

1 Code No. 4185

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WASHOE

7 THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE

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10 IN RE: RICHARD A.) Case No. CV08-01258

11 SCHWEICKERT, LANE GROW AND)

11 TERRI PATRAW) Dept. No. 4

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15 TRANSCRIPT OF PROCEEDINGS

16 Hearing on Petition

17 P.M. Session

18 Thursday, September 18, 2009

19 RENO, NEVADA

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24 Reported by: DENISE PHIPPS, CCR 234, RDR, CRR

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APPEARANCES :

For the Petitioners:

IN PROPRIA PERSONA

I N D E X

WITNESSES:

DIRECT

HUSSEIN S. HUSSEIN (resumed)	4
GREGORY LEE MacRENARIS	11
LANE JAY GROW	96

EXHIBITS:

MARKED:

ADMITTED:

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12	10	10
13	10	10
14	87	87

1 RENO, NEVADA, THURSDAY, SEPTEMBER 17, 2009, 1:05 P.M.

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3
4 THE COURT: You may proceed.

5 MR. SCHWEICKERT: Before we conclude with
6 Dr. Hussein, we'd like to return to a couple of questions
7 that the Court had for which we were not able to find the
8 documents right on the spot.

9 But I think we've located the key documents that
10 are in our submission as evidence. This has to do with
11 payments by the College of Agriculture, known as CABNR,
12 for legal fees to some of these high-priced law firms.

13 These documents can be found on page 1066 to
14 1074. And that is in Exhibit 2-A.

15
16 HUSSEIN S. HUSSEIN.

17 Witness on stand at time of recess,

18 being previously duly sworn,

19 testified as follows:

20
21 **DIRECT EXAMINATION**

22 (Resumed)

23 BY MR. SCHWEICKERT:

24 Q Dr. Hussein, would you try to find those

1 documents, 1066 to 1074?

2 A I have it.

3 Q 1066 is a separator page, so they really start on
4 1067, and so we have a letter from Charles Hilsabeck on
5 1-22-07. Another one on the same date with invoices. We
6 have a whole run of documents that go all the way to 1074.

7 Could you explain to the Court what these
8 documents are showing.

9 A I believe there are three examples, three months,
10 invoices. So every set is for one month, like seven or
11 eight pages. And the key sheet on each set is -- for
12 example, page 1068, it has a signature of Charlene Hart.
13 Ms. Hart is the fiscal officer for the College of
14 Agriculture.

15 Q What are these letters, these cover letters and
16 invoices showing, Dr. Hussein?

17 A They're just showing that Mr. Hilsabeck is
18 directing the payment of every month an invoice from
19 McDonald Carano Wilson to be split between the College of
20 Ag, and so Ms. Charlene Hart, her job is to assign an
21 account from the College of Agriculture, to pay half of
22 the money. And the other half will, there is another
23 sheet here by Mr. Bruce Shively, who is the Associate Vice
24 President for Finance, to assign another budget number,

1 account number to pay for the other half of the monthly
2 invoice.

3 And that is going on, Your Honor, for a long
4 time. These are just three examples to make the point.

5 Q Dr. Hussein, you made a point before lunch that
6 there are no state fees allocated for legal defense to the
7 College of Agriculture, nor are there any federal funds
8 allocated for legal defense. So what must be going on
9 here when the College of Agriculture is making payments,
10 some of them, like on page 1069, \$30,656 to the law firm?
11 What must be going on here?

12 A My knowledge is not about this exactly, but it's
13 about other issues, which there is no fund to pay for
14 something, because the State audits its money; the federal
15 government audits its money.

16 So the way it works, you get to the end of the
17 year, and if there is money left over from the state, they
18 want to return it back to the state, they do something
19 called JV, which is journal voucher. So they transfer the
20 money to pay something in another account by journal
21 voucher and then they transfer the money to a third
22 account by journal voucher, and then by the third
23 transaction or the fourth transaction, if some audit
24 happens, there is no way to go back to find out where the

1 money comes from because of all of these different
2 accounts the money went through in terms of the transfer
3 process.

4 So I know based on my experience for the college
5 is the research money comes from the federal government
6 from the Nevada Agriculture Experimental Station. That's
7 an annual allocation by the feds and the state money is
8 coming for the instruction component only.

9 Q Would you specify that annual federal allocation?

10 A That's for the Nevada Agricultural --

11 Q I'm asking how much is it, I'm sorry.

12 A I don't have the figures, but based on our
13 previous years, it's a very large, more than \$10 million,
14 maybe more, because most of the salary of the faculty, for
15 example, doing research is coming from that budget, which
16 is a huge amount of money.

17 Q So the point -- I believe these documents
18 establish, Your Honor, that somehow the College of
19 Agriculture is finding money to pay legal expenses that
20 typically in some months are amounting to over \$30,000,
21 without any funds ever being budgeted for that purpose.

22 This process of journal vouchering that
23 Dr. Hussein described in any other setting would be called
24 money laundering.

1 THE COURT: That's argument. We can get that at
2 the end. But let's finish up with your witness. I guess
3 my question for you is: Do you have the College of
4 Agriculture's budget in here?

5 MR. SCHWEICKERT: I do not believe we do. I
6 don't think we do. Those budget figures we can get
7 online. So I'm not sure if we're able to access the
8 budget numbers for the years of these documents, 2006.
9 It's possible we have those in our files, but we haven't
10 brought them to the court.

11 THE COURT: Okay. Anything else?

12 BY MR. SCHWEICKERT:

13 Q Dr. Hussein, there was another document that I
14 wanted to bring to your attention. And I believe that
15 related to a question about the S Bar S Ranch that came up
16 earlier.

17 The document in question is on page 932, in that
18 same volume, Volume 2, Exhibit A, page 932. This says --
19 we have here a memo from Tom Judy to President Glick
20 regarding the investigation of the S Bar S Ranch.

21 Can you tell me what is important about this
22 document in regard to the questions that came up earlier
23 about the misuse of the S Bar S Ranch funds?

24 A It's very simple: My question and my request to

1 Tom Judy to investigate was where did the money go. Six
2 months of investigation, according to them -- that's a
3 report, Your Honor, from page 932 to 945, and that report
4 after six months does not provide that answer.

5 MR. SCHWEICKERT: Thank you, Dr. Hussein. I
6 believe that's all the questions for now.

7 THE COURT: Okay. You may step down. Thank you.

8 MR. SCHWEICKERT: Now, Your Honor, we'd like to
9 turn to another example of financial crimes at the
10 University of Nevada, Reno, and I'd like to call Mr. Greg
11 MacRenaris to be a witness.

12 (Witness sworn.)

13 MR. SCHWEICKERT: Your Honor, before
14 Mr. MacRenaris begins to answer some questions, we would
15 like to ask your permission to submit two more exhibits
16 into evidence.

17 THE COURT: I think the clerk has marked
18 something else. What do you have marked so far?

19 THE CLERK: Exhibit 11.

20 THE COURT: Was marked. And what is that? 11,
21 Ms. Clerk?

22 THE CLERK: The index of the exhibits.

23 THE COURT: That was provided to Mr. Hussein?

24 THE CLERK: Correct.

1 THE COURT: What else do you want to have marked?

2 MR. SCHWEICKERT: We have a handwritten document
3 here, a single page.

4 THE CLERK: Exhibit 12 marked.

5 (Exhibits 11 and 12 marked.)

6 THE COURT: Okay.

7 MR. SCHWEICKERT: And, secondly, we have an audit
8 report by the State of Nevada on Capital Construction
9 Projects, Contracting and Bidding Procedures dated 2004, a
10 bound copy.

11 Mr. MacRenaris has copies, or I believe has
12 copies of both of these.

13 THE CLERK: Exhibit 13 marked.

14 (Exhibit 13 marked.)

15 THE COURT: Did you want me to consider those
16 today?

17 MR. SCHWEICKERT: Yes.

18 THE COURT: 12 and 13 are admitted.

19 (Exhibits 12 and 13 were admitted.)
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21
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1 GREGORY LEE MacRENARIS

2 Having been called on behalf of Petitioners,
3 being duly sworn,
4 testified as follows:
5

6 DIRECT EXAMINATION

7 BY MR. SCHWEICKERT:

8 Q Very briefly, Mr. MacRenaris, tell us who you are
9 and what your relationship is to this proceeding.

10 THE COURT: First, let's state his name and spell
11 your whole name, please, for the court reporter.

12 THE WITNESS: My name is Gregory Lee,
13 G-r-e-g-o-r-y. Lee, L-e-e and M-a-c capital
14 R-e-n-a-r-i-s.

15 THE COURT: Thank you.

16 BY MR. SCHWEICKERT:

17 Q Please state a few facts on the record, who you
18 are and what is your relationship to this proceeding and
19 what kind of testimony will you be giving us.

20 A I arrived in Nevada -- I arrived in Nevada about
21 1986. I started working with the Carpenters Union. I
22 worked for Helms Construction for a while, for a few
23 years, and then I started working for a solar screen
24 company.

1 And then I opened up my own solar screen company
2 and started getting into the business of energy
3 conservation and started doing jobs for the State and the
4 University of Nevada, Reno.

5 Q I think that pretty much gives us some background
6 there. Thank you.

7 MR. SCHWEICKERT: As an aside, Your Honor, I want
8 to make a statement in regards to the matter that
9 Mr. MacRenaris is going to talk about.

10 I've been on the campus of the University of
11 Nevada personally for 25 years. And one thing that has
12 always been apparent to me as a person arriving and
13 leaving from campus in the parking lots where there are
14 construction projects, I've always seen trailers, trucks
15 and equipment with the name Gardner Engineering on it. It
16 seems it's ubiquitous. It's everywhere. In my mind, it's
17 been like this for as long as I can remember, at least 10
18 or 15 years. It always struck me as rather interesting.

19 Mr. MacRenaris here is going to testify to some
20 matters relating to no-bid contracts to Gardner
21 Engineering.

22 That's our first item that we want to bring to
23 your attention, the allegation that there have been and
24 there has been a long history of preferential contracts

1 awarded, in some cases no-bid situations, to Gardener
2 Engineering.

3 And a piece of evidence relating to that is the
4 handwritten document that you just entered into evidence,
5 I believe it was Exhibit 12, and I would like
6 Mr. MacRenaris to address that document, explain concisely
7 to the judge what that document shows.

8 THE WITNESS: I retrieved this document through a
9 Freedom of Information Act at the University of Nevada,
10 Reno. I acquired approximately 3,000 documents. One of
11 the documents that stood out was this handwritten
12 9:00 a.m. conference call between the facilities
13 maintenance staff. And you can see I have their -- with
14 the names and their jobs portrayed underneath them.

15 And what it basically says is that -- and line, I
16 think it's 12, the one with the arrow pointing at it,
17 says: "By doing things this way at least it looks like a
18 legitimate bid."

19 And then the other one, which is much worse,
20 says: "Maybe other contractors will recognize this for
21 what it is and not bid it."

22 In essence, what this did was verified the
23 conclusion of the audit report that said that Mr. Gardner
24 had been receiving preferential treatment at the

1 University of Nevada, Reno, through Vice President Buzz
2 Nelson for approximately 20 years.

3 BY MR. SCHWEICKERT:

4 Q Why don't we back up for a moment and --

5 THE COURT: I'm sorry. When you say the "audit
6 report," are you talking about the audit report I've got
7 in my hand?

8 THE WITNESS: Yes. Exhibit 13.

9 BY MR. SCHWEICKERT:

10 Q In a moment I'll ask you to go through that to
11 some key pages and entries. Can you explain to the Court
12 how we know who the author of that document is? Who is
13 writing this document and do we know anything about its
14 time frame?

15 A Yes, we do. The time frame, well, it can be
16 found out through phone check, because it was a conference
17 call.

18 But it was through Siemens, so I would say that
19 was probably around the year 2000, right in there. But
20 can be much more readily more confirmed by Larry Green who
21 has on-site knowledge, and I believe you're going to
22 subpoena him to come to court.

23 He will also testify to the fact that --

24 Q Before you go further with Mr. Larry Green, can

1 you tell us who the author is, based on what you were
2 told?

3 A I believe it's Lyle Woodward.

4 Q And who is Lyle Woodward, as far as you're
5 concerned?

6 A He's an architect at the university on the
7 facilities maintenance staff.

8 Q So you're saying that those are Lyle Woodward's
9 words from a conference call involving a discussion of
10 some sort of bids?

11 A These are minutes from the bid meeting.

12 Q Thank you for that.

13 We have a statement here on the screen that is a
14 fact that appears to be well known to a number of people,
15 and you've told me you have personal knowledge of this,
16 that Jim Gardner, the proprietor of Gardner Engineering,
17 has been a lifelong friend of Buzz Nelson?

18 A Yes.

19 Q Who is Buzz Nelson and how do you know this
20 information?

21 A Buzz Nelson is the vice president at UNR of
22 facilities maintenance. He's the one that runs the
23 construction.

24 Q He's not there now, though, is he?

1 A No, he's recently retired, I believe a year and a
2 half ago or maybe longer. I'm not quite sure.

3 Q How do you know about the relationship between
4 Jim Gardner and Buzz Nelson?

5 A That information was given to me by Larry Green,
6 who was an engineer -- who was an engineer on Buzz
7 Nelson's staff. He was the energy engineer. I worked
8 with him doing solar screen projects at the university.

9 THE COURT: I can't really consider that. That's
10 not evidence. It's hearsay.

11 MR. SCHWEICKERT: I understand, Your Honor.
12 We're just introducing some context here.

13 BY MR. SCHWEICKERT:

14 Q There's another statement here that says "Gardner
15 Engineering routinely adds 10 percent additional profit to
16 its no-bid contracts."

17 A If I may go back.

18 Q Briefly.

19 A Jim Gardner worked at the university in an
20 engineering capacity for 10 years before he opened up
21 Gardner Engineering with Buzz Nelson. Those are
22 documented facts that you can find at the university.

23 Q Thank you for that. We don't have that evidence
24 here to show the Court?

1 A No.

2 Q What about the statement that Gardner Engineering
3 adds 10 percent additional profit to its no-bid contract?
4 Where does that information come from?

5 A After my bids were summarily turned down at the
6 university, I got in touch with Larry Green, who was my
7 energy engineer, and he told me that if I wanted to
8 continue and put my solar screens on the buildings, that I
9 would have to call Gardner Engineering and that he would
10 tell me to add an extra 10 to 15 percent to the contract
11 and then I'd get it.

12 Q So this comes back to a conversation with Larry
13 Green?

14 A Absolutely.

15 Q There's a statement in here about bribery of
16 public officials. Do we have any documents before the
17 Court here that can help us to explain or document that
18 allegation?

19 A No, we don't. But there's a witness that can be
20 called who is a member of the Sierra Pacific staff who can
21 testify.

22 And, also, if you ask Jim Gardner and Buzz Nelson
23 that Vice President Parker, who was in charge of the
24 Shared Savings Program at Sierra Pacific Power, who had

1 just become head of that department, called Jim Gardner
2 and Buzz Nelson into his office and handed a check to Jim
3 Gardner for \$100,000 so that he would be in charge of the
4 engineering and given him the promise that the monies that
5 were left in the Shared Savings Program would all be used
6 at the University of Nevada, Reno, without bids.

7 Q So those are some allegations, and we don't have
8 the direct evidence of that unless we get some other
9 witness testimony; is that correct?

10 A Partially.

11 Q Now, with respect to the documents that we do
12 have in front of us, I'd like to draw your and the Court's
13 attention to a document starting at 2097. This is in
14 Exhibit 5 --

15 A I've got 2 and 3. I suppose I don't need those.
16 May I?

17 THE COURT: Yes, go ahead.

18 THE WITNESS: 5?

19 BY MR. SCHWEICKERT:

20 Q 5.

21 A What page was that?

22 Q 2097 is where this series of documents begins,
23 and runs to 2335.

24 A Okay.

1 Q If we skip past the first few documents, because
2 we'll come back to it in a moment, starting on about page
3 2108, it's an internal audit report. And then starting on
4 page 2119.

5 2119?

6 A Yes. Buildings and Grounds, B&G.

7 Q Right. Can you tell us what this series of
8 documents starting at 2119 and going to 2335 represents?

9 A What it represents is intercommunications between
10 different department heads at the facilities maintenance.

11 Q First, could you tell us how you got your hands
12 on these documents and why you provided them to the Court.

13 A I got my hands on these documents after I had
14 filed a complaint with the Attorney General's Office and
15 the governor's office. I needed to have proof, so I
16 acquired a FOIA application and presented that to the
17 university to acquire these documents.

18 There's probably one interesting thing there.
19 When I first went with my FOIA application, I signed my
20 own name. And when I went there and they had the
21 documents there for me, I asked them where were the
22 contracts for Gardner Engineering, which was specifically
23 asked for, and they said they had never done any
24 contracting with Gardner Engineering. And I asked them to

1 repeat it, because I had an eyewitness with me. And they
2 did.

3 And so I left and then went to a lawyer and had
4 him sign the same request and then the documents
5 mystifyingly appeared.

6 Q Let's go back to the documents, then. So you
7 received these from a Freedom of Information Act request.
8 And do these documents support these allegations that are
9 up on the screen? In what way do they support that, the
10 no-bid contracts? Can you quickly summarize what's in
11 there?

12 A What they do is they show a chronicling of how
13 the bids were averted, and how no-bid contracts were put
14 into the process, how the stipulations of advertising in
15 the newspapers according to no-bid contracts was not done
16 or, if it was done, the contracts, bids were by the same
17 people that Gardner always had bidding on those same
18 contracts.

19 Q Let me stop you there, now. So there are
20 documents in here that support the allegation of the --

21 THE COURT: You need to be specific about which
22 documentation. You're referring me to 400 documents.

23 MR. SCHWEICKERT: I'm going to get there, Your
24 Honor, because we have to show how these documents were

1 used to get to that legislative audit report in front of
2 you. That's where we want to get to.

3 THE COURT: Okay. I am just having a little bit
4 of trouble -- I really need a little more than just here's
5 400 documents and somewhere in here it proves X.

6 THE WITNESS: May I, Your Honor?

7 THE COURT: Sure.

8 THE WITNESS: These documents here are from a
9 binder which were given to President Pro Tem Chris
10 Giunchigliani.

11 She took her entire staff and went through all of
12 these documents and summarized all of them into one
13 complaint to the Attorney General, specifically mentioning
14 what she believed were violations of the law involving
15 split bidding.

16 THE COURT: Where is that? Where is her
17 complaint?

18 MR. SCHWEICKERT: There's a letter at the
19 beginning of this sequence that we skipped past because
20 we're going to come back to it, Your Honor. Would you
21 like to refer to that?

22 THE WITNESS: That would be --

23 THE COURT: 2105, is that what you're talking
24 about?

1 THE WITNESS: Yes.

2 MR. SCHWEICKERT: Yes, that's the document.

3 THE COURT: Go ahead.

4 THE WITNESS: From that point, improper use of
5 emergency purchase orders, misuse of Shared Savings
6 Program, fictional maintenance problem, cost splitting to
7 avoid State oversight and bidding practices. Pretty much
8 the whole contribution of doing construction work was
9 avoided and given to Jim Gardner.

10 BY MR. SCHWEICKERT:

11 Q So back to the first series of documents, this
12 long 200-page run that Her Honor is asking for more
13 specifics about and we haven't provided them yet, were
14 these documents then given to Chris Giunchigliani?

15 A Yes. These exact documents were given to Chris
16 Giunchigliani, including Exhibit No. 12.

17 THE COURT: Okay. I have it.

18 THE WITNESS: And also these exact documents were
19 given to Paul Townsend, the legislative auditor for the
20 state of Nevada, which he used to come up with this audit.

21 MR. SCHWEICKERT: Your Honor, I'm sorry. We've
22 been kind of laborious in getting to this, but we want to
23 draw your attention now to that Legislative Audit Report.

24 The findings in that report are, to a very large

1 degree, based upon this stack of information that
2 Mr. MacRenaris provided.

3 BY MR. SCHWEICKERT:

4 Q Could you turn to some of the key entries in
5 there that support the idea that there's evidence of
6 no-bid contracts?

7 A Yes. I would go to page 2, Results in Brief.

8 THE COURT: I've read it.

9 THE WITNESS: "Due to misinterpretations of law,
10 violations of policies, opportunities to use convenient
11 financing methods, many of these projects were not awarded
12 through a competitive bidding process."

13 It goes on to say that, on other pages which I
14 have, which is existing principal findings, that "a total
15 of 14 energy retrofit contracts totaling \$8.2 million with
16 Sierra Pacific Power, none of the contracts were awarded
17 based on a competitive bidding process." And "several of
18 these projects violated the requirements of NRS Chapter
19 338."

20 BY MR. SCHWEICKERT:

21 Q Are there any other citations from there that you
22 can flip to quickly?

23 A Sure.

24 There were two other sources of violations of

1 these same bidding procedures. And those were at the
2 University Of Las Vegas, and those were conducted by a
3 group called E-3 which was a subsidiary of Sierra Pacific
4 Power and the Shared Savings Program.

5 And on page 4, it said: "Since fiscal year 2000
6 UNLV contracted with E-3 Custom Manager Solutions, LLC, to
7 conduct five retro bids totaling \$6.2 million. The
8 selection of E-3 was not the result of competitive
9 bidding," which meant that the subsidiary of Sierra
10 Pacific Power was using their Shared Savings Program, was
11 giving their subsidiary the contracts to do UNLV without
12 competitive bidding. Basically just went in there and
13 said what do you need, here we go, I'll give it to you.

14 Q We're not addressing UNLV in this hearing. So
15 let's see, do you have something more that you can show
16 the judge there that --

17 A Yes.

18 Q -- that illustrates the situation or the concern
19 by that committee of the bidding practices at UNR?

20 A On page 15, there's energy retrofit projects not
21 competitively bid, and it gives the whole process. I
22 could read through it, but I'm sure Your Honor would want
23 to cut some time. It's pretty explicit.

24 And below that, "UNR projects with Sierra Pacific

1 Power which were 14 energy projects accounting for
2 \$8.2 million," and then on the next page, Bidding
3 Requirements, how the Shared Savings Program was broached,
4 which projects were done.

5 UNR project conducted without contract, that's on
6 page 17. And you can continually go on as the audit on
7 every page describes split bidding, illegal business
8 practices violating the law, which they admit to,
9 including violating Davis-Bacon, which is a federal law.

10 Davis-Bacon is a law that says that the projects
11 that are set on State properties must have a competitive
12 wage agreement. That competitive wage agreement, whether
13 it's a union or not, must be paid by the contractor.

14 For 15 years Gardner Engineering did not do that.
15 And that requirement is a daily requirement. A daily wage
16 requirement, and he did it for 15 years, he violated
17 Davis-Bacon.

18 Q Let me stop you there now. Let's turn to the
19 letters that precede those documents that we saw a moment
20 ago.

21 A There's one other page that should be looked at.
22 And that's page 42, which gives you a breakdown of all the
23 financial arrangements made for all the projects.

24 Q So you're maintaining to the Court here,

1 Mr. MacRenaris, that this legislative council
2 investigative report contains conclusions that support
3 these allegations that we have here in front of the Court,
4 the no-bid contracts, the illegal bidding processes that
5 went on?

6 A Yes. Also, the one thing that the audit report
7 said that there was no fraud, which the reason Chris
8 Giunchigliani wrote her letter. And the importance of
9 what I just said is that --

10 THE COURT: I'm going to stop you. The audit
11 report you're referring to we're calling Exhibit 13; is
12 that correct?

13 THE WITNESS: Yes.

14 THE COURT: And the letter you're talking about
15 is --

16 THE WITNESS: Exhibit 12.

17 THE COURT: 12 is the letter from Chris
18 Giunchigliani?

19 THE WITNESS: No, I'm sorry. What I'm trying to
20 do is put these two together. The audit report by
21 Mr. Townsend of the Legislative Council Bureau Audit
22 Division, he came to me and asked me to give him my
23 materials that I received from FOIA, the Freedom of
24 Information Act, at the university. And I agreed. I also

1 told him that there was definite fraud and the first page
2 of the information that I gave him would be this letter.

3 THE COURT: 12?

4 THE WITNESS: 12, which I also introduced to the
5 entire Legislature when they asked me to address them
6 about this problem, which I did on three separate
7 occasions and sent every legislator, every assemblyman and
8 congressman and state senator this letter.

9 THE COURT: "This letter," meaning Exhibit 12?

10 THE WITNESS: Exhibit 12.

11 MR. SCHWEICKERT: We need to stop you there now.

12 THE COURT: When did you address the Legislature,
13 which legislative session?

14 THE WITNESS: Your Honor, I can't give you exact
15 dates because it goes all the way back to 1996. 19 --

16 THE COURT: Did you address the Legislature, give
17 legislators Exhibit 12 after the 2004 audit?

18 THE WITNESS: Before the audit.

19 THE COURT: Thank you.

20 BY MR. SCHWEICKERT:

21 Q Mr. MacRenaris, we need to now just look at these
22 three letters. There was the letter referred to moments
23 ago that is on page 2105, 2106. Would you again repeat
24 who this is from and who it is to?

1 A This is from Chris Giunchigliani, Assemblywoman
2 District No. 9, the Speaker Pro Tem, Vice Chairman of
3 Growth and Infrastructure, Ways and Means.

4 Q And it was directed to?

5 A Brian Sandoval, Attorney General.

6 Q The purpose of her letter was asking the Attorney
7 General to do what?

8 A Investigate violations of law that had been
9 committed by the university, Gardner Engineering, Siemens
10 Building Technologies, UNLV, and various other entities
11 that were produced in this audit.

12 Q Thank you. There's another letter that starts on
13 page 2103, one-page letter, and who is this letter from
14 and who is it to?

15 A This letter is from Congressman Jim Gibbons,
16 Second District of Nevada, to Mr. Glen Lovedahl of the
17 Federal Bureau of Investigation here in Reno, Nevada.

18 Q And the date on that letter?

19 A August 22nd, 2003.

20 Q What is Mr. Gibbons asking Mr. Lovedahl of the
21 FBI to do?

22 A "It would be appreciated if you would provide
23 whatever information you feel may be of assistance in
24 addressing his concerns. Mr. MacRenaris alleges that the

1 above violations are -- the above are in violation of NRS
2 228.210. Furthermore, Mr. MacRenaris alleges that there
3 are other activities that have resulted in unlawful
4 activity."

5 THE COURT: What's the Bates stamp on that again?
6 Bates, down at the bottom.

7 THE WITNESS: 2103.

8 BY MR. SCHWEICKERT:

9 Q Rephrasing, then Congressman Jim Gibbons is
10 asking the FBI to provide assistance in addressing your
11 concerns. Did that happen?

12 A No.

13 THE COURT: How do you know it didn't happen?

14 THE WITNESS: Because I went down and presented
15 the evidence to the FBI. The FBI said they would look
16 into it. Then they sent me a letter saying they had
17 looked into it.

18 And I kept calling Mr. Lovedahl, and
19 Mr. Lovedahl, I kept telling him he needed to call
20 specific people to get hands-on information. And he said
21 that he called them.

22 And then I called them, the people that he
23 called, and asked them what Mr. Lovedahl said. And
24 basically they said he didn't ask us really any questions

1 about what was going on at the university.

2 THE COURT: Okay. In 2003, you know the FBI
3 investigated this; but the FBI did not take any action,
4 did not bring it to a federal grand jury that you know of?

5 THE WITNESS: Right, exactly.

6 THE COURT: But you don't know for sure?

7 THE WITNESS: I do know for sure.

8 THE COURT: If they took it to a federal grand
9 jury and the grand jury returned a no true bill, that
10 would be secret.

11 THE WITNESS: They didn't bring it to a federal
12 grand jury?

13 THE COURT: How would you know that? It's a
14 secret proceedings.

15 THE WITNESS: Because I had to.

16 THE COURT: You had to what?

17 THE WITNESS: They never brought it to -- they
18 never brought it anywhere. They sent me a letter that
19 said we have looked into this matter and we find nothing.

20 THE COURT: Okay. Where is that letter?

21 THE WITNESS: I have to look back in my records.
22 I have about 27,000 documents.

23 THE COURT: Did they send you that letter back in
24 2003 or '4?

1 THE WITNESS: Yes. You could probably retrieve
2 it from them. The unfortunate circumstances to me was
3 that when I first started this, I was informed by a
4 legislator friend of mine that in order to get this thing
5 to move on, that I would have to go through every
6 administrative -- what's the term?

7 MR. SCHWEICKERT: Step.

8 THE WITNESS: -- every administrative step before
9 I went any further. So that took me approximately three
10 years. I went to the Attorney General. I went to the --

11 BY MR. SCHWEICKERT:

12 Q You don't need to go into all the details.

13 A Well, most of them wouldn't even accept the
14 complaint, especially the District Attorney's Office.
15 They wouldn't even -- they came down, three of them, and
16 said we're not accepting the complaint.

17 And I had an eyewitness with me. I thought that
18 was kind of strange. Then I went to the Attorney
19 General's Office, and they basically said we're not going
20 to do anything about it.

21 And then I went to them again, after this audit
22 report came out, and filed a complaint with the Attorney
23 General's Office of fraud on the part of the Legislative
24 Council Audit Division for deleting other information that

1 I had given them, not interviewing the people that he said
2 he would interview: Larry Green, Dean Borges, and an
3 employee that worked for me. I can't remember his name,
4 I'm sorry, I have medications.

5 Anyway, and they just refused to do anything. As
6 a matter of fact, they just said the response from them
7 was as far as we're concerned the audit report says there
8 was no fraud so we're not going any further with it.
9 That's when I filed a civil suit in federal court.

10 Q Mr. MacRenaris, there's a statement up here
11 summarizing your view about what happened after you, a
12 citizen, investigated and tried to bring these crimes to
13 the attention of law enforcement agencies. The statement
14 says: "A concerted effort by Nevada state agencies to use
15 intimidation and fear to prevent public awareness of gross
16 government misconduct."

17 A Absolutely.

18 Q What you have not brought out here today in your
19 testimony is the intimidation and fear. Could you very
20 concisely explain or cite intimidation and fear used by
21 these state agencies?

22 A Yes. The State of Nevada Public Works Board,
23 Dean Borges was working at, bids were accepted by the head
24 of the Public Works Board, Eric Raecke, \$4.2 million worth

1 of bids by the University of Nevada, Reno; those bids were
2 already signed.

3 The law stated that, I believe it was 178, NRS
4 178 -- it's in here. The law stated that performance
5 contracts in the state of Nevada would be controlled by
6 the governor of the state of Nevada. He would be given
7 the authority to provide an oversight person to take care
8 of these performance contracts.

9 That person was Eric Raecke, head of the Public
10 Works Board. He was given the authority to give Dean
11 Borges the right to accept the bids and either approve or
12 disapprove of them.

13 And in any case, all contracts that were provided
14 to the Public Works Board for performance contracts must
15 be signed by the governor and no one else.

16 The bids that were provided to Eric Raecke from
17 the University of Nevada, Reno, were already signed by the
18 university and that was illegal.

19 Q Thank you for that. But where does the fear and
20 intimidation --

21 A From that point on, I called Dean Borges and
22 said, "When is my bid coming through?" He said, "I no
23 longer work at the Public Works Board." I said, "Why?"
24 He said --

1 THE COURT: I can't take hearsay.

2 MR. SCHWEICKERT: Just please finish your
3 statement. I understand, Your Honor.

4 THE COURT: No, I can't hear it. It can't be
5 part of the record. It's hearsay.

6 THE WITNESS: Dean Borges will be here tomorrow.

7 THE COURT: We'll hear from him then.

8 THE WITNESS: Other than that, Larry Green, the
9 same thing happened to him. He will testify to that. He
10 worked at the university.

11 THE COURT: You don't have any personal knowledge
12 of any fear or intimidation, personal knowledge, you know
13 about it, it happened to you?

14 THE WITNESS: Not really. No, just from what
15 they told me, yes.

16 THE COURT: Okay. Thank you.

17 MR. SCHWEICKERT: Okay. Thank you.

18 THE COURT: Is that it?

19 MR. SCHWEICKERT: That's it for Mr. MacRenaris.

20 THE COURT: Thank you, sir.

21 THE WITNESS: Is it of any importance that when
22 this letter to the FBI was written by Congressman Gibbons,
23 that when he became Governor Gibbons I sent him another
24 request to stand his post on the last letter that he

1 wrote, and he wrote me back and said, "I'm referring that
2 to the Attorney General's Office." I went to the Attorney
3 General's Office and they said, "We're not dealing with
4 this anymore." That's what happened.

5 THE COURT: Okay. Thank you.

6 MR. SCHWEICKERT: Your Honor, that concludes the
7 presentations that we have prepared for regarding
8 financial crimes. And we will soon be moving on to
9 talking about the case in the athletics department that
10 illustrates the RICO complaint. But before that I'd like
11 to summarize some of the points that we've made to the
12 report.

13 THE COURT: Is that your copy?

14 THE WITNESS: Yes, these are public documents.
15 Everything I brought forward are public documents.

16 THE COURT: Okay. Mr. Schweickert, you can go
17 ahead.

18 MR. SCHWEICKERT: Dr. Hussein in his testimony
19 presented evidence of federal funds in large amounts in
20 excess of \$3.7 million with overhead being paid to a
21 private corporation in the name of a faculty member at the
22 University of Nevada, Reno.

23 The evidence presented supports the allegation
24 that none of that indirect cost or direct cost ever came

1 to the university.

2 The research that was conducted in support of
3 that funded operation was all done at taxpayer expense in
4 the university and State facilities.

5 That research resulted in massive animal abuse
6 and violations of laws concerning the disposal of research
7 animals which endangered the health and safety of citizens
8 here in Reno, the water quality of the Truckee River,
9 because of the scattering of animal remains that had been
10 injected with human stem cells and viruses, left to the
11 elements in close proximity to the Truckee River.

12 We maintain that those -- I'm not trying to get
13 into too much argument here. We maintain that those show
14 that the citizens have been defrauded.

15 Dr. Hussein also described the misuse of funds
16 that were restricted primarily for the maintenance and
17 upkeep and education at the S Bar S Ranch, a university
18 facility, where much of the animal disposal and abuse
19 occurred. Those funds having disappeared. Nobody can
20 track them down, not even the internal auditors of the
21 university.

22 The disrepair and deterioration of the facilities
23 at the S Bar S Ranch were then used as an argument by the
24 UNR central administration and the dean of that college,

1 David Thawley, to go back to the Board of Regents to
2 secure almost \$600,000 in additional appropriations to fix
3 that damage they caused. That's another place where the
4 taxpayers have been defrauded.

5 The third line of evidence we brought out through
6 Dr. Hussein's testimony and documents you saw including
7 under-oath testimony by two people at UNR who understand
8 the financial situation with regard to grants and
9 contracts.

10 This shows that the taxpayers of Nevada have been
11 defrauded repeatedly because the State of Nevada is
12 supporting F&A costs for all the research; and, yet, the
13 university is collecting that same money again a second
14 time so that the taxpayers of the U.S. are being
15 defrauded.

16 The third set of allegations have to do with
17 illegal bids and no-bid contracts. And we have a lot of
18 evidence. We have a legislative committee that describes
19 some of these misdeeds and in fact describes some of these
20 violations and then those allegations don't go any
21 further.

22 So I think we've made the case that there are
23 literally millions of dollars of taxpayers' money that
24 have been abused and misappropriated. And these are a

1 sampling of the financial crimes that we have evidence for
2 that we have presented.

3 So now we're going to move on, and we are going
4 to depart from the normal way of going through this series
5 of categories of crimes because we want to give you some
6 insight as to how the university deals with a person who
7 reports wrongdoing at the beginning level, at some of the
8 lowest levels, and then how that person is ultimately
9 eliminated from the university and retaliated against and
10 ultimately how the court is used as a weapon.

11 So this brings up as a witness or perhaps as a
12 petitioner Terri Patraw. And I believe that it's Terri
13 Patraw's purpose to address the Court directly and
14 probably not sit up at the witness stand, if that's
15 permitted.

16 THE COURT: Yes. You can't give evidence, but
17 you can argue and tell me where there's evidence already
18 and what that means, but you can't add to it.

19 MS. PATRAW: That's my intent. If at any point
20 you want me to take the stand, I will.

21 The way I'm going to present this here is just to
22 show you, and it's obviously a personal story, but I want
23 to make sure you understand I'm not relitigating my civil
24 case.

1 I've never been involved in a criminal case. And
2 what I'm about to present to you is a series of criminal
3 allegations and direct evidence of crimes.

4 I know the university's stance, and Kent Robison
5 who has anointed himself as spokesperson against this
6 grand jury in the media keeps saying that we are
7 relitigating our civil cases. And we're not.

8 Although I'm going to walk you through a bunch of
9 things that pertain to my civil case, I'm talking about
10 criminal allegations. Okay? Just so you don't think I'm
11 reliving my case.

12 THE COURT: Why don't you start with the
13 allegations that you think there's a RICO violation.

14 MS. PATRAW: What this is going to do is show the
15 Court one example of everything we're tying together over
16 these two days of what happens to one person who blows the
17 whistle at the university. But we have falsification of
18 evidence. We have perjury. Oh, geez, I don't think I
19 could rattle them off the top of my head. But they'll be
20 in the slides shortly. This is going to be a fairly quick
21 presentation.

22 THE COURT: Don't talk so quick that the court
23 reporter can't get it.

24 MS. PATRAW: Feel free to say slow down.

1 I would like to submit at this point, too, that
2 the student athletes here are the victims of the
3 university administration as well.

4 And you'll notice I'm very detailed in the upper
5 right-hand corner of this presentation with the exhibit
6 numbers. So if you want me to point to an exhibit, I
7 will. And these do go pretty much chronological with my
8 presentation. So it should be very simple.

9 THE COURT: It says B. Do you mean 4-B?

10 MS. PATRAW: Yes, we're in 4-B. And this would
11 be 1725. And for the most part we're going to flip page
12 to page to page.

13 THE COURT: Go ahead.

14 MS. PATRAW: And this is just an ESPN article.
15 The Washoe County District Attorney, Dick Gammick,
16 proclaiming himself a long-time Wolf Pack sports backer.
17 And I only bring that in because I've never seen a
18 district attorney quoted on a sports program in ESPN,
19 but -- as a big ESPN follower.

20 But one of the things we're going to present to
21 you at the end is that to this police itself and we'll be
22 pleading you to get an investigator outside if you should
23 convene a grand jury. That's what I want to put into
24 evidence.

1 The next page, which is 1727, is an excerpt from
2 a motion for summary judgment filed by Kent Robison, and
3 in here he claims his -- the defendants, who are Cary
4 Groth and Milton Glick, are public officials. So by their
5 own admission, President Glick and Cary Groth are public
6 officials and capable of being investigated here. They
7 pleaded as they were asking for qualified immunity based
8 on that stance.

9 This next slide is just to tell you a little bit
10 about myself. I was hired in February 2004. I inherited
11 the worst team in the conference. And in two years we won
12 the conference championship, led the program to its first
13 conference championship, led the program to a first NCAA
14 tournament appearance. I received commendable evaluations
15 every single year.

16 I was offered a \$10,000 raise and a multi-year
17 contract. Life was good.

18 This next slide, life was good until you blow the
19 whistle. And on this next slide I reported NCAA
20 violations in the men's basketball program. I reported
21 the men's golf coach for several violations, which
22 included sports betting. And in the NCAA that is
23 basically deemed a capital murder charge of violations
24 that we can commit betting on college sports, very severe

1 infraction. It's especially severe being in Nevada where
2 the sports books are located and would obviously catch the
3 NCAA's attention.

4 I also reported Title IX violations. As you
5 know, discrimination against our female student-athletes,
6 and I reported sexual harassment concerns against the head
7 basketball coach who happened to be married to my direct
8 supervisor.

9 Most of those, I should say, were reported -- it
10 says August 2007 -- during the summer of 2007. And that's
11 on the slide.

12 Retaliation by the UNR athletic director: This
13 is where it began for me. I was fired on August 28, 2007,
14 and this is one place we go out of order. 1869 is a copy
15 of my termination letter. Not overly exciting, and I'm
16 sure you've seen a few of those in the courtroom.

17 But that just confirms the dates. This was six
18 days after I was offered a new contract offer, new
19 contract extension and a raise, and that contract offer is
20 Exhibit 1899, which is also listed there on the slide.

21 And then I filed a whistleblower complaint within
22 10 days as required by law in September of '07, and I
23 filed a lawsuit in November of '07.

24 It's not showing that slide for some reason, but

1 you've got your own exhibit to get the numbers. I'm
2 looking in the upper right-hand corner. It's cut off.

3 THE COURT: Yes.

4 MS. PATRAW: I know this is a busy slide, but
5 it's an important slide. If you go to Exhibit 1730 --
6 let's go to 1737 first.

7 1737 is a memo dated August 7, 2007, of which I
8 wrote to the associate athletic directors, Keith Hackett
9 and Cindy Fox, and obviously I'm not going to read it to
10 you, but the first paragraph mentions the treatment of our
11 female student-athletes and staff. The second paragraph
12 refers to being denied access to the locker room while
13 football student-athletes have access to theirs.

14 And the most important statement, which is on the
15 slide here, "that I highly recommend that Mr. Norcross be
16 given a long lesson on the consequences of gender in
17 equity in higher education. His lack of respect for the
18 female student-athletes and staff has the makings of a
19 very expensive proposition for this university." And as
20 you know Title IX lawsuits are very expensive propositions
21 for universities.

22 This was 12 days before I was fired that I wrote
23 this. Then on the slide, you'll see, if you go back to
24 Exhibit 1730 and the remaining pages, basically 1730 to

1 1736, it's excerpts of Cary Groth's deposition. Cary
2 Groth being the athletic director at the university. And
3 the pertinent part here is on the slide. And it starts on
4 page 1734 at line 16, and the question obviously posed to
5 her: "Why did you terminate Terri?"

6 You turn to 1735, she says -- at the top she
7 says: "If we didn't talk to the -- if we didn't handle
8 the facility situation, she would threaten it would cost
9 millions of -- or a lot of money."

10 The athletic director's testimony, if you look at
11 how I highlighted it on your slide sheet, directly
12 correlates to my memo. So the athletic director admits
13 under oath she's a retaliator. She admits under oath she
14 fired me for reporting Title IX violations. My statement
15 on the side is coming from a female who is supposed to be
16 representing athletics. That's a pretty sad statement.

17 The next slide, and we're going to go through now
18 several crimes that UNR and through their general
19 counsel's office and their private lawyers, how they
20 dispose of lawsuits.

21 UNR falsifies personnel evaluations. I direct
22 your attention to Exhibit 1738. And this is going to be a
23 series, but I'm going to ask you to -- probably the
24 easiest way to show it to you is 1738 and then also go to

1 1742, kind of look at them simultaneously. We're going to
2 have a false personnel evaluation here and a real
3 personnel evaluation.

4 So 1738 would be the same page as 1742;
5 phony/true. Does that make sense?

6 THE COURT: The very last word you said, I wasn't
7 sure what you said.

8 MS. PATRAW: Phony and true. The false
9 evaluation versus the real.

10 THE COURT: Phony.

11 MS. PATRAW: Probably not the correct legal term.

12 So 1738 is their version of my false evaluation.
13 And I'll explain how that is. And 1742 is the accurate
14 one.

15 And this is my personnel evaluation from 2005.
16 You see when you fire an employee after giving them
17 commendable evaluations, it becomes problematic. So they
18 need to change the data. I'm going to walk you through
19 it.

20 Okay. Page 1738, if you notice, I have two
21 commendable and several satisfactory. That's not the
22 accurate one.

23 And then on 1742 I have, I think, five
24 commendable. And then if you also compare page 1739 to

1 1743, they mark my evaluation as satisfactory, on 1739.
2 And they mark it as commendable on 1743. You'll notice
3 1739 only has one signature, which I believe that's
4 supposed to be Cindy Fox's signature. I will say I'm not
5 sure if that's hers or not. It's hard to read.

6 And if you look at 1743, it's Cindy Fox, Cary
7 Groth and Milton Glick all signed and dated. And that's
8 the accurate evaluation.

9 Unfortunately, we Bates stamped over the fact
10 that UNR submitted this because it was a UPAT, but we're
11 going to turn to page 1745, and this is a Motion for
12 Summary Judgment submitted by Charles Hilsabeck, Assistant
13 General Counsel at the university. If you go to page 1746
14 you'll notice on line 7 he submits that I have a
15 satisfactory personnel evaluation, which was inaccurate.

16 And then if you go to 1748 is the start of our
17 opposition to that Motion for Summary Judgment, my
18 counsel's. And if you go to 1750, in particular, my
19 attorney cites that "Plaintiff has never received a
20 satisfactory personnel evaluation in 2005 as defendants
21 falsely state."

22 And if you go to Footnote 6, it says "The defense
23 team's habit and routine practice of judicial deception is
24 evident here at the whistleblower hearing. This falsified

1 personnel evaluation was uncovered as falsified and
2 Hilsabeck corrected himself on it. Nevertheless, he now
3 tries it one more time. This time hoping plaintiff would
4 miss it and this court would be deceived."

5 So Hilsabeck submitted this at my personnel
6 hearing. He was caught. And he has no shame and submits
7 it again in motions for summary judgment.

8 How does UNR dispose of lawsuits? They falsify
9 former employment records, too, especially when the
10 president of the University of Nevada, Reno, used to work
11 at my former employer, which was Arizona State University.

12 We're going to whip through a series of documents
13 here, and it's going to go fast. But we're going to cut
14 through a bunch of them.

15 So I direct your attention to 1753, and we're
16 just going to go page after page after page.

17 What we're talking about here in terms of you
18 asking what types of crimes, securing documents under
19 false pretense. We're assimilating the legal process.
20 We're falsifying legal documents. We're using illegal
21 subpoenas.

22 And ASU is a co-conspirator in this via President
23 Glick. I would also submit to you that this isn't
24 important for the crimes, but President Glick was sued for

1 whistleblower retaliation at Arizona State as a provost.
2 So he has direct involvement with their general counsel's
3 office, too; hence his relationship with the lawyers
4 there.

5 Page 1753, this is a January 25, 2004, e-mail I
6 sent to Cindy Fox, who is the executive associate athletic
7 director, who was in charge of the search committee for
8 the soccer, head soccer coaching position. And in the
9 fourth paragraph I state, "I also want to offer you a
10 release of my ASU personnel file to support my tenure
11 there." I had nothing to hide. I offered it to them.
12 They didn't want it. She never took me up on it, I should
13 say.

14 If you turn the page to -- if you turn to 1754, I
15 include -- I'm a fan of ESPN.com. So I included another
16 ESPN article. And this is on a landmark settlement in an
17 ASU rape case. It's a January 2009 article. And oddly
18 enough, the date didn't show when I printed it off.

19 But here, if you go to the second to last
20 paragraph on page 1754, I just give this to you as
21 background. But "the settlement in this case comes after
22 the victim and her attorneys completed an exhaustive
23 investigation of ASU's actions before and after the rape,
24 an investigation that her attorneys say revealed previous

1 sexual misconduct by Henderson, deletions of important
2 e-mails, destruction of critical documents and false
3 testimony."

4 If you turn to the next page, 1755, the very last
5 two lines, and it says, "ASU had destroyed records of
6 Henderson's misconduct and significant e-mails had been
7 deleted even though ASU knew the victim was about to file
8 suit."

9 Those are the same attorneys who corroborated
10 with UNR general counsel to sabotage my personnel records
11 from Arizona State. So that's why I bring that article to
12 your attention.

13 If you turn to page 1757, this is a copy of ASU's
14 personnel records policy. And if you notice at the top of
15 this and the next two pages, we have page 1 of 5. We have
16 page 3 of 5, and we have page 5 of 5. But we forgot 2 and
17 4.

18 If you look at the bottom, you'll notice this was
19 submitted, it says "UPAT," which stands for University
20 Patraw case. When it says "UPAT," it was submitted by the
21 university.

22 And you'll notice these are sequential, 5322,
23 5323 and 5324. We didn't forget 2 and 4. We made sure 2
24 and 4 didn't exist. And someone did. And the reason 2

1 and 4 didn't exist, because they would reveal that the
2 documents produced in response to this illegal subpoena
3 wouldn't exist in my personnel file and if they did exist,
4 they wouldn't be allowed to produce them.

5 If you turn to page -- I just show you that. I
6 just show you that to show you the games they play. Okay?
7 And it's not a coincidence that 2 and 4 are missing.

8 If you turn to page 1760, we're going to whip
9 through a bunch of court documents here. And this is a
10 stipulation and order dismissing Defendant Cindy Fox with
11 prejudice from my civil case. And it's dated
12 January 22nd.

13 Her attorney was Leif Reid. Probably still is.
14 So she was at one time a defendant in my case. And on
15 January 22nd, 2009, actually shortly after you passed off
16 my case, she was dismissed from the case as a defendant,
17 with prejudice. No strings attached. Nothing.

18 And you will notice on the next page that every
19 attorney and District Court Judge Flanagan signed off on
20 this. So everyone knew.

21 And if you turn to page 1762 --

22 (Cell phone interruption.)

23 MR. GROW: I'm sorry.

24 THE COURT: You know what happens? The bailiff

1 owns that.

2 MR. GROW: I can't get it to stop.

3 THE COURT: The bailiff will handle it. Hand it
4 to him.

5 MS. PATRAW: On page 1762 we have a commission to
6 issue a subpoena, production of documents. This is
7 submitted by John Arrascada, Cary Groth's personal
8 attorney. And it's submitted truthfully as attorney for
9 Defendant Cary Groth in this District Court, Nevada.

10 And you'll notice the caption is accurate. This
11 is after Cindy, a couple months after Cindy Fox was
12 dismissed from the case. And the Defendants Cary Groth
13 and NSHE.

14 And then if you turn to 1764, this is just him
15 following up a minute later with the subpoena duces tecum
16 to Arizona State University. Everything to me, at least
17 as far as I know, seems on the up and up.

18 If you turn to page 1767, we are now allegedly,
19 and I say "allegedly" because I still don't have any proof
20 that anything was filed in the Superior Court of Arizona,
21 but we have a document to the Superior Court of Arizona in
22 Maricopa County by Lewis and Roca law firm out of Arizona.
23 And apparently Cindy Fox now has an attorney in Arizona.
24 And it's an application for an issuance of a subpoena

1 duces tecum. And if you look at the caption, Cindy Fox
2 has now reappeared in my case approximately 53 days after
3 I kindly dismissed her, no strings attached.

4 And if you notice on page 1767, line 15, it says
5 pursuant to Arizona Rules of Civil Procedure, Defendant
6 Cindy Fox is issuing a Notice of Deposition in my civil
7 case.

8 If you turn the next page, it again refers to
9 Defendant Cindy Fox and she has lawyers Leif Reid and
10 Stacy Luedtke out of Phoenix, Arizona. Lewis and Roca
11 either has headquarters -- they definitely have offices in
12 Arizona and Reno, hence the connection there. You know
13 that.

14 And if you turn to 1769, you'll see Stacy Luedtke
15 makes no secret that she's the attorney for Cindy Fox.
16 I'm just trying to show you how many times Cindy Fox
17 appears on this. It wasn't a one-time mistake.

18 If you turn to page 17 --

19 THE COURT: I'm sorry, this happened March 16th,
20 the date?

21 MS. PATRAW: Yes, she was dismissed on
22 January 22nd.

23 And if you go to 1770, and I don't know what the
24 proper pronunciation is it, Precipe, I don't even know

1 what it is. I just know this is a legal document. And
2 it's again to the Superior Court of Arizona, Cindy Fox
3 Cindy Fox, Cindy Fox is in the caption.

4 Turn to 1772, this one is more specific. This is
5 the subpoena to Arizona State University. And they are
6 commanded to appear and produce documents to Lewis and
7 Roca in Phoenix, Arizona, on behalf of Cindy Fox.

8 Keep that in mind. They're commanded to appear
9 by Lewis and Roca out of Phoenix to produce documents to
10 the issuer of the subpoena, Lewis and Roca, out of
11 Phoenix, Arizona.

12 Did ASU know? Well, turn to page 1777. And we
13 have a fax cover sheet from Cynthia Jewett, Associate
14 General Counsel at Arizona State University. And she
15 writes this fax letter to my attorneys, who would be Jeff
16 Dickerson, Dan Siegle. And Dugan, Robison and Arrascada.
17 Why didn't she write to Lewis and Roca out of Phoenix?
18 Why didn't she write to Leif Reid or Stacy Luedtke? She
19 knew they weren't part of the game.

20 And if you turn the page, on 1778, this is an
21 April 2nd letter of 2009 after the game was played.

22 If Lewis and Roca out of Phoenix is subpoenaing
23 her and she thinks it's proper, she would be issuing --
24 she certainly would be tapping the subpoena on the

1 letter -- the person who subpoenaed the documents on, the
2 lawyer.

3 So 1778 she lies to my attorney saying this is in
4 conformance with Rule 30-H of the Arizona Rules of Civil
5 Procedure.

6 Unfortunately, you can't prosecute Arizona State.
7 If you turn to 1780 and 1781, these are FedEx receipts
8 that John Arrascada produced. And they showed that the
9 documents were shipped directly from ASU to Mary Phelps
10 Dugan on Enterprise Road in Reno, Nevada, even though they
11 were not the subpoena of the documents.

12 If you go to 1782 to 1787, it's communications
13 all between Chuck Hilsabeck of NSHE and Susan Copeland of
14 Arizona State. Everyone knew Lewis and Roca had nothing
15 to do with this case.

16 And then if you get to 1788, it's a letter from
17 Kent Robison after being caught by my attorney writing to
18 him saying these documents were properly authenticated and
19 provided in response to a properly issued subpoena
20 pursuant to NRCP 45.

21 I can tell you, Your Honor, nobody has ever
22 authenticated these documents, not from Arizona State.
23 Kent Robison tries his almighty to authenticate records
24 from nine years ago. My employment in Arizona State,

1 which you and I both know you can't. But Arizona State
2 never authenticated these documents. So I personally
3 don't know where they were created.

4 Does that make sense?

5 Now I direct you to 1789, and this is an
6 affidavit of Kent Robison. And on line 5, Kent Robison
7 says that he "deposes and says under the penalty of
8 perjury, under the penalty of perjury that the following
9 assertions are correct and true." Well, I know that
10 perjury is a felony in Nevada. And if you go to page
11 1790, attached to Exhibit 17 are documents --

12 THE COURT: Sorry, 1719?

13 MS. PATRAW: 1790. The next page. Sorry. On
14 the very bottom, No. 14, line 28, it says "Attached as
15 Exhibit 17 are documents that were obtained pursuant to a
16 properly issued and utilized subpoena under Rule 45 of
17 NRCPP." Well, we know that wasn't true and he lied under
18 oath.

19 And the final page on this, just on the subject
20 of Leif Reid, Lewis and Roca, and the corruption that
21 appeared in my civil case, we have again 1792 a letter to
22 John Burnett in the EEOC office. This letter would be
23 funny if it wasn't so personal.

24 But it's from Cindy Fox to John Burnett

1 responding about sexual harassment allegations on behalf
2 of her husband. Wouldn't we all like to be able to defend
3 our husband's sexual harassment allegations?

4 We have nepotism conflict there for starters.
5 But more importantly, more curiously, looking at the
6 bottom, we have Senate Majority Leader Harry Reid, Leif
7 Reid being copied on an interdepartmental memo on the
8 University of Nevada, Reno, and Harvey Whittemore. What
9 is Harvey Whittemore doing in my case? One of the
10 wealthiest donors in the athletic department. Inquiring
11 minds would like to know.

12 So the summation of those last two, they
13 falsified both my ASU and my UNR personnel records.
14 Whether or not -- I can't stand here and tell you what I
15 did and didn't do in 1996 to 2000, but you can tell that
16 they simulated legal processes, issued legal subpoenas and
17 secured documents under false pretense, as the evidence
18 shows.

19 Any questions on that yet?

20 THE COURT: No.

21 MS. PATRAW: Okay. How does UNR dispose of
22 lawsuits? That was my longest section there. But witness
23 tampering. If you turn to 1793, I'm just going to read
24 you a couple of items.

1 This is a witness, Jody Dansie, who works on the
2 university campus. She was asked if she wrote a personal
3 statement on this incident with Cindy Fox.

4 This incident with Cindy Fox was right after Jody
5 Dansie testified honestly, which is in itself a crime on
6 the UNR campus. She testified honestly in a deposition.
7 And if you turn to 1795, line 3, she says, "After this
8 incident I was told pretty much by everybody, by my
9 attorney, by my immediate supervisor, as well as his
10 supervisor, that I had two choices: Write a personal
11 statement or go fill out a harassment claim on Jean Perry
12 and Cindy Fox. Jean Perry and Cindy Fox were directly
13 involved in the NCAA violations that Jody testified to.

14 If you turn to page 1796 -- I'm sorry, Jean Perry
15 works in the athletic department as well.

16 If you turn to 1796 at the top, and I should tell
17 you the difference between the two is this page was
18 printed on the electronic copy versus the handwritten
19 copy.

20 It says: "Did Cary Groth ever call you and
21 encourage you to stay out of this lawsuit?"

22 "Yes, she did."

23 "Did Cindy Fox?"

24 "Yes, she did."

1 "Did Rich Merritt?"

2 "Yes, he did."

3 And then if you turn to page 1798, she's
4 testifying to what Cary Groth said to her. And it says:

5 "You are going to want to stay quiet. Keep your
6 mouth shut. Stay quiet, you know, stay out of this
7 because it's going to involve attorneys and to protect
8 your family you don't want to be involved."

9 If you turn to page 1799:

10 "Did anybody ever say to you that Terri wasn't
11 your friend?"

12 "Yes, Cindy Fox. She called my house. She told
13 me not to trust Terri. Terri's not your friend like you
14 think she is. She's not a trustworthy individual. I
15 pretty much kind of questioned her because they were so
16 close," they being me and Cindy Fox.

17 Then if you turn to 1800, the follow-up is asking
18 her about, again about her conversation with Cindy.

19 "She said the same thing that Cary said, 'Stay
20 out of it, you know, protect your family. Protect those
21 boys. Just, you know, remain quiet. Don't talk to
22 Terri,' those types of things."

23 "Similar to what Cary said to you?"

24 "Yes."

1 "Was she still your supervisor at the time?"

2 "Yes."

3 And then if you turn to 1803, this is testimony
4 of a student-athlete, former student-athlete of mine. The
5 bottom of 1803, it says -- she's asked why she sent an
6 e-mail or text message. And it says:

7 "Because I had been up in the athletic department
8 with Cindy Fox and Cary Groth. I had been up there a lot
9 because I was intrigued with what was going on. And one
10 day they said, 'If you really want to know everything,
11 here you go,' and they handed me a big stack of papers
12 about the case."

13 Granting student-athletes documents in litigation
14 who they know are going to be witnesses.

15 "And I felt I needed to distance myself from
16 Terri if I wanted to succeed in that athletic department.
17 So I sent her that text."

18 These are grown adults. Professionals making
19 over \$100,000 a year. In some cases 2-, 3-, \$400,000
20 using student-athletes.

21 If you turn to 1806, this is a declaration of a
22 student-athlete. And this is probably the most disturbing
23 document I've seen in my entire litigation. And if you go
24 to line 8, it says:

1 "I was contacted by a UNR athletic department
2 employee. She asked me if I would send in a written
3 complaint about Terri Patraw. The employee said that
4 Cindy Fox stopped in her office and said, 'If you can get
5 the student-athletes to write complaints that Terri's
6 presence makes them uncomfortable, we can use those
7 statements to get her banned from campus.'"

8 And then just in the next couple of pages I just
9 submitted her deposition where she refers to the athletic
10 department employee is Antoinette Marjanovic, who is, God
11 forbid, my former assistant coach making that phone call.
12 Someone was out for my job. So that's why that next
13 exhibit is in there confirming who the athletic department
14 employee is.

15 Then I've got stars next to UNR PD and employees
16 about solicitation, manufactured evidence, because that
17 will come up here later.

18 Oh, 1811, and this is real quick, if you notice
19 this is an e-mail from Antoinette Marjanovic to Cindy Fox.
20 And it says:

21 "Here you go. This is from Blaine and Caitlyn
22 should be sending me an e-mail tomorrow." Blaine and
23 Caitlyn are two of my former student-athletes. And Blaine
24 was the one student-athlete they convinced to send an

1 e-mail, which confirms what the other student-athlete just
2 testified to.

3 And then if you look at the phone records on the
4 next two pages, the phone records of my assistant coach
5 that confirmed the exact time of everything from phone
6 calls to Terri to Blaine, to --

7 THE COURT: You're talking way too fast.

8 MS. PATRAW: Sorry.

9 THE COURT: I'm not able to get it because I
10 can't follow what you're saying.

11 MS. PATRAW: But you get that the e-mail is from
12 Antoinette to Cindy Fox?

13 THE COURT: I got that part.

14 MS. PATRAW: And she's saying I've got one
15 complaint, another one will be coming tomorrow, confirming
16 the solicitation.

17 And then the phone records on the next page.
18 That's my scribble, next to it listing names of
19 student-athletes that she was apparently soliciting. It
20 just matches up with the e-mail perfectly to the timing of
21 calling Blaine and then getting the e-mail, calling
22 Caitlyn, the whole bit. Not critical, but just supporting
23 evidence.

24 Does that make sense?

1 THE COURT: Yes.

2 MS. PATRAW: On the same date of October 3rd. So
3 how does UNR dispose of lawsuits? Perjury, perjury,
4 perjury, false affidavits, and they falsify public
5 records. Exhibit 1825 is a June 22nd, 2006, e-mail.

6 THE COURT: 1825?

7 MS. PATRAW: 1825. And just keep that date in
8 mind, although I'll keep referring to it on the slide.
9 That way you don't have to remember it.

10 The date will be significant, June 22nd, 2006,
11 e-mail to Cary Groth. And if you go to the attachment,
12 which is 1826 or 27, you go to 1827, it says:

13 "Patraw said she has knowledge of Head Coach
14 Taylor violating NCAA rules and believes he's afraid of
15 her disclosing those violations to the university."

16 So we know that Cary Groth was made aware on June
17 22nd, 2006, that I had knowledge of NCAA violations in the
18 men's basketball program.

19 We'll go to the next slide here. I put some of
20 her actual deposition here. I don't know what's easier,
21 reading the paper document or the slide.

22 But this is Cary Groth's testimony on
23 January 30th, 2008. And here are the key points, she read
24 that e-mail and she acknowledges that here. And what she

1 did in response to it was she picked up the phone and
2 called Dedrique Taylor to ask him about it. Again, I've
3 got it highlighted in red here to make it simple for you.

4 Follow-up: She concedes she did not take it to
5 her director of compliance. She did not tell Jean Perry
6 about it. The fact that the athletic rep, who would be in
7 charge of compliance, because she says Jean Perry wasn't
8 hired at the time and that the faculty athletic rep at the
9 time, according to Groth, was Dr. Chris Exline. She
10 showed him this letter. And she doesn't know if he had a
11 conversation with Terri or not.

12 In a follow-up deposition about 12 days later,
13 she confirmed that she called Dedrique Taylor. She had a
14 conversation with Dr. Exline about it, but she's not sure
15 what Dr. Exline did about it.

16 If you go to 1830, we have the obituary of
17 Dr. Chris Exline, who was a wonderful man, with tremendous
18 integrity. And he died on April 11th, 2006.

19 As I mentioned earlier, that e-mail was
20 June 22nd, 2006. So Cary Groth did not show him this
21 letter, nor did she have a conversation with him about it.
22 And worse yet, she places the blame of an investigation on
23 an innocent man who passed away.

24 Cary Groth says Jean Perry wasn't hired at the

1 time. If you go back one page to 1829, Jean Perry was
2 hired five months prior. So that was another lie in her
3 coverup of NCAA violations. Jean Perry started on
4 January 1st, 2006.

5 She said she called Dedrique Taylor. Groth
6 told the NCAA three weeks after those two depositions she
7 did not recall contacting Dedrique Taylor. That's in
8 Exhibit 1831. That's a transcript of her interview with
9 the NCAA.

10 And she -- and then do you need me to show you
11 exactly where she says that?

12 THE COURT: No.

13 MS. PATRAW: And then if you go to 1841, this is
14 a Request for Production of Documents, and I asked her to
15 produce a copy of the phone records, because it's a
16 long-distance phone call.

17 On page 1841, Request No. 36, to produce a copy
18 of that phone record of which Cary Groth said she called
19 Dedrique Taylor. If you turn the page, UNR says there's
20 no responsive document to this request.

21 And then I did this in affidavit form -- it's not
22 significant -- but 1844 I did in affidavit form because I
23 have about this many documents from the NCAA that are
24 under confidentiality agreement, and I thought it was just

1 as easy to put it in an affidavit that Dedrique Taylor
2 reported that Groth never called him about the violations.
3 That's what he told the NCAA.

4 Damage control by UNR: Dr. Exline's obituary
5 that we looked at was on unr.edu/nevadanews. The only
6 place on the Internet you could find it. About 42 days
7 after her testimony that was suddenly down from UNR's
8 website and is now nowhere to be found on Nevada News.
9 Unfortunately for them, I was paying close attention to
10 their actions, and I put this in an affidavit as well here
11 that it was removed from the website.

12 It gets better, and we're almost done with this
13 one. As you may or may not know, the University of Nevada
14 is under investigation by the NCAA right now. And you
15 probably have an inkling why at this point, for covering
16 up NCAA violations being one of them. And they've been
17 under investigation since November of 2007. And I had met
18 with them in my home and the university was unaware. And
19 in my -- in January of 2008 at my whistleblower hearing I
20 was allowed to -- I'm sorry, February 7th, I was allowed
21 to testify that they were under investigation. And that
22 was the first news they had of it.

23 And they dropped their jaws. So damage control
24 was underway. And if you look at 1852, and this is where

1 we falsify public documents, this is what a WAC NCAA
2 violation report looks like. And between you and me it's
3 the first time I've ever seen one because I've never had
4 one filed on me before.

5 But it's a two-page document here. And very
6 quickly, 1852, it says that on February 7th I gave sworn
7 testimony that I was aware of violations by Dedrique.
8 Cary was in attendance. And she went to Jean Perry's
9 office the next day to inform her I was aware of NCAA
10 violations and Groth went to Niderdal and Perry to find
11 out if I had ever reported them.

12 And Dr. Perry asked Ms. Groth if I had submitted
13 any documentation in support of the alleged violation.
14 UNR submitted that June 22nd e-mail from 2006. This is
15 now 2008.

16 If you turn the page, it says in the middle there
17 how the violation was discovered. It was discovered when
18 I gave sworn testimony at the hearing attended by Groth
19 that I was aware of NCAA violations committed by Taylor.

20 Groth has already admitted she knew about this in
21 June 2006, but she knows the NCAA is going to be asking
22 questions. So what does she do? She files a report on me
23 saying that I'm the one that covered it up. And then this
24 slide just says -- then this next one is just reminding

1 that they're still under investigation by the NCAA. I
2 could give you a litany of more perjured statements
3 regarding the violations. But I think I've shown you
4 enough.

5 I should say the other lies are in the documents,
6 but I don't know if we need to go through every lie she
7 said, unless you want me to. I've got more lies coming,
8 but that's pertaining to NCAA.

9 So then just real quick here, sexual harassment.
10 Evidence changes once you file a lawsuit. Before I filed
11 the lawsuit, you go to page 1870, it's an e-mail from me
12 to Cary Groth just stating I had great frustration with
13 Mark Fox and his behavior towards me over the past years.
14 I didn't feel like I could communicate. I asked for
15 assurances of confidentiality. I asked for assurances of
16 confidentiality. Two hours later she forwards it to my
17 supervisor who is married to Mark Fox. And that's in '06.

18 You go to 1871, it's another document from me on
19 August 26, 2007, where I say I had a case with human
20 resources regarding Mark's behavior. And I just bring
21 those up to show you that they existed before the lawsuit
22 was filed and before I was fired.

23 1874 is a letter from UNR General Counsel Mary
24 Dugan to my attorney, then attorney, Marc Picker, and it's

1 date September 28, 2007, one month after I was fired and
2 before I filed the lawsuit. And it says: "The university
3 had addressed the alleged sexual harassment matter." And
4 that's about the third sentence of the second paragraph.

5 So the university had addressed the alleged
6 sexual harassment matter. You go to page 1876, we have an
7 affidavit of Cary Groth where she says, under the penalty
8 of perjury, that: I have at no time mentioned or
9 complained about sexual harassment to her or any of her
10 staff.

11 Well, you just saw the e-mails I showed you.
12 Mary Dugan said they addressed it. By the way, in between
13 Mary Dugan's letter and Cary's affidavit I filed the
14 lawsuit because Cary Groth's affidavit is December of '07.

15 And then if you turn to page -- so Cary's
16 affidavit is December of '07. The next page we have the
17 billing record of Kent Robison. And this was retrieved
18 off of the Federal Court docket. And if you go near the
19 bottom, on January 23rd, 2008, we have a billing record.
20 If you go across there, it says, "Telephone conference
21 with Mary Dugan regarding affidavit consistency with the
22 Groth affidavit and response to the Picker letter in the
23 Patraw case."

24 So he says, "Houston, we have a problem. Mary

1 Dugan is saying no sexual harassment. Groth just lied
2 under oath, we need to create affidavit consistency."

3 So we turn the page. I'm not even going to try
4 to decipher Mary Dugan's affidavit, because it's trying to
5 go in circles. But this affidavit was submitted 48 hours
6 after Kent Robison's billing record. But she says, "I did
7 not state that a complaint had been made or any
8 investigation had been conducted," and she walks in
9 circles trying to get herself out of her letter which she
10 wrote truthfully prior to my lawsuit being filed.

11 And then just finally, to seal the deal, is the
12 next 1881 through the end of the deposition is a
13 deposition of Gena Jones, Vice President for Human
14 Resources, who I had never met until the day I was fired.
15 Certainly didn't have any motivation to lie on my behalf.
16 But on 1888 she says:

17 "Did Cary mention to you that Terri had
18 complained about sexual harassment?"

19 "Yes."

20 And this is based on a conversation the day I was
21 fired, again, before the lawsuit was filed.

22 So, again, this is just what I went over,
23 evidence changes.

24 This one we're going to whip through real quick,

1 my contract offer. Before the lawsuit is filed, I don't
2 know if you want me to show where each one of them are. I
3 marked each of the exhibits in the corner that will
4 testify to this.

5 Before the lawsuit is filed, Groth speaks to John
6 Nunn on the day of my termination. And his testimony is
7 "Groth did mention that there had been a new contract
8 offer." General Counsel Mary Dugan writes another letter
9 to my attorney. "Patraw refused the contract offer on
10 August 22nd, 2007."

11 So not only does she know there was an offer, she
12 knows I refused it. And she knows the date it happened.
13 Athletic Director, University of Hawaii:

14 "I spoke to Groth. She stated she offered you a
15 contract and you turned it down." That was in October.
16 All these statements are before I filed the lawsuit.

17 Vice President Human Resources Gena Jones, "It's
18 clear to me Groth had offered Patraw a contract."

19 Provost Janet Vreeland: "Well, they made Patraw
20 an offer." And then I didn't put it on the slide, but she
21 proceeded to say I rejected it. So I don't know how you
22 would know that unless you knew an offer was made.

23 The evidence changes after the lawsuit is filed.
24 On Exhibit 1897, Groth's testimony where she says:

1 "Has a contract offer been extended to her?"

2 "No."

3 And in Groth's admissions in response to
4 admissions and interrogatories:

5 "Admit you offered Patraw a two-and-a-half year
6 contract in '07."

7 "Deny."

8 So what I'm trying to show you here, Your Honor,
9 is that there was four critical elements to my case. NCAA
10 violations, sexual harassment in the contract offer, in
11 three of them, and I've showed you blatant lies on all of
12 them.

13 And the Title IX complaint, which at the very
14 beginning I showed you, she admitted she fired me for my
15 complaints about facility inequities.

16 And, again, I would submit how the evidence
17 changes once a lawsuit is filed. And that's how they
18 dispose of lawsuits at UNR. And they threaten and
19 intimidate witnesses.

20 We're going to turn -- and this would be quick.
21 We'll go taxpayers subsidize the legal protection of UNR
22 corruption.

23 Kent Robison is paid by taxpayers, and McDonald
24 Carano Wilson is in other cases, not mine, to defend

1 Groth, Glick and NSHE. Despite NSHE having seven-plus
2 lawyers in house, full-time employees being paid, Groth
3 and Glick are getting private law firms to represent them.

4 I submit that UNR attorneys are not up to the
5 task, so why are we paying seven plus attorneys well over
6 \$100,000 and then you me and everyone in this courtroom
7 are subsidizing these private law firms?

8 I bring up Chancellor Rogers. Anyone who reads
9 the Reno Gazette-Journal has heard Chancellor Rogers
10 crying in the media over the past two years about the
11 budget and about the state funding for NSHE, and I'm sure
12 Jim Gibbons would love to hear this presentation on how
13 much money they're wasting to protect their illegal
14 activity of the administration at UNR. If they weren't
15 spending money, taxpayers' money there, they could be
16 spending it on academic programs at UNR and not laying off
17 the \$45,000-a-year employees.

18 Now we're just going to go into direct proof of
19 Robison embezzling taxpayer money. If you go to page
20 1928, this will be real quick. This is one example.
21 You'll get quite an education tomorrow when we go through
22 legal counsel crimes.

23 It's the same billing record I already showed
24 you. I duplicated it. Again, it shows Kent Robison doing

1 his affidavit consistency.

2 On January 23rd, 2008, and he billed the
3 taxpayers for \$780 to suborn perjury. And if you turn to
4 page 1929, this is in response to a public records request
5 from the Nevada Attorney General's Office that I wrote.
6 And this is Masto, Attorney General Masto, writing back to
7 me saying the effective date of contract with Robison, and
8 I can't pronounce the next name, is March 31st, 2009, and
9 then the subsequent documents are the contract. So the
10 start date of his contract work on the Patraw case is
11 March 31st, 2009, yet he's billing taxpayers in January of
12 '08 for work on my case through another contract not
13 pertaining to my case.

14 And then just to close up that loophole, I wrote
15 the AG's Office back to confirm that that's the only
16 contract he had ever to work on my case, and on
17 Exhibit 81953 she said that's the only contract that Kent
18 Robison had.

19 New retaliation by the UNR administration. I'm
20 not sure if you read my Writ of Mandamus, but if you did
21 that I filed -- you did, so this will be pretty familiar
22 to you. I want to go quick, but I don't want to mess her
23 up. But since I filed the lawsuit I've had three false
24 police reports written up on me. I've had three false

1 NCAA violation reports written up on me. There's
2 solicitation of false evidence, which we've already
3 somewhat addressed. I've been banned from campus by
4 Glick. I call it illegal. And we have a UNR police
5 department cover-up.

6 I went from a championship coach with commendable
7 evaluations to now I'm a stalker, harasser and NCAA rule
8 violator.

9 If you go to -- we're going to rip through the
10 campus ban. You tell me how much of this you want me to
11 go through, because I know you've read the writ.

12 THE COURT: It's not up to me. This is your
13 chance for all of you to put on whatever evidence you want
14 me to consider.

15 MS. PATRAW: I think this is important, then.
16 This really details abuse of power. Exhibit 1954 is an
17 e-mail, and it contains a draft of my termination letter.
18 A draft that they didn't end up giving to me; but at the
19 same time on August 27th, 2007, they were saying if you
20 are wanting to be on campus for any reason you are to
21 notify the athletic director prior to your approval.

22 THE COURT: What document are you looking at?

23 MS. PATRAW: 1954, and I'm reading off of 1955.

24 THE COURT: Okay.

1 MS. PATRAW: So this is an e-mail between the
2 Vice President of Human Resources to -- from Groth to the
3 Vice President of Human Resources copying the provost and
4 general counsel's office. So they were contemplating
5 banning me then, six days after I just got a contract
6 offer. But they decided not to give that to me.

7 Next page, you'll see a settlement offer in which
8 Mary Dugan had offered my attorney at the time before I
9 filed the lawsuit, but they knew it was coming. One of
10 the criteria was that I would agree to no appearance on
11 campus. Last I checked it was a public campus.

12 And then if you turn to 1957, this is that same
13 affidavit of the student-athlete saying she was solicited
14 to send in manufactured complaints to get me banned from
15 campus.

16 1958, and this is an important deposition from
17 the student-athlete. And it says, on page 1959:

18 "Did Netty say they wanted to ban Ms. Patraw from
19 campus?"

20 "I had heard Netty and Graham talking about
21 getting Terri banned from campus, yes."

22 Netty and Graham were my assistant coaches.
23 Nice. And that's important who Netty and Graham are
24 because they were trying to get me banned from campus.

1 Netty is the same as Antoinette. Nickname. Was also the
2 one who solicited the complaints from the student-athletes
3 or attempted to.

4 Those efforts failed. So now they filed a police
5 report on me with the UNR PD. And as I mentioned I've had
6 three police reports filed on me, and so there's a handful
7 of pages in here of a police report filed on me saying
8 that I grabbed my assistant coach. And depending which
9 reports you want to read, we were walking back into the
10 arena or we were heading out. I spun her around on one
11 account. I had two hands around her neck in one account.
12 I had an arm around her in another account. In other
13 words, the reports don't match. Because there are two
14 different witnesses trying to give an account to something
15 that did not happen.

16 I should say she was a candidate for my position
17 because she was an interim at the time. So she had
18 motive. And if you go to page -- if you notice the date
19 on those police reports is December 17th and then
20 December 19th on page 1968, Bates number, so two days
21 after these police reports come in and after the four
22 previous attempts to try to ban me from campus, I get a
23 letter from President Milton Glick banning me from campus
24 to protect life, limb, property and ensure the maintenance

1 of order. I didn't know those police reports existed,
2 though, for about another six months.

3 And then the next page on 1969 is a headline in
4 the Reno Gazette-Journal. "UNR bans fired coach from
5 university property." And it's a quote from university
6 spokesperson Jane Tors, says "Glick's letter followed an
7 incident following Patraw at a university event." So the
8 machine goes to retaliate against the whistleblower and
9 defame me in the media.

10 If you go to 1970, this is an e-mail from
11 Assistant General Counsel Chuck Hilsabeck to Wayne Fazzino
12 of the Attorney General's Office asking him to provide
13 code to allow them to ban me from campus.

14 6.51 refers to employees on administrative leave,
15 which wasn't me, and 6.18 just gives the president
16 authority to direct a person to leave if they engage in
17 prohibited conduct. It says nothing about banning them
18 from campus.

19 So NSHE has no code authorizing the president to
20 ban someone from campus, and that will become clear as we
21 keep moving through this.

22 And then on page 1971 -- and I'm really not
23 making this e-mail up; I actually laughed this morning
24 when I saw it, or this letter. This is another letter

1 from UNR President Milton Glick. This is the 72-year-old
2 president of the University of Nevada, Reno. And he says:
3 "Ms. Patraw, I had given you permission to be in the
4 extended studies building for this hearing." It was in
5 March of '08. "I have learned that you exceeded this
6 permission and approached one employee at least twice,
7 therefore you can't come to the rest of the hearing." I
8 approached one employee at least twice. I submit I
9 probably approached a lot of employees in that building.
10 That was my crime.

11 I would submit that this letter was delivered to
12 my home at 10:30 at night in Wingfield Springs, Nevada, by
13 the UNR police banging on my door, when all the lights
14 were turned off and I was in the dead of sleep. Both of
15 those letters were delivered to my home in Wingfield
16 Springs, Nevada, by the UNR Police Department, and they
17 certainly didn't need to wake me up to hand me this
18 harassment letter from the university president.

19 On 1972, and Lane will get into this much more,
20 Petitioner Grow, because he's worked in the UNR PD. But
21 this is just a document on the jurisdiction of UNR PD, and
22 UNR PD has zero jurisdiction to be operating in Wingfield
23 Springs, Nevada.

24 THE COURT: We're getting very close to the time

1 we're going to take a break.

2 MS. PATRAW: Okay. Your call.

3 THE COURT: We'll take a break. The Court will
4 be in recess.

5 (Recess taken at 3:00 p.m.)

6 MS. PATRAW: We're going to whip through the rest
7 of this. Starting at 1973, so we left off on the campus
8 ban and police banging on my door.

9 I addressed the Board of Regents at a June 2008
10 meeting. And this document is just a copy of my speech,
11 if you will, to the Board of Regents. I showed up in the
12 public comment period, unbeknownst to them.

13 And just the two statements I'd like to point out
14 are on October 18th, "I e-mailed all of you to ask you to
15 look into violations of the Nevada Athletic Department. I
16 did not receive a response. On March 13, 2008, I e-mailed
17 you all again to ask for your assistance regarding
18 harassment at my home from the UNR PD on orders from
19 President Glick. Once again I did not hear from any of
20 you." So that's in June of '08. And after I gave the
21 speech I would submit that I never heard from them either.

22 And then the next, 1975, and again I'm very
23 specific about my documents in the exhibits, if you go
24 back and review the PowerPoint. 1975 is just a letter

1 from my attorney, then attorney Jeff Dickerson, to Charles
2 Hilsabeck asking for an explanation of how President Glick
3 believes he is authorized to ban me from campus under one
4 or both of the provisions that he cited to Wayne Fazzino
5 because we do not see it. The response was none. Because
6 UNR knows they have no authority to do that.

7 Now I'm just going to whip through this. We
8 talked about the police reports. I've had three police
9 reports filed on me by my assistant coaches, by Cary
10 Groth, the athletic director, and by my then former
11 supervisor, Cindy Fox. Nobody wants to press charges.
12 All were filed days after they saw me on campus. And
13 while I didn't submit it into evidence -- actually there's
14 an affidavit that they all went through the general
15 counsel's office, and I have e-mails and proof of that,
16 meaning after they talked to general counsel's office
17 about seeing me on campus, they would file police reports
18 on me.

19 If you go to -- I filed a criminal complaint with
20 the UNR PD because that's my only option, against all four
21 of these individuals for their false reports. And that's
22 in here at 1981, 82, 83. I offered to take a lie detector
23 test. They admitted they had the availability of that
24 tool but they did not let me take, did not take me up on

1 it and allow me to do it.

2 And then I asked them in Document 1976 as a
3 request for production of documents, where I asked UNR,
4 who has over 200 Homeland video surveillance cameras on
5 campus, to produce video surveillance of any of these
6 incidents I was allegedly involved in. And Request 26, 27
7 and 28, they concede they can't produce them.

8 And then obviously what I'm telling you is I
9 say --

10 THE COURT: I've got to stop. You said 1976 or
11 page 1976?

12 MS. PATRAW: That's what I'm referring to.
13 That's a request for production of documents.

14 THE COURT: Okay. So that's what you're talking
15 about?

16 MS. PATRAW: I would say in there the next page
17 says Request No. 26, Request No. 27, Request No. 28.

18 THE COURT: I understand.

19 MS. PATRAW: And then there's several
20 documentation of their investigation of my complaint, and
21 this is where we're going to get to the slipshod
22 investigations conducted by UNR PD of themselves or of
23 their own administrators they need to protect.

24 So we -- from about 1980 to 2009, and we're not

1 going to go through all this, but it's their investigative
2 reports and my conclusion. I got it via public records
3 request, is 2010. 2010, this is an e-mail I wrote to
4 Warren Conley of the UNR PD. He's the one who
5 investigated. And I say to him very quickly, in bullet
6 form, all the things he failed to do in his investigation,
7 and which included failing to secure follow-up
8 documentation that would have proved this; failing to
9 interview witnesses that would approve this, et cetera, et
10 cetera; failing to follow protocol. And which there's
11 evidence in here that they're supposed to record all
12 interviews and of course they didn't record their
13 interview with the athletic director. They didn't record
14 their interview with the athletic director, but I think
15 the most important thing is this paragraph.

16 "As I mentioned to you, I did not trust that this
17 investigation would be done properly. Please advise if a
18 proper investigation is going to be conducted by your
19 office or if the higher-ups are concealing the true
20 records of your investigation. Certainly NSHE is well
21 versed on slipshod investigations designed to conceal
22 criminal activity. See the Las Vegas judge's comments
23 about the Western Nevada Community College police
24 investigation of its now indicted employee."

1 And finally I say, "Did you cover it up or did
2 your supervisors? Please advise if this investigation is
3 going to be reopened or if the coverup will remain
4 intact."

5 This e-mail was written in July of '09, and I
6 received no response.

7 And then 2012 is just a memorandum. If you go to
8 2013, it's a UNR memorandum stating they're supposed to
9 record all contacts with the public, including interviews.
10 2014 is an e-mail from Lieutenant Rinne notifying that the
11 officers will be disciplined if they don't record all
12 interviews. And of course, again, we didn't record the
13 athletic director's interview. Well, because she's the
14 athletic director.

15 We're just going to go quickly through these
16 because I know you will. One, they're in the record.

17 Where is the Board of Regents and the chancellor
18 in this? I contacted them all. I'm not shy. On July 6th
19 I e-mailed the regents. And I asked them to release what
20 I think is my illegal ban from the campus. I cited case
21 law. And I cited some criminal activity by Cary Groth,
22 Mary Dugan, Kent Robison in here and asked them to take
23 some action. I did not receive a response.

24 And that July 6th e-mail is at B-023, and I

1 specifically cite that. I didn't receive a response. In
2 that e-mail I also attached an exhibit which detailed the
3 pretextual times to ban me from campus prior to the false
4 police report that we've already gone over.

5 On August 1st -- I'm persistent -- and I e-mailed
6 them again and reminded them that I contacted previously
7 about NCAA violations. And their response was they did
8 not feel like dealing with this. I talked about their
9 ignore-hope-it-will-go-away attitude in the regents.

10 I cited case law that the ban again was illegal.
11 And I need to read this quote because I think it sums up
12 what we're doing here. And I can't claim to be the
13 author. I stole it off a blog from the Las Vegas Sun:

14 "Unfortunately, corruption in higher education in
15 Nevada is like mice in your house. When you see one, you
16 really have 20. My suggestion: Buy the really big blue
17 trap to make sure those you catch don't get away."

18 I address that with the regents as well and ask
19 for a response by Monday, August 10th. They didn't
20 respond. Well, no, they hid behind the lawyers and the
21 lawyers told me to contact Glick. And you know this from
22 reading the writ.

23 So I contacted Glick twice. And that's not the
24 important issue here. And then the lawyers threatened me

1 through my attorney to stop contacting Glick, even though
2 they told me to contact Glick. So I contacted the
3 chancellor.

4 And on August 31st -- this recent August 31st --
5 I e-mailed the chancellor and informed him, based on the
6 NSHE bylaw, that it is his responsibility to discipline
7 the president and that oppression under the color of
8 office is a gross misdemeanor or a Category D felony and
9 currently his president is guilty of that.

10 And after firing the UNLV president for lobbying
11 on behalf of his university -- I'm not sure what the crime
12 was there -- that he has shown he's willing to discipline
13 college presidents. So I asked him to look into what UNR
14 is doing.

15 And in that letter to the regents I also detailed
16 Mary Dugan and Kent Robison's falsification of my
17 personnel files and Kent Robison's false statement to the
18 Reno Gazette-Journal in which he says my accusations about
19 personnel files are absurd and utterly ridiculous and
20 we've never once questioned the accuracy of those records.

21 Well, I think we've gone through the motions for
22 summary judgment that shows that Kent Robison was lying in
23 the media, too.

24 The response that I got from Daniel Klaich was

1 none. But I submit it was a temporary restraining order,
2 because immediately thereafter I had a motion filed by
3 Kent Robison on behalf of Glick and Groth for temporary
4 restraining order against me. And that is in the record.
5 And UNR, certainly most likely Kent Robison, released that
6 to the media that I'm a threat to students, staff and
7 faculty on campus, and that the restraining order is
8 clearly a violation of my First Amendment right.

9 And then I filed a Writ of Mandamus and
10 Prohibition to the Nevada Supreme Court. And that just
11 went out the other day, last week. Well, one of the
12 absurdities of the temporary restraining order is I had
13 the audacity to challenge the propriety of President
14 Glick's ban, which I think would be my right rather than
15 worthy of a restraining order. But that's what it says.
16 I filed a Writ of Mandamus. And I don't think I need to
17 reread you that.

18 We're just about done here. But Writ of Mandamus
19 details more falsification of evidence. And --

20 THE COURT: Did you say you received something
21 from the Supreme Court?

22 MS. PATRAW: I did. I can submit that. I have
23 it with me. Do you want it?

24 THE COURT: That would be good.

1 MS. PATRAW: But I think this is important to
2 read into the record here, as far as manufactured
3 evidence.

4 THE CLERK: Exhibit 14 is marked.

5 (Exhibit 14 marked.)

6 THE COURT: Exhibit 14 is admitted.

7 (Exhibit 14 admitted.)

8 THE COURT: Go ahead.

9 MS. PATRAW: On 2065, Bates number, Dedrique
10 Taylor e-mailed Groth on June 19, 2006, at 4:41 p.m., "Can
11 you remind me again what that e-mail I need to say to you
12 has to have in it?"

13 43 minutes later he sends an e-mail saying, "how
14 do I get" -- basically asking Groth to get me to stop
15 contacting him. And then later he followed up with
16 apology and retraction for his false accusations against
17 me. But anyone who reads the paper knows that Kent
18 Robison claims I stalked Dedrique Taylor. And that's
19 where they got their stalking allegations, was at the
20 direction of Cary Groth.

21 It's just another example of their falsification
22 of evidence. And I think we detail that very much in this
23 petition. And I would also submit Kent Robison knows all
24 this, who filed the restraining order against me with that

1 false evidence, the motion for the restraining order,
2 because they produced that e-mail, believe it or not, of
3 Dedrique Taylor asking what he's supposed to say in that
4 e-mail and they have a copy of the apology retraction
5 letter.

6 The university, their lack of authority on the
7 ban is proven on page 2069, when Judge Flanagan, at the
8 recent hearing on the temporary restraining order, says to
9 Kent Robison: "What authority does Glick have to issue
10 that order?"

11 "The code permits him to do that, Your Honor.
12 That's in our brief, Your Honor. We've cited the code
13 provisions."

14 I've gone through Kent Robison's -- I think it's
15 roughly a 12-page motion. There's not one single
16 reference to a code citation. So he was dishonest with
17 Department 7, because they have no authority.

18 And he cites the Soddors [phonetic] case, which I
19 dissected it to be completely different than mine because
20 Soddors claims he's allowed to be on campus regardless of
21 his conduct. He did not challenge the validity of the
22 exclusion notices, and he made no allegation on
23 impermissible motive on the part of the university. So
24 that's the university's stance on banning me from campus.

1 False evidence, lie to the judge about whether or not we
2 have a code in our brief, and citing a case that doesn't
3 pertain to me.

4 Since I was issued a ban in December of 2007, and
5 this is in the writ on page 2076, the UNR administration,
6 UNR general counsel's office, the NSHE Board of Regents,
7 the NSHE chancellor, I would say both Rogers and Klaich,
8 because it's over both, and NSHE Chief Counsel Office
9 could not provide any NRS code for any law that allows
10 President Glick to ban me from campus.

11 If he was going to ban people for violent
12 behavior, I could cite many instances, and it's in here of
13 which he's allowing them to remain on campus, even if you
14 want to argue that I did assault my assistant coach.

15 Then I just want to jump to the last thing here.
16 So again I say the Board of Regents is -- here we go.
17 They're fully aware of the campus ban. They ignore it.
18 And Kent Robison tries to silence me. Kent Robison had a
19 motive to silence me with his Motion for Temporary
20 Restraining Order because I was revealing his criminal
21 conduct to the regents, to the chancellor, as well as his
22 client Groth and Glick's criminal conduct.

23 Exhibit 2083 is an order from Department 7
24 remanding my whistleblower proceeding. And this

1 whistleblower proceeding is remanded based on perjury by
2 Athletic Director Cary Groth, which we've gone over, the
3 false affidavits and the affidavit consistency with Kent
4 Robison and Mary Dugan and the concealment of documents by
5 UNR in my whistleblower proceeding.

6 So Department 7 agrees with me there. And more
7 specific to this issue is Glick knows about this. The
8 chancellor knows about this. The regents know about this.
9 They know their athletic director committed a felony.
10 They know their general counsel's office is concealing
11 documents and filing false affidavits. So what are they
12 going to do about it? Well, UNR today, as we speak, in
13 Elko we are at a Board of Regents meeting, the regents
14 are. And President Milton Glick has proposed a three-year
15 contract extension for Athletic Director Cary Groth.

16 And Document 2088 is the Board of Regents meeting
17 for today and tomorrow, and Item 17 on the agenda is a
18 three-year contract extension for -- I think she's getting
19 over 280,000 a year with merit raise and COLA when they
20 come back on the state's budget.

21 So that's the regents -- we'll find out, I guess,
22 tonight if the regents rubber-stamp that proposal from
23 Glick. And this is also in the middle of an NCAA
24 investigation, mind you. So next time we all hear and

1 read about the athletic director kicking a student-athlete
2 off the team for doing something, let's ask ourselves if
3 they committed felonies like she has committed several
4 here.

5 Exhibit 2094 is my last exhibit. And this just
6 kind of sums up the whole thing of what I was showing you
7 here. And this is the summation of my case with which was
8 thrown out by Department 7 and is currently on appeal.
9 "Ex-coach Patraw must pay \$110,000 plus for her UNR
10 lawsuit." Now I owe them money for their fraud. And I
11 submit that Kent Robison is coming after me for
12 collections right now even though I haven't worked since
13 2007. And he knows my case is going to be remanded.

14 In these last two slides here, as I say, the
15 regents right now are -- and Klaich, and I really put this
16 on Daniel Klaich. He's the one who has the authority to
17 discipline the presidents. He's ignoring the evidence and
18 responsibility. He's violating the public trust. On the
19 same day as a UNR public corruption hearing that they know
20 Athletic Director Groth is implicated in, because that's
21 in all my communication to the regents, in the middle of
22 an NCAA investigation they're proposing, and I'm willing
23 to bet the regents will rubber-stamp a three-year
24 extension contract for her today. If the NCAA hammers her

1 and forces UNR to fire her, we're all paying that buyout.
2 The taxpayers are going to pay for that contract
3 extension.

4 So just a real quick summary. Championship
5 coach, commendable evaluations, \$10,000 raise, multi-year
6 contract extension. Report violations at UNR. Six days
7 later I'm fired. I am now in the public a harasser, a
8 stalker, a danger to students, faculty and staff. I have
9 had filed police incident reports written up on me. I've
10 had false NCAA violation reports written up on me. I have
11 been banned from campus. I'm not allowed to speak to
12 thousands of citizens. And they are seeking collection on
13 attorney's fees for their fraud that we all paid for.

14 Again, this is not about me as much as I want you
15 to see the way they win lawsuits at UNR, threatening,
16 intimidating witnesses, falsifying evidence, falsifying
17 personnel evaluations. UNR and Robison claim to have
18 spent \$450,000 plus defending my case. Taxpayers are
19 paying for their fraudulent criminal conduct. UNR
20 administrators are stealing from the taxpayers to cover up
21 their crimes.

22 Robison has been the UNR spokesperson on the
23 grand jury hearing. Robison is making as much money
24 individually as probably anyone that I'm aware of from

1 what we allege to be this RICO operation. He's profiting
2 from this.

3 The Reno Gazette-Journal, I ask: Are they part
4 of the corruption? Individually, no. A lot of good
5 people there. But I sat in Beryl Love's office, executive
6 editor, and the present sports editor, and both told me
7 they're threatened by the UNR administration and Kent
8 Robison if they write things about UNR. Martha and I have
9 had many battles about the articles coming out on me. And
10 nothing against her personally, but UNR controls the
11 politics in this town. UNR tries to control the media in
12 this town. If UNR had nothing to hide, they wouldn't need
13 to threaten the Reno Gazette-Journal.

14 This is my final slide, and I wish it was more
15 clear. But you've got the picture in front of you. And,
16 again, do you mind hitting the light for this? I think
17 this is a critical slide, because this wraps up what we
18 allege as the RICO operation.

19 There we go. So in the bottom right-hand corner,
20 the blue dot, violations reported: That's me. Coach to
21 the athletics department. I submit that the blue are the
22 good people, the red are the not so good people. I'm not
23 the only blue dot on there. So I report to the athletic
24 director. I get retaliated against. I get fired. UNR PD

1 takes part in this in the far right.

2 Human resources, they're in blue because the vice
3 president human resources testified honestly, and I submit
4 a few months later she's no longer working at the
5 university after her testimony.

6 And then there's athletics - retaliation scheme,
7 UNLV played a part in this media. Jane Tors saying I was
8 involved in an incident on campus. Anything to break me
9 down in the media. Provost was consulted on the day of my
10 termination, admitted I was a whistleblower and approved
11 my termination.

12 You probably know by now what I think of Milton
13 Glick's role in this whole scheme of things. He's aware
14 administration is falsifying evidence, and he's the one
15 that banned me from campus. He obviously runs the show.
16 General counsel office, I've been specific about them.

17 The private law firms and the Nevada Attorney
18 General's Office is paying for Kent Robison's contract.
19 So that's all the parts that take place, when the soccer
20 coach -- I think I'm the most popular soccer coach that's
21 ever been in Reno. Look at how much I've been in the
22 paper because I blew the whistle.

23 And all these people who I never knew, 90 percent
24 of these people I never knew until I blew the whistle,

1 then suddenly they all know because they have to attack
2 her from all angles. That's the way it works. Not just
3 with me; that's how the system works on violations at UNR.

4 THE COURT: Thank you.

5 Mr. Schweickert.

6 MR. SCHWEICKERT: Thank you, Your Honor. We'd
7 like to turn now to presenting evidence to you about
8 crimes in the UNR police department. And for that I'm
9 going to ask Lane Grow, my co-petitioner, to get on the
10 stand and be under oath.

11 And he's going to begin taking us through some
12 evidence. I don't know if we'll finish his presentation
13 today.

14 THE COURT: Are you going to be asking questions?

15 MR. SCHWEICKERT: I'm going to be asking him
16 questions.

17 THE COURT: Okay. I wanted to make sure it
18 wasn't one of those deals where he asked himself questions
19 and answered it.

20 MR. SCHWEICKERT: I apologize if it seemed like
21 that's what we were doing today.

22 THE COURT: No. I've seen it before.

23 Mr. Grow, please come forward and be sworn.

24 (Witness sworn.)

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LANE JAY GROW

Having been called on behalf of Petitioners,
being duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. SCHWEICKERT:

Q Mr. Grow, would you take a moment and describe who you are and what your relationship is to the matters we're going to talk about at this hearing.

THE COURT: State his name and spell his last name. You're doing great, but you're missing that one component.

THE WITNESS: My name is Lane Jay Grow. I'm a former UNR police officer and sergeant. I was with the university police for 16 years. Ten of those years I was a sergeant with the police department.

THE COURT: How do you spell your first and last names?

THE WITNESS: Lane Grow. L-a-n-e, G-r-o-w.

BY MR. SCHWEICKERT:

1 Q During your first ten years, you said you were a
2 sergeant. Was that in a supervisory capacity?

3 A Yes, it was not my first ten years, my last ten
4 years. And I was a supervisor.

5 Q I'd like to direct your attention to Volume 9.
6 So it's 9-G. And it's going to be page 4349-A.

7 A What number was it?

8 Q 4349-A.

9 THE COURT: I don't have that document.

10 Do you, Mr. Grow?

11 THE WITNESS: No.

12 MR. SCHWEICKERT: We've apparently got a little
13 error here in our listing of the documents. It's the UNR
14 PD Oath of Office. We will produce that document, Your
15 Honor, tomorrow.

16 MS. PATRAW: I'll find it right now while you go
17 on.

18 BY MR. SCHWEICKERT:

19 Q For the moment, Mr. Grow, instead of looking for
20 it, could you just cite the most pertinent aspect of the
21 UNR Oath of Office that you as a police officer would
22 take.

23 My mistake. It's 4660. Yes, there it is.

24 So we have, on page 4660 and 4661 -- I guess we

1 have several copies of the same document. So would you
2 read what you signed there as your official oath?

3 A Yes. This is an official oath of the University
4 of Nevada, Reno, Police Department. This is sworn before
5 Judge Wong, I believe, was this one.

6 It says: "I, Lane Grow, do solemnly swear that I
7 will support and defend the Constitution and the
8 government of the United States and the Constitution and
9 the government of the state of Nevada against all enemies
10 which, whether foreign or domestic, and I will bear true
11 faith, allegiance and loyalty to the same. Any ordinance,
12 resolution of law of any state, nor withstanding, and that
13 I will well and faithfully perform all the duties of the
14 office of police officer, University of Nevada."

15 I can't read the last part there. It says
16 "University of Nevada, Reno, in which I'm about to enter,
17 so help me God."

18 This is basically an oath of office saying that
19 you're going to uphold the Nevada Constitution as well as
20 the United States Constitution.

21 Q Thank you. Now, would you turn to the Interlocal
22 Agreement which is a document that shows up in Volume 5,
23 Part D, and it's on page 2337.

24 A This is the Interlocal Agreement that's entered

1 into with the university police department as well as
2 Reno/Sparks Washoe County Sheriff's Office and the Nevada
3 Highway Patrol.

4 It's given authority by NRS to enter into an
5 agreement. This is an agreement which gives the officers
6 authority, or the Oath of Office actually gives the
7 officers the authority to enforce the laws, where this
8 interlocal agreement gives us the ability to enforce the
9 laws within the area of the university and the Highway
10 Patrol, Sparks, Reno.

11 This document -- let me just read from page 2339.
12 It states that "the assistance will be requested pursuant
13 to this paragraph 4 for the purpose of apprehending any
14 person who the officer requesting the assistance
15 reasonably believes is committing or has committed a crime
16 punishable by a felony under the laws of the state of
17 Nevada or possesses a threat of serious harm to himself,
18 to a peace officer or other persons or to real or personal
19 property, and that this agreement, in addition, shall
20 constitute a standing request by the parties of the first
21 part to the parties of the second part for assistance of
22 police officers of the UNR PD while traveling on official
23 business to or from the property included in subparagraphs
24 A to C, inclusive of paragraph 1 of this agreement."

1 It says "to apprehend any person whom a UNR PD
2 officer observes committing a felony to go to the aid or
3 to protect any person observed by UNR police officers to
4 be a victim of a crime or accident, to protect any
5 property observed by the UNR police officer to be in
6 imminent danger or injury or destruction of, or to stop,
7 cite and take into custody any operator of a motor vehicle
8 who is observed by a UNR police officer to be driving the
9 vehicle in a dangerous or reckless manner contrary to the
10 traffic laws of the state of Nevada."

11 Q Thank you for reading that document, Mr. Grow.
12 Now we'd like to turn to some of the issues.

13 MR. SCHWEICKERT: We're first going to address,
14 Your Honor, with Mr. Grow's testimony, some crimes that we
15 believe have been committed that relate to public safety
16 of the UNR campus. And we're harking back to the horrific
17 events that led to the abduction, rape and murder of
18 Brianna Denison in early 2008. Following that event,
19 there were newspaper articles that posed the question:
20 Are the UNR campus and community safe.

21 Mr. Grow has just now read from the Oath of
22 Office and the Interlocal Agreement and has cited to the
23 fact that officers are taking an oath of office to
24 protect, defend --

1 BY MR. SCHWEICKERT:

2 Q What was the language, Mr. Grow? Protect and
3 defend?

4 A The Constitution of the United States and the
5 Constitution of the State of Nevada and the laws.

6 Q Thank you. I know you can't read the slides, so
7 I'm going to ask you about the policy, the standard policy
8 of the UNR PD in patrolling residential areas adjacent to
9 the campus during the time you've been at the UNR PD.

10 A I've been at UNR PD since 1993, and up to
11 November of 2007 it's been common practice for the
12 university police officers to patrol the surrounding
13 residential areas around the university.

14 The reason being that's the majority of the area
15 where the students all reside. So we usually patrol the
16 areas, not only for parties, but for the safety of the
17 students as well.

18 And November of 2007, we had a directive come out
19 from -- I believe at that time he was Assistant Director
20 Renwick. And it was basically because of economics that
21 they wanted us to stop patrolling the surrounding areas.
22 They wanted us to patrol, park our patrol vehicles and do
23 foot patrol on campus and not go within the surrounding
24 neighborhoods.

1 The order stated that this was to save on fuel.
2 So it was all dollars and cents. October 22nd --

3 Q Before you go on, Mr. Grow, we call the judge's
4 attention to page 1147. This is near the beginning of
5 Volume 3, Exhibit 3-A, page 1147.

6 The document in question following that follows
7 that and it's on No. 1152. Are you looking at that page?

8 A Yes.

9 Q Is this the directive or e-mail that you were
10 referring to a moment ago?

11 A Yes, it is.

12 Q And that is from whom and who is it directed to?

13 A It's from Assistant Director Todd Renwick and
14 it's addressed to all the personnel of the university
15 police department.

16 Q So it's your contention that this memo here, this
17 e-mail, is ordering the police department to stop the
18 motorized patrols in the residential areas around the
19 campus; is that correct?

20 A Yes. It was my impression as a supervisor, which
21 I passed on to the officers, that because of this
22 directive we were supposed to do more foot patrol on
23 campus and not patrol in the surrounding neighborhoods due
24 to the fact that they were trying to save money for -- to

1 help the budget.

2 Q At the same time, according to what we have up
3 here on the slide and on the copy of the PowerPoint in
4 front of you, it says that UNR PD administration was
5 routinely using vehicles for their own personal use and
6 that UNR PD vehicles were also used to retrieve officers
7 from locations where they were under the influence of
8 alcohol.

9 Could you speak to those two from your personal
10 knowledge?

11 A It was common knowledge that the university
12 office staff would use a State vehicle to take their lunch
13 or to do any errands that they needed to do, not only for
14 work, but any personal errands they had to do. And as
15 well as Chief Garcia. He would take his vehicle on the
16 weekends and go do his weekly grocery shopping or whatever
17 in a State vehicle.

18 The UNR patrol vehicles were commonly used to
19 pick up officers, sergeants, lieutenants and even Chief
20 Garcia from the local bars and casinos if they had been
21 drinking. If they were under the influence of alcohol,
22 they would call an officer to come pick them up and the
23 officer would come and take them home.

24 Q Was this going on during the same fuel-saving

1 directive from Renwick?

2 A As far as I know this is still continuing.

3 Q But overlapping that time as well?

4 A Yes.

5 Q Here's a sequence of events shown on the next
6 slide. Do you have that in front of you?

7 A Yes.

8 Q Starting on October 22nd and culminating with
9 June 19th?

10 A Correct.

11 Q Could you describe -- read this and describe
12 these incidents starting on October 22nd of 2007.

13 THE COURT: I'm sorry. I'm going to stop you
14 there. Where is the evidence that this was going on, use
15 of vehicles?

16 THE WITNESS: It's common knowledge within the
17 department. I personally had picked up officers that were
18 at the bar that were intoxicated.

19 THE COURT: Which bar?

20 THE WITNESS: The one I picked an officer up at
21 was the one right there by campus, the --

22 THE COURT: I don't hang out at bars, so...

23 THE WITNESS: The Breakaway.

24 THE COURT: Now you can go on.

1 BY MR. SCHWEICKERT:

2 Q Would you describe for the Court the sequence of
3 events beginning in October prior to that directive and
4 culminating in January of the following year? This is
5 2007, early 2008.

6 A Right. On October 22nd we had an attack and rape
7 at gunpoint at a UNR parking garage. This was prior to
8 the directive coming out.

9 On November 9th, the director eliminates our
10 vehicle patrols in residential areas. It eliminated the
11 patrols by UNR PD. I just wanted to make a note real
12 quick that UNR PD and the Reno Police Department work very
13 close together, especially up in that area.

14 The Reno Police Department commonly never
15 scheduled as many officers north as they did south or any
16 of the other areas in Reno because they knew that UNR PD
17 was also there. So they knew that we could assist if
18 anything happened.

19 So by cutting UNR out of the patrol sector of
20 that area, it kind of left it pretty much unpatrolled
21 other than the few officers that Reno scheduled for that
22 area.

23 Then on November 9th the directive came out that
24 eliminated our patrols in that area. So therefore it

1 dropped the patrols probably in half, because I was never
2 aware that Reno upped their patrol in that area just
3 because we were no longer patrolling.

4 Then November 13th there was an attack, an
5 attempted rape in surrounding neighborhoods.

6 December 16th there was an abduction and rape near campus
7 in the surrounding neighborhoods. January 18th there was
8 an attempted burglary in a nearby residence, which was
9 right straight across the street from the university. And
10 on January 9th Brianna Denison's abduction, rape and
11 murder.

12 After Brianna Denison's abduction, rape and
13 murder, we were told to resume our patrolling in the
14 neighborhoods and surrounding neighborhoods. So it took
15 four incidents up to a rape and murder before they
16 rescinded the directive to park our vehicles and stay on
17 campus on foot.

18 MR. SCHWEICKERT: We submit, Your Honor, that
19 this issue that Mr. Grow has just described is an example
20 of a negligent security issue and a violation of public
21 trust by the leadership of UNR PD who, in particular, saw
22 an increase of violent attacks on students during the
23 two-month period after November 9th when the patrols were
24 reduced or eliminated and did not take action to do

1 something about it before it was too late.

2 We now would like to draw the Court's attention
3 to some issues involving DUI arrests and offenses in and
4 around the UNR campus.

5 BY MR. SCHWEICKERT:

6 Q So, Mr. Grow, maybe you can explain the next
7 PowerPoint slide involving the UNR PD leadership and some
8 of the DUI-related actions there.

9 A Well, I personally have knowledge of Chief Adam
10 Garcia being under the influence of alcohol at work. He's
11 a commander now, Commander Renwick, a few years back was
12 given two days' suspension for drinking alcohol in the UNR
13 PD station. That was prior to him being promoted to
14 director.

15 Sergeant Youngflesh was arrested for speeding,
16 failure to yield and DUI as well in a State vehicle.

17 At the time he was a sergeant, he was demoted
18 from sergeant and he was given a month off without pay,
19 which he was allowed to work enough overtime to cover, and
20 then he was repromoted back to sergeant and promoted to
21 lieutenant after the DUI.

22 While Youngflesh was the rank of lieutenant, he
23 called a UNR -- he called the university police duty
24 phone, which is a phone that the lead officer or the

1 supervisor on shift always carries, and he asked -- the
2 person he talked to was Sergeant Conley. He asked
3 Sergeant Conley to come to Sparks and pick him up at a bar
4 because him and his wife and her girlfriend and son -- the
5 son wasn't, but all the adults were drunk. So they needed
6 a ride.

7 So Sergeant Conley drove from UNR all the way
8 over to Sparks, I believe it was the Coconut Bowl, if I
9 remember right, that he went over to and picked all of
10 them up and gave them a ride to their home.

11 Q If you'd return for a moment to the arrest of
12 Lieutenant -- or was it then Sergeant Youngflesh? The
13 charge was, again?

14 A The charge that he was charged with was speeding,
15 failure to yield and a DUI, and all that was in a state
16 vehicle.

17 Q And according to your understanding of the law,
18 are those offenses crimes, criminal?

19 A Yes, they are.

20 Q Including was he armed at the time?

21 A He had actually placed his firearm in the trunk
22 of the vehicle so they could not put him in possession of
23 the firearm at the time.

24 Q I think you've already made the point on this

1 slide; none of these alcohol offenses ever resulted in
2 termination of any of these?

3 A No, they didn't. Actually they resulted in
4 promotions.

5 Q We have some documents, and maybe you can direct
6 me to where they are, concerning some directives from
7 Chief Garcia from about 2005 to October 2007, telling
8 officers and sergeants not to arrest DUIs on campus.

9 Could you address that?

10 A Yes, I believe it's Bates No. 1165 is one of the
11 recent.

12 MR. SCHWEICKERT: That's in Volume 3, Your Honor,
13 under 3-A and page 1165. That's in the same volume that
14 we have in front of us.

15 THE WITNESS: Actually, it would be 1166.

16 BY MR. SCHWEICKERT:

17 Q 1166. 1167. 1168. This is a series of e-mails.
18 Could you summarize, without reading the details, what's
19 in these e-mails or these bullets on the slide?

20 A I can pretty much summarize what happened, what
21 took place.

22 Q Could you read those off, then?

23 A What's that?

24 Q Could you read those bullets off on the slide?

1 A Chief Adam Garcia claimed that it was not our
2 mission or priority to conduct DUI arrests. They
3 cancelled the training that gave the officers the
4 knowledge to do the DUI arrests. We have statistics here
5 on the amount of DUI arrests that were done.

6 I'm a state instructor in DUI investigation.
7 I've instructed probably hundreds, if not thousands, of
8 police officers in DUI investigations. But, yet, they
9 wouldn't allow us to train our officers in the detection
10 and investigations for DUI.

11 This letter right here pretty much sums it up.

12 Q Where are you now?

13 A I'm on 1166. You can see Lieutenant Ed Rinne had
14 scheduled a DUI refresher training on October 2nd of 2007.
15 Well, the same day that he sent out an e-mail telling all
16 the officers that we were being scheduled for DUI
17 refresher course, Chief Adam Garcia sent out an e-mail
18 returned to him, and he has it all in caps, so he's kind
19 of hollering at the lieutenant saying, "I want training to
20 follow our mission and goals. DUIs are not our mission.
21 Revise your training priorities."

22 So the next e-mail that comes out from Ed Rinne
23 tells him that he had approved the training. And it just
24 kind of goes on. The first e-mail actually is on 1167

1 that comes out after we were informed that the training
2 was scheduled.

3 And it's from Adam Garcia. Again, all in caps
4 and says, "Why exactly are we having this training? We
5 talk focus on mission until we're blue in the face and
6 turn around and continue training on those topics that
7 consistently have been issues of contention that are not
8 our mission and focus. Why not try to train a training
9 class on community-oriented policing, on human
10 interactions or dealing with others, what about training
11 on the Clery Act? What about department mission? Who set
12 up the approved training."

13 And then Lieutenant Rinne says he set it up and
14 then he tells him to cancel it. So basically the chief of
15 UNR PD is telling all the officers he does not want them
16 trained in DUIs, which I think is a safety issue, and also
17 I believe it violates our Oath of Office.

18 We take an oath to protect people and to enforce
19 the laws of the state and the federal government. And
20 he's giving us direct orders not to enforce them.

21 Q In your experience as a member of the UNR police
22 department for over 15 years, is the issue of DUIs on a
23 university campus an important one?

24 A It's very important.

1 Q College-level drinking?

2 A College-level drinking, and it's the safety of
3 the students. We have several people and students from
4 all different times of the day and night crossing the
5 roads and walking around campus and on campus. UNR being
6 where it is, is right downtown, pretty close. You have a
7 lot of traffic. We have a lot of DUIs. The statistics
8 we've supplied here, the statistics start in 2002, which
9 was back when I was actually still doing training. I was
10 an instructor for DUI.

11 And our arrest, the University of Nevada, Reno,
12 Police Department's arrests for DUI in 2002 were 104.
13 Then Garcia was hired in 2005. And in 2005 we did 171 DUI
14 arrests.

15 And since Garcia started the campaign and changed
16 the mission to not include DUIs, in 2006 they dropped to
17 70 DUIs.

18 And in 2007 they dropped to 59 DUI arrests. So
19 essentially the way I see it we have -- for that year we
20 had over 100 people out there that were driving under the
21 influence of alcohol that weren't dealt with. To me it's
22 incomprehensible. We have an obligation to the students
23 to protect them against the people that are driving under
24 the influence of alcohol.

1 I've never -- until Adam Garcia came to the
2 department, I had never been instructed by any supervisor
3 at the police department to ever not do a DUI arrest.

4 Q Would you call this de-emphasis of DUI arrest on
5 campus a violation of public trust?

6 A Yes.

7 Q The next bullet states that the UNR leadership
8 issues sanctions. Could you explain what this is about?
9 Is this in relation to the DUI matter?

10 A Yes, it is. My personal knowledge is referenced
11 to the DUI issue.

12 I made it very well known to the chief and
13 lieutenants that I didn't agree with his theory about
14 making the officers not do DUIs. I'm a DUI instructor.
15 I've done hundreds of DUI arrests, and I don't know if
16 I've saved any lives, but I like to think that I have.

17 So I just think it was a neglect of our duty not
18 to do DUIs. Once they found out that I was not going
19 to -- I refused to order the officers, my subordinates, I
20 refused to offer or to give them an order not to do any
21 DUI arrests. I just didn't feel it was within our mission
22 not to support the efforts that MADD puts out. And we
23 have all kinds of money we had received for DUIs to do DUI
24 checkpoints and everything. And I just don't think it's

1 right that we go ahead and accept all that stuff and then
2 refuse to do the DUI arrest.

3 Q What was the name you referred to? MADD?

4 A MADD, Mothers Against Drunk Drivers. We had
5 support from Mothers Against Drunk Drivers. This was
6 back -- I was personally on the MADD committee, which is a
7 DUI task force. And every month we'd have meetings and go
8 discuss what we're doing to try to reduce the number of
9 DUI arrests or the number of DUIs.

10 So I just didn't feel it was proper to tell the
11 officers not to do their sworn oath. And because of that
12 I was taken -- I had routinely worked on graveyard. And I
13 was taken off of graveyard and put on day shift against my
14 will, against my preference, and put on a work performance
15 plan, which was basically a micromanagement plan so that
16 they could watch me and make sure that I wasn't
17 encouraging officers to do DUI arrests.

18 Q You would characterize those as disciplinary
19 actions taken against you?

20 A Correct. For not going along with their theory.

21 Q Our slide here also refers to verbal and written
22 reprimands. Did you receive those?

23 A There was a lot of retaliation because of my
24 refusal to not comply with the order to not do DUIs. I

1 had been assigned to do all different kinds of tasks and
2 stuff at the police department.

3 Q Do we have documents in here that you can cite to
4 that show where some of these actions are shown with
5 evidence?

6 A I believe we do. An officer that's going to come
7 in and testify is going to testify to some of the
8 retaliation that went against him due to the fact that he
9 was still making DUI arrests.

10 Q We also have a comment here of threats to
11 officers and sergeants.

12 A Right.

13 Q Were these threats of termination?

14 A They were kind of skirted a little bit. They
15 were kind of hidden, but there was threats of termination,
16 threats that they were going to terminate us if we didn't
17 comply with their mission and comply with their thoughts,
18 that they were going to terminate us. They were going to
19 demote us. They were going to do anything they could to
20 keep us from making DUI arrests. And ultimately they did.
21 They demoted all of the sergeants.

22 THE COURT: All the ones that were making DUI
23 arrests or all the sergeants in the department?

24 THE WITNESS: All the sergeants in the department

1 were demoted because we were all pretty much the same
2 mindset that felt it was part of our job.

3 BY MR. SCHWEICKERT:

4 Q We have one last point to make here I believe on
5 the DUI matter. The next slide talks about an incident
6 involving Officer Martinez in April of 2009. Could you
7 briefly summarize that?

8 A That's the most recent incident that we have that
9 just shows me that the problems that they had is still
10 ongoing. All the information that I've received on this,
11 Officer Martinez showed up to a special event, to work a
12 special event at night. And when he arrived at work he
13 had told an officer that he was under the influence of
14 alcohol.

15 That officer went to the supervisor, which was
16 Commander James, and told Commander James that this person
17 was under the influence of alcohol. But prior to him
18 telling Commander James, they had another officer give him
19 a preliminary breath test and he was under the influence
20 of alcohol. I believe he was under the legal limit of a
21 .08, but he was under the influence of alcohol.

22 When he approached Commander James and Commander
23 James asked him if he had been drinking, and then before
24 he had a chance to answer him, Commander James told him,

1 "Don't tell me. I don't want to know. Just go back to
2 work."

3 So Commander James told him to go to work even
4 though he suspected or was told that he was under the
5 influence of alcohol. So they sent Martinez back to work
6 carrying a gun, driving a State vehicle, even though they
7 knew he was under the influence of alcohol.

8 Q Possession of a weapon, driving a state patrol
9 car, under the influence of alcohol?

10 A There's several violations there, yes.

11 Q Are those criminal?

12 A Criminal violations.

13 Q Was there any prosecution as far as you're aware?

14 A No. They did an internal investigation on it.
15 And he received five days' suspension and that was all.

16 THE COURT: Who did?

17 THE WITNESS: Martinez.

18 THE COURT: What happened to Commander James?

19 THE WITNESS: Nothing.

20 BY MR. SCHWEICKERT:

21 Q What's the phrase for those five days off that
22 you used?

23 A He was given "five days at the beach," is the
24 phrase we use.

1 Q We now move on to another aspect of life in the
2 UNR Police Department. This one has to do with threats of
3 termination and bodily harm against those who report
4 leadership misconduct. And I'll read that and then ask
5 you to comment on this.

6 Lieutenant Youngflesh threats against Sergeant
7 Grove and Sergeant M. Conley. Could you explain those,
8 please.

9 A I had already previously stated to you that
10 Sergeant Conley went and picked Officer Youngflesh -- or
11 he was actually Lieutenant Youngflesh -- up at the Coconut
12 Bowl after he was under the influence of alcohol.

13 When Sergeant Conley picked up Lieutenant
14 Youngflesh and gave him a ride home, Lieutenant Youngflesh
15 at his residence, after everybody had gotten out of the
16 vehicle, started telling Sergeant Conley about how he was
17 on a campaign to terminate me, because he had done an
18 evaluation on me that I didn't agree with. And I didn't
19 agree with it and I submitted for a review, and it was
20 reviewed. And then some of the stuff that he put in my
21 evaluation was removed.

22 So he felt that I was harassing him because I had
23 my evaluation reviewed. So he was on a campaign to
24 terminate me. And Sergeant Conley told him basically that

1 he didn't want to hear about this and "I'm just going to
2 go back to work."

3 And Lieutenant Youngflesh wouldn't let him leave,
4 kept telling him all the stuff he's going to do to me.
5 And eventually, just prior to Sergeant Conley leaving,
6 Lieutenant Youngflesh tells Sergeant Conley that if he
7 tells anybody what he's told him, that he's out to
8 terminate me, that he would stab him in the F'n heart.

9 This upset Sergeant Conley because here's the
10 lieutenant saying if he said anything about what he just
11 told him, he's going to kill him. So Conley never said
12 anything about this incident for eight months. And during
13 my litigation he knew this stuff was going to come out.
14 So he wanted to get this out and tell everybody what had
15 happened.

16 So he brought all of the comments and everything
17 forward to the assistant director, and the director, of
18 what had been said to him. So there was an investigation
19 on that. I'm not sure exactly what the investigation
20 entails. All I know is I've seen two cancelled checks
21 that Lieutenant Youngflesh got totaling over \$100,000.
22 And he left the department.

23 THE COURT: Youngflesh left?

24 THE WITNESS: Yes.

1 BY MR. SCHWEICKERT:

2 Q Did Officer Conley report these matters to the
3 UNR PD leadership or to --

4 A To both. To UNR leadership and Affirmative
5 Action.

6 Q Would you look at page 1175.

7 THE COURT: I'm going to stop you there. When
8 Did Lieutenant Youngflesh leave the department?

9 THE WITNESS: I'd have to look to find.

10 THE COURT: Is it in here somewhere?

11 THE WITNESS: I think it is.

12 MS. PATRAW: I can find it. I'll find it. I've
13 got it in the binder.

14 THE COURT: You can go ahead while you're looking
15 for the document.

16 BY MR. SCHWEICKERT:

17 Q Would you turn to pages 1175 and the following.
18 That's still in Volume 3 of Exhibit A.

19 THE COURT: I've read Exhibits 1175 through 1178.

20 BY MR. SCHWEICKERT:

21 Q So are these the documents in which Officer
22 Conley reported Youngflesh's threats to the associate
23 director?

24 A Yes.

1 Q Did anything result from this report?

2 A I believe the ultimate results of this was
3 Lieutenant Youngflesh leaving the department and getting a
4 settlement.

5 Q Another violation of public trust that is
6 outlined on the next slide has to do with Lieutenant or
7 Officer or Commander, I'm not sure which, Rinne,
8 directives not to issue citations to coaches and
9 student-athletes.

10 Can you comment on that? I believe there's a
11 witness who will have more direct knowledge. But you know
12 of this how?

13 A I know of it because I was the officer's
14 supervisor at the time that it happened. He came to me
15 and told me about it. And so I don't know if you would
16 consider that hearsay because he told me about it, but
17 he's going to testify to the fact that he was instructed
18 not to write citations to athletes and people in
19 athletics.

20 THE COURT: Let's let him go ahead and testify,
21 whoever he is.

22 THE WITNESS: Okay.

23 BY MR. SCHWEICKERT:

24 Q Now we come to the matter of other crimes. And

1 here we have the pornography matter that came out. Could
2 you explain how you became aware of this and then
3 basically how this came to light and summarize very
4 briefly what this is all about?

5 A Well, the way I became aware of it is because the
6 pornography was also sent to me. At the time it was
7 Assistant Director Todd Renwick, and he started sending
8 out the e-mails which contained graphic pornographic
9 images.

10 And it just became overwhelming, kept sending it.
11 I would mostly delete it all. I never kept any of it.
12 But there was a period of time that I had archived a lot
13 of my documents and stuff that had come over my computer.
14 So it covers like a two-month period of time that I had
15 archived, that I could retrieve.

16 And all these documents, the pornography, was
17 sent during business hours on the university server. They
18 were sent to pretty much the whole department, including
19 Chief Adam Garcia.

20 Q Let me stop you for a moment.

21 MR. SCHWEICKERT: The documents that Mr. Grow is
22 referring to are starting on page 1335 and extend until
23 page 1396, and that's also in Volume 3, Exhibit A.

24 BY MR. SCHWEICKERT:

1 Q Could you maybe read the bullets on the slide.
2 That might be a good way to summarize or summarize in your
3 own words the important points about this.

4 A I can't see that. It says that at least 11 times
5 in three months from 2002 to 2003, and there was other
6 occasions, like I said, but I didn't keep; that I just
7 deleted.

8 And these e-mails were sent with full knowledge
9 of Adam Garcia, because he was receiving the e-mails.
10 When he was questioned about it in a deposition, he stated
11 under oath that he had never opened the e-mails so he
12 didn't know they were pornographic. But in one of the
13 e-mails it's referred to as Casual Fridays, there was
14 actually a caption that was typed specifically to Adam
15 Garcia from Todd Renwick.

16 Q Does the next slide show that?

17 A I don't believe so, no. It mentions it on the
18 next slide, but it didn't come -- I don't know if you
19 showed it.

20 Q This is in that sequence of e-mails that I just
21 cited?

22 A Yes.

23 Q And we don't have it down to the exact page, but
24 if I may add that there is the heading from Todd Renwick

1 to police lieutenant, police sergeants and Adam Garcia and
2 it says Casual Fridays. That's the caption to the image.
3 And then there's a direct message to the chief. "Chief,
4 are we on for Casual Friday this week?" Is that correct?

5 A That's correct.

6 Q Would you characterize your view of this
7 transmission of pornographic images on the UNR Vice
8 President of Administration of Finance server and the
9 implications for UNR police officers on a university
10 campus.

11 A Well, my personal opinion is that it's not really
12 professional. And this is people, officers that are
13 supposed to be there to protect these girls that are
14 probably in these pictures.

15 And to me, I'm a guy. I look at magazines and
16 everything else like everybody else does, but I'm not one
17 that would spend State money on State computers sending
18 out pornographic e-mails. I just don't think it's -- it's
19 not proper.

20 And I should have complained about it at the time
21 that it was happening, but I didn't. I just kind of blew
22 it off and let it go and then eventually they knew that I
23 wasn't that receptive to the e-mails, so therefore they
24 quit sending them to me.

1 So you could kind of say I fell from grace. They
2 quit sending me the e-mails. I just don't think it's
3 appropriate for officers on a campus, university campus,
4 to be spending their time circulating pornographic
5 pictures of young women that are the age that the students
6 at the campus are.

7 Q Would you characterize this as a violation of
8 public trust and misappropriation of public property as we
9 show on this slide?

10 A Yes.

11 Q Was there any action taken by the leadership when
12 this disclosure was made?

13 A When I went public with the fact that this was
14 happening, Adam Garcia claimed that this was old news and
15 it had been dealt with. But being a sergeant at the
16 university at the time, I pretty much knew of a lot of the
17 discipline that had ever come down and there had never
18 been any discipline on this issue. It had never been
19 brought forward until I brought it forward. And when I
20 brought it forward, his claim to being old news I think
21 was a way of trying to dismiss the whole thing.

22 Q This brings us to the events in the fall of 2008.

23 THE COURT: I'm going to stop you right there.
24 Hasn't something been done about this since?

1 THE WITNESS: The university did what they said
2 was an investigation and came back. They were supposed to
3 do -- we requested, or Ms. Patraw requested an outside
4 investigation be done about this issue, and the university
5 said, no, we're not going to do an outside investigation;
6 we're going to do an internal investigation.

7 So it's one of these cases again where they did
8 an internal investigation and came back and said we
9 checked the server and we found that there may have been
10 more pictures sent, one or maybe more, and maybe by one or
11 more officers, and we're going to definitely discipline
12 those people but it's been stopped. So that was the end
13 of it, the investigation. They said there was no charges
14 ever brought on anybody for the misuse of state equipment
15 or no criminal charges ever brought on anybody.

16 It's pretty much, again, the university policing
17 themselves and dismissing.

18 Q Just to move on to the events of fall 2002, the
19 time of the drowning of a student on the university
20 campus, which is summarized in this slide. Could you
21 describe for the Court some of those facts.

22 A I pulled up a national publication -- do you know
23 what number that is? It's 2374.

24 Q That's in Volume 5-D, page 2374.

1 A This is a national publication of college
2 fraternities and hazing events that took place at all the
3 different universities.

4 If you go back to 2377, it addresses No. 22,
5 addresses the University of Nevada, Reno. This is the
6 incident which we're referring to. It's the Phi Alpha
7 drowning incident. The coroner called it an initiation.

8 And the article goes on to say: "A local
9 prosecuting attorney said that he would not file hazing
10 charges in the wake of an ongoing or on-campus drowning
11 death of Alberto Santos. The coroner claimed that
12 participants in an early-morning swim at UNR Manzanita
13 Lake said they were involved in an initiation."

14 "Police reports led the prosecuting attorney to
15 conclude that the case should not result in a criminal
16 trial."

17 The knowledge that I have from the case as it was
18 ongoing was that the university officer that was doing the
19 investigation had found more than enough evidence to show
20 that it was hazing and that it fit within the hazing
21 guidelines.

22 The report that the prosecutors must have gotten
23 for some reason must have said that they didn't feel that
24 it was hazing, even though the coroner claims that it was

1 admitted that it was an initiation.

2 I don't know the difference between an initiation
3 and hazing, do you? I mean, I have no clue what the
4 difference is. I think they're one in the same. So our
5 officer that was doing the investigation told me that all
6 the incidents that took place that night that he had
7 drowned fit the hazing bill. The only thing that I can
8 think of, the reason that it wasn't prosecuted was for the
9 liability, liability reasons.

10 They wouldn't call it hazing, even though the
11 coroner calls it an initiation, due to the fact if they
12 claimed it was hazing and pressed criminal charges it
13 would be a huge liability for the university.

14 Q In this slide there is the allegation here that
15 there may have been falsification of an investigative
16 report. Are you inferring that from the document or from
17 your investigation at the time?

18 A I'm inferring that from the knowledge of the
19 investigation and what I was told in reference to what is
20 in this publication. This publication says that they
21 admitted that it was an initiation, they basically
22 admitted it was hazing, and in our report it also said
23 that the officer that investigated it also told me it was
24 hazing. But for some reason it was not prosecuted as

1 that.

2 So my inference is that the university somehow or
3 another fixed the reports so that it wouldn't appear to be
4 hazing or an initiation, therefore --

5 THE COURT: Do you have any evidence of that?

6 THE WITNESS: I don't have the report, and now
7 that I'm terminated I don't have access to that stuff.

8 THE COURT: Could it just as well be the DA made
9 his discretionary call not to prosecute?

10 THE WITNESS: It could be other than this
11 publication. This publication says right in here that the
12 police reports led the prosecuting attorney to conclude
13 that the case should not result in a criminal trial.

14 THE COURT: You never saw any of the police
15 reports, though, did you?

16 THE WITNESS: All I have is what the officer that
17 did the investigation told me.

18 BY MR. SCHWEICKERT:

19 Q Your Honor, there was a question that arose in
20 some prior testimony about the document showing when
21 Officer Youngflesh left the force. And that is a document
22 on page 4619, in Volume 9.

23 So I would just ask you to read these summary
24 bullets and see if they adequately characterize, in your

1 mind, the testimony that you have just given.

2 A State hearing restores UNR officer's job.

3 Q I'm sorry, no, I'm asking you to -- not to that
4 document, but to summarize your testimony on this slide.

5 THE COURT: You mean on the slide you're on,
6 right?

7 THE WITNESS: Which one is that?

8 THE COURT: Do you have the slides up there?

9 THE WITNESS: I do but --

10 THE COURT: It's page 7. The last group of
11 slides, page 7.

12 THE WITNESS: Thank you, Your Honor. Which one
13 is it?

14 BY MR. SCHWEICKERT:

15 Q It should be the concluding slide, I believe.

16 A My page 7 must be different.

17 THE COURT: It's three pages from the back.

18 THE WITNESS: That makes it easier.

19 THE COURT: Four pages, sorry. The fourth page
20 from the end.

21 THE WITNESS: Okay.

22 THE COURT: Top slide. What was your question?

23 BY MR. SCHWEICKERT:

24 Q Would you read these bullets and state to the

1 Court whether this is a good, this is a reasonable summary
2 of the testimony in evidence that you've just brought to
3 the Court's attention?

4 A The motorized patrols cancelled, I believe that
5 was pretty much covered. I believe that it was a
6 violation of public trust. The DUI, it says the DUI is
7 encouraged by probably the lack of enforcement.

8 The in and out part of this I think we're
9 referring to on campus and off campus. Well, if you go
10 back to the interlocal agreement, it gives UNR police
11 officers the authority to enforce DUI laws not on campus
12 due to the fact it's a safety issue and they're protecting
13 the public.

14 So if there was any erratic driving or if they
15 detected that they were a DUI, they have the authority to
16 stop them.

17 The selective enforcement, I had Lieutenant, or,
18 actually, Assistant Director Renwick made a comment to me
19 one time about selected enforcement. He told me that you
20 have to choose the people that you write citations to or
21 you arrest very carefully at the university due to the
22 fact that you could cause yourself political career harm
23 if you chose to arrest or cite the wrong people.

24 There was an incident that Ron Zurek was involved

1 in, which I'll have another officer testify to, that was
2 involved with it where he was also shown preferential
3 treatment.

4 The death threats of officers who try to follow
5 their oath. I think that's pretty apparent. When you
6 have one of the leadership, a lieutenant in the police
7 department threatening to kill a sergeant if he divulges
8 any information about him retaliating against an officer
9 because he feels that he was disrespected or harassed. So
10 I think pretty much all of those bullets are covered.

11 Q You skipped over pornography.

12 A The pornography, I think we pretty much covered
13 as far as the distribution by the leadership. We have a
14 lot of this stuff that we're describing here is not the
15 officer level where these violations are being committed.
16 It's the administration and the upper echelon of the
17 police department. The pornography was the Assistant
18 Director. We have DUIs by a lieutenant. I mean, the
19 death threats by a lieutenant.

20 So I think it's pretty safe to say that the
21 officers that work for the university pretty much take
22 their job seriously, and we actually -- the officers and
23 all of the sergeants signed a vote of no confidence of the
24 chief due to the fact that we felt like he was prohibiting

1 us from doing our sworn duty as police officers, and that
2 vote of no confidence that we completed twice, the only
3 effect it had was a severe campaign of retaliation against
4 all of the officers.

5 Q Did you report some of these allegations with
6 evidence to the FBI and the Nevada Attorney General?

7 A Yes. It was part of a joint effort that we put
8 together a complaint and a lot of this and the evidence
9 was presented to the U.S. Attorney General, the Nevada FBI
10 in Las Vegas, and there was never any action taken.

11 Q Was there action taken against you as a result of
12 that?

13 A Yes. I was persecuted. And I own property, I
14 own a house in Idaho --

15 Q Before you go on, would you comment on this slide
16 here. I'm sorry, it's the last slide following the one
17 you were just addressing.

18 A This thing is so small I can't see it. The
19 corruption reports.

20 Q I'm sorry, you can't see the slide.

21 THE COURT: What's the question about this?

22 MR. SCHWEICKERT: Does this describe what
23 happened to you as a result of your reporting to
24 authorities these crimes?

1 THE COURT: Just tell us what happened.

2 THE WITNESS: I'll just tell you what happened.
3 How is that?

4 THE COURT: Sounds good.

5 THE WITNESS: What happened is I own a house in
6 Idaho with my father and my brother. And until I owned
7 that house, the only house I owned was here in Reno. And
8 I had four vehicles. I had all of them registered in
9 Reno.

10 When I bought my house in Idaho, my plan was to
11 take half of my vehicles and leave them there because I
12 have to spend time up there. My dad is 82 years old and I
13 go up and spend time with him.

14 So I registered half of my vehicles in Idaho to
15 my residence in Idaho and the other half I kept registered
16 here. And this is after, when all this was going on, the
17 police chief, Adam Garcia, started a campaign on me to --
18 he had claimed that he got an anonymous letter stating
19 that I was violating ATF laws and that I was violating IRS
20 laws and that I was violating Nevada registration laws.

21 So prior to anything happening about the
22 registration, I had two agents from the Department of
23 Alcohol, Tobacco and Firearms come to the university
24 police department to talk to me.

1 And they told me that Adam Garcia had told them
2 that I was mass manufacturing and producing and selling
3 firearms. Well, I was the department's range master. I
4 was the department's armor -- I'm the one that fixed all
5 the weapons for the department and put the weapons back
6 together that were broke.

7 Adam Garcia sent me to that training. So I had a
8 couple of the officers ask me if I would assemble a weapon
9 for them, because at the time we were going to be carrying
10 AR-15s and they wanted to have a weapon. So I did that.
11 They bought the parts. I assembled the weapons and
12 everything for them.

13 Well, when the two agents came and they asked me
14 about mass producing weapons, I told them the truth. I
15 said, "I'm not mass producing weapons. I've assembled a
16 few weapons for myself, but all of the parts were bought
17 legally and I assembled and I still have the weapons. I
18 gave one weapon to my son and a couple to the officers."

19 So the ATF officers explained to me that, well,
20 this is a real gray area, because it's not illegal to
21 assemble weapons but it's illegal to assemble weapons and
22 sell them for profit. I never made any dime on the
23 weapons I ever assembled.

24 So they told me it was a gray area and they were

1 not going to do anything to me but they just wanted me not
2 to do this. So I said fine. They wrote me out a thing
3 saying that we're just going to give you a warning, don't
4 do this, don't mass produce any weapons. I said fine.
5 They gave me an application so I could apply for an FFL so
6 I could do that. But I didn't -- I had no interest in
7 that.

8 So that failed. Adam Garcia's attempt to have
9 ATF press charges against me failed. So it went from that
10 to the registration. So he had NDI, he submitted a
11 request for NDI to come out and do an investigation on me
12 on my registration. So they did an investigation, and a
13 friend of mine -- I had NDI show up at the police station
14 again to ask me some questions about my registration.

15 And at that time I pretty much knew what Chief
16 Garcia was doing and I said, "I'm not going to talk to you
17 yet until I talk to some friends of mine that work for
18 DMV." One of my friends that works in Department of Motor
19 Vehicles in compliance and enforcement, second in charge
20 of compliance and enforcement.

21 I called him and said, "Look, this is what's
22 going on. They are wanting to press charges on me because
23 I have Idaho registration, even though I have my house in
24 Idaho." And he told me, he said, "Unless they can prove

1 that your vehicle is here 51 percent of the time," he
2 said, "they can't press charges on you. But if you want
3 to save yourself some problems, just go register
4 everything here in Nevada."

5 So I did. I went down. I registered all my
6 vehicles in the state of Nevada. Three months later I
7 have Peeler, which is the investigator for NDI, call me on
8 the phone and tell me that they have a warrant for my
9 arrest.

10 So I said, "What's the warrant for?" And he said
11 it's for being a Nevada resident failing to obtain Nevada
12 registration. And I said, "Well, I talked to a friend of
13 mine at DMV and I fixed that problem three months ago."
14 And he said, "Well, I'm aware of that." I said, "Well,
15 then why are they issuing a warrant?" And he said, "I
16 don't know. They just are."

17 So he told me to meet him at the county jail. I
18 met him at the county jail. They handcuffed me, put me in
19 the back of the patrol car and took me around to booking.

20 When they took me around to booking, the
21 lieutenant in booking recognized me and asked them why I
22 was there. And they said that I was there to be booked on
23 registration violations. And the lieutenant actually got
24 irritated and said, "Get him out of here. This is not

1 something that you bring somebody back here and book. You
2 take him around and let him post."

3 They loaded me back in the car, took me around,
4 took me in the front door all handcuffed and took me into
5 where the area where you post bail. And they -- for some
6 reason they didn't have the warrant. So they made me sit
7 in there while one of the officers stayed with me and then
8 they had another NDI guy go find the warrant because it
9 hadn't actually been issued yet.

10 So I sat in there for an hour or so. They came
11 in. I posted an \$800 bail and I left. Then we went to
12 court and I found out that they had pressed four charges
13 on me, two for operating an unregistered motor vehicle in
14 the state of Nevada and two for being a Nevada resident
15 with out-of-state registration.

16 Well, it went on from there. We went through the
17 court. The District Attorney told the judge in the
18 courtroom that they didn't want to -- they didn't want me
19 found guilty of all four charges just for two charges.
20 Well, the judge came back with a ruling like a month later
21 saying you're guilty of all four charges. And they found
22 me guilty of all four misdemeanors.

23 So the university used that to terminate my
24 position as a police officer.

1 THE COURT: What was the date of your conviction?

2 THE WITNESS: I don't know.

3 THE COURT: About?

4 THE WITNESS: The conviction was probably around
5 the first of May because I was terminated around the 8th
6 of May.

7 THE COURT: This year?

8 THE WITNESS: Yes.

9 THE COURT: All right.

10 THE WITNESS: But they had me on admin leave from
11 the date that they came out with the warrant.

12 THE COURT: Okay.

13 THE WITNESS: And then to this day I still
14 haven't been sentenced. And I kind of --

15 BY MR. SCHWEICKERT:

16 Q If I could stop you for just a moment. The
17 documents that pertain to that, Your Honor, are in
18 Volume 9, pages 43, 44 to 43, 49, the criminal complaint
19 by Deputy DA Salvucci against Lane Grow and the letter
20 from Vice President Zurek to Grow regarding his
21 termination dated on May 4th of '09. Sorry to interrupt
22 you.

23 A That's all right. The whole thing I found pretty
24 ironic over the whole thing. We have lieutenants that are

1 arrested for DUI, speeding, evading, and they get promoted
2 twice to lieutenant, after they're arrested for DUI. And
3 then we have an officer that shows up to work, violates
4 several NRS crimes, no charges are ever brought against
5 him, and he gets five days on the beach. But I have a
6 registration violation, which is a misdemeanor, and they
7 terminate me. And it's not even done yet. I was
8 terminated before I even had an appeal process.

9 So that's pretty much what happens to the
10 whistleblowers at UNR.

11 THE COURT: Do you have a lawsuit pending?

12 THE WITNESS: Yes. I have three lawsuits
13 pending.

14 THE COURT: Where are they?

15 THE WITNESS: Four.

16 THE COURT: Four, did you say?

17 THE WITNESS: One's federal.

18 THE COURT: All right. I saw the pleadings for
19 the federal one. What else do you have?

20 THE WITNESS: The other three are with district.

21 THE COURT: Here in Washoe County?

22 THE WITNESS: Yes.

23 THE COURT: Are they all involving UNR?

24 THE WITNESS: Yes.

1 THE COURT: I guess it's UNR. I'm supposed to
2 say Nevada.

3 THE WITNESS: UNR. That's good. Everybody
4 understands what you're talking about.

5 THE COURT: We're past 5:00. Anything else for
6 this witness?

7 MR. SCHWEICKERT: Not today, Your Honor. We'll
8 probably have a few more items to cover with him in the
9 morning.

10 THE COURT: Okay. You can step down. Tomorrow
11 we're going to start up again at 9:30. We'll see you back
12 then.

13 MS. PATRAW: Can I address one thing. I want to
14 make sure you're aware especially because I didn't do mine
15 under oath, but for these documents, all of these
16 documents are authenticated with affidavits in here.

17 THE COURT: It's whatever it is.

18 MS. PATRAW: I want to make sure they're all
19 authenticated.

20 THE COURT: Okay. Court's in recess.

21 (Recess taken at 5:05 p.m.)
22
23
24

1 STATE OF NEVADA)
2 COUNTY OF WASHOE)

3
4 I, DENISE PHIPPS, Certified Court Reporter of
5 the Second Judicial District Court of the State of Nevada,
6 in and for the County of Washoe, do hereby certify:

7 That I was present in Department No. 4 of the
8 above-entitled Court and took stenotype notes of the
9 proceedings entitled herein, and thereafter transcribed
10 the same into typewriting as herein appears;

11 That the foregoing transcript is a full, true
12 and correct transcription of my stenotype notes of said
13 proceedings.

14 DATED: At Reno, Nevada, this 25th day of
15 September, 2009.

16
17 /s/ Denise Phipps
18 DENISE PHIPPS, CCR No. 234
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