other porn s tes -- any other porn s tes come to 10 m nd that you ooked at nd v dua y or w th your 11 husband?" 12 MR BARNES Are we -- oh you guys 13 have -- you two have the redacted copy Okay 'm 14 sorry A r ght So et's back up Quest on 15 "Q Okay So n add t on to 16 czechstreet any other porn s tes come to m nd that 17 you ooked at nd v dua y or w th your husband?" 18 Mr Stee e nterjects " 'm go ng to 19 object to re evance " 20 Mr Rosenb um says "You can answer " 21 MR PH LL PS Have got that one? 22 MR TRENT And 391 s the new y 23 redacted part correct? 24 MR EGGLESTON t's the sheet that she 25 used</p>
Page 142	Page 144
<p>1 determ nat on as to re evance. You've made a ot of 2 statements -- 3 "A: Correct. 4 "Q: -- that go to your cred b ty. 5 "A: Correct. 6 "Q: And 'm ask ng f you ever sent 7 any mages of states of undress, nud ty, or part a 8 nud ty v a ema or any other source text? 9 "A: Can we ta k for a m nute? No?" 10 MR. BARNES: There's a conversat on 11 w th counse and then they're back n. Go ng off -- 12 t says, "Go ng off the record at 5:21. Back on the 13 record at 5:22." 14 "Q: And when 'm ask ng th s quest on 15 about mages that you've caused to be sent by ema , 16 by text, 'm a so ask ng you whether or not you've 17 ever up oaded to any s te or nternet any mages of 18 you n a state of undress. 19 "A: No. 've never up oaded any 20 p ctures to a s te or anyth ng ke that. After my 21 husband and were back together, that was someth ng 22 he asked for me to do for h m because of what had 23 happened. 24 "Q: Send you nude p ctures -- send 25 nude p ctures?</p>	<p>1 "A No not that that comes to m nd 2 No 3 "Q Have you ever heard of an ent ty 4 s te ca ed Fete fe? 5 "A No have not 6 "Q Never heard of t? 7 "A No " 8 MR TRENT Wa t a m nute thought 9 that was go ng to be the redacted part 10 MR EGGLESTON We just took out the 11 sheet that says th s 12 MR TRENT Yeah 13 "Q So once aga n never heard of t? 14 "A No " 15 MR BARNES Here we go Jack 16 d scuss on off the record and then Mr Rosenb um 17 says 18 "Q So once aga n you go by -- you go 19 by K S r ght? 20 "A Correct 21 "Q And your ema s [redacted]? 22 "A Correct 23 "Q Have you ever had a n pp e r ng? 24 "A No 25 "Q No?</p>

<p style="text-align: right;">Page 145</p> <p>1 "A: No, do not. never have.</p> <p>2 "Q: Ever?</p> <p>3 "A: Never.</p> <p>4 "Q: A r ght. Now, wh e we're</p> <p>5 ook ng for an exh b t, you're aware that P.S. sent</p> <p>6 an ema etter to E.G.'s w fe, yes?</p> <p>7 "A: Yes.</p> <p>8 "Q: And when you were made aware of</p> <p>9 that -- and when were you made aware of that?</p> <p>10 "A: When E.G. f rst -- or E.G., sorry,</p> <p>11 f rst to d me, that's what suspected when.</p> <p>12 "Q: When he f rst to d you what?</p> <p>13 "A: That somebody had sent h s w fe an</p> <p>14 ema .</p> <p>15 "Q: Okay. So you mmed ate y</p> <p>16 suspected t was P.S. based on your ong h story</p> <p>17 w th the man, r ght?</p> <p>18 "A: d d, yes.</p> <p>19 "Q: And d d you confront h m?</p> <p>20 "A: No. He to d me about t maybe a</p> <p>21 week ater or -- someth ng.</p> <p>22 "Q: n person or ...</p> <p>23 "A: -- that he d d t. be eve n</p> <p>24 person, yes.</p> <p>25 "Q: And what d d he say?</p>	<p style="text-align: right;">Page 147</p> <p>1 capab e of.</p> <p>2 "Q: But you knew he was capab e of a</p> <p>3 ot?</p> <p>4 "A: Yes. At that po nt d d.</p> <p>5 "Q: And when d d you f rst earn that</p> <p>6 you had been tape-recorded -- been tape-recorded?</p> <p>7 "A: He to d me after we weren't</p> <p>8 together anymore for sure, so that was October 2015,</p> <p>9 but d dn't hear t. d dn't know of ts</p> <p>10 ex stence for some -- for sure unt r ght before t</p> <p>11 was re eased. The woman who re eased t ca ed my</p> <p>12 attorney, [redacted], and sa d -- we , she ca ed</p> <p>13 me and eft a message and had [redacted] ca her</p> <p>14 back, and she sa d, " just heard a tape w th your</p> <p>15 vo ce on t."</p> <p>16 "Q: So that wou d have been when?</p> <p>17 "A: A day or two before t came out n</p> <p>18 pub c.</p> <p>19 "Q: And P.S. -- P.S. to d you he</p> <p>20 actua y tape-recorded you and had th s n October</p> <p>21 of '15?</p> <p>22 "A: Correct. He to d me that.</p> <p>23 "Q: And that's when you f na y</p> <p>24 separated?</p> <p>25 "A: Yes. t was after we had f na y</p>
<p style="text-align: right;">Page 146</p> <p>1 "A That he had sent h s w fe an</p> <p>2 ema</p> <p>3 "Q D d you ask about the content?</p> <p>4 "A No because be eve E G had</p> <p>5 to d me the g st of t</p> <p>6 "Q D d you ask what the purpose of</p> <p>7 do ng that was?</p> <p>8 "A Yes</p> <p>9 "Q What d d he say?</p> <p>10 "A Because she shou d know th s</p> <p>11 "Q Now mean throughout the course</p> <p>12 of P S's d scuss ons w th you he made a number of</p> <p>13 statements that he cou d ru n for nstance E G n</p> <p>14 a matter of m nutes correct?</p> <p>15 "A Correct "</p> <p>16 MR BARNES 'm at the -- do you guys</p> <p>17 have the unredacted -- the correct one now r ght?</p> <p>18 MR EGGLESTON th nk so</p> <p>19 MR BARNES Okay You're on 393? 'm</p> <p>20 sorry We've got mass confus on back here 393</p> <p>21 MR EGGLESTON We're good</p> <p>22 "Q And that he cou d essent a y --</p> <p>23 we you've actua y sa d that you had no dea what</p> <p>24 the man was capab e of r ght?</p> <p>25 "A Yeah don't know what he's</p>	<p style="text-align: right;">Page 148</p> <p>1 separated.</p> <p>2 "Q: When d d you f na y separate?</p> <p>3 "A: t was the m dd e, end, end of</p> <p>4 October. t was after E.G. came n. sent the</p> <p>5 ema , because when came home that day, had made</p> <p>6 a prom se to my husband that f ever see h m aga n</p> <p>7 or hear from h m, w et h m know, so to d h m</p> <p>8 and he cou dn't be eve that dared speak to h m</p> <p>9 aga n. And he cou dn't be marr ed to me anymore,</p> <p>10 so -- and he had sa d you a so. He's a ways go ng</p> <p>11 to cont nue to have tabs on you un ess you do</p> <p>12 someth ng about t. So agreed that e ther way,</p> <p>13 whether was w th my husband or not, d d not want</p> <p>14 to keep go ng back and forth w th that stuff, so</p> <p>15 sent that ema .</p> <p>16 "Q: The quest on [redacted]?</p> <p>17 "A: No. He ...</p> <p>18 MR. EGGLESTON: Mr. Stee e.</p> <p>19 MR. PH LL PS: Mr. Stee e nterjected,</p> <p>20 " 'm go ng to object to re evance."</p> <p>21 MR. TRENT: [Redacted].</p> <p>22 "Q: Do you reca -- do you reca</p> <p>23 te ng P.S. on that meet ng, on that tape-recorded</p> <p>24 meet ng on the 24th that he asked you f at that</p> <p>25 po nt you got t out of your system and you sa d, "</p>

HEARING 5/23/2018

<p style="text-align: right;">Page 149</p> <p>1 don't know That's my hope?"</p> <p>2 "A No don't reca t but yes</p> <p>3 "Q That was referr ng to E G</p> <p>4 correct?</p> <p>5 "A assume so 'm not sure</p> <p>6 "Q And once he to d you that he n</p> <p>7 October had tape-recorded you surrept tious y d d</p> <p>8 you ask h m what he had -- what h s p ans were w th</p> <p>9 that tape?</p> <p>10 "A n October?</p> <p>11 "Q n October of '15 when he to d you</p> <p>12 that he had t</p> <p>13 "A just know was upset w th h m</p> <p>14 was ke no you d dn't No you d d not do that</p> <p>15 don't -- don't remember just know we were</p> <p>16 argu ng</p> <p>17 "Q D d you ever see a photograph or a</p> <p>18 p cture of P S b ndfo ded?</p> <p>19 "A No d d not</p> <p>20 "Q You never saw h m?</p> <p>21 "A Are you speak ng about a</p> <p>22 profess ona p cture?</p> <p>23 "Q Any type of p cture</p> <p>24 "A There's a profess ona p cture</p> <p>25 that be eve you're referr ng to</p>	<p style="text-align: right;">Page 151</p> <p>1 was " So sa d that sounds ke someth ng my mom</p> <p>2 wou d ke and to d my mom about t Mom we</p> <p>3 shou d go and meet [redacted] sorry my aunt and</p> <p>4 cous n who ve there and that was t went to</p> <p>5 that th ng d dn't even know what t was and</p> <p>6 then we d dn't stay for very ong because t was --</p> <p>7 don't know But that's t "</p> <p>8 MR EGGLESTON So then we have</p> <p>9 redacted stuff</p> <p>10 MR BARNES Th s s the stuff that we</p> <p>11 chose to unredact based on our conversat on th s</p> <p>12 morn ng</p> <p>13 MR TRENT We don't have any</p> <p>14 unredact --</p> <p>15 MS M TTEN Chose to unredact those?</p> <p>16 MR AUST N Yeah those photographs</p> <p>17 MR BARNES Yeah</p> <p>18 MS M TTEN m sunderstand That's</p> <p>19 why -- do you want to take a break?</p> <p>20 MR BARNES We et's go through the</p> <p>21 stuff that's redacted We' come back to t</p> <p>22 want to get through th s depos t on rather than run</p> <p>23 t around We've got unt noon We can come back</p> <p>24 to t</p> <p>25 MR AUST N Do you have the</p>
<p style="text-align: right;">Page 150</p> <p>1 "Q: And te me about that."</p> <p>2 MR. BARNES: Ho d on. Ho d on. Ho d</p> <p>3 on. F rst sentence -- redact the f rst sentence of</p> <p>4 th s -- on ne 24.</p> <p>5 MR. TRENT: Okay. The f rst sentence?</p> <p>6 MR. BARNES: Yeah. So start w th, th s</p> <p>7 was part of th s -- "Th s was part of that." So</p> <p>8 redact on, "Th s was part of h s art st c</p> <p>9 express on."</p> <p>10 MR. TRENT: Th s was after, "We were</p> <p>11 not together of don't know what."</p> <p>12 "Q: th nk you went -- you sa d to</p> <p>13 the Grand Ju y that you're not a po t ca person.</p> <p>14 Do you reca that?</p> <p>15 "A: Correct.</p> <p>16 "Q: And do you -- but you do engage n</p> <p>17 po t ca ssues; do you not?</p> <p>18 "A: No, not per se.</p> <p>19 "Q: D dn't you take part n a</p> <p>20 pro-cho ce ra y?</p> <p>21 "A: No. No, d d not. t was a --</p> <p>22 t was ca ed Mora M ssour . d dn't even know</p> <p>23 what t was. One of my c ents sa d to me, "K.S.,</p> <p>24 you've got to come to th s th ng. t's ca ed Mora</p> <p>25 M ssour . They d scuss mora ssues s what t</p>	<p style="text-align: right;">Page 152</p> <p>1 unredacted? have the unredacted copy</p> <p>2 MR BARNES Yeah but 'm nervous</p> <p>3 because of what just d d a second ago w th an</p> <p>4 unredacted copy want to make sure we've got t</p> <p>5 r ght and everybody on the comm tee agrees after</p> <p>6 what just d d a moment ago So et's just move on</p> <p>7 to the end of the redact on and we' come back to</p> <p>8 t t's not a b g dea</p> <p>9 MR TRENT A r ght So 397</p> <p>10 ne 25</p> <p>11 MR BARNES We' come back to t So</p> <p>12 jump to the end of what's redacted n that and</p> <p>13 we' come back to that at a ater po nt n t me</p> <p>14 "Q Okay Do you know anyone that</p> <p>15 wou d have had access to your P address or ga ned</p> <p>16 access to your P address?</p> <p>17 "A My ex-husband</p> <p>18 "Q s he soph st cated enough n your</p> <p>19 op n on to ga n access to your P address w thout</p> <p>20 your know ng? Have you ever had those d scuss ons</p> <p>21 w th h m?</p> <p>22 "A be eve h m to be</p> <p>23 "Q mean d d he say he wanted to</p> <p>24 harm you n any manner that he cou d r ght?</p> <p>25 "A don't know about n any manner</p>

38 (Pages 149 to 152)

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HEARING 5/23/2018

<p>Page 153</p> <p>1 he could, but --</p> <p>2 "Q: And again, just want to clarify</p> <p>3 this. Did you and P.S. ever have discussions about</p> <p>4 suing the governor or the government for money?</p> <p>5 "A: No, never.</p> <p>6 "Q: Did you tell P.S. that you never</p> <p>7 had sex with E.G.?</p> <p>8 "A: Yes. Sexual intercourse, did</p> <p>9 not.</p> <p>10 "Q: Okay. So you were -- you were</p> <p>11 referring to sexual intercourse?</p> <p>12 "A: Correct.</p> <p>13 "Mr. Rosenb um: Can we have one</p> <p>14 moment?"</p> <p>15 MR. BARNES: That was Rosenb um asking</p> <p>16 for a moment. They didn't go off the record. Back</p> <p>17 to me -- oh, this was -- Mr. Rosenb um was making</p> <p>18 sure that he had asked all his questions that he</p> <p>19 wanted. So now we're on examination by Mr. Steele.</p> <p>20 And thank we can just read the notes as they are,</p> <p>21 Representative Austin. If you want to do that on</p> <p>22 pages 397 -- 396 to 397. So these were the redacted</p> <p>23 comments, starting on 396 line 23. I ask the</p> <p>24 questions; you do the answers.</p> <p>25 MR. AUSTIN: Okay.</p>	<p>Page 155</p> <p>1 we've marked Deposition on Exhibit 19</p> <p>2 "A: No."</p> <p>3 MR. BARNES: Okay. Now we are on to</p> <p>4 questions -- direct examination by Mr. Steele on the</p> <p>5 bottom of page 399. You guys want to switch?</p> <p>6 Representative Trent, you can be the questioner.</p> <p>7 Representative Razer can be the answerer.</p> <p>8 MR. TRENT: Beginning on --</p> <p>9 MR. EGGLESTON: You're Mr. Steele.</p> <p>10 MR. BARNES: Line 399 line 21 is</p> <p>11 where we left off.</p> <p>12 "Q: Okay. Before we're started on</p> <p>13 the record. Just a couple more questions to clarify</p> <p>14 some stuff. When we initially started the</p> <p>15 deposition Mr. Rosenb um asked you about a -- a</p> <p>16 number of questions during the course of this</p> <p>17 case or during the course of the proceedings</p> <p>18 or something. Do you recall those questions?</p> <p>19 "A: Yes.</p> <p>20 "Q: He asked you about during to</p> <p>21 [redacted] during the course of the case or during</p> <p>22 the course of the proceedings. Do you recall that?</p> <p>23 "A: Correct.</p> <p>24 "Q: Now just so we're clear on this</p> <p>25 this case and this proceeding started somewhere</p>
<p>Page 154</p> <p>1 "Q: And you have never been at a</p> <p>2 photographed in an image other than what you're</p> <p>3 claiming occurred on the 21st in the state of</p> <p>4 undressed and b undfolded correct?</p> <p>5 "A: Correct.</p> <p>6 "Q: And you're certain of that?</p> <p>7 "A: I am certain of that.</p> <p>8 "Q: Can show you a photo and just</p> <p>9 tell me whether or not it's you?</p> <p>10 "A: Yes.</p> <p>11 "Q: I show you what's been</p> <p>12 marked -- we'll mark this Deposition Exhibit A -- or</p> <p>13 I'm sorry 16 I'm going to show you. Have you</p> <p>14 ever seen that image before?</p> <p>15 "A: No.</p> <p>16 "Q: Never?</p> <p>17 "A: Never.</p> <p>18 "Q: All right. Showing you what's</p> <p>19 been marked as 17 and ask you if you've ever seen</p> <p>20 that image.</p> <p>21 "A: No, no, have not.</p> <p>22 "Q: All right. I show you what's</p> <p>23 been marked as 18 which talks about [redacted]</p> <p>24 "A: No, that's not me. Oh, here.</p> <p>25 "Q: And lastly, I show you what</p>	<p>Page 156</p> <p>1 around January of 2018. Is that right, as far as</p> <p>2 you know?</p> <p>3 "A: Correct.</p> <p>4 "Q: Now, this going to -- to</p> <p>5 [redacted], was that before January of 2018?</p> <p>6 "A: Yes.</p> <p>7 "Q: That either by omission or</p> <p>8 commission, was not able to [redacted] during the</p> <p>9 course of this case?"</p> <p>10 MR. BARNES: Rosenb um jumps in with,</p> <p>11 "Let me just lodge an objection to the form. It's</p> <p>12 leading."</p> <p>13 "Mr. Steele: This is a deposition, so</p> <p>14 I lead as much as I want to.</p> <p>15 "Q: Answer the question that either by</p> <p>16 omission or commission to [redacted] was prior to</p> <p>17 January of 2018.</p> <p>18 "A: Yes.</p> <p>19 "Q: It was prior to this case?</p> <p>20 "A: Yes.</p> <p>21 "Q: The statement about either by</p> <p>22 omission or commission to any member of your family,</p> <p>23 your mother or your sister, was that prior to</p> <p>24 January of 2018?</p> <p>25 "A: Correct.</p>

39 (Pages 153 to 156)

Page 157	Page 159
<p>1 "Q So any e by om ss on or 2 comm ss on to your mother or your s ster was not 3 dur ng the course of th s case? 4 "A Correct 5 "Q t was not dur ng the course of 6 any proceed ngs nvo v ng E G ? 7 "A Correct 8 "Q Or E G -- 'm sorry So any e 9 by om ss on or comm ss on to [redacted] and your 10 fam y your mother and your s ster was pr or to 11 January of 2018? 12 "A Yes 13 "Q And probab y somewhere n 2015 14 any e to your mother or s ster by om ss on or 15 comm ss on s that fa r? 16 "A Yes 17 "Q Probab y three years ago you ed 18 to your mother and s ster by om ss on or comm ss on 19 nvo v ng Mr G or E G ? 20 "A Yes 21 "Q There was a so a reference to you 22 y ng by om ss on or comm ss on to fr ends? 23 "A Correct 24 "Q And don't reca a of the r 25 names but a number of fr ends that you d d not te</p>	<p>1 object on aga n --" 2 MR. TRENT: "-- the proceed ngs? 3 To the form that t's ead ng and t's 4 argumentat ve and ca s for th s w tness to ca 5 to -- to make a conc us on." 6 MR. BARNES: t appears that that was 7 ke y sa d by Mr. Rosenb um, but there's an error 8 n the transcr pt. 9 MR. TRENT: Okay. 10 "A: fee t was re evant at the 11 t me, but, no, not re evant to th s. 12 "Q: Okay. t was before th s case n 13 January of 2018? 14 "A: Correct. 15 "Q: Now, he asked you about a so -- 16 d d you see E.G. w th a phone n h s possess on? 17 "A: Correct. 18 "Q: Do you reca that? And be eve 19 you nd cated or test f ed that you had seen E.G. on 20 a number of occas ons w th an Phone? 21 "A: Correct. 22 "Q: An App e phone; s that r ght? 23 "A: Correct. 24 "Q: And at any po nt where you were n 25 the basement w th E.G. at h s home, d d you see what</p>
Page 158	Page 160
<p>1 them everyth ng? 2 "A Correct 3 "Q Do you reca that quest on? Do 4 you -- 5 "A Yes 6 "Q And t was character zed or 7 phrased as a e dur ng the course of th s case?" 8 MR BARNES 'm go ng to object -- 9 Mr Rosenb um, " 'm go ng to object to the form 10 aga n Just et t run throughout of the course of 11 a of these quest ons " 12 MR TRENT "That's f ne " 13 MR BARNES "That Mr Stee e chooses 14 to ask n a ead ng form " 15 MR TRENT "Noted 16 "Q Go ahead Was that pr or to 17 January of 2018? 18 "A Yes 19 "Q So any e by om ss on or 20 comm ss on to any fr end or a fr ends wou d have 21 occurred pr or to January of 2018? 22 "A Yes 23 "Q So t had noth ng to do w th th s 24 case at a --" 25 MR BARNES Mr Rosenb um, "We ,</p>	<p>1 you be eved to be a phone? 2 "A: So not ke that's a very v v d 3 memory, wh ch s the reason haven't ta ked about 4 because don't know f t's becom ng -- t's 5 because 'm remember ng t through a dream or -- 6 'm not sure. But, yeah, fee ke saw t after 7 that happened, but haven't spoke about t because 8 of that. 9 "Q: Okay. 10 "A: can't say for sure. 11 "Q: Okay. And when you say you 12 haven't spoken about t? 13 "A: Yes. 14 "Q: D d e ther myse f or Ms. Gardner 15 ask you about see ng a phone n the basement pr or 16 to the Grand Jury that was not n h s phys ca 17 possess on? 18 "A: be eve you may have. don't 19 remember for sure. 20 "Q: Okay. D d -- whoever you ta ked 21 to -- don't know f t was Jeff C ty or Co umb a, 22 d d they ask you about see ng a phone somewhere n 23 the basement that was not n h s phys ca 24 possess on? 25 "A: don't reca that spec f c</p>

HEARING 5/23/2018

Page 161	Page 163
<p>1 quest on 'm not sure</p> <p>2 "Q Okay But to the best of your</p> <p>3 reco ect on you don't have a spec f c reco ect on</p> <p>4 of someone ask ng you f you d d -- ask ng you d d</p> <p>5 you see a phone n the -- n the basement n h s</p> <p>6 home pr or to h m b ndfo d ng you that was not n</p> <p>7 h s hand?</p> <p>8 "A Correct</p> <p>9 "Q Okay ' wrap th s up because</p> <p>10 t's ate You've been here ong enough He a so</p> <p>11 asked you about see ng the f ash and hear ng the</p> <p>12 c ck</p> <p>13 "A Correct</p> <p>14 "Q And you be eve t was a phone?</p> <p>15 "A Yes</p> <p>16 "Q Now after you heard the c ck --</p> <p>17 and et me go back a so an Phone assume you've</p> <p>18 taken photographs?</p> <p>19 "A Yes</p> <p>20 "Q Do you have an Phone?</p> <p>21 "A Yes</p> <p>22 "Q And does t make a c ck ng sound</p> <p>23 when you shoot the photograph?</p> <p>24 "A Rght t makes k nd of a shutter</p> <p>25 sound st have my phone that had back n</p>	<p>1 house and you came back?</p> <p>2 "A: Correct.</p> <p>3 "Q: And when you came back, was there</p> <p>4 a subsequent conversat on w th yourse f and E.G. --</p> <p>5 excuse me, E.G. about tak ng a photo?</p> <p>6 "A: Yes.</p> <p>7 "Q: D d he deny tak ng the photo?</p> <p>8 "A: No, he d d not.</p> <p>9 "Q: What d d he say?</p> <p>10 "A: He sa d, ' know. know.</p> <p>11 thought about you today, but you have to understand,</p> <p>12 have to protect myse f and -- but thought about</p> <p>13 you and de eted t.'</p> <p>14 "Q: Okay. Now, the ast quest on</p> <p>15 have: Ear y on, you ta ked about when you had met</p> <p>16 w th Mr. T saby, Ms. Gardner, and th nk your</p> <p>17 attorney was there and T saby asked you some</p> <p>18 quest ons.</p> <p>19 "A: Correct.</p> <p>20 "Q: And they asked you about</p> <p>21 Ms. Gardner tak ng some notes and you sa d she was</p> <p>22 seated beh nd you.</p> <p>23 "A: Correct. Or k nd of n front of,</p> <p>24 but beh nd the tab e a tte b t.</p> <p>25 "Q: Okay. Do you have any spec f c</p>
Page 162	Page 164
<p>1 2015</p> <p>2 "Q Okay Does t make a s m ar</p> <p>3 sound?</p> <p>4 "A Yes</p> <p>5 "Q Now, after you heard the sound and</p> <p>6 you saw the f ash, d d he approach you, E G ?</p> <p>7 "A 'm sorry, what?</p> <p>8 "Q D d he approach you?</p> <p>9 "A After?</p> <p>10 "Q Yes, ma'am</p> <p>11 "A Yes, after he took the p cture</p> <p>12 "Q And then what d d he say after he</p> <p>13 took that p cture?</p> <p>14 "A 'Are you go ng to speak my name?</p> <p>15 Are you go ng to say my name?</p> <p>16 "Q And what d d he te you was the</p> <p>17 consequence?</p> <p>18 "A He wou d re ease the photo</p> <p>19 everywhere, a over the nternet He wou d put t</p> <p>20 everywhere for everyone to see</p> <p>21 "Q So after you heard the c ck ng</p> <p>22 sound and the f ash, he to d you he wou d put that</p> <p>23 photo on the nternet?</p> <p>24 "A Correct</p> <p>25 "Q And at some po nt you eft the</p>	<p>1 reco ect on of see ng Ms Gardner take any wr tten</p> <p>2 notes or anyth ng ke that?</p> <p>3 "A Not spec f c</p> <p>4 "Q Okay</p> <p>5 "A No</p> <p>6 "Q And th nk you c ar f ed you d d</p> <p>7 not see e ther Ms Gardner or T saby w th the r</p> <p>8 aptops?</p> <p>9 "A No d d not</p> <p>10 "Q Now you a so nd cated just so</p> <p>11 we c ar fy here that t s poss b e that T saby</p> <p>12 cou d have taken some notes</p> <p>13 "A Yes he had a fo der th ng n</p> <p>14 front of h m</p> <p>15 "Q Okay</p> <p>16 "A do remember that</p> <p>17 "Q You have a spec f c reco ect on</p> <p>18 that he had a fo der?</p> <p>19 "A Correct</p> <p>20 "Q You do not have a spec f c</p> <p>21 reco ect on of h m tak ng any wr tngs n front of</p> <p>22 you?</p> <p>23 "A No do not</p> <p>24 "Q Okay And -- and just so we're</p> <p>25 c ear do you have any spec f c reco ect on of</p>

41 (Pages 161 to 164)

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HEARING 5/23/2018

Page 165	Page 167
<p>1 see ng Ms Gardner take any notes?</p> <p>2 "A Not a spec f c reco ect on no</p> <p>3 "Q Okay So when you test f ed</p> <p>4 ear er she m ght have she cou d have?</p> <p>5 "A She cou d have</p> <p>6 "Q She cou d have so t's poss b e</p> <p>7 that you don't have any reco ect on of see ng her</p> <p>8 tak ng any notes?</p> <p>9 "A No do not</p> <p>10 "Q Noth ng further "</p> <p>11 MR TRENT And guess now we're go ng</p> <p>12 nto further exam nat on by Mr Rosenb um</p> <p>13 "Q We you wou d agree whatever the</p> <p>14 record shows that you're -- on the answers to my</p> <p>15 quest ons w th respect to T saby and Ms Gardner</p> <p>16 you're not chang ng your responses are you?</p> <p>17 "A No am not</p> <p>18 "Q And Mr Stee e asked you about a</p> <p>19 number of occas ons when you ed pr or to 2000 --</p> <p>20 we n 2015 do you reca that?</p> <p>21 "A Correct</p> <p>22 "Q And th nk the mp cat on s you</p> <p>23 haven't ed n 2018?</p> <p>24 "A don't know --</p> <p>25 "Q We s that what --</p>	<p>1 appo ntment That's why --</p> <p>2 "A You mean to my husband?</p> <p>3 "Q To your husband correct and to</p> <p>4 the Grand Jury you answered yes</p> <p>5 "A R ght</p> <p>6 "Q That was my state of m nd</p> <p>7 "A R ght</p> <p>8 "Q Do you reca that?</p> <p>9 "A can -- can c ar fy that</p> <p>10 p ease?</p> <p>11 "Q We 'm ask ng the quest ons at</p> <p>12 th s po nt You wou d understand that f you sa d</p> <p>13 that answer to the Grand Jury g ven your prev ous</p> <p>14 answer that you sa d n fact you knew that that</p> <p>15 wasn't what th s was about that the conversat on</p> <p>16 was go ng to be about see ng each other aga n and</p> <p>17 ta k ng about th s?</p> <p>18 "A R ght 'd ke to c ar fy</p> <p>19 because d dn't know for sure what the conversat on</p> <p>20 was That was my assumpt on but d dn't know He</p> <p>21 tera y had ema ed what -- what sa d about he</p> <p>22 can't get n He wants to make an appo ntment so</p> <p>23 he cou d have been yes rea y d dn't know</p> <p>24 "Q We you d dn't c ar fy t to the</p> <p>25 Grand Jury d d you? What po nt ed out what you</p>
Page 166	Page 168
<p>1 "A -- what the mp cat on was</p> <p>2 "Q s that how you took h s quest on?</p> <p>3 "A took h s quest on that haven't</p> <p>4 ed about the case when asked</p> <p>5 "Q But you ed about other th ngs</p> <p>6 s that what your answer s?</p> <p>7 "A don't know 'm not God so</p> <p>8 don't know</p> <p>9 "Q Okay We d d go over a</p> <p>10 number of ssues that you test f ed before the Grand</p> <p>11 Jury and th ngs that you eft out correct?</p> <p>12 "A Correct</p> <p>13 "Q Correct?</p> <p>14 "A 'm sorry what?</p> <p>15 "Q We for nstance you eft out</p> <p>16 the fact that you had sex consensua sexua</p> <p>17 act v ty n the dye room at the sa on? You eft</p> <p>18 that out r ght?</p> <p>19 "A Yes</p> <p>20 "Q went through spec f ca y about</p> <p>21 that conversat on a coded conversat on that you had</p> <p>22 w th E G when you on that Saturday w th</p> <p>23 g r fr ends and spec f ca y you sa d to the Grand</p> <p>24 Jury that at your state of m nd what you thought</p> <p>25 you were ta k ng about was potent a y schedu ng an</p>	<p>1 answered def n t ve y that that was my state of</p> <p>2 m nd, that you thought t was about an appo ntment.</p> <p>3 "A: But t cou d have been about that,</p> <p>4 yes.</p> <p>5 "Q: But you d dn't say that to the</p> <p>6 Grand Jury, d d you?</p> <p>7 "A: W you p ease read the statement</p> <p>8 aga n?</p> <p>9 "Q: t was br ef. Were you --</p> <p>10 Ms. Gardner asked you -- Ms. Gardner asked you and</p> <p>11 at that -- you were speak ng about the vo cema</p> <p>12 that was eft; do you reca that?</p> <p>13 "A: Correct.</p> <p>14 "Q: And you made a statement to P.S.</p> <p>15 that, n response to h m quest on ng you about the</p> <p>16 number, [redacted], when he ca ed and t was E.G.'s</p> <p>17 vo cema , you responded, 'So, you know, to d h m</p> <p>18 don't know. He was gett ng aho d of me for an</p> <p>19 appo ntment or whatever, so ...'</p> <p>20 'Ms. Gardner: And at that t me, that</p> <p>21 was a true statement n your m nd?'</p> <p>22 Your response was, 'R ght.'</p> <p>23 "A: We , t was a true statement.</p> <p>24 wasn't -- had sa d to h m he's ca ng me to hook</p> <p>25 up, that wou d have been a e because he had stated</p>

42 (Pages 165 to 168)

HEARING 5/23/2018

Page 169	Page 171
<p>1 n h s ema , ' need a better way to get aho d of</p> <p>2 you or whatever.'</p> <p>3 "Q: don't want to be abor th s.</p> <p>4 "A: R ght.</p> <p>5 "Q: But you and -- you remember that</p> <p>6 before answered you that quest on, spec f ca y</p> <p>7 asked you that wou d not have been a true statement.</p> <p>8 Do you remember that?</p> <p>9 "A: R ght.</p> <p>10 "Q: We can go back --</p> <p>11 "A: R ght.</p> <p>12 "Q: -- and read the transcr pt, but</p> <p>13 t's ate. But d d ask you that, that -- that</p> <p>14 wou d not have been n your m nd because that wou d</p> <p>15 not have been a true statement, correct? You</p> <p>16 remember that?</p> <p>17 "A: Correct. -- just want to</p> <p>18 car fy that.</p> <p>19 "Q: And Mr. Stee e asked about th s</p> <p>20 phone. mean -- we , et me ask t th s way:</p> <p>21 Th s -- Mr. Stee e asked you a number of quest ons</p> <p>22 about a phone on h s person or n the basement. Do</p> <p>23 you reca that?</p> <p>24 "A: Yes.</p> <p>25 "Q: And th nk you sa d, we , you</p>	<p>1 "A: Yes, or see ng someth ng.</p> <p>2 "Q: And when d d you have th s</p> <p>3 d scuss on w th Mr. Stee e or Ms. Gardner, or both?</p> <p>4 "A: don't know. just know that</p> <p>5 've sa d that at some po nt.</p> <p>6 "Q: We , w th n the ast month?</p> <p>7 Week?</p> <p>8 "A: Poss b y.</p> <p>9 "Q: Day?</p> <p>10 "A: 'm not sure.</p> <p>11 "Q: What was the context of that?</p> <p>12 "A: don't remember except for just</p> <p>13 say ng maybe the quest on was asked, have you seen</p> <p>14 t? D d you see t at a ? don't know.</p> <p>15 "Q: And for the frst t me three years</p> <p>16 or so ater, you sa d may have, but t cou d be a</p> <p>17 dream?</p> <p>18 "A: We , that was the frst t me t's</p> <p>19 ever been asked, d d you see one at a ? 've never</p> <p>20 tr ed hard. just remembered what sh rt he was</p> <p>21 wear ng. Just -- just remembered what sh rt he</p> <p>22 was wear ng just recent y and on y he and wou d</p> <p>23 have known that.</p> <p>24 "Q: What sh rt?</p> <p>25 "A: But t came to me. t was ke a</p>
Page 170	Page 172
<p>1 st can't say whether or not you saw a phone</p> <p>2 r ght?</p> <p>3 "A Not w th 100 percent certa nty</p> <p>4 "Q We not w th much certa nty</p> <p>5 because you never sa d t before r ght?</p> <p>6 "A Correct Not at the Grand Jury or</p> <p>7 anyth ng ke that</p> <p>8 "Q And you sa d t may have been n a</p> <p>9 dream</p> <p>10 "A Yeah So can p ctur t can</p> <p>11 p ctur t s tt ng on a bench and have sa d that</p> <p>12 before to them However sa d don't want to say</p> <p>13 t n a d fferent sett ng</p> <p>14 "Q Okay</p> <p>15 "A Because don't know f-- can't</p> <p>16 say 100 percent 'm pos t ve saw the phone My</p> <p>17 v s on of t s t's s tt ng there on ke a</p> <p>18 bench That's where the r ngs are t cou d be</p> <p>19 stra ght ahead t wou d be stra ght ahead</p> <p>20 "Q So mean that was what was</p> <p>21 gett ng to next</p> <p>22 "A R ght</p> <p>23 "Q So when Mr Stee e asked you that</p> <p>24 quest on you had had a d scuss on w th h m at some</p> <p>25 po nt about th s v s on or th s dream r ght?</p>	<p>1 ong-s eeved k nd of f anne , not f anne</p> <p>2 therma -type sh rt.</p> <p>3 "Q: So --</p> <p>4 "A: And d dn't remember that unt</p> <p>5 now.</p> <p>6 "Q: n any event, as you s t here now</p> <p>7 under oath --</p> <p>8 "A: Yes.</p> <p>9 "Q: -- you cannot state under oath</p> <p>10 that you saw a phone here n the basement --</p> <p>11 "A: Not --</p> <p>12 "Q: -- just ke when asked you that</p> <p>13 quest on, correct?</p> <p>14 "A: Not w th 100 percent certa nty.</p> <p>15 "Q: We , not w th -- not w th any</p> <p>16 degree of ce ta n. You can't swear to t under</p> <p>17 oath; how about that?</p> <p>18 "A: cannot swear saw a phone.</p> <p>19 "Q: Okay. And you sa d that when you</p> <p>20 saw E.G. ater that day, that's when he sa d, '</p> <p>21 understand and de eted t,' or someth ng to that</p> <p>22 context?</p> <p>23 "A: Correct.</p> <p>24 "Q: Te me exact y what you reca</p> <p>25 h m say ng.</p>

43 (Pages 169 to 172)

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HEARING 5/23/2018

Page 173	Page 175
<p>1 "A don't remember word for word</p> <p>2 just remember when sa d to h m he freak ng took a</p> <p>3 p cture he just sa d "K S know know</p> <p>4 thought about you today 'm sorry You have to</p> <p>5 remember have to protect myse f "</p> <p>6 "Q So you were upset apparent y</p> <p>7 "A Very yes</p> <p>8 "Q When you sa d that that was</p> <p>9 before you engaged n 45 m nutes of consensua sex</p> <p>10 and pett ng and whatnot?</p> <p>11 "A That was before that</p> <p>12 "Q But that was the same just the</p> <p>13 beg nn ng of that per od?</p> <p>14 "A That was r ght whenever got</p> <p>15 there</p> <p>16 "Q So n response to what you're</p> <p>17 c a m ng was -- you're upset he sa d 'Okay Ca m</p> <p>18 down de eted t ' r ght?</p> <p>19 "A He d dn't say t ke that</p> <p>20 d dn't be eve h m that he de eted t but</p> <p>21 be eved h m that he at east had empathy and</p> <p>22 understood that was rea y upset</p> <p>23 "Q And d d you ever at that po nt n</p> <p>24 th s a eged conversat on ask h m what was on the</p> <p>25 p cture that you c a m he sa d he de eted?</p>	<p>1 "Q We --</p> <p>2 "A -- mu t p e t mes</p> <p>3 "Q We you know what you're</p> <p>4 c a m ng that he sa d</p> <p>5 "A 'm ask ng f he ever saw t</p> <p>6 "Q Do you ever know that t ex sted?</p> <p>7 "A know what he to d me</p> <p>8 "Q Let me ask you th s</p> <p>9 hypothet ca y f the dea was to cause you</p> <p>10 concern about te ng h m anybody r ght?</p> <p>11 "A Yes</p> <p>12 "Q And you never saw any p cture</p> <p>13 r ght?</p> <p>14 "A R ght</p> <p>15 "Q The fact that you thought a</p> <p>16 p cture was taken wou d have been just as effect ve</p> <p>17 wou d t not?</p> <p>18 "A don't know</p> <p>19 "Q We how wou d t not be?</p> <p>20 "A 'm sorry What?</p> <p>21 "Q How wou d that not --</p> <p>22 "A What are you ask ng spec f ca y?</p> <p>23 "Q 'm say ng you never saw a</p> <p>24 p cture?</p> <p>25 "A Correct</p>
Page 174	Page 176
<p>1 "A No, because cou d fee --</p> <p>2 mean, cou d env s on what was on t</p> <p>3 "Q We , 'm not ask ng f you can</p> <p>4 env s on 'm ask ng f you ever spoke the words</p> <p>5 "A We , he --</p> <p>6 "Q What was on t? D d you ever --</p> <p>7 "A Yeah He to d me, ' w put</p> <p>8 th s p cture of you everywhere,' so t was a p cture</p> <p>9 of me --</p> <p>10 "Q Okay</p> <p>11 "A -- n the state that was n</p> <p>12 "Q D d you ever ask h m to descr be</p> <p>13 th s p cture that he a eged y sa d he de eted other</p> <p>14 than say ng, as you c a m now, that w put th s</p> <p>15 p cture everywhere? D d you ever ask h m to</p> <p>16 descr be t?</p> <p>17 "A No, d d not ask h m to descr be</p> <p>18 t</p> <p>19 "Q Okay And aga n, you never saw</p> <p>20 t?</p> <p>21 "A No, never saw t</p> <p>22 "Q And you have no dea whether t</p> <p>23 ever ex sted?</p> <p>24 "A We , know t ex sted because he</p> <p>25 adm tted t --</p>	<p>1 "Q You can't descr be t?</p> <p>2 "A Correct</p> <p>3 "Q You can't te me whether t was a</p> <p>4 p cture of the f oor or a p cture of you?</p> <p>5 "A just know what he to d me t</p> <p>6 was He sa d th s p cture of you</p> <p>7 "Q And my po nt s assum ng what</p> <p>8 you're c a m ng s true and assum ng the purpose of</p> <p>9 t was not to have you ta k to anybody r ght?</p> <p>10 "A Correct</p> <p>11 "Q The fact that you be eved a</p> <p>12 p cture was taken wou d have been as effect ve</p> <p>13 whether t was actua y a p cture of you or a</p> <p>14 p cture of the f oor or a p cture of h m because</p> <p>15 you never saw t t wasn't the p cture t was</p> <p>16 accord ng to you the threat of a p cture that you</p> <p>17 never saw?</p> <p>18 "A The -- a threat of a p cture of</p> <p>19 me</p> <p>20 "Q But my po nt s that the effect --</p> <p>21 "A be eved h m</p> <p>22 "Q understand that's what you're</p> <p>23 say ng A though you may have be eved h m you</p> <p>24 can't say w th any certa nty whether or not there</p> <p>25 actua y ever was a p cture of? You can't say that?</p>

44 (Pages 173 to 176)

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Page 177	Page 179
<p>1 "A: can te you what he to d me. 2 can te you what he to d me. 3 "Q: D d you understand my quest on? 4 "A: Yes. 5 "Q: You can t say whether or not t 6 ever ex sted; s that a true statement? 7 "A: can te you what he to d me. 8 That s t. 9 "Q: Aga n, ask t aga n, and 10 keep ask ng t unt get the answer. You can t 11 say whether or not that p ctur e ever ex sted; s 12 that a true statement? 13 "A: can on y te you what he to d 14 me. 15 "Q: Aga n, ask the same quest on. 16 "A: He to d me he de eted -- 17 "Q: Aga n, ask the same quest on. 18 You can ook at that brown tab e n front of you, 19 r ght? 20 "A: Correct. 21 "Q: Does that ex st? 22 "A: Yes. 23 "Q: Why? You can see t? 24 "A: We , even w th my eyes c osed, 25 t s st there.</p>	<p>1 on touch s ght sme that a p ctur e ever ex sted 2 a p ctur e of you and n a nude or part a state of 3 nud ty? You cannot te us under oath whether or 4 not that actua y ever ex sted? That s a 5 100 percent correct statement? 6 "A d dn't never saw a photo 7 "Q That wou d og ca y -- 8 "A on y know what he to d me You 9 w have to ask E G " 10 MR BARNES We're st go ng 11 MS M TTEN Four more pages 12 "Q ' do t aga n S nce you never 13 saw the photo t wou d og ca y fo ow that you 14 from your own persona exper ence cannot te us 15 whether that photo ever ex sted? That s a correct 16 statement? 'm not ask ng you what you sa d what 17 he sa d what you be eve what your dreams to d 18 you 'm ask ng about rea ty and rea ty s from 19 your senses You can't say whether that p ctur e 20 ever ex sted and that's a true statement under 21 oath s t not? 22 "A don't know 23 "Q Do you want to do t aga n? 24 "A don't know that 'm go ng to 25 g ve you a d fferent quest on yeah "</p>
Page 178	Page 180
<p>1 "Q: We , you can see t? 2 "A: t's there. 3 "Q: But you can fee t. 4 "A: can env s on t s there, r ght. 5 "Q: Okay. 6 "A: Yeah. 7 "Q: We , you can't say whether or not 8 a photograph of you ever ex sted? 9 "A: Accord ng to E.G., t d d -- 10 sorry. Sorry, E.G., t d d. 11 "Q: Aga n, you can't say w th n your 12 own persona know edge, because you've never seen 13 t, whether or not that photograph ever ex sted? 14 That s a correct statement. We can do th s a 15 n ght ong, and 'm w ng to do t a n ght ong. 16 "A: don't -- don't know what e se 17 you want me to te you. 18 "Q: want you to te me the truth. 19 "A: The truth s he adm tted to me he 20 took a p ctur e -- 21 "Q: Let's do t one more t me. 22 "A: -- of me. 23 "Q: You can't say w th n your own 24 persona know edge, your own persona exper ence, 25 your on y persona census, whether you want to re y</p>	<p>1 MR BARNES Mr Stee e nterjects, 2 "However ong you ns st on ask ng the same 3 quest on, she's answered You've asked ten, 15 4 t mes We're not go ng to s t here a n ght " 5 MR TRENT "Are you te ng her not to 6 answer?" 7 MR BARNES "Mr Stee e Yeah, 'm 8 te ng her not to answer, and we're not s tt ng 9 here a n ght " 10 MR TRENT "That's f ne We can 11 cert fy t " 12 MR BARNES Mr Stee e says a cuss 13 word 14 "Q And have you had dreams or v s ons 15 about any other part of th s case? 16 "A No -- 17 "Q Any other -- 18 "A have not just know that that 19 memory -- any memor es that 've had that are not 20 strong memor es, 've e ther not sa d or sa d 21 be eve th s to be or whatever the case s, you 22 know 23 "Q Have you sought any he p w th 24 respect to recaptur ng memor es? 25 "A No, have not</p>

HEARING 5/23/2018

<p>Page 181</p> <p>1 "Q And you said you still have your 2 phone from 2015? 3 "A Correct 4 "Q Is there any evidence on your 5 phone whatsoever by way of email or text or photos 6 involving EG? 7 "A No there is not 8 "Q Would that phone be the same phone 9 that you've used to send the photographs to P S 10 that you've described? 11 "A Believe so yes 12 "Q And do they still exist? 13 "A Not in my possession He may have 14 them 15 "Q In those photos that you sent to 16 P S would those photos be photos in a similar 17 fashion as the photos that you're claiming that EG 18 took? 19 "A No Not like that no 20 "Q And other than the Facet me 21 incident that you've talked about in Arizona has 22 there been any other Facet me incidents where you 23 were nude or in part a states of nudity? 24 "A No 25 "Q What were the -- can you describe</p>	<p>Page 183</p> <p>1 anything else. Thank you." 2 MR. BARNES: And the deposition 3 concludes at 6:05 p.m., which is eight hours, 59 4 minutes. I'm just wondering what our time was. Do 5 we know what our time was? We had a lot of breaks. 6 It's hard to -- okay. 7 We are going to recess until 1:00 p.m. 8 Mr. Faughn is going to be here at 1:00. I hope we 9 can be on non-egs at the time. Rea-word time. 10 And, of course, as soon as say that, I'll be the 11 first one to vote the admonition. 12 (Recess taken.) 13 MR. BARNES: Okay. We'll reconvene The 14 House Special Investigative Committee on Oversight. 15 Thank you, Messrs. Faughn and Hatfield for being 16 here this afternoon. 17 Mr. Faughn, can you raise your right 18 hand? 19 SCOTT FAUGHN, 20 of awful age, having been first duly sworn to 21 testify to the truth, the whole truth, and nothing 22 but the truth in the case aforesaid, deposes and 23 says in reply to oral interrogatories propounded as 24 follows, to-wit: 25 --o0o--</p>
<p>Page 182</p> <p>1 the photos you sent to P S that he requested after 2 the EG incident? 3 "A I don't remember specifically 4 just know -- believe I might take a picture of 5 me and that was kind of -- that was kind of sexy in 6 nature 7 "Q Nude? 8 "A I don't believe nude no 9 "Q Partly nude? 10 "A I don't remember specifically 11 just -- no just know that was a conversation we 12 had had and that was kind of an issue 13 "Q Was that photograph transmitted 14 anywhere to your knowledge? 15 "A No not to my knowledge no 16 "Q Have you heard it went anywhere? 17 "A No have not 18 "Q Has he threatened to send it 19 anywhere? 20 "A No he has not 21 "Q And obviously you knew he took it 22 because you posed? 23 "A Allowed him to take the 24 picture Yes knew he did 25 "Q I don't think -- I don't have</p>	<p>Page 184</p> <p>1 MR. BARNES: And, Mr. Hatfield, know 2 had a discussion with you about this and the 3 Morarty lawyers were sworn to the extent people are 4 asking you fact questions. Understand when you 5 object there's no truth of fact of an objection. 6 As a lawyer, I'm going to ask that you be sworn in 7 as we. 8 MR. HATFIELD: Mr. Chairman, I'm not as 9 a witness. I'm here in a representative capacity 10 just like you and other members of this committee 11 who regularly represent the constituents. Mr. Faughn 12 is here voluntarily, as am I. He is not under 13 subpoena. The rules of this committee allow him to 14 have representation by counsel, and that's what I'm 15 here to do. So thank you very much. 16 MR. BARNES: Okay. We, gentlemen, if 17 you give fact questions and we get into the fact 18 zone, we may -- we may ask you to be sworn to the 19 extent there are questions that involve factual 20 assertions. 21 MR. HATFIELD: And let me assure you, 22 Mr. Chairman and the committee, I am aware of my 23 ethical obligations under our ethical rules to speak 24 true facts to the third parties, and to do so even 25 at a non-adjudicative entity such as this. That's</p>

46 (Pages 181 to 184)

<p style="text-align: right;">Page 185</p> <p>1 spec f ca y n our ru es have a duty not on y 2 to te you true facts but to correct y represent 3 the aw 4 So for examp e f came n here and 5 represented to you that the governor has a r ght 6 under due process ru es to cross-exam ne w tnesses 7 but knew that the on y precedent on that had been 8 overru ed that m ght be an ssue for me eth ca y 9 but 'm not go ng to do that 'm go ng to ab de by 10 my eth ca -- 11 MR BARNES Thank you Mr Hatf e d 12 We' et Mr Faughn test fy now 13 EXAM NAT ON 14 BY MR BARNES 15 Q. Mr. Faughn, can you state your full 16 name. 17 A Scott Faughn 18 Q. And, Mr. Faughn, who gave you the 19 \$100,000 cash? 20 A Representat ve th s was my money 21 You're ta k ng about the money to my attorney A 22 Watk ns r ght? 23 Q. Well, let me back up. How much was it, 24 in fact? 25 A To the best of my reco ect on t was</p>	<p style="text-align: right;">Page 187</p> <p>1 A. Yes. 2 Q. But you didn't write a check? 3 A. No. 4 Q. You have \$120,000 in cash just sitting 5 around your house? 6 MR. HATF ELD: Mr. Cha rman, we th nk 7 that t s re evant to ta k about whether money was 8 prov ded to a w tness to the extent that that m ght 9 affect a w tness's test mony. And that's one of the 10 reasons we're here today. So to the extent there 11 are quest ons about whether Mr. Faughn attempted to 12 affect a w tness's test mony, we th nk that's 13 comp ete y re evant. 14 However, just as the governor has 15 refused to d sc ose h s tax returns steadfast y 16 s nce the t me he announced h s cand dacy, just as A 17 New M ssour has objected to the d sc osure of ts 18 f nanc a records, just as -- 19 MR. BARNES: Mr. Hatf e d, we're go ng 20 to et Mr. Faughn answer the quest on. 21 MR. HATF ELD: 'm go ng to adv se h m 22 not to answer quest ons about h s nterna bus ness 23 work ngs. That's pr vate nformat on. And t s 24 not re evant to th s comm tee. And 'm go ng to 25 adv se h m not to get nto a that. t doesn't</p>
<p style="text-align: right;">Page 186</p> <p>1 \$120 000 2 Q. Okay. And when was that delivered? 3 A Somet me n ear y January 4 Q. When in early January? 5 A don't remember the date off the top 6 of my head but t wou d have been the fr st two 7 weeks of January 8 Q. How many deliveries were there? 9 A want to say three to four 10 Q. Who made the deliveries? 11 A 'm try ng to th nk d d m ght 12 have -- m ght have sent one over but d d one 13 probab y two for sure 14 Q. Who else did them? 15 A don't reca the nd v dua s but they 16 were on my beha f 17 Q. Who is Skylar? 18 MR HATF ELD f you know 19 THE W TNESS Sky ar who? 20 BY MR BARNES 21 Q. I don't know. There was someone 22 identified as Skylar by Mr. Watkins. Who is Skylar? 23 A don't know any Sky ar 24 Q. Okay. So you gave \$120,000. Was this 25 cash?</p>	<p style="text-align: right;">Page 188</p> <p>1 matter whether he got th s money from an ATM or 2 whether he so d h s substant a Ste n co ect on. 3 MR. BARNES: Mr. Faughn, are you 4 assert ng a F fth Amendment r ght not to answer? 5 MR. HATF ELD: Mr. Cha rman, there's no 6 reason to go ahead and mpeach the w tness a ready. 7 MR. BARNES: Mr. Hatf e d, want to 8 know where that came from. 9 MR. HATF ELD: He's to d you. 10 MR. BARNES: You're r ght. The 11 quest on of nf uence on w tnesses s certa n y 12 abso ute y re evant to test mony re at ng to the 13 under y ng cr m na tra , but we have a d fferent 14 and broader respons b ty n that comm tee, and 15 one of those respons b tes s th nk the peop e 16 of the state deserve to know who or what ent tes 17 are man pu at ng the r state government by whatever 18 means. 19 MR. HATF ELD: Agreed. 20 MR. BARNES: And one of the ways to do 21 that s to f gure out what the source of that cash 22 was and ... 23 MR. HATF ELD: We , Mr. Faughn has 24 to d you t was h s money. Mr. Faughn has to d you 25 t was h s money, but, Mr. Cha rman, there's an</p>

Page 189	Page 191
<p>1 important premise</p> <p>2 MR BARNES Let Mr. Faughn testify</p> <p>3 Let's let Mr. Faughn testify. Mr. Hatfield, you</p> <p>4 said you weren't going to testify as to facts, we're</p> <p>5 dealing with facts. You've got an argument, but</p> <p>6 we're dealing with a fact area here. So let's let</p> <p>7 Mr. Faughn either answer or refuse to answer. And</p> <p>8 if he refuses to answer, there's not going to be a</p> <p>9 water-boarding session that follows. But he needs</p> <p>10 to be the one who testifies, not counsel.</p> <p>11 Do you understand?</p> <p>12 MR. HATFIELD Understand completely.</p> <p>13 Mr. Chairman.</p> <p>14 BY MR. BARNES</p> <p>15 Q. Mr. Faughn, are you refusing to answer</p> <p>16 the question as to who provided the cash?</p> <p>17 MR. HATFIELD And for the record, I've</p> <p>18 advised him here publicly that he should not</p> <p>19 disclose that information, and he's told you --</p> <p>20 MR. BARNES And if Mr. Faughn wants to</p> <p>21 say "I'm not going to answer that question," that's</p> <p>22 fine.</p> <p>23 THE WATNESS Mr. Chairman, have said</p> <p>24 from the beginning, I say it now to you, that</p> <p>25 Representative this was my money. And on the</p>	<p>1 the one hand that says it comes from one source.</p> <p>2 MR. HATFIELD Mr. Chairman, he did not</p> <p>3 say where it came from. He said he didn't know.</p> <p>4 MR. BARNES He said to be evaded, it</p> <p>5 came from an out-of-state Republican donor.</p> <p>6 MR. HATFIELD He said over and over</p> <p>7 again, his deposition, which, know, you have a</p> <p>8 copy of that does not know what the source of the</p> <p>9 funds were. So agree we should be completely</p> <p>10 accurate in what we present at this committee.</p> <p>11 MR. BARNES Okay.</p> <p>12 Q. Mr. Faughn, on the other side, you do</p> <p>13 have a conviction from your past; is that correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And I know that you've owned up to</p> <p>16 this, but it's a conviction that involves a crime of</p> <p>17 deceit; is that correct?</p> <p>18 MR. HATFIELD If you know</p> <p>19 THE WATNESS don't know what took</p> <p>20 place with that, but would like to address that</p> <p>21 something in my past that dealt with was</p> <p>22 and always look for a chance, whether it's a</p> <p>23 task, show host in St. Louis or this committee in</p> <p>24 my life, I've made mistakes, I've fought through</p> <p>25 some things. And yeah, and don't duck that</p>
Page 190	Page 192
<p>1 advice of Mr. Hatfield, then, I'm not going to get</p> <p>2 into the inner workings of my business, a private</p> <p>3 business with this committee or anyone else.</p> <p>4 BY MR. BARNES</p> <p>5 Q. Now, Mr. Faughn, you understand that Al</p> <p>6 Watkins has said publicly, I believe we're in a</p> <p>7 deposition, and it may have, in fact, been publicly.</p> <p>8 I think there was a story in the L.A. Times that his</p> <p>9 understanding was that it was from a wealthy</p> <p>10 out-of-state Republican.</p> <p>11 Do you understand that he said that,</p> <p>12 correct?</p> <p>13 A. I've heard something to that effect.</p> <p>14 Yeah.</p> <p>15 Q. And I believe he said that in a</p> <p>16 deposition where he was sworn.</p> <p>17 Do you have knowledge of that?</p> <p>18 A. I have knowledge of him saying that</p> <p>19 don't know where he said that.</p> <p>20 Q. Okay. Mr. Watkins is an attorney. We</p> <p>21 can stipulate to that. He's colorful, but just as</p> <p>22 Mr. Hatfield said, he has certain ethical</p> <p>23 obligation. You'd agree with that, correct?</p> <p>24 A. Assume so.</p> <p>25 Q. I think -- so you've got Mr. Watkins on</p>	<p>1 don't deny that. Look for ways to help other people</p> <p>2 have a second shot at different things, like have.</p> <p>3 So I'm glad you asked. I don't know</p> <p>4 what you classify the crimes as, but I have been and</p> <p>5 I've never to anybody in this room or anywhere else</p> <p>6 ducked that and try to own that.</p> <p>7 BY MR. BARNES:</p> <p>8 Q. What was the crime? Was it -- I put it</p> <p>9 into a broader category. What was the underlying</p> <p>10 crime?</p> <p>11 A. It was forgery.</p> <p>12 Q. Okay. And I characterize that as a</p> <p>13 crime of deceit. Because, Mr. Faughn, I've got to</p> <p>14 tell you, no one believes that it's your own money.</p> <p>15 That's a -- that's a lot of cash. I don't know</p> <p>16 anybody sitting around with \$120,000 cash. And it's</p> <p>17 your testimony under oath that it was your money?</p> <p>18 A. Representative, I don't know how to say</p> <p>19 that more plainly and clearly that this was my money.</p> <p>20 Q. Did somebody give you a large amount of</p> <p>21 money prior to it -- and that's how it became your</p> <p>22 money?</p> <p>23 MR. HATFIELD: And once again --</p> <p>24 MR. BARNES: We're paying a semantic</p> <p>25 game here. Possession is nine-tenths of the law;</p>

<p style="text-align: right;">Page 193</p> <p>1 therefore you have t n possess on t's yours at 2 that po nt?</p> <p>3 MR HATF ELD He's to d you t's h s 4 money just ke when nd v dua members of th s 5 comm ttee oan themse ves money to run for off ce 6 just ke the governor won't d sc ose where he gets 7 h s money to buy h s house that's pr vate 8 nformat on And how he got h s money whether t 9 comes from subscr bers or whether --</p> <p>10 MR BARNES Mr Faughn -- t's a 11 quest on for Mr Faughn Mr Hatf e d t's a 12 quest on for Mr Faughn t s a quest on for 13 Mr Faughn</p> <p>14 MR HATF ELD And wou d ask you 15 p ease to respect the w tness's r ghts to keep 16 pr vate nformat on pr vate He does not have to 17 get nto nterna dea ngs of h s company</p> <p>18 Mr Faughn 'm adv s ng you not to get 19 nto the nterna dea ngs of your company</p> <p>20 BY MR BARNES</p> <p>21 Q. Was it someone associated with the 22 LIHTC industry?</p> <p>23 MR HATF ELD And aga n 'm adv s ng 24 h m not to get nto the nterna work ngs of h s 25 company</p>	<p style="text-align: right;">Page 195</p> <p>1 and Democrats own ng a company. So guess the 2 answer to your quest on, 've a ways been a 3 Repub can, wou d be yes.</p> <p>4 Q. Mr. Faughn, what did you obtain with 5 that money? What was the purpose of that payment?</p> <p>6 A. What got was a set of tapes.</p> <p>7 Q. Okay. And I want to be clear for the 8 record. You eventually provided -- sent that tape 9 to me; is that correct?</p> <p>10 A. Sounds r ght.</p> <p>11 Q. Okay. You didn't think it was 12 important to tell me that you had paid cash for it?</p> <p>13 A. No. And a so want to make t c ear. 14 d dn't send t for you to pub sh or anyth ng ke 15 that.</p> <p>16 Q. I understand. I understand. 17 Is it your testimony today that you 18 have \$120,000 cash just sitting around your house?</p> <p>19 MR. HATF ELD: He d dn't test fy to 20 that.</p> <p>21 THE W TNESS: never test f ed to 22 that.</p> <p>23 BY MR. BARNES:</p> <p>24 Q. How did you get the cash? 25 MR. HATF ELD: Aga n, 'm go ng to</p>
<p style="text-align: right;">Page 194</p> <p>1 MR BARNES Let's et Mr Faughn 2 answer the quest ons</p> <p>3 MR HATF ELD He may but ess --</p> <p>4 MR BARNES Mr Hatf e d that s 5 true and Mr Faughn can say " 'm not go ng to 6 answer that quest on "</p> <p>7 Q. Mr. Faughn, was it someone in the 8 low-income housing industry?</p> <p>9 A Representat ve don't know -- aga n 10 don't know how to say t more d rect y Th s was 11 my money that worked on a project on And 'm not 12 go ng to d scuss the nner work ngs of my pr vate 13 bus ness</p> <p>14 Q. Mr. Faughn, was it an out-of-state 15 Republican donor?</p> <p>16 A aga n don't qu te know how to say 17 t more d rect y</p> <p>18 Q. Was it an in-state Republican?</p> <p>19 MR HATF ELD You're an n-state 20 Repub can</p> <p>21 THE W TNESS We w say th s --</p> <p>22 BY MR BARNES</p> <p>23 Q. Was it an in-state Republican, someone 24 other than Scott Faughn?</p> <p>25 A have wr tten checks to Repub cans</p>	<p style="text-align: right;">Page 196</p> <p>1 adv se h m not to answer.</p> <p>2 THE W TNESS: To answer your quest on, 3 no, don't have that today r ght now s tt ng at my 4 house. s that the quest on?</p> <p>5 BY MR. BARNES:</p> <p>6 Q. Yeah, I want to know how a person comes 7 up with \$120,000 cash for a payment who -- the last 8 time I checked, Mr. Faughn, I don't think you're in 9 the poor house, but I also don't think that you are 10 a multi-multi-millionaire, and maybe I'm wrong about 11 that, and even for multi-multi-millionaires, I don't 12 know that they have \$120,000 cash lying around. Why 13 did you choose to pay in cash?</p> <p>14 MR. HATF ELD: t's perfect y awfu , 15 Mr. Cha rman, to conduct bus ness n Amer ca n the 16 awfu tender of Amer ca, wh ch s cash money. 17 There's noth ng wrong w th anybody hav ng \$120,000 18 n cash.</p> <p>19 BY MR. BARNES:</p> <p>20 Q. The design to evade the original 21 source, Mr. Faughn?</p> <p>22 MR. HATF ELD: So what's the 23 quest on --</p> <p>24 MR. BARNES: Mr. Hatf e d.</p> <p>25 Q. Was paying cash designed to avoid</p>

<p style="text-align: right;">Page 197</p> <p>1 disclosure of the original source?</p> <p>2 A No</p> <p>3 Q. How do you feel about taking advantage</p> <p>4 of witness one?</p> <p>5 MR HATFIELD That's kind of a loaded</p> <p>6 question Mr Chairman</p> <p>7 MR BARNES It's a loaded question</p> <p>8 THE WITNESS deny taking advantage</p> <p>9 of witness one</p> <p>10 MR BARNES Witness one --</p> <p>11 MR HATFIELD Why don't you ask if he</p> <p>12 ever talked to witness one</p> <p>13 BY MR BARNES</p> <p>14 Q. Have you ever talked to witness one?</p> <p>15 A I had one brief conversation where</p> <p>16 asked to interview her and she said no and that's</p> <p>17 the extent I've ever spoke to her</p> <p>18 Q. I'm sorry. You asked to interview her?</p> <p>19 A Uh-huh</p> <p>20 Q. Is that a "yes"? Sorry, for the court</p> <p>21 reporter.</p> <p>22 A Yes</p> <p>23 Q. And she -- and what was her answer?</p> <p>24 A No</p> <p>25 Q. How long was the conversation?</p>	<p style="text-align: right;">Page 199</p> <p>1 Q. Okay. You weren't of any assistance in</p> <p>2 staging a scene in that car where a statement was</p> <p>3 taken that ultimately resulted in a recording?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. You certainly weren't in the car</p> <p>6 on March 25th?</p> <p>7 A. No, sir, was not.</p> <p>8 Q. Okay. Did you make any kind of payment</p> <p>9 to Witness Number 1?</p> <p>10 A. No.</p> <p>11 Q. Okay. To your knowledge, has</p> <p>12 Witness Number 1 ever received any kind of payment?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. All right. To your knowledge, did</p> <p>15 Witness Number 1 have anything to do with any of</p> <p>16 that related to the recording, other than her</p> <p>17 participation, you know, unbeknownst to her she was</p> <p>18 being recorded. But other than that, she wasn't in</p> <p>19 cohorts with her husband, to your knowledge, or an</p> <p>20 outsider of any sort to set the stage for --</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. So it's her husband who was</p> <p>23 doing the shopping of the story and not her; is that</p> <p>24 correct?</p> <p>25 A. Only spoke to Mr. Watkins. I've</p>
<p style="text-align: right;">Page 198</p> <p>1 A Seconds</p> <p>2 Q. You got her cell phone number?</p> <p>3 A I don't know if that was her cell phone</p> <p>4 number or not it was the number I had</p> <p>5 Q. So how does that conversation go?</p> <p>6 A I introduced myself; I went to interview</p> <p>7 you</p> <p>8 No, thank you Hung up</p> <p>9 That's the last time I ever called</p> <p>10 Q. She hung up on you?</p> <p>11 A I believe so, or the conversation was</p> <p>12 over, I know that But it was very brief and that</p> <p>13 was it</p> <p>14 MR BARNES Representative Phelps</p> <p>15 MR PHILLIPS Thank you Thank you,</p> <p>16 Mr Chairman</p> <p>17 EXAMINATION</p> <p>18 BY MR PHILLIPS</p> <p>19 Q. Mr. Faughn, thank you for being with us</p> <p>20 today. Some of the questions you've already</p> <p>21 answered on my part and I appreciate that.</p> <p>22 A Thank you, Representative</p> <p>23 Q. Did you -- did you have anything to do</p> <p>24 with helping create Witness Number 1's story?</p> <p>25 A Not at a</p>	<p style="text-align: right;">Page 200</p> <p>1 never even spoken to her ex-husband.</p> <p>2 Q. So you didn't speak to him at all?</p> <p>3 A. No.</p> <p>4 Q. You went through the attorney?</p> <p>5 A. Never spoke to him in my life.</p> <p>6 Q. Okay. And then when they testified</p> <p>7 before he talked about -- I'm going to call it a</p> <p>8 trust fund. I'm not an attorney so I'm not familiar</p> <p>9 with how that works, but apparently there are some</p> <p>10 funds set up, is that right, and the money then is</p> <p>11 deposited into that fund; is that how that works?</p> <p>12 In other words, you don't pay it</p> <p>13 directly to -- you didn't pay it directly to the --</p> <p>14 the ex-husband?</p> <p>15 A. No, sir. I'll tell you about that --</p> <p>16 about the fund.</p> <p>17 Q. Okay.</p> <p>18 A. I mean, and I think -- I'm kind of glad</p> <p>19 to address this sort of addressed it a moment</p> <p>20 ago when the chairman asked, but I think I saw a</p> <p>21 nice guy that I like. I think I saw a East Coast</p> <p>22 guy, Georgetown educated, St. Louis attorney who,</p> <p>23 when I ever spoke to him, I saw a nice guy from West Butler County who went to</p> <p>24 SEMO, proudly, who talked to him in jeans and</p> <p>25</p>

50 (Pages 197 to 200)

HEARING 5/23/2018

Page 201	Page 203
<p>1 Carhart.</p> <p>2 A s a f amboyant and somewhat</p> <p>3 dramat c speaker. And, frank y, t was very hard to</p> <p>4 commun cate w th h m when have, and th nk t s</p> <p>5 fa r to say under oath that A Watk ns doesn't speak</p> <p>6 h b y and h b es have a hard t me speak ng</p> <p>7 to A Watk ns. So have no dea about a trust</p> <p>8 fund.</p> <p>9 Q. I gathered that from the short time I</p> <p>10 was around him.</p> <p>11 All right. So I think that's kind of</p> <p>12 the way it works. I think, you know, there's a</p> <p>13 legal means of establishing some kind of a fund and</p> <p>14 putting money into the fund and that helps recoup</p> <p>15 some of the cost and so forth.</p> <p>16 All right. I'm going to ask you just a</p> <p>17 little series of questions here on documents. Did</p> <p>18 you create any of the following documents that are</p> <p>19 provided to our committee for the course of this</p> <p>20 investigation, the Mission Continues list?</p> <p>21 A. No, s r.</p> <p>22 Q. Okay. Emails about the campaign use of</p> <p>23 the Mission Continues?</p> <p>24 A. The on y ema s or text got about the</p> <p>25 M ss on Cont nues st was from peop e who are now</p>	<p>1 A No s r</p> <p>2 Q. Krystal Taylor?</p> <p>3 A No s r</p> <p>4 Q. Michael Hafner?</p> <p>5 A No s r</p> <p>6 Q. Danny Laub?</p> <p>7 A No s r</p> <p>8 MR PH LL PS A r ght Thank you</p> <p>9 Thank you Representat ve</p> <p>10 Representat ve M tten?</p> <p>11 MS M TTEN Thank you</p> <p>12 EXAM NAT ON</p> <p>13 BY MS M TTEN</p> <p>14 Q. Good afternoon. I'll try to keep it</p> <p>15 together.</p> <p>16 Can you just explain to the committee</p> <p>17 how this transaction came to pass?</p> <p>18 MR HATF ELD The Watk ns transact on?</p> <p>19 MS M TTEN Yes</p> <p>20 THE W TNESS Yeah 'd been work ng on</p> <p>21 a project for a wh e about the ast three years of</p> <p>22 M ssour po t cs and th nk most peop e had heard</p> <p>23 about someth ng to do w th th s nc dent Then</p> <p>24 heard that A Watk ns was an attorney n possess on</p> <p>25 of -- of some proof so went to obta n that proof</p>
Page 202	Page 204
<p>1 in the governor's staff when they were on a</p> <p>2 different campaign a eging that Eric Greitens sto e</p> <p>3 the Mission Continues ist.</p> <p>4 Q. Okay.</p> <p>5 A. But haven't provided them to anyone.</p> <p>6 Q. The Missouri Ethics Commission report</p> <p>7 naming Danny Laub as the person who gave the list to</p> <p>8 the campaign?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. The information about using</p> <p>11 Washington University grant funds for political</p> <p>12 purposes?</p> <p>13 A. No, sir.</p> <p>14 Q. Krystal Taylor's testimony that Eric</p> <p>15 Greitens directed her to send the TMC list to</p> <p>16 political operatives for fund-raising purposes?</p> <p>17 A. No, sir.</p> <p>18 Q. Doing good so far.</p> <p>19 The call list derived in part from</p> <p>20 information taken from the TMC list?</p> <p>21 A. No, sir.</p> <p>22 Q. At any time did you pay Spencer</p> <p>23 Kympton?</p> <p>24 A. No, sir.</p> <p>25 Q. Lyndsey Hodges?</p>	<p>1 hop ng cou d get w tness one on the record for my</p> <p>2 book and that's pretty much how t a happened</p> <p>3 BY MS M TTEN</p> <p>4 Q. So by "proof," I assume you mean proof</p> <p>5 of an extramarital relationship between</p> <p>6 Governor Greitens and witness one?</p> <p>7 A Yeah And then obv ous y had heard</p> <p>8 some of the th ngs that wou d be a just an</p> <p>9 extramar ta re at onsh p but yeah</p> <p>10 Q. So I mean, yeah, we know the rumor mill</p> <p>11 in this city can go -- go both ways, so to speak.</p> <p>12 So you learned that Mr. Watkins was in</p> <p>13 possession of what you termed "proof." Did you</p> <p>14 reach out to Mr. Watkins then?</p> <p>15 A had come to know h m through a</p> <p>16 newspaper have n Cayton 'm not sure how we</p> <p>17 ntated t</p> <p>18 Q. Okay. And who -- from whom did you --</p> <p>19 how did you learn that Mr. Watkins may be in</p> <p>20 possession of proof?</p> <p>21 A don't know or actua y remember who</p> <p>22 gave me that p ece of nformat on t's been a ong</p> <p>23 t me ago</p> <p>24 Q. So at some point you have a discussion</p> <p>25 with Mr. Watkins?</p>

51 (Pages 201 to 204)

<p style="text-align: right;">Page 205</p> <p>1 A Uh-huh</p> <p>2 Q. And could you tell the committee what</p> <p>3 the substance of those discussions -- that</p> <p>4 discussion was, your initial discussion?</p> <p>5 A Again because we're talking about law</p> <p>6 and a lawyer and I am not 'I assume it's --</p> <p>7 the problems on communicating with A but A</p> <p>8 can be a little challenging for a spoken person</p> <p>9 to communicate with So it's hard to -- can tell</p> <p>10 you what took from the conversation</p> <p>11 Q. That's exactly what I'm asking. Yeah,</p> <p>12 that would be great.</p> <p>13 A Was that there was a fee to be had for</p> <p>14 those -- for that -- for those tapes and so we went</p> <p>15 back and forth a little bit and obtained them</p> <p>16 Q. By "back and forth a little bit," you</p> <p>17 mean negotiating over price?</p> <p>18 A Yeah</p> <p>19 Q. And you came to terms -- you came to an</p> <p>20 agreement as to \$120,000?</p> <p>21 A Part of it was for some other</p> <p>22 representation because I'd retain him myself but</p> <p>23 essentially yeah</p> <p>24 Q. Okay. So which part was for your</p> <p>25 personal retainer?</p>	<p style="text-align: right;">Page 207</p> <p>1 Q. Was there any discussion about</p> <p>2 providing these funds in cash versus a check or some</p> <p>3 other form of payment?</p> <p>4 A Left with the impression that was the</p> <p>5 form of payment request, so that's what --</p> <p>6 Q. So your understanding was that you were</p> <p>7 being requested -- was that part of the deal, so to</p> <p>8 speak, was that the money come in in the form of</p> <p>9 cash as opposed to a check or a money order or a</p> <p>10 wire transfer or --</p> <p>11 A That's the way I understood it. And,</p> <p>12 again, didn't matter to me.</p> <p>13 Q. Right. But that wasn't your idea, was</p> <p>14 it?</p> <p>15 A I don't recall when that was discussed.</p> <p>16 It didn't make me any difference. It cost the same</p> <p>17 either way.</p> <p>18 Q. Well, I guess that's true; although --</p> <p>19 well, maybe it cost you a little bit more because</p> <p>20 you're having to sit here now --</p> <p>21 A Always a pleasure to be in the Missouri</p> <p>22 House of Representatives.</p> <p>23 Q. So you have this discussion. You come</p> <p>24 to terms. You agree to provide this \$100,000 in</p> <p>25 cash. Your understanding was that the \$100,000 was</p>
<p style="text-align: right;">Page 206</p> <p>1 A believe there was around 20,000 left</p> <p>2 for my own personal things we had used him for</p> <p>3 Q. Okay. And you did, in fact, hire him</p> <p>4 then to represent you or perform legal advice?</p> <p>5 A Signed a letter of engagement</p> <p>6 Q. So you basically come to terms to -- to</p> <p>7 obtain these tapes for roughly for \$100,000?</p> <p>8 A And we say just from -- again</p> <p>9 sometimes it's easier to read what A says it came</p> <p>10 across that he definitely did say there would be</p> <p>11 some attorney's fees to take care of in that -- and</p> <p>12 that's fine with me I didn't care</p> <p>13 Q. Some attorney's fees. So in other</p> <p>14 words, part of that funds would also be to cover the</p> <p>15 attorney's fees from the seller?</p> <p>16 A Sure Or whoever I retain I didn't</p> <p>17 make me any difference</p> <p>18 Q. And I think that we've already</p> <p>19 established that you don't really know if -- if</p> <p>20 those -- if that was part of that expense would be</p> <p>21 to create a trust or --</p> <p>22 A I have no idea</p> <p>23 Q. -- how the money is actually used?</p> <p>24 A I didn't pertain to me at all so</p> <p>25 I didn't care</p>	<p style="text-align: right;">Page 208</p> <p>1 going to purchase these tapes for you. An</p> <p>2 additional \$20,000 would go to pay for legal fees</p> <p>3 for you and/or the seller?</p> <p>4 A Yeah, think that came -- no. We,</p> <p>5 no, that came later, but -- a few weeks later, but</p> <p>6 that was for me and different things.</p> <p>7 Q. Okay. So you provided \$100,000?</p> <p>8 MR. BARNES: I'm sorry. Can we back</p> <p>9 up? I'm not sure about the \$20,000 additional came</p> <p>10 later; so that what --</p> <p>11 MS. MITTEN: That was my question.</p> <p>12 MR. BARNES: I'm sorry. I got</p> <p>13 confused. And wanted to make sure, and was</p> <p>14 tremendously confused, others may be.</p> <p>15 MS. MITTEN: Right.</p> <p>16 Q. So you provided \$100,000 in early</p> <p>17 January and then an additional \$20,000 in late</p> <p>18 January, early February or some other time?</p> <p>19 A. Approximately, yeah.</p> <p>20 Q. Okay. Why did you provide the</p> <p>21 payment -- why were there separate deliveries? In</p> <p>22 other words, if you're going to give somebody</p> <p>23 \$100,000, why would you not just come and give them</p> <p>24 \$100,000?</p> <p>25 A. I don't even remember the -- how the</p>

<p style="text-align: right;">Page 209</p> <p>1 de neat on was done, but that's how t happened.</p> <p>2 Q. Was that part of the agreement, was</p> <p>3 I'll give you so much in this payment and so much in</p> <p>4 that payment? I mean, was it like a layaway?</p> <p>5 A. Not rea y, no.</p> <p>6 THE REPORTER: Ho d on one second.</p> <p>7 (Off-the-record d scuss on</p> <p>8 between w tness and counse .)</p> <p>9 MR. HATF ELD: just wanted to make</p> <p>10 sure the answer s comp ete. Go ahead. Go ahead.</p> <p>11 THE W TNESS: Yeah, t was a</p> <p>12 negot at on. t was un ke any had ever done.</p> <p>13 BY MS. M TTEN:</p> <p>14 Q. But part of the negotiation was sort of</p> <p>15 the payment plan, so to speak, the delivery dates?</p> <p>16 A. Yeah. But t was very oose, so ...</p> <p>17 Q. By "loose" you mean I'll give you 20 --</p> <p>18 you know, \$50,000 next week and another 50,000 the</p> <p>19 following -- I mean --</p> <p>20 A. Approx mate y.</p> <p>21 Q. -- help me understand what "loose"</p> <p>22 means.</p> <p>23 A. 'm try ng to th nk back. don't</p> <p>24 remember the exact de very dates. That's just what</p> <p>25 we agreed to. t wasn't a part cu ar y mportant</p>	<p style="text-align: right;">Page 211</p> <p>1 A be eve t was p ecemea but t</p> <p>2 wasn't t ed to the fund ng t was just how they</p> <p>3 cou d be saved on a way to get them to me</p> <p>4 MR HATF ELD So t's a m nor po nt</p> <p>5 but we're a say ng "tapes " 'm not sure they're</p> <p>6 actua y tapes r ght?</p> <p>7 MS M TTEN Thank you Counse</p> <p>8 You're abso ute y r ght So the record ngs guess</p> <p>9 shou d say</p> <p>10 Q. So the recordings came to you</p> <p>11 piecemeal, but is your testimony then that that was</p> <p>12 more of a function of technology as opposed --</p> <p>13 A Yes</p> <p>14 Q. -- as opposed to payment?</p> <p>15 A And the other two don't know You</p> <p>16 may have them but there weren't rea y much to</p> <p>17 them</p> <p>18 Q. Okay. So do you know in which order</p> <p>19 you received the recordings? Which one did you</p> <p>20 receive first?</p> <p>21 A There were three One of them was</p> <p>22 part cu ar y sa ac ous that th nk most peop e have</p> <p>23 heard by now The other two were pretty</p> <p>24 nondescr pt so th nk the two nondescr pt ones</p> <p>25 came ater</p>
<p style="text-align: right;">Page 210</p> <p>1 part of t.</p> <p>2 Q. Okay. So you have this discussion.</p> <p>3 You come to terms for an amount. You also</p> <p>4 apparently discuss the terms for deliveries. Was</p> <p>5 there some particular reason why different people</p> <p>6 were performing these deliveries?</p> <p>7 A. don't even remember why t was. Part</p> <p>8 of t, 'm over here somet mes and he's n C ayton</p> <p>9 a the t me.</p> <p>10 Q. Okay. Is it fair to assume that, you</p> <p>11 know, you'd get your hands on the -- on a payment,</p> <p>12 so to speak, and deliver those as the cash became</p> <p>13 available to you?</p> <p>14 A. No. mean, th nk we agreed on what</p> <p>15 we were se ng and how, and that's pretty much t.</p> <p>16 Q. Okay. And then at what point did you</p> <p>17 come into possession of the tapes? Did you</p> <p>18 acquire -- did you acquire one tape or how many</p> <p>19 tapes?</p> <p>20 A. be eve there were three, but there</p> <p>21 was on y one of any re evance.</p> <p>22 Q. Okay. Did you acquire them all at</p> <p>23 once? Did you receive them all at once, or did</p> <p>24 those also come to you piecemeal the same way the</p> <p>25 funding went to Mr. Watkins piecemeal?</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. When we talk about the salacious tape,</p> <p>2 I'm assuming that transcript has been an exhibit</p> <p>3 from this committee, I believe, that's been released</p> <p>4 publicly?</p> <p>5 A. t was on Channe 4.</p> <p>6 Q. So we're all talking about "the tape,"</p> <p>7 I guess, or "the salacious tape." Were there any</p> <p>8 strings attached to your acquisition of these tapes?</p> <p>9 Was there any agreement as to how they could be used</p> <p>10 by you?</p> <p>11 A. Not rea y. Not that reca .</p> <p>12 Q. Okay. Is there some reason why you</p> <p>13 didn't then make them public upon acquisition?</p> <p>14 A. Yes, there are two reasons. One,</p> <p>15 didn't fee ike cou d run it in the newspaper</p> <p>16 because purchased them. t's a pretty big</p> <p>17 difference to me. We have a company that has a few</p> <p>18 different newspapers, a TV show, now a radio show.</p> <p>19 There's book pub ishings, the first one we'd done,</p> <p>20 but there's no way we cou d run them in the Missouri</p> <p>21 Times having purchased them.</p> <p>22 Number two, did not have either one</p> <p>23 of the two peop e on the tapes on the record.</p> <p>24 Therefore, even if we wou d not have purchased them,</p> <p>25 if wou d have just received them in the mai</p>

<p style="text-align: right;">Page 213</p> <p>1 anonymous y, d dn't have e ther party on the</p> <p>2 record to run them. That's why they weren't n the</p> <p>3 paper.</p> <p>4 Q. So you had no corroboration?</p> <p>5 A. Yeah.</p> <p>6 Q. Was the need for corroboration</p> <p>7 discussed as part of your acquisition discussions</p> <p>8 with Mr. Watkins?</p> <p>9 A. D scussed, but can't honest y say t</p> <p>10 was sett ed on, but fe t ke the tapes were</p> <p>11 mportant. fe t just ke the book we're</p> <p>12 re eas ng n the fa , there's a ot of th ngs n</p> <p>13 there that haven't even heard anybody here</p> <p>14 d scuss, because you may know th ngs don't.</p> <p>15 But was th nk ng th s wou d be</p> <p>16 someth ng that came out n the fa n the book. So</p> <p>17 the speed at wh ch th ngs happened, the fact other</p> <p>18 peop e had them were news to me.</p> <p>19 Q. Okay. What discussions did you have --</p> <p>20 well, was there -- this seems like a strange</p> <p>21 question. Was there anything in writing? Was there</p> <p>22 a sales agreement -- was there anything in</p> <p>23 writing -- that's quite -- I think for most members</p> <p>24 of the general public 100- or \$120,000 on a</p> <p>25 handshake is a considerable sum of money when you</p>	<p style="text-align: right;">Page 215</p> <p>1 make sure I'm clear about this. Did Mr. Watkins</p> <p>2 ever provide any legal advice to you or any of your</p> <p>3 companies as your counsel or counsel for your</p> <p>4 companies? Any of your business dealings?</p> <p>5 A. Mr. Watk ns prov ded a ot of adv ce.</p> <p>6 'm try ng to th nk what t was actua y about.</p> <p>7 MR. HATF ELD: 'm not sure she's</p> <p>8 ask ng you what t was about yet.</p> <p>9 BY MS. M TTEN:</p> <p>10 Q. I'm not asking you what it was about.</p> <p>11 Were you billed for that advice?</p> <p>12 A. don't th nk -- don't have the</p> <p>13 actua b for that yet.</p> <p>14 Q. Okay. So you provided an additional</p> <p>15 \$20,000 to cover legal fees that some of which were</p> <p>16 going to be for advice you received and some of</p> <p>17 which was going to go to the seller?</p> <p>18 A. That port on was for me.</p> <p>19 Q. Okay. Are you aware if those dollars</p> <p>20 were deposited to a trust account?</p> <p>21 A. have no dea what they d d w th that.</p> <p>22 Q. Okay.</p> <p>23 A. Th s s not --</p> <p>24 Q. You said you did have an engagement</p> <p>25 agreement, though?</p>
<p style="text-align: right;">Page 214</p> <p>1 don't necessarily have the purchase -- the purchased</p> <p>2 item in hand immediately. Is that --</p> <p>3 A. There was a ot of -- t was un ke</p> <p>4 anyth ng 've ever exper enced, so wou d agree</p> <p>5 that t s -- t was odd to me too.</p> <p>6 Q. Okay. What kind of a time delay was</p> <p>7 there between your deliveries or your first delivery</p> <p>8 of cash and your receipt of the first recording?</p> <p>9 A. Maybe the same day, th nk.</p> <p>10 Q. Oh, okay. That quickly. Okay. And</p> <p>11 then were you promised anything in addition -- in</p> <p>12 addition to the recordings, were you promised</p> <p>13 anything else for your money?</p> <p>14 A. No, not rea y.</p> <p>15 Q. Okay. So it was just straight up --</p> <p>16 when you say "not really," was there --</p> <p>17 A. K nd of vague, but, no, there was</p> <p>18 noth ng that was prom sed.</p> <p>19 Q. No lunch? No drinks? Nothing?</p> <p>20 A. W sh had a unch, no.</p> <p>21 Q. Okay. So it was just pretty much a</p> <p>22 straight-up, here's the money, here are the</p> <p>23 recordings, and off we go our merry way?</p> <p>24 A. Yes.</p> <p>25 Q. Did Mr. Watkins -- and I just want to</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Uh-huh.</p> <p>2 Q. And did that engagement agreement</p> <p>3 entail or discuss how often you would be billed?</p> <p>4 A. W thout hav ng t n front of me,</p> <p>5 don't know. don't remember read ng that but --</p> <p>6 Q. So did you have any agreement with</p> <p>7 Mr. Watkins as to how that \$20,000 was going to be</p> <p>8 spent?</p> <p>9 A. t was --</p> <p>10 Q. How it would accrue, so to speak?</p> <p>11 A. t was for me to reta n h s counse ,</p> <p>12 yeah.</p> <p>13 Q. So in your mind you consider that</p> <p>14 \$20,000 to be a retainer that was provided to</p> <p>15 Mr. Watkins?</p> <p>16 A. Yeah.</p> <p>17 Q. And how much of that \$20,000 was to</p> <p>18 be -- was all of the \$20,000 to be for legal</p> <p>19 services or advice to you and/or your business</p> <p>20 holdings?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. And yet it's been January since</p> <p>23 you -- or February, we'll just say -- we'll go on</p> <p>24 the -- err on the side of caution. By the time you</p> <p>25 had made all the deliveries we're talking February,</p>

<p style="text-align: right;">Page 217</p> <p>1 and yet it's the end of May and you still haven't 2 received a single bill for that advice? 3 A haven't received a bill. We talked 4 many times since February. 5 Q. Watkins has apparently testified or 6 said that there was \$10,000 to relocate the family. 7 Do you know anything about that? 8 A As far as I know Mr. Watkins lives in 9 St. Louis. 10 Q. I think that he was maybe referring to 11 witness three's family, but -- I don't know. 12 A I don't know who -- 13 Q. You don't know anything about that? 14 A I don't know who witness three is. 15 Q. Well, I guess it would be the seller, 16 the seller of the recordings. 17 A Yeah, have no idea. 18 Q. You have no idea? 19 A I've never met this person so I don't 20 know where that person lives. 21 Q. Okay. But you never had any 22 discussions with Mr. Watkins about anything like 23 that? 24 A No. 25 MS. MITTEN: Okay.</p>	<p style="text-align: right;">Page 219</p> <p>1 THE WITNESS have different LLCs 2 formed so I can chart them the success 3 BY MR. AUSTIN 4 Q. I know you have a TV show, and is that 5 part of the Missouri Times LLC? 6 A Yeah. 7 Q. And a radio show, is that also part of 8 Missouri Times LLC? 9 A It's new, we're still developing. 10 Q. Have you formed an LLC or corporation 11 or anything like that? 12 A (Shakes head). 13 Q. As far as this upcoming book, is it 14 under a separate company or is that just you 15 individually or -- 16 A I want to be accurate in the answer. 17 MR. HATFIELD: Do you understand the 18 question? I don't know for sure. 19 BY MR. AUSTIN 20 Q. Okay. Is there -- has there been any 21 type of corporate entity formed that will own the 22 rights to this book? 23 A There will be, yeah. 24 Q. Hasn't been yet? 25 A No.</p>
<p style="text-align: right;">Page 218</p> <p>1 Okay. Thank you, Mr. Charles. 2 MR. BARNES: Representative Austin? 3 MR. AUSTIN: Thank you, Mr. Charles. 4 EXAMINATION 5 BY MR. AUSTIN: 6 Q. Good afternoon, Mr. Faughn. We've met 7 before, of course. 8 A. Yes, sir, Mr. Representative. 9 Q. You've touched upon this already. 10 You've mentioned the Missouri Times, the Clayton 11 Times. You have a TV show and a radio show. And I 12 kind of intro with that because my question is, what 13 exactly do you do for a living and how do you earn 14 your income? 15 A. Publisher of newspapers and a host of a 16 TV show. 17 Q. Did I list the -- Missouri Times and 18 Clayton Times, is that the only newspapers or 19 publications that you own? 20 A. Yeah. 21 Q. And are those under one corporate-type 22 entity, or do they have their own entities as far as 23 form of business? 24 MR. HATFIELD: I'm not sure that's 25 relevant, but go ahead.</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. I think you said you had met Al Watkins 2 sometime before just because of your Clayton Times 3 publication; is that correct? 4 A. Yeah. 5 Q. Do you remember approximately when the 6 first time was that you met Al Watkins? 7 A. I remember meeting Al Watkins three or 8 four years ago. I don't think he would have 9 remembered meeting me. As a guy once you meet 10 him, you remember it. 11 Q. And you said at one point that you 12 heard there were some rumors regarding the present 13 governor, is that correct, as it relates to the 14 affair? 15 A. I mean, I think there's been rumors 16 about the present governor that anybody that listens 17 much has heard, so I heard -- yeah, to answer your 18 question, sure. 19 Q. When did you first hear -- first hear 20 rumors of the affair? 21 A. Let's see. I think I met him at 22 Lincoln Day in 2015. So I would have been in the 23 summer of 2015. I remember when he brought his 24 campaign here to Jefferson City. 25 Q. When did you first pass the idea of</p>

<p style="text-align: right;">Page 221</p> <p>1 writing this book that you said was going to be 2 published in the fall? 3 A I have had the idea for some time 4 I've done some interviews to build up that 5 obviously the -- planned to write about up 6 until the governor's race and the governor's race 7 was so interesting and then frankly the news never 8 stopped So there was never -- it was hard to get a 9 stopping point around it 10 But think what kind of decided 11 was -- was from the time met Eric Grebens which 12 would include the death of Auditor Swiney through 13 today and whatever these proceedings 14 Q. Who is helping you write that book? 15 A Obviously if you've ever read the 16 Missouri Times from a few years ago you'll know I 17 need an editor a significant editor have Rache 18 Herndon who's the news editor of the Missouri 19 Times so going to help And then after got my 20 stuff compiled we're going to have to spend 21 probably a lot of money on editing 22 Q. When did you first think about going to 23 Al Watkins regarding these rumors of an affair? 24 A I don't know when first thought about 25 it but heard A was in possession of these tapes</p>	<p style="text-align: right;">Page 223</p> <p>1 BY MR. AUSTIN: 2 Q. When you introduced yourself, did he 3 recognize who you were when you introduced yourself? 4 A. Later he said he had watched my 5 television show, but he might have just been being 6 nice. I can't say for sure. 7 Q. And then how did that conversation end? 8 A. It ended with kind of -- we were going 9 to pick it back up. 10 Q. It didn't -- did you come to any sort 11 of terms whatsoever, or just him acknowledging that 12 he had the tapes and then you guys decided to talk 13 again? 14 A. I recall -- and again, you know, the 15 real conversations were closer to the holidays, but 16 I think he may have had to find out from his client. 17 There was some attorney thing that he used, best 18 recall. 19 Q. And then as we approached the holidays 20 you say the conversations picked up? 21 A. Yeah. 22 Q. And who was the one that reached out 23 the second time? 24 A. I was pursuing him so assume me, but 25 can't say that for sure.</p>
<p style="text-align: right;">Page 222</p> <p>1 I didn't know that, but I had heard that for at 2 least back into the end of the 2016 campaign. 3 Q. And who did you hear those rumors from? 4 A. Gosh. I mean, everyone that wasn't 5 supporting Eric Grebens for governor. 6 Q. When did you first approach Al Watkins 7 regarding these rumors and those tapes? 8 A. I recall, sometime in the fall. 9 Q. Fall of 2015? 10 A. 2017. 11 Q. Fall of 2017. And you reached out to 12 him, I suppose? If I remember your testimony right. 13 A. Yeah. 14 Q. And did you call his law office? 15 A. I might have -- I think I might have 16 saw him somewhere, but I'm not sure he even knew who 17 I was at that point. I think I might have had to 18 call his law office to see him. 19 Q. And after that -- let's back up. What 20 was, generally, that conversation you had when you 21 first talked to Mr. Watkins about these tapes? 22 MR. HATFIELD: Don't guess. 23 THE WITNESS: The conversation was -- 24 can't say specifically, but I tried to him saying 25 yeah.</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. And how many times did you talk with Al 2 Watkins regarding acquiring these tapes, you know, 3 not the first time but the second time towards the 4 holidays until a deal was reached? 5 A. Three to four maybe. 6 Q. And at what point did price begin being 7 negotiated? That second call or at the end or? 8 A. Probably the second one. 9 Q. And I think the representative asked 10 this, but there was nothing in writing -- and by 11 "writing" I'm including texts or emails, anything, 12 not just a contract -- regarding the terms of this 13 agreement of your purchasing of these tapes or 14 recordings? 15 A. No. 16 Q. There was -- was there any promises 17 that he would not or he or his client would not 18 disclose them to anyone else? 19 A. No, there wasn't. 20 Q. And it was your testimony that, at 21 least you took it from those conversations, that he 22 was wanting the \$100,000 in cash, correct? 23 A. That's what I took from it, sure, yeah. 24 Q. And we're kind of using the pronoun 25 "you" pretty loosely here, but we've established you</p>

Page 225	Page 227
<p>1 have a couple of LLCs. So who was actually</p> <p>2 purchasing these tapes? Was it you, Mr. Faughn the</p> <p>3 individual, or was it Missouri Times LLC, or was it</p> <p>4 something else?</p> <p>5 A. It was going to be me, and we'</p> <p>6 probably rolled into the publishing entity.</p> <p>7 Q. And this 100,000, that was, I think</p> <p>8 your testimony, that was your money. It was your</p> <p>9 personal assets; is that correct?</p> <p>10 A. Yeah.</p> <p>11 Q. And those -- that money had come from</p> <p>12 earnings from either one of your LLCs or something</p> <p>13 else?</p> <p>14 MR. HATFIELD: Well, again, 'm going</p> <p>15 to advise him not to answer that. I mean, it</p> <p>16 doesn't matter where he got the money. And, you</p> <p>17 know, as said, if it was a birthday check from his</p> <p>18 grandma that he cashed, it might not be his LLCs,</p> <p>19 but he doesn't have to disclose it. So 'm going to</p> <p>20 advise him not to answer.</p> <p>21 BY MR. AUSTIN:</p> <p>22 Q. And you're refusing to answer on the</p> <p>23 advice of counsel?</p> <p>24 A. As Mr. Hatfield stated, don't mind to</p> <p>25 tell you that it was completely me that purchased</p>	<p>1 courtroom. There's been a lot of stuff that was --</p> <p>2 but what I don't want you to do is you're</p> <p>3 substituting your words for the witness's words.</p> <p>4 MR. HATFIELD: Would never do that.</p> <p>5 Mr. Faughn is perfectly capable of testifying.</p> <p>6 MR. BARNES: So let's let Mr. Faughn</p> <p>7 answer the question.</p> <p>8 MR. HATFIELD: Absolutely. And thank</p> <p>9 we should make sure the question is clear. Thank</p> <p>10 Representative Austin is doing a great job. I just</p> <p>11 want to make sure the witness accurately and</p> <p>12 correctly addresses the question and he understands</p> <p>13 it fully.</p> <p>14 BY MR. AUSTIN:</p> <p>15 Q. This \$100,000 that was paid to Al</p> <p>16 Watkins, that is income that you would have paid</p> <p>17 taxes on at some point, either through your</p> <p>18 corporations or LLCs or you personally.</p> <p>19 A. Yes, I mean, again, I try to say it</p> <p>20 one more time. The money was my money.</p> <p>21 Q. And the purpose behind purchasing these</p> <p>22 recordings was for use in your book and for no other</p> <p>23 purpose, correct?</p> <p>24 A. Yeah, that was the purpose.</p> <p>25 Q. And if it's true there's testimony from</p>
Page 226	Page 228
<p>1 them, but 'm not going to get into the inner</p> <p>2 workings of my company here or anywhere else.</p> <p>3 Q. So you're refusing to answer based on</p> <p>4 advice of counsel?</p> <p>5 MR. HATFIELD: Say "yeah."</p> <p>6 THE WITNESS: Yeah.</p> <p>7 BY MR. AUSTIN:</p> <p>8 Q. And this money, this 100,000, this</p> <p>9 would have been something that you would have paid</p> <p>10 taxes on, I guess.</p> <p>11 MR. HATFIELD: Calls for a legal</p> <p>12 conclusion. So he's going to tell you -- I mean,</p> <p>13 not yet, but he's going to answer the question.</p> <p>14 MR. AUSTIN: You say he's going to</p> <p>15 answer the question?</p> <p>16 MR. HATFIELD: Well, I guess 'm not</p> <p>17 sure what the question is.</p> <p>18 MR. AUSTIN: Is this 100,000 --</p> <p>19 MR. BARNES: It's a question for</p> <p>20 Mr. Faughn. Object and state an objection but --</p> <p>21 MR. HATFIELD: Well, 'm not familiar</p> <p>22 with the rules of this committee on how objections</p> <p>23 should be stated.</p> <p>24 MR. BARNES: That's a good question,</p> <p>25 because you're exactly right because it's not a</p>	<p>1 Al Watkins either given in a previous deposition or</p> <p>2 testimony he may give in the future that you told</p> <p>3 him this money came from a wealthy Republican</p> <p>4 out-of-state donor, that is either a lie or untrue?</p> <p>5 A Representative -- I try to</p> <p>6 explain it to you again. I have no recollection of</p> <p>7 ever having that conversation. I am a donor and</p> <p>8 generally a Republican. However, again, I</p> <p>9 tell you that in matters of talking about legal</p> <p>10 stuff, we assume the misunderstanding would be</p> <p>11 on me.</p> <p>12 'm pretty transparent. As</p> <p>13 relevant, not that transparent. And so sometimes</p> <p>14 the conversations were challenging to have to be</p> <p>15 candid with you.</p> <p>16 Q. So if that is truly his understanding</p> <p>17 that he believes that you told him that this</p> <p>18 \$100,000 came from a wealthy out-of-state</p> <p>19 Republican, that is possibly a misunderstanding</p> <p>20 between you and Mr. Watkins?</p> <p>21 A. I assume so. I don't know.</p> <p>22 Q. Do you have any reason or idea where he</p> <p>23 might have gotten that idea, other than the</p> <p>24 conversations between you and him?</p> <p>25 A. Oh, I have no idea where he would have</p>

57 (Pages 225 to 228)

<p style="text-align: right;">Page 229</p> <p>1 gotten that</p> <p>2 Q. Now, you delivered -- you're not sure</p> <p>3 how many deliveries of this cash you made; is that</p> <p>4 correct?</p> <p>5 A. I would have made a but one would</p> <p>6 thank</p> <p>7 Q. And the one that you did not make, did</p> <p>8 you hire a courier service for that?</p> <p>9 A. No, did not</p> <p>10 Q. That would just -- that would have been</p> <p>11 an individual you would have given \$50,000 or</p> <p>12 whatever the amount was to deliver?</p> <p>13 A. We would have had a package</p> <p>14 delivered, yeah, from somebody that -- would have</p> <p>15 had to set up to deliver but didn't pay anybody</p> <p>16 to do that</p> <p>17 Q. Okay. And I'll just tell you that in</p> <p>18 my brief review of Mr. Watkins' deposition he said</p> <p>19 he received two \$50,000 cash payments. One, he</p> <p>20 testified that you delivered yourself and one came</p> <p>21 from somebody else.</p> <p>22 Does that comport with your</p> <p>23 recollection or do you remember --</p> <p>24 A. Yeah, that sounds right</p> <p>25 Q. Now, the second one was delivered by</p>	<p style="text-align: right;">Page 231</p> <p>1 talking January of this year, I believe.</p> <p>2 A. Believe three a woman that comes in</p> <p>3 and out</p> <p>4 Q. And what are their names?</p> <p>5 A. We -- one of them has left. But it</p> <p>6 would be Brian Robbins and Ben Striker</p> <p>7 Q. And the one that left is, what's --</p> <p>8 A. Brian</p> <p>9 Q. Okay. And so in January of 2018, those</p> <p>10 two worked in the Clayton office and anybody else</p> <p>11 work in the Clayton office? You said there was</p> <p>12 somebody in and out.</p> <p>13 A. My wife comes in and out some</p> <p>14 Q. Well, it wasn't your wife that</p> <p>15 delivered the 50,000?</p> <p>16 A. No</p> <p>17 MR. AUSTIN: Sorry. Let me look over</p> <p>18 my notes. If we're going to come back around --</p> <p>19 MR. BARNES: We can come back around if</p> <p>20 you want to take an opportunity to look at your</p> <p>21 notes</p> <p>22 MR. AUSTIN: Thank you, Mr. Faughn</p> <p>23 MR. BARNES: Believe Representative</p> <p>24 Eggleston's next in seniority, is that correct?</p> <p>25 MR. EGGLESTON: Thank Representative</p>
<p style="text-align: right;">Page 230</p> <p>1 somebody else. That was \$50,000 cash, according to</p> <p>2 Mr. Watkins' testimony. And I think you -- you</p> <p>3 agree with that now. But do you remember who</p> <p>4 delivered that for you, that \$50,000 in cash?</p> <p>5 A. If recall, would have had somebody</p> <p>6 in my office do it, but I'm sure they -- would not</p> <p>7 have had -- did not have any conversation with</p> <p>8 then about what they were delivering.</p> <p>9 Q. The individual that delivered it may</p> <p>10 not have known what it was?</p> <p>11 A. No.</p> <p>12 Q. But you would have had them deliver</p> <p>13 \$50,000 in cash from your Clayton office?</p> <p>14 A. Uh-huh.</p> <p>15 Q. I'm sorry, is that a "yes"?</p> <p>16 A. Yes.</p> <p>17 Q. And I'm not picking on you. We've just</p> <p>18 got to have words.</p> <p>19 A. Sure.</p> <p>20 Q. And any idea as we sit here today who</p> <p>21 that individual was?</p> <p>22 A. It would have been somebody in the</p> <p>23 Clayton office.</p> <p>24 Q. How many people work in the -- worked</p> <p>25 in the Clayton office at that time? And we're</p>	<p style="text-align: right;">Page 232</p> <p>1 Lauer.</p> <p>2 MS. LAUER: I wait.</p> <p>3 EXAMINATION</p> <p>4 BY MR. EGGLESTON:</p> <p>5 Q. So we've established that it was</p> <p>6 120,000 was the total amount given between you and</p> <p>7 Al Watkins?</p> <p>8 A. Believe so, yeah.</p> <p>9 Q. And in cash?</p> <p>10 A. Yeah.</p> <p>11 Q. And hand-delivered. You didn't FedEx</p> <p>12 it or anything like that. You or someone you</p> <p>13 trusted delivered that to him?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Okay. I don't know that I've seen, or</p> <p>16 certainly not very often, \$120,000 in cash lying</p> <p>17 around. So how did you -- I mean, how do you</p> <p>18 transport that? You didn't just have it in your</p> <p>19 hands. When you delivered the 50,000, you had it in</p> <p>20 a container of some sort?</p> <p>21 A. I'm sorry. What are you asking?</p> <p>22 Q. Did you put it in a gunnysack? Did you</p> <p>23 put it in a shoe box? How did you actually carry</p> <p>24 50,000 or 100,000 or whatever the denomination was</p> <p>25 that you delivered?</p>

<p style="text-align: right;">Page 233</p> <p>1 A -- some type of folder mechanism</p> <p>2 don't --</p> <p>3 Q. Folder?</p> <p>4 A 'm not really sure -- because it was</p> <p>5 a pretty small envelope document carrier</p> <p>6 Q. And the amount that you took personally</p> <p>7 was 50,000; is that what you're saying?</p> <p>8 A Yeah</p> <p>9 Q. And you can --</p> <p>10 A Yes Representative</p> <p>11 Q. Were these 1s or 20s or 100s or what --</p> <p>12 was it a mixed denomination?</p> <p>13 A don't recall the denominations</p> <p>14 Q. Were they wrapped in bundles or just</p> <p>15 thrown loose?</p> <p>16 A because they were wrapped -- can't</p> <p>17 tell you for sure</p> <p>18 Q. Why can't you tell me?</p> <p>19 MR. HATFIELD: Do you not recall or are</p> <p>20 you refusing to --</p> <p>21 THE WITNESS: No -- don't recall</p> <p>22 assume they were wrapped in bundles -- but -- can't</p> <p>23 swear to that</p> <p>24 BY MR. EGGLESTON</p> <p>25 Q. Did you put that cash into the folder?</p>	<p style="text-align: right;">Page 235</p> <p>1 certain --</p> <p>2 MR. HATFIELD: Well, and 'm going to</p> <p>3 advise him not to get into it, as 've done over and</p> <p>4 again. We can go over this one more time.</p> <p>5 MR. EGGLESTON: 'm just curious as to</p> <p>6 how does \$50,000 cash, which seems like a pretty big</p> <p>7 pile of cash for most folks, get from Point A to</p> <p>8 Point B. 'm not going to ask anything about his</p> <p>9 business.</p> <p>10 MR. HATFIELD: Okay.</p> <p>11 BY MR. EGGLESTON:</p> <p>12 Q. But I'm kind of curious as to where was</p> <p>13 this \$50,000 before you put it into the folder,</p> <p>14 Mr. Faughn?</p> <p>15 MR. HATFIELD: Well, that does get into</p> <p>16 his business. So 'm going to advise him not to get</p> <p>17 into where he got the money that he used to pay</p> <p>18 because that does get into his business. So that's</p> <p>19 what 'm advising. -- want the committee to be clear</p> <p>20 on what our position is.</p> <p>21 THE WITNESS: 'm trying to think.</p> <p>22 think your question about wrapped, -- think it</p> <p>23 probably was, but frankly -- was in my Clayton</p> <p>24 office. And, again, 'm not going to get into how</p> <p>25 run my business.</p>
<p style="text-align: right;">Page 234</p> <p>1 A. Yes.</p> <p>2 Q. So when you went to put it into the</p> <p>3 folder, you picked it up from where? Where was it?</p> <p>4 MR. HATFIELD: And that's what we've</p> <p>5 already talked about, Representative.</p> <p>6 MR. EGGLESTON: -- know, but 'm asking</p> <p>7 him the question.</p> <p>8 MR. HATFIELD: -- understand that.</p> <p>9 MR. EGGLESTON: 'm not asking</p> <p>10 questions of anyone who won't swear to tell the</p> <p>11 truth in front of this committee. 'm asking this</p> <p>12 of Mr. Faughn.</p> <p>13 MR. HATFIELD: By the way, let me be</p> <p>14 clear on that, Representative Eggleston. We kind of</p> <p>15 got that short because we want to get through it.</p> <p>16 'll be happy to take an oath. -- thank everybody</p> <p>17 here should. -- thank every member of the committee</p> <p>18 should take an oath that all the statements we're</p> <p>19 going to make are completely truthful, and 'd be</p> <p>20 happy to do it. If that would make -- if that would</p> <p>21 make you happy, Representative, 'll do it right</p> <p>22 now.</p> <p>23 MR. EGGLESTON: -- actually want to ask</p> <p>24 Mr. Faughn the question and have him answer it. And</p> <p>25 if you want to whisper advice in his ear, you're</p>	<p style="text-align: right;">Page 236</p> <p>1 BY MR. EGGLESTON</p> <p>2 Q. I'm not asking you how you made the</p> <p>3 money. I'm just asking where it physically was</p> <p>4 before you put it in the folder.</p> <p>5 A -- because we put it in a folder in the</p> <p>6 Clayton office</p> <p>7 Q. Okay. So the cash was in the Clayton</p> <p>8 office and you put it in a folder?</p> <p>9 A Yes Representative</p> <p>10 Q. Okay. And the Clayton office being</p> <p>11 your place of business, not -- I don't know, a bank</p> <p>12 or a savings and loan or something like that, your</p> <p>13 place of business?</p> <p>14 A Yes Representative</p> <p>15 Q. Okay. You said, what, you made four</p> <p>16 different payments over time?</p> <p>17 A -- because so yes</p> <p>18 Q. All of them originated from your office</p> <p>19 in Clayton with money that you had stored there in</p> <p>20 that office?</p> <p>21 MR. HATFIELD: And again --</p> <p>22 THE WITNESS: 'm not going to tell</p> <p>23 you -- Representative with a due respect -- 'm not</p> <p>24 going to get into where would store something or</p> <p>25 really any more details about how -- run my company</p>

<p style="text-align: right;">Page 237</p> <p>1 BY MR. EGGLESTON:</p> <p>2 Q. I understand -- it just seems -- I'm</p> <p>3 not sure that too many companies leave that much</p> <p>4 money lying around in cash. Most folks would have</p> <p>5 it in a bank account earning some interest. And if</p> <p>6 you wanted that money, you go to the bank, you</p> <p>7 withdraw it, put in your folder, your gunnysack, or</p> <p>8 whatever.</p> <p>9 A. Is that a question?</p> <p>10 Q. You did not withdraw it from a bank.</p> <p>11 You had it -- in your office?</p> <p>12 A. Representative, with all due respect,</p> <p>13 I think you thought my money that I conducted a</p> <p>14 transaction with. And I'm really, to be honest with</p> <p>15 you, not going to get into how I run my private</p> <p>16 business, any more than I would expect anybody else</p> <p>17 here to with these committees or anyone else.</p> <p>18 Q. The timing of the various payments in</p> <p>19 this, kind of going back to what</p> <p>20 Representative Mitten was asking, you were saying --</p> <p>21 you've kind of been a bit vague. So were there</p> <p>22 three different payments made to Al Watkins or four?</p> <p>23 Can you tell us for sure?</p> <p>24 MR. HATFIELD: Don't guess. Whatever</p> <p>25 you can remember.</p>	<p style="text-align: right;">Page 239</p> <p>1 somebody that these recordings were for sale and you</p> <p>2 made the call to sort of bid on them or strike a</p> <p>3 deal?</p> <p>4 A. I didn't know how to obtain them.</p> <p>5 I had no idea -- I had no idea how they could be</p> <p>6 obtained.</p> <p>7 Q. You knew he had them?</p> <p>8 A. We, I didn't even know he had them,</p> <p>9 but I had heard that he had and assumed --</p> <p>10 Q. You heard that they had, and so you</p> <p>11 were calling to see if he would sell them to you?</p> <p>12 A. We, we started off trying to obtain</p> <p>13 them and then worked from there, yeah.</p> <p>14 Q. Will you give them to me for free?</p> <p>15 Well, no, I'll give them to you for a price, and</p> <p>16 then you start haggling over a price?</p> <p>17 A. It was about a four-hour conversation</p> <p>18 of that right there.</p> <p>19 Q. Okay. Okay. Well, I mean, obviously</p> <p>20 this is -- these recordings are something that are</p> <p>21 pretty serious that are going to be used in</p> <p>22 relationship to a sitting duly elected governor and</p> <p>23 is therefore evidence. And so it seems a little</p> <p>24 fishy on either your part or Al's part or both that</p> <p>25 some of this evidence could actually be for sale to</p>
<p style="text-align: right;">Page 238</p> <p>1 MR. TRENT: At least three, possibly</p> <p>2 four.</p> <p>3 BY MR. EGGLESTON:</p> <p>4 Q. You're not sure whether there were</p> <p>5 three or four?</p> <p>6 A. I'm sure there were two \$50,000.</p> <p>7 I don't remember if the second one was made at once or</p> <p>8 broke up into two increments.</p> <p>9 Q. Well, that does help. And the timing</p> <p>10 of these payments you said were spaced out sometime</p> <p>11 between early January and sometime in February.</p> <p>12 That's what you had said before?</p> <p>13 A. Yes, that's about right.</p> <p>14 Q. I want to verify that's still -- okay.</p> <p>15 And because that was an agreement that you had with</p> <p>16 Al Watkins to do it in those chunks?</p> <p>17 A. Yeah.</p> <p>18 Q. And the original agreement -- so did</p> <p>19 you -- to set all this up, did you call Al Watkins</p> <p>20 or did Al Watkins call you?</p> <p>21 A. We, I think Representative Austin</p> <p>22 knew who I was probably before I knew who he was,</p> <p>23 but I made the first proactive call to Al to see</p> <p>24 him.</p> <p>25 Q. And at that point, did you know from</p>	<p style="text-align: right;">Page 240</p> <p>1 the highest bidder. So we're trying to get to</p> <p>2 the -- nuts and bolts --</p> <p>3 A. I don't mean to not answer your</p> <p>4 question, but can I interject something?</p> <p>5 Q. Absolutely.</p> <p>6 A. I had no idea that this was going to be</p> <p>7 a criminal matter.</p> <p>8 Q. At that time, yeah?</p> <p>9 A. I had no clue until even after</p> <p>10 listening -- I'm not an expert on many things</p> <p>11 but I think the bondage sex would be among the things I'm</p> <p>12 not an expert on or taking photographs of that.</p> <p>13 I just -- I had no idea that there would be a criminal</p> <p>14 charge or investigation come of it. I had no clue.</p> <p>15 Q. Because this was before it all came out</p> <p>16 public because that happened in -- mid-January</p> <p>17 sometime?</p> <p>18 A. Yeah.</p> <p>19 Q. Yeah, and your discussions you said</p> <p>20 started in the fall of '17 before that. So you knew</p> <p>21 they existed before that. But they hadn't been</p> <p>22 released to the general public so nobody really knew</p> <p>23 what was in them, or at least publicly?</p> <p>24 A. Yeah. I think --</p> <p>25 Q. But you had some inkling or you else</p>

<p style="text-align: right;">Page 241</p> <p>1 you wouldn't have ponied up \$120,000 to buy them?</p> <p>2 A. th nk everybody n M ssour po t cs</p> <p>3 had an nk ng of what -- of th s s tuat on was</p> <p>4 there. don't th nk peop e knew f t was true.</p> <p>5 But th nk everybody -- wou d say t wou d be</p> <p>6 surpr s ng to me to f nd someone n M ssour</p> <p>7 po t cs who had not heard some vers on of what s</p> <p>8 now pub c.</p> <p>9 Q. Okay. Kind of going back to</p> <p>10 Representative Barnes initially talked about your</p> <p>11 past. You kind of live in the Clayton area now but</p> <p>12 you were from Poplar Bluff originally around that</p> <p>13 area; is that right?</p> <p>14 A. Yep.</p> <p>15 Q. And you had the instance of the</p> <p>16 forgery, you'd said. That was -- the guilty verdict</p> <p>17 came down in 2007 on that, I do believe?</p> <p>18 A. Okay.</p> <p>19 Q. Does that sound about right to you?</p> <p>20 A. Sure.</p> <p>21 Q. But that was not really your only --</p> <p>22 you've had other sort of scrapes with the law</p> <p>23 between then and now? Different traffic tickets,</p> <p>24 that kind of situation, right?</p> <p>25 A. Yeah, 've had a few traff c t ckets,</p>	<p style="text-align: right;">Page 243</p> <p>1 and also sent back and put in custody again, right?</p> <p>2 A. Sounds r ght, yeah.</p> <p>3 Q. Okay. All right. And that was around</p> <p>4 2010. In fact, I think there's about five pages of</p> <p>5 stuff on Case.net of different scrapes that you have</p> <p>6 had over your years; is that about right?</p> <p>7 A. 've never counted the pages.</p> <p>8 Q. Okay. And then the last little bit</p> <p>9 was -- that was outlined on there was in 2016 -- so</p> <p>10 this would have been about one year before this fall</p> <p>11 of 2014 discussion you had with Al Watkins -- there</p> <p>12 was -- it was reported that you had had roughly</p> <p>13 \$17,000 of unpaid bills, that you owed people a lot</p> <p>14 of money to help start your company, run your</p> <p>15 company, and that included around \$8,000 of unpaid</p> <p>16 taxes to Missouri.</p> <p>17 Is that -- is that fair to say that</p> <p>18 that occurred in 2016?</p> <p>19 A. don't know the date but can te</p> <p>20 you that we squared up everyone, actua y, n the</p> <p>21 m dd e -- toward the end of ast year. So, yeah,</p> <p>22 certa n y start ng a newspaper r ght now s a very</p> <p>23 cha eng ng endeavor. Luck y for us t's a good</p> <p>24 t me to be n the news bus ness so we've been</p> <p>25 fortunate ate y.</p>
<p style="text-align: right;">Page 242</p> <p>1 think it's fair to say, and a few parking tickets.</p> <p>2 MR. HATFIELD: Sometimes you need</p> <p>3 rep acement medicine in the midd e of the night.</p> <p>4 You're speeding fast.</p> <p>5 BY MR. EGGLESTON:</p> <p>6 Q. Yeah. There was certainly an instance</p> <p>7 of driving without a license and license plates in</p> <p>8 the middle of the night, went to jail for that or</p> <p>9 got caught and went to jail for that for a bit.</p> <p>10 A. think did a get a ticket for</p> <p>11 driving without -- or maybe an expired icense or</p> <p>12 something.</p> <p>13 Q. It was more than a ticket; you were</p> <p>14 hauled into custody?</p> <p>15 A. Okay. By -- be iev e when paid the</p> <p>16 ticket or whatever --</p> <p>17 Q. Right.</p> <p>18 A. You're right, 'm not sure what you're</p> <p>19 asking me.</p> <p>20 Q. Well, I'm just verifying that that's --</p> <p>21 that is in your past?</p> <p>22 A. Sure, yeah.</p> <p>23 Q. Okay. And then a few hours later after</p> <p>24 being instructed you could leave but you needed to</p> <p>25 have somebody drive you home, you were caught again,</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. So from 2016 to 2017 you've been</p> <p>2 fortunate enough, as you had said, to go from owing</p> <p>3 people over -- that they knew of -- over \$17,000 to</p> <p>4 suddenly having \$120,000 in cash lying around in</p> <p>5 your office that you could use to buy incriminating</p> <p>6 tapes on the governor so you could sell a book; is</p> <p>7 that right?</p> <p>8 A. We , you'd be the one to know f</p> <p>9 they're ncr m nat ng, but hav ng a tax en s part</p> <p>10 of bus ness. Once we got t c eared up, ended up</p> <p>11 not even be ng near that. But we d d, uck y --</p> <p>12 guess not uck y -- don't know f pay ng taxes s</p> <p>13 ucky, but we have a stack of etters from DOR w th</p> <p>14 that sea on them show ng how we pa d them a and</p> <p>15 pa d them a -- don't know, not qu te a year ago</p> <p>16 but now gett ng c ose to.</p> <p>17 Q. Got you. Well, it just seems like --</p> <p>18 A. Somet mes --</p> <p>19 Q. Hard to believe --</p> <p>20 A. Hey, set -- set n a room one f oor</p> <p>21 above here and watched every newspaper person n the</p> <p>22 state te ng me we'd go bankrupt f ve years ago.</p> <p>23 MR. EGGLESTON: So you were -- okay.</p> <p>24 Let's see. th nk we answered that quest on. So</p> <p>25 'm go ng to -- 'm go ng to pass t on for now.</p>

<p style="text-align: right;">Page 245</p> <p>1 MR. BARNES: Representat ve P erson, 2 we're the backup n the comm tee n sen or ty. 3 MR. P ERSON: Thank you, Mr. Cha r. 4 EXAM NAT ON 5 BY MR. P ERSON: 6 Q. Good evening or afternoon, rather. I 7 appreciate your being here. 8 A. Thank you for hav ng me. 9 Q. I was going to say you're showing your 10 age talking about tapes. I'm going to say what are 11 tapes? 12 A. 'I've st got a few George Jones 13 cassette tapes somewhere. 14 Q. There you go. There you go. 15 So my questions, they may be sort of 16 erratic, so just to kind of let you know. So I want 17 to kind of talk about your relationship with Al 18 Watkins, and it sounds like you said you reached out 19 to him. 20 A. Uh-huh. 21 Q. And sounds like that happened end of 22 2016? 23 MR. BARNES: Ho d on. Representat ve 24 P erson, and meant to do th s a second ago. Can 25 you turn your -- the a rport runway ght down</p>	<p style="text-align: right;">Page 247</p> <p>1 fe t f our show a tte b t better than A d d. 2 Q. And how often did you-all speak beyond 3 the tapes? 4 A. Qu te a b t. don't know the number 5 of t mes but every few days. Then just k nd of 6 tapered off. 7 Q. So you did kind of develop a little bit 8 of a relationship? 9 A. Yeah, ke A. A s an interest ng 10 guy to know. No doubt about t. 11 Q. And did you-all have any kind of -- so 12 you didn't get any receipt from the tapes. So you 13 received the tapes. There's no receipt given to you 14 that said "Our transaction is now complete"; is that 15 correct? 16 A. No. 17 Q. And did you sit and listen to the tapes 18 together with Al to ensure he wasn't giving you a 19 blank tape? 20 A. be eve so, yeah, part of them for 21 sure, yeah. But not -- don't th nk we stened to 22 the who e th ng together, but certa n y enough to 23 know wasn't get a b ank tape or b ank record ng. 24 Q. So you listened to the tapes, and that 25 was in conjunction with the handing off of the</p>
<p style="text-align: right;">Page 246</p> <p>1 s gn f cant y f not comp ete y -- can you turn t 2 off? Let's turn t off Thank you Much -- much 3 better 4 BY MR P ERSON 5 Q. All right. Your relationship with Al 6 Watkins, I just wanted to come to a better 7 understanding of that. Can you tell me when that 8 relationship started? 9 A. Aga n knew A Watk ns 'm sure 10 before A Watk ns knew me He's a pretty co orfu 11 fe ow n St Lou s met h m at a few d fferent 12 events cou d not te you when but t wou d 13 have had to have been around 2014 or after When 14 actua y -- got to know a h m a tte b t more as 15 started a paper n C ayton And then -- but to 16 have any ser ous conversat ons w th h m wou d have 17 been the very end of 2017 18 Q. End of 2017. So you -- you've 19 described him as a colorful fellow? 20 A. Yes s r Yes Representat ve 21 Q. Did you ever think to invite him on to 22 your show? 23 A. Not rea y Just because he's not -- 24 he's not po t ca that know of unt now And 25 there's other peop e that were -- that f t -- that</p>	<p style="text-align: right;">Page 248</p> <p>1 \$50,000 on those two occasions? 2 A. Sure. 3 Q. Is that correct? 4 A. Yes, Representat ve. 5 Q. Okay. So these were not, you know, 6 same-time transactions of here's 50 grand, here are 7 the tapes, we meet in the back alley -- 8 A. No, we a ways -- 9 Q. -- and transact, but these were kind of 10 sit-down gatherings where you looked at the tapes 11 and in your mind you came to a conclusion of, yes, 12 these tapes are truly worth this amount of money? 13 A. Uh-huh. That wou d be correct. 14 MR. HATF ELD: They weren't tapes, but 15 that's not rea y mportant. They weren't rea y 16 tapes. 17 BY MR. P ERSON: 18 Q. So I'm using "tapes" in quotes of 19 recordings. I don't know if it jumps around, but 20 however, a disk, CD, 8-track, I don't know, but 21 somehow you received these recordings. 22 A. R ght. 23 Q. Okay. So were there any agreements 24 made between you and Mr. Watkins? I think you 25 talked about an engagement agreement; is that</p>

<p style="text-align: right;">Page 249</p> <p>1 correct?</p> <p>2 A. We , retained him. We signed an</p> <p>3 engagement agreement. It seemed pretty normal to</p> <p>4 me, but ...</p> <p>5 Q. Can you enlighten me about what an</p> <p>6 engagement agreement entails?</p> <p>7 A. I'm not a lawyer, but when you hire a</p> <p>8 lawyer and they're offering you a job to give you</p> <p>9 advice or something, you usually get a letter that</p> <p>10 they've engaged you -- or you've engaged them for</p> <p>11 the services.</p> <p>12 Q. And there is a price -- is there a fee</p> <p>13 attached to a typical engagement agreement?</p> <p>14 A. In my experience in business, no. It's</p> <p>15 your -- it's essential that it's the start of your</p> <p>16 relationship that then you're going to take money</p> <p>17 for it. So it's not really -- I've never seen one</p> <p>18 with a fee schedule, but, again, there could be some</p> <p>19 that are. I don't know.</p> <p>20 Q. Okay. Did you sign any kind of</p> <p>21 non-disclosure agreement with you and Mr. Watkins?</p> <p>22 A. I don't recall any. Maybe just an</p> <p>23 engagement letter.</p> <p>24 Q. So no NDA between you or your business</p> <p>25 dealings that you are aware of?</p>	<p style="text-align: right;">Page 251</p> <p>1 Barnes. Why was that?</p> <p>2 A. It may have been before there was</p> <p>3 even -- I'm pretty sure it was before there was a</p> <p>4 committee but I don't remember the exact date</p> <p>5 Somebody that I have a lot of respect for and who</p> <p>6 actually knows politics and the law. So I don't</p> <p>7 recall the exact reasons but I don't -- I don't</p> <p>8 know if it was before it was a committee or not</p> <p>9 I don't remember the exact date but I think a lot of</p> <p>10 his opinion on</p> <p>11 Q. So was it to get his opinion or what</p> <p>12 did you want to get from sharing that?</p> <p>13 A. We again I did not know there was a</p> <p>14 crime in there just -- it's not that I condone</p> <p>15 anything that happened to the victim just I didn't</p> <p>16 know -- I didn't know there was a crime. That was</p> <p>17 very surprising to me. So having a person with a</p> <p>18 different perspective on it was interesting and</p> <p>19 wasn't going to bring it into our newsroom because</p> <p>20 paid for it so kind of limited the options of</p> <p>21 people</p> <p>22 Q. Did you share it with any other</p> <p>23 representatives at that time?</p> <p>24 A. I don't believe so</p> <p>25 Q. Any senators?</p>
<p style="text-align: right;">Page 250</p> <p>1 A. We , never waived any</p> <p>2 attorney-client privilege with him. I never really</p> <p>3 had any reason to disclose anything so ...</p> <p>4 Q. Okay. So that's a no?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Let see. There's some questions around</p> <p>7 your having \$100,000 laying around. And my -- can I</p> <p>8 ask of your marital status?</p> <p>9 A. Yeah. I'm married.</p> <p>10 Q. And your wife provides some income to</p> <p>11 the family?</p> <p>12 A. Not now currently, no.</p> <p>13 Q. So you would be the primary wage earner</p> <p>14 in the family?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Any -- because you are in the know in</p> <p>17 Missouri politics; would you agree with that?</p> <p>18 A. These days it's hard for anybody to say</p> <p>19 they're sure in the know in Missouri politics.</p> <p>20 Q. Can you share what else is coming down</p> <p>21 the rumor mill.</p> <p>22 A. I didn't bring this kind of knowledge</p> <p>23 with me today or actually would have.</p> <p>24 Q. Can you tell me why -- I heard you sent</p> <p>25 this information to our chair, Representative</p>	<p style="text-align: right;">Page 252</p> <p>1 A. Not that I recall, no.</p> <p>2 Q. Anyone else in the legislature?</p> <p>3 A. No, I don't believe so.</p> <p>4 MR. PERSON: Okay. All right. Thank</p> <p>5 you, Mr. Chair.</p> <p>6 MR. BARNES: Representative -- one of</p> <p>7 these days this microphone is going to work.</p> <p>8 Representative Trent.</p> <p>9 EXAMINATION</p> <p>10 BY MR. TRENT:</p> <p>11 Q. Some day. Thank you, Mr. Chairman.</p> <p>12 Thank you, Mr. Faughn for appearing here.</p> <p>13 Before I get into my own questions,</p> <p>14 Representative Rhoads is listening in and he had a</p> <p>15 few things that he would like you to answer as well.</p> <p>16 The first one is going back to the</p> <p>17 50,000 or the \$120,000 in cash. Do you have any</p> <p>18 bank records that show that money exiting a bank</p> <p>19 account?</p> <p>20 MR. HATFIELD: And, again,</p> <p>21 Representative Rhoads, with a due respect, I don't</p> <p>22 think we're going to get into the inner workings of</p> <p>23 the business.</p> <p>24 BY MR. TRENT:</p> <p>25 Q. Okay. And let me follow up to that</p>

HEARING 5/23/2018

<p>Page 253</p> <p>1 question as well. So there's no -- no bank records 2 that you're willing to discuss today. Could you 3 tell us where you do bank at? 4 MR. HATF ELD: We , and so -- and 'm 5 try ng to keep the cha rman's thoughts n m nd. 'm 6 not try ng to be an obstruct on st, but et's say 7 hypothet ca y that Mr. Faughn or you -- et's say 8 you keep a m on do ars at your house. You wou d 9 not want anybody to know that, r ght? mean, we're 10 ve-stream ng t. You wou d not want peop e to 11 know there's cash there. You may not want peop e to 12 know where you bank. 13 MR. BARNES: Mr. Hatf e d, et's et 14 Representat ve Trent ask the quest ons and 15 Mr. Faughn can answer them. 16 MR. HATF ELD: He's do ng a great job, 17 Mr. Cha rman. 18 MR. TRENT: Let's not go down th s 19 rabb t ho e w th the attorney. 20 So you we know that n our system f 21 the po ce ro nto your house and you've got a 22 who e bunch of unaccounted-for cash, there's go ng 23 to be an ssue, correct, norma person? 24 MR. HATF ELD: hope not. 25 MR. TRENT: But you know there w be</p>	<p>Page 255</p> <p>1 they ask for t. 2 MR. HATF ELD: Representat ve, thank 3 you for ett ng me respond to those nqu r es. 4 th nk those are appropri ate quest ons for the RS, 5 wh ch as an attorney as you know s another good 6 reason th s comm ttee shou d not get nto a these 7 ssues about how somebody runs the r bus ness. 8 th nk t s appropri ate for peop e to 9 have cash money. understand my deas on that may 10 be ant quated and there may be others who don't fee 11 that way, but n Amer ca t's st okay to have 12 cash money. 13 One other th ng, and then 'm sure 14 you' go on to address h m. want th s comm ttee 15 to be c ear that we be eve, and the reason we're 16 here, that f th s comm ttee wants to ook nto 17 whether w tnesses were nf uenced somehow, that s 18 appropri ate. And that's why Mr. Faughn s here 19 vo untar y w thout a subpoena. And those are great 20 quest ons, and that's what he came to ta k about. 21 f somebody ca ed a w tness and sa d, 22 "What do you want out of th s," wh ch apparent y 23 happened accord ng to test mony you read yesterday, 24 that's a good ne of nqu ry. f somebody sa d, 25 "We suggest you test fy that someth ng d d not</p>
<p>Page 254</p> <p>1 an ssue and ndeed you know our federa aw f 2 you take money nto or put money -- put money nto 3 or take money out of an account n an amount over 4 be eve t's \$10 000 t may have changed a tte 5 b t s nce ast ooked at t you have to report 6 that to the federa government You're aware of 7 that correct? 8 MR HATF ELD be eve that's 9 correct 10 MR TRENT And f you w thdraw or 11 depos t n a way that evades that report ng 12 requ rement that s n fact a cr me of structur ng 13 you're aware of that 14 MR HATF ELD Abso ute y 15 MR TRENT So th nk t's not 16 unreasonab e g ven the h gh degree of regu at on 17 that surrounds cash payments n our country and has 18 for a ong t me because of concerns about organ zed 19 cr me drug ssues don't th nk t's an 20 unreasonab e ne of nqu ry for us to get a tte 21 b t more nformat on about how the h gh s x-f gure 22 amount of cash happened to be s tt ng around and 23 where that can be traced back be eve the RS 24 and the federa government wou d be ab e to n 25 fact nqu re nto that and get that nformat on f</p>	<p>Page 256</p> <p>1 happen," when they n fact know t happened, that's 2 a comp ete y eg t mate ne of nqu ry. 3 MR. TRENT: We , apprec ate your 4 c os ng argument for your case aga nst the 5 adm n strat on, but et's st ck at the ssue at 6 hand. 7 MR. HATF ELD: Abso ute y. ' turn 8 t back over to Mr. Faughn for the rest of your 9 quest ons. 10 BY MR. TRENT: 11 Q. So okay. We may revisit that later 12 when I get to my own line of inquiry, but let's go 13 on to the rest of Mr. Rhoads' questions. 14 Is it true that you routinely have 15 drinks with Mr. Watkins in Central West End? 16 A. We , one, have no dea whose 17 bus ness that wou d be; and, two, no, that's not 18 true. 19 Q. It's not true. So you never had 20 occasion where you go out and you sit down at a bar 21 and have a drink with Mr. Watkins? You don't -- you 22 don't see him socially at all? 23 A. 'm try ng to th nk f 've ever had a 24 dr nk w th A Watk ns, and -- 25 Q. I'd like to remind you under oath.</p>

64 (Pages 253 to 256)

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Page 257	Page 259
<p>1 A. I tell you under oath that I don't</p> <p>2 recall I've ever went out socially with A</p> <p>3 Watkins. I'm not going to tell you it never</p> <p>4 happened but it's certainly not routine.</p> <p>5 Q. It's certainly not something you would</p> <p>6 have on more than one occasion? It's certainly not</p> <p>7 something you would do even once a quarter?</p> <p>8 A. Yeah, certainly haven't in the last</p> <p>9 quarter.</p> <p>10 Q. In the last quarter. It's not</p> <p>11 something that you would do even on a quarterly</p> <p>12 basis? Even four times a year, you wouldn't do</p> <p>13 that?</p> <p>14 A. I don't recall off the top of my head</p> <p>15 ever having a drink of a cohort -- a though I do have</p> <p>16 drinks of a cohort -- with A Watkins. But</p> <p>17 certainly don't routinely see A Watkins socially.</p> <p>18 Q. And the last Representative Rhoads'</p> <p>19 question: Have you had any discussions with Steve</p> <p>20 Tilley over this \$100,000?</p> <p>21 A. I had discussions with Steve Tilley</p> <p>22 about a lot of different things in Missouri</p> <p>23 politics.</p> <p>24 Q. Particularly the \$100,000. Ever</p> <p>25 brought it up to him? Ever talked about it?</p>	<p>1 So the \$50,000 that you had, you</p> <p>2 already had that money sitting around before you</p> <p>3 ever met with Mr. Watkins? Or did you get that</p> <p>4 money after?</p> <p>5 A. You know, honestly, I try this</p> <p>6 again. I'm not going to come before any</p> <p>7 committee --</p> <p>8 (Simultaneous speech</p> <p>9 interrupted by the court</p> <p>10 reporter.)</p> <p>11 MR. HATFIELD: I didn't understand the</p> <p>12 question. Think about what he asked and answer that</p> <p>13 one.</p> <p>14 MR. BARNES: Representative Trent, can</p> <p>15 you rephrase so we can make sure everybody's on the</p> <p>16 same page here. We're talking over each other.</p> <p>17 BY MR. TRENT:</p> <p>18 Q. Did you already possess the cash -- the</p> <p>19 50,000 or 120,000, whatever it is -- did you already</p> <p>20 possess that before you met with Mr. Watkins about</p> <p>21 this issue?</p> <p>22 MR. HATFIELD: Did you have the cash</p> <p>23 before you met with A Watkins?</p> <p>24 THE WITNESS: mean, -- -- well</p> <p>25 just be honest with you. I'm not going to come here</p>
Page 258	Page 260
<p>1 A. I don't think I've ever brought it up</p> <p>2 to Steve.</p> <p>3 Q. Has someone else that you know of?</p> <p>4 A. I have no idea who talks to Steve</p> <p>5 Tilley.</p> <p>6 Q. So you're not aware of any discussions</p> <p>7 with him and that \$100,000?</p> <p>8 A. It's been a topic in the news, but</p> <p>9 I don't think I stated it, and certainly have no</p> <p>10 idea who else has talked to Steve. That's not</p> <p>11 something I can testify under oath to who Steve</p> <p>12 Tilley talks to.</p> <p>13 Q. So your testimony is that you don't</p> <p>14 know, you don't recall?</p> <p>15 A. I'm telling you I have no idea who</p> <p>16 Steve Tilley talks to that's not Scott Faughn.</p> <p>17 Q. And you, Scott Faughn, have never</p> <p>18 talked to Steve Tilley about the \$100,000?</p> <p>19 A. The only part -- the only reason</p> <p>20 I would have talked to Steve Tilley about this</p> <p>21 is because it's been in the news and we generally talk</p> <p>22 about Missouri political news.</p> <p>23 Q. All right. Those are the end of his</p> <p>24 questions for now. Let me go back and start back at</p> <p>25 the beginning with mine.</p>	<p>1 as owning private company to talk about the cash</p> <p>2 flow of myself or any company I have.</p> <p>3 BY MR. TRENT:</p> <p>4 Q. So you may have earned it all after</p> <p>5 that?</p> <p>6 MR. HATFIELD: I understood the</p> <p>7 question, Mr. Chairman. I thought you meant did he</p> <p>8 have cash in his hand before he met with A Watkins.</p> <p>9 And, yeah, he did. He already said that. But if</p> <p>10 you're asking about cash flow, I'm sorry --</p> <p>11 MR. TRENT: It's not about cash flow.</p> <p>12 Did he physically have the 120,000 before he met</p> <p>13 with Mr. Watkins?</p> <p>14 MR. HATFIELD: He testified he brought</p> <p>15 it. I guess I'm confused.</p> <p>16 MR. BARNES: Let's let Mr. Faughn</p> <p>17 answer the question. So go ahead.</p> <p>18 MR. HATFIELD: I don't want the record</p> <p>19 to be confused here.</p> <p>20 MR. BARNES: That's why I want to go</p> <p>21 back. Let's restate the question. Let's let</p> <p>22 Mr. Faughn answer the question. And we've got some</p> <p>23 confusion as to what this is.</p> <p>24 Representative Trent, ask away. And</p> <p>25 until we get an answer to the question, we will</p>

<p style="text-align: right;">Page 261</p> <p>1 continue to ask it.</p> <p>2 MR. HATF ELD: And we need a very clear</p> <p>3 record on all of this.</p> <p>4 MR. BARNES: We do need a clear record.</p> <p>5 That's why I asked him to restate it once. We go</p> <p>6 with Representative Trent.</p> <p>7 MR. TRENT: And I'll be happy to</p> <p>8 further clarify.</p> <p>9 Q. So, you know, let's say three months</p> <p>10 before you went to meet with Mr. Watkins for the</p> <p>11 first time on this issue, did you already have</p> <p>12 \$120,000 just happened to be sitting around like</p> <p>13 that's just something that you routinely have access</p> <p>14 to?</p> <p>15 MR. HATF ELD: And for all the reasons</p> <p>16 stated before, I'm going to advise the witness not</p> <p>17 to answer that question. And I object to it, since</p> <p>18 the chairman wants me to put it that way. It's</p> <p>19 who is irrelevant to any charge of this committee</p> <p>20 under the precedents of the US Supreme Court and The</p> <p>21 House of American Activities Committee. This</p> <p>22 question is who is irrelevant and is not within the</p> <p>23 purview of a legislative body. And he can disregard</p> <p>24 my advice if he'd like.</p> <p>25 MR. BARNES: It is within the purview</p>	<p style="text-align: right;">Page 263</p> <p>1 fees associated with handing the fallout or</p> <p>2 handing -- he made it -- again, probably any</p> <p>3 misunderstanding is due to the fact that I'm pretty</p> <p>4 direct. Mr. Watkins is pretty -- pretty flowery.</p> <p>5 So to be honest with you, I wanted to</p> <p>6 obtain the tapes, but I understood he was going to</p> <p>7 use it for some legal fees as well, and I didn't</p> <p>8 care what he used it for.</p> <p>9 Q. Did you ever discuss the money being</p> <p>10 used for P.S. -- and you know who I'm talking about</p> <p>11 when I use those initials P.S., the ex-husband. Was</p> <p>12 there any discussion of him during these</p> <p>13 discussions?</p> <p>14 A. No. I've never met him, never talked</p> <p>15 to him. Don't have a clue about whatever came of</p> <p>16 his involvement on receiving --</p> <p>17 Q. And so to your knowledge, that \$100,000</p> <p>18 was not intended to go to him?</p> <p>19 A. It didn't make me -- guess I can't</p> <p>20 state it more clearly. I had something I wanted</p> <p>21 to obtain --</p> <p>22 Q. My question is not whether you care</p> <p>23 about where the money went, but do you know where</p> <p>24 the money went?</p> <p>25 A. No, no idea.</p>
<p style="text-align: right;">Page 262</p> <p>1 of a legislative body.</p> <p>2 MR. TRENT: And I disagree, Counselor, on</p> <p>3 that legal opinion.</p> <p>4 MR. BARNES: You're not going to get in</p> <p>5 an argument over this. We have the question on the</p> <p>6 floor. And we want the answer from Mr. Faughn.</p> <p>7 MR. HATF ELD: And I'm advising him not</p> <p>8 to give an answer, but he can disregard my advice if</p> <p>9 he'd like to.</p> <p>10 THE WITNESS: Well, again, just like</p> <p>11 thank you can have a gun or cash in your house and</p> <p>12 the government shouldn't be able to come in and</p> <p>13 harass you about it, I'm not going to come before</p> <p>14 this body and talk about my private life and company</p> <p>15 in a public forum.</p> <p>16 BY MR. TRENT:</p> <p>17 Q. All right. Now, when you had the</p> <p>18 discussions with Mr. Watkins about this \$120,000,</p> <p>19 did it ever come up what this \$100,000 -- and I'm</p> <p>20 going with your earlier testimony, \$100,000 for the</p> <p>21 tapes, \$20,000 for your own personal use. So the</p> <p>22 \$100,000, was there any discussion of what that</p> <p>23 money would be used for?</p> <p>24 A. I wanted to obtain the tapes.</p> <p>25 Mr. Watkins made it clear there would be some legal</p>	<p style="text-align: right;">Page 264</p> <p>1 Q. So you don't know whether it stayed</p> <p>2 with Mr. Watkins or whether it went to the</p> <p>3 originator of the tapes?</p> <p>4 A. I have no idea.</p> <p>5 Q. Now, I would assume that would be the</p> <p>6 same for any children or relatives or anything like</p> <p>7 that? You have no idea if they have received any</p> <p>8 money?</p> <p>9 A. I don't even know if the guy has them.</p> <p>10 Q. And we kind of already discussed this</p> <p>11 earlier, but you don't remember who the second</p> <p>12 courier was for the money, just someone from your</p> <p>13 business?</p> <p>14 A. Yeah, I'm not sure.</p> <p>15 Q. And do you routinely have people</p> <p>16 deliver without any knowledge something as valuable</p> <p>17 as \$50,000?</p> <p>18 A. Frankly, nothing about this was routine</p> <p>19 for me. I mean --</p> <p>20 Q. So doesn't that seem -- I mean, you can</p> <p>21 understand how people could have a question where</p> <p>22 you're entrusting \$50,000 to someone -- you're not</p> <p>23 telling them that --</p> <p>24 (Simultaneous speech</p> <p>25 interrupted by the court</p>

<p style="text-align: right;">Page 265</p> <p>1 reporter.)</p> <p>2 BY MR. TRENT</p> <p>3 Q. Please, let me finish the question.</p> <p>4 You're entrusting \$50,000 to an individual. You're</p> <p>5 not telling them they have \$50,000, and you don't</p> <p>6 remember who that person was. That's what your</p> <p>7 testimony is; that's what you're telling us</p> <p>8 happened.</p> <p>9 A. I thought of a way to explain this and</p> <p>10 it's sometimes intersection of media business and</p> <p>11 politics a unique situation. You almost have to</p> <p>12 be around the three of them at one time to get them</p> <p>13 but I did observe the campaigns in 2016. And there</p> <p>14 was a project that you worked on that I got to</p> <p>15 observe which was your running for office. And you</p> <p>16 put 50,000 of your money into the campaign and</p> <p>17 think probably you have a wide --</p> <p>18 MR. BARNES: Are we getting to an</p> <p>19 answer?</p> <p>20 MR. HATFIELD: We, Mr. Charles,</p> <p>21 you're not going to let us interrupt the</p> <p>22 representatives. Think you should allow the</p> <p>23 witness to answer the question.</p> <p>24 MR. TRENT: Do you know what could</p> <p>25 provide? Bank records.</p>	<p style="text-align: right;">Page 267</p> <p>1 purchase of the tapes is book sales that you plan to</p> <p>2 have this fall. And have you received any other</p> <p>3 compensation for your role in this?</p> <p>4 MR. HATFIELD: I'm going to</p> <p>5 recommend --</p> <p>6 THE WITNESS: My role?</p> <p>7 MR. HATFIELD: For your role in this?</p> <p>8 Sorry.</p> <p>9 BY MR. TRENT:</p> <p>10 Q. For delivering the money to</p> <p>11 Mr. Watkins.</p> <p>12 A. No.</p> <p>13 MR. HATFIELD: Hold on one second. No,</p> <p>14 he said no, sorry.</p> <p>15 BY MR. TRENT:</p> <p>16 Q. Now, we've touched on this a few times</p> <p>17 too. My understanding of the -- of the Watkins</p> <p>18 testimony is that you arranged the \$100,000, but if</p> <p>19 that was correct -- but that's incorrect. Your</p> <p>20 testimony here today is that you didn't arrange the</p> <p>21 money. It was actually your money?</p> <p>22 A. It was my money and I arranged it to be</p> <p>23 given to A.</p> <p>24 Q. But you won't explain how you arranged</p> <p>25 it?</p>
<p style="text-align: right;">Page 266</p> <p>1 THE WITNESS: I'll be quick. I think</p> <p>2 that you thought that it was worth it to you. I'm</p> <p>3 sure people in your life were, like, the job pays</p> <p>4 \$35,000 and you're putting 50 of your own in, that's</p> <p>5 crazy. I think it was admirable. And obviously</p> <p>6 it's successful. You're on probably the most</p> <p>7 important committee in the history of the House of</p> <p>8 Representatives.</p> <p>9 I put some of my money into a project</p> <p>10 that I think is going to pay off handsomely for me.</p> <p>11 We'll see this fall when the book comes out. But</p> <p>12 that's probably the most analogous way I can give to</p> <p>13 you that everybody on this committee and in this</p> <p>14 room might understand.</p> <p>15 BY MR. TRENT:</p> <p>16 Q. So that doesn't actually -- that's not</p> <p>17 actually responsive to my question which was your</p> <p>18 testimony is that you gave \$50,000 to an individual</p> <p>19 who you can't remember and -- you can't remember who</p> <p>20 they were and you didn't tell them what they had and</p> <p>21 they went and delivered that? That's your</p> <p>22 testimony; that's how that unfurled.</p> <p>23 A. Yeah. Yes.</p> <p>24 Q. Okay. Now, you've talked about you</p> <p>25 expect -- your business model for this \$100,000</p>	<p style="text-align: right;">Page 268</p> <p>1 A. I think we even went down to how it was</p> <p>2 wrapped.</p> <p>3 Q. But we haven't gone to where it</p> <p>4 originated from. Like was it in a bank account?</p> <p>5 Was it in a shoe box? You're still refusing to give</p> <p>6 any of that information?</p> <p>7 MR. HATFIELD: Right.</p> <p>8 BY MR. TRENT:</p> <p>9 Q. So and I think we talked about this a</p> <p>10 little bit as well. And I'm sorry for plowing a</p> <p>11 little bit of the same ground here, but to keep it</p> <p>12 all straight in my mind. You said you first heard</p> <p>13 the rumors of the K.S. story in the summer of 2014,</p> <p>14 or did I misunderstand that? Let me ask that</p> <p>15 question.</p> <p>16 A. I didn't know Eric Greitens in the</p> <p>17 summer of 2014, except as somebody who was exploring</p> <p>18 running for office as a Democrat.</p> <p>19 Q. When did you first hear the rumors of</p> <p>20 the story?</p> <p>21 A. I would say I heard some rumblings,</p> <p>22 not much to put on, because it was a -- at that time</p> <p>23 still kind of a long-shot campaign for governor, but</p> <p>24 sometime in the late summer of 2015. And then that</p> <p>25 intensified as the primary season started in early</p>

<p style="text-align: right;">Page 269</p> <p>1 2016.</p> <p>2 Q. And what was the source of those</p> <p>3 rumors?</p> <p>4 A. There were so many cou dn't even te</p> <p>5 you one.</p> <p>6 Q. Couldn't even tell me one? It's such a</p> <p>7 target-rich environment you can't remember a single</p> <p>8 one of them?</p> <p>9 A. a most, b g as the t me, d dn't put a</p> <p>10 ot of stock nto t. And, two, yeah, th nk t's</p> <p>11 got to be convent ona w sdom. Amongst most peop e</p> <p>12 knew, there was someth ng out there. Cou d be</p> <p>13 untrue. f nd most of these th ngs happen to be</p> <p>14 untrue so ...</p> <p>15 Q. Okay. Well, let's fast-forward then to</p> <p>16 when the tapes were beginning to break and they did</p> <p>17 come out. You obviously reported on it. As a</p> <p>18 part --</p> <p>19 A. Actua y --</p> <p>20 Q. -- or your business?</p> <p>21 A. Actua y, we d dn't.</p> <p>22 Q. Well, I know you didn't break it, but</p> <p>23 you reported on it once it had broke, correct?</p> <p>24 A. Sure.</p> <p>25 Q. You talked about it like everyone else.</p>	<p style="text-align: right;">Page 271</p> <p>1 for members about encouraging the governor to</p> <p>2 resign?</p> <p>3 A. No. We pr nted some.</p> <p>4 Q. But you didn't write any for anyone?</p> <p>5 A. No. d dn't -- 've never wrote a</p> <p>6 press re ease.</p> <p>7 Q. You never visited any member's office</p> <p>8 ever --</p> <p>9 A. We , we v s ted many members' off ces</p> <p>10 and ta ked about th s on rad o, te ev s on, and n</p> <p>11 pr nt. t was a pretty b g story at the t me.</p> <p>12 MR. HATF ELD: th nk you guys ta ked</p> <p>13 over each other. want to make sure he answered</p> <p>14 the r ght quest on, Representat ve Trent.</p> <p>15 BY MR. TRENT:</p> <p>16 Q. And I was going to follow-up here. The</p> <p>17 question is not merely did you come and talk to him</p> <p>18 about it, but did you engage in an advocacy role?</p> <p>19 MR. HATF ELD: Whatever that means, but</p> <p>20 go ahead.</p> <p>21 THE W TNESS: offered my op n on, f</p> <p>22 t was asked, wh ch actua y my op n on has been</p> <p>23 unchanged s nce ear y 2015. Now, whether t means</p> <p>24 you shou d be mpeached or not, that's k nd of up</p> <p>25 for your d scuss on.</p>
<p style="text-align: right;">Page 270</p> <p>1 Now, you also spend not an inconsiderate amount of</p> <p>2 time in this building. Who else did you talk to</p> <p>3 around that time about the tapes once they had</p> <p>4 broken?</p> <p>5 A. mean, cou d not even provide you a</p> <p>6 ist. don't make notes of a the peop e ta k</p> <p>7 to. But suffice it to say, be iev e it happened on</p> <p>8 the State of the State speech, so the p ace was fu</p> <p>9 of po itica types from a over the state.</p> <p>10 And, frank y, by wou d say that</p> <p>11 morning it was high y specu ated by, again, wou d</p> <p>12 say conventiona wisdom that this story was going to</p> <p>13 break sometime that day. So itera y everybody you</p> <p>14 ran into, that was something they brought up.</p> <p>15 Q. Okay. And once the story had broken,</p> <p>16 there began to be calls for resignation and calls</p> <p>17 for disciplinary action. Did you talk to anyone</p> <p>18 about that, any member of the general assembly?</p> <p>19 MR. HATF ELD: Ever?</p> <p>20 BY MR. TRENT:</p> <p>21 Q. No, I guess, let me clarify. My</p> <p>22 question more specifically is did you lobby any</p> <p>23 member or advocate for impeachment or resignation?</p> <p>24 A. No. Huh-huh.</p> <p>25 Q. Did you ever write any press releases</p>	<p style="text-align: right;">Page 272</p> <p>1 BY MR. TRENT:</p> <p>2 Q. Certainly, but what we're trying to</p> <p>3 elicit here is what individuals or entities have</p> <p>4 been pushing a pro resignation message behind the</p> <p>5 scenes?</p> <p>6 MR. HATF ELD: Mr. Cha rman, 'm not</p> <p>7 sure understand the quest on. s the quest on</p> <p>8 whether the w tness has exerc sed h s F rst</p> <p>9 Amendment r ght to express h s op n on to e ected</p> <p>10 representat ves n th s body?</p> <p>11 s that the quest on, Representat ve</p> <p>12 Trent?</p> <p>13 MR. TRENT: mean, n a sense.</p> <p>14 mean -- mean, that's what obby sts do when they</p> <p>15 come nto th s bu d ng. They exerc se the r F rst</p> <p>16 Amendment speech, they ta k to members of the</p> <p>17 genera ssemb y, and they push a message, an agenda</p> <p>18 that they have, n the case of a obby, has been</p> <p>19 pa d to do.</p> <p>20 THE W TNESS: You were say ng</p> <p>21 someth ng -- there were two words you sa d n one of</p> <p>22 the quest ons that was beh nd the scenes.</p> <p>23 Representat ve, we don't know each other we , but</p> <p>24 don't th nk 've been beh nd the scenes --</p> <p>25 actua y th nk, you know, the rony probab y s my</p>

<p style="text-align: right;">Page 273</p> <p>1 cr t c sm started when then Cand date Er c Gre tens 2 ca ed everybody n M ssour po t cs corrupt career 3 po t c ans 4 And asked how and never got an 5 answer And my cr t c sm started then and has 6 cont nued to probab y th s afternoon 7 BY MR TRENT 8 Q. Well, and I appreciate that, but that's 9 not -- that's not what we're trying to get at here. 10 The real question is whether you went and lobbied 11 members for resignation, whether you went and 12 recommended to them that that was the -- the 13 preferred path. 14 A know -- don't know f we do any 15 Spr ngf e d rad o but anybody that's asked me 've 16 sa d that not pr vate y but very pub c y n fact 17 'm not sure f there's been a more pub c cr t c 18 But forget pr vate y 've sa d t very pub c y 19 Q. Have you coordinated with any other 20 individuals inside or outside of the building for an 21 impeachment or resignation position? 22 A What do you mean "coord nated"? 23 don't understand your quest on Representat ve 24 Q. Had discussions, talked to them, 25 organized?</p>	<p style="text-align: right;">Page 275</p> <p>1 a journalistic-type way and going selectively to 2 individuals who you think are receptive to a certain 3 argument and pushing that argument to them and 4 trying to build support for a position? 5 A th nk f a journa st knows there's a 6 person that has a ot of know edge on the subject 7 matter or pass onate pos t on they're go ng to go 8 to that person As far as me persona y mean 9 wou d a most see your po nt f th s was someth ng n 10 pr vate 11 'm not sure cou d be more pub c n 12 my observat ons and they've been negat ve about 13 th s adm n strat on on a most every front s nce 14 the -- s nce he was a cand date So guess don't 15 know what you mean 16 Q. Okay. 17 A f hadn't made my po nt c ear 18 pub c y guess cou d see what you're say ng 19 But th nk 've made t pretty c ear 20 Q. Let's move on then. I mean, clearly 21 there is a distinction there and I think that goes 22 to the heart of why a lot of people have concern 23 about the \$100,000. Because it appears to be a -- 24 an influence point, and not -- and not simply a 25 purchase point. But -- let's go on beyond that. I</p>
<p style="text-align: right;">Page 274</p> <p>1 A So 've ta ked to many peop e ns de 2 and outs de of th s bu d ng The governor's 3 v ct m zat on of th s woman or stea ng from the 4 char ty has been a arge top c of conversat on 5 don't th nk our newspaper has ever come out and 6 wrote an ed tor a ke most have that the governor 7 shou d res gn or be mpeached 8 But f somebody asked me my op n on 9 d d and don't -- don't know what you mean by 10 have ta ked to peop e? Yes 've -- 've been 11 around po t cs been asked have a TV show that 12 has a pretty decent stretch 13 MR TRENT Gent emen you understand 14 the d fference between ta k ng to peop e n 15 conversat on and obby ng nd v dua s correct? 16 MR HATF ELD don't You can ask 17 h m f he does 18 THE W TNESS f the Post D spat ch 19 wr tes an ed tor a are they obby ng somebody? f 20 go on the rad o and say "Yeah actua y don't 21 th nk everyone n Jeff C ty s a crook or a 22 po t c an " am obby ng somebody? 23 BY MR TRENT 24 Q. So do you don't see any difference 25 between advocating either in public or in private in</p>	<p style="text-align: right;">Page 276</p> <p>1 don't think we're going to get any more detail 2 there. 3 So I know you don't want to talk about 4 the specifics of your business, but let's talk about 5 the generalities of it. You have sponsors and 6 advertisers, correct? 7 A th nk that's pretty pub c 8 Q. Pretty straightforward? Do you have -- 9 MR HATF ELD 'm one of them 10 BY MR TRENT 11 Q. Certainly. Do you have revenue sources 12 that are other than your businesses, other than 13 advertisers and sponsors? 14 MR HATF ELD 'm go ng to adv se the 15 w tness not to get nto h s revenue sources as any 16 other w tness wou d want to 17 BY MR TRENT 18 Q. Do you do any political or consulting 19 business? 20 A No 21 MR HATF ELD The answer s no 22 BY MR TRENT 23 Q. Okay. Are you a registered lobbyist or 24 have you been? 25 A was n Arkansas about ten years --</p>

<p style="text-align: right;">Page 277</p> <p>1 gett ng c ose to ten years now</p> <p>2 Q. Have you ever attempted to sell</p> <p>3 advertising to the Greitens campaign?</p> <p>4 A Sure yeah</p> <p>5 Q. What was the outcome of that?</p> <p>6 MR HATF ELD We do you want to</p> <p>7 ta k about that? mean you know aga n</p> <p>8 Mr Cha rman don't know how t's re evant and f</p> <p>9 you want to go -- we're not go ng to go through a</p> <p>10 of h s advert sers</p> <p>11 MR TRENT That's the on y one</p> <p>12 THE W TNESS don't th nk we ever --</p> <p>13 don't want to say for sure but don't be eve we</p> <p>14 ever d d But f you know f they're nterested</p> <p>15 ' be g ad to p tch them Just seem ke we've</p> <p>16 got to ta k to them so pass them a ong</p> <p>17 BY MR TRENT</p> <p>18 Q. Where have you been staying for the</p> <p>19 last few weeks?</p> <p>20 MR HATF ELD don't know how that's</p> <p>21 re evant Mr Cha rman</p> <p>22 MR TRENT th nk t's re evant</p> <p>23 because we were try ng to serve subpoenas and we</p> <p>24 weren't ab e to f nd h m</p> <p>25 MR HATF ELD So just wonder f we</p>	<p style="text-align: right;">Page 279</p> <p>1 We d d not -- we chose not to emp oy</p> <p>2 someone on a 24-hour bas s to try to f nd Mr. Faughn</p> <p>3 because we f gured that f the Dowd Bennett aw f rm</p> <p>4 cou d not f nd h m w th a tracker, how were we go ng</p> <p>5 to spend state resources and send a sergeant at arms</p> <p>6 to f nd h m.</p> <p>7 Now -- go ahead.</p> <p>8 MR. AUST N: Maybe a so ut on to th s</p> <p>9 s f we can get a comm tment from Mr. Faughn and</p> <p>10 h s attorney that h s attorney w g ad y accept</p> <p>11 serv ce of any subpoenas n the future from th s</p> <p>12 comm ttee or the --</p> <p>13 MR. HATF ELD: We , you're say ng</p> <p>14 we're go ng to have to come back to th s comm ttee a</p> <p>15 second t me?</p> <p>16 MR. AUST N: Poss b y.</p> <p>17 MR. HATF ELD: We , we're here</p> <p>18 vo untar y. was not aware -- 've been ta k ng</p> <p>19 to the cha rman now for over a week.</p> <p>20 MR. BARNES: Yeah, so we can be c ear</p> <p>21 about how Mr. Hatf e d contacted, th nk e ther</p> <p>22 myse f or Mr. Robertson, and sa d, hey,</p> <p>23 Representat ve -- Representat ve -- Mr. Faughn has</p> <p>24 h red me as counse .</p> <p>25 sa d, "We , good. We've been</p>
<p style="text-align: right;">Page 278</p> <p>1 cou d ask a the members of the comm ttee,</p> <p>2 Mr. Cha rman, where they've been stay ng for the</p> <p>3 ast few weeks f t's re evant. Mr. Cha rman, we'd</p> <p>4 ke your ru ng on whether we're go ng to get</p> <p>5 nto where peop e s ept ast n ght.</p> <p>6 MR. BARNES: th nk he can answer the</p> <p>7 quest on. 'm not go ng to ask for h s part cu ar</p> <p>8 schedu e on every s ng e day and a b g-brother</p> <p>9 track ng sort of way, but to the genera quest on of</p> <p>10 not be ng present and the genera tes.</p> <p>11 don't want -- Representat ve Trent,</p> <p>12 you don't need the address, do you?</p> <p>13 MR. TRENT: No, just the genera area</p> <p>14 wou d be f ne.</p> <p>15 THE W TNESS: You sa d someth ng we've</p> <p>16 been try ng to serve subpoenas.</p> <p>17 MR. TRENT: The comm ttee.</p> <p>18 MR. HATF ELD: We're not aware of that,</p> <p>19 Representat ve.</p> <p>20 MR. BARNES: No, there was a subpoena,</p> <p>21 and the understand ng was that Mr. Faughn was out of</p> <p>22 state. There was a so, be eve, a subpoena n the</p> <p>23 cr m na case; s that correct? A head nod from the</p> <p>24 back. And they cou d not f nd h m for serv ce of</p> <p>25 that.</p>	<p style="text-align: right;">Page 280</p> <p>1 wonder ng where he was. We've got a subpoena here</p> <p>2 that we haven't been ab e to serve.</p> <p>3 MR. HATF ELD: don't reca that at</p> <p>4 a , Mr. Cha rman. That may be your test mony.</p> <p>5 MR. BARNES: We d d have a subpoena.</p> <p>6 We've got t s gned upsta rs s my understand ng.</p> <p>7 MR. HATF ELD: be eve that.</p> <p>8 MR. BARNES: Okay. But you d d ca .</p> <p>9 MR. HATF ELD: That's correct.</p> <p>10 MR. BARNES: And you sa d, "Mr. Faughn</p> <p>11 has h red me. He's w ng to come n and ta k."</p> <p>12 MR. HATF ELD: Abso ute y, that's</p> <p>13 correct.</p> <p>14 MR. BARNES: So as t re ates to --</p> <p>15 and, Mr. Faughn, we d d not have any commun cat on</p> <p>16 w th Mr. Hatf e d. We d d not know. We d dn't have</p> <p>17 any commun cat on w th Mr. Faughn. don't th nk</p> <p>18 anyone had any commun cat on w th Mr. Faughn pr or</p> <p>19 about where he was, or some peop e may have. But</p> <p>20 there was the subpoena n the cr m na case that was</p> <p>21 outstand ng.</p> <p>22 MR. HATF ELD: So want to et</p> <p>23 Mr. Faughn ta k because he's who you want to hear</p> <p>24 from, but want to be c ear that no one has ever</p> <p>25 asked me -- and have made c ear to the cha rman</p>

HEARING 5/23/2018

<p>Page 281</p> <p>1 for at least a week now that represent Mr. Faughn. 2 No one has ever asked me whether Mr. Faughn would 3 accept a subpoena. No one has asked me where he 4 was. 5 MR. BARNES: And it wasn't necessary at 6 that point because you had called and said you would 7 show up voluntarily. 8 MR. HATFIELD: That's correct. And 9 when called and said was a so authorized to 10 represent Mr. Watkins, was asked if would accept 11 a subpoena and agreed to accept a subpoena. So if 12 there's an implication that we have somehow been 13 uncooperative with the committee because we have 14 evaded service of subpoena, that's not true. 15 MR. BARNES: Thank that's a true 16 statement to the extent that Mr. Faughn was not 17 aware of a subpoena that had been signed by the 18 speaker that not been served upon him and could not 19 have been served upon you because until last week no 20 one knew that you were going to represent 21 Mr. Faughn. 22 MR. HATFIELD: Fair point. 23 MR. TRENT: And could not be served on 24 him because he could not be found. 25 MR. HATFIELD: don't know where you</p>	<p>Page 283</p> <p>1 with anything or contacted me. 2 BY MR. TRENT: 3 Q. So your testimony is you were attending 4 a funeral? 5 MR. HATFIELD: don't think that's 6 what he said. 7 THE WITNESS: No, that's not what 8 said at a, Representative. 9 BY MR. TRENT: 10 Q. You said you lost a friend? 11 A. did. 12 Q. So did you attend a funeral? 13 A. went through where he lived, and then 14 went on a trip that we had taken together and came 15 back. And, again, at no time did anybody contact me 16 to tell me had a subpoena. And thank most 17 people would have a way to text or email me here if 18 they wanted to serve me with a subpoena. 19 Q. Okay. So there's no funeral; you 20 simply went on a trip that your friend had gone on? 21 A. There was a funeral. 22 Q. It was a funeral. Okay. And did you 23 stay with anyone while you were on this trip? 24 MR. HATFIELD: Again, Mr. Chairman, we 25 want to ask everybody who they stayed with?</p>
<p>Page 282</p> <p>1 were looking 2 MR. TRENT That's why we want to know 3 where he was staying 4 THE WITNESS At no time did anybody 5 tell me from the committee or anywhere else that 6 had a subpoena. And came here voluntarily as the 7 first person you've had publicly testify to you and 8 honored to be here 9 MR. HATFIELD Have you received an 10 email that somebody wanted to subpoena you? 11 THE WITNESS never got a social 12 media message never got a Twitter message 13 MR. HATFIELD Never got a phone call 14 saying -- 15 THE WITNESS Never got a phone call 16 No one came to either of my offices 17 MR. TRENT Why did you decide to take 18 your show on the road then? 19 THE WITNESS Yeah I tell you 20 lost a friend of mine a couple weeks ago guess 21 three now and so was coming back We went down 22 through Nashville and retraced a trip we took So 23 did my show on location kept from time to time 24 and then on the way back went home And I'm not -- 25 not sure -- nobody ever looked very hard to serve me</p>	<p>Page 284</p> <p>1 thought we weren't going to do this Do you want to 2 ask members of the committee who they stayed with 3 last night? don't think that's what we want to 4 do 5 MR. BARNES want to have a 6 clarification first There were news stories about 7 the subpoena thank Mr. Faughn's correct there 8 was no contact with him to my knowledge about the 9 subpoena There was a news story Mr. Hatfield was 10 not his counsel so he couldn't very well have 11 served him 12 MR. HATFIELD Right 13 MR. BARNES Listen thank the 14 contact at the point in time it was very public at 15 least for that and thank it's hard -- Mr. Faughn 16 would be hard-pressed to say that he was not aware 17 of a subpoena -- attempt to serve him with a 18 subpoena in the criminal case 19 THE WITNESS There was news stories 20 that the victim made things up in a dream that your 21 committee publicly refuted so 22 MR. HATFIELD in the criminal case 23 again he said he never received an email he never 24 received a phone call no one ever tried to contact 25 him at work about the serving of a subpoena and</p>

71 (Pages 281 to 284)

<p style="text-align: right;">Page 285</p> <p>1 that's his testimony.</p> <p>2 MR. BARNES: That answer was in the</p> <p>3 context of the criminal case or in the context of</p> <p>4 the committee.</p> <p>5 THE WITNESS: Either one. I don't know</p> <p>6 of anybody that reached out to me to serve me with</p> <p>7 anything.</p> <p>8 MR. BARNES: Representative Trent.</p> <p>9 BY MR. TRENT:</p> <p>10 Q. Okay. Let me rephrase the question</p> <p>11 slightly.</p> <p>12 Did you stay with anyone during your</p> <p>13 time away from Missouri who has any interest or</p> <p>14 connection to this case or to the governor or to</p> <p>15 political interests here in the state?</p> <p>16 A. No, I didn't stay with anyone.</p> <p>17 Q. Okay. And then I believe that's -- no,</p> <p>18 I had one other line here. Tell us a little bit</p> <p>19 about the player of the week. That's something on</p> <p>20 your show, correct?</p> <p>21 MR. HATFIELD: Really?</p> <p>22 MR. TRENT: There's a point.</p> <p>23 THE WITNESS: Thank that you're</p> <p>24 thanking of the Washington-based FOX News player of</p> <p>25 the week.</p>	<p style="text-align: right;">Page 287</p> <p>1 talking about.</p> <p>2 MR. BARNES: Is it the same phrase for</p> <p>3 both?</p> <p>4 MR. HATFIELD: Yes. Who won the</p> <p>5 week, Dave Drebes, Missouri Scout weekly summary.</p> <p>6 MR. BARNES: Okay.</p> <p>7 MR. HATFIELD: Believe. I'm not --</p> <p>8 MR. TRENT: Is it the same for your</p> <p>9 show, Mr. Faughn?</p> <p>10 THE WITNESS: Thank we call this</p> <p>11 Week in Missouri Politics, which you get here on</p> <p>12 Sunday mornings in St. Louis and Kansas City. Who</p> <p>13 won this week in Missouri politics.</p> <p>14 MR. PERSON: What time is that?</p> <p>15 THE WITNESS: What time? St. Louis or</p> <p>16 Kansas City?</p> <p>17 BY MR. TRENT:</p> <p>18 Q. And has Mike Hafner ever won that</p> <p>19 definition?</p> <p>20 A. Oh, yeah. When it turned out that he</p> <p>21 was -- his ethics filing and complaint was correct</p> <p>22 from 2016, yeah, he looked very good.</p> <p>23 Q. And what is the nature of your</p> <p>24 relationship with him?</p> <p>25 A. I know Mike. He's worked in Republican</p>
<p style="text-align: right;">Page 286</p> <p>1 BY MR. TRENT</p> <p>2 Q. No, it's definitely on your show. It's</p> <p>3 winner of the week or player of the week or</p> <p>4 something to that effect where you recognize a</p> <p>5 particular individual who has had a big impact in</p> <p>6 Missouri politics that week.</p> <p>7 A. Are you talking about on this Week in</p> <p>8 Missouri Politics which airs Sunday mornings in</p> <p>9 St. Louis and Kansas City? We do have a "Who won</p> <p>10 the week"</p> <p>11 Q. Yeah, "Who won the week." I trust you</p> <p>12 to be familiar with your own show, maybe more so</p> <p>13 than I am. So what is the -- what is that</p> <p>14 designation that you do each week?</p> <p>15 A. I trust you to understand who would say</p> <p>16 who won this week in Missouri politics as to who had</p> <p>17 a good week in Missouri politics but I'm not a</p> <p>18 lawyer</p> <p>19 MR. HATFIELD: So we're not confusing</p> <p>20 that with Dave Drebes's "Who won the week" in</p> <p>21 Missouri Scout right? You're talking about --</p> <p>22 MR. TRENT: I don't believe so, no</p> <p>23 right</p> <p>24 MR. HATFIELD: I didn't think you'd</p> <p>25 seen the show so I wasn't sure which one you're</p>	<p style="text-align: right;">Page 288</p> <p>1 politics for a long time</p> <p>2 Q. So you just know him?</p> <p>3 A. Yes, know him</p> <p>4 Q. You haven't discussed this matter with</p> <p>5 him? You haven't coordinated with him in any way,</p> <p>6 just know him?</p> <p>7 A. I discussed -- you mean are you talking</p> <p>8 about his ethics complaint filed at the end of the</p> <p>9 campaign in 2016 that's turned out to have a lot of</p> <p>10 credence? Yeah, talked about that with him a</p> <p>11 bunch of different times</p> <p>12 Q. And what were the nature of those</p> <p>13 conversations?</p> <p>14 A. I don't recall a lot of them but my</p> <p>15 assumption was his ethics complaint had some</p> <p>16 validity but they weren't able to enforce it. And</p> <p>17 then after it came out that his ethics complaint had</p> <p>18 a lot of credence to it, I think it was like, yeah,</p> <p>19 you called it</p> <p>20 Q. Did you help him with that complaint?</p> <p>21 A. I did not</p> <p>22 Q. Okay.</p> <p>23 A. I don't think you'd come to me for help</p> <p>24 with an ethics complaint</p> <p>25 MR. HATFIELD: Let's wait for the next</p>

Page 289	Page 291
<p>1 quest on.</p> <p>2 BY MR. TRENT:</p> <p>3 Q. And I think that's getting close to the</p> <p>4 end of my questions for this round. I may have some</p> <p>5 follow-ups in a moment. I do -- it looks like my</p> <p>6 notes here had something about Watkins and the</p> <p>7 existence of those tapes.</p> <p>8 Who told you or how did you come to</p> <p>9 find out that Watkins actually had those tapes and</p> <p>10 that they were for sale?</p> <p>11 A. I did not know at the time they were</p> <p>12 for sale, and I had heard that -- rumors of this</p> <p>13 relationship, which again I found most of these</p> <p>14 rumors to be untrue. So I didn't pay that close</p> <p>15 attention to it.</p> <p>16 I heard A was representing or had --</p> <p>17 had a relationship with one of the parties, knew that</p> <p>18 sometime during the election of 2016. Kind of put</p> <p>19 it -- just didn't pursue it or follow it, but</p> <p>20 heard it sometime around the primary election.</p> <p>21 Q. But you don't remember where you heard</p> <p>22 it?</p> <p>23 A. Don't.</p> <p>24 Q. You don't remember who told you? Why</p> <p>25 did you wait? If you heard it around the end of the</p>	<p>1 think the vacation you canceled at the end of last</p> <p>2 time and the fact that I thought it was funny when</p> <p>3 he said that politicians should get back to work.</p> <p>4 When he called you a third grader. Those are things</p> <p>5 that kind of gave me a sense that something wasn't</p> <p>6 right.</p> <p>7 Q. While I appreciate your umbrage on</p> <p>8 behalf of politicians everywhere, it seems rather</p> <p>9 strange that -- that a few political -- rhetorical</p> <p>10 political statements would cause you to suddenly</p> <p>11 want to investigate an extramarital affair in the</p> <p>12 presence of existence of tapes.</p> <p>13 A. Well, one, I had heard about this</p> <p>14 existence. I think most people in politics had</p> <p>15 heard some form of it. I heard that's where it was,</p> <p>16 and when I started to look deeper, then I kind of</p> <p>17 started going back through my notes.</p> <p>18 But there's many things that have</p> <p>19 happened that made me skeptical. You need to do a</p> <p>20 little more. It's not something you have to look in</p> <p>21 a dark quiet room for. You could find it anywhere</p> <p>22 on social media, television, radio, or in print.</p> <p>23 Q. Why did you not attempt to sell those</p> <p>24 tapes, to resell them to news outlets that might be</p> <p>25 interested in the story? Why did you give them away</p>
Page 290	Page 292
<p>1 primary, why did you wait until January of 2017 --</p> <p>2 2018, 2017 to go and make that purchase?</p> <p>3 A. Probably skepticalism</p> <p>4 Q. You didn't even inquire?</p> <p>5 A. No, I didn't -- I didn't know him</p> <p>6 enough to do that without the phone call that</p> <p>7 made</p> <p>8 Q. What overcame your skepticism and</p> <p>9 prompted you to inquire?</p> <p>10 A. Observing Eric Greutens' time as</p> <p>11 governor made it seem more believable</p> <p>12 Q. Can you restate that answer? I</p> <p>13 didn't --</p> <p>14 A. You asked me what gave rise -- what</p> <p>15 made my skepticism go away that it might be true</p> <p>16 and it was observing Eric Greutens' time as governor</p> <p>17 of the State of Missouri</p> <p>18 Q. What observation led you to that</p> <p>19 conclusion?</p> <p>20 A. How long we got?</p> <p>21 Q. I mean, that seems like a -- was there</p> <p>22 any particular thing? Was it simply that you</p> <p>23 disliked his governorship?</p> <p>24 A. Yeah, some of the things he's done are</p> <p>25 very good if you're asking my opinion on. Yeah</p>	<p>1 for free?</p> <p>2 A. Representative, that's just not true,</p> <p>3 what you said.</p> <p>4 Q. What is --</p> <p>5 A. What you said is factually not true.</p> <p>6 (Simultaneous speech</p> <p>7 interrupted by the court</p> <p>8 reporter.)</p> <p>9 THE WITNESS: Representative, I did not</p> <p>10 give those tapes to any news outlet.</p> <p>11 BY MR. TRENT:</p> <p>12 Q. So once you purchased those tapes, you</p> <p>13 kept them and shared them with no one, except the</p> <p>14 chairman?</p> <p>15 A. One person.</p> <p>16 Q. So I guess I'm confused as to what</p> <p>17 you're -- what your purpose was. You shared them</p> <p>18 with -- with Representative Barnes, and then what</p> <p>19 was your plan?</p> <p>20 A. That was well after they were made</p> <p>21 public. I was going to keep them and use them for</p> <p>22 my book, which I'm going to write and --</p> <p>23 Q. So --</p> <p>24 A. I hoped to get --</p> <p>25 Q. So --</p>

<p style="text-align: right;">Page 293</p> <p>1 A. Did you ask me a question?</p> <p>2 Q. I'm sorry. I'm sorry that -- you've</p> <p>3 given rise to another question here that I think</p> <p>4 will be more relevant. So you --</p> <p>5 A. Would you like me to answer the first</p> <p>6 question?</p> <p>7 Q. Okay. Go ahead and answer the first</p> <p>8 question.</p> <p>9 A. That was going to use it for my book,</p> <p>10 and more than anything, when I read the story</p> <p>11 had been out somewhere else, which had never gave</p> <p>12 to anybody else. It would not have helped my book</p> <p>13 anywhere with the purpose of other people having</p> <p>14 them. Once it was out anyway, they weren't a piece</p> <p>15 of information. It was really a that exclusive or</p> <p>16 juicy or hot.</p> <p>17 Q. So when you made this \$100,000</p> <p>18 purchase -- I think most people would say that</p> <p>19 qualifies a major asset -- you had no exclusivity</p> <p>20 agreements with the originator?</p> <p>21 A. Again, no, it ended up that it did not.</p> <p>22 Q. And you didn't think, "Boy, this is</p> <p>23 going to be critical to my book. This is what's</p> <p>24 going to make it a hot item. I should probably get</p> <p>25 some exclusivity here"? You just said, "Hey, I'd</p>	<p style="text-align: right;">Page 295</p> <p>1 Q. Yeah, that was -- yes, a question.</p> <p>2 MR. BARNES: Do you not understand the</p> <p>3 question?</p> <p>4 BY MR. TRENT:</p> <p>5 Q. Okay. So let me chop it up into</p> <p>6 smaller questions. So you purchased this \$100,000</p> <p>7 tape for use in your book, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And --</p> <p>10 A. It was a recording.</p> <p>11 Q. The recording. Why did you want that</p> <p>12 recording for your book?</p> <p>13 A. Well, one, the story is a little hard</p> <p>14 to believe. Two, kind of knew who was dealing</p> <p>15 with. Mean, read was dealing with people</p> <p>16 who were trying to restrain orders against</p> <p>17 the Missouri Attorney General. Read the</p> <p>18 amount of lawyers they'd have.</p> <p>19 Q. So --</p> <p>20 A. And knew that, one, mean, this --</p> <p>21 the victim here has testified four times with the</p> <p>22 tapes, and there are still people who don't believe</p> <p>23 her. So thought it was very important to have</p> <p>24 those.</p> <p>25 Q. So did you think that the recordings</p>
<p style="text-align: right;">Page 294</p> <p>1 like a copy," and whatever else you to do with it,</p> <p>2 that's fine?</p> <p>3 A. Again, it probably rises the</p> <p>4 question -- the question has resulted to a few</p> <p>5 misunderstandings, probably coming from the way we</p> <p>6 communicate. But should have understood, but</p> <p>7 did not.</p> <p>8 Q. That seems like an incredibly odd</p> <p>9 business decision to make, given the central</p> <p>10 importance these would seem to have to your book.</p> <p>11 A. You're assuming the book will be based</p> <p>12 just off this, which would be incorrect. But is</p> <p>13 that a question?</p> <p>14 Q. Well, you paid \$100,000 for -- for</p> <p>15 this -- these tapes. I would think that -- I mean,</p> <p>16 typically to write a book, my understanding is that</p> <p>17 the main cost is in the time and effort to actually</p> <p>18 do it.</p> <p>19 You have sunk what would be a sizable</p> <p>20 investment in -- in this presumably -- in your mind,</p> <p>21 unknown information that you're going to break when</p> <p>22 the book comes out. It's not an insignificant</p> <p>23 component of the book's marketability at all,</p> <p>24 correct?</p> <p>25 A. Representative, is that a question?</p>	<p style="text-align: right;">Page 296</p> <p>1 would add market value to your book?</p> <p>2 A. Likely.</p> <p>3 Q. Did you think that market value was</p> <p>4 dependent on the book being the sole source of those</p> <p>5 revelations?</p> <p>6 A. It would have been beneficial, yeah.</p> <p>7 Q. And yet despite all that, you took no</p> <p>8 efforts, made no precautions to retain exclusivity</p> <p>9 rights to those recordings?</p> <p>10 A. Well, being the first time we've done</p> <p>11 this and again --</p> <p>12 Q. Your attorney --</p> <p>13 A. Said each time with each</p> <p>14 Representative there's a little bit of a challenge</p> <p>15 sometimes in the communication back and forth with</p> <p>16 A and, but, yeah.</p> <p>17 Q. You said you retained Mr. Watkins'</p> <p>18 services for the book in part. That was the 20,000,</p> <p>19 correct? That was for the book in part?</p> <p>20 MR. HATFIELD: don't know if he said</p> <p>21 that or not.</p> <p>22 BY MR. TRENT:</p> <p>23 Q. Is that not accurate? The \$20,000,</p> <p>24 none of that was for legal services pertaining to</p> <p>25 the book?</p>

<p>Page 297</p> <p>1 A. t was for ega serv ces and some of</p> <p>2 t perta ned to the book, but that was after got</p> <p>3 the tapes.</p> <p>4 Q. So the lawyer that you retained with</p> <p>5 \$20,000 who took the \$100,000 that you paid for the</p> <p>6 tapes did not advise you or alert you to the fact</p> <p>7 that you did not have exclusive rights to those</p> <p>8 tapes? That's your testimony?</p> <p>9 A. No, 'm te ng you that th nk, as</p> <p>10 sa d, w th a ot of the stuff between A and ,</p> <p>11 somet mes commun cat ng w th A cou d be a tte</p> <p>12 cha eng ng and ed to some m sunderstand ngs,</p> <p>13 probab y on my part. And p us never went nto the</p> <p>14 book pub sh ng before and never purchased a tape</p> <p>15 ke th s before, so --</p> <p>16 Q. I don't --</p> <p>17 A. So f you're want ng to hear me -- f</p> <p>18 what you're want ng s cou d have done t t ghter,</p> <p>19 yeah, sure.</p> <p>20 Q. Well, I'm not that familiar with</p> <p>21 Mr. Watkins or how flowery he is. You seem very</p> <p>22 conversant to me here today.</p> <p>23 MR. HATF ELD: Brace yourse f.</p> <p>24 BY MR. TRENT:</p> <p>25 Q. A couple other housekeeping. Do you</p>	<p>Page 299</p> <p>1 record that are unpa d?</p> <p>2 MR. HATF ELD: f you know.</p> <p>3 THE W TNESS: No.</p> <p>4 BY MR. TRENT:</p> <p>5 Q. No. The answer is no?</p> <p>6 A. No.</p> <p>7 MR. TRENT: Okay. A r ght. Thank</p> <p>8 you. No further quest ons at th s t me.</p> <p>9 MR. BARNES: Represent Razer.</p> <p>10 EXAM NAT ON</p> <p>11 BY MR. RAZER:</p> <p>12 Q. Good afternoon, Mr. Faughn.</p> <p>13 A. Good afternoon.</p> <p>14 Q. So the beauty of going at the end is</p> <p>15 most of my questions have been answered. This will</p> <p>16 be fast.</p> <p>17 So earlier somebody was commenting that</p> <p>18 \$120,000 in cash seemed like a lot of money, and</p> <p>19 Mr. Hatfield indicated that it wasn't to him.</p> <p>20 A. R ght.</p> <p>21 Q. So not to steal a phrase, but I'm just</p> <p>22 an old country boy from Pemiscot County.</p> <p>23 A. Cooter, r ght?</p> <p>24 Q. From Cooter. So it does sound like a</p> <p>25 lot of money to me, so a few follow-up questions</p>
<p>Page 298</p> <p>1 have any outstanding tax obligations or debts that</p> <p>2 are public record?</p> <p>3 MR. HATF ELD: Cha rman wou d ask we</p> <p>4 not be requ red to answer that quest on</p> <p>5 MR. BARNES: th nk t's asked and</p> <p>6 answered th nk --</p> <p>7 MR. HATF ELD: 'm sorry object</p> <p>8 t's been asked and answered Mr. Cha rman</p> <p>9 MR. BARNES: You et t go the frst</p> <p>10 t me th nk Representat ve Egg eston asked that</p> <p>11 un ess there's --</p> <p>12 MR. HATF ELD: 'm not sure</p> <p>13 MR. EGGLESTON: Not spec f ca y that</p> <p>14 We had gotten nto the top c but not spec f ca y</p> <p>15 the quest on he just asked</p> <p>16 MR. HATF ELD: don't th nk any member</p> <p>17 of th s comm ttee wou d want to ta k about what</p> <p>18 the r debts are at th s part cu ar moment</p> <p>19 MR. TRENT: These are pub c records</p> <p>20 correct?</p> <p>21 MR. HATF ELD: We f you want to ask</p> <p>22 about pub c records</p> <p>23 MR. TRENT: That was my quest on Are</p> <p>24 there any outstand ng ob gat ons taxes ens</p> <p>25 th ngs n the State of M ssour that are pub c</p>	<p>Page 300</p> <p>1 about that.</p> <p>2 A. Sure</p> <p>3 Q. This \$120,000, it was money that</p> <p>4 belonged to you?</p> <p>5 A. Yes Representat ve</p> <p>6 Q. Okay. It was your money personally not</p> <p>7 the money of a company that you own or oversee?</p> <p>8 A. That's correct Representat ve</p> <p>9 Q. Okay. I don't want to get into how you</p> <p>10 handle your business. I'm not asking that. What</p> <p>11 I'm asking is, is this money that you received</p> <p>12 through your typical business dealings, or was this</p> <p>13 money that you received outside of normal typical</p> <p>14 business dealings?</p> <p>15 MR. HATF ELD: Yeah th nk that's --</p> <p>16 'm go ng to adv se the w tness not to get nto</p> <p>17 that as sa d before Whether he got t --</p> <p>18 bett ng on the St Lou s Card na s or whether he</p> <p>19 earned t from --</p> <p>20 MR. RAZER: Card na s ost ast n ght</p> <p>21 THE W TNESS: t wasn't good</p> <p>22 MR. HATF ELD: \$100 000 s not a ot of</p> <p>23 money and we're pay ng Ho and 14 m on to do</p> <p>24 that</p> <p>25 MR. BARNES: No more baseba guys</p>

75 (Pages 297 to 300)

<p style="text-align: right;">Page 301</p> <p>1 BY MR. RAZER:</p> <p>2 Q. Could you have paid this 120,000 in the</p> <p>3 form of a check had you wanted to?</p> <p>4 A. Yeah, that was the point. It really</p> <p>5 wasn't -- it cost the same either way.</p> <p>6 Q. So was the cash -- had it ever been</p> <p>7 deposited into a bank account?</p> <p>8 MR. HATFIELD: Yeah, that's what we're</p> <p>9 not going to talk about, where it was or -- you</p> <p>10 know, cash flow issues. So ...</p> <p>11 THE WITNESS: Representative, do this</p> <p>12 another time, but I'm not going to get into the</p> <p>13 inner workings of my business. It's a unique</p> <p>14 business. There's very few media companies that are</p> <p>15 growing right now and ours is lucky to be one of</p> <p>16 them.</p> <p>17 BY MR. RAZER:</p> <p>18 Q. Okay. When Representative Mitten was</p> <p>19 questioning you, you were talking about how this</p> <p>20 transaction occurred between you and Mr. Watkins.</p> <p>21 And I think you said not -- I'm going to say this as</p> <p>22 quotes, and it's very close if not exactly what you</p> <p>23 said that, "It's unlike anything I had ever</p> <p>24 experienced. It was odd to me too."</p> <p>25 Can you just expound on that. What</p>	<p style="text-align: right;">Page 303</p> <p>1 MR. BARNES: Representative Phillips --</p> <p>2 Lauer, I'm sorry.</p> <p>3 MS. LAUER: Thank you, Mr. Chair.</p> <p>4 EXAMINATION</p> <p>5 BY MS. LAUER:</p> <p>6 Q. Thank you for being here. I appreciate</p> <p>7 your time.</p> <p>8 A. Thank you, Representative.</p> <p>9 Q. Some of the questions are going to be</p> <p>10 pretty random, kind of going over time, so we'll</p> <p>11 appreciate your patience with that.</p> <p>12 The book that you're writing has a</p> <p>13 direct relationship to Governor Greitens; is that</p> <p>14 correct?</p> <p>15 A. It's going to cover the last three</p> <p>16 years of Missouri politics, and I would say he's the</p> <p>17 dominant figure of such, yeah.</p> <p>18 Q. And you're a businessman. You have a</p> <p>19 successful business and move forward with that. Are</p> <p>20 you considering this book to be another kind of</p> <p>21 business?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. So when you started thinking</p> <p>24 about putting this book together, what was your</p> <p>25 thought process about the payoff of this? How would</p>
<p style="text-align: right;">Page 302</p> <p>1 was -- what was so odd? What was unlike anything</p> <p>2 you've ever -- I mean ...</p> <p>3 A. Well, I can just say, and I don't know,</p> <p>4 maybe with other people this is normal, but</p> <p>5 purchasing tapes that talked about a bonded sex</p> <p>6 affair with a sitting governor is awkward to me so</p> <p>7 first time for me.</p> <p>8 Q. And the conversation to acquire these</p> <p>9 tapes took approximately four hours?</p> <p>10 A. No, maybe over the course of a whole</p> <p>11 conversation.</p> <p>12 Q. Okay. So this wasn't like one single</p> <p>13 conversation where you all sat down at a negotiating</p> <p>14 table and --</p> <p>15 A. No, four hours.</p> <p>16 Q. Was there a reason why you were</p> <p>17 trustful that -- let me word this correctly --</p> <p>18 trustful that you were going to be the sole owner of</p> <p>19 these tapes? Or the sole person able to use the</p> <p>20 tapes?</p> <p>21 A. I honestly thought, I would have done several</p> <p>22 parts of this differently. That would be one of</p> <p>23 them.</p> <p>24 MR. RAZER: Thank that a lot, have,</p> <p>25 Mr. Speaker.</p>	<p style="text-align: right;">Page 304</p> <p>1 this benefit you as a business?</p> <p>2 A. Well, it's changed over time. I kept</p> <p>3 looking for a stopping point and as you've moved</p> <p>4 through Missouri politics the last three years it's</p> <p>5 been very difficult to find a stopping point</p> <p>6 Events that would be newsworthy and</p> <p>7 that people would pay money to read have been</p> <p>8 happening just one after the other. This is</p> <p>9 included. So I think by seeing it would be --</p> <p>10 obviously seeing the book and making money at it is</p> <p>11 what the hope was -- hope is</p> <p>12 Q. So this is for -- I'm sorry, this book</p> <p>13 is directly related to the money that you provided</p> <p>14 Mr. Watkins for the tapes?</p> <p>15 A. Yes</p> <p>16 Q. Okay. And the -- who owned -- when</p> <p>17 you -- when you went to Mr. Watkins and had that</p> <p>18 initial discussion, who owned the tapes?</p> <p>19 MR. HATFIELD: If you know</p> <p>20 MS. LAUER: Not who had possession but</p> <p>21 who owned the tapes?</p> <p>22 MR. HATFIELD: If you know</p> <p>23 THE WITNESS: I don't know who owned</p> <p>24 them. I took it that my understanding was</p> <p>25 Mr. Watkins had the ability to provide them to me</p>

Page 305	Page 307
<p>1 BY MS LAUER</p> <p>2 Q. So he had possession of them?</p> <p>3 A took t he cou d se them to me and</p> <p>4 yeah So e ther he represented or he owned them</p> <p>5 h mse f or he represented the person that d d</p> <p>6 Q. Okay. So there was no clear</p> <p>7 understanding as to what party the witness -- I'm</p> <p>8 sorry, P.S. may have had ownership in that.</p> <p>9 A took t that t was -- he to d me he</p> <p>10 was h s attorney so took t as word that he was</p> <p>11 Q. Okay. So he owns the ownership -- who</p> <p>12 owns the tapes now?</p> <p>13 A The vers on have do</p> <p>14 Q. Okay. And that's based on what? How</p> <p>15 are you defining owns versus possession?</p> <p>16 A We th nk the record ngs that</p> <p>17 have fee ke own</p> <p>18 MR BARNES We th nk we're</p> <p>19 ca ng for a ega conc us on frst-year property</p> <p>20 aw here Representat ve Trent So go ahead</p> <p>21 Representat ve Lauer but 'm not sure the w tness</p> <p>22 understands the quest on mean for examp e</p> <p>23 enough peop e have the tape now</p> <p>24 MR HATF ELD Mr Cha rman object</p> <p>25 t ca s for a ega conc us on The quest on of</p>	<p>1 spec f ca y w th the nformat on that he has</p> <p>2 gathered And qu te frank y f he's putt ng a</p> <p>3 book together that has -- can c te facts based on</p> <p>4 dates and so forth and yet he's s tt ng here and not</p> <p>5 be ng ab e to reca much of anyth ng can see</p> <p>6 that as a d screpancy</p> <p>7 MR HATF ELD understand 'm just</p> <p>8 ask ng you to be sens t ve to the dea he may have</p> <p>9 compet tors n the book wr t ng bus ness s tt ng</p> <p>10 beh nd us want ng to stea h s deas for an</p> <p>11 exce nt book</p> <p>12 THE W TNESS haven't dec ded how</p> <p>13 we're go ng to put t together but probab y over</p> <p>14 the course of act on over the next s x weeks</p> <p>15 probab y w determ ne that</p> <p>16 BY MS LAUER</p> <p>17 Q. Again, based on your publications that</p> <p>18 you have, the show you have, you're a very -- very</p> <p>19 oriented to have dates and times and so forth</p> <p>20 associated with your reporting, do you not?</p> <p>21 A actua y don't do much report ng at</p> <p>22 a</p> <p>23 Q. Okay. So the -- let's go back in time</p> <p>24 then just a little bit. When you purchased the --</p> <p>25 and had the information from Mr. Watkins, to what</p>
Page 306	Page 308
<p>1 inte ctua property and who owns what, when, and</p> <p>2 where, don't know about the rest of the members of</p> <p>3 this committee, but don't get it, and 've been</p> <p>4 practicing aw for 20-something year.</p> <p>5 MR. BARNES: So was your question do</p> <p>6 you fee ike that is your property now?</p> <p>7 MS. LAUER: Yes.</p> <p>8 MR. HATF ELD: Yeah.</p> <p>9 MS. LAUER: That it's your property,</p> <p>10 you have the right to do anything with it you want</p> <p>11 regard ess of who had it prior.</p> <p>12 MR. HATF ELD: Do you fee ike that?</p> <p>13 THE W TNESS: Yeah.</p> <p>14 MS. LAUER: Okay. Thank you.</p> <p>15 Q. The -- this book that you're putting</p> <p>16 together, is this a -- a timeline book with facts</p> <p>17 listed under the timeline? What's your thought</p> <p>18 about --</p> <p>19 MR. HATF ELD: Representative Lauer,</p> <p>20 'm not going to instruct the witness not to answer.</p> <p>21 Mr. Gainey [phonetic] is working on a book too, so</p> <p>22 hope we don't get into what Mr. Faughn's p ans are</p> <p>23 on the book because they may be competing with each</p> <p>24 other for book sa es.</p> <p>25 MS. LAUER: Sir, this has to do</p>	<p>1 degree was there any expectation of any further</p> <p>2 information he may have?</p> <p>3 A was hopefu don't know that had</p> <p>4 an expectat on but was hopefu he wou d be a</p> <p>5 source and a good one</p> <p>6 Q. And did he provide any other</p> <p>7 information to you?</p> <p>8 A Some but not -- mean honest y most</p> <p>9 th ngs have unfo ded n pub c more than they have</p> <p>10 pr vate -- w th a pr vate source ke Mr Watk ns</p> <p>11 Q. So the information he provided to you</p> <p>12 was the same as what was given publicly?</p> <p>13 A don't know everyth ng that was g ven</p> <p>14 pub c y but don't remember anyth ng that was</p> <p>15 part cu ar y of va ue that wasn't pub c that hasn't</p> <p>16 been pub c</p> <p>17 Q. All right. The money that you received</p> <p>18 for -- or that you gave for this information, is</p> <p>19 this part of your normal practice?</p> <p>20 A No never done th s type of -- never</p> <p>21 done a book before never done anyth ng ke th s</p> <p>22 before</p> <p>23 Q. So what led you to believe that this</p> <p>24 was the time to do it?</p> <p>25 A fe t ke there was enough nterest</p>

<p>Page 309</p> <p>1 and t cou d be prof tab e. st fee that way.</p> <p>2 Q. And who has -- was this money -- I know</p> <p>3 it's been questioned before, but has this money</p> <p>4 been -- been transacted through a loan?</p> <p>5 MR. HATF ELD: Same adv ce. And that's</p> <p>6 a good po nt. That's the k nd of th ng we wou dn't</p> <p>7 want to get nto s h s pr vate bus ness and whether</p> <p>8 they -- how they cash f ow the r bus ness, where</p> <p>9 the r money comes from, et cetera.</p> <p>10 BY MS. LAUER:</p> <p>11 Q. Who else has talked with you on any</p> <p>12 other information that may be in return for money?</p> <p>13 A. 'm sorry?</p> <p>14 Q. Who else has talked to you regarding</p> <p>15 any other information available for money?</p> <p>16 A. Just so 'm c ear, Representat ve,</p> <p>17 you're say ng who e se has approached me to offer to</p> <p>18 se me the r story that wou d be good for the book?</p> <p>19 Q. Right. Not necessarily for the book,</p> <p>20 just for money.</p> <p>21 A. That happens somet mes, not a t me</p> <p>22 r ght now can reca . can't say t hasn't</p> <p>23 happened, but M ssour po t cs usua y sn't the</p> <p>24 type of p ace where that happens. That's probab y</p> <p>25 more TMZ or someth ng. That doesn't happened often.</p>	<p>Page 311</p> <p>1 this whole -- whole situation with the governor.</p> <p>2 A. don't know that ' have any</p> <p>3 off c a ro e. had no dea there was even a</p> <p>4 subpoena. came here vo untar y to be the fr st</p> <p>5 pub c w tness. don't know what e se my ro e</p> <p>6 wou d be outs de of ta k ng to you today.</p> <p>7 Q. Would you consider yourself to be a</p> <p>8 watchdog?</p> <p>9 A. th nk that's up to the readers.</p> <p>10 th nk that's a tt e presumptuous of me.</p> <p>11 MS. LAUER: A r ght. Mr. Cha r,</p> <p>12 thank you.</p> <p>13 FURTHER EXAM NAT ON</p> <p>14 BY MR. BARNES:</p> <p>15 Q. Before I go to Representative Phillips,</p> <p>16 Mr. Faughn, you understand there are criminal</p> <p>17 penalties for perjury?</p> <p>18 MR. HATF ELD: Mr. Cha rman, that's not</p> <p>19 necessary. f you've got a quest on, ask a</p> <p>20 quest on.</p> <p>21 BY MR. BARNES:</p> <p>22 Q. Well, it's really hard to believe you</p> <p>23 didn't have an idea that there was -- number one,</p> <p>24 you follow the news, correct? Mr. Faughn you follow</p> <p>25 the news?</p>
<p>Page 310</p> <p>1 can't even reca a t me offhand.</p> <p>2 Q. Is it fair to say that this sort of</p> <p>3 conversation may have happened during this last</p> <p>4 three years in regards to Mr. Greitens and</p> <p>5 everything associated with that?</p> <p>6 A. No, don't reca any t me.</p> <p>7 Q. Are you familiar with any information</p> <p>8 in which Governor Greitens has -- has used any sort</p> <p>9 of method to obtain sponsorship or support from</p> <p>10 legislators?</p> <p>11 A. No, don't know that s tt ng here</p> <p>12 can te you anyth ng concrete that he has done that</p> <p>13 cou d prove wou d be d rect y re ated to that.</p> <p>14 Q. So then the 50,000, 100,000, whatever</p> <p>15 the number is that was spent, what is your</p> <p>16 anticipation of how you're going to get that money</p> <p>17 back or are you writing it off?</p> <p>18 A. No. Se a ot of books.</p> <p>19 Q. And then moving on with what is going</p> <p>20 to happen next. And you're talking about writing a</p> <p>21 book. You're making public notice of opinion -- of</p> <p>22 your thoughts and so forth. Where do you see this</p> <p>23 whole thing leading as far as your role?</p> <p>24 A. As far as our company?</p> <p>25 Q. As far as what your participation is in</p>	<p>Page 312</p> <p>1 A. do fo ow the news.</p> <p>2 Q. Okay. This committee, I know I believe</p> <p>3 there was a report in the Springfield News-Leader</p> <p>4 that we had a subpoena. I want to ignore that --</p> <p>5 A. Was there anyone quoted on the record</p> <p>6 n that report?</p> <p>7 Q. Because I think that we can put that to</p> <p>8 the side, okay? We'll give you excusable -- no one</p> <p>9 contacted you there.</p> <p>10 You know in St. Louis they were looking</p> <p>11 for you. You can't plausibly claim that you didn't</p> <p>12 think they were looking for you in the St. Louis</p> <p>13 criminal case?</p> <p>14 A. At my off ce? mean, what are you</p> <p>15 try ng to say?</p> <p>16 Q. That they were seeking to serve a</p> <p>17 subpoena on you in the St. Louis criminal trial.</p> <p>18 You knew that to be the case?</p> <p>19 A. read many c a ms by d fferent</p> <p>20 attorneys represent ng the governor, everyth ng from</p> <p>21 you're ead ng a w tch hunt to they cou dn't -- that</p> <p>22 was n some sort of h d ng. d dn't take -- take</p> <p>23 t w th a ot of cred b ty at the t me.</p> <p>24 Q. Is it your testimony today that you had</p> <p>25 no knowledge that they were seeking you for a</p>

<p style="text-align: right;">Page 313</p> <p>1 subpoena in St. Louis?</p> <p>2 A. had no off c a know edge.</p> <p>3 Q. What do you mean by "official</p> <p>4 knowledge"?</p> <p>5 A. mean, there's very easy ways to</p> <p>6 commun cate w th me. The reason why when my</p> <p>7 attorney sa d d dn't have a subpoena from here s</p> <p>8 because th nk t wou d be very easy for most of</p> <p>9 th s comm ttee to have reached me any number of</p> <p>10 ways, and no one d d.</p> <p>11 So when came here today vo untar y,</p> <p>12 had no c ue there was a subpoena and never been</p> <p>13 served one. My attorney sa d he was n contact w th</p> <p>14 you and there wasn't one. Probab y the same thought</p> <p>15 process there.</p> <p>16 Q. Mr. Faughn, I'm not sure why you won't</p> <p>17 just admit that you were avoiding the service of the</p> <p>18 subpoena in the St. Louis case or you found a</p> <p>19 convenient time to go on a trip.</p> <p>20 MR. HATF ELD: Mr. Cha rman --</p> <p>21 BY MR. BARNES:</p> <p>22 Q. Your business of the last three weeks</p> <p>23 of session generally requires you to be here,</p> <p>24 correct?</p> <p>25 MR. HATF ELD: He's here. What</p>	<p style="text-align: right;">Page 315</p> <p>1 MR BARNES f he was com ng</p> <p>2 vo untar y that was the conversat on Chuck</p> <p>3 MR HATF ELD Because W Schm tt</p> <p>4 w th the Spr ngf e d News-Leader had Tweeted that</p> <p>5 th s comm ttee had a subpoena out that Mr Faughn</p> <p>6 was avo d ng and wanted to know f that was the</p> <p>7 case</p> <p>8 We had no ntent on of avo d ng th s</p> <p>9 comm ttee We respect the work th s comm ttee s</p> <p>10 do ng We th nk t's mportant as 've tr ed to</p> <p>11 art cu ate So want th s comm ttee to know that</p> <p>12 had no reason to th nk that my c ent was under</p> <p>13 subpoena from th s comm ttee</p> <p>14 MR BARNES As for th s comm ttee my</p> <p>15 reco ect on of the conversat on was the same and</p> <p>16 be eve t was probab y ast Fr day 'm not sure</p> <p>17 wh ch day but the phone ca was " represent</p> <p>18 Mr Faughn He s w ng to test fy 'm read ng</p> <p>19 there's a subpoena out for h m "</p> <p>20 sa d "Are you te ng me he's go ng</p> <p>21 to show up vo untar y?"</p> <p>22 You sa d "Yes "</p> <p>23 sa d "Okay Then there s no need</p> <p>24 for us to serve h m w th a subpoena on your word</p> <p>25 that he's go ng to show up "</p>
<p style="text-align: right;">Page 314</p> <p>1 d fference does t make at th s po nt?</p> <p>2 THE W TNESS: ' answer that.</p> <p>3 th nk be ng here vo untar y, the fr st person</p> <p>4 you've ta ked to n pub c, shows wasn't. And,</p> <p>5 frank y, when you are n the news, th nk t makes</p> <p>6 t harder for your reporters to cover everyth ng.</p> <p>7 You have a d stract on for them.</p> <p>8 And haven't been to the cap to , k nd</p> <p>9 of n a deesca at ng amount of t me as we've been</p> <p>10 a ong. th nk 've been a d stract on to my</p> <p>11 reporters to be at the cap to . But d d take them</p> <p>12 to unch down the street a few b ocks Wednesday --</p> <p>13 'm sorry, Fr day.</p> <p>14 MR. HATF ELD: Mr. Cha rman, s nce we</p> <p>15 had th s conversat on about my statements and my</p> <p>16 ob gat ons to te the truth. We're confus ng two</p> <p>17 subpoenas here.</p> <p>18 MR. BARNES: That's r ght. And that's</p> <p>19 why want to c ar fy. 'm go ng to set as de the</p> <p>20 fr st.</p> <p>21 MR. HATF ELD: asked you,</p> <p>22 Mr. Cha rman, f there was a subpoena out for</p> <p>23 Mr. Faughn, and was adv sed that there was no need</p> <p>24 to serve h m w th a subpoena because he was com ng</p> <p>25 vo untar y.</p>	<p style="text-align: right;">Page 316</p> <p>1 MR. HATF ELD: Abso ute y.</p> <p>2 MR. BARNES: And here we are today.</p> <p>3 MR. HATF ELD: Here we are today. So</p> <p>4 thank you, Mr. Cha rman.</p> <p>5 MR. BARNES: Okay. Representat ve</p> <p>6 Ph ps.</p> <p>7 MR. PH LL PS: Thank you, Mr. Cha rman.</p> <p>8 FURTHER EXAM NAT ON</p> <p>9 BY MR. PH LL PS:</p> <p>10 Q. There's a couple things you'll have to</p> <p>11 be able to appreciate about me. I'm sure one is</p> <p>12 I've never been faced with the challenge of passing</p> <p>13 the bar exam. Number two, is I'm not very</p> <p>14 long-winded, so just from one country boy to</p> <p>15 another, I'm going to make it really simple; is that</p> <p>16 all right?</p> <p>17 A. Thank you, Representat ve.</p> <p>18 Q. There's a couple things, though, that</p> <p>19 really didn't get covered very well, I don't think.</p> <p>20 And that -- if I recall it right, when the</p> <p>21 mysterious cash was first reported to be -- showed</p> <p>22 up on Mr. Watkins' basically doorstep, for lack of</p> <p>23 another way to put it, he didn't have any idea where</p> <p>24 it came from; isn't that right? Wasn't that what he</p> <p>25 said to the public?</p>

<p style="text-align: right;">Page 317</p> <p>1 A. couldn't tell you all the things A</p> <p>2 said to the public, to be honest with you.</p> <p>3 Q. I know you got it right when you said</p> <p>4 he's colorful, but he's apparently less than honest</p> <p>5 when it comes to he knew exactly where that money</p> <p>6 came from, right?</p> <p>7 A. Again, 'm kind of trying to parse</p> <p>8 through some of the stuff A said here and other</p> <p>9 places, but think we had a misunderstanding about</p> <p>10 it, from best can't tell. But haven't talked to</p> <p>11 A in a few weeks.</p> <p>12 Q. So the -- you're saying the mysterious</p> <p>13 bag of money showed up on his doorstep, and he just</p> <p>14 misunderstood in the conversations that two of you</p> <p>15 had that you were going to send him money, why</p> <p>16 wouldn't he just say and why wouldn't you say,</p> <p>17 "Yeah, I sent him a bag of cash"?</p> <p>18 A. don't know why A would have said or</p> <p>19 not said something, to be honest with you.</p> <p>20 Q. Why wouldn't have you said something</p> <p>21 early on, just, "Yeah, that's my bag of cash that</p> <p>22 showed up on his door"?</p> <p>23 A. don't think A was mistaken as far as</p> <p>24 who delivered it. think A had a idea of some</p> <p>25 larger pot where it came from, is what 've read.</p>	<p style="text-align: right;">Page 319</p> <p>1 A. assume it was from some ruins in</p> <p>2 court and he was forced to answer.</p> <p>3 Q. So he probably said something under</p> <p>4 oath that this is where I got the money?</p> <p>5 A. That's my assumption.</p> <p>6 Q. There seems to be no paper trail on</p> <p>7 this money whatsoever. We've circled that teepee a</p> <p>8 lot here this afternoon and -- but it amazes me,</p> <p>9 because I'm lucky if I can wrap a whole 500 bucks,</p> <p>10 but I can tell you exactly where that \$500 is at.</p> <p>11 And if I have to spend it, man, I can tell you every</p> <p>12 step of the way.</p> <p>13 I could tell you where I put it in my</p> <p>14 pocket, what it was in when I put it in my pocket,</p> <p>15 who I handed it to. I certainly wouldn't hand even</p> <p>16 \$500, much less 100,000 or 120,000 to somebody that</p> <p>17 I can't remember who it was, just in case they</p> <p>18 forgot where they got it.</p> <p>19 So my question is how in the world can</p> <p>20 you not just straightforward answer that question</p> <p>21 for us? You know the answer.</p> <p>22 A. And the question is?</p> <p>23 Q. The question is why can't you tell us</p> <p>24 who delivered that money and why can't you remember</p> <p>25 just simply what you put the money in? As it was</p>
<p style="text-align: right;">Page 318</p> <p>1 Now, again, 'm kind of going off the collection of</p> <p>2 things 've read publicly, but don't know that A</p> <p>3 had -- don't know if he was mistaken that --</p> <p>4 generating it and having -- giving it to him.</p> <p>5 Q. Well, I missed something because I</p> <p>6 thought you said earlier that the two of you</p> <p>7 discussed this money. That you were going to get it</p> <p>8 to him, so what's the confusion? How could he</p> <p>9 possibly be confused about where the money came</p> <p>10 from?</p> <p>11 A. can't answer for Mr. Watkins.</p> <p>12 Q. You weren't confused where it came</p> <p>13 from?</p> <p>14 A. No, no.</p> <p>15 Q. You didn't come forward when all this</p> <p>16 mystery was taking place and they were trying to put</p> <p>17 the pieces of the puzzle together; is that right?</p> <p>18 You could have cleared it up real quick.</p> <p>19 A. didn't, no, come forward at all.</p> <p>20 Q. What led the trail back to you? How</p> <p>21 did they make the connection? And I probably should</p> <p>22 know that, and I'm honestly not trying to trip you</p> <p>23 up on something I already know about, but I'm trying</p> <p>24 to remember how that story went. How in the world</p> <p>25 did they make the connection back to you?</p>	<p style="text-align: right;">Page 320</p> <p>1 said earlier, was it a --</p> <p>2 A. There's a -- brown -- don't know what</p> <p>3 it's off color called. But there's a brown thing</p> <p>4 you can put legal documents in.</p> <p>5 Q. Yeah.</p> <p>6 A. Put it in -- be even it was that with</p> <p>7 a string around it. 'm not sure what you call that</p> <p>8 particular envelope. It's not a number 10. It's</p> <p>9 something else. And then I had someone from my</p> <p>10 office go over there. don't quite know. And</p> <p>11 never told them at all what they were delivering.</p> <p>12 It was -- it was not the concern.</p> <p>13 Q. All right. But I just find it odd that</p> <p>14 you have no idea what the denomination of the money</p> <p>15 was. You don't know if it was 100s, if it was 20s,</p> <p>16 if it was 10s, if it was a mixed bag of stuff. You</p> <p>17 have no idea, but yet it was your money?</p> <p>18 A. My best recollection it was 100 bills.</p> <p>19 MR. HATFIELD: thank we kind of</p> <p>20 covered that, Representative Phillips.</p> <p>21 MR. PHILLIPS: We did?</p> <p>22 MR. HATFIELD: thought so, maybe not.</p> <p>23 MR. PHILLIPS: We missed it.</p> <p>24 MR. BARNES: it wasn't a</p> <p>25 straightforward answer. don't think we got an</p>

<p style="text-align: right;">Page 321</p> <p>1 answer. There was a lot of things here that it's</p> <p>2 incredulous that we don't have answers to --</p> <p>3 MR. HATFIELD: Okay.</p> <p>4 MR. BARNES: -- as to memory, but</p> <p>5 don't think we got an answer as to that question.</p> <p>6 MR. HATFIELD: Okay.</p> <p>7 BY MR. PHILLIPS:</p> <p>8 Q. Yeah, I don't recall one.</p> <p>9 And, Mr. Faughn, I'm not trying to beat</p> <p>10 you up on this at all, but common sense, Butler</p> <p>11 County, Stone County, hello? Common sense tells you</p> <p>12 anybody knows where 100 grand came from. We're not</p> <p>13 asking you how you got it. We're not -- we're not</p> <p>14 saying how did you make the 100,000.</p> <p>15 But common sense tells you, you know</p> <p>16 where you picked it up. Where it was laying at.</p> <p>17 Whether it was stuffed in a mattress inside your</p> <p>18 pillow. Maybe it makes a good pillow, I don't know.</p> <p>19 I've got a pillow that's rather rare that maybe</p> <p>20 \$100,000 feels pretty good under my head.</p> <p>21 But the thing is, somewhere that money</p> <p>22 was sitting and you knew where it was at. I can</p> <p>23 tell you where my 500 is at in cash right now. I</p> <p>24 can go get it.</p> <p>25 MR. HATFIELD: Where is it?</p>	<p style="text-align: right;">Page 323</p> <p>1 care less how you made the money.</p> <p>2 I'm just curious as to what the heck --</p> <p>3 how does a guy do that? How do you have 100,000,</p> <p>4 you don't know where it came from, or you're not</p> <p>5 willing to say where it came from, and that's</p> <p>6 problematic. And then you can't remember who took</p> <p>7 that 100,000 for you? That's really hard to</p> <p>8 believe, because that person might just keep right</p> <p>9 on going down the road with the money.</p> <p>10 That's all my point is. It's just all</p> <p>11 kind of mind-boggling. I mean, it just doesn't wrap</p> <p>12 around a normal person's mind. And I'm not normal,</p> <p>13 I'll admit that, but I'm fairly close to normal. So</p> <p>14 is there any answer at all to that or you just want</p> <p>15 to leave that out there as I don't know anything.</p> <p>16 It's my money, though, I made it, and I don't know</p> <p>17 how it got there. I know who took it, but --</p> <p>18 A. I've tried to answer. I didn't one</p> <p>19 increment, a but one -- one of them was a person</p> <p>20 in my office.</p> <p>21 Q. Who was that, by any chance? Do you</p> <p>22 remember the name?</p> <p>23 A. One of the two people that were in my</p> <p>24 office. They had no idea that they had.</p> <p>25 MR. BARNES: Do you have Sky in your</p>
<p style="text-align: right;">Page 322</p> <p>1 MR. PHILLIPS: I'm not going to say</p> <p>2 until I get it an answer, but I'm sure</p> <p>3 tell you if I can get an answer.</p> <p>4 THE WITNESS: I'm not trying --</p> <p>5 MR. PHILLIPS: And I tell you where</p> <p>6 I slept last night if that means anything to you.</p> <p>7 But a want is a straightforward answer to a</p> <p>8 straightforward question.</p> <p>9 THE WITNESS: Definitely know where</p> <p>10 my money is at.</p> <p>11 MR. PHILLIPS: Right, so that's what we</p> <p>12 want to know is --</p> <p>13 THE WITNESS: I'm not sure to make it</p> <p>14 more clear that it was in an office in Clayton.</p> <p>15 BY MR. PHILLIPS:</p> <p>16 Q. Closet? Drawer?</p> <p>17 MR. HATFIELD: You want the combination</p> <p>18 to the safe?</p> <p>19 BY MR. PHILLIPS:</p> <p>20 Q. The money's gone now, I don't need it.</p> <p>21 You know what I'm getting at. Was it</p> <p>22 in a rubber boot that was 18 inches tall? Where was</p> <p>23 it at? Did it just fall out of one of the ceiling</p> <p>24 tiles when it got loose? That's all we're asking.</p> <p>25 We're not asking how you made the money. I couldn't</p>	<p style="text-align: right;">Page 324</p> <p>1 office?</p> <p>2 THE WITNESS: No</p> <p>3 I tried to describe the envelope</p> <p>4 don't know what you legally call it but then I have</p> <p>5 a safe in Clayton and that's --</p> <p>6 BY MR. PHILLIPS</p> <p>7 Q. And you stuffed that envelope with \$100</p> <p>8 bills that were stacked in little stacks that were</p> <p>9 wrapped with something; is that right?</p> <p>10 MR. HATFIELD: Representative there's</p> <p>11 a picture of money in the St. Louis Post Dispatch</p> <p>12 MR. PHILLIPS: The money? The money</p> <p>13 that was actually delivered? I've seen pictures of</p> <p>14 money I'm talking about the money that was</p> <p>15 delivered in a bag or whatever it was delivered in</p> <p>16 to the doorstep of Mr. Watkins</p> <p>17 MR. HATFIELD: Believe Mr. Watkins is</p> <p>18 going to testify but believe what the Post</p> <p>19 Dispatch has reported is there is a picture of the</p> <p>20 money in the Post Dispatch</p> <p>21 MR. PHILLIPS: So this mysterious</p> <p>22 answer we're actually going to get answered you</p> <p>23 think with our next witness?</p> <p>24 MR. HATFIELD: I don't know the answer</p> <p>25 to that question Representative</p>

Page 325	Page 327
<p>1 MR PH LL PS Thank you both for be ng</p> <p>2 here</p> <p>3 FURTHER EXAM NAT ON</p> <p>4 BY MR BARNES</p> <p>5 Q. Is it Striker? Is it Striker? Is that</p> <p>6 the right name? Do you have a Striker?</p> <p>7 MR PH LL PS He's got a Str ker</p> <p>8 BY MR BARNES</p> <p>9 Q. Ben Striker, that's who works in your</p> <p>10 office?</p> <p>11 A Yeah he does</p> <p>12 Q. So could it be that Mr. Watkins when he</p> <p>13 said "Skylar" he meant Striker?</p> <p>14 A Mr Cha rman can't te you what he</p> <p>15 meant</p> <p>16 Q. Well, I just -- Mr. Faughn, I've</p> <p>17 really -- he talks about \$500. I can't keep \$5 in</p> <p>18 my wallet, let alone 500 or 100,000. I mean, you</p> <p>19 just say, hey, somebody over there, take this sack</p> <p>20 of cash -- 50 is what that was, \$50,000 -- over to</p> <p>21 Mr. Watkins. That's how it went?</p> <p>22 Because if I had \$50,000 cash for</p> <p>23 somebody to -- to deliver, first of all, I would</p> <p>24 never have \$50,000 cash. Let's just be clear about</p> <p>25 that. Second of all, I wouldn't hand it to anyone</p>	<p>1 source of your ncome s not be ng untruthfu , any</p> <p>2 more t's untruthfu of the governor who refused to</p> <p>3 th s day to re ease h s tax returns, anymore than</p> <p>4 t's untruthfu of Mr. Gr me to come n here and</p> <p>5 refuse to ta k about who h s c ents are.</p> <p>6 That's not untruthfu , Mr. Cha rman.</p> <p>7 t may be refus ng to answer a quest on, but t's</p> <p>8 not untruthfu . So we're sorry you're ncredu ous</p> <p>9 about t, but he's answered the quest on over and</p> <p>10 over aga n. f you have anyth ng e se, we're happy</p> <p>11 to answer.</p> <p>12 MR. BARNES: We , cut back n ne</p> <p>13 here, so et me go back n order. Representat ve</p> <p>14 M tten.</p> <p>15 FURTHER EXAM NAT ON</p> <p>16 BY MS. M TTEN:</p> <p>17 Q. Thank you.</p> <p>18 And I'm not sure -- I don't know if</p> <p>19 this has been asked or not, so if I'm repetitive I</p> <p>20 apologize. But Mr. Watkins, there's some news</p> <p>21 reports that Mr. Watkins required you to sign a --</p> <p>22 and I quote -- "draconian non-disclosure agreement."</p> <p>23 Did you sign -- have you signed a</p> <p>24 non-disclosure agreement in --</p> <p>25 A. don't reca that.</p>
Page 326	Page 328
<p>1 else to deliver.</p> <p>2 A. s that a quest on?</p> <p>3 Q. It is a question. It's just this is --</p> <p>4 there's incredulity on the front end of the story</p> <p>5 and on the back end of the story.</p> <p>6 MR. HATF ELD: And 've got to say,</p> <p>7 Mr. Razer made a comment and sa d " t's not a ot</p> <p>8 of money." t a depends. You know was n a</p> <p>9 prev ous fe n campag ns. wrote a check for</p> <p>10 \$2.1 m on. Never occurred to me 'd have an</p> <p>11 opportun ty to do that.</p> <p>12 have seen -- don't know how the</p> <p>13 Repub can party po t cs works, but 've seen</p> <p>14 street money n \$50,000 ncrements that s -- that</p> <p>15 s g ven out for workers to work campag ns. So the</p> <p>16 dea that peop e can't have \$100,000, 'm sorry</p> <p>17 you're ncredu ous about that, but n Amer ca we're</p> <p>18 a owed to keep cash.</p> <p>19 MR. BARNES: What 'm ncredu ous about</p> <p>20 s the ack of know edge or the -- the unw ng to</p> <p>21 be truthfu about ts source comb ned w th, s ash,</p> <p>22 ack of know edge, and then on the back end the ack</p> <p>23 of know edge, the stated ack of know edge of ts</p> <p>24 de very -- part cu ar de very mode.</p> <p>25 MR. HATF ELD: Refus ng to d scuss the</p>	<p>1 Q. Have you signed any non-disclosure</p> <p>2 agreements in 2018? Let's put it that -- how about</p> <p>3 we do it that way?</p> <p>4 A. don't th nk so, no.</p> <p>5 Q. Okay.</p> <p>6 A. Not that reca anyway.</p> <p>7 Q. And I would assume that that's not</p> <p>8 something that you do -- NDAs would not be sort of a</p> <p>9 normal part -- it's the kind of thing you would</p> <p>10 recall; is that a fair statement?</p> <p>11 A. Yes.</p> <p>12 Q. And I think we talked a little bit</p> <p>13 about this before, but just again. And you also as</p> <p>14 part of this transaction, you did not -- there was</p> <p>15 no document signed other than a fee agreement?</p> <p>16 A. No, th nk t's a etter of</p> <p>17 engagement.</p> <p>18 Q. Okay. Thank you. And that there was</p> <p>19 no -- no document signed or no agreement as to you</p> <p>20 or the -- as the purchaser having exclusive rights?</p> <p>21 A. There was no document s gned.</p> <p>22 Q. Was there a handshake? Was there a</p> <p>23 discussion about --</p> <p>24 A. There was a handshake.</p> <p>25 Q. Okay. Did that handshake entail you</p>

Page 329	Page 331
<p>1 having exclusive rights?</p> <p>2 A. Again, I go back to the couple</p> <p>3 statements that seemed to cover most of the</p> <p>4 questions. I think there may have some</p> <p>5 misunderstanding there, and I should have got that</p> <p>6 entered -- probably the first time I've done this,</p> <p>7 I learned a lesson, but there was not a direct, no,</p> <p>8 exclusively.</p> <p>9 Q. And finally, and again I apologize if</p> <p>10 this has been asked and answered, but do you</p> <p>11 consider yourself personally or one of your</p> <p>12 businesses to be the purchaser of these recordings?</p> <p>13 A. Personally.</p> <p>14 MS. MITTEN: Thank you. Thank you,</p> <p>15 Mr. Char.</p> <p>16 MR. BARNES: Further questions?</p> <p>17 FURTHER EXAMINATION</p> <p>18 BY MR. AUSTIN:</p> <p>19 Q. Mr. Faughn, does Al Watkins still</p> <p>20 represent you or any entities of which you have an</p> <p>21 ownership interest?</p> <p>22 A. I don't know the legal answer to that.</p> <p>23 MR. HATFIELD: Hold on a second.</p> <p>24 MR. BARNES: You mean not in the</p> <p>25 context of this, obviously, because there's that</p>	<p>1 BY MR. EGGLESTON:</p> <p>2 Q. So we've got a few more questions that</p> <p>3 have kind of come up since we made the rounds. And</p> <p>4 I think a lot of questions so far have sort of been</p> <p>5 adversarial in a way, but I do think that doing what</p> <p>6 you do as a journalist, you may have some insight</p> <p>7 into Missouri politics, that's the name of your</p> <p>8 show, that could probably help us a little bit.</p> <p>9 So I'm going to certainly start off</p> <p>10 with something that's more of a friendly inquiry</p> <p>11 here. You've kind of got this deal where you have</p> <p>12 purchased the recordings, we'll call them tapes,</p> <p>13 because it was digitally. It was on a flash drive;</p> <p>14 is that right? Is that how you took possession of</p> <p>15 them?</p> <p>16 A. Believe so.</p> <p>17 Q. Didn't email them?</p> <p>18 A. Believe so.</p> <p>19 Q. Some sort of portable device? Okay.</p> <p>20 And did I hear through the other conversations,</p> <p>21 though, that there was never any deal to where Al</p> <p>22 Watkins would not then sell or give those same</p> <p>23 recordings to somebody else? You didn't get them</p> <p>24 from Al exclusively?</p> <p>25 A. As it turns out, I did not. Believe</p>
Page 330	Page 332
<p>1 conflict there. You mean in any other form or</p> <p>2 fashion?</p> <p>3 MR. PHILLIPS: No. I'd say in any way</p> <p>4 as his legal counsel.</p> <p>5 MR. BARNES: In any way.</p> <p>6 MR. PHILLIPS: Or a company in which he</p> <p>7 has an ownership interest.</p> <p>8 THE WITNESS: I don't believe so</p> <p>9 anymore but I don't know the legal definition of</p> <p>10 when you stop. But believe he does not as of now.</p> <p>11 BY MR. AUSTIN:</p> <p>12 Q. Was there anything in the engagement</p> <p>13 letter that talked about the term of representation?</p> <p>14 A. Not that recall.</p> <p>15 Q. Do you have a copy of that engagement</p> <p>16 letter or that engagement agreement?</p> <p>17 A. I have a copy of the engagement letter.</p> <p>18 Yeah.</p> <p>19 Q. Do you have a copy here with you or is</p> <p>20 it back at your office?</p> <p>21 A. I don't have it with me.</p> <p>22 MR. AUSTIN: Thanks.</p> <p>23 MR. HATFIELD: Thanks. Representative</p> <p>24 MR. BARNES: You're next.</p> <p>25 FURTHER EXAMINATION</p>	<p>1 they had already been given out before I got them</p> <p>2 the first time.</p> <p>3 Q. They have been given out before --</p> <p>4 A. Yeah.</p> <p>5 Q. -- by Al Watkins?</p> <p>6 A. I did not know that at the time but,</p> <p>7 yeah.</p> <p>8 Q. Did you know did he give them out to</p> <p>9 anyone or sell them to anyone after he sold them to</p> <p>10 you?</p> <p>11 A. I don't believe he sold them to anyone</p> <p>12 else, but I don't know that for sure. You'd</p> <p>13 probably have to ask him. Not that I know of.</p> <p>14 Q. Did he give them to anyone after he</p> <p>15 gave them to you?</p> <p>16 A. Clearly, other people had them because</p> <p>17 they ran a news story with them. The time when on</p> <p>18 that I think was before, but I can't say for sure.</p> <p>19 Q. Well, I think you might be able to help</p> <p>20 us figure out whether the people -- other people who</p> <p>21 got them got them from Al Watkins or got them from</p> <p>22 the witness three, the ex-husband, or from some</p> <p>23 other source. So can you share with us what you</p> <p>24 know about other copies of those recordings?</p> <p>25 A. It was my take that they got them from</p>

<p style="text-align: right;">Page 333</p> <p>1 Mr Watk ns But just -- don't -- wou d have 2 no dea about the ex-husband 've never spoke to 3 h m so have no dea where they got the r story 4 from But my assumpt on s s that t came from 5 Mr Watk ns assume w th h s perm ss on but 6 don't know that Aga n because don't know the 7 man 8 Q. Got you. Do you know who else he 9 distributed them to? 10 A just know the pub c s nce the 11 stor es have came out one news out et sa d they had 12 them and d dn't run them and one d d run the story 13 So those are the two know of 14 Q. Right. 15 A know that they c a m they d d 16 Q. Right. I just didn't know if you knew 17 where those news outlets got these recordings? 18 A t was my assumpt on from Mr Watk ns 19 w th the perm ss on of h s c ent but can't say 20 that for sure 21 MR HATF ELD He's ask ng whether you 22 knew they came from A Watk ns 23 THE W TNESS That's what assume 24 BY MR EGGLESTON 25 Q. So witness three wasn't sending them to</p>	<p style="text-align: right;">Page 335</p> <p>1 since you've received the recordings, other than 2 Representative Barnes, have you shared them with 3 anyone else either for money or for not? 4 A. Not for money or at a . 5 Q. Okay. Okay. The -- the 100,000 that 6 you're going to -- that you have spent or 120, 7 whatever number it turns out to be, to get the 8 recordings, this is kind part of doing business for 9 the book deal. You know, you can't nod. Yes or no? 10 A. Yeah. 11 Q. Okay. Yeah. I'm just -- for her sake. 12 A. Uh-huh. 13 Q. Now, you have other expenses as part of 14 doing business. You've got salaries of folks to pay 15 and paper and print and things like that. And you 16 normally would -- correct me if I'm wrong. Normally 17 you would list those as expenses to offset any 18 credits to figure out if you're making money or 19 losing money? 20 A. Yes, Representat ve. 21 Q. Okay. The \$100,000, will that be 22 listed as an expense, a business expense for the 23 production of this book whenever you go to figure 24 out whether you've made or lost money on this 25 venture?</p>
<p style="text-align: right;">Page 334</p> <p>1 these news outlets. Witness three, to your 2 knowledge, gave them to Al Watkins because Al 3 Watkins was his attorney, and Al Watkins was then 4 distributing them to these news outlets. 5 A 've just never spoken a word n my 6 fe or heard a word n my fe from w tness three 7 so have no dea what he d d 8 Q. Right. But what I'm asking -- 9 A Rght just don't know That's what 10 assume happened 11 Q. People on the street -- 12 A Yes 13 Q. -- if you heard that witness three did 14 something like that or is -- is Al Watkins the 15 source of all these recordings being distributed -- 16 I'm not trying to get -- 17 A No rea y 18 (S mu taneous speech 19 nterrupted by the court 20 reporter) 21 THE W TNESS What understand 22 happened s Mr Watk ns d d that w th h s perm ss on 23 or on h s beha f or however don't know 24 BY MR EGGLESTON 25 Q. Okay. And did you have -- have you</p>	<p style="text-align: right;">Page 336</p> <p>1 MR. HATF ELD: f you know. 2 THE W TNESS: t's a cost of do ng the 3 bus ness, yeah. 4 BY MR. EGGLESTON: 5 Q. And we've alluded to taxes and all 6 before, so that would probably be listed in -- 7 your -- with your knowledge of what kind of goes on 8 being in Missouri politics, because I think to my 9 knowledge you're the only one that has a television 10 show specifically kind of a Face the Nation type TV 11 show specific to -- to Missouri; would that be 12 correct? 13 A. Thank you, Representat ve. Yeah. 14 MR. HATF ELD: Face the Nat on. 15 BY MR. EGGLESTON: 16 Q. Yeah. So as this drama around the 17 governor unfolds, would you say -- what would you 18 say your impact to the governor himself would be, 19 and Republicans in general, but certainly the -- the 20 governor that all of this stuff kind of comes out, 21 including the affair which is of course a component 22 of that recordings. 23 A. You know, honest y, when you're a 24 Repub can n the med a, t's a pretty one y p ace 25 to be. But t's rea y not my job to e ect</p>

<p style="text-align: right;">Page 337</p> <p>1 Repub cans or to take that much nto account. So</p> <p>2 t's just -- -- th nk that n the age we ve n</p> <p>3 t's h gh y -- t's h gh y cha eng ng to pred ct</p> <p>4 what's go ng to happen, but don't -- don't know</p> <p>5 the answer to that.</p> <p>6 Q. But -- but it's fair to say that what</p> <p>7 is going down here is probably more detrimental than</p> <p>8 beneficial to the governor. Would you say that? I</p> <p>9 mean, all of this investigation and the possibility</p> <p>10 of impeachment and so forth?</p> <p>11 A. wou d th nk mpeachment wou d be</p> <p>12 detr menta . But, aga n, d dn't break the story.</p> <p>13 So t rea y wasn't part of my --</p> <p>14 Q. This is to help us understand stuff</p> <p>15 that maybe only you as a journalist in your position</p> <p>16 would know.</p> <p>17 A. 'm more of a pub sher, but get what</p> <p>18 you're say ng.</p> <p>19 Q. That would be more of a detrimental</p> <p>20 thing to him?</p> <p>21 A. wou d th nk t wou d be very</p> <p>22 detr menta to be mpeached.</p> <p>23 Q. Okay. And if there are entities that</p> <p>24 disagree with his policies and would be happy to see</p> <p>25 him go, that would be more beneficial to them to</p>	<p style="text-align: right;">Page 339</p> <p>1 had an agenda he wanted to fu f and they fo owed</p> <p>2 t.</p> <p>3 Q. And the agenda was to kind of get rid</p> <p>4 of them or rein them in?</p> <p>5 A. Get r d of the ru e, yeah.</p> <p>6 Q. And, well, I think he totally defunded</p> <p>7 the whole kit and caboodle, right?</p> <p>8 A. There's a ot of tax cred ts that</p> <p>9 th nk st get ssued n the state. That</p> <p>10 part cu ar group th nk s, my understand ng.</p> <p>11 Q. Okay. Okay. Of course the first act</p> <p>12 that the governor did was signing right to work, and</p> <p>13 that probably didn't endear him to folks in the</p> <p>14 labor unions as well; would you agree with that?</p> <p>15 A. assume they d dn't -- they weren't</p> <p>16 dear to h m to beg n w th.</p> <p>17 Q. Probably not. And of course they're</p> <p>18 got to go around and got some signature and are</p> <p>19 going to try to undo some of that in the upcoming</p> <p>20 ballot; is that right?</p> <p>21 A. That's my understand ng, yeah.</p> <p>22 Q. August I believe, right?</p> <p>23 A. Yeah.</p> <p>24 Q. So kind of getting back to -- let's</p> <p>25 see -- getting back to your business here. So as</p>
<p style="text-align: right;">Page 338</p> <p>1 have this stuff happen?</p> <p>2 A. You know, off the top of my head as</p> <p>3 somebody that does have a Face the Nat on type</p> <p>4 program, on y know rea y two po cy d fferences.</p> <p>5 The way the Const tut on s wr ten, as read t,</p> <p>6 the eutenant governor w take over. And there's</p> <p>7 on y two pub c po cy d fferences know.</p> <p>8 And one has been asked about where</p> <p>9 th nk one wants to do tax cred ts n urban and</p> <p>10 rura , M ssour , and one just wants to do them n</p> <p>11 urban, M ssour , and one th nks the eg s ature s</p> <p>12 corrupt career po t c ans and the other doesn't.</p> <p>13 So that's the on y interest that know wou d be</p> <p>14 that much -- affected that much.</p> <p>15 Q. The tax credit you're talking about, is</p> <p>16 that the low-income housing tax credit thing?</p> <p>17 A. Yeah.</p> <p>18 Q. So what had happened -- because</p> <p>19 something had happened last year that the governor</p> <p>20 did something with the low-income housing tax</p> <p>21 credits that the folks who were in that business may</p> <p>22 not have appreciated? Can you expound from your</p> <p>23 knowledge kind of what that is?</p> <p>24 A. t ooks to me ke t was s m ar to</p> <p>25 the board of educat on that peop e that wanted --</p>	<p style="text-align: right;">Page 340</p> <p>1 much as you can share, you have the TV show?</p> <p>2 A Uh-huh</p> <p>3 Q. And you have -- you kind of sell</p> <p>4 that -- you buy air time --</p> <p>5 A Yeah</p> <p>6 Q. -- on TV --</p> <p>7 A have my own show</p> <p>8 Q. You own the whole show. So when we</p> <p>9 start watching it to the end, it's not only just you</p> <p>10 in the studio but there's sort of commercial breaks</p> <p>11 in the middle, and that whole thing -- the show and</p> <p>12 the commercials are something that you've put</p> <p>13 together as a package and you sell those to the TV</p> <p>14 shows?</p> <p>15 A Yeah we own the show the who e t me</p> <p>16 Q. Got you. And some of the</p> <p>17 advertisers -- who are some of the advertisers that</p> <p>18 you put in the middle there?</p> <p>19 A They're pretty pub c They come and</p> <p>20 go but around th s t me t w start be ng ssue</p> <p>21 ads but the advert sers come and go</p> <p>22 Q. They've been pretty consistent</p> <p>23 throughout the time that I've been watching the</p> <p>24 show. So who are some of the more consistent,</p> <p>25 long-term ones that you have?</p>

<p style="text-align: right;">Page 341</p> <p>1 A There were -- there's utility companies 2 and trying to think through Auto dealers 3 Q. So like Ameren and Spire. So those are 4 your utility companies? 5 A Yeah 6 Q. And then what did you just say? I'm 7 sorry. I talked over you there. 8 A We have one issue ad fund that runs 9 ads And then there's -- can go through They're 10 a publicity staid on the show That's advertising 11 time 12 Q. You said auto dealers. But "issue ad," 13 what's an issue ad? 14 A There's a group that's a prevailing 15 wage -- even changes to it 16 Q. That would be the carpenters union, I 17 think that is? 18 A I think it's actually a fund Maybe 19 that's a political fund 20 Q. Sure. 21 A But don't know for sure 22 Q. They're probably not very keen on the 23 whole right to work idea either? 24 A Assume they're not but it's a ways 25 been my assumption</p>	<p style="text-align: right;">Page 343</p> <p>1 Q. And another one of your advertisers 2 would be Sterling Bank. 3 A Has been for a long time. 4 Q. So what is Sterling Bank? 5 A It's a bank. 6 Q. Just a regular walk-up teller kind of 7 bank. Is that the only kind of business they do? 8 A It's a unique bank. It's from the 9 Boothe, and in Clayton, Missouri, one of the 10 wealthiest business places you can find in the State 11 of Missouri. There's a big plaque on the side of 12 the building, and it lists a bunch of people from 13 the Boothe where I'm from. Right there is the 14 founders. 15 Q. And Sterling Bank you mentioned the 16 low-income housing tax credits earlier. Is Sterling 17 Bank connected to the LIHTC industry? 18 A Not that I know of. I mean, don't 19 know how they're -- how would they be -- what do you 20 mean by connected, just so I can answer your 21 question better? 22 Q. Sure. So the -- the idea behind some 23 of these taxes credits, especially the low-income 24 housing ones, is that these tax credits act as 25 coupons towards your income taxes, and these coupons</p>
<p style="text-align: right;">Page 342</p> <p>1 Q. Probably wouldn't be too disappointed 2 if the governor -- 3 A We, actually -- don't know that 4 they would be. I mean, you know, I guess, they 5 would be probably worse off because there would 6 be -- just my opinion, but there would be a large 7 scandal out of the news, and I think that the next 8 Republican governor would be similar to the last 9 Republican governor through a publicity 10 perspective, would be my assumption. 11 Q. Probably so, but we do have a -- a 12 senatorial election coming up, and some of the stain 13 of what's going on with the governor, I'm sure 14 there's going to be political players who try to 15 blow that into this senatorial race, and so they 16 would probably be -- the labor union folks would 17 probably be tickled to see any more trouble that the 18 governor has escalate? 19 A I mean -- 20 Q. Or not? 21 A I think that speculation on that came 22 up after Senator Sneyd left a pretty new 23 development, but I assume both parties will run a 24 lot of advertising and bring a lot of politics into 25 it as a political campaign.</p>	<p style="text-align: right;">Page 344</p> <p>1 can be bought or sold just like any other commodity. 2 To your knowledge, is Sterling Bank involved in that 3 portion of -- 4 A I do not know that they buy and sell 5 tax credits at Sterling Bank. 6 Q. You don't know that for sure? 7 A No. 8 Q. Okay. Are you familiar with -- with 9 Sugar Creek Capital at all? 10 A No. 11 Q. You're not? 12 A Who would they be? 13 Q. Well, I'm asking you are you familiar 14 with them? 15 A I don't know. 16 Q. You don't know. Okay. All right. 17 So you had said from -- and getting 18 back to your availability in the subpoena and all 19 that, you had said, "From time to time we relocate 20 the show," or something like that. I believe that 21 was -- that was your indication. So this last show 22 that you had was in the normal studios in Clayton? 23 A No. 24 Q. It was not? 25 A No.</p>

<p style="text-align: right;">Page 345</p> <p>1 Q. The last show that just aired? 2 A Oh 'm sorry thought you were 3 ta k ng about a d fferent one The show we taped on 4 Fr day that a red Sunday yes t was done n 5 Cayton 6 Q. Okay. And the two prior -- the one 7 prior to that was not taped anyplace that you've 8 ever taped one before? 9 A No but we've taped shows n the 10 cap to and we tape n Kansas C ty 'd be com ng 11 back from vacat on worked out for my guest and 12 had to tape t there 13 Q. I believe you've taped two in Kansas 14 City, maybe three, but I believe it's two and I 15 think one in the capitol, and every other time 16 was -- and you'd always kind of said, "We're here at 17 the capitol," or "We're here in Kansas City," "We're 18 here on normal studios," when you open it up. 19 But this one before was clearly -- I 20 mean, if you looked at the production and quality, 21 you kind of put it together in a hurry elsewhere. 22 So where were you when you taped that? 23 A What do you mean "put t together n a 24 hurry"? 25 Q. Well, it didn't look as spiffy as your</p>	<p style="text-align: right;">Page 347</p> <p>1 a probab y going to be part of the book so ... 2 Q. Okay. Just asking. Have you got a 3 publisher lined up for this? 4 A We have an arrangement set that we're 5 going to use, yeah. 6 Q. Can you share that much? Who's going 7 to be the publisher? 8 A Not at a . We're -- we're not going 9 to go into again -- we , appreciate the interest. 10 We're not going to get into how we run our company. 11 -- think you -- you' be interested and hope 12 you buy one. 13 Q. I wouldn't count on it, since I've 14 pretty much lived it, but okay. 15 MR. BARNES: You just got here. You 16 just got here. hate to burst your bubb e. 17 MR. EGGLESTON: That's true. That's 18 true. 19 Q. Last question. We've asked -- it does 20 seem a bit fishy, all of the money, and I think you 21 can understand that we would like to know how you 22 came about the money to give to Al Watkins in 23 exchange for the tape, and you've been reluctant and 24 reticent to explain that. 25 A don't know how to be more c ear.</p>
<p style="text-align: right;">Page 346</p> <p>1 normal production drive. 2 MR HATF ELD That was just nsu t ng 3 The rea quest on was where d d you tape t? 4 THE W TNESS We taped t n Memph s 5 BY MR EGGLESTON 6 Q. Memphis, Tennessee? Not Memphis, 7 Missouri. There's a Memphis, Missouri. 8 A f there's a stud o there 'd ove to 9 know about t 10 Q. How -- okay. How is the book coming at 11 this point? 12 A Sorry? 13 Q. How is the book coming? You're in the 14 midst of writing the book; is that right? 15 A Obv ous y the more news there s the 16 more nterest ng t s So t's good t me to wr te 17 a book 18 Q. Right. But progress-wise, you've got 19 stuff written? Can we see any of it? 20 A Not at a not w thout pay ng That's 21 the po nt of the book 22 Q. We would close everything of course, 23 but just to see that you are really writing one and 24 you're not just saying that, can we see -- 25 A There's tera y no one way You're</p>	<p style="text-align: right;">Page 348</p> <p>1 t's my money, one; and, two, 'm not go ng to get 2 nto how run my bus ness n any form. So don't 3 know how that cou d be -- don't know how to say t 4 more p a n y. 5 Q. Got you. So I'm not expecting that you 6 would end up answering, but we've had discussions 7 here about traffic tickets and the Cardinals and all 8 sorts of things that don't necessarily seem relevant 9 to the governor's situations, and you've been cool 10 with answering those questions. 11 When we ask about how did you come 12 about this money, you've said, "Well, it's not 13 really relevant and so I don't want to talk about it 14 because it's not relevant." 15 A That's not what 've sa d. 16 Q. So explain -- you don't have to explain 17 to us where you got it because I can tell you're not 18 going to. Explain to the panel why you will not 19 tell us where you got it. 20 A mean, th nk t's nterest ng you 21 need an exp anat on for why 'm not go ng to come n 22 here and ta k about my pr vate y he d company n 23 front of a pub c body. wou dn't th nk anybody 24 wou d do that and 'm not go ng to e ther. 25 Q. Oh, I would think that people would do</p>

<p style="text-align: right;">Page 349</p> <p>1 that unless they have something to hide.</p> <p>2 A. If they want to they can.</p> <p>3 MR. HATFIELD: Governor's tax returns.</p> <p>4 THE WITNESS: Many people that don't --</p> <p>5 and, hey, if you can -- if you find people that want</p> <p>6 to come and discuss the internal financial workings</p> <p>7 of the companies here, thank that's great. I'm</p> <p>8 not one of them.</p> <p>9 BY MR. EGGLESTON:</p> <p>10 Q. Well, it would seem that you've got --</p> <p>11 that they would be very pertinent to know how it is</p> <p>12 that these recordings got where they got so that the</p> <p>13 story got out the way it did to -- to essentially</p> <p>14 try to overthrow or unseat a duly elected governor</p> <p>15 of the state. That seems to be that there were --</p> <p>16 are three -- well, probably four, but we haven't</p> <p>17 laid the groundwork of the fourth one.</p> <p>18 So three main entities that are going</p> <p>19 to benefit from all of this. One would be the</p> <p>20 ex-husband so he can kind of get some revenge on his</p> <p>21 ex-wife and the governor for the affair. One would</p> <p>22 be those politically connected to the situation,</p> <p>23 many of whom, as we've said, are sort of your</p> <p>24 advertisers. And --</p> <p>25 A. I guess I don't mean to understate the</p>	<p style="text-align: right;">Page 351</p> <p>1 is -- is a hero in this, and I'm not advocating for</p> <p>2 or against the governor himself. But there are --</p> <p>3 there does seem to be players behind the scenes that</p> <p>4 are going to take advantage of this for their own</p> <p>5 both political and financial gain and personal gain.</p> <p>6 The ex-husband, the folks perhaps in</p> <p>7 the LIHTC or union or some other politically</p> <p>8 affected by political policy industry, and then you</p> <p>9 yourself are going to try to sell a book based off</p> <p>10 of these recordings that were sensitive that are</p> <p>11 evidence that you bought from an unscrupulous -- I</p> <p>12 won't say that. From --</p> <p>13 A. I had no idea these tapes were evidence</p> <p>14 at the time. I had no idea of that. Two,</p> <p>15 don't -- I'm not head of the AFL-CIO, but believe</p> <p>16 they would love you to keep Eric Greitens right</p> <p>17 where he is. Now, that's a political opinion, but</p> <p>18 I guess I share some of your opinions and some of them</p> <p>19 honestly don't make the connections with.</p> <p>20 Q. Well, fair enough. And that's --</p> <p>21 that's why I ask you the questions.</p> <p>22 A. Thank you, Representative.</p> <p>23 MR. EGGLESTON: And, Mr. Hatfield, if</p> <p>24 could ask you a question.</p> <p>25 MR. HATFIELD: Of course.</p>
<p style="text-align: right;">Page 350</p> <p>1 value of my television show but I don't know</p> <p>2 frankly just to put it candidly I can't say why</p> <p>3 one Republican can govern over another one would</p> <p>4 really matter</p> <p>5 Q. Well, you mentioned the LIHTC was one</p> <p>6 of the things that we separate --</p> <p>7 A. I'm telling you the only differences</p> <p>8 know between one Republican governor and one</p> <p>9 Republican lieutenant governor would be that and</p> <p>10 then his view of the legitimacy as corrupt and one</p> <p>11 of them that doesn't. That's the only ones I know</p> <p>12 You may know of more. That's all I know of</p> <p>13 Q. And if the current governor goes away,</p> <p>14 then that policy may change. And that's -- that's</p> <p>15 millions of dollars to certain individuals in our</p> <p>16 state.</p> <p>17 A. Thank --</p> <p>18 Q. So they would stand to benefit from</p> <p>19 this whole thing coming out --</p> <p>20 A. As your agent on -- means your</p> <p>21 thought just so I can follow you that people set</p> <p>22 the governor up to do all these things for one</p> <p>23 policy -- I don't know I'm sorry I'm not</p> <p>24 following what you're saying</p> <p>25 Q. Sure. I'm not saying the governor</p>	<p style="text-align: right;">Page 352</p> <p>1 MR. EGGLESTON: Kind of the same thing</p> <p>2 Why do you not want your client to talk about where</p> <p>3 the money comes from?</p> <p>4 MR. HATFIELD: Well, we have talked</p> <p>5 about where the money comes from</p> <p>6 MR. EGGLESTON: Well, we haven't</p> <p>7 MR. HATFIELD: I do not want my client</p> <p>8 to discuss his private business and I think I've</p> <p>9 made that clear</p> <p>10 MR. EGGLESTON: Right. Why?</p> <p>11 MR. HATFIELD: Just as the governor did</p> <p>12 not release his tax returns and does not want you to</p> <p>13 know where his sources of revenue come from. Does</p> <p>14 not want the public to know. Even though every</p> <p>15 governor in my lifetime I understand has done that</p> <p>16 he's refused to do it</p> <p>17 Just as a New Missouri has taken the</p> <p>18 position as recently as today in front of Judge Jon</p> <p>19 Beets that the committee is not entitled to the</p> <p>20 inner workings of that company just as other</p> <p>21 attorneys sat here and refused to discuss who the</p> <p>22 clients were there are certain things that the</p> <p>23 committee should not inquire into. And we can talk</p> <p>24 about the relevance and we can talk about the policy</p> <p>25 reasons behind that</p>

HEARING 5/23/2018

Page 353	Page 355
<p>1 MR EGGLESTON Sure</p> <p>2 MR HATFIELD: But the other example</p> <p>3 'use and 'quit somebody talked about --</p> <p>4 think it was Representative Phillips -- did you</p> <p>5 have the money in the rafters if one of you has</p> <p>6 \$100,000 stored in the rafters of your offices</p> <p>7 don't tell anybody. Don't talk about it.</p> <p>8 There are a lot of reasons that people</p> <p>9 like to keep the information financial</p> <p>10 information private was raised we don't talk</p> <p>11 about that stuff in public and think legally it</p> <p>12 is appropriate for a witness not to discuss it and</p> <p>13 there are lots of reasons that you're familiar with</p> <p>14 MR EGGLESTON: And can see that in</p> <p>15 normal circumstances in this particular</p> <p>16 circumstance -- let me finish and let you</p> <p>17 finish.</p> <p>18 MR HATFIELD: Absolutely.</p> <p>19 MR EGGLESTON: You've got a client who</p> <p>20 as of last year we knew and publicly know owed at</p> <p>21 least five figures or better in back debt including</p> <p>22 back debt to the State who now suddenly has found</p> <p>23 six figures of money that he can afford to have</p> <p>24 laying around that he gives to someone</p> <p>25 And we would love -- and we don't need</p>	<p>1 MR. HATFIELD: think I've covered</p> <p>2 that, but there was an issue that was there.</p> <p>3 There's a lot in that question. appreciate it.</p> <p>4 We also need background on it. There's been this</p> <p>5 allegation that Mr. Faughn somehow owed some money</p> <p>6 and therefore he doesn't have any money, you know.</p> <p>7 would just point out, and don't</p> <p>8 know this for a fact. This is what I read in the</p> <p>9 paper. President of the United States was alleged by</p> <p>10 \$600 million in debt at one point. And then he had</p> <p>11 a whole lot of money. And that happens in business.</p> <p>12 Some days you're in debt and some days you have a</p> <p>13 lot of extra money.</p> <p>14 You don't want to talk about that. You</p> <p>15 don't want to talk about what the sources of your</p> <p>16 debt are. You don't want to talk about what the</p> <p>17 sources of your revenue and income are. And there</p> <p>18 are a lot of people in business who want to keep</p> <p>19 their information private. There are federal laws</p> <p>20 that can -- require that keeping a banking</p> <p>21 information private.</p> <p>22 Mr. Chairman, what -- is there --</p> <p>23 MR. BARNES: We are in filibuster mode</p> <p>24 on -- we --</p> <p>25 MR. HATFIELD: We've answered a your</p>
Page 354	Page 356
<p>1 to know where every penny of his income comes from,</p> <p>2 but this particular 100, 120,000 -- is relevant</p> <p>3 to what we're trying to uncover here, to uncover the</p> <p>4 truth to find out who might be messing with our</p> <p>5 State government. And this is a shot at him to kind</p> <p>6 of explain just that without divulging his entire</p> <p>7 business portfolio.</p> <p>8 MR. HATFIELD: We'd appreciate -- I'm</p> <p>9 sorry, do you want me to answer that?</p> <p>10 MR. BARNES: Let's focus on questions</p> <p>11 of the witness. Point -- point taken. We're</p> <p>12 treading on -- and think -- made that point at</p> <p>13 the start. think we're treading on ground which</p> <p>14 we've already tread, and Mr. Hatfield has repeated</p> <p>15 that comment. And didn't -- was that a question for</p> <p>16 Mr. Hatfield or for Mr. Faughn? And because --</p> <p>17 MR. HATFIELD: It was for a question</p> <p>18 for me.</p> <p>19 MR. EGGLESTON: Not a yet was</p> <p>20 for Mr. Faughn, and he answered, and now this one is</p> <p>21 for Mr. Hatfield to say give me a good reason why</p> <p>22 but don't think we're going to get a good reason</p> <p>23 why, so I'm happy to conclude my inquiry at this</p> <p>24 time.</p> <p>25 MR. BARNES: I'm sorry, Representative.</p>	<p>1 questions</p> <p>2 MR. BARNES: believe the questions</p> <p>3 relevant. You've answered the question and we've</p> <p>4 devolved into an argument as to its privacy or not.</p> <p>5 We're not going to water board the witness.</p> <p>6 MR. HATFIELD: We've answered questions</p> <p>7 about traffic tickets. We've answered questions</p> <p>8 about Steve T. We've answered a sort of</p> <p>9 relevant questions in this committee patently and</p> <p>10 he put it as we can. So think --</p> <p>11 MR. BARNES: think the question as to</p> <p>12 where the money came from --</p> <p>13 (Simultaneous speech</p> <p>14 interrupted by the court</p> <p>15 reporter)</p> <p>16 MR. HATFIELD: We're entitled to</p> <p>17 clarify the record when this witness assaulted</p> <p>18 and accused of being a deadbeat which is just not</p> <p>19 true and is not relevant to this committee. We're</p> <p>20 entitled to that Mr. Chairman. That's all we ask.</p> <p>21 MR. BARNES: believe the question</p> <p>22 was given reports of a tax issue the witness's</p> <p>23 testimony has been -- states has been cleared up</p> <p>24 And then the reports of the \$100,000 cash there is</p> <p>25 a discrepancy there that calls for an answer</p>

89 (Pages 353 to 356)

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<p style="text-align: right;">Page 357</p> <p>1 MR HATFIELD There's not. So there</p> <p>2 s not. Cash flow's not the same as wealth.</p> <p>3 MR BARNES Representative Eggston?</p> <p>4 MR EGGLESTON 'm good. Thank you.</p> <p>5 MR BARNES Representative Trent.</p> <p>6 FURTHER EXAMINATION</p> <p>7 BY MR. TRENT</p> <p>8 Q. Just a few brief follow-up questions,</p> <p>9 Mr. Chairman.</p> <p>10 So, Mr. Faughn, have you ever been</p> <p>11 advised by a third party or by any of your business</p> <p>12 associates to deliver the money to Mr. Watkins?</p> <p>13 A. No. No. Sorry, no. Representative</p> <p>14 Q. So you did that all of -- that was all</p> <p>15 an internal discussion with yourself. You made the</p> <p>16 decision? You had no outside advice on that?</p> <p>17 A. No outside advice or a business</p> <p>18 associate or anything like that.</p> <p>19 Q. No outside advice or business associate</p> <p>20 advice to retain Mr. Watkins?</p> <p>21 A. No. Representative, no.</p> <p>22 Q. Okay. Did you get a receipt for the</p> <p>23 120,000 from Mr. Watkins?</p> <p>24 MR. HATFIELD: It's been asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 359</p> <p>1 Q. How did you know that came from</p> <p>2 Mr. Watkins?</p> <p>3 A. I assume because the portions that were</p> <p>4 played on a television station were similar to the</p> <p>5 portions I had. I had a long portion. They aired a</p> <p>6 short portion.</p> <p>7 Q. So it's possible that what Mr. Watkins</p> <p>8 gave you and what was played on television came from</p> <p>9 a third separate source not related to you or</p> <p>10 Mr. Watkins?</p> <p>11 A. I guess any number of things are</p> <p>12 possible. I don't know how the other people or news</p> <p>13 organizations gathered information.</p> <p>14 Q. So your answer that Mr. Watkins had</p> <p>15 given that recordings to others was just pure</p> <p>16 supposition on your part. You have no actual</p> <p>17 knowledge of that?</p> <p>18 A. I was asked to give my opinion on how</p> <p>19 it happened, and I gave my opinion. I can't swear to</p> <p>20 it.</p> <p>21 Q. So no actual knowledge there. Okay.</p> <p>22 Did you have any conversations about</p> <p>23 this issue before this story broke to any elected</p> <p>24 official?</p> <p>25 MR. HATFIELD: How much time do you</p>
<p style="text-align: right;">Page 358</p> <p>1 MR. TRENT: I missed that. It was</p> <p>2 asked.</p> <p>3 THE WITNESS: No, got what came</p> <p>4 for. I didn't get a receipt for it.</p> <p>5 BY MR. TRENT:</p> <p>6 Q. You didn't get a receipt for the 20,000</p> <p>7 that was to be used for other legal fees?</p> <p>8 A. I don't have one as of now, but</p> <p>9 I assume we probably get one.</p> <p>10 Q. You said Mr. Watkins has expended all</p> <p>11 of that 20,000 on your behalf, or is there any left?</p> <p>12 A. I haven't spoken to Mr. Watkins in a</p> <p>13 few weeks, but I would say -- I have to have an</p> <p>14 answer for that. I don't know. I found out.</p> <p>15 Q. So it's possible you would have some</p> <p>16 money coming to you from him?</p> <p>17 A. Possibly, I suppose.</p> <p>18 Q. Okay. Now, you said earlier that it is</p> <p>19 your belief that Mr. Watkins had given the</p> <p>20 recordings that you purchased to other individuals;</p> <p>21 is that correct?</p> <p>22 A. Yeah. It became my understanding</p> <p>23 yeah.</p> <p>24 Q. How did you come to that understanding?</p> <p>25 A. They put them on the news.</p>	<p style="text-align: right;">Page 360</p> <p>1 have?</p> <p>2 THE WITNESS: I mean, I think going</p> <p>3 back to at least the primary campaign people.</p> <p>4 BY MR. TRENT:</p> <p>5 Q. I mean this actual when we were just on</p> <p>6 eve of this State of the State, when it was going to</p> <p>7 be released -- let me back up and ask the</p> <p>8 foundational question.</p> <p>9 When did you know that this tape that</p> <p>10 you had was going to be released? Did you have any</p> <p>11 foreknowledge before it was released that it was</p> <p>12 going to happen?</p> <p>13 A. Well, the tapes have never</p> <p>14 been released. When did I know a story was going to come</p> <p>15 out that was associated with them? I didn't know.</p> <p>16 And I had heard, and I felt it was very key, but</p> <p>17 I kind of got that from many people that way.</p> <p>18 But I couldn't -- I don't know of the internal</p> <p>19 processes of how they do news or how they produce</p> <p>20 things.</p> <p>21 Q. So you didn't know that that story was</p> <p>22 coming out until it broke?</p> <p>23 A. I assumed it was coming out, but I didn't</p> <p>24 not know that, no.</p> <p>25 Q. Okay. Have you had any discussions</p>

<p style="text-align: right;">Page 361</p> <p>1 with Kim Gardner about this issue?</p> <p>2 A Not about the ssue of the tapes no</p> <p>3 Q. Have you had any discussions with her</p> <p>4 at all?</p> <p>5 A Just br e f y</p> <p>6 Q. What was the nature of those</p> <p>7 discussions?</p> <p>8 A The pub c percept on but they were</p> <p>9 very short n en gth</p> <p>10 Q. When did you have those discussions?</p> <p>11 A t wou d have been probab y one n ate</p> <p>12 January and one somet me towards the end of</p> <p>13 February but the conversat ons were ess than a</p> <p>14 coup e m nutes</p> <p>15 Q. How many of those conversations did you</p> <p>16 have?</p> <p>17 A Two</p> <p>18 Q. Did she contact you or did you contact</p> <p>19 her?</p> <p>20 A had contacted her and tr ed to</p> <p>21 nterv ew her about th s a few t mes and she</p> <p>22 responded</p> <p>23 Q. And she didn't give you an interview,</p> <p>24 or did she?</p> <p>25 A No</p>	<p style="text-align: right;">Page 363</p> <p>1 any elected official?</p> <p>2 A. Not that can th nk of.</p> <p>3 Q. But you don't know for sure?</p> <p>4 A. No, don't be eve d d. And</p> <p>5 certa n y not that know of. 'm not even sure f</p> <p>6 the number have s correct, but have to th nk.</p> <p>7 f someone wou d have asked me for K m Gardner's</p> <p>8 phone number, wou d have g ad y g ven t to them</p> <p>9 f knew them.</p> <p>10 But can't -- can't th nk offhand of</p> <p>11 anybody that d d. But f wou d have been asked</p> <p>12 for K m Gardner's ce phone numbers have, wou d</p> <p>13 have g ven t to them.</p> <p>14 MR. TRENT: Okay. Thank you. No</p> <p>15 further quest ons.</p> <p>16 MR. BARNES: Representat ve Razer?</p> <p>17 FURTHER EXAM NAT ON</p> <p>18 MR. RAZER: just qu ck y want to</p> <p>19 address someth ng that was sa d just a moment ago by</p> <p>20 Mr. Hatf e d that you fee as f through the course</p> <p>21 of th s your c ent -- th nk the word you used was</p> <p>22 "assau ted" -- has been assau ted by th s comm ttee</p> <p>23 and that we are portray ng h m to be a deadbeat.</p> <p>24 MR. HATF ELD: Yes.</p> <p>25</p>
<p style="text-align: right;">Page 362</p> <p>1 Q. So walk us through how this happened.</p> <p>2 You called her, you asked for an interview, she says</p> <p>3 no, and then you proceed to talk about the political</p> <p>4 climate?</p> <p>5 A. We , knew K m when she served n the</p> <p>6 House. That's how had her number. ca ed her a</p> <p>7 few t mes to try to get her to do an nterv ew w th</p> <p>8 us because fe t ke she was obv ous y newsworthy.</p> <p>9 Once she sa d -- and she sa d no, and we spoke</p> <p>10 br e f y, and that was that. But the conversat ons</p> <p>11 were extreme y short, and can't even remember.</p> <p>12 There was noth ng about the case n spec f c even</p> <p>13 ta ked about.</p> <p>14 Q. Didn't talk about any details of the</p> <p>15 case?</p> <p>16 A. No. t was pretty much her te ng me</p> <p>17 she wasn't go ng to --</p> <p>18 Q. You didn't talk about the fact that you</p> <p>19 had a copy of the recordings that was related to the</p> <p>20 case?</p> <p>21 A. No.</p> <p>22 Q. Did you facilitate any contact between</p> <p>23 her and any elected official?</p> <p>24 A. No.</p> <p>25 Q. You didn't provide her phone number to</p>	<p style="text-align: right;">Page 364</p> <p>1 BY MR. RAZER:</p> <p>2 Q. So, first of all, Mr. Faughn, if you</p> <p>3 feel like you have been assaulted today -- and this</p> <p>4 isn't a comfortable process for any of us. If you</p> <p>5 feel like you've been assaulted by this committee,</p> <p>6 that's a strong word. I apologize for that because</p> <p>7 I don't want anybody to come before this committee</p> <p>8 or in this building and feel like they're assaulted.</p> <p>9 So I take -- that's a strong word that</p> <p>10 I take seriously, and if you have that feeling, I</p> <p>11 apologize. As for as portraying you to be a</p> <p>12 deadbeat, I would disagree with that as well.</p> <p>13 A. Thank you, Representat ve.</p> <p>14 Q. I grew up in Pemiscot County. You grew</p> <p>15 up in Butler County. I am a State Representative</p> <p>16 that makes 35,000 a year. You are the first several</p> <p>17 years of starting up a media conglomerate of some</p> <p>18 sort. I'm not sure what you would call it.</p> <p>19 A. 'm not e ther some days.</p> <p>20 Q. I think the -- I think the idea of your</p> <p>21 businesses seem to be doing well. They seem to be</p> <p>22 successful. I think saying that this committee is</p> <p>23 trying to call you a deadbeat because we may find it</p> <p>24 hard to believe that there's 120,000 in cash sitting</p> <p>25 around is different than us calling you a deadbeat.</p>

Page 365	Page 367
<p>1 So I'm saying as a State Representative</p> <p>2 that makes 35,000 a year, I don't have 120 grand</p> <p>3 sitting around, and I'm not a deadbeat. And if</p> <p>4 somebody tried to say I was because I didn't have</p> <p>5 that kind of cash, I would be offended. So I'm</p> <p>6 saying I don't think anyone here is trying to call</p> <p>7 you a deadbeat.</p> <p>8 That doesn't mean that we don't think</p> <p>9 you're successful. Good at what you do. Anything</p> <p>10 further than that. But those two -- those two words</p> <p>11 struck me, and I was going to pass on this</p> <p>12 questioning, but I just -- I needed to respond to</p> <p>13 that.</p> <p>14 Thank you, Mr. Chair.</p> <p>15 MR. BARNES: Representat ve Lauer.</p> <p>16 FURTHER EXAM NAT ON</p> <p>17 MS. LAUER: Thank you, Mr. Cha r.</p> <p>18 Q. So through all these questions, of</p> <p>19 course we know what you don't want to tell us based</p> <p>20 on -- on your persistence in keeping -- keeping some</p> <p>21 of this information at bay. But you did volunteer</p> <p>22 to come here.</p> <p>23 And so I'd like for you to take this --</p> <p>24 this time and just share with us what about this</p> <p>25 situation could you tell us that we maybe have not</p>	<p>1 on the record. After the story was broke, t rea y</p> <p>2 s not my job to he p e ect any group of peop e or</p> <p>3 not to the th ng.</p> <p>4 Probab y most of the parts of -- who</p> <p>5 the governor s or not s a -- probab y when you</p> <p>6 have two Repub cans do-s -do' ng back and forth,</p> <p>7 t's not go ng to make much d fference. But '</p> <p>8 te you th s. d dn't break the story, and f</p> <p>9 wou d have, that wou d have been f ne.</p> <p>10 But the way we -- the way we obta n the</p> <p>11 nformat on, we cou dn't. understand the</p> <p>12 quest ons around t. hope you can understand the</p> <p>13 fact that 'm not go ng to come n and break down my</p> <p>14 bus ness any more than wou d expect anybody e se</p> <p>15 to.</p> <p>16 But w te you th s. The</p> <p>17 quest ons surround ng th ngs were my money. And the</p> <p>18 other th ng can offer to you s, you know, th nk</p> <p>19 d d become a d stract on to what you're try ng to</p> <p>20 do, and that was -- that was my fau t. But</p> <p>21 respect what you're do ng, and apprec ate be ng</p> <p>22 here.</p> <p>23 ' te you th s under oath. came</p> <p>24 here w thout a subpoena. went off the adv ce of</p> <p>25 my awyer, very we respected, te ng me d dn't</p>
Page 366	Page 368
<p>1 asked specifically, but what do you feel you could</p> <p>2 share with us about this that would really provide</p> <p>3 benefit to the committee?</p> <p>4 A Out of a the quest ons thought</p> <p>5 m ght get asked that's not one thought wou d</p> <p>6 get asked</p> <p>7 Q. Well, now you are. It's time to tell</p> <p>8 your story of what's --</p> <p>9 A wou d say that one apprec ate</p> <p>10 be ng the frst person that's been here pub c y</p> <p>11 apprec ate what you're do ng 'm n the med a</p> <p>12 know that 'd be shocked f peop e n th s comm tee</p> <p>13 d dn't go th nk f somebody ca ed them a deadbeat</p> <p>14 once or tw ce</p> <p>15 th nk what cou d offer you s th s</p> <p>16 s yeah th s s a very un que s tuat on probab y</p> <p>17 part of t born n my nexper ence n th s type of</p> <p>18 med a pub sh ng and one was t was very odd</p> <p>19 s tuat on But ' te you th s Whether t was</p> <p>20 ack of exc us v ty or whatever t was d dn't</p> <p>21 break the story</p> <p>22 And number two th nk t's k nd of a</p> <p>23 detrm ent to the reporter that d d to say that</p> <p>24 cou d have or whatever She had someth ng d dn't</p> <p>25 have She had a person that corroborated the tapes</p>	<p>1 have one. had no prob em being the first person.</p> <p>2 don't think -- don't think anybody cou d say 'm</p> <p>3 that hard to find if they wou d have reached out to</p> <p>4 me.</p> <p>5 But appreciate being here, and just</p> <p>6 don't know what e se, after fee ike 've</p> <p>7 answered about every possib e question that can</p> <p>8 think of, but if think of something, 'd be g ad</p> <p>9 to et you know.</p> <p>10 Q. Well, I appreciate that, and, again, I</p> <p>11 hope you can see too where the questioning becomes a</p> <p>12 little more complicated --</p> <p>13 A. Sure.</p> <p>14 Q. -- when there's a lot of unknowns.</p> <p>15 A. Sure.</p> <p>16 Q. And, of course, trying to provide very</p> <p>17 factual information, it gets very, very difficult to</p> <p>18 do that. So thank you.</p> <p>19 A. Thank you, Representative.</p> <p>20 MR. BARNES: Thank you, Representative</p> <p>21 Lauer for asking that question, so don't have to.</p> <p>22 Representative Trent.</p> <p>23 FURTHER EXAM NAT ON</p> <p>24 BY MR. TRENT:</p> <p>25 Q. Okay. One last thing, and there was a</p>

HEARING 5/23/2018

Page 369	Page 371
<p>1 quote. It was in the Los Angeles Times. And I</p> <p>2 looked it up to make sure I didn't get it wrong.</p> <p>3 2007, and I'm quoting you, Mr. Faughn,</p> <p>4 "In my community, if you're rich enough, if you're a</p> <p>5 powerful enough attorney and a powerful enough</p> <p>6 newspaper publisher and corrupt enough, you can take</p> <p>7 out just about anybody."</p> <p>8 Do you still feel that that's true</p> <p>9 today?</p> <p>10 A. I think a guy ten years older and</p> <p>11 mature, that sounds a little more dramatic. The City</p> <p>12 of Pop Art is a little -- quite a bit,</p> <p>13 actually, if you come very often -- different than</p> <p>14 the State of Missouri, but hearing that back from</p> <p>15 ten years ago Scott Faughn, it sounds a little</p> <p>16 dramatic.</p> <p>17 Q. So you wouldn't subscribe to that</p> <p>18 theory today?</p> <p>19 A. Pop Art is a little different than the rest of</p> <p>20 Pop Art is a little different than the rest of</p> <p>21 the state at large, and I invite a lot of you to come</p> <p>22 spend some time there. Some of that's good, some of</p> <p>23 it is not. But ten years ago me -- or 12 years ago</p> <p>24 me, that sounds a little dramatic.</p> <p>25 Q. So you don't believe that anymore?</p>	<p>1 have subpoenas for records and --</p> <p>2 MR. BARNES: You can make requests for</p> <p>3 records. Your requests for cross-examination on</p> <p>4 denied. Thank you.</p> <p>5 FROM THE AUDIENCE: Excuse me.</p> <p>6 Mr. Chairman.</p> <p>7 MR. BARNES: We will take a recess for</p> <p>8 ten minutes.</p> <p>9 (Recess taken.)</p> <p>10 MR. BARNES: We are back on the record.</p> <p>11 And now we are going to continue with reading the</p> <p>12 cross-examination deposition testimony of witness</p> <p>13 number 1. This deposition took place on May 3rd</p> <p>14 2018 starting at 10:01 a.m.</p> <p>15 It's once again taken by counsel for</p> <p>16 Mr. Gretnes, the witness's witness one. This is</p> <p>17 abridged as Volume 1. We have</p> <p>18 subpoenaed and then have repeatedly requested</p> <p>19 from counsel for Gretnes to get a copy of</p> <p>20 transcript number 2. And in addition to that, the</p> <p>21 videos accompanying these depositions. The</p> <p>22 statement was made in this committee that there was</p> <p>23 a protective order stipulated in that case.</p> <p>24 There's a problem with that statement. There's no</p> <p>25 such case pending right now, so there's no</p>
Page 370	Page 372
<p>1 A. I think I'm a little more mature and</p> <p>2 wouldn't say something quite like that.</p> <p>3 Q. I didn't ask you to say it. I asked</p> <p>4 you if you believed it.</p> <p>5 A. About Pop Art maybe, but probably</p> <p>6 not no.</p> <p>7 Q. You don't believe that quote anymore?</p> <p>8 A. No, I don't think so.</p> <p>9 MR. TRENT: All right. Thank you.</p> <p>10 Mr. Chairman.</p> <p>11 MR. BARNES: Did you say LA Times?</p> <p>12 THE WITNESS: That's another advantage?</p> <p>13 MR. BARNES: All right. We're --</p> <p>14 we're -- I think we've got some exhaustion going on</p> <p>15 three hours and ten minutes.</p> <p>16 Thank you. Usually ask for the</p> <p>17 witness to give a stop statement. Thank you for</p> <p>18 testimony. We are -- you are excused at this point</p> <p>19 in time. We are going to take a break and we are</p> <p>20 going to come back and resume with Volume</p> <p>21 FROM THE AUDIENCE: Mr. Chairman, the</p> <p>22 Office of the Governor would like to make a request</p> <p>23 for counsel for the personal capacity of the</p> <p>24 governor to ask questions of this witness and get to</p> <p>25 the truth about where his money came from and to</p>	<p>1 protective order that excuses compliance with our</p> <p>2 subpoena for documents.</p> <p>3 It's frustrating, once again, that we</p> <p>4 continue to ask for production of documents that we</p> <p>5 know exist that consist of cross-examination of</p> <p>6 witness one, and that Mr. Dowd repeatedly refuses to</p> <p>7 comply with those requests and subpoenas. So we are</p> <p>8 going to start today on page -- this deposition --</p> <p>9 starts really on page 7 -- page 7, line 5. Are you</p> <p>10 going to be the questioner?</p> <p>11 MR. RAZER: How have we been doing this</p> <p>12 the second time? You're the questioner?</p> <p>13 MR. BARNES: Yes, you're the questioner</p> <p>14 and I'll be the answerer.</p> <p>15 "Q: Good morning.</p> <p>16 "A: Good morning.</p> <p>17 "Q: Since our last meeting, our last</p> <p>18 deposition, which took place Wednesday of last</p> <p>19 week, have you had an opportunity to review any</p> <p>20 additional material, material as prior to this</p> <p>21 deposition?</p> <p>22 "A: No, I have not.</p> <p>23 "Q: You are aware that we acquired, as</p> <p>24 of last night, a substantial amount of your text</p> <p>25 messages between you and various individuals?</p>

93 (Pages 369 to 372)

Page 373	Page 375
<p>1 "A Yes</p> <p>2 "Q Have you reviewed any of those?</p> <p>3 "A No have not</p> <p>4 "Q Have you been told about any of</p> <p>5 those -- any of those generally?</p> <p>6 "A have been told there have been</p> <p>7 texts asked for by me and [redacted] from me and my</p> <p>8 ex-husband stuff like that</p> <p>9 "Q Okay</p> <p>10 "A But not any specifics</p> <p>11 "Q And have you discussed these --</p> <p>12 discussed these depositions or these proceedings</p> <p>13 with anyone since we've last spoken other than your</p> <p>14 lawyer?</p> <p>15 "A I'm sorry What are you referring</p> <p>16 to? Just that I've been in the deposition? Yes</p> <p>17 have said that</p> <p>18 "Q Because as you know we've</p> <p>19 acquired some text messages and it appears you've</p> <p>20 had some ongoing conversations or have had</p> <p>21 conversations with a gentleman by the name of</p> <p>22 [redacted]?</p> <p>23 "A Yes</p> <p>24 "Q And how is -- what is -- what</p> <p>25 connection do you have with Mr [Redacted]?</p>	<p>1 following the news in this text?</p> <p>2 "A: Yes.</p> <p>3 "Q: Your mother would send you news</p> <p>4 coverage from time to time?</p> <p>5 "A: Yes.</p> <p>6 "Q: Has that been consistent or just</p> <p>7 since the news broke in January?</p> <p>8 "A: What do you mean 'consistent'?</p> <p>9 "Q: We, mean, had she followed --</p> <p>10 had she sent you any other information containing --</p> <p>11 pertaining to E.G. prior to the story breaking?</p> <p>12 "A: No, not that I know of. No.</p> <p>13 "Q: Okay. Just since -- just since</p> <p>14 the story broke in January, then, when there would</p> <p>15 have been news reports, she would send you links and</p> <p>16 things of that nature?</p> <p>17 "A: Yes.</p> <p>18 "Q: And what would be the purpose of</p> <p>19 that, if you know?</p> <p>20 "A: I'm sure to protect me; she's</p> <p>21 worried about me. She's worried about everything</p> <p>22 that's being said and stuff like that.</p> <p>23 "Q: Now, do you still bank at the same</p> <p>24 bank as P.S., to your knowledge?</p> <p>25 "A: don't know where he banks. I'm</p>
Page 374	Page 376
<p>1 MR. BARNES: Can everybody check the r</p> <p>2 phones? We've got some interference going here.</p> <p>3 Make sure they're not by the microphones. Okay.</p> <p>4 "A: He's a long-time client of mine</p> <p>5 that I've sought legal advice from time to time.</p> <p>6 "Q: You've not sought legal advice in</p> <p>7 this circumstance?</p> <p>8 "A: I'm not sure how to answer that</p> <p>9 question.</p> <p>10 "Q: Well, he's not currently --</p> <p>11 currently your lawyer?</p> <p>12 "A: No.</p> <p>13 "Q: Okay. And you've had contact with</p> <p>14 him since the last deposition?</p> <p>15 "A: Yes.</p> <p>16 "Q: Okay. And has he given you any</p> <p>17 advice on how to handle the deposition or things of</p> <p>18 that nature?</p> <p>19 "A: No, just -- no.</p> <p>20 "Q: And what was the nature of the</p> <p>21 contact?</p> <p>22 "A: don't remember specifically, but</p> <p>23 remember him sending me a text about something he</p> <p>24 had heard and -- through the grapevine or whatever.</p> <p>25 "Q: And you -- it appears you've been</p>	<p>1 sit at [redacted]</p> <p>2 "Q And that's --</p> <p>3 "A don't know where he sits</p> <p>4 "Q -- the same bank you've had for</p> <p>5 years?</p> <p>6 "A Yes</p> <p>7 "Q And which bank? You said it was</p> <p>8 [redacted]?</p> <p>9 "A Yes</p> <p>10 "Q And where is that located?</p> <p>11 "A [Redacted]</p> <p>12 "Q Okay And that's the only bank</p> <p>13 you bank at?</p> <p>14 "A Yes</p> <p>15 "Q You maintain a savings and</p> <p>16 checking account there?</p> <p>17 "A Yes</p> <p>18 "Q Do you maintain any accounts for</p> <p>19 your children there?</p> <p>20 "A No do not have like a</p> <p>21 MOST account for them</p> <p>22 "Q For college?</p> <p>23 "A Yes</p> <p>24 "Q And has there been any -- since</p> <p>25 December of '17 has there been any substantial cash</p>

HEARING 5/23/2018

<p style="text-align: right;">Page 377</p> <p>1 contr but ons to any of those accounts?</p> <p>2 "A No, there has not</p> <p>3 "Q Obv ous y, you fo owed the news</p> <p>4 w th respect to Mr Watk ns and h s rece pt of</p> <p>5 \$100,000?</p> <p>6 "A Yes, have</p> <p>7 "Q Other than what you've heard n</p> <p>8 the news, have you sought any other nqu ry w th</p> <p>9 respect to that?</p> <p>10 "A No, have not</p> <p>11 "Q And you had -- be eve you, ast</p> <p>12 t me, sa d you had no know edge of that unt you</p> <p>13 heard about t on the news</p> <p>14 "A No Other than rumors, no</p> <p>15 "Q Other than rumors that you had</p> <p>16 heard pr or to that?</p> <p>17 "A Correct</p> <p>18 "Q Had you ever, to th s -- from the</p> <p>19 ast depos t on to th s -- to today, have you</p> <p>20 contacted Mr P S by phone or by text or n any</p> <p>21 manner to f nd out exact y what was go ng on w th</p> <p>22 that money?</p> <p>23 "A Zero percent, no</p> <p>24 "Q You have no nterest?</p> <p>25 "A No</p>	<p style="text-align: right;">Page 379</p> <p>1 wou d spend more t me pursu ng h s hobby or h s job</p> <p>2 as a [redacted], and t wasn't rea y br ng ng n a</p> <p>3 ot of money? So a ot of the f nanc a ob gat on</p> <p>4 fe on you; wou d that be a true statement?</p> <p>5 MR. BARNES: Mr. Stee e, "Object.</p> <p>6 Ca s for specu at on. Mr. Rosenb um says, "You can</p> <p>7 answer."</p> <p>8 MR. RAZER: Mr. Stee e cont nues to</p> <p>9 say, "You can specu ate f you want."</p> <p>10 "A: mean, th nk t was just based</p> <p>11 around the troub es that came w th, you know, h m</p> <p>12 not br ng ng n enough money and, you know, be ng</p> <p>13 gone a ot, so t was stressfu .</p> <p>14 "Q: So t wou dn't be unusua for h m</p> <p>15 n '16 to say someth ng ke, have zero money</p> <p>16 because someone had to cover a -- cover a -- our</p> <p>17 taxes, correct?</p> <p>18 "A: don't know. Can you show me the</p> <p>19 text or whatever? need to see what you're</p> <p>20 referr ng to.</p> <p>21 "Q: can show you on the screen.</p> <p>22 don't fee ke mark ng t. You can ook at t on</p> <p>23 the screen. Wou d you ke to ook at t on our</p> <p>24 screen?</p> <p>25 "A: Sure. What was the context?</p>
<p style="text-align: right;">Page 378</p> <p>1 "Q: You have no nterest whether</p> <p>2 you're go ng to rece ve any of t?</p> <p>3 "A: No.</p> <p>4 "Q: Do you want any of t?</p> <p>5 "A: No.</p> <p>6 "Q: Have you -- wou d t be fa r to</p> <p>7 say that at east rev ew ng your text -- and we</p> <p>8 don't have to go through a of them; we're not</p> <p>9 go ng to try to be here a day, but --"</p> <p>10 MR. RAZER: 'm not sure what that --</p> <p>11 MR. BARNES: [Redacted].</p> <p>12 "Q: But [redacted] was a -- mean,</p> <p>13 'm sorry. P.S. was a ways n a -- t appeared</p> <p>14 a ways n a -- not a very advantageous f nanc a</p> <p>15 pos t on. Wou d that be fa r to say?</p> <p>16 "A: Maybe. Can you c ar fy that?</p> <p>17 "Q: We , d d he comp a n that he</p> <p>18 never had -- d d he often comp a n he had no money?</p> <p>19 "A: Yes. He had, you know, n the</p> <p>20 past, yes.</p> <p>21 "Q: And when you say ' n the past,'</p> <p>22 when?</p> <p>23 "A: L ke when we were marr ed. That</p> <p>24 was an ssue, yeah.</p> <p>25 "Q: Okay. Was the ssue because he</p>	<p style="text-align: right;">Page 380</p> <p>1 There's noth ng e se around t don't know</p> <p>2 spec f ca y mean cou d guess t was h s</p> <p>3 parents he ped us out or someth ng don't know</p> <p>4 don't remember</p> <p>5 "Q But -- but w th -- but regard ess</p> <p>6 of that mean t was a theme around that t me</p> <p>7 t was a theme around that t me s that he was n</p> <p>8 f nanc a d re stra ts?</p> <p>9 "A Around that t me</p> <p>10 "Q Okay</p> <p>11 "A At east that's how he was</p> <p>12 portray ng</p> <p>13 "Q Portray ng n fact you were</p> <p>14 pay ng h m ch d support correct?</p> <p>15 "A No wasn't pay ng h m ch d</p> <p>16 support He owed ch d support to h s ex-w fe and</p> <p>17 wanted to make sure that that was st pa d</p> <p>18 regard ess because fe t that that was an</p> <p>19 mportant respons b ty that he cou dn't ax on</p> <p>20 "Q So w th respect to your</p> <p>21 d sso ut on w th P S was there ch d support</p> <p>22 awarded e ther way?</p> <p>23 "A No no ch d support</p> <p>24 "Q So you don't pay h m he doesn't</p> <p>25 pay you?</p>

95 (Pages 377 to 380)

<p style="text-align: right;">Page 381</p> <p>1 "A Correct</p> <p>2 "Q Okay So you gave -- you wa ked</p> <p>3 away from any ch d support essent a y?</p> <p>4 "A Correct</p> <p>5 "Q And was there a t me after say</p> <p>6 that entry n '16 where you noted P S 's f nanc a</p> <p>7 s tuat on substant a y mproved?</p> <p>8 "A Yes So be eve t was for</p> <p>9 2000 -- wa t when the taxes were done for 2015</p> <p>10 be eve s nce we were st techn ca y marr ed</p> <p>11 h s accountant f ed ours together and d scovered</p> <p>12 he made more money yes</p> <p>13 "Q More money than he to d you?</p> <p>14 "A Yes</p> <p>15 "Q Okay D d you respond to that at</p> <p>16 a ?</p> <p>17 "A No</p> <p>18 "Q And how about we go nto 2017</p> <p>19 towards the end D d you not ce any obv ous</p> <p>20 ncreases n h s f nanc a s tuat on?</p> <p>21 "A mean what are you say ng? n</p> <p>22 regards to ke --</p> <p>23 "Q We the way he was v ng</p> <p>24 festy e anyth ng of that nature that wou d</p> <p>25 nd cate to you that he -- that h s f nanc a</p>	<p style="text-align: right;">Page 383</p> <p>1 that means, so don't know.</p> <p>2 "Q: But you don't fee ke you're</p> <p>3 a gned w th the nd v dua s that have come out, the</p> <p>4 spokespeop e, the spokespersons for that movement?</p> <p>5 "A: don't necessar y know very much</p> <p>6 about t, ke don't know what they stand for</p> <p>7 necessar y. And know what 've heard, you know,</p> <p>8 peop e's vers ons of what they th nk t s -- t s</p> <p>9 d fferent too, so don't know necessar y.</p> <p>10 "Q: But regard ess, you don't cons der</p> <p>11 yourse f a part of that movement?</p> <p>12 "A: guess t just depends on what</p> <p>13 you wou d ca the movement.</p> <p>14 "Q: We , 'm just ask ng you</p> <p>15 persona y. can't get ns de your bra n. mean,</p> <p>16 do you cons der yourse f part of the Me Too</p> <p>17 Movement, for whatever t means to you?</p> <p>18 "A: don't cons der myse f part of</p> <p>19 any movement, no.</p> <p>20 "Q: Okay. And we've ta ked a tte</p> <p>21 b t n the past about po t cs, and th nk you sa d</p> <p>22 that you are not very nvo ved n po t cs?</p> <p>23 "A: Yes.</p> <p>24 "Q: You do have a c ose re at onsh p</p> <p>25 w th Stacey Newman, correct?</p>
<p style="text-align: right;">Page 382</p> <p>1 s tuat on had changed?</p> <p>2 "A: cou d say yes, but fee ke</p> <p>3 even the ncome that knew about from 2015, you</p> <p>4 know, was enough, cons der ng he's v ng w th</p> <p>5 someone and that, so ...</p> <p>6 "Q: Okay. So you've heard of the Me</p> <p>7 Too Movement, correct?</p> <p>8 "A: Yes.</p> <p>9 "Q: Has anybody from that movement</p> <p>10 contacted you at a ?</p> <p>11 "A: No. You mean spec f c? don't</p> <p>12 know who are you referr ng to.</p> <p>13 "Q: Anybody. Any representat ve of</p> <p>14 that movement. Has anyone reached out on beha f of</p> <p>15 that movement to see whether or not you want to be</p> <p>16 the face of the movement, f you'd jo n the</p> <p>17 movement, anyth ng of that nature?</p> <p>18 "A: No.</p> <p>19 "Q: n your fam ar ty w th the Me</p> <p>20 Too Movement, do you fee ke you're a gned w th</p> <p>21 that movement?</p> <p>22 "A: No. Not part cu ar y, no.</p> <p>23 "Q: Not part cu ar y? Why?</p> <p>24 "A: 'm not sure exact y. 'm sure</p> <p>25 t's nd v dua for each person what they fee that</p>	<p style="text-align: right;">Page 384</p> <p>1 "A: C ose -- c ose enough, yes.</p> <p>2 "Q: And can you descr be that</p> <p>3 re at onsh p?</p> <p>4 "A: 've been do ng she and her</p> <p>5 fam y's ha r for probab y 14, 15 years.</p> <p>6 "Q: Okay. And you knew she was a</p> <p>7 po t c an?</p> <p>8 "A: Yes.</p> <p>9 "Q: Were you gett ng adv ce from her</p> <p>10 when th s story f rst broke?</p> <p>11 "A: She was offer ng adv ce, yes.</p> <p>12 "Q: And what do you mean offer ng</p> <p>13 adv ce, that you weren't tak ng?</p> <p>14 "A: Correct.</p> <p>15 "Q: Okay. And why s that?</p> <p>16 "A: rea y wasn't tak ng anybody's</p> <p>17 adv ce. was just petr f ed try ng not --</p> <p>18 "Q: D d t have anyth ng to do w th</p> <p>19 the fact that she was aff ated w th the Democrat c</p> <p>20 Party and she was prov d ng nformat on from some of</p> <p>21 the Democrat c eaders?</p> <p>22 "A: Rea y t was just because was</p> <p>23 uncomfortab e w th anybody who was g v ng me strong</p> <p>24 adv ce to do anyth ng other than just be.</p> <p>25 "Q: Other than just what? 'm sorry.</p>

<p style="text-align: right;">Page 385</p> <p>1 "A: Just be. Just be st .</p> <p>2 "Q: Okay. L ke, for nstance, t</p> <p>3 appears that she got -- was very concerned about you</p> <p>4 obta n ng a awyer. Do you reca that?</p> <p>5 "A: Not spec f ca y, but ...</p> <p>6 "Q: And do you reca whether or not</p> <p>7 she was reach ng out to you to see whether or not</p> <p>8 you wou d be nterested n te ng your story?</p> <p>9 "A: To some extent, yeah.</p> <p>10 "Q: Natura y she suggested names of</p> <p>11 nd v dua s n the med a that you cou d actua y</p> <p>12 te your story to; do you reca that?</p> <p>13 A. Not spec f ca y, but, yes, remember</p> <p>14 that ne of conversat on.</p> <p>15 "Q: Okay. D d you take her up on</p> <p>16 that?</p> <p>17 "A: No.</p> <p>18 "Q: Pardon me?</p> <p>19 "A: No, d d not.</p> <p>20 "Q: And why not?</p> <p>21 "A: Because d dn't want to ta k to</p> <p>22 anybody n the med a about any of th s.</p> <p>23 "Q: 'm sorry?</p> <p>24 "A: d dn't want to ta k to anybody</p> <p>25 n the med a, no.</p>	<p style="text-align: right;">Page 387</p> <p>1 "A Correct</p> <p>2 "Q And th nk she was try ng to push</p> <p>3 you or t ooks ke she was try ng to suggest that</p> <p>4 you ta k to her husband Burt</p> <p>5 "A Yes k nd of -- remember that</p> <p>6 too</p> <p>7 "Q Wou d that have been for h m to</p> <p>8 represent you or for h m to po nt you n the</p> <p>9 d rect on of a awyer or do you know? He's a</p> <p>10 awyer correct?</p> <p>11 "A R ght Not to represent me</p> <p>12 be eve t was just ega adv ce</p> <p>13 "Q Okay And then at one po nt on</p> <p>14 January 11th wh ch wou d have been th nk r ght</p> <p>15 after the story broke r ght? t broke on the 10th?</p> <p>16 "A Yes</p> <p>17 "Q There's a text here that says</p> <p>18 ' 'm mad at the on y -- 'm mad that on y men are</p> <p>19 ta k ng Not enough s -- not enough s out about</p> <p>20 v ct ms and the b ackma Been work ng w th the</p> <p>21 Star and Post about keep ng your dent ty</p> <p>22 protected ' Can you te me what that means to you?</p> <p>23 "A -- don't know was pretty</p> <p>24 numb at that po nt don't even remember that</p> <p>25 spec f ca y no</p>
<p style="text-align: right;">Page 386</p> <p>1 "Q Okay th nk spec f ca y at</p> <p>2 east as of January 8th just for a t me frame on</p> <p>3 January 8th 2018 the story had not come out yet</p> <p>4 correct?</p> <p>5 "A Correct</p> <p>6 "Q And there was -- can show you</p> <p>7 the text f t wou d refresh your reco ect on</p> <p>8 There appears to be -- and nc denta y your number</p> <p>9 at the t me was [redacted]?</p> <p>10 "A Yes</p> <p>11 "Q Area code [redacted]?</p> <p>12 "A Yes</p> <p>13 "Q Wou d you recogn ze Stacey</p> <p>14 Newman's number?</p> <p>15 "A Not her number but wou d</p> <p>16 recogn ze the text probab y</p> <p>17 "Q Okay She sa d she was prov d ng</p> <p>18 nformat on ke for nstance" --</p> <p>19 MR BARNES Yes he's f ne</p> <p>20 "Q -- Jack Suntrup and whether or</p> <p>21 not you wou d be comfortab e te ng your s de of</p> <p>22 the story to h m</p> <p>23 "A That sounds fam ar yes</p> <p>24 "Q You chose not to Wou d that be</p> <p>25 correct?</p>	<p style="text-align: right;">Page 388</p> <p>1 "Q You don't know?</p> <p>2 "A had ke 8 m on texts at that</p> <p>3 t me t fet or just peop e reach ng out t was</p> <p>4 horr b e</p> <p>5 "Q So t ooks ke she wanted to</p> <p>6 take a part cu ar ang e about v ct ms and the</p> <p>7 b ackma r ght?</p> <p>8 "A don't -- 'm not sure</p> <p>9 "Q Okay</p> <p>10 "A Obv ous y d dn't</p> <p>11 "Q Wou d t be fa r to say that the</p> <p>12 b ackma -- that the v ct m and the b ackma wou d</p> <p>13 have come from the body of the January -- of the</p> <p>14 March 25th surrept t ous --</p> <p>15 "A Surrept t ous</p> <p>16 "Q Thank you -- tape?</p> <p>17 "A 'm sorry What are you ask ng?</p> <p>18 "Q The use of the word 'v ct ms '</p> <p>19 "A Oh</p> <p>20 "Q And the 'b ackma ' that was</p> <p>21 someth ng that was fted from the January 25th tape</p> <p>22 that P sent r ght -- 'm sorry the March 25th tape</p> <p>23 that P sent?</p> <p>24 "A Oh don't know f she took those</p> <p>25 spec f c words from h m don't know</p>

HEARING 5/23/2018

Page 389	Page 391
<p>1 "Q: We , you never wou d have</p> <p>2 prov ded Stacey Newman w th that nformat on, r ght?</p> <p>3 "A: R ght. She knew about th s</p> <p>4 because the word was -- was be ng spread around Jeff</p> <p>5 C ty, yeah.</p> <p>6 "Q: And that spec f c word?</p> <p>7 "A: Oh, don't -- don't know about</p> <p>8 the spec f c word.</p> <p>9 "Q: Okay. Because ook ng at that</p> <p>10 tape, you never actua y used the words that you</p> <p>11 were b ackma ed. That was someth ng that P sa d</p> <p>12 about the s tuat on, r ght?</p> <p>13 "A: don't reca , spec f ca y.</p> <p>14 "Q: Does that sound r ght though?</p> <p>15 can go through and show you the tape.</p> <p>16 "A: Yeah. don't know the spec f c</p> <p>17 words that used or --</p> <p>18 "Q: But as you --</p> <p>19 "A: just exp a ned what happened.</p> <p>20 "Q: R ght.</p> <p>21 "A: But don't know.</p> <p>22 "Q: So as you s t here now, on that</p> <p>23 or g na tape, you don't ever remember us ng the</p> <p>24 words b ackma to descr be what happened when you</p> <p>25 were descr b ng to P -- mean, to P.S., do you?</p>	<p>1 "Q: Okay. So [redacted]. You</p> <p>2 prev ous y test f ed was your best fr end at the</p> <p>3 t me?</p> <p>4 "A: Yes.</p> <p>5 "Q: Was she a sty st or a</p> <p>6 recept on st?</p> <p>7 "A: Sty st.</p> <p>8 "Q: And you were conf d ng n her. n</p> <p>9 fact, she spent the n ght of the 21st, correct?</p> <p>10 "A: Yes.</p> <p>11 "Q: And at some po nt your</p> <p>12 re at onsh p changed fa r y drast ca y, r ght?</p> <p>13 "A: W th her?</p> <p>14 "Q: Yes.</p> <p>15 "A: Not necessar y a po nt, but over</p> <p>16 t me, you know, we weren't qu te as c ose anymore.</p> <p>17 "Q: Wou d she be -- wou d she be the</p> <p>18 person that wou d answer the phones typ ca y at</p> <p>19 the -- at the sa on where you worked?</p> <p>20 "A: No.</p> <p>21 "Q: Wou d she see a ot of act v ty</p> <p>22 you were engaged n as you pursued th s re at onsh p</p> <p>23 w th E.G.?</p> <p>24 "A: Yes. mean, she was at the</p> <p>25 sa on, yes.</p>
Page 390	Page 392
<p>1 "A don't remember the spec f c</p> <p>2 words don't know</p> <p>3 "Q Okay And th nk on January 9th</p> <p>4 Stacey sa d the buzz at the cap to s that P S 's</p> <p>5 awyer s shopp ng the r story and that t wou d</p> <p>6 drop tomorrow That was cons tent w th the</p> <p>7 nformat on that you had heard prev ous y r ght?</p> <p>8 "A Yes</p> <p>9 "Q And P's awyer at the t me wou d</p> <p>10 have been Watk ns correct A bert?</p> <p>11 "A be eve so</p> <p>12 "Q And t was -- you were be ng</p> <p>13 prov ded nformat on that they were shopp ng that</p> <p>14 story r ght?</p> <p>15 "A That had heard that rumor yes</p> <p>16 d dn't know what that meant but</p> <p>17 "Q 'm just go ng to have you ook at</p> <p>18 these as a group don't rea y -- don't know</p> <p>19 whether have c ean cop es but we can f nd them or</p> <p>20 actua y rep ace them f we need to ever have c ean</p> <p>21 cop es 'm just go ng to have you to -- have you</p> <p>22 ook at them as a group so you can dent fy them f</p> <p>23 you wou d There's a so a ser es of texts between</p> <p>24 you and -- s t? -- [redacted]?</p> <p>25 "A [Redacted]</p>	<p>1 "Q So she was at the sa on and she</p> <p>2 saw a ot of your interact ons correct?</p> <p>3 "A don't know f that's fa r to</p> <p>4 say 'm not sure She was across -- she cut ha r</p> <p>5 across from me so</p> <p>6 "Q Okay So there was a text that</p> <p>7 you sent her on Apr 24th of 2017 at approx mate y</p> <p>8 8 12 a m and ' show t to you but 'm go ng to</p> <p>9 read t to you fr st 'Hey just wanted to say</p> <p>10 'm sorry aga n for not be ng as support ve as you</p> <p>11 deserve for th s move abso ute y w sh you the</p> <p>12 best and th nk you' do great After our ta k</p> <p>13 was ab e to ref ect and th nk more c ear y on the</p> <p>14 subject th nk t was so sens t ve about fee ng</p> <p>15 d stant or rejected from you because t conf rmed n</p> <p>16 my m nd that rea y was a horr b e -- as horr b e</p> <p>17 as fe t as a person put a ot of my crazy on</p> <p>18 your shou ders dur ng that t me and --</p> <p>19 apo og ze know that had to be d ff cu t to</p> <p>20 support -- knew t had to be d ff cu t to support</p> <p>21 someone go ng through so much and mak ng poor</p> <p>22 dec s ons w be forever gratefu for your</p> <p>23 fr endsh p dur ng that t me You he ped me n many</p> <p>24 many t mes -- you he ped me n many many t mes</p> <p>25 count ess ways Go ng forward now that don't</p>

98 (Pages 389 to 392)

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<p style="text-align: right;">Page 393</p> <p>1 fee so sh tly about myse f, th nk can be a 2 much -- th nk can be much better to you and a 3 my fr ends. Each day try to f nd a better me that 4 s k nd and ess se f sh. hope 'm ab e to be 5 there for you one day when you may need t. Can't 6 wa t to see your new p ace.'</p> <p>7 "And then she responded, 'Oh, g r , no 8 need to apo og ze. Aga n, th nk our ta k got as 9 genu ne as t cou d have been and needed. You know 10 ove you and my ntent ons weren't proper y 11 d sp ayed. was b tter. And that c ear y made 12 th ngs harder. Thank you for d gg ng that out of 13 me. t def n te y eased the fee ngs of d scomfort. 14 'm sorry for ho d ng t n. Can't wa t to get 15 together and fee not awkward LOL.' Do you reca 16 that exchange?</p> <p>17 "A: To some extent, yes. 18 "Q: Okay. So that was n Apr of 19 2017. And just from the exchange, t appears that 20 you guys had just had some sort of meet ng and a 21 heart-to-heart, r ght?</p> <p>22 "A: Yeah, she was mov ng sa ons. 23 "Q: Okay. 24 "A: And was -- 25 "Q: Do you reca the context of that</p>	<p style="text-align: right;">Page 395</p> <p>1 "A: And part cu ar y knew because 2 after that fr st t me, as a fr end, she knew about 3 the fr st t me, was ke why the heck wou d you ever 4 nvo ve yourse f aga n, you know, but she d d 5 ma nta n. She was a rea y good fr end to me and 6 tr ed to understand.</p> <p>7 "Q: So wou d you reach out to her and 8 ta k to her and prov de deta s as your affa r 9 cont nued?</p> <p>10 "A: To some extent, yeah. 11 "Q: And wou d you g ve her a the 12 deta s as t wou d progress?</p> <p>13 "A: We , 'm not sure. don't know. 14 "Q: And nc denta y, other than the 15 few peop e that we've ta ked -- that we've ta ked 16 about at the t me that you wou d conf de n as th s 17 re at onsh p cont nued, f you wou d te others, 18 you wou d be -- wou d t be fa r to say that you 19 were sort of coy or vague or maybe just say you were 20 dat ng an o der man?</p> <p>21 "A: No, never sa d that. 22 "Q: You never sa d you were dat ng an 23 o der man? 24 "A: No. 25 "Q: Do you know what -- when she</p>
<p style="text-align: right;">Page 394</p> <p>1 meet ng? 2 "A: Yes. She fe t was -- fe t she 3 was be ng d stant before she eft the sa on, and she 4 fe t was be ng d stant to her r ght at the end and 5 k nd of protect ng myse f because was sad she 6 eav ng and so then we just had a heart-to-heart 7 about --</p> <p>8 "Q: D d t have anyth ng to do w th 9 your re at onsh p -- about your re at onsh p w th 10 E.G.?</p> <p>11 "A: Yes, that's what -- was 12 referr ng to that. 13 "Q: When you sa d, ' was putt ng a 14 ot of crazy on you' -- a ot of my crazy -- 15 "A: Yeah. 16 "Q: -- on your shou ders. 17 "A: L ke -- yeah, mean ... 18 "Q: What were you putt ng on her 19 shou ders? 20 "A: mean, just my thoughts dur ng 21 that t me per od. You know, th nk -- just can't 22 mag ne be ng not n her shoes and be ng fr ends 23 w th someone who knew was mak ng poor dec s ons 24 be ng nvo ved w th them. knew that. 25 "Q: When you were nvo ved --</p>	<p style="text-align: right;">Page 396</p> <p>1 responded by say ng that she was b tter, do you know 2 what she was ta k ng about n that context? 3 "A: th nk that was actua y ta k ng 4 about -- because there were a group of us that she 5 fe t that we were be ng k nd of d stant to her 6 because she eav ng. That had to do w th her. 7 "Q: That d dn't have to do w th E.G.? 8 "A: No. 9 "Q: Okay. And n the context of 10 conf d ng n her about E.G., wou d she ever have to 11 cover for you at the sa on or make anyth ng up as to 12 h s presence? 13 "A: No, not that know. No. 14 "Q: And was she present when you two 15 wou d be affect onate? 16 "A: We , that on y happened the one 17 t me, so, no. 18 "Q: She wasn't present on that 19 occas on? 20 "A: No. 21 "Q: So you don't th nk, when you wou d 22 cut h s ha r dur ng th s per od of t me, that there 23 was any obv ous affect on that others cou d have 24 p cked up on? 25 "A: No.</p>

HEARING 5/23/2018

<p>Page 397</p> <p>1 "Q: And then my -- the other contact 2 w th [redacted] that want to ask you about s 3 ater on after the story broke -- before got -- 4 before get nto that, on that text message w th 5 Stacey, do you see an area where Stacey prov ded you 6 w th a number of the c rcu t attorney K m Gardner? 7 th nk t was [redacted] or someth ng of that 8 nature. Exh b t 80. Exh b t 80. 'm sorry. can 9 probab y f nd t. 10 "A: Yeah. 'm sorry. don't know 11 where t s. 12 "Q: ' f nd t at some po nt. 'm 13 just ask ng, do you reca Stacey prov d ng you the 14 number of K m Gardner, the ce phone number? 15 "A: know that she -- remember her 16 br ng ng up K m Gardner, and t happened to be r ght 17 after or maybe t was -- t was ke the same day 18 that K m Gardner had reached out to my attorney. 19 "Q: Had reached out to your attorney? 20 "A: Yeah. 21 "Q: Do you have any know edge how K m 22 Gardner found your attorney or knew who your 23 attorney was? 24 "A: be eve that -- 25 MR. BARNES: Mr. Stee e objects, "Ca s</p>	<p>Page 399</p> <p>1 what they to d you understand they wou d not use 2 anyone's name ' 3 And then you further -- you fo ow up 4 aga n ' d dn't ta k to anyone bes des' -- or she 5 sa d to you ' d dn't ta k to anyone bes des the 6 awyer and the nvest gat on He d dn't make t 7 sound ke t was certa n 'm just fee ng -- 'm 8 just fee ng the need to back off t's rea y 9 we gh ng heavy on me 'm sorry aga n ' 10 And then you fo ow up ' t wou d he p 11 to have Scott or me there and he can make sure that 12 they don't use your name or anyth ng at a and 13 they ta k to you mean ng f you do or -- or you do 14 or you do not fee ke they are -- for sure won't 15 use your name you can eave ' Do you reca that 16 exchange? 17 "A Yes 18 "Q That was -- f rst of a were you 19 try ng to encourage her to ta k? 20 "A No So at that po nt don't 21 know f -- th nk had a ready spoken to K m at 22 that po nt 23 "Q Uh-huh 24 "A And then asked f cou d reach 25 out to part cu ar y [redacted] and [redacted]</p>
<p>Page 398</p> <p>1 for specu at on " 2 "Q understand 'm just ask ng f 3 you have any know edge 4 "A know at that po nt t was pub c 5 know edge because he -- had re eased a statement 6 by then 7 "Q Because you -- pardon me? 8 "A had re eased a statement 9 "Q Okay And at some po nt after the 10 story became pub c you had add t ona contact w th 11 [redacted] wou d that be correct? Do you remember 12 that? 13 "A Yes 14 "Q Okay And essent a y what she 15 sa d to you was on January 31st of 2018 'Okay 'm 16 so sorry but don't th nk can do th s t 17 doesn't sound prom s ng that my name w stay out 18 of t t's just comp ete y freak ng me out to be 19 nvo ved 'm so sorry hope you can 20 understand ' 21 And your response 'D d you ta k to 22 them and they -- and they sa d you wou d have to 23 g ve your name? Of course understand fear of any 24 of th s ' You go on to say ' can't mag ne that 25 they wou d use your name for anyth ng un ess that's</p>	<p>Page 400</p> <p>1 "Q: Uh-huh. 2 "A: So had asked her ear er that 3 day. ta ked to her on the phone. 4 "Q: [Redacted]? 5 "A: Yes. 6 "Q: Okay. 7 "A: And just sa d, 'They -- the -- 8 d dn't know f t was K m or the prosecutor or the 9 nvest gator, but they were nterested n at east 10 ta k ng to you to see what you remember for that 11 per od of t me. s that okay w th you?' 12 And she sa d, 'Yeah, that's f ne. 13 sa d, 'Okay. My attorney w ca 14 you and et you know, you know, who w be reach ng 15 out or whatever. don't know.' 16 "Q: Okay. So that was the attorney. 17 And that wou d have been Ms. Gardner and T saby, to 18 your know edge? 19 "A: To my know edge. 20 "Q: And you set that up? You 21 bas ca y made the n-road, made the ntroduct on? 22 "A: Yes. To some extent, yes. 23 "Q: Now, when you ta ked about th s 24 keep ng your name out of t, have you been to d that 25 your name wou d be pr vate a throughout these</p>

100 (Pages 397 to 400)

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HEARING 5/23/2018

Page 401	Page 403
<p>1 proceed ngs even n a tr a ?</p> <p>2 "A don't know that we ever got to</p> <p>3 that po nt just know n the beg nn ng they sa d</p> <p>4 that my name wou d be kept out of t</p> <p>5 "Q Do you know that now one way or</p> <p>6 another whether your name w be pr vate</p> <p>7 throughout the course of the proceed ngs even n a</p> <p>8 tr a ?</p> <p>9 "A don't know that</p> <p>10 "Q You don't know that?</p> <p>11 "A R ght</p> <p>12 "Q Was that ever d scussed w th the</p> <p>13 C rcu t Attorney's Off ce about how the tr a wou d</p> <p>14 be hand ed?</p> <p>15 "A don't know haven't rea y</p> <p>16 gotten nto deta s about -- nto deta s about t</p> <p>17 yet yeah</p> <p>18 "Q How the tr a wou d be hand ed</p> <p>19 w th respect to your name was that ever d scussed</p> <p>20 w th the C rcu t Attorney's Off ce?</p> <p>21 "A 'm sure at some po nt but</p> <p>22 don't remember</p> <p>23 "Q And what was your understand ng as</p> <p>24 to whether or not your name wou d be pub c n a</p> <p>25 pub c tr a ?</p>	<p>1 "A R ght don't know</p> <p>2 "Q Okay</p> <p>3 "A Yeah</p> <p>4 "Q And you shared that -- you shared</p> <p>5 that understand ng w th your fr end [redacted] d d</p> <p>6 you not?</p> <p>7 "A R ght Yes But t wasn't to</p> <p>8 the -- because we hadn't even -- noth ng had even</p> <p>9 started at that po nt</p> <p>10 "Q Okay And so after she had had</p> <p>11 contact w th the awyer and the nvest gator d d</p> <p>12 you have any fo ow-up contact w th her?</p> <p>13 "A know at some po nt d d but</p> <p>14 not for a wh e after She d dn't -- so she d dn't</p> <p>15 ever speak to anybody know -- other than she</p> <p>16 spoke to my attorney for you know a m nute just</p> <p>17 h m ett ng her know what they're want ng to do and</p> <p>18 then guess t was T saby or K m 'm not sure</p> <p>19 "Q We she sa d n her text</p> <p>20 d dn't ta k to anybody bes des the awyer and the</p> <p>21 nvest gator</p> <p>22 "A R ght L ke she d dn't get</p> <p>23 together w th them yet She wou dn't even do that</p> <p>24 She d dn't --</p> <p>25 "Q And she d dn't make t sound ke</p>
Page 402	Page 404
<p>1 "A: be eve that t's st a</p> <p>2 poss b ty that, yes, they can keep my name</p> <p>3 pr vate.</p> <p>4 "Q: And was that someth ng that was</p> <p>5 to d to you by the c rcu t attorneys?</p> <p>6 "A: know that that's my</p> <p>7 understand ng. don't know.</p> <p>8 "Q: So -- but you had to get your</p> <p>9 understand ng from someone, and that wou d have been</p> <p>10 the c rcu t --</p> <p>11 "A: R ght. But don't know f t was</p> <p>12 from my attorney or the c rcu t attorney.</p> <p>13 "Q: Okay. So s that st your</p> <p>14 understand ng, that your name w be kept pr vate</p> <p>15 throughout the course of the pub c tr a ?</p> <p>16 "A: That's my hope.</p> <p>17 "Q: We --</p> <p>18 "A: Yes.</p> <p>19 "Q: We , hope s d fferent than</p> <p>20 understand ng. You had an understand ng?</p> <p>21 "A: R ght, because don't know for</p> <p>22 sure.</p> <p>23 "Q: But certa n y that understand ng</p> <p>24 was based on commun cat ons that were prov ded to</p> <p>25 you, r ght?</p>	<p>1 t was certa n 'm just fee ng the need to back</p> <p>2 off t's rea y we gh ng heavy on me 'm sorry</p> <p>3 aga n Okay So was -- d d -- d d -- was your</p> <p>4 percept on at east that she had a te ephone</p> <p>5 conversat on?</p> <p>6 "A Correct n regards to --</p> <p>7 "Q Okay</p> <p>8 "A -- meet ng up</p> <p>9 "Q And conta ned n that te ephone</p> <p>10 conversat on t appeared -- and d d you ever ask</p> <p>11 her whether or not there was a d scuss on as to what</p> <p>12 pr vacy concerns cou d be assured for her?</p> <p>13 "A Not beyond that</p> <p>14 "Q -- you d dn't --</p> <p>15 "A No</p> <p>16 "Q -- have a separate te ephone</p> <p>17 conversat on where you asked her about th s text?</p> <p>18 "A R ght No Not spec fca y</p> <p>19 about that</p> <p>20 "Q But your understand ng was that</p> <p>21 there was some conversat on w th her where her</p> <p>22 concerns cou d not have been -- were not --"</p> <p>23 MR BARNES A ayed</p> <p>24 MR RAZER "-- a ayed" -- thank you</p> <p>25 -- "and therefore she dec ded not to part c pate and</p>

101 (Pages 401 to 404)

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HEARING 5/23/2018

Page 405	Page 407
<p>1 apo og zed to you essent a y?</p> <p>2 "A R ght</p> <p>3 "Q Okay And aga n we' subst tute</p> <p>4 c ean cop es ' just show you these texts that</p> <p>5 've been ta k ng about and see f you can dent fy</p> <p>6 them "</p> <p>7 Mr Nasser says 81 and go back to</p> <p>8 say 81</p> <p>9 MR BARNES Okay</p> <p>10 MR RAZER Mr Stee e says he wants to</p> <p>11 see that for a second They cont nue to ta k and so</p> <p>12 we go to ne 13</p> <p>13 MR BARNES Yes</p> <p>14 BY MR RAZER</p> <p>15 "Q Can you te me who [redacted] s?</p> <p>16 "A She's a good fr end of m ne who</p> <p>17 used to work w th</p> <p>18 "Q s she a sty st?</p> <p>19 "A Not anymore no</p> <p>20 "Q Was she a good fr end of yours at</p> <p>21 the t me of your re at onsh p w th E G ?</p> <p>22 "A She had just moved to New York</p> <p>23 be eve So no d dn't ta k to her dur ng that</p> <p>24 t me per od</p> <p>25 "Q So you d dn't conf de n her or</p>	<p>1 They have d scuss ons about that</p> <p>2 MS MTTEN "Can have t back then?"</p> <p>3 MR RAZER</p> <p>4 "Q A r ght Can have t back</p> <p>5 then?</p> <p>6 "A Oh, yeah</p> <p>7 "Q Can you dent fy that exh b t,</p> <p>8 p ease, for me, wh ch s 82?</p> <p>9 "A 'm sorry What do you mean?</p> <p>10 "Q Can you dent fy 82 for me now</p> <p>11 hav ng ooked at t?</p> <p>12 "A Oh, A text message between</p> <p>13 [redacted] and</p> <p>14 "Q Between yourse f and [redacted]</p> <p>15 Am say ng her name r ght?</p> <p>16 "A Yes</p> <p>17 "Q Okay So th nk at the top you</p> <p>18 shared w th her, 't's rea y a n ghtmare So sad</p> <p>19 and angry at P S Re v ng th s crazy and pa n and</p> <p>20 gu t, et cetera So many th ngs ' So you were</p> <p>21 shar ng w th her your fee ngs at the t me, r ght?</p> <p>22 "A Yes</p> <p>23 "Q And obv ous y she was try ng to</p> <p>24 ft you up and te ng you that you're an</p> <p>25 ncred b e human be ng and those th ngs of that</p>
Page 406	Page 408
<p>1 ta k to her about the pr vate nature of your</p> <p>2 re at onsh p w th E G as t was unfo d ng wou d</p> <p>3 that be a fa r statement?</p> <p>4 "A Correct</p> <p>5 "Q So she wou d have been an</p> <p>6 nd v dua that wou d have earned nformat on after</p> <p>7 the fact?</p> <p>8 "A Yes</p> <p>9 "Q And probab y -- do you have any</p> <p>10 dea what k nd of t me frame she wou d have earned</p> <p>11 nformat on?</p> <p>12 "A No don't reca</p> <p>13 "Q So do you reca reach ng out to</p> <p>14 her after the story became pub c around January</p> <p>15 17th of 2018?</p> <p>16 "A Not part cu ar y</p> <p>17 "Q f showed you her number wou d</p> <p>18 that refresh your reco ect on of the ser es of</p> <p>19 texts you had w th her?</p> <p>20 "A Sure</p> <p>21 "Q Okay</p> <p>22 "A Or the actua text yeah</p> <p>23 "Q ' show you the text and then</p> <p>24 ' ask you some quest ons about them wh ch s</p> <p>25 82 "</p>	<p>1 nature r ght?</p> <p>2 "A Yes</p> <p>3 "Q Wh ch has caused you to</p> <p>4 potent a y become emot ona r ght?</p> <p>5 "A Yes</p> <p>6 "Q And at some po nt she says a</p> <p>7 coup e comments She says that on January -- we</p> <p>8 you say on January 17th wh ch s about a week</p> <p>9 ater you text her and say ' 'm a so -- -- and</p> <p>10 'm a so -- and 'm a so angry w th P S and how he</p> <p>11 was hand ng -- hand ng th ngs He's rea y</p> <p>12 nsane ' That was your fee ng at the t me?</p> <p>13 "A Yes</p> <p>14 "Q And you thought he was nsane for</p> <p>15 putt ng th s out n the pub c doma n?</p> <p>16 "A am sure for a ot of th ngs</p> <p>17 yes</p> <p>18 "Q Okay And she responds by say ng</p> <p>19 't's k nd of coo you m ght become r ch off of t '</p> <p>20 Do you remember that comment?</p> <p>21 "A No don't remember that</p> <p>22 spec f ca y</p> <p>23 "Q And you remember your</p> <p>24 comment ng -- your respond ng 'LOL'?</p> <p>25 "A Yeah because t's funny</p>

102 (Pages 405 to 408)

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HEARING 5/23/2018

Page 409	Page 411
<p>1 "Q: You thought t was funny you may</p> <p>2 become r ch off of t?</p> <p>3 "A: No, because 'm not go ng to.</p> <p>4 "Q: Then you went further on th s</p> <p>5 exh b t and she sa d -- we , you respond she -- 'm</p> <p>6 sorry. She responds, ' th nk P s more -- s the</p> <p>7 more unfortunate part of a th s. Why d d he go</p> <p>8 te ? Don't be scared. Noth ng to be scared of.'</p> <p>9 And then she says, 'You have us. He s one man w th</p> <p>10 a few p ctures he can never show.' Do you know what</p> <p>11 she meant by that?</p> <p>12 "A: Yeah, Er c s what she's ta k ng</p> <p>13 about.</p> <p>14 "Q: She's ta k ng about E.G.?</p> <p>15 "A: Yes.</p> <p>16 "Q: So -- but t was n the con- --</p> <p>17 "A: She was say ng don't be scared of</p> <p>18 the p ctures com ng out, yeah.</p> <p>19 "Q: And do you know why she was say ng</p> <p>20 p ctures?</p> <p>21 "A: don't know. That's --</p> <p>22 "Q: D d you ever be eve that there --</p> <p>23 even from the beg nn ng, d d you be eve n your</p> <p>24 m nd that there was ever more than one p cture?</p> <p>25 "A: No, not necessar y. don't know</p>	<p>1 the same thread Can you take a ook at t and see</p> <p>2 aga n f that refreshes your reco ect on as to what</p> <p>3 she -- what you guys were ta k ng about?</p> <p>4 "A Yeah She's def n te y ta k ng</p> <p>5 about E G 100 percent</p> <p>6 "Q Okay</p> <p>7 "A When she says 'Don't be scared</p> <p>8 noth ng to be scared of ' because she was st</p> <p>9 th nk ng the ma n th ng was afra d of was p ctures</p> <p>10 com ng out yeah and she was say ng what P d d</p> <p>11 ke yeah</p> <p>12 "Q Was P n possess on of any</p> <p>13 p ctures of you that caused you any concern? P S</p> <p>14 "A No that -- that wasn't what th s</p> <p>15 was n regards to no</p> <p>16 "Q Pardon me?</p> <p>17 "A No That was not a concern of</p> <p>18 m ne at th s po nt</p> <p>19 "Q Where does [redacted] current y</p> <p>20 work do you know?</p> <p>21 "A She ves n New York</p> <p>22 "Q She ves n New York?</p> <p>23 "A R ght</p> <p>24 "Q n Manhattan?</p> <p>25 "A 'm not sure --</p>
Page 410	Page 412
<p>1 what he took.</p> <p>2 "Q: You don't know --</p> <p>3 "A: R ght.</p> <p>4 "Q: -- at a , r ght?</p> <p>5 "A: R ght.</p> <p>6 "Q: And then she sa d --</p> <p>7 "A: don't know f he took mu t p e</p> <p>8 or one.</p> <p>9 "Q: And then -- we , you don't know</p> <p>10 anyth ng about any p ctures rea y, r ght?</p> <p>11 "A: Yes, do, yes.</p> <p>12 "Q: And she goes on, 'And even f he</p> <p>13 does, so what. You ook good. know.'</p> <p>14 "A: don't know. don't remember</p> <p>15 that.</p> <p>16 "Q: So are you sure she wasn't ta k ng</p> <p>17 about P?</p> <p>18 "A: don't know. Can see that?</p> <p>19 "Q: Yeah, because the next th ng she</p> <p>20 sa d s, 'What d d he do?' And you responded by</p> <p>21 say ng, 'He texted me a coup e of weeks before and</p> <p>22 sa d you cheated and ru ned my fe and ru ned our</p> <p>23 fam y, and you deserved everyth ng com ng to you.</p> <p>24 That s how nsane he s, meanwh e screw ng another</p> <p>25 man's w fe LOL,' so t ooks ke t's a part of</p>	<p>1 "Q: Do you --</p> <p>2 "A: -- what part.</p> <p>3 "Q: What does she do there, f you</p> <p>4 know?</p> <p>5 "A: She s ke a f nanc a ana yst,</p> <p>6 be eve.</p> <p>7 "Q: Do you know the name of the</p> <p>8 company?</p> <p>9 "A: have no c ue.</p> <p>10 "Q: Do you have the current te ephone</p> <p>11 number?</p> <p>12 "A: don t know. be eve that s</p> <p>13 probab y her te ephone number st , yes.</p> <p>14 "Q: Are you certa n of that, or s</p> <p>15 that just a guess?</p> <p>16 "A: mean, t shou d be.</p> <p>17 "Q: Okay. mean, have you used t</p> <p>18 ate y?</p> <p>19 "A: Whenever th s was, so ...</p> <p>20 "Q: Okay. Was that the ast t me</p> <p>21 you ve been n contact w th her?</p> <p>22 "A: Yes.</p> <p>23 "Q: You haven t been n contact w th</p> <p>24 her -- contact w th her s nce January?</p> <p>25 "A: We , saw her. She came to</p>

103 (Pages 409 to 412)

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Page 413	Page 415
<p>1 town There was like a whole group of us sitting on</p> <p>2 people who got together for breakfast</p> <p>3 "Q Okay</p> <p>4 "A But, no, as far as talking, we</p> <p>5 haven't talked since then</p> <p>6 "Q And who's [redacted]?</p> <p>7 "A She's a social worker used to work</p> <p>8 with, a good friend of mine too</p> <p>9 "Q And she was a good friend at the</p> <p>10 time you were in the relationship, or was that</p> <p>11 subsequent?</p> <p>12 "A She was a good friend at the time;</p> <p>13 however, she'ved noticed She already moved</p> <p>14 so on as well So, no, I didn't talk to her on a</p> <p>15 regular basis</p> <p>16 "Q Okay Was she able to know -- was</p> <p>17 she able to -- did you confide in her at all during</p> <p>18 the course of your relationship with EG?</p> <p>19 "A No, I did not</p> <p>20 "Q So again, everything she would</p> <p>21 have earned would have been after the fact?</p> <p>22 "A Correct</p> <p>23 "Q I'm going through some of these</p> <p>24 texts that you had with her starting, thank, in</p> <p>25 February of 2018, just a couple of months ago At</p>	<p>1 your versions of what was going on?</p> <p>2 "A From --</p> <p>3 "Q Without knowing she -- without</p> <p>4 knowing -- without knowing she was talking about</p> <p>5 you?</p> <p>6 "A Exactly</p> <p>7 "Q And then you -- you came clean</p> <p>8 that she was talking about you?</p> <p>9 "A Yes</p> <p>10 "Q Because you got confused that</p> <p>11 she -- let me start that over properly</p> <p>12 Because you got confused that she said</p> <p>13 now things are talking about a dream?</p> <p>14 "A Things are crazy</p> <p>15 "Q Right</p> <p>16 "A She has no clue what she's talking</p> <p>17 about</p> <p>18 "Q So based on the news report your</p> <p>19 friend [redacted] was essentially what you believed</p> <p>20 wasn't you without knowing it?</p> <p>21 "A Yes</p> <p>22 "Q And you felt you had to set the</p> <p>23 record straight?</p> <p>24 "A Yes</p> <p>25 "Q And specifically about this issue</p>
Page 414	Page 416
<p>1 some point you say -- and he's a man whose Would</p> <p>2 you be referring to PS?</p> <p>3 "A Yes know what you're speaking</p> <p>4 of</p> <p>5 "Q And you told her to go ahead and</p> <p>6 watch the news story the first one that came out</p> <p>7 Please don't talk to anyone Why -- why would you</p> <p>8 do that if you were trying to keep this story</p> <p>9 private?</p> <p>10 "A So if you go up in the</p> <p>11 conversation what happened was this was a girl who</p> <p>12 knew very well that hadn't spoken to She</p> <p>13 knew -- she didn't know that that was me When she</p> <p>14 texted me that could tell from her text she still</p> <p>15 didn't know it was me She was asking if it was P</p> <p>16 which she was correct but then she assumed that it</p> <p>17 was P's new girlfriend</p> <p>18 "Q [Redacted]?</p> <p>19 "A Yes So replied back Go</p> <p>20 because knew as soon as she hears my voice she's</p> <p>21 going to feel you know horrible for not realizing</p> <p>22 that it was me And then she texted me afterwards</p> <p>23 now things are thanks that it's a dream because that</p> <p>24 was out in the media too</p> <p>25 "Q Okay So she was basically going</p>	<p>1 about the -- now, the girls saying it was a dream;</p> <p>2 is that true?</p> <p>3 "A: We, just specifically that it</p> <p>4 was about me and she was assuming that it wasn't.</p> <p>5 "Q: Okay. I'm going to show you an</p> <p>6 exhibit that we'll mark 84, and if you can just</p> <p>7 identify that. 83? And can you identify -- can you</p> <p>8 identify that for me please.</p> <p>9 "A: A conversation between [redacted]</p> <p>10 and .</p> <p>11 "Q: Right, okay. And that obviously</p> <p>12 appears to be a fair and accurate description of the</p> <p>13 conversation you had?</p> <p>14 "A: Yes.</p> <p>15 "Q: And with respect to the other</p> <p>16 exhibits, they all appear to be fairly and</p> <p>17 accurately depicting the conversation that you had</p> <p>18 during the text exchange and threads?</p> <p>19 "A: Yes.</p> <p>20 "Q: So you feel the need to correct</p> <p>21 the record. Did it -- we, tell me how that made</p> <p>22 you feel when you heard that people were saying that</p> <p>23 things are crazy and that it was a dream.</p> <p>24 "A: We, in particular, people who</p> <p>25 know very well who -- she knows me and knows that</p>

HEARING 5/23/2018

<p>Page 417</p> <p>1 that's not the case, you know. t was hurtfu that</p> <p>2 obvious y peop e can say whatever the heck they want</p> <p>3 to say.</p> <p>4 "Q: But specifica y with regard --</p> <p>5 with respect to your friend [redacted], how did you</p> <p>6 correct the record? What did you say? mean,</p> <p>7 there's no text, so wou d assume it wou d be by</p> <p>8 conversation, te ephone conversation, right?</p> <p>9 "A: Right. After she sent me the text</p> <p>10 about the dream, ca ed her and just said</p> <p>11 [redacted], it's me. And she was just ike, K., oh,</p> <p>12 my God. What the heck? Which -- we , then what is</p> <p>13 this? So was ab e to exp ain, which of course she</p> <p>14 understood. And then she was just ike, 'm so</p> <p>15 sorry.</p> <p>16 "Q: We , what did you te her? How</p> <p>17 did you exp ain it?</p> <p>18 "A: said was speaking in regards</p> <p>19 to whether or not had never testified to seeing a</p> <p>20 phone. And the reason why is because that my memory</p> <p>21 of seeing it. do have a memory of seeing it, but</p> <p>22 it's not strong enough for me to testify to it, so</p> <p>23 haven't testified to anything that 'm not strong</p> <p>24 enough in my -- strong enough in my memory of it.</p> <p>25 She was ike, Oh, my gosh. This is crazy. But it</p>	<p>Page 419</p> <p>1 "A No t was just thoughts that</p> <p>2 put down</p> <p>3 "Q Okay So they were not go ng to</p> <p>4 be sent to anybody or d rected to anybody?</p> <p>5 "A Never</p> <p>6 "Q Those were just your journa</p> <p>7 thoughts for your own?</p> <p>8 "A Meant to be for my own</p> <p>9 "Q For your own use okay And</p> <p>10 nc denta y the phone that was forens ca y ooked</p> <p>11 at th nk you prev ous y sa d you've had the same</p> <p>12 phone s nce 2015?</p> <p>13 "A Yes</p> <p>14 "Q Yeah Was that the phone?</p> <p>15 "A Yes got t n June of 2015</p> <p>16 "Q June of 2015?</p> <p>17 "A Correct</p> <p>18 "Q So you wou d have gotten t dur ng</p> <p>19 the -- we st wh e you were n an ongo ng</p> <p>20 re at onsh p w th E G ?</p> <p>21 "A Yes</p> <p>22 "Q Just pr or to your frst</p> <p>23 reconc at on w th P S r ght?</p> <p>24 "A Correct?</p> <p>25 "Q And the search revea ed no text</p>
<p>Page 418</p> <p>1 can be done and sa d</p> <p>2 "Q Let me hand -- what's been marked</p> <p>3 84 and f you can take a ook at th s for me</p> <p>4 p ease</p> <p>5 MS M TTEN Mr S mpson nterjects and</p> <p>6 says "Can we take a break and f nd a t ssue?"</p> <p>7 Whereupon a d scuss on was he d off the record and</p> <p>8 there --</p> <p>9 MR BARNES Take a break at 10 50</p> <p>10 MS M TTEN Back on the record and --</p> <p>11 and shou d we sw tch?</p> <p>12 MR BARNES And that's where they</p> <p>13 break the r record 'm not nterested n break ng</p> <p>14 your guys' record so ' be the quest oner and --</p> <p>15 MS M TTEN Okay Ready to go</p> <p>16 MR BARNES "Mr Rosenb um ' wa t</p> <p>17 unt t's back n front of you Are you ready?</p> <p>18 "A Yes</p> <p>19 "Q Look ng at Exh b t 84 can you</p> <p>20 te me what th s s?</p> <p>21 "A These are -- th s s ke my</p> <p>22 journa</p> <p>23 "Q So these wou d be just entr es you</p> <p>24 wou d make on your phone and ater p aced n a</p> <p>25 journa or was th s ongo ng?</p>	<p>Page 420</p> <p>1 messages between yourse f and E G ?</p> <p>2 "A Correct</p> <p>3 "Q And why was that?</p> <p>4 "A We never texted each other</p> <p>5 "Q You never texted?</p> <p>6 "A Never</p> <p>7 "Q Not on any phone?</p> <p>8 "A No</p> <p>9 "Q Can have that exh b t back</p> <p>10 p ease? Thank you So ook ng at 84 wh ch you've</p> <p>11 nd cated was a journa you started that on</p> <p>12 Apr 18th at 6 50 t ooks ke 6 51 a m then</p> <p>13 mod f ed at 7 09 a m Does that seem about r ght?</p> <p>14 "A Yeah</p> <p>15 "Q So probab y before you went to</p> <p>16 work one morn ng?</p> <p>17 "A Yes</p> <p>18 "Q And t wou d have been by my</p> <p>19 reco ect on after your frst depos t on?</p> <p>20 "A guess so yes</p> <p>21 "Q D d anyth ng about the depos t on</p> <p>22 cause you to p ace these thoughts down n wr t ng?</p> <p>23 "A 'm sure there were ots of th ngs</p> <p>24 that caused me to put that down</p> <p>25 "Q But these were your thoughts at</p>

105 (Pages 417 to 420)

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Page 421	Page 423
<p>1 the t me?</p> <p>2 "A Yes</p> <p>3 "Q Okay And then want to show you</p> <p>4 what's been marked 84 and f you can dent fy that</p> <p>5 for me</p> <p>6 "A t's -- t's --</p> <p>7 "Q 85 Can you dent fy that for me?</p> <p>8 "A t's another journa entry</p> <p>9 "Q And that wou d have been on</p> <p>10 Apr 10th be eve?</p> <p>11 "A Yes</p> <p>12 "Q And aga n be eve that was</p> <p>13 approx mate y four days after your depos t on?</p> <p>14 "A don't know the date</p> <p>15 "Q The depos t on s Apr 6th 2018</p> <p>16 That wou d make sense t's your frst depos t on</p> <p>17 r ght?</p> <p>18 "A R ght</p> <p>19 "Q And aga n those -- that's a</p> <p>20 fa r y -- a fa r and accurate dep ct on of your</p> <p>21 thoughts that you put nto your journa at the t me?</p> <p>22 "A Yes</p> <p>23 "Q And then ast y ' show you</p> <p>24 what's been marked as Exh b t 86 n the same ser es</p> <p>25 of quest ons Do you know when you made those</p>	<p>1 "Q: That certa n y wou d be cons tent</p> <p>2 w th your reco ect on, r ght?</p> <p>3 "A: Yes.</p> <p>4 "Q: And you -- you don't take ssue</p> <p>5 w th the fact these are actua fa r and accurate</p> <p>6 dep ct ons of the texts that you wou d have sent to</p> <p>7 them, r ght?</p> <p>8 "A: R ght.</p> <p>9 "Q: And the common th ng a ong w th</p> <p>10 P.S. s you wou d often say that you were try ng to</p> <p>11 pay the v ct m and that you had caused a th s and</p> <p>12 that k nd of stuff, r ght?</p> <p>13 "A: Correct.</p> <p>14 "Q: Bas ca y at t mes he ca ed you a</p> <p>15 soc opath, r ght?</p> <p>16 "A: 'm sure.</p> <p>17 "Q: s that -- s that cons tent w th</p> <p>18 your memory?</p> <p>19 "A: Yes, th ngs of that nature, yes.</p> <p>20 "Q: Okay. So what want to do now,</p> <p>21 we had a fu -- at east 40 pages that we rece ved</p> <p>22 n the transcr pt that were not conta ned n</p> <p>23 Mr. T saby's memorandum narrat ve, okay? So d d you</p> <p>24 ever see -- has anyone ever showed you T saby's</p> <p>25 memorandum that conta ned h s mpress ons of your</p>
Page 422	Page 424
<p>1 entr es?</p> <p>2 "A: No, don't know spec f ca y.</p> <p>3 mean, dur ng -- obv ous y after a th s came out.</p> <p>4 don't know spec f ca y.</p> <p>5 "Q: And aga n, the same quest on.</p> <p>6 Those were your journa thoughts at the t me?</p> <p>7 "A: Yes. Do you know the dates on</p> <p>8 th s?</p> <p>9 "Q: The date? The date was -- the</p> <p>10 date doesn't appear on that, but my -- t's my</p> <p>11 understand ng the date was January 26th, 2018. Does</p> <p>12 that sound about r ght?</p> <p>13 "A: Okay. Yeah.</p> <p>14 "Q: And that wou d have been about two</p> <p>15 days after you frst met w th Ms. Gardner. Do you</p> <p>16 remember wr t ng down some thoughts after that?</p> <p>17 "A: don't remember spec f ca y the</p> <p>18 t me ne.</p> <p>19 "Q: Okay. So as you can mag ne, we</p> <p>20 had a substant a amount of text messages from you</p> <p>21 and Jay Dud [phonet c].</p> <p>22 "A: [Redacted].</p> <p>23 "Q: [Redacted] [redacted] and you and</p> <p>24 P.S., r ght?</p> <p>25 "A: Yes.</p>	<p>1 nterv ew w th h m on the 29th? Have you ever</p> <p>2 ooked at that document?</p> <p>3 "A No don't be eve so no</p> <p>4 "Q Has anybody ever d scussed that</p> <p>5 document w th you?</p> <p>6 "A No</p> <p>7 "Q So you reca hav ng you know a</p> <p>8 fa r y s gn f cant meet ng at east two hours or</p> <p>9 so And a ot of what you d scussed n that meet ng</p> <p>10 was your re at onsh p w th P S after th s came out</p> <p>11 r ght?</p> <p>12 "A Yeah remember ta k ng about</p> <p>13 that</p> <p>14 "Q Okay D d anybody -- d d you ever</p> <p>15 nqu re or was there ever a d scuss on that you</p> <p>16 reca s to why that substant a port on of your</p> <p>17 nterv ew w th T saby may have never made t nto</p> <p>18 h s report?</p> <p>19 "A No had -- don't know what's</p> <p>20 n any of that stuff no</p> <p>21 "Q And wou d t be fa r to say that</p> <p>22 you -- as you went through th s process not on y</p> <p>23 w th E G but w th P S that you were dea ng w th</p> <p>24 a ot of conf ct n your own m nd? Wou d t be</p> <p>25 fa r to say?</p>

Page 425	Page 427
<p>1 "A Can you restate that?</p> <p>2 "Q That when you went through th s</p> <p>3 re at onsh p w th E G and then how t trans t oned</p> <p>4 nto try -- n Ju y as try ng to reconc e w th</p> <p>5 P S and u t mate y be eve n October s when t</p> <p>6 f na y ended and there was no further contact w th</p> <p>7 E G and that was -- you had to go through a</p> <p>8 process of an ema that was sent to h m say ng Do</p> <p>9 not contact me anymore correct?</p> <p>10 "A Correct</p> <p>11 "Q And dur ng that per od of t me</p> <p>12 you were dea ng w th a ot of fee ngs and conf ct</p> <p>13 about both men correct?</p> <p>14 "A Yes</p> <p>15 "Q Okay And may have asked you</p> <p>16 th s and don't want to repeat myse f but do you</p> <p>17 reca when you sent that ema to E G about not</p> <p>18 com ng to the sa on anymore that was at the</p> <p>19 d rect on of P S r ght?</p> <p>20 "A A suggest on yes</p> <p>21 "Q Okay Do you reca whether he</p> <p>22 ooked over your shou der and took a p ctu re of t?</p> <p>23 MS M TTEN "Stee e 'm go ng to</p> <p>24 object to th s ne of quest on ng We went through</p> <p>25 chambers My understand ng was the quest on ng</p>	<p>1 re at ons w th some of the other women.'</p> <p>2 Do you reca that exchange?</p> <p>3 "A: Yes.</p> <p>4 "Q: So at that po nt there was ke a</p> <p>5 crossroads n your fe. You rea zed that when you</p> <p>6 sa d you're not go ng to be w th E.G. n that</p> <p>7 context anymore, that wou d be n the context of an</p> <p>8 ongo ng re at onsh p, r ght?</p> <p>9 "A: R ght, or any -- yeah.</p> <p>10 "Q: Because he had -- he had</p> <p>11 essent a y ended t as he -- as we ta ked about n</p> <p>12 Ju y, and t was -- when he came back n, you</p> <p>13 cou dn't go down that road aga n caus ng the ema</p> <p>14 to be sent at -- at P.S.'s request. s that</p> <p>15 genera y what's go ng on?</p> <p>16 "A: Yes.</p> <p>17 "Q: Okay. And then t was at that</p> <p>18 po nt as you were f rst go ng through the med ator</p> <p>19 that you wanted to take a new ook to see whether or</p> <p>20 not you cou d resurrect th ngs w th P.S.?</p> <p>21 "A: Yes.</p> <p>22 "Q: And that was the status unt sort</p> <p>23 of unannounced E.G. wa ked nto your sa on, and</p> <p>24 th nk you gave h m a ha rcut. You to d P.S., and</p> <p>25 that was t. That was the end of t?</p>
Page 426	Page 428
<p>1 wou d be d rected to the v deo "</p> <p>2 D scuss on between Stee e and</p> <p>3 Rosenb um</p> <p>4 BY MR BARNES</p> <p>5 "Q Do you -- do you know the answer</p> <p>6 to that?</p> <p>7 "A No don't know don't --</p> <p>8 don't reca spec f ca y</p> <p>9 "Q Okay And then on page 32 -- and</p> <p>10 'm just go ng to ask you for some context of th s</p> <p>11 T saby asked you 'Okay The med ator that you met</p> <p>12 the med ator?</p> <p>13 'K S Aga n med ator ke an</p> <p>14 attorney to ta k about how to move forward w th our</p> <p>15 d vorce And at th s po nt knew for sure 'm not</p> <p>16 go ng to see E G aga n n that context And at --</p> <p>17 or after the med ator ke the next day sa d to</p> <p>18 my husband s there anyth ng that we eft -- that</p> <p>19 we have eft to sa vage? Do you th nk we can work</p> <p>20 on anyth ng at th s po nt? To wh ch he to d me</p> <p>21 We he wou d have to th nk about t because you</p> <p>22 know whatever So that fo ow ng week he dec ded</p> <p>23 yes he d d want to work on th ngs w th me but he</p> <p>24 had to be honest w th me as ong as was honest</p> <p>25 w th h m And that's when he went nto some of the</p>	<p>1 "A T me ne-w se yes</p> <p>2 "Q Okay So -- and before go nto</p> <p>3 some of these ast 40 pages or so and you may not</p> <p>4 remember th s but do you reca when you were</p> <p>5 s tt ng w th T saby dur ng that meet ng? That was</p> <p>6 the f rst t me you met h m correct?</p> <p>7 "A Correct</p> <p>8 "Q Had he actua y -- d d he te you</p> <p>9 that he had not spoken to anybody at a about your</p> <p>10 story so to speak and he wanted a fresh take?</p> <p>11 "A don't remember that</p> <p>12 "Q Does that sound fam ar to you?</p> <p>13 "A No don't remember that</p> <p>14 spec f ca y</p> <p>15 "Q You don't remember that?</p> <p>16 "A No know he to d me why he was</p> <p>17 there that he was go ng to take a fresh --</p> <p>18 "Q Okay</p> <p>19 "A He was go ng to be ke another</p> <p>20 person to ook at t</p> <p>21 "Q D d he ever te you whether he</p> <p>22 acqu red any nformat on before quest on ng you or</p> <p>23 ta k ng to you?</p> <p>24 "A Not that reca</p> <p>25 "Q So t wou dn't have been unusua</p>

HEARING 5/23/2018

Page 429	Page 431
<p>1 then or noth ng wou d have stood out about h m at</p> <p>2 the t me, for nstance, hav ng names of your fr ends</p> <p>3 that you hadn't prov ded yet that he had a ready</p> <p>4 had. For nstance, he was ab e to come up w th the</p> <p>5 names [redacted] when you ment oned [redacted]. He</p> <p>6 had a ready knew her ast name. D d you quest on</p> <p>7 how he got that nformat on?</p> <p>8 "A: don't remember.</p> <p>9 "Q: D d that str ke you as unusua</p> <p>10 that he a ready had the name of your fr end</p> <p>11 [redacted] w thout te ng you?</p> <p>12 "A: No. don't reca . mean,</p> <p>13 yeah. don't know.</p> <p>14 "Q: D d t str ke you as unusua that</p> <p>15 he was ab e to come up w th the name [redacted],</p> <p>16 your fr end, [redacted], w thout you te ng h m?</p> <p>17 "A: don't remember spec f ca y, no.</p> <p>18 "Q: Whether that struck you as</p> <p>19 unusua -- unusua ?</p> <p>20 "A: mean, t obv ous y d dn't</p> <p>21 because don't remember that so --</p> <p>22 "Q: And you d dn't ask h m where he</p> <p>23 got the nformat on? You just cont nued to answer</p> <p>24 the quest ons, r ght?</p> <p>25 "A: Yes, correct.</p>	<p>1 "Q Do you reca any s gn f cance</p> <p>2 about [redacted] as you s t here now?</p> <p>3 "A No not spec f ca y</p> <p>4 "Q Are you st fr ends w th h m?</p> <p>5 "A Yes am</p> <p>6 "Q s P S st fr ends?</p> <p>7 "A can't mag ne very c ose no</p> <p>8 but they m ght be</p> <p>9 "Q Do you have any know edge how</p> <p>10 T saby got those names?</p> <p>11 "A No not spec f ca y un ess ke</p> <p>12 what was sa d about [redacted]?</p> <p>13 "Q [Redacted]</p> <p>14 "A Yeah</p> <p>15 "Q We the context was --</p> <p>16 "A L ke d d say t?</p> <p>17 "Q don't want to m squote myse f</p> <p>18 so et me ask you th s He suggested a name</p> <p>19 [redacted] t appears okay?</p> <p>20 "A Okay</p> <p>21 "Q Now had you ever -- do you reca</p> <p>22 whether you prov ded that name [redacted] to e ther</p> <p>23 Ms Gardner on the 24th or anybody e se assoc ated</p> <p>24 w th the C rcu t Attorney's Off ce?</p> <p>25 "A may have to Ms Gardner but</p>
Page 430	Page 432
<p>1 "Q And at some po nt when he came up</p> <p>2 w th the name [redacted], wh ch was P's then</p> <p>3 g r fr end -- and aga n, the same quest on You</p> <p>4 d dn't ask how he got that nformat on?</p> <p>5 "A R ght</p> <p>6 "Q So some of the th ngs you to d h m</p> <p>7 about P's conduct -- and just want to go over t</p> <p>8 because t wasn't conta ned n the memorandum</p> <p>9 "A Okay</p> <p>10 "Q And before start, do you ever</p> <p>11 reca ear y on n your re at onsh p w th E G where</p> <p>12 you sent h m an angry ema ear y on n the</p> <p>13 re at onsh p?</p> <p>14 "A No, don't reca that</p> <p>15 "Q How many ema s tota do you th nk</p> <p>16 you wou d have sent to E G ?</p> <p>17 "A don't know A few Maybe</p> <p>18 three don't remember spec f ca y</p> <p>19 "Q Who s [redacted]?</p> <p>20 "A 'm sorry One of h s [redacted]</p> <p>21 "Q [Redacted] And that was a name</p> <p>22 that actua y s not conta ned n h s memorandum,</p> <p>23 but you quest oned t -- he quest oned you about</p> <p>24 her Do you reca that?</p> <p>25 "A Not spec f ca y, no</p>	<p>1 don't remember our spec f c conversat on. But that</p> <p>2 was part of t. That's part of the story.</p> <p>3 "Q: don't reca see ng that name n</p> <p>4 the notes. Do you have any nformat on as to</p> <p>5 whether T saby actua y nterv ewed P -- P.S.?</p> <p>6 "A: have no c ue. don't know.</p> <p>7 "Q: Do you know whether he d d?</p> <p>8 "A: No, have no c ue.</p> <p>9 "Q: Have you ever heard that he d d?</p> <p>10 "A: 've never heard of that, but</p> <p>11 have no c ue.</p> <p>12 "Q: On so page 18, he comes up w th --</p> <p>13 there's th s exchange. You sa d [redacted] and</p> <p>14 T saby says [redacted]. And that's the fr st t me</p> <p>15 [redacted] ntroduced nto the d scuss on?</p> <p>16 "A: Okay.</p> <p>17 "Q: Accord ng to the transcr pt -- and</p> <p>18 you sa d no -- that's [redacted], not [redacted].</p> <p>19 T saby sa d th s one s [redacted], and th nk the</p> <p>20 context was that you had to d [redacted] and</p> <p>21 [redacted] about what had happened n the sa on, the</p> <p>22 fr st event, r ght?</p> <p>23 "A: Okay, yes.</p> <p>24 "Q: D d -- d d he -- d d you ask h m</p> <p>25 how he got the name [redacted] or who he had ta ked</p>

108 (Pages 429 to 432)

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HEARING 5/23/2018

Page 433	Page 435
<p>1 to?</p> <p>2 "A don't remember</p> <p>3 "Q We there's noth ng on the</p> <p>4 transcr pt so --</p> <p>5 "A R ght don't know don't</p> <p>6 remember spec f ca y --</p> <p>7 "Q Okay</p> <p>8 "A -- that conversat on</p> <p>9 "Q And what's your re at onsh p w th</p> <p>10 [redacted]?</p> <p>11 "A She's a good fr end</p> <p>12 "Q D d you conf de anyth ng e se n</p> <p>13 her other than that f rst event March 6th</p> <p>14 March 7th?</p> <p>15 "A Not unt th s came out no</p> <p>16 "Q So noth ng at a unt th s a</p> <p>17 came out n the news?</p> <p>18 "A Correct</p> <p>19 "Q Okay Do you reca whether you</p> <p>20 had prov ded the name [redacted] as your marr age</p> <p>21 counse or to Ms Gardner?</p> <p>22 "A don't remember that</p> <p>23 spec f ca y but that was on the f rst tape do</p> <p>24 know that</p> <p>25 "Q t was on the f rst tape correct?</p>	<p>1 "Q th nk that that was dur ng the</p> <p>2 t me you to d h s fam y too, correct?</p> <p>3 "A Yeah 'm not sure when he to d</p> <p>4 h s fam y, but he d d</p> <p>5 "Q So n June you were st n the</p> <p>6 re at onsh p unt Ju y, r ght?</p> <p>7 "A Yes, to some extent Whatever</p> <p>8 "Q And u t mate y you d scussed w th</p> <p>9 Mr T saby that you knew essent a y from the very</p> <p>10 beg nn ng that your ex-husband, P S , was te ng</p> <p>11 everybody about th s s tuat on, r ght?</p> <p>12 "A Yes knew of h m te ng a ot</p> <p>13 of peop e</p> <p>14 "Q So he certa n y wasn't try ng to</p> <p>15 tamp the story down He was try ng to pub c y</p> <p>16 embarrass you?</p> <p>17 "A That --</p> <p>18 MR BARNES "Object on Ca s for</p> <p>19 specu at on" from Stee e</p> <p>20 Mr Rosenb um back</p> <p>21 "Q We , you're aware that he was</p> <p>22 te ng your story pub c y, r ght?</p> <p>23 "A Yes</p> <p>24 "Q And n fact, he was do ng t n</p> <p>25 such a way to, you be eve, embarrass you, r ght,</p>
Page 434	Page 436
<p>1 "A Yeah But don't remember say ng</p> <p>2 th s name spec f ca y no</p> <p>3 "Q Okay So aga n on page 32 t</p> <p>4 ooks ke when you ta ked about when you were</p> <p>5 suggest ng a med ator for the d vorce Mr T saby</p> <p>6 responds as the med ator named [redacted] wh ch</p> <p>7 wou d have been wrong That was your marr age</p> <p>8 counse or r ght?</p> <p>9 "A R ght</p> <p>10 "Q And d d you ask h m at that t me</p> <p>11 how he obta ned that nformat on that name?</p> <p>12 "A don't know</p> <p>13 "Q D dn't str ke you as odd?</p> <p>14 "A rea y don't remember</p> <p>15 "Q Okay</p> <p>16 "A Yeah</p> <p>17 "Q So on page 38 of the v deo</p> <p>18 transcr pt you're te ng Mr T saby that n June</p> <p>19 that was the f rst -- that was the occas on where</p> <p>20 P S sat down your ent re fam y and to d about th s</p> <p>21 re at onsh p w th E G ?</p> <p>22 "A Yes</p> <p>23 "Q And obv ous y you had qu te a</p> <p>24 v scera react on to that correct?</p> <p>25 "A Yes</p>	<p>1 and hum ate you?</p> <p>2 "A d dn't fee he was try ng to</p> <p>3 keep th ngs qu et and --</p> <p>4 "Q And you to d Mr T saby that you</p> <p>5 were actua y scared because -- and you answered</p> <p>6 what was the extent he wou d go -- wou d he go to</p> <p>7 you know of the acts of a these d sc osures? You</p> <p>8 actua y to d h m that you were scared of that</p> <p>9 r ght?</p> <p>10 "A don't remember that spec f c</p> <p>11 th ng yeah</p> <p>12 "Q can show you the transcr pt</p> <p>13 "A Yeah</p> <p>14 "Q Do you want to see the transcr pt?</p> <p>15 "A Yes p ease</p> <p>16 "Q Okay You can ook at the top of</p> <p>17 page 40</p> <p>18 "A Oh yes</p> <p>19 "Q Does that refresh your</p> <p>20 reco ect on?</p> <p>21 "A Yeah</p> <p>22 "Q Can have that back? Because</p> <p>23 that wou d be fa r -- wou d t be fa r to say that</p> <p>24 even dur ng the per ods of -- ever s nce the</p> <p>25 beg nn ng of -- that you can reca that your ex was</p>

109 (Pages 433 to 436)

Page 437	Page 439
<p>1 obsessed w th E G r ght constant y ask ng</p> <p>2 quest ons about h m?</p> <p>3 "A R ght t fe t that way yes</p> <p>4 "Q And that was cons tent you know</p> <p>5 start ng before the actua March 25th tape and</p> <p>6 cont nued through the course of your re at onsh p</p> <p>7 th s obsess on as you ca ed t r ght?</p> <p>8 "A Yes</p> <p>9 "Q And that was cons tent w th h s</p> <p>10 persona ty as we've d scussed r ght?</p> <p>11 "A 'm sorry n what?</p> <p>12 "Q That he was obsess ve n track ng</p> <p>13 and do ng a that stuff r ght?</p> <p>14 "A He wou d do that</p> <p>15 "Q So at one po nt you te</p> <p>16 Mr T saby on page 40 u t mate y why the d voice</p> <p>17 had to happen r ght?</p> <p>18 "A Yes</p> <p>19 "Q Do you reca that?</p> <p>20 "A don't reca say ng t but</p> <p>21 yeah</p> <p>22 "Q And th nk what you sa d was and</p> <p>23 th s was n the context of a these -- those</p> <p>24 d sc osures and you sa d 'After October the reason</p> <p>25 why we went through t w th the d voice s because</p>	<p>1 start w th one quest on, wh ch wou d ead to</p> <p>2 another, wh ch wou d ead to another, wh ch wou d</p> <p>3 ead to another. So t was as f he had the answer</p> <p>4 n h s m nd and unt he got the answer he was</p> <p>5 ook ng for, he wasn't go ng to stop w th the</p> <p>6 quest on ng.</p> <p>7 "Q: And how ong wou d t go on? G ve</p> <p>8 me an examp e. How ong wou d he cont nue to</p> <p>9 nterrogate you about any nstance and every deta ?</p> <p>10 "A: don't know spec f ca y, but t</p> <p>11 cou d ast hours.</p> <p>12 "Q: L ke hours at a t me?</p> <p>13 "A: Yes.</p> <p>14 "Q: And t was dur ng the course of</p> <p>15 these nterrogat ons you moved forward that you</p> <p>16 wou d from t me to t me prov de more nformat on to</p> <p>17 h m, correct?</p> <p>18 "A: Correct.</p> <p>19 "Q: And as you were try ng, as you</p> <p>20 were prov d ng more nformat on dur ng some of these</p> <p>21 nterrogat on encounters, wou d t be fa r to say</p> <p>22 that you were a so ook ng to -- for h m to -- to</p> <p>23 show you a tte empathy?</p> <p>24 "A: Not necessar y empathy, but just</p> <p>25 to stop, ke, have you gotten enough. Let's just</p>
Page 438	Page 440
<p>1 after sent that ema ' -- and that was the ema</p> <p>2 he asked you to send r ght?</p> <p>3 "A Yes</p> <p>4 "Q -- 'to EEG he st cou dn't be</p> <p>5 w th me ' Mr T saby sa d 'Uh-huh ' 'And at th s</p> <p>6 po nt was so exhausted hear ng 'm a whore</p> <p>7 everyth ng s my fau t be ng nterrogated a the</p> <p>8 t me about those -- these nstances and then had</p> <p>9 seen Er c and sa d that's f ne f you want a</p> <p>10 d voice 've done everyth ng that you asked me</p> <p>11 'm so exhausted can't do th s t's -- that's</p> <p>12 f ne '</p> <p>13 Do you reca that?</p> <p>14 "A Yes</p> <p>15 "Q And that was -- and when -- when</p> <p>16 you're ta k ng about that was another reference</p> <p>17 that you descr bed P S as sort of engag ng n what</p> <p>18 you wou d descr be as nterrogat on Okay?</p> <p>19 "A Yes</p> <p>20 "Q So you know as -- as awyers we</p> <p>21 sort of have an dea of what that means to be</p> <p>22 nterrogated What -- how -- what wou d you</p> <p>23 descr be? How were you -- what does that mean to</p> <p>24 you that he was constant y nterrogat ng you?</p> <p>25 "A He wou d say th ngs He wou d</p>	<p>1 stop and move on</p> <p>2 "Q We actua y you ment on on</p> <p>3 page 21 and the other th ng that know d d --</p> <p>4 and th s was n reference to not n ta y te ng</p> <p>5 h m about for nstance that he ca ed you a whore</p> <p>6 okay that you're c a m ng that E G ca ed you a</p> <p>7 whore you d dn't te h m about that and th nk</p> <p>8 you a so d dn't te h m -- you're c a m ng you</p> <p>9 d dn't te your husband P S n that frst</p> <p>10 nstance about any ora sex r ght?</p> <p>11 "A Correct</p> <p>12 "Q And your exp anat on was knew</p> <p>13 that my husband wou d f p e ther way but not -- you</p> <p>14 know was just hop ng that he wou d have empathy</p> <p>15 or whatever so he wou d understand</p> <p>16 "A Oh r ght about the th ngs that</p> <p>17 were --</p> <p>18 "Q Com ng out?</p> <p>19 "A -- rea y rea y d fferent --</p> <p>20 d ff cu t for me to dea w th</p> <p>21 "Q And?</p> <p>22 "A But not the other th ngs guess</p> <p>23 to c ar fy d dn't need empathy about the th ngs</p> <p>24 knew was do ng wrong and stuff ke that</p> <p>25 wanted to move on from that</p>

HEARING 5/23/2018

<p style="text-align: right;">Page 441</p> <p>1 "Q So t wou d be dur ng the course</p> <p>2 of these somet mes mu t p e-hour nterrogat ons</p> <p>3 th nk you sa d that you wou d then prov de from t me</p> <p>4 to t me more nformat on about your sexua</p> <p>5 encounters w th E G r ght?</p> <p>6 "A Yes</p> <p>7 "Q th nk for nstance f my</p> <p>8 memory serves t was n Ju y when you reconc ed</p> <p>9 and dur ng one of these nterrogat on sess ons that</p> <p>10 you had prov ded nformat on that you c a med that</p> <p>11 E G s apped you r ght?</p> <p>12 "A Yes</p> <p>13 "Q And that was aga n dur ng one of</p> <p>14 those quote-unquote nterrogat on sess ons r ght?</p> <p>15 "A t was yeah dur ng a ne of</p> <p>16 quest on ng</p> <p>17 "Q Wou d that a so be true w th --</p> <p>18 when you to d P S that you're c a m ng that on --</p> <p>19 that on an occas on E G ca ed you a whore?</p> <p>20 "A On that certa n occas on?</p> <p>21 "Q Yeah Dur ng one of those</p> <p>22 nterrogat on sess ons</p> <p>23 "A don't know f to d h m that or</p> <p>24 not 'm not sure</p> <p>25 "Q That certa n y wasn't n the 25th</p>	<p style="text-align: right;">Page 443</p> <p>1 that w th respect to your husband's spec f c</p> <p>2 threats that he d dn't want to put words n your</p> <p>3 mouth but that you were petr f ed of those threats?</p> <p>4 "A Who d dn't want to put words n my</p> <p>5 mouth?</p> <p>6 "Q Mr T saby d dn't want to put</p> <p>7 words n your mouth</p> <p>8 "A Oh</p> <p>9 "Q But he was ask ng about the</p> <p>10 spec f c threats that P S made towards you?</p> <p>11 "A Oh</p> <p>12 "Q And that you were petr f ed by</p> <p>13 those threats?</p> <p>14 "A Yes</p> <p>15 "Q That wou d be cons tent --</p> <p>16 cons tent from -- essent a y from the t me that</p> <p>17 you made that record ng w thout know ng t up unt</p> <p>18 the ent re severa years ago r ght that he wou d</p> <p>19 cont nue to make threats?</p> <p>20 "A Yes On occas on he d d</p> <p>21 "Q And he wou d cont nue t wou d</p> <p>22 not be uncommon for h m to te you that he cou d</p> <p>23 ru n you n 30 seconds and ru n E G n 30 seconds?</p> <p>24 "A He has sa d that yes</p> <p>25 "Q Mu t p e occas ons correct?</p>
<p style="text-align: right;">Page 442</p> <p>1 tape correct?</p> <p>2 "A Oh March</p> <p>3 "Q Yeah</p> <p>4 "A Correct</p> <p>5 "Q And mean we've seen the text</p> <p>6 messages and 've heard your -- and 've read a</p> <p>7 these transcr pts t's fa r to say that that was a</p> <p>8 frequent term that P S eve ed aga nst you?</p> <p>9 "A Th ngs of that nature yes</p> <p>10 "Q We and th nk what you sa d</p> <p>11 was on page 40 at th s po nt was so exhausted</p> <p>12 hear ng 'm a whore</p> <p>13 "A R ght just genera yeah n</p> <p>14 genera</p> <p>15 "Q You say t was so frequent y that</p> <p>16 you were exhausted by t r ght?</p> <p>17 "A R ght Not by that spec f c term</p> <p>18 but just you know you went nto another woman's</p> <p>19 home Who are you? You're d sgust ng You know</p> <p>20 th ngs of that nature</p> <p>21 "Q Everyth ng s your fau t and</p> <p>22 you're be ng nterrogated a the t me r ght?</p> <p>23 "A Correct</p> <p>24 "Q That's what you sa d to T saby</p> <p>25 A r ght Now do you reca te ng Mr T saby</p>	<p style="text-align: right;">Page 444</p> <p>1 "A: Things of that nature, yes.</p> <p>2 "Q: So that made you suspect that he</p> <p>3 may have something recorded, because you know your</p> <p>4 husband, but you certain y had no proof that he had</p> <p>5 anything recorded at that time, right?</p> <p>6 "A: We , had that one -- or</p> <p>7 didn't have it, but no. guess he didn't text it</p> <p>8 to me. knew that he recorded me for, ike, a</p> <p>9 itt e snip during an argument, and fipped out,</p> <p>10 ye ing at him.</p> <p>11 "Q: Okay. So et's back up.</p> <p>12 "A: Yeah.</p> <p>13 "Q: He recorded you during --</p> <p>14 "A: This is back when -- this is when</p> <p>15 we were back together.</p> <p>16 "Q: Okay. So he records you in an</p> <p>17 unre ated argument?</p> <p>18 "A: Oh, yeah, yeah.</p> <p>19 "Q: Okay. So you knew he was capab e</p> <p>20 of recording, and that wou d have been sometime</p> <p>21 in -- between Ju y and October?</p> <p>22 "A: Yes.</p> <p>23 "Q: And he sent you a snippet</p> <p>24 basica y to show you how you sounded when you were</p> <p>25 arguing?</p>

111 (Pages 441 to 444)

Page 445	Page 447
<p>1 "A: Yes</p> <p>2 "Q: Am I getting that right?</p> <p>3 "A: Yes</p> <p>4 "Q: Okay. And basically trying to put</p> <p>5 you down. Far enough?</p> <p>6 "A: Yes</p> <p>7 "Q: Okay. But you didn't know -- and</p> <p>8 I'm going to just get ahead of myself. You didn't</p> <p>9 know that he had actually surreptitiously recorded</p> <p>10 you although you may have suspected that because of</p> <p>11 his constant threatening you that he could ruin</p> <p>12 you and things of that nature, right?</p> <p>13 "A: Yes. But after we were for sure</p> <p>14 getting divorced, remember a specific conversation</p> <p>15 where he said 'I have proof.' He said 'I can</p> <p>16 ruin you and I have proof.'</p> <p>17 "Q: 'And I have proof.' Now, think</p> <p>18 at one point you said that that -- you said that was</p> <p>19 maybe sometime between -- right after the divorce in</p> <p>20 October, right?</p> <p>21 "A: Right. Like right after October</p> <p>22 was when we for sure decided to get a divorce</p> <p>23 "Q: So that was right after that?</p> <p>24 "A: Correct.</p> <p>25 "Q: That I have proof and I can ruin</p>	<p>1 "Q: And then you're thinking to</p> <p>2 yourself, this guy may really -- may have really</p> <p>3 recorded me?</p> <p>4 "A: Yes.</p> <p>5 "Q: But even at that time -- and this</p> <p>6 would have been in early January or so to speak the</p> <p>7 first contact, some of the first contact with you</p> <p>8 and Trager, right?</p> <p>9 "A: Right.</p> <p>10 "Q: But even at that time, you're</p> <p>11 thinking or at least hoping that whatever he</p> <p>12 recorded was either muffled or unusable and it</p> <p>13 wasn't worth anything?</p> <p>14 "A: Yes.</p> <p>15 "Q: And just want to make sure</p> <p>16 have the timeline accurately. So you only knew for</p> <p>17 certain that he didn't in fact record you when you saw</p> <p>18 it on TV?</p> <p>19 "A: Yes.</p> <p>20 "Q: And then he was in a showette</p> <p>21 talking and you recognized obviously it as PS?</p> <p>22 "A: Yes.</p> <p>23 "Q: That's when you realized that he</p> <p>24 didn't in fact do what he had said he had done and he</p> <p>25 had the ability to carry out those threats and was</p>
Page 446	Page 448
<p>1 you and as a son-in-law. -- E.G., right?</p> <p>2 "A: Right. Or ruin you both.</p> <p>3 "Q: Right.</p> <p>4 "A: Or I don't remember the specific</p> <p>5 conversation.</p> <p>6 "Q: And that was -- and in that</p> <p>7 context, you said you suspected, well, what does</p> <p>8 that mean? Maybe he does have some sort of</p> <p>9 record now?</p> <p>10 "A: Correct.</p> <p>11 "Q: But again, you had no proof,</p> <p>12 right?</p> <p>13 "A: No.</p> <p>14 "Q: And that was the sort -- that was</p> <p>15 sort of the status of your understanding of any</p> <p>16 surreptitious recording up until this story started</p> <p>17 to break, right?</p> <p>18 "A: Right.</p> <p>19 "Q: And you initially started thinking</p> <p>20 that he may have really had the tape when the</p> <p>21 newspeople -- when Ms. Trager, Lauren Trager, came</p> <p>22 to you and had some details that seemed to be</p> <p>23 specific to that conversation that you had on the</p> <p>24 25th, right?</p> <p>25 "A: Yes.</p>	<p>1 actually doing it?</p> <p>2 "A: Yes.</p> <p>3 "Q: Incidentally, do you keep your</p> <p>4 texts or do you delete them?</p> <p>5 "A: Meaning just depends on</p> <p>6 generally yes, just keep them. But have kept</p> <p>7 the text phone ever. It's eight gigabyte</p> <p>8 think. So I erase stuff that means nothing or</p> <p>9 you know, but in general, keep most texts.</p> <p>10 "Q: And some of the things that he</p> <p>11 would constantly evade against you after he found</p> <p>12 out about your relationship with EG and</p> <p>13 consistently through the next several years was he</p> <p>14 would constantly say you ruined your family and that</p> <p>15 you were a home wrecker, things of that nature,</p> <p>16 right?</p> <p>17 "A: Yes.</p> <p>18 "Q: And you make a statement to</p> <p>19 T. Saby. And I'm curious. You said so at some</p> <p>20 point. He said to me, 'Could ruin you at any</p> <p>21 moment' and said 'How?' Or 'Could ruin you</p> <p>22 both' and said 'How' because the way he</p> <p>23 threatened it and that's the way you had just had</p> <p>24 to know that -- my ex-husband. He's the type of guy</p> <p>25 that would be like -- you don't even know. He's</p>

HEARING 5/23/2018

Page 449	Page 451
<p>1 just that kind of guy What did you mean?</p> <p>2 "A I'm not sure specifically</p> <p>3 don't know Can read it?</p> <p>4 "Q Sure</p> <p>5 "A Just -- yeah</p> <p>6 "Q It's on -- it's between lines and</p> <p>7 6 and 12 on page 43</p> <p>8 "A Oh yeah He would say things</p> <p>9 like so before knew before he said I have</p> <p>10 proof of it He would say you don't even know like</p> <p>11 you know He would just give me that sort of have</p> <p>12 something secretive that you're never going to know</p> <p>13 You know stuff like that</p> <p>14 "Q So it was not on your words it</p> <p>15 was his actions?</p> <p>16 "A Yes</p> <p>17 "Q And it was the manner in which he</p> <p>18 conveyed it?</p> <p>19 "A Yes</p> <p>20 "Q And think at some point you used</p> <p>21 the word 'menacing' Would that be a fair depiction</p> <p>22 of how he would portray this information to you that</p> <p>23 he had?</p> <p>24 "A I don't know that that's --</p> <p>25 "Q Did he act in a menacing fashion?</p>	<p>1 "Q And except for -- as I've gone</p> <p>2 through all this discovery except for very brief</p> <p>3 times he was -- he being P S -- was consistent and</p> <p>4 sort of with this ongoing campaign of harassment</p> <p>5 for lack of a better word?</p> <p>6 "A Yes</p> <p>7 "Q And threats right?</p> <p>8 "A Yes</p> <p>9 "Q And exposing you and exposing the</p> <p>10 situation all of that stuff right?</p> <p>11 "A He wouldn't flat out say I'm going</p> <p>12 to put this out in the news media He would say</p> <p>13 stuff like that like you don't even know whatever</p> <p>14 "Q Did he give you any indication</p> <p>15 that he was concerned about the story being public?</p> <p>16 "A No</p> <p>17 "Q It would be to the contrary</p> <p>18 right?</p> <p>19 "A Yes</p> <p>20 "Q Exactly 180 degrees different?</p> <p>21 "A From my perspective yes</p> <p>22 "Q Well and you're basing it on his</p> <p>23 words and his actions right?</p> <p>24 "A Yes</p> <p>25 "Q Because you knew from his actions</p>
Page 450	Page 452
<p>1 "A I don't know That doesn't sound</p> <p>2 like him I don't think I'm not sure</p> <p>3 "Q Well you certainly knew what he</p> <p>4 meant right?</p> <p>5 "A Yes My ex-husband yes</p> <p>6 "Q You told Mr. T. Saby that when he</p> <p>7 would lodge these threats at you about running you</p> <p>8 and what an awful person what he can do to you it</p> <p>9 was a ways around publicly humiliate you and</p> <p>10 things of that nature right? And running your</p> <p>11 reputation things of that nature?</p> <p>12 "A That's how I took it yes</p> <p>13 "Q And Mr. T. Saby asked you -- T. Saby</p> <p>14 asked you did -- asked you 'Did you feel threatened</p> <p>15 by it?' And you said 'Yes' 'And did you feel</p> <p>16 intimidated by it?' And you said 'Yes' And he</p> <p>17 asked you 'Why did you feel this way?' And you</p> <p>18 responded by saying 'Because I knew he was</p> <p>19 malicious' Was that a true?</p> <p>20 "A Yes at the time absolutely</p> <p>21 felt that way</p> <p>22 "Q Well not only at that time</p> <p>23 You're recounting things on the 29th of January</p> <p>24 right?</p> <p>25 "A Right</p>	<p>1 that information was getting back to you from</p> <p>2 various sources right?</p> <p>3 "A Yes</p> <p>4 "Q And you knew that he didn't put it</p> <p>5 out there right?</p> <p>6 "A Correct</p> <p>7 "Q And the sources that were coming</p> <p>8 back to you with this information appeared to be</p> <p>9 sources that were connected to P S right?</p> <p>10 "A Correct</p> <p>11 "Q So there was no doubt in your mind</p> <p>12 that he was the one that was disseminating this</p> <p>13 information and trying to make it not private</p> <p>14 correct?</p> <p>15 "A Correct</p> <p>16 "Q And at times you would ask him</p> <p>17 you would have conversations about not only the</p> <p>18 effect it was going to have on you and your</p> <p>19 humiliation and your embarrassment but the effect</p> <p>20 it was going to have on your children right?</p> <p>21 "A Yes</p> <p>22 "Q And he didn't seem to care He</p> <p>23 would just circle back to the fact that you ruined</p> <p>24 your family right?</p> <p>25 "A Yes</p>

113 (Pages 449 to 452)

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Page 453	Page 455
<p>1 "Q And that's essent a y -- and that</p> <p>2 essent a y he wou d treat the ch dren as</p> <p>3 co atera damage to your conduct?</p> <p>4 "A Yes</p> <p>5 "Q Wou d -- wou d that a be fa r?</p> <p>6 "A Yes</p> <p>7 "Q Okay n fact when he used the</p> <p>8 words 'ma c ous ' Mr T saby fo owed up and sa d</p> <p>9 'And h m be ng ma c ous n your own words you fe t</p> <p>10 that he wou d' -- and you cut h m off and you sa d</p> <p>11 'He wou d do whatever whatever t took store th s</p> <p>12 nformat on oh yeah ' To make you ook bad to</p> <p>13 embarrass you n pub c and you sa d 'pos tve y'</p> <p>14 r ght?</p> <p>15 "A Yeah</p> <p>16 "Q s that accurate and true?</p> <p>17 "A Yes That's how fe t</p> <p>18 Abso ute y</p> <p>19 "Q And s t -- and how -- and you</p> <p>20 went on to say because n h s words many many</p> <p>21 t mes 'm a home wrecker and 'm a whore</p> <p>22 Mr T saby sa d 'Those are h s exact words?' And</p> <p>23 you sa d 'Yes just d scuss ng so many t mes And</p> <p>24 he was go ng to make approx mate pub c "</p> <p>25 There must be an error n trans at on</p>	<p>1 "A Yeah</p> <p>2 "Q Because fr ends were say ng</p> <p>3 don't know what's wrong w th h m you know but he</p> <p>4 keeps tweet ng stuff don't have Tw tter you</p> <p>5 know He keeps tweet ng stuff But remember th s</p> <p>6 was dur ng that per od of t me where was try ng</p> <p>7 very hard to gnore everyth ng so [redacted] and</p> <p>8 [redacted] T saby and he was tweet ng th s</p> <p>9 through -- K S through h s pub c account My</p> <p>10 ex-husband s [redacted] Uh-huh Oh get t</p> <p>11 That's the Tw tter feed Uh-huh</p> <p>12 "So as you know he's got a pub c</p> <p>13 Tw tter account w th a huge fo ow ng Do you</p> <p>14 reca that per od of t me?</p> <p>15 "A Yes</p> <p>16 "Q Was he just tweet ng ke one</p> <p>17 tt e Tweet?</p> <p>18 "A So fr ends of m ne who d d have</p> <p>19 Tw tter just sa d just want you to know he's</p> <p>20 putt ng stuff out there ke about E G be ng a</p> <p>21 home wrecker and stuff of that nature</p> <p>22 "Q And --</p> <p>23 "A As f he's not try ng to keep th s</p> <p>24 pr vate at a and he's try ng to --</p> <p>25 "Q Can you te me a t me frame that</p>
Page 454	Page 456
<p>1 there</p> <p>2 "You sa d 'Oh yeah to embarrass you</p> <p>3 Many many t mes " He went on to say 'D d you ever</p> <p>4 ask h m about cons der ng you know the ch dren</p> <p>5 and the r reputat ons?' 'Many t mes ' That was</p> <p>6 true what you were say ng to T saby r ght?</p> <p>7 "A Yes</p> <p>8 "Q And a that stuff was actua y</p> <p>9 happen ng r ght?</p> <p>10 "A Yes</p> <p>11 "Q And T saby fo owed up n say ng</p> <p>12 'So what he's done he's actua y gone out n pub c</p> <p>13 and spread a th s nformat on about you r ght?'</p> <p>14 And you agreed to that correct?</p> <p>15 "A Correct</p> <p>16 "Q And then there's a so th s</p> <p>17 s tuat on about you try ng to exp a n to T saby that</p> <p>18 he had a pub c Tw tter account Exp a n that to</p> <p>19 me</p> <p>20 "A t's -- 'm sorry What s t</p> <p>21 ta k ng about?</p> <p>22 "Q We the context was -- and he</p> <p>23 a so -- so d dn't -- d dn't know -- d dn't</p> <p>24 know at the t me -- 'm just quot ng read ng t</p> <p>25 verbat m</p>	<p>1 th s was go ng on f you know?</p> <p>2 "A don't know spec f ca y but t</p> <p>3 wou d have been 2016 2017</p> <p>4 "Q Okay So cons tent y And was</p> <p>5 t one tweet or was t severa tweets?</p> <p>6 "A remember mu t p e t mes</p> <p>7 "Q Mu t p e t mes</p> <p>8 "A Them te ng me</p> <p>9 "Q And other than referr ng to E G</p> <p>10 as a home wrecker wou d he spec f ca y refer to</p> <p>11 you?</p> <p>12 "A don't remember that</p> <p>13 spec f ca y L ke -- know he never put my</p> <p>14 name on someth ng but --</p> <p>15 "Q We th nk he went on -- T saby</p> <p>16 sa d 'And that's what he was do ng on Tw tter and</p> <p>17 he was say ng th ngs about you as we ' And you</p> <p>18 sa d 'K S just no L ke you were w th your --</p> <p>19 how was your ha rdresser and stuff ke that just</p> <p>20 try ng to ke -- so he was d rect ng a ot of th s</p> <p>21 Tw tter stuff to E G r ght?</p> <p>22 "A Yes</p> <p>23 "Q But he was mak ng ve ed</p> <p>24 references to you ke wou d t be fa r to say</p> <p>25 ke E G how was your ha rdresser th ngs of that</p>

Page 457	Page 459
<p>1 nature?</p> <p>2 "A Yes</p> <p>3 "Q Okay So he d dn't name you by</p> <p>4 name but he was putt ng your story out there on</p> <p>5 Tw tter?</p> <p>6 "A Yes</p> <p>7 "Q And that was happen ng frequent y</p> <p>8 as we ?</p> <p>9 "A don't know about frequent y but</p> <p>10 know that t was at east mu t p e t mes</p> <p>11 "Q And then wou d t be fa r to say</p> <p>12 that after E G won h s behav or got more errat c</p> <p>13 and crazy?</p> <p>14 "A No</p> <p>15 "Q mean P S 's</p> <p>16 "A Oh</p> <p>17 "Q 'm not ta k ng about -- 'm not</p> <p>18 ta k ng about E G 's behav or 'm ta k ng about</p> <p>19 P S 's behav or</p> <p>20 "A R ght No not necessar y</p> <p>21 because before that t was just as bad</p> <p>22 "Q Just as crazy and errat c?</p> <p>23 "A t was pretty --</p> <p>24 "Q And then you wou d go around</p> <p>25 after E G won and start ta k ng about how crazy he</p>	<p>1 yourse f t starts on page 49</p> <p>2 "A Oh yeah yeah Yes was --</p> <p>3 "Q So --</p> <p>4 "A was speak ng about how he sa d</p> <p>5 'm pay ng a th s money to keep t qu et you</p> <p>6 know and a these other peop e are try ng to put</p> <p>7 t out there and -- but knew</p> <p>8 "Q You knew the truth --</p> <p>9 "A That --</p> <p>10 "Q -- that that cou dn't have been?</p> <p>11 "A That was -- that was pretty</p> <p>12 farfetched n my op n on</p> <p>13 "Q That was pretty farfetched because</p> <p>14 you heard peop e com ng back to you from P -- from</p> <p>15 P S r ght?</p> <p>16 "A Yes</p> <p>17 "Q And you knew what he was say ng to</p> <p>18 you r ght?</p> <p>19 "A Yes</p> <p>20 "Q Essent a y harass ng you w th</p> <p>21 th s nformat on for years?</p> <p>22 "A Yes</p> <p>23 "Q And th nk -- th nk at one</p> <p>24 po nt you descr bed t as he was essent a y te ng</p> <p>25 anybody who wou d sten about th s s tuat on?</p>
Page 458	Page 460
<p>1 s and -- and then he was mak ng statements to you</p> <p>2 that he actua y pa d money to make the story qu et?</p> <p>3 "A Yes he d d</p> <p>4 "Q So th nk n that context you</p> <p>5 sa d t was your percept on that he was try ng to</p> <p>6 portray h mse f pub c y as some sort of hero but</p> <p>7 n fact you knew h m to be the v a n?</p> <p>8 "A Yes that's fa r</p> <p>9 "Q Because he was essent a y to you</p> <p>10 y ng about what he was do ng when he was do ng</p> <p>11 exact y the oppos te Wou d that be fa r?</p> <p>12 "A Yes Was speak ng d rect y</p> <p>13 about when t came out and h s story that he sa d on</p> <p>14 the news?</p> <p>15 "Q No</p> <p>16 "A s that --</p> <p>17 "Q th nk you were speak ng -- th s</p> <p>18 was r ght -- th s was after E G won the e ect on</p> <p>19 h s behav or r ght after that</p> <p>20 "A Okay</p> <p>21 "Q Wou d you ke to see the context?</p> <p>22 "A Oh yeah</p> <p>23 "Q Okay</p> <p>24 "A Thank you</p> <p>25 "Q Take a ook and read t to</p>	<p>1 "A Yes</p> <p>2 "Q And you knew that to be true?</p> <p>3 "A We not that he was te ng</p> <p>4 anybody but d d know he to d an o d fr end of my</p> <p>5 tt e s ster's</p> <p>6 "Q Oh nc denta y s nce we ta ked</p> <p>7 ast have you rev ewed your depos t ons at a ?</p> <p>8 "A No</p> <p>9 "Q Or seen the v deos?</p> <p>10 "A No have not</p> <p>11 "Q Other than what we've d scussed</p> <p>12 pr or -- prev ous y -- prev ous y about some</p> <p>13 sect ons that your awyer to d you about that's a</p> <p>14 you know?</p> <p>15 "A Correct</p> <p>16 "Q Oh and have you ooked at the</p> <p>17 v deo of your interv ew w th T saby?</p> <p>18 "A No have not other than that</p> <p>19 port on that sa d ast t me</p> <p>20 "Q The s ent port on?</p> <p>21 "A The s ent port on</p> <p>22 "Q And -- and once you saw that</p> <p>23 s ent port on -- port on d d you restore any</p> <p>24 reco ect on as to what happened dur ng that per od</p> <p>25 of t me?</p>

Page 461	Page 463
<p>1 "A No don't remember</p> <p>2 spec fca y no</p> <p>3 "Q mean you cou dn't ook at that</p> <p>4 and reca what you were ta k ng about dur ng that</p> <p>5 per od of t me w thout the a d of a transcr pt?</p> <p>6 "A Correct</p> <p>7 "Q And speak ng of Tw tter just from</p> <p>8 your text messages there's a ot of text threads</p> <p>9 about your concern about after the story broke about</p> <p>10 what was go ng on w th Tw tter Do you reca that?</p> <p>11 "A Yes</p> <p>12 "Q Was that P S 's Tw tter or just</p> <p>13 other peop e's Tw tter?</p> <p>14 "A There was a Tw tter account that</p> <p>15 was started</p> <p>16 "Q Te me about that</p> <p>17 "A There was a Tw tter account ca ed</p> <p>18 'Show Me Too' that --</p> <p>19 MR AUST N t's been taken down</p> <p>20 MS M TTEN t's been taken down</p> <p>21 MR BARNES Okay</p> <p>22 "Q Show Me Too?</p> <p>23 "A We there were two of them that</p> <p>24 were put out There were one put out ca ed 'Show</p> <p>25 Me Too that had tweets about the s tuat on and f</p>	<p>1 "A No have no c ue</p> <p>2 "Q know you made -- you were mak ng</p> <p>3 a ot of nqu r es and ca ng Tw tter management</p> <p>4 about tak ng t down?</p> <p>5 "A Yes</p> <p>6 "Q D d you ever accomp sh that?</p> <p>7 "A Yes They d d take t down</p> <p>8 "Q And who d d -- was t you or d d</p> <p>9 somebody do that on your beha f?</p> <p>10 "A kept send ng them my ema s</p> <p>11 sent them a bunch of ema s</p> <p>12 "Q Have you kept those ema s?</p> <p>13 "A th nk so yes</p> <p>14 "Q n those ema s were you</p> <p>15 ment on ng your be ef that t was P S ?</p> <p>16 "A No just sa d th s sn't me</p> <p>17 Somebody s pretend ng to be me don't -- don't</p> <p>18 even know f t ets you put words but you put that</p> <p>19 as an mpersonat on can't remember spec fca y</p> <p>20 "Q Okay Do you reca after the</p> <p>21 story broke whether or not P S took to Tw tter</p> <p>22 anymore?</p> <p>23 "A That he -- 'm sorry What d d</p> <p>24 you say?</p> <p>25 "Q After th s story broke do you</p>
Page 462	Page 464
<p>1 somebody had ns de nformat on some of t be ng</p> <p>2 fa se some of t be ng true</p> <p>3 "Q D d you th nk t was P S ?</p> <p>4 "A thought t cou d be</p> <p>5 "Q Okay</p> <p>6 MR BARNES How about we take a short</p> <p>7 break?</p> <p>8 Ho d on Let's just take a break at</p> <p>9 93 We're okay And we' recess for ten m nutes</p> <p>10 s that -- you can get up and stretch and we'</p> <p>11 (Recess taken)</p> <p>12 MR BARNES Back on the record</p> <p>13 MS M TTEN We are at page 93</p> <p>14 "Q Okay</p> <p>15 "A And then the same th ng w th</p> <p>16 there was another one ca ed Gre ten's G r that</p> <p>17 pretended to be me and put my p ctures up and you</p> <p>18 know was say ng 'm go ng to revea my dent ty</p> <p>19 and --</p> <p>20 "Q And aga n do you th nk that was</p> <p>21 P S ?</p> <p>22 "A mean thought t cou d be</p> <p>23 "Q D d you ever f nd out --</p> <p>24 "A t's poss be</p> <p>25 "Q -- who t was?</p>	<p>1 remember whether P S took to Tw tter anymore?</p> <p>2 "A 'm not sure</p> <p>3 "Q So go ng nto your conversat on</p> <p>4 w th T saby -- we before go there do you know</p> <p>5 why he was f red [redacted]?</p> <p>6 "A mean know the genera reason</p> <p>7 t was years and years ead ng up to that po nt of</p> <p>8 h m not be ng -- want ng to be nvo ved n</p> <p>9 [redacted] stuff He wou dn't get back to ema s</p> <p>10 He was just k nd of d ff cu t [redacted] and --</p> <p>11 "Q Okay</p> <p>12 "A And at the very end obv ous y</p> <p>13 after th s happened [redacted] as we and bas ca y</p> <p>14 sa d w never speak to h m aga n t was k nd</p> <p>15 of the straw that broke the came 's back</p> <p>16 "Q So h s act v ty and h s behav or</p> <p>17 by pub c y embarrass ng you was the straw that</p> <p>18 broke the came 's back?</p> <p>19 "A Correct There was -- you know</p> <p>20 t -- t was ead ng up to that po nt</p> <p>21 "Q They had other unre ated ssues?</p> <p>22 "A Yes</p> <p>23 "Q But when th s came out that was</p> <p>24 a they needed They had enough r ght?</p> <p>25 "A Yes</p>

Page 465	Page 467
<p>1 "Q: Does your brother- n- aw speak to</p> <p>2 P.S. now?</p> <p>3 "A: No.</p> <p>4 "Q: Does anybody n your fam y speak</p> <p>5 to P.S.?</p> <p>6 "A: No.</p> <p>7 "Q: Does your s ster speak to P.S.?</p> <p>8 "A: No.</p> <p>9 "Q: Do any of the [redacted] speak to</p> <p>10 P.S., to your know edge?</p> <p>11 "A: Not to my know edge, no.</p> <p>12 "Q: You go on to say to T saby, and</p> <p>13 you make th s quote. want to ask you about t.</p> <p>14 So he re ayed that to my s ster's -- he re ated to</p> <p>15 that my s ster's husband and other [redacted],</p> <p>16 anybody who wou d sten, that bas ca y he was the</p> <p>17 hero because he had pa d money to somebody to keep</p> <p>18 t qu et, to keep th s nformat on qu et.</p> <p>19 "D d he ever te you who supposed y he</p> <p>20 pa d money to?</p> <p>21 "A: No.</p> <p>22 "Q: Th s was before he ever h red</p> <p>23 Mr. Watk ns, r ght?</p> <p>24 "A: had no c ue he even h red</p> <p>25 Mr. Watk ns unt a of --</p>	<p>1 wasn't go ng to go my way -- go away</p> <p>2 "Q Because you were on a persona</p> <p>3 note regard ess of po t cs you wanted h m to ose</p> <p>4 because you thought that wou d be the end of the</p> <p>5 story?</p> <p>6 "A R ght f gured a th s wou d</p> <p>7 go away and nobody s go ng to harass me about t</p> <p>8 t w just go away</p> <p>9 "Q And d d you vote n that e ect on?</p> <p>10 "A Yes d d</p> <p>11 "Q And d d you vote for the governor?</p> <p>12 "A No d d not</p> <p>13 "Q You absta ned?</p> <p>14 "A Oh vote -- voted for Chr s</p> <p>15 Koster</p> <p>16 "Q Okay Who was a so a c ent?</p> <p>17 "A A c ent of m ne</p> <p>18 "Q And you sa d you were devastated</p> <p>19 because you knew that your ex-husband d dn't get</p> <p>20 what he wanted So had he vo ced someth ng to that</p> <p>21 effect as -- as to what he wanted?</p> <p>22 "A We he texted me that morn ng</p> <p>23 He sa d 'You rea y p cked a w nner ' and knew</p> <p>24 He's obv ous y v d He's go ng to cont nue th s</p> <p>25 He's not go ng to stop</p>
Page 466	Page 468
<p>1 "Q But the t me frame that he was</p> <p>2 te ng you th s -- about pay ng money to keep the</p> <p>3 story qu et wou d th s have been pr or to say the</p> <p>4 fa of '17?</p> <p>5 "A Yes t wou d have been pr or to</p> <p>6 that</p> <p>7 "Q t wou d be ke n '16 that k nd</p> <p>8 of stuff?</p> <p>9 "A Yes</p> <p>10 "Q As he was harass ng you And you</p> <p>11 sa d that he had -- Mr T saby -- T saby sa d about</p> <p>12 you and you sa d r ght nobody had except' -- '</p> <p>13 get t r ght 'Nobody had except for through h m</p> <p>14 wh ch s why knew you know he -- at th s po nt</p> <p>15 he's try ng to be the hero when he's rea y the</p> <p>16 v a n you know because of -- so had --</p> <p>17 fast-forward heard that E G w ns 'm just</p> <p>18 devastated because now at th s po nt A know that</p> <p>19 my ex-husband d dn't get what he wanted '</p> <p>20 "Exp a n that to me So th s wou d</p> <p>21 have been n November of '16 r ght?</p> <p>22 "A Yes</p> <p>23 "Q And when he d d w n you</p> <p>24 persona y were devastated?</p> <p>25 "A We was devastated because t</p>	<p>1 "Q So th s harassment was not go ng</p> <p>2 away?</p> <p>3 "A R ght</p> <p>4 "Q And then short y after that you</p> <p>5 heard a rumor or one of your coworkers th nk</p> <p>6 whose w fe had worked on the Koster campa gn sa d</p> <p>7 that your ex was act ve y shopp ng t to the Koster</p> <p>8 peop e?</p> <p>9 "A t was one of my c ents one of</p> <p>10 her co-workers</p> <p>11 "Q So th s wou d have been before the</p> <p>12 e ect on?</p> <p>13 "A No th s was after the e ect on</p> <p>14 "Q That you earned after the</p> <p>15 e ect on that -- that before the e ect on --</p> <p>16 "A Correct</p> <p>17 "Q -- P S had been shopp ng th s</p> <p>18 story to the Koster campa gn?</p> <p>19 "A Correct</p> <p>20 "Q And they ooked at h m ke a</p> <p>21 spurned ex were -- was not recept ve?</p> <p>22 "A That was my understand ng yes</p> <p>23 "Q And that was cons tent w th what</p> <p>24 he had been say ng to you r ght?</p> <p>25 "A R ght That he was --</p>

HEARING 5/23/2018

Page 469	Page 471
<p>1 "Q: Try ng to get the story out?</p> <p>2 "A: Correct.</p> <p>3 "Q: D d you th nk he was try ng to</p> <p>4 cap ta ze on th s f nanc a y?</p> <p>5 "A: Part of me d d, but --</p> <p>6 "Q: So part of t was just to be</p> <p>7 v nd ct ve --</p> <p>8 "A: Yeah.</p> <p>9 "Q: -- and hum ate you, and part of</p> <p>10 t was poss b y to cap ta ze on t f nanc a y?</p> <p>11 "A: th nk because there was enough</p> <p>12 rumors that that was part of t too. d dn't put</p> <p>13 t past h m, but d dn't be eve t unt knew t</p> <p>14 was true.</p> <p>15 "Q: And then t appears, just from</p> <p>16 read ng your nterv ew w th T saby, that you -- you</p> <p>17 sort of got a very br ef break from a of th s</p> <p>18 cont nued harassments and threats to hum ate you</p> <p>19 and expose you and embarrass you for approx mate y</p> <p>20 August through December. Wou d that be fa r?</p> <p>21 "A: Yes.</p> <p>22 "Q: And when you say -- was there</p> <p>23 noth ng or was t just better? Just for the record.</p> <p>24 "A: t was def n te y better.</p> <p>25 "Q: He wou d st make tte</p>	<p>1 your k ds?</p> <p>2 "A: Correct.</p> <p>3 "Q: And you had determ ned that</p> <p>4 somehow P.S. had access to your phone?</p> <p>5 "A: That's what fe t, yes.</p> <p>6 "Q: And then at some po nt those texts</p> <p>7 reappeared, or d d they ever reappear?</p> <p>8 "A: No, they d dn't reappear on my</p> <p>9 phone. So before August -- we , so th s s what</p> <p>10 happened. t wou d be e ther Ju y 31st or</p> <p>11 August 2nd. f scro up as far as cou d, t</p> <p>12 wou d go to e ther Ju y 31st or August 2nd, so not</p> <p>13 a ways August 2nd, wh ch was b zarre. Anyways, and</p> <p>14 of th s past year, and that's when he started be ng</p> <p>15 n ce to me.</p> <p>16 "Q: We , when you sa d 'n ce,'</p> <p>17 th nk you sa d was ess horr b e.</p> <p>18 "A: Yes. mean n ce for h m,</p> <p>19 def n te y. And pr or to that. But the -- the</p> <p>20 p ctures n the text message thread, mean ng f</p> <p>21 de eted the who e text message thread, the p ctures</p> <p>22 wou d go away as we . But the p ctures n that</p> <p>23 thread went a the way back to 2016.</p> <p>24 "Q: But the text content d dn't?</p> <p>25 "A: But the text content d dn't.</p>
Page 470	Page 472
<p>1 nnuendoes and say th ngs, but t wasn't the</p> <p>2 constant campa gn of harassment?</p> <p>3 "A: R ght. There was noth ng that was</p> <p>4 as, don't know, v nd ct ve or mean --</p> <p>5 "Q: Okay.</p> <p>6 "A: -- unt December.</p> <p>7 "Q: And then he just started becom ng</p> <p>8 ncred b y horr b e to you?</p> <p>9 "A: n December?</p> <p>10 "Q: Yes.</p> <p>11 "A: Yeah, that's whenever he to d me.</p> <p>12 "Q: th nk the way you descr bed t</p> <p>13 s -- t s that he f na y was not be ng horr b e</p> <p>14 to you for that per od of t me unt December when</p> <p>15 he texted you, wh ch was -- and do have those</p> <p>16 texts.</p> <p>17 "A: Yes.</p> <p>18 "Q: Okay. Now, you a so -- th s s</p> <p>19 sort of confus ng, but th nk you had a</p> <p>20 conversat on w th T saby where at some po nt you had</p> <p>21 a number of texts from P.S. and certa n threads</p> <p>22 myster ous y d sappeared.</p> <p>23 "A: Correct.</p> <p>24 "Q: However, the photographs conta ned</p> <p>25 n those texts state, for nstance, a photograph of</p>	<p>1 "Q D d you ever have your phone</p> <p>2 checked to see what happened?</p> <p>3 "A -- took t to App e and</p> <p>4 spoke to someone And they both just sa d there's</p> <p>5 noth ng we can do un ess you had t backed up on a</p> <p>6 computer</p> <p>7 "Q So you never made a determ nat on</p> <p>8 as to whether or not he had actua y done someth ng</p> <p>9 to your phone?</p> <p>10 "A Correct They cou dn't te me</p> <p>11 asked them f they cou d run --</p> <p>12 "Q G ven that concern that you had</p> <p>13 d d you change phone numbers or change dev ces?</p> <p>14 "A No d d not</p> <p>15 "Q Why not?</p> <p>16 "A mean don't know don't</p> <p>17 see --</p> <p>18 "Q Pardon me?</p> <p>19 "A don't rea y care f he has</p> <p>20 access What -- f he's had access he's probab y</p> <p>21 had access for a ong t me and what the heck am</p> <p>22 go ng to -- at th s po nt 'm t red don't know</p> <p>23 "Q T red of a of t?</p> <p>24 "A Yeah</p> <p>25 "Q So th nk as you moved on you</p>

118 (Pages 469 to 472)

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HEARING 5/23/2018

Page 473	Page 475
<p>1 would -- you told Mr. T. Saby that when things got</p> <p>2 bad again -- we -- you referred to that as the past</p> <p>3 March which would have been March of '17 -- that</p> <p>4 when you had the encounter with P. S. and his</p> <p>5 girlfriend when you were with your new boyfriend?</p> <p>6 "A: Yes</p> <p>7 "Q: [Redacted]?</p> <p>8 "A: Yes -- last March</p> <p>9 "Q: Okay. Not the current March?</p> <p>10 "A: Not the current March</p> <p>11 "Q: So a year ago March?</p> <p>12 "A: Yes</p> <p>13 "Q: Okay. And that's when things were</p> <p>14 really bad, right?</p> <p>15 "A: Yes</p> <p>16 "Q: And all the threads and that's</p> <p>17 when he walked out of that party?</p> <p>18 "A: Yes</p> <p>19 "Q: And he sent an awful text to --</p> <p>20 think that was [redacted], right?</p> <p>21 "A: Yes</p> <p>22 "Q: And Mr. T. Saby asked if it had</p> <p>23 been forwarded to you, right?</p> <p>24 "A: Well, yes</p> <p>25 "Q: And he -- T. Saby asked -- actually</p>	<p>1 though the story is out, that he's still angry,</p> <p>2 right?</p> <p>3 "A: Well, in the very beginning, he</p> <p>4 kept putting out rumors about me getting paid</p> <p>5 about -- mean, any -- could be that they were</p> <p>6 coming from him, yeah.</p> <p>7 "Q: So even after he brought the story</p> <p>8 public, he's still trying to torment you?</p> <p>9 "A: Yes.</p> <p>10 "Q: And put a different twist on the</p> <p>11 story?</p> <p>12 "A: Yes.</p> <p>13 "Q: And making up rumors about you?</p> <p>14 "A: Yes.</p> <p>15 "Q: T. Saby asked if you had deleted</p> <p>16 those texts, and you said 'None of them,' right?</p> <p>17 "A: Right.</p> <p>18 "Q: And he said, 'We need to see</p> <p>19 those texts from him and everything else.' Was</p> <p>20 there a reason you didn't provide those texts to</p> <p>21 Mr. T. Saby at that time?</p> <p>22 "A: Well, mean, no. I don't know if it</p> <p>23 ever came up again.</p> <p>24 "Q: So he just said that and never</p> <p>25 asked you about them again?</p>
Page 474	Page 476
<p>1 asked for that those texts. Do you recall that?</p> <p>2 "A: I don't recall that, but --</p> <p>3 "Q: Well, think it was at that point</p> <p>4 where you sort of had the realization that even</p> <p>5 though E. G. had won that, that P. S. was not going to</p> <p>6 give up and that he was still obsessed over</p> <p>7 everything and he was still threatening you and</p> <p>8 things of that nature, right?</p> <p>9 "A: Yes</p> <p>10 "Q: And he was still trying to</p> <p>11 intimidate you, correct?</p> <p>12 "A: Correct</p> <p>13 "Q: And you said 'I hadn't spoken to</p> <p>14 him at all so I don't know and of course he's</p> <p>15 not -- let me get this right -- I don't know</p> <p>16 really on a fee that way whenever he gets on these</p> <p>17 rampages and he'll keep text, text, text, and</p> <p>18 text. Stuff like that. I'm worried that he's</p> <p>19 probably angry, right now that he didn't get exactly</p> <p>20 what he wanted. '</p> <p>21 "So 'right now' would have been</p> <p>22 January?</p> <p>23 "A: Right</p> <p>24 "Q: And that you were having these</p> <p>25 conversations. So you're still worried that even</p>	<p>1 "A: No. We never spoke to him</p> <p>2 again</p> <p>3 "Q: But again, he asked because --</p> <p>4 think in the text dump we've had so far, we didn't</p> <p>5 see that text from [redacted] that was forwarded to</p> <p>6 you. Do you know why? Was that deleted?</p> <p>7 "A: I don't know. I can check and</p> <p>8 see. I'm not sure. I know what it's regarding</p> <p>9 "Q: What was it regarding?</p> <p>10 "A: So before the party [redacted]</p> <p>11 texted me and said 'I'm so angry. I reached out to</p> <p>12 me because I was asking if you're going to be there</p> <p>13 saying it was unfair. You should be there as we</p> <p>14 And just to tell him you're a great friend of ours</p> <p>15 still. And he just -- and then he asked if the boy</p> <p>16 was going to be there talking about my boyfriend. And</p> <p>17 she said 'I don't know. I'm not sure. But I don't</p> <p>18 see why this is a big deal. So it was text messages</p> <p>19 about that before we went</p> <p>20 "So to tell her 'I'm not going to go then</p> <p>21 because I didn't want to cause any troubles for you</p> <p>22 guys and she said you're coming. You know, you</p> <p>23 better come. And that's what happened there</p> <p>24 "Q: And then he made sort of a vicious</p> <p>25 text and sent it to her?</p>

119 (Pages 473 to 476)

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Page 477	Page 479
<p>1 "A t wasn't v c ous t was just 2 k nd of roundabout te ng her they shou dn't be 3 nv t ng me, shou dn't be a owed to come there 4 "Q R ght 5 "A And f do, t shows a ack of 6 c ass -- 7 "Q Okay 8 "A -- s what t sa d 9 "Q And th s sort of eads us up to 10 December when you start hav ng interact on w th 11 Lauren Trager, who posed as a d fferent person to 12 get a ha rcut, r ght? 13 "A Yes 14 "Q And when she was g v ng you 15 spec f c nformat on, you rea zed that she d d n 16 fact -- was n fact ta k ng to P S , r ght? 17 "A Correct 18 "Q Mr T saby asked th s quest on 19 spec f ca y about know ng that Trager had 20 nformat on and that she eft you a vo cema w th 21 some of that spec f c nformat on, correct? 22 "A Correct 23 "Q And T saby says, 'Have you heard 24 t?' And you say, 'Yeah t's awfu know 25 exact y how fe t back then ' T saby sa d, 'And</p>	<p>1 day one?' And you sa d 'Yeah ' 2 " s that a true statement? 3 "A Not r ght before t came out t 4 d dn't -- other than that the text messages yeah 5 n December where just sa d don't speak to 6 anyone 7 "Q 'm just read ng what you to d 8 T saby that you were begg ng h m not to re ease the 9 stuff and that th s had been hang ng over your head 10 and he had been threaten ng you from day one s 11 that a true statement? You sa d yes to T saby? 12 "A R ght but mean not s tt ng 13 there begg ng but yes he knew how fe t 14 "Q Okay We aga n he asked you 15 and t was someth ng that you begged h m not to do 16 He he d t over your head a the t me and you sa d 17 yes That's what you sa d to T saby Do you want 18 to see t? 19 "A mean be eve t 20 "Q That was accurate wasn't t? 21 "A Yeah Of that -- of that nature 22 yes That s def n te y how our conversat ons went 23 "Q T saby went to on to say coerc ve 24 to you mean n your own words you just fe t 25 that he had just cont nued to harass you w th that</p>
Page 478	Page 480
<p>1 you p eaded w th h m not to do t, r ght?' And you 2 sa d, 'Yeah, ke a m on t mes.' s that true? 3 "A: Yes. 4 "Q: Throughout the course of those 5 years, you p eaded w th h m not to make t pub c? 6 "A: Yes. 7 "Q: Now, obv ous y a m on t mes was 8 an exaggerat on, but the po nt s -- 9 "A: Yeah, knew how fe t. He knew 10 how fe t. 11 "Q: He knew how you fe t. You knew 12 that the threats were there, and you knew that -- 13 how he fe t, that he wanted to cont nue to embarrass 14 you? 15 "A: Yes. 16 "Q: T saby fo owed up by say ng a 17 m on t mes and you st d d t, and you sa d, ' 18 mean, rea y, espec a y because was so -- mean, 19 was so d sgusted. was so embarrassed.' Do you 20 reca that? 21 "A: Yes, that sounds r ght. 22 "Q: And he went on to say, 'D d you 23 beg h m not to re ease th s stuff?' And th s what 24 he -- 'm just read ng t verbat m. 'And th s what 25 he been hang ng over your head threaten ng you from</p>	<p>1 story the threats? You sa d 'Yeah of go ng 2 pub c' 'Very much had you scared?' You sa d 3 'Yeah' s that true? 4 "A Def n te y 5 "Q And then [redacted] s that 6 true? 7 "A That's how fe t 8 "Q mean by th s t me because of 9 your conversat on w th your fr end [redacted] 10 whatever trep dat on you had about any a eged 11 photograph or p ctu re that E G may or may not have 12 had n your bra n that had a ready d ss pated 13 because you rea zed accord ng to your fr end and 14 t made sense to you that that wou d have been 15 counter nt u t ve so to speak for E G to re ease 16 the photograph r ght? 17 "A Can you restate your quest on? 18 "Q We you had ta ked to -- mean 19 at th s t me whatever fear you may or may not have 20 had about an a eged p ctu re -- 21 "A Okay 22 "Q -- that E G may or may not have 23 had of you that had a ready d ss pated because 24 after ta k ng -- after th nk ng about t and after 25 ta k ng to your fr end [redacted] n your m nd you</p>

HEARING 5/23/2018

Page 481	Page 483
<p>1 be eved of course E G never wou d have re eased</p> <p>2 a p cture such as that f t had ex sted because t</p> <p>3 wou d hurt h m?</p> <p>4 "A t wou d ncr m nate h m yes</p> <p>5 That wasn't the ma n --</p> <p>6 "Q So that part cu ar --</p> <p>7 "A R ght</p> <p>8 "Q R ght</p> <p>9 "A As far as E G s concerned</p> <p>10 "Q R ght</p> <p>11 "A That fear was not the ma n one</p> <p>12 don't know at what po nt --</p> <p>13 "Q R ght</p> <p>14 "A -- that d ss pated but t became</p> <p>15 more of --</p> <p>16 "Q P S</p> <p>17 "A Obv ous y he -- we even E G</p> <p>18 though f he knows that P S s try ng to get th s</p> <p>19 out what he's go ng to do to me to not have th s</p> <p>20 get out so t was d fferent type of fear because</p> <p>21 the p cture -- you know understood that</p> <p>22 "Q Okay</p> <p>23 "A When my fr end exp a ned that to</p> <p>24 me</p> <p>25 "Q And nc denta y T saby</p>	<p>1 "A No have not</p> <p>2 "Mr Rosenb um Okay " F ve-m nute</p> <p>3 break D scuss on Back on the record</p> <p>4 "BY MR ROSENBLUM</p> <p>5 "Q On page 65 of the transcr pt as</p> <p>6 we got c oser to when -- when the story broke n</p> <p>7 January you sa d that you were gett ng a bunch of</p> <p>8 m ssed ca s n the next few weeks And one of my</p> <p>9 c ents the very next day stopped by my sa on She</p> <p>10 sa d 'We need to ta k ' And then she met w th me</p> <p>11 and just sa d 'L sten she's n po t cs' and just</p> <p>12 sa d 'Th s s everywhere a over Jeff C ty Your</p> <p>13 ex-husband s try ng to get th s story out K S</p> <p>14 and th nk t's go ng to come out And you rea y</p> <p>15 need to te your story'</p> <p>16 "And was just shak ng and sa d</p> <p>17 'P ease no Do whatever you can not -- can to not</p> <p>18 cannot go here ' espec a y because knew how</p> <p>19 bad y my ex-husband wanted s that -- s that</p> <p>20 accurate?</p> <p>21 "A Yes</p> <p>22 "Q Was the nd v dua Stacey Newman</p> <p>23 that you were ta k ng about n po t cs?</p> <p>24 "A Yes</p> <p>25 "Q And you knew how bad y your</p>
Page 482	Page 484
<p>1 spec f ca y asked whether or not E G prom sed you</p> <p>2 anyth ng or pa d you anyth ng and of course you</p> <p>3 sa d no r ght?</p> <p>4 "A Correct</p> <p>5 "Q And that was accurate r ght?</p> <p>6 "A Yes</p> <p>7 "Q And he spec f ca y asked about</p> <p>8 any money to start your own bus ness th nk</p> <p>9 Ms Gardner asked about a car Noth ng ke that</p> <p>10 correct?</p> <p>11 "A Correct</p> <p>12 "A A r ght So the reason went</p> <p>13 through a of th s -- a of that s obv ous y you</p> <p>14 to d that to T saby w th Ms Gardner s tt ng there</p> <p>15 and that wou d have been on the 29th r ght?</p> <p>16 "A Yes</p> <p>17 "Q And you have never h d any of that</p> <p>18 nformat on from any of the c rcu t attorneys about</p> <p>19 what P S has done to you correct?</p> <p>20 "A Correct</p> <p>21 "Q And that was on the 29th of</p> <p>22 January that you shared a that correct?</p> <p>23 "A Correct</p> <p>24 "Q Have you read P S 's Grand Jury</p> <p>25 test mony?</p>	<p>1 ex-husband wanted to get the story out?</p> <p>2 "A Yes</p> <p>3 "Q And that's what you were referr ng</p> <p>4 to r ght?</p> <p>5 "A Correct</p> <p>6 "Q And then -- and then when you</p> <p>7 started hav ng Trager contact you she tr ed to get</p> <p>8 you to come out and put the story out there because</p> <p>9 she sa d the story s go ng to get out as we sa d</p> <p>10 because of the nformat on that P S had been g v ng</p> <p>11 her r ght? Pardon me?</p> <p>12 "A You're say ng that's what Trager</p> <p>13 sa d?</p> <p>14 "Q R ght</p> <p>15 "A Yes</p> <p>16 "Q And add t ona y u t mate y you</p> <p>17 earned from your fr end [redacted] that Trager</p> <p>18 actua y conf rmed that P S had g ven her the tape</p> <p>19 correct?</p> <p>20 "A Yes</p> <p>21 "Q And that was r ght after t was</p> <p>22 pub c or r ght before?</p> <p>23 "A R ght before</p> <p>24 "Q R ght before</p> <p>25 "A --</p>

121 (Pages 481 to 484)

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Page 485	Page 487
<p>1 "Q Because [redacted] 2 "A That day 3 "Q A friend attorney acting on your 4 behavior actually required as to how she got that 5 tape right? 6 "A Right 7 "Q And you asked her to do that? 8 "A Yes 9 "Q She confirmed that it was your ex? 10 "A Yes 11 "Q How did you feel about that? 12 "A Obviously upset 13 "Q So we just spent some time talking 14 about your husband's behavior know you said you 15 didn't read it just want to go over a couple of 16 things that he said to the Grand Jury Okay? You 17 said you didn't read -- 18 "A Correct 19 "Q -- P S's Grand Jury statements? 20 "A No have not 21 "Q He was asked by Mr Steele 'Why 22 did you not disclose this in 2015?' And his answer 23 was -- part of his answer 'I did not want to 24 disclose anything because my ultimate priorities my 25 children and -- don't want my children know ng</p>	<p>1 but your opinion is based on the fact that you just 2 shared with us for about the last 45 minutes, 3 correct? 4 "A: Yes. 5 "Q: That his actions were directly and 6 his words were directly contrary to what he just 7 said to the Grand Jury, correct? 8 "A: Correct. 9 "Q: In addition to his actions and his 10 words, the information that you were receiving from 11 other sources would be directly contrary to what he 12 said to the Grand Jury, correct? 13 "A: Correct. 14 "Q: And information that you were 15 receiving that you knew was coming from P.S. because 16 he was the only other person that had that 17 information, right? 18 "A: As far as I knew, yes. I know. 19 "Q: We went over in the videotape 20 transcript as to when you learned about the tape, 21 and the Grand Jury, he said with respect to 22 recording you on that occasion, that was a very 23 habitual thing, and she knew of the recording a few 24 weeks -- a few weeks later, and that hadn't been the 25 first time.</p>
Page 486	Page 488
<p>1 any of this. Certainly don't want them thinking 2 any less of the mother for being involved in 3 something like this. I didn't -- I didn't want it 4 out there. I didn't want anybody to be hurt. 5 Ultimately, I still have feelings for my ex-wife, 6 but even more, so I made a vow to her to protect her 7 and all that. And even if the marriages 8 dissolved, I owe her that vow as the mother of 9 my children. So the best-case scenario, in my 10 estimation or my view, was for all of this to be 11 buried and to go away forever, and my children would 12 never have to deal with it.' 13 "Was that true? 14 "Steele: Object on. Rosenblum. 15 "BY MR. ROSENBLUM: 16 "Q: Do you believe that to be true? 17 "Steele: Object on. Rosenblum. 18 "BY MR. ROSENBLUM: 19 "Q: You can answer. Do you believe 20 that to be true? 21 "A: What he said, that -- that was his 22 intentions? 23 "Q: Yes. 24 "A: In my opinion, no. 25 "Q: Well, not only in your opinion,</p>	<p>1 "Would that be a true statement? Did 2 you know of it a few weeks later? 3 "A: No, I did not. 4 "Q: Did you know that he had recorded 5 you before? 6 "A: Well, I knew of that snippet. 7 "Q: Right. 8 "A: But other than that, no, I had no 9 clue about any of that time. 10 "Q: He said that that event -- 11 "A: Oh, right. 12 "Q: That March 25 event would not have 13 been the first time. Did you know of anything such 14 as this? 15 "A: Not until after we were for sure 16 getting divorced. And I knew, never even 17 heard it. 18 "Q: Incidentally, do you know what 19 recording this snippet was from? 20 "A: No. Like what else we were 21 talking about, I have no clue. I just know the 22 thing that he showed me was when I ended at home 23 and, I know, we were in the middle of a -- an 24 argument. And what he played back to me was what 25 had just happened at home. So I don't know for sure</p>

<p style="text-align: right;">Page 489</p> <p>1 part of what you guys -- that transcript that you 2 had to do me about earlier or if it was something 3 else 4 "Q All right A Grand Jury asked 5 him -- a Grand Juror asked him 'So you were saying 6 that the -- that the -- the beginning that you 7 didn't want it to come out that you weren't 8 discussing it for the sake of the children b ah 9 b ah b ah So what were your motives for 10 eventually putting it out there?' 11 "His answer was 'I had done pretty 12 exhaustive measures and spent time and money 13 didn't have in fact a year later when enough 14 people came back to me through rumor and other 15 people and people contacted me trying to get me to 16 corroborate the story they kept hearing heard a 17 lawyer heard my attorney because I didn't feel 18 safe thought if the information was out there 19 enough' -- 20 "Mr Steele 'I'm going to object' 21 Rosenblum 22 "BY MR ROSENBLUM 23 "Okay You can answer Do you want me 24 to read it over? 25 "Steele Read it over"</p>	<p style="text-align: right;">Page 491</p> <p>1 that he did the Grand Jury, right? 2 "Steele: Objection. 3 "A: guess." 4 Steele and Rosenblum, further 5 discussion. 6 "A: Maybe that was true in his head. 7 "BY MR. ROSENBLUM: 8 "Q: We -- 9 "A: You know what mean? Maybe he 10 had convinced himself of that, but no, did not 11 feel that way. 12 "Q: Based on everything you know, is 13 that true? Based on everything you heard, based on 14 his actions, based on his words, based on everything 15 you developed to corroborate what he had been saying 16 by way of threats and harassment, was that true? 17 "Steele: Objection. 18 "BY MR. ROSENBLUM: 19 "Q: You can answer. 20 "A: don't know what was in his head. 21 He -- he put -- 22 "Q: 'I'm not asking what was in his 23 head. 'I'm asking if those words -- 24 "A: Right. 25 "Q: -- are true. Not what was in</p>
<p style="text-align: right;">Page 490</p> <p>1 Discuss on 2 "Mr Steele Have you read a question? 3 "A You can keep going 4 "BY MR ROSENBLUM 5 "Q Okay thought if the 6 information was out there enough that he knew what 7 knew felt my fear was in danger Did you 8 think that was a true statement? 9 "Steele Objection " 10 Further discuss on over the objection 11 "BY MR ROSENBLUM 12 "Q Based on what he did you and 13 based on what you corroborated from other sources 14 do you think that that was a true statement he made 15 to the Grand Jury? 16 "A He could have felt that way but 17 that's not how he was acting towards me no 18 "Q When he went on to say 'I wanted 19 the story down spent money I didn't have on this 20 lawyer for a number of years to keep that stuff 21 quiet after being contacted by many people' do you 22 believe that to be true that he wanted this story 23 down? 24 "A No do not feel that way 25 "Q So that would be basically a</p>	<p style="text-align: right;">Page 492</p> <p>1 head, if those words were true to you 2 "Steele Objection 3 "BY MR ROSENBLUM 4 "Q Based on what you know and based 5 on his conduct and his actions, did you believe 6 those words to be true based on what he had 7 previously said to you? 8 "A At what part of his words? 'I'm 9 sorry 10 "Q 'I wanted the story down ' 11 "A Oh 12 "Q Was that true? 13 "A I did not feel that way, no 14 "Q Okay 'I spent money I didn't 15 have on this lawyer for a number of years to keep 16 this stuff quiet after being contacted by many 17 people ' 18 "Do you think he was trying to keep 19 this stuff quiet? 20 "A do not think so 21 "Q That would have been a lie, then, 22 right? 23 "A It wouldn't be how I felt, no 24 guess -- hesitate because -- 25 "Q Because why?</p>

HEARING 5/23/2018

Page 493	Page 495
<p>1 "A: don't know what he had n h s</p> <p>2 head.</p> <p>3 "Q: We , but you know --</p> <p>4 "A: He cou d be conv nc ng h mse f</p> <p>5 that th s s what he was try ng to do, but that's</p> <p>6 not how t fe t, no.</p> <p>7 "Q: He went on to say, 'December of</p> <p>8 ast year, just a few months ago, those ca s went</p> <p>9 from every week to every coup e of hours. Someth ng</p> <p>10 had gotten out there. don't know f t was -- f</p> <p>11 t was somebody b gger say ng someth ng or f had</p> <p>12 been hacked or f my awyer, who s not very tech</p> <p>13 savvy, had been hacked, because those are the on y</p> <p>14 p aces that knew of th s record ng be ng. No one</p> <p>15 e se had t. sent t to no one. wanted no one</p> <p>16 e se to ever hear t.'</p> <p>17 "Do you th nk that's true?</p> <p>18 "A: No, don't be eve that that's</p> <p>19 true.</p> <p>20 "Q: 'The on y reason kept t s</p> <p>21 because thought that the on y th ng that's go ng</p> <p>22 to protect me n th s s f th s guy wants -- f</p> <p>23 someone wants to hurt me or my ex. don't know</p> <p>24 what was out there, but someth ng changed.</p> <p>25 Someth ng got out there n November and December,</p>	<p>1 "Q He can object You can answer</p> <p>2 Do you th nk that's what he was do ng?</p> <p>3 "A d d not fee that way no</p> <p>4 "Q That wou d be another e to the</p> <p>5 Grand Jury wou d t not? Based on everyth ng he</p> <p>6 sa d to you based on everyth ng -- based on your</p> <p>7 observat on of h s act on based on what you heard</p> <p>8 to corroborate h s act ons that wou d be a e to</p> <p>9 the Grand Jury wou dn't t?</p> <p>10 "Stee e Object on</p> <p>11 "A don't know what was h s n head</p> <p>12 don't know --</p> <p>13 "BY MR ROSENBLUM</p> <p>14 "Q Do you be eve that to be a true</p> <p>15 statement regard ess of whether t -- what was n</p> <p>16 h s head? Do you be eve that to be a true</p> <p>17 statement?</p> <p>18 "Stee e Object on</p> <p>19 "A mean --</p> <p>20 "BY MR ROSENBLUM</p> <p>21 "Q K S ?</p> <p>22 "A Yeah</p> <p>23 "Q These aren't d ff cu t quest ons</p> <p>24 You know that r ght? You know -- you know t's the</p> <p>25 d fference between what's true and what's not</p>
Page 494	Page 496
<p>1 and a these med a out ets and government off c a s</p> <p>2 were ca ng and say ng that they have t'</p> <p>3 "Do you th nk that's -- that was true?</p> <p>4 "Stee e Object on</p> <p>5 "A have no c ue f they had t or</p> <p>6 not</p> <p>7 "BY MR ROSENBLUM</p> <p>8 "Q He went on to te the Grand Jury</p> <p>9 'A knew s th s was com ng out t was made</p> <p>10 very c ear to me that somebody was putt ng th s out</p> <p>11 whether t was out of Kansas C ty or New York or</p> <p>12 D C t was com ng out And the on y way to ga n</p> <p>13 some sort of contro to say keep my k ds out of th s</p> <p>14 or p ease don't say her name or stay away from her</p> <p>15 work or someth ng the on y way to contro th s was</p> <p>16 just to get out n front of t and take -- take the</p> <p>17 shrapne That's the way -- that's what fe t ke</p> <p>18 d d'</p> <p>19 "Do you th nk that's true?</p> <p>20 "Stee e Object on</p> <p>21 "BY MR ROSENBLUM</p> <p>22 "Q Do you th nk that's what he was</p> <p>23 do ng?</p> <p>24 "Stee e Object on</p> <p>25 "BY MR ROSENBLUM</p>	<p>1 r ght?</p> <p>2 "A R ght</p> <p>3 "Q Let me g ve you an examp e</p> <p>4 "A The th ng s --</p> <p>5 "Q Let me g ve you an examp e</p> <p>6 th nk th s pen s b ue and rea y be eve t s</p> <p>7 that a true statement based upon what you know?</p> <p>8 "A t cou d be fu y true n your</p> <p>9 head because you cou d be co orb nd</p> <p>10 "Q cou d be but you know and</p> <p>11 Mart ans cou d come down 'm not ta k ng about a</p> <p>12 the poss b t es 'm just ta k ng about us ng</p> <p>13 your common sense</p> <p>14 "A But th nk that's my po nt</p> <p>15 though s --</p> <p>16 "Q Us ng your ab ty --</p> <p>17 "A know what fee</p> <p>18 "Q What you fee</p> <p>19 "A fee very strong y</p> <p>20 "Q Okay</p> <p>21 "A That's -- that's not what h s</p> <p>22 ntent ons</p> <p>23 "Q What do you fee ? Do you th nk --</p> <p>24 do you fee that was a true statement that he made</p> <p>25 to the Grand Jury?</p>

124 (Pages 493 to 496)

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HEARING 5/23/2018

Page 497	Page 499
<p>1 "A n my op n on no</p> <p>2 "Q That's a 'm ask ng okay? D d</p> <p>3 anybody from the C rcu t Attorney's Off ce after he</p> <p>4 test f ed before the Grand Jury come and ask you or</p> <p>5 ta k to you about h s sworn test mony to the Grand</p> <p>6 Jury about h s behav or and h s mot vat on?</p> <p>7 "A No they d d not</p> <p>8 "Q You were ava ab e were you not?</p> <p>9 "A What do you mean? 'm -- guess</p> <p>10 'm k nd of confused as to --</p> <p>11 "Q Okay So my quest on s --</p> <p>12 "A What's -- what's norma ?</p> <p>13 "Q After just read --</p> <p>14 "A R ght</p> <p>15 "Q -- what your ex-husband test f ed</p> <p>16 before the Grand Jury okay?</p> <p>17 "A R ght</p> <p>18 "Q Most of those quest ons were asked</p> <p>19 by Mr Stee e okay?</p> <p>20 "A R ght</p> <p>21 "Q We went over what you had</p> <p>22 test f ed to or what you sa d about h s conduct to</p> <p>23 T saby on the 29th r ght?</p> <p>24 "A R ght yes</p> <p>25 "Q The Grand Jury was at some t me n</p>	<p>1 quest ons by Mr Ph ps 'Now as far as what was</p> <p>2 your mot vat ons for re eas ng th s nformat on '</p> <p>3 H s answer was ' don't -- d d not want the</p> <p>4 nformat on re eased The on y reason -- the</p> <p>5 reason that reta ned counse s fe t that the</p> <p>6 person that had threatened my w fe at the t me</p> <p>7 probab y knew that she had to d me and feared for</p> <p>8 my safety and my fe and everyth ng and f he knew</p> <p>9 that had nformat on espec a y s nce he had</p> <p>10 started a campa gn short y afterwards The guy</p> <p>11 fr ghtened me Th ngs fr ghtened me about th s</p> <p>12 s tuat on wanted noth ng to do w th h m '</p> <p>13 "D d he ever convey that sent ment to</p> <p>14 you?</p> <p>15 "A That he was fearfu of h m?</p> <p>16 "Q Yeah</p> <p>17 "A Not that reca no</p> <p>18 "Q And n fact that statement to the</p> <p>19 house wou d not be your be ef e ther as to h s</p> <p>20 mot vat on correct?</p> <p>21 "Stee e Object on</p> <p>22 "A don't know</p> <p>23 "Stee e Object on</p> <p>24 "BY MR ROSENBLUM</p> <p>25 "Q We 'm just ask ng what you</p>
Page 498	Page 500
<p>1 February r ght?</p> <p>2 "A R ght</p> <p>3 "Q After the 29th?</p> <p>4 "A R ght Yes</p> <p>5 "Q After he test f ed before the</p> <p>6 Grand Jury d d anybody reach out to you from the</p> <p>7 c rcu t attorney's off ce and have you further</p> <p>8 exp a n what you sa d to T saby w th respect to</p> <p>9 P S 's conduct and mot ves and harassment?</p> <p>10 "A Not that reca</p> <p>11 "Q We you wou d reca that</p> <p>12 wou dn't you?</p> <p>13 "A R ght There wasn't any spec f c</p> <p>14 t me that we --</p> <p>15 "Q D d anybody come to you and say</p> <p>16 hey P S just test f ed as someth ng comp ete y</p> <p>17 d fferent before the Grand Jury Can you exp a n</p> <p>18 t anyth ng ke that?</p> <p>19 "A Not that reca</p> <p>20 "Q You are aware that he test f ed</p> <p>21 before the House r ght?</p> <p>22 "A Yes</p> <p>23 "Q D d you ever ta k to h m about t?</p> <p>24 "A No d d not</p> <p>25 "Q P S sa d to the House by</p>	<p>1 be eve Do you be eve that to be a true</p> <p>2 statement what he sa d to the House?</p> <p>3 "Stee e Object on Rosenb um "</p> <p>4 MR BARNES The runn ng object on s</p> <p>5 "Object on Ca s for specu at on ca s for her to</p> <p>6 test fy to another w tness's state of m nd "</p> <p>7 "BY MR ROSENBLUM</p> <p>8 "Q You can answer the quest on Do</p> <p>9 you be eve that to be a true statement by P S to</p> <p>10 the House?</p> <p>11 "A K nd of As sa d before</p> <p>12 don't know what was n the head</p> <p>13 "Q Okay However that's --</p> <p>14 "A However that's not how fe t</p> <p>15 no</p> <p>16 "Q And that's not what you be eve to</p> <p>17 be true based on everyth ng he sa d to you about h s</p> <p>18 mot vat on based on a the threats based on a</p> <p>19 the harassment based on what you ndependent y</p> <p>20 corroborated that he was do ng dur ng that t me</p> <p>21 re eas ng nformat on You do not be eve based on</p> <p>22 a of that that that was a true statement That's</p> <p>23 a correct statement s t not?</p> <p>24 "A -- aga n don't -- don't</p> <p>25 know what was n h s head However no don't --</p>

125 (Pages 497 to 500)

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Page 501	Page 503
<p>1 don't believe that that was his motivation, no.</p> <p>2 "Q: Okay. He went further on saying,</p> <p>3 'Secondly, said don't want this to go anywhere.</p> <p>4 've already been contacted by somebody that knows</p> <p>5 the rumors. People have contacted me. A</p> <p>6 Representative actually, a potential guy who was</p> <p>7 mutually friends with -- or wasn't friends with him,</p> <p>8 we had mutual friends, he contacted me and talked to</p> <p>9 me and everything. And realize this is a</p> <p>10 potential game. want nothing to do with it. So</p> <p>11 went straight to him, and said you've got to</p> <p>12 represent -- somebody has got to represent me so</p> <p>13 can send this to you for -- to keep this crap quiet.</p> <p>14 need this crap quiet. 'm over the marriage. We</p> <p>15 were in the process of a divorce. didn't want it</p> <p>16 to come out in the divorce. didn't want anything</p> <p>17 to happen where my children knew about this.</p> <p>18 didn't want any of this.'</p> <p>19 "That wasn't a true statement either,</p> <p>20 to the House, was it?</p> <p>21 "Steele: Objection. Calls for</p> <p>22 speculation. Calls for the witness to comment on</p> <p>23 another witness's state of mind.</p> <p>24 "BY MR. ROSENBLUM:</p> <p>25 "Q: You can answer based upon the same</p>	<p>1 "A: And to other people.</p> <p>2 "Q: Another way is to say all this</p> <p>3 news to you, right?</p> <p>4 "A: Well, it's not, because knew he</p> <p>5 was a so saying this stuff --</p> <p>6 "Q: Okay.</p> <p>7 "A: -- that -- he was.</p> <p>8 "Q: He goes on to say that 'The kicker</p> <p>9 for me was when my daughter got a vice -- vice</p> <p>10 from the media, my teenager daughter. She forwarded</p> <p>11 me the vice and -- that was sent, and that was</p> <p>12 it, man. -- had to -- we had some serious</p> <p>13 conversations to be had. There was a couple of</p> <p>14 media outlets that said we were going to go with the</p> <p>15 story right around that time that it was about to</p> <p>16 break. They gave me a timeline, essentially.</p> <p>17 Different publications gave different timelines, but</p> <p>18 ultimately, ultimately, felt like had -- had</p> <p>19 absolutely had -- had to get out in front of the</p> <p>20 order to, A, ask whoever broke the story to please</p> <p>21 not use my ex-wife's name, to please not use my</p> <p>22 child's name in that vice and to please try to</p> <p>23 protect the sanctity of my family and the privacy of</p> <p>24 my family. begged for that. And that needed to</p> <p>25 get out ahead of the story because one of the ways</p>
Page 502	Page 504
<p>1 foundation gave you before That wasn't a true</p> <p>2 statement either was it?</p> <p>3 "Steele: Objection. Calls for the</p> <p>4 witness to comment on another witness's state of</p> <p>5 mind</p> <p>6 "A: Just feel the same way. You</p> <p>7 know from my perspective that's not how it felt</p> <p>8 "BY MR. ROSENBLUM</p> <p>9 "Q: Do you think that you were telling</p> <p>10 the truth? Do you think you were telling the truth</p> <p>11 when went through everything you said to the jury?</p> <p>12 "A: Yes</p> <p>13 "Q: Do you think that truth is this</p> <p>14 truth?</p> <p>15 "A: No but again maybe he convinced</p> <p>16 himself of that</p> <p>17 "Q: And maybe he's green</p> <p>18 "A: Yeah</p> <p>19 "Q: And 'm just talking about facts</p> <p>20 right?</p> <p>21 "A: Right</p> <p>22 "Q: We can't rule</p> <p>23 "A: That's not how he was portraying</p> <p>24 himself to me</p> <p>25 "Q: Another way --</p>	<p>1 that it was being put out -- but don't know. No</p> <p>2 offense to everyone. They're in politics. But</p> <p>3 know enough about some of the papers that are owned</p> <p>4 and on and on and on.'</p> <p>5 "Was that true?</p> <p>6 "Steele: Objection. Calls for</p> <p>7 speculation. Calls for the witness to comment on</p> <p>8 another witness's state of mind.</p> <p>9 "BY MR. ROSENBLUM:</p> <p>10 "Q: Was that true based on everything</p> <p>11 that he told you, based on everything that he did?</p> <p>12 "Steele: Objection.</p> <p>13 "BY MR. ROSENBLUM:</p> <p>14 "Q: Based on what you corroborated?</p> <p>15 "Steele: Objection. Calls for</p> <p>16 speculation. Asks the witness to comment on another</p> <p>17 witness's state of mind.</p> <p>18 "BY MR. ROSENBLUM:</p> <p>19 "Q: You can answer.</p> <p>20 "A: Well, won't comment on the state</p> <p>21 of mind, but can say that his daughter was</p> <p>22 actually my daughter, and she had no clue what it</p> <p>23 was about. So do believe that that was a false</p> <p>24 statement, that that alarmed him because she had no</p> <p>25 clue what that was about until --</p>

HEARING 5/23/2018

Page 505	Page 507
<p>1 "Q So --</p> <p>2 "A -- after came cry ng to her</p> <p>3 te ng her</p> <p>4 "Q So not on y was that a spec f c</p> <p>5 e to the Grand Jury us ng your daughter but he --</p> <p>6 "A t was a -- he tw sted t n my</p> <p>7 op n on</p> <p>8 "Q We you can use any euphem sm</p> <p>9 you want r ght? That was a e Was t true?</p> <p>10 "A mean aga n he cou d tw st t</p> <p>11 to be true but no that -- don't th nk that that</p> <p>12 was a fa r statement at a</p> <p>13 "Q Okay But not on y -- and you</p> <p>14 don't th nk t was fa r because t was untrue</p> <p>15 accord ng to you?</p> <p>16 "A mean accord ng -- r ght</p> <p>17 th nk by say ng he fe t he had to get t out n</p> <p>18 front of t because of h s -- mean -- just</p> <p>19 don't th nk that that's a fa r statement at a no</p> <p>20 "Q Because that's not what was</p> <p>21 portrayed to you r ght?</p> <p>22 "A Correct And a so knew what my</p> <p>23 daughter knew of that wh ch was -- wh ch was she</p> <p>24 had no c ue what t was</p> <p>25 "Q So not on y was that a spec f c</p>	<p>1 specu at on. Asks the w tness to comment on another</p> <p>2 w tness's statement.</p> <p>3 "BY MR. ROSENBLUM:</p> <p>4 "Q: Based on everyth ng that he sa d</p> <p>5 to you, h s act ons, h s conduct, and your</p> <p>6 corroborat on of those act ons and conduct, do you</p> <p>7 th nk that that was a true statement?</p> <p>8 Stee e: Object on to re evance and</p> <p>9 specu at ve.</p> <p>10 "BY MR. ROSENBLUM:</p> <p>11 "Q: Yes or no?</p> <p>12 "A: do not be eve that to be a true</p> <p>13 statement.</p> <p>14 "Q: And the Senator went on n</p> <p>15 response to that not true statement and sa d, 'And</p> <p>16 th nk that's very -- that's the very reason asked</p> <p>17 you that quest on, because you undoubted y care</p> <p>18 about your ch dren. That's pretty obv ous. And</p> <p>19 your w fe cares about these ch dren, and you have</p> <p>20 more than one, assume?' 'Yes.'</p> <p>21 "He cou d be pretty man pu at ng, can't</p> <p>22 he?</p> <p>23 "A: mean --</p> <p>24 "Q: Based on what just showed you?</p> <p>25 "A: f the person be eved n h m,</p>
Page 506	Page 508
<p>1 e, there were genera es n there, correct?</p> <p>2 Because we just went through [redacted] you ru ned</p> <p>3 the fam y. Do you remember that ne of</p> <p>4 quest on ng?</p> <p>5 "A: Yes.</p> <p>6 "Q: Those were h s words, r ght?</p> <p>7 Those were your words that you to d to be descr b ng</p> <p>8 h m, r ght?</p> <p>9 "A: Correct.</p> <p>10 "Q: s that what he's say ng to th s</p> <p>11 House under oath?</p> <p>12 "A: No.</p> <p>13 "Q: Okay. He went on to say that he</p> <p>14 was concerned that the po t c ans that were go ng</p> <p>15 to sp n t to make my ex-w fe ook ke some d rty</p> <p>16 b ackma er or someth ng that was try ng to take</p> <p>17 down the governor, and that's not who she s. We</p> <p>18 may have our d fferences, but we're co-parents and</p> <p>19 we're respons b e for these k ds and don't want them</p> <p>20 n the me ght. And certa n y don't want my</p> <p>21 ex-w fe n the me ght as a bad person and</p> <p>22 destroy ng her reputat on n front of my ch dren.</p> <p>23 "Do you th nk that was a true</p> <p>24 statement?</p> <p>25 "Stee e: Object on. Ca s for</p>	<p>1 yes.</p> <p>2 "Q: Yes. He sa d at that po nt so --</p> <p>3 and he was ask ng more about -- and so your</p> <p>4 test mony then s that you d dn't vo untar y go and</p> <p>5 re ease any nformat on because that wou d have been</p> <p>6 harmfu to not on y your w fe's reputat on, but your</p> <p>7 ch dren, and very harmfu for them and yours as</p> <p>8 we . Do you th nk that's true?</p> <p>9 "Stee e: Object on. Specu at on.</p> <p>10 W tness to comment. Rosenb um.</p> <p>11 "A: Okay. Restate. 'I'm sorry.</p> <p>12 "BY MR. ROSENBLUM:</p> <p>13 "Q: The Senator sa d, after he heard</p> <p>14 h s response to -- so your test mony, P.S.'s</p> <p>15 test mony, then, s that 'You d dn't vo untar y go</p> <p>16 and re ease any nformat on because that wou d have</p> <p>17 been harmfu to not on y your w fe's reputat on, but</p> <p>18 your ch dren, and very harmfu for them and yours</p> <p>19 as we .'</p> <p>20 "Do you th nk that was a true</p> <p>21 statement, that that's why he d dn't -- fr st of</p> <p>22 a , you know that's not true because --</p> <p>23 "A: R ght, because he d d vo untar y.</p> <p>24 "Q: D d vo untar y re ease t, r ght?</p> <p>25 "A: R ght.</p>

127 (Pages 505 to 508)

HEARING 5/23/2018

Page 509	Page 511
<p>1 "Q: So that would be another e,</p> <p>2 rght?</p> <p>3 "A: Rght. But f somebody e se sa d</p> <p>4 that, don't know. guess 'm confused.</p> <p>5 "Q: Somebody e se sa d, based on what</p> <p>6 h s test mony was, wh ch he acknow edged because h s</p> <p>7 answer s 'Yes, s r.' Do you want to see t?</p> <p>8 "A: Oh, okay. You d dn't say that</p> <p>9 part, so was confused.</p> <p>10 "Q: The 'Yes, s r' would mean that's</p> <p>11 more fa se test mony before the House, rght?</p> <p>12 "A: mean, be eve he vo untar y</p> <p>13 put out the nformat on, so yes.</p> <p>14 "Q: Okay.</p> <p>15 "A: That -- that would be fa se.</p> <p>16 "Q: That would be more fa se test mony</p> <p>17 before the House. He went on to ask, 'And so</p> <p>18 anyth ng that's t ed nto compensat on goes</p> <p>19 through -- don't understand the trust part of</p> <p>20 th s, but t goes through a trust through your</p> <p>21 attorney; s that rght?' 'Yes.'</p> <p>22 "D d you know anyth ng about that?</p> <p>23 "A: had no c ue after the --</p> <p>24 "Q: Not before?</p> <p>25 "A: -- test mony.</p>	<p>1 "Q s he pretty money focused</p> <p>2 f xated on money n your exper ence?</p> <p>3 "Stee e Object on to re evance</p> <p>4 "A Not necessar y no</p> <p>5 "BY MR ROSENBLUM</p> <p>6 "Q Then the Senator went back and he</p> <p>7 sa d 'Now to get back w th what you just sa d rea</p> <p>8 qu ck t's hard for me to mag ne a husband whose</p> <p>9 w fe has been through th s w th another man and be</p> <p>10 that forg v ng Have you a ways had that att tude?</p> <p>11 t's ke oh we w sh you the best hope he</p> <p>12 gets a ong '</p> <p>13 "We et me g ve you the context</p> <p>14 'm sorry because t was part -- he went on after</p> <p>15 the ega fees want -- he says ' don't want --</p> <p>16 don't want anyth ng want to take care' --</p> <p>17 Quest on 'To he p w th the ega fees? s that</p> <p>18 what you're say ng?' 'Yeah ega fees and who</p> <p>19 knows f someth ng was g ven or whatever t's</p> <p>20 go ng nto a trust for my ch dren want noth ng</p> <p>21 don't want a th ng don't want any of th s</p> <p>22 don't want a part of th s don't want to be n</p> <p>23 the news don't want my ex-w fe n the news</p> <p>24 don't care about po t cs don't care what</p> <p>25 happens to th s man mean ng E G w sh h m uck</p>
Page 510	Page 512
<p>1 "Q: Before the House?</p> <p>2 "A: Oh, no.</p> <p>3 "Q: Okay.</p> <p>4 "A: No.</p> <p>5 "Q: And then he went on to say, '</p> <p>6 don't want anyth ng. f t was offered, don't</p> <p>7 want t.'</p> <p>8 "Do you th nk that's true?</p> <p>9 "A: don't be eve that to be true.</p> <p>10 "Q: Pardon me?</p> <p>11 "A: don't be eve that to be true.</p> <p>12 "Q: Why don't you th nk that to be</p> <p>13 true?</p> <p>14 "A: Because would be surpr sed f</p> <p>15 he -- f he d dn't see any of that money that's --</p> <p>16 "Q: That \$100,000?</p> <p>17 "A: -- now that's been out there,</p> <p>18 correct.</p> <p>19 "Q: Why would you be surpr sed?</p> <p>20 "A: Because to me t seems very -- t</p> <p>21 doesn't seem very nnocent, rght.</p> <p>22 "Q: Do you have any -- do you have any</p> <p>23 nformat on to that, to support that?</p> <p>24 "A: No, just what -- just what know</p> <p>25 of h m and the s tuat on and everyth ng.</p>	<p>1 don't want anyth ng to do w th th s rea y</p> <p>2 don't cannot overstate that don't want to be</p> <p>3 here '</p> <p>4 "What do you th nk about that</p> <p>5 statement?</p> <p>6 "A be eve h s act ons show</p> <p>7 otherw se</p> <p>8 "Q You be eve that to be a fa se</p> <p>9 statement do you not?</p> <p>10 "A would be eve that to be a fa se</p> <p>11 statement</p> <p>12 "Q And the Senator responded to that</p> <p>13 statement and here's what he sa d 'Now to get</p> <p>14 back '</p> <p>15 "Stee e Object on P ease ask a</p> <p>16 quest on</p> <p>17 "Rosenb um ' put a quest on mark</p> <p>18 "Stee e P ease do</p> <p>19 "BY MR ROSENBLUM</p> <p>20 "Q Now to get back w th what you</p> <p>21 just sa d rea qu ck t's hard for me to mag ne a</p> <p>22 husband whose w fe has been through th s w th</p> <p>23 another man and be that forg v ng Have you a ways</p> <p>24 had that att tude? t's ke oh we w sh h m</p> <p>25 the best hope he gets a ong we '</p>

128 (Pages 509 to 512)

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HEARING 5/23/2018

Page 513	Page 515
<p>1 "H s answer was, 'Yeah.'</p> <p>2 "Based on what you went through, do you</p> <p>3 th nk that was a true statement to the House?</p> <p>4 "A: No, don't -- do not be eve</p> <p>5 that's a true statement.</p> <p>6 "Q: And then he went on. 'That rea y</p> <p>7 doesn't make too much sense to me.' And then he</p> <p>8 responds, P.S., ' th nk t does, s r. f you were</p> <p>9 ra sed w th my pr nc p es and my parents and my</p> <p>10 background and my sp r tua ty and the way am n</p> <p>11 fe these days, the person 'm n ove w th, the</p> <p>12 person that oves me now, be eves me, s r, have</p> <p>13 been through th s before.</p> <p>14 When was 21, had a ch d at 17 w th</p> <p>15 my h gh schoo sweetheart. My Bapt st background</p> <p>16 to d me had to marry her at 18. marr ed her at</p> <p>17 18. We were never supposed to be marr ed. We were</p> <p>18 two k ds. The woman had an affa r on me and cheated</p> <p>19 w th me w th some ex-boyfr end. have been through</p> <p>20 th s before. How does that sound to you?</p> <p>21 "Stee e: Object on to re evance.</p> <p>22 "BY MR. ROSENBLUM:</p> <p>23 "Q: Does t sound ke he's portray ng</p> <p>24 to the House somebody that he was not portray ng to</p> <p>25 you?</p>	<p>1 "Q Pardon me?</p> <p>2 "A have no c ue because --</p> <p>3 "Q To use t aga nst you?</p> <p>4 "Stee e Object on Asked and</p> <p>5 answered</p> <p>6 "BY MR ROSENBLUM</p> <p>7 "Q Just to g ve you the context of</p> <p>8 th s he te s the House 'Now know ng that he had</p> <p>9 just threatened my w fe and just heard th s for</p> <p>10 the frst t me and 'm a concerned about my</p> <p>11 marr age and whether can f x th s and whether 'm</p> <p>12 gett ng a the deta s from th s encounter of</p> <p>13 course 'm go ng to say th s won't eave the car</p> <p>14 because never p anned on t eav ng the car</p> <p>15 Never never My ntent my hope for and wou d</p> <p>16 th nk anybody n that pos t on f you cou d put</p> <p>17 yourse f n that pos t on for a second 'm</p> <p>18 destroyed 'm a destroyed man hear ng about h s</p> <p>19 w fe w th another man My hope as sma as t may</p> <p>20 have been s that my marr age s go ng to surv ve</p> <p>21 and th s wou d be a n the past between me and her</p> <p>22 n the end That was my hope That was my -- that</p> <p>23 was the hope a the way unt December when a of</p> <p>24 th s' --</p> <p>25 "December of what year?"</p>
Page 514	Page 516
<p>1 "Stee e Object on Specu at on</p> <p>2 Asks for w tness to comment on another w tness's</p> <p>3 state of m nd</p> <p>4 "A That's actua y who he or g na y</p> <p>5 portrayed h mse f as to me</p> <p>6 "BY MR ROSENBLUM</p> <p>7 "Q So that was just --</p> <p>8 "A When met h m</p> <p>9 "Q But that's not who he turned out</p> <p>10 to be, r ght?</p> <p>11 "A That's not how fe t at the end,</p> <p>12 no</p> <p>13 "Q And not on y n the end, for the</p> <p>14 ast severa years?</p> <p>15 "A Correct</p> <p>16 "Q And that was based on h s words</p> <p>17 and act ons, r ght?</p> <p>18 "A Yes</p> <p>19 "Q Why do you th nk he recorded you?</p> <p>20 "A You mean n March, that frst</p> <p>21 t me?</p> <p>22 "Stee e Object on Ca s for</p> <p>23 specu at on</p> <p>24 "A rea y have no c ue</p> <p>25 "BY MR ROSENBLUM</p>	<p>1 "December of ast year when fe t</p> <p>2 forced My hand was forced to re ease the state to</p> <p>3 protect what was happen ng '</p> <p>4 "That's not true e ther s t?</p> <p>5 "A No don't fee that way no</p> <p>6 "Q So he went on to exp a n t 'So</p> <p>7 okay ' sacr f ce Do you know how embarrass ng</p> <p>8 th s s to have everybody hear a th s and me damn</p> <p>9 near cry ng and you grumb ng and a that? t</p> <p>10 wou d take an nsane person to re ease that '</p> <p>11 "Do you th nk he d d that to sacr f ce</p> <p>12 h mse f based upon what he to d you?</p> <p>13 "A Sacr f ce h mse f?</p> <p>14 "Q Yeah</p> <p>15 "A No don't fee that way</p> <p>16 "Q ' just read you the ast th ng</p> <p>17 he sa d to the House to get your react on on that</p> <p>18 "Can make a statement rea qu ck?</p> <p>19 'm here for you guys 'm here for my state 'm</p> <p>20 here for my country Th s s not my f ght</p> <p>21 Contrary to whatever peop e wou d ke to sp n th s</p> <p>22 nto and put on me ' take the shrapne don't</p> <p>23 care about th s don't f my ex-w fe -- th s s</p> <p>24 not her f ght th s s not my f ght don't want</p> <p>25 anyth ng to do w th anyth ng that she doesn't want</p>

129 (Pages 513 to 516)

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HEARING 5/23/2018

<p>Page 517</p> <p>1 anyth ng to do w th. A care about s my 2 ch dren. That's a cared about from the get-go. 3 You quest on what you want. truthfu y don't care 4 what peop e th nk of me. rea y don't. just 5 knew that fe t ke had a cho ce between 6 someth ng extreme y bad and devastat ng or poss b y 7 bad for me, and that s devastat ng. 8 " just want you guys to know 'm here 9 for you. ' do whatever s ega y requ red for 10 me. But th s s not my fght. have moved on. My 11 ch dren are awesome and hea thy and have moved on, 12 and th s doesn't benef t them. t a n't my fght.' 13 "What do you th nk of that statement? 14 "Stee e: Object on to what she th nks 15 s rre evant. 16 "BY MR. ROSENBLUM: 17 "Q: What do you th nk about that 18 statement? Do you th nk t's true? 19 "Stee e: Object on. Specu at on. 20 Comment on what another w tness's state of m nd. 21 "BY MR. ROSENBLUM: 22 "Q: Do you th nk t's true? 23 "A: He may have been fee ng that way 24 but -- 25 "Q: But you know that not -- that's</p>	<p>Page 519</p> <p>1 "A Correct We went as -- 2 actua y went w th a fr end that was a so a 3 c ent not her She just knew was go ng to be 4 there 5 "Q Do you know Stacey's stepson? 6 "A [Redacted] Yeah So don't 7 know h m but d d h s w fe's ha r for a wedd ng 8 and then saw h m My nephew p ays on the r 9 daughter's basketba team 10 "Q Do you know what job he has? s 11 he assoc ated w th po t cs? 12 "A have no c ue 13 "Q D d you ever d scuss that w th 14 h m? 15 "A No have not 16 "Q Do you have any dea what 17 [redacted] connect on to A bert Watk ns s? 18 "A No have no c ue 19 "Q A rght So 'm go ng to show 20 you just a group exh b t that ' just say s 21 Exh b t 87 And they appear to be a rather 22 substant a group of texts between you and 23 [redacted] And f you cou d just ook through t 24 and conf rm that -- conf rm the te ephone numbers 25 and the fact that these were n fact texts between</p>
<p>Page 518</p> <p>1 not true. You know that's not true. R ght? 2 "A: do not fee that way at a , no. 3 "Q: Okay. And f he to d me n 4 depos t on, aga n under oath, that from the 5 beg nn ng a he was concerned about was mak ng sure 6 th s story stayed down, that was h s on y concern, 7 that wou dn't be true e ther, wou d t? 8 "A: No. do not fee that way at 9 a , no. 10 "Q: So then he wou d have ed under 11 oath n depos t on as we , r ght? 12 "A: f that was fa se, abso ute y. 13 "Q: A rght. So d d you te me a 14 of Stacey Newman's nvo vement? Have we -- when we 15 d scussed t, s that a the nvo vement she had 16 w th you n th s case? 17 "A: Yes, be eve so, yes. 18 "Q: mean, you weren't dr v ng w th 19 her back and forth to Jeff C ty or anyth ng ke 20 that? 21 "A: No. 22 "Q: You went to that one po t ca 23 event know that she sponsored, but you sa d you 24 went more as a fr end than as a po t ca 25 part c pant?</p>	<p>Page 520</p> <p>1 you and [redacted] Cou d you do that for me? 2 "A Yes 3 "Q A rght Thank you 4 "A Yes 5 "Q Do those texts appear to be 6 fa r y -- and do those texts appear to fa r y and 7 accurate y dep ct -- dep ct the text conversat ons 8 you were hav ng w th [redacted]? 9 "A Yes 10 "Q And fa r y and accurate y dep ct 11 them at the t me that you were hav ng those 12 conversat ons? 13 "A Yes 14 "Q And do the numbers correspond to 15 the numbers that you reca both of you were us ng 16 at the t me? 17 "A Yes 18 "Q On page 22 f you can go to page 19 22 my one ast -- et me ask you one more Stacey 20 Newman quest on D d you dr ve to Jefferson C ty 21 w th her? 22 "A No d d not 23 "Q And d d she ever vo ce any 24 d sagreements w th respect to po t cs or anyth ng 25 of that nature?</p>

130 (Pages 517 to 520)

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Page 521	Page 523
<p>1 "A What do you --</p> <p>2 "Q L ke her po t cs versus your</p> <p>3 po t cs</p> <p>4 "A Oh no</p> <p>5 "Q D d she ever vo ce any op n on as</p> <p>6 to how your s tuat on w th E G cou d maybe he p her</p> <p>7 po t cs?</p> <p>8 "A No not at a</p> <p>9 "Q D d you be eve she was mot vated</p> <p>10 just because of her concern for you as a fr end or</p> <p>11 d d you -- or do you be eve that there may have</p> <p>12 been some po t ca agenda about that wh ch caused</p> <p>13 you some concern? 'm sorry</p> <p>14 "A th nk n genera cou d te</p> <p>15 she -- espec a y because she knew my re at onsh p</p> <p>16 w th P or knew a ot about t and knew how freaked</p> <p>17 out was after that fr st coup e t mes that we had</p> <p>18 ta ked at a</p> <p>19 "Q Uh-huh</p> <p>20 "A She seemed th nk concerned for</p> <p>21 me Yeah d d fee that way</p> <p>22 "Q But not ced that n the text</p> <p>23 tra n the text threads you sort of backed away</p> <p>24 from her a tte b t some of her offers to he p by</p> <p>25 sett ng you up w th the med a by f nd ng you a</p>	<p>1 "Q: Can you te me about that?</p> <p>2 "A: don't remember the [redacted]</p> <p>3 ke the part cu ar [redacted], but he had wr tten</p> <p>4 [redacted].</p> <p>5 "Q: 'm sorry. t had just come out?</p> <p>6 "A: t had just come out.</p> <p>7 "Q: Sorry. Uh-huh. [Redacted]. You</p> <p>8 wou d agree that th s case has noth ng to do w th</p> <p>9 revenge porn, don't you? Wou d you agree w th that?</p> <p>10 mean, you fo owed revenge case -- revenge porn</p> <p>11 cases n the news, r ght?</p> <p>12 "A: actua y haven't.</p> <p>13 "Q: Do you -- have you heard of</p> <p>14 revenge porn?</p> <p>15 "A: My understand ng wou d be that</p> <p>16 wou d be as f et my husband take a p ctur e of</p> <p>17 me, and he put t out to be mean aga nst me.</p> <p>18 "Q: R ght. So you wou d agree that</p> <p>19 th s case has noth ng to do w th revenge porn based</p> <p>20 upon the facts as you know t?</p> <p>21 "A: don't know that agree w th</p> <p>22 that because --</p> <p>23 "Q: Do you d sagree or you don't have</p> <p>24 an op n on?</p> <p>25 "A: know f E.G. had put that out</p>
Page 522	Page 524
<p>1 awyer She seemed awfu y concerned that she</p> <p>2 wanted a -- that you shou d have a awyer not ce</p> <p>3 a ot of that sort of back and forth Correct?</p> <p>4 "A Correct</p> <p>5 "Q D d that cause you at east on</p> <p>6 some eve to maybe quest on her mot vat on as to</p> <p>7 whether t was pure a tru st c pure fr endsh p or</p> <p>8 maybe po t ca y mot vated?</p> <p>9 "A Not necessar y her mot vat on</p> <p>10 but more of her dea of what's r ght n the ne</p> <p>11 w th m ne or what --</p> <p>12 "Q Were you aware that she sponsored</p> <p>13 a revenge porn b -- p ?</p> <p>14 "A No wasn't aware</p> <p>15 "Q D d she ever ta k to you about her</p> <p>16 fee ngs about that?</p> <p>17 "A No</p> <p>18 "Q And on the group of -- on the</p> <p>19 Exh b t 87 that you just dent fed ook ng on</p> <p>20 page 22 do you see where on -- towards the bottom</p> <p>21 of the page there was an exchange between you and</p> <p>22 [redacted] where she asked you about do you fee</p> <p>23 famous and you sa d why and you sa d P -- she sa d</p> <p>24 [redacted]? Do you remember that?</p> <p>25 "A Yes</p>	<p>1 there, t def n te y wou d have been revenge porn</p> <p>2 "Q Potent a y</p> <p>3 "A So don't know 'm actua y not</p> <p>4 go ng to comment on that</p> <p>5 "Q But you have no ev dence that he</p> <p>6 put t out there, r ght?</p> <p>7 "A Correct, don't have ev dence</p> <p>8 "Q f there was a p ctur e, t wou d</p> <p>9 be fa r to say that you reached out to [redacted] to</p> <p>10 have her contact or that she cou d ta k to T saby?</p> <p>11 "A Yes, that's correct</p> <p>12 "Q [Redacted] was a so try ng to</p> <p>13 suggest an attorney for you?</p> <p>14 "A That sounds r ght</p> <p>15 "Q Ann Ca s, does that name r ng a</p> <p>16 be ?</p> <p>17 "A That sounds fam ar, yes</p> <p>18 "Q Who turned out to be [redacted]</p> <p>19 attorney, f you know?</p> <p>20 "A No, actua y d dn't know that</p> <p>21 "Q Pardon me?</p> <p>22 "A d dn't know that, but never</p> <p>23 nqu red about t</p> <p>24 "Q A r ght mean, there's a</p> <p>25 ot -- don't want to go through a of them, but</p>

HEARING 5/23/2018

Page 525	Page 527
<p>1 at east on these -- on August 28 of 2016 you</p> <p>2 rece ved a text from your mom whose number was</p> <p>3 [redacted] ooks ke [redacted] Does that sound</p> <p>4 fam ar?</p> <p>5 "A No</p> <p>6 "Q Pardon me?</p> <p>7 "A What s -- that's not my mom's</p> <p>8 number</p> <p>9 "Q t says 'ce mom' to you</p> <p>10 "A And now what s the number aga n?</p> <p>11 "Q [Redacted] The content of</p> <p>12 th s -- of the note was on a persona note ' just</p> <p>13 wanted to say that thought t was great that the</p> <p>14 two of you were nvo ved n her party today</p> <p>15 don't care f you have to g ve an Oscar-w nn ng</p> <p>16 performance fee that t's mportant to your</p> <p>17 ch dren that they see you gett ng a ong And thank</p> <p>18 you for a great t me rea y thought the party</p> <p>19 was fun and ta or-made for them '</p> <p>20 "Does that r ng a be ?</p> <p>21 "A Oh be eve that's P's mom</p> <p>22 "Q Oh P's mom P S 's mom? Okay</p> <p>23 So she's recogn z ng that the two of you weren't</p> <p>24 gett ng a ong rea we And even f you had to</p> <p>25 fake t or g ve a performance t ooks good for the</p>	<p>1 you go That part t's r ght there</p> <p>2 "A 'Last y, d dn't' --</p> <p>3 "Mr Stee e Read -- read t to</p> <p>4 yourse f</p> <p>5 "A Okay, 'm sorry</p> <p>6 "BY MR ROSENBLUM</p> <p>7 "Q Does that refresh your</p> <p>8 reco ect on?</p> <p>9 "A Yes</p> <p>10 "Q And can you read t, p ease?</p> <p>11 "A 'Last y, d dn't start or do</p> <p>12 anyth ng of th s '</p> <p>13 "Stee e Object on f you have a</p> <p>14 quest on, ask a quest on She's a ready read t</p> <p>15 "BY MR ROSENBLUM</p> <p>16 "Q Can you read t, p ease</p> <p>17 "Stee e 'm go ng to object She</p> <p>18 a ready read t f you have a quest on, ask one</p> <p>19 "BY MR ROSENBLUM</p> <p>20 "Q Can you read t</p> <p>21 "Stee e 'm go ng to object f you</p> <p>22 have a quest on, ask a quest on "</p> <p>23 MS M TTEN They do that for a wh e</p> <p>24 MR BARNES Jump down a page -- yeah,</p> <p>25 bottom of the page L ne 24</p>
Page 526	Page 528
<p>1 k ds?</p> <p>2 "A Yes</p> <p>3 "Q Okay We you can't trust me</p> <p>4 w th anyth ng Let me show you what's been marked</p> <p>5 defendant's 41 ' put t back together a</p> <p>6 r ght? And Ms Nasser w d rect you to the spot</p> <p>7 "A 41</p> <p>8 "Q Tak ng a ook at Exh b t 41 can</p> <p>9 you see the top page where th nk P -- P S was --</p> <p>10 or you were st ta k ng about -- ta k ng a ot</p> <p>11 about a ot of fa se nformat on be ng put out</p> <p>12 there?</p> <p>13 "A Yes</p> <p>14 "Q And was n response to you</p> <p>15 earn ng that P S was cont nu ng to put fa se</p> <p>16 nformat on out there?</p> <p>17 "A Yes</p> <p>18 "Q And can you read h s response down</p> <p>19 be ow down at the bottom of the page?</p> <p>20 "A The 'Abso ute y not n fact'?</p> <p>21 "Q No The part about you portray ng</p> <p>22 yourse f to be a v ct m</p> <p>23 "A th nk -- mean th nk that</p> <p>24 that's what t s</p> <p>25 "Q W you show her the page? Here</p>	<p>1 BY MS. M TTEN:</p> <p>2 "Q: Okay. What d d you nterpret t</p> <p>3 to mean?</p> <p>4 "A: That -- that he th nks that th s</p> <p>5 s my fau t and deserve whatever s com ng to me.</p> <p>6 "Q: That he was essent a y do ng to</p> <p>7 you?</p> <p>8 "A: We , he d dn't say that, r ght,</p> <p>9 he -- but, yes.</p> <p>10 "Q: And he was mak ng a reference to</p> <p>11 the fact that you a ways try to p ay the v ct m.</p> <p>12 Wou d that be true, someth ng n that context?</p> <p>13 "A: R ght. He --</p> <p>14 "Q: R ght?</p> <p>15 "A: He ment ons that.</p> <p>16 "Q: And gett ng back to the T saby</p> <p>17 depos t on, just -- want to ask you just a</p> <p>18 coup e of quest ons. So there was one part where he</p> <p>19 was ask ng you quest ons, and t starts on page 11,</p> <p>20 where T saby says -- and you're te ng your</p> <p>21 vers ons of the events. And he says, 'Ho d on a</p> <p>22 second, okay? H s exact words were what? need to</p> <p>23 get h s exact words.'</p> <p>24 "By any chance, do you reca that</p> <p>25 exchange?</p>

132 (Pages 525 to 528)

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<p style="text-align: right;">Page 529</p> <p>1 "A: Not necessarily, no.</p> <p>2 "Q: And when he's talking about -- et</p> <p>3 me -- et me back up. Here's the context, again on</p> <p>4 page 12. You said -- and then he steps back,</p> <p>5 guess. 'I can hear and see at the same time a flash</p> <p>6 through the blindfold, and hear, like, a phone</p> <p>7 take a picture. 'I'm not going to question you on</p> <p>8 that. Thank you enough before.</p> <p>9 "Uh-huh,' you say. And he says</p> <p>10 'uh-huh.' And then you say, 'A picture at least.'</p> <p>11 "And he says, 'Now, if you ever</p> <p>12 mention my name to anybody, we put this picture</p> <p>13 everywhere. We put it everywhere can.' That</p> <p>14 was the answer you finally gave, right?</p> <p>15 "A: Correct.</p> <p>16 "Q: And there had been no reason why</p> <p>17 you wouldn't have been full and complete when you</p> <p>18 gave that answer, right?</p> <p>19 "A: Right.</p> <p>20 "Q: But then Taby said, 'Hold on a</p> <p>21 second, okay? His exact words were what? need to</p> <p>22 get his exact words.' And you said 'Oh.' Taby</p> <p>23 said, 'You said yeah. Taby says what you just</p> <p>24 told me. mean, need to get it down pat.</p> <p>25 don't want to paraphrase that,' he said. Do you</p>	<p style="text-align: right;">Page 531</p> <p>1 put this picture everywhere we put it</p> <p>2 everywhere can.' Period Okay?</p> <p>3 "A Right So don't know if he cut</p> <p>4 me off haven't seen the video so don't know</p> <p>5 "Q A right</p> <p>6 "A But --</p> <p>7 "Q So you would agree at least on</p> <p>8 that rendition on the first go-round you didn't use</p> <p>9 the word 'whore'?</p> <p>10 "A We don't know if it was done</p> <p>11 You know what? You know what mean? He did say</p> <p>12 it so don't -- he did</p> <p>13 "Q A right But you didn't --</p> <p>14 hadn't said it to anybody until apparently the 24th</p> <p>15 of January</p> <p>16 "A Oh no very well -- 'm sure</p> <p>17 did</p> <p>18 "Q To whom?</p> <p>19 "A Absolutely may have said that to</p> <p>20 Jay but don't remember That was three years</p> <p>21 ago</p> <p>22 "Q But when you say --</p> <p>23 "A Could have said it to</p> <p>24 [redacted] don't remember The only person</p> <p>25 know didn't say it to was P</p>
<p style="text-align: right;">Page 530</p> <p>1 recall that exchange?</p> <p>2 "A Not necessarily no</p> <p>3 "Q But even when he was asking you to</p> <p>4 get it down pat in getting a quote you don't recall</p> <p>5 him taking any notes?</p> <p>6 "A mean after -- after -- now</p> <p>7 know he was taking notes it's easy right?</p> <p>8 "Q 'I'm talking about before</p> <p>9 "A No not before</p> <p>10 "Q And then it was in response to</p> <p>11 that that you said 'if you ever mention my name to</p> <p>12 anyone 'I'm going to take this picture and put it</p> <p>13 everywhere can so everyone will know what a little</p> <p>14 whore you are' Do you recall saying that that you</p> <p>15 then on you then injected the word 'whore'?</p> <p>16 "A don't recall that specifically</p> <p>17 but --</p> <p>18 "Q But you would agree with me the</p> <p>19 first version did not contain that word?</p> <p>20 "A haven't seen the video so</p> <p>21 don't know Did he cut me off or -- don't know</p> <p>22 what happened</p> <p>23 "Q 'I'm just saying what he said</p> <p>24 was -- what he said the first time And he said</p> <p>25 'Now if you ever mention my name to anybody we</p>	<p style="text-align: right;">Page 532</p> <p>1 "Q A right But when you say 'I</p> <p>2 absolutely may have' --</p> <p>3 "A Okay</p> <p>4 "Q -- you would -- you would agree</p> <p>5 those are sort of different concepts?</p> <p>6 "A We --</p> <p>7 "Q You're -- you're qualifying the</p> <p>8 absolutely Would you agree with that when you say</p> <p>9 'may'?</p> <p>10 "A We because 'm sure it</p> <p>11 happened There's -- that 'm not going -- 'm not</p> <p>12 gray on we remember that word forever</p> <p>13 "Q And in looking at Taby's memo</p> <p>14 and then comparing it to the video and he was --</p> <p>15 and 'm not going to go through the whole thing</p> <p>16 We've done it in enough detail But there's at one</p> <p>17 point where you're describing to him that he kissed</p> <p>18 you down the neck and then he rips the shirt off in</p> <p>19 half that you were wearing and you started then at</p> <p>20 that point that you felt traumatized for the first</p> <p>21 time That's what he said in the memo But in</p> <p>22 comparing the video you never used that word</p> <p>23 'traumatized'?</p> <p>24 "A Yeah don't know what words he</p> <p>25 used</p>

HEARING 5/23/2018

Page 533	Page 535
<p>1 "Q And you -- and that would not be a</p> <p>2 concept that you would have portrayed to him at the</p> <p>3 time? mean can show you the index of the</p> <p>4 video if you want to make sure that word wasn't</p> <p>5 used or you can trust me Either way</p> <p>6 "A Right don't -- what words did</p> <p>7 use? Did say something that why -- why would he</p> <p>8 have written that down?</p> <p>9 "Q Why would he have put it in there?</p> <p>10 That's the \$64 000 question one of them Do you</p> <p>11 recall --</p> <p>12 "A mean 'm not sure if -- do</p> <p>13 know that obviously that felt wrong to me but</p> <p>14 don't know what said</p> <p>15 "Q Uh-huh</p> <p>16 "A don't know if that word --</p> <p>17 "Q Well you don't know why he would</p> <p>18 put that word in there if you didn't say it in the</p> <p>19 transcript right?</p> <p>20 "A Right 'm not sure because</p> <p>21 don't know what said specifically</p> <p>22 "Q And another thing that's in this</p> <p>23 report that's nowhere in this transcript is right</p> <p>24 after you came that he put water in your mouth you</p> <p>25 stated that EG stated 'Not going to be a naughty</p>	<p>1 "Q And the fact that the 'naughty</p> <p>2 girl' never shows up at anything's 77-page</p> <p>3 document can you explain that?</p> <p>4 "A have no clue</p> <p>5 "Q Can you explain where T saby would</p> <p>6 have gotten that information?</p> <p>7 "A have no clue don't know</p> <p>8 "Q But since that's the only time you</p> <p>9 spoke with T saby it didn't come from you didn't</p> <p>10 if it's not contained in there?</p> <p>11 "A Correct yeah unless it was off</p> <p>12 camera don't know because don't remember</p> <p>13 "Q Unless it was off camera?</p> <p>14 "A Right kept taking off camera</p> <p>15 also</p> <p>16 "Q How much did you talk to T saby</p> <p>17 and Gardner off camera?</p> <p>18 "A None that know of mean other</p> <p>19 than at the very end saying good-bye and stuff</p> <p>20 so --</p> <p>21 "Q Did you talk about the facts of</p> <p>22 your story to them at during any breaks that you</p> <p>23 believed you were off camera?</p> <p>24 "A There was no breaks</p> <p>25 "Q Did you talk to them before or</p>
Page 534	Page 536
<p>1 girl.' That's nowhere in this transcript Did that</p> <p>2 in fact -- are you coming that happened, those</p> <p>3 words?</p> <p>4 "A: He did say that, so don't know</p> <p>5 why he would know that if didn't say it in there.</p> <p>6 E.G. did say that.</p> <p>7 "Q: Well, you can look.</p> <p>8 "A: Something to that effect.</p> <p>9 "Q: Something to that effect?</p> <p>10 "A: Uh-huh.</p> <p>11 "Q: Or those words?</p> <p>12 "A: don't know the exact words, but</p> <p>13 he did.</p> <p>14 "Q: You don't know the exact words?</p> <p>15 "A: Correct.</p> <p>16 "Q: Well, what do you mean, something</p> <p>17 to that effect?</p> <p>18 "A: Like --</p> <p>19 "Q: What would that be? What would</p> <p>20 that effect be?</p> <p>21 "A: No, you're not going to be a</p> <p>22 naughty girl, are you? Yeah, he did.</p> <p>23 "Q: Sort of when he was in character?</p> <p>24 is that what you're saying?</p> <p>25 "A: Yeah.</p>	<p>1 after that you believe you may have been off camera?</p> <p>2 "A: No.</p> <p>3 "Q: Are you sure?</p> <p>4 "A: Not about specifics.</p> <p>5 "Q: So again, where would he have</p> <p>6 gotten that word if it's not in the transcript?</p> <p>7 "A: don't know.</p> <p>8 "Q: When could you have said that to</p> <p>9 him?</p> <p>10 "A: 'm not sure.</p> <p>11 "Q: He actually quoted you. There's</p> <p>12 quotation marks. Do you want to see? Do you want</p> <p>13 to double-check?</p> <p>14 "A: believe you. just have no</p> <p>15 clue.</p> <p>16 "Q: Where would that word have come</p> <p>17 from?</p> <p>18 "A: Right. if it's not in the thing,</p> <p>19 'm not sure.</p> <p>20 "Q: Have you talked to T saby at any</p> <p>21 other time other than on the 29th?</p> <p>22 "A: No, have not.</p> <p>23 "Q: So you were aware that, as you</p> <p>24 said, that T saby had interaction with [redacted],</p> <p>25 right?</p>

134 (Pages 533 to 536)

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HEARING 5/23/2018

<p style="text-align: right;">Page 537</p> <p>1 "A: Correct.</p> <p>2 "Q: And you ta ked to her before, and</p> <p>3 -- wou d assume you ta ked to her after, r ght?</p> <p>4 "A: Yes.</p> <p>5 "Q: mean, t wou d make -- t wou d</p> <p>6 be common sense. She's a good fr end, so you wou d</p> <p>7 have sa d how d d t go and th ngs of that nature,</p> <p>8 r ght?</p> <p>9 "A: Yes.</p> <p>10 "Q: Whether she was st comfortab e</p> <p>11 n part c pat ng, th ngs ke that. Wou d that be</p> <p>12 fa r?</p> <p>13 "A: Yeah. don't remember any</p> <p>14 spec f c conversat ons, but yes, know 've ta ked</p> <p>15 to her.</p> <p>16 "Q: And then at some po nt you were</p> <p>17 made aware that T saby sent [redacted] a report or a</p> <p>18 rough draft of a report before or after the</p> <p>19 ntervw, r ght? She to d you that?</p> <p>20 "A: Yes. Yeah.</p> <p>21 "Q: When d d she te you that?</p> <p>22 "A: don't remember, but --</p> <p>23 remember her say ng that.</p> <p>24 "Q: Why?</p> <p>25 "A: Because was, ke, that's we rd.</p>	<p style="text-align: right;">Page 539</p> <p>1 those meet ngs r ght?</p> <p>2 "A Yes</p> <p>3 "Q Now have you been ab e to w th</p> <p>4 th s add t ona sort of ab ty to reco ect</p> <p>5 remember whether or not she took any notes dur ng</p> <p>6 those meet ngs?</p> <p>7 "A Ms Gardner?</p> <p>8 "Q Yes</p> <p>9 "A Dur ng the T saby one?</p> <p>10 "Q No</p> <p>11 "A Oh</p> <p>12 "Q Dur ng the meet ngs that you had</p> <p>13 w th her the at east two</p> <p>14 "A Oh No have no c ue</p> <p>15 "Q F rst of a t was two or more</p> <p>16 do you know?</p> <p>17 "A don't don't remember</p> <p>18 spec f ca y no But know that --</p> <p>19 "Q th nk prevous y you sa d at</p> <p>20 east two</p> <p>21 "A R ght t was -- t was at east</p> <p>22 two yeah</p> <p>23 "Q And th nk you sa d maybe for a</p> <p>24 ha f hour each?</p> <p>25 "A Yeah poss b y</p>
<p style="text-align: right;">Page 538</p> <p>1 "Q: Why d d you say that was we rd?</p> <p>2 "A: d dn't know that peop e do that.</p> <p>3 "Q: D d you get a rough draft of your</p> <p>4 report?</p> <p>5 "A: No, d d not.</p> <p>6 "Q: Once you heard that [redacted] got</p> <p>7 a rough -- a rough draft of hers, d d you ask for</p> <p>8 one?</p> <p>9 "A: No, d dn't.</p> <p>10 "Q: Have you ever asked for a draft of</p> <p>11 your report or the f na of your report?</p> <p>12 "A: No, haven't.</p> <p>13 "Q: You've had t me to th nk about t</p> <p>14 now, and -- and we've ta ked about the subject of</p> <p>15 notes and some of the th ngs that have spurred your</p> <p>16 reco ect on. So after go ng through a ot of what</p> <p>17 we just went through on th s v deotape transcr pt,</p> <p>18 do you reca -- and th nk your test mony was that</p> <p>19 between the 29th and before your Grand Jury you had</p> <p>20 at east two meet ngs w th Ms. Gardner pr or to</p> <p>21 test fy ng before the Grand Jury.</p> <p>22 "A: Yes.</p> <p>23 "Q: Have you been ab e to reca --</p> <p>24 and know that we've ta ked about the d scuss on</p> <p>25 about the Phone and that sort of d scuss on n</p>	<p style="text-align: right;">Page 540</p> <p>1 "Q: Okay. And you sat d rect y across</p> <p>2 from her just ke you're s tt ng now. mean, how</p> <p>3 far away were you?</p> <p>4 "A: don't know. L ke, can't</p> <p>5 remember even spec f cs. just know --</p> <p>6 "Q: We , can you te me what room t</p> <p>7 was n?</p> <p>8 "A: n the conference room.</p> <p>9 "Q: What conference room? The one</p> <p>10 we're n or a d fferent one?</p> <p>11 "A: A d fferent one.</p> <p>12 "Q: So on th s f oor?</p> <p>13 "A: Yes.</p> <p>14 "Q: And how can -- can you te me how</p> <p>15 b g the conference room was?</p> <p>16 "A: don't know. Maybe ha f the s ze</p> <p>17 of th s room.</p> <p>18 "Q: So about where you're s tt ng</p> <p>19 forward towards us. Fa r enough?</p> <p>20 "A: Yes.</p> <p>21 "Q: Okay. And wou d the tab e be</p> <p>22 about th s s ze or sma er?</p> <p>23 "A: t was a tte sma er.</p> <p>24 "Q: And were you s tt ng d rect y</p> <p>25 across from Ms. Gardner?</p>

135 (Pages 537 to 540)

HEARING 5/23/2018

Page 541	Page 543
<p>1 "A mean, know at east -- at</p> <p>2 east one or two of the t mes that 've been here,</p> <p>3 she has sat k nd of where Mr Stee e s</p> <p>4 "Q So a most mmed ate y to your</p> <p>5 r ght?</p> <p>6 "A Correct</p> <p>7 "Q Okay And you wou d agree w th me</p> <p>8 that you've just descr bed a d stance of maybe a</p> <p>9 coup e of feet at the most?</p> <p>10 "A Yes</p> <p>11 "Q And you've test f ed that there</p> <p>12 was at east two meet ngs At east 30 m nutes</p> <p>13 ap ece?</p> <p>14 "A Yes</p> <p>15 "Q And you can't te me whether or</p> <p>16 not she was tak ng notes dur ng those meet ngs?</p> <p>17 "A No, genera y can</p> <p>18 "Q Have you d scussed --</p> <p>19 "A No</p> <p>20 "Q -- the subject w th any of the</p> <p>21 c rcu t attorneys before th s depos t on?</p> <p>22 "A No, have not</p> <p>23 "Q Have you ever d scussed the</p> <p>24 subject of whether or not Ms Gardner was tak ng</p> <p>25 notes dur ng those meet ngs w th any c rcu t</p>	<p>1 sa d 'LOL and 'm not that h p ' but what s that?</p> <p>2 Laugh out oud?</p> <p>3 "A Yeah</p> <p>4 "Q How come you d dn't ask her what</p> <p>5 do you mean?</p> <p>6 "A Because at that po nt 'm -- 'm</p> <p>7 assum ng th s was after there had been ke a</p> <p>8 m on rumors out there that had been pa d When</p> <p>9 was that? At that po nt t was just r d cu ous to</p> <p>10 me</p> <p>11 "Q And then there's one --</p> <p>12 "A Yeah t was after a ready</p> <p>13 heard</p> <p>14 "Q There was one text between you and</p> <p>15 [redacted]</p> <p>16 "A Uh-huh</p> <p>17 "Q And ta k ng about the d fference</p> <p>18 that [redacted] s her husband correct?</p> <p>19 "A Correct</p> <p>20 "Q And that there's d fferences</p> <p>21 between [redacted] and -- and P S r ght?</p> <p>22 "A Yes</p> <p>23 "Q So on January 12th wh ch wou d</p> <p>24 have been about two days after the nformat on was</p> <p>25 d ssem nated you sent a text to [redacted] say ng</p>
Page 542	Page 544
<p>1 attorney?</p> <p>2 "A: No, not at a .</p> <p>3 "Q: Or w th Mr. Stee e?</p> <p>4 "A: No, have not.</p> <p>5 "Q: And was th s the f rst meet ng</p> <p>6 that you had -- were these the f rst meet ngs that</p> <p>7 you had w th Ms. Gardner n th s bu d ng?</p> <p>8 "A: That 'm speak ng of?</p> <p>9 "Q: These meet ngs, these two -- at</p> <p>10 east two meet ngs that you had between the 29th and</p> <p>11 the Grand Jury test mony.</p> <p>12 "A: Yes.</p> <p>13 "Q: Were those the on y ones you had</p> <p>14 n th s bu d ng?</p> <p>15 "A: Yes.</p> <p>16 "Q: So you were no onger concerned</p> <p>17 enough to have them n a hote room?</p> <p>18 "A: Correct.</p> <p>19 "Q: And even w th that add t ona</p> <p>20 nformat on, you can't reca whether or not there</p> <p>21 was any notes?</p> <p>22 "A: No. genu ne y don't know.</p> <p>23 "Q: Yeah, have one add t ona</p> <p>24 quest on. When [redacted] sa d to you, 't's k nd</p> <p>25 of coo , you m ght become r ch off of t,' and you</p>	<p>1 'P s a d ck for g v ng out your nfo,' sorry,</p> <p>2 mean ng he was a d ck for g v ng out [redacted]</p> <p>3 nfo?</p> <p>4 "A: Yes, because before -- ke that</p> <p>5 n ght before t came out, she to d me that peop e</p> <p>6 were contact ng her from --</p> <p>7 "Q: R ght.</p> <p>8 "A: don't remember, Po t co or</p> <p>9 some -- the New York T mes. Anyway, she had peop e</p> <p>10 reach ng out to her, wh ch how they wou d get, A,</p> <p>11 her name to know who to ook for and, B, her number,</p> <p>12 so just assumed t was P.</p> <p>13 "Q: And your response s, 'And P s,'</p> <p>14 cap ta zed, 'a D ck, but he's just do ng th s</p> <p>15 because of the ove he has for h s k ds and h s</p> <p>16 k ds' mom.' assume you were be ng facet ous and</p> <p>17 sarcast c?</p> <p>18 "A: Yes, was.</p> <p>19 "Q: Because obv ous y we've just</p> <p>20 estab shed that cou dn't have been further from the</p> <p>21 truth, r ght?</p> <p>22 "A: Def n te y not from my</p> <p>23 perspect ve, no.</p> <p>24 "Q: Okay. Sorry to keep you. Thank</p> <p>25 you for your t me.</p>

136 (Pages 541 to 544)

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Page 545	Page 547
<p>1 MS. M TTEN: Yeah, we've got 15 pages.</p> <p>2 MR. AUST N: D rect, 15 pages.</p> <p>3 MR. BARNES: Are we good? Let's push</p> <p>4 on through.</p> <p>5 MR. AUST N: "Further exam nat on by</p> <p>6 Mr. Stee e:</p> <p>7 "Q: There's been a -- a ong ser es of</p> <p>8 quest ons regard ng P.S.'s motive, 'm sure you</p> <p>9 reca .</p> <p>10 "A: Yes.</p> <p>11 "Q: rrespective ve of h s motive, s t</p> <p>12 your test mony to the Grand Jury was the truth?</p> <p>13 "A: Yes.</p> <p>14 "Q: Was your test mony to the</p> <p>15 comm ttee the truth?</p> <p>16 "A: Yes.</p> <p>17 "Q: Was your test mony n the three</p> <p>18 depos t ons you've taken the truth?</p> <p>19 "A: Yes.</p> <p>20 "Mr. Rosenb um: ' just object</p> <p>21 and" -- he had a ong object on.</p> <p>22 "BY MR. STEELE:</p> <p>23 "Q: Okay. And th nk you nd cated</p> <p>24 that you d d not have or have not heard of the</p> <p>25 record ng that he recorded.</p>	<p>1 "A: Right. No.</p> <p>2 "Q: rrespective of -- of P.S.'s</p> <p>3 motive and if he had some -- some terrib e, vi e</p> <p>4 motives, that wou d not change your truth?</p> <p>5 "A: Correct.</p> <p>6 "Q: And you've to d the truth about</p> <p>7 what happened between when you and E.G. or with you</p> <p>8 and E.G. and what E.G. did to you in that basement</p> <p>9 in a these occasions?</p> <p>10 "A: Yes.</p> <p>11 "Mr. Stee e: Nothing further."</p> <p>12 Mr. Rosenb um says "One second." And</p> <p>13 then Mr. Stee e says, "Oh, something e se," so back</p> <p>14 to Mr. Stee e.</p> <p>15 "BY MR. STEELE:</p> <p>16 "Q: There's a so references to</p> <p>17 meetings with Ms. Gardner, two meetings. Those --</p> <p>18 those meetings that you had in this bui ding, on</p> <p>19 this f oor, what's -- what's been termed a,</p> <p>20 quote-unquote, meeting, were -- were you here for</p> <p>21 something e se when you came in?</p> <p>22 "A: We , know one of the times was</p> <p>23 before the -- or, ike, the day of the Grand Jury.</p> <p>24 "Q: Uh-huh.</p> <p>25 "A: And then came back to -- had</p>
Page 546	Page 548
<p>1 "A: Correct.</p> <p>2 "Q: Okay.</p> <p>3 "A: We , 'm sorry. Wh ch --</p> <p>4 "Q: The P.S., the record ng that P.S.</p> <p>5 recorded when you re ayed what had happened to h m.</p> <p>6 "A: R ght, correct. We , the stuff</p> <p>7 that was on TV heard.</p> <p>8 "Q: Okay. Now, n -- n regard to</p> <p>9 what you to d h m happened between yourse f and E.G.</p> <p>10 on March -- be eve t was the 21st of 2015, d d</p> <p>11 you te h m the truth?</p> <p>12 "A: Yes, d d.</p> <p>13 "Q: And so rrespective ve of what h s</p> <p>14 motive was for te ng the truth has been to d by</p> <p>15 yourse f and re ayed by P as of what you to d h m --</p> <p>16 excuse me, P.S. -- as to what you to d h m?</p> <p>17 "A: Yes.</p> <p>18 "Q: And just to wrap th s up, f h s</p> <p>19 motives were ben gn --</p> <p>20 "Mr. Rosenb um: 'm sorry?</p> <p>21 "Q: -- that wou d not change whether t</p> <p>22 was the truth or not, wou d t?</p> <p>23 "A: My truth, no.</p> <p>24 "Q: Okay. And that's what we're</p> <p>25 ta k ng about, your truth.</p>	<p>1 to answer a few quest ons for the Grand Jury.</p> <p>2 know that those are at east two of the t mes.</p> <p>3 "Q: Okay. So the t mes that you came</p> <p>4 for these what -- what's been termed meet ngs were</p> <p>5 actua y here for someth ng e se?</p> <p>6 "A: Correct.</p> <p>7 "Q: Okay. And so that was not at</p> <p>8 east one of the t mes, and don't know f you're</p> <p>9 ca ng or what they have ca ed or construed as a</p> <p>10 meet ng of the t mes that you came here -- came here</p> <p>11 for, for these depos t ons. The Grand Jury d d</p> <p>12 you-a go nto our off ce and k nd of wa t for t</p> <p>13 to happen?</p> <p>14 "A: Yes.</p> <p>15 "Q: Or what have you came here for?</p> <p>16 And th s s what s be ng ca ed a, quote-unquote,</p> <p>17 meet ng, th s per od of t me where you were n the</p> <p>18 off ce, wa t ng to get e ther deposed or test fy to</p> <p>19 the Grand Jury. D d you ever just come here, ta k</p> <p>20 to her, and eave?</p> <p>21 "A: Good quest on. don't know. Not</p> <p>22 that reca spec f ca y, but don't know. Not</p> <p>23 that reca spec f ca y. No.</p> <p>24 "Q: Okay. So to the best of your</p> <p>25 reco ect on, the t mes that you spoke to</p>

Page 549	Page 551
<p>1 Ms Gardner's bu d ng you were actua y here for 2 someth ng e se that s -- that be ng a depos t on? 3 "A At east that reca yes 4 "Q Or a Grand Jury test mony or 5 someth ng ke that? 6 "A R ght 7 "Mr Stee e Okay Noth ng further " 8 Then further exam nat on 9 "BY MR ROSENBLUM 10 "Q Just a few th nk we can 11 estab sh that between December 29th and 12 February 15th when you test f ed before the Grand 13 Jury you d dn't have any depos t ons r ght? 14 hadn't taken your depos t on -- 15 "A R ght 16 "Q -- had correct? 17 "A Correct 18 "Q Nobody e se had re ated to th s 19 case correct? 20 "A Correct 21 "Q So we can certa n y ru e out 22 depos t ons r ght? 23 "A R ght 24 "Q And when was ta k ng about 25 meet ngs that you had at east two meet ngs w th</p>	<p>1 Gardner Was anybody e se n the room? D d she 2 have a w tness? 3 "A My -- my attorney was w th me 4 "Q Other than Mr S mpson anybody 5 e se n the room? 6 "A know Mr Stee e was there -- 7 "Q Okay 8 "A -- too 9 "Q Anybody e se? 10 "A be eve -- know met a woman 11 one t me 12 "Q A woman? Part of the prosecut on 13 team? 14 "A Yes don't remember her name 15 "Q What d d she ook ke? 16 "A Bond ha r 17 "Q So maybe -- don't want to nsu t 18 anybody but -- 19 "A don't know who 20 "Q Husky woman w th bond ha r short 21 ha r? 22 "A Yes Bond yeah remember 23 meet ng her once 24 "Q s her frst name Rache Sm th? 25 "A Yes That sounds r ght</p>
Page 550	Page 552
<p>1 Ms Gardner you knew what was ta k ng about You 2 knew what a meet ng s r ght? 3 "A Yes 4 "Q R ght mean there's no h dden 5 connotat on to what a meet ng s r ght? 6 "A R ght But know what he's 7 referr ng to t's not that spec f ca y came 8 here to have a meet ng so -- 9 "Q But whether you came here to have 10 a meet ng or not the fact of the matter s you met 11 w th her on at east two occas ons r ght? 12 "A R ght 13 "Q She was n the room w th you 14 correct? 15 "A Correct 16 "Q You-a were ta k ng correct? 17 "A Correct 18 "Q You a ready to d us about one 19 subject be ng the Phone and how t works and 20 ntroduc ng that subject correct? 21 "A Correct 22 "Q And those meet ngs asted for up 23 to ha f an hour maybe more correct? 24 "A Yes 25 "Q And t was at east you and K m</p>	<p>1 "Q: You met her. D d she ask you 2 quest ons? 3 "A: K nd of. Let me th nk. don't 4 remember why. 5 "Q: We , th s s -- 6 "A: Or -- or when was ta k ng to 7 her. Yeah, know. 8 "Q: Was th s n the frst meet ng or 9 the second meet ng? 10 "A: don't remember spec f ca y. t 11 def n te y was not the frst t me so -- 12 "Q: So t wou d have been -- 13 "A: t wou d have been after. 14 "Q: One of the other -- at east one, 15 f not, more meet ngs? 16 "A: The Grand Jury th ng, r ght. 17 "Q: Okay. Before the Grand Jury, 18 r ght? 19 "A: th nk she just had me exp a n 20 what happened -- 21 "Q: Okay. So -- 22 "A: -- n the Grand Jury. 23 "Q: She sa d -- 24 "A: And the Grand -- th s was after 25 the Grand Jury test mony. know that. And she</p>

HEARING 5/23/2018

Page 553	Page 555
<p>1 just had me explain what talked about in the Grand</p> <p>2 Jury testimony</p> <p>3 "Q All right So this would have</p> <p>4 been?</p> <p>5 "A Can't remember</p> <p>6 "Q Was -- was -- was Mr Steele and</p> <p>7 Ms Gardner and your lawyer in that meeting as well?</p> <p>8 "A Ms Gardner was Neither one of</p> <p>9 the men were</p> <p>10 "Q So it was Ms Gardner Ms Smith</p> <p>11 and you?</p> <p>12 "A That -- yes Actually for that</p> <p>13 part -- although I did meet the other gentleman</p> <p>14 "Q Mr Derker?</p> <p>15 "A No</p> <p>16 "Q Mr Sullivan?</p> <p>17 "A Met him but he wasn't in there</p> <p>18 for this conversation</p> <p>19 "Q All right So let me walk through</p> <p>20 this really quickly So we've talked about the two</p> <p>21 meetings that you had prior to the Grand Jury</p> <p>22 meeting?</p> <p>23 "A Or around that time because</p> <p>24 know that came in for the Grand Jury That might</p> <p>25 have been -- that just might have been --</p>	<p>1 "A Yes believe that's the only</p> <p>2 time</p> <p>3 "Q And how long was that meeting?</p> <p>4 "A Maybe an hour</p> <p>5 "Q An hour long meeting?</p> <p>6 "A Some Yeah, like around there</p> <p>7 "Q Okay And basically, you were</p> <p>8 conveying to Ms Smith that you were previously</p> <p>9 conveyed -- what you previously conveyed to the</p> <p>10 Grand Jury and to Mr Tabor and to Mr -- and to</p> <p>11 Ms Gardner, right?</p> <p>12 "A Correct</p> <p>13 "Q So you're going through your whole</p> <p>14 version of events again, right?</p> <p>15 "A No, not the whole version She</p> <p>16 was kind of asking me specific things</p> <p>17 "Q And that was for an hour?</p> <p>18 "A Yeah, like around there</p> <p>19 "Q Now, she would have had to be</p> <p>20 taking -- or be taking notes?</p> <p>21 "A I don't remember specifically</p> <p>22 either I don't know was -- just remember</p> <p>23 talking to her</p> <p>24 "Q Were you right across from her?</p> <p>25 "A Yes, she was across from me</p>
Page 554	Page 556
<p>1 "Q We talked specifically about two</p> <p>2 meetings at least before the Grand Jury in between</p> <p>3 the 29th and the Grand Jury We've talked about</p> <p>4 that at length right?</p> <p>5 "A Right</p> <p>6 "Q You described the participants in</p> <p>7 -- in both those meetings on at least two 30</p> <p>8 minutes Mr Gardner both the men Mr Steele your</p> <p>9 lawyer Mr Simpson and yourself right?</p> <p>10 "A Right</p> <p>11 "Q Okay Now you're describing a</p> <p>12 third meeting right?</p> <p>13 "A Yes</p> <p>14 "Q Okay</p> <p>15 "A Or at least --</p> <p>16 "Q And this third meeting --</p> <p>17 "A Yeah</p> <p>18 "Q -- you believe that -- you believe</p> <p>19 was after you gave Grand Jury testimony?</p> <p>20 "A Yes believe so</p> <p>21 "Q And this was a meeting just</p> <p>22 between yourself and Ms Gardner and Ms Smith?</p> <p>23 "A Yes</p> <p>24 "Q And that was the first time</p> <p>25 Ms Smith had met you?</p>	<p>1 "Q And as she was asking you</p> <p>2 questions and you were taking you have no</p> <p>3 recollection as to whether or not she was taking</p> <p>4 notes as she went through an hour long meeting?</p> <p>5 "A Not that can picture no</p> <p>6 "Q Pardon me?</p> <p>7 "A Not that can picture</p> <p>8 "Q Can you say she wasn't?</p> <p>9 "A Can't say for sure don't</p> <p>10 know</p> <p>11 "Q You can't say one way or the</p> <p>12 other?</p> <p>13 "A Right don't know</p> <p>14 "Q And that was for an hour you</p> <p>15 think?</p> <p>16 "A Yeah Like around there uh-huh</p> <p>17 "Q And it was discussing the con --</p> <p>18 the -- the facts of the case?</p> <p>19 "A Yes</p> <p>20 "Q And it wasn't as far as you know</p> <p>21 in preparation for any Grand Jury testimony because</p> <p>22 you'd already testified right?</p> <p>23 "A Yes correct</p> <p>24 "Q And it wasn't in preparation for</p> <p>25 trial to your knowledge correct?</p>

139 (Pages 553 to 556)

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Page 557	Page 559
<p>1 "A No t was not</p> <p>2 "Q t was just a conversat on you</p> <p>3 were hav ng to essent a y educate Rache Sm th?</p> <p>4 "A Yes To get her up to speed or</p> <p>5 -- don't know</p> <p>6 "Q And once more and n the course</p> <p>7 of that meet ng s that when you met Mr Su van?</p> <p>8 "A Yes Just before</p> <p>9 "Q Just before that meet ng?</p> <p>10 "A And then he wa ked out yes</p> <p>11 "Q After the Grand Jury and before</p> <p>12 that meet ng?</p> <p>13 "A Yes L ke r ght before that He</p> <p>14 was n there and just sa d h and wa ked out</p> <p>15 "Q He just sa d h ?</p> <p>16 "A Yes</p> <p>17 "Q D d you -- had you ever met h m</p> <p>18 before?</p> <p>19 "A No had not</p> <p>20 "Q D d you ask anybody wh e he was</p> <p>21 there what h s ro e was?</p> <p>22 "A We a ready knew That had</p> <p>23 been announced that he was part of that part of the</p> <p>24 team But then never ta ked to h m</p> <p>25 "Q A r ght "</p>	<p>1 they're say ng s a meet ng, because -- -- and</p> <p>2 'm not sure, but -- 'm just try ng to fesh th s</p> <p>3 out. s -- s what's be ng ca ed a meet ng</p> <p>4 actua y s mp y an nc dent or occas on that you're</p> <p>5 here for someth ng e se and you were wa t ng for</p> <p>6 whatever t was you were here to start?"</p> <p>7 Mr. Rosenb um objects. And then an</p> <p>8 answer.</p> <p>9 "A: mean, yes. def n te y came</p> <p>10 here ear y for the Grand Jury those t mes and to</p> <p>11 ta k to her.</p> <p>12 "Q: What about -- what about the</p> <p>13 depos t ons, the t mes you -- you came for the</p> <p>14 depos t ons?</p> <p>15 "A: Yes. And 've been here wa t ng</p> <p>16 for the depos t ons as we , yes.</p> <p>17 "Okay. Noth ng further."</p> <p>18 Further exam nat on by Mr. Rosenb um:</p> <p>19 "Q: But we're c ear that the two</p> <p>20 meet ngs was ta k ng about before the Grand Jury</p> <p>21 and the one w th Rache Sm th after the Grand Jury</p> <p>22 had noth ng to do w th the depos t on?</p> <p>23 "A: So don't know about the two</p> <p>24 before because there cou d have been one before the</p> <p>25 Grand Jury. be eve that's the case, yes. After</p>
Page 558	Page 560
<p>1 Qu ck conversat on about t me Next</p> <p>2 quest on by Mr Stee e</p> <p>3 "Q The quote-unquote meet ngs or</p> <p>4 what's been descr bed as meet ngs the t mes that</p> <p>5 you had come here were -- were you ear y on those</p> <p>6 occas ons?</p> <p>7 "A 'm not sure</p> <p>8 "Q And et me try to c ar fy that</p> <p>9 By terms of ear y mean d d -- d d you s mp y</p> <p>10 arr ve at the bu d ng and go stra ght to whatever</p> <p>11 you were here for or were they -- was there some</p> <p>12 t me you had to essent a y wa t for whatever t was</p> <p>13 to start?</p> <p>14 "A Oh yes def n te y had wa t</p> <p>15 t me --</p> <p>16 "Q Okay</p> <p>17 "A -- before th ngs</p> <p>18 "Q And -- and so when you're say ng</p> <p>19 that at th s -- th s meet ng where you ta ked or</p> <p>20 whatever was 30 m nutes was that the 30 m nutes or</p> <p>21 so preced ng you were here for the depos t on</p> <p>22 test mony or whatever t was?</p> <p>23 "A At east -- you mean w th</p> <p>24 Ms Gardner?</p> <p>25 "Q We to be -- what -- what</p>	<p>1 met w th Mr. T saby.</p> <p>2 "Q: You're just not sure?</p> <p>3 "A: Or maybe t wasn't. don't --</p> <p>4 see, don't want to say for sure.</p> <p>5 "Q: Okay.</p> <p>6 "A: But 'm pos t ve that ta ked</p> <p>7 w th her before the Grand Jury. L ke, we met and</p> <p>8 just k nd of --</p> <p>9 "Q: Okay. My quest on was, 'K.S., a</p> <p>10 those meet ngs we d scussed' --</p> <p>11 "A: R ght.</p> <p>12 "Q: -- 'two -- at east two ha f-hour</p> <p>13 meet ngs, you sa d two before the Grand Jury and one</p> <p>14 after the Grand Jury for an hour w th Rache Sm th,</p> <p>15 that had noth ng to do w th my depos t on. Noth ng.</p> <p>16 hadn't taken t yet.'</p> <p>17 "A: Oh, r ght.</p> <p>18 "Q: You weren't here yet. So whatever</p> <p>19 Mr. Stee e s say ng w th respect to meet ng for</p> <p>20 depos t ons, that had noth ng to do w th what you</p> <p>21 were ta k ng about?</p> <p>22 "A: R ght. That was afterwards.</p> <p>23 "Mr. Rosenb um: Noth ng further."</p> <p>24 Further exam nat on by Mr. Stee e:</p> <p>25 "Q: And -- and just aga n so we're</p>

<p style="text-align: right;">Page 561</p> <p>1 c ear, these, quote-unquote, meet ngs were -- were 2 these nstances where you s mp y came here and met 3 w th someone and eft, or were you here for at 4 east -- 5 "A: We , spec f ca y remember the 6 one where met Rache Sm th was, but can't reca 7 another t me where was outs de of that." 8 "Q: Noth ng further." 9 MR. AUST N: And that ends the 10 depos t on. 11 MR. BARNES: Okay. Anyth ng further 12 for th s even ng? See ng none, we w -- we're 13 not ced up for 8:00. We are go ng to start -- why 14 don't we start at 8:45. Th s s a not ce to the 15 med a that we are not ced up for 8:00. t s too 16 ate to change the comm ttee not ce. We w not be 17 start ng the hear ng at 8:00. The hear ng w 18 start at approx mate y 8:45. Whether t's 19 eg s at ve t me or rea wor d t me, t w be 20 approx mate y at 8:45. We have Mr. Watk ns at 9:00. 21 That conc udes today's depos t on. 22 (Whereupon, the proceed ngs 23 adjourned at 7:06 p.m.) 24 --oOo-- 25</p>	
<p style="text-align: right;">Page 562</p> <p>1 CERT F CATE OF REPORTER 2 3 , RENEE COMBS QU NBY, a Reg stered Mer t 4 Reporter, Cert f ed Rea t me Reporter, Cert f ed 5 Shorthand Reporter (CA), Cert f ed Court Reporter 6 (MO), Cert f ed Court Reporter (L), and Notary 7 Pub c w th n and for the State of M ssour , do 8 hereby cert fy that the forego ng proceed ngs were 9 taken by stenograph c means by me to the best of my 10 ab ty and thereafter reduced to pr nt under my 11 d rect on. 12 further cert fy that am ne ther 13 attorney nor counse nor re ated nor emp oyed by any 14 of the part es to the act on n wh ch th s 15 depos t on was taken; further, that am not a 16 re at ve or emp oyee or any attorney or counse 17 emp oyed by the part es hereto or f nanc a y 18 nterested n th s act on. 19 20 21 22 ----- 23 RENEE COMBS QU NBY, RMR, CRR, CCR #1291 24 (L) #084-004867 25</p>	

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HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT
HEARING
May 24th, 2018

1	INDEX OF EXAMINATIONS	
2	WITNESSES	
3		PAGE
4	ALBERT S. WATKINS	
5	Examination by Mr. Barnes	17
6	Examination by Mr. Phillips	53
7	Examination by Ms. Lauer	61
8	Examination by Mr. Austin	78
9	Examination by Mr. Eggleston	89
10	Examination by Mr. Trent	130
11		
12	CHARLES "CHUCK" HATFIELD	
13	Examination by Mr. Trent	160
14		
15	ALBERT S. WATKINS (Continued)	
16	Examination by Mr. Razer	164
17	Further Examination by Mr. Barnes	175
18	Further Examination by Mr. Eggleston	176
19		
20	CHARLES "CHUCK" HATFIELD (Continued)	
21	Examination by Mr. Eggleston	178
22		
23		
24		
25		

1	INDEX OF EXHIBITS		
2	NO.	DESCRIPTION	PAGE
3	Exhibit 50	Photograph	101
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
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22			
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24			
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1 APPEARANCES

2 Representative Jay Barnes, Chairman

3 Representative Don Phillips, Vice-Chairman

4 Mr. Alex Curchin, Senior Counsel/Legislative
Director

5 Representative Jeanie Lauer

6 Representative Kevin Austin

7 Representative Gina Mitten

8 Representative Shawn Rhoads

9 Representative Tommie Pierson, Jr.

10 Representative Greg Razer

11 Representative Curtis Trent

12 Representative J. Eggleston

13

14

15 Also present:

16 Mr. Edward Dowd, Defense Counsel

17

18 The Court Reporter:

19 Ms. Tara Schwake, CRR, RPR

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25

1 (The hearing commenced at 8:54 a.m.)

2 MR. BARNES: Hi, we'll call this
3 meeting of the Special Investigative Committee,
4 House Special Investigative Committee on Oversight
5 to order. Mr. Secretary, please call the roll.

6 MR. CURCHIN: Representative Barnes?

7 MR. BARNES: Here.

8 MR. CURCHIN: Mr. Phillips?

9 MR. PHILLIPS: Here.

10 MR. CURCHIN: Mr. Austin?

11 MR. AUSTIN: Here.

12 MR. CURCHIN: Mr. Eggleston?

13 MR. EGGLESTON: Here.

14 MR. CURCHIN: Ms. Lauer?

15 MS. LAUER: Here.

16 MR. CURCHIN: Ms. Mitten?

17 MS. MITTEN: Here.

18 MR. CURCHIN: Mr. Pierson?

19 MR. PIERSON: Here.

20 MR. CURCHIN: Mr. Razer?

21 MR. RAZER: Here.

22 MR. CURCHIN: Mr. Rhoads?

23 MR. RHOADS: Here.

24 MR. CURCHIN: Mr. Trent?

25 MR. TRENT: Here.

1 MR. BARNES: We have a quorum. We
2 have a quorum. I will note that this is the 87th
3 day of the existence of this committee. On day one
4 Mr. Dowd indicated that he and his client would be
5 cooperating and this is the 87th day that Mr.
6 Greitens has not appeared before this committee.

7 Mr. Dowd, do you recall telling this
8 committee this week that there was a gag order in
9 place in the criminal trial?

10 MR. DOWD: Yes, I did. There was a
11 gag order and a discovery order.

12 MR. BARNES: And you remember saying
13 earlier this week it was still in place; is that
14 correct?

15 MR. DOWD: The discovery order is
16 still in place, I believe. Not the gag order.

17 MR. BARNES: We have an e-mail from
18 Judge Burleson that says the gag order was
19 dissolved by the court's announcement at the time
20 the case was known. The court unsealed certain
21 previously sealed documents at the time. I believe
22 some, if not all of the documents regarding that
23 were on the record. Hope this clarifies.

24 MR. DOWD: That's correct.

25 MR. BARNES: We want our documents,

1 Mr. Dowd. Stop hiding them. Where are our videos,
2 Mr. Dowd, that we have requested?

3 MR. DOWD: I told you exactly what is
4 accurate.

5 MR. BARNES: No, Mr. Dowd, your
6 accuracy is greatly in question now, Mr. Dowd.

7 MR. DOWD: No, Mr. Chairman, I have a
8 right to respond to your attack on me. Now listen.
9 That judge --

10 MR. BARNES: No, you listen to me,
11 Mr. Dowd.

12 MR. DOWD: -- lifted the gag order.
13 I don't see where he lifted the discovery order.

14 MR. BARNES: That's not what you said
15 earlier this week, Mr. Dowd.

16 MR. DOWD: That's exactly what I
17 said.

18 MR. BARNES: You said it was the gag
19 order that I'm -- to my memory.

20 MR. DOWD: No. Look --

21 MR. BARNES: Now I have another
22 question.

23 MR. DOWD: Look up the transcript. I
24 know exactly what I said and I am correct.

25 MR. BARNES: Mr. Dowd, my next

1 question is, well, Volume 2 certainly wouldn't be
2 subject to that. Now next question, Mr. Dowd.

3 MR. DOWD: I gave you Volume 2 of the
4 transcript as you requested.

5 MR. BARNES: Mr. Dowd, I was informed
6 by Mr. Robertson this morning, and here's what the
7 letter says. It says, Mr. Chairman, Scott Simpson,
8 counsel for witness one, called me and asked me if
9 his client needed to appear on June 5th. I
10 indicated that the committee had subpoenaed his
11 client at the behest the Greitens' counsel and he
12 should expect to produce his client as per the
13 subpoena.

14 I asked if he had been served and he
15 said yes. I then asked why he had called. He said
16 he had received a call from Ed Dowd who indicated
17 if he, Mr. Simpson, received a subpoena, it would
18 not have come as a result of a request by the
19 Greitens' counsel and his client was being asked to
20 appear by someone else, not by Greitens and his
21 counsel. And Mr. Robertson attached a screenshot
22 of a call log that showed that somebody from your
23 firm apparently, Dowd Bennett, called Mr. Simpson
24 at 6:51 p.m. last night.

25 MR. DOWD: That is correct.

1 MR. BARNES: Mr. Dowd, you would
2 agree with me that you requested we subpoena
3 witness one to testify for the sixth time, correct?

4 MR. DOWD: That I requested that?

5 MR. BARNES: Yes.

6 MR. DOWD: Yes, we did, and I told
7 Mr. Simpson we were not going to call her. That's
8 the whole conversation.

9 MR. BARNES: Oh, you're not going to
10 call her. You're going request that the committee
11 call her but you're not going to call her. So let
12 me ask this. Since you're not going to call her,
13 should we retract our subpoena to witness one?

14 MR. DOWD: I think you should do
15 whatever you want to do. If you want to have her
16 here, go ahead.

17 MR. BARNES: Mr. Dowd, you asked that
18 she be subpoenaed.

19 MR. DOWD: Right.

20 MR. BARNES: I am asking you, since
21 you called Mr. Simpson last night and said it
22 wouldn't be at your subpoena, what I am asking you
23 is, do you think we should retract subpoena --

24 MR. DOWD: I think that is totally up
25 to you, Mr. Chairman.

1 MR. BARNES: Oh, it's up to us now,
2 but two days ago you asked us to subpoena her and
3 now it's up to us.

4 MR. DOWD: Yes, and you've been
5 reading her deposition for three days, you're not
6 giving us a chance to cross-examine. If you give
7 us a chance to cross-examine, bring her in. But if
8 you're not going to give us a chance to cross --

9 MR. BARNES: Mr. Dowd, do you know
10 what's in this book? Do you know what's in this
11 book?

12 MR. DOWD: I have no idea.

13 MR. BARNES: It is double-sided pages
14 of fourteen hours of cross-examination. Mr.
15 Rosenblum is a good lawyer, isn't he, Mr. Dowd?

16 MR. DOWD: Yes, exactly.

17 MR. BARNES: He's the best -- he
18 might be the best lawyer in the state. The best
19 defense lawyer in the state. You may be the second
20 best but I think when you brought Mr. Rosenblum
21 in --

22 MR. DOWD: I would argue that.

23 MR. BARNES: That's fair. Mr.
24 Rosenblum, though, is the best you can get. He had
25 fourteen hours. Look how thick this is, Mr. Dowd.

1 MR. DOWD: Mr. Chair, you should know
2 the difference between a deposition and a public
3 hearing where you cross-examine someone --

4 MR. BARNES: So Mr. Dowd --

5 MR. DOWD: -- with a judge and people
6 sitting there controlling the process, it's a
7 totally different thing. And if we were allowed to
8 do that, I think that there would not be a single
9 person in this entire House that wouldn't think
10 that the relationship was consensual, the
11 relationship that the governor admitted to and
12 that's all there is.

13 MR. BARNES: So when will Mr.
14 Greitens show up to testify, Mr. Dowd?

15 MR. DOWD: That is not been
16 determined.

17 MR. BARNES: We're on the 87th day.
18 It takes you 87 days to make a decision?

19 MR. DOWD: As you know, these matters
20 are now being investigated yet again, this false
21 case that was dismissed by --

22 MR. BARNES: Mr. Dowd, do you think
23 it's important for us to get both sides of this?
24 Do you think it's important to get both sides?

25 MR. DOWD: I think it's important for

1 you to get as much good information as you can.

2 MR. BARNES: And your client was in
3 the basement that day, correct?

4 MR. DOWD: That's correct.

5 MR. BARNES: So when is he going to
6 testify, Mr. Dowd?

7 MR. DOWD: I think what was --
8 actually what happened there has been proven 1,000
9 percent by the testimony.

10 MR. BARNES: When is he going to
11 testify, Mr. Dowd? Answer the question that's --

12 MR. DOWD: And how long --

13 MR. BARNES: -- been presented.

14 MR. DOWD: I've already answered that
15 question.

16 MR. BARNES: You don't know.

17 MR. DOWD: I don't.

18 MR. BARNES: Okay. Thank you, Mr.
19 Dowd. I also want to talk to --

20 MR. DOWD: Mr. Chairman, nice talking
21 to you.

22 MR. BARNES: I also want to make
23 members of the audience aware because I know there
24 was some -- there were some quizzical looks
25 yesterday when we started the hearing and we

1 immediately went into closed session. So I want to
2 explain exactly what happened.

3 In one of the depositions Mr.
4 Rosenblum introduced evidence from a pornographic
5 website of a picture of a woman who has nothing to
6 do with this case.

7 Before the hearing started, I met
8 with Mr. Dowd in the hallway and I asked him if he
9 would be willing to stipulate that those pictures
10 were not in fact witness one because anyone who's
11 seen those pictures and has seen witness one over a
12 significant period of time or pictures of her can
13 tell that it is not her.

14 Mr. Dowd refused to so stipulate
15 which I suppose is his -- as a lawyer, that is what
16 he can do. So it put this committee in a box. And
17 the box is this. If we redacted that testimony,
18 Mr. Dowd and his cohorts, including Twitterbots,
19 would accuse this committee of hiding information.
20 And if we don't redact it and we don't review that
21 particular photo, his team would either directly or
22 indirectly further add insinuation that those were
23 pictures of witness one, and how would the
24 committee fight back from that insinuation?

25 There's only one way to do it, and

1 that would be to reveal a picture of witness one
2 combined with the picture from this pornographic
3 website from this woman who had nothing to do with
4 this.

5 So that was catch-22. So we had a
6 closed meeting, the committee unanimously found
7 that there was no credible evidence that those
8 photographs were witness one.

9 Now, from the beginning this
10 committee has sought a way to determine the truth
11 and at the start Mr. Dowd indicated and he his
12 client were happy to cooperate. I'm an optimist.
13 I still hope that may be the case. And I am -- I
14 have been disappointed through this process and
15 what I believe to be misrepresentations of fact and
16 misrepresentations of law. But have I to say
17 yesterday's conduct in regards to those particular
18 photographs is flat out disgusting to me.

19 MR. DOWD: You know, I can't
20 stipulate to something that I don't know is true,
21 Mr. Chairperson, you understand that, as an
22 attorney? If I don't know that's true --

23 MR. BARNES: You know good and well,
24 Mr. Dowd, you have seen her, we have seen her, you
25 have seen the pictures, we have seen the pictures.

1 MR. DOWD: I don't know if that's her
2 or not.

3 MR. BARNES: Okay.

4 MR. DOWD: Her face is bounded. Or
5 strapped. You don't have to make those public.
6 That's your choice to make those public. I
7 wouldn't do that if I were you.

8 MR. BARNES: Mr. Dowd, the vice
9 chairman and the ranking member both said they had
10 absolutely no doubt that it wasn't her.

11 MR. DOWD: That's fine, they can
12 stipulate to that. I can't because I don't know.

13 MR. BARNES: No person with a set of
14 eyes that can compare things would take your
15 position. Now, I understand that you would not
16 stipulate, the committee has reviewed those
17 pictures, she said they weren't her in the
18 deposition, we wanted to make clear in the record
19 that they were not, they in fact were not her?

20 MR. DOWD: Which I understand that.
21 That's your prerogative.

22 MR. BARNES: Now, Mr. Watkins?

23 MR. HATFIELD: Good morning, Mr.
24 Chairman.

25 MR. BARNES: Take a seat, Mr.

1 Watkins. We have a specific oath in the
2 resolution. I would like to use the oath in the
3 resolution if I could.

4 Mr. Watkins, can you -- I mean, I
5 know how to swear a witness in but -- Mr. Watkins,
6 would you raise your right hand? Mr. Watkins, do
7 you solemnly swear or affirm that the testimony you
8 shall give in the hearing now pending before this
9 committee shall be the truth, the whole truth, and
10 nothing but the truth, so help you God?

11 MR. WATKINS: So help me good.

12 MR. BARNES: Mr. Watkins, please take
13 a seat. Mr. Hatfield.

14 MR. HATFIELD: Yes, Mr. Chairman.

15 MR. BARNES: Playing kind of the role
16 of Abe Lincoln here, you represent -- well, I don't
17 know if it's the railroad in the morning and the
18 person hurt in the afternoon, I gave the example a
19 couple weeks ago on House floor where I lost a
20 motion on a legal issue in front of Judge Beetem
21 one week, and four weeks later I -- and I came back
22 in afterwards and I told him, Judge, I think you
23 got it wrong, after the case was over, and about, I
24 think it was two months later I was on the other
25 end of the exact same legal issue and I lost both

1 ways and I was right both times. So.

2 MR. HATFIELD: You've heard me say if
3 you can't argue both sides of a case, you're not a
4 very good lawyer.

5 MR. BARNES: Well, we're going to
6 have some inconsistencies here that we're -- well,
7 maybe they're not inconsistent. We'll hear them.

8 MR. HATFIELD: Right. This is the
9 first time I have had the honor of representing two
10 witnesses who come from the same conversation. I'm
11 happy to be here.

12 ALBERT S. WATKINS,
13 of lawful age, having been produced, sworn, and
14 examined, testified as follows:

15 EXAMINATION

16 QUESTIONS BY MR. BARNES:

17 Q Can you state your name?

18 A My name is Albert S. Watkins.

19 Q Mr. Watkins --

20 MR. HATFIELD: Mr. Chairman, Mr.
21 Watkins has sent an open letter to you about this
22 testimony talking about the confidentiality issues
23 and privilege issues. Does the --

24 MR. BARNES: Do you have copies of
25 that letter?

1 MR. HATFIELD: Yes, I do.

2 MR. BARNES: If you could distribute?

3 I understand that when we get into areas of
4 attorney-client privilege, I fully expect his
5 lawyer to jump in with an objection as to
6 privilege. But I think there are some areas here
7 that aren't in the realm of privilege. For
8 example, the source of payment I believe was ruled
9 to not be within the realm of privilege.

10 Q (BY MR. BARNES) Now, Mr. Watkins, I
11 believe you told the LA times that you were told
12 this \$120,000 came from a wealthy, out-of-state
13 republican? Is that true?

14 A That is what I was told.

15 Q Okay, and who told you that?

16 A Scott Faughn.

17 Q And when did Scott Faughn tell you
18 that?

19 A So by way of clarity and we have been
20 focusing on \$100,000, there was \$100,000 in cash
21 paid in two \$50,000 payments. I have been able to
22 confirm that the date of the first payment was
23 January 8, 2018. That's a Monday. The second
24 payment was made in the amount of \$50,000 in cash
25 form on Tuesday, January 9, 2018.

1 Both of those payments were
2 understood by me by virtue of what was told to me
3 by Mr. Faughn expressly that the money, the source
4 of those two payments was a wealthy republican and
5 then referring to the wealthy republican as someone
6 whose relation -- the relationship between the
7 governor and this wealthy republican was personal.
8 Which I interpret to mean there was an axe to
9 grind.

10 There were two subsequent payments.
11 One in the amount of \$10,000. Which was at the
12 time our firm was engaged formally by Mr. Vaughn
13 and another \$10,000 payment that was received
14 shortly after forms of intimidation were received
15 by my family --

16 Q Let me slow you down, okay, Mr.
17 Watkins? Is it your contention that all \$120,000,
18 do you believe, based on your conversation with Mr.
19 Faughn, that all \$120,000 came from this
20 out-of-state wealthy republican?

21 A No, we only talked about the two
22 \$50,000 payments as having been from this wealthy
23 unnamed republican.

24 Q So would it be fair to say that you
25 believed there was \$100,000 from this unnamed

1 **wealthy out-of-state republican?**

2 A That's correct. That is my belief.

3 Q **And do you have a belief as to the**
4 **source of the other \$20,000?**

5 A No, I didn't really think about it.
6 I can say that, given the totality of the
7 circumstances and given the fact that the two
8 subsequent payments were made in cash as well, I
9 assumed that they were from the same source.
10 Although, there is nothing expressly stated.

11 Q **Okay. So that's an assumption not**
12 **based on any further conversation, that is just**
13 **because you had the first conversation?**

14 A Correct.

15 Q **How can you be -- you talked to a lot**
16 **of people, a lot of different people about a lot of**
17 **different things, right?**

18 A That's generally my job.

19 Q **And, Mr. Watkins, I think you talk a**
20 **lot, correct?**

21 A I take a certain degree of pride in
22 my loquacious nature.

23 Q **Okay. How are you certain today that**
24 **you, that that is what was said on January 8 and 9?**

25 A On the day that the -- you know, and

1 let me further contextualize this. We met -- when
2 I say "we," I am talking about Scott Faughn and me.
3 The statement about the wealthy republican who had
4 an axe to grind and it was personal, he didn't say
5 an axe to grind but he said it was personal, that
6 conversation occurred on Friday, January 5, 2018.
7 The first payment of \$50,000 was delivered on
8 Monday, January 8. The second was delivered on
9 January 9.

10 Q And who delivered that first payment?

11 A The first payment was brought to the
12 office by Mr. Faughn.

13 Q Okay. And who delivered that payment
14 on the 9th?

15 A I don't know. I understood him to be
16 either Skyler or Striker during the course of my
17 deposition by the governor's counsel. I initially
18 used the name Striker, I was corrected and told it
19 was Skyler.

20 Q Who corrected you?

21 A My counsel.

22 MR. HATFIELD: And he had publicly
23 said it was Skyler before.

24 MR. BARNES: They are similar names
25 and that is a -- so Skyler or Striker, one of the

1 two --

2 A And so that you understand, it's
3 important. 2003 I was diagnosed with stage 4
4 cancer and I went through a protocol that involved
5 the administration of a ton of chemo called
6 Cisplatin. As a result of that, I lost the upper
7 range of my hearing. And one of the things that I
8 am very sensitive to, especially as a trial
9 attorney, is making sure that I am able to look at
10 somebody when they're talking to me because I have
11 to read their lips.

12 And you will also hear on occasion,
13 it's -- I have to focus on the S sound so it
14 doesn't sound like I'm slurring my words. Striker
15 and Skyler sound similar. I have trouble
16 discerning letters like B from C, D, E, F, so when
17 somebody gives me the spelling of their name, I ask
18 them to say A as in Albert, B as in boy.

19 Q (BY MR. BARNES) Okay. Did -- so
20 we're fair to say it's Striker or Skyler, today
21 you're not entirely certain because of the
22 rendition you just --

23 A Yeah, and I, quite frankly, I didn't
24 care. I mean, here is a guy who appears to me to
25 be a courier. You know, he was dressed like a

1 courier, wasn't wearing a uniform but he was
2 casually dressed, it was a young man. I didn't
3 know who he was, didn't talk to him, didn't meet
4 him, and, quite frankly, didn't care.

5 Q Okay. Mr. Watkins, did Mr. Faughn
6 indicate anything about the nature of this alleged
7 beef with this wealthy republican?

8 A No. I pressed him on a number of
9 occasions about who this wealthy republican was.
10 There was -- it was very clear from the get-go that
11 the desire was to have this individual remain
12 anonymous.

13 The only other information that I was
14 able to glean about this individual during the
15 course of my interaction with Mr. Faughn was when
16 there had been a public statement or assertion by
17 the governor's counsel that somehow Roy Temple was
18 involved in it. And when I spoke to Mr. Faughn, I
19 said, hey, you know, does this have anything to do
20 with Roy Temple? I had interacted with Roy Temple
21 and he did not seem like the kind of guy who would
22 play those games but, you know, what do I know and
23 Mr. Faughn said no, this individual isn't even in
24 Missouri.

25 Q So you had interacted with Roy

1 **Temple?**

2 A Yes.

3 Q **Have you interacted with Mr. Temple**
4 **since, within the last six months?**

5 A Yes.

6 Q **Okay. What were the nature of those**
7 **interactions?**

8 A So it's really important not to --
9 not to investigate in a temporal bubble. So it's
10 important sometimes to contextualize things.

11 Q **Well, I want you to contextualize. I**
12 **gave you the open frame of six months. Explain to**
13 **me dates of contacts in which you're --**

14 A I'm going to stream back to late
15 September, early October of 2016 when my first
16 interaction in my life occurred with Roy Temple. I
17 didn't know who he was. I understood that he was a
18 political operative for the democratic party. I
19 did not know that he had been the chairman of the
20 democratic party. I really didn't know what his
21 agenda was except for the fact that he wanted to
22 get the story about the governor and my client's
23 former spouse out in the public eye prior to the
24 election.

25 My interaction with him was

1 professional. I heard from him, I asked him to
2 give me the information you have. What do you
3 know? He shared with me what he knew and he had
4 the story spot on.

5 I then was very candid with him. I
6 didn't mince words. I said, look, there are minor
7 children involved. My client has desired and
8 continues to desire to keep and protect and
9 maintain the image of the mother in the eyes of his
10 children. And to his credit, he did not run with
11 the story.

12 He called me a second time prior to
13 the election because he had heard the story from
14 yet somebody else. And he gave me the name of that
15 other person. I looked into that, did the
16 research, found out that in fact that other person
17 was -- and I believe it was an uncle of my client.

18 I again explained this was not
19 something that we would verify, we don't want it
20 out there and I was candid, he had the story spot
21 on but it's not going we're going to verify. That
22 was the last I heard from Roy Temple until after we
23 released the audiotapes and after the State of the
24 State Address.

25 Q Okay. So after you released the

1 **audiotapes. When did you release the audiotapes?**

2 A I believe the first release of the
3 audiotapes occurred in early January, I believe
4 it's January 3, 2018. At the time -- and again --

5 **Q And do you recall to whom you**
6 **released those tapes?**

7 A Yes, there are a number of parties.
8 So all media -- well, not all media. Primarily
9 media. In, first of all, in February, I believe it
10 was, or January of 2017, I provided the tapes to
11 the Federal Bureau of Investigation pursuant to
12 their request.

13 **Q Okay. Now let's go to January 3,**
14 **2018. Primarily media. So Lauren Trager. Is she**
15 **one of them?**

16 A Yes. We had also released to -- I
17 believe we released to Fox pursuant to an
18 understanding that the tapes could not be used, or
19 the recording could not be used, and the transcript
20 couldn't be used unless they moved forward with the
21 story and that they couldn't put it on their
22 website except to the extent that it showed up in
23 the story. And ultimately Fox came back and
24 advised that because they could not get
25 corroboration, they could not move forward with the

1 story.

2 We serendipitously -- Lauren Trager
3 had contacted me, I don't know whether it was in
4 connection with another case. She from time to
5 time will call and just inquire about what's going
6 on and see if there's something that's newsworthy
7 out there.

8 And I talked to Lauren, and given the
9 fact that Lauren Trager had a prior interaction
10 with K.S., that was understood to put her in a
11 position of comfort about the accuracy of the
12 representations that were made in the recording,
13 Lauren and KMOV ended up being the local CBS
14 affiliate local media outlet for television that we
15 utilized to work on this project.

16 St. Louis Post-Dispatch, we worked
17 with the editors, including Christopher Ave, and
18 another associate editor, and we worked with them
19 as well. They both felt comfortable at the time
20 that we were working to the terms that I required
21 which was they could not utilize them unless they
22 released the story or aired a story. They felt
23 comfortable that they would be able to corroborate
24 the story.

25 Our strategy was to make as much

1 noise as possible, so the goal and objective was to
2 make sure that this story got out on or shortly
3 before the State of the State Address which was to
4 be conducted on January 10, 2018.

5 Q And why was that?

6 A Because we knew, traditionally the
7 governor holds a lengthy press conference following
8 his State of the State Address and we wanted it out
9 there.

10 Q Why?

11 A To make as much noise as possible.
12 So this is where the temporal bubble is important.

13 Q Why?

14 A My client hired me in September of
15 2016, the intake on that was very simple. My
16 client had his wife compromised and his marriage
17 compromised by a man of such power that he feared
18 for his life. Other firms had declined
19 representation. When he came in, that was his goal
20 and objective being to suppress this story, keep it
21 out of the public eye, and do what had to be done
22 to put my client in a position where he was safe
23 and secure.

24 So our undertakings commenced with
25 Roy Temple. But that wasn't all that we did.

1 Simultaneously we wanted to make sure that we got
2 through a back channel the message to the governor
3 loud and clear, don't mess with my client. He was
4 very sensitive to the fact that he felt he had been
5 hacked, he felt his computers were messed with, he
6 felt somebody was messing with his mail.

7 I deal with people all the time, some
8 are crackpots, some of them are absolutely spot on.
9 This man was very credible. So we took measures
10 and steps in October of 2016 --

11 Q Mr. Watkins, I'm sorry, this
12 committee, at least members who are here before,
13 this committee completely disagrees with the
14 statement about the credibility of who we refer to
15 as witness three. But --

16 A And who might witness three be?
17 Because I am not sitting here all day.

18 Q Witness three is the ex-husband.

19 A And that's fine.

20 Q And I understand you're his counsel
21 and --

22 A My duty and my obligation is to my
23 client, not to you.

24 Q I completely understand that, Mr.
25 Watkins.

1 A So if you want for the good people of
2 the State of Missouri to hear --

3 Q **Mr. Watkins, I understand that.**

4 A -- everything, they need to hear
5 everything.

6 Q Well, I will let you continue your
7 question but when we talk about -- your answer but
8 when you talk about the credibility of witness
9 three, this committee unanimously agreed that but
10 for the authentication of the tape, that witness
11 three's testimony means nothing. We do not believe
12 a word that comes out of his mouth and we're not
13 sure anything that comes out of his mouth means
14 much because he wasn't in the room.

15 A He did not play a role. So as to the
16 credibility of my client, I am an advocate and I
17 have the duty to my client and I understand and
18 appreciate that you may have an elevated degree of
19 discomfort with his credibility and, quite frankly,
20 and with all due respect, I don't care. The good
21 people of the State of Missouri need to know and
22 understand that this is the mind-set of a man who
23 has endured the decimation of his marriage by a man
24 -- another man in a position of power and
25 authority. A man who did not -- did not stop, not

1 only did he decimate that marriage, but he infused
2 himself on a continuing and ongoing basis through
3 not one but two reconciliation attempts.

4 This is a man who heard from his own
5 wife's mouth a story about his wife being hit when
6 she was -- when she told and confessed that she
7 had, yes, slept with her husband during a period of
8 reconciliation. My client was decimated. Then he
9 had to endure every single day in the newspapers
10 articles about Greitens. News releases about
11 Greitens. Advertisements of Greitens blowing up
12 cars.

13 You all know he was a Navy Seal, oh,
14 and goodness he was also a Rhodes Scholar. This
15 man wanted to be president of the United States.
16 And my client endured that. Endured that. He had
17 those recordings. He knew that the governor knew
18 that my client knew about what happened.

19 My client knew that the governor knew
20 that my client had recordings. The next thing you
21 know he is in 2015, worried about whether this guy
22 in 2016, '17, '18 is going to become president of
23 the United States and he knows he's got these
24 recordings?

25 My client was in abject fear. When

1 all this happened in 2015, my client wanted to ruin
2 the governor. My client wanted --

3 Q You admit there is some vengeance as
4 well. There may be fear --

5 A Oh, in 2015, absolutely.

6 Q And vengeance. So vengeance was my
7 question.

8 A Vengeance, every emotion in the book.
9 Vengeance, hate, disdain. You know, if that had
10 been my wife, I'd have a (not audible, but not
11 discernible) on his forehead.

12 Q Did -- did --

13 MR. HATFIELD: Mr. Chairman, you
14 asked him to tell the whole truth. He's attempting
15 to do that. I don't know if he's finished or not?

16 A I'm not. What's really important,
17 and I talked about this temporal bubble early on.
18 You can't be oblivious to the reality that my
19 client had the recordings, he knew the governor
20 knew that he had the recordings. He knew the
21 governor knew that he knew all about what was going
22 on and in the divorce proceedings which commenced
23 in 2015, after two failed reconciliation attempts,
24 my client didn't use those recordings, he didn't
25 admit them into evidence, he didn't reference it in

1 the divorce. Everything went to the wife with the
2 exception of his intellectual property.

3 In 2016 --

4 Q (BY MR. BARNES) We're staying on
5 why. The question was why. So we've got fear.
6 We've got vengeance.

7 A No. That, now, by the time the
8 divorce occurred, there was no vengeance. There
9 was no desire. He had moved past it. By the time
10 the divorce occurred, he knew his relationship with
11 his wife was over. He knew that he still cared
12 deeply for his wife. He knew that he had to
13 co-parent with this woman who was his wife, someone
14 he cared about.

15 That was his priority then, and when
16 he hired us, that was his priority, and it remained
17 his priority until late December 2017. My
18 client --

19 Q So what changed in December 2017?

20 A In late December of 2017, what used
21 to be a periodic phone call from someone in the
22 media became a steady drip of calls.

23 Q How did it become a steady drip? We
24 had a witness tell us she received calls from a
25 reporter and she believed the only way they

1 possibly could have got her number was from your
2 client. So how did it become a steady drip?

3 A First of all, I can tell you with the
4 highest degree of sincerity and personal experience
5 that members of the media have absolutely a dogged
6 pursuit capacity when it comes to garnering contact
7 numbers. They also have access to -- and this is
8 important because this ended up being the
9 proverbial straw that broke the camel's back. They
10 have access to and can garner through a service the
11 phone numbers of every single phone on a particular
12 plan that is in the name of an individual.

13 So in the case of my client, they
14 were able to garner every phone under my
15 client's --

16 Q I'm not talking about the kids. I'm
17 not talking about the kids. I'm talking about a
18 friend. A friend who wouldn't have been on your
19 client's plan in any fashion.

20 A Oh, you're talking -- are you talking
21 about a friend of K.S.?

22 Q And -- yes. Yes. Who testified that
23 she was contacted by a reporter and she believes --
24 I've read her testimony and she believes the only
25 way that could have happened is through P.S.

1 A At what time?

2 Q At the time that the story was about
3 to break. I do not believe -- was it immediately
4 pre or post? It was right around the time of this
5 story.

6 A I can tell you -- and that's a really
7 good, that's a good question. My client did not
8 provide any of those numbers.

9 Q Okay. And you would agree with me --

10 A It's really important. I provided
11 those numbers. Why? Because we had a sense of
12 urgency. There was no corroboration that could be
13 garnered sufficient to permit the Post-Dispatch and
14 KMOV to discharge their professional duties as
15 journalists before publishing the story.

16 I provided names of individuals that
17 we believed could corroborate through
18 contemporaneous statements the contents of the
19 audiotape. With that we provided the last known
20 numbers that we were able to garner. So, no, that
21 wasn't my client. There is no vengeance there.
22 That was me discharging my duty to my client,
23 trying to get this story out.

24 Q Okay. Back to the money. Was that
25 money delivered in any understanding that it would

1 **be a payment to P.S.?**

2 A The representation was made that,
3 yeah, it was for P.S.'s fees and hopefully to help
4 him have a soft landing.

5 Q **What does that mean by soft landing?**

6 A Soft landing, given the shit storm
7 that was going to ensue. I believe that was the
8 exact word that was used. One which I might add
9 was prophetic.

10 Q **It is fair to say that a storm has**
11 **ensued. How much has gone to P.S.?**

12 A Zero. 100 percent of the money that
13 has been received has gone into the coffers of
14 Kodner Watkins, and there is a significant balance
15 due.

16 Q **Have you ever spoken with witness**
17 **one?**

18 A If you tell me who witness one is.
19 MR. HATFIELD: K.S.

20 Q **(BY MR. BARNES) K.S.**

21 A No, I have not.

22 Q **Have you ever given her money?**

23 A I have never given her money.

24 Q **Have you ever told her she could just**
25 **say nothing happened?**

1 A Never.

2 Q Have you ever told her how to
3 testify?

4 A No.

5 Q Have you ever spoken with Michael
6 Hafner?

7 A No.

8 Q I'm stealing the vice chairman's
9 questions from yesterday. Have you ever paid
10 Michael Hafner any money for testimony?

11 A I don't know who Mr. Hafner is, the
12 answer is no.

13 Q Have you ever spoken with Krystal
14 Taylor?

15 A Again, I don't know that person is,
16 the answer is no.

17 Q Have you ever paid Crystal Taylor any
18 money?

19 A No.

20 Q Have you ever spoken with Lindsey
21 Hodges?

22 A I don't know who that person is, no.

23 Q Have you ever paid her any money?

24 A No.

25 Q Have you ever spoken with Danny Laub?

1 A I know Danny Laub. I've never talked
2 to him, never met him. I know the name because of
3 the media reports, and the answer is no.

4 Q Have you ever paid him any money?

5 A No.

6 Q Have you ever spoken with Spencer
7 Kympton?

8 A I don't know that person, never heard
9 that name before that I can recall, no, I have not
10 paid that person money.

11 MR. HATFIELD: Or spoken to him?

12 A Or spoken to him.

13 Q (BY MR. BARNES) You made a mention
14 of the -- you were saying something about the other
15 \$20,000, there were -- there was -- and I'm trying
16 to -- what was the purpose of the remaining 20?
17 You said it was your understanding that it was all
18 from the same source. That was your assumption.

19 A That was my assumption, yes.

20 Q Okay. Well, what was the purpose of
21 payments three and four? Or it was -- I believe
22 Mr. Faughn testified yesterday he didn't know if it
23 was three or four payments; is that right,
24 Representative Trent?

25 Whatever it is, there was an

1 **additional 20,000. Whether it was a third and a**
2 **fourth payment, we know there was an additional**
3 **20,000. What was the purpose, why an additional**
4 **20,000?**

5 A 10,000 was for Scott Faughn's legal
6 fees. The -- and I -- you know, there was a little
7 bit of quick movement going on at the time. There
8 had been a credible act of intimidation that had
9 occurred that involved my family. And I got my
10 family out of town and I told Scott I need to get
11 my family out of town immediately.

12 He brought in \$10,000 for that. We
13 -- I didn't say -- we didn't discuss whether it was
14 a retainer or what. I just made it really clear I
15 needed some cash to get some family out of town
16 while I took care of security measures.

17 Q **So you believe the \$10,000 was a**
18 **retainer and then another ten was sort of money for**
19 **-- is Mr. Hatfield showing you your deposition**
20 **testimony? Is that what you're reviewing?**

21 MR. HATFIELD: Yes.

22 A The good news is he's got it
23 highlighted in opaque green, so I'm like Helen
24 Keller with a rake on a golf course right now, I
25 can't see a damn thing. But go ahead. Yellow

1 highlights work better.

2 MR. HATFIELD: Sorry, Mr. Chairman.

3 Q (BY MR. BARNES) Is it your
4 understanding that \$10,000 was for fees and \$10,000
5 was for protection money; is that what you're
6 calling it?

7 A No, it was to get my family out of
8 town. Did I assume that -- I assumed it was from
9 this wealthy republican but at the end of the day,
10 you know, it was clear that the payment made by
11 Scott of \$10,000 was for his legal fees, so for the
12 purposes of our accounting records, that was a
13 payment from Scott Faughn.

14 The second one didn't get attributed
15 to a file. It was treated as income but it's not
16 attributed to a file. Whether that was Scott
17 making a payment to me or the governor, I think at
18 the time it was pretty clear Scott intended it to
19 be from him, to be credited to him. I just don't,
20 you know, it's not something that the last \$10,000
21 I really gave much thought about because my goal
22 and objective was to get my family out of town.

23 Q Did you inquire any further of Mr.
24 Faughn about the source of this mysterious cash?

25 A I have from time to time asked him.

1 I know I asked him certainly at the outset. My
2 biggest concern at the outset wasn't really who it
3 was from. I wanted to make sure it wasn't dirty
4 money, drug money, money from ill-gotten gains,
5 something that would give rise to problems.

6 I had no compunction at all about
7 taking legal tender. I would have preferred a
8 check. It's a lot easier to deal with.

9 Q Is that why you contacted the FBI,
10 because you were concerned about its source and you
11 wanted to make sure upfront that better to go at
12 the start and say, hey, I received this, I don't
13 know the source?

14 A Well, that was part of it. The
15 primary purpose was I had been in ongoing contact
16 with the special agent that I called on the day
17 that I received the cash since late 2016 and really
18 picked up steam in February of 2017 in connection
19 with his undertakings that related to the governor.

20 So when the cash came in, I had
21 spoken to the special agent the day I met Mr.
22 Faughn for the first time to explain who I met with
23 and what the discussions were.

24 I also contacted the special agent
25 that day that I received the cash. I believe I

1 took a photograph of it and texted it to him. I
2 also know that I took that photograph and e-mailed
3 it to him, and I know that I spoke to him on the
4 phone to confirm and describe how it was delivered,
5 what was said about the individual who was
6 purportedly behind the money, and described the
7 bands and that it looked like it was banked money,
8 by that I mean rolled -- or not rolled, but bound.

9 I then contacted the bank, the bank
10 president, met with the bank president, the bank
11 officer --

12 MR. HATFIELD: Talking about your
13 bank?

14 Q (BY MR. BARNES) Which bank?

15 A My bank. And met with them at the
16 bank --

17 Q Had you ever deposited that much cash
18 before?

19 A No. In fact, I don't normally handle
20 money, I don't normally make deposits. I abhor the
21 process of going to banks.

22 Q If I have five dollars in my wallet,
23 it doesn't stay there.

24 A I understand.

25 Q You have a lot of kids, right?

1 A I have five and I'm very proud of all
2 of them and I'm trying to be a family man but I'm
3 not running for governor.

4 So the good news is that I went to
5 the bank and talked to the bank president and
6 talked to the bank -- another bank officer. Went
7 down to the counter. I even took a video of the
8 guy with the machine. It makes a wonderful sound
9 as it flaps the currency through, and made sure
10 that a SARS report was generated. I thought I had
11 to fill out a SARS report --

12 MR. HATFIELD: Tell him what SARS
13 means.

14 A Suspicious Transaction Report for the
15 regulators, bank regulators.

16 Q **(BY MR. BARNES) So you deemed this**
17 **might be something that would be viewed as a**
18 **suspicious transaction?**

19 A By definition, any transaction that's
20 above \$10,000 is deemed suspicious transaction,
21 whether it's a bar that just has a really good
22 night or whether it's a crack dealer who decides to
23 pay his taxes. At the end of the day I made sure
24 that the SARS report was generated.

25 And then I spoke subsequently to an

1 Assistant US Attorney who asked confirmation, he
2 had texted me and requested that I call about it,
3 and I called him. That was Howard Goldsmith. And
4 I advised Mr. Goldsmith, in response to his
5 inquiry, that indeed the bank that we deposited the
6 money in was the bank at which our firm maintained
7 its bar approved IOLTA trust account, and then
8 confirmed that the money was deposited into that
9 trust account.

10 Q Okay. Now, I -- one other question.
11 I noticed in your deposition you stated something
12 about you believed you had told me about the source
13 of the funds and I believe you stated you couldn't
14 remember when. Do you remember saying that in your
15 deposition?

16 A Yeah, I did. I believe at some point
17 toward the end of the deposition there was an
18 inquiry propounded upon me as to whether or not I
19 had told you. I was uncertain as to whether I had
20 told you that. At the end of the day, I do know
21 that within the time frame that was being discussed
22 in that depo, that I had made it public. I had
23 spoken publicly about it in the news.

24 Whether I had told you about it or
25 not, I wasn't certain. And in hindsight, you know,

1 it was brought to my attention that there had been
2 some concern expressed about that. I've -- there's
3 been no secret on my part about this. I've talked
4 publicly about it the first second I had the
5 opportunity. And not be subject to the protective
6 order.

7 Q Well, Mr. Watkins, I think it's
8 important to get at that because I know exactly
9 where I first learned of this. And I first learned
10 of this after -- some number of weeks after we took
11 the testimony of Mr. Hafner and Mr. Hafner made
12 allegations of concealing money and potentially
13 foreign donors.

14 I too contacted federal law
15 enforcement and I learned of the payment in a
16 meeting that was set up with federal law
17 enforcement after I contacted them, speaking about
18 the testimony of Mr. Hafner. And in the course of
19 that interview was asked questions about did I know
20 that you had received a cash payment.

21 And I think just, it's important for
22 public knowledge because I know how this has played
23 out in public with attacking people who are looking
24 at these things, and I want it to be known that I
25 did learn of it from FBI -- from the FBI asking

1 questions about that in the context of a meeting
2 that happened after I had called them about Michael
3 Hafner's testimony about concealing donors and
4 foreign donors.

5 Now, that's not to say they didn't
6 tell me whether there was an open investigation
7 into Mr. Greitens and Mr. Faughn and you and --
8 into anybody. They just said we'll take your
9 information, we've got some additional questions
10 for you, they had a lot of additional questions.
11 That was it.

12 That was when I knew, it was the
13 first time I had ever met with anyone from the FBI
14 and I got to tell you, I didn't know what the hell
15 to do when I walked out the door having received --
16 having heard that information and not -- it wasn't,
17 I don't think a week later or so, it doesn't seem
18 like very long that it was news in the public.

19 A Some of the most diligent people I
20 have crossed paths with professionally. And I
21 would like to make it very clear, I'm very glad you
22 brought this to the attention of everyone. I hoped
23 I had made it clear in my deposition. The question
24 that was propounded upon me, and it's important
25 because I don't want this chairman or anyone on

1 this committee to think that there was anything
2 other than candor and transparency that was
3 proffered by me during the course of that
4 deposition.

5 The question propounded upon me --

6 Q Did Mr. Rosenblum take your
7 deposition?

8 A No, Mr. Dowd did. So the question
9 that was propounded, so tell us about your
10 conversations with Jay Barnes. "Did you -- did you
11 -- let me ask you this. Did you tell Jay Barnes
12 that you had received \$100,000 in cash payments to
13 receive -- to represent P.S.?"

14 Answer, "I don't know. I believe at
15 some point there was reference to that made but I
16 can't state for sure. I don't remember."

17 Ultimately my goal, my objective here
18 is to answer as many and as fully your questions,
19 and I am doing it because I agree wholeheartedly
20 about the importance of every bit of information
21 being made public and that the people, the good
22 citizens of this state are accorded the opportunity
23 to fully assess what's going on.

24 You have a daunting task in front of
25 you. You have done an overwhelming amount of work

1 to date. I am respectful of it. I understand and
2 appreciate that there are disreviews and
3 interpretations of things. I am respectful that
4 have and I don't want anyone to believe that my
5 testimony in any way was designed to do anything
6 other than enhance your position of authority.

7 Q For what it's worth, Mr. Watkins, I
8 do not recall that conversation between the two of
9 us. The only conversation I recall is with the FBI
10 and then shortly thereafter the news broke and then
11 everybody's been talking about it. So, and it may
12 very well be that after it broke, that you
13 mentioned that to me. I don't know.

14 A And did I say I don't remember for a
15 reason, and please understand, over the course of
16 basically since late December through to date, if I
17 have not received between 40 and 50 phone calls a
18 day from individuals inquiring about the subject
19 matter that's involved here, whether it be members
20 of the national media, international media, local
21 media, politicians and investigative authorities on
22 a state and federal level, I will tell you the only
23 reason I wouldn't get those calls is because my
24 phone is broken.

25 Q Are those conversations running

1 **together, Mr. Watkins?**

2 A Sometimes they do and I apologize but
3 the goal and objective here was to be candid and I
4 think my response was candid.

5 **Q When P.S. testified to this**
6 **committee, he talked about a trust fund for that**
7 **money. Could you explain that?**

8 A Sure. I am not saying that my client
9 has a room temperature IQ on a cold day, but I will
10 tell you categorically, when it comes to nuances
11 having to do with the legal profession, he is
12 functionally well outside of the bell curve of
13 normalcy. So here is the drill. At the time money
14 came in in January of 2018, that's one set of
15 circumstances.

16 Since almost the inception of here --
17 his engagement of our firm, he inquired about
18 estate planning because he thought he was going to
19 be at risk. He wanted to make sure things were put
20 into place for his kids. I don't handle that work.
21 I'd stab myself in the neck with a butter knife
22 before I did estate planning work. Just not my
23 bailiwick.

24 He received a ratchet that was done
25 over period of time -- shit. Sorry, I'll knock

1 anything down on the table. I apologize. I'm a
2 little something vulgar. Kinda my style. I'll
3 work hard not to be vulgar. We worked hard and at
4 some point he said I want to establish a trust.

5 I had him talk to Bryan Schrempf of
6 our firm who is our estate planning attorney. When
7 the money came in, we put the money into a trust
8 account for the firm.

9 Q Your IOLTA account?

10 A The IOLTA bar account. All right?
11 So I can't tell you what's in the mind of any third
12 party but I can tell you that sometimes you can
13 tell when you look at a client that they don't get
14 it, and when it came to the trust account, the
15 money was put into our firm's trust account. To
16 this day we have not completed the formation of a
17 trust.

18 Early on, after we received the
19 \$100,000, there was discussion that I had with
20 P.S., and I made this a matter of public record,
21 that we believed that ultimately these recordings,
22 once released and once there was a story published
23 in error, that there would be a maelstrom, a shit
24 storm that occurred, everybody will be all upset
25 about the governor getting his appendage dampened

1 with my client's ex-wife's orifice of choice --

2 Q Mr. Watkins -- Mr. Watkins --

3 A -- and there would be money left
4 over. But that -- I'm giving you a recital of how
5 I presented it to my client. The belief was that
6 there would be money left over and my client made
7 it clear from the very beginning, he turned down
8 money from other sources who wanted to buy the
9 story, wanted to buy the tapes, including the Daily
10 Mirror. He wanted no such thing. Because there
11 were conditions tied to that money. My client
12 didn't care about this money.

13 When I told him there would be some
14 left over, he wanted to make sure it was put into a
15 trust for his kids. So when he talked to you,
16 whatever mental acuity issues and nuance
17 deficiencies he has with respect to the legal
18 profession and trusts, were unfoldish life for you.
19 I hope that answers your question.

20 MR. HATFIELD: You want a break?

21 THE WITNESS: No. I'm fine.

22 Q (BY MR. BARNES) Mr. Watkins, I'm
23 still confused about timing, I'm almost finished
24 here. You say vengeance was gone and there was
25 fear in '17. And yet this money comes in to you.

1 **It seems there are three motives for P.S.; fear,**
2 **vengeance, and greed.**

3 A It may seem that way but you haven't
4 heard the whole story and the fact of the matter is
5 there is no greed on the part of my client. There
6 is greed on my part and I will acknowledge it and I
7 live it and I breathe it every single day. But I
8 work hard for that.

9 The second thing is, what was it,
10 greed, fear -- fear is right. Fear was there.
11 What was the third one?

12 MR. HATFIELD: Vengeance.

13 Q **(BY MR. BARNES) Fear, vengeance and**
14 **greed.**

15 A If my client wanted to exploit
16 vengeance, he would have done it before the
17 election, he would have done it during the divorce.
18 There is no vengeance here. My client was in a
19 better spot. My client wanted nothing to do with
20 this.

21 Remember, my client had us contact
22 the governor through a back channel. I contacted a
23 lawyer in New York who was a roommate at college,
24 Williams in Massachusetts, whose roommate was
25 married to the best friend of Sheena Greitens and

1 we got the message back to the governor, tried to
2 get message back to the governor, our guy wants
3 nothing out, doesn't want this to get out there,
4 leave him alone.

5 My client paid me to keep this story
6 suppressed. I know. I was the one doing the
7 suppression. My client did fear. My client had
8 significant fear.

9 MR. BARNES: Mr. Watkins, thank you.
10 Representative Phillips?

11 MR. PHILLIPS: Thank you, Mr.
12 Chairman. Thank you, Mr. Watkins, for being with
13 us this morning.

14 THE WITNESS: Thank you, sir.

15 MR. PHILLIPS: Welcome back, Mr.
16 Hatfield.

17 MR. HATFIELD: Thank you, sir.

18 EXAMINATION

19 QUESTIONS BY MR. PHILLIPS:

20 Q Mr. Watkins, do you think there is a
21 possibility that this money actually came from
22 maybe another source other than some political
23 person as described by Scott Faughn?

24 A I don't know and don't care.

25 Q Well, you may not care, but I kinda

1 care. I'm wondering about could it be some news
2 media source? Wouldn't they have more of a need
3 for that information to -- wouldn't that be
4 valuable for them to break a story like that?

5 A That's really interesting because the
6 only media that offered me money for my client's
7 story was the Daily Mirror. The -- you can ask me
8 to speculate and I'll be happy to wax poetically
9 for you, but it's a zero value.

10 Q It would be entertaining but we'll
11 pass on that for the moment. When the money
12 arrived, wasn't it in the beginning reported to be
13 like mystery money, nobody had any idea, it just
14 showed up at your door step?

15 A No, I have never described it as
16 mystery money, never described it as secret money.
17 Not all of it. It didn't just show up at my door
18 step. No secret about it, no mystery.

19 Q So if it didn't just show up
20 mysteriously, then you and Scott Faughn actually
21 had conversations or communication about this money
22 and the delivery of the money; is that fair?

23 A That's fair.

24 Q Okay. So then immediately when that
25 money arrived, the very day that it arrived, you

1 **had, you went and publicly said, I've got money and**
2 **this is where it came from?**

3 A No. Actually before the money came
4 in, I spoke to the FBI. I told the FBI what was
5 going on. The dynamics, the details, what had been
6 said to me. Then when the money came in, I don't
7 give a rat's ass where the money came from, I want
8 to make sure we do this the right way.

9 I contacted the FBI, said, yeah, the
10 money came in, I took a picture of it, I got it to
11 the FBI, I contacted the bank, generated the SARS
12 report, put it into our trust account, spoke to the
13 Assistant US Attorney, subsequently filed a Form
14 8300, then had to revise that, had to revise it
15 again, especially in light of the testimony of Mr.
16 Faughn and, you know, we couldn't have been more
17 transparent. I have answered media inquiries about
18 it.

19 Q **Okay. Ballpark figure, roughly when**
20 **that was?**

21 A When was what, sir?

22 Q **The question I just asked you, when**
23 **did you do all that? When did you jump through all**
24 **those hoops to get that \$100,000?**

25 A Let me walk you through that. On

1 January 8 we received the -- well, January 5 was
2 the initial conversation. I picked up a phone on
3 January 5, I spoke to Special Agent Kevin Cosentino
4 with the FBI located in the Eastern District of
5 Missouri, the same individual with whom I had been
6 contacting and in contact with and receiving
7 contact from regarding the governor's situations,
8 plural.

9 Q Okay. And that answers my question
10 unless you --

11 A No, that doesn't answer your
12 question.

13 Q Okay. I'll sit here and listen for
14 the next few minutes. Go ahead.

15 A You asked me when I did this, so I'm
16 going to tell you. On January 8, I received the
17 money, the first \$50,000. I contacted the FBI
18 again. I took photographs of the money, I texted
19 the FBI special agent, and I e-mailed it to the FBI
20 special agent.

21 The next day I received the second
22 \$50,000. I contacted the bank president, I have
23 \$100,000 in cash in my bag. I advised the bank
24 that I needed counters there, I was making a large
25 cash deposit into our trust account. I went to the

1 bank, I spoke -- this is all on the 9th. I spoke
2 to the bank president. Another bank officer made
3 the deposit, generated the SARS report that day.

4 It was probably a couple of weeks
5 later that the Assistant US Attorney, Howard
6 Goldsmith, texted me, saying you wanted to talk to
7 me about the \$100,000, I picked up the phone and
8 called him. I believe in my deposition testimony I
9 had said he called me, he had actually texted me,
10 and I spoke with him, responded to his inquiry and
11 confirmed that the bank in which the money was
12 deposited was in fact the bank at which our trust
13 account was held and that the money was indeed
14 deposited into our trust account.

15 Subsequently, when I received the
16 subpoena for the governor's attorneys requesting a
17 copy of the Form 8300, when I received that, I
18 looked around and I said anyone know what a Form
19 8300 is? And once I found out, contacted my CPA,
20 completed the form and submitted it to the IRS.
21 That concludes the answer to your question, sir.

22 Q Wonderful. Remind me not to ask you
23 a Biblical question because I don't want you to
24 start with in the beginning, God created the
25 heavens and the earth.

1 MR. HATFIELD: He'd start before
2 that, Mr. Vice Chairman.

3 MR. PHILLIPS: He probably would.
4 I'd like to hear that answer but not today.

5 Q (BY MR. PHILLIPS) So what kind of
6 container did the money arrive in? For instance,
7 was it a briefcase --

8 A I got the question. It was a brown
9 expandable file folder with a cover on it. Not --
10 a fold over cover with a little elastic -- brown
11 elastic band that's built into it. You see it --
12 lawyers carry them a lot. That was the first one.
13 That was delivered January 8. That was delivered
14 by Mr. Faughn.

15 Q Okay.

16 A On January 9 it came from Striker or
17 Skyler or whatever, and it was a very busy time at
18 the office. It was dropped off. When I picked it
19 up, it was in what I recall to be a Fed Ex box, but
20 it was a Fed Ex box that did not have an air bill
21 or label on it or any of the markings that would
22 indicate it had gone through the Fed Ex system.

23 Q All right. So these were hundred
24 dollar bills?

25 A The first one was all \$100 bills. I

1 can't remember but it occurs to me or it seems to
2 me like the second \$50,000 had some \$50 bills in it
3 but I'm not certain.

4 Q Okay. And Mr. Faughn never told you
5 the money was his personal money; isn't that
6 correct?

7 A No. He never told me that it was his
8 money.

9 Q Okay. And you don't believe it was
10 his money, correct? Or you'd have knowledge?

11 A My role is not to believe or not
12 believe. I don't have direct knowledge.

13 Q You have an opinion about a lot of
14 things. I mean, can you give your opinion?

15 A I have a lot of opinions. Can I give
16 my opinion? I don't give a rat's ass.

17 Q That's a good opinion.

18 A That's my opinion.

19 Q Okay. But you don't have any direct
20 knowledge then to say that you actually know where
21 the money came from; is that what you're testifying
22 to?

23 A I think I've made that painfully
24 clear.

25 MR. PHILLIPS: Okay. Very good.

1 Thank you, Mr. Chairman.

2 Mr. BARNES: Mr. Watkins, if we could
3 refrain from the language. The first time was I
4 believe accidental because something accident, a
5 little accident happened there, the second time,
6 let's just slow down with the language, I know we
7 have had language in here before. I also.

8 THE WITNESS: I will be as respectful
9 as possible. I have a social turret's problem my
10 wife tells me about, on occasion, there is no
11 better way to describe, at least by me, a certain
12 thing than to use vulgarities. I will be very
13 respectful.

14 MR. BARNES: I want to inform the
15 committee, as this relates to our schedule this
16 afternoon, I received a text from our counsel, Chip
17 Robertson, who has been informed that Missouri
18 State Highway Patrol Troopers Hoyt and Blankenship
19 have been sent -- are being sent by the Jackson
20 County circuit Attorney's Office to come speak with
21 the committee about witness one and the events
22 surrounding that and perhaps to request any
23 additional documents that we have.

24 I don't know when they're going to
25 get here. If they get here when Mr. Watkins is

1 testifying, we are not going to take a break to
2 speak with them. We are going to continue with Mr.
3 Watkins until he is finished, but for our
4 scheduling purposes, I thought that since just
5 heard that, I ought to let everybody know.

6 Representative Mitten?

7 MS. MITTEN: I have no questions.

8 MR. BARNES: Representative Lauer?

9 MS. LAUER: Thank you, Mr. Chair,
10 just a few questions. Thank you.

11 EXAMINATION

12 QUESTIONS BY MS. LAUER:

13 Q **Good morning.**

14 A Good morning.

15 Q **When, and I don't mean to make this**
16 **sound like a -- like a cops and robbers thing but**
17 **when you and Mr. Faughn spoke on 1/5, I believe it**
18 **was --**

19 A Yes.

20 Q **-- what arrangements were made as far**
21 **as this money? So what -- to, as an example, did**
22 **he say I'm going to give you a thousand dollars in**
23 **two \$50,000 packets? What was the discussion about**
24 **this whole arrangement?**

25 A There wasn't much of one. The

1 suggestion was that there was money available to
2 assist my client, to pay his fees and to help him
3 garner a soft landing after the -- after the
4 upheaval which was anticipated to be forthcoming
5 with the disclosure.

6 It was, at this time, of course,
7 nobody knew about any potential criminal charges,
8 much less the specific charge that was brought for
9 invasion of privacy. No one had a clue about that.
10 No one, of course, had a clue about the creation of
11 this committee or its undertakings.

12 So the conversation was a little bit
13 outside of the normal interaction that would occur
14 between counsel and somebody with whom a
15 negotiation was taking place because the
16 representation was made that this wealthy
17 republican with an axe to grind, although the term
18 was not with an axe to grind, he said it was
19 personal, was suggesting that, you know, he'd like
20 to make a -- help out with a soft landing.

21 I said, well, what do you mean? And
22 the response was, well, I -- I don't know. Maybe,
23 you know, 50 or a hundred? Now, I'm not daft. So
24 I'm listening to him say 50 or a hundred and I'm
25 thinking, well, it's certainly not 50 bucks or a

1 hundred bucks, and I'm an advocate for my client.
2 So I said 100,000 and he said, I think I can do
3 that.

4 Q Okay. So then --

5 A Now, part of that, part of that
6 discussion, it was made really clear to me that Mr.
7 Faughn had an overwhelming desire to hear that
8 recording.

9 Q I'm sorry, had what?

10 A An overwhelming desire to hear the
11 recording.

12 Q To hear it or to get it?

13 A Well, I was okay with having him hear
14 it. I was not okay with giving it to him.

15 Q Okay.

16 A And there's a reason for that. I
17 knew that Mr. Faughn was a member of the media. I
18 had made a commitment to the Post-Dispatch and to
19 KMOV that if they were going to put the resources
20 into this, it was necessary to garner the
21 corroboration, which they ultimately did not get
22 until the governor came out himself. This story
23 never would have been published or aired but for
24 the governor's statement on January 10. Would
25 never have gone anywhere.

1 But I didn't want Scott Faughn, a
2 member of the media to have this and to undermine
3 the people that, the members of the media that I
4 had been working with. I take very seriously my
5 reputation with them and when I make a
6 representation to them, I like to live up to it.

7 So I had trepidation about giving him
8 the tape. Now, he heard the tape but he was pretty
9 -- it was very important to him to garner the tape.
10 Ultimately, when he came back in on January 8 and
11 we knew at this point that all the questions and
12 answers had been done, everything had been teed up,
13 there was just a final interview on camera for my
14 client that had to be done, I gave him the
15 recording but only after he executed an agreement,
16 a confidentiality agreement, with a Draconian
17 liquidated damages provision so that fiscally it
18 would endure to his detriment if he did not comport
19 fully with the terms and conditions of that
20 agreement.

21 **Q Okay. And I appreciate**
22 **client-attorney privilege but you've talked about**
23 **this agreement now. If you could share, there was**
24 **a confidentiality agreement in there?**

25 **A Correct.**

1 Q And so at any point if that had been
2 broken, then what would happen?

3 A I would have gotten my skinny soul up
4 out of my chair and punched out a petition, sought
5 equitable relief and sued for legal damages in a
6 concurrent count because if you mess with me on
7 that front, I'm going to come and get you.

8 Q So once the story broke and
9 everything became quite public, did that -- let me
10 back up, I'm sorry.

11 Was the -- what was the
12 confidentiality clause specific to?

13 A It had do with what we were releasing
14 to him which was the tape. The recording, I
15 shouldn't use the word tape. It was an electronic
16 recording.

17 Q So was it that he -- where he got it
18 from, that he didn't share it?

19 A No, it was subject to a strict
20 confidentiality protocol, he was allowed to, you
21 know, use it for his own purposes, whatever they
22 may be and with -- and whoever it is that was in
23 his immediate, you know, circle for whatever
24 purpose, I personally thought it was the wealthy
25 republican, but that was an assumption, it wasn't

1 said, and that he couldn't use it.

2 The goal and objective was to
3 basically put him in a position where he couldn't
4 use it until that story aired.

5 Q Okay. And so then once the story
6 aired, then the confidentiality agreement was moot?

7 A Well, then it's a matter of public
8 record anyway, one, and we released that thing all
9 over. I mean, all over.

10 Q Okay. So let's go back to the 1/5
11 situation. So you left there with an agreement
12 that there would be \$100,000 to be given to you
13 for --

14 A Yeah, so when you say an agreement,
15 there is nothing in writing, there was no
16 handshake. It was just, I think I can do that.

17 Q Okay. So then --

18 A You know, look, I -- I handle a lot
19 of different types of matters over the course of
20 three plus decades in the practice of law.
21 Sometimes you get a feeling that somebody is
22 blowing sunshine up your shirt. This is one of
23 those occasions where I did not know whether he was
24 going to seriously show up with a payment or not.
25 We didn't discuss whether there was cash, check,

1 money order, credit card, none of that. There were
2 no details other than a payment will be brought by
3 on Monday.

4 On Monday got the call and he said
5 I'll be by shortly, and next thing I know he is at
6 my desk and a brown folder is on my desk.

7 Q Okay. And at the time P.S. gave you
8 that audio, was it your understanding then that
9 that was your possession, that you owned that?

10 A No.

11 Q To -- to sell, to do with whatever
12 you wanted?

13 A No, I -- my duty is to my client. My
14 duty, my obligation, is to my client. We had --
15 and this was my duty. I talked to him about the
16 fact that there was -- this is going back to 2016.
17 When he wanted to know whether or not what the best
18 way was to secure his -- to secure his family and
19 himself. I talked about monetizing these tapes.

20 I talked about, look, the safer you
21 are is if you give this tape to Roy Temple. Get it
22 out there. The faster you get it public, the safer
23 you are. The faster everyone knows about what
24 happened, about everything involved, the safer you
25 are. The safer your kids are. Ultimately, the

1 final decision was his, not mine. Ultimately, he
2 turned down other opportunities, including
3 monetary.

4 Q I believe you said that, yeah.

5 A But they had conditions.

6 Q Okay. So he handed it off to you for
7 safekeeping?

8 A No, we made sure we put those
9 recordings and preserved them in multiple locations
10 that could not give rise to the destruction of all
11 of them. That was one of the messages we got out
12 to the governor through the gentleman who was the
13 roommate of the attorney in New York and, by the
14 way, the gentleman is now the Assistant Secretary
15 of Defense for the Asia-Pacific Theater under
16 Trump.

17 Q So by what you just said, there were
18 multiple copies then made?

19 A Yes.

20 Q How many?

21 A I couldn't begin to tell you. In
22 this electronic era, who knows.

23 Q And where are those multiple copies
24 then?

25 A Well, right now they're probably all

1 over the world. I mean, the internet, I mean, the
2 recordings are out there.

3 Q True. But I'm going back to you
4 indicated that you actually had physical copies in
5 various locations.

6 A Yeah. So we have a very secure
7 system, electronic preservation system at our firm.
8 We also have utilization of external hard drives so
9 that even if everything was corrupted, we have
10 that. There was also the employment of another law
11 firm -- when I say employment, the utilization of
12 another law firm to have it saved in their system,
13 encrypted, password protected. We also, of course,
14 had my client, who knows where he put it, but I
15 know he had it in multiple locations as well.

16 Q So all these saved copies then, would
17 you say they have still maintained that integrity
18 or in that safe spot where they were sent, or you
19 don't know?

20 A I have no idea and, for lack of a
21 better phrase, I don't care.

22 Q So they may or may not be safe?

23 A No. It's out there so now every --
24 it doesn't matter.

25 Q I'm just talking about the physical.

1 A Yeah, I never received a physical
2 tape. There's no tape. It was always
3 electronically preserved.

4 Q Okay.

5 A So it's not like the old days where
6 you have a cassette or reel to reel or something
7 you had to bury in the backyard in a tin box.

8 Q Okay. Thank you. A couple of other
9 questions. When you received the money, you said
10 that was -- was that your first contact with the
11 FBI?

12 A No. My contact with the FBI on this
13 case, on this matter -- when I say case, this
14 governor -- dates back to 2016.

15 Q Okay. And that contact was in
16 regards to specifically?

17 A The governor's sexual proclivities,
18 his vulnerabilities as a public official, his --
19 when I say -- because I'm trying to be respectful
20 of the chairman's admonition, what I recall a
21 sexual pattern and practice. A predatory protocol
22 was discussed. The victimization protocol was
23 discussed.

24 Q And was this in regards to
25 information your client had shared with you?

1 A This was information that -- and
2 please you have to understand, over time I acquired
3 a lot of information from a lot of different
4 contacts from people who were consulting with me.

5 Q Okay.

6 A From that information we were able to
7 garner additional information or do additional
8 research, but -- I forgot your question.

9 Q That's okay. In 2016, when you made
10 your first contact with the FBI, it was in regards
11 to the governor's inappropriate behavior as you
12 were describing, and that may or may not have
13 included anything that P.S. had provided you?

14 A Oh, no. I can tell you that what
15 P.S. provided to me was requested by and provided
16 to the FBI, and I believe it was either late
17 January or early February of 2017.

18 Q So your first -- your first contact
19 that you made with the FBI was in again regards to
20 this inappropriate behavior, and what was -- what
21 was your thought as far as contacting the FBI about
22 that? Why that was an FBI issue?

23 A So it's very interesting, that's a
24 good question. One of the great fears that you
25 have any time that you have a person in position of

1 authority in a state government or a federal
2 government is if there are tape recordings of this
3 nature out there, you want to make sure that there
4 isn't risk of exposure to that public official to
5 extortion. Or in hand in hand goes with that,
6 public corruption by trying to secrete something
7 which otherwise is lawfully something which could
8 be made public.

9 So I wanted to make sure the FBI was
10 aware of the situation because I was picking up the
11 phone and I was calling a contact who was calling a
12 contact to get the message back to the governor,
13 leave my guy alone, we don't want anything, we're
14 trying to suppress this story, leave my guy alone.

15 So I wanted to make sure that the FBI
16 was aware of that because what I didn't want to
17 have happen was to have it mischaracterized on any
18 level as being something which would be
19 inappropriate. I am advocating for my client. I
20 am not asking for money, not trying to extort
21 money. I'm trying to keep a bad guy away from my
22 client.

23 So I let the FBI know about it and
24 the person I spoke with happens to be in public
25 corruption, so they know people who have positions

1 of authority, who are vulnerable to extortion, are
2 the ones that oftentimes are also vulnerable to
3 public corruption.

4 **Q So you made that contact and then you**
5 **also indicated that you contacted them again when**
6 **the first payment arrived?**

7 A My contact with the FBI was not me
8 contacting them all the time. There would be
9 contact made by them to me.

10 **Q And what was that contact about?**

11 A It's not one. This was an ongoing
12 undertaking a relationship that developed and
13 involved, I can't say scores but it could very well
14 be scores of separate contacts that would provide
15 updates, additional information that had been
16 acquired, additional information being requested.
17 I can't tell what the FBI is doing or what the Feds
18 are doing. Hat's not for them to tell me.

19 **Q Did you have any indication that it**
20 **was anything other than the sexual practices that**
21 **you had described? That they were contacting you**
22 **about?**

23 A So I will share with you, after 30
24 plus years in the practice of law, having the
25 privilege of representing criminally accused in

1 federal court, that the individuals who were
2 involved in this, in terms of the special agent
3 assigned and the Assistant United States Attorney
4 in this matter, they are not what I will refer to
5 as scratch and sniff guys. They are -- they are
6 extraordinarily diligent and capable individuals
7 who are brought in for a particular type of
8 undertaking.

9 That does not -- it encompasses wire
10 fraud, mail fraud, tax fraud, a host of other
11 matters that often go hand in hand with subject
12 matter that has been brought to light and obviously
13 addressed in various settings relative to the
14 governor with a fairly high degree of frequency
15 over the last four or five months.

16 **Q And so other than this, the first**
17 **contact that you had with them and then the contact**
18 **regarding the moneys, were there any other issues**
19 **that you brought forward to the FBI other than**
20 **those two things?**

21 **A** Oh, there was, the range and subject
22 matter of our contact was wide and encompassed, not
23 simply the victim in this case, and did not
24 encompass simply subject matter of the nefarious
25 sexual proclivities of a predator but involved a

1 lot of other subject matter which would fall well
2 within the range and scope of the expertise of the
3 individuals at the federal level that I dealt with.

4 Q Okay. So we're going to move just a
5 bit backwards here. I think we're pretty clear on
6 the two \$50,000 payments and who delivered those
7 and at the first payment, when it was Mr. Faughn
8 who delivered that to you, that was an actual
9 face-to-face meeting --

10 A Yes it was.

11 Q -- where it was physically handed
12 over?

13 A No, it wasn't handed over to me,
14 actually. I came in the office, Mr. Faughn was
15 sitting on the other side of my partner desk, and
16 the brown expandable file folder with the flap and
17 elastic band was already on my desk.

18 Q Okay.

19 A I set it to the side, I didn't look
20 at it, didn't look at it, but it occurred to me and
21 was obvious to me that if it was money, it was cash
22 because a check isn't that heavy.

23 Q And the two \$10,000 payments then,
24 how were those delivered?

25 A Mr. Faughn brought those to my

1 office.

2 Q Each one, each 10,000 separately?

3 A Correct, separately, and on separate
4 days.

5 Q Cash?

6 A Cash.

7 Q And was there any indication where
8 that money came from?

9 A No, and --

10 Q I didn't hear --

11 A Well, I appreciate you at least
12 catching on to the fact that I didn't care but we
13 didn't really discuss it at that time, but the
14 \$10,000 payment that Mr. Faughn brought in when he
15 formalized the engagement of our firm was something
16 that didn't -- it didn't even cross my mind to be
17 inquiring at all.

18 The second \$10,000 payment, not only
19 did it not cross my mind. I was in a blistering
20 rush to get things taken care of.

21 Q Okay. And I just one last thing and
22 I may not have heard correctly but you said about
23 30 minutes ago when you were testifying and we were
24 talking about the moneys that had been delivered to
25 you, and I'm taking it as a word misspoken.

1 I believe you said you didn't know it
2 was from Scott Faughn or the governor. I heard the
3 word "governor," I believe and I think it was
4 probably a miss -- and we can look through the
5 transcript as we --

6 A I don't recall saying that. What was
7 the question and what was answer that you heard?

8 Q It was something about you didn't
9 know if the money came from Scott Faughn or the
10 governor and I think you may have meant from the --

11 A From the wealthy republican.

12 Q Right.

13 A I'm sorry, if I said governor, I
14 misspoke. I apologize.

15 Q I just want to make sure it's clear
16 so that that doesn't stay on the record if that is
17 indeed what you said.

18 A No, I can tell you with 100 percent
19 internal certainty that the money that was paid to
20 my firm was not paid by the governor.

21 Q I'm pretty sure of that have too.
22 That's why I just wanted to make sure it's all
23 clear.

24 A Thank you, I appreciate that. I'm
25 sorry if I misspoke.

1 Q And again, I may have misheard, so
2 we'll double check.

3 MR. BARNES: Representative Austin
4 heard the same. He's been our ears this entire
5 process.

6 MS. LAUER: Thank you, Mr. Chair.

7 MR. BARNES: Mr. Austin.

8 MR. AUSTIN: Thank you, Mr. Chair.

9 EXAMINATION

10 QUESTIONS BY MR. AUSTIN:

11 Q Thank you for being here, Mr.
12 Watkins.

13 A Yes, sir.

14 Q When was the first time that you met
15 Scott Faughn?

16 A I believe, my first meeting with
17 Scott Faughn was on January 5, 2018.

18 Q I'm not talking just in relation to
19 this matter but just in general ever.

20 A So after the January 5, 2018, meeting
21 with Mr. Faughn, it was pointed out to me by one of
22 my associates that in fact Mr. Faughn is the
23 individual who was kind of the guest at a cocktail
24 party that a former associate with our firm had
25 hosted for Mr. Faughn.

1 I was invited to that, I did not
2 attend but I was told afterwards that, hey, this is
3 the guy that started this new paper in Clayton and
4 you were invited to his cocktail party but you
5 didn't go.

6 Q To your recollection, you never had a
7 conversation with Scott Faughn before January 5.

8 A No, I believe the first day I met Mr.
9 Faughn was the same day as his first telephone call
10 with me. I believe it was the same day.

11 Q And that January 5, that was a phone
12 call?

13 A No. The first meeting, the first
14 contact I have had, I had with him I believe was a
15 phone call, very short phone call, because I was
16 fielding a ton of calls at this time. The fact
17 that we were working the story was no secret. We
18 had already contacted media, we'd already done Q
19 and A, it was already out there.

20 He contacted me by phone and wanted
21 to set up a time to meet with me and, you know, I,
22 actually, after talking to him for a second and a
23 half, he said he was with the Clayton Times, I
24 thought it was another member of the media. I
25 brought him in for an appointment that day.

1 Q And how long was that appointment?

2 A My guess is the first meeting, and
3 this is a guess, but my guess is between 35 and 40
4 minutes. Somewhere in that neighborhood.

5 Q And at that time -- this is what I am
6 getting at -- did you build a rapport to where you
7 felt you could understand what he was communicating
8 to you and you felt that he understood what you
9 were communicating to him?

10 A You know, it's interesting. The
11 meeting was one which was a combination of, in my
12 opinion, Mr. Faughn vetting me out as a lawyer, and
13 also trying to get a sense of what I knew about the
14 totality of the circumstances. I will say two or
15 three things.

16 That it's really important. Mr.
17 Faughn ended up being a tremendous value to me in
18 assisting other clients and other individuals who
19 consulted me. But Mr. Faughn articulates as though
20 he has marbles in his mouth. So a great deal of
21 the time I had to remind Mr. Faughn, as I am not
22 shy to do, speak the -- speak up.

23 Q Correct.

24 A Because he, um, there are people with
25 hearing disabilities that truly can't speak, that

1 speak better than Mr. Faughn in terms of
2 articulating. And I am trying to be really
3 respectful of those who are hearing impaired. I am
4 hearing impaired. This is not a guy I want to have
5 take a mic and sing songs at a wedding.

6 Q But as you testified, there are times
7 when you can look into the face, the mind of the
8 client, and tell they don't get it. Was that the
9 situation with you and Mr. Faughn or did you
10 understand that or did you believe that he was
11 getting what you were communicating and you believe
12 you were understanding what he was communicating
13 back to you?

14 A Actually, there are two things that
15 are important. That initial meeting, I can't tell
16 you that I was holding my breath in anticipation of
17 actually receiving payment. I told my client this
18 guy could be full of horse hockey. That was in
19 deference to your request.

20 And so did I think he got it? One, I
21 didn't care; and two, I wasn't hold my breath on
22 the money but if it came, that's great. And at the
23 end of the day the thing that was important to me
24 was that there were no conditions that were
25 being --

1 Q Right, right. Well, number three
2 conditions, that's something else. Number two
3 kinda goes to whether he could come up with the
4 money or not. I get that. But my question more is
5 do you believe you guys were understanding one
6 another?

7 And what I'm going back to is you
8 said that he expressly stated that the money came
9 from a wealthy out-of-state republican and I want
10 to be sure that there's no doubt in your mind or in
11 any of ours that that's what he communicated to
12 you.

13 A Yeah, and that's -- that's an element
14 of our conversation that was clear, concise,
15 repeated by me shortly after that event to federal
16 law enforcement authorities, and while I really
17 didn't care, it was part of a picture that was
18 important that I communicated accurately to federal
19 law enforcement.

20 Q And sure, you communicated to your
21 client because you said wanted to make sure this
22 money wasn't from some drug deal or something bad,
23 so you guys, you and Mr. Faughn, actually had a
24 conversation. You just didn't say -- you just
25 didn't take him when he said it's from a wealthy

1 out-of-state republican donor and let it go at
2 that; you had a conversation about that, right?

3 A That's correct. I didn't learn about
4 the out-of-state portion until later, but no, my
5 concern and the questions about the money didn't
6 occur on the first meeting. They occurred when it
7 came in cash. And when it came in cash, I made a
8 point of asking him, was this drug money? Was this
9 money dirty money? Was it from ill-gotten gains?
10 That's what's important.

11 Q So this comment from Mr. Faughn, and
12 not just a comment but, I mean, you guys went into
13 it about the money coming from a wealthy
14 republican, not only occurred on January 5, it
15 occurred on January 8 when he brought the first
16 \$50,000?

17 A And it occurred -- yes.

18 Q Okay. And maybe it occurred at times
19 after that too, I don't know.

20 A I, um, it occurred again when I
21 expressly addressed whether Mr. Temple had anything
22 to do with that money.

23 Q And again going back to the January 5
24 conversation, as I understand your testimony, you
25 did not demand that it be in cash, correct?

1 A No.

2 Q And demand is probably a hard word
3 because I think your testimony was you didn't even
4 discuss the method or mode of payment, correct?

5 A No, the nuances of that are -- there
6 just wasn't a lot of detail. You know, sometimes
7 people refer to cash money and they're referring to
8 a check that's good. In other words, this is cash,
9 it's not credit card. But no, there were -- and
10 cash is legal tender. I don't mind taking cash.
11 But I'd far rather have a check. I don't want to
12 jump through these hoops if I don't have to.

13 And now it's just added this 2018
14 saga and drama that somehow is giving rise to
15 people turning their heads away from a 2015 act of
16 forcible sodomy that really should be the subject
17 matter at hand.

18 Q So let me ask you another thing.
19 When he brought the cash in on January 8 and when
20 the courier brought it in I think the next day --

21 A That would have been January 9.

22 Q Yeah. So do you, in your office, do
23 you have a protocol where deliveries get signed in
24 at your front desk and where, the date and time,
25 who delivered and who it was for and what it was?

1 A No. And this is important, at that
2 time we actually had media in our office. I was at
3 the time our office, we've moved since then but our
4 office had a big reception room with glass, or a
5 big conference room with glass right off the
6 reception. The cameras were in there and I told
7 the cameramen, actually I told Lauren Trager, have
8 your cameramen videotape this guy, will you? Now
9 whether she ever did or not, I don't know.

10 Q And you're talking about the January
11 9th delivery?

12 A Correct. Lauren Trager was in my
13 office with a camera crew at the time of that
14 delivery.

15 Q When were the, for lack of a better
16 word, tapes delivered from you to Mr. Faughn?

17 A I believe it was January 8, Monday,
18 and I say that because that was the day on which
19 Mr. Faughn executed the confidentiality agreement
20 which I gave to him as a condition precedent to
21 giving him a tape, or the recording, and he had
22 requested that I e-mail him a copy of the executed
23 confidentiality agreement and, or I referred to it.
24 That's right. I, once -- I e-mailed him the
25 recording is what I did, referencing the day on

1 which the confidentiality agreement was signed.

2 So he signed it and then we e-mailed
3 it.

4 Q And if I remember right, Mr. Faughn
5 testified to a set of tapes and I just want to get
6 this clear. Was there only one recording -- and I
7 know it's not tapes, it was electronic, but there
8 was only one recording or were there multiple
9 recordings?

10 A I said there were multiple
11 recordings. The only recording of value was the
12 recording from March 25, 2015. The confessional
13 tape. There were two other recordings and I think
14 they were split up because of the size, and they
15 were genuinely painful, heart-wrenching interaction
16 between two tremendously hurt people but unrelated
17 to the governor.

18 And so at some point I know he was
19 very insistent about and really wanted to hear
20 them, and I did allow him to come in and listen to
21 them. I don't recall sending him copies of them,
22 but he may have gotten them but I don't recall ever
23 sending him copies of them.

24 Q Do you still have copies of those
25 recordings in your possession?

1 A Well, electronic copies, yes.
2 Although -- yes, I do have electronic copies, yes.
3 There was one that was sent to me that was sent to
4 me on an expiring link and we had to have it
5 re-sent because the link expired before we properly
6 preserved it.

7 Q And you mentioned a credible act of
8 intimidation to my family. What type of act?

9 A I would prefer not discussing
10 anything having to do with my family. It was an
11 act of intimidation that was designed to foster
12 fear and apprehension. It succeeded, and prompt
13 measures were taken to alert authorities, local and
14 federal, and prompt measures were taken to ensure
15 the safety of my family.

16 I hope that suffices.

17 Q You said you did report it to law
18 enforcement?

19 A Um, I did.

20 Q Do you know who the performer of this
21 act was?

22 MR. HATFIELD: That's a yes or no for
23 now.

24 A I cannot state with certainty.

25 MR. AUSTIN: And who is -- who is

1 paying for your attorney to be here today?

2 A Um, well, it's an interesting thing.
3 I haven't gotten a bill yet. I don't know. At
4 such time as I get a bill, maybe perhaps, maybe a
5 wealthy republican somewhere.

6 Q So you don't know who's paying for
7 Mr. Hatfield's representation of you?

8 A And it's important, I'm saying this
9 not because -- I really respect and have known
10 counsel for the governor a long time. They have
11 their job and duty to do. They have to discharge
12 their duty every bit as much as do I and there's a
13 lot of -- this is a very, very difficult situation
14 but I can tell you I have had the privilege of
15 representing the interests of at least one of the
16 counsel for governor, and I never sent him a bill.

17 Q So maybe there's some attorney
18 brotherhood, sisterhood going on there, but do you
19 know who's paying for Mr. Hatfield to represent
20 Scott Faughn?

21 A I have no clue. I discharged my, or
22 terminated my role as legal counsel for Mr. Faughn
23 shortly after his Chatime address.

24 MR. AUSTIN: Very good, thank you,
25 Mr. Chair.

1 MR. BARNES: Representative
2 Eggleston?

3 EXAMINATION

4 QUESTIONS BY MR. EGGLESTON:

5 Q Thank you for being here this
6 afternoon and kinda helping us fill in some of the
7 gaps. I started off with about 20 questions. Some
8 them have got answered through the previous ones
9 but more have come based on your testimony, so I
10 appreciate the time.

11 A Who did they come from?

12 Q Just in hearing the testimony that
13 you have given so far has triggered more questions
14 from me is what I'm saying.

15 A Oh, okay, I'm sorry.

16 Q The very first contact that you had
17 with P.S., who instigated that?

18 A I was called by P.S. after what I
19 understood to have been his attempted engagement of
20 three other law firms who refused to take the case
21 because of the perpetrator involved.

22 Q So he was looking for a lawyer, found
23 your name and number and --

24 A No, he was referred to me by a --
25 it's my understanding he was referred to me by a

1 colleague.

2 Q Okay. But he called you, you didn't
3 hear about him and you called him and say do you
4 need help?

5 A I received a lot of calls and we have
6 people dedicated to taking intake calls, so I came
7 in I believe from an out-of-state trial and had an
8 intake memorandum explaining the guy feared for his
9 life, was a highly influential individual, power
10 full individual, blah, blah, blah, so I called him
11 up.

12 Q He sought you out. You didn't seek
13 him out.

14 A Correct, I had never seen him before,
15 met him before, didn't know anything about his
16 stature in any professional capacity.

17 Q And your first face-to-face meeting
18 with him then would have been when?

19 A September of 2016.

20 Q 2016. Okay. In the course of
21 visiting with him, obviously you figured out he has
22 these recordings. Was it your idea that he give
23 the recordings to you? Or was it his idea that you
24 should have these for some reason?

25 A Yeah, I appreciate you asking but I

1 am -- I am not going to respond to an inquiry that
2 goes absolutely to the heart and core of
3 attorney-client privileged information. I have
4 made it very clear that I -- where I garnered the
5 recordings --

6 **Q But he's not your client anymore,**
7 **right, you said?**

8 A No, I didn't say that. P.S. is my
9 client. For those of us who are hearing impaired,
10 I understand and appreciate that some people don't
11 hear this is important. I no longer represent Mr.
12 Faughn. I still represent Mr. [REDACTED].

13 **Q Okay. Thank you. And then you did**
14 **get the recordings from him. Do you know**
15 **approximately when he then gave you those**
16 **recordings?**

17 A Shortly after our firm was engaged in
18 September of 2015 -- '16. My recollection is that
19 we received them in September of 2016.

20 **Q Okay. Now, since then, we know that**
21 **you've sold those recordings and gave those -- a**
22 **copy of those to Mr. Faughn.**

23 A How did you ask the question, sir?

24 **Q We've already established you have**
25 **provided a copy of those to Mr. Faughn?**

1 A I thought you used the verb "sold."

2 Q **Well, I did use the verb "sold," so**
3 **you exchanged money for the recordings.**

4 A No. I would say that that's
5 erroneous and a mischaracterization of what I have
6 said. You may choose to interpret what I have
7 clearly and concisely said any way you wish, but
8 you're wrong. And you are misleading the Missouri
9 public when you say the question that way.

10 MR. BARNES: How about we answer the
11 question, Mr. Watkins?

12 THE WITNESS: How about we have a
13 member of this panel act with dignity --

14 MR. BARNES: How about we answer the
15 question --

16 THE WITNESS: -- and respect for the
17 citizens of this state?

18 MR. BARNES: -- (not audible, but not
19 discernible) --

20 THE WITNESS: Mr. Chairman? Mr.
21 Chairman? He is not going to recharacterize my
22 testimony --

23 MR. BARNES: You have plenty of
24 opportunity --

25 THE WITNESS: -- (not audible, but

1 not discernible) the State of Missouri. You have
2 that duty, not me.

3 MR. BARNES: -- to clarify your
4 answer.

5 THE WITNESS: (Not audible, but not
6 discernible).

7 MR. BARNES: Mr. Watkins, you have
8 plenty of opportunity --

9 THE WITNESS: You know what, you can
10 say it all you want.

11 MR. BARNES: -- to answer (not
12 audible, but not discernible).

13 THE WITNESS: I just want you to put
14 your hand up to me and --

15 MR. BARNES: Mr. Watkins, Mr.
16 Watkins. Mr. Watkins.

17 THE WITNESS: Call me to order, sir,
18 I will not allow any member of this panel to
19 purposely mischaracterize my testimony.

20 MR. BARNES: He is not purposely
21 mischaracterizing your testimony. You have the
22 opportunity to answer the question and if you want
23 to state --

24 THE WITNESS: And I did and you are
25 now abating my answer to do that.

1 MR. BARNES: I am not abating your
2 answer. After you were about a minute and a half
3 in what could have been a 30 second answer, I said
4 Mr. Watkins --

5 THE WITNESS: You invited me, sir.

6 MR. BARNES: Without a filibuster?

7 THE WITNESS: And I am not a
8 filibuster kind of guy.

9 Q **(BY MR. EGGLESTON) Mr. Watkins, that**
10 **really wasn't where I was going with the question,**
11 **so you don't need to be getting offended. My --**

12 A I'm just (not audible, but not
13 discernible).

14 Q **My question was going to be, have you**
15 **-- can you give us other names of people or**
16 **businesses that you have also provided the**
17 **recordings to besides Mr. Faughn?**

18 A I believe every local television
19 station in St. Louis, I believe the Los Angeles
20 Times, Time Magazine, USA Today, Chicago Tribune,
21 Washington Post, and that's -- the Chicago Tribune,
22 yeah. Kansas City Star, Springfield News Leader,
23 PBS.

24 Q **So numerous media, these are all**
25 **media folks here that you're talking about. Is**

1 **there any other non-media entities that you've**
2 **provided the recordings to?**

3 A Those are the ones that come to mind.
4 I believe I sent some to my counsel. I sent them,
5 of course, to this committee. I sent them to the
6 Assistant Circuit Attorney who requested them. I
7 sent them to federal law enforcement authorities.
8 I gave them to the criminally accused governor's
9 counsel. I provided them to a lot of folks.

10 Q Okay. So any of those other entities
11 that you provided them to, have you -- do you also
12 have a financial relationship with them to where
13 they have given you money?

14 A No. We've received no money from
15 anyone.

16 Q Just Faughn was the only one where
17 there was a financial --

18 A That's correct.

19 Q I just wanted to make that clear. So
20 that would probably be how Lauren Trager ended up
21 with them?

22 A Oh, I gave them to Lauren.

23 Q Okay. And I am kinda perplexed on
24 the timing of something because you said you gave
25 them to Lauren because Lauren had a prior contact

1 **with K.S. already?**

2 A That was my understanding, yes.

3 Q **And so then you gave her the**
4 **recordings knowing that, or believing that she had**
5 **already had that prior contact --**

6 A That's a mis- -- that's not telling
7 the whole story. So Lauren is an individual, like
8 many members of the media, with whom I have an
9 ongoing relationship. And Lauren had contacted me
10 when I talked to her about this particular matter,
11 it was clear to me when we dug into it that she had
12 the ability, unlike the other members of local
13 media, to garner the corroboration necessary to
14 have their journalistic standards corroborate the
15 story before it goes out. Because there had
16 evidently been prior contact between Lauren Trager,
17 who had been working on the story for over a year,
18 she had had prior contact with K.S. That's my
19 understanding.

20 Q **Before you gave her the recording.**

21 A Yes.

22 Q **So somehow she figured out K.S. was**
23 **involved without actually hearing the recordings?**

24 A This was -- there was -- this was
25 worst kept secret in North America from 2015 on.

1 Q The -- the transfer of the recordings
2 that you did with Faughn, with all those media
3 outlets and everybody that you listed, was that --
4 did you discuss doing that with P.S., your client,
5 before you did it?

6 A I'm not going to share with you
7 attorney-client privilege, the strategies that were
8 employed or discussed, my conversations with my
9 client --

10 Q Can you -- okay, that's fine. Can
11 you reveal if he was okay with that? If he had --
12 if you had his permission to do that before you did
13 it?

14 A I am pompous, egotistical and
15 self-centered, I'll own that, but I do not act
16 without the authority of my client.

17 Q Okay. Just making sure that he was
18 good with that before that.

19 So let's see. You said -- so we have
20 gotten some other testimony from other witnesses
21 about the whole transaction that took place and I
22 know you were kind of offended when I said "sold,"
23 so maybe you can call it something else but on
24 relatively the same time period, the same day,
25 Scott Faughn provided you money, you provided Scott

1 Faughn the recordings, we have already kind of
2 established that. And you were under the
3 impression that Scott Faughn got the money from a
4 wealthy out-of-state republican donor.

5 A At the time it was an anonymous
6 wealthy republican.

7 Q Gotcha. So if someone was to tell
8 this committee that Scott Faughn had actually
9 acquired the money through his normal course of
10 business as a journalist and a publicist and not
11 from an out-of-state republican donor, you would
12 believe that to be a lie? It's a yes or no?

13 A I didn't care. But if somebody were
14 to say to me you're talking about a guy with a
15 small newspaper in Jefferson City, Missouri, and
16 that's going to be the sole source of income which
17 is going to give rise to \$150,000 or \$100,000 or
18 200 or a hundred, you know, I'd be hard pressed to
19 say that that's going to be something that's
20 palatable.

21 At the same time, you know, you
22 always hear about the spinsters that return their
23 bottles to the grocery store and collect their
24 dimes and next thing you know they drop dead with
25 \$5 million in cash under their bed. That's great.

1 I don't think that's the case here.

2 MR. BARNES: Is that a yes?

3 Q (BY MR. EGGLESTON) That was a very
4 long-winded yes it sounded like. Do you want to
5 confirm --

6 A That's what they calmed a multiple
7 syllable yes.

8 Q Okay. So you've used the phrase
9 "wealthy out-of-state republican" when referring to
10 what you think is the source of the money for
11 Faughn. At one point you said, well, the
12 out-of-state part came later, like that didn't come
13 from Faughn, you sort of inferred that or heard
14 that from another source, or did I misunderstand?

15 A Again, yeah, I tried to be clear and
16 concise earlier in my testimony. At some point
17 there was a public spectacle that was made by the
18 criminally accused defendant's counsel that in fact
19 it was believed this money came from Roy Temple.
20 That was many months later. And it occurred to,
21 you know, in or around a court proceeding that was
22 involving the governor being a named defendant.

23 When that was stated, I had known Mr.
24 Dowd for a long time and his counsel and I see this
25 in the newspaper, I asked Mr. Faughn point blank,

1 hey, look, these guys, they're not amateurs, what
2 -- I didn't say that. I said, you know, tell me,
3 does Roy Temple have anything to do with this?
4 Because I had interacted with Roy. I found him to
5 be a respectful, upstanding guy who lived up to his
6 word.

7 And the answer was no. Absolutely
8 not. This guy is not even in Missouri. Didn't say
9 guy. He's not -- maybe he did say he. But I
10 didn't know even whether this was male or a female.

11 Q Those are the words from Faughn,
12 not --

13 A Correct. So when the out of town
14 part came later, it did come out later. That's the
15 only other clue if you will.

16 Q But it did come from Faughn?

17 A Right.

18 Q That's what I'm trying to verify.
19 All right. The money itself you said was -- it
20 came in that sort of accordion folder kind of
21 thing.

22 A Was a brown cardboard flap over the
23 top.

24 Q And had the wrappings and it was all
25 neatly snacked. So this photo has sort of been put

1 out by the St. Louis Post-Dispatch --

2 A That was actually put out by me.

3 Q -- that we came to --

4 A I took that photograph.

5 Q Okay. So this is, so the background
6 of that would be the actual folder that it was in?

7 A That is correct. I took that
8 photograph and that is the very photograph I
9 forwarded to the FBI.

10 MR. EGGLESTON: Okay. Do you have
11 exhibit stickers? Does anybody know what number we
12 are on?

13 MR. BARNES: Representative Mitten is
14 not here right now. You want to call it 50? Let's
15 call it 50. Representative Phillips believes we're
16 in the 30s. I wasn't expecting an exhibit today.
17 We're fine, you're fine to use it, I don't care but
18 if you're going to show it to the witness, let's
19 mark it as an exhibit. She's got a sticker,
20 representative. She has a sticker.

21 Q (BY MR. EGGLESTON) The -- in the
22 picture it shows them neatly stacked on the folder.
23 It shows them wrapped the wrappings are of \$10,000
24 wrappings. It says "10,000" on it. I can't really
25 tell from this picture, it's a bit grainy, whether

1 **there was any actual bank name or any other**
2 **identifying marks on it.**

3 **Do you recall if there were?**

4 A Yes, I do recall.

5 Q **Okay. What, was there any indication**
6 **where it come from?**

7 A No. That's interestingly one of the
8 questions asked by the FBI and so I remember the
9 question, I remember the answer that I gave, and I
10 remember what I saw which was there were no
11 markings.

12 Q **But it came wrapped like that to you.**
13 **You didn't put the wrappings on it?**

14 A No, I would not have the patience.

15 Q **And these wrappings are ones that**
16 **normally banks would put on? They're not something**
17 **you can go buy at Walmart and do yourself?**

18 A Well, actually you probably can buy
19 them, if not at Walmart, somewhere. In fact, I
20 recall seeing them at some point somewhere over the
21 course of my life but I certainly would not buy
22 them and I've never generally been one that keeps
23 enough bills to worry about wrapping them.

24 Q **Gotcha. You said now that you've**
25 **taken that money, you've put it in a trust --**

1 MR. BARNES: Representative
2 Eggleston, let me stop you for a second. Is that
3 picture a fair and accurate representation of the
4 money that was delivered to your office?

5 THE WITNESS: With respect to Exhibit
6 50, that image was taken by me at or shortly after
7 the delivery of the money on January 8, 2018. That
8 is an accurate and fair depiction of that which was
9 delivered.

10 Q (BY MR. EGGLESTON) And that was the
11 picture you subsequently forwarded to the FBI?

12 A Yes, it is.

13 Q Okay.

14 MR. BARNES: Sorry representative, I
15 just wanted to get that question.

16 MR. EGGLESTON: No, that's a good
17 question.

18 Q (BY MR. EGGLESTON) Did you take any
19 of the picture of the January 9 money that came in
20 the Fed Ex box?

21 A No, I did not.

22 Q Do you still have the wrappings or
23 the file folder that that January 8 money came in?

24 A We don't generally throw out those
25 file folders because, A, they're expensive; and B,

1 they last a long time. I had nothing to do with
2 the wrappings because when I brought the money to
3 the bank, they had to unwrap them to put them
4 through the counter and flush them through the
5 machine. So I didn't keep those.

6 I probably kept the brown folder but
7 given my normal protocol, it would have a life span
8 or life expectancy of maybe a week with the way I
9 use them.

10 **Q Would you have it -- do you think you**
11 **might have it today?**

12 A No, actually, I thought about it
13 because unfortunately there are others kinda like
14 them, I can't tell you which one is which, but I
15 can say that this particular one, I almost with
16 certainty recall it being my car and at some point
17 I believe one of my shoes ended up in it. Might be
18 a long story, I'm happy to share it with you.

19 **Q If you happen to stumble across it --**

20 MR. BARNES: The shoe story is what I
21 said no to.

22 MR. HATFIELD: It's a great story,
23 though.

24 MR. BARNES: Sorry, you looked at me
25 when I said no. The shoe story, we don't care for

1 the shoe story.

2 Q (BY MR. EGGLESTON) If you would
3 happen to stumble across the file folder, would you
4 be willing to provide it to the committee?

5 A Sure.

6 Q Thank you. In what bank did you
7 deposit money? You said you put it in a trust, and
8 there's -- and I wasn't familiar with that type of
9 trust but it's sort of a charitable trust that gets
10 set up to pay for attorney fees?

11 A The Missouri Bar requires an IOLTA
12 trust account. It cannot be an interest-bearing
13 account so that there is no incentive on the part
14 of an attorney to keep and maintain client funds.
15 And the interest that would otherwise be borne by
16 an IOLTA account is understood to go to the
17 Missouri Bar.

18 So I don't feel inclined to share
19 with you a whole ton of details except to tell you
20 that we have shared with this committee the -- I
21 think we've shared with them, it's Fortune Bank.

22 Q Okay. I don't want account number or
23 anything like that. Just curious where that went.

24 So at this point, do you feel like
25 that you -- that Scott Faughn would owe you any

1 **more money? You would have any more money coming**
2 **from him?**

3 A Mr. Faughn owes me money.

4 Q **He does?**

5 A Yes, he does.

6 Q **You said earlier that you had kept**
7 **all the money so far and I think the quote was**
8 **there is still "a significant balance due."**

9 A That was respect to my client, P.S.

10 Q **Oh, I thought that was with respect**
11 **to Scott Faughn.**

12 A No.

13 Q **Scott Faughn still owes you --**

14 A Mr. Faughn paid me a retainer of
15 \$10,000. If you count the \$10,000 as being money
16 that he paid as a retainer, he still owes our firm
17 money.

18 Q **And you would -- do you still owe him**
19 **work then for that 10,000? Or have --**

20 A My client's not going to owe me money
21 if I haven't already done the work. So I'll walk
22 you through this very slowly.

23 Q **Sure.**

24 A We get money, we bill against that
25 retainer. When the retainer is depleted, many law

1 firms pick up the phone and they tell their client,
2 hey, look you're ass out, you got to pay us more
3 money or we go away.

4 In this case, I didn't do that. In
5 this case, I received \$10,000 from him, actually
6 booked the additional \$10,000 as income and did not
7 allocate it to his account. But if you allocated
8 both of those \$10,000 payments to Mr. Faughn's
9 account, he still owes us money.

10 Q Okay.

11 A So --

12 Q Have you given him a receipt for what
13 he's paid so far?

14 A We don't do receipts. We issue
15 statements.

16 Q Just a verbal deal. Okay.

17 A But at this time, given the nature
18 and character of the cessation of my affiliation
19 with Mr. Faughn as his legal counsel, I have not
20 issued a final statement to him.

21 Q And at some point you would? You'd
22 send him a bill and it would be a paper bill?

23 A Given the totality of the
24 circumstances, I am not sure I will.

25 Q Okay. Are you expecting any more

1 **money from Faughn? You said he owes you more. Are**
2 **you expecting more payments to come from him any**
3 **time soon? Or in the future?**

4 A I do not go to sleep at night
5 expecting that to happen. When I wake up in the
6 morning I do not expect that to happen.

7 Q **So this will probably be a debt that**
8 **he would owe that you are never going to get to**
9 **collect on; is that what you're saying?**

10 A He will not be the first client who
11 owes me money, nor will he be the last.

12 Q **The second payment that came by**
13 **courier.**

14 A Yes.

15 Q **I believe you said that you didn't**
16 **physically take possession of that from the**
17 **courier, the courier dropped it off; is that**
18 **correct?**

19 A Correct.

20 Q **Did you see the courier come in?**

21 A Yeah, I did. I was behind the glass
22 with the KMOV crew.

23 Q **Okay. And you, again, I think you**
24 **stated that Lauren Trager was there and they had**
25 **their cameras and all that?**

1 A Correct.

2 Q **Would you be able to identify the**
3 **courier if you saw him again?**

4 A No, that was a line of questioning
5 that was propound during the course of my
6 deposition in this, in the criminal case where the
7 governor was accused of an offense. And I wasn't
8 able to then and I am not able to now. To me that
9 was nothing more than a perfunctory delivery and I
10 didn't pay attention. There was stuff going on and
11 I was busy and I didn't care.

12 I was shown pictures during the
13 deposition, images of a young man who appeared to
14 be Hispanic and I don't -- I don't recall the
15 person who delivered this as being Hispanic, but --

16 Q **So the person at the desk who took**
17 **that Fed Ex box, that would probably be the best**
18 **person in your office, if there was anybody in your**
19 **office that could identify this guy, that would --**
20 **would that be the best person you would say?**

21 A I'm not sure and permit me to
22 explain. The front desk was busy, phones were
23 being answered, and the phone was ringing off the
24 hook, and this was before anything was aired. We
25 had TV crews coming in and out and you have to go

1 right in front of the desk beforehand.

2 And I remember seeing the guy behind
3 the flow of traffic, if you will, so maybe -- I
4 couldn't even tell you who was at the front desk, I
5 can't even tell what you time it was delivered and
6 depending what time it was delivered -- maybe.

7 Q We may be able to glean some
8 information if we find out who the courier is and
9 you or somebody at your staff might be able to help
10 us with that, so we are asking --

11 A To the extent that any help can be
12 provided, we will do so.

13 Q You talked about Lauren Trager with
14 her cameras there. Do you know if she filmed?

15 A I don't know.

16 Q And maybe caught it in the background
17 or anything?

18 A I actually pointed it out. I
19 reminded Lauren Trager of this when I was being
20 interviewed on the courthouse steps after there had
21 been a public statement made as a matter of record
22 by one of the governor's counsel asserting that
23 they had it on good --

24 Q But you don't know if she filmed that
25 at that time?

1 A So bear with me.

2 **Q Okay.**

3 A Once that became a matter of public
4 record, I believed I was free from the restrictions
5 under the protective order and was swarmed by the
6 media outside of the courthouse. During that,
7 during that interview, I reminded Lauren Trager,
8 you were in there when it happened. I told you to
9 have somebody take a picture of it.

10 She didn't respond but I believe that
11 the cameraman, you know, the cameraman that they
12 have, and in fact most cameramen know more about
13 what's going on than anyone else in their business.

14 **Q And that was January 9th?**

15 A Correct.

16 **Q Do you have security cameras in your**
17 **office or in the building that may have caught**
18 **that?**

19 A At that office, no.

20 **Q Or in the building --**

21 A You know, I don't know. There may
22 have been in the lobby; although, I can tell you
23 that there was a great deal of construction going
24 on at that building. We have since moved across
25 the street into the building where the governor's

1 counsel are.

2 Q The hundred thousand. It's all in
3 the trust, does P.S. have any of that now?

4 A Oh, it's not in the trust, no.

5 Q It's not?

6 A No, it's in my firm's operating
7 account.

8 MR. HATFIELD: Two questions. Does
9 P.S. have any of it?

10 A And the answer for that is P.S. has
11 none of it. P.S. has never gotten any of it, he
12 has not received a time, and he still owes us
13 money.

14 Q And will he -- is the plan that he
15 would end up getting some of that?

16 A The plan was get this out loud, get
17 it clear, for a week people are going to be talking
18 about the sexual dalliances and undertakings of the
19 governor and in a week this is all going to blow
20 over and off we go.

21 Remember, I voted for the governor.
22 I supported the governor. I helped the governor in
23 2017, right before the Stockley verdict was
24 announced. I didn't become appalled or -- I, there
25 was no animus with the governor until he lied to

1 me. Once that happened, all bets off.

2 MR. HATFIELD: I think the question
3 is do you expect that P.S. is going to get any of
4 the hundred thousand dollars?

5 A I assure you that P.S. is going to
6 get none of the \$100,000.

7 MR. EGGLESTON: Thank you.

8 MR. HATFIELD: No problem. I'm here
9 to help. I have become aware of the ability of two
10 people having a conversation to understand it
11 differently.

12 Q (BY MR. EGGLESTON) You said a couple
13 of statements that I'm not sure really jibe. One
14 of them was that you had said that you want -- my
15 client paid me to keep this story suppressed.

16 A Mm-hmm.

17 Q And you had expressed how, by keeping
18 it suppressed, that was protecting K.S. and their
19 kids from the media exposure that is now sort of
20 hit them. But then you said we released the
21 audiotapes from January 3.

22 So how can you protect them by
23 keeping it suppressed but then release them to LA
24 Times and all the other outlets that you mentioned?

25 A That's a really good question.

1 Q You can't really have it both ways.

2 A Have you been on this committee long,
3 sir?

4 Q I've been on this committee long
5 enough.

6 A Okay. Then my guess is that you
7 would have taken those measures and those steps
8 necessary to walk through the testimony, but I'll
9 walk you through it.

10 MR. BARNES: Mr. Eggleston will ask
11 the questions, Mr. Watkins.

12 MR. EGGLESTON: Thank you, Mr.
13 Chairman.

14 MR. BARNES: The question was to
15 explain the discrepancy between the previous
16 testimony that the idea was to keep this private
17 and out of the news versus what happened on January
18 -- in early January with the release of the tape.
19 Is that the question, representative?

20 MR. EGGLESTON: That is the question.

21 MR. BARNES: That is the question,
22 Mr. Watkins. Please answer the question.

23 A I appreciate the recital of the
24 question. I don't appreciate the characterization
25 of something not jiving or jibing or --

1 MR. BARNES: Okay. Mr. Watkins, you
2 can answer the question (not audible, but not
3 discernible) --

4 A You want to interrupt me, you're
5 going to have to ask the goddamn question again.
6 All I want is -- I'm going to answer the question.
7 I'm going to answer so that you get the whole
8 story.

9 My client fought long and hard to
10 suppress his story. He didn't bring it up during
11 his dissolution. He could have, to his advantage,
12 it could have demonstrated categorically marital
13 misconduct. He didn't do it. He loved his wife.
14 he absolutely was abjectly horrified, mortified and
15 completely shattered by the actions of a guy with
16 square towed boots and lifts.

17 Ultimately, my client could have
18 devastated that guy, the guy with the veneer teeth,
19 if he had released those tapes prior to the
20 election and given them to Koster's campaign and
21 let Roy Temple run with it. He didn't. He wanted
22 nothing to do with it.

23 Q Well, he did --

24 A When the calls came -- if you want to
25 hear my answer, you got to shut up.

1 MR. BARNES: Mr. Watkins? Mr.
2 Watkins?

3 MR. EGGLESTON: (Not audible, but not
4 discernible).

5 THE WITNESS: I'm not going to have
6 him interrupt.

7 MR. BARNES: Mr. Watkins?

8 THE WITNESS: Yes, sir.

9 MR. BARNES: Just breathe for a
10 moment.

11 THE WITNESS: Thank you, my therapist
12 is working with me on that. In a few short years
13 I'll be fine.

14 MR. BARNES: Breathe for a moment.
15 Okay. What Representative Eggleston is pointing
16 out is there is testimony that the Koster campaign
17 in fact knew about this issue. How would they have
18 known about it if it wasn't through P.S.?

19 THE WITNESS: Well, of course they
20 knew about it. Roy Temple contacted us.
21 Presumably as a democrat working for the Koster
22 campaign. That's all I know. Of course they knew
23 about it. Of course. What in two thousand -- what
24 -- who wouldn't know? The whole world knew.
25 Reporters were working for over a year on this

1 story. This was not -- this was a one and done
2 thing. All right.

3 To answer your question, by the end
4 of December 2017, my client, who had paid me to
5 suppress this story -- and I had diligently worked
6 to do so, not once or twice but twice with Temple
7 and on a number of occasions with subsequent media
8 inquiries. Wasn't a ton of work but it was
9 substantial for my client.

10 My client paid me out of his money
11 and in December of 2017 something happened. My
12 client's minor child received a phone call on her
13 phone, because media is required -- is able to
14 garner all the phone numbers that are under a plan,
15 and said just enough and the question that was
16 propounded to give rise to that minor child turning
17 around and looking at Dad and saying, I presume in
18 abject horror, what happened?

19 MR. BARNES: But it's not his child.

20 THE WITNESS: It's not whose what?

21 MR. BARNES: It was his stepdaughter?

22 THE WITNESS: Stepdaughter, yes.

23 Does that make a difference? That it's a
24 stepdaughter? A minor child that's a stepdaughter?

25 MR. BARNES: Well, in --

1 THE WITNESS: I'm sorry, maybe
2 everybody else -- is a stepdaughter, all red headed
3 stepdaughters?

4 MR. BARNES: We have had testimony
5 that that child did not know the context of the
6 call.

7 THE WITNESS: Well, that's up to you.
8 That's fine. It doesn't matter.

9 MR. BARNES: It does matter. It does
10 matter.

11 THE WITNESS: It wouldn't to me. Not
12 as a father of five kids. Member of a media
13 contacts my minor kid and brings up anything --

14 MR. BARNES: A member of the media
15 got a minor child's cell phone number through how?

16 MR. HATFIELD: You don't know?

17 THE WITNESS: I'm presuming, but
18 members of the media have access to and through a
19 service. So if I wanted to find every phone number
20 that's in your plan, your phone plan, I can garner
21 that.

22 MR. BARNES: What's a service?

23 THE WITNESS: I don't know but it is
24 available there. It is available. It is something
25 I have observed.

1 MR. BARNES: Mr. Lieb? I'm just
2 kidding. I'm not going to ask you that question.

3 THE WITNESS: So ultimately my
4 client's decision at that point was I can no longer
5 protect my kids. Either I get this thing out --
6 and remember, this is a man who has had to endure
7 the governor infusion himself in his marriage, two
8 reconciliation attempts, the entire campaign, all
9 the news events, all the braggadocia, the blowing
10 up of cars, the rappelling into rodeos or whatever
11 the hell he does to impress people --

12 MR. BARNES: Mr. Watkins, your client
13 was tweeting about this --

14 THE WITNESS: My client in 2015 --

15 MR. BARNES: -- (not audible, but not
16 discernible), and '16.

17 THE WITNESS: And '16, during the
18 election, during a moment of abject horror,
19 referenced in a tweet --

20 MR. BARNES: Repeatedly tweeting
21 about it.

22 THE WITNESS: -- that the governor
23 was a home wrecker.

24 MR. BARNES: I think he did so
25 repeatedly?

1 THE WITNESS: I only know of one.

2 MR. BARNES: I believe there are
3 multiple tweets.

4 THE WITNESS: I'm not here to tell
5 you what you may or may not know. I know of one.

6 MR. BARNES: Representative Eggleston
7 I'm sorry for jumping in.

8 MR. EGGLESTON: That's quite all
9 right.

10 Q (BY MR. EGGLESTON) It would seem
11 that any of the grief that's been brought upon your
12 client's children was initially instigated by
13 actions by your client. So that's why --

14 A I would disagree with that. The
15 governor and his dick caused it in 2015.

16 MR. BARNES: Mr. Watkins.

17 THE WITNESS: I'm not going to have
18 you mischaracterize what is -- there are ways --

19 MR. BARNES: Mr. Watkins.

20 THE WITNESS: -- of this -- one is
21 political and one is as a human being.

22 MR. BARNES: Mr. Watkins.

23 THE WITNESS: Yes.

24 MR. EGGLESTON: We're just getting
25 the facts. You don't have to take this personal.

1 THE WITNESS: That's my job and my
2 duty.

3 MR. EGGLESTON: Condescending nature
4 (not audible, but not discernible) --

5 THE WITNESS: Just like Mr. Dowd has
6 his job and duty, just like Mr. (not audible, but
7 not discernible) --

8 MR. BARNES: Mr. Watkins?

9 THE WITNESS: -- Mr. Rosenblum.

10 MR. BARNES: Mr. Watkins.

11 THE WITNESS: Yes.

12 MR. BARNES: We're not reading
13 transcripts here. We don't have to use language
14 like that. We don't have to go into --

15 THE WITNESS: I'm sorry, it's a four
16 letter word, D-I-C-K, really bother you? In this
17 day and age?

18 MR. BARNES: In this hearing -- in
19 this hearing (not audible, but not discernible) --

20 THE WITNESS: If you're worried about
21 me using the word "dick" and we've got the governor
22 doing what he's doing, you're worried about me
23 saying --

24 MR. BARNES: I would prefer that
25 maintain decorum here, Mr. Watkins.

1 THE WITNESS: -- I'm appalled, I'm
2 shocked at what's going on here. Like
3 Casablanca's --

4 MR. BARNES: Mr. Watkins, let's do --
5 let's do the therapy here, Mr. Watkins.

6 THE WITNESS: Send me your bill.

7 MR. HATFIELD: We need a break. You
8 want to take a break? Have a cigarette?

9 THE WITNESS: No, I'm fine. Are you
10 kidding me? No way. I wouldn't miss this for the
11 world.

12 MR. HATFIELD: I'm just here to help,
13 Mr. Chairman.

14 Q (BY MR. EGGLESTON) Let's get back to
15 a question about Faughn, rather than P.S., about
16 Scott Faughn. You said you had a confidentiality
17 agreement with him?

18 A Mm-hmm.

19 Q You called it Draconian. Was this a
20 verbal agreement or a paper agreement?

21 A No, I didn't call the agreement
22 Draconian. I called the liquidated damages
23 provision Draconian. That's a provision within the
24 confidentiality agreement and yes, it was reduced
25 to writing.

1 Q It is reduced to writing?

2 A Yes.

3 Q And you've signed it and Scott Faughn
4 has signed it?

5 A No, Mr. Faughn has signed it.

6 Q Mr. Faughn has signed it?

7 A Correct.

8 Q Would you be willing to provide a
9 copy of that to the committee?

10 MR. HATFIELD: We -- we can talk
11 about that.

12 MR. EGGLESTON: Sure. I don't know
13 that we necessarily have to make the details of it
14 public, that the fact that he signed (not audible,
15 but not discernible) --

16 MR. HATFIELD: (Not audible, but not
17 discernible) -- Mr. Chairman, but given the issues
18 of confidence, we're going to want a subpoena for
19 it.

20 MR. BARNES: I'm sorry, I didn't hear
21 the question.

22 MR. HATFIELD: He wants the
23 confidentiality agreement that Mr. Faughn -- that
24 Mr. Watkins just testified Mr. Faughn signed. I'm
25 saying that I don't know what our position will be

1 on that. I suspect that we'll be able to provide
2 it but we are going to need a subpoena given that
3 it's a document related to the representation, and
4 I don't believe we have been subpoenaed for that
5 document. I can stand corrected if the committee
6 has other information.

7 MR. BARNES: I don't think we've
8 subpoenaed the representation document.

9 MR. HATFIELD: I don't believe so.

10 MR. BARNES: And Representative
11 Austin -- I mean, I think that that would fall, at
12 least it's tolerable that the, well -- all right.
13 We will get on that. That is an issue. Thank you
14 for identifying.

15 MR. HATFIELD: And in answer to
16 Representative Eggleston's question, we're not
17 saying no. We just need to make sure we have our
18 paperwork straight.

19 MR. BARNES: I understand.

20 Q (BY MR. EGGLESTON) Two last
21 questions. You talked about the wealthy
22 out-of-state republican. Do you have an inkling as
23 to who that is? We're looking for that identity.
24 Based on what Faughn said, based on your general
25 knowledge of that, can you speculate? Do you have

1 a guess as to the identity of that individual?

2 A I do not. I do not have a guess, I
3 do not know, I have never known, and without
4 diminishing the beauty of Jefferson City or its
5 populous, this isn't my -- this isn't my turf.

6 Q All right. Last question. I know
7 you're not going to like the question but try to
8 stay a little mellow because it's really more of an
9 informational question, because I am not a lawyer,
10 I don't know how this stuff normally works.

11 A Sure.

12 Q You have handled criminal cases
13 before, I assume?

14 A Yes.

15 Q And in the context of handling those
16 cases you would run across evidence, sort of
17 smoking gun type evidence, of potential crimes?

18 A Well, as a lawyer, I am not engaged
19 until such time as law enforcement has garnered the
20 smoking gun and charged my client.

21 Q Well, in this case you might consider
22 that smoking gun evidence to be the tape. The tape
23 sort of reveals things about the conversation that
24 was had between K.S. and P.S. about the affair and
25 so forth and that is a -- would be a vital piece of

1 **evidence in kind of getting to the bottom of this**
2 **whole mess?**

3 A Actually, I would suggest to you that
4 the tape was, in my opinion, of zero value. The
5 tape was nothing more than a recounting of a very
6 hurt woman, you know, heart-wrenching recital of
7 her confession to her husband. The recording is
8 not -- it's hearsay, it's of no value. It's of no
9 value except as a corroborating, contemporaneous
10 statement made at or shortly after the event giving
11 rise to the recording.

12 In this case that record was of no
13 value unless it's corroborated by the governor or
14 by K.S. It's not a smoking gun. It's a piece of
15 -- it's a recording. It's a painful recital by a
16 woman to her husband of a very sad --

17 Q Right, I understand. But it would be
18 a piece of evidence in a potential case as --
19 because we do have charges that have been filed,
20 charges that have been withdrawn, maybe refiled and
21 so forth, and that would be a piece of evidence
22 toward that; though, right?

23 A Well, actually --

24 Q Well, wouldn't that be something
25 might get read into the record in these trials and

1 **so forth?**

2 A It was very well -- it appeared to be
3 anticipated that the Circuit Attorney's Office was
4 going to utilize this tape as a piece of evidence
5 in the trial. The charge of -- the felony charge
6 of invasion of privacy.

7 Q **Okay.**

8 A Quite frankly, I would not, if I was
9 a Circuit Attorney, I would have never charged him
10 with that offense and I would have cared about the
11 tape.

12 Q **Is it then your habit or general**
13 **habit of attorneys in that situation to provide**
14 **vile information like that? Things that are going**
15 **to be evidence to the media in exchange for money?**

16 A Well, first of all, that's a really,
17 really interesting question because it does -- and
18 I appreciate how you prefaced it, so it clearly
19 indicates and reflects to me that you don't
20 appreciate or understand the duties and obligations
21 that an attorney has.

22 First of all, since 2016, I have had
23 those tapes. I gave the recordings to the FBI.
24 That's law enforcement. I gave those to law
25 enforcement in early 2017. This was not a

1 situation where anyone, anyone, I think anyone in
2 the world thought that those tapes would serve as
3 the basis for a criminal case being brought against
4 the governor for the offense of invasion of
5 privacy.

6 Q Well, I understand. I'm just
7 perplexed that you said you had trepidation, was
8 the word that you used about giving the tapes to
9 Faughn but you later on, when he came up with a
10 hundred thousand dollars, you were okay with
11 selling them to them --

12 A First of all, I didn't sell them.

13 Q -- and I know you don't like the word
14 "selling," but whatever, the exchange took place.
15 And I didn't know if that was -- if that's just
16 sort of par for the course in things like this,
17 that vital evidence of cases are up for sale if
18 money can be made for them or not?

19 A That's hysterical. So --

20 MR. BARNES: Mr. Watkins, I feel that
21 before you even start down this path with the first
22 two words, we're not going to attack the member
23 asking the question. You're going to answer the
24 question.

25 A I'm going to answer the question. So

1 the crime of sodomy, unlawful sodomy, rape,
2 kidnapping, unjust imprisonment, sexual assault.
3 Those are charges that require a corpus delicti. A
4 body of the crime.

5 This act situation, the contents of
6 the tape or the recording, they aren't evidence of
7 a crime. Law enforcement had been in possession of
8 these recordings for quite some time. Those
9 recordings weren't sold. Those recordings aren't
10 -- the integrity of those recordings aren't
11 changed, compromised, or in any way affected by
12 virtue of a payment in 2018 to my law firm.

13 The actions that were taken to
14 release those recordings were taken before any
15 payments were made. The action and the decision,
16 whether you agree with it or not, my duty was to
17 discharge my obligation to my client. That was
18 done. That was a fate accomplis. The only thing
19 holding back and triggering the release of the
20 article and the airing of the KMOV piece was the
21 absence of corroboration. And on June 10, 2018 --

22 MR. HATFIELD: January.

23 A -- or January 10, 2018, the date of
24 the State of the State Address, I received a call,
25 a harried, frenzied call from Lucinda Luetkemeyer,

1 and I told her, among other things during that
2 conversation when refused to discuss with her the
3 nefarious details, I said, "Lucinda, my client has
4 made a statement. Get the umbrella up because
5 shit's about to hit the fan." Those were my words.

6 Lucinda, what she said or didn't say
7 to the governor, I don't know. But it was a matter
8 of a few hours later that the governor himself
9 provided the very corroboration necessary to
10 trigger the release of the Post-Dispatch article
11 and the airing of the KMOV story.

12 As of moments before that call from
13 Lucinda, that story was a no go at KMOV and a no go
14 at the Post-Dispatch. They did not have
15 corroboration. The governor himself provided the
16 corroboration which triggered the release of the
17 story.

18 MR. EGGLESTON: All right. Thank
19 you. I don't have any more questions.

20 MR. BARNES: Representative Trent.

21 MR. TRENT: Thank you Mr. Chairman.

22 EXAMINATION

23 QUESTIONS BY MR. TRENT:

24 Q Thank you Mr. Watkins, for being here
25 today. I'd just like to follow up on a couple of

1 things that have arisen during your testimony and
2 then get back to the questions that I had prepared
3 to ask.

4 So just kinda inverse chronological
5 order here, you said that law enforcement received
6 the recordings. Do you know when that happened?

7 A As stated earlier on two occasions
8 during my humble presentation to this committee, in
9 late January or early February of 2017.

10 Q Okay. And you may have already said
11 this as well. Somehow, after listening to your
12 testimony up to this point, I think I may be more
13 confused about what you said than less.

14 MR. HATFIELD: That happens.

15 Q (BY MR. TRENT) It happens from time
16 to time. That's no bearing on your ability to
17 transmit the information. But do you know how the
18 law enforcement came into possession of those
19 recordings?

20 A Are you talking about federal law
21 enforcement?

22 Q Any law enforcement to which you have
23 knowledge of how they came in contact with those
24 recordings.

25 A Well, the FBI, in our interaction,

1 were aware of the recordings since the latter
2 quarter, last quarter of 2016, because I had been
3 interacting with them during that period.

4 Q Did you provide the recordings to the
5 FBI?

6 A When requested, I went to my e-mail
7 and got them right over.

8 Q Okay. And who is your contact with
9 the FBI during that time when that was going on?

10 A Special Agent Kevin Cosentino,
11 C-o-s-e-n-t-i-n-o.

12 Q Okay, thank you. Now, I was also a
13 little bit confused about the \$120,000. And I know
14 you tried to go over that but let me see if I can
15 get this straight.

16 So the \$100,000 was not compensation
17 for the recordings. What was that 100,000 for?
18 What did you understand the purpose of that money
19 to be?

20 A I understood the purpose of the
21 meeting -- or the money was to pay for [REDACTED] --
22 P.S.'s legal fees and to hopefully accord him a
23 soft landing.

24 Q Okay. And now so I also understand
25 correctly, you said earlier that P.S. now owes your

1 **firm money; is that correct? Or is that just Mr.**
2 **Faughn?**

3 A So I know I have addressed this
4 before and I'm happy to address it again. After
5 crediting Mr. [REDACTED] with the full \$100,000, there
6 is a balance due.

7 Q Okay. And so that's why you moved
8 the money from your IOLTA account to the operating
9 account is because it was being moved as you
10 expended it on legal fees?

11 A No, what ended up happening was we
12 didn't look at the balance due for quite some time
13 because of the frenzied activity that was going on.
14 When we looked down, we realized we were way beyond
15 the amount in the trust account. And that's when
16 we transferred the money.

17 Q Okay. How, how frequently do you
18 typical bill clients?

19 A We typically bill clients on a
20 monthly basis.

21 Q And so that was not the practice in
22 the case of this client?

23 A Actually, no, it wasn't. After --
24 after this came out, after the story was released,
25 there was a not insignificant amount of concern

1 about the security of my client's e-mail
2 communication systems and as a result, we normally
3 transmit bills electronically. We also mail them.
4 But our client's mail had been compromised and our
5 client's e-mails had been compromised. So we
6 didn't and, quite frankly, given the amount in the
7 trust account, it wasn't a concern.

8 The swiftness of the activity and the
9 never-ending fluidity and widening of the scope of
10 undertakings that were being pursued gave rise to
11 the money being --

12 Q Expended more quickly than you
13 expected?

14 A That's correct.

15 Q And your accounting department just
16 didn't catch up with that?

17 A Our accounting department is
18 comprised of one.

19 Q Oh, is that -- you are the one?

20 A Correct.

21 Q I see. Okay.

22 A I am not the one. We have an
23 accountant, a woman in charge of our accounting
24 department, but no, I am the one who makes the
25 decision.

1 Q Okay. All right. So now the
2 \$20,000, 10,000 of that you indicated was a
3 retainer for Mr. Faughn?

4 A That was my -- that was my
5 understanding that that was his retainer. Correct.

6 Q That was your understanding. And
7 other 10,000 went to relocate your family; was that
8 correct?

9 A It was to get them out of town.

10 Q And why -- what was Mr. Faughn's
11 reason for paying for the relocation of your
12 family?

13 A You know, I'm not sure he understood
14 that he was doing that. I don't know. I know I
15 was in -- I had a sense of urgency. I wanted to
16 make sure that my family was taken care of and I
17 think my words were, "I got to get ten grand ASAP,
18 I got to get my family out of town."

19 Q Did it seem to you like Mr. Faughn
20 didn't really inquire much into what you were going
21 to use the money for, that he was really more
22 concerned about getting it to you?

23 A I don't know. I can't say what he
24 was thinking. I can tell you we were in regular
25 contact.

1 Q Just behavior that he exhibited.
2 Like he didn't ask a lot of questions about the
3 money or how it was being expended or what the
4 balances were or anything like that?

5 A No.

6 Q Okay.

7 MR. BARNES: Representative, just
8 real quick, let's be mindful of initials.
9 Initials.

10 THE WITNESS: Thank you very much.

11 Q (BY MR. TRENT) Now, I believe you
12 testified earlier you had never met Mr. Faughn
13 before he showed up with money, the first \$50,000.

14 A Correct.

15 Q Do you have any ongoing activity with
16 him now? Do you ever meet him socially or anything
17 like that?

18 A No. I don't. My representation was
19 formally terminated shortly after his Chatime
20 presentation on I believe it was YouTube and since
21 that time I have not --

22 Q You don't keep up with him at all
23 then?

24 A No, I didn't socialize with him
25 before and I don't keep up with him now. Although,

1 I will tell you, he can at times be entertaining.

2 Q Of course. Now, at any time during
3 his activity with you during, in the time that you
4 represented him, did you understand that any of
5 that retainer was to be used to provide services
6 related to his production of a book?

7 A No. There was mention of a book but
8 it did not occur until well into our relationship,
9 attorney-client relationship, and almost near the
10 end of our attorney-client relationship. Now, that
11 being said, it was clear to me he was really
12 desirous of being kept up to date on what we knew,
13 and at the same time we were in a position to
14 garner information from him that we wouldn't
15 otherwise have access to.

16 Q And did in fact any of the services
17 you'd render to him relate to the production of a
18 book?

19 A If my understanding now is correct
20 and his desire is to or has been to write a book
21 about the machinations associated with the governor
22 and his demise, I am going to suggest to you that
23 he will be uniquely situated and postured to do so.
24 But it was not by design by me.

25 Q Will that be because of the services

1 you rendered to him for that \$10,000 retainer, or
2 just incidental to playing a fairly pivotal roll in
3 this whole situation?

4 A I don't know. I think there is
5 significant value that I provided, but it was, in
6 hindsight, provided perhaps inadvertently in the
7 form of access to and ground zero knowledge about
8 what's going on.

9 Q Well, let me clarify. Like you
10 didn't look to any publishing companies? Like you
11 didn't prepare any contracts that he might use for
12 a book, you didn't --

13 A No, I think if it didn't -- by the
14 way, I have worked with publishing companies. I
15 have had the privilege of suing them, representing
16 them, and negotiating with them. And clearly this
17 is not the stage where that type of negotiation
18 undertaking is even pursuable with any of the big
19 publishing houses. That would be premature.

20 Q So in other words, if a client came
21 to you and said, hey, I'm thinking about writing a
22 book and he was at the stage Mr. Faughn was at when
23 he came to you, you would probably advise that
24 client, look, you don't really need me yet, come
25 back when --

1 A Quite to the contrary. If anybody
2 was in the position of Mr. Faughn at that time and
3 genuinely seeking to write a book, absolutely I
4 would want not only access to the information I had
5 but I'd want guidance that would relate to in no
6 small part how far I can go with information I have
7 is this person a public figure? If they are a
8 public figure, things are treated differently than
9 if they are a private individual.

10 And that issue was something that
11 came up time and time again over the course of our
12 undertakings for him. In my opinion at the time,
13 or not my opinion, I assumed at the time it related
14 to those pieces of work that he was publishing in
15 his publication. I didn't -- I wasn't -- whether
16 it was a book or a newspaper, I didn't care.

17 Q So it would have been the same advice
18 whether it was either?

19 A Correct.

20 Q So any book advice would have been
21 inadvertent?

22 A I can't say inadvertent. It just
23 wasn't -- I didn't know about the book.

24 Q It just wasn't part of the
25 conversation?

1 A Correct.

2 Q All right. Fair enough. All right.
3 Now, when the -- when the money showed up, did Mr.
4 Faughn communicate any instructions to you
5 regarding the money?

6 A No.

7 Q No instructions, no input? And you
8 said earlier, I believe, that you didn't expect the
9 first payment, let alone the second payment or --

10 A I can't say I didn't expect it. I
11 wasn't holding my breath. I just wasn't holding my
12 breath.

13 Q Okay. There's also some questions I
14 had about some of the media appearances that you
15 had made during this time period.

16 A Yes.

17 Q Like, for example, you publicly
18 announced that you had received the \$100,000 in
19 cash, correct?

20 A Yes.

21 Q What was the purpose for that
22 announcement?

23 A So at the time, the case in the St.
24 Louis City Circuit Court in which the governor
25 stood as the criminally accused defendant in the

1 felony charge of invasion of privacy, the counts on
2 the parties were subject to a protective order.
3 It's been referred to as a gag order. It was
4 really a protective order.

5 Under the terms of that protective
6 order, as I recall, and I don't have it in front of
7 me, the counsel of the parties -- and remember at
8 the time I didn't represent a party, I represented
9 a witness, but the counsel for the parties were to
10 be observant of a confidentiality provision until
11 and unless such time as a matter of public record
12 in a motion or in a pleading the subject matter
13 came up.

14 So what you often found during the
15 course of the case, as is done by counsel who are
16 competent and doing what they have to do to
17 represent their client with vigor, there would be
18 in fact many press releases within the context of
19 pleadings; thus, permitting the subject matter of a
20 pleading which would not otherwise be able to be
21 discussed, to be discussed publicly.

22 On the date in question, when did I
23 speak publicly about the money, I had up until that
24 time not had anything as a matter of record about
25 the money. I originally thought it was Scott

1 Rosenblum and it wasn't Scott I have been told and
2 confirmed since that Jim Martin, one of the
3 governor's counsel, during the course of the court
4 appearance -- and I was there. I don't know why I
5 thought it was Scott, but I have been told it was
6 Jim Martin -- made reference to the fact that the
7 governor's counsel had it on reliable source or
8 good information that I had been the recipient of
9 two \$50,000 payments.

10 So now it's a matter of record. Now
11 I'm free to talk about it.

12 **Q So you just wanted to confirm that**
13 **that was true?**

14 A So I went right outside and I was
15 swarmed like a -- like a -- like a cheap whore on
16 the sidewalk out in the courthouse.

17 MR. BARNES: Al -- Mr. Watkins, come
18 on. Come on.

19 THE WITNESS: I referred to myself
20 as --

21 MR. BARNES: I -- enough. I do like
22 -- the two-hand approach is better than the one.

23 A Someday, someday, the one finger --

24 MR. BARNES: Representative Trent has
25 the floor.

1 Q (BY MR. TRENT) I'll be happy to help
2 you with metaphors in the future (not audible, but
3 not discernible) --

4 A (Not audible, but not discernible)
5 significantly restricted when I can't use my normal
6 language.

7 Q I understand.

8 A Definitely --

9 Q We all have our own turn of phrase we
10 like to employ. So I hear you. So i think we have
11 sufficiently answered that question unless you have
12 anything else you wanted to add. I feel like the
13 question has been answered.

14 A No, I thank you, Mr. Trent.

15 Q So another media incident that I seem
16 to recall was a statement about something to the
17 effect that witness one and your client had made
18 the tape in question together, both had knowledge
19 of the tape. Do you remember making that
20 statement?

21 MR. HATFIELD: Witness one is K.S.
22 He doesn't do the witness numbers.

23 MR. TRENT: Oh, sorry.

24 A So K.S. and P.S.

25 Q (BY MR. TRENT) Yes.

1 A What was the question?

2 Q So have you stated in the press that
3 K.S. and P.S. both knew about the recording when it
4 was made. They made it jointly?

5 A When it was made, when it was made
6 jointly, no. The impression I hope I haven't left
7 people with was that P.S. is an emotional man. And
8 I don't say that in the sense in the expression or
9 description I have used is not a guy that picks up
10 a chair and throws it through a wall. He is a guy
11 who -- he's emotional. He's, in a touchy-feely
12 sense, emotional.

13 So during this period of being
14 devastated, his ego shattered, wanting to just
15 decimate this guy, this man who is now governor,
16 loving his wife, angry, bitter, all the emotions in
17 the world, and this emotional washing, if you will,
18 is something that had been an issue in their
19 marriage for a protracted period. So during
20 counseling one of the suggestions was to let the
21 emotions, let them run. Let them overwhelm you.
22 Let them run their course, and then revisit the
23 conversation.

24 My client -- and I am going to have
25 to describe this cautiously because I don't want to

1 describe it in a way that causes his identity to be
2 released.

3 But he is a man that some people
4 would take notes. His notes are recorded. There
5 had been recordings that this couple knew about
6 contemporaneously at the time, my understanding
7 was, at the time they were made. This recording,
8 on the 25th of March, 2018, was not done with the
9 knowledge of his wife. Of his then wife.

10 Q Of K.S.

11 A It was done without her knowledge.

12 Q And you have never asserted in the
13 press anything otherwise?

14 A If that is how it is presented, that
15 is an erroneous characterization of what I said.
16 Because I have said that shortly after the
17 recording, she was aware of it. In fact, my
18 understanding is that the contents of that tape
19 were revisited by them, and in fact, my
20 understanding is that at some point shortly
21 thereafter, in 2015, the fact that my client was
22 aware of the details and had a recording, had been
23 communicated to the criminally accused defendant.

24 Q Okay. Now, has P.S. paid you any
25 money outside the \$100,000 that was for his -- has

1 **he paid you anything directly?**

2 A Yes.

3 Q **And can you disclose how much he has**
4 **paid?**

5 A My guess is -- not guess. My
6 approximate amount rounding up is 16, \$1,700.
7 Remember, the initial contact, and most substantive
8 element of the work was with Roy Temple.
9 Thereafter, it was basically shooing media
10 inquiries away.

11 It's also important to note that this
12 was a guy that, quite frankly, if -- it was a
13 matter that -- you know, I felt sorry for the guy.
14 And, you know, I can also say that, you know,
15 billable time that corresponded to it was not all
16 entered, but yes, he did make payment, something
17 received significant to him.

18 Q **Okay. Did you provide any written**
19 **statements to P.S. stating to him that you had**
20 **received the \$100,000 or any written statements**
21 **about who had paid the \$100,000?**

22 A Statements about who had paid it?
23 No, because we didn't know. Every month statements
24 would be issued under our normal protocol. We
25 would issue those statements either by e-mail or by

1 mail or in some cases with some clients, both. We
2 had some clients who requested no statements would
3 be issued and would just call in because they
4 didn't want a statement out there. We have some
5 clients who didn't want correspondence of any
6 nature.

7 In the case of P.S., the -- once the
8 story got out, there were immediate concerns,
9 people were trying to hack into and had hacked into
10 his computer and his e-mail and his phone and mess
11 with his mail, so we kept him apprised as things
12 went but, quite frankly, we stopped issuing the
13 monthly statements. We have visited the money
14 issue. We have gone through the statements but we
15 did not issue them.

16 Q So he knew that had 100,000 had
17 arrived on his behalf but you did not issue any
18 written documentation to let him know that?

19 A Oh, yeah, we did issue written
20 statements on a monthly basis. We just didn't send
21 them by e-mail or by mail to him. We were in
22 regular contact with him.

23 Q So did he receive a written statement
24 as part of that regular contact in some manner?

25 A Yes, in some manner.

1 Q Okay. So there was a written, it was
2 reduced to writings, it was placed in his physical
3 possession. Okay.

4 Now, is there anyone else other than
5 Mr. Faughn who you discussed the \$100,000 with that
6 was received for the benefit of P.S.?

7 A The world.

8 Q At the time. Before this broke.

9 A The FBI, other attorneys in the firm.

10 Q Any elected officials?

11 A I don't think any elected officials.

12 Q Any political figures?

13 A No, I do not believe so.

14 Q So just been attorneys and FBI agents
15 and --

16 A Oh, yeah, and I imagine some
17 fear-filled dribble with somebody at a social
18 gathering. It's a pretty fascinating thing but it
19 -- it's -- no. No political figures.

20 Q Okay. And I'm pausing here because
21 you've answered some of these questions in earlier
22 testimony.

23 A No problem.

24 Q Now, have you talked to the Circuit
25 Attorney about this case? I believe you have.

1 A Um, well, I -- when you talk about
2 the Circuit Attorney, you're talking about Miss
3 Gardner?

4 Q **Yes.**

5 A The first time I ever met Ms. Gardner
6 was on the day that I presented my client for Grand
7 Jury testimony. We didn't really discuss the case,
8 but Ms. Gardner did describe briefly the protocol
9 that was going to be followed. There was testimony
10 elicited from my client outside of my earshot, and
11 then very brief testimony elicited from a me to
12 confirm, among other things, that the recording
13 that we received from my client was the same that I
14 gave to the Circuit Attorney's Office.

15 Q **So that was the first encounter was**
16 **the date of Grand Jury?**

17 A Correct.

18 Q **Did you have any subsequent**
19 **discussions with Ms. Gardner about the case?**

20 A No. Ms. Gardner, I mean, I saw her
21 in court.

22 Q **She didn't call you up, you didn't**
23 **talk about it in any kind of discussion?**

24 A No. In fact, there was a relatively,
25 not elevated degree of frustration but there was

1 frustration about the fact that I couldn't get her
2 to return a call.

3 Q Now, this would have been before the
4 \$100,000 had been -- you were able to state that
5 publicly, correct? Do I have the timeline right
6 there?

7 A Before I could state it publicly,
8 yeah.

9 Q And did you discuss the \$100,000 with
10 her at that time?

11 A No, I believe to Robert Steele we
12 made reference at the outset because I thought it
13 was important that they knew, Robert Steele is an
14 Assistant Circuit Attorney, that, hey, look, in
15 2018 my client was the recipient of the fact of --
16 he wasn't the recipient but a beneficiary, if you
17 will, of money that was paid to our firm by an
18 anonymous third party. Whether I said it was
19 anonymous or not, I don't know, but I referenced a
20 third party. It was no secret.

21 It played -- that money did not
22 affect what my client had recorded. That money did
23 not affect a previously made decision. It did not
24 affect the previously made release of tape or
25 recordings. It didn't alter the mix of what the

1 game plan was.

2 Q So you just didn't feel like it was
3 relevant?

4 A I felt it was relevant enough that I
5 brought it to their attention because I believe
6 that it's important that everybody know. It's
7 irrelevant what our firm received in 2018 doesn't
8 alter what was done in 2015, including the tape.
9 Or recording, I'm sorry.

10 Q Now, Ms. Gardner is somewhat of a
11 political figure herself. Have you ever given her
12 any campaign contributions or any donations or
13 anything like that?

14 A No. I'm not big on make donations to
15 political figures, republican or democratic. I
16 will tell you that in my life my commitment to
17 candidates have been, with one exception,
18 republican. They have been on the national level,
19 and have been a function of one of my clients
20 requesting me to appear at an event that he is
21 hosting, whether it be more Mitt Romney or Chris
22 Christie or Bob Dole or someone along those lines.

23 I have been the beneficiary of gifted
24 tickets to very high-end events. I go have a free
25 beer, I'll pat everyone on the back, I'll talk

1 lockjawed if they want, but no, I am not a big
2 donor. My firm did support Governor Nixon in large
3 part because my law partner, who is now retired,
4 Mark Kodner was -- felt very strongly about the
5 support Governor Nixon had given to those with
6 Parkinson's.

7 Q Now, you've represented and still
8 continue to represent P.S. You've represented Mr.
9 Faughn for a period of time?

10 A Yes.

11 Q Is there anyone else connected to
12 this case that you have represented?

13 A Represented? Connected? Or
14 consulted by?

15 Q You can be as broad with that as you
16 want I suppose.

17 A I was engaged by a detective, Tisaby,
18 works for the -- or did work for the Circuit
19 Attorney's Office.

20 Q And I don't mean to interrupt you but
21 how long did you represent Mr. Tisaby?

22 A My representation within the context
23 of the case in which the governor was a criminally
24 accused defendant ceased very shortly after it
25 commenced by virtue of a perceived conflict. I was

1 also retained to and did represent an individual
2 young man who was a former republican committeeman
3 who had volunteered for the governor's campaign and
4 the scope and tenure of my representation of that
5 individual was not very long.

6 **Q I believe I know the name of that**
7 **individual but for the record, who are you**
8 **referencing there?**

9 A It was given --

10 MR. BARNES: I don't know if it is a
11 public name or not.

12 A I don't believe it is, but I can
13 point something else out. If this was my son --

14 MR. BARNES: If it's been public, I
15 don't mind. If it's not public --

16 MR. HATFIELD: You don't have to do
17 it (not audible, but not discernible).

18 **Q (BY MR. TRENT) Anyone else?**

19 A I have been consulted by others, yes.
20 I am not at liberty to disclose the scope, extent,
21 nature and character of those who have consulted
22 me.

23 **Q Consulted, but they never retained**
24 **you as an attorney?**

25 A I cannot say that.

1 Q So they may have retained you as an
2 attorney, you just don't want to disclose who --

3 A I cannot -- I cannot -- I cannot
4 discuss the scope and extent of my undertakings on
5 behalf of individuals who have consulted with me
6 but have not provided me or accorded me the
7 privilege or the waiver of privilege.

8 Q Can you say if any of those --

9 A I also as a matter of public record
10 represented the former exotic dancer in St. Louis
11 turned attorney with aspirations in California of
12 being a judge who sought through our firm a pardon
13 from Governor Nixon for interestingly the exact
14 same charge with which the criminally accused
15 defendant in this case is charged.

16 We had sought a pardon on behalf of
17 the stripper, who is now the lawyer in California
18 seeking to be the judge, utilizing a theory that
19 was virtually identical to that employed by the
20 governor today in his Motion to Dismiss. So we had
21 been unsuccessful in garnering a pardon from Nixon
22 but Nixon is now with the firm representing the
23 governor and the governor is charged with the same
24 offense and the pardon request is still out there.

25 So we thought, given the fact that

1 clearly there's a matter of public record, the
2 governor embraced our theory --

3 Q You know, I'm sure this will make a
4 fascinating law school case one day.

5 A Needless to say, we're still
6 representing him.

7 Q And you didn't represent or consult
8 with any elected officials?

9 A Represent? No.

10 Q In regards to this matter. Okay.

11 A No. Well, I guess Tisaby is a public
12 official.

13 Q No, that's not -- I mean people
14 elected, not appointed. So, and on the subject of
15 Mr. Tisaby, how did he know to contact you? When
16 did he decide to -- or did anyone ask you to
17 represent him?

18 A No, he picked up the phone and he
19 called me. My guess is that he saw me in action.

20 (Off the record.)

21 Q (BY MR. TRENT) So now you spoke at
22 length earlier about how desirous your client was
23 to maintain the confidentiality of this matter. Is
24 it not your client's desire to do anything that
25 would harm the reputation or harm K.S. in any way.

1 A Yes.

2 Q The earlier questioning addressed
3 this a little bit with the repeated tweets, but
4 also, it's true that your client had multiple
5 affairs during his marriage with K.S.; is that
6 correct?

7 A First of all, I don't understand that
8 to be true. Second of all, what my client did or
9 did not do with his appendage is absolutely beyond
10 the scope of your authority of inquiry here.

11 MR. BARNES: For what it's worth,
12 Representative Trent, this committee has assigned
13 zero value to anything that witness two, witness
14 three, ex-husband P.S., has said. To the extent
15 that you are attempting to impeach his credibility,
16 I don't know that in the minds of those who heard
17 P.S. testify previously, that it could go any
18 lower.

19 And so free to do so. I'm just
20 telling you we're at like the infinitesimal level
21 of credibility the committee views for ex-husband
22 right now. You might get it like one scintilla of
23 a -- you know, there's no way to possibly get it
24 down to zero. I think if you stand one inch away
25 from the wall and you get halfway closer to the

1 wall every second, will you ever reach the wall?
2 Maybe we'll never get down to zero, but feel free
3 to --

4 MR. TRENT: Mr. Chairman, it's not so
5 much for the minds of the committee but we are in a
6 public hearing at this point and I know Mr.
7 Watkins' commitment to the people of Missouri in
8 making sure they get a full appreciation for what's
9 going on here, I just want to make sure that the
10 record is as complete as possible for the people.

11 MR. BARNES: That's fair. I just
12 wanted to make that clear, before we went down this
13 line of questioning, that we view P.S. as having
14 zero --

15 MR. TRENT: I don't intend to dwell
16 on it.

17 MR. HATFIELD: I don't think it is
18 fair. The probative value of this questioning is
19 zero, as Mr. Chairman just said. The prejudicial
20 effect is somewhat substantial.

21 MR. BARNES: I don't know that the
22 probative value is zero because the credibility of
23 witness three has some impact because he said other
24 things other than the authentication to tape and
25 what this committee decided after the hearings we

1 held early was that we could not trust witness
2 three's testimony on anything other than
3 authentication of that tape.

4 And so I think to the extent we're
5 talking about the credibility of witness three, I
6 do think that that is a probative question. I
7 understand Mr. Watkins represents, has represented
8 witness three and is going to defend witness three
9 to his utmost ability. In fact, Mr. Watkins and I,
10 when we were in a closed door hearing, got in a
11 shouting match kinda like we did earlier this
12 evening -- or earlier this morning that not
13 everyone got to see that shouting match.

14 So it is probative, but my point to
15 Representative Trent was just that the committee
16 has already reached that conclusion. That witness
17 three is not a reliable witness. Go ahead,
18 representative.

19 MR. TRENT: Thank you, Mr. Chairman.
20 And that actually I believe exhausts the questions
21 I had for Mr. Watkins; however, I did also have a
22 couple of additional questions for Mr. Hatfield,
23 since we've gotten on the topic of legal
24 technicalities here.

25 MR. HATFIELD: Sure.

1 MR. TRENT: So, Mr. Hatfield, I think
2 this may have even been touched on earlier by
3 Representative Austin.

4 MR. BARNES: Are we going in to fact
5 questions or going into legal questions?

6 MR. TRENT: I believe you could call
7 these fact questions.

8 MR. BARNES: I'm going ask you
9 again --

10 MR. HATFIELD: I'll be happy to take
11 an oath, Mr. Chairman. I would ask again that the
12 members of the committee take an oath.

13 MR. WATKINS: Okay. I'm compelling
14 my client not to respond to any further inquiries
15 until such time --

16 MR. BARNES: Okay. Mr. Hatfield,
17 raise your right hand. Okay. Thank you.

18 Mr. Hatfield, do you solemnly swear
19 or affirm that the testimony you shall give in the
20 hearing now pending before this committee shall be
21 the truth, the whole truth, and nothing but the
22 truth, so help you God?

23 MR. HATFIELD: To the extent I
24 provide answers to questions, I do so swear.

25 MR. BARNES: Answers to fact

1 questions.

2 MR. HATFIELD: Answers to fact
3 questions, that's correct. As Mr. Chairman knows,
4 it's the whole truth aspect of that oath that can
5 sometimes be problems for lawyers, which is why
6 lawyers generally decline.

7 Lawyers have an obligation to make
8 correct statements. Lawyers do not have an
9 obligation to disclose additional information that
10 might be necessary under the whole truth. However,
11 to the extent I answer, I will follow the oath that
12 the chairman just administered. Thank you.

13 MR. BARNES: Thank you. Go ahead,
14 Representative Trent.

15 MR. TRENT: All right. There's
16 really only probably one fact question and a couple
17 technical questions.

18 CHARLES "CHUCK" HATFIELD,
19 of lawful age, having been produced, sworn, and
20 examined, testified as follows:

21 EXAMINATION

22 QUESTIONS BY MR. TRENT:

23 Q So who, for the fact question, who is
24 paying you to represent Mr. Faughn and Mr. Watkins?

25 A So the governor's legal team wants

1 you to ask that question, I know, they asked that
2 question in a deposition and Judge Burleson issued
3 an order quashing any subpoena about that. Or they
4 didn't ask in deposition.

5 Q While I appreciate your speculation
6 on the genesis and the motive of my question, I
7 really would just like you to answer the question.

8 A Yes. And so the governor's legal
9 counsel wanted to answer that question as well.
10 Judge Burleson, who did order other attorneys to
11 answer questions like that, said that I didn't have
12 to. And I'm not going to, just as I'm not going to
13 discuss whether I have a belly ring or whether I
14 have ever read Fifty Shades of Grey --

15 MR. BARNES: Representative Hatfield
16 -- I'm sorry. Mr. Hatfield.

17 MR. HATFIELD: Yes, sir.

18 MR. BARNES: Okay. Let's --

19 MR. HATFIELD: You don't want to hear
20 about my belly ring?

21 MR. BARNES: Mr. Hatfield, on the
22 rails. On the rails.

23 MR. HATFIELD: I am happy to respond
24 to the gentleman's question.

25 MR. BARNES: Just respond to the

1 gentlemen's question and let's keep it on the
2 rails.

3 MR. HATFIELD: Again, I am not aware
4 of the rules of evidence of this committee, so I
5 apologize.

6 Q (BY MR. TRENT) Now, gentlemen, I
7 believe the answer to the question there, your
8 refusal to answer, you did in fact answer that you
9 are being paid by a third party.

10 So my next question is, have you
11 given informed consent to your clients, Mr. Faughn
12 and Mr. Watkins -- have you received informed
13 consent from them about the nature of that third
14 party payment?

15 A So let me answer that question this
16 way. I am fully aware of my ethical obligations,
17 Representative Trent. I have reviewed them. I've
18 sought my own legal counsel because until the
19 lawyers for the lawyers have lawyers, you haven't
20 got a real party going on. And I have complied
21 with all of my ethical obligations with regard to
22 payment of fees.

23 Q Okay. Then let's talk about your
24 ethical obligations in respect to conflict of
25 interest between current clients.

1 A Yes, sir.

2 Q We have heard some significant
3 testimony from both Mr. Faughn and Mr. Watkins over
4 the last two days here --

5 A Yes.

6 Q -- and it would appear that some of
7 their statements are in direct conflict with each
8 other, which they are under oath, I would presume
9 this could lead to questions of perjury.

10 So do you believe that your clients
11 have no adverse interests amongst themselves? Or
12 are you comfortable that you have fully complied
13 with Rule 4.17?

14 A I am comfortable that I have fully
15 complied with Rule 4.17, yes, sir.

16 Q So you perceive no conflict of
17 interest between your two clients?

18 A I didn't say that. There are two
19 analyses to Rule 4.17. First is do the clients
20 have a conflict of interest, that can be a very
21 complicated question, as you know, as an attorney.
22 It is not the first time that I have ever
23 represented witnesses who we have a conversation
24 with different understandings of what happened or
25 with the exact opposite testimony about what was

1 said. That happens in litigation all over the
2 place.

3 Second part of that is whether the
4 clients have given a waiver or informed consent, if
5 there is in fact a conflict. So they are
6 complicated questions and I assure you that I have
7 complied with my ethical obligations in my
8 appearances for these gentlemen.

9 MR. TRENT: All right. Thank you.
10 I'm glad you're comfortable with that situation.
11 It is seems like it's a kind of a thorny matter but
12 I appreciate your answers and I appreciate the
13 time, Mr. Chairman.

14 MR. BARNES: Thank you.
15 Representative Razer?

16 ALBERT S. WATKINS,
17 previously sworn, testified further as follows:

18 EXAMINATION

19 QUESTIONS BY MR. RAZER:

20 Q Mr. Watkins, I just have a few
21 clarification questions basically. One is just
22 minor.

23 Early on, I believe the chairman may
24 have been questioning you, you were mentioning
25 media outlets that you had contacted and you just

1 **said "Fox," and I'm wondering if you meant the Fox**
2 **News Network or a local Fox affiliate?**

3 A If that was within the context of the
4 inquiry that corresponded to the early January 2018
5 undertakings, that would be KTVI Fox local.

6 Q **Okay. Thank you. You also said that**
7 **the only media outlet that offered money was the**
8 **Daily Mirror?**

9 A Yes.

10 Q **Okay. Yet you also said P.S. has**
11 **turned down other offers because there were, and I**
12 **believe the word you said was "conditions"?**

13 A Correct.

14 Q **If those weren't media outlets, then**
15 **who were they?**

16 A There was contact -- media outlets
17 are different than, for example, say, a show.

18 Q **Explain that to me.**

19 A In other words, you may have the
20 Oprah show by way of example.

21 Q **Okay.**

22 A It's not a media outlet as in a
23 network in my opinion but it would be a show.

24 Q **Okay. Would you be willing to expand**
25 **on what the conditions were? What people were**

1 **wanting?**

2 A Yeah, they wanted rights to the story
3 and this was not a story that was for sale. This
4 was how do we get this message out there as loudly
5 as we can to as broadly -- a broad range of
6 recipients as possible.

7 Q So then I guess where I'm confused is
8 multiple media outlets or shows are offering money
9 for the story, which I understand, and you --
10 multiple times you said P.S. has turned this down
11 or you have turned this down. Were the offers for
12 money to you or to P.S.?

13 A Well, if they're made to me, it's
14 still my client's decision. So when there is a
15 condition that involves exclusivity and the
16 limitation of the scope of the story, there's no
17 interest.

18 My client wasn't interested in money.
19 He was definitely not interested in limiting the
20 scope of the potential exposure of his stories.

21 Q Okay. So from what you just said, is
22 the reason that you accepted money from Mr. Faughn
23 is that he was not asking for exclusivity?

24 A No, it was because there were no
25 conditions. Which includes, among other things,

1 exclusivity.

2 Q Did he -- did you ask him for money
3 or did he just come offering money?

4 A I thought that I had shared with you
5 kind of the sequence of events and the conversation
6 that occurred on January 5, which would have been
7 Friday, 2018, during which it was made clear that
8 there was this third party who was willing to and
9 desirous of providing my client with a soft
10 landing. And when I asked for an explanation, what
11 do you mean, the response was, I you know, fifty, a
12 hundred?

13 Q Okay. Then I want to move forward
14 and discuss the special agent from the Eastern
15 District of Missouri --

16 A Yes.

17 Q -- that you have dealt with. When I
18 think you first brought him up today, you said he
19 was investigating the governor's situations.

20 A I didn't say investigating the
21 governor. We have been working with him and
22 communicating with him in connection with the
23 governor's situation.

24 Q Well, hang on, you actually used the
25 word "situations," because you made a --

1 A Yes, plural.

2 Q -- a point to pause and say plural.

3 A Correct.

4 Q So my question is, could you expand
5 on that? What do you mean by "plural"?

6 A Well, I thought I had. And to the
7 extent that I will provide one big caveat here, I
8 am not privy to nor are the feds particularly
9 outgoing about doing anything other than keeping
10 their cards close to their vest.

11 So I have been practicing law and
12 accorded the privilege to do so for 33 plus years.
13 That has included an extensive federal practice
14 involving white collar crime cases among other
15 criminal cases. I have become familiar with and I
16 have worked with federal law enforcement
17 authorities in those types of matters.

18 They have certain Assistant US
19 Attorneys who work in certain areas of focus and,
20 similarly, they have support personnel and
21 investigative personnel in the form of FBI special
22 agents, IRS, special agents, SEC, or, and you know,
23 DEA, et cetera, all the acronyms. But you know and
24 you learn to garner familiarity with the areas of
25 expertise of the investigative and the Department

1 of Justice lawyers.

2 So the individuals that I have been
3 interacting with, working with in connection with
4 this matter, are individuals that I know are not
5 scratch and sniff guys. They're not, you know, the
6 first responders, going, is something going on
7 here? These are guys who were brought in who have
8 an expertise, have experience, familiarity, and
9 these resources are not going to be exploited on
10 scratch and sniff.

11 Q And you believe you know kind of what
12 their expertise are?

13 A So their expertise appears to be
14 political corruption, white collar crime, mail
15 fraud, wire fraud, bank fraud, tax fraud.

16 Q Okay. Okay. Lastly, I'd just -- I
17 just want to say this, Mr. Watkins. I feel like at
18 multiple times during this morning -- and I
19 appreciate you being here, I truly do. But
20 multiple times this morning I feel as if you have
21 been disrespectful to the chairman. Multiple times
22 today he has asked you for -- to refrain from using
23 vulgar language.

24 A Mm-hmm.

25 Q I understand that sometimes it slips

1 out. It happens to us all, but not at the
2 frequency that it has with you today.

3 At one point Representative Eggleston
4 was questioning you, he was trying to continue his
5 question and in a raised tone you said, "If you
6 want me to answer the question, you have to shut
7 up."

8 A That's correct. That's an accurate
9 recital.

10 Q Let me finish.

11 A I thought that was your question.

12 Q No, I am not done. Later,
13 Representative Eggleston again was asking you a
14 question to clarify a legal issue, which neither he
15 nor I are attorneys so sometimes we need
16 clarification of what attorneys are saying when you
17 say something. You said in a sarcastic tone that
18 you appreciated how he said it because it was
19 obvious that you don't understand the duties and
20 responsibilities of an attorney.

21 A That's exactly right.

22 Q Okay.

23 A You're self-consciousness about that
24 is on you. It's not -- if I'm going sit here --

25 MR. BARNES: Gentlemen, gentlemen --

1 A -- if I'm going to sit here --

2 MR. BARNES: Yes, you are going sit
3 there. Yes, you are going to sit there, Mr.
4 Watkins. Yes, you are going sit there.

5 A Look, Mr. --

6 MR. BARNES: Yes, you are going to
7 sit there. Shut your mouth, Mr. Watkins.

8 THE WITNESS: If lawyers here can say
9 it, I can say it.

10 MR. BARNES: Shut your mouth, Mr.
11 Watkins.

12 THE WITNESS: Shut my mouth? Shut
13 yours. Go ahead.

14 Q **(BY MR. RAZER) You don't appreciate**
15 **the duties and responsibilities of an attorney.**

16 A That's right.

17 Q So let me say to you, from your
18 actions here today, that I am not sure you
19 appreciate the duties and responsibilities of this
20 body. We are --

21 A And I --

22 Q Wait. I am going to finish this, Mr.
23 Watkins. I am going to finish this.

24 MR. BARNES: Mr. Watkins --

25 (Not audible, but not discernible

1 speakers.)

2 A You finish whatever you want --

3 MR. BARNES: Mr. Hatfield -- Mr.
4 Hatfield --

5 MR. HATFIELD: It's not going to
6 help. Mr. Chairman, the witness is here to answer
7 questions.

8 MR. BARNES: We are going to let Mr.
9 Razer finish his statement and we are not going to
10 have a further filibuster statement. Mr. Razer is
11 making a point. I -- we are going to let him make
12 the point. I happen to agree with his point and I
13 am going let him make the point and we're going to
14 have a few follow-up questions and we are going to
15 call it a day for Mr. Watkins.

16 MR. HATFIELD: The witness is here to
17 answer questions and he is happy to answer
18 questions. The witness was not subpoenaed --

19 THE WITNESS: I am going to instruct
20 my counsel to be quiet. I want to hear what this
21 man has to say --

22 MR. HATFIELD: The witness was not
23 subpoenaed to be lectured to.

24 THE WITNESS: -- and be respectful
25 and I want to hear it all.

1 Q (BY MR. RAZER) It appears to me that
2 you don't appreciate the duty and responsibilities
3 of this body. And so let me just say that those of
4 us on this committee and who are members of the
5 House of Representatives, we are duly elected
6 officials. The people of Missouri have sent us
7 here to do a job.

8 Now, maybe their choice of selecting
9 us as individuals were good choices or bad choices
10 but regardless, it was the choice of the people of
11 Missouri. Furthermore, the people of Missouri,
12 whether it was a good choice or a bad choice, have
13 selected Eric Greitens to be our chief executive.

14 One of the responsibilities we have
15 as the House of Representatives, and it's our sole
16 responsibility, is if in extreme circumstances we
17 have the right to investigate whoever is sitting
18 in the governor's office at that time. That is a
19 very serious responsibility.

20 A I agree with you.

21 Q When someone comes before this
22 committee -- and I appreciate that you came here
23 voluntarily.

24 MR. HATFIELD: No, he's under
25 subpoena.

1 MR. RAZER: Oh, okay.

2 A But I drove myself and I paid for the
3 gas.

4 Q (BY MR. RAZER) I appreciate that you
5 are here. But when you come before here, you are
6 not just telling Mr. Eggleston to shut up, you're
7 telling the 36,000 people that sent him here to
8 shut up. Now, I don't take myself very seriously
9 but I take the institution of the House of
10 Representatives very seriously and I just want it
11 for the record that if I do not appreciate or
12 condone your demeanor for most of this testimony
13 here today.

14 MR. RAZER: That's all, Mr. Chairman.

15 MR. BARNES: Thank you,
16 Representative Razer.

17 MR. WATKINS: First of all --

18 MR. BARNES: That wasn't a question.
19 That was not a question. I have a follow-up
20 question. We are going to --

21 MR. WATKINS: I do want to make a
22 record saying that --

23 MR. BARNES: We may get there, Mr.
24 Watkins, we may get there.

25 MR. WATKINS: I appreciate what you

1 have to say.

2 MR. BARNES: Mr. Watkins --

3 MR. WATKINS: You have your duty --

4 MR. BARNES: Mr. Watkins --

5 MR. WATKINS: -- and you are
6 discharging it and I am very grateful for that. I
7 have my duty.

8 MR. HATFIELD: Let's do it in the
9 hall, Al. We'll go do it in the hall.

10 MR. BARNES: I have one follow-up.
11 It's lunchtime.

12 FURTHER EXAMINATION

13 QUESTIONS BY MR. BARNES:

14 Q You stated you gave the tapes, this
15 audio recording, to the FBI in January of '17.

16 A Yes.

17 Q Does the FBI have jurisdiction for
18 alleged sex crimes that don't cross state borders?
19 I don't think they do.

20 A Mr. Chairman, I believe that the
21 federal authorities have jurisdiction and authority
22 over political corruption and cases that involve
23 extortion of public officials and so they have a
24 keen sense of interest in publicly elected
25 officials who are vulnerable to that type of thing.

1 Q Okay. So but my point is there's no
2 federal crime for which the Federal Bureau of
3 Investigation, in an in state sex crime, assume it
4 doesn't involve an elected official, there's no
5 federal jurisdiction, in general, for that unless
6 you somehow cross state lines or use a phone or do
7 something of that nature?

8 A Well, there are a number of actually
9 situations where sexual deviance that occurs all
10 within one state can be federal in nature but, in
11 general, I understand what you're saying.

12 MR. BARNES: Okay. That's my
13 clarification. Further questions?

14 FURTHER EXAMINATION
15 QUESTIONS BY MR. EGGLESTON:

16 Q Couple of things for you, Mr.
17 Watkins. You talked about the threats to your
18 family. Right? That was sort of why you needed
19 some extra money, to maybe get them out of the --

20 A I actually referred to that as an
21 incident of intimidation.

22 Q Intimidation, okay. Do you think you
23 received that intimidation or threats or whatever
24 you want to call it because of your relationship
25 representing Mr. Faughn? Or P.S.? Or something

1 **else?**

2 A I am not in a position to tell you
3 with certainty the cause of that or the motivation
4 behind it.

5 Q You don't know, or you know but you
6 don't feel comfortable saying?

7 A I don't feel comfortable saying.

8 Q Okay. Why, when those threats came
9 in then, would you go to Scott Faughn and ask for
10 more money to help take care of that? Because he
11 had already given you 110 and I assume you have
12 some money in the bank from your business and so
13 forth. Why go to Faughn and ask for more money to
14 take care of the threat that came to you and your
15 family?

16 A I -- intimidation, not threat. So I
17 will state that it was of a nature and character
18 that at first blush and continues to be something
19 which is directly related to the target of the
20 criminal investigation or criminal felony charges
21 that are pending in the City of St. Louis against
22 our criminally accused defendant, governor.

23 Q Okay. And Scott Faughn could somehow
24 help with you that or was it related to that in
25 some way?

1 A I can't tell you. I mean, I'm not in
2 a position to tell you.

3 Q All right.

4 **CHARLES "CHUCK" HATFIELD,**
5 **previously sworn, testified further as follows:**

6 **EXAMINATION**

7 QUESTIONS BY MR. EGGLESTON:

8 Q Mr. Hatfield.

9 A Yes, sir.

10 Q You are here today as legal
11 representation for Mr. Watkins?

12 A Correct.

13 Q You were here yesterday as legal
14 representation for Mr. Faughn.

15 A Correct.

16 Q Are you still legally representing
17 Mr. Faughn as we sit here today? I mean, he's --

18 A Yes, sir.

19 Q -- still your client.

20 A Yes, sir.

21 Q Okay. Do you believe that the
22 testimony that Mr. Faughn gave us yesterday is
23 accurate, non-perjury testimony?

24 A It's not for me to say at all. I've
25 -- I've represented witnesses, what you're asking

1 me is do the witnesses disagree and does that cause
2 me any trouble? Again, that happens all the time.
3 I have represented countless companies where
4 witness A will say X happened and witness B will
5 say X never happened. And I don't -- I don't think
6 that's necessarily perjury in any particular
7 context and sometimes it's an honest
8 misunderstanding. I don't know.

9 I have an ethical duty, as the
10 lawyers on this committee know, not to present
11 testimony that I know to not be true and that could
12 be a difficult issue. I can expound on that but
13 the chairman doesn't like me to expound.

14 Q So the purpose of me asking this, I
15 am just wanting your opinion because we have heard
16 from one of your clients that the recordings were a
17 purchase. Here's some money, give me the
18 recordings. We heard from another one of your
19 client that it wasn't. It was just sort of a
20 coincidental thing that just happened to happen on
21 the same day.

22 We heard that, from one of your
23 clients, that the relationship -- there was nothing
24 signed, it was all verbal. But then we heard today
25 from Mr. Watkins, no, there was a signed document,

1 a confidentiality agreement.

2 So we're getting different stories
3 from your two different clients that can't both be
4 right I don't think. Can you help us, do you have
5 an explanation for how all of that can all be true
6 at the same time?

7 A Well, first of all, it's not my
8 decision to make whether any of that's true. It's
9 my decision to advise clients as to what their
10 obligations are and as to how to present to this
11 committee.

12 I disagree with the way you just
13 characterized all of that by the way, but I don't
14 know how much you want to go through this. But Mr.
15 Faughn testified that he believed he was giving
16 money in order to acquire tapes. Or recordings.
17 Mr. Watkins, has told you that he, that Mr. Faughn
18 wanted to hear the tapes and I think he said it was
19 very important to him. Tapes, I keep saying tapes.
20 To hear the recordings. They may have approached
21 that from different perspectives.

22 I don't know, you don't know, Mr.
23 Watkins doesn't know, what was in Mr. Faughn's head
24 when he came in. Nor does Mr. Faughn know what Mr.
25 Watkins was thinking when he came in.

1 There have been other testimony here,
2 you know. Mr. Faughn says he's known him for a
3 long time and he talked to him lots of times. Mr.
4 Watkins said he didn't meet him until recently.
5 Somebody on this committee represented out loud
6 that these gentlemen regularly have drinks together
7 and are social acquaintances who regularly drink
8 together. Neither one of them remembers that at
9 all. Witnesses sometimes have different
10 perceptions.

11 Now, you're getting to points that
12 are more important than whether they have drinks
13 together. I understand that completely. But
14 witnesses sometimes have different perceptions.

15 I will say that if one of these
16 witnesses had said to me, I am going to go in and
17 give incorrect testimony, under the rules of ethics
18 for lawyers, I would have an obligation not to
19 allow them to do that.

20 So in other words, if I know that a
21 witness is going to present something incorrect
22 because the witness says to me I'm going to present
23 something incorrect, I can't do that.

24 **Q Well, it would be hard for you to**
25 **know ahead of time because don't know what the**

1 **questions are going to be ahead of time.**

2 A With all respect, I had a pretty good
3 idea, yeah, but that's my point. I mean, you have
4 it all the time that witnesses will come in and
5 this -- you know, somebody says the light was red
6 and somebody else says the light was green.

7 So if you want to go through -- I
8 don't think the chairman wants to do this, but if
9 you want to go through and hear my theories --

10 Q **No, I don't think we need to. I**
11 **appreciate what you've said and how you answered.**

12 A I appreciate the question.

13 MR. EGGLESTON: Thank you, I'm done.

14 MR. BARNES: Further questions?

15 Seeing none, we are going to recess -- committee,
16 let's have a chat here -- I think until 1:00. We
17 have obtained transcript two, Mr. Dowd and the
18 Circuit Attorney's Office have sent it. Does 1
19 o'clock sound okay? We'll have time to break for
20 lunch. The witness is excused.

21 MR. HATFIELD: Mr. Chairman, it's
22 your tradition to ask if the witness has any
23 closing thoughts.

24 MR. WATKINS: Very briefly I would
25 like to take the time to --

1 MR. HATFIELD: It's up to the
2 chairman.

3 MR. WATKINS: This will be a minute
4 or less.

5 MR. BARNES: I am going to cut it off
6 if we reach -- if you make an inappropriate
7 statement.

8 MR. WATKINS: And I hope you do. Not
9 that I am trying to anger you. I hope you do
10 because that's not my intent.

11 MR. BARNES: Okay.

12 MR. WATKINS: Representative Razer,
13 thank you for what you said. I appreciate it. I
14 have made it clear at the outset of my presentation
15 here, not just today but since the outset of the
16 undertakings pursued, to assist this committee to
17 provide information, documents, evidence to this
18 committee that I have the highest order of respect
19 for the daunting nature of the task that you have
20 before you.

21 I recognize that the undertakings
22 that you are pursuing are being done in a trying
23 and difficult time for all of us in Missouri. You
24 are discharging your duty. Please do not interpret
25 -- and you may interpret any way you wish, but I

1 did not want you to interpret my advocacy, my duty,
2 my obligations, my sensitivities, as being anything
3 other than demonstrative of the highest order of
4 respect for what you and each and every one of the
5 members of this committee are doing.

6 Mr. Eggleston, I apologize. I am a
7 condescending, rude, oftentimes disrespectful human
8 being. I am not hired because I am -- I hold hands
9 well and I am touchy-feely and sing Kumbaya. I am
10 usually hired because I am just the opposite of all
11 of that.

12 It comes naturally, it's a defect,
13 came from my DNA. Like I said, I'm working on it.
14 Maybe by the time I drop dead, I'll be palatable
15 for public consumption. But with respect, nothing
16 that I said was intended to be demeaning. In
17 effect, it was really snotty, but I apologize.

18 As for every member of this
19 committee, I'm proud of each and every one of you.
20 You have your duties.

21 Mr. Chairman, thank you. I am a
22 demonstrative lad, I will knock things over, I
23 don't do it on purpose. I break china, that's my
24 job. I respect everything that's being done here
25 and please accept my apology if there is something

1 here that has truly caused you consternation,
2 concern, or in any way causes to you lose sleep.

3 MR. BARNES: Thank you, Mr. Watkins.

4 (Off the record.)

5 MR. BARNES: Let's go officially back
6 into the hearing. We are just handing out -- I'm
7 glad everyone got to know about me going out in the
8 hallway, that I drank too much coffee and didn't
9 have enough for breakfast and didn't get enough
10 sleep last night.

11 So we think we've got good redactions
12 going but the good news, the best news with this
13 here transcript is it is only 105 pages. So I
14 would just say let's be careful as we go through
15 because we sort of figured out that we had this at
16 a late hour and Representative Mitten has been
17 working her way through it but we always like to
18 have two sets of eyes for the redactions.

19 Would anyone like to volunteer to go
20 first? I'll go first unless you guys want to do
21 your hundred in a row.

22 Representative Austin. Do you
23 volunteer yourself?

24 MR. AUSTIN: All right. Beginning on
25 page 7, line 9. We are on the record with the

1 court reporter. We are a little bit punch drunk at
2 this point because of coming back from lunch after
3 the three hours we just had. So I am ready.

4 Go ahead, Mr. Austin.

5 MR. AUSTIN: I am Scott Rosenblum and
6 I'll be asking questions of K.S.

7 (Kevin Austin is reading the part of
8 Scott Rosenblum and John Eggleston is reading the
9 part of K.S.)

10 "Q State your name, please.

11 "A K.S. K.

12 "Q And for purposes of this deposition
13 again, I'll refer to you as K.S. or K. or Mrs. S,
14 Miss S, all right?

15 "A Okay.

16 "Q Since the time you were last deposed
17 by me, have you had an opportunity to review any
18 additional materials before appearing here today?

19 "A Not -- well, I'm sorry. What are you
20 referring to?

21 "Q Anything. Have you reviewed, for
22 instance, your prior deposition?

23 "A No, I have not.

24 "Q Have you read your Grand Jury
25 testimony?

1 "A No, I have not.

2 "Q Have you ever reviewed a transcript
3 of the taped conversation of the -- a taped
4 conversation that you did not know was made on
5 March 25 of 2015?

6 "A I have not reviewed it or read it
7 myself, no.

8 "Q Has somebody read it to you?

9 "A No.

10 "Q All right. So have you reviewed
11 anything that comes to mind?

12 "A I saw a clip of that tape that you're
13 referring to, the inaudible part.

14 "Q So you saw a clip of the -- of your
15 interview?

16 "A Correct.

17 "Q Not the one your ex-husband made but
18 the one that Tisaby made?

19 "A Correct.

20 "Q All right. So when was that?

21 "A Last night.

22 "Q Who showed it to you?

23 "A My attorney.

24 "Q Were the Circuit Attorneys present?

25 "A No.

1 "Q Okay. So that was -- was that the
2 first time you became aware that there had been
3 actually a functioning videotape that evening --
4 that evening at the hotel?

5 "A No. I don't remember when it was; a
6 couple of weeks ago.

7 "Q And what made you -- how did you
8 first become aware that your interview on January
9 29 with Tisaby was videotaped?

10 "A I don't recall.

11 "Q Was it --

12 "A I'm not sure.

13 "Q Was it from a source other than your
14 attorney?

15 "A I don't recall. I don't know.

16 "Q Did you -- was it from the media?

17 "A I don't -- I don't recall. I know
18 that I heard that. I'm not sure where.

19 "Q Have you been following the media in
20 this case with with -- have you -- first of all,
21 have you been following the media generally about
22 this case?

23 "A I've read stuff online, but I haven't
24 really watched any news clips or anything.

25 "Q At some point you became aware of

1 certain issues that were -- had arisen with respect
2 to Mr. Tisaby?

3 "A Yes.

4 "Q And did you become aware of those by
5 your own research or by something that someone told
6 you?

7 "A I don't recall. I'm not sure.

8 "Q But you became aware there were
9 certain issues called into question about his
10 truthfulness, actually, and whether or not he has
11 lied under oath as these proceedings have gone on?

12 "A Yes. I'm aware of that.

13 "Q Okay. And Mr. Tisaby was presented
14 to you initially by Kim Gardner as another source
15 of -- of protecting your privacy, so to speak, as
16 you made this decision as to whether you wanted to
17 come forward in the first place, correct?

18 "A I don't know how he was presented,
19 but I felt that -- that that would be the case,
20 that I would -- that he was an outside source
21 partially because of that reason.

22 "Q And he was an outside source other
23 than the St. Louis Metropolitan Police Department?

24 "A I didn't know what that meant. I
25 just knew outside source. That's all I knew."

1 MR. BARNES: Let me pause for a
2 second because we did not state this at the start.
3 This deposition was taken April 25, 2018. It's
4 listed as Volume II. Go ahead.

5 (Continued reading of Kevin Austin
6 for Scott Rosenblum and John Eggleston for part of
7 K.S.)

8 "Q Did that give -- did that give you
9 some level of comfort?

10 "A Yes.

11 "Q And now that you have heard all these
12 various questions that have been raised about Mr.
13 Tisaby and his background, how do you feel about
14 that now?"

15 Mr. Steele objected. Rosenblum said,
16 "You can answer." And then Mr. Steele interjected
17 again and we had some other interjections and
18 finally we have Mr. Simpson stating -- and then we
19 have down to the answer on page 12.

20 "A I -- I don't know that I have any
21 strong feelings other than that's unfortunate. I
22 don't know.

23 "Q Do you feel disappointed or let down
24 at all by the fact that he was injected into this
25 case?

1 "A No, not particularly.

2 "Q Now, you were shown the silent
3 portion of the videotape?

4 "A A portion of the silent portion, yes.

5 "Q For what purpose?"

6 Mr. Simpson objects, and then
7 question again by Scott Rosenblum, "Were you -- did
8 you see any portion with sound?"

9 "A No, I did not.

10 "Q So one of the issues that came up
11 with respect to that particular videotape on
12 January 29 was, in fact, whether or not there was a
13 videotape. Do you recall answering those
14 questions?

15 "A Yes, I recall.

16 "Q And your answer at the time was that
17 it was your belief based on information that was
18 conveyed, I believe, to your attorney that you --
19 that that videotape had malfunctioned, right?

20 "A Correct.

21 "Q The videotape in the room at the
22 hotel, was that a -- a video -- a camera similar to
23 the one you're looking at?

24 "A Yes, I believe so.

25 "Q And the -- once it was -- was that

1 video camera set up prior to the time that you
2 commenced talking?

3 "A Yes, it was.

4 "Q Was it in the room before you
5 arrived?

6 "A Yes, it was.

7 "Q Was Kim Gardner and Tisaby in the
8 room before you arrived?

9 "A Yes, they were.

10 "Q And did you see -- did you see them
11 do anything to determine whether or not the
12 videotape camera was functioning?

13 "A No. Not that I recall, no.

14 "Q At any point during the course of the
15 deposition or the statement I, should say, did
16 anybody check to see whether it was functioning?

17 "A Not that I recall, no.

18 "Q Are you saying it didn't happen, or
19 you just don't recall?

20 "A I don't recall that at all.

21 "Q Okay. Do you recall when they --
22 when it started whether there was any consent form
23 or oral consent that you had to give to go ahead
24 and video -- have this videotaped?

25 "A Not that I recall. I -- I don't

1 know.

2 "Q You don't -- you don't recall?

3 "A I don't recall that.

4 "Q Okay.

5 "A I could have.

6 "Q Before the -- before the portion that
7 we can't hear, do you recall any discussion at all
8 from Gardner -- Miss Gardner or Tisaby as to
9 whether or not you're approving of the fact that
10 your statement was being videotaped?

11 "A Yes. There was a conversation.

12 "Q Okay. And do you think that
13 conversation would have been on the -- on the
14 portion of the ten minutes or so that we cannot
15 hear, or was it before -- even before that?

16 "A I can't say when it was, but I know
17 that that conversation took place, yes.

18 "Q Was there a written consent at all?

19 "A I don't believe so, no.

20 "Q Now -- and one of the subject matters
21 that we discussed in the last deposition that now,
22 as you can imagine, has some particular relevance
23 was whether or not you recall Mr. Tisaby or Miss
24 Gardner taking notes during that two-hour meeting.

25 "A Yes.

1 "Q And what do you recall?

2 "A I'm sorry. What do I recall of what?

3 "Q Okay. So the meeting was about two
4 hours, correct?

5 "A Correct.

6 "Q And was at the Residence Inn, as I
7 recall?

8 "A Yes.

9 "Q You had previously met six days
10 before Miss Gardner at a hotel room in southern
11 Illinois or across the bridge in Illinois?

12 "A Yes.

13 "Q You didn't know where, right?

14 "A Right.

15 "Q You spoke with her for, at the time,
16 a couple of hours?

17 "A Yes.

18 "Q I believe as -- if my memory serves,
19 you recall her taking notes at that meeting
20 correct?

21 "A Yes.

22 "Q And that would have been with you and
23 your attorney, correct?

24 "A Correct.

25 "Q That would have been the first time

1 that you were actively involved in this case?

2 "A Yes.

3 "Q As a potential witness, I should say?

4 "A Correct.

5 "Q And the first time you had a chance
6 to meet Miss Gardner?

7 "A Yes.

8 "Q And then after she met with you for a
9 couple hours, then you were -- the next step was
10 that you gave this recorded interview or attempted
11 recorded interview, right?

12 "A Correct.

13 "Q And that was, again, a couple hours?

14 "A Yes, I believe so.

15 "Q Two or so, right? Wasn't a
16 particularly big hotel room, right?

17 "A No.

18 "Q And my question to you now as you sit
19 here, do you recall one way or the other as to
20 whether or not, first, Mr. Tisaby was taking any
21 notes?

22 "A Well, I know he was because I saw
23 that clip.

24 "Q Well, independent of the clip, do you
25 recall?

1 "A Well, I didn't recall for sure. I
2 knew that he had something in front of him.

3 "Q And -- and you know, that causes me
4 some curiosity, the fact that when I spoke with you
5 last time under oath that you did not recall, and
6 -- and given the clip that you saw, right?

7 "A Right.

8 "Q It's pretty obvious he was taking
9 notes, right?

10 "A Yes, when I have something to look at
11 to know for sure, but I had not seen it --

12 "Q Right.

13 "A -- to know.

14 "Q I mean, they were right in front of
15 you, right?

16 "A He was kind of off to my side. Kim
17 was the one in front of me.

18 "Do you have exhibit stickers?" And
19 there was apparently stickers handed to Mr.
20 Rosenblum. Mr. Rosenblum continues.

21 "Q I'm going to show you what's been
22 marked 42 and 43. And if you could take a look at
23 those two exhibits."

24 Mr. Steele wants to look at the
25 exhibits and then the question that follows is

1 this.

2 "Q Have you had an opportunity to look
3 at those exhibits?

4 "A Now I have, yes.

5 "Q Okay. And I mean, just from my
6 perspective, those notes of Mr. Tisaby aren't any
7 great distance from you, right?

8 "A No, not particularly.

9 "Q And you spent two hours with him,
10 right?

11 "A Yes.

12 "Q Now, I think in the last deposition I
13 asked you whether or not prior to that deposition
14 the subject of whether or not Tisaby took notes
15 actually came up, and you had a discussion with the
16 Circuit Attorneys about that, right?

17 "A I don't recall that. Can you show me
18 what you're talking about?

19 "Q I can try. So do you remember this
20 question back when you were deposed?

21 On line 4, 103. And again, getting
22 back to this meeting, you are aware that the
23 subject of Tisaby and notes has been brought up by
24 the defense. As you sit here now, you're aware of
25 that, right?

1 Answer. Yes.

2 Question. Okay. And what source of
3 information made you aware of that? Who or where
4 did you learn that?

5 I believe my attorney. I'm not
6 positive. I think my attorney. I think so.

7 And had you had any discussions with
8 the Circuit Attorney about the subject of notes?

9 Answer. I don't know. It could have
10 come up last week.

11 Does that refresh your recollection?

12 "A Yes. To some extent. Yes.

13 "Q Okay. So that's what you said in
14 your deposition which was taken on April 6th, about
15 a couple of weeks ago, and you said that as you --
16 as you sat there that you recall actually having
17 some discussion with the Circuit Attorney about the
18 subject of notes prior to being questioned by me,
19 right?

20 "A That was -- that that was a
21 possibility, yes.

22 "Q And the possibility, of course -- I
23 mean, the possibility would have been whether I was
24 going to test your recollection of whether or not
25 the notes existed, right?

1 "A I don't recall exactly what it was
2 about.

3 "Q Well, what other possible
4 conversation could you have had with the Circuit
5 Attorney prior to your deposition about the subject
6 of notes? Can you think of any possible
7 conversation other than whether or not they
8 actually existed?

9 "A I don't remember specifics. I just
10 know that that was an issue that had been brought
11 up to me at -- I don't know, some way.

12 "Q And it was brought up before your
13 deposition by the Circuit Attorneys, right?

14 "A I don't remember specifically --

15 "Q Well, you just --

16 "A -- whether it was by them or not.

17 "Q You just said it was brought up in
18 reference to being questioned about it, right?"

19 Mr. Simpson says, "I think that
20 mischaracterizes what --."

21 The witness says, "Yeah." And then
22 there's conversations between --

23 MR. BARNES: Starts back up on page
24 22, line 9.

25 "A The issue of notes. I don't remember

1 what -- specifically them saying that that was a
2 possibility. I don't remember any specific
3 conversation, truly.

4 "Q Well, this issue of notes that was
5 brought up by the Circuit Attorney, it was brought
6 up in the context of whether or not Tisaby was
7 taking notes. Doesn't that logically follow given
8 that that was an issue?

9 "A I can't say for sure. I don't -- I
10 don't remember.

11 "Q Do you recall them talking to you
12 about how you were supposed to handle that
13 information or that question?

14 "A No. I do not recall that
15 conversation, no.

16 "Q Because despite what we see in the
17 picture in the deposition, you said you really had
18 no memory one way or the other as to whether or not
19 he was taking notes. That's what you said, right?

20 "A I said I remember seeing a notebook
21 -- I mean, a folder thing which also makes sense
22 because it's directly in front me and so was Kim,
23 and I thought I remembered seeing her take notes.
24 I just couldn't say for sure one way or the other.

25 "Q I understand --

1 "A Uh-huh.

2 "Q -- and that wasn't the question I
3 asked. The question I asked was isn't it a fact
4 that the Circuit Attorneys told you that not only
5 was there going to be a question about the notes,
6 it was an issue and how to answer the question?

7 "A No. I do not recall that
8 conversation at all.

9 "Q Do you recall a conversation when I
10 asked you in the deposition about the style that
11 Mr. Tisaby chose to question you? For instance,
12 did he ask a series of questions, or did he ask
13 essentially just one and let you narrate and -- and
14 occasionally ask you to clarify? Do you remember
15 that series of questions?

16 "A I remember the gist of it, but I
17 don't remember specifics, no.

18 "Q And in the deposition, basically what
19 you said was, ironically, something similar to what
20 Tisaby said, that in fact, he only asked you a
21 question, basically tell me your story and
22 occasionally asked to you clarify. Do you remember
23 that?

24 "A I don't remember specifically, no.

25 "Q Would the deposition refresh your

1 recollection?

2 "A Yes.

3 "Q Well, let me ask this. As you sit
4 here now, what's your recollection of Tisaby's
5 interviewing style? Did he ask just the one
6 question, tell me your story and ask you to
7 clarify, or did he ask multiple questions?

8 "A From what I recall, he -- I told my
9 story, and he asked me to clarify certain things.

10 "Q So it wouldn't have been a situation
11 during the course of that videotaped interview
12 where he asked a number of questions?

13 "A I don't -- I don't recall.

14 "Q Would it surprise you if he asked
15 over 137 questions?

16 "A I guess it depends on what the
17 questions were. It wasn't -- I know I didn't feel
18 interrogated. I know I didn't feel that he was
19 asking me questions that -- I don't know, went
20 outside of the normal.

21 "Q Well, let me ask you this. In your
22 deposition you were asked how long was the meeting
23 that you had with Tisaby on page 95. Probably two
24 hours, a little over two hours. Maybe more.

25 Your answer. I'm not sure. I would

1 say around two hours.

2 Question. I would imagine just from
3 common sense that it wasn't a situation where Mr.
4 Tisaby said tell me your story and just then spoke
5 for two hours. That doesn't sound plausible, does
6 it?

7 Your answer. It kind of did. That
8 is pretty much what happened.

9 Question. You pretty much -- you
10 spoke for two hours without --

11 Answer. Pretty much other than will
12 you clarify this.

13 That's how you answered it April 8?

14 "A I still feel that way.

15 "Q Have you looked at the transcript or
16 the videotape?

17 "A No, I have not.

18 "Q Would it surprise you that you
19 answered it in a way that was similar to the way
20 Tisaby answered it under oath? Would that surprise
21 you?

22 "A That would surprise me. I have not
23 spoken to him at all.

24 "Q I'm not asking if you spoke to him.
25 Did that subject come up with the Circuit

1 Attorneys?

2 "A No.

3 "Q So it was just a coincidence that you
4 answered it in a way that Tisaby answered it?

5 "A It had to have been. That's how I
6 felt about it.

7 "Q I understand.

8 "A Yes.

9 "Q But would it surprise you that, in
10 fact, you answered --"

11 Mr. Steele lodged an objection.

12 Mr. Rosenblum continues, "You can
13 answer. Would it surprise you, in fact, he
14 answered -- he asked you over 134 questions, if not
15 more? Would that surprise you? Specific
16 questions.

17 "A No, not anything outside of whatever
18 I was talking about.

19 "Q But it's your testimony that wasn't a
20 subject that you -- but it's your testimony that
21 wasn't a subject that you handled with the Circuit
22 Attorneys before that deposition, right?

23 "A Not that I recall, no.

24 "Q Have you recently learned in the news
25 that your ex-husband's lawyer had \$100,000 in two

1 different installments delivered to his office?"

2 Objection by Mr. Steele. Then Mr.
3 Rosenblum replies, and then we continue on line 17
4 with Mr. Rosenblum reassuming his question.

5 "Q In spite of that, my question to you
6 is have you learned that Albert Watkins received on
7 January 8, I believe, the day that your husband
8 brought this story forward to Lauren Trager and the
9 subsequent day that he received two \$50,000 cash
10 payments delivered by a courier on a bicycle? Have
11 you learned that?

12 "A Yes. I have learned that.

13 "Q When did you learn that?

14 "A I was working, and one of my
15 co-workers who I've known for a long time asked me
16 to step out for a second, and she told me she had
17 heard that.

18 "Q When?

19 "A Whatever day it first came out in the
20 news. I'm not sure.

21 "Q This week?

22 "A Yes, I believe so.

23 "Q Have you had any information to that
24 effect prior to this week?

25 "A I'm sorry?

1 "Q Had you had any information that your
2 ex-husband's lawyer received any amount of money,
3 cash or otherwise, as a result of his involvement
4 in this case prior to this week?

5 "A I had also heard that he had told the
6 -- that my ex-husband had told the Missouri House
7 that he received money.

8 "Q Did you hear that your ex-husband
9 told the Missouri House that he, in fact, had set
10 up a trust account -- that his lawyer set up a
11 trust account for legal fees and to handle what
12 other -- whatever else may happen to him as a
13 result of this situation?

14 "A Yes, I believe so.

15 "Q When did you learn that information?

16 "A I don't recall. I know that it was
17 in the news, too. I'm not sure.

18 "Q I'm sorry?

19 "A I know that was in the news, too.
20 I'm not sure how I first heard it or whatever.

21 "Q Have you ever endeavored to determine
22 exactly how much money or what kind of benefits or
23 what kind of -- or -- or if there has been any
24 other thing of value that your husband has received
25 as a result of his involvement in this case?

1 "A No, I have not.

2 "Q Have you discussed anything with your
3 husband -- ex-husband by text or other
4 communication?

5 "A No. I have not spoken to him at all.

6 "Q And once you learned that he had
7 received this money, have you reached out directly
8 or indirectly or by any source to see whether or
9 not you can receive any of that, that money?

10 "A Zero percent. No.

11 "Q Now, as you can imagine, since the
12 time that you met with us and since this case has
13 been ongoing, there has been some substantial
14 investigation going on.

15 "A Yes.

16 "Q And in the year 2017, what was your
17 income?

18 "A I can't -- I can't think. It was
19 (redacted) thousand adjusted.

20 "Q Was that your -- the W-2 income or
21 1099 income or a combination?

22 "A A combination.

23 "Q And how do you handle your tips?

24 "A It's just included, like, for -- it
25 goes on Square. It get calculated through that.

1 "Q How about the cash tips?

2 "A Also through Square.

3 "Q So you never receive a cash tip?

4 "A Yes, I have received a few, yeah.

5 "Q Like in the course of a year, what

6 would you say your cash tips are?

7 "A Maybe a (redacted) dollars.

8 "Q That's it?

9 "A Around there, yes.

10 "Q In the year 2018, are you on pace to

11 earn a similar amount of income?

12 "A Yes, I believe so.

13 "Q And that would be the same with

14 respect to cash tips?

15 "A Yes, I believe so.

16 "Q So a very, very small percentage?

17 "A Yes.

18 "Q Would there be any reason why over

19 the last several months you've been making rather

20 significant cash payments in your bank account?

21 "A No.

22 "Q There is no reason?

23 "A I mean, no. That hasn't happened.

24 "Q That hasn't happened?

25 "A Correct.

1 "Q You have not made payments in the
2 amount of several thousand -- cash payments --
3 deposited cash payments in the amount of several
4 thousand dollars or more in your bank account in
5 the year of 2018?

6 "A No.

7 "Q What's the largest cash payment you
8 made in your bank account, according to your
9 memory?

10 "A I have no clue. A couple hundred
11 dollars. I have no clue.

12 "Q Have you received any money, direct
13 or indirect, as a result of your activity in this
14 case?

15 "A From my mother, yes.

16 "Q And your mother -- and -- and just a
17 way to help you through the financial -- financial
18 situation?

19 "A With my attorney, yes.

20 "Q So your mother's paying your
21 attorney's fees?

22 "A That's not what I said, but --

23 "Q So tell me what you said.

24 "A That she has given me money for that
25 reason.

1 "Q For your attorney's fees?

2 "A Correct.

3 "Q In what amount?

4 "A \$1500.

5 "Q So the entire amount that you've paid

6 your attorney throughout the course of this

7 representation is \$1500?

8 "A A little more than that, yes.

9 "Q What's a little more?

10 "THE WITNESS: Is it okay?"

11 MR. BARNES: Mr. Simpson says, "Go

12 ahead and tell him. Go for it.

13 "A I believe it totals around 2,000.

14 "Q \$2,000?

15 "A Yes.

16 "Q Have you received invoices?

17 "A No, I have not.

18 "Q Is it your understanding that you owe

19 attorney's fees?

20 "A Not at this time.

21 "Q So the total amount that -- that you

22 have paid and the total amount of your

23 representation's going to cost \$2,000?

24 "A Unless he sends me an invoice, yes.

25 "Q Are you expecting an invoice for

1 more?

2 "A No, I'm not.

3 "Q So that's it, right?

4 "A Unless he sends me an invoice.

5 "Q But you said you're not expecting
6 one, right?

7 "A Correct.

8 "Q So that would be the total amount,
9 correct?

10 "A To date, yes.

11 "Q Okay. And there's nothing to
12 indicate that you're getting one in the future I
13 guess is what I'm saying, right?

14 "A Not that he has said, no.

15 "Q Okay. Now, to your knowledge, has
16 your mother received any other benefit, income,
17 money as a result of your activity in this case?

18 "A No.

19 "Q Has anybody offered to help you with
20 attorney's fees, anybody at all?

21 "A Not at all.

22 "Q Either direct or indirectly.

23 "A No, not anybody.

24 "Q Has any -- has any human on earth,
25 directly or indirectly, approached you with any

1 type of compensation, benefit, money as a result of
2 your involvement in this case?

3 "A Not at all, no.

4 "Q There's never even been a suggestion?

5 "A Not at all, no.

6 "Q And December 7th -- on December 7th
7 -- we already marked it, but that was in the P.S.
8 deposition. I'll just re-mark it." And he marks
9 it as Exhibit 44.

10 "If you would take a look at Defense
11 44, and it appears to be a real estate tax payment
12 made by you on December 7th, and if you could take
13 a look at that and identify that for me, please.

14 Do you recall making that payment on
15 December 7th?

16 "A On my -- escrowed into my account, so
17 no.

18 "Q Pardon me?

19 "A It's escrowed into my home loan --

20 "Q Okay.

21 "A -- so they make it.

22 "Q And on the bottom, I think, left, can
23 you tell me the escrow agent and the name?

24 "A (Redacted). I don't know.

25 "Q Do you know of any reason other than

1 coincidence why -- why your ex would have paid his
2 real estate tax for his home on the exact same date
3 through the exact same escrow agent on December 27,
4 2017?

5 "A Maybe that's just part of the home
6 loan. I have no clue, no.

7 "Q Did you guys, meaning you and your
8 ex, exchange any money on December 7?

9 "A No, not at all.

10 "Q Have you recently purchased a new
11 home or a new car?

12 "A No, I have not.

13 "Q When was the last car that you
14 purchased?

15 "A It's nine years old. It's a van.

16 "Q Has anybody approached you about
17 receiving any remuneration for any book deals or
18 movie deals or anything of that nature?

19 "A Not at all.

20 "Q With respect to the \$100,000, do you
21 anticipate reaching out to P.S. or Albert Watkins
22 about receiving some of that money?

23 "A No, I don't.

24 "Q How did it make you feel when you
25 heard that?

1 "A Disappointed.

2 "Q Disappointed how?

3 "A That somebody had an a agenda that
4 wasn't very kind, I felt.

5 "Q And when you say somebody had an
6 agenda that wasn't very kind, are you -- do you
7 have anybody specifically in mind?

8 "A I have no clue.

9 "Q Do you think your husband had an
10 agenda that wasn't very kind?

11 "A It's possible.

12 "Q Do you think his agenda is being
13 assisted by Mr. Watkins who has an agenda that may
14 not be kind?

15 "A I don't know. I have never seen or
16 spoken to him, so --

17 "Q You've seen him on TV, I'm sure. You
18 sort of can't miss him.

19 "A I actually really haven't, but no, I
20 can't say because I -- I don't know.

21 "Q Do you think or do you feel -- and I
22 know that you may not know specifically, but do you
23 feel that this agenda that's not very kind that may
24 be promulgated by your ex and maybe assisted by Mr.
25 Watkins is being sponsored by, for instance,

1 potentially opposition of E.G.?"

2 Mr. Steele states an objection.

3 Mr. Rosenblum then asked, "Have you
4 -- have you ever had that feeling?"

5 "A I have no clue who.

6 "Q Have you ever had a discussion with
7 anybody such to that effect, anybody at all?

8 "A No. I know that lots of people have
9 had theories and --

10 "Q Uh-huh.

11 "A -- rumors and stuff, and I've just
12 tried to ignore it.

13 "Q Well, with respect to any theories or
14 rumors that you actually talked about, have you
15 ever had a discussion about any of those theories
16 or -- or rumors with anybody at all?

17 "A No, not specifically. Just I heard
18 he got paid and stuff like that.

19 "Q And who did you hear that from?

20 "A Oh, I don't know. Anybody who knows
21 me who knows about the case, who has followed
22 anything or whatever. I can't even tell you.

23 "Q Okay. So I want to ask you some
24 questions about some of the specific things that
25 you've said, okay --

1 "A Okay.

2 "Q -- throughout the course of this
3 case. And going through all the information that
4 has been provided to us, it would appear that the
5 first time that you ever spoke about these events
6 -- not -- well, the first time that anything that
7 you would have ever said had been documented about
8 these events would have been on March 25 of 2015
9 when you were surreptitiously recorded by your
10 ex-husband, right?

11 "A Correct.

12 "Q And -- and just for the record, I
13 know that when we spoke, you thought it was March
14 24th. P.S. thinks it's March 25. We're actually
15 asking for the metadata. P.S. thinks -- he's
16 pretty certain it's the 25th. Are you -- do you
17 have a reason to believe it's the 24th other than
18 the 25th?

19 "A I just knew it was a few days after.

20 "Q Okay. So you're not taking issue
21 with the fact that it was the 25th?

22 "A It could have been, yeah.

23 "Q And just -- during this particular
24 time period, just to set the chronology, on -- on
25 the 20th you said to P.S. you wanted a divorce,

1 correct?

2 "A Correct.

3 "Q On the 21st were the events in E.G.'s
4 basement, correct?

5 "A Correct.

6 "Q And then I believe you that evening
7 you said you slept with (redacted)?

8 "A Yes.

9 "Q Okay. Do you know why (redacted) has
10 not been interviewed by anybody in this case?"

11 Mr. Steele objects.

12 Mr. Rosenblum then questions, "Well,
13 you still talk to her, don't you?

14 "A Occasionally, yes.

15 "Q I mean, she was your -- wasn't she
16 one of the friends that you grew up with?

17 "A No.

18 "Q She was a long-time friend, I think.
19 Was -- was she the ten-year friend, or is that
20 (redacted)?

21 "A That was (redacted).

22 "Q So (redacted) was a girl you worked
23 with?

24 "A Correct.

25 "Q You became close with? Eight years I

1 think you knew her at the time?

2 "A Maybe four years, yeah.

3 "Q But in any event, you were close to
4 her, were you not?

5 "A Yes.

6 "Q And you worked with her, right?

7 "A Yes.

8 "Q And you spent the night with her that
9 evening, correct?

10 "A Yes.

11 "Q P.S. wasn't there because you were --
12 he had already moved out of the house, right?

13 "A Yes.

14 "Q And incidentally, before I leave that
15 subject, if P.S. in his deposition said that he had
16 not actually left the family home as of March 1st,
17 he would be incorrect. Would that be an accurate
18 statement?

19 "A I don't know the exact date. I know
20 he was staying at his brother's, so --

21 "Q Right.

22 "A -- I don't know what he --

23 "Q So he wasn't staying with you at the
24 family home on that weekend?

25 "A Right.

1 "Q He had already moved out, essentially
2 quasi-separated and moved in with his brother.
3 Fair enough?

4 "A Yes.

5 "Q Okay. So if he had said something
6 different, he would be mistaken?

7 "A Or that's his recalling of it. I
8 don't know.

9 "Q Okay. So in any event, my question
10 is do you know why (redacted) has not been
11 interviewed or spoken with anybody involved in this
12 case?"

13 Mr. Steele lodges an objection.

14 And Mr. Rosenblum continues to ask,
15 "You can answer. Well, let me ask that. Do you
16 know if (redacted) has spoken to anybody in this
17 case? Do you know if she's spoken to the Circuit
18 Attorney's Office?

19 "A I know that -- I believe it was
20 Tisaby reached out to her.

21 "Q Is it your understanding --

22 "A I know that -- I'm sorry.

23 "Q Is it your understanding that she and
24 Tisaby actually spoke?

25 "A I do not believe they actually had a

1 conversation.

2 "Q Well, tell me what (redacted) said to
3 you about Tisaby."

4 And objection lodged, Rosenblum and
5 Mr. Steele go back and forth for a little bit and
6 then finally on line 24, answer:

7 "A Well, I don't know specifically other
8 than she just said I am way too uncomfortable. I
9 don't want to be a part of this at all.

10 "Q She told you she was way too
11 uncomfortable?

12 "A Yes.

13 "Q Did you ask her why?

14 "A Well, I know her. She gets really
15 bad anxiety, and I think it just freaked her out.

16 "Q That morning that you described where
17 you opened the shop early, and I think that may
18 have been in early May, I think, if my memory
19 serves around 9 o'clock or so, and you met --

20 "A I'm not sure.

21 "Q -- E.G. Does that sound about right?

22 "A Yes.

23 "Q And that's when you went into the
24 back room, the dye room, and you, I think,
25 established that you passionately kissed, and you

1 masturbated each other, right?

2 "A Right.

3 "Q In fact, you masturbated each other
4 to the point of --"

5 Mr. Steele lodges an objection.

6 Rosenblum continues, "You can answer.
7 To the point where you both potentially climaxed.
8 I think that was your testimony."

9 Objection was lodged and then back
10 and forth until --

11 MR. BARNES: Page 44, line 19.

12 "Q But you do remember that day, right?

13 "A Yes.

14 "Q And was that a day that -- that
15 (redacted) may have walked in on the two of you?

16 "A Oh, I don't recall.

17 "Q Do you recall if any of your
18 co-workers walked in that day?

19 "A I don't recall that.

20 "Q Is it possible one of your co-workers
21 walked in and saw the two of you in that situation?

22 "A No, they did not.

23 "Q All right. So getting back to my
24 original train of thought, so we know that on the
25 surreptitious tape what you said to P.S. Was that

1 while you were in the basement, you saw a flash,
2 and I think it was through your blindfold, correct?
3 You saw a flash through your blindfold, and then at
4 some point later on that day when he came back,
5 there was a discussion as to whether or not -- I
6 think in the transcript you said that he said he
7 erased it. Do you recall that?

8 "A Yes.

9 "Q Does that refresh your recollection?

10 "A Yes.

11 "Q All right. And then I know we have
12 spoken to (redacted). Are you aware that we spoke
13 with her?

14 "A Yes.

15 "Q We had her deposition, right?

16 "A Yes.

17 "Q It's fair to say that in looking at
18 the transcript and listening to the tape that at no
19 time did you tell P.S. anything at all about
20 hearing and seeing a flash. That's a correct
21 statement, is it not?

22 "A If it -- I don't know if it's in
23 there or not. I'm not sure.

24 "Q You can look at it. I mean, it's --
25 I have had memorized. I'm telling you it's not in

1 there. If you want to look at it and not accept my
2 recollection, you can, but do you have any reason
3 to believe that you used the words you heard and
4 saw a flash on the 25th?

5 "A I don't recall exactly what I said,
6 no.

7 "Q Okay. Would you like to see the
8 transcript?

9 "A I'm sorry. What?

10 "Q Of the --

11 "A Oh, sure.

12 "Q -- of the words that you used."

13 And Mr. Steele interjects and Mr.
14 Rosenblum answers.

15 And then we go to line 23, question
16 by Mr. Rosenblum, "Okay. So I'm going to show you
17 a copy of the transcript which appears to be from
18 the secret recording that P.S. made of you, okay?

19 "A Okay.

20 "Q And I'm going to show you the bottom
21 of page 17, and if you can read that to yourself to
22 see if that refreshes your recollection.

23 "A Thank you.

24 "Q Does that refresh your recollection?

25 "A Yes.

1 "Q Okay. And then going forward, and
2 you can look on the top of page 23, and I think
3 that sort of closes the loop where it would
4 indicate that when you came back that afternoon,
5 there was a discussion about the fact that he
6 erased it, if you look at the top of page 23. Does
7 that refresh your recollection?

8 "A Yes.

9 "Q Okay. So on that occasion, there's
10 absolutely no reference to you saying that you
11 heard and saw a flash. Fair enough?

12 "A Yes.

13 "Q There's absolutely no reference of
14 any description of any device whatsoever, whether
15 it was a phone, a camera, the type of camera, an
16 iPhone, anything at all, right?

17 "A Right.

18 "Q And to be fair, I mean, you know, if
19 you sort of put your mind back in that
20 circumstance, that probably wouldn't have been
21 something you would have been paying particular
22 attention to, right, at that time?

23 "A Right, not to --

24 "Q Right.

25 "A -- specify.

1 "Q Yeah, not to specify. You weren't
2 going to start analyzing whether it was a camera or
3 a phone or iPhone or whatever?

4 "A Because I knew what it was, though.
5 I knew it.

6 "Q Well, you didn't say what it was
7 there, did you? You didn't say anything about
8 hearing --

9 "A It was just insinuated, yeah.

10 "Q Okay. Now you also spoke to
11 (redacted), right?

12 "A Right.

13 "Q Early on?

14 "A Uh-huh.

15 "Q And we had her interview, and we've
16 taken her deposition. And at least according to
17 her, you never told her anything about hearing any
18 sort of flash. Just again, you reiterated what was
19 there, that you saw a flash through your blindfold,
20 right?

21 "A If that's what she recalls, yes.

22 "Q You don't debate that, do you?

23 "A No, because I don't remember our
24 exact conversation, no.

25 "Q Okay. So after those events, you

1 know, we went through this whole -- you -- you then
2 go through an entire, such as it is, affair,
3 relationship, with E.G., right?

4 "A I don't know that I would classify it
5 as that, no.

6 "Q Well, you've classified it in certain
7 ways before, so fair enough you -- you -- you
8 engaged in a consensual sexual relationship with
9 E.G. over the course of the next several months
10 that -- that included several events. Is that a
11 fair characterization?

12 "A Yes.

13 "Q Essentially starting back that very
14 afternoon on the -- on the afternoon of the -- of
15 the 21st, correct?

16 "A Well, what are you referring to, or
17 how are you referring to that because I did not
18 come back for that purpose at all.

19 "Q I didn't ask you that. I asked you
20 whether or not when you came back and you stayed 45
21 minutes whether you were engaged in additional
22 sexual activity.

23 "A He kept trying to put his hands down
24 my pants and stuff, but no, that was not a
25 consensual sexual activity.

1 "Q When I asked you in your prior
2 deposition about whether or not there was oral sex
3 on that occasion, you said I don't think so. And
4 then I went further to say can you rule out that
5 possibility, and again, you said I don't think so.
6 Your ex-husband says that you specifically told him
7 on that occasion that there was, in fact, oral sex
8 in the kitchen. Are you denying that you gave E.G.
9 oral sex on the 21st in the kitchen in that -- on
10 that afternoon during that 45 minutes?

11 "A I do not remember that at all, no.

12 "Q So the fact that you don't remember
13 it, you're not saying it didn't happen, just to be
14 fair?

15 "A Well, it didn't happen according to
16 me, no.

17 "Q Well, it didn't -- are you saying it
18 didn't happen, or you don't remember? Those are
19 two very different things.

20 "A Not very different because I can't
21 picture it at all. There's no -- you know --

22 "Q Well, saying I don't remember
23 something like that happening is different than
24 saying I'm telling you for a fact that didn't
25 happen. So which way are you going? Are you going

1 to say even though your husband -- your ex said
2 that you said it happened, are you saying
3 absolutely it did not happen, or I just don't
4 remember it happening, and I can't picture it?
5 Which one are you choosing?

6 "A I'm saying I don't remember it
7 happening, at all --

8 "Q Okay.

9 "A -- and I feel like that's something I
10 would remember.

11 "Q All right. So then we go forward for
12 the next several months of these encounters, and
13 there would be no reason for you to have any sort
14 of continuing conversation with E.G. about what
15 happened in the basement once you got past it,
16 right, once he apologized, as you said, or
17 explained that he had this fantasy towards you on
18 the afternoon of the 21st. You weren't -- that
19 wasn't a situation where you kept revisiting,
20 right?

21 "A No. I never -- I wanted to pretend
22 like that didn't happen.

23 "Q Okay.

24 "A I did not want to bring it up.

25 "Q So then, of course, there would be no

1 reason for you to go back and discuss the
2 particulars as to what flash meant to you or any
3 sort of device or anything of that nature?

4 "A It's a really sore subject. Yeah.
5 (Off the record.)

6 (Now John Eggleston is reading the
7 part of Scott Rosenblum and Curtis Trent is reading
8 the part of K.S.)

9 "Q Okay. Well, and in fact, you never
10 spoke about that to anybody, about the particulars
11 about what happened in the basement with respect to
12 any particular device, whether it was a camera or a
13 phone or a type of phone. You never used the words
14 I heard and saw a flash again to anyone until
15 January 24 of 2018. That's a fact, isn't it?

16 "A No, that's not a fact. I don't know
17 the exact conversations that I had or how they came
18 or if people --

19 "Q Well, this is sort of an important
20 subject, okay, and you can understand why, right?
21 Because although we got them late, we certainly got
22 some notes that you had from the -- from the
23 January 24th interview with Mrs. Gardner, okay?

24 "A Uh-huh.

25 "Q And I can see what you have

1 documented from (redacted) and on the 25th, and I
2 heard what you've just said, but can you point to
3 me -- point for me any human being that you have
4 said that to, that you hear -- that you heard and
5 saw a flash prior to the 24th of January, 2018, any
6 human being on earth?

7 "A It's possible. I don't know if
8 anybody asked me that because it was insinuated.
9 They all knew what I meant by that. It wasn't them
10 thinking that I took a 1984 camera or that he took
11 a camera --

12 "Q Okay.

13 "A -- and went K.

14 "Q Well, K.S., that wasn't my question,
15 okay?

16 "A I think everybody assumed.

17 "Q I'm not asking -- that wasn't my
18 question either. You have answered two of them now
19 that I haven't asked. Can we try mine? Is that
20 okay?

21 "A Sure.

22 "Q Okay. Can you direct me to any human
23 being where you made a statement prior to January
24 24 of 2018 that you heard and saw a flash in E.G.'s
25 basement on the 21st of 2015, anybody at all?

1 "A I can ask my friends who I did speak
2 to and just see, but I don't know. Like I said, I
3 don't know exactly how the conversation went.

4 "Q Well, we've already asked (redacted),
5 and she said it didn't happen, okay?

6 "A Right.

7 "Q So who else would you ask?

8 "A The girls that I was at dinner with.

9 "Q Those six girls?

10 "A Yes.

11 "Q You didn't go into -- you already
12 said you didn't go into much detail with them.
13 That was the night of the election?

14 "A It wasn't the night of the election.

15 "Q Well, it was around the election.

16 "A It was shortly after, yeah.

17 "Q It was shortly after the election?

18 "A Yeah.

19 "Q And as I recall that experience,
20 there was a discussion about E.G. winning, right?

21 "A That's not how it came up, no.

22 "Q Well, how did it come up?

23 "A We were talking about how women who
24 are upset over this Trump getting elected and
25 saying this (expletive)-grabbing comment were

1 ridiculous.

2 "Q Right --

3 "A -- and I just burst into tears.

4 "Q Right. So that affected you, the
5 comment about Trump, right?

6 "A On a personal level yes.

7 "Q But you never said anything -- you
8 never said or followed that up with any of those
9 six women, hey, let me tell you about -- let me
10 tell you about my situation. That -- that didn't
11 happen?

12 "A That did happen. They said why are
13 you crying.

14 "Q And -- and you think as you sit here
15 now you said at some point in 2016 when Trump -- or
16 after Trump won in 2017 that you gave them
17 particulars about what happened in the basement?

18 "A I don't know how I worded it, I
19 guess.

20 "Q Okay. I mean, to be fair, you can't
21 say you ever used the word heard or saw until
22 January 24th of 2018. That's the only time that we
23 actually have that documented. Isn't that a fact?

24 "A Yeah. That's the only document -- I
25 have no clue how those conversations went.

1 "Q Okay. And the reason that becomes
2 important is because when you met with Kim Gardner
3 on the 24th, you were alone with your attorney,
4 right?

5 "A Yes.

6 "Q Wasn't videotaped, right?

7 "A No.

8 "Q And there was -- there was some
9 precatory introduction as to why she was there and
10 what she was interested in, right? I mean, she
11 just wasn't interested -- she just didn't want to
12 meet you as a girlfriend. You knew what she was
13 there for?

14 "A She wanted to hear what happened,
15 yes.

16 "Q She wanted to investigate E.G. on a
17 criminal basis, right?

18 "A Just to see -- she wanted to hear
19 what happened and --

20 "Q Well, you knew she was a prosecutor,
21 right?

22 "A Yes.

23 "Q You knew she was investigating a
24 crime, right?

25 "A The possibility of it, yes.

1 "Q And -- and just even from a layman's
2 point of view, you knew that certain -- they're
3 called elements, but you knew that certain facts
4 had to go into a particular crime to make it a
5 crime?

6 "A I have no clue, no. I don't know
7 what crimes are.

8 "Q And in fact --

9 "A Yeah.

10 "Q -- even when this -- back when this
11 happened in 2015, the last thing from your mind was
12 any criminal component, right? You've already said
13 that. You didn't think that E.G. had committed a
14 crime. That was -- you already said that you
15 didn't consider that a criminal --

16 "A I --

17 "Q -- issue. I can show you.

18 "A Given what the -- yes. I -- I would
19 like you to show me that, yeah.

20 "Q Have you read your deposition?

21 "A I have not.

22 "Q Okay.

23 "A But I remember that line of
24 questioning --

25 "Q Okay.

1 "A -- and I knew what I meant by that.

2 "Q All right. Well, sometimes we just
3 have to go on what your words say, right?

4 "A Yes. I would like to see my words.

5 "Q And I'll give you the whole context.

6 On page 54, I guess we were talking about what was
7 going on leading to the disclosure. So you sort of
8 got word or you were notified that something was
9 brewing.

10 Answer. Correct.

11 Question. And were you going to get
12 to this at some point, but were -- we were going to
13 get to this at some point, but were you essentially
14 sabotaged at your new salon?

15 Answer. Right.

16 Question. Ambushed.

17 Right.

18 Obviously disturbing for you,
19 correct?

20 Answer. Yes.

21 Question. Because in your mind, this
22 is history that you had preferred to forget.

23 Answer. Yes.

24 Question. I -- I would assume, and
25 you correct me if I'm wrong, that the last thing on

1 your mind at that point would have been potential
2 criminal prosecution. Your mind wasn't going
3 there, was it?

4 Answer. No.

5 "A Okay. So in your mind, what you were
6 thinking was -- or how you posed that question was
7 did Eric do anything wrong. When I left there, I
8 had never been more upset in my whole entire life.
9 No. I knew what he did was wrong. I just wasn't
10 thinking oh, I've got to rush to the police
11 station. I was like let me ball up in a -- in a --
12 or get up in a little ball and cry all night. No.
13 I was upset. I knew what he did was wrong.

14 "Q Well, I just listened to your words,
15 okay, and what your words said --

16 "A But I didn't realize your question
17 was insinuating that I was saying that he didn't do
18 anything wrong.

19 "Q Well, my question was because in your
20 mind, this is history you had preferred to forget?

21 "A Yes.

22 "Q And I would assume, and you correct
23 me -- I gave you an opportunity to correct me,
24 didn't I?

25 "A Yes.

1 "Q And in fact, before the deposition
2 started, I made sure that if you didn't understand
3 any of my questions, you told me, right?

4 "A I understood it how I perceived it.
5 I perceived it as you saying, K., when you left
6 there, were you thinking of running to the police
7 station, and that's how I answered it, so I'm just
8 clarifying now.

9 "Q At least your words on that occasion
10 when I asked the last thing on your mind at that
11 point would have been potential criminal
12 production. Your mind wasn't going there, was it,
13 and your answer was no. I mean, that was the
14 question, and that was -- those were your words,
15 right? Am I reading it correctly?

16 "A Right. You're reading it correctly,
17 but that --

18 "Q And --

19 "A -- wasn't at all what I meant by
20 that. I'm also not a vindictive person who would
21 want to come up with something that somebody did
22 horrible to me. That's --

23 "Q I'm just -- I'm asking if that was my
24 question, and those were your words at the time,
25 right?

1 "A Right.

2 "Q And you didn't give me any further
3 explanation at the time, did you?

4 "A All right.

5 "Q Did you give me any further
6 explanation?

7 "A I assumed you meant what I felt,
8 that's all, so I assumed incorrectly.

9 "Q You didn't get any clarity of
10 understanding at the time. Fair enough?

11 "A I didn't feel I needed it, no.

12 "Q And certainly at the beginning of the
13 deposition, I told you that if there was any
14 misunderstanding, to correct me, right?

15 "A Right.

16 "Q Okay. So anyway, we're now at
17 January 24, right, and you're in this room with Kim
18 Gardner, right?

19 "A Right.

20 "Q And she's taking notes, correct?

21 "A Yes.

22 "Q And you remember that, right?

23 "A Yes, because there wasn't a video
24 camera. I just know she asked me if that was okay
25 if she took notes that day.

1 "Q And she was asking you to recall
2 events at that point that were almost three years
3 old, right?

4 "A Yes.

5 "Q And she raised the subject of a
6 device, isn't that fair, of a particular device?

7 "A Yeah. I don't remember specifically.

8 "Q Well, it would make sense because you
9 never raised it before, right?

10 "A Right.

11 "Q You had never brought -- you had
12 never talked about it before, right?

13 "A Correct. It was always just assumed.

14 "Q Right. Well, I know you're saying it
15 was assumed, but a lot of things are assumed,
16 right? It was never talked about prior to this
17 meeting with Kim Gardner, right?

18 "A I don't recall any specific
19 conversations, yeah.

20 "Q We've established that. And it was
21 also -- and it's also a fact the first person in
22 that meeting to raise the issue of a particular
23 device was Kim Gardner?

24 "A I don't recall specifically.

25 "Q Well, you can't say that it didn't

1 happen, can you?

2 "A I don't -- I don't really -- I really
3 don't recall.

4 "Q Well, the way it was raised is she
5 asked you if you had an iPhone, right?

6 "A I really don't remember.

7 "Q Do you recall a discussion about an
8 iPhone on that -- in that meeting?

9 "A I remember -- I don't know if it --
10 if it was even that meeting, but I know at some
11 point we discussed the fact that I knew he had an
12 iPhone because I had an iPhone, too, and we had
13 FaceTimed.

14 "Q Well, that was actually potentially
15 with Kim Gardner on the 24th, and you also spoke
16 about it with Tisaby on the 29th. We know that now
17 because we got some of the videotape, and you said
18 specifically that you had FaceTimed, and I think
19 when you initially told Miss Gardner, you said
20 there was a missed FaceTime call.

21 "A Yes. There was also that, too.

22 "Q But you didn't tell Miss Gardner what
23 you said in the deposition, that there was actually
24 FaceTime in between the two of you when you were in
25 Arizona in a nude or semi-nude state. That's fair,

1 too?

2 "A I said I did not recall that.

3 "Q Well, that's not what I said. You
4 clarified it and said it was semi-nude. Do you
5 want me to read it to you?

6 "A Yes.

7 "Q I can.

8 "A Yes, please.

9 "Q I mean, you do recall a discussion
10 about FaceTiming him in a robe, right?

11 "A Yes.

12 "Q Okay. And that did happen, right?

13 "A Yes.

14 "Q I mean, regardless of whether it was
15 in a robe or semi-nude, that discussion was never
16 had with Miss Gardner on the 24th or the 29th, was
17 it?

18 "A We discussed the times that I
19 actually saw him, yes, but --

20 "Q I'm talking about the FaceTime.

21 "A Right. That wasn't --

22 "Q That wasn't discussed?

23 "A Huh?

24 "Q That wasn't discussed.

25 "A Right.

1 "Q My question on the bottom of page 29.

2 Well, you -- you seem as were having
3 this conversation that you're recalling more and
4 more. Do you see how that's going?

5 Answer. Well, no. I just answered
6 your specific question about was I naked.

7 Question. Did you expose yourself by
8 opening the robe so that he would see you in any
9 state of nudity or partial nudity at that time in
10 Arizona?

11 Your answer at that time under oath.
12 I would say partial nudity, yes.

13 That was your answer under oath,
14 right?

15 "A Correct.

16 "Q Okay.

17 "A Can you go back to before that part?

18 "Q Well, where would you like me to go
19 back to?

20 "A So before you just read, like, what
21 was the context even leading up to that because I
22 still don't even remember for sure was I -- to me,
23 I read that as I don't know if I had my underwear
24 and bra on underneath because that's what I -- I
25 was getting ready. That's all I was doing.

1 "Q Do you know what the word partial
2 nudity means?

3 "A Does that mean -- I guess that's my
4 question.

5 "Q But I have a question for you.

6 "A Sure.

7 "Q Before we started this deposition, I
8 asked you if you had read your deposition.

9 "A Right.

10 "Q Had you?

11 "A No, I haven't.

12 "Q So you were just referring to
13 something that you had read in the deposition.

14 "A Yeah. Not that I had read it. You
15 just read it to me.

16 "Q Well, if you hadn't read it, have you
17 looked at the videotape of it?

18 "A No, I haven't.

19 "Q Has somebody read it to you?

20 "A No, I don't know. What was my
21 question? I can't remember.

22 **Q Mr. Steele interjects, "I think you**
23 **asked him to go back in the deposition and put what**
24 **he asked you into context by referring --"**
25 **Rosenblum says, "I'll go back."**

1 Steele says, "-- if you can." And
2 then she answers.

3 "A Oh, I know. I'm sorry. I know what
4 I was referring to. I read something that had been
5 put into the news that I sent him a semi-nude
6 pictures of myself which I 100 percent disagree
7 with, A, and B, wondered where the heck did that
8 come from because from what I recall, like I said,
9 I was getting ready. I had my underwear and bra
10 on. Is that what you call partial nudity?"

11 Q Rosenblum question, "Well, you
12 weren't sure about whether you had a bra or
13 underwear on at the time?

14 "A Yeah, I believe I did, though.
15 That's the thing. So that upset me because A, I
16 did not send any pictures, and B --

17 "Q Well, we're not talking about
18 pictures. We're talking about FaceTiming, right?

19 "A Right, but it was worded by someone
20 in -- on his team that I sent him semi-nude
21 pictures of myself. It was very definitive.

22 "Q Ma'am, I'm just asking about the
23 FaceTiming question in the deposition that you
24 answered under oath previously, okay?

25 "A And I was answering your question as

1 to what I read --

2 "Q Okay.

3 "A -- because I haven't -- I haven't
4 read my deposition.

5 "Q Let's talk about what you said in the
6 deposition. How about that?

7 "A Sure.

8 "Q All right. Do you want me to go back
9 or -- or in context, or do you want me to read it
10 again?"

11 Mr. Steele interjects, "I think she's
12 going to give you the context. It was not the
13 deposition."

14 Rosenblum then questions, "And I'll
15 read that line again.

16 "A Not that line. I'm sorry. Previous
17 to that. I remember a back-and-forth with you
18 about whether or not I was nude, and I said I
19 believed that I had my underwear and bra on because
20 I was getting ready.

21 "Q Well, the back-and-forth was
22 initially you didn't remember anything, okay? That
23 was back-and-forth. And then I ultimately said
24 well, you seem as we're having this conversation
25 that you're recalling more and more. Do you see

1 how that's going?

2 Answer. Well, no. I just answered
3 your specific question about was I naked.

4 Question. Did you expose yourself by
5 opening the robe so that he would see you in any
6 state of nudity or partial nudity at that time in
7 Arizona?

8 >Your answer. I would say partial
9 nudity.

10 Okay. That was your answer.

11 "A Okay.

12 "Q And in Arizona when you exposed
13 yourself in a state of partial nudity, describe it
14 in detail if you would as to what it means.

15 I mean, I was alone in a hotel room.

16 Again, that's not my question. Okay.
17 I am asking you to describe how you exposed
18 yourself at the time in that hotel room.

19 As I recall, we were FaceTiming. He
20 asked -- because I was getting ready. He asked if
21 he could see me.

22 And you complied?

23 Answer. To some extent from what I
24 remember. To some extent, but no. I wasn't
25 sitting there just naked.

1 So you opened your robe. Fair
2 enough?

3 Answer. Fair enough.

4 Does that recall -- refresh your
5 recollection?

6 "A Yes, but like I said, I -- I believe
7 I had my underwear and bra on underneath, so is --
8 is that what you call partial nudity.

9 "Q I'm just repeating what your answer
10 were, okay?

11 "A But I am asking you.

12 "Q I'm not being deposed. You are.
13 You're the one that answers the questions under
14 oath. Those are the questions that we have. Those
15 are the answers that we --"

16 And Mr. Steele interjects, "Do you
17 have a question? If you could pose a question, she
18 could answer."

19 So Rosenblum says, "All right. So
20 getting back to the discussion on the 24th, we've
21 established that you met with Kim Gardner alone,
22 and you can't come up with any other time previous
23 that you used the words hear and see a flash. We
24 have established that, yes?

25 "A We have established that I -- I

1 absolutely could have said that, but I don't know
2 how it came up in conversation. I'm not sure.

3 "Q You could have said a lot of things,
4 but you can't show me any specifics. Fair enough?

5 "A That's the first time that it was
6 written down.

7 "Q That's the first time. In fact, you
8 could have had a dream about it potentially?

9 "A Zero percent.

10 "Q Okay.

11 "A And that is very unfair to say that.
12 You know what that comment meant.

13 "Q No. I don't know what any comment --
14 I'm just accepting your words.

15 "A And I would like to clarify that
16 comment.

17 "Q I'm not there yet. Mr. Steele can
18 clarify anything he wants when I'm finished with my
19 deposition, okay?"

20 Mr. Steele interjects again, "If you
21 have a question, you can pose it."

22 So Mr. Rosenblum says, "Now, in
23 addition to this meeting by Kim Gardner -- with Kim
24 Gardner, it was the first time that there was any
25 discussion of a particular device, an iPhone.

1 We've already said you may have discussed a missing
2 FaceTime, and that's why you believe he had an
3 iPhone, but it was the first time with any human
4 being you discussed an iPhone. That's a fact.

5 "A No, it's not a fact because I don't
6 remember.

7 "Q Then point me -- then point me to any
8 other human being that you discussed an iPhone with
9 prior to January 24th.

10 "A Just because I don't have proof of it
11 -- my friends don't write down our conversations.

12 "Q Well, one way to have proof is to
13 say, hey, I told" -- is this an example of
14 somebody?

15 MR. TRENT: I don't think this is a
16 real person, right?

17 MR. RAZER: It's just a phrase.
18 Comes from a song.

19 "Q Well, one way we have proof is to
20 say, hey, I told Jenny on the block, go talk to
21 her, and then we can go talk to Jenny on the block,
22 and she says yeah. That's right. K.S. told me
23 that. That's one way. That's called
24 corroboration, okay?"

25 Mr. Steele interjects, "I'm going to

1 object at this point. If you have a question, ask
2 a question."

3 Rosenblum says, "Well, I'm responding
4 to the witness."

5 Steele still has problems, okay.

6 Then Rosenblum says, "Point me --
7 point me somewhere K.S. Point me anywhere. Point
8 me to any human being where you had a previous
9 discussion before the 24th where you spoke with Kim
10 Gardner about --

11 "A I'll have to ask and see what I told
12 -- like I said, I don't remember anybody
13 specifically saying --

14 "Q So as you --

15 "A You know what I mean? I don't -- I
16 don't know our specific conversations.

17 "Q I just want to clarify.

18 "A Sure.

19 "Q As you sit here now under oath, you
20 can't point me to any human being where you had a
21 discussion about, quote unquote, I saw and heard a
22 flash in the basement on the 24th or 21st. You
23 can't point me to any human being where you said
24 that as you sit here now?

25 "A I will have to ask. I don't know.

1 "Q I am not asking about if you can --
2 whether you can ask, okay? I'm asking about before
3 you ask anybody. I want the information before you
4 have to sit -- before you have to ask anybody. I'm
5 specifically asking as you sit here now under oath,
6 can you point me in any direction where we can talk
7 to someone where you have made that statement
8 before talking to Kim Gardner on the 24th?"

9 Mr. Steele objects.

10 And then Rosenblum comes back, "So
11 here's the deal. I'm not deposing him, and I don't
12 really care about his objections to the form
13 because -- because the judge has already said that
14 they carry throughout this deposition. I do care
15 to the extent that he's trying to suggest an answer
16 to you. That's what I care about, okay? So I'm
17 trying to depose you, and I'm trying to depose your
18 recollection, okay? So do you understand that?

19 "A Yes.

20 "Q Okay. I'll ask it again. As you sit
21 here now without anybody asking, can you point me
22 to one human being where you have said I saw and
23 heard a flash before the 24th of January 2018, yes
24 or no?

25 "A I don't remember exactly what I have

1 said to them. I know what happened. I don't
2 remember exactly what I -- how I worded it.

3 "Q Was there something about that
4 question you didn't understand?

5 "A It didn't -- I can't give you a yes
6 or no answer.

7 "Q Why not?

8 "A Because I don't know everything that
9 I've said my whole life, you know --

10 "Q Okay. Well --

11 "A -- or how I worded it.

12 "Q I understand that.

13 "A Yeah.

14 "Q I take that as a premise, but you can
15 tell me whether you think there's somebody that
16 exists out there that may have that information."

17 Mr. Steele jumps in, "And the
18 question has been asked and answered. She doesn't
19 know."

20 And Rosenblum says, "He just told you
21 you don't know. I am asking you."

22 Mr. Steele says, "You can answer."

23 "A I -- I continue to say it. I can't
24 tell you specifically.

25 Q Rosenblum says, "So the -- so the

1 answer to that question is you can't -- as you sit
2 here now, you cannot direct me to one human being
3 that would say yes, K. told me that. Is that a
4 correct statement? As you sit here right now.

5 "A I could because who knows.

6 "Q Well, then do it.

7 "A Maybe -- maybe my friend (redacted)
8 would say this is what she said.

9 Q Mr. Steele says, "I'm going object.
10 Wait. Wait. Wait. Wait.

11 I'm going to object. This is getting
12 argumentative. If you have a -- a question, ask a
13 civil question."

14 Rosenblum says, "So should I go see
15 (redacted) to see if you said that?

16 "A Like I said, I don't know
17 specifically the wording that I used. I know that
18 any person who I spoke to knew that he used a
19 phone. Any person. It's -- again, if I told you
20 the story and you were my friend, you would not say
21 well, tell me specifically what did he use. So
22 again, I don't know exactly how our conversation
23 went.

24 "Q So here's my problem. You said
25 something specific on the 24th, okay? You said I

1 saw and heard a flash, okay? You didn't say
2 anything about a phone at the time. You said I saw
3 and heard a flash. That's something specific on
4 the 24th to Kim Gardner, all right?

5 "A Okay.

6 "Q I'm simply asking -- I'm not going to
7 let it go until I get an answer.

8 "A I don't know how to answer it the way
9 you want it, though. I'm sorry.

10 "Q How about the truth?"

11 Mr. Steele, "Answer truthfully. If
12 you don't recall, you don't recall.

13 Mr. Rosenblum says, "How about the
14 truth?

15 "A I don't -- I don't remember
16 specifically how I had any conversation. All I
17 know is this is a really difficult subject.

18 "Q As we sit here, can you lead me --
19 let me ask you this. For instance, if you made the
20 statement, hey, you know what? The night of the
21 21st, I spent the night with (redacted), right?

22 "A Yes.

23 "Q Okay. That -- that's something that
24 you recall. Right?

25 "A Yes.

1 "Q That's something that you believe
2 hand, right?

3 "A Yes.

4 "Q So it wouldn't have been very
5 difficult for us to go talk to (redacted) and say,
6 hey, you know what? K.S. said she spent the night
7 with you on the 21st. Did that happen? Do you see
8 how this works? That's called corroboration."

9 Mr. Steele objects, "I'm going to
10 object. Do you have a question? Ask the
11 question."

12 Rosenblum says, "But do you
13 understand -- do you understand the concept?

14 "A Yes.

15 "Q Okay. So now relating it to who you
16 may have said I saw and heard a flash to, can you
17 relate it -- now that I have given you that
18 example, can you relate that and suggest anybody I
19 can go talk to that you may have said that to? If
20 you can't --

21 "A Right.

22 "Q If you don't remember, just say I
23 don't remember. Maybe you can, maybe you can't,
24 but as I sit here now, I can't give you a name. Is
25 that fair?

1 **"A Right. I can't give you a specific**
2 **name because I absolutely could have, but I don't**
3 **remember all of my conversations.**

4 MR. EGGLESTON: I'm ready to pass.

5 (Now questions by Curtis Trent and
6 answers by Greg Razer.)

7 **"Q And just like you could have, you**
8 **absolutely could not have as well, right? Both**
9 **things are possible?**

10 **"A I don't recall.**

11 **"Q Okay. You don't recall. So it then**
12 **becomes logical that you may have never said that**
13 **until the meeting with Kim Gardner on the 24th.**
14 **True enough?**

15 **"A Again, it's the same answer. I don't**
16 **-- I don't know what to tell you.**

17 **"Q You can't say that it didn't occur,**
18 **that that was the first time you said it?**

19 **"A Yeah. I don't remember --**

20 **"Q Okay.**

21 **"A -- exactly how my conversations went.**

22 **"Q And that would be true with respect**
23 **to the discussion of any devices, any particular**
24 **devices, for instance, an iPhone. That's also true**
25 **that that subject was never raised until the 24th?**

1 "A But I don't even believe it was
2 raised that day, though, the iPhone thing.

3 "Q Well, you had a specific discussion
4 with her about the fact that you guys FaceTimed.

5 "A I don't even think it was that day
6 unless it's in her notes.

7 Q Then Mr. Steele interjects, "Maybe if
8 could you show her notes --"

9 A "Yeah, I don't remember that."

10 Q Then Mr. Steele interjects again, "--
11 maybe it would refresh her recollection that they
12 spoke about an iPhone on that specific instance."

13 And then Mr. Rosenblum continues,
14 "Well, I can put it this way. You were questioned
15 about an iPhone in front of the Grand Jury, right?

16 "A Yes.

17 "Q Okay. So there was a discussion that
18 you had with Gardner before you testified before
19 the Grand Jury about an iPhone?

20 "A Yes.

21 "Q Okay. When did that happen? It
22 either had to happen on the 24th --

23 "A Right. I don't remember.

24 "Q -- or the 29th, right?

25 "A I really don't remember.

1 Q Mr. Steele interjects, "Would seeing
2 your -- the notes from that -- that interview,
3 would that refresh your recollection --"

4 A "Yes."

5 Q Mr. Steele continues, "-- as to
6 whether you all discussed an iPhone on the 24th?"

7 And then Mr. Rosenblum says, "Well,
8 we don't have all the text on the 29th,
9 unfortunately, because there was a ten-minute gap.
10 We only have what has been --"

11 MR. BARNES: Well, guys, they really
12 have a debate here. It goes over to page 82, line
13 10.

14 MR. TRENT: Okay, I didn't realize it
15 went that far. We'll skip over all that discussion
16 and go back to the next question by Mr. Rosenblum.

17 "Q Was there only one meeting where your
18 attorney and K. -- and Kim were present?

19 "A I don't remember. I mean, at that --
20 on the 24th or whatever, yes.

21 "Q So these notes would indicate that
22 K.S. was there and that your attorney was present
23 and not Tisaby?"

24 Mr. Steele interjects again, for a
25 few paragraphs, and then --

1 MR. BARNES: She says "About the
2 iPhone"? Seems like a question.

3 MR. RAZER: Yeah. About the iPhone.

4 MR. BARNES: And then she comes back
5 with "I don't see anything. I don't remember that
6 being the case that first day."

7 Then they have more debate -- where
8 are we?

9 MR. TRENT: Mr. Rosenblum. Mr.
10 Simpson. Looks like --

11 MR. BARNES: 84, line 2, I think.

12 MR. TRENT: Okay.

13 "Q So looking on the page 2, this is a
14 subject matter -- one of the subject matters I was
15 talking about. Do you see where it says in the
16 middle that all of a sudden, I see lights, flash,
17 and hear a picture sound?

18 "A Yes."

19 MR. TRENT: I'm sorry, I left out a
20 part.

21 "Q Do you see that?

22 "A Yes.

23 "Q Okay. Now, I think we have
24 established that as far as we can tell, this is the
25 first time you mentioned that particular

1 phraseology.

2 "A Well, I don't even know if that was
3 my phrase -- I don't know -- I don't know how I
4 said it. Again, I don't remember exactly every
5 conversation.

6 "Q Okay.

7 "A Me speaking to her could sound
8 exactly like me speaking to another friend.

9 "Q I'm just saying what is based on the
10 notes. Does that refresh your recollection as to
11 what you said to her?

12 "A Yes. Some things.

13 "Q And again, we know that in front of
14 the Grand Jury, you had a somewhat -- you had a
15 discussion about an iPhone. Do you remember that?

16 "A Yes.

17 "Q Okay. And a particular discussion
18 about how -- how an iPhone works and that it has a
19 unique sound and all of those types of issues,
20 right?

21 "A Yes.

22 "Q Well, I mean, obviously you discussed
23 that with Kim Gardner before she threw you up in
24 front of the Grand Jury, right?

25 "A Correct. That's what I was saying,

1 yeah.

2 "Q Those questions weren't a surprise to
3 you, right?

4 "A Not particularly.

5 "Q No, because you knew -- you
6 anticipated what you were going to be asked in
7 front of the Grand Jury?

8 "A Yes. That it had to do with him
9 using the phone.

10 "Q And my question now is we -- we have
11 the actual videotape of the -- well, we have a
12 portion of the videotape of the Tisaby interview.
13 We have Gardner's notes on the 24th. So when can
14 you tell me you had this discussion with Kim
15 Gardner specifically about an iPhone and that
16 you're familiar with the sound and how it works and
17 all those things that you testified to in front of
18 the Grand Jury?

19 "A I don't remember that specific
20 conversation or, you know, when it happened. I
21 don't know.

22 "Q Well, we can -- is it fair to assume
23 that it happened sometime between the 29th and your
24 Grand Jury testimony which would have been on the
25 15th?

1 "A Yes.

2 "Q Okay.

3 "A I would assume so.

4 "Q And would it be -- do you know how

5 many conversations you had with Miss Gardner before

6 those two periods of time?

7 "A No, I don't recall.

8 "Q More than one?

9 "A Yes. I believe so.

10 "Q So between the 29th and the 15th, do

11 you think you had more than two conversations with

12 Miss Gardner?

13 "A I don't recall specifically, no.

14 "Q But at least two. More than one

15 would imply at least two.

16 "A Right. At least two.

17 "Q And these conversations between the

18 29th and the 15th when you actually spoke about --

19 spoke to the Grand Jury and, in fact, discussed

20 what appears for the first time had a conversation

21 about the iPhone, how long were those conversations

22 that you had with Miss Gardner?

23 "A I don't recall.

24 "Q Were they a half hour or so, an hour?

25 "A I don't recall. I don't know

1 specifically.

2 "Q I mean, did they go along the same
3 basis as similar -- did they follow suit along the
4 same lines as on the 24th?

5 "A I really don't recall. I don't know.

6 "Q You can't estimate how long?"

7 Mr. Steele interjects, "Objection;
8 asked and answered. She does not recall."

9 Mr. Rosenblum continues, "Was it more
10 than a half hour?

11 "A I -- I don't recall --

12 "Q Okay.

13 "A -- specifics.

14 "Q But you do recall just like always,
15 she was writing notes, right?

16 "A I don't even recall that, that was
17 every single time. I'm not sure.

18 "Q You can't tell me whether these two
19 meetings before the Grand Jury that you sat with
20 Kim Gardner who -- whether -- whether or not she
21 was writing notes?

22 "A Right. I'm not sure. I don't know.

23 "Q Can you say she wasn't?

24 "A No. I have no clue.

25 "Q Okay.

1 "A Yeah.

2 "Q And can you tell me in these
3 meetings, at least two that you had between the
4 29th and your Grand Jury testimony on the 15th
5 where the subject of the iPhone came up now for the
6 first time who else was in those meetings? Can you
7 tell me that?

8 "A I remember my attorney and Robert
9 Steele being in there the -- the one time that I
10 can think of that it was brought up because I
11 remember thinking, yeah, well, I know for sure he
12 -- he has an iPhone, so I just remember that being
13 part of the conversation at some point.

14 "Q And it was brought up by Miss
15 Gardner. You had no reason --

16 "A I don't remember -- yeah. I don't
17 remember the specific conversation. I just -- I do
18 remember that.

19 "Q You never had a reason to bring it
20 up, right?

21 "A Well, I don't --

22 "Q It wouldn't make sense.

23 "A I mean, I don't remember.

24 "Q You were just there to tell your
25 story, right?

1 "A Yeah. I don't remember how it came
2 up.

3 "Q So was it in the -- can you tell me
4 whether it was the first meeting between the 29th
5 and the 15th or the second that you had with
6 Gardner and Mr. Steele?

7 "A I have no clue. I really and truly
8 don't remember.

9 "Q You just know that was the first time
10 that it appears Miss Gardner interjected this issue
11 of an iPhone in the conversation, yes?"

12 MR. RAZER: Mr. Steele objects and
13 then witness one says "No. Yeah.

14 "Q No? Well, explain.

15 "A Because I don't remember her -- she
16 never said anything, like, asking me specifically
17 did he have an iPhone or anything.

18 "Q Well, tell me how you recall the
19 conversation went.

20 "A I just remember saying I knew -- I
21 said I knew he had an iPhone, so maybe --

22 "Q You just blurted it out?

23 "A I don't want to speculate. Right. I
24 don't want to speculate because I'm not sure how
25 the conversation went.

1 "Q So you can't rule out the fact that
2 she asked you whether or not he had an iPhone,
3 right?

4 "A I don't remember that -- or I don't
5 remember her saying that ever --

6 "Q Again, you can't rule it out?

7 "A -- K., did he have a -- an iPhone.

8 MR. TRENT: Mr. Steele, "Objection;
9 asked and answered."

10 Mr. Rosenblum, "Again, you can't rule
11 it out, correct?"

12 Mr. Steele, "Objection; asked and
13 answered."

14 Mr. Rosenblum, "He can object all
15 day. Again, you can't rule it out, correct?"

16 Mr. Steele, "And you answered. She
17 already told you."

18 Mr. Rosenblum, "Yes? You cannot rule
19 it out?

20 "A I do not believe that's how the
21 conversation went, no.

22 "Q But you can't tell me how it went,
23 though?

24 "A I don't remember it specifically
25 other than me stating that.

1 "Q But we've established that in the
2 Grand Jury, not only did you discuss an iPhone, but
3 she specifically asked you questions about your
4 knowledge of how it worked. Do you recall that,
5 and your familiarity with sound and all that,
6 right?

7 "A I don't recall it specifically, but I
8 remember the iPhone came up, yes.

9 "Q And that would have been a
10 conversation you had with her before you ever took
11 the stand in the Grand Jury, all of those issues,
12 right?

13 "A What do you mean by all of those
14 issues?

15 "Q Those issues particular to the iPhone
16 discussion. You would have had that discussion
17 with Gardner before you took the stand in the Grand
18 Jury, yes? You have already answered.

19 "A Right.

20 "Q Okay. You don't have to overthink
21 it.

22 "A I just don't remember exactly how the
23 conversation went, so I don't want to say because
24 I'm not sure.

25 "Q I'm not asking word for word. I'm

1 asking generally the conversation."

2 Mr. Steele interjects, "Do you have a
3 question?"

4 Mr. Rosenblum, "I am asking generally
5 whether that conversation was had before you
6 testified before the Grand Jury, and the answer is
7 yes, right?"

8 "A Yes.

9 "Q And that would have been a question
10 that you had with Kim Gardner -- a conversation and
11 that subject that you had with Kim Gardner that you
12 had not had with anybody else that you can point me
13 to specifically about the iPhone?

14 "A Right. I had a general -- I had
15 general conversations with friends --

16 "Q Okay.

17 "A -- who I had spoken to that -- about
18 that subject matter.

19 "Q Just out of curiosity, do you recall
20 a conversation in front of the Grand Jury that Kim
21 Gardner asked you about whether or not the two of
22 you had had affairs prior to E.G.?

23 "A I don't remember that specific
24 question.

25 "Q Miss Gardner asked you and at this

1 point, it was just a relationship where it was no
2 issues in terms of any affairs?

3 Yes. Zero affairs. No.

4 Do you remember that answer?

5 "A Yes.

6 "Q So was that answer specific to you or
7 specific to both of you -- both you and P.S., that
8 neither one of you had affairs in your
9 relationship?

10 "A I don't -- I'm not sure how -- I'm
11 not sure how she worded it or what that meant.

12 "Q Well, she was talking about --

13 "A Was it both of us?

14 "Q -- P.S., and I think she said -- the
15 set-up was question. Was he controlling?

16 Your answer. Yes. Extremely
17 controlling. He -- so he had our phones that -- I
18 found out later that he had our phones set up like
19 he was my dad on the plan. I couldn't see anything
20 that he was doing, but he --"

21 Mr. Steele interjects, "I'm going to
22 object. If you have a question, ask a question."

23 And they discuss for looks like an
24 extended period of time until --

25 MR. RAZER: 95, line 1?

1 MR. TRENT: There's a little more
2 before that. Yeah, I suppose 95 line 1.

3 MR. BARNES: Maybe 94, 17.

4 MR. TRENT: Okay. Mr. Rosenblum
5 begins again. "Question. At that point it was
6 just a relationship where it was no issues in terms
7 of any affair.

8 Your answer, yes. Zero fear --
9 affairs. No.

10 Question. And it was just like --
11 and it was just kind of like a very controlling,
12 kind of insecure relationship between you and him;
13 is that right?

14 Answer. Yes.

15 Does that give you the context?

16 "A Yes.

17 "Q Okay. And when you answered the
18 question, were you saying zero affairs with respect
19 to you or P.S. or both?

20 "A I don't remember exactly what was in
21 my mind. I don't -- I don't know.

22 "Q Well, see, I don't know what was in
23 your mind.

24 "A Right.

25 "Q I can just see your words.

1 "A I'm sorry. I guess I'm just -- I'm
2 confused. I don't know.

3 "Q Well, you answered the question
4 saying there were zero affairs to the Grand Jury.
5 Were you saying that with -- just with respect to
6 you or with respect to P.S. or both of you?

7 "A I don't know. I would assume both of
8 us by that context.

9 "Q Okay.

10 "A Right.

11 "Q Was that true, that there had been
12 zero affairs?

13 "A Well, the only other -- or the only
14 other thing I knew about was that my ex-husband
15 kissed somebody, he told me, one time, so --

16 "Q That he kissed somebody. That was
17 what the (redacted) girl in Vegas or something?

18 "A That's whenever I got back from
19 Vegas. He was -- again, he was thinking that if I
20 -- if he told me what he did, then I would confess
21 to something that I didn't do, so -- but that's the
22 only thing that I was aware of.

23 "Q In the Grand -- in the transcript of
24 the videotape that we received, there was a section
25 where Tisaby was asking you some questions, and

1 we're going to get into this. We won't have time
2 today. Hopefully, I won't take more than another
3 couple hours.

4 He said you should have thought about
5 -- Mr. Tisaby said and that's all that he would
6 tell you, that you ruined the family.

7 K.S. You should have thought about
8 that before you were a home wrecker, and you went
9 into another woman's home and you did what you did,
10 K., because in his mind, him being with other
11 women, then you paused, and you said even before I
12 was with E., he was with two of the women.

13 "A Oh, okay. So when I went into E.'s
14 home that day, to -- to my knowledge, my ex-husband
15 had not done anything with anyone else other than
16 that -- what he claimed was, like, some sort of
17 small kiss or whatever years before that. Later,
18 when we were back together, and that's what the --
19 came up in the House transcript, too. When we were
20 back together, he kept badgering me to tell him
21 every detail. Did you do this, did he -- that's
22 how the violence -- did he touch you, did -- did
23 this happen, did this happen, and of course, it
24 kept coming up did you have intercourse with him,
25 and each time would I say no, I did not have

1 intercourse with him. So he said well, I need to
2 be honest with you, and then you need to be honest
3 with me. I slept with five women during our
4 separation.

5 "Q But then you specifically said two of
6 the women --

7 "A Uh-huh.

8 "Q -- were before E.

9 "A So then I said to him how is it --
10 how is that is possible thinking that yes, our
11 separation started at the very beginning of March.
12 He didn't know about -- he didn't know about E.
13 which would justify it, in his mind, until the end
14 of March which would leave then -- we were
15 separated April, May, June. We got back together,
16 you know, beginning of July, middle of July. So I
17 said, how have you even had time? That's only
18 three months, and he said it's been four months,
19 and I knew he was including that first one, so I
20 said how many people before (redacted) did you
21 sleep with, and he said two. That's how that came
22 up.

23 "Q Before (redacted). So before March
24 20?

25 "A Correct.

1 "Q So in fact, he told you that he had
2 had extramarital relationships before you were with
3 E., correct?

4 "A Right. But when I spoke in the Grand
5 Jury, I was meaning when I went there that day, in
6 my mind, there had not been any affairs. I didn't
7 learn about that until after we were back together,
8 if that makes sense.

9 "Q But you had the information before
10 you testified in front of the Grand Jury that he
11 had been unfaithful?

12 "A Right.

13 "Q Which means when you said that both
14 of you had zero affairs to the Grand Jury would not
15 have been accurate?

16 "A Well, I meant that -- when I was
17 going into his home, that was the case in my mind,
18 if that makes sense.

19 "Q And -- but I'm not asking you what
20 you meant. I am asking you what you said to the
21 Grand Jury under oath. Do you see the distinction?

22 "A Right, but I wasn't misleading at
23 all. Again, when I went into his home, that is --
24 that was the case. It wasn't --

25 "Q Ma'am --

1 "A I wasn't trying to get back at him.
2 I had no clue about those women.

3 "Q I am just asking you -- just asking.
4 When you said to the Grand Jury that the two of you
5 had had zero affairs, that was not an accurate
6 statement based on what you're telling me now
7 because prior to the time you were with E., before
8 (redacted) March 20, he had had two extramarital
9 relations. That's what you just told me.

10 "A Again, I will say --

11 "Q Is that accurate?

12 "A -- how that was -- I know. How I
13 took that question, though, meant when I went into
14 his home that day or up to that point. Up until
15 that point. Does that make sense? It wasn't --

16 "Q You know what makes sense to me?

17 "A I don't know. Yeah. I'm sorry.

18 "Q There's a distinction between the
19 words come out of your mouth and after the words
20 come out how you want to say you took the question.
21 Right now I am just asking about the words, okay?
22 You understand the words, don't you? Yes?

23 "A Yes, I understand the words.

24 "Q And when you said to the Grand Jury
25 that the two of you had had zero affairs,

1 factually, that was not correct. Regardless of how
2 you took the question, factually, that was not
3 correct?

4 "A Right, but in my mind at that time, I
5 -- I knew of zero affairs.

6 "Q Well, in your mind at that time --

7 "A Right.

8 "Q -- you had already testified to
9 Tisaby that he had two affairs on the 29th. That's
10 before you testified before the Grand Jury.

11 "A No. I am saying when I went into his
12 home. I just -- I didn't know of any prior to
13 that. Does that make sense?"

14 MR. TRENT: Mr. Steele says "Yes."

15 And then Mr. Rosenblum, "To use the
16 words --

17 "A Yeah.

18 "Q -- that you used before the Grand
19 Jury, that makes zero sense because all I can go on
20 are the words that come out of your mouth, the
21 words you said under oath, and whether or not they
22 were factually correct or not, and in this
23 circumstance, they were factually incorrect.
24 That's a true statement, is it not, ma'am?

25 "A Well, again, she was leading up to

1 that day. You know what I mean? Well, that's how
2 I took it. I don't know -- I don't know what else
3 to tell you. I would have said it otherwise.

4 MR. TRENT: Then Mr. Rosenblum says,
5 "It's 4:00, and I've got a ways to go." And then
6 there's a discussion.

7 MR. BARNES: I think Mr. Simpson
8 makes a statement that's in -- not quite redacted,
9 I think, Representative Mitten, you left it like
10 this to see if we thought this should be redacted?

11 MS. MITTEN: The highlighting, yes.

12 MR. BARNES: I think this is fine.

13 So I'll just read what Mr. Simpson says.

14 "I need to -- I want to clarify what
15 happened at the very beginning of this deposition
16 with regards to the payment of my services." And
17 this is Scott Simpson representing witness one.

18 "The value of my services, as she
19 said, she did -- she has paid that in value, but it
20 has not been cash to me, just in all candor to
21 everybody. She has paid a year's membership to the
22 gym we belong to, a couple of gift cards, and a
23 couple of nice bottles of alcohol. That is the
24 extent of my payment. That roughly \$2,000 she
25 testified to is accurate, but I don't want anybody

1 coming back later and trying to say we withheld
2 something from you."

3 Mr. Rosenblum says -- go ahead,
4 Curtis.

5 MR. TRENT: "More importantly, what
6 kind of booze?"

7 MR. BARNES: Mr. Simpson says, "I'm a
8 whiskey man."

9 MR. TRENT: Mr. Rosenblum says "So am
10 I."

11 MR. BARNES: And Simpson says, "Well,
12 and there was a bottle of vodka, but I don't like
13 vodka, so --"

14 MR. TRENT: And then Mr. Rosenblum
15 notes, "That's great."

16 MR. BARNES: So they have a
17 discussion and it doesn't seem as if -- they're
18 just discussing scheduling here. So we have
19 completed the record.

20 I think that we can be finished for
21 the day. For the committee's knowledge, if you
22 can't tell, I think the vice chairman is exhausted.
23 I know that myself, as the chairman, I am
24 exhausted. The Highway Patrol officers have not
25 been here yet. I want to discuss briefly with this

1 committee, I kind of thought about this.

2 I don't think there's anything we can
3 add that's not already in the transcripts of the
4 hearings and the report that we did and
5 particularly for the new members, obviously, you
6 know, you guys didn't have firsthand recollection
7 of those interviews. So my plan is to provide them
8 with all of the documents that we have and I don't
9 know what else -- what else there is.

10 Does anyone else have any other
11 thoughts? Okay.

12 We have a box of the 32,000 documents
13 were culled down to -- 12 boxes were culled down to
14 one and people can go through them if they so
15 choose. I would ask that everybody do that. We
16 have a weekend to do that. My mind is really
17 muddled right now because I am tired.

18 10 a.m. we have the witness who is
19 the forensic examiner. There is a three-page
20 report that we were provided by the Circuit
21 Attorney's Office. I think that's it. I'd like to
22 come in at 9:00. Do we have any objection to that?
23 Tomorrow morning? And if we don't, if we need a
24 break until 10:00, that's fine. I don't have
25 anything in my head right now except the fact that

1 we're going to break and I am going to go lay down
2 and take a nap and I am going to be back up and
3 preparing for the witness tomorrow.

4 So if there's nothing else for today
5 -- closed session audio?

6 MS. MITTEN: That you asked me?

7 MR. BARNES: I'm sorry, I don't
8 understand. Oh, yes, that's why I wanted to come
9 in early. Okay. We received additional, two
10 additional tapes from Mr. Watkins pursuant to a
11 subpoena that I think he mentioned earlier today,
12 their conversations between witness one and witness
13 three, previously deemed them not relevant.

14 I think they're relevant to show the
15 nature of the relationship between the two of them.
16 Between witness one and her ex-husband, and I want
17 to do it in a closed meeting because there's --
18 there are things in there regarding children that I
19 don't think need to be heard in public. And so if
20 there's no objection, the first thing we'll do
21 tomorrow is vote to go into a closed hearing at 9
22 a.m.

23 Or can we do that now? So they don't
24 come in and we don't waste time with that. Okay.
25 I vote that we go into closed session at 9 a.m.

1 tomorrow for purposes of hearing these two tapes,
2 general description of which was just given. All
3 those in favor vote aye.

4 (Committee members say "aye.")

5 MR. BARNES: No, we've got to do a
6 roll call. Mr. Secretary, please call the roll.

7 MR. CURCHIN: Representative Barnes?

8 MR. BARNES: Aye.

9 MR. CURCHIN: Mr. Phillips?

10 MR. PHILLIPS: Aye.

11 MR. CURCHIN: Mr. Austin?

12 MR. AUSTIN: Aye.

13 MR. CURCHIN: Mr. Eggleston?

14 MR. EGGLESTON: Aye.

15 MR. CURCHIN: Ms. Lauer?

16 MS. LAUER: Aye.

17 MR. CURCHIN: Ms. Mitten?

18 MS. MITTEN: Aye.

19 MR. CURCHIN: Mr. Pierson?

20 (No audible response.)

21 MR. CURCHIN: Mr. Razer?

22 MR. RAZER: Aye.

23 MR. CURCHIN: Mr. Rhoads?

24 MR. RHOADS: Aye.

25 MR. CURCHIN: Mr. Trent?

1 MR. TRENT: Aye.

2 MR. BARNES: We will begin the
3 hearing tomorrow as a closed hearing for purposes
4 of listening to those tapes and then we will open
5 it for the testimony.

6 Any other business before the
7 committee at this immediate time?

8 MR. AUSTIN: I do have a question.
9 The forensics guy is to, what, by phone, is that's
10 talking about?

11 MR. BARNES: I believe so, yes.
12 Okay. And we'll try to get that -- I think that's
13 three pages. We'll try to get it distributed to
14 everyone via e-mail. No watch your e-mail. No
15 Saturday.

16 MR. EGGLESTON: The Highway Patrol
17 people that are coming later today --

18 MR. BARNES: I'm trying to figure out
19 -- I mean, we've got a plan. I'm going to go talk
20 to the chief clerk, that if they show up, go ahead
21 and provide them with everything that we have.

22 MR. EGGLESTON: Are we free to go?

23 MR. BARNES: Yes. You guys are --
24 particularly the three new members, free to go.

25 There is no more business to be done

1 of the committee today. We're now -- we have now
2 completed -- I believe there are only three
3 depositions, only three, we've completed the third
4 of three depositions of witness one.

5 Seeing no further business, we're
6 done.

7 (The hearing adjourned at 2:31 p.m.,
8 with the time and location of the continuation
9 agreed upon by all parties.)

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1 CERTIFICATE OF REPORTER

2

3 I, TARA SCHWAKE, a Certified
4 Registered Professional Reporter and Notary Public
5 within and for the State of Missouri, do hereby
6 certify that I appeared at the time and place first
7 hereinbefore set forth, that I took down in
8 shorthand the entire proceedings had at said time
9 and place, and that the foregoing constitutes a
10 true, correct, and complete transcript of my said
11 shorthand notes.

12 Witness my hand and seal this 25th
13 day of May, 2018.

14

15

16 _____
Tara Schwake, CRR, RPR
17 State of Missouri

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6 HOUSE SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

7 HEARING

8

9 May 25, 2018

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1 INDEX

2

3

4 Hearing by Committee Members 4

5 Certificate page 113

6

7

8 EXHIBITS

9 NUMBER DESCRIPTION PAGE

10 Exhibit 51 E-mail and report 6

11

12 NOTE: Deposition Exhibit was retained by the
Committee.

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1 A P P E A R A N C E S
2
3 Representative Jay Barnes, Chairman
4 Representative Don Phillips, Vice-Chairman
5 Representative Jeanie Lauer
6 Representative Kevin Austin
7 Representative Gina Mitten
8 Representative Greg Razer
9 Representative Curtis Trent
10 Representative J. Eggleston
11
12 Also present: Mr. Bryan D. Scheiderer
13
14 Court Reporter:
15 Sarah A. Davison
16 CCR #1397-MO #1589-KS
17 Alaris Litigation Services
18 1608 Locust Street
19 Kansas City, Missouri 64108
20 1-816-221-1160
21 1-800-280-DEPO
22
23
24
25

1 (Hearing commenced at 10:29 a.m.)

2 CHAIRMAN BARNES: We are back down the
3 hallway. This is the 88th day of this Committee's
4 existence. It is the 88th day that Mr. Greitens has
5 refused -- are you ready? I'm sorry.

6 It's the 88th day of this Committee's
7 existence. It is the 88th day that Mr. Greitens has
8 not shown up after the -- starting with the first
9 day, we had assurances from counsel that he would
10 cooperate with this process.

11 A couple announcements before we get to
12 our witness today. Highway patrol did come to the
13 capital yesterday, they collected documents. This
14 weekend we want to finish review of campaign
15 documents, and then the other things we'll talk
16 about afterwards because the witness was kind enough
17 to show up without a subpoena, so take as least time
18 as possible. So let's start with -- I'm going to
19 hand out a report, hand around a report.

20 Can I have another extra copy, please?

21 Are we on 51?

22 Can you mark this as 51?

23 (Koberna Exhibit Number 51 was marked
24 for identification by the reporter.)

25 CHAIRMAN BARNES: Can you raise your

1 right hand?

2 THE WITNESS: Yes.

3 DETECTIVE BRIAN KOBERNA,
4 being first duly sworn, testified under oath as
5 follows:

6 EXAMINATION

7 BY CHAIRMAN BARNES:

8 Q. Thank you.

9 Can you state your name?

10 A. My name is Brian Koberna,
11 K-O-B-E-R-N-A.

12 Q. And, Mr. Koberna, what do you do for a
13 living?

14 A. I -- I'm a police officer, but I'm
15 also -- I have a business where I do forensic
16 analysis of devices, in this particular case for a
17 firm, forensics, I analyze devices.

18 Q. And how long have you been in that
19 business of forensic examination?

20 A. Approximately six years.

21 Q. And prior to that, did you have
22 experience in forensic examination as a police
23 officer?

24 A. During that time I've had experience
25 and training with regards to that, and also

1 IT-related experience.

2 Q. How many years would you estimate you
3 have experience in forensic examination of cell
4 phones?

5 A. Cell phones, I would say six years.

6 Q. Okay. How many cell phones do you
7 think that you have forensically examined in those
8 six years?

9 A. I would -- hundreds, if not a thousand.

10 Q. So over 100; it's a significant amount?

11 A. Absolutely.

12 Q. Okay. You have sitting before you
13 what's been marked as Exhibit 51. Do you recognize
14 that?

15 A. I do recognize -- or the e-mail I
16 believe is from Judge Callahan to Judge Burelson of
17 which I was -- I'm not sure if I was cc'd in that,
18 but I do recognize the report that I generated.

19 Q. Okay. And the report is on page 2 to 4
20 of that --

21 A. Yes.

22 Q. -- Exhibit 51?

23 A. And I do not recognize the last
24 exhibit.

25 Q. You know what, let's take that last

1 page off of there. I think that you're right, that
2 was unintentionally appended, the statement.

3 So now we have four -- Exhibit 51 is
4 four pages, correct, having taken -- having taken
5 the statement of Eric Greitens off of the report?

6 A. Yes, sir.

7 Q. We are taking the last page off of the
8 report. It was unintentionally stapled as part of
9 the copy process in the house office.

10 VICE-CHAIRMAN PHILLIPS: That makes
11 five pages.

12 A. Five pages.

13 BY CHAIRMAN BARNES:

14 Q. Five -- five pages total in Exhibit 51,
15 four pages of which are the report?

16 A. That is correct.

17 Q. And it is, in fact, the report you did
18 in this case?

19 A. It's one of the reports, yes.

20 Q. Are there other documents from your
21 forensic examination of the telephone that are not
22 included as part of this report?

23 A. Yes.

24 Q. Okay. Pursuant to a subpoena, would
25 you provide those documents to this committee?

1 A. I'll provide them today, yes.

2 Q. You would provide them today?

3 A. Only -- the only catch would be all
4 material is supposed to go through the special
5 master with regards to my analysis of this device.
6 I have no problems with providing it if they would
7 have no problems of releasing it, I guess, would be
8 my caveat.

9 Q. Okay. I understand your position, you
10 want -- you want to check to make sure. I don't
11 know -- there's no special master here.

12 A. I understand.

13 Q. So I would say if those documents are
14 in your possession, keep those documents for now.

15 A. Okay.

16 Q. And -- because in addition to the
17 report, you would agree it's important to have
18 documents that underlie the report to understand the
19 report?

20 A. Absolutely.

21 Q. Okay. Your report states that there
22 was -- you found no photograph on the telephone
23 related -- that relates to -- let me back up.

24 You're familiar with the allegations
25 regarding Mr. Greitens' basement on March 21st,

1 **2015?**

2 A. I am vaguely familiar with the
3 allegations. I was never fully briefed with regards
4 to this. I was kept, in essence, in the dark with
5 regards to information and given just specific
6 requests through the Court to look at specific
7 items. And one of those requests at the very end of
8 the analysis of the device was specific to that
9 particular day, yes.

10 **Q. Okay. And what was the specific**
11 **request as to that day?**

12 A. I was contacted by Judge Callahan, or
13 during our conversation, I'm not sure who initiated
14 the contact, but he indicated that that day may be
15 of interest, and if I could further check the
16 information with regards to photographs taken from
17 that device on that particular day.

18 **Q. Were you told the nature of the**
19 **photograph you were looking for, the general nature?**

20 A. The general nature for the initial -- I
21 don't know if he specifically told me, but, I mean,
22 I think I, from news media and everything else,
23 understood that, but I was looking for any
24 photographs in particular was the overall nexus.

25 **Q. Okay. And your ultimate conclusion was**

1 **that you were unable to determine if a photograph**
2 **was taken on that date; is that correct?**

3 A. Through analysis of -- through analysis
4 of the digital media, specifically the -- the
5 images, there was no determination if that was
6 actually taken on that day. In preparation for this
7 particular meeting, I did review a secondary
8 database of which I did a thorough review of images,
9 but that secondary review of database does indicate
10 there's a population of photographs to that
11 database. That population of photographs do mark
12 that specific day. There was three photographs, but
13 they do not -- that database can be populated in
14 several manner -- or several ways, and those ways
15 are, in essence, if a photo's taken with a device or
16 if a photo's saved by the device, for instance, it's
17 received through a text message or something of that
18 nature and the individual would save that particular
19 photo and it stores it to the overall storage media
20 area.

21 Q. So let me back up. These three
22 **photographs that you looked at the -- you said it**
23 **was a secondary -- explain to me, a non-techie, you**
24 **reviewed a secondary set of documents?**

25 A. No, no, no. For clarification, the

1 photos that were already reviewed. In those photos
2 are thumbnail photos of cached images that are
3 benign in nature, but this database is a pointer.
4 All it does is point to if a photo may or may not
5 have been existent in the database during a specific
6 day.

7 **Q. Okay. And do I understand your**
8 **testimony that there -- that database indicated**
9 **there were three photographs relating to March 21st,**
10 **2015, or did I misunderstand what you said?**

11 A. No, that is correct, but the
12 determination can't be if they were taken with the
13 device or added to the device after that moment in
14 time.

15 **Q. Okay. But the metadata shows --**

16 A. There's no metadata within the
17 thumbnail images. The metadata is no longer in
18 existence on the thumbnail. The actual photos were
19 not resident on the device.

20 **Q. You can't see the photograph that**
21 **relates --**

22 A. You can't see the original photographs,
23 but the device caches or puts copies of photos
24 whenever you're in its use. In those cached
25 versions, we can see, and those three images are

1 benign in nature, and I provided that report to the
2 special master in furtherance of this -- this
3 investigation.

4 Q. So let me make -- let me make sure I
5 understand it. So there were three photographs in
6 this -- this database indicated that there were
7 three photographs that were either taken or saved by
8 that particular phone on March 21st, 2015?

9 A. That's correct.

10 Q. Okay. And those three photographs,
11 there were cached versions of them that you were
12 able to view?

13 A. That is correct.

14 Q. Okay. And then your testimony is that
15 you -- that they were benign in nature?

16 A. Yes. And I also forwarded that
17 information to the special master for further
18 review.

19 Q. Okay. Okay. I have -- the vice chair
20 is writing down his questions. He usually expects
21 me to ask more questions. Thank you, thank you.

22 EXAMINATION

23 BY VICE-CHAIRMAN PHILLIPS:

24 Q. Well, thank you for being here this
25 morning. I appreciate it.

1 A. Thank you.

2 Q. What police department do you work for
3 just out of curiosity?

4 A. I'm assigned -- I'm employed with the
5 Madison County Sheriff's Office, but I'm also
6 assigned to several subdivision task forces of which
7 I'm transferring from the FBI task force to Secret
8 Service task force, but that's just logistically.

9 Q. Okay. You must be pretty good at what
10 you do then.

11 So is forensic investigation, is that a
12 typical part of your daily routine or is it just
13 something that --

14 A. It is. You've had -- it is a typical
15 part, yes.

16 Q. Okay. Thank you.

17 And then what would be your official
18 title, what do we call you?

19 A. Sir, I'm a detective sergeant, but that
20 isn't --

21 Q. That's what I wanted to know. Okay.
22 Thanks.

23 And you've worked in the capacity of a
24 police officer for how long?

25 A. 15 years.

1 Q. Okay. Were there any swiping features
2 on this phone that you could find, like something
3 there that could be, I don't want to call it
4 Confide, but was there anything within that phone
5 that you could see that you could take a picture and
6 then immediately get rid of it if you wanted to and
7 block it from you being able to find it, I guess, is
8 what I'm trying to say? I don't know your line of
9 work, but I'm guessing there's got to be something
10 like that.

11 A. There were -- I don't know -- there
12 were specific applications that may have that
13 capability. I don't know if they have that specific
14 capability that were on the device, so I wouldn't be
15 comfortable saying yes or no because my limited
16 scope that was given to me to analyze this phone was
17 for 2015. It didn't encompass, I guess, that type
18 of question, so I didn't dig into -- I didn't expand
19 my analysis of this device outside the scope of what
20 the Court requested and I tried to stay within that
21 analysis timeframe. I know photographs were the
22 main focus --

23 Q. Right.

24 A. -- and that focus was thoroughly
25 reviewed. Any residue photographs, any photographs

1 were reviewed by myself and submitted to the special
2 master for further review and a secondary review of
3 that media.

4 To say there -- there were applications
5 on there that I believe could have that particular
6 storage capability, so...

7 **Q. Okay, yeah. So it would be fair to say**
8 **or safe to say that the possibility is certainly**
9 **there within that particular phone that you looked**
10 **at?**

11 A. But to be clear, just because I don't
12 find a photograph or don't find an item doesn't mean
13 it did not exist.

14 **Q. Right.**

15 A. I want to be clear on that.

16 **Q. Right. No, we understand that. Thank**
17 **you for that clarification.**

18 **So what were your exact marching**
19 **orders, so to speak; what were you told to do as far**
20 **as investigating this phone and this particular**
21 **instance related to the picture?**

22 A. I was provided a Court order, and
23 pursuant to that Court order it was for forensic
24 examination for communication and photographs with
25 or of KS during the period from January 1st, 2015 to

1 December 31st, 2015. That was the specific scope of
2 what I was asked to review.

3 Q. Sounds reasonable.

4 And how was it that you, for lack of
5 another way to put it, were selected to be the one
6 to do this particular investigation; how did they --

7 A. I'm still confused at that particular
8 instance, to be honest with you.

9 Q. They just looked through a phone book
10 or looked through a police manual and said, hey,
11 here's our guy?

12 A. I was contacted with regards to
13 analyzing a device. I had no knowledge at that time
14 that this was the case for the analysis of the
15 device. I was asked to show up at a Court for -- to
16 analyze a particular device. It was not this
17 device, but it was the first device I was analyzing
18 in furtherance of this investigation. At that time,
19 or during that time I learned that this was the
20 scope of what had happened. It's my understanding
21 that the Judge reviewed information and put me as a
22 neutral party to extract the data, provide that data
23 to the special master for further review and/or
24 dissemination to the appropriate parties as Court
25 orders were requested.

1 Q. Yeah.

2 A. So that -- so the selection process I
3 still don't --

4 Q. So the trail definitely led to you
5 somehow, so do you think it was done through a judge
6 that had some knowledge of your previous work or --

7 A. It would have been -- it would have
8 been through defense counsel who had the initial
9 devices contacted me. That was the first contact.
10 They submitted my information to the Judge for
11 review.

12 Q. But you're not related to anybody, a
13 friend of a friend of a friend didn't refer you to
14 them? I mean, somehow they got your name, I'm
15 trying to figure out if you're just --

16 A. We typically -- well, I have no
17 association to Dowd Bennett, any knowledge. This
18 was my first interaction with them and the word of
19 mouth, I think, of the services that we provide is
20 how they probably came to selecting or contacting me
21 with regards to this particular case.

22 Q. Okay. And was this a -- well, first of
23 all, it looks like -- do you have to get approval,
24 like for secondary employment? Like if you do a job
25 on the side for someone -- like a lot of police

1 departments do security and they have to get
2 approval for that secondary employment -- is that
3 the way it works with your department?

4 A. I do have approval for secondary
5 employment.

6 Q. Okay. And this would be considered
7 secondary employment, and I assume you got paid to
8 do it; is that right?

9 A. That is correct, yes.

10 Q. Okay. And so where did that pay come
11 from?

12 A. Still pending, but it's paid with
13 regards to the particular parties who are asking the
14 question, or asking for the analysis of the device.
15 If the defense was wanting devices analyzed in this
16 particular case, which they did, they were paying
17 for that particular service. If -- and the circuit
18 attorney's office is paying for the analysis of Mr.
19 Greitens' device is how the payments are being
20 received.

21 Q. Okay. Was there ever any kind of a
22 written contract of any sort that you signed and
23 said yes?

24 A. Yes.

25 Q. There was?

1 A. Yes.

2 Q. Concerning compensation?

3 A. Yes.

4 Q. Okay. All right. Thank you, Mr.

5 Chairman. No further --

6 EXAMINATION

7 BY REPRESENTATIVE MITTEN:

8 Q. Good morning. Thank you for being
9 here.

10 I just want to make sure that I
11 understand some of your earlier testimony. So you
12 indicated that there were some applications on the
13 phone that had the capability of basically
14 disguising, for lack of a better term -- and you
15 help me because I speak lawyer language and you
16 speak tech language, so we're going to have a
17 little --

18 A. I would be -- I want to be clear here.
19 I did not thoroughly analyze the specific
20 applications within this phone, it was beyond the
21 scope of what I was asked to do. So the specific
22 applications and what they're doing, I would not be
23 comfortable saying yes or no that that was 100
24 percent on that device and I had that capability.

25 Q. Okay.

1 A. Because that was not what I was asked
2 to do or the scope of. There was potential --
3 there's potential there may be applications, but I
4 don't want to say 100 percent yes or no on that
5 particular question.

6 Q. Okay. And I guess I'm curious, given
7 your -- and I don't -- I haven't personally seen the
8 order that directed you to -- or that, you know,
9 created the parameters for your work, right, your
10 review, but I guess what I'm curious about or what
11 I'm having trouble understanding is if the order
12 directed to find any -- any evidence of
13 communications or photographs of KS or between Mr.
14 Greitens and KS, why wouldn't you look to see if
15 there are other applications that may have --

16 A. I checked those databases for
17 communication purposes.

18 Q. Okay.

19 A. And I checked the full device for any
20 residue of photos regardless of application.

21 Q. Okay. And then I come back to, though,
22 are there applications that would not have left
23 trails for -- again, I'm talking lawyer language and
24 I apologize.

25 A. I'm sure there are applications out

1 there specifically for that. I did not -- I'm not
2 100 percent that there was one on the phone.

3 **Q. Okay.**

4 A. I would not be able to testify that
5 there absolutely was one or there absolutely was not
6 one. Some of those programs contained within a
7 communication device, like a communication chatting
8 application, can contain within them specific ways
9 to communicate and submit photos. That residue
10 sometimes is not left on the phone --

11 **Q. Right.**

12 A. -- or is. So there -- I mean, there's
13 absolutely programs out there that can do that. You
14 have to get very specific on the program and then I
15 have to dive into 100 percent to tell you yes or no
16 on a particular program and that was not done in
17 this particular case.

18 **Q. Okay. Because it was sort of outside**
19 **the scope?**

20 A. Yes.

21 **Q. Is that a fair statement?**

22 A. Yeah.

23 **Q. I just want to make sure that I'm clear**
24 **about how that all worked.**

25 Now, looking at your report and your

1 testimony, it sounds to me like you found three
2 photographs from I guess it was March 21st, 2015; is
3 that fair?

4 A. That is fair.

5 Q. And you found the cached versions of
6 that?

7 A. Yes.

8 Q. But what I'm unclear about is that your
9 report talks about there sort of being gaps and --
10 and I'm going to just pull out some specific
11 language. I'm not trying to trick you up, I just
12 want to make sure I'm getting the whole thing.

13 A. I understand.

14 Q. So, for instance, you said: There
15 could be multiple reasons why the media is no longer
16 resident within the subdirectories -- which is great
17 tech language -- to include deletion of certain
18 media files. It should be noted that as described,
19 many of the files not observed in the original
20 directory were observed in cached directories and
21 then reviewed.

22 So my question is, when you say many of
23 those files, is it possible that there were other
24 photographs taken on that day that just weren't --
25 because those big number gaps, you know, you talk

1 about the database being -- listing photographs in
2 number order, is it possible there were other
3 photographs taken on that day that just don't show
4 up, you don't know because all traces are gone?

5 A. Absolutely.

6 Q. Okay. Thank you. I just -- again, I
7 need to get it in my --

8 A. And that's regardless, but you have to
9 understand that you have to have the artifact to
10 analyze in order to further what's going on and
11 sometimes the artifacts don't exist for whatever
12 reason. It could be any number of reasons have
13 occurred, and if those artifacts aren't there to
14 analyze further, then I wouldn't know.

15 Q. And by artifact, can we say that that
16 means -- is another way of putting artifact trail?

17 A. Fair enough.

18 Q. When I think artifact, I think like the
19 museum.

20 A. Fair enough.

21 Q. Again, you know, we speak kind of
22 different languages because we have different jobs.

23 A. Absolutely.

24 Q. Did you review the device for evidence
25 of, say, I don't know -- well, we heard a lot --

1 we've been reading the testimony that was given and
2 there was a lot of discussion about FaceTime. Did
3 you review the device for those kinds of
4 communications?

5 A. There were no written Messenger
6 communication artifacts that I found regarding the
7 specific request of KS. So my scope was for
8 communication on the device with regards to KS.

9 Q. Okay.

10 A. And I looked through all kinds of
11 artifacts and there were none that were recovered
12 from the device.

13 Q. So you're looking through the device
14 for all, for instance, FaceTime, I'm assuming phone
15 calls and I'm assuming text messages, so you're
16 looking through it for all of those, and I guess is
17 it fair to say that, yes, you see there's a FaceTime
18 message from this device to another device, but that
19 other device was not KS's, so you just move on to
20 the next one.

21 Is that how that works?

22 A. Fair enough, yes.

23 Q. Okay. All right. Go ahead.

24 A. It's kind of a global look at what's
25 going on on the device. If there would have been

1 alias accounts or alias activity, you know, without
2 knowing those specific accounts and specific alias
3 information, I wouldn't know that that communication
4 was relevant.

5 Q. And which was going to be my next
6 question, because I'm not -- you know, I'm just a
7 regular schmo. I just put my phone number in and
8 use it like anybody else does, but I understand
9 there are ways to, you know, to have a device that
10 doesn't necessarily have a phone number, and if it's
11 going like over the internet as opposed to another
12 device's phone number, do you, A, see that; and, B,
13 have any ability to identify who the recipient is,
14 or intended recipient, I guess I should say?

15 Am I talking lawyer language again?

16 A. You are. Unfortunately, my answer is
17 it depends.

18 Q. Okay.

19 A. There's so many variables there that
20 could potentially -- I mean, that's a difficult
21 question to answer. It very much depends on the
22 application and what the communication method is in
23 order to say I can absolutely determine that or
24 can't determine that.

25 Q. Okay. But let's just use FaceTime,

1 because that's sort of an easy default, I guess,
2 default for just average folks like myself where if
3 I use my -- you know, I have my phone with my cell
4 phone number -- and, no, I'm not disclosing that
5 right now -- and I want to FaceTime you, but you
6 have a phone that's not connected to a wireless
7 carrier, it's just you're just using the internet,
8 you know, right?

9 A. Right.

10 Q. Can I FaceTime you under those
11 circumstances as long as I know your e-mail address;
12 and your e-mail address could just be, you know, Joe
13 schmo at gmail dot com and that's pretty easily
14 disguised, am I right?

15 A. Regardless of your communications of
16 the device, if you are connected through the
17 application through FaceTime or whatever --

18 Q. Right.

19 A. -- you can communicate.

20 Q. If it's an IOS to IOS --

21 A. Regardless, if it's through the same
22 application, regardless of device, IOS, Android,
23 whatever.

24 Q. Right. But these are IOS phones, so
25 it's easier for me to sort of just talk about that.

1 Right, these were all IOS phones?

2 A. Yes.

3 Q. So if I have an IOS, you have an IOS,
4 you're not affiliated with a wireless carrier,
5 you're just on the internet and I know your baloney
6 gmail address or whatever, I can still FaceTime you
7 via that -- that --

8 A. Correct.

9 Q. -- address, so to speak? And in your
10 review, if that was, in fact, happening, you
11 wouldn't be able to determine who that intended
12 recipient was; if it just says 1234 at gmail dot
13 com, how do you know that 1234 may or may not be KS?

14 A. Without having knowledge of the
15 specific accounts that are communicating and who
16 those are related to, I would not know who that
17 account was unless they're referencing keywords in
18 the communication, such as names or something of
19 that nature, which would lead me to believe that
20 communication had happened.

21 Q. But would you have, then, if that's a
22 FaceTime communication, which is basically, you
23 know, a visual phone call, there's not going to be
24 any transcript of that, there's not going to be
25 audio -- audio files are not retained from that, are

1 they?

2 A. No. Correct.

3 Q. So there would be no way to determine
4 that other than the -- sort of the address, so to
5 speak, whether it's an e-mail, or I suppose you
6 could do an ISP search, but I don't -- see, I'm now
7 trying to talk your language, I'm going to show my
8 ignorance -- but there's no other way other than
9 those sort of two data points?

10 A. It would be dependent upon the accounts
11 and identifying those accounts as being associated
12 to a particular person.

13 Q. Okay. And then the same thing with the
14 text message or, I mean, a phone call, again, is
15 also not recorded, you would just know a call was
16 made from device A to device B or C or D or E,
17 right?

18 A. Correct.

19 Q. Okay. So those are the only two real
20 data points that you have, and then whatever
21 metadata comes behind that, which I guess would be
22 date, time, that kind of stuff?

23 A. Correct.

24 Q. Okay. See, that I can understand.

25 Let me just real quickly make sure we

1 got too many and not all.

2 Also you say in your report that there
3 were a large number of images that were reviewed
4 that were not listed in the original media location.
5 Again, a large number, but not all of them; that's a
6 assessment?

7 A. Yes.

8 Q. So can you just give me the brief
9 rundown of what happens if I'm not using one of
10 these specialty apps, which we talked about you
11 didn't really look at, I'm just using my phone,
12 taking a picture like anything else, when I delete
13 that, what happens?

14 A. Well, the original photo would be
15 removed from the device.

16 Q. Right, because I can't see it anymore?

17 A. If -- there may be a cached version of
18 that photo. Depending on how the user interacted
19 with that photo would dictate what kind of cache is
20 reserved or what kind of cache is left.

21 Q. Is there a way -- so if I delete this
22 photo -- and you know, kids at home, pay attention,
23 right, or don't -- if I -- if I take a photo of you
24 right now, I want to delete it from my phone and I
25 want to delete that cache, is there some way that I

1 as the user could just go and find that and delete
2 it myself?

3 A. It would be difficult. I mean, is
4 anything possible? Yes. Could you do it? Yes.
5 But it would be difficult without --

6 Q. Like a third-party software or some
7 other --

8 A. I mean, if the device is caching
9 information, it does -- depending on how the
10 deletion and also the operating version, those
11 caches can change, so, I mean, there's -- each
12 version may have a different process that goes on
13 because they upgrade or they kind of change, they
14 make things better for the user, and those kind of
15 processes can --

16 Q. Can change. If they want to make their
17 phone faster, bigger, stronger, all that kind of
18 stuff. So is it safe to also assume when I delete a
19 phone, a copy of it is cached, so to speak, and does
20 the cache just sort of get written over as your
21 phone runs out of space; is that what happens? Or
22 how does -- how does -- I'm so far in the weeds
23 here, right? I apologize.

24 A. It really depends. And it depends on
25 how the actual operating systems interact with that

1 cache and what's going on. It typically will remain
2 there and it generally sticks around, but there can
3 be reasons for it to be removed, so...

4 Q. So like if my phone is just basically
5 out of space, I've got caches sitting out there that
6 IOS is not getting rid of?

7 A. IOS, yeah. I mean, the --

8 Q. I'm going to write a strongly-worded
9 letter to Apple about that, right?

10 A. The data, depending on the IOS version,
11 is being manipulated by the operating system.

12 Q. Right.

13 A. And the operating system dictates what
14 happens. So I don't want to speak on behalf of
15 specific versions and what they do.

16 Q. Because each one changes?

17 A. It can.

18 Q. Is it fair to assume that -- well, and
19 honestly I didn't look to see which IOS version, I
20 guess this one was using Version 9.2?

21 A. Yes.

22 Q. Where are we now and what was it in
23 2015; do you know that?

24 A. We're at about 11 point something.

25 Q. So this phone was not being upgraded at

1 **least?**

2 A. Yeah, I mean, it's definitely not at
3 11, so you went through all those versions. I would
4 have to reference specific dates.

5 Q. Yeah, I don't remember either.

6 A. I don't know off the top of my head.

7 Q. Okay. But we could look up and see
8 what was the IOS version as of 2015 and see if it
9 was 8 when it had -- I guess that's sort of my
10 question -- when you upgrade to a new operating
11 system, then that new operating system may or may
12 not handle those cached -- that cached information
13 differently?

14 A. It may change.

15 Q. Okay. Okay. Sorry to -- sorry to get
16 so down -- I want to try and understand this.

17 And then -- well, I think we sort of
18 already asked that. Again, so your report says:
19 Outside applications can act differently in
20 functions.

21 So, I mean, could that be something
22 like Confide?

23 A. I don't know the inner workings of
24 Confide in this -- I mean, with regards to the
25 possibilities and capabilities of that particular

1 application.

2 Q. Yeah. I think that we're all kind of
3 learning about that as we go, but thank you very
4 much for appearing today. I do appreciate your
5 testimony. Thank you.

6 CHAIRMAN BARNES: Representative
7 Austin -- I'm sorry, Representative Lauer?

8 REPRESENTATIVE LAUER: That's okay.

9 CHAIRMAN BARNES: Blind spot over
10 there.

11 REPRESENTATIVE LAUER: You're fine.

12 EXAMINATION

13 BY REPRESENTATIVE LAUER:

14 Q. Thank you, sir --

15 A. Thank you.

16 Q. -- for being here, and thank you also
17 for your service in law enforcement.

18 A. Thank you.

19 Q. It's great for our state.

20 Short of doing a tutorial on Forensics
21 101 here, we'll try to just keep these as focused
22 questions as possible.

23 On page 3, the very last page of the
24 report in the second paragraph, sentence -- second
25 sentence, it says -- at the beginning it says: At

1 the request of Judge Callahan -- are you on that
2 paragraph? Last page. It's labeled page 3.

3 A. Yes, yes.

4 Q. All right. And the second line it
5 says: I was unable to determine if a photograph was
6 taken on that day.

7 And what would cause you to be unable
8 to determine what other factors --

9 A. The lack of artifacts.

10 Q. Okay. So it just didn't exist?

11 A. I would -- no, I'm not saying there
12 wasn't a photo that didn't exist, that wasn't taken.
13 There could very well be an image that was taken on
14 that day. The artifacts did not exist.

15 Q. Okay.

16 A. So without artifacts to go back on,
17 there's no trail, there's no responsive data.

18 Q. Okay. Thank you.

19 Also, you mentioned a little bit
20 earlier about the first device, and so would you
21 explain the first device that you reviewed and the
22 second device?

23 A. Yes. It was PS's device was the first
24 device, and the second one was KS's device.

25 Q. I'm sorry, the first one was?

1 A. PS.

2 Q. PS?

3 A. Yes.

4 Q. And the second was KS?

5 A. Yes.

6 Q. And was there any review of Mr.
7 Greitens' phone?

8 A. The phone that we're discussing here?

9 Q. Right.

10 A. Yes.

11 Q. So you did three?

12 A. Yes.

13 Q. Okay.

14 A. I'm sorry.

15 Q. I'm sorry, I'm trying to track all
16 three here. Three, then, that we did?

17 A. Yes.

18 Q. Okay. And, again, not understanding
19 the whole forensic side, you're looking at one phone
20 and looking at the merits of that and information
21 that's on that, and then looking at another phone
22 and the merits of that, and just by doing that you
23 would be able to tell if there was any communication
24 between those, correct?

25 A. If there's a lack of artifacts or

1 phones have been reset or changed, there would be --
2 the artifacts would not be prevalent to determine
3 that.

4 Q. Okay. So other than the photos that
5 you were charged with looking at, were there -- was
6 there other communication that was transferred
7 between Mr. Greitens and KS that you noted?

8 A. I don't believe we found any artifacts
9 from KS's phone with regards to communication back
10 to Mr. -- or Governor Greitens' phone.

11 Q. And, conversely, none from his?

12 A. Correct.

13 Q. We've been talking about the
14 application and I think you pretty well indicated
15 that there are ways to resurrect these pieces if the
16 artifacts are there?

17 A. Yes.

18 Q. Okay. And when -- when you delete --
19 kind of going back to this Confide application,
20 multiple applications that are out there, when
21 Confide -- we've been kind of looking into this I'm
22 sure -- it says it's automatically deleted from the
23 device, it's just gone?

24 A. Uh-huh.

25 Q. But then when you look online and try

1 to find out any other information about it, it's
2 very silent.

3 So in your understanding, might that
4 information go to a Cloud or might that information
5 go to a server that Confide might contain or have
6 ownership of?

7 A. I would not be able to speak on the
8 specifics on Confide because I don't feel that I
9 know enough about their specific transmission and/or
10 storage, that they're obviously are applications
11 that store things in the Cloud. There are
12 communications that are stored in the Cloud, there
13 are communications that aren't, so I don't know
14 specifically on Confide. That was outside the scope
15 of --

16 Q. Sure.

17 A. -- where I was looking particularly on
18 this phone.

19 Q. Now, on a regular phone, I can send my
20 data to the Cloud?

21 A. Yes.

22 Q. And through your forensics, would you
23 be able to see what would have been sent to a Cloud
24 and not remained on the device?

25 A. The --

1 Q. Forget the Confide thing. I'm just
2 talking --

3 A. Could you potentially see artifacts
4 that were synced or up to the Cloud, potentially,
5 yes.

6 Q. And you would be able to note that in
7 your review of the --

8 A. I did not review that in this
9 particular case. Any Cloud-related activity, that
10 was not asked of me, so I was -- I did not see
11 Cloud-specific information, but I can't say that it
12 did or did not exist. It was -- it was -- I just
13 reviewed basically the photos that were resident on
14 the phone, the data that was contained on the phone
15 as requested, and that's where I focused my -- my
16 efforts on.

17 Q. Okay. And I certainly respect that. I
18 just always have been told that even though you
19 delete information, it can always be resurrected.
20 And, so, again, I'm not technically savvy about
21 these things, but I understand that you can transmit
22 things to a Cloud and it's held there and even
23 though it may not show up on a device?

24 A. That's true. There can be artifacts
25 absolutely on a Cloud that are not resident on the

1 particular device.

2 CHAIRMAN BARNES: I want to make sure
3 we've got a clear record. So your testimony is you
4 did not review the Cloud -- any Cloud account for
5 artifacts.

6 THE WITNESS: That's correct.

7 CHAIRMAN BARNES: Okay.

8 BY REPRESENTATIVE LAUER:

9 Q. Because that was not outlined in the
10 scope of what you were to do?

11 A. I was not given any Cloud information
12 or outlined in the scope. And in order to glean
13 Cloud-based information you have to serve Apple with
14 appropriate legal process and obtain it like that.
15 That information was never handed over to me for
16 review. I don't know, there may have been another
17 party that reviewed that that I'm unaware of.

18 Q. Okay. And that was not on any of the
19 three phones; you were not given that charge on any
20 of the three phones?

21 A. To review Cloud-based information,
22 correct.

23 Q. Okay. So basically the scope was the
24 same on each of the three phones?

25 A. No, that's not correct.

1 Q. What was the scope, then, on each of
2 the three phones, if you would, please?

3 A. Do you want me to repeat the scope on
4 the --

5 Q. I would just like for you to share in
6 your own words, if you would.

7 A. The scope with regards to Governor
8 Greitens' phone would have been for forensic
9 examination for communications and photographs with
10 or of KS during the period of January 1st, 2015 to
11 December 31st, 2015.

12 Q. Okay. So that was very limited in
13 nature and timeframe and then scope of what you were
14 looking for?

15 A. That's correct.

16 Q. Okay. Thank you.

17 And then the next one?

18 A. The other two phones were similar in
19 nature. The -- well, posted to me was through the
20 special master: For each phone the forensic
21 technician can package this category as a forensic
22 report of production.

23 I'll go through it; it asks for text
24 messages, chats, e-mails and/or written
25 communications with any attachments to or from any

1 of the following individuals from 2014 to present.

2 Do you -- there are specific names in
3 here.

4 Q. We'll redact those. We don't want to
5 bring those up.

6 A. All right.

7 Q. Don't mention those.

8 A. Information, in essence, with regards
9 to KS. Information, in essence, with regards to PS.
10 Eric Greitens, specific phone numbers, [REDACTED]
11 [REDACTED] (sp), [REDACTED] (sp).

12 CHAIRMAN BARNES: Whoa, whoa, whoa.

13 REPRESENTATIVE LAUER: Whoa. That's
14 okay.

15 A. No more?

16 REPRESENTATIVE MITTEN: He's looking at
17 something we don't have.

18 CHAIRMAN BARNES: There are other
19 names. I believe you have a document that we do not
20 have.

21 THE WITNESS: Okay.

22 CHAIRMAN BARNES: Can you -- after
23 you're finished testifying, can you provide that
24 document to the committee?

25 THE WITNESS: Yes. I mean, the only --

1 I have no problem with providing it to the
2 committee. I guess I would call the special master
3 and ask him, but if you guys give me a subpoena, I
4 mean, it is what it is. Whatever process we have to
5 go, I don't have a problem. It's the Court
6 documents.

7 CHAIRMAN BARNES: I understand.

8 THE WITNESS: They're all part of the
9 Court record. I personally don't have a problem, I
10 just don't want to overstep my bounds in providing
11 information that I don't have authority to provide.

12 CHAIRMAN BARNES: I understand
13 completely and we will -- we will work with you --

14 THE WITNESS: No problem.

15 CHAIRMAN BARNES: -- for that purpose.
16 Slow down on any name, okay?

17 THE WITNESS: Okay.

18 BY REPRESENTATIVE LAUER:

19 Q. Let's just stop your reading at that
20 point, because I think what the question I was
21 asking was something that you addressed from what I
22 heard you say, again, Governor Greitens' phone was
23 very limited in timeframe and very specific in
24 looking for pictures; is that correct?

25 A. That is correct.

1 Q. And then the other two phones, the
2 scope was much broader as far as text, any messages,
3 any phone numbers from a variety of people or for a
4 variety of people?

5 A. That's correct.

6 Q. And for a much longer period of time?

7 A. Yes.

8 Q. And --

9 A. Yes. Yes, both, yes.

10 Q. And that length of time was -- I'm
11 sorry -- was set from?

12 A. 2014 to present.

13 Q. Okay. So over four years basically?

14 A. Yes.

15 Q. You were looking at that versus four
16 days or three days on the pictures of Governor
17 Greitens?

18 A. A year for --

19 Q. Timeframe?

20 A. One year.

21 Q. Oh, it was one year?

22 A. 2015 was the year.

23 Q. Okay.

24 A. In essence.

25 Q. Okay. Great.

1 A. But to be clear, all photos were
2 reviewed. It wasn't -- because you've got to be
3 careful, if you review thumbnail images, the date
4 and time, you don't want to pigeonhole yourself not
5 to review all images and all media. In this
6 particular case, all images and media were reviewed
7 on all three phones.

8 **Q. Okay. Thank you very much. I**
9 **appreciate your patience in trying to explain all**
10 **this.**

11 A. No problem. And I apologize for
12 overstepping my -- I was just reading off --

13 CHAIRMAN BARNES: You're okay. You're
14 okay. Accidents happen.

15 REPRESENTATIVE LAUER: Thank you.

16 CHAIRMAN BARNES: Representative
17 Austin?

18 REPRESENTATIVE AUSTIN: Thank you, Mr.
19 Chair.

20 EXAMINATION

21 BY REPRESENTATIVE AUSTIN:

22 **Q. Just a few followup questions.**

23 A. Sure.

24 **Q. The first full paragraph that begins:**
25 **At the request of Judge Callahan.**

1 A. Yes.

2 Q. The next sentence -- and I know we've
3 gone over this so sorry to plow the same ground
4 twice -- but it says: I was unable to determine if
5 a photograph was taken.

6 That's because you found three cached
7 images, and because they were cached, you can't tell
8 if they were taken or if they had come in from an
9 outside source and they were saved?

10 A. That's correct.

11 Q. Okay. And those three cached images,
12 while they're not the original, they're copies, you
13 can actually see what is portrayed in the
14 photograph?

15 A. Yes.

16 Q. Like you -- if it were a picture of a
17 dog, you could see a picture of a dog?

18 A. Correct.

19 Q. And those three images you, for lack of
20 a better term, downloaded or hard copied and the
21 Judge, Judge Callahan, has those right now?

22 A. That's correct.

23 Q. Okay. Next it says: And I did not
24 observe any artifacts of a deleted image.

25 So artifacts, either there were no

1 deleted images, that's why there's no artifacts, or
2 there's a sophisticated sweeping, cleaning program
3 that can remove the artifacts, or there was an
4 upgrade in the operating system that may have
5 deleted those artifacts, and correct me if I'm wrong
6 because --

7 A. Well, no, I would be hesitant to say
8 that there's a sophisticated system or something of
9 that nature, because if you're looking back three
10 years there could be any number of things on a
11 particular device that are added, taken away,
12 upgrades that happen that can affect how the
13 artifacts exist on the phone. So I don't want to
14 say that -- I didn't observe anything that was a
15 sophisticated type of eradication system, but, you
16 know, because I didn't observe it doesn't mean
17 there's nothing --

18 Q. Yeah, I'm just listing the
19 possibilities, not if you observed it or not.

20 A. Okay.

21 Q. The reasons there were a lack of
22 artifacts -- three reasons there could be a lack of
23 artifacts is, one, no images were deleted; two, some
24 sophisticated program could have cleaned it or swept
25 it; or, three, an upgrade in operating system could

1 **have --**

2 A. The upgrading system can also,
3 depending on the version of the operating system, it
4 can get rid of cache. I mean, it's not always going
5 to be resident, but generally speaking it is, okay.
6 I don't want to get -- that's a fair enough
7 assessment. I mean, the options you gave were --
8 are options that are -- there may be more options
9 that could cause it, I guess, is what I'm trying to
10 tell you.

11 Q. So what you're saying is -- and I'm not
12 trying to corner you in or box you in --

13 A. No.

14 Q. -- but the universe of the reasons that
15 there's not any artifacts are more than the three I
16 gave you?

17 A. I believe there could be more, yes.

18 Q. Okay. That's all I have. Let the
19 expert go.

20 CHAIRMAN BARNES: Thank you.
21 Representative Eggleston?

22 EXAMINATION

23 BY REPRESENTATIVE EGGLESTON:

24 Q. Good afternoon.

25 A. Good afternoon.

1 Q. So first question: Prior to examining
2 the phone, and I think Representative Phillips kind
3 of touched on this but I want to make sure, did you
4 have any relationship, friendship, connection in any
5 way to Governor Greitens, his lawyers, his staff,
6 his associates, KS, PS, Scott Faughn, Al Watkins,
7 anyone associated with this drama?

8 A. No, absolutely not.

9 Q. Didn't know any of them?

10 A. No. I was a little bit taken aback
11 when I kind of walked into it, to say the least.

12 Q. I will tell you it is refreshing to see
13 someone sitting in that chair that doesn't have some
14 possible ulterior motive sitting next to a lawyer
15 who's trying to obstruct us from actually finding
16 the truth, so I definitely appreciate you being here
17 today to help us out.

18 So in your report, the phone was an
19 iPhone 6 that you examined?

20 A. I believe so, yes.

21 Q. And the IOS version that was on it when
22 you examined it was 9.2?

23 A. Correct.

24 Q. So we kind of talked a little bit about
25 phones and versions and upgrading the operating

1 systems. The iPhone 6 came out in September of
2 2014. The alleged photos, if they were taken, would
3 have been taken in March of 2015, so this would have
4 been a fairly new phone at that time, and the IOS
5 that the iPhone 6 came out with was 8, version 8.0.
6 So now that it has 9.2 on it, there were a number of
7 releases -- I mean the original 8.0, and then there
8 was 8.1, 8.2, 8.3, 8.4, 9.0, 9.1, and then
9 ultimately the 9.2 that was on it when you examined
10 it, so that's seven possible operating system
11 upgrades that has happened since the alleged photo
12 may have been taken.

13 Would that -- does that sound right to
14 you?

15 A. If you're saying -- I trust your --
16 you're reading it, so, yes.

17 Q. Okay.

18 A. That sounds about right.

19 Q. Knowing iPhones and the way they work,
20 would an iPhone automatically do those updates as
21 Apple released them?

22 A. They've kind of changed their practice.
23 They almost annoy you to the point where you have to
24 upgrade them now, so --

25 Q. Yeah, Apple is very controlling in that

1 way, so -- and I have an Android and I kind of have
2 to opt in, you know, when there's a new version.

3 So how do iPhones work in that regard?

4 A. Well, it probably depends on the
5 version that you had, but they keep requesting you
6 to upgrade even and confirm that you want to
7 upgrade, and then they'll upgrade even when you plug
8 it in at night or something of that nature, upgrade
9 later or something of that nature. So it almost
10 continually requests you to upgrade as far as the
11 current versions.

12 Previous versions, back in the 9s, I
13 would have to recall. I mean, I think they also
14 asked, obviously they would prompt you to upgrade,
15 but I don't know how often they were.

16 Q. Sure.

17 A. Currently I can testify it's very
18 continuous on their request.

19 Q. Okay. So there's a pretty -- you would
20 say there's a pretty strong likelihood that this
21 phone underwent up to seven operating system
22 upgrades from March of 2015 to when you examined it
23 here a little over three years later?

24 A. If that's what the record shows on
25 Apple.

1 Q. That's the data that's out there.

2 Okay.

3 Now, I know in a regular laptop or
4 computers, PCs, if you go to delete a file, it
5 doesn't actually delete the file itself, it deletes
6 the entry in the file allocation table, the FAT,
7 that kind of references where that data is. The
8 file allocation table, it's kind of like a table of
9 contents in a book and then the chapters are the
10 actual data, and so if you go to delete a file, it
11 doesn't like rip out the chapter, it just erases the
12 part in the table of contents to let the computer
13 know where the file is.

14 Cell phones, I think, work the same
15 way, including iPhones; would you say that's right?

16 A. They have databases in order to --

17 Q. Kind of like that table of contents?

18 A. A table of contents that save
19 information.

20 Q. And as long as -- if a phone -- if an
21 item gets deleted off a phone and you want it back,
22 the key is you kind of need to undelete it before
23 new data comes in to overwrite that space that the
24 old file was in?

25 The sooner --

1 A. The recovery -- or to recover an
2 artifact of that item, say that the closer to the
3 recovery of that artifact that I have, the better
4 chances are that the recovery's going to happen.

5 **Q. Sure. I'm talking the file itself, not**
6 **the thumbnails that you had found, but the actual**
7 **file itself?**

8 A. Well, you've got to remember Apple also
9 has an encryption containers and things like that
10 where you're not getting a full physical analysis of
11 the device that you used to get, so Apple has
12 protected containers that you're not going to get
13 certain information, and it kind of -- it's not a
14 full system. I would be -- when you recover a file,
15 you're also going to have stripped information, but
16 it's similar in nature. I guess, I'll give you it's
17 similar in nature --

18 **Q. Sure.**

19 A. -- to what you're talking about.

20 **Q. I guess what I'm getting at is that you**
21 **take a picture, you delete that picture, that data's**
22 **still there, it's just the reference is gone to make**
23 **it look deleted, and then as the phone does new**
24 **things, takes more pictures, gets voicemails, gets**
25 **videos, does operating system upgrades, the phone**

1 could think that that space is free and use that
2 space and overwrite where that picture was?

3 A. It could.

4 Q. And the operating systems, of course,
5 are a huge file; they're the biggest thing probably
6 stored in the phone itself?

7 A. Yes.

8 Q. Okay. All right. Do you know when an
9 iPhone takes a picture, you pull out an iPhone, you
10 pull up the little camera app and you take a
11 picture, by default, just fresh out of the box, does
12 the phone make any sound, that sort of shutter click
13 sound, when you take a picture?

14 A. I believe it does.

15 Q. Okay.

16 A. Well, it makes a click. Well --

17 Q. You're not sure; I can tell you're not
18 sure.

19 A. Yeah.

20 Q. I have a couple friends who have
21 iPhones and we were kind of comparing what sound
22 does it make.

23 A. I don't know.

24 Q. Okay.

25 A. I'm not really --

1 Q. I was curious if you knew.

2 A. I mean, I can pull out an iPhone and
3 see if we hear it, but I don't know if that does
4 anything.

5 Q. Okay. I gotcha. Okay.

6 Yeah, the iPhones that I've -- I
7 checked out before interviewing you, whenever we
8 went to take a picture, it was silent.

9 A. Yeah.

10 Q. Mine, it goes -- you know, makes that
11 shutter sound, but mine is an Android. Now, of
12 course, that's just an artificial noise. You can
13 make it play Yankee Doodle if you want to, you know,
14 if it's --

15 A. I don't recall the newer iPhones making
16 a loud noise, in essence, but --

17 Q. Okay.

18 A. -- there may be a little sound. That's
19 very hardware specific that I would not be able to
20 testify to, sounds.

21 Q. Okay.

22 A. I would not feel comfortable doing so,
23 sir.

24 Q. Well, there was -- in the course of
25 this case, a sound was heard when the picture was

1 taken, and if iPhones don't make a sound, that might
2 lead one to believe that it wasn't an iPhone that
3 took the picture.

4 A. Sure.

5 Q. That's why I was asking if you knew
6 what sort of sounds iPhones make by default, or
7 could you turn the sound on and off, or do you have
8 any experience in that?

9 A. It's off my recollection and use of
10 iPhones. I don't recall a sound being loud or
11 anything. I think you just click the button and --

12 Q. That's the way it was with the ones
13 that I checked out.

14 The three photos that you said you did
15 find for March 21st that were sort of the mini
16 thumbnail versions, they weren't the full pictures,
17 but you kind of found the thumbnails of three photos
18 that were taken on March 21st?

19 A. Uh-huh.

20 Q. That's -- and you said those were
21 benign, they weren't the picture that we've kind of
22 been looking for with the woman?

23 A. Yes, they're absolutely benign.

24 Q. Can you tell, were those --

25 A. Let's be clear. Did you indicate that

1 they were -- they were on the device in a camera
2 roll subdirectory, that doesn't mean they were
3 actually physically taken with the device.

4 **Q. Right.**

5 A. Okay.

6 **Q. Okay. But they got onto the phone in**
7 **one way or another on March 21st.**

8 A. They could have been placed on there --
9 the date and time you're capturing is the original
10 date and time that the photo was taken. So if I
11 take a photo yesterday, send it to you, the date and
12 time stamp I'm looking at is going to be associated
13 with --

14 **Q. That's encoded in the thumbnail itself,**
15 **that's where you found that?**

16 A. It's not in the thumbnail, it's in a
17 database.

18 **Q. All right.**

19 A. And that's a pointer to a particular
20 file, so...

21 **Q. Okay. So then -- so March 21st was the**
22 **date that those photos were taken, but maybe not**
23 **taken with that phone, it could have been taken and**
24 **then transmitted in text at a later time?**

25 A. Yes.

1 Q. Got it. Okay.

2 Were those photos -- had those photos
3 been deleted from the phone that you examined and
4 you just found the thumbnails?

5 A. Yes.

6 Q. Okay. Do you know when, can you tell,
7 is there any trace as to when those photos were
8 deleted?

9 A. No.

10 Q. Okay. And I think Representative
11 Austin kind of hit on this, if someone wanted to
12 take a picture and delete it and then also delete
13 all trace that it had ever existed, like deleting
14 these thumbnails and all of those file table
15 entries, that is a possible thing; I mean, it would
16 take some technical expertise to do, but it is
17 doable?

18 A. Anything's doable. I mean, I would be
19 real hesitant to say somebody can't accomplish
20 manipulating data or something like that.

21 Q. Sure. You hook the phone up to the
22 computer and then you bring up the -- and you can
23 look in there, right.

24 The --

25 CHAIRMAN BARNES: I just need a clear

1 record. That was a yes, correct? You're not saying
2 it happened in this case, you're just saying that
3 you think that would be possible?

4 THE WITNESS: Yes. I -- yes.

5 BY REPRESENTATIVE EGGLESTON:

6 Q. Okay.

7 A. I mean, the specific thing, can
8 somebody alter data was your question?

9 Q. Yes.

10 A. Yes.

11 Q. Is that possible?

12 Okay. The phone number itself of the
13 phone that you analyzed was not listed in the
14 report. Did you have that phone number of the -- of
15 the --

16 A. It didn't have service at the time of
17 my analysis.

18 Q. Okay. So you don't know what phone
19 number was the phone number of the phone that you
20 analyzed?

21 A. I think I do know it, but, I mean, I
22 think it's referenced in another connection report,
23 but I do not have it listed, no, because it didn't
24 have service.

25 Q. Gotcha.

1 Do you have that with you or is that
2 **somewhere else?**

3 CHAIRMAN BARNES: Do not read the phone
4 number.

5 BY REPRESENTATIVE EGGLESTON:

6 Q. Yeah, we don't want to know it out
7 loud. Do you have that with you?

8 A. Yes. Yes, I do.

9 Q. Okay. Can I show you some phone
10 numbers and ask you to verify whether that is one of
11 the phone numbers?

12 A. I suppose, yes.

13 REPRESENTATIVE EGGLESTON: Is that okay
14 with you?

15 CHAIRMAN BARNES: That's fine with me.

16 A. I don't believe -- the phone number I
17 have associated to the individual was a different
18 phone number, but that doesn't mean that the device
19 didn't have that. It had no service, so I don't
20 have the phone number or didn't note it. Plus, it
21 wasn't -- I don't have that specific phone number
22 associated. I mean, I don't know what it is that
23 was on that device because I really didn't get into
24 that specific phone number.

25 I mean, you look at all the information

1 that's on there and you look at the contents, but I
2 didn't note the specific phone number because it did
3 not have service is why I didn't note it.

4 CHAIRMAN BARNES: So let me back up and
5 let's make a record of what you just showed him.

6 REPRESENTATIVE EGGLESTON: Sure.

7 CHAIRMAN BARNES: And then what the
8 answer was. You don't give the numbers.
9 Describe --

10 BY REPRESENTATIVE EGGLESTON:

11 Q. So these are phone numbers that were
12 associated with the, well, Governor-Elect, I guess,
13 at that point -- he wasn't Governor at that time but
14 he was running for office -- and I'm just trying to
15 figure out, are any of these phone numbers the phone
16 number of the phone that you analyzed?

17 A. I don't know that.

18 Q. And you didn't recognize that any of
19 these four were part of the phone that you analyzed?

20 A. Correct.

21 Q. Okay.

22 CHAIRMAN BARNES: And Representative
23 Eggleston, what timeframe were those numbers, to
24 your knowledge?

25 REPRESENTATIVE EGGLESTON: Those were

1 during the campaign.

2 CHAIRMAN BARNES: Okay. So 16
3 potentially, these are numbers that you know of and
4 it's your understanding that they were during the
5 campaign?

6 REPRESENTATIVE EGGLESTON: 15 to 16, I
7 believe.

8 CHAIRMAN BARNES: Can I get a list of
9 those numbers and maybe I can compare?

10 BY REPRESENTATIVE EGGLESTON:

11 Q. While he's looking, we'll move on.

12 So during the course of this, the
13 Governor's attorneys have thoroughly interviewed KS,
14 I think on three separate occasions. This is the
15 transcript of one of those, about nine hours of it.
16 And, let's see, page 293 there's a section here
17 where they're talking with her about phones and they
18 were talking about FaceTime, and the Governor's
19 attorney, I believe this was Mr. Rosenblum at the
20 time said: Well, you don't know how many phones he
21 had?

22 And she says: Correct.

23 You never asked him how many phones he
24 had?

25 She said: Well, I knew that he had the

1 one phone.

2 And then the attorney says: On one
3 occasion, he got another phone, but to your
4 knowledge you don't know whether, for instance, he
5 had a phone associated with a campaign, a private
6 phone, a public phone; you have no idea whether or
7 not -- whether he had one phone or ten phones, do
8 you?

9 So through that question it would seem
10 to indicate from the Governor's attorney that the --
11 the person who would become governor at that time,
12 wasn't governor then -- would have had multiple
13 phones. So my question is: On the phone that you
14 analyzed, is there any way to know if the user of
15 that phone also had other phones; is there any sort
16 of interconnected data?

17 A. Not that I observed.

18 Q. Okay.

19 A. And, again, my scope was just for the
20 photos and things of that nature. So I wouldn't
21 have observed that.

22 Q. Okay.

23 A. And, I mean, I wouldn't know all the
24 device information associated to other phones.

25 Q. Yeah. I didn't know if there was any

1 file interaction sharing somehow, if there's two
2 phones on an account.

3 A. Not that I analyzed.

4 Q. Yeah. Okay. So something could happen
5 on one phone and another phone wouldn't know
6 anything about it.

7 And then there was other -- there's
8 some other discussion about burner phones, I
9 believe, Mr. Greitens had provided KS -- according
10 to KS's testimony, of course, we don't know for
11 sure -- but according to her testimony, he had
12 provided her a burner phone for their
13 communications. And that burner was one she used,
14 so I guess this is one of those temporary phones you
15 can go buy at the different stores that really
16 aren't associated with a normal plan, you sort of
17 pay as you go kind of thing.

18 Do you have any kind of expertise on
19 those phones, how they might differ from an iPhone
20 as far as can they take pictures, typically; can
21 those phones that you buy take pictures?

22 A. It would depend on the phone.

23 Q. Yeah.

24 A. Obviously, without a specific phone --
25 I mean, there's definitely phones out there, yes, a

1 lot of phones take pictures.

2 Q. That you could buy that are burner
3 phones that could take pictures?

4 A. You can go to Walmart and purchase a
5 phone that takes pictures.

6 Q. I've never done that, I didn't know.
7 That's why I was asking.

8 CHAIRMAN BARNES: Can I follow up real
9 quick? I've got one additional number.

10 REPRESENTATIVE EGGLESTON: Sure.

11 CHAIRMAN BARNES: While we're on that
12 line of questioning, I don't want to get too far
13 afield from it, I want to check and see --

14 REPRESENTATIVE EGGLESTON: Sure.

15 CHAIRMAN BARNES: Now we have a sixth
16 number for you; is that a number associated with the
17 phone.

18 THE WITNESS: I won't say it's
19 associated specifically with the phone, but that's
20 more likely a number I had listed for Mr. Greitens,
21 I believe. It's the same phone number I have
22 listed.

23 CHAIRMAN BARNES: Okay.

24 THE WITNESS: But I'm not going to say
25 that's the phone number for the phone.

1 BY REPRESENTATIVE EGGLESTON:

2 Q. All right. So I'm pretty much done.
3 It seems to me like we've got three possibilities
4 here that are possible.

5 Based on your examination of the phone
6 or what you figured out, it is possible that Mr.
7 Greitens never took the picture in question, that's
8 a possibility?

9 A. That's a possibility.

10 Q. You didn't find anything to refute that
11 in your examination.

12 It is possible that he took the picture
13 on the phone that you examined, he erased it that
14 same day and then that space was overwritten over
15 the last three-and-a-half or three-plus years with
16 other data, software upgrades and so forth that to
17 the point where you couldn't determine if that phone
18 had actually taken the picture?

19 A. Correct. I have not been able to
20 determine that phone took a picture.

21 Q. Okay. And it's also possible that he
22 took the picture with a different phone than the one
23 that you analyzed?

24 A. Sure.

25 Q. Okay. I appreciate you answering all

1 **the questions --**

2 A. No problem.

3 **Q. -- and helping us with that**
4 **information. Thank you.**

5 CHAIRMAN BARNES: I want to make a
6 clear record, too. So there's five phone numbers
7 shown between Representative Eggleston and myself
8 regarding phone numbers of Mr. Greitens. One of
9 those five numbers you indicated was associated in
10 some fashion with the device you reviewed; is that
11 fair to say?

12 THE WITNESS: No, that -- that's a
13 phone number I have listed for Mr. Greitens.

14 CHAIRMAN BARNES: Okay.

15 THE WITNESS: It's not necessarily
16 specific to that particular device.

17 CHAIRMAN BARNES: Okay. So, you know,
18 if we've got five different phone numbers, it could
19 have been -- is it possible to have two phone
20 numbers for the same device.

21 THE WITNESS: You could.

22 REPRESENTATIVE EGGLESTON: You could
23 have a mobile voice number that's tied to the phone.

24 CHAIRMAN BARNES: It's possible that
25 five different phone numbers means you have five

1 different devices?

2 THE WITNESS: Sure.

3 CHAIRMAN BARNES: Okay. Thank you.

4 Representative Trent?

5 EXAMINATION

6 BY REPRESENTATIVE TRENT:

7 Q. Thank you for being here today. Let me
8 make just one quick note.

9 Okay. So to begin with, and it seems
10 like we've had several different hypothetical
11 scenarios here about the realm of infinite
12 possibilities, what could happen. I mean in the
13 realm of infinite possibilities, you could have a
14 team of engineers go through zero and one and write
15 the whole programming system and write all the data
16 for a phone, in theory, correct?

17 A. True.

18 Q. So we're talking about data, which is
19 infinitely malleable, but just because the
20 possibility of infinite malleability exists,
21 sometimes that gets to the point like an asteroid
22 hitting like, yeah, we could all be wiped out in the
23 next five minutes, but that doesn't mean it's
24 probable or likely, and it certainly doesn't mean
25 that there's any evidence that that has occurred.

1 Would you say that's a fair statement?

2 A. That an asteroid is going to hit?

3 Q. Right, or that any of these infinitely
4 malleable hypotheticals could potentially have
5 occurred; just because it's out there in the realm
6 of possibility doesn't mean it's probable or that
7 there's any evidence that it happened.

8 So -- okay. So the benign photos that
9 were on the phone, those were not photos of KS,
10 correct?

11 A. That is correct.

12 Q. And, in fact, there's no evidence that
13 there are any photos of KS on the phone, correct?

14 A. That is correct.

15 Q. Okay. And the photos that were on
16 there for the date, just for clarification, you said
17 if someone texted a photo to a person, that it would
18 have the date that it was taken on, whatever device
19 it was taken on would be the date reflected in the
20 phone, not the date they received it?

21 A. In the database that I was referencing.

22 Q. In the database, and would that be true
23 also if they got it from Facebook or the internet or
24 just anywhere it came from?

25 A. It could be a different time stamp

1 depending on the acquisition of the image. So, I
2 mean, depending where they're getting it from, so,
3 yeah.

4 Q. So -- so that doesn't really tell us
5 anything about when -- when or where the photo was
6 taken?

7 A. That's correct.

8 Q. Okay.

9 A. I mean, it would tell you the date and
10 time would be date and time associated to the
11 photo --

12 Q. Uh-huh.

13 A. -- creation.

14 Q. Right.

15 A. But not necessarily when, where -- or
16 not how or where it was.

17 Q. So in your review of this phone, you
18 didn't find any evidence that any photos were taken,
19 deleted or transmitted on that date in question; not
20 affirmative evidence to show?

21 A. Correct. Yes.

22 Q. Okay. Now, there's also some
23 speculation about apps that could have been used,
24 but you didn't find any evidence that an app was
25 used to delete any photo artifacts on the phone, did

1 **you?**

2 A. No, I didn't observe anything.

3 Q. Okay. And you didn't see any hint of a
4 **sophisticated photo deleting or manipulating app on**
5 **the phone?**

6 A. No.

7 Q. And in your experience, if that kind of
8 **app was on the phone and was being used, would it**
9 **have left traces that you could have identified?**

10 A. Not necessarily.

11 Q. **Not necessarily?**

12 A. It depends. You're -- whenever you're
13 talking hypothetical about apps and specific
14 programs, I have a hard time giving you a specific
15 answer because it's very dependent upon the specific
16 app and the specific program because they all
17 function a little bit differently.

18 Q. **So there's so many apps out there?**

19 A. There is a large number of
20 applications.

21 Q. But you saw no evidence of such an app
22 **being used?**

23 A. That's correct.

24 Q. Okay. And if such an app had been
25 **used, do you think it would have affected a lot of**

1 the artifacts that were left on the phone? I mean,
2 how -- let me ask it this way: Did you find a large
3 number of photo artifacts on the phone?

4 A. I think we found 16,000.

5 Q. 16,000?

6 A. Yes.

7 Q. And if such an app were being used, do
8 you think it's likely that there would be 16,000
9 artifacts remaining on such a phone?

10 A. It would depend on how the function --
11 what they were doing with the particular app, but, I
12 mean --

13 Q. Unlikely; is that fair enough to say?
14 I mean, I don't want to try to put words in your
15 mouth if that's not a fair statement.

16 A. It would really depend on what they're
17 doing with a particular app.

18 Q. Okay.

19 A. So if I'm deleting one photo, deleting
20 1000 photos, that is a very different type of
21 functionality with a particular app, and you're
22 talking about an app that is --

23 Q. Okay.

24 A. -- a hypothetical and not a --

25 Q. So, again, just no evidence.

1 A. That's correct.

2 Q. No evidence in the affirmative that
3 such a thing was happening, okay.

4 Did you see any evidence of a Confide
5 app on the phone that you reviewed?

6 A. Yes.

7 Q. And do you know when that would have
8 been placed on that phone?

9 A. No.

10 Q. No evidence of when that would have
11 occurred?

12 A. That was beyond the scope of the
13 information I was looking at. I did check for
14 information pertaining to conversations and photos,
15 but I can't tell you --

16 Q. When or anything?

17 A. That was beyond the scope and beyond
18 what I reviewed.

19 Q. Okay. Fair enough.

20 Now when you reviewed the phone, was it
21 at or near storage capacity?

22 A. I don't believe so.

23 Q. Because earlier we discussed in one of
24 the earlier lines of questioning that, you know,
25 when phone data is updated, that it might override

1 if it were close to storage capacity, but you don't
2 think that it was near storage capacity?

3 A. No.

4 Q. Okay. Did you see any evidence that
5 there were multiple phone numbers associated with
6 this device?

7 A. No.

8 Q. Okay.

9 A. Again, I would just say no, I didn't
10 see any evidence, that's correct.

11 Q. No affirmative evidence, okay.

12 Now, did Apple turn over any of the
13 Cloud data that -- that would have been associated
14 with this device?

15 A. I wouldn't know that answer. I was not
16 asked to analyze any Apple data, nor do I have any
17 Apple data in my possession.

18 Q. So that's beyond the scope of your
19 investigation here?

20 A. That was not given to me to review or
21 analyze. I don't know who would have done that.

22 Q. Okay. Now, you also mentioned earlier
23 that you conducted examinations of two other witness
24 phones that are associated with this, with the PS
25 and KS's phones?

1 A. That is correct.

2 Q. I have with me here some excerpts from
3 those reports, and I would like to present them to
4 you and see if you could authenticate that these, in
5 fact, came from the reports.

6 REPRESENTATIVE TRENT: And with the
7 chairman's permission, I'd like them entered into
8 evidence for the committee.

9 CHAIRMAN BARNES: Can you distribute
10 it?

11 REPRESENTATIVE TRENT: I have copies.

12 CHAIRMAN BARNES: Can we make copies
13 for the committee? Let's have the committee have
14 the opportunity to review them first.

15 REPRESENTATIVE MITTEN: How many pages
16 is this?

17 REPRESENTATIVE TRENT: It will be five
18 pages.

19 REPRESENTATIVE MITTEN: We're going one
20 page at a time.

21 REPRESENTATIVE TRENT: Each page is an
22 individual page.

23 REPRESENTATIVE MITTEN: Mr. Chair, this
24 hasn't been redacted.

25 CHAIRMAN BARNES: How many pages do we

1 have total?

2 REPRESENTATIVE TRENT: Five.

3 CHAIRMAN BARNES: Representative, I
4 want to make sure that we've got all this. I think
5 I have duplicates here.

6 REPRESENTATIVE LAUER: Mr. Chair, I
7 would ask that we hold off on this because there's
8 no reference in here where this came from, when it
9 was obtained, anything about this.

10 REPRESENTATIVE TRENT: I believe
11 they're in the other two reports, so the whole point
12 is while he's here today to have him authenticate --

13 CHAIRMAN BARNES: Gentlemen, let me ask
14 you something, because we've been told that we can't
15 receive anything from defense counsel.

16 Do you care to share where you received
17 this from?

18 REPRESENTATIVE TRENT: Defense counsel.

19 CHAIRMAN BARNES: Can you state that
20 for the record?

21 REPRESENTATIVE TRENT: Yes, we received
22 this from the counsel for defense.

23 CHAIRMAN BARNES: You mean you received
24 this?

25 REPRESENTATIVE TRENT: I received it,

1 but it's for the committee.

2 CHAIRMAN BARNES: I understand, but my
3 concern is -- and I would like an opportunity --
4 maybe we'll take a little break to review it.

5 My concern is that defense counsel told
6 us no such records could be provided to any member
7 of the committee because of a Court order, and now
8 we have a committee member who has been provided
9 with records from the case.

10 Ms. Nasser, can you explain why Mr.
11 Dowd said no such records could be made available
12 and now today we have a document that was made
13 available to a member of this committee after we
14 have subpoenaed them and requested them for months?

15 Ms. Nasser, can you answer that
16 question?

17 MS. NASSER: I'm happy to take a break
18 with the chairperson.

19 CHAIRMAN BARNES: I have no problem, I
20 want to look at the evidence. What I do have a
21 problem with, Ms. Nasser, is repeated assertions
22 from Mr. Dowd that no such evidence could be
23 provided to anyone, and now all of a sudden a
24 document pops up that he said earlier this week
25 could not be provided and then repeated it

1 yesterday.

2 Are you aware that this was provided to
3 a member of this committee?

4 MS. NASSER: I'm happy to take a break
5 with you, Mr. Barnes.

6 CHAIRMAN BARNES: I'm interested in an
7 answer now, Ms. Nasser.

8 And I don't blame you, Representative,
9 you were provided with a document, but we've been
10 trying to get documents for months; is that correct,
11 Representative Austin?

12 REPRESENTATIVE AUSTIN: Yes.

13 CHAIRMAN BARNES: Is that correct,
14 Representative Phillips?

15 VICE-CHAIRMAN PHILLIPS: Yes.

16 CHAIRMAN BARNES: Is that correct,
17 Representative Mitten?

18 REPRESENTATIVE MITTEN: Absolutely.

19 CHAIRMAN BARNES: Is that correct,
20 Representative Lauer?

21 REPRESENTATIVE LAUER: Absolutely.

22 CHAIRMAN BARNES: And we were told
23 Monday and Tuesday you couldn't give them to us.

24 REPRESENTATIVE TRENT: Perhaps
25 something has changed since then that we're not

1 aware of, and so I think maybe it is a good
2 suggestion for us to take a break and get to the
3 bottom of what actually is going on.

4 REPRESENTATIVE MITTEN: Excuse me, Mr.
5 Chair, didn't we just have a discussion with Mr.
6 Dowd about this yesterday?

7 CHAIRMAN BARNES: We had a discussion
8 yesterday in which he said yesterday that no such
9 documents could be provided.

10 And, Representative, I don't want -- we
11 can have a discussion offline about when you
12 received them, but yesterday Mr. Dowd was standing
13 approximately to the right of where the witness was
14 yelling at me about the fact that the Court order
15 said he couldn't give -- provide any such documents,
16 and yet here we are.

17 And in addition to that, we have -- I
18 want to distribute for the committee right now -- go
19 ahead and hand these out -- this is a subpoena to
20 the Governor for production of documents that went
21 to Mr. Dowd, and the letter on the top is dated
22 May 24th. There are essentially boilerplate
23 objections to much of what we requested, and, for
24 example, request number 1, it's on page -- it's on
25 the second sheet as you look there, says: We

1 requested all communications, including written
2 communications and text messages between Eric R.
3 Greitens and KS. We know it was previously
4 requested by the committee on February 28th, 2017,
5 three months ago.

6 And there was an objection, and then
7 there's an answer: The respondent is prohibited
8 from producing these documents pursuant to Judge
9 Burelson's March 8th, 2018 order stating that no
10 discovery depositions, items of discovery or
11 evidence will be secondarily distributed in person
12 not employed by or working directly for the parties'
13 legal team. That's the Court order.

14 Ms. Nasser, can you come and speak to
15 the committee?

16 MS. NASSER: I would like to take a
17 break.

18 CHAIRMAN BARNES: We are not taking a
19 break right now. I would like for you to answer the
20 questions. You are here on behalf of Governor
21 Greitens. We received yesterday an objection to a
22 request for documents that were discovery in this
23 case. A lot of objections. We saw Mr. Dowd stand
24 to the right of where the witness is sitting right
25 now and yell at me because he said no such documents

1 can be produced, and yet today, magically, such
2 documents are produced. And not all of them, but
3 documents that were given to this witness -- to a
4 committee member. Are you refusing to speak to this
5 committee?

6 MS. NASSER: Mr. Barnes, I am
7 respectfully requesting that we take a break.

8 CHAIRMAN BARNES: I am not allowing for
9 a break right now. You are here on behalf of Mr.
10 Greitens, Ms. Nasser. Will you please take a chair?

11 MS. NASSER: Mr. Barnes, I am here to
12 treat this entire committee with respect and I would
13 like to speak for a moment.

14 CHAIRMAN BARNES: Do you believe --

15 MS. NASSER: Mr. Barnes --

16 CHAIRMAN BARNES: -- it is respectful
17 for a member of your team yesterday to yell at me
18 for suggesting that he should provide us documents
19 and saying that he cannot do that thing, and then
20 the very next day provide documents that yesterday
21 he said he couldn't provide?

22 MS. NASSER: Mr. Barnes, I respect this
23 entire committee and the work that they are doing.
24 I was a federal prosecutor in Chicago for 13 years
25 and I would only ask that I be treated with the same

1 respect that I am treating this committee. I was
2 not here yesterday, as you know, and I am
3 respectfully requesting that we take a brief break
4 so that we can come to a resolution and then we can
5 come back in here. That is all I'm asking, Mr.
6 Barnes.

7 CHAIRMAN BARNES: Here's what I am
8 going to request. We can take a brief break.

9 MS. NASSER: Thank you.

10 CHAIRMAN BARNES: But I am requesting
11 that Mr. Greitens and your team provide us with
12 every document associated with the review of this
13 phone and any other device involved in this rather
14 than cherry-picking evidence to provide to members
15 of this committee after we have dually subpoenaed
16 your client, and your partner told us yesterday,
17 yelled at the chairman, yelled at me, and said he
18 couldn't provide them, and yet magically they are
19 here. That's offensive to this committee. It's
20 offensive to this process. I don't blame
21 Representative Trent for having them, they were
22 provided, but we've asked for them as a committee
23 since February.

24 Let's take a break for 20 minutes. Is
25 that sufficient? And I would actually -- I want to

1 vote to go into a closed session of the committee.
2 REPRESENTATIVE MITTEN: Mr. Chairman,
3 before we do that, I would just like to make a brief
4 comment, which I understand we have some new members
5 here, but for those of us that have been here since
6 day one, we made some specific -- very specific
7 review of what we did have and made some very
8 specific decisions to no longer accept cherry-picked
9 evidence. I believe that we even referenced that in
10 our report after much discussion, and I feel that no
11 matter what discussions you may engage in during
12 this break with counsel for the Governor,
13 personally, and I think I do believe I speak on
14 behalf of some of the other members of this
15 committee, we have already made a determination as a
16 committee that we will not accept cherry-picked
17 evidence, period. And for that reason, I
18 strenuously object to the distribution or the
19 admission of these documents at this time.

20 If we were to receive complete
21 responses from the Governor's team, I would be more
22 than happy to change -- to review that and revisit
23 this. But we have already determinately made a
24 decision that we will not accept cherry-picked
25 evidence and I do not see any reason why that should

1 change at this juncture. Thank you.

2 REPRESENTATIVE TRENT: Mr. Chairman, if
3 I could just make a brief response to that?

4 CHAIRMAN BARNES: I don't think it was
5 an attack on you.

6 REPRESENTATIVE TRENT: I understand it
7 wasn't an attack on me, and I didn't take it as
8 such, but I believe that the evidence that is here
9 before the committee today is highly probative to
10 the nature of what has occurred in this situation,
11 and I don't believe that this committee should ever
12 refuse to accept highly probative information if we
13 are trying to get to the truth and the whole truth.
14 So I understand the lady's objections, but I object
15 to the objection.

16 CHAIRMAN BARNES: Gentlemen, the
17 problem with what you just said is if we're trying
18 to get to the truth and the whole truth, and the
19 whole truth requires production of all of the
20 evidence, not just that stuff which is
21 cherry-picked, and I'm not saying we won't accept
22 this as evidence eventually, but we have subpoenas
23 for production of documents out there, documents
24 that we have requested for three months, Ms. Nasser,
25 three months, and Mr. Dowd had the audacity to stand

1 there and yell at me and say that he couldn't
2 provide them to any third party yesterday, and today
3 we have a series of documents that he said he
4 couldn't do it because of a Court order. Mr. Dowd
5 lied Monday to this committee, he lied Tuesday to
6 this committee, he lied Wednesday to this committee.
7 I am tired of your team playing games with this. We
8 have 35 requests for production of documents. You
9 have objected to the vast majority of them, many of
10 them saying you can't provide them, and now there's
11 a subset that was -- that was provided.

12 Representative Phillips?

13 VICE-CHAIRMAN PHILLIPS: Mr. Chairman,
14 I'm absolutely going to agree with our ranking
15 member, Representative Mitten. We did, prior to
16 taking on any additional members, we certainly did
17 come to that agreement that we would not accept
18 little pieces of information here and there, and I
19 suspect this is absolutely playing right into the
20 defense's hands here without -- just a glance at
21 this first sheet tells me that.

22 So I say let's get all the evidence and
23 then we'll consider it without taking little pieces
24 here and there that they want to dictate what the
25 committee looks at and what they don't.

1 CHAIRMAN BARNES: Mr. Koberna, man, you
2 really didn't realize what you were going to get
3 called in for. You testified earlier that you
4 didn't -- you didn't have this set up.

5 What are your available dates next
6 week? I'm sorry.

7 THE WITNESS: That's fine. I can make
8 myself available. It's better next week than the
9 following. I'll be out of town the following week.

10 CHAIRMAN BARNES: Ms. Nasser, can you
11 come to the seat? Are you going to object to a
12 subpoena that we sent him for all documents relating
13 to the search he did of any of the phones?

14 MS. NASSER: Mr. Barnes, I'll take that
15 into consideration and consult with my team and our
16 client.

17 CHAIRMAN BARNES: Okay. You have
18 20 minutes. I expect an answer in 20 minutes on
19 whether you're going to object to our subpoena to
20 Mr. Koberna to produce all evidence for us. We will
21 be back --

22 REPRESENTATIVE LAUER: Might I?

23 CHAIRMAN BARNES: Yes, you may make a
24 comment.

25 REPRESENTATIVE LAUER: Thank you, Mr.

1 Chair. I just wanted to comment that along with my
2 colleagues, this, again, seems to be an approach to
3 circumvent the entire process of this committee by
4 not only providing cherry-picked information, but
5 providing it to one specific person and not even
6 having that information prior to this meeting where
7 it is just sprung on us with an anticipation that
8 this should just be part of information taken at
9 face value. So I certainly agree that we should ask
10 for all documentation. Thank you.

11 REPRESENTATIVE TRENT: One additional
12 point of clarification, if I could. I, too, concur
13 with the other members of the committee that we
14 should have all the evidence available. My only
15 point that I wish to clarify is that I don't believe
16 we should turn away any probative evidence based on
17 our concerns about how the rest of the process has
18 unfolded. But I do agree that we should have all
19 evidence in this matter available for the record.

20 REPRESENTATIVE MITTEN: May I respond?

21 CHAIRMAN BARNES: Thank you.

22 Yes, Representative Mitten?

23 REPRESENTATIVE MITTEN: And with all
24 due respect to the gentleman from the Trent
25 district, and this is just an unfortunate

1 circumstance that you haven't been here since day
2 one. However, again, I think that I can speak on
3 behalf of the entire committee that we have had too
4 many instances where whether it's information given
5 to this committee or information given to the press
6 or to the media through public statements that is
7 absolutely cherry-picked, and after this committee
8 has had an opportunity to review all of the
9 evidence, with the exception of the Governor's
10 testimony, we have consistently and repeatedly and,
11 indeed, I cannot think of a single instance where we
12 have not concluded unanimously that the information
13 was insufficient and indeed cherry-picked in such a
14 way that it was not the truth and was not credible.
15 And I don't see any reason why the members of this
16 committee, certainly those of us that have been here
17 from the get-go, would have reason or cause to think
18 at this juncture this kind of thing would be any
19 different than it's been every single time it's
20 happened in the past.

21 So thank you, Mr. Chair.

22 CHAIRMAN BARNES: And just so we're not
23 speaking in generalities, let me give the two most
24 prominent examples off the top of my head.

25 The first prominent example is that in

1 response to receiving the circuit attorney's video
2 that they received, the Governor's team made a
3 public pronouncement that that video undercut
4 everything that this committee had done in its
5 report. The next day we obtained the video. The
6 next working day in this building the committee
7 reviewed the video. And the committee unanimously
8 found that there was nothing in that video that
9 undercut the committee's report. That's the first
10 prominent example.

11 The second prominent example was the
12 comment about the dream, this public comment about a
13 dream. Now, we have the actual transcript of the
14 deposition testimony, which we've read into the
15 record, which makes very clear that witness one said
16 that she did not remember seeing the phone in
17 particular, and that she would not testify to that
18 under oath because her memory of that was not strong
19 enough, but nothing else that she said was in the
20 nature of a dream, that she knew her memories were
21 strong enough on everything else, other than the
22 visualization of the phone, that she could testify
23 to those things under oath.

24 Those are the two most prominent
25 examples.

1 Let me give you a third example. We
2 got a letter from Mr. Dowd when he knew that we were
3 reviewing the circuit attorney's video, a letter
4 that, by the way, violated the very Court order that
5 he hides behind, and that letter claimed that PS had
6 driven KS to the police department in Jefferson City
7 on the morning that she spoke to our committee.
8 Well, guess what, we know where PS was that morning,
9 we've spoken to KS's lawyer, he picked her up, he
10 drove her down. That was another cherry-picked
11 claim that was a lie from Mr. Dowd.

12 And so, Representative Trent, I fully
13 agree, we need anything that's probative, we need
14 it, but this committee has experience with Mr. Dowd
15 and this team that shows that their cherry-picked
16 evidence cannot be trusted. This is the Show Me
17 State. You want us to look at evidence, give it
18 all -- give all of the evidence to us.

19 REPRESENTATIVE EGGLESTON: And a fourth
20 example would be the pornographic bondage pictures
21 that they claimed would be KS that obviously were
22 not.

23 CHAIRMAN BARNES: That's a fourth
24 example. I bet if we went through the entire
25 transcript of this committee, Ms. Nasser, we could

1 find seven, eight, nine, ten examples of lies from
2 your side.

3 REPRESENTATIVE EGGLESTON: Let me ask
4 Representative Trent, this stuff that you're going
5 to be bringing out, is it going to require, then,
6 followup questions to Mr. Koberna?

7 REPRESENTATIVE TRENT: Well, that was
8 the intention was to get him to verify that it is,
9 in fact, authentic information that came from the
10 phones that he reviewed, and then at that -- to lay
11 the foundation that this is evidence that should be
12 considered.

13 REPRESENTATIVE EGGLESTON: Well, I
14 think we are blessed to have someone who is willing
15 to testify in a nonpartisan, unbiased, you know, raw
16 data.

17 REPRESENTATIVE TRENT: Absolutely.

18 REPRESENTATIVE EGGLESTON: So I hate to
19 inconvenience him any more than we have to, but if
20 we have to, we have to.

21 REPRESENTATIVE TRENT: I appreciate the
22 gentleman's forbearance with the committee and the
23 process.

24 CHAIRMAN BARNES: Mr. Koberna, if we
25 were to provide you with a subpoena, and you know

1 what, if Ms. Nasser will consent today, I don't
2 think we would need a subpoena to get these
3 documents.

4 If we were to provide you with a
5 subpoena for all the documents, how long do you
6 believe it would take to produce them?

7 THE WITNESS: For the documents that I
8 have in my possession, or the documents I submitted
9 to the special master?

10 CHAIRMAN BARNES: All documents in your
11 possession relating to your examination of this
12 phone or any other account of Mr. Greitens or
13 submitted to the special master, everything?

14 THE WITNESS: I could get to -- I'm
15 trying to remember what all I gave to the special
16 master, because it's all through pretty much e-mail.

17 CHAIRMAN BARNES: Everything that you
18 have. So you just -- we want everything that you
19 have. We are not going to cherry-pick evidence in
20 this committee, Ms. Nasser, and you can tell Mr.
21 Dowd that as well. And Mr. Dowd knows it because
22 we've made that clear to him for a long time. In
23 fact, we put it in a report and we unanimously
24 agreed upon that as a committee.

25 I'm glad you remembered that,

1 Representative Mitten, because we did unanimously
2 agree to it as a committee.

3 So how long for the entire --

4 THE WITNESS: The only reference I
5 would say is I would contact Judge Callahan, the
6 person who I've been entrusted by the Court to
7 facilitate this, and let him make the ultimate
8 decision with regards to all that. That would be
9 my -- because he's ultimately in charge of the data
10 and the contents. I don't have any problem giving
11 you whatever you need.

12 CHAIRMAN BARNES: Ms. Nasser, do you
13 have all of that information? Does your firm have
14 all of that information?

15 REPRESENTATIVE MITTEN: Check with the
16 special master.

17 CHAIRMAN BARNES: Yes or no?

18 MS. NASSER: Mr. Barnes, I am happy to
19 talk with you --

20 CHAIRMAN BARNES: It's a fact question.
21 Do you know the answer to that?

22 MS. NASSER: I'm not here to testify.

23 CHAIRMAN BARNES: It's a fact question.

24 MS. NASSER: And I would also
25 appreciate if --

1 CHAIRMAN BARNES: Do you know the
2 answer to the question, Ms. Nasser?

3 MS. NASSER: I would appreciate if you
4 would not yell at me anymore.

5 CHAIRMAN BARNES: Ms. Nasser, I would
6 appreciate it if your side would take this process
7 seriously and stop playing games.

8 MS. NASSER: Mr. Barnes, I would
9 appreciate if you would stop talking over me and
10 stop yelling at me. You've been yelling at me for a
11 very long time and I only met you for the first time
12 about an hour ago. And I am happy to speak with you
13 over a break and to entertain --

14 CHAIRMAN BARNES: We are not going to
15 speak over a break.

16 MS. NASSER: Okay.

17 CHAIRMAN BARNES: We are going to speak
18 on the record. You can call back to the office, you
19 can answer the question of whether you are going to
20 consent to the handing over of all of the evidence
21 and not just the cherry-picked stuff that was
22 provided to a member of this committee without
23 knowledge of any other member of this committee and
24 without being shared before this hearing today.
25 That is the question.

1 So two questions: One, do you know the
2 answer to the fact question of whether you have all
3 of the data?

4 MS. NASSER: I'm not here to answer any
5 questions. I am here as an observer. And we are
6 not consenting to anything today.

7 CHAIRMAN BARNES: Is there a reason you
8 are here today instead of Mr. Dowd? Did Mr. Dowd
9 not want to be here when he had said yesterday that
10 he couldn't give us evidence, and then today that
11 evidence was going to magically -- evidence in that
12 category was going to magically appear so that we
13 couldn't talk to Mr. Dowd? Do you know, is Mr. Dowd
14 in Jefferson City today?

15 MS. NASSER: Sir, I'm not here to
16 answer your questions. I am here to observe.

17 CHAIRMAN BARNES: These are fact
18 questions. Is Mr. Dowd --

19 MS. NASSER: I'm not here to answer any
20 fact questions. I'm not here to be yelled at. I'm
21 not here to be spoken over.

22 CHAIRMAN BARNES: We are not here to
23 have one side of this process play games with us.

24 Is Mr. Dowd in Jefferson City today?
25 Can he talk to this committee? Do you have -- if

1 you're saying you don't have authorization to make
2 any such decisions, I understand. Is that what
3 you're saying today?

4 MS. NASSER: I'm not saying that.

5 CHAIRMAN BARNES: Okay. You do have
6 authorization?

7 MS. NASSER: I'm not saying that
8 either. I'm saying I'm not here to answer
9 questions.

10 CHAIRMAN BARNES: You are here on
11 behalf --

12 MS. NASSER: I am speaking with respect
13 and expect the same from you.

14 CHAIRMAN BARNES: Well, I'm sorry, but
15 your team has not treated this committee with
16 respect. Your team has not treated taxpayers with
17 respect. We have asked for these documents for
18 three months, three months, and now all of a sudden
19 they just magically appear?

20 You refuse to answer any questions?
21 Your team is going to refuse to answer any questions
22 about whether you will consent to the production of
23 all of documents associated with this?

24 MS. NASSER: I am not here to answer
25 questions. I'm here to observe and I'm happy to

1 speak with you --

2 CHAIRMAN BARNES: Can you call Mr. Dowd
3 and ask how long it will take him to get into this
4 hearing room?

5 MS. NASSER: I'm not going to do that.

6 CHAIRMAN BARNES: So when Mr. Dowd goes
7 out in the hallway and expresses disappointment
8 about not being permitted to have further
9 participation in this process, and now we are
10 seeking his participation in this process or seeking
11 answers from you, your answer is that you're not
12 going to participate.

13 Thank you. Let's take a 25-minute
14 break. I would like to -- I would like to have a
15 closed discussion for a moment, and I so move.

16 REPRESENTATIVE MITTEN: Second.

17 CHAIRMAN BARNES: Mr. Secretary, please
18 call roll.

19 MR. SCHEIDERER: Chairman Barnes?

20 CHAIRMAN BARNES: Aye.

21 MR. SCHEIDERER: Vice-chairman
22 Phillips?

23 VICE-CHAIRMAN PHILLIPS: Aye.

24 MR. SCHEIDERER: Representative Mitten?

25 REPRESENTATIVE MITTEN: Aye.

1 MR. SCHEIDERER: Lauer?
2 REPRESENTATIVE LAUER: Aye.
3 MR. SCHEIDERER: Rhodes; Austin?
4 REPRESENTATIVE AUSTIN: Aye.
5 MR. SCHEIDERER: Pierson, Jr.;
6 Eggleston?
7 REPRESENTATIVE EGGLESTON: Aye.
8 MR. SCHEIDERER: Trent?
9 REPRESENTATIVE TRENT: Aye.
10 MR. SCHEIDERER: Razer?
11 REPRESENTATIVE RAZER: Aye.
12 MR. SCHEIDERER: Eight.
13 CHAIRMAN BARNES: Mr. Nasser -- Ms.
14 Nasser, you are correct, this is not a problem that
15 you created, it is a problem that Mr. Dowd created.
16 You happen to be the person from your firm here
17 today representing them. I wish that Mr. Dowd were
18 here to answer these questions.
19 We will be back at 12:30.
20 (Recess taken.)
21 CHAIRMAN BARNES: Okay. Let's go back
22 on the record after a short hearing.
23 By the way, Representative Trent, I
24 love the phrase infinite malleability. I did have
25 that noted earlier that I'm going to use that at

1 some point on some thing.

2 We took a short break. We made a

3 decision, the vice chairman is going to have a

4 motion here in a moment. I want to apologize, Ms.

5 Nasser did not come back, I want to apologize for

6 some of my conduct towards her and I realize after,

7 with a little time, that Ms. Nasser was set up as

8 the person to be here sort of as a fall person for

9 Mr. Dowd who did not show. And I think Mr. Dowd's

10 conduct as an attorney this week and through the

11 course of this matter raises some real questions

12 about whether he's violating some rules of

13 professional ethics, and Rule 4 in particular, and I

14 want to say to the committee I am incredibly

15 disappointed. In fact, I would go so far as to say

16 I am in absolute shock. Maybe I shouldn't be.

17 Maybe I'm too optimistic. Maybe I see things --

18 expect better from people and always hope to see the

19 good side. But what happened today is really

20 shocking for me after the screaming that Mr. Dowd

21 did yesterday about not being able to provide these

22 documents, and then we get objections to our request

23 that say they can't provide them and then all of a

24 sudden things magically appear.

25 Mr. Dowd, I know you're listening. You

1 are welcome to come back to this committee next
2 week. We will have some significant questions for
3 you and your conduct.

4 Mr. Vice Chair?

5 VICE-CHAIRMAN PHILLIPS: Thank you, Mr.
6 Chair. Just for the record, if some of the rest of
7 the committee members can come up with impressive
8 words, that we will be in favor with you as
9 committee members.

10 CHAIRMAN BARNES: Yes.

11 VICE-CHAIRMAN PHILLIPS: I'm going to
12 work on that.

13 I'm going to make the motion --

14 CHAIRMAN BARNES: Hold on, hold on.

15 Ms. Nasser is back and -- and so I apologized while
16 you were not here, so I don't want to just apologize
17 in absentia. I am sorry for any anger I directed
18 towards you or frustration towards you. You are
19 right. This is the first time you've been involved
20 in this process. You were thrown into this. I am
21 shocked at what has happened, at what has occurred
22 after what we've been told, but it shouldn't have
23 been hollering at you. So I apologize for that.

24 I did ask if you could see if you could
25 get consent to -- that you -- consent to say you

1 would not object to a subpoena or to the production
2 of all of the documents that he has relating to Mr.
3 Greitens' phone, and we're not going to have this
4 screaming match again, but I do want to ask the
5 question: Have you received -- can you state your
6 side's position on that issue?

7 MS. NASSER: I do have a statement from
8 Mr. Dowd that I can read.

9 CHAIRMAN BARNES: That's fine.

10 MS. NASSER: So this is a message that
11 I've been provided by Ed Dowd. He says: I am not
12 in Jefferson City today, therefore I am asking Ms.
13 Nasser to read the following from me.

14 We were led to believe that the circuit
15 attorney's office had delivered to the committee all
16 discovery that the circuit attorney possessed. As I
17 sit here today, I have no reason to believe that is
18 not true. That material would have included the
19 documents provided this morning to Representative
20 Trent. If the circuit attorney did not provide
21 these documents, then that may actually raise a
22 question as to why she provided some, but not all of
23 the discovery which she possessed. Nevertheless,
24 our provision of records to Mr. Trent was done with
25 a belief that the committee already had this

1 material. As to the request for our consent to
2 allow Mr. Koberna to turn over everything he
3 obtained from the three phones in question, we
4 cannot do so, but will be happy to work with
5 committee as to what can be turned over that has not
6 already been turned over. Much on the phones was
7 kept from the parties because it was personal and
8 totally irrelevant to the matters in question.
9 Those things will need to remain protected for all
10 three individuals, and I will be happy to come back
11 to Jefferson City next week.

12 So that's from Mr. Dowd. And he is not
13 in Jefferson City today.

14 CHAIRMAN BARNES: Thank you, Ms.
15 Nasser.

16 MS. NASSER: And I do appreciate your
17 apology because, as I said, I've been a federal
18 prosecutor for 13 years and an attorney for 16.
19 I've been before countless federal judges and other
20 judges and I've never been in a proceeding where
21 I've ever been spoken to like that in my life, and
22 so I do appreciate your apology.

23 CHAIRMAN BARNES: And I mean it for
24 you. I do not mean it for Mr. Dowd.

25 I want to comment on that because I

1 believe that we made clear in this committee that we
2 weren't sure whether, in fact, we received
3 everything from the circuit attorney's office
4 because, for example, we were still searching and
5 seeking out Volume 2 and we actively made the
6 comments about that we weren't sure how organized
7 they were to actually give us the files, and I
8 believe that we had that discussion in public.

9 Does anyone else have a different
10 recollection?

11 So the extent that Mr. Dowd makes that
12 claim, I believe that he also knows that to be
13 untrue.

14 Representative Razer?

15 REPRESENTATIVE RAZER: I was just going
16 to ask if you could just explain what we just heard
17 in nonlegal terms?

18 CHAIRMAN BARNES: I think what we just
19 heard was that Mr. Dowd is determining that he is
20 going to be the arbiter of what is relevant and what
21 is not, and this committee is going to be the
22 arbiter of what is relevant and what is not. We are
23 going to subpoena all of the documents and we need
24 to talk about this as a committee.

25 In an ordinary Court proceeding, and we

1 understand, Representative Trent, this is not a
2 regular Court proceeding, this is not a Court
3 proceeding at all, I believe lawyers that engage in
4 this type of conduct would be sanctioned by a Court,
5 and maybe sanctioned by the Missouri Bar, I don't
6 know. That's separate and apart from what we do.
7 But until we get all of the evidence, because of Mr.
8 Dowd's pension for lying to this committee, we're
9 not going to call this witness back in until we get
10 all of the evidence. And I'm sorry that Mr. Dowd
11 has spent the last three months lying to this
12 committee and we've finally reached a breaking
13 point, but do you know what you call someone who
14 lies?

15 REPRESENTATIVE RAZER: A liar.

16 I would just -- if I could add, I've
17 been on this committee for a week, I did not realize
18 that being on this committee was going to require me
19 to be on blood pressure medication because this is
20 making me angry. I have read, seen, heard things in
21 the last week that I'd rather not read, see or hear.
22 We have had testimony in here from a self-proclaimed
23 hillbilly from Butler County.

24 CHAIRMAN BARNES: Who lied the whole
25 time.

1 REPRESENTATIVE RAZER: We had another
2 attorney whose language was so colorful that I had
3 to speak up yesterday. And then another attorney
4 who seems to be representing them both, and it seems
5 to me today that we have a Navy Seal and his legal
6 team cowering in front of a Jefferson City attorney.

7 CHAIRMAN BARNES: Okay. Representative
8 Phillips?

9 VICE-CHAIRMAN PHILLIPS: Thank you, Mr.
10 Chair.

11 I make a motion that we excuse the
12 witness. You'll be pleased to hear that, no doubt.

13 CHAIRMAN BARNES: Mr. Koberna, you
14 really walked into it.

15 Start the motion again. I'm sorry for
16 my -- so this is what -- this is the look I often
17 get in the committee in which Representative
18 Phillips is the --

19 VICE-CHAIRMAN PHILLIPS: Absolutely.
20 Okay.

21 Once again, I make the motion that we
22 excuse the witness. Mr. Koberna, thank you for
23 being here today, and that we subpoena all the
24 documents that you have in your possession, and when
25 you return, that you return with those documents and

1 we will work with your schedule. We're not going to
2 demand anything, but we would like that done as soon
3 as possible.

4 THE WITNESS: I understand. I reached
5 out to -- just so you're aware -- am I interrupting
6 or --

7 CHAIRMAN BARNES: Let us --

8 VICE-CHAIRMAN PHILLIPS: Let us vote.

9 CHAIRMAN BARNES: Let us vote on the
10 motion.

11 REPRESENTATIVE MITTEN: Can you speak
12 up?

13 CHAIRMAN BARNES: You're speaking to
14 scheduling.

15 THE WITNESS: Scheduling, and also I've
16 reached out, just so you know, during the break to
17 Judge Callahan, the master of the documents -- or
18 master of everything, he's reaching out to Judge
19 Burelson in order to get clarification on how we can
20 get you the information that you're requesting. So
21 that is the path I'm taking because that's who I
22 answer to in this particular case, and I don't want
23 to overstep their bounds or legal proceedings they
24 have going on.

25 CHAIRMAN BARNES: We fully appreciate

1 your position and that you have been thrust into
2 this, that you had no idea what you were getting
3 into on day one, and now you're in like day 90 and
4 you've got a special master and you've got a house
5 committee and you've got a Judge in St. Louis and
6 you -- there's a lot of -- a lot more parties you're
7 dealing with than normal.

8 THE WITNESS: I understand.

9 CHAIRMAN BARNES: So we appreciate your
10 position.

11 VICE-CHAIRMAN PHILLIPS: If everyone is
12 okay with the motion I make, then I renew the
13 motion.

14 CHAIRMAN BARNES: Should we vote -- do
15 you want to take a roll call?

16 Mr. Secretary, please call the roll.

17 MR. SCHEIDERER: Chairman Barnes?

18 CHAIRMAN BARNES: Aye.

19 MR. SCHEIDERER: Vice-chairman
20 Phillips?

21 VICE-CHAIRMAN PHILLIPS: Aye.

22 MR. SCHEIDERER: Representatives
23 Mitten?

24 REPRESENTATIVE MITTEN: Aye.

25 MR. SCHEIDERER: Lauer?

1 REPRESENTATIVE LAUER: Aye.

2 MR. SCHEIDERER: Rhodes; Austin?

3 REPRESENTATIVE AUSTIN: Aye.

4 MR. SCHEIDERER: Pierson, Jr.;

5 Eggleston?

6 REPRESENTATIVE EGGLESTON: Aye.

7 MR. SCHEIDERER: Trent?

8 REPRESENTATIVE TRENT: Aye.

9 MR. SCHEIDERER: Razer?

10 REPRESENTATIVE RAZER: Aye.

11 MR. SCHEIDERER: Eight to zero.

12 CHAIRMAN BARNES: Okay. Now, some of
13 these announcements. We have Michael -- witness,
14 you are excused.

15 REPRESENTATIVE MITTEN: You can stay,
16 you can go. It's up to you.

17 CHAIRMAN BARNES: Do you have a
18 business card that you can leave so we make sure we
19 have all of your contact info so we can coordinate
20 on a time?

21 REPRESENTATIVE MITTEN: Reluctantly.

22 CHAIRMAN BARNES: Yeah. So the plan
23 for Tuesday, we have finished reviewing the first
24 round review of the 32,000 documents. There's a PDF
25 file, I believe, that the Alex's have; is that

1 correct?

2 REPRESENTATIVE MITTEN: I believe so.

3 CHAIRMAN BARNES: That we'll ask them
4 to send the PDF file around. On Tuesday we have Mr.
5 Hafner (sp), we've talked about some of the
6 documents he has, we're calling him again to
7 testify. He can authenticate those documents that
8 we -- and we can ask him some questions about those.

9 I'm not sure if -- I highly doubt that
10 Mr. Koberna is going to be available on Tuesday, but
11 if he is, maybe we can -- maybe we can do that.

12 I would also -- I think it also is
13 relevant for people to know that we have subpoenaed
14 Mr. Greitens to appear on Monday, June 4th, 2018.
15 We have subpoenaed witness one to appear again on
16 June 5th, 2018.

17 Ms. Nasser, we would kind of like some
18 idea for scheduling purposes, we are trying to work
19 out a time for Mr. Austin Chambers to appear.
20 There's a negotiation on times. We have sent him a
21 subpoena as well. He is out of state. It's harder
22 to deal with out-of-state subpoenas and actually get
23 them properly served, but there's currently a
24 negotiation going on about what day he would be
25 there, and so it would be helpful for our schedule

1 if we would know before Monday, June 4th, if Mr.
2 Greitens is, in fact, going to testify on that day
3 so that we would know if that's a day available for
4 Austin Chambers in his absence.

5 Ms. Nasser, do you know at this moment
6 in time if he's going to testify?

7 MS. NASSER: I don't know.

8 CHAIRMAN BARNES: Okay. The answer --
9 for the record, the answer was: I don't know.

10 I think I'm going to get the same
11 answer. Do you have any idea as to when a decision
12 will be made on that?

13 MS. NASSER: I don't know.

14 CHAIRMAN BARNES: Okay. I don't know.
15 But I want to make sure that Mr. Dowd, I'm sure, is
16 watching again, and so, Mr. Dowd, the question is
17 out there for you.

18 From the very first day this committee
19 was formed, it has endeavored to find out the truth,
20 the whole truth and nothing but the truth. Since
21 that first day, Mr. Dowd promised to cooperate.
22 This is a two-way street. We need documents, not
23 stonewalling from Mr. Dowd. We need Mr. Greitens to
24 appear and testify under oath before this committee.
25 There have been reports that he's been talking to

1 members of the house about various events, and if he
2 is capable of doing that, he is capable of coming to
3 this committee and testifying under oath. That's
4 what we're after, the truth. And in order to get
5 the truth, we need to hear from both sides. And if
6 one side refuses to participate and refuses to
7 provide any documents pursuant to lawful subpoenas
8 that were sent to them, we're going to proceed
9 without them because that's all we can do.

10 We've extended this offer every single
11 day. We are in our 88th day, and we are still
12 waiting for Mr. Greitens to testify.

13 Witness one has testified under oath, I
14 believe, five times, once before this committee, and
15 I believe four times in the case in the City of St.
16 Louis. There's also an additional video of her, so
17 six times.

18 REPRESENTATIVE MITTEN: Seven, twice
19 through grand jury, three depositions here and
20 video.

21 CHAIRMAN BARNES: Seven times. Seven
22 times. We called her back as a witness.

23 VICE-CHAIRMAN PHILLIPS: May I
24 interject?

25 CHAIRMAN BARNES: Yes, you may

1 interject.

2 VICE-CHAIRMAN PHILLIPS: Well, Mr.
3 Chairman, as you know and the committee knows, for
4 28 years I was a Missouri State Trooper and I had
5 the opportunity to interrogate, if you will, to
6 question a number of witnesses, if not thousands
7 through the years, but certainly hundreds and
8 hundreds. It's always been my observance that those
9 that don't have anything to hide are more than
10 willing to speak with you. Those that do have
11 something to hide are very reluctant to speak to
12 you, and that's just all I wanted to say based on my
13 background and experience in that particular area.
14 Thank you.

15 CHAIRMAN BARNES: Thank you, Mr.
16 Chairman.

17 She has testified seven times. Mr.
18 Greitens has refused to go under oath. And yet Mr.
19 Dowd insists that we call witness one back for an
20 eighth time and won't say whether his client is
21 going to show up and testify for the very first
22 time. We seek the truth. Mr. Dowd, please have
23 your client come testify.

24 With that, we are adjourned until
25 Tuesday -- we are going to cancel Saturday. There

1 will be no Saturday hearing. Are we noticed up for
2 Tuesday at 8:00?

3 MR. SCHEIDERER: 10:00.

4 CHAIRMAN BARNES: I was -- I was just
5 about to say for those driving in from elsewhere, we
6 we're going to move it back to 10:00, so we're
7 noticed up for Tuesday at 10:00. I hope everyone
8 has a nice, enjoyable, relaxing Memorial Day
9 weekend.

10 (The House Special Investigative Committee
11 on Oversight hearing was concluded at 12:52 p.m.)

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I, Sarah A. Davison, a Certified Court Reporter, within and for the State of Missouri, do hereby certify that I appeared at the time and place first hereinbefore set forth, that I took down in shorthand the entire proceedings had at said time and place, and that the foregoing constitutes a true, correct, and complete transcript of my said shorthand notes.

Sarah A. Davison
CCR #1397-MO #1589-KS

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4 SPECIAL INVESTIGATIVE
5 COMMITTEE ON OVERSIGHT
6

7 Tuesday, May 29, 2018
8 Morning Session

9 State Capitol Building
10 201 West Capitol
11 House Hearing Room 5
12 Jefferson City, Missouri 65101

13 COMMITTEE MEMBERS:

14 Representative Jay Barnes, Chair
15 Representative Donald Phillips, Vice-Chair
16 Representative Gina Mitten, Ranking Minority Member
17 Representative Jeanie Lauer
18 Representative Kevin Austin
19 Representative Shawn Rhoads
20 Representative Tommie Pierson Jr.
21 Representative J. Eggleston
22 Representative Greg Razer
23 Representative Curtis Trent

24 Also present:

25 Bryan Scheiderer, Legal Analyst
Alex Curchin, Legislative Counsel to
Speaker of the House
Alixandra Hallen, Minority Counsel

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INDEX

Page

MIKE HAFNER

Questions by Representative Barnes	5
Questions by Representative Phillips	34
Questions by Representative Mitten	38
Questions by Representative Lauer	56

EXHIBITS:

Exhibit 76	Greitens for Missouri Strategy Session agenda
Exhibit 77	Meeting to discuss potential run for office
Exhibit 78	Correspondence between Hafner and Whitman
Exhibit 79	Meeting set up for Mr. Greitens to attend
Exhibit 80	Info as the result of a meeting
Exhibit 81	Info about meeting in summer 2014
Exhibit 82	Meeting Agenda
Exhibit 83	Statement
Exhibit 84	Draft V4
Exhibit 85	Correspondence between Laub and Hafner
Exhibit 86	E-mail from Stuermer to Hafner
Exhibit 87	E-mail from Greitens to Hafner
Exhibit 88	Radio plan

SPECIAL INVESTIGATIVE COMMITTEE - AM

1 (May 29, 2018)

2 CHAIRMAN BARNES: All right. Call this
3 hearing of House Special Investigative Committee on
4 Oversight to order. Mr. Secretary, please call the
5 roll.

6 SECRETARY CURCHIN: Representative Barnes.

7 CHAIRMAN BARNES: Here.

8 SECRETARY CURCHIN: Representative Phillips.

9 REPRESENTATIVE PHILLIPS: Here.

10 SECRETARY CURCHIN: Representative Austin.

11 REPRESENTATIVE AUSTIN: Here.

12 SECRETARY CURCHIN: Representative Eggleston.

13 Representative Lauer.

14 REPRESENTATIVE LAUER: Here.

15 SECRETARY CURCHIN: Representative Mitten.

16 REPRESENTATIVE MITTEN: Here.

17 SECRETARY CURCHIN: Representative Pierson Jr.

18 Representative Razer.

19 REPRESENTATIVE RAZER: Here.

20 SECRETARY CURCHIN: Representative Rhoads.

21 REPRESENTATIVE RHOADS: Here.

22 SECRETARY CURCHIN: Representative Trent.

23 REPRESENTATIVE TRENT: Here.

24 SECRETARY CURCHIN: Quorum established.

25 CHAIRMAN BARNES: We have a quorum as
Page

1 previously announced. Alix with an "i" is making copies
2 of documents that are going to be exhibits. A lengthier
3 version of the same, I don't think it's much lengthier,
4 was sent to everyone yesterday and I just want to make
5 sure everyone has the exact same packet of documents
6 from which I'm working, which is a subset of what was
7 e-mailed out last night. We will stand at ease until
8 Ms. Hallen returns.

9 I apologize for my legislative time this
10 morning. So if others become -- get on legislative time
11 and the Chairman chastises them, well, there's not much
12 room for the Chairman to chastise legislative time any
13 more after this morning.

14 (Off the record.)

15 CHAIRMAN BARNES: Let's become formal now. We
16 are officially in session. Mr. Hafner is here again
17 this morning. Mr. Hafner, thank you for being here.
18 Why don't you come on up and take the witness stand.
19 The Committee appreciates your patience with the Chair.
20 Can you raise your right hand?

21 (Witness sworn.)

22 MICHAEL HAFNER, being sworn, testified as follows:

23 QUESTIONS BY CHAIRMAN BARNES:

24 Q. Can you state your name?

25 A. Michael Hafner.

Page

1 Q. And Mr. Hafner, this is not the first time
2 that you have testified before this Committee; is that
3 correct?

4 A. That is correct.

5 Q. Have you reviewed your testimony from the
6 first time you came before this Committee?

7 A. I have.

8 Q. And is there any statement you made previous
9 to this Committee that you would like to retract at this
10 time?

11 A. No, there's not.

12 Q. Do you affirm that everything you said
13 previously was truthful?

14 A. Yes.

15 Q. Okay. So for other members of the Committee,
16 if other members of the Committee would like to go back
17 to previous testimony, feel free to do so. I'm not
18 going to go back on those grounds, but I want to make
19 clear at the outset feel free to do so.

20 I'm going to be sending Representative Austin
21 up to you on a frequent basis. And so the first
22 document I'll have him --

23 CHAIRMAN BARNES: Do we know what document
24 we're on, Bryan?

25 MS. HALLEN: I just numbered these. So we'll
Page

1 be on 76.

2 CHAIRMAN BARNES: We are on 76.

3 BY CHAIRMAN BARNES:

4 Q. Representative Austin is handing you what's
5 been marked as Exhibit 76 which is a Greitens for
6 Missouri strategy session. Should be a two-page
7 document. Do you recognize this?

8 A. I do.

9 Q. And what is this?

10 A. This is an agenda for a strategy meeting that
11 was held at the Greitens for Missouri office in the
12 central west end in January of 2015. The date is wrong
13 on the top.

14 Q. The date is incorrect on page 1. It's
15 actually 2015?

16 A. Correct.

17 Q. Okay. I now direct Mr. Austin hand you what
18 we're going to mark as Exhibit 77.

19 REPRESENTATIVE AUSTIN: That would be Hafner
20 Bates stamps 4 and 5?

21 CHAIRMAN BARNES: Hafner Bates stamps 4 and 5,
22 correct.

23 BY CHAIRMAN BARNES:

24 Q. Do you recognize this? And let me in addition
25 to 4 and 5, the next which is 6, Hafner 4, 5 and 6

Page

1 should be attached to what we've marked as 77. Okay.

2 And so do you recognize this?

3 A. I do.

4 Q. And what is this?

5 A. This was one of the first meetings we had with
6 Mr. Greitens and his staffer Dave Whitman in early 2014
7 to discuss a potential run for office.

8 Q. And was it known at that time what the run for
9 office was going to be?

10 A. It was not.

11 Q. And what was on the potential table for the
12 run for office?

13 A. At the time, we believed that every state-wide
14 office and other offices too were on the table.

15 Q. Based on your meeting, did you come to a
16 belief as to whether Eric Greitens was going to be a
17 candidate for some office in Missouri?

18 A. Yes, you can say that.

19 Q. And what was the conclusion you reached based
20 on this meeting?

21 A. Based on this meeting, as well as the previous
22 meeting we had with him, we knew that he was serious and
23 we knew that he was planning to run for office in 2016.

24 Q. Would you say at that point in time it was a
25 certainty -- that you believed it was a certainty he was

Page

1 going to run for office or was this still something in
2 consideration?

3 A. I wouldn't say 100 percent certainty, but it
4 seemed that his mind had been made up on running.

5 CHAIRMAN BARNES: Okay. I'm now going to ask
6 Representative Austin to hand you what he's going to
7 mark as Exhibit 78 which should be Hafner 13, Hafner 14,
8 Hafner 15.

9 BY CHAIRMAN BARNES:

10 Q. Mr. Hafner, do you recognize this document?

11 A. I do.

12 Q. And what is that document?

13 A. This was correspondence between myself and the
14 managing director of Greitens Group, Dave Whitman,
15 discussing a meeting that we had set Eric up with to
16 meet a group of donors in March of 2014.

17 Q. Were those major donors or small-time donors?

18 A. Major donors.

19 Q. And did you attend that meeting?

20 A. I did not.

21 Q. Did Mr. Greitens --

22 A. Yes.

23 Q. -- attend that meeting? The e-mails here are
24 from February 27, 2014. Do you know when approximately
25 that meeting occurred?

Page

1 A. I do not know the exact day. I know the
2 meeting time for this group is specifically on a certain
3 day of the month. At the time, I think it was on a
4 Thursday. In the e-mail, it's listed as March 13. I
5 don't have any reason to believe it wasn't on March 13.

6 Q. Okay. And for the Committee's knowledge, the
7 plan before publicly releasing these is to redact
8 personally identifiable information of other
9 participants in the meeting which would -- and e-mail
10 addresses of people who are witnesses who otherwise --
11 whose names otherwise would not be redacted; does that
12 make sense?

13 A. Okay.

14 CHAIRMAN BARNES: Representative Austin, can
15 you do now Hafner 17 --

16 REPRESENTATIVE AUSTIN: The next document in
17 the package you gave us is actually 16. So we are kind
18 of going out of order there.

19 CHAIRMAN BARNES: That's right.

20 REPRESENTATIVE AUSTIN: Exhibit 79 will be
21 Hafner Bates stamp 17.

22 BY CHAIRMAN BARNES:

23 Q. Mr. Hafner, do you recognize this document?

24 A. I do.

25 Q. And let's be clear with the Committee. All of

1 these documents were requested pursuant to a second
2 subpoena that the Committee sent to you; is that
3 correct?

4 A. That is correct.

5 Q. Seeking documents about fundraising relating
6 to Mr. Greitens?

7 A. Correct.

8 Q. Okay. And what is this particular document?

9 A. This was another meeting that I set up for Mr.
10 Greitens to attend with a group of -- with a group of
11 donors in March of 2014.

12 Q. Were these major donors or minor donors?

13 A. Major donors. They did -- Later on in the
14 campaign they did end up contributing a pretty large
15 amount to his campaign.

16 Q. Did you attend this meeting?

17 A. I did.

18 Q. And can you describe what happened in that
19 meeting?

20 A. This was an introductory meeting for Eric to
21 be introduced to a number of influential donors in
22 Missouri, and again it was going -- kind of going
23 through his bio and his future plans on running for
24 office. At the time, I don't think he specified a
25 particular office that he was running for, but it was

1 essentially just an introductory meeting.

2 Q. Did he say he was going to run for office?

3 A. In this meeting, and other meetings, he always
4 said that he wanted to run for an office where he would
5 have an impact, and for him that was always governor or
6 lieutenant governor.

7 Q. Did he say anything about fundraising at that
8 particular time or at any point in the future during
9 this meeting?

10 A. During this specific meeting, I don't recall
11 anything about specific fundraising.

12 Q. I mean obviously he wasn't taking donations?

13 A. Correct.

14 Q. Okay. Was there any ask for support or was
15 the meeting go in vague terms about plans?

16 A. At this time, it was all very vague. To my
17 recollection, he was still involved with The Mission
18 Continues quite a bit but in a transition period where
19 he was transitioning out. So it was very vague in this
20 specific meeting. I don't recall discussing any
21 fundraising or anything like that specifically asked.

22 CHAIRMAN BARNES: Representative Austin, if
23 you could hand the witness what's been labeled Hafner 16
24 and let's mark this as Exhibit 80.

25 BY CHAIRMAN BARNES:

1 Q. Do you recognize this?

2 A. I do.

3 Q. And what is this?

4 A. This came out of a meeting that we had with
5 Mr. Greitens. They had wanted the contact information
6 for a researcher to do an inoculation file on Eric to
7 determine his vulnerabilities as a candidate, and so I
8 reached out to a vendor who I had worked with in the
9 past on a number of races for contacts. He had
10 connected me with this gentleman, and I forwarded the
11 contact information on to Mr. Whitman for them to follow
12 up on.

13 Q. Was this ever done? Let me give you a time
14 frame. Okay. Obviously at some point in time they
15 probably did research like this. Do you know if this
16 was done in 2014?

17 A. I do not know. I don't believe that it was
18 but -- and I say that just because when I was working as
19 a contractor for him working out of his office they were
20 in discussions with another researcher at that time too.

21 Q. Okay. So that's the basis of your belief that
22 it had not been previously done because it wouldn't make
23 sense for them to be talking about doing a second round
24 of it?

25 A. Correct.

1 CHAIRMAN BARNES: Representative Austin,
2 Hafner 19, 20 and 21, can you mark that as Exhibit 81,
3 and I'll let folks catch up who are on the computer,
4 Representative Rhoads.

5 BY CHAIRMAN BARNES:

6 Q. Do you recognize this?

7 A. I do.

8 Q. And what is this?

9 A. This was information about a meeting that we
10 set up for Eric and his team in the summer of 2014 where
11 we included a number of Missouri-based political
12 consultants and some national consultants and potential
13 vendors for a campaign.

14 Q. Did you attend this meeting?

15 A. I did.

16 Q. And if we could go down here, I want to ask
17 you, so you had a researcher there?

18 A. (The witness nodded his head.)

19 Q. Did he actually attend?

20 A. Yes.

21 Q. You had a demographer there. Did he actually
22 attend?

23 A. Yes.

24 Q. You had a media buyer there for a potential
25 campaign. Did he attend?

1 A. Yes.

2 Q. You had two political consultants there. Did
3 they attend?

4 A. Yes.

5 Q. You had a pollster listed here. Did that
6 pollster attend?

7 A. Yes.

8 Q. And is that a national pollster?

9 A. Yes.

10 Q. Okay. So this isn't the guy next door. And
11 then you had Mr. Greitens' staff member at the Greitens
12 Group was there; is that correct? Did he attend?

13 A. Correct.

14 Q. And then there were further staff members
15 associated with you. Did those folks attend as well?

16 A. They did.

17 Q. And then there's a name here of a political
18 type person under others. Did that person eventually
19 attend?

20 A. To my recollection, yes, he did.

21 Q. Okay. And what was discussed at this meeting?

22 A. It was essentially going through all the
23 different departments of a campaign basically laying the
24 groundwork for a pending campaign, going through the
25 different areas, whether opposition research,

1 grassroots. I don't recall fundraising being a topic of
2 discussion there. But each of these individuals that
3 you mentioned, they put together presentations for Eric
4 and his wife and allowed themselves to address any
5 questions that they had about running for office. The
6 demographer obviously had a bunch of historical analysis
7 put together on different races and previous campaigns,
8 as well as just the voter demographics of the state.

9 Q. So there were 14 people at this meeting
10 approximately?

11 A. Approximately. I believe this is the full
12 list.

13 Q. Did you rent a room?

14 A. Yes.

15 Q. Did that room cost money?

16 A. So it was actually at a hotel of a donor. I
17 don't know if we -- if they comped the room or not. I
18 don't recall.

19 CHAIRMAN BARNES: Okay. If we could,
20 Representative Austin, if you could mark 27 and 28 as
21 Exhibit 83.

22 Mr. Hafner, what's the exhibit marked in front
23 of you right now that we just reviewed?

24 THE WITNESS: 81.

25 CHAIRMAN BARNES: 81. We are on 82, you're

1 correct. Thank you, Representative Austin.

2 REPRESENTATIVE AUSTIN: Just doing my job,
3 sir.

4 BY CHAIRMAN BARNES:

5 Q. Do you recognize this?

6 A. I do.

7 Q. And is this the meeting agenda for the meeting
8 you just discussed?

9 A. This is a meeting agenda for a meeting that
10 was -- I believe it was a follow-up meeting to the
11 meeting that we had previously discussed.

12 Q. So this was a separate meeting?

13 A. It was a separate meeting right after the
14 vendor meeting that we had.

15 Q. Okay. If you look at page 2 here which is
16 labeled as Hafner 28. You start with a vendor meeting
17 recap; is that right?

18 A. Correct.

19 Q. So it is fair to assume now at this point in
20 time that to the extent your memory might have been
21 wrong does this refresh your recollection as to it being
22 a separate meeting?

23 A. Yes. I remember a meeting that we had
24 directly after the vendor meeting. Eric was very
25 interested in advancing the discussion on running.

1 Q. And you have topic here such as Building a
2 Winning Grassroots Campaign; is that correct?

3 A. Yes.

4 Q. Positioning for a Primary?

5 A. Yes.

6 Q. National Finance Strategy and Goals?

7 A. Yes.

8 Q. Timeline and Priorities for the Candidate and
9 Campaign?

10 A. Yes.

11 CHAIRMAN BARNES: Representative Austin,
12 Hafner 31 if you can mark that as 83.

13 BY CHAIRMAN BARNES:

14 Q. Do you recognize this?

15 CHAIRMAN BARNES: While you review that, do we
16 have more exhibit stickers?

17 (Off the record.)

18 BY CHAIRMAN BARNES:

19 Q. Mr. Hafner, do you recognize this?

20 A. I do.

21 Q. And what is this?

22 A. This was a statement that we helped Eric
23 draft, and I don't know the exact reason why he released
24 it. I think this was the time period where he was
25 stepping down from Mission Continues and we helped draft

1 the statement to address any media inquiries that he
2 had.

3 Q. Maybe the next document can help you.

4 CHAIRMAN BARNES: Representative Austin, if
5 you could mark Hafner 32 and 33 as Exhibit 84.

6 BY CHAIRMAN BARNES:

7 Q. And what we've marked as 84 appears to be --
8 So 83, the subject line in the e-mail is Draft V2. 84
9 is Draft V4. And if you look down below the dotted line
10 there, it says Dave, I saw what you wrote about Eric and
11 I want to clarify what you were told. Do you know who
12 Dave is? Does this refresh your recollection?

13 A. I do. It's Dave Drebes, the Missouri scout,
14 Subscription News Service.

15 Q. Okay. So does that refresh your recollection
16 as to Exhibit 83?

17 A. It does. He had posted something about Eric,
18 and Eric and Dave Whitman wanted to address what he
19 wrote. I don't remember what he wrote. It might have
20 been something about him, you know, having Democrat
21 ties, and I say that just because of the content of the
22 exhibit Draft V2. So I think they wanted to address a
23 lot of things in this statement. And so we were helping
24 them through many drafts of a statement to respond to
25 him.

1 Q. Okay. And you helped with that draft. Who
2 wrote the draft, though?

3 A. I think Eric had a direct hand in it. I know
4 I added -- I had some input as well. I don't know who
5 -- you know, the final draft I think was mostly a
6 creation of Eric and Dave.

7 Q. So in Version 2 it says I've always been a
8 Republican and strong fiscal conservative. Do you know
9 who drafted that?

10 A. I don't believe it was me.

11 Q. And you played a role in drafting this?

12 A. I did to a certain extent. I say that because
13 our advice at the time was to have a very short
14 statement addressing the content that was in Mr. Drebes'
15 post, and so this was an extremely long statement. As
16 you can tell, it's a page long. We knew he wasn't going
17 to print the whole page. I know that I helped draft
18 part of this. Certainly a lot of this was not my
19 content.

20 Q. Okay. If you could move forward to Exhibit 84
21 which is Draft V4. Dave Whitman says I spoke to Eric
22 and he agreed on all edits. Do you recall any further
23 conversations about this particular statement?

24 A. No. They had kind of taken over control.
25 They wanted our input, but they wanted to go in a

1 certain direction on it.

2 Q. And that last sentence of the first paragraph,
3 Democrats have approached him about running for the
4 senate for congress and state wide on several occasions.
5 He has said no on everytime. Do you know whether that
6 is a true statement or not?

7 A. I think that's what Eric wanted people to
8 believe. But in my discussions with other people, you
9 know, I think it was kind of the other way around. I
10 think he openly solicited national Democrats in 2008 and
11 2010 to try to get them to recruit him to run.

12 Q. Do you recall who those people were?

13 A. Do I recall those people? Who are you
14 referring to?

15 Q. The people with whom you spoke about Mr.
16 Greitens contacting national Democrats to be recruited.

17 A. Not specifically, you know. Those would have
18 been rumors that kind of came to the surface during the
19 campaign, during the governor's campaign. There were
20 some documents released from national level Democrats
21 that had memos detailing meetings that Eric was having
22 with national Democrats and, you know, you just don't go
23 fly to Washington, DC and meet with the DCCC if you're
24 not serious about running or not serious about gaining
25 support of national Democrats.

1 Q. What's the DCCC?

2 A. The Democrat Congressional Campaign Committee.
3 There are some memos out there, I know I've seen them on
4 the Internet, from Steve Israel who is head of the DCCC
5 and some others. I know I've never had access to those.

6 Q. I'm not sure we're going to credit the
7 internet memos at this point in time.

8 A. Sure.

9 Q. What date did you start working for Mr.
10 Greitens for pay?

11 A. January of 2015.

12 Q. And what was the nature of your work?

13 A. So at the time I thought it was to help him
14 help network him around the state, kind of navigate the
15 political waters. He was a first-time candidate. It
16 wasn't until I started probably the first or second day
17 that I knew that he brought me on just to focus mostly
18 on fundraising for him. And that was something that I
19 was qualified to do. I'd done that work for a number of
20 candidates in the past. But I didn't know what my role
21 was until really those first couple days of working with
22 him at the office.

23 Q. Who actually paid you at the start?

24 A. The Greitens Group paid me for the month of
25 January.

1 Q. Did you do any work that was not political?

2 A. No.

3 Q. And do you know when Danny Laub started?

4 A. I do not know. I know there's testimony
5 released that --

6 Q. I do not know, we'll just stick with I do not
7 know.

8 A. Yeah.

9 Q. What was the nature of Mr. Laub's -- Mr. Laub
10 was working with you starting in January?

11 A. So he was working I know at least since
12 December out of Eric's office in the central west end,
13 and so I had assumed that he was just doing mainly
14 political work as well.

15 Q. Okay.

16 A. Those are the only discussions Danny ever had
17 with me was just solely about politics and political
18 work.

19 Q. And is that in January that that's true that
20 the only discussions you had with Danny were about
21 politics?

22 A. I met with Danny a couple times in December.
23 One time was out of Eric's office. And Danny was
24 already -- had already been working out of his office.
25 There was a transition period, and I want to get this on

1 the record because I think it might clarify a couple
2 things, there was a transition period in the fall of
3 2014, where I was working with Dave Whitman quite a bit.
4 He and Eric had parted ways and there was a transition
5 period where at that time I think that's when Danny kind
6 of moved into the picture and later that fall in
7 December is when I started working with Danny a lot
8 more. And so I knew he was involved, but I don't know
9 the extent and I don't know how he was paid or anything.

10 CHAIRMAN BARNES: Okay. Representative
11 Austin, Hafner 34, 35, 36, 37, 38. If we could mark
12 that as Exhibit 85.

13 BY CHAIRMAN BARNES:

14 Q. Since we have five pages, I'll give you a
15 minute. You know the question is going to be do you
16 recognize this. Let me give you a minute to review, Mr.
17 Hafner.

18 A. I do.

19 Q. And what is this document?

20 A. This was correspondence between Mr. Laub and
21 myself.

22 Q. Let's back up. Let's start on page 34. Your
23 initial e-mail is from you to whom?

24 A. So the initial e-mail is from me to Eric, to
25 Mr. Greitens.

1 Q. What do you tell Mr. Greitens?

2 A. So there was a lot of discussion that we were
3 having in the fall of 2014. We had suggested that he
4 open some sort of committee.

5 Q. When you say "we," who's we?

6 A. Myself and David Barklage.

7 Q. Okay.

8 A. We had suggested that he open some sort of
9 committee so that he could raise money, use it for
10 traveling. Even if he -- Again, at the time we weren't
11 positive that he had settled on an office yet or even
12 100 percent that he was going to run. But we still
13 suggested that he open a committee so that he could
14 raise money for it because he was doing political
15 activities.

16 Obviously he was meeting with us and we had
17 introduced him to many different influencers, donors,
18 activists around the state. And so we had suggested
19 numerous times that he open some sort of committee.

20 I had a discussion with the Missouri Ethics
21 Commission and kind of said the situation as I knew it.
22 And --

23 Q. How did you describe the situation to the
24 Ethics Commission?

25 A. That he was doing political activities and,

1 you know, if he could open a continuing Committee rather
2 than a candidate committee, and their advice to me was
3 that he should open a candidate committee. And so this
4 e-mail that I sent to Eric was with that advice advising
5 him to open a candidate committee.

6 Q. And what did Mr. Greitens say to that advice?

7 A. Obviously he disregarded it. He forwarded
8 this e-mail to Danny Laub who reached out to me right
9 away or within a few days. A couple days later it looks
10 like he reached out to me and wanted to set a meeting to
11 go over his stuff and then a bunch of other campaign
12 related items.

13 Q. And did you have that meeting with Mr. Laub?

14 A. I did.

15 Q. And what occurred in the meeting with
16 Mr. Laub?

17 A. So I don't recall every detail of the meeting,
18 but I met him over at Eric's office and we discussed
19 just campaign activities and kind of next steps and it
20 was more I think to formalize -- to begin formalizing
21 some sort of paid arrangement between myself and Eric
22 Greitens.

23 Q. In regards to the formation of -- the official
24 formation of a candidate committee, do you recall the
25 substance of the conversation and the decisions that

1 were made -- and/or the decision that was made?

2 A. I don't. I don't recall exactly. And I mean
3 for the record I'd like to, you know, kind of give some
4 background on this. Eric's timeline from very early on
5 in 2014, he had it kind of charted out. He wanted to
6 announce for an office after his book was launched.

7 His book was planning on being launched in the
8 spring of 2015. His plan was to essentially use the
9 positive media generated and, you know, and the exposure
10 from his book to use that as a launching pad to his
11 campaign. And so we advised him obviously that he
12 should have a committee set up, formed, but I think that
13 ran contrary to what his plans -- to what he thought his
14 plans were and should be.

15 Q. Let's talk about this book. You had
16 conversations with Mr. Greitens about a book tour?

17 A. I think only to the extent that it affected
18 his time in the office because he was doing a lot of
19 traveling and speaking engagements in March. His book
20 launched in early March of 2015. I think just to that
21 extent we did but not very much.

22 Q. I should have given you a temporal component
23 to that question. That was 2015. So in 2014, did you
24 have conversations with Mr. Greitens about the launch of
25 a book and a potential book tour?

1 A. Yes.

2 Q. Okay. And what was the substance of those
3 conversations?

4 A. I think it was more under the general umbrella
5 that this was the timeline, this is what he was planning
6 on doing. He didn't want to announce until after the
7 book tour.

8 Q. And why was that?

9 A. I think for a number of reasons. I think
10 strategically he wanted to focus on selling books and
11 getting his name out there and promoting the book and
12 doing the national media circuit, and so, one, I think
13 he wanted to focus on that and, two, I think it was a
14 great opportunity for him to reach out to potential
15 donors of the campaign as well, his book launch. I say
16 that because I know that I was copied on a number of
17 e-mails that he sent to potential donors with recent
18 news of the book or recent articles about himself, and
19 so I think he was using that as a promotional tool as
20 well.

21 Q. Did he ever speak to you about the
22 availability of nonprofit foundation funds for publicity
23 purposes relating to the book?

24 A. He did not.

25 CHAIRMAN BARNES: Representative Austin, if

1 you can mark Hafner 43 as Exhibit 86.

2 BY CHAIRMAN BARNES:

3 Q. Mr. Hafner, do you recognize this document?

4 A. I do.

5 Q. What is this document?

6 A. This is an e-mail from Jeff Stuerman to myself
7 and other members of the campaign team about filing --
8 about filing a committee with the Missouri Ethics
9 Commission, and Jeff was following up with some
10 information, just proactively following up about some
11 potential responses to questions that the campaign might
12 receive about forming the committee.

13 Q. And it was sent on January 16, 2015?

14 A. It was.

15 Q. And Mr. Hafner, had you been working out of
16 Mr. Greitens' office prior to that date?

17 A. I was. I believe my first date working was
18 either the 5th or 6th of January.

19 Q. Did you get paid more than 500? Was your rate
20 of pay more than \$500 total for those two weeks?

21 A. Yes.

22 CHAIRMAN BARNES: Representative Austin, if we
23 could now mark 79 and 80 as Exhibit 87.

24 BY CHAIRMAN BARNES:

25 Q. Do you recognize this?

1 A. I do.

2 Q. And what is this?

3 A. This was an e-mail with a bunch of follow ups
4 that Mr. Greitens sent to me in February of 2015.

5 Q. It includes a forwarded message that he had
6 sent to Mr. Laub and Mr. Mark Bobak; is that correct?

7 A. It does.

8 Q. Okay. And it describes a series of to do
9 things. And I want to point you to a couple of these.
10 The third on the list says -- and I'm going to -- two of
11 the names we're just going to redact here. It says
12 ensure follow through blank 25K, blank 2.5K, Mason Fink
13 10K, Alex Rogers 50K. Do you recall what was meant by
14 follow through? Were there already commitments in
15 place?

16 A. Yes.

17 Q. I asked you a compound question. Do you
18 recall what is meant by follow through? The answer --
19 Was your answer yes?

20 A. Yes.

21 Q. And what was meant by follow through?

22 A. So three of the four donors you just mentioned
23 contributed in the very early days of the campaign -- of
24 the campaign committee being formed. So ensure follow
25 through essentially means follow up on those

1 contributions and see what you need to do to get the
2 donors the mailing information and get them in the door
3 and into the account.

4 Q. Had Mr. Greitens been soliciting donations
5 prior to the formation of the committee?

6 A. That was my understanding, yes.

7 Q. Now, No. 6. It says Monu will do 50K, 25K
8 today, 25K later this year and will raise at least 250K.
9 Do you have any knowledge as to whether Mr. Greitens had
10 previously spoken to Monu Joseph about donating to the
11 campaign?

12 A. I can't speak to that specifically. I do know
13 that Eric introduced me to Monu. I had a couple
14 conversations with him about this -- about some of the
15 information in No. 6.

16 Q. Okay. And that's what -- If you could go on
17 what you're referring to about some of the other
18 information in No. 6 and explain to the Committee what
19 you mean by that?

20 A. So there was a memo developed on people in
21 financial services contributing that I believe either
22 Eric or his attorney would have forwarded on to Monu.
23 And then the last thing on here if LLCs and/or C3s and
24 PACs can donate. I had conversations with Monu about
25 C4s and nonprofits contributing to the campaign.

1 Q. Are people in financial services sometimes
2 referred to as restricted donors?

3 A. Yes. And that's because of SEC regulations.

4 Q. What do those SEC regulations?

5 A. You know, I'm not a campaign finance attorney,
6 but I do know that people in banking generally usually
7 can't give over a few hundred dollars, I think.

8 Q. Okay. So what was the purpose of Monu asking
9 questions about guys in financial services?

10 A. I think he had a very vast network from people
11 throughout the country and perhaps from some people that
12 they had gone to Oxford with. And some of these
13 gentlemen -- If I recall correctly, Monu was also tied
14 in with the financial services industry as well somehow.
15 I don't know what his company or his exact nature of
16 business was, but I know he had a lot of contacts in
17 that world and wanted to look at avenues for ways that
18 they could contribute.

19 CHAIRMAN BARNES: Okay. Representative
20 Austin, if you could mark 45, 46, 47, 48, 49 as Exhibit
21 88.

22 BY CHAIRMAN BARNES:

23 Q. Do you recognize these?

24 A. I do.

25 Q. And I should not say these. Do you recognize

1 what has been marked as Exhibit 88? What is Exhibit 88?

2 A. So this was a radio plan that was developed
3 and provided to Eric sometime in 2014 from other
4 consultants not associated with me. And they had put
5 together a plan to air some ads on conservative radio
6 for Eric. And I think it was in relation to his book
7 launch, if I recall correctly. I never had a direct
8 role in these conversations. These were mostly the
9 other consultants in Eric's campaign team.

10 Q. Okay. So if I understand it, Mr. Greitens is
11 on this e-mail, correct?

12 A. Correct.

13 Q. And a Mr. Hageman is on this e-mail; is that
14 correct?

15 A. Correct.

16 Q. What is the nature of Mr. Hageman's business?

17 A. He's a political consultant.

18 Q. Mr. Michael was on this e-mail; is that
19 correct?

20 A. Correct.

21 Q. What is the nature of Mr. Michael's business?

22 A. He's a political consultant.

23 Q. And you were on this series of e-mails,
24 correct?

25 A. I was only on this series of e-mails whenever

1 I officially began working out of Eric's office. They
2 forwarded these e-mails to me.

3 Q. Okay. That's right. Looks like the forwarded
4 message was from August 15, 2014. And if you go to page
5 47, the attachment about radio speaks to books. Is it
6 your understanding that this was for a book tour through
7 Missouri radio stations?

8 A. Yes -- Well, it was my understanding that this
9 was -- this would kind of be coordinated with the launch
10 of the book to help Eric get his name out to Missouri
11 voters.

12 Q. And Mr. Laub was included in some of this
13 information; is that correct?

14 A. Correct.

15 CHAIRMAN BARNES: Okay. I actually have one
16 more document that is not in this packet but I'm going
17 to need to get it printed. I'm going to hand it over to
18 Representative Phillips.

19 REPRESENTATIVE PHILLIPS: Thank you,
20 Mr. Chair.

21 QUESTIONS BY REPRESENTATIVE PHILLIPS:

22 Q. Thank you, Mr. Hafner, for being here with us
23 again. I especially appreciate your choice in ties this
24 morning.

25 A. Thank you.

1 Q. For those that can't see, it appears to be
2 identical to the one I have on.

3 A. Good taste.

4 Q. Excellent taste. I want to backtrack a little
5 bit, and I have very little. I just want to kind of
6 touch on credibility, and so forth. Seems to be a real
7 thing that's of great importance. We hear people
8 testify before this Committee and then we see them
9 publicly thrown under the bus not too long after that.

10 As I recall from your earlier testimony, you
11 realized, and correct me if I'm wrong, but you realized
12 pretty early on that Mr. Greitens was a very different
13 sort of Republican candidate than you had seen; is that
14 fair?

15 A. Yes.

16 Q. Do I have good recollection? Okay. In fact,
17 if I recall your testimony, you said you kind of
18 suspected that he was more of a Democrat than a
19 Republican?

20 A. Well, he certainly, you know, had the Democrat
21 ties, and we had known that he had been close with
22 former Governor Bob Holden and a couple others that
23 obviously were Democrats.

24 Q. Would it be fair to say there was somewhat of
25 a level of education that he needed toward the

1 Republican platforms, speaking points, that related to
2 Republican issues and priorities?

3 A. Yeah, you can definitely say that. There was
4 numerous, you know, policy sessions and other things
5 that people held with Eric in 2014, in late 2014, people
6 that we introduced him to that were helping him through
7 conservative policies.

8 Q. Has anyone from the Greitens camp, for lack of
9 another way to put it, contacted you since your last
10 testimony? Have you heard from anyone there?

11 A. I have not. Danny Laub sent me an e-mail I
12 think on accident a couple weeks ago, and it was just an
13 e-mail that I think he meant to send to his attorneys
14 but it involved me because I had referenced his name in
15 some testimony or something. And I responded back just
16 hope you're well. That was it. That's the only, yeah,
17 that's the only thing from the Greitens camp that I've
18 -- yes.

19 Q. Thanks. Didn't they, and I say they, the
20 Greitens camp, didn't they describe you as a disgruntled
21 former employee?

22 A. Yeah, among other things.

23 Q. Yes. So you have gotten the opportunity to
24 hear from them through the media about what they think.
25 But are you in reality a former employee who is

1 disgruntled and has an axe to grind?

2 A. Well, so, one, I'm here pursuant to subpoena.
3 I didn't seek this out.

4 Q. Right.

5 A. And I'm here in pursuit of the truth. And if
6 I wanted to use a lot of this information that you're
7 seeing in Committee and the documents revealed through
8 testimony, I could have used it politically against him
9 when I worked for another candidate in that race and I
10 didn't. So I was perfectly content with leaving this
11 all in the past and moving on and I had. The reason I'm
12 here is because the governor and his team were
13 untruthful to the Missouri Ethics Commission about that
14 donor list.

15 Q. Right. And I appreciate you being here and I
16 remember from your first testimony and again today
17 you've been a very cooperative witness. You've been
18 someone who's presented himself in a professional
19 manner. I think -- Well, there's no question that both
20 your testimonies before us were under oath.

21 Is there any reason in the world to give us
22 information that's less than factual?

23 A. No.

24 REPRESENTATIVE PHILLIPS: Okay. Thank you.
25 And thanks for being here again.

1 CHAIRMAN BARNES: Representative Mitten.

2 QUESTIONS BY REPRESENTATIVE MITTEN:

3 Q. Okay. Welcome back.

4 A. Thank you.

5 Q. Sorry about that. Wasn't quite ready.

6 I'm going to go just start back with I'll find
7 the number here. On Exhibit 79, I just wanted to clear
8 up a little bit of this. So I know that Chairman Barnes
9 asked if during this meeting, if I understand it, you
10 were having a meeting with some potential donors, right?

11 A. Correct.

12 Q. And you described it as an introductory
13 meeting for Mr. Greitens and Missouri's, quote,
14 influential donors, close quote. Do you recall if
15 during that meeting there was any kind of an ask for
16 support? Not necessarily a donation but I can tell you
17 and I assume that you see this all the time, I'm
18 thinking about running and I hope I can count on your
19 support or more importantly I'm thinking about running,
20 can I count on your support. Do you know if those
21 questions were asked during this meeting?

22 A. There was no -- To the best of my
23 recollection, there was no specific ask. These were
24 donors that had never met him before. To my
25 recollection, it was purely an introductory meeting.

1 Eric told his story, went through his resume and
2 obviously said he was considering running for office.

3 Q. Okay. Then moving on to Exhibit 80, page 1,
4 and you're going to have to forgive me because I don't
5 know how to pronounce this guy's name. Bill -- I'm just
6 going to call him Bill W. I don't think that's the
7 Alcoholics Anonymous guy.

8 CHAIRMAN BARNES: If we could avoid adding
9 names that are not already in the public record.

10 REPRESENTATIVE MITTEN: Okay. I appreciate
11 that. Thank you, Mr. Chair.

12 CHAIRMAN BARNES: I should say not adding
13 names that aren't already in the public record. You got
14 my point. I said it wrong, but you got my point.

15 REPRESENTATIVE MITTEN: I think I got the
16 gist.

17 BY REPRESENTATIVE MITTEN:

18 Q. Do you know if that person was ever, in fact,
19 used?

20 A. I do not know. I don't believe that he was.

21 Q. Okay. So it looks like he was reached out to
22 and there's just a couple of e-mails and that was the
23 end of it?

24 A. If I could add something really quick. I say
25 that because I remember when I was working out of his

1 office, you know, in a more official capacity in 2015,
2 there was a hesitancy even then to conduct inoculation
3 research. I don't know what the reason was, but they
4 had delayed it a lot longer than what a normal candidate
5 running for an office like that would.

6 Q. Okay. Okay. That makes sense. So then
7 basically this was in March of 2014 by the time you're
8 sort of on the payroll in December of 2014. Research
9 still hadn't been done?

10 A. To my knowledge, correct.

11 Q. The inoculation research had not been done.
12 Okay. Then at the e-mail at the bottom of this page
13 which is Hafner 0016, it says I told his GCs. What is
14 GC?

15 A. General consultant.

16 Q. Okay. And Hafner who is the ccd, what does
17 that mean?

18 A. Just copied.

19 Q. Who is ccd? Oh, right. Ccd here, I got it,
20 sorry. I just wanted to make sure I got the acronyms
21 right.

22 Then moving on to Hafner 20, that e-mail is to
23 you from Mr. Whitman, yes, that name is out there, and
24 it says I don't think we'll need NDAs for the attendees
25 as they fall under your umbrella. What do you think Mr.

1 Whitman meant by, quote, your umbrella?

2 A. Just so I'm clear of the document we're
3 looking at, can you tell me which exhibit that is?

4 Q. Exhibit 81, page 2, Hafner 20.

5 A. Thank you.

6 Q. It's the very first one.

7 A. So there was a question -- I know I didn't
8 sign an NDA during 2014. I don't know who they did have
9 sign NDAs, but that was a part of the discussion that I
10 had with Dave and I think they had wanted some people
11 maybe to sign NDAs and that's why this is on there.
12 They said it wasn't needed. Under your umbrella. I
13 know I didn't but a consultant that I was working with
14 might have signed one at that time.

15 Q. Okay. Were you an employee of that other
16 consulting?

17 A. At that time, yes, in 2014.

18 Q. Okay. That's what I thought. So it would be,
19 for instance, if somebody hires me, my paralegal is my
20 employee and is covered under my. That's sort of --

21 A. That was their reasoning, but I'm not a
22 lawyer.

23 Q. You're not sure if that's accurate or not but
24 that was the reason. We don't need an NDA from these
25 folks because your firm basically, or the firm under

1 whose employ you were under had made the arrangements to
2 reach out to these particular vendors and therefore they
3 would sort of be on the hook if the information was --

4 A. That's what it seems like that their, you
5 know, decision was on that. But I can tell you a lot of
6 the people that were at that meeting weren't direct
7 employees of ours or our firm's.

8 Q. Okay.

9 A. They were independent contractors.

10 Q. Yeah, right, which makes sense.

11 A. Technically I'd like to clarify, too, at that
12 time I might have had other clients too that I was
13 operating independently of the firm. I know I did at
14 the time when I was actually working with Eric directly.
15 I wouldn't have considered myself an employee of the
16 firm at that time when I was in a paid capacity.

17 Q. Right. Once you were being paid -- Right.
18 Once you were being paid directly by Mr. Greitens or
19 who, whether that's his campaign or one of his entities,
20 once you're being paid directly by them, that
21 constituted sort of an independent contractor employment
22 outside of your employment with the firm, the consulting
23 firm?

24 A. Well, I'll say in January of 2015 is when I
25 had my own -- when I kind of went out on my own.

1 Q. Right. Okay. I'll try and move on here.
2 Then to Exhibit 85. Hang on. I'm trying to read my own
3 chicken scratch here.

4 Your testimony was a little bit unclear to me
5 at least as to when you first -- I understand that this
6 e-mail, the first one, the December 12 e-mail
7 memorializes your, as you testified, your conversation
8 with the Missouri Ethics Commission and saying you have
9 two options. But your testimony I wasn't quite clear
10 about. When was it that you first had a conversation
11 with Mr. Greitens or his team, for lack of a better
12 word, about the need to form the candidate or continuing
13 committee?

14 A. Gosh, I don't recall. It would have been
15 earlier in 2014, but I don't know when that was part of
16 the discussion. I know that our assessment was that --
17 We also didn't know if he were spending money or not.

18 Q. Obviously I get that.

19 A. We were advising him in an informal capacity,
20 and so I know that that was part of discussions that,
21 you know, he should set up some sort of committee,
22 whether that's a continuing committee where he could go
23 and travel to Lincoln Days and speak on veterans issues
24 to get his name out there.

25 I don't know the approximate date when those

1 conversations occurred. I just know it was earlier in
2 2014.

3 Q. So you don't know if that was July of 2014
4 when you're having, I think it was July, when you were
5 having this big meeting with vendors or later in the
6 year?

7 A. I would think it would have been in some of
8 those initial meetings.

9 Q. So like when you're introducing him to the
10 influential, Missouri's influential donors, which I
11 believe was also in the summer or fall of 2014?

12 A. The spring.

13 Q. Spring. Okay. So at that time -- so trying
14 to understand this. So you're thinking about the fact
15 that hey, this guy probably needs to form a campaign
16 committee. Are you articulating that to Mr. Greitens
17 directly?

18 A. It was in our advice to him that he should
19 form some sort of committee if he was spending money on
20 political activities.

21 Q. Okay. Well, again, I guess I have to go back
22 now and look at this influential donor meeting. Where
23 was that? Do you remember?

24 CHAIRMAN BARNES: 78 and 79 were I think major
25 donor meetings in February and March of 2014.

1 BY REPRESENTATIVE MITTEN:

2 Q. Right. And do you know where these meetings
3 were held? This was in Troy?

4 A. Uh-huh.

5 Q. I understand that might be considered de
6 minimus. Traveling to a meeting in Troy, isn't that
7 beginning to spend money?

8 A. You could say that.

9 Q. Okay. I'm going to. Then you also indicated
10 in your testimony talking about these December 12 and
11 December 15 e-mails, which are Exhibit 85, that you
12 weren't 100 percent certain that he'd run. I guess my
13 question for you is, is it typical for you to be
14 spending this kind of time on a candidate that you're
15 not sure is even going to run?

16 A. That's not typical, right.

17 Q. Okay.

18 A. Yeah. And just to clarify, we assumed he was
19 going to run, but we weren't 100 percent certain. You
20 know, the other testimony that's been released has said
21 he settled on running for governor sometime in early
22 2014. From our standpoint, we didn't believe -- we
23 didn't know because he was telling us something
24 different. He was telling us he was interested in
25 running for other offices all through 2014. It doesn't

1 seem like that was really accurate.

2 Q. Let me ask you this. Did you feel, you know,
3 with a 95 percent certainty that he was going to run for
4 some state-wide office?

5 A. Yes.

6 Q. Okay. So as of December 1, 2014, you would
7 say that you were very confident, completely confident
8 that Mr. Greitens was running for some state-wide
9 office?

10 A. Yes, not 100 percent but yes.

11 Q. Well, nobody is ever 100 percent. I mean --

12 A. Sure.

13 Q. I'm not 100 percent very often. I suspect you
14 aren't. This isn't 100 percent business.

15 A. Certainly not.

16 Q. Is it fair to say that by January 1 when you
17 first became employed directly, whether as an employee
18 or an independent contractor, but when you first went on
19 the payroll for the Greitens team that you were 100
20 percent certain he was going to run as of January 1,
21 2014, when you went on their payroll, began getting
22 paid?

23 A. Yeah. I don't want to assign 100 percent to
24 it just because, again, I think he was giving mixed
25 messages to a number of different people, and so I was

1 fairly certain that he was going to run.

2 Q. Okay. Were you aware of these mixed messages
3 at the time that you decided to come under his employ?

4 A. Not during 2014. We really didn't know who he
5 was talking with and other discussions that were being
6 held.

7 Q. But at the time you went to work for him for
8 money?

9 A. I thought we were, yeah -- I thought I was one
10 of his main consultants, you know, he was bringing me on
11 board to work in a paid capacity for him.

12 Q. Okay. My assumption is that most folks just
13 don't go to work for somebody that they're not real sure
14 about.

15 A. Sure.

16 Q. Is that a fair assumption?

17 A. Yeah.

18 Q. Okay. You testified about earlier when,
19 again, talking about advising Mr. Greitens to open a
20 campaign committee. You used the term we advised him to
21 open a committee. But you felt that Mr. Greitens saw it
22 as counter to his plan. By "we," do you mean you and
23 the consultants for whom you were working at the time?

24 A. Yes.

25 Q. Okay. But you personally advised him to open

1 a committee?

2 A. Correct, I did, yeah, and I advised his staff
3 and then I advised him in writing on this.

4 Q. That's fine. Makes perfect sense. It's just
5 our conversation sometimes when we put it down on paper
6 we start talking about we and they and stuff and it gets
7 to be confusing. I just wanted to kind of make sure
8 that we're all clear about that that you personally gave
9 that advice, as well as the folks for whom you were
10 employed in 2014?

11 A. Yes.

12 Q. Okay. Then I'm going to call your attention
13 to Exhibit 86 which is a January 16 e-mail. And I'm not
14 going to use the name of the gentleman that sent it
15 because I'm not sure that that's out in the public
16 domain. I would call your attention to the fact that
17 the e-mail address is MrX@greitensformissouri.com. This
18 is January 16, 2015, when you were then being paid by --
19 I believe your earlier testimony was in January 2015 you
20 were paid for by the Greitens Group; is that correct?

21 A. Yes.

22 Q. Okay. So at that time you're being paid by
23 the Greitens Group but if I remember your testimony, 100
24 percent of the work that you performed in January 2015
25 was political?

1 A. Yes.

2 Q. Okay. Did you have any involvement with
3 creating a website or an e-mail address called
4 greitensformissouri.com?

5 A. Can you repeat that question?

6 Q. Did you have any involvement with the creation
7 of a website or an e-mail address of
8 greitensformissouri.com? I'll just, you know, it's kind
9 of obvious. This is January 16 of 2015, some six weeks
10 before a campaign had been formed, at least a month
11 after you in writing advised Mr. Greitens to form or at
12 least his staff that he needed to form a campaign and
13 possibly as much as six months or nine months after you
14 had had discussions with Mr. Greitens specifically
15 advising him to form a campaign if he started spending
16 money. Well, it seems to me that creating an e-mail
17 address called greitensformissouri.com is spending
18 money.

19 A. Sure.

20 Q. So we'll just piece this up. So one, were you
21 aware that greitensformissouri.com was an e-mail address
22 in January of 2015?

23 A. So what I remember about that is that there
24 was a lot of discussion that I had with Mr. Laub about
25 what the web domain should be.

1 Q. Right.

2 A. And it was settled on Greitens for Missouri in
3 addition to what the campaign committee should be called
4 as well. Those discussions would have happened before
5 January 16. And I recall this because we were
6 developing a logo for the campaign and other things.
7 And all of that happened. Before that I did not have a
8 direct role in securing the web domain or setting up the
9 e-mail addresses but I had an e-mail address. That was
10 the greitensformissouri one. I don't know when that
11 would have come online. I just remember the discussions
12 that I was a part of in that time period.

13 Q. So again, when saying we were working on
14 developing a logo and coming up with those names, who do
15 you mean by we?

16 A. Danny Laub. Danny Laub was the de facto
17 campaign manager at the time. So I essentially took
18 marching orders from Danny.

19 Q. Okay. So as far as you're aware, Danny Laub
20 would have been the point person to create Greitens for
21 Missouri -- to purchase the domain, to organize or, you
22 know, farm out the website creation and the e-mail
23 addresses and all that?

24 A. Yes. Danny would have either done it himself
25 or had been working with a web vendor at that time.

1 Q. Okay. And you just don't know if he did it
2 himself or worked with a vendor?

3 A. I don't recall.

4 Q. That's fine. I'm more curious because it's
5 unclear to me from the review of the campaign finance
6 reports who, you know, where that was paid for, how that
7 was paid for. I guess it sounds like you don't know
8 either?

9 A. Yeah, I wasn't around when they would have
10 filed their April quarterly of that year. So I don't
11 know what was reported on that quarterly report and what
12 wasn't.

13 Q. Okay.

14 A. And the gentleman on here --

15 Q. Mr. X we're calling him, I think?

16 A. Yes. He would have been in charge of the
17 compliance procedures and for filing that report with
18 Ethics.

19 Q. Oh, okay. I think I'm getting close to being
20 done. Okay. So here again if I go back to Exhibit 87,
21 it's the same thing where now we have you're using a
22 Greitens for Missouri and this is on February 23, and I
23 don't think I have a question about that.

24 Okay. Then looking back at all of the
25 meetings that were held during the calendar year 2014,

1 and again we've talked about the fact that those
2 meetings -- at the time you were employed by another
3 firm, correct, a consulting firm?

4 A. Correct.

5 Q. Okay. And is that normal for you or for a
6 consulting firm to be having, you know, one is an eight
7 or ten hour meeting with vendors to be putting -- It
8 seems to me like you guys were putting an awful lot of
9 time into a potential candidate and potential campaign
10 about which you've testified you weren't 100 percent
11 sure or you were sure that he was running for a
12 state-wide office. Is that the normal sort of course of
13 business?

14 A. So I'd like to state something to get on the
15 record about all this. So at the time, you know, like
16 all consultants in the state they look for clients when
17 they're approaching election cycles. During that time
18 period, we had had a long-term relationship with the
19 lieutenant governor, with Peter Kinder, and we had known
20 that he wasn't going to run for reelection. And so we
21 obviously had known Eric was very ambitious and was
22 looking at a high level office. We thought and
23 encouraged him to look at the office of lieutenant
24 governor.

25 And so it was under that pretense that we did

1 want to help him navigate the political world.

2 Q. I'm sorry. Basically you had an opening on
3 your dance card and you've got a proven track record for
4 a successful lieutenant governor campaign. So if you
5 sort of have another candidate that's going to fit that
6 slot, kind of everybody is happy, right?

7 A. We were recruiting a candidate for an office,
8 yeah, or helping recruit a candidate for a specific
9 office.

10 Q. There's nothing wrong with making money. To
11 also make sure that your business is --

12 A. Sure. It's not unlike what a lot of
13 consultants do.

14 Q. Absolutely. Okay. So you would say that
15 having those meetings, doing those introductions and I
16 guess encouraging a potential candidate to run for an
17 office that works well for your firm, that's not
18 unusual?

19 A. No. The opportunity to work with Eric was,
20 you know, was a great opportunity to work with somebody
21 who had a great background, a great profile for a high
22 level office, and again he led us to believe that we --
23 that he was looking at other offices, not just governor.
24 If he had told us from the outset that he was only
25 planning on running for governor, we probably never

1 would have helped him down that road because we didn't
2 believe that he should have ran for governor.

3 Q. Okay. Is there not value to the time that you
4 personally and your firm -- I mean you weren't being
5 paid for by the Greitens team. I use that word team
6 because we know you've been paid for by both Greitens
7 Group and Greitens for Missouri. So understanding that
8 no one from the Greitens side of the equation was paying
9 for your time, is there not value to your time?

10 A. Can you repeat the question?

11 Q. It's a rhetorical question to the extent that
12 obviously your time is valuable. But the thing is that,
13 you know, you're an employee of a consulting firm that
14 is expending a lot of time and I'm assuming that that
15 time is not just freely given away?

16 A. Sure.

17 Q. And so my question would be, is you've said
18 that that's the normal course of things. If there's
19 value to that, it just seems to me that that value would
20 be subject to our campaign finance laws.

21 A. Probably. I'm sure there's --

22 CHAIRMAN BARNES: Hold on. You're calling for
23 a legal conclusion. I'm not sure what the question is.
24 So is the question is your time valuable? Does your
25 time have value?

1 REPRESENTATIVE MITTEN: Right.

2 CHAIRMAN BARNES: Okay. Does your time have
3 value?

4 THE WITNESS: Yes.

5 CHAIRMAN BARNES: Okay. I think that's where
6 -- To the extent you're asking for him to draw the legal
7 conclusion, and I've been distracted, I missed a couple
8 things, that's not his role to judge to draw a legal
9 conclusion but to answer factual questions.

10 REPRESENTATIVE MITTEN: And if I might have a
11 follow-up question then.

12 CHAIRMAN BARNES: Proceed.

13 BY REPRESENTATIVE MITTEN:

14 Q. Why were you encouraging -- What was the basis
15 for your encouraging Mr. Greitens to form a campaign
16 committee going back to possibly as early as spring of
17 2014?

18 A. Well, again, I thought -- I didn't know that
19 he was talking to other consultants; that, you know,
20 that testimony is revealed that he was having a lot of
21 meetings outside of the meetings that we were having
22 with him. So I really didn't know the extent of what he
23 was doing. Again, he said he was still, you know, in a
24 transition period from the charity into regular life and
25 focusing on his book. So I really didn't know, and I

1 still don't know, if he was spending money during that
2 time or what. But we assumed just from him meeting with
3 us that if he was going to be more active in that world
4 that our advice was he should have some sort of
5 mechanism to raise money to cover those political
6 activities.

7 REPRESENTATIVE MITTEN: Okay. Thank you.
8 Thank you, Mr. Chair.

9 CHAIRMAN BARNES: Representative Lauer.
10 QUESTIONS BY REPRESENTATIVE LAUER:

11 Q. Thank you, Mr. Chair. Thank you, Mr. Hafner,
12 for being here again. Some of these are clarification
13 and just trying to put them in a package. On Exhibit
14 78, which has at the bottom Hafner 13, again, I want to
15 go back and clarify Dave Whitman's role with the
16 Greitens Group. Throughout some of these documents he
17 is listed as continuing to work for the Greitens Group
18 yet is very engaged in working on the potential
19 campaign/campaign in that role; is that correct?

20 A. Correct. He was Eric's right-hand guy. He
21 was the gatekeeper. So I worked with Dave quite a bit
22 through 2014.

23 Q. And at no time were you aware or at any time
24 were you aware that he actually moved from the Greitens
25 Group into Greitens for Missouri or any other campaign

1 group?

2 A. He did not. And he and Eric parted ways in --
3 it was in fall of 2014. There was some issues there
4 that Dave was moved out of the picture, and that's when
5 we started discussing, you know, this kind of stuff more
6 with Krystal Taylor who was Eric's personal assistant at
7 the time.

8 Q. Just to clarify also when you say at Eric's
9 office, was that under the umbrella of Greitens Group or
10 The Mission Continues or the campaign, d, all the above?

11 A. There's -- So when we first met Eric, it was
12 out of the Greitens Group offices which were located at
13 The Mission Continues just south of the stadium in St.
14 Louis, and from there we never met again at that office.
15 He transitioned out of leadership at the charity and
16 then when we started meeting with him again the Greitens
17 Group had moved offices I think in the late summer or
18 fall of 2014 and that's when they moved into their
19 current -- well, I don't know if they're still there,
20 but that's when they moved into the central west end
21 office on West Pine and that's -- we picked back up
22 again when I meet at their offices, at that office, and
23 I think that was -- I think my first time over there was
24 December of 2014.

25 Q. Did you at anytime list -- You said you got

1 paid by Greitens Group at least for a month or period of
2 time?

3 A. Just one month, in January.

4 Q. Did you at anytime file a statement of in-kind
5 donation?

6 A. I did not.

7 Q. Are you aware of anybody from the Greitens
8 Group such as Mr. Whitman who might have filed in-kind
9 donations to the campaign committee?

10 A. I am not aware.

11 Q. You said that Eric Greitens disregarded the
12 starting up of a committee. So why do you think there
13 was a reluctance or a delay to creating that?

14 A. I think that ran contrary to what his plans
15 were. He's somebody that is very methodical in
16 planning. And when he has something that he wants to
17 do, he puts his mind to it and does it. I think my
18 advice kind of ran contrary to what his timeline was in
19 his head. He wanted to announce for office after his
20 book launch. And so I think that advice and some other
21 advice just wasn't heeded.

22 Q. So was the intent then to not file a committee
23 until after the book launch/announcement?

24 A. I don't recall exactly. I do know that the
25 political calculation changed in early 2015 when there

1 was another candidate, John Brunner, had started I think
2 having more discussions and having more discussions with
3 activists and other people about potentially running for
4 office in 2016 as well. I think that moved Eric's
5 timeline up a little bit. He wanted to lay down a
6 marker and, you know, get his name in the discussion of
7 candidates that were running for office in 2016, and so
8 that's why I believe -- I believe that's why that
9 timeline moved up and why he formed the committee in
10 February rather than sticking with his original plan
11 which was to announce after his book launch which would
12 have been in March.

13 Q. That was 2015?

14 A. Yes.

15 Q. All right. So following along that, let's go
16 to Exhibit 86, and it has at the bottom Hafner 43. Do
17 you have that as well?

18 A. I do.

19 Q. Okay. So there is interesting in the e-mail
20 that was sent to Eric Greitens with you on there as
21 well. It says that once the statement of committee
22 organization is filed, meaning in my opinion it hadn't
23 been filed yet?

24 A. Correct.

25 Q. Yet it says apparently that there are some

1 talking points. The first one is yes, I am pleased to
2 confirm that the exploratory committee has been formed
3 for Eric Greitens. Is that a contradiction or am I not
4 reading that correctly?

5 A. So there was discussion. Obviously they were
6 spending money solely on political activities in
7 January. I'm certain -- The gentleman who sent this
8 e-mail was brought on to handle compliance, and he was
9 an executive at a financial services firm. And so he
10 wanted to do everything by the book. And I think this
11 was his way of proactively trying to come up with
12 something he could give to press when the exploratory
13 committee was filed with the MEC.

14 Q. Okay. And again going back to the once it's
15 filed would indicate that it hadn't been filed at that
16 point?

17 A. Yes.

18 Q. Okay. So you said it was the committee, and
19 this was Greitens for Missouri, the committee we're
20 talking about, is that right, was filed in February?

21 A. Yes. I don't know the exact date. I think it
22 was late February.

23 Q. Okay. And again, during the times that we're
24 talking about the book launch/announcement, did he in
25 this book launch and speaking engagements that he went

1 to to promote the book, and so forth, did he verbally
2 say or announce that I'm running for a state-wide office
3 or did he give that indication?

4 A. During his book launch?

5 Q. Yes. When he was actually physically out in
6 groups?

7 A. I know there was some media reports that he
8 included, you know, looking at state wide where his
9 quote, and you'd have to go back and look at the reports
10 and the night shows he went on, but I do believe there
11 was instances where he mentioned he was running for
12 office in 2016 during his book launch.

13 Q. Just to clarify again, the book launch was
14 part of the Greitens Group, the for-profit organization?

15 A. Yes, it was. There was a very, very limited
16 amount that, you know, they asked me to help out with
17 the book launch. They had an event in St. Louis that I
18 think was the official kick off in March, and I invited
19 a bunch of political types. They asked for my help in
20 reaching out to a bunch of political types to invite
21 them to the book launch. They asked me to I think write
22 an Amazon review on the book and some very, very minor
23 stuff.

24 Q. So there was a little bit of overlap with
25 activities you were doing for Greitens Group while you

1 were --

2 A. A little but really minimal, yeah.

3 Q. Now, he was also doing these radio interviews
4 that you had listed here or the plan -- there was a plan
5 to do radio interviews?

6 A. That came by way of another consultant. I had
7 nothing to do with that. Mr. Laub might have
8 coordinated some stuff along those lines as well.

9 Q. Are you aware of him actually conducting those
10 interviews on radio?

11 A. I know he did a lot of radio interviews. I'm
12 not sure how much that plan was followed.

13 Q. When he did the radio interviews, again, was
14 this about the book?

15 A. Yes.

16 Q. Was it also about his running for office?

17 A. I don't recall any of the specific radio
18 interviews he did. I know he did some. So I don't want
19 to -- I can't speak to whether he discussed running for
20 office or not. I do recall a couple television
21 interviews where he mentioned he was looking at running.

22 Q. All right. And I want to go through a bit of
23 the fundraising mechanics. Not of the actual -- well,
24 kind of the fundraising things. Let's go back to some
25 discussion on a 501(c)(4) and PACs. And you've been

1 engaged in fundraising. So I imagine you're familiar
2 with this. What is the purpose of a 501(c)(4)?

3 A. To conceal the identities of donors.

4 Q. Okay.

5 A. That's not the only purpose. That's why you
6 would do it for a political campaign.

7 Q. Okay. And to conceal the donors, that would
8 mean that their names are not listed?

9 A. Correct.

10 Q. Would the amounts they give be listed?

11 A. No.

12 Q. No contact information would be listed?

13 A. Not publicly.

14 Q. It would only -- would be within the confines
15 of an internal review, not to the outside?

16 A. Correct.

17 Q. Not posted on Ethics as you would a 501(c)(3)?

18 A. Correct.

19 Q. And a PAC, what is the purpose of a PAC?

20 A. For political activities.

21 Q. I'm sorry?

22 A. There's certainly different kinds of PACs.
23 There's the continuing committee that you can raise
24 funds and use for political activities. There's
25 obviously a candidate committee which you all are

1 familiar with.

2 Q. And does a PAC list the donors publicly?

3 A. State, certainly state-based ones do. File
4 through the MEC.

5 Q. Okay. Other ones? Other non --

6 A. I don't know what the disclosure laws are for
7 super PACs. I just don't operate in the super PAC
8 world, but certainly state-based ones are, yeah.

9 Q. So then let's go back to the 501(c)(4). Was
10 there any specific discussion that you had with Greitens
11 or any of the folks contacting or connected with
12 Greitens in regards to specific purposes for setting up
13 a 501(c)(4)?

14 A. There were specific donors that I reached out
15 to who Eric connected me with, and we discussed
16 specifically nonprofits and C4s and what the process
17 would be to establish entities like that to accept
18 contributions for bundling contributions.

19 Q. Okay.

20 A. And then there's some other discussion there
21 that I think might be a privilege to Eric just because
22 there's attorneys involved.

23 REPRESENTATIVE LAUER: Okay. Did you have a
24 comment?

25 MR. ERNST: Just to maintain consistency with

1 the previous testimony. To the extent there would be
2 conversations that might arguably be privileged to
3 Governor Greitens, we're not taking a position that they
4 are or are not. Out of an abundance of caution, Mr.
5 Hafner is not going to go into those discussions now
6 unless and until that issue is resolved by the powers
7 that be.

8 REPRESENTATIVE LAUER: Okay. Appreciate that.
9 Thank you.

10 BY REPRESENTATIVE LAUER:

11 Q. In that fundraising capacity then, on one of
12 the agendas it said that you were discussing in state
13 and national, and I believe at previous testimony you
14 indicated that there was also at a point in time
15 discussion on potential for foreign moneys. Would you
16 please restate that?

17 A. There was a couple conversations that I had
18 had with some high level donors that Eric connected me
19 with who specifically referenced some buddies that they
20 had gone to Oxford together with that wanted to
21 contribute or that would contribute to the campaign.
22 There was another donor. I never had a direct
23 conversation with him. I think we may have exchanged
24 e-mails. And he's in one of those documents, but he
25 lived overseas. And I don't know if he was a foreign

1 citizen or if he was just an American living abroad.

2 But there were conversations that we had where
3 foreign money was discussed -- where foreign money was
4 discussed and the possibility of foreign money, you
5 know, being contributed to an entity, there were those
6 discussions that were being had in the early stages.

7 I parted ways with the campaign in late March
8 of 2015. I don't know where those discussions went after
9 I left. I just know I didn't go down that road.

10 Q. The individuals that you were just referring
11 to, were those any names that were already listed in
12 these exhibits that were named publicly?

13 A. Yes. Monu and then the gentleman named Alex
14 Rogers. And I know Eric was planning on visiting with
15 him in Hong Kong at some point. I don't know what came
16 of those meetings. I never had a conversation with
17 Mr. Rogers. But I do remember I put him on a call list
18 because Eric had said that he would contribute a
19 substantial amount to the campaign, but I don't know
20 how, you know, how or if he ever did.

21 Q. Okay. But there was conversation to the
22 degree that there was an anticipation of funds?

23 A. Yes.

24 Q. And Monu is located where?

25 A. I thought that he was located somewhere in

1 California. I don't know. I don't know much about him.
2 I just had a couple conversations with him.

3 Q. And Rogers is located?

4 A. At the time, he was abroad in Hong Kong, but I
5 couldn't tell you where he is now.

6 CHAIRMAN BARNES: Okay. Representative
7 Lauer --

8 REPRESENTATIVE LAUER: Yes.

9 CHAIRMAN BARNES: -- we are going to take a
10 recess for lunch. I wanted to start at noon. Unless
11 you have just a few more questions, I would let you
12 finish. If you've got more than just a few more, I'm
13 not trying to cut you short at all. I just for timing
14 purposes if you've got 15 minutes, let's stop. If
15 you've got 2 minutes, let's go ahead.

16 REPRESENTATIVE LAUER: I can do it, sir.

17 BY REPRESENTATIVE LAUER:

18 Q. So then, just to kind of clarify then, you
19 were not involved in any of the efforts made to contact
20 those individuals in regards to contributions
21 specifically?

22 A. I was connected with Monu who was planning on
23 raising a substantial amount of money for the campaign,
24 I think somewhere between 250 and half million dollars.
25 And my conversations with him, he wanted to know if

1 there were avenues set up where -- that were nonprofits
2 or C4s that they could bring money in and not disclose
3 the source of those contributions, but I don't know
4 where those -- After I left, I have no idea what
5 happened with those.

6 Q. When you say "they," was that Monu? Was that
7 Eric Greitens? Was that Roger? Who?

8 A. It was my understanding that Monu was going to
9 be a major connector and bundler for the campaign.

10 Q. He was interested in identifying any
11 mechanisms that could donate with that PAC?

12 A. Yes, without having to disclose the source of
13 the contributions.

14 Q. So again, Greitens for Missouri is the
15 campaign committee. To what degree are you familiar
16 with the New Missouri?

17 A. Just through the press. Same thing that
18 everyone has seen.

19 Q. Do what degree are you familiar with Seals for
20 Truth?

21 A. Just to the extent of again what was in the
22 press. They had, you know, I think close to \$2 million
23 that came into the primary race at the end in 2016.

24 Q. You were not in contact with anyone from that
25 group?

1 A. I was not.

2 Q. American Policy? Were you connected with them
3 or to what degree were you familiar with them?

4 A. The only degree that I'm familiar with them is
5 just that I think of what I've seen in the press is that
6 I want to say that they were one of the funders of --

7 CHAIRMAN BARNES: Hold on. If you don't have
8 first-hand knowledge.

9 THE WITNESS: Yeah, I don't have first-hand
10 knowledge.

11 BY REPRESENTATIVE LAUER:

12 Q. And the last one is Freedom Frontier. To what
13 degree are you familiar with that?

14 A. No first-hand knowledge.

15 REPRESENTATIVE LAUER: That is all. Thank
16 you, Mr. Chair.

17 CHAIRMAN BARNES: Okay. We're going to take a
18 recess. I apologize, Mr. Hafner and Mr. Ernst --

19 MR. ERNST: He needs to feed the meter.

20 CHAIRMAN BARNES: -- for 45 minutes, 12:45. I
21 say 45 knowing we'll probably get started at 1:00. If I
22 had said 1:00, we'd probably get started at 1:15.

23 So 45-minute recess and we will be back.

24 (Off the record.)

25

CERTIFICATE OF REPORTER

I, Beverly Jean Bentch, CCR No. 640, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing questioning was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this questioning was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Beverly Jean Bentch, RPR, CCR No. 640

Beverly Jean Bentch, CCR No. 640

1 SPECIAL INVESTIGATIVE

2 COMMITTEE ON OVERSIGHT

3
4 Tuesday, May 29, 2018

5
6 State Capitol Building
7 201 W. Capitol Avenue
8 Jefferson City, Missouri 65101

9
10 COMMITTEE MEMBERS:

11 Representative Jay Barnes, Chair
12 Representative Donald Phillips, Vice-Chair
13 Representative Gina Mitten, Ranking Minority Member
14 Representative Jeanie Lauer
15 Representative Kevin Austin
16 Representative Shawn Rhoads
17 Representative Tommie Pierson, Jr.
18 Representative J. Eggleston
19 Representative Greg Razer
20 Representative Curtis Trent

21
22 Also present: Bryan Scheiderer, Legal Analyst
23 Alex Curchin, Legislative Counsel to
24 Speaker of the House
25 Alexandra Hallen, Minority Counsel

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I N D E X - V O L U M E 2

WITNESS	PAGE
MICHAEL HAFNER	
Further Questions By Representative Lauer	4
Questions By Representative Austin	5
Questions By Representative Rhoads	11
Questions By Representative Eggleston	18
Questions By Representative Pierson	42
Questions By Representative Trent	50

1 REPRESENTATIVE BARNES: We are back from
2 Legislative recess, which is always a little longer than
3 normal.

4 Mr. Hafner, do you want to wait till Counsel
5 returns? Why don't we do that.

6 MR. HAFNER: All right.

7 REPRESENTATIVE BARNES: Yes is the answer,
8 whether -- regardless of what your answer is, yes is the
9 answer to the question. So we'll stand at ease until
10 Counsel returns.

11 Mr. Hafner, you -- just a reminder, you are
12 still under oath.

13 MICHAEL HAFNER,
14 of lawful age, having been produced, previously
15 sworn, and examined, testified as follows:

16 Representative Lauer.

17 REPRESENTATIVE LAUER: Yes, Mr. Chair. Thank
18 you.

19 FURTHER QUESTIONS BY REPRESENTATIVE LAUER:

20 Q. Just one last question -- another last
21 question for you, Mr. Hafner. The Greitens for Missouri
22 was set up as a 501(C)(4); is that correct?

23 A. The Greitens for Missouri, the campaign
24 committee, was set up through the Missouri Ethics
25 Commission as a candidate committee.

1 Q. Okay. And was -- and was it a 501(C)(4), the
2 funding?

3 A. No. No, not that I'm aware. There was -- I
4 believe that was only a candidate committee set up
5 through the MEC.

6 Q. Okay. And then the other committees were set
7 up under the 501(C)(4)?

8 A. It appears there were other C4s that were
9 active in the governor's race, but I don't have any
10 firsthand knowledge of --

11 REPRESENTATIVE LAUER: All right. Thank you.

12 MR. HAFNER: -- those.

13 REPRESENTATIVE BARNES: Representative
14 Austin.

15 REPRESENTATIVE AUSTIN: Thank you, Mr. Chair.

16 QUESTIONS BY REPRESENTATIVE AUSTIN:

17 Q. Thank you for being here today, Mr. Hafner.
18 I'm going to step up and hand you what's been marked as
19 Exhibit 89. When you've had a chance to review it, just
20 let me know, because I have a few follow-up questions.

21 REPRESENTATIVE BARNES: A good chairman would
22 have returned the favor by handing the witness the
23 documents.

24 REPRESENTATIVE AUSTIN: That's all right. I
25 need the exercise.

1 REPRESENTATIVE BARNES: Yeah, it's 911 Hank
2 and Eric email.

3 BY REPRESENTATIVE AUSTIN:

4 Q. Mr. Hafner, have you had a chance to review
5 Exhibit 89?

6 A. I have.

7 Q. And just for identification purposes, this is
8 a two-page document that has a top -- well, not -- the
9 very top line of the second line says gmail, and then it
10 has your email address; correct?

11 A. Correct.

12 Q. And then the line beneath that has Re: 911:
13 Hank and Eric; correct?

14 A. Correct.

15 Q. And who -- well, is Eric referring to Eric
16 Greitens?

17 A. Yes.

18 Q. And the 911, what is that a reference to, in
19 your belief?

20 A. That was, I believe, a subject line that I
21 had put on this email thread because it was an important
22 piece of information that just came across my desk. And
23 I sent it -- I forwarded it on immediately to -- I was
24 working for John Brunner at the time. This was an email
25 sent in June of 2016, just a couple months before the

1 primary. And so I sent it up to some -- some of the
2 senior staffers in the campaign.

3 Q. Okay. And so 911, is that -- is that a
4 reference to something that's emergent or is it an
5 emergency situation?

6 A. Yes. Just a high profile, yeah --

7 Q. Right.

8 A. -- important item.

9 Q. And you sent an email thread -- as I look at
10 this exhibit, it only has two emails, if I'm looking at
11 it right. Is that correct?

12 A. Three total. But, yes, there's the original
13 one to myself. And then I forwarded it to, I believe
14 just -- probably only one or two people. And then -- and
15 then the last email is from the other gentleman at the
16 top to myself and three other individuals.

17 Q. Okay. And there -- if we look at the top --
18 and you've already given us the date. I appreciate that.
19 If we look at the top, it says FEC Complaint ASAP. What
20 does that mean?

21 A. So that was -- that was the suggestion of a
22 consultant that was involved in our campaign that
23 somebody should file an FEC complaint concerning this
24 issue immediately.

25 Q. And what is the issue?

1 A. So at the time there was -- there was a C4
2 that was operating in the governor's race in the summer
3 of 2016 called the LG PAC. It was targeting the
4 candidate I was working for, John Brunner. And when the
5 ads, you know, what would be -- we track the ad buys.
6 And when the ads came up, it was a very substantial ad
7 buy. I think later on it showed that this organization
8 had purchased millions of dollars in ads. I think our
9 calculations indicated it was over \$4 million in paid
10 media that ended up influencing the Missouri governor's
11 race in 2016.

12 The LG PAC was set up to -- to appear to the
13 general public that it was in support of the current
14 lieutenant governor at the time, Peter Kinder. We had
15 known kind of within hours of the ad's -- of the ad's
16 launch that Peter was not involved in any way. He had --
17 he had made it clear to us early on in the campaign, you
18 know, early on, right after the ad launched.

19 I believe we saw Catherine Hanaway at an
20 event that evening or maybe the next day -- I know it was
21 really soon afterwards -- and she informed us she was not
22 involved in any way. And she had reached out to her
23 largest donor to see if his political operation had had
24 any role in it, and he had assured her that it was not --
25 he had no role in it either.

1 So by process of elimination, we kind of
2 assumed at the time that it was -- that it was the
3 Greitens campaign. They denied it at the time, that they
4 were involved. There was a press report that I believe
5 aired on KNBC that had footage at Greitens' -- at Eric
6 Greitens' campaign office grand opening in Kansas City,
7 and in that footage there was a -- there was a gentleman
8 there by the name of Hank Monsees, who was -- who was
9 publicly listed as -- as an agent of the LG PAC. And
10 Hank was listed in -- or was shown in the footage. He
11 was talking with Eric. I think the footage had him on
12 a -- on a phone making phone calls in the campaign
13 office.

14 Anyways, the gentleman who wrote this email,
15 Greg Sparts (phonetic), he saw the footage from the
16 news -- from the news clip, immediately forwarded it to
17 us and said that -- you know, their campaign team is a
18 member of the Hanaway campaign. They said -- they listed
19 why, you know -- why there were potential grounds for
20 probably an FEC complaint, because their assessment was
21 that -- that the LG PAC could not be made in -- any
22 expenditures made on behalf of the LG PAC could not be
23 made in coordination with any candidate or any candidate
24 committee. And the footage kind of proved that, you
25 know, the agent of the LG PAC -- or publicly-listed agent

1 of the LG PAC was, in fact, at the Eric Greitens campaign
2 headquarter -- Kansas City campaign headquarter opening.
3 So the FEC complaint was kind of based on this
4 information that was forwarded to us.

5 Q. Let me back up just a little bit. If we go
6 to page 2, there's a picture -- well, two pictures in
7 there. Clearly one of them is Eric Greitens. The
8 gentleman to his left there on page 2, is that Hank
9 Monsees?

10 A. It is.

11 Q. And so an operative for the Brunner
12 campaign -- or, no, an operative for the Hanaway campaign
13 saw a Greitens ad in which Hank Monsees is communicating
14 to Eric Greitens; is that correct?

15 A. Saw footage of a campaign event where Hank
16 was present.

17 Q. And that formed the subject of an FEC
18 complaint, based upon coordination between LG PAC and
19 Greitens' campaign? Or was there more?

20 A. Yes, that was the -- that was the subject of
21 this email thread. I don't know if the FEC complaint was
22 ever filed.

23 Q. Okay.

24 A. I just -- yeah, I don't recall.

25 Q. And if we go back to the first page, it talks

1 about, it says, Same deal as Right to Rise U.S.A. What's
2 Right to Rise U.S.A.?

3 A. I believe that was Jeb Bush's, you know, IE,
4 Independent Expenditure, PAC.

5 Q. So that --

6 A. I think it was just used as an example of --
7 you know, of an organization that is similar to LG PAC;
8 that it's legal to operate, but it can't be operating in
9 coordination with any candidate or committee.

10 Q. Right to Rise had -- had nothing to do with
11 this gubernatorial race, and there's no allegation that
12 it had anything to do with this gubernatorial race;
13 correct?

14 A. Correct.

15 Q. And you said it was just being referenced as
16 an example of what a PAC maybe can do or can't do as far
17 as coordination?

18 A. Correct.

19 REPRESENTATIVE AUSTIN: That's all I have.

20 REPRESENTATIVE BARNES: Representative
21 Rhoads, Mr. Sunshine.

22 REPRESENTATIVE RHOADS: They're all upset
23 that I was on vacation last week, so that's why a comment
24 like that.

25 QUESTIONS BY REPRESENTATIVE RHOADS:

1 Q. Again, thanks for coming back. You had a
2 couple of earlier statements that I just wanted to
3 clarify. Earlier Chair Barnes asked you about working
4 for Eric Greitens and what you were doing. And you said
5 that at the time you thought that your job was A, and
6 then you were actually doing B.

7 So you said that you had met with Danny Laub.
8 Did you guys talk about terms of employment prior to --
9 when you had a meeting and there was an email, I believe,
10 about it?

11 A. Um-hum. In December when I met with Danny
12 Laub, you know, I don't recall the exact conversation
13 that we would have had regarding employment or specific
14 terms. But I believe it was discussed in some general --

15 Q. Okay.

16 A. -- part, yeah.

17 Q. So this -- you had mentioned too that prior
18 to that you -- or about that time you went out on your
19 own, and you used to work for another company?

20 A. Yeah. I worked for a consulting firm,
21 political consulting firm called Barklage & Knodell.

22 Q. And you were just an employee there; correct?

23 A. Correct.

24 Q. Okay. So this was kind of the point where
25 you were kind of going on your own; correct?

1 A. Yeah. Yeah. I'd had -- I had been in
2 discussions with some other people about potential
3 clients that I could -- that I could do some work for.
4 And -- and the opportunity was there with Eric, and I was
5 kind of in a -- in a transition period where I was going
6 out on my own.

7 Q. Okay. Great. So at what point were the
8 terms and conditions of what your job entitled told to
9 you, that we'll pay you X amount of dollars to do this
10 job?

11 A. So in late December I had at least one
12 meeting with -- with Eric regarding -- regarding, you
13 know, terms of a -- of employment. What we came up with
14 during that time was a set amount a month -- I think it
15 was \$4,000 a month -- and I would work out of his office
16 three or four days a week. And it was more just kind of
17 general -- general political activities. It wasn't
18 discussed that I would be focused solely on fundraising.
19 It wasn't until I actually started working there that I
20 kind of knew that he envisioned me to focus --

21 Q. So --

22 A. -- pretty much on that.

23 Q. Okay. So after -- excuse me. After
24 January 5th -- which was your first day. Is that 2015;
25 is that correct?

1 A. Yes. I don't know the exact day. It was --

2 Q. Pretty close to that?

3 A. Ballpark.

4 Q. So after that, how long ago -- how long after
5 that did you realize that he wanted you to solely work on
6 campaign contributions?

7 A. Immediately. He provided me a number -- they
8 provided me a number of donor lists one of my first days
9 I was working there and --

10 Q. Which was something you were familiar with --

11 A. Yes.

12 Q. -- doing?

13 A. Yeah. A little bit. It's not -- it's not
14 something that I prefer doing, but I have done it -- done
15 fundraising for other clients.

16 Q. So was it your understanding that you'd be a
17 full-time employee and not to work anywhere else or...

18 A. To spend a lot of time there, a few days a
19 week, three to four days a week, and working out of his
20 office, but not -- not a full-time employee.

21 Q. Okay. Was it said, hey, I may pick up a
22 client over here or one over there; is that okay?
23 Anything like that? I mean...

24 A. Yeah.

25 Q. And I want to stop you here, because I know

1 in your prior testimony you spoke about some compensation
2 packages that you were still getting from Barklage &
3 Knodell, which I don't think were anything monetary, it
4 sounded like; it was just other things. But I didn't
5 know if maybe you had went to work for somebody else as
6 well as them at the same time.

7 A. So during that time I was also doing some --
8 doing some lobbying work as well. So -- and I'm not sure
9 exactly when -- I'd have to go back and look whenever I
10 registered, you know, as a lobbyist for that client.
11 But, yeah, I was doing other activities, in addition to
12 just working with Eric.

13 Q. Okay. So let's go back to the conversation
14 with -- is it Monu?

15 A. Monu, yeah.

16 Q. Monu. Okay. And you had mentioned that he
17 had talked to you about -- or you had give him -- I don't
18 want to say give him advice. In your talk you talked
19 about filing 1C4s and donations. What did you tell him,
20 if you can recall that?

21 A. I think I left it at we'll, you know, talk to
22 the campaign attorneys and see if there's some way we can
23 make this work. It was something that I was -- I'd never
24 experienced before working directly for a candidate.
25 So -- and this was somebody that was, you know, I

1 believed to be one of Eric's best friends. And Eric
2 obviously connected me to this gentleman, and so I knew
3 he was going to have a major role in the campaign.
4 And because of our discussions, that's when I had -- when
5 I, you know, had other discussions from that with
6 attorney -- with campaign finance attorneys that were
7 also connected to the Greitens campaign.

8 Q. Sure. So when -- if there was a question
9 like that that came up, was it a pretty open basis that
10 you could talk to these campaign finance attorneys or was
11 it something that had to be an official inquiry, bill it
12 out, that kind of thing? How did that work?

13 A. I know they were billing somebody. They're
14 very reputable attorneys that are based in DC. And, you
15 know, I know they had a high billable rate, because I was
16 told they were, so to keep my conversations brief with
17 them.

18 Q. I understand. Did you ever contact them
19 about it?

20 A. I did.

21 Q. Did they ever come back with anything?

22 MR. ERNST: This is where we're not going to
23 testify about any discussions he may have had with those
24 attorneys. Again, for consistency, Mr. Hafner is not
25 going to testify about any conversations that he had

1 directly with those attorneys that were retained by
2 Mr. Greitens or his campaign, out of concern for
3 attorney-client privilege.

4 REPRESENTATIVE BARNES: And that's because he
5 was an employee of Mr. Greitens at the time.

6 REPRESENTATIVE RHOADS: I understand.

7 REPRESENTATIVE BARNES: So the privilege
8 attaches -- or the concern is that the privilege could
9 attach to the organization, and they were representing
10 the organization at the time.

11 REPRESENTATIVE RHOADS: I understand.

12 MR. ERNST: That's correct.

13 BY REPRESENTATIVE RHOADS:

14 Q. So obviously -- let me move on. So in
15 your -- of course now I guess that would have probably
16 been one of the last biggest campaigns would have been
17 the gubernatorial campaign in the last year or two.
18 You've never worked that much with campaign, like a
19 donation list and things like that?

20 A. No, I mean, I've -- I've -- I'm not sure if I
21 understand the question.

22 Q. I'm sorry. Let me help clear it up. So in
23 your past experience as a consultant, as a paid
24 consultant, have you worked with other lists of campaign
25 donations for other --

1 A. Yes.

2 Q. -- clients? Okay.

3 A. Yes.

4 Q. Was there any kind of list, other than a
5 designated campaign list, that you've -- like somebody
6 said, hey, here's a list of people I know or here's a
7 list of the members of the 4H Club or whatever?

8 A. Yeah, specifically I -- you know, I don't
9 know off the top of my head. But, sure, there's other
10 lists people create all the time in politics that -- and
11 certainly my work for -- that's kind of the value in
12 being hired, you know, by a specific candidate too is you
13 bring -- you know, you bring your --

14 Q. Sure.

15 A. -- list too.

16 REPRESENTATIVE RHOADS: Okay. Thank you
17 again. Thank you.

18 REPRESENTATIVE BARNES: Where am I in
19 seniority? Eggleston? Representative Eggleston, are you
20 next? Okay. Representative Eggleston.

21 QUESTIONS BY REPRESENTATIVE EGGLESTON:

22 Q. You talked about a number of different lists
23 that were eventually compiled together into one master
24 list. Did all that happen while you were still on board?

25 A. That would have happened -- yes, to answer

1 your question, it would have happened in the -- yeah,
2 that first month of my employment with Eric.

3 Q. Okay. Some of the stuff that went on to get
4 him elected happened while you were there, and then you
5 left, and then some stuff happened after. But the
6 compilation of all those lists, you were on board then?

7 A. Um-hum.

8 Q. Did you get to see the people's names on the
9 lists and go through them?

10 A. Yes.

11 Q. Okay.

12 A. Now, all the lists that I was provided in the
13 early days of my employment with Eric were not utilized,
14 but a number of them were too.

15 Q. Okay. One of the lists that went into making
16 the master was -- according to what all I've read, was
17 Tom Schweich's list, the Schweich list. Did you get a
18 chance to read that, those particular lists of names
19 over?

20 A. I did open that list up. That list was the
21 one I kind of just referenced was that we -- I did not
22 use that list. I don't know if it was used after, you
23 know, I parted ways with the campaign. But I was
24 uncomfortable with using that list. Tom was -- I
25 considered a friend of mine. And I don't know how they

1 had access to that list or who sent it to them. But that
2 was something that was work product of another contract
3 fundraiser in the state, so I never used it.

4 Q. In looking at the names on the list, do you
5 think that the names got on that list just by going to
6 the MEC website and downloading all of the donors that
7 had ever donated to Schweich or did that list contain
8 more names than just simply those public lists, do you
9 think?

10 A. Yes, it was -- it was a
11 professionally-compiled list. It had -- if I recall
12 correctly, it had donor history dating back years which,
13 yes, can be found on the MEC website and quarterly
14 reports. But this was much more expense -- extensive.
15 And I believe it also had some federal candidates on it
16 as well, which led me to believe -- I do believe it was
17 created by a professional fundraiser that was employed at
18 some point by Mr. Schweich.

19 Q. So it wasn't somebody just went to the MEC
20 website, downloaded all the public documents, and made
21 the list; that list had other names on it that was, like
22 you said --

23 A. Yeah, there was donor -- yeah, there was
24 donor history, previous donor history on that list that
25 was pretty extensive.

1 Q. Okay. So --

2 A. And contact information too.

3 Q. You've -- prior to this, prior to working on
4 the Greitens campaign, your history is that you've worked
5 on quite a number of campaigns before; is that right
6 or --

7 A. Yes.

8 Q. -- what you -- okay. And at that kind of
9 statewide level?

10 A. Yes, most have been statewide.

11 Q. Would you say it is normal and common
12 practice that one candidate ends up with their opponent's
13 donor list and vice versa during the course of a campaign
14 or was this unusual to see Eric Greitens end up with
15 potential competitor Tom Schweich's donor list?

16 A. It was -- it's not unusual to share donor
17 lists among candidates or clients. But usually you have
18 permission to do that. With -- with Schweich's donor
19 list, it was very -- you know, I was surprised that they
20 had Tom Schweich's donor list. I don't -- I don't
21 believe Mr. Schweich cared for Mr. Greitens all that
22 much. I don't want to speak for him at all, of course.
23 But just from my personal experience and conversations I
24 had with people connected with Mr. Schweich and working
25 for Mr. Schweich, there was no way that he would have

1 ever allowed Mr. Greitens to have --

2 Q. Well, just as professional courtesy, I'll
3 share my list with you, you share your list with me. It
4 wasn't like that --

5 A. No.

6 Q. You think somebody probably took that from
7 the Schweich campaign without Tom Schweich's permission?

8 A. I believe that.

9 Q. Do you think that -- but you don't know who
10 would have had access to that, who could have gotten that
11 for Mr. Greitens?

12 A. I don't care to -- I don't want to speculate
13 too much on that. I know that when the list was sent to
14 me in the early stages of the campaign, it was listed in
15 a sentence that that Schweich list was sent over via
16 another consultant who was doing work with Eric.

17 Q. Do you think that -- do you know whether or
18 not Mr. Greitens asked that person who would have that
19 contact to get the Schweich list, go get that list for
20 me, or did this consultant just throw that in sort of for
21 free without Mr. Greitens requesting it?

22 A. He -- he very well likely could have done it
23 willingly just to, you know, be in -- be in the good
24 graces of Eric. I don't know if they were being paid at
25 all by the campaign, but I know that they were doing a

1 bunch of work for Eric as well.

2 REPRESENTATIVE EGGLESTON: Okay. Have we --
3 Mr. Chair, have we named who these different players are
4 or not? Are we avoiding that?

5 REPRESENTATIVE BARNES: I'm not positive on
6 the answer. If you want to come say the name, I think I
7 will be able to tell you yes or no. Or Representative
8 Mitten will know.

9 REPRESENTATIVE EGGLESTON: A little gray
10 area, so we'll just leave it for now. We might come back
11 to it.

12 BY REPRESENTATIVE EGGLESTON:

13 Q. You talked about earlier that foreign donors
14 to campaigns -- is it true that campaigns on a statewide
15 level, that's an illegal thing to have a foreign donor
16 to --

17 A. As far as I'm aware, yes.

18 Q. Okay.

19 A. And --

20 Q. It's not just a federal thing; it's a state
21 thing as well?

22 A. As far as I'm aware.

23 Q. Okay.

24 A. In any form. That's how I've always
25 operated. But I'm not a --

1 REPRESENTATIVE BARNES: You're asking for a
2 legal conclusion, I think. I can find you the federal
3 statute. Although I believe foreign money is illegal in
4 any election in the United States, whether state, local
5 or federal.

6 MR. ERNST: Mr. Hafner is not an attorney.

7 REPRESENTATIVE EGGLESTON: Right. I was just
8 asking if he thought it was illegal, I guess. So...

9 REPRESENTATIVE BARNES: Sure.

10 BY REPRESENTATIVE EGGLESTON:

11 Q. So let's say I want to run for some big
12 office and I say, Mr. Hafner, I want you to be my guy;
13 and you say, well, you're going to have to raise a lot of
14 money. I say, no problem; I got buddies from way back
15 when; I got one that lives in -- I don't know, pick the
16 place -- Saudi Arabia, one in Canada, one in France; I'll
17 get them all to donate a bunch. You would advise me that
18 you can't do that; would that be correct?

19 A. I think it depends on the circumstance. If
20 there's somebody that's living abroad that's a United
21 States citizen, there might be avenues that that --

22 Q. Well, these are citizens of other countries
23 that I just asked --

24 A. Oh, I would never advise going down that
25 road.

1 Q. That would definitely -- yeah, that would be
2 kind of a legal no-no to do that. And then let's say I'm
3 really naive. I say, well, why is that; they're friends
4 of mine; why can't -- why would there ever be a law
5 against something like that? And you would explain,
6 well, because why?

7 A. Well, for the sole reason that foreign
8 influence in American elections -- I think we're -- you
9 know, we're dealing with that right now on a national
10 level, obviously. But certainly you don't want, you
11 know, foreign entities influencing your electoral
12 process.

13 Q. Sure. Okay. They're not really kind of from
14 your home area, so there may be some ulterior motives
15 involved for folks that far away from home wanting to
16 donate to a politician's campaign?

17 A. Sure.

18 Q. Okay. Have you had a chance to look over --
19 I know you left in the middle -- but look over any of the
20 folks who ended up donating to Mr. Greitens' campaign,
21 kind of that donor list and his MEC reports? Are you
22 familiar with some of them?

23 A. Are you referring to The Mission Continues
24 list or the Schweich donor list?

25 Q. I'm referring to the reports that were filed

1 on MEC, the quarterly reports, the 30-day after reports,
2 and so forth, that actually listed back -- back when
3 everything was done that way -- this was before Amendment
4 2 and transparency kind of took a hit there.

5 A. Yes.

6 Q. But, you know, back then you had to report
7 your --

8 A. Sure.

9 Q. -- you know, who gave you what and when. So
10 have you had a chance to look those over to see who ended
11 up donating to Mr. Greitens?

12 A. Yeah, I don't re-- obviously, I don't --
13 wouldn't recall when I would have reviewed those reports
14 or anything. But I'm generally familiar with a lot of
15 his major donors that ended up --

16 Q. Yeah.

17 A. -- contributing to his campaign.

18 Q. So normally in a statewide race would most of
19 the money that you would raise come from the state you're
20 running in?

21 A. Generally. On a higher-profile race, like a
22 governor's race or a U.S. Senate race, a lot of national
23 money comes in.

24 Q. And that's --

25 A. A high-profile race, yeah, high exposure,

1 and --

2 Q. And I know you can't give us an exact dollar
3 amount, because it's going to vary from race to race.
4 But proportion of local state money versus outstate
5 national money that literally isn't from that home state,
6 kind of usually how much is home versus how much is
7 outstate, percentage wise?

8 A. Gosh, I think it kind of depends on what
9 level of race. So your -- your higher-profile U.S.
10 Senate/governor races will have a larger percentage of
11 out-of-state money in it. A lot of that's routed through
12 entities like the RGA or the DGA. So it would be hard --
13 it would be hard for me to give an exact percentage. I
14 think it depends on the situation and the race.

15 In the governor's race in 2012, you know,
16 there wasn't a lot of national money in that race from
17 national donors, other than -- other than the
18 gubernatorial committees. But the race in 2016,
19 obviously there was incredible amounts of national money,
20 and then there was another bucket of that money that we
21 don't know where it came from.

22 Q. Well, true. That's through the PACs you're
23 talking about there. But even in the itemized names
24 where we know where it came from, if you took out the RGA
25 and just had kind of the individual donors and companies,

1 if, I don't know, let's say half, if it was 50/50 would
2 that be normal or would that seem like it was a lot more
3 outstate than normal or less normal or what do you think?

4 A. Again, I think it probably depends on the
5 candidate. For somebody like Mr. Greitens, that ratio,
6 yeah, I mean, he raised a lot of money from out of state.
7 So --

8 Q. Well, and I'm trying to find out did he raise
9 an abnormal amount --

10 A. I think so, yeah.

11 Q. -- out of state compared to other candidates,
12 compared to other races that you've worked on?

13 A. Sure. Yes.

14 Q. Okay.

15 A. Yes.

16 Q. Okay. Now, while legal, with the same
17 premise of, well, that's not really home money, those
18 aren't home people, kind of apply to big money that may
19 have come in from New York or California that's just as
20 geographically far away from our state as a Canada or a
21 Mexico --

22 REPRESENTATIVE BARNES: Well, hold on.
23 Before we go down that line, there's nothing illegal
24 about a California donor donating.

25 REPRESENTATIVE EGGLESTON: I know.

1 REPRESENTATIVE BARNES: Okay. I just want
2 to -- okay.

3 REPRESENTATIVE EGGLESTON: I'm just asking
4 about the --

5 REPRESENTATIVE BARNES: I'm giving you a lot
6 of leeway, but we're -- go ahead.

7 REPRESENTATIVE EGGLESTON: Okay.

8 MR. HAFNER: I think the political perception
9 among some voters, they don't want to see a candidate
10 that's funded by outside interest, from out-of-state
11 interests. But that's a political calculation that the
12 Greitens team made and, you know --

13 Q. Sure.

14 A. -- yeah, they raised money from around the
15 country.

16 Q. But those, of course, are the ones that can
17 be identified through the MEC reports. But as you had
18 said, there's also the PACs, and you can't --

19 A. Yes.

20 Q. -- identify those donors at all?

21 A. Correct. Every -- everything that was
22 contributed through Greitens for Missouri obviously would
23 have been disclosed through MEC quarterly reports and,
24 you know, the eight-day after election reports and, you
25 know, preelection reports. So that's all -- that's all

1 disclosed, obviously, and searchable online.

2 There's the other element to it that -- yeah,
3 that I don't think anyone's aware other than internally
4 those organizations how much money they raised and spent.
5 And I'm referring to, you know, the Seals for Truth,
6 which we don't know where that money came from. That was
7 disclosed in MEC, but the way they did it was -- I think
8 they're a super PAC, which then contributed to the MEC.
9 But then the LG PAC was just making enormous expenditures
10 in that race; and that was routed through ghost
11 corporations in Texas, I think.

12 Q. Okay. Would there be a re-- you kind of said
13 before that maybe one of the reasons that a PAC is made
14 is to hide the identity of the donors. If the donors are
15 foreigners, then maybe you set up a PAC to hide that. If
16 they're Americans though, you can just take that money
17 and go ahead and post it right on MEC. So is there any
18 reason to make a PAC to hide American donors' names?

19 A. Well, at the time in Missouri, obviously
20 there was no contribution limits. So if anybody wanted
21 to contribute a million dollars -- we saw that happen
22 numerous times.

23 Q. Right.

24 A. -- they could, obviously, and it was
25 disclosed. So setting up another entity where you could

1 accept unlimited contributions, I would have to believe
2 that was -- that would only be for one reason, and that's
3 to conceal the identity of a specific donor or groups of
4 donors.

5 Q. Just to hide the fact that it was one person
6 donating a huge amount of money, even though they were
7 American and were legally allowed to do so?

8 A. Sure.

9 Q. Is there something politically beneficial in
10 doing that?

11 A. I don't think there is, but certainly some
12 people see the benefit in having C4s operate in that --
13 in that realm where you're making million dollar ad buys
14 and doing other political activity and not disclosing
15 that. But that's not something I've ever advised a
16 candidate to do.

17 Q. All right. There was a mention, Alex Rogers.
18 I think we're kind of questioning whether he was -- you
19 had said he was in Hong Kong. Do you know of what his
20 nationality was? Was he a citizen of there or was he an
21 American citizen who just happened to be over there or
22 staying over there for an extended period?

23 A. So there were two specific individuals that,
24 you know, were connected with this conversation that
25 we're having on foreign money. One was this Alex Rogers

1 gentleman, and the other was Monu.

2 Alex, it was to the extent that he had worked
3 for, I don't know, some multinational hedge fund or some
4 sort of financial services fund and was based in
5 Hong Kong; and Eric was visiting there at some point in
6 the coming months, and Eric had had a \$50,000 commitment
7 from Alex. And I'd have to go back and look at -- look
8 at my notes that I -- you know, that I took down from
9 Eric on that particular individual. I know it's been
10 disclosed to the Committee and -- but there was -- there
11 was that gentleman.

12 And then there was Monu, who I spoke to a
13 number of times, who referenced that Eric and him had a
14 lot of buddies from Oxford that were interested in
15 contributing in the race. And Oxford obviously is, you
16 know, in England, and most students are foreign in
17 that -- I know there's Americans too, obviously, that are
18 students of Oxford University, but -- but the majority of
19 are from abroad.

20 And so through those two discussions, you
21 know, those -- that's the extent of my discussions with
22 the Greitens team on foreign contributions. I don't know
23 what happened after I left or -- and where those
24 conversations went, but there were -- there obviously
25 were commitments from Alex early on in the campaign to

1 contribute a lot of money and to raise a lot of money.

2 Q. All right. So I've got that story, and I
3 think that's the same thing that you've said in other
4 testimony. But my question was do you know anything for
5 a fact or did you hear something that would lead you to
6 believe that Alex was -- did not have American
7 citizenship?

8 A. No.

9 Q. So he -- so as far as you knew, he could have
10 been an American just living in Hong Kong at the time or
11 visiting --

12 A. He could have been. I've never talked to
13 him. You know, I do believe I was listed on some emails
14 with him. I know he had a foreign number that I believe
15 Eric contacted him at, because I put that number on a
16 call list for Eric. But I don't know the extent of his
17 nationality.

18 Q. And then Monu, from all the MEC reports I've
19 seen, seemed to be living in California. Do you have any
20 solid knowledge as to his citizenship?

21 A. I do not.

22 Q. Okay. All right. When you worked and
23 started getting paid in January 2015, did you invoice --
24 because you were as an independent subcontractor to begin
25 with.

1 A. Um-hum.

2 Q. Did you actually give them a bill, give them
3 an invoice for your time?

4 A. I'd have to go back and look. That's
5 standard operating procedure for me. I -- I invoice all
6 clients. So I believe I did, but I don't recall exactly.
7 I know I was paid, because I had to get the bank record.

8 Q. Right. To whom would you -- did you make the
9 invoice out?

10 A. That's a good question, because I'm not sure
11 what the entity even was at that time. And I had to go
12 back and look to see that I was even -- that I was paid
13 from Greitens Group. So, yeah, I don't recall doing an
14 invoice, but usually that is standard -- standard what I
15 do.

16 Q. If you -- as far as you know, if you did do
17 an invoice, it would have been made out to
18 The Greitens Group or Greitens for Missouri, one of those
19 two; it would not have been a third entity, is that
20 correct, or might it have been a third entity?

21 A. That's why -- yeah, that's why I'm drawing a
22 blank, because it would have been Greitens Group or Eric
23 and Sheena Greitens or -- or Greitens for Missouri. But
24 at the time in January there wasn't a campaign committee
25 set up. So if I did an invoice, I probably wouldn't have

1 invoiced a committee, because it didn't -- it didn't
2 exist.

3 Q. Well, right. But I didn't know if he just up
4 and wrote you a check and you didn't give him an invoice
5 or you --

6 A. What I recall --

7 Q. -- what you received, you made an invoice --

8 A. If I -- I remember when he gave me the check.
9 I was standing next to his -- next to his office, and he
10 walked out, and I wasn't expecting it at the time. It
11 was in -- I believe it was in late January. But I
12 remember the exchange, because he told me I was doing a
13 great job and -- you know, just a nice gesture. So --

14 Q. But was there a point where you went from
15 independent contractor to employee or were you always
16 independent contractor?

17 A. I was always an independent contractor.

18 Q. Okay.

19 A. Yeah, through the whole time. It just -- the
20 entities changed in February --

21 Q. Gotcha.

22 A. -- yeah, from Greitens Group to Greitens for
23 Missouri.

24 Q. Well, I guess what I'm getting at, I want to
25 make sure that every -- if you put out any invoices,

1 every invoice you would have put out, to your
2 recollection, was to either Greitens Group or Greitens
3 for Missouri, not something else; would that be fair?

4 A. Right.

5 Q. Okay.

6 A. Yes.

7 Q. Not The Mission Continues, not some other --

8 A. No.

9 Q. -- business, not --

10 A. The only other part-- it could have been in
11 January just to Eric Greitens directly, if I -- if I
12 created an invoice. But I don't recall an invoice for --
13 for January. And I think I testified earlier that I
14 didn't know if I was paid from Eric personally or
15 The Greitens Group. I knew it was one of the two. That
16 was in my first testimony. And then I went and looked at
17 the bank records and got a copy of a check, and it was
18 from Greitens Group. And that I discovered after my
19 first testimony to this Committee.

20 Q. Okay. Last thing, I want to talk about how
21 you sort of ended up parting ways with the group, because
22 you had been with them for a while; you had been
23 providing information. Some of it was just sort of for
24 free so they could get a feel for you, and then they
25 started paying you. But within a few months of that,

1 there was sort of a change in running that campaign.

2 Tell me again your story of how that went down.

3 A. So in March -- Eric wasn't in the office
4 all -- all that much during the month of March. And,
5 again, I was only -- you know, I was spending three to
6 four days a week, so I wasn't there full time either.
7 Some of the consultants that I was connected with, they
8 told Mr. Greitens and his -- his two closest advisors
9 that if Eric ran for governor that he wouldn't be with
10 him in that race, because they had been talking about
11 John Brunner and they thought John was -- had a better
12 profile and would have been the better candidate for
13 governor, and that if John ran for office -- or ran for
14 governor, that they would likely be with him.

15 So because of my relationship with those
16 consultants, Eric felt it necessary that he needed to
17 sever ties with me. And so the way they communicated
18 that to me was first it was Mr. Laub. I talked with him
19 in the morning. He said that Eric was completely
20 100 percent going for governor, that lieutenant governor
21 and other offices were completely off the table, and
22 that -- and this was the phrase that they coined, that
23 each of them used when I had discussions with them that
24 day, that they were taking a strategic pause in our
25 relationship, meaning my professional relationship with

1 them.

2 And Eric's senior advisor called me a few
3 hours after that. He said that that was all political;
4 it was just -- you know, there's no hard feelings and,
5 again, it was -- you know, it was a strategic pause on
6 the relationship.

7 Eric called me that night. I talked to him.
8 I told him I was disappointed that I didn't hear it
9 directly from him, because I had put in a lot of work for
10 him all through 2014. Again, from my perspective, you
11 know, I and a couple others that I was close with
12 introduced him to many of the people that ended up
13 becoming his inner circle of advisors and campaign team.
14 And so, you know, I expected to be told directly and to
15 hear it from Eric first. But it is what it is, and I
16 moved on. We parted ways.

17 At that time in our discussion, Eric said
18 that I would be a great employee in the governor's office
19 someday; that in a few months if John Brunner didn't
20 decide to run and the consultants that I was connected
21 with weren't going down that road, that he'd love me --
22 love to bring me back on the campaign team. And so it
23 was a very amicable pardoning of -- parting of the ways.
24 And, you know, didn't have any hard feelings. I
25 appreciated the opportunity to work with him. And, you

1 know, four or five months later I went to work for John
2 Brunner, who obviously ran for governor.

3 Q. Where do you feel like your relationship is
4 now with the Governor's staff and those who took over the
5 campaign and your replacement? Are you still -- I
6 shouldn't say still. Are you bitter? Are you totally
7 content? You don't care one way or the other? I mean, I
8 don't want to put words in your mouth, but kind of tell
9 me where we're at now.

10 A. Sure. Well, before all this, over the last
11 few months, I mean, I was -- I was content moving on
12 professionally and everything else. The circumstances
13 changed when these investigations started -- started
14 moving. And so, you know, I've been drawn into this
15 thing, you know, somewhat unwillingly. But I'm here
16 because of -- one, because I was subpoenaed and, two, I
17 do believe in uncovering the truth in all of this.

18 In terms of our relationship, you know,
19 it's -- I'm not watching the Stanley Cup with him on TV
20 at night. You know, I'm not invited to barbecues. But,
21 you know, if we saw each other, you know, I think he's --
22 I appreciated the opportunity to work with him, and I
23 don't have any hard feelings against the guy. I'm just
24 here because the subpoena and because I, you know, want
25 the truth to come out.

1 And to your point about the staff, you know,
2 I don't have very much contact with them and haven't --
3 and have never really had very much contact with them.

4 Q. Well, you know, the reason I had asked the
5 question, obviously there's going to be some question of
6 whether you're just a disgruntled former employee. And I
7 know you kind of brought that up before. This is the
8 first time you and I have had a chance to visit, because
9 I'm new on the Committee. But you've talked to the
10 Committee once before. I've read those transcripts.
11 You've talked to the Attorney General as well, I believe;
12 and I've read those transcripts. In the Attorney
13 General's interaction when you were sort of asked that,
14 it was a little -- I think you called it unprofessional
15 and -- a little harsher version of what you had told
16 and -- what you had told to this Committee. So I'm just
17 trying to feel out and make sure that the testimony that
18 you're giving us is --

19 A. Sure.

20 Q. -- just the flat, honest truth. You're not
21 biased one way or the other, or can we read some bias in
22 or what?

23 A. Yeah. Well, and to clarify, and I think it's
24 important for the record, I mean, you know, if you follow
25 social media, I mean, there's some pretty wicked stuff

1 being thrown around. And I've tried to push that to the
2 side. This isn't fun for me at all, nor have the last
3 four months been, you know, my idea of a good time
4 working in Missouri politics. But they'll -- I know
5 they'll try to frame me as I'm doing this because I'm a
6 disgruntled employee. I know I've done some of the
7 interviews. And that's important for me and that's a
8 personal decision for me, because I've seen what some
9 other witnesses have gone through, in terms of their
10 credibility being questioned and other things. And
11 I'm -- I'm here to, you know, defend my testimony and not
12 let, you know, other people define it for me.

13 So I know that's a long-winded way to answer
14 your question. But, no, I was perfectly content on all
15 this to leave -- to leave it behind. And, unfortunately,
16 we're in this position, and it's a very serious and sad
17 time for the state and for all of us to go through.

18 REPRESENTATIVE EGGLESTON: All right. Thank
19 you, Mr. Chair.

20 REPRESENTATIVE BARNES: Thank you.

21 Representative Trent, is that -- yeah. No,
22 Representative -- you're tied in seniority, except for
23 committee seniority.

24 Representative Pierson, you weren't here on
25 Thursday when we were going to Representative Trent next.

1 So you are definitely senior here.

2 REPRESENTATIVE PIERSON: Thank you,
3 Mr. Chair, and time served on this committee has doubled.

4 REPRESENTATIVE BARNES: As it should. You
5 know what, we should make the request for those of you
6 who will be returning to get bumped up in your line for
7 picking offices.

8 REPRESENTATIVE PIERSON: I like that. Hear
9 ye, hear ye.

10 First of all, thank you, Mr. Chair, and thank
11 you, Mr. Hafner, for being here.

12 QUESTIONS BY REPRESENTATIVE PIERSON:

13 Q. I just had a couple of perhaps clarifying
14 questions, because we've covered a lot -- a lot of
15 landscape. I wanted to, if you would, draw your
16 attention to Exhibit 87. And I just want to make sure --
17 because I know you talked about a typo on another page.
18 I wanted to make sure that there was no typo on this one.
19 As we look at number 6, where it talks about Monu --

20 A. Um-hum.

21 Q. -- and I believe near the end of that
22 particular numbered item, do you see where LLC and/or
23 501(C)(3)? Should that be 501(C)(4) or is that indeed
24 501(C)(3)?

25 A. I don't want to speak for Eric Greitens,

1 because he's --

2 Q. Okay. That's from him?

3 A. -- the one that wrote these notes. I would
4 think he would have known that C3s can't contribute. So
5 I would -- I would -- I would think that's supposed to
6 say C4, but...

7 Q. Okay. Because I know we've been talking a
8 lot about C4s in particular.

9 A. Yeah.

10 Q. So --

11 A. C3s obviously are charities. Yeah, so it
12 should be off limits completely. So, yeah, I would think
13 that's a typo, but I don't -- I don't know. I don't want
14 to speak for him.

15 Q. Okay. Okay. Very good. I just wanted to --

16 A. I mean, he wrote this email, so...

17 Q. Thank you. Thanks. Very good. Have you --
18 have you been involved in any other campaigns as early as
19 you were involved in this particular campaign?

20 A. I'm trying to think. Yeah, probably. And
21 I'll give you an example. You know, in 2010 and 2011
22 Peter Kinder was looking at running for governor. And,
23 you know, we were trying to lay some initial groundwork
24 for that campaign; and that was quite a bit of time off
25 away. I don't know if it was, you know, more than two

1 years, but it was pretty far in advance. This is -- this
2 is -- it's not unusual.

3 You know, Catherine Hanaway had announced for
4 governor, I think, in early 2014. And Eric was obviously
5 having those discussions about running. So I don't think
6 it's unusual. But, you know, me personally -- and I
7 really wasn't directly involved with Eric until
8 January 2015. You know, I served as informal advisor
9 and, you know, acted as a resource and helped connect him
10 in and network him in all through 2014. But it wasn't
11 until '15 when I had more of a direct role. So that
12 would have been a year and, you know, 11 -- 11 months out
13 from the 2016 general election. So that's not unusual.

14 Q. Okay. So perhaps it is general practice for
15 someone in your role to work with an individual prior to
16 there being the campaign and working without
17 compensation?

18 A. Well, to a certain extent. If a candidate is
19 very serious, then you want to encourage them to open
20 some sort of mechanism to raise funds. In Missouri
21 obviously that's opening a campaign committee. And so
22 it's not -- it's not unusual to put some leg work in on
23 the front end when you're going through a candidate
24 recruitment process. I mean, you see the caucus
25 committees do this all the time with potential

1 candidates. You know, you're advising them through a
2 decision process; and then they, you know, make a formal
3 decision on whether to run for -- run or not.

4 You know, again, I mean, we didn't know the
5 extent of how active Mr. Greitens was through 2014, you
6 know. Honestly, we thought we were one of the only
7 consultants that he was talking with in Missouri, and it
8 seems like he was working with a number of others.

9 Q. Is it your experience that that pro bono work
10 perhaps gets factored in once a campaign committee is
11 formed?

12 A. I think it depends on how much work an
13 individual is putting in. If they're a full-time
14 staffer, then, yeah, usually that's something that would
15 be reported, that should be reported. I mean, if they're
16 legitimate campaign expenses, yeah, they should all be
17 disclosed in your MEC reports.

18 Q. So there could be a situation where an
19 individual has done some pro bono work before a campaign
20 has started; then once a campaign starts, that work is in
21 some form or fashion rolled into the agreement that they
22 have moving forward, if it be a reporting mechanism or if
23 it be in the package that they accept moving forward; is
24 that...

25 A. Just so I understand your question, could you

1 restate it?

2 Q. I will try. So we kind of talked about
3 individuals working and helping and -- another
4 individual, potential candidate. And then once that
5 candidate becomes an official candidate and opens up a
6 committee, then is that relationship and that pro bono
7 work taken into consideration in whatever compensation --

8 A. Oh.

9 Q. -- going forward, and is that reported
10 previous? Just kind of how might that work?

11 A. I'm not sure how ethics would -- you know,
12 would tell you how to report that. But if you're -- if
13 you're doing legitimate campaign work -- say if I was
14 working with a candidate prior to them forming a
15 committee, then they form a committee, you would think
16 that that should be listed as an in-kind contribution or
17 listed as an expenditure from the committee, you know,
18 based on that political work that you're doing for that
19 campaign.

20 I'm not sure what ethics would tell you on
21 that. But, I mean, I -- that's how I would operate. I
22 mean, if you're -- if you're making expenditures on
23 staff, that should be reported in some form. Now, I
24 guess could a consultant, you know, say that he wasn't
25 paid for, you know, the month of January, and then -- and

1 then say, well, when you open a campaign committee,
2 then -- then, you know, just pay me for the month of
3 January then. I suppose you could do that. But that's
4 something for -- that's a campaign finance law issue.
5 I'm not an attorney.

6 Q. Okay. Very good. Thank you. Were you
7 involved in -- you kind of talked about the book tour.
8 And approximately when did that happen?

9 A. In March of 2015.

10 Q. March of 2015. So that's right around the
11 time where you separated?

12 A. Late March, yeah.

13 Q. Did you have --

14 A. Probably around the 20th of March.

15 Q. -- much involvement with that book tour?

16 A. No. Just to the extent that Eric had asked
17 me to invite a bunch of political --

18 Q. That's right.

19 A. -- types to his book launch in St. Louis.

20 Q. Okay. Okay. I think you said something to
21 the effect of, I guess, Mr. Greitens or his team kind of
22 sending mixed messages to people to kind of keep them
23 engaged. What kind of led you to that thought?

24 A. I think -- I -- look, I mean, I think we were
25 misled pretty greatly. I don't think he ever had a real

1 desire to run for anything else other than governor.
2 Hindsight's always 20/20. But, you know, at the time I
3 wanted to believe that he could be a -- you know, a
4 generational leader for our party. I went to work for
5 him because I did believe in him and he had a great
6 resume. I wanted to believe the conversion to, you know,
7 his Republican etiology was sincere. It wasn't until I
8 started working in a more close capacity that I realized,
9 you know, the truth about some of those things.

10 But can you remind me what your question was
11 again? I think I digressed a little bit.

12 Q. That's all right. Just let me ask: So do
13 you feel those mixed messages were sent and perhaps
14 perpetuated intentionally?

15 A. Yes, I do. And, look, I mean, we introduced
16 him to an incredible amount of donors and influencers and
17 activists and a lot of people that became his inner
18 circle staff. That was through our network. And, yeah,
19 I do believe we were misled quite a bit on the office he
20 was -- the office he was seeking. And I think that was
21 intentional. But, you know, I don't want to speculate on
22 his motives or anything.

23 Q. Okay. And kind of lastly, I think you made a
24 statement in regards to Mr. Greitens' plans and those
25 plans superseding heeding advice to form a committee.

1 A. Um-hum.

2 Q. Is that an accurate representation of perhaps
3 what you stated?

4 A. Yes, it is.

5 Q. Okay. And then also that his creation of the
6 committee was not in any -- was not done in, I guess,
7 adherence to anyone's advice, but perhaps in response to
8 Brunner's decision to enter the race?

9 A. I think, you know, Eric would probably say
10 it's for -- it was for a different reason. But the way I
11 remember it was that Tom Schweich announced very early in
12 2015 that he was running. Catherine Hanaway had already
13 been in the race for a year. Then you had John Brunner,
14 who -- who was having more discussions and conversations
15 with people about potentially running. And I think the
16 political calculation changed for Eric, and he decided --
17 and they decided that, you know, they needed to have --
18 you know, they needed to plant a flag to make sure that
19 they weren't being left out of the discussion. Because
20 if you -- if you had, you know, somebody like a John
21 Brunner, that if he would have gotten in early and, you
22 know, decided to contribute, you know, a bunch of money
23 to his race, that would have changed the landscape quite
24 a bit and would have left somebody like Eric and his
25 candidacy on the outs.

1 And so I think the -- I think at that time
2 period -- they might say something that's totally
3 different. But what I experienced, what I recall was
4 that that calculation changed during that time period.

5 REPRESENTATIVE PIERSON: Thank you,
6 Mr. Hafner.

7 Thank you, Mr. Chair.

8 REPRESENTATIVE BARNES: Representative Trent.

9 REPRESENTATIVE TRENT: Thank you,
10 Mr. Chairman.

11 QUESTIONS BY REPRESENTATIVE TRENT:

12 Q. Thank you, Mr. Hafner, for being here today.
13 So there's a lot of different things I wanted to cover
14 here. But I guess let's start with the campaign
15 committee just briefly. When do you typically advise a
16 client that they need to create an MEC committee of some
17 sort?

18 A. I think it depends, you know, on the -- on
19 the client -- or the potential client's involvement. You
20 know, if we know that they're making expenditures, real
21 expenditures, on political activities, then --

22 Q. So what is the threshold of expenditures at
23 which you advise them to create a committee?

24 A. I'm not sure if there's a specific threshold
25 that I use. Just if it's -- if it's money -- if it's

1 legitimate money, like on staff or something like that,
2 we would --

3 Q. Do you know what the legal threshold is?

4 A. I mean, I would assume it's -- no, I don't
5 know specifically.

6 Q. Okay.

7 A. I think it's \$500, but I don't know.

8 Q. Well, I think that's correct too. I mean,
9 you know, it seems like that's kind of a bright line.
10 And you're fairly experienced with campaigns. I mean,
11 you've been doing it for a long time, right, at a pretty
12 high level?

13 A. Different aspects, yeah.

14 Q. And at a pretty high level. You've done
15 statewides before this. You've done a variety of
16 campaigns before this; right?

17 A. Yes.

18 Q. When do you typically get brought into a
19 campaign? Are you there at the ground floor or do you
20 usually come in later after the campaign's already well
21 underway?

22 A. It really depends. Sometimes -- you know,
23 the firm that I was working with, I mean, they would
24 do -- they would recruit candidates. So in that sense it
25 was on the ground floor. But, you know, a recent

1 example, you know, like with John Brunner --

2 Q. Was later on?

3 A. -- he would -- yeah, he had a campaign
4 committee set up for a number of months, and I was
5 brought in at that point.

6 Q. But you -- this certainly was not the first
7 campaign you came in on at the beginning?

8 A. No.

9 Q. Yeah, so it's something that you -- that
10 you've done before. And so I would assume prior
11 candidates that you talked to that you've helped, you
12 have helped them navigate that same process; you've
13 helped indicate to them when they should file a
14 committee?

15 A. Yes. This was unique, from just my personal
16 experience, because for a governor's campaign I don't
17 think I was ever on any -- yeah, I was never on the
18 ground floor.

19 Q. But it would be the same, I mean, no matter
20 what the -- the threshold's the same for any race. So
21 it -- the nature of the -- of the committee in this case
22 would not have changed the nature of your advice; is that
23 fair to say?

24 A. I don't know if I would say that.

25 Q. I mean, in terms of creating the committee,

1 like when that has to happen.

2 A. Yeah, if there was legitimate expenses, yeah.

3 Q. And just to clarify the timeline here. You
4 did not advise the formation of the committee before
5 December of 2014; is that correct?

6 A. That's the first time in writing. There were
7 some discussions that we had in 2014, but I don't know
8 the exact dates of those conversations.

9 Q. Okay. So that was the first time that we can
10 verify?

11 A. That I formally, yeah.

12 Q. Yeah, you did it in a formal way. Okay. All
13 right. And when did you first get paid again, just so
14 I'm clear on?

15 A. January of 2015.

16 Q. January of 2015. Okay. We might come back
17 to that in a minute. But let's move on to the list, The
18 Mission Continues list. So -- and you've got quite a bit
19 of experience in fundraising too. That's something that
20 you've done a fair amount; is that accurate?

21 A. Yeah, it's not my main role, but I've done it
22 for some other clients in the past.

23 Q. Okay. And you met with then-Candidate
24 Greitens to discuss fundraising; correct?

25 A. At what time are you referring to?

1 Q. Well, I mean, early on when we were talking,
2 I mean, you met with him repeatedly throughout your
3 engagement with the campaign to do -- is it fair to
4 say -- let me put it this way: Is it fair to say you
5 were very active in the fundraising component of the
6 campaign?

7 A. When I was officially -- officially paid,
8 yeah, I was. And I didn't realize that was going to be
9 my role or what envisioned that --

10 REPRESENTATIVE BARNES: I think,
11 Representative, I think I asked a similar question. I
12 didn't put a temporal limitation on it. Are you talking
13 about in 2014 or 2015 -- early 2014, late 2014, or early
14 2015? And that's why I think that we got the hesitation
15 there.

16 REPRESENTATIVE TRENT: Yeah, just --

17 REPRESENTATIVE BARNES: Just put a time frame
18 on the question.

19 BY REPRESENTATIVE TRENT:

20 Q. Just longitudinally. So late 2014, early
21 2015, and then onward, you were pretty much -- when you
22 first began to be involved in the campaign, from that
23 point going forward, you were involved in the fundraising
24 side of it fairly extensively?

25 A. It was never discussed that was going to be

1 my role prior to me actually starting to work out of his
2 office. So once I got there, then quickly realized
3 that's what they wanted me to work on.

4 Q. Yeah. This is just a --

5 A. And that's at the beginning of 2015.

6 Q. And this is just a small tangent. But when
7 they did discuss bringing you on, what did they say your
8 role was going to be? Did they go into a lot of detail
9 on that?

10 A. If I recall correctly, so -- so Dan Laub
11 was -- again, he was kind of the -- he didn't have the
12 title of campaign manager, but -- but he was in charge of
13 all the political activities. And so the way I was
14 brought on was really to assist him in laying the
15 groundwork of the campaign. And --

16 Q. So you were chief cook and bottle washer; is
17 that what you're saying?

18 A. Yeah, washer. Washer mostly.

19 Q. Okay. Well, you know, that's -- I mean,
20 that's how a lot of these campaigns work. I mean,
21 you're -- you know, early you don't have a lot going on;
22 you just have, you know, one guy or a handful of guys in
23 maybe a statewide race, and you're doing potentially --

24 A. Yeah, a little of everything.

25 Q. Yeah.

1 A. Yeah.

2 Q. So you don't -- you don't have a formalized
3 structure, role, or anything, because the campaign's not
4 really got started yet.

5 A. Yep.

6 Q. Okay. So now in these meetings, when you
7 were talking with the candidate about the ability to
8 raise money, what did you tell him about his ability to
9 raise money from his network of friends, associates, and
10 people that he was close to?

11 A. You know, through 2014 he had indicated that
12 he wouldn't have a problem raising money. And so, you
13 know, I was, of course, skeptical because a lot of
14 donors -- lot of Republican donors just didn't know him
15 in the state. Some did, of course, that were donors to
16 the charity. And so when we're going through the notes
17 on one of the first days I was employed, I mean, he did
18 have an encyclopedia recollection of donors and notes on
19 specific donors. And so when we were going through the
20 list --

21 Q. When you say the list, what list are you
22 referring to?

23 A. The Mission Continues list.

24 Q. Okay. So it's that list. And the notes are
25 on that list --

1 A. There's not --

2 Q. -- or are these separate notes?

3 A. There's not really notes. I took notes based
4 on Eric's, you know, verbal --

5 Q. Oh, okay. So let me --

6 A. So --

7 Q. -- try to clarify what's happening here. So
8 you've got this list, Mission Continues list. You're
9 going down it. You point at the first name on the list,
10 and he says, ah, that's so and so, here's bam, bam, bam,
11 three things that are important about them; here's how
12 much money I think I can get from them, something like
13 that?

14 A. Almost exactly like that.

15 Q. Okay. So --

16 A. And what the best way to reach out to them.
17 Sometimes, you know, on a higher, you know, net worth
18 individual, it will be, well, we have to reach out to so
19 and so. And those were all notes that I had to get
20 directly from him, because we just weren't aware of them.

21 Q. When you were going through that list, did he
22 pull out his phone or anything and say, hey, that's out
23 of date; you should actually be calling at this number or
24 you should contact their kid or something to that effect?

25 A. No.

1 Q. Nothing like that?

2 A. No. It was all, yeah, based on the list.

3 Q. Okay.

4 A. Some people on the list, of course, he had
5 some --

6 Q. He never had a --

7 A. -- relationships. Yeah, he had some personal
8 relationships with some of the people on the list; but
9 there was a lot that he didn't recall how -- you know,
10 how he knew them or how they contributed.

11 Q. Okay. So some people he was not familiar
12 with, but a lot of people he knew who they were, he had
13 lots of details on?

14 A. Some, yeah.

15 Q. Could you -- could you --

16 A. It would be tough -- it would be tough to --

17 Q. Quantify?

18 A. Yeah, it would be tough to quantify, because
19 there was -- you know, with the list that he -- there was
20 contact information for companies and for, you know,
21 foundations and stuff like that on this list too. And
22 so, I mean, I don't think it was a thousand names, but
23 somewhere between 500 and a thousand. It would be tough
24 to quantify how many people he had personal relationships
25 on the list.

1 Q. Okay. So you can't say for sure, but it
2 was -- I mean, it's enough, obviously, that it stood out
3 in your mind that this was something he was pretty
4 familiar with?

5 A. Yeah. Yeah.

6 Q. Yeah. Okay. And this was information -- and
7 I think we pretty much covered this. But this was
8 information he had either in his own mind or information
9 that only he had access to that he was coaching you on
10 here?

11 A. Well, I -- I didn't know -- you know, I
12 didn't know how the list was created or anything --

13 Q. Um-hum.

14 A. -- or that it was potentially property of the
15 charity, how it was acquired. Obviously, I didn't -- I
16 didn't think it was acquired anything but lawfully.

17 Q. But you knew it was a list from The Mission
18 Continues?

19 A. I did not know.

20 Q. And --

21 A. That's how it was described to me, but I did
22 not know that it was --

23 Q. So they told you it was on The Mission
24 Continues?

25 A. The way that they sent it over -- and I think

1 the -- I think the -- I know the Committee has the
2 documents on what was listed on the email. But I think
3 it just said The Mission Continues -- The Mission
4 Continues list or something along that effect. But,
5 again, I didn't know if it was a list that, you know, his
6 assistant had created or, you know, if it was -- I didn't
7 know it was property of the char-- or if it was property
8 the charity or not.

9 Q. Did you ask any questions about the list?

10 A. I don't think so. Well, what do you mean
11 about the list?

12 Q. Well, I mean, did you ask any questions about
13 its origin or how it was acquired or any of that kind of
14 information?

15 A. I did not.

16 Q. So you just kind of took it at face value and
17 didn't think about any of those ethical questions?

18 A. Well, I wouldn't say -- I wouldn't say didn't
19 think about the ethical questions. I just didn't -- you
20 don't expect somebody with, you know, a degree in ethics
21 to acquire a list anything but -- using anything but
22 lawful means. You know, you -- it just didn't occur to
23 me that it was -- it could have been direct property of
24 the charity and they didn't have authorization to use it.
25 It just didn't register.

1 Q. And did you ever obtain any direct knowledge
2 about the way that the list was obtained or the legality
3 thereof?

4 A. Not directly. It wasn't until, you know,
5 October of 2016, I think, that I received a call from a
6 reporter saying that they had access to the list and that
7 it was created by somebody at the charity. And that's
8 the first time I ever heard that it was likely property
9 of the charity.

10 Q. Did you ever advise the campaign on
11 fundraising lists and how all that works under Missouri
12 ethics regulations?

13 A. I don't think so, because -- I don't recall
14 doing so just because, again, I mean, I -- I worked for a
15 nonprofit at the time -- not at the time. But in the
16 past I worked for a nonprofit, a civic organization in
17 St. Louis. And so I understood a little bit on how
18 charities work. And so I -- yeah, I mean, I just
19 didn't -- didn't think that the list was acquired using
20 anything but lawful means, and so I didn't -- there was
21 no reason in my head to advise them, you know, well, if
22 this is, you know, property of the charity, then --

23 Q. I mean --

24 A. I just figured I --

25 Q. I mean, even beyond that list, like you never

1 gave them any general advice, like, hey, when you're --
2 when you're thinking about fundraising and thinking about
3 how that operates, here's some pitfalls that you should
4 be aware of, that you should look out for? You didn't
5 give any of that kind of advice?

6 A. On fundraising practices?

7 Q. Yeah.

8 A. There was a meeting sometime in January that
9 we had that we discussed fundraising, fundraising
10 practices. I don't recall the topics we discussed in
11 that meeting. I don't think we discussed anything about,
12 you know, raising money from C3 donors because, again, I
13 didn't know that the list was acquired -- I didn't know
14 how the list was acquired, and I didn't -- I didn't know
15 that they didn't have authorization to use the list.

16 Q. Was there anyone else that advised the
17 campaign on these matter? I mean, did they have an
18 attorney or someone else or were they looking to you for
19 that?

20 A. No, I mean, they had -- they had attorn--
21 they had a number of attorneys that were advising them.

22 Q. On campaign finance issues?

23 A. Yes.

24 Q. And when did they begin?

25 MR. ERNST: I want to be careful -- I want to

1 be careful that we're avoiding straying into any
2 attorney-client privileged communications. I think you
3 can answer this question.

4 BY REPRESENTATIVE TRENT:

5 Q. Yeah, I think this is a safe question for
6 you.

7 A. It was my understanding that a couple of
8 these attorneys were involved from the -- I mean, that --

9 Q. You don't have direct knowledge?

10 A. -- before me -- well, I have direct knowledge
11 that they were involved, because I had to reach out to
12 them --

13 Q. Oh, okay.

14 A. -- on a couple of occasions. So there was
15 that. And then there was also -- you know, they brought
16 somebody in who was an executive at a financial services
17 firm that I think he -- I don't know if he was paid; he
18 might have been volunteering his time. But they brought
19 him in in January, and he was kind of designated as the
20 guy who was going to handle compliance going forward.
21 And he was a really sharp guy. So, yeah, I think that
22 was -- my role, I think, was supposed to be limited just
23 to fundraising.

24 Q. And you didn't see any other activity in the
25 campaign which would have raised any red flags? Like

1 there was never any attempt to conceal where the list had
2 come from or to obscure, you know, fundraising names that
3 had been pulled from the list or anything like that?

4 Like it was just all -- appeared to be open and
5 aboveboard, and no one appeared to have any concerns, and
6 so you had no concerns; is that fair to say?

7 A. I don't know if -- I don't know if I would
8 say that. At one point when we were going through the
9 list, Eric had suggested that I reach out to somebody who
10 had just worked at the charity or might have still worked
11 at the charity to go over donors on that list. Because
12 Eric didn't recognize a number of the donors, and he said
13 that this individual -- her name was Lindsay, and I've
14 seen through what's been posted publicly that she's
15 testified, you know, previously here. But he wanted me
16 to reach out to her to discuss that list and discuss
17 donors on that list. And that was when I kind of drew
18 the line. I never reached out to her to schedule any
19 meeting. You know, that -- that to me was clear
20 coordination between, you know, charity resources and a
21 political campaign.

22 Q. Did you raise those concerns to any other
23 staffer?

24 A. I did not at the time.

25 Q. Did you raise those concerns to the

1 candidate?

2 A. I didn't raise them -- I didn't raise the
3 concerns, but I -- you know, I didn't follow up on -- on
4 that direction, because it's -- you know, it did make me
5 uncomfortable, so I didn't reach out to her.

6 Q. Did you believe -- I mean, you said that that
7 was a line that you didn't want to cross. Did you
8 believe that was illegal or unethical?

9 A. Yeah, I believed that was unethical.

10 Q. Why did you fail to report that to any other
11 staffer or the candidate or any authority, if that was
12 how you felt about that action?

13 A. So at the time, you know, there was no
14 committee set up. You know, I can advise my client, you
15 know, to do a certain thing; but it's ultimately his
16 decision, and it's up to the candidate to -- you know, to
17 take the advice or not.

18 Q. But can the candidate make a decision if
19 those concerns aren't voiced to them?

20 A. Well --

21 Q. Because, I mean, we're talking about a
22 first-time candidate that -- I mean, of course all
23 individuals have an obligation to understand the law.
24 But, I mean, you knew that he was very inexperienced in
25 this area, and so that's why I just --

1 A. Yeah, well --

2 Q. -- I don't understand why you would fail to
3 raise that concern, so --

4 A. Right.

5 Q. -- that he would be better aware of what the
6 choice was.

7 A. Yeah, well, I mean, at the time, again, I
8 didn't -- I didn't know and I didn't suspect that that
9 list was actual property of the charity or that it was
10 acquired --

11 Q. But now we're talking about the coordination
12 with the staffer. And you said you felt that was a clear
13 violation or that you were uncomfortable in your mind at
14 that time, but yet you just said that you didn't raise
15 any concern about that to anyone.

16 A. Well, I kept to myself. You know, I wasn't
17 going to go down that road and talk to a staffer of a
18 charity about political fundraising.

19 Q. Or a staffer of the campaign or the
20 candidate?

21 A. Again, I mean, it was something that Eric
22 suggested that I do in a meeting. And it wasn't -- you
23 know, I thought it was just going to be a dead issue if I
24 didn't go down that road. And it looks like, you know,
25 somebody did meet with her later on. But, again, it was

1 something I just didn't want to -- want to go down.

2 Q. Okay. Let's switch to the foreign donors.
3 And I was a little unclear from your earlier testimony,
4 but do you believe that the campaign Greitens for
5 Missouri took donations from foreign nationals and
6 concealed that; is that what you're saying you believe?

7 A. No, I'm not saying that. I don't know. That
8 would -- any sort of thing like that would have happened
9 well after I left, and I have no direct knowledge of it.

10 Q. So you have no evidence that any foreign
11 donations were ever taken?

12 A. The only thing I have evidence of is that
13 those discussions were being had in the early stages of
14 the campaign.

15 Q. And what --

16 A. What happened after I left, I have no idea.

17 Q. And what evidence do you have of those
18 discussions?

19 A. Well, my -- my personal conversation --

20 Q. From your personal observation.

21 A. Well, I mean, Monu was able to come here and,
22 you know -- or whoever and sit here next to me and say
23 that there wasn't a -- the governor -- I mean --

24 Q. Sure.

25 A. -- I know what happened. I know what I

1 experienced. I know the conversations I had and the
2 follow-ups from those conversations. But in terms of
3 evidence of them accepting some sort of foreign
4 contribution, no, I don't have evidence of that.

5 Q. There's no emails? No written documentation?
6 I mean, we discussed some of this stuff late yesterday,
7 so I, you know, admittedly could have missed something in
8 there. But there's no tangible evidence of any desire or
9 intent or indeed actuality of foreign donations?

10 A. All I know is -- is what the discussions were
11 about in the embryonic stage of the campaign when I was
12 working there and the people that Eric connected me with.
13 And what happened after I left, yes, I don't -- I don't
14 know what happened with those.

15 Q. Now, did you ever look up -- I mean, Monu and
16 Alex Rogers were the two folks that you mentioned that
17 you were unaware of their citizenship. Did you ever take
18 any steps to ascertain what their citizenship status was?

19 A. I don't think that was -- I didn't believe
20 that that was my role. Again, you don't -- when you're
21 working with a candidate, you don't think that they're
22 going to connect you with somebody who, you know, might
23 not be able to legally contribute to your campaign or
24 raise money. So...

25 Q. Well, I mean, so you believe that the

1 candidate knows all the legal requirements in and out and
2 has all the information of all the donors and everyone
3 that he's talking to in and out, and you don't think a
4 staff in a campaign has any obligation to try to help
5 double-check those kind of facts?

6 MR. ERNST: I think that's a little
7 argumentative.

8 THE WITNESS: I think --
9 BY REPRESENTATIVE TRENT:

10 Q. I mean, I'm just trying to understand what
11 we're saying here.

12 A. Sure. So, look, I -- I gave Eric a little
13 more credit as a candidate. He's a Road Scholar. He's
14 got a doctorate. You know, he's not an idiot. He asks
15 tough questions.

16 Q. Sure.

17 A. You know, when you're working with a
18 candidate at that level, you don't -- you don't think
19 that's -- you know, that's -- that he'd ask you to do
20 something that was unethical.

21 Q. Are the services that I described, you know,
22 trying to run all the traps on all the different minutia
23 of campaign finance law, is that not typically what
24 campaign consultants do?

25 A. Well, again, this is -- I was there in the

1 very embryonic stage of the campaign, and I know -- I
2 know the discussions that I had with Eric and people Eric
3 connected me with. You know, I can -- I can offer advice
4 in a, you know, certain way. And, look, I mean, I can
5 talk about the conversation about foreign money, but that
6 includes --

7 MR. ERNST: Is your question whether
8 Mr. Hafner's role was to provide expert legal advice on
9 the minutia of campaign finance? Because I think he's
10 testified clearly he's not a lawyer and that would not
11 have been his role.

12 REPRESENTATIVE TRENT: No, I'm not suggesting
13 that he should be providing expert legal advice.

14 BY REPRESENTATIVE TRENT:

15 Q. Simply that, you know, when one deals in this
16 area, when one works on a lot of campaigns, when one is
17 in this role for a period of time, you may not know all
18 the answers, but you sort of know where you need to be
19 looking out. And it -- and it seems like that there are
20 a lot of concerns that are being expressed now, which
21 were not expressed at the time. And all I'm trying to
22 understand is what that situation, what that environment
23 looked like --

24 A. Sure.

25 Q. -- where those concerns weren't expressed

1 then.

2 A. There were -- again, I don't know what
3 happened after, you know, Eric and I parted ways. I
4 know -- I know the discussions that we had and the
5 discussions that I had with attorneys that they connected
6 me with on these issues. I take direction and legal
7 counsel from campaign attorneys when it comes to campaign
8 fundraising practices.

9 Q. Now, did you -- did you retain a copy of The
10 Mission Continues list yourself?

11 A. Obviously I had to supply that to the
12 Committee, so it was in my files.

13 Q. Okay. And did you have permission to take
14 that list with you when you left, from the campaign?

15 A. Well, at the time -- again, I didn't -- I
16 didn't know that it was in any sort of way property of
17 the charity or anything else. They never asked me to
18 delete or anything else any files that I had. Now
19 looking back, you know, I do recall deleting some -- some
20 things when I parted ways. But I think there was --
21 obviously I've turned over a lot of documents.

22 Q. Is it typical to retain things like donor
23 lists from campaigns once you finish working with them?

24 A. Sometimes.

25 Q. And is --

1 A. But in this case I never used the list. If I
2 wanted to use the list, I could have used it for John
3 Brunner, who was a veteran as well.

4 Q. Oh, certainly. Then -- and I understand that
5 you didn't use this list. But do you typically use lists
6 like that for other candidates? Do you -- you know, is
7 that part of the value that you bring to the table?

8 A. Yes, that's part of the value. It depends on
9 the circumstance and the candidate. But I wouldn't use a
10 donor list of yours without your explicit permission.

11 Q. So you never -- so you retain the list from
12 someone from a campaign; you would never use it in
13 another campaign without first going back to that
14 candidate and getting permission?

15 A. Yeah, if I -- if I had worked on your
16 campaign, I don't think I would use your donor list,
17 personal contacts and thing like that, without your
18 permission.

19 Q. If you did, in fact, use a list like that,
20 would that have to be reported as an in-kind contribution
21 from someone?

22 MR. ERNST: Are you --

23 MR. HAFNER: That's a --

24 MR. ERNST: -- asking a legal question?

25 REPRESENTATIVE MITTEN: I'm sorry, when you

1 say a list like that, I'm just personally confused. So I
2 don't know if we could clarify what you mean by list like
3 that.

4 REPRESENTATIVE TRENT: List like the
5 financial donor list, like The Mission Continues list, or
6 a similar list.

7 REPRESENTATIVE MITTEN: Well, like a
8 501(C)(3) list or a list from another candidate? That's
9 where I'm confused. So I just want to get the record
10 clear, Representative. That's all that I was asking.

11 REPRESENTATIVE TRENT: Just a general
12 campaign donor list that a campaign would typically have.

13 REPRESENTATIVE BARNES: Well, I think
14 Representative Mitten does actually have a good point
15 there, because the campaign donor list that a campaign
16 would typically have is certainly a different category
17 than a donor list from a 501(C)(3) that a campaign would
18 not typically have, unless it was open and offered to
19 everyone else. So I guess -- I think what Representative
20 Mitten is asking is to put these in tranches, I guess,
21 where --

22 REPRESENTATIVE TRENT: Well, I mean --

23 REPRESENTATIVE BARNES: And you can ask it
24 how you want, but --

25 REPRESENTATIVE TRENT: A 501(C)(3) --

1 REPRESENTATIVE BARNES: -- let's make it a
2 clear record.

3 REPRESENTATIVE TRENT: I mean, we're starting
4 to kind of get into like legal technicalities now,
5 because my understanding is a 501(C)(3) could give
6 permission for someone to have their list.

7 REPRESENTATIVE BARNES: They can. My
8 understanding is if you give permission to one, you have
9 to give permission to all.

10 REPRESENTATIVE TRENT: Right, but that would
11 still be -- let's say you gave permission to everyone,
12 there would still be a value to that list; correct?

13 REPRESENTATIVE BARNES: There could be,
14 but -- and I'm not sure what -- so, yeah, but I -- that
15 goes to your question. I think Representative Mitten is
16 not saying you don't get an answer to your question. I
17 think she's just saying --

18 REPRESENTATIVE TRENT: No, I understand.

19 REPRESENTATIVE BARNES: -- clarify the
20 question and put it in the right -- put it in -- be very
21 specific with your question is what she's saying.

22 REPRESENTATIVE TRENT: So we're not talking
23 about a list that would necessarily be a 501(C)(3),
24 although I don't actually think it'd matter in the
25 context of my question. What we're talking about is a

1 list of financial donors that a campaign has and was
2 using to raise money.

3 REPRESENTATIVE BARNES: A list that has
4 value?

5 REPRESENTATIVE TRENT: Yes.

6 REPRESENTATIVE BARNES: Any value is your --
7 okay.

8 REPRESENTATIVE TRENT: Right.

9 REPRESENTATIVE BARNES: I get it.

10 BY REPRESENTATIVE TRENT:

11 Q. And so if you had a list of that nature that
12 you had retained from another campaign and you provide
13 that list to a new campaign, how would you list that
14 in-kind contribution?

15 A. I don't -- I don't know. I'm not sure I --
16 I'd have to call up ethics and see how they'd want me to
17 report it, I guess.

18 Q. Okay. So you would have to -- you'd have to
19 check in on that?

20 A. Well, you're referring to just another
21 candidate's list, not a --

22 Q. Right. So I guess my question -- I could put
23 it like this: Would you list that in-kind contribution
24 as the campaign whose list it originally was or would you
25 list it as an in-kind contribution from you, the

1 consultant, who had provided it to them?

2 A. I guess it depends on who owns the list; does
3 the candidate own the list or does the consultant who
4 created the list -- or the staff that had created the
5 list?

6 Q. Would -- you have retained a list in our
7 scenario here and you have permission to have that list.
8 Would you believe that -- and I'm not asking for a
9 conclusion of law. I'm asking for what you would
10 believe. Would you believe that that is a list you own
11 and can use freely or would you believe that that list
12 was still the property of a campaign committee,
13 especially when that campaign committee may no longer
14 exist, like if it was from a candidate that was now
15 retired and was no longer in front of you?

16 A. That's tough to answer because, you know,
17 contract fundraisers create lists on behalf of candidates
18 all the time. And you could make the argument that
19 somebody like that, which is what I've done for some
20 other candidates, would have control -- or would have
21 ownership of that list that they created. And then by
22 providing it to another campaign, yeah, then it should
23 be --

24 Q. It's pretty unclear -- I mean, it's pretty
25 foggy, isn't it?

1 A. I'm not an attorney. I mean, again, I would
2 call ethics on this and --

3 Q. Yeah, you --

4 A. -- talk to them about it.

5 Q. And so, I mean, you and I have been doing
6 this for a long time, and I'm not sure we could puzzle
7 out what the answer is just sitting here ourselves.

8 A. In terms of this transfer in owner --

9 Q. Yeah.

10 A. -- transferring a donor list?

11 Q. I mean, there's a lot of technicalities
12 there. It's pretty unclear. Okay. Thank you. I
13 appreciate that.

14 And then I had a few questions about your --
15 when we went through all the different exhibits that were
16 just -- that were just presented.

17 So going first to Exhibit 80. And if you
18 need to refresh your recollection on this, just let me
19 know. I don't think my questions will require that,
20 but --

21 REPRESENTATIVE BARNES: I think he still has
22 them up there.

23 BY REPRESENTATIVE TRENT:

24 Q. Oh, okay, then perfect. You've got them up
25 there.

1 A. Yeah.

2 Q. That's perfect. So the inoculation research.
3 And just for viewers at home, inoculation research is
4 typically for a candidate or someone who's thinking about
5 being a candidate to go through and find out what an
6 opposing candidate's opposition research would reveal
7 about that candidate; is that fair to say?

8 A. Yes.

9 Q. And so the mere fact that you are performing
10 inoculation research does not indicate that you are a
11 candidate. I mean, if something terrible comes up, you
12 may decide you don't want to be a candidate; right?

13 A. Sure.

14 Q. So when this research was done, it's not
15 necessarily indicative of whether or not a campaign has
16 yet been decided upon; would you say that's fair?

17 A. In my experience, yeah, I think that's fair.

18 Q. Okay. Let's see. Moving on to number 81.
19 Were the -- all the different vendors that were part of
20 this meeting, were they ever retained by the campaign?
21 Do you know that?

22 A. I don't believe so.

23 Q. So a lot of these vendors were never actually
24 ultimately hired by the campaign?

25 A. No. But, I mean, there were -- I don't want

1 to speak for the other individuals on here --

2 Q. Sure.

3 A. -- but I think they were advisors at one
4 point to the Greitens campaign, a couple of them.

5 Q. Some of them may have been, but you think
6 some of them probably weren't retained by the campaign
7 ultimately. And indeed that's fairly common, is it not,
8 for consultants and other vendors to kind of go to a
9 candidate or a potential candidate and showcase their
10 wares, what they can do for them, then nothing ever
11 becomes of that?

12 A. Sure. This wasn't really an opportunity for
13 them to pitch their services though. It was more -- it
14 was more an advisory role.

15 Q. So you'd say it was more informational in
16 purpose in how it unfolded?

17 A. Well, somebody for a -- for a serious
18 candidate, yes. It wasn't -- certainly wasn't something
19 that we would put together for --

20 Q. Right.

21 A. -- somebody who wasn't serious about running
22 for a high-level office.

23 Q. But the point of this meeting was not to --
24 to lay a groundwork for a campaign so much as it's just
25 to answer the question that especially a new candidate

1 would have about virtually everything in the process?

2 A. Yeah, I'd say that. Now, in hindsight,
3 again, you know, we believed that we were the only people
4 that he was talking to. It looks like he was using a
5 number of other consultants in the same way, in setting
6 up meetings and things like that. So...

7 Q. So he was shopping around, trying to get the
8 best deal or the best quality or whatever criteria he may
9 or may not have in his mind?

10 A. You'd have to ask him that.

11 Q. Right. I mean, it's something we can't know.
12 But, I mean, he's clearly not just looking at one group
13 of folks; like he's evaluating many people during this
14 time?

15 A. Testimony seems -- yeah, that's been released
16 seems like that was the case.

17 Q. Okay. And, again, have you seen meetings
18 like this occur for candidates who ultimately decided not
19 to run?

20 A. I don't know about this high a level. But,
21 yeah, I mean, similar meetings like this.

22 Q. Yeah. So there could be a meeting like this
23 where somebody's kind of kicking the tires, and then they
24 decide, oh, well --

25 A. Usually it's --

1 Q. -- it's not the time or it's not for me or --

2 A. Well, I mean, at this point this was -- this
3 was something that, you know, national vendors were in
4 town for. It was a high-level meeting. We wouldn't have
5 had it if we didn't believe he was very, very serious
6 about running.

7 Q. Sure. I mean, that makes sense. I mean, you
8 wouldn't want to come incur the expense of an airline
9 trip, if there was no chance that you might not land a
10 client. So --

11 A. Sure.

12 Q. Sure. No, that's fair. Then let's move on
13 to Number 82, the follow-up meeting. Again, would you
14 characterize this as an informational meeting, like that
15 was kind of a round-up of what they had heard at the
16 previous meeting and answer any questions that might have
17 developed since then, follow-up questions?

18 A. Yeah. More just laying the groundwork and
19 going a little bit more in-depth talking about some of
20 the presentations.

21 Q. Was any strategy for the campaign laid down
22 in this meeting? Any -- any concrete plans that were
23 then executed?

24 A. I don't recall. I'd have to look at the
25 notes. I mean, I know there was notes taken, and I know

1 there was follow-ups from this, yeah. But I --

2 Q. But you're not aware --

3 A. I'm sure I've turned those over -- I'm sure
4 I've turned those over to the Committee though.

5 Q. But you don't remember any executables that
6 came from this?

7 A. I'm sure that there were, but I don't recall
8 the exact ones right now.

9 Q. And then 83, Exhibit 83. And this one looks
10 particularly interesting to me, so -- and I'm not trying
11 to put words in your mouth here. But just so I
12 understand what your testimony is, are you saying that
13 the Governor is a secret Democrat?

14 A. I'm certainly -- one, I don't know if I
15 ever -- no, I mean, I wouldn't say he was a secret
16 Democrat. I -- this is an email that was written from
17 Dave Whitman to myself. They were very sensitive to the
18 fact that he had a previous history as a Democrat. And
19 so, yeah, in terms of saying he's -- no, I wouldn't say
20 that. Look, at the time I believed the conversion was
21 sincere and --

22 Q. Do you still believe the conversion was
23 sincere?

24 A. I think -- I think it depends on -- on how
25 you want to define sincere. You know, I --

1 Q. Has the --

2 A. After this -- I mean, after this email in
3 question, obviously I entered into a paid, you know,
4 working relationship with him. And, you know, I sat
5 through the messaging sessions and the meetings where he
6 was working through conservative beliefs and conservative
7 positioning. And so it wasn't until that point, you
8 know, that I believed and still do that he modified a
9 number of his beliefs in order to match a certain part of
10 the electorate.

11 Q. Sure. So, I mean -- I mean, like with
12 anything, only -- only the mind of God can truly know
13 what our innermost thoughts and beliefs are, but there --

14 A. I'm not God.

15 Q. And, you know, none of us here are. And so,
16 you know, that is a realm upon which we mortals cannot
17 tread. But have you observed any actions from the
18 Governor, either during the campaign or during his
19 administration, that would lead you to believe he is
20 anything other than sincere in his Republican beliefs?

21 A. Gosh, I -- you know, I -- I really don't care
22 to speculate on this, on his sincerity. You know --

23 Q. I mean, no observations? I'm not asking you
24 to speculate. Just have you observed anything?

25 A. No. I mean, look, I think he's been a fairly

1 conservative governor during his time in office. And
2 that's -- again, that's not why I'm here though. I
3 mean --

4 Q. Certainly.

5 A. -- I'm here because of a few issues that --

6 Q. I only bring it up because it was brought up
7 earlier. No, I --

8 A. I don't think he's a Democrat.

9 Q. I concur that the relevance is sketchy at
10 best, but --

11 A. He was elected as a Republican. He's a
12 Republican.

13 Q. Okay. Exhibit 85. I believe -- and, again,
14 still not trying to put words in your mouth. Was
15 there -- and I think I'm on the right exhibit.

16 MR. ERNST: Could I ask if you're near --

17 REPRESENTATIVE TRENT: Yes.

18 MR. ERNST: -- the end, could we take like a
19 five-minute break at some point? We've been going for
20 two hours.

21 REPRESENTATIVE TRENT: Yeah, certainly at the
22 Chairman's discretion.

23 REPRESENTATIVE BARNES: If you're okay with
24 it, we can take a short recess now for --

25 REPRESENTATIVE TRENT: That's fine with me --

1 REPRESENTATIVE BARNES: Ah --

2 REPRESENTATIVE TRENT: -- when we come back.

3 REPRESENTATIVE BARNES: I don't know. We'll
4 talk about that at recess. We'll do a -- you want ten
5 minutes?

6 MR. ERNST: That would be great.

7 REPRESENTATIVE BARNES: Okay. Ten-minute
8 recess real-world time.

9 (Off the record.)

10 REPRESENTATIVE BARNES: All right. We're
11 back from legislative recess.

12 Representative Trent.

13 Don't make me get a gavel out, Ladies and
14 Gentlemen on the Committee.

15 REPRESENTATIVE TRENT: Thank you,
16 Mr. Chairman.

17 BY REPRESENTATIVE TRENT:

18 Q. Okay. I believe we were on Exhibit 85. And
19 this was where -- and I think I said earlier we might
20 come back to this. This is where you talked a little bit
21 in this email about the various routes that were
22 available; candidate committee, exploratory committee.
23 Did you think that the -- that the campaign was in
24 violation of any ethical codes at this point?

25 A. No, I did not.

1 Q. Okay. So you thought they were -- they were
2 in compliance; whatever expenditures may or may not have
3 been made up to that point, they had not reached the
4 threshold, but we're getting close to the point now where
5 it makes sense ethically to go ahead and get that filed.
6 And that's your advice here?

7 A. Given what I knew at the time, yes, at the
8 time I did not believe any -- any potential violations
9 were occurring.

10 Q. And your advice was taken, I mean, within
11 what, like a few weeks, a month, roughly? I mean, this
12 was just shortly before a campaign was, in fact --

13 A. So --

14 Q. -- committee was, in fact, created; right?

15 A. I don't know the exact dates. But they
16 formed a candidate committee, exploratory committee in
17 late February of 2015. So --

18 Q. Okay. So --

19 A. Two months. A little --

20 Q. Two months.

21 A. -- two months.

22 Q. Two months. Okay. Did you have a sense
23 that -- was there -- was there discussion going on
24 surrounding that? I mean, did this just go out into
25 the -- into the -- into the campaign and then -- and then

1 nothing, or was there discussion? Was there concern over
2 this?

3 A. If I recall correctly, I spoke with Mr. Laub
4 about this in December, whenever -- whenever I met him
5 over at Eric's office at The Greitens Group, about
6 forming a committee. But there was no substantial
7 follow-up. We got into a, you know, Chris-- holiday
8 season --

9 Q. Sure.

10 A. -- and then -- and then I started working
11 over there in January.

12 Q. What was -- what was his reaction when you
13 had that discussion? Kind of walk us through that.

14 A. Mr. Laub's?

15 Q. Yeah.

16 A. I -- I don't recall the exact. I just
17 know it -- if I recall correctly, it was just a general
18 discussion about, you know, forming a committee. I
19 wasn't working in a major capacity. I was, you know, an
20 informal advisor at the time and --

21 Q. So there was nothing about that conversation
22 that stood out as concerning to you?

23 A. No, I don't -- I don't -- I don't recall
24 everything we talked about in that conversation, but
25 nothing really jumps out.

1 Q. Did the -- did the book tour ever come up, in
2 conjunction with this discussion on the formation of the
3 committee?

4 A. The only time the book tour came up or the
5 book launch came up was kind of sporadically throughout
6 2014 when Eric would kind of, you know, let people know
7 what his timeline was.

8 So in terms of specific conversations, you
9 know, I don't -- specific conversations related to the
10 book tour and forming a committee, I don't really recall
11 those specific conversations. But --

12 Q. Okay. Did Candidate Greitens talk about his
13 timeline that you just referenced very often?

14 A. Frequently, you know, yeah. I mean, from I
15 think our first meeting that we met him over at, you
16 know, The Greitens Group and Mission Continues, it was --
17 it was always pretty clear that that's the timeline that
18 he had had in his mind.

19 Q. Could you describe that timeline a little
20 further, what it looked like?

21 A. Just that he was in a transition period from
22 Mission Continues to the book tour and he wanted to
23 announce for office following the book tour.

24 Q. Okay. So the timeline was really just in
25 reference to when he wanted to announce relative to this

1 transition period; it wasn't anything beyond that? Like
2 he wasn't giving you hard dates or hard, you know, lists
3 of specific things that he wanted to occur in a certain
4 order or anything like that?

5 A. Correct, I wouldn't say that. It was a
6 general timeline, based on major events, like a book
7 launch followed by campaign launch.

8 Q. So you'd describe it as sort of a -- and,
9 again, not trying to put words in your mouth, so -- but,
10 you know, this is kind of a conveyed plan that he has in
11 his head; it's not something that's ever committed to
12 writing or ever done in any kind of like formal way?

13 A. Yeah, there might have been specific
14 timelines that they created, but my knowledge doesn't --
15 yeah, doesn't --

16 Q. And is that -- and is that atypical in your
17 experience with candidates? I mean, do a lot of
18 candidates that you have worked with in the past kind of
19 have like a general vision for the campaign that they
20 carry around in their heads, subject --

21 A. Yeah, sure.

22 Q. -- to events on the ground? So -- but he
23 didn't have any kind of rigorous planning or any kind of
24 strategy that went beyond just kind of the normal picture
25 that most candidates have, in your experience?

1 A. Not with us. But he wasn't working with us
2 every day.

3 Q. Sure. But if there were such a plan, it's
4 not something you ever saw?

5 A. No, not through 2014.

6 Q. Okay. On 86, Exhibit 86 -- and I think we
7 already clarified part of this earlier. But I did want
8 to ask if you had ever spoken -- in the context of
9 Candidate Greitens' situation, did you ever speak with
10 the MEC regarding the advice you gave him on whether or
11 not to form an exploratory or candidate committee?

12 A. When I spoke to MEC in December of 2014, I
13 don't -- I don't believe I ever told them who the
14 candidate was or potential candidate was. But when I
15 spoke to them, I just kind of gave the situation and
16 wanted to see what the options -- what they -- you know,
17 what the options were.

18 Q. So you just kind of made like a general pitch
19 to MEC, and they gave you some general advice in return,
20 and that was pretty much the extent of that?

21 A. Yes, but -- yeah, their -- their specific
22 advice was if -- you know, if they were going to be
23 spending money on behalf of the candidacy, that they
24 needed to have a candidate committee set up. And that
25 was -- the previous exhibit, that was based on my

1 conversation with the MEC.

2 Q. Okay. And then number 87, Exhibit 87, we got
3 the --

4 A. Did you want to --

5 Q. -- Monu -- pardon?

6 A. I have 86. Did you want to discuss 86 or no?

7 Q. I don't believe I had any questions on 86.

8 A. Okay.

9 Q. Unless there's something that you wanted to
10 add there.

11 A. No, I don't think so.

12 Q. Okay. Yeah, 87, the Monu donations. Did you
13 ever find out any of the -- of the contributions that
14 came through him?

15 A. So there were two contributions very early on
16 in the campaign. I don't recall the exact amount.

17 Q. Were they from him or from his associates?

18 A. They were companies that he was associated
19 with. And there's some email -- I know there's some
20 email traffic saying what those were.

21 Q. I'm sorry. When you say associated with, do
22 you mean own or partially own?

23 A. They were LLCs I think that he owned.

24 Q. That he -- okay. That he controlled.

25 A. Yeah, I know they were -- they're listed in

1 the very first few contributions that were see -- that
2 were received on their quarterly reports. So I'd have to
3 look to see. I think one was like Gray something and
4 Barsch and com-- I don't know. They were something along
5 those lines. They were LLCs. They didn't say Monu,
6 Joseph. I know that.

7 Q. Right. And so these LLCs, I guess it's your
8 understanding that he was an owner or partial owner, but
9 you don't know who all might have been involved in those?

10 A. It was my under-- yeah, it was my
11 understanding that he owned them.

12 Q. Yeah.

13 A. They were companies of his.

14 Q. And that's the case with any LLC. Like no
15 LLC has to disclose all parties that have interest in
16 that LLC; correct?

17 A. You know, I think there's some --

18 Q. That may be too much of a conclusion of law.

19 A. I'm not a -- certainly I'm not a campaign
20 finance attorney.

21 Q. Sure. The only reason I ask that is because
22 you spoke at length earlier about using LLCs to conceal
23 donors, and so you seem to have a really firm grasp of
24 that.

25 A. There were discussions that were had between

1 Monu and myself that he wanted to do that. I reached out
2 to some campaign finance attorneys -- and not just LLCs.
3 LLCs -- I have an LLC and I, you know --

4 Q. Sure.

5 A. -- can contribute, and it's fully -- fully
6 legal. There were other discussions that I had with Monu
7 where he wanted an entity where you didn't have to
8 disclose where they came from.

9 Q. Did he say why?

10 A. The only discussion that we had about --
11 about why was just that he had a number of donors that
12 were ready to contribute that didn't want their names
13 disclosed.

14 Q. He didn't say why. Did any red flags raise
15 in your mind that there's anything less than legal about
16 that desire to conceal those donors?

17 A. Yeah, on the -- on the C4 issue.

18 Q. And what caused you to believe that there
19 could be a potential illegality involved in that?

20 A. Well, one, you know, they referenced
21 potentially some foreign contributions.

22 Q. Who referenced foreign contributions?

23 A. Monu had said that there were buddies of
24 Eric's and his from Oxford that wanted to contribute
25 and --

1 Q. Did he mention the nationality of these
2 friends?

3 A. Not specifically. But just that overseas,
4 foreign.

5 Q. So there's no reason to believe that they
6 could not legally contribute?

7 MR. ERNST: I don't think that's what he's
8 testified to.

9 REPRESENTATIVE TRENT: I just want to make it
10 clear for the record that that's what he's saying.

11 MR. HAFNER: So what are you --

12 BY REPRESENTATIVE TRENT:

13 Q. So --

14 A. Can you repeat what you --

15 Q. So my question is did you have any reason to
16 believe that the individuals in question that you just
17 described, the Oxford, did you have any reason to believe
18 that they could not legally contribute to an American
19 election?

20 A. Well, there wasn't specifically people that
21 Monu connected me with. So they were -- they were
22 buddies from Oxford. That's -- that's what was presented
23 to me. And he specifically asked about how -- what would
24 be the way to get, you know, foreign money, contributions
25 from abroad into the campaign. I then had discussions

1 with campaign finance attorneys about that, of
2 Mr. Greitens'.

3 Q. Okay. And -- and what was the -- well, I
4 guess you can't answer that. So the -- you did not --
5 well, let me phrase it this way: So in your mind
6 whatever concerns you had did not rise to the level of a
7 crime or imminent crime; is that fair to say?

8 A. So at the time my thought process was this
9 was -- this was common sense that you couldn't get
10 foreign money into your campaign.

11 Q. Right.

12 A. I had conversations with attorneys about
13 that. And it was a road that I thought we -- you know,
14 it might -- in those discussions that we mutually agreed
15 that it was something we didn't ever want to touch or go
16 down. And I don't know what happened after I parted
17 ways. I don't know if Monu was involved at all. I
18 don't --

19 Q. And you didn't raise any of these concerns
20 with other campaign staffers or make any reports to
21 authorities?

22 A. I raised this issue with attorneys associated
23 with the campaign.

24 Q. Okay. And I would assume that goes to
25 privileged conversation. Okay. Now, I mean, being in

1 fundraising for as long as you have and being around
2 politics for as long as you have, there are other reasons
3 why one might not wish to disclose the identity of
4 donors; is that correct?

5 A. In campaigns?

6 Q. Yes.

7 A. Sure. I -- I know donors have their reasons
8 for wanting to go down that pathway.

9 Q. And so the mere fact that someone wished to
10 conceal that they were donating to a campaign, whatever
11 we might feel about that personally -- I tend to favor
12 full disclosure, as I believe you stated earlier as
13 well -- that in and of itself is not evidence of a crime?

14 A. As far as I'm aware, no. But, again, I'm not
15 a -- I'm not an attorney. You know, you -- I don't --
16 I've always operated that in campaign finance you can't
17 purposely conceal the identity or the source of money.
18 But it's a -- it's a big gray area. That's why I take
19 advice from --

20 Q. Certainly.

21 A. -- attorneys on that.

22 Q. Well, like a fully-domestic LLC that you
23 didn't know all the owners of, like there's nothing --
24 and I know this goes to a legal conclusion. But in
25 your -- in your understanding you don't know that to be a

1 crime?

2 A. Correct. Yeah, LLCs can contribute in
3 Missouri.

4 Q. Even when all the donors are not known or
5 even when all the owners of that LLC are not known?

6 A. Well, they're still a registered agent, of
7 course.

8 Q. Right.

9 A. So there is some --

10 Q. There's -- someone is known?

11 A. Yes, but --

12 Q. Okay.

13 A. Yeah, I mean, there's other -- there's some
14 other issues here that, again, you know, I'm not a
15 campaign finance expert --

16 Q. Sure.

17 A. -- not a campaign finance attorney.

18 Q. And then finally -- well, I probably
19 shouldn't say finally. On final Exhibit Number 88, the
20 radio plan, this is not actually a -- the radio buy,
21 correct; it's just a list of rates and locations and
22 general information about radio programs around the
23 state?

24 A. Yes, that's what I believe. I had nothing to
25 do with this. This was just something that I was

1 provided.

2 Q. Yeah.

3 A. This was created by other consultants, and --

4 Q. So you --

5 A. -- I don't know if it was ever executed.

6 Q. I mean, so you don't have direct knowledge --

7 I mean, there's nothing to execute on here. I mean, it

8 literally just gives the rates of -- you know, if you run

9 a specific show or depending on the nature of the ad.

10 Like it just gives the costs and some of the

11 personalities that are on these radio shows. It does not

12 go into points. It does not go into -- you know, if you

13 were trying to make a radio buy, this is not the kind of

14 document you produce, is that correct, in your

15 experience?

16 A. Yeah, I had nothing to do with -- you know, I

17 provided a lot of documents to the Committee, and this

18 was --

19 Q. Have you ever done radio buys before?

20 A. The campaigns I've been on, we've contracted

21 those through other vendors.

22 Q. So it's not really something that you've done

23 directly then?

24 A. Not -- no, I -- I don't place ad buys

25 directly.

1 Q. Okay. All right. Well, then I won't ask
2 anymore about that. Now, the 501(C)(4) entities, those
3 are entities that are -- yes?

4 REPRESENTATIVE BARNES: About how -- just for
5 clarification, how long do you have?

6 REPRESENTATIVE TRENT: Oh, half a page --

7 REPRESENTATIVE BARNES: Half a page.

8 REPRESENTATIVE TRENT: -- perhaps. Not too
9 long. My writing's fairly large.

10 BY REPRESENTATIVE TRENT:

11 Q. You talked earlier about 501(C)(4)s. These
12 are groups that are permitted to make political
13 expenditures, but they're also required to engage in
14 educational activity as well. And I believe the
15 threshold is 50 percent. I don't know how familiar you
16 are with that. But these entities are perfectly legal
17 and routinely used, in your experience; is that correct?

18 A. They're certainly used in the Capitol a lot
19 for specific issues and things like that.

20 Q. And they're not just used by candidates;
21 they're used by a lot of groups?

22 A. Yes. Yeah, there's too many to count that
23 operate within Missouri on both sides of the spectrum.
24 Certainly I think it is kind of unique to use them in
25 campaigns, which is what ended up happening in the

1 primary.

2 Q. Yeah. But these are the -- these are the
3 kind of groups that were perhaps not used by candidates,
4 but were used by a lot of conservative groups. The first
5 I remember starting to hear about them to a large degree
6 was the Tea Party Movement, and you had the whole Obama
7 Administration and IRS targeting these groups and some of
8 that kind of stuff. But that's essentially what we're
9 talking about here is these groups that have both a dual
10 political and educational purpose?

11 A. Well, to a certain extent. Again, full
12 disclosure, I'm a registered lobbyist. Through the MEC
13 one of my clients is a C4. Our issues -- obviously we're
14 all registered lobbyists. And our issues are listed on
15 our website for public on who's involved in us.

16 So I think what you're saying, though, to
17 equate the two between that and a campaign entity are a
18 little bit different tracts.

19 Q. Oh, certainly.

20 A. I mean, our budget -- I can tell you, because
21 I don't get paid this. But our budget is in the millions
22 of dollars, you know, that some of the C4s that have
23 operated recently in Missouri have been.

24 Q. Well, since you represent a C4, has your C4
25 ever engaged in anything that we would consider candidate

1 advocacy?

2 A. Not to my knowledge. And it's not my C4.

3 I'm a registered --

4 Q. Your --

5 A. It's a client.

6 Q. So your C4, the one that you represent, tends
7 to do more of the educational side?

8 A. I'm on -- you know, I'm one of, I don't know,
9 four or five registered lobbyists for them. And we do --
10 we do advocacy educational lobbying in the Legislature.
11 So education reform, tax reform, labor reform, you know,
12 just premarket conservative.

13 Q. Okay.

14 A. Yeah.

15 Q. And then also you said earlier that Auditor
16 Schweich, that he would never have agreed to give his
17 list to the Greitens campaign. Is that a fair summation?

18 A. Yes.

19 Q. Did you ever have a direct conversation with
20 the auditor to come to that conclusion or is that just
21 your perspective based on what you know?

22 A. That is my perspective based on direct
23 conversations with people who worked for him.

24 Q. Okay. But no direct knowledge from he
25 himself?

1 A. No.

2 Q. Okay. And, I mean, it is true that people do
3 things for reasons other than whether or not they like
4 someone?

5 A. Sure.

6 Q. Okay. Well, I mean, I just wondered if you
7 had -- if there's insight there or if that was --

8 A. No. Look, I mean, every -- everything
9 that -- I don't -- I don't think the relationship was
10 good, and I don't think they cared for each other all
11 that much. And that's based on my direct conversations
12 with people who worked very close with Tom, and that's
13 also based on my conversations with Eric.

14 Q. Okay. Fair enough.

15 A. Yeah.

16 Q. I mean, I didn't mean to cut you off.

17 A. No, it's okay.

18 Q. Okay. All right. I just wanted clarity on
19 that. I appreciate it. Thank you.

20 REPRESENTATIVE TRENT: Thank you,
21 Mr. Chairman.

22 REPRESENTATIVE BARNES: Representative Razer.

23 REPRESENTATIVE RAZER: The beauty of being
24 last is that all my questions were answered. So thank
25 you.

1 REPRESENTATIVE BARNES: Thank you, Mr. Hafner
2 and Mr. Ernst, for being here today, the second time
3 around.

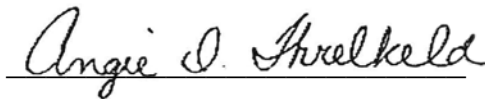
4 We are going to end today's hearing, and
5 tomorrow we will have review of some evidence that we
6 have. No witnesses, but lengthy review of evidence.
7 Some eyes may bleed, and we are going to -- gosh, that's
8 a terrible way to say that. It's not going to be -- it's
9 going to be document day.

10 And, with that, we are adjourned for the day.

11 (Off the record.)
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CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter,
CCR No. 1382, the officer before whom the foregoing
hearing was taken, do hereby certify that the foregoing
hearing was taken by me to the best of my ability and
thereafter reduced to typewriting under my direction;
that I am neither counsel for, related to, nor employed
by any of the parties to the action in which this hearing
was taken, and further, that I am not a relative or
employee of any attorney or counsel employed by the
parties thereto, nor financially or otherwise interested
in the outcome of the action.



Angie D. Threlkeld, CCR

GOVERNOR ERIC GREITENS' PUBLIC STATEMENTS

1. Associated Press Interview with Missouri Governor Eric Greitens and David Lieb and Summer Balentine taken January 20th of 2018
2. YouTube video of Governor Eric Greitens reveals Budget Plans, Monday, January 22, 2018
3. YouTube video of Governor Eric Greitens questions and answers on February 8, 2018

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A P P E A R A N C E S

- 1 The following were present at the Missouri State Capitol
- 2 for the audio/video playing of the three public statements
- 3 by Governor Eric Greitens
- 4
- 5 JAY BARNES, Chairman of the Special Investigative Committee
- 6 on Oversight
- 7
- 8 ALIXANDRA HALLEN, Minority Counsel,
- 9 House of Representatives
- 10
- 11 SHELLY STEWART, Certified Court Reporter
- 12 Capital City Court Reporting
- 13
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P R O C E E D I N G S

CHAIRMAN BARNES: It is Thursday, April 5th, 2018 at 4:00 p.m. The rest of the members of this Committee have been excused to drive home under the agreement that at this point in time we will have a court reporter transcribe three public statements that Governor Eric Greitens made relating to the relationship with witness one.

The first such recording is an Associated Press interview with Governor Greitens that occurred in mid-January 2018 and which is present on the website soundcloud.com in what appears to be its full form.

There are two reporters in the room identified, and you can identify them by voice one is Mr. David Lieb, another is Ms. Summer Balentine and Governor Eric Greitens.

The transcription will start now.

(AUDIO PLAYING WHILE COURT REPORTER TRANSCRIBING.)

QUESTIONS BY MR. LIEB AND ANSWERS BY GOVERNOR GREITENS:

Q. First of all, thanks for agreeing to meet with us.

A. Well, thank you guys for making the time to come out. I appreciate it.

Q. I want to ask you about a question right up front here. Are you going to resign from office?

A. David, I'm staying. I'm staying. We're strong.

Sheena and I are strong. Our team is strong. And we're excited about what we can do together.

In fact, one of the things I'll tell you that's happened in this process is we've reached out to a lot of people and a lot of people have reached out to us.

And two of the best conversations I had over the course of this were actually with two senators. And the other senators who I've had some disagreements with on policy, but they are people who have experienced some pain in their life, and some suffering, some hardship, and they were some of the thoughtful, caring people in this whole process.

And our conversation, I think, really reset our relationship. And I'm hopeful about what we can all do together moving forward.

Q. You've apologized --

A. Yes.

Q. -- for a personal mistake and acknowledged being unfaithful to your wife. Your attorney has denied some of the other allegations that were included in that audio recording made by your hairdresser's ex-husband. We know these are going to be sort of difficult and maybe uncomfortable questions.

A. David, I want you guys to ask every question you have, sir, please.

1 Q. Very well. Did you tie or bind the hands or
2 blindfold your former hairdresser?

3 A. David, this was a consensual relationship. There
4 was no blackmail. There was no violence. There was no
5 threat of violence. There was no threat of blackmail.
6 There was no threat of using a photograph for blackmail.

7 All of those things are false. The mistake that
8 I made was that I was engaged in a consensual relationship
9 with a woman who is not my wife. And that is a mistake for
10 which I am very sorry, sorry to Sheena. I'm sorry to our
11 boys. I'm sorry to our family, to our friends and to
12 everyone who has been affected by that.

13 Beyond that this is -- it's a private matter, and
14 everyone involved has asked for privacy, and I respect
15 that, and I would ask you to as well.

16 Q. Did -- did you actually take a photo of her?

17 A. As I said, this was a consensual relationship,
18 David. There was no blackmail. There was no threat of
19 using a photograph for blackmail. And there was no
20 violence.

21 The mistake that I made, as I said, was that I
22 was engaged in a consensual relationship with a woman who
23 wasn't my wife. And beyond that, everyone -- Sheena,
24 everyone has asked for privacy. Again, we would ask you to
25 respect that.

1 Q. When did this begin?

2 A. You know, David, this started and ended years ago
3 and it was -- it all took place in 2015.

4 Q. That audio-recording would indicate that it was
5 March of 2015, is that approximately --

6 A. Yeah.

7 Q. -- when it began?

8 A. Approximately.

9 Q. Okay.

10 A. Again, for Sheena and I this is -- it's a private
11 matter that we wanna -- we wanna -- that we've dealt with
12 privately.

13 It was hard when we dealt with it, but with a lot
14 of help from family and friends and a lot of faith, we've
15 moved forward together and we're stronger as a result.

16 Q. When did it end?

17 A. This all -- it ended in 2015.

18 Q. I mean, but if it started in March, when did it
19 end?

20 A. It ended in the -- in the fall of 2015.

21 Q. Fall, okay. So there -- there was -- you had
22 more contact with her than that one audio-recording that
23 was released in March?

24 A. David, again, this is -- it's a private matter.
25 And what I would ask you, and everyone, is to respect the

1 fact that Sheena and everyone has asked for privacy in
2 this.

3 Q. Did you tell her about it, Sheena that is, back
4 in 2015, or did it not get discussed with her until, like,
5 recently?

6 A. No. Sheena and I dealt with this years ago.
7 Sheena and I dealt with this back in 2015, and we dealt
8 with it privately. We dealt with it together, and we moved
9 through it together.

10 And it was hard and -- what was hard about it was
11 that I caused pain for the people who moved me the most.
12 And my job as a husband and a father is to protect my
13 children and to protect my wife, and I caused pain to them,
14 and that was hard.

15 Q. You indicated there was never any violence, but I
16 want to ask you this directly, because it's come out,
17 someone alleged it: Did you ever slap your former
18 hairdresser?

19 A. Absolutely not.

20 Q. Okay.

21 A. And I also -- I wanna to be clear, there are all
22 of these rumors and falsehoods that have been reported,
23 completely irresponsibly. There was a story that was out
24 that while Sheena was giving birth, that I was with another
25 woman and slapped her.

1 And it's preposterous. We didn't even have a
2 child that year. And when we did have children, I was
3 there with Sheena in the delivery room.

4 These are outlandish, absolutely false stories,
5 and they're also hurtful. They're hurtful to Sheena.
6 They're hurtful to our family.

7 When Sheena has friends who call her and Sheena
8 picks up the phone and they read these things that are
9 false, it is hurtful.

10 Q. Besides your former hairdresser, have you ever
11 had a romantic or sexual relationship with anyone else
12 while you were married?

13 A. No. I made the mistake with one woman, sir. I
14 made a mistake with one woman, and I'm deeply sorry for the
15 mistake that I made. I'm sorry to everyone involved and
16 everyone who has been affected.

17 QUESTIONS BY MS. VALENTINE AND ANSWERS BY GOVERNOR
18 GREITENS:

19 Q. So you had created an exploratory committee to
20 run for office in early 2015, then you embarked on this
21 extramarital affair at the same time that you're making
22 preparation to run for office, but that seems like a pretty
23 risky move politically. What were you thinking?

24 A. You know -- you know, Summer, this was -- as I
25 said, this was a private matter that Sheena and I dealt

1 with. It was -- it was -- we dealt with it privately. And
2 it ended years ago before I was ever governor, and we're
3 moving forward.

4 We're going to continue. We're staying strong as
5 a family. We staying strong as a team and continue to
6 serve the people of Missouri.

7 Q. Some voters would say that a marriage vow is the
8 most important promise a person makes and argue it's even
9 more important than an oath to uphold the constitution.

10 What would you say to those voters who wonder
11 what this affair says about your character and integrity?

12 A. Yeah, what I'd say is that I made a mistake. I
13 made a personal mistake in my marriage years ago.

14 And I'm incredibly grateful to Sheena for her
15 forgiveness and her love. And I'm grateful to everyone
16 who's provided love and compassion and support to this
17 whole process.

18 And that is one point that's important I want to
19 make, is that amidst the storm of negativity and craziness
20 and falsehoods, Sheena and I, in the center of that storm,
21 felt a tremendous amount of love and compassion.

22 And I am going to work every day to be the
23 husband that Sheena deserves, the father that my boys
24 deserve, and to be a great governor for the people of
25 Missouri.

1 QUESTIONS BY MR. LIEB AND ANSWERS BY GOVERNOR GREITENS

2 Q. Have you talked with or been subpoenaed by the
3 St. Louis Circuit Attorney's Office --

4 A. No.

5 Q. -- in relation to this affair?

6 A. No. I have not been contacted by anyone at the
7 Circuit Attorney's Office. I have not been contacted by
8 anyone at the FBI.

9 My attorneys have never been contacted by anyone
10 at the FBI on this or any other matter. And as far as my
11 conduct, there's nothing to investigate.

12 Q. Are you familiar with this Eli Karabell person
13 who says he was a volunteer on your transition and says
14 that he was interviewed by the FBI in November?

15 A. I do not know him. I know a number of members of
16 the staff do.

17 Q. I know you made various calls to lawmakers; did
18 you call each and every one of them?

19 A. We called almost all of them.

20 Q. Both Republican and Democrat?

21 A. Republicans and Democrats, Senate and House.
22 It's really important for us to work together, and one of
23 the things that I am so hopeful about is that, you know,
24 God has a way of making sure that good things can come,
25 even from difficult situations.

1 And we work with a lot of people here and talk
2 with a lot of people here, and are working with lot of
3 people here who want to work with us to get things done.
4 Wanna work with us to get things done for the 13,000 kids
5 in Missouri's foster care.

6 They wanna work with us to get things done for
7 law enforcement officers. They wanna work with us to get
8 things done for military families and veterans.

9 They wanna work with us to get things done to put
10 money back in the pockets of the people of Missouri. And
11 I'm really hopeful about the work that we can do together
12 with Republicans, with Democrats, with people in the
13 legislature and with people all over the State of Missouri.

14 Q. And I know you reached out to lawmakers and a lot
15 of people --

16 A. Yeah.

17 Q. -- have you also talked with either Vice
18 President Pence or Donald Trump about this?

19 A. No.

20 Q. Okay. Anyone in their administration or national
21 party leaders?

22 A. No.

23 Q. Okay. How do you think this affects any future
24 plans you might have for other offices?

25 A. You know, what we do every day, every day is that

1 I wake up every morning and go to bed every night and ask
2 for God's strength and wisdom to serve the people of
3 Missouri.

4 And that's what I'm going to do. That's what I
5 did this morning. That's what I'm going to do tomorrow
6 morning, and that's what I'm going to do the day after
7 that.

8 We're a hundred percent focused on serving the
9 people of Missouri, and that's what we're going to continue
10 to do.

11 Q. I know there is a rally that's going on outside
12 starting at one o'clock to support Donald Trump, and most
13 of the other statewide Republican officials are there; are
14 you going to that?

15 A. No.

16 Q. Why not?

17 A. You know, it was really important for us to
18 get -- to get a lot of work done for the people of
19 Missouri.

20 I think you've seen we're back to work. You've
21 seen what we're doing last week. You've seen what we're
22 doing -- what we're doing next week.

23 Q. Your critics are suggesting that you're hiding
24 from the public by not going to the Trump thing or not
25 holding your tax tour that you were going to do. Are you

1 hiding?

2 A. No. No. The fact is, we've been talking -- we
3 put out the statement as soon as this came out. You've
4 seen other statements. We've reached out to people.

5 And we are, we're going to continue to go out and
6 engage with and be with the people of the State of
7 Missouri.

8 We'll continue to do -- we will do our tax tour.
9 We'll do our statewide tour, and we're gonna get great
10 things done.

11 QUESTIONS BY MS. BALENTINE AND ANSWERS BY GOVERNOR
12 GREITENS:

13 Q. There are legislators who have questioned your
14 ability to effectively lead and implement your agenda in
15 light of all of this.

16 I know you said that some have spoken with you
17 and said they're interested in working with you to
18 accomplish these things, but realistically, you know, how
19 do you respond to some of those questions about your
20 ability to implement these policies?

21 A. We're staying. We're moving forward. We've got
22 a great team. We got a great team and we got a lot of
23 people both here in Jefferson City and around the State of
24 Missouri who want to get things done, and that's what we're
25 going to do. We're going to move forward and we're going

1 to get things done for the people of the State of Missouri.

2 QUESTIONS BY MR. LIEB AND ANSWERS BY GOVERNOR GREITENS:

3 Q. The woman, the former hairdresser, has not come
4 forward publicly. No one has been reporting her name out
5 of respect for her, but have you or anyone associated with
6 her -- with you, paid her --

7 A. No.

8 Q. -- in exchange for her silence?

9 A. No.

10 Q. Okay. Did she -- people have asked if you tried
11 to blackmail her, and you said absolutely not. Did she try
12 to blackmail you on this?

13 A. No.

14 Q. Okay. Does -- has her ex-husband tried to
15 blackmail you on this?

16 A. No.

17 Q. Okay. I want to go back to the small details
18 there, and we've already addressed the violence and the
19 slapping thing.

20 A. Right.

21 Q. When you acknowledged being unfaithful to your
22 wife, are you saying you actually had sex with this woman?

23 A. Yeah. David, this is a private matter. Everyone
24 has asked for privacy, Sheena has, everyone involved. And
25 I would ask you to respect that.

1 Q. Okay. I'm just going through the list of --

2 A. Yes, sir.

3 Q. -- things professionally.

4 A. Yes, sir. Yes, sir. Yes, sir. And I
5 understand, and I appreciate that.

6 Q. Have you talked with her since this all blew up
7 in the news?

8 A. No.

9 Q. Okay.

10 A. My understanding is that she's asked for privacy,
11 and I respect that.

12 Q. One of the other -- speaking of the privacy sort
13 of things, rumors have floated out there because I've seen
14 it reported that Sheena is in Washington, I guess, with her
15 family which leads people to speculate that she left you.
16 Not the case? What --

17 A. It's another absolutely false and hurtful rumor.
18 The fact is Sheena and I dealt with this privately years
19 ago, and we've also dealt with this together.

20 You know, we went into a meeting together the day
21 after this, and as we went in, people were so supportive,
22 so loving. They knew exactly what Sheena and I needed, and
23 they were there for us. And the days after we had
24 beautiful mornings with our boys.

25 One of the great joys for me is to wake up every

1 morning and go in and see Jacob, who is one and a half
2 years old, who sees me and starts bouncing in his crib.

3 And Joshua, who wants to wear his pajamas to
4 preschool. And Sheena and I wake up every day knowing that
5 we've got an awesome family and fantastic boys.

6 Today, this morning, she is on a preplanned
7 vacation that we've had planned since last fall for the
8 boys to spend time with their grandparents. And we were
9 not going to allow this to interrupt time for Sheena and
10 the boys and their grandparents.

11 UNIDENTIFIED SPEAKER: I want to jump in real
12 quick here. We're at 15 minutes. If you have maybe one
13 final question, we're happy to do that, and then we need to
14 move on to the next one.

15 QUESTIONS BY MS. BALENTINE AND ANSWERS BY GOVERNOR
16 GREITENS:

17 Q. You had said that you've received love and
18 support as you've been reaching out on this?

19 A. Yeah.

20 Q. I'm wondering how this might affect your
21 relationship with lawmakers moving forward, especially in
22 the Senate where you've butted heads with lawmakers in the
23 past and have been fairly critical of some lawmakers in the
24 legislature?

25 A. Well, first let me say the love and support has

1 been tremendous from people all over the state. And we are
2 very grateful to friends, to family, of people who've
3 reached out.

4 You know, this has been hard, and hard on our
5 families. I want to see my parents, and they're reading of
6 the falsehoods, and they're reading all of the rumors. And
7 I walked into my house -- their house, and my mom is on the
8 phone with my 95-year-old preschool teacher, who had called
9 my mom to say I love you. I care about you. We care about
10 Eric and your family, and we are here for you.

11 We have had tremendous love and support from
12 people all over the state. And we have, we've reached out
13 to legislature -- members of the legislature, and they have
14 reached out to us.

15 And I'm very confident that together we can do
16 great work. I'm very confident that God has a way of
17 bringing good from difficulty.

18 God has a way of helping people in the midst of
19 pain to emerge with wisdom.

20 God has a way of helping you to move through
21 suffering and actually become stronger.

22 And I am very confident that working with members
23 of the legislature, Republicans and Democrats, Senate and
24 House and people all over the State of Missouri that we can
25 accomplish great things together.

1 Q. I know you've written a whole book about
2 resilience, but --

3 A. Yeah.

4 Q. -- sort of puts it to a new personal test.

5 A. Yeah. One of the -- one of the most wonderful
6 moments for me -- and I want to say again, this has been
7 hard, and I think people from the outside, they see all of
8 the craziness and the negativity and the falsehoods and the
9 rumors.

10 Inside there's been a tremendous amount of
11 support. And one of the nicest moments was when my buddy,
12 who I wrote those resilience letters to, called me.

13 And he just said hang in there, Mr. G. He said
14 we're all rooting for you, talking to all the guys. We're
15 behind you. You changed my life. You had my back. I've
16 got yours.

17 UNIDENTIFIED SPEAKER: Thank you guys so much for
18 making the time to come in on a Saturday.

19 GOVERNOR GREITENS: Yeah.

20 UNIDENTIFIED SPEAKER: We appreciate it.

21 MS. BALENTINE: Yes. Thank you.

22 GOVERNOR GREITENS: Thank you, David. I
23 appreciate you.

24 MR. LIEB: Yeah. Thank you, sir.

25 (END OF AUDIO.)

1 CHAIRMAN BARNES: The previous transcript was
2 from an interview that took place on January 20th, 2018.

3 The next transcript is from a video posted on
4 YouTube of a press conference that Governor Greitens held
5 to discuss the state budget on January 22nd, 2018.

6 It was posted to You Tube by the Columbia Daily
7 Tribune on January 22nd, 2018.

8 (YOUTUBE VIDEO STARTED WITH COURT REPORTER
9 TRANSCRIBING THE FOLLOWING.)

10 The economy is growing. Missouri's businesses
11 are creating jobs. People are going back to work.
12 Missouri has the lowest unemployment rate it's had in
13 17 years.

14 More manufacturing jobs are here in Missouri than
15 there were a year ago, and we moved up nine places in the
16 rankings of the best states in the country.

17 Because our economy is getting better, our budget
18 situation is stronger than it was a year ago.

19 You'll remember when we came into office, there
20 were plans to spend over \$600 million that we didn't have
21 in the budget.

22 So we faced a choice. We could raise taxes or
23 cut spending. We did the hard work of cutting spending.

24 The budget we're introducing today is a common
25 sense conservative budget. We're watching out for the tax

1 dollars of the people of Missouri, making important
2 investments in Missouri's future. And also making the top
3 choices that are necessary to make sure that we don't
4 burden Missouri's children with them.

5 In our work we protect every dollar and every
6 cent we can.

7 Just last week we announced we got rid of another
8 80 cars and saved the people of Missouri another 2 million
9 dollars.

10 We pay attention to every dollar and every cent,
11 because dollars and cents matter. We pay attention to them
12 because we remember that every single dollar this
13 government spends was earned by the hard work of Missouri
14 and is the people's money.

15 You've all been given a summary of the budget.
16 The full budget is available online. We're happy to roll
17 out the budget today and take questions on the budget from
18 the media today.

19 We'll also be doing a Facebook live later this
20 week to answer questions about the budget from people all
21 over the State of Missouri.

22 Our budget director, Dan Haug, will also be
23 holding a press conference a little later to review the
24 budget in detail.

25 I want to walk through a few of the areas where

1 we made some investments, and also be clear about some of
2 the tough choices we made.

3 Our budget increases funding for our (inaudible),
4 and you'll see increased funding for infrastructure, for
5 education, for programs to support our most vulnerable
6 (inaudible).

7 We're able to afford those investments by making
8 top decisions to balance our budget and protect taxpayers'
9 dollars.

10 Our government doesn't create jobs, but it can
11 create the conditions of which businesses can grow and
12 prosper.

13 That's why this budget includes an increase of
14 162.8 million dollars to help build roads and repair roads
15 and bridges.

16 We're also investing 25 million dollars to
17 establish a new jobs and infrastructure fund that will
18 assist local communities, and build the infrastructure
19 necessary to create jobs.

20 We're also investing 7.6 million dollars to
21 improve our (inaudible). This is an important investment.
22 It will help our farmers and other businesses to sell
23 Missouri goods around the country and around the world.

24 We're also investing in our future by supporting
25 our teachers and students. Since we took office, we've

1 increased the funding that schools receive by almost
2 200 million dollars.

3 This year's budget has 87.5 million dollars more
4 for schools than last year, and a total funding of 6.1
5 billion dollars is a record investment in the State of
6 Missouri for elementary and secondary education.

7 We're proud to make that commitment. We also
8 want to see that those dollars get to students and
9 teachers.

10 Teachers in Missouri are not getting the pay that
11 they deserve, and that's why the 2019 budget increase is
12 paid for teachers and state-funded schools.

13 And we're sending more money than ever to our
14 elementary, middle and high schools. We want to see that
15 our school districts follow our lead and increase teacher
16 pay.

17 Last year we introduced an initiative to bring
18 high-speed broadband to rural public schools at no cost to
19 the school themselves, and we're continuing that investment
20 of 6 million dollars this year.

21 We've also made some investments in programs to
22 support vulnerable children. We put in 5.3 million dollars
23 in new funding, a new line item to help reduce the backlog
24 of children in the foster care system who need legal
25 assistance so they can move to a safe, stable and loving

1 home.

2 The budget also includes an increase of 3.3
3 million dollars in funding to care for children who have
4 been abused or neglected and removed from their homes.

5 There's also, in this budget, an increase of
6 8.5 million dollars for the First Steps Program, which
7 provides earlier intervention services for families with
8 young children with disabilities and developmental illness.

9 We've also included 8.4 million dollars in new
10 funding to provide instruction and therapy to young
11 children with disabilities through the early childhood
12 special education program.

13 We're making investments in our veterans and
14 public safety. We put 1.7 million dollars in the new
15 funding to ensure that veterans' homes residents are
16 provided with the quality care that they deserve, and the
17 quality care that their families expect.

18 Our budget increases pay for the highway patrol
19 and for front-line corrections officers. It provides
20 needed safety and forensic investigation equipment, and it
21 increases funding for drug treatment homes.

22 We're including 3.6 million in new funding for
23 adult, family and veterans' treatment core programs which
24 provides effective treatment for substance use disorders
25 and opioid incarceration -- opioid incarceration in the

1 correctional system.

2 We're making a number of critical investments,
3 including 3 million dollars in new funding to expand the
4 crime lab at the Missouri State Highway Patrol's General
5 Headquarters.

6 We're also expanding our fight against the opioid
7 epidemic. We've invested 4.7 million dollars in new
8 funding for peer recovery coaches and hospital emergency
9 departments and faith and community recovery support
10 services.

11 And we've allocated three quarters of a million
12 dollars in new funding to reduce opioid involved deaths in
13 training, education and the distribution of opioid
14 antagonists like Naloxone to first responders and law
15 enforcement.

16 Now despite the fact that Missouri's economy is
17 growing and we're in a stronger position than we were last
18 year, what continues to be the greatest challenge in the
19 budget is the explosion in federally mandated and other
20 health care spending.

21 When we came into office, spending on health care
22 was at 10 billion 334 million dollars. And in this budget
23 it's at over 11 billion 633 million dollars. That's a 1.3
24 billion dollar increase in just two years.

25 The State of Missouri spends more money on health

1 care than we do on K through 12 education, community
2 colleges, technical colleges, domestic violence shelters,
3 veterans programs, our judicial system, public safety and
4 our corrections system combined.

5 That massive spending increase on health care
6 means we have to tighten up in other areas of government
7 and spend less money.

8 We're making some important investments with this
9 budget. We're also having to make some hard choices.

10 There's been a growth in administrative costs at
11 many of our universities. We want to thank university
12 leaders who work in partnership with us to identify
13 savings.

14 As just one example, President Choi and others
15 did a study with PricewaterhouseCoopers and identifying
16 \$70 million dollars in savings.

17 The UM system is going to save up to 2 million
18 dollars just by getting rid of cars that they don't need.

19 We were happy to help them find those extra costs
20 and glad that they were eager to work with us to bring
21 those administrative costs down.

22 We appreciate their strong leadership, and we
23 also appreciate the important role that they play in moving
24 forward.

25 We've had to make tough choices this year, and

1 while we're increasing funding for elementary and secondary
2 education by 87 million dollars, higher education will see
3 a 7.7 percent reduction.

4 This wasn't a choice we paid lightly. We have
5 been working with the universities to try to help them to
6 manage the budgets better.

7 Last year we had a choice. We could raise taxes
8 or cut spending. We face that choice again this year.

9 And, again, we are not raising taxes on the
10 people of Missouri. Instead, we told departments to
11 tighten their belts. We reduced the total number of state
12 employees and we made tough choices.

13 We did that because that's what the people of
14 Missouri sent us here to do, to look after their tax
15 dollars and build a common sense, conservative budget that
16 makes sense.

17 I'm proud of the work that our cabinet, our team
18 and others have done on this. We've already had good
19 meetings with House and Senate budget chairs, and I look
20 forward to working with members of the House and Senate to
21 get a balanced budget passed.

22 And I would be happy to take any questions.

23 REPORTER: Governor Greitens?

24 GOVERNOR GREITENS: Yes, sir.

25 REPORTER: Phillip Joens with the Jefferson City

1 News Tribune.

2 GOVERNOR GREITENS: Yes, sir.

3 REPORTER: A 2016 study showed that Missouri
4 state workers pay ranks last among state workers in the
5 50 states. Do you plan to call for or issue a proposal to
6 increase the pay of state workers?

7 GOVERNOR GREITENS: Yes, sir, I do. And what was
8 your name again, sir?

9 REPORTER: Phillip.

10 GOVERNOR GREITENS: Yeah, Phillip. Yeah, thank
11 you so much for your question, sir.

12 So first of all, one of the things that we're
13 doing, Phillip, is in our budget for every state employee
14 who is making \$50,000 or less, they will see an increase in
15 pay of \$650.

16 And we -- that's going to happen when we get
17 civil service people on past this legislative session, and
18 we're confident we can get that passed.

19 We've talked with a lot of members of the House
20 and the Senate so they will see that increase in pay soon.

21 What you'll also see, sir, is that we're going to
22 invest an additional 61.2 million dollars in state employee
23 health care.

24 You'll see that we're fully funding the
25 contribution for state employee pensions at 14.4 million

1 dollars.

2 And one of the other things that you'll see,
3 sir, is that there are targeted pay adjustments of 4.5
4 million dollars for specific jobs in the State of Missouri,
5 but we want to see those pay adjustments to make sure that
6 Missouri is offering a competitive wage for those
7 positions.

8 REPORTER: Thank you.

9 GOVERNOR GREITENS: You're very welcome, sir.

10 REPORTER: Last year there was a lot of debate
11 over in-home health care patients and the best way to try
12 to fund that. You vetoed the choice that came out of here.
13 What -- what would you -- what type of
14 (inaudible) would you like to see will be acceptable to
15 provide or restore that funding?

16 GOVERNOR GREITENS: Yeah, so -- so first of all,
17 I think -- well, the way we think about -- what was your
18 name again, sir?

19 REPORTER: Marshall (inaudible).

20 GOVERNOR GREITENS: Marshall, so one of the
21 things that we do is that we think about our health care
22 funding in the context -- or we think about that question
23 in the context of our overall health care fund.

24 So as I mentioned, when we came into office, we
25 were looking at 10.3 billion dollars in the health care

1 budget.
2 We're now at over 11.6 billion dollars. It's an
3 increase of 1.3 billion dollars that we are putting into
4 health care funding just over the course of the last two
5 years.

6 We look forward to continuing to work with
7 members of legislature and members of (inaudible) and any
8 proposals that they have to help us to -- to -- to slow
9 down and control the costs of what government is spending
10 on health care.

11 And the same time also work with them to make
12 sure that we're improving the quality of health care for
13 people in the State of Missouri.

14 So, again, when we think about this, we think
15 about it in the context of the massive increase in health
16 care spending, which we need to -- which we need to
17 control.

18 And I'm happy to work with anyone who has
19 proposals to make sure that we're taking care of the most
20 wonderful Missourians.

21 REPORTER: Governor, Lauren Trager with KMOV.
22 You made some remarks recently, but there's one point we
23 want to clarify: Did you take a picture of the woman in
24 question?

25 GOVERNOR GREITENS: Yeah, Lauren, so I'm happy to

1 address this for everyone here once. And to make sure that
2 we can do this so that we can move on and talk about the
3 budget and other important priorities that are before us.

4 As I said before, I made a personal mistake years
5 ago before I was elected, a personal mistake for which I
6 take full responsibility.

7 And it's something that Sheena and I have dealt
8 with years ago. We dealt with it by the book. We dealt
9 with it openly. And it was hard, but with a loving family
10 and a lot of prayer and tremendous support, we made it.

11 And I am grateful, grateful to Sheena for her
12 forgiveness and grateful to God for his forgiveness. I'm
13 also grateful that the people around the State of Missouri,
14 who at this time come to us with tremendous love and
15 compassion and prayer, who helped us through a very
16 difficult time.

17 And we also appreciate those who understand that
18 this is a private issue, that Sheena and I dealt with years
19 ago that's now been dragged into the public.

20 We look forward -- I look forward to work with
21 legislators in this building, people around the State of
22 Missouri in getting their priorities passed and making a
23 difference for them.

24 A lot of what's been put out is not true.

25 There was no blackmail. There was no violence. There was

1 no photograph for blackmail. There was no threat of using
2 a photograph for blackmail. There was no threat of
3 violence.

4 The mistake that I made was that I was engaged in
5 a consensual relationship and a mistake for which I am
6 deeply sorry.

7 REPORTER: Governor, the specific question was --

8 GOVERNOR GREITENS: And for Sheena and I --

9 REPORTER: -- was about the picture, was it
10 taken?

11 GOVERNOR GREITENS: For Sheena and I -- for
12 Sheena and I that is where the story begins and ends.

13 Everyone involved has asked for privacy. I'm
14 going to respect that privacy, and I would ask you to
15 respect that privacy.

16 And to set the record straight, I've never been,
17 and my attorneys have never been contacted by law
18 enforcement on this or any other matter.

19 Sheena and I are moving forward. We are blessed
20 with beautiful children and a fantastic family.

21 Many of the rumors that have been put out are
22 false, and they have been hurtful, hurtful to Sheena,
23 hurtful to our family, hurtful to the people we love.

24 We are grateful, though, that we believe that the
25 people of Missouri will see through this.

1 We move forward with the knowledge every morning,
2 and we wake up and we are blessed having a beautiful
3 family. And we have a wonderful mission in front of us of
4 protecting, serving and working with the people of
5 Missouri.

6 REPORTER: Adriana Diaz of CBS News. Governor,
7 you say that the affair that you had was consensual. Now,
8 the woman's now ex-husband asked her if she was quote,
9 "half raped and blackmailed," and she said yes.

10 How do you --

11 GOVERNOR GREITENS: Ma'am --

12 REPORTER: -- account for the difference --

13 GOVERNOR GREITENS: Ma'am --

14 REPORTER: -- in these two accounts?

15 GOVERNOR GREITENS: Ma'am, I have addressed
16 everything in the answer that I just gave you and in the
17 interviews that we did over the weekend.

18 We are now -- there's been a lot of people in the
19 State of Missouri who are counting on us. There's 13,000
20 kids in the Missouri foster care system. They need us to
21 get this work done, important work in this budget, the
22 important priorities that are before us.

23 We have law enforcement officers, military
24 families and veterans who are counting on us to get this
25 work done, and that's what we're focused on today.

1 REPORTER: Governor, the people of Missouri also
2 need to trust you. The question is: Why did she say she
3 was blackmailed and you say she wasn't?

4 GOVERNOR GREITENS: I answered your question, and
5 we answered them in interviews throughout the weekend.

6 Does anyone have a question on the budget?

7 REPORTER: Governor, you're here to lay out a
8 budget for the future of Missouri.

9 GOVERNOR GREITENS: Yes, sir.

10 REPORTER: I've spoken with several lawmakers who
11 question your ability to lead in light of this scandal.

12 Why do you think you still can lead the State of Missouri?

13 GOVERNOR GREITENS: We answered those questions.

14 REPORTER: You have not answered that question.
15 Why are you now confident in your ability to lead the
16 state, sir?

17 GOVERNOR GREITENS: Sir, we answered that
18 question, and we answered them over the course of the
19 weekend.

20 Do you have a question on the budget, sir?

21 REPORTER: Do you have any plan to resign?

22 GOVERNOR GREITENS: Sir, I've answered that
23 question, and we answered them over the course of the
24 weekend.

25 Do you have any questions on the budget, sir?

1 REPORTER: That was the question on the budget.
2 Lawmakers here are saying they have lost faith in your
3 ability to lead.

4 GOVERNOR GREITENS: Sir --

5 REPORTER: That does affect the budget and your
6 entire agenda going forward.

7 GOVERNOR GREITENS: Sir, we answered those
8 questions this weekend. There's a lot of important work
9 here, a lot of important work.

10 REPORTER: And you still think you're the person
11 to effectively get that done?

12 GOVERNOR GREITENS: Sir, we've got a lot --
13 again, we answered those questions this weekend. We
14 answered them here.

15 We are moving forward. There's a lot of
16 important work that needs to be done, important work that
17 needs to be done that we talked about here.

18 There's kids in our foster care system, there are
19 families who are counting on us to get this right. There's
20 important work that we need to do for public education, and
21 that's why we made a record investment in public education.

22 We're moving forward to get the people's business
23 done. It's a wonderful opportunity and a blessing for us
24 to do that.

25 REPORTER: Governor --

1 GOVERNOR GREITENS: Who has the next question on
2 the budget?

3 REPORTER: Governor Greitens --

4 GOVERNOR GREITENS: Yes, sir.

5 REPORTER: Jack Suntrup with the Post Dispatch.

6 GOVERNOR GREITENS: Yes, sir.

7 REPORTER: Do you or your staff still use the
8 text deleting app Confide?

9 GOVERNOR GREITENS: Jack, again, we're here to
10 talk about the budget. We're here to talk about the
11 budget.

12 REPORTER: Well, I --

13 GOVERNOR GREITENS: Sir, so we're here to talk
14 about the budget. We are cooperating fully with the
15 attorney general's inquiry.

16 We have complete confidence in our policies and
17 our procedures. And as I've said many times we follow the
18 law.

19 Any questions on the budget?

20 REPORTER: Phillip Joens, do you support the tax
21 reform plan like Senator Eigel, just wondering?

22 GOVERNOR GREITENS: You probably saw last week,
23 we rolled out our principles for tax reforms. And we're
24 really excited about our tax reform plan.

25 It's going to cut rates for 97 percent of

1 Missourians. And we're going to be rolling out next week
2 that plan in detail. And also we have a statewide tour
3 around the State of Missouri to talk about all of the
4 details for that plan.

5 We've also been in touch just very recently with
6 Senator Wallingford, the Chairman of the Committee. We
7 look forward to working him.

8 Our team's been in touch with Senators Eigel and
9 Keeney (phonetic spelling). I think that we have a
10 wonderful opportunity to reduce taxes on the people of
11 Missouri and we're going to -- we're going to do so.

12 We look forward to working and cooperating with
13 members of the Senate.

14 Yes, ma'am.

15 REPORTER: Yes. Governor, Kat Reed with 41
16 Action News in Kansas City.

17 GOVERNOR GREITENS: Yes, ma'am.

18 REPORTER: When we spoke to some lawmakers today,
19 they mentioned that when I told them there was a four p.m.
20 press conference today about the budget, they did not know
21 these recommendations were coming out.

22 Can you talk to us a little bit about the contact
23 you've had with lawmakers and your faith and the ability to
24 work on this with them?

25 GOVERNOR GREITENS: Yeah. I'm very confident

1 that we're going to have a really cooperative, good
2 relationship working on the budget.

3 In fact, not only did Dan Haug, our budget
4 director, and our team meet with Chairman Fitzpatrick and
5 Chairman Brown last week, I've spoken to them multiple
6 times including as recently as a couple of hours ago.

7 So we're really confident that we're going to be
8 able to work for and with them to make sure that a lot of
9 these important agenda items, again, get addressed in this
10 budget.

11 Yes, ma'am.

12 REPORTER: Alisa Nelson, MissouriNet.

13 GOVERNOR GREITENS: Yes, ma'am.

14 REPORTER: Can you talk a little bit about what
15 your proposal includes for the Ag Department?

16 Also what happens with state worker pay for those
17 that make more than \$50,000 a year?

18 GOVERNOR GREITENS: Yes, ma'am. So, Alisa, the
19 focus, ma'am, of the raise for state employees is those
20 that are making \$50,000 or less.

21 The people who are making \$50,000 or less, they
22 will see a \$650-a-year increase in their pay, and, again,
23 when we get this civil service reform passed.

24 And our budget director, Dan Haug, when he does
25 his follow-up with you, can also talk in detail about

1 positions within Missouri, within Missouri government. And
2 some of those are people who are making more than 50,000
3 dollars.

4 And then I'm sorry, ma'am. I think you had a
5 first part to your question?

6 REPORTER: Ag Department, can you give us some
7 highlights about that?

8 GOVERNOR GREITENS: So a couple of -- couple of
9 important points, one of the things that you will see in
10 our detailed budget outline is a lot of work that we're
11 doing to make sure that we're supporting farmer and
12 ranchers. Director Haug will go through all of the
13 details in the budget for Ag specifically, but I'll just
14 mention a couple of highlights.

15 One of the things that we heard from a lot of
16 farmers and ranchers around the state is that they wanted
17 to see increased investment in infrastructure to make sure
18 that we could move goods to market.

19 So a couple of specific things that we're doing
20 there. I mentioned the 162.3 million dollars that we are
21 investing in infrastructure.

22 In addition to that there's an additional seven
23 plus million dollars that we are investing in (inaudible).

24 Because of Missouri's position in the country and
25 because of the fantastic farmers we have here, we believe

1 that making these kinds of investments will help Missouri
2 farmers move their goods to market.

3 There are a couple of other infrastructure
4 investments at the county levels, partnerships with, which
5 again, Director Haug can talk you through in detail.

6 And the last thing I'll mention just on the
7 infrastructure side is the 25 million dollar jobs in
8 infrastructure.

9 So what we're doing with the jobs and
10 infrastructure fund is the State of Missouri is investing
11 25 million dollars.

12 And when we have counties or communities at the
13 local level who have an opportunity for economic
14 development and they want to invest in infrastructure, when
15 they put up a hundred dollars, the State of Missouri will
16 put up a hundred dollars and make those investments in
17 infrastructure together so that we can help to bring jobs.

18 So those are just some of the key things that
19 we're doing in Ag.

20 And what you'll see as well in the press release,
21 if you haven't seen it already, is a lot of support from
22 the agricultural community around the state for making some
23 of these key investments.

24 REPORTER: Governor, my name is Mike (inaudible)
25 from Kansas City. Will you support and campaign for an

1 increase in fuel tax?

2 GOVERNOR GREITENS: So, Mike, when we -- when
3 we -- when we roll out our tax plan in detail next week,
4 sir, you'll see that this is a plan we're really proud of.

5 It is a bold plan. It's going to reduce taxes on
6 97 percent of Missourians, and that's what we want to do.
7 We want to cut taxes for the people of Missouri.

8 Our plan will not include an increase in the gas
9 tax.

10 REPORTER: Why not?

11 GOVERNOR GREITENS: Well, sir, right now we don't
12 want to raise taxes on the people of Missouri. What we
13 want to do is lower taxes on working families throughout
14 Missouri. Again, we will be rolling out all the details
15 for that plan next year.

16 REPORTER: Governor, in an effort to move forward
17 as you stand on other issues, will you agree to (inaudible)
18 with every media outlet about this matter, and will you be
19 cooperating with the circuit attorney's office --

20 GOVERNOR GREITENS: Ma'am --

21 REPORTER -- investigators?

22 GOVERNOR GREITENS: Ma'am, we've addressed
23 those questions. I've addressed --

24 REPORTER: With every media outlet and
25 (inaudible).

1 GOVERNOR GREITENS: Ma'am, we've addressed those
2 questions here today. We addressed them in interviews this
3 past weekend, and I can tell you we are moving forward.

4 REPORTER: You declined to speak with KMOV.
5 Would you agree to sit down with us?

6 GOVERNOR GREITENS: Ma'am, we're moving forward.
7 And we're moving forward because that's what the people of
8 Missouri (inaudible).

9 We're moving forward because we've got a lot of
10 people around the State of Missouri who are counting on us
11 to get results for them.

12 And that's what Sheena and I are doing. That's
13 what our family is doing. That's what our team is doing.
14 We're moving forward.

15 REPORTER: Summer Balentine, The Associated
16 Press.

17 GOVERNOR GREITENS: Yes.

18 REPORTER: You're already getting some pushback
19 from lawmakers over the cuts to higher education; why cut
20 in that area?

21 GOVERNOR GREITENS: Yeah. So look, there are
22 tough choices that have to be made in the budget. As
23 you've seen, we're increasing funding for elementary and
24 secondary education by over 87 million dollars.

25 We are also increasing funding for programs for

1 vulnerable children by almost 30 million dollars. These
2 are really important investments for us to make for the
3 State of Missouri.

4 But in any budget you also have to make tough
5 choices. Now the good news is I really appreciate the
6 cooperation that you have of a lot of leaders in higher
7 education who have worked with us to identify cost savings.

8 So as I mentioned earlier, PricewaterhouseCoopers
9 sat down with President Choi and the University of Missouri
10 system, and they identified over 70 million dollars in
11 savings just within the UM system.

12 So we are fully confident that we can address
13 administrative overhead, take that cost out while
14 continuing to do great work here in the State of Missouri.

15 I'll also mention now -- I think it's
16 important -- there is an increase that we are diverging in
17 higher education, scholarships that we're putting in for
18 students.

19 I believe that the increase is somewhere on the
20 order of 6.5 million dollars. And, again, Director Haug
21 will have all of those details about the increase in
22 scholarship funding for higher education.

23 REPORTER: David Lieb, AP.

24 GOVERNOR GREITENS: Yes, sir.

25 REPORTER: Your sheet here says you are

1 recommending 40 million dollars in cost containments to
2 Medicaid. What are you proposing to cut?

3 GOVERNOR GREITENS: Yes, sir. So one of the
4 things that we're doing with the Medicaid program is
5 exactly what you said. There's a number of places where we
6 can contain costs.

7 And the Director Haug and Steve Corsi, the
8 Director of our Department of Social Services can talk you
9 through what we're thinking in terms of those specific cost
10 containment items. And I'll make sure they get you those
11 details as we have them.

12 But, again, Medicaid is the largest drawing cost
13 for State of Missouri's budget, as I said from 10.3 billion
14 to 11.6 billion dollars. And we're confident that there
15 are a number of cost containment measures that we can put
16 in place. And unfortunately I don't have those details
17 with me.

18 REPORTER: In general, would it be the people
19 receiving?

20 GOVERNOR GREITENS: No, sir. In general, what
21 we're doing is we think that there are a number of ways for
22 us to contain costs, deal with administrative overhead and
23 make sure that we're still providing services to most
24 vulnerable Missourians. It's really important for us to do
25 that.

1 I'll also ask -- you know, Director Haug can talk
2 you through in detail, for example, some of the increased
3 investments in Medicaid to make sure we are taking care of
4 the most vulnerable people in the State of Missouri.

5 I'll ask Director Haug, for example, to talk you
6 through in detail what we're doing with the 65.8 million
7 dollar investment in the Department of Mental Health
8 to make sure that we're taking care of 1,399 individuals
9 who have disabilities or are in need of additional
10 assistance.

11 REPORTER: Does your budget proposal include any
12 cuts in state worker positions?

13 GOVERNOR GREITENS: We are -- we are reducing on
14 the state workforce, and we continue to do so. Right now
15 the state workforce is the smallest that it's been in
16 decades.

17 And, again, Director Haug can talk you through in
18 detail where all of those positions are.

19 Big picture for us, what's important for us to
20 get done in this legislative session is to get civil
21 service reform passed.

22 We want to make sure that we can pay good workers
23 more. And right now this system holds us back from doing
24 that.

25 We want to be able to invest in and reward people

1 who are doing good work.

2 We also want to make sure that we can move people
3 into jobs where they can do the best possible, best
4 possible work for the people of the state.

5 REPORTER: Governor, yes or no, did you ever take
6 her picture?

7 GOVERNOR GREITENS: Sir, again, I just answered.
8 We answered them over the course of the weekend, and we are
9 moving forward.

10 REPORTER: Governor, (inaudible) KMOV. Is there
11 a reason you're not choosing to speak with everyone in a
12 public setting?

13 GOVERNOR GREITENS: Ma'am, we are -- we have
14 spoken to people in a public setting. We addressed these
15 questions in multiple interviews over the course of the
16 weekend.

17 REPORTER: But with specific outlets?

18 GOVERNOR GREITENS: But, ma'am, we have addressed
19 the specific outlets.

20 REPORTER: Is there a reason you won't address it
21 with everyone?

22 GOVERNOR GREITENS: Ma'am -- ma'am, we've
23 addressed this question. We've addressed it. We've
24 addressed them over the course of the weekend. I've
25 answered your question and we're moving forward.

1 Yes, sir?

2 REPORTER: Mike (inaudible) again.

3 GOVERNOR GREITENS: Yes, sir.

4 REPORTER: Governor, with all due respect what a
5 lot of people want to know is what were you thinking? You
6 jeopardized your political career, your family. What were
7 you thinking?

8 GOVERNOR GREITENS: Mike, again, I appreciate
9 your question and others. As I said, I've addressed those
10 questions here. We addressed them this weekend in multiple
11 interviews, and Sheena and I and our team are moving
12 forward to serve the people of Missouri.

13 Any other -- any other questions?

14 REPORTER: With all due respect, Governor, you
15 haven't answered the photo questions.

16 GOVERNOR GREITENS: Sir -- sir, I've answered
17 your question. We answered them with multiple outlets this
18 weekend, and we're moving forward.

19 Any other questions on the budget?

20 REPORTER: Relating to the tax proposal you
21 outlined last week.

22 GOVERNOR GREITENS: Yes, sir.

23 REPORTER: The 2014 cuts are just now taking
24 effect?

25 GOVERNOR GREITENS: Yes, sir.

1 REPORTER: Why do you think the state already
2 needs another tax cut?

3 GOVERNOR GREITENS: Yeah, so what's really
4 important to understand, especially as it relates to the
5 budget, is that this is a revenue neutral tax cut.

6 So it's revenue neutral, and I'm really proud of
7 the work that the team has done on this.

8 Again, I'd be happy to sit down with you and
9 others to kind of talk to that in detail when we roll that
10 proposal out next week and again do the statewide tour.

11 Thank you again so much for showing up. Director
12 Haug will be available to answer your detailed budget
13 questions. I appreciate everybody coming today. Thank you
14 guys very much.

15 (END OF YOUTUBE VIDEO OF GOVERNOR GREITENS
16 "REVEALS BUDGET PLANS" SPEECH.)

17 CHAIRMAN BARNES: The next video is a YouTube
18 video taken by the Columbia Daily Tribune again at a
19 session with the Missouri Press Association in the
20 Governor's mansion on or about February 8th, 2018.

21 (YOUTUBE VIDEO PLAYING NOW.)

22 GOVERNOR GREITENS: This is a shy group. This is
23 a really, really shy and tired group.

24 (INAUDIBLE).

25 REPORTER: I appreciate that.

1 Thanks for inviting us, Governor. I'm
2 Christopher Ave from the Post Dispatch. It should be noted
3 I think that when Governor Nixon, your predecessor, had
4 these gatherings he didn't have any knives out, like there
5 were no knives. So to your credit there are knives out
6 here.

7 So let's just get this out of the way. In the
8 matter of the affair, did you take a photograph of the
9 woman? That is a question that hasn't been clearly
10 answered.

11 GOVERNOR GREITENS: Actually, Christopher, we
12 have answered all of those questions.

13 REPORTER: So what is the answer to that one?

14 GOVERNOR GREITENS: We've answered them in
15 multiple interviews with multiple people. We're ready --
16 we're ready to move forward, which we have, we are, and we
17 have.

18 I think what you'll note, what's exciting to see
19 is the way that people of Missouri are responding to our
20 agenda.

21 I think -- I think that you probably saw last
22 week we did events around the state in Macon, Palmyra,
23 Jackson, Springfield, Joplin and Kansas City and had
24 hundreds of people who were coming out because they were
25 excited about the work that we're doing.

1 They're excited about the fact that we are
 2 working to cut taxes for the people of Missouri.
 3 They are excited about the fact that we are
 4 making sure that we're building an economy where families
 5 can prosper.
 6 They're excited about the fact that we're cutting
 7 regulations on the people of Missouri. And we're really
 8 excited about that agenda, and we're going to continue to
 9 work on, talk about and get that agenda passed because it's
 10 the right thing to do for the people of Missouri.
 11 REPORTER: One follow-up?
 12 GOVERNOR GREITENS: Yeah.
 13 REPORTER: Just one follow-up. Thank you. Have
 14 you or any of your representatives been contacted by any
 15 law enforcement or prosecutors in regards to the matter of
 16 the affair?
 17 GOVERNOR GREITENS: Again, we've answered all
 18 those questions, and you know that the answer is no. You
 19 know that the answer is no because you've seen that
 20 question answered multiple times.
 21 REPORTER: A week ago.
 22 GOVERNOR GREITENS: Yeah, and you've seen that
 23 answer -- that question answered multiple times.
 24 REPORTER: Thank you.
 25 GOVERNOR GREITENS: So does anyone have any

1 questions about the business in front of the people of
 2 Missouri?
 3 (END OF YOUTUBE VIDEO.)
 4 CHAIRMAN BARNES: Having gone through the videos
 5 and the audio recordings of the statements made by Governor
 6 Greitens in January and early February of 2018 in public
 7 settings, this will now conclude today's hearing of the
 8 Missouri House Special Investigative Committee On
 9 Oversight.
 10 (END OF PROCEEDINGS.)
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C E R T I F I C A T E

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 2
 3 I, Shelly L. Stewart, Certified Court Reporter, within and
 4 for the State of Missouri, do hereby certify that I was
 5 personally present at the proceedings had in the
 6 above-entitled cause at the time and place set forth in the
 7 caption sheet hereof; that I then and there took down in
 8 Stenotype the proceedings had and produced with
 9 computer-aided transcription and that the foregoing is a
 10 full, true and correct transcript of such Stenotype notes
 11 so made at such time and place.
 12

13 IN WITNESS WHEREOF, I have hereunto set my hand on this
 14 7th day of April 2018.
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 SHELLEY L. STEWART, CCR
 CAPITAL CITY COURT REPORTING

GREITENS' STATEMENT ON COMMITTEE REPORT NO. 1

APRIL 11, 2018

Transcribed (via videotaped recording) by:

SHELLY L. STEWART, CCR (No. 619)

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P R O C E E D I N G S

GREITENS: Later today a report will make accusations about my personal life. We fully expect that the report being released tonight will include lies and falsehoods.

I want to say again what I've said from the beginning, this is a political witch-hunt.

In just 33 days a court of law and a jury of my peers will let every person in Missouri know the truth and prove my innocence. In 33 days this witch-hunt will come to an end.

Over three years ago I made a personal mistake. I engaged in a consensual relationship with a woman who is not my wife. It was a private mistake that I regret every day.

With the help of friends and loved ones and prayers, my family moved forward.

This was a private mistake. It has nothing to do with government and shouldn't be about politics, but people are turning that personal mistake into a political spectacle and telling new lies about it.

Let's call this what it is, a political witch-hunt now based on the testimony of someone who said, under oath, that they may be remembering this through a dream.

1 We expect that tonight's report will be full of
2 more false, outlandish and salacious accusations.

3 Now, keep in mind how this was written. No
4 standard of evidence were used. No witnesses were
5 cross-examined. No one who was representing me was allowed
6 in the room, and no members of the press or the public were
7 allowed in the room.

8 If the Committee had waited 33 days, they would
9 have received a full set of facts. Instead, it was decided
10 to publish an incomplete document made in secret; one that,
11 based on the falsehoods that have been pushed from the
12 beginning, seems will be filled with lies that we now know
13 may have come from a dream.

14 We've heard some of the stories they've been
15 pushing in the press, and they are downright false.

16 This matter is being tried in a court of law, and
17 a court has a procedure in place for making sure that
18 people are telling the truth, but the people interviewed by
19 the Committee face no consequences for telling lies.

20 Since the beginning, their stories have changed,
21 their memories have been hazy, and their lies have been
22 revealed for all to see.

23 Soon after this story broke, for example, the
24 people who are attacking me now falsely claim that I
25 slapped a woman while my wife was giving birth.

1 It was absolutely untrue and slanderous and
2 incredibly hurtful.

3 It has also been 100 percent disproven, because
4 it was impossible. I was with Sheena in the hospital when
5 our son was born. It was a lie, and they continue to lie
6 throughout this entire process.

7 Just 48 hours ago our attackers lied about how
8 they have spied on and harassed my family.

9 Now, I fully expect that they will come up with
10 new lies and new accusations, but the people of Missouri
11 see through this, and they know far better than to trust
12 one-sided, tabloid trash gossip that was produced in a
13 secret report.

14 The people of Missouri recognize all of this for
15 what it is, and they see that the people who are driving
16 this story are part of an absurd political witch-hunt.

17 It is an honor to work for the people of
18 Missouri. And all of you should know that that deeply-felt
19 honor, that deeply felt -- inspires me every day. And that
20 I will continue to serve the people of Missouri as their
21 governor and to work for you every day.

22 And they know, they need to know that fake
23 charges and falsehoods aren't going to stop us.

24 This is nothing new. When I came into politics
25 as an outsider, I was attacked with falsehoods every day.

1 They attacked my service as a Navy Seal. They
2 attacked my service for veterans through The Mission
3 Continues. They attacked my humanitarian.

4 Since we got into office, they have attacked us
5 every single day. But know this, they don't scare us.
6 We're not scared by the lies, and we are not afraid of
7 their falsehoods.

8 This is exactly like what's happening with the
9 witch-hunts in Washington D.C., smearing, lying and
10 attacking people who want to change how things are done is
11 wrong in Washington and it's wrong in Missouri.

12 People see how this works. They launch attacks.
13 They let accusations fly. And then some politician and
14 irresponsible members of the media pile on.

15 I fully expect that desperate people and some
16 politicians will bring more phoney charges and make more
17 false accusations.

18 But here's the good news, in 33 days this will
19 all come to an end because in the United States of America
20 you get your day in court.

21 I want to thank all of the good people who have
22 stood up with us, who have stood beside us, people who have
23 prayed for us, people who have stood beside us, people who,
24 even in the face of injustice, have stood firmly behind us.

25 And this includes many state representatives and

1 state senators and elected officials, all of whom recognize
2 that the Court of law must do its work, and that in this
3 country we don't judge people before justice is done.

4 I'm grateful to everyone who has stood beside us,
5 and it is an honor to work for the people of Missouri every
6 day.

7 Thank you all, and God bless you.

8 (END OF VIDEOTAPED RECORDING.)
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C E R T I F I C A T E

I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 14th day of April 2018.

SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING

INTERVIEW WITH INVESTIGATOR AND WITNESS NO. 1

TRANSCRIBED FOR THE
SPECIAL INVESTIGATIVE COMMITTEE ON OVERSIGHT

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A P P E A R A N C E S

The following were present on April 13, 2018 at Barnes and Associates Law Office in Jefferson City, Missouri for the audio/video playing of a previously recorded interview.

JAY BARNES, Chairman of the Special Investigative Committee on Oversight

SHELLY STEWART, Certified Court Reporter
Capital City Court Reporting

P R O C E E D I N G S

CHAIRMAN BARNES: It is Friday, April 13th, 2018.

I am Representative Jay Barnes, Chairman of the House
Special Investigative Committee on Oversight.

Pursuant to a subpoena issued this morning by
Speaker Todd Richardson, the Committee is in possession of
a video-recorded interview of the woman identified as
Witness 1 in previous materials.

It is noted by the Governor's defense team that
they claim that this video contains exonerating evidence,
and that there is no testimony of coercion.

The first eleven minutes of the video are
inaudible. What follows is the transcription of the
interview.

QUESTIONS BY INTERVIEWER AND ANSWERS BY WITNESS 1:

A. -- was trying to ask him -- I said I was
referring to my friend which essentially was me.

My friend wants to know -- she was in this
situation. She wants to know what happened or why that
would happen, because she knows how her situation is with
her husband, but she's curious --

Basically I was just trying to ask him what
happened, did he have feelings for me? And I was really
just curious, because it just happened to be weird
timing.

1 So anyways, he said he had a plan. Could I meet
2 him in a few minutes? Because I was in the Central West
3 End with my friends after work.

4 So at this point I didn't know where he lived. I
5 knew he lived near [REDACTED], so he said he would meet
6 me -- it was like in an alley right by Starbucks.

7 So I met him there. He just kind of hugged me
8 and, you know, was trying to calm my nerves and just said,
9 listen, I know I want to talk to you too about this. Can
10 you come to my house next week?

11 And I said no. Can't we just meet at like a
12 Starbucks or something?

13 He said, no, I can't be seen in public with you.

14 At this point I knew he was running for office
15 because he had told me at his appointment, because that was
16 March.

17 So then I told him I didn't know if I would be
18 able to meet him, but I would call him the night before and
19 let him know. He had asked me to come over Saturday the
20 following week.

21 So then during that week -- and I -- so let me
22 backtrack.

23 I had saved his number under my friend's name,
24 who is also -- she has a DC number, because his number came
25 up as DC. And I knew my husband is going to see this and

1 he's going to freak out and call this, which is what --
2 exactly what he did without me knowing until -- I want to
3 say it was right before this happened, or maybe right after
4 I saw him, he asked me about it.

5 I -- he said to me, Witness 1, I -- I called that
6 number that was on your phone that you had saved as
7 [REDACTED] -- I was trying to get ahold of [REDACTED] basically
8 was his story as to what -- that he was trying to get ahold
9 of [REDACTED] which is a lie.

10 Q. Is this [REDACTED]?

11 A. Yes.

12 Q. Okay. Got that number, a 202 number?

13 A. Uh-huh.

14 Q. Okay.

15 A. Yes. So he was trying to get ahold of [REDACTED]
16 supposedly, and that he called the number that I had saved,
17 and it came up as Eric Greitens' voicemail.

18 And I just said, well, yes, I talked to him. You
19 know, but not about what, or whatever.

20 So then on that following Friday -- I called him
21 from my work that Friday night and just said, hey, I don't
22 think I can meet you tomorrow.

23 Because that Friday night was [REDACTED]

24 [REDACTED]

25 Q. Uh-huh.

1 A. My conscience got to me, and I just felt like I
2 can't meet him.

3 Q. [REDACTED]
4 what's the date?

5 A. March 20th.

6 Q. March 20th?

7 A. Uh-huh. So March 20th, 2015.

8 Q. Okay.

9 A. So he -- he said -- and I said, but I would be
10 willing to meet you for coffee though. I'll meet you at
11 Coffee Cartel or Starbucks or somewhere.

12 And he said, no. I really cannot be seen in
13 public with you. And, you know, if you come to my house,
14 it will be fine. We can just talk. Nobody is going to see
15 you. It will be fine. Just come in my back door and
16 just --

17 I guess he calmed me enough about it that I felt
18 like, okay, I can go -- I was going over before work, so
19 this is seven a.m. the next morning.

20 Q. March 20th, 21st seven a.m.?

21 A. Yes.

22 Q. And I had to be at work at eight a.m.

23 A. Uh-huh. So I was, like, okay, he knows what I
24 want, whatever. So that morning I went over there and he
25 was waiting in the kitchen. He had told me to come in the

1 back door.

2 And as soon as I walked in, I had a purse and
3 keys in my hand, and he took it from me. He -- whenever I
4 walked in, he was doing this to me.

5 Q. Motioning you not to say anything?

6 A. Yeah. Like don't say anything at all.

7 Q. Okay.

8 A. And so he took my purse and keys and put them
9 down on the counter, like, to the side, and still did that
10 to me.

11 And I was standing there confused, like what the
12 heck is he doing? And he started digging through my purse,
13 and then came over to me and just started, like, patting me
14 down everywhere to see if I was wired-tapped.

15 Q. To see if you were wearing a wire?

16 A. Uh-huh.

17 Q. Okay.

18 A. And so then finally he stopped and just said,
19 look, I'm just trying to make sure that -- you know, I know
20 you said your -- your husband -- oh, because I had told him
21 whenever we met in the Central West End that day, you have
22 to understand my -- my husband is really controlling. You
23 know, he -- he looks through everything. He's going to see
24 that I had talked to you.

25 So anyways, he -- he just said, look, I just want

1 to make sure that he didn't put anything on you.

2 Q. Uh-huh.

3 A. Okay. So -- so then I tried talking to him,
4 which was the point of me being there, and he was kind of
5 on a mission, or so it seemed.

6 And he said -- like didn't -- wasn't really
7 wanting to talk and just said, Witness 1, how long do you
8 have? When -- when do you have to be at work?

9 I told him I had to leave by, like, 7:40.

10 And he said, well, can you come back later?

11 And I told him that I got off work around four,
12 but that I couldn't because I had to get home to my kids.

13 So he was, like, well, okay. I want you --
14 Witness 1, I just want you to know -- I just want you to
15 feel good. I just want to make -- I just want to take care
16 of you. And I had this idea, so I just want you to trust
17 me. And remember, I just want you to feel good and
18 whatever.

19 And I was like, what are you talking about?

20 I wanna -- I want to talk to you. I want to talk
21 to you, and he said no.

22 Listen, have you worked out today?

23 And I said no.

24 And he was, like, okay, I promise you this will
25 be so great, whatever. Just take these clothes and go put

1 them on. Take off everything else and put on these clothes
2 and then follow me downstairs.

3 So I did it. Went into his spare bathroom in his
4 kitchen. I put on this -- it was his t-shirt that he had
5 cut like a little slit at the top, and then pajama pants,
6 his pajama pants.

7 Q. What were you wearing that day?

8 A. My work -- it would have been my black pants and
9 a black shirt.

10 Q. Black pants, black shirt?

11 A. Uh-huh.

12 Q. Just your normal work outfit?

13 A. Yes. So I followed him downstairs, and --

14 Q. Was the t-shirt white again?

15 A. Yeah, white.

16 Q. White. And how were the --

17 A. It had like a little slit at the top.

18 Q. Okay. Slit at the top, and then the pajamas,
19 striped, plain white, if you can recall?

20 A. I can't recall. I mean --

21 Q. Okay.

22 A. -- I know that they were, like, neutral color.

23 Q. Neutral?

24 A. Male. Yeah, they were definitely guy's pajama
25 bottoms.

1 Q. Okay. Go ahead.

2 A. So I followed him downstairs. And he said, I
3 want to teach you how to do a proper pull-up.

4 And I could tell he had something sexual in mind,
5 but I felt like, oh, I had already told him I'm not
6 cheating on my husband, so whatever he has in mind,
7 he'll -- he'll respect my boundaries and whatever.

8 So up until this point he was a perfect guy to
9 me, so . . .

10 Anyways, he tells me, put my hands up on the
11 rings and starts putting this, like, gauze stuff, like
12 sports tape, around my hands to keep them to the rings.

13 Q. Uh-huh.

14 A. But it wasn't actual tape, so I wasn't --

15 Q. It was like gauze tape?

16 A. Yeah. And then he says, I'm going to put a
17 blindfold on you.

18 He puts the blindfold on me.

19 And at this point there's, like, really no
20 talking. I really was standing there, like, I have no clue
21 what the hell is going on. I'm probably just as much
22 turned on as I am fearful as I am curious. You know, I
23 don't even know. We hadn't kissed or anything.

24 Q. So you were fearful and you were also --

25 A. I was turned on. I was --

1 Q. Turned on?

2 A. -- fearful. I was confused. Very confused --

3 Q. Very confused?

4 A. -- more than anything.

5 Q. You were very confused about the situation?

6 A. Yeah. Like, how did this -- how am I even down
7 here? How -- this is literally the first time I have ever
8 been alone with him, other than that time in the -- outside
9 in the Central West End, but we didn't even kiss or
10 anything.

11 Q. Uh-huh.

12 A. So anyways, after he puts the blindfold on, he
13 tells me, first you need to know how to drink, and he tries
14 like -- he pours water in his mouth and he tries spitting
15 it in mine.

16 I guess I was supposed to kiss him or something,
17 and I just let it dribble out and just kind of stood there
18 like --

19 And he did it again and I still did nothing. I
20 just kind of, like, let it dribble out thinking, oh, my
21 God. I have no clue what's going on now.

22 And then he started kissing my -- kind of down my
23 neck and down my chest. And then once he got to, like,
24 right here on my chest, he took the shirt and ripped it in
25 half, and then proceeded to kiss down my stomach.

1 And then got to the pants and pulled down my
2 pants, and then I was just standing there motionless like,
3 oh, my God. I have no clue what's going on.

4 And then --

5 Q. You're still blindfolded?

6 A. I'm still blindfolded.

7 Q. Okay.

8 A. And he steps back, I guess -- I can hear and see
9 at the same time a flash through the blindfold, and I hear
10 like a phone take a picture --

11 Q. Uh-huh.

12 A. -- a picture at least.

13 And he said, now, if you ever mention my name to
14 anybody, I will put this picture everywhere. I will put it
15 everywhere I can.

16 Q. His exact words were what? He said --

17 A. Yeah.

18 Q. -- what you just told me. I mean, I have to get
19 it down pat. I don't want to paraphrase it. He said --

20 A. If you ever mention my name to anyone, I'm going
21 to take this picture and put it everywhere I can so
22 everyone will know what a little whore you are.

23 Q. Take this picture and put it -- so that everyone
24 will note (sic) --

25 A. Will know what a little whore you are.

1 Q. Go ahead.

2 A. So I just stood there and didn't say anything.
3 And he walked over to me and said, so are you going to say
4 anything?

5 And I didn't say anything at all. I was quiet.

6 And then he spanked me and said, are you going to
7 say anything?

8 Q. Spanked you on your buttocks?

9 A. Yeah. And I just said no, like that, like
10 seething through my teeth.

11 So then he -- it was as if he was just still
12 going to go on with whatever he had planned and started
13 kissing down my stomach again. And as soon as he got to
14 like my genital area --

15 Q. Uh-huh.

16 A. -- I just started freaking out and started
17 ripping my arms out. I was like, I don't want this. I
18 don't want this. I'm not ready for this. I don't want
19 this.

20 And he -- he was like, Witness 1, oh, my God, oh,
21 my God. Here. And he was helping me take my arms down as
22 I was ripping them off.

23 And I was like, I'm leaving, and went to go
24 upstairs, and he took me in his arms and was, like, no, no,
25 Witness 1, Witness 1, you can't leave like this. You can't

1 leave. Come here.

2 And lays me down on the ground where I'm laying
3 on his, like, basement floor in the fetal position. And he
4 was -- I'm crying, like, hysterically at this point.

5 And he was like, shush, it's okay. It's okay.
6 It's okay. It's okay.

7 And at this point just really coaxing me like a
8 wounded little animal on the ground, I don't know, is how I
9 felt.

10 And I just kept saying, I'm not ready for this.

11 And at this point he proceeds to undo his pants
12 and take his -- take himself out of his underwear or
13 whatever.

14 Q. He took his penis out of his underwear?

15 A. Yeah.

16 Q. Okay.

17 A. And, like, put it near my face and I gave him a
18 blow job at this point.

19 To finish, as far as I remember, the whole
20 time -- at this point I hate him in my mind. I think he's
21 disgusting. I hate him. I can't believe I'm down here.

22 Q. You felt disgusted?

23 A. I just felt super degraded, really disgusting.

24 Q. Okay. You felt super betrayed?

25 A. I just couldn't believe that he was still turned

1 on --

2 Q. Uh-huh.

3 A. -- and had no clue how pissed off I was.

4 Q. Uh-huh.

5 A. Thank you.

6 But I just felt like I'm going to do this and
7 he'll be satisfied that he had his little whore, and I'm
8 going to leave and I'll never see him again, was what was
9 going through my mind at this point, you know, just like,
10 ah --

11 Q. So he seemed to be enjoying what he was doing to
12 you, having you go through?

13 A. Yeah. He definitely was not upset at this point
14 at all.

15 Q. Okay.

16 A. I mean, he seemed worried whenever I was pulling
17 down my arms, because he helped me, and then, like I said,
18 laid me on the ground.

19 Q. Uh-huh.

20 A. Yeah. Laid me on the ground and was like, shush,
21 it's okay. It's okay. It's okay.

22 So then after that I got up and just walked
23 upstairs. He didn't stop me. I went to the bathroom and I
24 changed back into my --

25 Q. Regular clothes?

1 A. -- regular clothes, and I got my purse and left,
2 just left.

3 And as soon as I got to work, I realized I
4 freaking left my keys there, because I had set them -- or
5 he had set them separately on the countertop.

6 Q. So you walked to work --

7 A. Yeah.

8 Q. -- from there?

9 A. It was like a block away.

10 Q. Okay.

11 A. He lived really close.

12 And then after work -- so all day long I just
13 kept hoping he's going to bring my keys up here. Because
14 he had told me, you can never call me, after I had called
15 him, you know, from my work, and then we talked a couple of
16 times.

17 So I just sat there all day thinking he's going
18 to bring up my keys, something, then realized I had to go
19 back there to get my keys because I couldn't leave.

20 So I just walked back there and went to the back
21 door, and he was waiting in the kitchen. Like I said, he
22 knew when I was getting off work that day.

23 Q. When was this?

24 A. That was the same day.

25 Q. Same day --

1 A. Yeah.

2 Q. -- when you went back over to his house?

3 A. To get my keys at this point.

4 Q. After work?

5 A. After work. It was like four p.m., and he was
6 waiting in the kitchen. And he was back to the normal
7 person who I had met, you know, and seen for so long where
8 he was just kind and -- as soon as I walked in, I was just
9 like, I am so pissed off. I am so pissed off at you.

10 And he was like, I know. I know. I've been
11 thinking about you all day, and, you know.

12 And I said, you freaking took a picture of me.
13 I haven't even let my husband take pictures of me.

14 And he said, I know, but it was just to protect
15 myself, Witness 1. You know, I'm running for governor, and
16 you have no clue what people would do and -- so I was just
17 protecting myself, and I deleted the picture.

18 So to which, of course, I did not believe him
19 that he deleted the picture, because he freaking took it
20 like that, but --

21 But I also believed that he was sorry. I
22 believed all of those things enough to where, you know, I
23 left that day not as mad at him, but left that day with the
24 understanding that we would not see each other again, like
25 that, but that he still wanted to come in and get his hair

1 cut with me.

2 And that night I was supposed to go out with a
3 friend of mine, and she came over to my house. I told her,
4 you know, come over to my house instead. I need to talk to
5 you.

6 Q. What was her name?

7 A. [REDACTED]

8 Q. [REDACTED]

9 A. That's [REDACTED] No. [REDACTED]

10 Q. [REDACTED] was the one you told about it?

11 A. Yeah.

12 Q. Okay.

13 A. [REDACTED] -- [REDACTED] are the ones that I
14 told about him, like, rubbing my leg up to my crotch that
15 day or whatever.

16 Q. You told both of them about that as well?

17 A. Uh-huh.

18 Q. Okay.

19 A. So -- but [REDACTED] is the one who came over that
20 night, and I just, like, bawled my eyes out. I told her
21 all of it.

22 And, of course, she was, like, Witness 1, there's
23 no way he hasn't done this before. Stop.

24 You know, I think in her mind she was just so
25 angry at what had happened to me, but I was trying to -- I

1 still had feelings for him.

2 And I was so confused at this point and felt just
3 disgusted at the whole thing and didn't really know how to
4 feel about it.

5 But anyways, I told her, I think I need to tell
6 my husband, because I was -- I just felt so guilty and
7 disgusting and whatever. So she didn't really have an
8 opinion either way.

9 So that night she just stayed with me -- I think
10 that was the night she stayed with me all night long. I
11 could not sleep.

12 Then the next day I think -- it was the second
13 day that I told my friend, Witness 2.

14 Q. Who?

15 A. Witness 2.

16 Q. What's her full name?

17 A. Witness 2.

18 Q. (Spelling)?

19 A. (Spelling of Witness 2's name).

20 Q. (Spelling)?

21 A. (Spelling)

22 Q. Okay. Is that (spelling)?

23 A. Just (spelling).

24 Q. Okay.

25 A. And then I told her I still hadn't slept and that

1 I think I need to tell my husband.

2 To which she said -- so I knew her and -- or she
3 and her husband through my ex-husband.

4 They just weren't friends with him anymore.

5 Q. Uh-huh.

6 A. And she said, you know, you can't tell him
7 because, Witness 1, he is crazy and he will do whatever he
8 can to hurt you. And this guy sounds like he's crazy, so
9 you -- don't -- don't do it, Witness 1. Just --

10 So I went another day. I believe it was, like,
11 three or four nights with zero sleep at this point. And I
12 just thought this -- the only way to sleep again is to tell
13 my husband. I need to tell him.

14 So I called him and said, I need to talk to you
15 about something that's really sensitive. Can we meet?

16 And he said, yes, we could meet. Because at this
17 point he was still staying at his brother's. We were still
18 separated.

19 So we met in the parking lot and I got into his
20 car.

21 Q. The parking lot of the salon?

22 A. No. It was a grocery store.

23 Q. A grocery store?

24 A. By our house.

25 Q. You got into his car?

1 A. Uh-huh. Yeah, because he was in the driver's
2 seat.

3 And I took him through everything except for the
4 very last part where I gave him oral, Eric. Because that
5 was the part that I knew, A, he's going to, you know, hate
6 me and I feel so degraded. I feel so disgusting, whatever.

7 Anyways, I eventually told him about it once we
8 were back together, but other than that, I told him pretty
9 much everything.

10 Q. Everything?

11 A. And the other thing that I know I did not tell
12 him all of was when I told him about him taking the
13 picture, I didn't say that he called me a whore, because I
14 also thought, he's going to -- I knew that my husband would
15 flip either way, but not -- you know, I was just hoping
16 that he would have empathy or whatever or understand.

17 To which then that day he told me, and then the
18 following days, he really could not be with me now because
19 I was disgusting and a whore, and he needed to get an
20 apartment.

21 So then he got an apartment in April for, like, a
22 three-month lease or whatever, and --

23 Q. April 2015, right?

24 A. Uh-huh. Yes.

25 Q. Okay.

1 A. So then it must have been maybe a week later, a
2 week after this happened, or two weeks after I had seen
3 Eric --

4 Q. Uh-huh.

5 A. -- he came in for a haircut, and I had not spoken
6 to him at all in the interim.

7 And when he came in, of course, he was that
8 normal guy again. And I described to him that when I saw
9 him that first time, you know, at, like, seven a.m. -- he
10 just has this testosterone surge is what it seems like,
11 where he really does not seem like the same person.

12 You know, so the guy who was so kind and so
13 charismatic all of a sudden is just like just filled with
14 testosterone and rage almost, you know.

15 So like I say, whenever I came back that day, he
16 was so -- he seemed normal again, and then when he came
17 into the salon -- other than him pretty much, each time I
18 saw him in the salon, making sure you haven't told anybody,
19 have you?

20 Q. He kept asking you that, you haven't told anyone?

21 A. Every single time I saw him.

22 Q. Okay.

23 A. Yeah. You haven't said anything? No.

24 So other than that, he was normal and just told
25 me, Witness 1, I can't quit thinking about you. I want to

1 see you again. When can I see you?

2 And then as far as I remember, the next time I
3 saw him was at his next hair appointment he asked -- so --

4 Q. How -- how often did he come in for hair
5 appointments, every two weeks?

6 A. During this time right afterwards?

7 Q. Uh-huh.

8 A. Like after he came in that time?

9 Q. Uh-huh.

10 A. He probably came in every two or three weeks.

11 Q. Okay.

12 A. Normally probably every three to four weeks.

13 Q. Uh-huh.

14 A. But we didn't have a lot of communication
15 between -- because, you know, we didn't call or text like
16 normal.

17 So then the next time I saw him was for his next
18 appointment. I came in early to the salon and -- where we
19 were the only people there. I opened up the door. He came
20 in, and that time -- I did kiss him that time. I was
21 willing -- at this point I thought, my husband is --

22 Q. And this was several weeks after this incident?

23 A. After the first incident?

24 Q. Yeah.

25 A. Probably like a month later.

1 Q. Month later. That's when you kissed him?

2 A. And then I kissed him, and we basically made out,
3 and then I cut his hair, then my coworker showed up, like,
4 20 minutes later or whatever.

5 Q. Did you just kiss him?

6 A. Just kissing and, like, kind of handsy stuff, but
7 we were clothed, yeah.

8 Q. Uh-huh.

9 A. Yeah. So -- and that time I felt like, okay, no,
10 maybe I was wrong. Maybe he is normal and that wasn't that
11 horrible or whatever.

12 And then the next time was, I was sitting outside
13 of the salon on, like, the fountain outside of [REDACTED]
14 reading a book, and he drove by and asked if -- or told me
15 to come here, he wanted to talk to me. This was in between
16 haircuts too, so . . .

17 Q. Between haircuts you saw him?

18 A. Yeah. So this would have been probably sometime
19 in May.

20 Q. May 2015, okay.

21 A. My guess, yeah. And he told me to come here. He
22 said, you look so beautiful sitting there. I want to see
23 you. Can you come over tonight?

24 And I told him I didn't know, you know, because I
25 had to get back to my kids, but maybe I could come by

1 before I got my kids.

2 And so after work that night, I went over there
3 for a short time, because I did have to leave, maybe 30
4 minutes or something, 45 minutes.

5 And that time was sexual in nature. We did not
6 have intercourse, but we basically -- we were in his
7 bathroom and just like both of us participating in a sexual
8 encounter, I guess, just without intercourse, yeah.

9 Q. There was no sexual intercourse?

10 A. No. There -- yeah, no sexual intercourse. There
11 was never any sexual intercourse.

12 Q. Just oral sex?

13 A. Just oral sex.

14 Q. And the sexual nature at that time was oral sex
15 as well?

16 A. Right.

17 Q. You both participated in?

18 A. Both. And that time --

19 Q. In his bathroom?

20 A. In his bathroom. Other than -- you know, like I
21 said, he just kind of takes on a different persona or
22 whatever when he's like that, kind of testosterone. He was
23 fine that time. It wasn't scary to me.

24 Q. Uh-huh.

25 A. So then -- then in June when he came in for a

1 haircut, he had said he really wanted to see me at the end
2 of June because his wife was going out of town for a week.

3 But he also wanted to be able to talk to me too
4 during that week because she was going to be gone that
5 whole time.

6 And he bought a burner phone, or like a throwaway
7 phone or something to use during that week. I assume he
8 bought it that week, because I know I only talked to him a
9 few times on it or during that time.

10 Q. You should have his number?

11 A. I'm sure in my phone records it's in there,
12 because I remember the approximate date.

13 Q. When was this?

14 A. This would have been end of June.

15 Q. End of June?

16 A. Because I saw him twice when -- during that week
17 whenever -- it was in the beginning of the week, so let's
18 say if he said, I want to see you -- you know, she's gone
19 Friday to Friday.

20 On Saturday night after I had been out with some
21 girlfriends, I went over to his house. And that night at
22 first he seemed normal, and, you know, talking, whatever.

23 And then we went upstairs into his, like, spare
24 bedroom and were making out. And then he asked me if I had
25 slept with anyone, had I had sex with anyone?

1 And I said, yes, I have, with my husband.

2 Because at some point I had. I don't know. And he slapped
3 me across my face. And not like playful like.

4 Q. Uh-huh.

5 A. Like what the fuck did you just do? You know,
6 like, slap me across my face.

7 And to which I said, you know, you're married.
8 What -- what are you talking about, you know?

9 And then as far as I remember, we talked about
10 that. Because I asked him if he was maybe screwed up from
11 being in the war? Like what -- that was so bizarre to me
12 that he would think that that was okay.

13 And then I left. I left that night.

14 And then -- but I guess we had talked long enough
15 afterwards that -- it's not like I got up and left right
16 after that.

17 Q. Uh-huh.

18 A. So then the next time that I saw him was a couple
19 of days later, before work. He asked if I would come over
20 and we could work out together in his downstairs gym or
21 whatever.

22 So I came over in the morning before I had to be
23 at work and --

24 Q. You had to be at work again at seven?

25 A. No. It would have been more like eight or so.

1 Q. Eight or so?

2 A. Yeah, because it -- the only day I have to be
3 there that early is on Saturdays. And this would have been
4 during the week, so I probably had to be at work at ten
5 would be my guess.

6 So I came in, and at first we really did just go
7 through a workout and it was fine, and then it turned. And
8 then it turned sexual and we were -- at this point at least
9 I was -- I don't know if he was nude, but I was nude.

10 We were not having sex, but it was -- we were in
11 a position that kind of looked like doggy-style, and he
12 was --

13 Q. Uh-huh.

14 A. And so he was behind me and, like, fingering me.
15 And all of a sudden he, like, I don't know, just lost it or
16 something and shoved me and smacked like the -- slapped me
17 on my butt at the same time to where I fell over, like,
18 rough to where it instantly made me start crying.

19 And I just laid there crying, like what the heck
20 just happened? And was just like, you can't be rough like
21 that. What are you doing?

22 And that time he also just seemed like, I don't
23 know what's wrong with you, you know.

24 I mean, it wasn't -- I don't know. There wasn't
25 a whole lot of conversation other than I'm crying on the

1 ground and this is, you know -- now we're in this
2 uncomfortable --

3 Q. So you're on the floor again?

4 A. Yeah.

5 Q. Go ahead.

6 A. And then I got ready for work and I left for
7 work. And then when I was leaving work that day, he was
8 waiting outside and told me I needed to follow him.

9 He was waiting outside my work, and so I got in
10 the car and followed him to a parking lot.

11 Q. Parking lot whereabouts? What parking lot?

12 A. Manchester. Like by that Kmart on Manchester
13 and -- I don't know. Manchester -- past Manchester and
14 Kingshighway further.

15 Q. You think it was Manchester near the Kmart?

16 A. Uh-huh. And he told me to get in his car. And
17 whenever I did, he said that somebody e-mailed his wife
18 earlier that same day and said they saw a woman -- or that
19 a woman was in his house.

20 And he told me -- and at this point he was, like,
21 panicky, kind of freaking out. And he told me, listen, I
22 told her that you came by to get a signed book for your
23 daughter. So if anybody asks, that's what it is. It was a
24 signed book for your daughter, that's what you were doing.

25 Because at this point he thought it was, you

1 know, democratic operatives or, you know, people in his
2 neighborhood that -- he said he had some neighbors that
3 were always trying to find something.

4 He was, like, you know, I knew if this got out,
5 you know, this is what happens, so that I should -- but,
6 of course in my mind I'm thinking, no, whatever. This is
7 my -- this is my husband, because I knew he was having me
8 followed.

9 Even though we were not living together, he was
10 constantly asking me now, because I knew I had already told
11 him that initial time that I saw him, so he was asking me,
12 have you seen him? Has he been in to get his hair cut?

13 You know, I knew he was obsessed enough about it,
14 and he had dropped little hints that he knew where -- you
15 know, who are you out with tonight? You know, he knew what
16 I was doing, so --

17 When I left that day, I had just said, you know,
18 okay, because he told me he was leaving, flying to go see
19 his wife to convince her that everything was okay, and told
20 me we should not see each other, but he still wanted to
21 come into the salon.

22 And so I said, no, don't come into the salon.
23 Just -- this is it. Like, just don't -- don't come in.

24 So he left that day, and then a couple weeks
25 later my ex-husband, or husband at the time, and I went to,

1 like, a mediator to talk about our divorce, and --

2 Q. Is the mediator's name [REDACTED]

3 A. That was our marriage counselor for four years
4 prior.

5 Q. Oh, four years prior, okay.

6 A. I mean a long time.

7 Q. A long time.

8 A. On and off. We saw a different counselor, and
9 then [REDACTED] Yeah. No, he was a marriage counselor.

10 Q. Okay. Did the mediator -- you mentioned
11 mediator?

12 A. So -- yeah, the mediator, like an attorney to
13 talk about how to move forward with our divorce.

14 And at this point I knew for sure I am not going
15 to see Eric again in that context. And after the mediator,
16 like that next day, I said to my husband, is there anything
17 that we have left to salvage? Do you think that we can
18 work on anything at this point?

19 To which then he told me, well, he would have to
20 think about it, because, you know, whatever.

21 So I -- that following week he decided, yes, he
22 did want to work on things with me and -- but he had to be
23 honest with me as long as I was honest with him, that he
24 had -- which was that he had been with -- he had been
25 sexual with five women during this March to July separation

1 that we had, including one that he was dating at the time.

2 He had just met her a couple of weeks before, but
3 he had planned a trip with her, like, that following week,
4 and so he would have to cancel the trip if he decided to
5 work on things with me.

6 So then he decided, yes, he's going to, but now
7 that he's told me all this, I need to tell him the truth,
8 which was -- and that's kind of what he interrogated me for
9 the next few months about every detail of anytime I saw
10 him, because I kept saying, I did not have intercourse with
11 him. I didn't have intercourse with him.

12 So that was July. And then we were, you know,
13 back together until October, so then from July to October I
14 did not see Eric.

15 I did save -- there was one -- at one point in
16 August he tried to FaceTime me, to which I showed my
17 husband.

18 And just said, look, I'm not -- I'm just --
19 because I was an open book from July until, you know,
20 October. I said, I just want you to know he tried to
21 FaceTime me. I didn't talk to him.

22 Other than that, that was it. Never saw him.

23 And then in October he walked by the salon and
24 came in and asked if he could get an appointment with me.

25 And they said, Witness 1 has a cancellation after

1 this client. You can come in then.

2 So he came in that day, or if he stayed or
3 whatever, and whenever he sat down, I just said, listen,
4 I'm back together with my husband, which, of course, he
5 was, you know, instantly, did you tell him? You didn't
6 tell him anything, did you?

7 You didn't mention me, did you? He doesn't know
8 anything, because, you know, my wife doesn't know anything.
9 She believes what I told her or whatever.

10 So let's see. So then I came home that -- well,
11 sorry. So then he told me, you know, I just can't quit
12 thinking about you. I want to see you.

13 And I just told him, I can't open this door. I
14 can't go back here. You've got to leave me alone. You're
15 still married. I'm in the middle of this, you know,
16 craziness with my husband. Just leave me alone.

17 When I went home that day, I told my husband, as
18 I promised, that if I see him ever again, I will tell you.

19 I told him about it, and he, you know, flipped
20 out telling me I was wrong, that I shouldn't cut his hair,
21 that he can't be with me because this is never going to
22 end.

23 So I said, fine. I will send him an e-mail, and
24 I think he will get the hint, because he had told me, do
25 not contact me.

1 And so I sent an e-mail just basically saying,
2 please, leave me alone, and don't come into the salon at
3 all. Because I knew -- there was -- there was a period of
4 time I don't -- I told him don't come to me, and he went to
5 one of my coworkers for a while. This was in between March
6 and July.

7 So I told him, don't even come into -- don't come
8 into the salon at all.

9 And that was, like, middle of October.

10 Q. October 20th you sent to his personal e-mail,
11 right?

12 A. Yes.

13 Q. Okay.

14 A. And he didn't e-mail me back. I never heard from
15 or saw him again.

16 Q. After October?

17 A. After October.

18 Q. Now, just -- I got everything I need here.
19 Now the people you confided in, can I get the
20 names?

21 A. [REDACTED] I confided everything to her.

22 Q. Is that a woman I take it?

23 A. [REDACTED]

24 Q. How do you spell it? [REDACTED] --

25 A. [REDACTED] I

1 saw her all the time. She's my best friend.

2 Q. She still works there?

3 A. She -- no, she works at a different salon now in
4 Clayton.

5 Q. Do you have her contact information?

6 A. Yes.

7 Q. She willing to talk?

8 A. She said she would if I asked her to.

9 Q. Will you ask her to?

10 A. (Witness nods head.)

11 Q. Okay.

12 A. And then Witness 2.

13 Q. Witness 2?

14 A. Yeah.

15 Q. You got her contact information?

16 A. Uh-huh.

17 Q. Is she willing to talk?

18 A. Yeah.

19 Q. Who else?

20 A. And then [REDACTED]

21 Q. [REDACTED] the one that has the DC phone number?

22 A. Yes.

23 Q. Is she here now?

24 A. Yes, she's in St. Louis.

25 Q. She willing to speak to us?

1 A. Yes.

2 Q. Do you have her contact information too?

3 A. Yes.

4 Q. Okay.

5 A. Those were all the people I told before my
6 husband.

7 Q. Before him?

8 A. Yes.

9 Q. Who did you tell after?

10 A. Well, then he -- I didn't tell anybody after
11 until he did. So then in June he sat my whole family down
12 while I was out of town and told them everything I told
13 him.

14 Q. June 2015?

15 A. June 2015. So my mom and two sisters. I don't
16 know exactly who all was there. Of course, my whole family
17 knew within, like, two minutes. I know my mom and two
18 sisters.

19 Q. Anyone else that you told the story to?

20 A. Not until -- [REDACTED] is her --
21 or [REDACTED] actually. She got married.

22 [REDACTED] So she and her husband --

23 Q. What is it?

24 A. So [REDACTED]

25 Q. [REDACTED]

1 A. --b-y.

2 Q. --b-y. [REDACTED]

3 A. Yeah.

4 Q. Okay.

5 A. So she and her husband, [REDACTED], were -- were
6 friends with my ex-husband, so he told them -- he told
7 anybody that would listen.

8 Q. So they were told by your ex-husband?

9 A. But [REDACTED] and I are friends, so she came to me.

10 Q. Okay. And told you that your ex-husband had told
11 them everything?

12 A. Yeah. So then I had talked to her around that
13 time too.

14 Q. So you told her everything?

15 A. Yeah. And then the only other people I have told
16 would have been a year later, year and a half later when he
17 won the seat, the governor seat, because I wasn't quite as
18 scared.

19 Q. '16? November 2016?

20 A. So after he won, then I specifically remember
21 telling a group of girlfriends. We were having dinner
22 together, and I was really, really, really emotional during
23 this time period. Because, you know, during that time
24 period, I didn't want to talk about it with anybody because
25 I was scared that --

1 Q. Uh-huh.

2 A. I knew my ex-husband was already telling people,
3 and if Eric hears about this, who knows what he'll do,
4 because --

5 Q. So you were scared because --

6 A. Yeah. Yeah. What -- what extent would he go to,
7 you know?

8 Q. With the ex-husband disclosures, right?

9 A. Yeah.

10 Q. That you were afraid of being (inaudible)?

11 A. It's going to get back to Eric, or my ex-husband
12 is going to do something, because at this point -- after
13 October -- I should back up.

14 After October -- the reason why we went through
15 with the divorce is because after I sent that e-mail, he
16 said he still couldn't be with me.

17 Q. Uh-huh.

18 A. At this point I was so exhausted hearing I'm a
19 whore, everything is my fault, being interrogated all the
20 time about these instances that I had seen Eric.

21 And so I said, that's fine. If you want a
22 divorce, I've done everything you've asked me. I'm so
23 exhausted. I can't do this. That's fine.

24 And then he told me, well, wait, wait. You are
25 right. Because I had asked many times throughout this

1 time, you sure none of these women are still in your life
2 or anybody new?

3 So then in October after I sent that e-mail and I
4 had been so forthcoming or whatever, he said, yes, there is
5 another woman in my life.

6 And, yes, I was with one of the other women of
7 the previous five again after we were back together. And
8 that's the woman who he was with, is the woman who he's
9 still with now.

10 So at that point -- who was a married woman too
11 with two kids. And so I was just like, oh, my God. This
12 is too much.

13 Q. Is this the [REDACTED]

14 A. Yeah. Yeah. So then that -- at that point it
15 was like, end it. We're getting divorced.

16 So that was it. He moved out shortly after
17 permanently.

18 So anyways, yeah. And then I -- so I really did
19 not talk about it. I really just tried to avoid it, the
20 whole subject. I wanted to move forward and didn't want to
21 think about either one of them.

22 Q. Uh-huh.

23 A. My ex-husband made it very clear many times. You
24 know, I -- so I had no clue that he recorded me at any time
25 until -- like, my guess is either during that time that we

1 were back together or right after when we were getting
2 divorced he told me, I could ruin you and him at any
3 moment. It would take me 30 seconds and you guys would be
4 ruined.

5 Q. Okay. The next point that I wanted to address is
6 your husband and specific threats that -- or you felt they
7 were threats or -- I don't want to put words in your mouth.

8 When he approached you, how did you feel?

9 (Inaudible) in conversation I'm asking you, did you feel
10 threatened or embarrassed or what?

11 You have to tell me exactly what you were feeling
12 when he said I can ruin you and all this; how did you feel?

13 A. Petrified, because I also knew that Eric wasn't a
14 normal person, so the second that he knows that I told
15 Witness 3, you know, who knows?

16 At this point I really was afraid of anything,
17 especially before he won, during that year or whatever
18 before he won while he was campaigning.

19 Q. You were afraid the whole time?

20 A. Oh, yeah. And especially anytime my ex-husband
21 brought it up, which was anytime he could. During this
22 period of time, you know, say things like -- of course it
23 was always you ruined our family. You're a homewrecker.
24 You deserve anything coming to you. You know, and I could
25 ruin you at any moment.

1 So at some point he had said to me, I could ruin
2 you at any moment --

3 And I said how?

4 -- Eric and you both.

5 And I said, how?

6 Because the way he threatened it, and that's the
7 way -- you would just have to know my ex-husband. He's the
8 type of guy who will be like, you don't even know. He's
9 just that kind of guy.

10 Q. Uh-huh.

11 A. And I said, how?

12 And he said, because that day I recorded you.

13 And I believed that he did, but also hadn't heard
14 it, so hoped that he's -- please tell me, A, you can't
15 understand me, or that B, he really would not do that. He
16 wouldn't do that, would he?

17 Q. And when did you discover that he did?

18 A. The day it came out.

19 Q. So how did -- I need to back up.

20 When you told -- when you told your friends, your
21 girlfriends, you told them everything?

22 A. [REDACTED] remembers me telling her pretty much
23 everything. Witness 2 and [REDACTED] I asked them, because I
24 was trying to -- because it was kind of hard to remember
25 everything.

1 Q. Uh-huh.

2 A. And so I asked them, what did I tell you?

3 And they just remember that he was creepy and
4 took a picture and blackmailed me with it. Because they
5 both were like, this dude has done this before, Witness 1,
6 and --

7 Q. Did you relate that -- did you relate that he --

8 A. Slapped me?

9 Q. -- slapped you?

10 A. So neither one of them remember that.

11 Q. Uh-huh.

12 A. [REDACTED] I believe [REDACTED] does remember it. I
13 think [REDACTED] and Witness 3 were the only ones. I did tell
14 my ex-husband.

15 Q. You told him?

16 A. I told him when we were back together.

17 Q. When?

18 A. When he kept interrogating me and asking me, you
19 know, just anything that he could ask me about each time
20 that I was with him and every detail, how I felt. Did
21 you -- I mean everything you can imagine.

22 Q. Specifically when your husband voiced his words
23 to you, did you feel threatened by that?

24 A. Yes.

25 Q. Did you feel intimidated by that?

1 A. Yes.

2 Q. And why did you feel like that? In what ways did
3 you --

4 A. Because I knew he was malicious.

5 Q. Okay.

6 A. He was so -- he's the type of person that, I
7 mean, really and truly we have had marital issues for years
8 before.

9 So many of our friends and family were not
10 shocked when we were getting divorced. I had asked for a
11 divorce the year before and in the year before that.

12 And so -- but in his mind -- and anybody who knew
13 us knew -- anyways, kind of like there was more.

14 Q. And him being malicious, in your own words, you
15 felt that he would --

16 A. He would do whatever --

17 Q. -- take information to make you look bad and
18 embarrass you in public?

19 A. Positively.

20 Q. Positively?

21 A. Because in his own words many, many times I am a
22 homewrecker. I am -- I am a whore. I am --

23 Q. Those were his exact words to you?

24 A. So many times.

25 Q. And he was going to make this public?

1 A. Oh, yeah.

2 Q. To embarrass you?

3 A. Many times.

4 Q. Did you ever ask him about considering, you know,
5 the children --

6 A. Many times.

7 Q. -- and your reputations and everything?

8 A. Many times.

9 Q. What did he say to that? He didn't care?

10 A. He said I ruined our family.

11 Q. So he blamed you?

12 A. Hundred percent. And so I already ruined our
13 family.

14 Q. So --

15 A. I ruined our family.

16 Q. And that's all he would tell you, that you ruined
17 the family?

18 A. You should have thought about that before you
19 were a homewrecker and you went into another woman's house
20 and you did what you did, Witness 1.

21 Because in his mind, him being with other
22 women -- even before I was with Eric, he was with two other
23 women.

24 Q. Uh-huh.

25 A. In his mind, because I asked him initially to

1 move out into his brother's house. Before I had even done
2 his hair that day, I asked for a separation. I -- I went
3 out and had a relationship. I ruined our family, and I
4 would suffer. I would pay.

5 So throughout the past few years -- I mean, you
6 could probably meet countless people who he sat down to
7 tell them how disgusting I am, you know, what a whore I am.

8 Q. And so what he's done, he's actually gone out in
9 the -- in the -- in the public and spread this information
10 about you?

11 A. And he has also -- so I didn't -- I knew at the
12 time, because friends were saying, I don't know what's
13 wrong with him, but, you know, he keeps Tweeting stuff.

14 I don't have Twitter. You know he keeps Tweeting
15 stuff, but remember, this was during that period of time
16 where I was trying very hard to ignore everything, so
17 Witness 2 and [REDACTED] --

18 Q. And he was Tweeting this?

19 A. Through his public account. My ex-husband is a
20 local celebrity.

21 Q. Uh-huh.

22 A. So has, you know --

23 Q. He's got a public Twitter account?

24 A. Oh, yeah, with a huge following, and was Tweeting
25 stuff like Eric Greitens is a homewrecker.

1 Q. And he was Tweeting and saying things about you
2 as well?

3 A. Just, you know, like you're -- you were with
4 your -- how is your hairdresser and stuff like that, just
5 trying to, like --

6 Q. So he was doing this Twitter stuff about Eric
7 Greitens?

8 A. In the hopes that -- he was hoping that this
9 would come out, but he -- he was -- okay. So during this
10 time -- during this period of time from the time that we
11 were separated-separated until Eric won, my ex-husband has
12 gone around telling anybody who would listen, A, the story
13 about he is crazy. I'm a whore, all of this stuff, and
14 that he was going to -- or that he paid money to keep it
15 quiet.

16 Q. That Eric paid money or that --

17 A. Who knows? My ex-husband said -- no. My
18 ex-husband said he paid somebody lots of money to keep it
19 quiet.

20 He tried to tell me something of the sorts
21 like -- so -- but any time he ever tried to talk about it
22 or even text about it, I just texted him -- I either didn't
23 text him back or I would say, you need to stop. Nothing
24 else.

25 So during this time -- this had to have been

1 right around the election -- my ex-husband came over -- I
2 have no clue -- to pick up the kids. I don't know what it
3 was. It might have been one of the times he was trying to
4 take the TV off my wall.

5 Q. Uh-huh.

6 A. Really, he was just going through -- anyways, he
7 said -- that was one of the times in particular that he
8 said, you don't even know what I have been dealing with.
9 And, you know, I had to get a gun recently.

10 And I said, what do you mean?

11 And he said, you don't deserve any of this. You
12 ruined our family, whatever, but I protected you and I paid
13 all this money. I paid thousands of dollars. You don't
14 even know. You don't even know.

15 But meanwhile -- and I heard that from a couple
16 of friends, just so you know, and my sister even. He told
17 my sister this. Back up.

18 My sister's husband and he were in the same band
19 together until a week ago.

20 Q. A week ago?

21 A. That's how I met him. That's part of the reason
22 why he was a local celebrity. My sister's husband is how I
23 met him. They have been together since they were
24 teenagers.

25 So he also relayed that to my sister's husband

1 and another bandmate, anybody that would listen, that
2 basically he was this hero, because he had paid money to
3 somebody to keep it quiet.

4 Q. Keep this information quiet?

5 A. That he --

6 Q. About you?

7 A. Right. That nobody had -- except for through
8 him, which is why I knew -- you know, he's -- at this point
9 he's trying to be the hero when he's really the villain.

10 So I had -- fast-forward. I had heard -- Eric
11 wins. I am just devastated because now at this point, A, I
12 know that my ex-husband didn't get what he wanted.

13 Q. Uh-huh.

14 A. I had heard from -- so let's see. One of my
15 clients is an attorney who said to me, Witness 1, I heard a
16 rumor -- this is right after he won.

17 Witness 1, I heard a rumor that I really hope
18 isn't true, and it involves you and it involves your
19 ex-husband and it involves Eric Greitens.

20 And I said, oh, my God. What did you hear?

21 And she said, well, one of my -- one of her
22 coworkers, either he or his wife worked on the Koster
23 campaign, and said that my ex-husband was going around
24 shopping this story about me and the governor and -- but
25 that it didn't get picked up because it was from this,

1 like, scorned ex-husband and so they weren't taking this
2 story.

3 Which is -- of course, that was my fear all
4 along, especially because I knew he was going around
5 telling anybody who would listen.

6 So at that time was really the first time I
7 started processing, even though I felt all along that
8 because I felt relieved, like, oh, thank God, finally. No
9 matter how hard he tried, he couldn't get it out. I can
10 move on and that was, you know, 2016.

11 Q. Uh-huh.

12 A. So then to the next year -- I mean, my ex-husband
13 texted me mean stuff randomly. You know, we would be
14 talking about signing the kids up for something and he
15 would say, you know -- bring it up again.

16 You know, well, you ruined our family, and, you
17 know, our kids are always going to suffer because -- you
18 know, he was just bringing it up, bring it up. And every
19 single time I would just ignore it, deflect, until -- and
20 this is a question I have if you guys have any clue as to
21 how this could have happened?

22 So August this year he bought a house with his
23 girlfriend. They have stayed together all this time.

24 Q. August 2017?

25 A. Yes. Uh-huh. And ever since August, other than

1 right before this came out in December, he texted me
2 something to the effect that he had al-- you know, so many
3 times before, but from August until December he was much
4 better behaved, you know, as far as texting me.

5 And I thought, oh, good. We're moving on. This
6 is -- he's finally not being horrible to me, until December
7 when he texted me, which was -- I do have those texts.

8 Q. Okay.

9 A. Everything before August is out of my phone.

10 How?

11 All of my old pictures -- there are pictures of
12 my kids that we sent back and forth --

13 Q. Uh-huh.

14 A. -- that's still in our text message thread from
15 2016. Meaning I've never deleted the threads. Those
16 pictures would go away.

17 The texts from before August are gone.

18 How is that possible, I --

19 Q. From your phone?

20 A. From my phone. So -- so one day we were going
21 back and forth about something a while ago that had to do
22 with the kids, and I just was, like, this is about the
23 kids. It was about a schedule or something. It had
24 nothing to do with this.

25 And he brought up, you know, how I -- again,

1 whatever, I'm a homewrecker or whatever he said. At that
2 time I remember specifically -- I went back, couldn't find
3 nothing before -- whatever -- it was like a couple of days
4 before that, all my texts were gone.

5 I knew positively I had not deleted these texts.

6 And then all of a sudden they came back.

7 So if there is any way that he could have control
8 over my texts, would be my fear. Because it doesn't make
9 sense, why would I have all of these pictures yet in my
10 text message threads, they're literally only images?

11 So because -- so back up. During this period of
12 time from, let's see, October -- so Eric won in October.
13 In March that -- those friends, [REDACTED] had
14 cancer in the past.

15 Q. This is March of '17?

16 A. Yes.

17 Q. Yeah?

18 A. Right, 2016.

19 Q. Eric had won, right? Didn't you say Eric had
20 won?

21 A. I don't remember.

22 Q. Eric won in November, right?

23 A. Yes.

24 Q. And you say in March?

25 A. So maybe it was March before. Hold on. Let me

1 think.

2 Q. I don't want to confuse you.

3 A. Yeah, I know. So it would have been maybe March,
4 April, May, June, July. I feel like --

5 Q. Was it before he won or -- you said after he won,
6 and then you said -- then you said March. I'm just trying
7 to see what --

8 A. I know, but would have been, like, this past
9 March, right?

10 Q. Yeah, March of --

11 A. So before. Yeah, this would have been, like, a
12 year and a half ago.

13 Q. March of '16?

14 A. '16.

15 Q. Okay.

16 A. My -- so our friends -- our mutual friend, he was
17 celebrating not having cancer for five years. So his wife
18 said to me, you're coming to his -- maybe it was last year.
19 Yes, this would have been last year.

20 Q. March of '17?

21 A. Yeah. Yeah. I'm pretty positive. That makes
22 more sense, yes.

23 Q. Okay.

24 A. Okay. So he -- anyways, she was having this
25 party and said to me, I want you to be there.

1 I said, well, you know, Witness 3 is still
2 bitter. He won't even look at me. I don't know if that's
3 a good idea.

4 She said, I don't care. We're closer to you
5 anyways. You better come.

6 So I came. And that's why I was trying to think
7 of the timing. The guy who I am currently still dating I
8 was dating at the time, and we had been together for, I
9 mean, at least -- at least eight months or something at
10 that point.

11 Because we had met -- I would say we met a few
12 months after Witness 3 and I were separated for sure in
13 October that year, 2017. We met at (inaudible) at four
14 months later in January, whatever.

15 So anyways, we had been dating for enough time,
16 but my ex-husband wouldn't even look at him. Never
17 introduced himself. Never said hi to him.

18 So this would have been, like, you know, a while
19 after we had been together. And we are at this party.

20 Q. When was your divorce?

21 A. When?

22 Q. When was it final?

23 A. So that -- so March of 2016.

24 Q. So March of '16 your divorce was final?

25 A. Wait. Oh, my God. I'm so confused. This is

1 2015. If October was the last time I saw Eric, it was that
2 March following October, because I believe I met [REDACTED] right
3 before that.

4 Q. So that would be --

5 A. That would be 2016.

6 Q. 2016?

7 A. That makes sense, yes. So then this is the
8 following -- yeah, because this was not around our divorce.
9 We had been divorced for a year.

10 Q. Okay. So March of --

11 A. 2016 or whatever.

12 Q. Yeah.

13 A. Okay. Yeah.

14 Q. Yeah.

15 A. So this past March, yeah. Because then he -- so
16 my ex-husband made it very clear to my friend, [REDACTED]
17 before the party he was extremely angry that I was going to
18 be there. He wrote her these long texts, which, of course,
19 she forwarded to me.

20 Q. Do you have those?

21 A. Yeah. That were, you know, essentially this
22 woman ruined our marriage. She ruined our family. She
23 should not be allowed here. She has no class if she comes.

24 To which she sent them to me, but said, listen,
25 we want you there -- or it was a surprise party at this

1 point. So she said, I'm telling you we want you there.
2 Don't -- you're coming, please, and please bring [REDACTED].

3 Because I also had never brought him around
4 anybody that was a mutual friend, because the girlfriend
5 had been around everybody, but I just didn't feel
6 comfortable with everyone coming around him.

7 So I -- we go. Everything was fine until the --
8 I was standing there talking to Witness 3's girlfriend,
9 [REDACTED].

10 And I said to [REDACTED], listen -- because she
11 said, yeah, I guess -- I guess this was an issue about
12 tonight or something.

13 And I said, yeah. I don't think you realize
14 how -- because at this point I had said hi to her plenty of
15 times and been cordial, but we had never spoken.

16 And I knew maybe if she knows how mean he's still
17 being to me currently about everything, making everything a
18 big ordeal, maybe she'll calm it down.

19 So I said, yeah, I don't think you really know
20 how bad it is still. It's still bad. He's still not kind
21 to me.

22 And she said, well, yeah, I know. Because he was
23 making a big deal to her that I was going to be there that
24 night.

25 Well, as soon as my ex-husband sees that I'm

1 talking to her, he comes and steps over -- and at this
2 point he literally wouldn't even look at me whenever we
3 went, you know, at anything with the kids or whatever.

4 And so he comes and steps in front of me and
5 looks and said, we're leaving right now.

6 And I said, you can't even look at me?

7 And he said, no, I'm not going to talk to a
8 little whore like you.

9 This is in front of everybody who is around at --
10 you know, this was a party with all of our friends and
11 family and whatever.

12 And to which then he stormed off, and his
13 girlfriend took his side and they leave.

14 It was at this point that I just was like, okay,
15 he's already won. Eric had already won. Because I thought
16 he's going to give up then.

17 So it was just clear that he still -- this is
18 still on his mind. He's still that obsessed for whatever
19 reason. You know, that this is all my fault. I am this --
20 I ruined it.

21 Q. Do you still feel threatened and intimidated by
22 him?

23 A. I haven't spoken to him at all, so I don't know.
24 And, of course, he's not texting me that stuff right now,
25 so I don't know.

1 I really only feel that way whenever he gets on
2 these rampages and texts and texts and texts and stuff like
3 that.

4 I am worried that he is probably angry right now
5 that he didn't get exactly what he wanted.

6 Q. You haven't deleted all of those texts?

7 A. None of them.

8 Q. None of them. Okay. We need to see those texts
9 to see if there's anything else.

10 Are any of those texts from -- and I need the
11 phone numbers and I need those e-mail accounts, which I
12 think I have on the ones you e-mailed Greitens on the few
13 times you did, and those phone numbers from him, the one
14 that you had the text messaging to the other phone which
15 you had that number too.

16 And so your husband mostly just texts. Did he
17 e-mail you a lot with his threats or comments or whatever?

18 A. No.

19 Q. It was mostly, like, texts?

20 A. Mostly texts.

21 Q. Okay. So you captured most of those?

22 A. (Witness nods head.)

23 Q. We need to get those.

24 Oh, yeah. We need to ask you one thing too.

25 When did all this information come out about you, about

1 your situation? When did it come out?

2 A. You mean January 10th or whatever, like just
3 recently?

4 Q. Yeah, recently. Was it --

5 A. Yeah. So I -- in December I was -- I had a weird
6 appointment on my book.

7 Q. Uh-huh.

8 A. And at this point I'm in a different salon, and I
9 only really see people who know me and book appointments
10 with me.

11 So I found it odd enough that I even told one of
12 my friends. Well, I also told another friend at that time,
13 [REDACTED].

14 Q. [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 A. Yes.

18 Q. You told him?

19 A. Her.

20 Q. Her? [REDACTED] [REDACTED]

21 A. [REDACTED]

22 Q. Oh, [REDACTED]

23 A. Yeah.

24 Q. Okay. [REDACTED] You told her?

25 A. Yeah, at that time. And then I -- she was part

1 of that girls' dinner that -- I was at a girls' dinner
2 after he had won that I told -- or she wasn't there that
3 night, but she is part of that group of girlfriends. And I
4 told the rest of them. So after he had won, and that
5 was -- that was it as far as who I had told.

6 Okay. [REDACTED] was in early in December, that
7 day. And I was, like, I had this weird appointment on my
8 books. I don't know who this is.

9 And so -- but, you know, kind of concerned
10 because that was weird. That doesn't happen. How you book
11 with me, that's pretty personal, so . . .

12 Anyways, this woman comes in, and my client
13 before her had drank too much and, like, fell into my
14 mirror.

15 Q. Uh-huh.

16 A. And so I was concerned about him driving home.
17 And so when she walked up, I was talking about it with
18 another worker there.

19 And I said, I'm so sorry. I'm Witness 1. It's
20 nice to meet you. I'm kinda shaken up because I'm worried
21 about my client.

22 And she said, oh, it's going to get a lot weirder
23 because I'm here, I'm working on a story. I'm a reporter
24 from Channel 4.

25 And I just started crying. I said no. No. You

1 cannot go here, please.

2 Q. And this is December?

3 A. This is December.

4 Q. 2017, Channel 4 reporter?

5 A. Yeah. I just started crying. I said, you have
6 to understand my -- because I knew -- again, because back
7 when my -- one of -- part of one of his threats was, you
8 know how many people I know in the media. I know people at
9 every news station. You know, so I -- because I knew he
10 was shopping around for the story.

11 So I just said to her, you have to understand, my
12 ex-husband is extremely vindictive.

13 And she said, yes, I understand that. All right,
14 you know, I'm sorry to hear that or whatever, but there are
15 these allegations that, you know, are disturbing.

16 And I said, that was a really, really traumatic
17 period of time in my life. I cannot relive this again.
18 I don't want to relive any of it. Please, I have kids. I
19 go to school full-time. I own my own business. I take
20 care of my house. Like, please, you have to just leave me
21 alone.

22 And she brought up a couple of the allegations,
23 which, of course, were directly from my ex-husband's mouth,
24 meaning it's -- you know, even if somebody was following me
25 around, they wouldn't have known those things except for I

1 told him in private about, in particular, the blackmail.

2 I don't think at that point she asked me about
3 him slapping me.

4 She asked if he had paid me off. That was the
5 only thing I did say, no, I haven't seen him at all. You
6 know, none of that since -- it's been years, but I
7 really -- I -- whenever she left that night, she left it
8 at --

9 Q. She left you her name and calling card and said,
10 call me?

11 A. Exactly. And I just said -- if I ever wanted to
12 talk, and I said, okay. And then at that point --

13 Q. You've got that information?

14 A. Yeah.

15 Q. Okay.

16 A. So then at that point I just -- I got a bunch of
17 missed calls the next few weeks. And one of my clients,
18 the very next day, stopped by my salon and said we need to
19 talk.

20 And then she met with me and just said, listen --
21 she's in politics, and just said, this is everywhere all
22 over Jeff City. Your ex-husband is trying to get this
23 story out, Witness 1, and I think it's going to come out
24 and you really need to tell your story.

25 And I was just shaking. I said, please, no.

1 I -- do whatever you can to not -- I cannot go here,
2 especially because I knew how badly my ex-husband wanted
3 this.

4 Q. And then it broke in January?

5 A. So then a whole month I ignored everybody, phone
6 calls, and I talked to my friend -- so [REDACTED]

7 [REDACTED]

8 Q. Name?

9 A. [REDACTED]

10 Q. She's [REDACTED]

11 A. Yeah. And I had talked to her and I told her --
12 she said, Witness 1, just -- if you don't say anything,
13 they're not going to release a story based on an
14 ex-husband's word.

15 And she said, is there any way that he would be
16 able to, you know, corroborate it without you?

17 And I said, well, remember, he threatened that he
18 had that tape.

19 And she said, did you ever hear it?

20 I said, no, but, you know, I know him. And he
21 absolutely would do something like that.

22 She said, well, for all you know it's probably,
23 like, staticky. You can't hear anything.

24 So it made me feel better.

25 And then I just ignored calls, and then the day

1 before it came out, that woman called and left a voicemail
2 saying, I just heard an audio of you and -- having a
3 conversation, and so other media outlets have it. You need
4 to -- you know, please call back and give a statement, or
5 we want to hear your story or whatever.

6 So I didn't call her back. I called [REDACTED]
7 [REDACTED] said don't, Witness 1, because, you know, yes, she
8 has something, but you don't know. Maybe it's really
9 blurry. You don't know what it is.

10 So then the next day she texted, the woman texted
11 me again and said, did you get my voicemail? It's really
12 important.

13

14 Q. Do you remember her name?

15 A. That's Lauren Trager. She's the one that broke
16 the story.

17 Q. That's KMOV News?

18 A. Yes. [REDACTED] called her
19 and said, you know, I'm Witness 1's attorney. I had -- I
20 had told her, my attorney will contact you.

21 So [REDACTED] called her and just said, what is this
22 about an audio, because my client was unaware of being
23 taped?

24 And she said, well, there are allegations on it
25 about -- you know, there was a picture taken. You know

1 [REDACTED] felt like she probably really had heard it, but
2 again, she didn't know how good it was or what it entailed,
3 so she just said, my client does not have a comment. Where
4 did you get this audio from?

5 And she said at first she wasn't -- you know, she
6 said, well, we can't really release that.

7 And she said, okay, but this is an audio with my
8 client on it, so how did you get something like this?

9 And she said, from her ex-husband.

10 So this was all I knew at this point. I just
11 hoped -- because at this point she just kept saying,
12 somebody is going to release it, but not her.

13 And then that night, that same night she --

14 Q. It got released.

15 A. I -- three minutes before she called [REDACTED] and
16 said, I'm going live with it in three minutes. Does your
17 client have any comment?

18 To which, of course, [REDACTED] said, no, and called
19 me.

20 And I said, call her back. Do whatever you can,
21 please, please. And she tried calling her and said it went
22 to voicemail, and then I saw it.

23 Q. Have you heard it?

24 A. Yeah. It's awful. I know exactly how I felt
25 back then.

1 Q. And you begged them not to do it, right?

2 A. Yeah, like a million times.

3 Q. Million times?

4 A. I mean, I really -- especially because I was
5 so -- I mean, I was so disgusted. I was so embarrassed. I
6 was so shameful. Everything he told me about myself I
7 believed it all.

8 So, no, it was awful, the whole thing, and
9 especially when I was in the car that day, you know, I know
10 exactly -- I mean, I really had not slept at all.

11 Q. Did you beg him not to release this stuff and
12 what had been hanging over your head, threatening you from
13 day one?

14 A. Yeah. So I went on a trip by myself in June
15 during the middle of this for three nights in Arizona, and
16 while I was there, that's when my family called me and said
17 that he had sat them down to tell them.

18 And even just that was, like -- I don't know that
19 I've ever whaled crying so hard. I just couldn't
20 believe -- especially because of how --

21 Q. Even when he took it out, not only did he take it
22 out and tell your whole family and friends about it, but he
23 ended up going to the press and turned that over to that
24 reporter about you?

25 A. Yeah.

1 Q. He -- he had this hanging over your head all this
2 time?

3 A. Yes.

4 Q. Coercive to you? I mean, in your own words, you
5 just felt that he would continue to harass you with that
6 story for threats --

7 A. Yeah.

8 Q. -- of going public?
9 You were scared?

10 A. Yeah. And it just kept it in the forefront of my
11 mind that, like, both of these two --

12 Q. Again --

13 A. -- you know --

14 Q. And, again, when you -- when you -- I know you
15 told him about, what about the kids? He didn't care. You
16 said he didn't care. I'm asking, did he?

17 A. He -- it would make him angry. If I ever brought
18 up the kids, it would make him angry, because I ruined
19 that.

20 Q. Yeah.

21 A. I ruined our family. And how dare you ever claim
22 anything otherwise.

23 And the thing is, is that, like, with Eric it
24 kept me more scared of him the more that my ex-husband --
25 you know what I mean? Because I felt like if I just never

1 mentioned him --

2 At this point after he had won the governor seat
3 or whatever, I ~~was~~ scared of the pictures anymore at that
4 point. ^{wasn't}
64.11.8

5 Because my friend, [REDACTED], right away was
6 like, Witness 1, do not be scared of this, because it's in
7 his basement. And it's not like, you know -- that would
8 just be the dumbest thing ever for him to do.

9 So during that time, no, I was still scared of
10 that. I was still scared of just him in general doing
11 whatever it took to not have things go public.

12 Q. I want to get back to just how -- how do you feel
13 about -- about Eric, you know, even now? And he's out
14 there now, and, again, just give me your honest assessment,
15 honest opinion as to how you feel about him making
16 statements now about no blackmail, no abuse, no slapping or
17 anything else like that? How do you feel about that?

18 A. It would almost be better if he had just denied
19 the whole thing, or just -- than that, because those were
20 the only parts that were painful or hurtful or --

21 That's the only thing that made me feel like --
22 on top of all of it you're calling me a liar in particular,
23 and the parts that were the most painful and not -- you
24 know, if he was just to step down and not comment on any of
25 it, I think I would feel neutral enough, you know, that,

1 like, all right, I can move on, but it makes it that much
2 more painful, because I really did experience those things.

3 Q. How did -- how do you feel now about when he --
4 his comments to you about let the world know, let everybody
5 know that you were a whore? How do you feel about that?
6 Is that still painful and hurtful to you?

7 A. Yeah.

8 Q. And how do you equate that now when you see him
9 now still commenting?

10 A. I -- it's -- it's -- it's so confusing. I really
11 feel like he's two people. It's exactly how I felt that
12 day.

13 That was the most confusing, crazy thing that's
14 ever happened in my whole entire life, hands down, because
15 he was one person.

16 The person I thought I was going to come over and
17 talk to is now calling me a whore. This person who I
18 thought, like, you know, he's -- I am thinking oh, my gosh,
19 maybe he has, like, feelings for me or something, and it
20 just made me feel disgusting and degraded.

21 And then it just solidified each time I heard it
22 from my husband is how I felt. It was fucking horrible,
23 this whole period of time.

24 Q. Do you feel -- do you feel now that you've
25 been -- been -- been betrayed by both your husband --

1 ex-husband and Greitens are still characterizing you as --
2 in your mind they both -- the words -- you used the word
3 whore, demeaning, that they seem to you something like
4 that -- that's -- how do you feel?

5 A. I just feel used.

6 Q. Used?

7 A. I feel used, big time, because I feel like -- I
8 think my ex-husband thought that he was going to feel -- he
9 was going to get the sympathy that he wanted obviously all
10 this time and wanted to feel like the victim, and this was
11 going to be the ultimate.

12 And then in Eric's case, I just -- I mean, at
13 that time, in particular certain periods, certain points I
14 just felt used, like, you just want to get off, you know.

15 Q. Uh-huh. But once he was done (inaudible)?

16 A. Yeah.

17 Q. Some morbid fantasy he had or --

18 A. Yeah. I mean, this was somebody who I had built
19 up so high in my mind, so it was really, really confusing.

20 I mean, I knew that he had done all this amazing
21 volunteer work. I knew all of these incredible things, so
22 that -- it was just really, really confusing.

23 Q. Okay. All right. I think -- okay. Oh, yeah.
24 Oh, yeah, and another thing too.

25 Back to when you said about you discussed and

1 there's been testimony on it, I think, did he ever promise
2 you anything, or did he ever pay you any money --

3 A. No.

4 Q. -- or gifts or anything like that, promise you
5 anything?

6 A. Huh-uh. No.

7 Q. Just -- as far as -- did Eric or anyone else give
8 you any money to start your own business?

9 A. No.

10 Q. No. But I'm serious, because we've (inaudible).

11 A. No.

12 Q. Really no -- no -- no -- and, again, like I said,
13 you know, had to be (inaudible) in your answers and try
14 to --

15 A. Yeah. No.

16 Q. -- get everything and make sure --

17 A. That -- that would be really easy. I will give
18 you access to everything in my life. I mean, yeah.

19 Yeah, I did not receive a car. I literally have
20 had zero contact with him or anybody in his staff or --
21 yeah, I have had zero contact since October 2015 or
22 whatever.

23 Q. When was the last time you talked to your
24 ex-husband?

25 (END OF VIDEOTAPE.)

C E R T I F I C A T E

I, Shelly L. Stewart, Certified Court Reporter, within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet hereof; that I then and there took down in Stenotype the proceedings had and produced with computer-aided transcription and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.

IN WITNESS WHEREOF, I have hereunto set my hand on this 14th day of April 2018.

SHELLY L. STEWART, CCR
CAPITAL CITY COURT REPORTING