

TRIBAL COUNCIL OF THE PAIUTE TRIBE

HEARING

CHARGES OF NEGLIGENCE OF DUTY AND/OR WILLFUL  
MISCONDUCT AGAINST THE TRIBAL CHAIRWOMAN

MARCH 31, 2015

IRON COUNTY JUSTICE COURT

82 North 100 East

Cedar City, Utah

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A P P E A R A N C E S

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EXAMINATION INDEX

|   | PAGE |
|---|------|
| GARI LAFFERTY                           |      |
| Direct Examination by Ms. Zehren .....  | 11   |
| GARI LAFFERTY                           |      |
| Direct Examination by Ms. James .....   | 29   |
| Cross-Examination by Ms. Zehren .....   | 40   |
| Redirect Examination by Ms. James ..... | 45   |
| CHARLES LAFFERTY                        |      |
| Direct Examination by Ms. James .....   | 47   |
| LAMONT PETE                             |      |
| Direct Examination by Ms. James .....   | 49   |
| Cross-Examination by Ms. Zehren .....   | 50   |
| Redirect Examination by Ms. James ..... | 51   |
| GAYLE ROLLO                             |      |
| Direct Examination by Ms. James .....   | 52   |
| Cross-Examination by Ms. Zehren .....   | 54   |
| GAYLORD ROBB                            |      |
| Direct Examination by Ms. James .....   | 54   |
| Cross-Examination by Ms. Zehren .....   | 57   |
| GARI LAFFERTY                           |      |
| Direct Examination by Ms. James .....   | 59   |
| GARI LAFFERTY                           |      |
| Direct Examination by Ms. Zehren .....  | 62   |
| GARI LAFFERTY                           |      |
| Direct Examination by Ms. James .....   | 70   |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MERLENE WHITEHAIR  
    Direct Examination by Ms. James .....79

GARI LAFFERTY  
    Direct Examination by Ms. James .....81  
    Cross-Examination by Ms. Zehren .....85  
    Redirect Examination by Ms. James .....86

GARI LAFFERTY  
    Direct Examination by Ms. James .....87  
    Cross-Examination by Ms. Zehren .....92  
    Redirect Examination by Ms. James .....93

P R O C E E D I N G S

1  
2               SPOKESWOMAN: Good afternoon, everyone. This is a  
3 hearing on the amended notices of charges of neglect of duty  
4 or willful misconduct against the Tribal Chairwoman, Gari  
5 Lafferty. The purpose of this hearing is to determine  
6 whether the chairwoman should be sanctioned by the Tribal  
7 Council based on the charges.

8               Hearing. The hearing will, is following the  
9 procedure in Article 12 Section 2 of the constitution of the  
10 Paiute Indian Tribe of Utah. The process provides that the  
11 Tribal Council will hold a hearing. Because the chairwoman  
12 is the subject of the hearing, I will be presiding. And I  
13 will not vote, but I have designated the Indian Peaks  
14 vice-chair, Anthony Tom, to represent the Indian peaks band  
15 in this matter.

16               The Tribal Council decides to move the hearing  
17 from the tribal building to the justice court here to  
18 protect the safety of the tribal members and staff. The  
19 Tribe does not have its own law enforcement. This is in the  
20 best interest of the tribal membership and staff to hold a  
21 hearing in a location better secured to ensure well-being of  
22 everyone.

23               The charges against the chairwoman will be heard.  
24 The tribal attorney will present the evidence supporting the  
25 charges. The Tribal Chairwoman will then have the

1 opportunity to respond. Both sides will have an opportunity  
2 to call witnesses.

3           There will be no outbursts, disruptions. It will  
4 not be tolerated, any disruptions. During the hearing,  
5 you'll be asked to leave or security will remove you. The  
6 Tribal Council will arrange for an official recording and  
7 transcript of the hearing to be made. Other recording  
8 devices will not be permitted in the hearing room per court  
9 rules. All cell phones must be turned off. The Tribal  
10 Council has not made a decision on the charges. The council  
11 will hear all the evidence presented at the hearing and will  
12 issue its decision on each of the charges and the  
13 appropriate sanction within 10 days after this hearing. And  
14 the sanction may include removal from office.

15           The constitution does not include public comment  
16 period for the hearing process. Tribal members may watch  
17 the proceedings but will not be provided an opportunity to  
18 speak.

19           And in lieu of a blessing or prayer, let's just  
20 have a moment of silence.

21           (Whereupon, a moment of silence was taken.)

22           SPOKESWOMAN: Okay. First off, I would like to  
23 ask the Tribal Council, we have received a resolution and  
24 motion from the Cedar band, because their vice-chair, York  
25 Benson, isn't able to make it. So, they have placed Robert

1 Pete, Sr. as their vice-chair. And he will be sitting in as  
2 Cedar band's vice-chair for that fifth -- is it the fifth?  
3 And right now what I need is a motion to change that from  
4 York to Robert Pete, Jr. -- Sr.

5 COUNCIL MEMBER: I can make a motion to accept  
6 Robert Pete over York.

7 SPOKESWOMAN: And a second?

8 COUNCIL MEMBER: I'll second it.

9 SPOKESWOMAN: Second in favor. Motion will carry.  
10 We'll turn the floor over to the tribal attorney.

11 MS. ZEHREN: Good afternoon. I am the tribal  
12 attorney. My name is Stephanie Zehren. I will be  
13 presenting the evidence of the charges of neglect of duty or  
14 willful misconduct in this hearing. The purpose of this  
15 hearing is to provide the procedure that is outlined in  
16 Article 12 Section 2 of the Tribe's Constitution. Article  
17 12 Section 2 provides that charges of willful misconduct and  
18 neglect of duty shall be brought before the Tribal Council.  
19 So, that is the hearing that we are having today, although,  
20 the sanction that is imposed, if any, at the end of this  
21 hearing, may or may not include removal.

22 The Tribal Council has the ability and discretion  
23 to determine at the conclusion of all of the evidence what  
24 sanction, if any, is appropriate.

25 The Tribal Council, as well as Gari, through her

1 attorney, have been provided with the evidence in support of  
2 the charges. The notice of charges, the amended notice of  
3 charges have been posted on the tribal website and is  
4 available to the tribal membership, because Chairwoman  
5 Lafferty has elected to have this open to the tribal  
6 membership, as is her right pursuant to Article 12 Section  
7 2.

8 All of the exhibits have been provided. And I  
9 will be going through them. Because the hearing is open,  
10 these exhibits will also be made available to the tribal  
11 membership at the tribal office.

12 Again, the procedure that's going to be followed  
13 throughout this hearing is Article 12, Section 2, which  
14 provides that the Tribal Council may, by a majority vote of  
15 its members, remove any tribal council member, including the  
16 chairperson, for neglect of duty or willful misconduct. The  
17 procedure requires that the counsel member's determination  
18 of removal be provided within at least five days notice of  
19 the charges and a hearing. She has been provided with  
20 notice of the charges pursuant to Section 2, and is now  
21 being provided with a hearing that conforms with all of the  
22 procedures in Article 12 of the Constitution.

23 The primary legal issues here are whether the  
24 tribal chairwoman has violated the Tribal Ethics Ordinance,  
25 the Tribal Constitution, and the Tribal Standards of



1 Conduct. All of the charges involve these tribal laws.

2 Under Article 9 of the Tribal Constitution, which  
3 outlines the duties of the officers, the tribal chairperson,  
4 among other things, shall have such duties, powers and  
5 restrictions as are designated by the Tribal Council. So,  
6 one of the primary considerations in the charges is whether  
7 the Tribal Chairwoman has followed the restrictions and  
8 limitations on her duties as outlined by the Tribal Council  
9 through the directives it places on her.

10 The Tribe's Ethic Ordinance, which was originally  
11 approved in 1984 and was amended in 2004, but has been in  
12 effect for the last 11 years, includes, among other things,  
13 a prohibition that states no tribal official shall solicit  
14 or receive anything of value, including a gift or gratuity,  
15 favor, service for their personal benefit in excess of  
16 minimal value based on any understanding or where it could  
17 reasonably be inferred that such tribal official's vote,  
18 official action or judgment would be influenced thereby.  
19 That section, which is Section 3 of the Ethics Ordinance,  
20 goes on to state that a gift of anything over \$50 is a gift  
21 over minimal value.

22 The Tribal Council Standards of Conduct at Section  
23 2 state that council members shall maintain the highest  
24 standards of honesty, integrity, fairness and impartiality  
25 in their conduct as council members, and shall avoid any

1 actions which would adversely reflect on the Tribal Council  
2 or the Tribe.

3 Council members shall take action in the best  
4 interest of the Tribe and the tribal membership, not in  
5 their personal interest, and not serve special interests  
6 inside or outside of the Tribe.

7 Council members shall not engage in behavior  
8 involving a conflict of interest or acts that involve actual  
9 or appearance of improprieties, as they are defined in this  
10 ordinance.

11 Council members shall carry out their duties and  
12 responsibilities in the highest ethical manner. Violation  
13 of this ordinance may constitute neglect of duty or willful  
14 misconduct as those terms are used in Article 12, Section 2  
15 of the Constitution.

16 So, those three laws that I just read from form  
17 the legal basis for the charges that are now to be  
18 presented.

19 Miss Lafferty, will you please take the stand so I  
20 can ask you a few questions. And the stand is right there.  
21 We have to modify the courtroom a little bit to make all of  
22 this work.

23 GARI LAFFERTY,  
24 called by Defendant, was examined  
25 and testifies as follows:

1 DIRECT EXAMINATION

2 BY MS. ZEHREN:

3 Q Can you please state your name for the record so  
4 that this -- this man here is a court reporter, so everybody  
5 knows. And I just want him to be able to get a good record  
6 for the transcript.

7 A Gari Pikyavit Lafferty.

8 Q Miss Lafferty, did you go to a Redskins game at  
9 any point during your term of office as a tribal woman?

10 A Yes, I did.

11 Q Can you tell me when that was, please?

12 A I think the third or fourth week of September.

13 Q Okay. And did you submit a -- or were you given a  
14 travel advance for that trip from the Tribe?

15 A No. I got approval from the Tribal Council, that  
16 I let them know that the foundation was paying my way back.  
17 So, they knew I was going.

18 Q Yes. My question was whether you received --

19 A Oh, no.

20 Q -- travel reimbursement. I would like to approach  
21 you with this, which is marked as Tribal Council Exhibit 1.  
22 This is a check made out to you for, it states that it's for  
23 meals, September 24th to September 27th, in Washington, D.C.  
24 Do you recognize this check?

25 A Yeah. They did pay for my meals.

1 Q Okay.

2 A The Tribe did pay for my meals.

3 Q Okay. Did they pay for anything else for you  
4 during that trip?

5 A A parking space at the airport.

6 Q Okay. Anything else?

7 A That's the only thing I can think of.

8 Q Okay. This is Exhibit 2. Do you recognize this?

9 A What am I looking at here?

10 Q This is a receipt showing excess baggage charges  
11 for a flight from Salt Lake City to --

12 A Oh. Yeah, they paid for my luggage.

13 Q For the luggage? Okay. So, just to back up for a  
14 minute, you said that the Tribal Council approved you going  
15 to the Redskins game; is that correct?

16 A Yes. Because every month prior -- well, every  
17 month at the Tribal Council meeting I give agenda of where I  
18 will be going that month, as well as giving a report of  
19 where I have been the previous month. So, yes, they knew I  
20 was going.

21 Q Okay. And did you request written authorization  
22 from the Tribal Council at any point to attend the Redskins  
23 game?

24 A I never have. Because they never told me I needed  
25 a written approval from the Tribal Council. So, I think

1 that if they did, you know, when I give my tentative agenda,  
2 I felt that would probably be the time and the place they  
3 would say yes or no. Or, you know, if I have gone somewhere  
4 to a different meeting of some sort, then I would let Gayle  
5 know that that wasn't on my agenda so she would know where I  
6 was going.

7 Q And who paid for your trip to attend this game?

8 A The Washington Redskins Foundation.

9 Q Is that the Washington Redskins Original Americans  
10 Foundation?

11 A I believe so.

12 Q Okay. I am going to offer --

13 A Excuse me. When I gave that report to the Tribal  
14 Council, that I let them know that I was going back for  
15 that, there was no opposition of any kind when I did give  
16 that report.

17 Q Okay.

18 MS. JAMES: I'm sorry. I don't think that  
19 microphone is on.

20 MS. ZEHREN: There isn't a microphone. That's why  
21 we have the witness sitting close to the court reporter.

22 MS. JAMES: All right. I understand.

23 A So, talk louder?

24 MS. JAMES: It looked like she was leaning into  
25 the microphone.

1 BY MS. ZEHREN:

2 Q Yeah. Sorry, the mics aren't working. This is  
3 Exhibit 3. Do you recognize this photograph?

4 A I do.

5 Q Do you know who this is?

6 A No. I didn't know at the time.

7 Q Okay. Let the record reflect, please, that this  
8 is Bruce Allen, who is the president of the Washington  
9 Redskins. And this is a photograph of Miss Lafferty on the  
10 field. And who is the other individual in this photograph?

11 A That's my husband. The lady that we were with  
12 that was part of the Foundation, she's the one that had  
13 taken us over to meet him, because I didn't know who he was.

14 Q Okay. And can you just describe for me where you  
15 are standing in this photograph?

16 A Football field.

17 Q And where on the field?

18 A I don't know. 50-yard line. I don't know.  
19 30-yard line.

20 Q Now, it's on. (Referring to the microphone.) A  
21 few more photographs. This is Tribal Council Exhibit 4. Do  
22 you recognize this photograph?

23 A Yes, I do.

24 Q Okay. Can you describe for me what this is a  
25 photograph of?

1           A     I and my husband. And my husband having a beer in  
2 his hand.

3           Q     Nothing wrong with that.

4           A     Better him than me.

5           Q     At the Redskins game on September 25th, correct?  
6 This is another photograph. Can you describe for me who is  
7 in that photograph? This is Exhibit 5?

8           A     My son, his wife and their two kids.

9           Q     Did they attend the game with you?

10          A     Yes, they did.

11          Q     Did the Redskins Foundation provide for their  
12 travel as well?

13          A     Yes, they did, which that had nothing to do with  
14 me. I had no say on their attending.

15          Q     Okay. Tribal Council Exhibit 6 is the last  
16 photograph. Who is that?

17          A     That's my son-in-law and his daughter.

18          Q     Okay. Again, on the sidelines at the game. Were  
19 their tickets provided as well?

20          A     Yes.

21          Q     Can you describe for me where you sat during the  
22 game?

23          A     Well, we were hoping that being that we were a  
24 guest that they would put us up in the suite or on the  
25 50-yard line; but, no, we were in the crowd with everybody

1 else, about middle bowl up.

2 Q Okay. And what else did the Redskins Foundation,  
3 or did the Redskins Foundation provide anything else other  
4 than you mentioned the airfare, the event tickets? Were  
5 there any other benefits provided to you during the course  
6 of the weekend?

7 A We went to a luncheon that day prior to that with  
8 the Cree Nation.

9 Q What was the purpose of the luncheon?

10 A The luncheon was, we talked about the education  
11 part of how they are trying to help Native Americans across  
12 in the United States. And so, they were just throwing ideas  
13 at us about education-wise, because they are trying to get  
14 support from all the NFL teams to provide scholarships for  
15 Native Americans, because there are so many billionaires in  
16 the United States that a lot of their funding and stuff like  
17 that goes out of state, you know. So, they are trying to,  
18 you know, do something for the Native Americans or, as they  
19 call us, the first people of the country.

20 Q Right. And was that luncheon paid for by the  
21 Foundation as well?

22 A Yeah. It's just like any other conference I go  
23 to. The luncheons are all paid for. So, that wasn't any  
24 different at that conference.

25 Q Okay. And was there anything else discussed



1 during that luncheon besides the education and the  
2 scholarships?

3 A Well, I don't know if we talked about the mascot,  
4 because they talked about education. They talked about the  
5 jobs that they are trying to do to help Native Americans,  
6 you know, all kinds of things being active and stuff like  
7 that. And we talked about -- when we talked about the  
8 education part of it, you know, they were kind of interested  
9 in the fact that, you know, I have five children and how  
10 education played a big part, how to try to keep our kids in  
11 school so that they don't reach that certain age of middle  
12 school and early high school where they start dropping out.  
13 And I told them that, you know, in my situation it's a  
14 little bit different, because I know a lot of the places  
15 they go, you know, is for like big reservations for Native  
16 Americans. They all live in a certain area.

17 In my situation, it's not kind of like that  
18 because, you know, we are very few natives where I live.  
19 So, that was -- but, you know, we, needless to say, it's  
20 still a struggle to keep our kids in school, you know, with  
21 a positive attitude and stuff like that. So, that's where  
22 they were, more or less, coming from, is trying to, you  
23 know, how they can reach out to the native families across  
24 the different reservations to keep their children in school.

25 Q Okay. And, just to clarify, you said there was

1 one other tribe there with you?

2 A The Cree Nation.

3 Q Thank you for that. Do you recall about a week  
4 before this game, on September 16th, there was a conflict of  
5 interest training provided to all the council members at  
6 your request --

7 A Yes.

8 Q -- by me? Do you recall that one of the slides in  
9 that presentation specifically stated that council members  
10 were prohibited from accepting gifts?

11 A Yes.

12 Q And do you recall that, also, one of the slides  
13 included examples of gifts you should avoid as a council  
14 member?

15 A Yes. Because with that, it's like when you  
16 brought that presentation to us. I says, how is that any  
17 different when we go to these different conferences, you  
18 know, especially like with the Governor's Summit. They pay  
19 for our rooms. They provide us with a luncheon as well as  
20 provide all the chairmans with gifts, which I'm sure all of  
21 our current, I mean our past chairmen have received. The  
22 governor, I believe, this is his seventh year. So, it's  
23 like any other conference you go to and attend where they  
24 provide a luncheon and stuff like that.

25 Q Okay. And do you remember that specifically on

1 the example of gifts you should avoid, as a council member,  
2 it included meals, entertainment, event tickets, tribal  
3 accommodation expenses?

4 A Yeah. That's why on that tentative report that I  
5 gave to the Tribal Council, I let them know where I was  
6 going. And I let them know who was paying for my travel out  
7 there. So, the council was well aware of where I was going.

8 Q Okay. I am going to present you with another  
9 exhibit. This is Exhibit 13. Tribal Council Exhibit 13.  
10 Do you recognize this?

11 A Kind of. Sort of. I don't have my reading  
12 glasses on. But, yeah, I see my name right there.

13 Q Okay. Is it possible for you to read what it  
14 says?

15 A This was a comment that somebody was putting out  
16 there on reference to the Washington Redskins. Because, you  
17 know, we all know that it's really a hot topic. There are  
18 people that support and don't support for whatever reason.  
19 So, my comment on that was -- and, also, the court or the  
20 hearing or the council needs to know that whenever I do make  
21 a post like this, it is my name, it's not chairwoman Gari  
22 Lafferty. It is my personal page. So, Gari Lafferty. It  
23 says, Good reading. People need to read and do their own  
24 research and then give a comment. I don't know. I say  
25 this -- I say these nay sayers would be surprised by the

1 support of the natives for the Washington Redskins.

2 Q Thank you. And I believe there is one more post  
3 that you made on a separate page that if it isn't  
4 highlighted we'll just include it as a exhibit. There is  
5 one more post. Would you mind reading that post for me as  
6 well?

7 A "Posted by Gari Pikyavit Lafferty. They need to  
8 take a pole of Native Americans and see how they feel. I  
9 mean real natives, not those that say they are those that  
10 have real blood quantum. I think they would be very  
11 surprised what the outcome would be."

12 And that's my opinion, because, you know, where  
13 I've gone across the country. And I have gone to different  
14 conferences and stuff like that with different tribal  
15 leaders, you know. It's always a hot topic. And it's  
16 always interesting. So, a lot of the natives that are, you  
17 know, actually have native blood in them, they, that was  
18 their opinion as well. So, yeah.

19 Q So, are you familiar with the controversy  
20 surrounding the continued use of the name Redskins?

21 A I think everybody is familiar with the  
22 controversy.

23 Q Are you familiar with the litigation concerning  
24 that controversy?

25 A Yes. I think everybody is. It's out there.

1 MS. ZEHREN: Okay. Miss Lafferty, I have no  
2 further questions for you at this time.

3 Would you like to ask questions now or do you want  
4 to --

5 MS. JAMES: No. Go ahead and wait. I want to  
6 clarify. Are we dealing with the first three charges  
7 separately or are we going to handle them together?

8 MS. ZEHREN: The evidence will be presented all  
9 together. I don't want to have to call her that many times.

10 So, Miss Lafferty, you can return to your seat.

11 I am going to now play an audio clip from a Tribal  
12 Council hearing. This was an executive session meeting.  
13 This is included in the binder as Tribal Council Exhibit 1A.  
14 These are the -- this is an audio clip from an executive  
15 session from May 22, 2014. I apologize. This is the only  
16 clip that I have where the audio -- it's a pretty poor  
17 quality audio, but we'll do the best that we can. And I  
18 wanted to have the speakers closer to the council, but there  
19 is no plug, so --

20 (Audio is playing now.)

21 MS. ZEHREN: So, I know the audio wasn't great on  
22 that. That was Chairwoman Lafferty indicating during an  
23 executive session to the council that Gary Edwards of the  
24 Washing Redskins Original American Foundation had approached  
25 her and told her that if she or any members of her family or

1 any other council member, members of their family ever  
2 wanted to attend a football game in Washington, D.C., to  
3 contact him, and he would set you up.

4 And it goes on to say that he then asked her if  
5 there was anything that she wanted. And she said if it  
6 wasn't being too forward, she would like to request an  
7 autographed RG3 football from the Washington Redskins  
8 Foundation. And, within a couple of days, she did have an  
9 autographed football.

10 I would refer the Tribal Council to Tribal Council  
11 Exhibit 8 in your binder, which is an example of sort of to  
12 exemplify the market for such a football, an autographed  
13 football, showing an RG3 Washington Redskins autographed  
14 football ranges from approximately a value of \$297.46 up  
15 through \$522.49.

16 And there are a number of, you know, of pages.  
17 The least expensive I found was 74.95. So, that's included  
18 in the Exhibit 8 as well. I would also refer the Tribal  
19 Council to Exhibit 9, which is the next exhibit, just  
20 showing the average prices for the 2014 NFL schedule,  
21 average price of a Washington Redskins ticket, regular  
22 seats, \$304.19.

23 One final exhibit on this issue is Tribal Council  
24 Exhibit 10. Just showing the average cost of airfare from  
25 Salt Lake City to Dulles, and showing a total price of

1 approximately \$654.20.

2 I would also ask that the Tribal Council just take  
3 judicial notice of a number of newspaper articles that are  
4 included in Tribal Council Exhibit 11. There are actually  
5 five separate newspaper articles. The first headline is  
6 controversial Navajo Nation president and his wife join  
7 Washington Redskins owner in his VIP box at an NFL game as  
8 protesters gather against racist name outside. And this  
9 describes a game that was attended by the Navajo Nation  
10 president, Ben Shelly, approximately one week after the game  
11 that Chairwoman Lafferty attended indicating the controversy  
12 over having a tribal official sit next to the Washington  
13 Redskins owner.

14 And there are a number of additional newspaper  
15 articles included that describe the controversy of having  
16 tribal officials accept gifts from the Redskins Foundation  
17 and accept tickets and attend games. There is an "op ed"  
18 from the New York Times dated April 22, 2014, called The  
19 Price of a Slur, describing the efforts by the Washington  
20 Redskins American Foundation to provide gifts to tribes and  
21 tribal officials in an effort to garner public support for  
22 the continued use of the name Redskins in the ongoing  
23 litigation concerning the trademark and the name.

24 There are also some comments included. And in  
25 that "op ed" as well as a couple of additional articles,

1 Redskins propaganda takes vile turn. How team seeks to buy  
2 off opposition, describing Dan Snyder's PR team, the  
3 Washington Redskins Original American Foundation, and their  
4 effort to reach out to tribal officials, tribal members to  
5 provide them with gifts, including tickets. And I would  
6 just ask the council take judicial notice of those.

7 I think I am going to save -- I have a witness  
8 that I could call. But I think that maybe in the interest I  
9 want to provide Miss Lafferty with as much time as possible  
10 to respond, so I am going to try to rush things along a  
11 little bit. And I may return to some questions when I have  
12 that witness on the stand.

13 If that's acceptable to you, Katie?

14 MS. JAMES: Sure.

15 MS. ZEHREN: It's Nikki Borchardt Campbell's  
16 testimony later. So, everything that was just presented is  
17 the evidence concerning charges 1, 2, and 3. The first  
18 second and third charge, all of which have to do with  
19 whether accepting these tickets is a violation of the Ethics  
20 Ordinance, the Tribal Constitution, and/or the Tribal  
21 Council Standards of Conduct.

22 I'm now going to turn to the fourth charge, which  
23 is the charge ignoring an express directive of the Tribal  
24 Council. And I would like to refer the council to Tribal  
25 Council Exhibit 5, which is Chairwoman Lafferty's June 2014



1 report provided at the regular meeting in June. She says,  
2 June 12th, Thursday evening, attended the pageant.

3 MS. JAMES: I think we had a misunderstanding.  
4 And the chairwoman would prefer if we went back and forth on  
5 the individual charges.

6 MS. ZEHREN: Okay. That's fine.

7 MS. JAMES: Sorry. I thought that's what we were  
8 doing. And that's her preference. So, are you finished  
9 with the first?

10 MS. ZEHREN: Finished with the first three  
11 charges.

12 MS. JAMES: Thank you.

13 MS. ZEHREN: Unless, except I do want to call  
14 Nikki Borchardt Campbell.

15 MS. JAMES: That's fine. I want to talk to you  
16 all -- first of all, my name is Katie James. I am an  
17 attorney here in Utah. And I specialize in Indian law  
18 practice. And I am representing Chairwoman Lafferty here  
19 today.

20 And I want to talk to you a little bit first about  
21 what we are doing here today in this hearing. This isn't a  
22 case about willful, malicious or reckless actions. This is  
23 about human mistakes and human errors in judgment. And this  
24 case is not just about what happens to Gari Lafferty. The  
25 decisions that you make today and in 10 days when you make a

1 decision on the charges, will create a precedent that  
2 doesn't just affect Gari Lafferty, it could affect each and  
3 every one of you and tribal councils to come in the future.  
4 You are setting the standard today that tribal councils will  
5 be judged on in hearings just like this to come in the  
6 future.

7           Gari, number 1, acted maliciously to harm the  
8 Tribe. She never once acted unreasonably under the  
9 circumstances. And unreasonable choices or malicious acts  
10 are what are required for willful misconduct or neglect of  
11 duty.

12           Most tribal members are not professional public  
13 servants or politicians. More often, they are like Gari  
14 Lafferty, simply, people who call to help their tribe and  
15 their band. They enter this job with little experience and  
16 little guidance from the law. And they are forced to make  
17 their own way. And this will inevitably lead to mistakes.  
18 What you must decide today is what mistakes the law can  
19 abide and what actions threaten your ability to govern.

20           And, on that note, you are dealing with very  
21 little law. Often, as is the case with tribal law, the law  
22 is not robust. It's not full. It doesn't offer a lot of  
23 guidance to people like you who have to interpret the law.  
24 And that's what you have to do here today. You have to take  
25 the limited words that are provided by the law. And you are

1 the body with the solemn decision of deciding what those  
2 words mean.

3 Sovereignty and self-government are inherent in  
4 your status as a tribe. But just because they are inherit  
5 to this body does not mean they were not hard won. People  
6 like Gari Lafferty's father and grandfather fought hard to  
7 have this tribe reinstated after it was terminated, as I am  
8 sure did many people who those of you look up to today.  
9 Sovereignty is a gift. It's not a gift from the United  
10 States Congress or the State of Utah, but from the creator  
11 and from those who fought hard to win it.

12 It should not be tarnished by grievances or  
13 pettiness, it should be treasured. So, think hard today  
14 about how your decisions affect not only yourselves, not  
15 only Gari Lafferty, but tribal councils in the future and  
16 your legitimacy as a body for years to come.

17 I want to talk a little bit about the standards  
18 that are set or the standards that would be set by your  
19 decision today regarding the first three charges that deal  
20 with the Washington Redskins Original American Foundation.  
21 Essentially, you would be setting three standards, because  
22 there are three different legal or constitutional questions  
23 that are provided by these three charges.

24 First. You would be deciding what the word  
25 "obligate" means. One of these charges seeks to say that

1 Gari obligated the Tribe without prior written approval of  
2 the council. Now, in your duty to interpret this term,  
3 frequently, in the law, almost always in the law, "obligate"  
4 carries within the meaning of legal obligation, of legal  
5 requirement, signing a contract, making an agreement that  
6 will bind the council legally in the future.

7 Gari Lafferty didn't make any contracts. Gari  
8 Lafferty didn't make any agreements. Gari Lafferty didn't  
9 sign anything. The evidence that is cited for Gari Lafferty  
10 for obligating the Tribe is pictures and Facebook posts.  
11 You could set a standard today that somebody like Gari  
12 Lafferty or like yourself could lose their job because they  
13 didn't get written permission to make a Facebook post? To  
14 take a picture? I don't believe that's the standard that  
15 you want to set for yourself or for the future.

16 These charges also seek to say that Gari Lafferty  
17 took gifts that could be interpreted or could be reasonably  
18 inferred as influencing her official vote, action or  
19 judgment. It is not reasonable to infer that these gifts  
20 could have influenced Gari's official vote, action or  
21 judgment, because no official vote or action has been taken.  
22 And it was not foreseeable that any official vote or action  
23 would be taken in the future.

24 You also set a standard today about the propriety  
25 of Gari being involved with a group like the Washington

1 Redskins Original American Foundation. And, though, it is a  
2 very controversial topic, the Tribal Council had already  
3 taken steps to be involved with the Foundation before Gary  
4 Lafferty ever became involved. Gari Lafferty did not seek  
5 out the Foundation. Gari Lafferty did not bring the  
6 Foundation to the council. The council contacted the  
7 Tribe's economic development team. And the Tribe, before  
8 Gari Lafferty ever met with the Washington Redskins Original  
9 American Foundation, accepted a van from the Foundation for  
10 economic development. And through Gari's interactions with  
11 the Foundation, she was able to get two more vans for the  
12 Tribe.

13 The standard you would be setting today would be  
14 to say that by interacting with a group that the Tribe had  
15 already been involved with to benefit the Tribe for economic  
16 development, that that is in some way a personal interest,  
17 and that your personal interest is adverse to the Tribe.

18 Gari did not harm the Tribe. She benefited the  
19 Tribe. And that's what we intend to show. And I believe  
20 Chairwoman Lafferty would like to take the stand first.

21 GARI LAFFERTY,  
22 called by Defendant, was examined  
23 and testifies as follows:

24 DIRECT EXAMINATION

25 BY MS. JAMES:

1 Q Hi, Chairwoman Lafferty.

2 A Hi.

3 Q I would like to start out first to see if you had  
4 any response to the audio that was played by opposing  
5 counsel?

6 A The audio, that is me. You can barely, kind of  
7 understand it.

8 Q It was hard to understand.

9 A But that is me. And the part that they didn't  
10 play for you is when, prior to that comment, we were leaving  
11 the, I was leaving the meeting with the Foundation people.  
12 And I told them then, I says, you know, the demographic of  
13 our tribe, we are spread out in four different areas. And,  
14 at that time, they had not heard from the Ute Tribe or the  
15 San Juan Paiute Tribe. So, I told them, just like  
16 everything else, when I just throw it out there, I said, you  
17 know, if you don't get a response back from those two  
18 tribes, I said, you know, our tribe could really benefit  
19 from that, I says, for our elders, transporting our elders,  
20 transporting our youth. And I said, so, you know, if you  
21 don't hear from them, and you've got those two other vans  
22 waiting in the wing, I says, you know, I really think that  
23 our Tribe could really benefit from that. And it would be  
24 greatly appreciated.

25 And that's when -- you know, because they asked

1 me, Gari, are you a Washington Redskins fan? And I said,  
2 well, everybody that knows me knows that I am a Cowboy fan.  
3 I am blue all the way through. I says, But, you know, my  
4 son-in-law has always been a Washington Redskins fan. I  
5 said, he's, long before this controversy thing, he's always  
6 been a faithful fan. So, that's when I said, you know, he's  
7 a big fan of RG3. And, you know, I think that would be an  
8 awesome thing for him to get a football. But I was just  
9 throwing it out there not knowing that it would happen.

10 And it's just like, you know, by the time I got  
11 back from Washington D.C., you know, I had an email three  
12 days before I came back. And it says from Dewey Webb. He's  
13 the directional regional foundation guy out of Texas,  
14 Dallas. And he says, Gari, they must have really liked you,  
15 because they are going to give your tribe two more vans.  
16 So, you must have impressed them. So, I emailed them back.  
17 And I says, well, I really enjoyed meeting with them. And I  
18 just wanted to tell them thank you, what a great opportunity  
19 like that, you know, for our people, to be able to have  
20 access to extra transportation. So, yeah, I thought that  
21 was a good thing that came about for our tribal people.

22 Q Let's just set the record straight right now. Did  
23 you receive a signed football from the Washington Redskins  
24 Foundation?

25 A No, I didn't.

1 Q Did you ask them to send your son -- in your  
2 belief, did you ask them to send your son that football?

3 A No. I just threw it out there. No. And so,  
4 by -- when I was in Washington, D.C., you know, they had  
5 called me and told me that Lamont had received this  
6 football, you know. So, I was like, oh, you know, good for  
7 him. Because he is the fan, you know. If I was to be the  
8 owner of the football it would have probably just stayed in  
9 the case. Or I would have put it on Ebay, because I am not  
10 a Redskin fan.

11 Q So, you didn't receive any benefit by receiving  
12 this football?

13 A No.

14 Q And just to clarify what you said, when did you  
15 find out that your son-in-law had received the football?

16 A He had received it before I even got back from  
17 D.C.

18 Q So, you found out at the same time that he did,  
19 essentially, that he was getting this football?

20 A Right.

21 Q All right. Gari, how did you become involved with  
22 the Washington Redskins Original Americans Foundation?

23 A Came and got involved with them when it was, I  
24 believe it was in January, beginning of that year that our  
25 Gaylord Robb, that works for the tribe, he brought



1 information into the Tribal Council telling us that the  
2 Foundation was trying to help the different tribes in Utah.  
3 I guess they go state-by-state to try to help tribes. And  
4 it was Utah's turn. So, he told us that they were giving  
5 out a van. And so, you know, the council approved for him  
6 to, you know, to do the paperwork. And so, they did. He  
7 did the paperwork. Then he brought it to the Tribal  
8 Council. And that's how we were made aware that we were  
9 getting this van. So, that May, I believe it was, the  
10 health department, we took a, went to a conference in D.C.  
11 And so, I told the council that, you know, I'm going to try  
12 to get over there and tell the Foundation thank you for this  
13 van that we received, you know. And so, that's how I got  
14 involved with them, you know. That's, you know, it  
15 wasn't --

16 Q And they contacted the Tribe in January, correct?

17 A Yes.

18 Q And you didn't meet with them until May?

19 A Right.

20 Q And, prior to your trip, you did include in your  
21 itinerary that you were going to meet with?

22 A Yes.

23 Q Did you take any more trips to meet with the  
24 Foundation?

25 A No. Just the one in September.

1 Q So, just to clarify, you took one trip  
2 specifically to meet with the Foundation, and that was the  
3 trip in September?

4 A September, yes.

5 Q What was the purpose of that trip?

6 A The purpose of that was to, they were, once again,  
7 they were reaching out to different tribal leaders. And  
8 that was the one where we talked about education and stuff  
9 like that. And so, that's primarily what that was. You  
10 know, once again, I did let the council know that I was  
11 going to this, you know, that they were paying for my trip  
12 back to D.C. So, the council, yes, they were well aware of  
13 it that I was going.

14 Q Did you ever receive any objections from any of  
15 the council members to taking these trips or being involved  
16 with the Foundation in any way?

17 A No. They didn't say, you know, because where I  
18 give my agenda for the month, you know, not one of them ever  
19 said, Gari, it don't look good on the Tribe, you better not  
20 go, because, you know. Like, at one time, I had one of  
21 the -- well, specifically, the Chairwoman Tom, you know,  
22 after I got into office, she says, you know, Gari, we are  
23 your boss. We tell you what to do. So, yes, I didn't like  
24 that, but, you know, I lived by it. So, yes, if any of the  
25 council, at that time, when they heard my agenda, if they

1 would have said, Gari, don't go, it doesn't look good with  
2 all this controversy, whatever, that's going around, then,  
3 of course, I wouldn't have been able to go, because I can't  
4 go anywhere without their approval or without their knowing  
5 my tentative agenda.

6 Q So, if they had objected, you wouldn't have taken  
7 any more trips?

8 A That's right.

9 Q And, for example, when it was brought up in the  
10 council meeting in October, that perhaps the Tribe should  
11 take a step back from the Foundation, you didn't have any  
12 more interaction with the Foundation after that, did you?

13 A Right.

14 Q Why did you think it was a good idea to attend  
15 these conferences with the Foundation?

16 A Well, I think just like I said earlier, there is a  
17 lot of billionaires out there that provide help, you know,  
18 to all different kinds of organizations. And so, I thought,  
19 you know, as long as we are not being obligated in any way,  
20 shape or form, you know, then, why not? You know, there are  
21 so many people that are giving things away. Why not? I  
22 mean, the Native Americans, through history, have been  
23 robbed in all many kinds of way and fashion. So, I think,  
24 you know, this Mr. Dan Snyder, you know, if you ask me, he  
25 hasn't done anything to our people, you know, let alone

1 asking us. You know, never did he ever say, you know, Gari,  
2 will you sign a letter of support for us? You know? And  
3 Gary Edwards, nor did he ever say, Gari, sign a letter of  
4 support for us. Because I know there is no way that I would  
5 even be able to do that. So, no, there is no obligation.

6 Q Going to this idea of obligation that you just  
7 brought up, did you ever sign anything on behalf of the  
8 Tribe with regards to the Washington Redskins Foundation?

9 A No.

10 Q Did you ever make any agreements with the  
11 Washington Redskins Foundation on behalf of the Tribe?

12 A No.

13 Q Did you make any agreements with the Washington  
14 Redskins Foundation on behalf of yourself personally?

15 A No.

16 Q In any of your meetings with the Washington  
17 Redskins Foundation, did you ever indicate to them that you  
18 supported them?

19 A No.

20 Q And, also, along with this idea of obligation,  
21 have you ever been required to get written permission to  
22 take a trip before?

23 A No.

24 Q And did anybody ask you to get written permission  
25 for this trip?

1           A     No.

2           Q     Going back to the vans, which I think we have  
3 brought up briefly. The Tribe had already received or was  
4 going to receive the vans when you took the trip, correct?

5           A     They had taken one. Well, we knew we were going  
6 to get one at that time.

7           Q     All right. Now, I just want to discuss the  
8 football game you attended briefly. Did the Foundation pay  
9 for your ticket?

10          A     Yes, they did.

11          Q     So, why did you accept the ticket?

12          A     Because, like I said, it's like any other  
13 conference you attend. You know, they provide extra  
14 activities for their guests, you know, to go to and stuff  
15 like that. Not any different than going to the Governor's  
16 Summit, you know, where he provides activities afterwards,  
17 you know. We have gone to movies. We have gone to -- we  
18 even -- they even offered, you know, to take us to, I think  
19 it was a real soccer game.

20          Q     So, you didn't think it was any different than any  
21 other conference?

22          A     Right.

23          Q     And it would be comparable to, say, the Governor's  
24 Summit?

25          A     Yes.

1 Q Your family attended that football game as well,  
2 though, correct?

3 A Yes.

4 Q How did your family end up getting those tickets?

5 A They went through my husband. Because I told him  
6 I can't make that decision for them, because, you know, I  
7 can't be a part of that kind of, you know, controversy that  
8 goes on. So, I told them that I can't make that decision  
9 for you.

10 Q So, you didn't ask the Foundation to provide  
11 tickets for your family?

12 A No.

13 Q And you weren't involved in your family's decision  
14 on whether or not to go?

15 A Right.

16 Q At the time when you took these trips, were you  
17 aware of any official action that was pending with regards  
18 to the Washington Redskins or the Washington Redskins  
19 Original American Foundation before this Tribal Council?

20 A I think, you know, like I said previously, you  
21 know, I mean, if you live under a rock, then you don't know  
22 what's out there.

23 Q Right. But are you aware that the Tribal Council  
24 might take any action with regards to that?

25 A Well, the Tribal Council had talked about it, you

1 know. But they just said, like every other time, we  
2 wouldn't be obligated in any way, shape or form to them or,  
3 you know, for the mascot.

4 Q Yeah. Were you anticipating saying up or down  
5 vote from the Tribal Council on whether or not the Tribe  
6 supports the Redskins?

7 A You know, we talked about it. And, yes, they made  
8 it quite clear, you know, after the fact that, you know, we  
9 wouldn't. But, you know, going back to making these  
10 decisions like, you know, where I said my tentative agenda  
11 to the council, I did mention to Stephanie that I told her  
12 that I was taking this trip. And she did advise me, like  
13 she has many times, to always make sure that the Tribal  
14 Council knew, you know, that where I was going. And so, I  
15 always have.

16 Q Aside from accepting the vans, do you know of any  
17 official act or official vote that's been taken by the  
18 council with regards to the Redskins?

19 A No.

20 Q One last question. Gari, what is your opinion of  
21 the Washington Redskins Original American Foundation?

22 A Well, I think they are like any other foundation  
23 across the United States. You know, I mean, it's people.  
24 If they choose to share their millions, then, why not? They  
25 are not the only ones that do this for Native Americans.

1 And so, people can read into that however or whatever way  
2 they want to, you know. But I just think, you know, it's a  
3 foundation, and if they are willing to help, you know.  
4 Because, like I said, I don't make these decisions on my  
5 own. The council -- the council are the ones with the  
6 ultimate last say.

7 Q So, would you say your opinion is like what you  
8 posted on Facebook, that people can decide for themselves?

9 A Yeah. And I think people should. You know, in  
10 all aspects of life, you know, people shouldn't -- people  
11 shouldn't follow other people's, you know, get on their band  
12 wagons. You know, they need to do research. They need to  
13 find and actually make their own opinions on whatever the  
14 issue is. And this one is the Washington mascot, you know,  
15 the Redskins mascot. So, I think, yes, people should do  
16 their own research to form their own opinions.

17 MS. JAMES: All right. Thank you. I don't have  
18 any more questions. Thank you.

19 MS. ZEHREN: Miss Lafferty, if you could just sit  
20 for a moment. I have a couple questions as a follow-up to  
21 that testimony.

22 CROSS-EXAMINATION

23 BY MS. ZEHREN:

24 Q You testified that you took one trip to meet with  
25 the Washington Redskins; is that correct?



1           A     That was the September one.

2           Q     Okay.  And when your attorney, when Katie  
3 clarified that you have only ever taken one trip to meet  
4 with the Foundation, you reiterated your answer was, yes,  
5 one trip, correct?

6           A     Yeah, one trip.

7           Q     I am holding here Tribal Council Exhibit 1B, which  
8 is your monthly report from May 2014.  You reported that on  
9 May 6th you met with the Washington Redskins charity for  
10 Native Americans?

11          A     Yes.

12          Q     And that the Tribe would be receiving three vans  
13 donated by this Foundation?

14          A     No.  At the time we knew we were only getting one.

15          Q     Correct.  The purpose of my question is that this  
16 indicates that you met with them in May as well as in  
17 September.

18          A     Yeah.  I let the Tribal Council know that that's  
19 when I was going back for a health conference.  And so, I  
20 said if I can get over there to tell them thank you for the  
21 one van, so, I would.  So, yes, they knew that I was going.

22          Q     Would you like to now change your testimony that  
23 you actually met with the Foundation more than once and you  
24 in fact met with them twice?

25          A     Yeah.  But that wasn't like -- I didn't know if I

1 was even going to be able to get in. Like I said, I did  
2 tell them if I get the opportunity to go over and tell them  
3 thank you, I was.

4 Q Okay.

5 A And I did.

6 Q Just a couple more questions. Did you ever  
7 request permission from the Tribal Council to go to the game  
8 on September 25th with the Redskins?

9 A No. They never told me I would need permission,  
10 because where they tentatively knew where I was going to be  
11 going, if they had any questions or if they had any issues.  
12 You know, that's why I do give a tentative report. That way  
13 they know. And that way, if they said, Gari, you need to  
14 get at least an approval, then, yeah, it would have been  
15 different. But, no, they have never requested from me in  
16 writing in any way, shape or form.

17 Q Did you ever give them a tentative report of your  
18 intent to go to the game on September 25th?

19 A Yes, I did.

20 Q When was that?

21 A The beginning of September.

22 Q Okay. Thank you. And was there ever a motion by  
23 the Tribal Council that you could go to this Washington  
24 Redskins game?

25 A Well, I think it would be at the appropriate time

1 they would, if they felt they needed one after I read my  
2 tentative report. No, they didn't request for one.

3 Q So, there was never a motion made by the Tribal  
4 Council for you to go to the game?

5 A Right, let alone them telling me that I would need  
6 one. No, they never made that clear to me.

7 Q Was there ever a resolution for you to attend a  
8 Washington Redskins game?

9 A No. Because they never told me I would need a  
10 resolution. I figured when I give my monthly tentative  
11 report, then, if they had any issue, then that would be the  
12 time that they would say, you know, Gari, you need to report  
13 or you need a resolution. But, no, none of that was ever  
14 indicated nor was it ever told to me.

15 Q Was there ever any moment when the council  
16 affirmatively approved you going in any way, whether by  
17 motion, resolution, or even just saying, yeah, Gari, go  
18 ahead and go to the game?

19 A I figured after I gave my report that would be the  
20 time, because they do have to know where I am going.

21 Q I would like to ask just one question about how  
22 you ended up going to the game. Did the Redskins Foundation  
23 contact you about going to the game on September 25th?

24 A They contacted me prior, because they were going  
25 to have this conference roundtable. And I did let the

1 Tribal Council know that I was invited to go to this  
2 roundtable.

3 Q Okay. And I have just one email. This is an  
4 email to Gaylord Robb. It is not marked as an exhibit. I  
5 only intended to use it just to clarify there are no charges  
6 concerning the passenger vans that were accepted. But  
7 because it has now been put at issue by Miss Lafferty, I  
8 have a couple of exhibits that relate to that.

9 This is an email to Gaylord Robb from Dewey Webb,  
10 who is the director of operations from the Washington  
11 Redskins Original Americans Foundation.

12 "Gaylord, I left you a voice mail on your cell  
13 phone today. I received word yesterday that Chairwoman  
14 Lafferty met with the executive director of WROAF in  
15 Washington, D.C. this week. We are adding two additional  
16 vans to your request to cover the widespread areas of your  
17 tribal community. That would be a total of three vans we'll  
18 be ordering for your tribe. Please call me when you get a  
19 chance. We will figure out the best way to document the  
20 additional van."

21 So, when you met in May, did you request from the  
22 Foundation that they would provide additional vans as a  
23 benefit to the Tribe or for any other reason?

24 A That's when I said when I was walking out the  
25 door, if you don't hear from the other two tribes, and you

1 still have those two vans floating out there, you can  
2 consider giving them to our tribe, because it would be  
3 greatly appreciated. So, yes.

4 Q Okay. Thank you. And just one final question.  
5 You mentioned that you weren't familiar with the audio clip  
6 that I played. I just wanted to make clear that because of  
7 the limited nature of this hearing I didn't play the full  
8 audio. I think it's about a six hour audio clip. I played  
9 the relevant portion. The full audio, in its entirety, is  
10 available and has been made available to you and is  
11 currently available at the tribal office. I have it, but  
12 given the nature of the audio and how difficult it was to  
13 hear, I don't think it's a worthwhile exercise to play the  
14 whole thing. I am happy to do that. I have just wanted to  
15 make clear that audio has been made available.

16 And, you know, the description of what proceeded  
17 and followed, that clip that I played is available. So, I  
18 have no further questions.

19 REDIRECT EXAMINATION

20 BY MS. JAMES:

21 Q Gari, just ask you two quick questions. Have you  
22 ever, for any other trip not related to the Washington  
23 Redskins, for any trip that you took, been required to get a  
24 motion or resolution to approve the trip?

25 A No. Because I can't -- I can't -- you know, they

1 tell me where I can and cannot go. So, I figured if there  
2 was any time that they didn't want me to go, then they would  
3 state it when I read my agenda, my tentative agenda for that  
4 month.

5 Q Has any other council member ever been required to  
6 have a resolution or a motion in order to take a trip that  
7 you know of?

8 A I don't know. I guess we'll have to ask them  
9 that.

10 Q And just on the issue of the vans really quick.  
11 There were three bands accepted. That means they went to  
12 three different bands, correct?

13 A Yes.

14 Q And so, three different band chairmen decided to  
15 accept those vans, correct?

16 A Well, the whole council approved it.

17 Q Then the bands accepted the vans, correct?

18 A Yes. And I would just like to mention in that  
19 too, when we made the motion to accept the vans, you know, I  
20 did say that I would like to see that Kanosh gets one. And  
21 then that's when Chairman Tom raised her hand. And she  
22 says, I want to make sure Cedar band gets one. And then I  
23 said, we'll decide who gets the third van. Because I did  
24 tell them that once you receive the van, that, financially,  
25 your band would be responsible to take care of it because it

1 wouldn't have any ties to the Tribe then, you know. And  
2 that's when they made a motion, you know, that selected that  
3 it would go to the Koosharem band.

4 MS. JAMES: Thank you.

5 If you don't have any further questions? Okay.

6 I would like to call Charles Lafferty at this  
7 time.

8 CHARLES LAFFERTY,  
9 called by Defendant, was examined  
10 and testifies as follows:

11 DIRECT EXAMINATION

12 BY MS. JAMES:

13 Q Can you state your name for the benefit of the  
14 court reporter?

15 A Charles Lafferty.

16 Q Charles, how do you know Gari Lafferty?

17 A She's my wife.

18 Q How long have you guys been married?

19 A Not long enough. Twenty-eight years.

20 Q That's a long time.

21 A Yeah.

22 Q So, Charles, did you attend a Redskins football  
23 game on or around September 25th, 2014?

24 A I did.

25 Q And how did it come about that you attended this

1 football game?

2 A My wife got some tickets. And it was up to me if  
3 I wanted to go or not.

4 Q Who contacted you about going to the game?

5 A Go to the game?

6 Q Um-hmm.

7 A My wife asked me if I wanted to go to the game.

8 Q Okay. But your wife wasn't involved in the  
9 decision of whether or not you would go?

10 A No. I do what I want, make up my own mind.

11 Q So, you two don't frequently get involved in each  
12 other's business affairs or things of that nature?

13 A No. I let her do her work. And I don't involve  
14 myself in her work. And she don't involve herself in my  
15 work in Wyoming.

16 Q So, always keep your affairs separate?

17 A Been that way forever. It works.

18 Q That's good. You have been married for 28 years.

19 A Yeah.

20 Q Do you think there was a reason that Gari didn't  
21 want to be involved in your decision other than you guys  
22 keep your affairs separate?

23 A Well, this is the way it's always been. She knows  
24 I do what I want to do. And, of course, what she wants to  
25 do she does too. It works.



1 Q One last question for you. To your knowledge,  
2 does your wife have an opinion on the Washington Redskins  
3 Foundation?

4 A No. She's a Cowboy fan. It would be Cowboys, if  
5 anything.

6 MS. JAMES: All right. Thank you. I don't have  
7 any more questions.

8 MS. ZEHREN: I have no questions for you, Mr.  
9 Lafferty.

10 THE WITNESS: Okay. Thank you.

11 MS. JAMES: I would like to call Lamont Pete.

12 LAMONT PETE,  
13 called by Defendant, was examined  
14 and testifies as follows:

15 DIRECT EXAMINATION

16 BY MS. JAMES:

17 Q Hi. Can you just state your name for the court  
18 reporter?

19 A Lamont Pete.

20 Q Okay. How do you know Gari Lafferty?

21 A She's my mother-in-law.

22 Q So, last May, or around then, did you receive an  
23 autographed football?

24 A Yes, I did.

25 Q Who did you receive it from?

1 A The Washington Redskins.

2 Q Did they send it to you?

3 A Organization. Their Foundation.

4 Q Their Foundation. Okay. Did they send it to you  
5 directly?

6 A Yes, they did.

7 Q Does your mother-in-law get any use or enjoyment  
8 out of that football?

9 A No. Football's mine. It's in my possession.

10 Q Where does it reside?

11 A It's going to reside in a nice glass case.

12 Q At your house?

13 A Yes.

14 Q All right. One last question. To your knowledge,  
15 does your mother-in-law, Gari Lafferty, have any opinion on  
16 the Washington Redskins or their Foundation?

17 A No. She doesn't have any opinion on any of that  
18 nonsense.

19 MS. JAMES: Thank you. I don't have any other  
20 questions.

21 CROSS-EXAMINATION

22 BY MS. ZEHREN:

23 Q I just have one question for you, Mr. Pete. Did  
24 you request the football from the Washington Redskins  
25 Original Americans Foundation?

1 A Did I personally request it?

2 Q Yes.

3 A No.

4 Q What is your understanding of how that football  
5 came to arrive on your doorstep?

6 A I mentioned it because I'm a huge Redskins fan.  
7 And I just kind of mentioned it to my mother-in-law. And it  
8 just kind of happened.

9 Q Okay.

10 A Wasn't any request or anything like that.

11 MS. ZEHREN: Okay. No further questions.

12 REDIRECT EXAMINATION

13 BY MS. JAMES:

14 Q Actually, I do have one last question. You  
15 provided this to me this morning?

16 A Yes, I did.

17 Q And I got it this morning. It's a certificate of  
18 authenticity for the football you received?

19 A Yes.

20 Q And on this certificate it says, the Washington  
21 Redskins hereby certifies that this donated autographed  
22 article is authentic and personally has been hand-signed.  
23 What did that mean to you?

24 A That it's donated. It says right there on that  
25 certificate that it's a donated item, that's not a gift or

1 anything. And there is no prize value you can put on it.

2 MS. JAMES: Thank you. I think we are done. You  
3 can step down. Thank you.

4 I would like to call Gayle Rollo. She wasn't here  
5 when I stepped in. But she might be out there now.

6 GAYLE ROLLO,  
7 called by Defendant, was examined  
8 and testifies as follows:

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10

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12

DIRECT EXAMINATION

13 BY MS. JAMES:

14 Q Hi, Gayle. Thanks for coming. Can you just state  
15 your name for the court reporter?

16 A Gayle Rollo.

17 Q And, Gayle, your position with the Tribe is that  
18 you are the Tribe's administrator; is that correct?

19 A Yes.

20 Q And you were aware that the Tribe was receiving  
21 vans from the Washington Redskins Original Americans  
22 Foundation, correct?

23 A Yes.

24 Q And did you advise or answer any questions for the  
25 Tribe on how these vans would be received in terms of title

1 and things like that?

2 A Yes.

3 Q What were some particular concerns that the  
4 council had about the vans?

5 A Well, the main one was that were there any strings  
6 attached? Were we required to support the Redskins in any  
7 way? Were we required to advertise on the vans that they  
8 were donated by -- the biggest thing was we wanted to make  
9 sure that we were not, by accepting them, obligating the  
10 Tribe in any way to support the Redskins and their use of  
11 the name.

12 Q And, ultimately, did you discern that there were  
13 not any strings attached?

14 A Everything I was able to find out, there were no  
15 strings attached. The actual title came in the name of the  
16 Tribe. There was nothing on there that said Redskins. And  
17 they were transferring ownership to the vans.

18 Q So, would it be your belief that the Tribal  
19 Council did not want to be obligated to the Foundation  
20 simply by accepting these vans?

21 A That's correct.

22 Q And under your understanding they are in no way  
23 obligated?

24 A That's correct.

25 Q There were three vans. Do you know which bands

1 those three vans ended up going to?

2 A We only received two so far. One went to Cedar  
3 and one went to Kanosh.

4 Q Okay. Thank you.

5 CROSS-EXAMINATION

6 BY MS. ZEHREN:

7 Q Just one line of question for you, Miss Rollo.  
8 Was there, to your knowledge, ever a motion done by the  
9 Tribal Council to accept any of the passenger vans, the  
10 first van or any additional vans?

11 A No.

12 Q Was there ever a resolution done in writing by the  
13 Tribal Council to accept those vans?

14 A Not that I am aware of.

15 Q Did you find anything in your review of the  
16 minutes? Are you aware of anything, any point where the  
17 Tribal Council officially approved accepting the vans?

18 A No.

19 MS. ZEHREN: Thank you. No further questions.

20 MS. JAMES: Okay. I would like to call Gaylord  
21 Robb.

22 GAYLORD ROBB,  
23 called by Defendant, was examined  
24 and testifies as follows:

25 DIRECT EXAMINATION

1 BY MS. JAMES:

2 Q Hi. Can you please state your name for the court  
3 reporter.

4 A Gaylord Robb.

5 Q And what is your position with the Tribe?

6 A I am an economic development director.

7 Q And were you the initial point of contact with the  
8 Tribe for the Washington Redskins Original Americans  
9 Foundation?

10 A As far as I know, yes.

11 Q So, no one else from the tribe came to you to  
12 discuss?

13 A No, they did not.

14 Q You heard directly from representatives of the  
15 Foundation?

16 A I what?

17 Q Did you find out about the Foundation directly  
18 from the Foundation?

19 A Yes.

20 Q How did they originally contact you?

21 A They called me on the phone and asked me to take a  
22 survey about the needs of the Tribe.

23 Q And did you take the survey?

24 A Yes, I did.

25 Q Do you remember about when this happened?

1           A     That would have been January of '14, I believe.

2           Q     Okay. So, you did not find out about the  
3 Foundation from Chairwoman Lafferty?

4           A     No.

5           Q     Did the Foundation contact you again after that  
6 initial contact about the survey?

7           A     Yes, they did. I received an email in about  
8 March, I think.

9           Q     And what did they say?

10          A     They said that they had decided to buy some vans  
11 for several tribes. And since I had said that one of the  
12 needs of the Tribe was for transportation for elders and  
13 youth, that they would like to buy a van for the Paiute  
14 Tribe.

15          Q     Okay. And was the council informed about this  
16 information that they were going to provide, that they  
17 wanted to provide a van?

18          A     Yes. The email I got was on the 17th. I sent a  
19 copy of that email to Gari and to the tribal administrator  
20 on the 18th. Then I think on the 1st of May there was a  
21 council meeting. And I explained to the council that they  
22 had offered to buy a van at that time.

23          Q     And so, the council was well aware of who was  
24 providing the van?

25          A     Well, yeah, they should have been.



1 Q They should have been, at least?

2 A I explained who it was. And I gave a copy of the  
3 email to Gari.

4 Q Did the Tribe seem -- or did the Tribal Council  
5 members seem glad to be receiving the van or think that the  
6 van would be beneficial to them?

7 A Glad, I can't answer that. But there was a little  
8 bit of discussion about what we would do with it.

9 Q Did they ultimately decide that accepting the van  
10 would be a good thing?

11 A I don't think there was a decision made at that  
12 time. But there was no positive or negative either way.

13 Q As far as you know, has the van been accepted at  
14 this point?

15 A Yes.

16 Q Were you contacted by the Foundation again after  
17 that second contact about the van?

18 A Yes. On May the 7th, I think, I received another  
19 email saying that since Gari had spoken with the director of  
20 the Foundation that we would be receiving two additional  
21 vans.

22 MS. JAMES: All right. Thank you.

23 CROSS-EXAMINATION

24 BY MS. ZEHREN:

25 Q Mr. Robb, I have just a few follow-up questions

1 for you. It looks like you wrote a letter accepting one  
2 van. Did the Tribe receive additional vans?

3 A We received one additional van.

4 Q One additional van. And how did that come about  
5 to the best of your knowledge?

6 A That van was delivered to Cedar City directly to  
7 the Chevrolet dealer there.

8 Q Okay. And did you request an additional van?

9 A I did not request an additional van, no. That --  
10 I received an email stating that there would be an  
11 additional van.

12 Q Okay. Do you recognize this email indicating that  
13 the additional van was after Chairwoman Lafferty had met  
14 with the Redskins Foundation in Washington, D.C. and had  
15 requested additional vans, and that they were therefore  
16 going to be provided to the tribe?

17 A Yes. Dewey Webb of the Foundation sent that email  
18 to me.

19 Q Thank you. You mentioned that your testimony was  
20 that there was not a decision made by the Tribal Council to  
21 accept the passenger vans; is that correct?

22 A I don't recall a decision one way or another.

23 Q And who wrote the letter approving the acceptance  
24 of the van?

25 A I did.

1 Q Did the Tribal Council sign off on that letter?

2 A No.

3 Q Was there ever a motion made, to your knowledge,  
4 by the Tribal Council to accept the vans?

5 A Not that I am aware of.

6 Q Was there ever a resolution to accept the vans?

7 A No, there was not.

8 MS. JAMES: Thank you. I have no further  
9 questions for Mr. Robb. You can step out. Thank you.

10 I am going to recall Chairwoman Lafferty for just  
11 a few questions.

12 GARI LAFFERTY,  
13 called by Defendant, was examined  
14 and testifies as follows:

15 DIRECT EXAMINATION

16 BY MS. JAMES:

17 Q Chairwoman, were you present at the August  
18 executive meeting of the Tribal Council?

19 A Yes.

20 Q At that meeting, do you recall that a motion was  
21 made by Jeanine Borchardt for the bands to receive a van  
22 that was seconded by Hope Silvis?

23 A Yes.

24 Q And do you remember that all members present voted  
25 yay?

1           A     Yes.

2           MS. JAMES: Thank you. I'm finished with the  
3 first three charges at this point.

4           MS. ZEHREN: Okay. The fourth charge, which we'll  
5 now move into, is ignoring the express directives of the  
6 Tribal Council. This is pursuant to Article 9 of the  
7 Constitution which states that the chairperson shall have  
8 such duties, powers and restrictions as designated by the  
9 Tribal Council. I am going to -- I'm not going to be  
10 calling any witnesses during this section. I'm just going  
11 to play a couple of audio clips. And I am going to actually  
12 start with Chairwoman Lafferty's June 2014 report to the  
13 Tribal Council, which is Exhibit 15 in the Tribal Council's  
14 binder.

15                   It states, "June 12th, there is a evening,  
16 attended the pageant. Was very disappointed that Indian  
17 Peaks didn't put too much thought into the pageant. I feel  
18 this would leave the young girls to feel that of not much  
19 importance. I am now going to play a clip from the  
20 August 2014 council meeting.

21                           (Audio clip playing now.)

22           MS. ZEHREN: Just to get some foundation to this,  
23 Exhibit 16 is a letter that was dated August 1st, from Tami  
24 Borhardt regarding the statements made by the chairwoman  
25 concerning the Indian Peaks Pageant. And so, that's what

1 this is concerning. And that letter is included as  
2 Exhibit 16. Paiute Indian Tribe.

3 (Audio clip playing again.)

4 MS. ZEHREN: Okay. So, at that council meeting in  
5 August there was a motion made for Chairwoman Lafferty to  
6 apologize to the Indian Peaks band for her comments about  
7 the pageant. That motion carried unanimously. That's  
8 included in the binder as Exhibit 18.

9 This is the next regular meeting on September 4th,  
10 2014. And I apologize, this is another audio clip that's  
11 poor quality.

12 (Audio clip playing.)

13 MS. ZEHREN: Okay. One more quick clip, which  
14 just is -- and then I am done.

15 MS. JAMES: Do you promise that it's quick?

16 MS. ZEHREN: It's quick. That one was long. But  
17 this one is short. This is a letter from Geneal Anderson's  
18 family, which is Exhibit 20.

19 (Audio clip playing.)

20 MS. ZEHREN: Gari Lafferty, would you mind taking  
21 the stand for a couple of questions. Then I'll conclude  
22 this fourth charge, at least, the evidence on the Council's  
23 side.

24 GARI LAFFERTY,  
25 called by Plaintiff, was examined

1 and testifies as follows:

2 DIRECT EXAMINATION

3 BY MS. ZEHREN:

4 Q Did you issue an apology to the Indian Peaks band?

5 A On the?

6 Q For the comments made during the pageant.

7 A That came about that they -- on the audio, they  
8 didn't play that, that came from the previous Tribal Council  
9 meeting. When I was going around the room and letting all  
10 the chairmen know what a good job they did, blah-blah-blah.  
11 Then I get to Indian Peaks. And I said, you know, one of  
12 the comments that I got back from the tribal members was  
13 that they were disappointed because, I believe, there was  
14 only eight balloons. And I just said, you know, there are  
15 some bands that have more money than others, you know. And  
16 I said, when things like that happen, you know, you need to  
17 just ask, because there are plenty of tribal members out  
18 there that are just extremely talented. And it's like my  
19 dad always said, you know, it's not what you have, it's who  
20 you know and what they have.

21 And so, the next Tribal Council meeting, I wasn't  
22 there. And that's when Tami had brought this letter in and  
23 read it to the Tribal Council. And I was in Provo, I  
24 believe, at that time. But, you know, had I known she was  
25 going to be there I would have definitely been there,

1 because I get, I approve the agenda when it comes through.  
2 So, two days, when I got the agenda, she was not on the  
3 agenda. So, when this letter was read, you know, of course,  
4 you know, it's being read at the time. And in the letter it  
5 states that I used the word "embarrassment." And then they  
6 wanted me to apologize for using the word "embarrassment."  
7 And I said to the council, I said, I did not use the word  
8 "embarrassment." And I said -- and then they said I had to  
9 apologize. And I said I will not apologize for not using,  
10 you know, for using a word that you are saying I used when I  
11 didn't use that word. Then I told the Tribal Council, I  
12 told Jeanine, I looked at her, and I said, I don't know what  
13 information you took back to your band for your meeting, for  
14 your daughter to bring in this letter. And I said, so, if  
15 Tami wants to, you know, she can come and listen to the  
16 audio and listen to exactly what I said.

17 So, then I did, I called Stephanie. And I asked  
18 her if Tami could come in and listen to the audio. And she  
19 said, yes, because it's public information. So, then I got  
20 back to the council. And I said, well, when Tami comes in  
21 and listens to the audio, and she knows exactly what I said,  
22 you know, she will know that I didn't use the word  
23 "embarrassment."

24 So, I did, I contacted the tribal secretary at  
25 that time. And I said, Tami will probably be coming in

1     sometime this week. Please have it ready, the audio, so she  
2     can listen to what I actually said in the meeting. And so,  
3     I told them, you know, I'm not going to apologize for using  
4     the word, for a word that I did not use. And so, you know,  
5     just to make sure, because I knew that I didn't use that  
6     word. So, I went that day and had Charlotte, the secretary,  
7     pull up the audio for me so I could hear it. And I have a  
8     copy of it. And I don't know why it wasn't played, why you  
9     didn't play it.

10        Q     I actually have it.

11        A     But nowhere in there does it say, or I say  
12     embarrassment.

13        Q     I just have two questions, though. Did you  
14     apologize to the Indian Peaks band after you were directed  
15     by the Tribal Council to apologize to the Indian Peaks band?

16        A     Well, that's when I called you. And I told you  
17     that --

18        Q     That was between August 1st and September. Did  
19     you apologize to the Indian Peaks band? That's the only  
20     question. Yes or no?

21        A     I called you. And I asked you. I says, they want  
22     me to apologize. And I says, if they are going to strongarm  
23     me to apologize, I will. And then I asked you, I said, so,  
24     you know, there is no time limit on it. So, I said I would  
25     like to do it at the annual meeting, because if they gave



1 this information out to many tribal members, then, you know,  
2 that would be the place. And you told me, at that time, you  
3 said that would be fine, Gari, as long as you apologize.  
4 And I said, okay.

5 Q So, to clarify --

6 A The suggestion came from you.

7 Q So, the timeline that Miss Lafferty is referring  
8 to is between the August 1st meeting and the September 1st  
9 meeting. The audio includes the discussion of what I  
10 advised. The council considered my advice to you as  
11 portrayed by you to them, not directly by me to them, but  
12 that is reflected in the minutes as well as in the full  
13 audio clip that I subjected everybody to without doing the  
14 whole thing. They directed you to apologize to the Indian  
15 Peaks band before the annual meeting. Did you apologize to  
16 the Indian Peaks band?

17 A No. Because I said --

18 Q That's all. Yes or no.

19 A Because that way they would know exactly what I  
20 said. Because I was offended that they would put words,  
21 that possibly the Indian Peaks chairwoman would put words in  
22 my mouth because, you know, we already know that, you know,  
23 there is not a good feeling there between Indian Peaks and  
24 myself. So, I just wanted to make sure. You know, I called  
25 Tami, left her a message, because she wasn't in. So, I just

1 left her a message. And I says, Tami, you are more than  
2 welcome to come and listen to the audio, you know, for  
3 yourself, so you can know exactly, hear what I said.

4 Q So, your answer, then, is, you have not, at this  
5 point you have not --

6 A No. Because I took your advice when you said I  
7 could do it at the annual meeting.

8 Q Did you apologize to the family of Geneal  
9 Anderson?

10 A I didn't apologize to the family because, like it  
11 was said in the audio, I didn't know what to exactly put in  
12 the welcome letter. And it's like Gayle told me, she says,  
13 Gari, it's just general information. Go and pull out the  
14 other tribal chairmen's letters and go from there because  
15 it's just general information. And so, I said, okay. So,  
16 then, when Indian Peaks once again brings this letter in,  
17 you know, about the complaint, I said, you know, it would  
18 have been nice if it would have been signed by one of, her  
19 brother or her sister, but it just says Geneal Anderson's  
20 family. So, once again, it's generalized.

21 And I asked. At the time, I said who was it that  
22 exactly put this letter together to present it to me? And  
23 it was never answered exactly who it was. So, I don't know  
24 if it was, you know, a sister or her brother, because, you  
25 know, then, had I known it was from one of them, then, you

1 know, I would have, you know, stated my case about how the  
2 letter came about. But, once again, it was brought to the  
3 council by an Indian Peaks band member.

4 Q Okay. And, just to clarify your testimony, during  
5 a report that we heard, you indicated that Jack Sawyer told  
6 you to use the old letters just now, I believe you  
7 testified?

8 A They both did. They both said that, just go pull  
9 the archives. And it's all just general information. So, I  
10 said, okay. So, that's what I did.

11 Q So, to date, just a yes or no answer, have you  
12 apologized to Indian Peaks band?

13 A No, because they haven't listened to the audio  
14 yet.

15 Q Okay. And have you apologized to the family of  
16 Geneal Anderson?

17 A No. Because they haven't told me who the correct  
18 person to apologize to.

19 MS. ZEHREN: Okay.

20 MS. JAMES: Gari, I'm not going to question you at  
21 this time. I'll recall you.

22 MS. ZEHREN: Nothing further on this charge.

23 MS. JAMES: So, as was explained by opposing  
24 counsel, this charge is about whether or not Gari Lafferty  
25 ignored an express directive from the Tribal Council. And

1 the express directive at issue was asking for the chairwoman  
2 to apologize to the Indian Peaks band for remarks made  
3 regarding their pageant. The council did direct the  
4 chairwoman to apologize, but they did not include any  
5 requirements of when and how the apology must be done. And  
6 this is clear from the audio which was played. And, quite  
7 frankly, I think it's unfortunate that that audio was played  
8 in front of so many tribal members where there was so many  
9 negative personal attacks on Gari Lafferty that were not at  
10 all relevant to what was being discussed. But, in that  
11 audio, it said the council is requesting that chair  
12 apologize. They don't care if that's written or oral.

13           And Gari Lafferty, as she just testified, even  
14 sought further advice on this directive from the tribal  
15 attorney. The ability to apologize, even when you feel you  
16 have done nothing wrong can very often be a human virtue.  
17 But the absence of this virtue should not be enough to get  
18 somebody fired from their job. It is clear from the minutes  
19 that Chairwoman Lafferty and from the audio that was played  
20 was willing to apologize. She simply felt that if she was  
21 going to apologize she wanted to apologize for what she  
22 actually said. She made it clear she was willing to  
23 apologize after Tami Borhardt listened to the audio, which  
24 Tami Borhardt never did. And she made it clear that she  
25 would be willing to apologize at the annual meeting.

1           The chairwoman was willing to apologize. She just  
2 wanted to make sure the circumstances were right. And I  
3 think we can all agree that that's a very human way to feel.

4           And opposing counsel is also attempting to argue  
5 that the chairwoman has a pattern of ignoring or refusing to  
6 apologize. And, first of all, I don't think it's fair to  
7 characterize two isolated incidents as a pattern. But I  
8 also think that these two incidents are very distinct. The  
9 letter that was presented from the family of Geneal Anderson  
10 was unsigned. And Gari asked who wrote the letter. And  
11 still, to this day, has not been given that information.

12           If you convict on this charge, the standard that  
13 you are setting is that you can be removed from office if  
14 you simply want the circumstances to be right before you  
15 apologize. You are saying that waiting to apologize until  
16 the annual meeting, if you feel that that's right, is enough  
17 of a violation to justify removal from office. And I will  
18 start by calling Chairwoman Lafferty.

19                                 GARI LAFFERTY,  
20           called by Defendant, was examined  
21           and testifies as follows:

22   DIRECT EXAMINATION

23 BY MS. JAMES:

24           Q       So, let's start out talking about the Indian Peaks  
25 letter. This letter was presented at the August meeting,

1 the August Tribal Council meeting; is that correct?

2 A Yes.

3 Q And you were not at that meeting; is that correct?

4 A Right.

5 Q And the Tribal Council knew ahead of time that you  
6 wouldn't be at that meeting?

7 A Yes. Chairwoman Borchardt knew I wouldn't be  
8 there because I called her and left a message just so that,  
9 you know, that she would know that I wouldn't be at that  
10 meeting, and that she would be the one conducting that  
11 meeting for me.

12 Q And you were excused from attending that meeting?

13 A Yes.

14 Q And as I think as you testified before, you are  
15 the one who approves the agenda for each meeting; is that  
16 correct?

17 A Yes. They come to me.

18 Q And did you receive an agenda for the August  
19 meeting?

20 A Yes, I did.

21 Q Was Tami Borchardt on that agenda?

22 A No, she wasn't.

23 Q Why do you think the Tribal Council didn't want  
24 you to know that this letter was going to be presented?

25 A I don't think we can --

1 MS. ZEHREN: Leading.

2 A I don't think we can put in the whole Tribal  
3 Council. I just believe it was probably just done through  
4 the Chairman Borchardt.

5 BY MS. JAMES:

6 Q All right. And why didn't you apologize when you  
7 came back the next meeting and they made it clear that this  
8 letter had been presented to you? Why didn't you want to  
9 apologize right away?

10 A You know, it's not that I didn't want to  
11 apologize. It's just that what you are not getting from the  
12 other audio is they were so set on this word like in the  
13 letter the Indian Peaks brought. The word was  
14 "embarrassment." You know, they were just so fixated on  
15 that word that, you know, in saying how bad it is. And,  
16 yes, I do agree words hurt. But, you know, they were so  
17 adamant that this is the word I used, they, you know, just  
18 strongarmed me. And I said I would apologize, but I am not  
19 going to apologize for using a word I did not use. And I  
20 did.

21 So I, once again, did contact Stephanie. And I  
22 told her that I would apologize if they made me apologize,  
23 because, you know, they are my boss. And so, then I told  
24 her, I says, if I can, I would like to do it at the annual  
25 meeting. And that way -- the only reason I suggested that

1 was because we don't have anybody at our Tribal Council  
2 meetings. So, I figured that where, you know, most people  
3 would be, would be at the annual meeting. So, I asked that  
4 to Stephanie. I says, can I do it then? She said that  
5 would be fine.

6 Q Okay. And you indicated that you did go back and  
7 listen to the audio from the July meeting with the remarks  
8 in question; is that correct?

9 A I did. I did, I believe, the next day after  
10 Tribal Council, because I wanted to -- you know, I wanted to  
11 make sure that if I did say that word, or if I didn't say  
12 it, because I know, I was pretty sure that I did not use  
13 that word. And so, I did contact the, you know, let the  
14 secretary know that I was going to come in and listen to it.  
15 And she set it up. And I did listen to it. And nowhere in  
16 there does it say I used the word "embarrassment."

17 Q And I have the audio. I am not going to play it.  
18 But I would request that the council take notice of the July  
19 hearing audio so you can hear that as well.

20 Is there anything else that you would like to say  
21 at this time regarding the Indian Peaks issue?

22 A Well, you know, it's just always unfortunate.  
23 Because all of these things I am being called out on, you  
24 know, are from Indian Peaks, you know. And it personally,  
25 it does bother me, because it just looks like a personal



1 pattern that Indian Peaks band or chairwoman, you know, has  
2 against me. And but, you know, it's like I said, you know,  
3 I would apologize. But, you know, I wasn't going to  
4 apologize for a word I used.

5           And as far as the opening letter for the pow-wow  
6 brochure, you know, I -- I mean, how many ways could you use  
7 Pow-wow Trail other than say Pow-wow Trail. You know, or  
8 the time when the Tribe was reinstated or graphic makeup of  
9 our Tribe. You know, it's all general information. And I  
10 said, like I said in the audio, if, like, if plagiarizing.  
11 You know, if I had taken a quote that she did or out of a  
12 book, you know. She was an amazing woman. She was good  
13 friends with me and my family. And so, once again, I didn't  
14 plagiarize her letter in any way, shape or form because it  
15 was general information.

16           Q     And if a member of her family came up to you and  
17 said they were upset by your letter, would you apologize to  
18 them?

19           A     Yes. Because that's what I told them at the  
20 Tribal Council Meeting. I said, you have on here the family  
21 of Geneal Anderson. Well, she has a huge family. And part  
22 of that family is Indian Peaks. And I thought, okay. If it  
23 was her brother or sister that did sign it, then, yes, it  
24 would definitely make a big difference.

25           Q     Were you given an explanation as to why the letter

1 wasn't signed?

2 A No. You know, and then I asked, when I asked why  
3 didn't her brother sign it or her sister or whatever, you  
4 know. And that answer was never given to me as well.

5 Q And just going back to Indian Peaks, the original  
6 Indian Peaks Pageant issue, if any members of that band were  
7 offended by the words you used, would you apologize to them?

8 A I would. I really would. Because they were so  
9 fixated on the word "embarrassment," you know. That's  
10 where -- that's what that letter pretty much stems from.  
11 You know, it emphasizes embarrassment.

12 Q So, that was your resistance to apologizing with  
13 regards to that letter, was the use of the word  
14 "embarrassment"?

15 A Yes. That's when I said Tami is welcome to come  
16 and listen to the audio, because I don't know what  
17 information she got from her band chairman. But, you know,  
18 if she heard the audio, then I definitely feel she would  
19 have felt different because she would have never heard the  
20 word "embarrassment."

21 Q And if she came, and she listened to the audio,  
22 and then she said to you, I listened to the audio, Gari, I  
23 know exactly what you said, but I still feel you owe me an  
24 apology, would you apologize to her?

25 A I probably would. Because I would definitely have

1 to. Because then the council would strongarm me to do it.  
2 And I have to do what they tell me to do.

3 Q What was your purpose in making the remarks that  
4 you did with regards to the Indian Peaks Pageant?

5 A Well, you know, prior to that, you know, like I  
6 said, I went around to each one of the council and told them  
7 what a great job they did. Then, you know, I just  
8 emphasized, you know, to Indian Peaks, I know you don't have  
9 a lot of money, you know. But there are a lot of people  
10 that can help. We have amazing people in the Tribe with  
11 amazing talent. And I said, you just have to ask, you know.  
12 And that's the same as to the Koosharem band.

13 You know, Chairman Pikyavit, she came into my  
14 office one day. And she says to me, she says, Gari, you  
15 know, we are over the hand games this year. But, you know  
16 of our financial situation. She says, we don't have the  
17 funding, you know, or the money to put, you know, for the  
18 prize money for that. And so, I told her then, I said, you  
19 know what you can do? There are a lot of bands that have  
20 money. And I think if you personally went to each band and  
21 asked them, you know, because they are aware of your  
22 financial situation. So, if you went and you asked them,  
23 you know, I'm sure they would be willing to give you  
24 something.

25 And, you know, she did go to each band. And they

1 did give her money. So, yeah, you know, I mean, whatever  
2 advice I can give to help the bands, you know, overall, you  
3 know, that's what I am there for, is to give you an idea of  
4 where you can go, just like the Koosharem band. So, that's  
5 what I did.

6 Q So, would you say your purpose in making those  
7 remarks was to help the bands realize that they can go to  
8 each other for help?

9 A Yeah. And, like I always said, you can come to  
10 me. I have a basement full of everything. I mean, I tell  
11 people, you know, if you need a float, I have things that  
12 can put it together just like that. And, you know, that's  
13 what I felt like I'm there for. I am there to give  
14 assistance. And I am there to help out wherever I can.  
15 Just ask. People are always willing to help.

16 MS. JAMES: Thank you.

17 MS. ZEHREN: I have no further questions.

18 MS. JAMES: Thank you. That's all I have.

19 MS. ZEHREN: Okay. In light of the time and our  
20 need to vacate the courtroom quickly, I would like to try to  
21 go faster through the last two charges and give you more of  
22 an opportunity to respond.

23 So, in terms of the fifth charge, the charge is  
24 written in the notice of charges. The correlating exhibit  
25 is Exhibit 22. I have some audio. I'm not going to play

1 it. It is part of the record. And this charge is  
2 interfering with internal band matters by ignoring the  
3 directive, again, of the Tribal Council and contacting the  
4 Cedar band attorney with advice or to ask them to do  
5 something that is contrary to the decision that was made by  
6 the Tribal Council.

7 So, the presentation of the charges is as stated  
8 in the notice of charges. And I have no witnesses and no  
9 further evidence to present other than what's already been  
10 provided in the record.

11 MS. JAMES: Thank you. This fifth charge is sort  
12 of particularly problematic because the entire charge rests  
13 on --

14 MS. ZEHREN: Oh, excuse me for just a minute. So,  
15 you know, I just want to be clear that Lora will be recusing  
16 herself and Robert Pete will be considering all of the  
17 evidence presented concerning this charge.

18 MS. JAMES: Thank you. Again, this entire charge  
19 rests on one email. And we talked a little bit about the  
20 importance of words and how words are open to  
21 interpretation. And electronic communication is  
22 particularly susceptible to this problem because it takes  
23 everyday conversational communication, and it takes out all  
24 the eye contact and body language and facial expressions.  
25 I'm sure we have all experienced this, where we sent an

1 email that was perceived differently than how we meant it.

2 When Chairwoman Lafferty sent this one email in  
3 question, her intent was not to interfere in band matters or  
4 direct the band attorney on what he should do. She was not  
5 trying to get her own way. She was simply trying to ensure  
6 that the intentions laid out by the Tribal Council, which  
7 she had a part in deciding, were carried out. She felt she  
8 was simply reiterating the directives of the council.

9 Chairwoman Lafferty did not become involved in  
10 this matter because this was not her intent to interfere  
11 where she shouldn't. The council was asked by two tribal  
12 members to help them to ensure that the process was justly  
13 carried out. Chairwoman Lafferty, and each one of you, took  
14 an oath to uphold the laws of the Paiute Tribe, not just her  
15 individual band.

16 Convicting on the charge would set a precedent  
17 that you can face removal for sending one single email open  
18 to interpretation. And it would discourage Tribal Council  
19 members from offering assistance or providing assistance to  
20 tribal members who simply are members of their bands. And  
21 it would discourage the bands from working together. And on  
22 that note, I would like to call Merlene Whitehair.

23 (Whereupon, a discussion took place off the record.)

24 MS. JAMES: And I believe we only have two more  
25 charges, this one and one more?

1 MS. ZEHREN: Right. We do -- actually, we are  
2 going to have to vacate the courtroom soon. We said we  
3 would do it at five.

4 MERLENE WHITEHAIR,  
5 called by Defendant, was examined  
6 and testifies as follows:

7 DIRECT EXAMINATION

8 BY MS. JAMES:

9 Q Okay. Can you state your name for the court  
10 reporter?

11 A Merlene Whitehair.

12 Q Merlene, you attended the May 1st, 2014 Tribal  
13 Council Meeting. Why did you go to that meeting?

14 A I was coming as a senior band council member with  
15 a resolution.

16 Q And what was that resolution?

17 A It was a resolution to initiate the removal of  
18 Lora Tom.

19 MS. ZEHREN: In light of the time constraints,  
20 this is not relevant to the specific nature of the charges,  
21 because this has to do with what happened in the May 1st  
22 meeting.

23 MS. JAMES: Okay. I will cut to the chase from  
24 the May 1st meeting. Thank you. I was trying to establish  
25 some foundation, but in the interest of time, I will cut

1 ahead.

2 BY MS. JAMES:

3 Q Okay. Let's jump ahead to November then.

4 A Okay.

5 Q In November, you came back to the Tribal Council  
6 Meeting. And you made a complaint. What was the purpose of  
7 that complaint?

8 A Tribal Council member had acted with willful  
9 misconduct.

10 Q Okay. And did you later follow-up on that  
11 complaint?

12 A I did.

13 Q And what had happened with that complaint?

14 A I was never actually formally interviewed. And I  
15 was never formally informed of the decision that the council  
16 had made. And so --

17 Q Did you speak to Gari Lafferty specifically about  
18 that complaint?

19 A I did, at the end of January.

20 Q And what did Gari say?

21 A That they did make a decision. And that I was  
22 never allowed due process. And that my attorney will, the  
23 band attorney would be in contact soon.

24 Q So, she referred you to talk to the band attorney?

25 A Yes.



1 Q Did you feel that -- do you feel that Gari has  
2 been too involved in band matters?

3 A No.

4 Q And, just to clarify, this band issue which  
5 involves your removal from office, you brought that to the  
6 council; is that correct?

7 A Yes.

8 Q Do you think that any assistance or any actions  
9 that Gari Lafferty took in this situation were simply trying  
10 to help you and any other tribal members who were involved?

11 A Yes, I believe so. Because everything that we  
12 were doing was based on the constitution and bylaws. And  
13 that's all we were following.

14 MS. JAMES: Thank you.

15 MS. ZEHREN: I have no questions for this witness.

16 MS. JAMES: Thank you, Merlene. I would call Gari  
17 Lafferty.

18 GARI LAFFERTY,  
19 called by Defendant, was examined  
20 and testifies as follows:

21 DIRECT EXAMINATION

22 BY MS. JAMES:

23 Q Gari, would it be correct to say that the Tribal  
24 Council only became involved in this Cedar band issue  
25 because Merlene brought it to the council's attention?

1           A     Yes.

2           Q     And when Tribal Council met with the tribal  
3 attorney and the band attorney to discuss this matter, what  
4 was your understanding of what the Tribal Council decided?

5           A     Well, what they decided was that they would turn  
6 it back to the band, you know, and let the band, you know,  
7 handle it. And, at that time, you know, we were talking  
8 about that they had a removal of the two council members.  
9 And we also discussed they were going to have a new election  
10 to replace those two band chairmen, Tribal Council members.  
11 And so, Chairman Jeanine Bocharadt mentioned to Larry  
12 Echohawk, she said, you know, that the election or removal  
13 should be invalid because the Cedar band has two outstanding  
14 floating bylaws. And Chairman Borchardt said, you know, it  
15 would only be fair for them to know, to put this removal as  
16 well as the election on hold because it would only be fair  
17 to the two band council members to actually know which  
18 bylaws they were actually removed by.

19          Q     So, you would, your understanding of what the  
20 Tribal Council determined was that this bylaw issue, these  
21 two conflicting bylaws were primary issues that need to be  
22 dealt with in this matter?

23          A     Yes. That's what they referenced -- I mean, they  
24 mentioned it to Mr. Echohawk, that he was to go back and let  
25 Chairman Tom know that, you know, this was an issue and that

1 he needed to advise their counsel that they need to get the  
2 bylaw issue taken care of, because, once again, which  
3 bylaws, which one did they choose to remove these people,  
4 which wasn't fair, because, you know, they should, at least,  
5 you know, legally and lawfully, they should know which  
6 bylaws that they were removed by.

7 Q And why did you email Mark Echohawk?

8 A I emailed Mark Echohawk because Stephanie had then  
9 sent -- because I had to -- prior to that, you know, I  
10 called Stephanie. And I told her, I said, you know, have  
11 you got the letter written to Miss Whitehair yet? And she  
12 says, no. She says, I'll get one out to you. Then you can  
13 look it over. And then you can sign it. You know, so she  
14 did. She sent me a letter. And I told her, I called her  
15 back. And I said, Stephanie, that letter doesn't have all  
16 the stuff that we talked about in it. So, I am not going to  
17 sign that letter until you put the stuff in it. So, then I  
18 contacted Mr. Echohawk to ask him, you know, if he has made  
19 Miss Tom aware of, you know, the concerns that we had  
20 brought to him.

21 And, you know, we did bring it to him because, you  
22 know, once again, he is their band attorney.

23 Q So, I'm sure you have read the email since you  
24 sent it. Reading it again now, do you feel that you still  
25 said what you meant to say?

1           A     I mean, yeah.  It's -- there's nothing -- you  
2 know, I mean I could even read it if you have it here.

3           Q     I'm sure I do.  But in the interest of time --

4           A     Yeah, it's just making him aware that, you know,  
5 has he done his part as far as the directive that he got  
6 from the council to take it back to Chairwoman Tom to know  
7 that, more or less, that she knows that we know that he  
8 knows, that, you know, that we wanted this directive done so  
9 that to assure that our band members are all due process.  
10 And that's what Stephanie and Mark both agreed on, that, you  
11 know, they are owed this because it's in the constitution.  
12 And so, I felt with me contacting Mr. Echohawk just to make  
13 sure that he's done his part.  And that's all the email was  
14 about.

15          Q     So, do you feel that sending this email in any way  
16 prevented the band from carrying out its own internal  
17 affairs?

18          A     No.  Because well, because, kind of yes and no.  
19 Because I just wanted to -- I don't know.  Because I don't  
20 know what's done at their band meetings or what's talked  
21 about.  You know, I just wanted to make sure that Mr.  
22 Echohawk was given the directive that he was given from the  
23 council to make sure that these people are offered, and they  
24 do have their due process on this complaint.

25          Q     Okay.

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CROSS-EXAMINATION

BY MS. ZEHREN:

Q I just have one question. Miss Lafferty, do you recall what the decision of the Tribal Council was?

A The --

Q The decision of the Tribal Council?

A The decision was to take it back to the band.

Q To the band. And that the Tribal Council, the specific decision of the Tribal Council was not to get involved in this internal band matter, correct?

A Well, it was, yes. But, at the same time, it was directed that they need to be known that they have to do, give the will, the due process to the band members.

Q The unanimous decision of the Tribal Council was to refer the matter back to the Cedar band for the Cedar band to deal with it?

A Yes. And you said as well as to let Chairman Tom know like, again, he knows, she knows, we all know.

Q To deal between the band attorney and the Cedar band, correct?

A Yes.

MS. ZEHREN: I have no further questions.

REDIRECT EXAMINATION

1 BY MS. JAMES:

2 Q One quick question. That directive that the  
3 matter be turned over to the band attorney, that came from  
4 the Tribal Council, correct?

5 A Yes.

6 MS. JAMES: Thank you.

7 MS. ZEHREN: So, there again, you know, as with  
8 the previous charge, in the interest of time, and because  
9 the court has been kind enough to let us use this space, I  
10 am going to just allow the sixth charge to stand as is.

11 MS. JAMES: Okay.

12 MS. ZEHREN: There are corresponding affidavits.  
13 This is a charge of misusing her official position to  
14 interfere with the tribal members' profession, her  
15 professional reputation, and using her official title in  
16 tribal government to conduct personal business and to  
17 promote her personal interest over the interests of the  
18 Tribe as a whole.

19 Tribal Council Exhibit 23 is an affidavit from a  
20 woman by the name of Francine Jaramillo, who is a staff  
21 attorney for the American Indian Law Center in Albuquerque,  
22 New Mexico, who received a call from Chairwoman Lafferty.  
23 The affidavit speaks for itself and presents this charge.

24 There is also Exhibit 24, which is a correlating  
25 cease and desist letter from Nikki Borchardt Campbell

1 saying, you know, basically, telling Gari Lafferty to not  
2 interfere with her profession. And that is an exhibit that  
3 has been provided to the Tribal Council.

4 So, at this time, in order to allow the chairwoman  
5 to have an adequate time to respond to the charges that  
6 she's already been provided with, I am not going to present  
7 anything further. And I will turn it over to you to  
8 respond. Then I may cross-examine witnesses.

9 Nikki Borhardt Campbell is available as a witness  
10 if you would like to call her.

11 MS. JAMES: And I appreciate her being here today.

12 MS. ZEHREN: Yeah. She flew in from Seattle this  
13 morning to be here.

14 MS. JAMES: We'll just go ahead and start with  
15 Chairwoman Lafferty. Just a few quick questions here.

16 GARI LAFFERTY,

17 called by Defendant, was examined

18 and testifies as follows:

19 DIRECT EXAMINATION

20 BY MS. JAMES:

21 Q And I would also like to provide -- this has been  
22 provided to the tribal attorney. But one of the charges, or  
23 one of the accusations in the charge is that the chairwoman  
24 made negative comments about Nikki Borhardt Campbell that  
25 resulted in her being removed as the key note speaker at the

1 2013 Governor's Native American Summit. I have an email  
2 from where Shirley Silversmith, the director, who headed  
3 that committee, where she states in no uncertain terms that  
4 that is not what happened, and that, in fact, Chairwoman  
5 Lafferty was entirely supportive and positive about all the  
6 speakers, and that in Miss Silversmith's opinion she has  
7 never heard Chairwoman Lafferty make a negative comment  
8 about anyone that she's been involved with.

9           So, I just want to bring that to your notice. And  
10 that has been already provided to the tribal attorney.

11           A     Katy, I would like to say something to that.

12           Q     Yes. Go ahead.

13           A     On that letter, because I don't know if all the  
14 tribal people know, that letter that that charge comes from,  
15 that on the Governor's Summit, and that year I got elected  
16 in, it was just like a few months away, Shirley Silversmith  
17 contacted me. And she says, Gari, I've been working with  
18 Jeanine on this because she's been the chairwoman. But now  
19 that you are the chairwoman, I'll let you take over the  
20 agenda on it. And, you know, you can pull the program  
21 together how you would like it.

22                     And when I talked about Nikki at that time, it's  
23 because after I got elected into tribal, into my position,  
24 her mother -- I mean, excuse me, not her mother -- Nikki,  
25 her dad, her sisters and her cousins, you know, they



1 literally slammed me on Facebook for several months. So, I  
2 just said, at that time, I personally felt that it wasn't  
3 being a good representative for the Paiute Tribe.

4           Then, you know, where we were short on time, then  
5 I said, okay, I will keep, you know, we can keep Nikki. But  
6 in the charge it says that she was not a speaker. You know,  
7 but she did speak. Her mother, her family was all there.  
8 But I just told Shirley, I says, since we've got Nikki on  
9 there, you know, we all know she's done very well for  
10 herself, there is no disputing that, you know. So, I just  
11 says, you know, I would like to at least have a little part  
12 of this program. So, I would like to -- you know, if --  
13 because, see, I'm not the one that made the -- I don't put  
14 this program together. I just give suggestions. There is a  
15 committee that puts this whole program together.

16           So, I just said, you know, I would like to ask if  
17 it would be okay if we ask another tribal member, you know.  
18 Because where he's gone through school and has graduated and  
19 has done well for his education. And that was Xavier  
20 Garcia. And that way we have a male from the Tribe. And we  
21 have a female from the tribal that, you know, have all gone  
22 through high school and have gone through the college row,  
23 you know, which I think would be a good representation of  
24 the Paiute Tribe that we have some really great amazing  
25 successful people.

1 Q Well, okay. I just want to ask you a few  
2 questions in the interest of time to be quick. How would  
3 you describe your relationship with Nikki Borchardt  
4 Campbell?

5 A I have never had a relationship with her. You  
6 know, she is my cousin. But, you know, just in passing.  
7 You know, I don't ever really think I have had a  
8 conversation with her other than like in just passing and  
9 saying hi to her. So, that's very slim.

10 Q And you did in fact call Francine Jaramillo. Why  
11 did you call her?

12 A I contacted her because, you know, we were going  
13 to have been having elections in the next two years. And  
14 this webinar they were having for expungements on tribal  
15 members across the United States, for them to get  
16 information on how they can work, you know, and how this  
17 program can also assist them to expunge their records. And  
18 so, that's how I got to talking to Miss Francine about it,  
19 you know.

20 And then, as I was reading, while I was talking to  
21 her, and I was going through my email, I happened to see,  
22 you know, Nikki was on that, that she was a mediator.

23 Q Moderator?

24 A Moderator. So, I says to her, you know, if we had  
25 tribal members calling in, you know. And she was part of

1 that, I think it would maybe, you know, hinder some of them  
2 from asking questions, because, you know, where she has put  
3 out her feelings there for me, you know, I felt that, you  
4 know, it wouldn't assist a lot of the tribal members because  
5 they might feel that she would be judgmental to them as she  
6 had been to me.

7 Q If it was a personal call, why did you identify  
8 yourself as the tribal chairwoman?

9 A You know, it took me a long time to use that  
10 title. Because, you know, I just never had that title. So,  
11 it's probably been just this past year that, you know, I  
12 introduced myself always as Chairman Lafferty.

13 Q So, you would say it's just a habit?

14 A It's just a habit.

15 Q And in your conversation with Miss Jaramillo where  
16 you discussed Nikki Borchardt, did you make any comments  
17 that you think were aggressive, harassing, intimidating?

18 A No.

19 Q Would you say the general tenor with Miss  
20 Jaramillo was really just to raise some questions about  
21 Nikki Borchardt's qualifications about this position as  
22 moderator?

23 A Just the personal part of it, yeah.

24 MS. JAMES: Thank you.

25 CROSS-EXAMINATION

1 BY MS. ZEHREN:

2 Q Did you participate in the webinar?

3 A No. Because I was out of town that way.

4 Q Okay. The day that you called Miss Jaramillo, you  
5 didn't participate in the webinar?

6 A No. The webinar wasn't going on that day.

7 Q Well, for the record, the webinar was that day.  
8 And the affidavit of Miss Jaramillo indicates that she  
9 encouraged you to participate in the webinar, and that you  
10 declined, declined to participate.

11 A Yeah, that's right. Because I remember now. I  
12 called her in the morning. And I was going to be out of the  
13 office that afternoon.

14 Q And she informed you, according to her affidavit,  
15 she informed you the materials would be available online.  
16 Did you ever review those materials or register to review  
17 those materials online regarding the content of the webinar?

18 A No.

19 Q Okay. Thank you. And I think, again, in the  
20 interest of time, I think that I don't have any further  
21 questions regarding, at least, regarding Miss Jaramillo's  
22 affidavit.

23 MS. JAMES: I don't have any more questions. Oh,  
24 I'm sorry. Just really quick, as we close.

25 REDIRECT EXAMINATION

1 BY MS. JAMES:

2 Q I would like to give you any last final comment  
3 that you would like to make on this proceeding.

4 A You know, I would like to end by saying, you know,  
5 I am a different kind of leader. I lead with the best  
6 interests of the tribal members. You know, I really think  
7 it's awesome. And I know that council, I know the council  
8 hasn't been happy with me this past year, because it really,  
9 really bothers me that, you know, I'm trying to stress a  
10 level of accountability to these people that sit on the  
11 council, you know. And it really bothers me when we have  
12 chairmen that say, you know, I don't like being here. I  
13 don't like discussing tribal issues. And, you know, that  
14 just really, you know, it really upsets me, because then I  
15 tell them, if you don't want to deal with tribal issues,  
16 then why are you sitting here? Why did you put your name in  
17 the hat? Because I tell them, granted, when you come here,  
18 you are wearing two hats. You are wearing your band chair  
19 hat and you are wearing a tribal hat. That's where the  
20 Tribal Council comes in. It means you are here for  
21 everybody. You are not just here for your band. You are  
22 here for everybody.

23 And so, when I hear chairmen say I don't want to  
24 deal with tribal issues, you know, then I just, once again,  
25 it just makes me really angry, because I think, why are you

1 here? Why did you put your name in the hat? Because, yes,  
2 we do have to deal with tribal issues. That's why we are  
3 here. When you go to your band meeting, you are there for  
4 your band. When you come to Tribal Council, you are here  
5 for everybody in the Tribe, not your band. And, literally,  
6 I have even said this, and I said, you know what? If you  
7 don't want to be here for tribal issues, then go back to  
8 your band and tell them to pay your monthly stipend, because  
9 the money that you get from your attending Tribal Council,  
10 that comes from the Tribe.

11 You know, everybody we employ, everybody that sits  
12 on Tribal Council, all of our funding comes through the  
13 Tribe. So, I feel we owe the tribal people a high level of  
14 accountability for sitting where you sit.

15 MS. ZEHREN: So, the next step is, essentially,  
16 that the Tribal Council will now take all the evidence under  
17 advisement. I had sort of some closing remarks to make.  
18 But I had promised the court that we would end at five. And  
19 it's a little after. So, you know, essentially, the  
20 obligation of the Tribal Council now is to consider the  
21 factual record that's been established, the evidence that's  
22 been presented, the responses of the chairwoman, and to  
23 determine whether there have been violations of the  
24 constitution and/or the ordinances of the Tribe and make a  
25 decision. And that decision will be issued within 10 days

1 of today. The decision won't be made today.

2 MS. JAMES: I'm just going to make a few very  
3 quick statements in closing. I just want you to consider  
4 yourself in Gari Lafferty's shoes today when you make your  
5 decision within the next 10 days. Would you, with all of  
6 these charges taken individually or together, would you feel  
7 justified in losing your job for any of these actions?  
8 Consider the standards you are setting for yourself, for  
9 council members in the future.

10 Gari refers to it, she said she ran for office  
11 because she wanted to plant a tree. She wanted to plant a  
12 tree that future chairs could sit under. And, again, I want  
13 you to consider your duty to the Tribe and to those who came  
14 before you who fought hard for the right for  
15 self-government. And think about the duty that you owe to  
16 your legitimacy as a body, to your ability to self-govern  
17 and to each and every person in this Tribe.

18 Gari was elected with the largest margin of any  
19 chairwoman. And she still has a lot of tribal support. And  
20 I think that the support is something you should strongly  
21 consider in making your decision. And I wish you luck. And  
22 I hope that you will consider all of the evidence that has  
23 been presented very carefully and make a very measured  
24 considered decision. Thank you.

25

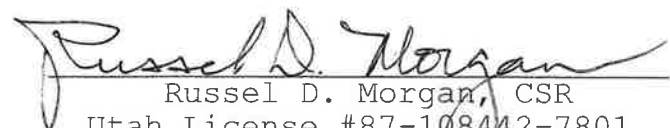
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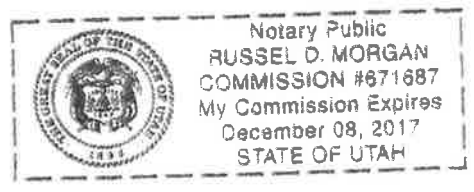
STATE OF UTAH  
COUNTY OF WASHINGTON

THIS IS TO CERTIFY THAT THE FOREGOING PROCEEDINGS WERE  
TAKEN BEFORE ME, RUSSEL D. MORGAN, A CERTIFIED SHORTHAND  
REPORTER IN AND FOR THE STATE OF UTAH, RESIDING AT  
WASHINGTON COUNTY, UTAH;

THAT THE PROCEEDINGS WERE REPORTED BY ME IN STENOGRAPHY,  
AND THEREAFTER CAUSED BY ME TO BE TRANSCRIBED INTO  
TYPEWRITING, AND THAT A TRUE AND CORRECT TRANSCRIPTION OF  
SAID TESTIMONY SO TAKEN AND TRANSCRIBED TO THE BEST OF MY  
ABILITY IS SET FORTH IN THE FOREGOING PAGES 5 to 96.

  
Russel D. Morgan, CSR  
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Nevada License CCR #925

April 1, 2015.





|  |  |  |
|--|--|--|
| \$   | able [8] 6/25 11/5 29/11 31/19 35/3 36/5 42/1 53/14  | 63/3 70/15 70/18 70/21 88/20   |
| \$297.46 [1] 22/14   | about [57] 16/1 16/10 16/13 17/3 17/4 17/4 17/7 17/7 18/3 25/20 25/22 25/23 25/24 27/14 27/17 28/24 31/21 34/8 38/25 39/7 43/21 43/23 45/8 47/25 48/4 53/4 55/17 55/22 55/25 56/2 56/6 56/7 56/15 57/8 57/17 58/4 61/6 62/7 66/17 67/1 67/2 67/24 69/24 77/19 80/17 82/8 83/16 84/14 84/21 87/24 88/5 88/8 88/22 90/18 91/20 91/21 95/15 | aggressive [1] 91/17<br>agree [2] 69/3 71/16<br>agreed [1] 84/10<br>agreement [1] 28/5<br>agreements [3] 28/8 36/10 36/13<br>ahead [7] 21/5 43/18 70/5 80/1 80/3 87/14 88/12<br>airfare [2] 16/4 22/24<br>airport [1] 12/5<br>Albuquerque [1] 86/21<br>all [59] 6/9 6/11 7/23 8/8 8/21 9/1 10/21 13/22 16/14 16/23 17/6 17/16 18/5 18/20 18/20 19/17 21/8 24/18 25/16 25/16 31/3 32/21 35/2 35/18 35/23 37/7 40/10 40/17 49/6 50/14 57/22 59/24 62/9 65/18 67/9 68/10 69/3 69/6 71/6 72/23 73/9 76/18 77/16 77/23 77/25 81/13 83/15 84/9 84/13 85/19 88/5 88/13 89/7 89/9 89/21 94/12 94/16 95/5 95/22<br>Allen [1] 14/8<br>allow [2] 86/10 87/4<br>allowed [1] 80/22<br>almost [1] 28/3<br>alone [2] 35/25 43/5<br>along [2] 24/10 36/20<br>already [7] 29/2 29/15 37/3 65/22 77/9 87/6 88/10<br>also [15] 8/10 18/12 19/19 22/18 23/2 23/24 28/16 28/24 36/20 69/4 69/8 82/9 86/24 87/21 90/17<br>although [1] 7/19<br>always [14] 20/15 20/16 28/3 31/4 31/5 39/13 39/15 48/16 48/23 62/19 72/22 76/9 76/15 91/12<br>am [34] 7/11 12/9 13/12 19/8 21/11 24/7 24/10 25/16 25/18 27/7 31/2 31/3 32/9 41/7 43/20 45/14 54/14 55/6 59/5 59/10 60/9 60/11 60/19 61/14 71/18 72/17 72/23 76/3 76/13 76/14 83/16 86/10 87/6 93/5<br>amazing [4] 73/12 75/10 75/11 89/24<br>amended [3] 5/3 8/2 9/11<br>American [10] 21/24 23/20 24/3 27/20 29/1 29/9 38/19 39/21 86/21 88/1<br>Americans [15] 13/9 16/11 16/15 16/18 17/5 17/16 20/8 32/22 35/22 39/25 41/10 44/11 50/25 52/21 55/8<br>among [2] 9/4 9/12<br>and/or [3] 1/6 24/20 94/24<br>Anderson [4] 66/9 67/16 69/9 73/21<br>Anderson's [2] 61/17 66/19<br>angry [1] 93/25<br>annual [7] 64/25 65/15 66/7 68/25 69/16 71/24 72/3<br>another [6] 15/6 19/8 57/18 58/22 61/10 89/17<br>answer [6] 41/4 52/24 57/7 66/4 67/11 74/4<br>answered [1] 66/23<br>Anthony [1] 5/14<br>anticipating [1] 39/4<br>any [84] 6/4 7/20 7/24 8/15 9/16 9/25 11/9 12/22 13/15 16/5 16/22 16/23 18/16 18/23 21/25 22/1 28/7 28/8 28/22 30/4 32/11 33/23 34/14 34/14 34/16 34/24 35/7 35/11 35/19 36/10 36/13 36/16 37/12 37/15 37/20 37/20 38/17 38/24 39/2 39/16 39/22 40/18 42/11 42/11 42/16 43/11 43/15 43/16 44/23 45/22 45/23 46/2 46/5 47/1 47/5 49/7 50/7 50/15 50/17 50/17 50/19 51/10 |
| \$304.19 [1] 22/22   | absence [1] 68/17  |  |
| \$50 [1] 9/20  | accept [11] 7/5 23/16 23/17 37/11 46/15 46/19 54/9 54/13 58/21 59/4 59/6   |  |
| \$522.49 [1] 22/15   | acceptable [1] 24/13   |  |
| \$654.20 [1] 23/1  | acceptance [1] 58/23   |  |
| '  | accepted [5] 29/9 44/6 46/11 46/17 57/13   |  |
| '14 [1] 56/1   | accepting [8] 18/10 24/19 39/16 53/9 53/20 54/17 57/9 58/1   |  |
| 1  | access [1] 31/20   |  |
| 10 [5] 6/13 22/24 25/25 94/25 95/5                                   | accommodation [1] 19/3   |  |
| 100 [1] 1/13   | according [1] 92/14  |  |
| 11 [2] 9/12 23/4   | accountability [2] 93/10 94/14   |  |
| 12 [7] 5/9 7/16 7/17 8/6 8/13 8/22 10/14                             | accusations [1] 87/23  |  |
| 12th [2] 25/2 60/15  | across [5] 16/11 17/23 20/13 39/23 90/15   |  |
| 13 [2] 19/9 19/9   | act [1] 39/17  |  |
| 15 [1] 60/13   | acted [3] 26/7 26/8 80/8   |  |
| 16 [2] 60/23 61/2  | action [8] 9/18 10/3 28/18 28/20 28/21 28/22 38/17 38/24   |  |
| 16th [1] 18/4  | actions [5] 10/1 25/22 26/19 81/8 95/7   |  |
| 17th [1] 56/18   | active [1] 17/6  |  |
| 18 [1] 61/8  | activities [2] 37/14 37/16   |  |
| 18th [1] 56/20   | acts [2] 10/8 26/9   |  |
| 1984 [1] 9/11  | actual [2] 10/8 53/15  |  |
| 1A [1] 21/13   | actually [13] 20/17 23/4 40/13 41/23 51/14 60/11 64/2 64/10 68/22 79/1 80/14 82/17 82/18   |  |
| 1B [1] 41/7  | adamant [1] 71/17  |  |
| 1st [8] 56/20 60/23 64/18 65/8 65/8 79/12 79/21 79/24                | adding [1] 44/15   |  |
| 2  | additional [15] 23/14 23/25 44/15 44/20 44/22 54/10 57/20 58/2 58/3 58/4 58/8 58/9 58/11 58/13 58/15   |  |
| 20 [1] 61/18   | adequate [1] 87/5  |  |
| 2004 [1] 9/11  | administrator [2] 52/18 56/19  |  |
| 2013 [1] 88/1  | advance [1] 11/14  |  |
| 2014 [10] 21/15 22/20 23/18 24/25 41/8 47/23 60/12 60/20 61/10 79/12 | adverse [1] 29/17  |  |
| 2015 [2] 1/10 96/19  | adversely [1] 10/1   |  |
| 22 [3] 21/15 23/18 76/25   | advertise [1] 53/7   |  |
| 23 [1] 86/19   | advice [5] 65/10 66/6 68/14 76/2 77/4  |  |
| 24 [1] 86/24   | advise [3] 39/12 52/24 83/1  |  |
| 24th [1] 11/23   | advised [1] 65/10  |  |
| 25th [5] 15/5 42/8 42/18 43/23 47/23                                 | advisement [1] 94/17   |  |
| 27th [1] 11/23   | affairs [4] 48/12 48/16 48/22 84/17  |  |
| 28 [1] 48/18   | affect [3] 26/2 26/2 27/14   |  |
| 3  | affidavit [5] 86/19 86/23 92/8 92/14 92/22   |  |
| 30-yard [1] 14/19  | affidavits [1] 86/12   |  |
| 303.468.1700 [1] 2/6   | affirmatively [1] 43/16  |  |
| 31 [1] 1/10  | after [16] 6/13 23/10 27/7 34/22 35/12 39/8 43/1 43/19 56/5 57/16 58/13 64/14 68/23 72/9 88/23 94/19   |  |
| 4  | afternoon [3] 5/2 7/11 92/13   |  |
| 4th [1] 61/9   | afterwards [1] 37/16   |  |
| 5  | again [22] 8/12 15/18 34/6 34/10 56/5 57/16 61/3 66/16 66/20 67/2 71/21 73/13 77/3 77/18 83/2 83/22 83/24 85/19 86/7 92/19 93/24 95/12   |  |
| 50-yard [2] 14/18 15/25  | against [5] 1/7 5/4 5/23 23/8 73/2   |  |
| 7  | age [1] 17/11  |  |
| 726 [1] 2/5  | agenda [16] 12/17 13/1 13/5 34/18 34/25 35/5 39/10 46/3 46/3 63/1 63/2   |  |
| 74.95 [1] 22/17  |  |  |
| 7801 [1] 96/17   |  |  |
| 7th [1] 57/18  |  |  |
| 8  |  |  |
| 80027 [1] 2/5  |  |  |
| 82 [1] 1/13  |  |  |
| 87-108442-7801 [1] 96/17   |  |  |
| 9  |  |  |
| 925 [1] 96/17  |  |  |
| 96 [1] 96/13   |  |  |
| A  |  |  |
| abide [1] 26/19  |  |  |
| ability [5] 7/22 26/19 68/15 95/16 96/13                             |  |  |

|  |   |   |
|--|---|---|
| <p><b>A</b></p> <p>any... [22] 52/24 53/5 53/6 53/10 53/13 54/9 54/10 54/16 60/10 68/4 73/14 74/6 81/8 81/8 81/10 84/15 91/16 92/20 92/23 93/2 95/7 95/18</p> <p>anybody [2] 36/24 72/1</p> <p>anyone [1] 88/8</p> <p>anything [17] 9/14 9/20 12/3 12/6 16/3 16/25 22/5 28/9 35/25 36/7 49/5 51/10 52/1 54/15 54/16 72/20 87/7</p> <p>anywhere [1] 35/4</p> <p>apologize [43] 21/15 61/6 61/10 63/6 63/9 63/9 64/3 64/14 64/15 64/19 64/22 64/23 65/3 65/14 65/15 66/8 66/10 67/18 68/2 68/4 68/12 68/15 68/20 68/21 68/21 68/23 68/25 69/1 69/6 69/15 69/15 71/6 71/9 71/11 71/18 71/19 71/22 71/22 73/3 73/4 73/17 74/7 74/24</p> <p>apologized [2] 67/12 67/15</p> <p>apologizing [1] 74/12</p> <p>apology [3] 62/4 68/5 74/24</p> <p>appearance [1] 10/9</p> <p>appreciate [1] 87/11</p> <p>appreciated [2] 30/24 45/3</p> <p>approach [1] 11/20</p> <p>approached [1] 21/24</p> <p>appropriate [3] 6/13 7/24 42/25</p> <p>approval [5] 11/15 12/25 28/1 35/4 42/14</p> <p>approve [2] 45/24 63/1</p> <p>approved [6] 9/11 12/14 33/5 43/16 46/16 54/17</p> <p>approves [1] 70/15</p> <p>approving [1] 58/23</p> <p>approximately [3] 22/14 23/1 23/10</p> <p>April [2] 23/18 96/19</p> <p>archives [1] 67/9</p> <p>are [99]</p> <p>area [1] 17/16</p> <p>areas [2] 30/13 44/16</p> <p>aren't [1] 14/2</p> <p>argue [1] 69/4</p> <p>around [5] 35/2 47/23 49/22 62/9 75/6</p> <p>arrange [1] 6/6</p> <p>arrive [1] 51/5</p> <p>article [10] 5/9 7/16 7/16 8/6 8/13 8/22 9/2 10/14 51/22 60/6</p> <p>articles [4] 23/3 23/5 23/15 23/25</p> <p>as [100]</p> <p>Aside [1] 39/16</p> <p>ask [21] 6/23 10/20 21/3 23/2 24/6 32/1 32/2 35/24 36/24 38/10 43/21 45/21 46/8 62/17 75/11 76/15 77/4 83/18 89/16 89/17 90/1</p> <p>asked [16] 6/5 22/4 30/25 48/7 55/21 63/17 64/21 64/23 66/21 69/10 72/3 74/2 74/2 75/21 75/22 78/11</p> <p>asking [3] 36/1 68/1 91/2</p> <p>aspects [1] 40/10</p> <p>assist [2] 90/17 91/4</p> <p>assistance [4] 76/14 78/19 78/19 81/8</p> <p>assure [1] 84/9</p> <p>attached [3] 53/6 53/13 53/15</p> <p>attacks [1] 68/9</p> <p>attempting [1] 69/4</p> <p>attend [10] 12/22 13/7 15/9 18/23 22/2 23/17 35/14 37/13 43/7 47/22</p> <p>attended [8] 23/9 23/11 25/2 37/8 38/1 47/25 60/16 79/12</p> <p>attending [3] 15/14 70/12 94/9</p> <p>attention [1] 81/25</p> | <p>attitude [1] 17/21</p> <p>attorney [20] 5/24 7/10 7/12 8/1 25/17 41/2 68/15 77/4 78/4 80/22 80/23 80/24 82/3 82/3 83/22 85/20 86/3 86/21 87/22 88/10</p> <p>audio [46] 21/11 21/14 21/16 21/17 21/20 21/21 30/4 30/6 45/5 45/8 45/8 45/9 45/12 45/15 60/11 60/21 61/3 61/10 61/12 61/19 62/7 63/16 63/18 63/21 64/1 64/7 65/9 65/13 66/2 66/11 67/13 68/6 68/7 68/11 68/19 68/23 71/12 72/7 72/17 72/19 73/10 74/16 74/18 74/21 74/22 76/25</p> <p>August [9] 59/17 60/20 60/23 61/5 64/18 65/8 69/25 70/1 70/18</p> <p>August 1st [3] 60/23 64/18 65/8</p> <p>August 2014 [1] 60/20</p> <p>authentic [1] 51/22</p> <p>authenticity [1] 51/18</p> <p>authorization [1] 12/21</p> <p>autographed [6] 22/7 22/9 22/12 22/13 49/23 51/21</p> <p>available [9] 8/4 8/10 45/10 45/10 45/11 45/15 45/17 87/9 92/15</p> <p>average [3] 22/20 22/21 22/24</p> <p>avoid [3] 9/25 18/13 19/1</p> <p>aware [13] 19/7 33/8 34/12 38/17 38/23 52/20 54/14 54/16 56/23 59/5 75/21 83/19 84/4</p> <p>away [3] 35/21 71/9 88/16</p> <p>awesome [2] 31/8 93/7</p> <p><b>B</b></p> <p>back [28] 11/16 12/13 13/14 25/4 30/17 31/11 31/12 31/16 32/16 34/12 35/11 37/2 39/9 41/19 62/12 63/13 63/20 71/7 72/6 74/5 80/5 82/6 82/24 83/15 84/6 85/8 85/16 94/7</p> <p>bad [1] 71/15</p> <p>baggage [1] 12/10</p> <p>balloons [1] 62/14</p> <p>band [62] 5/14 6/24 26/15 40/11 46/14 46/22 46/25 47/3 61/6 62/4 63/13 64/14 64/15 64/19 65/15 65/16 67/3 67/12 68/2 73/1 74/6 74/17 75/12 75/20 75/25 76/4 77/2 77/4 78/3 78/4 78/15 79/14 80/23 80/24 81/2 81/4 81/24 82/3 82/6 82/6 82/10 82/13 82/17 83/22 84/9 84/16 84/20 85/8 85/9 85/11 85/14 85/16 85/17 85/20 85/21 86/3 93/18 93/21 94/3 94/4 94/5 94/8</p> <p>band's [1] 7/2</p> <p>bands [11] 46/11 46/12 46/17 53/25 59/21 62/15 75/19 76/2 76/7 78/20 78/21</p> <p>barely [1] 30/6</p> <p>based [3] 5/7 9/16 81/12</p> <p>basement [1] 76/10</p> <p>basically [1] 87/1</p> <p>basis [1] 10/17</p> <p>be [111]</p> <p>became [2] 29/4 81/24</p> <p>because [111]</p> <p>become [2] 32/21 78/9</p> <p>been [52] 8/1 8/3 8/8 8/19 9/11 12/19 28/21 29/15 31/4 31/6 35/3 35/22 36/21 39/17 42/14 44/7 45/10 45/15 45/23 46/5 47/18 48/17 48/18 48/23 51/22 56/1 56/25 57/1 57/13 62/25 66/18 66/18 69/11 71/8 77/9 81/2 86/9 87/3 87/6 87/21 88/8 88/10 88/17 88/18 90/13 91/6 91/11 93/8 94/21 94/22 94/23 95/23</p> | <p>beer [1] 15/1</p> <p>before [14] 7/18 18/4 29/3 29/7 31/5 31/12 32/16 36/22 38/19 65/15 69/14 70/14 95/14 96/6</p> <p>beginning [2] 32/24 42/21</p> <p>behalf [3] 36/7 36/11 36/14</p> <p>behavior [1] 10/7</p> <p>being [15] 5/21 8/21 15/23 17/6 22/6 28/25 34/15 35/19 63/4 68/10 72/23 87/11 87/25 89/3 93/12</p> <p>belief [2] 32/2 53/18</p> <p>believe [15] 13/11 18/22 20/2 28/14 29/19 32/24 33/9 56/1 62/13 62/24 67/6 71/3 72/9 78/24 81/11</p> <p>Ben [1] 23/10</p> <p>beneficial [1] 57/6</p> <p>benefit [7] 9/15 29/15 30/18 30/23 32/11 44/23 47/13</p> <p>benefited [1] 29/18</p> <p>benefits [1] 16/5</p> <p>Benson [1] 6/25</p> <p>besides [1] 17/1</p> <p>best [7] 5/20 10/3 21/17 44/19 58/5 93/5 96/12</p> <p>better [3] 5/21 15/4 34/19</p> <p>between [4] 64/18 65/8 65/23 85/20</p> <p>big [4] 17/10 17/15 31/7 73/24</p> <p>biggest [1] 53/8</p> <p>billionaires [2] 16/15 35/17</p> <p>bind [1] 28/6</p> <p>binder [4] 21/13 22/11 60/14 61/8</p> <p>bit [7] 10/21 17/14 24/11 25/20 27/17 57/8 77/19</p> <p>blah [3] 62/10 62/10 62/10</p> <p>blah-blah-blah [1] 62/10</p> <p>blessing [1] 6/19</p> <p>blood [2] 20/10 20/17</p> <p>blue [1] 31/3</p> <p>Bochart [1] 82/11</p> <p>body [5] 27/1 27/5 27/16 77/24 95/16</p> <p>book [1] 73/12</p> <p>Borchardt [15] 24/15 25/14 59/21 60/24 68/23 68/24 70/7 70/21 71/4 82/14 86/25 87/9 87/24 90/3 91/16</p> <p>Borchardt's [1] 91/21</p> <p>boss [2] 34/23 71/23</p> <p>both [4] 6/1 67/8 67/8 84/10</p> <p>bother [1] 72/25</p> <p>bothers [2] 93/9 93/11</p> <p>bowl [1] 16/1</p> <p>box [1] 23/7</p> <p>briefly [2] 37/3 37/8</p> <p>bring [4] 29/5 63/14 83/21 88/9</p> <p>brings [1] 66/16</p> <p>brochure [1] 73/6</p> <p>brother [4] 66/19 66/24 73/23 74/3</p> <p>brought [13] 7/18 18/16 32/25 33/7 35/9 36/7 37/3 62/22 67/2 71/13 81/5 81/25 83/20</p> <p>Bruce [1] 14/8</p> <p>building [1] 5/17</p> <p>business [2] 48/12 86/16</p> <p>buy [4] 24/1 56/10 56/13 56/22</p> <p>bylaw [2] 82/20 83/2</p> <p>bylaws [6] 81/12 82/14 82/18 82/21 83/3 83/6</p> <p><b>C</b></p> <p>call [18] 6/2 16/19 21/9 24/8 25/13 26/14 44/18 47/6 49/11 52/4 54/20 78/22 81/16 86/22 87/10 90/10 90/11 91/7</p> <p>called [25] 10/24 23/18 29/22 32/5 47/9 49/13 52/7 54/23 55/21 59/13 61/25</p> |
|--|---|---|

|  |  |  |
|--|--|--|
| <p><b>C</b></p> <p>called... [14] 63/17 64/16 64/21 65/24 69/20 70/8 72/23 79/5 81/19 83/10 83/14 87/17 92/4 92/12</p> <p>calling [3] 60/10 69/18 90/25</p> <p>came [17] 31/12 31/21 32/23 51/5 53/15 55/11 62/7 62/8 65/6 67/2 71/7 73/16 74/21 75/13 80/5 86/3 95/13</p> <p>Campbell [5] 25/14 86/25 87/9 87/24 90/4</p> <p>Campbell's [1] 24/15</p> <p>can [53] 7/5 10/20 11/3 11/11 12/7 14/14 14/24 15/6 15/21 17/23 21/10 21/17 26/18 30/6 40/1 40/8 41/20 45/1 46/1 47/13 49/17 52/1 52/3 52/14 55/2 59/9 63/15 64/2 66/3 68/16 69/3 69/13 70/25 71/2 71/24 72/4 72/19 75/10 75/19 76/2 76/4 76/7 76/9 76/12 76/14 78/17 79/9 83/12 83/13 88/20 89/5 90/16 90/17</p> <p>can't [7] 35/3 38/6 38/7 38/8 45/25 45/25 57/7</p> <p>cannot [1] 46/1</p> <p>care [3] 46/25 68/12 83/2</p> <p>carefully [1] 95/23</p> <p>carried [3] 61/7 78/7 78/13</p> <p>carries [1] 28/4</p> <p>carry [2] 7/9 10/11</p> <p>carrying [1] 84/16</p> <p>case [6] 25/22 25/24 26/21 32/9 50/11 67/1</p> <p>CAUSED [1] 96/10</p> <p>CCR [1] 96/17</p> <p>cease [1] 86/25</p> <p>Cedar [12] 1/14 6/24 7/2 46/22 54/2 58/6 77/4 81/24 82/13 85/16 85/16 85/20</p> <p>cell [2] 6/9 44/12</p> <p>Center [1] 86/21</p> <p>certain [2] 17/11 17/16</p> <p>certificate [3] 51/17 51/20 51/25</p> <p>CERTIFIED [1] 96/6</p> <p>certifies [1] 51/21</p> <p>CERTIFY [1] 96/5</p> <p>chair [6] 5/14 6/24 7/1 7/2 68/11 93/18</p> <p>chairman [9] 46/21 71/4 74/17 75/13 82/11 82/14 82/25 85/18 91/12</p> <p>chairmans [1] 18/20</p> <p>chairmen [6] 18/21 46/14 62/10 82/10 93/12 93/23</p> <p>chairmen's [1] 66/14</p> <p>chairperson [3] 8/16 9/3 60/7</p> <p>chairs [1] 95/12</p> <p>chairwoman [51] 1/7 2/8 5/4 5/6 5/11 5/23 5/25 8/4 8/24 9/7 19/21 21/22 23/11 24/25 25/4 25/18 29/20 30/1 34/21 44/13 56/3 58/13 59/10 59/17 60/12 60/24 61/5 65/21 68/1 68/4 68/19 69/1 69/5 69/18 70/7 73/1 78/2 78/9 78/13 84/6 86/22 87/4 87/15 87/23 88/4 88/7 88/18 88/19 91/8 94/22 95/19</p> <p>chance [1] 44/19</p> <p>change [2] 7/3 41/22</p> <p>characterize [1] 69/7</p> <p>charge [23] 24/18 24/22 24/23 60/4 61/22 67/22 67/24 69/12 76/23 76/23 77/1 77/11 77/12 77/17 77/18 78/16 86/8 86/10 86/13 86/23 87/23 88/14 89/6</p> <p>charges [38] 1/6 5/3 5/7 5/23 5/25 6/10 6/12 7/13 7/17 8/2 8/2 8/3 8/19 8/20 9/1 9/6 10/17 12/10 21/6 24/17 25/5 25/11</p> | <p>26/1 27/19 27/23 27/25 28/16 44/5 60/3 76/21 76/24 77/7 77/8 78/25 79/20 87/5 87/22 95/6</p> <p>charity [1] 41/9</p> <p>Charles [5] 47/6 47/8 47/15 47/16 47/22</p> <p>Charlotte [1] 64/6</p> <p>chase [1] 79/23</p> <p>check [2] 11/22 11/24</p> <p>Chevrolet [1] 58/7</p> <p>children [2] 17/9 17/24</p> <p>choices [1] 26/9</p> <p>choose [2] 39/24 83/3</p> <p>circumstances [3] 26/9 69/2 69/14</p> <p>cited [1] 28/9</p> <p>City [4] 1/14 12/11 22/25 58/6</p> <p>clarified [1] 41/3</p> <p>clarify [8] 17/25 21/6 32/14 34/1 44/5 65/5 67/4 81/4</p> <p>clear [10] 39/8 43/6 45/6 45/15 68/6 68/18 68/22 68/24 71/7 77/15</p> <p>clip [14] 21/11 21/14 21/16 45/5 45/8 45/17 60/19 60/21 61/3 61/10 61/12 61/13 61/19 65/13</p> <p>clips [1] 60/11</p> <p>close [2] 13/21 92/24</p> <p>closer [1] 21/18</p> <p>closing [2] 94/17 95/3</p> <p>college [1] 89/22</p> <p>Colorado [1] 2/5</p> <p>come [14] 26/3 26/5 27/16 47/25 58/4 63/15 63/18 66/2 70/17 72/14 74/15 76/9 93/17 94/4</p> <p>comes [6] 63/1 63/20 88/14 93/20 94/10 94/12</p> <p>coming [4] 17/22 52/14 63/25 79/14</p> <p>comment [7] 6/15 19/15 19/19 19/24 30/10 88/7 93/2</p> <p>comments [6] 23/24 61/6 62/6 62/12 87/24 91/16</p> <p>committee [2] 88/3 89/15</p> <p>communication [2] 77/21 77/23</p> <p>community [1] 44/17</p> <p>comparable [1] 37/23</p> <p>complaint [7] 66/17 80/6 80/7 80/11 80/13 80/18 84/24</p> <p>concerning [7] 20/23 23/23 24/17 44/6 60/25 61/1 77/17</p> <p>concerns [2] 53/3 83/19</p> <p>conclude [1] 61/21</p> <p>conclusion [1] 7/23</p> <p>conduct [5] 9/1 9/22 9/25 24/21 86/16</p> <p>conducting [1] 70/10</p> <p>conference [8] 16/22 16/24 18/23 33/10 37/13 37/21 41/19 43/25</p> <p>conferences [3] 18/17 20/14 35/15</p> <p>conflict [2] 10/8 18/4</p> <p>conflicting [1] 82/21</p> <p>conforms [1] 8/21</p> <p>Congress [1] 27/10</p> <p>consider [7] 45/2 94/20 95/3 95/8 95/13 95/21 95/22</p> <p>considerations [1] 9/6</p> <p>considered [2] 65/10 95/24</p> <p>considering [1] 77/16</p> <p>constitute [1] 10/13</p> <p>constitution [12] 5/9 6/15 7/16 8/22 8/25 9/2 10/15 24/20 60/7 81/12 84/11 94/24</p> <p>constitutional [1] 27/22</p> <p>constraints [1] 79/19</p> <p>contact [11] 22/3 43/23 55/7 55/20 56/5 56/6 57/17 71/21 72/13 77/24 80/23</p> <p>contacted [9] 29/6 33/16 43/24 48/4 57/16 63/24 83/18 88/17 90/12</p> | <p>contacting [2] 77/3 84/12</p> <p>content [1] 92/17</p> <p>continued [2] 20/20 23/22</p> <p>contract [1] 28/5</p> <p>contracts [1] 28/7</p> <p>contrary [1] 77/5</p> <p>controversial [2] 23/6 29/2</p> <p>controversy [8] 20/19 20/22 20/24 23/11 23/15 31/5 35/2 38/7</p> <p>conversation [2] 90/8 91/15</p> <p>conversational [1] 77/23</p> <p>convict [1] 69/12</p> <p>Convicting [1] 78/16</p> <p>copy [3] 56/19 57/2 64/8</p> <p>correct [27] 12/15 15/5 33/16 37/4 38/2 40/25 41/5 41/15 46/12 46/15 46/17 52/18 52/22 53/21 53/24 58/21 67/17 70/1 70/3 70/16 72/8 81/6 81/23 85/11 85/21 86/4 96/11</p> <p>correlating [2] 76/24 86/24</p> <p>corresponding [1] 86/12</p> <p>cost [1] 22/24</p> <p>could [18] 9/16 24/8 26/2 28/11 28/12 28/17 28/17 28/20 30/18 30/23 40/19 42/23 63/18 64/7 66/7 73/6 84/2 95/12</p> <p>council [169]</p> <p>council's [3] 60/13 61/22 81/25</p> <p>councils [3] 26/3 26/4 27/15</p> <p>counsel [5] 8/17 30/5 67/24 69/4 83/1</p> <p>country [2] 16/19 20/13</p> <p>COUNTY [3] 1/12 96/4 96/8</p> <p>couple [7] 22/8 23/25 40/20 42/6 44/8 60/11 61/21</p> <p>course [4] 16/5 35/3 48/24 63/3</p> <p>court [13] 1/12 5/17 6/8 11/4 13/21 19/19 47/14 49/17 52/15 55/2 79/9 86/9 94/18</p> <p>courtroom [3] 10/21 76/20 79/2</p> <p>cousin [1] 90/6</p> <p>cousins [1] 88/25</p> <p>cover [1] 44/16</p> <p>Cowboy [2] 31/2 49/4</p> <p>Cowboys [1] 49/4</p> <p>create [1] 26/1</p> <p>creator [1] 27/10</p> <p>Cree [2] 16/8 18/2</p> <p>cross [7] 40/22 50/21 54/5 57/23 85/2 87/8 91/25</p> <p>CROSS-EXAMINATION [6] 40/22 50/21 54/5 57/23 85/2 91/25</p> <p>cross-examine [1] 87/8</p> <p>crowd [1] 15/25</p> <p>CSR [1] 96/16</p> <p>current [1] 18/21</p> <p>currently [1] 45/11</p> <p>cut [2] 79/23 79/25</p> <hr/> <p><b>D</b></p> <p>D.C [9] 11/23 22/2 31/11 32/4 32/17 33/10 34/12 44/15 58/14</p> <p>dad [2] 62/19 88/25</p> <p>Dallas [1] 31/14</p> <p>Dan [2] 24/2 35/24</p> <p>date [1] 67/11</p> <p>dated [2] 23/18 60/23</p> <p>daughter [2] 15/17 63/14</p> <p>day [8] 16/7 64/6 69/11 72/9 75/14 92/4 92/6 92/7</p> <p>days [8] 6/13 8/18 22/8 25/25 31/12 63/2 94/25 95/5</p> <p>deal [6] 27/19 85/17 85/20 93/15 93/24 94/2</p> <p>dealer [1] 58/7</p> |
|--|--|--|

|   |  |  |
|---|--|--|
| <p><b>D</b></p> <p>dealing [2] 21/6 26/20<br/> dealt [1] 82/22<br/> decide [4] 26/18 40/8 46/23 57/9<br/> decided [4] 46/14 56/10 82/4 82/5<br/> decides [1] 5/16<br/> deciding [3] 27/1 27/24 78/7<br/> decision [27] 6/10 6/12 26/1 27/1 27/19<br/> 38/6 38/8 38/13 48/9 48/21 57/11 58/20<br/> 58/22 77/5 80/15 80/21 85/5 85/7 85/8<br/> 85/10 85/15 94/25 94/25 95/1 95/5<br/> 95/21 95/24<br/> decisions [4] 25/25 27/14 39/10 40/4<br/> declined [2] 92/10 92/10<br/> Defendant [11] 10/24 29/22 47/9 49/13<br/> 52/7 54/23 59/13 69/20 79/5 81/19<br/> 87/17<br/> defined [1] 10/9<br/> definitely [4] 62/25 73/24 74/18 74/25<br/> delivered [1] 58/6<br/> demographic [1] 30/12<br/> department [1] 33/10<br/> describe [6] 14/14 14/24 15/6 15/21<br/> 23/15 90/3<br/> describes [1] 23/9<br/> describing [2] 23/19 24/2<br/> description [1] 45/16<br/> designated [3] 5/13 9/5 60/8<br/> desist [1] 86/25<br/> determination [1] 8/17<br/> determine [3] 5/5 7/23 94/23<br/> determined [1] 82/20<br/> development [4] 29/7 29/10 29/16 55/6<br/> devices [1] 6/8<br/> Dewey [3] 31/12 44/9 58/17<br/> did [148]<br/> didn't [36] 14/6 14/13 28/7 28/8 28/8<br/> 28/13 30/9 31/25 32/11 33/18 34/17<br/> 34/23 35/11 37/20 38/10 41/25 43/2<br/> 45/7 46/2 48/20 60/17 62/8 63/11 63/22<br/> 64/5 64/9 66/10 66/11 70/23 71/6 71/8<br/> 71/10 72/11 73/13 74/3 92/5<br/> difference [1] 73/24<br/> different [20] 13/4 16/24 17/14 17/24<br/> 18/17 18/17 20/13 20/14 27/22 30/13<br/> 33/2 34/7 35/18 37/15 37/20 42/15<br/> 46/12 46/14 74/19 93/5<br/> differently [1] 78/1<br/> difficult [1] 45/12<br/> direct [14] 11/1 29/24 47/11 49/15 52/12<br/> 54/25 59/15 62/2 68/3 69/22 78/4 79/7<br/> 81/21 87/19<br/> directed [3] 64/14 65/14 85/13<br/> directional [1] 31/13<br/> directive [9] 24/23 67/25 68/1 68/14 77/3<br/> 84/5 84/8 84/22 86/2<br/> directives [3] 9/9 60/5 78/8<br/> directly [5] 50/5 55/14 55/17 58/6 65/11<br/> director [5] 44/10 44/14 55/6 57/19 88/2<br/> disappointed [2] 60/16 62/13<br/> discern [1] 53/12<br/> discourage [2] 78/18 78/21<br/> discretion [1] 7/22<br/> discuss [3] 37/7 55/12 82/3<br/> discussed [4] 16/25 68/10 82/9 91/16<br/> discussing [1] 93/13<br/> discussion [3] 57/8 65/9 78/23<br/> disputing [1] 89/10<br/> disruptions [2] 6/3 6/4<br/> distinct [1] 69/8<br/> do [72] 11/24 12/8 14/3 14/4 14/5 14/21<br/> 14/23 15/13 16/18 17/5 18/3 18/8 18/12</p> | <p>18/25 19/10 19/20 19/23 21/3 21/17<br/> 24/18 25/13 26/24 33/6 34/23 36/5<br/> 39/16 39/25 40/12 40/15 42/12 43/20<br/> 45/14 47/16 48/10 48/13 48/20 48/24<br/> 48/24 48/25 49/20 51/14 53/25 55/25<br/> 57/8 58/12 59/20 59/24 61/15 64/25<br/> 66/7 70/23 71/16 71/24 72/4 75/1 75/2<br/> 75/2 75/19 77/4 78/4 79/1 79/3 79/21<br/> 81/1 81/8 83/24 84/3 84/15 84/24 85/4<br/> 85/13 94/2<br/> document [1] 44/19<br/> does [11] 5/19 6/15 27/5 48/25 49/2<br/> 50/7 50/10 50/15 64/11 72/16 72/25<br/> doesn't [5] 26/2 26/22 35/1 50/17 83/15<br/> doing [4] 25/8 25/21 65/13 81/12<br/> don't [51] 13/18 14/18 14/18 17/3 17/11<br/> 19/11 19/18 19/24 21/9 28/14 30/17<br/> 30/21 34/19 35/1 38/21 40/4 40/17<br/> 44/25 45/13 46/8 47/5 48/11 48/13<br/> 48/14 49/6 50/19 57/11 58/22 63/12<br/> 64/8 66/23 68/12 69/6 70/25 71/2 72/1<br/> 74/16 75/8 75/16 84/19 84/19 88/13<br/> 89/13 90/7 92/20 92/23 93/12 93/13<br/> 93/15 93/23 94/7<br/> donated [5] 41/13 51/21 51/24 51/25<br/> 53/8<br/> done [14] 35/25 52/2 54/8 54/12 61/14<br/> 68/5 68/16 71/3 84/5 84/8 84/13 84/20<br/> 89/9 89/19<br/> door [1] 44/25<br/> doorstep [1] 51/5<br/> down [2] 39/4 52/3<br/> dropping [1] 17/12<br/> due [4] 80/22 84/9 84/24 85/14<br/> Dulles [1] 22/25<br/> during [10] 6/4 11/9 12/4 15/21 16/5<br/> 17/1 21/22 60/10 62/6 67/4<br/> duties [5] 9/3 9/4 9/8 10/11 60/8<br/> duty [10] 1/6 5/3 7/13 7/18 8/16 10/13<br/> 26/11 28/2 95/13 95/15</p> | <p>embarrassment [11] 63/5 63/6 63/8<br/> 63/23 64/12 71/14 72/16 74/9 74/11<br/> 74/14 74/20<br/> emphasized [1] 75/8<br/> emphasizes [1] 74/11<br/> employ [1] 94/11<br/> encouraged [1] 92/9<br/> end [5] 7/20 38/4 80/19 93/4 94/18<br/> ended [2] 43/22 54/1<br/> enforcement [1] 5/19<br/> engage [1] 10/7<br/> enjoyed [1] 31/17<br/> enjoyment [1] 50/7<br/> enough [4] 47/19 68/17 69/16 86/9<br/> ensure [3] 5/21 78/5 78/12<br/> enter [1] 26/15<br/> entertainment [1] 19/2<br/> entire [2] 77/12 77/18<br/> entirely [1] 88/5<br/> entirety [1] 45/9<br/> errors [1] 25/23<br/> especially [1] 18/18<br/> essentially [4] 27/21 32/19 94/15 94/19<br/> establish [1] 79/24<br/> established [1] 94/21<br/> Ethic [1] 9/10<br/> ethical [1] 10/12<br/> Ethics [3] 8/24 9/19 24/19<br/> even [10] 32/16 36/5 37/18 37/18 42/1<br/> 43/17 68/13 68/15 84/2 94/6<br/> evening [2] 25/2 60/15<br/> event [2] 16/4 19/2<br/> ever [27] 22/1 29/4 29/8 34/14 34/18<br/> 36/1 36/3 36/7 36/10 36/17 36/21 41/3<br/> 42/6 42/17 42/22 43/7 43/13 43/14<br/> 43/15 45/22 46/5 54/8 54/12 59/3 59/6<br/> 90/7 92/16<br/> every [5] 12/16 12/16 26/3 39/1 95/17<br/> everybody [11] 11/4 15/25 20/21 20/25<br/> 31/2 65/13 93/21 93/22 94/5 94/11<br/> 94/11<br/> everyday [1] 77/23<br/> everyone [2] 5/2 5/22<br/> everything [5] 24/16 30/16 53/14 76/10<br/> 81/11<br/> evidence [14] 5/24 6/11 7/13 7/23 8/1<br/> 21/8 24/17 28/9 61/22 77/9 77/17 94/16<br/> 94/21 95/22<br/> exactly [8] 63/16 63/21 65/19 66/3 66/11<br/> 66/22 66/23 74/23<br/> EXAMINATION [23] 3/1 11/1 29/24<br/> 40/22 45/19 47/11 49/15 50/21 51/12<br/> 52/12 54/5 54/25 57/23 59/15 62/2<br/> 69/22 79/7 81/21 85/2 85/24 87/19<br/> 91/25 92/25<br/> examine [1] 87/8<br/> examined [12] 10/24 29/22 47/9 49/13<br/> 52/7 54/23 59/13 61/25 69/20 79/5<br/> 81/19 87/17<br/> example [3] 19/1 22/11 35/9<br/> examples [1] 18/13<br/> except [1] 25/13<br/> excess [2] 9/15 12/10<br/> excuse [3] 13/13 77/14 88/24<br/> excused [1] 70/12<br/> executive [5] 21/12 21/14 21/23 44/14<br/> 59/18<br/> exemplify [1] 22/12<br/> exercise [1] 45/13<br/> exhibit [31] 11/21 12/8 14/3 14/21 15/7<br/> 15/15 19/9 19/9 19/9 20/4 21/13 22/11<br/> 22/18 22/19 22/19 22/23 22/24 23/4<br/> 24/25 41/7 44/4 60/13 60/23 61/2 61/8</p> |
|   | <p><b>E</b></p> <p>each [10] 6/12 26/2 48/11 70/15 75/6<br/> 75/20 75/25 76/8 78/13 95/17<br/> earlier [1] 35/16<br/> early [1] 17/12<br/> East [1] 1/13<br/> Ebay [1] 32/9<br/> Echohawk [7] 82/12 82/24 83/7 83/8<br/> 83/18 84/12 84/22<br/> economic [4] 29/7 29/10 29/15 55/6<br/> ed [2] 23/17 23/25<br/> education [8] 16/10 16/13 17/1 17/4<br/> 17/8 17/10 34/8 89/19<br/> education-wise [1] 16/13<br/> Edwards [2] 21/23 36/3<br/> effect [1] 9/12<br/> effort [2] 23/21 24/4<br/> efforts [1] 23/19<br/> eight [2] 47/19 62/14<br/> either [1] 57/12<br/> elders [3] 30/19 30/19 56/12<br/> elected [4] 8/5 88/15 88/23 95/18<br/> election [3] 82/9 82/12 82/16<br/> elections [1] 90/13<br/> electronic [1] 77/21<br/> else [9] 12/3 12/6 16/1 16/2 16/3 16/25<br/> 30/16 55/11 72/20<br/> email [22] 31/11 44/3 44/4 44/9 56/7<br/> 56/18 56/19 57/3 57/19 58/10 58/12<br/> 58/17 77/19 78/1 78/2 78/17 83/7 83/23<br/> 84/13 84/15 88/1 90/21<br/> emailed [2] 31/16 83/8</p>  |  |

|   |   |  |
|---|---|--|
| <p><b>E</b></p> <p>exhibit... [6] 61/18 76/24 76/25 86/19 86/24 87/2</p> <p>Exhibit 1 [1] 11/21</p> <p>Exhibit 10 [1] 22/24</p> <p>Exhibit 11 [1] 23/4</p> <p>Exhibit 13 [2] 19/9 19/9</p> <p>Exhibit 15 [1] 60/13</p> <p>Exhibit 16 [2] 60/23 61/2</p> <p>Exhibit 18 [1] 61/8</p> <p>Exhibit 1A [1] 21/13</p> <p>Exhibit 2 [1] 12/8</p> <p>Exhibit 20 [1] 61/18</p> <p>Exhibit 22 [1] 76/25</p> <p>Exhibit 23 [1] 86/19</p> <p>Exhibit 24 [1] 86/24</p> <p>Exhibit 3 [1] 14/3</p> <p>Exhibit 4 [1] 14/21</p> <p>Exhibit 5 [2] 15/7 24/25</p> <p>Exhibit 6 [1] 15/15</p> <p>Exhibit 8 [2] 22/11 22/18</p> <p>Exhibit 9 [1] 22/19</p> <p>exhibits [3] 8/8 8/10 44/8</p> <p>expenses [1] 19/3</p> <p>expensive [1] 22/17</p> <p>experience [1] 26/15</p> <p>experienced [1] 77/25</p> <p>explained [3] 56/21 57/2 67/23</p> <p>explanation [1] 73/25</p> <p>express [4] 24/23 60/5 67/25 68/1</p> <p>expressions [1] 77/24</p> <p>expunge [1] 90/17</p> <p>expungements [1] 90/14</p> <p>extra [2] 31/20 37/13</p> <p>extremely [1] 62/18</p> <p>eye [1] 77/24</p>  | <p>figured [4] 43/10 43/19 46/1 72/2</p> <p>final [3] 22/23 45/4 93/2</p> <p>financial [2] 75/16 75/22</p> <p>financially [1] 46/24</p> <p>find [6] 32/15 40/13 53/14 54/15 55/17 56/2</p> <p>fine [4] 25/6 25/15 65/3 72/5</p> <p>finished [3] 25/8 25/10 60/2</p> <p>fired [1] 68/18</p> <p>first [16] 6/22 16/19 21/6 23/5 24/17 25/9 25/10 25/16 25/20 27/19 27/24 29/20 30/3 54/10 60/3 69/6</p> <p>five [5] 8/18 17/9 23/5 79/3 94/18</p> <p>fixated [2] 71/14 74/9</p> <p>flew [1] 87/12</p> <p>flight [1] 12/11</p> <p>float [1] 76/11</p> <p>floating [2] 45/1 82/14</p> <p>floor [1] 7/10</p> <p>follow [4] 40/11 40/20 57/25 80/10</p> <p>follow-up [3] 40/20 57/25 80/10</p> <p>followed [3] 8/12 9/7 45/17</p> <p>following [2] 5/8 81/13</p> <p>follows [12] 10/25 29/23 47/10 49/14 52/8 54/24 59/14 62/1 69/21 79/6 81/20 87/18</p> <p>football [24] 14/16 22/2 22/7 22/9 22/12 22/13 22/14 31/8 31/23 32/2 32/6 32/8 32/12 32/15 32/19 37/8 38/1 47/22 48/1 49/23 50/8 50/24 51/4 51/18</p> <p>Football's [1] 50/9</p> <p>forced [1] 26/16</p> <p>FOREGOING [2] 96/5 96/13</p> <p>foreseeable [1] 28/22</p> <p>forever [1] 48/17</p> <p>form [6] 10/16 35/20 39/2 40/16 42/16 73/14</p> <p>formally [2] 80/14 80/15</p> <p>forth [2] 25/4 96/13</p> <p>forward [1] 22/6</p> <p>fought [3] 27/6 27/11 95/14</p> <p>found [2] 22/17 32/18</p> <p>foundation [68] 11/16 13/8 13/10 14/12 15/11 16/2 16/3 16/21 21/24 22/8 23/16 23/20 24/3 27/20 29/1 29/3 29/5 29/6 29/9 29/9 29/11 30/11 31/13 31/24 32/22 33/2 33/12 33/24 34/2 34/16 35/11 35/12 35/15 36/8 36/11 36/14 36/17 37/8 38/10 38/19 39/21 39/22 40/3 41/4 41/13 41/23 43/22 44/11 44/22 49/3 50/3 50/4 50/16 50/25 52/22 53/19 55/9 55/15 55/17 55/18 56/3 56/5 57/16 57/20 58/14 58/17 60/22 79/25</p> <p>four [1] 30/13</p> <p>fourth [4] 11/12 24/22 60/4 61/22</p> <p>Francine [3] 86/20 90/10 90/18</p> <p>frankly [1] 68/7</p> <p>frequently [2] 28/3 48/11</p> <p>friends [1] 73/13</p> <p>front [2] 2/5 68/8</p> <p>full [5] 26/22 45/7 45/9 65/12 76/10</p> <p>funding [3] 16/16 75/17 94/12</p> <p>further [13] 21/2 45/18 47/5 51/11 54/19 59/8 67/22 68/14 76/17 77/9 85/23 87/7 92/20</p> <p>future [8] 26/3 26/6 27/15 28/6 28/15 28/23 95/9 95/12</p> | <p>48/4 48/5 48/7</p> <p>games [2] 23/17 75/15</p> <p>Garcia [1] 89/20</p> <p>Gari [73] 2/8 5/4 7/25 10/23 11/7 19/21 19/22 20/7 25/24 26/2 26/7 26/13 27/6 27/15 28/1 28/7 28/7 28/8 28/9 28/11 28/16 28/25 29/4 29/5 29/8 29/18 29/21 31/1 31/14 32/21 34/19 34/22 35/1 36/1 36/3 39/20 42/13 43/12 43/17 45/21 47/16 48/20 49/20 50/15 56/19 57/3 57/19 59/12 61/20 61/24 65/3 66/13 67/20 67/24 68/9 68/13 69/10 69/19 74/22 75/14 80/17 80/20 81/1 81/9 81/16 81/18 81/23 87/1 87/16 88/17 95/4 95/10 95/18</p> <p>Gari's [2] 28/20 29/10</p> <p>garner [1] 23/21</p> <p>Gary [3] 21/23 29/3 36/3</p> <p>gather [1] 23/8</p> <p>gave [5] 13/13 19/5 43/19 57/2 64/25</p> <p>Gayle [7] 13/4 52/4 52/6 52/14 52/16 52/17 66/12</p> <p>Gaylord [7] 32/25 44/4 44/9 44/12 54/20 54/22 55/4</p> <p>Geneal [6] 61/17 66/8 66/19 67/16 69/9 73/21</p> <p>general [6] 66/13 66/15 67/9 73/9 73/15 91/19</p> <p>generalized [1] 66/20</p> <p>get [29] 11/5 16/13 28/13 29/11 30/17 31/8 33/12 36/21 36/24 37/6 40/11 41/20 42/1 42/2 42/14 44/18 45/23 48/11 50/7 60/22 62/11 63/1 68/17 78/5 83/1 83/12 85/10 90/15 94/9</p> <p>gets [3] 46/20 46/22 46/23</p> <p>getting [5] 32/19 33/9 38/4 41/14 71/11</p> <p>gift [6] 9/14 9/20 9/20 27/9 27/9 51/25</p> <p>gifts [9] 18/10 18/13 18/20 19/1 23/16 23/20 24/5 28/17 28/19</p> <p>girls [1] 60/18</p> <p>give [18] 12/17 13/1 13/15 19/24 31/15 34/18 42/12 42/17 43/10 75/23 76/1 76/2 76/3 76/13 76/21 85/14 89/14 93/2</p> <p>given [7] 11/13 45/12 69/11 73/25 74/4 84/22 84/22</p> <p>giving [4] 12/18 33/4 35/21 45/2</p> <p>glad [2] 57/5 57/7</p> <p>glass [1] 50/11</p> <p>glasses [1] 19/12</p> <p>go [42] 11/8 16/22 17/15 18/17 18/23 21/5 33/3 34/20 35/1 35/3 35/4 37/14 38/14 42/2 42/7 42/18 42/23 43/4 43/17 43/18 44/1 46/1 46/2 47/3 48/3 48/5 48/7 48/9 66/13 66/14 67/8 72/6 75/25 76/4 76/7 76/21 79/13 82/24 87/14 88/12 94/3 94/7</p> <p>goes [4] 9/20 16/17 22/4 38/8</p> <p>going [74] 8/9 8/12 11/17 12/14 12/18 12/20 13/6 13/12 13/14 19/6 19/7 19/8 21/7 21/11 24/7 24/10 24/22 31/15 33/11 33/21 34/11 34/13 35/2 36/6 37/2 37/4 37/5 37/15 39/9 39/14 41/19 41/21 42/1 42/10 42/11 43/16 43/20 43/22 43/23 43/24 48/4 50/11 54/1 56/16 58/16 59/10 60/9 60/10 60/11 60/19 62/9 62/25 64/3 64/22 67/20 68/21 70/24 71/19 72/14 72/17 73/3 74/5 76/25 79/2 82/9 83/16 86/10 87/6 90/12 90/21 92/6 92/12 95/2</p> <p>gone [8] 13/3 20/13 20/13 37/17 37/17 89/18 89/21 89/22</p> <p>good [16] 5/2 7/11 11/5 19/23 31/21 32/6 34/19 35/1 35/14 48/18 57/10</p> |
| <p><b>F</b></p> <p>face [1] 78/17</p> <p>Facebook [4] 28/10 28/13 40/8 89/1</p> <p>facial [1] 77/24</p> <p>fact [5] 17/9 39/8 41/24 88/4 90/10</p> <p>factual [1] 94/21</p> <p>fair [4] 69/6 82/15 82/16 83/4</p> <p>fairness [1] 9/24</p> <p>faithful [1] 31/6</p> <p>familiar [4] 20/19 20/21 20/23 45/5</p> <p>families [1] 17/23</p> <p>family [17] 21/25 22/1 38/1 38/4 38/11 61/18 66/8 66/10 66/20 67/15 69/9 73/13 73/16 73/20 73/21 73/22 89/7</p> <p>family's [1] 38/13</p> <p>fan [9] 31/1 31/2 31/4 31/6 31/7 32/7 32/10 49/4 51/6</p> <p>far [5] 54/2 55/10 57/13 73/5 84/5</p> <p>fashion [1] 35/23</p> <p>faster [1] 76/21</p> <p>father [1] 27/6</p> <p>favor [2] 7/9 9/15</p> <p>feel [15] 20/8 60/17 60/18 68/15 69/3 69/16 74/18 74/23 81/1 81/1 83/24 84/15 91/5 94/13 95/6</p> <p>feeling [1] 65/23</p> <p>feelings [1] 91/3</p> <p>felt [9] 13/2 43/1 68/20 74/19 76/13 78/7 84/12 89/2 91/3</p> <p>female [1] 89/21</p> <p>few [9] 10/20 14/21 17/18 57/25 59/11 87/15 88/16 90/1 95/2</p> <p>field [3] 14/10 14/16 14/17</p> <p>fifth [4] 7/2 7/2 76/23 77/11</p> <p>figure [1] 44/19</p> | <p>formally [2] 80/14 80/15</p> <p>forth [2] 25/4 96/13</p> <p>forward [1] 22/6</p> <p>fought [3] 27/6 27/11 95/14</p> <p>found [2] 22/17 32/18</p> <p>foundation [68] 11/16 13/8 13/10 14/12 15/11 16/2 16/3 16/21 21/24 22/8 23/16 23/20 24/3 27/20 29/1 29/3 29/5 29/6 29/9 29/9 29/11 30/11 31/13 31/24 32/22 33/2 33/12 33/24 34/2 34/16 35/11 35/12 35/15 36/8 36/11 36/14 36/17 37/8 38/10 38/19 39/21 39/22 40/3 41/4 41/13 41/23 43/22 44/11 44/22 49/3 50/3 50/4 50/16 50/25 52/22 53/19 55/9 55/15 55/17 55/18 56/3 56/5 57/16 57/20 58/14 58/17 60/22 79/25</p> <p>four [1] 30/13</p> <p>fourth [4] 11/12 24/22 60/4 61/22</p> <p>Francine [3] 86/20 90/10 90/18</p> <p>frankly [1] 68/7</p> <p>frequently [2] 28/3 48/11</p> <p>friends [1] 73/13</p> <p>front [2] 2/5 68/8</p> <p>full [5] 26/22 45/7 45/9 65/12 76/10</p> <p>funding [3] 16/16 75/17 94/12</p> <p>further [13] 21/2 45/18 47/5 51/11 54/19 59/8 67/22 68/14 76/17 77/9 85/23 87/7 92/20</p> <p>future [8] 26/3 26/6 27/15 28/6 28/15 28/23 95/9 95/12</p>  | <p><b>G</b></p> <p>game [29] 11/8 12/15 12/23 13/7 15/5 15/9 15/18 15/22 18/4 22/2 23/7 23/9 23/10 37/8 37/19 38/1 42/7 42/18 42/24 43/4 43/8 43/18 43/22 43/23 47/23 48/1</p>   |

|  |   |   |
|--|---|---|
| <p><b>G</b></p> <p>good... [5] 62/10 65/23 73/12 89/3 89/23<br/>got [20] 11/15 30/21 31/10 32/16 32/23<br/>33/13 34/22 48/2 51/17 56/18 62/12<br/>63/2 63/19 74/17 83/11 84/5 88/15<br/>88/23 89/8 90/18<br/>govern [2] 26/19 95/16<br/>government [3] 27/3 86/16 95/15<br/>governor [1] 18/22<br/>Governor's [5] 18/18 37/15 37/23 88/1<br/>88/15<br/>graduated [1] 89/18<br/>grandfather [1] 27/6<br/>granted [1] 93/17<br/>graphic [1] 73/8<br/>gratuity [1] 9/14<br/>great [4] 21/21 31/18 75/7 89/24<br/>greatly [2] 30/24 45/3<br/>grievances [1] 27/12<br/>group [2] 28/25 29/14<br/>guess [2] 33/3 46/8<br/>guest [1] 15/24<br/>guests [1] 37/14<br/>guidance [2] 26/16 26/23<br/>guy [1] 31/13<br/>guys [2] 47/18 48/21</p>   | <p>66/3 72/19 93/23<br/>heard [8] 5/23 30/14 34/25 55/14 67/5<br/>74/18 74/19 88/7<br/>hearing [28] 1/3 5/3 5/5 5/8 5/8 5/11<br/>5/12 5/16 5/21 6/4 6/7 6/8 6/11 6/13<br/>6/16 7/14 7/15 7/19 7/21 8/9 8/13 8/19<br/>8/21 19/20 21/12 25/21 45/7 72/19<br/>hearings [1] 26/5<br/>help [15] 16/11 17/5 26/14 33/2 33/3<br/>35/17 40/3 75/10 76/2 76/7 76/8 76/14<br/>76/15 78/12 81/10<br/>her [68] 7/25 8/6 9/8 9/9 21/9 21/25<br/>21/25 21/25 22/4 25/8 28/18 39/11<br/>46/21 48/13 48/13 48/14 61/6 63/12<br/>63/18 65/25 66/1 66/18 66/19 66/24<br/>70/8 71/22 71/24 73/14 73/16 73/23<br/>74/3 74/3 74/17 74/24 75/18 76/1 78/3<br/>78/5 78/10 78/14 83/10 83/14 83/14<br/>86/13 86/14 86/15 86/17 87/2 87/10<br/>87/11 87/25 88/24 88/24 88/25 88/25<br/>88/25 89/7 89/7 90/5 90/8 90/9 90/11<br/>90/12 90/21 90/24 91/3 92/12 92/14<br/>here [25] 5/17 8/23 11/4 12/9 25/17<br/>25/18 25/21 26/24 41/7 52/4 73/20 84/2<br/>87/11 87/13 87/15 93/12 93/16 93/17<br/>93/20 93/21 93/22 94/1 94/3 94/4 94/7<br/>hereby [1] 51/21<br/>herself [3] 48/14 77/16 89/10<br/>HESTER [1] 2/4<br/>hi [6] 30/1 30/2 49/17 52/14 55/2 90/9<br/>high [3] 17/12 89/22 94/13<br/>highest [2] 9/23 10/12<br/>highlighted [1] 20/4<br/>him [12] 11/5 14/13 15/4 22/3 31/8 32/7<br/>33/5 38/5 83/18 83/20 83/21 84/4<br/>hinder [1] 91/1<br/>his [9] 15/2 15/8 15/17 18/22 23/6 23/7<br/>84/5 84/13 89/19<br/>history [1] 35/22<br/>hmm [1] 48/6<br/>hold [3] 5/11 5/20 82/16<br/>holding [1] 41/7<br/>honesty [1] 9/24<br/>hope [2] 59/22 95/22<br/>hoping [1] 15/23<br/>hot [2] 19/17 20/15<br/>hour [1] 45/8<br/>house [1] 50/12<br/>how [33] 16/11 17/9 17/10 17/23 18/16<br/>20/8 24/1 27/14 32/21 33/8 33/13 38/4<br/>43/21 45/12 47/16 47/18 47/25 49/20<br/>51/4 52/25 55/20 58/4 67/1 68/5 71/15<br/>73/6 77/20 78/1 88/21 90/2 90/16 90/16<br/>90/18<br/>however [1] 40/1<br/>huge [2] 51/6 73/21<br/>human [4] 25/23 25/23 68/16 69/3<br/>hurt [1] 71/16<br/>husband [4] 14/11 15/1 15/1 38/5</p> | <p>importance [2] 60/19 77/20<br/>imposed [1] 7/20<br/>impressed [1] 31/16<br/>improprieties [1] 10/9<br/>incidents [2] 69/7 69/8<br/>include [6] 6/14 6/15 7/21 20/4 33/20<br/>68/4<br/>included [9] 18/13 19/2 21/13 22/17 23/4<br/>23/15 23/24 61/1 61/8<br/>includes [2] 9/12 65/9<br/>including [3] 8/15 9/14 24/5<br/>INDEX [1] 3/1<br/>Indian [32] 5/10 5/13 5/14 25/17 60/16<br/>60/25 61/2 61/6 62/4 62/11 64/14 64/15<br/>64/19 65/14 65/16 65/21 65/23 66/16<br/>67/3 67/12 68/2 69/24 71/13 72/21<br/>72/24 73/1 73/22 74/5 74/6 75/4 75/8<br/>86/21<br/>indicate [1] 36/17<br/>indicated [3] 43/14 67/5 72/6<br/>indicates [2] 41/16 92/8<br/>indicating [3] 21/22 23/11 58/12<br/>individual [3] 14/10 25/5 78/15<br/>individually [1] 95/6<br/>inevitably [1] 26/17<br/>infer [1] 28/19<br/>inferred [2] 9/17 28/18<br/>influenced [2] 9/18 28/20<br/>influencing [1] 28/18<br/>information [13] 33/1 56/16 63/13 63/19<br/>65/1 66/13 66/15 67/9 69/11 73/9 73/15<br/>74/17 90/16<br/>informed [4] 56/15 80/15 92/14 92/15<br/>inherent [1] 27/3<br/>inherit [1] 27/4<br/>initial [2] 55/7 56/6<br/>initiate [1] 79/17<br/>inside [1] 10/6<br/>integrity [1] 9/24<br/>intend [1] 29/19<br/>intended [1] 44/5<br/>intent [3] 42/18 78/3 78/10<br/>intentions [1] 78/6<br/>interacting [1] 29/14<br/>interaction [1] 35/12<br/>interactions [1] 29/10<br/>interest [14] 5/20 10/4 10/5 10/8 18/5<br/>24/8 29/16 29/17 79/25 84/3 86/8 86/17<br/>90/2 92/20<br/>interested [1] 17/8<br/>interesting [1] 20/16<br/>interests [3] 10/5 86/17 93/6<br/>interfere [4] 78/3 78/10 86/14 87/2<br/>interfering [1] 77/2<br/>internal [3] 77/2 84/16 85/11<br/>interpret [2] 26/23 28/2<br/>interpretation [2] 77/21 78/18<br/>interpreted [1] 28/17<br/>interviewed [1] 80/14<br/>intimidating [1] 91/17<br/>introduced [1] 91/12<br/>invalid [1] 82/13<br/>invited [1] 44/1<br/>involve [4] 9/1 10/8 48/13 48/14<br/>involved [18] 28/25 29/3 29/4 29/15<br/>32/21 32/23 33/14 34/15 38/13 48/8<br/>48/11 48/21 78/9 81/2 81/10 81/24<br/>85/11 88/8<br/>involves [1] 81/5<br/>involving [1] 10/8<br/>IRON [1] 1/12<br/>is [177]<br/>isn't [4] 6/25 13/20 20/3 25/21</p> |
| <p><b>H</b></p> <p>habit [2] 91/13 91/14<br/>had [51] 14/12 15/13 15/14 21/24 25/3<br/>29/2 29/14 30/3 30/14 31/11 32/4 32/5<br/>32/15 32/16 34/20 35/6 37/3 37/5 38/25<br/>42/11 42/11 43/11 53/4 56/10 56/11<br/>56/22 57/19 58/13 58/14 62/22 62/24<br/>63/8 64/6 66/25 71/8 73/11 78/7 80/8<br/>80/13 80/16 82/8 83/8 83/9 83/19 90/5<br/>90/7 90/24 91/6 91/10 94/17 94/18<br/>hand [4] 15/2 46/21 51/22 75/15<br/>hand-signed [1] 51/22<br/>handle [2] 21/7 82/7<br/>happen [2] 31/9 62/16<br/>happened [6] 51/8 55/25 79/21 80/13<br/>88/4 90/21<br/>happens [1] 25/24<br/>happy [2] 45/14 93/8<br/>harassing [1] 91/17<br/>hard [6] 27/5 27/6 27/11 27/13 30/8<br/>95/14<br/>harm [2] 26/7 29/18<br/>has [35] 6/10 7/22 8/5 8/19 8/24 9/7<br/>9/11 28/21 31/4 39/13 44/7 45/10 45/15<br/>46/5 51/22 57/13 69/5 69/11 73/1 73/21<br/>79/21 81/1 82/13 83/18 84/5 86/9 87/3<br/>87/21 88/6 88/10 89/18 89/19 91/2<br/>95/19 95/22<br/>hasn't [2] 35/25 93/8<br/>hat [4] 93/17 93/19 93/19 94/1<br/>hats [1] 93/18<br/>have [149]<br/>haven't [2] 67/13 67/17<br/>having [6] 7/19 15/1 23/12 23/15 90/13<br/>90/14<br/>he [27] 7/1 14/13 22/3 22/4 31/14 32/7<br/>32/16 32/18 32/19 32/25 33/4 33/6 33/7<br/>35/24 36/1 36/3 37/16 78/4 82/24 83/1<br/>83/18 83/22 84/5 84/5 84/7 84/22 85/19<br/>he's [6] 31/5 31/5 31/6 31/12 84/13<br/>89/18<br/>headed [1] 88/2<br/>headline [1] 23/5<br/>health [2] 33/10 41/19<br/>hear [8] 6/11 30/21 44/25 45/13 64/7</p> | <p><b>I</b></p> <p>I'll [5] 7/8 61/21 67/21 83/12 88/19<br/>I'm [20] 13/18 18/20 24/22 33/11 51/6<br/>60/2 60/9 60/10 64/3 67/20 75/23 76/13<br/>76/25 77/25 83/23 84/3 89/13 92/24<br/>93/9 95/2<br/>I've [2] 20/13 88/17<br/>idea [4] 35/14 36/6 36/20 76/3<br/>ideas [1] 16/12<br/>identify [1] 91/7<br/>ignored [1] 67/25<br/>ignoring [4] 24/23 60/5 69/5 77/2<br/>impartiality [1] 9/24</p>   |   |

|  |  |  |
|--|--|--|
| <p>I</p> <p>isolated [1] 69/7<br/> issue [15] 6/12 22/23 40/14 43/11 44/7 46/10 62/4 68/1 72/21 74/6 81/4 81/24 82/20 82/25 83/2<br/> issued [1] 94/25<br/> issues [8] 8/23 42/11 82/21 93/13 93/15 93/24 94/2 94/7<br/> it [192]<br/> it's [57] 11/22 14/20 16/22 17/13 17/17 17/19 18/15 18/22 19/17 19/21 20/15 20/15 20/25 21/16 24/15 26/22 27/9 31/10 37/12 39/23 40/2 45/8 45/13 48/23 50/9 50/11 51/17 51/24 51/25 61/15 61/16 62/18 62/19 62/19 63/4 63/19 66/12 66/13 66/15 66/20 67/9 68/7 69/6 71/10 71/11 72/22 73/2 73/9 84/1 84/4 84/11 88/22 91/11 91/13 91/14 93/7 94/19<br/> item [1] 51/25<br/> itinerary [1] 33/21<br/> its [5] 5/19 6/12 8/15 45/9 84/16<br/> itself [1] 86/23</p>                                | <p>L</p> <p>lady [1] 14/11<br/> Lafferty [73] 2/8 5/5 8/5 10/19 10/23 11/7 11/8 14/9 19/22 19/22 20/7 21/1 21/10 21/22 23/11 24/9 25/18 25/24 26/2 26/14 27/15 28/7 28/8 28/8 28/9 28/12 28/16 29/4 29/4 29/5 29/8 29/20 29/21 30/1 40/19 44/7 44/14 47/6 47/8 47/15 47/16 49/9 49/20 50/15 56/3 58/13 59/10 59/12 61/5 61/20 61/24 65/7 67/24 68/9 68/13 68/19 69/18 69/19 78/2 78/9 78/13 80/17 81/9 81/17 81/18 85/4 86/22 87/1 87/15 87/16 88/5 88/7 91/12<br/> Lafferty's [4] 24/25 27/6 60/12 95/4<br/> laid [1] 78/6<br/> Lake [2] 12/11 22/25<br/> Lamont [4] 32/5 49/11 49/12 49/19<br/> language [1] 77/24<br/> largest [1] 95/18<br/> Larry [1] 82/11<br/> last [10] 9/12 15/15 39/20 40/6 49/1 49/22 50/14 51/14 76/21 93/2<br/> later [2] 24/16 80/10<br/> law [19] 5/19 15/17 25/17 26/16 26/18 26/21 26/21 26/21 26/23 26/25 28/3 28/3 31/4 32/15 49/21 50/7 50/15 51/7 86/21<br/> lawfully [1] 83/5<br/> laws [3] 9/1 10/16 78/14<br/> lead [2] 26/17 93/5<br/> leader [1] 93/5<br/> leaders [2] 20/15 34/7<br/> Leading [1] 71/1<br/> leaning [1] 13/24<br/> least [8] 8/18 22/17 42/14 57/1 61/22 83/4 89/11 92/21<br/> leave [2] 6/5 60/18<br/> leaving [2] 30/10 30/11<br/> left [4] 44/12 65/25 66/1 70/8<br/> legal [5] 8/23 10/17 27/22 28/4 28/4<br/> legally [2] 28/6 83/5<br/> legitimacy [2] 27/16 95/16<br/> less [2] 17/22 84/7<br/> let [18] 11/16 13/4 13/14 14/7 19/5 19/6 34/10 35/25 41/18 43/5 43/25 48/13 72/13 82/6 82/24 85/18 86/9 88/19<br/> let's [4] 6/19 31/22 69/24 80/3<br/> letter [36] 36/2 36/3 58/1 58/23 59/1 60/23 61/1 61/17 62/22 63/3 63/4 63/14 66/12 66/16 66/22 67/2 69/9 69/10 69/25 69/25 70/24 71/8 71/13 73/5 73/14 73/17 73/25 74/10 74/13 83/11 83/14 83/15 83/17 86/25 88/13 88/14<br/> letters [2] 66/14 67/6<br/> letting [1] 62/9<br/> level [2] 93/10 94/13<br/> License [2] 96/17 96/17<br/> lieu [1] 6/19<br/> life [1] 40/10<br/> light [2] 76/19 79/19<br/> like [93] 6/22 11/20 13/24 16/16 16/22 17/6 17/15 17/17 17/21 18/15 18/18 18/23 18/24 19/21 20/14 21/3 22/6 24/24 26/5 26/13 26/23 27/6 28/11 28/12 28/25 29/20 30/3 30/15 31/10 31/19 32/6 34/9 34/20 34/23 35/16 37/12 37/12 37/15 38/20 39/1 39/10 39/12 39/22 40/4 40/7 41/22 41/25 42/1 43/21 46/18 46/20 47/6 49/11 51/10 52/4 53/1 54/20 56/13 58/1 62/16 62/18 64/25 66/10 66/12 71/12 71/24 72/20</p> | <p>72/25 73/2 73/10 73/10 75/5 76/4 76/9 76/12 76/13 76/20 78/22 85/19 87/10 87/21 88/11 88/16 88/21 89/11 89/12 89/16 90/8 93/2 93/3 93/4 93/12 93/13<br/> liked [1] 31/14<br/> limit [1] 64/24<br/> limitations [1] 9/8<br/> limited [2] 26/25 45/7<br/> line [4] 14/18 14/19 15/25 54/7<br/> listen [9] 63/15 63/16 63/18 64/2 66/2 72/7 72/14 72/15 74/16<br/> listened [4] 67/13 68/23 74/21 74/22<br/> listens [1] 63/21<br/> literally [2] 89/1 94/5<br/> litigation [2] 20/23 23/23<br/> little [12] 10/21 17/14 24/11 25/20 26/15 26/16 26/21 27/17 57/7 77/19 89/11 94/19<br/> live [3] 17/16 17/18 38/21<br/> lived [1] 34/24<br/> LLC [1] 2/4<br/> location [1] 5/21<br/> long [8] 31/5 35/19 47/18 47/19 47/20 61/16 65/3 91/9<br/> look [4] 27/8 34/19 35/1 83/13<br/> looked [2] 13/24 63/12<br/> looking [1] 12/9<br/> looks [2] 58/1 72/25<br/> Lora [2] 77/15 79/18<br/> lose [1] 28/12<br/> losing [1] 95/7<br/> lot [10] 16/16 17/14 20/16 26/22 35/17 75/9 75/9 75/19 91/4 95/19<br/> louder [1] 13/23<br/> Louisville [1] 2/5<br/> luck [1] 95/21<br/> luggage [2] 12/12 12/13<br/> luncheon [7] 16/7 16/9 16/10 16/20 17/1 18/19 18/24<br/> luncheons [1] 16/23</p> |
| <p>J</p> <p>Jack [1] 67/5<br/> James [2] 2/9 25/16<br/> January [4] 32/24 33/16 56/1 80/19<br/> Jaramillo [6] 86/20 90/10 91/15 91/20 92/4 92/8<br/> Jaramillo's [1] 92/21<br/> Jeanine [4] 59/21 63/12 82/11 88/18<br/> job [6] 26/15 28/12 62/10 68/18 75/7 95/7<br/> jobs [1] 17/5<br/> join [1] 23/6<br/> Jr [1] 7/4<br/> Juan [1] 30/15<br/> judged [1] 26/5<br/> judgment [4] 9/18 25/23 28/19 28/21<br/> judgmental [1] 91/5<br/> judicial [2] 23/3 24/6<br/> July [2] 72/7 72/18<br/> jump [1] 80/3<br/> June [5] 24/25 25/1 25/2 60/12 60/15<br/> June 12th [2] 25/2 60/15<br/> June 2014 [2] 24/25 60/12<br/> just [123]<br/> justice [2] 1/12 5/17<br/> justified [1] 95/7<br/> justify [1] 69/17<br/> justly [1] 78/12</p> | <p>later [2] 24/16 80/10<br/> law [19] 5/19 15/17 25/17 26/16 26/18 26/21 26/21 26/21 26/23 26/25 28/3 28/3 31/4 32/15 49/21 50/7 50/15 51/7 86/21<br/> lawfully [1] 83/5<br/> laws [3] 9/1 10/16 78/14<br/> lead [2] 26/17 93/5<br/> leader [1] 93/5<br/> leaders [2] 20/15 34/7<br/> Leading [1] 71/1<br/> leaning [1] 13/24<br/> least [8] 8/18 22/17 42/14 57/1 61/22 83/4 89/11 92/21<br/> leave [2] 6/5 60/18<br/> leaving [2] 30/10 30/11<br/> left [4] 44/12 65/25 66/1 70/8<br/> legal [5] 8/23 10/17 27/22 28/4 28/4<br/> legally [2] 28/6 83/5<br/> legitimacy [2] 27/16 95/16<br/> less [2] 17/22 84/7<br/> let [18] 11/16 13/4 13/14 14/7 19/5 19/6 34/10 35/25 41/18 43/5 43/25 48/13 72/13 82/6 82/24 85/18 86/9 88/19<br/> let's [4] 6/19 31/22 69/24 80/3<br/> letter [36] 36/2 36/3 58/1 58/23 59/1 60/23 61/1 61/17 62/22 63/3 63/4 63/14 66/12 66/16 66/22 67/2 69/9 69/10 69/25 69/25 70/24 71/8 71/13 73/5 73/14 73/17 73/25 74/10 74/13 83/11 83/14 83/15 83/17 86/25 88/13 88/14<br/> letters [2] 66/14 67/6<br/> letting [1] 62/9<br/> level [2] 93/10 94/13<br/> License [2] 96/17 96/17<br/> lieu [1] 6/19<br/> life [1] 40/10<br/> light [2] 76/19 79/19<br/> like [93] 6/22 11/20 13/24 16/16 16/22 17/6 17/15 17/17 17/21 18/15 18/18 18/23 18/24 19/21 20/14 21/3 22/6 24/24 26/5 26/13 26/23 27/6 28/11 28/12 28/25 29/20 30/3 30/15 31/10 31/19 32/6 34/9 34/20 34/23 35/16 37/12 37/12 37/15 38/20 39/1 39/10 39/12 39/22 40/4 40/7 41/22 41/25 42/1 43/21 46/18 46/20 47/6 49/11 51/10 52/4 53/1 54/20 56/13 58/1 62/16 62/18 64/25 66/10 66/12 71/12 71/24 72/20</p>   | <p>made [32] 6/7 6/10 8/10 11/22 20/3 33/8 39/7 43/3 43/6 45/10 45/15 46/19 47/2 57/11 58/20 59/3 59/21 60/24 61/5 62/6 68/2 68/22 68/24 71/7 71/22 77/5 80/6 80/16 83/18 87/24 89/13 95/1<br/> mail [1] 44/12<br/> main [1] 53/5<br/> maintain [1] 9/23<br/> majority [1] 8/14<br/> make [39] 6/25 7/5 10/21 19/20 25/25 25/25 26/16 28/7 28/8 28/13 36/10 36/13 38/6 38/8 39/13 40/4 40/13 45/6 45/15 46/22 48/10 53/8 64/5 65/24 69/2 72/11 73/24 80/21 84/12 84/21 84/23 88/7 91/16 93/3 94/17 94/24 95/2 95/4 95/23<br/> makes [1] 93/25<br/> makeup [1] 73/8<br/> making [6] 28/5 39/9 75/3 76/6 84/4 95/21<br/> male [1] 89/20<br/> malicious [2] 25/22 26/9<br/> maliciously [1] 26/7<br/> man [1] 11/4<br/> manner [1] 10/12<br/> many [10] 16/15 21/9 27/8 35/21 35/23 39/13 65/1 68/8 68/8 73/6<br/> MARCH [2] 1/10 56/8<br/> margin [1] 95/18<br/> Mark [3] 83/7 83/8 84/10<br/> marked [2] 11/21 44/4</p>   |
| <p>K</p> <p>Kanosh [2] 46/20 54/3<br/> Katie [4] 2/9 24/13 25/16 41/2<br/> Katy [1] 88/11<br/> keep [7] 17/10 17/20 17/24 48/16 48/22 89/5 89/5<br/> key [1] 87/25<br/> kids [3] 15/8 17/10 17/20<br/> kind [11] 13/15 17/8 17/17 19/11 30/6 38/7 51/7 51/8 84/18 86/9 93/5<br/> kinds [3] 17/6 35/18 35/23<br/> knew [10] 11/17 12/19 37/5 39/14 41/14 41/21 42/10 64/5 70/5 70/7<br/> know [293]<br/> knowing [2] 31/9 35/4<br/> knowledge [5] 49/1 50/14 54/8 58/5 59/3<br/> known [3] 62/24 66/25 85/13<br/> knows [9] 11/5 31/2 31/2 48/23 63/21 84/7 84/8 85/19 85/19<br/> Koosharem [3] 47/3 75/12 76/4</p>   | <p>later [2] 24/16 80/10<br/> law [19] 5/19 15/17 25/17 26/16 26/18 26/21 26/21 26/21 26/23 26/25 28/3 28/3 31/4 32/15 49/21 50/7 50/15 51/7 86/21<br/> lawfully [1] 83/5<br/> laws [3] 9/1 10/16 78/14<br/> lead [2] 26/17 93/5<br/> leader [1] 93/5<br/> leaders [2] 20/15 34/7<br/> Leading [1] 71/1<br/> leaning [1] 13/24<br/> least [8] 8/18 22/17 42/14 57/1 61/22 83/4 89/11 92/21<br/> leave [2] 6/5 60/18<br/> leaving [2] 30/10 30/11<br/> left [4] 44/12 65/25 66/1 70/8<br/> legal [5] 8/23 10/17 27/22 28/4 28/4<br/> legally [2] 28/6 83/5<br/> legitimacy [2] 27/16 95/16<br/> less [2] 17/22 84/7<br/> let [18] 11/16 13/4 13/14 14/7 19/5 19/6 34/10 35/25 41/18 43/5 43/25 48/13 72/13 82/6 82/24 85/18 86/9 88/19<br/> let's [4] 6/19 31/22 69/24 80/3<br/> letter [36] 36/2 36/3 58/1 58/23 59/1 60/23 61/1 61/17 62/22 63/3 63/4 63/14 66/12 66/16 66/22 67/2 69/9 69/10 69/25 69/25 70/24 71/8 71/13 73/5 73/14 73/17 73/25 74/10 74/13 83/11 83/14 83/15 83/17 86/25 88/13 88/14<br/> letters [2] 66/14 67/6<br/> letting [1] 62/9<br/> level [2] 93/10 94/13<br/> License [2] 96/17 96/17<br/> lieu [1] 6/19<br/> life [1] 40/10<br/> light [2] 76/19 79/19<br/> like [93] 6/22 11/20 13/24 16/16 16/22 17/6 17/15 17/17 17/21 18/15 18/18 18/23 18/24 19/21 20/14 21/3 22/6 24/24 26/5 26/13 26/23 27/6 28/11 28/12 28/25 29/20 30/3 30/15 31/10 31/19 32/6 34/9 34/20 34/23 35/16 37/12 37/12 37/15 38/20 39/1 39/10 39/12 39/22 40/4 40/7 41/22 41/25 42/1 43/21 46/18 46/20 47/6 49/11 51/10 52/4 53/1 54/20 56/13 58/1 62/16 62/18 64/25 66/10 66/12 71/12 71/24 72/20</p>   | <p>M</p> <p>made [32] 6/7 6/10 8/10 11/22 20/3 33/8 39/7 43/3 43/6 45/10 45/15 46/19 47/2 57/11 58/20 59/3 59/21 60/24 61/5 62/6 68/2 68/22 68/24 71/7 71/22 77/5 80/6 80/16 83/18 87/24 89/13 95/1<br/> mail [1] 44/12<br/> main [1] 53/5<br/> maintain [1] 9/23<br/> majority [1] 8/14<br/> make [39] 6/25 7/5 10/21 19/20 25/25 25/25 26/16 28/7 28/8 28/13 36/10 36/13 38/6 38/8 39/13 40/4 40/13 45/6 45/15 46/22 48/10 53/8 64/5 65/24 69/2 72/11 73/24 80/21 84/12 84/21 84/23 88/7 91/16 93/3 94/17 94/24 95/2 95/4 95/23<br/> makes [1] 93/25<br/> makeup [1] 73/8<br/> making [6] 28/5 39/9 75/3 76/6 84/4 95/21<br/> male [1] 89/20<br/> malicious [2] 25/22 26/9<br/> maliciously [1] 26/7<br/> man [1] 11/4<br/> manner [1] 10/12<br/> many [10] 16/15 21/9 27/8 35/21 35/23 39/13 65/1 68/8 68/8 73/6<br/> MARCH [2] 1/10 56/8<br/> margin [1] 95/18<br/> Mark [3] 83/7 83/8 84/10<br/> marked [2] 11/21 44/4</p>  |

|   |   |   |
|---|---|---|
| <p><b>M</b></p> <p>market [1] 22/12<br/> married [2] 47/18 48/18<br/> mascot [4] 17/3 39/3 40/14 40/15<br/> materials [3] 92/15 92/16 92/17<br/> matter [7] 5/15 78/10 82/3 82/22 85/11 85/16 86/3<br/> matters [3] 77/2 78/3 81/2<br/> may [21] 6/14 6/16 7/21 7/21 8/14 10/13 21/15 24/11 33/9 33/18 41/8 41/9 41/16 44/21 49/22 56/20 57/18 79/12 79/21 79/24 87/8<br/> May 1st [1] 79/21<br/> May 2014 [1] 41/8<br/> May 6th you [1] 41/9<br/> maybe [2] 24/8 91/1<br/> me [74] 11/11 12/24 13/13 14/14 14/24 15/4 15/6 15/14 15/21 18/8 20/5 30/6 30/9 31/1 31/2 32/5 32/5 35/24 39/12 42/9 42/15 43/5 43/6 43/9 43/14 43/24 44/18 46/1 46/2 48/2 48/7 51/15 55/21 55/21 58/18 63/6 64/7 64/22 64/23 65/2 65/11 66/12 66/22 67/17 70/11 70/17 71/18 71/22 72/25 73/2 73/13 74/4 74/23 75/1 75/2 75/14 76/10 77/14 83/14 84/12 88/17 88/24 89/1 91/3 91/6 91/9 93/8 93/9 93/11 93/14 93/25 96/6 96/9 96/10<br/> meals [4] 11/23 11/25 12/2 19/2<br/> mean [15] 18/21 20/9 27/2 27/5 35/22 38/21 39/23 51/23 73/6 76/1 76/10 82/23 84/1 84/2 88/24<br/> meaning [1] 28/4<br/> means [3] 27/25 46/11 93/20<br/> meant [2] 78/1 83/25<br/> measured [1] 95/23<br/> mediator [1] 90/22<br/> meet [7] 14/13 33/18 33/21 33/23 34/2 40/24 41/3<br/> meeting [44] 12/17 13/4 21/12 25/1 30/11 31/17 35/10 56/21 59/18 59/20 60/20 61/4 61/9 62/9 62/21 63/13 64/2 64/25 65/8 65/9 65/15 66/7 68/25 69/16 69/25 70/1 70/3 70/6 70/10 70/11 70/12 70/15 70/19 71/7 71/25 72/3 72/7 73/20 79/13 79/13 79/22 79/24 80/6 94/3<br/> meetings [3] 36/16 72/2 84/20<br/> member [11] 7/5 8/15 18/14 19/1 22/1 46/5 67/3 73/16 79/14 80/8 89/17<br/> member's [1] 8/17<br/> members [37] 5/18 6/16 8/15 9/23 9/25 10/3 10/7 10/11 18/5 18/9 21/25 22/1 24/4 26/12 34/15 57/5 59/24 62/12 62/17 65/1 68/8 74/6 78/12 78/19 78/20 78/20 81/10 82/8 82/10 82/17 84/9 85/14 90/15 90/25 91/4 93/6 95/9<br/> members' [1] 86/14<br/> membership [5] 5/20 8/4 8/6 8/11 10/4<br/> mention [2] 39/11 46/18<br/> mentioned [7] 16/4 45/5 51/6 51/7 58/19 82/11 82/24<br/> Merlene [6] 78/22 79/4 79/11 79/12 81/16 81/25<br/> message [3] 65/25 66/1 70/8<br/> met [9] 29/8 41/9 41/16 41/23 41/24 44/14 44/21 58/13 82/2<br/> Mexico [1] 86/22<br/> microphone [4] 13/19 13/20 13/25 14/20<br/> mics [1] 14/2<br/> middle [2] 16/1 17/11<br/> might [3] 38/24 52/5 91/5<br/> millions [1] 39/24</p> | <p>mind [3] 20/5 48/10 61/20<br/> mine [1] 50/9<br/> minimal [2] 9/16 9/21<br/> minute [2] 12/14 77/14<br/> minutes [3] 54/16 65/12 68/18<br/> misconduct [8] 1/7 5/4 7/14 7/17 8/16 10/14 26/10 80/9<br/> Miss [20] 10/19 11/8 14/9 21/1 21/10 24/9 40/19 44/7 54/7 65/7 83/11 83/19 85/4 88/6 90/18 91/15 91/19 92/4 92/8 92/21<br/> Miss Lafferty [1] 21/10<br/> mistakes [3] 25/23 26/17 26/18<br/> misunderstanding [1] 25/3<br/> misusing [1] 86/13<br/> moderator [3] 90/23 90/24 91/22<br/> modify [1] 10/21<br/> moment [4] 6/20 6/21 40/20 43/15<br/> money [7] 62/15 75/9 75/17 75/18 75/20 76/1 94/9<br/> month [6] 12/16 12/17 12/18 12/19 34/18 46/4<br/> monthly [3] 41/8 43/10 94/8<br/> months [2] 88/16 89/1<br/> more [22] 14/21 17/22 20/2 20/5 26/13 29/11 31/15 33/23 35/7 35/12 40/18 41/23 42/6 49/7 61/13 62/15 66/1 76/21 78/24 78/25 84/7 92/23<br/> MORGAN [2] 96/6 96/16<br/> morning [4] 51/15 51/17 87/13 92/12<br/> most [2] 26/12 72/2<br/> mother [7] 49/21 50/7 50/15 51/7 88/24 88/24 89/7<br/> mother-in-law [4] 49/21 50/7 50/15 51/7<br/> motion [16] 6/24 7/3 7/5 7/9 42/22 43/3 43/17 45/24 46/6 46/19 47/2 54/8 59/3 59/20 61/5 61/7<br/> mouth [1] 65/22<br/> move [2] 5/16 60/5<br/> movies [1] 37/17<br/> Mr [9] 35/24 49/8 50/23 57/25 59/9 82/24 83/18 84/12 84/21<br/> much [4] 24/9 60/17 60/18 74/10<br/> must [5] 6/9 26/18 31/14 31/16 68/5<br/> my [57] 7/12 11/16 11/18 11/25 12/2 12/12 13/1 13/5 14/11 15/1 15/1 15/8 15/17 17/13 17/17 19/6 19/11 19/12 19/19 19/21 19/22 20/12 25/16 31/3 34/11 34/18 34/25 35/5 38/5 39/10 40/4 41/15 43/1 43/10 43/19 46/3 46/3 47/17 48/2 48/7 48/10 48/14 49/21 50/9 51/7 62/18 65/10 65/22 67/1 71/23 73/13 75/13 80/22 88/23 90/6 90/21 96/12<br/> myself [3] 48/14 65/24 91/12</p> <p><b>N</b></p> <p>name [19] 7/12 11/3 19/12 19/21 20/20 23/8 23/22 23/23 25/16 47/13 49/17 52/15 53/11 53/15 55/2 79/9 86/20 93/16 94/1<br/> Nation [4] 16/8 18/2 23/6 23/9<br/> native [12] 16/11 16/15 16/18 17/5 17/15 17/23 20/8 20/17 35/22 39/25 41/10 88/1<br/> natives [4] 17/18 20/1 20/9 20/16<br/> nature [4] 45/7 45/12 48/12 79/20<br/> Navajo [2] 23/6 23/9<br/> nay [1] 19/25<br/> need [17] 7/3 19/23 20/7 40/12 40/12 42/9 42/13 43/5 43/9 43/12 43/13 62/16 76/11 76/20 82/21 83/1 85/13<br/> needed [3] 12/24 43/1 83/1<br/> needless [1] 17/19</p> | <p>needs [3] 19/20 55/22 56/12<br/> negative [4] 57/12 68/9 87/24 88/7<br/> neglect [7] 1/6 5/3 7/13 7/18 8/16 10/13 26/10<br/> Nevada [1] 96/17<br/> never [19] 12/24 12/24 26/8 36/1 42/9 42/15 43/3 43/6 43/9 66/23 68/24 74/4 74/19 80/14 80/15 80/22 88/7 90/5 91/10<br/> new [3] 23/18 82/9 86/22<br/> newspaper [3] 23/3 23/5 23/14<br/> next [9] 22/19 23/12 61/9 62/21 71/7 72/9 90/13 94/15 95/5<br/> NFL [3] 16/14 22/20 23/7<br/> nice [2] 50/11 66/18<br/> Nikki [13] 24/15 25/14 86/25 87/9 87/24 88/22 88/24 89/5 89/8 90/3 90/22 91/16 91/21<br/> no [87] 6/3 9/13 11/15 11/19 13/3 13/15 14/6 15/14 15/25 21/1 21/5 21/19 28/21 31/25 32/3 32/3 32/13 33/25 34/17 36/4 36/5 36/5 36/9 36/12 36/15 36/19 36/23 37/1 38/12 39/19 41/14 42/9 42/15 43/2 43/6 43/9 43/13 44/5 45/18 45/25 48/10 48/13 49/4 49/8 50/9 50/17 51/3 51/11 52/1 53/14 53/22 54/11 54/18 54/19 55/11 55/13 56/4 57/12 58/9 59/2 59/7 59/8 64/20 64/24 65/17 65/18 66/6 67/11 67/13 67/17 70/22 74/2 76/17 77/8 77/8 81/3 81/15 83/12 84/18 84/18 85/23 88/3 89/10 91/18 92/3 92/6 92/18<br/> none [1] 43/13<br/> nonsense [1] 50/18<br/> North [1] 1/13<br/> not [101]<br/> note [3] 26/20 78/22 87/25<br/> nothing [6] 15/3 15/13 53/16 67/22 68/16 84/1<br/> notice [10] 8/2 8/2 8/18 8/20 23/3 24/6 72/18 76/24 77/8 88/9<br/> notices [1] 5/3<br/> November [2] 80/3 80/5<br/> now [23] 7/3 8/20 10/17 14/20 21/3 21/11 21/20 24/22 28/2 31/22 37/7 41/22 44/7 52/5 60/5 60/19 60/21 67/6 83/24 88/18 92/11 94/16 94/20<br/> nowhere [2] 64/11 72/15<br/> number [4] 22/16 23/3 23/14 26/7</p> <p><b>O</b></p> <p>oath [1] 78/14<br/> objected [1] 35/6<br/> objections [1] 34/14<br/> obligate [2] 27/25 28/3<br/> obligated [5] 28/1 35/19 39/2 53/19 53/23<br/> obligating [2] 28/10 53/9<br/> obligation [5] 28/4 36/5 36/6 36/20 94/20<br/> October [1] 35/10<br/> off [5] 6/9 6/22 24/2 59/1 78/23<br/> offended [2] 65/20 74/7<br/> offer [2] 13/12 26/22<br/> offered [3] 37/18 56/22 84/23<br/> offering [1] 78/19<br/> office [11] 6/14 8/11 11/9 34/22 45/11 69/13 69/17 75/14 81/5 92/13 95/10<br/> officers [1] 9/3<br/> official [13] 6/6 9/13 9/18 23/12 28/18 28/20 28/21 28/22 38/17 39/17 39/17 86/13 86/15<br/> official's [1] 9/17<br/> officially [1] 54/17<br/> officials [3] 23/16 23/21 24/4</p> |
|---|---|---|



|   |   |  |
|---|---|--|
| <p>often [3] 26/13 26/21 68/16<br/>oh [5] 11/19 12/12 32/6 77/14 92/23<br/>okay [65] 6/22 11/13 12/1 12/3 12/6<br/>12/8 12/13 12/21 13/12 13/17 14/7<br/>14/14 14/24 15/15 15/18 16/2 16/25<br/>17/25 18/25 19/8 19/13 21/1 25/6 41/2<br/>42/4 42/22 44/3 45/4 47/5 48/8 49/10<br/>49/20 50/4 51/9 51/11 54/4 54/20 56/2<br/>56/15 58/8 58/12 60/4 61/4 61/13 65/4<br/>66/15 67/4 67/10 67/15 67/19 72/6<br/>73/22 76/19 79/9 79/23 80/3 80/4 80/10<br/>84/25 86/11 89/5 89/17 90/1 92/4 92/19<br/>old [1] 67/6<br/>once [13] 26/8 34/6 34/10 41/23 46/24<br/>66/16 66/20 67/2 71/21 73/13 83/2<br/>83/22 93/24<br/>one [73] 9/6 14/12 18/1 18/8 18/12 20/2<br/>20/5 22/23 23/10 26/3 27/25 33/25 34/1<br/>34/8 34/18 34/20 34/20 37/5 37/6 39/20<br/>40/14 40/24 41/1 41/3 41/5 41/6 41/14<br/>41/21 43/1 43/2 43/6 43/21 44/3 45/4<br/>46/20 46/22 49/1 50/14 50/23 51/14<br/>53/5 54/2 54/3 54/7 55/11 56/11 58/1<br/>58/3 58/4 58/22 61/13 61/16 61/17<br/>62/11 66/18 66/25 70/10 70/15 75/6<br/>75/14 77/19 78/2 78/13 78/17 78/25<br/>78/25 83/3 83/12 85/4 86/2 87/22 87/23<br/>89/13<br/>ones [2] 39/25 40/5<br/>ongoing [1] 23/22<br/>online [2] 92/15 92/17<br/>only [16] 12/7 21/15 27/14 27/15 39/25<br/>41/3 41/14 44/5 54/2 62/14 64/19 71/25<br/>78/24 81/24 82/15 82/16<br/>op [2] 23/17 23/25<br/>open [4] 8/5 8/9 77/20 78/17<br/>opening [1] 73/5<br/>operations [1] 44/10<br/>opinion [8] 20/12 20/18 39/20 40/7 49/2<br/>50/15 50/17 88/6<br/>opinions [2] 40/13 40/16<br/>opportunity [6] 6/1 6/1 6/17 31/18 42/2<br/>76/22<br/>opposing [3] 30/4 67/23 69/4<br/>opposition [2] 13/15 24/2<br/>oral [1] 68/12<br/>order [2] 46/6 87/4<br/>ordering [1] 44/18<br/>ordinance [6] 8/24 9/10 9/19 10/10<br/>10/13 24/20<br/>ordinances [1] 94/24<br/>Organization [1] 50/3<br/>organizations [1] 35/18<br/>original [14] 13/9 21/24 24/3 27/20 29/1<br/>29/8 32/22 38/19 39/21 44/11 50/25<br/>52/21 55/8 74/5<br/>originally [2] 9/10 55/20<br/>other [29] 6/7 9/4 9/12 14/10 16/3 16/5<br/>16/22 18/1 18/23 22/1 30/21 37/12<br/>37/21 39/1 39/22 40/11 44/23 44/25<br/>45/22 46/5 48/21 50/19 66/14 71/12<br/>73/7 76/8 77/9 81/10 90/8<br/>other's [1] 48/12<br/>others [1] 62/15<br/>our [22] 17/10 17/20 18/19 18/21 18/21<br/>30/13 30/18 30/19 30/19 30/20 30/23<br/>31/19 31/21 32/24 35/25 45/2 72/1 73/9<br/>75/16 76/19 84/9 94/12<br/>out [47] 10/11 11/22 16/17 17/12 17/23<br/>19/6 19/15 20/25 24/4 29/5 30/3 30/13<br/>30/16 31/9 31/13 32/3 32/15 32/18 33/5</p> | <p>34/7 35/17 38/22 44/19 44/24 45/1 50/8<br/>52/5 53/14 55/17 56/2 59/9 62/17 65/1<br/>66/13 69/24 72/23 73/11 76/14 77/23<br/>78/6 78/7 78/13 83/12 84/16 91/3 92/3<br/>92/12<br/>outbursts [1] 6/3<br/>outcome [1] 20/11<br/>outlined [2] 7/15 9/8<br/>outlines [1] 9/3<br/>outside [2] 10/6 23/8<br/>outstanding [1] 82/13<br/>over [15] 7/6 7/10 9/20 9/21 14/13 23/12<br/>33/12 41/20 42/2 75/15 83/13 86/3<br/>86/17 87/7 88/19<br/>overall [1] 76/2<br/>owe [3] 74/23 94/13 95/15<br/>owed [1] 84/11<br/>own [10] 5/19 19/23 26/17 40/5 40/13<br/>40/16 40/16 48/10 78/5 84/16<br/>owner [3] 23/7 23/13 32/8<br/>ownership [1] 53/17</p> <p><b>P</b></p> <p>page [3] 3/2 19/22 20/3<br/>pageant [9] 25/2 60/16 60/17 60/25 61/7<br/>62/6 68/3 74/6 75/4<br/>pages [2] 22/16 96/13<br/>paid [4] 12/12 13/7 16/20 16/23<br/>PAIUTE [8] 1/2 5/10 30/15 56/13 61/2<br/>78/14 89/3 89/24<br/>paperwork [2] 33/6 33/7<br/>parking [1] 12/5<br/>part [14] 14/12 16/11 17/8 17/10 30/9<br/>38/7 73/21 77/1 78/7 84/5 84/13 89/11<br/>90/25 91/23<br/>participate [4] 92/2 92/5 92/9 92/10<br/>particular [1] 53/3<br/>particularly [2] 77/12 77/22<br/>passenger [3] 44/6 54/9 58/21<br/>passing [2] 90/6 90/8<br/>past [3] 18/21 91/11 93/8<br/>pattern [3] 69/5 69/7 73/1<br/>pay [6] 11/25 12/2 12/3 18/18 37/8 94/8<br/>paying [3] 11/16 19/6 34/11<br/>peaks [28] 5/13 5/14 60/17 60/25 61/6<br/>62/4 62/11 64/14 64/15 64/19 65/15<br/>65/16 65/21 65/23 66/16 67/3 67/12<br/>68/2 69/24 71/13 72/21 72/24 73/1<br/>73/22 74/5 74/6 75/4 75/8<br/>pending [1] 38/17<br/>people [30] 16/19 19/18 19/23 26/14<br/>26/23 27/5 27/8 30/11 31/19 31/21<br/>35/21 35/25 39/23 40/1 40/8 40/9 40/10<br/>40/10 40/15 72/2 75/9 75/10 76/11<br/>76/15 83/3 84/23 88/14 89/25 93/10<br/>94/13<br/>people's [1] 40/11<br/>per [1] 6/8<br/>perceived [1] 78/1<br/>perhaps [1] 35/10<br/>period [1] 6/16<br/>permission [5] 28/13 36/21 36/24 42/7<br/>42/9<br/>permitted [1] 6/8<br/>person [2] 67/18 95/17<br/>personal [11] 9/15 10/5 19/22 29/16<br/>29/17 68/9 72/25 86/16 86/17 91/7<br/>91/23<br/>personally [6] 36/14 51/1 51/22 72/24<br/>75/20 89/2<br/>Pete [8] 7/1 7/4 7/6 49/11 49/12 49/19<br/>50/23 77/16<br/>pettiness [1] 27/13</p> | <p>phone [2] 44/13 55/21<br/>phones [1] 6/9<br/>photograph [9] 14/3 14/9 14/10 14/15<br/>14/22 14/25 15/6 15/7 15/16<br/>photographs [1] 14/21<br/>picture [1] 28/14<br/>pictures [1] 28/10<br/>Pikyavit [3] 11/7 20/7 75/13<br/>place [3] 13/2 65/2 78/23<br/>placed [1] 6/25<br/>places [2] 9/9 17/14<br/>plagiarize [1] 73/14<br/>plagiarizing [1] 73/10<br/>Plaintiff [1] 61/25<br/>plant [2] 95/11 95/11<br/>play [10] 21/11 30/10 45/7 45/13 60/11<br/>60/19 62/8 64/9 72/17 76/25<br/>played [9] 17/10 30/4 45/6 45/8 45/17<br/>64/8 68/6 68/7 68/19<br/>playing [5] 21/20 60/21 61/3 61/12 61/19<br/>please [7] 10/19 11/3 11/11 14/7 44/18<br/>55/2 64/1<br/>plenty [1] 62/17<br/>plug [1] 21/19<br/>point [7] 11/9 12/22 54/16 55/7 57/14<br/>60/3 66/5<br/>pole [1] 20/8<br/>politicians [1] 26/13<br/>poor [2] 21/16 61/11<br/>portion [1] 45/9<br/>portrayed [1] 65/11<br/>position [5] 52/17 55/5 86/13 88/23<br/>91/21<br/>positive [3] 17/21 57/12 88/5<br/>possession [1] 50/9<br/>possible [2] 19/13 24/9<br/>possibly [1] 65/21<br/>post [5] 19/21 20/2 20/5 20/5 28/13<br/>posted [3] 8/3 20/7 40/8<br/>posts [1] 28/10<br/>pow [3] 73/5 73/7 73/7<br/>pow-wow [3] 73/5 73/7 73/7<br/>powers [2] 9/4 60/8<br/>PR [1] 24/2<br/>practice [1] 25/18<br/>prayer [1] 6/19<br/>precedent [2] 26/1 78/16<br/>prefer [1] 25/4<br/>preference [1] 25/8<br/>present [7] 5/24 19/8 59/17 59/24 66/22<br/>77/9 87/6<br/>presentation [3] 18/9 18/16 77/7<br/>presented [11] 6/11 10/18 21/8 24/16<br/>69/9 69/25 70/24 71/8 77/17 94/22<br/>95/23<br/>presenting [1] 7/13<br/>presents [1] 86/23<br/>president [3] 14/8 23/6 23/10<br/>presiding [1] 5/12<br/>pretty [3] 21/16 72/12 74/10<br/>prevented [1] 84/16<br/>previous [3] 12/19 62/8 86/8<br/>previously [1] 38/20<br/>price [3] 22/21 22/25 23/19<br/>prices [1] 22/20<br/>primarily [1] 34/9<br/>primary [3] 8/23 9/6 82/21<br/>prior [8] 12/16 16/7 28/1 30/10 33/20<br/>43/24 75/5 83/9<br/>prize [2] 52/1 75/18<br/>probably [6] 13/2 32/8 63/25 71/3 74/25<br/>91/11<br/>problem [1] 77/22</p> |
|---|---|--|

|   |  |   |
|---|--|---|
| <p><b>P</b></p> <p>problematic [1] 77/12<br/> procedure [4] 5/9 7/15 8/12 8/17<br/> procedures [1] 8/22<br/> proceeded [1] 45/16<br/> proceeding [1] 93/3<br/> proceedings [3] 6/17 96/5 96/9<br/> process [7] 5/10 6/16 78/12 80/22 84/9 84/24 85/14<br/> profession [2] 86/14 87/2<br/> professional [2] 26/12 86/15<br/> program [5] 88/20 89/12 89/14 89/15 90/17<br/> prohibited [1] 18/10<br/> prohibition [1] 9/13<br/> promise [1] 61/15<br/> promised [1] 94/18<br/> promote [1] 86/17<br/> propaganda [1] 24/1<br/> propriety [1] 28/24<br/> protect [1] 5/18<br/> protesters [1] 23/8<br/> provide [17] 7/15 15/11 16/3 16/14 18/19 18/20 18/24 23/20 24/5 24/9 35/17 37/13 38/10 44/22 56/16 56/17 87/21<br/> provided [19] 6/17 8/1 8/8 8/18 8/19 8/21 15/19 16/5 18/5 25/1 26/25 27/23 51/15 58/16 77/10 87/3 87/6 87/22 88/10<br/> provides [4] 5/10 7/17 8/14 37/16<br/> providing [2] 56/24 78/19<br/> Provo [1] 62/23<br/> public [4] 6/15 23/21 26/12 63/19<br/> pull [4] 64/7 66/13 67/8 88/20<br/> purpose [9] 5/5 7/14 16/9 34/5 34/6 41/15 75/3 76/6 80/6<br/> pursuant [3] 8/6 8/20 60/6<br/> put [18] 15/24 32/9 44/7 52/1 60/17 65/20 65/21 66/11 66/22 71/2 75/17 76/12 82/15 83/17 89/13 91/2 93/16 94/1<br/> puts [1] 89/15<br/> putting [1] 19/15</p> | <p>46/3 62/23 63/3 63/4 83/23 84/2<br/> reading [5] 19/11 19/23 20/5 83/24 90/20<br/> ready [1] 64/1<br/> real [3] 20/9 20/10 37/19<br/> realize [1] 76/7<br/> really [19] 19/17 30/18 30/22 30/23 31/14 31/17 46/10 74/8 89/24 90/7 91/20 92/24 93/6 93/8 93/9 93/11 93/14 93/14 93/25<br/> reason [4] 19/18 44/23 48/20 71/25<br/> reasonable [1] 28/19<br/> reasonably [2] 9/17 28/17<br/> recall [8] 18/3 18/8 18/12 58/22 59/10 59/20 67/21 85/5<br/> receipt [1] 12/10<br/> receive [11] 9/14 31/23 32/11 34/14 37/4 46/24 49/22 49/25 58/2 59/21 70/18<br/> received [17] 6/23 11/18 18/21 32/5 32/15 32/16 33/13 37/3 44/13 51/18 52/25 54/2 56/7 57/18 58/3 58/10 86/22<br/> receiving [5] 32/11 41/12 52/20 57/5 57/20<br/> reckless [1] 25/22<br/> recognize [6] 11/24 12/8 14/3 14/22 19/10 58/12<br/> record [9] 11/3 11/5 14/7 31/22 77/1 77/10 78/23 92/7 94/21<br/> recording [2] 6/6 6/7<br/> records [1] 90/17<br/> recusing [1] 77/15<br/> REDIRECT [4] 45/19 51/12 85/24 92/25<br/> Redskin [1] 32/10<br/> Redskins [62] 11/8 12/15 12/22 13/8 13/9 14/9 15/5 15/11 16/2 16/3 19/16 20/1 20/20 21/24 22/7 22/13 22/21 23/7 23/13 23/16 23/20 23/22 24/1 24/3 27/20 29/1 29/8 31/1 31/4 31/23 32/22 36/8 36/11 36/14 36/17 38/18 38/18 39/6 39/18 39/21 40/15 40/25 41/9 42/8 42/24 43/8 43/22 44/11 45/23 47/22 49/2 50/1 50/16 50/24 51/6 51/21 52/21 53/6 53/10 53/16 55/8 58/14<br/> refer [4] 22/10 22/18 24/24 85/16<br/> reference [1] 19/16<br/> referenced [1] 82/23<br/> referred [1] 80/24<br/> referring [2] 14/20 65/7<br/> refers [1] 95/10<br/> reflect [2] 10/1 14/7<br/> reflected [1] 65/12<br/> refusing [1] 69/5<br/> regarding [7] 27/19 60/24 68/3 72/21 92/17 92/21 92/21<br/> regards [6] 36/8 38/17 38/24 39/18 74/13 75/4<br/> regional [1] 31/13<br/> register [1] 92/16<br/> regular [3] 22/21 25/1 61/9<br/> reimbursement [1] 11/20<br/> reinstated [2] 27/7 73/8<br/> reiterated [1] 41/4<br/> reiterating [1] 78/8<br/> relate [1] 44/8<br/> related [1] 45/22<br/> relationship [2] 90/3 90/5<br/> relevant [3] 45/9 68/10 79/20<br/> remarks [5] 68/2 72/7 75/3 76/7 94/17<br/> remember [4] 18/25 55/25 59/24 92/11<br/> removal [10] 6/14 7/21 8/18 69/17 78/17 79/17 81/5 82/8 82/12 82/15<br/> remove [3] 6/5 8/15 83/3</p> | <p>removed [4] 69/13 82/18 83/6 87/25<br/> replace [1] 82/10<br/> report [14] 12/18 13/13 13/16 19/4 25/1 41/8 42/12 42/17 43/2 43/11 43/12 43/19 60/12 67/5<br/> reported [2] 41/8 96/9<br/> reporter [8] 11/4 13/21 47/14 49/18 52/15 55/3 79/10 96/7<br/> represent [1] 5/14<br/> representation [1] 89/23<br/> representative [1] 89/3<br/> representatives [1] 55/14<br/> representing [1] 25/18<br/> reputation [1] 86/15<br/> request [13] 12/21 18/6 22/6 42/7 43/2 44/16 44/21 50/24 51/1 51/10 58/8 58/9 72/18<br/> requested [2] 42/15 58/15<br/> requesting [1] 68/11<br/> required [6] 26/10 36/21 45/23 46/5 53/6 53/7<br/> requirement [1] 28/5<br/> requirements [1] 68/5<br/> requires [1] 8/17<br/> research [3] 19/24 40/12 40/16<br/> reservations [2] 17/15 17/24<br/> reside [2] 50/10 50/11<br/> RESIDING [1] 96/7<br/> resistance [1] 74/12<br/> resolution [12] 6/23 43/7 43/10 43/13 43/17 45/24 46/6 54/12 59/6 79/15 79/16 79/17<br/> respond [5] 6/1 24/10 76/22 87/5 87/8<br/> response [2] 30/4 30/17<br/> responses [1] 94/22<br/> responsibilities [1] 10/12<br/> responsible [1] 46/25<br/> restrictions [3] 9/5 9/7 60/8<br/> rests [2] 77/12 77/19<br/> resulted [1] 87/25<br/> return [2] 21/10 24/11<br/> review [3] 54/15 92/16 92/16<br/> RG3 [3] 22/7 22/13 31/7<br/> right [31] 7/3 8/6 10/20 13/22 16/20 19/12 31/22 32/20 32/21 33/19 35/8 35/13 37/7 37/22 38/15 38/23 40/17 43/5 49/6 50/14 51/24 57/22 69/2 69/14 69/16 70/4 71/6 71/9 79/1 92/11 95/14<br/> Robb [8] 32/25 44/4 44/9 54/21 54/22 55/4 57/25 59/9<br/> robbed [1] 35/23<br/> Robert [4] 6/25 7/4 7/6 77/16<br/> robust [1] 26/22<br/> rock [1] 38/21<br/> Rollo [4] 52/4 52/6 52/16 54/7<br/> room [2] 6/8 62/9<br/> rooms [1] 18/19<br/> roundtable [2] 43/25 44/2<br/> row [1] 89/22<br/> rules [1] 6/9<br/> rush [1] 24/10<br/> RUSSEL [2] 96/6 96/16</p> |
| <p><b>Q</b></p> <p>qualifications [1] 91/21<br/> quality [2] 21/17 61/11<br/> quantum [1] 20/10<br/> question [16] 11/18 39/20 41/15 43/21 45/4 49/1 50/14 50/23 51/14 54/7 64/20 67/20 72/8 78/3 85/4 86/2<br/> questions [32] 10/20 21/2 21/3 24/11 27/22 40/18 40/20 42/6 42/11 45/18 45/21 47/5 49/7 49/8 50/20 51/11 52/24 54/19 57/25 59/9 59/11 61/21 64/13 76/17 81/15 85/23 87/15 90/2 91/2 91/20 92/21 92/23<br/> quick [10] 45/21 46/10 61/13 61/15 61/16 86/2 87/15 90/2 92/24 95/3<br/> quickly [1] 76/20<br/> quite [2] 39/8 68/6<br/> quote [1] 73/11</p>  | <p><b>R</b></p> <p>racist [1] 23/8<br/> raise [1] 91/20<br/> raised [1] 46/21<br/> ran [1] 95/10<br/> ranges [1] 22/14<br/> reach [3] 17/11 17/23 24/4<br/> reaching [1] 34/7<br/> read [11] 10/16 19/13 19/23 40/1 43/1</p>   | <p><b>S</b></p> <p>safety [1] 5/18<br/> said [87] 12/14 17/25 22/5 30/16 30/18 30/20 31/1 31/5 31/6 32/14 34/19 35/1 35/16 37/12 38/20 39/1 39/10 40/4 41/20 42/1 42/13 44/24 46/23 53/16 56/10 56/11 62/11 62/14 62/16 62/19 63/7 63/7 63/8 63/8 63/9 63/12 63/14 63/16 63/19 63/20 63/21 63/25 64/2 64/23 64/24 65/3 65/4 65/17 65/20 66/3</p>  |

|  |  |   |
|--|--|---|
| <p>S</p> <p>said... [37] 66/6 66/11 66/15 66/17 66/21 67/8 67/10 68/11 68/22 71/18 72/4 73/2 73/10 73/10 73/17 73/20 74/15 74/22 74/23 75/6 75/11 75/18 76/9 79/2 82/12 82/14 83/10 83/15 83/25 85/18 89/2 89/5 89/16 94/6 94/6 95/10 96/12</p> <p>Salt [2] 12/11 22/25</p> <p>same [3] 32/18 75/12 85/12</p> <p>San [1] 30/15</p> <p>sanction [4] 6/13 6/14 7/20 7/24</p> <p>sanctioned [1] 5/6</p> <p>sat [1] 15/21</p> <p>save [1] 24/7</p> <p>Sawyer [1] 67/5</p> <p>say [35] 13/3 15/14 17/19 19/24 19/25 20/9 22/4 27/25 28/16 29/14 34/17 36/1 36/3 37/23 40/6 40/7 43/12 46/20 56/9 64/11 64/11 72/11 72/11 72/16 72/20 73/7 76/6 80/20 81/23 83/25 88/11 91/13 91/19 93/12 93/23</p> <p>sayers [1] 19/25</p> <p>saying [9] 39/4 43/17 57/19 63/10 69/15 71/15 87/1 90/9 93/4</p> <p>says [32] 18/16 19/14 19/23 25/1 30/12 30/19 30/22 31/3 31/12 31/14 31/17 34/22 46/22 51/20 51/24 64/21 64/22 66/1 66/12 66/19 71/24 72/4 75/14 75/14 75/16 83/12 83/12 88/17 89/6 89/8 89/11 90/24</p> <p>schedule [1] 22/20</p> <p>scholarships [2] 16/14 17/2</p> <p>school [7] 17/11 17/12 17/12 17/20 17/24 89/18 89/22</p> <p>seat [1] 21/10</p> <p>seats [1] 22/22</p> <p>Seattle [1] 87/12</p> <p>second [5] 7/7 7/8 7/9 24/18 57/17</p> <p>seconded [1] 59/22</p> <p>secretary [3] 63/24 64/6 72/14</p> <p>section [11] 5/9 7/16 7/17 8/6 8/13 8/20 9/19 9/19 9/22 10/14 60/10</p> <p>Section 3 [1] 9/19</p> <p>secured [1] 5/21</p> <p>security [1] 6/5</p> <p>see [6] 19/12 20/8 30/3 46/20 89/13 90/21</p> <p>seek [2] 28/16 29/4</p> <p>seeked [1] 68/14</p> <p>seeks [2] 24/1 27/25</p> <p>seem [2] 57/4 57/5</p> <p>selected [1] 47/2</p> <p>self [3] 27/3 95/15 95/16</p> <p>self-govern [1] 95/16</p> <p>self-government [2] 27/3 95/15</p> <p>send [4] 32/1 32/2 50/2 50/4</p> <p>sending [2] 78/17 84/15</p> <p>senior [1] 79/14</p> <p>sent [7] 56/18 58/17 77/25 78/2 83/9 83/14 83/24</p> <p>separate [4] 20/3 23/5 48/16 48/22</p> <p>separately [1] 21/7</p> <p>September [18] 11/12 11/23 11/23 15/5 18/4 33/25 34/3 34/4 41/1 41/17 42/8 42/18 42/21 43/23 47/23 61/9 64/18 65/8</p> <p>September 16th [1] 18/4</p> <p>September 1st [1] 65/8</p> <p>September 24th [1] 11/23</p> <p>September 25th [5] 15/5 42/8 42/18 43/23 47/23</p> | <p>September 27th [1] 11/23</p> <p>September 4th [1] 61/9</p> <p>September one [1] 41/1</p> <p>servants [1] 26/13</p> <p>serve [1] 10/5</p> <p>service [1] 9/15</p> <p>session [3] 21/12 21/15 21/23</p> <p>set [11] 22/3 27/18 27/18 28/11 28/15 28/24 31/22 71/12 72/15 78/16 96/13</p> <p>setting [5] 26/4 27/21 29/13 69/13 95/8</p> <p>seventh [1] 18/22</p> <p>several [2] 56/11 89/1</p> <p>shall [9] 7/18 9/4 9/13 9/23 9/25 10/3 10/7 10/11 60/7</p> <p>shape [4] 35/20 39/2 42/16 73/14</p> <p>share [1] 39/24</p> <p>she [97]</p> <p>she's [8] 14/12 47/17 49/4 49/21 87/6 88/8 88/18 89/9</p> <p>Shelly [1] 23/10</p> <p>Shirley [3] 88/2 88/16 89/8</p> <p>shoes [1] 95/4</p> <p>short [2] 61/17 89/4</p> <p>SHORTHAND [1] 96/6</p> <p>should [16] 5/6 18/13 19/1 27/12 27/13 35/10 40/9 40/15 56/25 57/1 68/17 78/4 82/13 83/4 83/5 95/20</p> <p>shouldn't [3] 40/10 40/11 78/11</p> <p>show [1] 29/19</p> <p>showing [5] 12/10 22/13 22/20 22/24 22/25</p> <p>side [1] 61/23</p> <p>sidelines [1] 15/18</p> <p>sides [1] 6/1</p> <p>sign [9] 28/9 36/2 36/3 36/7 59/1 73/23 74/3 83/13 83/17</p> <p>signed [4] 31/23 51/22 66/18 74/1</p> <p>signing [1] 28/5</p> <p>silence [2] 6/20 6/21</p> <p>Silversmith [2] 88/2 88/16</p> <p>Silversmith's [1] 88/6</p> <p>Silvis [1] 59/22</p> <p>simply [8] 26/14 53/20 68/20 69/14 78/5 78/8 78/20 81/9</p> <p>since [4] 56/11 57/19 83/23 89/8</p> <p>single [1] 78/17</p> <p>sister [4] 66/19 66/24 73/23 74/3</p> <p>sisters [1] 88/25</p> <p>sit [5] 23/12 40/19 93/10 94/14 95/12</p> <p>sits [1] 94/11</p> <p>sitting [4] 7/1 13/21 93/16 94/14</p> <p>situation [5] 17/13 17/17 75/16 75/22 81/9</p> <p>six [1] 45/8</p> <p>sixth [1] 86/10</p> <p>sixth charge [1] 86/10</p> <p>slammed [1] 89/1</p> <p>slides [2] 18/8 18/12</p> <p>slim [1] 90/9</p> <p>Slur [1] 23/19</p> <p>Snyder [1] 35/24</p> <p>Snyder's [1] 24/2</p> <p>so [171]</p> <p>soccer [1] 37/19</p> <p>solemn [1] 27/1</p> <p>solicit [1] 9/13</p> <p>some [15] 13/4 23/24 24/11 29/16 48/2 53/3 56/10 60/22 62/15 76/25 79/25 89/24 91/1 91/20 94/17</p> <p>something [3] 19/15 28/11 68/18</p> <p>something [5] 16/18 75/24 77/5 88/11 95/20</p> <p>sometime [1] 64/1</p> | <p>somewhere [1] 13/3</p> <p>son [6] 15/8 15/17 31/4 32/1 32/2 32/15</p> <p>son-in-law [3] 15/17 31/4 32/15</p> <p>soon [2] 79/2 80/23</p> <p>sorry [4] 13/18 14/2 25/7 92/24</p> <p>sort [5] 13/4 19/11 22/11 77/11 94/17</p> <p>Sovereignty [2] 27/3 27/9</p> <p>space [2] 12/5 86/9</p> <p>speak [3] 6/18 80/17 89/7</p> <p>speaker [2] 87/25 89/6</p> <p>speakers [2] 21/18 88/6</p> <p>speaks [1] 86/23</p> <p>special [1] 10/5</p> <p>specialize [1] 25/17</p> <p>specific [2] 79/20 85/10</p> <p>specifically [5] 18/9 18/25 34/2 34/21 80/17</p> <p>spoken [1] 57/19</p> <p>spread [1] 30/13</p> <p>Sr [2] 7/1 7/4</p> <p>staff [3] 5/18 5/20 86/20</p> <p>stand [6] 10/19 10/20 24/12 29/20 61/21 86/10</p> <p>standard [6] 26/4 28/11 28/14 28/24 29/13 69/12</p> <p>standards [8] 8/25 9/22 9/24 24/21 27/17 27/18 27/21 95/8</p> <p>standing [1] 14/15</p> <p>start [6] 17/12 30/3 60/12 69/18 69/24 87/14</p> <p>state [15] 9/20 9/23 11/3 16/17 27/10 33/3 33/3 46/3 47/13 49/17 52/14 55/2 79/9 96/3 96/7</p> <p>state-by-state [1] 33/3</p> <p>stated [3] 18/9 67/1 77/7</p> <p>statements [2] 60/24 95/3</p> <p>states [11] 9/13 11/22 16/12 16/16 27/10 39/23 60/7 60/15 63/5 88/3 90/15</p> <p>stating [1] 58/10</p> <p>status [1] 27/4</p> <p>stayed [1] 32/8</p> <p>Ste [1] 2/5</p> <p>stems [1] 74/10</p> <p>STENOTYPE [1] 96/9</p> <p>step [4] 35/11 52/3 59/9 94/15</p> <p>Stephanie [10] 2/4 7/12 39/11 63/17 71/21 72/4 83/8 83/10 83/15 84/10</p> <p>stepped [1] 52/5</p> <p>steps [1] 29/3</p> <p>still [6] 17/20 45/1 69/11 74/23 83/24 95/19</p> <p>stipend [1] 94/8</p> <p>straight [1] 31/22</p> <p>Street [1] 2/5</p> <p>stress [1] 93/9</p> <p>strings [3] 53/5 53/13 53/15</p> <p>strongarm [2] 64/22 75/1</p> <p>strongarmed [1] 71/18</p> <p>strongly [1] 95/20</p> <p>struggle [1] 17/20</p> <p>stuff [9] 16/16 17/6 17/21 18/24 20/14 34/8 37/14 83/16 83/17</p> <p>subject [1] 5/12</p> <p>subjected [1] 65/13</p> <p>submit [1] 11/13</p> <p>successful [1] 89/25</p> <p>such [4] 9/4 9/17 22/12 60/8</p> <p>suggested [1] 71/25</p> <p>suggestion [1] 65/6</p> <p>suggestions [1] 89/14</p> <p>suite [1] 15/24</p> <p>Summit [5] 18/18 37/16 37/24 88/1 88/15</p> |
|--|--|---|

|  |  |   |
|--|--|---|
| <p><b>S</b></p> <p>support [12] 8/1 16/14 19/18 19/18 20/1 23/21 36/2 36/4 53/6 53/10 95/19 95/20 supported [1] 36/18 supporting [1] 5/24 supportive [1] 88/5 supports [1] 39/6 sure [18] 18/20 24/14 27/8 39/13 46/22 53/9 64/5 65/24 69/2 72/11 72/12 75/23 77/25 83/23 84/3 84/13 84/21 84/23 surprised [2] 19/25 20/11 surrounding [1] 20/20 survey [3] 55/22 55/23 56/6 susceptible [1] 77/22</p>   | <p>61/7 61/10 62/22 64/16 64/19 65/18 67/10 68/12 69/3 69/16 73/19 74/9 74/10 74/15 75/12 76/3 76/4 76/12 76/18 81/13 82/23 84/10 84/13 90/9 90/18 92/11 93/19 94/2 94/21 94/21 their [90] 6/24 7/1 9/15 9/25 10/5 10/11 15/8 15/11 15/14 15/19 16/16 17/24 19/23 20/18 22/1 24/3 26/14 26/15 26/17 28/12 35/4 35/4 37/14 39/24 40/11 40/13 40/16 40/16 50/3 50/4 50/16 53/10 68/3 68/18 78/20 83/1 83/22 84/20 84/24 90/17 them [59] 8/9 11/16 13/14 17/13 19/5 19/6 20/17 21/7 24/5 30/12 30/15 30/21 31/16 31/16 31/17 31/18 32/1 32/2 32/23 33/14 33/18 34/18 36/17 36/18 38/6 38/8 39/2 41/16 41/20 41/24 42/2 42/2 42/17 43/5 45/2 46/8 46/24 53/9 57/6 64/3 65/11 65/11 66/25 73/18 73/19 74/7 75/6 75/21 75/22 77/4 78/12 82/15 90/15 90/17 91/1 91/5 93/15 93/17 94/8 themselves [1] 40/8 then [56] 5/25 13/4 19/24 22/4 30/12 33/7 35/2 35/20 38/21 39/24 42/14 43/11 43/11 46/2 46/17 46/21 46/22 47/1 49/22 56/20 61/14 61/21 62/11 63/5 63/8 63/11 63/17 63/19 64/23 65/1 66/4 66/16 66/25 66/25 71/23 72/4 73/23 74/2 74/18 74/22 75/1 75/7 75/18 80/3 83/8 83/12 83/13 83/17 87/8 89/4 89/4 90/20 93/14 93/16 93/24 94/7 there [100] there's [1] 84/1 THEREAFTER [1] 96/10 thereby [1] 9/18 therefore [1] 58/15 these [25] 8/10 9/1 18/17 19/25 21/14 24/19 27/23 27/25 28/16 28/19 34/15 35/15 38/16 39/9 40/4 52/25 53/20 69/8 72/23 82/20 83/3 84/23 93/10 95/6 95/7 they [177] thing [8] 12/7 31/5 31/8 31/21 45/14 53/8 57/10 65/14 things [10] 9/4 9/12 17/6 24/10 35/21 48/12 53/1 62/16 72/23 76/11 think [54] 11/12 12/7 12/25 13/18 20/10 20/21 20/25 24/7 24/8 25/3 27/13 30/22 31/7 35/14 35/16 35/23 37/2 37/18 37/20 38/20 39/22 40/2 40/9 40/15 42/25 45/8 45/13 48/20 52/2 56/8 56/20 57/5 57/11 57/18 68/7 69/3 69/6 69/8 70/14 70/23 70/25 71/2 75/20 81/8 89/23 90/7 91/1 91/17 92/19 92/20 93/6 93/25 95/15 95/20 third [3] 11/12 24/18 46/23 this [174] Thomas [1] 2/4 those [20] 10/14 10/16 20/9 20/9 24/6 27/1 27/8 27/11 30/17 30/21 38/4 45/1 46/15 54/1 54/13 76/6 82/10 92/16 92/17 95/13 though [3] 29/1 38/2 64/13 thought [5] 25/7 31/20 35/18 60/17 73/22 threaten [1] 26/19 three [16] 10/16 21/6 25/10 27/19 27/21 27/22 27/23 31/11 41/12 44/17 46/11 46/12 46/14 53/25 54/1 60/3 threw [1] 32/3 through [16] 7/25 8/9 9/9 22/15 29/10 31/3 35/22 38/5 63/1 71/3 76/21 89/18 89/22 89/22 90/21 94/12</p> | <p>throughout [1] 8/13 throw [1] 30/16 throwing [2] 16/12 31/9 Thursday [1] 25/2 ticket [3] 22/21 37/9 37/11 tickets [9] 15/19 16/4 19/2 23/17 24/5 24/19 38/4 38/11 48/2 ties [1] 47/1 time [46] 13/2 14/6 21/2 24/9 30/14 31/10 32/18 34/20 34/25 37/6 38/16 39/1 41/14 42/25 43/12 43/20 46/2 47/7 47/20 56/22 57/12 62/24 63/4 63/25 64/24 65/2 66/21 67/21 70/5 72/21 73/8 76/19 79/19 79/25 82/7 84/3 85/12 86/8 87/4 87/5 88/22 89/2 89/4 90/2 91/9 92/20 timeline [1] 65/7 times [3] 21/9 23/18 39/13 title [5] 52/25 53/15 86/15 91/10 91/10 today [18] 7/19 25/19 25/21 25/25 26/4 26/18 26/24 27/8 27/13 27/19 28/11 28/24 29/13 44/13 87/11 95/1 95/1 95/4 together [9] 21/7 21/9 66/22 76/12 78/21 88/21 89/14 89/15 95/6 told [30] 12/24 17/13 21/25 30/12 30/15 32/5 33/4 33/11 38/5 38/8 39/11 42/9 43/9 43/14 63/11 63/12 64/3 64/16 65/2 66/12 67/5 67/17 71/22 71/23 73/19 75/6 75/18 83/10 83/14 89/8 tolerated [1] 6/4 Tom [8] 5/14 34/21 46/21 79/18 82/25 83/19 84/6 85/18 too [5] 22/6 46/19 48/25 60/17 81/2 took [13] 28/17 33/10 34/1 37/4 38/16 40/24 45/23 63/13 66/6 78/13 78/23 81/9 91/9 topic [3] 19/17 20/15 29/2 total [2] 22/25 44/17 town [1] 92/3 trademark [1] 23/23 Trail [2] 73/7 73/7 training [1] 18/5 TRANSCRIBED [2] 96/10 96/12 transcript [2] 6/7 11/6 TRANSCRIPTION [1] 96/11 transferring [1] 53/17 transportation [2] 31/20 56/12 transporting [2] 30/19 30/20 travel [4] 11/14 11/20 15/12 19/6 treasured [1] 27/13 tree [2] 95/11 95/12 tribal [182] tribe [70] 1/2 5/10 5/19 10/2 10/4 10/6 11/14 12/2 18/1 26/8 26/14 27/4 27/7 28/1 28/10 29/7 29/12 29/14 29/15 29/17 29/18 29/19 30/13 30/14 30/15 30/18 30/23 31/15 32/25 33/16 34/19 35/10 36/8 36/11 37/3 39/5 41/12 44/18 44/23 45/2 47/1 52/17 52/20 52/25 53/10 53/16 55/5 55/8 55/11 55/22 56/12 56/14 57/4 58/2 58/16 61/2 73/8 73/9 75/10 78/14 86/18 89/3 89/20 89/24 94/5 94/10 94/13 94/24 95/13 95/17 Tribe's [4] 7/16 9/10 29/7 52/18 tribes [6] 23/20 30/18 33/2 33/3 44/25 56/11 trip [20] 11/14 12/4 13/7 33/20 34/1 34/3 34/5 34/11 36/22 36/25 37/4 39/12 40/24 41/3 41/5 41/6 45/22 45/23 45/24 46/6 trips [4] 33/23 34/15 35/7 38/16 TRUE [1] 96/11</p> |
| <p><b>T</b></p> <p>take [22] 10/3 10/19 20/8 23/2 24/6 26/24 28/14 29/20 33/23 35/11 36/22 37/18 38/24 46/6 46/25 55/21 55/23 72/18 84/6 85/8 88/19 94/16 taken [14] 6/21 14/13 28/21 28/23 29/3 35/6 37/5 39/17 41/3 73/11 83/2 95/6 96/6 96/12 takes [3] 24/1 77/22 77/23 taking [3] 34/15 39/12 61/20 talent [1] 75/11 talented [1] 62/18 talk [5] 13/23 25/15 25/20 27/17 80/24 talked [13] 16/10 17/3 17/4 17/4 17/7 17/7 34/8 38/25 39/7 77/19 83/16 84/20 88/22 talking [4] 69/24 82/7 90/18 90/20 Tami [12] 60/23 62/22 63/15 63/18 63/20 63/25 65/25 66/1 68/23 68/24 70/21 74/15 tarnished [1] 27/12 team [3] 24/1 24/2 29/7 teams [1] 16/14 tell [14] 11/11 31/18 33/12 34/23 41/20 42/2 42/2 46/1 46/24 75/2 76/10 93/15 93/17 94/8 telling [3] 33/1 43/5 87/1 tenor [1] 91/19 tentative [9] 13/1 19/4 35/5 39/10 42/12 42/17 43/2 43/10 46/3 tentatively [1] 42/10 term [2] 11/9 28/2 terminated [1] 27/7 terms [4] 10/14 52/25 76/23 88/3 testified [4] 40/24 67/7 68/13 70/14 testifies [12] 10/25 29/23 47/10 49/14 52/8 54/24 59/14 62/1 69/21 79/6 81/20 87/18 testimony [6] 24/16 40/21 41/22 58/19 67/4 96/12 Texas [1] 31/13 than [12] 15/4 16/4 37/15 37/20 41/23 48/21 62/15 66/1 73/7 77/9 78/1 90/8 thank [35] 18/3 20/2 25/12 31/18 33/12 40/17 40/18 41/20 42/3 42/22 45/4 47/4 49/6 49/10 50/19 52/2 52/3 54/4 54/19 57/22 58/19 59/8 59/9 60/2 76/16 76/18 77/11 77/18 79/24 81/14 81/16 86/6 91/24 92/19 95/24 Thanks [1] 52/14 that [563] that's [67] 8/12 12/7 13/20 14/11 15/17 17/21 19/4 20/12 22/17 24/13 25/6 25/7 25/8 25/15 26/24 28/14 29/19 30/25 31/6 33/8 33/13 33/14 34/9 35/2 35/8 39/17 41/18 42/12 44/24 46/21 47/2 47/20 48/18 51/25 53/21 53/24 60/25</p> |  |   |

|  |   |   |
|--|---|---|
| <p><b>T</b></p> <p>try [5] 17/10 24/10 33/3 33/11 76/20<br/> trying [11] 16/11 16/13 16/17 17/5 17/22<br/> 33/2 78/5 78/5 79/24 81/9 93/9<br/> turn [6] 7/10 24/1 24/22 33/4 82/5 87/7<br/> turned [2] 6/9 86/3<br/> Twenty [1] 47/19<br/> Twenty-eight [1] 47/19<br/> twice [1] 41/24<br/> two [26] 15/8 29/11 30/17 30/21 31/15<br/> 44/15 44/25 45/1 45/21 48/11 54/2<br/> 57/20 63/2 64/13 69/7 69/8 76/21 78/11<br/> 78/24 82/8 82/10 82/13 82/17 82/21<br/> 90/13 93/18<br/> TYPEWRITING [1] 96/11</p>   | <p>68/16 69/3 69/8 89/9 90/9 95/2 95/23<br/> 95/23<br/> vice [4] 5/14 6/24 7/1 7/2<br/> vice-chair [4] 5/14 6/24 7/1 7/2<br/> vile [1] 24/1<br/> violated [1] 8/24<br/> violation [3] 10/12 24/19 69/17<br/> violations [1] 94/23<br/> VIP [1] 23/7<br/> virtue [2] 68/16 68/17<br/> voice [1] 44/12<br/> vote [9] 5/13 8/14 9/17 28/18 28/20<br/> 28/21 28/22 39/5 39/17<br/> voted [1] 59/24</p>  | <p>54/2 54/3 64/6 75/6 75/6 75/20 75/22<br/> were [74] 11/13 14/11 15/18 15/23<br/> 15/23 15/25 16/4 16/12 17/8 17/22<br/> 18/10 25/7 27/5 30/10 33/4 33/8 33/8<br/> 33/21 34/6 34/7 34/11 34/12 37/5 38/16<br/> 39/4 41/14 43/24 44/6 46/11 52/20 53/3<br/> 53/5 53/6 53/7 53/8 53/9 53/12 53/14<br/> 53/17 53/25 55/7 56/16 57/16 58/15<br/> 59/17 62/13 64/14 68/9 69/2 70/3 70/12<br/> 71/12 71/14 71/16 73/17 73/25 74/6<br/> 74/8 78/7 81/9 81/10 81/12 81/13 82/7<br/> 82/9 82/18 82/21 83/6 89/4 90/12 90/14<br/> 91/17 96/5 96/9<br/> weren't [2] 38/13 45/5</p>   |
| <p><b>U</b></p> <p>ultimate [1] 40/6<br/> ultimately [2] 53/12 57/9<br/> Um [1] 48/6<br/> Um-hmm [1] 48/6<br/> unanimous [1] 85/15<br/> unanimously [1] 61/7<br/> uncertain [1] 88/3<br/> under [6] 9/2 26/8 38/21 53/22 94/16<br/> 95/12<br/> understand [3] 13/22 30/7 30/8<br/> understanding [5] 9/16 51/4 53/22 82/4<br/> 82/19<br/> unfortunate [2] 68/7 72/22<br/> United [5] 16/12 16/16 27/9 39/23 90/15<br/> Unless [1] 25/13<br/> unreasonable [1] 26/9<br/> unreasonably [1] 26/8<br/> unsigned [1] 69/10<br/> until [3] 33/18 69/15 83/17<br/> up [21] 12/13 15/24 16/1 22/3 22/14<br/> 27/8 35/9 36/7 37/3 38/4 39/4 40/20<br/> 43/22 48/2 48/10 54/1 57/25 64/7 72/15<br/> 73/16 80/10<br/> uphold [1] 78/14<br/> upset [1] 73/17<br/> upsets [1] 93/14<br/> us [13] 14/13 15/24 16/13 16/19 18/16<br/> 18/19 33/1 33/4 36/1 36/2 36/4 37/18<br/> 86/9<br/> use [17] 20/20 23/22 44/5 50/7 53/10<br/> 63/7 63/11 63/22 64/4 64/5 67/6 71/19<br/> 72/12 73/6 74/13 86/9 91/9<br/> used [7] 10/14 63/5 63/10 71/17 72/16<br/> 73/4 74/7<br/> using [6] 63/6 63/9 63/10 64/3 71/19<br/> 86/15<br/> Utah [9] 1/14 5/10 25/17 27/10 33/2<br/> 96/3 96/7 96/8 96/17<br/> Utah's [1] 33/4<br/> Ute [1] 30/14</p> | <p><b>W</b></p> <p>wagons [1] 40/12<br/> wait [1] 21/5<br/> waiting [2] 30/22 69/15<br/> walking [1] 44/24<br/> want [31] 11/5 21/3 21/5 21/9 24/9<br/> 25/13 25/15 25/20 27/17 28/15 37/7<br/> 40/2 46/2 46/22 48/10 48/21 48/24<br/> 53/19 64/21 69/14 70/23 71/8 71/10<br/> 77/15 88/9 90/1 93/15 93/23 94/7 95/3<br/> 95/12<br/> wanted [21] 21/18 22/2 22/5 31/18 45/6<br/> 45/14 48/3 48/7 53/8 56/17 63/6 65/24<br/> 68/21 69/2 72/10 72/10 84/8 84/19<br/> 84/21 95/11 95/11<br/> wants [2] 48/24 63/15<br/> was [225]<br/> Washing [1] 21/24<br/> Washington [48] 11/23 13/8 13/9 14/8<br/> 19/16 20/1 22/2 22/7 22/13 22/21 23/7<br/> 23/12 23/19 24/3 27/20 28/25 29/8 31/1<br/> 31/4 31/11 31/23 32/4 32/22 36/8 36/11<br/> 36/13 36/16 38/18 38/18 39/21 40/14<br/> 40/25 41/9 42/23 43/8 44/10 44/15<br/> 45/22 49/2 50/1 50/16 50/24 51/20<br/> 52/21 55/8 58/14 96/4 96/8<br/> wasn't [18] 13/5 16/23 21/21 22/6 33/15<br/> 41/25 48/8 51/10 52/4 62/21 64/8 65/25<br/> 70/22 73/3 74/1 83/4 89/2 92/6<br/> watch [1] 6/16<br/> way [30] 11/16 26/17 29/16 31/3 34/16<br/> 35/19 35/23 36/4 39/2 40/1 42/12 42/13<br/> 42/16 43/16 44/19 48/17 48/23 53/7<br/> 53/10 53/22 57/12 58/22 65/19 69/3<br/> 71/25 73/14 78/5 84/15 89/20 92/3<br/> ways [1] 73/6<br/> we [102]<br/> we'll [8] 7/10 20/4 21/17 44/17 46/8<br/> 46/23 60/4 87/14<br/> we've [1] 89/8<br/> wearing [3] 93/18 93/18 93/19<br/> Webb [3] 31/12 44/9 58/17<br/> webinar [7] 90/14 92/2 92/5 92/6 92/7<br/> 92/9 92/17<br/> website [1] 8/3<br/> week [5] 11/12 18/3 23/10 44/15 64/1<br/> weekend [1] 16/6<br/> welcome [3] 66/2 66/12 74/15<br/> well [48] 5/21 7/25 12/16 12/18 15/12<br/> 15/19 15/23 16/21 17/3 18/19 19/7 20/6<br/> 20/18 22/18 23/25 31/2 31/17 34/12<br/> 34/21 35/16 37/5 38/1 38/25 39/22<br/> 41/16 42/25 46/16 48/23 53/5 56/23<br/> 56/25 63/20 64/16 65/12 72/19 72/22<br/> 73/21 74/4 75/5 82/5 82/16 84/18 85/12<br/> 85/18 89/9 89/19 90/1 92/7<br/> well-being [1] 5/21<br/> went [11] 16/7 25/4 33/10 38/5 46/11</p> | <p>what [80] 7/3 7/23 12/9 14/24 16/2 16/9<br/> 19/13 20/11 25/7 25/21 25/24 26/10<br/> 26/18 26/18 26/19 26/24 27/1 27/24<br/> 29/19 31/18 32/14 34/5 34/9 34/23<br/> 39/20 40/7 45/16 48/10 48/24 48/24<br/> 51/4 51/23 53/3 55/5 55/16 56/9 57/8<br/> 60/25 62/10 62/19 62/20 63/12 63/16<br/> 63/21 64/2 65/9 65/19 66/3 66/11 67/10<br/> 68/10 68/21 71/11 73/19 74/10 74/16<br/> 74/23 75/2 75/3 75/7 75/19 76/3 76/5<br/> 76/13 78/4 79/16 79/21 80/6 80/13<br/> 80/20 82/3 82/4 82/5 82/19 82/23 83/25<br/> 84/10 85/5 88/4 94/6<br/> what's [4] 38/22 77/9 84/20 84/20<br/> whatever [6] 19/18 35/2 40/1 40/13 74/3<br/> 76/1<br/> when [62] 11/11 13/1 13/13 13/15 17/7<br/> 18/15 18/17 24/11 25/25 30/10 30/16<br/> 30/25 31/6 32/4 32/14 32/23 34/25 35/9<br/> 37/4 38/16 41/2 41/2 41/19 42/20 43/10<br/> 43/15 44/18 44/21 44/24 44/24 46/3<br/> 46/19 46/21 47/2 52/5 55/25 62/9 62/16<br/> 62/22 63/1 63/2 63/3 63/10 63/20 64/16<br/> 66/6 66/16 68/5 68/15 71/6 73/8 74/2<br/> 74/15 78/2 82/2 88/22 93/11 93/17<br/> 93/23 94/3 94/4 95/4<br/> whenever [1] 19/20<br/> where [40] 9/16 12/17 12/19 13/5 14/14<br/> 14/17 15/21 17/12 17/18 17/21 18/23<br/> 19/5 19/7 20/12 21/16 34/8 34/17 37/16<br/> 39/10 39/14 42/10 42/10 43/20 46/1<br/> 50/10 54/16 68/8 72/2 74/10 76/4 77/25<br/> 78/11 88/2 88/3 89/4 89/18 91/2 91/15<br/> 93/19 94/14<br/> Whereupon [2] 6/21 78/23<br/> wherever [1] 76/14<br/> whether [11] 5/6 8/23 9/6 11/18 24/19<br/> 38/14 39/5 43/16 48/9 67/24 94/23<br/> which [32] 8/13 9/2 9/10 9/19 10/1 11/21<br/> 15/13 18/20 22/11 22/19 24/18 24/22<br/> 24/25 37/2 41/7 53/25 60/4 60/7 60/13<br/> 61/13 61/18 68/6 68/23 78/6 81/4 82/17<br/> 83/2 83/3 83/4 83/5 86/24 89/23<br/> while [1] 90/20<br/> Whitehair [4] 78/22 79/4 79/11 83/11<br/> who [32] 13/7 14/5 14/8 14/10 14/13<br/> 15/6 15/16 19/6 26/14 26/23 27/8 27/11<br/> 44/10 46/23 48/4 49/25 56/23 57/2<br/> 58/23 62/19 66/21 66/23 67/17 69/10<br/> 70/15 78/20 81/10 86/20 86/22 88/2<br/> 95/13 95/14<br/> whole [6] 45/14 46/16 65/14 71/2 86/18<br/> 89/15<br/> why [24] 13/20 19/4 35/14 35/20 35/21<br/> 37/11 39/24 42/12 64/8 64/8 70/23 71/6<br/> 71/8 73/25 74/2 79/13 83/7 90/10 91/7<br/> 93/16 93/16 93/25 94/1 94/2<br/> widespread [1] 44/16<br/> wife [7] 15/8 23/6 47/17 48/2 48/7 48/8</p> |
| <p><b>V</b></p> <p>vacate [2] 76/20 79/2<br/> value [5] 9/14 9/16 9/21 22/14 52/1<br/> van [28] 29/9 33/5 33/9 33/13 41/21<br/> 44/20 46/23 46/24 54/10 56/13 56/17<br/> 56/22 56/24 57/5 57/6 57/9 57/13 57/17<br/> 58/2 58/3 58/4 58/6 58/8 58/9 58/11<br/> 58/13 58/24 59/21<br/> vans [35] 29/11 30/21 31/15 37/2 37/4<br/> 39/16 41/12 44/6 44/16 44/17 44/22<br/> 45/1 46/10 46/15 46/17 46/19 52/21<br/> 52/25 53/4 53/7 53/17 53/20 53/25 54/1<br/> 54/9 54/10 54/13 54/17 56/10 57/21<br/> 58/2 58/15 58/21 59/4 59/6<br/> very [13] 17/18 20/10 26/20 29/2 60/16</p>   |   |   |

**W**  
wife... [1] 49/2  
will [46] 5/8 5/11 5/12 5/13 5/23 5/24  
5/25 6/1 6/3 6/3 6/5 6/6 6/8 6/11 6/11  
6/17 7/1 7/9 7/12 8/9 8/10 10/19 12/18  
21/8 26/1 26/4 26/17 28/6 36/2 44/19  
63/9 63/22 63/25 64/23 69/17 77/15  
77/16 79/23 79/25 80/22 85/14 87/7  
89/5 94/16 94/25 95/22  
willful [9] 1/6 5/4 7/14 7/17 8/16 10/13  
25/22 26/10 80/8  
willing [7] 40/3 68/20 68/22 68/25 69/1  
75/23 76/15  
win [1] 27/11  
wing [1] 30/22  
wise [1] 16/13  
wish [1] 95/21  
within [6] 6/13 8/18 22/8 28/4 94/25 95/5  
without [4] 28/1 35/4 35/4 65/13  
witness [5] 13/21 24/7 24/12 81/15 87/9  
witnesses [4] 6/2 60/10 77/8 87/8  
woman [3] 11/9 73/12 86/20  
won [1] 27/5  
won't [1] 95/1  
word [23] 27/24 44/13 63/5 63/6 63/7  
63/10 63/11 63/22 64/4 64/4 64/6 71/12  
71/13 71/15 71/17 71/19 72/11 72/13  
72/16 73/4 74/9 74/13 74/20  
words [8] 26/25 27/2 65/20 65/21 71/16  
74/7 77/20 77/20  
work [5] 10/22 48/13 48/14 48/15 90/16  
working [3] 14/2 78/21 88/17  
works [3] 32/25 48/17 48/25  
worthwhile [1] 45/13  
would [146]  
wouldn't [9] 35/3 35/6 39/2 39/9 47/1  
70/6 70/7 70/9 91/4  
wow [3] 73/5 73/7 73/7  
writing [2] 42/16 54/12  
written [9] 12/21 12/25 28/1 28/13 36/21  
36/24 68/12 76/24 83/11  
WROAF [1] 44/14  
wrong [2] 15/3 68/16  
wrote [3] 58/1 58/23 69/10  
Wyoming [1] 48/15

**X**

Xavier [1] 89/19

**Y**

yard [3] 14/18 14/19 15/25  
yay [1] 59/25  
yeah [25] 11/25 12/12 14/2 16/22 19/4  
19/12 20/18 31/20 39/4 40/9 41/6 41/18  
41/25 42/14 43/17 47/21 48/19 56/25  
76/1 76/9 84/1 84/4 87/12 91/23 92/11  
year [6] 18/22 32/24 75/15 88/15 91/11  
93/8  
years [5] 9/12 27/16 47/19 48/18 90/13  
yes [76] 11/10 11/18 12/16 12/19 13/3  
14/23 15/10 15/13 15/20 18/7 18/11  
18/15 20/25 33/17 33/22 34/4 34/12  
34/23 34/24 37/10 37/25 38/3 39/7  
40/15 41/4 41/11 41/21 42/19 45/3  
46/13 46/18 49/24 50/6 50/13 51/2  
51/16 51/19 52/19 52/23 53/2 55/10  
55/19 55/24 56/7 56/18 57/15 57/18  
58/17 59/19 59/23 60/1 63/19 64/20  
65/18 67/11 70/2 70/7 70/13 70/17  
70/20 71/16 73/19 73/23 74/15 80/25  
81/7 81/11 82/1 82/23 84/18 85/12  
85/18 85/22 86/5 88/12 94/1  
yesterday [1] 44/13

yet [2] 67/14 83/11  
York [4] 6/24 7/4 7/6 23/18  
you [660]  
you'll [1] 6/5  
you've [1] 30/21  
young [1] 60/18  
your [98]  
yourself [7] 28/12 28/15 36/14 66/3 91/8  
95/4 95/8  
yourselves [1] 27/14  
youth [2] 30/20 56/13

**Z**

Zehren [3] 2/4 2/4 7/12  
Zehren-Thomas [1] 2/4