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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CASE NO: 17-1593F

LINDA YATES,

Petitioner,

VOLUME I OF II

v.

KATHY SCHURE,

Respondent.

FILED
2017 JUL 10 PM 12:11
DIVISION OF HEARINGS
ADMINISTRATIVE

HEARING VIA VIDEO TELECONFERENCE
BEFORE THE HONORABLE LINZIE F. BOGAN

REPORTED BY: JULIE K. HARVEY, RPR, FPR
A-1 Court Reporting
P. O. Box 2005
Sarasota, FL 34230

DATE: June 14, 2017
Commencing at 9:36 a.m.

PLACE: Office of the Judge of
Compensation Claims
6497 Parkland Drive
Suite M
Sarasota, Florida 34243

Division of Administrative
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13 (Sarasota location)14
15 ALSO PRESENT:16 Stephen Marc Slepín, Esquire
17 (Tallahassee location)

18 Connie Brunni (Tallahassee location)

19 Cheryl Cook (Sarasota location)

20 Mark Yates (Sarasota location)

21 Charlene Kellerhur (Sarasota location)

22 Rebecca Cyphert (Sarasota location)
23
24
25

1 **HEARING VIA VIDEO TELECONFERENCE**2 **BEFORE THE HONORABLE LINZIE F. BOGAN**3 INDEX

4			
5	<u>Examination</u>		<u>Page Number</u>
6	<u>Opening Statement</u>		
7		by Ms. Yates	34
8	<u>Kathy Schure</u>		
8	Direct,	by Ms. Yates	41
9	<u>Joy Lynn Crowley</u>		
10	Direct,	by Ms. Yates	149
10	Cross,	by Ms. Schure	156
11	<u>Kathryn L. Lanza</u>		
12	Direct,	by Ms. Yates	162
12	Cross,	by Ms. Schure	172
13	<u>Patsy Craft Adkins</u>		
14	Direct,	by Ms. Yates	182
14	Cross,	by Ms. Schure	190
15	<u>Stephen Marc Slepín</u>		
16	Direct,	by Ms. Yates	202
16	Cross,	by Ms. Schure	208
17	Redirect,	by Ms. Yates	209
18	<u>Cory Hutchinson</u>		
18	Direct,	by Ms. Yates	211
19	Cross,	by Ms. Schure	219
19	Redirect,	by Ms. Yates	223
20	<u>Kathy Schure</u>		
21	Direct Testimony		228
21	Cross,	by Ms. Yates	248
22	<u>Linda Yates</u>		
23	Direct,	by Ms. Schure	257
24	Certificate of Oath		131
25	Certificate of Reporter		132

<u>EXHIBITS</u>		
<u>Number</u>	<u>Description</u>	<u>Admitted</u>
<u>Petitioner's</u>		
2	Transcript of 2/28/17 hearing	128
3	Petition for Costs & Attorney's Fees	100
4	Notice of Release of Counsel	201
5	10/25/16 Meeting Minutes	188
6	Waiver of Confidentiality	224
7	10/20/16 letter to Ms. Schure from Florida Elections Commission	123
9	Florida Elections Commission Confidential Complaint Form	91
10	Commission on Ethics Complaint 16-100	73
12	Certification of Registration	143
13	Official Candidate Petition Certification	71
14	Official Sample Ballot	141
17	Mr. Slepkin's Resume	195
18	Affidavit of Attorney's Time and Fees	199
19	Affidavit of Linda Yates	196
<u>Respondent's</u>		
A	Election Flyer	237
B	2010 email blast	238
C	Email re union business	239

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

EXHIBITS (cont'd)

<u>Number</u>	<u>Description</u>	<u>Admitted</u>
D	Email re Joe, pawn dealer	240
E	Citizen writing re bond reading	241
F	Jacqueline Moore check	243
I	Email from Kathy Lanza	242

P R O C E E D I N G S

1
2 THE COURT: We're on the record. All right.
3 Good morning, everyone. I'm Linzie Bogan. I'm
4 the Administrative Law Judge assigned to consider
5 this matter.

6 I have before me today the case of Linda
7 Yates versus Kathy Schure. That's Division of
8 Administrative Hearings case number 17-1593. I'm
9 in Tallahassee, along with -- you're Ms. Yates; is
10 that correct?

11 MS. YATES: Yes.

12 THE COURT: Good morning to you, Ms. Yates.

13 And we have Ms. Schure, who is appearing by
14 way of video link from Sarasota.

15 MS. SCHURE: Yes.

16 THE COURT: And both -- all right. Both
17 parties are appearing without the benefit of
18 counsel this morning. So what I want you all to
19 understand is that I cannot provide any legal
20 advice to either of you. What I can do is help
21 you understand how we're going to proceed. And if
22 you have questions related to procedural matters,
23 I'll do the best I can to answer them. Again,
24 understand that I cannot provide you with legal
25 advice.

1 Ms. Yates, are you going to order the
2 transcript for this proceeding?

3 MS. YATES: Yes, your Honor.

4 THE COURT: Okay. Then what you'll need to
5 do is coordinate with the court reporter, make
6 sure that she has all of your information, and you
7 can do that after the hearing. But you do
8 understand there will be a cost associated with
9 that.

10 MS. YATES: Yes, your Honor.

11 THE COURT: Okay. All right. Now, do we
12 have witnesses on this end, other than yourself,
13 Ms. Yates?

14 MS. YATES: Yes, I do. I have Mr. Slepkin.
15 He's an expert. He is not a fact witness, he is
16 an expert. And the -- then I also have Ms. Connie
17 Brunni, and she's here basically as secretarial
18 assistance.

19 THE COURT: Okay. But she's not going to
20 testify?

21 MS. YATES: She's not, no.

22 THE COURT: Okay. And, on that end, Ms.
23 Schure, I understand that you have your husband in
24 the room with you?

25 MS. SCHURE: No, that's Ms. Yates'. I have

1 no one with me.

2 THE COURT: Oh, that's your husband. Okay.

3 All right.

4 So in terms of any witnesses that you intend
5 to call, Ms. Schure -- well, first, are there
6 witnesses --

7 MS. SCHURE: No.

8 THE COURT: -- other than yourself?

9 MS. SCHURE: No, sir.

10 THE COURT: Okay. All right. All right.

11 Well, let me ask you if you desire, Ms. Schure, to
12 invoke what's called the rule of sequestration.

13 And essentially what that means is that -- well --

14 MS. YATES: I do.

15 THE COURT: Well, hold on a second. I
16 understand that this witness is going to be
17 qualified as an expert?

18 MS. YATES: Yes, your Honor.

19 THE COURT: Okay. Well, he's able to sit in
20 throughout the proceeding if that qualification
21 actually is granted.

22 So we have no other witnesses, then, I guess,
23 other than yourself, Ms. Yates, and Ms. Schure?

24 MS. YATES: Yes, your Honor, I do. And, as
25 you had ordered, I did submit my list of witnesses

1 and exhibits. Ms. Schure did not. So I do have a
2 full list of parties.

3 THE COURT: Are those witnesses here or
4 there?

5 MS. YATES: They're in Sarasota.

6 THE COURT: Okay. But they're not in the
7 hearing room.

8 MS. YATES: Yes.

9 THE COURT: They are in the hearing room?

10 MS. YATES: One is, Ms. Cook.

11 THE COURT: Well, Ms. Cook, who I can't
12 see --

13 MS. COOK: I'm here as media.

14 THE COURT: Oh, you are there.

15 MS. COOK: Yes.

16 THE COURT: Okay. I thought you were the
17 media person.

18 MS. SCHURE: She is.

19 THE COURT: But you're a witness?

20 MS. COOK: No.

21 THE COURT: You're a witness as well?

22 MS. COOK: No. I'm no one's witness. I
23 haven't received a subpoena. I'm here as media.
24 I have a media badge on.

25 THE COURT: Okay. So you've -- you've not

1 been subpoenaed to appear?

2 MS. COOK: No. This is the first I hear that
3 I'm going to be a witness. I had no idea.

4 THE COURT: Okay. Okay. All right. Well --

5 MS. YATES: Mrs. Schure had that list.

6 THE COURT: Well, here's what we're going to
7 do in terms of the rule of sequestration.
8 Typically what that rule provides is that if a
9 party or a witness is going to testify, then the
10 witness is not allowed to sit in the hearing room
11 during the course of a proceeding.

12 MS. COOK: Right.

13 THE COURT: And the witness will sit out in
14 the waiting room or some other area. And then
15 they're not allowed to talk about the case with
16 any of the other witnesses.

17 Now, since we don't have a -- a situation
18 where we've got a number of witnesses who are
19 going to testify, I don't even know, from a
20 practical standpoint, that it really matters for
21 purposes of implementing the rule of
22 sequestration.

23 Now, with respect to you, Ms. Cook, you know,
24 we'll deal with your situation when it comes up.
25 But I will say that, at this point, as a member of

1 the media, given that you have not been
2 subpoenaed -- certainly you're welcome to sit in
3 this proceeding until you decide you're ready to
4 go. So you may stay the entire time or you may
5 leave at any time. You -- you're just a member of
6 the public.

7 MS. COOK: Thank you.

8 THE COURT: And if you are called as a
9 witness, then we'll deal with that when it comes
10 up.

11 MS. COOK: Thank you.

12 THE COURT: Okay. All right.

13 MS. YATES: May I, your Honor?

14 THE COURT: Go ahead, Ms. Yates.

15 MS. YATES: I did submit -- it's on the
16 docket -- the eight witnesses. Ms. Cook is on
17 there.

18 THE COURT: Yes.

19 MS. YATES: And that was provided to Ms.
20 Schure. So all of these witnesses are up in
21 Sarasota.

22 THE COURT: Right. Keep your -- keep your
23 voice up, Ms. Yates, because we want to make sure
24 that they're able to hear you.

25 MS. YATES: Okay. So Ms. Cook is on here.

1 And, also, I'm hearing that she's a member of the
2 media. I'm not -- I'm not aware of that. I'm not
3 sure what qualifications there are as far as
4 somebody claiming they're a member of the media.

5 THE COURT: Well, whether she's a member of
6 the media or just generally a member of the
7 public, it doesn't matter. This is a public
8 proceeding, and she's able to -- to sit in if she
9 desires to do so.

10 MS. YATES: Even though she's on the witness
11 list?

12 THE COURT: Well, that's an interesting
13 situation given that she's not been subpoenaed as
14 a witness to appear today. So I'm making the
15 distinction between being subpoenaed for purposes
16 of testifying versus just being here to observe
17 and -- since she was not subpoenaed to testify.

18 Now, if she voluntarily submits to being
19 subject to examination by you or Ms. Schure, then
20 that's her call to make. But in the absence of a
21 subpoena, there's nothing that I can do to compel
22 her to testify.

23 MS. YATES: Okay. I wasn't aware it was a
24 voluntary or involuntary situation.

25 THE COURT: No, it's not. So -- so based on

1 what I'm hearing from Ms. Cook, she had no idea
2 that she was going to testify.

3 Now, are you willing to voluntarily submit --

4 MS. COOK: No.

5 THE COURT: -- for purposes of testifying
6 today?

7 MS. COOK: I will not testify, no.

8 THE COURT: Is that a no?

9 MS. COOK: That's a no.

10 THE COURT: Okay. All right. That's a no.
11 Okay. All right. Well, the no is noted.

12 All right. Let's see. All right. So any
13 preliminary matters before we get started, other
14 than the issue concerning Ms. Cook that we've
15 already dealt with?

16 MS. YATES: Yes. The other item, your Honor,
17 is Ms. Schure had submitted the -- her list of
18 exhibits, and I did send communication to your
19 Honor in regards to not having received those
20 documents.

21 It was stated in her communication docket
22 that I had been mailed it on June 3rd or June 6,
23 as the one she had posted to the docket. It
24 wasn't sent out until June 7th. And I did
25 ultimately receive it on --

1 THE COURT REPORTER: I'm sorry, I can't hear
2 you, Ms. Yates. You're going to have to speak up,
3 Ms. Yates.

4 THE COURT: Hold on a second. Let's do this,
5 because you are rather soft spoken. Maybe if you
6 slide down and maybe if I'm further from you,
7 you'll feel like you need to project a little bit
8 more.

9 But we need to make sure that the court
10 reporter is able to hear everything that's being
11 said because she's the most important person in
12 the room right now.

13 MS. YATES: Right.

14 THE COURT: So if she can't hear, then we
15 don't get a good record.

16 So let me have you just slide down a little
17 bit and try to -- try to project as much as you
18 can.

19 THE COURT REPORTER: Thank you, your Honor.

20 THE COURT: That's good. That's good.

21 Yes, ma'am.

22 All right. Madam Court Reporter, if you can
23 repeat back what you were able to capture, that
24 way Ms. Yates can finish her statement with
25 respect to the pending motion.

1 (The court reporter read back, as requested
2 by the Court.)

3 THE COURT: Let me know when you're ready.

4 THE COURT REPORTER: I'm ready.

5 THE COURT: Ms. Yates, go ahead and pick it
6 up from there.

7 MS. YATES: Okay. First I just want to ask,
8 your Honor, there is other -- is everybody in the
9 room? Members of the public, are they in that
10 room as well, and witnesses? Are they all there?
11 I can't see them, so I just want to clarify.

12 THE COURT: The only person that's been
13 represented thus far as being in the room, as I
14 understand it, other than who we can see on the
15 camera is your husband.

16 MS. YATES: So, your Honor, just for the fact
17 of the sequestration, you had said that witnesses
18 are not allowed there. But if there's anybody
19 from the general public, they're allowed in;
20 correct?

21 MR. YATES: There's another lady here. She
22 wanted to come in.

23 MS. COOK: I don't think you're allowed to
24 talk.

25 THE COURT: Let's do this. Let's go ahead

1 and finish with this motion. If there are members
2 of the public that want to come in and were not
3 able to get in, let's deal with that after we deal
4 with this motion.

5 MS. YATES: All right.

6 THE COURT: All right. Continue.

7 MS. YATES: So, yes. So, your Honor, I
8 submitted follow-up communication on the 12th, and
9 that was to let you know that on June 9th I did
10 receive the list of Ms. Schure's exhibits, along
11 with the copies of exhibits, which, again, was
12 contrary to what the communication was she posted
13 on the docket.

14 And I would just ask your Honor that -- to
15 disallow all of those exhibits due to the fact
16 that they are immaterial to the matter that is
17 before this jurisdiction in regards to my petition
18 for attorney's fees and costs.

19 THE COURT: All right. Ms. Schure, do you
20 have a response to that, ma'am?

21 MS. SCHURE: Yes, sir. I have called the
22 office there and talked to Claudia. And the
23 reason it was done on the 3rd is -- I just dated
24 it on the 3rd because that was the day I was
25 working on it. So it wasn't like I mailed it on

1 the 3rd. I talked to Claudia, and I said, "Well,
2 I don't have these out."

3 And she said, "Well, fax them all to the
4 judge," which is you, which I did.

5 And then I did send it certified mail. I
6 have the receipt. It says June 7th.

7 She said for me to just mail them. I said,
8 "Do I need to get them to her?" And she -- "Do I
9 need to fax them? What do I need to do?"

10 She said, "No, ma'am. You just need to mail
11 them."

12 So I faxed yours, and I mailed Ms. Yates'.
13 And I have the receipt right here. It says
14 June 7th that I did mail it to her by the
15 deadline.

16 THE COURT: Ms. Yates, any follow-up?

17 MS. YATES: Yes, your Honor. The
18 communication --

19 THE COURT: I'm sorry. Wait, wait, wait. Go
20 ahead. I'm sorry. Were you finished, Ms. Schure?

21 MS. SCHURE: No. No, sir.

22 THE COURT: Okay. Go ahead.

23 MS. SCHURE: She said that my exhibits are
24 all irrelevant -- I'm sorry -- they don't matter
25 to the case. I don't know the word she used.

1 But she said I did this in malice. That's
2 the reason we're here. That's why she's suing me
3 for the lawyer's fees.

4 This is the proof that when I filed this
5 complaint, I wasn't doing malice.

6 THE COURT: Ms. Schure --

7 MS. SCHURE: Yes, sir.

8 THE COURT: -- we're going to deal with that
9 issue --

10 MS. SCHURE: I'm sorry, okay.

11 THE COURT: Right. I know that Ms. Yates did
12 mention that, that was part of her initial
13 statement, and that's something that I want to ask
14 her a couple questions about.

15 Was there anything else you wanted to add,
16 Ms. Schure?

17 MS. SCHURE: No, just that I had the receipts
18 here, your Honor, that I did get it out on the
19 7th. I mailed it to her, and it was certified
20 mail, sir, so it was produced.

21 THE COURT: Okay. All right. Okay. Thank
22 you.

23 MS. SCHURE: Uh-huh.

24 THE COURT: Ms. Yates --

25 MS. YATES: Yes.

1 THE COURT: -- is there a response?

2 MS. YATES: Yes, your Honor. I received the
3 docket on the 6th of June, which your order had
4 required the information, the exhibits and
5 materials on or before the 7th. And I did -- in
6 receiving this on the 6th, this communication,
7 where it says send electronically through the
8 eL -- eALJ system with attachments, copies
9 furnished to Linda Yates, I became concerned
10 because I hadn't received anything and did call
11 and spoke with LaJuana (phonetic) to find out,
12 with concern, you know, as far as not receiving
13 the exhibits. I had no idea what -- what these
14 things were.

15 Also, on this list, it just was very vague in
16 emailing that email. I had no idea what anything
17 is. And subsequent to June 7th is when -- after I
18 received it on the 9th -- the receipt said the
19 7th.

20 So, you know, the communication being posted
21 that -- that it was sent out on the 6th and it was
22 uploaded, and that wasn't the case. That's not
23 what was done. That's where my concern was.

24 And then, obviously, receiving these
25 documents and the materials and seeing them, none

1 of them were part of the FEC case. None of them
2 were submitted to FEC at the time that this case
3 was going on. And it's my understanding that we
4 are not here today to rehear that case with the
5 merits of her arguments in regards to the petition
6 for the complaint she had filed with FEC.

7 THE COURT: Let me -- let me interrupt you,
8 Ms. Yates. With respect to when you received Ms.
9 Schure's exhibits, are you asserting that there
10 was any prejudice that you experienced as a result
11 of a day or two delay in actually receiving those
12 exhibits?

13 MS. YATES: Yes, your Honor, because of
14 the --

15 THE COURT: What's the prejudice?

16 MS. YATES: The prejudice is -- is, number
17 one, the timing of it and the receiving it on
18 Friday.

19 THE COURT: How did that negatively impact
20 your ability to prepare for this case today?

21 MS. YATES: With the vagueness of the list
22 itself, just saying email, I had no idea what her
23 documents were.

24 THE COURT: When did you actually get the
25 documents?

1 MS. YATES: On the 9th, Friday, the 9th.

2 THE COURT: Okay. And today is what?

3 MS. YATES: Today is the 14th.

4 THE COURT: 14th. Okay.

5 And so how have you been impacted in terms of
6 your ability to prepare based upon having received
7 the documents on the 12th as opposed to the --

8 MS. SCHURE: 9th.

9 THE COURT: 9th?

10 MS. YATES: I received them on the 9th, yes.

11 THE COURT: You received them on the 9th?

12 MS. YATES: Right.

13 In taking each of the items that were listed
14 and going through and looking at them and trying
15 to find the relevancy to the matter that's before
16 us, looking and researching as to what those
17 documents were, and they were not provided in the
18 FEC case whatever.

19 So trying to prepare my own documents, trying
20 to prepare my own presentation to you today, it
21 was a clear consumption of my time with -- with
22 two less days to even know what was intended or
23 proposed to be presented.

24 THE COURT: Here's what I'm going to do.

25 With respect to striking the exhibits,

1 Respondent's exhibits, I'm going to deny the
2 motion as to that aspect.

3 Now, the issue with respect to relevancy,
4 that's something we'll deal with when we get to
5 the point where Ms. Schure attempts to offer those
6 various exhibits into evidence.

7 But right now these are just exhibits that
8 she intends to offer. I don't know if she
9 actually will attempt to offer them. But if she
10 does attempt to offer them, then we can deal with
11 whether they're germane or relevant to this issue
12 at that time. All right?

13 All right. Any other preliminaries, Ms.
14 Yates?

15 MS. YATES: No, other than I do have the
16 binder that was sent to Ms. Schure on top of the
17 documents you have --

18 THE COURT: Okay. Is that what this is?

19 MS. YATES: Yes.

20 THE COURT: Okay.

21 MS. YATES: That is a binder that contains
22 all the exhibits that are on the list.

23 THE COURT: Okay.

24 MS. YATES: And I do intend to --

25 THE COURT: Ms. Schure, do you have your

1 copy --

2 MS. SCHURE: Yes.

3 THE COURT: -- of Ms. Yates' exhibits?

4 MS. SCHURE: Yes. These are my exhibits, I'm
5 sorry, for you. Yes, sir, I have them here.
6 They're right here, all of her exhibits.

7 THE COURT: Okay. Good. All right.

8 MS. YATES: So I do intend to offer those,
9 the entirety of that, into evidence.

10 THE COURT: Okay.

11 MS. YATES: And there is someone there that's
12 not a witness that has provided the binder, just
13 because we're at two different locations, to make
14 it easier to flow through this. The binder is
15 there, and all witnesses that come up can use that
16 same binder. So what order do you want to do
17 that?

18 THE COURT: Yeah, that's fine. Thank you for
19 doing that because that really helps with
20 facilitation of the testimony. So --

21 MS. YATES: So I'd just like to enter all of
22 that.

23 THE COURT: Well, let's deal with it,
24 actually, when we get to the point where you start
25 to make your case presentation. So we will --

1 I'll definitely give you an opportunity to do
2 that, I just don't want to do it right now.

3 MS. YATES: Okay.

4 THE COURT: All right. Any other preliminary
5 matters?

6 MS. SCHURE: Yes. May I speak, your Honor?

7 THE COURT: No, no. Just a second.

8 MS. SCHURE: Okay.

9 THE COURT: Just a second, Ms. Schure. I
10 will give you a chance.

11 MS. SCHURE: Okay. Thank you.

12 MS. YATES: Okay. I think that's it --

13 THE COURT: Okay.

14 MS. YATES: -- as far as the preliminary.

15 THE COURT: All right. Ms. Schure, go ahead.
16 Any preliminary matters?

17 MS. SCHURE: Yes. The only thing I'm
18 concerned with is she subpoenaed Joy Crowley on
19 the 9th to testify. That was not in on -- by the
20 7th for her witnessing, so I would like for her
21 not to witness because she test -- she put her
22 subpoenas on the 9th.

23 THE COURT: Okay. Who is this person?

24 MS. SCHURE: She's a witness for Ms. Yates,
25 and she subpoenaed her on the 9th of June.

1 THE COURT: Okay. Is this person in
2 attendance? Is she here?

3 MS. YATES: She's there.

4 MS. SCHURE: Yes.

5 MS. YATES: She was subpoenaed.

6 THE COURT: Okay. She's subpoenaed as one of
7 your witnesses, Ms. Yates?

8 MS. YATES: Yes, your Honor.

9 THE COURT: Okay. All right. All right.
10 Well, I'm going to allow that witness. What's her
11 name again?

12 MS. YATES: Joy Lynn Crowley.

13 THE COURT: Crowley? Okay. I'm going to
14 allow her to appear.

15 You know, typically, if a witness has a
16 problem or a witness doesn't appear, that witness
17 has been subpoenaed and there is an issue with
18 respect to the timeliness of the subpoena, then it
19 becomes an issue because the witness didn't
20 appear.

21 MS. SCHURE: Okay.

22 THE COURT: Or if the witness opposes the
23 subpoena because it wasn't timely received.

24 MS. SCHURE: Okay.

25 MS. YATES: Your Honor --

1 MS. SCHURE: Thank you.

2 MS. YATES: -- may I also make --

3 THE COURT: Just a second. Ms. Schure is --

4 I want to make sure we're finished with her.

5 Ms. Schure, any other preliminary matters,
6 ma'am?

7 MS. SCHURE: No, sir, your Honor.

8 THE COURT: Okay. Ms. Yates.

9 MS. YATES: Yes. I just wanted to point out,
10 your Honor, that, in your order, while the
11 exhibits were due on the 7th, your order also had
12 provided that five days before the hearing, today
13 is the 14th, that the witnesses -- the witness
14 list was to be submitted. I did that. I did that
15 timely on the 9th.

16 THE COURT: Okay. So noted. All right.

17 Okay. Let's go ahead and get started.

18 Before I -- the way we're going to proceed, just
19 so that everybody sort of has a general
20 understanding of the framework of this process,
21 Ms. Yates, you will have the opportunity to go
22 first in this case in terms of presenting your
23 evidence and your witnesses because you have the
24 burden in this case.

25 And what that's going to look like is once

1 you start calling witnesses, it will be your
2 responsibility to initially ask questions of those
3 witnesses. Then I'm going to turn to Ms. Schure
4 to see if she has any questions of those
5 witnesses. And when she finishes with her
6 questions, then I'll come back to you to finish up
7 with the questions for that particular witness.

8 So we'll follow that format throughout the
9 course of the proceeding.

10 Now, when you finish your witnesses, and Ms.
11 Schure -- I guess she's going to testify on her
12 own behalf. She'll give me her information,
13 you'll have an opportunity to question her, and
14 then I'll turn to her and see if there are any
15 final remarks.

16 And I'm assuming at some point you may
17 testify on your own behalf as well. So there will
18 be that same format generally.

19 Now, given that there are no attorneys
20 involved and that both of you are pro se
21 litigants, what I'm going to do is place both of
22 you under oath so that way any statements that you
23 make during the course of this proceeding will be
24 statements made under oath and subject you to
25 examination in terms of follow-up questioning.

1 So let's do this one at a time. Madam Court
2 Reporter, if you'll go ahead and swear Ms. Schure.

3 THE COURT REPORTER: Would you raise your
4 right hand, please.

5 MS. SCHURE: (Witness complies.)

6 THE COURT REPORTER: Do you swear or affirm
7 the testimony you're about to give will be the
8 truth, the whole truth, and nothing but the truth?

9 MS. SCHURE: Yes, I do.

10 THE COURT: All right. Ms. Yates, raise your
11 right hand, please.

12 MS. YATES: (Witness complies.)

13 THE COURT: Do you solemnly swear or affirm
14 that the testimony you're about to give in this
15 matter will be the truth, the whole truth, and
16 nothing but the truth?

17 MS. YATES: Yes.

18 THE COURT: All right.

19 MS. YATES: May I ask a question of
20 clarification?

21 THE COURT: Well, just a second. Let me --
22 let me do this.

23 It's my understanding that the Elections
24 Commission dismissed the original Complaint filed
25 by Kathy Schure against you, Ms. Yates, because

1 the Commission lacked jurisdiction to consider
2 violation of Florida's open meetings and public
3 records laws. And subsequent to that original
4 Complaint being dismissed, you then filed a claim
5 for attorney's fees and costs against Ms. Schure.

6 Now, as the party asserting entitlement, you,
7 Ms. Yates, you have the burden of proof an award
8 of attorney's fees and costs is appropriate
9 pursuant 106.265, Florida Statutes.

10 Now, the elements of the claim by a public
11 official for attorney's fees are that the
12 complaint was made with a malicious intent to
13 injure the official's reputation. The person
14 filing the complaint knew that the statements
15 about the official were false or made with --
16 statements about them -- or made the statements
17 about the official with reckless disregard for the
18 truth and that the statements were material to a
19 violation of Chapter 106 or Chapter 104 Florida
20 laws.

21 Now, Ms. Yates, you're not automatically
22 entitled to recover fees and costs simply because
23 the Election Commission dismissed the case filed
24 against you by Ms. Schure.

25 So that is generally the framework under

1 which we will operate for purposes of this case.

2 All right. There's something else before we
3 move on to opening statements?

4 MS. YATES: Yes, I had a question.

5 THE COURT: Yes.

6 MS. YATES: I did hear Ms. Cook is there as
7 the media. I was just curious, with the notes
8 passing back and forth to Ms. Schure, as a member
9 of the media, is that something that is --

10 THE COURT: I don't know what's happening.
11 I've -- I've not discerned that. But -- well,
12 first let's do this since we've gotten back to the
13 issue of the public. There was an issue raised
14 earlier about someone from the public who is not
15 able to come in.

16 MS. YATES: Yes. Yeah, apparently there is
17 people outside that want to come in.

18 Also, as far as all of the witnesses, did --
19 I apologize, but did you invoke the rule of
20 sequestration or not?

21 THE COURT: Yes, the rule has been invoked.

22 MS. YATES: So just the general members of
23 the public that are outside --

24 THE COURT: That room can hold, it looks
25 like, maybe another one person.

1 MS. COOK: Two.

2 THE COURT: Again, I don't know, beyond the
3 camera, what it looks like.

4 So who is this person that is not -- of the
5 general public who is not able to come in?

6 MS. YATES: She has my -- my exhibit binder.

7 THE COURT: Who is she? What's her name?

8 MS. YATES: Charlene Kellerhur and Rebecca
9 Cyphert.

10 THE COURT REPORTER: Can I have the spellings
11 of those names, please, your Honor.

12 THE COURT: Spell those names, Ms. Yates.

13 MS. YATES: R-e-b-e-c-c-a, and then Cyphert.

14 MS. BRUNNI: C --

15 MS. YATES: C-y-p-h-e-r-t.

16 THE COURT REPORTER: Thank you.

17 MS. YATES: The other name is Charlene,
18 C-h-a-r-l-e-n-e, and then Kellerhur,
19 K-e-l-l-e-r-h-u-r.

20 THE COURT REPORTER: Thank you.

21 THE COURT: Let's take a five-minute recess.
22 Let me see if I can figure out if these folks are
23 there and why they're not being allowed in the
24 room.

25 (There was a short break.)

1 THE COURT: We're back on the record.

2 MS. YATES: Your Honor.

3 THE COURT: Yes, Ms. Yates.

4 MS. YATES: Do you -- do you need the list or
5 the order of all the six or seven witnesses that I
6 intend to call?

7 THE COURT: No.

8 MS. YATES: So you don't need the order?

9 THE COURT: No. You just call them as you
10 see fit.

11 MS. YATES: Okay. And do I need to make a
12 formal objection? If I do, I make that objection,
13 that I've witnessed and observed Ms. Cook
14 consulting with Ms. Schure and, you know, passing
15 notes, passing documents, preparing, bringing a
16 box of documents. She has not been qualified as a
17 representative of Ms. Schure. And I -- I just
18 would like to raise that objection.

19 THE COURT: Right. Well, you know, Ms. Cook,
20 as I understand it, is there as a member of the
21 public, no different than, I guess, the assistant
22 that you have here. And since I don't know what
23 she's doing, as a member of the public, if she
24 wants to hand a note to Ms. Schure, she can do
25 that. She's not representing her, she's just

1 there, as I understand it.

2 So, you know, I'm -- I'm not going to do
3 anything with respect to that unless it starts to
4 interfere with the orderly procedure of this
5 matter.

6 MS. YATES: I appreciate that.

7 THE COURT: Yeah, so

8 All right. Now, do you desire to make an
9 opening statement? Again, Ms. Yates, you know,
10 it's a little bit different when you're
11 representing yourself because you weren't
12 subpoenaed. So you can either start calling your
13 witnesses or you can tell me what you think this
14 case is about and why you think you should prevail
15 and treat it as if you're sort of your first
16 witness; however you wish to proceed.

17 MS. YATES: Okay. Yes, your Honor, I'd like
18 to make some preliminary --

19 THE COURT: These are not preliminary.

20 MS. YATES: -- comments.

21 THE COURT: We're -- we're -- this is the
22 actual evidentiary hearing at this point.

23 MS. YATES: Okay. I -- I would like to do
24 that, then.

25 THE COURT: Okay. All right. So you are

1 your first witness, you are under oath. And once
2 you finish with the information that you're going
3 to present initially, then Ms. Schure, I'm going
4 to turn to her and see if she has any questions
5 for you.

6 MS. YATES: All right.

7 THE COURT: All right.

8 OPENING STATEMENT BY MS. YATES

9 MS. YATES: Thank you, your Honor.

10 First I'll say that, as a person of limited
11 means, I come before you this morning pro se for
12 the presentation of my facts and evidence
13 regarding my petition for costs and attorney's
14 fees that were incurred by me pertaining to the
15 Florida Elections Commissions complaint filed by
16 Ms. Kathy Schure.

17 At -- February 28, 2017, Florida Elections
18 Commission voted unanimously that I had made a
19 prima facie showing of entitlement to costs and
20 attorney's fees in connection with this matter and
21 has referred this for this Division of
22 Administrative Hearings involving the disputed
23 issues of material fact, the entry of the
24 recommendation of award in determining whether I'm
25 entitled to the award of attorney's fees and, if

1 so, to what amount.

2 That's the sole purpose of today's hearing.
3 And, because of that, I will prove to you today,
4 through an abundance of competent substantial
5 evidence, as well as by Ms. Schure's own testimony
6 at the February 28, 2017, FEC hearing, that I am
7 entitled to an award of attorney's fees and costs
8 in this matter pursuant to the Florida Statutes
9 Section 106.265 and Rule 2B-1.0045, Florida
10 Administrative Code, and that such fees are
11 reasonable.

12 The facts clearly demonstrate Ms. Schure's
13 malicious and reckless actions. And they were so
14 egregious that it would be apparent to any
15 reasonable layperson that Ms. Schure filed her
16 elections complaint against me with an intent to
17 ensure -- to injure -- to injure my reputation.

18 We are not here today to hear any matters in
19 regards to Sections 119 or 286 of the Florida
20 Statutes.

21 Moreover, at this time, Ms. Schure filed her
22 -- at the time she filed her complaint, she swore
23 that I was a candidate for city commissioner,
24 which I was not. This was a material, false
25 allegation, and the evidence will show Ms. Schure

1 was fully aware that I was not a candidate on the
2 day she filed her FEC Complaint, which was,
3 according to the Complaint received by FEC on
4 August 17th, 2017, that she had notarized that
5 sworn statement.

6 Also of note is that Ms. Schure's actions or
7 lack of actions since I filed my petition in
8 January 2017 further demonstrate Ms. Schure's
9 disregard for following instructions, rules, and
10 Florida law.

11 The testimony and the evidence that you will
12 hear today bears out an irresponsible pattern on
13 her part. For example, for this hearing, your
14 Honor, you had given instructions in regards to
15 Ms. Schure that ten days prior to the hearing she
16 was to submit the cost and fees that she deemed
17 reasonable should I prove entitlement.

18 However, she refused to do that. Nothing was
19 submitted, nothing was received.

20 Also contrary to your Honor's order, Ms.
21 Schure had been ordered to submit her copy of the
22 filing as a -- as I had stated previously, with
23 those proposed exhibits, and Ms. -- by mail and/or
24 hand-delivery, and Ms. Schure chose to fax them in
25 -- in -- despite that.

1 In Ms. Schure's filing of the exhibits, she
2 misrepresented to DOAH and to me the true date
3 having sent certified mail copies of her exhibits
4 to me. It was not on June 6th, it actually was on
5 June 7th.

6 Ms. Schure's list of proposed exhibits and
7 selective descriptions of items J, K, and L, which
8 pertain to my personal hardships many years ago is
9 evidence that Ms. Schure continues trying to
10 intentionally harm me in any way that she can.

11 These are examples that Ms. Schure's pattern
12 of distortion of the truth, conscious disregard
13 for authority, as well as her personal quest to
14 injure my reputation.

15 Your Honor, today, through the testimony, the
16 facts, and the evidence, I will prove that
17 Ms. Kathy Schure filed an elections complaint
18 against me with malicious intent to injure my
19 reputation, not only with the knowledge that the
20 Complaint contained one or more false allegations,
21 but also with reckless disregard for whether her
22 Complaint contained false allegations of fact
23 material to violations of Chapter 106 and 104 of
24 the Florida Statutes, and, as such, I am entitled
25 to my costs and attorney's fees, and I ask that

1 your Honor order the same.

2 THE COURT: All right. Let's -- are you
3 ready to start giving me the facts?

4 MS. YATES: I am, your Honor.

5 THE COURT: All right.

6 MS. YATES: I can actually call off the
7 witnesses.

8 THE COURT: However you want to proceed, Ms.
9 Yates. Who is your first witness?

10 I'll accept that as an opening statement.

11 MS. YATES: Thank you, your Honor.

12 THE COURT: Okay.

13 MS. YATES: And will we be able to have
14 closing comment after the witnesses?

15 THE COURT: No, not after each witnesses.

16 MS. YATES: Not after each witness?

17 THE COURT: No.

18 MS. YATES: Okay.

19 THE COURT: We will do that after the close
20 of the evidence. I will talk to you all about
21 what we do going forward in terms of submitting
22 proposed recommended orders for my consideration.
23 We're not yet at that point.

24 So who is your first witness?

25 MS. YATES: Okay. I would like to call

1 Ms. Kathy Schure.

2 THE COURT: Okay. Ms. Schure, you've already
3 been placed under oath, ma'am.

4 MS. SCHURE: Yes, sir.

5 THE COURT: All right. And let me make an
6 adjustment to my camera here.

7 All right. Ma'am, if you would please state
8 your full name for us.

9 THE WITNESS: Kathy Jean Schure.

10 THE COURT: Okay. And what is your current
11 address?

12 THE WITNESS: 3720 West Price Boulevard,
13 North Port, Florida 34286.

14 THE COURT: Okay. All right. Ms. Yates, do
15 you have questions of this witness?

16 MS. YATES: Yes, your Honor.

17 And I will be referring to the exhibits in
18 the binder -- in my binder.

19 THE COURT: Do you have the exhibits there?

20 THE WITNESS: No, not in front of me. Which
21 ones do I need?

22 THE COURT: Okay.

23 THE WITNESS: Sorry. Which ones do I need?

24 THE COURT: Just grab her exhibits, Ms.

25 Yates' exhibits.

1 MR. YATES: There's the binder right there.

2 MS. SCHURE: I have my own.

3 MS. YATES: I have a binder that makes it
4 easier with tabs.

5 THE COURT: Is the binder there?

6 MS. YATES: Yes.

7 MS. SCHURE: I have mine separated, your
8 Honor. I know what she's doing.

9 THE COURT: All right. Okay. So they're
10 tabbed? Your copies are tabbed?

11 MS. SCHURE: Yes, sir.

12 THE COURT: So if she refers to Exhibit
13 Number Two --

14 MS. SCHURE: Yes, sir.

15 THE COURT: -- then you know exactly what
16 that is?

17 MS. SCHURE: Yes, sir.

18 THE COURT: Okay. All right.

19 MS. YATES: I need to enter all of them or
20 how do I need to do this, your Honor?

21 THE COURT: Well --

22 MS. YATES: One by one or the whole entire --

23 THE COURT: Whenever it is you want to talk
24 to her about, and then we'll deal with them one by
25 one.

1 MS. YATES: Okay. All right. Thank you.

2 THE COURT: All right.

3 KATHY JEAN SCHURE,

4 was called as a witness by the Petitioner and, after
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. YATES:

8 Q Good morning, Ms. Schure.

9 A Good morning.

10 Q How long have you been a resident of the City
11 of North Port?

12 A 17 years.

13 Q Are you currently employed?

14 A No. I'm retired. On Social Security
15 Disability.

16 Q Do you -- so you're not a beautician?

17 A Yes, I am. I was. I'm retired.
18 Hairstylist, yes, ma'am, not a beautician. I'm a
19 cosmetology -- cosmetologist.

20 Q Okay. But you're currently not working?

21 A No. I said I was retired.

22 Q Okay. Just want -- okay.

23 Are you an attorney?

24 A You know I'm not. You looked me up.

25 Q Have you had any legal training?

1 A No.

2 Q Okay. Are you a computer analyst or trained
3 in information technology?

4 A I don't know. No. I guess I haven't been to
5 school for it, no, but I know my way around the
6 computer.

7 Q Okay. So you're very familiar with list
8 servers?

9 A Say that again say. Say it again. I didn't
10 hear you.

11 Q You're very familiar -- you're very familiar
12 with list servers?

13 A No, ma'am.

14 Q Okay. Are you familiar with a Tor server?

15 A No.

16 Q Okay. When -- when -- when did you start
17 taking interest in city government affairs?

18 A When social media started getting interested
19 in city media social affairs.

20 Q So do you regularly attend city commission
21 meetings?

22 A No, ma'am. They're all on tape. So if I
23 want to see anything, I can watch it. I don't have to
24 go there and be drilled through it.

25 Q Okay. So you've never attended one of the

1 meetings, commission meetings?

2 A Yes, ma'am, I have -- I have been to
3 commission meetings.

4 Q Okay. How long ago, can you recall, that
5 you've been to a City Commission meeting?

6 A The last one I was there was on the boating
7 issue when you were trying to change the rules where
8 the boats can park.

9 MS. BRUNNI: Boats.

10 BY MS. YATES:

11 Q Boats, okay. Thank you.

12 I couldn't hear you. Sorry.

13 All right. Have you ever made a public
14 statement at a commission meeting?

15 A Yes, ma'am.

16 Q About city -- about city concerns?

17 A Yes, ma'am, at the boating issue. I live on
18 Price Boulevard.

19 Q Okay. And so was that recently?

20 A I don't know. Yeah, I guess. It's the last
21 one. What was it, last year in the fall?

22 Q Okay. I just was asking about the time
23 period as I -- I was trying to get that time frame.

24 A You know --

25 Q So about last fall?

1 A You know better than I do. You were there.
2 You're the commissioner.

3 THE COURT: All right, Ms. Schure, if you'll
4 just answer the questions, ma'am.

5 THE WITNESS: I did, your Honor.

6 THE COURT: Yeah. Yeah. Ms. Schure, just --

7 MS. YATES: Okay.

8 THE COURT: -- just answer the questions.

9 BY MS. YATES:

10 Q Ms. Schure, have you ever spoken to any North
11 Port Commission candidates about me?

12 A About any what? I didn't hear that part.
13 Did I ever speak to any North Port Commission
14 candidates about what?

15 Q About -- about me, about Linda Yates.

16 A I have an opinion, yes, ma'am.

17 Q Okay.

18 A I'm allowed. I have free speech.

19 Q She didn't answer the question.

20 A Yes, I did. I said, yes, I do. I have an
21 opinion about you.

22 MS. BRUNNI: That's not the question.

23 BY MS. YATES:

24 Q Well, I believe you answered my question.

25 A Well, yes.

1 Q Have you spoken to a commission candidate --
2 if you'd let me finish my question --

3 THE COURT: Wait, wait, wait. Just a second.
4 Just a second. Just a second. Hold up.

5 As I indicated in the beginning, the court
6 reporter is the most important person in the room
7 right now, and she's got to be able to hear the
8 question and she's got to be able to hear the
9 response.

10 THE WITNESS: Okay.

11 THE COURT: I can't have you all talking over
12 each other. So one at a time. Wait until --

13 THE WITNESS: Sorry.

14 THE COURT: -- the question is finished --

15 THE WITNESS: Okay.

16 THE COURT: -- before you provide your
17 answer --

18 THE WITNESS: Okay.

19 THE COURT: -- Ms. Schure. And wait until
20 Ms. Schure is finished with her answer before you
21 start the next question.

22 Okay. Go ahead, Ms. Yates.

23 BY MS. YATES:

24 Q Okay. So, Ms. Schure, if I could go back to
25 that question, have you ever spoken to any North Port

1 City Commissioner candidate about Linda Yates, you had
2 said yes, one.

3 A Uh-huh.

4 Q My next question is: Who -- who was that?

5 A Cory Hutchinson.

6 Q Okay. So you've not spoken to any other
7 commission candidates, throughout the 17 years that
8 you've lived here, about Linda Yates?

9 A No. But I spoke to you when you were running
10 in 2010 at Perkins. You were a candidate then.

11 Q Okay. Any others that you can think of?

12 A No, ma'am. No, ma'am.

13 Q All right. Have you ever spoken to -- about
14 Linda Yates to anyone campaigning on behalf of any
15 North Port City candidate?

16 A Yes.

17 Q And who is that?

18 A Well, I didn't know at the time, but now I
19 know. It's Kathy Lanza. I didn't know who she was at
20 the time. They never said who they were.

21 Q Okay. And so that's the only person that you
22 can think of that was campaigning for any candidate
23 that you've ever spoken to about me?

24 A Yes, ma'am.

25 Q All right. And have you communicated your

1 opinion about me in other formats --

2 A No.

3 Q -- aside from verbally?

4 A No.

5 Q No?

6 Okay. So not in writing or email or social
7 media?

8 A No, ma'am.

9 Q Okay. And you testified that you had spoken
10 to me personally when I was running for election?

11 A Uh-huh, yes, ma'am.

12 Q In 2010?

13 A Yes, ma'am.

14 Q You -- you mentioned -- Ms. Schure, please
15 let me finish asking you the question.

16 That was in 2010. Do you recall in 2014
17 talking to anybody about me?

18 A Yes.

19 Q Okay. And who would that person be?

20 A I told you, Kathy Lanza. That's the only
21 person I talked to.

22 Q So you always -- so you only spoke to me
23 personally in 2010 but did not speak to anybody else in
24 2010 in regards to me?

25 A No, ma'am.

1 Q Okay. Thank you.

2 A You're not that important.

3 Q All right. During my reelection campaign in
4 2014, could you tell me what the purpose was of showing
5 my campaign canvassers my personal financial documents?

6 A Yes, ma'am. I showed your -- which I have in
7 my exhibit. I showed them your foreclosure papers
8 because I said if you can't even pay your house
9 payments, how can you run a city that has \$120 million?
10 That's what I said.

11 Q Okay. And how did you obtain papers relating
12 to my personal finances?

13 A I got them on the computer. They're public
14 record.

15 Q So -- so you went online yourself --

16 A Yes.

17 Q -- and obtained those documents?

18 A Yes.

19 Q Okay. Nobody provided them to you?

20 A No, ma'am.

21 Q Okay.

22 A I am a little --

23 Q Ms. Schure, did you ever look into the
24 personal finances of any other commissioner or
25 candidate?

1 A Yes, ma'am.

2 Q Okay. And who is that?

3 A Well, I looked -- well, I didn't look in
4 their personal finances, I just looked in their
5 background.

6 Q Okay. And who is that?

7 A Well, I looked at -- let me -- what are their
8 names? I just looked to see if they had any education.
9 I looked at all of them, actually, the city
10 commissioners, and they all just have high school
11 educations. I believe Cory what's his name -- what's
12 the man? I don't remember his name. The man -- the
13 gentleman commissioner, he has a little bit more of a
14 higher learning.

15 Q Okay. So you were speaking of candidates or
16 names. You're talking about Christopher Hanks --

17 A Yes, ma'am.

18 Q -- and Cory Hutchin -- and Cory Hutchinson,
19 two of which were in the recent 2016 election.

20 So can you tell me about -- you've been here
21 for 17 years. We go back to the 2014 election. Who
22 did you research?

23 A I don't -- I don't think I researched
24 anybody --

25 Q Okay.

1 A -- on that election.

2 Q What about the 2012? What about the 2012
3 election? Did you research those candidates?

4 A Ma'am, you're asking me things that I can't
5 really remember. I don't have that great of a memory.
6 I don't have an eidetic memory, ma'am. I can't answer.

7 THE COURT: Ms. Schure.

8 THE WITNESS: Yes, sir.

9 THE COURT: Ms. Schure, if you don't
10 remember, just say you don't remember.

11 THE WITNESS: I don't remember.

12 THE COURT: Or you don't recall.

13 THE WITNESS: I don't recall. Sorry.

14 THE COURT: Okay.

15 THE WITNESS: Thank you for your question.

16 BY MS. YATES:

17 Q Okay. So we're up to 2012. You don't
18 recall.

19 Do you recall any in 2010?

20 A No, ma'am. I just started doing this
21 recently.

22 Q Recently how -- what do you mean by recently?
23 Can you give me -- you mean 2016?

24 A Yes, ma'am.

25 Q Okay. All right. And now, Ms. Schure, you

1 had mentioned that back in 2014 that you had showed my
2 personal financial documents because, as you had
3 testified to, you felt it was very important, with the
4 foreclosures, how would somebody manage the city's
5 budget.

6 So back in -- that was 2014. Do you feel
7 that no other candidates or commissioner, that that
8 would hold true for them?

9 A Yes, ma'am. I know one other that -- that is
10 totally irrelevant to this. But, yes, I know some --
11 one of the other commissioners I know their
12 financial -- or some of their financial background.

13 Q And who is that?

14 A Vanessa Carusone.

15 Q Okay. So you are not aware of other
16 commissioners, such as, another example, Rhonda
17 DiFranco?

18 A I know her -- I know her background.

19 Q Okay. So you know in regards to the IRS
20 taxes owed and the lien and the foreclosure -- lis
21 pendens, I should say, and bankruptcy?

22 A No, I just -- I just got your bankruptcy
23 stuff. I -- that's all I have. You know --

24 Q Okay. Just -- just mine?

25 A Geez.

1 THE COURT: You've got to let her finish, Ms.
2 Yates.

3 MS. YATES: Okay.

4 THE COURT: Please allow her to finish her
5 answer.

6 Go ahead, Ms. Schure. Go ahead and finish
7 your answer.

8 THE WITNESS: Actually, I don't understand
9 what this has to do with this case.

10 THE COURT: Ms. Schure, if you could just
11 answer the questions, ma'am.

12 THE WITNESS: Your Honor, I'm trying, but
13 they're redundant.

14 Go ahead, Ms. Yates.

15 BY MS. YATES:

16 Q Okay. So understanding the research that you
17 had done, and you just had researched my finances is
18 where I believe -- what you were saying?

19 A Yes, ma'am.

20 Q You were not -- okay. And you did background
21 checks on everybody else. And by the background
22 checks, did that include, like, criminal background
23 checks? Could you kind of --

24 A No, ma'am, I just --

25 Q Can you explain --

1 A I'm sorry. I never know when you're
2 finished.

3 THE COURT: Yeah. She's finished. Go ahead.

4 THE WITNESS: I looked into -- I typed their
5 name into Google, I looked into their backgrounds
6 to see what kind of schooling they had. I did not
7 go any farther. I just wanted to know if they had
8 any backgrounds and how high their education was.
9 That's all I -- you know, I -- that's all I did.

10 Excuse me, your Honor. Can I get my water,
11 please.

12 THE COURT: Yes. Go ahead.

13 THE WITNESS: Thank you.

14 BY MS. YATES:

15 Q Okay. So -- so, Ms. Schure, the only person
16 that you looked at the financial background to was
17 Linda Yates?

18 A Yes, ma'am.

19 Q Okay. Did you ever publicize the personal
20 hardships or personal finance information? You
21 mentioned that you had looked up Vanessa Carusone. So
22 I'm trying to get it clear here because I'm getting
23 kind of contrary --

24 A I just looked up -- I'm sorry. I just never
25 know when she's going to stop her question. She stops,

1 then she starts. I'm sorry.

2 Yes, I just know her -- I know her background
3 from a friend of mine that -- she did her -- her
4 husband did business with. That's what I know of her
5 and how the business was handled.

6 Q Okay. And you're speaking of Vanessa
7 Carusone. And who is the friend that you are speaking
8 of --

9 A I will not --

10 Q -- that you received this information?

11 A I am not divulging that.

12 THE COURT: Why is that important, Ms. Yates?

13 MS. YATES: It's very pertinent and important
14 to this matter as far as showing malicious intent.

15 THE COURT: The friend's name, why is that
16 important?

17 MS. YATES: It's important because of the
18 individuals that Ms. Schure has worked with in the
19 Complaint and other things that have been done.

20 THE COURT: Let's move on. I don't think it
21 is.

22 THE WITNESS: Thank you.

23 BY MS. YATES:

24 Q All right. Did you ever person -- did you
25 ever publicize any -- any of the information about any

1 of the other candidates or commissioners --

2 A No, ma'am. I never --

3 Q -- whether --

4 THE COURT REPORTER: I'm sorry? She's going
5 to have to wait longer so they don't overlap. I
6 didn't get it.

7 BY MS. YATES:

8 Q Right.

9 Whether it was about business or education or
10 personal finances, did you ever publicize any of that
11 on anybody else?

12 A No, ma'am.

13 Q Why is that?

14 A Because it wasn't important. And I never
15 publicized your stuff either.

16 Q So you're saying you never publicized my
17 stuff as far as the foreclosure documents --

18 A Yes, ma'am.

19 Q -- which you --

20 Okay. Earlier you testified that you had
21 spoken with Ms. Kathy -- Kathy Lanza, you spoke with
22 Cory Hutchinson, shared an opinion, and I also asked
23 why you had shared my foreclosure documents, and you
24 gave me your explanation. So can you explain what
25 you're saying now, that you hadn't?

1 A I showed Kathy Lanza, that's it. I did not
2 show them to Cory Hutchinson. I did not put them in
3 the newspaper. I did not put them on social media. I
4 showed Kathy Lanza and the lady sitting in the car with
5 her. I did not put them anywhere else, Ms. Yates.

6 Q Okay. So, Ms. Schure, you mentioned earlier
7 that you had an opinion of me. Obviously, everybody
8 has a right to their opinion. Can you tell me what
9 your opinion is of me?

10 A No.

11 Q You can't tell me what that opinion is?

12 A No, I can't.

13 Q Is that because you don't have an opinion or
14 you do have an opinion?

15 A It's because I have the right to not voice my
16 opinion. I mean, I can -- I have an opinion, but I --
17 how should I say it? But I really don't think it's
18 relevant to this.

19 MS. YATES: Your Honor, the relevancy here is
20 that Ms. Schure has testified that she has shared
21 opinions with others, and it is very relevant to
22 the material facts of this case.

23 THE COURT: Okay. Well, Ms. Schure, I think
24 it is germane to this proceeding --

25 THE WITNESS: Okay.

1 THE COURT: -- what your opinion of Ms. Yates
2 is. So would you be so kind enough to share that
3 with us.

4 THE WITNESS: Well, my opinion when -- in
5 2014, when she was running for election, was --
6 and this is what I said -- that if she cannot
7 handle her own finances, how can she run a city's
8 finances?

9 And I really didn't have an opinion when I
10 filed this case, except that I know -- my opinion,
11 I guess it would be -- I know she's breaking the
12 Sunshine Law. So that's -- that -- other than
13 that, I have no opinion.

14 I'm just trying to keep my commissioners, as
15 a citizen, in the right.

16 So, other than that, I have no opinion of
17 you. I don't know you and, basically, I don't
18 care. I filed this -- I filed this because you're
19 breaking the Sunshine Law. There was no malice.
20 This is to show what you do.

21 BY MS. YATES:

22 Q Okay. And for how long, Ms. Schure, do you
23 have the beliefs, as you just testified?

24 A Well, what part, the 2014 or since I filed
25 this complaint?

1 Q I would say, you know, go back as far as you
2 want. You mentioned about the 2014, my reelection
3 campaign, and then you talked about you believe
4 Sunshine Law is being violated.

5 A Yes, ma'am.

6 Q So I'm asking: How -- how long have -- do
7 you feel this has been going on?

8 A Since 2010.

9 Q And what do you believe is the Sunshine Law?

10 A That you cannot be in another room with a
11 commissioner. Commissioners can't even be in the same
12 room together. They're not allowed to talk about
13 what's going on in the city. They're not allowed to
14 use city business on their personal computers.

15 Q And you've researched that?

16 A Yes, ma'am.

17 Q Okay. And so it's from your research on the
18 Sunshine Law that you have summarized what you believe
19 are violations?

20 A Yes, ma'am.

21 Q Okay. Has anybody provided you information
22 or guidance on what the Sunshine Law is?

23 A No. I read the newspaper. There's two
24 commissioners in Sarasota right now that are fighting
25 with a five -- it's cost the city \$500,000 because they

1 were just in the same room together. So, you know

2 Q Okay. So have you ever raised those concerns
3 with other commissioners?

4 A Yes.

5 Q From -- you -- you mentioned -- okay. Who?

6 A I'm not telling you. This is research I did.
7 This is irrelevant to this. It -- I have the
8 information. That's all that matters.

9 MS. YATES: Your Honor, I'd like to have the
10 witness answer the -- the question as to --

11 THE WITNESS: I won't.

12 MS. YATES: -- who.

13 THE COURT: Who in the context of what?
14 What's the question?

15 MS. YATES: I had asked the question -- and
16 if we want to have the court reporter read it back
17 so I'm not misphrasing it, but I did ask the
18 question who had provided guidance on the Sunshine
19 Law.

20 THE WITNESS: No one. I said I researched
21 it.

22 THE COURT: Okay.

23 MS. YATES: And she said that somebody had.
24 If we can have the court reporter read it back.

25 THE COURT: What's your answer, ma'am? Is

1 that your answer to that question?

2 THE WITNESS: Yes, ma'am -- yes, sir, that's
3 my answer. I researched it because there were
4 other commissioners that are in trouble, and so I
5 started looking into it and I started requesting
6 stuff.

7 MS. YATES: And I -- and, your Honor, my
8 question is what other commissioners that she has
9 shared she had Sunshine Law violations concerning,
10 and she is refusing to say who.

11 THE WITNESS: It doesn't -- it's irrelevant.
12 I have -- I have the information.

13 THE COURT: Well, Ms. Schure, let me sort of
14 provide a general framework here in terms of this
15 proceeding. I make determinations as to whether
16 something is relevant or not. And when the
17 question is presented to you, unless you are
18 opposing the question, then -- I know it's a
19 little bit different because you don't have an
20 attorney. So when you make those statements that
21 you think that a question is irrelevant, let's
22 establish this framework. We'll stop right there,
23 and then I will issue a ruling regarding whether I
24 think the question is relevant or not --

25 THE WITNESS: Okay.

1 THE COURT: -- with an instruction to either
2 answer or not to answer. Okay?

3 THE WITNESS: Yes, sir. I'm sorry, your
4 Honor. But, okay.

5 THE COURT: So -- that's okay. That's okay.
6 So, with that frame -- we'll operate with that
7 framework.

8 Now, as to the question that Ms. Yates asked
9 you, I understand that you don't think that it's
10 relevant. So I'm going to overrule that
11 objection, and you need to go ahead and answer the
12 question.

13 THE WITNESS: Cheryl Cook. I have no other
14 -- I can't -- that's --

15 BY MS. YATES:

16 Q Okay. Ms. Schure --

17 A I'm tired.

18 Q -- did you publicize your concerns in regards
19 to Ms. Cook's alleged violations of Sunshine Law?

20 A I don't understand the question.

21 Q Okay. I had asked you -- you -- you had
22 concerns from reading the newspaper and research you
23 did?

24 THE COURT: No. The question is did you
25 publicize, and she said she didn't understand the

1 question. So what do you mean by did she
2 publicize? Explain what you mean by the question.
3 No need to go back and tell her what she's already
4 testified to. Let's just focus on this question.

5 BY MS. YATES:

6 Q Okay. Did you publicize your concerns in
7 regards to Cheryl Cook's alleged violation of Sunshine
8 Law?

9 A I didn't say Cheryl. I did not say Cheryl
10 Cook violated the Sunshine Law. I said you violated
11 the Sunshine Law. I did not say that. You asked me a
12 totally different question, ma'am.

13 Q Okay. So the question that I believe I asked
14 was: Had -- were there other commissioners that --
15 from your research and reading articles that you had
16 found concern with in violating Sunshine Law --

17 A Those are --

18 Q -- and your answer to me -- your answer --

19 THE COURT: Let her give her answer.

20 MS. YATES: Okay.

21 THE WITNESS: The two commissioners are the
22 Sarasota commissioners that were standing in the
23 room together, that they are now in litigation
24 with violation of the Sunshine Law.

25 You asked me where I would -- I started this

1 research. That was where I started the research
2 to see if my commissioners were violating the
3 Sunshine Law.

4 BY MS. YATES:

5 Q Okay. And, Ms. Schure, I had asked the
6 question earlier of what other commissioners
7 potentially -- that you had concern violated the
8 Sunshine Law. I had asked you who they were, you had
9 said you didn't want to answer, but then you gave an
10 answer Cheryl Cook.

11 A No, because --

12 Q So --

13 THE COURT: Are you finished with your
14 question, Ms. Yates?

15 MS. YATES: Yes.

16 THE WITNESS: Your Honor, can we please read
17 back that question that she asked me there that I
18 said Cheryl Cook. That was not her question.

19 THE COURT: Okay. We're not going to do
20 that --

21 THE WITNESS: Okay.

22 THE COURT: -- because I don't want to spend
23 ten minutes trying to figure out what that
24 particular question was.

25 Let's do this: Ms. Yates, what is your

1 specific question to Ms. Cook -- let's -- let's --

2 THE WITNESS: Not Cook.

3 THE COURT: Let's start this over and move
4 forward. I mean to Ms. Schure.

5 THE WITNESS: Schure.

6 BY MS. YATES:

7 Q All right. Let's -- let's start with
8 something fresh.

9 So, in 2014, I had won my reelection. How
10 did you -- how did you feel about that?

11 A I knew our city was in trouble.

12 Q Okay. And why is that?

13 THE WITNESS: Your Honor, do I have to
14 answer?

15 THE COURT: Yes. Explain -- you're
16 explaining your answer. You said you thought the
17 city was in trouble. And so the follow-up is:
18 Why?

19 THE WITNESS: Because when Ms. Yates gets in
20 the commission meetings, she tries to make
21 ordinances on her own. She does not speak with
22 the -- our city attorney. She wants to write them
23 all herself, and she's not a lawyer, and that
24 worries me. Because, as I said, I went to the
25 boating one -- meeting, and she was trying to

1 change the ordinance that has been our ordinance
2 for 50 years on her own without legal assistance.
3 That's why I worry.

4 BY MS. YATES:

5 Q Ms. Schure, are you familiar with the city
6 council and how many commissioners there are?

7 A There's five.

8 Q All right, Ms. Schure. So, with five
9 commissioners, how does something get passed or fail?

10 A By your --

11 Q Can one --

12 A See, she stops and then she starts.

13 Q I'm sorry. I saw your face. You looked like
14 you didn't understand the question. But go ahead.

15 A Go ahead and finish. You stop and wait for
16 me to answer, and you start again. I never know when
17 to answer you. So please ask it again.

18 THE COURT: Well, why don't you do this, Ms.
19 Schure. Just count to two after Ms. Yates stops
20 talking and then start your answer.

21 THE WITNESS: Thank you, your Honor.

22 THE COURT: All right. Please ask the
23 question again.

24 BY MS. YATES:

25 Q So how many --

1 THE COURT: Go ahead, Ms. Yates.

2 MS. YATES: I didn't hear what she said.

3 THE COURT: She didn't say anything.

4 MS. YATES: Okay.

5 BY MS. YATES:

6 Q So how many commissioners does it take to --
7 to pass or fail an action?

8 A Three, I believe.

9 Q Okay. So could one commissioner change an
10 ordinance without the body of the commission?

11 A No, ma'am.

12 Q Okay. All right. Did you ever make any
13 public statement at the city commission meeting about
14 any concerns you had regarding my public service?

15 A Only the one on the boating.

16 Q Just to clarify, are you saying boating or
17 voting?

18 A B-o-a-t-i-n-g, boating.

19 Q Thank you.

20 The question was: Have you ever made a
21 public statement at the city commission meeting about
22 any concerns you had regarding my public service?

23 A No, ma'am.

24 Q Okay. Did you ever speak with
25 then-commissioner Cheryl Cook about me, Linda Yates?

1 A Yes.

2 Q Okay. Can you tell me about your
3 conversations or your concerns that you shared?

4 A No.

5 THE COURT: Ms. Yates, let me -- let's pause
6 for a minute. Let me do this, because I'm
7 starting to sense that we're not as focused as we
8 should be.

9 At the beginning of this proceeding -- and I
10 understand that in opening statement you have an
11 opinion as to what you think this case is about.
12 But let me tell you what I think this case is
13 about.

14 This case is about three elements, and those
15 three elements I enumerated to you during my
16 opening statement.

17 The first element concerns malicious intent
18 to injure.

19 The second element concerns whether the
20 person filing the Complaint knew that the
21 statements made in the Complaint about the
22 official were false or made statements about the
23 official with reckless disregard for the
24 commissioner as to what was set forth in the
25 Complaint.

1 And then, the third, that those statements
2 were material to a violation of Chapter 106 or
3 Chapter 104.

4 So these questions and your questions need to
5 tie back into, at some point, the Complaint that
6 was actually filed by Ms. Schure against you with
7 the Elections Commission. So I just want to make
8 sure you have an appreciation for that.

9 MS. YATES: I do, your Honor --

10 THE COURT: Okay.

11 MS. YATES: -- absolutely. And I do know the
12 burden of proof as far as malicious intent.

13 THE COURT: That's not the only thing.

14 MS. YATES: I understand, your Honor.

15 THE COURT: Okay.

16 MS. YATES: I do.

17 THE COURT: All right. Proceed.

18 MS. YATES: Thank you.

19 BY MS. YATES:

20 Q So, Ms. Schure, I believe the last question I
21 was asking you about is from the conversations that you
22 had with Ms. Cheryl Cook, and I had asked about those
23 conversations.

24 And I guess the court reporter may remind us
25 of what your response is or can you please state that

1 again?

2 A I had many conversations with Ms. Cook about
3 you. I can't recall them all. There were many.

4 Q Okay.

5 A I had many conversations about all the
6 commissioners. I am allowed to have conversations.

7 Q Okay. Did you -- do you recall those
8 conversations were regarding the Complaint that you had
9 filed with the FEC, the Florida Elections Commission,
10 on me?

11 A Yes.

12 Q And when -- when were -- when was that? Was
13 that prior to the Complaint?

14 A Yes, it was prior to the Complaint.

15 Q Okay. And how long have you known Ms. Cheryl
16 Cook?

17 A 15 years.

18 Q All right. If I could just ask you, if you
19 can recall, after you had submitted your FEC -- Florida
20 Election Complaint against me, did you then also have
21 conversations with Ms. Cheryl Cook?

22 A Yes. I've known her 15 years. Yes.

23 Q Ms. Schure, I'd like to go to the exhibits.

24 And, your Honor, should I enter the exhibit
25 into evidence prior to or --

1 THE COURT: No.

2 MS. YATES: Okay.

3 THE COURT: Let's first see what we're
4 dealing with. What exhibit are we talking about?

5 MS. YATES: Exhibit Number 13.

6 THE COURT: Exhibit Number 13.

7 THE WITNESS: Hold on a second. I've got it
8 here.

9 THE COURT: What is this? No, no, no. I'm
10 talking to Ms. Yates. This is her exhibit.

11 MS. YATES: This is the Official Candidate
12 Petition Certification for Ms. Cheryl Cook, and
13 it's pages -- I have page numbers 106 through 109.

14 THE COURT: Ms. Schure, do you have any
15 objection to this; it being admitted into
16 evidence?

17 THE WITNESS: Your Honor, I don't even know
18 why it's an exhibit. So, no.

19 THE COURT: Well, let me clarify your
20 response.

21 THE WITNESS: Okay.

22 THE COURT: What Ms. Yates is asking is that
23 this document, her Exhibit 13, be admitted into
24 the record.

25 THE WITNESS: Oh.

1 THE COURT: Received as evidence in this
2 case. So I'm asking you if you object to it being
3 admitted into evidence.

4 THE WITNESS: No, I don't object. I don't
5 object.

6 THE COURT: All right. Petitioner's Exhibit
7 13 is admitted.

8 (Petitioner's Exhibit Number 13 was
9 admitted.)

10 THE COURT: Go ahead.

11 MS. YATES: All right. Thank you, your
12 Honor.

13 BY MS. YATES:

14 Q Ms. Schure, if you can please turn to -- in
15 that Exhibit 13, page number LY-108.

16 A Got it.

17 Q Can you -- can you tell me the first name on
18 -- on this petition, the first person to sign
19 Ms. Cook's candidate petition for North Port City
20 Commissioner?

21 A It's Kathy Schure.

22 Q Okay. And the date of that?

23 A 5/15/12 -- or -- yeah, 5/15/12. 2012.

24 Q Okay. And, Ms. Schure, would you consider --
25 I -- I know when I ran for election, my husband, both

1 in 2010 and 2014, the person closest to me, signed as
2 my first name on my petition. So I'm just -- want to
3 ask you: Do you have a very close relationship with
4 Ms. Cook in your -- you know, friendship?

5 A Well, considering --

6 Q Do you have special -- I'm sorry.

7 THE COURT: Yes. Go ahead, Ms. Schure.

8 THE WITNESS: Well, considering Ms. Cook
9 isn't married and has no children, what does me
10 having to sign it first have to do anything with
11 it? I told you we have been friends for 15 years.
12 So what? What -- so what? So what? I signed it
13 first. So what?

14 THE COURT: I think she answered the
15 question. They've been friends for 15 years.
16 Let's move on to the next question.

17 MS. YATES: Okay. Thank you.

18 BY MS. YATES:

19 Q All right. I'd like to go to Exhibit Ten.

20 THE WITNESS: Your Honor, I had Exhibit Ten
21 out for a reason. Can I get it, please.

22 THE COURT: Oh, sure.

23 THE WITNESS: Thank you.

24 THE COURT: All right.

25 THE WITNESS: Okay. I'm ready. Thank you.

1 THE COURT: Ms. Yates.

2 MS. YATES: Yes.

3 THE COURT: She's ready.

4 MS. YATES: Okay. I'd like to enter this
5 into evidence, your Honor.

6 THE COURT: What is it?

7 MS. YATES: This is a Commission on Ethics
8 Complaint, 16-100, filed by Kathy Schure against
9 Jacqueline Moore.

10 THE COURT: Okay. Do you have any objection
11 to this --

12 THE WITNESS: No.

13 THE COURT: -- Ms. Schure?

14 THE WITNESS: No, sir.

15 THE COURT: Okay. All right. This is
16 Petitioner's Exhibit Ten. It's admitted into
17 evidence.

18 (Petitioner's Exhibit Number Ten was
19 admitted.)

20 MS. YATES: Thank you, your Honor.

21 BY MS. YATES:

22 Q Ms. Schure, did you fill out this Ethics
23 Complaint form?

24 A You gotta be kidding me. Is my signature on
25 it? Yes, ma'am. It's my handwriting.

1 Q Okay. Ms. Schure, my question was: Did you
2 fill out the form, the -- the form, with all the
3 attachments?

4 A No, ma'am. I had some help. Let me look at
5 it here. I have to look at it. Give me a second. Do
6 I have it?

7 No, ma'am. I had help with this because I'm
8 not a lawyer.

9 Q Okay. Can you tell me who helped you with
10 this?

11 A No, ma'am. It's irrelevant -- I'm sorry.
12 No, ma'am.

13 THE COURT: I'll treat that as an objection.
14 So what's the basis for your opposition to that
15 question, Ms. -- Ms. Schure?

16 THE WITNESS: What does it matter who helped
17 me with this? I filed the Complaint. It doesn't
18 matter if I had a lawyer help me, if I had an
19 acquaintance that's a lawyer help me. What does
20 that have to do with the Complaint? I don't
21 understand.

22 THE COURT: Okay. Okay. Just a second.

23 We'll turn to you, Ms. Yates. Why is this
24 important for purposes of that particular question
25 in terms of who helped her file this Complaint?

1 Why is the identity of the person that helped her
2 relevant to this proceeding?

3 MS. YATES: Your Honor, this is one of many
4 instances that in -- in the burden of proof that I
5 have for this case that I -- that this is an
6 important part of it. Complaints that are
7 filed --

8 THE COURT: Well, why is it an important part
9 of it? Who helped her, why is that important, an
10 important part of it?

11 MS. YATES: It's an important part of it
12 because when a Complaint, such as this, is filed,
13 it -- it's hearsay. They either know the
14 information or they don't know the information.
15 I'm trying to show the history and the knowledge
16 that Ms. -- Ms. Schure has or doesn't have.

17 THE COURT: Right. But this is not a
18 Complaint that was filed against you.

19 MS. YATES: I understand that, your Honor.

20 THE COURT: This was filed against a
21 Jacqueline Moore.

22 MS. YATES: Yes.

23 THE COURT: Okay.

24 MS. YATES: I understand. And, as I said,
25 this is very pertinent to my election.

1 THE COURT: But I'm not understanding why.
2 You're not telling me why it's important.

3 MS. YATES: It establishes the basis of -- of
4 knowledge.

5 THE COURT: Knowledge of what?

6 MS. YATES: Well, if -- the -- the -- if you
7 look at the date on this, it's June 8th. This is
8 prior to filing my Complaint, Elections Complaint.

9 THE COURT: But the pending question is the
10 identity of the person that assisted her, and
11 that's what she is opposing. Why is the identity
12 of the person that assisted her important?

13 MS. YATES: Because of the -- the knowledge
14 of knowing whether -- she mentioned she did not
15 have an attorney. So if this information is
16 provided hearsay through some -- is it an attorney
17 that's helping? Is it another commissioner that's
18 helping? Is it another individual that's helping?
19 I'm trying to understand and establish the
20 origination of this Complaint since she said she
21 didn't do it --

22 THE COURT: Right.

23 MS. YATES: -- on her own.

24 THE COURT: Right. But this is not the
25 Complaint against you. Okay? So I'm going to

1 sustain the objection. So let's -- let's move on.

2 MS. YATES: Okay.

3 BY MS. YATES:

4 Q All right. Ms. Schure, do you -- all right.
5 Let me just go to -- did you ever request that this --
6 this document, this Complaint, be entered into a public
7 record and distributed to all commissioners, the North
8 Port City Commission?

9 A Which Complaint? You have more than one in
10 front of me.

11 Q We are still on Exhibit Number Ten.

12 A Okay.

13 Q And that's page --

14 A You know what? I didn't do this -- do this
15 for commissioners because I won this case.
16 Ms. Jacqueline Moore, through the Eth -- the Ethics
17 Committee had her pay a \$250 fine because -- and I have
18 the evidence in -- in my exhibit. So I won this case.
19 Why would I give it to the commissioners? She was
20 declared wrong.

21 Q Ms. -- Ms. Schure, let me call your attention
22 to where we're at. We're on Exhibit Ten.

23 A Yes, ma'am.

24 Q Exhibit Ten.

25 A Yes, ma'am.

1 Q Is -- is -- it's the Commission on Ethics --

2 A Yes, ma'am.

3 Q -- Commission on Ethics --

4 A Yes, ma'am.

5 Q -- Complaint form, 16-100.

6 A Yes, ma'am.

7 Q Okay. So you're talking about -- you just
8 mentioned about you won a case. Can I call your
9 attention to page number 97?

10 A I don't have page number 97. Oh, there it
11 is.

12 Q Are you there?

13 A Yes, ma'am.

14 Q Okay. So page number 97. Can you read the
15 date on the top of that that says date -- draft filed?

16 A June 27th, 196 -- 2016.

17 Q Thank you.

18 And the title of this document? Under
19 respondent, what does it say?

20 A Under respondent? A Public Report and Order
21 Dismissing Complaint.

22 Q Okay. And please go to page number 99. Can
23 you read the first line on -- on that page, please.

24 A "Accordingly, this Complaint is hereby
25 dismissed for failure to constitute a legally

1 sufficient complaint with the issuance of this public
2 report." Okay?

3 Q Okay. So going back to earlier, what you
4 testified is that you won this case. Do you agree that
5 that is not true?

6 THE WITNESS: Your Honor, may I get -- your
7 Honor, may I get one of my exhibits, please, to
8 prove that I won this case?

9 THE COURT: Okay. Sure.

10 MS. BRUNNI: She's got the wrong --

11 MS. YATES: No, your Honor --

12 THE COURT: Just a second.

13 THE WITNESS: Where is it? Excuse me, your
14 Honor. I'm sorry.

15 THE COURT: No, that's okay.

16 THE WITNESS: Where is it?

17 MR. YATES: Can I be excused for a
18 gentleman's break?

19 MS. SCHURE: I have it here somewhere, your
20 Honor. I'm sorry.

21 THE COURT: Let's do this, Ms. Schure. Go
22 ahead and return to the witness --

23 THE WITNESS: Okay.

24 THE COURT: -- seat. And when we take a
25 break, you can look through your documents.

1 THE WITNESS: All right. Thank you.

2 THE COURT: Okay.

3 THE WITNESS: Oh, here. I found it right
4 here, your Honor. I believe this is it. Yes.
5 Yes. I've got it right here.

6 Okay. Ms. Yates failed to admit it in her
7 exhibits for this case. Here's a check by
8 Jacqueline Moore -- this is the Election
9 Committee. I sent this to both committees, your
10 Honor. The Election Committee here --

11 MS. YATES: Your Honor --

12 THE WITNESS: Can I please finish?

13 THE COURT: Yeah, go ahead.

14 THE WITNESS: This is Exhibit F of mine, your
15 Honor, and she had to pay -- she said she didn't
16 want to go through the court system, so she paid a
17 \$250 fine for what she did. And it's the same
18 thing that was sent in for the Ethics Committee.

19 So the Ethics Committee said the same thing
20 like in her case, it was legally insufficient, but
21 the Ethics Committee said she was in the wrong.

22 THE COURT: The Elections Commission?

23 THE WITNESS: Elections, yes, sir,
24 Commission.

25 THE COURT: Okay. Yeah. That's your --

1 that's your understanding. We'll have someone
2 take a look at those exhibits when we come to your
3 case.

4 THE WITNESS: Thank you, sir.

5 THE COURT: Point noted.

6 MS. YATES: Okay. So I'd like --

7 THE WITNESS: I'm sorry.

8 THE COURT: That's it, Ms. Schure.

9 THE WITNESS: Thank you.

10 THE COURT: There's no question pending.

11 BY MS. YATES:

12 Q Okay. I just want to bring us back to the
13 fact that we are at the Commission on Ethics Complaint,
14 16-100.

15 THE COURT: Speaks for itself.

16 MS. YATES: It speaks for itself.

17 THE COURT: She's offered an explanation as
18 it relates to a filing with the Ethics Commission
19 and the Elections Commission. I guess that's what
20 she's saying. The Elections Commission case, the
21 respondent, Ms. Moore, paid a \$250 fine. The
22 Ethics Commission case, it appears that case was
23 dismissed.

24 Okay. Where are we?

25

1 BY MS. YATES:

2 Q Actually, in -- on page LY-100 is the
3 confirmation for this Ethics Complaint that was date --
4 date filed -- the Commission on Ethics that it had been
5 dismissed.

6 And so, Ms. Schure, I just was trying to get
7 confirmation that you are aware that this one that I
8 was asking you about was dismissed for legal
9 insufficiency. That's where we were at.

10 On page 92 of that Ethics Complaint -- and --
11 and this is the Ethics Commission filed on June 8 --

12 THE COURT: What's the question, Ms. Yates?

13 Just ask the question.

14 BY MS. YATES:

15 Q The summary on page 92 -- can you -- can you
16 just please read that sentence?

17 THE COURT: No. Just ask her the question.

18 Point her to a sentence and ask her a question --

19 MS. YATES: Okay.

20 THE COURT: -- based on that whatever
21 sentence it is that you have a question about.

22 THE WITNESS: Where is 92? I don't know
23 where 92 is.

24 BY MS. YATES:

25 Q My question is --

1 THE COURT: Do you have it, Ms. Schure?

2 THE WITNESS: Yes. Oh, let's see. 92?

3 THE COURT: Yeah.

4 THE WITNESS: Okay. Okay.

5 THE COURT: You got it?

6 THE WITNESS: Yes, sir.

7 THE COURT: What's your question, Ms. Yates?

8 BY MS. YATES:

9 Q Okay. My question is: Right under where it
10 says "summary," it says, "I believe this is an ethics
11 violation due to the individual sitting in one seat,
12 taking advantage of incumbency, and running for the
13 same office in another seat against an incumbent."

14 Did you write that?

15 A I told you no. I had help with this. It's
16 the same question you asked me before and your Honor
17 said it was irrelevant, that you couldn't ask me that
18 question, it had nothing to do with this.

19 Q So -- so that's what I'm trying to establish,
20 because you said you had assistance. And I'm trying to
21 find out: Was this your statement or was it somebody
22 else's?

23 THE COURT: Ms. Yates, she signed it. She
24 adopted it as her own. She's the one that signed
25 off. Get to the point. It's her Complaint.

1 Let's move on.

2 MS. YATES: Okay.

3 BY MS. YATES:

4 Q All right. So, Ms. Schure, you clearly
5 understood with this statement on ethics violations
6 that you filed this in the Ethics Commission, in the
7 appropriate place of Ethics Commission.

8 A I filed it with both commissions. I wasn't
9 sure which one to file it in, Ms. Yates. I filed it in
10 Ethics and I also filed it in the Elections Committee
11 -- Commission. I wanted to make sure it was taken care
12 of. So I filed it here.

13 Q So is it --

14 A They said it wasn't anything. Then I filed
15 it here, and they made her pay a fine, your Honor, Ms.
16 Yates.

17 Q So it's -- so it's your testimony that what
18 you filed here is identical to what you then filed with
19 the Elections Commission; is that what --

20 A What does --

21 Q Is that what you're trying to say?

22 THE COURT: Ms. Yates, what does this have to
23 do --

24 THE WITNESS: Nothing.

25 THE COURT: Just a second, Ms. Schure.

1 I tell you what. No, no. I want you to
2 think about that question and be able to
3 articulate for me a reason that I can understand
4 as to the nexus, the connection, between this
5 Complaint and the Complaint that was filed that
6 provides the basis for why we're here today.

7 So let's take a five-minute break and be
8 prepared to answer that question when we come
9 back.

10 (There was a short break.)

11 THE COURT: Ms. Yates, do you have a response
12 to where we're going with respect to Exhibit Ten
13 and why it's important for purposes of the matter
14 that's pending before me at this time?

15 MS. YATES: Yes, your Honor. It has to do
16 with a time frame. This Complaint, along with
17 another Complaint that Ms. Schure had brought up,
18 were filed prior to the filing of my Complaint.
19 It -- it establishes pretty much reckless
20 disregard with the knowledge that she had.

21 The -- this Complaint is very pertinent to
22 the knowledge that she had. She fully understood
23 elections violations she filed with the Elections
24 Commission -- with the Elections Commission. And
25 she filed with the Ethics Commission.

1 And by the time she had filed the Complaint
2 on me in August of 2016, she had already done this
3 in June, she then did the elections complaint
4 against another individual, and then she filed
5 mine in August.

6 This is all very important to establish and
7 show the recklessness and disregard for the
8 knowledge that she had.

9 And the difference between Sections 119 and
10 286 of Sunshine -- Sunshine Law, those violations
11 on eth -- ethics was an appropriate agency to file
12 those and also had knowledge in elections
13 complaint that you cannot make false allegations.

14 THE COURT: All right. Well, I don't know
15 the timeline in terms of, you know, the complaint
16 that we're dealing with here as it relates to when
17 this particular complaint was filed.

18 But I will say, for purposes of Exhibit Ten,
19 that the date that appears to matter is this
20 August the 3rd date, which is the date that the
21 Public Report and Order Dismissing Complaint was
22 rendered, because what's provided before that is a
23 document that is stamped draft across it with no
24 signature or rendition by the Commission on
25 Ethics.

1 So -- and I think it's a matter of general
2 public knowledge that the -- that what this draft
3 document is is a recommendation. But it has no
4 force and effect until it is signed off on and
5 rendered by the Ethics Commission, which is, in
6 this case, based on this document, August 3rd of
7 2016.

8 So that's the date that is important to me
9 for purposes of trying to piece all of this
10 together.

11 MS. YATES: Can I point out the timeline?

12 THE COURT: You -- you can point out the
13 timeline by way of the evidence.

14 MS. YATES: Yes. On this page with the date
15 -- with the draft --

16 THE COURT: I don't care about the draft, Ms.
17 Yates. That's what I'm say -- telling you. What
18 I care about is what's set forth on LY-102,
19 August the 3rd, 2016, signed by Matthew Carlucci,
20 which is the effective date of the Board
21 dismissing the Complaint.

22 The draft, which is dated June 27, 2016, is
23 nothing more than a draft and has no legal effect.

24 MS. YATES: I believe it was received by Ms.
25 Schure, as it indicates on that draft. Knowledge

1 was there.

2 THE WITNESS: No.

3 THE COURT: Okay. Well, she may have
4 received it, that's when it's stamped, but it
5 doesn't have any force and effect until the Ethics
6 Commission actually takes action on it. It's
7 draft. That's all it is.

8 MS. YATES: I understand that. And that's
9 why --

10 THE COURT: Ms. Yates, I don't want to hear
11 anything else about this. Let's move on.

12 MS. YATES: Okay. All right.

13 BY MS. YATES:

14 Q Ms. Schure, let's go to Number Nine.

15 A Nine. Nine. Nine.

16 THE COURT: Do you have it there, Ms. Schure?

17 THE WITNESS: Yes, sir.

18 THE COURT: Okay. Are you moving this into
19 evidence as well, Ms. Yates?

20 MS. YATES: Yes, your Honor.

21 THE COURT: Okay. Ms. Schure, do you have
22 any objection to Exhibit Number Nine being
23 admitted?

24 THE WITNESS: Yes, I do.

25 THE COURT: Okay. Go ahead.

1 THE WITNESS: It's the same thing. She's
2 fighting for Jacqueline Moore, and I don't
3 understand why. This has nothing to do with this,
4 in my opinion, your Honor. Why is Jacqueline
5 Moore even in this? So I don't know.

6 THE COURT: What's your -- okay. What's your
7 response, Ms. Yates?

8 MS. YATES: My response would be that, as
9 well as in Exhibit Ten, the Ethics Complaint, this
10 Complaint as well shows the knowledge that was
11 acquired by Ms. Schure from her experiences in
12 filing these complaints; this one as well. This
13 is with the Elections Commission. The statements
14 contained within here, Ms. Schure does state it
15 pertains to legal sufficiency. She knew the
16 establishment based on the history of the
17 Complaint she filed with the Ethics Commission for
18 dismissing it without having legal sufficiency.
19 And you can see the knowledge in here, and this
20 was prior to her filing the Complaint against me.

21 Also very significant is the Complaint
22 itself, page --

23 THE COURT: Are the allegations in this
24 Complaint the same as what was found in your
25 Complaint?

1 MS. YATES: No, sir.

2 THE COURT: So then how does it show
3 knowledge as it relates to the falseness of the
4 allegations made against you in your Complaint?

5 MS. YATES: The falseness of the allegations
6 were -- were clear in the fact that Ms. Schure had
7 knowledge.

8 THE COURT: All right.

9 MS. YATES: She had knowledge.

10 THE COURT: Okay. But if the allegations are
11 different in what she alleged against Ms. Moore
12 versus what she alleged against you -- because I
13 think what you're suggesting is what she alleged
14 against Ms. Moore was factually -- or legally
15 insufficient and, therefore, she should have known
16 what she alleged against me, or against you, was
17 legally insufficient.

18 And if those are different allegations, why
19 would knowledge as to Ms. Moore -- Ms. Moore's
20 allegations as to legal insufficiency have any
21 probative value or relevance as to the
22 insufficiency of the allegations that she filed in
23 your case if they're different allegations?

24 MS. YATES: Yes. Well, again, going back to
25 the malicious -- the maliciousness -- the

1 malicious intent, the reckless disregard, the
2 Complaint here in specifying the legal sufficiency
3 and citing 104.00 -- 04 -- 011, it's in here, it's
4 stated in here, and she had alleged that Ms. Moore
5 had violated elections law.

6 She alleged in my Complaint that I had
7 violated election law. She fully knew what --
8 what section was the election law, as it told her
9 on this form, 104, 106, and 105.

10 This shows she knew how to file a legally
11 sufficient complaint.

12 However, in my complaint, she said the same
13 thing, that I violated, you know, Sections 104,
14 106, and 105. However, her backup material to
15 that cited ethics violations, which she clearly
16 knew the appropriate place to bring up ethics
17 violations was in the Ethics Commission that she
18 previously did in June.

19 THE COURT: All right. I'll admit Exhibit
20 Nine. As to those specific dots that you believe
21 in Nine will connect is something you can argue as
22 part of your proposed recommended order. Exhibit
23 Nine is admitted.

24 (Petitioner's Exhibit Number Nine was
25 admitted.)

1 THE COURT: What's your question? Do you
2 have more questions for Ms. Schure?

3 MS. YATES: Yes, I do. Thank you, your
4 Honor.

5 THE COURT: Go ahead.

6 BY MS. YATES:

7 Q Okay. If you can just give me a minute here.

8 A Where was it?

9 Q Okay. So, Ms. Schure, we're on Exhibit Nine,
10 and that is the Florida Elections Commission
11 Confidential Complaint Form that you have filled out
12 for Jacqueline Moore.

13 Did -- did you not submit this form?

14 THE COURT: Did she not submit the form?

15 MS. YATES: I'm sorry.

16 BY MS. YATES:

17 Q Did you -- did you submit this form?

18 A Yes.

19 Q Okay. That is -- and that is your signature
20 on page 83 --

21 A Yes.

22 Q -- on July --

23 Okay. And the date on that, as we see it,
24 you agree, is July 22nd, 2016?

25 A Yes.

1 Q Okay. And the date on the attachments?

2 A There is no date.

3 MS. YATES: I'm sorry. Strike that. Strike

4 that.

5 BY MS. YATES:

6 Q And the notary on this is Joy Lynn Crowley.

7 You see the circle there? It says personally known.

8 On that page it says personally known.

9 A No.

10 Q You don't see that?

11 A Tell me where it is. I'm sorry, no, I don't

12 see it.

13 Q Okay. Page 83.

14 A Yes, ma'am.

15 Q Okay. Do you know -- personally know Ms. Joy

16 Crowley?

17 A No, I do not.

18 Q Okay. If I can have you go back to page

19 number LY-90.

20 A Where is that at?

21 Q That's in Exhibit Ten.

22 A You're kidding me; right?

23 Yes, ma'am.

24 Q Okay. On this page, on the notary, it also

25 says Joy Lynn Crowley. And do you see on the bottom

1 right-hand side?

2 A Yes.

3 Q Okay. It's checked off produced
4 identification, Florida driver's license. And -- do
5 you agree with that?

6 A Yes. She asked me for my I.D. When you do
7 legal papers, you have to prove who you are; correct?

8 THE COURT: Ms. Schure, just -- just answer
9 the questions, ma'am.

10 THE WITNESS: Stupid question.

11 BY MS. YATES:

12 Q Okay. So that -- so that was on June 8th,
13 2016. And the Florida Elections Complaint that was
14 notarized on July 22nd, 2016, by the same notary, it
15 says personally known. But your testimony is that you
16 do not know Ms. Crowley?

17 A Excuse me. She must have checked the wrong
18 box. She is the notary. I don't know this woman. I
19 went to her business, which is Postal whatever -- Going
20 Postal, and I had her sign it. I can't -- you know, if
21 she checked the wrong box, I'm sorry. It's not my
22 fault. She should know what she's doing. She's a
23 legal notary.

24 Q Okay.

25 A Correct?

1 Q Ms. Schure -- Ms. Schure, how many -- how
2 many documents, on July 22nd, did you have notarized?

3 A I don't know. I have no idea.

4 Q Did you have more than one?

5 A I don't know.

6 THE COURT: She's answered the question. She
7 said she doesn't know.

8 MS. YATES: I was just trying to generalize.

9 THE COURT: I understand. She said she
10 doesn't know.

11 MS. YATES: All right.

12 BY MS. YATES:

13 Q Okay. Did you have assistance in filling out
14 this -- this Elections Complaint?

15 A No. It's pretty self-explanatory. I don't
16 need assistance for that.

17 Q Okay. So -- so, for the Florida Elections
18 Complaint form, section number three, you fully
19 understood section number three, alleged violations?

20 A Yes, ma'am.

21 Q Okay. And we agree that the -- do you agree
22 that the Florida Elections instruction there is that
23 the jurisdiction is only to investigate the following
24 provisions, Chapters 104, 106, and Section 105.071 of
25 the Florida Statutes, and you fully -- you did read

1 that --

2 A Yes, I read it.

3 Q -- and understand?

4 A No, I don't understand it. I'm not a lawyer;
5 remember? I told you that. Gee.

6 Q So you did not understand what the -- what
7 the meaning of that is?

8 A Do you?

9 Q I do.

10 MS. BRUNNI: Yes.

11 BY MS. YATES:

12 Q All right. Is -- 104 -- section 104 and 106
13 relevant to -- to section 286 and 119?

14 A I have no idea. I'm not a lawyer.

15 THE COURT: She's not a lawyer.

16 MS. YATES: Okay. Your Honor, I heard
17 previous testimony about knowing the Sunshine Law.

18 THE COURT: I know what her previous
19 testimony was, Ms. Yates.

20 MS. YATES: All right. Okay.

21 MS. BRUNNI: I'm trying to help.

22 BY MS. YATES:

23 Q Ms. Schure, did you publicize or bring this
24 Complaint to the City Clerk's Office --

25 A I --

1 Q -- this Complaint that we have?

2 A Ms. Yates, I told you, no, I didn't, because
3 I won this case. Why would I bring it to the
4 Commission Office? This woman left her seat after two
5 years to run again in her district. So I'm answering
6 you. So, no, ma'am, I did not because they were
7 against it. Mylanta.

8 Q Okay. If I can, please, your Honor, the
9 answer to the question that I had asked previously in
10 Exhibit Number Ten, which was the Ethics Complaint, Ms.
11 Schure had said -- she was talking about the Elections
12 Complaint when I was asking her about the Ethics
13 Complaint.

14 So if I could just ask you: Did you
15 publicize and -- and bring to the City Clerk either of
16 those two Complaints you had filed?

17 A No, ma'am, because I won the Complaint. So,
18 no, ma'am.

19 Q Okay. So the one that you did win, the
20 Ethics Complaint; that one that you didn't win, did you
21 publicize that one?

22 A Why would I? No, ma'am. Why would I?

23 Q Okay. But you did publicize the FEC
24 Complaint against me, and you did not win that;
25 correct?

1 A Yes, ma'am.

2 Q Okay.

3 A Correct.

4 Q All right. Your Honor, I'm on page number
5 83. The questions are getting a little bit mixed up.
6 I apologize.

7 We're in tab number nine. If you go to page
8 number 89 and -- we are talking about the Elections
9 Complaint.

10 A Oh, my God.

11 Q On page 89, can you please verify for me, is
12 that your handwriting?

13 A What does that have -- no, it's my daughter's
14 handwriting. Are you a handwriting expert, ma'am?

15 THE COURT: Ms. Schure, just answer the
16 questions, ma'am.

17 THE WITNESS: No, it's not my handwriting.

18 BY MS. YATES:

19 Q Okay. Let's -- do you -- do you have a
20 postage meter, Ms. Schure?

21 A What is a postage meter? No, I guess I don't
22 because I don't even know what it is.

23 Q If you look at page number LY-89, there is a
24 postage meter stamp on that envelope.

25 A Yes, ma'am.

1 Q Okay. That's why I was asking you if you
2 owned a postage meter.

3 A No, ma'am, I don't. No, ma'am.

4 Q Where did you mail this from?

5 A My -- my daughter mailed this. So I'm not
6 quite sure where she mailed this from. What does it
7 say on it? I don't know. That's why her handwriting
8 is on there; she mailed it.

9 I never asked her about it, your Honor.

10 Q Okay. You've answered my question. Thank
11 you, Ms. Schure.

12 Please go to tab number three. It'll be
13 Exhibit Three.

14 A Where am I going? What am I looking at,
15 please.

16 Q Exhibit Number Three.

17 A I didn't hear.

18 Q Exhibit Number Three.

19 MS. YATES: Your Honor, I'd like to enter
20 this into evidence.

21 THE COURT: What is it? I don't know what
22 Exhibit Three is.

23 MS. YATES: Exhibit Three is -- is the
24 Petition for Costs and Attorney's Fees, including
25 all of the exhibits. That was for the February 28

1 Florida Commission -- Elections Commission.

2 THE COURT: Okay. I'll accept this as the
3 Complaint for -- or the Petition for Costs and
4 Attorney's Fees with the caveat that just because
5 something is included with the Petition for Costs
6 and Attorney's Fees doesn't make it so in terms of
7 what I have to rule upon for purposes of
8 determining whether fees and costs will be
9 awarded.

10 So simply because you attach what's -- what I
11 see here, a newspaper article, I don't really care
12 what the newspaper article says. That's just some
13 reporter's statement regarding something.

14 With that caveat, we'll admit Exhibit Three
15 as being the Petition for Costs and Attorney's
16 Fees.

17 (Petitioner's Exhibit Number Three was
18 admitted.)

19 MS. YATES: Thank you, your Honor.

20 BY MS. YATES:

21 Q All right. So on page number 34, Ms. Schure,
22 can you turn there, please.

23 A For some reason I don't have that. For some
24 reason I don't have that. What is it?

25 Q It's page number 34.

1 A Can I have that exhibit?

2 Q Do you have my exhibit?

3 THE COURT: Ms. Schure, do you want to just
4 use the exhibit book?

5 THE WITNESS: I got it. Thank you.

6 THE COURT: Okay. All right.

7 THE WITNESS: Back to this again. Okay.

8 BY MS. YATES:

9 Q Okay. Ms. Schure, looking at this -- this is
10 pages 34 through 40, just so we're on the same page.
11 Do you agree -- this is the Florida Elections
12 Confidential Complaint form stamped August 22nd, 2016,
13 by Kathy Schure filed against Linda Yates, and that was
14 stamped by the Florida Elections Commission. You'd
15 agree?

16 A Yeah, I agree.

17 Q Okay. Okay. Can you please look at the
18 section -- section two under the city, county, state
19 and ZIP code line. Can you please read for me that
20 next line.

21 A Person against whom Complaint is brought. Is
22 that what you're asking me?

23 Q No.

24 A You said after the ZIP code line.

25 Q Okay.

1 A Oh, I'm sorry. If individual is a candidate,
2 list the office or position sought.

3 Q And what did you put?

4 A Well, I put "commissioner (city)" because I'm
5 a layperson. I guess I misunderstood it. I know what
6 I wrote there. Thank you.

7 Q Okay.

8 A The reason I wrote that there is because on
9 the next Complaint, if you look, that went together.
10 Ms. Moore was a candidate. She had left her seat.

11 So I just figured that that's why -- that was
12 just a mistake. It wasn't meant that I thought you
13 were a candidate. I knew you weren't a candidate. I
14 thought they were asking for -- I thought they were
15 asking me for what seat you held. That's why it says
16 commissioner and then, in parentheses, city. I didn't
17 -- since they were together, I figured that was my
18 answer. It was a mistake. I'm only human.

19 Q And so reading number three, you -- you
20 understood I wasn't a candidate, you're saying, but you
21 filled this out that I was a candidate.

22 Number three says the alleged violations.
23 And the Commission has jurisdiction only to investigate
24 the following provisions of Chapters 104, 106, and
25 105.071.

1 A Oh, geez.

2 Q Your answer to that -- you -- you did fill
3 out this form; correct?

4 A This paper, this -- this front paper.

5 Q Yes.

6 A Just this, yes, ma'am. That's my
7 handwriting. It's been the same on all of them. Yes,
8 ma'am.

9 Q Okay. So I just wanted to say -- make sure
10 that we're clear. So you filled this out, and you did
11 put that I was a candidate --

12 A For the love of --

13 Q -- and you're alleging that I violated
14 Sections 104, 106, and -- or possibly 105.071. You're
15 -- you're -- you said, "See attached." Is that
16 correct?

17 A No, it's not correct. I read this, yes, but
18 I'm not a lawyer. I filled it out. But my -- I had
19 someone that had some legal background fill out -- do
20 the other work for me because I had the Complaint.
21 Okay? So I read this. I said, Okay. So since it
22 wasn't exactly Chapter 106, 104, and 105.071 -- excuse
23 me. I'm not a lawyer. I was -- I am a citizen. I was
24 filing a complaint. I didn't -- this is what our
25 courts are for. I was just filing a complaint, ma'am.

1 Q But you understand you were filing a Florida
2 Elections Commission Complaint?

3 A Yes, ma'am, I do.

4 THE COURT: She's mentioned that. She's
5 answered that. Move on, Ms. Yates.

6 MS. YATES: Okay.

7 THE WITNESS: Redundant.

8 BY MS. YATES:

9 Q If you go to page 2 of your Complaint --

10 MS. BRUNNI: Page 35.

11 MS. YATES: Yes, page 35 is the Complaint.

12 THE WITNESS: Here we go again. Help me,
13 God.

14 BY MS. YATES:

15 Q This Complaint form, under the oath, can you
16 -- can you read that?

17 A I swear or affirm that the above information
18 is true and correct to the best of my knowledge.

19 I am not a lawyer. This is to the best of my
20 knowledge, Ms. Yates.

21 Q Okay. And, Ms. Schure --

22 A Christ.

23 Q -- is that your signature there?

24 A Yes, ma'am, it is, again.

25 Q Okay. And the date that you swore to this

1 Complaint was what?

2 A August 17, 2016.

3 Q All right. Thank you.

4 A You're welcome.

5 Q All right. Please go to page -- we're still
6 within my -- the elections violation --

7 A Yes, ma'am.

8 Q -- that you alleged against me. Please go to
9 LY-36.

10 A Here we go. I got it, uh-huh.

11 Q All right. And so, attached to my Complaint,
12 can you explain this form, which is a Confidential
13 Complaint form by Kathy Schure against Jacqueline Moore
14 that is attached with my Complaint?

15 A Yes. You --

16 Q Ms. --

17 A Yes. She gets email from you. That's a
18 violation of the Sunshine Law because you're not
19 supposed to speak. So that's why it's attached. And,
20 actually, the Florida Elections Committee threw out
21 that one. Since yours was first, they took yours
22 first. They said that I couldn't do both, as you know,
23 and they -- in the letter.

24 So, yes, ma'am, I did. And the reason I said
25 it is because she was. She had resigned her seat.

1 And I put them together, again, because I am
2 a layperson. I do not know this.

3 Q Okay. And you stated something, so I want to
4 make sure this is clear. Though this Complaint was
5 contained within my Complaint, this was not accepted as
6 a complaint against Jacqueline Moore?

7 A Yes, ma'am. You got the same letter. Yes,
8 ma'am.

9 Q All right. Just wanted to verify that you
10 had gotten that.

11 A Well, it was verified in the letter, ma'am.

12 Q All right. So go to page 37.

13 A Here we go. Help me, God.

14 Q Under the oath --

15 A Oh, here we go.

16 Q -- the swearing, that is your signature --

17 A Yes, ma'am.

18 Q -- signed -- signed in front of the notary --

19 A Yes.

20 Q -- on August 17th?

21 A Yes, ma'am.

22 THE COURT: Ms. Yates, the document speaks
23 for itself. She verified that's her signature.
24 And if you just want to have her tell me what this
25 says, it says what it says.

1 MS. YATES: I understand that, your Honor.
2 I'm trying to get on the record the --

3 THE COURT: You're trying to get on the
4 record what this forms says?

5 MS. YATES: Well, if you --

6 THE COURT: It's already admitted.

7 MS. YATES: If you look at this document, the
8 date of August 17 --

9 THE COURT: Okay. Which is on the form.

10 MS. YATES: -- it's written over.

11 THE COURT: August 17th?

12 MS. YATES: Yeah. Look at the year.

13 THE WITNESS: That was the notary. That's
14 the notary's fault. It says the -- 2016. That's
15 not my fault, that's the notary's fault. And she
16 fixed it. She wrote 17, and then she fixed it --
17 or wrote 15.

18 I mean, what am I supposed to do, rewrite
19 everything because she made a little mistake like
20 that?

21 BY MS. YATES:

22 Q So on -- on August 17, 2016, Ms. Schure, then
23 you had gone to Ms. Joy Crowley and had -- paid for at
24 least two notary --

25 A Yeah.

1 Q -- notaries for that day?

2 A Yes.

3 Q Thank you.

4 Okay. Page 38. On the top of this page, Ms.
5 Schure, you have -- the title -- and this is your
6 attachment to the Elections Complaint. You had -- on
7 the top of this page you have Sunshine and Ethics
8 violations by North Port City Commissioner Linda M.
9 Yates covering the period of June 1st, 2012, to July --

10 THE COURT: Ms. Yates, just ask the question.
11 You don't need to read what it says, just ask the
12 question.

13 MS. YATES: I'm sorry, your Honor.

14 THE COURT: This is on record. It's been
15 admitted.

16 MS. YATES: All right.

17 THE COURT: So what's your question?

18 BY MS. YATES:

19 Q My question is: With your attachment to this
20 Complaint, was -- was that an error or was that
21 intentionally meant for this Elections Complaint?

22 A Is it with the Elections Complaint? Then I
23 guess it goes with it, ma'am, yes.

24 Q Okay. And from -- from the Complaint that
25 you had filed against Ms. Moore, that we looked at

1 earlier, back in June, June 8th, when you had filed
2 that, you fully did understand that the ethics
3 violations are filed with the Ethics Commission;
4 correct?

5 A Well, I filed them with both because I wasn't
6 sure, if you remember; because I wasn't sure which one
7 they go through. And I believe when I filed this one,
8 I hadn't got the answer from the other yet, so I just
9 filed it with this one.

10 August 17th. We hadn't -- had we got the
11 answer from this one? Let me look. Hold on.

12 And, again, your Honor, I am a layperson.

13 THE COURT: No, no, no. Let's just -- all
14 we're trying to do is get an answer to the
15 question.

16 BY MS. YATES:

17 Q Ms. Schure, you just stated that you filed
18 this with both agencies?

19 A No. No. I filed Jacqueline -- the other one
20 with both agencies. I only filed this with this
21 agency.

22 Q Okay.

23 A I did not file this Complaint with Ethics.
24 You would have known that if I filed it with Ethics.
25 And we --

1 Q Okay. So, based on the two complaints you
2 previously filed that had nothing to do with me, it was
3 with the Ethics Commission, you -- you had stated you
4 believed there was ethics violations?

5 A Uh-huh.

6 Q This Complaint, your attachment you have
7 here, which you attested to on the previous pages that
8 you had sworn that you were alleging violations of
9 election laws 104 or 106 or 105, this is the only
10 attachment that you had provided in this Complaint
11 against me, and it speaks to Ethics and Sunshine Law.
12 Why did you do that?

13 A Because I'm just a citizen, that's why. If I
14 would have filed with Ethics, we wouldn't be sitting
15 here right now.

16 Q Well, this -- this -- this was thrown out.
17 You agree to that we're here because this was thrown
18 out?

19 A Yes, ma'am.

20 Q Okay.

21 A Good job.

22 Q So the ethics violations you did not file
23 with the Ethics Commission, you filed it with the
24 Elections Commission. And I just wanted to verify -- I
25 believe you answered the question -- this is the only

1 document that was attached to this. The August 1st,
2 2016, do you see that on that page?

3 A What page, ma'am?

4 Q The page we're on, LY-38.

5 A 38. Yes, ma'am. What about it?

6 Q Okay. I -- I just wanted to verify you see
7 that because I'm going to go to -- call your attention
8 to -- now to page LY-43.

9 A Okay.

10 Q Okay. This document looks -- this document,
11 on top of it, reads: "Hand-delivered by citizen as a
12 public record." You agree that this is date stamped
13 City Clerk, City of North Port, and -- pages 43 to 40
14 -- let me make sure we capture all of it.

15 A I'm sorry, what exhibit are you on, ma'am?

16 Q I'm still in tab number three, and I'm asking
17 you to look at pages LY-43 --

18 A 43, I'm sorry.

19 Q -- to 49.

20 A Okay.

21 Q Okay. So I'm asking you just to -- to make
22 sure that you agree this is date stamped City Clerk,
23 City of North Port, and it looks -- it's a little faded
24 out, but it was in September of 2016.

25 A Okay.

1 Q Correct?

2 A Correct.

3 Q Okay. So this is the document that you had
4 provided to the City Clerk?

5 A Yes, ma'am.

6 Q Okay. And --

7 THE COURT: So you're the citizen that
8 delivered this document?

9 THE WITNESS: Yes, ma -- yes, sir, I am.

10 THE COURT: Okay.

11 BY MS. YATES:

12 Q Okay. All right. And this is the copy of
13 the Complaint that you had filed with the FEC; is that
14 correct?

15 A Yes, ma'am.

16 Q All right. And if we go to page number LY-44
17 -- are you on the same page with me there?

18 A Yes, ma'am.

19 Q All right. Can -- underneath the I swear or
20 affirm that the above information is true and correct,
21 that is your signature; correct?

22 A Correct.

23 Q Can you -- the date on here of this is
24 July 22nd, 2016 --

25 A Yes, ma'am.

1 Q -- correct?

2 A Correct.

3 Q Okay. Can you -- can you tell me why this
4 copy of the Complaint that was filed against me in
5 August of 2016 is different? In your signature page
6 here with -- under oath in front of the notary, why is
7 this the same as -- not the same -- I'm sorry -- not
8 the same as the date stamp and notary of the Complaint
9 you filed with the FEC?

10 A It is the same.

11 Q Okay. I would have to take you back, Ms.
12 Schure. Let's look at what you testified to.

13 THE COURT: Ms. Schure, turn to LY-37.

14 MS. YATES: Thank you, your Honor.

15 THE COURT: No, LY-3 --

16 MS. YATES: 35.

17 THE COURT: Look at LY-35 and look at LY-44.

18 THE WITNESS: I have no idea, to be honest
19 with you. I really -- I -- I swear under oath I
20 have no idea. Because they are the exact same
21 documents, are they not?

22 BY MS. YATES:

23 Q Well, Ms. Schure, that's -- that's what I'm
24 asking you. You've -- you've sworn to the FEC
25 Complaint, the Elections Complaint against me.

1 A I never even noticed.

2 I have no idea, your Honor. I have no idea.
3 They're the exact same thing.

4 Q Can you -- can you also look at page number
5 LY-46.

6 A I see that. I have no idea.

7 Q Okay. So do you agree that LY-46 does not
8 compare to the FEC Complaint that we looked at before,
9 the official one?

10 A Yes, ma'am. I have no idea.

11 Q Okay.

12 A I have -- I have no idea.

13 Q Okay. Ms. Schure, did you -- did you fill
14 out the Complaint form against me, as well as the
15 attachment, which we're going to take a look at? If
16 you go to page number 47, did you fill that out or was
17 that provided to you by someone else?

18 A This was provided to me by someone else. I
19 am not a lawyer. This is a friend that I had help me
20 with these things.

21 Q Okay. So you did not have specific
22 knowledge, firsthand knowledge, of the information
23 that's in here because somebody else assisted you --

24 A Yes, ma'am.

25 Q -- is that correct?

1 A I -- I told the person what I had and what
2 evidence I had, and they filled out -- they wrote this
3 for me. And I read it and I put it in the envelope and
4 I sent it.

5 And, your Honor, I'm honest. I really don't
6 know why those dates are different. I have no clue.

7 Q But do you agree that you signed your
8 Complaint, regardless of anybody helping you with the
9 content, you signed under oath and swore that I had
10 violated Florida Elections violations on your Florida
11 Elections Complaint form because that's the form you
12 filled out?

13 A Well, I guess.

14 Q You agree that you did?

15 A Yes.

16 Q Okay. So -- so, if you could, let's -- let's
17 look at LY-47. And I have one other question for you
18 on this page. The title of this that says, "Sunshine
19 Law and Ethics Violations by City of North Port
20 Commissioner Linda M. Yates covering the period
21 June 1st, 2012," and the rest of that sentence, you see
22 that? Can you tell me the date that follows under
23 there?

24 A January 16th, 2015? What other date? Are
25 you wanting Jacqueline's date?

1 Q I apologize. I didn't want to read the whole
2 thing in the essence of the judge's time today. But
3 those top two bold lines --

4 A Yes, ma'am.

5 Q -- right underneath that --

6 A Okay.

7 Q -- what's the date above this writing is to
8 bring the formal complaint? Do you see a date there?

9 A No.

10 Q Okay. So let's go back to page number 38 of
11 the official --

12 A Oh, my God.

13 Q -- Florida Elections Complaint form that you
14 had sworn to and look at page 38. Under the top two
15 bold lines there, can you tell me the date there?

16 A Your Honor, on this one there's a date, yes.
17 On this one, there isn't a date. It looks like it's
18 kind of -- I don't know -- like -- like, it's messed
19 up. Okay. So it's August 1st. So I mixed 'em up. So
20 I mixed up some papers. I'm sorry. As you can tell --

21 THE COURT: Ms. Schure.

22 A -- you can tell it's been mixed up.

23 THE COURT: Ms. Schure.

24 THE WITNESS: Yes, sir.

25 THE COURT: Looking at LY-38 and looking at

1 LY-47 --

2 THE WITNESS: Yes, sir.

3 THE COURT: -- do you have an explanation as
4 to why August 1st, 2016, appears on LY-38 --

5 THE WITNESS: No. No, I don't.

6 THE COURT: -- and it does not appear on
7 LY-47? Do you have an explanation for that?

8 THE WITNESS: No, sir. No, I don't, sir. I
9 have no idea. I'm still baffled over this; how
10 this got messed up.

11 THE COURT: Okay. Next question, Ms. Yates.

12 MS. YATES: Yes, your Honor.

13 BY MS. YATES:

14 Q I'd like to refer back to -- if we look at
15 LY-44, LY-46, and then go to Exhibit Number Nine -- and
16 this is the Ethics -- or Elections violations that
17 was --

18 A Ah.

19 Q -- sent in on Jacqueline Moore to which Ms.
20 Schure she said she had won that decision.

21 A So that's where I must have --

22 Q On that --

23 THE COURT: Ms. Schure.

24 THE WITNESS: Yes, sir.

25 THE COURT: Just be quiet until a question is

1 asked of you. Okay?

2 THE WITNESS: I'm sorry. I was just making a
3 comment to myself out loud. I'm sorry.

4 THE COURT: Right. Right.

5 BY MS. YATES:

6 Q So, Ms. Schure, these three pages, LY-44,
7 LY-46, they both have July 22nd, 2016.

8 A Okay, uh-huh.

9 Q All right. Signed in front of a notary --
10 where it says signed in front of a notary --

11 A Yes. Wait, wait, wait. Can you tell me what
12 tab you're in?

13 Q We're in tab number three, Ms. Schure.

14 A Thank you. Okay.

15 Q Okay. I want you to look at LY-44, LY-46,
16 and LY-83, which is Jacqueline Moore's Official Ethics
17 Complaint.

18 A Okay.

19 Q You see all three of those documents have
20 July 22nd, 2016. Ms. Schure, when you look at those
21 documents and you look at them comparatively, do they
22 look similar to you?

23 A Yes, they do.

24 Q Okay. Do you see the notary stamp of LY-44,
25 LY-46, and LY-83?

1 A Yep.

2 Q The bottom right-hand corner is just touching
3 the J in the notary's printed name. Do you agree with
4 that?

5 A What -- what -- which one? Tell me again.
6 What page are you on? I'm sorry. You've got me lost.
7 What page are you on?

8 Q Okay. LY-44, LY-46, okay, and LY-83.

9 A Okay. Yes, ma'am. Okay.

10 Q Okay. So you agree that the notary stamp is
11 touching the J in all three of those and they look
12 similar.

13 A Okay.

14 Q Three different documents.

15 THE COURT: What's the next question? She's
16 already answered that question. What's the next
17 question?

18 MS. YATES: All right. So -- sorry. I lost
19 my page here. All right.

20 BY MS. YATES:

21 Q So, Ms. Schure, did you alter the document
22 that you submitted to the North Port City Clerk for
23 distribution to the City Commission for replacement of
24 the City Commission Agenda.

25 A Ms. Yates, I had all of these papers in a

1 file just like that there. I'm sure it just got
2 misplaced because I was going through them. I did not
3 do anything like that. I wish I would have realized
4 that because I would have fixed it. I mean, why would
5 I do that? I mean, I was bringing the complaint. I
6 mean, they were all in -- I had them all in a folder,
7 the originals. I -- you know, I had been shuffling
8 through them, I had been reading them and everything,
9 and I'm sure I just mixed it up. I would not alter
10 anything.

11 Q Would you agree that that's reckless
12 disregard for the integrity of these documents?

13 A No, ma'am. It was a mistake. Why would it
14 be reckless disregard?

15 Q Okay. Did you double-check and verify all of
16 these forms before you submitted them to the agencies
17 that you had submitted them to?

18 A To the agencies? Ma'am, I had them separated
19 then. When they all came back, I stuck them in a
20 folder. Okay? They're in a folder. All I did was mix
21 up a page. I -- it's a page.

22 Q Okay.

23 A It still doesn't --

24 Q What I was -- the one document on page --
25 that we saw the date was whited out, did you do that?

1 Did you white it out?

2 A I must have. I mean, I --

3 Q Thank you.

4 A I never even noticed it. I was going through
5 them. I must have. I mean, I don't know why -- you
6 know, I don't -- I don't understand what this is about,
7 Ms. Yates. I just don't understand.

8 Q Ms. Schure, I'm going to go on to another
9 question now.

10 Can you tell me on page --

11 THE COURT: Just so that I'm clear, because
12 you said "this document," are we talking about
13 LY-47 where the date of August 1st does not
14 appear?

15 MS. YATES: Yes, your Honor. I apologize.

16 THE COURT: Okay. And --

17 MS. YATES: Yes.

18 THE COURT: So, Ms. Schure, did you white
19 that date out?

20 THE WITNESS: Your Honor, I must have. I
21 erased it. I mean, that's all I can say. I -- I
22 did.

23 THE COURT: Okay. All right. Next question.

24 MS. YATES: And -- and, your Honor, that --
25 that is the date -- I'm sorry. This is the

1 Complaint that was submitted to City Clerk.

2 THE COURT: Ms. Yates, it's stamped. I see
3 that.

4 MS. YATES: I know it's still a little
5 confusing.

6 THE COURT: I'm not confused. Go ahead, Ms.
7 Yates.

8 MS. YATES: I just wanted to make sure I got
9 it. All right.

10 THE COURT: All right. We want to be
11 stopping in six minutes for lunch break.

12 MS. YATES: Okay. All right.

13 I'd like to go to -- I think it's tab number
14 seven.

15 THE COURT: Number seven?

16 MS. YATES: Exhibit Number Seven.

17 THE COURT: Do you have that, Ms. Schure?

18 THE WITNESS: Yes, sir.

19 THE COURT: Tab seven?

20 THE WITNESS: Yes, sir.

21 THE COURT: Okay.

22 MS. YATES: All right. I'd like to enter
23 that into the evidence.

24 THE COURT: Do you have any objection to this
25 being admitted into evidence, Ms. Schure?

1 THE WITNESS: No, sir. No, sir.

2 THE COURT: All right. All right. Exhibit
3 -- Petitioner's Exhibit Seven is admitted.

4 MS. YATES: Thank you, your Honor.

5 (Petitioner's Exhibit Number Seven was
6 admitted.)

7 BY MS. YATES:

8 Q Ms. Schure, this is the letter from the
9 Florida Elections Commission in regards to the
10 Complaint you filed against me indicating --

11 THE COURT: Ms. Yates, just --

12 MS. YATES: I'm sorry.

13 THE COURT: -- just ask the question.

14 MS. YATES: I'm used to commissions.

15 THE COURT: All right. Just ask the
16 question.

17 BY MS. YATES:

18 Q All right. So if you can go to page number
19 LY-80.

20 THE COURT: LY-80?

21 MS. YATES: Yes.

22 THE COURT: Okay.

23 BY MS. YATES:

24 Q Ms. Schure, once you received this
25 notification on October 20th, 2016, from the FEC, did

1 you fill out this, page 80, to the FEC and submit any
2 additional documents to support your claims and
3 allegations that I had violated elections law?

4 A No, I did not. I read the front, it said
5 legally insufficient. My mother-in-law just died, and
6 I had more on my mind than this paper. I had to deal
7 with that.

8 And when it said legally insufficient, I
9 said, "Why should I send anything else in?" And then I
10 just put it away because it's not really -- it wasn't
11 that important to me, to be honest with you.

12 I had a death in the family. My husband's
13 mother died. We had selling the house. We had too
14 much going on for me to get more into this. I laid it
15 down, and I never looked at it again.

16 Q All right. This -- Ms. Schure, from the
17 transcript in Exhibit Number Two -- I'm going to ask
18 your Honor to enter it into --

19 THE COURT: What is Exhibit Two?

20 MS. YATES: That's the transcript of the FEC
21 hearing.

22 THE COURT: Hearing regarding what?

23 MS. YATES: Petition on this case, FEC --

24 THE COURT: That has no probative value
25 whatsoever to me. The decision that I make is

1 independent of decisions that they make.

2 Is this with respect to the Petition for
3 Attorney's Fees?

4 MS. YATES: Yes.

5 THE COURT: Okay.

6 MS. YATES: This is what the hearing was on.

7 THE COURT: This -- this was not a hearing.

8 What this was was a determination as to whether
9 your Petition for Attorney's Fees set forth a
10 prima facie case. Then it comes to me for
11 resolution.

12 So it's established as a matter of record
13 that a prima facie case was established, otherwise
14 it wouldn't be over here with me. So I don't need
15 Exhibit Two. That's -- that's of no value to me.

16 MS. YATES: Your Honor, is any of the
17 testimony or --

18 THE COURT: It's not testimony. These are
19 just commissioners making a determination as to
20 whether your Petition for Attorney's Fees and
21 Costs is legally sufficient for purposes of the
22 disputed fact here.

23 MS. YATES: Okay.

24 THE COURT: But their statements have no
25 impact on me whatsoever.

1 MS. YATES: Nothing of hers from that -- or
2 that meeting --

3 THE COURT: Nothing of whose?

4 MS. YATES: Ms. Schure's testimony. I
5 shouldn't call it testimony. From that hearing,
6 anything -- statements that Ms. Schure made is not
7 something that --

8 THE COURT: Well, now, if she made statements
9 at this hearing, then you can certainly ask her
10 about it. But I don't know if they -- are you
11 telling me they took testimony from Ms. Schure?

12 MS. BRUNNI: Yes. Yes.

13 MS. YATES: Your Honor, what I did at that
14 meeting --

15 THE COURT: Ma'am, you're going to have to be
16 quiet.

17 Okay. Go ahead, Ms. Yates.

18 MS. YATES: At that meeting, we had a
19 hearing, from what we understood. I was there and
20 Ms. Schure was there. We both made our comments,
21 we both pleaded our sides, basically.

22 THE COURT: Okay.

23 MS. YATES: And that's the reason that I
24 wanted to --

25 THE COURT: Okay. As to Ms. Schure's

1 statements, if there are admissions that she may
2 have made in here, then, certainly, I will take
3 note of those.

4 But as it relates to the determination that
5 was made about the legal sufficiency of your
6 Petition for Attorney's Fees and Costs, that's
7 already established and presumed.

8 MS. YATES: Okay.

9 THE COURT: So are there specific admissions
10 that Ms. Schure may have made in here?

11 MS. YATES: Yes.

12 THE COURT: All right. You don't need to
13 have her go back and say, "Isn't this what you
14 said," unless there's some follow-up question
15 related to something else.

16 So are you just offering them for purposes of
17 these were statements she made at this proceeding?

18 MS. YATES: Yes. I'm offering this for your
19 Honor to consider those statements she made at
20 that hearing, as well as I did have a question. I
21 believe Ms. Schure has already testified that this
22 -- her Complaint had nothing to do with election
23 law.

24 THE COURT: Hold on.

25 MS. YATES: I'm not going to go into this.

1 THE COURT: Let's take them one at a time.

2 Ms. Schure --

3 THE WITNESS: Yes, sir.

4 THE COURT: -- you appeared at this hearing
5 on February 28, 2017?

6 THE WITNESS: Yes, sir.

7 THE COURT: This was before the Florida
8 Elections Commission?

9 THE WITNESS: Yes, sir.

10 THE COURT: And you made statements at that
11 proceeding regarding this Petition for Attorney's
12 Fees?

13 THE WITNESS: I just -- yeah, I just said
14 that I didn't do it with malicious intent. But
15 there's discrepancies in this, too, your Honor.

16 THE COURT: Let me see here. All right.
17 Exhibit Two is admitted for the limited purpose of
18 statements attributed to Ms. Schure as admissions
19 by a party opponent.

20 MS. YATES: Thank you, your Honor.

21 THE COURT: Okay.

22 (Petitioner's Exhibit Number Two was
23 admitted.)

24 BY MS. YATES:

25 Q Ms. Schure, on page 11 --

1 A Oh, my God.

2 Q -- of this exhibit --

3 THE COURT: How long is this line of
4 questioning going to last? We're at 12:32. We
5 need a break for lunch. Is now a good time to do
6 it?

7 MS. YATES: Your Honor, I'd be happy to do
8 that.

9 THE COURT: Okay. We're having a break for
10 lunch. How many additional witnesses do you
11 expect?

12 MS. YATES: Five.

13 THE COURT: Okay. Now, this case was
14 reserved for one day.

15 MS. YATES: Okay.

16 THE COURT: How long do you expect these five
17 additional witnesses are going to take,
18 understanding Ms. Schure has a right to put on her
19 case as well. So you can't consume the entire day
20 with your case and not leave any time for her.

21 MS. YATES: The witnesses, pretty much all of
22 them, will be about ten minutes for my part. And
23 then one of my witnesses, Mr. Slepkin, will
24 probably take maybe 20 minutes, 30.

25 THE COURT: And how much longer do you expect

1 to be questioning Ms. Schure?

2 MS. YATES: Probably about another dozen
3 questions.

4 THE COURT: All right. Let's do this. It's
5 12 -- approximately 12:35. Let's be back at 1:15.
6 We'll break for lunch.

7 (There was a lunch break.)

8 END OF VOLUME I OF II

9 * * * * *

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CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF SARASOTA)

I, Julie K. Harvey, RPR, FPR, Notary Public, State of Florida, certify that Kathy Schure, Joy Lynn Crowley, Kathy Lanza, Patsy Adkins, Cory Hutchinson personally appeared before me on this 14th day of June, 2017, and were duly sworn.

WITNESS my hand and official seal this 30th day of June, 2017.



JULIE K. HARVEY
MY COMMISSION # FF 183804
EXPIRES: April 14, 2019
Bonded Thru Budget Notary Services

Julie K. Harvey

Julie K. Harvey, RPR, FPR
Notary Public - State of Florida
My Commission No.: FF 183804
Expires: April 14, 2019

Personally Known _____
Produced Identification X
Type of Identification Produced FL DLs (all)

1 R E P O R T E R ' S C E R T I F I C A T E
2

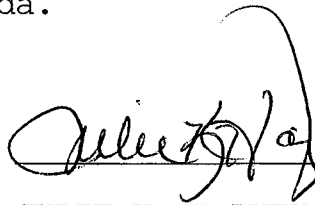
3 STATE OF FLORIDA)

4 COUNTY OF SARASOTA)

5
6 I, JULIE K. HARVEY, Registered Professional
7 Reporter, Florida Professional Reporter, do hereby
8 certify that I was authorized to and did
9 stenographically report the hearing before The Honorable
10 Linzie F. Bogan and that the foregoing transcript, pages
11 1 - 130, is a true record of my stenographic notes.

12 I FURTHER CERTIFY that I am not a relative,
13 employee, or attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17 DATED this 30th day of June, 2017, at Venice,
18 Sarasota County, Florida.

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20 

21 JULIE K. HARVEY, RPR, FPR
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\$500 [3] 205/3 208/6 208/10	156 [2] 3/10 135/10	2019 [2] 131/20 276/20
\$500,000 [1] 58/25	1593 [1] 6/8	202 [2] 3/15 135/15
'	1593F [2] 1/2 133/3	208 [2] 3/16 135/16
'16 [2] 154/9 154/22	16 [14] 4/7 4/9 136/7 136/9 168/19 168/21 168/22 169/10 170/4 170/10 170/14 214/24 231/21 232/13	209 [2] 3/16 135/16
'17 [2] 154/10 154/22	16-100 [5] 4/13 73/8 78/5 81/14 136/13	20th [1] 123/25
'em [1] 116/19	16-312 [1] 198/24	21 [3] 175/16 219/19 219/20
's [2] 132/1 277/1	162 [2] 3/11 135/11	211 [2] 3/18 135/18
0	16th [2] 115/24 155/12	219 [2] 3/18 135/18
011 [1] 91/3	17 [23] 4/4 4/18 41/12 46/7 49/21 105/2 107/8 107/16 107/22 136/4 136/18 138/21 138/23 154/9 155/13 194/25 195/5 195/7 195/9 202/1 212/3 223/22 250/25	21st [1] 258/3
04 [1] 91/3	17-1593 [1] 6/8	223 [2] 3/19 135/19
1	17-1593F [2] 1/2 133/3	224 [2] 4/8 136/8
1.0045 [1] 35/9	172 [2] 3/12 135/12	228 [2] 3/20 135/20
10 [4] 4/13 136/13 142/16 223/22	17th [8] 36/4 106/20 107/11 109/10 142/19 154/2 155/9 155/12	22nd [16] 92/24 94/14 95/2 101/12 112/24 118/7 118/20 146/23 151/17 152/13 152/18 152/25 153/16 153/25 251/18 251/21
10/20/16 [2] 4/9 136/9	18 [14] 4/19 136/19 138/23 196/19 196/20 197/1 197/11 197/11 199/19 199/19 199/21 199/22 200/9 223/22	233,000 [2] 244/10 244/11
10/25/16 [2] 4/7 136/7	182 [2] 3/13 135/13	237 [2] 4/22 136/22
10/27/16 [1] 232/13	183804 [2] 131/20 276/20	238 [2] 4/23 136/23
100 [9] 4/5 4/13 73/8 78/5 81/14 82/2 136/5 136/13 157/13	188 [2] 4/7 136/7	239 [2] 4/24 136/24
100 percent [1] 260/2	19 [13] 4/20 136/20 195/20 195/21 195/25 196/1 196/9 196/12 196/14 196/16 197/1 219/22 223/22	23rd [1] 224/15
102 [1] 87/18	190 [2] 3/14 135/14	240 [2] 5/3 137/3
104 [17] 29/19 37/23 68/3 91/9 91/13 95/24 96/12 96/12 102/24 103/14 103/22 110/9 140/19 143/19 145/6 145/20 146/6	195 [2] 4/18 136/18	241 [2] 5/4 137/4
104.00 [1] 91/3	196 [3] 4/20 78/16 136/20	242 [2] 5/6 137/6
105 [3] 91/9 91/14 110/9	1960s [3] 202/11 202/11 202/17	243 [2] 5/5 137/5
105.0571 [1] 146/7	1974 [2] 202/22 202/23	248 [2] 3/21 135/21
105.071 [8] 95/24 102/25 103/14 103/22 140/19 143/19 145/6 145/21	199 [2] 4/19 136/19	257 [2] 3/22 135/22
106 [17] 29/19 37/23 68/2 70/13 91/9 91/14 95/24 96/12 102/24 103/14 103/22 110/9 140/19 143/19 145/6 145/20 146/6	1:15 [3] 130/5 133/19 138/2	25th [4] 171/20 187/2 187/4 187/17
106.2 [1] 228/19	1st [7] 108/9 111/1 115/21 116/19 117/4 121/13 199/7	26 [1] 251/2
106.265 [2] 29/9 35/9	2	26th [3] 234/18 234/20 257/17
108 [1] 71/15	2/28/17 [2] 4/4 136/4	27 [4] 87/22 200/4 200/10 264/5
109 [1] 70/13	20 [6] 129/24 157/13 219/22 227/22 263/1 269/19	275 [1] 277/11
11 [4] 128/25 138/18 138/20 138/21	2000 [2] 212/3 235/3	276 [1] 135/23
119 [3] 35/19 86/9 96/13	2005 [2] 1/16 133/16	277 [1] 135/24
12 [15] 4/14 71/23 71/23 130/5 136/14 139/8 139/10 141/20 141/21 141/24 142/7 142/8 143/10 143/12 223/22	2008 [2] 163/10 163/17	27th [3] 78/16 197/25 264/2
123 [2] 4/9 136/9	2009 [1] 163/17	28 [6] 34/17 35/6 99/25 128/5 200/10 227/25
1230 [2] 1/24 133/24	201 [2] 4/6 136/6	
128 [2] 4/4 136/4	2010 [17] 4/23 46/10 47/12 47/16 47/23 47/24 50/19 58/8 72/1 136/23 164/5	
12:32 [1] 129/4		
12:35 [1] 130/5		
12th [2] 16/8 21/7		
13 [9] 4/15 70/5 70/6 70/23 71/7 71/8 71/15 136/15 223/21		
130 [1] 132/11		
131 [1] 3/23		
132 [1] 3/24		
133 [1] 277/11		
13th [1] 224/2		

2	8	absent [1] 155/19 absolutely [3] 68/11 228/18 229/10 abundance [1] 35/4 accept [4] 38/10 100/2 194/12 264/20 acceptable [1] 154/24 accepted [1] 106/5 accepting [1] 170/14 access [2] 188/23 218/2 accordance [1] 196/4 according [1] 36/3 Accordingly [1] 78/24 account [2] 228/23 264/1 accuracy [1] 260/2 accurate [3] 139/2 139/16 264/7 accusations [2] 240/4 240/15 acknowledge [1] 215/23 acquaintance [1] 74/19 acquired [1] 89/11 across [2] 86/23 177/24 action [7] 66/7 88/6 132/15 132/16 203/19 277/15 277/16 actions [4] 35/13 36/6 36/7 231/11 activities [3] 163/14 163/25 165/4 actual [5] 33/22 200/2 212/25 245/19 266/2 actually [24] 8/21 20/11 20/24 22/9 23/24 37/4 38/6 49/9 52/8 68/6 82/2 88/6 105/20 152/11 155/22 157/19 160/13 172/20 224/1 224/3 242/9 248/22 251/2 268/4 adamant [1] 180/8 add [9] 18/15 140/4 187/17 187/18 207/18 255/5 255/9 255/10 268/8 added [1] 167/8 addition [3] 203/20 232/6 247/12 additional [18] 124/2 129/10 129/17 160/1 160/25 170/12 207/11 225/25 238/23 252/22 261/9 261/14 262/21 264/14 268/21 269/15 269/21 274/6 address [12] 39/11 146/15 168/22 168/23 172/11 174/6 201/3 231/10 259/7 259/12 259/21 271/20 addressed [1] 224/1 addresses [4] 230/9 230/18 234/5 235/14 adds [1] 171/4 adequate [1] 252/4 adjourned [1] 274/21 adjudicating [1] 219/3 adjustment [1] 39/6 Adkins [17] 3/13 131/10 135/13 181/13 181/14 181/21 182/12 182/17 182/19 182/23 182/25 184/4 186/24 188/11 191/25 260/13 276/10 Adkins' [1] 258/20 Administration [1] 202/23 administrative [14] 1/1 1/23 6/4 6/8 34/22 35/10 133/2 133/23 183/12 203/13 203/21 265/6 265/11 270/15 admission [1] 241/1 admissions [3] 127/1 127/9
2810 [2] 228/7 262/10 286 [3] 35/19 86/10 96/13 28th [6] 200/21 224/23 225/3 257/17 263/9 263/25 2B-1.0045 [1] 35/9	8/28/16 [1] 231/21 80 [3] 123/19 123/20 124/1 83 [9] 92/20 93/13 98/5 118/16 118/25 119/8 151/13 152/24 155/15 89 [3] 98/8 98/11 98/23 8th [4] 76/7 94/12 109/1 221/15	
3	9	
30 [2] 129/24 269/19 30th [5] 131/14 132/17 142/14 276/14 277/17 312 [1] 198/24 32 [1] 163/3 32399 [2] 1/25 133/25 34 [7] 3/6 100/21 100/25 101/10 135/6 144/25 153/24 34230 [2] 1/17 133/17 34243 [2] 1/22 133/22 34286 [5] 2/5 2/8 39/13 134/5 134/8 35 [5] 104/10 104/11 113/16 113/17 154/1 36 [1] 105/9 37 [4] 106/12 113/13 154/8 154/21 3720 [6] 2/8 39/12 134/8 168/22 172/11 174/12 38 [7] 108/4 111/4 111/5 116/10 116/14 116/25 117/4 3rd [8] 13/22 16/23 16/24 17/1 86/20 87/6 87/19 227/20	90 [3] 93/19 150/13 150/23 91 [2] 4/11 136/11 92 [5] 82/10 82/15 82/22 82/23 83/2 97 [3] 78/9 78/10 78/14 99 [1] 78/22 9:36 [1] 1/19 9th [13] 16/9 19/18 21/1 21/1 21/8 21/9 21/10 21/11 24/19 24/22 24/25 26/15 150/4	
4	A	
40 [2] 101/10 111/13 4000 [1] 228/8 4090 [2] 262/15 263/23 41 [2] 3/8 135/8 43 [9] 111/8 111/13 111/17 111/18 152/11 183/24 184/1 184/2 184/4 44 [9] 112/16 113/17 117/15 118/6 118/15 118/24 119/8 152/11 152/23 45 [1] 153/23 46 [11] 114/5 114/7 117/15 118/7 118/15 118/25 119/8 152/16 152/17 152/23 153/23 47 [5] 114/16 115/17 117/1 117/7 121/13 49 [2] 111/19 184/5 4:15 [1] 275/3	A-1 [2] 1/16 133/16 A-d [2] 181/16 181/17 A-d-k-i-n-s [1] 181/15 A-t [1] 181/16 a.m [1] 1/19 ability [2] 20/20 21/6 able [18] 8/19 11/24 12/8 14/10 14/23 16/3 30/15 31/5 38/13 45/7 45/8 85/2 206/24 218/2 218/4 218/18 246/10 269/8 about [140] 10/15 18/14 28/7 28/14 29/15 29/16 29/17 30/14 33/14 38/20 40/24 43/16 43/16 43/22 43/25 44/11 44/12 44/14 44/15 44/15 44/15 44/21 46/1 46/8 46/13 46/23 47/1 47/17 49/16 49/20 50/2 50/2 54/25 55/9 58/2 58/3 58/12 64/10 66/13 66/21 66/25 67/2 67/11 67/13 67/14 67/21 67/22 68/21 68/22 69/2 69/5 70/4 78/7 78/8 82/8 82/21 85/2 87/16 87/18 88/11 96/17 97/11 97/12 98/8 99/9 111/5 121/6 121/12 126/10 127/5 129/22 130/2 145/2 148/17 149/25 152/3 153/16 157/1 162/4 163/10 166/12 168/7 169/7 169/17 170/25 170/25 171/22 174/11 175/17 175/17 180/4 182/9 184/12 192/15 193/9 198/14 211/6 212/6 213/11 214/8 214/11 214/13 215/11 216/8 217/4 217/5 220/1 220/5 220/7 220/15 220/19 221/6 222/15 226/4 231/1 231/23 236/6 236/25 237/24 238/13 241/2 241/4 242/17 246/25 247/1 252/18 253/6 253/9 253/19 254/21 254/25 258/4 261/24 264/16 267/11 267/25 268/9 269/2 269/6 271/22 above [3] 104/17 112/20 116/7 absence [1] 12/20	
5		
5/15/12 [2] 71/23 71/23 50 [2] 65/2 186/6		
6		
60 [1] 222/10 64 [1] 199/4 6475 [2] 2/4 134/4 6497 [2] 1/21 133/21 65 [1] 228/19 6th [4] 19/3 19/6 19/21 37/4		
7		
71 [2] 4/15 136/15 73 [2] 4/13 136/13 7th [10] 13/24 17/6 17/14 18/19 19/5 19/17 19/19 24/20 26/11 37/5		

A

admissions... [1] 128/18
admit [12] 80/6 91/19 100/14
 170/4 201/4 223/25 237/6
 243/15 244/3 246/1 246/8
 262/12
admitted [67] 4/2 5/2 70/15
 70/23 71/3 71/7 71/9 73/16
 73/19 88/23 91/23 91/25
 100/18 107/6 108/15 122/25
 123/3 123/6 128/17 128/23
 136/2 137/2 141/11 141/13
 143/11 143/13 188/7 188/9
 195/8 195/10 196/14 196/17
 197/17 198/3 199/8 199/21
 199/23 200/25 201/13 201/16
 202/5 223/21 224/19 224/21
 228/5 233/10 237/8 237/9
 238/4 238/7 238/8 239/5
 239/6 240/20 240/21 241/12
 241/13 242/7 242/8 242/12
 243/5 243/6 260/17 260/21
 261/18 266/3 266/10
adopted [1] 83/24
advantage [1] 83/12
advice [2] 6/20 6/25
advisor [1] 208/24
advocating [1] 175/21
affairs [3] 42/17 42/19
 212/5
affidavit [21] 4/19 4/20
 136/19 136/20 168/12 173/25
 174/3 177/14 180/4 190/3
 196/1 196/6 196/22 197/2
 200/7 200/8 204/4 204/5
 204/10 204/11 206/15
affirm [9] 28/6 28/13 104/17
 112/20 148/16 162/3 182/8
 192/14 211/5
afford [1] 200/22
afraid [1] 207/19
after [35] 7/7 16/3 19/17
 38/14 38/15 38/16 38/19
 41/4 65/19 69/19 97/4
 101/24 148/21 149/4 155/20
 161/19 162/8 170/11 173/9
 182/13 185/25 201/22 206/15
 207/7 211/10 214/12 228/25
 232/14 251/23 264/1 266/17
 269/12 271/6 271/7 273/25
afternoon [5] 149/14 162/19
 162/20 182/23 182/24
again [45] 6/23 16/11 25/11
 31/2 33/9 42/9 42/9 65/16
 65/17 65/23 69/1 90/24 97/5
 101/7 104/12 104/24 106/1
 109/12 119/5 124/15 144/14
 144/16 144/23 152/17 154/8
 161/7 173/24 177/5 180/20
 181/5 192/1 200/14 200/15
 213/3 223/10 237/18 239/21
 241/5 243/11 243/19 243/20
 250/2 251/4 259/25 266/16
against [47] 28/25 29/5
 29/24 35/16 37/18 68/6
 69/20 73/8 75/18 75/20
 76/25 83/13 86/4 89/20 90/4
 90/11 90/12 90/14 90/16
 90/16 97/7 97/24 101/13
 101/21 105/8 105/13 106/6
 108/25 110/11 113/4 113/25
 114/14 123/10 139/20 142/17

167/5 171/15 184/6 188/22
 189/11 204/13 216/13 216/16
 235/10 235/24 245/12 251/10
agencies [4] 109/18 109/20
 120/16 120/18
agency [5] 86/11 109/21
 203/19 219/8 231/3
agency's [1] 189/10
agenda [32] 119/24 171/19
 171/21 171/24 186/13 186/15
 186/16 186/19 186/20 186/21
 186/25 187/4 187/9 187/10
 187/11 188/12 188/18 188/25
 189/1 191/1 191/5 191/7
 205/9 205/10 216/23 216/25
 216/25 217/3 217/11 217/13
 217/21 218/5
aggressive [1] 179/15
ago [5] 37/8 43/4 157/2
 169/14 215/15
agree [26] 79/4 92/24 94/5
 95/21 95/21 101/11 101/15
 101/16 110/17 111/12 111/22
 114/7 115/7 115/14 119/3
 119/10 120/11 139/2 151/16
 164/20 164/21 184/8 268/22
 268/23 269/18 272/13
agreement [2] 269/20 272/15
Ah [1] 117/18
ahead [45] 11/14 15/5 15/25
 17/20 17/22 24/15 26/17
 28/2 45/22 52/6 52/6 52/14
 53/3 53/12 61/11 65/14
 65/15 66/1 71/10 72/7 79/22
 80/13 88/25 92/5 122/6
 126/17 147/5 148/8 148/11
 156/6 161/19 161/24 172/7
 176/12 182/2 192/13 210/25
 215/9 226/7 229/23 230/14
 248/3 255/13 258/11 261/2
all [352]
allegation [1] 35/25
allegations [16] 37/20 37/22
 86/13 89/23 90/4 90/5 90/10
 90/18 90/20 90/22 90/23
 124/3 140/16 205/18 205/20
 229/8
alleged [12] 61/19 62/7
 90/11 90/12 90/13 90/16
 91/4 91/6 95/19 102/22
 105/8 145/2
alleging [5] 103/13 110/8
 142/18 252/5 254/15
allocated [1] 268/17
allow [6] 25/10 25/14 52/4
 205/25 207/9 268/25
allowed [10] 10/10 10/15
 15/18 15/19 15/23 31/23
 44/18 58/12 58/13 69/6
along [6] 6/9 16/10 85/16
 151/1 166/23 167/1
already [33] 13/15 39/2 62/3
 86/2 107/6 119/16 127/7
 127/21 142/18 171/9 173/25
 191/1 191/15 198/3 198/19
 200/17 200/18 200/25 201/7
 202/5 206/9 207/3 207/10
 224/4 228/5 228/8 251/18
 252/2 252/3 252/25 254/19
 264/21 271/20
Alrighty [3] 233/16 256/17
 273/17
also [40] 2/11 7/16 12/1

19/15 26/2 26/11 30/18 36/6
 36/20 37/21 55/22 69/20
 84/10 86/12 89/21 93/24
 114/4 134/11 139/23 141/19
 143/18 145/4 154/12 155/7
 157/8 157/16 184/23 185/21
 196/18 203/8 214/4 215/13
 215/18 216/25 237/4 240/22
 240/24 241/19 251/13 251/17
alter [4] 119/21 120/9 250/8
 250/16
altered [4] 259/11 259/16
 260/2 260/15
always [2] 47/22 204/14
am [33] 35/6 37/24 38/4
 41/17 48/22 54/11 69/6
 99/14 99/14 103/23 104/19
 106/1 107/18 109/12 112/9
 114/19 132/12 132/14 132/15
 144/13 164/25 170/4 171/16
 189/23 198/14 211/24 222/3
 246/1 246/10 269/25 277/12
 277/14 277/15
Amazing [1] 222/20
among [2] 202/18 203/9
amount [8] 35/1 197/13
 197/15 197/21 197/23 198/11
 205/2 205/5
amounts [1] 205/3
amplify [1] 207/23
analysis [1] 260/19
analyst [1] 42/2
and/or [1] 36/23
animosity [1] 167/4
another [23] 15/21 30/25
 51/16 58/10 76/17 76/18
 83/13 85/17 86/4 121/8
 130/2 144/18 154/1 155/3
 155/5 163/17 166/14 174/9
 179/2 184/16 237/7 244/13
 262/11
answer [50] 6/23 44/4 44/8
 44/19 45/17 45/20 50/6 52/5
 52/7 52/11 59/10 59/25 60/1
 60/3 61/2 61/2 61/11 62/18
 62/18 62/19 63/9 63/10
 64/14 64/16 65/16 65/17
 65/20 85/8 94/8 97/9 98/15
 102/18 103/2 109/8 109/11
 109/14 143/23 144/5 144/22
 146/17 158/10 159/12 160/15
 173/5 209/1 254/4 260/6
 260/6 260/8 261/11
answered [12] 44/24 72/14
 95/6 99/10 104/5 110/25
 119/16 144/19 222/12 252/25
 259/11 260/9
answering [1] 97/5
answers [1] 186/2
anticipate [1] 267/7
any [141] 6/19 8/4 10/16
 11/5 13/12 17/16 20/10
 22/13 24/4 24/16 26/5 27/4
 27/14 27/22 34/4 35/14
 35/18 37/10 41/25 44/10
 44/12 44/13 45/25 46/6
 46/11 46/14 46/22 48/24
 49/8 50/19 53/7 53/8 54/25
 54/25 54/25 55/10 66/12
 66/14 66/22 70/14 73/10
 88/5 88/22 90/20 122/24
 124/1 125/16 129/20 132/13
 132/14 139/21 141/5 141/24

A

any... [88] 142/23 143/6
 143/8 147/15 149/5 154/19
 156/3 157/25 159/10 159/17
 159/25 161/2 161/8 161/21
 163/7 163/24 163/25 166/8
 172/4 173/17 179/24 180/25
 181/23 188/1 188/17 188/19
 189/9 190/8 191/6 191/11
 191/14 192/2 195/5 195/6
 196/11 197/11 197/19 200/12
 200/22 202/21 203/18 206/7
 206/22 207/11 209/18 210/7
 210/23 213/1 213/1 213/7
 213/7 213/20 216/7 216/8
 219/2 219/8 219/14 220/15
 222/23 223/14 224/15 229/7
 230/3 231/7 231/22 232/14
 232/21 235/19 238/16 242/19
 246/16 247/9 247/12 247/20
 248/11 250/24 253/11 254/24
 256/6 260/25 261/8 261/14
 262/21 264/13 264/15 272/24
 277/13 277/14
anybody [11] 15/18 47/17
 47/23 49/24 55/11 58/21
 115/8 188/21 189/16 191/8
 221/3
anyone [5] 46/14 161/22
 166/21 184/25 231/13
anything [35] 18/15 19/10
 19/16 33/3 42/23 66/3 72/10
 84/14 88/11 120/3 120/10
 124/9 126/6 139/4 156/1
 160/25 170/20 170/25 177/23
 191/22 207/7 207/18 212/10
 220/15 220/16 224/9 232/3
 236/25 246/20 255/5 255/9
 255/23 255/25 262/1 263/14
anywhere [2] 56/5 146/24
Apalachee [2] 1/24 133/24
apologize [6] 30/19 98/6
 116/1 121/15 153/24 269/8
apparent [1] 35/14
apparently [2] 30/16 204/17
appeals [1] 203/18
appear [7] 10/1 12/14 25/14
 25/16 25/20 117/6 121/14
appearance [2] 205/9 229/5
APPEARANCES [2] 2/3 134/3
appeared [3] 128/4 131/11
 276/11
appearing [6] 2/5 2/9 6/13
 6/17 134/5 134/9
appears [4] 81/22 86/19
 117/4 248/21
apply [3] 185/15 185/17
 185/19
appreciate [1] 33/6
appreciation [1] 68/8
appropriate [4] 29/8 84/7
 86/11 91/16
approximately [4] 130/5 163/3
 212/6 267/25
April [2] 131/20 276/20
are [184] 6/17 7/1 8/5 9/3
 9/9 9/14 10/18 11/8 11/20
 12/3 13/3 14/5 15/9 15/10
 15/18 16/1 16/16 17/23 20/4
 20/9 22/7 22/22 23/4 27/14
 27/19 27/20 29/11 30/23
 31/22 33/19 33/25 34/1

35/10 35/18 37/11 38/2
 40/10 41/13 41/23 42/2
 42/14 49/7 51/15 54/7 58/19
 58/24 60/4 60/17 62/17
 62/21 62/23 63/13 65/5 65/6
 66/16 70/4 75/6 77/11 78/12
 81/13 81/24 82/7 88/18
 89/23 90/10 90/18 94/7 98/5
 98/8 98/14 103/25 109/3
 111/15 112/17 113/20 113/21
 115/6 115/24 119/6 119/7
 121/12 125/18 126/10 127/1
 127/9 127/16 129/17 143/20
 143/22 143/23 144/5 146/12
 149/5 149/14 149/17 149/22
 150/20 155/15 157/23 158/21
 158/23 158/24 159/1 159/5
 159/8 159/18 162/21 162/21
 167/11 178/15 179/2 179/7
 179/25 180/1 180/18 181/2
 181/6 183/10 187/16 187/20
 188/11 188/14 188/14 188/16
 188/20 189/4 189/19 189/22
 193/9 194/11 195/18 199/11
 199/19 201/17 202/19 207/24
 209/1 209/3 209/23 210/23
 211/20 217/12 219/5 219/18
 226/13 229/3 229/5 229/20
 231/19 232/8 234/6 234/21
 235/14 235/14 237/20 238/18
 240/4 240/8 240/15 240/17
 240/25 243/23 244/4 244/5
 244/5 244/24 245/2 246/23
 247/3 247/9 252/4 255/7
 257/9 257/10 258/6 260/15
 261/20 263/17 264/19 266/13
 268/1 271/17 272/25 274/21
area [3] 10/14 163/21 174/9
argue [2] 91/21 175/3
argument [5] 225/11 236/23
 273/5 273/7 273/11
arguments [1] 20/5
around [4] 42/5 173/9 202/20
 214/9
arriving [2] 172/11 174/5
article [5] 100/11 100/12
 216/19 216/20 217/20
articles [1] 62/15
articulate [1] 85/3
as [251] 7/17 8/17 8/24 9/13
 9/21 9/23 10/25 11/8 12/3
 12/3 12/13 13/23 14/17
 14/17 15/1 15/10 15/13
 15/13 19/12 19/12 20/10
 21/7 21/16 22/2 24/14 24/14
 25/6 27/17 29/6 30/6 30/8
 30/18 30/18 32/9 32/16
 32/20 32/20 32/23 33/1
 33/15 34/10 35/5 35/5 36/22
 36/22 37/13 37/13 37/24
 38/10 41/4 41/5 43/23 45/5
 51/2 51/16 54/14 54/14
 55/17 55/17 57/14 57/23
 58/1 58/1 59/10 60/15 61/8
 64/24 67/7 67/7 67/11 67/24
 68/12 68/12 71/1 72/1 74/13
 75/12 75/24 81/17 83/24
 85/4 86/16 87/25 88/19 89/8
 89/9 89/10 89/12 89/24 90/3
 90/19 90/20 90/21 91/8
 91/20 91/21 92/23 100/2
 100/15 105/22 106/5 111/11
 113/7 113/8 114/14 114/14

116/20 117/3 125/8 125/12
 125/19 126/25 127/4 127/20
 127/20 128/18 129/19 139/13
 141/23 142/10 142/17 143/1
 145/1 145/1 145/5 147/12
 148/21 148/22 151/10 151/14
 151/20 151/21 152/14 162/8
 162/9 165/11 165/12 165/12
 165/18 165/19 166/4 166/7
 166/21 167/12 168/13 170/4
 170/9 170/14 170/20 170/22
 172/13 174/7 174/11 180/3
 180/3 180/5 182/13 182/14
 183/10 183/12 184/22 186/13
 186/16 186/20 186/20 188/12
 190/1 190/2 193/2 193/9
 193/17 194/3 194/6 194/9
 194/13 195/12 195/13 196/2
 197/5 198/1 198/4 198/14
 199/7 199/12 199/13 200/23
 201/22 201/23 202/25 203/1
 203/5 203/10 204/5 204/5
 204/16 205/12 205/12 205/12
 206/1 206/6 206/8 206/8
 206/11 206/11 206/21 206/22
 206/23 207/1 207/12 207/18
 207/18 207/21 207/22 208/9
 209/8 210/1 211/10 211/11
 213/24 214/3 217/20 228/18
 230/2 234/3 234/3 234/6
 237/25 238/19 238/20 239/12
 242/4 246/13 246/16 247/22
 249/1 249/19 249/19 250/1
 250/11 250/11 250/13 250/13
 256/22 256/23 258/14 259/11
 260/16 264/7 264/23 266/11
 266/11
aside [2] 47/3 251/12
ask [47] 8/11 15/7 16/14
 18/13 27/2 28/19 37/25
 59/17 65/17 65/22 69/18
 72/3 82/13 82/17 82/18
 83/17 97/14 108/10 108/11
 123/13 123/15 124/17 126/9
 141/16 144/23 164/22 168/25
 171/3 176/8 178/5 178/6
 189/16 190/15 206/3 209/13
 215/2 217/8 247/10 247/17
 247/17 247/20 253/16 255/11
 255/15 256/6 256/15 256/18
asked [29] 55/22 59/15 61/8
 61/21 62/11 62/13 62/25
 63/5 63/8 63/17 68/22 83/16
 94/6 97/9 99/9 118/1 144/13
 144/22 146/16 171/6 184/19
 185/4 186/14 217/9 253/3
 253/10 255/25 264/16 269/11
Askew [1] 202/23
asking [26] 43/22 47/15 50/4
 58/6 68/21 70/22 71/2 82/8
 97/12 99/1 101/22 102/14
 102/15 111/16 111/21 113/24
 144/16 158/12 186/14 186/15
 191/13 248/19 252/22 253/14
 268/5 269/21
aspect [1] 22/2
asserting [2] 20/9 29/6
assertion [2] 231/7 232/20
assigned [1] 6/4
assistance [5] 7/18 65/2
 83/20 95/13 95/16
assistant [7] 32/21 162/25
 163/2 183/13 202/11 202/18

A	<p>assistant... [1] 242/1 assisted [3] 76/10 76/12 114/23 associated [4] 7/8 195/16 244/22 267/12 assume [1] 230/3 assumed [2] 230/7 230/16 assuming [1] 27/16 assure [2] 164/22 164/25 attach [1] 100/10 attached [8] 103/15 105/11 105/14 105/19 111/1 142/11 217/20 218/6 attachment [8] 108/6 108/19 110/6 110/10 114/15 139/23 204/19 251/12 attachments [4] 19/8 74/3 93/1 248/21 attacking [1] 220/21 attempt [2] 22/9 22/10 attempted [1] 228/20 attempts [1] 22/5 attend [4] 42/20 183/17 218/13 218/18 attendance [1] 25/2 attended [4] 42/25 163/7 218/7 218/15 attending [3] 163/9 163/11 218/14 attention [8] 77/21 78/9 111/7 154/7 163/23 176/25 178/14 212/8 attest [2] 259/8 259/25 attested [2] 110/7 207/23 attorney [26] 41/23 60/20 64/22 76/15 76/16 132/13 132/15 190/17 190/20 194/8 196/23 197/2 197/7 200/9 200/22 202/18 204/11 206/21 208/24 225/6 226/4 231/22 232/2 264/9 277/13 277/15 attorney's [41] 4/5 4/19 16/18 29/5 29/8 29/11 34/13 34/20 34/25 35/7 37/25 99/24 100/4 100/6 100/15 125/3 125/9 125/20 127/6 128/11 136/5 136/19 139/22 175/12 175/14 193/7 193/8 193/23 194/5 196/22 197/6 198/24 203/22 206/6 206/10 207/22 209/9 209/24 226/19 228/10 231/19 attorneys [1] 27/19 attributed [1] 128/18 August [42] 36/4 86/2 86/5 86/20 87/6 87/19 101/12 105/2 106/20 107/8 107/11 107/22 109/10 111/1 113/5 116/19 117/4 121/13 142/14 142/16 142/19 146/1 146/23 153/25 154/2 154/9 155/9 155/12 155/13 155/13 187/2 200/10 224/23 225/3 234/18 234/20 250/25 251/17 252/1 252/3 257/17 258/3 August 10 [1] 142/16 August 17 [6] 105/2 107/8 107/22 154/9 155/13 250/25 August 17th [8] 36/4 106/20 107/11 109/10 142/19 154/2 155/9 155/12</p>	<p>August 1st [4] 111/1 116/19 117/4 121/13 August 21st [1] 258/3 August 22nd [3] 101/12 146/23 153/25 August 25th [1] 187/2 August 26th [2] 234/18 234/20 August 28 [1] 200/10 August 28th [3] 224/23 225/3 257/17 August 30th [1] 142/14 August 3rd [1] 87/6 August the [1] 87/19 authorities [1] 139/14 authority [1] 37/13 authorized [2] 132/8 277/8 automatically [1] 29/21 available [1] 234/10 Avenue [2] 2/4 134/4 award [4] 29/7 34/24 34/25 35/7 awarded [1] 100/9 aware [15] 12/2 12/23 36/1 51/15 82/7 171/13 171/16 171/17 189/19 189/22 189/23 216/11 216/21 217/12 229/5 away [1] 124/10 awful [1] 240/14</p>	<p>42/24 45/7 45/8 47/19 57/2 57/11 58/10 58/11 67/8 70/23 73/24 77/6 79/17 85/2 85/7 89/8 99/12 100/8 110/14 113/18 117/25 120/14 122/10 124/11 125/14 126/15 129/7 129/22 130/1 130/5 140/5 148/17 153/6 153/11 154/17 154/24 155/22 155/24 157/15 157/20 160/18 161/22 162/4 164/16 164/24 165/2 165/13 166/20 170/13 179/8 180/3 182/9 183/8 183/8 184/19 185/4 185/10 189/16 191/7 192/16 193/12 193/25 194/21 195/2 201/7 204/23 205/2 206/14 206/24 210/1 211/6 212/12 216/22 217/2 218/1 218/4 220/21 220/22 227/1 227/14 228/24 228/25 231/5 239/16 239/16 246/7 247/15 248/21 249/18 251/22 254/1 262/13 266/16 267/3 267/5 267/7 267/12 267/20 267/23 269/24 269/25 270/5 271/6 271/7 bear [2] 152/25 237/21 bears [1] 36/12 beautician [2] 41/16 41/18 became [4] 19/9 164/1 164/7 203/14 because [112] 11/23 14/5 14/11 16/24 19/10 20/13 23/13 23/19 24/21 25/19 25/23 26/23 28/25 29/22 33/11 35/3 48/8 51/2 53/22 54/17 55/14 56/13 56/15 57/18 58/25 60/3 60/19 63/11 63/22 64/19 64/24 67/6 74/7 75/12 76/13 77/15 77/17 83/20 86/22 90/12 97/2 97/6 97/17 98/22 100/4 100/10 102/4 102/8 103/20 105/18 105/25 106/1 107/19 109/5 109/6 110/13 110/17 111/7 113/20 114/23 115/11 120/2 120/4 121/11 124/10 157/6 158/2 158/3 159/2 159/3 169/2 169/12 170/17 185/12 185/22 190/19 193/20 197/6 198/9 200/17 204/16 209/14 215/12 215/14 222/4 222/10 230/8 235/12 235/13 236/24 240/3 240/14 243/11 247/21 248/14 249/2 249/15 250/20 251/4 251/24 252/8 257/5 257/15 258/5 259/9 260/7 261/10 262/15 264/24 266/1 267/11 268/3 become [4] 163/13 171/17 212/4 216/21 becomes [1] 25/19 been [100] 10/1 11/1 12/13 13/22 15/12 21/5 25/17 30/21 32/16 36/21 39/3 41/5 41/10 42/4 43/2 43/5 49/20 54/19 58/7 65/1 72/11 72/15 82/4 103/7 108/14 116/22 120/7 120/8 148/22 149/2 149/24 149/25 162/9 163/4 163/9 163/11 163/11 163/23 168/8 171/25 180/6 182/14 183/5 185/6 185/22 185/23</p>
B	<p>B-o-a-t-i-n-g [1] 66/18 back [48] 14/23 15/1 27/6 30/8 30/12 32/1 45/24 49/21 51/1 51/6 58/1 59/16 59/24 62/3 63/17 68/5 79/3 81/12 85/9 90/24 93/18 101/7 109/1 113/11 116/10 117/14 120/19 127/13 130/5 138/3 143/25 154/21 155/15 164/5 166/25 167/1 170/5 173/8 179/1 190/23 202/24 210/19 217/22 218/3 226/8 252/11 261/25 266/9 background [15] 49/5 51/12 51/18 52/20 52/21 52/22 53/16 54/2 103/19 236/17 236/18 237/24 244/21 245/13 256/16 backgrounds [2] 53/5 53/8 backup [10] 91/14 186/16 188/12 188/17 188/25 216/24 217/20 218/5 251/11 251/13 bad [2] 220/15 222/15 badge [1] 9/24 baffled [1] 117/9 ballot [6] 4/17 136/17 140/8 141/1 142/21 213/1 ballots [4] 140/11 142/16 212/25 212/25 bankruptcy [2] 51/21 51/22 base [1] 212/22 based [12] 12/25 21/6 82/20 87/6 89/16 110/1 170/6 176/10 194/10 247/11 266/2 266/8 basically [4] 7/17 57/17 126/21 186/12 basis [4] 74/14 76/3 85/6 244/23 battle [1] 242/13 be [117] 7/8 8/16 10/3 21/23 26/14 27/1 27/18 27/23 28/7 28/15 35/14 38/13 39/17</p>		

B
been... [54] 185/24 187/8
 189/1 189/8 189/11 189/21
 189/23 189/24 189/25 190/2
 190/4 190/5 191/3 191/15
 191/17 194/17 198/3 198/10
 199/8 200/25 201/23 202/5
 204/13 205/4 207/10 208/5
 208/7 208/10 209/14 211/11
 212/1 212/13 216/16 218/14
 219/24 220/1 228/8 229/10
 251/18 251/23 256/10 256/23
 257/5 258/4 258/5 258/14
 260/2 260/17 260/21 265/2
 266/3 266/10 266/19 271/12
before [39] 1/13 3/2 6/6
 13/13 16/17 19/5 21/15
 26/12 26/18 30/2 34/11
 45/16 45/20 83/16 85/14
 86/22 114/8 120/16 128/7
 131/11 132/9 133/13 135/2
 171/24 173/5 186/1 190/5
 196/9 200/15 200/15 200/20
 203/13 210/22 218/10 220/6
 247/25 250/17 276/11 277/9
began [1] 163/22
beginning [5] 45/5 67/9
 147/13 225/20 267/16
behalf [10] 2/5 2/9 27/12
 27/17 46/14 134/5 134/9
 202/20 204/12 261/20
being [32] 12/15 12/16 12/18
 14/10 15/13 19/20 29/4
 31/23 58/4 70/15 71/2 88/22
 100/15 122/25 144/13 149/6
 150/5 153/17 167/12 170/8
 170/14 170/23 171/3 190/2
 195/15 205/8 220/21 239/23
 259/9 259/12 260/15 268/17
beliefs [1] 57/23
believe [32] 44/24 49/11
 52/18 58/3 58/9 58/18 62/13
 66/8 68/20 80/4 83/10 87/24
 91/20 109/7 110/25 127/21
 146/1 146/2 146/6 152/24
 187/3 187/3 198/10 198/11
 208/14 234/20 235/3 243/3
 263/1 263/18 265/21 265/23
believed [1] 110/4
believes [1] 194/4
benefit [2] 6/17 265/10
besides [1] 167/9
best [3] 6/23 104/18 104/19
better [1] 44/1
between [7] 12/15 85/4 86/9
 152/4 152/23 163/17 222/8
beyond [5] 31/2 170/20 206/7
 232/4 274/6
bill [3] 208/6 264/2 264/9
billing [1] 204/22
binder [11] 22/16 22/21
 23/12 23/14 23/16 31/6
 39/18 39/18 40/1 40/3 40/5
binding [1] 203/7
bit [8] 14/7 14/17 33/10
 49/13 60/19 98/5 166/16
 194/23
black [2] 234/14 249/15
Blade [1] 214/18
blast [5] 4/23 136/23 237/17
 257/8 257/14
blasts [2] 146/14 234/6

Board [3] 87/20 208/17
 211/25
boating [6] 43/6 43/17 64/25
 66/15 66/16 66/18
boats [3] 43/8 43/9 43/11
body [2] 66/10 229/8
BOGAN [7] 1/13 3/2 6/3
 132/10 133/13 135/2 277/10
bold [2] 116/3 116/15
bond [3] 5/4 137/4 241/4
book [8] 101/4 138/12 147/6
 150/12 183/20 183/21 225/2
 226/25
both [24] 6/16 6/16 27/20
 27/21 71/25 80/9 84/8
 105/22 109/5 109/18 109/20
 118/7 126/20 126/21 203/22
 204/18 251/21 265/10 265/17
 272/25 273/5 273/5 273/21
 273/22
bottom [5] 93/25 119/2 227/6
 250/5 259/23
Boulevard [15] 2/8 39/12
 43/18 134/8 166/17 166/24
 213/13 213/18 213/22 214/14
 214/17 221/3 221/6 221/6
 221/8
box [7] 1/16 32/16 94/18
 94/21 133/16 252/9 252/10
boy [2] 165/6 258/1
break [13] 31/25 79/18 79/25
 85/7 85/10 122/11 129/5
 129/9 130/6 130/7 210/13
 210/16 210/18
breaking [2] 57/11 57/19
brief [2] 214/13 247/15
briefing [2] 216/25 217/11
briefly [1] 214/11
bring [9] 81/12 91/16 96/23
 97/3 97/15 116/8 139/13
 143/25 189/16
bringing [2] 32/15 120/5
broad [1] 207/20
brought [4] 85/17 101/21
 184/13 185/4
Brunni [3] 2/13 7/17 134/13
budget [1] 51/5
Building [2] 1/24 133/24
bunch [1] 256/15
burden [4] 26/24 29/7 68/12
 75/4
burnt [1] 167/24
business [20] 4/24 54/4 54/5
 55/9 58/14 94/19 136/24
 146/15 213/16 229/9 231/10
 235/18 238/13 238/15 239/22
 241/6 241/23 241/25 246/6
 247/5
busy [1] 165/10

C
C-h-a-r-l-e-n-e [1] 31/18
C-y-p-h-e-r-t [1] 31/15
call [21] 8/5 12/20 19/10
 32/6 32/9 38/6 38/25 77/21
 78/8 111/7 126/5 147/12
 147/21 181/12 184/25 185/1
 190/15 190/22 192/7 241/22
 248/1
called [20] 8/12 11/8 16/21
 41/4 148/3 148/21 161/17
 162/8 182/13 185/15 185/25
 201/22 209/7 211/10 214/5

241/24 256/22 265/8 265/12
 270/6
calling [4] 27/1 33/12 248/7
 256/7
Camaro [3] 215/12 215/14
 215/17
came [23] 120/19 155/2 156/9
 156/17 159/13 160/14 166/3
 166/19 167/1 167/2 173/8
 174/12 174/17 176/22 179/6
 234/15 243/24 245/20 248/20
 250/6 258/19 259/6 264/9
camera [3] 15/15 31/3 39/6
campaign [24] 48/3 48/5 58/3
 164/6 164/10 164/12 164/14
 165/4 165/15 166/10 213/4
 216/5 219/23 220/9 221/12
 221/14 230/10 230/18 230/19
 230/25 234/14 234/21 235/5
 237/18
campaigning [3] 46/14 46/22
 163/25
campaigns [2] 164/3 165/22
can [162] 6/20 6/23 7/7
 12/21 14/18 14/22 14/24
 15/14 22/10 23/15 30/24
 31/10 31/22 32/24 33/12
 33/13 37/10 38/6 42/23 43/4
 43/8 46/11 46/22 48/9 49/20
 50/23 52/25 53/10 55/24
 56/8 56/16 57/7 59/24 63/16
 65/11 67/2 68/25 69/19
 71/14 71/17 71/17 72/21
 74/9 78/8 78/14 78/22 79/17
 79/25 80/12 82/15 82/15
 85/3 87/11 87/12 89/19
 91/21 92/7 93/18 97/8 98/11
 100/22 101/1 101/17 101/19
 104/15 104/16 105/12 112/19
 112/23 113/3 113/3 114/4
 114/4 115/22 116/15 116/20
 116/22 118/11 121/10 121/21
 123/18 126/9 138/11 143/1
 143/25 144/5 144/25 147/5
 148/1 150/11 150/11 150/13
 151/1 151/4 151/13 152/10
 154/7 157/4 157/11 158/10
 159/17 164/22 164/25 166/12
 167/21 167/23 170/5 170/13
 178/2 179/7 179/7 183/9
 184/11 184/11 184/24 186/5
 186/8 186/8 188/19 194/6
 196/6 198/8 199/11 202/8
 204/7 205/11 205/11 206/19
 207/9 209/1 210/11 213/9
 213/11 213/11 214/14 214/15
 215/7 221/3 221/24 222/2
 226/17 228/12 229/6 233/18
 234/3 234/3 247/16 247/17
 248/1 250/14 266/20 266/21
 268/2 268/8 268/9 268/22
 268/22 269/17 269/18 271/16
 271/22 272/12
can't [25] 9/11 14/1 14/14
 15/11 45/11 48/8 50/4 50/6
 56/11 56/12 58/11 61/14
 69/3 94/20 129/19 157/4
 175/3 175/6 209/13 222/14
 235/3 255/18 268/23 272/11
 272/15
candidacy [1] 166/3
candidate [36] 4/15 35/23
 36/1 45/1 46/1 46/10 46/15

C

candidate... [29] 46/22 48/25
 70/11 71/19 102/1 102/10
 102/13 102/13 102/20 102/21
 103/11 136/15 139/21 140/17
 140/18 142/17 143/2 143/4
 143/5 143/8 143/17 145/4
 189/11 212/16 212/20 212/21
 216/8 230/2 230/4
candidates [11] 44/11 44/14
 46/7 49/15 50/3 51/7 55/1
 163/25 165/5 189/21 217/1
cannot [10] 6/19 6/24 57/6
 58/10 86/13 228/24 257/4
 257/6 259/25 260/14
canvassers [1] 48/5
canvassing [4] 165/7 165/17
 165/24 213/5
capacity [3] 165/1 203/6
 206/23
capture [2] 14/23 111/14
car [5] 56/4 166/25 174/15
 179/1 179/6
care [6] 57/18 84/11 87/16
 87/18 100/11 251/7
Carlucci [1] 87/19
cars [1] 215/14
Carusone [3] 51/14 53/21
 54/7
case [72] 1/2 6/6 6/8 10/15
 17/25 19/22 20/1 20/2 20/4
 20/20 21/18 23/25 26/22
 26/24 29/23 30/1 33/14 52/9
 56/22 57/10 67/11 67/12
 67/14 71/2 75/5 77/15 77/18
 78/8 79/4 79/8 80/7 80/20
 81/3 81/20 81/22 81/22 87/6
 90/23 97/3 124/23 125/10
 125/13 129/13 129/19 129/20
 133/3 140/13 142/3 142/7
 150/7 161/22 170/12 188/12
 193/4 193/22 194/9 194/11
 201/1 204/9 205/6 205/8
 205/13 228/15 236/5 236/8
 236/11 239/1 244/23 247/25
 265/22 265/23 270/10
cases [7] 202/20 203/8
 203/17 204/12 209/2 209/23
 219/3
cause [1] 231/12
caused [1] 163/15
caveat [3] 100/4 100/14
 195/15
cell [1] 241/22
centered [1] 214/9
certain [1] 200/23
certainly [12] 11/2 126/9
 127/2 194/6 199/12 201/8
 206/19 207/9 207/12 231/10
 232/13 266/14
Certificate [6] 3/23 3/24
 131/1 135/23 135/24 276/1
Certification [6] 4/14 4/16
 70/12 136/14 136/16 142/9
certified [4] 17/5 18/19
 37/3 142/12
certify [6] 131/9 132/8
 132/12 276/9 277/8 277/12
chaired [1] 203/2
challenging [1] 204/15
chance [4] 24/10 147/16
 228/15 246/15

change [5] 43/7 65/1 66/9
 169/13 267/17
Chapter [6] 29/19 29/19
 37/23 68/2 68/3 103/22
chapters [6] 95/24 102/24
 140/19 143/19 145/6 204/18
characterizing [1] 177/18
charge [6] 178/3 179/5 197/8
 205/4 208/10 208/19
charged [10] 175/22 178/1
 179/4 193/11 194/7 194/8
 205/5 206/11 209/9 254/2
charging [1] 268/4
Charlene [4] 2/16 31/8 31/17
 134/16
charter [2] 183/13 186/22
chase [3] 177/24 178/8 179/5
chased [7] 175/19 177/2
 177/3 177/7 178/9 178/21
 179/3
check [6] 5/5 80/7 120/15
 137/5 185/21 242/12
checked [4] 94/3 94/17 94/21
 151/6
checks [3] 52/21 52/22 52/23
Cheryl [20] 2/14 61/13 62/7
 62/9 62/9 63/10 63/18 66/25
 68/22 69/15 69/21 70/12
 134/14 164/10 167/10 167/12
 186/10 217/16 223/17 233/18
children [1] 72/9
choice [1] 186/3
choose [1] 270/6
chose [1] 36/24
Christ [1] 104/22
Christopher [1] 49/16
circle [1] 93/7
circled [2] 151/21 152/18
circuit [1] 203/21
circumstances [3] 194/11
 205/6 205/7
cited [1] 91/15
citing [1] 91/3
citizen [11] 5/4 57/15
 103/23 110/13 111/11 112/7
 137/4 139/13 184/22 228/20
 241/3
citizens [3] 188/19 230/25
 231/6
city [111] 35/23 41/10 42/17
 42/19 42/20 43/5 43/16
 43/16 46/1 46/15 48/9 49/9
 58/13 58/14 58/25 64/11
 64/17 64/22 65/5 66/13
 66/21 71/19 77/8 96/24
 97/15 101/18 102/4 102/16
 108/8 111/13 111/13 111/22
 111/23 112/4 115/19 119/22
 119/23 119/24 122/1 140/23
 149/15 152/20 152/20 159/19
 159/19 163/7 163/14 163/15
 163/19 164/1 171/18 171/24
 173/14 173/15 181/12 183/1
 183/2 183/4 183/5 183/6
 183/10 184/7 184/14 186/24
 189/8 189/9 189/12 190/1
 190/2 190/16 190/20 190/21
 205/9 212/2 212/5 212/16
 213/16 216/6 216/23 217/2
 217/7 217/10 217/13 218/7
 218/23 219/1 219/9 219/9
 220/16 228/21 229/2 229/3
 229/9 231/9 231/12 235/17

238/15 239/22 239/23 240/11
 240/11 240/25 241/5 241/22
 241/25 246/5 251/1 259/14
 259/17 259/20 260/12
city's [6] 51/4 57/7 188/15
 188/18 189/3 218/4
civilian [1] 143/2
claim [2] 29/4 29/10
claiming [4] 12/4 139/20
 140/16 238/25
claims [3] 1/21 124/2 133/21
clarification [2] 28/20
 201/14
clarify [3] 15/11 66/16
 70/19
Claudia [2] 16/22 17/1
clear [10] 21/21 53/22 90/6
 103/10 106/4 121/11 150/9
 164/16 206/14 266/6
clearly [3] 35/12 84/4 91/15
clerk [23] 97/15 111/13
 111/22 112/4 119/22 122/1
 152/20 158/2 181/13 183/4
 183/10 184/7 190/2 190/2
 239/24 240/11 240/11 240/25
 251/1 258/21 259/14 259/17
 260/12
Clerk's [3] 96/24 184/14
 189/12
click [2] 265/14 270/22
close [5] 38/19 72/3 147/17
 163/18 247/25
closed [1] 236/6
closer [1] 214/17
closest [1] 72/1
closing [9] 38/14 147/7
 232/25 264/1 264/17 265/25
 273/5 273/7 273/11
clue [1] 115/6
coast [1] 205/2
code [4] 35/10 101/19 101/24
 203/13
codes [2] 219/2 219/5
color [9] 167/24 167/25
 168/4 168/5 169/20 170/9
 170/9 170/17 214/20
come [22] 15/22 16/2 23/15
 27/6 30/15 30/17 31/5 34/11
 81/2 85/8 159/17 168/13
 170/5 172/12 172/18 173/21
 174/6 178/9 201/1 207/14
 220/4 272/15
comes [4] 10/24 11/9 125/10
 213/3
comfortable [2] 178/18 186/2
coming [6] 152/7 156/20
 160/7 161/6 178/13 257/9
Commencing [2] 1/19 133/19
comment [4] 38/14 118/3
 222/15 239/3
comments [3] 33/20 126/20
 223/4
commission [118] 4/10 4/11
 4/13 28/24 29/1 29/23 34/18
 42/20 43/1 43/3 43/5 43/14
 44/11 44/13 45/1 46/7 64/20
 66/10 66/13 66/21 68/7 69/9
 73/7 77/8 78/1 78/3 80/22
 80/24 81/13 81/18 81/19
 81/20 81/22 82/4 82/11 84/6
 84/7 84/11 84/19 85/24
 85/24 85/25 86/24 87/5 88/6
 89/13 89/17 91/17 92/10

C

commission... [69] 97/4 100/1
 100/1 101/14 102/23 104/2
 109/3 110/3 110/23 110/24
 119/23 119/24 123/9 128/8
 131/20 136/10 136/11 136/13
 150/23 155/20 163/8 163/14
 163/15 163/19 164/1 171/24
 172/1 175/13 183/13 183/18
 185/16 186/25 190/22 203/2
 203/9 203/11 203/15 203/18
 203/19 205/10 208/17 208/18
 208/20 208/22 208/25 209/3
 212/8 216/22 216/23 217/13
 218/7 218/18 218/24 219/8
 219/9 224/3 226/20 230/4
 230/8 231/25 232/9 232/12
 235/11 251/17 251/19 251/20
 252/11 252/22 276/20
commissioner [32] 35/23 44/2
 46/1 48/24 49/13 51/7 58/11
 66/9 66/25 67/24 71/20
 76/17 102/4 102/16 108/8
 115/20 140/23 174/8 186/10
 186/21 189/11 191/10 191/11
 191/14 212/17 214/3 217/16
 219/9 220/15 220/19 228/21
 258/6
commissioners [36] 49/10
 51/11 51/16 55/1 57/14
 58/11 58/24 59/3 60/4 60/8
 62/14 62/21 62/22 63/2 63/6
 65/6 65/9 66/6 69/6 77/7
 77/15 77/19 125/19 184/20
 185/5 185/6 185/8 185/10
 189/22 190/16 191/2 191/3
 191/6 191/16 191/18 213/15
commissions [3] 34/15 84/8
 123/14
Committee [13] 77/17 80/9
 80/10 80/18 80/19 80/21
 84/10 105/20 197/17 230/24
 232/3 242/14 246/6
committees [1] 80/9
commonly [1] 231/16
commonly-known [1] 231/16
communicate [1] 272/8
communicated [1] 46/25
communication [7] 13/18 13/21
 16/8 16/12 17/18 19/6 19/20
community [1] 212/12
comparatively [1] 118/21
compare [1] 114/8
compel [1] 12/21
Compensation [2] 1/21 133/21
competent [1] 35/4
complainants [2] 204/13
 205/19
complaint [202] 4/12 4/13
 18/5 20/6 28/24 29/4 29/12
 29/14 34/15 35/16 35/22
 36/2 36/3 37/17 37/20 37/22
 54/19 57/25 67/20 67/21
 67/25 68/5 69/8 69/13 69/14
 69/20 73/8 73/23 74/17
 74/20 74/25 75/12 75/18
 76/8 76/8 76/20 76/25 77/6
 77/9 78/5 78/21 78/24 79/1
 81/13 82/3 82/10 83/25 85/5
 85/5 85/16 85/17 85/18
 85/21 86/1 86/3 86/13 86/15
 86/17 86/21 87/21 89/9

89/10 89/17 89/20 89/21
 89/24 89/25 90/4 91/2 91/6
 91/11 91/12 92/11 94/13
 95/14 95/18 96/24 97/1
 97/10 97/12 97/13 97/17
 97/20 97/24 98/9 100/3
 101/12 101/21 102/9 103/20
 103/24 103/25 104/2 104/9
 104/11 104/15 105/1 105/11
 105/13 105/14 106/4 106/5
 106/6 108/6 108/20 108/21
 108/22 108/24 109/23 110/6
 110/10 112/13 113/4 113/8
 113/25 113/25 114/8 114/14
 115/8 115/11 116/8 116/13
 118/17 120/5 122/1 123/10
 127/22 136/12 136/13 139/19
 139/22 140/16 140/17 141/3
 142/17 145/1 145/1 145/8
 145/10 145/14 145/18 145/19
 146/21 150/24 153/25 171/14
 171/21 171/24 173/10 184/6
 185/13 185/20 186/15 188/13
 188/13 188/22 189/10 189/16
 189/25 193/16 196/24 198/20
 204/15 204/16 204/17 204/19
 204/19 204/20 205/8 208/19
 216/13 216/16 216/21 217/17
 217/19 218/1 218/23 219/8
 219/8 224/23 227/19 230/3
 231/23 232/4 232/12 234/11
 235/10 235/24 235/25 236/11
 236/17 237/21 239/20 244/21
 244/22 245/11 250/25 251/10
 251/18 251/24 253/22 253/23
complaints [14] 75/6 89/12
 97/16 110/1 189/20 189/20
 189/20 190/4 203/16 205/17
 205/18 205/19 231/4 231/6
complete [5] 161/19 243/10
 243/10 243/21 243/25
completion [1] 181/22
compliant [2] 139/1 229/8
complies [6] 28/5 28/12
 148/15 162/2 182/7 211/4
complying [1] 228/22
computer [6] 42/2 42/6 48/13
 237/18 249/3 250/7
computers [1] 58/14
concentrate [1] 213/21
concern [5] 19/12 19/23
 62/16 63/7 185/12
concerned [5] 19/9 24/18
 139/13 163/17 198/14
concerning [2] 13/14 60/9
concerns [12] 43/16 59/2
 61/18 61/22 62/6 66/14
 66/22 67/3 67/17 67/19
 163/21 173/16
concluded [1] 275/3
condolences [1] 252/20
conducting [1] 239/22
confidential [7] 4/12 92/11
 101/12 105/12 136/12 185/13
 190/20
confidentiality [7] 4/8 136/8
 185/14 185/17 185/19 224/8
 224/12
confirm [2] 150/14 202/2
confirmation [3] 82/3 82/7
 142/13
confused [1] 122/6
confusing [1] 122/5

connect [1] 91/21
connected [2] 132/15 277/15
connection [2] 34/20 85/4
Connie [3] 2/13 7/16 134/13
conscious [1] 37/12
consider [10] 6/4 29/1 71/24
 127/19 207/12 220/20 236/16
 262/17 266/15 268/25
consideration [3] 38/22
 233/12 266/4
considered [3] 149/7 178/16
 231/5
considering [3] 72/5 72/8
 266/11
constitute [1] 78/25
consulting [1] 32/14
consume [1] 129/19
consumption [1] 21/21
cont'd [3] 5/1 137/1 138/8
contained [4] 37/20 37/22
 89/14 106/5
contains [1] 22/21
contemplated [1] 158/8
content [1] 115/9
contention [2] 170/15 235/8
contents [2] 259/9 260/1
contested [1] 229/10
context [1] 59/13
continue [2] 16/6 138/4
continues [1] 37/9
continuing [1] 257/16
contrary [3] 16/12 36/20
 53/23
conversation [26] 150/3
 150/10 155/8 160/18 167/8
 167/22 168/9 169/6 169/17
 169/18 169/24 170/7 170/16
 170/19 213/14 213/22 214/7
 214/9 214/16 215/3 215/20
 215/23 216/9 217/5 222/5
 222/7
conversations [15] 67/3 68/21
 68/23 69/2 69/5 69/6 69/8
 69/21 213/17 213/20 216/7
 220/6 220/7 222/6 268/2
cook [33] 2/14 9/10 9/11
 10/23 11/16 11/25 13/1
 13/14 30/6 32/13 32/19
 61/13 62/10 63/10 63/18
 64/1 64/2 66/25 68/22 69/2
 69/16 69/21 70/12 72/4 72/8
 134/14 164/10 167/10 167/12
 186/10 211/24 217/16 223/17
Cook's [3] 61/19 62/7 71/19
coordinate [4] 7/5 266/20
 269/17 274/12
copies [7] 16/11 19/8 37/3
 40/10 157/18 158/2 159/1
copious [1] 267/21
copy [9] 23/1 36/21 112/12
 113/4 142/12 158/1 202/3
 262/14 268/12
corner [1] 119/2
correct [52] 6/10 15/20 94/7
 94/25 97/25 98/3 103/3
 103/16 103/17 104/18 109/4
 112/1 112/2 112/14 112/20
 112/21 112/22 113/1 113/2
 114/25 151/19 151/24 154/18
 156/20 156/23 157/9 157/20
 158/23 159/7 160/16 160/20
 172/13 178/1 180/9 180/17
 180/19 181/19 187/1 188/24

C

correct... [13] 191/7 197/13
 197/15 202/3 217/23 220/23
 243/2 248/15 253/10 258/4
 258/7 271/25 271/25
Correction [1] 202/22
correctly [1] 144/6
correspond [1] 200/5
Cory [15] 3/17 46/5 49/11
 49/18 49/18 55/22 56/2
 131/10 135/17 164/14 210/8
 210/10 211/9 211/14 276/10
Cory's [1] 166/3
cosmetologist [1] 41/19
cosmetology [1] 41/19
cost [7] 7/8 36/16 58/25
 231/21 232/5 263/4 267/12
costs [40] 4/5 16/18 29/5
 29/8 29/22 34/13 34/19 35/7
 37/25 99/24 100/3 100/5
 100/8 100/15 125/21 127/6
 136/5 175/12 193/8 193/10
 193/23 194/5 194/8 194/12
 195/14 198/18 198/23 203/22
 206/12 206/16 206/20 206/22
 206/25 207/11 207/22 209/9
 209/24 226/19 236/2 236/16
could [28] 45/24 48/4 52/10
 52/23 66/9 69/18 97/14
 115/16 153/21 155/22 157/18
 157/25 158/4 158/14 168/1
 180/3 183/21 188/22 191/6
 191/8 191/11 191/14 200/21
 211/22 213/25 217/4 241/23
 249/1
couldn't [8] 43/12 83/17
 105/22 173/14 207/4 249/2
 249/13 262/12
council [1] 65/6
counsel [19] 4/6 6/18 132/13
 132/15 136/6 193/11 197/24
 199/13 199/13 200/3 203/1
 203/5 203/10 206/16 208/21
 225/11 264/5 277/13 277/15
count [1] 65/19
county [10] 101/18 131/5
 132/4 132/18 211/24 229/2
 231/14 276/5 277/4 277/18
couple [9] 18/14 138/7
 167/11 186/1 190/13 208/16
 217/9 237/22 247/14
course [3] 10/11 27/9 27/23
court [32] 1/16 7/5 14/9
 14/22 15/1 15/2 28/1 45/5
 59/16 59/24 68/24 80/16
 133/16 148/7 148/12 159/20
 161/23 168/10 182/2 202/13
 210/20 210/25 265/1 265/4
 266/18 266/25 267/11 268/3
 271/9 271/11 274/1 274/25
courts [2] 103/25 203/21
cover [1] 166/15
covered [4] 165/6 165/19
 255/1 255/2
covering [2] 108/9 115/20
Craft [4] 3/13 135/13 182/12
 182/17
criminal [1] 52/22
Cross [18] 3/10 3/12 3/14
 3/16 3/18 3/21 135/10
 135/12 135/14 135/16 135/18
 135/21 156/7 172/8 190/11

208/3 219/16 248/4
CROSS-EXAMINATION [6] 156/7
 172/8 190/11 208/3 219/16
 248/4
Crowley [33] 3/9 24/18 25/12
 25/13 93/6 93/16 93/25
 94/16 107/23 131/9 135/9
 147/22 147/25 148/1 148/3
 148/4 148/4 148/20 148/25
 149/1 149/14 151/13 152/12
 152/13 152/17 152/18 153/15
 155/15 155/18 156/9 157/16
 161/6 276/9
curious [1] 30/7
current [3] 39/10 230/2
 244/23
currently [5] 41/13 41/20
 149/17 162/21 211/20
custodian [1] 183/11
customer [2] 153/18 155/10
cutting [1] 250/17
Cyphert [4] 2/17 31/9 31/13
 134/17

D

Daniels [5] 200/6 204/11
 206/11 207/2 225/3
Daniels' [1] 204/4
dare [1] 231/6
date [55] 1/18 37/2 71/22
 76/7 78/15 78/15 82/3 82/4
 86/19 86/20 86/20 87/8
 87/14 87/20 92/23 93/1 93/2
 104/25 107/8 111/12 111/22
 112/23 113/8 115/22 115/24
 115/25 116/7 116/8 116/15
 116/16 116/17 120/25 121/13
 121/19 121/25 133/18 140/10
 151/4 151/16 152/12 154/9
 154/22 197/22 200/4 200/20
 200/21 232/15 234/16 234/18
 249/21 249/23 250/4 251/2
 264/4 264/7
dated [6] 16/23 87/22 132/17
 224/14 225/3 277/17
dates [1] 115/6
daughter [1] 99/5
daughter's [1] 98/13
David [1] 239/12
day [34] 16/24 20/11 36/2
 108/1 129/14 129/19 131/11
 131/14 132/17 154/18 154/19
 155/11 157/12 157/13 166/15
 166/15 167/24 175/17 180/5
 185/25 187/7 187/11 188/17
 221/16 246/7 264/4 269/12
 270/5 271/2 273/21 273/23
 276/11 276/14 277/17
days [17] 21/22 26/12 36/15
 157/12 186/1 203/12 238/22
 265/7 266/16 268/16 269/16
 269/19 269/19 272/18 272/20
 273/25 274/6
days' [1] 270/1
deadline [1] 17/15
deal [12] 10/24 11/9 16/3
 16/3 18/8 22/4 22/10 23/23
 40/24 124/6 229/18 267/8
dealer [3] 5/3 137/3 239/17
dealing [5] 70/4 86/16
 238/20 239/14 263/2
dealt [1] 13/15
death [2] 124/12 252/13

Debbie [1] 164/13
December [1] 199/7
December 1st [1] 199/7
decide [2] 11/3 185/12
decided [1] 236/5
decision [5] 117/20 124/25
 190/21 266/7 266/7
decisions [1] 125/1
declared [1] 77/20
deemed [1] 36/16
default [1] 273/25
defended [1] 204/12
defending [1] 205/13
defense [1] 204/15
definitely [2] 24/1 236/3
degree [1] 220/18
delay [1] 20/11
delivered [6] 111/11 112/8
 159/19 184/22 185/4 248/13
delivery [1] 36/24
demonstrate [2] 35/12 36/8
deny [1] 22/1
depicted [1] 170/9
Deputy [1] 190/1
derogatory [5] 213/14 220/18
 220/20 220/21 221/2
describe [2] 167/21 214/15
described [1] 165/22
Description [4] 4/2 5/2 136/2
 137/2
descriptions [1] 37/7
designation [1] 230/1
desire [6] 8/11 33/8 223/25
 233/9 248/1 266/13
desires [1] 12/9
desk [1] 258/20
DeSoto [2] 1/24 133/24
despite [1] 36/25
determination [4] 125/8
 125/19 127/4 260/20
determinations [1] 60/15
determining [3] 34/24 100/8
 185/9
Development [1] 220/12
Dick [1] 202/25
did [196] 8/25 9/1 11/15
 13/18 13/24 16/9 17/4 17/5
 17/14 18/1 18/11 18/18 19/5
 19/10 20/19 20/24 26/14
 26/14 30/6 30/18 30/19
 42/16 44/5 44/13 44/20
 47/23 48/11 48/23 49/22
 50/3 52/20 52/22 53/6 53/9
 53/19 54/3 54/4 54/24 54/24
 55/10 56/1 56/2 56/3 56/5
 59/6 59/17 61/18 61/23
 61/24 62/1 62/6 62/9 62/11
 64/10 64/10 66/12 66/24
 69/7 69/20 73/22 74/1 76/14
 77/5 80/17 83/14 86/3 91/18
 92/13 92/13 92/14 92/17
 92/17 95/2 95/4 95/13 95/25
 96/6 96/23 97/6 97/14 97/19
 97/20 97/23 97/24 99/4
 102/3 103/2 103/10 105/24
 109/2 109/23 110/12 110/22
 114/13 114/13 114/16 114/21
 115/14 119/21 120/2 120/15
 120/20 120/25 121/1 121/18
 121/22 123/25 124/4 126/13
 127/20 132/8 139/21 139/21
 140/18 143/18 143/18 144/13
 144/21 145/4 145/5 145/11

D	87/21 89/18	210/14 210/22 211/5 212/22
did... [75] 145/12 145/20	disputed [2] 34/22 125/22	213/7 215/22 215/25 218/12
145/21 146/7 155/9 156/10	disregard [10] 29/17 36/9	219/13 220/20 221/20 221/23
156/17 157/14 163/13 164/3	37/12 37/21 67/23 85/20	222/19 223/24 226/24 228/15
165/4 165/14 165/18 165/21	86/7 91/1 120/12 120/14	232/2 233/2 235/13 236/25
165/24 166/6 166/15 168/4	distinction [1] 12/15	238/24 238/25 239/19 243/7
169/6 171/17 172/18 173/21	distortion [1] 37/12	247/21 249/1 249/23 250/10
174/15 178/8 178/9 178/19	distributed [13] 77/7 184/19	251/4 251/6 253/13 255/13
179/4 179/4 179/5 180/8	185/7 185/10 189/17 190/18	255/18 260/25 261/8 261/14
184/24 185/1 185/15 185/19	190/24 191/1 191/15 191/17	264/19 266/13 266/13 266/14
185/24 185/25 190/16 191/12	234/13 248/9 248/11	270/6 272/11 277/7
197/3 202/19 204/17 207/2	distributes [1] 231/9	DOAH [1] 37/2
212/4 213/4 213/20 213/20	distribution [2] 119/23	dock [1] 190/25
214/8 215/3 215/5 216/6	189/13	docket [6] 11/16 13/21 13/23
216/15 216/20 216/21 217/8	district [1] 97/5	16/13 19/3 224/4
217/17 220/4 223/3 229/7	disturbing [3] 180/14 180/14	document [43] 70/23 77/6
244/25 246/7 248/6 248/7	180/20	78/18 86/23 87/3 87/6
250/8 250/15 250/23 251/8	division [11] 1/1 1/23 6/7	106/22 107/7 111/1 111/10
252/3 253/17 254/6 254/14	34/21 133/2 133/23 203/6	111/10 112/3 112/8 119/21
254/17 262/15 263/7 271/24	203/8 265/6 265/11 270/14	120/24 121/12 150/15 150/18
277/8	divulging [1] 54/11	151/14 154/2 154/3 154/24
didn't [52] 25/19 42/9 44/12	DIs [2] 131/24 276/24	155/19 155/23 184/5 184/8
44/19 46/18 46/19 49/3 55/6	do [263] 6/20 6/23 7/5 7/7	184/12 184/13 184/25 185/3
57/9 61/25 62/9 63/9 65/14	7/7 7/11 7/14 8/14 8/24 9/1	185/4 185/22 198/1 198/24
66/2 66/3 76/21 77/14 80/15	10/7 12/9 12/21 14/4 15/25	201/4 204/2 218/2 226/3
97/2 97/20 99/17 102/16	16/19 17/8 17/8 17/9 17/9	226/9 226/16 227/4 235/9
103/24 116/1 128/14 143/3	21/24 22/15 22/24 22/25	257/21
155/4 158/3 170/10 170/24	23/8 23/16 23/16 24/1 24/2	documentation [5] 200/3 252/4
172/15 177/12 177/22 191/5	27/21 28/1 28/6 28/9 28/13	253/2 253/3 253/12
197/8 208/8 224/9 236/25	28/22 30/12 32/4 32/4 32/11	documents [49] 13/20 19/25
241/14 242/13 247/4 249/14	32/12 32/24 33/2 33/8 33/23	20/23 20/25 21/7 21/17
251/4 251/15 252/9 252/14	36/18 38/19 38/21 39/14	21/19 22/17 32/15 32/16
252/14 253/1 253/11 253/22	39/19 39/21 39/23 40/20	48/5 48/17 51/2 55/17 55/23
253/25 264/17	40/20 41/16 42/20 44/1	79/25 95/2 113/21 118/19
died [4] 124/5 124/13 251/7	44/20 47/16 50/19 50/22	118/21 119/14 120/12 124/2
254/5	51/6 52/9 56/14 57/20 57/22	153/7 154/18 159/10 159/18
difference [3] 86/9 154/14	58/6 58/9 62/1 63/19 63/25	167/18 176/2 190/18 198/9
198/13	64/13 65/18 67/6 68/9 68/11	204/4 206/4 227/5 238/18
different [20] 23/13 32/21	68/16 69/7 70/14 72/3 72/6	238/19 247/12 248/12 250/9
33/10 60/19 62/12 90/11	72/10 73/10 74/5 74/20	250/16 250/23 251/11 251/11
90/18 90/23 113/5 115/6	76/21 77/4 77/14 77/14 79/4	251/13 251/21 254/13 254/16
119/14 154/17 154/17 165/1	79/21 83/1 83/18 84/23	260/17 266/10
166/4 166/25 173/15 176/24	85/11 85/15 88/16 88/21	Dodge [2] 214/21 215/16
179/7 205/16	88/24 89/3 92/1 92/3 93/15	does [30] 22/10 64/21 65/9
differential [1] 204/25	93/17 93/25 94/4 94/6 94/16	66/6 72/9 74/16 74/19 78/19
DiFranco [1] 51/17	95/21 96/8 96/9 98/19 98/19	84/20 84/22 89/14 90/2
dinner [1] 222/11	101/2 101/3 101/11 103/19	98/13 99/6 114/7 117/6
Direct [25] 3/8 3/9 3/11	104/3 105/22 106/2 107/18	121/13 140/12 142/4 142/6
3/13 3/15 3/18 3/20 3/22	109/14 110/2 110/12 111/2	143/8 200/5 208/23 219/1
41/6 135/8 135/9 135/11	114/7 115/7 116/8 117/3	220/3 230/23 234/19 239/19
135/13 135/15 135/18 135/20	117/7 118/21 118/23 118/24	267/24 274/17
135/22 138/8 149/11 162/17	119/3 120/3 120/5 120/25	doesn't [18] 12/7 25/16
182/21 201/24 211/18 228/16	122/17 122/24 127/22 128/14	60/11 74/17 75/16 88/5 95/7
256/24	129/5 129/7 129/10 129/16	95/10 100/6 120/23 191/12
directly [1] 266/25	129/25 130/4 132/7 138/25	202/13 234/18 240/5 248/22
Disability [1] 41/15	139/4 140/12 140/14 140/15	260/8 260/9 268/14
disallow [1] 16/15	142/2 142/3 142/4 142/7	dogs' [1] 160/6
discerned [1] 30/11	143/3 143/6 143/8 144/8	doing [14] 18/5 23/19 32/23
disclosing [1] 231/15	144/18 146/1 146/1 146/4	40/8 50/20 94/22 165/3
disconnect [1] 177/11	146/4 146/4 146/6 146/15	167/1 214/3 239/22 254/17
discrepancies [2] 128/15	146/23 148/16 150/3 150/17	269/24 269/25 270/5
138/19	151/11 153/4 153/17 154/10	domain [1] 194/2
discrepancy [2] 262/8 262/13	154/13 155/1 155/3 155/5	don't [139] 10/17 10/19
discuss [9] 149/5 161/7	155/25 156/3 156/5 157/17	14/15 15/23 17/2 17/24
161/20 181/6 181/23 192/1	159/14 159/25 160/16 160/20	17/25 22/8 24/2 30/10 31/2
210/23 221/9 223/11	162/3 162/6 162/14 162/16	32/8 32/22 42/4 42/23 43/20
discussed [4] 155/8 191/7	165/16 165/21 166/8 166/11	49/12 49/23 49/23 50/5 50/6
216/22 217/1	167/17 175/1 180/4 182/1	50/9 50/10 50/11 50/12
discussing [1] 235/17	182/8 182/11 182/18 183/15	50/13 50/17 52/8 54/20 55/5
dismissed [7] 28/24 29/4	184/7 186/20 187/8 189/2	56/13 56/17 57/17 57/17
29/23 78/25 81/23 82/5 82/8	189/9 190/3 190/8 192/14	60/19 61/9 61/20 63/22
dismissing [4] 78/21 86/21	192/18 192/24 192/25 193/4	65/18 70/17 71/4 71/4 74/20
	194/19 195/4 196/11 197/13	75/14 78/10 82/22 86/14

D	216/11 217/10 219/22 230/9 230/17 230/18 230/19 253/3 271/2	elements [3] 29/10 67/14 67/15
don't... [92] 87/16 88/10 89/2 89/5 93/10 93/11 94/18 95/3 95/5 95/15 96/4 98/21 98/22 99/3 99/7 99/21 100/11 100/23 100/24 108/11 115/5 116/18 117/5 117/8 121/5 121/6 121/6 121/7 125/14 126/10 127/12 141/16 143/6 144/9 144/15 150/25 152/4 156/12 157/11 157/11 157/14 157/21 159/5 159/6 160/17 160/21 160/21 167/4 167/24 168/6 168/9 168/11 170/21 172/23 189/14 189/15 195/6 198/11 200/7 200/19 201/7 206/12 215/1 219/5 221/17 221/17 222/1 223/3 231/15 234/17 235/3 235/4 235/4 238/18 246/2 256/15 259/10 262/12 264/15 267/7 269/1 269/5 269/23 269/24 270/3 271/13 272/21 272/23 272/24 273/6 274/11 274/11	duties [3] 183/10 202/18 203/14	else [32] 18/15 30/2 47/23 52/21 55/11 56/5 88/11 114/17 114/18 114/23 124/9 127/15 161/22 164/8 191/22 206/12 221/3 222/16 225/13 243/7 246/20 253/13 255/5 255/10 255/13 255/23 255/25 260/3 261/11 262/1 262/2 263/14
done [11] 16/23 19/23 52/17 54/19 86/2 171/9 205/5 236/6 236/9 236/11 236/12	E	else's [1] 83/22
door [19] 165/16 165/16 166/18 172/16 175/21 175/21 176/16 176/19 177/8 177/8 177/25 178/9 178/24 178/24 178/25 178/25 213/5 213/5 220/4	e-filing [1] 271/14	email [55] 4/23 4/24 5/3 5/6 19/16 20/22 47/6 105/17 136/23 136/24 137/3 137/6 146/10 146/15 186/9 186/11 228/23 229/9 230/9 230/17 231/9 231/10 234/5 234/5 235/6 235/14 235/15 235/17 237/17 238/11 238/12 238/14 239/21 239/23 241/24 247/6 248/6 248/21 248/22 249/17 249/19 250/1 257/8 257/14 258/25 259/3 259/5 259/6 259/9 259/12 259/19 259/21 271/14 271/20 271/22
door-to-door [2] 165/16 213/5	each [7] 21/13 38/15 38/16 45/12 164/17 255/2 268/11	emailing [1] 19/16
doors [1] 222/9	eALJ [1] 19/8	emails [12] 146/9 146/12 146/13 146/24 230/19 236/25 240/10 241/1 247/2 254/14 260/15 272/12
dots [1] 91/20	earlier [10] 30/14 55/20 56/6 63/6 79/3 109/1 226/17 242/17 264/16 270/13	embraces [1] 204/24
double [1] 120/15	early [1] 203/12	employed [6] 41/13 149/17 162/21 183/6 189/9 211/20
double-check [1] 120/15	easier [2] 23/14 40/4	employee [4] 132/13 132/14 277/13 277/14
Doug [1] 204/4	easily [1] 218/2	employer [1] 182/25
Douglas [4] 204/16 207/2 207/8 225/3	eating [1] 222/11	encounter [3] 166/13 180/14 180/14
Douglass [1] 204/11	educated [1] 258/14	encounters [2] 166/9 213/7
down [34] 14/6 14/16 124/15 143/1 154/13 157/6 167/2 174/13 175/19 176/17 176/22 176/24 177/2 177/3 177/7 177/25 178/3 178/8 178/9 178/16 178/21 179/3 179/5 180/6 204/25 205/1 208/6 208/9 234/4 234/25 246/5 250/6 260/20 273/13	education [3] 49/8 53/8 55/9	encourage [1] 265/17
down my [1] 178/21	educations [1] 49/11	end [7] 7/12 7/22 130/8 221/12 221/16 226/8 243/21
download [1] 249/3	effect [4] 87/4 87/23 88/5 179/8	enough [4] 57/2 251/22 254/2 272/19
dozen [1] 130/2	effective [1] 87/20	ensure [1] 35/17
draft [9] 78/15 86/23 87/2 87/15 87/16 87/22 87/23 87/25 88/7	egregious [1] 35/14	enter [16] 23/21 40/19 69/24 73/4 99/19 122/22 124/18 141/22 187/13 194/20 194/24 195/22 196/18 199/16 214/24 223/23
drilled [1] 42/24	eidetic [2] 50/6 221/18	entered [1] 77/6
drive [3] 1/21 133/21 166/25	eight [4] 11/16 139/10 225/1 225/2	entering [1] 193/2
driver's [2] 94/4 151/7	either [13] 6/20 33/12 55/15 61/1 75/13 97/15 154/9 163/11 244/21 250/8 265/22 274/4 274/4	entire [3] 11/4 40/22 129/19
driveway [1] 214/22	eL [1] 19/8	entirely [3] 165/1 205/14 230/2
dropped [4] 184/14 184/15 184/15 184/19	elect [1] 266/14	entirety [1] 23/9
due [5] 16/15 26/11 83/11 165/25 194/2	election [55] 4/22 29/23 47/10 49/19 49/21 50/1 50/3 57/5 69/20 71/25 75/25 80/8 80/10 91/7 91/8 110/9 127/22 136/22 139/1 139/5 139/20 140/9 140/19 142/4 142/14 142/14 142/18 142/22 143/17 143/19 145/3 145/5 146/2 146/5 146/8 146/9 146/11 146/13 165/23 202/9 202/19 212/20 212/24 212/25 213/3 213/25 216/12 219/4 221/16 231/25 232/11 234/3 248/15 252/5 257/15	entities [1] 202/21
duly [9] 41/5 131/12 148/22 162/9 182/14 201/23 211/11 256/23 276/12	elections [92] 4/10 4/11 28/23 34/15 34/17 35/16 37/17 68/7 69/9 76/8 80/22 80/23 81/19 81/20 84/10 84/19 85/23 85/23 85/24 86/3 86/12 89/13 91/5 92/10 94/13 95/14 95/17 95/22 97/11 98/8 100/1 101/11 101/14 104/2 105/6 105/20 108/6 108/21 108/22 110/24 113/25 115/10 115/11 116/13 117/16 123/9 124/3 128/8 136/10 136/11 140/17 145/1 145/16 145/17 146/16 146/21 155/20 171/13 171/14 171/21 171/23 185/15 189/20 190/22 197/17 203/2 203/6 203/9 203/11 203/15 205/16 208/18 208/20 208/22 208/25 216/13 216/16 218/23 224/3 226/20 230/4 230/7 230/24 232/3 235/11 238/24 242/14 246/6 251/17 251/20 252/10 254/18	entitled [8] 29/22 34/25 35/7 37/24 193/22 194/5 194/11 197/6
duplicate [1] 155/23	electronically [1] 19/7	entitlement [3] 29/6 34/19 36/17
during [20] 10/11 27/23 48/3 67/15 165/15 166/9 166/10 196/23 213/4 213/8 216/5	element [2] 67/17 67/19	entity [1] 252/2

E

essentially [1] 8/13
establish [4] 60/22 76/19 83/19 86/6
established [7] 125/12 125/13 127/7 152/9 164/17 170/13 170/19
establishes [2] 76/3 85/19
establishing [1] 205/17
establishment [5] 89/16 156/10 156/11 156/19 159/14
estate [1] 251/8
eth [2] 77/16 86/11
ethics [58] 4/13 73/7 73/22 77/16 78/1 78/3 80/18 80/19 80/21 81/13 81/18 81/22 82/3 82/4 82/10 82/11 83/10 84/5 84/6 84/7 84/10 85/25 86/11 86/25 87/5 88/5 89/9 89/17 91/15 91/16 91/17 97/10 97/12 97/20 108/7 109/2 109/3 109/23 109/24 110/3 110/4 110/11 110/14 110/22 110/23 115/19 117/16 118/16 136/13 139/24 150/23 189/20 219/7 232/8 239/1 251/19 251/23 254/15
evaluating [1] 207/13
even [15] 10/19 12/10 21/22 48/8 58/11 70/17 89/5 98/22 114/1 121/4 168/6 173/14 200/20 229/5 251/21
evenings [1] 222/11
ever [28] 43/13 44/10 44/13 45/25 46/13 46/23 48/23 53/19 54/24 54/25 55/10 59/2 66/12 66/20 66/24 77/5 163/23 167/9 167/15 167/16 171/23 177/5 189/14 189/15 216/6 218/22 219/7 239/23
every [8] 142/4 156/19 157/12 157/14 160/17 167/24 228/8 255/2
everybody [7] 15/8 26/19 52/21 56/7 151/1 248/11 274/17
everyone [1] 6/3
everything [7] 14/10 107/19 120/8 248/19 249/2 260/8 265/1
everywhere [3] 234/13 248/13 248/14
evidence [55] 22/6 23/9 26/23 34/12 35/5 35/25 36/11 37/9 37/16 38/20 69/25 70/16 71/1 71/3 73/5 73/17 77/18 87/13 88/19 99/20 115/2 122/23 122/25 140/5 141/17 141/18 141/23 168/20 170/15 194/20 194/25 195/15 195/20 195/23 196/19 198/4 198/25 200/25 201/5 214/24 228/5 228/18 228/24 233/10 236/19 238/23 245/19 260/18 260/21 261/18 265/21 266/1 266/3 266/11 270/8
evidentiary [3] 33/22 224/5 225/10
exact [4] 113/20 114/3 159/18 159/20
exactly [4] 40/15 103/22 145/13 158/3

examination [20] 3/5 12/19 27/25 41/6 135/5 138/8 149/11 156/7 162/17 172/8 182/21 190/11 201/24 208/3 209/20 211/18 219/16 222/25 248/4 256/24
example [3] 36/13 51/16 270/23
examples [1] 37/11
except [4] 57/10 159/21 160/15 257/2
exception [1] 239/16
excessive [1] 231/22
exchange [1] 272/12
excuse [6] 53/10 79/13 94/17 103/22 229/1 247/16
excused [1] 79/17
exhibit [137] 31/6 40/12 48/7 69/24 70/4 70/5 70/6 70/10 70/18 70/23 71/6 71/8 71/15 72/19 72/20 73/16 73/18 77/11 77/18 77/22 77/24 80/14 85/12 86/18 88/22 89/9 91/19 91/22 91/24 92/9 93/21 97/10 99/13 99/16 99/18 99/22 99/23 100/14 100/17 101/1 101/2 101/4 111/15 117/15 122/16 123/2 123/3 123/5 124/17 124/19 125/15 128/17 128/22 129/2 141/5 141/10 141/12 141/17 141/24 142/7 142/8 142/16 143/10 143/12 150/12 168/19 169/10 170/4 170/9 170/14 183/20 187/14 188/4 188/8 194/25 195/5 195/7 195/9 195/20 195/24 196/1 196/9 196/12 196/16 196/19 197/1 197/1 199/3 199/16 199/22 199/24 200/8 200/13 201/15 214/24 224/15 224/19 224/20 227/24 230/20 233/24 235/9 235/20 235/20 237/9 237/12 237/13 237/25 238/4 238/8 239/5 239/6 239/10 239/11 240/20 240/21 241/2 241/13 242/8 243/1 243/6 243/8 243/16 245/10 249/25 250/1 255/16 257/1 257/12 257/24 258/2 258/20 259/19 259/20 262/4 262/25 263/2
exhibits [49] 4/1 5/1 9/1 13/18 16/10 16/11 16/15 17/23 19/4 19/13 20/9 20/12 21/25 22/1 22/6 22/7 22/22 23/3 23/4 23/6 26/11 36/23 37/1 37/3 37/6 39/17 39/19 39/24 39/25 69/23 79/7 80/7 81/2 99/25 136/1 137/1 187/14 223/21 229/11 229/12 229/18 229/25 233/3 233/10 237/22 244/16 244/20 261/17 261/20
existed [1] 238/19
expect [3] 129/11 129/16 129/25
expected [1] 228/25
expecting [1] 272/10
expedite [1] 169/2
expense [1] 268/8
expenses [2] 195/16 196/2
expensive [1] 229/6

experience [12] 166/12 177/5 189/18 193/6 193/16 202/8 202/9 204/23 205/15 209/22 210/2 216/7
experienced [2] 20/10 216/9
experiences [1] 89/11
expert [13] 7/15 7/16 8/17 98/14 153/9 193/2 193/3 193/4 193/5 194/4 195/12 208/10 210/1
experts [1] 210/1
Expires [2] 131/20 276/20
explain [6] 52/25 55/24 62/2 64/15 105/12 186/8
explained [1] 167/6
explaining [2] 64/16 270/13
explanation [6] 55/24 81/17 117/3 117/7 144/5 235/13
explanatory [1] 95/15
expressed [2] 175/23 179/11
extensively [2] 229/4 258/4
extent [1] 236/15
extra [1] 158/2

F

face [1] 65/13
Facebook [5] 172/20 172/22 172/24 173/13 216/18
facie [3] 34/19 125/10 125/13
facilitation [1] 23/20
fact [19] 7/15 15/16 16/15 34/23 37/22 81/13 90/6 125/22 165/25 193/1 206/10 228/7 228/20 229/8 231/8 238/20 240/5 240/8 260/1
factor [1] 260/19
facts [7] 34/12 35/12 37/16 38/3 56/22 194/10 231/16
factual [1] 240/15
factually [1] 90/14
faded [1] 111/23
fail [2] 65/9 66/7
failed [1] 80/6
failure [2] 78/25 231/2
fair [1] 152/6
fall [2] 43/21 43/25
false [10] 29/15 35/24 37/20 37/22 67/22 86/13 140/15 205/20 229/7 231/5
falseness [2] 90/3 90/5
familiar [5] 42/7 42/11 42/11 42/14 65/5
family [2] 124/12 253/4
far [24] 12/3 15/13 19/12 24/14 30/18 54/14 55/17 58/1 68/12 145/1 151/21 154/6 165/12 196/2 199/1 199/13 205/12 205/24 206/8 207/18 247/11 249/19 250/11 250/13
farther [1] 53/7
fast [2] 180/3 252/1
fault [4] 94/22 107/14 107/15 107/15
fax [4] 17/3 17/9 36/24 249/2
faxed [1] 17/12
February [8] 34/17 35/6 99/25 128/5 200/21 212/3 263/9 263/25
February 28 [4] 34/17 35/6 99/25 128/5

F

February 28th [3] 200/21
 263/9 263/25
FEC [32] 20/1 20/2 20/6
 21/18 35/6 36/2 36/3 69/9
 69/19 97/23 112/13 113/9
 113/24 114/8 123/25 124/1
 124/20 124/23 146/22 153/25
 188/13 188/21 196/23 197/20
 198/10 198/17 198/24 216/21
 224/8 235/24 238/22 250/25
feel [5] 14/7 51/6 58/7
 64/10 268/21
fees [59] 4/5 4/19 16/18
 18/3 29/5 29/8 29/11 29/22
 34/14 34/20 34/25 35/7
 35/10 36/16 37/25 99/24
 100/4 100/6 100/8 100/16
 125/3 125/9 125/20 127/6
 128/12 136/5 136/19 175/12
 175/14 193/7 193/8 193/10
 193/23 194/5 194/7 194/12
 195/14 196/22 197/6 198/24
 203/22 204/5 204/8 204/13
 206/6 206/10 207/22 209/9
 209/24 226/4 226/19 227/19
 228/10 231/19 236/3 236/7
 236/16 264/3 264/10
fellow [1] 166/24
felt [4] 51/3 186/2 213/14
 235/23
female [3] 166/19 172/12
 174/6
few [2] 166/23 231/6
FF [2] 131/20 276/20
fight [1] 169/22
fighting [2] 58/24 89/2
figure [3] 31/22 63/23
 263/23
figured [2] 102/11 102/17
file [22] 74/25 84/9 86/11
 91/10 109/23 110/22 120/1
 139/21 139/21 145/17 175/13
 224/9 231/6 252/2 252/3
 266/25 268/24 269/20 272/10
 272/15 274/8 274/12
filed [109] 18/4 20/6 28/24
 29/4 29/23 34/15 35/15
 35/21 35/22 36/2 36/7 37/17
 57/10 57/18 57/18 57/24
 68/6 69/9 73/8 74/17 75/7
 75/12 75/18 75/20 78/15
 82/4 82/11 84/6 84/8 84/9
 84/10 84/12 84/14 84/18
 84/18 85/5 85/18 85/23
 85/25 86/1 86/4 86/17 89/17
 90/22 97/16 101/13 108/25
 109/1 109/3 109/5 109/7
 109/9 109/17 109/19 109/20
 109/24 110/2 110/14 110/23
 112/13 113/4 113/9 123/10
 139/19 141/3 142/17 143/21
 145/7 145/9 145/18 171/15
 173/10 184/6 185/20 188/22
 189/21 189/24 190/4 193/17
 198/19 200/19 200/20 205/8
 205/19 209/2 209/24 216/12
 216/16 219/22 221/15 235/10
 235/24 236/11 236/18 237/21
 239/20 242/14 244/22 245/12
 251/9 251/16 251/17 265/4
 267/3 268/21 269/13 271/12

271/15 272/1
files [3] 235/15 271/9 274/1
filing [23] 29/14 36/22 37/1
 67/20 76/8 81/18 85/18
 89/12 89/20 103/24 103/25
 104/1 145/14 180/2 205/17
 234/10 245/13 250/25 253/7
 265/7 266/17 271/7 271/14
fill [7] 73/22 74/2 103/2
 103/19 114/13 114/16 124/1
filled [6] 92/11 102/21
 103/10 103/18 115/2 115/12
filling [1] 95/13
final [5] 27/15 143/16
 203/19 246/21 264/9
finance [2] 53/20 167/6
finances [8] 48/12 48/24
 49/4 52/17 55/10 57/7 57/8
 200/17
financial [8] 48/5 51/2
 51/12 51/12 53/16 167/17
 174/14 176/2
financially [2] 132/16 277/16
find [7] 19/11 21/15 83/21
 154/19 185/16 218/5 226/9
finds [1] 274/5
fine [8] 23/18 77/17 80/17
 81/21 84/15 243/17 256/4
 268/8
finish [15] 14/24 16/1 27/6
 27/10 34/2 45/2 47/15 52/1
 52/4 52/6 65/15 80/12 149/4
 173/5 250/14
finished [12] 17/20 26/4
 45/14 45/20 53/2 53/3 63/13
 199/18 209/13 260/7 263/17
 263/18
finishes [1] 27/5
finishing [1] 250/18
first [44] 8/5 10/2 15/7
 26/22 30/12 33/15 34/1
 34/10 38/9 38/24 41/5 67/17
 70/3 71/17 71/18 72/2 72/10
 72/13 78/23 105/21 105/22
 140/9 148/22 162/9 164/5
 164/6 174/2 174/2 175/9
 176/19 176/20 177/8 177/24
 179/3 181/21 182/14 190/20
 197/16 201/23 203/1 208/21
 211/11 216/17 264/19
firsthand [1] 114/22
fit [2] 32/10 214/3
five [15] 26/12 31/21 58/25
 65/7 65/8 85/7 129/12
 129/16 187/14 188/8 210/15
 213/3 222/8 232/23 243/1
five-minute [3] 31/21 85/7
 210/15
fixed [3] 107/16 107/16
 120/4
FL [4] 1/17 131/24 133/17
 276/24
flag [1] 176/22
flagged [3] 167/2 174/13
 176/17
flagging [3] 176/24 178/3
 178/16
flip [1] 152/23
FLORIDA [81] 1/1 1/22 1/25
 2/5 2/8 4/10 4/11 29/9
 29/19 34/15 34/17 35/8 35/9
 35/19 36/10 37/24 39/13
 69/9 69/19 92/10 94/4 94/13

95/17 95/22 95/25 100/1
 101/11 101/14 104/1 105/20
 115/10 115/10 116/13 123/9
 128/7 131/4 131/9 131/19
 132/3 132/7 132/18 133/1
 133/22 133/25 134/5 134/8
 136/10 136/11 143/18 145/5
 146/2 146/21 151/7 155/20
 171/21 171/23 188/13 202/9
 202/21 203/2 203/9 203/10
 203/12 203/15 208/21 208/25
 216/12 218/22 218/23 219/4
 219/7 224/3 230/7 230/24
 231/25 276/4 276/9 276/19
 277/3 277/7 277/18
Florida's [1] 29/2
flow [2] 23/14 186/19
flyer [17] 4/22 136/22 146/9
 146/11 146/14 146/18 146/24
 234/2 237/5 248/7 248/7
 248/8 248/20 257/1 257/3
 257/5 257/6
flyers [1] 234/14
focus [2] 62/4 213/21
focused [3] 67/7 213/16
 236/10
fold [1] 156/10
folder [5] 120/6 120/20
 120/20 159/4 235/6
folders [1] 234/14
folks [1] 31/22
follow [13] 16/8 17/16 27/8
 27/25 64/17 127/14 151/1
 161/2 172/4 180/25 246/16
 247/12 256/1
follow-up [9] 16/8 17/16
 27/25 64/17 127/14 161/2
 172/4 180/25 247/12
followed [1] 186/17
following [4] 36/9 95/23
 102/24 171/25
follows [8] 41/5 115/22
 148/22 162/9 182/14 201/23
 211/11 256/23
force [2] 87/4 88/5
foreclosure [7] 48/7 51/20
 55/17 55/23 167/19 244/9
 244/11
foreclosures [2] 51/4 244/6
foregoing [2] 132/10 277/10
forever [1] 189/5
forge [1] 159/17
forgeries [1] 159/8
forgery [2] 157/20 159/7
forget [1] 262/25
form [30] 4/12 73/23 74/2
 74/2 78/5 91/9 92/11 92/13
 92/14 92/17 95/18 101/12
 103/3 104/15 105/12 105/13
 107/9 114/14 115/11 115/11
 116/13 136/12 145/2 150/24
 185/23 189/10 189/16 198/14
 238/19 254/14
formal [2] 32/12 116/8
format [4] 27/8 27/18 256/14
 265/16
formats [1] 47/1
formed [1] 205/12
forms [2] 107/4 120/16
forth [4] 30/8 67/24 87/18
 125/9
forums [1] 220/12
forward [5] 38/21 64/4

F
forward... [3] 147/11 252/1 257/15
found [7] 62/16 80/3 89/24 171/21 204/14 204/22 204/24
four [9] 160/11 199/16 199/24 200/1 200/2 200/13 201/13 201/15 232/23
FPR [8] 1/15 131/8 131/19 132/21 133/15 276/8 276/19 277/21
frame [3] 43/23 61/6 85/16
framework [5] 26/20 29/25 60/14 60/22 61/7
free [5] 44/18 161/6 181/3 191/25 223/10
frequent [1] 218/12
frequently [1] 218/13
fresh [1] 64/8
Friday [4] 20/18 21/1 150/4 153/15
friend [3] 54/3 54/7 114/19
friends [1] 54/15
friends [2] 72/11 72/15
friendship [2] 72/4 164/17
front [11] 39/20 77/10 103/4 106/18 113/6 118/9 118/10 124/4 150/11 183/20 214/20
FS [1] 228/19
full [12] 9/2 39/8 142/15 143/4 143/7 148/23 162/11 182/16 192/20 197/23 211/13 250/2
full-well [1] 142/15
fully [11] 36/1 85/22 91/7 95/18 95/25 109/2 145/4 145/4 145/11 145/20 254/17
fundraisers [1] 220/11
furnished [1] 19/9
further [6] 14/6 36/8 132/12 204/25 268/17 277/12

G
gathered [1] 230/9
gathering [1] 230/17
gave [3] 55/24 63/9 217/10
Gee [2] 96/5 224/22
geez [2] 51/25 103/1
general [14] 15/19 26/19 30/22 31/5 60/14 87/1 146/6 172/25 202/18 203/1 203/5 203/10 208/21 212/24
generalize [1] 95/8
generally [6] 12/6 27/18 29/25 183/9 255/3 271/11
gentleman [2] 49/13 239/15
gentleman's [1] 79/18
germane [3] 22/11 56/24 258/12
get [53] 13/13 14/15 16/3 17/8 18/18 20/24 22/4 23/24 26/17 43/23 53/10 53/22 55/6 65/9 72/21 79/6 79/7 82/6 83/25 107/2 107/3 109/14 124/14 148/1 148/11 174/15 176/25 177/24 190/23 199/1 212/7 221/2 231/18 232/7 241/18 247/21 248/6 248/8 248/25 248/25 249/3 249/13 254/3 265/4 266/8 268/15 268/22 269/2 269/4 271/14 272/1 273/3 273/4

gets [6] 64/19 105/17 204/25 267/3 271/10 272/1
getting [6] 42/18 53/22 98/5 179/6 234/23 262/13
give [26] 24/1 24/10 27/12 28/7 28/14 50/23 62/19 74/5 77/19 92/7 147/16 148/17 156/24 162/4 173/4 175/5 182/9 192/15 211/6 222/19 237/7 246/15 247/4 260/18 266/21 270/23
given [11] 11/1 12/13 27/19 36/14 184/16 184/18 189/25 190/5 238/22 239/23 264/21
giving [5] 38/3 193/17 229/15 246/24 273/10
go [113] 11/4 11/14 15/5 15/25 17/19 17/22 24/15 26/17 26/21 28/2 42/24 45/22 45/24 49/21 52/6 52/6 52/14 53/3 53/7 53/12 58/1 61/11 62/3 65/14 65/15 66/1 69/23 71/10 72/7 72/19 77/5 78/22 79/21 80/13 80/16 88/14 88/25 92/5 93/18 98/7 99/12 104/9 104/12 105/5 105/8 105/10 106/12 106/13 106/15 109/7 111/7 112/16 114/16 116/10 117/15 121/8 122/6 122/13 123/18 126/17 127/13 127/25 139/8 147/5 148/8 148/11 150/12 151/11 152/10 154/21 155/15 156/6 161/7 161/18 161/23 165/25 168/18 172/7 176/12 179/1 181/3 182/2 183/21 183/24 186/19 188/21 191/25 192/13 198/18 198/19 199/1 200/18 205/25 210/25 215/9 218/3 223/10 226/7 229/17 229/23 230/14 234/22 242/13 246/6 248/3 255/2 255/13 258/11 260/11 261/2 266/8 270/13 274/14
God [5] 98/10 104/13 106/13 116/12 129/1
goes [2] 108/23 264/22
going [105] 6/21 7/1 7/19 8/16 10/3 10/6 10/9 10/19 13/2 14/2 18/8 20/3 21/14 21/24 22/1 25/10 25/13 26/18 26/25 27/3 27/11 27/21 33/2 34/2 34/3 38/21 53/25 55/4 58/7 58/13 61/10 63/19 76/25 79/3 85/12 90/24 94/19 99/14 111/7 114/15 120/2 121/4 121/8 124/14 124/17 126/15 127/25 129/4 129/17 138/10 140/2 144/7 147/10 147/10 147/12 147/13 147/14 148/7 148/9 149/20 158/7 164/5 169/21 170/4 177/8 182/1 187/17 194/12 205/24 205/25 207/8 210/20 212/9 214/18 216/22 217/2 220/16 225/17 225/20 226/9 232/18 234/24 237/3 237/4 237/6 238/14 243/15 244/2 246/1 246/8 246/15 254/6 255/9 259/8 261/25 262/20 264/19 264/25 265/1 267/11 267/16 267/17 267/18 267/20 267/23

gone [2] 107/23 171/18
good [19] 6/3 6/12 14/15 14/20 14/20 23/7 41/8 41/9 110/21 129/5 149/14 162/19 162/20 166/1 182/23 182/24 214/3 214/4 258/11
Google [1] 53/5
got [42] 10/18 45/7 45/8 48/13 51/22 52/1 70/7 71/16 79/10 80/5 83/5 101/5 105/10 106/7 109/8 109/10 117/10 119/6 120/1 122/8 146/10 156/24 157/19 165/10 166/25 167/3 173/4 175/5 178/13 179/1 212/14 215/14 223/21 223/21 228/5 234/5 236/16 243/14 247/20 259/14 260/12 262/17
gotta [1] 73/24
gotten [2] 30/12 106/10
government [3] 42/17 212/5 212/15
grab [1] 39/24
grandkids' [1] 160/5
granted [1] 8/21
great [2] 50/5 204/25
greater [1] 205/2
greet [1] 165/10
greeted [2] 172/12 174/6
greetings [1] 220/10
ground [2] 166/16 254/19
groups [2] 173/15 173/16
guess [16] 8/22 27/11 32/21 42/4 43/20 57/11 68/24 81/19 98/21 102/5 108/23 115/13 140/4 145/20 170/9 178/10
guidance [2] 58/22 59/18
gum [1] 233/21

H
habits [1] 159/5
had [233] 8/25 10/3 10/5 13/1 13/17 13/22 13/23 15/17 18/17 19/3 19/13 19/16 20/6 20/22 26/11 30/4 34/18 36/4 36/14 36/21 36/22 41/25 46/1 47/9 49/8 51/1 51/1 51/2 52/17 52/17 53/6 53/7 53/21 55/20 55/23 56/7 59/15 59/18 59/23 60/9 61/21 61/21 62/14 62/15 63/5 63/7 63/8 63/8 64/9 66/14 66/22 68/22 68/22 69/2 69/5 69/8 69/19 72/20 74/4 74/7 74/18 74/18 77/17 80/15 82/4 83/15 83/18 83/20 85/17 85/20 85/22 86/1 86/2 86/8 86/12 90/6 90/9 91/4 91/5 91/6 94/20 97/9 97/11 97/16 102/10 103/18 103/19 103/20 105/25 106/10 107/23 107/23 108/6 108/25 109/1 109/10 110/2 110/3 110/8 110/10 112/3 112/13 114/19 115/1 115/2 115/9 116/14 117/20 119/25 120/6 120/7 120/8 120/17 120/18 124/3 124/6 124/6 124/12 124/13 124/13 126/18 127/22 138/25 139/23 140/18 142/10 142/17 142/18 150/3 151/7 152/1 152/3 152/6

H

had... [100] 153/15 155/23
 157/13 157/25 158/25 159/4
 163/21 166/13 167/3 167/6
 167/16 168/9 168/13 169/18
 170/7 171/14 171/18 171/23
 172/20 174/18 177/5 177/6
 179/8 185/3 185/5 185/6
 185/11 185/20 185/22 185/23
 185/24 186/2 187/8 189/11
 190/3 190/23 191/3 191/15
 191/17 191/20 194/9 196/5
 196/23 197/16 197/22 198/10
 198/18 198/19 200/17 200/18
 204/12 204/13 204/21 209/10
 209/14 213/21 214/7 215/11
 215/12 215/12 215/20 215/23
 216/8 216/12 216/16 216/17
 218/16 218/22 220/6 220/8
 220/11 222/4 222/6 222/15
 223/16 228/8 235/16 235/16
 235/24 236/20 239/2 243/8
 243/13 248/12 248/24 249/1
 249/2 251/2 251/4 251/18
 252/1 252/5 252/8 254/1
 254/13 255/10 260/8 262/11
 264/9 267/19
 had a [1] 243/8
 hadn't [5] 19/10 55/25 109/8
 109/10 190/18
 Hairstylist [1] 41/18
 hand [19] 28/4 28/11 32/24
 36/24 94/1 111/11 119/2
 131/14 148/14 159/19 162/1
 174/12 182/6 184/22 192/14
 211/3 214/19 233/18 276/14
 hand-delivered [3] 111/11
 159/19 184/22
 hand-delivery [1] 36/24
 handful [3] 164/2 175/23
 178/2
 handle [1] 57/7
 handled [1] 54/5
 handwriting [7] 73/25 98/12
 98/14 98/14 98/17 99/7
 103/7
 Hanks [1] 49/16
 happen [5] 147/10 158/4
 170/11 261/24 264/25
 happened [2] 176/21 187/21
 happening [1] 30/10
 happy [3] 129/7 157/15 180/4
 hard [2] 154/19 202/14
 hardships [2] 37/8 53/20
 harm [1] 37/10
 HARVEY [10] 1/15 131/8
 131/19 132/6 132/21 133/15
 276/8 276/19 277/6 277/21
 has [70] 7/6 23/12 25/15
 25/17 26/19 27/4 30/21 31/6
 32/16 34/4 34/21 48/9 49/13
 52/9 54/18 56/8 56/20 56/20
 58/7 58/21 60/8 65/1 72/9
 75/16 85/15 87/3 87/23 89/3
 102/23 124/24 127/21 129/18
 140/14 140/15 142/2 143/6
 147/11 149/2 152/12 152/19
 155/19 199/8 200/24 204/17
 205/13 207/22 208/6 208/9
 209/24 215/15 224/5 225/10
 227/5 229/10 232/2 235/23
 238/24 238/25 240/11 241/3

250/5 256/10 260/9 264/6
 264/24 265/2 266/18 266/22
 268/11 271/12
 hasn't [1] 168/7
 have [356]
 haven't [4] 9/23 42/4 155/4
 243/14
 having [19] 13/19 21/6 37/3
 41/5 72/10 89/18 129/9
 148/22 162/9 182/14 189/14
 189/15 201/4 201/23 211/11
 250/2 251/23 256/22 260/2
 he [15] 7/15 7/15 49/13
 194/4 200/6 200/9 204/21
 206/24 209/14 215/15 215/15
 215/16 215/16 239/15 239/17
 he's [6] 7/15 8/19 196/6
 206/9 207/2 215/10
 header [3] 248/22 249/19
 250/3
 hear [19] 10/2 11/24 14/1
 14/10 14/14 30/6 35/18
 36/12 42/10 43/12 44/12
 45/7 45/8 66/2 88/10 99/17
 195/18 208/8 269/8
 heard [2] 96/16 195/15
 hearing [35] 1/12 3/1 4/4
 7/7 9/7 9/9 10/10 12/1 13/1
 26/12 33/22 35/2 35/6 36/13
 36/15 124/21 124/22 125/6
 125/7 126/5 126/9 126/19
 127/20 128/4 132/9 133/12
 135/1 136/4 148/3 161/17
 197/21 219/2 236/1 263/9
 277/9
 hearings [10] 1/1 1/24 6/8
 34/22 133/2 133/24 183/17
 265/6 265/12 270/15
 hearsay [4] 75/13 76/16
 245/6 245/18
 held [2] 102/15 230/6
 Hello [1] 178/15
 help [11] 6/20 74/4 74/7
 74/18 74/19 83/15 96/21
 104/12 106/13 114/19 198/8
 helped [5] 74/9 74/16 74/25
 75/1 75/9
 helping [4] 76/17 76/18
 76/18 115/8
 helps [1] 23/19
 her [190] 12/20 12/22 13/17
 13/21 14/24 17/8 17/14
 18/12 18/14 18/19 20/5
 20/22 23/6 24/20 24/20
 24/21 24/25 25/10 25/14
 26/4 27/5 27/11 27/12 27/13
 27/14 31/7 32/25 34/4 35/15
 35/21 35/22 36/2 36/13
 36/21 37/3 37/13 37/21
 39/24 40/24 45/20 51/18
 51/18 52/1 52/4 52/4 53/25
 54/2 54/2 54/3 54/3 54/4
 56/5 57/7 62/3 62/19 62/19
 63/18 64/21 65/2 69/22
 70/10 70/23 74/25 75/1 75/9
 76/10 76/12 76/23 77/17
 80/6 80/20 82/17 82/18
 82/18 83/24 83/25 84/15
 89/11 89/20 91/8 91/14
 94/19 94/20 96/18 97/4 97/5
 97/12 99/7 99/9 102/10
 105/25 106/23 106/24 126/9
 127/13 127/22 129/18 129/20

140/16 142/15 143/1 144/22
 147/14 147/16 152/5 152/7
 156/24 159/13 164/10 164/14
 168/12 173/5 173/25 174/3
 174/12 174/12 175/5 175/7
 175/14 175/20 177/14 178/1
 178/5 178/6 180/3 186/15
 198/17 198/18 198/23 200/16
 200/17 220/5 221/23 226/5
 229/15 230/9 230/13 230/18
 230/19 231/8 231/18 232/12
 234/3 234/4 234/5 234/5
 234/14 234/20 235/5 235/6
 235/14 235/14 235/17 235/25
 237/17 237/18 238/14 239/18
 239/22 240/7 240/25 241/1
 241/22 241/23 241/24 243/10
 244/5 244/6 244/6 245/3
 245/4 246/16 247/5 251/8
 253/2 253/4 254/25 255/15
 257/14 257/14 257/21 259/14
 260/6 260/15 261/12 262/11
 266/20 268/9 269/17 273/20
 Herald [1] 216/18
 Herald-Tribune [1] 216/18
 here [94] 7/17 9/3 9/13 9/23
 11/25 12/16 15/21 17/13
 18/2 18/18 20/4 23/5 23/6
 25/2 32/22 35/18 39/6 46/8
 49/20 53/22 56/19 60/14
 70/8 74/5 79/19 80/3 80/4
 80/5 80/10 84/12 84/15
 84/18 85/6 86/16 89/14
 89/19 91/2 91/3 91/4 92/7
 100/11 104/12 105/10 106/13
 106/15 110/7 110/15 110/17
 112/23 113/6 114/23 119/19
 125/14 125/22 127/2 127/10
 128/16 138/7 145/6 146/7
 151/5 151/5 151/10 156/20
 157/25 164/25 173/24 174/4
 177/11 179/25 180/1 180/6
 185/13 192/10 192/11 206/17
 228/9 234/4 234/22 236/10
 236/15 240/3 240/15 249/10
 250/6 254/16 257/8 259/6
 259/15 259/20 260/12 262/9
 262/13 263/22
 here's [6] 10/6 21/24 80/7
 175/1 255/7 264/18
 hereby [3] 78/24 132/7 277/7
 hers [3] 126/1 259/16 268/14
 herself [2] 64/23 247/22
 Hey [2] 272/13 272/18
 high [3] 49/10 53/8 228/25
 higher [1] 49/14
 him [10] 166/4 193/2 197/4
 198/19 206/1 206/13 207/4
 207/9 209/13 215/11
 his [12] 49/11 49/12 194/3
 194/9 194/13 199/14 200/7
 200/8 204/22 204/22 206/10
 207/2
 history [3] 75/15 89/16
 142/10
 hold [12] 8/15 14/4 30/24
 45/4 51/8 70/7 109/11
 127/24 199/18 232/23 241/17
 263/12
 home [5] 167/21 168/25
 174/11 213/13 214/15
 homes [4] 166/9 213/8 216/6
 221/8

H**honest** [3] 113/18 115/5
124/11**Honor** [204] 7/3 7/10 8/18

8/24 11/13 13/16 13/19

14/19 15/8 15/16 16/7 16/14

17/17 18/18 19/2 20/13 24/6

25/8 25/25 26/7 26/10 31/11

32/2 33/17 34/9 36/14 37/15

38/1 38/4 38/11 39/16 40/8

40/20 44/5 52/12 53/10

56/19 59/9 60/7 61/4 63/16

64/13 65/21 68/9 68/14

69/24 70/17 71/12 72/20

73/5 73/20 75/3 75/19 79/6

79/7 79/11 79/14 79/20 80/4

80/10 80/11 80/15 83/16

84/15 85/15 88/20 89/4 92/4

96/16 97/8 98/4 99/9 99/19

100/19 107/1 108/13 109/12

113/14 114/2 115/5 116/16

117/12 121/15 121/20 121/24

123/4 124/18 125/16 126/13

127/19 128/15 128/20 129/7

138/6 140/4 140/7 140/15

141/4 141/14 141/15 141/22

142/8 142/25 144/11 144/13

144/21 147/3 149/13 150/17

158/5 159/14 159/22 160/24

161/4 168/2 168/12 168/18

169/15 169/25 171/6 175/11

175/25 177/7 179/9 181/1

187/13 187/19 188/5 190/7

191/21 191/24 192/25 194/19

195/19 196/15 196/21 197/13

198/5 198/15 199/1 199/2

199/15 200/14 200/19 210/11

210/12 211/17 214/23 215/5

215/12 219/12 222/21 226/21

227/1 227/14 228/17 229/3

229/12 229/13 230/11 232/25

235/2 235/6 235/18 235/22

237/16 239/7 240/16 241/1

241/11 241/20 242/21 243/3

243/9 243/25 244/5 244/8

245/7 246/10 246/22 247/14

247/16 247/18 248/25 249/25

250/7 250/14 252/6 253/6

254/7 258/8 258/20 259/13

260/3 260/12 260/22 262/23

263/8 263/10 263/21 272/5

274/19 274/24 275/2

Honor's [1] 36/20**HONORABLE** [6] 1/13 3/2 132/9

133/13 135/2 277/9

horrible [1] 175/24**hourly** [2] 204/24 205/2**hours** [1] 204/22**house** [18] 48/8 124/13

166/19 167/23 167/25 168/1

168/3 168/5 169/10 169/19

170/8 170/17 170/21 171/1

215/13 215/16 244/10 248/13

houses [1] 166/23**how** [69] 6/21 20/19 21/5

40/20 41/10 43/4 48/9 48/11

50/22 51/4 53/8 54/5 56/17

57/7 57/22 58/6 58/6 64/9

64/10 65/6 65/9 65/25 66/6

69/15 90/2 91/10 95/1 95/1

117/9 129/3 129/10 129/16

129/25 142/1 144/7 145/15

146/7 149/24 157/4 157/10
157/12 160/8 160/10 163/1
163/4 163/8 171/17 171/22
173/21 178/2 178/15 183/5
189/2 205/24 212/1 216/15
219/18 219/24 220/3 220/4
221/12 222/7 231/15 235/18
252/3 260/19 267/9 267/24
272/19**however** [8] 33/16 36/18 38/8
91/12 91/14 152/19 177/4
250/23**huh** [12] 18/23 46/3 47/11
105/10 110/5 118/8 146/20
151/25 154/15 172/14 252/24
257/20**human** [1] 102/18**husband** [5] 7/23 8/2 15/15
54/4 71/25**husband's** [3] 124/12 160/5
169/13**Hutchin** [1] 49/18**Hutchinson** [24] 3/17 46/5

49/18 55/22 56/2 131/10

135/17 164/15 210/9 210/10

211/9 211/14 211/15 211/20

215/4 215/19 217/18 218/22

219/14 219/18 221/17 223/2

223/10 276/10

Hutchison [2] 215/24 216/5**I****I'd** [36] 23/21 33/17 59/9
69/23 72/19 73/4 81/6 99/19
117/14 122/13 122/22 129/7
141/19 141/22 147/21 151/11
152/16 155/5 157/15 164/2
165/12 168/2 168/18 168/25
173/9 187/13 192/7 194/19
194/24 195/22 196/18 199/16
206/3 235/7 240/6 245/15**I'll** [26] 6/23 24/1 27/6
27/14 34/10 38/10 74/13
91/19 100/2 147/16 177/4
177/6 178/14 192/10 195/17
221/2 232/24 232/25 247/15
260/18 260/19 266/8 266/9
267/5 268/25 269/22**I'm** [217] 6/3 6/3 6/8 9/13
9/22 9/23 10/3 12/1 12/2
12/2 12/2 12/14 13/1 14/1
14/6 15/4 17/19 17/20 17/24
18/10 21/24 22/1 23/4 24/17
25/10 25/13 27/3 27/16
27/21 33/2 33/2 34/3 34/24
41/14 41/17 41/18 41/24
44/18 52/12 53/1 53/22
53/22 53/24 54/1 55/4 57/14
58/6 59/6 59/17 61/3 61/10
61/17 65/13 67/6 70/9 71/2
72/2 72/6 72/25 74/7 74/11
75/15 76/1 76/19 76/25
79/14 79/20 81/7 83/19
83/20 87/17 92/15 93/3
93/11 94/21 96/4 96/14
96/21 97/5 98/4 99/5 102/1
102/4 102/18 103/18 103/23
107/2 108/13 110/13 111/7
111/15 111/16 111/16 111/18
111/21 113/7 113/23 115/5
116/20 117/9 118/2 118/3
119/6 120/1 120/9 121/8
121/11 121/25 122/6 123/12123/14 124/17 127/18 127/20
140/2 142/1 142/1 144/16
145/14 145/18 147/14 148/7
151/12 152/3 152/5 153/9
153/14 155/3 156/1 158/11
162/23 168/17 169/23 170/14
172/24 172/24 173/17 174/20
175/9 177/24 178/3 178/4
179/9 180/13 182/1 183/4
183/8 183/11 183/13 183/23
183/25 184/3 186/7 191/13
193/2 193/19 194/12 195/17
198/9 198/13 200/23 205/24
205/25 207/8 207/19 208/8
209/13 210/20 219/19 220/9
225/17 225/24 232/18 232/21
235/1 235/1 235/2 237/2
237/4 237/6 237/20 240/18
241/16 243/15 243/21 244/2
245/2 246/8 246/15 248/18
248/19 249/23 250/17 252/14
253/6 253/9 253/14 254/6
255/9 255/22 255/22 257/12
259/8 260/1 260/7 260/7
261/24 262/1 262/20 263/18
267/22 269/3 269/24 272/7
272/9 272/9 273/24**I've** [28] 30/11 30/11 32/13
69/22 70/7 80/5 149/25
163/22 167/4 167/14 167/15
180/6 190/2 190/4 204/10
204/10 212/13 220/1 220/6
220/7 220/8 223/21 223/21
228/5 259/11 261/17 262/17
272/9**I.D** [1] 94/6**idea** [16] 10/3 13/1 19/13
19/16 20/22 95/3 96/14
113/18 113/20 114/2 114/2
114/6 114/10 114/12 117/9
157/21**identical** [5] 84/18 153/7
158/21 158/23 159/1**identification** [7] 94/4
131/23 131/24 151/6 151/21
276/23 276/24**identified** [1] 168/8**identify** [3] 168/23 171/7
214/25**identity** [3] 75/1 76/10
76/11**idiot** [1] 214/6**if you** [1] 107/5**II** [4] 1/5 130/8 133/5 133/5**ill** [3] 221/23 244/25 245/5**immaterial** [3] 16/16 239/1
242/5**impact** [3] 20/19 125/25
205/12**impacted** [1] 21/5**impartial** [1] 164/24**implementing** [1] 10/21**important** [22] 14/11 45/6
48/2 51/3 54/12 54/13 54/16
54/17 55/14 74/24 75/6 75/8
75/9 75/10 75/11 76/2 76/12
85/13 86/6 87/8 124/11
244/9**imposing** [1] 230/22**include** [3] 52/22 186/15
206/19**included** [4] 100/5 206/16
235/25 251/10

I	interested [7] 42/18 132/16 163/14 174/8 212/4 212/13 277/16	89/22 106/23 227/17 Itsyourvoice [1] 230/20
including [1] 99/24	interesting [1] 12/12	J
incomplete [1] 243/24	interfere [1] 33/4	Jacksonville [1] 205/1
incorrectly [1] 209/2	interpretation [1] 178/11	Jacqueline [18] 5/5 73/9 75/21 77/16 80/8 89/2 89/4 92/12 105/13 106/6 109/19 117/19 118/16 137/5 242/11 251/10 251/22 253/24
incumbency [1] 83/12	interrupt [1] 20/7	Jacqueline's [1] 115/25
incumbent [1] 83/13	introduced [1] 214/12	January [10] 36/8 115/24 168/4 197/25 200/4 200/10 212/3 221/15 227/20 264/5
incur [1] 231/12	investigate [2] 95/23 102/23	January 16th [1] 115/24
incurred [6] 34/14 195/14 195/16 196/2 206/22 207/11	invoice [1] 199/6	January 2017 [1] 36/8
independent [1] 125/1	invoke [2] 8/12 30/19	January 27 [3] 200/4 200/10 264/5
INDEX [2] 3/3 135/3	invoked [2] 30/21 149/2	January 27th [1] 197/25
indicated [7] 45/5 147/12 151/20 174/7 197/23 225/19 226/3	involuntary [1] 12/24	January 3rd [1] 227/20
indicates [1] 87/25	involve [1] 230/4	Jean [2] 39/9 41/3
indicating [1] 123/10	involved [6] 27/20 161/22 164/7 204/9 212/7 212/12	Jesus [1] 142/20
individual [7] 76/18 83/11 86/4 102/1 167/2 214/8 223/16	involving [1] 34/22	job [4] 110/21 194/1 194/13 214/4
individually [1] 229/18	irrelevant [9] 17/24 51/10 59/7 60/11 60/21 74/11 83/17 231/20 231/20	Joe [3] 5/3 137/3 239/15
individuals [3] 54/18 216/7 222/6	irresponsible [1] 36/12	Joy [16] 3/9 24/18 25/12 93/6 93/15 93/25 107/23 131/9 135/9 147/21 147/23 148/20 148/25 152/13 152/18 276/9
information [39] 7/6 19/4 27/12 34/2 42/3 53/20 54/10 54/25 58/21 59/8 60/12 75/14 75/14 76/15 104/17 112/20 114/22 155/21 185/18 207/13 225/25 236/22 241/5 244/21 245/1 246/24 250/3 250/24 252/23 254/25 259/10 262/16 262/17 262/22 264/14 264/16 264/20 266/21 266/22	IRS [1] 51/19	judge [8] 1/20 6/4 17/4 133/20 164/23 203/12 207/22 248/25
informed [3] 146/13 234/6 259/24	is [638]	judge's [1] 116/2
initial [4] 18/12 253/7 253/21 253/22	isn't [6] 72/9 116/17 127/13 157/22 179/10 243/21	judicial [1] 183/17
initially [5] 27/2 34/3 205/22 253/1 254/24	issuance [1] 79/1	JULIE [10] 1/15 131/8 131/19 132/6 132/21 133/15 276/8 276/19 277/6 277/21
injure [10] 29/13 35/17 35/17 37/14 37/18 67/18 231/8 231/16 232/21 236/12	issue [18] 13/14 18/9 22/3 22/11 25/17 25/19 30/13 30/13 43/7 43/17 60/23 194/13 205/22 209/11 209/12 237/8 254/22 267/7	July [17] 92/22 92/24 94/14 95/2 108/9 112/24 118/7 118/20 151/17 152/13 152/18 152/25 153/16 251/2 251/18 251/18 251/21
ink [2] 249/14 249/15	issues [3] 34/23 163/21 199/11	July 22nd [13] 92/24 94/14 95/2 112/24 118/7 118/20 151/17 152/13 152/18 152/25 153/16 251/18 251/21
inquiring [1] 267/5	it [492]	July 26 [1] 251/2
inquiry [1] 228/24	it'll [4] 99/12 266/16 267/3 270/22	June [34] 1/18 13/22 13/22 13/24 16/9 17/6 17/14 19/3 19/17 24/25 37/4 37/5 76/7 78/16 82/11 86/3 87/22 91/18 94/12 108/9 109/1 109/1 115/21 131/11 131/15 132/17 133/18 138/2 150/4 151/5 251/14 276/11 276/15 277/17
instances [1] 75/4	it's [116] 11/15 12/25 20/3 28/23 33/10 43/20 46/19 54/13 54/17 56/15 56/17 58/17 58/25 60/11 60/18 61/9 70/13 70/18 71/21 73/16 73/25 74/11 75/11 75/13 76/2 76/7 78/1 80/17 83/15 83/25 84/17 84/17 85/13 87/1 88/4 88/6 89/1 91/3 91/3 94/3 94/21 95/15 98/13 98/17 100/25 103/7 103/17 105/19 107/6 107/10 108/14 111/23 116/17 116/18 116/19 116/22 120/21 122/2 122/4 122/13 124/10 125/12 125/18 130/4 141/18 142/11 152/11 152/17 152/18 153/24 153/25 154/6 154/10 154/16 154/16 154/19 166/13 167/24 177/4 186/12 186/12 188/24 198/25 198/25 199/9 200/24 201/1 202/5 207/10 214/17 214/18 218/3 220/24 227/17 228/7 235/5 235/5 235/8 237/4 239/1 239/15 240/6 248/20 249/14 250/20 255/3 256/2 257/2 257/5 258/10 258/12 259/11 263/8 268/8 273/5 273/7	June 1st [2] 108/9 115/21
Instead [1] 273/10	itself [6] 20/22 81/15 81/16	June 27 [1] 87/22
instruct [4] 161/19 181/5 181/21 210/22		June 27th [1] 78/16
instruction [2] 61/1 95/22		June 3rd [1] 13/22
instructions [2] 36/9 36/14		June 6 [1] 13/22
insufficiency [4] 82/9 90/20 90/22 236/24		June 6th [1] 37/4
insufficient [7] 80/20 90/15 90/17 124/5 124/8 204/21 251/25		June 7th [5] 13/24 17/6 17/14 19/17 37/5
insurance [1] 232/9		June 8 [2] 82/11 151/5
integrity [1] 120/12		June 8th [3] 76/7 94/12 109/1
intend [4] 8/4 22/24 23/8 32/6		June 9th [2] 16/9 150/4
intended [1] 21/22		jurisdiction [11] 16/17 29/1 95/23 102/23 230/8 231/3 231/4 231/24 232/4 232/13 237/1
intends [1] 22/8		
intent [11] 29/12 35/16 37/18 54/14 67/17 68/12 91/1 128/14 228/18 231/7 236/12		
intention [1] 232/21		
intentionally [2] 37/10 108/21		
intents [1] 205/20		
interaction [1] 177/19		
interest [4] 42/17 163/15 212/11 212/14		

J
jurisdictional [1] 204/18
just [220] 11/5 12/6 12/16
14/16 15/7 15/11 15/16
16/14 16/23 17/7 17/10
18/17 19/15 20/22 22/7
23/12 23/21 24/2 24/7 24/9
26/3 26/9 26/18 28/21 30/7
30/22 32/9 32/17 32/25
39/24 41/22 43/22 44/4 44/6
44/8 45/3 45/4 45/4 49/4
49/8 49/10 50/10 50/20
51/22 51/22 51/24 51/24
52/10 52/17 52/24 53/7
53/24 53/24 54/2 57/14
57/23 59/1 62/4 65/19 66/16
68/7 69/18 72/2 74/22 77/5
78/7 79/12 81/12 82/6 82/13
82/16 82/17 84/25 92/7 94/8
94/8 95/8 97/14 98/15 100/4
100/12 101/3 101/10 102/11
102/12 103/6 103/9 103/25
106/9 106/24 108/10 108/11
109/8 109/13 109/17 110/13
110/24 111/6 111/21 117/25
118/2 119/2 120/1 120/1
120/9 121/7 121/11 122/8
123/11 123/13 123/15 124/5
124/10 125/19 127/16 128/13
128/13 138/6 138/19 141/16
143/2 145/14 147/6 147/7
150/1 150/9 150/25 153/1
155/3 157/19 158/2 159/1
160/7 164/16 169/12 169/23
169/24 170/1 171/2 172/24
174/23 176/6 178/5 178/6
180/12 183/9 190/13 192/25
197/9 198/6 199/6 208/16
209/14 210/8 212/12 212/14
214/13 215/2 215/14 217/9
222/24 225/11 228/6 229/15
230/13 232/24 234/19 237/20
237/21 240/7 240/11 240/16
240/17 241/3 242/11 243/19
243/20 243/21 243/22 243/23
243/24 244/4 244/24 244/25
245/2 245/2 245/5 245/6
245/15 245/18 246/12 246/13
247/3 247/14 248/19 251/15
253/16 254/5 255/3 255/25
256/2 256/13 256/15 256/18
263/12 264/5 265/15 266/6
268/24 269/20 272/7 272/9
272/9 272/10 272/12 272/15
272/23 273/20 274/8 274/12
Justice [1] 203/3

K
K-e-l-l-e-r-h-u-r [1] 31/19
k-i-n-s [1] 181/18
Kathryn [4] 3/11 135/11
162/7 162/12
KATHY [46] 1/7 2/7 3/7 3/20
5/6 6/7 28/25 34/16 37/17
39/1 39/9 41/3 46/19 47/20
55/21 55/21 56/1 56/4 71/21
73/8 101/13 105/13 131/9
131/10 133/7 134/7 135/7
135/20 137/6 142/9 154/2
154/8 161/13 161/14 161/15
161/16 168/13 172/13 174/7
174/12 184/6 185/2 228/16

241/19 276/9 276/10
keep [8] 11/22 11/22 57/14
183/14 189/5 194/21 202/12
256/14
keeping [3] 146/12 234/6
259/24
keeps [6] 157/16 157/24
157/24 158/17 235/6 259/15
Kellerhur [4] 2/16 31/8
31/18 134/16
kidding [2] 73/24 93/22
kids' [1] 160/5
kind [6] 52/23 53/6 53/23
57/2 116/18 139/21
kinds [2] 268/2 268/7
knew [21] 29/14 64/11 67/20
89/15 91/7 91/10 91/16
102/13 143/4 143/7 143/17
144/11 144/15 145/4 145/17
157/10 160/7 172/21 177/6
215/16 242/2
know [162] 10/19 10/23 15/3
16/9 17/25 18/11 19/12
19/20 21/22 22/8 25/15
30/10 31/2 32/14 32/19
32/22 33/2 33/9 40/8 40/15
41/24 42/4 42/5 43/20 43/24
44/1 46/18 46/19 46/19 51/9
51/10 51/11 51/18 51/18
51/19 51/23 53/1 53/7 53/9
53/25 54/2 54/2 54/4 57/10
57/11 57/17 58/1 59/1 60/18
65/16 68/11 70/17 71/25
72/4 75/13 75/14 77/14
82/22 86/14 86/15 89/5
91/13 93/15 93/15 94/16
94/18 94/20 94/22 95/3 95/5
95/7 95/10 96/18 98/22 99/7
99/21 102/5 105/22 106/2
115/6 116/18 120/7 121/5
121/6 122/4 126/10 143/6
143/18 144/2 144/4 144/9
145/5 145/11 145/12 145/16
145/19 145/19 150/19 150/25
152/5 156/18 156/18 156/21
157/2 157/12 157/16 157/21
158/7 159/5 159/6 159/11
159/12 159/15 159/16 160/4
160/6 160/9 160/19 160/21
164/16 165/12 168/6 168/8
168/10 168/11 168/13 172/15
172/23 185/3 186/3 186/20
190/4 200/7 201/8 206/12
209/14 215/17 219/5 220/3
220/4 221/23 222/1 222/13
224/9 234/17 235/3 235/5
235/22 238/18 240/5 243/19
244/25 245/5 245/16 246/2
251/15 253/14 259/10 264/15
264/17 271/13 273/21
knowing [3] 76/14 96/17
143/4
knowingly [1] 229/7
knowledge [28] 37/19 75/15
76/4 76/5 76/13 85/20 85/22
86/8 86/12 87/2 87/25 89/10
89/19 90/3 90/7 90/9 90/19
104/18 104/20 114/22 114/22
142/15 155/24 189/19 212/19
212/22 218/21 219/1
known [19] 69/15 69/22 90/15
93/7 93/8 94/15 109/24
131/22 142/19 151/22 152/7

152/13 152/19 160/12 215/13
231/16 234/6 267/19 276/22
knows [1] 260/5
KYI [3] 146/14 254/13 259/23
KYIs [4] 146/12 234/7 243/20
254/3

L
L-a-n-z-a [1] 162/12
lack [3] 36/7 203/17 232/12
lacked [2] 29/1 231/4
lady [4] 15/21 56/4 159/15
241/20
laid [1] 124/14
LaJuana [1] 19/11
land [1] 244/11
Lanza [33] 3/11 5/6 46/19
47/20 55/21 56/1 56/4
131/10 135/11 137/6 161/13
161/15 161/16 161/17 161/18
162/7 162/12 162/13 162/15
162/19 162/22 171/13 172/2
172/10 175/17 176/3 176/14
177/21 177/22 179/25 241/19
245/19 276/10
last [12] 43/6 43/20 43/21
43/25 68/20 129/4 147/23
160/14 189/7 208/8 221/11
234/20
late [1] 166/3
lately [1] 218/15
later [3] 174/10 251/16
264/9
law [48] 6/4 36/10 57/12
57/19 58/4 58/9 58/18 58/22
59/19 60/9 61/19 62/8 62/10
62/11 62/16 62/24 63/3 63/8
86/10 91/5 91/7 91/8 96/17
105/18 110/11 115/19 124/3
124/5 127/23 139/20 140/20
143/19 145/3 146/2 146/8
205/16 229/4 231/24 238/24
238/25 239/1 251/6 252/5
253/5 254/5 258/4 258/5
258/15
law's [1] 252/13
laws [16] 29/3 29/20 110/9
139/24 143/20 143/22 143/23
144/5 144/12 145/5 146/6
202/10 219/4 228/22 230/25
231/12
lawyer [15] 64/23 74/8 74/18
74/19 96/4 96/14 96/15
103/18 103/23 104/19 114/19
143/3 198/18 200/18 209/10
lawyer's [1] 18/3
laying [1] 186/13
layperson [5] 35/15 102/5
106/2 109/12 145/18
layperson's [1] 231/2
leading [3] 236/17 245/13
256/16
learn [1] 216/15
learned [5] 171/22 180/2
232/11 252/2 252/3
learning [1] 49/14
least [1] 107/24
leave [7] 11/5 129/20 147/6
179/1 232/24 232/25 262/20
left [7] 97/4 102/10 154/6
154/13 166/22 202/23 214/19
left-hand [1] 214/19
legal [26] 6/19 6/24 41/25

L

legal... [23] 65/2 82/8
 87/23 89/15 89/18 90/20
 91/2 94/7 94/23 103/19
 127/5 162/25 163/1 193/21
 194/3 195/16 203/16 231/21
 232/6 232/14 236/23 242/1
 242/13
legally [11] 78/25 80/20
 90/14 90/17 91/10 124/5
 124/8 125/21 204/20 251/22
 251/24
lengthy [2] 222/5 222/5
less [4] 21/22 165/24 166/1
 222/10
let [54] 8/11 14/16 15/3
 16/9 20/7 20/7 28/21 28/22
 31/22 39/5 45/2 47/15 49/7
 52/1 60/13 62/19 67/5 67/6
 67/12 70/19 74/4 77/5 77/21
 109/11 111/14 128/16 161/18
 173/24 179/24 181/5 181/21
 198/18 198/19 200/18 205/25
 210/22 215/2 223/11 223/20
 226/2 226/7 226/12 227/9
 227/10 232/23 233/1 234/19
 234/21 234/22 241/17 242/22
 250/14 255/9 268/1
let's [55] 13/12 14/4 15/25
 15/25 16/3 23/23 26/17 28/1
 30/12 31/21 38/2 54/20
 60/21 62/4 63/25 64/1 64/1
 64/3 64/7 64/7 67/5 70/3
 72/16 77/1 77/1 79/21 83/2
 84/1 85/7 88/11 88/14 98/19
 109/13 113/12 115/16 115/16
 116/10 128/1 130/4 130/5
 148/11 154/21 169/2 174/5
 210/15 216/1 221/11 226/6
 227/4 230/16 233/2 233/14
 233/14 234/18 244/17
letter [12] 4/9 105/23 106/7
 106/11 123/8 136/9 225/3
 251/6 252/14 252/17 252/21
 259/6
letters [1] 272/12
level [3] 213/15 214/5
 220/19
liability [2] 230/22 231/12
library [1] 165/9
license [2] 94/4 151/8
licensed [2] 231/22 241/25
lien [1] 51/20
life [1] 220/13
like [81] 14/7 16/25 23/21
 24/20 26/25 30/25 31/3
 32/18 33/17 33/23 38/25
 52/22 59/9 65/13 69/23
 72/19 73/4 80/20 81/6 99/19
 107/19 116/17 116/18 116/18
 117/14 120/1 120/3 122/13
 122/22 141/19 141/22 147/21
 151/11 152/16 158/24 167/4
 167/16 168/2 168/18 168/25
 173/15 177/5 178/15 180/5
 181/12 186/12 186/13 187/13
 189/24 190/5 192/7 193/20
 194/19 194/24 195/22 196/18
 199/16 206/3 207/18 208/18
 213/16 214/23 215/10 225/25
 227/8 239/18 240/6 244/1
 246/21 247/2 247/10 252/12

255/5 255/11 255/15 255/23
 255/25 257/5 265/13 273/5
 273/7
likely [1] 218/3
likewise [1] 231/13
limit [2] 163/20 262/15
limited [3] 34/10 128/17
 155/21
LINDA [30] 1/4 2/4 3/22 4/20
 6/6 19/9 44/15 46/1 46/8
 46/14 53/17 66/25 101/13
 108/8 115/20 133/4 134/4
 135/22 136/20 184/6 208/14
 208/15 212/19 213/21 214/9
 223/6 224/24 237/19 256/21
 258/3
LindaYates [1] 258/18
LindaYates.com [7] 230/1
 230/20 230/21 234/7 234/8
 259/1 259/22
line [12] 78/23 101/19
 101/20 101/24 129/3 138/21
 138/23 139/10 158/5 175/16
 262/9 263/8
lines [2] 116/3 116/15
link [1] 6/14
LINZIE [7] 1/13 3/2 6/3
 132/10 133/13 135/2 277/10
lis [1] 51/20
list [17] 8/25 9/2 10/5
 12/11 13/17 16/10 19/15
 20/21 22/22 26/14 32/4 37/6
 42/7 42/12 102/2 243/10
 243/14
listed [2] 21/13 202/19
litigant [2] 197/5 206/23
litigants [1] 27/21
litigate [1] 202/19
litigation [3] 62/23 229/1
 229/6
little [13] 14/7 14/16 33/10
 48/22 49/13 60/19 98/5
 107/19 111/23 122/4 166/4
 194/22 231/25
live [2] 43/17 222/2
lived [2] 46/8 163/18
lives [2] 221/24 221/24
local [1] 212/14
locate [1] 226/17
location [22] 2/6 2/9 2/12
 2/13 2/14 2/15 2/16 2/17
 134/6 134/9 134/12 134/13
 134/14 134/15 134/16 134/17
 165/10 167/1 168/24 169/1
 214/25 223/3
locations [1] 23/13
long [20] 41/10 43/4 57/22
 58/6 69/15 129/3 129/16
 149/24 163/4 163/8 169/14
 173/9 183/5 189/2 212/1
 219/24 221/12 222/7 267/7
 267/24
longer [3] 55/5 129/25
 200/22
look [53] 26/25 48/23 49/3
 74/4 74/5 76/7 79/25 81/2
 98/23 101/17 102/9 107/7
 107/12 109/11 111/17 113/12
 113/17 113/17 114/4 114/15
 115/17 116/14 117/14 118/15
 118/20 118/21 118/22 119/11
 138/21 139/10 144/25 145/12
 146/23 150/11 150/13 153/7

154/1 157/6 157/11 158/3
 158/24 171/19 184/4 199/3
 202/1 217/25 227/10 227/10
 227/18 248/20 250/5 257/15
 265/17
looked [16] 41/24 49/3 49/4
 49/7 49/8 49/9 53/4 53/5
 53/16 53/21 53/24 65/13
 108/25 114/8 124/15 173/12
looking [17] 21/14 21/16
 60/5 99/14 101/9 116/25
 116/25 146/22 151/12 198/9
 198/22 200/24 227/16 228/2
 229/14 257/10 260/1
looks [7] 30/24 31/3 111/10
 111/23 116/17 248/21 257/5
lost [3] 119/6 119/18 153/22
lot [7] 165/6 165/14 165/18
 165/19 222/11 240/15 254/13
loud [1] 118/3
love [1] 103/12
lower [1] 154/13
lunch [5] 122/11 129/5
 129/10 130/6 130/7
LY [61] 71/15 82/2 87/18
 93/19 98/23 105/9 111/4
 111/8 111/17 112/16 113/13
 113/15 113/17 113/17 114/5
 114/7 115/17 116/25 117/1
 117/4 117/7 117/15 117/15
 118/6 118/7 118/15 118/15
 118/16 118/24 118/25 118/25
 119/8 119/8 119/8 121/13
 123/19 123/20 138/18 138/20
 138/21 139/10 144/3 144/25
 150/13 150/22 150/23 152/11
 152/17 154/8 154/21 155/15
 183/24 184/1 184/2 184/4
 186/6 199/4 227/8 227/25
 262/6 263/9
LY-100 [1] 82/2
LY-102 [1] 87/18
LY-108 [1] 71/15
LY-11 [3] 138/18 138/20
 138/21
LY-12 [1] 139/10
LY-28 [1] 227/25
LY-3 [1] 113/15
LY-34 [1] 144/25
LY-35 [1] 113/17
LY-36 [1] 105/9
LY-37 [3] 113/13 154/8
 154/21
LY-38 [3] 111/4 116/25 117/4
LY-43 [6] 111/8 111/17
 183/24 184/1 184/2 184/4
LY-44 [8] 112/16 113/17
 117/15 118/6 118/15 118/24
 119/8 152/11
LY-46 [8] 114/5 114/7 117/15
 118/7 118/15 118/25 119/8
 152/17
LY-47 [4] 115/17 117/1 117/7
 121/13
LY-50 [1] 186/6
LY-64 [1] 199/4
LY-7 [2] 262/6 263/9
LY-80 [2] 123/19 123/20
LY-83 [4] 118/16 118/25
 119/8 155/15
LY-89 [1] 98/23
LY-90 [3] 93/19 150/13
 150/23

L
Lynn [13] 3/9 25/12 93/6
 93/25 131/9 135/9 147/21
 147/23 148/20 148/25 152/13
 152/18 276/9

M
M-a-r-c [1] 192/22
ma [1] 112/9
ma'am [143] 14/21 16/20
 17/10 26/6 39/3 39/7 41/18
 42/13 42/22 43/2 43/15
 43/17 44/4 44/16 46/12
 46/12 46/24 47/8 47/11
 47/13 47/25 48/6 48/20 49/1
 49/17 50/4 50/6 50/20 50/24
 51/9 52/11 52/19 52/24
 53/18 55/2 55/12 55/18 58/5
 58/16 58/20 59/25 60/2
 62/12 66/11 66/23 73/25
 74/4 74/7 74/11 74/12 77/23
 77/25 78/2 78/4 78/6 78/13
 93/14 93/23 94/9 95/20 97/6
 97/17 97/18 97/22 98/1
 98/14 98/16 98/25 99/3 99/3
 103/6 103/8 103/25 104/3
 104/24 105/7 105/24 106/7
 106/8 106/11 106/17 106/21
 108/23 110/19 111/3 111/5
 111/15 112/5 112/15 112/18
 112/25 114/10 114/24 116/4
 119/9 120/13 120/18 126/15
 138/22 139/15 139/17 139/25
 145/13 148/7 148/23 156/15
 158/10 161/6 161/12 162/10
 181/2 182/15 183/11 184/9
 186/7 186/9 187/6 189/14
 189/23 191/4 192/1 208/21
 209/16 211/21 213/6 213/19
 213/23 216/10 217/14 220/25
 226/12 228/14 233/4 246/20
 248/17 248/18 248/24 249/6
 249/8 249/14 249/24 259/2
 272/6
Madam [8] 14/22 28/1 148/12
 161/23 210/25 266/18 266/25
 274/25
made [34] 27/24 29/12 29/15
 29/16 34/18 43/13 66/20
 67/21 67/22 84/15 90/4
 107/19 126/6 126/8 126/20
 127/2 127/5 127/10 127/17
 127/19 128/10 141/16 143/3
 143/7 157/6 158/25 190/15
 190/21 203/8 212/11 219/20
 233/2 235/15 260/5
mail [10] 17/5 17/7 17/10
 17/14 18/20 36/23 37/3 99/4
 140/10 156/11
mail-out [1] 140/10
mailed [8] 13/22 16/25 17/12
 18/19 99/5 99/6 99/8 156/19
mailing [3] 142/15 156/14
 157/9
main [1] 167/25
majority [2] 213/16 221/7
make [50] 7/5 11/23 12/20
 14/9 23/13 23/25 26/2 26/4
 27/23 32/11 32/12 33/8
 33/18 39/5 60/15 60/20
 64/20 66/12 68/7 84/11
 86/13 100/6 103/9 106/4

111/14 111/21 122/8 124/25
 125/1 146/12 150/9 185/14
 185/22 190/19 197/9 201/8
 204/20 215/7 223/4 229/7
 230/23 239/3 239/18 240/6
 242/22 246/10 254/6 260/19
 266/7 266/7
makes [1] 40/3
making [9] 12/14 118/2
 125/19 157/17 220/18 240/4
 240/14 244/8 273/18
malice [8] 18/1 18/5 57/19
 209/4 228/18 228/24 242/15
 245/3
malicious [11] 29/12 35/13
 37/18 54/14 67/17 68/12
 90/25 91/1 128/14 205/20
 231/5
maliciously [1] 236/13
maliciousness [1] 90/25
man [2] 49/12 49/12
manage [1] 51/4
Manager [3] 190/21 217/2
 217/10
mandatory [1] 203/14
manner [2] 220/22 220/25
many [24] 37/8 65/6 65/25
 66/6 69/2 69/3 69/5 75/3
 95/1 95/2 129/10 157/12
 160/8 160/10 163/1 165/10
 165/10 183/18 183/18 204/24
 204/24 209/2 243/23 272/19
Marc [8] 2/12 3/15 134/12
 135/15 192/7 192/21 192/22
 201/21
March [1] 224/2
March 13th [1] 224/2
Mark [2] 2/15 134/15
married [1] 72/9
Mary [1] 180/2
matched [1] 157/17
material [15] 29/18 34/23
 35/24 37/23 56/22 68/2
 91/14 140/15 188/12 188/14
 188/17 188/25 216/24 217/20
 218/5
materials [2] 19/5 19/25
matter [22] 6/5 12/7 16/16
 17/24 21/15 28/15 33/5
 34/20 35/8 54/14 74/16
 74/18 85/13 86/19 87/1
 125/12 149/6 178/10 191/5
 191/12 192/15 195/17
matters [11] 6/22 10/20
 13/13 24/5 24/16 26/5 35/18
 59/8 164/23 204/8 232/8
Matthew [1] 87/19
may [26] 11/4 11/4 11/13
 24/6 26/2 27/16 28/19 68/24
 79/6 79/7 88/3 127/1 127/10
 148/10 161/22 199/2 199/15
 201/7 206/22 223/23 231/11
 234/21 252/6 263/10 272/14
 272/14
May 2010 [1] 234/21
maybe [8] 14/5 14/6 30/25
 129/24 157/13 157/18 170/11
 269/19
Mayor [1] 246/4
McDowell [1] 164/14
me [243] 6/6 8/1 8/11 14/16
 15/3 17/7 18/2 20/7 20/7
 27/12 28/21 28/22 31/22

33/13 34/14 35/16 37/2 37/4
 37/10 37/18 38/3 39/5 39/20
 41/24 44/11 44/15 45/2
 46/23 47/1 47/10 47/15
 47/17 47/22 47/24 48/4 49/7
 49/20 50/4 50/23 53/10
 55/24 56/7 56/8 56/9 56/11
 60/13 62/11 62/18 62/25
 63/17 64/24 65/16 66/25
 67/2 67/5 67/6 67/12 69/10
 69/20 70/19 71/17 72/1 72/9
 73/24 74/4 74/5 74/9 74/17
 74/18 74/19 76/2 77/5 77/10
 77/21 79/13 83/16 83/17
 85/3 85/14 86/2 87/8 89/20
 90/16 92/7 93/11 93/22 94/6
 94/17 97/24 98/11 101/19
 101/22 102/15 103/20 103/23
 104/12 105/8 106/13 106/24
 109/11 110/2 110/11 111/14
 112/17 113/3 113/4 113/25
 114/14 114/18 114/19 115/3
 115/22 116/15 118/11 119/5
 119/6 121/10 123/10 124/11
 124/14 124/25 125/10 125/14
 125/15 125/25 126/11 128/16
 131/11 139/20 142/17 143/22
 144/16 150/18 151/13 152/25
 157/6 157/8 160/4 160/6
 160/20 161/18 167/11 168/13
 170/6 170/8 170/10 171/15
 172/23 173/21 173/24 175/21
 179/24 180/20 181/5 181/21
 183/9 184/11 184/17 184/18
 184/24 185/3 185/17 185/18
 186/11 186/12 186/14 186/14
 186/15 188/22 190/21 190/23
 194/4 195/24 196/20 198/21
 202/2 202/8 202/25 207/15
 210/22 213/21 213/25 215/2
 216/8 216/13 216/16 217/4
 221/3 221/25 222/2 222/14
 222/18 223/4 223/11 223/20
 226/1 226/2 226/7 226/12
 226/16 227/9 227/10 229/1
 231/18 232/7 232/23 233/18
 234/1 234/19 234/21 234/22
 235/24 236/19 237/21 238/9
 241/18 242/22 246/24 247/16
 250/14 250/17 251/5 252/11
 253/19 254/3 255/24 260/5
 260/14 262/18 264/21 265/4
 265/8 265/21 266/25 267/15
 267/21 268/1 269/2 269/20
 270/8 270/9 273/10 276/11
mean [21] 50/22 50/23 56/16
 62/1 62/2 64/4 107/18 120/4
 120/5 120/6 121/2 121/5
 121/21 145/16 153/10 157/14
 186/12 191/10 199/19 208/23
 268/8
meaning [2] 96/7 221/19
means [3] 8/13 34/11 149/3
meant [2] 102/12 108/21
media [17] 9/13 9/17 9/23
 9/24 11/1 12/2 12/4 12/6
 30/7 30/9 42/18 42/19 47/7
 56/3 216/18 220/10 220/11
meet [2] 165/10 220/10
meeting [29] 4/7 43/5 43/14
 64/25 66/13 66/21 126/2
 126/14 126/18 136/7 165/13
 171/19 174/2 186/25 187/8

M	morning [6] 6/3 6/12 6/18 34/11 41/8 41/9	32/13 32/19 64/1 69/2 72/4 72/8
meeting... [14] 187/11 187/12 187/12 187/15 187/17 187/21 189/2 189/4 205/10 218/4 218/24 232/10 246/5 262/9	most [5] 14/11 45/6 163/10 213/10 222/9	Ms. Cook's [2] 61/19 71/19 Ms. Crowley [6] 94/16 148/1 148/4 148/4 149/1 149/14
meetings [14] 29/2 42/21 43/1 43/1 43/3 64/20 163/8 163/16 183/18 212/8 218/8 218/18 218/19 232/9	mother [6] 124/5 124/13 251/6 252/13 253/5 254/5	Ms. Jacqueline [1] 77/16 Ms. Joy [4] 93/15 107/23 147/21 147/23
member [9] 10/25 11/5 12/1 12/4 12/5 12/6 30/8 32/20 32/23	mother-in-law [4] 124/5 251/6 253/5 254/5	Ms. Kathy [5] 34/16 37/17 39/1 55/21 142/9
members [3] 15/9 16/1 30/22	mother-in-law's [1] 252/13	Ms. Moore [7] 81/21 90/11 90/14 90/19 91/4 102/10 108/25
memory [4] 50/5 50/6 221/18 221/20	motion [11] 14/25 16/1 16/4 22/2 268/24 269/20 269/22 272/10 272/16 274/8 274/12	Ms. Moore's [1] 90/19
mention [2] 18/12 241/14	move [10] 30/3 54/20 64/3 72/16 77/1 84/1 88/11 104/5 168/19 216/1	much [10] 14/17 85/19 124/14 129/21 129/25 157/10 157/23 198/13 232/6 267/9
mentioned [12] 47/14 51/1 53/21 56/6 58/2 59/5 76/14 78/8 104/4 138/18 205/15 254/12	moved [1] 174/9	multiple [2] 251/11 253/11
merits [1] 20/5	moving [1] 88/18	multitude [1] 251/20
messed [2] 116/18 117/10	Mr [5] 4/18 7/14 136/18 200/6 207/1	Munsing [2] 2/4 134/4
meter [4] 98/20 98/21 98/24 99/2	Mr. [46] 129/23 192/7 192/12 192/24 193/1 193/21 194/3 194/17 195/3 195/12 201/18 202/1 202/12 203/23 204/2 204/4 204/16 205/7 205/25 206/11 206/20 207/8 207/8 207/16 207/17 208/5 208/13 209/7 209/22 210/5 210/8 210/10 211/15 211/20 215/4 215/19 215/24 216/5 217/18 218/22 219/14 219/18 221/17 223/2 223/10 262/11	must [7] 94/17 117/21 121/2 121/5 121/20 152/5 230/4
mid [2] 202/11 202/17	Mr. Cory [2] 210/8 210/10	my [206] 8/25 16/17 17/23 19/23 20/3 21/19 21/20 21/21 23/4 28/23 31/6 31/6 34/12 34/13 35/17 36/7 37/8 37/14 37/18 37/25 38/22 39/6 39/18 40/2 42/5 44/24 45/2 46/4 48/3 48/5 48/5 48/7 48/12 51/1 52/17 53/10 55/16 55/23 56/15 57/4 57/10 57/14 58/2 60/3 60/7 63/2 64/9 66/14 66/22 67/15 71/25 72/2 72/2 73/24 73/25 74/1 75/25 76/8 77/18 79/7 82/25 83/9 85/18 89/4 89/8 91/6 91/12 94/6 94/21 98/10 98/13 98/17 99/5 99/5 99/10 101/2 102/17 103/6 103/18 104/18 104/19 105/6 105/11 105/14 106/5 107/15 108/19 116/12 119/19 124/5 124/6 124/12 129/1 129/22 129/23 131/14 131/20 132/11 139/1 141/15 143/16 146/17 153/22 159/9 160/4 160/5 160/5 160/6 165/1 165/15 166/10 168/3 168/5 169/13 169/19 171/6 172/11 172/22 174/5 175/19 175/22 176/16 176/19 177/2 177/4 177/25 178/9 178/21 180/12 180/14 183/14 184/16 185/12 194/1 194/2 194/13 195/11 196/6 197/8 198/9 199/2 202/18 204/5 204/23 205/4 206/15 207/18 207/23 210/2 215/14 215/16 217/10 217/10 219/11 220/24 225/2 227/19 228/12 229/8 229/12 230/1 232/12 233/12 233/21 237/5 246/21 248/13 249/3 249/14 249/15 249/25 250/6 251/6 252/12 252/20 254/4 254/5 257/4 257/6 259/3 259/9 259/12 259/21 260/20 262/13 264/1 264/4 264/5 265/6 266/4 266/7 268/24 269/13 269/21 270/14 271/10 271/20 272/2 272/16 273/25 274/1 274/8 274/12 276/14 276/20 277/11
mid-1960s [2] 202/11 202/17	Mr. Daniels [1] 206/11	Mylanta [1] 97/7
middle [2] 212/13 251/7	Mr. Doug [1] 204/4	myself [8] 118/3 163/18
midst [2] 252/12 253/4	Mr. Douglas [2] 204/16 207/8	
might [3] 227/9 227/14 230/8	Mr. Hutchinson [11] 211/15 211/20 215/4 215/19 217/18 218/22 219/14 219/18 221/17 223/2 223/10	
million [1] 48/9	Mr. Hutchison [2] 215/24 216/5	
mind [3] 124/6 204/17 267/18	Mr. Slep [25] 129/23 192/12 192/24 193/1 193/21 194/3 194/17 195/3 195/12 201/18 202/1 202/12 203/23 204/2 205/7 205/25 206/20 207/8 207/16 207/17 208/5 208/13 209/7 209/22 210/5	
mine [9] 40/7 51/24 54/3 80/14 86/5 196/2 249/16 251/16 260/6	Mr. Stephen [1] 192/7	
minute [6] 31/21 67/6 85/7 92/7 210/15 246/12	Mr. Thomas [1] 262/11	
minutes [14] 4/7 63/23 122/11 129/22 129/24 136/7 183/14 187/15 187/16 187/20 187/25 189/2 189/4 222/9	Mrs [1] 10/5	
misphrasing [1] 59/17	Ms [522]	
misplaced [1] 120/2	Ms. [52] 7/16 9/11 10/23 11/16 11/25 13/1 13/14 30/6 32/13 32/19 34/16 37/17 39/1 55/21 61/19 64/1 68/22 69/2 69/15 69/21 70/12 71/19 72/4 72/8 77/16 81/21 90/11 90/14 90/19 90/19 91/4 93/15 94/16 102/10 107/23 108/25 142/9 147/21 147/23 148/1 148/4 148/4 149/1 149/14 181/21 182/19 182/23 182/25 184/4 186/24 188/11 191/25	
misrepresented [1] 37/2	Ms. Adkins [8] 181/21 182/19 182/23 182/25 184/4 186/24 188/11 191/25	
Mississippi [1] 150/1	Ms. Cheryl [4] 68/22 69/15 69/21 70/12	
mistake [8] 102/12 102/18 107/19 120/13 142/25 143/2 143/9 230/3	Ms. Connie [1] 7/16	
misunderstood [1] 102/5	Ms. Cook [13] 9/11 10/23 11/16 11/25 13/1 13/14 30/6	
mix [1] 120/20		
mixed [6] 98/5 116/19 116/20 116/22 120/9 157/19		
money [2] 252/10 254/2		
month [3] 152/3 264/1 264/8		
Moore [22] 5/5 73/9 75/21 77/16 80/8 81/21 89/2 89/5 90/11 90/14 90/19 91/4 92/12 102/10 105/13 106/6 108/25 117/19 137/5 251/10 251/22 253/24		
Moore's [3] 90/19 118/16 242/11		
more [35] 14/8 37/20 49/13 77/9 87/23 92/2 95/4 124/6 124/14 138/7 152/5 158/1 158/25 186/1 204/15 208/16 210/8 212/7 212/8 212/12 212/14 213/14 214/4 214/20 218/14 218/15 222/5 253/3 261/3 261/6 262/3 268/25 269/16 272/13 272/18		
Moreover [3] 35/21 229/3 230/1		

M
myself... [6] 166/14 166/25
 190/1 214/11 214/12 214/13

N
name [24] 25/11 31/7 31/17
 39/8 49/11 49/12 53/5 54/15
 71/17 72/2 119/3 147/24
 148/24 153/2 160/5 162/11
 182/16 192/20 207/2 211/13
 213/1 221/24 222/19 223/3
names [6] 31/11 31/12 49/8
 49/16 160/5 160/5
narrative [1] 251/13
nature [1] 174/14
nearly [1] 163/6
need [49] 7/4 14/7 14/9 17/8
 17/9 17/9 17/10 32/4 32/8
 32/11 39/21 39/23 40/19
 40/20 61/11 62/3 68/4 95/16
 108/11 125/14 127/12 129/5
 141/16 150/18 150/19 150/25
 170/21 175/1 193/4 209/11
 210/13 215/1 222/12 224/10
 233/22 234/25 254/1 256/15
 257/16 266/19 266/24 267/10
 268/21 272/13 272/18 272/20
 273/20 273/22 274/5
needed [5] 251/6 251/16
 253/23 269/15 269/16
needs [2] 207/14 266/21
negative [1] 204/14
negatively [1] 20/19
negotiations [1] 238/14
neighborhood [3] 175/20
 178/24 179/1
neighborhoods [2] 165/8
 165/25
neighbors [1] 166/6
never [24] 42/25 46/20 53/1
 53/24 55/2 55/14 55/16
 65/16 99/9 114/1 121/4
 124/15 160/14 179/11 190/4
 208/20 235/15 235/25 236/20
 236/22 238/21 239/2 243/24
 247/20
new [1] 254/24
newsletters [1] 228/23
newspaper [6] 56/3 58/23
 61/22 100/11 100/12 231/14
next [24] 45/21 46/4 72/16
 101/20 102/9 117/11 119/15
 119/16 121/23 143/14 147/19
 161/10 171/6 171/9 173/6
 179/19 179/22 181/10 192/5
 237/11 238/9 239/8 243/18
 254/8
nexus [1] 85/4
nice [1] 178/18
nine [14] 88/14 88/15 88/15
 88/15 88/22 91/20 91/21
 91/23 91/24 92/9 98/7
 117/15 139/10 151/12
no [255] 1/2 7/21 7/25 8/1
 8/7 8/9 8/22 9/20 9/22 9/22
 10/2 10/3 12/25 13/1 13/4
 13/7 13/8 13/9 13/10 13/11
 17/10 17/21 17/21 18/17
 19/13 19/16 20/22 22/15
 24/7 24/7 26/7 27/19 32/7
 32/9 32/21 38/15 38/17
 39/20 41/14 41/21 42/1 42/4

42/5 42/13 42/15 42/22 46/9
 46/12 46/12 47/2 47/4 47/5
 47/8 47/25 48/20 50/20 51/7
 51/22 52/24 55/2 55/12
 56/10 56/12 57/13 57/16
 57/19 58/23 59/20 61/13
 61/24 62/3 63/11 66/11
 66/23 67/4 70/1 70/9 70/9
 70/9 70/18 71/4 72/9 73/12
 73/14 74/4 74/7 74/11 74/12
 79/11 79/15 81/10 82/17
 83/15 85/1 85/1 86/23 87/3
 87/23 88/2 90/1 93/2 93/9
 93/11 93/17 95/3 95/15 96/4
 96/14 97/2 97/6 97/17 97/18
 97/22 98/13 98/17 98/21
 99/3 99/3 101/23 103/17
 109/13 109/13 109/13 109/19
 109/19 113/15 113/18 113/20
 114/2 114/2 114/6 114/10
 114/12 115/6 116/9 117/5
 117/5 117/8 117/8 117/9
 120/13 123/1 123/1 124/4
 124/24 125/15 125/24 131/20
 133/3 139/25 141/7 141/9
 144/7 145/11 145/13 145/15
 145/15 146/3 147/1 147/2
 149/16 153/19 154/25 155/14
 156/2 157/21 158/6 160/21
 161/1 161/4 162/23 168/14
 168/14 170/1 170/1 172/1
 172/17 173/18 173/18 174/17
 176/4 176/4 176/4 177/9
 177/9 178/10 181/1 186/2
 188/3 188/5 188/16 189/14
 191/24 195/6 196/13 199/19
 202/22 205/21 205/21 206/7
 207/5 207/7 212/21 216/10
 218/25 219/10 221/21 222/1
 222/17 223/5 223/7 224/5
 224/17 224/17 225/9 225/10
 225/10 225/21 227/7 227/9
 228/9 228/18 230/17 231/11
 231/13 233/21 242/21 244/24
 245/14 245/15 245/15 246/23
 246/23 246/23 246/25 248/18
 249/20 249/24 250/4 250/12
 250/16 255/17 255/17 256/2
 257/24 261/7 261/10 261/15
 263/16 264/20 267/14 268/13
 269/20 272/14 276/20

Nobody [1] 48/19
none [3] 19/25 20/1 180/5
normal [2] 186/18 222/6
normally [4] 154/25 155/3
 155/4 186/22

North [48] 2/5 2/8 39/13
 41/11 44/10 44/13 45/25
 46/15 71/19 77/7 108/8
 111/13 111/23 115/19 119/22
 134/5 134/8 149/15 149/21
 152/20 163/5 163/7 163/19
 163/25 165/7 165/9 165/20
 165/25 173/15 183/1 183/3
 183/6 183/6 189/8 189/9
 212/2 212/16 218/7 218/23
 219/2 220/16 232/9 232/10
 239/17 246/5 248/9 248/12
 254/3

not [288]
notaries [2] 108/1 155/10
notarized [10] 36/4 94/14
 95/2 153/7 154/2 154/24

notarizing [1] 154/17
notary [26] 93/6 93/24 94/14
 94/18 94/23 106/18 107/13
 107/24 113/6 113/8 118/9
 118/10 118/24 119/10 131/8
 131/19 149/22 149/24 150/6
 150/15 151/5 151/14 153/1
 153/18 276/8 276/19
notary's [3] 107/14 107/15
 119/3
note [4] 32/24 36/6 127/3
 263/7
noted [9] 13/11 26/16 81/5
 188/6 238/5 239/5 240/19
 242/6 264/11
notes [5] 30/7 32/15 132/11
 267/21 277/11
nothing [26] 12/21 28/8
 28/16 36/18 36/19 83/18
 84/24 87/23 89/3 110/2
 126/1 126/3 127/22 138/25
 142/2 148/18 162/5 171/4
 182/10 192/16 211/7 231/1
 238/23 238/24 260/3 261/11
notice [7] 4/6 136/6 153/1
 154/5 154/12 200/3 249/1
noticed [2] 114/1 121/4
notification [1] 123/25
notified [1] 272/1
notify [2] 232/3 271/11
November [1] 221/15
November 8th [1] 221/15
now [66] 7/11 10/17 10/23
 12/18 13/3 14/12 22/3 22/7
 24/2 27/10 27/19 29/6 29/10
 29/21 33/8 45/7 46/18 50/25
 55/25 58/24 61/8 62/23
 110/15 111/8 121/9 126/8
 129/5 129/13 147/10 151/4
 152/16 153/21 154/7 154/21
 170/5 174/24 175/11 176/3
 194/6 199/24 215/16 220/1
 220/2 225/17 228/7 228/13
 228/14 228/14 229/20 232/24
 236/1 237/7 239/3 252/1
 256/5 257/9 258/2 258/19
 260/11 261/8 261/24 263/20
 264/19 265/10 266/18 273/19
number [98] 3/5 4/2 5/2 6/8
 10/18 20/16 40/13 70/5 70/6
 71/8 71/15 73/18 77/11 78/9
 78/10 78/14 78/22 88/14
 88/22 91/24 93/19 95/18
 95/19 97/10 98/4 98/7 98/8
 98/23 99/12 99/16 99/18
 100/17 100/21 100/25 102/19
 102/22 111/16 112/16 114/4
 114/16 116/10 117/15 118/13
 122/13 122/15 122/16 123/5
 123/18 124/17 128/22 135/5
 136/2 137/2 138/10 138/17
 138/21 138/23 139/8 139/10
 140/5 140/7 141/12 141/20
 143/12 145/2 151/12 151/12
 152/10 154/8 168/19 168/19
 183/22 186/5 186/6 188/8
 194/25 195/9 196/16 196/19
 199/16 199/22 200/9 200/9
 201/15 202/1 224/2 224/7
 224/20 224/25 225/1 225/2
 227/5 227/13 233/3 262/4
 262/5 262/25 263/2

N
numbered [1] 227/22
numbers [1] 70/13

O
O'Connell [1] 203/3
oath [19] 3/23 27/22 27/24
 34/1 39/3 104/15 106/14
 113/6 113/19 115/9 131/1
 135/23 148/8 161/24 165/2
 226/13 256/11 260/5 276/1
object [6] 71/2 71/4 71/5
 229/13 236/3 258/8
objection [37] 32/12 32/12
 32/18 61/11 70/15 73/10
 74/13 77/1 88/22 122/24
 141/5 141/24 142/3 158/5
 175/25 178/12 188/1 195/5
 195/6 197/11 197/14 200/12
 224/15 230/11 235/20 238/5
 239/4 240/2 240/3 240/19
 241/8 242/3 242/6 242/20
 242/21 244/12 258/13
objections [1] 196/12
obligated [1] 266/13
observe [1] 12/16
observed [1] 32/13
obtain [1] 48/11
obtained [1] 48/17
obviously [4] 19/24 56/7
 155/19 206/15
occupation [3] 149/19 162/24
 211/22
occupies [1] 213/2
occur [1] 228/10
occurred [1] 232/14
October [11] 123/25 171/20
 187/3 187/4 187/17 217/22
 224/15 252/18 252/19 252/22
 253/20
October 20th [1] 123/25
October 23rd [1] 224/15
October 25th [3] 171/20 187/4
 187/17
odd [3] 167/12 170/8 170/17
off [17] 38/6 83/25 87/4
 94/3 151/6 154/6 183/15
 183/16 184/14 184/15 184/16
 184/19 194/22 243/21 250/17
 268/3 268/10
offer [9] 22/5 22/8 22/9
 22/10 23/8 193/21 194/6
 206/1 207/10
offered [3] 81/17 207/10
 217/1
offering [3] 127/16 127/18
 206/20
office [30] 1/20 16/22 83/13
 96/24 97/4 102/2 133/20
 139/22 164/6 164/10 180/8
 183/14 184/14 184/16 189/12
 213/2 214/4 230/5 265/6
 266/17 268/25 269/13 269/21
 270/14 271/10 272/2 272/16
 274/2 274/9 274/12
Officer [1] 183/13
officers [1] 186/22
official [20] 4/15 4/17
 29/11 29/15 29/17 67/22
 67/23 70/11 114/9 116/11
 118/16 131/14 136/15 136/17
 140/8 141/2 142/11 154/24

189/10 276/14
officials [1] 29/13
officials [2] 229/2 229/3
often [2] 218/14 218/15
oh [26] 8/2 9/14 70/25 72/22
 78/10 80/3 83/2 98/10 102/1
 103/1 106/15 116/12 129/1
 142/20 157/21 163/3 163/10
 172/19 173/9 180/18 225/7
 230/16 234/12 257/7 258/1
 268/6
oil [1] 169/13
okay [607]
old [1] 219/18
once [9] 26/25 34/1 123/24
 152/5 186/17 189/1 265/2
 267/3 268/20
one [114] 8/1 9/10 13/23
 20/17 25/6 28/1 30/25 37/20
 40/22 40/22 40/24 40/25
 42/25 43/6 43/21 45/12 46/2
 51/9 51/11 59/20 64/25
 65/11 66/9 66/15 75/3 77/9
 79/7 82/7 83/11 83/24 84/9
 89/12 95/4 97/19 97/20
 97/21 105/21 109/6 109/7
 109/9 109/11 109/19 114/9
 115/17 116/16 116/17 119/5
 120/24 128/1 129/14 129/23
 146/21 146/22 151/17 151/21
 153/17 155/9 156/19 158/1
 159/2 159/21 160/14 164/10
 165/13 165/13 166/18 167/12
 174/1 174/2 174/2 184/5
 184/15 186/22 189/7 189/15
 190/5 191/6 197/16 200/9
 204/25 210/8 213/9 213/12
 213/13 213/15 220/15 220/17
 221/22 222/24 222/24 224/2
 224/22 226/2 227/5 227/10
 233/15 234/19 237/11 241/17
 241/19 242/16 243/4 243/20
 244/9 244/13 248/12 251/1
 252/18 255/3 261/3 261/6
 262/3 268/14 268/15
one's [1] 9/22
one-on-one [1] 165/13
ones [6] 39/21 39/23 223/24
 224/1 247/4 253/24
online [6] 48/15 163/12
 171/18 218/17 218/19 218/20
only [40] 15/12 24/17 37/19
 46/21 47/20 47/22 53/15
 66/15 68/13 95/23 102/18
 102/23 109/20 110/9 110/25
 159/13 159/16 160/14 166/13
 167/9 167/15 177/5 187/18
 190/2 197/12 205/8 207/21
 214/11 215/15 217/9 220/1
 220/14 220/17 222/18 223/16
 224/22 232/2 239/16 249/1
 267/3
open [5] 29/2 173/13 183/21
 262/21 264/17
opening [8] 3/6 30/3 33/9
 34/8 38/10 67/10 67/16
 135/6
operate [2] 30/1 61/6
opine [2] 206/25 207/6
opined [1] 207/3
opining [1] 195/13
opinion [43] 44/16 44/21
 47/1 55/22 56/7 56/8 56/9

56/11 56/13 56/14 56/16
 56/16 57/1 57/4 57/9 57/10
 57/13 57/16 67/11 89/4
 166/21 180/12 180/13 180/15
 193/6 193/17 193/22 194/6
 194/10 194/13 204/7 205/11
 205/12 206/1 206/7 206/10
 206/20 207/24 209/23 217/10
 220/23 220/24 240/8
opinions [4] 56/21 203/7
 213/25 214/2
opponent [1] 128/19
opportunity [9] 24/1 26/21
 27/13 156/25 173/5 175/6
 214/8 239/2 256/5
opposed [1] 21/7
opposes [1] 25/22
opposing [2] 60/18 76/11
opposition [1] 74/14
orange [4] 167/24 214/21
 215/16 257/2
order [23] 7/1 19/3 23/16
 26/10 26/11 32/5 32/8 36/20
 38/1 78/20 86/21 91/22
 196/5 224/2 260/21 265/9
 265/15 265/19 266/5 267/17
 267/18 270/7 270/24
ordered [6] 8/25 36/21
 264/24 266/19 267/20 267/23
orderly [1] 33/4
orders [2] 38/22 266/12
ordinance [3] 65/1 65/1
 66/10
ordinances [1] 64/21
ordinary [2] 230/24 231/6
original [5] 28/24 29/3
 250/24 265/3 266/25
originals [1] 120/7
origination [1] 76/20
other [96] 7/12 8/8 8/22
 8/23 10/14 10/16 13/13
 13/16 15/8 15/14 22/13
 22/15 24/4 26/5 31/17 45/12
 46/6 47/1 48/24 51/7 51/9
 51/11 51/15 54/19 55/1
 57/12 57/16 59/3 60/4 60/8
 61/13 62/14 63/6 103/20
 109/8 109/19 115/17 115/24
 146/6 147/2 149/6 150/1
 152/24 155/24 156/2 158/19
 161/8 161/21 163/21 164/17
 165/22 166/6 166/7 166/23
 173/16 180/5 181/7 181/23
 183/18 189/7 189/10 189/15
 189/19 191/13 192/2 193/13
 193/15 198/1 202/18 203/9
 206/17 210/7 210/24 216/7
 216/8 220/7 221/5 221/22
 222/6 223/2 223/12 223/14
 223/16 223/23 223/24 224/22
 225/21 228/9 229/2 232/7
 247/4 253/12 254/24 260/25
 264/16 264/21
others [3] 46/11 56/21 218/1
otherwise [1] 125/13
our [19] 64/11 64/22 65/1
 103/24 126/20 126/21 155/8
 161/10 163/20 174/10 178/14
 179/1 179/6 188/24 213/17
 215/13 215/14 222/7 271/13
out [73] 10/13 13/24 17/2
 18/18 19/11 19/21 26/9
 31/22 36/12 63/23 72/21

O
out... [62] 73/22 74/2 83/21
87/11 87/12 92/11 95/13
102/21 103/3 103/10 103/18
103/19 105/20 110/16 110/18
111/24 114/14 114/16 115/2
115/12 118/3 120/25 121/1
121/19 124/1 140/8 140/10
146/14 147/17 155/2 157/24
166/15 166/19 167/2 167/3
167/23 169/3 174/12 174/15
174/17 174/18 176/22 178/3
179/6 180/5 185/11 185/16
186/1 186/3 186/13 191/3
205/1 214/21 220/14 222/10
234/15 236/23 247/25 251/24
262/24 263/22 264/7
outside [4] 30/17 30/23
214/19 231/24
over [18] 45/11 64/3 107/10
117/9 125/14 154/10 164/18
166/16 169/22 175/6 192/10
192/11 221/8 236/5 236/9
248/9 256/3 256/3
overinflated [1] 231/19
overlap [1] 55/5
overrule [1] 61/10
overruled [3] 158/9 258/10
258/13
overwritten [1] 154/23
owed [2] 51/20 262/10
own [13] 21/19 21/20 27/12
27/17 35/5 40/2 57/7 64/21
65/2 76/23 83/24 241/1
262/14
owned [1] 99/2

P
p.m [3] 133/19 138/2 275/4
pack [1] 149/20
pack-and-ship [1] 149/20
page [94] 3/5 70/13 71/15
77/13 78/9 78/10 78/14
78/22 78/23 82/2 82/10
82/15 87/14 89/22 92/20
93/8 93/13 93/18 93/24 98/4
98/7 98/11 98/23 100/21
100/25 101/10 104/9 104/10
104/11 105/5 106/12 108/4
108/4 108/7 111/2 111/3
111/4 111/8 112/16 112/17
113/5 114/4 114/16 115/18
116/10 116/14 119/6 119/7
119/19 120/21 120/21 120/24
121/10 123/18 124/1 128/25
135/5 139/8 140/9 144/1
144/4 150/13 151/12 151/12
152/10 152/11 152/11 152/12
152/16 152/17 152/19 152/21
152/23 152/24 153/23 153/23
153/24 154/1 154/6 154/7
155/21 159/21 172/22 173/14
186/6 186/8 216/18 227/13
227/18 227/25 248/20 249/18
259/9 262/6
pages [12] 70/13 101/10
110/7 111/13 111/17 118/6
132/10 146/23 146/24 242/23
243/1 277/10
paid [10] 80/16 81/21 107/23
208/5 208/7 208/10 208/13
209/14 210/1 267/4

paint [2] 168/4 214/19
painted [1] 170/17
paper [7] 103/4 103/4 124/6
144/12 158/17 158/21 233/19
papers [16] 48/7 48/11 94/7
116/20 119/25 144/14 158/23
167/3 167/6 167/20 174/12
174/14 175/23 178/2 180/16
244/6
paragraph [3] 227/22 239/14
263/1
paralegal [1] 242/1
parentheses [1] 102/16
park [1] 43/8
Parkland [2] 1/21 133/21
Parkway [2] 1/24 133/24
part [27] 18/12 20/1 36/13
44/12 57/24 75/6 75/8 75/10
75/11 91/22 129/22 146/5
166/1 193/12 193/13 193/15
193/19 199/10 201/9 207/13
208/8 209/3 236/10 237/23
244/20 245/12 251/3
participate [3] 164/4 165/5
213/5
participated [1] 163/24
participating [1] 165/16
particular [8] 27/7 63/24
74/24 86/17 166/19 204/9
212/10 217/5
parties [6] 6/17 9/2 132/13
265/7 271/12 277/13
parties' [2] 132/14 277/14
parts [1] 229/2
party [3] 10/9 29/6 128/19
pass [4] 66/7 174/11 186/1
186/3
passed [3] 65/9 185/11 191/3
passing [3] 30/8 32/14 32/15
password [1] 271/21
Patsy [12] 3/13 131/10
135/13 181/13 181/14 182/12
182/17 190/13 243/9 258/19
260/13 276/10
pattern [2] 36/12 37/11
pause [1] 67/5
pawn [4] 5/3 137/3 239/17
259/20
pay [12] 48/8 77/17 80/15
84/15 212/8 231/18 232/7
232/14 243/13 253/25 268/11
268/13
paychecks [1] 183/16
paying [1] 163/23
payment [1] 267/4
payments [1] 48/9
pays [1] 268/14
peaceful [1] 213/10
pendens [1] 51/21
pending [4] 14/25 76/9 81/10
85/14
people [11] 30/17 165/11
165/13 166/7 167/14 183/16
220/7 220/14 222/11 243/10
245/4
people's [1] 222/9
perceive [1] 220/22
percent [1] 260/2
performed [1] 231/21
period [11] 43/23 108/9
115/20 221/8 253/20 268/23
268/24 269/12 269/18 270/5
271/2

Perkins [2] 46/10 248/10
permanent [2] 189/4 189/5
person [39] 9/17 14/11 15/12
24/23 25/1 29/13 30/25 31/4
34/10 45/6 46/21 47/19
47/21 53/15 54/24 67/20
71/18 72/1 75/1 76/10 76/12
101/21 115/1 167/9 168/7
168/9 175/24 184/16 185/20
214/5 215/19 221/23 221/24
222/1 222/4 222/14 223/2
223/3 272/11
personal [24] 37/8 37/13
48/5 48/12 48/24 49/4 51/2
53/19 53/20 55/10 58/14
167/6 174/14 176/1 213/15
214/4 220/19 220/22 220/24
228/23 235/17 237/17 241/24
246/6
personally [21] 47/10 47/23
93/7 93/8 93/15 94/15
131/10 131/22 151/21 152/7
152/13 152/19 159/15 160/4
160/6 160/12 160/19 160/21
190/1 276/10 276/22
pertain [1] 37/8
pertaining [1] 34/14
pertains [3] 89/15 207/21
235/9
pertinent [5] 54/13 75/25
85/21 141/1 235/23
petition [40] 4/5 4/15 16/17
20/5 34/13 36/7 70/12 71/18
71/19 72/2 99/24 100/3
100/5 100/15 124/23 125/2
125/9 125/20 127/6 128/11
136/5 136/15 163/18 175/12
180/3 193/6 193/17 198/17
198/23 199/3 200/16 204/3
209/25 226/18 227/17 236/2
236/6 264/4 264/7 264/8
Petitioner [10] 1/5 2/5 41/4
133/5 134/5 148/21 162/8
182/13 201/22 211/10
Petitioner's [20] 4/3 71/6
71/8 73/16 73/18 91/24
100/17 123/3 123/5 128/22
136/3 141/12 143/12 188/8
195/9 196/16 199/22 201/15
224/20 227/24
phonetic [1] 19/11
photo [6] 173/16 173/22
173/23 214/24 215/2 215/11
photographic [1] 221/20
pick [1] 15/5
picture [7] 168/25 169/9
169/11 169/13 169/14 172/20
172/20
piece [1] 87/9
pieced [1] 257/5
place [15] 1/20 27/21 84/7
91/16 133/20 148/7 149/20
153/22 154/20 161/24 167/22
170/20 186/11 186/14 214/16
placed [7] 39/3 186/24 187/4
189/1 216/22 217/2 217/12
places [2] 150/1 154/17
placing [1] 186/18
plants [1] 214/20
pleaded [1] 126/21
please [55] 28/4 28/11 31/11
39/7 47/14 52/4 53/11 63/16
65/17 65/22 68/25 71/14

P	<p> please... [43] 72/21 78/22 78/23 79/7 80/12 82/16 97/8 98/11 99/12 99/15 100/22 101/17 101/19 105/5 105/8 138/14 141/15 144/6 148/14 148/23 150/12 150/14 151/4 161/24 162/1 162/10 182/6 182/15 183/21 183/24 184/11 186/5 192/19 210/14 211/3 211/12 227/10 229/11 229/24 233/19 241/21 247/17 263/11 plowed [1] 254/19 point [21] 10/25 22/5 23/24 26/9 27/16 33/22 38/23 68/5 81/5 82/18 83/25 87/11 87/12 152/1 166/21 169/16 174/3 195/17 197/3 198/8 267/5 pointed [3] 262/24 263/22 264/6 pointing [1] 157/24 policies [1] 232/10 policy [1] 188/25 politics [1] 212/13 Port [49] 2/5 2/8 39/13 41/11 44/11 44/13 45/25 46/15 71/19 77/8 108/8 111/13 111/23 115/19 119/22 134/5 134/8 149/15 149/21 152/20 163/5 163/7 163/19 164/1 165/7 165/9 165/20 173/16 183/1 183/3 183/6 183/6 189/8 189/9 212/2 212/16 218/7 218/23 219/2 220/16 232/9 232/10 239/17 239/17 246/5 248/9 248/12 254/3 259/20 position [4] 102/2 183/2 267/21 274/5 possible [6] 155/22 155/25 156/1 157/22 158/25 159/4 possibly [2] 103/14 158/4 postage [4] 98/20 98/21 98/24 99/2 Postal [3] 94/19 94/20 149/20 postcard [1] 249/5 posted [4] 13/23 16/12 19/20 216/19 potentially [1] 63/7 practical [1] 10/20 practice [3] 154/23 155/1 202/24 practitioner [1] 203/1 prejudice [3] 20/10 20/15 20/16 preliminaries [1] 22/13 preliminary [7] 13/13 24/4 24/14 24/16 26/5 33/18 33/19 prepare [9] 20/20 21/6 21/19 21/20 177/12 186/23 266/4 271/1 272/25 prepared [2] 85/8 177/18 prepares [1] 183/14 preparing [2] 32/15 270/5 present [3] 2/11 34/3 134/11 presentation [3] 21/20 23/25 34/12 presented [4] 21/23 60/17 163/19 262/18 </p>	<p> presenting [1] 26/22 presided [1] 205/17 President [1] 238/13 presumed [1] 127/7 pretty [4] 85/19 95/15 129/21 157/23 prevail [4] 33/14 265/22 265/24 270/10 previous [5] 96/17 96/18 110/7 142/16 193/11 previously [10] 36/22 91/18 97/9 110/2 194/9 196/5 209/10 218/16 220/5 256/23 Price [16] 2/8 39/12 43/18 134/8 166/16 166/24 172/12 213/13 213/18 213/22 214/14 221/3 221/5 221/6 221/8 221/9 prima [3] 34/19 125/10 125/13 primarily [1] 165/12 primary [3] 140/9 142/14 212/24 print [1] 249/13 printed [2] 119/3 153/2 prior [10] 36/15 69/13 69/14 69/25 76/8 85/18 89/20 187/10 234/10 239/2 private [14] 202/24 202/25 220/13 229/9 230/12 230/19 231/10 238/12 238/14 239/21 239/22 241/5 247/5 258/25 pro [9] 2/4 2/7 27/20 34/11 134/4 134/7 197/4 197/5 206/23 probably [3] 129/24 130/2 207/19 probative [2] 90/21 124/24 problem [3] 25/16 267/4 267/15 procedural [1] 6/22 procedure [2] 33/4 186/18 proceed [6] 6/21 26/18 33/16 38/8 68/17 148/9 proceeding [16] 7/2 8/20 10/11 11/3 12/8 27/9 27/23 56/24 60/15 67/9 75/2 127/17 128/11 147/13 225/20 250/23 proceedings [2] 203/21 275/3 process [5] 26/20 186/19 196/24 251/19 264/23 produced [6] 18/20 94/3 131/23 131/24 276/23 276/24 production [1] 151/6 Professional [4] 132/6 132/7 277/6 277/7 project [2] 14/7 14/17 proof [7] 18/4 29/7 68/12 75/4 245/2 245/6 245/6 proper [1] 139/14 properly [1] 231/2 properties [1] 244/7 proposed [12] 21/23 36/23 37/6 38/22 91/22 265/9 265/15 265/19 266/11 270/6 270/23 273/2 prosecuted [2] 203/17 203/18 prosecutor [1] 208/25 protect [1] 204/21 prove [6] 35/3 36/17 37/16 79/8 94/7 196/7 provide [11] 6/19 6/24 45/16 </p>	<p> 60/14 193/5 205/11 243/14 251/16 252/4 253/11 266/20 provided [27] 11/19 21/17 23/12 26/12 48/19 58/21 59/18 76/16 86/22 110/10 112/4 114/17 114/18 188/18 189/11 206/21 238/21 238/23 240/10 240/18 240/25 249/22 249/24 251/1 251/13 251/20 259/10 provides [3] 10/8 85/6 244/23 providing [1] 238/17 provisions [2] 95/24 102/24 public [56] 11/6 12/7 12/7 15/9 15/19 16/2 29/2 29/10 30/13 30/14 30/23 31/5 32/21 32/23 43/13 48/13 66/13 66/14 66/21 66/22 77/6 78/20 79/1 86/21 87/2 111/12 131/8 131/19 141/2 146/15 149/22 149/24 180/17 180/18 183/11 183/14 183/15 184/23 186/4 189/3 189/12 189/13 189/17 205/9 228/20 228/22 228/25 229/1 229/4 231/11 235/15 235/15 244/5 247/5 276/8 276/19 publicize [11] 53/19 54/25 55/10 61/18 61/25 62/2 62/6 96/23 97/15 97/21 97/23 publicized [2] 55/15 55/16 purchases [1] 153/18 purpose [5] 35/2 48/4 128/17 193/3 221/7 purposes [15] 10/21 12/15 13/5 30/1 74/24 85/13 86/18 87/9 100/7 125/21 127/16 149/3 195/13 201/13 209/8 pursuant [3] 29/9 35/8 195/11 put [29] 24/21 56/2 56/3 56/5 102/3 102/4 103/11 106/1 115/3 124/10 129/18 143/1 143/1 154/20 157/19 158/2 177/6 178/14 190/25 191/5 191/6 219/9 228/21 241/24 243/22 247/22 249/9 254/14 271/20 puts [1] 267/21 puzzling [1] 231/8 </p>
		Q	
		<p> qualification [1] 8/20 qualifications [1] 12/3 qualified [3] 8/17 32/16 203/24 quasi [1] 183/17 quasi-judicial [1] 183/17 quest [1] 37/13 question [123] 27/13 28/19 30/4 44/19 44/22 44/24 45/2 45/8 45/14 45/21 45/25 46/4 47/15 50/15 53/25 59/10 59/14 59/15 59/18 60/1 60/8 60/17 60/18 60/21 60/24 61/8 61/12 61/20 61/24 62/1 62/2 62/4 62/12 62/13 63/6 63/14 63/17 63/18 63/24 64/1 65/14 65/23 66/20 68/20 72/15 72/16 74/1 74/15 74/24 76/9 81/10 82/12 82/13 82/17 82/18 </p>	

Q
question... [68] 82/21 82/25
 83/7 83/9 83/16 83/18 85/2
 85/8 92/1 94/10 95/6 97/9
 99/10 108/10 108/12 108/17
 108/19 109/15 110/25 115/17
 117/11 117/25 119/15 119/16
 119/17 121/9 121/23 123/13
 123/16 127/14 127/20 143/16
 143/23 144/14 144/19 144/20
 144/22 144/23 144/25 156/25
 158/10 171/7 171/10 173/6
 176/7 178/6 179/20 179/22
 189/7 209/1 222/12 228/21
 247/17 247/17 250/15 253/16
 254/8 254/25 256/15 256/16
 256/18 257/13 257/18 258/9
 258/11 258/22 259/11 269/9
questioned [1] 190/3
questioning [5] 27/25 129/4
 130/1 138/4 158/6
questions [56] 6/22 18/14
 27/2 27/4 27/6 27/7 34/4
 39/15 44/4 44/8 52/11 68/4
 68/4 92/2 94/9 98/5 98/16
 130/3 138/7 141/16 147/2
 147/14 147/15 148/10 148/10
 156/2 156/4 160/1 160/15
 161/3 162/14 171/3 171/6
 172/5 182/19 190/9 192/24
 194/18 206/3 208/16 209/11
 217/8 217/9 219/11 219/14
 246/17 247/10 247/13 247/21
 255/11 255/24 256/6 256/14
 260/6 261/9 268/7
quickly [1] 231/22
quiet [2] 117/25 126/16
quite [6] 99/6 158/11 166/15
 207/24 213/10 272/7

R
R-e-b-e-c-c-a [1] 31/13
raise [9] 28/3 28/10 32/18
 148/13 161/25 182/5 192/13
 211/2 236/1
raised [4] 30/13 59/2 236/22
 238/21
ran [2] 71/25 219/20
rate [1] 204/24
rather [1] 14/5
rationale [1] 230/22
re [6] 4/24 5/3 5/4 136/24
 137/3 137/4
reach [1] 241/23
read [33] 15/1 58/23 59/16
 59/24 63/16 78/14 78/23
 82/16 95/25 96/2 101/19
 103/17 103/21 104/16 108/11
 115/3 116/1 124/4 139/1
 171/20 173/24 176/6 186/12
 186/13 204/10 204/10 217/17
 217/19 228/12 232/21 234/22
 234/24 241/21
reading [10] 5/4 61/22 62/15
 102/19 120/8 137/4 177/13
 177/17 229/20 241/5
reads [2] 111/11 231/13
ready [7] 11/3 15/3 15/4
 38/3 72/25 73/3 201/17
real [2] 185/23 238/19
realize [3] 173/8 251/4
 253/22

realized [4] 120/3 172/19
 173/9 173/22
really [13] 10/20 23/19 50/5
 56/17 57/9 100/11 113/19
 115/5 124/10 160/22 213/9
 245/15 257/7
reason [14] 16/23 18/2 72/21
 85/3 100/23 100/24 102/8
 105/24 126/23 167/25 170/16
 228/9 243/22 244/8
reasonable [9] 35/11 35/15
 36/17 204/23 205/5 205/5
 205/14 206/11 207/24
reasonableness [6] 193/10
 194/7 195/13 204/8 206/6
 209/8
reasoning [1] 190/17
reasons [2] 167/11 237/20
Rebecca [3] 2/17 31/8 134/17
rebuttal [2] 170/12 264/20
recall [23] 43/4 47/16 50/12
 50/13 50/18 50/19 69/3 69/7
 69/19 150/3 153/17 165/16
 166/8 167/17 168/1 187/8
 189/9 189/14 189/15 213/7
 213/10 213/12 223/3
receipt [7] 17/6 17/13 19/18
 156/13 157/8 227/19 262/11
receipts [6] 18/17 153/16
 153/17 155/9 157/12 157/13
receive [3] 13/25 16/10
 184/24
received [27] 9/23 13/19
 19/2 19/10 19/18 20/8 21/6
 21/10 21/11 25/23 36/3
 36/19 54/10 71/1 87/24 88/4
 123/24 146/22 155/20 185/1
 185/6 186/2 186/17 243/13
 249/5 249/7 252/18
receiving [5] 19/6 19/12
 19/24 20/11 20/17
recent [2] 49/19 169/14
recently [5] 43/19 50/21
 50/22 50/22 169/12
recess [1] 31/21
reckless [8] 29/17 35/13
 37/21 67/23 85/19 91/1
 120/11 120/14
recklessness [1] 86/7
recognize [6] 172/13 172/18
 173/21 174/7 195/12 231/23
recommendation [4] 34/24 87/3
 272/19 273/2
recommended [9] 38/22 91/22
 265/9 265/15 265/19 266/5
 266/12 270/7 270/23
reconcile [1] 199/12
record [29] 6/2 14/15 32/1
 48/14 70/24 77/7 107/2
 107/4 108/14 111/12 125/12
 132/11 138/3 168/3 180/17
 180/18 183/12 184/23 186/4
 189/13 189/17 201/10 210/19
 240/6 244/5 262/20 268/3
 268/10 277/11
records [13] 29/3 183/12
 183/15 183/15 188/15 188/17
 189/3 189/4 228/22 229/1
 229/4 231/12 232/8
records/Sunshine [2] 228/22
 229/4
recover [2] 29/22 194/12
red [3] 214/20 215/12 215/17

redirect [8] 3/16 3/19
 135/16 135/19 209/18 209/20
 222/23 222/25
redo [1] 155/6
redundant [2] 52/13 104/7
reelection [8] 48/3 58/2
 64/9 164/11 165/15 166/10
 167/13 175/19
refer [1] 117/14
reference [3] 197/1 233/2
 263/3
referenced [3] 198/2 204/18
 245/11
referencing [3] 201/9 226/10
 226/16
referral [1] 203/8
referred [1] 34/21
referring [3] 39/17 226/4
 227/14
refers [1] 40/12
reflect [1] 187/20
refused [2] 36/18 223/19
refusing [1] 60/10
regard [1] 204/21
regarding [15] 34/13 60/23
 66/14 66/22 69/8 100/13
 124/22 128/11 163/20 185/2
 203/22 229/1 231/7 231/9
 232/20
regardless [1] 115/8
regards [24] 13/19 16/17
 20/5 35/19 36/14 47/24
 51/19 61/18 62/7 123/9
 150/6 155/2 184/25 193/6
 193/16 193/18 204/3 204/5
 204/7 205/8 206/4 206/17
 217/5 263/22
registered [4] 132/6 142/1
 142/2 277/6
Registration [3] 4/14 136/14
 142/9
regularly [1] 42/20
rehear [1] 20/4
rejected [2] 232/12 251/23
relate [1] 209/11
related [5] 6/22 127/15
 163/20 205/13 232/7
relates [8] 81/18 86/16 90/3
 127/4 170/20 206/5 206/7
 207/1
relating [1] 48/11
relationship [2] 72/3 164/18
relative [4] 132/12 132/14
 277/12 277/14
release [6] 4/6 136/6 197/4
 197/24 200/3 206/15
released [3] 200/6 213/1
 264/5
relevance [1] 90/21
relevancy [3] 21/15 22/3
 56/19
relevant [8] 22/11 56/18
 56/21 60/16 60/24 61/10
 75/2 96/13
relies [1] 230/24
relieved [1] 199/14
relying [1] 267/22
remain [1] 188/16
remarks [1] 27/15
remember [17] 49/12 50/5
 50/10 50/10 50/11 96/5
 109/6 150/5 156/12 157/4
 157/5 157/14 160/17 221/1

R	45/9 68/25 70/20 85/11 89/7 89/8 142/23 197/19 224/23 225/5 238/16 255/24 responsibilities [1] 199/14 responsibility [1] 27/2 rest [2] 115/21 232/25 result [2] 20/10 229/6 results [1] 232/10 resume [5] 4/18 136/18 195/2 202/2 202/3 retained [3] 199/13 202/25 203/4 retired [4] 41/14 41/17 41/21 162/23 return [2] 79/22 147/5 returned [1] 174/10 review [3] 266/2 266/9 266/9 reviewed [2] 203/16 204/2 rewrite [1] 107/18 Rhonda [1] 51/16 rid [1] 215/14 right [307] right-hand [2] 94/1 119/2 road [1] 163/22 role [1] 194/3 room [18] 7/24 9/7 9/9 10/10 10/14 14/12 15/9 15/10 15/13 30/24 31/24 45/6 58/10 58/12 59/1 62/23 148/3 161/17 route [1] 167/2 RPR [8] 1/15 131/8 131/19 132/21 133/15 276/8 276/19 277/21 rule [11] 8/12 10/7 10/8 10/21 30/19 30/21 35/9 100/7 149/2 269/22 273/25 ruled [2] 205/22 207/22 rules [4] 36/9 43/7 242/2 265/5 ruling [2] 60/23 195/11 run [3] 48/9 57/7 97/5 running [10] 46/9 47/10 57/5 83/12 164/6 167/13 169/3 175/18 177/2 248/15	sale [1] 155/10 sales [1] 153/20 Salford [1] 214/17 same [47] 23/16 27/18 38/1 58/11 59/1 80/17 80/19 83/13 83/16 89/1 89/24 91/12 94/14 101/10 103/7 106/7 112/17 113/7 113/7 113/8 113/10 113/20 114/3 154/18 157/23 158/3 159/18 159/20 165/21 179/8 186/6 198/13 215/11 230/10 230/15 230/19 237/24 240/2 241/7 242/3 245/22 245/22 250/5 254/21 256/2 264/4 273/23 sample [6] 4/17 136/17 140/8 140/10 212/25 265/15 Sarasota [28] 1/17 1/22 2/9 2/14 2/15 2/16 2/17 6/14 9/5 11/21 58/24 62/22 131/5 132/4 132/18 133/17 133/22 134/9 134/14 134/15 134/16 134/17 211/24 229/2 231/14 276/5 277/4 277/18 sat [1] 208/20 saw [7] 65/13 120/25 173/16 173/22 173/22 173/23 216/24 say [46] 10/25 34/10 42/9 42/9 42/9 50/10 51/21 56/17 58/1 60/10 62/9 62/9 62/11 66/3 78/19 84/21 86/18 87/17 99/7 103/9 121/21 127/13 152/6 164/2 165/12 172/19 173/9 177/4 177/22 178/4 191/20 204/14 235/7 245/15 247/1 247/2 247/8 257/4 260/4 260/13 260/14 261/6 261/11 262/15 272/14 272/14 saying [23] 20/22 52/18 55/16 55/25 66/16 81/20 102/20 155/4 160/19 169/23 172/24 179/2 179/9 245/3 248/18 248/20 249/4 259/15 267/18 269/17 272/13 273/22 273/24 says [41] 17/6 17/13 19/7 78/15 83/10 83/10 93/7 93/8 93/25 94/15 100/12 102/15 102/22 106/25 106/25 106/25 107/4 107/14 108/11 115/18 118/10 138/25 144/2 144/4 145/6 172/11 174/5 177/1 178/21 179/4 185/13 200/6 200/7 200/8 234/17 234/19 241/20 241/21 250/1 265/13 270/19 scan [1] 248/24 scanned [1] 249/9 school [4] 42/5 49/10 211/24 212/13 schooled [1] 258/5 schooling [1] 53/6 SCHURE [305] Schure's [12] 16/10 20/9 35/5 35/12 36/6 36/8 37/1 37/6 37/11 126/4 126/25 142/12 se [9] 2/4 2/7 27/20 34/11 134/4 134/7 197/4 197/5 206/23 seal [3] 131/14 156/10 276/14
	S	
	S-l-e-p-i-n [1] 192/22 S-t-e-p-h-e-n [1] 192/22 safety [1] 163/21 said [92] 14/11 15/17 17/1 17/3 17/7 17/7 17/10 17/23 18/1 19/18 41/21 44/20 46/2 46/20 48/8 48/10 57/6 59/20 59/23 61/25 62/10 63/9 63/18 64/16 64/24 66/2 75/24 76/20 80/15 80/19 80/21 83/17 83/20 84/14 91/12 95/7 95/9 97/11 101/24 103/15 103/21 105/22 105/24 117/20 121/12 124/4 124/8 124/9 127/14 128/13 139/23 143/7 144/11 144/14 165/19 166/20 166/22 167/19 168/13 176/16 177/25 180/3 180/11 185/7 189/24 200/16 200/21 208/9 213/24 215/15 220/3 220/4 220/15 220/17 221/1 221/2 221/4 221/22 225/7 228/7 235/23 240/16 245/3 245/4 246/14 248/19 250/16 252/12 260/16 265/2 269/2 269/4	
remember... [3] 235/4 235/4 235/4 remembered [1] 160/17 remembers [2] 170/8 170/16 remind [5] 68/24 203/11 223/11 226/2 226/12 removal [1] 187/21 remove [1] 188/25 removed [6] 187/8 187/10 187/11 187/22 188/11 188/14 rendered [2] 86/22 87/5 rendition [1] 86/24 repeat [1] 14/23 replacement [1] 119/23 report [5] 78/20 79/2 86/21 132/9 277/9 REPORTED [2] 1/15 133/15 reporter [32] 3/24 7/5 14/10 14/22 15/1 28/2 45/6 59/16 59/24 68/24 132/7 132/7 135/24 148/7 148/12 161/23 168/10 182/2 202/13 210/20 210/25 265/1 265/5 266/18 267/1 267/11 268/3 271/9 274/1 274/25 277/7 277/7 reporter's [1] 100/13 reporters [1] 271/11 Reporting [2] 1/16 133/16 representation [2] 231/8 267/22 representative [1] 32/17 represented [1] 15/13 representing [5] 32/25 33/11 202/22 265/13 270/19 reputation [5] 29/13 35/17 37/14 37/19 231/17 request [4] 77/5 185/18 235/16 268/24 requested [5] 15/1 142/10 243/9 243/20 259/17 requesting [2] 60/5 186/10 requests [1] 183/15 required [6] 19/4 228/19 230/5 232/1 267/13 267/14 research [9] 49/22 50/3 52/16 58/17 59/6 61/22 62/15 63/1 63/1 researched [5] 49/23 52/17 58/15 59/20 60/3 researching [1] 21/16 reserved [1] 129/14 resident [8] 41/10 149/15 163/4 163/18 164/1 166/9 212/1 213/8 residents [3] 163/11 220/6 221/5 resigned [1] 105/25 resolution [1] 125/11 respect [14] 10/23 14/25 20/8 21/25 22/3 25/18 33/3 85/12 125/2 194/2 237/24 244/16 245/22 269/11 respond [2] 156/25 175/6 respondent [10] 1/8 2/9 78/19 78/20 81/21 133/8 134/9 200/10 224/24 256/22 Respondent's [11] 4/21 22/1 136/21 235/20 237/9 238/8 239/6 240/21 241/13 242/8 243/6 response [14] 16/20 19/1		

S

season [1] 166/1
seat [12] 79/24 83/11 83/13
 97/4 102/10 102/15 105/25
 147/6 192/11 213/2 213/2
 226/8
seating [1] 258/6
second [24] 8/15 14/4 24/7
 24/9 26/3 28/21 45/3 45/4
 45/4 67/19 70/7 74/5 74/22
 79/12 84/25 170/2 174/24
 198/7 239/14 241/17 258/6
 258/7 263/12 263/13
seconds [1] 222/10
secret [2] 231/11 231/13
secretarial [1] 7/17
Secretary [2] 202/24 203/5
section [9] 35/9 91/8 95/18
 95/19 95/24 96/12 96/13
 101/18 101/18
sections [5] 35/19 86/9
 91/13 103/14 145/3
secured [1] 265/3
Security [1] 41/14
see [58] 9/12 13/12 15/11
 15/14 27/4 27/14 31/22
 32/10 34/4 42/23 49/8 53/6
 63/2 65/12 70/3 83/2 89/19
 92/23 93/7 93/10 93/12
 93/25 100/11 103/15 111/2
 111/6 114/6 115/21 116/8
 118/19 118/24 122/2 128/16
 142/11 146/23 147/15 153/4
 154/10 154/13 157/11 167/24
 174/5 179/24 198/9 221/11
 227/4 229/11 229/24 230/17
 232/23 234/3 234/3 234/18
 234/19 234/22 244/17 261/25
 269/18
seeing [2] 19/25 239/2
seem [1] 205/4
seen [11] 152/1 152/5 167/4
 171/23 172/20 205/3 205/18
 216/17 218/22 219/7 272/9
seeyourvoice [1] 234/7
selective [1] 37/7
self [1] 95/15
self-explanatory [1] 95/15
selling [1] 124/13
send [13] 13/18 17/5 19/7
 124/9 146/14 186/22 248/24
 252/9 252/10 253/1 253/23
 262/14 273/22
sending [2] 228/23 273/21
sends [1] 243/11
sense [5] 67/7 197/15 230/23
 236/9 273/19
sent [22] 13/24 19/21 22/16
 37/3 80/9 80/18 115/4
 117/19 140/8 159/18 159/20
 175/13 185/18 186/11 226/19
 248/23 249/18 249/24 251/5
 252/14 253/21 253/24
sentence [4] 82/16 82/18
 82/21 115/21
separate [2] 153/7 176/18
separated [2] 40/7 120/18
Separately [2] 273/15 273/16
September [4] 111/24 152/20
 183/7 251/1
sequestration [6] 8/12 10/7
 10/22 15/17 30/20 149/2

serve [3] 183/12 203/1
 257/16
server [1] 42/14
servers [2] 42/8 42/12
service [2] 66/14 66/22
services [2] 206/21 231/21
set [3] 67/24 87/18 125/9
settle [2] 264/10 264/10
seven [7] 32/5 122/14 122/15
 122/16 122/19 123/3 123/5
several [3] 152/2 160/7
 253/1
share [6] 57/2 167/7 204/7
 218/1 225/25 264/6
shared [8] 55/22 55/23 56/20
 60/9 67/3 213/25 214/1
 214/2
she [261] 7/6 9/18 12/8
 12/17 12/18 13/1 13/2 13/23
 14/14 15/21 16/12 17/3 17/7
 17/8 17/10 17/23 17/25 18/1
 20/6 22/8 22/8 22/9 24/18
 24/21 24/21 24/25 25/2 25/5
 27/4 27/5 31/6 31/7 32/16
 32/23 32/24 34/4 35/22
 35/22 36/2 36/4 36/15 36/16
 36/18 37/1 37/10 40/12
 44/19 46/19 53/25 54/1 54/3
 56/20 57/5 57/6 57/7 59/23
 60/8 60/9 60/10 61/25 61/25
 62/1 63/17 64/20 64/21
 64/22 64/25 65/12 65/12
 66/2 66/3 72/14 76/11 76/14
 76/14 76/20 76/20 77/19
 80/15 80/15 80/15 80/16
 80/17 80/21 83/23 83/23
 85/20 85/22 85/22 85/23
 85/25 86/1 86/2 86/3 86/4
 86/8 88/3 89/15 89/17 90/9
 90/11 90/12 90/13 90/15
 90/16 90/22 91/4 91/6 91/7
 91/10 91/12 91/15 91/17
 92/14 94/6 94/17 94/18
 94/21 94/22 95/6 95/7 95/9
 95/9 97/11 99/6 99/8 102/10
 105/17 105/25 105/25 106/23
 107/15 107/16 107/16 107/19
 117/20 117/20 126/8 127/1
 127/17 127/19 140/17 142/16
 142/18 142/22 143/4 143/4
 143/7 144/21 145/7 158/11
 159/11 159/12 166/19 166/20
 167/3 167/4 167/5 167/6
 167/7 167/8 167/10 167/19
 168/9 168/12 168/13 170/6
 170/8 170/16 170/18 170/25
 174/7 174/13 175/13 175/19
 177/25 177/25 178/21 179/11
 186/11 186/13 197/16 198/18
 198/19 198/19 198/25 200/14
 200/15 200/16 200/16 200/17
 200/17 200/21 200/21 208/6
 220/4 221/24 223/17 228/7
 230/9 230/17 230/18 231/9
 234/5 235/6 235/12 235/23
 235/24 235/25 236/20 240/5
 240/16 240/17 241/21 241/23
 241/24 241/25 242/1 242/12
 242/12 243/10 243/14 245/3
 246/5 246/7 247/21 247/22
 250/14 250/15 250/16 253/1
 253/11 256/10 259/15 260/4
 260/5 260/6 260/7 260/8

260/9 260/9 260/14 261/10
 262/1 262/10 262/10 262/12
 262/15 266/21 266/21 266/22
 268/14 268/14 269/11 269/17
 272/14 272/14 272/24 273/3
 273/3 273/3
She'll [1] 27/12
she's [59] 7/17 7/19 7/21
 12/1 12/5 12/8 12/10 12/13
 14/11 18/2 24/24 25/3 25/6
 27/11 32/23 32/25 32/25
 40/8 45/7 45/8 53/3 53/25
 55/4 57/11 62/3 64/23 73/3
 79/10 81/17 81/20 83/24
 89/1 94/22 94/22 95/6 96/15
 104/4 104/4 119/15 144/16
 144/19 147/12 147/13 171/9
 227/16 229/14 229/15 236/19
 236/24 238/25 240/8 240/14
 247/11 250/17 252/25 253/19
 260/5 260/13 268/3
sheet [2] 155/3 155/5
ship [1] 149/20
shocking [1] 231/1
short [4] 31/25 85/10 174/10
 210/18
should [17] 33/14 36/17
 51/21 56/17 67/8 69/24
 90/15 94/22 124/9 156/20
 227/1 231/22 232/4 232/13
 265/22 265/24 270/9
shouldn't [3] 126/5 273/3
 273/4
show [8] 35/25 56/2 57/20
 75/15 86/7 90/2 187/25
 261/17
showed [9] 48/6 48/7 51/1
 56/1 56/4 174/13 176/1
 215/11 245/19
showing [5] 34/19 48/4 54/14
 142/16 180/17
shows [5] 89/10 91/10 140/10
 142/12 249/21
shuffling [1] 120/7
shut [1] 246/5
sic [5] 188/4 188/6 188/7
 204/16 228/18
side [3] 94/1 204/18 214/19
sides [1] 126/21
sign [5] 71/18 72/10 94/20
 183/15 183/16
signature [15] 73/24 86/24
 92/19 104/23 106/16 106/23
 112/21 113/5 150/14 151/14
 152/14 152/21 152/25 153/8
 154/3
signatures [3] 157/17 157/23
 159/9
signed [16] 72/1 72/12 83/23
 83/24 87/4 87/19 106/18
 106/18 115/7 115/9 118/9
 118/10 144/12 144/14 271/13
 271/17
signer [1] 154/8
significant [1] 89/21
similar [3] 118/22 119/12
 216/8
similarly [1] 166/22
simple [1] 256/14
simply [2] 29/22 100/10
Simultaneously [1] 203/4
since [29] 10/17 12/17 30/12
 32/22 36/7 57/24 58/8 76/20

S
since... [21] 102/17 103/21
105/21 143/3 159/1 160/4
160/6 163/10 163/23 164/1
180/7 191/15 208/6 208/9
212/3 212/13 221/1 221/2
227/18 232/11 241/22
single [3] 156/19 157/14
228/8
Sinusitis [1] 202/15
sir [112] 8/9 16/21 17/21
18/7 18/20 23/5 26/7 39/4
40/11 40/14 40/17 50/8 60/2
61/3 73/14 80/23 81/4 83/6
88/17 90/1 112/9 116/24
117/2 117/8 117/8 117/24
122/18 122/20 123/1 123/1
128/3 128/6 128/9 141/7
141/9 145/11 147/7 159/24
169/5 169/8 169/11 169/19
172/6 174/22 175/4 175/8
176/11 177/20 179/18 179/18
192/11 192/19 192/19 194/17
196/10 196/13 201/2 202/13
208/23 209/6 210/6 210/20
211/12 215/21 219/15 223/10
224/17 224/17 225/16 225/23
226/5 226/14 227/7 227/9
227/23 228/3 229/22 229/22
229/22 233/4 233/8 233/11
233/13 234/12 234/15 234/20
235/12 235/12 238/1 238/1
239/13 242/18 242/18 243/4
244/15 244/19 244/24 245/14
246/19 246/25 256/2 261/10
261/15 262/8 263/4 263/16
266/23 267/2 270/18 270/21
271/5 273/12
sit [8] 8/19 10/10 10/13
11/2 12/8 192/10 208/17
260/20
site [1] 171/18
sits [1] 215/17
sitting [5] 56/4 83/11
110/14 189/21 260/14
situation [8] 10/17 10/24
12/13 12/24 167/15 230/23
231/20 253/4
situations [1] 205/19
six [8] 32/5 122/11 152/4
215/15 224/7 224/15 224/19
224/20
Slepin [34] 2/12 3/15 7/14
129/23 134/12 135/15 192/8
192/12 192/21 192/22 192/24
193/1 193/21 194/3 194/17
195/3 195/12 201/18 201/21
202/1 202/12 203/23 204/2
205/7 205/25 206/20 207/8
207/16 207/17 208/5 208/13
209/7 209/22 210/5
Slepin's [2] 4/18 136/18
slide [2] 14/6 14/16
slow [1] 234/25
small [1] 253/25
so [351]
social [8] 41/14 42/18 42/19
47/6 56/3 216/18 220/10
220/11
soft [1] 14/5
sole [1] 35/2
solely [1] 236/2

solemnly [2] 28/13 192/14
some [32] 10/14 27/16 33/18
51/10 51/12 68/5 74/4 76/16
100/12 100/23 100/23 103/19
116/20 127/14 138/18 147/11
148/9 157/12 157/18 168/9
170/12 185/5 189/22 189/24
195/17 206/4 214/20 225/24
247/3 255/10 267/5 269/18
somebody [7] 12/4 51/4 59/23
83/21 114/23 155/22 209/24
someone [12] 23/11 30/14
81/1 103/19 114/17 114/18
148/1 176/25 185/1 220/21
221/23 222/16
someone's [1] 231/16
something [28] 18/13 22/4
30/2 30/9 60/16 64/8 65/9
91/21 100/5 100/13 106/3
126/7 127/15 152/4 155/2
177/15 198/3 200/24 201/3
207/12 220/17 234/9 238/21
245/10 249/5 262/2 265/13
271/15
sometime [1] 170/11
Sometimes [1] 154/19
somewhat [2] 154/13 222/5
somewhere [1] 79/19
sorry [62] 14/1 17/19 17/20
17/24 18/10 23/5 39/23
43/12 45/13 50/13 53/1
53/24 54/1 55/4 61/3 65/13
72/6 74/11 79/14 79/20 81/7
92/15 93/3 93/11 94/21
102/1 108/13 111/15 111/18
113/7 116/20 118/2 118/3
119/6 119/18 121/25 123/12
144/17 145/15 153/14 153/22
168/17 174/20 175/2 175/9
183/8 183/25 208/8 232/22
235/1 235/1 235/2 240/18
241/16 249/23 252/14 255/22
255/22 257/12 260/7 262/1
269/3
sort [5] 26/19 33/15 60/13
166/14 194/22
sought [2] 102/2 204/13
sounds [2] 193/20 215/10
speak [8] 14/2 24/6 44/13
47/23 64/21 66/24 105/19
263/10
speaking [6] 49/15 54/6 54/7
146/19 146/25 168/24
speaks [4] 81/15 81/16
106/22 110/11
special [2] 72/6 239/16
specific [4] 64/1 91/20
114/21 127/9
specifically [2] 143/24 223/4
specify [1] 230/5
specifying [1] 91/2
speculative [1] 158/6
speech [1] 44/18
speed [1] 163/20
Spell [1] 31/12
spellings [1] 31/10
spend [1] 63/22
spent [1] 254/1
spoke [16] 19/11 46/9 47/22
55/21 167/5 169/7 170/18
190/20 214/5 214/11 221/23
222/4 222/8 222/15 222/15
245/5

spoken [12] 14/5 44/10 45/1
45/25 46/6 46/13 46/23 47/9
55/21 185/5 220/5 220/7
stack [1] 260/11
stamp [16] 98/24 113/8
118/24 119/10 152/19 153/1
153/8 154/5 154/12 154/14
154/16 154/20 155/19 155/19
184/7 259/15
stamped [10] 86/23 88/4
101/12 101/14 111/12 111/22
122/2 153/25 184/10 184/23
stamps [1] 150/6
stand [1] 252/6
standing [3] 62/22 172/15
178/3
standpoint [1] 10/20
stands [1] 167/23
start [12] 23/24 27/1 33/12
38/3 42/16 45/21 64/3 64/7
65/16 65/20 221/11 233/17
started [9] 13/13 26/17
42/18 50/20 60/5 60/5 62/25
63/1 212/7
starting [3] 67/7 173/5
233/23
starts [3] 33/3 54/1 65/12
state [37] 1/1 39/7 68/25
89/14 101/18 131/4 131/8
131/19 132/3 133/1 139/22
140/18 148/23 150/18 152/24
162/10 182/15 192/20 193/1
202/20 202/20 202/25 203/5
203/6 205/1 211/12 218/22
219/3 228/7 231/3 240/12
244/25 257/6 276/4 276/8
276/19 277/3
stated [20] 13/21 36/22 91/4
106/3 109/17 110/3 145/3
146/7 151/10 156/17 176/3
185/2 197/21 200/15 200/15
227/18 240/6 240/17 240/24
251/15
statement [40] 3/6 14/24
18/13 33/9 34/8 36/5 38/10
43/14 66/13 66/21 67/10
67/16 83/21 84/5 100/13
135/6 139/2 139/12 139/12
139/16 157/17 172/10 175/17
176/7 176/14 177/4 177/23
185/13 215/7 220/18 228/13
229/15 229/21 230/13 233/3
246/11 246/22 265/20 266/1
270/8
statements [21] 27/22 27/24
29/14 29/16 29/16 29/18
30/3 60/20 67/21 67/22 68/1
89/13 125/24 126/6 126/8
127/1 127/17 127/19 128/10
128/18 141/15
states [4] 179/3 198/15
198/17 257/15
stating [10] 144/15 158/17
237/18 237/20 239/15 240/9
243/22 251/6 251/21 273/4
Statutes [5] 29/9 35/8 35/20
37/24 95/25
statutorily [1] 203/7
stay [3] 11/4 188/18 189/3
stenographic [2] 132/11
277/11
stenographically [2] 132/9
277/9

S

Stephen [8] 2/12 3/15 134/12
135/15 192/7 192/21 201/21
203/3
stepped [1] 174/18
sticker [1] 169/12
still [21] 77/11 105/5
111/16 117/9 120/23 122/4
180/13 186/6 188/20 188/23
215/1 218/5 222/14 226/13
229/20 232/18 236/16 243/13
246/23 246/24 249/12
Stone [1] 202/25
stood [3] 156/18 165/9 180/5
stop [8] 53/25 60/22 65/15
177/6 178/14 179/6 226/23
226/23
stopped [2] 167/3 174/13
stopping [1] 122/11
stops [3] 53/25 65/12 65/19
stores [1] 248/14
strategy [1] 232/8
stratification [1] 203/13
street [1] 215/13
strike [3] 93/3 93/3 168/2
striking [1] 21/25
Stronger [1] 240/3
struck [1] 167/11
stuck [2] 120/19 159/1
stuff [4] 51/23 55/15 55/17
60/6
stupid [3] 94/10 139/7
250/20
subject [2] 12/19 27/24
submission [1] 262/21
submit [12] 8/25 11/15 13/3
36/16 36/21 92/13 92/14
92/17 124/1 250/24 265/8
266/12
submits [1] 12/18
submitted [19] 13/17 16/8
20/2 26/14 36/19 69/19
119/22 120/16 120/17 122/1
193/7 196/5 198/10 198/25
200/16 236/20 250/22 253/13
254/13
submitting [2] 38/21 264/8
subpoena [4] 9/23 12/21
25/18 25/23
subpoenaed [11] 10/1 11/2
12/13 12/15 12/17 24/18
24/25 25/5 25/6 25/17 33/12
subpoenas [1] 24/22
subsequent [2] 19/17 29/3
substance [1] 198/14
substantial [1] 35/4
such [9] 35/10 37/24 51/16
75/12 178/18 202/13 228/24
231/11 231/15
sufficiency [5] 89/15 89/18
91/2 127/5 203/16
sufficient [5] 79/1 91/11
125/21 251/23 252/15
suggesting [2] 90/13 193/24
suing [1] 18/2
Suite [2] 1/22 133/22
summarized [1] 58/18
summarizes [1] 266/1
summarizing [2] 265/20 270/8
summary [2] 82/15 83/10
summer [2] 175/18 212/6
Sunshine [33] 57/12 57/19

58/4 58/9 58/18 58/22 59/18
60/9 61/19 62/7 62/10 62/11
62/16 62/24 63/3 63/8 86/10
86/10 96/17 105/18 108/7
110/11 115/18 139/23 228/22
229/4 231/24 238/25 254/15
254/16 258/4 258/5 258/14
supply [1] 238/22
support [3] 124/2 170/15
175/21
supported [1] 166/4
supporter [1] 166/24
supporters [3] 166/14 175/22
178/2
supporting [7] 164/13 167/9
167/10 174/8 230/25 253/2
253/12
supports [1] 197/2
suppose [1] 191/8
supposed [9] 105/19 107/18
138/13 243/11 249/18 269/24
269/25 270/4 272/25
sure [39] 7/6 11/23 12/3
14/9 26/4 68/8 72/22 79/9
84/9 84/11 99/6 103/9 106/4
109/6 109/6 111/14 111/22
120/1 120/9 122/8 139/9
150/9 152/3 152/5 156/1
158/11 180/13 185/14 185/22
190/19 191/13 194/21 195/17
197/9 201/8 204/20 225/24
242/22 272/7
sustain [1] 77/1
swear [15] 28/2 28/6 28/13
104/17 112/19 113/19 148/16
162/3 182/2 182/8 183/16
192/14 210/21 211/1 211/5
swearing [1] 106/16
swore [3] 35/22 104/25 115/9
sworn [18] 36/5 41/5 110/8
113/24 116/14 131/12 148/12
148/22 162/9 174/3 176/14
182/14 194/17 201/23 211/11
256/10 256/23 276/12
system [3] 19/8 80/16 271/14

T

tab [29] 98/7 99/12 111/16
118/12 118/13 122/13 122/19
138/10 138/17 138/23 140/5
140/6 140/7 141/20 150/12
151/12 152/10 153/24 168/18
183/21 186/5 186/6 199/9
202/1 227/2 227/3 265/12
265/14 270/17
tabbed [2] 40/10 40/10
table [1] 226/8
tabs [1] 40/4
take [23] 31/21 66/6 79/24
81/2 85/7 113/11 114/15
127/2 128/1 129/17 129/24
155/22 158/1 163/15 210/15
212/11 226/8 233/14 233/15
251/7 265/17 266/3 267/24
taken [7] 84/11 165/1 169/12
169/14 219/8 243/21 267/20
takes [1] 88/6
taking [4] 21/13 42/17 83/12
267/6
talk [10] 10/15 15/24 38/20
40/23 58/12 175/6 190/16
214/8 267/10 268/9
talked [13] 16/22 17/1 47/21

58/3 153/16 160/13 160/15
167/15 170/25 221/5 237/24
242/17 254/21
talking [23] 45/11 47/17
49/16 65/20 70/4 70/10 78/7
97/11 98/8 121/12 152/3
157/1 168/7 193/9 215/10
221/6 236/24 241/4 244/10
252/17 253/6 253/9 271/21
talks [1] 145/2
Tallahassee [10] 1/25 2/6
2/12 2/13 6/9 133/25 134/6
134/12 134/13 205/1
tape [1] 42/22
taxes [1] 51/20
technically [1] 236/8
technology [1] 42/3
TELECONFERENCE [4] 1/12 3/1
133/12 135/1
tell [52] 33/13 48/4 49/20
56/8 56/11 62/3 67/2 67/12
71/17 74/9 85/1 93/11
106/24 113/3 115/22 116/15
116/20 116/22 118/11 119/5
121/10 143/22 151/4 152/25
156/12 165/2 166/12 173/14
183/9 184/11 184/24 194/4
195/24 196/20 198/21 202/8
211/22 213/11 213/25 217/4
221/3 221/25 222/2 222/14
223/20 226/15 234/1 237/5
238/9 255/24 267/15 268/1
telling [12] 59/6 76/2 87/17
126/11 170/6 170/7 170/10
236/19 253/19 260/14 265/21
270/9
ten [29] 36/15 63/23 72/19
72/20 73/16 73/18 77/11
77/22 77/24 85/12 86/18
89/9 93/21 97/10 129/22
150/12 163/6 222/8 265/7
266/16 268/16 269/12 269/16
270/1 270/5 271/2 272/18
273/25 274/6
ten-day [3] 269/12 270/5
271/2
term [2] 164/10 258/7
terms [22] 8/4 10/7 21/5
26/22 27/25 38/21 60/14
74/25 86/15 100/6 177/18
179/7 199/12 201/4 205/24
207/11 253/2 260/18 261/17
262/16 265/16 267/5
territory [2] 165/7 165/19
test [1] 24/21
testified [23] 41/5 47/9
51/3 55/20 56/20 57/23 62/4
79/4 113/12 127/21 148/22
162/9 169/17 182/14 198/11
201/23 203/20 206/9 211/11
241/20 247/11 256/23 258/21
testify [16] 7/20 10/9 10/19
12/17 12/22 13/2 13/7 24/19
27/11 27/17 156/20 170/24
206/13 207/9 225/21 256/8
testifying [4] 12/16 13/5
149/4 209/8
testimony [40] 3/20 23/20
28/7 28/14 35/5 36/11 37/15
84/17 94/15 96/17 96/19
125/17 125/18 126/4 126/5
126/11 135/20 138/10 148/17
149/4 149/5 161/8 161/20

T

testimony... [17] 161/21
 162/4 164/23 170/12 181/6
 181/22 181/23 182/9 187/19
 192/2 192/15 193/4 210/23
 211/6 223/12 228/16 245/4
than [27] 7/12 8/8 8/23
 13/14 15/14 22/15 32/21
 44/1 57/12 57/16 77/9 87/23
 95/4 124/6 146/6 152/5
 158/1 189/15 191/13 204/15
 218/15 222/5 222/10 225/21
 253/12 264/21 269/16
thank [96] 11/7 11/11 14/19
 18/21 23/18 24/11 26/1
 31/16 31/20 34/9 38/11 41/1
 43/11 48/1 50/15 53/13
 54/22 65/21 66/19 68/18
 71/11 72/17 72/23 72/25
 73/20 78/17 80/1 81/4 81/9
 92/3 99/10 100/19 101/5
 102/6 105/3 108/3 113/14
 118/14 121/3 123/4 128/20
 138/6 138/15 139/18 141/14
 147/4 149/9 149/13 160/23
 161/6 161/12 162/13 166/22
 172/2 181/4 181/8 181/9
 183/19 189/6 191/22 192/2
 192/4 196/15 201/11 203/25
 207/25 209/15 209/16 210/3
 210/4 210/5 210/17 211/17
 221/10 222/20 222/22 223/8
 223/12 223/13 224/18 227/10
 233/22 236/14 246/9 248/2
 249/16 254/20 254/23 260/22
 261/22 263/19 263/21 274/22
 274/23 274/24 274/25
that [1078]
that'll [2] 271/6 271/6
that's [174] 6/7 7/25 8/2
 12/12 12/20 13/9 13/10
 14/10 14/20 14/20 15/12
 18/1 18/2 18/13 19/22 19/23
 21/15 22/4 23/11 23/18
 24/12 26/25 35/2 44/22
 46/21 47/20 48/10 51/23
 53/9 53/9 54/4 56/1 57/12
 59/8 60/2 61/5 61/5 61/14
 65/3 68/13 74/19 76/11
 76/17 76/17 76/18 77/13
 79/15 80/25 81/1 81/8 81/19
 82/9 83/19 85/14 87/8 87/17
 88/4 88/7 88/8 93/21 99/1
 99/7 100/12 102/11 102/15
 103/6 105/17 105/19 106/23
 107/13 107/14 107/15 110/13
 113/23 113/23 114/23 115/11
 117/21 120/11 121/21 124/20
 125/15 125/15 126/23 127/6
 140/25 143/2 144/7 146/3
 146/7 146/10 146/11 146/15
 146/16 151/20 155/5 159/16
 160/24 163/22 165/2 169/10
 172/2 174/20 175/10 177/5
 177/15 178/10 178/23 180/23
 184/5 184/5 184/7 185/11
 187/1 187/25 190/6 190/23
 191/20 191/20 191/21 192/21
 193/19 194/1 194/2 194/3
 194/13 195/18 198/3 201/3
 205/21 207/12 219/11 220/23
 222/12 224/3 224/9 224/14

225/1 225/5 225/5 225/11
 225/14 227/18 228/4 235/18
 236/19 237/7 240/7 240/7
 243/17 243/25 244/11 245/21
 245/21 245/22 246/25 246/25
 247/8 250/6 252/13 253/9
 254/4 259/16 262/18 263/25
 265/12 266/3 267/10 269/24
 270/7 270/7 271/1 273/8
 273/18
their [14] 49/4 49/4 49/7
 51/11 51/12 53/4 53/5 53/8
 56/8 58/14 125/24 142/11
 222/19 237/1
them [88] 6/23 15/11 17/3
 17/7 17/8 17/9 17/11 19/25
 20/1 20/1 21/10 21/11 21/14
 22/9 22/10 23/5 29/16 32/9
 36/24 40/19 40/24 48/7
 48/13 48/19 49/9 51/8 56/2
 56/2 56/3 56/5 64/22 69/3
 103/7 106/1 109/5 118/21
 120/2 120/6 120/8 120/8
 120/16 120/17 120/18 120/19
 121/5 127/16 128/1 129/22
 143/22 145/12 145/22 146/10
 155/25 156/11 156/11 156/14
 157/19 157/19 163/12 167/12
 175/23 176/1 177/24 178/3
 185/9 185/11 185/18 188/19
 189/5 190/23 199/1 218/14
 218/15 219/6 229/15 229/18
 235/17 240/11 243/11 247/3
 247/5 252/9 255/3 260/13
 260/13 260/18 261/11 262/10
then [91] 7/4 7/16 8/22 10/9
 10/14 11/9 12/19 14/14 17/5
 19/24 22/10 25/18 27/3 27/6
 27/14 29/4 31/13 31/18
 33/24 34/3 40/15 40/24
 46/10 54/1 58/3 60/18 60/23
 63/9 65/12 65/20 66/25 68/1
 69/20 84/14 84/18 86/3 86/4
 90/2 102/16 107/16 107/22
 108/22 117/15 120/19 124/9
 125/10 126/9 127/2 129/23
 147/14 147/16 148/8 157/8
 160/18 164/9 164/11 166/24
 173/12 173/21 173/22 176/21
 176/22 178/1 178/1 179/4
 184/16 185/23 186/17 198/18
 209/12 209/13 212/14 214/11
 216/25 221/15 226/8 238/22
 246/2 251/5 252/3 252/11
 254/5 259/19 265/5 266/3
 267/5 267/8 269/16 269/20
 269/22 272/15
then-commissioner [1] 66/25
there [156] 7/8 8/5 9/4 9/14
 11/17 12/3 15/6 15/8 15/10
 15/18 16/1 16/22 18/15 19/1
 20/9 23/11 23/11 23/15 25/3
 25/17 27/14 27/17 27/19
 30/6 30/13 30/16 31/23
 31/25 32/20 33/1 39/19 40/1
 40/5 42/24 43/6 44/1 57/19
 60/3 60/22 62/14 63/17 65/6
 69/3 78/10 78/12 85/10 88/1
 88/16 93/2 93/7 95/22 98/23
 99/8 100/22 102/6 102/8
 104/23 110/4 112/17 115/23
 116/8 116/15 116/15 116/17
 120/1 126/19 126/20 127/1

127/9 130/7 138/18 147/6
 148/1 150/5 152/7 152/14
 153/17 153/19 154/3 154/9
 154/22 154/22 155/10 155/16
 156/17 156/18 157/9 157/25
 159/2 160/13 165/11 165/14
 166/1 167/11 168/8 170/22
 171/3 172/10 176/7 179/7
 183/20 183/23 184/3 184/23
 186/7 188/20 189/22 189/23
 189/25 198/11 200/4 202/19
 206/12 206/16 207/17 209/2
 209/23 210/18 212/10 213/9
 215/17 215/18 216/15 220/1
 221/22 225/24 226/3 226/23
 226/24 228/9 228/17 231/1
 233/19 241/23 243/22 246/2
 246/7 246/20 247/9 249/18
 255/5 255/21 255/23 255/25
 260/14 262/2 262/3 262/8
 262/12 262/13 263/2 263/14
 267/4 267/11 268/16 269/19
there's [20] 12/21 15/18
 15/21 30/2 40/1 58/23 65/7
 81/10 116/16 127/14 128/15
 158/6 176/24 214/21 215/15
 244/13 250/4 261/25 265/12
 270/17
therefor [1] 204/23
therefore [1] 90/15
thereof [1] 203/17
these [75] 11/20 17/2 19/13
 19/24 22/7 23/4 31/22 33/19
 37/11 68/4 89/12 114/20
 118/6 119/25 120/12 120/16
 125/18 127/17 129/16 146/23
 146/24 156/21 158/1 158/23
 159/2 159/3 159/4 159/7
 159/17 159/18 164/23 167/6
 180/16 184/7 187/20 204/12
 233/15 234/12 234/14 234/21
 235/14 237/20 238/18 238/18
 239/2 240/10 240/17 240/17
 240/24 240/25 243/20 243/23
 244/9 244/20 244/24 245/2
 247/3 248/9 248/10 248/12
 250/9 250/23 251/3 251/16
 253/23 254/13 254/13 254/16
 257/9 259/14 259/15 260/11
 260/14 260/17 275/3
they [93] 9/9 15/9 15/10
 16/16 17/24 21/17 35/13
 46/20 46/20 49/8 49/10 53/6
 53/7 55/5 58/25 62/23 63/8
 75/13 75/14 84/14 84/15
 97/6 102/14 102/14 102/17
 105/21 105/22 105/23 109/7
 113/20 113/21 115/2 115/2
 118/7 118/21 118/23 119/11
 120/6 120/19 125/1 126/10
 126/11 144/15 145/12 145/13
 155/20 157/6 158/3 158/24
 158/24 159/1 165/13 167/19
 177/8 180/17 180/18 185/2
 185/3 185/3 185/5 185/7
 185/7 185/17 185/18 185/25
 186/21 186/21 188/16 188/16
 188/20 188/22 207/24 209/3
 219/5 234/13 235/16 238/19
 240/8 243/24 243/24 245/20
 248/11 248/13 248/13 248/14
 248/14 251/5 252/11 253/2
 254/2 259/14 260/19 260/21

T
they're [24] 9/5 9/6 10/15
11/24 12/4 15/19 22/11 23/6
31/23 40/9 42/22 48/13
52/13 58/12 58/13 90/23
114/3 120/20 159/20 176/18
189/5 243/11 259/15 259/16
they've [2] 72/15 189/1
thing [21] 24/17 68/13 80/18
80/19 89/1 91/13 114/3
116/2 145/17 157/14 159/16
159/21 178/19 187/18 228/9
232/2 251/5 256/3 261/3
261/6 262/3
things [15] 19/14 50/4 54/19
114/20 156/21 165/14 176/18
183/18 203/10 205/10 205/16
206/18 226/2 253/25 271/22
think [48] 15/23 24/12 33/13
33/14 46/11 46/22 49/23
54/20 56/17 56/23 60/21
60/24 61/9 67/11 67/12
72/14 85/2 87/1 90/13
122/13 144/19 153/9 153/11
157/18 166/1 167/4 177/11
191/20 205/14 207/10 207/23
214/19 215/1 222/8 236/18
242/16 242/24 252/25 253/10
255/1 255/1 255/10 258/10
265/12 270/9 271/13 273/3
274/21
thinks [1] 273/3
third [1] 68/1
this [573]
Thomas [1] 262/11
those [66] 9/3 13/19 16/15
20/11 21/16 22/5 23/8 27/2
27/4 31/11 31/12 36/23
48/17 50/3 59/2 60/20 62/17
67/14 68/1 68/22 69/7 81/2
86/10 86/12 90/18 91/20
97/16 115/6 116/3 118/19
118/20 119/11 127/3 127/19
140/10 142/15 143/20 143/23
144/5 144/14 146/13 147/17
153/17 156/10 159/10 163/9
165/22 167/17 173/17 173/18
194/7 199/11 205/18 206/20
209/25 209/25 213/12 218/13
220/14 229/17 233/9 236/25
251/21 264/10 268/1 268/7
though [2] 12/10 106/4
thought [11] 9/16 64/16
102/12 102/14 102/14 146/16
174/18 177/17 225/7 230/5
252/15
three [33] 66/8 67/14 67/15
95/18 95/19 99/12 99/13
99/16 99/18 99/22 99/23
100/14 100/17 102/19 102/22
111/16 118/6 118/13 118/19
119/11 119/14 145/2 152/10
153/6 153/18 153/24 160/11
183/22 199/9 227/2 227/3
227/25 244/6
threes [1] 159/14
threw [1] 105/20
through [29] 19/7 21/14
23/14 35/4 37/15 42/24
70/13 76/16 77/16 79/25
80/16 101/10 109/7 120/2
120/8 121/4 165/23 170/12

171/20 184/5 186/19 197/22
197/24 198/9 200/10 227/19
228/8 247/3 251/19
throughout [4] 8/20 27/8
46/7 216/6
thrown [4] 110/16 110/17
236/23 251/24
thus [2] 15/13 196/2
tie [1] 68/5
time [78] 4/19 11/4 11/5
20/2 21/21 22/12 28/1 35/21
35/22 43/22 43/23 45/12
46/18 46/20 85/14 85/16
86/1 116/2 128/1 129/5
129/20 136/19 140/22 141/3
145/7 145/9 149/25 150/1
160/14 160/14 163/10 164/6
166/2 166/13 169/3 170/5
170/18 171/25 172/16 174/10
174/13 175/9 185/19 186/10
188/19 189/8 189/10 189/15
196/22 196/23 197/7 197/8
197/20 197/22 197/23 201/1
202/14 205/13 221/8 222/9
233/15 238/22 251/8 254/6
254/7 262/14 264/8 268/21
268/23 268/23 268/25 269/15
269/19 269/21 270/1 272/13
272/18 274/6
timeline [4] 86/15 87/11
87/13 199/12
timeliness [1] 25/18
timely [2] 25/23 26/15
times [8] 152/2 159/14 160/7
160/11 160/11 189/25 253/1
253/11
timing [2] 20/17 140/14
tired [1] 61/17
title [3] 78/18 108/5 115/18
today [31] 6/6 12/14 13/6
20/4 20/20 21/2 21/3 21/20
26/12 35/3 35/18 36/12
37/15 85/6 116/2 149/7
161/20 164/23 165/1 179/25
181/22 188/20 188/23 208/6
208/11 210/24 218/1 262/18
265/2 266/7 272/9
today's [1] 35/2
together [11] 58/12 59/1
62/23 87/10 102/9 102/17
106/1 157/19 159/3 159/3
257/5
told [17] 47/20 72/11 83/15
91/8 96/5 97/2 115/1 184/18
185/3 185/9 185/16 185/21
253/18 253/21 258/4 262/10
262/11
Toledo [1] 214/18
tomorrow's [1] 241/4
too [4] 124/13 128/15 176/24
207/19
took [9] 105/21 126/11
146/11 159/19 163/18 167/22
170/19 197/4 214/16
top [9] 22/16 78/15 108/4
108/7 111/11 116/3 116/14
153/2 184/7
Tor [1] 42/14
total [3] 206/25 239/24
243/12
totally [4] 51/10 62/12
145/21 240/7
touching [4] 119/2 119/11

153/1 157/25
toward [2] 214/12 223/4
towards [1] 214/18
trailing [1] 194/22
trained [2] 42/2 229/4
training [1] 41/25
transcript [32] 4/4 7/2
124/17 124/20 132/10 136/4
206/17 263/23 264/25 265/2
265/4 265/8 266/2 266/8
266/9 266/17 266/18 267/6
267/17 267/19 267/19 267/23
267/24 268/9 268/20 269/12
270/1 271/7 271/10 271/12
274/1 277/10
transparency [2] 239/24
243/12
transpired [1] 205/11
treat [2] 33/15 74/13
Tribune [1] 216/18
tried [1] 241/22
tries [1] 64/20
trouble [4] 60/4 64/11 64/17
249/2
true [11] 37/2 51/8 79/5
104/18 112/20 132/11 202/2
229/10 242/15 264/2 277/11
true-up [1] 264/2
Truesdale [1] 238/13
truth [25] 28/8 28/8 28/8
28/15 28/15 28/16 29/18
37/12 148/18 148/18 148/18
156/12 162/5 162/5 162/5
165/2 182/10 182/10 182/10
192/16 192/16 192/17 211/7
211/7 211/7
truthfully [2] 260/4 260/9
try [6] 14/17 14/17 226/9
226/17 256/14 274/11
trying [31] 21/14 21/19
21/19 37/9 43/7 43/23 52/12
53/22 57/14 63/23 64/25
75/15 76/19 82/6 83/19
83/20 84/21 87/9 95/8 96/21
107/2 107/3 109/14 177/24
178/4 185/12 185/14 190/19
231/18 232/7 251/7
Tuesday [2] 234/17 234/22
turn [15] 27/3 27/14 34/4
71/14 74/23 100/22 113/13
141/19 147/15 152/16 153/21
154/7 186/5 225/17 261/25
turned [3] 174/1 214/12
219/22
turning [1] 263/20
two [39] 20/11 21/22 23/13
31/1 40/13 49/19 58/23
62/21 65/19 97/4 97/16
101/18 107/24 110/1 116/3
116/14 124/17 124/19 125/15
128/17 128/22 138/10 138/18
149/25 150/1 155/10 158/23
159/2 175/22 176/18 178/1
209/3 213/9 213/12 243/4
250/9 253/24 262/4 262/5
type [4] 131/24 165/4 265/1
276/24
typed [1] 53/4
types [1] 165/13
typical [4] 154/16 154/23
209/23 209/25
typically [2] 10/8 25/15
typing [1] 186/18

U	us [22] 21/16 39/8 57/3 68/24 81/12 148/2 148/24 162/11 166/12 167/2 174/13 174/14 176/22 179/6 180/11 182/16 192/20 211/13 211/22 213/11 268/11 272/8	visits [1] 213/8 voice [4] 11/23 56/15 194/21 202/12 voiced [1] 166/21 VOLUME [3] 1/5 130/8 133/5 volun [1] 177/2 voluntarily [2] 12/18 13/3 voluntary [1] 12/24 volunteer [3] 175/19 178/21 219/25 vote [4] 142/2 142/3 142/4 257/16 voted [2] 34/18 142/22 voting [5] 66/17 142/10 142/13 142/13 166/20
uh [12] 18/23 46/3 47/11 105/10 110/5 118/8 146/20 151/25 154/15 172/14 252/24 257/20	use [8] 23/15 58/14 101/4 138/11 229/9 249/14 259/3 265/16	W
uh-huh [12] 18/23 46/3 47/11 105/10 110/5 118/8 146/20 151/25 154/15 172/14 252/24 257/20	used [13] 17/25 123/14 146/11 146/13 146/14 151/7 179/8 230/9 230/10 230/15 230/17 230/18 230/18	wait [30] 17/19 17/19 17/19 45/3 45/3 45/3 45/12 45/19 55/5 65/15 118/11 118/11 118/11 173/1 173/1 173/1 173/1 198/6 198/6 198/6 226/6 226/6 226/6 226/7 255/19 255/19 261/4 261/4 261/4 261/4
ultimately [1] 13/25	uses [1] 155/24	waiting [2] 10/14 190/22
unanimously [1] 34/18	using [2] 146/9 249/15	waiver [4] 4/8 136/8 224/8 224/11
under [28] 27/22 27/24 29/25 34/1 39/3 78/18 78/20 83/9 101/18 104/15 106/14 113/6 113/19 115/9 115/22 116/14 146/16 148/8 161/24 199/9 205/6 226/13 227/2 233/21 242/14 256/11 260/5 265/5	usually [1] 214/21	walked [4] 160/13 176/16 176/19 177/25
underneath [3] 112/19 116/5 233/21	V	walking [5] 175/20 178/8 178/24 178/25 180/6
understand [52] 6/19 6/21 6/24 7/8 7/23 8/16 15/14 32/20 33/1 52/8 61/9 61/20 61/25 65/14 67/10 68/14 74/21 75/19 75/24 76/19 85/3 88/8 89/3 95/9 96/3 96/4 96/6 104/1 107/1 109/2 121/6 121/7 144/16 145/20 145/21 171/2 175/10 227/17 231/2 231/15 237/2 252/21 269/1 269/5 269/23 269/25 270/3 272/21 272/23 272/24 273/6 274/17	vague [1] 19/15	walking door [1] 178/24
understanding [8] 20/3 26/20 28/23 52/16 76/1 81/1 129/18 193/20	vagueness [1] 20/21	want [52] 6/18 11/23 15/7 15/11 16/2 18/13 23/16 24/2 26/4 30/17 38/8 40/23 41/22 42/23 58/2 59/16 63/9 63/22 68/7 72/2 80/16 81/12 85/1 88/10 101/3 106/3 106/24 116/1 118/15 122/10 138/19 144/4 150/9 160/22 164/22 176/7 180/8 186/21 193/1 193/21 197/9 206/14 209/14 229/17 235/13 242/13 247/4 249/14 253/14 253/25 254/25 272/8
understood [7] 84/5 85/22 95/19 102/20 126/19 197/10 254/17	value [5] 90/21 124/24 125/15 224/6 225/11	wanted [25] 15/22 18/15 26/9 53/7 84/11 103/9 106/9 110/24 111/6 122/8 126/24 145/17 158/1 167/7 171/2 185/7 188/21 209/13 217/25 240/12 244/25 245/5 245/15 255/10 264/6
unfortunately [1] 205/3	Vanessa [3] 51/14 53/21 54/6	wanted [3] 115/25 185/3 228/6
union [4] 4/24 136/24 220/12 238/13	variety [1] 165/6	wants [5] 32/24 64/22 176/25 239/16 268/14
unless [4] 33/3 60/17 127/14 254/1	various [1] 22/6	was [444]
until [10] 11/3 13/24 45/12 45/19 87/4 88/5 117/25 168/4 170/11 185/19	vehemently [1] 167/5	wasn't [29] 12/23 13/24 16/25 18/5 19/22 25/23 55/14 84/8 84/14 102/12 102/20 103/22 109/5 109/6 124/10 143/5 143/7 143/17 159/2 160/12 169/13 173/13 178/15 179/13 213/16 245/18 248/12 249/15 267/20
untruthful [1] 240/5	vehicle [5] 170/22 170/25 171/3 174/11 214/21	watch [2] 42/23 218/19
unusual [5] 153/6 153/11 166/8 213/7 231/1	Venice [2] 132/17 277/17	watched [1] 218/17
up [66] 10/24 11/10 11/20 11/23 14/2 15/6 16/8 17/16 23/15 27/6 27/25 41/24 45/4 50/17 53/21 53/24 64/17 85/17 91/16 98/5 116/19 116/19 116/20 116/22 117/10 120/9 120/21 127/14 145/12 157/7 157/11 157/19 159/17 161/2 165/25 172/4 174/17 176/16 176/19 177/25 180/25 183/21 194/21 197/3 197/24 199/18 202/12 205/3 213/3 213/24 219/8 236/17 243/25 245/13 246/16 247/12 252/6 256/1 256/16 263/12 264/2 264/10 265/1 271/13 271/17 272/15	verified [3] 106/11 106/23 151/7	watching [2] 163/12 212/7
upcoming [1] 171/19	verify [7] 98/11 106/9 110/24 111/6 120/15 138/19 151/13	water [1] 53/10
update [1] 196/5	versus [3] 6/7 12/16 90/12	way [23] 6/14 14/24 26/18 27/22 37/10 42/5 87/13 152/9 155/2 157/25 158/6
uploaded [1] 19/22	very [23] 19/15 42/7 42/11 42/11 51/3 54/13 56/21 72/3 75/25 85/21 86/6 89/21 165/9 179/10 179/15 180/4 180/7 214/11 214/13 215/13 231/5 254/21 260/8	
upon [6] 21/6 100/7 172/11 174/5 194/10 266/8	VIA [4] 1/12 3/1 133/12 135/1	
	video [5] 1/12 3/1 6/14 133/12 135/1	
	videos [2] 218/17 218/19	
	view [2] 188/19 188/21	
	viewing [1] 189/12	
	violate [4] 143/18 145/5 146/7 231/11	
	violated [14] 58/4 62/10 62/10 63/7 91/5 91/7 91/13 103/13 115/10 124/3 139/23 140/18 146/2 252/5	
	violating [2] 62/16 63/2	
	violation [10] 29/2 29/19 62/7 62/24 68/2 83/11 105/6 105/18 171/14 229/6	
	violations [27] 37/23 58/19 60/9 61/19 84/5 85/23 86/10 91/15 91/17 95/19 102/22 108/8 109/3 110/4 110/8 110/22 115/10 115/19 117/16 139/20 142/18 145/2 219/3 230/25 231/23 254/15 254/16	
	violent [5] 177/23 179/10 179/11 179/11 179/12	
	visibility [1] 228/25	
	visit [1] 166/9	
	visited [2] 153/15 213/13	
	visiting [2] 166/6 216/6	

W

way... [12] 165/22 166/4
 166/23 177/6 178/14 189/25
 249/1 252/19 264/18 264/23
 268/16 274/15
 ways [1] 176/24
 we [119] 6/13 7/11 8/22
 10/17 11/23 13/13 14/9
 14/14 15/14 16/3 20/3 22/4
 22/10 23/24 23/25 30/1 30/2
 35/18 38/13 38/19 38/21
 49/21 59/16 59/24 63/16
 67/7 70/4 72/11 77/11 79/24
 81/2 81/13 81/24 82/9 85/8
 92/23 95/21 97/1 98/8
 104/12 105/10 106/13 106/15
 108/25 109/10 109/10 109/25
 110/14 111/14 112/16 114/8
 117/14 120/25 121/12 122/10
 124/13 124/13 126/18 126/19
 126/20 126/21 129/4 139/8
 140/3 146/23 150/19 152/10
 153/15 153/21 155/7 155/15
 163/21 164/19 165/6 165/25
 166/15 166/16 166/21 167/1
 167/3 173/15 174/10 174/11
 174/13 174/18 177/6 177/6
 178/13 178/25 179/1 183/14
 183/15 183/15 186/20 186/22
 189/5 195/18 199/19 200/20
 201/17 202/21 210/11 215/1
 221/13 222/4 222/8 224/1
 228/8 229/17 235/16 240/18
 242/17 243/7 255/7 263/2
 264/18 273/5 273/22 274/21
 we'll [19] 10/24 11/9 22/4
 27/8 40/24 60/22 61/6 74/23
 81/1 100/14 130/6 148/8
 201/3 201/8 201/8 207/12
 229/18 267/8 274/14
 we're [53] 6/2 6/21 10/6
 18/2 18/8 23/13 26/4 26/18
 32/1 33/21 33/21 38/23
 50/17 63/19 67/7 70/3 77/22
 77/22 85/6 85/12 86/16 92/9
 98/7 101/10 103/10 105/5
 109/14 110/17 111/4 114/15
 118/13 129/4 129/9 138/3
 138/13 138/17 144/7 146/22
 150/9 150/21 169/21 199/18
 210/19 226/9 229/14 233/23
 236/10 236/15 244/10 255/21
 266/6 272/24 273/21
 we've [7] 10/18 13/14 30/12
 163/11 164/17 236/16 254/19
 website [6] 188/16 188/18
 218/4 234/4 265/11 270/14
 week [2] 220/1 220/2
 weeks [2] 152/4 215/15
 weight [2] 237/7 260/18
 welcome [6] 11/2 105/4 148/6
 201/12 260/23 275/1
 well [113] 8/5 8/11 8/13
 8/15 8/19 9/11 9/21 10/4
 10/6 12/5 12/12 13/11 15/10
 17/1 17/3 23/23 25/10 27/17
 28/21 30/11 32/19 35/5
 37/13 40/21 44/24 44/25
 46/18 49/3 49/3 49/7 56/23
 57/4 57/24 60/13 65/18
 70/19 72/5 72/8 75/8 76/6
 86/14 88/3 88/19 89/9 89/10

89/12 90/24 102/4 106/11
 107/5 109/5 110/16 113/23
 114/14 115/13 126/8 127/20
 129/19 141/23 142/15 143/4
 143/7 144/9 144/10 144/21
 151/4 152/14 153/9 157/4
 159/7 159/13 160/19 164/5
 165/11 165/18 166/5 166/7
 169/2 169/25 170/22 178/5
 178/21 179/3 179/13 180/21
 189/4 193/9 193/19 194/1
 198/4 204/5 206/11 206/19
 215/1 215/13 223/24 228/4
 229/14 233/1 236/8 237/25
 238/20 245/14 246/16 250/1
 250/5 250/15 260/16 262/16
 263/12 264/18 264/23 266/11
 well-known [1] 215/13
 went [17] 48/15 64/24 94/19
 102/9 166/15 166/18 166/23
 200/20 202/24 208/19 208/19
 220/10 220/10 221/7 222/10
 241/15 247/3
 were [125] 9/16 14/23 16/2
 17/20 19/14 20/1 20/2 20/23
 21/13 21/17 21/17 26/11
 29/15 29/18 34/14 35/13
 43/7 44/1 46/9 46/10 46/20
 49/15 49/19 52/18 52/20
 59/1 60/3 62/14 62/22 63/2
 63/8 67/22 68/2 69/3 69/8
 69/12 82/9 85/18 90/6 90/6
 97/6 102/13 102/14 102/14
 102/17 104/1 110/8 120/6
 127/17 131/12 138/18 140/21
 141/2 144/12 144/15 145/12
 145/13 145/21 163/1 166/16
 167/18 167/19 171/13 172/22
 174/11 175/20 177/8 177/17
 178/8 178/13 178/25 180/16
 180/17 185/2 189/22 193/10
 194/7 202/21 206/11 206/16
 206/16 212/16 212/21 213/10
 213/17 213/25 214/2 214/2
 214/3 216/11 217/1 219/21
 220/9 220/11 220/12 220/12
 220/17 221/6 222/11 226/4
 226/16 231/5 234/12 234/13
 234/14 235/15 240/10 240/17
 240/24 243/24 244/20 248/9
 248/10 248/10 248/11 248/13
 248/14 248/14 248/15 251/2
 254/14 263/2 264/17 275/3
 276/12
 weren't [5] 33/11 102/13
 159/2 159/3 269/8
 West [5] 2/8 39/12 134/8
 166/16 172/11
 what [312]
 what's [48] 8/12 20/15 25/10
 30/10 31/7 49/11 49/11
 58/13 59/14 59/25 74/14
 82/12 83/7 86/22 87/18 89/6
 89/6 92/1 100/10 108/17
 116/7 119/15 119/16 143/14
 147/10 147/23 160/4 169/9
 179/19 179/19 179/22 183/2
 193/13 200/1 204/9 207/2
 227/3 234/16 237/11 239/8
 243/18 257/13 258/22 261/24
 263/22 264/25 265/8 270/6
 whatever [9] 21/18 82/20
 94/19 201/9 242/1 263/1

266/20 266/22 272/12
 whatsoever [3] 124/25 125/25
 236/1
 when [108] 10/24 11/9 15/3
 18/4 19/17 20/8 20/24 22/4
 23/24 27/5 27/10 33/10
 42/16 42/16 42/16 42/18
 43/7 46/9 47/10 53/1 53/25
 57/4 57/5 57/9 60/16 60/20
 64/19 65/16 69/12 69/12
 69/12 71/25 75/12 79/24
 81/2 85/8 86/16 88/4 94/6
 97/12 109/1 109/7 118/20
 120/19 124/8 143/21 146/23
 153/15 154/17 155/7 156/9
 163/13 163/13 163/22 165/5
 166/18 166/19 167/3 171/18
 172/18 172/19 172/22 173/23
 175/18 176/25 177/1 178/13
 180/2 184/18 185/17 186/21
 188/11 190/15 190/25 198/19
 199/13 199/13 200/6 200/16
 200/25 202/23 212/4 212/24
 216/15 218/17 219/20 222/11
 229/17 245/19 246/7 248/10
 248/22 251/5 251/9 251/16
 252/11 253/2 253/23 254/14
 254/17 260/20 261/6 266/4
 266/8 267/15 268/4 271/9
 272/1
 whenever [2] 40/23 271/14
 where [53] 10/18 19/7 19/23
 22/5 23/24 43/7 52/18 62/25
 63/1 77/22 79/13 79/16
 81/24 82/9 82/22 82/23 83/9
 85/12 92/8 93/11 93/20 99/4
 99/6 99/14 117/21 118/10
 121/13 150/19 153/8 154/5
 154/22 155/10 173/14 195/18
 203/9 205/19 209/23 214/15
 221/24 222/1 222/2 227/18
 234/4 248/6 248/7 248/19
 250/6 251/12 255/7 267/6
 267/22 271/14 274/5
 wherein [1] 175/20
 whether [16] 12/5 22/11
 34/24 37/21 55/3 55/9 60/15
 60/23 67/19 76/14 100/8
 125/8 125/20 185/9 228/21
 236/10
 which [63] 16/11 17/4 17/4
 19/3 30/1 35/24 36/2 37/7
 39/20 39/23 48/6 49/19
 55/19 77/9 84/9 86/20 87/5
 87/20 87/22 91/15 94/19
 97/10 105/12 107/9 109/6
 110/7 114/15 117/19 118/16
 119/5 146/12 152/24 160/20
 167/21 168/1 173/25 174/13
 177/25 187/14 196/24 197/24
 199/3 202/21 203/6 204/14
 205/3 213/3 223/24 227/24
 230/19 232/8 234/6 234/7
 235/15 236/2 241/25 242/14
 244/5 251/2 252/2 259/10
 259/24 264/2
 while [4] 26/10 149/6 177/8
 216/5
 white [2] 121/1 121/18
 whited [1] 120/25
 who [60] 6/13 9/11 10/18
 15/14 24/23 30/14 31/4 31/5
 31/7 38/9 38/24 46/4 46/4

W	39/15 41/4 59/10 79/22 131/14 138/14 140/13 147/20 148/11 148/15 148/21 156/4 158/7 160/1 161/11 161/24 162/2 162/8 168/7 168/24 168/25 169/7 169/17 169/18 170/7 170/24 171/7 171/8 172/5 173/4 175/3 176/10 177/12 177/19 181/10 182/7 182/13 187/19 190/9 192/6 193/2 193/2 201/22 211/1 211/4 211/10 247/22 247/22 256/22 276/14	write [4] 64/22 83/14 260/20 273/13 writing [4] 5/4 47/6 116/7 137/4 written [5] 107/10 154/10 241/4 265/20 270/8 wrong [6] 77/20 79/10 80/21 94/17 94/21 209/2 wrongdoing [1] 242/12 wrote [9] 102/6 102/8 107/16 107/17 115/2 184/22 203/7 251/12 252/11 WW [1] 230/21 www [1] 234/8 wwwLindaYates [1] 237/19
who... [47] 46/17 46/19 46/20 47/19 49/2 49/6 49/21 51/13 54/7 59/5 59/12 59/13 59/18 60/10 63/8 74/9 74/16 74/25 75/9 94/7 147/19 161/10 161/14 161/22 164/8 168/6 168/11 168/23 172/12 172/15 172/18 174/6 174/7 175/19 175/20 181/10 182/25 185/20 191/5 191/12 192/5 208/13 217/12 217/15 222/2 222/14 250/3	witness's [1] 170/15 witnessed [1] 32/13 witnesses [48] 7/12 8/4 8/6 8/22 8/25 9/3 10/16 10/18 11/16 11/20 15/10 15/17 23/15 25/7 26/13 26/23 27/1 27/3 27/5 27/10 30/18 32/5 33/13 38/7 38/14 38/15 129/10 129/17 129/21 129/23 147/12 147/14 147/16 147/17 149/6 161/8 161/21 181/7 181/24 192/2 209/25 210/1 210/7 210/24 223/12 223/14 225/21 261/14	X
whole [15] 28/8 28/15 40/22 116/1 148/18 162/5 165/6 165/14 165/19 182/10 192/16 211/7 243/14 252/9 252/10	witnessing [1] 24/20 WKDW [1] 219/25 woman [2] 94/18 97/4 won [9] 64/9 77/15 77/18 78/8 79/4 79/8 97/3 97/17 117/20	Xerox [1] 158/14 xeroxed [1] 157/18
whom [2] 101/21 204/13 whose [2] 126/3 164/3 why [75] 18/2 31/23 33/14 54/12 54/15 55/13 55/23 64/12 64/18 65/3 65/18 70/18 74/23 75/1 75/8 75/9 76/1 76/2 76/11 77/19 85/6 85/13 88/9 89/3 89/4 90/18 97/3 97/22 97/22 99/1 99/7 102/11 102/15 105/19 110/12 110/13 113/3 113/6 115/6 117/4 120/4 120/13 121/5 124/9 139/4 140/25 144/13 144/16 146/15 159/17 167/25 170/16 172/22 179/25 179/25 185/11 190/17 190/23 194/4 235/13 237/20 250/10 250/22 250/22 251/2 251/2 252/3 252/13 253/14 253/15 265/21 265/23 267/6 270/9 273/2	won't [4] 59/11 243/14 255/2 261/10 word [3] 17/25 179/12 268/4 work [8] 103/20 149/20 186/19 204/4 205/5 231/25 232/6 232/14	Y
widely [1] 231/9 widening [2] 221/7 221/9 will [63] 7/8 10/13 10/25 13/7 22/9 23/25 24/10 26/21 27/1 27/17 27/23 28/7 28/15 30/1 35/3 35/25 36/11 37/16 38/13 38/19 38/20 39/17 54/9 60/23 86/18 91/21 100/8 127/2 129/22 129/23 143/23 148/17 162/4 164/23 165/2 182/9 183/7 183/8 183/8 192/13 192/16 195/12 205/2 211/6 221/23 245/1 245/5 247/21 260/4 260/5 260/6 262/13 262/17 264/19 265/4 265/14 266/6 266/7 266/12 266/14 267/7 271/11 272/13	worked [1] 54/18 working [4] 16/25 41/20 164/9 164/14 works [1] 264/23 worries [1] 64/24 worry [1] 65/3 would [101] 16/14 24/20 28/3 32/18 33/23 35/14 38/25 39/7 47/19 51/4 51/8 57/2 57/11 58/1 62/25 71/24 77/19 89/8 90/19 97/3 97/22 97/22 109/24 110/14 113/11 120/3 120/4 120/4 120/9 120/11 120/13 139/2 139/4 140/5 148/13 150/13 153/6 153/7 153/9 153/11 154/16 154/24 155/1 155/3 155/5 155/24 157/20 159/17 160/18 161/23 161/25 162/10 164/20 164/21 165/13 166/20 166/21 172/19 180/3 181/12 182/5 182/15 185/10 185/17 186/11 186/13 187/18 191/10 193/12 193/25 193/25 195/2 202/1 203/11 205/4 210/1 211/2 211/12 214/23 215/17 218/1 218/1 220/21 231/6 231/16 236/3 236/3 239/14 239/17 240/1 241/21 244/1 247/2 247/10 250/10 252/8 255/15 256/13 265/17 267/1 267/20 wouldn't [7] 110/14 125/14 159/11 159/12 206/24 249/11 260/11	yard [1] 214/20 YATES [224] 1/4 2/4 2/15 3/6 3/8 3/9 3/11 3/13 3/15 3/16 3/18 3/19 3/21 3/22 4/20 6/7 6/9 6/12 7/1 7/13 8/23 11/14 11/23 14/2 14/3 14/24 15/5 17/16 18/11 18/24 19/9 20/8 22/14 24/24 25/7 26/8 26/21 28/10 28/25 29/7 29/21 31/12 32/3 33/9 34/8 38/9 39/14 44/15 45/22 46/1 46/8 46/14 52/2 52/14 53/17 54/12 56/5 57/1 61/8 63/14 63/25 64/19 65/19 66/1 66/25 67/5 70/10 70/22 73/1 74/23 80/6 82/12 83/7 83/23 84/9 84/16 84/22 85/11 87/17 88/10 88/19 89/7 96/19 97/2 101/13 104/5 104/20 106/22 108/9 108/10 115/20 117/11 119/25 121/7 122/2 122/7 123/11 126/17 133/4 134/4 134/15 135/6 135/8 135/9 135/11 135/13 135/15 135/16 135/18 135/19 135/21 135/22 136/20 138/4 142/6 143/22 144/6 144/18 146/17 147/11 147/20 148/9 149/10 157/16 157/23 158/17 161/3 162/14 169/3 171/4 174/1 174/8 175/13 177/18 180/2 180/8 180/25 181/11 182/18 184/6 191/23 192/24 194/18 194/22 195/12 197/19 205/21 208/9 208/14 208/15 209/10 210/4 210/7 211/16 212/19 213/2 213/21 214/10 215/11 216/2 220/3 223/6 223/15 224/24 226/19 226/24 229/11 230/1 230/2 230/6 230/9 231/18 232/6 232/11 235/10 235/19 238/5 238/12 238/16 240/22 240/24 241/10 241/22 242/4 245/1 245/12 246/4 247/9 247/20 248/1 248/3 248/10 250/7 254/1 254/9 255/11 255/24 256/6 256/7 256/10 256/21 257/1 257/19 258/2 258/3 259/1 259/22 259/24 260/4 261/9 261/25 262/10 263/20 264/13 264/23 264/24 265/3 265/22
whom [2] 101/21 204/13 whose [2] 126/3 164/3 why [75] 18/2 31/23 33/14 54/12 54/15 55/13 55/23 64/12 64/18 65/3 65/18 70/18 74/23 75/1 75/8 75/9 76/1 76/2 76/11 77/19 85/6 85/13 88/9 89/3 89/4 90/18 97/3 97/22 97/22 99/1 99/7 102/11 102/15 105/19 110/12 110/13 113/3 113/6 115/6 117/4 120/4 120/13 121/5 124/9 139/4 140/25 144/13 144/16 146/15 159/17 167/25 170/16 172/22 179/25 179/25 185/11 190/17 190/23 194/4 235/13 237/20 250/10 250/22 250/22 251/2 251/2 252/3 252/13 253/14 253/15 265/21 265/23 267/6 270/9 273/2	widely [1] 231/9 widening [2] 221/7 221/9 will [63] 7/8 10/13 10/25 13/7 22/9 23/25 24/10 26/21 27/1 27/17 27/23 28/7 28/15 30/1 35/3 35/25 36/11 37/16 38/13 38/19 38/20 39/17 54/9 60/23 86/18 91/21 100/8 127/2 129/22 129/23 143/23 148/17 162/4 164/23 165/2 182/9 183/7 183/8 183/8 192/13 192/16 195/12 205/2 211/6 221/23 245/1 245/5 247/21 260/4 260/5 260/6 262/13 262/17 264/19 265/4 265/14 266/6 266/7 266/12 266/14 267/7 271/11 272/13	willing [2] 13/3 180/4 win [3] 97/19 97/20 97/24 window [1] 174/17 wish [2] 33/16 120/3 wishes [1] 262/1 within [5] 89/14 105/6 106/5 194/2 204/23 without [10] 6/17 65/2 66/10 89/18 155/24 239/23 245/1 245/1 260/2 260/15 witness [80] 7/15 8/16 9/19 9/21 9/22 10/3 10/9 10/10 10/13 11/9 12/10 12/14 23/12 24/21 24/24 25/10 25/15 25/16 25/16 25/19 25/22 26/13 27/7 28/5 28/12 33/16 34/1 38/9 38/16 38/24

Y

YATES... [6] 265/24 266/19
 269/4 270/9 272/6 274/20
Yates' [14] 7/25 17/12 23/3
 39/25 175/16 227/5 229/9
 230/22 231/7 232/20 234/2
 243/9 262/4 269/9
Yates.com [2] 237/19 258/3
yeah [37] 23/18 30/16 33/7
 43/20 44/6 44/6 53/3 71/23
 80/13 80/25 83/3 101/16
 107/12 107/25 128/13 150/19
 155/13 191/20 199/9 202/6
 202/16 214/17 215/9 218/14
 224/5 244/2 244/2 244/14
 252/7 259/3 271/6 271/18
 271/23 273/10 273/16 273/18
 274/11
year [7] 43/21 107/12 154/9
 157/1 165/18 167/13 190/3
years [19] 37/8 41/12 46/7
 49/21 65/2 69/17 69/22
 72/11 72/15 97/5 149/25
 150/2 163/1 163/6 164/18
 180/5 183/7 183/8 212/3
yellow [5] 233/19 234/13
 249/13 249/14 257/2
Yep [2] 119/1 246/9
yes [406]
yet [7] 38/23 109/8 185/11
 195/15 229/15 255/21 260/10
you [1214]
you'd [8] 45/2 101/14 207/18
 225/25 255/5 255/11 255/23
 255/25
you'll [12] 7/4 14/7 27/13
 28/2 44/3 210/25 218/4
 237/21 266/24 267/10 271/1
 272/1
you're [107] 6/9 9/19 9/21
 11/2 11/3 11/5 14/2 15/3
 15/23 28/7 28/14 29/21
 33/10 33/15 34/2 41/16
 41/20 42/7 42/11 42/11 44/2
 48/2 49/16 50/4 53/1 54/6
 55/16 55/25 57/18 64/15
 76/2 78/7 84/21 90/13 93/22
 101/22 102/20 103/13 103/14
 103/15 105/4 105/18 107/3
 112/7 118/12 126/15 146/18
 146/25 148/17 152/3 154/17
 156/20 157/1 160/19 161/6
 161/7 161/20 162/4 169/3
 173/18 173/20 177/12 181/22
 182/9 191/13 191/25 192/1
 192/15 193/22 193/23 194/5
 194/22 197/5 197/6 198/21
 200/24 201/9 201/12 211/6
 214/18 218/18 223/10 223/11
 225/20 226/10 228/2 234/24
 246/23 248/7 249/4 252/17
 254/15 256/7 260/23 265/16
 267/16 267/16 267/18 268/4
 270/2 270/4 271/21 272/10
 273/1 273/4 273/22 275/1
you've [25] 9/25 9/25 39/2
 42/25 43/5 46/6 46/8 46/23
 49/20 52/1 58/15 99/10
 113/24 113/24 119/6 152/9
 156/24 170/19 171/6 173/4
 175/5 194/17 207/11 258/5
 264/21

your [468]

yours [5] 17/12 105/21
 105/21 139/3 268/13
yourself [11] 7/12 8/8 8/23
 33/11 48/15 214/9 225/22
 249/18 265/13 270/20 274/5
yourvoice [1] 237/19

Z

ZIP [2] 101/19 101/24

1
2
3
4
5
6
7
8
9
10
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12
13
14
15
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CASE NO: 17-1593F

LINDA YATES,

Petitioner,

VOLUME II OF II

v.

KATHY SCHURE,

Respondent.

FILED
2017 JUL 10 PM 12:17
DIVISION OF HEARINGS
ADMINISTRATIVE HEARINGS

HEARING VIA VIDEO TELECONFERENCE

BEFORE THE HONORABLE LINZIE F. BOGAN

REPORTED BY: JULIE K. HARVEY, RPR, FPR
A-1 Court Reporting
P. O. Box 2005
Sarasota, FL 34230

DATE: June 14, 2017
Commencing at 1:15 p.m.

PLACE: Office of the Judge of
Compensation Claims
6497 Parkland Drive
Suite M
Sarasota, Florida 34243

Division of Administrative
Hearings, DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

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APPEARANCES:

LINDA YATES, PRO SE
6475 Munsing Avenue
North Port, Florida 34286
Appearing on behalf of Petitioner
(Tallahassee location)

KATHY SCHURE, PRO SE
3720 West Price Boulevard
North Port, Florida 34286
Appearing on behalf of Respondent
(Sarasota location)

ALSO PRESENT:

Stephen Marc Slepín, Esquire
(Tallahassee location)

Connie Brunni (Tallahassee location)

Cheryl Cook (Sarasota location)

Mark Yates (Sarasota location)

Charlene Kellerhur (Sarasota location)

Rebecca Cyphert (Sarasota location)

1 **HEARING VIA VIDEO TELECONFERENCE**2 **BEFORE THE HONORABLE LINZIE F. BOGAN**3 INDEX

4			
5	<u>Examination</u>		<u>Page Number</u>
6	<u>Opening Statement</u>		
7		by Ms. Yates	34
8	<u>Kathy Schure</u>		
9	Direct,	by Ms. Yates	41
10	<u>Joy Lynn Crowley</u>		
11	Direct,	by Ms. Yates	149
12	Cross,	by Ms. Schure	156
13	<u>Kathryn L. Lanza</u>		
14	Direct,	by Ms. Yates	162
15	Cross,	by Ms. Schure	172
16	<u>Patsy Craft Adkins</u>		
17	Direct,	by Ms. Yates	182
18	Cross,	by Ms. Schure	190
19	<u>Stephen Marc Slepín</u>		
20	Direct,	by Ms. Yates	202
21	Cross,	by Ms. Schure	208
22	Redirect,	by Ms. Yates	209
23	<u>Cory Hutchinson</u>		
24	Direct,	by Ms. Yates	211
25	Cross,	by Ms. Schure	219
	Redirect,	by Ms. Yates	223
	<u>Kathy Schure</u>		
	Direct Testimony		228
	Cross,	by Ms. Yates	248
	<u>Linda Yates</u>		
	Direct,	by Ms. Schure	257
	Certificate of Oath		276
	Certificate of Reporter		277

<u>EXHIBITS</u>		
<u>Number</u>	<u>Description</u>	<u>Admitted</u>
<u>Petitioner's</u>		
2	Transcript of 2/28/17 hearing	128
3	Petition for Costs & Attorney's Fees	100
4	Notice of Release of Counsel	201
5	10/25/16 Meeting Minutes	188
6	Waiver of Confidentiality	224
7	10/20/16 letter to Ms. Schure from Florida Elections Commission	123
9	Florida Elections Commission Confidential Complaint Form	91
10	Commission on Ethics Complaint 16-100	73
12	Certification of Registration	143
13	Official Candidate Petition Certification	71
14	Official Sample Ballot	141
17	Mr. Slepkin's Resume	195
18	Affidavit of Attorney's Time and Fees	199
19	Affidavit of Linda Yates	196
<u>Respondent's</u>		
A	Election Flyer	237
B	2010 email blast	238
C	Email re union business	239

EXHIBITS (cont'd)

<u>Number</u>	<u>Description</u>	<u>Admitted</u>
D	Email re Joe, pawn dealer	240
E	Citizen writing re bond reading	241
F	Jacqueline Moore check	243
I	Email from Kathy Lanza	242

P R O C E E D I N G S

(1:15 p.m., June 14, 2017.)

THE COURT: We're back on the record. All right. Ms. Yates, continue with your questioning of Ms. Schure.

MS. YATES: Thank you, your Honor. I just have a couple more questions here.

DIRECT EXAMINATION (cont'd)

BY MS. YATES:

Q Going to tab number two for the testimony --

A Can I use your --

MR. YATES: The book?

THE WITNESS: We're supposed to have it for the witness, please.

Thank you.

BY MS. YATES:

Q All right. Ms. Schure, we're in tab number two, LY-11. You mentioned that there were some discrepancies, so I just want to verify.

A LY-11.

Q If you look at line number 17 of LY-11 --

A Yes, ma'am.

Q -- tab -- line number 17 and 18 --

A Okay.

Q -- it says, "It had nothing to do with the

1 election, if you read my compliant."

2 Would you agree that is an accurate statement
3 of yours?

4 A Yes. Why would I have anything to do with an
5 election?

6 Q Okay. Ms. Schure --

7 A Stupid.

8 Q -- if we go to page number 12 --

9 A Sure.

10 Q -- LY-12, look at line number eight and nine.

11 A Okay.

12 Q Your statement -- your statement was, "I have
13 the right as a concerned citizen to bring it to the
14 proper authorities."

15 A Yes, ma'am.

16 Q Is that an accurate statement?

17 A Yes, ma'am.

18 Q Okay. Thank you.

19 Ms. Schure, your Complaint that you filed
20 against me for violations of election law claiming I
21 was a candidate, did you file -- did you file any kind
22 of complaint with the State Attorney's Office with your
23 attachment that had said also that I violated Sunshine
24 and Ethics Laws?

25 A No, ma'am.

1 Q Okay.

2 A But I'm going to.

3 Q Ms. Schure, if -- if we --

4 Your Honor, I guess I have to add this into
5 evidence. It would be tab number 14.

6 THE COURT: 14. Okay. What is tab 14?

7 MS. YATES: Tab number 14, your Honor, is the
8 official sample ballot that was sent out for the
9 primary election in 2016, and the first page of
10 this shows the mail-out date for those sample
11 ballots.

12 THE COURT: Okay. What does this have to do
13 with this witness and this case?

14 MS. YATES: It has to do with the timing,
15 your Honor. It has to do with the material false
16 allegations of claiming on her Complaint,
17 Elections Complaint, that I was a candidate. She
18 did state I was a candidate that had violated
19 Chapters 104 and 105.071 and 106 of the election
20 law.

21 THE COURT: What -- what were you at the
22 time?

23 MS. YATES: I was a city commissioner.

24 THE COURT: Okay.

25 MS. YATES: I was -- that's why this is

1 pertinent. I was not on this ballot.

2 THE COURT: You were a public official at the
3 time the Complaint was filed?

4 MS. YATES: Yes, your Honor.

5 THE COURT: Okay. Any objection to Exhibit
6 14 --

7 MS. SCHURE: No, sir.

8 THE COURT: -- Ms. Schure?

9 MS. SCHURE: No, sir.

10 THE COURT: All right. Exhibit 14 is
11 admitted.

12 (Petitioner's Exhibit Number 14 was
13 admitted.)

14 MS. YATES: Thank you, your Honor.

15 And if it please your Honor, my statements I
16 just made, I don't need to ask the questions if
17 the exhibit is in evidence?

18 THE COURT: It's in evidence.

19 MS. YATES: Okay. I'd like to also turn to
20 tab number 12.

21 THE COURT: 12. Okay.

22 MS. YATES: Your Honor, I'd like to enter
23 this into the evidence as well.

24 THE COURT: Any objection to Exhibit 12, Ms.
25 Schure?

1 MS. SCHURE: Yes. How I'm registered and I'm
2 registered to vote has nothing to do with this
3 case. I do have an objection. I vote on -- I
4 vote every election. What does this have to do
5 with this?

6 THE COURT: Okay. Ms. Yates, what does
7 Exhibit 12 have to do with this case?

8 MS. YATES: Yes, your Honor. Exhibit 12 is a
9 Certification of Registration for Ms. Kathy
10 Schure. I had requested the voting history. As
11 you see, it's attached. This is their official
12 certified copy, and it shows Ms. Schure's
13 voting -- confirmation of voting in the
14 August 30th, 2016, election, primary election, and
15 her full-well knowledge in the mailing of those
16 ballots, a previous exhibit, showing August 10 she
17 had filed a Complaint against me as a candidate
18 alleging election violations, and she had already
19 known on August 17th --

20 MS. SCHURE: Oh, Jesus.

21 MS. YATES: -- I was not on that ballot, and
22 she voted in that election.

23 THE COURT: All right. Any response to that,
24 Ms. Schure?

25 MS. SCHURE: Your Honor, it was a mistake

1 that I put it on the can -- that I put her down as
2 a candidate. That's just a civilian mistake I
3 made since I was not a lawyer. I didn't do it
4 knowing she was a candidate. I knew full well she
5 wasn't a candidate.

6 I don't know what any of this has to do with
7 it. I said I made -- I knew full well she wasn't
8 a candidate, so what does any of this have to do
9 with this? It was a mistake.

10 THE COURT: All right. Okay. So Exhibit 12
11 is admitted.

12 (Petitioner's Exhibit Number 12 was
13 admitted.)

14 THE COURT: What's next?

15 BY MS. YATES:

16 Q Okay. Ms. Schure, my final question for you
17 is: So you knew I wasn't a candidate in the election.
18 Did you also know that I did not violate Florida
19 election law Chapters 104 and 106 or 105.071 --

20 A What are those laws?

21 Q -- when you filed this?

22 A Tell me what them laws are, Ms. Yates, and I
23 will answer your question. What are those laws
24 specifically?

25 Q Ms. Schure, if I can bring you back to

1 page --

2 A I know what it says.

3 Q -- LY --

4 A I know what it says on the page. I want your
5 explanation of what those laws are so that I can answer
6 correctly to you, Ms. Yates, please.

7 THE COURT: No, that's not how we're going to
8 do this, Ms. Schure.

9 THE WITNESS: Well, I don't know. I -- I --

10 THE COURT: Well --

11 THE WITNESS: Your Honor, I have said I knew
12 what the laws were. I signed the paper, yes, I
13 did, your Honor. Why am I being asked this
14 question again? I said I signed those papers
15 stating I knew what they were. Okay? I don't
16 understand why she's asking me it again. I'm
17 sorry.

18 THE COURT: Ms. Yates, do you have another
19 question for Ms. Schure? I think she's answered
20 the question.

21 MS. YATES: Well, your Honor, she did not
22 answer the question I asked her.

23 THE COURT: Ask the question again.

24 BY MS. YATES:

25 Q The question is -- and you can look at LY-34.

1 As far as your Complaint, your Elections Complaint
2 form, number three, alleged violations talks about
3 sections of the election law. You have stated that you
4 fully knew I was not a candidate. Did you also fully
5 know that I did not violate Florida election laws as it
6 says in here Chapters 104, 106, and 105.071?

7 THE COURT: At the time that she filed the
8 Complaint.

9 MS. YATES: At the time you filed this
10 complaint.

11 THE WITNESS: No, sir. I did not fully know
12 what they were. I did not look them up and know
13 exactly what they were, no, ma'am.

14 I was filing this Complaint. I just -- I'm
15 sorry. No. How is that? No.

16 I mean, I know it was elections on an
17 elections thing. I knew I wanted to file a
18 Complaint. I'm a layperson. I filed the
19 Complaint. I -- I -- you know -- so, you know, I
20 guess I did not fully understand what 104, 106,
21 and 105.071 were. So I did not totally understand
22 them.

23 BY MS. YATES:

24 Q Ms. Schure --

25 A Yes.

1 Q -- in August of 2016, do you believe -- do
2 you believe that I violated Florida election law?
3 That's a yes or no.

4 A Yes, I do. Yes, I do. Yes, I do.

5 Q Okay. And what -- what part of the election
6 laws do you believe, other than the general 104, 106,
7 and 105.0571 that's stated here, how did I violate
8 election law?

9 A By using your election flyer with the emails
10 that you got from them with your email -- that's --
11 that's an election flyer you used. You took all the
12 emails to make your KYIs, which are keeping you
13 informed, you used those emails from your election
14 flyer to send your KYI blasts out, and you used that
15 email address to do public business. That's why I
16 thought it was under elections. You asked, and that's
17 my answer, Ms. Yates.

18 Q Okay. Ms. Schure, the flyer that you're
19 speaking of --

20 A Uh-huh.

21 Q -- this Florida Elections Complaint, the one
22 we're looking at, is the one received by FEC on
23 August 22nd. When we look at these pages, do you see
24 in these pages anywhere this flyer or emails that
25 you're speaking of?

1 A No.

2 MS. YATES: Okay. I have no other questions,
3 your Honor.

4 THE COURT: All right. Thank you.

5 Ms. Schure, you can go ahead and return to
6 your seat. Just leave the book there.

7 THE WITNESS: Yes, sir. I was just closing
8 it.

9 THE COURT: Okay. Yes.

10 All right. Now what's going to happen going
11 forward, Ms. Schure, is Ms. Yates has some
12 witnesses she's going to call. As I indicated at
13 the beginning of this proceeding, she's going to
14 have questions of her witnesses, then I'm going to
15 turn to you to see if you have questions of any of
16 the witnesses, and then I'll give her a chance to
17 close out with those witnesses.

18 MS. SCHURE: Okay.

19 THE COURT: All right. Who is your next
20 witness, Ms. Yates?

21 MS. YATES: I'd like to call Ms. Joy Lynn
22 Crowley.

23 THE COURT: Ms. Joy Lynn -- what's the last
24 name?

25 MS. YATES: Crowley.

1 THE COURT: Can someone there get Ms. Crowley
2 for us?

3 (Ms. Crowley was called to the hearing room.)

4 THE COURT: Ms. Crowley. Ms. Crowley.

5 THE WITNESS: Yes.

6 THE COURT: Okay. All right. Welcome,
7 ma'am. I'm going to have the court reporter place
8 you under oath, and then we'll go ahead and
9 proceed. Ms. Yates is going to have some
10 questions for you, Ms. Schure may have questions
11 for you. So let's go ahead and get the witness
12 sworn in, Madam Court Reporter.

13 THE COURT REPORTER: Would you raise your
14 right hand, please.

15 THE WITNESS: (Witness complies.)

16 THE COURT REPORTER: Do you swear or affirm
17 the testimony you're about to give will be the
18 truth, the whole truth, and nothing but the truth?

19 THE WITNESS: Yes.

20 JOY LYNN CROWLEY,
21 was called as a witness by the Petitioner and, after
22 having been first duly sworn, testified as follows:

23 THE COURT: Ma'am, please state your full
24 name for us.

25 THE WITNESS: Joy Lynn Crowley.

1 THE COURT: All right. And, Ms. Crowley, the
2 rule of sequestration has been invoked, and what
3 that means, for purposes of you and your
4 testimony, is that after you finish testifying,
5 you are not to discuss your testimony with any of
6 the other witnesses while this matter is being
7 considered today. Okay?

8 THE WITNESS: Okay.

9 THE COURT: All right. Thank you. All
10 right, Ms. Yates.

11 DIRECT EXAMINATION

12 BY MS. YATES:

13 Q Thank you, your Honor.

14 Good afternoon, Ms. Crowley. Are you a
15 resident of the City of North Port?

16 A No.

17 Q Okay. Are you currently employed?

18 A Yes.

19 Q Okay. What is your occupation?

20 A I work at Going Postal, a pack-and-ship place
21 in North Port.

22 Q Are you a notary public?

23 A Yes.

24 Q And how long have you been a notary public?

25 A This time about two years. I've been in

1 Mississippi and other places, but this time just two
2 years.

3 Q Do you recall a conversation you and I had on
4 Friday, June 9th, 2017?

5 A I remember you being there, yes.

6 Q Okay. In regards to the notary stamps in
7 this case?

8 A Yes.

9 Q I just want to make sure we're clear on the
10 conversation.

11 All right. Can -- can you look in front of
12 you, the exhibit book, and please go to tab ten. Okay.
13 And if you would look at page LY-90. And can you
14 please confirm that that is your signature for the
15 notary on this document?

16 A Yes.

17 MS. YATES: Okay. And, your Honor, do you
18 need me to state the document?

19 THE COURT: Yeah, I need to know where we
20 are.

21 MS. YATES: We're on --

22 THE COURT: LY --

23 MS. YATES: -- LY-90, Commission on Ethics,
24 the Complaint form.

25 THE COURT: I don't need to know that. Just

1 so everybody can follow along.

2 MS. YATES: All right.

3 BY MS. YATES:

4 Q If you can please now tell -- well, the date
5 of the notary on here is June 8, 2016. And, in here,
6 the production of identification was checked off. So
7 you verified that you had used the Florida driver's
8 license --

9 A Yes.

10 Q -- as stated here?

11 Okay. All right. What I'd like to do is go
12 to page number -- tab number nine. I'm looking at page
13 83. Can you verify for me, Ms. Crowley, that that is
14 your signature as the notary on this document?

15 A Yes.

16 Q Okay. And you agree that the date on this
17 one is July 22nd, 2016 --

18 A Yes.

19 Q -- correct?

20 All right. And the item that's indicated as
21 far as identification, this one is circled "personally
22 known" --

23 A Yes.

24 Q -- correct?

25 A Uh-huh.

1 Q All right. At that point, had you seen Ms.
2 Schure several times and -- and --

3 A I'm sure I had. You're talking about a month
4 or something, what, six weeks in between. I don't
5 know. I'm sure I must have seen her more than once.

6 Q Okay. So -- so fair to say that you had
7 personally known her from coming in there --

8 A Yes.

9 Q -- in the way that you've established?

10 Okay. Can we go to page -- tab number three,
11 page 43 -- actually, it's page LY-44.

12 Ms. Crowley, on this page, this has a date of
13 July 22nd, 2016, Joy Lynn Crowley, personally known.
14 Is that -- is that your signature there as well?

15 A Yes, it is.

16 Q Okay. Now, I'd like to turn to page 46,
17 LY-46. On this page, Ms. Crowley, again, it's
18 July 22nd, 2016, Joy Lynn Crowley, and it's circled
19 personally known. However, this page has the stamp
20 City Clerk, September 2016, City of North Port. Is
21 that your signature on this page?

22 A Yes, it is.

23 Q Okay. If you flip between page 44, 46, and I
24 believe the other page was 83, all of which state
25 July 22nd, 2016, and bear your signature, tell me if

1 you notice the stamp of the notary is just touching the
2 top of the J in your printed name.

3 A Yes.

4 Q Do you see that?

5 A Yes.

6 Q Is it -- or would it be unusual that three
7 separate notarized documents would look identical to
8 where the stamp is, the signature?

9 A Well, I'm not an expert, but I would think
10 so. I mean --

11 Q You think it would be unusual --

12 A Yes.

13 Q -- or --

14 Okay. All right. Ms. Schure -- I'm sorry.
15 Ms. Crowley, when I visited you on Friday, we had
16 talked about the receipts for July 22nd, 2016. And, on
17 those receipts, do you recall there being from one
18 customer three notary purchases?

19 A No, there was not.

20 Q Or sales?

21 All right. If -- if we could now turn to --
22 I lost my place. Sorry.

23 What page is it? Page 45 -- 46. I
24 apologize. It's tab three, page 34. This -- this is a
25 Complaint of August 22nd, stamped -- it's FEC.

1 Look at page 35. And this is another
2 notarized document, Kathy Schure, August 17th, 2016.
3 Is that your signature there on -- on that document?

4 A Yes, it is.

5 Q Okay. And notice where the stamp is on this
6 -- this page. It's far off to the left.

7 Now, if I can turn your attention to page
8 number LY-37 again, Kathy Schure is the signer. The
9 date there is August 17, and the year is either '16 or
10 '17. It's written over. Do you see that?

11 A Yes.

12 Q Okay. And, also, if you notice, the stamp to
13 the left is somewhat lower down. Do you see the
14 difference in the stamp on that?

15 A Yes, uh-huh.

16 Q And it's -- it's typical that the stamp would
17 be in different places when you're notarizing different
18 documents on the same day; is that correct?

19 A On any day, yes. Sometimes it's hard to find
20 a place to put the stamp.

21 Q Okay. Now, let's go back to LY-37. And
22 where there is a date there, the '16 and '17
23 overwritten, is that your typical practice of an
24 official notarized document that would be acceptable?

25 A Not normally, no.

1 Q What -- what would you do in your practice in
2 regards to something that came out that way?

3 A Normally I would just do another sheet. I'm
4 not saying that I didn't, that I haven't. Normally
5 that's what I would do, I'd have to have another sheet
6 and redo it.

7 Q Okay. All right. And so when we also
8 discussed -- you and I, in our conversation, for
9 August 17th, 2016, in your receipts, did you have one
10 customer where there was a sale for two notaries on
11 that day?

12 A On August 17th? 16th?

13 Q Yeah, August -- August 17, 2016.

14 A No.

15 Q Ms. Crowley, we go back to LY-83. Are you
16 there?

17 A Yes.

18 Q All right. Ms. Crowley, this -- this
19 document, absent the stamp, it obviously has the stamp
20 of the Florida Elections Commission after they received
21 it. But the -- the limited information on this page,
22 could it be possible for somebody to actually take this
23 document that you had notarized and duplicate it for
24 other uses without your knowledge? Would it be
25 possible for them to do that?

1 A I'm sure anything is possible.

2 MS. YATES: Okay. I have no other questions.

3 THE COURT: Ms. Schure, do you have any
4 questions for this witness?

5 MS. SCHURE: Yes, I do.

6 THE COURT: Okay. Go ahead.

7 CROSS-EXAMINATION

8 BY MS. SCHURE:

9 Q Ms. Crowley, when I came into your
10 establishment, did I not fold those envelopes, seal
11 them, and mail them at your establishment?

12 A To tell you the truth, I don't remember.

13 Q You have the receipt.

14 A For mailing them?

15 Q Yes, ma'am.

16 A Okay.

17 Q You stated I came in there and I did that,
18 and you know that you -- you know that you stood there
19 and every single one I mailed at your establishment;
20 correct? You're coming in here to testify. You should
21 know these things.

22 THE COURT: Ms. Schure, Ms. Schure --

23 MS. SCHURE: Correct?

24 THE COURT: -- you've got to give her an
25 opportunity to respond to the question.

1 THE WITNESS: But you're talking about a year
2 ago, you know.

3 BY MS. SCHURE:

4 Q Well, if you can't remember that, how can you
5 remember all this?

6 A Because I have it down. They made me look it
7 up.

8 Q Then you have the receipt also from me
9 mailing that there; correct?

10 A If I knew what it was or how much it was for,
11 I can look it up to see, but I don't -- I have I don't
12 know how many receipts on every day. Some days I have
13 100 receipts, this day maybe I had 15 or 20. So, I
14 mean, I don't remember every single thing. If I did,
15 I'd be happy.

16 Q Ms. Crowley, also, you know, Ms. Yates keeps
17 making a statement that the signatures matched. Do you
18 think maybe I could have xeroxed some copies and
19 actually just got them mixed up and put them together?
20 That would not be forgery; correct?

21 A Oh, I don't know. I have no idea.

22 Q Isn't it possible that your -- all your
23 signatures are pretty much the same, but Ms. Yates
24 keeps pointing out that the -- that the -- this keeps
25 touching here. Is there any way that I could have had

1 more than one copy of this and wanted to take these
2 into the clerk and just put extra copies in because I
3 didn't -- because they all look exactly the same?
4 Could this possibly happen?

5 MS. YATES: Objection, your Honor. The line
6 of questioning is speculative, and there's no way
7 the witness is going to know what -- what Ms.
8 Schure contemplated.

9 THE COURT: Overruled.

10 Ma'am, you can answer the question.

11 THE WITNESS: I'm not quite sure what she was
12 asking.

13 MS. SCHURE: Okay.

14 THE WITNESS: If you -- if you could Xerox
15 it?

16 BY MS. SCHURE:

17 Q Ms. Yates keeps stating this paper --

18 A Right.

19 Q -- and this -- the other --

20 A Okay.

21 Q -- the paper with it are identical.

22 A Okay.

23 Q These two papers are identical; correct?

24 A They look like they are.

25 Q Okay. So is it possible that I had made more

1 copies and, since they are identical, I just stuck that
2 one with it because there wasn't -- these two weren't
3 all together, and these weren't all together, because I
4 had all of these in a folder. Is that possible?

5 A I don't know what your habits are. I -- I
6 don't know.

7 Q Well, this is not a forgery; correct? These
8 are not forgeries?

9 A My signatures?

10 Q Yes; on any of those documents.

11 THE COURT: Ms. Schure, she wouldn't know.
12 Ms. Schure, she wouldn't know the answer to that.

13 MS. SCHURE: Well, I only came in to her
14 establishment, your Honor, three times. So I do
15 not personally know this -- the lady.

16 And I -- you know, that's the only thing I
17 can come up with. Why would I forge any of these?
18 These are the exact same documents that I sent to
19 the City, that I took, hand-delivered to the City,
20 and I sent to the Court. They're the exact same
21 thing, except one page is --

22 MS. YATES: Your Honor.

23 THE COURT: Ms. Schure.

24 MS. SCHURE: Yes, sir.

25 THE COURT: Ms. Schure, do you have any

1 additional questions for this witness?

2 MS. SCHURE: Yes.

3 BY MS. SCHURE:

4 Q Since you personally know me, what's my
5 husband's name, my kids' names, and my grandkids' names
6 and my dogs', since you personally know me?

7 A I just knew you from coming in several times.

8 Q How many?

9 A You know.

10 Q How many?

11 A Three times, four times.

12 Q All right. So that wasn't personally known,
13 actually. I walked in there, and I talked to you,
14 what, one time only, the last time I came in? I never
15 talked to you except to answer your questions on what
16 to do; correct?

17 A I don't remember. If I remembered every
18 conversation, then I would be --

19 Q Well, but you're saying you personally know
20 me, which you do not; correct?

21 A No, I don't personally know you, and I don't
22 really want to.

23 MS. SCHURE: Thank you.

24 That's all I have, your Honor.

25 THE COURT: Anything additional?

1 MS. SCHURE: No.

2 THE COURT: All right. Any follow-up
3 questions, Ms. Yates?

4 MS. YATES: No, your Honor.

5 THE COURT: All right. All right. Ms.
6 Crowley, thank you for coming, ma'am. You're free
7 to go. Again, you're not to discuss your
8 testimony with any of the other witnesses.

9 THE WITNESS: Okay.

10 THE COURT: All right. Who is our next
11 witness?

12 Thank you, ma'am.

13 MS. YATES: Kathy Lanza.

14 THE COURT: Kathy who?

15 MS. YATES: Kathy Lanza.

16 THE COURT: Kathy Lanza. Okay.

17 (Ms. Lanza was called to the hearing room.)

18 THE COURT: All right. Ms. Lanza, let me go
19 ahead and instruct you that after you complete
20 your testimony today, you're not to discuss your
21 testimony with any of the other witnesses or
22 anyone else who may be involved with this case.

23 So, Madam Court Reporter, if you would go
24 ahead and place the witness under oath, please.

25 THE COURT REPORTER: Would you raise your

1 right hand, please.

2 THE WITNESS: (Witness complies.)

3 THE COURT REPORTER: Do you swear or affirm
4 the testimony you're about to give will be the
5 truth, the whole truth, and nothing but the truth?

6 THE WITNESS: I DO.

7 KATHRYN L. LANZA,
8 was called as a witness by the Petitioner and, after
9 having been first duly sworn, testified as follows:

10 THE COURT: Ma'am, if you would, please state
11 your full name for us.

12 THE WITNESS: Kathryn Lanza, L-a-n-z-a.

13 THE COURT: All right. Thank you, Ms. Lanza.
14 Ms. Yates, do you have questions of Ms.
15 Lanza?

16 MS. YATES: Yes, I do.

17 DIRECT EXAMINATION

18 BY MS. YATES:

19 Q Good afternoon, Ms. Lanza.

20 A Good afternoon.

21 Q Are you -- are you currently employed, Ms.
22 Lanza?

23 A No. I'm retired.

24 Q Okay. And what was your occupation?

25 A I was a legal assistant.

1 Q And how many years were you a legal
2 assistant?

3 A Oh, approximately 32.

4 Q And how long have you been a resident of
5 North Port?

6 A For nearly ten years.

7 Q Have you attended any North Port city
8 commission meetings? And, if so, how long have you
9 been attending those?

10 A Oh, since about 2008. So most of the time
11 that we've been residents I have been either attending
12 or watching them online.

13 Q Okay. And when -- when did you become
14 interested in city commission activities and what
15 caused you to take interest in the city commission
16 meetings?

17 A Between 2008 and 2009 another concerned
18 resident that lived close by and myself took a petition
19 and presented it to the North Port City Commission, and
20 it related -- it was regarding the speed limit in our
21 area and other concerns that we had; safety issues on
22 the road. And that's what -- when it began, and I've
23 been paying attention ever since.

24 Q Okay. And have you participated in any
25 campaigning activities for any candidates for North

1 Port City Commission since you became a resident?

2 A Yes, I have. I'd say a handful.

3 Q Okay. And -- and whose campaigns did you
4 participate in?

5 A Well, going back to 2010, it was your first
6 time running for office. That was the first campaign
7 that I became involved in.

8 Q Okay. Who else?

9 A And then, in 2012, I was working on a
10 campaign for Cheryl Cook for her one term in office.

11 And then, in 2014, it was your reelection
12 campaign.

13 And, in 2016, I was supporting Debbie
14 McDowell and working on her campaign, and Cory
15 Hutchinson.

16 Q Okay. And, just to be clear, you and I know
17 each other; we've established a friendship and
18 relationship over the years --

19 A Yes, we have.

20 Q -- would you agree?

21 A Yes, I would agree.

22 Q So I want to ask you: Can you assure the
23 judge that your testimony today on these matters will
24 be impartial?

25 A I can assure you that I am here in an

1 entirely different capacity today, and I have taken my
2 oath to tell the truth, and that's what I will be
3 doing, yes.

4 Q What type of campaign activities did you
5 participate in when you -- for candidates?

6 A A variety. But, boy, we covered a whole lot
7 of territory in North Port canvassing the
8 neighborhoods.

9 I stood at the North Port library, a very
10 busy location, and got to meet and greet many, many
11 people there as well.

12 So I'd say primarily, as far as, you know,
13 meeting people one-on-one, they would be the types of
14 things that I did. But there was a whole lot of it.

15 Q Okay. So, during my campaign for reelection
16 in 2014, do you recall participating in door-to-door
17 canvassing?

18 A Yes. I did a lot of that that year as well,
19 yes, covered a whole lot of territory, as I said, in
20 North Port.

21 Q Okay. And did you do the same for all of
22 those other campaigns that you described all the way
23 through the 2016 election?

24 A I -- I did less of the canvassing of the
25 neighborhoods due to the fact that we go up North for a

1 good part of the season, and I think there was less
2 time.

3 And, on Cory's candidacy, I came in late. So
4 it was a little different the way I supported him as
5 well.

6 But, yes, I did other visiting of neighbors
7 for other people as well.

8 Q All right. Do you recall any unusual
9 encounters with a resident during your visit to homes
10 during my 2014 reelection campaign?

11 A Yes, I do.

12 Q Can you tell us about that experience?

13 A Okay. It's the only time I had an encounter
14 of that sort. Another of your supporters and myself
15 went out for the day, and that day we did cover quite a
16 bit of ground. But we were over on West Price
17 Boulevard.

18 And when I went to the door of this one
19 particular house, when the female came out, she was --
20 said she would not be voting for you. And so, at that
21 point, as we would if anyone voiced an opinion
22 similarly, I said, "Thank you" and left.

23 Went to a few other houses along the way of
24 Price Boulevard, and then your fellow supporter and
25 myself got back in the car to drive to a different

1 location. But, in doing so, we came back along that
2 route, and the individual came out and flagged us down.

3 When we stopped and got out, she had papers,
4 and she was -- I don't think I've seen animosity like
5 it. But she spoke so vehemently against you and
6 explained that she had these personal finance papers,
7 and that was what she wanted to share.

8 And, in that conversation, she added that,
9 besides not ever supporting you, that the only person
10 she was supporting was Cheryl Cook.

11 And there are a couple reasons it struck me
12 as odd; one of them being that Cheryl Cook was not
13 running for reelection that year.

14 So that was the -- of all the people I've
15 ever talked to, that was the only situation that I've
16 ever had like that.

17 Q Okay. And do you recall what those financial
18 documents were?

19 A Yes. She said that they were foreclosure
20 papers.

21 Q Okay. Can you describe the home at which
22 that conversation took place?

23 A I can. It is a house that stands out; a
24 color you don't see every day. It's a burnt orange
25 house in color. And so that was the main reason why I

1 could recall which house it was.

2 MS. SCHURE: Your Honor, I'd like to strike
3 that from the record. My house was not that
4 color. I did not paint it until 2015, in January
5 of 2015. My house was not that color.

6 THE COURT: Ms. Schure, I don't even know who
7 this witness is talking about. The person hasn't
8 been identified. All I know is that there was
9 some person she had a conversation with. I don't
10 know if it was you or the court reporter or -- I
11 don't know who it was.

12 MS. SCHURE: Your Honor, in her affidavit she
13 said she had come to know me as Kathy Schure.

14 THE COURT: No, no, Ms. Schure.

15 MS. SCHURE: Okay.

16 THE COURT: Ms. Schure.

17 MS. SCHURE: I'm sorry.

18 MS. YATES: Your Honor, I'd like to go to tab
19 number -- Exhibit Number 16 and move that into
20 evidence.

21 THE COURT: What is -- what is 16?

22 MS. YATES: 16 is the address of 3720. This
23 is the address of Ms. Schure. And to identify who
24 this witness is speaking of, the location of this
25 home, this picture, I'd like to ask the witness if

1 this is the location.

2 THE COURT: Well, let's expedite this because
3 you're running out of time, Ms. Yates.

4 Ms. Schure.

5 MS. SCHURE: Yes, sir.

6 THE COURT: Did you have this conversation
7 that this witness spoke about?

8 MS. SCHURE: Yes, sir.

9 THE COURT: Okay. And what's the picture
10 that's Exhibit 16? Is that your house?

11 MS. SCHURE: Yes, sir. But this picture was
12 just taken recently because this is the sticker of
13 my husband's oil change. So this picture wasn't
14 taken that long ago. This is a recent picture,
15 your Honor.

16 THE COURT: All right. But the point is that
17 the conversation that the witness testified about,
18 you had that conversation with this witness?

19 MS. SCHURE: Yes, sir. But my house was not
20 this color.

21 THE COURT: Right. Right. We're not going
22 to fight over that.

23 MS. SCHURE: I'm just saying.

24 THE COURT: Just the conversation.

25 MS. SCHURE: Well, your Honor --

1 THE COURT: So that -- no, no. Just a
2 second, Ms. Schure.

3 MS. SCHURE: Okay.

4 So as to Exhibit 16, I am not going to admit
5 this at this time. Now, you can come back to it.
6 But based on what Ms. Schure is telling me, she
7 had the conversation, but this witness is telling
8 me that she remembers the house being an odd
9 color, I guess the color as depicted in Exhibit
10 16, but Ms. Schure is telling me that didn't
11 happen until sometime after. So maybe in your
12 rebuttal case or through some additional testimony
13 that can be established.

14 But I'm not accepting Exhibit 16 as being
15 evidence to support this witness's contention that
16 the reason why she remembers this conversation is
17 because the house was painted this odd color at
18 the time that she spoke with Ms. Schure.

19 You've established that the conversation took
20 place. Anything beyond that as it relates to the
21 house I -- I don't need that.

22 MS. YATES: Okay. The vehicle there as well
23 being the --

24 THE COURT: The witness didn't testify to
25 anything about a vehicle. She talked about the

1 house.

2 MS. YATES: I understand that. I just wanted
3 to ask questions with the vehicle being in there.

4 THE COURT: Ms. Yates, that adds nothing.

5 MS. YATES: All right. And with your
6 questions that you've asked, your Honor, my next
7 question to the witness was to identify the
8 witness.

9 THE COURT: She's already done that. Next
10 question.

11 MS. YATES: Okay. Okay.

12 BY MS. YATES:

13 Q Ms. Lanza, were you aware of the elections
14 violation -- Elections Complaint that Ms. Schure had
15 filed against me?

16 A I -- I am aware of it, yes.

17 Q Okay. And how did you become aware of it?

18 A When I had gone online to the City site to
19 look at the agenda for an upcoming meeting for
20 October 25th, 2016, and I read through the items, I
21 found that Florida Elections Complaint on the agenda,
22 and that was how I learned about that.

23 Q Had you ever seen a Florida Elections
24 Complaint on a City Commission agenda before?

25 A Not all the time I have been following the

1 commission, no.

2 MS. YATES: Thank you, Ms. Lanza. That's all
3 I have.

4 THE COURT: All right. Any follow-up
5 questions of this witness, Ms. Schure?

6 MS. SCHURE: Yes, sir.

7 THE COURT: Go ahead.

8 CROSS-EXAMINATION

9 BY MS. SCHURE:

10 Q Ms. Lanza, on your statement right there, it
11 says, Upon arriving to my -- the address of 3720 West
12 Price, I was greeted by a female who I have come to
13 recognize as Kathy Schure; correct?

14 A Uh-huh.

15 Q Okay. But you didn't know who was standing
16 at that door at that time?

17 A No.

18 Q When did you come to recognize who I was?

19 A Oh, I would say when I realized that your
20 picture -- I had seen a picture on Facebook, actually,
21 of you, so I knew it was you, yes.

22 Q So why were you on my Facebook page when you
23 don't know me?

24 A I'm not on Facebook, I'm just saying in a
25 general --

1 THE COURT: Wait. Wait. Wait. Wait. Ms.
2 Schure --

3 MS. SCHURE: Yes.

4 THE COURT: You've got to give the witness an
5 opportunity to finish her answer before starting
6 your next question. Okay?

7 MS. SCHURE: Okay.

8 THE WITNESS: So I came to realize back
9 around -- oh, I'd say not long after I realized
10 that you filed the complaint, yes.

11 BY MS. SCHURE:

12 Q Then you looked?

13 A I wasn't on your Facebook, I was on an open
14 page -- I couldn't even tell you where -- in the city.
15 We have different groups in the city, like the North
16 Port Concerns You and other groups. So I saw a photo.

17 Q But I'm not on any of those.

18 A No, you're not on those, no.

19 Q Okay.

20 A You're not.

21 Q So, then, how did you come to recognize me?

22 A I saw -- I saw a photo, and then I realized
23 it was you when I saw the photo.

24 Q Okay. So on here -- again, let me read --
25 this is from her affidavit, which you already have from

1 -- this is the one that Ms. Yates turned in for the
2 first meeting, not this one, the first one. Okay? But
3 this is her sworn affidavit. Okay? I have a point
4 here.

5 It says -- let's see -- Upon arriving at my
6 address, I was greeted by a female who I have come to
7 recognize as Kathy Schure, who indicated she was not
8 interested in supporting Commissioner Yates, and so I
9 moved on to another area.

10 A short time later, we returned to our
11 vehicle. And as we were about to pass the home of
12 3720, Kathy Schure came out, her papers in her hand and
13 flagged us down. We stopped, at which time she showed
14 us financial papers of a personal nature.

15 Did you get out of your car?

16 A Yes.

17 Q No. I came right out up to your window.

18 A I thought that we had stepped out.

19 Q Okay.

20 A I'm sorry if that's an error.

21 THE COURT: Ms. Schure.

22 MS. SCHURE: Yes, sir. This --

23 THE COURT: Ms. Schure. Ms. Schure, just a
24 second now.

25 MS. SCHURE: Okay.

1 THE COURT: Here's what I need for you to do.

2 MS. SCHURE: Sorry.

3 THE COURT: You can't argue with the witness.

4 MS. SCHURE: Okay. Yes, sir.

5 THE COURT: But you've got to give her an
6 opportunity to respond and you can't talk over
7 her.

8 MS. SCHURE: Yes, sir. All right. This is
9 the first time. I'm sorry.

10 THE COURT: That's okay. I understand.

11 MS. SCHURE: Okay. Now, your Honor, this is
12 the Petition for Costs and Attorney's Fees for Ms.
13 Yates that she sent to the Commission to file for
14 her attorney's fees. Okay?

15 THE COURT: Okay.

16 MS. SCHURE: Line 21 -- this is Ms. Yates'
17 statement about this day about Ms. Lanza.

18 In the summer of 2014, when I was running for
19 reelection, she chased down my volunteer, who
20 wherein -- who were in her neighborhood walking
21 door to door advocating support for me. Ms.
22 Schure charged at two of my supporters with a
23 handful of papers and expressed to them what a
24 horrible person I was --

25 MS. YATES: Your Honor, objection.

1 MS. SCHURE: -- and showed them personal
2 financial documents.

3 Now, Ms. Lanza stated --

4 THE COURT: No, no, no. Ms. Schure.

5 MS. SCHURE: Yes.

6 THE COURT: Okay. You just read that
7 statement. But is there a question that you want
8 to ask --

9 MS. SCHURE: Yes.

10 THE COURT: -- this witness based on that?

11 MS. SCHURE: Yes, sir.

12 THE COURT: Go ahead.

13 BY MS. SCHURE:

14 Q Ms. Lanza, this is your sworn statement?

15 A It is.

16 Q You said you walked up to my door and I
17 flagged you down?

18 A They're two separate things.

19 Q Okay. You walked up to my door first?

20 A First.

21 Q Then what happened?

22 A And then you came out to flag us down.

23 Q Okay.

24 A There's different ways of flagging down, too,
25 when someone wants to get your attention, yes.

1 Q Okay. But this says that I -- that when I
2 was running for -- I -- chased down my volun -- I
3 chased you down.

4 A It's not my statement. However, I'll say
5 again. That's the only experience I ever had like it.
6 And we knew we had to stop, I'll put it that way.

7 MS. SCHURE: Your Honor, this is chased down
8 first and -- while they were going door to door --

9 THE COURT: No, no. Ms. Schure --

10 MS. SCHURE: Yes. Yes.

11 THE COURT: -- I think the disconnect here is
12 that the witness didn't prepare what you're
13 reading.

14 MS. SCHURE: This is her affidavit.

15 THE COURT: That's something that Ms. --

16 MS. SCHURE: Yes.

17 THE COURT: I thought you were reading from
18 what Ms. Yates prepared in terms of characterizing
19 your interaction with this witness --

20 MS. SCHURE: Okay. Yes, sir.

21 THE COURT: -- with Ms. Lanza.

22 MS. SCHURE: But Ms. Lanza didn't say I was
23 violent or anything. This statement -- this is
24 what I'm trying to get across. First I chase them
25 down, which she said she walked up to my door;

1 correct? Then -- then I charged at two of her
2 supporters with a handful of papers. How can I
3 charge if I'm standing out flagging them down is
4 what I'm trying to say.

5 THE COURT: Well, just ask her, Ms. Schure.
6 Just ask her the question.

7 BY MS. SCHURE:

8 Q Did I chase you down? Were you walking by
9 and I chased you down or did you not come to my door?

10 A No. I guess that's a matter of
11 interpretation.

12 MS. YATES: Objection.

13 THE WITNESS: When we were coming by, you got
14 our attention, I'll put it that way, to stop. And
15 it wasn't like, Hello. How are you? It was a
16 flagging down. I considered it --

17 MS. SCHURE: Okay.

18 THE WITNESS: -- not such a comfortable, nice
19 thing that you did.

20 BY MS. SCHURE:

21 Q Well, this says she chased down my volunteer

22 --

23 A That's not --

24 Q -- in the neighborhood walking door to door.

25 A What I -- we were walking door to door. But

1 we got back in our car to leave that neighborhood to go
2 to another. What are you saying?

3 Q Well, this states first I chased you down,
4 and then it says I charged at you. Did I -- did I
5 chase you down or did I charge at you?

6 A You came out getting us to stop our car. And
7 that -- you can -- there are different terms that can
8 be used. It had the same effect.

9 MS. SCHURE: Your Honor, what I'm saying is
10 this is very -- this isn't violent, this is
11 violent. She never expressed that I was violent.

12 THE WITNESS: Violent was not the word.

13 MS. SCHURE: Well, I wasn't.

14 THE COURT: All right.

15 MS. SCHURE: This is a very aggressive, this
16 is not.

17 THE COURT: Ms. -- Ms. Schure. Ms. Schure.

18 MS. SCHURE: Yes, sir. Yes, sir.

19 THE COURT: What's your -- what's next
20 question?

21 MS. SCHURE: Okay.

22 THE COURT: What's your next question?

23 BY MS. SCHURE:

24 Q Okay. Let me see if I have any.

25 So, Ms. Lanza, why are you here today? Why

1 are you here?

2 A When I learned that Mary Yates was filing a
3 petition, I said to her as fast as I could, I would be
4 very happy and willing to do an affidavit about that
5 day, as it stood out like none other in all the years
6 I've been down here walking.

7 Q Okay. So since -- in 2014, I was very
8 adamant I did not want Ms. Yates in office?

9 A Correct.

10 Q Okay.

11 A What you said to us, yes.

12 Q Okay. So was that just my opinion?

13 A I'm sure it was your opinion. It still was a
14 disturbing encounter, a disturbing encounter, in my
15 opinion.

16 Q Okay. And were these papers that I was
17 showing you, were they public record and I was correct?

18 A Oh, they are public record.

19 Q And I was correct?

20 A And, again -- yes -- but disturbing to me.

21 Q Well, okay, to you.

22 A Yes. Yes.

23 MS. SCHURE: Okay. Okay. That's all I have.

24 THE WITNESS: Okay.

25 THE COURT: Okay. Any follow-up, Ms. Yates?

1 MS. YATES: No, your Honor.

2 THE COURT: Okay. All right. Ma'am, you are
3 free to go.

4 THE WITNESS: Thank you.

5 THE COURT: Again, let me instruct you that
6 you are not to discuss your testimony with the
7 other witnesses.

8 THE WITNESS: Thank you.

9 THE COURT: Okay. Thank you.

10 All right. Who is your next witness, Ms.
11 Yates?

12 MS. YATES: I would like to call the City
13 Clerk, Patsy Adkins.

14 THE COURT: Patsy Adkins?

15 MS. SCHURE: A-d-k-i-n-s.

16 THE COURT: A-d or A-t?

17 MS. YATES: A-d.

18 THE COURT: -- k-i-n-s?

19 MS. YATES: Correct.

20 THE COURT: All right. Okay. All right.
21 Ms. Adkins, let me first instruct you that, at the
22 completion of your testimony today, you're not to
23 discuss the testimony with any of the other
24 witnesses.

25 THE WITNESS: Okay.

1 THE COURT: So what I'm going to do is have
2 the court reporter go ahead and swear you in.
3 Okay?

4 THE WITNESS: Okay.

5 THE COURT REPORTER: Would you raise your
6 right hand, please.

7 THE WITNESS: (Witness complies.)

8 THE COURT REPORTER: Do you swear or affirm
9 the testimony you're about to give will be the
10 truth, the whole truth, and nothing but the truth?

11 THE WITNESS: Yes, I do.

12 PATSY CRAFT ADKINS,
13 was called as a witness by the Petitioner and, after
14 having been first duly sworn, testified as follows:

15 THE COURT: Ma'am, if you would, please state
16 your full name for us.

17 THE WITNESS: Patsy Craft Adkins.

18 THE COURT: Okay. All right. Ms. Yates, do
19 you have questions for Ms. Adkins?

20 MS. YATES: Yes.

21 DIRECT EXAMINATION

22 BY MS. YATES:

23 Q Good afternoon, Ms. Adkins.

24 A Good afternoon.

25 Q Ms. Adkins, who is your employer?

1 A City of North Port.

2 Q And what's your position with the City of
3 North Port?

4 A I'm the City Clerk.

5 Q And how long have you been with the City of
6 North Port; employed with the City of North Port?

7 A 14 -- 14 years. This September will -- it
8 will be -- it will be 14 years. I'm sorry.

9 Q And, just generally, can you tell me what
10 your duties are as city clerk?

11 A Yes, ma'am. I'm the custodian of public
12 record -- records, and I serve as Administrative
13 Assistant to the Commission. I'm a Charter Officer.
14 My office prepares minutes, we keep all of the public
15 records, we do public records requests, and we sign off
16 -- I sign off on paychecks, and I swear people in at
17 quasi-judicial hearings and attend all of the
18 commission meetings and many, many other things.

19 Q All right. Thank you.

20 There is a book in front of you, an exhibit
21 book. Could you please open that up and go to tab
22 number three.

23 A Okay. I'm there.

24 Q Okay. If you go to LY-43, please.

25 A I'm sorry, L --

1 Q LY-43.

2 A LY-43.

3 Okay. I'm there.

4 Q Okay. Ms. Adkins, if you look at LY-43
5 through 49 -- that's one document -- that's the
6 Complaint filed by Kathy Schure against Linda Yates.
7 That's your City Clerk stamp on the top of these. Do
8 you agree that this is the document --

9 A Yes, ma'am.

10 Q -- stamped by the --

11 Okay. And can you -- can you please tell me
12 about this document?

13 A This is a document that was brought in to the
14 City Clerk's Office and dropped off. It was -- I was
15 not the one that it was dropped off to. It was dropped
16 off to another person in my office and then given to
17 me.

18 When it was given to me, I was told that it
19 was dropped off and asked to be distributed to all of
20 the commissioners.

21 Q Okay.

22 A And I wrote the "Hand-delivered by citizen as
23 a public record" on there, and I also stamped it.

24 Q Okay. Can you tell me -- did you receive a
25 call from anyone in regards to this document?

1 A Yes, I did. I received a call from someone
2 that stated they were Kathy Schure regarding this
3 document wanting to know -- they told me that they had
4 brought this document in and asked that it be delivered
5 to the commissioners, and they had spoken to some of
6 the commissioners and it had not been received, and
7 they said they wanted it distributed to the
8 commissioners.

9 And I told them I was determining whether or
10 not it would be distributed to the commissioners, and
11 that's why I had not passed it out to them yet. I was
12 trying to decide because of -- my concern was the
13 statement on here that says "Confidential Complaint."
14 So I was trying to make sure that the confidentiality
15 did not apply. And so I called the Elections
16 Commission to find out, and I was told that the
17 confidentiality would apply to me when they -- and if
18 they sent me a request for information from them, that
19 until that time, that the confidentiality did not apply
20 to the person who had filed the Complaint.

21 So -- and I was also told to check the
22 document to make sure it had been notarized because if
23 it had not been notarized then it was not a real form.
24 And so I did that, and it had been notarized.

25 So after -- the day they called, I did not

1 pass it out. It was a couple more days before I
2 received answers and felt comfortable that I had no
3 choice but to, you know, pass it out, that it was a --
4 a public record.

5 Q And can you please turn to tab number --
6 still on the same tab -- page number LY-50.

7 A Yes, ma'am. I'm there.

8 Q And can you -- can you explain this page?

9 A Yes, ma'am. This is a -- this is an email
10 from, at that time, Commissioner Cheryl Cook requesting
11 that I place this item. She sent me an email. Would
12 you like me to read it? I mean, it's -- it's basically
13 laying out the agenda item as she would like it to read
14 and -- and asked me to -- asking me to place it on the
15 agenda for her and asking me to include the Complaint
16 as backup for the agenda item.

17 And once I received this, then I followed the
18 normal procedure for typing the item and placing it on
19 the agenda and through the work flow process to go on
20 the agenda, as is -- as we do with, you know, a
21 commissioner. When they want an agenda item on, they
22 normally send it to one of the charter officers, and we
23 prepare the item.

24 Q So, Ms. Adkins, this was placed on the City
25 Commission meeting agenda --

1 A That's correct.

2 Q -- for August 25th --

3 A I believe it was October -- I believe it was
4 placed on the October 25th agenda.

5 Q 2016?

6 A Yes, ma'am.

7 Q Okay. And this item, the day of that
8 meeting, do you recall that it had been removed from
9 the agenda?

10 A It was not removed from the agenda prior to
11 the meeting, it was removed from the agenda the day of
12 the meeting at the meeting.

13 MS. YATES: Your Honor, I'd like to enter
14 into the exhibits Exhibit Five, which is the
15 minutes of the meeting.

16 THE COURT: What are the minutes from this
17 October 25th meeting going to add?

18 MS. YATES: The only thing it would add, your
19 Honor, is -- is the testimony of this witness,
20 these are the minutes that reflect the -- what
21 happened at that meeting, the removal of that.

22 THE COURT: It was removed; right?

23 MS. YATES: Yes.

24 THE COURT: Okay. So this is --

25 MS. YATES: That's what the minutes show.

1 THE COURT: All right. Any objection, Ms.
2 Schure --

3 MS. SCHURE: No.

4 THE COURT: -- to Exhibit 15 (sic)?

5 MS. SCHURE: No, your Honor.

6 THE COURT: 15 (sic) is in. Okay. So noted.
7 15 (sic) is admitted.

8 (Petitioner's Exhibit Number Five was
9 admitted.)

10 BY MS. YATES:

11 Q Ms. Adkins, when items are removed from the
12 agenda and all of the backup material, as in this case,
13 the FEC Complaint, the Florida Complaint from Ms.
14 Schure, are -- are the items and the material removed
15 from the City's records?

16 A No, they are not. They remain on the website
17 to this day. The records -- any backup material that
18 is provided for agenda items stay on the City's website
19 so that citizens can view them at any time. So that --
20 they are still there today.

21 Q So if anybody wanted to go view this FEC
22 Complaint filed from Ms. Schure against me, they could
23 still access that today?

24 A That is correct. It's -- it is not our
25 policy to remove agenda item backup material from items

1 once they've been placed on the -- an agenda.

2 Q Okay. And how long do the meeting minutes
3 stay in the City's public records?

4 A Well, meeting minutes are permanent records.
5 They're permanent. We keep them forever.

6 Q Thank you.

7 And one other last question for you. In the
8 time that you have been with the City of North Port,
9 employed with the City of North Port, do you recall any
10 other time that an official agency's Complaint form
11 against a commissioner or candidate had been provided
12 to the City Clerk's Office for public viewing and
13 public record distribution?

14 A No, ma'am, I don't recall ever having --
15 other than this one time, I don't recall ever having
16 anybody bring in a Complaint form and ask that it be
17 public record and distributed.

18 Q Okay. And -- and, from your experience and
19 knowledge, have you -- are you aware of other
20 Complaints, Ethics Complaints or Elections Complaints,
21 that have been filed on candidates or sitting
22 commissioners? Are you aware that there were some?

23 A Yes, ma'am, I am aware that there have been
24 some that have been filed. Like I said, I was not
25 given the Complaint this way. There have been times

1 that I -- I, myself, personally, as the Deputy City
2 Clerk, being as I've only been the City Clerk for a
3 year, was questioned and had to do an affidavit. So I
4 know that Complaints have been filed, but I've never
5 been given one like this before.

6 MS. YATES: All right. That's all, your
7 Honor.

8 THE COURT: Ms. Schure, do you have any
9 questions of this witness?

10 MS. SCHURE: Yes.

11 CROSS-EXAMINATION

12 BY MS. SCHURE:

13 Q I just have a couple, Patsy.

14 A Okay.

15 Q When the call was made to ask you for the
16 commissioners, did you have to talk to the City
17 Attorney or what was that? Why was the reasoning you
18 hadn't distributed the documents?

19 A Because I was trying to make sure that it was
20 not confidential first. I spoke to the City Attorney
21 and the City Manager, and the decision was made for me
22 to call the Elections Commission, and I was waiting for
23 them to get back to me. That's why I had not
24 distributed it.

25 Q Okay. And when this was put on the dock --

1 on the agenda, was it already distributed to the
2 commissioners?

3 A It had been passed out to the commissioners,
4 yes, ma'am.

5 Q So it didn't matter who put it on the agenda;
6 any one of the commissioners could have put it on the
7 agenda to be discussed; correct?

8 A I -- I suppose anybody could have, yes.

9 Q Okay.

10 A I mean, it would have -- a commissioner --
11 yes, any commissioner could have.

12 Q It doesn't matter who did -- yes, okay.

13 A I'm not sure what you're asking, other than
14 any commissioner could have.

15 Q Yes, since it had been distributed already to
16 the commissioners?

17 A It had been distributed to all of the
18 commissioners.

19 MS. SCHURE: Okay. All right. Okay. I
20 think that's -- yeah, that's all I had to say.

21 That's all I have, your Honor.

22 THE COURT: Okay. Thank you. Anything else,
23 Ms. Yates?

24 MS. YATES: No, your Honor.

25 THE COURT: Ms. Adkins, you're free to go,

1 ma'am. Again, you're not to discuss your
2 testimony with any of the other witnesses. Thank
3 you.

4 THE WITNESS: Okay. Thank you.

5 THE COURT: All right. Who is your next
6 witness?

7 MS. YATES: I'd like to call Mr. Stephen Marc
8 Slepín.

9 THE COURT: Okay.

10 THE WITNESS: So I'll sit over here.

11 THE COURT: Yes, sir, have a seat over here,
12 Mr. Slepín.

13 All right. I will have you go ahead raise
14 your right hand. Do you solemnly swear or affirm
15 the testimony you're about to give in this matter
16 will be the truth, the whole truth, and nothing
17 but the truth?

18 THE WITNESS: I do.

19 THE COURT: All right, sir. Sir, please
20 state your full name for us.

21 THE WITNESS: Stephen Marc Slepín. That's
22 S-t-e-p-h-e-n, Marc, M-a-r-c, Slepín, S-l-e-p-i-n.

23 THE COURT: All right. All right. Ms.
24 Yates, do you have questions for Mr. Slepín?

25 MS. YATES: Yes, I do, your Honor. I just

1 want to state that Mr. Slepín is not a fact
2 witness. I'm entering him as an expert witness.

3 THE COURT: Expert in what? For what purpose
4 do you need expert testimony in this case?

5 MS. YATES: To provide the -- an expert
6 opinion in regards to experience on the Petition
7 for Attorney's Fees that I submitted and the
8 attorney's fees and costs.

9 THE COURT: Well, are you talking about as to
10 the reasonableness of the fees and costs that were
11 charged to you by previous counsel?

12 MS. YATES: That would be part of it, yes.

13 THE COURT: Okay. What's the other part of
14 it?

15 MS. YATES: The other part of it is the
16 experience in regards to this Complaint and the
17 petition I filed and giving an opinion as -- in
18 regards to that.

19 THE COURT: Well, that's the part I'm not
20 understanding because what that sounds like is
21 that you want to have Mr. Slepín to offer a legal
22 opinion that in this case you're entitled to
23 attorney's fees and costs. Is that what you're
24 suggesting?

25 MS. YATES: That would -- that would be, yes.

1 THE COURT: Okay. Well, that's my job.
2 That's within my domain. And with all due respect
3 to Mr. Slepín, that's not his role as a legal
4 expert to tell me, in essence, why he believes
5 that you're entitled to attorney's fees and costs.

6 Now, you can certainly offer an opinion as to
7 the reasonableness of those fees that were charged
8 and costs charged to you by the attorney that you
9 previously had in this case. But as to his
10 opinion that, based upon the facts and
11 circumstances of this case, you are entitled to
12 recover fees and costs, I'm not going to accept
13 his opinion as to that issue. That's my job.
14 Okay?

15 MS. YATES: Okay.

16 THE COURT: Okay. All right. All right
17 Mr. Slepín, you've been sworn, sir.

18 Ms. Yates, questions.

19 MS. YATES: What I'd like to do, your Honor,
20 is to enter into evidence --

21 THE COURT: Be sure to keep your voice up,
22 Ms. Yates. You're sort of trailing off a little
23 bit.

24 MS. YATES: All right. I'd like to enter
25 into evidence Exhibit Number 17.

1 THE COURT: Okay.

2 MS. YATES: This would be the resume of
3 Mr. Slepín.

4 THE COURT: Okay. All right. Ms. Schure, do
5 you have any objection to Exhibit 17?

6 MS. SCHURE: No, I don't have any objection.

7 THE COURT: All right. Okay. Exhibit 17 is
8 admitted.

9 (Petitioner's Exhibit Number 17 was
10 admitted.)

11 THE COURT: And, pursuant to my ruling, Ms.
12 Yates, I will recognize Mr. Slepín as an expert
13 for purposes of opining as to the reasonableness
14 of the costs and fees incurred by you with the
15 caveat being that I have not yet heard evidence
16 that you have incurred legal expenses associated
17 with this matter. I'm sure at some point I'll
18 hear that. But that's where we are. Okay?

19 MS. YATES: With that, your Honor, in
20 evidence, Exhibit 19 --

21 THE COURT: 19?

22 MS. YATES: I'd like to enter it into
23 evidence.

24 THE COURT: Okay. And tell me what Exhibit
25 19 is.

1 MS. YATES: Exhibit 19 is an affidavit of
2 mine as to the expenses incurred thus far.

3 THE COURT: Okay.

4 MS. YATES: That was in accordance with your
5 order. I had submitted previously an update.
6 This is my affidavit that he's -- that I can
7 prove.

8 THE COURT: Okay. All right. Ms. Schure,
9 have you -- have you before you Exhibit 19?

10 MS. SCHURE: Yes, sir.

11 THE COURT: All right. And do you have any
12 objections to the Exhibit 19?

13 MS. SCHURE: No, sir.

14 THE COURT: All right. 19 is admitted.

15 MS. YATES: Thank you, your Honor.

16 (Petitioner's Exhibit Number 19 was
17 admitted.)

18 MS. YATES: Also I'd like to enter into
19 evidence Exhibit Number 18.

20 THE COURT: Okay. 18. Tell me what this is.

21 MS. YATES: This, your Honor, is the
22 affidavit of attorney's time and fees of the
23 attorney I had at the time during the FEC
24 Complaint process, which --

25 THE COURT: Okay. So the \$4090 that you

1 reference in Exhibit 19, Exhibit 18 is the
2 attorney affidavit that supports that?

3 MS. YATES: Yes, up to the point I did
4 release him and took this on pro se.

5 THE COURT: As a pro se litigant, you're not
6 entitled to attorney's fees, because you're not an
7 attorney, for your time.

8 MS. YATES: I didn't charge for my time.

9 THE COURT: Just want to make sure.
10 Understood.

11 Okay. 18. Any objection, Ms. Schure, to 18?

12 MS. SCHURE: Only that this is not the
13 correct amount, your Honor. So I do have an
14 objection to it.

15 THE COURT: The correct amount in what sense?

16 MS. SCHURE: The first one that she had
17 admitted to the Elections Committee was \$2810.
18 \$2810.

19 THE COURT: Any response to that, Ms. Yates?

20 MS. YATES: Yes. At the time of the FEC
21 hearing that -- the amount that was stated in --
22 at that time was through the date that I had
23 indicated at that time. This is the full amount
24 up through the release of counsel, which was
25 January 27th.

1 THE COURT: Okay. As to the other document
2 that is referenced by Ms. Schure, is that
3 something that's already been admitted into
4 evidence as well?

5 MS. SCHURE: Your Honor --

6 THE COURT: Wait. Wait. Wait. Just a
7 second, Ms. Schure.

8 MS. YATES: Ms. Schure can help point to that
9 because I'm looking through my documents to see
10 what had been submitted to FEC. I believe that I
11 testified to the amount. I don't believe there
12 was --

13 THE COURT: Same difference. I'm not so much
14 concerned about the form as I am the substance.

15 MS. SCHURE: Your Honor, it states --

16 THE COURT: Ms. Schure.

17 MS. SCHURE: It states in her FEC Petition
18 for Costs that she had to let her lawyer go then.
19 She had already let him go when she filed this
20 Complaint.

21 THE COURT: Okay. Tell me what you're
22 looking at, Ms. Schure.

23 MS. SCHURE: This is her Petition for Costs
24 and Attorney's Fees to the FEC, document 16-312.
25 It's not in evidence, it's what she submitted to

1 them, your Honor, to get this to go this far.

2 MS. YATES: Your Honor, if I may, my
3 petition -- if you look at Exhibit H, which is
4 LY-64 --

5 THE COURT: Okay.

6 MS. YATES: -- that was just a -- an invoice
7 as of December 1st, 2016.

8 THE COURT: Has that been admitted?

9 MS. YATES: Yeah. It's under tab three. So
10 that is -- that is part of that.

11 THE COURT: Those are issues that I can
12 reconcile certainly in terms of the timeline, as
13 far as when counsel was retained and when counsel
14 was relieved of his responsibilities.

15 MS. YATES: And if I may, your Honor, to --
16 Exhibit Number Four, I'd like to enter that
17 into --

18 THE COURT: Hold up. We're not finished with
19 18, are we? No, I mean -- what was it? 18.

20 MS. YATES: Right.

21 THE COURT: 18 is admitted.

22 (Petitioner's Exhibit Number 18 was
23 admitted.)

24 THE COURT: All right. Now Exhibit Four.

25 MS. YATES: Yes.

1 THE COURT: What's Four?

2 MS. YATES: Four is -- is the actual
3 documentation for the Notice of Release of Counsel
4 with a date there of January 27, 2017.

5 THE COURT: Okay. And does that correspond
6 to when Mr. Daniels says that he was released? I
7 don't know what his affidavit says.

8 MS. YATES: His affidavit says, in Exhibit
9 Number 18, number one, he was the attorney for
10 Respondent August 28, 2016, through January 27,
11 2017.

12 THE COURT: Okay. All right. Any objection
13 to Exhibit Four, Ms. Schure?

14 MS. SCHURE: Yes, your Honor. Again, she
15 stated before -- again, she stated before that --
16 when she submitted this, her petition, she said
17 she had already -- because of her finances, she
18 had already let go of that lawyer. And that --
19 this was filed, your Honor -- I don't have the
20 date. But this was filed before we even went to
21 the February 28th date. She said she could not
22 afford an attorney any longer.

23 THE COURT: Okay. I'm not certain as to what
24 you're looking at. But if it's something that has
25 not already been admitted into evidence, when I

1 come to you and it's time for your case --

2 MS. SCHURE: Yes, sir.

3 THE COURT: -- that's something we'll address
4 in terms of having you to admit that document into
5 evidence. Okay?

6 MS. SCHURE: Okay.

7 THE COURT: It may already be in, I don't
8 know. But we'll -- we'll certainly make sure that
9 whatever you're referencing is a part of the
10 record. All right?

11 MS. SCHURE: All right. Thank you.

12 THE COURT: All right. You're welcome.

13 Okay. So Four is admitted, for purposes of
14 clarification.

15 (Petitioner's Exhibit Number Four was
16 admitted.)

17 THE COURT: All right. Are we ready for
18 Mr. Slepín?

19 MS. YATES: Yes.

20 THE COURT: Okay.

21 STEPHEN MARC SLEPIN,
22 was called as a witness by the Petitioner and, after
23 having been first duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. YATES:

1 Q Mr. Slepín, would you look at tab number 17?
2 This is your resume. Confirm for me that is a true and
3 correct copy of your resume.

4 A Yes, it is.

5 THE COURT: It's already been admitted. So,
6 yeah.

7 BY MS. YATES:

8 Q All right. Can you tell me your experience
9 and what your experience is with the Florida election
10 laws?

11 A In the 1960s, mid-1960s, I was assistant --

12 THE COURT: Mr. Slepín, keep your voice up,
13 sir, so the court reporter doesn't have such a
14 hard time.

15 THE WITNESS: Sinusitis.

16 THE COURT: Yeah.

17 THE WITNESS: In the mid-1960s, I was
18 Assistant Attorney General. Among my other duties
19 that are listed on there, I did litigate election
20 cases around the state on behalf of the State of
21 Florida or any entities which we were
22 representing. In 1974 -- no. Correction -- yes,
23 1974, when I left the Askew Administration and
24 went back into private practice, the Secretary of
25 State, Dick Stone, retained me as a private

1 practitioner to serve as the first general counsel
2 to the Florida Elections Commission chaired by
3 Justice Stephen O'Connell.

4 Simultaneously, I was retained by the
5 Secretary of State as the general counsel to the
6 State Division of Elections, in which capacity I
7 wrote the statutorily binding opinions of the
8 division and also made referral cases to the
9 Florida Elections Commission where, among other
10 things, as the general counsel to the Florida
11 Elections Commission -- and I would remind the
12 judge this is the early days of the Florida
13 Administrative Code before the stratification of
14 duties became mandatory.

15 For the Florida Elections Commission, I
16 reviewed complaints for legal sufficiency or the
17 lack thereof, and I prosecuted cases for the
18 Commission and prosecuted any appeals from the
19 final agency action of the commission.

20 In addition to that, I have testified in
21 circuit courts and in administrative proceedings
22 regarding both attorney's fees and costs.

23 THE COURT: All right. Mr. Slepín is
24 qualified.

25 MS. YATES: Thank you.

1 BY MS. YATES:

2 Q Mr. Slepín, have you reviewed the document in
3 regards to this petition and -- and the -- all of the
4 documents and the work and Mr. Doug Daniels' affidavit,
5 as well as my affidavit with regards to the fees?

6 A Yes, I have.

7 Q Okay. Can you share your opinion in regards
8 to the fees and the reasonableness and the matters of
9 this particular case and what was -- what's involved?

10 A I've read your affidavit and I've read the
11 affidavit of your attorney, Douglass Daniels.

12 I had defended these cases on behalf of
13 complainants against whom fees had been sought, and I
14 have always found that the negative, which is to say
15 your defense of the Complaint, is more challenging than
16 the Complaint because you have to, as Mr. Douglas (sic)
17 apparently did, has to mind the Complaint and the
18 referenced chapters, both in the jurisdictional side of
19 the Complaint and in the attachment to the Complaint,
20 to make sure that the Complaint was in -- in -- legally
21 insufficient. He had to protect you in that regard.

22 I have found his hours and his billing
23 therefor to be reasonable, within my experience, and I
24 have found that the hourly rate embraces many, many --
25 a great differential. And the further one gets down

1 the state out of Tallahassee, Jacksonville, on down the
2 coast, the greater the hourly amount will be. I have
3 seen amounts up to \$500, which, unfortunately, is not
4 my charge, but this would seem to have been a
5 reasonable amount charged for reasonable work done
6 under the circumstances of this case.

7 Q And, Mr. Slepín, the circumstances in this
8 case in regards to not only the Complaint being filed,
9 but the appearance on the agenda, public city
10 commission meeting agenda, and all of the things that
11 transpired, in your opinion, can -- can you provide
12 what you have formed as an opinion as far as the impact
13 it has on the time related to defending this case?

14 A I think it was entirely reasonable.

15 Q Okay. And you mentioned your experience with
16 elections law and all of the different things that you
17 have presided in filing Complaints and establishing the
18 allegations of those Complaints. Have you seen
19 situations where the complainants have filed Complaints
20 with malicious intents and false allegations?

21 THE COURT: No. No. Ms. Yates, that's the
22 issue I ruled on initially --

23 MS. YATES: Okay.

24 THE COURT: -- in terms of how far I'm going
25 to allow Mr. Slepín to go. I'm not going to let

1 him offer an opinion as to that.

2 MS. YATES: Okay.

3 MS. YATES: I'd like to ask the questions in
4 regards to some of the documents. Is that --

5 THE COURT: If it relates to the
6 reasonableness of the attorney's fees. As it
7 relates to any opinion beyond that, no.

8 MS. YATES: Okay. As far as --

9 THE COURT: He's already testified to the
10 fact that, in his opinion, the attorney's fees
11 charged by Mr. Daniels were reasonable, as well as
12 the costs. So I don't know what else there is for
13 him to testify to.

14 MS. YATES: Okay. I want to be clear that,
15 in my affidavit, obviously, after release of
16 counsel, there were costs that were included on
17 here in regards to the transcript and other
18 things.

19 THE COURT: Well, you can certainly include
20 those costs, but Mr. Slepín is offering an opinion
21 as to the services provided by your attorney, not
22 as to any costs that you may have incurred in your
23 capacity as a pro se litigant.

24 MS. YATES: Okay. So he wouldn't be able to
25 opine on the total costs?

1 THE COURT: As it relates to what Mr. --
2 what's his name? -- Douglas Daniels did, and he's
3 already opined to that.

4 MS. YATES: So I couldn't have him --

5 THE COURT: No.

6 MS. YATES: -- opine to --

7 THE COURT: No. Anything after
8 Mr. Douglas -- Mr. Slepín -- I'm not going to
9 allow him to testify to that. Certainly you can
10 offer that. I think it's already been offered in
11 terms of any additional costs you've incurred, and
12 that's certainly something that we'll consider as
13 part of evaluating this. But that information
14 needs to come from you --

15 MS. YATES: From me.

16 THE COURT: -- not from Mr. Slepín.

17 MS. YATES: All right. Mr. Slepín, is there
18 anything you'd like to add as far as my --

19 THE WITNESS: I'm afraid that is probably too
20 broad.

21 MS. YATES: Only as it pertains to the
22 attorney's fees and costs, as the judge has ruled.

23 THE WITNESS: I think I amply attested to my
24 opinion that they are quite reasonable.

25 MS. YATES: Okay. Thank you.

1 THE COURT: All right. Ms. Schure.

2 MS. SCHURE: Yes.

3 CROSS-EXAMINATION

4 BY MS. SCHURE:

5 Q Mr. Slepín, have you been paid for this
6 today? Since she has you down for a \$500 bill, have
7 you been paid?

8 A I'm sorry, I didn't hear the last part of it.

9 Q I said, Since Ms. Yates has you down as an
10 expert and your charge is \$500, have you been paid for
11 today?

12 A Yes.

13 Q Okay. And who paid you, Mr. Slepín?

14 A I believe it was Linda Yates.

15 Q Linda Yates, okay.

16 And I have just a couple more questions.

17 On this Commission Board that you sit on, was
18 this, like, the Elections Commission that this -- this
19 charge went to -- that this Complaint went to?

20 A I never sat on the Elections Commission,
21 ma'am. I was the first general counsel to the Florida
22 Elections Commission.

23 Q So what does that mean, sir?

24 A I was the attorney for, advisor of, and
25 prosecutor for Florida Elections Commission.

1 Q Okay. So can you answer this question? Are
2 there many cases filed incorrectly to the wrong
3 Commission and -- two part -- and, if so, are they in
4 malice?

5 THE COURT: Ms. Schure.

6 MS. SCHURE: Yes, sir.

7 THE COURT: Mr. Slepín was called for
8 purposes of testifying as to the reasonableness of
9 the attorney's fees and costs charged by the
10 lawyer that Ms. Yates previously had. So your
11 questions need to relate to that issue.

12 MS. SCHURE: That issue. Okay. Then, if I
13 can't ask him what I wanted to, then I'm finished.
14 I just want to know if he had been paid because --
15 okay. Thank you.

16 THE COURT: All right. Yes, ma'am. Thank
17 you.

18 Any redirect?

19 MS. YATES: Yes.

20 REDIRECT EXAMINATION

21 BY MS. YATES:

22 Q Mr. Slepín, in your experience and your
23 opinion is it -- is it typical in cases where there are
24 attorney's fees and costs that somebody has filed a
25 petition for, is it typical that those witnesses, those

1 experts would be paid as expert witnesses?

2 A In my experience, yes.

3 MS. YATES: Thank you.

4 THE COURT: All right. Thank you, Ms. Yates
5 and thank you, Mr. Slepín.

6 THE WITNESS: Yes, sir.

7 THE COURT: Any other witnesses, Ms. Yates?

8 MS. YATES: Just one more, Mr. Cory
9 Hutchinson.

10 THE COURT: All right. Mr. Cory Hutchinson.

11 MS. SCHURE: Your Honor, can we -- your
12 Honor --

13 THE COURT: You need a break?

14 MS. SCHURE: Yes, please, I do.

15 THE COURT: Okay. Let's take a five-minute
16 break.

17 MS. SCHURE: Thank you.

18 (There was a short break.)

19 THE COURT: We're back on the record. All
20 right, sir. I'm going to have the court reporter
21 to swear you in.

22 Before I do that, let me instruct you that
23 you are not to discuss your testimony with any of
24 the other witnesses today.

25 And, Madam Court Reporter, if you'll go ahead

1 and swear the witness.

2 THE COURT REPORTER: Would you raise your
3 right hand, please.

4 THE WITNESS: (Witness complies.)

5 THE COURT REPORTER: Do you swear or affirm
6 the testimony you're about to give will be the
7 truth, the whole truth, and nothing but the truth?

8 THE WITNESS: Yes.

9 CORY HUTCHINSON,
10 was called as a witness by the Petitioner and, after
11 having been first duly sworn, testified as follows:

12 THE COURT: Sir, if you would please state
13 your full name for us.

14 THE WITNESS: Cory Hutchinson.

15 THE COURT: All right, Mr. Hutchinson. All
16 right, Ms. Yates.

17 MS. YATES: Thank you, your Honor.

18 DIRECT EXAMINATION

19 BY MS. YATES:

20 Q Mr. Hutchinson, are you currently employed?

21 A Yes, ma'am.

22 Q Okay. Could you tell us what your occupation
23 is?

24 A I am a cook for the Sarasota County School
25 Board.

1 Q Okay. And how long have you been a resident
2 in the City of North Port?

3 A 17 years; since January, February of 2000.

4 Q All right. When did you become interested in
5 city government affairs?

6 A Approximately about the summer or so of 2015
7 I started to get more involved in watching the
8 commission meetings and pay more attention to what was
9 going on.

10 Q Okay. And was there anything in particular
11 that made you take interest?

12 A Just to be more involved in the community.
13 I've been interested in politics since middle school.
14 So then I just got more of an interest in the local
15 government.

16 Q Were you a candidate for North Port City
17 Commissioner in 2016?

18 A Yes, I was.

19 Q Okay. To your knowledge, was I, Linda Yates,
20 a candidate in the 2016 election?

21 A No, you were not a candidate.

22 Q Okay. And what do you base that knowledge
23 on?

24 A When the general election and primary
25 election sample ballots and the actual ballots

1 released, your name was not on any ballot for any
2 office. And the seat that Ms. Yates occupies is seat
3 five, which comes up for election again is 2018.

4 Q All right. And, during your campaign, did
5 you participate in door-to-door canvassing?

6 A Yes, ma'am.

7 Q Do you recall any unusual encounters with any
8 resident during your visits to homes?

9 A There was really one or two that I can
10 recall. Most were quite peaceful.

11 Q All right. Can you -- can you tell us about
12 those one or two that you recall?

13 A One home that I visited on Price Boulevard, I
14 felt it was more of a derogatory conversation that was
15 on a personal level with one of the commissioners, and
16 it wasn't focused on city business like the majority of
17 our conversations were.

18 Q That was on Price Boulevard?

19 A Yes, ma'am.

20 Q Okay. And did -- did any conversations that
21 you had concentrate or focus on -- on me, Linda Yates?

22 A Yes. That conversation on Price Boulevard,
23 yes, ma'am.

24 Q Okay. And, as you said, I was not up for
25 election. Could you tell me what opinions were shared

1 -- shared with you?

2 A The opinions were shared that you were not a
3 good fit as a commissioner, that you were not doing a
4 good job in office, and, also, more of a personal
5 level, the person that I spoke with called you an
6 idiot.

7 Q And the conversation that you had with this
8 individual, did you have an opportunity to talk about
9 yourself or was the conversation centered around Linda
10 Yates?

11 A I spoke about myself only very briefly. Then
12 right after I introduced myself, it turned toward you.
13 So it was just very brief about myself.

14 Q Okay. And this was on Price Boulevard. Can
15 you -- can you describe the home where this
16 conversation took place?

17 A Yeah. It's closer to Salford Boulevard. If
18 you're going towards Toledo Blade, it's an on the
19 left-hand side. The paint on the outside, I think, is
20 more of a red color, some plants in the front yard, and
21 there's usually an orange Dodge vehicle out in the
22 driveway.

23 MS. YATES: Okay. Your Honor, I would like
24 to enter into evidence the photo from Exhibit 16
25 to identify the location.

1 THE COURT: Well, I still don't think we need
2 this photo. Let me just ask Ms. Schure.

3 Ms. Schure, did you have a conversation with
4 Mr. Hutchinson?

5 MS. SCHURE: Yes, I did, your Honor, but --

6 THE COURT: Okay.

7 MS. SCHURE: Can I have a -- make a statement
8 on that?

9 THE COURT: Yeah, go ahead.

10 MS. SCHURE: It sounds like he's talking
11 about the same photo Ms. Yates had showed him
12 because, your Honor, I had -- I had a red Camaro
13 also. Our house is very well-known on the street
14 because of our cars. I just got rid of my Camaro
15 six weeks ago. So he -- he has only said there's
16 an orange Dodge. Now, if he knew my house, he
17 would know that there is a red Camaro that sits
18 there also.

19 THE COURT: Mr. Hutchinson, the person that
20 you had this conversation with, was it Ms. Schure?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. Ms. Schure, do you
23 acknowledge that you had a conversation with
24 Mr. Hutchison?

25 MS. SCHURE: Yes. Yes, I do.

1 THE COURT: Okay. All right. Let's move on,
2 Ms. Yates.

3 MS. YATES: All right.

4 BY MS. YATES:

5 Q Mr. Hutchison, during your campaign while
6 visiting homes throughout the city, did you ever
7 experience any conversations with other individuals
8 about me or any other candidate similar to what you had
9 experienced with your conversation with Ms. Schure?

10 A No, ma'am.

11 Q Okay. What -- were you aware, during the
12 2016 election, that Ms. Schure had filed a Florida
13 Elections Complaint against me?

14 A Yes.

15 Q Okay. When and how did you learn that there
16 had been that Elections Complaint filed against me?

17 A The first I had seen of it was on the
18 Herald-Tribune social media page on Facebook. The
19 article was posted.

20 Q Okay. The -- and that was the article -- did
21 you -- did you become aware that this FEC complaint was
22 going to be discussed by the Commission? Was it placed
23 on the City Commission agenda?

24 A Yes. I saw the backup material for that
25 agenda item. And then I also, in an agenda briefing

1 that the candidates were offered, discussed with the
2 City Manager that it was going to be placed on the
3 agenda.

4 Q All right. And could you tell me about your
5 conversation about -- in regards to that particular
6 item?

7 A The city --

8 Q Did you ask questions?

9 A I only asked a couple questions, and I just
10 gave my -- my opinion on it to the City Manager during
11 the agenda briefing.

12 Q Are you aware who placed that item on the
13 City Commission agenda?

14 A Yes, ma'am.

15 Q And who was that?

16 A It was Commissioner Cheryl Cook.

17 Q Okay. Did you read that Complaint,
18 Mr. Hutchinson?

19 A Yes, I -- I read the complaint on the -- it
20 was attached to the article and as backup material for
21 the agenda.

22 Q Okay. And that was back in October of 2016;
23 correct?

24 A Yes.

25 Q Okay. If you wanted to look at that

1 complaint today and share it would others, would you be
2 able to easily access that document?

3 A In -- yes. It's likely that, if you go back
4 to that meeting on the city's website, you'll be able
5 to find the agenda with that backup material still
6 attached.

7 Q Have you attended North Port City Commission
8 meetings --

9 A Yes.

10 Q -- before?

11 A Yes.

12 Q Okay. All right. And do you frequent --
13 frequently attend those?

14 A Yeah. I have been attending them more often
15 lately, and in 2016 I attended them more often than I
16 had previously.

17 Q Okay. Have you watched videos online when
18 you're not able to attend the commission meetings?

19 A Yes, I watch the videos online, the meetings
20 online.

21 Q All right. And, to your knowledge,
22 Mr. Hutchinson, had you ever seen a State of Florida,
23 Florida Elections Complaint on a North Port City
24 Commission meeting?

25 A No.

1 Q Okay. And, to your knowledge, does the City
2 of North Port have any codes for hearing or
3 adjudicating cases with violations of the State of
4 Florida election laws?

5 A I don't know what the codes are if they have
6 them.

7 Q Okay. Have you ever seen a Florida Ethics
8 Commission Complaint or any agency Complaint taken up
9 by the City Commission put on by a City Commissioner?

10 A No.

11 MS. YATES: Okay. That's all my questions,
12 your Honor.

13 THE COURT: All right. Ms. Schure, do you
14 have any questions for Mr. Hutchinson?

15 MS. SCHURE: Yes, sir.

16 CROSS-EXAMINATION

17 BY MS. SCHURE:

18 Q Mr. Hutchinson, how old are you?

19 A I'm 21.

20 Q 21. So that made you -- when you ran, you
21 were what?

22 A I filed at 19; I turned 20 during the
23 campaign.

24 Q Okay. Okay. So how long have you been a
25 volunteer at WKDW?

1 A I've only been there for about a week now.

2 Q A week now, okay.

3 How does Ms. Yates know what I said to you at
4 the door? How did she come to know what I said to you?

5 A I have spoken with her previously about
6 conversations that I've had with residents before, and
7 I've spoken to other people about conversations that
8 I've had.

9 Q So I'm -- so, in your campaign, you were --
10 you went to meet and greets, you went to social media
11 -- you were on social media, you had fundraisers, you
12 were at the Development Union, you were at forums, and
13 you have a private life.

14 Out of all of those people, I was the only
15 one that said anything bad about any commissioner or
16 anything that was going on in the City of North Port?

17 A You were the only one that said something to
18 that degree of making a derogatory statement on a
19 personal level about a commissioner.

20 Q So what do you consider derogatory?

21 A Being derogatory would be attacking someone
22 in what I perceive to be a personal manner.

23 Q That's your opinion; correct?

24 A It's my opinion that it was a personal
25 manner, yes, ma'am.

1 Q Okay. So since you remember what I said
2 since I was so -- I'll get what you said -- derogatory,
3 can you tell me what anybody else on Price Boulevard
4 said?

5 A The other residents that I talked to on Price
6 Boulevard were talking about the Price Boulevard
7 widening. That was the purpose I went to the majority
8 of homes on Price Boulevard over a period of time; to
9 discuss the Price widening.

10 Q Okay. Thank you.

11 And, let's see. From the start of your last
12 campaign to the end, how long was that?

13 A We --

14 Q This campaign.

15 A I filed in January, and then November 8th was
16 the end of it, election day.

17 Q So you don't -- Mr. Hutchinson, you don't
18 have an eidetic memory?

19 A Meaning?

20 Q Do you have a photographic memory?

21 A No.

22 Q Okay. Okay. So you said there was one other
23 person that spoke ill will of someone. Do you know her
24 name and where she lives -- that person lives? Can you
25 tell me that?

1 A No, I don't know where that person is.

2 Q But you can tell me where I live and who I
3 am?

4 A Because I spoke with you in person, we had
5 somewhat of a lengthy conversation, more lengthy than
6 normal conversations that I had with other individuals.

7 Q Okay. So how long was our conversation?

8 A I think we spoke for between five to ten
9 minutes. Most of the time I was at people's doors for
10 less than 60 seconds, because I went out in the
11 evenings a lot when people were eating dinner.

12 Q You answered the question. That's all I need
13 to know.

14 But you still can't tell me who this person
15 was that spoke -- that spoke -- had a bad comment about
16 someone else?

17 A No.

18 Q Only me?

19 A I do not have their name to give to you.

20 MS. SCHURE: Amazing. Okay. Thank you, your
21 Honor.

22 THE COURT: Okay. Thank you, Ms. Schure.
23 Any redirect?

24 MS. YATES: Just one -- one.

25 REDIRECT EXAMINATION

1 BY MS. YATES:

2 Q Mr. Hutchinson, this other person that you
3 don't recall the name or the location, did that person
4 specifically make comments toward me --

5 A No.

6 Q -- Linda Yates?

7 A No.

8 MS. YATES: Thank you.

9 THE COURT: Okay. All right.

10 Mr. Hutchinson, you're free to go, sir. Again,
11 let me remind you that you're not to discuss your
12 testimony with the other witnesses. Thank you.

13 THE WITNESS: Thank you.

14 THE COURT: All right. Any other witnesses,
15 Ms. Yates?

16 MS. YATES: The only other individual I had
17 was Cheryl Cook, but she --

18 THE COURT: Right.

19 MS. YATES: -- refused.

20 THE COURT: Yes. Okay. So let me tell you
21 the exhibits that I've got admitted. I've got 13,
22 10, 9, 3, 7, 2, 14, 12, 15, 17, 19, 18, and 4.

23 MS. YATES: May I enter the other items?

24 THE COURT: Well, which other ones do you
25 desire to admit?

1 MS. YATES: Actually, that ones we addressed,
2 the -- Number One is the March 13th order from the
3 Florida Elections Commission. Actually, that's on
4 the docket already.

5 THE COURT: Yeah, that has no evidentiary
6 value for you.

7 MS. YATES: Okay. And item Number Six is the
8 Waiver of Confidentiality that was on the FEC
9 file. I didn't know if that's anything that you
10 need.

11 THE COURT: This is your waiver of
12 confidentiality?

13 MS. YATES: Yes.

14 THE COURT: All right. That's dated
15 October 23rd, 2016. Any objection to Exhibit Six,
16 Ms. Schure?

17 MS. SCHURE: No, sir. No, sir.

18 THE COURT: All right. Okay. Thank you.
19 Exhibit Six is admitted.

20 (Petitioner's Exhibit Number Six was
21 admitted.)

22 MS. YATES: Gee, the only other one was the
23 August 28th, 2016, response to the Complaint from
24 the respondent, Linda Yates.

25 THE COURT: What number is that?

1 MS. YATES: That's Number Eight.

2 THE COURT: Number Eight in my book is a
3 letter from Douglas Daniels dated August 28th,
4 2016.

5 MS. YATES: Yes, that's the response. That's
6 from the attorney.

7 THE COURT: Oh, I thought you said from Ms.
8 Schure.

9 MS. YATES: No.

10 THE COURT: No. That has no evidentiary
11 value. That's just argument of counsel.

12 MS. YATES: Okay.

13 THE COURT: What else?

14 MS. YATES: That's it.

15 THE COURT: Okay. All right. Ms. Schure.

16 MS. SCHURE: Yes, sir.

17 THE COURT: I'm now going to turn to you.

18 MS. SCHURE: Okay.

19 THE COURT: And you indicated at the
20 beginning of this proceeding that you're going to
21 testify, but you have no witnesses other than
22 yourself.

23 MS. SCHURE: Yes, sir.

24 THE COURT: So I'm sure that there is some
25 additional information that you'd like to share

1 with me.

2 Let me remind you that one of the things that
3 you indicated was that there was a document that
4 you were referring to about attorney fees.

5 MS. SCHURE: Yes, sir. This is her --

6 THE COURT: Okay. Let's -- wait, wait, wait,
7 wait, Ms. Schure. Let me have you go ahead and
8 take a seat back at the end of the table, and then
9 we're going to try to find that document that
10 you're referencing.

11 MS. SCHURE: Okay.

12 THE COURT: Let me remind you, ma'am, that
13 you are still under oath.

14 MS. SCHURE: Yes, sir.

15 THE COURT: All right. So, Ms. Schure, tell
16 me what this document is that you were referencing
17 earlier so I can try to locate it, if I have it.

18 MS. SCHURE: Okay. This is the Petition for
19 Costs and Attorney's Fees that Ms. Yates sent to
20 the Elections Commission.

21 MS. YATES: Your Honor --

22 MS. SCHURE: Okay.

23 THE COURT: Okay. Stop right there. Stop
24 right there. Do I have that, Ms. Yates? Is that
25 in your book?

1 MS. YATES: Yes, your Honor. It should be
2 under tab three.

3 THE COURT: Tab three. Okay. What's that --
4 let's see. Is -- the document that you have, is
5 it one of Ms. Yates' documents that has a number
6 at the bottom?

7 MS. SCHURE: No, sir.

8 THE COURT: Like, LY?

9 MS. SCHURE: No, sir. It might. Let me
10 look. Let me look in this one, please. Thank
11 you.

12 THE COURT: Okay.

13 MS. YATES: I have the page number, your
14 Honor, that Ms. Schure might be referring to.

15 THE COURT: All right.

16 MS. YATES: She's looking at -- from what I
17 understand, it's the petition itself. And if you
18 look at that page, that's where I stated, since
19 the receipt of the Complaint, my fees through
20 January 3rd, 2017.

21 THE COURT: All right. Ms. Schure, this is
22 numbered paragraph 20?

23 MS. SCHURE: Yes, sir.

24 THE COURT: Which is Petitioner's Exhibit
25 Three, L -- page LY-28?

1 MS. SCHURE: Yes.

2 THE COURT: Is that what you're looking at?

3 MS. SCHURE: Yes, sir.

4 THE COURT: Okay. Okay. Well, that's
5 already admitted into evidence. I've got that.

6 MS. SCHURE: Okay. I was just wanting to
7 state the fact that she said it was 2810, now it's
8 4000, and we had already been through every single
9 thing that is here. There was no other reason for
10 attorney's fees to occur.

11 THE COURT: Okay. All right.

12 MS. SCHURE: Okay. Okay. Can I read my
13 statement now or --

14 THE COURT: Yes, ma'am. Now -- now is your
15 chance to do that. This is -- this is your case.

16 DIRECT TESTIMONY OF KATHY SCHURE

17 MS. SCHURE: Okay. Your Honor, there is
18 absolutely no evidence of malice (sic) intent as
19 required by FS 106.2 65.

20 The fact that a public citizen attempted to
21 put the question of whether a City Commissioner is
22 complying with the public records/Sunshine Laws by
23 sending newsletters from a personal email account
24 cannot be evidence of malice. Such an inquiry is
25 to be expected after high visibility public --

1 excuse me -- public records litigation regarding
2 city officials and other parts of Sarasota County.

3 Moreover, your Honor, all city officials are
4 extensively trained in public records/Sunshine Law
5 and are aware that even the appearance of a
6 violation can result in expensive litigation.

7 I did not knowingly make any false
8 allegations. In fact, the body of my Compliant,
9 Ms. Yates' use of private email for City business
10 is absolutely true and has not been contested by
11 Ms. Yates. Please see Exhibits B, C, D, E, and I
12 of my exhibits, your Honor.

13 MS. YATES: I object, your Honor.

14 THE COURT: Well, she's -- we're not looking
15 at them yet. She's just giving her statement.

16 MS. SCHURE: Okay.

17 THE COURT: When we want to go to those
18 exhibits, we'll deal with them individually.

19 MS. SCHURE: Okay.

20 THE COURT: Right now, are you still reading
21 from your statement?

22 MS. SCHURE: Yes, sir. Yes, sir. Yes, sir.

23 THE COURT: Okay. Go ahead.

24 MS. SCHURE: All right. Please see the
25 Exhibits B, C, D, E, and I. All have

1 Yates@LindaYates.com. Moreover, my designation of
2 Ms. Yates as a current candidate was entirely a
3 mistake. I assume that any Complaint to the
4 Elections Commission must involve a candidate, and
5 I thought I was required to specify the office
6 that Ms. Yates held.

7 I assumed that the Florida Elections
8 Commission might have jurisdiction because Ms.
9 Yates gathered email addresses she used during her
10 campaign and used the same --

11 MS. YATES: Objection, your Honor.

12 MS. SCHURE: -- private --

13 THE COURT: This is just her statement.

14 Go ahead, Ms. Schure.

15 THE COURT REPORTER: And used the same --

16 MS. SCHURE: I assumed that the -- oh, let's
17 see. No. She used during -- gathering email
18 addresses she used during her campaign and used
19 the same private emails during her campaign, which
20 is Exhibit A, Itsyourvoice@LindaYates.com or
21 WW@LindaYates.com.

22 Ms. Yates' rationale for imposing liability
23 in this situation does not make sense. The
24 Florida Elections Committee relies on ordinary
25 citizens supporting violations of campaign laws.

1 There is nothing shocking or unusual about a
2 layperson's failure to properly understand the
3 jurisdiction of a state agency.

4 If all complaints that lacked jurisdiction
5 were considered to be false and malicious, very
6 few ordinary citizens would dare file complaints.

7 Ms. Yates' assertion regarding any intent to
8 injure her representation is puzzling. The fact
9 that she widely distributes email regarding City
10 business from a private email address is certainly
11 no secret, and such actions may violate public
12 records laws and cause the City to incur liability
13 is likewise no secret to anyone that reads a
14 newspaper in Sarasota County.

15 I don't understand how disclosing such
16 commonly-known facts would injure someone's
17 reputation.

18 Ms. Yates is trying to get me to pay her
19 attorney's fees that are overinflated and
20 irrelevant -- irrelevant to the situation. The
21 cost of legal services performed on 8/28/16 is
22 excessive. Any licensed attorney should quickly
23 recognize that a Complaint about violations of the
24 Sunshine Law is outside the jurisdiction of the
25 Florida Election Commission and that little work

1 is required.

2 The only thing the attorney has to do, if
3 anything, is notify the Elections Committee the
4 Complaint was beyond jurisdiction, and this should
5 not cost \$1200.

6 In addition, much of the legal work Ms. Yates
7 is trying to get me to pay for is related to other
8 matters, which are records and ethics, strategy
9 for the North Port Commission meetings, insurance
10 policies and results of the North Port meeting.

11 Since Ms. Yates learned that the Election
12 Commission rejected my Complaint for her lack of
13 jurisdiction on 10/27/16, I should certainly not
14 have to pay for any legal work that occurred after
15 this date.

16 Okay.

17 THE COURT: Okay.

18 MS. SCHURE: I'm still going.

19 THE COURT: Okay.

20 MS. SCHURE: Ms. Yates' assertion regarding
21 any intention to injure -- I read that. I'm
22 sorry.

23 Let me see. Four, five. Hold on.

24 Okay. I'll just leave it at that right now,
25 your Honor. I'll leave the rest for closing.

1 THE COURT: Okay. All right. Well, let --
2 let's do this, Ms. Schure. You made reference to
3 a number of exhibits in your statement.

4 MS. SCHURE: Yes, ma'am -- yes, sir.

5 THE COURT: A, B, C, D --

6 MS. SCHURE: E, I.

7 THE COURT: A, B, C, D, E, and I?

8 MS. SCHURE: Yes, sir.

9 THE COURT: Is it your desire to have those
10 exhibits admitted into evidence --

11 MS. SCHURE: Yes, sir.

12 THE COURT: -- for my consideration?

13 MS. SCHURE: Yes, sir.

14 THE COURT: All right. Let's take -- let's
15 take these one at a time.

16 MS. SCHURE: Alrighty.

17 THE COURT: Start with A.

18 MS. SCHURE: Cheryl, can you hand me that
19 yellow paper there, please.

20 MS. COOK: This?

21 MS. SCHURE: No, underneath. Under my gum.
22 Thank you. This is what I need.

23 THE COURT: So, Ms. Schure, we're starting
24 with Exhibit A.

25 MS. SCHURE: Okay.

1 THE COURT: Tell me what this is.

2 MS. SCHURE: This is Ms. Yates' flyer from
3 her election, as you can see. And, as you can see
4 down here, this is her website, and this is where
5 she got all of her email addresses for her email
6 blasts, which are known as Keeping You Informed,
7 which is KYIs, seeyourvoice@LindaYates.com or
8 www@lindaYates.com.

9 THE COURT: Okay. And is this something that
10 was available to you prior to the filing of the
11 Complaint?

12 MS. SCHURE: Oh, yes, sir. These were
13 distributed everywhere. They were yellow and
14 black. These were her campaign folders -- flyers
15 that came out, sir.

16 THE COURT: Okay. What's the date of this?

17 MS. SCHURE: I don't know. It says Tuesday,
18 August 26th. Let's see. It doesn't have a date.
19 Let me see if it does on this one. It just says
20 on August 26th, sir. I believe this is her last
21 campaign. These are 2014 or May 2010. Let me
22 see. Let me read this here. Go on Tuesday --
23 getting the --

24 THE COURT REPORTER: If you're going to read
25 it, I need you to slow down.

1 MS. SCHURE: I'm sorry. I'm sorry.

2 I'm sorry, your Honor. This is from -- I
3 don't know. I believe it was 2000 -- I can't
4 remember. I don't remember. I don't remember if
5 it's 2010 or 2014. I know it's her campaign
6 folder that she keeps her email on, your Honor.
7 So I'd have to say 2010.

8 THE COURT: Okay. And it's your contention
9 that your Exhibit A is a document that pertains to
10 the Complaint that you filed against Ms. Yates
11 with the Elections Commission?

12 MS. SCHURE: Yes, sir. Yes, sir, because she
13 -- okay. Do you want an explanation why? Because
14 these are her email addresses that are on her
15 public email files, which were never made public,
16 that we had to -- I had to request, and they have
17 her personal email on them discussing City
18 business, your Honor. And that's how --

19 THE COURT: All right. Okay. Ms. Yates, any
20 objection to the Exhibit A, Respondent's Exhibit
21 A?

22 MS. YATES: Yes, your Honor. You know, Ms.
23 Schure has said that she felt that was pertinent
24 to the FEC Complaint she had filed against me.
25 She never included this in her Complaint

1 whatsoever. So to now raise this at this hearing,
2 which is solely for the Petition on Costs and
3 Fees, I would -- I would definitely object to
4 that.

5 That case is over, it was decided, it is
6 done, it is closed. This is about the petition
7 for the fees. I --

8 THE COURT: Well, that case technically is
9 not over and done with in the sense that what
10 we're focused on here, in part, is whether the
11 Complaint that was filed in that case was done
12 with the intent to injure; was it done
13 maliciously.

14 MS. SCHURE: Thank you.

15 THE COURT: So to the extent that we're here
16 for costs and fees, we've still got to consider
17 the background leading up to the Complaint that
18 was filed, and I think this is background
19 evidence. That's what she's telling me.

20 MS. YATES: But she had never submitted --

21 THE COURT: Right.

22 MS. YATES: -- that information, never raised
23 that argument. It was thrown out for legal
24 insufficiency because all of what she's talking
25 about, those emails, didn't have anything to do

1 with their jurisdiction.

2 THE COURT: I understand. All right. I'm
3 going to --

4 MS. YATES: Also, it's not -- I'm going to
5 tell you this is not my flyer.

6 THE COURT: All right. I'm going to admit
7 it. Now, what weight I give it, that's another
8 issue. A is admitted.

9 (Respondent's Exhibit A was admitted.)

10 MS. SCHURE: Okay.

11 THE COURT: What's your next one, Ms. Schure,
12 Exhibit B?

13 MS. SCHURE: This is Exhibit B -- this is
14 the --

15 THE COURT: Okay.

16 MS. SCHURE: This was 2010, your Honor, yes.
17 This is a 2010 email blast from her personal
18 computer for her campaign again stating
19 wwwLindaYates or yourvoice@Linda Yates.com.

20 I'm just stating these are the reasons why I
21 filed the Complaint, if you'll just bear with me
22 for a couple exhibits.

23 THE COURT: All right. So B is part of the
24 same background you talked about with respect to
25 Exhibit A as well?

1 MS. SCHURE: Yes, sir. Yes, sir.

2 THE COURT: All right.

3 MS. SCHURE: Okay.

4 THE COURT: All right. Exhibit B is admitted
5 with the objection noted, Ms. Yates.

6 MS. SCHURE: Okay.

7 THE COURT: All right. So B is admitted.

8 (Respondent's Exhibit B was admitted.)

9 THE COURT: Tell me what C is. C is next.
10 What is C?

11 MS. SCHURE: Yes. This is an email, a
12 private email, of Ms. Yates that is with the --
13 President Truesdale about union business with
14 negotiations going on on her private email. This
15 is City business.

16 THE COURT: Any response to C, Ms. Yates?

17 MS. YATES: Yes. Ms. Schure is providing
18 these documents, and I don't know that these are
19 real documents in the form that they existed, as
20 well as the fact that this is dealing with
21 something that was never raised or provided to the
22 FEC at the time. Given then 14 days to supply
23 additional evidence, Ms. Schure provided nothing.

24 This has nothing to do with elections law, it
25 has to do with what she's claiming, Sunshine Law

1 and ethics law, and it's immaterial to this case.
2 I never had the opportunity for seeing these prior
3 to now to make comment.

4 THE COURT: All right. Your objection is
5 noted. Exhibit C is admitted.

6 (Respondent's Exhibit C is admitted.)

7 MS. SCHURE: Your Honor --

8 THE COURT: All right. What's next?

9 MS. SCHURE: Okay.

10 THE COURT: Exhibit D?

11 MS. SCHURE: Yes. This is Exhibit D.

12 THE COURT: As in David?

13 MS. SCHURE: Yes, sir. This is with -- it
14 would -- this is dealing with the second paragraph
15 with this gentleman, Joe. It's stating that he
16 wants to be the special exception to be the only
17 pawn dealer in Port -- North Port, and he would
18 like her to make that so.

19 THE COURT: Okay. What does that have to do
20 with the Complaint that you filed?

21 MS. SCHURE: Again, this is private email
22 doing -- conducting City business on her private
23 email without it ever being given to the City
24 Clerk for total transparency.

25 THE COURT: All right.

1 MS. YATES: I would --

2 THE COURT: Same objection?

3 MS. YATES: Stronger objection here because
4 Ms. Schure is making accusations that are
5 untruthful and she doesn't know for a fact, and
6 I'd like to make it stated on the record that it's
7 totally not what -- that's just -- that's her
8 opinion, and they are not fact of what she's
9 stating.

10 And all of these emails were provided to the
11 City Clerk, and the City Clerk has them. I just
12 wanted to state that --

13 THE COURT: Okay.

14 MS. YATES: -- because she's making an awful
15 lot of accusations here that are not factual.

16 MS. SCHURE: Your Honor, she is -- just said
17 these are -- she is -- just stated these were
18 provided -- I'm sorry, we have a --

19 THE COURT: I noted the objection. So
20 Exhibit D is admitted.

21 (Respondent's Exhibit D was admitted.)

22 MS. SCHURE: Okay. Ms. Yates also --

23 THE COURT: E.

24 MS. SCHURE: Ms. Yates also stated these were
25 provided to the City Clerk, so these are her

1 emails, your Honor, by her own admission.

2 THE COURT: Okay. What about Exhibit E?

3 MS. SCHURE: E is just a citizen that has
4 written in talking about the tomorrow's bond
5 reading. Again, private information -- City
6 business.

7 THE COURT: Okay. All right. Same
8 objection --

9 MS. YATES: Yes.

10 THE COURT: -- Ms. Yates?

11 MS. YATES: Yes, your Honor.

12 THE COURT: All right. E is admitted.

13 (Respondent's Exhibit E was admitted.)

14 THE COURT: And you didn't mention F. You
15 went from E to I.

16 MS. SCHURE: I'm sorry. Yes, yes, yes, yes,
17 yes, yes. I. Hold on one second. I have J. Let
18 me get I.

19 I is also -- this one is from Kathy Lanza,
20 the lady that testified, your Honor. It says --
21 if you would read it, please, it says that she
22 tried to call Ms. Yates on her City cell. Since
23 she could not reach her there for this business,
24 she called to -- put it in on her personal email,
25 which is City business. And she is a licensed

1 paralegal or whatever, legal assistant, so she
2 knew the rules.

3 THE COURT: All right. Same objection, Ms.
4 Yates as to I?

5 MS. YATES: Yes, all immaterial.

6 THE COURT: Okay. Objection is noted.

7 I is admitted.

8 (Respondent's Exhibit I was admitted.)

9 MS. SCHURE: Okay. And F is actually --

10 THE COURT: Okay.

11 MS. SCHURE: F is just Jacqueline Moore's
12 check, that she admitted to wrongdoing and she
13 didn't want to go to a legal battle with the
14 Elections Committee that I filed it under, which
15 was not in malice, it was true.

16 THE COURT: Okay. And this is one, I think,
17 we talked about earlier.

18 MS. SCHURE: Yes, sir. Yes, sir.

19 THE COURT: Okay. All right. So any
20 objection to F?

21 MS. YATES: No objection, your Honor.

22 THE COURT: All right. F -- let me make sure
23 I have all the pages.

24 MS. SCHURE: I think that was I. Yes, that
25 was I.

1 THE COURT: Exhibit F is five pages; is that
2 correct, Ms. Schure?

3 MS. SCHURE: Yes, I believe so, your Honor.
4 One, two -- yes, sir.

5 THE COURT: Okay. F is admitted.

6 (Respondent's Exhibit F was admitted.)

7 THE COURT: What else do we have?

8 MS. SCHURE: I had a -- Exhibit G, your
9 Honor, is from Patsy. I requested Ms. Yates'
10 complete, complete list of her people that she
11 sends them to because, again, they're supposed to
12 have total transparency, and this is all I
13 received, and I had to pay for this. So I still
14 haven't got the whole list. She won't provide it.

15 THE COURT: Okay. I'm not going to admit
16 Exhibit G.

17 MS. SCHURE: All right. That's fine.

18 THE COURT: Okay. What's next?

19 MS. SCHURE: H is, again, just -- you know, I
20 requested these KYIs. Again, this one just --
21 isn't complete. The end is just taken off. I'm
22 just stating that. The reason I put it in there
23 is just -- I have many of these that are
24 incomplete. They were just -- they never came
25 complete. So that's up to you, your Honor, if you

1 would like to --

2 THE COURT: Yeah. Yeah. I'm not going to
3 admit that.

4 MS. SCHURE: Okay. And J, K, and L are just
5 her -- which are public record, your Honor, are
6 her papers of her foreclosures on three
7 properties.

8 And, your Honor, the reason I was making
9 these so important, this one foreclosure is for
10 233,000. We're not talking a \$50,000 house. This
11 is a foreclosure on land that's 233,000.

12 MS. YATES: Objection.

13 MS. SCHURE: And there's another one --

14 THE COURT: Yeah. Ms. -- Ms. Schure --

15 MS. SCHURE: Yes, sir.

16 THE COURT: -- with respect to your Exhibits
17 J, K, and -- let's see. What is this, J, K, and
18 L?

19 MS. SCHURE: Yes, sir.

20 THE COURT: Were these exhibits a part of
21 either the Complaint or the background information
22 associated with the Complaint that you filed that
23 provides a basis for this current case?

24 MS. SCHURE: No, sir. These are just -- I
25 just wanted you to know that I did not state ill

1 will of Ms. Yates without information -- without
2 proof. I just was -- these are the -- I'm just
3 saying she said this was all in malice, and her
4 testimony of her people said that it was -- I
5 spoke ill will. I just wanted you to know I have
6 proof. It was not just hearsay, it was proof,
7 your Honor.

8 THE COURT: All right.

9 MS. SCHURE: Okay?

10 THE COURT: But Exhibit J, was that something
11 that was referenced in the Complaint that you
12 filed against Ms. Yates or was that part of the
13 background leading up to the filing of it?

14 MS. SCHURE: No -- well, yes, sir. Not
15 really -- no. I'd have to say no. I just wanted
16 you to know that this is -- this was --

17 THE COURT: Okay.

18 MS. SCHURE: It wasn't just hearsay, this was
19 actual evidence that I showed to Ms. Lanza when
20 they came.

21 THE COURT: Okay. And that's -- and that's
22 the same -- and that's the same with respect to K
23 and L?

24 MS. SCHURE: Yes. Yes.

25 THE COURT: Okay. All right. J, K, and L I

1 am not going to admit.

2 Okay. And then there is -- I don't know what
3 M is. What is M?

4 MS. SCHURE: M is that Ms. Yates is the Mayor
5 of North Port, and she shut down a city meeting to
6 go on personal business to the Elections Committee
7 when she did not have to be there that day.

8 THE COURT: I'm not going to admit that.

9 MS. SCHURE: Okay. Thank you. Yep, okay.

10 MS. YATES: Your Honor, am I able to make a
11 statement --

12 THE COURT: Just a minute.

13 MS. YATES: -- as to what Ms. Schure just
14 said?

15 THE COURT: I'm going to give you a chance to
16 follow up with her as well, if you have any
17 questions.

18 All right. Ms. Schure --

19 MS. SCHURE: Yes, sir.

20 THE COURT: -- is there anything else, ma'am?

21 MS. SCHURE: Is this, like, my final
22 statement, your Honor, or --

23 THE COURT: No, no, no. You're still -- are
24 you still giving me information?

25 MS. SCHURE: No, sir. That's -- that's about

1 all I have to say about that. But I have -- all I
2 would like to say is I have 1500 emails, that
3 these are just some of them that I went through.
4 I didn't want to give you all of the other ones
5 that have public business on them on her private
6 email. Okay.

7 THE COURT: All right.

8 MS. SCHURE: That's all I have to say on it.

9 THE COURT: Okay. Ms. Yates, are there any
10 questions that you would like to ask Ms. Schure
11 based on what she's testified to so far, in
12 addition to the documents? Any follow-up
13 questions?

14 MS. YATES: Yes, your Honor, just a couple.
15 I'll be brief.

16 MS. SCHURE: Excuse me, your Honor. Can I
17 ask a question, please. Can I ask a question to
18 you, your Honor?

19 THE COURT: Yes.

20 MS. SCHURE: I never got to ask Ms. Yates any
21 questions. Will I get to do that? Because she is
22 a witness. She put herself as a witness.

23 THE COURT: Yes. Yes.

24 MS. SCHURE: Okay. All right.

25 THE COURT: Before you close out your case,

1 if you desire to call Ms. Yates, you can.

2 MS. SCHURE: All right. Thank you.

3 THE COURT: Go ahead, Ms. Yates.

4 CROSS-EXAMINATION

5 BY MS. YATES:

6 Q Ms. Schure, where did you get the email
7 flyer, A? You're calling it a flyer. Where did you
8 get the flyer?

9 A These were distributed all over North Port,
10 Ms. Yates. In 2010 when you were at Perkins these were
11 all distributed. Were they not? Any -- everybody in
12 North Port had one of these documents. If it wasn't
13 delivered to my house, they -- they were everywhere.
14 They were in the stores, they were everywhere, because
15 you were running for election; correct?

16 Q Ms. Schure --

17 A Yes, ma'am.

18 Q Ms. Schure, yes, ma'am. No, I'm not saying
19 yes to everything you just said. I'm asking where the
20 flyer came from. If you look on the page, it's saying
21 attachments. It looks and appears to be an email and
22 actually doesn't have the header when that email was
23 sent.

24 A Yes, ma'am. I had to scan this and send it
25 to get it -- to get it to the judge, your Honor, and

1 the only way I could do it -- as I notice, I had
2 trouble. I had to fax everything because I couldn't
3 get it to download on my computer.

4 Q Okay. So -- so you're saying this is, what,
5 a postcard or something you received?

6 A Yes, ma'am.

7 Q You received this?

8 A Yes, ma'am.

9 Q Okay. And you -- and you scanned it and put
10 it on here?

11 A Yes. And it wouldn't --

12 Q Still --

13 A Yes. I couldn't get it to print the yellow.
14 I didn't want to use all my ink, ma'am. It's yellow
15 and black. So this is it because I wasn't using my ink
16 for this. Okay? So, yes, this is mine. Thank you.

17 Q Okay. So -- so this is an email that you
18 sent to yourself. Is there not a page supposed to be
19 to it as far as the header from the email --

20 A No.

21 Q -- that shows to and from and the date that
22 this was provided?

23 A I'm sorry? Do you have to and from, date
24 provided? No, ma'am. I sent this.

25 This is my exhibit, your Honor.

1 Q On Exhibit B as well, this says an email.
2 But, again, this is -- this is not having the full
3 information of the header of who it was to and from,
4 there's no date on it.

5 A Well, if you look -- it has the same bottom
6 down here. So, yes, that's where it came from, my
7 computer. Yes, your Honor. Yes, Ms. Yates.

8 Q Okay. But it -- did you alter either of
9 these two documents --

10 A Why would I do that?

11 Q -- as far as --

12 A No.

13 Q As far as --

14 Your Honor, if she can let me finish.

15 THE COURT: Well, the question was did she
16 alter the documents. She said no.

17 MS. YATES: She's cutting me off before I'm
18 finishing.

19 THE COURT: Okay. All right.

20 THE WITNESS: Because it's stupid.

21 BY MS. YATES:

22 Q Ms. Schure, why -- why have you submitted
23 these documents to this proceeding; however, you did
24 not submit any of this information in your original
25 August 17, 2017, filing with the FEC, that Complaint,

1 or the one you provided to the City Clerk in September,
2 which actually had a July 26 date? Why -- why were
3 these not part of it?

4 A Because, again, I didn't realize I had to do
5 that. And then when they sent me the thing -- the
6 letter stating I needed to do that, my mother-in-law
7 died. I was in the middle of trying to take care of
8 her estate. I did not have time for you.

9 Q Okay. Ms. Schure, when you filed your
10 Complaint against Jacqueline Moore, that included
11 multiple documents, backup documents.

12 So, aside from the attachment where you wrote
13 a narrative, you also provided backup documents. That
14 was in June of 2017 -- 2016.

15 So you just stated you didn't know that you
16 needed to provide these when you filed mine later in
17 August. And you also filed Elections Commission
18 Complaint in July, July 22nd. So you had already been
19 through the process with the Ethics Commission, with
20 the Elections Commission, and you provided a multitude
21 of documents with both of those, even stating July 22nd
22 with Jacqueline Moore, that it was enough to be legally
23 sufficient, after having been rejected on your Ethics
24 Complaint that was thrown out because it was legally
25 insufficient.

1 So now fast forward to August. You had
2 already learned which entity to file with and you
3 already learned how to file. Why, then, in August did
4 you not provide adequate documentation for what you are
5 alleging, that I had violated election law?

6 THE WITNESS: May I stand up, your Honor?

7 THE COURT: Yeah.

8 THE WITNESS: Because I would have had to
9 send this whole box to them. I didn't have the
10 money to send this whole box to the Elections
11 Commission. And then when they wrote me back,
12 like I said, I was in the midst of my
13 mother-in-law's death. Okay? So that's why I
14 didn't. I'm sorry I didn't. I sent the letter.
15 I thought that was sufficient.

16 BY MS. YATES:

17 Q Ms. Schure, the letter that you're talking
18 about is one that was received in October of 2016.
19 That was way in October.

20 And my condolences to you.

21 THE COURT: I understand that letter in
22 October was the Commission asking for additional
23 information.

24 MS. YATES: Uh-huh.

25 THE COURT: I think she's already answered

1 several times that she didn't send it initially in
2 terms of her supporting documentation. When they
3 asked for more documentation, this was during the
4 midst of the family situation with her
5 mother-in-law.

6 MS. YATES: Your Honor, I'm talking about the
7 initial filing --

8 THE COURT: Right.

9 MS. YATES: -- that's what I'm talking about.

10 THE COURT: Correct. I think you asked
11 multiple times that she didn't provide any
12 supporting documentation other than what was
13 submitted. What else do you --

14 MS. YATES: I'm asking why. I want to know
15 why.

16 THE COURT: Just ask that question.

17 MS. YATES: I did.

18 THE WITNESS: I told you.

19 MS. YATES: She's telling me about the
20 October period.

21 THE WITNESS: I told you I sent the initial
22 Complaint. I didn't realize, with the initial
23 Complaint, that I needed to send these. When I
24 sent in the ones for Jacqueline Moore, it was two
25 small things. I didn't want to pay for all of

1 this, unless need be, Ms. Yates. I had spent
2 enough money with all of this that -- they charged
3 me at North Port to get all your KYIs. Okay?
4 That's my answer to you.

5 And then my mother-in-law died, and I just
6 did not have time for you. But I'm going to make
7 time, your Honor.

8 THE COURT: All right. Next question, Ms.
9 Yates.

10 MS. YATES: Yes.

11 BY MS. YATES:

12 Q Ms. Schure, you mentioned that -- that you --
13 had submitted these documents, a lot of these KYI
14 emails. Did -- were -- when you put on your form
15 Sunshine and ethics violations, you're alleging
16 Sunshine violations here with these documents. In
17 doing so, when you did that, you fully understood that
18 this was not elections?

19 THE COURT: We've already plowed that ground.

20 THE WITNESS: Thank you.

21 THE COURT: You talked about that very same
22 issue --

23 THE WITNESS: Thank you.

24 THE COURT: -- initially. Any other new
25 information you want to question her about?

1 MS. YATES: I think I have covered -- I think
2 I covered that, so I won't go into each and every
3 one of them. It's just generally.

4 THE COURT: Okay. All right. Ms. Schure, is
5 there anything else you'd like to add?

6 MS. SCHURE: Yes.

7 THE COURT: Here's where we are.

8 MS. SCHURE: Okay.

9 THE COURT: I'm going to let you add anything
10 else you wanted to add, and I think you had some
11 questions you'd like to ask of Ms. Yates.

12 MS. SCHURE: Yes.

13 THE COURT: Okay. So go ahead. What else do
14 you have?

15 MS. SCHURE: I would like to ask her is
16 Exhibit A --

17 THE COURT: No, no.

18 MS. SCHURE: I can't do that?

19 THE COURT: Wait. Wait.

20 MS. SCHURE: Okay.

21 THE COURT: We're not there yet.

22 MS. SCHURE: I'm sorry. I'm sorry.

23 THE COURT: Is there anything else you'd like
24 to tell me in response to questions that Ms. Yates
25 just asked you? Is there anything else you'd like

1 to follow up on?

2 MS. SCHURE: No, sir, just that it's the same
3 thing over and over.

4 THE COURT: Okay. All right. Fine.

5 All right. So now this is your opportunity,
6 Ms. Schure, to ask any questions of Ms. Yates.
7 So, in essence, you're calling Ms. Yates to
8 testify.

9 MS. SCHURE: Okay.

10 THE COURT: Ms. Yates has been sworn, so she
11 is under oath.

12 MS. SCHURE: Okay.

13 THE COURT: If you would, Ms. Schure, just
14 try to keep your questions in a simple format.
15 Just ask the question. I don't need a bunch of
16 background leading up to the question.

17 MS. SCHURE: Alrighty.

18 THE COURT: Just ask the question.

19 MS. SCHURE: Okay.

20 THE COURT: Okay. All right.

21 LINDA YATES,
22 was called as a witness by the Respondent and, having
23 been previously duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. SCHURE:

1 Q Ms. Yates, Exhibit A, is this your flyer,
2 except that it's not yellow and orange? Is this your
3 flyer?

4 A Ms. Schure, I cannot say that that is my
5 flyer because it looks like it's been pieced together,
6 and I cannot state that that is my flyer.

7 Q Oh, really?

8 Okay. Is this your email blast right here?
9 Now, these are coming from your --

10 THE COURT: Ms. Schure, what are you looking
11 at?

12 MS. SCHURE: I'm sorry. This is Exhibit B.

13 THE COURT: Okay. And what's your question?

14 MS. SCHURE: Is this her email blast for her
15 election? Because it states, I look forward to
16 continuing to serve you and need your vote on
17 August 28th -- 26th.

18 THE COURT: Right. The question is to Ms.
19 Yates --

20 MS. SCHURE: Uh-huh.

21 THE COURT: -- what; is this her document?

22 MS. SCHURE: Yes.

23 THE COURT: Okay.

24 THE WITNESS: Okay. Exhibit B, no.

25 BY MS. SCHURE:

1 Q Oh, boy. Okay.

2 So Exhibit C, Ms. Yates -- now, this is from
3 Yates@Linda Yates.com on August 21st, 2012. You have
4 been extensively told about the Sunshine Law; correct?
5 You've been schooled on the Sunshine Law because you
6 are a commissioner and this is your second seating,
7 your second term; correct?

8 MS. YATES: Your Honor, I object to the
9 question.

10 THE COURT: Okay. Overruled. I think it's a
11 good question. Go ahead.

12 MS. YATES: It's not germane to the --

13 THE COURT: Objection overruled.

14 Have you been educated as to the Sunshine
15 Law?

16 THE WITNESS: Yes.

17 BY MS. SCHURE:

18 Q Okay. So this, @LindaYates --

19 MS. SCHURE: Now, this came from Patsy
20 Adkins' desk, your Honor. This is Exhibit C.
21 This is the clerk that testified. Okay?

22 THE COURT: What's the question?

23 MS. SCHURE: Okay.

24 BY MS. SCHURE:

25 Q Is this not your private email?

1 A Yates@LindaYates.com?

2 Q Yes, ma'am.

3 A Okay. Yeah. That is my email that I use,
4 yes.

5 Q Okay. And this is -- so this is your email,
6 this letter right here, this came from your email
7 address?

8 A Ms. Schure, I'm not going to attest to the
9 contents of this page being my email because of the
10 information that you provided, which I don't know if
11 it's altered or not. So I've answered your question as
12 to that being my email address, yes.

13 MS. SCHURE: Your Honor, this -- this is not
14 -- I got these from the City Clerk. They have her
15 stamp here. These -- she keeps saying they're not
16 hers. They're not altered. That's what I
17 requested from the City Clerk.

18 BY MS. SCHURE:

19 Q Okay. Exhibit D, then, is this your email
20 here, Exhibit D, from Port City Pawn?

21 A That is my email address,
22 Yates@LindaYates.com.

23 Q Is that not your KYI at the bottom, Ms.
24 Yates, which is keeping you informed?

25 A Ms. Schure, again, I cannot attest to the

1 fact that the contents that I'm looking at is
2 100 percent accuracy without having been altered.

3 MS. SCHURE: Your Honor, I have nothing else
4 to say. Ms. Yates will not truthfully -- she
5 knows she's under oath. She will -- you made me
6 answer her questions; she will not answer mine.
7 I'm sorry. I'm finished. Because if she -- if
8 she doesn't -- I had to answer everything very
9 truthfully. She doesn't -- she has not answered
10 yet.

11 Now, I wouldn't go -- I have a stack of these
12 here, your Honor, that I got from the City Clerk,
13 all of them say Patsy Adkins on them, and she's
14 sitting there telling me she cannot say that these
15 are or not her emails without being altered.

16 THE COURT: Right. Well, as I said, Ms.
17 Schure, these documents have been admitted into
18 evidence. In terms of the weight I'll give them
19 and how they factor into the analysis, I'll make
20 that determination when I sit down to write my
21 order. But they have been admitted into evidence.

22 MS. SCHURE: Thank you, your Honor.

23 THE COURT: All right. You're welcome.

24 MS. SCHURE: I have --

25 THE COURT: Do you have any other --

1 MS. SCHURE: Yes.

2 THE COURT: Go ahead.

3 MS. SCHURE: I have one more thing on --

4 THE COURT: Wait, wait, wait, wait.

5 MS. SCHURE: Okay.

6 THE COURT: When you say one more thing --

7 MS. SCHURE: No.

8 THE COURT: -- right now, do you have any
9 additional questions for Ms. Yates?

10 MS. SCHURE: No, sir, because she won't
11 answer them. So I have nothing else to say to
12 her.

13 THE COURT: Okay. All right. All right. So
14 do you have any additional witnesses?

15 MS. SCHURE: No, sir.

16 THE COURT: Okay. All right. So, Ms.
17 Schure, what I show in terms of exhibits that I've
18 admitted into evidence --

19 MS. SCHURE: Okay.

20 THE COURT: -- on your behalf are Exhibits A,
21 B, C, D, E, I, and F.

22 MS. SCHURE: Okay. Thank you.

23 THE COURT: All right. Okay. All right. So
24 now what's about to happen, Ms. Schure, is I'm
25 going to turn back to Ms. Yates to see if there's

1 anything else she wishes to -- I'm sorry, was
2 there something else?

3 MS. SCHURE: Yes, there was one more thing.

4 In Ms. Yates' Exhibit Number Two --

5 THE COURT: Number Two. Okay.

6 MS. SCHURE: Page LY-7 --

7 THE COURT: Okay.

8 MS. SCHURE: -- there is a discrepancy, sir,
9 here on line 15. I was at this meeting. Ms.
10 Yates told them that she owed 2810 and that she
11 had another receipt. And Mr. Thomas told her that
12 she couldn't admit that there. So I don't --
13 there is a discrepancy here. I will be getting my
14 own copy of this to send this to you in the time
15 limit because she did not say 4090.

16 THE COURT: Well, in terms of the information
17 that I will consider, I've got the information
18 that's presented to me today.

19 MS. SCHURE: Okay.

20 THE COURT: I'm not going to leave the record
21 open for the submission of any additional
22 information.

23 MS. SCHURE: All right, your Honor.

24 THE COURT: Right. But you have pointed out,
25 Ms. Schure, the -- I forget the exhibit number,

1 but I believe it was paragraph 20 of whatever
2 exhibit number we were dealing with, there was a
3 reference to --

4 MS. SCHURE: Cost, yes, sir.

5 THE COURT: So you --

6 MS. SCHURE: Yes.

7 THE COURT: -- you did note that.

8 MS. SCHURE: Yes. It's line 15, your Honor,
9 on LY-7 of the hearing on February 28th.

10 MS. YATES: Your Honor, may I speak to that,
11 please.

12 THE COURT: Well, hold up a second. Just a
13 second.

14 All right. So is there anything else, Ms.
15 Schure?

16 MS. SCHURE: No, sir.

17 THE COURT: Or are you finished?

18 MS. SCHURE: Yes, I believe I'm finished.

19 THE COURT: All right. Okay. Thank you.

20 All right. Now turning to you, Ms. Yates.

21 MS. YATES: Thank you, your Honor. In
22 regards to what's pointed out here on the
23 transcript with the 4090 figure --

24 THE COURT: Okay.

25 MS. YATES: -- that's February 28th, 2017.

1 That is a month after the closing of my account,
2 which was on the 27th. So it was the true-up bill
3 for all of the fees.

4 The date of my petition is the same day I
5 released my counsel, January 27, 2017. I just
6 wanted to share that what Ms. Schure has pointed
7 out in the petition is accurate as of the date of
8 that petition submitting. By the time a month
9 later came, I had the final bill from the attorney
10 to settle -- settle up those fees.

11 THE COURT: Okay. All right. So noted.

12 MS. YATES: Okay.

13 THE COURT: All right. Ms. Yates, any
14 additional information?

15 MS. YATES: I -- I don't know that I have any
16 other information. I -- I asked earlier about a
17 closing. I didn't know if you were open to that.

18 THE COURT: Right. Well, here's the way we
19 are going to do that. First of all, now, I will
20 accept that you have no rebuttal information,
21 other than what you've already given me.

22 So, Ms. Schure -- and this goes to you, Ms.
23 Yates, as well -- the way this process works is
24 that, because Ms. Yates has ordered the
25 transcript, what's going to happen is that the

1 court reporter is going to type up everything that
2 was said today. And once that transcript has been
3 secured by Ms. Yates, the original of that
4 transcript will get filed with me by the court
5 reporter. And then under the rules for the
6 Division of Administrative Hearings, my office,
7 the parties have ten days from the filing of the
8 transcript to submit to me what's called a
9 proposed recommended order.

10 Now, this is for the benefit of both of you.
11 On the website for the Division of Administrative
12 Hearings, there's a tab that's called -- I think
13 it says something like representing yourself. And
14 if you click on that tab, it will have for you a
15 sample of a proposed recommended order just in
16 terms of the format that you're to use. So I
17 would encourage both of you to take a look at
18 that.

19 And what the proposed recommended order is
20 is, in essence, your written statement summarizing
21 the evidence and telling me why you believe that
22 either you should prevail in your case, Ms. Yates,
23 or, Ms. Schure, in your case why you believe Ms.
24 Yates should not prevail.

25 So that is, in essence, your closing

1 statement, because that summarizes the evidence
2 based on a review of the transcript and the actual
3 evidence that's been admitted, and then I take
4 that into consideration when I prepare my
5 recommended order.

6 So just so that we're all clear, I will not
7 make a decision today. I will make my decision
8 based upon -- when I get the transcript, I'll go
9 back and review the transcript, and I'll review
10 all of the documents that have been admitted into
11 evidence, as well as considering the proposed
12 recommended orders that you all will submit, if
13 you desire to do so. You are not obligated to do
14 it, but certainly if you elect to do it, I will
15 consider it.

16 All right. So, again, it'll be ten days
17 after the filing of the transcript in the office.

18 Now, Madam Court Reporter, the transcript has
19 been ordered by Ms. Yates, and you all need to
20 coordinate so you can provide her with whatever
21 information she needs from you and she can give
22 you whatever information she has.

23 THE COURT REPORTER: Yes, sir.

24 THE COURT: All right. And you'll need to
25 file that original with me directly, Madam Court

1 Reporter, if you would.

2 THE COURT REPORTER: Yes, sir.

3 THE COURT: It'll only be filed once it gets
4 paid for. And if there is a problem with payment,
5 then at some point I'll be inquiring in terms of
6 where is the transcript and why is it taking so
7 long. I don't anticipate that will be an issue,
8 but if it is, then we'll have to deal with it.

9 MS. YATES: How much is that?

10 THE COURT: That's what you'll need to talk
11 to the court reporter about because there is going
12 to be a cost associated with it.

13 MS. YATES: Is it required?

14 THE COURT: It is not required, no. But what
15 the problem is is when you tell me at the
16 beginning that you're going to -- that you're
17 going to order the transcript, and if you change
18 your mind saying you're not going to order the
19 transcript, if I had known that the transcript
20 wasn't going to be ordered, I would have taken
21 copious notes. And so it puts me in a position
22 where I'm relying on your representation that the
23 transcript is going to be ordered. So

24 MS. YATES: How long does the transcript take
25 about, approximately?

1 THE COURT: Let me tell you. Those are the
2 kinds of conversations that you can have with the
3 court reporter off the record because she's
4 actually charging by the word. And so when you're
5 asking --

6 MS. YATES: Oh.

7 THE COURT: -- those kinds of questions, I
8 mean, it's fine, but it can add to the expense of
9 the transcript. You can talk to her about that
10 off the record.

11 MS. YATES: So each of us has to pay for a
12 copy?

13 THE COURT: No. You pay for yours. If Ms.
14 Schure wants one, she pays for hers. She doesn't
15 have to get one. Okay.

16 MS. YATES: Is there a way of the ten days
17 being allocated further?

18 THE COURT: Yes.

19 MS. YATES: Okay.

20 THE COURT: If -- once the transcript is
21 filed, if you feel you need additional time, you
22 can get with Ms. Schure and you all can agree to a
23 time period. Or if you all can't agree to a time
24 period, just file a motion, a request with my
25 office to allow more time, and I'll consider that.

1 MS. SCHURE: I don't understand what that was
2 about. You said to get with me.

3 THE COURT: I'm sorry.

4 MS. SCHURE: You said for Ms. Yates to get
5 with Ms. Schure. I don't understand what that was
6 about.

7 THE COURT: Right. Okay. All right. What
8 Ms. -- I apologize that you weren't able to hear
9 Ms. Yates' question.

10 MS. SCHURE: Okay.

11 THE COURT: What she asked was with respect
12 to the ten-day period after the transcript is
13 filed with my office --

14 MS. SCHURE: Okay.

15 THE COURT: -- if additional time is needed,
16 if more than ten days is needed, then what I was
17 saying to her is that she can coordinate with you
18 to see if you all can agree to some period of
19 time, maybe 20 days or 30 days. But if there is
20 no agreement, then just file a motion with me or
21 with my office asking for additional time, and
22 then I'll rule on the motion.

23 MS. SCHURE: Okay. I don't understand what
24 I'm supposed to be doing. That's what I don't
25 understand. What am I supposed to be doing in

1 that ten days' time with the transcript?

2 THE COURT: You're --

3 MS. SCHURE: I don't understand.

4 THE COURT: Right. What you're supposed to
5 be doing in that ten-day period is preparing, if
6 you choose to do so, what's called a proposed
7 recommended order. And that's -- that's your
8 written statement to me summarizing the evidence
9 and telling me why you think that Ms. Yates should
10 not prevail in this case.

11 MS. SCHURE: Okay.

12 THE COURT: And so -- and what I was
13 explaining to you earlier is that if you go to the
14 website for my office, the Division of
15 Administrative Hearings --

16 MS. SCHURE: Okay.

17 THE COURT: -- there's a tab --

18 MS. SCHURE: Yes, sir.

19 THE COURT: -- that says representing
20 yourself.

21 MS. SCHURE: Yes, sir.

22 THE COURT: And you click on that, and it'll
23 give you an example of what a proposed recommended
24 order is.

25 MS. SCHURE: Okay.

1 THE COURT: And that's what you'll prepare
2 during that ten-day period.

3 MS. SCHURE: Okay.

4 THE COURT: Okay?

5 MS. SCHURE: Yes, sir.

6 THE COURT: That'll be after -- yeah, that'll
7 be after the filing of the transcript.

8 MS. SCHURE: Okay.

9 THE COURT: So when the court reporter files
10 the transcript and it gets to my office --
11 generally, the court reporters will notify the
12 parties that the transcript has been filed. And I
13 think -- I don't know if you signed up for our
14 e-filing system where you get an email whenever
15 something is filed.

16 MS. SCHURE: Yes. Yes, I can. Okay.

17 THE COURT: Are you signed up for that?

18 MS. SCHURE: Yeah.

19 THE COURT: Okay.

20 MS. SCHURE: I already put my email address
21 and I have a password; is that what you're talking
22 about, so I can email things?

23 THE COURT: Yeah.

24 MS. SCHURE: Okay. I did that.

25 THE COURT: Correct. Okay. Correct.

1 So you'll get notified when that gets filed
2 with my office. Okay?

3 MS. SCHURE: All right.

4 THE COURT: All right.

5 MS. YATES: Your Honor --

6 THE COURT: Yes, ma'am, Ms. Yates.

7 MS. YATES: I'm just not quite sure if Ms.
8 Schure and I -- you want us to communicate, and
9 I'm -- just from what I've seen today, I'm just --
10 that you're expecting to just file a motion?

11 THE COURT: If you can't do it in person, you
12 can exchange letters and emails and whatever just
13 saying, Hey, I need more time. Will you agree to
14 it? She may say yes, she may say no. If you all
15 can't come up with an agreement, then just file a
16 motion with my office.

17 MS. YATES: Okay.

18 THE COURT: Hey, I need more time, ten days
19 is not enough, with a recommendation for how many
20 days you need. Okay?

21 MS. SCHURE: I don't understand.

22 THE COURT: Ms. Schure --

23 MS. SCHURE: I just don't understand. I
24 don't understand any of this. We're -- she and I
25 are supposed to both prepare --

1 THE COURT: You're not --

2 MS. SCHURE: -- a proposed recommendation why
3 she -- I think she shouldn't get it or she thinks
4 I shouldn't get it; is that what you're stating?
5 We both -- both -- like, it's a closing argument?
6 I don't understand.

7 THE COURT: Like it's a closing argument,
8 that's right.

9 MS. SCHURE: Okay.

10 THE COURT: Yeah. Instead of giving me a
11 verbal closing argument --

12 MS. SCHURE: Yes, sir.

13 THE COURT: -- write it down.

14 MS. SCHURE: Okay.

15 MS. YATES: Separately.

16 THE COURT: Separately, yeah.

17 MS. SCHURE: Okay. Alrighty.

18 THE COURT: So that's -- yeah. Is it making
19 sense to you now, Ms. Schure?

20 MS. SCHURE: Yes. Yes. Her and I just need
21 to both know on what day we're sending it; is that
22 what you're saying? We both need to send it on
23 the same day?

24 THE COURT: All right. What I'm saying is
25 the default for my rule is ten days after the

1 THE COURT REPORTER: You're welcome, your
2 Honor.

3 (These proceedings were concluded at 4:15
4 p.m.)

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STATE OF FLORIDA)
COUNTY OF SARASOTA)

I, Julie K. Harvey, RPR, FPR, Notary Public, State of Florida, certify that Kathy Schure, Joy Lynn Crowley, Kathy Lanza, Patsy Adkins, Cory Hutchinson personally appeared before me on this 14th day of June, 2017, and were duly sworn.

WITNESS my hand and official seal this 30th day of June, 2017.



JULIE K. HARVEY
MY COMMISSION # FF 183804
EXPIRES: April 14, 2019
Bonded Thru Budget Notary Services

Julie K. Harvey

Julie K. Harvey, RPR, FPR
Notary Public - State of Florida
My Commission No.: FF 183804
Expires: April 14, 2019

Personally Known _____
Produced Identification X
Type of Identification Produced FL DLs (all)

R E P O R T E R ' S C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF SARASOTA)

I, JULIE K. HARVEY, Registered Professional Reporter, Florida Professional Reporter, do hereby certify that I was authorized to and did stenographically report the hearing before The Honorable Linzie F. Bogan and that the foregoing transcript, pages 133 - 275, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 30th day of June, 2017, at Venice, Sarasota County, Florida.



JULIE K. HARVEY, RPR, FPR

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\$	14 [19] 1/18 4/17 131/20 133/18 136/17 138/2 140/5 140/6 140/6 140/7 141/6 141/10 141/12 183/7 183/7 183/8 223/22 238/22 276/20	234/21 235/5 235/7 237/16 237/17 248/10
\$120 [1] 48/9	141 [2] 4/17 136/17	2012 [8] 50/2 50/2 50/17 71/23 108/9 115/21 164/9 258/3
\$1200 [1] 232/5	143 [2] 4/14 136/14	2014 [17] 47/16 48/4 49/21 51/1 51/6 57/5 57/24 58/2 64/9 72/1 164/11 165/16 166/10 175/18 180/7 234/21 235/5
\$250 [3] 77/17 80/17 81/21	149 [2] 3/9 135/9	2015 [4] 115/24 168/4 168/5 212/6
\$2810 [2] 197/17 197/18	14th [5] 21/3 21/4 26/13 131/11 276/11	2016 [51] 49/19 50/23 78/16 86/2 87/7 87/19 87/22 92/24 94/13 94/14 101/12 105/2 107/14 107/22 111/2 111/24 112/24 113/5 117/4 118/7 118/20 123/25 140/9 142/14 146/1 151/5 151/17 152/13 152/18 152/20 152/25 153/16 154/2 155/9 155/13 164/13 165/23 171/20 187/5 199/7 200/10 212/17 212/20 216/12 217/22 218/15 224/15 224/23 225/4 251/14 252/18
\$4090 [1] 196/25	15 [12] 69/17 69/22 72/11 72/15 107/17 157/13 188/4 188/6 188/7 223/22 262/9 263/8	2017 [22] 1/18 34/17 35/6 36/4 36/8 128/5 131/11 131/15 132/17 133/18 138/2 150/4 200/4 200/11 227/20 250/25 251/14 263/25 264/5 276/11 276/15 277/17
\$50,000 [1] 244/10	1500 [1] 247/2	2018 [1] 213/3
\$500 [3] 205/3 208/6 208/10	156 [2] 3/10 135/10	2019 [2] 131/20 276/20
\$500,000 [1] 58/25	1593 [1] 6/8	202 [2] 3/15 135/15
'	1593F [2] 1/2 133/3	208 [2] 3/16 135/16
'16 [2] 154/9 154/22	16 [14] 4/7 4/9 136/7 136/9 168/19 168/21 168/22 169/10 170/4 170/10 170/14 214/24 231/21 232/13	209 [2] 3/16 135/16
'17 [2] 154/10 154/22	16-100 [5] 4/13 73/8 78/5 81/14 136/13	20th [1] 123/25
'em [1] 116/19	16-312 [1] 198/24	21 [3] 175/16 219/19 219/20
's [2] 132/1 277/1	162 [2] 3/11 135/11	211 [2] 3/18 135/18
0	16th [2] 115/24 155/12	219 [2] 3/18 135/18
011 [1] 91/3	17 [23] 4/4 4/18 41/12 46/7 49/21 105/2 107/8 107/16 107/22 136/4 136/18 138/21 138/23 154/9 155/13 194/25 195/5 195/7 195/9 202/1 212/3 223/22 250/25	21st [1] 258/3
04 [1] 91/3	17-1593 [1] 6/8	223 [2] 3/19 135/19
1	17-1593F [2] 1/2 133/3	224 [2] 4/8 136/8
1.0045 [1] 35/9	172 [2] 3/12 135/12	228 [2] 3/20 135/20
10 [4] 4/13 136/13 142/16 223/22	17th [8] 36/4 106/20 107/11 109/10 142/19 154/2 155/9 155/12	22nd [16] 92/24 94/14 95/2 101/12 112/24 118/7 118/20 146/23 151/17 152/13 152/18 152/25 153/16 153/25 251/18 251/21
10/20/16 [2] 4/9 136/9	18 [14] 4/19 136/19 138/23 196/19 196/20 197/1 197/11 197/11 199/19 199/19 199/21 199/22 200/9 223/22	233,000 [2] 244/10 244/11
10/25/16 [2] 4/7 136/7	182 [2] 3/13 135/13	237 [2] 4/22 136/22
10/27/16 [1] 232/13	183804 [2] 131/20 276/20	238 [2] 4/23 136/23
100 [9] 4/5 4/13 73/8 78/5 81/14 82/2 136/5 136/13 157/13	188 [2] 4/7 136/7	239 [2] 4/24 136/24
100 percent [1] 260/2	19 [13] 4/20 136/20 195/20 195/21 195/25 196/1 196/9 196/12 196/14 196/16 197/1 219/22 223/22	23rd [1] 224/15
102 [1] 87/18	190 [2] 3/14 135/14	240 [2] 5/3 137/3
104 [17] 29/19 37/23 68/3 91/9 91/13 95/24 96/12 96/12 102/24 103/14 103/22 110/9 140/19 143/19 145/6 145/20 146/6	195 [2] 4/18 136/18	241 [2] 5/4 137/4
104.00 [1] 91/3	196 [3] 4/20 78/16 136/20	242 [2] 5/6 137/6
105 [3] 91/9 91/14 110/9	1960s [3] 202/11 202/11 202/17	243 [2] 5/5 137/5
105.0571 [1] 146/7	1974 [2] 202/22 202/23	248 [2] 3/21 135/21
105.071 [8] 95/24 102/25 103/14 103/22 140/19 143/19 145/6 145/21	199 [2] 4/19 136/19	257 [2] 3/22 135/22
106 [17] 29/19 37/23 68/2 70/13 91/9 91/14 95/24 96/12 102/24 103/14 103/22 110/9 140/19 143/19 145/6 145/20 146/6	1:15 [3] 130/5 133/19 138/2	25th [4] 171/20 187/2 187/4 187/17
106.2 [1] 228/19	1st [7] 108/9 111/1 115/21 116/19 117/4 121/13 199/7	26 [1] 251/2
106.265 [2] 29/9 35/9	2	26th [3] 234/18 234/20 257/17
108 [1] 71/15	2/28/17 [2] 4/4 136/4	27 [4] 87/22 200/4 200/10 264/5
109 [1] 70/13	20 [6] 129/24 157/13 219/22 227/22 263/1 269/19	275 [1] 277/11
11 [4] 128/25 138/18 138/20 138/21	2000 [2] 212/3 235/3	276 [1] 135/23
119 [3] 35/19 86/9 96/13	2005 [2] 1/16 133/16	277 [1] 135/24
12 [15] 4/14 71/23 71/23 130/5 136/14 139/8 139/10 141/20 141/21 141/24 142/7 142/8 143/10 143/12 223/22	2008 [2] 163/10 163/17	27th [3] 78/16 197/25 264/2
123 [2] 4/9 136/9	2009 [1] 163/17	28 [6] 34/17 35/6 99/25 128/5 200/10 227/25
1230 [2] 1/24 133/24	201 [2] 4/6 136/6	
128 [2] 4/4 136/4	2010 [17] 4/23 46/10 47/12 47/16 47/23 47/24 50/19 58/8 72/1 136/23 164/5	
12:32 [1] 129/4		
12:35 [1] 130/5		
12th [2] 16/8 21/7		
13 [9] 4/15 70/5 70/6 70/23 71/7 71/8 71/15 136/15 223/21		
130 [1] 132/11		
131 [1] 3/23		
132 [1] 3/24		
133 [1] 277/11		
13th [1] 224/2		

2	8	absent [1] 155/19
2810 [2] 228/7 262/10	8/28/16 [1] 231/21	absolutely [3] 68/11 228/18 229/10
286 [3] 35/19 86/10 96/13	80 [3] 123/19 123/20 124/1	abundance [1] 35/4
28th [6] 200/21 224/23 225/3 257/17 263/9 263/25	83 [9] 92/20 93/13 98/5 118/16 118/25 119/8 151/13 152/24 155/15	accept [4] 38/10 100/2 194/12 264/20
2B-1.0045 [1] 35/9	89 [3] 98/8 98/11 98/23	acceptable [1] 154/24
3	8th [4] 76/7 94/12 109/1 221/15	accepted [1] 106/5
30 [2] 129/24 269/19	9	accepting [1] 170/14
30th [5] 131/14 132/17 142/14 276/14 277/17	90 [3] 93/19 150/13 150/23	access [2] 188/23 218/2
312 [1] 198/24	91 [2] 4/11 136/11	accordance [1] 196/4
32 [1] 163/3	92 [5] 82/10 82/15 82/22 82/23 83/2	according [1] 36/3
32399 [2] 1/25 133/25	97 [3] 78/9 78/10 78/14	Accordingly [1] 78/24
34 [7] 3/6 100/21 100/25 101/10 135/6 144/25 153/24	99 [1] 78/22	account [2] 228/23 264/1
34230 [2] 1/17 133/17	9:36 [1] 1/19	accuracy [1] 260/2
34243 [2] 1/22 133/22	9th [13] 16/9 19/18 21/1 21/1 21/8 21/9 21/10 21/11 24/19 24/22 24/25 26/15 150/4	accurate [3] 139/2 139/16 264/7
34286 [5] 2/5 2/8 39/13 134/5 134/8	A	accusations [2] 240/4 240/15
35 [5] 104/10 104/11 113/16 113/17 154/1	A-1 [2] 1/16 133/16	acknowledge [1] 215/23
36 [1] 105/9	A-d [2] 181/16 181/17	acquaintance [1] 74/19
37 [4] 106/12 113/13 154/8 154/21	A-d-k-i-n-s [1] 181/15	acquired [1] 89/11
3720 [6] 2/8 39/12 134/8 168/22 172/11 174/12	A-t [1] 181/16	across [2] 86/23 177/24
38 [7] 108/4 111/4 111/5 116/10 116/14 116/25 117/4	a.m [1] 1/19	action [7] 66/7 88/6 132/15 132/16 203/19 277/15 277/16
3rd [8] 13/22 16/23 16/24 17/186/20 87/6 87/19 227/20	ability [2] 20/20 21/6	actions [4] 35/13 36/6 36/7 231/11
4	able [18] 8/19 11/24 12/8 14/10 14/23 16/3 30/15 31/5 38/13 45/7 45/8 85/2 206/24 218/2 218/4 218/18 246/10 269/8	activities [3] 163/14 163/25 165/4
40 [2] 101/10 111/13	about [140] 10/15 18/14 28/7 28/14 29/15 29/16 29/17 30/14 33/14 38/20 40/24 43/16 43/16 43/22 43/25 44/11 44/12 44/14 44/15 44/15 44/15 44/21 46/1 46/8 46/13 46/23 47/1 47/17 49/16 49/20 50/2 50/2 54/25 55/9 58/2 58/3 58/12 64/10 66/13 66/21 66/25 67/2 67/11 67/13 67/14 67/21 67/22 68/21 68/22 69/2 69/5 70/4 78/7 78/8 82/8 82/21 85/2 87/16 87/18 88/11 96/17 97/11 97/12 98/8 99/9 111/5 121/6 121/12 126/10 127/5 129/22 130/2 145/2 148/17 149/25 152/3 153/16 157/1 162/4 163/10 166/12 168/7 169/7 169/17 170/25 170/25 171/22 174/11 175/17 175/17 180/4 182/9 184/12 192/15 193/9 198/14 211/6 212/6 213/11 214/8 214/11 214/13 215/11 216/8 217/4 217/5 220/1 220/5 220/7 220/15 220/19 221/6 222/15 226/4 231/1 231/23 236/6 236/25 237/24 238/13 241/2 241/4 242/17 246/25 247/1 252/18 253/6 253/9 253/19 254/21 254/25 258/4 261/24 264/16 267/11 267/25 268/9 269/2 269/6 271/22	actual [5] 33/22 200/2 212/25 245/19 266/2
4000 [1] 228/8		actually [24] 8/21 20/11 20/24 22/9 23/24 37/4 38/6 49/9 52/8 68/6 82/2 88/6 105/20 152/11 155/22 157/19 160/13 172/20 224/1 224/3 242/9 248/22 251/2 268/4
4090 [2] 262/15 263/23		adamant [1] 180/8
41 [2] 3/8 135/8		add [9] 18/15 140/4 187/17 187/18 207/18 255/5 255/9 255/10 268/8
43 [9] 111/8 111/13 111/17 111/18 152/11 183/24 184/1 184/2 184/4		added [1] 167/8
44 [9] 112/16 113/17 117/15 118/6 118/15 118/24 119/8 152/11 152/23		addition [3] 203/20 232/6 247/12
45 [1] 153/23		additional [18] 124/2 129/10 129/17 160/1 160/25 170/12 207/11 225/25 238/23 252/22 261/9 261/14 262/21 264/14 268/21 269/15 269/21 274/6
46 [11] 114/5 114/7 117/15 118/7 118/15 118/25 119/8 152/16 152/17 152/23 153/23		address [12] 39/11 146/15 168/22 168/23 172/11 174/6 201/3 231/10 259/7 259/12 259/21 271/20
47 [5] 114/16 115/17 117/1 117/7 121/13		addressed [1] 224/1
49 [2] 111/19 184/5		addresses [4] 230/9 230/18 234/5 235/14
4:15 [1] 275/3		adds [1] 171/4
5		adequate [1] 252/4
5/15/12 [2] 71/23 71/23		adjourned [1] 274/21
50 [2] 65/2 186/6		adjudicating [1] 219/3
6		adjustment [1] 39/6
60 [1] 222/10		Adkins [17] 3/13 131/10 135/13 181/13 181/14 181/21 182/12 182/17 182/19 182/23 182/25 184/4 186/24 188/11 191/25 260/13 276/10
64 [1] 199/4		Adkins' [1] 258/20
6475 [2] 2/4 134/4		Administration [1] 202/23
6497 [2] 1/21 133/21		administrative [14] 1/1 1/23 6/4 6/8 34/22 35/10 133/2 133/23 183/12 203/13 203/21 265/6 265/11 270/15
65 [1] 228/19		admission [1] 241/1
6th [4] 19/3 19/6 19/21 37/4		admissions [3] 127/1 127/9
7		
71 [2] 4/15 136/15		
73 [2] 4/13 136/13		
7th [10] 13/24 17/6 17/14 18/19 19/5 19/17 19/19 24/20 26/11 37/5	above [3] 104/17 112/20 116/7	
	absence [1] 12/20	

A

admissions... [1] 128/18
 admit [12] 80/6 91/19 100/14
 170/4 201/4 223/25 237/6
 243/15 244/3 246/1 246/8
 262/12
 admitted [67] 4/2 5/2 70/15
 70/23 71/3 71/7 71/9 73/16
 73/19 88/23 91/23 91/25
 100/18 107/6 108/15 122/25
 123/3 123/6 128/17 128/23
 136/2 137/2 141/11 141/13
 143/11 143/13 188/7 188/9
 195/8 195/10 196/14 196/17
 197/17 198/3 199/8 199/21
 199/23 200/25 201/13 201/16
 202/5 223/21 224/19 224/21
 228/5 233/10 237/8 237/9
 238/4 238/7 238/8 239/5
 239/6 240/20 240/21 241/12
 241/13 242/7 242/8 242/12
 243/5 243/6 260/17 260/21
 261/18 266/3 266/10
 adopted [1] 83/24
 advantage [1] 83/12
 advice [2] 6/20 6/25
 advisor [1] 208/24
 advocating [1] 175/21
 affairs [3] 42/17 42/19
 212/5
 affidavit [21] 4/19 4/20
 136/19 136/20 168/12 173/25
 174/3 177/14 180/4 190/3
 196/1 196/6 196/22 197/2
 200/7 200/8 204/4 204/5
 204/10 204/11 206/15
 affirm [9] 28/6 28/13 104/17
 112/20 148/16 162/3 182/8
 192/14 211/5
 afford [1] 200/22
 afraid [1] 207/19
 after [35] 7/7 16/3 19/17
 38/14 38/15 38/16 38/19
 41/4 65/19 69/19 97/4
 101/24 148/21 149/4 155/20
 161/19 162/8 170/11 173/9
 182/13 185/25 201/22 206/15
 207/7 211/10 214/12 228/25
 232/14 251/23 264/1 266/17
 269/12 271/6 271/7 273/25
 afternoon [5] 149/14 162/19
 162/20 182/23 182/24
 again [45] 6/23 16/11 25/11
 31/2 33/9 42/9 42/9 65/16
 65/17 65/23 69/1 90/24 97/5
 101/7 104/12 104/24 106/1
 109/12 119/5 124/15 144/14
 144/16 144/23 152/17 154/8
 161/7 173/24 177/5 180/20
 181/5 192/1 200/14 200/15
 213/3 223/10 237/18 239/21
 241/5 243/11 243/19 243/20
 250/2 251/4 259/25 266/16
 against [47] 28/25 29/5
 29/24 35/16 37/18 68/6
 69/20 73/8 75/18 75/20
 76/25 83/13 86/4 89/20 90/4
 90/11 90/12 90/14 90/16
 90/16 97/7 97/24 101/13
 101/21 105/8 105/13 106/6
 108/25 110/11 113/4 113/25
 114/14 123/10 139/20 142/17

167/5 171/15 184/6 188/22
 189/11 204/13 216/13 216/16
 235/10 235/24 245/12 251/10
 agencies [4] 109/18 109/20
 120/16 120/18
 agency [5] 86/11 109/21
 203/19 219/8 231/3
 agency's [1] 189/10
 agenda [32] 119/24 171/19
 171/21 171/24 186/13 186/15
 186/16 186/19 186/20 186/21
 186/25 187/4 187/9 187/10
 187/11 188/12 188/18 188/25
 189/1 191/1 191/5 191/7
 205/9 205/10 216/23 216/25
 216/25 217/3 217/11 217/13
 217/21 218/5
 aggressive [1] 179/15
 ago [5] 37/8 43/4 157/2
 169/14 215/15
 agree [26] 79/4 92/24 94/5
 95/21 95/21 101/11 101/15
 101/16 110/17 111/12 111/22
 114/7 115/7 115/14 119/3
 119/10 120/11 139/2 151/16
 164/20 164/21 184/8 268/22
 268/23 269/18 272/13
 agreement [2] 269/20 272/15
 Ah [1] 117/18
 ahead [45] 11/14 15/5 15/25
 17/20 17/22 24/15 26/17
 28/2 45/22 52/6 52/6 52/14
 53/3 53/12 61/11 65/14
 65/15 66/1 71/10 72/7 79/22
 80/13 88/25 92/5 122/6
 126/17 147/5 148/8 148/11
 156/6 161/19 161/24 172/7
 176/12 182/2 192/13 210/25
 215/9 226/7 229/23 230/14
 248/3 255/13 258/11 261/2
 all [352]
 allegation [1] 35/25
 allegations [16] 37/20 37/22
 86/13 89/23 90/4 90/5 90/10
 90/18 90/20 90/22 90/23
 124/3 140/16 205/18 205/20
 229/8
 alleged [12] 61/19 62/7
 90/11 90/12 90/13 90/16
 91/4 91/6 95/19 102/22
 105/8 145/2
 alleging [5] 103/13 110/8
 142/18 252/5 254/15
 allocated [1] 268/17
 allow [6] 25/10 25/14 52/4
 205/25 207/9 268/25
 allowed [10] 10/10 10/15
 15/18 15/19 15/23 31/23
 44/18 58/12 58/13 69/6
 along [6] 6/9 16/10 85/16
 151/1 166/23 167/1
 already [33] 13/15 39/2 62/3
 86/2 107/6 119/16 127/7
 127/21 142/18 171/9 173/25
 191/1 191/15 198/3 198/19
 200/17 200/18 200/25 201/7
 202/5 206/9 207/3 207/10
 224/4 228/5 228/8 251/18
 252/2 252/3 252/25 254/19
 264/21 271/20
 Alrighty [3] 233/16 256/17
 273/17
 also [40] 2/11 7/16 12/1

19/15 26/2 26/11 30/18 36/6
 36/20 37/21 55/22 69/20
 84/10 86/12 89/21 93/24
 114/4 134/11 139/23 141/19
 143/18 145/4 154/12 155/7
 157/8 157/16 184/23 185/21
 196/18 203/8 214/4 215/13
 215/18 216/25 237/4 240/22
 240/24 241/19 251/13 251/17
 alter [4] 119/21 120/9 250/8
 250/16
 altered [4] 259/11 259/16
 260/2 260/15
 always [2] 47/22 204/14
 am [33] 35/6 37/24 38/4
 41/17 48/22 54/11 69/6
 99/14 99/14 103/23 104/19
 106/1 107/18 109/12 112/9
 114/19 132/12 132/14 132/15
 144/13 164/25 170/4 171/16
 189/23 198/14 211/24 222/3
 246/1 246/10 269/25 277/12
 277/14 277/15
 Amazing [1] 222/20
 among [2] 202/18 203/9
 amount [8] 35/1 197/13
 197/15 197/21 197/23 198/11
 205/2 205/5
 amounts [1] 205/3
 amply [1] 207/23
 analysis [1] 260/19
 analyst [1] 42/2
 and/or [1] 36/23
 animosity [1] 167/4
 another [23] 15/21 30/25
 51/16 58/10 76/17 76/18
 83/13 85/17 86/4 121/8
 130/2 144/18 154/1 155/3
 155/5 163/17 166/14 174/9
 179/2 184/16 237/7 244/13
 262/11
 answer [50] 6/23 44/4 44/8
 44/19 45/17 45/20 50/6 52/5
 52/7 52/11 59/10 59/25 60/1
 60/3 61/2 61/2 61/11 62/18
 62/18 62/19 63/9 63/10
 64/14 64/16 65/16 65/17
 65/20 85/8 94/8 97/9 98/15
 102/18 103/2 109/8 109/11
 109/14 143/23 144/5 144/22
 146/17 158/10 159/12 160/15
 173/5 209/1 254/4 260/6
 260/6 260/8 261/11
 answered [12] 44/24 72/14
 95/6 99/10 104/5 110/25
 119/16 144/19 222/12 252/25
 259/11 260/9
 answering [1] 97/5
 answers [1] 186/2
 anticipate [1] 267/7
 any [141] 6/19 8/4 10/16
 11/5 13/12 17/16 20/10
 22/13 24/4 24/16 26/5 27/4
 27/14 27/22 34/4 35/14
 35/18 37/10 41/25 44/10
 44/12 44/13 45/25 46/6
 46/11 46/14 46/22 48/24
 49/8 50/19 53/7 53/8 54/25
 54/25 54/25 55/10 66/12
 66/14 66/22 70/14 73/10
 88/5 88/22 90/20 122/24
 124/1 125/16 129/20 132/13
 132/14 139/21 141/5 141/24

A

any... [88] 142/23 143/6
 143/8 147/15 149/5 154/19
 156/3 157/25 159/10 159/17
 159/25 161/2 161/8 161/21
 163/7 163/24 163/25 166/8
 172/4 173/17 179/24 180/25
 181/23 188/1 188/17 188/19
 189/9 190/8 191/6 191/11
 191/14 192/2 195/5 195/6
 196/11 197/11 197/19 200/12
 200/22 202/21 203/18 206/7
 206/22 207/11 209/18 210/7
 210/23 213/1 213/1 213/7
 213/7 213/20 216/7 216/8
 219/2 219/8 219/14 220/15
 222/23 223/14 224/15 229/7
 230/3 231/7 231/22 232/14
 232/21 235/19 238/16 242/19
 246/16 247/9 247/12 247/20
 248/11 250/24 253/11 254/24
 256/6 260/25 261/8 261/14
 262/21 264/13 264/15 272/24
 277/13 277/14
 anybody [11] 15/18 47/17
 47/23 49/24 55/11 58/21
 115/8 188/21 189/16 191/8
 221/3
 anyone [5] 46/14 161/22
 166/21 184/25 231/13
 anything [35] 18/15 19/10
 19/16 33/3 42/23 66/3 72/10
 84/14 88/11 120/3 120/10
 124/9 126/6 139/4 156/1
 160/25 170/20 170/25 177/23
 191/22 207/7 207/18 212/10
 220/15 220/16 224/9 232/3
 236/25 246/20 255/5 255/9
 255/23 255/25 262/1 263/14
 anywhere [2] 56/5 146/24
 Apalachee [2] 1/24 133/24
 apologize [6] 30/19 98/6
 116/1 121/15 153/24 269/8
 apparent [1] 35/14
 apparently [2] 30/16 204/17
 appeals [1] 203/18
 appear [7] 10/1 12/14 25/14
 25/16 25/20 117/6 121/14
 appearance [2] 205/9 229/5
 APPEARANCES [2] 2/3 134/3
 appeared [3] 128/4 131/11
 276/11
 appearing [6] 2/5 2/9 6/13
 6/17 134/5 134/9
 appears [4] 81/22 86/19
 117/4 248/21
 apply [3] 185/15 185/17
 185/19
 appreciate [1] 33/6
 appreciation [1] 68/8
 appropriate [4] 29/8 84/7
 86/11 91/16
 approximately [4] 130/5 163/3
 212/6 267/25
 April [2] 131/20 276/20
 are [184] 6/17 7/1 8/5 9/3
 9/9 9/14 10/18 11/8 11/20
 12/3 13/3 14/5 15/9 15/10
 15/18 16/1 16/16 17/23 20/4
 20/9 22/7 22/22 23/4 27/14
 27/19 27/20 29/11 30/23
 31/22 33/19 33/25 34/1

35/10 35/18 37/11 38/2
 40/10 41/13 41/23 42/2
 42/14 49/7 51/15 54/7 58/19
 58/24 60/4 60/17 62/17
 62/21 62/23 63/13 65/5 65/6
 66/16 70/4 75/6 77/11 78/12
 81/13 81/24 82/7 88/18
 89/23 90/10 90/18 94/7 98/5
 98/8 98/14 103/25 109/3
 111/15 112/17 113/20 113/21
 115/6 115/24 119/6 119/7
 121/12 125/18 126/10 127/1
 127/9 127/16 129/17 143/20
 143/22 143/23 144/5 146/12
 149/5 149/14 149/17 149/22
 150/20 155/15 157/23 158/21
 158/23 158/24 159/1 159/5
 159/8 159/18 162/21 162/21
 167/11 178/15 179/2 179/7
 179/25 180/1 180/18 181/2
 181/6 183/10 187/16 187/20
 188/11 188/14 188/14 188/16
 188/20 189/4 189/19 189/22
 193/9 194/11 195/18 199/11
 199/19 201/17 202/19 207/24
 209/1 209/3 209/23 210/23
 211/20 217/12 219/5 219/18
 226/13 229/3 229/5 229/20
 231/19 232/8 234/6 234/21
 235/14 235/14 237/20 238/18
 240/4 240/8 240/15 240/17
 240/25 243/23 244/4 244/5
 244/5 244/24 245/2 246/23
 247/3 247/9 252/4 255/7
 257/9 257/10 258/6 260/15
 261/20 263/17 264/19 266/13
 268/1 271/17 272/25 274/21
 area [3] 10/14 163/21 174/9
 argue [2] 91/21 175/3
 argument [5] 225/11 236/23
 273/5 273/7 273/11
 arguments [1] 20/5
 around [4] 42/5 173/9 202/20
 214/9
 arriving [2] 172/11 174/5
 article [5] 100/11 100/12
 216/19 216/20 217/20
 articles [1] 62/15
 articulate [1] 85/3
 as [251] 7/17 8/17 8/24 9/13
 9/21 9/23 10/25 11/8 12/3
 12/3 12/13 13/23 14/17
 14/17 15/1 15/10 15/13
 15/13 19/12 19/12 20/10
 21/7 21/16 22/2 24/14 24/14
 25/6 27/17 29/6 30/6 30/8
 30/18 30/18 32/9 32/16
 32/20 32/20 32/23 33/1
 33/15 34/10 35/5 35/5 36/22
 36/22 37/13 37/13 37/24
 38/10 41/4 41/5 43/23 45/5
 51/2 51/16 54/14 54/14
 55/17 55/17 57/14 57/23
 58/1 58/1 59/10 60/15 61/8
 64/24 67/7 67/7 67/11 67/24
 68/12 68/12 71/1 72/1 74/13
 75/12 75/24 81/17 83/24
 85/4 86/16 87/25 88/19 89/8
 89/9 89/10 89/12 89/24 90/3
 90/19 90/20 90/21 91/8
 91/20 91/21 92/23 100/2
 100/15 105/22 106/5 111/11
 113/7 113/8 114/14 114/14

116/20 117/3 125/8 125/12
 125/19 126/25 127/4 127/20
 127/20 128/18 129/19 139/13
 141/23 142/10 142/17 143/1
 145/1 145/1 145/5 147/12
 148/21 148/22 151/10 151/14
 151/20 151/21 152/14 162/8
 162/9 165/11 165/12 165/12
 165/18 165/19 166/4 166/7
 166/21 167/12 168/13 170/4
 170/9 170/14 170/20 170/22
 172/13 174/7 174/11 180/3
 180/3 180/5 182/13 182/14
 183/10 183/12 184/22 186/13
 186/16 186/20 186/20 188/12
 190/1 190/2 193/2 193/9
 193/17 194/3 194/6 194/9
 194/13 195/12 195/13 196/2
 197/5 198/1 198/4 198/14
 199/7 199/12 199/13 200/23
 201/22 201/23 202/25 203/1
 203/5 203/10 204/5 204/5
 204/16 205/12 205/12 205/12
 206/1 206/6 206/8 206/8
 206/11 206/11 206/21 206/22
 206/23 207/1 207/12 207/18
 207/18 207/21 207/22 208/9
 209/8 210/1 211/10 211/11
 213/24 214/3 217/20 228/18
 230/2 234/3 234/3 234/6
 237/25 238/19 238/20 239/12
 242/4 246/13 246/16 247/22
 249/1 249/19 249/19 250/1
 250/11 250/11 250/13 250/13
 256/22 256/23 258/14 259/11
 260/16 264/7 264/23 266/11
 266/11
 aside [2] 47/3 251/12
 ask [47] 8/11 15/7 16/14
 18/13 27/2 28/19 37/25
 59/17 65/17 65/22 69/18
 72/3 82/13 82/17 82/18
 83/17 97/14 108/10 108/11
 123/13 123/15 124/17 126/9
 141/16 144/23 164/22 168/25
 171/3 176/8 178/5 178/6
 189/16 190/15 206/3 209/13
 215/2 217/8 247/10 247/17
 247/17 247/20 253/16 255/11
 255/15 256/6 256/15 256/18
 asked [29] 55/22 59/15 61/8
 61/21 62/11 62/13 62/25
 63/5 63/8 63/17 68/22 83/16
 94/6 97/9 99/9 118/1 144/13
 144/22 146/16 171/6 184/19
 185/4 186/14 217/9 253/3
 253/10 255/25 264/16 269/11
 Askew [1] 202/23
 asking [26] 43/22 47/15 50/4
 58/6 68/21 70/22 71/2 82/8
 97/12 99/1 101/22 102/14
 102/15 111/16 111/21 113/24
 144/16 158/12 186/14 186/15
 191/13 248/19 252/22 253/14
 268/5 269/21
 aspect [1] 22/2
 asserting [2] 20/9 29/6
 assertion [2] 231/7 232/20
 assigned [1] 6/4
 assistance [5] 7/18 65/2
 83/20 95/13 95/16
 assistant [7] 32/21 162/25
 163/2 183/13 202/11 202/18

<p>A</p> <p>assistant... [1] 242/1 assisted [3] 76/10 76/12 114/23 associated [4] 7/8 195/16 244/22 267/12 assume [1] 230/3 assumed [2] 230/7 230/16 assuming [1] 27/16 assure [2] 164/22 164/25 attach [1] 100/10 attached [8] 103/15 105/11 105/14 105/19 111/1 142/11 217/20 218/6 attachment [8] 108/6 108/19 110/6 110/10 114/15 139/23 204/19 251/12 attachments [4] 19/8 74/3 93/1 248/21 attacking [1] 220/21 attempt [2] 22/9 22/10 attempted [1] 228/20 attempts [1] 22/5 attend [4] 42/20 183/17 218/13 218/18 attendance [1] 25/2 attended [4] 42/25 163/7 218/7 218/15 attending [3] 163/9 163/11 218/14 attention [8] 77/21 78/9 111/7 154/7 163/23 176/25 178/14 212/8 attest [2] 259/8 259/25 attested [2] 110/7 207/23 attorney [26] 41/23 60/20 64/22 76/15 76/16 132/13 132/15 190/17 190/20 194/8 196/23 197/2 197/7 200/9 200/22 202/18 204/11 206/21 208/24 225/6 226/4 231/22 232/2 264/9 277/13 277/15 attorney's [41] 4/5 4/19 16/18 29/5 29/8 29/11 34/13 34/20 34/25 35/7 37/25 99/24 100/4 100/6 100/15 125/3 125/9 125/20 127/6 128/11 136/5 136/19 139/22 175/12 175/14 193/7 193/8 193/23 194/5 196/22 197/6 198/24 203/22 206/6 206/10 207/22 209/9 209/24 226/19 228/10 231/19 attorneys [1] 27/19 attributed [1] 128/18 August [42] 36/4 86/2 86/5 86/20 87/6 87/19 101/12 105/2 106/20 107/8 107/11 107/22 109/10 111/1 113/5 116/19 117/4 121/13 142/14 142/16 142/19 146/1 146/23 153/25 154/2 154/9 155/9 155/12 155/13 155/13 187/2 200/10 224/23 225/3 234/18 234/20 250/25 251/17 252/1 252/3 257/17 258/3 August 10 [1] 142/16 August 17 [6] 105/2 107/8 107/22 154/9 155/13 250/25 August 17th [8] 36/4 106/20 107/11 109/10 142/19 154/2 155/9 155/12</p>	<p>August 1st [4] 111/1 116/19 117/4 121/13 August 21st [1] 258/3 August 22nd [3] 101/12 146/23 153/25 August 25th [1] 187/2 August 26th [2] 234/18 234/20 August 28 [1] 200/10 August 28th [3] 224/23 225/3 257/17 August 30th [1] 142/14 August 3rd [1] 87/6 August the [1] 87/19 authorities [1] 139/14 authority [1] 37/13 authorized [2] 132/8 277/8 automatically [1] 29/21 available [1] 234/10 Avenue [2] 2/4 134/4 award [4] 29/7 34/24 34/25 35/7 awarded [1] 100/9 aware [15] 12/2 12/23 36/1 51/15 82/7 171/13 171/16 171/17 189/19 189/22 189/23 216/11 216/21 217/12 229/5 away [1] 124/10 awful [1] 240/14</p>	<p>42/24 45/7 45/8 47/19 57/2 57/11 58/10 58/11 67/8 70/23 73/24 77/6 79/17 85/2 85/7 89/8 99/12 100/8 110/14 113/18 117/25 120/14 122/10 124/11 125/14 126/15 129/7 129/22 130/1 130/5 140/5 148/17 153/6 153/11 154/17 154/24 155/22 155/24 157/15 157/20 160/18 161/22 162/4 164/16 164/24 165/2 165/13 166/20 170/13 179/8 180/3 182/9 183/8 183/8 184/19 185/4 185/10 189/16 191/7 192/16 193/12 193/25 194/21 195/2 201/7 204/23 205/2 206/14 206/24 210/1 211/6 212/12 216/22 217/2 218/1 218/4 220/21 220/22 227/1 227/14 228/24 228/25 231/5 239/16 239/16 246/7 247/15 248/21 249/18 251/22 254/1 262/13 266/16 267/3 267/5 267/7 267/12 267/20 267/23 269/24 269/25 270/5 271/6 271/7 bear [2] 152/25 237/21 bears [1] 36/12 beautician [2] 41/16 41/18 became [4] 19/9 164/1 164/7 203/14 because [112] 11/23 14/5 14/11 16/24 19/10 20/13 23/13 23/19 24/21 25/19 25/23 26/23 28/25 29/22 33/11 35/3 48/8 51/2 53/22 54/17 55/14 56/13 56/15 57/18 58/25 60/3 60/19 63/11 63/22 64/19 64/24 67/6 74/7 75/12 76/13 77/15 77/17 83/20 86/22 90/12 97/2 97/6 97/17 98/22 100/4 100/10 102/4 102/8 103/20 105/18 105/25 106/1 107/19 109/5 109/6 110/13 110/17 111/7 113/20 114/23 115/11 120/2 120/4 121/11 124/10 157/6 158/2 158/3 159/2 159/3 169/2 169/12 170/17 185/12 185/22 190/19 193/20 197/6 198/9 200/17 204/16 209/14 215/12 215/14 222/4 222/10 230/8 235/12 235/13 236/24 240/3 240/14 243/11 247/21 248/14 249/2 249/15 250/20 251/4 251/24 252/8 257/5 257/15 258/5 259/9 260/7 261/10 262/15 264/24 266/1 267/11 268/3 become [4] 163/13 171/17 212/4 216/21 becomes [1] 25/19 been [100] 10/1 11/1 12/13 13/22 15/12 21/5 25/17 30/21 32/16 36/21 39/3 41/5 41/10 42/4 43/2 43/5 49/20 54/19 58/7 65/1 72/11 72/15 82/4 103/7 108/14 116/22 120/7 120/8 148/22 149/2 149/24 149/25 162/9 163/4 163/9 163/11 163/11 163/23 168/8 171/25 180/6 182/14 183/5 185/6 185/22 185/23</p>
<p>B</p> <p>B-o-a-t-i-n-g [1] 66/18 back [48] 14/23 15/1 27/6 30/8 30/12 32/1 45/24 49/21 51/1 51/6 58/1 59/16 59/24 62/3 63/17 68/5 79/3 81/12 85/9 90/24 93/18 101/7 109/1 113/11 116/10 117/14 120/19 127/13 130/5 138/3 143/25 154/21 155/15 164/5 166/25 167/1 170/5 173/8 179/1 190/23 202/24 210/19 217/22 218/3 226/8 252/11 261/25 266/9 background [15] 49/5 51/12 51/18 52/20 52/21 52/22 53/16 54/2 103/19 236/17 236/18 237/24 244/21 245/13 256/16 backgrounds [2] 53/5 53/8 backup [10] 91/14 186/16 188/12 188/17 188/25 216/24 217/20 218/5 251/11 251/13 bad [2] 220/15 222/15 badge [1] 9/24 baffled [1] 117/9 ballot [6] 4/17 136/17 140/8 141/1 142/21 213/1 ballots [4] 140/11 142/16 212/25 212/25 bankruptcy [2] 51/21 51/22 base [1] 212/22 based [12] 12/25 21/6 82/20 87/6 89/16 110/1 170/6 176/10 194/10 247/11 266/2 266/8 basically [4] 7/17 57/17 126/21 186/12 basis [4] 74/14 76/3 85/6 244/23 battle [1] 242/13 be [117] 7/8 8/16 10/3 21/23 26/14 27/1 27/18 27/23 28/7 28/15 35/14 38/13 39/17</p>	<p>42/24 45/7 45/8 47/19 57/2 57/11 58/10 58/11 67/8 70/23 73/24 77/6 79/17 85/2 85/7 89/8 99/12 100/8 110/14 113/18 117/25 120/14 122/10 124/11 125/14 126/15 129/7 129/22 130/1 130/5 140/5 148/17 153/6 153/11 154/17 154/24 155/22 155/24 157/15 157/20 160/18 161/22 162/4 164/16 164/24 165/2 165/13 166/20 170/13 179/8 180/3 182/9 183/8 183/8 184/19 185/4 185/10 189/16 191/7 192/16 193/12 193/25 194/21 195/2 201/7 204/23 205/2 206/14 206/24 210/1 211/6 212/12 216/22 217/2 218/1 218/4 220/21 220/22 227/1 227/14 228/24 228/25 231/5 239/16 239/16 246/7 247/15 248/21 249/18 251/22 254/1 262/13 266/16 267/3 267/5 267/7 267/12 267/20 267/23 269/24 269/25 270/5 271/6 271/7 bear [2] 152/25 237/21 bears [1] 36/12 beautician [2] 41/16 41/18 became [4] 19/9 164/1 164/7 203/14 because [112] 11/23 14/5 14/11 16/24 19/10 20/13 23/13 23/19 24/21 25/19 25/23 26/23 28/25 29/22 33/11 35/3 48/8 51/2 53/22 54/17 55/14 56/13 56/15 57/18 58/25 60/3 60/19 63/11 63/22 64/19 64/24 67/6 74/7 75/12 76/13 77/15 77/17 83/20 86/22 90/12 97/2 97/6 97/17 98/22 100/4 100/10 102/4 102/8 103/20 105/18 105/25 106/1 107/19 109/5 109/6 110/13 110/17 111/7 113/20 114/23 115/11 120/2 120/4 121/11 124/10 157/6 158/2 158/3 159/2 159/3 169/2 169/12 170/17 185/12 185/22 190/19 193/20 197/6 198/9 200/17 204/16 209/14 215/12 215/14 222/4 222/10 230/8 235/12 235/13 236/24 240/3 240/14 243/11 247/21 248/14 249/2 249/15 250/20 251/4 251/24 252/8 257/5 257/15 258/5 259/9 260/7 261/10 262/15 264/24 266/1 267/11 268/3 become [4] 163/13 171/17 212/4 216/21 becomes [1] 25/19 been [100] 10/1 11/1 12/13 13/22 15/12 21/5 25/17 30/21 32/16 36/21 39/3 41/5 41/10 42/4 43/2 43/5 49/20 54/19 58/7 65/1 72/11 72/15 82/4 103/7 108/14 116/22 120/7 120/8 148/22 149/2 149/24 149/25 162/9 163/4 163/9 163/11 163/11 163/23 168/8 171/25 180/6 182/14 183/5 185/6 185/22 185/23</p>	

B

been... [54] 185/24 187/8
 189/1 189/8 189/11 189/21
 189/23 189/24 189/25 190/2
 190/4 190/5 191/3 191/15
 191/17 194/17 198/3 198/10
 199/8 200/25 201/23 202/5
 204/13 205/4 207/10 208/5
 208/7 208/10 209/14 211/11
 212/1 212/13 216/16 218/14
 219/24 220/1 228/8 229/10
 251/18 251/23 256/10 256/23
 257/5 258/4 258/5 258/14
 260/2 260/17 260/21 265/2
 266/3 266/10 266/19 271/12
 before [39] 1/13 3/2 6/6
 13/13 16/17 19/5 21/15
 26/12 26/18 30/2 34/11
 45/16 45/20 83/16 85/14
 86/22 114/8 120/16 128/7
 131/11 132/9 133/13 135/2
 171/24 173/5 186/1 190/5
 196/9 200/15 200/15 200/20
 203/13 210/22 218/10 220/6
 247/25 250/17 276/11 277/9
 began [1] 163/22
 beginning [5] 45/5 67/9
 147/13 225/20 267/16
 behalf [10] 2/5 2/9 27/12
 27/17 46/14 134/5 134/9
 202/20 204/12 261/20
 being [32] 12/15 12/16 12/18
 14/10 15/13 19/20 29/4
 31/23 58/4 70/15 71/2 88/22
 100/15 122/25 144/13 149/6
 150/5 153/17 167/12 170/8
 170/14 170/23 171/3 190/2
 195/15 205/8 220/21 239/23
 259/9 259/12 260/15 268/17
 beliefs [1] 57/23
 believe [32] 44/24 49/11
 52/18 58/3 58/9 58/18 62/13
 66/8 68/20 80/4 83/10 87/24
 91/20 109/7 110/25 127/21
 146/1 146/2 146/6 152/24
 187/3 187/3 198/10 198/11
 208/14 234/20 235/3 243/3
 263/1 263/18 265/21 265/23
 believed [1] 110/4
 believes [1] 194/4
 benefit [2] 6/17 265/10
 besides [1] 167/9
 best [3] 6/23 104/18 104/19
 better [1] 44/1
 between [7] 12/15 85/4 86/9
 152/4 152/23 163/17 222/8
 beyond [5] 31/2 170/20 206/7
 232/4 274/6
 bill [3] 208/6 264/2 264/9
 billing [1] 204/22
 binder [11] 22/16 22/21
 23/12 23/14 23/16 31/6
 39/18 39/18 40/1 40/3 40/5
 binding [1] 203/7
 bit [8] 14/7 14/17 33/10
 49/13 60/19 98/5 166/16
 194/23
 black [2] 234/14 249/15
 Blade [1] 214/18
 blast [5] 4/23 136/23 237/17
 257/8 257/14
 blasts [2] 146/14 234/6

Board [3] 87/20 208/17
 211/25
 boating [6] 43/6 43/17 64/25
 66/15 66/16 66/18
 boats [3] 43/8 43/9 43/11
 body [2] 66/10 229/8
 BOGAN [7] 1/13 3/2 6/3
 132/10 133/13 135/2 277/10
 bold [2] 116/3 116/15
 bond [3] 5/4 137/4 241/4
 book [8] 101/4 138/12 147/6
 150/12 183/20 183/21 225/2
 226/25
 both [24] 6/16 6/16 27/20
 27/21 71/25 80/9 84/8
 105/22 109/5 109/18 109/20
 118/7 126/20 126/21 203/22
 204/18 251/21 265/10 265/17
 272/25 273/5 273/5 273/21
 273/22
 bottom [5] 93/25 119/2 227/6
 250/5 259/23
 Boulevard [15] 2/8 39/12
 43/18 134/8 166/17 166/24
 213/13 213/18 213/22 214/14
 214/17 221/3 221/6 221/6
 221/8
 box [7] 1/16 32/16 94/18
 94/21 133/16 252/9 252/10
 boy [2] 165/6 258/1
 break [13] 31/25 79/18 79/25
 85/7 85/10 122/11 129/5
 129/9 130/6 130/7 210/13
 210/16 210/18
 breaking [2] 57/11 57/19
 brief [2] 214/13 247/15
 briefing [2] 216/25 217/11
 briefly [1] 214/11
 bring [9] 81/12 91/16 96/23
 97/3 97/15 116/8 139/13
 143/25 189/16
 bringing [2] 32/15 120/5
 broad [1] 207/20
 brought [4] 85/17 101/21
 184/13 185/4
 Brunni [3] 2/13 7/17 134/13
 budget [1] 51/5
 Building [2] 1/24 133/24
 bunch [1] 256/15
 burden [4] 26/24 29/7 68/12
 75/4
 burnt [1] 167/24
 business [20] 4/24 54/4 54/5
 55/9 58/14 94/19 136/24
 146/15 213/16 229/9 231/10
 235/18 238/13 238/15 239/22
 241/6 241/23 241/25 246/6
 247/5
 busy [1] 165/10

C

C-h-a-r-l-e-n-e [1] 31/18
 C-y-p-h-e-r-t [1] 31/15
 call [21] 8/5 12/20 19/10
 32/6 32/9 38/6 38/25 77/21
 78/8 111/7 126/5 147/12
 147/21 181/12 184/25 185/1
 190/15 190/22 192/7 241/22
 248/1
 called [20] 8/12 11/8 16/21
 41/4 148/3 148/21 161/17
 162/8 182/13 185/15 185/25
 201/22 209/7 211/10 214/5

241/24 256/22 265/8 265/12
 270/6
 calling [4] 27/1 33/12 248/7
 256/7
 Camaro [3] 215/12 215/14
 215/17
 came [23] 120/19 155/2 156/9
 156/17 159/13 160/14 166/3
 166/19 167/1 167/2 173/8
 174/12 174/17 176/22 179/6
 234/15 243/24 245/20 248/20
 250/6 258/19 259/6 264/9
 camera [3] 15/15 31/3 39/6
 campaign [24] 48/3 48/5 58/3
 164/6 164/10 164/12 164/14
 165/4 165/15 166/10 213/4
 216/5 219/23 220/9 221/12
 221/14 230/10 230/18 230/19
 230/25 234/14 234/21 235/5
 237/18
 campaigning [3] 46/14 46/22
 163/25
 campaigns [2] 164/3 165/22
 can [162] 6/20 6/23 7/7
 12/21 14/18 14/22 14/24
 15/14 22/10 23/15 30/24
 31/10 31/22 32/24 33/12
 33/13 37/10 38/6 42/23 43/4
 43/8 46/11 46/22 48/9 49/20
 50/23 52/25 53/10 55/24
 56/8 56/16 57/7 59/24 63/16
 65/11 67/2 68/25 69/19
 71/14 71/17 71/17 72/21
 74/9 78/8 78/14 78/22 79/17
 79/25 80/12 82/15 82/15
 85/3 87/11 87/12 89/19
 91/21 92/7 93/18 97/8 98/11
 100/22 101/1 101/17 101/19
 104/15 104/16 105/12 112/19
 112/23 113/3 113/3 114/4
 114/4 115/22 116/15 116/20
 116/22 118/11 121/10 121/21
 123/18 126/9 138/11 143/1
 143/25 144/5 144/25 147/5
 148/1 150/11 150/11 150/13
 151/1 151/4 151/13 152/10
 154/7 157/4 157/11 158/10
 159/17 164/22 164/25 166/12
 167/21 167/23 170/5 170/13
 178/2 179/7 179/7 183/9
 184/11 184/11 184/24 186/5
 186/8 186/8 188/19 194/6
 196/6 198/8 199/11 202/8
 204/7 205/11 205/11 206/19
 207/9 209/1 210/11 213/9
 213/11 213/11 214/14 214/15
 215/7 221/3 221/24 222/2
 226/17 228/12 229/6 233/18
 234/3 234/3 247/16 247/17
 248/1 250/14 266/20 266/21
 268/2 268/8 268/9 268/22
 268/22 269/17 269/18 271/16
 271/22 272/12
 can't [25] 9/11 14/1 14/14
 15/11 45/11 48/8 50/4 50/6
 56/11 56/12 58/11 61/14
 69/3 94/20 129/19 157/4
 175/3 175/6 209/13 222/14
 235/3 255/18 268/23 272/11
 272/15
 candidacy [1] 166/3
 candidate [36] 4/15 35/23
 36/1 45/1 46/1 46/10 46/15

C

candidate... [29] 46/22 48/25
 70/11 71/19 102/1 102/10
 102/13 102/13 102/20 102/21
 103/11 136/15 139/21 140/17
 140/18 142/17 143/2 143/4
 143/5 143/8 143/17 145/4
 189/11 212/16 212/20 212/21
 216/8 230/2 230/4
candidates [11] 44/11 44/14
 46/7 49/15 50/3 51/7 55/1
 163/25 165/5 189/21 217/1
cannot [10] 6/19 6/24 57/6
 58/10 86/13 228/24 257/4
 257/6 259/25 260/14
canvassers [1] 48/5
canvassing [4] 165/7 165/17
 165/24 213/5
capacity [3] 165/1 203/6
 206/23
capture [2] 14/23 111/14
car [5] 56/4 166/25 174/15
 179/1 179/6
care [6] 57/18 84/11 87/16
 87/18 100/11 251/7
Carlucci [1] 87/19
cars [1] 215/14
Carusone [3] 51/14 53/21
 54/7
case [72] 1/2 6/6 6/8 10/15
 17/25 19/22 20/1 20/2 20/4
 20/20 21/18 23/25 26/22
 26/24 29/23 30/1 33/14 52/9
 56/22 57/10 67/11 67/12
 67/14 71/2 75/5 77/15 77/18
 78/8 79/4 79/8 80/7 80/20
 81/3 81/20 81/22 81/22 87/6
 90/23 97/3 124/23 125/10
 125/13 129/13 129/19 129/20
 133/3 140/13 142/3 142/7
 150/7 161/22 170/12 188/12
 193/4 193/22 194/9 194/11
 201/1 204/9 205/6 205/8
 205/13 228/15 236/5 236/8
 236/11 239/1 244/23 247/25
 265/22 265/23 270/10
cases [7] 202/20 203/8
 203/17 204/12 209/2 209/23
 219/3
cause [1] 231/12
caused [1] 163/15
caveat [3] 100/4 100/14
 195/15
cell [1] 241/22
centered [1] 214/9
certain [1] 200/23
certainly [12] 11/2 126/9
 127/2 194/6 199/12 201/8
 206/19 207/9 207/12 231/10
 232/13 266/14
Certificate [6] 3/23 3/24
 131/1 135/23 135/24 276/1
Certification [6] 4/14 4/16
 70/12 136/14 136/16 142/9
certified [4] 17/5 18/19
 37/3 142/12
certify [6] 131/9 132/8
 132/12 276/9 277/8 277/12
chaired [1] 203/2
challenging [1] 204/15
chance [4] 24/10 147/16
 228/15 246/15

change [5] 43/7 65/1 66/9
 169/13 267/17
Chapter [6] 29/19 29/19
 37/23 68/2 68/3 103/22
chapters [6] 95/24 102/24
 140/19 143/19 145/6 204/18
characterizing [1] 177/18
charge [6] 178/3 179/5 197/8
 205/4 208/10 208/19
charged [10] 175/22 178/1
 179/4 193/11 194/7 194/8
 205/5 206/11 209/9 254/2
charging [1] 268/4
Charlene [4] 2/16 31/8 31/17
 134/16
charter [2] 183/13 186/22
chase [3] 177/24 178/8 179/5
chased [7] 175/19 177/2
 177/3 177/7 178/9 178/21
 179/3
check [6] 5/5 80/7 120/15
 137/5 185/21 242/12
checked [4] 94/3 94/17 94/21
 151/6
checks [3] 52/21 52/22 52/23
Cheryl [20] 2/14 61/13 62/7
 62/9 62/9 63/10 63/18 66/25
 68/22 69/15 69/21 70/12
 134/14 164/10 167/10 167/12
 186/10 217/16 223/17 233/18
children [1] 72/9
choice [1] 186/3
choose [1] 270/6
chose [1] 36/24
Christ [1] 104/22
Christopher [1] 49/16
circle [1] 93/7
circled [2] 151/21 152/18
circuit [1] 203/21
circumstances [3] 194/11
 205/6 205/7
cited [1] 91/15
citing [1] 91/3
citizen [11] 5/4 57/15
 103/23 110/13 111/11 112/7
 137/4 139/13 184/22 228/20
 241/3
citizens [3] 188/19 230/25
 231/6
city [111] 35/23 41/10 42/17
 42/19 42/20 43/5 43/16
 43/16 46/1 46/15 48/9 49/9
 58/13 58/14 58/25 64/11
 64/17 64/22 65/5 66/13
 66/21 71/19 77/8 96/24
 97/15 101/18 102/4 102/16
 108/8 111/13 111/13 111/22
 111/23 112/4 115/19 119/22
 119/23 119/24 122/1 140/23
 149/15 152/20 152/20 159/19
 159/19 163/7 163/14 163/15
 163/19 164/1 171/18 171/24
 173/14 173/15 181/12 183/1
 183/2 183/4 183/5 183/6
 183/10 184/7 184/14 186/24
 189/8 189/9 189/12 190/1
 190/2 190/16 190/20 190/21
 205/9 212/2 212/5 212/16
 213/16 216/6 216/23 217/2
 217/7 217/10 217/13 218/7
 218/23 219/1 219/9 219/9
 220/16 228/21 229/2 229/3
 229/9 231/9 231/12 235/17

238/15 239/22 239/23 240/11
 240/11 240/25 241/5 241/22
 241/25 246/5 251/1 259/14
 259/17 259/20 260/12
city's [6] 51/4 57/7 188/15
 188/18 189/3 218/4
civilian [1] 143/2
claim [2] 29/4 29/10
claiming [4] 12/4 139/20
 140/16 238/25
claims [3] 1/21 124/2 133/21
clarification [2] 28/20
 201/14
clarify [3] 15/11 66/16
 70/19
Claudia [2] 16/22 17/1
clear [10] 21/21 53/22 90/6
 103/10 106/4 121/11 150/9
 164/16 206/14 266/6
clearly [3] 35/12 84/4 91/15
clerk [23] 97/15 111/13
 111/22 112/4 119/22 122/1
 152/20 158/2 181/13 183/4
 183/10 184/7 190/2 190/2
 239/24 240/11 240/11 240/25
 251/1 258/21 259/14 259/17
 260/12
Clerk's [3] 96/24 184/14
 189/12
click [2] 265/14 270/22
close [5] 38/19 72/3 147/17
 163/18 247/25
closed [1] 236/6
closer [1] 214/17
closest [1] 72/1
closing [9] 38/14 147/7
 232/25 264/1 264/17 265/25
 273/5 273/7 273/11
clue [1] 115/6
coast [1] 205/2
code [4] 35/10 101/19 101/24
 203/13
codes [2] 219/2 219/5
color [9] 167/24 167/25
 168/4 168/5 169/20 170/9
 170/9 170/17 214/20
come [22] 15/22 16/2 23/15
 27/6 30/15 30/17 31/5 34/11
 81/2 85/8 159/17 168/13
 170/5 172/12 172/18 173/21
 174/6 178/9 201/1 207/14
 220/4 272/15
comes [4] 10/24 11/9 125/10
 213/3
comfortable [2] 178/18 186/2
coming [6] 152/7 156/20
 160/7 161/6 178/13 257/9
Commencing [2] 1/19 133/19
comment [4] 38/14 118/3
 222/15 239/3
comments [3] 33/20 126/20
 223/4
commission [118] 4/10 4/11
 4/13 28/24 29/1 29/23 34/18
 42/20 43/1 43/3 43/5 43/14
 44/11 44/13 45/1 46/7 64/20
 66/10 66/13 66/21 68/7 69/9
 73/7 77/8 78/1 78/3 80/22
 80/24 81/13 81/18 81/19
 81/20 81/22 82/4 82/11 84/6
 84/7 84/11 84/19 85/24
 85/24 85/25 86/24 87/5 88/6
 89/13 89/17 91/17 92/10

C

commission... [69] 97/4 100/1
 100/1 101/14 102/23 104/2
 109/3 110/3 110/23 110/24
 119/23 119/24 123/9 128/8
 131/20 136/10 136/11 136/13
 150/23 155/20 163/8 163/14
 163/15 163/19 164/1 171/24
 172/1 175/13 183/13 183/18
 185/16 186/25 190/22 203/2
 203/9 203/11 203/15 203/18
 203/19 205/10 208/17 208/18
 208/20 208/22 208/25 209/3
 212/8 216/22 216/23 217/13
 218/7 218/18 218/24 219/8
 219/9 224/3 226/20 230/4
 230/8 231/25 232/9 232/12
 235/11 251/17 251/19 251/20
 252/11 252/22 276/20
commissioner [32] 35/23 44/2
 46/1 48/24 49/13 51/7 58/11
 66/9 66/25 67/24 71/20
 76/17 102/4 102/16 108/8
 115/20 140/23 174/8 186/10
 186/21 189/11 191/10 191/11
 191/14 212/17 214/3 217/16
 219/9 220/15 220/19 228/21
 258/6
commissioners [36] 49/10
 51/11 51/16 55/1 57/14
 58/11 58/24 59/3 60/4 60/8
 62/14 62/21 62/22 63/2 63/6
 65/6 65/9 66/6 69/6 77/7
 77/15 77/19 125/19 184/20
 185/5 185/6 185/8 185/10
 189/22 190/16 191/2 191/3
 191/6 191/16 191/18 213/15
commissions [3] 34/15 84/8
 123/14
Committee [13] 77/17 80/9
 80/10 80/18 80/19 80/21
 84/10 105/20 197/17 230/24
 232/3 242/14 246/6
committees [1] 80/9
commonly [1] 231/16
commonly-known [1] 231/16
communicate [1] 272/8
communicated [1] 46/25
communication [7] 13/18 13/21
 16/8 16/12 17/18 19/6 19/20
community [1] 212/12
comparatively [1] 118/21
compare [1] 114/8
compel [1] 12/21
Compensation [2] 1/21 133/21
competent [1] 35/4
complainants [2] 204/13
 205/19
complaint [202] 4/12 4/13
 18/5 20/6 28/24 29/4 29/12
 29/14 34/15 35/16 35/22
 36/2 36/3 37/17 37/20 37/22
 54/19 57/25 67/20 67/21
 67/25 68/5 69/8 69/13 69/14
 69/20 73/8 73/23 74/17
 74/20 74/25 75/12 75/18
 76/8 76/8 76/20 76/25 77/6
 77/9 78/5 78/21 78/24 79/1
 81/13 82/3 82/10 83/25 85/5
 85/5 85/16 85/17 85/18
 85/21 86/1 86/3 86/13 86/15
 86/17 86/21 87/21 89/9

89/10 89/17 89/20 89/21
 89/24 89/25 90/4 91/2 91/6
 91/11 91/12 92/11 94/13
 95/14 95/18 96/24 97/1
 97/10 97/12 97/13 97/17
 97/20 97/24 98/9 100/3
 101/12 101/21 102/9 103/20
 103/24 103/25 104/2 104/9
 104/11 104/15 105/1 105/11
 105/13 105/14 106/4 106/5
 106/6 108/6 108/20 108/21
 108/22 108/24 109/23 110/6
 110/10 112/13 113/4 113/8
 113/25 113/25 114/8 114/14
 115/8 115/11 116/8 116/13
 118/17 120/5 122/1 123/10
 127/22 136/12 136/13 139/19
 139/22 140/16 140/17 141/3
 142/17 145/1 145/1 145/8
 145/10 145/14 145/18 145/19
 146/21 150/24 153/25 171/14
 171/21 171/24 173/10 184/6
 185/13 185/20 186/15 188/13
 188/13 188/22 189/10 189/16
 189/25 193/16 196/24 198/20
 204/15 204/16 204/17 204/19
 204/19 204/20 205/8 208/19
 216/13 216/16 216/21 217/17
 217/19 218/1 218/23 219/8
 219/8 224/23 227/19 230/3
 231/23 232/4 232/12 234/11
 235/10 235/24 235/25 236/11
 236/17 237/21 239/20 244/21
 244/22 245/11 250/25 251/10
 251/18 251/24 253/22 253/23
complaints [14] 75/6 89/12
 97/16 110/1 189/20 189/20
 189/20 190/4 203/16 205/17
 205/18 205/19 231/4 231/6
complete [5] 161/19 243/10
 243/10 243/21 243/25
completion [1] 181/22
compliant [2] 139/1 229/8
complies [6] 28/5 28/12
 148/15 162/2 182/7 211/4
complying [1] 228/22
computer [6] 42/2 42/6 48/13
 237/18 249/3 250/7
computers [1] 58/14
concentrate [1] 213/21
concern [5] 19/12 19/23
 62/16 63/7 185/12
concerned [5] 19/9 24/18
 139/13 163/17 198/14
concerning [2] 13/14 60/9
concerns [12] 43/16 59/2
 61/18 61/22 62/6 66/14
 66/22 67/3 67/17 67/19
 163/21 173/16
concluded [1] 275/3
condolences [1] 252/20
conducting [1] 239/22
confidential [7] 4/12 92/11
 101/12 105/12 136/12 185/13
 190/20
confidentiality [7] 4/8 136/8
 185/14 185/17 185/19 224/8
 224/12
confirm [2] 150/14 202/2
confirmation [3] 82/3 82/7
 142/13
confused [1] 122/6
confusing [1] 122/5

connect [1] 91/21
connected [2] 132/15 277/15
connection [2] 34/20 85/4
Connie [3] 2/13 7/16 134/13
conscious [1] 37/12
consider [10] 6/4 29/1 71/24
 127/19 207/12 220/20 236/16
 262/17 266/15 268/25
consideration [3] 38/22
 233/12 266/4
considered [3] 149/7 178/16
 231/5
considering [3] 72/5 72/8
 266/11
constitute [1] 78/25
consulting [1] 32/14
consume [1] 129/19
consumption [1] 21/21
cont'd [3] 5/1 137/1 138/8
contained [4] 37/20 37/22
 89/14 106/5
contains [1] 22/21
contemplated [1] 158/8
content [1] 115/9
contention [2] 170/15 235/8
contents [2] 259/9 260/1
contested [1] 229/10
context [1] 59/13
continue [2] 16/6 138/4
continues [1] 37/9
continuing [1] 257/16
contrary [3] 16/12 36/20
 53/23
conversation [26] 150/3
 150/10 155/8 160/18 167/8
 167/22 168/9 169/6 169/17
 169/18 169/24 170/7 170/16
 170/19 213/14 213/22 214/7
 214/9 214/16 215/3 215/20
 215/23 216/9 217/5 222/5
 222/7
conversations [15] 67/3 68/21
 68/23 69/2 69/5 69/6 69/8
 69/21 213/17 213/20 216/7
 220/6 220/7 222/6 268/2
cook [33] 2/14 9/10 9/11
 10/23 11/16 11/25 13/1
 13/14 30/6 32/13 32/19
 61/13 62/10 63/10 63/18
 64/1 64/2 66/25 68/22 69/2
 69/16 69/21 70/12 72/4 72/8
 134/14 164/10 167/10 167/12
 186/10 211/24 217/16 223/17
Cook's [3] 61/19 62/7 71/19
coordinate [4] 7/5 266/20
 269/17 274/12
copies [7] 16/11 19/8 37/3
 40/10 157/18 158/2 159/1
copious [1] 267/21
copy [9] 23/1 36/21 112/12
 113/4 142/12 158/1 202/3
 262/14 268/12
corner [1] 119/2
correct [52] 6/10 15/20 94/7
 94/25 97/25 98/3 103/3
 103/16 103/17 104/18 109/4
 112/1 112/2 112/14 112/20
 112/21 112/22 113/1 113/2
 114/25 151/19 151/24 154/18
 156/20 156/23 157/9 157/20
 158/23 159/7 160/16 160/20
 172/13 178/1 180/9 180/17
 180/19 181/19 187/1 188/24

C

correct... [13] 191/7 197/13
 197/15 202/3 217/23 220/23
 243/2 248/15 253/10 258/4
 258/7 271/25 271/25
Correction [1] 202/22
correctly [1] 144/6
correspond [1] 200/5
Cory [15] 3/17 46/5 49/11
 49/18 49/18 55/22 56/2
 131/10 135/17 164/14 210/8
 210/10 211/9 211/14 276/10
Cory's [1] 166/3
cosmetologist [1] 41/19
cosmetology [1] 41/19
cost [7] 7/8 36/16 58/25
 231/21 232/5 263/4 267/12
costs [40] 4/5 16/18 29/5
 29/8 29/22 34/13 34/19 35/7
 37/25 99/24 100/3 100/5
 100/8 100/15 125/21 127/6
 136/5 175/12 193/8 193/10
 193/23 194/5 194/8 194/12
 195/14 198/18 198/23 203/22
 206/12 206/16 206/20 206/22
 206/25 207/11 207/22 209/9
 209/24 226/19 236/2 236/16
could [28] 45/24 48/4 52/10
 52/23 66/9 69/18 97/14
 115/16 153/21 155/22 157/18
 157/25 158/4 158/14 168/1
 180/3 183/21 188/22 191/6
 191/8 191/11 191/14 200/21
 211/22 213/25 217/4 241/23
 249/1
couldn't [8] 43/12 83/17
 105/22 173/14 207/4 249/2
 249/13 262/12
council [1] 65/6
counsel [19] 4/6 6/18 132/13
 132/15 136/6 193/11 197/24
 199/13 199/13 200/3 203/1
 203/5 203/10 206/16 208/21
 225/11 264/5 277/13 277/15
count [1] 65/19
county [10] 101/18 131/5
 132/4 132/18 211/24 229/2
 231/14 276/5 277/4 277/18
couple [9] 18/14 138/7
 167/11 186/1 190/13 208/16
 217/9 237/22 247/14
course [3] 10/11 27/9 27/23
court [32] 1/16 7/5 14/9
 14/22 15/1 15/2 28/1 45/5
 59/16 59/24 68/24 80/16
 133/16 148/7 148/12 159/20
 161/23 168/10 182/2 202/13
 210/20 210/25 265/1 265/4
 266/18 266/25 267/11 268/3
 271/9 271/11 274/1 274/25
courts [2] 103/25 203/21
cover [1] 166/15
covered [4] 165/6 165/19
 255/1 255/2
covering [2] 108/9 115/20
Craft [4] 3/13 135/13 182/12
 182/17
criminal [1] 52/22
Cross [18] 3/10 3/12 3/14
 3/16 3/18 3/21 135/10
 135/12 135/14 135/16 135/18
 135/21 156/7 172/8 190/11

208/3 219/16 248/4
CROSS-EXAMINATION [6] 156/7
 172/8 190/11 208/3 219/16
 248/4
Crowley [33] 3/9 24/18 25/12
 25/13 93/6 93/16 93/25
 94/16 107/23 131/9 135/9
 147/22 147/25 148/1 148/3
 148/4 148/4 148/20 148/25
 149/1 149/14 151/13 152/12
 152/13 152/17 152/18 153/15
 155/15 155/18 156/9 157/16
 161/6 276/9
curious [1] 30/7
current [3] 39/10 230/2
 244/23
currently [5] 41/13 41/20
 149/17 162/21 211/20
custodian [1] 183/11
customer [2] 153/18 155/10
cutting [1] 250/17
Cyphert [4] 2/17 31/9 31/13
 134/17

D

Daniels [5] 200/6 204/11
 206/11 207/2 225/3
Daniels' [1] 204/4
dare [1] 231/6
date [55] 1/18 37/2 71/22
 76/7 78/15 78/15 82/3 82/4
 86/19 86/20 86/20 87/8
 87/14 87/20 92/23 93/1 93/2
 104/25 107/8 111/12 111/22
 112/23 113/8 115/22 115/24
 115/25 116/7 116/8 116/15
 116/16 116/17 120/25 121/13
 121/19 121/25 133/18 140/10
 151/4 151/16 152/12 154/9
 154/22 197/22 200/4 200/20
 200/21 232/15 234/16 234/18
 249/21 249/23 250/4 251/2
 264/4 264/7
dated [6] 16/23 87/22 132/17
 224/14 225/3 277/17
dates [1] 115/6
daughter [1] 99/5
daughter's [1] 98/13
David [1] 239/12
day [34] 16/24 20/11 36/2
 108/1 129/14 129/19 131/11
 131/14 132/17 154/18 154/19
 155/11 157/12 157/13 166/15
 166/15 167/24 175/17 180/5
 185/25 187/7 187/11 188/17
 221/16 246/7 264/4 269/12
 270/5 271/2 273/21 273/23
 276/11 276/14 277/17
days [17] 21/22 26/12 36/15
 157/12 186/1 203/12 238/22
 265/7 266/16 268/16 269/16
 269/19 269/19 272/18 272/20
 273/25 274/6
days' [1] 270/1
deadline [1] 17/15
deal [12] 10/24 11/9 16/3
 16/3 18/8 22/4 22/10 23/23
 40/24 124/6 229/18 267/8
dealer [3] 5/3 137/3 239/17
dealing [5] 70/4 86/16
 238/20 239/14 263/2
dealt [1] 13/15
death [2] 124/12 252/13

Debbie [1] 164/13
December [1] 199/7
December 1st [1] 199/7
decide [2] 11/3 185/12
decided [1] 236/5
decision [5] 117/20 124/25
 190/21 266/7 266/7
decisions [1] 125/1
declared [1] 77/20
deemed [1] 36/16
default [1] 273/25
defended [1] 204/12
defending [1] 205/13
defense [1] 204/15
definitely [2] 24/1 236/3
degree [1] 220/18
delay [1] 20/11
delivered [6] 111/11 112/8
 159/19 184/22 185/4 248/13
delivery [1] 36/24
demonstrate [2] 35/12 36/8
deny [1] 22/1
depicted [1] 170/9
Deputy [1] 190/1
derogatory [5] 213/14 220/18
 220/20 220/21 221/2
describe [2] 167/21 214/15
described [1] 165/22
Description [4] 4/2 5/2 136/2
 137/2
descriptions [1] 37/7
designation [1] 230/1
desire [6] 8/11 33/8 223/25
 233/9 248/1 266/13
desires [1] 12/9
desk [1] 258/20
DeSoto [2] 1/24 133/24
despite [1] 36/25
determination [4] 125/8
 125/19 127/4 260/20
determinations [1] 60/15
determining [3] 34/24 100/8
 185/9
Development [1] 220/12
Dick [1] 202/25
did [196] 8/25 9/1 11/15
 13/18 13/24 16/9 17/4 17/5
 17/14 18/1 18/11 18/18 19/5
 19/10 20/19 20/24 26/14
 26/14 30/6 30/18 30/19
 42/16 44/5 44/13 44/20
 47/23 48/11 48/23 49/22
 50/3 52/20 52/22 53/6 53/9
 53/19 54/3 54/4 54/24 54/24
 55/10 56/1 56/2 56/3 56/5
 59/6 59/17 61/18 61/23
 61/24 62/1 62/6 62/9 62/11
 64/10 64/10 66/12 66/24
 69/7 69/20 73/22 74/1 76/14
 77/5 80/17 83/14 86/3 91/18
 92/13 92/13 92/14 92/17
 92/17 95/2 95/4 95/13 95/25
 96/6 96/23 97/6 97/14 97/19
 97/20 97/23 97/24 99/4
 102/3 103/2 103/10 105/24
 109/2 109/23 110/12 110/22
 114/13 114/13 114/16 114/21
 115/14 119/21 120/2 120/15
 120/20 120/25 121/1 121/18
 121/22 123/25 124/4 126/13
 127/20 132/8 139/21 139/21
 140/18 143/18 143/18 144/13
 144/21 145/4 145/5 145/11

D

did... [75] 145/12 145/20
 145/21 146/7 155/9 156/10
 156/17 157/14 163/13 164/3
 165/4 165/14 165/18 165/21
 165/24 166/6 166/15 168/4
 169/6 171/17 172/18 173/21
 174/15 178/8 178/9 178/19
 179/4 179/4 179/5 180/8
 184/24 185/1 185/15 185/19
 185/24 185/25 190/16 191/12
 197/3 202/19 204/17 207/2
 212/4 213/4 213/20 213/20
 214/8 215/3 215/5 216/6
 216/15 216/20 216/21 217/8
 217/17 220/4 223/3 229/7
 244/25 246/7 248/6 248/7
 250/8 250/15 250/23 251/8
 252/3 253/17 254/6 254/14
 254/17 262/15 263/7 271/24
 277/8
didn't [52] 25/19 42/9 44/12
 44/19 46/18 46/19 49/3 55/6
 57/9 61/25 62/9 63/9 65/14
 66/2 66/3 76/21 77/14 80/15
 97/2 97/20 99/17 102/16
 103/24 116/1 128/14 143/3
 155/4 158/3 170/10 170/24
 172/15 177/12 177/22 191/5
 197/8 208/8 224/9 236/25
 241/14 242/13 247/4 249/14
 251/4 251/15 252/9 252/14
 252/14 253/1 253/11 253/22
 253/25 264/17
died [4] 124/5 124/13 251/7
 254/5
difference [3] 86/9 154/14
 198/13
different [20] 23/13 32/21
 33/10 60/19 62/12 90/11
 90/18 90/23 113/5 115/6
 119/14 154/17 154/17 165/1
 166/4 166/25 173/15 176/24
 179/7 205/16
differential [1] 204/25
DiFranco [1] 51/17
dinner [1] 222/11
Direct [25] 3/8 3/9 3/11
 3/13 3/15 3/18 3/20 3/22
 41/6 135/8 135/9 135/11
 135/13 135/15 135/18 135/20
 135/22 138/8 149/11 162/17
 182/21 201/24 211/18 228/16
 256/24
directly [1] 266/25
Disability [1] 41/15
disallow [1] 16/15
discerned [1] 30/11
disclosing [1] 231/15
disconnect [1] 177/11
discrepancies [2] 128/15
 138/19
discrepancy [2] 262/8 262/13
discuss [9] 149/5 161/7
 161/20 181/6 181/23 192/1
 210/23 221/9 223/11
discussed [4] 155/8 191/7
 216/22 217/1
discussing [1] 235/17
dismissed [7] 28/24 29/4
 29/23 78/25 81/23 82/5 82/8
dismissing [4] 78/21 86/21

87/21 89/18
disputed [2] 34/22 125/22
disregard [10] 29/17 36/9
 37/12 37/21 67/23 85/20
 86/7 91/1 120/12 120/14
distinction [1] 12/15
distortion [1] 37/12
distributed [13] 77/7 184/19
 185/7 185/10 189/17 190/18
 190/24 191/1 191/15 191/17
 234/13 248/9 248/11
distributes [1] 231/9
distribution [2] 119/23
 189/13
district [1] 97/5
disturbing [3] 180/14 180/14
 180/20
division [11] 1/1 1/23 6/7
 34/21 133/2 133/23 203/6
 203/8 265/6 265/11 270/14
divulging [1] 54/11
DLs [2] 131/24 276/24
do [263] 6/20 6/23 7/5 7/7
 7/7 7/11 7/14 8/14 8/24 9/1
 10/7 12/9 12/21 14/4 15/25
 16/19 17/8 17/8 17/9 17/9
 21/24 22/15 22/24 22/25
 23/8 23/16 23/16 24/1 24/2
 27/21 28/1 28/6 28/9 28/13
 28/22 30/12 32/4 32/4 32/11
 32/12 32/24 33/2 33/8 33/23
 36/18 38/19 38/21 39/14
 39/19 39/21 39/23 40/20
 40/20 41/16 42/20 44/1
 44/20 47/16 50/19 50/22
 51/6 52/9 56/14 57/20 57/22
 58/6 58/9 62/1 63/19 63/25
 64/13 65/18 67/6 68/9 68/11
 68/16 69/7 70/14 72/3 72/6
 72/10 73/10 74/5 74/20
 76/21 77/4 77/14 77/14 79/4
 79/21 83/1 83/18 84/23
 85/11 85/15 88/16 88/21
 88/24 89/3 92/1 92/3 93/15
 93/17 93/25 94/4 94/6 94/16
 95/21 96/8 96/9 98/19 98/19
 101/2 101/3 101/11 103/19
 104/3 105/22 106/2 107/18
 109/14 110/2 110/12 111/2
 114/7 115/7 116/8 117/3
 117/7 118/21 118/23 118/24
 119/3 120/3 120/5 120/25
 122/17 122/24 127/22 128/14
 129/5 129/7 129/10 129/16
 129/25 130/4 132/7 138/25
 139/4 140/12 140/14 140/15
 142/2 142/3 142/4 142/7
 143/3 143/6 143/8 144/8
 144/18 146/1 146/1 146/4
 146/4 146/4 146/6 146/15
 146/23 148/16 150/3 150/17
 151/11 153/4 153/17 154/10
 154/13 155/1 155/3 155/5
 155/25 156/3 156/5 157/17
 159/14 159/25 160/16 160/20
 162/3 162/6 162/14 162/16
 165/16 165/21 166/8 166/11
 167/17 175/1 180/4 182/1
 182/8 182/11 182/18 183/15
 184/7 186/20 187/8 189/2
 189/9 190/3 190/8 192/14
 192/18 192/24 192/25 193/4
 194/19 195/4 196/11 197/13

210/14 210/22 211/5 212/22
 213/7 215/22 215/25 218/12
 219/13 220/20 221/20 221/23
 222/19 223/24 226/24 228/15
 232/2 233/2 235/13 236/25
 238/24 238/25 239/19 243/7
 247/21 249/1 249/23 250/10
 251/4 251/6 253/13 255/13
 255/18 260/25 261/8 261/14
 264/19 266/13 266/13 266/14
 270/6 272/11 277/7
DOAH [1] 37/2
dock [1] 190/25
docket [6] 11/16 13/21 13/23
 16/13 19/3 224/4
document [43] 70/23 77/6
 78/18 86/23 87/3 87/6
 106/22 107/7 111/1 111/10
 111/10 112/3 112/8 119/21
 120/24 121/12 150/15 150/18
 151/14 154/2 154/3 154/24
 155/19 155/23 184/5 184/8
 184/12 184/13 184/25 185/3
 185/4 185/22 198/1 198/24
 201/4 204/2 218/2 226/3
 226/9 226/16 227/4 235/9
 257/21
documentation [5] 200/3 252/4
 253/2 253/3 253/12
documents [49] 13/20 19/25
 20/23 20/25 21/7 21/17
 21/19 22/17 32/15 32/16
 48/5 48/17 51/2 55/17 55/23
 79/25 95/2 113/21 118/19
 118/21 119/14 120/12 124/2
 153/7 154/18 159/10 159/18
 167/18 176/2 190/18 198/9
 204/4 206/4 227/5 238/18
 238/19 247/12 248/12 250/9
 250/16 250/23 251/11 251/11
 251/13 251/21 254/13 254/16
 260/17 266/10
Dodge [2] 214/21 215/16
does [30] 22/10 64/21 65/9
 66/6 72/9 74/16 74/19 78/19
 84/20 84/22 89/14 90/2
 98/13 99/6 114/7 117/6
 121/13 140/12 142/4 142/6
 143/8 200/5 208/23 219/1
 220/3 230/23 234/19 239/19
 267/24 274/17
doesn't [18] 12/7 25/16
 60/11 74/17 75/16 88/5 95/7
 95/10 100/6 120/23 191/12
 202/13 234/18 240/5 248/22
 260/8 260/9 268/14
dogs' [1] 160/6
doing [14] 18/5 23/19 32/23
 40/8 50/20 94/22 165/3
 167/1 214/3 239/22 254/17
 269/24 269/25 270/5
domain [1] 194/2
don't [139] 10/17 10/19
 14/15 15/23 17/2 17/24
 17/25 22/8 24/2 30/10 31/2
 32/8 32/22 42/4 42/23 43/20
 49/12 49/23 49/23 50/5 50/6
 50/9 50/10 50/11 50/12
 50/13 50/17 52/8 54/20 55/5
 56/13 56/17 57/17 57/17
 60/19 61/9 61/20 63/22
 65/18 70/17 71/4 71/4 74/20
 75/14 78/10 82/22 86/14

D	216/11 217/10 219/22 230/9 230/17 230/18 230/19 253/3 271/2	elements [3] 29/10 67/14 67/15
don't... [92] 87/16 88/10 89/2 89/5 93/10 93/11 94/18 95/3 95/5 95/15 96/4 98/21 98/22 99/3 99/7 99/21 100/11 100/23 100/24 108/11 115/5 116/18 117/5 117/8 121/5 121/6 121/6 121/7 125/14 126/10 127/12 141/16 143/6 144/9 144/15 150/25 152/4 156/12 157/11 157/11 157/14 157/21 159/5 159/6 160/17 160/21 160/21 167/4 167/24 168/6 168/9 168/11 170/21 172/23 189/14 189/15 195/6 198/11 200/7 200/19 201/7 206/12 215/1 219/5 221/17 221/17 222/1 223/3 231/15 234/17 235/3 235/4 235/4 238/18 246/2 256/15 259/10 262/12 264/15 267/7 269/1 269/5 269/23 269/24 270/3 271/13 272/21 272/23 272/24 273/6 274/11 274/11	duties [3] 183/10 202/18 203/14	else [32] 18/15 30/2 47/23 52/21 55/11 56/5 88/11 114/17 114/18 114/23 124/9 127/15 161/22 164/8 191/22 206/12 221/3 222/16 225/13 243/7 246/20 253/13 255/5 255/10 255/13 255/23 255/25 260/3 261/11 262/1 262/2 263/14
done [11] 16/23 19/23 52/17 54/19 86/2 171/9 205/5 236/6 236/9 236/11 236/12	E	else's [1] 83/22
door [19] 165/16 165/16 166/18 172/16 175/21 175/21 176/16 176/19 177/8 177/8 177/25 178/9 178/24 178/24 178/25 178/25 213/5 213/5 220/4	e-filing [1] 271/14	email [55] 4/23 4/24 5/3 5/6 19/16 20/22 47/6 105/17 136/23 136/24 137/3 137/6 146/10 146/15 186/9 186/11 228/23 229/9 230/9 230/17 231/9 231/10 234/5 234/5 235/6 235/14 235/15 235/17 237/17 238/11 238/12 238/14 239/21 239/23 241/24 247/6 248/6 248/21 248/22 249/17 249/19 250/1 257/8 257/14 258/25 259/3 259/5 259/6 259/9 259/12 259/19 259/21 271/14 271/20 271/22
door-to-door [2] 165/16 213/5	each [7] 21/13 38/15 38/16 45/12 164/17 255/2 268/11	emailing [1] 19/16
doors [1] 222/9	eALJ [1] 19/8	emails [12] 146/9 146/12 146/13 146/24 230/19 236/25 240/10 241/1 247/2 254/14 260/15 272/12
dots [1] 91/20	earlier [10] 30/14 55/20 56/6 63/6 79/3 109/1 226/17 242/17 264/16 270/13	embraces [1] 204/24
double [1] 120/15	early [1] 203/12	employed [6] 41/13 149/17 162/21 183/6 189/9 211/20
double-check [1] 120/15	easier [2] 23/14 40/4	employee [4] 132/13 132/14 277/13 277/14
Doug [1] 204/4	easily [1] 218/2	employer [1] 182/25
Douglas [4] 204/16 207/2 207/8 225/3	eating [1] 222/11	encounter [3] 166/13 180/14 180/14
Douglass [1] 204/11	educated [1] 258/14	encounters [2] 166/9 213/7
down [34] 14/6 14/16 124/15 143/1 154/13 157/6 167/2 174/13 175/19 176/17 176/22 176/24 177/2 177/3 177/7 177/25 178/3 178/8 178/9 178/16 178/21 179/3 179/5 180/6 204/25 205/1 208/6 208/9 234/4 234/25 246/5 250/6 260/20 273/13	education [3] 49/8 53/8 55/9	encourage [1] 265/17
down my [1] 178/21	educations [1] 49/11	end [7] 7/12 7/22 130/8 221/12 221/16 226/8 243/21
download [1] 249/3	effect [4] 87/4 87/23 88/5 179/8	enough [4] 57/2 251/22 254/2 272/19
dozen [1] 130/2	effective [1] 87/20	ensure [1] 35/17
draft [9] 78/15 86/23 87/2 87/15 87/16 87/22 87/23 87/25 88/7	egregious [1] 35/14	enter [16] 23/21 40/19 69/24 73/4 99/19 122/22 124/18 141/22 187/13 194/20 194/24 195/22 196/18 199/16 214/24 223/23
drilled [1] 42/24	eidetic [2] 50/6 221/18	entered [1] 77/6
drive [3] 1/21 133/21 166/25	eight [4] 11/16 139/10 225/1 225/2	entering [1] 193/2
driver's [2] 94/4 151/7	either [13] 6/20 33/12 55/15 61/1 75/13 97/15 154/9 163/11 244/21 250/8 265/22 274/4 274/4	entire [3] 11/4 40/22 129/19
driveway [1] 214/22	eL [1] 19/8	entirely [3] 165/1 205/14 230/2
dropped [4] 184/14 184/15 184/15 184/19	elect [1] 266/14	entirety [1] 23/9
due [5] 16/15 26/11 83/11 165/25 194/2	election [55] 4/22 29/23 47/10 49/19 49/21 50/1 50/3 57/5 69/20 71/25 75/25 80/8 80/10 91/7 91/8 110/9 127/22 136/22 139/1 139/5 139/20 140/9 140/19 142/4 142/14 142/14 142/18 142/22 143/17 143/19 145/3 145/5 146/2 146/5 146/8 146/9 146/11 146/13 165/23 202/9 202/19 212/20 212/24 212/25 213/3 213/25 216/12 219/4 221/16 231/25 232/11 234/3 248/15 252/5 257/15	entities [1] 202/21
duly [9] 41/5 131/12 148/22 162/9 182/14 201/23 211/11 256/23 276/12	elections [92] 4/10 4/11 28/23 34/15 34/17 35/16 37/17 68/7 69/9 76/8 80/22 80/23 81/19 81/20 84/10 84/19 85/23 85/23 85/24 86/3 86/12 89/13 91/5 92/10 94/13 95/14 95/17 95/22 97/11 98/8 100/1 101/11 101/14 104/2 105/6 105/20 108/6 108/21 108/22 110/24 113/25 115/10 115/11 116/13 117/16 123/9 124/3 128/8 136/10 136/11 140/17 145/1 145/16 145/17 146/16 146/21 155/20 171/13 171/14 171/21 171/23 185/15 189/20 190/22 197/17 203/2 203/6 203/9 203/11 203/15 205/16 208/18 208/20 208/22 208/25 216/13 216/16 218/23 224/3 226/20 230/4 230/7 230/24 232/3 235/11 238/24 242/14 246/6 251/17 251/20 252/10 254/18	entitled [8] 29/22 34/25 35/7 37/24 193/22 194/5 194/11 197/6
duplicate [1] 155/23	effect [4] 87/4 87/23 88/5 179/8	entitlement [3] 29/6 34/19 36/17
during [20] 10/11 27/23 48/3 67/15 165/15 166/9 166/10 196/23 213/4 213/8 216/5	electronically [1] 19/7	entity [1] 252/2
	element [2] 67/17 67/19	entry [1] 34/23
		enumerated [1] 67/15
		envelope [2] 98/24 115/3
		envelopes [1] 156/10
		erased [1] 121/21
		error [2] 108/20 174/20
		Esquire [2] 2/12 134/12
		essence [5] 116/2 194/4 256/7 265/20 265/25

E
essentially [1] 8/13
establish [4] 60/22 76/19 83/19 86/6
established [7] 125/12 125/13 127/7 152/9 164/17 170/13 170/19
establishes [2] 76/3 85/19
establishing [1] 205/17
establishment [5] 89/16 156/10 156/11 156/19 159/14
estate [1] 251/8
eth [2] 77/16 86/11
ethics [58] 4/13 73/7 73/22 77/16 78/1 78/3 80/18 80/19 80/21 81/13 81/18 81/22 82/3 82/4 82/10 82/11 83/10 84/5 84/6 84/7 84/10 85/25 86/11 86/25 87/5 88/5 89/9 89/17 91/15 91/16 91/17 97/10 97/12 97/20 108/7 109/2 109/3 109/23 109/24 110/3 110/4 110/11 110/14 110/22 110/23 115/19 117/16 118/16 136/13 139/24 150/23 189/20 219/7 232/8 239/1 251/19 251/23 254/15
evaluating [1] 207/13
even [15] 10/19 12/10 21/22 48/8 58/11 70/17 89/5 98/22 114/1 121/4 168/6 173/14 200/20 229/5 251/21
evenings [1] 222/11
ever [28] 43/13 44/10 44/13 45/25 46/13 46/23 48/23 53/19 54/24 54/25 55/10 59/2 66/12 66/20 66/24 77/5 163/23 167/9 167/15 167/16 171/23 177/5 189/14 189/15 216/6 218/22 219/7 239/23
every [8] 142/4 156/19 157/12 157/14 160/17 167/24 228/8 255/2
everybody [7] 15/8 26/19 52/21 56/7 151/1 248/11 274/17
everyone [1] 6/3
everything [7] 14/10 107/19 120/8 248/19 249/2 260/8 265/1
everywhere [3] 234/13 248/13 248/14
evidence [55] 22/6 23/9 26/23 34/12 35/5 35/25 36/11 37/9 37/16 38/20 69/25 70/16 71/1 71/3 73/5 73/17 77/18 87/13 88/19 99/20 115/2 122/23 122/25 140/5 141/17 141/18 141/23 168/20 170/15 194/20 194/25 195/15 195/20 195/23 196/19 198/4 198/25 200/25 201/5 214/24 228/5 228/18 228/24 233/10 236/19 238/23 245/19 260/18 260/21 261/18 265/21 266/1 266/3 266/11 270/8
evidentiary [3] 33/22 224/5 225/10
exact [4] 113/20 114/3 159/18 159/20
exactly [4] 40/15 103/22 145/13 158/3

examination [20] 3/5 12/19 27/25 41/6 135/5 138/8 149/11 156/7 162/17 172/8 182/21 190/11 201/24 208/3 209/20 211/18 219/16 222/25 248/4 256/24
example [3] 36/13 51/16 270/23
examples [1] 37/11
except [4] 57/10 159/21 160/15 257/2
exception [1] 239/16
excessive [1] 231/22
exchange [1] 272/12
excuse [6] 53/10 79/13 94/17 103/22 229/1 247/16
excused [1] 79/17
exhibit [137] 31/6 40/12 48/7 69/24 70/4 70/5 70/6 70/10 70/18 70/23 71/6 71/8 71/15 72/19 72/20 73/16 73/18 77/11 77/18 77/22 77/24 80/14 85/12 86/18 88/22 89/9 91/19 91/22 91/24 92/9 93/21 97/10 99/13 99/16 99/18 99/22 99/23 100/14 100/17 101/1 101/2 101/4 111/15 117/15 122/16 123/2 123/3 123/5 124/17 124/19 125/15 128/17 128/22 129/2 141/5 141/10 141/12 141/17 141/24 142/7 142/8 142/16 143/10 143/12 150/12 168/19 169/10 170/4 170/9 170/14 183/20 187/14 188/4 188/8 194/25 195/5 195/7 195/9 195/20 195/24 196/1 196/9 196/12 196/16 196/19 197/1 197/1 199/3 199/16 199/22 199/24 200/8 200/13 201/15 214/24 224/15 224/19 224/20 227/24 230/20 233/24 235/9 235/20 235/20 237/9 237/12 237/13 237/25 238/4 238/8 239/5 239/6 239/10 239/11 240/20 240/21 241/2 241/13 242/8 243/1 243/6 243/8 243/16 245/10 249/25 250/1 255/16 257/1 257/12 257/24 258/2 258/20 259/19 259/20 262/4 262/25 263/2
exhibits [49] 4/1 5/1 9/1 13/18 16/10 16/11 16/15 17/23 19/4 19/13 20/9 20/12 21/25 22/1 22/6 22/7 22/22 23/3 23/4 23/6 26/11 36/23 37/1 37/3 37/6 39/17 39/19 39/24 39/25 69/23 79/7 80/7 81/2 99/25 136/1 137/1 187/14 223/21 229/11 229/12 229/18 229/25 233/3 233/10 237/22 244/16 244/20 261/17 261/20
existed [1] 238/19
expect [3] 129/11 129/16 129/25
expected [1] 228/25
expecting [1] 272/10
expedite [1] 169/2
expense [1] 268/8
expenses [2] 195/16 196/2
expensive [1] 229/6

experience [12] 166/12 177/5 189/18 193/6 193/16 202/8 202/9 204/23 205/15 209/22 210/2 216/7
experienced [2] 20/10 216/9
experiences [1] 89/11
expert [13] 7/15 7/16 8/17 98/14 153/9 193/2 193/3 193/4 193/5 194/4 195/12 208/10 210/1
experts [1] 210/1
Expires [2] 131/20 276/20
explain [6] 52/25 55/24 62/2 64/15 105/12 186/8
explained [1] 167/6
explaining [2] 64/16 270/13
explanation [6] 55/24 81/17 117/3 117/7 144/5 235/13
explanatory [1] 95/15
expressed [2] 175/23 179/11
extensively [2] 229/4 258/4
extent [1] 236/15
extra [1] 158/2

F
face [1] 65/13
Facebook [5] 172/20 172/22 172/24 173/13 216/18
facie [3] 34/19 125/10 125/13
facilitation [1] 23/20
fact [19] 7/15 15/16 16/15 34/23 37/22 81/13 90/6 125/22 165/25 193/1 206/10 228/7 228/20 229/8 231/8 238/20 240/5 240/8 260/1
factor [1] 260/19
facts [7] 34/12 35/12 37/16 38/3 56/22 194/10 231/16
factual [1] 240/15
factually [1] 90/14
faded [1] 111/23
fail [2] 65/9 66/7
failed [1] 80/6
failure [2] 78/25 231/2
fair [1] 152/6
fall [2] 43/21 43/25
false [10] 29/15 35/24 37/20 37/22 67/22 86/13 140/15 205/20 229/7 231/5
falsehood [2] 90/3 90/5
familiar [5] 42/7 42/11 42/11 42/14 65/5
family [2] 124/12 253/4
far [24] 12/3 15/13 19/12 24/14 30/18 54/14 55/17 58/1 68/12 145/1 151/21 154/6 165/12 196/2 199/1 199/13 205/12 205/24 206/8 207/18 247/11 249/19 250/11 250/13
farther [1] 53/7
fast [2] 180/3 252/1
fault [4] 94/22 107/14 107/15 107/15
fax [4] 17/3 17/9 36/24 249/2
faxed [1] 17/12
February [8] 34/17 35/6 99/25 128/5 200/21 212/3 263/9 263/25
February 28 [4] 34/17 35/6 99/25 128/5

F	271/15 272/1	95/17 95/22 95/25 100/1
February 28th [3] 200/21	files [3] 235/15 271/9 274/1	101/11 101/14 104/1 105/20
263/9 263/25	filing [23] 29/14 36/22 37/1	115/10 115/10 116/13 123/9
FEC [32] 20/1 20/2 20/6	67/20 76/8 81/18 85/18	128/7 131/4 131/9 131/19
21/18 35/6 36/2 36/3 69/9	89/12 89/20 103/24 103/25	132/3 132/7 132/18 133/1
69/19 97/23 112/13 113/9	104/1 145/14 180/2 205/17	133/22 133/25 134/5 134/8
113/24 114/8 123/25 124/1	234/10 245/13 250/25 253/7	136/10 136/11 143/18 145/5
124/20 124/23 146/22 153/25	265/7 266/17 271/7 271/14	146/2 146/21 151/7 155/20
188/13 188/21 196/23 197/20	fill [7] 73/22 74/2 103/2	171/21 171/23 188/13 202/9
198/10 198/17 198/24 216/21	103/19 114/13 114/16 124/1	202/21 203/2 203/9 203/10
224/8 235/24 238/22 250/25	filled [6] 92/11 102/21	203/12 203/15 208/21 208/25
feel [5] 14/7 51/6 58/7	103/10 103/18 115/2 115/12	216/12 218/22 218/23 219/4
64/10 268/21	filling [1] 95/13	219/7 224/3 230/7 230/24
fees [59] 4/5 4/19 16/18	final [5] 27/15 143/16	231/25 276/4 276/9 276/19
18/3 29/5 29/8 29/11 29/22	203/19 246/21 264/9	277/3 277/7 277/18
34/14 34/20 34/25 35/7	finance [2] 53/20 167/6	Florida's [1] 29/2
35/10 36/16 37/25 99/24	finances [8] 48/12 48/24	flow [2] 23/14 186/19
100/4 100/6 100/8 100/16	49/4 52/17 55/10 57/7 57/8	flyer [17] 4/22 136/22 146/9
125/3 125/9 125/20 127/6	200/17	146/11 146/14 146/18 146/24
128/12 136/5 136/19 175/12	financial [8] 48/5 51/2	234/2 237/5 248/7 248/7
175/14 193/7 193/8 193/10	51/12 51/12 53/16 167/17	248/8 248/20 257/1 257/3
193/23 194/5 194/7 194/12	174/14 176/2	257/5 257/6
195/14 196/22 197/6 198/24	financially [2] 132/16 277/16	flyers [1] 234/14
203/22 204/5 204/8 204/13	find [7] 19/11 21/15 83/21	focus [2] 62/4 213/21
206/6 206/10 207/22 209/9	154/19 185/16 218/5 226/9	focused [3] 67/7 213/16
209/24 226/4 226/19 227/19	finds [1] 274/5	236/10
228/10 231/19 236/3 236/7	fine [8] 23/18 77/17 80/17	fold [1] 156/10
236/16 264/3 264/10	81/21 84/15 243/17 256/4	folder [5] 120/6 120/20
fellow [1] 166/24	268/8	120/20 159/4 235/6
felt [4] 51/3 186/2 213/14	finish [15] 14/24 16/1 27/6	folders [1] 234/14
235/23	27/10 34/2 45/2 47/15 52/1	folks [1] 31/22
female [3] 166/19 172/12	52/4 52/6 65/15 80/12 149/4	follow [13] 16/8 17/16 27/8
174/6	173/5 250/14	27/25 64/17 127/14 151/1
few [2] 166/23 231/6	finished [12] 17/20 26/4	161/2 172/4 180/25 246/16
FF [2] 131/20 276/20	45/14 45/20 53/2 53/3 63/13	247/12 256/1
fight [1] 169/22	199/18 209/13 260/7 263/17	follow-up [9] 16/8 17/16
fighting [2] 58/24 89/2	263/18	27/25 64/17 127/14 161/2
figure [3] 31/22 63/23	finishes [1] 27/5	172/4 180/25 247/12
263/23	finishing [1] 250/18	followed [1] 186/17
figured [2] 102/11 102/17	first [44] 8/5 10/2 15/7	following [4] 36/9 95/23
file [22] 74/25 84/9 86/11	26/22 30/12 33/15 34/1	102/24 171/25
91/10 109/23 110/22 120/1	34/10 38/9 38/24 41/5 67/17	follows [8] 41/5 115/22
139/21 139/21 145/17 175/13	70/3 71/17 71/18 72/2 72/10	148/22 162/9 182/14 201/23
224/9 231/6 252/2 252/3	72/13 78/23 105/21 105/22	211/11 256/23
266/25 268/24 269/20 272/10	140/9 148/22 162/9 164/5	force [2] 87/4 88/5
272/15 274/8 274/12	164/6 174/2 174/2 175/9	foreclosure [7] 48/7 51/20
filed [109] 18/4 20/6 28/24	176/19 176/20 177/8 177/24	55/17 55/23 167/19 244/9
29/4 29/23 34/15 35/15	179/3 181/21 182/14 190/20	244/11
35/21 35/22 36/2 36/7 37/17	197/16 201/23 203/1 208/21	foreclosures [2] 51/4 244/6
57/10 57/18 57/18 57/24	211/11 216/17 264/19	foregoing [2] 132/10 277/10
68/6 69/9 73/8 74/17 75/7	firsthand [1] 114/22	forever [1] 189/5
75/12 75/18 75/20 78/15	fit [2] 32/10 214/3	forge [1] 159/17
82/4 82/11 84/6 84/8 84/9	five [15] 26/12 31/21 58/25	forgeries [1] 159/8
84/10 84/12 84/14 84/18	65/7 65/8 85/7 129/12	forgery [2] 157/20 159/7
84/18 85/5 85/18 85/23	129/16 187/14 188/8 210/15	forget [1] 262/25
85/25 86/1 86/4 86/17 89/17	213/3 222/8 232/23 243/1	form [30] 4/12 73/23 74/2
90/22 97/16 101/13 108/25	five-minute [3] 31/21 85/7	74/2 78/5 91/9 92/11 92/13
109/1 109/3 109/5 109/7	210/15	92/14 92/17 95/18 101/12
109/9 109/17 109/19 109/20	fixed [3] 107/16 107/16	103/3 104/15 105/12 105/13
109/24 110/2 110/14 110/23	120/4	107/9 114/14 115/11 115/11
112/13 113/4 113/9 123/10	FL [4] 1/17 131/24 133/17	116/13 136/12 145/2 150/24
139/19 141/3 142/17 143/21	276/24	185/23 189/10 189/16 198/14
145/7 145/9 145/18 171/15	flag [1] 176/22	238/19 254/14
173/10 184/6 185/20 188/22	flagged [3] 167/2 174/13	formal [2] 32/12 116/8
189/21 189/24 190/4 193/17	176/17	format [4] 27/8 27/18 256/14
198/19 200/19 200/20 205/8	flagging [3] 176/24 178/3	265/16
205/19 209/2 209/24 216/12	178/16	formats [1] 47/1
216/16 219/22 221/15 235/10	flip [1] 152/23	formed [1] 205/12
235/24 236/11 236/18 237/21	FLORIDA [81] 1/1 1/22 1/25	forms [2] 107/4 120/16
239/20 242/14 244/22 245/12	2/5 2/8 4/10 4/11 29/9	forth [4] 30/8 67/24 87/18
251/9 251/16 251/17 265/4	29/19 34/15 34/17 35/8 35/9	125/9
267/3 268/21 269/13 271/12	35/19 36/10 37/24 39/13	forums [1] 220/12
	69/9 69/19 92/10 94/4 94/13	forward [5] 38/21 64/4

F
forward... [3] 147/11 252/1 257/15
found [7] 62/16 80/3 89/24 171/21 204/14 204/22 204/24
four [9] 160/11 199/16 199/24 200/1 200/2 200/13 201/13 201/15 232/23
FPR [8] 1/15 131/8 131/19 132/21 133/15 276/8 276/19 277/21
frame [3] 43/23 61/6 85/16
framework [5] 26/20 29/25 60/14 60/22 61/7
free [5] 44/18 161/6 181/3 191/25 223/10
frequent [1] 218/12
frequently [1] 218/13
fresh [1] 64/8
Friday [4] 20/18 21/1 150/4 153/15
friend [3] 54/3 54/7 114/19
friend's [1] 54/15
friends [2] 72/11 72/15
friendship [2] 72/4 164/17
front [11] 39/20 77/10 103/4 106/18 113/6 118/9 118/10 124/4 150/11 183/20 214/20
FS [1] 228/19
full [12] 9/2 39/8 142/15 143/4 143/7 148/23 162/11 182/16 192/20 197/23 211/13 250/2
full-well [1] 142/15
fully [11] 36/1 85/22 91/7 95/18 95/25 109/2 145/4 145/4 145/11 145/20 254/17
fundraisers [1] 220/11
furnished [1] 19/9
further [6] 14/6 36/8 132/12 204/25 268/17 277/12

G
gathered [1] 230/9
gathering [1] 230/17
gave [3] 55/24 63/9 217/10
Gee [2] 96/5 224/22
geez [2] 51/25 103/1
general [14] 15/19 26/19 30/22 31/5 60/14 87/1 146/6 172/25 202/18 203/1 203/5 203/10 208/21 212/24
generalize [1] 95/8
generally [6] 12/6 27/18 29/25 183/9 255/3 271/11
gentleman [2] 49/13 239/15
gentleman's [1] 79/18
germane [3] 22/11 56/24 258/12
get [53] 13/13 14/15 16/3 17/8 18/18 20/24 22/4 23/24 26/17 43/23 53/10 53/22 55/6 65/9 72/21 79/6 79/7 82/6 83/25 107/2 107/3 109/14 124/14 148/1 148/11 174/15 176/25 177/24 190/23 199/1 212/7 221/2 231/18 232/7 241/18 247/21 248/6 248/8 248/25 248/25 249/3 249/13 254/3 265/4 266/8 268/15 268/22 269/2 269/4 271/14 272/1 273/3 273/4

gets [6] 64/19 105/17 204/25 267/3 271/10 272/1
getting [6] 42/18 53/22 98/5 179/6 234/23 262/13
give [26] 24/1 24/10 27/12 28/7 28/14 50/23 62/19 74/5 77/19 92/7 147/16 148/17 156/24 162/4 173/4 175/5 182/9 192/15 211/6 222/19 237/7 246/15 247/4 260/18 266/21 270/23
given [11] 11/1 12/13 27/19 36/14 184/16 184/18 189/25 190/5 238/22 239/23 264/21
giving [5] 38/3 193/17 229/15 246/24 273/10
go [113] 11/4 11/14 15/5 15/25 17/19 17/22 24/15 26/17 26/21 28/2 42/24 45/22 45/24 49/21 52/6 52/6 52/14 53/3 53/7 53/12 58/1 61/11 62/3 65/14 65/15 66/1 69/23 71/10 72/7 72/19 77/5 78/22 79/21 80/13 80/16 88/14 88/25 92/5 93/18 98/7 99/12 104/9 104/12 105/5 105/8 105/10 106/12 106/13 106/15 109/7 111/7 112/16 114/16 116/10 117/15 121/8 122/6 122/13 123/18 126/17 127/13 127/25 139/8 147/5 148/8 148/11 150/12 151/11 152/10 154/21 155/15 156/6 161/7 161/18 161/23 165/25 168/18 172/7 176/12 179/1 181/3 182/2 183/21 183/24 186/19 188/21 191/25 192/13 198/18 198/19 199/1 200/18 205/25 210/25 215/9 218/3 223/10 226/7 229/17 229/23 230/14 234/22 242/13 246/6 248/3 255/2 255/13 258/11 260/11 261/2 266/8 270/13 274/14
God [5] 98/10 104/13 106/13 116/12 129/1
goes [2] 108/23 264/22
going [105] 6/21 7/1 7/19 8/16 10/3 10/6 10/9 10/19 13/2 14/2 18/8 20/3 21/14 21/24 22/1 25/10 25/13 26/18 26/25 27/3 27/11 27/21 33/2 34/2 34/3 38/21 53/25 55/4 58/7 58/13 61/10 63/19 76/25 79/3 85/12 90/24 94/19 99/14 111/7 114/15 120/2 121/4 121/8 124/14 124/17 126/15 127/25 129/4 129/17 138/10 140/2 144/7 147/10 147/10 147/12 147/13 147/14 148/7 148/9 149/20 158/7 164/5 169/21 170/4 177/8 182/1 187/17 194/12 205/24 205/25 207/8 210/20 212/9 214/18 216/22 217/2 220/16 225/17 225/20 226/9 232/18 234/24 237/3 237/4 237/6 238/14 243/15 244/2 246/1 246/8 246/15 254/6 255/9 259/8 261/25 262/20 264/19 264/25 265/1 267/11 267/16 267/17 267/18 267/20 267/23

gone [2] 107/23 171/18
good [19] 6/3 6/12 14/15 14/20 14/20 23/7 41/8 41/9 110/21 129/5 149/14 162/19 162/20 166/1 182/23 182/24 214/3 214/4 258/11
Google [1] 53/5
got [42] 10/18 45/7 45/8 48/13 51/22 52/1 70/7 71/16 79/10 80/5 83/5 101/5 105/10 106/7 109/8 109/10 117/10 119/6 120/1 122/8 146/10 156/24 157/19 165/10 166/25 167/3 173/4 175/5 178/13 179/1 212/14 215/14 223/21 223/21 228/5 234/5 236/16 243/14 247/20 259/14 260/12 262/17
gotta [1] 73/24
gotten [2] 30/12 106/10
government [3] 42/17 212/5 212/15
grab [1] 39/24
grandkids' [1] 160/5
granted [1] 8/21
great [2] 50/5 204/25
greater [1] 205/2
greet [1] 165/10
greeted [2] 172/12 174/6
greetings [1] 220/10
ground [2] 166/16 254/19
groups [2] 173/15 173/16
guess [16] 8/22 27/11 32/21 42/4 43/20 57/11 68/24 81/19 98/21 102/5 108/23 115/13 140/4 145/20 170/9 178/10
guidance [2] 58/22 59/18
gum [1] 233/21

H
habits [1] 159/5
had [233] 8/25 10/3 10/5 13/1 13/17 13/22 13/23 15/17 18/17 19/3 19/13 19/16 20/6 20/22 26/11 30/4 34/18 36/4 36/14 36/21 36/22 41/25 46/1 47/9 49/8 51/1 51/1 51/2 52/17 52/17 53/6 53/7 53/21 55/20 55/23 56/7 59/15 59/18 59/23 60/9 61/21 61/21 62/14 62/15 63/5 63/7 63/8 63/8 64/9 66/14 66/22 68/22 68/22 69/2 69/5 69/8 69/19 72/20 74/4 74/7 74/18 74/18 77/17 80/15 82/4 83/15 83/18 83/20 85/17 85/20 85/22 86/1 86/2 86/8 86/12 90/6 90/9 91/4 91/5 91/6 94/20 97/9 97/11 97/16 102/10 103/18 103/19 103/20 105/25 106/10 107/23 107/23 108/6 108/25 109/1 109/10 110/2 110/3 110/8 110/10 112/3 112/13 114/19 115/1 115/2 115/9 116/14 117/20 119/25 120/6 120/7 120/8 120/17 120/18 124/3 124/6 124/6 124/12 124/13 124/13 126/18 127/22 138/25 139/23 140/18 142/10 142/17 142/18 150/3 151/7 152/1 152/3 152/6

H

had... [100] 153/15 155/23
 157/13 157/25 158/25 159/4
 163/21 166/13 167/3 167/6
 167/16 168/9 168/13 169/18
 170/7 171/14 171/18 171/23
 172/20 174/18 177/5 177/6
 179/8 185/3 185/5 185/6
 185/11 185/20 185/22 185/23
 185/24 186/2 187/8 189/11
 190/3 190/23 191/3 191/15
 191/17 191/20 194/9 196/5
 196/23 197/16 197/22 198/10
 198/18 198/19 200/17 200/18
 204/12 204/13 204/21 209/10
 209/14 213/21 214/7 215/11
 215/12 215/12 215/20 215/23
 216/8 216/12 216/16 216/17
 218/16 218/22 220/6 220/8
 220/11 222/4 222/6 222/15
 223/16 228/8 235/16 235/16
 235/24 236/20 239/2 243/8
 243/13 248/12 248/24 249/1
 249/2 251/2 251/4 251/18
 252/1 252/5 252/8 254/1
 254/13 255/10 260/8 262/11
 264/9 267/19
 had a [1] 243/8
 hadn't [5] 19/10 55/25 109/8
 109/10 190/18
 Hairstylist [1] 41/18
 hand [19] 28/4 28/11 32/24
 36/24 94/1 111/11 119/2
 131/14 148/14 159/19 162/1
 174/12 182/6 184/22 192/14
 211/3 214/19 233/18 276/14
 hand-delivered [3] 111/11
 159/19 184/22
 hand-delivery [1] 36/24
 handful [3] 164/2 175/23
 178/2
 handle [1] 57/7
 handled [1] 54/5
 handwriting [7] 73/25 98/12
 98/14 98/14 98/17 99/7
 103/7
 Hanks [1] 49/16
 happen [5] 147/10 158/4
 170/11 261/24 264/25
 happened [2] 176/21 187/21
 happening [1] 30/10
 happy [3] 129/7 157/15 180/4
 hard [2] 154/19 202/14
 hardships [2] 37/8 53/20
 harm [1] 37/10
 HARVEY [10] 1/15 131/8
 131/19 132/6 132/21 133/15
 276/8 276/19 277/6 277/21
 has [70] 7/6 23/12 25/15
 25/17 26/19 27/4 30/21 31/6
 32/16 34/4 34/21 48/9 49/13
 52/9 54/18 56/8 56/20 56/20
 58/7 58/21 60/8 65/1 72/9
 75/16 85/15 87/3 87/23 89/3
 102/23 124/24 127/21 129/18
 140/14 140/15 142/2 143/6
 147/11 149/2 152/12 152/19
 155/19 199/8 200/24 204/17
 205/13 207/22 208/6 208/9
 209/24 215/15 224/5 225/10
 227/5 229/10 232/2 235/23
 238/24 238/25 240/11 241/3

250/5 256/10 260/9 264/6
 264/24 265/2 266/18 266/22
 268/11 271/12
 hasn't [1] 168/7
 have [356]
 haven't [4] 9/23 42/4 155/4
 243/14
 having [19] 13/19 21/6 37/3
 41/5 72/10 89/18 129/9
 148/22 162/9 182/14 189/14
 189/15 201/4 201/23 211/11
 250/2 251/23 256/22 260/2
 he [15] 7/15 7/15 49/13
 194/4 200/6 200/9 204/21
 206/24 209/14 215/15 215/15
 215/16 215/16 239/15 239/17
 he's [6] 7/15 8/19 196/6
 206/9 207/2 215/10
 header [3] 248/22 249/19
 250/3
 hear [19] 10/2 11/24 14/1
 14/10 14/14 30/6 35/18
 36/12 42/10 43/12 44/12
 45/7 45/8 66/2 88/10 99/17
 195/18 208/8 269/8
 heard [2] 96/16 195/15
 hearing [35] 1/12 3/1 4/4
 7/7 9/7 9/9 10/10 12/1 13/1
 26/12 33/22 35/2 35/6 36/13
 36/15 124/21 124/22 125/6
 125/7 126/5 126/9 126/19
 127/20 128/4 132/9 133/12
 135/1 136/4 148/3 161/17
 197/21 219/2 236/1 263/9
 277/9
 hearings [10] 1/1 1/24 6/8
 34/22 133/2 133/24 183/17
 265/6 265/12 270/15
 hearsay [4] 75/13 76/16
 245/6 245/18
 held [2] 102/15 230/6
 Hello [1] 178/15
 help [11] 6/20 74/4 74/7
 74/18 74/19 83/15 96/21
 104/12 106/13 114/19 198/8
 helped [5] 74/9 74/16 74/25
 75/1 75/9
 helping [4] 76/17 76/18
 76/18 115/8
 helps [1] 23/19
 her [190] 12/20 12/22 13/17
 13/21 14/24 17/8 17/14
 18/12 18/14 18/19 20/5
 20/22 23/6 24/20 24/20
 24/21 24/25 25/10 25/14
 26/4 27/5 27/11 27/12 27/13
 27/14 31/7 32/25 34/4 35/15
 35/21 35/22 36/2 36/13
 36/21 37/3 37/13 37/21
 39/24 40/24 45/20 51/18
 51/18 52/1 52/4 52/4 53/25
 54/2 54/2 54/3 54/3 54/4
 56/5 57/7 62/3 62/19 62/19
 63/18 64/21 65/2 69/22
 70/10 70/23 74/25 75/1 75/9
 76/10 76/12 76/23 77/17
 80/6 80/20 82/17 82/18
 82/18 83/24 83/25 84/15
 89/11 89/20 91/8 91/14
 94/19 94/20 96/18 97/4 97/5
 97/12 99/7 99/9 102/10
 105/25 106/23 106/24 126/9
 127/13 127/22 129/18 129/20

140/16 142/15 143/1 144/22
 147/14 147/16 152/5 152/7
 156/24 159/13 164/10 164/14
 168/12 173/5 173/25 174/3
 174/12 174/12 175/5 175/7
 175/14 175/20 177/14 178/1
 178/5 178/6 180/3 186/15
 198/17 198/18 198/23 200/16
 200/17 220/5 221/23 226/5
 229/15 230/9 230/13 230/18
 230/19 231/8 231/18 232/12
 234/3 234/4 234/5 234/5
 234/14 234/20 235/5 235/6
 235/14 235/14 235/17 235/25
 237/17 237/18 238/14 239/18
 239/22 240/7 240/25 241/1
 241/22 241/23 241/24 243/10
 244/5 244/6 244/6 245/3
 245/4 246/16 247/5 251/8
 253/2 253/4 254/25 255/15
 257/14 257/14 257/21 259/14
 260/6 260/15 261/12 262/11
 266/20 268/9 269/17 273/20
 Herald [1] 216/18
 Herald-Tribune [1] 216/18
 here [94] 7/17 9/3 9/13 9/23
 11/25 12/16 15/21 17/13
 18/2 18/18 20/4 23/5 23/6
 25/2 32/22 35/18 39/6 46/8
 49/20 53/22 56/19 60/14
 70/8 74/5 79/19 80/3 80/4
 80/5 80/10 84/12 84/15
 84/18 85/6 86/16 89/14
 89/19 91/2 91/3 91/4 92/7
 100/11 104/12 105/10 106/13
 106/15 110/7 110/15 110/17
 112/23 113/6 114/23 119/19
 125/14 125/22 127/2 127/10
 128/16 138/7 145/6 146/7
 151/5 151/5 151/10 156/20
 157/25 164/25 173/24 174/4
 177/11 179/25 180/1 180/6
 185/13 192/10 192/11 206/17
 228/9 234/4 234/22 236/10
 236/15 240/3 240/15 249/10
 250/6 254/16 257/8 259/6
 259/15 259/20 260/12 262/9
 262/13 263/22
 here's [6] 10/6 21/24 80/7
 175/1 255/7 264/18
 hereby [3] 78/24 132/7 277/7
 hers [3] 126/1 259/16 268/14
 herself [2] 64/23 247/22
 Hey [2] 272/13 272/18
 high [3] 49/10 53/8 228/25
 higher [1] 49/14
 him [10] 166/4 193/2 197/4
 198/19 206/1 206/13 207/4
 207/9 209/13 215/11
 his [12] 49/11 49/12 194/3
 194/9 194/13 199/14 200/7
 200/8 204/22 204/22 206/10
 207/2
 history [3] 75/15 89/16
 142/10
 hold [12] 8/15 14/4 30/24
 45/4 51/8 70/7 109/11
 127/24 199/18 232/23 241/17
 263/12
 home [5] 167/21 168/25
 174/11 213/13 214/15
 homes [4] 166/9 213/8 216/6
 221/8

H

honest [3] 113/18 115/5
 124/11
Honor [204] 7/3 7/10 8/18
 8/24 11/13 13/16 13/19
 14/19 15/8 15/16 16/7 16/14
 17/17 18/18 19/2 20/13 24/6
 25/8 25/25 26/7 26/10 31/11
 32/2 33/17 34/9 36/14 37/15
 38/1 38/4 38/11 39/16 40/8
 40/20 44/5 52/12 53/10
 56/19 59/9 60/7 61/4 63/16
 64/13 65/21 68/9 68/14
 69/24 70/17 71/12 72/20
 73/5 73/20 75/3 75/19 79/6
 79/7 79/11 79/14 79/20 80/4
 80/10 80/11 80/15 83/16
 84/15 85/15 88/20 89/4 92/4
 96/16 97/8 98/4 99/9 99/19
 100/19 107/1 108/13 109/12
 113/14 114/2 115/5 116/16
 117/12 121/15 121/20 121/24
 123/4 124/18 125/16 126/13
 127/19 128/15 128/20 129/7
 138/6 140/4 140/7 140/15
 141/4 141/14 141/15 141/22
 142/8 142/25 144/11 144/13
 144/21 147/3 149/13 150/17
 158/5 159/14 159/22 160/24
 161/4 168/2 168/12 168/18
 169/15 169/25 171/6 175/11
 175/25 177/7 179/9 181/1
 187/13 187/19 188/5 190/7
 191/21 191/24 192/25 194/19
 195/19 196/15 196/21 197/13
 198/5 198/15 199/1 199/2
 199/15 200/14 200/19 210/11
 210/12 211/17 214/23 215/5
 215/12 219/12 222/21 226/21
 227/1 227/14 228/17 229/3
 229/12 229/13 230/11 232/25
 235/2 235/6 235/18 235/22
 237/16 239/7 240/16 241/1
 241/11 241/20 242/21 243/3
 243/9 243/25 244/5 244/8
 245/7 246/10 246/22 247/14
 247/16 247/18 248/25 249/25
 250/7 250/14 252/6 253/6
 254/7 258/8 258/20 259/13
 260/3 260/12 260/22 262/23
 263/8 263/10 263/21 272/5
 274/19 274/24 275/2
Honor's [1] 36/20
HONORABLE [6] 1/13 3/2 132/9
 133/13 135/2 277/9
horrible [1] 175/24
hourly [2] 204/24 205/2
hours [1] 204/22
house [18] 48/8 124/13
 166/19 167/23 167/25 168/1
 168/3 168/5 169/10 169/19
 170/8 170/17 170/21 171/1
 215/13 215/16 244/10 248/13
houses [1] 166/23
how [69] 6/21 20/19 21/5
 40/20 41/10 43/4 48/9 48/11
 50/22 51/4 53/8 54/5 56/17
 57/7 57/22 58/6 58/6 64/9
 64/10 65/6 65/9 65/25 66/6
 69/15 90/2 91/10 95/1 95/1
 117/9 129/3 129/10 129/16
 129/25 142/1 144/7 145/15

146/7 149/24 157/4 157/10
 157/12 160/8 160/10 163/1
 163/4 163/8 171/17 171/22
 173/21 178/2 178/15 183/5
 189/2 205/24 212/1 216/15
 219/18 219/24 220/3 220/4
 221/12 222/7 231/15 235/18
 252/3 260/19 267/9 267/24
 272/19
however [8] 33/16 36/18 38/8
 91/12 91/14 152/19 177/4
 250/23
huh [12] 18/23 46/3 47/11
 105/10 110/5 118/8 146/20
 151/25 154/15 172/14 252/24
 257/20
human [1] 102/18
husband [5] 7/23 8/2 15/15
 54/4 71/25
husband's [3] 124/12 160/5
 169/13
Hutchin [1] 49/18
Hutchinson [24] 3/17 46/5
 49/18 55/22 56/2 131/10
 135/17 164/15 210/9 210/10
 211/9 211/14 211/15 211/20
 215/4 215/19 217/18 218/22
 219/14 219/18 221/17 223/2
 223/10 276/10
Hutchison [2] 215/24 216/5

I

I'd [36] 23/21 33/17 59/9
 69/23 72/19 73/4 81/6 99/19
 117/14 122/13 122/22 129/7
 141/19 141/22 147/21 151/11
 152/16 155/5 157/15 164/2
 165/12 168/2 168/18 168/25
 173/9 187/13 192/7 194/19
 194/24 195/22 196/18 199/16
 206/3 235/7 240/6 245/15
I'll [26] 6/23 24/1 27/6
 27/14 34/10 38/10 74/13
 91/19 100/2 147/16 177/4
 177/6 178/14 192/10 195/17
 221/2 232/24 232/25 247/15
 260/18 260/19 266/8 266/9
 267/5 268/25 269/22
I'm [217] 6/3 6/3 6/8 9/13
 9/22 9/23 10/3 12/1 12/2
 12/2 12/2 12/14 13/1 14/1
 14/6 15/4 17/19 17/20 17/24
 18/10 21/24 22/1 23/4 24/17
 25/10 25/13 27/3 27/16
 27/21 33/2 33/2 34/3 34/24
 41/14 41/17 41/18 41/24
 44/18 52/12 53/1 53/22
 53/22 53/24 54/1 55/4 57/14
 58/6 59/6 59/17 61/3 61/10
 61/17 65/13 67/6 70/9 71/2
 72/2 72/6 72/25 74/7 74/11
 75/15 76/1 76/19 76/25
 79/14 79/20 81/7 83/19
 83/20 87/17 92/15 93/3
 93/11 94/21 96/4 96/14
 96/21 97/5 98/4 99/5 102/1
 102/4 102/18 103/18 103/23
 107/2 108/13 110/13 111/7
 111/15 111/16 111/16 111/18
 111/21 113/7 113/23 115/5
 116/20 117/9 118/2 118/3
 119/6 120/1 120/9 121/8
 121/11 121/25 122/6 123/12

123/14 124/17 127/18 127/25
 140/2 142/1 142/1 144/16
 145/14 145/18 147/14 148/7
 151/12 152/3 152/5 153/9
 153/14 155/3 156/1 158/11
 162/23 168/17 169/23 170/14
 172/24 172/24 173/17 174/20
 175/9 177/24 178/3 178/4
 179/9 180/13 182/1 183/4
 183/8 183/11 183/13 183/23
 183/25 184/3 186/7 191/13
 193/2 193/19 194/12 195/17
 198/9 198/13 200/23 205/24
 205/25 207/8 207/19 208/8
 209/13 210/20 219/19 220/9
 225/17 225/24 232/18 232/21
 235/1 235/1 235/2 237/2
 237/4 237/6 237/20 240/18
 241/16 243/15 243/21 244/2
 245/2 246/8 246/15 248/18
 248/19 249/23 250/17 252/14
 253/6 253/9 253/14 254/6
 255/9 255/22 255/22 257/12
 259/8 260/1 260/7 260/7
 261/24 262/1 262/20 263/18
 267/22 269/3 269/24 272/7
 272/9 272/9 273/24
I've [28] 30/11 30/11 32/13
 69/22 70/7 80/5 149/25
 163/22 167/4 167/14 167/15
 180/6 190/2 190/4 204/10
 204/10 212/13 220/1 220/6
 220/7 220/8 223/21 223/21
 228/5 259/11 261/17 262/17
 272/9
I.D [1] 94/6
idea [16] 10/3 13/1 19/13
 19/16 20/22 95/3 96/14
 113/18 113/20 114/2 114/2
 114/6 114/10 114/12 117/9
 157/21
identical [5] 84/18 153/7
 158/21 158/23 159/1
identification [7] 94/4
 131/23 131/24 151/6 151/21
 276/23 276/24
identified [1] 168/8
identify [3] 168/23 171/7
 214/25
identity [3] 75/1 76/10
 76/11
idiot [1] 214/6
if you [1] 107/5
II [4] 1/5 130/8 133/5 133/5
ill [3] 221/23 244/25 245/5
immaterial [3] 16/16 239/1
 242/5
impact [3] 20/19 125/25
 205/12
impacted [1] 21/5
impartial [1] 164/24
implementing [1] 10/21
important [22] 14/11 45/6
 48/2 51/3 54/12 54/13 54/16
 54/17 55/14 74/24 75/6 75/8
 75/9 75/10 75/11 76/2 76/12
 85/13 86/6 87/8 124/11
 244/9
imposing [1] 230/22
include [3] 52/22 186/15
 206/19
included [4] 100/5 206/16
 235/25 251/10

I

including [1] 99/24
 incomplete [1] 243/24
 incorrectly [1] 209/2
 incumbency [1] 83/12
 incumbent [1] 83/13
 incur [1] 231/12
 incurred [6] 34/14 195/14
 195/16 196/2 206/22 207/11
 independent [1] 125/1
 INDEX [2] 3/3 135/3
 indicated [7] 45/5 147/12
 151/20 174/7 197/23 225/19
 226/3
 indicates [1] 87/25
 indicating [1] 123/10
 individual [7] 76/18 83/11
 86/4 102/1 167/2 214/8
 223/16
 individually [1] 229/18
 individuals [3] 54/18 216/7
 222/6
 information [39] 7/6 19/4
 27/12 34/2 42/3 53/20 54/10
 54/25 58/21 59/8 60/12
 75/14 75/14 76/15 104/17
 112/20 114/22 155/21 185/18
 207/13 225/25 236/22 241/5
 244/21 245/1 246/24 250/3
 250/24 252/23 254/25 259/10
 262/16 262/17 262/22 264/14
 264/16 264/20 266/21 266/22
 informed [3] 146/13 234/6
 259/24
 initial [4] 18/12 253/7
 253/21 253/22
 initially [5] 27/2 34/3
 205/22 253/1 254/24
 injure [10] 29/13 35/17
 35/17 37/14 37/18 67/18
 231/8 231/16 232/21 236/12
 ink [2] 249/14 249/15
 inquiring [1] 267/5
 inquiry [1] 228/24
 instances [1] 75/4
 Instead [1] 273/10
 instruct [4] 161/19 181/5
 181/21 210/22
 instruction [2] 61/1 95/22
 instructions [2] 36/9 36/14
 insufficiency [4] 82/9 90/20
 90/22 236/24
 insufficient [7] 80/20 90/15
 90/17 124/5 124/8 204/21
 251/25
 insurance [1] 232/9
 integrity [1] 120/12
 intend [4] 8/4 22/24 23/8
 32/6
 intended [1] 21/22
 intends [1] 22/8
 intent [11] 29/12 35/16
 37/18 54/14 67/17 68/12
 91/1 128/14 228/18 231/7
 236/12
 intention [1] 232/21
 intentionally [2] 37/10
 108/21
 intents [1] 205/20
 interaction [1] 177/19
 interest [4] 42/17 163/15
 212/11 212/14

interested [7] 42/18 132/16
 163/14 174/8 212/4 212/13
 277/16
 interesting [1] 12/12
 interfere [1] 33/4
 interpretation [1] 178/11
 interrupt [1] 20/7
 introduced [1] 214/12
 investigate [2] 95/23 102/23
 invoice [1] 199/6
 invoke [2] 8/12 30/19
 invoked [2] 30/21 149/2
 involuntary [1] 12/24
 involve [1] 230/4
 involved [6] 27/20 161/22
 164/7 204/9 212/7 212/12
 involving [1] 34/22
 irrelevant [9] 17/24 51/10
 59/7 60/11 60/21 74/11
 83/17 231/20 231/20
 irresponsible [1] 36/12
 IRS [1] 51/19
 is [638]
 isn't [6] 72/9 116/17 127/13
 157/22 179/10 243/21
 issuance [1] 79/1
 issue [18] 13/14 18/9 22/3
 22/11 25/17 25/19 30/13
 30/13 43/7 43/17 60/23
 194/13 205/22 209/11 209/12
 237/8 254/22 267/7
 issues [3] 34/23 163/21
 199/11
 it [492]
 it'll [4] 99/12 266/16 267/3
 270/22
 it's [116] 11/15 12/25 20/3
 28/23 33/10 43/20 46/19
 54/13 54/17 56/15 56/17
 58/17 58/25 60/11 60/18
 61/9 70/13 70/18 71/21
 73/16 73/25 74/11 75/11
 75/13 76/2 76/7 78/1 80/17
 83/15 83/25 84/17 84/17
 85/13 87/1 88/4 88/6 89/1
 91/3 91/3 94/3 94/21 95/15
 98/13 98/17 100/25 103/7
 103/17 105/19 107/6 107/10
 108/14 111/23 116/17 116/18
 116/19 116/22 120/21 122/2
 122/4 122/13 124/10 125/12
 125/18 130/4 141/18 142/11
 152/11 152/17 152/18 153/24
 153/25 154/6 154/10 154/16
 154/16 154/19 166/13 167/24
 177/4 186/12 186/12 188/24
 198/25 198/25 199/9 200/24
 201/1 202/5 207/10 214/17
 214/18 218/3 220/24 227/17
 228/7 235/5 235/5 235/8
 237/4 239/1 239/15 240/6
 248/20 249/14 250/20 255/3
 256/2 257/2 257/5 258/10
 258/12 259/11 263/8 268/8
 273/5 273/7
 item [14] 13/16 151/20
 186/11 186/13 186/16 186/18
 186/21 186/23 187/7 188/25
 216/25 217/6 217/12 224/7
 items [8] 21/13 37/7 171/20
 188/11 188/14 188/18 188/25
 223/23
 itself [6] 20/22 81/15 81/16

89/22 106/23 227/17
 Itsyourvoice [1] 230/20

J

Jacksonville [1] 205/1
 Jacqueline [18] 5/5 73/9
 75/21 77/16 80/8 89/2 89/4
 92/12 105/13 106/6 109/19
 117/19 118/16 137/5 242/11
 251/10 251/22 253/24
 Jacqueline's [1] 115/25
 January [10] 36/8 115/24
 168/4 197/25 200/4 200/10
 212/3 221/15 227/20 264/5
 January 16th [1] 115/24
 January 2017 [1] 36/8
 January 27 [3] 200/4 200/10
 264/5
 January 27th [1] 197/25
 January 3rd [1] 227/20
 Jean [2] 39/9 41/3
 Jesus [1] 142/20
 job [4] 110/21 194/1 194/13
 214/4
 Joe [3] 5/3 137/3 239/15
 Joy [16] 3/9 24/18 25/12
 93/6 93/15 93/25 107/23
 131/9 135/9 147/21 147/23
 148/20 148/25 152/13 152/18
 276/9
 judge [8] 1/20 6/4 17/4
 133/20 164/23 203/12 207/22
 248/25
 judge's [1] 116/2
 judicial [1] 183/17
 JULIE [10] 1/15 131/8 131/19
 132/6 132/21 133/15 276/8
 276/19 277/6 277/21
 July [17] 92/22 92/24 94/14
 95/2 108/9 112/24 118/7
 118/20 151/17 152/13 152/18
 152/25 153/16 251/2 251/18
 251/18 251/21
 July 22nd [13] 92/24 94/14
 95/2 112/24 118/7 118/20
 151/17 152/13 152/18 152/25
 153/16 251/18 251/21
 July 26 [1] 251/2
 June [34] 1/18 13/22 13/22
 13/24 16/9 17/6 17/14 19/3
 19/17 24/25 37/4 37/5 76/7
 78/16 82/11 86/3 87/22
 91/18 94/12 108/9 109/1
 109/1 115/21 131/11 131/15
 132/17 133/18 138/2 150/4
 151/5 251/14 276/11 276/15
 277/17
 June 1st [2] 108/9 115/21
 June 27 [1] 87/22
 June 27th [1] 78/16
 June 3rd [1] 13/22
 June 6 [1] 13/22
 June 6th [1] 37/4
 June 7th [5] 13/24 17/6
 17/14 19/17 37/5
 June 8 [2] 82/11 151/5
 June 8th [3] 76/7 94/12
 109/1
 June 9th [2] 16/9 150/4
 jurisdiction [11] 16/17 29/1
 95/23 102/23 230/8 231/3
 231/4 231/24 232/4 232/13
 237/1

J

jurisdictional [1] 204/18
 just [220] 11/5 12/6 12/16
 14/16 15/7 15/11 15/16
 16/14 16/23 17/7 17/10
 18/17 19/15 20/22 22/7
 23/12 23/21 24/2 24/7 24/9
 26/3 26/9 26/18 28/21 30/7
 30/22 32/9 32/17 32/25
 39/24 41/22 43/22 44/4 44/6
 44/8 45/3 45/4 45/4 49/4
 49/8 49/10 50/10 50/20
 51/22 51/22 51/24 51/24
 52/10 52/17 52/24 53/7
 53/24 53/24 54/2 57/14
 57/23 59/1 62/4 65/19 66/16
 68/7 69/18 72/2 74/22 77/5
 78/7 79/12 81/12 82/6 82/13
 82/16 82/17 84/25 92/7 94/8
 94/8 95/8 97/14 98/15 100/4
 100/12 101/3 101/10 102/11
 102/12 103/6 103/9 103/25
 106/9 106/24 108/10 108/11
 109/8 109/13 109/17 110/13
 110/24 111/6 111/21 117/25
 118/2 119/2 120/1 120/1
 120/9 121/7 121/11 122/8
 123/11 123/13 123/15 124/5
 124/10 125/19 127/16 128/13
 128/13 138/6 138/19 141/16
 143/2 145/14 147/6 147/7
 150/1 150/9 150/25 153/1
 155/3 157/19 158/2 159/1
 160/7 164/16 169/12 169/23
 169/24 170/1 171/2 172/24
 174/23 176/6 178/5 178/6
 180/12 183/9 190/13 192/25
 197/9 198/6 199/6 208/16
 209/14 210/8 212/12 212/14
 214/13 215/2 215/14 217/9
 222/24 225/11 228/6 229/15
 230/13 232/24 234/19 237/20
 237/21 240/7 240/11 240/16
 240/17 241/3 242/11 243/19
 243/20 243/21 243/22 243/23
 243/24 244/4 244/24 244/25
 245/2 245/2 245/5 245/6
 245/15 245/18 246/12 246/13
 247/3 247/14 248/19 251/15
 253/16 254/5 255/3 255/25
 256/2 256/13 256/15 256/18
 263/12 264/5 265/15 266/6
 268/24 269/20 272/7 272/9
 272/9 272/10 272/12 272/15
 272/23 273/20 274/8 274/12
 Justice [1] 203/3

K

K-e-l-l-e-r-h-u-r [1] 31/19
 k-i-n-s [1] 181/18
 Kathryn [4] 3/11 135/11
 162/7 162/12
 KATHY [46] 1/7 2/7 3/7 3/20
 5/6 6/7 28/25 34/16 37/17
 39/1 39/9 41/3 46/19 47/20
 55/21 55/21 56/1 56/4 71/21
 73/8 101/13 105/13 131/9
 131/10 133/7 134/7 135/7
 135/20 137/6 142/9 154/2
 154/8 161/13 161/14 161/15
 161/16 168/13 172/13 174/7
 174/12 184/6 185/2 228/16

241/19 276/9 276/10
 keep [8] 11/22 11/22 57/14
 183/14 189/5 194/21 202/12
 256/14
 keeping [3] 146/12 234/6
 259/24
 keeps [6] 157/16 157/24
 157/24 158/17 235/6 259/15
 Kellerhur [4] 2/16 31/8
 31/18 134/16
 kidding [2] 73/24 93/22
 kids' [1] 160/5
 kind [6] 52/23 53/6 53/23
 57/2 116/18 139/21
 kinds [2] 268/2 268/7
 knew [21] 29/14 64/11 67/20
 89/15 91/7 91/10 91/16
 102/13 143/4 143/7 143/17
 144/11 144/15 145/4 145/17
 157/10 160/7 172/21 177/6
 215/16 242/2
 know [162] 10/19 10/23 15/3
 16/9 17/25 18/11 19/12
 19/20 21/22 22/8 25/15
 30/10 31/2 32/14 32/19
 32/22 33/2 33/9 40/8 40/15
 41/24 42/4 42/5 43/20 43/24
 44/1 46/18 46/19 46/19 51/9
 51/10 51/11 51/18 51/18
 51/19 51/23 53/1 53/7 53/9
 53/25 54/2 54/2 54/4 57/10
 57/11 57/17 58/1 59/1 60/18
 65/16 68/11 70/17 71/25
 72/4 75/13 75/14 77/14
 82/22 86/14 86/15 89/5
 91/13 93/15 93/15 94/16
 94/18 94/20 94/22 95/3 95/5
 95/7 95/10 96/18 98/22 99/7
 99/21 102/5 105/22 106/2
 115/6 116/18 120/7 121/5
 121/6 122/4 126/10 143/6
 143/18 144/2 144/4 144/9
 145/5 145/11 145/12 145/16
 145/19 145/19 150/19 150/25
 152/5 156/18 156/18 156/21
 157/2 157/12 157/16 157/21
 158/7 159/5 159/6 159/11
 159/12 159/15 159/16 160/4
 160/6 160/9 160/19 160/21
 164/16 165/12 168/6 168/8
 168/10 168/11 168/13 172/15
 172/23 185/3 186/3 186/20
 190/4 200/7 201/8 206/12
 209/14 215/17 219/5 220/3
 220/4 221/23 222/1 222/13
 224/9 234/17 235/3 235/5
 235/22 238/18 240/5 243/19
 244/25 245/5 245/16 246/2
 251/15 253/14 259/10 264/15
 264/17 271/13 273/21
 knowing [3] 76/14 96/17
 143/4
 knowingly [1] 229/7
 knowledge [28] 37/19 75/15
 76/4 76/5 76/13 85/20 85/22
 86/8 86/12 87/2 87/25 89/10
 89/19 90/3 90/7 90/9 90/19
 104/18 104/20 114/22 114/22
 142/15 155/24 189/19 212/19
 212/22 218/21 219/1
 known [19] 69/15 69/22 90/15
 93/7 93/8 94/15 109/24
 131/22 142/19 151/22 152/7

152/13 152/19 160/12 215/13
 231/16 234/6 267/19 276/22
 knows [1] 260/5
 KYI [3] 146/14 254/13 259/23
 KYIs [4] 146/12 234/7 243/20
 254/3

L

L-a-n-z-a [1] 162/12
 lack [3] 36/7 203/17 232/12
 lacked [2] 29/1 231/4
 lady [4] 15/21 56/4 159/15
 241/20
 laid [1] 124/14
 LaJuana [1] 19/11
 land [1] 244/11
 Lanza [33] 3/11 5/6 46/19
 47/20 55/21 56/1 56/4
 131/10 135/11 137/6 161/13
 161/15 161/16 161/17 161/18
 162/7 162/12 162/13 162/15
 162/19 162/22 171/13 172/2
 172/10 175/17 176/3 176/14
 177/21 177/22 179/25 241/19
 245/19 276/10
 last [12] 43/6 43/20 43/21
 43/25 68/20 129/4 147/23
 160/14 189/7 208/8 221/11
 234/20
 late [1] 166/3
 lately [1] 218/15
 later [3] 174/10 251/16
 264/9
 law [48] 6/4 36/10 57/12
 57/19 58/4 58/9 58/18 58/22
 59/19 60/9 61/19 62/8 62/10
 62/11 62/16 62/24 63/3 63/8
 86/10 91/5 91/7 91/8 96/17
 105/18 110/11 115/19 124/3
 124/5 127/23 139/20 140/20
 143/19 145/3 146/2 146/8
 205/16 229/4 231/24 238/24
 238/25 239/1 251/6 252/5
 253/5 254/5 258/4 258/5
 258/15
 law's [1] 252/13
 laws [16] 29/3 29/20 110/9
 139/24 143/20 143/22 143/23
 144/5 144/12 145/5 146/6
 202/10 219/4 228/22 230/25
 231/12
 lawyer [15] 64/23 74/8 74/18
 74/19 96/4 96/14 96/15
 103/18 103/23 104/19 114/19
 143/3 198/18 200/18 209/10
 lawyer's [1] 18/3
 laying [1] 186/13
 layperson [5] 35/15 102/5
 106/2 109/12 145/18
 layperson's [1] 231/2
 leading [3] 236/17 245/13
 256/16
 learn [1] 216/15
 learned [5] 171/22 180/2
 232/11 252/2 252/3
 learning [1] 49/14
 least [1] 107/24
 leave [7] 11/5 129/20 147/6
 179/1 232/24 232/25 262/20
 left [7] 97/4 102/10 154/6
 154/13 166/22 202/23 214/19
 left-hand [1] 214/19
 legal [26] 6/19 6/24 41/25

L

legal... [23] 65/2 82/8
 87/23 89/15 89/18 90/20
 91/2 94/7 94/23 103/19
 127/5 162/25 163/1 193/21
 194/3 195/16 203/16 231/21
 232/6 232/14 236/23 242/1
 242/13
legally [11] 78/25 80/20
 90/14 90/17 91/10 124/5
 124/8 125/21 204/20 251/22
 251/24
lengthy [2] 222/5 222/5
less [4] 21/22 165/24 166/1
 222/10
let [54] 8/11 14/16 15/3
 16/9 20/7 20/7 28/21 28/22
 31/22 39/5 45/2 47/15 49/7
 52/1 60/13 62/19 67/5 67/6
 67/12 70/19 74/4 77/5 77/21
 109/11 111/14 128/16 161/18
 173/24 179/24 181/5 181/21
 198/18 198/19 200/18 205/25
 210/22 215/2 223/11 223/20
 226/2 226/7 226/12 227/9
 227/10 232/23 233/1 234/19
 234/21 234/22 241/17 242/22
 250/14 255/9 268/1
let's [55] 13/12 14/4 15/25
 15/25 16/3 23/23 26/17 28/1
 30/12 31/21 38/2 54/20
 60/21 62/4 63/25 64/1 64/1
 64/3 64/7 64/7 67/5 70/3
 72/16 77/1 77/1 79/21 83/2
 84/1 85/7 88/11 88/14 98/19
 109/13 113/12 115/16 115/16
 116/10 128/1 130/4 130/5
 148/11 154/21 169/2 174/5
 210/15 216/1 221/11 226/6
 227/4 230/16 233/2 233/14
 233/14 234/18 244/17
letter [12] 4/9 105/23 106/7
 106/11 123/8 136/9 225/3
 251/6 252/14 252/17 252/21
 259/6
letters [1] 272/12
level [3] 213/15 214/5
 220/19
liability [2] 230/22 231/12
library [1] 165/9
license [2] 94/4 151/8
licensed [2] 231/22 241/25
lien [1] 51/20
life [1] 220/13
like [81] 14/7 16/25 23/21
 24/20 26/25 30/25 31/3
 32/18 33/17 33/23 38/25
 52/22 59/9 65/13 69/23
 72/19 73/4 80/20 81/6 99/19
 107/19 116/17 116/18 116/18
 117/14 120/1 120/3 122/13
 122/22 141/19 141/22 147/21
 151/11 152/16 158/24 167/4
 167/16 168/2 168/18 168/25
 173/15 177/5 178/15 180/5
 181/12 186/12 186/13 187/13
 189/24 190/5 192/7 193/20
 194/19 194/24 195/22 196/18
 199/16 206/3 207/18 208/18
 213/16 214/23 215/10 225/25
 227/8 239/18 240/6 244/1
 246/21 247/2 247/10 252/12

255/5 255/11 255/15 255/23
 255/25 257/5 265/13 273/5
 273/7
likely [1] 218/3
likewise [1] 231/13
limit [2] 163/20 262/15
limited [3] 34/10 128/17
 155/21
LINDA [30] 1/4 2/4 3/22 4/20
 6/6 19/9 44/15 46/1 46/8
 46/14 53/17 66/25 101/13
 108/8 115/20 133/4 134/4
 135/22 136/20 184/6 208/14
 208/15 212/19 213/21 214/9
 223/6 224/24 237/19 256/21
 258/3
LindaYates [1] 258/18
lindaYates.com [7] 230/1
 230/20 230/21 234/7 234/8
 259/1 259/22
line [12] 78/23 101/19
 101/20 101/24 129/3 138/21
 138/23 139/10 158/5 175/16
 262/9 263/8
lines [2] 116/3 116/15
link [1] 6/14
LINZIE [7] 1/13 3/2 6/3
 132/10 133/13 135/2 277/10
lis [1] 51/20
list [17] 8/25 9/2 10/5
 12/11 13/17 16/10 19/15
 20/21 22/22 26/14 32/4 37/6
 42/7 42/12 102/2 243/10
 243/14
listed [2] 21/13 202/19
litigant [2] 197/5 206/23
litigants [1] 27/21
litigate [1] 202/19
litigation [3] 62/23 229/1
 229/6
little [13] 14/7 14/16 33/10
 48/22 49/13 60/19 98/5
 107/19 111/23 122/4 166/4
 194/22 231/25
live [2] 43/17 222/2
lived [2] 46/8 163/18
lives [2] 221/24 221/24
local [1] 212/14
locate [1] 226/17
location [22] 2/6 2/9 2/12
 2/13 2/14 2/15 2/16 2/17
 134/6 134/9 134/12 134/13
 134/14 134/15 134/16 134/17
 165/10 167/1 168/24 169/1
 214/25 223/3
locations [1] 23/13
long [20] 41/10 43/4 57/22
 58/6 69/15 129/3 129/16
 149/24 163/4 163/8 169/14
 173/9 183/5 189/2 212/1
 219/24 221/12 222/7 267/7
 267/24
longer [3] 55/5 129/25
 200/22
look [53] 26/25 48/23 49/3
 74/4 74/5 76/7 79/25 81/2
 98/23 101/17 102/9 107/7
 107/12 109/11 111/17 113/12
 113/17 113/17 114/4 114/15
 115/17 116/14 117/14 118/15
 118/20 118/21 118/22 119/11
 138/21 139/10 144/25 145/12
 146/23 150/11 150/13 153/7

154/1 157/6 157/11 158/3
 158/24 171/19 184/4 199/3
 202/1 217/25 227/10 227/10
 227/18 248/20 250/5 257/15
 265/17
looked [16] 41/24 49/3 49/4
 49/7 49/8 49/9 53/4 53/5
 53/16 53/21 53/24 65/13
 108/25 114/8 124/15 173/12
looking [17] 21/14 21/16
 60/5 99/14 101/9 116/25
 116/25 146/22 151/12 198/9
 198/22 200/24 227/16 228/2
 229/14 257/10 260/1
looks [7] 30/24 31/3 111/10
 111/23 116/17 248/21 257/5
lost [3] 119/6 119/18 153/22
lot [7] 165/6 165/14 165/18
 165/19 222/11 240/15 254/13
loud [1] 118/3
love [1] 103/12
lower [1] 154/13
lunch [5] 122/11 129/5
 129/10 130/6 130/7
LY [61] 71/15 82/2 87/18
 93/19 98/23 105/9 111/4
 111/8 111/17 112/16 113/13
 113/15 113/17 113/17 114/5
 114/7 115/17 116/25 117/1
 117/4 117/7 117/15 117/15
 118/6 118/7 118/15 118/15
 118/16 118/24 118/25 118/25
 119/8 119/8 119/8 121/13
 123/19 123/20 138/18 138/20
 138/21 139/10 144/3 144/25
 150/13 150/22 150/23 152/11
 152/17 154/8 154/21 155/15
 183/24 184/1 184/2 184/4
 186/6 199/4 227/8 227/25
 262/6 263/9
LY-100 [1] 82/2
LY-102 [1] 87/18
LY-108 [1] 71/15
LY-11 [3] 138/18 138/20
 138/21
LY-12 [1] 139/10
LY-28 [1] 227/25
LY-3 [1] 113/15
LY-34 [1] 144/25
LY-35 [1] 113/17
LY-36 [1] 105/9
LY-37 [3] 113/13 154/8
 154/21
LY-38 [3] 111/4 116/25 117/4
LY-43 [6] 111/8 111/17
 183/24 184/1 184/2 184/4
LY-44 [8] 112/16 113/17
 117/15 118/6 118/15 118/24
 119/8 152/11
LY-46 [8] 114/5 114/7 117/15
 118/7 118/15 118/25 119/8
 152/17
LY-47 [4] 115/17 117/1 117/7
 121/13
LY-50 [1] 186/6
LY-64 [1] 199/4
LY-7 [2] 262/6 263/9
LY-80 [2] 123/19 123/20
LY-83 [4] 118/16 118/25
 119/8 155/15
LY-89 [1] 98/23
LY-90 [3] 93/19 150/13
 150/23

L
Lynn [13] 3/9 25/12 93/6
 93/25 131/9 135/9 147/21
 147/23 148/20 148/25 152/13
 152/18 276/9

M
M-a-r-c [1] 192/22
ma [1] 112/9
ma'am [143] 14/21 16/20
 17/10 26/6 39/3 39/7 41/18
 42/13 42/22 43/2 43/15
 43/17 44/4 44/16 46/12
 46/12 46/24 47/8 47/11
 47/13 47/25 48/6 48/20 49/1
 49/17 50/4 50/6 50/20 50/24
 51/9 52/11 52/19 52/24
 53/18 55/2 55/12 55/18 58/5
 58/16 58/20 59/25 60/2
 62/12 66/11 66/23 73/25
 74/4 74/7 74/11 74/12 77/23
 77/25 78/2 78/4 78/6 78/13
 93/14 93/23 94/9 95/20 97/6
 97/17 97/18 97/22 98/1
 98/14 98/16 98/25 99/3 99/3
 103/6 103/8 103/25 104/3
 104/24 105/7 105/24 106/7
 106/8 106/11 106/17 106/21
 108/23 110/19 111/3 111/5
 111/15 112/5 112/15 112/18
 112/25 114/10 114/24 116/4
 119/9 120/13 120/18 126/15
 138/22 139/15 139/17 139/25
 145/13 148/7 148/23 156/15
 158/10 161/6 161/12 162/10
 181/2 182/15 183/11 184/9
 186/7 186/9 187/6 189/14
 189/23 191/4 192/1 208/21
 209/16 211/21 213/6 213/19
 213/23 216/10 217/14 220/25
 226/12 228/14 233/4 246/20
 248/17 248/18 248/24 249/6
 249/8 249/14 249/24 259/2
 272/6
Madam [8] 14/22 28/1 148/12
 161/23 210/25 266/18 266/25
 274/25
made [34] 27/24 29/12 29/15
 29/16 34/18 43/13 66/20
 67/21 67/22 84/15 90/4
 107/19 126/6 126/8 126/20
 127/2 127/5 127/10 127/17
 127/19 128/10 141/16 143/3
 143/7 157/6 158/25 190/15
 190/21 203/8 212/11 219/20
 233/2 235/15 260/5
mail [10] 17/5 17/7 17/10
 17/14 18/20 36/23 37/3 99/4
 140/10 156/11
mail-out [1] 140/10
mailed [8] 13/22 16/25 17/12
 18/19 99/5 99/6 99/8 156/19
mailing [3] 142/15 156/14
 157/9
main [1] 167/25
majority [2] 213/16 221/7
make [50] 7/5 11/23 12/20
 14/9 23/13 23/25 26/2 26/4
 27/23 32/11 32/12 33/8
 33/18 39/5 60/15 60/20
 64/20 66/12 68/7 84/11
 86/13 100/6 103/9 106/4

111/14 111/21 122/8 124/25
 125/1 146/12 150/9 185/14
 185/22 190/19 197/9 201/8
 204/20 215/7 223/4 229/7
 230/23 239/3 239/18 240/6
 242/22 246/10 254/6 260/19
 266/7 266/7
makes [1] 40/3
making [9] 12/14 118/2
 125/19 157/17 220/18 240/4
 240/14 244/8 273/18
malice [8] 18/1 18/5 57/19
 209/4 228/18 228/24 242/15
 245/3
malicious [11] 29/12 35/13
 37/18 54/14 67/17 68/12
 90/25 91/1 128/14 205/20
 231/5
maliciously [1] 236/13
maliciousness [1] 90/25
man [2] 49/12 49/12
manage [1] 51/4
Manager [3] 190/21 217/2
 217/10
mandatory [1] 203/14
manner [2] 220/22 220/25
many [24] 37/8 65/6 65/25
 66/6 69/2 69/3 69/5 75/3
 95/1 95/2 129/10 157/12
 160/8 160/10 163/1 165/10
 165/10 183/18 183/18 204/24
 204/24 209/2 243/23 272/19
Marc [8] 2/12 3/15 134/12
 135/15 192/7 192/21 192/22
 201/21
March [1] 224/2
March 13th [1] 224/2
Mark [2] 2/15 134/15
married [1] 72/9
Mary [1] 180/2
matched [1] 157/17
material [15] 29/18 34/23
 35/24 37/23 56/22 68/2
 91/14 140/15 188/12 188/14
 188/17 188/25 216/24 217/20
 218/5
materials [2] 19/5 19/25
matter [22] 6/5 12/7 16/16
 17/24 21/15 28/15 33/5
 34/20 35/8 54/14 74/16
 74/18 85/13 86/19 87/1
 125/12 149/6 178/10 191/5
 191/12 192/15 195/17
matters [11] 6/22 10/20
 13/13 24/5 24/16 26/5 35/18
 59/8 164/23 204/8 232/8
Matthew [1] 87/19
may [26] 11/4 11/4 11/13
 24/6 26/2 27/16 28/19 68/24
 79/6 79/7 88/3 127/1 127/10
 148/10 161/22 199/2 199/15
 201/7 206/22 223/23 231/11
 234/21 252/6 263/10 272/14
 272/14
May 2010 [1] 234/21
maybe [8] 14/5 14/6 30/25
 129/24 157/13 157/18 170/11
 269/19
Mayor [1] 246/4
McDowell [1] 164/14
me [243] 6/6 8/1 8/11 14/16
 15/3 17/7 18/2 20/7 20/7
 27/12 28/21 28/22 31/22

33/13 34/14 35/16 37/2 37/4
 37/10 37/18 38/3 39/5 39/20
 41/24 44/11 44/15 45/2
 46/23 47/1 47/10 47/15
 47/17 47/22 47/24 48/4 49/7
 49/20 50/4 50/23 53/10
 55/24 56/7 56/8 56/9 56/11
 60/13 62/11 62/18 62/25
 63/17 64/24 65/16 66/25
 67/2 67/5 67/6 67/12 69/10
 69/20 70/19 71/17 72/1 72/9
 73/24 74/4 74/5 74/9 74/17
 74/18 74/19 76/2 77/5 77/10
 77/21 79/13 83/16 83/17
 85/3 85/14 86/2 87/8 89/20
 90/16 92/7 93/11 93/22 94/6
 94/17 97/24 98/11 101/19
 101/22 102/15 103/20 103/23
 104/12 105/8 106/13 106/24
 109/11 110/2 110/11 111/14
 112/17 113/3 113/4 113/25
 114/14 114/18 114/19 115/3
 115/22 116/15 118/11 119/5
 119/6 121/10 123/10 124/11
 124/14 124/25 125/10 125/14
 125/15 125/25 126/11 128/16
 131/11 139/20 142/17 143/22
 144/16 150/18 151/13 152/25
 157/6 157/8 160/4 160/6
 160/20 161/18 167/11 168/13
 170/6 170/8 170/10 171/15
 172/23 173/21 173/24 175/21
 179/24 180/20 181/5 181/21
 183/9 184/11 184/17 184/18
 184/24 185/3 185/17 185/18
 186/11 186/12 186/14 186/14
 186/15 188/22 190/21 190/23
 194/4 195/24 196/20 198/21
 202/2 202/8 202/25 207/15
 210/22 213/21 213/25 215/2
 216/8 216/13 216/16 217/4
 221/3 221/25 222/2 222/14
 222/18 223/4 223/11 223/20
 226/1 226/2 226/7 226/12
 226/16 227/9 227/10 229/1
 231/18 232/7 232/23 233/18
 234/1 234/19 234/21 234/22
 235/24 236/19 237/21 238/9
 241/18 242/22 246/24 247/16
 250/14 250/17 251/5 252/11
 253/19 254/3 255/24 260/5
 260/14 262/18 264/21 265/4
 265/8 265/21 266/25 267/15
 267/21 268/1 269/2 269/20
 270/8 270/9 273/10 276/11
mean [21] 50/22 50/23 56/16
 62/1 62/2 64/4 107/18 120/4
 120/5 120/6 121/2 121/5
 121/21 145/16 153/10 157/14
 186/12 191/10 199/19 208/23
 268/8
meaning [2] 96/7 221/19
means [3] 8/13 34/11 149/3
meant [2] 102/12 108/21
media [17] 9/13 9/17 9/23
 9/24 11/1 12/2 12/4 12/6
 30/7 30/9 42/18 42/19 47/7
 56/3 216/18 220/10 220/11
meet [2] 165/10 220/10
meeting [29] 4/7 43/5 43/14
 64/25 66/13 66/21 126/2
 126/14 126/18 136/7 165/13
 171/19 174/2 186/25 187/8

M

meeting... [14] 187/11 187/12
187/12 187/15 187/17 187/21
189/2 189/4 205/10 218/4
218/24 232/10 246/5 262/9
meetings [14] 29/2 42/21
43/1 43/1 43/3 64/20 163/8
163/16 183/18 212/8 218/8
218/18 218/19 232/9
member [9] 10/25 11/5 12/1
12/4 12/5 12/6 30/8 32/20
32/23
members [3] 15/9 16/1 30/22
memory [4] 50/5 50/6 221/18
221/20
mention [2] 18/12 241/14
mentioned [12] 47/14 51/1
53/21 56/6 58/2 59/5 76/14
78/8 104/4 138/18 205/15
254/12
merits [1] 20/5
messed [2] 116/18 117/10
meter [4] 98/20 98/21 98/24
99/2
mid [2] 202/11 202/17
mid-1960s [2] 202/11 202/17
middle [2] 212/13 251/7
midst [2] 252/12 253/4
might [3] 227/9 227/14 230/8
million [1] 48/9
mind [3] 124/6 204/17 267/18
mine [9] 40/7 51/24 54/3
80/14 86/5 196/2 249/16
251/16 260/6
minute [6] 31/21 67/6 85/7
92/7 210/15 246/12
minutes [14] 4/7 63/23
122/11 129/22 129/24 136/7
183/14 187/15 187/16 187/20
187/25 189/2 189/4 222/9
misphrasing [1] 59/17
misplaced [1] 120/2
misrepresented [1] 37/2
Mississippi [1] 150/1
mistake [8] 102/12 102/18
107/19 120/13 142/25 143/2
143/9 230/3
misunderstood [1] 102/5
mix [1] 120/20
mixed [6] 98/5 116/19 116/20
116/22 120/9 157/19
money [2] 252/10 254/2
month [3] 152/3 264/1 264/8
Moore [22] 5/5 73/9 75/21
77/16 80/8 81/21 89/2 89/5
90/11 90/14 90/19 91/4
92/12 102/10 105/13 106/6
108/25 117/19 137/5 251/10
251/22 253/24
Moore's [3] 90/19 118/16
242/11
more [35] 14/8 37/20 49/13
77/9 87/23 92/2 95/4 124/6
124/14 138/7 152/5 158/1
158/25 186/1 204/15 208/16
210/8 212/7 212/8 212/12
212/14 213/14 214/4 214/20
218/14 218/15 222/5 253/3
261/3 261/6 262/3 268/25
269/16 272/13 272/18
Moreover [3] 35/21 229/3
230/1

morning [6] 6/3 6/12 6/18
34/11 41/8 41/9
most [5] 14/11 45/6 163/10
213/10 222/9
mother [6] 124/5 124/13
251/6 252/13 253/5 254/5
mother-in-law [4] 124/5 251/6
253/5 254/5
mother-in-law's [1] 252/13
motion [11] 14/25 16/1 16/4
22/2 268/24 269/20 269/22
272/10 272/16 274/8 274/12
move [10] 30/3 54/20 64/3
72/16 77/1 84/1 88/11 104/5
168/19 216/1
moved [1] 174/9
moving [1] 88/18
Mr [5] 4/18 7/14 136/18
200/6 207/1
Mr. [46] 129/23 192/7 192/12
192/24 193/1 193/21 194/3
194/17 195/3 195/12 201/18
202/1 202/12 203/23 204/2
204/4 204/16 205/7 205/25
206/11 206/20 207/8 207/8
207/16 207/17 208/5 208/13
209/7 209/22 210/5 210/8
210/10 211/15 211/20 215/4
215/19 215/24 216/5 217/18
218/22 219/14 219/18 221/17
223/2 223/10 262/11
Mr. Cory [2] 210/8 210/10
Mr. Daniels [1] 206/11
Mr. Doug [1] 204/4
Mr. Douglas [2] 204/16 207/8
Mr. Hutchinson [11] 211/15
211/20 215/4 215/19 217/18
218/22 219/14 219/18 221/17
223/2 223/10
Mr. Hutchison [2] 215/24
216/5
Mr. Slep [25] 129/23 192/12
192/24 193/1 193/21 194/3
194/17 195/3 195/12 201/18
202/1 202/12 203/23 204/2
205/7 205/25 206/20 207/8
207/16 207/17 208/5 208/13
209/7 209/22 210/5
Mr. Stephen [1] 192/7
Mr. Thomas [1] 262/11
Mrs [1] 10/5
Ms [522]
Ms. [52] 7/16 9/11 10/23
11/16 11/25 13/1 13/14 30/6
32/13 32/19 34/16 37/17
39/1 55/21 61/19 64/1 68/22
69/2 69/15 69/21 70/12
71/19 72/4 72/8 77/16 81/21
90/11 90/14 90/19 90/19
91/4 93/15 94/16 102/10
107/23 108/25 142/9 147/21
147/23 148/1 148/4 148/4
149/1 149/14 181/21 182/19
182/23 182/25 184/4 186/24
188/11 191/25
Ms. Adkins [8] 181/21 182/19
182/23 182/25 184/4 186/24
188/11 191/25
Ms. Cheryl [4] 68/22 69/15
69/21 70/12
Ms. Connie [1] 7/16
Ms. Cook [13] 9/11 10/23
11/16 11/25 13/1 13/14 30/6

32/13 32/19 64/1 69/2 72/4
72/8
Ms. Cook's [2] 61/19 71/19
Ms. Crowley [6] 94/16 148/1
148/4 148/4 149/1 149/14
Ms. Jacqueline [1] 77/16
Ms. Joy [4] 93/15 107/23
147/21 147/23
Ms. Kathy [5] 34/16 37/17
39/1 55/21 142/9
Ms. Moore [7] 81/21 90/11
90/14 90/19 91/4 102/10
108/25
Ms. Moore's [1] 90/19
much [10] 14/17 85/19 124/14
129/21 129/25 157/10 157/23
198/13 232/6 267/9
multiple [2] 251/11 253/11
multitude [1] 251/20
Munsing [2] 2/4 134/4
must [7] 94/17 117/21 121/2
121/5 121/20 152/5 230/4
my [206] 8/25 16/17 17/23
19/23 20/3 21/19 21/20
21/21 23/4 28/23 31/6 31/6
34/12 34/13 35/17 36/7 37/8
37/14 37/18 37/25 38/22
39/6 39/18 40/2 42/5 44/24
45/2 46/4 48/3 48/5 48/5
48/7 48/12 51/1 52/17 53/10
55/16 55/23 56/15 57/4
57/10 57/14 58/2 60/3 60/7
63/2 64/9 66/14 66/22 67/15
71/25 72/2 72/2 73/24 73/25
74/1 75/25 76/8 77/18 79/7
82/25 83/9 85/18 89/4 89/8
91/6 91/12 94/6 94/21 98/10
98/13 98/17 99/5 99/5 99/10
101/2 102/17 103/6 103/18
104/18 104/19 105/6 105/11
105/14 106/5 107/15 108/19
116/12 119/19 124/5 124/6
124/12 129/1 129/22 129/23
131/14 131/20 132/11 139/1
141/15 143/16 146/17 153/22
159/9 160/4 160/5 160/5
160/6 165/1 165/15 166/10
168/3 168/5 169/13 169/19
171/6 172/11 172/22 174/5
175/19 175/22 176/16 176/19
177/2 177/4 177/25 178/9
178/21 180/12 180/14 183/14
184/16 185/12 194/1 194/2
194/13 195/11 196/6 197/8
198/9 199/2 202/18 204/5
204/23 205/4 206/15 207/18
207/23 210/2 215/14 215/16
217/10 217/10 219/11 220/24
225/2 227/19 228/12 229/8
229/12 230/1 232/12 233/12
233/21 237/5 246/21 248/13
249/3 249/14 249/15 249/25
250/6 251/6 252/12 252/20
254/4 254/5 257/4 257/6
259/3 259/9 259/12 259/21
260/20 262/13 264/1 264/4
264/5 265/6 266/4 266/7
268/24 269/13 269/21 270/14
271/10 271/20 272/2 272/16
273/25 274/1 274/8 274/12
276/14 276/20 277/11
Mylanta [1] 97/7
myself [8] 118/3 163/18

M

myself... [6] 166/14 166/25
190/1 214/11 214/12 214/13

N

name [24] 25/11 31/7 31/17
39/8 49/11 49/12 53/5 54/15
71/17 72/2 119/3 147/24
148/24 153/2 160/5 162/11
182/16 192/20 207/2 211/13
213/1 221/24 222/19 223/3
names [6] 31/11 31/12 49/8
49/16 160/5 160/5
narrative [1] 251/13
nature [1] 174/14
nearly [1] 163/6
need [49] 7/4 14/7 14/9 17/8
17/9 17/9 17/10 32/4 32/8
32/11 39/21 39/23 40/19
40/20 61/11 62/3 68/4 95/16
108/11 125/14 127/12 129/5
141/16 150/18 150/19 150/25
170/21 175/1 193/4 209/11
210/13 215/1 222/12 224/10
233/22 234/25 254/1 256/15
257/16 266/19 266/24 267/10
268/21 272/13 272/18 272/20
273/20 273/22 274/5
needed [5] 251/6 251/16
253/23 269/15 269/16
needs [2] 207/14 266/21
negative [1] 204/14
negatively [1] 20/19
negotiations [1] 238/14
neighborhood [3] 175/20
178/24 179/1
neighborhoods [2] 165/8
165/25
neighbors [1] 166/6
never [24] 42/25 46/20 53/1
53/24 55/2 55/14 55/16
65/16 99/9 114/1 121/4
124/15 160/14 179/11 190/4
208/20 235/15 235/25 236/20
236/22 238/21 239/2 243/24
247/20
new [1] 254/24
newsletters [1] 228/23
newspaper [6] 56/3 58/23
61/22 100/11 100/12 231/14
next [24] 45/21 46/4 72/16
101/20 102/9 117/11 119/15
119/16 121/23 143/14 147/19
161/10 171/6 171/9 173/6
179/19 179/22 181/10 192/5
237/11 238/9 239/8 243/18
254/8
nexus [1] 85/4
nice [1] 178/18
nine [14] 88/14 88/15 88/15
88/15 88/22 91/20 91/21
91/23 91/24 92/9 98/7
117/15 139/10 151/12
no [255] 1/2 7/21 7/25 8/1
8/7 8/9 8/22 9/20 9/22 9/22
10/2 10/3 12/25 13/1 13/4
13/7 13/8 13/9 13/10 13/11
17/10 17/21 17/21 18/17
19/13 19/16 20/22 22/15
24/7 24/7 26/7 27/19 32/7
32/9 32/21 38/15 38/17
39/20 41/14 41/21 42/1 42/4

42/5 42/13 42/15 42/22 46/9
46/12 46/12 47/2 47/4 47/5
47/8 47/25 48/20 50/20 51/7
51/22 52/24 55/2 55/12
56/10 56/12 57/13 57/16
57/19 58/23 59/20 61/13
61/24 62/3 63/11 66/11
66/23 67/4 70/1 70/9 70/9
70/9 70/18 71/4 72/9 73/12
73/14 74/4 74/7 74/11 74/12
79/11 79/15 81/10 82/17
83/15 85/1 85/1 86/23 87/3
87/23 88/2 90/1 93/2 93/9
93/11 93/17 95/3 95/15 96/4
96/14 97/2 97/6 97/17 97/18
97/22 98/13 98/17 98/21
99/3 99/3 101/23 103/17
109/13 109/13 109/13 109/19
109/19 113/15 113/18 113/20
114/2 114/2 114/6 114/10
114/12 115/6 116/9 117/5
117/5 117/8 117/8 117/9
120/13 123/1 123/1 124/4
124/24 125/15 125/24 131/20
133/3 139/25 141/7 141/9
144/7 145/11 145/13 145/15
145/15 146/3 147/1 147/2
149/16 153/19 154/25 155/14
156/2 157/21 158/6 160/21
161/1 161/4 162/23 168/14
168/14 170/1 170/1 172/1
172/17 173/18 173/18 174/17
176/4 176/4 176/4 177/9
177/9 178/10 181/1 186/2
188/3 188/5 188/16 189/14
191/24 195/6 196/13 199/19
202/22 205/21 205/21 206/7
207/5 207/7 212/21 216/10
218/25 219/10 221/21 222/1
222/17 223/5 223/7 224/5
224/17 224/17 225/9 225/10
225/10 225/21 227/7 227/9
228/9 228/18 230/17 231/11
231/13 233/21 242/21 244/24
245/14 245/15 245/15 246/23
246/23 246/23 246/25 248/18
249/20 249/24 250/4 250/12
250/16 255/17 255/17 256/2
257/24 261/7 261/10 261/15
263/16 264/20 267/14 268/13
269/20 272/14 276/20
Nobody [1] 48/19
none [3] 19/25 20/1 180/5
normal [2] 186/18 222/6
normally [4] 154/25 155/3
155/4 186/22
North [48] 2/5 2/8 39/13
41/11 44/10 44/13 45/25
46/15 71/19 77/7 108/8
111/13 111/23 115/19 119/22
134/5 134/8 149/15 149/21
152/20 163/5 163/7 163/19
163/25 165/7 165/9 165/20
165/25 173/15 183/1 183/3
183/6 183/6 189/8 189/9
212/2 212/16 218/7 218/23
219/2 220/16 232/9 232/10
239/17 246/5 248/9 248/12
254/3
not [288]
notaries [2] 108/1 155/10
notarized [10] 36/4 94/14
95/2 153/7 154/2 154/24

155/23 185/22 185/23 185/24
notarizing [1] 154/17
notary [26] 93/6 93/24 94/14
94/18 94/23 106/18 107/13
107/24 113/6 113/8 118/9
118/10 118/24 119/10 131/8
131/19 149/22 149/24 150/6
150/15 151/5 151/14 153/1
153/18 276/8 276/19
notary's [3] 107/14 107/15
119/3
note [4] 32/24 36/6 127/3
263/7
noted [9] 13/11 26/16 81/5
188/6 238/5 239/5 240/19
242/6 264/11
notes [5] 30/7 32/15 132/11
267/21 277/11
nothing [26] 12/21 28/8
28/16 36/18 36/19 83/18
84/24 87/23 89/3 110/2
126/1 126/3 127/22 138/25
142/2 148/18 162/5 171/4
182/10 192/16 211/7 231/1
238/23 238/24 260/3 261/11
notice [7] 4/6 136/6 153/1
154/5 154/12 200/3 249/1
noticed [2] 114/1 121/4
notification [1] 123/25
notified [1] 272/1
notify [2] 232/3 271/11
November [1] 221/15
November 8th [1] 221/15
now [66] 7/11 10/17 10/23
12/18 13/3 14/12 22/3 22/7
24/2 27/10 27/19 29/6 29/10
29/21 33/8 45/7 46/18 50/25
55/25 58/24 61/8 62/23
110/15 111/8 121/9 126/8
129/5 129/13 147/10 151/4
152/16 153/21 154/7 154/21
170/5 174/24 175/11 176/3
194/6 199/24 215/16 220/1
220/2 225/17 228/7 228/13
228/14 228/14 229/20 232/24
236/1 237/7 239/3 252/1
256/5 257/9 258/2 258/19
260/11 261/8 261/24 263/20
264/19 265/10 266/18 273/19
number [98] 3/5 4/2 5/2 6/8
10/18 20/16 40/13 70/5 70/6
71/8 71/15 73/18 77/11 78/9
78/10 78/14 78/22 88/14
88/22 91/24 93/19 95/18
95/19 97/10 98/4 98/7 98/8
98/23 99/12 99/16 99/18
100/17 100/21 100/25 102/19
102/22 111/16 112/16 114/4
114/16 116/10 117/15 118/13
122/13 122/15 122/16 123/5
123/18 124/17 128/22 135/5
136/2 137/2 138/10 138/17
138/21 138/23 139/8 139/10
140/5 140/7 141/12 141/20
143/12 145/2 151/12 151/12
152/10 154/8 168/19 168/19
183/22 186/5 186/6 188/8
194/25 195/9 196/16 196/19
199/16 199/22 200/9 200/9
201/15 202/1 224/2 224/7
224/20 224/25 225/1 225/2
227/5 227/13 233/3 262/4
262/5 262/25 263/2

N
numbered [1] 227/22
numbers [1] 70/13
O
O'Connell [1] 203/3
oath [19] 3/23 27/22 27/24
34/1 39/3 104/15 106/14
113/6 113/19 115/9 131/1
135/23 148/8 161/24 165/2
226/13 256/11 260/5 276/1
object [6] 71/2 71/4 71/5
229/13 236/3 258/8
objection [37] 32/12 32/12
32/18 61/11 70/15 73/10
74/13 77/1 88/22 122/24
141/5 141/24 142/3 158/5
175/25 178/12 188/1 195/5
195/6 197/11 197/14 200/12
224/15 230/11 235/20 238/5
239/4 240/2 240/3 240/19
241/8 242/3 242/6 242/20
242/21 244/12 258/13
objections [1] 196/12
obligated [1] 266/13
observe [1] 12/16
observed [1] 32/13
obtain [1] 48/11
obtained [1] 48/17
obviously [4] 19/24 56/7
155/19 206/15
occupation [3] 149/19 162/24
211/22
occupies [1] 213/2
occur [1] 228/10
occurred [1] 232/14
October [11] 123/25 171/20
187/3 187/4 187/17 217/22
224/15 252/18 252/19 252/22
253/20
October 20th [1] 123/25
October 23rd [1] 224/15
October 25th [3] 171/20 187/4
187/17
odd [3] 167/12 170/8 170/17
off [17] 38/6 83/25 87/4
94/3 151/6 154/6 183/15
183/16 184/14 184/15 184/16
184/19 194/22 243/21 250/17
268/3 268/10
offer [9] 22/5 22/8 22/9
22/10 23/8 193/21 194/6
206/1 207/10
offered [3] 81/17 207/10
217/1
offering [3] 127/16 127/18
206/20
office [30] 1/20 16/22 83/13
96/24 97/4 102/2 133/20
139/22 164/6 164/10 180/8
183/14 184/14 184/16 189/12
213/2 214/4 230/5 265/6
266/17 268/25 269/13 269/21
270/14 271/10 272/2 272/16
274/2 274/9 274/12
Officer [1] 183/13
officers [1] 186/22
official [20] 4/15 4/17
29/11 29/15 29/17 67/22
67/23 70/11 114/9 116/11
118/16 131/14 136/15 136/17
140/8 141/2 142/11 154/24

189/10 276/14
official's [1] 29/13
officials [2] 229/2 229/3
often [2] 218/14 218/15
oh [26] 8/2 9/14 70/25 72/22
78/10 80/3 83/2 98/10 102/1
103/1 106/15 116/12 129/1
142/20 157/21 163/3 163/10
172/19 173/9 180/18 225/7
230/16 234/12 257/7 258/1
268/6
oil [1] 169/13
okay [607]
old [1] 219/18
once [9] 26/25 34/1 123/24
152/5 186/17 189/1 265/2
267/3 268/20
one [114] 8/1 9/10 13/23
20/17 25/6 28/1 30/25 37/20
40/22 40/22 40/24 40/25
42/25 43/6 43/21 45/12 46/2
51/9 51/11 59/20 64/25
65/11 66/9 66/15 75/3 77/9
79/7 82/7 83/11 83/24 84/9
89/12 95/4 97/19 97/20
97/21 105/21 109/6 109/7
109/9 109/11 109/19 114/9
115/17 116/16 116/17 119/5
120/24 128/1 129/14 129/23
146/21 146/22 151/17 151/21
153/17 155/9 156/19 158/1
159/2 159/21 160/14 164/10
165/13 165/13 166/18 167/12
174/1 174/2 174/2 184/5
184/15 186/22 189/7 189/15
190/5 191/6 197/16 200/9
204/25 210/8 213/9 213/12
213/13 213/15 220/15 220/17
221/22 222/24 222/24 224/2
224/22 226/2 227/5 227/10
233/15 234/19 237/11 241/17
241/19 242/16 243/4 243/20
244/9 244/13 248/12 251/1
252/18 255/3 261/3 261/6
262/3 268/14 268/15
one's [1] 9/22
one-on-one [1] 165/13
ones [6] 39/21 39/23 223/24
224/1 247/4 253/24
online [6] 48/15 163/12
171/18 218/17 218/19 218/20
only [40] 15/12 24/17 37/19
46/21 47/20 47/22 53/15
66/15 68/13 95/23 102/18
102/23 109/20 110/9 110/25
159/13 159/16 160/14 166/13
167/9 167/15 177/5 187/18
190/2 197/12 205/8 207/21
214/11 215/15 217/9 220/1
220/14 220/17 222/18 223/16
224/22 232/2 239/16 249/1
267/3
open [5] 29/2 173/13 183/21
262/21 264/17
opening [8] 3/6 30/3 33/9
34/8 38/10 67/10 67/16
135/6
operate [2] 30/1 61/6
opine [2] 206/25 207/6
opined [1] 207/3
opining [1] 195/13
opinion [43] 44/16 44/21
47/1 55/22 56/7 56/8 56/9

56/11 56/13 56/14 56/16
56/16 57/1 57/4 57/9 57/10
57/13 57/16 67/11 89/4
166/21 180/12 180/13 180/15
193/6 193/17 193/22 194/6
194/10 194/13 204/7 205/11
205/12 206/1 206/7 206/10
206/20 207/24 209/23 217/10
220/23 220/24 240/8
opinions [4] 56/21 203/7
213/25 214/2
opponent [1] 128/19
opportunity [9] 24/1 26/21
27/13 156/25 173/5 175/6
214/8 239/2 256/5
opposed [1] 21/7
opposes [1] 25/22
opposing [2] 60/18 76/11
opposition [1] 74/14
orange [4] 167/24 214/21
215/16 257/2
order [23] 7/1 19/3 23/16
26/10 26/11 32/5 32/8 36/20
38/1 78/20 86/21 91/22
196/5 224/2 260/21 265/9
265/15 265/19 266/5 267/17
267/18 270/7 270/24
ordered [6] 8/25 36/21
264/24 266/19 267/20 267/23
orderly [1] 33/4
orders [2] 38/22 266/12
ordinance [3] 65/1 65/1
66/10
ordinances [1] 64/21
ordinary [2] 230/24 231/6
original [5] 28/24 29/3
250/24 265/3 266/25
originals [1] 120/7
origination [1] 76/20
other [96] 7/12 8/8 8/22
8/23 10/14 10/16 13/13
13/16 15/8 15/14 22/13
22/15 24/4 26/5 31/17 45/12
46/6 47/1 48/24 51/7 51/9
51/11 51/15 54/19 55/1
57/12 57/16 59/3 60/4 60/8
61/13 62/14 63/6 103/20
109/8 109/19 115/17 115/24
146/6 147/2 149/6 150/1
152/24 155/24 156/2 158/19
161/8 161/21 163/21 164/17
165/22 166/6 166/7 166/23
173/16 180/5 181/7 181/23
183/18 189/7 189/10 189/15
189/19 191/13 192/2 193/13
193/15 198/1 202/18 203/9
206/17 210/7 210/24 216/7
216/8 220/7 221/5 221/22
222/6 223/2 223/12 223/14
223/16 223/23 223/24 224/22
225/21 228/9 229/2 232/7
247/4 253/12 254/24 260/25
264/16 264/21
others [3] 46/11 56/21 218/1
otherwise [1] 125/13
our [19] 64/11 64/22 65/1
103/24 126/20 126/21 155/8
161/10 163/20 174/10 178/14
179/1 179/6 188/24 213/17
215/13 215/14 222/7 271/13
out [73] 10/13 13/24 17/2
18/18 19/11 19/21 26/9
31/22 36/12 63/23 72/21

O
 out... [62] 73/22 74/2 83/21
 87/11 87/12 92/11 95/13
 102/21 103/3 103/10 103/18
 103/19 105/20 110/16 110/18
 111/24 114/14 114/16 115/2
 115/12 118/3 120/25 121/1
 121/19 124/1 140/8 140/10
 146/14 147/17 155/2 157/24
 166/15 166/19 167/2 167/3
 167/23 169/3 174/12 174/15
 174/17 174/18 176/22 178/3
 179/6 180/5 185/11 185/16
 186/1 186/3 186/13 191/3
 205/1 214/21 220/14 222/10
 234/15 236/23 247/25 251/24
 262/24 263/22 264/7
 outside [4] 30/17 30/23
 214/19 231/24
 over [18] 45/11 64/3 107/10
 117/9 125/14 154/10 164/18
 166/16 169/22 175/6 192/10
 192/11 221/8 236/5 236/9
 248/9 256/3 256/3
 overinflated [1] 231/19
 overlap [1] 55/5
 overrule [1] 61/10
 overruled [3] 158/9 258/10
 258/13
 overwritten [1] 154/23
 owed [2] 51/20 262/10
 own [13] 21/19 21/20 27/12
 27/17 35/5 40/2 57/7 64/21
 65/2 76/23 83/24 241/1
 262/14
 owned [1] 99/2

P
 p.m [3] 133/19 138/2 275/4
 pack [1] 149/20
 pack-and-ship [1] 149/20
 page [94] 3/5 70/13 71/15
 77/13 78/9 78/10 78/14
 78/22 78/23 82/2 82/10
 82/15 87/14 89/22 92/20
 93/8 93/13 93/18 93/24 98/4
 98/7 98/11 98/23 100/21
 100/25 101/10 104/9 104/10
 104/11 105/5 106/12 108/4
 108/4 108/7 111/2 111/3
 111/4 111/8 112/16 112/17
 113/5 114/4 114/16 115/18
 116/10 116/14 119/6 119/7
 119/19 120/21 120/21 120/24
 121/10 123/18 124/1 128/25
 135/5 139/8 140/9 144/1
 144/4 150/13 151/12 151/12
 152/10 152/11 152/11 152/12
 152/16 152/17 152/19 152/21
 152/23 152/24 153/23 153/23
 153/24 154/1 154/6 154/7
 155/21 159/21 172/22 173/14
 186/6 186/8 216/18 227/13
 227/18 227/25 248/20 249/18
 259/9 262/6
 pages [12] 70/13 101/10
 110/7 111/13 111/17 118/6
 132/10 146/23 146/24 242/23
 243/1 277/10
 paid [10] 80/16 81/21 107/23
 208/5 208/7 208/10 208/13
 209/14 210/1 267/4

paint [2] 168/4 214/19
 painted [1] 170/17
 paper [7] 103/4 103/4 124/6
 144/12 158/17 158/21 233/19
 papers [16] 48/7 48/11 94/7
 116/20 119/25 144/14 158/23
 167/3 167/6 167/20 174/12
 174/14 175/23 178/2 180/16
 244/6
 paragraph [3] 227/22 239/14
 263/1
 paralegal [1] 242/1
 parentheses [1] 102/16
 park [1] 43/8
 Parkland [2] 1/21 133/21
 Parkway [2] 1/24 133/24
 part [27] 18/12 20/1 36/13
 44/12 57/24 75/6 75/8 75/10
 75/11 91/22 129/22 146/5
 166/1 193/12 193/13 193/15
 193/19 199/10 201/9 207/13
 208/8 209/3 236/10 237/23
 244/20 245/12 251/3
 participate [3] 164/4 165/5
 213/5
 participated [1] 163/24
 participating [1] 165/16
 particular [8] 27/7 63/24
 74/24 86/17 166/19 204/9
 212/10 217/5
 parties [6] 6/17 9/2 132/13
 265/7 271/12 277/13
 parties' [2] 132/14 277/14
 parts [1] 229/2
 party [3] 10/9 29/6 128/19
 pass [4] 66/7 174/11 186/1
 186/3
 passed [3] 65/9 185/11 191/3
 passing [3] 30/8 32/14 32/15
 password [1] 271/21
 Patsy [12] 3/13 131/10
 135/13 181/13 181/14 182/12
 182/17 190/13 243/9 258/19
 260/13 276/10
 pattern [2] 36/12 37/11
 pause [1] 67/5
 pawn [4] 5/3 137/3 239/17
 259/20
 pay [12] 48/8 77/17 80/15
 84/15 212/8 231/18 232/7
 232/14 243/13 253/25 268/11
 268/13
 paychecks [1] 183/16
 paying [1] 163/23
 payment [1] 267/4
 payments [1] 48/9
 pays [1] 268/14
 peaceful [1] 213/10
 pendens [1] 51/21
 pending [4] 14/25 76/9 81/10
 85/14
 people [11] 30/17 165/11
 165/13 166/7 167/14 183/16
 220/7 220/14 222/11 243/10
 245/4
 people's [1] 222/9
 perceive [1] 220/22
 percent [1] 260/2
 performed [1] 231/21
 period [11] 43/23 108/9
 115/20 221/8 253/20 268/23
 268/24 269/12 269/18 270/5
 271/2

Perkins [2] 46/10 248/10
 permanent [2] 189/4 189/5
 person [39] 9/17 14/11 15/12
 24/23 25/1 29/13 30/25 31/4
 34/10 45/6 46/21 47/19
 47/21 53/15 54/24 67/20
 71/18 72/1 75/1 76/10 76/12
 101/21 115/1 167/9 168/7
 168/9 175/24 184/16 185/20
 214/5 215/19 221/23 221/24
 222/1 222/4 222/14 223/2
 223/3 272/11
 personal [24] 37/8 37/13
 48/5 48/12 48/24 49/4 51/2
 53/19 53/20 55/10 58/14
 167/6 174/14 176/1 213/15
 214/4 220/19 220/22 220/24
 228/23 235/17 237/17 241/24
 246/6
 personally [21] 47/10 47/23
 93/7 93/8 93/15 94/15
 131/10 131/22 151/21 152/7
 152/13 152/19 159/15 160/4
 160/6 160/12 160/19 160/21
 190/1 276/10 276/22
 pertain [1] 37/8
 pertaining [1] 34/14
 pertains [3] 89/15 207/21
 235/9
 pertinent [5] 54/13 75/25
 85/21 141/1 235/23
 petition [40] 4/5 4/15 16/17
 20/5 34/13 36/7 70/12 71/18
 71/19 72/2 99/24 100/3
 100/5 100/15 124/23 125/2
 125/9 125/20 127/6 128/11
 136/5 136/15 163/18 175/12
 180/3 193/6 193/17 198/17
 198/23 199/3 200/16 204/3
 209/25 226/18 227/17 236/2
 236/6 264/4 264/7 264/8
 Petitioner [10] 1/5 2/5 41/4
 133/5 134/5 148/21 162/8
 182/13 201/22 211/10
 Petitioner's [20] 4/3 71/6
 71/8 73/16 73/18 91/24
 100/17 123/3 123/5 128/22
 136/3 141/12 143/12 188/8
 195/9 196/16 199/22 201/15
 224/20 227/24
 phonetic [1] 19/11
 photo [6] 173/16 173/22
 173/23 214/24 215/2 215/11
 photographic [1] 221/20
 pick [1] 15/5
 picture [7] 168/25 169/9
 169/11 169/13 169/14 172/20
 172/20
 piece [1] 87/9
 pieced [1] 257/5
 place [15] 1/20 27/21 84/7
 91/16 133/20 148/7 149/20
 153/22 154/20 161/24 167/22
 170/20 186/11 186/14 214/16
 placed [7] 39/3 186/24 187/4
 189/1 216/22 217/2 217/12
 places [2] 150/1 154/17
 placing [1] 186/18
 plants [1] 214/20
 pleaded [1] 126/21
 please [55] 28/4 28/11 31/11
 39/7 47/14 52/4 53/11 63/16
 65/17 65/22 68/25 71/14

P

please... [43] 72/21 78/22
 78/23 79/7 80/12 82/16 97/8
 98/11 99/12 99/15 100/22
 101/17 101/19 105/5 105/8
 138/14 141/15 144/6 148/14
 148/23 150/12 150/14 151/4
 161/24 162/1 162/10 182/6
 182/15 183/21 183/24 184/11
 186/5 192/19 210/14 211/3
 211/12 227/10 229/11 229/24
 233/19 241/21 247/17 263/11

plowed [1] 254/19

point [21] 10/25 22/5 23/24
 26/9 27/16 33/22 38/23 68/5
 81/5 82/18 83/25 87/11
 87/12 152/1 166/21 169/16
 174/3 195/17 197/3 198/8
 267/5

pointed [3] 262/24 263/22
 264/6

pointing [1] 157/24

policies [1] 232/10

policy [1] 188/25

politics [1] 212/13

Port [49] 2/5 2/8 39/13
 41/11 44/11 44/13 45/25
 46/15 71/19 77/8 108/8
 111/13 111/23 115/19 119/22
 134/5 134/8 149/15 149/21
 152/20 163/5 163/7 163/19
 164/1 165/7 165/9 165/20
 173/16 183/1 183/3 183/6
 183/6 189/8 189/9 212/2
 212/16 218/7 218/23 219/2
 220/16 232/9 232/10 239/17
 239/17 246/5 248/9 248/12
 254/3 259/20

position [4] 102/2 183/2
 267/21 274/5

possible [6] 155/22 155/25
 156/1 157/22 158/25 159/4

possibly [2] 103/14 158/4

postage [4] 98/20 98/21
 98/24 99/2

Postal [3] 94/19 94/20
 149/20

postcard [1] 249/5

posted [4] 13/23 16/12 19/20
 216/19

potentially [1] 63/7

practical [1] 10/20

practice [3] 154/23 155/1
 202/24

practitioner [1] 203/1

prejudice [3] 20/10 20/15
 20/16

preliminaries [1] 22/13

preliminary [7] 13/13 24/4
 24/14 24/16 26/5 33/18
 33/19

prepare [9] 20/20 21/6 21/19
 21/20 177/12 186/23 266/4
 271/1 272/25

prepared [2] 85/8 177/18

prepares [1] 183/14

preparing [2] 32/15 270/5

present [3] 2/11 34/3 134/11

presentation [3] 21/20 23/25
 34/12

presented [4] 21/23 60/17
 163/19 262/18

presenting [1] 26/22

presided [1] 205/17

President [1] 238/13

presumed [1] 127/7

pretty [4] 85/19 95/15
 129/21 157/23

prevail [4] 33/14 265/22
 265/24 270/10

previous [5] 96/17 96/18
 110/7 142/16 193/11

previously [10] 36/22 91/18
 97/9 110/2 194/9 196/5
 209/10 218/16 220/5 256/23

Price [16] 2/8 39/12 43/18
 134/8 166/16 166/24 172/12
 213/13 213/18 213/22 214/14
 221/3 221/5 221/6 221/8
 221/9

prima [3] 34/19 125/10
 125/13

primarily [1] 165/12

primary [3] 140/9 142/14
 212/24

print [1] 249/13

printed [2] 119/3 153/2

prior [10] 36/15 69/13 69/14
 69/25 76/8 85/18 89/20
 187/10 234/10 239/2

private [14] 202/24 202/25
 220/13 229/9 230/12 230/19
 231/10 238/12 238/14 239/21
 239/22 241/5 247/5 258/25

pro [9] 2/4 2/7 27/20 34/11
 134/4 134/7 197/4 197/5
 206/23

probably [3] 129/24 130/2
 207/19

probative [2] 90/21 124/24

problem [3] 25/16 267/4
 267/15

procedural [1] 6/22

procedure [2] 33/4 186/18

proceed [6] 6/21 26/18 33/16
 38/8 68/17 148/9

proceeding [16] 7/2 8/20
 10/11 11/3 12/8 27/9 27/23
 56/24 60/15 67/9 75/2
 127/17 128/11 147/13 225/20
 250/23

proceedings [2] 203/21 275/3

process [5] 26/20 186/19
 196/24 251/19 264/23

produced [6] 18/20 94/3
 131/23 131/24 276/23 276/24

production [1] 151/6

Professional [4] 132/6 132/7
 277/6 277/7

project [2] 14/7 14/17

proof [7] 18/4 29/7 68/12
 75/4 245/2 245/6 245/6

proper [1] 139/14

properly [1] 231/2

properties [1] 244/7

proposed [12] 21/23 36/23
 37/6 38/22 91/22 265/9
 265/15 265/19 266/11 270/6
 270/23 273/2

prosecuted [2] 203/17 203/18

prosecutor [1] 208/25

protect [1] 204/21

prove [6] 35/3 36/17 37/16
 79/8 94/7 196/7

provide [11] 6/19 6/24 45/16

60/14 193/5 205/11 243/14
 251/16 252/4 253/11 266/20

provided [27] 11/19 21/17
 23/12 26/12 48/19 58/21
 59/18 76/16 86/22 110/10
 112/4 114/17 114/18 188/18
 189/11 206/21 238/21 238/23
 240/10 240/18 240/25 249/22
 249/24 251/1 251/13 251/20
 259/10

provides [3] 10/8 85/6
 244/23

providing [1] 238/17

provisions [2] 95/24 102/24

public [56] 11/6 12/7 12/7
 15/9 15/19 16/2 29/2 29/10
 30/13 30/14 30/23 31/5
 32/21 32/23 43/13 48/13
 66/13 66/14 66/21 66/22
 77/6 78/20 79/1 86/21 87/2
 111/12 131/8 131/19 141/2
 146/15 149/22 149/24 180/17
 180/18 183/11 183/14 183/15
 184/23 186/4 189/3 189/12
 189/13 189/17 205/9 228/20
 228/22 228/25 229/1 229/4
 231/11 235/15 235/15 244/5
 247/5 276/8 276/19

publicize [11] 53/19 54/25
 55/10 61/18 61/25 62/2 62/6
 96/23 97/15 97/21 97/23

publicized [2] 55/15 55/16

purchases [1] 153/18

purpose [5] 35/2 48/4 128/17
 193/3 221/7

purposes [15] 10/21 12/15
 13/5 30/1 74/24 85/13 86/18
 87/9 100/7 125/21 127/16
 149/3 195/13 201/13 209/8

pursuant [3] 29/9 35/8
 195/11

put [29] 24/21 56/2 56/3
 56/5 102/3 102/4 103/11
 106/1 115/3 124/10 129/18
 143/1 143/1 154/20 157/19
 158/2 177/6 178/14 190/25
 191/5 191/6 219/9 228/21
 241/24 243/22 247/22 249/9
 254/14 271/20

puts [1] 267/21

puzzling [1] 231/8

Q

qualification [1] 8/20

qualifications [1] 12/3

qualified [3] 8/17 32/16
 203/24

quasi [1] 183/17

quasi-judicial [1] 183/17

quest [1] 37/13

question [123] 27/13 28/19
 30/4 44/19 44/22 44/24 45/2
 45/8 45/14 45/21 45/25 46/4
 47/15 50/15 53/25 59/10
 59/14 59/15 59/18 60/1 60/8
 60/17 60/18 60/21 60/24
 61/8 61/12 61/20 61/24 62/1
 62/2 62/4 62/12 62/13 63/6
 63/14 63/17 63/18 63/24
 64/1 65/14 65/23 66/20
 68/20 72/15 72/16 74/1
 74/15 74/24 76/9 81/10
 82/12 82/13 82/17 82/18

Q

question... [68] 82/21 82/25
 83/7 83/9 83/16 83/18 85/2
 85/8 92/1 94/10 95/6 97/9
 99/10 108/10 108/12 108/17
 108/19 109/15 110/25 115/17
 117/11 117/25 119/15 119/16
 119/17 121/9 121/23 123/13
 123/16 127/14 127/20 143/16
 143/23 144/14 144/19 144/20
 144/22 144/23 144/25 156/25
 158/10 171/7 171/10 173/6
 176/7 178/6 179/20 179/22
 189/7 209/1 222/12 228/21
 247/17 247/17 250/15 253/16
 254/8 254/25 256/15 256/16
 256/18 257/13 257/18 258/9
 258/11 258/22 259/11 269/9
questioned [1] 190/3
questioning [5] 27/25 129/4
 130/1 138/4 158/6
questions [56] 6/22 18/14
 27/2 27/4 27/6 27/7 34/4
 39/15 44/4 44/8 52/11 68/4
 68/4 92/2 94/9 98/5 98/16
 130/3 138/7 141/16 147/2
 147/14 147/15 148/10 148/10
 156/2 156/4 160/1 160/15
 161/3 162/14 171/3 171/6
 172/5 182/19 190/9 192/24
 194/18 206/3 208/16 209/11
 217/8 217/9 219/11 219/14
 246/17 247/10 247/13 247/21
 255/11 255/24 256/6 256/14
 260/6 261/9 268/7
quickly [1] 231/22
quiet [2] 117/25 126/16
quite [6] 99/6 158/11 166/15
 207/24 213/10 272/7

R

R-e-b-e-c-c-a [1] 31/13
raise [9] 28/3 28/10 32/18
 148/13 161/25 182/5 192/13
 211/2 236/1
raised [4] 30/13 59/2 236/22
 238/21
ran [2] 71/25 219/20
rate [1] 204/24
rather [1] 14/5
rationale [1] 230/22
re [6] 4/24 5/3 5/4 136/24
 137/3 137/4
reach [1] 241/23
read [33] 15/1 58/23 59/16
 59/24 63/16 78/14 78/23
 82/16 95/25 96/2 101/19
 103/17 103/21 104/16 108/11
 115/3 116/1 124/4 139/1
 171/20 173/24 176/6 186/12
 186/13 204/10 204/10 217/17
 217/19 228/12 232/21 234/22
 234/24 241/21
reading [10] 5/4 61/22 62/15
 102/19 120/8 137/4 177/13
 177/17 229/20 241/5
reads [2] 111/11 231/13
ready [7] 11/3 15/3 15/4
 38/3 72/25 73/3 201/17
real [2] 185/23 238/19
realize [3] 173/8 251/4
 253/22

realized [4] 120/3 172/19
 173/9 173/22
really [13] 10/20 23/19 50/5
 56/17 57/9 100/11 113/19
 115/5 124/10 160/22 213/9
 245/15 257/7
reason [14] 16/23 18/2 72/21
 85/3 100/23 100/24 102/8
 105/24 126/23 167/25 170/16
 228/9 243/22 244/8
reasonable [9] 35/11 35/15
 36/17 204/23 205/5 205/5
 205/14 206/11 207/24
reasonableness [6] 193/10
 194/7 195/13 204/8 206/6
 209/8
reasoning [1] 190/17
reasons [2] 167/11 237/20
Rebecca [3] 2/17 31/8 134/17
rebuttal [2] 170/12 264/20
recall [23] 43/4 47/16 50/12
 50/13 50/18 50/19 69/3 69/7
 69/19 150/3 153/17 165/16
 166/8 167/17 168/1 187/8
 189/9 189/14 189/15 213/7
 213/10 213/12 223/3
receipt [7] 17/6 17/13 19/18
 156/13 157/8 227/19 262/11
receipts [6] 18/17 153/16
 153/17 155/9 157/12 157/13
receive [3] 13/25 16/10
 184/24
received [27] 9/23 13/19
 19/2 19/10 19/18 20/8 21/6
 21/10 21/11 25/23 36/3
 36/19 54/10 71/1 87/24 88/4
 123/24 146/22 155/20 185/1
 185/6 186/2 186/17 243/13
 249/5 249/7 252/18
receiving [5] 19/6 19/12
 19/24 20/11 20/17
recent [2] 49/19 169/14
recently [5] 43/19 50/21
 50/22 50/22 169/12
recess [1] 31/21
reckless [8] 29/17 35/13
 37/21 67/23 85/19 91/1
 120/11 120/14
recklessness [1] 86/7
recognize [6] 172/13 172/18
 173/21 174/7 195/12 231/23
recommendation [4] 34/24 87/3
 272/19 273/2
recommended [9] 38/22 91/22
 265/9 265/15 265/19 266/5
 266/12 270/7 270/23
reconcile [1] 199/12
record [29] 6/2 14/15 32/1
 48/14 70/24 77/7 107/2
 107/4 108/14 111/12 125/12
 132/11 138/3 168/3 180/17
 180/18 183/12 184/23 186/4
 189/13 189/17 201/10 210/19
 240/6 244/5 262/20 268/3
 268/10 277/11
records [13] 29/3 183/12
 183/15 183/15 188/15 188/17
 189/3 189/4 228/22 229/1
 229/4 231/12 232/8
records/Sunshine [2] 228/22
 229/4
recover [2] 29/22 194/12
red [3] 214/20 215/12 215/17

redirect [8] 3/16 3/19
 135/16 135/19 209/18 209/20
 222/23 222/25
redo [1] 155/6
redundant [2] 52/13 104/7
reelection [8] 48/3 58/2
 64/9 164/11 165/15 166/10
 167/13 175/19
refer [1] 117/14
reference [3] 197/1 233/2
 263/3
referenced [3] 198/2 204/18
 245/11
referencing [3] 201/9 226/10
 226/16
referral [1] 203/8
referred [1] 34/21
referring [3] 39/17 226/4
 227/14
refers [1] 40/12
reflect [1] 187/20
refused [2] 36/18 223/19
refusing [1] 60/10
regard [1] 204/21
regarding [15] 34/13 60/23
 66/14 66/22 69/8 100/13
 124/22 128/11 163/20 185/2
 203/22 229/1 231/7 231/9
 232/20
regardless [1] 115/8
regards [24] 13/19 16/17
 20/5 35/19 36/14 47/24
 51/19 61/18 62/7 123/9
 150/6 155/2 184/25 193/6
 193/16 193/18 204/3 204/5
 204/7 205/8 206/4 206/17
 217/5 263/22
registered [4] 132/6 142/1
 142/2 277/6
Registration [3] 4/14 136/14
 142/9
regularly [1] 42/20
rehear [1] 20/4
rejected [2] 232/12 251/23
relate [1] 209/11
related [5] 6/22 127/15
 163/20 205/13 232/7
relates [8] 81/18 86/16 90/3
 127/4 170/20 206/5 206/7
 207/1
relating [1] 48/11
relationship [2] 72/3 164/18
relative [4] 132/12 132/14
 277/12 277/14
release [6] 4/6 136/6 197/4
 197/24 200/3 206/15
released [3] 200/6 213/1
 264/5
relevance [1] 90/21
relevance [3] 21/15 22/3
 56/19
relevant [8] 22/11 56/18
 56/21 60/16 60/24 61/10
 75/2 96/13
relies [1] 230/24
relieved [1] 199/14
relying [1] 267/22
remain [1] 188/16
remarks [1] 27/15
remember [17] 49/12 50/5
 50/10 50/10 50/11 96/5
 109/6 150/5 156/12 157/4
 157/5 157/14 160/17 221/1

R

remember... [3] 235/4 235/4
235/4

remembered [1] 160/17

remembers [2] 170/8 170/16

remind [5] 68/24 203/11
223/11 226/2 226/12

removal [1] 187/21

remove [1] 188/25

removed [6] 187/8 187/10
187/11 187/22 188/11 188/14

rendered [2] 86/22 87/5

rendition [1] 86/24

repeat [1] 14/23

replacement [1] 119/23

report [5] 78/20 79/2 86/21
132/9 277/9

REPORTED [2] 1/15 133/15

reporter [32] 3/24 7/5 14/10
14/22 15/1 28/2 45/6 59/16
59/24 68/24 132/7 132/7
135/24 148/7 148/12 161/23
168/10 182/2 202/13 210/20
210/25 265/1 265/5 266/18
267/1 267/11 268/3 271/9
274/1 274/25 277/7 277/7

reporter's [1] 100/13

reporters [1] 271/11

Reporting [2] 1/16 133/16

representation [2] 231/8
267/22

representative [1] 32/17

represented [1] 15/13

representing [5] 32/25 33/11
202/22 265/13 270/19

reputation [5] 29/13 35/17
37/14 37/19 231/17

request [4] 77/5 185/18
235/16 268/24

requested [5] 15/1 142/10
243/9 243/20 259/17

requesting [2] 60/5 186/10

requests [1] 183/15

required [6] 19/4 228/19
230/5 232/1 267/13 267/14

research [9] 49/22 50/3
52/16 58/17 59/6 61/22
62/15 63/1 63/1

researched [5] 49/23 52/17
58/15 59/20 60/3

researching [1] 21/16

reserved [1] 129/14

resident [8] 41/10 149/15
163/4 163/18 164/1 166/9
212/1 213/8

residents [3] 163/11 220/6
221/5

resigned [1] 105/25

resolution [1] 125/11

respect [14] 10/23 14/25
20/8 21/25 22/3 25/18 33/3
85/12 125/2 194/2 237/24
244/16 245/22 269/11

respond [2] 156/25 175/6

respondent [10] 1/8 2/9 78/19
78/20 81/21 133/8 134/9
200/10 224/24 256/22

Respondent's [11] 4/21 22/1
136/21 235/20 237/9 238/8
239/6 240/21 241/13 242/8
243/6

response [14] 16/20 19/1

45/9 68/25 70/20 85/11 89/7
89/8 142/23 197/19 224/23
225/5 238/16 255/24

responsibilities [1] 199/14

responsibility [1] 27/2

rest [2] 115/21 232/25

result [2] 20/10 229/6

results [1] 232/10

resume [5] 4/18 136/18 195/2
202/2 202/3

retained [3] 199/13 202/25
203/4

retired [4] 41/14 41/17
41/21 162/23

return [2] 79/22 147/5

returned [1] 174/10

review [3] 266/2 266/9 266/9

reviewed [2] 203/16 204/2

rewrite [1] 107/18

Rhonda [1] 51/16

rid [1] 215/14

right [307]

right-hand [2] 94/1 119/2

road [1] 163/22

role [1] 194/3

room [18] 7/24 9/7 9/9 10/10
10/14 14/12 15/9 15/10
15/13 30/24 31/24 45/6
58/10 58/12 59/1 62/23
148/3 161/17

route [1] 167/2

RPR [8] 1/15 131/8 131/19
132/21 133/15 276/8 276/19
277/21

rule [11] 8/12 10/7 10/8
10/21 30/19 30/21 35/9
100/7 149/2 269/22 273/25

ruled [2] 205/22 207/22

rules [4] 36/9 43/7 242/2
265/5

ruling [2] 60/23 195/11

run [3] 48/9 57/7 97/5

running [10] 46/9 47/10 57/5
83/12 164/6 167/13 169/3
175/18 177/2 248/15

S

S-l-e-p-i-n [1] 192/22

S-t-e-p-h-e-n [1] 192/22

safety [1] 163/21

said [92] 14/11 15/17 17/1
17/3 17/7 17/7 17/10 17/23
18/1 19/18 41/21 44/20 46/2
46/20 48/8 48/10 57/6 59/20
59/23 61/25 62/10 63/9
63/18 64/16 64/24 66/2
75/24 76/20 80/15 80/19
80/21 83/17 83/20 84/14
91/12 95/7 95/9 97/11
101/24 103/15 103/21 105/22
105/24 117/20 121/12 124/4
124/8 124/9 127/14 128/13
139/23 143/7 144/11 144/14
165/19 166/20 166/22 167/19
168/13 176/16 177/25 180/3
180/11 185/7 189/24 200/16
200/21 208/9 213/24 215/15
220/3 220/4 220/15 220/17
221/1 221/2 221/4 221/22
225/7 228/7 235/23 240/16
245/3 245/4 246/14 248/19
250/16 252/12 260/16 265/2
269/2 269/4

sale [1] 155/10

sales [1] 153/20

Salford [1] 214/17

same [47] 23/16 27/18 38/1
58/11 59/1 80/17 80/19
83/13 83/16 89/1 89/24
91/12 94/14 101/10 103/7
106/7 112/17 113/7 113/7
113/8 113/10 113/20 114/3
154/18 157/23 158/3 159/18
159/20 165/21 179/8 186/6
198/13 215/11 230/10 230/15
230/19 237/24 240/2 241/7
242/3 245/22 245/22 250/5
254/21 256/2 264/4 273/23

sample [6] 4/17 136/17 140/8
140/10 212/25 265/15

Sarasota [28] 1/17 1/22 2/9
2/14 2/15 2/16 2/17 6/14
9/5 11/21 58/24 62/22 131/5
132/4 132/18 133/17 133/22
134/9 134/14 134/15 134/16
134/17 211/24 229/2 231/14
276/5 277/4 277/18

sat [1] 208/20

saw [7] 65/13 120/25 173/16
173/22 173/22 173/23 216/24

say [46] 10/25 34/10 42/9
42/9 42/9 50/10 51/21 56/17
58/1 60/10 62/9 62/9 62/11
66/3 78/19 84/21 86/18
87/17 99/7 103/9 121/21
127/13 152/6 164/2 165/12
172/19 173/9 177/4 177/22
178/4 191/20 204/14 235/7
245/15 247/1 247/2 247/8
257/4 260/4 260/13 260/14
261/6 261/11 262/15 272/14
272/14

saying [23] 20/22 52/18
55/16 55/25 66/16 81/20
102/20 155/4 160/19 169/23
172/24 179/2 179/9 245/3
248/18 248/20 249/4 259/15
267/18 269/17 272/13 273/22
273/24

says [41] 17/6 17/13 19/7
78/15 83/10 83/10 93/7 93/8
93/25 94/15 100/12 102/15
102/22 106/25 106/25 106/25
107/4 107/14 108/11 115/18
118/10 138/25 144/2 144/4
145/6 172/11 174/5 177/1
178/21 179/4 185/13 200/6
200/7 200/8 234/17 234/19
241/20 241/21 250/1 265/13
270/19

scan [1] 248/24

scanned [1] 249/9

school [4] 42/5 49/10 211/24
212/13

schooled [1] 258/5

schooling [1] 53/6

SCHURE [305]

Schure's [12] 16/10 20/9
35/5 35/12 36/6 36/8 37/1
37/6 37/11 126/4 126/25
142/12

se [9] 2/4 2/7 27/20 34/11
134/4 134/7 197/4 197/5
206/23

seal [3] 131/14 156/10
276/14

S

season [1] 166/1
seat [12] 79/24 83/11 83/13
 97/4 102/10 102/15 105/25
 147/6 192/11 213/2 213/2
 226/8
seating [1] 258/6
second [24] 8/15 14/4 24/7
 24/9 26/3 28/21 45/3 45/4
 45/4 67/19 70/7 74/5 74/22
 79/12 84/25 170/2 174/24
 198/7 239/14 241/17 258/6
 258/7 263/12 263/13
seconds [1] 222/10
secret [2] 231/11 231/13
secretarial [1] 7/17
Secretary [2] 202/24 203/5
section [9] 35/9 91/8 95/18
 95/19 95/24 96/12 96/13
 101/18 101/18
sections [5] 35/19 86/9
 91/13 103/14 145/3
secured [1] 265/3
Security [1] 41/14
see [58] 9/12 13/12 15/11
 15/14 27/4 27/14 31/22
 32/10 34/4 42/23 49/8 53/6
 63/2 65/12 70/3 83/2 89/19
 92/23 93/7 93/10 93/12
 93/25 100/11 103/15 111/2
 111/6 114/6 115/21 116/8
 118/19 118/24 122/2 128/16
 142/11 146/23 147/15 153/4
 154/10 154/13 157/11 167/24
 174/5 179/24 198/9 221/11
 227/4 229/11 229/24 230/17
 232/23 234/3 234/3 234/18
 234/19 234/22 244/17 261/25
 269/18
seeing [2] 19/25 239/2
seem [1] 205/4
seen [11] 152/1 152/5 167/4
 171/23 172/20 205/3 205/18
 216/17 218/22 219/7 272/9
seeyourvoice [1] 234/7
selective [1] 37/7
self [1] 95/15
self-explanatory [1] 95/15
selling [1] 124/13
send [13] 13/18 17/5 19/7
 124/9 146/14 186/22 248/24
 252/9 252/10 253/1 253/23
 262/14 273/22
sending [2] 228/23 273/21
sends [1] 243/11
sense [5] 67/7 197/15 230/23
 236/9 273/19
sent [22] 13/24 19/21 22/16
 37/3 80/9 80/18 115/4
 117/19 140/8 159/18 159/20
 175/13 185/18 186/11 226/19
 248/23 249/18 249/24 251/5
 252/14 253/21 253/24
sentence [4] 82/16 82/18
 82/21 115/21
separate [2] 153/7 176/18
separated [2] 40/7 120/18
Separately [2] 273/15 273/16
September [4] 111/24 152/20
 183/7 251/1
sequestration [6] 8/12 10/7
 10/22 15/17 30/20 149/2

serve [3] 183/12 203/1
 257/16
server [1] 42/14
servers [2] 42/8 42/12
service [2] 66/14 66/22
services [2] 206/21 231/21
set [3] 67/24 87/18 125/9
settle [2] 264/10 264/10
seven [7] 32/5 122/14 122/15
 122/16 122/19 123/3 123/5
several [3] 152/2 160/7
 253/1
share [6] 57/2 167/7 204/7
 218/1 225/25 264/6
shared [8] 55/22 55/23 56/20
 60/9 67/3 213/25 214/1
 214/2
she [261] 7/6 9/18 12/8
 12/17 12/18 13/1 13/2 13/23
 14/14 15/21 16/12 17/3 17/7
 17/8 17/10 17/23 17/25 18/1
 20/6 22/8 22/8 22/9 24/18
 24/21 24/21 24/25 25/2 25/5
 27/4 27/5 31/6 31/7 32/16
 32/23 32/24 34/4 35/22
 35/22 36/2 36/4 36/15 36/16
 36/18 37/1 37/10 40/12
 44/19 46/19 53/25 54/1 54/3
 56/20 57/5 57/6 57/7 59/23
 60/8 60/9 60/10 61/25 61/25
 62/1 63/17 64/20 64/21
 64/22 64/25 65/12 65/12
 66/2 66/3 72/14 76/11 76/14
 76/14 76/20 76/20 77/19
 80/15 80/15 80/15 80/16
 80/17 80/21 83/23 83/23
 85/20 85/22 85/22 85/23
 85/25 86/1 86/2 86/3 86/4
 86/8 88/3 89/15 89/17 90/9
 90/11 90/12 90/13 90/15
 90/16 90/22 91/4 91/6 91/7
 91/10 91/12 91/15 91/17
 92/14 94/6 94/17 94/18
 94/21 94/22 95/6 95/7 95/9
 95/9 97/11 99/6 99/8 102/10
 105/17 105/25 105/25 106/23
 107/15 107/16 107/16 107/19
 117/20 117/20 126/8 127/1
 127/17 127/19 140/17 142/16
 142/18 142/22 143/4 143/4
 143/7 144/21 145/7 158/11
 159/11 159/12 166/19 166/20
 167/3 167/4 167/5 167/6
 167/7 167/8 167/10 167/19
 168/9 168/12 168/13 170/6
 170/8 170/16 170/18 170/25
 174/7 174/13 175/13 175/19
 177/25 177/25 178/21 179/11
 186/11 186/13 197/16 198/18
 198/19 198/19 198/25 200/14
 200/15 200/16 200/16 200/17
 200/17 200/21 200/21 208/6
 220/4 221/24 223/17 228/7
 230/9 230/17 230/18 231/9
 234/5 235/6 235/12 235/23
 235/24 235/25 236/20 240/5
 240/16 240/17 241/21 241/23
 241/24 241/25 242/1 242/12
 242/12 243/10 243/14 245/3
 246/5 246/7 247/21 247/22
 250/14 250/15 250/16 253/1
 253/11 256/10 259/15 260/4
 260/5 260/6 260/7 260/8

260/9 260/9 260/14 261/10
 262/1 262/10 262/10 262/12
 262/15 266/21 266/21 266/22
 268/14 268/14 269/11 269/17
 272/14 272/14 272/24 273/3
 273/3 273/3
She'll [1] 27/12
she's [59] 7/17 7/19 7/21
 12/1 12/5 12/8 12/10 12/13
 14/11 18/2 24/24 25/3 25/6
 27/11 32/23 32/25 32/25
 40/8 45/7 45/8 53/3 53/25
 55/4 57/11 62/3 64/23 73/3
 79/10 81/17 81/20 83/24
 89/1 94/22 94/22 95/6 96/15
 104/4 104/4 119/15 144/16
 144/19 147/12 147/13 171/9
 227/16 229/14 229/15 236/19
 236/24 238/25 240/8 240/14
 247/11 250/17 252/25 253/19
 260/5 260/13 268/3
sheet [2] 155/3 155/5
ship [1] 149/20
shocking [1] 231/1
short [4] 31/25 85/10 174/10
 210/18
should [17] 33/14 36/17
 51/21 56/17 67/8 69/24
 90/15 94/22 124/9 156/20
 227/1 231/22 232/4 232/13
 265/22 265/24 270/9
shouldn't [3] 126/5 273/3
 273/4
show [8] 35/25 56/2 57/20
 75/15 86/7 90/2 187/25
 261/17
showed [9] 48/6 48/7 51/1
 56/1 56/4 174/13 176/1
 215/11 245/19
showing [5] 34/19 48/4 54/14
 142/16 180/17
shows [5] 89/10 91/10 140/10
 142/12 249/21
shuffling [1] 120/7
shut [1] 246/5
sic [5] 188/4 188/6 188/7
 204/16 228/18
side [3] 94/1 204/18 214/19
sides [1] 126/21
sign [5] 71/18 72/10 94/20
 183/15 183/16
signature [15] 73/24 86/24
 92/19 104/23 106/16 106/23
 112/21 113/5 150/14 151/14
 152/14 152/21 152/25 153/8
 154/3
signatures [3] 157/17 157/23
 159/9
signed [16] 72/1 72/12 83/23
 83/24 87/4 87/19 106/18
 106/18 115/7 115/9 118/9
 118/10 144/12 144/14 271/13
 271/17
signer [1] 154/8
significant [1] 89/21
similar [3] 118/22 119/12
 216/8
similarly [1] 166/22
simple [1] 256/14
simply [2] 29/22 100/10
Simultaneously [1] 203/4
since [29] 10/17 12/17 30/12
 32/22 36/7 57/24 58/8 76/20

S

since... [21] 102/17 103/21
 105/21 143/3 159/1 160/4
 160/6 163/10 163/23 164/1
 180/7 191/15 208/6 208/9
 212/3 212/13 221/1 221/2
 227/18 232/11 241/22
single [3] 156/19 157/14
 228/8
Sinusitis [1] 202/15
sir [112] 8/9 16/21 17/21
 18/7 18/20 23/5 26/7 39/4
 40/11 40/14 40/17 50/8 60/2
 61/3 73/14 80/23 81/4 83/6
 88/17 90/1 112/9 116/24
 117/2 117/8 117/8 117/24
 122/18 122/20 123/1 123/1
 128/3 128/6 128/9 141/7
 141/9 145/11 147/7 159/24
 169/5 169/8 169/11 169/19
 172/6 174/22 175/4 175/8
 176/11 177/20 179/18 179/18
 192/11 192/19 192/19 194/17
 196/10 196/13 201/2 202/13
 208/23 209/6 210/6 210/20
 211/12 215/21 219/15 223/10
 224/17 224/17 225/16 225/23
 226/5 226/14 227/7 227/9
 227/23 228/3 229/22 229/22
 229/22 233/4 233/8 233/11
 233/13 234/12 234/15 234/20
 235/12 235/12 238/1 238/1
 239/13 242/18 242/18 243/4
 244/15 244/19 244/24 245/14
 246/19 246/25 256/2 261/10
 261/15 262/8 263/4 263/16
 266/23 267/2 270/18 270/21
 271/5 273/12
sit [8] 8/19 10/10 10/13
 11/2 12/8 192/10 208/17
 260/20
site [1] 171/18
sits [1] 215/17
sitting [5] 56/4 83/11
 110/14 189/21 260/14
situation [8] 10/17 10/24
 12/13 12/24 167/15 230/23
 231/20 253/4
situations [1] 205/19
six [8] 32/5 122/11 152/4
 215/15 224/7 224/15 224/19
 224/20
Slepin [34] 2/12 3/15 7/14
 129/23 134/12 135/15 192/8
 192/12 192/21 192/22 192/24
 193/1 193/21 194/3 194/17
 195/3 195/12 201/18 201/21
 202/1 202/12 203/23 204/2
 205/7 205/25 206/20 207/8
 207/16 207/17 208/5 208/13
 209/7 209/22 210/5
Slepin's [2] 4/18 136/18
slide [2] 14/6 14/16
slow [1] 234/25
small [1] 253/25
so [351]
social [8] 41/14 42/18 42/19
 47/6 56/3 216/18 220/10
 220/11
soft [1] 14/5
sole [1] 35/2
solely [1] 236/2

solemnly [2] 28/13 192/14
some [32] 10/14 27/16 33/18
 51/10 51/12 68/5 74/4 76/16
 100/12 100/23 100/23 103/19
 116/20 127/14 138/18 147/11
 148/9 157/12 157/18 168/9
 170/12 185/5 189/22 189/24
 195/17 206/4 214/20 225/24
 247/3 255/10 267/5 269/18
somebody [7] 12/4 51/4 59/23
 83/21 114/23 155/22 209/24
someone [12] 23/11 30/14
 81/1 103/19 114/17 114/18
 148/1 176/25 185/1 220/21
 221/23 222/16
someone's [1] 231/16
something [28] 18/13 22/4
 30/2 30/9 60/16 64/8 65/9
 91/21 100/5 100/13 106/3
 126/7 127/15 152/4 155/2
 177/15 198/3 200/24 201/3
 207/12 220/17 234/9 238/21
 245/10 249/5 262/2 265/13
 271/15
sometime [1] 170/11
Sometimes [1] 154/19
somewhat [2] 154/13 222/5
somewhere [1] 79/19
sorry [62] 14/1 17/19 17/20
 17/24 18/10 23/5 39/23
 43/12 45/13 50/13 53/1
 53/24 54/1 55/4 61/3 65/13
 72/6 74/11 79/14 79/20 81/7
 92/15 93/3 93/11 94/21
 102/1 108/13 111/15 111/18
 113/7 116/20 118/2 118/3
 119/6 119/18 121/25 123/12
 144/17 145/15 153/14 153/22
 168/17 174/20 175/2 175/9
 183/8 183/25 208/8 232/22
 235/1 235/1 235/2 240/18
 241/16 249/23 252/14 255/22
 255/22 257/12 260/7 262/1
 269/3
sort [5] 26/19 33/15 60/13
 166/14 194/22
sought [2] 102/2 204/13
sounds [2] 193/20 215/10
speak [8] 14/2 24/6 44/13
 47/23 64/21 66/24 105/19
 263/10
speaking [6] 49/15 54/6 54/7
 146/19 146/25 168/24
speaks [4] 81/15 81/16
 106/22 110/11
special [2] 72/6 239/16
specific [4] 64/1 91/20
 114/21 127/9
specifically [2] 143/24 223/4
specify [1] 230/5
specifying [1] 91/2
speculative [1] 158/6
speech [1] 44/18
speed [1] 163/20
Spell [1] 31/12
spellings [1] 31/10
spend [1] 63/22
spent [1] 254/1
spoke [16] 19/11 46/9 47/22
 55/21 167/5 169/7 170/18
 190/20 214/5 214/11 221/23
 222/4 222/8 222/15 222/15
 245/5

spoken [12] 14/5 44/10 45/1
 45/25 46/6 46/13 46/23 47/9
 55/21 185/5 220/5 220/7
stack [1] 260/11
stamp [16] 98/24 113/8
 118/24 119/10 152/19 153/1
 153/8 154/5 154/12 154/14
 154/16 154/20 155/19 155/19
 184/7 259/15
stamped [10] 86/23 88/4
 101/12 101/14 111/12 111/22
 122/2 153/25 184/10 184/23
stamps [1] 150/6
stand [1] 252/6
standing [3] 62/22 172/15
 178/3
standpoint [1] 10/20
stands [1] 167/23
start [12] 23/24 27/1 33/12
 38/3 42/16 45/21 64/3 64/7
 65/16 65/20 221/11 233/17
started [9] 13/13 26/17
 42/18 50/20 60/5 60/5 62/25
 63/1 212/7
starting [3] 67/7 173/5
 233/23
starts [3] 33/3 54/1 65/12
state [37] 1/1 39/7 68/25
 89/14 101/18 131/4 131/8
 131/19 132/3 133/1 139/22
 140/18 148/23 150/18 152/24
 162/10 182/15 192/20 193/1
 202/20 202/20 202/25 203/5
 203/6 205/1 211/12 218/22
 219/3 228/7 231/3 240/12
 244/25 257/6 276/4 276/8
 276/19 277/3
stated [20] 13/21 36/22 91/4
 106/3 109/17 110/3 145/3
 146/7 151/10 156/17 176/3
 185/2 197/21 200/15 200/15
 227/18 240/6 240/17 240/24
 251/15
statement [40] 3/6 14/24
 18/13 33/9 34/8 36/5 38/10
 43/14 66/13 66/21 67/10
 67/16 83/21 84/5 100/13
 135/6 139/2 139/12 139/12
 139/16 157/17 172/10 175/17
 176/7 176/14 177/4 177/23
 185/13 215/7 220/18 228/13
 229/15 229/21 230/13 233/3
 246/11 246/22 265/20 266/1
 270/8
statements [21] 27/22 27/24
 29/14 29/16 29/16 29/18
 30/3 60/20 67/21 67/22 68/1
 89/13 125/24 126/6 126/8
 127/1 127/17 127/19 128/10
 128/18 141/15
states [4] 179/3 198/15
 198/17 257/15
stating [10] 144/15 158/17
 237/18 237/20 239/15 240/9
 243/22 251/6 251/21 273/4
Statutes [5] 29/9 35/8 35/20
 37/24 95/25
statutorily [1] 203/7
stay [3] 11/4 188/18 189/3
stenographic [2] 132/11
 277/11
stenographically [2] 132/9
 277/9

S

Stephen [8] 2/12 3/15 134/12
135/15 192/7 192/21 201/21
203/3
stepped [1] 174/18
sticker [1] 169/12
still [21] 77/11 105/5
111/16 117/9 120/23 122/4
180/13 186/6 188/20 188/23
215/1 218/5 222/14 226/13
229/20 232/18 236/16 243/13
246/23 246/24 249/12
Stone [1] 202/25
stood [3] 156/18 165/9 180/5
stop [8] 53/25 60/22 65/15
177/6 178/14 179/6 226/23
226/23
stopped [2] 167/3 174/13
stopping [1] 122/11
stops [3] 53/25 65/12 65/19
stores [1] 248/14
strategy [1] 232/8
stratification [1] 203/13
street [1] 215/13
strike [3] 93/3 93/3 168/2
striking [1] 21/25
Stronger [1] 240/3
struck [1] 167/11
stuck [2] 120/19 159/1
stuff [4] 51/23 55/15 55/17
60/6
stupid [3] 94/10 139/7
250/20
subject [2] 12/19 27/24
submission [1] 262/21
submit [12] 8/25 11/15 13/3
36/16 36/21 92/13 92/14
92/17 124/1 250/24 265/8
266/12
submits [1] 12/18
submitted [19] 13/17 16/8
20/2 26/14 36/19 69/19
119/22 120/16 120/17 122/1
193/7 196/5 198/10 198/25
200/16 236/20 250/22 253/13
254/13
submitting [2] 38/21 264/8
subpoena [4] 9/23 12/21
25/18 25/23
subpoenaed [11] 10/1 11/2
12/13 12/15 12/17 24/18
24/25 25/5 25/6 25/17 33/12
subpoenas [1] 24/22
subsequent [2] 19/17 29/3
substance [1] 198/14
substantial [1] 35/4
such [9] 35/10 37/24 51/16
75/12 178/18 202/13 228/24
231/11 231/15
sufficiency [5] 89/15 89/18
91/2 127/5 203/16
sufficient [5] 79/1 91/11
125/21 251/23 252/15
suggesting [2] 90/13 193/24
suing [1] 18/2
Suite [2] 1/22 133/22
summarized [1] 58/18
summarizes [1] 266/1
summarizing [2] 265/20 270/8
summary [2] 82/15 83/10
summer [2] 175/18 212/6
Sunshine [33] 57/12 57/19

58/4 58/9 58/18 58/22 59/18
60/9 61/19 62/7 62/10 62/11
62/16 62/24 63/3 63/8 86/10
86/10 96/17 105/18 108/7
110/11 115/18 139/23 228/22
229/4 231/24 238/25 254/15
254/16 258/4 258/5 258/14
supply [1] 238/22
support [3] 124/2 170/15
175/21
supported [1] 166/4
supporter [1] 166/24
supporters [3] 166/14 175/22
178/2
supporting [7] 164/13 167/9
167/10 174/8 230/25 253/2
253/12
supports [1] 197/2
suppose [1] 191/8
supposed [9] 105/19 107/18
138/13 243/11 249/18 269/24
269/25 270/4 272/25
sure [39] 7/6 11/23 12/3
14/9 26/4 68/8 72/22 79/9
84/9 84/11 99/6 103/9 106/4
109/6 109/6 111/14 111/22
120/1 120/9 122/8 139/9
150/9 152/3 152/5 156/1
158/11 180/13 185/14 185/22
190/19 191/13 194/21 195/17
197/9 201/8 204/20 225/24
242/22 272/7
sustain [1] 77/1
swear [15] 28/2 28/6 28/13
104/17 112/19 113/19 148/16
162/3 182/2 182/8 183/16
192/14 210/21 211/1 211/5
swearing [1] 106/16
swore [3] 35/22 104/25 115/9
sworn [18] 36/5 41/5 110/8
113/24 116/14 131/12 148/12
148/22 162/9 174/3 176/14
182/14 194/17 201/23 211/11
256/10 256/23 276/12
system [3] 19/8 80/16 271/14

T

tab [29] 98/7 99/12 111/16
118/12 118/13 122/13 122/19
138/10 138/17 138/23 140/5
140/6 140/7 141/20 150/12
151/12 152/10 153/24 168/18
183/21 186/5 186/6 199/9
202/1 227/2 227/3 265/12
265/14 270/17
tabbed [2] 40/10 40/10
table [1] 226/8
tabs [1] 40/4
take [23] 31/21 66/6 79/24
81/2 85/7 113/11 114/15
127/2 128/1 129/17 129/24
155/22 158/1 163/15 210/15
212/11 226/8 233/14 233/15
251/7 265/17 266/3 267/24
taken [7] 84/11 165/1 169/12
169/14 219/8 243/21 267/20
takes [1] 88/6
taking [4] 21/13 42/17 83/12
267/6
talk [10] 10/15 15/24 38/20
40/23 58/12 175/6 190/16
214/8 267/10 268/9
talked [13] 16/22 17/1 47/21

58/3 153/16 160/13 160/15
167/15 170/25 221/5 237/24
242/17 254/21
talking [23] 45/11 47/17
49/16 65/20 70/4 70/10 78/7
97/11 98/8 121/12 152/3
157/1 168/7 193/9 215/10
221/6 236/24 241/4 244/10
252/17 253/6 253/9 271/21
talks [1] 145/2
Tallahassee [10] 1/25 2/6
2/12 2/13 6/9 133/25 134/6
134/12 134/13 205/1
tape [1] 42/22
taxes [1] 51/20
technically [1] 236/8
technology [1] 42/3
TELECONFERENCE [4] 1/12 3/1
133/12 135/1
tell [52] 33/13 48/4 49/20
56/8 56/11 62/3 67/2 67/12
71/17 74/9 85/1 93/11
106/24 113/3 115/22 116/15
116/20 116/22 118/11 119/5
121/10 143/22 151/4 152/25
156/12 165/2 166/12 173/14
183/9 184/11 184/24 194/4
195/24 196/20 198/21 202/8
211/22 213/11 213/25 217/4
221/3 221/25 222/2 222/14
223/20 226/15 234/1 237/5
238/9 255/24 267/15 268/1
telling [12] 59/6 76/2 87/17
126/11 170/6 170/7 170/10
236/19 253/19 260/14 265/21
270/9
ten [29] 36/15 63/23 72/19
72/20 73/16 73/18 77/11
77/22 77/24 85/12 86/18
89/9 93/21 97/10 129/22
150/12 163/6 222/8 265/7
266/16 268/16 269/12 269/16
270/1 270/5 271/2 272/18
273/25 274/6
ten-day [3] 269/12 270/5
271/2
term [2] 164/10 258/7
terms [22] 8/4 10/7 21/5
26/22 27/25 38/21 60/14
74/25 86/15 100/6 177/18
179/7 199/12 201/4 205/24
207/11 253/2 260/18 261/17
262/16 265/16 267/5
territory [2] 165/7 165/19
test [1] 24/21
testified [23] 41/5 47/9
51/3 55/20 56/20 57/23 62/4
79/4 113/12 127/21 148/22
162/9 169/17 182/14 198/11
201/23 203/20 206/9 211/11
241/20 247/11 256/23 258/21
testify [16] 7/20 10/9 10/19
12/17 12/22 13/2 13/7 24/19
27/11 27/17 156/20 170/24
206/13 207/9 225/21 256/8
testifying [4] 12/16 13/5
149/4 209/8
testimony [40] 3/20 23/20
28/7 28/14 35/5 36/11 37/15
84/17 94/15 96/17 96/19
125/17 125/18 126/4 126/5
126/11 135/20 138/10 148/17
149/4 149/5 161/8 161/20

T

testimony... [17] 161/21
 162/4 164/23 170/12 181/6
 181/22 181/23 182/9 187/19
 192/2 192/15 193/4 210/23
 211/6 223/12 228/16 245/4
 than [27] 7/12 8/8 8/23
 13/14 15/14 22/15 32/21
 44/1 57/12 57/16 77/9 87/23
 95/4 124/6 146/6 152/5
 158/1 189/15 191/13 204/15
 218/15 222/5 222/10 225/21
 253/12 264/21 269/16
 thank [96] 11/7 11/11 14/19
 18/21 23/18 24/11 26/1
 31/16 31/20 34/9 38/11 41/1
 43/11 48/1 50/15 53/13
 54/22 65/21 66/19 68/18
 71/11 72/17 72/23 72/25
 73/20 78/17 80/1 81/4 81/9
 92/3 99/10 100/19 101/5
 102/6 105/3 108/3 113/14
 118/14 121/3 123/4 128/20
 138/6 138/15 139/18 141/14
 147/4 149/9 149/13 160/23
 161/6 161/12 162/13 166/22
 172/2 181/4 181/8 181/9
 183/19 189/6 191/22 192/2
 192/4 196/15 201/11 203/25
 207/25 209/15 209/16 210/3
 210/4 210/5 210/17 211/17
 221/10 222/20 222/22 223/8
 223/12 223/13 224/18 227/10
 233/22 236/14 246/9 248/2
 249/16 254/20 254/23 260/22
 261/22 263/19 263/21 274/22
 274/23 274/24 274/25
 that [1078]
 that'll [2] 271/6 271/6
 that's [174] 6/7 7/25 8/2
 12/12 12/20 13/9 13/10
 14/10 14/20 14/20 15/12
 18/1 18/2 18/13 19/22 19/23
 21/15 22/4 23/11 23/18
 24/12 26/25 35/2 44/22
 46/21 47/20 48/10 51/23
 53/9 53/9 54/4 56/1 57/12
 59/8 60/2 61/5 61/5 61/14
 65/3 68/13 74/19 76/11
 76/17 76/17 76/18 77/13
 79/15 80/25 81/1 81/8 81/19
 82/9 83/19 85/14 87/8 87/17
 88/4 88/7 88/8 93/21 99/1
 99/7 100/12 102/11 102/15
 103/6 105/17 105/19 106/23
 107/13 107/14 107/15 110/13
 113/23 113/23 114/23 115/11
 117/21 120/11 121/21 124/20
 125/15 125/15 126/23 127/6
 140/25 143/2 144/7 146/3
 146/7 146/10 146/11 146/15
 146/16 151/20 155/5 159/16
 160/24 163/22 165/2 169/10
 172/2 174/20 175/10 177/5
 177/15 178/10 178/23 180/23
 184/5 184/5 184/7 185/11
 187/1 187/25 190/6 190/23
 191/20 191/20 191/21 192/21
 193/19 194/1 194/2 194/3
 194/13 195/18 198/3 201/3
 205/21 207/12 219/11 220/23
 222/12 224/3 224/9 224/14

225/1 225/5 225/5 225/11
 225/14 227/18 228/4 235/18
 236/19 237/7 240/7 240/7
 243/17 243/25 244/11 245/21
 245/21 245/22 246/25 246/25
 247/8 250/6 252/13 253/9
 254/4 259/16 262/18 263/25
 265/12 266/3 267/10 269/24
 270/7 270/7 271/1 273/8
 273/18
 their [14] 49/4 49/4 49/7
 51/11 51/12 53/4 53/5 53/8
 56/8 58/14 125/24 142/11
 222/19 237/1
 them [88] 6/23 15/11 17/3
 17/7 17/8 17/9 17/11 19/25
 20/1 20/1 21/10 21/11 21/14
 22/9 22/10 23/5 29/16 32/9
 36/24 40/19 40/24 48/7
 48/13 48/19 49/9 51/8 56/2
 56/2 56/3 56/5 64/22 69/3
 103/7 106/1 109/5 118/21
 120/2 120/6 120/8 120/8
 120/16 120/17 120/18 120/19
 121/5 127/16 128/1 129/22
 143/22 145/12 145/22 146/10
 155/25 156/11 156/11 156/14
 157/19 157/19 163/12 167/12
 175/23 176/1 177/24 178/3
 185/9 185/11 185/18 188/19
 189/5 190/23 199/1 218/14
 218/15 219/6 229/15 229/18
 235/17 240/11 243/11 247/3
 247/5 252/9 255/3 260/13
 260/13 260/18 261/11 262/10
 then [91] 7/4 7/16 8/22 10/9
 10/14 11/9 12/19 14/14 17/5
 19/24 22/10 25/18 27/3 27/6
 27/14 29/4 31/13 31/18
 33/24 34/3 40/15 40/24
 46/10 54/1 58/3 60/18 60/23
 63/9 65/12 65/20 66/25 68/1
 69/20 84/14 84/18 86/3 86/4
 90/2 102/16 107/16 107/22
 108/22 117/15 120/19 124/9
 125/10 126/9 127/2 129/23
 147/14 147/16 148/8 157/8
 160/18 164/9 164/11 166/24
 173/12 173/21 173/22 176/21
 176/22 178/1 178/1 179/4
 184/16 185/23 186/17 198/18
 209/12 209/13 212/14 214/11
 216/25 221/15 226/8 238/22
 246/2 251/5 252/3 252/11
 254/5 259/19 265/5 266/3
 267/5 267/8 269/16 269/20
 269/22 272/15
 then-commissioner [1] 66/25
 there [156] 7/8 8/5 9/4 9/14
 11/17 12/3 15/6 15/8 15/10
 15/18 16/1 16/22 18/15 19/1
 20/9 23/11 23/11 23/15 25/3
 25/17 27/14 27/17 27/19
 30/6 30/13 30/16 31/23
 31/25 32/20 33/1 39/19 40/1
 40/5 42/24 43/6 44/1 57/19
 60/3 60/22 62/14 63/17 65/6
 69/3 78/10 78/12 85/10 88/1
 88/16 93/2 93/7 95/22 98/23
 99/8 100/22 102/6 102/8
 104/23 110/4 112/17 115/23
 116/8 116/15 116/15 116/17
 120/1 126/19 126/20 127/1

127/9 130/7 138/18 147/6
 148/1 150/5 152/7 152/14
 153/17 153/19 154/3 154/9
 154/22 154/22 155/10 155/16
 156/17 156/18 157/9 157/25
 159/2 160/13 165/11 165/14
 166/1 167/11 168/8 170/22
 171/3 172/10 176/7 179/7
 183/20 183/23 184/3 184/23
 186/7 188/20 189/22 189/23
 189/25 198/11 200/4 202/19
 206/12 206/16 207/17 209/2
 209/23 210/18 212/10 213/9
 215/17 215/18 216/15 220/1
 221/22 225/24 226/3 226/23
 226/24 228/9 228/17 231/1
 233/19 241/23 243/22 246/2
 246/7 246/20 247/9 249/18
 255/5 255/21 255/23 255/25
 260/14 262/2 262/3 262/8
 262/12 262/13 263/2 263/14
 267/4 267/11 268/16 269/19
 there's [20] 12/21 15/18
 15/21 30/2 40/1 58/23 65/7
 81/10 116/16 127/14 128/15
 158/6 176/24 214/21 215/15
 244/13 250/4 261/25 265/12
 270/17
 therefor [1] 204/23
 therefore [1] 90/15
 thereof [1] 203/17
 these [75] 11/20 17/2 19/13
 19/24 22/7 23/4 31/22 33/19
 37/11 68/4 89/12 114/20
 118/6 119/25 120/12 120/16
 125/18 127/17 129/16 146/23
 146/24 156/21 158/1 158/23
 159/2 159/3 159/4 159/7
 159/17 159/18 164/23 167/6
 180/16 184/7 187/20 204/12
 233/15 234/12 234/14 234/21
 235/14 237/20 238/18 238/18
 239/2 240/10 240/17 240/17
 240/24 240/25 243/20 243/23
 244/9 244/20 244/24 245/2
 247/3 248/9 248/10 248/12
 250/9 250/23 251/3 251/16
 253/23 254/13 254/13 254/16
 257/9 259/14 259/15 260/11
 260/14 260/17 275/3
 they [93] 9/9 15/9 15/10
 16/16 17/24 21/17 35/13
 46/20 46/20 49/8 49/10 53/6
 53/7 55/5 58/25 62/23 63/8
 75/13 75/14 84/14 84/15
 97/6 102/14 102/14 102/17
 105/21 105/22 105/23 109/7
 113/20 113/21 115/2 115/2
 118/7 118/21 118/23 119/11
 120/6 120/19 125/1 126/10
 126/11 144/15 145/12 145/13
 155/20 157/6 158/3 158/24
 158/24 159/1 165/13 167/19
 177/8 180/17 180/18 185/2
 185/3 185/3 185/5 185/7
 185/7 185/17 185/18 185/25
 186/21 186/21 188/16 188/16
 188/20 188/22 207/24 209/3
 219/5 234/13 235/16 238/19
 240/8 243/24 243/24 245/20
 248/11 248/13 248/13 248/14
 248/14 251/5 252/11 253/2
 254/2 259/14 260/19 260/21

T
they're [24] 9/5 9/6 10/15
11/24 12/4 15/19 22/11 23/6
31/23 40/9 42/22 48/13
52/13 58/12 58/13 90/23
114/3 120/20 159/20 176/18
189/5 243/11 259/15 259/16
they've [2] 72/15 189/1
thing [21] 24/17 68/13 80/18
80/19 89/1 91/13 114/3
116/2 145/17 157/14 159/16
159/21 178/19 187/18 228/9
232/2 251/5 256/3 261/3
261/6 262/3
things [15] 19/14 50/4 54/19
114/20 156/21 165/14 176/18
183/18 203/10 205/10 205/16
206/18 226/2 253/25 271/22
think [48] 15/23 24/12 33/13
33/14 46/11 46/22 49/23
54/20 56/17 56/23 60/21
60/24 61/9 67/11 67/12
72/14 85/2 87/1 90/13
122/13 144/19 153/9 153/11
157/18 166/1 167/4 177/11
191/20 205/14 207/10 207/23
214/19 215/1 222/8 236/18
242/16 242/24 252/25 253/10
255/1 255/1 255/10 258/10
265/12 270/9 271/13 273/3
274/21
thinks [1] 273/3
third [1] 68/1
this [573]
Thomas [1] 262/11
those [66] 9/3 13/19 16/15
20/11 21/16 22/5 23/8 27/2
27/4 31/11 31/12 36/23
48/17 50/3 59/2 60/20 62/17
67/14 68/1 68/22 69/7 81/2
86/10 86/12 90/18 91/20
97/16 115/6 116/3 118/19
118/20 119/11 127/3 127/19
140/10 142/15 143/20 143/23
144/5 144/14 146/13 147/17
153/17 156/10 159/10 163/9
165/22 167/17 173/17 173/18
194/7 199/11 205/18 206/20
209/25 209/25 213/12 218/13
220/14 229/17 233/9 236/25
251/21 264/10 268/1 268/7
though [2] 12/10 106/4
thought [11] 9/16 64/16
102/12 102/14 102/14 146/16
174/18 177/17 225/7 230/5
252/15
three [33] 66/8 67/14 67/15
95/18 95/19 99/12 99/13
99/16 99/18 99/22 99/23
100/14 100/17 102/19 102/22
111/16 118/6 118/13 118/19
119/11 119/14 145/2 152/10
153/6 153/18 153/24 160/11
183/22 199/9 227/2 227/3
227/25 244/6
threes [1] 159/14
threw [1] 105/20
through [29] 19/7 21/14
23/14 35/4 37/15 42/24
70/13 76/16 77/16 79/25
80/16 101/10 109/7 120/2
120/8 121/4 165/23 170/12

171/20 184/5 186/19 197/22
197/24 198/9 200/10 227/19
228/8 247/3 251/19
throughout [4] 8/20 27/8
46/7 216/6
thrown [4] 110/16 110/17
236/23 251/24
thus [2] 15/13 196/2
tie [1] 68/5
time [78] 4/19 11/4 11/5
20/2 21/21 22/12 28/1 35/21
35/22 43/22 43/23 45/12
46/18 46/20 85/14 85/16
86/1 116/2 128/1 129/5
129/20 136/19 140/22 141/3
145/7 145/9 149/25 150/1
160/14 160/14 163/10 164/6
166/2 166/13 169/3 170/5
170/18 171/25 172/16 174/10
174/13 175/9 185/19 186/10
188/19 189/8 189/10 189/15
196/22 196/23 197/7 197/8
197/20 197/22 197/23 201/1
202/14 205/13 221/8 222/9
233/15 238/22 251/8 254/6
254/7 262/14 264/8 268/21
268/23 268/23 268/25 269/15
269/19 269/21 270/1 272/13
272/18 274/6
timeline [4] 86/15 87/11
87/13 199/12
timeliness [1] 25/18
timely [2] 25/23 26/15
times [8] 152/2 159/14 160/7
160/11 160/11 189/25 253/1
253/11
timing [2] 20/17 140/14
tired [1] 61/17
title [3] 78/18 108/5 115/18
today [31] 6/6 12/14 13/6
20/4 20/20 21/2 21/3 21/20
26/12 35/3 35/18 36/12
37/15 85/6 116/2 149/7
161/20 164/23 165/1 179/25
181/22 188/20 188/23 208/6
208/11 210/24 218/1 262/18
265/2 266/7 272/9
today's [1] 35/2
together [11] 58/12 59/1
62/23 87/10 102/9 102/17
106/1 157/19 159/3 159/3
257/5
told [17] 47/20 72/11 83/15
91/8 96/5 97/2 115/1 184/18
185/3 185/9 185/16 185/21
253/18 253/21 258/4 262/10
262/11
Toledo [1] 214/18
tomorrow's [1] 241/4
too [4] 124/13 128/15 176/24
207/19
took [9] 105/21 126/11
146/11 159/19 163/18 167/22
170/19 197/4 214/16
top [9] 22/16 78/15 108/4
108/7 111/11 116/3 116/14
153/2 184/7
Tor [1] 42/14
total [3] 206/25 239/24
243/12
totally [4] 51/10 62/12
145/21 240/7
touching [4] 119/2 119/11

153/1 157/25
toward [2] 214/12 223/4
towards [1] 214/18
trailing [1] 194/22
trained [2] 42/2 229/4
training [1] 41/25
transcript [32] 4/4 7/2
124/17 124/20 132/10 136/4
206/17 263/23 264/25 265/2
265/4 265/8 266/2 266/8
266/9 266/17 266/18 267/6
267/17 267/19 267/19 267/23
267/24 268/9 268/20 269/12
270/1 271/7 271/10 271/12
274/1 277/10
transparency [2] 239/24
243/12
transpired [1] 205/11
treat [2] 33/15 74/13
Tribune [1] 216/18
tried [1] 241/22
tries [1] 64/20
trouble [4] 60/4 64/11 64/17
249/2
true [11] 37/2 51/8 79/5
104/18 112/20 132/11 202/2
229/10 242/15 264/2 277/11
true-up [1] 264/2
Truesdale [1] 238/13
truth [25] 28/8 28/8 28/8
28/15 28/15 28/16 29/18
37/12 148/18 148/18 148/18
156/12 162/5 162/5 162/5
165/2 182/10 182/10 182/10
192/16 192/16 192/17 211/7
211/7 211/7
truthfully [2] 260/4 260/9
truth [6] 14/17 14/17 226/9
226/17 256/14 274/11
trying [31] 21/14 21/19
21/19 37/9 43/7 43/23 52/12
53/22 57/14 63/23 64/25
75/15 76/19 82/6 83/19
83/20 84/21 87/9 95/8 96/21
107/2 107/3 109/14 177/24
178/4 185/12 185/14 190/19
231/18 232/7 251/7
Tuesday [2] 234/17 234/22
turn [15] 27/3 27/14 34/4
71/14 74/23 100/22 113/13
141/19 147/15 152/16 153/21
154/7 186/5 225/17 261/25
turned [3] 174/1 214/12
219/22
turning [1] 263/20
two [39] 20/11 21/22 23/13
31/1 40/13 49/19 58/23
62/21 65/19 97/4 97/16
101/18 107/24 110/1 116/3
116/14 124/17 124/19 125/15
128/17 128/22 138/10 138/18
149/25 150/1 155/10 158/23
159/2 175/22 176/18 178/1
209/3 213/9 213/12 243/4
250/9 253/24 262/4 262/5
type [4] 131/24 165/4 265/1
276/24
typed [1] 53/4
types [1] 165/13
typical [4] 154/16 154/23
209/23 209/25
typically [2] 10/8 25/15
typing [1] 186/18

U
uh [12] 18/23 46/3 47/11
 105/10 110/5 118/8 146/20
 151/25 154/15 172/14 252/24
 257/20
uh-huh [12] 18/23 46/3 47/11
 105/10 110/5 118/8 146/20
 151/25 154/15 172/14 252/24
 257/20
ultimately [1] 13/25
unanimously [1] 34/18
under [28] 27/22 27/24 29/25
 34/1 39/3 78/18 78/20 83/9
 101/18 104/15 106/14 113/6
 113/19 115/9 115/22 116/14
 146/16 148/8 161/24 199/9
 205/6 226/13 227/2 233/21
 242/14 256/11 260/5 265/5
underneath [3] 112/19 116/5
 233/21
understand [52] 6/19 6/21
 6/24 7/8 7/23 8/16 15/14
 32/20 33/1 52/8 61/9 61/20
 61/25 65/14 67/10 68/14
 74/21 75/19 75/24 76/19
 85/3 88/8 89/3 95/9 96/3
 96/4 96/6 104/1 107/1 109/2
 121/6 121/7 144/16 145/20
 145/21 171/2 175/10 227/17
 231/2 231/15 237/2 252/21
 269/1 269/5 269/23 269/25
 270/3 272/21 272/23 272/24
 273/6 274/17
understanding [8] 20/3 26/20
 28/23 52/16 76/1 81/1
 129/18 193/20
understood [7] 84/5 85/22
 95/19 102/20 126/19 197/10
 254/17
unfortunately [1] 205/3
union [4] 4/24 136/24 220/12
 238/13
unless [4] 33/3 60/17 127/14
 254/1
until [10] 11/3 13/24 45/12
 45/19 87/4 88/5 117/25
 168/4 170/11 185/19
untruthful [1] 240/5
unusual [5] 153/6 153/11
 166/8 213/7 231/1
up [66] 10/24 11/10 11/20
 11/23 14/2 15/6 16/8 17/16
 23/15 27/6 27/25 41/24 45/4
 50/17 53/21 53/24 64/17
 85/17 91/16 98/5 116/19
 116/19 116/20 116/22 117/10
 120/9 120/21 127/14 145/12
 157/7 157/11 157/19 159/17
 161/2 165/25 172/4 174/17
 176/16 176/19 177/25 180/25
 183/21 194/21 197/3 197/24
 199/18 202/12 205/3 213/3
 213/24 219/8 236/17 243/25
 245/13 246/16 247/12 252/6
 256/1 256/16 263/12 264/2
 264/10 265/1 271/13 271/17
 272/15
upcoming [1] 171/19
update [1] 196/5
uploaded [1] 19/22
upon [6] 21/6 100/7 172/11
 174/5 194/10 266/8

us [22] 21/16 39/8 57/3
 68/24 81/12 148/2 148/24
 162/11 166/12 167/2 174/13
 174/14 176/22 179/6 180/11
 182/16 192/20 211/13 211/22
 213/11 268/11 272/8
use [8] 23/15 58/14 101/4
 138/11 229/9 249/14 259/3
 265/16
used [13] 17/25 123/14
 146/11 146/13 146/14 151/7
 179/8 230/9 230/10 230/15
 230/17 230/18 230/18
uses [1] 155/24
using [2] 146/9 249/15
usually [1] 214/21
V
vague [1] 19/15
vagueness [1] 20/21
value [5] 90/21 124/24
 125/15 224/6 225/11
Vanessa [3] 51/14 53/21 54/6
variety [1] 165/6
various [1] 22/6
vehemently [1] 167/5
vehicle [5] 170/22 170/25
 171/3 174/11 214/21
Venice [2] 132/17 277/17
verbal [1] 273/11
verbally [1] 47/3
verified [3] 106/11 106/23
 151/7
verify [7] 98/11 106/9
 110/24 111/6 120/15 138/19
 151/13
versus [3] 6/7 12/16 90/12
very [23] 19/15 42/7 42/11
 42/11 51/3 54/13 56/21 72/3
 75/25 85/21 86/6 89/21
 165/9 179/10 179/15 180/4
 180/7 214/11 214/13 215/13
 231/5 254/21 260/8
VIA [4] 1/12 3/1 133/12
 135/1
video [5] 1/12 3/1 6/14
 133/12 135/1
videos [2] 218/17 218/19
view [2] 188/19 188/21
viewing [1] 189/12
violate [4] 143/18 145/5
 146/7 231/11
violated [14] 58/4 62/10
 62/10 63/7 91/5 91/7 91/13
 103/13 115/10 124/3 139/23
 140/18 146/2 252/5
violating [2] 62/16 63/2
violation [10] 29/2 29/19
 62/7 62/24 68/2 83/11 105/6
 105/18 171/14 229/6
violations [27] 37/23 58/19
 60/9 61/19 84/5 85/23 86/10
 91/15 91/17 95/19 102/22
 108/8 109/3 110/4 110/8
 110/22 115/10 115/19 117/16
 139/20 142/18 145/2 219/3
 230/25 231/23 254/15 254/16
violent [5] 177/23 179/10
 179/11 179/11 179/12
visibility [1] 228/25
visit [1] 166/9
visited [2] 153/15 213/13
visiting [2] 166/6 216/6

visits [1] 213/8
voice [4] 11/23 56/15 194/21
 202/12
voiced [1] 166/21
VOLUME [3] 1/5 130/8 133/5
volun [1] 177/2
voluntarily [2] 12/18 13/3
voluntary [1] 12/24
volunteer [3] 175/19 178/21
 219/25
vote [4] 142/2 142/3 142/4
 257/16
voted [2] 34/18 142/22
voting [5] 66/17 142/10
 142/13 142/13 166/20
W
wait [30] 17/19 17/19 17/19
 45/3 45/3 45/3 45/12 45/19
 55/5 65/15 118/11 118/11
 118/11 173/1 173/1 173/1
 173/1 198/6 198/6 198/6
 226/6 226/6 226/6 226/7
 255/19 255/19 261/4 261/4
 261/4 261/4
waiting [2] 10/14 190/22
waiver [4] 4/8 136/8 224/8
 224/11
walked [4] 160/13 176/16
 176/19 177/25
walking [5] 175/20 178/8
 178/24 178/25 180/6
walking door [1] 178/24
want [52] 6/18 11/23 15/7
 15/11 16/2 18/13 23/16 24/2
 26/4 30/17 38/8 40/23 41/22
 42/23 58/2 59/16 63/9 63/22
 68/7 72/2 80/16 81/12 85/1
 88/10 101/3 106/3 106/24
 116/1 118/15 122/10 138/19
 144/4 150/9 160/22 164/22
 176/7 180/8 186/21 193/1
 193/21 197/9 206/14 209/14
 229/17 235/13 242/13 247/4
 249/14 253/14 253/25 254/25
 272/8
wanted [25] 15/22 18/15 26/9
 53/7 84/11 103/9 106/9
 110/24 111/6 122/8 126/24
 145/17 158/1 167/7 171/2
 185/7 188/21 209/13 217/25
 240/12 244/25 245/5 245/15
 255/10 264/6
wanting [3] 115/25 185/3
 228/6
wants [5] 32/24 64/22 176/25
 239/16 268/14
was [444]
wasn't [29] 12/23 13/24
 16/25 18/5 19/22 25/23
 55/14 84/8 84/14 102/12
 102/20 103/22 109/5 109/6
 124/10 143/5 143/7 143/17
 159/2 160/12 169/13 173/13
 178/15 179/13 213/16 245/18
 248/12 249/15 267/20
watch [2] 42/23 218/19
watched [1] 218/17
watching [2] 163/12 212/7
water [1] 53/10
way [23] 6/14 14/24 26/18
 27/22 37/10 42/5 87/13
 152/9 155/2 157/25 158/6

W
way... [12] 165/22 166/4
166/23 177/6 178/14 189/25
249/1 252/19 264/18 264/23
268/16 274/15
ways [1] 176/24
we [119] 6/13 7/11 8/22
10/17 11/23 13/13 14/9
14/14 15/14 16/3 20/3 22/4
22/10 23/24 23/25 30/1 30/2
35/18 38/13 38/19 38/21
49/21 59/16 59/24 63/16
67/7 70/4 72/11 77/11 79/24
81/2 81/13 81/24 82/9 85/8
92/23 95/21 97/1 98/8
104/12 105/10 106/13 106/15
108/25 109/10 109/10 109/25
110/14 111/14 112/16 114/8
117/14 120/25 121/12 122/10
124/13 124/13 126/18 126/19
126/20 126/21 129/4 139/8
140/3 146/23 150/19 152/10
153/15 153/21 155/7 155/15
163/21 164/19 165/6 165/25
166/15 166/16 166/21 167/1
167/3 173/15 174/10 174/11
174/13 174/18 177/6 177/6
178/13 178/25 179/1 183/14
183/15 183/15 186/20 186/22
189/5 195/18 199/19 200/20
201/17 202/21 210/11 215/1
221/13 222/4 222/8 224/1
228/8 229/17 235/16 240/18
242/17 243/7 255/7 263/2
264/18 273/5 273/22 274/21
we'll [19] 10/24 11/9 22/4
27/8 40/24 60/22 61/6 74/23
81/1 100/14 130/6 148/8
201/3 201/8 201/8 207/12
229/18 267/8 274/14
we're [53] 6/2 6/21 10/6
18/2 18/8 23/13 26/4 26/18
32/1 33/21 33/21 38/23
50/17 63/19 67/7 70/3 77/22
77/22 85/6 85/12 86/16 92/9
98/7 101/10 103/10 105/5
109/14 110/17 111/4 114/15
118/13 129/4 129/9 138/3
138/13 138/17 144/7 146/22
150/9 150/21 169/21 199/18
210/19 226/9 229/14 233/23
236/10 236/15 244/10 255/21
266/6 272/24 273/21
we've [7] 10/18 13/14 30/12
163/11 164/17 236/16 254/19
website [6] 188/16 188/18
218/4 234/4 265/11 270/14
week [2] 220/1 220/2
weeks [2] 152/4 215/15
weight [2] 237/7 260/18
welcome [6] 11/2 105/4 148/6
201/12 260/23 275/1
well [113] 8/5 8/11 8/13
8/15 8/19 9/11 9/21 10/4
10/6 12/5 12/12 13/11 15/10
17/1 17/3 23/23 25/10 27/17
28/21 30/11 32/19 35/5
37/13 40/21 44/24 44/25
46/18 49/3 49/3 49/7 56/23
57/4 57/24 60/13 65/18
70/19 72/5 72/8 75/8 76/6
86/14 88/3 88/19 89/9 89/10

89/12 90/24 102/4 106/11
107/5 109/5 110/16 113/23
114/14 115/13 126/8 127/20
129/19 141/23 142/15 143/4
143/7 144/9 144/10 144/21
151/4 152/14 153/9 157/4
159/7 159/13 160/19 164/5
165/11 165/18 166/5 166/7
169/2 169/25 170/22 178/5
178/21 179/3 179/13 180/21
189/4 193/9 193/19 194/1
198/4 204/5 206/11 206/19
215/1 215/13 223/24 228/4
229/14 233/1 236/8 237/25
238/20 245/14 246/16 250/1
250/5 250/15 260/16 262/16
263/12 264/18 264/23 266/11
well-known [1] 215/13
went [17] 48/15 64/24 94/19
102/9 166/15 166/18 166/23
200/20 202/24 208/19 208/19
220/10 220/10 221/7 222/10
241/15 247/3
were [125] 9/16 14/23 16/2
17/20 19/14 20/1 20/2 20/23
21/13 21/17 21/17 26/11
29/15 29/18 34/14 35/13
43/7 44/1 46/9 46/10 46/20
49/15 49/19 52/18 52/20
59/1 60/3 62/14 62/22 63/2
63/8 67/22 68/2 69/3 69/8
69/12 82/9 85/18 90/6 90/6
97/6 102/13 102/14 102/14
102/17 104/1 110/8 120/6
127/17 131/12 138/18 140/21
141/2 144/12 144/15 145/12
145/13 145/21 163/1 166/16
167/18 167/19 171/13 172/22
174/11 175/20 177/8 177/17
178/8 178/13 178/25 180/16
180/17 185/2 189/22 193/10
194/7 202/21 206/11 206/16
206/16 212/16 212/21 213/10
213/17 213/25 214/2 214/2
214/3 216/11 217/1 219/21
220/9 220/11 220/12 220/12
220/17 221/6 222/11 226/4
226/16 231/5 234/12 234/13
234/14 235/15 240/10 240/17
240/24 243/24 244/20 248/9
248/10 248/10 248/11 248/13
248/14 248/14 248/15 251/2
254/14 263/2 264/17 275/3
276/12
weren't [5] 33/11 102/13
159/2 159/3 269/8
West [5] 2/8 39/12 134/8
166/16 172/11
what [312]
what's [48] 8/12 20/15 25/10
30/10 31/7 49/11 49/11
58/13 59/14 59/25 74/14
82/12 83/7 86/22 87/18 89/6
89/6 92/1 100/10 108/17
116/7 119/15 119/16 143/14
147/10 147/23 160/4 169/9
179/19 179/19 179/22 183/2
193/13 200/1 204/9 207/2
227/3 234/16 237/11 239/8
243/18 257/13 258/22 261/24
263/22 264/25 265/8 270/6
whatever [9] 21/18 82/20
94/19 201/9 242/1 263/1

266/20 266/22 272/12
whatsoever [3] 124/25 125/25
236/1
when [108] 10/24 11/9 15/3
18/4 19/17 20/8 20/24 22/4
23/24 27/5 27/10 33/10
42/16 42/16 42/16 42/18
43/7 46/9 47/10 53/1 53/25
57/4 57/5 57/9 60/16 60/20
64/19 65/16 69/12 69/12
69/12 71/25 75/12 79/24
81/2 85/8 86/16 88/4 94/6
97/12 109/1 109/7 118/20
120/19 124/8 143/21 146/23
153/15 154/17 155/7 156/9
163/13 163/13 163/22 165/5
166/18 166/19 167/3 171/18
172/18 172/19 172/22 173/23
175/18 176/25 177/1 178/13
180/2 184/18 185/17 186/21
188/11 190/15 190/25 198/19
199/13 199/13 200/6 200/16
200/25 202/23 212/4 212/24
216/15 218/17 219/20 222/11
229/17 245/19 246/7 248/10
248/22 251/5 251/9 251/16
252/11 253/2 253/23 254/14
254/17 260/20 261/6 266/4
266/8 267/15 268/4 271/9
272/1
whenever [2] 40/23 271/14
where [53] 10/18 19/7 19/23
22/5 23/24 43/7 52/18 62/25
63/1 77/22 79/13 79/16
81/24 82/9 82/22 82/23 83/9
85/12 92/8 93/11 93/20 99/4
99/6 99/14 117/21 118/10
121/13 150/19 153/8 154/5
154/22 155/10 173/14 195/18
203/9 205/19 209/23 214/15
221/24 222/1 222/2 227/18
234/4 248/6 248/7 248/19
250/6 251/12 255/7 267/6
267/22 271/14 274/5
wherein [1] 175/20
whether [16] 12/5 22/11
34/24 37/21 55/3 55/9 60/15
60/23 67/19 76/14 100/8
125/8 125/20 185/9 228/21
236/10
which [63] 16/11 17/4 17/4
19/3 30/1 35/24 36/2 37/7
39/20 39/23 48/6 49/19
55/19 77/9 84/9 86/20 87/5
87/20 87/22 91/15 94/19
97/10 105/12 107/9 109/6
110/7 114/15 117/19 118/16
119/5 146/12 152/24 160/20
167/21 168/1 173/25 174/13
177/25 187/14 196/24 197/24
199/3 202/21 203/6 204/14
205/3 213/3 223/24 227/24
230/19 232/8 234/6 234/7
235/15 236/2 241/25 242/14
244/5 251/2 252/2 259/10
259/24 264/2
while [4] 26/10 149/6 177/8
216/5
white [2] 121/1 121/18
whited [1] 120/25
who [60] 6/13 9/11 10/18
15/14 24/23 30/14 31/4 31/5
31/7 38/9 38/24 46/4 46/4

W	39/15 41/4 59/10 79/22 131/14 138/14 140/13 147/20 148/11 148/15 148/21 156/4 158/7 160/1 161/11 161/24 162/2 162/8 168/7 168/24 168/25 169/7 169/17 169/18 170/7 170/24 171/7 171/8 172/5 173/4 175/3 176/10 177/12 177/19 181/10 182/7 182/13 187/19 190/9 192/6 193/2 193/2 201/22 211/1 211/4 211/10 247/22 247/22 256/22 276/14	write [4] 64/22 83/14 260/20 273/13 writing [4] 5/4 47/6 116/7 137/4 written [5] 107/10 154/10 241/4 265/20 270/8 wrong [6] 77/20 79/10 80/21 94/17 94/21 209/2 wrongdoing [1] 242/12 wrote [9] 102/6 102/8 107/16 107/17 115/2 184/22 203/7 251/12 252/11 WW [1] 230/21 www [1] 234/8 wwwLindaYates [1] 237/19
who... [47] 46/17 46/19 46/20 47/19 49/2 49/6 49/21 51/13 54/7 59/5 59/12 59/13 59/18 60/10 63/8 74/9 74/16 74/25 75/9 94/7 147/19 161/10 161/14 161/22 164/8 168/6 168/11 168/23 172/12 172/15 172/18 174/6 174/7 175/19 175/20 181/10 182/25 185/20 191/5 191/12 192/5 208/13 217/12 217/15 222/2 222/14 250/3	witness's [1] 170/15 witnessed [1] 32/13 witnesses [48] 7/12 8/4 8/6 8/22 8/25 9/3 10/16 10/18 11/16 11/20 15/10 15/17 23/15 25/7 26/13 26/23 27/1 27/3 27/5 27/10 30/18 32/5 33/13 38/7 38/14 38/15 129/10 129/17 129/21 129/23 147/12 147/14 147/16 147/17 149/6 161/8 161/21 181/7 181/24 192/2 209/25 210/1 210/7 210/24 223/12 223/14 225/21 261/14	X
whole [15] 28/8 28/15 40/22 116/1 148/18 162/5 165/6 165/14 165/19 182/10 192/16 211/7 243/14 252/9 252/10	witnessing [1] 24/20 WKDW [1] 219/25 woman [2] 94/18 97/4 won [9] 64/9 77/15 77/18 78/8 79/4 79/8 97/3 97/17 117/20 won't [4] 59/11 243/14 255/2 261/10 word [3] 17/25 179/12 268/4 work [8] 103/20 149/20 186/19 204/4 205/5 231/25 232/6 232/14 worked [1] 54/18 working [4] 16/25 41/20 164/9 164/14 works [1] 264/23 worries [1] 64/24 worry [1] 65/3 would [101] 16/14 24/20 28/3 32/18 33/23 35/14 38/25 39/7 47/19 51/4 51/8 57/2 57/11 58/1 62/25 71/24 77/19 89/8 90/19 97/3 97/22 97/22 109/24 110/14 113/11 120/3 120/4 120/4 120/9 120/11 120/13 139/2 139/4 140/5 148/13 150/13 153/6 153/7 153/9 153/11 154/16 154/24 155/1 155/3 155/5 155/24 157/20 159/17 160/18 161/23 161/25 162/10 164/20 164/21 165/13 166/20 166/21 172/19 180/3 181/12 182/5 182/15 185/10 185/17 186/11 186/13 187/18 191/10 193/12 193/25 193/25 195/2 202/1 203/11 205/4 210/1 211/2 211/12 214/23 215/17 218/1 218/1 220/21 231/6 231/16 236/3 236/3 239/14 239/17 240/1 241/21 244/1 247/2 247/10 250/10 252/8 255/15 256/13 265/17 267/1 267/20 wouldn't [7] 110/14 125/14 159/11 159/12 206/24 249/11 260/11	Xerox [1] 158/14 xeroxed [1] 157/18
whom [2] 101/21 204/13 whose [2] 126/3 164/3 why [75] 18/2 31/23 33/14 54/12 54/15 55/13 55/23 64/12 64/18 65/3 65/18 70/18 74/23 75/1 75/8 75/9 76/1 76/2 76/11 77/19 85/6 85/13 88/9 89/3 89/4 90/18 97/3 97/22 97/22 99/1 99/7 102/11 102/15 105/19 110/12 110/13 113/3 113/6 115/6 117/4 120/4 120/13 121/5 124/9 139/4 140/25 144/13 144/16 146/15 159/17 167/25 170/16 172/22 179/25 179/25 185/11 190/17 190/23 194/4 235/13 237/20 250/10 250/22 250/22 251/2 251/2 252/3 252/13 253/14 253/15 265/21 265/23 267/6 270/9 273/2	Y	yard [1] 214/20 YATES [224] 1/4 2/4 2/15 3/6 3/8 3/9 3/11 3/13 3/15 3/16 3/18 3/19 3/21 3/22 4/20 6/7 6/9 6/12 7/1 7/13 8/23 11/14 11/23 14/2 14/3 14/24 15/5 17/16 18/11 18/24 19/9 20/8 22/14 24/24 25/7 26/8 26/21 28/10 28/25 29/7 29/21 31/12 32/3 33/9 34/8 38/9 39/14 44/15 45/22 46/1 46/8 46/14 52/2 52/14 53/17 54/12 56/5 57/1 61/8 63/14 63/25 64/19 65/19 66/1 66/25 67/5 70/10 70/22 73/1 74/23 80/6 82/12 83/7 83/23 84/9 84/16 84/22 85/11 87/17 88/10 88/19 89/7 96/19 97/2 101/13 104/5 104/20 106/22 108/9 108/10 115/20 117/11 119/25 121/7 122/2 122/7 123/11 126/17 133/4 134/4 134/15 135/6 135/8 135/9 135/11 135/13 135/15 135/16 135/18 135/19 135/21 135/22 136/20 138/4 142/6 143/22 144/6 144/18 146/17 147/11 147/20 148/9 149/10 157/16 157/23 158/17 161/3 162/14 169/3 171/4 174/1 174/8 175/13 177/18 180/2 180/8 180/25 181/11 182/18 184/6 191/23 192/24 194/18 194/22 195/12 197/19 205/21 208/9 208/14 208/15 209/10 210/4 210/7 211/16 212/19 213/2 213/21 214/10 215/11 216/2 220/3 223/6 223/15 224/24 226/19 226/24 229/11 230/1 230/2 230/6 230/9 231/18 232/6 232/11 235/10 235/19 238/5 238/12 238/16 240/22 240/24 241/10 241/22 242/4 245/1 245/12 246/4 247/9 247/20 248/1 248/3 248/10 250/7 254/1 254/9 255/11 255/24 256/6 256/7 256/10 256/21 257/1 257/19 258/2 258/3 259/1 259/22 259/24 260/4 261/9 261/25 262/10 263/20 264/13 264/23 264/24 265/3 265/22
widely [1] 231/9 widening [2] 221/7 221/9 will [63] 7/8 10/13 10/25 13/7 22/9 23/25 24/10 26/21 27/1 27/17 27/23 28/7 28/15 30/1 35/3 35/25 36/11 37/16 38/13 38/19 38/20 39/17 54/9 60/23 86/18 91/21 100/8 127/2 129/22 129/23 143/23 148/17 162/4 164/23 165/2 182/9 183/7 183/8 183/8 192/13 192/16 195/12 205/2 211/6 221/23 245/1 245/5 247/21 260/4 260/5 260/6 262/13 262/17 264/19 265/4 265/14 266/6 266/7 266/12 266/14 267/7 271/11 272/13 willing [2] 13/3 180/4 win [3] 97/19 97/20 97/24 window [1] 174/17 wish [2] 33/16 120/3 wishes [1] 262/1 within [5] 89/14 105/6 106/5 194/2 204/23 without [10] 6/17 65/2 66/10 89/18 155/24 239/23 245/1 245/1 260/2 260/15 witness [80] 7/15 8/16 9/19 9/21 9/22 10/3 10/9 10/10 10/13 11/9 12/10 12/14 23/12 24/21 24/24 25/10 25/15 25/16 25/16 25/19 25/22 26/13 27/7 28/5 28/12 33/16 34/1 38/9 38/16 38/24		

Y

YATES... [6] 265/24 266/19
 269/4 270/9 272/6 274/20
Yates' [14] 7/25 17/12 23/3
 39/25 175/16 227/5 229/9
 230/22 231/7 232/20 234/2
 243/9 262/4 269/9
Yates.com [2] 237/19 258/3
yeah [37] 23/18 30/16 33/7
 43/20 44/6 44/6 53/3 71/23
 80/13 80/25 83/3 101/16
 107/12 107/25 128/13 150/19
 155/13 191/20 199/9 202/6
 202/16 214/17 215/9 218/14
 224/5 244/2 244/2 244/14
 252/7 259/3 271/6 271/18
 271/23 273/10 273/16 273/18
 274/11
year [7] 43/21 107/12 154/9
 157/1 165/18 167/13 190/3
years [19] 37/8 41/12 46/7
 49/21 65/2 69/17 69/22
 72/11 72/15 97/5 149/25
 150/2 163/1 163/6 164/18
 180/5 183/7 183/8 212/3
yellow [5] 233/19 234/13
 249/13 249/14 257/2
Yep [2] 119/1 246/9
yes [406]
yet [7] 38/23 109/8 185/11
 195/15 229/15 255/21 260/10
you [1214]
you'd [8] 45/2 101/14 207/18
 225/25 255/5 255/11 255/23
 255/25
you'll [12] 7/4 14/7 27/13
 28/2 44/3 210/25 218/4
 237/21 266/24 267/10 271/1
 272/1
you're [107] 6/9 9/19 9/21
 11/2 11/3 11/5 14/2 15/3
 15/23 28/7 28/14 29/21
 33/10 33/15 34/2 41/16
 41/20 42/7 42/11 42/11 44/2
 48/2 49/16 50/4 53/1 54/6
 55/16 55/25 57/18 64/15
 76/2 78/7 84/21 90/13 93/22
 101/22 102/20 103/13 103/14
 103/15 105/4 105/18 107/3
 112/7 118/12 126/15 146/18
 146/25 148/17 152/3 154/17
 156/20 157/1 160/19 161/6
 161/7 161/20 162/4 169/3
 173/18 173/20 177/12 181/22
 182/9 191/13 191/25 192/1
 192/15 193/22 193/23 194/5
 194/22 197/5 197/6 198/21
 200/24 201/9 201/12 211/6
 214/18 218/18 223/10 223/11
 225/20 226/10 228/2 234/24
 246/23 248/7 249/4 252/17
 254/15 256/7 260/23 265/16
 267/16 267/16 267/18 268/4
 270/2 270/4 271/21 272/10
 273/1 273/4 273/22 275/1
you've [25] 9/25 9/25 39/2
 42/25 43/5 46/6 46/8 46/23
 49/20 52/1 58/15 99/10
 113/24 113/24 119/6 152/9
 156/24 170/19 171/6 173/4
 175/5 194/17 207/11 258/5
 264/21

your [468]

yours [5] 17/12 105/21
 105/21 139/3 268/13
 yourself [11] 7/12 8/8 8/23
 33/11 48/15 214/9 225/22
 249/18 265/13 270/20 274/5
 yourvoice [1] 237/19

Z

ZIP [2] 101/19 101/24