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**IN THE MATTER OF SPOKANE POLICE DEPARTMENT
RESIGNATION OF CHIEF FRANK STRAUB**

INTERVIEW OF

**BEN STUCKART
CITY COUNCIL PRESIDENT**

**TAKEN ON
TUESDAY, MARCH 22, 2016
11:22 A.M.**

**SPOKANE COUNTY COURTHOUSE
1116 WEST BROADWAY AVENUE
SPOKANE, WASHINGTON 99260**

INTERVIEW CONDUCTED BY:

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1 INTERVIEW OF
2 BEN STUCKART
3 CITY COUNCIL PRESIDENT
4 TAKEN ON
5 TUESDAY, MARCH 22, 2016
6 11:22 A.M.
7

8 MS. CAPPEL: Today's date is March 22nd, 2016, and
9 the time will be reflected on the transcript.

10 My name is Kris Cappel with the Seabold Group, and
11 we have been retained by the City of Spokane to conduct an
12 investigation concerning issues surrounding the departure of
13 former Chief Straub. Today's witness is Council President
14 Ben Stuckart. And we'll get the spelling on that later.

15 But, Ben, before I get started, I should point out
16 that this interview is also being recorded, audio recorded,
17 and that's to assist the court reporter with the
18 transcription. I don't receive the audio recordings. But
19 because it's being recorded, I needed to get your
20 permission.

21 MR. STUCKART: Absolutely.

22 MS. CAPPEL: Okay. Great.

23 I also know that I don't need to say this, but I'm
24 going to do it anyway, because I know you were part of the
25 process of retaining us and defining the scope of this

1 investigation. But to be clear, we have been hired as fact
2 finders. I'm an attorney, but I don't do the work as an
3 attorney. So I won't be offering any legal advice.

4 And also, because this matter has become fairly
5 public, it's very clear to me that the transcripts of
6 witness statements will likely be produced as a result of a
7 3 public records request or in litigation that's already
8 been filed.

9 **MR. STUCKART:** Yep.

10 **MS. CAPPEL:** So any questions about that before we
11 get started?

12 **MR. STUCKART:** No.

13 **MS. CAPPEL:** Great.

14 **BY MS. CAPPEL:**

15 **Q. How long have you been a council member?**

16 **A. I started January 1st, 2012.**

17 **Q. And you're currently the Council President?**

18 **A. Yes.**

19 **Q. And how long have you held that position?**

20 **A. Since January 1st, 2012.**

21 **Q. Is that a term or is it voted or...**

22 **A. It's actually, you run for that office. We have**
23 **three districts, and two members of each district, and then**
24 **the Council President is elected citywide.**

25 **Q. I want to start with the circumstances of Chief**

1 **Straub's departure from the City of Spokane. How did you**
2 **first learn that that was in process?**

3 A. So the first time I learned it, from firsthand
4 knowledge and not any rumors about weird things going on,
5 was at an Executive Session on September 21st.

6 **Q. And who, best recollection, was present at that**
7 **Executive Session?**

8 A. All of the Council members except for Council
9 Member Waldref, the Mayor, and Theresa, and I believe
10 Heather Lowe, since it was a personnel issue.

11 **Q. And who was doing the talking and what did they**
12 **say about the potential departure of Chief Straub?**

13 A. The Mayor and Theresa Sanders did all of the
14 talking in that Executive Session. They started off by
15 discussing how there had been some complaints about a
16 hostile work environment from the Lieutenants and Captains
17 and from the Senior Command staff, and that they had been
18 speaking to the Mayor and Theresa over the last few weeks.
19 They had been encouraged to put those complaints into
20 writing. The Friday previous to September 21st, those
21 complaints were in writing, and that was when the Mayor
22 pulled us in. And we were told that the Mayor had already
23 had one conversation with Chief Straub that morning, and
24 that the next day, the Chief was making up his mind on
25 whether he would be resigning or be fired.

1 Q. And the letters that you reference, did the Mayor
2 or Theresa provide you with copies of those letters at the
3 time?

4 A. Yes. They handed them out to us in the Executive
5 Session. We did not take them out of the Executive Session
6 with us. They were later, on the 22nd, released to the
7 media.

8 Q. Did any council members ask any questions of the
9 Mayor or Theresa?

10 A. Yes. A direct question, and I believe it was
11 Council Member Stratton asked them if this
12 firing/resignation had anything to do with the rumors about
13 Monique Cotton.

14 Q. And to whom did she pose that question?

15 A. The Mayor and Theresa Sanders.

16 Q. And what did either one of them say?

17 A. They said no, absolutely not.

18 Q. Did any other council member ask any other
19 questions that you can recall?

20 A. No, because up until that point, we had, really,
21 only heard rumors about Monique Cotton, and so once they
22 denied those rumors, we looked at the letters, reviewed the
23 letters, and asked the Mayor to keep us posted, though, as
24 the next day went on.

25 Q. You said that you -- and I'm going to talk just

1 about you specifically -- you had heard rumors concerning
2 Chief Straub and Monique Cotton?

3 A. Yeah. Monique got moved to the Parks Department,
4 and we never understood why that was, and the press was
5 asking questions why her salary was still being paid by the
6 Police Department, which we didn't know about. And we were
7 asking questions at that point, told there was nothing to
8 it. But we also had heard rumors. I got calls from both
9 Jeff Humphrey at KXLY, and I got calls from Nick Deshais in
10 August, following up on the story that they had heard.

11 And there were two rumors that they had heard. One
12 rumor they'd heard was that there was an inappropriate
13 relationship between Monique, Straub, and Cotton, and when
14 they broke up, that's why she was transferred out of the
15 Department, and the other was that there was sexual
16 harassment going on between Chief Straub sexually harassing
17 Monique Cotton.

18 Q. So going back to the Executive Session on, I
19 believe you said September 21st of 2015, were there any
20 details discussed with the Mayor about the nature of these
21 rumors?

22 A. I don't believe in that. I'd had previous
23 conversations with the city administrator about those rumors
24 where it got explicit. But I think the question in the
25 Executive Session was posed, does Chief Straub leaving have

1 anything to do with the rumors about Monique Cotton, but
2 their answer was emphatically no.

3 **Q. And did one or both of them say that?**

4 A. Well, I'll just be honest. I don't remember which
5 -- no as to the Mayor. In the Executive Session, the Mayor
6 said no.

7 **Q. Okay. And do you remember Theresa responding in**
8 **any way after the Mayor said no?**

9 A. Not in that Executive Session, no.

10 **Q. Was there any conversation in the Executive**
11 **Session about process, how they were going to follow up with**
12 **what they were describing?**

13 A. No, because we didn't know, at that point, there
14 was a sexual harassment claim, a sexual harassment potential
15 lawsuit, any of that, or had even been an investigation. So
16 to us, it was just an at-will employee who had created a
17 hostile work environment and the Mayor has hiring and firing
18 authority over the Chief, and so there was no -- the process
19 would be that you're a -- so I didn't -- there wasn't any
20 discussion of what process are you going to follow, because
21 the Chief is at will, and there was no accusations, that we
22 knew of, that were true that would lead to any need for a
23 process.

24 **Q. But one of the things the Mayor told the City**
25 **Council was that he had posed the ultimatum to Chief Straub**

1 that he could elect to resign or he was going to be
2 terminated. Is that what you understood the --

3 A. Yes.

4 Q. -- ultimatum was?

5 A. Yes.

6 Q. And he was giving Straub until the following
7 morning, the 22nd?

8 A. Yes.

9 Q. And then did he say what -- what he was going to
10 do once he got Straub's decision?

11 A. No, he didn't really elaborate. I think that's
12 when we told him to follow up with us on what the process
13 would be and how it would be released to the press and what
14 would be said.

15 Q. And do you remember at the Executive Session
16 either he or Theresa telling you there would be a press
17 release and a press conference the following day?

18 A. I didn't know -- I don't think I knew about the
19 press conference until the next afternoon.

20 Q. And how did you learn that there was going to be a
21 press conference?

22 A. Brian Coddington came over and grabbed me and
23 said, "We'd like you to be here for the rest of the
24 afternoon." And so I spent -- I went over around 1:30, and
25 I spent from 1:30 until in the press conference at 4:30, in

1 Theresa Sanders's office with Nancy Isserlis.

2 In and out of that room were Erin Jacobson, Nancy
3 Isserlis, Theresa Sanders, Brian Coddington, and the Mayor
4 and myself. And we were on the phone with the Chief's
5 lawyer for a while, and then it became a conversation
6 directly between the Chief and his wife and us. And most of
7 the conversations took place on conference call on a speaker
8 phone.

9 **Q. And when Brian Coddington asked you to accompany**
10 **him, I guess, to the Mayor's office on the 22nd, did he tell**
11 **you why he wanted you to hang around City Hall?**

12 A. Why they -- well, yes. At that point, they said
13 there was -- the Chief was going to -- it was going to
14 resolve itself somehow, and there would be a press
15 conference, and they asked me to be there and stand with the
16 Mayor.

17 **Q. Did they ask you to participate in the press**
18 **conference in any other way?**

19 A. I think they asked if I wanted to make a
20 statement, and I refused. But at this point, there was --
21 one of the two situations with Theresa was that day, and --

22 **Q. One of two situations?**

23 A. Yep.

24 **Q. Tell me about that one.**

25 A. This situation was -- Theresa had made a reference

1 to -- in the Executive Session, public records requests and
2 why the urgency of this situation partially was due to a
3 public records request. And I latched on to that.

4 And so the next afternoon, when they asked me to
5 participate in the press conference, I took Theresa aside,
6 because she was alone in her office at that point, and I
7 said, "Theresa, is anything in the public records, when they
8 come out, going to and turn around and bite us?" And she
9 said, "Absolutely not. There is nothing in the public
10 records that would show anything different than what's
11 happening now."

12 **Q. And what did you understand her to be saying to**
13 **you?**

14 A. That everything is as it seems; that there was a
15 hostile work environment, and that was why Chief Straub was
16 being let go, and not that -- to me -- and this goes back to
17 a previous conversation in late August I had, and I don't
18 know if you want to talk about that.

19 **Q. Go ahead, while we're on it.**

20 A. Yeah. And so in late August, I got a message from
21 one of the secretary's -- whatever we want to call it --
22 receptionist in the Mayor's office, and it was, "Theresa
23 needs to see you right away today." And this is late
24 August. And about this exact same time, both the KXLY and
25 the Spokesman were asking me the same -- the questions about

1 Cotton, the Cotton rumors. So I went into Theresa Sanders's
2 office, and I asked her what was up, and she said, "Well, we
3 need to talk." She closed her door, and she said, "I have
4 heard that you have been spreading rumors about Chief Straub
5 and Monique Cotton." And I said, "Really? What rumors have
6 I been spreading about Monique Cotton?" And she said,
7 "Well, tell me what you've heard." And I go, "Well, first,
8 I'm hearing it from the press. I'm not telling it to the
9 press." And I got up, and I drew on her chalkboard, and I
10 said, "Here's what I've heard is, Straub and Cotton had a
11 relationship. They broke up. There was a fight in April,
12 and that's why she got transferred." And I said, "I heard
13 that from KXLY."

14 And I said, "The Spokesman, what I've heard is, is
15 that Straub was hitting on Cotton and being sexually
16 inappropriate, and that's why she got moved." And I said,
17 "Theresa, are those rumors? Those are the rumors I'm
18 hearing. Is there any truth to them?" And Theresa Sanders
19 said, "No, absolutely not. There is nothing true about
20 those." But she goes, "What I have heard is that you're the
21 one spreading those rumors."

22 **Q. Did she give you any sense of her source, like**
23 **who's telling her that you're spreading the rumors?**

24 **A.** Well, no, because it turned out that when all the
25 public records were released, she knew in April that those

1 rumors were actually true. So if you're trying to deflect -
2 - if you're trying to deflect the truth, you're going to
3 blame somebody else for spreading the truth and call it a
4 rumor? I -- I can't even fathom that situation still to
5 this day, how somebody could call me in the office, actually
6 accuse me of spreading rumors about something that they know
7 to be true. That's as duplicitous as you can possibly get
8 in trying to be open and transparent with the public.
9 Because from that point on, I was like, "Wow. Yeah, if they
10 think I'm spreading these rumors the press is coming to me
11 about, you know, then they're, obviously, just rumors."

12 Q. Did --

13 A. Because I'm not spreading them.

14 Q. Do you recall if you and Theresa talked about
15 anything else, other than what you just described, in that
16 late August meeting?

17 A. No, that was it. It was a quick meeting. It was
18 ten minutes at the most. I drew on the chalkboard. She
19 said they weren't true. I said I wasn't spreading those
20 rumors, and they must be coming from somewhere else.

21 Q. Do you recall whether public records requests had
22 already been filed by the Spokesman?

23 A. Yes. They were -- I think that it -- I think they
24 had probably just been filed, and that was -- I think those
25 public records requests probably got filed the week before,

1 a couple of days before. The were hot on that story right
2 then.

3 Q. So the ones that I'm talking about, just so that
4 we're clear, are the August 18, 20, and 21 public records
5 requests that Nick Deshais filed.

6 A. Yeah. And I think that's probably what prompted
7 this, was those public records requests prompted the
8 accusations to me.

9 Q. From Theresa.

10 A. Yeah.

11 Q. Do you recall whether you had actually seen the
12 public records requests?

13 A. I never saw them until -- I did not get to see the
14 public records until November 24th, when they hit the press.

15 Q. So what about the requests themselves; when they

16 --

17 A. No.

18 Q. -- send them around?

19 A. No. I wasn't included in on those requests, so I
20 didn't -- I don't remember even seeing them.

21 Q. Do you recall any other conversations with Theresa
22 Sanders on the issue of the rumors, as you've just described
23 them -- describe them as they were described to you?

24 A. Yeah, those were -- that one conversation in
25 August, and then the conversation on the day of the press

1 conference. Those were the two direct conversations where I
2 asked if the rumors were true.

3 **Q. And what about with the Mayor; did you have those**
4 **kinds of conversations with the Mayor?**

5 A. In the Executive Session was the one time.

6 **Q. On September 21st?**

7 A. On September 21st, where we -- one of the council
8 members asked him directly if this had anything to do with
9 the rumors about Monique Cotton. And the second time was at
10 the press conference when I stood with him, and the question
11 was asked by the Inlander reporter that was there that day,
12 and the Inlander reporter asked at the press conference,
13 "Does this have anything to do with the rumors? Did Monique
14 Cotton ever file a claim?" Then they asked if any of the
15 rumors were true, and the Mayor said no.

16 **Q. And outside of the question that the reporter**
17 **asked of the Mayor, have you spoken to him about the issues**
18 **around --**

19 A. This since --

20 **Q. -- Monique Cotton and Straub?**

21 A. No, because I thought once the press conference
22 happened and everything was over, my assumption was,
23 everybody was telling the truth and that you didn't need to
24 ask again. And so then until November 24th, when it was in
25 the newspaper is the next time it even came up.

1 Q. And between September 22nd and 11-24, you
2 personally had not heard from the Mayor or Theresa about the
3 fact that Monique had made sexual harassment claims?

4 A. None.

5 Q. Going back to the date of the press conference,
6 did they show you the proposed press release before it was
7 circulated?

8 A. Yes. We were actually on the phone with Chief
9 Straub editing the press release.

10 Q. What do you remember about those conversations
11 where Straub was participating in the --

12 A. Straub definitely, on the phone, said he felt like
13 he was getting backed into a corner. He wasn't comfortable.
14 He asked repeatedly for the administration not to release
15 the letters. Nancy Isserlis came in and told the Mayor that
16 he had the right of attorney -- or of client privilege to
17 release those to the media if he wanted, so he had the right
18 to do it, and the Mayor said, "Okay, then I'm releasing
19 them." Chief Straub, being on the phone, said, "No, don't
20 release those. I ask you not to, please. You're backing me
21 into a corner, and you're going to ruin my reputation." But
22 then they, at the same time, were negotiating him to work
23 paid for the city from September 21st through December 31st.

24 Q. When Straub was repeatedly asking the Mayor not to
25 release the letters, did you understand him to be talking

1 about the two --

2 A. Yes.

3 Q. -- September 18th letters?

4 A. Yeah. He had copies of those, and they were
5 specifically speaking of those, and he said, "Please, don't
6 release those letters."

7 Q. Do you recall if his lawyer was on the phone at
8 the time?

9 A. At that time, his lawyer was off the phone. We
10 had spoken to his lawyer earlier, and the conversation
11 somehow morphed into a conversation with his lawyer into a
12 conversation with just Straub and his wife.

13 Q. And focusing on the conversation with Straub, do
14 you remember anything else about what he was requesting or
15 suggesting with the Mayor at the time?

16 A. He wanted longer than January 1st. That was the
17 negotiation they were having. And then there was a lot of
18 wordsmithing on the language in the press release.

19 Q. Do you remember what areas in particular he was
20 most concerned about?

21 A. He was concerned about anything that would
22 disparage his future reputation, and so he was trying to
23 soften the language throughout the whole press release.

24 Q. Anything else you remember that he brought up or
25 requested?

1 A. No. It was just really weird being in there,
2 because I was not part of the decision making that led to
3 it; yet they really wanted me to stand in with the Mayor and
4 be there.

5 Q. One of the things you mentioned is that Nancy and
6 Erin were in and out. What -- as far as you could tell,
7 what were they doing? What was their role?

8 A. Legal advice, like, Nancy clearly told the Mayor
9 he could release those letters and there would be no
10 ramifications of those actions.

11 Q. Did the Mayor give any indication of what
12 motivated him or what was behind his decision to ultimately
13 release them?

14 A. I guess explanation to the public, I think, is his
15 thought process on releasing those letters.

16 Q. Did he say that, or is that something that you
17 presumed he was thinking?

18 A. Presumed. I don't -- I don't remember any exact
19 words he used that said, "I'm going to release these
20 because." There was underlying conversation in the room,
21 though, about that; that if we just stand up and say the
22 Chief is fired, with no explanation at all, then everybody
23 will wonder what happened, so we should releases these
24 letters.

25 Q. Did Theresa weigh in on the decision?

1 A. On the letters, no. I remember that specifically.
2 That was the Mayor's decision to release those letters.
3 Theresa was more involved in the wordsmithing of the press
4 release.

5 Q. Was there any discussion about the fact that the -
6 - the messaging about why the Chief was leaving was
7 inconsistent with what was in the letters? It seems like
8 the resignation was -- was couched in terms of him moving on
9 without any specific reference to why?

10 A. Yeah. I didn't really -- I sat there dumbfounded
11 the whole afternoon. I got to admit. Not dumbfounded.
12 Well, to try to use another -- I stayed very silent. I did
13 not -- I was not part of the decision-making process, nor
14 was I trying to dig in to figure out what their underlying
15 motives were. I was more -- I was an observer.

16 Q. Did you offer any opinions or --

17 A. No. I kept to myself, really. I didn't want to -
18 - that's why at the press conference, when they asked me if
19 I had a statement to make, I was quiet, too. But I was, for
20 the -- I agreed -- under the impression that what they were
21 telling me was the truth, which was that it was a hostile
22 work environment, I agreed to stand with the Mayor for the
23 betterment of the City.

24 Q. And on that point where Chief Straub's leadership
25 was being described as creating a hostile work environment

1 for his staff, had you personally ever seen that behavior?

2 A. Not to the extent that I've heard described. He
3 could get bristly, but I think we can all get bristly. I --
4 in committee meetings, if you asked him very direct
5 questions, you can get the sense that he might not like
6 being questioned in a committee meeting by city council
7 members --

8 Q. Uh-huh.

9 A. -- who I think he probably thought himself well
10 above in the annals of life and how you sit in your
11 stations. He was, you know, being put upon by being asked
12 very direct questions at times in committee meetings when
13 things weren't going right. But that's a -- he never
14 yelled. He never screamed, and his --

15 Q. Did he ever use --

16 A. He was, actually, a really friendly guy to go out
17 and have a beer with.

18 Q. Okay.

19 A. You know.

20 Q. Did you ever hear him use the kind of language
21 that is being described as vulgar and profane?

22 A. No. I never heard him cuss once, curse.

23 Q. Had anyone from the City contacted you to complain
24 about Chief Straub before you learned that he was going to
25 be terminated?

1 A. I met with Lieutenant Walker in early 2014, and
2 those complaints were really focused around favoritism and
3 how the administration in 2013 had created multiple
4 departments and a division instead of one division, so it
5 created a bunch of exempt employees. And their real concern
6 -- and this is still a concern with many of the people, and
7 I think we're going to have to fix this pretty quick. But
8 you created all these -- so it used to be you had a chief
9 and an assistant chief that were exempt, but then you
10 created seven other exempt departments under it, so you had
11 a department head and an assistant department head. So you
12 had up to 14 positions that were exempt, and those all
13 become at will. And so the complaints that I got from
14 employees in early 2014, I got Joe Walker and his partner,
15 and then also Ben Krauss.

16 Q. Who was his partner?

17 A. Who was it that came with him?

18 Q. Torok?

19 A. No, it wasn't Torok that came with him. I can't -

20 -
21 Q. Arleth?

22 A. Arleth. I think it was Arleth that day. Arleth
23 and Walker. And then -- or it might have been McCabe. I
24 think it was actually Walker and McCabe. And their big
25 concern was is that the chief had -- and this is during the

1 time everybody was self-demoting, and we were trying to
2 figure out that.

3 And the nexus -- and I got this from another
4 employee, Ben Krauss -- approached me with the exact same --
5 like it could have -- and Ben worked in a totally different
6 department than them. It was not their friend or buddy.
7 And his complaint was exactly the same, that by creating
8 these divisions of multiple departments, everybody was self-
9 demoting, because once you're a department head then and the
10 higher up in the rank, you were able to be fired at will.
11 And so the Chief used that as a gamesmanship, is the
12 complaint I heard often, and I've heard it since he has
13 left, that by creating this structure, without Civil Service
14 protections, the Chief was using this as, I'll promote you
15 and promote everybody that agrees with me, because if you
16 get promoted and don't agree with me, then you're either
17 threatened with firing, or to get out of that, you self-
18 demote. And so they -- that's the big problem I heard for a
19 year and a half.

20 Q. And that was from Walker, McCabe --

21 A. McCabe.

22 Q. -- and Ben Krauss?

23 A. Krauss.

24 Q. What was his --

25 A. Krauss, K-r-a-u-s-s.

1 Q. And what's his position?

2 A. He works in the IT department now. He used to --
3 I don't even know what his exact title was when he was in
4 the Police Department.

5 Q. Do -- did he promote Ben?

6 A. No. No. He saw a lot unfairness in the
7 promotions that did take place, whereas Walker and McCabe
8 self-demoted, and Meidl self-demoted. There were, like,
9 seven or eight people that demoted out of department head
10 positions over a year-long period of time.

11 Q. And that came to your attention in early 2014 --

12 A. Yeah.

13 Q. -- and continuing.

14 A. Yeah. And we tried to -- we had -- I had actually
15 voted against this in 2013. And we always talked to the
16 Fire Department when they -- they did the same thing, but
17 the union sued and the courts ruled in their favor. And we
18 always talked to Lieutenants and Captains. The judge on the
19 fire case, actually, said on the bench that the City was
20 acting ludicrous and all that the Police Department needed
21 to do was file a lawsuit, and the judge said she would rule
22 immediately in their favor. She called the City ludicrous
23 from the bench.

24 But what we did was, why it's ludicrous and why
25 it's wrong is because you create a system where you're

1 rewarding people for thinking like you instead of rewarding
2 leaders, because in the event of dissension, they get
3 threatened with firing. And I think there's -- you know,
4 I've heard different theories about different parts of the
5 police departments across the country, but back East, I
6 think they -- it's typical when somebody comes in, they
7 clear out every top echelon and bring in their own people.

8 Q. Uh-huh.

9 A. Well, I think that's how things were working here.

10 Q. For Straub?

11 A. Yeah.

12 Q. So other than Walker, McCabe, Krauss, do you
13 recall anyone else coming to you with complaints about
14 Straub?

15 A. No.

16 Q. And when the three that I just --

17 A. Everybody else was really quiet lipped. They
18 might say, "Well, I self-demoted, Ben," but they weren't
19 going to go sit and have a beer with me and tell me about
20 it.

21 Q. And for the three that we have been talking about,
22 did they use terms like retaliation, hostile work
23 environment, harassment?

24 A. They didn't go to those language, and I took
25 really good notes of my McCabe meeting, and it was more

1 about structure and concerns. They never used hostile work
2 environment or any language like that.

3 Q. And how about any female employees at the Police
4 Department; did they ever share with you that Straub made
5 them uncomfortable?

6 A. No.

7 Q. Did Walker, McCabe, or Krauss mention to you
8 whether they had taken their concerns to the Mayor or
9 Theresa?

10 A. Walker and McCabe said they had spoken to HR and
11 legal.

12 Q. Did they mention who in HR --

13 A. No.

14 Q. -- and legal? Did you have any conversations with
15 anyone from HR or legal --

16 A. No.

17 Q. -- about their concerns?

18 A. I spoke with a couple other council members about
19 those concerns, but they were more structural in issue. They
20 didn't -- they weren't about hostile work environment or
21 inappropriate relationships. They were focused more on the
22 structure. And so our goal in '14 was to try to stabilize
23 the police force. And we'd have meetings where we'd discuss
24 it, in a Public Safety meeting, the structure. But everybody
25 always was like, "No, no. We're just finding the right --

1 fine tuning it, getting the right people in place, and crime
2 numbers are starting to go down, so we're okay."

3 **Q. What about any concerns about the Chief's budget?**

4 A. I never heard any of those concerns. That never
5 came to my level. We always had concerns as a council about
6 excessive use of overtime. And they did rise up, and we got
7 pretty feisty about it. It spiked up during Chief Straub's
8 tenure. But once Sarah Lynn came on, she had a much better
9 grasp of the -- and that's I think, because, we probably
10 complained so much about the excessive overtime, that Sarah
11 Lynn was brought in as the finance person, that she was,
12 actually, very knowledgeable and very helpful with Council.

13 **Q. Okay. Directing your attention to about May of**
14 **2015, that's when the transfer of Monique Cotton to Parks**
15 **took effect. Did you learn of that transfer near the time**
16 **it happened?**

17 A. Yes.

18 **Q. And how -- who and what was communicated?**

19 A. Karen Stratton's husband was on the Park board,
20 and I heard from Karen that Monique Cotton is getting
21 transferred out of the Police Department and moving over to
22 the Parks Department. And we're all, like, well, why? And
23 one of our concerns was Nancy Goodspeed, who was on
24 maternity leave. And so one of the concerns that Karen and
25 I spoke about was that Nancy was on medical and family

1 leave, and that somebody coming in and taking over her role
2 as PR person for the Parks would really force her out of her
3 job.

4 **Q. And other than the conversation just between the**
5 **two of you, did you take that concern anyplace else in the**
6 **City?**

7 A. It had to have been brought up, because I remember
8 that spring, Theresa Sanders turning to me in a City Council
9 meeting and going, "Why is Karen protecting Nancy so much?"
10 And I was like, "Because she is an employee, and she's on
11 medical and family leave, and that's why we're worried about
12 this." Like, it doesn't...

13 **Q. Do you remember the context of what was going on**
14 **when she asked why Karen was being so --**

15 A. I think Karen was asking a lot of people a lot of
16 questions about what's going on? Where's Nancy? I think
17 she probably sent some e-mails around, making sure Nancy was
18 protected, and everybody took that as an affront, and all
19 she was doing was trying to make sure one of our 2,000
20 employees was covered.

21 **Q. Do you remember any explanation from Theresa, HR,**
22 **the Mayor or anyone in law about why the transfer was**
23 **occurring when it did?**

24 A. No explanation. The explanation was is that Parks
25 was in desperate need of help, because nobody was doing a

1 good job in PR and Riverfront Park. The bond had just
2 passed the previous fall, and so we really needed to have
3 help in there.

4 Q. And what you just described, who was saying that?

5 A. That was Theresa.

6 Q. Did you agree or disagree?

7 A. I think that that City is totally top heavy on PR
8 people, and we used get by with a third of how many PR
9 people we have in the last three years, so absolutely not.

10 Q. I've heard, from some of your colleagues, that
11 they did -- they were concerned that there wasn't enough
12 positive communication around the Riverfront Park -- Park
13 development and the bond. Were you in that camp?

14 A. No.

15 Q. Do you recall any specific conversations between
16 you and Theresa about why Monique was being transferred to
17 Parks?

18 A. No, other than -- the only ones we had were the
19 rumor conversations, and that was way in August, so no, way
20 back in May.

21 Q. Okay. How about with the Mayor; any discussions
22 with him?

23 A. No.

24 Q. Anyone from law?

25 A. No.

1 Q. Anyone from HR?

2 A. No.

3 Q. In your experience as a council member, what are
4 your observations about how HR interacts with the various
5 departments? What -- what's their role and how are they
6 used?

7 A. I've seen a lot of lawsuits come through on
8 mishandled HR issues since I've been there. We've paid out
9 a lot of money. There had been a lot of negative press on
10 how we handle HR issues.

11 Q. Have you detected any theme or any common issues?

12 A. I think in our legal department and how we deal
13 with labor law, and in our HR department and how we deal
14 with hirings and firings, we don't have good processes in
15 place and it's broken.

16 Q. Are you aware of any other personnel matter where
17 the Mayor and Theresa have gotten involved to either assist
18 in a transfer or -- well, let's start with assist in a
19 transfer of a --

20 A. No. No.

21 Q. Does anything come to mind where you --

22 A. No.

23 Q. -- where you recall where Theresa and the Mayor
24 have helped facilitate --

25 A. Been involved this much? No. Never.

1 Q. Are you familiar with Bob Dunn?

2 A. Yes.

3 Q. And what's your understanding of who he is?

4 A. He calls me names in the paper sometimes. We had
5 a run-in with Bob Dunn on an officer who was driving drunk
6 and claiming it as a disability. And we refused to settle.
7 The Council voted, overrode the Mayor. It was, like, right
8 away in 2013. But Bob Dunn, he went off on a tirade in the
9 paper about what a bunch of idiots we were.

10 Q. Uh-huh.

11 A. He is very bombastic. He's -- I guess I would say
12 I would never go meet with him alone in his office without
13 my legal representation with me. I find that absolutely
14 astounding that --

15 Q. Is that in reference to the fact the Mayor --

16 A. The Mayor went and met with him and Monique in Bob
17 Dunn's office. For one, everybody -- when you go meet with
18 the Mayor, you meet in the Mayor's office. And number two,
19 the Mayor has an entire legal department, and you bring your
20 lawyers. You don't go sit and do a settlement in Bob Dunn's
21 office in some under-handed -- this isn't -- this is the
22 public. These are all public employees. They are serving
23 the citizens. And I -- I cannot see how the head of our
24 organization would go meet with a lawyer, in a lawyer's
25 office alone, with no legal representation, and be

1 representing the interests of the City. It's unfathomable.

2 Q. Has the Mayor talked to you about what motivated
3 him to meet with Bob and Monique?

4 A. No. I've -- since November 24th, when this story
5 broke, I've probably spoken with the Mayor alone twice.

6 Q. Okay. What about Theresa Sanders; has she ever
7 talked to you about the fact that they met with Bob and --

8 A. No.

9 Q. Okay. Carly Cortright, are you familiar with
10 Carly?

11 A. I do know Carly.

12 Q. She transferred from the Police Department to City
13 Hall in approximately November -- or excuse -- October of
14 2013. Did you learn of that transfer?

15 A. Yes.

16 Q. And what did you learn?

17 A. That one, I never heard directly why it -- I heard
18 later, like two years later, I heard she just wasn't a good
19 fit for the Police Department at the time.

20 Q. Do you remember the source of that --

21 A. They wanted to use -- no, I don't. Later, it was
22 rumors that she didn't get along with the Chief, and then it
23 was later rumors and with interviews about the budget and
24 arguments about the budget and working relationship problems
25 with the Chief.

1 Q. And the rumors that you just described, did that -
2 - did they come to your attention before you learned that
3 Straub was going to resign, or is that in the aftermath?

4 A. Aftermath.

5 Q. Okay. Do you remember anyone bringing up any
6 questions about the circumstances of Carly transferring out
7 of the Police Department?

8 A. No.

9 Q. At the time --

10 A. No.

11 Q. -- I should say. Do you recall Chief Straub ever
12 discussing Carly, either in a positive light or in a
13 disparaging light in your presence?

14 A. No.

15 Q. As a Council member, are you aware of any City
16 employees who have made either harassment, discrimination,
17 or retaliation complaints to HR where their complaints have
18 not been investigated?

19 A. I read about the one in the Inlander from the
20 wastewater employee who had feces strung all over, and that
21 made me sick to my stomach. And that's indicative of our HR
22 problems. We had an EOCC finding. And things like that
23 should never happen to anybody.

24 Q. Other than what you read in the paper, are you
25 aware of any other staff --

1 A. Nobody has brought me individual stuff, no.

2 Q. Okay. How about any cases where employees have
3 come forward to the HR department with similar allegations
4 of discrimination, harassment, and retaliation where their
5 complaints were investigated?

6 A. No.

7 Q. I'll just close out with the last issue, and
8 that's the City's policies and procedures to responding to
9 public records requests.

10 A. Right. And so in between September 21st, after
11 Chief Straub resigned, and November 24th, when the public
12 records were finally released, it was about two weeks after,
13 so it was early October, so about six weeks before the
14 public records were actually released, and Straub had been
15 making some noise about a claim. And Nancy Isserlis made an
16 offhanded comment to me that when these public records are
17 released, Straub is in real trouble because they're going to
18 look horrible for him. But it was six weeks before they
19 were eventually released.

20 And so my concern -- and this is my concern, too,
21 because I've seen regular public records requests go through
22 our process with our clerk's office, which are all
23 wonderful, amazing employees. And I've seen that process
24 work really smoothly. But where it gets caught up is the
25 legal department.

1 And my concern with this is, is that six weeks
2 before those records are released, the head of the legal
3 department, who wasn't, probably, even doing the redacting
4 herself, knew that there were going to be damaging e-mails
5 out there, and why did they not get released for six weeks
6 later, until after the election, and why did it take that
7 long, in this instance, for those to get released and the
8 timing was highly suspect. And then, the whole conversation
9 after this broke, was to blame the clerk's office. But we
10 know that for six weeks before they were released, they were
11 over in the legal department, and they'd all had enough time
12 to look at them and tell the boss that there were damaging
13 e-mails in there, and then it takes six more weeks to get
14 out. That's not right.

15 **Q. So do you remember the context or any more details**
16 **around where you were when Nancy made this offhanded**
17 **comment?**

18 A. We were standing by the elevator.

19 **Q. In City Hall?**

20 A. Yeah, in City Hall. And I said something about
21 Straub making noise about filing a claim and hiring a
22 lawyer, and geez, this isn't going to be good. And she's
23 like, "Oh, no, it will be fine. You know, when all these --
24 I don't know why he is doing this. When all of those e-
25 mails come out that we have on him, it's going to look

1 horrible for him."

2 Q. And she --

3 A. And at that minute, I knew they had the public
4 record request done. They were ready. They could have turn
5 them in to the press then, but somehow, it took six more
6 weeks.

7 Q. And you recall that she referenced e-mails?

8 A. Yes.

9 Q. Okay.

10 A. E-mails, notes, all -- all of it was going to look
11 horrible for Straub, which, arguably so, all this stuff
12 looks horrible for everybody, but it should have been out in
13 the public the minute we had it, and it shouldn't have been
14 sitting over in that legal office for another -- because
15 it's not like the legal office went and redacted them and
16 turned them back to the clerks, and the clerks set them on a
17 table somewhere and said, "We're not even going to do
18 these." I know how these clerks work. These clerks, when I
19 have a public record request that includes me, they come
20 down and go, "Here, we're going to --" and I ask them. "Show
21 me everything you're releasing," and it will be hundreds of
22 pages, but at least I can go through it so that I know that
23 the press is going to have this the next day.

24 Q. Uh-huh.

25 A. But they get it from legal, and they are on it.

1 There is not some broken process where stuff is sitting on a
2 table in the clerk's office. It's sitting over in legal.
3 And that's why they need to be -- why they need to be
4 talking about -- that one just makes me angry, because six
5 weeks before they were released, I was told by the head of
6 the legal department that they had the -- they had dirt on
7 Straub.

8 **Q. And how can you place it in time? You're saying**
9 **it's six weeks.**

10 A. It had to be -- well, it's -- it had to be after
11 September 21st --

12 **Q. Uh-huh.**

13 A. -- when Straub resigned, and it had to be before
14 November 24th. And I remember when the story broke on
15 November 24th, I said, "Geez, that was at least six weeks
16 ago that Nancy mentioned this to me." And that's why I was
17 so frustrated about them. And then there are discussions
18 with the press, whether that was the Mayor's press
19 conferences or he went on the media a couple of times, and
20 he'd just talk about how we really probably need to examine
21 our public record request process and the clerk's office,
22 and maybe they need more clerks. No. They -- in doing the
23 redacting, they withheld the information, and it doesn't
24 take six weeks to do.

25 **Q. Have you had any conversations with anyone else in**

1 the legal department about how they handle public records
2 requests related to Straub and Cotton?

3 A. No. After this broke, I didn't talk to any of
4 them about it. My relationships are broken with most people
5 over this. I was lied to repeatedly. I feel like we have
6 been deceived repeatedly. I now have my own legal
7 department threatening me with legal action if I talk to
8 you. I'm in a broken situation, literally.

9 Q. Do you remember when they did make the production
10 on November 24th of 2015, they actually produced, to both
11 Mary Schultz and to Nick Deshais at the same time and the
12 same documents, do you remember seeing the actual documents
13 that were produced on that date?

14 A. No. I never -- I was at home. I think it was
15 Thanksgiving weekend. We had -- I think that was right
16 around the power outage.

17 Q. I mean, to this day, have you seen the documents
18 that were released on that --

19 A. I have read some of the notes that have been
20 posted online and such, but I haven't taken the stack and
21 gone through them, and I think that would depress me too
22 much.

23 Q. Have you had any conversations with Monique Cotton
24 about the circumstances of her --

25 A. I ran into her one day in the elevator, and it was

1 when the rumors were flying around back in -- it must have
2 been June or July. And she said, "Don't believe anything
3 you hear."

4 **Q. Did you ask her specifically about them?**

5 A. No. It was a roundabout conversation. I didn't,
6 "Did the Chief -- the rumors I'm hearing about the Chief and
7 you --" no, I didn't go explicit on her. I felt bad for
8 her.

9 **Q. Okay. Going back to the day that the Chief was**
10 **working out a press release and how it was going to roll**
11 **out, did he request the City to investigate the allegations**
12 **in the letters?**

13 A. I don't -- I don't recall if on that conversation
14 he said, "Please investigate." I know he said, "Please
15 don't release the letters." But I can't recall that he
16 said, "Please investigate."

17 **Q. Do you remember his lawyer suggesting there should**
18 **be an investigation?**

19 A. No, I don't remember that at all either way.

20 **Q. How many calls was she on; just the one or --**

21 A. It wasn't Mary Schultz at that time. It was a
22 different gentleman.

23 **Q. Okay. Do you remember his name?**

24 A. I can't remember his name. He was only at the
25 call at the beginning. So if I was in that room for two and

1 half hours, the lawyer was probably on the call for the
2 first 45 minutes.

3 Q. Do you have anything else you want to add that I
4 haven't asked you?

5 A. No. I think you got it all.

6 Q. Okay. Appreciate it.

7 A. I appreciate your time. Thank you.

8 Q. You bet.

9 A. And I've heard great things about you.

10 Q. Thank you.

11 A. And I'll call Lieutenant Walker, because --

12 THE REPORTER: Wait, let me go off the record.

13 MS. CAPPEL: Yeah, we're off the record.

14 (WHEREUPON, the interview of City Council

15 President Ben Stuckart was concluded at 12:07 p.m.)
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1 CERTIFICATE

2
3 I, Marilyn J. Broyles, do hereby certify
4 that I reported all proceedings adduced in the foregoing
5 matter and that the foregoing transcript pages constitutes
6 a full, true and accurate record of said proceedings to
7 the best of my ability.

8
9 I further certify that I am neither related
10 to counsel or any party to the proceedings nor have any
11 interest in the outcome of the proceedings.

12
13 IN WITNESS HEREOF, I have hereunto set my
14 hand this 25th day of March, 2016.

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19 _____
20 Marilyn J. Broyles
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Please make all corrections, changes or clarifications to your testimony on this sheet, showing page and line number. If there are no changes, write "none" across the page. Sign this sheet on the line provided.

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Signature _____

Ben Stuckart

1 DECLARATION

2 Interview of: Ben Stuckart Date: 3/22/16

3 Regarding: Frank Straub

4 Reporter: Broyles

5 _____
6
7 I declare under penalty of perjury the following to
8 be true:9
10 I have read my deposition and the same is true and
11 accurate save and except for any corrections as made
12 by me on the Correction Page herein.13
14 Signed at _____,
15 on the _____ day of _____, 2016.16
17
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24 Signature _____

25 Ben Stuckart