

Deposition of Ed Alston
Conducted on October 18, 2016

1 (Pages 1 to 4)

1	3
1 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	1 A P P E A R A N C E S
2 Baltimore Field Office	2 ON BEHALF OF THE COMPLAINANT:
3 -----x	3 THOMAS J. GAGLIARDO, ESQUIRE
4 [REDACTED] :	4 AMERICAN FEDERATION OF GOVERNMENT
5 Complainant, :	5 EMPLOYEES, AFL-CIO 1923
6 v. : EEOC No. [REDACTED]	6 6401 Security Boulevard
7 JEH JOHNSON, : Agency No.	7 1-G-15 1720 Ball Building
8 SECRETARY, U.S. : [REDACTED]	8 Mailstop 1720
9 DEPARTMENT OF HOMELAND :	9 Baltimore, MD 21235
10 SECURITY, :	10 (410) 966-1531
11 Agency. :	11
12 -----x	12 ON BEHALF OF THE AGENCY AND THE WITNESS:
13	13 TODD WALLACE, ESQUIRE
14 Deposition of ED ALSTON	14 UNITED STATES SECRET SERVICE
15 Washington, D.C.	15 950 H Street, NW
16 Tuesday, October 18, 2016	16 Room 8300
17 10:23 a.m.	17 Washington, DC 20223
18	18 (202) 406-8800
19	19
20 Job No.: 125413	20 ALSO PRESENT:
21 Pages: 1 - 79	21 [REDACTED]
22 Reported By: Victoria Lynn Wilson, RMR, CRR	22

2	4
1 Deposition of ED ALSTON, held at the offices	1 C O N T E N T S
2 of:	2 EXAMINATION OF ED ALSTON PAGE
3	3 By Mr. Gagliardo 7
4	4 By Mr. Wallace 68
5 UNITED STATES SECRET SERVICE HEADQUARTERS	5 By Mr. Gagliardo 71
6 950 H Street, NW	6 E X H I B I T S
7 Washington, DC 20223	7 (Attached to Ellen Ripperger 10/18/16 transcript)
8 (202) 406-8800	8 EXHIBITS PAGE
9	9 Exhibit 1 Report and discovery materials 7
10	10 Exhibit 2 Polygraph Examination Procedures 66
11	11
12	12
13 Pursuant to agreement, before Victoria Lynn	13
14 Wilson, Registered Merit Reporter, Certified	14
15 Realtime Reporter, Notary Public in and for the	15
16 District of Columbia.	16
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22	22

Deposition of Ed Alston
Conducted on October 18, 2016

2 (Pages 5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 ED ALSTON,</p> <p>3 having been duly sworn, testified as follows:</p> <p>4 EXAMINATION BY COUNSEL ON BEHALF OF THE COMPLAINANT</p> <p>5 BY MR. GAGLIARDO:</p> <p>6 Q Good morning. How are you?</p> <p>7 A Good morning.</p> <p>8 Q Would you identify yourself, please.</p> <p>9 A Ed Alston, Special Agent, U.S. Secret</p> <p>10 Service.</p> <p>11 Q Is it proper to call you "Agent Alston"?</p> <p>12 A "Ed" is fine.</p> <p>13 Q "Ed" is fine. All right. I'm Tom.</p> <p>14 Have you ever -- you've given a deposition</p> <p>15 before, have you not?</p> <p>16 A Yes.</p> <p>17 Q And tell me, just very briefly, as a</p> <p>18 Secret Service agent or other reasons?</p> <p>19 A Other reasons.</p> <p>20 Q Okay. Civil cases? Criminal cases?</p> <p>21 A Civil cases.</p> <p>22 Q Okay. I won't go into a lot of details.</p>	<p>7</p> <p>1 examination, the file number 175-802-20141257.</p> <p>2 Q All right. And that's the report</p> <p>3 concerning [REDACTED]</p> <p>4 A Yes.</p> <p>5 Q Okay. Mr. [REDACTED] is sitting to my right.</p> <p>6 Have you ever seen Mr. [REDACTED] before, ever met him?</p> <p>7 A Not to my knowledge.</p> <p>8 Q Okay. Now, when you you say, "the</p> <p>9 report" -- let me explain what I've given you.</p> <p>10 We've marked as Exhibit 1 materials that were</p> <p>11 provided in response to a discovery request.</p> <p>12 (Exhibit 1 was marked for identification</p> <p>13 and is attached to the Ellen Ripperger 10/18/16</p> <p>14 deposition transcript.)</p> <p>15 A Okay.</p> <p>16 Q And I've given them to you in the order as</p> <p>17 best as I know in which they were received. When</p> <p>18 you say, "the report," are you talking about this</p> <p>19 entire package or only parts of it or are you</p> <p>20 talking about something that's not included in the</p> <p>21 package?</p> <p>22 A Parts of the package.</p>
<p>6</p> <p>1 You know the routine, though.</p> <p>2 A You'll ask; I'll answer.</p> <p>3 Q Okay. That's the routine.</p> <p>4 If I ask you a question that you don't</p> <p>5 understand, please tell me and I'll repeat the</p> <p>6 question, try to clarify it for you.</p> <p>7 A Okay.</p> <p>8 Q If you don't hear me, the same thing; tell</p> <p>9 me you haven't heard and I'll repeat the question.</p> <p>10 A Okay.</p> <p>11 Q All right. Is there any reason why you</p> <p>12 can't give a deposition this morning?</p> <p>13 A No.</p> <p>14 Q Okay. What did you do in preparation for</p> <p>15 this deposition? And if you talked to counsel, just</p> <p>16 tell me you talked to counsel. I'm not asking you</p> <p>17 what the discussion was.</p> <p>18 A Spoke to counsel.</p> <p>19 Q Okay. Did you read anything?</p> <p>20 A Reviewed some things.</p> <p>21 Q Okay. What did you review?</p> <p>22 A The actual report itself for the</p>	<p>8</p> <p>1 Q Okay. Tell me, did you review pages 8 and</p> <p>2 9?</p> <p>3 A Yes.</p> <p>4 Q Okay. And there's a signature on the</p> <p>5 bottom of page 8. Is that your signature?</p> <p>6 A Yes.</p> <p>7 Q There's a signature on the bottom of page</p> <p>8 9. Is that your signature?</p> <p>9 A Yes.</p> <p>10 Q All right. If you'll turn to page 11,</p> <p>11 please, there are two signatures on that page. Is</p> <p>12 one of them your signature?</p> <p>13 A Yes.</p> <p>14 Q All right. Did you review anything --</p> <p>15 when you say you reviewed the package, did you</p> <p>16 review anything other than those three pages?</p> <p>17 A Yes.</p> <p>18 Q Okay. What did you review? If you need a</p> <p>19 moment, please take as much time as you need.</p> <p>20 A The following pages would have been part</p> <p>21 of what I reviewed: 15, 16, 17, a copy of 18,</p> <p>22 probably not this exact form because it has a</p>

<p style="text-align: right;">9</p> <p>1 signature on it that I may not have had access to --</p> <p>2 Q All right.</p> <p>3 A -- 19, 20, 21, page 2 --</p> <p>4 Q Page 2?</p> <p>5 A -- yes, page 2, 3, 4, 5, 6, 7 --</p> <p>6 Q And you're up to 8, which we already</p> <p>7 talked about, I guess, but go ahead. I don't mean</p> <p>8 to interrupt you.</p> <p>9 A -- page 10 --</p> <p>10 Q 8, 9, and 10?</p> <p>11 A Yes, 8, 9, and 10.</p> <p>12 Q Okay. 11 is the page with your signature</p> <p>13 on it.</p> <p>14 A Yes. I said page 5; correct?</p> <p>15 Q I have everything from 2 through 11.</p> <p>16 A Okay. I probably would have reviewed some</p> <p>17 form of page 54.</p> <p>18 Q Okay.</p> <p>19 A Yeah, that would probably be it at this</p> <p>20 point.</p> <p>21 Q All right. I neglected to ask you at the</p> <p>22 beginning. What is your job title?</p>	<p style="text-align: right;">11</p> <p>1 related fields?</p> <p>2 A 2002.</p> <p>3 Q And that's through the Secret Service?</p> <p>4 A Yes.</p> <p>5 Q Prior to 2002, did you have any experience</p> <p>6 administering or interpreting polygraph</p> <p>7 examinations?</p> <p>8 A No.</p> <p>9 Q What happened in 2002? What was the --</p> <p>10 your first exposure to the field, so to speak?</p> <p>11 A Opportunity presented itself and I</p> <p>12 requested or submitted and was selected to go into</p> <p>13 the polygraph program for the Secret Service.</p> <p>14 Q Did you go into a training program?</p> <p>15 A Yes.</p> <p>16 Q And where was that?</p> <p>17 A That was down in Columbia, South Carolina,</p> <p>18 Fort Jackson.</p> <p>19 Q All right. And who -- whose program was</p> <p>20 that?</p> <p>21 A That's the program for the federal</p> <p>22 government. It's the National Center for</p>
<p style="text-align: right;">10</p> <p>1 A Special agent currently assigned to the</p> <p>2 polygraph division.</p> <p>3 Q Are you a supervisor or a manager?</p> <p>4 A No.</p> <p>5 Q How long have you been with the agency?</p> <p>6 A 18 -- a little over 18 years.</p> <p>7 Q Do you have law enforcement experience</p> <p>8 outside of United States Secret Service?</p> <p>9 A Yes.</p> <p>10 Q What is that, sir?</p> <p>11 A Police officer, Prince George's County,</p> <p>12 Maryland, for eight years.</p> <p>13 Q Prior to coming to Secret Service?</p> <p>14 A Prior to coming to the Secret Service.</p> <p>15 Q Any other experience in law enforcement?</p> <p>16 A No -- military police during the first</p> <p>17 Gulf War.</p> <p>18 Q Two years? Four years?</p> <p>19 A I was in the National Guard, so I did six</p> <p>20 months, like I said, during the first Gulf War.</p> <p>21 Q All right. How long have you been -- when</p> <p>22 were you first trained in polygraph examinations and</p>	<p style="text-align: right;">12</p> <p>1 Credibility Assessment.</p> <p>2 Q Okay. And that was in 2002?</p> <p>3 A Yes.</p> <p>4 Q How long was that training, approximately?</p> <p>5 A About 14 weeks.</p> <p>6 Q Did you successfully complete the program?</p> <p>7 A Yes.</p> <p>8 Q All right. Sometimes I have to ask</p> <p>9 obvious questions.</p> <p>10 After you finished training at Fort</p> <p>11 Jackson, what happened regarding your involvement</p> <p>12 with polygraphs?</p> <p>13 A The Secret Service has an internship</p> <p>14 program, which I successfully completed. Then I was</p> <p>15 certified as a federal polygraph examiner for the</p> <p>16 Secret Service.</p> <p>17 Q Couple of questions about that. How long</p> <p>18 was the internship?</p> <p>19 A Maybe three or four months.</p> <p>20 Q Okay. And when were you certified?</p> <p>21 A Probably still in 2002, towards the end of</p> <p>22 the year, I believe.</p>

<p style="text-align: right;">13</p> <p>1 Q Okay. Following your certification, was</p> <p>2 your assignment to the polygraph division?</p> <p>3 A Yes.</p> <p>4 Q Is that the correct terminology,</p> <p>5 "polygraph division"?</p> <p>6 A Polygraph branch, division, program, all</p> <p>7 the same.</p> <p>8 Q Okay. And you've been in the polygraph</p> <p>9 branch consistently since then or have you had other</p> <p>10 assignments?</p> <p>11 A I've had other assignments.</p> <p>12 Q How many -- do you administer polygraph</p> <p>13 exams?</p> <p>14 A Yes.</p> <p>15 Q How many would you say you've done in the</p> <p>16 past year?</p> <p>17 A One or two probably in the last year.</p> <p>18 Q Okay. Is your responsibility primarily to</p> <p>19 review other examiners' results?</p> <p>20 A Yes.</p> <p>21 Q Okay. And how many -- again, let's get</p> <p>22 the terminology, make sure we're on the same page.</p>	<p style="text-align: right;">15</p> <p>1 Q What's your -- just what are -- to what</p> <p>2 unit or component are you detailed?</p> <p>3 A The Applicant Coordinating Center.</p> <p>4 Q What is that?</p> <p>5 A That is a division -- well, I say, "unit,"</p> <p>6 that is working to increase the efficiency and</p> <p>7 effectiveness of bringing people onboard with the</p> <p>8 Secret Service, the hiring process.</p> <p>9 Q So it's recruiting and screening and so</p> <p>10 forth?</p> <p>11 A It's kind of a combination, exactly, thus,</p> <p>12 The Applicant Coordinating Center, you would have</p> <p>13 people from kind of each of those divisions working</p> <p>14 together to try to expedite, as well as make sure</p> <p>15 the process is running as effectively and</p> <p>16 efficiently as possible, as well as be able to track</p> <p>17 applicants where they are in the process, what's</p> <p>18 going on with a certain area that might be outside</p> <p>19 of the area that's looking for information.</p> <p>20 For example, is someone scheduled for a</p> <p>21 polygraph. Well, you'd probably contact me and I</p> <p>22 would look in to see if an applicant is scheduled</p>
<p style="text-align: right;">14</p> <p>1 What I understand in this particular case is that</p> <p>2 the polygraph examination of Mr. [REDACTED] was</p> <p>3 conducted by Agent Ripperger --</p> <p>4 A Yes.</p> <p>5 Q -- and that you then reviewed it.</p> <p>6 A Correct.</p> <p>7 Q Okay. So, if I just call them "reviews,"</p> <p>8 how many reviews would you say you've done in the</p> <p>9 past year?</p> <p>10 A Past year, maybe 50 to 100.</p> <p>11 Q Okay. And that's pretty consistent; every</p> <p>12 year you do 50 to 100?</p> <p>13 A Not necessarily.</p> <p>14 Q Okay.</p> <p>15 A This -- it would probably be closer to 50.</p> <p>16 I've had a lot of additional responsibilities during</p> <p>17 this last year because I'm assigned to another --</p> <p>18 I'm detailed to another -- I won't say, "division,"</p> <p>19 but another assignment in addition to my duties,</p> <p>20 so probably less this year than in previous years.</p> <p>21 Q So, less this year?</p> <p>22 A Yes.</p>	<p style="text-align: right;">16</p> <p>1 for a polygraph, have they taken a polygraph, such</p> <p>2 as that.</p> <p>3 Q Now, are the applicants just for special</p> <p>4 agent positions or any position with Secret Service?</p> <p>5 A Any position within the Secret Service</p> <p>6 that requires a polygraph.</p> <p>7 Q That requires a polygraph, yes.</p> <p>8 A Yes.</p> <p>9 Q So, for example, Mr. [REDACTED] was applying</p> <p>10 for a GS-15 information technology position. Would</p> <p>11 that fall within the purview of the Applicant</p> <p>12 Coordinating Center?</p> <p>13 A Yes.</p> <p>14 Q Okay. Can a person be denied hiring</p> <p>15 solely because of -- I'm going to call it a "failed</p> <p>16 polygraph test"? I know the FBI doesn't -- won't</p> <p>17 fire anybody for that reason alone. Is that the</p> <p>18 policy and practice here?</p> <p>19 A That would be under security clearance</p> <p>20 division or security management division. As the</p> <p>21 polygraph branch, we just simply administer the</p> <p>22 examinations and then forward those results on to</p>

<p style="text-align: right;">17</p> <p>1 SCD or SMD. Then it goes through an adjudicative</p> <p>2 process on their end and they make the</p> <p>3 determination.</p> <p>4 Q I see. So you're not aware of a policy or</p> <p>5 practice regarding -- well, let me ask it this way.</p> <p>6 If one fails a polygraph test, that is there are</p> <p>7 significant responses to one or more questions --</p> <p>8 first of all, does that constitute failing, a</p> <p>9 significant response to any one -- I don't know what</p> <p>10 to call -- a pertinent question, as opposed to a</p> <p>11 control question?</p> <p>12 A Ask the question again, please.</p> <p>13 Q My understanding, and please correct me if</p> <p>14 I'm wrong, is that there are control questions and</p> <p>15 then there are questions that count.</p> <p>16 A Okay.</p> <p>17 Q And if there's a significant response on</p> <p>18 any question that counts, is that a reason to</p> <p>19 exclude somebody from being hired?</p> <p>20 A Once again, that wouldn't be a decision by</p> <p>21 polygraph. As a polygraph examiner, that</p> <p>22 significant response -- an examination can be</p>	<p style="text-align: right;">19</p> <p>1 it is.</p> <p>2 A Pretty sure that would be -- that would</p> <p>3 be -- if I'm looking at it correctly, that would be</p> <p>4 an adjudicative determination. Looks like that</p> <p>5 would be "BQA."</p> <p>6 Q "BQA." And what do those initials stand</p> <p>7 for?</p> <p>8 A Better qualified applicant.</p> <p>9 Q What does that mean, sir?</p> <p>10 A That would be an adjudicative</p> <p>11 determination by SCD. I just recognize the --</p> <p>12 Q No, no. But what is better qual -- who --</p> <p>13 Mr. [REDACTED] was a better qualified applicant? I</p> <p>14 don't understand.</p> <p>15 MR. WALLACE: I'm going to object as to</p> <p>16 speculation.</p> <p>17 MR. GAGLIARDO: Well, he's -- this is his</p> <p>18 job. But, okay, objection noted.</p> <p>19 MR. WALLACE: This is outside the scope of</p> <p>20 what he's here to testify as a reviewer.</p> <p>21 MR. GAGLIARDO: Well, I didn't restrict it</p> <p>22 to just being a reviewer. But objection noted.</p>
<p style="text-align: right;">18</p> <p>1 evaluated as displaying significant response to a</p> <p>2 relevant question. That information would then be</p> <p>3 forwarded on to SMD or SCD and then they would make</p> <p>4 an adjudicative determination as far as what they</p> <p>5 wanted to do at that point in time. But polygraph</p> <p>6 doesn't make any type of hiring or firing</p> <p>7 determinations.</p> <p>8 Q Okay. I understand that. Do you know</p> <p>9 what the policy is at SMD or SCD regarding such</p> <p>10 things?</p> <p>11 A No.</p> <p>12 Q Okay. Do you know what happened in</p> <p>13 Mr. [REDACTED] case after -- did it get sent to SC --</p> <p>14 SCD or SMD?</p> <p>15 A It appears as though it did.</p> <p>16 Q What in the packet in Exhibit 1 indicates</p> <p>17 that, sir? Is it the applicant examinee report?</p> <p>18 A I would say 18, which looks like it was</p> <p>19 signed off by someone in -- looks like it was signed</p> <p>20 off by chief, security clearance division.</p> <p>21 Q Okay. Do you recognize those initials?</p> <p>22 Looks to me like "BOA," but I'm not sure that's what</p>	<p style="text-align: right;">20</p> <p>1 BY MR. GAGLIARDO:</p> <p>2 Q I'm sorry. What is better -- what does</p> <p>3 the notation "better qualified applicant" indicate</p> <p>4 to you?</p> <p>5 A That would be -- I don't know what</p> <p>6 criteria follows up under "better qualified</p> <p>7 applicant." I know that's an adjudicative</p> <p>8 determination made by SCD. What constitutes a</p> <p>9 better qualified applicant, I don't -- I don't know</p> <p>10 what their criteria would be.</p> <p>11 Q All right. I'm still confused. I'm not</p> <p>12 trying to argue, but I really am confused. Is it</p> <p>13 saying that Mr. [REDACTED] is a better qualified</p> <p>14 applicant or is it telling us something else?</p> <p>15 A I wouldn't know.</p> <p>16 Q You wouldn't know.</p> <p>17 A You would have to ask someone in SCD.</p> <p>18 Q Okay. I see a signature and it looks to</p> <p>19 me to be DeProspero-Philpot. Do you see that</p> <p>20 signature --</p> <p>21 A Yes.</p> <p>22 Q -- above the initials "BQA"?</p>

<p style="text-align: right;">21</p> <p>1 A Yes.</p> <p>2 Q Do you recognize that signature as Ms. --</p> <p>3 A Ms. DeProspero?</p> <p>4 Q Yes.</p> <p>5 A Yes.</p> <p>6 Q You know her?</p> <p>7 A Yes.</p> <p>8 Q Okay. And what is her title?</p> <p>9 A She was chief of security clearance</p> <p>10 division.</p> <p>11 Q Okay. I see. So all the writing on</p> <p>12 here -- is all the writing on this page 18 her</p> <p>13 writing?</p> <p>14 A I would say it appears to be.</p> <p>15 Q It appears to be, right. So she signed</p> <p>16 her name, put the initials "BQA," and put a date of</p> <p>17 10/31/14. Have I correctly represented what's on</p> <p>18 the document?</p> <p>19 MR. WALLACE: Again, I'm just going to</p> <p>20 object to speculation. This witness has no idea.</p> <p>21 MR. GAGLIARDO: Okay. Let him testify.</p> <p>22 If he doesn't have an idea, he can tell me.</p>	<p style="text-align: right;">23</p> <p>1 Exhibit 1.</p> <p>2 A Okay.</p> <p>3 Q All right. We already established that</p> <p>4 that's your signature on the document; is that</p> <p>5 correct?</p> <p>6 A Yes. It's quality control reviewer, yes.</p> <p>7 Q Yes. And your supervisor is Thomas</p> <p>8 Christopher?</p> <p>9 A At that time he was, yes.</p> <p>10 Q Yes. And that's who also signed this</p> <p>11 document?</p> <p>12 A Yes, it looks like his signature.</p> <p>13 Q Okay. Did you fill in the rest of the --</p> <p>14 of what appears on that document? For example, it</p> <p>15 says, "Examiner," the name "Ripperger" is filled in,</p> <p>16 the date 9/18/14 is filled in, et cetera.</p> <p>17 A Yes.</p> <p>18 Q Is that your handwriting?</p> <p>19 A Yes, it is.</p> <p>20 Q So those check marks are also yours?</p> <p>21 A Yes.</p> <p>22 Q Okay. Now, let me ask you, towards the</p>
<p style="text-align: right;">22</p> <p>1 A I agree. I don't have an idea.</p> <p>2 Q Okay. After -- is it -- let me try it</p> <p>3 this way. Correct me if I'm wrong. A polygraph</p> <p>4 examination is administered; it's interpreted; and a</p> <p>5 report is made; is that correct?</p> <p>6 A Examination is conducted.</p> <p>7 Q Yes.</p> <p>8 A Then it goes through a quality control</p> <p>9 process.</p> <p>10 Q I left that out. Thank you.</p> <p>11 A Quality control process. And then that</p> <p>12 information is forwarded on to SCD.</p> <p>13 Q All right. And is -- when you say, "SCD,"</p> <p>14 is that Ms. DeProspero-Philpot?</p> <p>15 A SCD is security clearance division.</p> <p>16 Q Is that where Ms. Philpot is?</p> <p>17 A Yes.</p> <p>18 Q What happens after that? What happens to</p> <p>19 the report?</p> <p>20 A I have no idea.</p> <p>21 Q Okay. Now, you talked about quality</p> <p>22 control, so let me draw your attention to page 11 of</p>	<p style="text-align: right;">24</p> <p>1 middle of the page, it says, "Counter/Anticounter-</p> <p>2 measure actions taking by examiner. Describe, if</p> <p>3 applicable," and it says, "N/A." Not applicable;</p> <p>4 correct?</p> <p>5 A Correct.</p> <p>6 Q Why is that not applicable in this case?</p> <p>7 A There were no counter/anticountermeasure</p> <p>8 actions taken by the examiner.</p> <p>9 Q Okay. Which, from that, I infer that</p> <p>10 there were no countermeasures taken by the examinee.</p> <p>11 A Well, there are none suspected by the</p> <p>12 examiner. In the previous line above, it says,</p> <p>13 "Suspected countermeasures."</p> <p>14 Q "No." I see that it's checked, "no."</p> <p>15 A "No." Right.</p> <p>16 Q All right. Now, it says, also, "Examiner</p> <p>17 failed to sign SF" -- it says, "SSF3336A." What is</p> <p>18 that -- that's a standard form, right, standard</p> <p>19 government form?</p> <p>20 A Yes, standard Secret Service form.</p> <p>21 Q Okay. Secret Service form. And what is</p> <p>22 it?</p>

<p style="text-align: right;">25</p> <p>1 A Let's see. I believe it's -- let me find 2 it. 3 Q It may be my mistake but I didn't recall 4 seeing it in the packet. But please take a moment 5 to see if it is and that will end that question -- 6 line of questioning. 7 A The form 15. 8 Q Page 15? 9 A Page 15. I'm sorry. 10 Q Okay. It was my mistake. I see that. 11 There is some handwriting after the line 12 that says, "Examiner's signature." 13 A Yes. 14 Q Is that your handwriting? 15 A Yes. 16 Q What does it -- I can read some of it. 17 Would you read that for me, please. 18 A It would be my initials, EDAlIII, and then 19 underneath that, dash, "not signed." 20 Q Okay. It's Edward D. Altston. What's 21 "II"? 22 A The third.</p>	<p style="text-align: right;">27</p> <p>1 Q -- in the various quality -- it says, 2 "Quality control review," and then there's a list of 3 things which have either been checked "yes" or "no." 4 If you look about -- just below the midpoint, it 5 says, "Exam audio recorded (random checks throughout 6 exam)." 7 A Correct. 8 Q And it's checked, "Yes." 9 A Yes. 10 Q And you're the one who checked the "yes"; 11 correct? 12 A Correct. 13 Q Did you randomly check the audio recording 14 of Mr. [REDACTED] examination? 15 A Yes. 16 Q Okay. Was it audible to you? 17 A Initial recording was. 18 Q What do you mean, "the initial recording 19 was"? 20 A Initially, it started out, then it -- 21 Q Okay. 22 A -- went dead.</p>
<p style="text-align: right;">26</p> <p>1 Q Oh, I see. Okay. Never mind. I 2 understand. Going back to page 11 -- 3 A Okay. 4 Q Hang on one second. Just -- just one 5 second before we do that. 6 Do you know why the examiner did not sign 7 this standard form 3336A? 8 A No. 9 Q When you saw that it was unsigned, did you 10 ask Agent Ripperger any questions or ask her why she 11 hadn't signed? 12 A No. 13 Q What's the -- what's the significance of 14 her not signing that, if any? 15 A There is no real significance. Most 16 examiners will initial or sign it just to kind of 17 acknowledge that they reviewed this information. 18 Q When you say, "reviewed it," reviewed it 19 with the examinee? 20 A Yes. 21 Q Going back, then, to page 11 -- 22 A Yes.</p>	<p style="text-align: right;">28</p> <p>1 Q Right. What did that tell you? 2 A That there was some type of technical 3 problem. 4 Q Has that happened before in your 5 experience? 6 A Yes. 7 Q How often? Rarely? 8 A Rarely -- I would say occasionally but 9 more towards rarely than -- than often. 10 Q Right. Has it ever happened to you when 11 you've done an exam? 12 A I don't -- I don't know. 13 Q Okay. Is it -- is it the examiner's 14 responsibility to make sure that an audio recording 15 is being made? 16 A Yes. 17 Q When it -- why did you check "yes" if it 18 went dead? Why didn't you check "no"? 19 A Because it's not -- it asked if I did a 20 random check, which I did. 21 Q Well, shouldn't you have indicated 22 somewhere that there was a problem?</p>

<p style="text-align: right;">29</p> <p>1 A I didn't realize there was a problem.</p> <p>2 Q Well, you realized it went dead after the</p> <p>3 initial portion that was audible, didn't you?</p> <p>4 A No, I didn't. When I did my quality</p> <p>5 control, I just did an initial check. The audio was</p> <p>6 fine. I didn't listen to the whole exam. We</p> <p>7 don't -- those are -- we do periodic checks from</p> <p>8 time to time for certain -- well, not even certain</p> <p>9 exams -- random -- in ops, we may pull an</p> <p>10 examiner's, at some point -- at some point in time</p> <p>11 throughout the year, we usually try to do one or</p> <p>12 two -- well, now, this is currently, but back then,</p> <p>13 we didn't do any -- any systematic audio checks. It</p> <p>14 was not required.</p> <p>15 But back in 2014, as an agency and as a</p> <p>16 program, we, the Secret Service, would do random</p> <p>17 audio checks just to -- a quick check to make sure,</p> <p>18 okay, there is audio, and then we'd move on.</p> <p>19 Q The purpose of the audio is to make sure</p> <p>20 that the exam is being conducted properly; correct?</p> <p>21 A Yes.</p> <p>22 Q Because in viewing the -- or in listening</p>	<p style="text-align: right;">31</p> <p>1 part of a chart. I just want to make sure I'm using</p> <p>2 the word "chart" correctly. You can take any of it.</p> <p>3 A Yes.</p> <p>4 Q So that's a chart.</p> <p>5 A Right.</p> <p>6 Q Right. So, wouldn't listening to the</p> <p>7 audio tell you or help you assess why there might be</p> <p>8 an increase in any one of the four measures?</p> <p>9 A Not necessarily.</p> <p>10 Q Well, it could; right? I mean one purpose</p> <p>11 of it is to see if there's useful information that</p> <p>12 might be garnered from the audio.</p> <p>13 A I'm sorry. Repeat the question.</p> <p>14 Q Well, for example, if the audio showed</p> <p>15 that there was a loud noise in the background, that</p> <p>16 would account for, say, an increased -- increase in</p> <p>17 heart rate -- could.</p> <p>18 A Could.</p> <p>19 Q Right. So, you would account for that by</p> <p>20 comparing the audio recording to the chart.</p> <p>21 A It could.</p> <p>22 Q Okay. So, the other -- another purpose of</p>
<p style="text-align: right;">30</p> <p>1 to the audio, that is -- that's a tool to interpret</p> <p>2 the charts.</p> <p>3 A Not necessarily.</p> <p>4 Q Well, wouldn't you -- if you look at a</p> <p>5 chart --</p> <p>6 A Correct.</p> <p>7 Q Now, a chart -- let's be clear about</p> <p>8 something. The chart of these pages with the</p> <p>9 squiggly lines on them --</p> <p>10 A Okay.</p> <p>11 Q Is that right? Is that the right use of</p> <p>12 the term?</p> <p>13 A "Squiggly lines," no, we don't --</p> <p>14 Q Well, all right. A polygraph measures</p> <p>15 blood pressure, respiration, galvanic skin response,</p> <p>16 and heart rate; is that correct?</p> <p>17 A Correct.</p> <p>18 Q And a graph of the response is recorded on</p> <p>19 paper or some other medium, and we see copies of</p> <p>20 them in Exhibit 1; correct?</p> <p>21 A Yeah, these appear to be the copies.</p> <p>22 Q All right. So, for example, page 51 is</p>	<p style="text-align: right;">32</p> <p>1 the audio is to make sure that the examiner is</p> <p>2 conducting exams properly; isn't that also correct?</p> <p>3 A That would be correct.</p> <p>4 Q All right. So, when there is no audio</p> <p>5 recording, you can't perform either -- none of those</p> <p>6 purposes can be served; isn't that also correct?</p> <p>7 A No.</p> <p>8 Q It's not correct or it is?</p> <p>9 A It's not correct.</p> <p>10 Q Okay. What is a correct statement then?</p> <p>11 A You can still evaluate the charts.</p> <p>12 Q But you -- you can't -- all right. You</p> <p>13 can evaluate the chart simply by looking at what's</p> <p>14 on the graph paper; correct?</p> <p>15 A Correct.</p> <p>16 Q All right. But you don't have the</p> <p>17 assistance of the audio to see if -- to help you</p> <p>18 further determine whether that's a significant</p> <p>19 response or something else.</p> <p>20 A That's correct.</p> <p>21 Q Okay. And you certainly can't tell if the</p> <p>22 examiner is conducting the exam properly because you</p>

<p style="text-align: right;">33</p> <p>1 can't hear what's being said, nor can you tell how 2 it's being said. 3 A That's correct. 4 Q And when an examiner asks an examinee 5 questions, it's supposed to be in a neutral tone; is 6 it not? 7 A Yes, it should be. 8 Q Right. So, if, on the audio, it was 9 revealed that the examiner was actually raising his 10 or her voice or otherwise indicating, say, agitation 11 or aggressiveness, that would affect the response 12 that the examinee gives; correct? 13 A It could. 14 Q It could. And it would diminish the 15 finding of a significant response because the 16 response might, in fact, be to the examiner's tone 17 and approach than to the question itself; isn't that 18 also true? 19 A Could be. 20 Q Okay. If you know, what did 21 Mr. Christopher do -- when he signs off on the -- on 22 page 11, the quality control worksheet, what is he</p>	<p style="text-align: right;">35</p> <p>1 agent. And if I can find it -- it's page 10. 2 A Okay. 3 Q All right. Do you know who Magnuson is? 4 A That would be Sergeant Magnuson. 5 Q Okay. Who is Sergeant Magnuson? 6 A He's assigned to polygraph branch as a 7 polygraph examiner, quality control specialist. 8 Q When you say, "sergeant," is he an 9 employee of the U.S. Secret Service? 10 A He's a uniform division officer for the 11 Secret Service. 12 Q I see. That's why he has the title 13 "sergeant." 14 A Yes. 15 Q Okay. So, he's not special agent; he's 16 sergeant. 17 A He's a sergeant. 18 Q He's uniform. 19 A Correct. 20 Q But he is also a trained polygraph 21 examiner and reviewer, I take it. 22 A Yes.</p>
<p style="text-align: right;">34</p> <p>1 actually attesting to? Does he also do the audio 2 checks and all the rest of that? 3 A Not to my knowledge. 4 Q Okay. Do you know what he does or what 5 his supervisor is supposed to do? I'll ask him but 6 just if you know anything. What's his role in this 7 review process is the real question. 8 A He acts as a designee for the special 9 agent in charge of forensic services division, which 10 polygraph falls under, so, he's, basically, the 11 SAC's designee and he has the authority to actually 12 sign off on the report. 13 Q I guess what I'm asking is does he review 14 the charts. 15 A He could. 16 Q Okay. You don't know what he did in this 17 particular case. 18 A No. 19 Q Okay. Let me ask you a different kind of 20 question. Let me find the right page. There's a -- 21 there's a document signed by Magnuson. That's all 22 it says, no first name. I assume that's a special</p>	<p style="text-align: right;">36</p> <p>1 Q What's his first name, please? 2 A William. 3 Q All right. Now, he indicates, "Final 4 evaluation," that says, "INC," does it not? 5 A Yeah, it looks like it. 6 Q All right. And that stands for 7 inconclusive? 8 A Correct. 9 Q And there are -- do you see any -- do you 10 know why he concluded that it was inconclusive? 11 It's maybe not a fair question. I'm not really 12 asking you to guess what's in his head, but does 13 anything on the paper indicate why he determined 14 this to be inconclusive? 15 A It would look to be his evaluation. 16 Q So those numbers, the zeros and plus twos 17 and plus threes and so forth are scores, if you 18 will, that he's -- that he's given -- 19 A Correct. 20 Q -- to the charts; right? 21 A Appears to be. 22 Q And it's a seven-point structure. You can</p>

<p style="text-align: right;">37</p> <p>1 be anything from minus three to plus three and zero, 2 of course, is in there, so there's one of seven 3 scores you can -- an examinee could get; correct? 4 A Correct. 5 Q So, you look at these -- you look at the 6 charts and if there -- and please correct me if I'm 7 wrong, because I have a very rudimentary 8 understanding of this. If there's a -- if, for 9 example, heart rate goes up dramatically in response 10 to a question, you would rate that a negative 11 number, would you not, because there's -- there's a 12 response to the question? 13 A Not necessarily. Depends on -- depends on 14 the question. 15 Q Okay. Tell me how it works. Let's do it 16 that way. Just tell me how it works. I really have 17 only, you know, a TV knowledge of what polygraphs 18 are all about. 19 A Depending on what the question is, it 20 would be rated a minus or -- a negative or positive 21 rating and then it would use -- be used in 22 comparison to the other questions to then determine</p>	<p style="text-align: right;">39</p> <p>1 different than Sergeant Magnuson's; is that correct? 2 Your scoring is different, I should say. Your 3 chart -- 4 A Yes. 5 Q Your series two chart one is page 9. So, 6 we would -- all right. I'm -- couple of things. 7 Number one, do you know why there's only one page 8 from Sergeant Magnuson? 9 A Yes. 10 Q Why? 11 A Because he only evaluated that one series. 12 Q Why did he not evaluate the other series, 13 if you know? 14 A It appears I was the primary evaluator on 15 this exam. 16 Q Isn't the policy and procedure that two 17 people should review the exams? 18 A I'm sorry. What was the -- you're asking 19 is it policy -- 20 Q Review is supposed to be done by two 21 people, is it not? 22 A No.</p>
<p style="text-align: right;">38</p> <p>1 overall score -- 2 Q Okay. 3 A -- for an evaluation of that specific 4 agent related to earlier relevant question in the 5 chart. 6 Q And negative numbers are significant 7 responses -- negative numbers are -- are indicative 8 of deception; correct? 9 A No -- 10 Q Well -- 11 A -- not necessarily. 12 Q -- the examinee wants pluses, not minuses; 13 right? 14 A As an overall evaluation, yes. 15 Q Okay. So, if Mr. [REDACTED] was all 16 plus-threes, he would have done really good, and if 17 he had all minus-threes, he would have been a bad -- 18 bad character. 19 A Well, it would have been two different -- 20 Q Indicative of deception. 21 A There you go. Two different evaluations. 22 Q Okay. Now, your interpretation is</p>	<p style="text-align: right;">40</p> <p>1 Q What's the policy and practice? 2 A Policy and practice is it can be reviewed 3 by one quality control person. If there is a 4 discrepancy, then another quality control person can 5 review, and then that would be then turned over to a 6 supervisor. There's an nonconcurrent process that's 7 in place to deal with counter calls or differences 8 in evaluations. 9 Q So, am I correct, then, to -- am I 10 correct, then, that there's a difference between 11 Agent Ripperger's evaluation and yours and that's 12 why Sergeant Magnuson was asked to review? 13 A Yes, that's what appears to be what 14 happened. 15 Q Okay. Now, back to your evaluation, 16 looking at pages 8 and 9, there's nothing filled in 17 for final evaluation. 18 A Correct. 19 Q Why is that? 20 A Because I can look at it and, basically, 21 determine the overall evaluation. 22 Q All right. So, what is your overall --</p>

<p style="text-align: right;">41</p> <p>1 even though you didn't fill it in on September 18th 2 of 2014, looking at the scores that you've entered 3 on that sheet, what is your overall evaluation? 4 A My overall evaluation for R26 would be 5 minus three, which would then call for a final 6 evaluation of significant response for an SR 7 evaluation. 8 Q Wait. I'm not following. Let's do this a 9 little bit different to make sure we're on the same 10 page. 11 A Okay. 12 Q Let's look at number 9. 13 A Oh, number 9. 14 Q Page 9. Let's look at page 9. All right? 15 A Uh-huh. 16 Q It says, at the top of the page, "Series 17 two chart one"; correct? 18 A Yes, number 9. 19 Q All right. And then, "R4." What is R4? 20 A That would be relevant question number R4, 21 relevant question four. 22 Q Okay. And the next one says, "R," and I</p>	<p style="text-align: right;">43</p> <p>1 A Correct. 2 Q Okay. Now, electrodermal activity, that's 3 your sweaty palms; right? 4 A Correct. 5 Q It says, "Minus two C3." 6 A Correct. 7 Q What is -- minus two I get. What's C3? 8 A That would be minus two using C3 as the 9 comparison question for evaluation. 10 Q I see. So you compared questions three 11 and four and rated or scored the response as a minus 12 two; is that correct? 13 A That's correct. 14 Q All right. Cardiovascular activity, it 15 just says minus C3. There's no number. 16 A Correct. 17 Q What does -- what does that mean? Is it a 18 one, a zero -- 19 A It would be -- it would be a one. 20 Q It's a one? I see. Because the subtotal 21 is three; right? Two and one is three. 22 A Correct.</p>
<p style="text-align: right;">42</p> <p>1 can't really read the number. 2 A R6. 3 Q Is that a six? Okay. All right. So, in 4 R4, if you go to the very bottom, it says, "Spot 5 totals minus three." 6 A Yes. 7 Q And if you look at R6, the spot totals are 8 minus one. 9 A Correct. 10 Q Okay. Now, what is a spot total? You 11 actually add up the numbers that are in the column 12 above -- 13 A Correct. 14 Q -- or is it something else? 15 A Add the numbers that are in the columns 16 above, the subtotals. 17 Q All right. So, again, let me make sure I 18 understand what you've written on this page. If we 19 look at R4, series two, chart one, R4, relevant 20 question number four -- 21 A Okay. 22 Q -- respiration is rated as zero.</p>	<p style="text-align: right;">44</p> <p>1 Q Okay. It says, "Charts one, two, and 2 three." You filled in the blanks for one, two, and 3 three. That means that the -- that question -- 4 relevant question four was asked three different 5 times? 6 A Correct. 7 Q And there are different responses; is that 8 correct? 9 A Ask the question again. 10 Q Well, you have a subtotal of zero for 11 chart two, and you have a subtotal of zero for chart 12 three. 13 A Correct. 14 Q So those -- a zero score is not indicative 15 of deception, is it? 16 A Not necessarily. 17 Q Well, in this case, if we -- if we 18 eliminate what you said about R1 -- I mean chart one 19 and all we had were the results of two and three, 20 would you not agree that there's no indication of 21 deception as to question four? 22 A It would then be inconclusive.</p>

<p style="text-align: right;">45</p> <p>1 Q It would be inconclusive. And that would 2 be the same for R6 regarding -- in fact, in all 3 three cases for R6, it's inconclusive; isn't that 4 correct?</p> <p>5 A Yes, for each individual chart.</p> <p>6 Q For each individual chart. So the only 7 significant response was chart one R4, correct, 8 according to this document, according to this 9 polygraph chart analysis? It's only R4 on chart one 10 where there's an indication of -- there's -- I'm 11 sorry. Rephrase that.</p> <p>12 According to page 9, the polygraph chart 13 analysis that you signed September 18 of 2014, there 14 was a significant response only to relevant question 15 four in series two chart one; is that correct?</p> <p>16 A Wait a minute. Ask the question again.</p> <p>17 Q The only -- the only significant response 18 is regarding R4 in chart one; isn't that correct? 19 Just look at it.</p> <p>20 A Uh-huh. It would have only been asked 21 once.</p> <p>22 Q Pardon me?</p>	<p style="text-align: right;">47</p> <p>1 A Law enforcement placement test, I believe.</p> <p>2 Q Something E-test; right?</p> <p>3 A Yes.</p> <p>4 Q Okay. And that's -- it's a scoring 5 system, did you say?</p> <p>6 A It's a testing format.</p> <p>7 Q Testing format.</p> <p>8 A Correct.</p> <p>9 Q There are various testing formats that can 10 be used?</p> <p>11 A Yes.</p> <p>12 Q Does Secret Service only use the LEPET 13 format?</p> <p>14 A No.</p> <p>15 Q How do you determine which format -- tell 16 me -- again, you know, I'm really taking advantage 17 of you, and I apologize, to educate me on some 18 stuff. Tell me, besides LEPET, what other formats 19 there are that are used at Secret Service.</p> <p>20 A For screening examinations, we use the 21 LEPET format. And then there's a CI scope 22 examination, which is a different version of,</p>
<p style="text-align: right;">46</p> <p>1 A It's only asked once in chart one. 2 There's one asking.</p> <p>3 Q No, I understand. But there's no -- let's 4 drop that. Let's drop that.</p> <p>5 Let me go to page 8. I just want to 6 understand the handwriting. Series one chart one, 7 and then two, three, and four, do you see that?</p> <p>8 A Yes.</p> <p>9 Q Okay. The -- the question is different. 10 Is that relevant question 24?</p> <p>11 A Correct.</p> <p>12 Q And relevant question 26 and 28?</p> <p>13 A Correct.</p> <p>14 Q Okay. I just want to make sure I'm 15 reading the handwriting correctly.</p> <p>16 I did have a question. This is to cure my 17 ignorance. It says, "Exam format LEPET." What does 18 that mean?</p> <p>19 A It's a LEPET format. It's the testing 20 format used in screening examinations.</p> <p>21 Q All right. Can you tell me what those 22 initials actually stand for.</p>	<p style="text-align: right;">48</p> <p>1 basically, half of a LEPET examination.</p> <p>2 Q Do you use that for screening applicants, 3 as well?</p> <p>4 A Yes, we will.</p> <p>5 Q Okay. And how -- first of all, is there 6 any other --</p> <p>7 A For criminal exams, we use different 8 testing formats, as well.</p> <p>9 Q Okay. But for applicants, it would either 10 be LEPET or the CI scope?</p> <p>11 A Exactly.</p> <p>12 Q Okay. And how do you determine which 13 format to use or who -- does the examiner determine 14 that?</p> <p>15 A No.</p> <p>16 Q Who determines that?</p> <p>17 A SCD would determine what they're 18 requiring. So a different -- certain positions may 19 require only a CI scope polygraph examination.</p> <p>20 Q Because that's a little less --</p> <p>21 A Exactly.</p> <p>22 Q -- probing, if that's the right word?</p>

<p style="text-align: right;">49</p> <p>1 A Let me back up. That's recent 2 developments. 3 Q That wasn't in effect back in 2014? 4 A No. 5 Q In 2014, there was only LEPET? 6 A Exact -- full scope polygraph examination 7 would be administered and it would be administered 8 under the LEPET format. 9 Q Okay. So, again, I just want to make sure 10 we're on the same page. 2014, Mr. [REDACTED] given a 11 polygraph. The only thing that -- the only format 12 that would be used would have been LEPET. 13 A That would have been what he would have 14 been authorized for. 15 Q Yes. 16 A Now, once again, SCD makes that 17 determination. 18 Q I understand. 19 A But back in 2014, he was administered a 20 LEPET format, which means he was authorized a full 21 scope polygraph examination, which would have been 22 conducted in the LEPET format.</p>	<p style="text-align: right;">51</p> <p>1 listened to the very beginning and you said, "Okay. 2 This is cool," and -- 3 A Yes. 4 Q -- done. 5 Let me ask you to look at page 2, if you 6 would, for a moment. 7 A Okay. 8 Q It's important to know whether an examinee 9 is using any drugs, whether recreational or 10 prescription, is it not? 11 A It can be. 12 Q All right. Well, the polygraph data sheet 13 that every -- page 2 is the polygraph data sheet; 14 correct? 15 A Correct. 16 Q And that's used for all examinees applying 17 for a job at Secret Service, is it not? 18 A Yes. 19 Q And the first question is, "Have you taken 20 any medication, drugs, alcohol, or marijuana"; 21 correct? 22 A Correct.</p>
<p style="text-align: right;">50</p> <p>1 Q Okay. Going back to the audio recording 2 for a moment, do you -- I think you -- and, again, I 3 don't want to put words in your mouth. I think you 4 said there was a technical problem or words to that 5 effect. 6 A Appears to have been. 7 Q Appears to have been. Do you know what 8 the problem was? 9 A I have no idea. 10 Q Did you tell anybody that there had been a 11 problem with the recording? 12 A I didn't know there was a problem with the 13 recording. 14 Q When did you first -- when did you first 15 know that it started out audible and then became 16 inaudible? 17 A I met with counsel. 18 Q Oh, okay. Recently. 19 A Recently, yes. 20 Q I see. You had no idea back in 2014. 21 A No. 22 Q So, your spot-check was, merely, you</p>	<p style="text-align: right;">52</p> <p>1 Q All right. And then Mr. [REDACTED] in this 2 case, said he had, and then he lists in the next 3 line the name of drug or medication, Effexor, 4 Protonix, and Lipitor. Are you familiar with those 5 drugs? 6 A Yes, I've heard of them. 7 Q Okay. Do you know what Effexor is for? 8 A No. 9 Q Treats depression. Would that -- how 10 would that affect an examinee's -- 11 A Might not affect them at all. 12 Q Well, why ask for it if -- why does it ask 13 for it? 14 A It asks is the person taking any 15 medication, drugs, alcohol, or marijuana. 16 Q Right, because you want to make sure 17 they're of clear mind and that their answers are not 18 being influenced by drugs or alcohol, isn't it? 19 A No. 20 Q Why do you ask the question? 21 A So that we can know if they are taking any 22 drugs or medication because it may have an effect on</p>

<p style="text-align: right;">53</p> <p>1 their physiological responses.</p> <p>2 Q Okay. Fine. And do you know what the</p> <p>3 physiological effects of Effexor are?</p> <p>4 A No.</p> <p>5 Q Or Protonix or Lipitor?</p> <p>6 A No.</p> <p>7 Q Do you see that in question number two, it</p> <p>8 says, "Are you presently under a physician's care,</p> <p>9 including pregnancy? If yes, explain." And it</p> <p>10 says, "OCD, high cholesterol, testosterone." Do you</p> <p>11 see that?</p> <p>12 A Yes.</p> <p>13 Q What's OCD?</p> <p>14 A Obsessive compulsive disorder.</p> <p>15 Q That's what it is. That could affect an</p> <p>16 examinee's responses, as well, couldn't it,</p> <p>17 physiological responses?</p> <p>18 A Could affect their physiology overall.</p> <p>19 Q Right. I mean, so, anyway, the OCD is</p> <p>20 going to really ponder a question and look at it</p> <p>21 with much more -- with much more scrutiny than --</p> <p>22 MR. WALLACE: Objection. Speculation.</p>	<p style="text-align: right;">55</p> <p>1 come in and say, "Look, here's my condition. Here</p> <p>2 are the medications I'm on," and that would affect</p> <p>3 how you score the exam or how you conduct the exam?</p> <p>4 A No, unless they're physically and mentally</p> <p>5 incapable of taking the examination.</p> <p>6 Q And how would you determine that they were</p> <p>7 physically or mentally incapable of taking the exam?</p> <p>8 A In discussions with them, you would</p> <p>9 determine whether they appear to be of sound mind</p> <p>10 and body, and if they appear to be, we would attempt</p> <p>11 to administer the examination.</p> <p>12 Q Otherwise, you would not?</p> <p>13 A If we make a determination prior to</p> <p>14 actually running charts that this person is not</p> <p>15 mentally or physically sound enough to be</p> <p>16 administered an examination.</p> <p>17 Q Again, I'm not trying to argue with you;</p> <p>18 just trying to understand. If somebody came in and</p> <p>19 they were so nervous, you could see them literally</p> <p>20 shaking and their voice was shaking and, in other</p> <p>21 words, every indication that they were just coming</p> <p>22 apart at the seams, so to speak, would you conduct</p>
<p style="text-align: right;">54</p> <p>1 MR. GAGLIARDO: I don't know.</p> <p>2 Q I mean you're an examiner. If somebody</p> <p>3 says they have OCD and they're on Effexor, what does</p> <p>4 that tell you in terms of conducting the</p> <p>5 examination?</p> <p>6 A Tells me that they're on -- they've been</p> <p>7 diagnosed -- I'd assume been diagnosed with OCD and</p> <p>8 are taking medication for it.</p> <p>9 Q So, does that affect the way you interpret</p> <p>10 the physiological responses?</p> <p>11 A Not necessarily.</p> <p>12 Q Okay. Why not?</p> <p>13 A Because it may not have an effect on</p> <p>14 them -- on their physiology.</p> <p>15 Q Well, here's -- again, I'm not trying to</p> <p>16 be argumentative. But if it's important to ask the</p> <p>17 question --</p> <p>18 A Right.</p> <p>19 Q -- then it's important to know what the</p> <p>20 answer is. And having the answer, then, it must</p> <p>21 dictate either that you do or don't do something. I</p> <p>22 mean are there any cases where an examinee would</p>	<p style="text-align: right;">56</p> <p>1 the exam under those circumstances or would you say,</p> <p>2 you know, "We're not really going to get a good read</p> <p>3 on what's going on"?</p> <p>4 A Depends on the individual.</p> <p>5 Q Have you -- all right. Let's do it this</p> <p>6 way. Have you ever not conducted an exam because</p> <p>7 you determined that somebody was not physically or</p> <p>8 mentally fit to take the exam?</p> <p>9 A Yes.</p> <p>10 Q Okay. And, clearly, not going to indicate</p> <p>11 who or tell me anything like that. What was it</p> <p>12 about the person that led you to that conclusion?</p> <p>13 MR. WALLACE: Objection. Relevance.</p> <p>14 MR. GAGLIARDO: Okay.</p> <p>15 Q You can -- you can answer.</p> <p>16 A If the individual, for example, is clearly</p> <p>17 suffering from some type of cold, for example, and,</p> <p>18 in interviewing them, they're unable to continue a</p> <p>19 conversation without, say, coughing, sniffing,</p> <p>20 sneezing for any period of time, then that's clearly</p> <p>21 an indication that they're not going to be able to</p> <p>22 sit in the chair and answer questions without</p>

<p style="text-align: right;">57</p> <p>1 coughing, sneezing, sniffing during an examination, 2 which is probably not going to allow for clear 3 charts to make a good evaluation. 4 Q Okay. How long does it -- what is the 5 normal amount of time, the usual amount of time, I 6 should say, that it takes to do a complete polygraph 7 for a job applicant that's from, you know, very 8 start to very finish? 9 A Anywhere from, possibly, four to six 10 hours. 11 Q Okay. And it takes that long -- I mean, 12 obviously, you're not asking questions that whole 13 time. You have to do a prescreen to determine 14 they're fit. 15 A Well, there are questions being asked, 16 it's just the actual examination is not being 17 administered for that long a period of time. 18 Q Meaning -- 19 A Meaning -- 20 Q -- connected to it. 21 A -- sitting in the chair connected to the 22 components.</p>	<p style="text-align: right;">59</p> <p>1 A Yes. 2 Q All right. Now, the first question says, 3 "X," under the "ID" column. I guess that means it 4 doesn't -- doesn't matter because it says, "The test 5 is about to begin." What does the "X" stand for? 6 A It normally indicates when the examiner is 7 actually putting the instrument into operation and 8 starting to record the charts. 9 Q And the double "X" is when it's concluded? 10 A Correct. 11 Q Now, the next line says -- the question 12 is, "Is this the month of September?" And the 13 answer is, "Yes," and it says, "21." That means it 14 was question 21? 15 A No. 16 Q What does -- what does "21" mean? The 17 reason I say that -- well, go ahead. You tell me. 18 A It's -- it's just an identifier for the 19 question. 20 Q Okay. 21 A So you take it -- right. Would it be 22 question 21? Yes. But are there 21 questions? No.</p>
<p style="text-align: right;">58</p> <p>1 Q Okay. But you're asking other questions 2 and doing other evaluative techniques or using 3 evaluative techniques. 4 A Yes. 5 Q Is there anything in the package that I've 6 shown you other than the scores on the polygraph 7 that indicate that Mr. [REDACTED] was deceptive or 8 otherwise unfit to be employed by the Secret 9 Service? 10 A I couldn't make that determination. 11 Polygraph doesn't do hiring or firing. 12 Q No, I under -- okay. I get you. All 13 right. Let's leave that alone. 14 The -- if you look at page 5 for a minute, 15 please, this -- I don't see a title on this 16 document. I see several -- several designations for 17 the questions. This is a series of questions with 18 the responses, correct, and these responses are 19 "yes" or "no," "Y" for yes and "N" for no? 20 A Correct. 21 Q And the question is presumably written -- 22 is asked the way it's written; is that also correct?</p>	<p style="text-align: right;">60</p> <p>1 Q I get that. I get that. All right. Now, 2 this is really what I'm -- what I wanted to get down 3 to. The next three questions are S22, C23, and R24. 4 A Correct. 5 Q Now, I think we know from your prior 6 answers the "R" means it's a relevant question. 7 A Correct. 8 Q So that's one that you're going to score 9 the examinee on to determine -- that's important in 10 determining whether they're decept -- indicating 11 deception or not; correct? 12 A That's a relevant question, yes. 13 Q A relevant -- all right. And 24 says, 14 "Withholding information about committing a serious 15 crime." 26 is about involvement with illegal drugs. 16 And 28 is deliberately falsifying information on the 17 application. 18 A Yes. 19 Q So those are the questions that Secret 20 Service really wants to know the answer; correct? 21 A Those are the relevant questions. 22 Q The relevant questions. Okay. What is</p>

<p style="text-align: right;">61</p> <p>1 "S" and what is "C"? And I'm asking compound 2 questions, which I shouldn't. What is "S"? 3 A "S" is a sacrifice relevant. 4 Q What does that mean? 5 A That's a question for overall intent. "As 6 it stands, concerning your application process, do 7 you" -- "DYI" would stand for "Do you intend to 8 answer each question truthfully?" 9 Q All right. And what does "C" stand for? 10 A That would be a comparison question. 11 Q Ah. And what -- and, so, in your -- I may 12 have this wrong, so please correct me. So, when you 13 said you compared R24 with C25 -- I see. That's -- 14 you're just reflecting the way this printed sheet 15 has designated questions; is that correct? 16 A Correct. 17 Q All right. Now, "DYI" you said was "do 18 you intend." What is "PTAWSS"? 19 A It would normally stand for "prior to 20 applying with the Secret Service." 21 Q Okay. And "DYE" is "did you ever"; is 22 that correct?</p>	<p style="text-align: right;">63</p> <p>1 Q They do monitor. 2 A They're National Center for Credibility 3 Assessment and they fall under DIA and they're 4 responsible for quality assurance program which, 5 therefore, goes around and inspects -- in addition 6 to training, one of the functions they also do is 7 they inspect federal polygraph programs to ensure 8 that they are in compliance and they are conducting 9 themselves in an honest, ethical manner and adhering 10 to the federal standards established. 11 Q Okay. That's -- that's what I was trying 12 to get. You said, "DIA." To me, that's Defense 13 Information Agency. What did you mean by "DIA"? 14 A That's the -- that's what NCCA falls 15 under. 16 Q Defense Information Agency. Okay. Just, 17 again, wanted to make sure. 18 All right. So, the -- the national center 19 requires polygraphs to be audio recorded; isn't that 20 correct? 21 A No. 22 Q They don't require it?</p>
<p style="text-align: right;">62</p> <p>1 A Normally, yes. 2 Q Okay. Now, in C25, it says, "BAW" -- 3 before -- prior to applying, before applying. I get 4 it. Okay. We won't belabor those points. Okay. 5 MR. GAGLIARDO: All right. Give me one 6 second to talk to Mr. [REDACTED] please. 7 (A recess was taken.) 8 BY MR. GAGLIARDO: 9 Q Let me -- let me try to get at something. 10 Does DCCA accredit -- 11 A NCCA? National Center of Credibility 12 Assessment. 13 Q Yeah. Does the national center accredit 14 the Secret Service polygraph program? 15 A No. 16 Q They're a training -- I understand they're 17 a training institution. They don't review whether 18 you're up to their standards or anything like that. 19 Once they train people, they're out of the picture? 20 A No. 21 Q Okay. 22 A They do train people. They do monitor.</p>	<p style="text-align: right;">64</p> <p>1 A No. 2 Q Do they recommend it? 3 A I don't know if they recommend it. They 4 don't require it. 5 Q What about Secret Service, does Secret 6 Service by its own policies require it? 7 A Yes. 8 Q Okay. So, if exams aren't being recorded, 9 for whatever reason, that would be a problem -- that 10 would be a problem, would it not? That would 11 violate -- let me ask it this way. If the exams -- 12 if the exams aren't being recorded, whatever the 13 reason might be, that would be at least suspected to 14 be a violation of Secret Service policy. 15 A You mean intentionally not recorded? 16 Q Well, that's what I was going to try to 17 make that distinction. Clearly, if it was 18 intentionally not recorded, that would be a 19 violation of policy. 20 A That would be. 21 Q All right. And negligently not recording, 22 not checking the equipment, not making sure it was</p>

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17 (Pages 65 to 68)

<p style="text-align: right;">65</p> <p>1 in good working order, not getting it repaired when</p> <p>2 broken would also violate Secret Service policy.</p> <p>3 A What do you mean by -- further explain</p> <p>4 "negligent."</p> <p>5 Q Well, if you know a machine is -- if you</p> <p>6 know that microphones aren't working and you</p> <p>7 don't --</p> <p>8 A Okay. So you're saying if the person</p> <p>9 knows.</p> <p>10 Q -- fix that.</p> <p>11 A Well, at least -- yeah, they'd have to fix</p> <p>12 that problem before moving forward if they were</p> <p>13 aware of it.</p> <p>14 Q Right. And it's the examiner's</p> <p>15 responsibility to make sure that all equipment used</p> <p>16 in the polygraph examination process is in good</p> <p>17 working order; correct?</p> <p>18 A Correct.</p> <p>19 Q All right. So if -- okay.</p> <p>20 MR. GAGLIARDO: Give me another minute</p> <p>21 with Mr. [REDACTED]</p> <p>22 (A recess was taken.)</p>	<p style="text-align: right;">67</p> <p>1 A Correct.</p> <p>2 Q Okay. What is DACA?</p> <p>3 A That's NCCA's previous name, Defense</p> <p>4 Academy for Credibility Assessment.</p> <p>5 Q Okay.</p> <p>6 A They've gone through several name changes</p> <p>7 over the years.</p> <p>8 Q Yes, I heard you say that off the record.</p> <p>9 Okay. So, they're the -- it's the same -- it's the</p> <p>10 same institution --</p> <p>11 A Yes.</p> <p>12 Q -- different name.</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you have a -- do you know where</p> <p>15 I can get a copy of those instructions?</p> <p>16 A Probably through NCCA.</p> <p>17 Q Okay. Well, never mind. Okay.</p> <p>18 MR. GAGLIARDO: Want to talk again?</p> <p>19 MR. [REDACTED] Yes, one last time.</p> <p>20 MR. GAGLIARDO: One last question.</p> <p>21 (A recess was taken.)</p> <p>22 BY MR. GAGLIARDO:</p>
<p style="text-align: right;">66</p> <p>1 MR. GAGLIARDO: Mark this as 2.</p> <p>2 (Exhibit 2 was marked for identification</p> <p>3 and is attached to the Ellen Ripperger 10/18/16</p> <p>4 deposition transcript.)</p> <p>5 BY MR. GAGLIARDO:</p> <p>6 Q Just so we're squeaky clean, I'm going to</p> <p>7 ask you to use the marked one.</p> <p>8 Agent Alston, if you would look at the</p> <p>9 numbered page 2 of what's been marked as Exhibit</p> <p>10 Number 2, which, let me represent -- represent was</p> <p>11 provided by Secret Service to us in response to a</p> <p>12 request, it is -- it's a four-page document and the</p> <p>13 subject on the cover page is "Polygraph Examination</p> <p>14 Procedures." Page 2, at the very top, the printed</p> <p>15 headline is "Applicant Screening Examinations." Do</p> <p>16 you see that?</p> <p>17 A Yes.</p> <p>18 Q Okay. This is another help-me-out</p> <p>19 question. You see it says, "Examiners should ensure</p> <p>20 that the applicant examination is in accordance with</p> <p>21 DACA instructions regarding law enforcement</p> <p>22 preemployment testing (LEPET)."</p>	<p style="text-align: right;">68</p> <p>1 Q Do you know if transcripts of the audio</p> <p>2 recordings of polygraph examinations are ever made?</p> <p>3 A You mean as a normal course of business</p> <p>4 within Secret Service?</p> <p>5 Q Either normal course of business or for a</p> <p>6 particular reason. The reason I -- the reason I'm</p> <p>7 asking you is because we cannot hear everything on</p> <p>8 that tape or that audio file and the question is</p> <p>9 does a transcript exist of -- I don't want to get</p> <p>10 into a whole discussion of it. If you don't know,</p> <p>11 you don't know.</p> <p>12 A Not to my knowledge.</p> <p>13 MR. GAGLIARDO: Okay. All right. I don't</p> <p>14 have any questions. Your lawyer may or may not.</p> <p>15 MR. WALLACE: I've just got a couple</p> <p>16 follow-up.</p> <p>17 EXAMINATION BY COUNSEL ON BEHALF OF THE AGENCY</p> <p>18 BY MR. WALLACE:</p> <p>19 Q Special Agent Alston, when you conducted</p> <p>20 the quality review of Mr. [REDACTED] polygraph, did</p> <p>21 you review all of the charts?</p> <p>22 A Yes.</p>

<p style="text-align: right;">69</p> <p>1 Q And were those charts -- did you consider</p> <p>2 them clear charts?</p> <p>3 A Yes.</p> <p>4 Q And explain to us what does it mean when</p> <p>5 you have a chart that's clear?</p> <p>6 A Charts that are fairly consistent and</p> <p>7 homeostasis and, basically, charts that are -- can</p> <p>8 be evaluated free of a lot of unnecessary artifacts.</p> <p>9 Q So a clear chart enables you, as a</p> <p>10 reviewer, to be able to score those charts, in your</p> <p>11 opinion, accurately?</p> <p>12 A It provides for a much easier day for me</p> <p>13 as a reviewer and as an examiner. There are --</p> <p>14 clear charts are those charts where you get nice</p> <p>15 physiological readings from the examinee, so it</p> <p>16 makes it very easy to interpret the charts.</p> <p>17 Q Okay. And when you conducted this review,</p> <p>18 I think you do initially what's called a "blind</p> <p>19 review"?</p> <p>20 A That's correct.</p> <p>21 Q That's correct. And explain again what a</p> <p>22 blind review is.</p>	<p style="text-align: right;">71</p> <p>1 particularly relevant question?</p> <p>2 A Correct.</p> <p>3 MR. WALLACE: Okay. I don't have any</p> <p>4 other questions.</p> <p>5 MR. GAGLIARDO: Just want to be clear.</p> <p>6 EXAMINATION BY COUNSEL ON BEHALF OF THE COMPLAINANT</p> <p>7 BY MR. GAGLIARDO:</p> <p>8 Q The field examiner in this case means</p> <p>9 Agent Ripperger?</p> <p>10 A Yes.</p> <p>11 Q Okay. Just -- it was a different term. I</p> <p>12 just want to make sure.</p> <p>13 A Basically, field exam -- whoever conducted</p> <p>14 the examination.</p> <p>15 Q Right, whoever conducted the exam, so, in</p> <p>16 this case, Ripperger.</p> <p>17 A Yes.</p> <p>18 Q Okay. All right. Have you reviewed other</p> <p>19 examinations that she's conducted?</p> <p>20 A Yes.</p> <p>21 Q Have you nonconcurred in any of them?</p> <p>22 A I'm pretty sure I have.</p>
<p style="text-align: right;">70</p> <p>1 A A blind review or blind QC would be, as a</p> <p>2 quality -- excuse me -- as a quality control</p> <p>3 specialist, I would simply take the charts and score</p> <p>4 the charts without looking at anything else in the</p> <p>5 reports. So, I don't know anything about the field</p> <p>6 examiner's outcome and, in theory, I would score the</p> <p>7 charts and then see what the field examiner has come</p> <p>8 up with to determine whether or not we have a</p> <p>9 nonconcur situation.</p> <p>10 Q So the only thing in a blind review, when</p> <p>11 you look at the charts, you don't look at any of the</p> <p>12 background of whoever the examinee is?</p> <p>13 A No.</p> <p>14 Q Other than just the name that's on the</p> <p>15 chart?</p> <p>16 A Possibly, if the examiner titled the file</p> <p>17 that way, usually it will have the applicant data</p> <p>18 file number and it may have a last name but,</p> <p>19 generally, that's it.</p> <p>20 Q Okay. And then it was based on this blind</p> <p>21 review, and your -- your further review was that</p> <p>22 there was some significant response on a</p>	<p style="text-align: right;">72</p> <p>1 Q What happens when there's a</p> <p>2 nonconcurrence?</p> <p>3 A As the initial quality control person, as</p> <p>4 I stated, I would do a blind QC, and if, after</p> <p>5 scoring a series, I determine -- or at the end, I</p> <p>6 determine that there's a difference in my overall</p> <p>7 evaluation and the field examiner's overall</p> <p>8 evaluation, I would then send the charts to another</p> <p>9 quality controls person.</p> <p>10 Q And that's why Magnuson got involved in</p> <p>11 this case?</p> <p>12 A Yes, and then they -- he -- in this case,</p> <p>13 he would have conducted a blind QC, and he came up</p> <p>14 with the evaluation he came up with, and, in this</p> <p>15 situation, he concurred with Agent Ripperger, which</p> <p>16 is why a breakout was then done or which is why</p> <p>17 testing was -- was ideally continued on.</p> <p>18 Q Well, Magnuson determined that the -- that</p> <p>19 the outcome was -- his overall evaluation was</p> <p>20 inconclusive.</p> <p>21 A It's a series one, correct.</p> <p>22 Q Is it series one or series two? Series</p>

<p style="text-align: right;">73</p> <p>1 two.</p> <p>2 A Series -- well --</p> <p>3 Q The only document I have is page -- from</p> <p>4 Magnuson is page 10.</p> <p>5 A Right.</p> <p>6 Q And it says, "Series two, charts one, two,</p> <p>7 three, and four."</p> <p>8 A Which would be series one for the actual</p> <p>9 examination.</p> <p>10 Q You've totally confused me now.</p> <p>11 A The initial for all examinations --</p> <p>12 applicant screenings for all examinations, there</p> <p>13 would be an initial acquaintance test conducted --</p> <p>14 Q Okay.</p> <p>15 A -- which is simply asking a series of</p> <p>16 questions generally dealing with a number to give</p> <p>17 the examiner and examinee -- the examinee an</p> <p>18 opportunity to sit in the chair, have the components</p> <p>19 attached and, basically, get kind of a practice run,</p> <p>20 a trial run of what it's going to feel like for me,</p> <p>21 the examiner, to ask them a series of questions, for</p> <p>22 them to respond while having the components</p>	<p style="text-align: right;">75</p> <p>1 Ripperger.</p> <p>2 A Okay.</p> <p>3 Q And one of them is inconclusive, and one</p> <p>4 of them is significant. And the inconclusive is 24,</p> <p>5 26, and 28, which we know Magnuson also said was</p> <p>6 inconclusive.</p> <p>7 A Right.</p> <p>8 Q Okay. The other chart analysis by Agent</p> <p>9 Ripperger refers to R4 and R6, which she scores as</p> <p>10 significant response.</p> <p>11 A Correct.</p> <p>12 Q I don't see anything from Magnuson on</p> <p>13 that. I may have asked this. Why would he not have</p> <p>14 looked at that?</p> <p>15 A Because he wasn't the primary evaluator.</p> <p>16 I was. And as I stated before, he was called in</p> <p>17 just to simply review series one, which he concurred</p> <p>18 with Ms. Ripperger and, therefore, she moved on to a</p> <p>19 second series, while it wouldn't have been realtime,</p> <p>20 but I had a nonconcur with Ms. Ripperger on series</p> <p>21 one, so Agent Magnuson was called. I called on his</p> <p>22 assistance for him to then do a blind QC. He</p>
<p style="text-align: right;">74</p> <p>1 attached.</p> <p>2 And it also allows the examiner to adjust</p> <p>3 the instrument to the individual's physiology for</p> <p>4 that day, make any type of corrections or</p> <p>5 adjustments within the instrument. And it's just</p> <p>6 that, just a practice test. So, that will come up</p> <p>7 as series one, generally printed out through the</p> <p>8 Lafayette system.</p> <p>9 Q All right. What we really care about</p> <p>10 here --</p> <p>11 A Yes.</p> <p>12 Q -- are the answers to relevant questions.</p> <p>13 A Exactly.</p> <p>14 Q And the relevant questions were 24, 26,</p> <p>15 and 28.</p> <p>16 A Right.</p> <p>17 Q Okay. We don't have to go back over what</p> <p>18 Magnuson did or didn't -- whatever his report is.</p> <p>19 Okay. Hang on one second. All right.</p> <p>20 Here's what I'm a little bit confused about. I'm</p> <p>21 sorry to -- to keep going back over this. I see two</p> <p>22 reports or two polygraph chart analyses by Agent</p>	<p style="text-align: right;">76</p> <p>1 concurred with her, which then I moved on.</p> <p>2 MR. GAGLIARDO: Okay. Okay. All right.</p> <p>3 I don't have anything. Thank you. Sorry it took as</p> <p>4 much time as it did.</p> <p>5 THE WITNESS: That's fine.</p> <p>6 THE COURT REPORTER: Mr. Gagliardo, are</p> <p>7 you ordering this to be transcribed?</p> <p>8 MR. GAGLIARDO: Yes.</p> <p>9 THE COURT REPORTER: Is standard eight</p> <p>10 business days okay?</p> <p>11 MR. GAGLIARDO: Yes. I'll tell you what.</p> <p>12 We have a conference call with the judge on</p> <p>13 Thursday. So, why don't you hold -- hold the order</p> <p>14 until after Thursday and I'll let you know --</p> <p>15 THE COURT REPORTER: Okay.</p> <p>16 MR. GAGLIARDO: -- what we're going to do.</p> <p>17 THE COURT REPORTER: Okay. Just in case</p> <p>18 you do want it transcribed, are you then going to</p> <p>19 want the exhibits attached?</p> <p>20 MR. GAGLIARDO: Yes. Now, we're going to</p> <p>21 use the same exhibits in both cases. If you'd just</p> <p>22 attach them to one or the other deposition, that's</p>

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20 (Pages 77 to 79)

<p style="text-align: right;">77</p> <p>1 all that matters.</p> <p>2 THE COURT REPORTER: Okay. That's what</p> <p>3 I'll do, then.</p> <p>4 MR. GAGLIARDO: But we'll leave them out</p> <p>5 here right where they are for the next witness.</p> <p>6 THE COURT REPORTER: Yes. Okay.</p> <p>7 And, Mr. Wallace, if this is transcribed,</p> <p>8 are you ordering a copy of the transcript?</p> <p>9 MR. WALLACE: I would assume he wants one,</p> <p>10 yes.</p> <p>11 MR. GAGLIARDO: He is not primary counsel.</p> <p>12 MR. WALLACE: I'm not primary counsel.</p> <p>13 Sorry. Steve -- I'm just handling --</p> <p>14 MR. GAGLIARDO: He's coming in next.</p> <p>15 MR. WALLACE: -- on for this one. So,</p> <p>16 you know what, ask -- when Steve comes in here, he's</p> <p>17 the primary attorney on this, so he'll -- I would</p> <p>18 assume he'd want one, but --</p> <p>19 MR. GAGLIARDO: He'll be in here.</p> <p>20 THE COURT REPORTER: Okay. Thank you.</p> <p>21 MR. GAGLIARDO: And mini-tran --</p> <p>22 miniscript and digital.</p>	<p style="text-align: right;">79</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>2 I, Victoria L. Wilson, the officer before</p> <p>3 whom the foregoing deposition was taken, do hereby</p> <p>4 certify that the foregoing transcript is a true and</p> <p>5 correct record of the testimony given; that said</p> <p>6 testimony was taken by me stenographically and</p> <p>7 thereafter reduced to typewriting under my</p> <p>8 direction; that reading and signing was not</p> <p>9 requested; and that I am neither counsel for,</p> <p>10 related to, nor employed by any of the parties to</p> <p>11 this case and have no interest, financial or</p> <p>12 otherwise, in its outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set my</p> <p>14 hand and affixed my notarial seal this 29th day of</p> <p>15 October, 2016.</p> <p>16 My commission expires January 31, 2019.</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 VICTORIA L. WILSON</p> <p>21 NOTARY PUBLIC IN AND FOR</p> <p>22 THE DISTRICT OF COLUMBIA</p>
<p style="text-align: right;">78</p> <p>1 THE COURT REPORTER: Yes.</p> <p>2 MR. GAGLIARDO: Word?</p> <p>3 THE COURT REPORTER: Yeah -- well, I can</p> <p>4 make that request. So you like -- you want the hard</p> <p>5 copy mini and an electronic copy, if, on Thursday,</p> <p>6 you decide to order?</p> <p>7 MR. GAGLIARDO: Yeah. I mean I</p> <p>8 definitely -- I hate the full text.</p> <p>9 THE COURT REPORTER: Right. Right.</p> <p>10 MR. GAGLIARDO: So mini in Word so I can</p> <p>11 cut and paste.</p> <p>12 THE COURT REPORTER: Right. Okay. Sure.</p> <p>13 Thank you.</p> <p>14 (Off the record at 11:41.)</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>	

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