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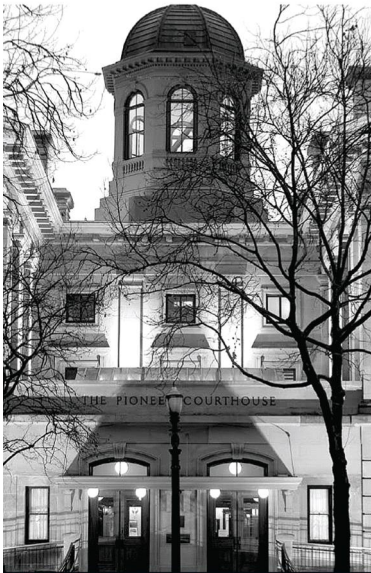
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**IN THE MATTER OF SPOKANE POLICE DEPARTMENT
RESIGNATION OF CHIEF FRANK STRAUB**

INTERVIEW OF

GAVIN COOLEY

TAKEN ON

WEDNESDAY, MAY 25, 2016

9:29 A.M.

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

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1 **INTERVIEW OF**

2 **GAVIN COOLEY**

3 **TAKEN ON**

4 **WEDNESDAY, MAY 25, 2016**

5 **9:29 A.M.**

6
7 **MS. CAPPEL:** Today's date is May 25th, 2016. It
8 is 9:29 a.m., and I'm here with Gavin Cooley.

9 Gavin, can you spell your name?

10 **MR. COOLEY:** Yes. It's Gavin, G-a-v-i-n, Cooley,
11 C, double O, l-e-y.

12 **MS. CAPPEL:** And, Gavin, can you tell me the
13 position you hold in the city and how long you've had that
14 position?

15 **MR. COOLEY:** I'm the chief financial officer for
16 the City of Spokane, and I assumed that role in mid May of
17 2003, and continue in that role.

18 **MS. CAPPEL:** And I take it you supervise a staff?

19 **MR. COOLEY:** Yes. At this time, I'm supervising
20 business analytics and treasury staff, really only amounting
21 to four individuals. However, historically, I've -- until
22 just recently, 2016, supervised accounting and finance and
23 IT at various points, risk management, treasury, tax and
24 license.

25 **MS. CAPPEL:** So a slew of --

1 **MR. COOLEY:** A slew of departments and
2 individuals, yes.

3 **MS. CAPPEL:** And so Tim Dunivant --

4 **MR. COOLEY:** Yes.

5 **MS. CAPPEL:** -- which I think is spelled D-u-n-i-
6 v-e-n-t.

7 **MR. COOLEY:** A-n-t, yes.

8 **MS. CAPPEL:** A-n-t, sorry. He is the
9 budget/finance director?

10 **MR. COOLEY:** Yes. He's been the budget director
11 historically. And so in our shift in roles, which at this
12 point is informal, he is really the finance director and --
13 and assumed those various supervisory roles that I alluded
14 to earlier that I no longer have. I'm much more focused now
15 on investments and strategic financial and work. And so he
16 is managing those various departments now in his new role.

17 But that has yet to be affirmed by City Council.
18 And they have indicated that they would like to do that
19 through the budget process. So even though we're operating,
20 I think, informally, under these new arrangements, those
21 will be affirmed formally in the 2017 budget process, which
22 will be later this year.

23 **MS. CAPPEL:** And so before this informal
24 restructuring occurred, did Tim have any sort of role or was
25 he dedicated in any way to the Spokane Police Department?

1 **MR. COOLEY:** I think indirectly in his roles, in a
2 lot of ways. Through the budget process, certainly. And
3 there's just a lot of goings on with the police department
4 in that budget role. You know, the police department is a
5 big chunk of our budget. Public safety itself is about 60
6 percent of the general fund budget. So Tim has good
7 expertise and regular dialogue in that area.

8 And I think Tim also, I mean, you could have a
9 narrowly-defined budget role; likewise, you could have a
10 narrowly-defined CFO role, and you could have a more
11 expansive one. I think we both have a fairly expansive one.
12 We have been there for a while, and so we very much get into
13 the policy conversations. So you can say, take a simple
14 matter like police overtime --

15 **MS. CAPPEL:** Uh-huh.

16 **MR. COOLEY:** -- which is a significant issue in
17 the -- in the general fund. Both Tim and I would engage in
18 that topic very directly. You know, talking to personnel
19 leadership and -- and to say, you know, what's going on,
20 what can we do to help, what do we see going on for the rest
21 of the year, and -- and including a very direct role with
22 key individuals in the department, so including finance
23 people, but not limited to finance people.

24 **MS. CAPPEL:** So one of the reasons I'm starting
25 with Tim is, I've seen some indication that he attended some

1 labor management meetings at the police department, and
2 possibly some other leadership meetings. Was -- was he
3 attending meetings on a regular basis, to your knowledge?

4 **MR. COOLEY:** Yes. Yes. He's a member of the
5 labor management group. And so along with Erin Jacobson in
6 legal and continuing now outside the city on a contract
7 basis, and Heather Lowe in HR, they are the negotiating
8 team. And so, you know, it's natural that you'd have
9 somebody in the finance area. So, kind of, relevant to that
10 experience I was talking about earlier, Tim is very much
11 involved in that on an ongoing and regular basis. That's one
12 of those higher-level things that he does.

13 **MS. CAPPEL:** And how about any other meetings he
14 was attending with the -- at the police department; senior
15 leadership meetings? Command staff meetings? CompStat
16 meetings?

17 **MR. COOLEY:** You know, sometimes, there's -- off
18 and on, we have had meetings. Whether it was with Anne
19 Kirkpatrick or Frank Straub or others, we would have Friday
20 meetings, where I think we, from a finance standpoint, were
21 trying to, kind of, integrate leadership activity. And so
22 we would have, like, Friday meetings on a regular basis.

23 And I think for a long time, they were every other
24 week. And so I would -- that's primarily, at that time, at
25 my direction and reaching out, and I would often, though,

1 bring Tim, because he is more of a subject matter expert on
2 a lot of the budget matters that we would often be talking
3 about.

4 **MS. CAPPEL:** And so the focus of my discussion
5 with you here today will be during the tenure of Frank
6 Straub.

7 **MR. COOLEY:** Uh-huh.

8 **MS. CAPPEL:** And I'm going to give you some
9 parameters. One is from August 2012 until the date of his
10 resignation, which I don't expect you to remember, but it
11 was September 22nd of 2015.

12 **MR. COOLEY:** Uh-huh.

13 **MS. CAPPEL:** So during that period, what were your
14 opportunities to interact with Frank Straub, the frequency
15 and, sort of, context?

16 **MR. COOLEY:** Yeah. I was there. I was on one of
17 interview teams, and so I went through the interviews, and I
18 was, actually, a fan of Frank's. I saw strong leadership,
19 you know, and, you know, skills and background, and felt
20 that he definitely was somebody that could come in and
21 institute changes that, you know, we were undertaking as an
22 administration and organization.

23 So that was my initial exposure to Frank. And
24 then on an ongoing basis, then, there's all those issues I
25 alluded earlier to with finance, you know, with, you know,

1 overtime, budget, and also just our focus on criminal
2 justice in general.

3 And again, when I talk about that expansive role
4 of finance, I think, you know, then, really, since 2003,
5 kind of, a member of what you would call, kind of, an
6 informal kitchen cabinet with the mayor where it's usually
7 four or five individuals who, you know, sit around and talk
8 about things that really affect the broader operation of a
9 city.

10 **MS. CAPPEL:** Uh-huh.

11 **MR. COOLEY:** And so it's, I think, pretty natural
12 to have the finance person there, because it touches just
13 about everything.

14 **MS. CAPPEL:** Uh-huh.

15 **MR. COOLEY:** And so really, there's a lot of
16 discussion always, not just in this administration, about
17 public safety. You know, like I said, it's 60 percent of
18 the general fund budget, where so much of the focus is.

19 And so we had a lot of conversations with Frank,
20 about Frank, you know, and -- and the operation of the
21 police departments and how that's going, and, you know. And
22 with a particular focus in my case, you know, on how that
23 might affect the financial operation of the city.

24 **MS. CAPPEL:** And was Frank part of that informal
25 kitchen cabinet?

1 **MR. COOLEY:** No.

2 **MS. CAPPEL:** Okay. And then, of course, you
3 attend cabinet meetings that he -- that he was present for?

4 **MR. COOLEY:** Yes.

5 **MS. CAPPEL:** What -- what was your impression of
6 Frank, based on your experiences?

7 **MR. COOLEY:** Yeah. Generally speaking, he was
8 what I saw in the interview, a strong personality, a strong
9 leader. A little bit standoffish with regard to the broader
10 organization, which isn't unusual. You know, we, I think,
11 almost by law and even the -- even the structure of
12 municipal government, the fund structure, we almost create
13 statutory silos. And, you know, while they might be
14 originally designated as financial separation, that
15 financial separation, I think, is kind of, function follows
16 form. We create that form, and the function follows it.

17 So since I have been with the city, and I suspect
18 with every city, public safety tends to silo off. And
19 there's even a siloing off between different parts of public
20 safety. So saying that public safety is siloing or doing
21 its silo, fire might be in one silo, police might be in
22 another, and the courts might be in another.

23 **MS. CAPPEL:** When you say public safety, are you
24 including all three divisions; the courts, fire, and police?

25 **MR. COOLEY:** It can, yeah, although I can

1 certainly separate them. There is certainly -- mentioning
2 those silos, I think they are -- they are distinct. But
3 there's that focus. And they have a lot of commonality from
4 a financial standpoint. But at the same time, I think, you
5 know, police is the biggest portion of that.

6 And so we were constantly reaching across --
7 getting back to your question of, you know, Frank and the --
8 just his relationship to the broader organization -- it was
9 -- he kind of pushed back a little bit. And some things
10 were opened up, you know, like at the CompStat meetings and
11 sharing data, and -- but, you know, he's fairly reticent and
12 reserved in cabinet, but periodically, would step in, based
13 on experience in other jurisdictions, and I think he would
14 oftentimes refer to things he had done, and, you know, his
15 positions in -- in other jurisdictions, and, you know,
16 periodically, just tell stories. But they were usually on
17 point, and very, I think -- he was well spoken.

18 **MS. CAPPEL:** Okay. So in the time that Frank was
19 with the City of Spokane, did you personally ever observe
20 any inappropriate behavior or unprofessionalism from -- from
21 Chief Straub?

22 **MR. COOLEY:** Kris, not really. I'm trying to
23 think of a single instance where -- no, I didn't. Absolutely
24 not.

25 **MS. CAPPEL:** Okay.

1 **MR. COOLEY:** And a little bit of the context for
2 that is, my original feeling about him was that he was a
3 strong, approaching abrasive, leader, and -- and maybe gruff
4 or brusque, you know, those -- those kinds of adjectives. And
5 so did he ever depart from my initial impressions of him?
6 Not really.

7 **MS. CAPPEL:** Okay. And while he was the chief
8 here in Spokane, did any concerns come to your attention
9 about issues that either his staff had with him or other
10 people in the city?

11 **MR. COOLEY:** Yes.

12 **MS. CAPPEL:** And what kinds of things were you
13 learning?

14 **MR. COOLEY:** I think my outreach was fundamentally
15 -- and again, I'm kind of -- I have to go back to that
16 expansive role of the CFO, and I think a lot of that is
17 relationship based. And so you're constantly looking for
18 relationships that help you, you know, do your job. And so
19 that could be with City Council members. That could be with
20 individuals in the police department, et cetera, where
21 you're just -- information is really important in
22 understanding what's going on. And so I think maybe several
23 key relationships, Tim Schwering, Selby Smith, certainly
24 Sarah.

25 **MS. CAPPEL:** Sarah Lynds?

1 **MR. COOLEY:** Lynds, and I'm thinking who else.
2 Those would be the primary, you know, I guess -- nah, I
3 wouldn't even include Rick Dubrow. Rick later. I very much
4 enjoyed working with Rick when he came into the cabinet.
5 But at that time, not at all.

6 **MS. CAPPEL:** So those --

7 **MR. COOLEY:** He was much more quiet and reserved.
8 Later, I found a different Rick that I really enjoyed. But I
9 -- I wasn't able to reach out to Rick.

10 **MS. CAPPEL:** So Tim, Selby, and Sarah were -- I
11 think what you're saying is, your primary sources of
12 information about Straub?

13 **MR. COOLEY:** Yes.

14 **MS. CAPPEL:** Is that fair?

15 **MR. COOLEY:** And probably Tim Schwering primarily.

16 **MS. CAPPEL:** Okay. And what were you learning
17 from Tim and Selby and Sarah? And can you place in time
18 when you first started hearing of problems or issues they
19 had?

20 **MR. COOLEY:** I believe in about -- I believe it
21 was in about April of 2014. And I think the way --

22 **MS. CAPPEL:** So that would be two years ago.

23 **MR. COOLEY:** Yeah.

24 **MS. CAPPEL:** Okay.

25 **MR. COOLEY:** I think the -- the way that would

1 come about would be in conversations with Tim, and I think I
2 just naturally hit it off with Tim. I'm a private sector
3 guy, and I think I was -- I think I made a deliberate
4 attempt to -- I did make a deliberate attempt to reach out
5 to Tim, because he appeared to me to be a very competent
6 individual, and he was working from the outside, and he
7 seemed to have the ability to, at once, question what was
8 going on in the police department, and at the same time,
9 support what was going in the police department.

10 So he had -- you know, he could do that balancing
11 act. And I think we all do that, you know, if we're doing
12 our jobs. We -- we question and try to improve. At the
13 same time, we're part of what moves it forward. And, of
14 course, there's a -- part of that is the leadership
15 organization itself respecting that and -- and observing
16 those organizational lines.

17 He was able to, kind of, navigate that. He was
18 able to question what was going on around him, make
19 observations about it, so maybe have ideas about how to
20 correct it, and even be critical of it, while at the very
21 same time, being very supportive of it.

22 And so that's what I was getting from him was,
23 probably, initially, like, wow, you know, this is an amazing
24 environment to work in, kind of -- you know, just --

25 **MS. CAPPEL:** Amazing in a tongue in cheek way?

1 **MR. COOLEY:** A little bit tongue and cheek, yeah.
2 Just, like, you know. And I -- you know, and I could have
3 the same conversations with my wife or anybody else, like
4 another crazy day at the office, you know. Because there's
5 a lot of -- in a municipal organization, there's just a lot
6 of things -- any governmental, I suspect, you know, where
7 you've got the City Council over here, and they're trying to
8 do their jobs, and you got the administration over here, and
9 all these countervailing winds that you're trying to serve
10 at once, and some people thrive in that and other people can
11 hardly believe it, because it's much different than the
12 private sector, which is much clearer.

13 **MS. CAPPEL:** So what kind of things was Tim
14 sharing with you that he was experiencing?

15 **MR. COOLEY:** Tim was -- I guess going back to that
16 question of did I ever see Frank behave unprofessionally. I
17 can't remember if it was in April or shortly after, but at
18 some point in that time period, he was becoming increasingly
19 concerned that, you know, Frank was pushing too hard. You
20 know, that he was getting -- you know, the bruskeness was too
21 brusky, or the -- you know, the uncomfortable meetings
22 demanding results were too uncomfortable. And so it was
23 never to the point of red flag, like, this is a real
24 problem, because -- Kris, the funny thing about these
25 organization -- this organization is, anytime you try to

1 create change, and you're constantly trying to create
2 change, is, the one thing you know for sure when you're
3 creating change is, it's going to get pushback.

4 And it -- it's always appeared to me, the police
5 department is an organization that's going to push back
6 against change. And for good reason. And it's not like
7 they're any different than any other group of people, but
8 they are somewhat of a fraternity, and they -- you know,
9 they -- I think they have their own special form of silo.
10 And so when you bring in a change agent, especially from the
11 outside -- I give this as context -- I fully expected that
12 there would be pushback against a personality like Frank.

13 **MS. CAPPEL:** Uh-huh.

14 **MR. COOLEY:** There was pushback. You know, I had
15 inside conversations -- I don't know if that's the right
16 word -- but, you know, informal conversations with Anne
17 Kirkpatrick back in the day, where you'd go into her office
18 and she's just like, "Oh, my God, you know. You know, this
19 is really a tough organization. This city beats the heck
20 out of newcomers, and this organization really makes it
21 almost impossible to create change in a meaningful way." I
22 mean, that's kind of a summation of some of her complaints -
23 -

24 **MS. CAPPEL:** Uh-huh.

25 **MR. COOLEY:** -- in an informal setting. You know,

1 so I expected the same for Frank, certainly, and knew that
2 he was experiencing that. And -- and Tim would relate some
3 of those things. You know, he'd just say, "You know, we had
4 a leadership team meeting, and Frank was in an awful mood or
5 whatever." And my antenna was definitely up. I have, like
6 most cabinet members have, an informal -- not informal --
7 scheduled time with Theresa Sanders, the city administrator,
8 once a week.

9 **MS. CAPPEL:** Uh-huh.

10 **MR. COOLEY:** In my case, for an hour, and then
11 there's other times I spend with her during, kind of, those
12 informal kitchen cabinet-type meetings on Friday mornings
13 and other times, where, you know, we would talk about things
14 like that. And I would relate those --

15 **MS. CAPPEL:** Like what?

16 **MR. COOLEY:** Like, you know, if I had a
17 conversation with Tim Schwering, it was never really outside
18 my -- kind of, my own perceived notion of activities that I
19 would be engaged in as the CFO.

20 **MS. CAPPEL:** Uh-huh.

21 **MR. COOLEY:** So I would relate those back and say,
22 "You know, Theresa, you know, clearly, Tim is a little
23 concerned about, you know, the atmosphere in the police
24 department is really intense." And that's about what is
25 was. And --

1 **MS. CAPPEL:** Were you speaking at that level, or
2 were you getting down into more details? For instance, was
3 Tim using language like hostile work environment,
4 retaliation, bullying, harassment?

5 **MR. COOLEY:** No, he had never used any of those
6 things, but what he would say was, like a really
7 uncomfortable meeting or Frank lost his temper, you know.
8 But it was -- it was never rose to the point where he's
9 saying, you know, you know, Frank is abusing his position or
10 any of those things you just mentioned.

11 **MS. CAPPEL:** Uh-huh.

12 **MR. COOLEY:** Or bullying. But it was certainly in
13 that, kind of, area where you're like, you know, that's why
14 I'm passing on Theresa, like, let's make sure we're talking
15 to Frank and keep it, you know, you're walking a fine line
16 there, Frank. You know, he is a change agent, as, you know,
17 strong leadership versus abusive leadership.

18 **MS. CAPPEL:** Uh-huh.

19 **MR. COOLEY:** And clearly, it's uncomfortable. And
20 Tim, I think, was just a guy you could trust because he
21 seemed to have a -- again, kind of a private sector
22 experience and an equanimity about him that I trusted his
23 judgment of where that fine line was, you know, on pushing
24 the -- you know, somebody is pushing the organization,
25 somebody is trying to create change, they're getting

1 pushback, but at some point, you know, if there's something
2 like bullying or anything like that, okay, you've crossed
3 the line. And so he seemed to be hinting at that they were
4 dangerously close to those sorts of things. And at some
5 point, he brought forward not ever a meeting where he said
6 that absolutely there was -- you know, anything like sexual
7 abuse or -- that never came up, or --

8 **MS. CAPPEL:** Sexual harassment?

9 **MR. COOLEY:** Or harassment. I'm sorry.

10 **MS. CAPPEL:** Freudian slip.

11 **MR. COOLEY:** I got -- my wife deals a lot in those
12 things, so I just do it freely.

13 So but he described a meeting in particular in
14 which Frank really lost his temper and that everybody became
15 uncomfortable. And that did raise a red flag. And so I
16 remember in that situation, I actually reached out to Sarah
17 Lynds and met her at Coeur Coffee, and I think that was in
18 around that April time frame.

19 **MS. CAPPEL:** Of 2014?

20 **MR. COOLEY:** Yeah. I'll go back and check that.
21 It might -- it might have been August, but it was -- I think
22 it was earlier in 2014. And -- and then I also reached out
23 to Selby Smith, who I knew through drug enforcement agency.
24 They were a tenant of a building in which -- I was the CFO
25 of Northwest Life, and they were leasing from us, and that's

1 where I knew Selby from, in a -- you know, that prior life.

2 And so we had more a friendship outside the -- you
3 know, our professional relationship. But I do remember
4 asking Sarah, you know, is anything going on? "No, no,
5 everything's -- you know, yeah, it's pretty intense, but
6 pretty normal." And then I would have to -- I just don't
7 recollect perfectly, but I think I spoke to Selby, and he
8 downplayed it. But then --

9 **MS. CAPPEL:** And how did he do that?

10 **MR. COOLEY:** Well, he just, you know, yeah, it's
11 pretty back to the -- it's pretty intense. So at that
12 point, he and Sarah were on the same page, like, intense,
13 but okay. And, you know, I think I alluded, you know, to
14 the meeting that Tim had talked about. And yeah, that was -
15 - I think they both said something like, yeah, that was --
16 you know, that was intense, but not -- they didn't really
17 raise the alerts the way I, kind of, thought they might.

18 So I was, I think, at that point, being, kind of,
19 you know, it relieved my concerns to a degree. But then
20 Sarah, I remember came back and said, "You know, I thought
21 about what you said." And -- and I think -- I'd have to go
22 back and -- I think she texted me and said, "I thought about
23 what you said. I'd like to talk again."

24 And so we met again, I think at Coeur Coffee, or
25 maybe just at City Hall the second time. But she said,

1 "Yeah, it was -- you know, he yelled at people and it's --
2 yeah, it's just over the top." And so -- and -- and so at
3 that point, again, it wasn't about sexual harassment. There
4 was no mention of anything like that. But she did say
5 there's just -- you know, there's yelling and intimidation
6 going on.

7 So I think at that point, yes, there was hints of
8 bullying, or, you know -- you know, where -- where you have
9 just tempers flaring and unprofessionally. And you can, you
10 know, label that whatever you like. But that's what it
11 seemed like. It was -- it was more intense than is
12 appropriate in a professional setting like that.

13 **MS. CAPPEL:** And so what did you do with that
14 information? When Sarah came back and said, "I thought
15 about it, and this is what's going on," how -- how do you
16 deal with that information?

17 **MR. COOLEY:** Then I just relayed that on to
18 Theresa, you know. And I would -- you know, we -- I have
19 the kind of rapport with Theresa where I can just say, you
20 know, look, I would probably just have related exactly what
21 I did to you.

22 **MS. CAPPEL:** Uh-huh.

23 **MR. COOLEY:** Just saying I had this talk with Tim
24 Schwering. I suspect I had the coffee with Tim, and then
25 said, you know, maybe I should get together with Sarah, who

1 is in -- you know, not directly reporting to the finance
2 organization, but I think does a very good job of, kind of,
3 balancing us. She informs us very well and doesn't do the
4 silo thing. And so -- and we had originally hired Sarah,
5 and so I think we had a good rapport. So I think I
6 suggested to Theresa that I would meet with Sarah and Selby
7 and because I knew Selby in this other life.

8 **MS. CAPPEL:** Did Selby ever come back and say no,
9 it's worse than I --

10 **MR. COOLEY:** No. And --

11 **MS. CAPPEL:** -- alluded to?

12 **MR. COOLEY:** No, and I was, kind of, surprised by
13 that. Selby is -- he's a very steady guy and laid back. And
14 so he -- I think his take was, yeah, this is -- you know,
15 this is, kind of, what goes on, you know. And yet I think I
16 was trying to be a little more sensitive, like, maybe. You
17 know, I'm hearing maybe this is a little beyond what goes
18 on. And -- but I remember even hearing those conversations
19 that Rick was kind on Selby's -- you know, Rick Dubrow.

20 And again, I didn't meet directly with Rick and
21 didn't know Rick. But Rick seemed to be, kind of, flowing
22 with it. Selby, you know, was like, yeah, it's pretty
23 intense, but seemed to be flowing with it. And then you,
24 kind of, had this other perspective from Tim Schwering and -
25 - and subsequently from Sarah.

1 **MS. CAPPEL:** And when you shared this information
2 with Theresa, what was her response?

3 **MR. COOLEY:** Well, when I share stuff like -- you
4 know, information like that with Theresa, my -- the nature
5 of my conversation with Theresa is, I let her know what's
6 going on in my world. And she will sometimes direct me or -
7 - you know, or give me feedback. And the -- a lot of what
8 she does is, as she says, blocking and tackling. She's
9 helping me do my job. And then once in a while, I think I'm
10 passing information back to her that, you know, helps her do
11 her job. And I'd -- I'd characterize this one as the
12 latter. But she doesn't normally, you know, come back and
13 say, "Well, this is what I'm going to do with that
14 information." You know, it's -- it's my understanding that
15 she has regular meetings -- or had then, and with the police
16 chief, you know, and, you know, Frank and others, and that
17 she would use that information to keep things in line.

18 **MS. CAPPEL:** Uh-huh. And did she ever share with
19 you that she had confronted or had a conversation with Frank
20 about what you shared, and that is, his behavior that was --

21 **MR. COOLEY:** I don't think I received that direct
22 feedback. I know that Theresa, like every city
23 administrator I have known, was having regular direct -- you
24 know, probably uncomfortably direct meetings with the police
25 chief. And, Kris, that's just not unusual. I mean, I

1 remember one year -- like Roger Bragdon was one of the early
2 police chiefs, and we've had a number of them in my tenure.
3 And, you know, we had budget cuts and things going on. And
4 at some point, we had cuts that everybody had to abide by.
5 And -- and one by one, everybody's coming up, well, here's
6 my portion of the cuts and here's how I'm going to make
7 those cuts --

8 **MS. CAPPEL:** Okay.

9 **MR. COOLEY:** -- to meet the -- to balance the
10 budget. And the last guy to come in was Roger, and he
11 walked in, and just threw his badge on the thing and said,
12 "My cuts are --" you know, he had a piece of paper that said
13 zero, and he threw his badge on the -- on the conference
14 table. You know, and it was just -- you know, it was
15 grandstanding, but it's -- it's not unusual. You know,
16 there's this tension.

17 And I think police chiefs feel this tension where
18 they're trying to represent their constituency, their part
19 of the organization, and then they've got this other part of
20 the organization over here, probably, in their eyes,
21 limiting their resources, limiting their abilities to carry
22 out their mission, et cetera, and that seems to be a
23 constant tension. So I think -- it was clear to me that
24 Theresa had those kinds of regular, tense meetings with the
25 police chief.

1 **MS. CAPPEL:** Including Straub?

2 **MR. COOLEY:** Yes.

3 **MS. CAPPEL:** And so before these conversations
4 with Tim and Sarah and Selby in, I think you're estimating
5 April of 2014.

6 **MR. COOLEY:** Yeah.

7 **MS. CAPPEL:** Had anything -- had any other
8 concerns come to your attention about how Straub was running
9 the police department, either in the area of constant
10 organizational changes, how we was --

11 **MR. COOLEY:** Oh, sure.

12 **MS. CAPPEL:** -- managing his budget?

13 **MR. COOLEY:** Yeah.

14 **MS. CAPPEL:** Personnel transfers, whether he was
15 using those as a punitive measure?

16 **MR. COOLEY:** Yeah. So take the personnel changes.
17 Early and often. Yeah, a great concern in the finance area.
18 We're administrators. You know, it drove us crazy, you
19 know. And, you know, here's another switch and here's
20 another switch, and it was hard to even keep track of, from
21 a budget standpoint, of what was going on, when, how, what.
22 And it was really difficult from a financial standpoint.

23 We had a lot of shifting even of the financial
24 resources. Finance people, you know, that were involved in
25 finance, Carly Cortright and Erica Wade, were, kind of,

1 moved in and out of the finance area into higher management,
2 and so that made it really difficult for the finance folks
3 to do what the finance folks are supposed to do. And even
4 Sarah Lynds was quickly -- you know, at first, she was very
5 much focused in the financial area, which is great, and
6 she's very good at it, and then it seemed very quickly, that
7 morphed into a leadership role with many other
8 responsibilities, which, of course, made it harder for her
9 to keep her singular focus on the financials.

10 So on two levels, the -- just shifting those
11 personnel around and keeping track of the financial elements
12 of that. And I'm sure, you know, HR was also -- you know,
13 that was a great struggle for HR to just do -- make all
14 those changes. And then likewise, just from a management
15 standpoint, getting the work of accounting and the financial
16 -- the financial work done was difficult with the
17 constantly-shifting personnel.

18 **MS. CAPPEL:** And so was that a subject -- or a
19 topic of conversation with Theresa and the mayor in --

20 **MR. COOLEY:** Oh, sure.

21 **MS. CAPPEL:** -- in discussions?

22 **MR. COOLEY:** Well, I wouldn't say the mayor. I
23 mean, I'd -- I'd say, you know, maybe not that particular
24 thing. I mean, probably high-level budget concerns like
25 overtime or things like that. We have regular, you know,

1 financial updates to cabinet. So something like overtime
2 running over budget would be something that would regularly
3 come to the mayor and the rest of the cabinet's attention,
4 and there would be some feedback from the police chief,
5 maybe, or grumbling or whatever. you know, like, wow, we're
6 trying to do this or the -- you know, we're, you know,
7 recruiting school. You know, we're understaffed and we have
8 -- you know, there's -- there's always explanations.

9 But as far as, you know, complaining about the
10 administration of the department to the mayor, not so much.
11 You know, that -- that was -- I don't remember him being in
12 that conversation. But I do -- you know, we certainly
13 discussed it with Theresa. I mean, that's her area. And,
14 yeah, that was a concern. That would involve, probably, not
15 just me in those cases, but very much Tim Dunivant, too.

16 **MS. CAPPEL:** And the -- the conversations between
17 you and Tim and Theresa, did they include any concern about
18 how he was managing his budget? I mean, was he blowing his
19 budget? Was he spending money inappropriately?

20 **MR. COOLEY:** No, I don't think so. I mean, in
21 some ways, the budget, by the time Frank arrived, is --
22 between Public Safety and the rest of the organization was -
23 - is and was much more transparent. And so not so much
24 inappropriate other than except to say that, you know, too
25 much overtime and kind of a reckless disregard for that.

1 You know, just like, look, my job is to make this -- you've
2 said it -- the safest city of our size, you know. And
3 that's what I'm doing. And, you know, almost a disdain for
4 the -- the administrative concerns of the CFO or the budget
5 director. You know, I'm trying to carry out a broader
6 mission here, deal with it.

7 You know, but that -- Kris, when I say that, yeah,
8 that maybe sounds really bad, but that is a fairly
9 consistent attitude from police chiefs. I mean, they -- I
10 think they hold their mission of public safety very -- it's
11 -- it's a big mission and it's very important to them, and
12 they do, kind of, look at us as, I'm kind of annoying --

13 **MS. CAPPEL:** Uh-huh.

14 **MR. COOLEY:** -- the administrators quite often,
15 with a -- a message they don't like.

16 **MS. CAPPEL:** Putting the overtime issue aside,
17 were there any other red flags brought to your attention
18 about how he was spending money?

19 **MR. COOLEY:** I mean, not really. I feel like we
20 had fairly decent financial controls, you know, whether it
21 was, you know, Tim Schwering talking to us or Sarah Lynds.
22 The primary one -- and, you know, and then organizational. I
23 mean, it was -- I think those shifts in personnel, it was
24 sometimes -- I mean, at our level, we were thinking, you
25 know, is the job still getting done, and are the -- you

1 know, all these shifts around, is this -- does this make
2 sense. But we're not really in a position to know that for
3 sure, but we certainly have the common sense response that,
4 you know, constant shifting around, it's almost like
5 watching a sports team, where, you know, every night you see
6 them, just different people playing different positions.
7 This is like, it kind of seems chaotic over there.

8 **MS. CAPPEL:** Okay.

9 **MR. COOLEY:** And the management ranks.

10 **MS. CAPPEL:** Did you ever have any concerns that
11 he was using personnel moves and transfers to reward his
12 friends and punish his enemies?

13 **MR. COOLEY:** It didn't appear to me that way,
14 Kris. What it appeared to me was, he was very demanding,
15 and if he -- if people weren't responding to that
16 environment, he was just extremely quick to make a change.

17 He seemed to be very quick, too, to bring new
18 people in without really vetting it. I mean, we -- you
19 know, some individuals that he -- even in the finance area
20 that he would quickly move into management roles, you know,
21 I can think of at least where we weren't -- can I go off the
22 record for a second?

23 **MS. CAPPEL:** Hold on.

24 **(Brief recess.)**

25 **MS. CAPPEL:** So we're back on the record.

1 And we had a brief conversation about the issue we
2 were addressing before we went off the record. And to
3 summarize, there were a few hires or promotions that Chief
4 Straub requested that didn't work out because the
5 individuals were not suited for the positions, but then
6 there were other hires that did seem to work out, and you
7 don't know all the details of -- of some of these personnel
8 moves that he was making.

9 **MR. COOLEY:** Except that there were a lot of them.

10 **MS. CAPPEL:** Except that there were a lot of them.
11 Did anyone -- well, let me go back to what was, at the time,
12 the executive leadership team for Straub. It was Tim and
13 Sarah, Selby, and then eventually, Dubrow.

14 **MR. COOLEY:** Right.

15 **MS. CAPPEL:** But again, I'm going to focus on
16 things that came to your attention before 2014.

17 **MR. COOLEY:** Before 2014?

18 **MS. CAPPEL:** Right, and I think -- I think you
19 were describing some of the personnel changes, which, from
20 what I can tell, started happening pretty quickly.

21 **MR. COOLEY:** Right.

22 **MS. CAPPEL:** He was hired in the fall of 2012. By
23 January of 2013, he, in coordination with HR, had been
24 allowed to appoint what would become directors or positions
25 that were no longer protected by civil service. They became

1 at-will positions. And that included his first command
2 staff, which was Arleth, Walker, and Meidl.

3 **MR. COOLEY:** Right.

4 **MS. CAPPEL:** And then he also brought Monique
5 Cotton in as his Director of Communications.

6 **MR. COOLEY:** Right.

7 **MS. CAPPEL:** And so is this all -- do you recall
8 that this --

9 **MR. COOLEY:** Yeah. Arleth and Meidl I know and
10 knew, and so -- but I didn't have any real conversations
11 with them outside -- you know, kind of the -- the -- say in
12 the relationship with Tim Schwering. I didn't have that
13 kind of relationship with those individuals.

14 But, you know, when we would have the biweekly
15 meetings that I was talking about -- and sometimes I'd bring
16 Tim. Sometimes it would just be me. Other times, quite
17 often, it was Pam Dolan, who is the Director of Accounting.
18 But we were talking about financial matters, and it was a
19 good team, you know. And -- but like you said, there was a
20 lot of shifting around going on.

21 I don't think we ever had any direct interface
22 with Monique, and I don't think she was in any of those
23 meetings then or later. So none of -- my world really
24 didn't touch Monique at any point except sometimes some PR
25 events and other things.

1 **MS. CAPPEL:** And so given the time line that I'm
2 giving you -- and I don't expect you to remember, but I'm
3 pretty certain it's accurate -- that by March of 2014, that
4 leadership team I described had been confirmed by the
5 Council. So that was, sort of, his first --

6 **MR. COOLEY:** Uh-huh.

7 **MS. CAPPEL:** -- command staff.

8 **MR. COOLEY:** Right.

9 **MS. CAPPEL:** And then by January of 2014, less
10 than a year later, Walker self-demoted, Arleth self-
11 demoted, and Meidl self-demoted, Carly was transferred. Did
12 that come to your attention and was that a topic of
13 conversation?

14 **MR. COOLEY:** Yeah. I think it's more -- you know,
15 it came to my attention, I think, in due course as opposed
16 to any advance notice. And it was certainly -- you know,
17 it's almost like, you know, lunchroom talk or -- you know,
18 we have a tight group in finance, so I think the director of
19 accounting, the budget director and myself, would be like,
20 wow, there's a lot of changes going on there.

21 And it -- it was more just, you know, questions
22 about the personalities and things going on. I mean, you
23 know, why is that happening, why are people self, you know,
24 demoting. It must really be a demanding environment over
25 there. It wasn't -- you know, and maybe there might have

1 been speculation about it being over the top, you know. But
2 I think it was just more perceived almost in a sports
3 analogy of, like, a manager who is, kind of, shifting things
4 around a lot trying to make things work.

5 **MS. CAPPEL:** Uh-huh.

6 **MR. COOLEY:** And it's uncomfortable and a little
7 bit of a question mark throughout that, like, hope this guy
8 knows what he's doing.

9 **MS. CAPPEL:** So you mentioned you have worked
10 through several police chiefs --

11 **MR. COOLEY:** Right.

12 **MS. CAPPEL:** -- in your tenure at Spokane. Have
13 you seen this kind of shifting and self-demoting?

14 **MR. COOLEY:** No.

15 **MS. CAPPEL:** Any -- anything even close to what
16 happened --

17 **MR. COOLEY:** Not even close, no. I think -- you
18 know, Frank was brought in as a change agent, and I think
19 the other police chiefs I'd seen were more, you know, kind
20 of go along, get along kind of personalities. I think Anne
21 might have been first one that tried to introduce change,
22 but she was a much lower-key personality than Frank. It was
23 pretty obvious from the start that Frank was going to get in
24 there and shake things up.

25 **MS. CAPPEL:** So when you say he was brought in as

1 a change agent, were there specific things that he was asked
2 to address? You know, what -- what was he supposed to
3 change in the Spokane Police Department?

4 **MR. COOLEY:** Well, I think the culture -- you
5 know, clearly, we were responding to historical things that
6 had gone on in the department and a -- and a lack of
7 confidence in the department. So Otto Zehm, obviously, was
8 a great example of --

9 **MS. CAPPEL:** Uh-huh.

10 **MR. COOLEY:** -- you know, things that were going
11 on, but -- that we were trying to, kind of, create a new
12 culture. But I think in general, the idea of being the
13 safest city of its size, you know, that being one of the
14 vision statements for the city --

15 **MS. CAPPEL:** So get the crime rate down.

16 **MR. COOLEY:** Get the -- yeah, get the crime rate
17 down, but also restore, you know, trust. And so a lot of
18 that was just, you know, what is the relationship between
19 the police force and the -- and the citizenry. And
20 certainly, Frank seemed to carry that leadership role
21 particularly well.

22 **MS. CAPPEL:** Uh-huh.

23 **MR. COOLEY:** And it was evident in the interviews
24 and -- and in some -- you know, I remember seeing him on a -
25 - on, probably, the first MLK Day, and I remember being very

1 proud of his comments. And maybe relative to the other
2 comments I heard around him, it seemed like suddenly, we had
3 a guy that could stand up in a crowd and say what needed to
4 be said and make you proud of the public safety leadership
5 in the city. And so in many ways, he was doing a great job.

6 **MS. CAPPEL:** Uh-huh.

7 **MR. COOLEY:** And -- and that was certainly one of
8 the key objectives, I think, throughout, you know, the
9 interview process, of finding somebody that could provide
10 leadership that the citizens had faith in.

11 **MS. CAPPEL:** Uh-huh.

12 **MR. COOLEY:** And -- and I think he articulated
13 extremely well a progressive sense of policing; you know,
14 progressive, thoughtful. And we needed that, you know. And
15 so -- but aggressive, you know. And -- but the stats, you
16 know, he was good with stats. He would talk about the
17 CompStat meetings and what was happening and the crime rate,
18 you know, property crimes, domestic violence, violent
19 crimes, all -- you know, he -- he was regularly providing
20 information on that. And I didn't go to those meetings.
21 They were, I think, 7:30 in the morning on Tuesdays, and --
22 but I think the mayor regularly did. And so a lot of things
23 were going right.

24 **MS. CAPPEL:** Okay. In terms of the personnel
25 shifts, was -- in the context of him being a change agent,

1 was there an expectation that he was going to replace, shake
2 up the senior command staff? Was that part of his --

3 **MR. COOLEY:** I don't think so. I think that came
4 a little bit as a -- well, you know, if that's what he deems
5 necessary to carry out, you know, these goals and
6 objectives, I guess, you know, we hired him.

7 And it's not like that doesn't happen all the
8 time. You hire a leader, and the leader doesn't -- you're
9 not sure what the leader is going to do. And I don't think
10 this is a micromanaging organization that's not as -- back
11 to leadership style, you know, or going to leadership
12 styles, neither the mayor or Theresa, I think, both are --
13 both of them have a leadership perspective that is, we're
14 going to hire people that can make the right decisions, and
15 we're not going to micromanage them. They want information.
16 The mayor is very demanding of -- you know, being informed
17 and kept abreast of things. Likewise Theresa, and she gets a
18 lot of -- I mean, when I go into my meetings, my weekly
19 meetings with her, I have, you know, Microsoft One Note with
20 a long series of bullets, and I develop that throughout the
21 week, and I provide a pretty detailed update of everything
22 going on, just -- and rattle right down those bullet points.

23 But they don't micromanage. They really do, kind
24 of, block and tackle for you. The assumption is that you're
25 the right person for the job, and they're going to be there

1 to help you do your job, and if at some point you stop being
2 the right person, then it's kind of implicit you'll be gone.

3 **MS. CAPPEL:** Okay. So in terms of the -- the
4 staff moves that were going on, you're aware of it, and it
5 looks like, from your perspective, that what's happening is
6 what everyone anticipated would happen, and that is --

7 **MR. COOLEY:** But not with the staff changes. Well
8 -- I'm sorry, go -- I'll let you --

9 **MS. CAPPEL:** Well, and just to finish that thought
10 out.

11 **MR. COOLEY:** Yes.

12 **MS. CAPPEL:** Did people from inside the police
13 department -- and putting Schwering aside for the time being
14 -- come to you or others in the city to say, look, there's
15 more going on than just staff being shifted around or
16 positions being changed or the organizational structure
17 being changed; that he is abusing his authority?

18 **MR. COOLEY:** I didn't get that sense. You know,
19 with Craig, who seemed -- you know, I think I knew Craig a
20 little better than, say, Brad or -- Mr. Walker, I don't know
21 except in passing -- didn't -- it seemed to be more of, you
22 know, I'm getting calls at 11 o'clock. You know, I don't
23 have a life outside the police department, and I'm expected
24 not to have a life. You know, Frank doesn't have a life
25 other than the police department, and he expects me to do

1 the same thing, and that's not my value system.

2 **MS. CAPPEL:** Uh-huh.

3 **MR. COOLEY:** So I'm going back. So it wasn't --
4 it was just -- it wasn't that he was being abusive or -- but
5 it was an extremely aggressive environment. But, you know,
6 probably most of us have been there before. At least in my
7 area, they have. And I think sometimes we complain that
8 people aren't there in my area.

9 **MS. CAPPEL:** Uh-huh.

10 **MR. COOLEY:** You know, the -- I was with Price
11 Waterhouse and Coopers and Lybrand, and Tim Dunivant was
12 with LeMaster and Daniels, you know, at the -- back when,
13 and, you know, we're -- and the same with the accounting
14 director, Pam Dolan at the time. All of us had known the
15 60- or 70-hour work weeks. And you kind of work to a result
16 and you reverse engineer off that. And all of us bemoan, I
17 think, a culture, a municipal culture where it's more about
18 the process. I can put in eight hours, and I'm gone. And
19 it's like, well, your work isn't done. You're missing a
20 deadline. Yeah, but I did my eight hours.

21 **MS. CAPPEL:** Uh-huh.

22 **MR. COOLEY:** And then I think Frank brought in an
23 idea that this is the objective, and we're going to do
24 whatever it takes to reach that objective. That's -- we
25 know, from our own experience in finance, that that's a

1 really unpopular role or attitude. Extremely unpopular. It
2 gets you in trouble with the unions, the civil service, and
3 just about everybody under the sun. But, you know, if we're
4 trying to get certain things done and certain objectives,
5 sometimes it -- it means something more than eight hours.
6 And hopefully, sometimes it means less than eight hours.

7 **MS. CAPPEL:** Uh-huh.

8 **MR. COOLEY:** You know. But -- and so it didn't
9 surprise us that Frank was unpopular in that regard, and,
10 you know, feedback from people like Craig -- and I heard it
11 indirectly, not firsthand -- you know, this -- this is just
12 too intense, you know. And it's like, yeah, frankly, Price
13 Waterhouse was with me, too. After a few years, I was
14 really happy to get out of there.

15 **MS. CAPPEL:** How about -- there were -- I don't
16 know how to quantify it, but there were some early
17 retirements within the first year. There were some of
18 senior leadership, some lieutenants and captains. There was
19 also some of the older staff, some of the secretaries to the
20 former chiefs who looked like they were taking early
21 retirements. Did any of that come to your attention?

22 **MR. COOLEY:** No. I would have -- if they had, it
23 would have -- I would have probably taken it in stride. I
24 didn't hear any commentary back. You know, we're not great
25 at exit interviews. We should probably do better.

1 **MS. CAPPEL:** Uh-huh.

2 **MR. COOLEY:** But I didn't hear anything about
3 that.

4 **MS. CAPPEL:** So nothing along the lines that he's
5 cleaning house and getting rid of all the old employees --

6 **MR. COOLEY:** Yeah.

7 **MS. CAPPEL:** -- or the -- the older employees?

8 **MR. COOLEY:** Kris, I have no recollection of a
9 thought going through my mind that he is punishing people. I
10 did have in my mind that he was creating a really hot
11 environment in which people were opting out.

12 **MS. CAPPEL:** Okay. So let me shift topics ever so
13 slightly. You mentioned that you -- you know Monique
14 Cotton, but never really worked with her or had much to do
15 with her in terms of work. Did --

16 **MR. COOLEY:** I don't think I've ever had an
17 individual ever, like, one-on-one meeting with Monique, or a
18 side -- even a -- other than -- she's always seemed
19 extremely polite and professional and -- but I don't think
20 I've ever had a private conversation with Monique.

21 **MS. CAPPEL:** So one of the things that's been,
22 sort of, front and center of this investigation is a text --
23 some text messages between Chief Straub and Monique. And I
24 don't know if you're familiar with them, but they happened
25 in August of 2013. And it was an exchange where Chief

1 Straub wrote something like, "I love you. You're the best
2 partner ever," or something like that. Did that come to
3 your attention, that there had been that kind of exchange
4 between them?

5 **MR. COOLEY:** No. No.

6 **MS. CAPPEL:** There was also -- there's been a lot
7 of discussion about people thought the two of them were too
8 close or appeared too close, and they questioned what the
9 relationship was about. Did that ever rise to your level as
10 a point of discussion?

11 **MR. COOLEY:** I think I heard gossip about that
12 much later. I'm thinking like 20 -- 2015, you know.

13 And, Kris, I think in retrospect -- and I don't,
14 of course, even -- I don't have any firsthand knowledge or
15 understanding of that question, but it would have never
16 really -- my mind wouldn't have been open to it, because he
17 had a new marriage. He seemed to have a young, beautiful
18 wife, and seemed to have his hands full in the world of
19 personal relationships, and it never would have occurred to
20 me that he would have looked beyond that world.

21 **MS. CAPPEL:** Okay. Are you generally familiar
22 with the city's nepotism policy, which prohibits a
23 supervisor from supervising someone with whom they have a
24 romantic relationship?

25 **MR. COOLEY:** Generally, yeah.

1 **MS. CAPPEL:** Do you have any information, from any
2 source, that Frank Straub ever violated that policy?

3 **MR. COOLEY:** Only just general, I guess, gossip on
4 that topic of Monique. And again, I think it came much
5 later, and I've never it heard move beyond gossip.

6 **MS. CAPPEL:** Okay. Has anyone ever told you that
7 Frank admitted to having an inappropriate relationship --

8 **MR. COOLEY:** No.

9 **MS. CAPPEL:** -- with Monique?

10 **MR. COOLEY:** No.

11 **MS. CAPPEL:** Not from any source?

12 **MR. COOLEY:** No. And again, my closer
13 relationships in that department, Sarah Lynds and Selby
14 Smith and Tim Schwering, never mentioned anything like that.

15 **MS. CAPPEL:** Okay. Let me take a break, and then
16 I'm going to see what topic I want to go to.

17 **(Brief recess.)**

18 **MS. CAPPEL:** So we're back on the record.

19 And we were talking earlier in the interview about
20 conversations between Gavin and Tim Schwering that Gavin
21 thought were in April of 2014. Gavin has now checked his
22 text messages and wants to correct the date of those
23 discussions, as well as the date of his conversations with
24 Sarah Lynds.

25 **MR. COOLEY:** Yes. And I -- in checking this, so

1 it must be working contextually off the weather or something
2 like that, but -- but not the year. I had the month about
3 right. You know, it wasn't the April time frame, but it
4 appears to have been in April 2015, not 2014. So all of
5 those references to April or around April, and I think also
6 whether I was talking about the April time frame or August
7 time frame, we need to move those from '14 to '15.

8 **MS. CAPPEL:** So when we were talking about Tim's
9 conversations with you, Sarah's initial conversation where
10 things were intense but okay, and she came back to say.
11 "Well, not really. It is -- it is pretty bad," that was all
12 in the April 2015 time frame?

13 **MR. COOLEY:** That's correct.

14 **MS. CAPPEL:** Okay. So on that subject, there was
15 a meeting, on March 31st, 2015, with Chief Straub and
16 several other members of his department, which included Mark
17 Griffiths, Eric Olson, Selby Smith, Rick Dubrow, and Monique
18 Cotton. And the meeting got very heated, and a number of
19 those participants were very upset about that meeting. Did
20 you ever learn about a meeting?

21 **MR. COOLEY:** I'm pretty sure that's what everybody
22 was alluding to in those April meetings I'm talking about.

23 **MS. CAPPEL:** When you were talking to Tim and
24 Sarah?

25 **MR. COOLEY:** Yeah. When they're saying, "Yeah,

1 it's getting uncomfortably intense," I think, you know, they
2 were just saying, you know. And I think they did allude to
3 a specific meeting in which things were very uncomfortable.

4 **MS. CAPPEL:** Do remember whether Tim shared with
5 you what Straub had said, either to Griffiths or to Monique
6 Cotton, the use of specific vulgar language?

7 **MR. COOLEY:** I believe that Tim did mention that
8 he was -- he lost his temper and he was cussing.

9 **MS. CAPPEL:** That Frank Straub had?

10 **MR. COOLEY:** Yes.

11 **MS. CAPPEL:** Did he talk to you about how Monique
12 reacted to that meeting?

13 **MR. COOLEY:** I do not believe so. I don't recall
14 Tim discussing specifically who he was yelling at or where
15 it was directed.

16 **MS. CAPPEL:** Do you remember him raising any
17 concerns that he thought what happened in that meeting
18 between Straub and Cotton could potentially be considered
19 sexual harassment?

20 **MR. COOLEY:** I don't -- no, we didn't have any
21 conversations. I mean, in fact, kind of, the context was --
22 I think the context always with Tim -- because a lot of it
23 was just, kind of, friend -- is quasi friendship
24 professional. But I think in some ways, he was just looking
25 for guidance, like, is this always like this around here?

1 And I think Tim was a little worried about his situation.
2 You know, Tim's married and is a dad. And so I think he was
3 clearly -- you know, one of the, kind of, sub themes in all
4 our conversations was, you know, it's kind of scary
5 professionally, you know, that this could be damaging. I
6 mean, this guy is making personnel changes all the time, and
7 I'm not sure where I land in all this.

8 **MS. CAPPEL:** Uh-huh.

9 **MR. COOLEY:** You know, I'm working really long
10 hours, and this is a -- this is a tough job and it's really
11 unpredictable. And, you know, it might be, kind of, like,
12 well, listen, I'll, you know, pass that on to Theresa,
13 because, you know, it seems like you're doing a great job,
14 Tim. Hang in there. You know, so it was kind of collegial
15 like that. But I don't recall any direct conversation of
16 anything to do with Monique any more than everybody else in
17 the room. Like, he was lashing out at everybody, as far as
18 I could tell. That's my --

19 **MS. CAPPEL:** So no recollection that he had seen
20 Monique after the meeting and saw that she was very
21 emotionally upset --

22 **MR. COOLEY:** No. No.

23 **MS. CAPPEL:** And -- and that he was looking for
24 guidance about whether he should file some sort of sexual
25 harassment complaint on her behalf or --

1 **MR. COOLEY:** No.

2 **MS. CAPPEL:** -- or elevate it to someone else?

3 **MR. COOLEY:** No. My -- my perception was that
4 Frank was getting far too intense, but it was -- my
5 perception was generic as opposed to with regard to any
6 specific individual, including Tim.

7 **MS. CAPPEL:** Okay. Did it come to your attention
8 ever, and if so, when for the first time, that Monique had
9 alleged sexual harassment against Chief Straub?

10 **MR. COOLEY:** I have -- at some point, I think I've
11 heard that, and I -- you know, at various points I've heard
12 that. But again, it was more in the nature of gossip as
13 opposed to anything substantive or firsthand. And I didn't
14 hear it from that -- ever from that group of people where I
15 had direct -- you know, from Sarah or Selby or Tim.

16 **MS. CAPPEL:** What about from Theresa; did she ever
17 share with you --

18 **MR. COOLEY:** No.

19 **MS. CAPPEL:** -- that Monique had made sexual
20 harassment complaints?

21 **MR. COOLEY:** No. And I think, again, the
22 conversations with Theresa are more one way, you know, me
23 giving her information, and my assumption that she is using
24 that information to do her job.

25 **MS. CAPPEL:** Uh-huh.

1 **MR. COOLEY:** And so, no, we didn't -- we didn't
2 sit around, and, you know, shoot the breeze about what Frank
3 was or wasn't doing. I was more focused on delivering to
4 her my information.

5 **MS. CAPPEL:** Did you become aware that Monique
6 transferred from police to Parks?

7 **MR. COOLEY:** Yeah.

8 **MS. CAPPEL:** How did you become aware of that?

9 **MR. COOLEY:** I believe in cabinet meeting.

10 **MS. CAPPEL:** Did you have any role in figuring out
11 how to make that work in terms of --

12 **MR. COOLEY:** No. Tim would have. Tim would have
13 been involved in that budget process, at least indirectly. I
14 mean, we have a -- you know, good staff up in Parks, and
15 Parks has autonomy, so they tend to make those changes and
16 adjustments themselves, and then we have oversight.

17 **MS. CAPPEL:** Did -- was there any discussion, at
18 the cabinet meeting or elsewhere, about why Monique was
19 transferring to Parks?

20 **MR. COOLEY:** I think -- and again, I would have to
21 -- I think it's more like coffee cooler talk, that, you
22 know, things have, obviously, gotten very uncomfortable
23 between them. But I don't think there was specific
24 discussion at cabinet, that I recall, where it was called
25 out that there were -- you know, as you said earlier, there

1 was sexual harassment charges or anything like that. I think
2 it had just gotten very uncomfortable.

3 **MS. CAPPEL:** Okay. Did you personally have any
4 conversations with Chief Straub about the concerns people
5 were raising about his temper and his --

6 **MR. COOLEY:** No.

7 **MS. CAPPEL:** -- behavior?

8 **MR. COOLEY:** I think early on, I had, kind of,
9 hoped to have a relationship with Frank that I really hadn't
10 had with other police chiefs, so it would help me do my job.
11 And so I invited him mountain biking, and he expressed an
12 interest in that. But I think it became clear pretty early
13 that he was a very busy guy, and so am I. I've got eight
14 children, so -- and so I just -- it became, kind of, clear.
15 I think we had a couple instances where we would meet
16 socially very early on and not specifically, just we'd be
17 some place and talk, and I think made a conscious choice
18 that that wasn't something I was going to take on. He was
19 easy for me to do indirectly, the relationships that I've
20 talked about.

21 **MS. CAPPEL:** I want to shift topics to Carly
22 Cortright. Did you learn at some point that she transferred
23 from police to City Hall to -- to work on the MySpokane?

24 **MR. COOLEY:** Yes.

25 **MS. CAPPEL:** And how did you learn about that?

1 **MR. COOLEY:** I believe through Tim Dunivant.

2 **MS. CAPPEL:** And what were you told about the
3 reasons for her transfer, if you were?

4 **MR. COOLEY:** Pretty much in the same context as
5 all the other personnel shifts; that, you know, it -- it
6 wasn't working out, and that Carly was uncomfortable there
7 and was opting out of that, working in that environment.

8 **MS. CAPPEL:** And did you ever have any
9 conversations directly with Carly about the reasons for the
10 transfer?

11 **MR. COOLEY:** No. I really don't have that
12 relationship with Carly.

13 **MS. CAPPEL:** Any conversations with Straub or
14 Theresa Sanders about the circumstances of Carly's transfer?

15 **MR. COOLEY:** No.

16 **MS. CAPPEL:** Did you personally learn of any
17 complaints from the female staff in the Spokane Police
18 Department that they were uncomfortable with how they were
19 being treated by Frank Straub?

20 **MR. COOLEY:** No.

21 **MS. CAPPEL:** No one came to you?

22 **MR. COOLEY:** No.

23 **MS. CAPPEL:** How about any of the -- the male
24 staff in the Spokane Police Department; any personal
25 information that they had concerns about how they were being

1 treated by Straub?

2 **MR. COOLEY:** Well, I think Tim was concerned about
3 his -- his role in the police department and his -- you
4 know, his ability to continue. Selby not. You know, Craig
5 Meidl made his move, and we really didn't talk about it.
6 Sarah was fairly steady throughout. I mean, that being the
7 only female contact, you know, at that level that I had.
8 But you know, a pretty direct one. Her attitude was, this
9 is pretty intense. But I think Sarah would say it's pretty
10 intense in finance. You know, there's a lot of pressure and
11 a lot of deadlines and other things. So again, I didn't --
12 she didn't seem to be addressing that in a -- in much of a
13 different way than any other things she was doing, except
14 that it sure is a lot. I got finance, and now I've got this
15 senior leadership, and the balancing act that she was
16 involved with.

17 **MS. CAPPEL:** Did you know Sarah before she was
18 hired?

19 **MR. COOLEY:** No. I was involved in hiring her.

20 **MS. CAPPEL:** But didn't -- didn't know her from --

21 **MR. COOLEY:** No.

22 **MS. CAPPEL:** -- prior employment?

23 **MR. COOLEY:** No.

24 **MS. CAPPEL:** Okay. So the next thing I want to go
25 to is the -- a letter that the mayor submitted to the City

1 Council. It's a cover letter, and then there are two
2 attachments, and the attachments are a narrative that
3 respond to certain questions posed by the Council and then a
4 chronology.

5 **MR. COOLEY:** Uh-huh.

6 **MS. CAPPEL:** And my question is whether you had
7 any role in helping draft this letter. And when I say the
8 letter, I'm talking about the attachments, too.

9 **MR. COOLEY:** No. I think in our current -- we
10 have 8 o'clock meetings on Friday, which are, ostensibly,
11 those kitchen cabinet meetings. And I think, really, the --
12 where this would come up was just quite high level, how much
13 do we apologize. You know, how much of this is an apology
14 versus, you know, a statement of facts. And it just gets
15 into that, kind of, balance of power between executive and
16 Council. And so there was -- you know, I think some of us
17 had thought an apology was important. And, you know, it's
18 just -- it's one of those conversations where you kind of go
19 back and forth on how much do you apologize. I mean, we're,
20 obviously, all concerned about what had happened.

21 **MS. CAPPEL:** Apologize -- apology for what?

22 **MR. COOLEY:** Exactly. I mean, you know, whether
23 this should have been, you know, handled differently, you
24 know, the way that things unfolded, as the mayor says. And I
25 think that was the nature of the problems is, apologize for

1 what? That was the other side. And I think, you know,
2 maybe, you know, in some ways, just that things didn't work
3 out the way we hoped with Frank Straub, and in a lot of
4 ways. And so but -- and that gets back to almost a generic
5 conversation about when and how do you apologize for -- when
6 things don't work out.

7 **MS. CAPPEL:** And was there any discussion about
8 things that the mayor felt he did need to apologize for?
9 Were there some areas where he felt or conceded that
10 mistakes were made and an apology was warranted?

11 **MR. COOLEY:** Not really. I think those
12 conversations were occurring more on a communications level
13 with Brian Coddington, Theresa, and the mayor. And so it
14 really wasn't a main topic of conversation at those kitchen
15 cabinet meetings. And we cover just about everything in
16 those meetings. You know, we bounce around a lot. There's
17 no real set format; just kind of topic of the day type
18 stuff. But, no, we didn't really focus much there in those
19 kitchen cabinet meetings.

20 **MS. CAPPEL:** What about in terms of how the
21 Monique Cotton story was handled; any discussion about a
22 need to apologize for that?

23 **MR. COOLEY:** I -- I had a sense those
24 conversations were happening, but not really directly at the
25 kitchen cabinet meetings.

1 **MS. CAPPEL:** That you were a participant in?

2 **MR. COOLEY:** That I was a participant in.

3 **MS. CAPPEL:** Back to --

4 **MR. COOLEY:** And I -- and kitchen cabinet is a
5 loose term. You know, on any given day, Brian Coddington
6 might be -- you know -- you know, he might be described in
7 his own meetings, as kind of a kitchen cabinet-type meeting,
8 which may be -- just generically, might be a break-off from
9 the main cabinet. And you know, there was a definite sense
10 on my part that the mayor, Theresa, and Brian were having
11 regular conversations about all this, and the city attorney.

12 **MS. CAPPEL:** "All this" meaning the Straub --

13 **MR. COOLEY:** Straub.

14 **MS. CAPPEL:** -- slash Cotton --

15 **MR. COOLEY:** Cotton.

16 **MS. CAPPEL:** -- scenario?

17 **MR. COOLEY:** Right.

18 **MS. CAPPEL:** But you weren't necessarily --

19 **MR. COOLEY:** No.

20 **MS. CAPPEL:** -- part of those conversations.

21 Back to the letter, the December 11th letter, were
22 you asked to read it before it was finalized?

23 **MR. COOLEY:** Kris, I don't recall if he brought
24 this to cabinet to have us this read this ahead of time or
25 not. I don't think so.

1 **MS. CAPPEL:** Okay.

2 **MR. COOLEY:** But he may have. You know, it was
3 discussed that this request was made by the City Council,
4 but I -- I don't know. I don't -- oftentimes, you know,
5 something will be distributed and there will be conversation
6 back and forth. But this one, I don't believe was ever
7 distributed at cabinet.

8 **MS. CAPPEL:** Okay.

9 **MR. COOLEY:** And to this day, I haven't read it
10 until you just placed it in front of me.

11 **MS. CAPPEL:** Okay. I'll take it back, then.

12 The last thing I want to ask you about is, in the
13 -- in the weeks, month before Straub resigned, there were a
14 series of public records requests coming in from various
15 media outlets that were very focused on the Straub-Cotton
16 relationship and the circumstances of Monique being
17 transferred to the Parks. Did those public records requests
18 come to your attention?

19 **MR. COOLEY:** I think I had a sense that they were
20 happening. I mean, again, it's back to coffee cooler talk.
21 But no. I don't usually -- I have no direct line towards
22 PRRs other than the ones that involve me. And so I don't
23 recall any formal discussion of that whatsoever. But, you
24 know, again, from just, kind of, a gossip standpoint, it was
25 -- you know, some discussion going on that these requests

1 were being made.

2 **MS. CAPPEL:** Was there -- what -- what was the --
3 sort of, the theory of what was going on at the time?

4 **MR. COOLEY:** I think -- this is -- you know, where
5 I'm talking is -- is primarily in the finance management
6 teams, so Tim and Pam and others. And it's more like
7 speculation, like, wow. You know, we hear that, you know,
8 at least some people think this relationship was there, and,
9 well, that seems odd. You know. And so more like, you
10 know, really not informed any better than the person reading
11 the newspaper next door.

12 **MS. CAPPEL:** Okay.

13 **MR. COOLEY:** And I don't think any one of us had
14 any knowledge beyond just that. You know, like picking up
15 the paper and going, wow.

16 **MS. CAPPEL:** What about any discussions, either in
17 cabinet or the informal cabinet with the mayor and Theresa
18 and possibly Brian, about how they were reacting to these
19 public records requests that were coming in one after
20 another?

21 **MR. COOLEY:** I think it was really obvious that
22 all three of those individuals were under a lot of stress.
23 And, you know, the -- the timing of what was said when and -
24 - and how and the -- you know, obviously, the executive
25 session and what was represented to the City Council, that's

1 been gone over and gone over. And then -- and how that was
2 related to the press is, obviously, there was a lot of
3 stress during that time, and, you know, those explanations
4 were pouring out.

5 But the way the seventh floor is, almost, laid out
6 -- and I spend a lot of time on the seventh floor just going
7 back and forth -- you would -- you could see into Brian's
8 cubicle, and you would see that he was on the phone talking
9 to one of the reporters and explaining, you know. So you
10 just knew, like, any other time something intense is going
11 on --

12 **MS. CAPPEL:** Uh-huh.

13 **MR. COOLEY:** -- you're aware that there's a buzz.
14 But I don't think I, or anybody in the finance area, was
15 directly involved in the -- those matters at all. It had,
16 kind of, gone on that communications pipeline.

17 **MS. CAPPEL:** Okay. What about any discussions
18 about concerns that certain documents were being requested
19 and that -- a concern that they might be released or that
20 they were releasable; did that come up?

21 **MR. COOLEY:** I think the whole conversation of the
22 release of documents has come up over and over again. And I
23 think what's really evolved is a -- is an understanding on,
24 maybe, the kitchen cabinet initially, and then, probably,
25 the broader cabinet over time, is, you know, I think all

1 along, we thought there is nothing that we -- I think if we
2 all had our way, and my sense is including the mayor, we'd
3 release every document tomorrow.

4 **MS. CAPPEL:** Uh-huh.

5 **MR. COOLEY:** And that I don't think -- certainly
6 not -- and I'll speak for myself. I am completely unaware
7 of any document that we would not say let's release. But
8 there is -- you know, risk management is in the finance
9 area, and so, you know, we've been in the role of reminding
10 the mayor that he has a fiduciary responsibility to protect
11 the corporation, and that that may not be the same as the
12 political role of transparency to the citizens, et cetera.
13 So if he releases a document that maybe looks like he is
14 managing the -- the situation properly or prudently, but it
15 creates exposure in the Frank Straub lawsuit, then we've had
16 to remind the mayor that that can create, you know, a
17 problem for him personally. You know, he has -- he has a
18 duty of fiduciary responsibility to protect the corporation.

19 That being said, I am completely unaware of any
20 document that we would not otherwise release for any reason
21 that paints us in a bad light. And I can even represent
22 that I've heard over and over again that the mayor, Theresa,
23 and members of the kitchen cabinet and cabinet in general
24 are just like, why don't we just release everything? Why
25 are we in this cycle of talking about what we're releasing

1 or not releasing? Can't we just release everything? And it
2 goes back to that admonishment.

3 **MS. CAPPEL:** And so the documents that I'm
4 focusing on are, there was a series of documents that were
5 released on November 24th, 2015, that were deemed responsive
6 to an August 18th public records request that was filed by
7 the Spokesman. And one of the things I've been asked to
8 investigate is why did it take that long to release -- you
9 know, a pile of 20 pages of documents all relating to the
10 Monique Cotton sexual harassment and conflict with Straub,
11 why did it take that long for those documents to see the
12 light of day. Was there any discussion -- those of the
13 documents I'm focusing on.

14 **MR. COOLEY:** Okay.

15 **MS. CAPPEL:** Anything being discussed around that
16 time frame, that there was a concern of the timing of
17 letting those documents go, who was making the decisions?

18 **MR. COOLEY:** None whatsoever that I am aware of
19 nor that I was involved -- ever involved in. And I -- I can
20 say that it's not -- it's not one of those situations of not
21 that I recall. It's I would recall that if it did happen.

22 **MS. CAPPEL:** Okay. Then the last question,
23 literally, that I'll ask you is whether you have information
24 from any source of any kind that Theresa Sanders requested a
25 member or members of the City Attorney's Office to delay the

1 production of records until after the mayor's reelection?

2 **MR. COOLEY:** Absolutely not. I am totally unaware
3 of anything like that. And I can, actually, say that to my
4 knowledge and every step of the way that I'm aware of,
5 Theresa has been an advocate for just release -- a great
6 impatience for the withholding of any documents for any
7 reason or for any amount of time. Can we just release them
8 all. In fact, she is one of the people we've had to remind
9 most strongly that we can't just do that; that -- you know,
10 she's -- she's, for quite some time, expressed frustration
11 that, "Can we just release everything so we can get this
12 over with?" And it's like, "No, we can't."

13 **MS. CAPPEL:** Okay. So I have exhausted my list of
14 issues and questions. Do you have anything you want to add,
15 any questions of me, before we go off the record?

16 **MR. COOLEY:** I don't think so, Kris. If I
17 mentioned any individuals, I hope -- I think I, you know, at
18 some point, went off the record with respect to one
19 individual. And I was thinking to myself, if I had
20 mentioned another individual, I sure don't want them to be
21 any part of -- I don't want to comment on anybody's
22 professional expertise or lack of expertise. It's not what
23 we were doing here today.

24 **MS. CAPPEL:** Right.

25 **MR. COOLEY:** But I was -- maybe the -- if I had

1 done that, I'm trying to remember -- it's back to that
2 personnel matters are hard. They're really hard. And I do
3 want to emphasize that the context for all of this going on,
4 and maybe the management response to it, is that knowledge
5 of how hard it is to create change.

6 And I -- I can tell stories all day long about --
7 for instance, just -- and just a short aside. When we came
8 in -- when the mayor came in and he wanted -- you know, he'd
9 heard -- in his mind, the problem with why he was elected
10 was not because of Otto Zehm, it was because of the water
11 rate increase and double digit rate increases. We didn't
12 know that when he came in. But very quickly, in meetings,
13 when we came in with another double- digit rate increase
14 request to do all the things we needed to do, he and
15 Theresa, very early on, made it -- you know, this is like
16 in, probably, the first week of the administration -- that's
17 not going to happen.

18 So we went back and we retooled, met with the
19 members of the water team and talked -- Rick Romero and I --
20 and talked about, you know, we got to get it down. And
21 ultimately, just to make a long story short, we had a series
22 of meetings in which people were standing up, pounding the
23 table, saying we're going to have boiled water scenarios,
24 you're putting the whole city at risk. You're putting the
25 citizens at risk, threatening to go to the media. You know,

1 I mean, just this is crazy, and, you know, incredibly
2 uncomfortable meetings.

3 And so what ended up happening is, we reverse
4 engineered and we came up with an inflationary increase. We
5 had changed management in water. And it looks to me now
6 that the water structure is in better shape than it's ever
7 been. It's operating more smoothly. It's in a much better
8 place. And instead of having double-digit rate increases
9 the last three years, we've had 2.9 percent, and we've got
10 that projected for 25 years. And I think it's in a real --
11 that enterprise fund is in great shape financially and the
12 infrastructure is great. It's had all the lead tests.

13 **MS. CAPPEL:** Uh-huh.

14 **MR. COOLEY:** That looks good, too. But boy oh
15 boy, was that an uncomfortable time period in which we were
16 making those changes. And the people that were vested with
17 the way it had been fought back tooth and nail. And that's
18 human nature. I'm sure if somebody came into my world and
19 did the same thing, I would fight -- I would be on the other
20 side of the fence. So I'm not indicting any individual, and
21 I didn't mean to indict any individual. But that's the
22 nature of making change at City Hall. So when we bring a
23 change agent, as we discussed earlier, like Frank in, and
24 suddenly, people are uncomfortable, I think we might be more
25 concerned if people weren't uncomfortable, because it would

1 be a clear indication that nothing is changing.

2 And so I think, from everything I saw, and
3 including conversations with Tim Schwering and -- and other
4 individuals in the department, it seemed to me that that
5 kind of uncomfortable process was occurring, and my radar
6 was up for anything beyond that. And at various points, you
7 know, I'm, kind of, probably squinting and thinking, okay,
8 is this crossing the line. And, you know, at some points it
9 seemed, especially as we got into that April 2015 time frame
10 --

11 **MS. CAPPEL:** Uh-huh.

12 **MR. COOLEY:** -- that it was, perhaps, doing that.
13 And that's what I was relating to Theresa. Like, yeah,
14 it's, kind of, getting hot over there. But like I said, it
15 was really hot in those -- those water meetings. So it's
16 kind of like, we need to look more closely. But nothing
17 like a smoking gun or anything resembling that at any point,
18 other than let's be careful here. Let's exercise prudence.
19 Let's not lose sight of the goal, which is to create
20 positive change. But let's not also ignore true abuses or
21 anything that's occurring. So it's -- it's a balancing act.
22 And so that was the context for what was going on.

23 **MS. CAPPEL:** So that reminds me that I didn't ask
24 you the question of how did you learn that Frank Straub had
25 resigned?

1 **MR. COOLEY:** I probably heard it the next day.

2 **MS. CAPPEL:** Were you consulted before the mayor -

3 -

4 **MR. COOLEY:** No. No.

5 **MS. CAPPEL:** -- asked Frank Straub for his
6 resignation?

7 **MR. COOLEY:** No. And I -- I think Theresa, and I
8 appreciate it, exercises a certain amount of discretion in
9 describing. I almost don't want to know those things, you
10 know. It's -- I got enough going on in my world.

11 **MS. CAPPEL:** Uh-huh.

12 **MR. COOLEY:** And so she's -- I -- I think she's --
13 my -- my interface is directly with Theresa, mostly, within
14 the cab. You know, the mayor, more formal meetings. And
15 Theresa is fairly discrete. You know, it's -- it's -- I'm
16 giving her information. She's blocking and tackling, as she
17 likes to say, and -- and then, you know, those kinds of
18 details, typically, unless they're in my area, she wouldn't
19 be sharing with me.

20 **MS. CAPPEL:** Okay. So anything else?

21 **MR. COOLEY:** No.

22 **MS. CAPPEL:** All right. It is 10:45, and we can
23 go off the record.

24 **(WHEREUPON, the interview of Gavin Cooley was**
25 **concluded.)**

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 20th day of June, 2016.

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20 Marilyn J. Broyles
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DECLARATION

Deposition of: Gavin Cooley Date: 05/25/16

Regarding: Frank Straub

Reporter: Broyles

I declare under penalty of perjury the following to be true:

I have read my deposition and the same is true and accurate save and except for any corrections as made by me on the Correction Page herein.

Signed at _____, _____
on the _____ day of _____, 2016.

Signature _____

Gavin Cooley

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