

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
17	17
18	18
19	19
20	20
21	21
22	22

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Conducted on October 18, 2016

2 (Pages 5 to 8)

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

<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>

Deposition of Ed Alston
Conducted on October 18, 2016

17 (Pages 65 to 68)

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

Deposition of Ed Alston
Conducted on October 18, 2016

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>	

A			
able	15:16 56:21 69:10	63:9	22:1 44:20
about	7:18,20 9:7 12:5,17 22:21 27:4 30:7 37:18 44:18 56:12 59:5 60:14,15 64:5 70:5 74:9,20	adjudicative	agreement
above	20:22 24:12 42:12,16	17:1 18:4 19:4,10 20:7	2:13
Academy	67:4	adjust	Ah
access	9:1	74:2	61:11
accordance	66:20	adjustments	ahead
according	45:8,8,12	74:5	9:7 59:17
account	31:16,19	administer	alcohol
accredit	62:10,13	13:12 16:21 55:11	51:20 52:15,18
accurately	69:11	administered	all
acknowledge	26:17	22:4 49:7,7,19 55:16 57:17	5:13 6:11 7:2 8:10,14 9:2,21 10:21 11:19 12:8 13:6 17:8 20:11 21:11,12 22:13 23:3 24:16 30:14,22 32:4 32:12,16 34:2,21 35:3 36:3,6 37:18 38:15,17 39:6 40:22 41:14,19 42:3,17 43:14 44:19 45:2 46:21 48:5 51:12,16 52:1,11 56:5 58:12 59:2 60:1,13 61:9,17 62:5 63:18 64:21 65:15,19 68:13 68:21 71:18 73:11,12 74:9,19 76:2 77:1
acquaintance	73:13	administering	allow
actions	24:2,8	11:6	57:2
activity	43:2,14	advantage	allows
acts	34:8	47:16	74:2
actual	6:22 57:16 73:8	affect	alone
actually	33:9 34:1,11 42:11 46:22 55:14 59:7	33:11 52:10,11 53:15 53:18 54:9 55:2	16:17 58:13
add	42:11,15	affixed	already
addition	14:19 63:5	79:14	9:6 23:3
additional	14:16	AFL-CIO	also
adhering		3:5	3:20 23:10,20 24:16 32:2,6 33:18 34:1 35:20 58:22 63:6 65:2 74:2 75:5
		after	Alston
		12:10 18:13 22:2,18 25:11 29:2 72:4 76:14	1:14 2:1 4:2 5:2,9,11 66:8 68:19
		again	Altston
		13:21 17:12,20 21:19 42:17 44:9 45:16 47:16 49:9,16 50:2 54:15 55:17 63:17 67:18 69:21	25:20
		agency	AMERICAN
		1:7,11 3:12 10:5 29:15 63:13,16 68:17	3:4
		agent	amount
		5:9,11,18 10:1 14:3 16:4 26:10 34:9 35:1 35:15 38:4 40:11 66:8 68:19 71:9 72:15 74:22 75:8,21	
		aggressiveness	
		33:11	
		agitation	
		33:10	
		agree	
			57:5,5
			analyses
			74:22
			analysis
			45:9,13 75:8
			another
			14:17,18,19 31:22 40:4 65:20 66:18 72:8
			answer
			6:2 54:20,20 56:15,22 59:13 60:20 61:8
			answers
			52:17 60:6 74:12
			any
			6:11 10:15 11:5 16:4,5 17:9,18 18:6 26:10,14 29:13,13 31:2,8 36:9 48:6 51:9,20 52:14,21 54:22 56:20 68:14 70:11 71:3,21 74:4 79:10
			anybody
			16:17 50:10
			anything
			6:19 8:14,16 34:6 36:13 37:1 56:11 58:5 62:18 70:4,5 75:12 76:3
			anyway
			53:19
			Anywhere
			57:9
			apart
			55:22
			apologize
			47:17
			appear
			30:21 55:9,10
			appears
			18:15 21:14,15 23:14 36:21 39:14 40:13 50:6,7
			applicable
			24:3,3,6
			applicant
			15:3,12,22 16:11 18:17 19:8,13 20:3,7,9,14



57:7 66:15,20 70:17 73:12 applicants 15:17 16:3 48:2,9 application 60:17 61:6 applying 16:9 51:16 61:20 62:3 62:3 approach 33:17 approximately 12:4 area 15:18,19 aren't 64:8,12 65:6 argue 20:12 55:17 argumentative 54:16 around 63:5 artifacts 69:8 asked 28:19 40:12 44:4 45:20 46:1 57:15 58:22 75:13 asking 6:16 34:13 36:12 39:18 46:2 57:12 58:1 61:1 68:7 73:15 asks 33:4 52:14 assess 31:7 Assessment 12:1 62:12 63:3 67:4 assigned 10:1 14:17 35:6 assignment 13:2 14:19 assignments 13:10,11 assistance 32:17 75:22	assume 34:22 54:7 77:9,18 assurance 63:4 attach 76:22 attached 4:7 7:13 66:3 73:19 74:1 76:19 attempt 55:10 attention 22:22 attesting 34:1 attorney 77:17 audible 27:16 29:3 50:15 audio 27:5,13 28:14 29:5,13 29:17,18,19 30:1 31:7 31:12,14,20 32:1,4,17 33:8 34:1 50:1 63:19 68:1,8 authority 34:11 authorized 49:14,20 aware 17:4 65:13 a.m 1:17 <hr/> B <hr/> B 4:6 back 26:2,21 29:12,15 40:15 49:1,3,19 50:1,20 74:17,21 background 31:15 70:12 bad 38:17,18 Ball 3:7 Baltimore	1:2 3:9 based 70:20 basically 34:10 40:20 48:1 69:7 71:13 73:19 BAW 62:2 became 50:15 because 8:22 14:17 16:15 28:19 29:22 32:22 33:15 37:7,11 39:11 40:20 43:20 48:20 52:16,22 54:13 56:6 59:4 68:7 75:15 been 5:3 8:20 10:5,21 13:8 27:3 38:17,19 45:20 49:12,13,14,21 50:6,7 50:10 54:6,7 66:9 75:19 before 2:13 5:15 7:6 26:5 28:4 62:3,3 65:12 75:16 79:2 begin 59:5 beginning 9:22 51:1 BEHALF 3:2,12 5:4 68:17 71:6 being 17:19 19:22 28:15 29:20 33:1,2 52:18 57:15,16 64:8,12 belabor 62:4 believe 12:22 25:1 47:1 below 27:4 besides 47:18 best 7:17	better 19:8,12,13 20:2,3,6,9 20:13 between 40:10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] 68:20 bit 41:9 74:20 blanks 44:2 blind 69:18,22 70:1,1,10,20 72:4,13 75:22 blood 30:15 BOA 18:22 body 55:10 both 76:21 bottom 8:5,7 42:4 Boulevard 3:6 BQA 19:5,6 20:22 21:16 branch 13:6,9 16:21 35:6 breakout 72:16 [REDACTED] [REDACTED] briefly 5:17 bringing 15:7 broken 65:2 Building
---	--	--	---

3:7 business 68:3,5 76:10	79:4 cetera 23:16 chair 56:22 57:21 73:18 changes 67:6 character 38:18 charge 34:9 chart 30:5,7,8 31:1,2,4,20 32:13 38:5 39:3,5 41:17 42:19 44:11,11 44:18 45:5,6,7,9,12 45:15,18 46:1,6 69:5 69:9 70:15 74:22 75:8 charts 30:2 32:11 34:14 36:20 37:6 44:1 55:14 57:3 59:8 68:21 69:1,2,6,7 69:10,14,14,16 70:3,4 70:7,11 72:8 73:6 check 23:20 27:13 28:17,18 28:20 29:5,17 checked 24:14 27:3,8,10 checking 64:22 checks 27:5 29:7,13,17 34:2 chief 18:20 21:9 cholesterol 53:10 Christopher 23:8 33:21 CI 47:21 48:10,19 circumstances 56:1 Civil 5:20,21 clarify	6:6 clean 66:6 clear 30:7 52:17 57:2 69:2,5 69:9,14 71:5 clearance 16:19 18:20 21:9 22:15 clearly 56:10,16,20 64:17 closer 14:15 cold 56:17 Columbia 2:16 11:17 79:22 column 42:11 59:3 columns 42:15 combination 15:11 come 55:1 70:7 74:6 comes 77:16 coming 10:13,14 55:21 77:14 commission 1:1 79:16 committing 60:14 compared 43:10 61:13 comparing 31:20 comparison 37:22 43:9 61:10 Complainant 1:5 3:2 5:4 71:6 complete 12:6 57:6 completed 12:14 compliance 63:8 component	15:2 components 57:22 73:18,22 compound 61:1 compulsive 53:14 concerning 7:3 61:6 concluded 36:10 59:9 conclusion 56:12 concurred 72:15 75:17 76:1 condition 55:1 conduct 55:3,22 conducted 14:3 22:6 29:20 49:22 56:6 68:19 69:17 71:13,15,19 72:13 73:13 conducting 32:2,22 54:4 63:8 conference 76:12 confused 20:11,12 73:10 74:20 connected 57:20,21 consider 69:1 consistent 14:11 69:6 consistently 13:9 constitute 17:8 constitutes 20:8 contact 15:21 continue 56:18 continued
--	---	---	---

72:17 control 17:11,14 22:8,11,22 23:6 27:2 29:5 33:22 35:7 40:3,4 70:2 72:3 controls 72:9 conversation 56:19 cool 51:2 Coordinating 15:3,12 16:12 copies 30:19,21 copy 8:21 67:15 77:8 78:5,5 correct 9:14 13:4 14:6 17:13 22:3,5 23:5 24:4,5 27:7,11,12 29:20 30:6 30:16,17,20 32:2,3,6 32:8,9,10,14,15,20 33:3,12 35:19 36:8,19 37:3,4,6 38:8 39:1 40:9,10,18 41:17 42:9 42:13 43:1,4,6,12,13 43:16,22 44:6,8,13 45:4,7,15,18 46:11,13 47:8 51:14,15,21,22 58:18,20,22 59:10 60:4,7,11,20 61:12,15 61:16,22 63:20 65:17 65:18 67:1 69:20,21 71:2 72:21 75:11 79:5 corrections 74:4 correctly 19:3 21:17 31:2 46:15 coughing 56:19 57:1 could 31:10,17,18,21 33:13 33:14,19 34:15 37:3 53:15,18 55:19 couldn't	53:16 58:10 counsel 5:4 6:15,16,18 50:17 68:17 71:6 77:11,12 79:9 count 17:15 counter 40:7 countermeasures 24:10,13 Counter/Anticounter 24:1 counter/anticounter... 24:7 counts 17:18 County 10:11 couple 12:17 39:6 68:15 course 37:2 68:3,5 COURT 76:6,9,15,17 77:2,6,20 78:1,3,9,12 cover 66:13 Credibility 12:1 62:11 63:2 67:4 crime 60:15 criminal 5:20 48:7 criteria 20:6,10 CRR 1:22 cure 46:16 currently 10:1 29:12 cut 78:11 C23 60:3 C25	61:13 62:2 C3 43:5,7,8,15 <hr/> D <hr/> D 5:1 25:20 DACA 66:21 67:2 dash 25:19 data 51:12,13 70:17 date 21:16 23:16 day 69:12 74:4 79:14 days 76:10 DC 2:7 3:17 DCCA 62:10 dead 27:22 28:18 29:2 deal 40:7 dealing 73:16 decept 60:10 deception 38:8,20 44:15,21 60:11 deceptive 58:7 decide 78:6 decision 17:20 Defense 63:12,16 67:3 definitely 78:8 deliberately 60:16 denied 16:14 DEPARTMENT	1:9 Depending 37:19 depends 37:13,13 56:4 deposition 1:14 2:1 5:14 6:12,15 7:14 66:4 76:22 79:3 depression 52:9 DeProspero 21:3 DeProspero-Philpot 20:19 22:14 Describe 24:2 designated 61:15 designations 58:16 designee 34:8,11 detailed 14:18 15:2 details 5:22 determination 17:3 18:4 19:4,11 20:8 49:17 55:13 58:10 determinations 18:7 determine 32:18 37:22 40:21 47:15 48:12,13,17 55:6,9 57:13 60:9 70:8 72:5,6 determined 36:13 56:7 72:18 determines 48:16 determining 60:10 developments 49:2 DIA 63:3,12,13 diagnosed
---	---	--	--

54:7,7 dictate 54:21 difference 40:10 72:6 differences 40:7 different 34:19 38:19,21 39:1,2 41:9 44:4,7 46:9 47:22 48:7,18 67:12 71:11 digital 77:22 diminish 33:14 direction 79:8 discovery 4:9 7:11 discrepancy 40:4 discussion 6:17 68:10 discussions 55:8 disorder 53:14 displaying 18:1 distinction 64:17 District 2:16 79:22 division 10:2 13:2,5,6 14:18 15:5 16:20,20 18:20 21:10 22:15 34:9 35:10 divisions 15:13 document 21:18 23:4,11,14 34:21 45:8 58:16 66:12 73:3 doing 58:2	done 13:15 14:8 28:11 38:16 39:20 51:4 72:16 double 59:9 down 11:17 60:2 dramatically 37:9 draw 22:22 drop 46:4,4 drug 52:3 drugs 51:9,20 52:5,15,18,22 60:15 duly 5:3 during 10:16,20 14:16 57:1 duties 14:19 DYE 61:21 DYI 61:7,17 D.C 1:15	47:17 Edward 25:20 EEOC 1:6 effect 49:3 50:5 52:22 54:13 effectively 15:15 effectiveness 15:7 effects 53:3 Effexor 52:3,7 53:3 54:3 efficiency 15:6 efficiently 15:16 eight 10:12 76:9 either 27:3 32:5 48:9 54:21 68:5 electrodermal 43:2 electronic 78:5 eliminate 44:18 Ellen 4:7 7:13 66:3 else 20:14 32:19 42:14 70:4 employed 58:8 79:10 employee 35:9 EMPLOYEES 3:5 EMPLOYMENT 1:1 enables 69:9 end 12:21 17:2 25:5 72:5 enforcement	10:7,15 47:1 66:21 enough 55:15 ensure 63:7 66:19 entered 41:2 entire 7:19 EQUAL 1:1 equipment 64:22 65:15 ESQUIRE 3:3,13 established 23:3 63:10 et 23:16 ethical 63:9 evaluate 32:11,13 39:12 evaluated 18:1 39:11 69:8 evaluation 36:4,15 38:3,14 40:11 40:15,17,21 41:3,4,6 41:7 43:9 57:3 72:7,8 72:14,19 evaluations 38:21 40:8 evaluative 58:2,3 evaluator 39:14 75:15 even 29:8 41:1 ever 5:14 7:6,6 28:10 56:6 61:21 68:2 every 14:11 51:13 55:21 everything 9:15 68:7 exact 8:22 49:6
	<hr/> E <hr/>		

exactly 15:11 48:11,21 74:13	17:19	federal 11:21 12:15 63:7,10	follow-up 68:16
exam 27:5,6 28:11 29:6,20 32:22 39:15 46:17 55:3,3,7 56:1,6,8 71:13,15	excuse 70:2	FEDERATION 3:4	foregoing 79:3,4
examination 4:2,10 5:4 7:1 14:2 17:22 22:4,6 27:14 47:22 48:1,19 49:6,21 54:5 55:5,11,16 57:1 57:16 65:16 66:13,20 68:17 71:6,14 73:9	Exhibit 4:9,10 7:10,12 18:16 23:1 30:20 66:2,9	feel 73:20	forensic 34:9
examinations 10:22 11:7 16:22 46:20 47:20 66:15 68:2 71:19 73:11,12	exhibits 4:8 76:19,21	field 1:2 11:10 70:5,7 71:8 71:13 72:7	form 8:22 9:17 24:18,19,20 24:21 25:7 26:7
examinee 18:17 24:10 26:19 33:4 33:12 37:3 38:12 51:8 54:22 60:9 69:15 70:12 73:17,17	exist 68:9	fields 11:1	format 46:17,19,20 47:6,7,13 47:15,21 48:13 49:8 49:11,20,22
examinees 51:16	expedite 15:14	file 7:1 68:8 70:16,18	formats 47:9,18 48:8
examinee's 52:10 53:16	experience 10:7,15 11:5 28:5	fill 23:13 41:1	Fort 11:18 12:10
examiner 12:15 17:21 23:15 24:2 24:8,12,16 26:6 32:1 32:22 33:4,9 35:7,21 48:13 54:2 59:6 69:13 70:7,16 71:8 73:17,21 74:2	explains 79:16	filled 23:15,16 40:16 44:2	forth 15:10 36:17
examiners 13:19 26:16 66:19	explain 7:9 53:9 65:3 69:4,21	final 36:3 40:17 41:5	forward 16:22 65:12
examiner's 25:12 28:13 29:10 33:16 65:14 70:6 72:7	exposure 11:10	financial 79:11	forwarded 18:3 22:12
example 15:20 16:9 23:14 30:22 31:14 37:9 56:16,17	E-test 47:2	find 25:1 34:20 35:1	four 10:18 12:19 31:8 41:21 42:20 43:11 44:4,21 45:15 46:7 57:9 73:7
exams 13:13 29:9 32:2 39:17 48:7 64:8,11,12	<hr/> F <hr/>	finding 33:15	four-page 66:12
exclude	fact 33:16 45:2	fine 5:12,13 29:6 53:2 76:5	free 69:8
	failed 16:15 24:17	finish 57:8	full 49:6,20 78:8
	failing 17:8	finished 12:10	functions 63:6
	fails 17:6	fire 16:17	further 32:18 65:3 70:21
	fair 36:11	firing 18:6 58:11	<hr/> G <hr/>
	fairly 69:6	first 10:16,20,22 11:10 17:8 34:22 36:1 48:5 50:14,14 51:19 59:2	G 5:1
	fall 16:11 63:3	fit 56:8 57:14	Gagliardo 3:3 4:3,5 5:5 19:17,21 20:1 21:21 54:1 56:14 62:5,8 65:20 66:1,5 67:18,20,22 68:13 71:5,7 76:2,6,8 76:11,16,20 77:4,11
	falls 34:10 63:14	fix 65:10,11	
	falsifying 60:16	following 8:20 13:1 41:8	
	familiar 52:4	follows 5:3 20:6	
	far 18:4		
	FBI 16:16		

77:14,19,21 78:2,7,10 galvanic 30:15 garnered 31:12 generally 70:19 73:16 74:7 George's 10:11 getting 65:1 give 6:12 62:5 65:20 73:16 given 5:14 7:9,16 36:18 49:10 79:5 gives 33:12 go 5:22 9:7 11:12,14 38:21 42:4 46:5 59:17 74:17 goes 17:1 22:8 37:9 63:5 going 15:18 16:15 19:15 21:19 26:2,21 50:1 53:20 56:2,3,10,21 57:2 60:8 64:16 66:6 73:20 74:21 76:16,18 76:20 gone 67:6 good 5:6,7 38:16 56:2 57:3 65:1,16 government 3:4 11:22 24:19 graph 30:18 32:14 GS-15 16:10 Guard 10:19 guess 9:7 34:13 36:12 59:3 Gulf	10:17,20 <hr/> H <hr/> H 2:6 3:15 4:6 half 48:1 hand 79:14 handling 77:13 handwriting 23:18 25:11,14 46:6,15 Hang 26:4 74:19 happened 11:9 12:11 18:12 28:4 28:10 40:14 happens 22:18,18 72:1 hard 78:4 hate 78:8 head 36:12 headline 66:15 HEADQUARTERS 2:5 hear 6:8 33:1 68:7 heard 6:9 52:6 67:8 heart 30:16 31:17 37:9 held 2:1 help 31:7 32:17 help-me-out 66:18 here 16:18 19:20 21:12 55:1 74:10 77:5,16,19 hereby 79:3 hereunto	79:13 here's 54:15 55:1 74:20 he'll 77:17,19 high 53:10 hired 17:19 hiring 15:8 16:14 18:6 58:11 hold 76:13,13 HOMELAND 1:9 homeostasis 69:7 honest 63:9 hours 57:10   <hr/> I <hr/> ID 59:3 idea 21:20,22 22:1,20 50:9 50:20 ideally 72:17 identification 7:12 66:2 identifier 59:18 identify 5:8 ignorance 46:17 II 25:21 illegal 60:15 important 51:8 54:16,19 60:9 inaudible 50:16	INC 36:4 incapable 55:7 included 7:20 including 53:9 inconclusive 36:7,10,14 44:22 45:1 45:3 72:20 75:3,4,6 increase 15:6 31:8,16 increased 31:16 indicate 20:3 36:13 56:10 58:7 indicated 28:21 indicates 18:16 36:3 59:6 indicating 33:10 60:10 indication 44:20 45:10 55:21 56:21 indicative 38:7,20 44:14 individual 45:5,6 56:4,16 individual's 74:3 infer 24:9 influenced 52:18 information 15:19 16:10 18:2 22:12 26:17 31:11 60:14,16 63:13,16 initial 26:16 27:17,18 29:3,5 72:3 73:11,13 initially 27:20 69:18 initials 18:21 19:6 20:22 21:16
---	--	---	---

25:18 46:22 inspect 63:7 inspects 63:5 institution 62:17 67:10 instructions 66:21 67:15 instrument 59:7 74:3,5 intend 61:7,18 intent 61:5 intentionally 64:15,18 interest 79:11 internship 12:13,18 interpret 30:1 54:9 69:16 interpretation 38:22 interpreted 22:4 interpreting 11:6 interrupt 9:8 interviewing 56:18 involved 72:10 involvement 12:11 60:15 itself 6:22 11:11 33:17	1:7 job 1:20 9:22 19:18 51:17 57:7 JOHNSON 1:7 judge 76:12	58:13 77:4 led 56:12 left 22:10 LEPET 46:17,19 47:12,18,21 48:1,10 49:5,8,12,20 49:22 66:22 less 14:20,21 48:20 let's 13:21 25:1 30:7 37:15 41:8,12,14 46:3,4 56:5 58:13 line 24:12 25:6,11 52:3 59:11 lines 30:9,13 Lipitor 52:4 53:5 list 27:2 listen 29:6 listened 51:1 listening 29:22 31:6 lists 52:2 literally 55:19 little 10:6 41:9 48:20 74:20 long 10:5,21 12:4,17 57:4 57:11,17 look 15:22 27:4 30:4 36:15 37:5,5 40:20 41:12,14 42:7,19 45:19 51:5 53:20 55:1 58:14 66:8 70:11,11 looked 75:14	looking 15:19 19:3 32:13 40:16 41:2 70:4 looks 18:18,19,22 19:4 20:18 23:12 36:5 lot 5:22 14:16 69:8 loud 31:15 Lynn 1:22 2:13
	K		M
	keep 74:21 kind 15:11,13 26:16 34:19 73:19 know 6:1 7:17 16:16 17:9 18:8,12 20:5,7,9,15 20:16 21:6 26:6 28:12 33:20 34:4,6,16 35:3 36:10 37:17 39:7,13 47:16 50:7,12 50:15 51:8 52:7,21 53:2 54:1,19 56:2 57:7 60:5,20 64:3 65:5,6 67:14 68:1,10 68:11 70:5 75:5 76:14 77:16 knowledge 7:7 34:3 37:17 68:12 knows 65:9		machine 65:5 made 20:8 22:5 28:15 68:2 Magnuson 34:21 35:3,4,5 39:8 40:12 72:10,18 73:4 74:18 75:5,12,21 Magnuson's 39:1 Mailstop 3:8 make 13:22 15:14 17:2 18:3 18:6 28:14 29:17,19 31:1 32:1 41:9 42:17 46:14 49:9 52:16 55:13 57:3 58:10 63:17 64:17 65:15 71:12 74:4 78:4 makes 49:16 69:16 making 64:22 management 16:20 manager 10:3 manner 63:9 many 13:12,15,21 14:8 marijuana 51:20 52:15
J 3:3 Jackson 11:18 12:11 January 79:16 JEH	L L 79:2,20 Lafayette 74:8 last 13:17 14:17 67:19,20 70:18 law 10:7,15 47:1 66:21 lawyer 68:14 least 64:13 65:11 leave		

Mark 66:1 marked 7:10,12 66:2,7,9 marks 23:20 Maryland 10:12 materials 4:9 7:10 matter 59:4 matters 77:1 maybe 12:19 14:10 36:11 MD 3:9 mean 9:7 19:9 27:18 31:10 43:17 44:18 46:18 53:19 54:2,22 57:11 59:16 61:4 63:13 64:15 65:3 68:3 69:4 78:7 Meaning 57:18,19 means 44:3 49:20 59:3,13 60:6 71:8 measure 24:2 measures 30:14 31:8 medication 51:20 52:3,15,22 54:8 medications 55:2 medium 30:19 mentally 55:4,7,15 56:8 merely 50:22 Merit 2:14 met	7:6 50:17 microphones 65:6 middle 24:1 midpoint 27:4 might 15:18 31:7,12 33:16 52:11 64:13 military 10:16 mind 26:1 52:17 55:9 67:17 mini 78:5,10 miniscript 77:22 mini-tran 77:21 minus 37:1,20 41:5 42:5,8 43:5,7,8,11,15 minuses 38:12 minus-threes 38:17 minute 45:16 58:14 65:20 mistake 25:3,10 moment 8:19 25:4 50:2 51:6 monitor 62:22 63:1 month 59:12 months 10:20 12:19 more 17:7 28:9 53:21,21 morning 5:6,7 6:12 Most 26:15 mouth 50:3	move 29:18 moved 75:18 76:1 moving 65:12 much 8:19 53:21,21 69:12 76:4 must 54:20 <hr/> N <hr/> N 3:1 4:1,1 5:1 58:19 name 21:16 23:15 34:22 36:1 52:3 67:3,6,12 70:14 70:18 national 10:19 11:22 62:11,13 63:2,18 NCCA 62:11 63:14 67:16 NCCA's 67:3 necessarily 14:13 30:3 31:9 37:13 38:11 44:16 54:11 need 8:18,19 negative 37:10,20 38:6,7 neglected 9:21 negligent 65:4 negligently 64:21 neither 79:9 nervous 55:19 neutral 33:5 never 26:1 67:17 next	41:22 52:2 59:11 60:3 77:5,14 nice 69:14 noise 31:15 nonconcur 70:9 75:20 nonconcurrent 71:21 nonconcurrence 72:2 nonconcurrent 40:6 none 24:11 32:5 normal 57:5 68:3,5 normally 59:6 61:19 62:1 notarial 79:14 Notary 2:15 79:21 notation 20:3 noted 19:18,22 nothing 40:16 number 7:1 37:11 39:7 41:12 41:13,18,20 42:1,20 43:15 53:7 66:10 70:18 73:16 numbered 66:9 numbers 36:16 38:6,7 42:11,15 NW 2:6 3:15 N/A 24:3 <hr/> O <hr/> O 4:1 5:1 object
---	---	---	---

19:15 21:20 objection 19:18,22 53:22 56:13 Obsessive 53:14 obvious 12:9 obviously 57:12 occasionally 28:8 OCD 53:10,13,19 54:3,7 October 1:16 79:15 Office 1:2 officer 10:11 35:10 79:2 offices 2:1 often 28:7,9 Oh 26:1 41:13 50:18 okay 5:20,22 6:3,7,10,14,19 6:21 7:5,8,15 8:1,4,18 9:12,16,18 12:2,20 13:1,8,18,21 14:7,11 14:14 16:14 17:16 18:8,12,21 19:18 20:18 21:8,11,21 22:2 22:21 23:2,13,22 24:9 24:21 25:10,20 26:1,3 27:16,21 28:13 29:18 30:10 31:22 32:10,21 33:20 34:4,16,19 35:2 35:5,15 37:15 38:2,15 38:22 40:15 41:11,22 42:3,10,21 43:2 44:1 46:9,14 47:4 48:5,9 48:12 49:9 50:1,18 51:1,7 52:7 53:2 54:12 56:10,14 57:4 57:11 58:1,12 59:20 60:22 61:21 62:2,4,4	62:21 63:11,16 64:8 65:8,19 66:18 67:2,5 67:9,14,17,17 68:13 69:17 70:20 71:3,11 71:18 73:14 74:17,19 75:2,8 76:2,2,10,15 76:17 77:2,6,20 78:12 onboard 15:7 once 17:20 45:21 46:1 49:16 62:19 one 8:12 13:17 17:6,7,9 26:4,4 27:10 29:11 31:8,10 37:2 39:5,7,7 39:11 40:3 41:17,22 42:8,19 43:18,19,20 43:21 44:1,2,18 45:7 45:9,15,18 46:1,2,6,6 60:8 62:5 63:6 66:7 67:19,20 72:21,22 73:6,8 74:7,19 75:3,3 75:17,21 76:22 77:9 77:15,18 only 7:19 37:17 39:7,11 45:6,9,14,17,17,20 46:1 47:12 48:19 49:5,11,11 70:10 73:3 operation 59:7 opinion 69:11 opportunity 1:1 11:11 73:18 opposed 17:10 ops 29:9 order 7:16 65:1,17 76:13 78:6 ordering 76:7 77:8 other 5:18,19 8:16 10:15	13:9,11,19 30:19 31:22 37:22 39:12 47:18 48:6 55:20 58:1,2,6 70:14 71:4 71:18 75:8 76:22 otherwise 33:10 55:12 58:8 79:12 out 22:10 27:20 50:15 62:19 74:7 77:4 outcome 70:6 72:19 79:12 outside 10:8 15:18 19:19 over 10:6 40:5 67:7 74:17 74:21 overall 38:1,14 40:21,22 41:3 41:4 53:18 61:5 72:6 72:7,19 own 64:6 <hr/> P <hr/> P 3:1,1 5:1 package 7:19,21,22 8:15 58:5 packet 18:16 25:4 page 4:2,8 8:5,7,10,11 9:3,4 9:5,9,12,14,17 13:22 21:12 22:22 24:1 25:8,9 26:2,21 30:22 33:22 34:20 35:1 39:5,7 41:10,14,14,16 42:18 45:12 46:5 49:10 51:5,13 58:14 66:9,13,14 73:3,4 pages 1:21 8:1,16,20 30:8 40:16 palms 43:3 paper 30:19 32:14 36:13	Pardon 45:22 part 8:20 31:1 particular 14:1 34:17 68:6 particularly 71:1 parties 79:10 parts 7:19,22 past 13:16 14:9,10 paste 78:11 people 15:7,13 39:17,21 62:19 62:22 perform 32:5 period 56:20 57:17 periodic 29:7 person 16:14 40:3,4 52:14 55:14 56:12 65:8 72:3,9 pertinent 17:10 Philpot 22:16 physically 55:4,7,15 56:7 physician's 53:8 physiological 53:1,3,17 54:10 69:15 physiology 53:18 54:14 74:3 picture 62:19 place 40:7 placement 47:1
--	---	---	--

please 5:8 6:5 8:11,19 17:12 17:13 25:4,17 36:1 37:6 58:15 61:12 62:6	possible 15:16	probing 48:22	Q
possibly 57:9 70:16	practice 16:18 17:5 40:1,2 73:19 74:6	problem 28:3,22 29:1 50:4,8,11 50:12 64:9,10 65:12	QC 70:1 72:4,13 75:22
plus 36:16,17 37:1	preemployment 66:22	procedure 39:16	qual 19:12
pluses 38:12	pregnancy 53:9	Procedures 4:10 66:14	qualified 19:8,13 20:3,6,9,13
plus-threes 38:16	preparation 6:14	process 15:8,15,17 17:2 22:9 22:11 34:7 40:6 61:6 65:16	quality 22:8,11,21 23:6 27:1,2 29:4 33:22 35:7 40:3 40:4 63:4 68:20 70:2 70:2 72:3,9
point 9:20 18:5 29:10,10	prescreen 57:13	program 11:13,14,19,21 12:6,14 13:6 29:16 62:14 63:4	question 6:4,6,9 17:10,11,12,18 18:2 25:5 31:13 33:17 34:7,20 36:11 37:10,12,14,19 38:4 41:20,21 42:20 43:9 44:3,4,9,21 45:14,16 46:9,10,12,16 51:19 52:20 53:7,20 54:17 58:21 59:2,11,14,19 59:22 60:6,12 61:5,8 61:10 66:19 67:20 68:8 71:1
points 62:4	prescription 51:10	programs 63:7	questioning 25:6
police 10:11,16	PRESENT 3:20	proper 5:11	questions 12:9,17 17:7,14,15 26:10 33:5 37:22 43:10 56:22 57:12,15 58:1,17,17 59:22 60:3 60:19,21,22 61:2,15 68:14 71:4 73:16,21 74:12,14
policies 64:6	presented 11:11	properly 29:20 32:2,22	quick 29:17
policy 16:18 17:4 18:9 39:16 39:19 40:1,2 64:14,19 65:2	presently 53:8	Protonix 52:4 53:5	R
polygraph 4:10 10:2,22 11:6,13 12:15 13:2,5,6,8,12 14:2 15:21 16:1,1,6,7 16:16,21 17:6,21,21 18:5 22:3 30:14 34:10 35:6,7,20 45:9 45:12 48:19 49:6,11 49:21 51:12,13 57:6 58:6,11 62:14 63:7 65:16 66:13 68:2,20 74:22	pressure 30:15	provided 7:11 66:11	R
polygraphs 12:12 37:17 63:19	presumably 58:21	provides 69:12	R 3:1 5:1 41:22 60:6
ponder 53:20	pretty 14:11 19:2 71:22	PTAWSS 61:18	raising 33:9
portion 29:3	previous 14:20 24:12 67:3	Public 2:15 79:1,21	random 27:5 28:20 29:9,16
position 16:4,5,10	primarily 13:18	pull 29:9	randomly 27:13
positions 16:4 48:18	primary 39:14 75:15 77:11,12 77:17	purpose 29:19 31:10,22	
positive 37:20	Prince 10:11	purposes 32:6	
	printed 61:14 66:14 74:7	Pursuant 2:13	
	prior 10:13,14 11:5 55:13 60:5 61:19 62:3	purview 16:11	
	probably 8:22 9:16,19 12:21 13:17 14:15,20 15:21 57:2 67:16	put 21:16,16 50:3	
		putting 59:7	

rarely 28:7,8,9	record 59:8 67:8 78:14 79:5	Reporter 2:14,15 76:6,9,15,17 77:2,6,20 78:1,3,9,12	13:19 16:22 44:19
rate 30:16 31:17 37:9,10	recorded 27:5 30:18 63:19 64:8 64:12,15,18	REPORTER-NOTA... 79:1	revealed 33:9
rated 37:20 42:22 43:11	recording 27:13,17,18 28:14 31:20 32:5 50:1,11,13 64:21	reports 70:5 74:22	review 6:21 8:1,14,16,18 13:19 27:2 34:7,13 39:17,20 40:5,12 62:17 68:20,21 69:17 69:19,22 70:1,10,21 70:21 75:17
rating 37:21	recordings 68:2	represent 66:10,10	reviewed 6:20 8:15,21 9:16 14:5 26:17,18,18 40:2 71:18
read 6:19 25:16,17 42:1 56:2	recreational 51:9	represented 21:17	reviewer 19:20,22 23:6 35:21 69:10,13
reading 46:15 79:8	recruiting 15:9	request 7:11 66:12 78:4	reviews 14:7,8
readings 69:15	reduced 79:7	requested 11:12 79:9	right 5:13 6:11 7:2,5 8:10,14 9:2,21 10:21 11:19 12:8 20:11 21:15 22:13 23:3 24:15,16 24:18 28:1,10 30:11 30:11,14,22 31:5,6,10 31:19 32:4,12,16 33:8 34:20 35:3 36:3,6,20 38:13 39:6 40:22 41:14,19 42:3,17 43:3 43:14,21 46:21 47:2 48:22 51:12 52:1,16 53:19 54:18 56:5 58:13 59:2,21 60:1,13 61:9,17 62:5 63:18 64:21 65:14,19 68:13 71:15,18 73:5 74:9,16 74:19 75:7 76:2 77:5 78:9,12
real 26:15 34:7	reflecting 61:14	require 48:19 63:22 64:4,6	Ripperger 4:7 7:13 14:3 23:15 26:10 66:3 71:9,16 72:15 75:1,9,18,20
realize 29:1	regarding 12:11 17:5 18:9 45:2 45:18 66:21	required 29:14	Ripperger's 40:11
realized 29:2	Registered 2:14	requires 16:6,7 63:19	RMR 1:22
really 20:12 36:11 37:16 38:16 42:1 47:16 53:20 56:2 60:2,20 74:9	related 11:1 38:4 79:10	requiring 48:18	
realtime 2:15 75:19	Relevance 56:13	respiration 30:15 42:22	
reason 6:11 16:17 17:18 59:17 64:9,13 68:6,6,6	relevant 18:2 38:4 41:20,21 42:19 44:4 45:14 46:10,12 60:6,12,13 60:21,22 61:3 71:1 74:12,14	respond 73:22	
reasons 5:18,19	Revised 65:1	response 7:11 17:9,17,22 18:1 30:15,18 32:19 33:11 33:15,16 37:9,12 41:6 43:11 45:7,14,17 66:11 70:22 75:10	
recall 25:3	repaired 65:1	responses 17:7 38:7 44:7 53:1,16 53:17 54:10 58:18,18	
received 7:17	repeat 6:5,9 31:13	responsibilities 14:16	
recent 49:1	Rephrase 45:11	responsibility 13:18 28:14 65:15	
Recently 50:18,19	report 4:9 6:22 7:2,9,18 18:17 22:5,19 34:12 74:18	responsible 63:4	
recess 62:7 65:22 67:21	Reported 1:22	rest 23:13 34:2	
recognize 18:21 19:11 21:2		restrict 19:21	
recommend 64:2,3		results	

role 34:6 Room 3:16 routine 6:1,3 rudimentary 37:7 run 73:19,20 running 15:15 55:14 R1 44:18 R24 60:3 61:13 R26 41:4 R4 41:19,19,20 42:4,19,19 45:7,9,18 75:9 R6 42:2,7 45:2,3 75:9	67:8 saying 20:13 65:8 says 23:15 24:1,3,12,16,17 25:12 27:1,5 34:22 36:4 41:22 42:4 43:5 43:15 44:1 46:17 53:8,10 54:3 59:2,4 59:11,13 60:13 62:2 66:19 73:6 SC 18:13 SCD 17:1 18:3,9,14 19:11 20:8,17 22:12,13,15 48:17 49:16 scheduled 15:20,22 scope 19:19 47:21 48:10,19 49:6,21 score 38:1 44:14 55:3 60:8 69:10 70:3,6 scored 43:11 scores 36:17 37:3 41:2 58:6 75:9 scoring 39:2 47:4 72:5 screening 15:9 46:20 47:20 48:2 66:15 screenings 73:12 scrutiny 53:21 seal 79:14 seams 55:22 second 26:4,5 62:6 74:19 75:19 Secret	2:5 3:14 5:9,18 10:8,13 10:14 11:3,13 12:13 12:16 15:8 16:4,5 24:20,21 29:16 35:9 35:11 47:12,19 51:17 58:8 60:19 61:20 62:14 64:5,5,14 65:2 66:11 68:4 SECRETARY 1:8 security 1:10 3:6 16:19,20 18:20 21:9 22:15 see 15:22 17:4 20:18,19 21:11 24:14 25:1,5,10 26:1 30:19 31:11 32:17 35:12 36:9 43:10,20 46:7 50:20 53:7,11 55:19 58:15 58:16 61:13 66:16,19 70:7 74:21 75:12 seeing 25:4 seen 7:6 selected 11:12 send 72:8 sent 18:13 September 41:1 45:13 59:12 sergeant 35:4,5,8,13,16,17 39:1 39:8 40:12 series 39:5,11,12 41:16 42:19 45:15 46:6 58:17 72:5,21,22,22,22 73:2 73:6,8,15,21 74:7 75:17,19,20 serious 60:14 served 32:6	Service 2:5 3:14 5:10,18 10:8 10:13,14 11:3,13 12:13,16 15:8 16:4,5 24:20,21 29:16 35:9 35:11 47:12,19 51:17 58:9 60:20 61:20 62:14 64:5,6,14 65:2 66:11 68:4 services 34:9 set 79:13 seven 37:2 seven-point 36:22 several 58:16,16 67:6 SF 24:17 shaking 55:20,20 sheet 41:3 51:12,13 61:14 SHORTHAND 79:1 should 33:7 39:2,17 57:6 66:19 shouldn't 28:21 61:2 showed 31:14 shown 58:6 sign 24:17 26:6,16 34:12 signature 8:4,5,7,8,12 9:1,12 20:18,20 21:2 23:4,12 25:12 signatures 8:11 signed 18:19,19 21:15 23:10 25:19 26:11 34:21
<hr/> S <hr/> S 3:1 4:1,6 5:1 61:1,2,3 sacrifice 61:3 SAC's 34:11 said 9:14 10:20 33:1,2 44:18 50:4 51:1 52:2 61:13,17 63:12 75:5 79:5 same 6:8 13:7,22 41:9 45:2 49:10 67:9,10 76:21 saw 26:9 say 7:8,18 8:15 13:15 14:8 14:18 15:5 18:18 21:14 22:13 26:18 28:8 31:16 33:10 35:8 39:2 47:5 55:1 56:1,19 57:6 59:17			

45:13 significance 26:13,15 significant 17:7,9,17,22 18:1 32:18 33:15 38:6 41:6 45:7,14,17 70:22 75:4,10 signing 26:14 79:8 signs 33:21 simply 16:21 32:13 70:3 73:15 75:17 since 13:9 sir 10:10 18:17 19:9 sit 56:22 73:18 sitting 7:5 57:21 situation 70:9 72:15 six 10:19 42:3 57:9 skin 30:15 SMD 17:1 18:3,9,14 sneezing 56:20 57:1 sniffing 56:19 sniffing 57:1 solely 16:15 some 6:20 9:16 25:11,16 28:2 29:10,10 30:19 47:17 56:17 70:22 somebody 17:19 54:2 55:18 56:7 someone 15:20 18:19 20:17	something 7:20 20:14 30:8 32:19 42:14 47:2 54:21 62:9 Sometimes 12:8 somewhere 28:22 sorry 20:2 25:9 31:13 39:18 45:11 74:21 76:3 77:13 sound 55:9,15 South 11:17 speak 11:10 55:22 special 5:9 10:1 16:3 34:8,22 35:15 68:19 specialist 35:7 70:3 specific 38:3 speculation 19:16 21:20 53:22 Spoke 6:18 spot 42:4,7,10 spot-check 50:22 squeaky 66:6 squiggly 30:9,13 SR 41:6 SSF3336A 24:17 stand 19:6 46:22 59:5 61:7,9 61:19 standard 24:18,18,20 26:7 76:9 standards	62:18 63:10 stands 36:6 61:6 start 57:8 started 27:20 50:15 starting 59:8 stated 72:4 75:16 statement 32:10 States 2:5 3:14 10:8 stays 41:16 stenographically 79:6 Steve 77:13,16 still 12:21 20:11 32:11 Street 2:6 3:15 structure 36:22 stuff 47:18 subject 66:13 submitted 11:12 subtotal 43:20 44:10,11 subtotals 42:16 successfully 12:6,14 suffering 56:17 supervisor 10:3 23:7 34:5 40:6 supposed 33:5 34:5 39:20 sure 13:22 15:14 18:22 19:2	28:14 29:17,19 31:1 32:1 41:9 42:17 46:14 49:9 52:16 63:17 64:22 65:15 71:12,22 78:12 suspected 24:11,13 64:13 sweaty 43:3 sworn 5:3 system 47:5 74:8 systematic 29:13 S22 60:3 <hr/> T <hr/> T 4:1,1,6 take 8:19 25:4 31:2 35:21 56:8 59:21 70:3 taken 16:1 24:8,10 51:19 62:7 65:22 67:21 79:3,6 takes 57:6,11 taking 24:2 47:16 52:14,21 54:8 55:5,7 talk 62:6 67:18 talked 6:15,16 9:7 22:21 talking 7:18,20 tape 68:8 technical 28:2 50:4 techniques 58:2,3 technology 16:10 tell
---	---	---	---

5:17 6:5,8,16 8:1 21:22 28:1 31:7 32:21 33:1 37:15,16 46:21 47:15,18 50:10 54:4 56:11 59:17 76:11 telling 20:14 Tells 54:6 term 30:12 71:11 terminology 13:4,22 terms 54:4 test 16:16 17:6 47:1 59:4 73:13 74:6 testified 5:3 testify 19:20 21:21 testimony 79:5,6 testing 46:19 47:6,7,9 48:8 66:22 72:17 testosterone 53:10 text 78:8 Thank 22:10 76:3 77:20 78:13 themselves 63:9 theory 70:6 thereafter 79:7 therefore 63:5 75:18 they'd 65:11 thing 6:8 49:11 70:10 things	6:20 18:10 27:3 39:6 think 50:2,3 60:5 69:18 third 25:22 Thomas 3:3 23:7 three 8:16 12:19 37:1,1 41:5 42:5 43:10,21,21 44:2 44:3,4,12,19 45:3 46:7 60:3 73:7 threes 36:17 through 9:15 11:3 17:1 22:8 67:6,16 74:7 throughout 27:5 29:11 Thursday 76:13,14 78:5 time 8:19 18:5 23:9 29:8,8 29:10 56:20 57:5,5,13 57:17 67:19 76:4 times 44:5 title 9:22 21:8 35:12 58:15 titled 70:16 TODD 3:13 together 15:14 Tom 5:13 tone 33:5,16 took 76:3 tool 30:1 top 41:16 66:14 total 42:10	totally 73:10 totals 42:5,7 towards 12:21 23:22 28:9 track 15:16 train 62:19,22 trained 10:22 35:20 training 11:14 12:4,10 62:16,17 63:6 transcribed 76:7,18 77:7 transcript 4:7 7:14 66:4 68:9 77:8 79:4 transcripts 68:1 Treats 52:9 trial 73:20 true 33:18 79:4 truthfully 61:8 try 6:6 15:14 22:2 29:11 62:9 64:16 trying 20:12 54:15 55:17,18 63:11 Tuesday 1:16 turn 8:10 turned 40:5 TV 37:17 two 8:11 10:18 13:17 29:12 38:19,21 39:5,16,20	41:17 42:19 43:5,7,8 43:12,21 44:1,2,11,19 45:15 46:7 53:7 72:22 73:1,6,6 74:21 74:22 twos 36:16 type 18:6 28:2 56:17 74:4 typewriting 79:7 <hr/> U <hr/> Uh-huh 41:15 45:20 unable 56:18 uncapable 55:5 under 16:19 20:6 34:10 49:8 53:8 56:1 58:12 59:3 63:3,15 79:7 underneath 25:19 understand 6:5 14:1 18:8 19:14 26:2 42:18 46:3,6 49:18 55:18 62:16 understanding 17:13 37:8 unfit 58:8 uniform 35:10,18 unit 15:2,5 United 2:5 3:14 10:8 unless 55:4 unnecessary 69:8 unsigned 26:9 until 76:14 use
---	--	--	--

48:2,7,13 66:7 76:21 useful 31:11 using 31:1 43:8 51:9 58:2 usual 57:5 usually 29:11 70:17 U.S 1:1,8 5:9 35:9	10:17,20 Washington 1:15 2:7 3:17 way 17:5 22:3 37:16 54:9 56:6 58:22 61:14 64:11 70:17 weeks 12:5 went 27:22 28:18 29:2 we'll 77:4 we're 13:22 41:9 49:10 56:2 66:6 76:16,20 We've 7:10 whatever 64:9,12 74:18 WHEREOF 79:13 whether 32:18 51:8,9 55:9 60:10 62:17 70:8 whoever 70:12 71:13,15 whole 29:6 57:12 68:10 William 36:2 Wilson 1:22 2:14 79:2,20 Withholding 60:14 within 16:5,11 68:4 74:5 without 56:19,22 70:4 witness 3:12 21:20 76:5 77:5 79:13 word 31:2 48:22 78:2,10 words 50:3,4 55:21 working	15:6,13 65:1,6,17 works 37:15,16 worksheet 33:22 wouldn't 17:20 20:15,16 30:4 31:6 75:19 writing 21:11,12,13 written 42:18 58:21,22 wrong 17:14 22:3 37:7 61:12	9:9,10,11 35:1 73:4 10/18/16 4:7 7:13 66:3 10/31/14 21:17 10:23 1:17 100 14:10,12 11 8:10 9:12,15 22:22 26:2,21 33:22 11:41 78:14 125413 1:20 14 12:5 15 8:21 25:7,8,9 16 8:21 17 8:21 1720 3:7,8 175-802-20141257 7:1 18 1:16 8:21 10:6,6 18:18 21:12 45:13 18th 41:1 19 9:3 1923 3:5
<hr/> V <hr/>		<hr/> X <hr/>	
v 1:6 various 27:1 47:9 version 47:22 Victoria 1:22 2:13 79:2,20 viewing 29:22 violate 64:11 65:2 violation 64:14,19 voice 33:10 55:20		<hr/> Y <hr/>	
<hr/> W <hr/>		<hr/> Z <hr/>	
Wait 41:8 45:16 Wallace 3:13 4:4 19:15,19 21:19 53:22 56:13 68:15,18 71:3 77:7,9 77:12,15 want 31:1 46:5,14 49:9 50:3 52:16 67:18 68:9 71:5,12 76:18,19 77:18 78:4 wanted 18:5 60:2 63:17 wants 38:12 60:20 77:9 War		years 12:22 13:16,17 14:9,10 14:12,17,20,21 29:11 years 10:6,12,18,18 14:20 67:7 yourself 5:8	11:41 78:14 125413 1:20 14 12:5 15 8:21 25:7,8,9 16 8:21 17 8:21 1720 3:7,8 175-802-20141257 7:1 18 1:16 8:21 10:6,6 18:18 21:12 45:13 18th 41:1 19 9:3 1923 3:5
		<hr/> 1 <hr/>	<hr/> 2 <hr/>
		1 1:21 4:9 7:10,12 18:16 23:1 30:20 1-G-15 3:7 10	2 4:10 9:3,4,5,15 51:5,13 66:1,2,9,10,14 20 9:3 2002 11:2,5,9 12:2,21 2014 29:15 41:2 45:13 49:3

49:5,10,19 50:20	■		
2016			
1:16 79:15	6		
2019	6		
79:16	9:5		
202	6401		
2:8 3:18	3:6		
20223	66		
2:7 3:17	4:10		
21	68		
9:3 59:13,14,16,22,22	4:4		
21235	7		
3:9	7		
24	4:3,9 9:5		
46:10 60:13 74:14 75:4	71		
26	4:5		
46:12 60:15 74:14 75:5	79		
28	1:21		
46:12 60:16 74:15 75:5	8		
29th	8		
79:14	8:1,5 9:6,10,11 40:16		
3	46:5		
3	8300		
9:5	3:16		
31	9		
79:16	9		
3336A	8:2,8 9:10,11 39:5		
26:7	40:16 41:12,13,14,14		
4	41:18 45:12		
4	9/18/14		
9:5	23:16		
406-8800	950		
2:8 3:18	2:6 3:15		
410	966-1531		
3:10	3:10		
5			
5			
9:5,14 58:14			
50			
14:10,12,15			
51			
30:22			
54			
9:17			
■			