

# Exhibit 8



Deposition of:  
**Interview of Jack Evans**

*September 3, 2019*

In the Matter of:  
**Interview**

**Veritext Legal Solutions**  
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1 Interview of Jack Evans

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6 Moderated by Steve Bunnell, Esquire

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Tuesday, September 3, 2019

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9:33 a.m.

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19 Reported by: Natalia Thomas

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C O N T E N T S

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P R O C E E D I N G S

COURT REPORTER: Good morning. My name is Natalia Thomas; I am from Veritext Legal Solutions Washington, D.C. Today is September 3, 2019. The time is 9:33 a.m.

May I ask everybody present to please identify themselves, starting with the taking attorney.

MR. BUNNELL: Thank you, Natalia. I'm Steve Bunnell with O'Melveny & Myers, here on behalf of a special representation that O'Melveny is doing on behalf of the City Council, the D.C. City Council, involving an investigation into ethical allegations involving Councilmember Jack Evans.

MS. RIMON: Good morning. Laurel Rimon with O'Melveny & Myers.

MS. SAIED: Hi. Kimya Saied with O'Melveny & Myers.

MR. KOHLI: Hi. Rahul Kohli with O'Melveny & Myers.

MR. TUOHEY: Mark Tuohey with Baker & Hostetler, Co-Counsel for Mr. Evans.



1 MR. EVANS: My name is Jack Evans.

2 MR. LOWELL: Abbe Lowell, Winston &  
3 Strawn, Counsel for Mr. Evans.

4 MR. WINDLE: Garrett Windle from  
5 Winston & Strawn, Counsel for Mr. Evans.

6 COURT REPORTER: May I ask the deponent  
7 to raise their right hand, please?

8 MR. BUNNELL: We're not going to --

9 COURT REPORTER: No swearing-in, okay.

10 MR. BUNNELL: We're not going to do it  
11 under oath.

12 COURT REPORTER: Okay.

13 MR. BUNNELL: Not necessary. Unless  
14 you'd like to. We have not done that with any other  
15 witnesses. So we're trying to be consistent in that  
16 regard.

17 And I will say -- let me just say,  
18 thank you, Mr. Evans, for making yourself available.  
19 I know scheduling this time of year can be  
20 complicated, and doing this right after the holiday  
21 weekend means that you probably had to give up some of  
22 your holiday weekend to get ready for this. We

1 appreciate that.

2           Let me just say at the outset that this  
3 is an investigation of fact development exercise that  
4 we're going through that is still in progress. We  
5 hopefully will be able to cover most of what we need  
6 to talk about today, but there are a number of other  
7 witnesses that we haven't had a chance to talk to at  
8 this point.

9           We anticipate we'll probably get a  
10 chance to talk to them at some point. There may be  
11 some followup. So I just want to make sure you're  
12 aware that there may be additional -- we'll talk with  
13 Counsel. There may be additional interviews and  
14 follow-up questions that we're going to have.

15           Let me just put on the record that as I  
16 noted earlier, this is an investigation into ethics  
17 allegations involving your conduct on the City Council  
18 from the timeframe January 2014 to present. It  
19 relates to -- it grows out of a Council resolution  
20 that was passed in July, this summer, that defined the  
21 scope of the investigation and authorized O'Melveny to  
22 conduct it.

1           The focus of the investigation as  
2 defined in the resolution is your official and outside  
3 activities relating to your consulting business, NSE  
4 Consulting, the clients at NSE Consulting, or any  
5 entity for which you were employed or which you  
6 consulted and whether those relationships followed any  
7 provisions of the code of conduct or council rules  
8 that relate to conflict of interest, outside  
9 activities, use of government resources, or use of  
10 confidential information.

11           We were authorized by the resolution to  
12 issue subpoenas, collect evidence, conduct interviews,  
13 obtain testimony as we are today.

14           Do you have any questions at the outset  
15 about what we're doing or the format or anything?

16           MR. EVANS: No.

17           MR. BUNNELL: Okay.

18                           EXAMINATION

19 BY MR. BUNNELL:

20           Q     Let me just ask you to start very briefly  
21 with an overview of your professional career. And I'm  
22 not looking for the -- I'm looking for the three to

1 five-minute version or less, not the lengthy version.  
2 So take us back to school going forward.

3 A Where would you like me to start?

4 Q Why don't you start with undergraduate?

5 A I went to the University of Pennsylvania,  
6 the Wharton School, graduated in 1975. I went to the  
7 University of Pittsburgh School of Law, graduated in  
8 1978, and I started my career at the Securities and  
9 Exchange Commission in September of 1978.

10 Q Was that based in Washington?

11 A Yes.

12 Q Which division were you with?

13 A I started in the Division of Investment and  
14 Management and a year later transferred to the  
15 Enforcement Division.

16 Q Okay. And how long were you there?

17 A I was there till 1984. I left in 1984 and  
18 joined a law firm called Epstein Becker & Green.

19 Q I remember that firm.

20 A Yeah.

21 Q As an associate I assume?

22 A Yes.

1 Q How long were you there?

2 A I was there from 1984 to 1988, at which time  
3 I joined a law firm called Baker & Hostetler.

4 Q Okay. And moving forward, how long were you  
5 at Baker & Hostetler?

6 A I was at Baker & Hostetler from 1988 through  
7 2000, at which time I joined a law firm called Patton  
8 Boggs.

9 Q Okay. At some point along the way did you  
10 become a partner at Baker & Hostetler, or did your  
11 status change in some form?

12 A When I was elected to the City Council in  
13 1991, my status changed from associate to of counsel.

14 Q Okay.

15 A Or at some point in that time period it  
16 changed to of counsel.

17 Q Was the election to the City Council in 1991  
18 your first public office?

19 A I was an ANC commissioner in Dupont Circle  
20 in 1988, '89, and '90. I was also a member of the  
21 D.C. Democratic State Committee during that time  
22 period as well.

1 Q Okay. So in 2000 you moved from Baker &  
2 Hostetler to Patton Boggs.

3 A Correct.

4 Q What was the reason for that move?

5 A I was very good friends with an individual  
6 named [REDACTED] who was over at Patton Boggs, and he  
7 recruited me to go there.

8 Q When you were at Baker Hostetler in the  
9 1990s, what was the nature of your practice?

10 A It was a securities practice.

11 Q Okay. Did it relate to the District of  
12 Columbia specifically?

13 A No.

14 Q Okay. And moving over to Patton Boggs, did  
15 the nature of your practice change at that point?

16 A Initially I went there as a securities  
17 lawyer, and over the period of time being there would  
18 do maybe projects that were asked of me to do.

19 Q Okay. Can you give an example of what  
20 you're referring to?

21 A No. I can't remember what they were to be  
22 honest with you. It was a long time ago.

1 Q Okay. But they weren't securities law-  
2 related issues, they were --

3 A Sometimes.

4 Q Okay. What was the proportion of your time  
5 that you were spending -- let's take the period of  
6 time during the '90s with Baker & Hostetler. What  
7 portion of your time was spent on the law firm work  
8 versus the City Council work during that period?

9 A The best answer to the question is, when  
10 you're a member of the D.C. City Council, it's a 24-  
11 hour-a-day job, seven days a week. You're never not  
12 on call.

13 Q Right.

14 A So it's not possible for me to give you an  
15 answer to that.

16 Q I spent time at the law firm and lots of  
17 time at the City Council, lots of time in the  
18 community. So there's not a way of breaking that  
19 down.

20 Q Okay. In terms of the overall sort of  
21 balance between the two, did it shift over time? In  
22 other words, in the early '90s was it greater

1 percentage law firm compared to what it evolved over  
2 time to be?

3 A Well, if you start out, I was spending all  
4 my time at the law firm before I got elected to the  
5 Council.

6 Q Sure.

7 A Once I got elected to the Council, I spent  
8 time at the Council, time at the law firm, and there's  
9 no, again, way of defining what was what. It depends  
10 on how busy you are at the Council and how busy you  
11 were at the law firm.

12 Q So your recollection -- or you don't have a  
13 clear recollection of whether it shifted over time in  
14 terms of how much time you're spending on your private  
15 law firm practice versus your City Council work.

16 A Correct.

17 Q Did you have to bill your time at the law  
18 firm?

19 A Yes. At Baker & Hostetler, yes.

20 Q Did you have to bill your time at Patton?

21 A No. I don't think we did at Patton. I  
22 think the way it was set up is it would bill a



1 category that was a non-billable category so they  
2 could keep track of -- so you could get paid  
3 essentially, but as far as billing hours, no.

4 Q Did you have to keep track of your time?

5 A No.

6 Q Okay. At any of the law firms that you  
7 worked at, and we haven't gotten up to present, have  
8 you had to bill time the way, let's say, an associate  
9 at a law firm typically has to bill time?

10 A No.

11 Q All right. Let me just sort of continue the  
12 timeline. So you said 2000 was when you moved to  
13 Patton Boggs.

14 A Correct.

15 Q Okay. And what was the arrangement you had  
16 at Patton Boggs in terms of, you know, your  
17 compensation and what was expected of you?

18 A I'm not following your question.

19 Q They hired you as what?

20 A Of counsel.

21 Q Okay. And what did you have to do in that  
22 role?

1           A       I worked with other lawyers in the firm on  
2 projects.

3           Q       Okay. And did you get paid a salary?

4           A       Yes.

5           Q       Okay. Was it a straight salary, or was it  
6 tied to some performance metric or ...

7           A       Straight salary.

8           Q       Do you recall what it was?

9           A       It started out at something, and then it was  
10 190. So it may have started out at 125 and went --  
11 no, so I don't recall what it started out at.

12          Q       Okay.

13          A       But at some point it was 190,000.

14          Q       Okay. And that's per year?

15          A       Correct.

16          Q       All right. And was there an opportunity to  
17 earn bonuses or something in addition to the salary?

18          A       No.

19          Q       So it was a fixed amount.

20          A       Yes.

21          Q       And that's true throughout the period of  
22 time you're at Patton Boggs.

1 A Yes.

2 Q Okay. In addition to working on matters  
3 that other people in the firm had and needed your help  
4 with, did you bring clients to the firm?

5 A Yes.

6 Q Did you recall any clients in particular  
7 that you brought to the firm?

8 A The Forge Company.

9 Q Okay. Just for the record, what is the  
10 Forge Company?

11 A Forge Company is a company that -- it's a  
12 holding company, I suspect, for several other  
13 companies.

14 Q Is it correct that they are one of the  
15 companies they're a holding company for is Colonial  
16 Parking?

17 A Yes.

18 Q Okay. And who's the principle of that  
19 organization?

20 A Andrew Blair is the principle of Colonial  
21 Parking.

22 Q Who's the principle of Forge?

1 A Rusty Lindner.

2 Q Okay. So do you recall approximately when  
3 Forge became a client of Patton Boggs?

4 A I don't.

5 Q Had you done work with them when you were at  
6 Baker & Hostetler?

7 A I don't believe so. They may have been a  
8 client of Baker & Hostetler, but I don't know that I  
9 did any work for them. I don't remember that.

10 Q Okay. Was there a particular matter that  
11 brought them to Patton Boggs?

12 A No.

13 Q Is Rusty Lindner someone you know pretty  
14 well?

15 A Yes.

16 Q Okay. How would you describe your -- the  
17 origins of that relationship and the nature of it?

18 A I first met Rusty at a fundraiser for myself  
19 back in 1990, and we struck up a friendship. He's a  
20 neighbor of mine in Georgetown. [REDACTED]

[REDACTED] So a friendship developed out of  
22 those relationships.

1 Q And his becoming a client of Patton Boggs,  
2 was that something that sort of grew out of the fact  
3 that you had a personal relationship?

4 A Yes.

5 Q Okay. What sort of legal services did he  
6 obtain from Patton Boggs?

7 A That I don't know.

8 Q Are you aware of any legal matters that  
9 Patton Boggs handled for him?

10 A I do know there were some, but I don't know  
11 what they were.

12 Q Do you know the nature of them?

13 A I don't.

14 Q Do you know the timeframe?

15 A I don't.

16 Q When you introduce a client to -- when you  
17 introduced a client to Patton Boggs, was there any  
18 expectation that you would help manage the  
19 relationship?

20 A Largely not. It was more of bringing in a  
21 client and then having other lawyers in the firm  
22 service the client. That was the idea.

1 Q Okay. Was -- do you recall whether the work  
2 that Forge hired Patton Boggs and you to do was  
3 securities law related or something else?

4 A I'm sorry. What was --

5 Q Was it securities law related?

6 A With --

7 Q With Forge?

8 A I don't remember that being the case, no.

9 Q Okay. Did it have anything to do with City  
10 Council business?

11 A No.

12 Q Did it have anything to do with city  
13 government in general?

14 A No.

15 Q Did it have anything to do with WMATA?

16 A No.

17 Q And you have no recollection of the nature  
18 of any of the legal work that Forge hired Patton Boggs  
19 to do for them.

20 A I don't.

21 Q Okay. Were there other lawyers at Patton  
22 Boggs that worked on the Forge matter that you recall?

1           A       I don't recall.

2           Q       Were there lawyers at Patton Boggs that you  
3 recall working with at some point during your time  
4 there?

5           A       That I worked --

6                   MR. LOWELL:   On which issue?

7                   MR. BUNNELL:   On any issue.

8                   MR. EVANS:    Yes.

9       BY MR. BUNNELL:

10          Q       Who -- was there an associate or a junior  
11 lawyer that you worked a lot with?

12          A       No.

13          Q       Okay.  I don't think I established the  
14 timeframe.  So how long were you at Patton Boggs?

15          A       I joined in 2000, and I left in the end of  
16 2014.  That's approximately.  I can't remember exactly  
17 when I joined.

18          Q       Okay.

19          A       But I think it was somewhere like that.

20          Q       And at some point they became Squire Patton.  
21 Is that right?

22          A       That's correct.

1 Q So was your -- so you say you left them  
2 somewhere, you think, 2014 timeframe.

3 A I left at the end of 2014.

4 Q Okay.

5 A They were Square Patton Boggs by then.

6 Q Okay.

7 A The merger took place -- again, you could  
8 find that out easier than I can remember.

9 Q Yeah, we can find it.

10 A But it was sometime in 2014, maybe the  
11 beginning of '14, something like that.

12 Q Okay. And was the transition from Patton  
13 Boggs to Squire -- was it Squire Patton Boggs, the  
14 name?

15 A Yes.

16 Q Okay. Was that -- obviously that's a change  
17 in the firm.

18 A Yes.

19 Q Did that have something to do with your not  
20 continuing to be there after 2014?

21 A Yes.

22 Q What was the -- from your perspective, what



1 was the reason for ending that relationship?

2 A There were a number of us at Patton Boggs  
3 who were of counsel, who worked on whatever. Squire  
4 Sanders was a very corporate-oriented law firm where  
5 most of the lawyers, if not all, [REDACTED]  
6 [REDACTED]. That was not the culture at  
7 Patton Boggs, and I think that Squire made a decision  
8 that they were not going to adopt the Patton Boggs'  
9 culture of [REDACTED]

10 And I think that that's the -- kind of the  
11 genesis why many, many people left, although the group  
12 that's still there, [REDACTED]

13 [REDACTED] So they're more of a

14 [REDACTED]

15 Q So more of [REDACTED]

16 A Yes.

17 Q Okay. That's what -- Tommy Boggs was sort  
18 of well known for having that kind of practice, right?

19 A Exactly.

20 Q Yeah. 2014-ish, you leave -- you said the  
21 end of 2014, and I'm not -- this is not a memory test  
22 on the dates so we can pin it down. I'm just trying

1 to get this high-level chronology here. Your  
2 recollection is you left Patton Boggs sometime in  
3 2014.

4 A The end of 2014.

5 Q Right. Okay. Where did you -- was there a  
6 period of time when you were not associated with a law  
7 firm then?

8 A Yes.

9 Q Okay. And your recollection as you sit  
10 here, what is that timeframe?

11 A From January of 2014 to October of 2014.

12 Q Okay.

13 A No, I'm sorry, in January of 2015 to October  
14 of 2015, because I left at the end of '14.

15 Q Okay. So during that nine-month period in  
16 2015, were you engaging in any outside consulting or  
17 legal practice?

18 A No.

19 Q Did you pursue employment during that period  
20 of time?

21 A Yes.

22 Q Okay. What law firms did you seek to be

1 employed by?

2 A Manatt. I'm trying to remember what they're  
3 called now. Used to be [REDACTED], but it's  
4 [REDACTED]. I don't remember what  
5 they were called.

6 Q There is a law firm called --

7 MR. TUOHEY: Wait -- [REDACTED]

8 MR. BUNNELL: There is a law firm  
9 called --

10 MR. TUOHEY: [REDACTED] -- are  
11 you --

12 MR. BUNNELL: Or [REDACTED]

13 MR. EVANS: [REDACTED], yeah.

14 MR. BUNNELL: There are a bunch of [REDACTED]  
15 out there.

16 MR. EVANS: Yeah, yeah. There might  
17 have been some others. I don't remember.

18 BY MR. BUNNELL:

19 Q Nelson Mullins?

20 A Not at that point in time. That was here in  
21 2018.

22 Q Okay.

1           A       That was in January 2018 if I'm not  
2 mistaken, yeah.

3           Q       And when you were looking for employment  
4 during that period of time, what was, sort of the  
5 value proposition offered at the law firms you were  
6 talking to?

7                   MR. TUOHEY: I'm sorry. What was the  
8 phrase you used?

9                   MR. BUNNELL: I used value proposition.

10                  MR. TUOHEY: I don't -- do you  
11 understand that phrase? I don't, so.

12                  MR. BUNNELL: I can rephrase it.

13 BY MR. BUNNELL:

14           Q       What was the -- what was your, sort of,  
15 pitch to the law firm that you were trying to develop  
16 a relationship with or association with?

17           A       It was twofold. That I was a securities  
18 lawyer, number one, and number two, that I potentially  
19 could bring in business to the firm in other areas  
20 where the firm might have some expertise.

21           Q       So fall of 2015 you ended up joining Manatt.  
22 Is that correct?

1 A Yes.

2 Q Okay. And what was the arrangement with  
3 Manatt if you recall?

4 A That's the same type of question you just  
5 asked me with Patton Boggs. I was an of counsel, not  
6 a salary basis.

7 Q Okay. Was there any kind of bonus or  
8 success fee built into that?

9 A I believe in the agreement itself there  
10 might have been some language to that effect, but it  
11 was never activated. So I was paid \$60,000 a year for  
12 the two years I was there.

13 Q Okay. And was the expectation, as you  
14 described it, you would bring in clients, but for the  
15 most part other people would work on them?

16 A Yes.

17 Q Okay. And do you recall any clients that  
18 you brought to Manatt?

19 A Yes.

20 Q Okay. Which clients do you recall?

21 A The Forge Company.

22 Q Okay.

1           A       And I think that's it. I can't think of any  
2 others that came. There might have been, but I can't  
3 think of any.

4                   MS. RIMON: Just to clarify one  
5 question. You mentioned the Forge Company with  
6 respect to Patton Boggs. Would that be the only  
7 client that you brought in?

8                   MR. EVANS: That's the only one I  
9 remember.

10 BY MR. BUNNELL:

11           Q       Willco?

12           A       I believe Willco was already a client of  
13 Manatt.

14           Q       Was Willco a client of Patton Boggs at any  
15 point when you were there?

16           A       No.

17           Q       How about EagleBank?

18           A       You'll have to ask a question. I don't know  
19 what you mean by how about. What does that mean?  
20 Were they a client of what?

21           Q       I'm talking about who was a client of Patton  
22 Boggs.

1 A Was EagleBank a client of Patton Boggs?

2 Q Yeah.

3 A I don't believe so.

4 Q Okay. Were they a client of Manatt?

5 A I don't believe so.

6 Q Okay.

7 A Not that I'm aware of. Now, if they were --

8 Q And not as a result of your efforts.

9 A No.

10 Q Is that right? Okay. How about EastBanc  
11 or, you know, companies associated with Anthony --

12 A No.

13 Q -- Anthony Lanier?

14 A No.

15 Q Okay. A gentleman named Steve Fischer, do  
16 you know him?

17 A I do.

18 Q What -- describe what you -- who is Mr.  
19 Fischer? What does he do?

20 A Steve Fischer I only met once in my life.  
21 He owns property in the metropolitan region, largely  
22 in Maryland, and he resides in California.

1 Q What sort of property does he own?

2 A That I don't know. I don't want to guess.  
3 So I don't know.

4 Q You seem to have an understanding that he  
5 owns property. Is it residential property? Is it  
6 commercial property? Is it a house?

7 A Again. I don't know, and I don't want to  
8 guess. I just have a knowledge that he owns property.

9 Q Okay. Do you know whether he has any  
10 business interest in the District of Columbia?

11 A When you say business interest, what do you  
12 mean by that?

13 Q I mean businesses that he --

14 A I don't know.

15 Q Okay. Do you know whether he was ever a  
16 client of Patton Boggs?

17 A I don't know.

18 Q Or Manatt?

19 A I don't know.

20 Q Okay. So getting back to the chronology,  
21 you say you started with Manatt in 2015.

22 A It was October of 2015, correct.



1 Q And was there a particular reason why you  
2 thought Manatt was a good fit for you?

3 A Several reasons.

4 Q What were they?

5 A A former partner of mine at Baker &  
6 Hostetler, as well as a former member of the City  
7 Council with me, John Ray was there, and so that was  
8 number one.

9 Number two, I believe 13 lawyers from Patton  
10 Boggs joined Manatt during this time period, led by  
11 Doug Boggs, who was Tom's son, and Tom's other son,  
12 Hale, was the managing partner of the Los Angeles  
13 office. But I think he was actually maybe the second  
14 or third in charge of the whole firm. So there was a  
15 familiarity with people at Manatt.

16 Q Okay.

17 A And in the past I had known Chuck Manatt  
18 well before he passed away. So I was very familiar  
19 with the firm itself.

20 Q Okay. And with respect to Forge, were they  
21 already a client of Manatt's when you got there, or  
22 were they a client that you brought to Manatt?

1           A     A client I brought.

2           Q     Are there other clients that you brought to  
3 Manatt besides Forge?

4           A     No.

5           Q     That was the only client or you just can't  
6 recall the other ones?

7           A     I don't recall any other ones. So I think  
8 that's the only one.

9           Q     And do you have any sense of how much work  
10 Manatt generated, or how much work Forge generated for  
11 Manatt?

12          A     I don't.

13          Q     So you were paid \$60,000 a year by Manatt.  
14 Is that right?

15          A     Yes.

16          Q     And other than bringing in Forge, were there  
17 other -- are there other things, other work that you  
18 did for Manatt?

19          A     On occasion I would have [REDACTED], myself, and  
20 there was a partner there named [REDACTED] who did  
21 banking law. And so the idea was if there are any  
22 banks that would be interested in coming to Manatt,

1 but nothing ever came out of that.

2 Q Can I stop you for a second? So that sounds  
3 kind of like a business development kind of type of  
4 work. Is that right? I mean you're trying to help  
5 them.

6 A Brainstorm would be the best word, yes,  
7 brainstorm.

8 Q But with an eye towards hopefully getting a  
9 client or new clients for Manatt.

10 A Correct.

11 Q Okay. So other than business development,  
12 was there actual sort of counseling or advice that you  
13 were giving other Manatt clients?

14 A You know, it's a hard question to answer for  
15 this reason. People ask me questions all the time,  
16 and so the answer's yes and no. Yes, probably. I  
17 don't remember them in specific, but I do remember  
18 people asking me questions all the time about things.  
19 And that's, that's my best recollection.

20 Q When you say people, do you mean --

21 A Lawyers at the firm.

22 Q Okay. And it would be questions about what

1 subjects?

2 A I don't know, Steve.

3 Q Okay. I'm just trying to get an  
4 understanding of what the law firm was paying you to  
5 do.

6 A And I would say business development, the  
7 thought process was that, and any other matters that  
8 might have come along that didn't -- you know, so ...

9 Q I work at a law firm. I understand the  
10 business development aspects of it. I'm just -- it  
11 would seem that you had -- you brought one client to  
12 the firm over a period of several years.

13 A Two years.

14 Q Three years?

15 A Two years.

16 Q Two years. Is there other value that you  
17 brought to the firm that you can recall?

18 A That's a question I can't answer.

19 Q So the Manatt relationship ended at what  
20 point?

21 A In October of '17.

22 Q Okay. And what was the reason for it

1 ending?

2 A After two years we had -- when I first  
3 started there, we were talked into having a two-year  
4 period to see how it worked out, and my sense is that  
5 it didn't work out. So that's why I left.

6 Q Did you feel they didn't support what you  
7 were trying to do?

8 A No.

9 Q In your discussions with them, were they  
10 dissatisfied with what you were doing for them?

11 A I wouldn't phrase it like that.

12 Q How would you phrase it?

13 A That the two years -- it was coming to an  
14 end, and they didn't want to renew the agreement.

15 Q Did they provide any reason to you?

16 A It didn't work out the way they had hoped it  
17 would be. So if you want to surmise, I suspect they  
18 thought it wouldn't -- maybe I'd bring in more  
19 business or I'd have more to do. I don't know.

20 Q Oh, I don't want to surmise. I just want  
21 to --

22 A Okay.

1 Q -- know what your understanding was and what  
2 they told you.

3 A Yeah.

4 Q I mean, did they have a conversation with  
5 you saying, we don't think you're bringing in enough  
6 business?

7 A No, it was more like, it hasn't worked out  
8 the way we hoped.

9 Q What did you understand that phrase to mean,  
10 it hasn't worked out the way we had hoped?

11 A That there wasn't enough work at Manatt for  
12 me to do securities work and/or anything of that  
13 nature, and that I wasn't generating business. Those  
14 would be the two things.

15 Q Okay. So the Manatt work ends in 2017.

16 A October of 2017.

17 Q Okay. Prior to that time you started your  
18 own consulting company. Is that right?

19 A Yes.

20 Q Okay. Tell us about the origins of that or  
21 the timing of that roughly.

22 A In July of 2016, I met with two friends of

1 mine, Ron Paul and Bob Pincus. My thought process was  
2 to ask Ron, who is the president of EagleBank and  
3 whatever his role is if I could come and work for  
4 EagleBank, leave Manatt and go work for EagleBank.

5 Q I'm sorry. This is what date?

6 A July.

7 Q July of 2016, okay.

8 A It could be June of 2016.

9 Q Okay.

10 A But it's in that time period.

11 Q Got it. Thank you.

12 A And so we met for coffee, and the three of  
13 us talked, and Ron said rather than hire you at  
14 EagleBank, why don't you set up a consulting firm, and  
15 I can hire you as a consultant. That was pretty much  
16 the genesis of it. Add to that John Ray at Manatt had  
17 also suggested setting up a consulting firm, and I  
18 believe he told me [REDACTED]. So, that  
19 it was something that people had done at that firm.  
20 So that was the original idea of it. Up to that point  
21 in time I had not thought about doing something like  
22 that.

1 Q What was the nature of the consulting that  
2 you would do for EagleBank?

3 A That was to be determined.

4 Q Okay. You were already at Manatt at this  
5 point, right?

6 A Correct.

7 Q So did you consider having Manatt, having  
8 EagleBank retain Manatt and retain you through Manatt?

9 A EagleBank already had a law firm that they  
10 used. So they were not interested. I don't know that  
11 I ever raised it, but I do know they were -- they had  
12 a law firm -- and I used to know the name of the firm,  
13 but I've forgotten -- who does a lot of banking work  
14 in town here. So, no, they would not come to Manatt.

15 Q Okay. And had you done any work for  
16 EagleBank in the past?

17 A No.

18 Q So was there a particular project that was  
19 on the horizon that they were concerned about they  
20 wanted your help with?

21 A They didn't suggest that, no.

22 Q What did you understand you were going to



1 have to do for them?

2 A I had no understanding. It was going to be  
3 determined.

4 Q Was it ever determined?

5 A No.

6 Q Okay.

7 MR. LOWELL: Hold on a second. I think  
8 you guys are talking past each other.

9 MR. EVANS: Okay, that's possible.

10 MR. LOWELL: All right. So I have the  
11 first conversation with these people about setting up  
12 a consulting firm.

13 MR. EVANS: Correct.

14 MR. LOWELL: There was not a  
15 conversation about what it would be.

16 MR. EVANS: Correct.

17 MR. LOWELL: Eventually you end up in a  
18 consulting agreement.

19 MR. EVANS: Yes.

20 MR. LOWELL: And then there is an  
21 understanding of what you'll do if asked.

22 MR. EVANS: Yes.

1 MR. LOWELL: So I don't know that you  
2 were --

3 MR. EVANS: Okay.

4 MR. LOWELL: I don't know,  
5 chronologically you're at that point.

6 MR. BUNNELL: Fair point. Fair point.  
7 No, I was jumping ahead.

8 MR. LOWELL: I didn't know if you were.  
9 That's the question.

10 MR. BUNNELL: No. And I appreciate the  
11 clarification. Laurel.

12 MS. RIMON: When you first met you  
13 mentioned that you were exploring the possibility of  
14 working directly for EagleBank.

15 MR. EVANS: Yes.

16 MS. RIMON: What was your thought about  
17 what you would do or any discussions about what you  
18 would do as an employee of the bank?

19 MR. EVANS: I didn't have any. I was  
20 just inquiring.

21 MS. RIMON: Was there a form to your  
22 inquiry about what your employment would involve?

1 MR. EVANS: Was there a --

2 MS. RIMON: A specific idea about what  
3 you would be doing.

4 MR. EVANS: No.

5 MS. RIMON: And then I think you just  
6 clarified, I don't know if you got this already, but  
7 that once the consulting agreement was in place, there  
8 was an idea about what you would do.

9 MR. EVANS: I was on a retainer basis.  
10 That's how we set it up. So I was available to do  
11 what they needed me to do when they contacted me, if  
12 they ever did. So it was a retainer agreement, very  
13 similar to the ones that existed at Patton Boggs with  
14 many, many people, including Tom. And that's kind of  
15 the idea behind it.

16 You know, Tom probably had 100 retainer  
17 agreements with people who never called, never  
18 contacted him ever. So that's kind of the setup that  
19 was in place with my clients. And I believe I may be  
20 talking too much. You can stop me if I am.

21 MR. BUNNELL: No, go ahead, no, go  
22 ahead.

1 MR. EVANS: Ron suggested a model, and  
2 he had an agreement with [REDACTED], who I've  
3 never met. So I don't, I don't know him at all. But  
4 it's the model I used for my agreements, and it's a  
5 retainer agreement. Apparently he has a retainer  
6 agreement with a number of somethings, and that's how  
7 he operates his business. It seemed like a good model  
8 for me.

9 BY MR. BUNNELL:

10 Q Who did you understand [REDACTED] to be?

11 A An individual who lived in Maryland. Beyond  
12 that -- I think he might have been an elected official  
13 at one time and then is not now, but beyond that, I  
14 don't know who he is.

15 Q So but he was somebody that Mr. Paul  
16 referred you to or --

17 A No, that he referenced as a model. And I  
18 wouldn't even know whether EagleBank, Mr. Paul, or  
19 anybody has an agreement with him. They must, 'cause  
20 he gave me a copy of an agreement. So that's where my  
21 agreement was modeled on [REDACTED] agreement  
22 that Ron Paul gave me.

1 Q I got you, okay. So the service agreement  
2 that you used for a number of the NSE consulting  
3 clients was modeled on that service agreement.

4 A Correct.

5 Q And did you do that adaptation personally,  
6 or did someone else do it for you, take the [REDACTED]  
7 model and convert it into an NSE model, or is that  
8 something you did yourself?

9 A For the most part I did it myself, yes.

10 MS. RIMON: I have one that's going  
11 back.

12 MR. EVANS: Yeah.

13 MS. RIMON: If that's all right. Just  
14 a quick cleanup. There was a period of time after you  
15 left Squire Patton Boggs at the end of 2014 until you  
16 started at Manatt. Did you start looking for new  
17 employment with a law firm or otherwise right when you  
18 left Squire Patton Boggs or at the end of that time?

19 MR. EVANS: Yes.

20 MS. RIMON: So during that eight or  
21 nine-month period were you seeking employment during  
22 that entire time?

1 MR. EVANS: Yes.

2 MS. RIMON: I just wanted to clarify.

3 BY MR. BUNNELL:

4 Q And other than just obviously the general  
5 financial needs that one has in having outside  
6 employment, was there a particular reason why you  
7 wanted that outside employment, or was it just a  
8 general financial desire?

9 A General financial desire.

10 Q How old are your triplets?

11 A [REDACTED]

12 Q [REDACTED] okay. So during this period of  
13 time they would have [REDACTED]

[REDACTED]

15 A Yes. I can calculate that for you. When  
16 was --

17 Q Yeah, but ...

18 A Four years ago they would have been [REDACTED]

19 Q Yeah.

20 A Maybe [REDACTED].

21 Q Got it.

22 A Yeah, probably. [REDACTED]

1 [REDACTED] They [REDACTED]

2 [REDACTED] So it would have been [REDACTED]

3 [REDACTED]

4 Q Okay. NSE Consulting, we were just talking  
5 about, you say it sort of had its origins in the  
6 summer of 2016. Is that right?

7 A Correct.

8 Q And then so let's move forward on the  
9 timeline. The Manatt relationship ends when?

10 A The end of October of 2017.

11 Q Okay. Based on a mutual agreement that it  
12 wasn't working out, nothing too specific, is that --

13 A That's correct.

14 Q Okay. NSE Consulting continues on.

15 A Yes.

16 Q So there's a period of time where NSE  
17 Consulting and Manatt are both outside relationships  
18 that you've got, right?

19 A Yes.

20 Q All right. How did you sort of balance  
21 those two? How did you divide work between those two?  
22 Did you see them as different in any way?

1           A     Did I see them as different, yes. NSE  
2 Consulting was a entity that I set up that I had  
3 retainer agreements with my clients who would call on  
4 me if they needed work. Manatt was a law firm that I  
5 worked at. I worked closely with John Ray, I guess,  
6 and [REDACTED] and would do, you know, with them what  
7 they needed, if anything.

8           Q     Got it. Okay.

9           A     So, yes, it was a distinction in my mind  
10 between the two of them.

11          Q     And NSE Consulting, what's its current  
12 status?

13          A     It's closed. As of June 30 it no longer  
14 exists.

15          Q     Okay. Is there anything that's replaced it?

16          A     No.

17          Q     Okay. Are you intending to do outside  
18 consulting going forward?

19          A     No.

20          Q     Okay.

21          A     When you say this, injecting humor into an  
22 otherwise humorless meeting, never again. Probably



1 the biggest mistake one makes in life sometimes. So  
2 no, I do not.

3 Q Understood. Does that also include  
4 affiliating with a law firm?

5 A No, I'm not going to affiliate with any law  
6 firm or have any other outside employment as long as  
7 I'm on the City Council.

8 Q I suppose I can guess. I think these are  
9 very pleasant and competent lawyers that you have.  
10 I'm sure they're fun to spend time with. Is that  
11 the -- is there a reason why you don't want to go  
12 forward with -- I'm not asking a very good question  
13 here.

14 Can you explain why it is that you've  
15 decided not to either have a consulting business going  
16 forward or affiliate with a law firm going forward? I  
17 assume it's nothing personal with these two gentleman.  
18 That's what I was trying to --

19 A Yeah. I mean it's because of the scrutiny  
20 that becomes when you have outside employment. Again,  
21 if I'm talking too much, stop me. When I first joined  
22 the City Council in 1991, there were 13 members of the

1 Council. There's a chairman who is not allowed to  
2 have outside employment. And then there were 12 other  
3 members. During the time period in 1991, and for a  
4 long time, I would say nine, ten, maybe eleven of the  
5 members had outside employment. It was the norm, not  
6 the exception.

7 Harold Brazil, Kevin Chavous, John Ray,  
8 Wilhelmina Rolark, H.R. Crawford, I could go on and on  
9 and on. They all had outside employment. Today, the  
10 only person who has outside employment is Mary Cheh,  
11 who works as a professor. No one else does. So times  
12 have changed. And so people feel that outside  
13 employment is a -- is not something that members of  
14 the D.C. Council should have.

15 Q Yeah.

16 A Let me just say this. We've studied this  
17 nationwide. There's only one full-time City Council  
18 in the country, and I believe it's Los Angeles. You  
19 will find that state legislatures of which you have 50  
20 states, maybe one, maybe two legislative bodies, and  
21 you're looking at thousands of people plus City  
22 Councils, and they all have outside employment. It is

1 the norm for people to have outside employment. But  
2 in the District at this point in time, it is not. So  
3 I would steer clear of it.

4 Q Has the salary increased over the years for  
5 a City Councilmember?

6 A Yes, it has.

7 Q Do you recall what it was when you started?

8 A No. It was maybe \$60,000, something like  
9 that. It's now 125, 130 maybe.

10 Q Okay. So is that also a driver here? I  
11 mean there's more compensation so people can -- a  
12 driver for --

13 A Universally or for me?

14 Q Well, I guess both. I was talking about the  
15 general trend that you were describing. Back when you  
16 started there were a lot of councilmembers who had  
17 outside employment, and today there is only, I guess  
18 one.

19 A One.

20 Q And I'm just asking whether you think that's  
21 related to the increase in salary or whether it's  
22 related to other things.

1           A     No, I think it's related to other things. I  
2 think the people who run for the Council largely don't  
3 have outside employment and never have, and so they  
4 wouldn't be -- find something that they could do  
5 outside of being on the Council. I will say this, and  
6 this is pontificating, the best councils we had were  
7 when we had members who had outside employment,  
8 because they would bring in perspective to the Council  
9 that members who don't or never have don't have.

10                 So today I am the only member of the Council  
11 who has ever had a job that wasn't in the government  
12 or in a nonprofit, and I think that is not a good  
13 perspective. Just my personal view, though.

14           Q     Yeah. Well, there's a whole, sort of,  
15 vision of the citizen legislator.

16           A     Correct.

17           Q     Which is, as you point out, is sort of  
18 prevalent in a lot of state legislators, and is part  
19 of our history.

20           A     Yeah, it's where that came from. You know,  
21 you work on the farm, and then you got to --

22           Q     Yeah.

1           A       And what -- which is why you have in  
2 Maryland and Virginia, state legislatures that meet  
3 for what, three, four months a year max, January to  
4 April, and then they go back to their jobs, which is  
5 outside employment. And so that's how -- that's the  
6 norm, not the exception. But in the district at this  
7 point in time that is not the perception that people  
8 should not have outside employment.

9           Q       Okay. All right. Well, I appreciate you  
10 taking us through the last 30 years of your various  
11 outside activities. Is there anything that we didn't  
12 touch on that provided a source of income for you  
13 during that period of time?

14          A       Yes.

15          Q       Okay. What did we not talk about that --

16          A       For a period of time I was a representative  
17 in the city for a company called Central Benefits,  
18 which is an insurance company.

19          Q       Okay. What period of time is that?

20          A       That one -- now you're taxing my memory.  
21 When was that? Probably in 1999-2000 to 2001, '02,  
22 '03, '04, something like that.

1 Q Okay. So what was the nature of that?

2 A [REDACTED]

3 [REDACTED] When I left Baker & Hostetler, Central  
4 Benefits was setting up an office here in the District  
5 of Columbia because our laws -- and this gets  
6 technical, but concerning a concept called  
7 demutualization where mutual insurance companies which  
8 are nonprofits were converting to for-profit  
9 companies.

10 The District had one of -- some of the best  
11 demutualization laws in the country. And so Central  
12 Benefits is an Ohio-based company. [REDACTED]

13 [REDACTED] [REDACTED]  
14 [REDACTED] And they were  
15 interested in setting up an office here in the  
16 District of Columbia and needed someone as their  
17 "representative." So they asked me to do that, and so  
18 I did.

19 Q Okay. And that ended sometime in the early  
20 2000s.

21 A Yeah, I can't remember. They were acquired  
22 by another company, and so they were not -- they

1 disappeared and were no longer interested in the  
2 company that acquired them --

3 Q Okay.

4 A -- in pursuing that avenue. So, yeah, that  
5 ended, yes.

6 Q In the last five and a half years or five  
7 years, other than Manatt, Patton Boggs/Squire Patton  
8 and NSE Consulting, were there any other businesses  
9 that you either were employed by or, I guess,  
10 operated?

11 A No.

12 Q Okay. Did you ever take on legal work just  
13 in a personal capacity, not as part of one of those  
14 entities?

15 A No.

16 Q If you want to take a break at any time, by  
17 the way, this is not meant to be an ordeal. So I'm  
18 not suggesting you need to take one, but if you'd like  
19 one, Counsel would like one --

20 A I'm fine. If you're --

21 Q No, I would like to keep going if that's  
22 fine. Let me ask you, pivot now to your role as a

1 councilmember.

2 A Okay.

3 Q Let me just ask you a high level -- how do  
4 you -- as a councilmember, how do you decide what  
5 matters you're going to support and what your  
6 priorities are going to be? I know this gets a little  
7 bit kind of general, but I'm just asking you to kind  
8 of put a frame around how you approach your job.

9 A In 1991 when I came to the D.C. Council, the  
10 city was in a free fall. By 1995 it was in a huge  
11 free fall. The city was largely bankrupt. They were  
12 providing no services for anybody. Our downtown was  
13 deserted, and our population and businesses were  
14 fleeing the city.

15 When I go to Wall Street, which I do every  
16 year, to meet with the bond rating agencies, I tell  
17 the BCD story. Back in the '90s we were Baltimore,  
18 Cleveland, and Detroit. Today we are Boston,  
19 Charlotte, and Denver. So what happened?

20 And most recently when President Trump  
21 singled out Baltimore as a, whatever he described it  
22 as, the newspaper started printing other cities of



1 similar ilk. The one city you didn't see printed  
2 there was Washington, D.C. So why is that? Why did  
3 we succeed when they didn't?

4 So I tell that story because my underlying  
5 philosophy when I got to the Council was how do we fix  
6 Washington, D.C. It is clearly in a free fall.

7 In the early days there were a number of  
8 young people there, Harold Brazil, Kevin Chavous, and  
9 Bill Lightfoot, and they called us the Young Turks.  
10 Because what we were trying to do is something  
11 different than what was being done at the time, which  
12 was spending money that we didn't have and literally  
13 bankrupting the city. They have come and gone. I'm  
14 still there.

15 When Tony Williams was elected mayor in  
16 1999, Linda Cropp became the chairman of the Council,  
17 and Nat Ghandi became the chief financial officer, and  
18 I became head of the finance committee. And Tony and  
19 I sat down and figured out how do we save Washington,  
20 what do we do. And this goes to the question you  
21 asked.

22 Q Mm-hmm.

1           A       So what is my political philosophy. So one  
2 was to rebuild downtown, because without money you  
3 can't run anything. And when the city fails, the  
4 people who suffer the most are the people at the low  
5 end of the income scale, not the rich people. 'Cause  
6 they can buy their way out. The people who don't have  
7 any resources are the ones that suffer the most.  
8 They're the ones who don't get education or city  
9 services.

10                       So rebuilding downtown became our  
11 philosophy. And how do you do that? How do you lure  
12 businesses back in? How do you create confidence in a  
13 city that no one has any confidence in? And that was  
14 the approach we took. So on the economic development  
15 side, we started with the alphabet soups, TIFs, tax  
16 increment finance.

17                       I went to Chicago and studied TIFs, what  
18 they did. Met with Mayor Daley and the individuals  
19 who did that. BIDs, business improvement districts,  
20 which you have right here. I went to Philadelphia and  
21 met with Paul somebody or another who had set up the  
22 center city Philadelphia BID and then the Times Square

1 BID. So I went to New York and met with them.

2 And so we started putting in place a number  
3 of economic development drivers to change the District  
4 of Columbia. BIDs were a good example. If I'm a  
5 business and I want to open up, I'm not going to open  
6 up in a place that it's a wreck, it's dangerous and  
7 not clean. So BIDs provided two elements, clean and  
8 safe.

9 So every day, twice a day, businesses would  
10 pitch in and hire their own people to clean the  
11 streets and the sidewalks and empty the trash. 'Cause  
12 the city had no resources to do that. They would hire  
13 individuals as you see on your streets in uniforms to  
14 walk around to provide an element of safety.  
15 Originally they actually were able to contact the  
16 Metropolitan Police Department.

17 So that was an element that we used. Tax  
18 incentives for people who wanted to locate here. And  
19 I can go on and on about how we rebuilt Downtown  
20 Washington. When the control board was here in the  
21 '95 to '99 time period, I was a head of the judiciary  
22 committee, which oversaw the Metropolitan Police

1 Department that was in a free fall at the time if you  
2 remember.

3 And we hired Chuck Ramsey from Chicago to  
4 run the department. I remember picking him up at the  
5 airport and interviewing him over at Baker &  
6 Hostetler. So we hired him. And I've worked with  
7 Steve Harlan, who was a member of the control board,  
8 to figure out how do you bring public safety back to a  
9 city.

10 We went up to Boston, met at Harvard  
11 University with a fellow named [REDACTED] who had  
12 come up with the concept of -- you know what I'm  
13 talking about?

14 Q Yeah. Yeah. This is a trip down memory  
15 lane for me.

16 A Yeah.

17 Q I was in the --

18 A Oh really?

19 Q -- attorney's office from 1990, so.

20 A Oh, you were. We met with the -- we set up  
21 the --

22 Q I know some of these people.

1           A       -- called the MOU Partners, which what I  
2 discovered in the ward I represent, which is Ward 2,  
3 which is really the center of everything that happens,  
4 I use the prostitution example as one. Why can't we  
5 do anything with prostitutes? I'd meet with the  
6 police. They said we arrest them, but the U.S.  
7 Attorney won't charge them. So I meet with the U.S.  
8 Attorney. They say, hey, we charged them, the courts  
9 kick them. So I go meet with the chief judge, and he  
10 said it's not us, it's the other two who are messing  
11 up.

12                       So we inform the MOU Partners. So I got  
13 everyone in a room together, chief judge of the  
14 Superior Court, U.S. Attorney, which was Eric Holder  
15 at the time, Metropolitan Police Department -- whoever  
16 the chief was, we went through a couple of them  
17 then -- and the control board, myself, Mayor Barry,  
18 and we met every week.

19                       And we started trying to put into place --  
20 one was Operation Blue Light, which you may remember  
21 in Boston where our parole officers would -- am I  
22 talking too much? Our parole officers worked 9:00 to

1 5:00.

2 Q This is all harmless, but it's interesting.

3 A You know, it's ridiculous. You know, so  
4 we -- in Boston what they had is the parole officers  
5 worked from 5:00 to 9:00. So they would go to  
6 people's houses at 11:00 at night and find that  
7 everybody was supposed to be home, and nobody was  
8 home, right?

9 Q Yeah.

10 A So that's where we started enforcing those  
11 laws. And then, of course, the overriding one was the  
12 broken windows theory, which is now discredited, but I  
13 think discredited wrongly. I think that was an  
14 important approach, and it was started by -- who's the  
15 police chief guy, he's been everywhere, New York, Los  
16 Angeles --

17 Q Bratton.

18 A Yeah, Bill Bratton. And we met with Bill  
19 Bratton. It was the New York Subway. He was the head  
20 of the New York Subway. And he said, we're going to  
21 stop people from jumping the turnstiles. Why? 'Cause  
22 when they stop people from jumping the turnstiles,

1 they discovered that half the people jumping the  
2 turnstiles had a gun. And when they stopped them,  
3 crime plummeted on the subway system. 'Cause nobody  
4 was getting on the subways with a gun anymore.

5 And that was the whole concept. Clean up  
6 the trains, David Gunn, who I worked very closely with  
7 in Metro when -- my first go-round in Metro I was  
8 there in '92 to '99, and David was the general  
9 manager. And his idea, he ran -- he was up in New  
10 York at the time before there -- clean the trains.  
11 Get all the graffiti off the trains.

12 Q Right.

13 A You know, make these things look safe as  
14 opposed to not look safe. So those are the concepts  
15 we adopted for the District of Columbia.

16 Taxes, you know, I do not believe in raising  
17 any kind of taxes any time anywhere for any reason.  
18 The District of Columbia has as much money as it  
19 needs. And if you give my colleagues more money,  
20 they'll just spend it. So that was the philosophy  
21 Tony Williams and I had, is not raising taxes.

22 Actually we -- in the Tax Parity Act of

1 2000, David Catania and I -- after the control board  
2 came in we ended up with a windfall when we did the  
3 Revitalization Act, which was taking the functions of  
4 the Federal Government that we were paying for and  
5 handing them back to them. That was the  
6 Revitalization Act.

7 The unfunded pension liability was the  
8 number one. We had a ten billion dollar unfunded  
9 pension liability, which was going to sink the city.  
10 They took the whole thing. And to our credit, we have  
11 funded it at 100 percent ever since. That's why we're  
12 the most fiscally responsible city in America today.

13 But the prison, if you remember the Lorton  
14 thing where Tom Davis was -- you know, he wanted  
15 Lorton, he wanted the land back. So that's how the  
16 whole prison thing was revised. And we sent our  
17 prisoners into the federal system, if you remember  
18 that being over there. So, you know, all of that led  
19 to the Tax Parity Action, which we actually lowered  
20 our taxes in every area down to kind of where Maryland  
21 was. We'll never get to Virginia's, 'cause they're  
22 really good at what they do, but at least we got



1 competitive.

2           So I've tried to keep them there. Except  
3 the Council I have now wants to raise everything  
4 through the roof. You know, we're back to the tax and  
5 spend days of the '80s and '90s that bankrupted the  
6 city originally. So that's my philosophy. And so you  
7 weave that into everything that I do at the Council.  
8 And being chairman of the finance committee gave me  
9 the opportunity for the last 20 years of being able to  
10 implement most of that, being in the economic  
11 development committee.

12           Again, what were some of the projects. And  
13 imagine this -- I am really off-track now, but I'll  
14 say it anyway. 'Cause I give this speech all the  
15 time. We built the Verizon Center. The Verizon  
16 Center was a seven to six vote on the Council several  
17 times, okay. It would never work. It was a waste of  
18 money, et cetera, et cetera.

19           We built the convention center, brand new  
20 convention center. I had a woman follow me around for  
21 two years in a white elephant costume heckling me and  
22 harassing me everywhere I went. We built the

1 convention center hotel, making it the best complex,  
2 convention center and hotel complex in the nation.

3 And the crowning achievement, or the most  
4 difficult project was the baseball stadium. Seven to  
5 six vote on the Council 12 times, and it wasn't the  
6 same seven. It took me a lot -- Mark Tuohey here and  
7 myself and [REDACTED] built that  
8 baseball stadium. And it is the most successful  
9 baseball stadium or sports facility in America today.  
10 It cost us 610 million dollars of public money. We --  
11 all public money.

12 Today, that area, if you remember the area,  
13 if you've been here long enough, it had a cement  
14 factory and three strip joints. That's all that was  
15 down there. Today it produces 650 million dollars a  
16 year, a year, in increased tax revenue. So we pay for  
17 the stadium every year.

18 So imagine Washington without the convention  
19 center, the baseball stadium, and the Verizon Center,  
20 now called Capital One Arena, and we'd be Detroit.  
21 And we're not. So those were the building blocks that  
22 produced neighborhoods that have revitalized the city.

1 Q Sounds like the beginning of a book.

2 A And then Metro, we fixed Metro is the other  
3 thing. I mean, if you want to add that to the list,  
4 for the last four and a half years until recently I  
5 was on the board, the last three and a half years the  
6 longest-serving chairman in the history of Metro by  
7 far, and got dedicated funding for Metro.

8 When I went over to Metro, it was the  
9 District in 1990. I mean, they hadn't had an audit  
10 done -- an audit was nine months late. The one before  
11 that still wasn't done. It was five months late. The  
12 board was in chaos. The general manager had just quit  
13 the day I got there.

14 We had an accident -- I started on a  
15 Thursday, and then the following Monday is when [REDACTED]

[REDACTED]  
[REDACTED] I mean, the place could not have been more of a  
18 wreck. And when I left at the end of June, it could  
19 not be in better shape than it is today.

20 And so it's again, Metro is the lifeblood of  
21 our region, the economic force. Fixing Metro was  
22 critical if we were going to make this region work.

1 Q Okay. Well, that's actually very helpful  
2 context for everything. I appreciate that. Let me go  
3 from the big picture to a small specific question.  
4 Email, what email accounts do you use in connection  
5 with your D.C. Council activities?

6 A My D.C. Council account.

7 Q Okay. Do you retain those emails? Do you  
8 take any steps personally to retain those emails, or  
9 do you just let the D.C. Council figure out what to  
10 save and what not to save?

11 A The latter.

12 Q Okay. Do you use any personal email  
13 accounts?

14 A I have one personal email account?

15 Q Is that the AOL account?

16 A Yes.

17 Q Okay. Do you have any others besides the  
18 AOL account?

19 A Wait, yes, I, I do -- I might have others  
20 that I never use. So when I was at Metro I had a  
21 Metro account, and I couldn't for the life -- if you  
22 tell me how to get onto that account. I have -- as a

1 member of the Democratic State, I'm the Democratic  
2 National Committee man for the District of Columbia.  
3 There is an email account, and I have no idea how to  
4 get on that. I've been at -- I had one, I don't know  
5 now to use that very well, and that's it.

6 Q Okay.

7 A So but today -- you're asking me today.

8 Q Yeah.

9 A I have my City Council account, and I have  
10 my AOL account, and these other two accounts I believe  
11 do exist, but I don't know how to -- I don't -- I  
12 never access them.

13 Q Okay. Did you ever use your --  
14 historically, did you ever use the AOL account for  
15 D.C. Council business?

16 A No.

17 Q And how about the flipside, did you ever use  
18 the D.C. Council email account for either your  
19 consulting business or your law firm work?

20 A No. No. And I state that with only this  
21 qualification. Somebody could send me an email on my  
22 Council account, but I don't recall that happening,

1 but it could have happened.

2 Q Sure. Sure. No, I'm not implying there's  
3 anything deeply nefarious about this. I'm just trying  
4 to understand, you know, practice.

5 A Right.

6 Q So it would be fair to say that you're --  
7 without suggesting that you were 100 percent perfect  
8 in any sense --

9 A Correct.

10 Q -- but your general practice would be to use  
11 the D.C. Council account for work related and the AOL  
12 account for personal related.

13 A Yes.

14 Q How about political stuff, was there a  
15 separate -- where would your campaign stuff fall in  
16 that?

17 A Campaign stuff, I don't know. Neither. I  
18 don't know what we did on our campaign stuff. It  
19 wouldn't come in on my council stuff, 'cause you can't  
20 do that. And it wouldn't have come in on my AOL  
21 account, 'cause I hardly ever used it. And I don't  
22 know that we even had an email account, but that would

1 be out of my knowledge. I don't know.

2 Q Okay. Constituent Services Fund, is that --  
3 that's a council activity.

4 A Yes, it is.

5 Q So you would manage that through the Council  
6 office.

7 A My, my -- I didn't manage it. My chief of  
8 staff, Schannette Grant managed it.

9 Q Okay. But it's your council staff that's  
10 doing it.

11 A Right. Yes.

12 Q Okay. What's your practice with respect to  
13 the AOL account? Do you -- are you somebody that  
14 tends to read an email and delete it, or do you just  
15 save everything or somewhere in between?

16 A I read it and delete it.

17 Q Is that a practice that you've had for a  
18 while, or is that something new?

19 A Forever.

20 Q Okay. What's the thought process behind  
21 that?

22 A I think I'm just a compulsive person that

1 likes everything clean. So I don't want any emails in  
2 my account. So I read them and delete them. I mean,  
3 I don't have any other reason to do that other than  
4 just clean them out when I'm done with them. I don't  
5 keep a lot of stuff.

6 Q Do you find it makes it hard to remember  
7 things sometimes?

8 A I don't know the answer to that.

9 Q Other than email, what other forms of  
10 communication do you typically use for your outside  
11 business activities?

12 A The telephone.

13 Q Okay. Cell phone.

14 A Cell phone, yeah.

15 Q Is that a personal device, or is that a City  
16 Council device or is that?

17 A I have three cell phones. One is my  
18 personal one, second is my personal one that backs up  
19 the personal one, and I also have a City Council-  
20 issued one.

21 Q Okay. Are you somebody that uses text  
22 messages a lot? Is that --



1           A     I use text messages. I don't know if it's a  
2 lot, but I do use them.

3           Q     Well, how would -- volume-wise, how  
4 frequently would you say you sent text messages,  
5 daily?

6           A     Daily.

7           Q     Multiple times a day?

8           A     Probably.

9           Q     And do you use it for work or just -- I will  
10 tell you, [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] Other than your family, do you use it for other  
13 personal communications?

14          A     Yeah.

15          Q     Do you use it -- do you text in connection  
16 with Council matters?

17                   MR. LOWELL: Can you just be more  
18 specific about that? 'Cause I mean, it's an important  
19 question when you're trying to create the record.  
20 Like for example, somebody on a staff sends him a text  
21 that says don't forget, you have a meeting at 1:00 or  
22 somebody from the outside says, are you coming.

1 That's kind of using it for your -- if that's what you  
2 mean as opposed to -- I mean people use their texts  
3 for all kinds of things. They attach documents to it,  
4 blah, blah, blah. So could you just be a little bit  
5 more honed in?

6 MR. BUNNELL: Well, I'm just asking Mr.  
7 Evans to describe whatever it is. And I don't hone in  
8 on -- I don't have any particular practice to suggest  
9 to you. I'm just trying to --

10 MR. LOWELL: Okay. Well, with that in  
11 mind -- I mean the phrase was for your council work.  
12 So I just didn't know what that meant. I guess a  
13 better question is how do you use your text.

14 BY MR. BUNNELL:

15 Q The gist of my question was, describe how  
16 you use text messaging in connection with your council  
17 work.

18 A I don't with my council work. I do -- I  
19 mean I text my staff, where are you, you know, what's  
20 going on, call me, et cetera.

21 Q Okay.

22 A But as far as like attaching documents, I, I

1 wouldn't even know how to do that. so it's more of  
2 a -- my primary method of trying to talk to anybody is  
3 on the telephone. If I can't reach -- [REDACTED]  
4 [REDACTED], I have the same issue. When I  
5 can't -- [REDACTED] --

6 Q Makes me feel better.

7 A -- [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] I don't know why. So we have the

12 same issue.

13 Q It's a generational problem.

14 A So when I text my -- call my chief of staff  
15 and she doesn't pick up, I text her, call me. You  
16 know, same with other people on that. But as far as  
17 doing business on a -- I mean, if you have -- you have  
18 all my texts. I know you could probably put one in  
19 front of me and catch me doing something, I don't  
20 know.

21 But the bottom line is, no, I don't know how  
22 to type. So, whereas [REDACTED] goes like this, I do

1 this. So it takes me forever to do anything. So I  
2 don't, I don't do much. I don't have -- that's why I  
3 don't do much emails. I don't know how to type.

4 Q You're a hunt and peck.

5 A I'm a hunt and peck guy, yeah. So I just  
6 don't do that stuff. I rarely generate an email to  
7 anybody. I mean, I can hit the reply button and then  
8 kind of do it, but beyond that, no, I don't do that.  
9 I use the phone. But it's becoming a dieing breed.

10 Q Let me just ask you about your financial  
11 disclosure statements that you have to file with BEGA.  
12 Are you familiar with those?

13 A Yes, I know.

14 Q Is that something that you do personally, or  
15 do you have somebody that helps fill those out for  
16 you?

17 A My chief of staff, Schannette Grant helps me  
18 with them every year.

19 Q Okay. Do you have an accountant or  
20 financial advisor who helps with any of that?

21 A No.

22 Q It should be tab one in your book there. I

1 believe this is -- I think we've got a set of  
2 financial disclosure forms or statements.

3 A Okay.

4 Q I believe the first one is for 2014. And we  
5 go -- go back through them a little bit to the --  
6 there's one for 2018, which is a number of blue sheets  
7 in there.

8 A Okay.

9 Q I don't think they're paginated, but I'm  
10 just trying to find a recent one.

11 A The one there on top says "FDS filing  
12 details for 2018." No.

13 Q Well, I'm looking at this one, but.

14 A Yeah, so this is the one that says --

15 Q Yeah.

16 A -- 1/2018 to 6/30/18 on the right side.

17 Q Yes. Yes.

18 A Okay.

19 Q I just want to make sure we're looking at  
20 the right thing. So I'm just picking this as an  
21 example. As you look through this, on the third page,  
22 there's something that says "Non-district employment

1 business," right?

2 A Yes.

3 Q And it asks whether during the reporting  
4 period you had any outside employment or activity that  
5 generated -- or for which you received compensation of  
6 \$200 or more, and you list NSE Consulting, right?

7 A Yes.

8 Q And then at the bottom of that section,  
9 after you check the box for the income range, it's got  
10 a subsection that's bolded that says "clients." Do  
11 you see that?

12 A Yes.

13 Q And it says "If you answered yes because you  
14 were paid by a client as opposed to an employer,  
15 please identify which, if any client had or has a  
16 contract with the district or who stands to gain a  
17 direct financial benefit from legislation that was  
18 pending before the Council during the reporting  
19 period." Do you see that section?

20 A Yes.

21 Q And then there's -- you don't list any  
22 clients. Is that correct?

1           A     Yes.

2           Q     Is there a reason why you didn't list any  
3 NSE clients in response to that question?

4           A     My understanding is I was paid by NSE  
5 Consulting, not by the clients. So number one would  
6 be, it says, you were -- "If you entered yes because  
7 you were paid by a client." So that would be number  
8 one. And number two, if you go further, "Client had  
9 or has a contract with a district who stands to gain,"  
10 that would not apply either, 'cause none of my clients  
11 had a contract with the district or stood to gain from  
12 legislation. So neither of those would apply.

13          Q     So your view is that your -- you didn't have  
14 any clients because you were being paid by NSE  
15 Consulting. I just want to make sure I understand  
16 that.

17                   MR. LOWELL: That's not what he said.  
18 He has clients, and --

19                   MR. BUNNELL: That's why I'm asking him  
20 to clarify.

21                   MR. LOWELL: Okay. He said that if  
22 you're paid by -- and he was paid by NSE Consulting.

1 MR. EVANS: Correct.

2 MR. LOWELL: Doesn't mean that NSE  
3 doesn't have consultants. It's a question of who pays  
4 him. I think that's what he's -- I mean, that's what  
5 I heard him say.

6 BY MR. BUNNELL:

7 Q Okay. I'm not trying to put words in your  
8 mouth. I'm just trying to understand -- there's an  
9 interpretation of this question that you're  
10 describing, is that an interpretation that you came up  
11 with yourself, or did you seek counsel in terms of how  
12 to interpret that, or advice?

13 A I did not seek advice, no. I came up with  
14 that myself. I was paid by NSE, not by the clients.

15 Q If a client of NSE Consulting -- we could  
16 pick one, let's say it's Forge -- had -- let's say  
17 there was a piece of legislation that affected, I  
18 don't know, the tax rate for parking garages, that  
19 would potentially be a issue that you would have to  
20 think about from a conflicts perspective, right?

21 A Possibly.

22 Q Possibly, okay. If the identity of the



1 client is not on the form, no one would necessarily  
2 know that they're a client of NSE Consulting, right?

3 A Correct.

4 Q All right. So if the clients aren't listed,  
5 it's hard to do a conflicts check on matters.

6 MR. LOWELL: Who does the conflicts  
7 check?

8 MR. BUNNELL: We'll get to that.

9 BY MR. BUNNELL:

10 Q I'm just saying, as a practical matter, if  
11 you've got a half dozen clients, but they're not  
12 listed, nobody can -- maybe you know, but no one else  
13 would know who those clients are, right?

14 MR. LOWELL: I'm sorry. Don't answer  
15 that question yet. So I just want you to be true to  
16 the text. The client has to have a contract for this  
17 one, or have what is defined in the code of conduct as  
18 a direct financial benefit. Is that what you're  
19 asking? Or as opposed to a client who in some other  
20 general way has some interest in something that may be  
21 something in the District of Columbia.

22 'Cause you're right that if you don't

1 list somebody, then somebody looking at your form  
2 can't tell who your clients are. But the form doesn't  
3 require you to list all of your clients.

4 MR. BUNNELL: I'm not asking what the  
5 form requires.

6 MR. LOWELL: Say it again.

7 MR. BUNNELL: I'm not asking what the  
8 form requires. I'm asking the first question, which  
9 is that if you don't have the name of the client on  
10 the form, no one would know whether you have a  
11 conflict or not. Is that -- I'm trying to make sure  
12 I'm not missing anything here. Do you agree with that  
13 proposition?

14 MR. LOWELL: It may be a problem with  
15 the form.

16 MR. EVANS: Whether I agree or  
17 disagree, what does that matter?

18 MR. BUNNELL: Well, if you're trying to  
19 prevent a conflict in your official actions, it's  
20 important to know who the party is that's before you.

21 MR. LOWELL: When you say -- again, I'm  
22 sorry to keep interrupting you. If you are trying to

1 prevent a conflict. He has an obligation to prevent  
2 conflicts every moment of his existence. Are you  
3 saying if the Washington Post wants to know who your  
4 clients are? Are you saying whether he wants to avoid  
5 a conflict? That's where I'm being hung up. Who's  
6 the "you" in your sentence, him or somebody else?

7 BY MR. BUNNELL:

8 Q Typically people have -- do you have a phone  
9 call you need to --

10 A No.

11 Q Did you have anybody on your staff that  
12 helped you spot potential conflicts?

13 A Did I have anybody on my staff to help me  
14 spot potential conflicts? Like in general or  
15 specifically or --

16 Q Was there anybody on your staff, Schannette  
17 Grant or somebody else, who historically had  
18 responsibility or you looked to for assistance in  
19 making sure that you didn't vote on something that a  
20 client of yours had a particular interest in?

21 A The answer would be yes and no. No, because  
22 people didn't know who my clients were, but, you know,

1 so the answer would be no. But if there was a  
2 potential conflict, both Ruth and Schannette -- I  
3 don't -- can't think of an instance when that would  
4 have happened -- would have said something, especially  
5 Ruth, who does my legislation.

6 Q Okay. Yeah, I'm -- taking it away from the  
7 lighter to the form -- just functionally, if as you  
8 say, no one knows who your NSE clients are --

9 A Right.

10 Q -- then other than you there's nobody else  
11 who could spot a potential client and bring it to  
12 your -- a potential conflict and bring it to your  
13 attention. That's all. Does that make sense?

14 A Well, again, whether it makes sense or not,  
15 I don't know how to answer that question. I just  
16 don't.

17 Q Well, the clients that you had for NSE, is  
18 it your -- are you saying that none of them had a  
19 direct financial benefit from legislation that was  
20 pending before the Council?

21 A During the time they were my clients you're  
22 saying.

1 Q Yeah.

2 A I can't think of any of them that had a  
3 direct financial benefit of something pending before  
4 the Council.

5 Q In leaving --

6 A That I was involved in, no, not --

7 Q Right.

8 A You know, I had to be involved --

9 Q You were personally and substantially  
10 involved in.

11 A Yeah. I can't think of anybody.

12 Q Okay. And in completing or deciding not to  
13 list clients on this disclosure form, did you focus on  
14 that question or did you not think about it in those  
15 terms?

16 A As I said, my first thought is, NSE is  
17 paying me, not the clients.

18 Q Mm-hmm.

19 A So this doesn't apply.

20 Q Okay.

21 A Secondly, none of them had a direct conflict  
22 or a financial benefit. So that doesn't apply. So

1 there would be no reason to list the clients.

2 Q Okay. I'll take one more shot at my  
3 somewhat convoluted way of trying to ask the earlier  
4 line of questioning. What is your understanding of  
5 the purpose of the financial disclosure form?

6 A What is my understanding of the purpose?  
7 It's to disclose any financial information that would  
8 be important for the form -- you know -- yeah, to  
9 disclose information that the form is requiring.

10 Q But the disclosure form is something that is  
11 required for a purpose, right?

12 A Yes.

13 Q It's probably something that you voted on  
14 during the last 25 years on the Council I suspect.

15 A Correct.

16 Q So what purpose is served by having you file  
17 a financial disclosure form every year?

18 A To see if there are any, I guess, conflicts  
19 of interest. I mean, that would probably be the main  
20 purpose of the form.

21 Q To see if there are any actual conflicts or  
22 potential conflicts or help you spot conflicts in the

1 future, all of the above?

2 A I would say conflicts of interest. When you  
3 get into the potential area, I don't know that this  
4 form is helpful for that. I don't know. But I don't  
5 know that. But the form is multifaceted, as you know.  
6 It calls for financial disclosures. Do you get gifts,  
7 you know. So it's to see if you're violating the  
8 ethics laws, I guess, you know, provide information.

9 Q Did you ever use the form personally after  
10 you filed it to help sort of manage potential  
11 conflicts?

12 A No.

13 Q Flipping forward in the form, the document  
14 we've been looking at here, we can go -- I don't know  
15 what the page number is, but there's a section,  
16 paragraph number seven, it's captioned "Securities,  
17 holdings, and investments."

18 A Yes.

19 Q Do you see that? So during this timeframe  
20 you -- other than mutual funds, you held no securities  
21 or investments. Is that correct?

22 A Yes.

1 Q As part of the --

2 MR. LOWELL: Can I ask you a question a  
3 second before you skip to that? Do you have his  
4 financial -- in the package, the financial disclosure  
5 forms for when he worked for a law firm and listed the  
6 law firm as the employer but the law firm did not list  
7 the clients. Do you have one of those? I mean, you  
8 picked 2018.

9 MR. BUNNELL: I picked one during NSE.  
10 No, I don't think -- I mean I'll represent to you. I  
11 don't think there's ever been a form where individual  
12 clients have been listed. I think the phraseology has  
13 been a little different --

14 MR. LOWELL: Including when he worked  
15 for a law firm. Like so when he worked for Manatt,  
16 did Manatt list all of their clients that had  
17 substantial interests?

18 MR. BUNNELL: I don't think Manatt had  
19 anything to do with the form, but in terms of filling  
20 it out --

21 MR. LOWELL: No, no, I understand, but  
22 it's saying --



1 MR. BUNNELL: Yeah, yeah, I'm sorry.

2 MR. LOWELL: Maybe I'm asking -- I'm  
3 trying to see -- I could look back, but I mean his  
4 employer would be Patton Boggs. His employer would be  
5 Manatt. That's who pays him. They have clients. He  
6 has clients in that firm. I'm just trying to see if  
7 they list -- did anybody list those?

8 MR. BUNNELL: Let me just look.

9 MS. RIMON: They did not.

10 MR. BUNNELL: I mean, that's not -- I  
11 think we're saying the same thing.

12 MR. LOWELL: Okay. I guess it started  
13 with the law firm model. That's why I'm asking. I'm  
14 trying to see what the law firm model was. Go ahead.  
15 Keep asking. I was just checking something.

16 BY MR. BUNNELL:

17 Q NSE Consulting -- well, hold on a second,  
18 let me -- I tell you what. We've been going an hour  
19 and a half. Let's take a five-minute break.

20 A Okay.

21 (Off the record.)

22 MR. BUNNELL: All right. We're back on

1 the record.

2 MR. LOWELL: Can we go back to your  
3 last question. Do you remember what it was? Can  
4 you -- I don't know if that was fully answered or not,  
5 just to be clear before you move onto the next.

6 MR. BUNNELL: You want her to read back  
7 or --

8 MR. LOWELL: Oh, I don't know.

9 MR. BUNNELL: Or do you want me to go  
10 back to it?

11 MR. LOWELL: No, I don't mean  
12 officially like that --

13 MR. BUNNELL: Yeah, I'm not treating  
14 this like a formal deposition.

15 MR. LOWELL: Yeah, I know. What was  
16 the last thing that you guys were talking about?

17 MR. BUNNELL: We were talking about the  
18 financial disclosure statement.

19 MR. LOWELL: I know, but what --

20 MR. BUNNELL: I think we were getting  
21 into more of a philosophical conversation.

22 MR. LOWELL: I know, and that's --

1                   MR. BUNNELL: My point was not about  
2 the form per se, but just about whether the form is  
3 actually assisting either you or anybody else in  
4 managing potential conflicts.

5                   MR. EVANS: Right.

6                   MR. BUNNELL: I'll tell you, when I was  
7 in the government there was somebody -- my chief of  
8 staff had my financial disclosure form, and if  
9 something came in that related to something on that  
10 form, she'd flag it for me, and that was actually kind  
11 of helpful. But if I had not listed any specific  
12 matters, it would have all been on me.

13                   MR. EVANS: Yeah.

14                   MR. BUNNELL: And what I'm hearing you  
15 say is, both because of maybe the way the form was and  
16 just the way you managed it, it was all on you to  
17 manage the NSE conflicts issues. So let me make that  
18 the question.

19 BY MR. BUNNELL:

20                   Q       Was it -- in terms of managing NSE  
21 Consulting clients, was that something that you took  
22 on as a personal responsibility?

1           A       It wouldn't be as specific as that. And I  
2 think what I was trying to say is, in disclosing what  
3 the form is calling for, I was using the law firm  
4 model. Okay. At any firm I worked at and maybe at  
5 O'Melveny, it has to be this way. They died before  
6 they disclosed clients. They just don't disclose  
7 clients under any circumstances for any reason ever.  
8 That's the -- at least the firms I worked at had that  
9 approach. So you don't disclose clients. And so  
10 that's my mindset in filling out any form.

11                   And then in reading this, it didn't call for  
12 me to -- so NSE was the company. That's what I  
13 disclosed. Patton Boggs is the firm. That's what I  
14 disclosed. I didn't disclose the clients of Patton  
15 Boggs. Manatt, same deal. And then when you add the  
16 other language, no direct contract, and no pertinent  
17 financial gain, immediate, whatever that word is  
18 there, whatever I'm looking at, there was no  
19 requirement to disclose the clients, and so I didn't.

20           Q       Okay. And just so to button this up, you  
21 didn't inform anybody in your office staff who the  
22 specific clients of NSE Consulting were.

1 A No.

2 Q Although would it be fair to say that at  
3 least Schannette Grant and perhaps others were  
4 probably aware of at least some of them?

5 A Yes.

6 Q Let me jump back a little bit, tab four.  
7 Actually this isn't really back. Tab four is an email  
8 from Schannette Grant to Tim Fitzgibbon at Nelson  
9 Mullins.

10 A Yes.

11 Q And you're at BCC on that email. Do you see  
12 that?

13 A Yes.

14 Q And this is January 31, 2018.

15 A Yes.

16 Q Draft business strategy development plan.

17 A Yes.

18 Q And it's actually -- it's from Schannette,  
19 but the message is really from you, right?

20 A Yes.

21 Q Is that a way that you work with her when  
22 she would send an email from her account, but it would

1 be essentially your message?

2 A Schannette did not use her council account  
3 to send things on my behalf that were not council-  
4 related, except in this instance and maybe one or two  
5 others in which she made a mistake.

6 Q Okay.

7 A It would generally not come from a council  
8 account. She has a separate personal account, and I  
9 have the AOL account, which is what should have been  
10 done in this case.

11 Q This is the -- do you understand this to be  
12 part of the issue that the BEGA penalty that you  
13 incurred recently related to?

14 A It's related to this. We don't agree with  
15 BEGA, but it is related to this.

16 Q Okay. When you say you don't agree with  
17 BEGA, what aspects of that do you not agree with?

18 A We have a expert, which I believe you have  
19 the copy of his opinion, that, number one, a mistake  
20 by a staff person on two or three occasions is de  
21 minimis and should not have violated that rule.

22 And secondly, a business plan is not a

1 violation of any ethics rules. And I think Mike  
2 Fisher is the expert who wrote that and firmly  
3 believes it, as do I. So I -- the two areas where  
4 BEGA cited me for a violation, in my view, are  
5 incorrect.

6 Q Okay. Let me ask you about the business  
7 plan, which is attached behind that email.

8 MR. TUOHEY: Tab five?

9 MR. BUNNELL: It's tab four. So  
10 there's a blue sheet --

11 MR. TUOHEY: Yes.

12 MR. BUNNELL: And then there's a  
13 business development strategy document, which is  
14 provided for Nelson Mullins.

15 MR. EVANS: The one stamped  
16 confidential that appeared in the Washington Post on  
17 the front page, that one.

18 MR. LOWELL: Not so much.

19 MR. EVANS: Along with the attorney-  
20 client privilege materials from the other law firm  
21 that somehow managed to find their way to the front  
22 page, which leads me to believe there is not a thing

1 that I do in this that will be confidential.

2 BY MR. BUNNELL:

3 Q Let me just ask you generally about this  
4 document. You sound like you're familiar with it.

5 A Somewhat.

6 Q Did you write this document yourself?

7 A Can I give you the history? It's easier for  
8 them to --

9 Q Sure. Yeah, just tell me who wrote it.

10 A -- ask questions and we'll just trip over  
11 each other.

12 Q Okay.

13 A When I originally applied to Nelson Mullins,  
14 it was to become a securities lawyer. A friend of  
15 mine [REDACTED]

[REDACTED] who I worked with back whenever I was there,

17 [REDACTED] [REDACTED]

[REDACTED] I can't remember.

19 MR. TUOHEY: Ron Rodnick.

20 MR. EVANS: Yeah. [REDACTED] had just  
21 started --

22 MR. BUNNELL: I didn't hear that.



1 MR. TUOHEY: Ron Rodnick.

2 MR. BUNNELL: Okay.

3 MR. EVANS: [REDACTED]

4 [REDACTED], and he and I share -- do things  
5 socially together still. And so I said to him -- this  
6 would have been in '17. So it was right after I left  
7 Manatt. I said, "Could you use some help over there?"  
8 He said, "Yeah, actually that might be fun." You  
9 know, I'm one of a couple of -- or one of -- maybe the  
10 [REDACTED] office.

11 Nelson Mullins is a firm that's based,  
12 I believe, in Columbia, South Carolina. So they have  
13 a nice office here. And so I said, "Let's pursue it."  
14 And he was game. So the business plan that I  
15 originally submitted to Nelson Mullins is not this.  
16 It is a business plan that starts with my legal career  
17 as a securities lawyer and then lists other things,  
18 i.e., being on the Council.

19 So my intent of going to Nelson  
20 Mullins, if they would hire me, was to be as a  
21 securities lawyer. 'Cause I could still do that  
22 stuff, you know. I'm probably better at it now than

1 I've ever been, taking depositions, et cetera. And  
2 [REDACTED] So that's what we would be  
3 doing, defending people as opposed to the opposite  
4 side, but, yeah.

5 BY MR. BUNNELL:

6 Q Okay. So the original business plan was  
7 different than this.

8 A Yes.

9 Q Okay. So how did this version come to be  
10 developed?

11 A When I went over and met with the  
12 individuals at Nelson Mullins, there was a gentleman  
13 from the Council, Rob Hawkins, who worked for Muriel  
14 Bowser when she was the councilmember and as the mayor  
15 and has recently gone to Nelson Mullins. And another  
16 individual, [REDACTED] who was with me at Patton  
17 Boggs. And he was at Nelson Mullins, both unbeknownst  
18 to me.

19 So when I interviewed there, they said, oh  
20 God, Jack, this would be great to have Jack here  
21 because he knows -- they were -- they do lobbying work  
22 for the firm, you know, on both the federal and local

1 level, wouldn't it be great to have Jack here because  
2 he knows a lot of stuff and so in addition to being a  
3 securities lawyer, he could be helpful to us in  
4 whatever way. You know, it was never defined.

5 The issue then became the hiring is not done  
6 in Washington, but rather in South Carolina where they  
7 have no idea who I am. And so Rob rewrote my business  
8 plan entirely. And there is an email that shows --  
9 you may have it, you may not have it, I don't know.  
10 You should have it if you don't -- where he rewrites  
11 the entire business plan, and this is the end result  
12 of that.

13 I would never in retrospect, use words like  
14 are in this business plan, using my influence and  
15 stuff like that. I would never use -- that would  
16 never appear in anything that I ever wrote on my own,  
17 any business plan I submitted to Manatt, which you  
18 have, I'm sure, or a business plan that I submitted to  
19 Nelson Mullins or anybody else that you might have.

20 So those are the reflection of how I  
21 operate, not this. This was never submitted to anyone  
22 other than Nelson Mullins at their request, that I

1 believe they were going to use to present my case to  
2 the partners in South Carolina who had no idea who I  
3 was. And the end result is I didn't get the job.

4 Q So let me just direct you to page three of  
5 it, to the section captioned "Strategy."

6 A Yes.

7 Q "I plan to originate government relations  
8 and legal business for Nelson Mullins in three ways.  
9 One, by contacting my network of business  
10 relationships developed as an elected official, as the  
11 Chairman of WMATA and through my professional and  
12 personal affiliations and relationships."

13 So is that consistent with what you  
14 envisioned doing, or is that not the way you would  
15 phrase it?

16 A This was not my language. I wish I had the  
17 other one and you could -- and there was not even a  
18 strategy section in the other one. So -

19 Q Well, let's just take that first element.

20 A Sure.

21 Q So using your network of relationships as an  
22 elected official as the chairman of WMATA and through

1 my professional and personal affiliations and  
2 relationships. How would -- I mean is that an  
3 accurate description of what you were looking to do?

4 A Steve, I, you know, I know a lot of people.  
5 Okay. And you're in a law firm. So you understand  
6 me. You all are. Business generation is critical.  
7 If you can do that, you don't have to do a thing, just  
8 bring in the clients. It's called a rainmaker as you  
9 know.

10 So my hope was that having known a lot of  
11 people around here, I could go to individuals and say,  
12 this firm does a lot of employment law. If you have a  
13 lot of employees, would you consider hiring Nelson  
14 Mullins or -- I don't know what their specialties  
15 were. You got the gist of what I'm saying.

16 It wasn't to go to them and say, hey, I'm on  
17 the D.C. City Council, so I can lobby for you. Of  
18 course not, that's ridiculous. It was to be able to  
19 approach people that I know, 'cause I know a lot of  
20 people, and ask them if they would consider hiring the  
21 law firm I was at in order to do work that the law  
22 firm was good at, not lobbying the D.C. Council.

1           It had nothing to do with the D.C. Council.  
2   'Cause mostly firms don't have anything to do with the  
3   D.C. Council or WMATA for instance. The WMATA thing  
4   really sticks with me because I was so careful with  
5   WMATA. I did not allow anyone ever to come to my  
6   office and lobby me on WMATA. And if they did, we  
7   threw them out, ever.

8           Anytime anybody came to me about WMATA for  
9   anything, and I can assure you, there wasn't a day I  
10   wasn't stopped someplace, I gave it to Paul Wiedefeld.  
11   Someone wanted to apply for a job, I gave it to Paul  
12   Wiedefeld. Somebody wanted to do something, I gave it  
13   to Paul Wiedefeld. Someone wanted to lobby me, I sent  
14   them to Paul Wiedefeld.

15         Q     Just for the record, who's Paul Wiedefeld?

16         A     He's the general manager at WMATA. So it's  
17   almost -- this isn't your fault or anybody else's  
18   fault, but it's offensive to me that anyone has  
19   accused me ever of doing anything at WMATA that  
20   benefitted me. You know, my goal over there was to  
21   fix that place, which I did. It had nothing to do  
22   with benefitting me or a client or anybody about

1 WMATA. And I think Paul would substantiate that.  
2 Give it to Paul, and I don't want to ever hear about  
3 it again. And that's the way we handled everything.

4 But this language, what I'm saying, isn't a  
5 reflective of what I was trying -- what I was hoping  
6 to do, which I obviously never did 'cause we never  
7 consummated the relationship, is call up somebody that  
8 I might know and see if they had an interest.

9 You know as lawyers -- and I'm rambling too  
10 long, kick me under the table. Everybody has a law  
11 firm.

12 MR. LOWELL: I'm not that close to you.

13 MR. BUNNELL: Let the record reflect,  
14 there's no kicking.

15 MR. EVANS: Everybody has a law firm,  
16 all right. So you're going to somebody and saying,  
17 you know, I want to take you and come over here, even  
18 though you have a law firm that isn't going to want to  
19 lose you.

20 MR. BUNNELL: Mm-hmm.

21 MR. EVANS: Which goes back to our  
22 earlier discussions, why law firms don't give up

1 client lists, 'cause they don't want anybody else  
2 trying to pick their clients, you know. I mean, we  
3 have to bring this to the real world and not what this  
4 paper says. That was the -- that's what I had hoped,  
5 but that wasn't my original intent.

6 Just go be a securities lawyer. I had  
7 nothing to do with -- listen, I tried this business  
8 generation, and it didn't work. It didn't work at  
9 Patton Boggs. It didn't work at Manatt, and it  
10 probably wasn't going to work here either.

11 BY MR. BUNNELL:

12 Q Okay. But obviously there's an element of  
13 what you bring to a firm, which is the relationships  
14 that you've formed over the course of your career  
15 here, and all the things you've done.

16 A In the context of what I just told you.

17 Q Yeah.

18 A Whatever that means.

19 Q Right.

20 A And I can assure you, it means nothing. It  
21 just didn't work.

22 Q Okay. So just the rest of that paragraph



1 there on strategy.

2 A Okay.

3 Q So the first item is basically -- it relates  
4 to your network of relationships.

5 A Right.

6 Q The second says "Partnering with other  
7 professional services firms whose clients could  
8 benefit from my insight and relationships." What's  
9 your understanding of what that means?

10 A All right. You're a lawyer. You represent  
11 somebody. Somebody else comes to you and says, can  
12 you represent me, and you say, well, no, I represent X  
13 and Y, you're involved in the same case.

14 Q Mm-hmm.

15 A But I have a friend, Jack Evans, I'll give  
16 him a call, and he can represent you. That's what  
17 that means. And so we had a friend, and I don't want  
18 to say his name because you guys will be contacting  
19 him or something, who is a very prominent securities  
20 lawyer at another law firm who has multiple people.

21 Q Mm-hmm.

22 A The best securities lawyer in the nation by

1 far. And we all -- we're all very close friends, and  
2 maybe he could kick some business to [REDACTED] and me.

3 Q Situations where he might have a company and  
4 need an individual --

5 A Yeah. To represent somebody. And it  
6 happens all the time.

7 Q Yeah, I've heard of that.

8 A Referring business, yeah.

9 Q Yeah.

10 A And so that's, that's what that was. That  
11 was the idea behind it now, yeah.

12 Q And then third is "Cross-marketing my  
13 relationships and influence to --

14 A Well, that goes to the point of --

15 Q -- Nelson Mullins clients."

16 A You know, you have, you have a company with  
17 a lot of employees and they do employment law. So can  
18 you hire these guys who are -- you know, law firms  
19 with many offices tend to be, in my experience, not  
20 have any idea what the other office is doing, you  
21 know.

22 Q Okay.

1           A       So maybe I go down to Columbia and say,  
2       listen, I'm a securities lawyer, do you have any  
3       securities -- instead of giving the work to some other  
4       firm, we have two security lawyers from Washington.  
5       Why not hire us? We're actually in your own firm.  
6       And I say that in all seriousness.

7                   I remember Patton Boggs and Baker &  
8       Hostetler, and nobody had any idea what anybody was  
9       doing in the other firms or frankly in the office that  
10      they were working in. So that's what that means is to  
11      try and -- and you -- O'Melveny has, what do you have  
12      15 offices in 30 countries or something. You know,  
13      you're a big firm. And so I'm sure you have the same  
14      issue of trying to --

15           Q       Sure.

16           A       -- cross-market your skills with the other  
17      offices where they have -- they have some need for  
18      you, but have no idea that you even exist.

19           Q       And the reference to influence --

20           A       That wasn't my word.

21           Q       Okay.

22           A       It just wasn't.

1 Q You're not comfortable with that word.

2 A I would never have used that word. I don't  
3 know how I read this thing and let that word in there.  
4 Yes, but I did. So I have to, I have to own it  
5 because it's my document, right, but I was as  
6 horrified as anyone when I read this thing after the  
7 fact that these words were used in the fashion in  
8 which they were used.

9 Q What would be a better word?

10 A It's just what I told you. I mean, I  
11 haven't sat down and --

12 Q Reputation.

13 A -- tried to write it down. No, it's  
14 somebody I know. You know, I know you. You know,  
15 we've had -- you know, you trust me and know me. You  
16 give me a shot, you know, I'll bring you over to the  
17 firm and let my colleagues, it wouldn't be me, make  
18 their pitch, and if you think that would work, then  
19 you can hire us.

20 Q So your role would be to kind of get the  
21 meeting or --

22 A Correct.

1 Q -- sort of broker the introduction as it  
2 were.

3 A That's it.

4 Q Okay. Just moving down that page, "Business  
5 development plan."

6 A Yep.

7 Q You -- under "Leveraging my contacts and  
8 relationships," you list a number of people and  
9 entities. So you say I am -- "This list is by no  
10 means exhaustive. On a weekly basis I'm introduced to  
11 business leaders entering the D.C. market for the  
12 first time and confronted by new problems facing D.C.  
13 businesses," and then you list Colonial Parking, Rusty  
14 Lindner, Washington Nationals, Monumental Supports.  
15 And then there's the folks that you're listing under  
16 partnering. Do you see that?

17 A Yes.

18 Q Those specific names that you list there,  
19 are those entities that you had done work for  
20 previously?

21 A No. I mean, Colonial maybe if you -- I  
22 didn't do any work for them, but they were up, you

1 know, for a client of Patton Boggs.

2 Q Okay. And then they became -- Colonial in  
3 the form of Forge --

4 A Forge.

5 Q -- became a client of --

6 A NSE.

7 Q -- of NSE.

8 A Right.

9 MR. LOWELL: Wait, be clear -- listen  
10 to his questions.

11 MR. EVANS: Go ahead. Say it again.

12 BY MR. BUNNELL:

13 Q I'm actually not all that concerned about  
14 this specific corporate form, but Forge --

15 MR. LOWELL: Well, it matters because  
16 of the WMATA issue --

17 MR. BUNNELL: Yeah.

18 MR. LOWELL: -- because it was a big  
19 deal whether Colonial was seeking business from folks,  
20 and it was clear that they weren't.

21 MR. BUNNELL: Okay.

22 MR. LOWELL: And so I just want this

1 record to match the WMATA record.

2 MR. BUNNELL: That's fine. That's  
3 fine.

4 BY MR. BUNNELL:

5 Q Let's focus on Rusty Lindner, who is really  
6 the relationship there, right?

7 A Yes.

8 Q Whether it's Forge or Colonial, Rusty  
9 Lindner is your primary relationship. Is that fair to  
10 say?

11 A Yes.

12 Q Okay. And Rusty Lindner and Forge were  
13 clients of NSE Consulting in that sense -- or maybe  
14 not Rusty personally but --

15 A Forge was a client of NSE.

16 Q Yeah. Okay. The other entities that are  
17 listed here --

18 A Yes.

19 Q -- Washington Nationals, Monumental Sport,  
20 Oracle, Trammell Crow, did you end up doing any work  
21 for them? Did they hire you?

22 A No.

1 Q Had you previously been hired by them to do  
2 anything?

3 A No.

4 Q Okay. Did you try to get them as clients  
5 for NSE Consulting at some point?

6 A No.

7 Q Why not? They seem like good clients.

8 A I didn't. I don't have a reason why I  
9 didn't. I just didn't.

10 Q Okay. But at this point you were proposing  
11 to Nelson Mullins that those would be potential  
12 clients that you would reach out to.

13 A Correct. Correct.

14 Q And in terms of the partnering relationships  
15 there --

16 A Yes.

17 Q -- Arent Fox, Harmon & Wilmot, Venable --

18 (Partition wall moved exposing adjacent  
19 room.)

20 MR. BUNNELL: This is lunch by the way.

21 MR. LOWELL: What was that?

22 MR. BUNNELL: If you turn around, you



1 can see what's happening.

2 MR. LOWELL: Oh my gosh.

3 MR. BUNNELL: It's sometimes  
4 disconcerting.

5 MR. LOWELL: Pay no attention to that  
6 disappearing wall.

7 MR. BUNNELL: Yeah, exactly.

8 MR. LOWELL: Sorry. That will be off  
9 the record.

10 MR. BUNNELL: Apologies for that.

11 BY MR. BUNNELL:

12 Q Those partnering relationships, did they --  
13 were they relationships that had generated you any  
14 work in any of your prior outside employment?

15 A No.

16 Q Okay. Did they generate any work for NSE  
17 Consulting?

18 A No.

19 Q All right. Did you reach out to them as  
20 part of your business development efforts in the form  
21 of NSE Consulting?

22 A No.

1 Q Okay. Was David Wilmot somebody that was  
2 involved with some of the NSE Consulting clients?

3 A No.

4 Q Did he ever --

5 A Oh, wait. No, no. He has a relationship  
6 with -- oh, no, but Digi was never a client. He has a  
7 relationship with Anthony I think possibly, Lanier, I  
8 think.

9 Q Just for the record, who is David Wilmot?

10 A He's an attorney in town.

11 Q Okay. And what's your relationship with  
12 him?

13 A I've known him for 35 years.

14 Q Okay. And is he somebody that -- do you  
15 think of him as a lobbyist at the D.C. Council?

16 A Among other things.

17 Q Okay.

18 MR. BUNNELL: You guys have anything  
19 else on that one?

20 BY MR. BUNNELL:

21 Q Let's actually flip to tab seven. Tab seven  
22 is a letter to the Public Service Commission of the

1 District of Columbia dated October 16, 2015. It's  
2 coming from -- it's just not everybody on the Council,  
3 but it looks like seven members of the D.C. Council.  
4 Do you see that?

5 A Yes.

6 Q Including you.

7 A Yes.

8 Q And it relates to the proposed merger of  
9 Pepco and Exelon.

10 A Yes.

11 Q Do you remember that issue?

12 A Yes.

13 Q What was your personal involvement in that  
14 in your council role?

15 A My personal involvement?

16 Q Were there hearings or --

17 A I had no personal involvement at all.

18 Q -- or a vote?

19 A No.

20 Q Did you do anything to advance the merger  
21 other than write this -- sign this letter?

22 A No.

1 Q Okay. Did you have anything to do with  
2 writing this letter?

3 A No.

4 Q Do you know whether Exelon was a client of  
5 Manatt's?

6 A I don't know if it was Exelon or Pepco, but  
7 one of the two was.

8 Q Okay. Did you at any point recuse yourself  
9 from Exelon or Pepco because of that relationship?

10 A There was no matter that ever came before  
11 the D.C. Council regarding Pepco or Exelon or the  
12 merger. So there was no reason to recuse myself.

13 Q Do you regard this letter that we're looking  
14 at under tab seven as something that doesn't create  
15 potential conflict issues?

16 A I do not believe it is a conflict issue, no.  
17 The matter of that merger was a public service  
18 commission issue. It was not a council issue, and the  
19 Council had no role in it.

20 Q Well, there's a letter from you as a member  
21 of the Council. Do you not view that as an official  
22 action as a councilmember to write a letter supporting

1 something like this?

2 A Whether it's an official action or not, it  
3 doesn't rise to the level of being a conflict, no.

4 Q Why doesn't it rise to the level --

5 A Why would it?

6 Q Well, just as per the -- the conflict  
7 provision says, "No employee shall use his or her  
8 official position or title or personally substantially  
9 participate through decision approval, disapproval,  
10 recommendation, the rendering of advice,  
11 investigation, or otherwise in a judicial or other  
12 proceeding application request for a ruling or  
13 determination contract claim, controversy, charge,  
14 accusation, arrest, or other particular matter, or  
15 attempt to influence the outcome of a particular  
16 matter." Do you believe --

17 MR. LOWELL: Wait, keep going. What's  
18 his benefit?

19 MR. BUNNELL: Well, we could break this  
20 up. I appreciate your interest in having the question  
21 being more complicated, but let's just start --

22 MR. LOWELL: Oh, no, --

1 MR. BUNNELL: Let's just start with  
2 what the action is.

3 MR. LOWELL: Okay. The only objective  
4 finding is this letter of recommendation something  
5 that would fit into the word recommendation is what  
6 you're asking, I think.

7 MR. BUNNELL: Well, I'm asking whether  
8 it would fit into an attempt to influence a particular  
9 matter, the outcome of a particular matter.

10 MR. LOWELL: At the D.C. Council.

11 MR. BUNNELL: Would it influence --  
12 would it -- are you using your official position in an  
13 attempt to influence the outcome of a particular  
14 matter at the Council?

15 MR. LOWELL: Or just a matter in  
16 particular.

17 MR. BUNNELL: Well, let's leave that  
18 last phrase off, 'cause I don't see that in here.

19 MR. EVANS: 'Cause here's what I want  
20 to say about this.

21 MR. BUNNELL: 'Cause I'm happy to get  
22 your views on it. We may be misreading this.

1 MR. LOWELL: I want to see something.  
2 Keep answering.

3 MR. EVANS: I was a supporter of the  
4 Pepco-Exelon merger from its beginning, which was  
5 probably in January. I don't know when this all  
6 started. In January of this year, whatever the year  
7 was.

8 MR. TUOHEY: 2015.

9 MR. EVANS: 2015. You remember that.  
10 It goes back that far. So I was always a supporter of  
11 this.

12 MR. BUNNELL: Yeah.

13 MR. EVANS: But the Council had no  
14 role. It's very important to understand that. We had  
15 absolutely no role, but I was the supporter of it. At  
16 some point in time, there was a discussion and, you  
17 know, where you're driving at is I started at Manatt  
18 on October 1, right. And so and this letter's dated  
19 October 16. So we got you. The bottom line --

20 MR. BUNNELL: By the way -- you've said  
21 that a couple times. We're not playing gotcha here  
22 today.

1 MR. EVANS: Well, that's what this is.

2 MR. BUNNELL: Well, I -- but -- in all  
3 seriousness, I tried very scrupulously just to be a  
4 fact gatherer here. I'm not a prosecutor. And I know  
5 you've got other issues that are out there. We're  
6 gathering facts, good, bad, and ugly, and we've made  
7 documents available in advance. We're not trying to  
8 catch you in a memory lapse. We're not trying to play  
9 gotcha. I'm just trying to understand what happened  
10 and get your perspective.

11 And if there are things that you want  
12 to share with us that we don't ask about, we are happy  
13 to receive that. So I just -- I know it may feel like  
14 we're playing that, but that is not -- that's  
15 certainly not my intent, and I just want to make sure  
16 you understand that.

17 MR. EVANS: Okay. No, I appreciate  
18 that. My sense of being concerned deals with the  
19 attorney that we dealt with before you at Metro, who  
20 had the same presentation, and then I felt was very  
21 unfair. Okay.

22 MR. BUNNELL: He's a lot bigger than I



1 am.

2 MR. EVANS: Regardless, you know, he  
3 was very jovial, et cetera, whatever it was, friendly,  
4 however, I want to describe him, and I think he was  
5 very unfair at the end. And that's an understatement  
6 of how I feel about that.

7 And so I'm very concerned about  
8 anything because I don't trust anybody anymore to be  
9 fair. I mean, as I pointed out, an internal document  
10 that was written two weeks after the investigation was  
11 closed is stamped attorney-client privilege, for file  
12 purposes only, ended up on the front page of the  
13 Washington Post. How did that get there? You tell  
14 me. So I'm very, very cautious.

15 So with this situation, I was a  
16 supporter of the merger. There was talk of a letter  
17 long before I was at Manatt, long before October 1. A  
18 letter was drafted. I don't know by whom.  
19 Schannette, I believe you're going to be talking with  
20 her later this week, will tell you that the letter  
21 arrived at our office. It was brought in to me by  
22 someone. It could have been -- can't remember whether

1 it was her or somebody on my staff.

2 We had made it clear to whoever was  
3 putting this letter together that we would be the  
4 seventh signature, okay. We wouldn't be one, two,  
5 three, four, five, or six. So you got six other  
6 signatures, seven being over half of the Council.  
7 That's the magic number. If you have six other  
8 signatures, bring it in, and we'll sign it.

9 And that's apparently what happened.  
10 Somebody brought it in, I signed it, there were six  
11 other signatures on the letter when I signed it. And  
12 then it left my office. It did not occur to me that I  
13 should in any way, shape or form recuse myself or do  
14 anything because this is something that happened long  
15 before I started at Manatt.

16 And so if you can technically read me  
17 your paragraph and kind of fit something into  
18 somewhere, I don't know the answer to that. That's  
19 the story. That's what happened.

20 BY MR. BUNNELL:

21 Q Okay. Just so you understand, I mean I  
22 recognize some of these rules are technical.

1           A     Yes.

2           Q     And, you know, our assignment is to apply  
3 the code of conduct of the Council, which I suspect  
4 you had something to do with adopting at some point,  
5 to what happened. And so it is of necessity a  
6 somewhat technical exercise, because it has technical  
7 language in it. And, you know, there may be a  
8 difference between a technical violation and a more  
9 substantive violation.

10                   So, but we're just trying to understand what  
11 happened, when it happened. And I want to get back to  
12 the scope of what is covered by the conflict of  
13 interest rules. It's use of official position. It's  
14 not matters before the Council. In other words, it --  
15 well let me ask this as a question. Is it your view  
16 that as a councilmember if you were to attempt to  
17 influence, let's say, a regulatory agency of the D.C.  
18 government involving a permit or a licensing issue,  
19 that that would be sort of outside the scope of the  
20 ethics rules?

21           A     Your phraseology is difficult to answer  
22 these questions.

1 Q Okay.

2 A When you say attempt to influence, what do  
3 you mean by that?

4 Q Well, that's the language --

5 A But what do you mean by it?

6 Q That's the language of the --

7 A I understand.

8 Q -- of the code.

9 A Someone who calls my office and says, hey  
10 listen, we've had a permit over there for a while,  
11 could you check where it is. Is that influencing it?  
12 Or is it calling up and saying issue this permit  
13 because we're demanding you do that?

14 So the rules are hard to understand. That's  
15 why I'm having a hard time with your questions,  
16 because I don't know the answer to that.

17 Q Well, did you regard this letter as an  
18 attempt to influence a decision by the Public Service  
19 Commission?

20 A I regard the letter as showing my support  
21 for the merger. Now, I'm not going to say it's an  
22 attempt to influence or not influence. I'm saying it

1 was my support for the merger.

2 Q Okay. So you were expressing your support.

3 A I mean, the letter probably speaks for  
4 itself. What does it say? "We write to express our  
5 hope that the Public Service Commission will approve  
6 the merger." That's what it says. So that's what --

7 Q That doesn't -- you don't interpret that as  
8 an attempt to influence the outcome?

9 A I'm not interpreting anything. I'm reading  
10 you the facts of the letter. That's what it says.

11 Q Okay. I'm just -- I'm trying to understand  
12 if there's something more to it. I mean, it is what  
13 it is.

14 A And in reality it probably had zero  
15 influence if you want to know my opinion. I think it  
16 had zero influence.

17 Q Okay.

18 A I don't remember -- you probably know better  
19 than I do what happened over there. I think they went  
20 back and forth, and then who knows what happened.

21 Q But the outcome of this decision would  
22 certainly have a direct and predictable effect on the

1 financial interest of Exelon.

2 A That's your opinion. I have no idea.

3 Q You have no idea whether it would affect  
4 Exelon's financial interest whether this merger got  
5 approved?

6 A I assume it would be a positive 'cause they  
7 wanted to do it.

8 Q Right. I mean, you know more about it than  
9 I do.

10 A No, I don't.

11 Q Well, you wrote a letter about it. I didn't  
12 do that.

13 A Right.

14 Q Okay. Well, anything else about this that  
15 you think we should know?

16 A No. What I said, and I'm sorry to come  
17 across as so strident on this, but this is what  
18 happened. This is what I told you. And so the fact  
19 that I'm being --

20 Q No, what --

21 MR. LOWELL: You're not asking him what  
22 I wanted you to ask him about, at least for the

1 record.

2 MR. BUNNELL: Go ahead.

3 MR. LOWELL: The other side of the  
4 equation.

5 MR. BUNNELL: Sure.

6 MR. LOWELL: So he recently gets to  
7 Manatt. He's a salaried employee. Maybe at the time  
8 he knew or didn't know that Manatt is in this, that  
9 it's a client. This would be within days of his  
10 getting there. He's not involved, and his salary is  
11 his salary.

12 MR. BUNNELL: Mm-hmm.

13 MR. LOWELL: So what's the benefit to  
14 him for which there's a conflict?

15 MR. BUNNELL: Okay. We have that on  
16 the record.

17 MR. LOWELL: Thank you.

18 BY MR. BUNNELL:

19 Q But you said earlier, I just want to make  
20 sure I don't mischaracterize this. I believe you said  
21 earlier it didn't occur to you at the time that this  
22 was a problem or could be a problem.

1 A That's correct.

2 Q Is that correct?

3 A That's correct.

4 Q So would it be fair to say you didn't seek  
5 ethics advice about this letter from anybody?

6 A I don't think I did. I mean if you have a  
7 document that says I did, but I --

8 Q No, no. I'm just asking you --

9 A Okay. No.

10 Q -- whether you, whether you -- I don't have  
11 a document.

12 A Okay.

13 Q I'm just asking you whether you consulted  
14 with anybody --

15 A I have no recollection of doing that.

16 Q Okay.

17 MS. RIMON: To put a finer point on it,  
18 I want to ask one more question, which is assuming it  
19 may be the case that there was some benefit or  
20 interest to Manatt, would that have impacted or did  
21 that impact your own personal financial interest in  
22 any way?



1 MR. EVANS: No.

2 MS. RIMON: No effect to your salary or  
3 anything?

4 MR. EVANS: No.

5 BY MR. BUNNELL:

6 Q Did you at any point have conversations with  
7 John Ray or anyone else at Manatt about Exelon?

8 A Just in general about Exelon?

9 Q I mean did he lobby you?

10 A No.

11 Q How about anyone else at Manatt?

12 A No.

13 Q And when I say lobby you, I mean on this  
14 Exelon-Pepco merger specifically.

15 A No.

16 MS. RIMON: I'm sorry.

17 MR. BUNNELL: Go ahead.

18 MS. RIMON: I just want to make sure I  
19 get full clarity on this. If you can refer to tab  
20 two, what we looked at before, which is the -- which  
21 lists under section 3A --

22 MR. BUNNELL: Actually, I don't think

1 we looked at this, but --

2 MS. RIMON: Did we not, okay.

3 MR. BUNNELL: We looked at another one.  
4 We should look at this, too.

5 MR. LOWELL: What is tab two?

6 MR. BUNNELL: Tab two is a business  
7 plan for Jack Evans, which was submitted to Manatt I  
8 believe. Is that what that is? Or is this the Nelson  
9 one?

10 MS. RIMON: It's Manatt. It was sent  
11 to John Ray.

12 MR. EVANS: This would be the Manatt  
13 one because the nelson one would probably include  
14 Manatt, and this doesn't include Manatt. So this  
15 would probably be the Manatt --

16 MR. TUOHEY: This is the Manatt one.

17 MR. EVANS: Yeah.

18 MR. BUNNELL: Okay.

19 MS. RIMON: Was this actually submitted  
20 to Manatt?

21 MR. EVANS: Yes.

22 MS. RIMON: And so what I just wanted

1 to point you to is under section 3A on the second  
2 page, which lists potential clients.

3 MR. EVANS: Yes.

4 MS. RIMON: And you see that includes  
5 on the second bullet Exelon.

6 MR. EVANS: Yes.

7 MS. RIMON: So given that your pitch to  
8 Manatt had included them, if there was a benefit to  
9 Exelon through the action that related to the letter  
10 we were just looking at, I want to just be very clear  
11 as to whether you might have gotten any benefit given  
12 that that was a potential client that you had  
13 identified.

14 MR. EVANS: No. There was no benefit  
15 to me.

16 MS. RIMON: I'm just going to ask why  
17 not. Because normally if it was a client that you had  
18 a relationship with and brought into the firm, then  
19 you could do something that would assist them that I  
20 would expect that would have some benefit.

21 MR. LOWELL: So just as a matter of  
22 fact, was Exelon or Pepco already a client of Manatt's

1 at the time that this was happening?

2 MR. EVANS: Yes. See they were already  
3 a client. I didn't know that.

4 BY MR. BUNNELL:

5 Q Did you have a relationship at Exelon that  
6 prompted you to list them?

7 A I had no relationship with Exelon other than  
8 knowing who they were.

9 Q Okay. Since we're looking at this document,  
10 this is -- is this a document that you prepared as  
11 opposed to one that Manatt prepared for you?

12 A I prepared this, yes.

13 Q Okay. So there's 3B where you talk about  
14 federal practice. This is part of the business  
15 development plan.

16 A Yeah.

17 Q And you say, "I believe I can assist the  
18 firm with federal lobbying practice."

19 A Yes.

20 Q "Through my years of political service," you  
21 may have developed ties on The Hill and agencies.  
22 Would that involve registering as a lobbyist if you'd

1 done that?

2 A We suspect depending on the role you play.  
3 I mean, it just happens to be whatever the role you  
4 play. I'm not well versed in it.

5 Q Have you ever been registered as --

6 A No. I suspect you can participate without  
7 registering. I don't know what that would be, though,  
8 but I have never been registered, nor have I ever  
9 engaged in federal lobbying.

10 Q I mean, as part of your councilmember role,  
11 I assume you're up on The Hill talking to people about  
12 D.C. business issues.

13 A On occasion.

14 Q On occasion. If you were going to assist a  
15 law firm with a federal lobbying practice, how would  
16 you manage the sort of dual-hat issue? So if you're  
17 going to go meet with a member of Congress, are you  
18 going up there to meet with them on behalf of your  
19 client? Are you going up there to meet with them on  
20 behalf of the District of Columbia, or how would you  
21 know?

22 A It never happened. So rather than

1 speculate, I don't know. It just never happened.

2 Q Okay. But in terms of the plan, have you --  
3 did you have a concept on how you were going to manage  
4 that?

5 A I didn't.

6 Q Let's go to --

7 MR. BUNNELL: Do you have anything  
8 else?

9 MS. RIMON: No, thanks.

10 BY MR. BUNNELL:

11 Q Let's go to tab eight. So this is a memo  
12 from you to Ellen Efros dated March 28, 2016. And  
13 you're requesting an opinion as to whether you must  
14 recuse yourself due to your employment at the law firm  
15 of Manatt from signing the attached letter requesting  
16 the repeal of a provision of the new Columbia  
17 Statehood Initiative and Omnibus Boards and  
18 Commissions Reform Act of 2014. Do you have any  
19 recollection of this request?

20 A The answer is no.

21 Q Okay.

22 A I just don't -- I mean you showed me this

1 yesterday. I have no idea.

2 Q All right. Do you have any recollection of  
3 his statute that's --

4 A I don't.

5 Q Do you know what it does or did?

6 A I don't.

7 Q Was there -- do you have any recollection  
8 of -- well, if you don't recall the matter, maybe this  
9 answers itself, but do you know who wrote this memo?  
10 Did you write it personally?

11 A I don't know.

12 Q And Ellen Efros, who is she?

13 A She was the general counsel at the time of  
14 the Council, of the City Council.

15 Q Is she somebody you interacted with on a  
16 regular basis?

17 A Yeah. Yes.

18 Q Okay. How often would you write a memo to  
19 her asking for an ethics opinion?

20 A Very rarely.

21 Q So this is an unusual thing for you to do.

22 A I wouldn't necessarily term it unusual, but

1 I didn't do it often.

2 Q Right.

3 A When you -- 'cause when you ask if I  
4 interact with her. I probably interacted with her  
5 once a week, but it had nothing to do with any of this  
6 stuff.

7 Q Okay.

8 A She's a general counsel. So she has to  
9 opine on everything, legislation and everything.

10 Q Okay.

11 A So I constantly -- my staff more than I, but  
12 myself as well, but not on this.

13 Q Okay.

14 A No.

15 Q And so this is specific to your employment  
16 at Manatt. Do you recall whether you sought a similar  
17 opinion in the past with respect to Squire Patton  
18 clients?

19 A Yes.

20 Q Okay. What would --

21 A Actually Patton, not Squire Patton.

22 Q When it was Patton Boggs.



1 A Yes.

2 Q What do you recall about that?

3 A There was a situation involving the  
4 Convention Center hotel that goes back. I don't  
5 remember the time period, sometime in 2004 or '05. I  
6 don't even remember when it was. And so somehow it  
7 had gotten out into the community, Marriott was going  
8 to be the flag of the hotel, but they wouldn't -- they  
9 don't own the hotel. Somebody else owns the hotel.  
10 It's a common misnomer that Marriott or Hilton or  
11 anybody owns any hotels. They don't own any hotels.  
12 They're the flag that operates it. Somebody else  
13 actually owns it.

14 Q Yeah.

15 A And so it had gotten out to the community  
16 that Patton Boggs represents Marriott, and Marriott is  
17 going to own the hotel, and I support the project, so  
18 there must be a conflict of interest. Patton Boggs --  
19 it got to the point -- going to my earlier point of  
20 law firms would rather kill themselves than divulge a  
21 client -- that Patton Boggs for the only time in the  
22 history, I think, issued a letter saying we do not

1 represent Marriott.

2           However, because of the perception in the  
3 community, that was impossible to dispel. I actually  
4 recused myself from voting on the matter involving the  
5 Convention Center hotel, and I believe, although I  
6 can't find it, that I had a letter --

7           Q     Something like that?

8           A     Yes. And I've looked high and low, but it  
9 was so long ago that I just can't find it.

10          Q     But you're describing it as it was more of  
11 a -- it was sort of a political or optics question at  
12 that point in your mind --

13          A     That's correct.

14          Q     Let's switch -- let's look behind the blue  
15 sheet there, behind the second portion of tab eight.

16          A     Yes.

17          Q     And this is a memo from Ellen Efros back to  
18 you dated April 13, 2016, and it's responding to your  
19 request for guidance on the Manatt conflicts issues,  
20 right?

21          A     Correct.

22          Q     And she quotes some of the rules, and then

1 on the next page, if you flip over -- well, actually  
2 it's the bottom of the first page. She says the "Rule  
3 one's definition of a person closely affiliated with  
4 the employee includes an organization in which a  
5 person serves as an employee, thus if a council  
6 employee has outside employment with an organization,  
7 the financial interest of the organization are imputed  
8 to the employee as if the interest were his own."

9 This is the imputed disqualification  
10 principle that if you work for the firm, then  
11 basically all the firm's clients are imputed to you  
12 for purposes of the ethics analysis.

13 And then she goes on to say, "If the Council  
14 employee knows that the employee's outside employer is  
15 providing services for a client or otherwise  
16 representing a client in a particular matter, even if  
17 the Council employee is not working in a capacity  
18 related to the client," meaning even if it's not your  
19 client, "the Council employee cannot participate in  
20 the particular matter."

21 And it gets kind of technical, but the  
22 bottom line appears to be that if it's a Manatt

1 client, you shouldn't be personally or substantially  
2 involved in issues that affect their financial  
3 interests. Is that -- I don't want to mischaracterize  
4 it, but is that a fair bottom line here? Feel free to  
5 take some time to look at it.

6 A I think what I would read this -- what  
7 you're saying is if it's a Manatt client and I can't  
8 vote on a matter at the Council in which the Manatt  
9 client is involved in. That's how I would interpret  
10 that, right?

11 Q Well, voting would certainly be an element  
12 of it, but maybe not the only element of what you  
13 couldn't do.

14 A Okay.

15 Q Just because the definition of the official  
16 action is broader than just voting, right?

17 A I guess. I mean I've always viewed it as  
18 you cannot vote on a matter in which your firm has a  
19 client involved. 'Cause that's -- you're taking an  
20 official action that would benefit the client.

21 Q Yeah. That's certainly a official action.

22 A What other would there be?

1 Q Well, what other things do you as a  
2 councilmember besides vote?

3 A I don't know, but I'm asking you. I don't  
4 know.

5 Q Well, that's sort of a -- I mean, you can  
6 read the --

7 A That's the official action you take is a  
8 vote. Other than that, there's no other official  
9 actions.

10 Q You don't take any other -- you don't do  
11 anything else as a councilmember besides vote?

12 A No, of course you do, but most of our work  
13 is constituent services for people who want their  
14 sidewalks and potholes fixed. I mean that's -- we do  
15 an enormous amount, 80 percent of the job is probably  
16 constituent services as opposed to the legislative  
17 part. So I hesitate because I can't think of what  
18 that means.

19 You're official action is when you vote. Is  
20 it -- what else is it? What else would it be? And I  
21 don't know. I would have to -- it would almost have  
22 to be a case-by-case basis, I guess. Something

1 checked --

2 Q Okay. We may get to a few case by case --

3 A Yeah, I don't, I don't know.

4 Q -- as we go through this. Okay. Do you  
5 recall any difference of opinion between BEGA and  
6 Ellen Efros on this particular issue, on this issue?

7 A The Manatt letter?

8 Q Yeah.

9 A No.

10 Q Do you have any discussion with BEGA? By  
11 BEGA I mean -- you know what I mean, like the Board of  
12 Ethics and that --

13 A Yeah. No.

14 Q -- accountability.

15 A Not that I'm aware of. Again, if you have  
16 some information that I did, but I don't recall having  
17 any discussion with the BEGA.

18 Q Well, I don't have documents that you're on,  
19 but there's some indication that you were seeking a  
20 blanket assurance that if any Pepco-Exelon matter came  
21 before the Council, you would not headache to recuse.  
22 Do you recall any discussion along that line?

1           A       No, I don't.

2                   MR. LOWELL:   And do you have a document  
3   that --

4                   MR. BUNNELL:   It's not a document that  
5   he's on.  Is there some additional aspect that you  
6   want to highlight?

7                   MR. LOWELL:   No, I just -- we're  
8   talking about a document he doesn't recall.  So we're  
9   now opining on a document that --

10                  MR. BUNNELL:   Yeah, I'm just talking  
11   about a related element of this, which he doesn't  
12   recall either, so.

13                  MR. LOWELL:   By the way, just because  
14   I'm a party pooper, I know that everybody here  
15   realized that you would take whatever time you're  
16   going to take, and we want you to take whatever time.

17                  MR. BUNNELL:   Yeah.

18                  MR. LOWELL:   But today's session has a  
19   hard stop, and we'll have to schedule an --

20                  MR. BUNNELL:   What is our hard stop?

21                  MR. LOWELL:   1:00.

22                  MR. BUNNELL:   Oh, really?

1 MR. LOWELL: Yeah. I thought we said  
2 that? No?

3 MR. BUNNELL: I didn't understand it  
4 was quite that early.

5 MR. LOWELL: Oh, it is. I apologize,  
6 but each person has something to do, including me  
7 leaving the United States. But --

8 MR. BUNNELL: You don't have to flee  
9 the jurisdiction over this.

10 MR. LOWELL: Over this, you sure? You  
11 sure?

12 MR. BUNNELL: Yeah, that --

13 MR. LOWELL: In all the other  
14 representations you're probably right. This is  
15 probably not the one. Anyway, having said that,  
16 though let's figure out the next date as quickly as we  
17 possibly can.

18 MR. BUNNELL: Okay.

19 MR. LOWELL: 'Cause now that I  
20 understand your subject matters and how you do what  
21 you do, I realize, you know, it takes some time, so.

22 MR. BUNNELL: Well, it turns out there



1 actually are more documents than I initially perhaps  
2 appreciate in terms of what we need to walk through.

3 MR. LOWELL: No, it's good.

4 MR. BUNNELL: I mean, I do want to --  
5 we're doing kind of the overview. We're going to walk  
6 through each of the NSE clients, and that's going to  
7 take a little while. We're not going to get that done  
8 by 1:00.

9 MR. LOWELL: No, we're not. So you  
10 should figure that out, and then let's get a date so  
11 that you can spend the next chunk -- also in terms of  
12 fatigue and thoroughness, et cetera, you know, three  
13 and a half hours is a good amount of time. But go  
14 ahead. Let's -- go ahead and then let's pick a date  
15 so that we can get you your next date soon. I know  
16 you have other people this week.

17 BY MR. BUNNELL:

18 Q Let me ask you to look at tab ten. Now,  
19 this is a document that's captioned "Exit memorandum,"  
20 and it appears to be written by a person named Adam  
21 Gazal [ph].

22 A Yes.

1 Q If I'm saying that correctly.

2 A Yes.

3 Q Let me ask you, do you know who Adam  
4 Gutbezahl [ph] is?

5 A Yes.

6 Q He used to work for you?

7 A Yes.

8 Q Okay. What was his position?

9 A He was on my council, the finance committee  
10 staff.

11 Q Okay. And he left at some point, it looks  
12 like, perhaps around 2016.

13 A Yes.

14 Q Okay. This document, the exit memorandum,  
15 is that something that you have any recollection of?

16 A Can I see it? No, I've never seen it  
17 before.

18 Q Do you believe it's something you would have  
19 seen in the ordinary course?

20 A No.

21 Q You don't.

22 A No.

1           Q       There's a portion of it, page three, it says  
2 topic refusal. Do you see that?

3           A       Yes.

4           Q       I want you to just take a second and read  
5 that paragraph.

6                   MR. LOWELL: You mean to whom he wrote  
7 this?

8                   MR. BUNNELL: I mean, he's talking  
9 about Mr. Evans in a third person. So that's why I'm  
10 asking.

11                   MR. EVANS: Don't know.

12                   MR. BUNNELL: Okay.

13                   MR. EVANS: It appears to be for the  
14 benefit of whoever his successor is, but I can't tell  
15 you I know. The person to ask would be Schannette.  
16 She handles everything, so. She may know.

17 BY MR. BUNNELL:

18           Q       So presumably she would manage the  
19 onboarding of the new person.

20           A       Correct.

21           Q       Who replaced Adam when he left?

22           A       I don't know. It could have been -- Ruth

1 was the head. She was my -- the head of the finance  
2 committee, and Adam was here assistant.

3 Q I see.

4 A And I don't know when Adam left -- I don't  
5 do any personal matters. Schannette hires and takes  
6 care of all of that.

7 Q So Adam wasn't somebody that you had brought  
8 in personally.

9 A I learned early on in life to delegate  
10 everything dealing with personnel matters to  
11 Schannette. She hires them. She fires them. She  
12 supervises them. Unlike most -- many people who spend  
13 all their time in every infinite detail of everything,  
14 it's just not my style.

15 Q Okay.

16 A And it works for us. And she and I have  
17 been together, I think, 24 years.

18 Q Okay.

19 A So no, I don't know.

20 Q Well, if you didn't see it and it's not  
21 something you think you would have seen, there may not  
22 be a whole lot to ask you about beyond just to point

1 out that the section in here where Mr. Gutbezahl is  
2 basically flagging an issue relates to potential  
3 conflicts that you might have with Manatt clients,  
4 right?

5 A That's what it appears to be.

6 Q And it -- and he says that Councilmember  
7 Evans has already been informed that the existence of  
8 the employment does not establish a conflict.

9 A Correct.

10 Q He also says, the question, however, varies  
11 on a case-by-case basis, depending on the client of  
12 the firm, the effective subject matter, whether Manatt  
13 lobbies the Council on behalf of that client or  
14 actually taken by the legislative branch, and then  
15 he's saying apparently to his successor that it's  
16 imperative that you remain cognizant of whether John  
17 Ray or Tina Ang make requests of Councilmember Evans.

18 So he appears to be trying to protect you  
19 and your office from ethical -- potential ethical  
20 issues. Is that fair to say?

21 A Correct. Yes.

22 Q Do you recall any discussion about sort of

1 having this in place so that people would sort of flag  
2 things before they became problems for you?

3 A No.

4 Q Is this issue something that would fall  
5 within Schannette Grant's responsibilities in terms of  
6 managing these issues?

7 A You know, you're kind of asking me the same  
8 question you asked me earlier. So I don't remember  
9 what I responded earlier, but that makes sense maybe.

10 Q I mean, I think it's probably fact for you  
11 that you've got people that are aware --

12 A Yes.

13 Q -- of the issue and are trying to prevent  
14 problems.

15 A Correct.

16 Q Is that fair to say?

17 A Yeah.

18 Q So I mean --

19 A The reason I said, it could be Ruth.

20 Q It could be Ruth.

21 A I mean, Ruth is the head of the committee  
22 and who dealt with the legislation on a daily basis

1 and is extremely capable and competent.

2 Q Okay.

3 A So she would probably be aware of that.

4 Q And don't let me put words in your mouth  
5 here, but it sounds to me like, at least based on your  
6 recollection, this isn't something that you directed  
7 personally.

8 A This paragraph?

9 Q This course of conduct, this way of managing  
10 the Manatt conflicts.

11 A I -- no, I did not.

12 Q All right. And you didn't have any  
13 recollection of the request for guidance to Ellen  
14 Efros and the memo back, right? The documents we were  
15 just looking at a few minutes ago.

16 A Okay. The Manatt one I did. Not the first  
17 one. The first one was about some specific bill or  
18 something. That one I don't. But then there was the  
19 one that was sent to Ellen about just in general about  
20 Manatt, and --

21 Q You do recall that.

22 A I do, barely, but I do recall something like

1 that where we asked for -- you know, asked Ellen to  
2 put her on notice, I'm at Manatt and ask her to, you  
3 know, what do I have to be concerned about, yes. I do  
4 recall that. 'Cause we did a similar one for NSE, you  
5 know, --

6 Q Yeah, we're going to get to that.

7 A -- much later.

8 Q Yeah.

9 A Yeah. So I do -- to give any more specifics  
10 than that, I don't know. Why did I do it, you know, I  
11 don't know. Did somebody ask me to do it --

12 Q Do you recall that ever coming up that  
13 somebody on your staff said you need to ensure that  
14 you request an opinion -- so what he says is if either  
15 Ray or Ang make a request of you in your capacity as a  
16 member of the Council, then you should request an  
17 opinion of the general counsel or BEGA whether you can  
18 take the requested action.

19 A I would say this way. It wasn't discussed  
20 'cause it didn't have to be 'cause it was inherent  
21 that we wouldn't do something that was a conflict. So  
22 if something came up, as with the Marriott situation



1 years before and the tort reform years before that.

2 'Cause you did ask me, did it ever happen before.

3 Q Mm-hmm.

4 A And I remember another instance when I was  
5 at Baker & Hostetler where I requested a -- and, you  
6 know, again, did I request -- I don't remember if I  
7 requested something, did I get something, but I  
8 remember recusing myself from a matter involving tort  
9 reform back in the '90s.

10 Q Because someone at your law firm had a  
11 client that was --

12 A Yes. [REDACTED]

[REDACTED] and there was a bill before the  
14 Council to do tort reform.

15 Q Got it.

16 A And so John Ray, I believe, was on the  
17 Council with me at the time, and myself had recuse  
18 ourselves from voting on that matter because of the  
19 potential conflict of interest.

20 So when you asked did I have that  
21 discussion, it was inherent in what we do. So if  
22 somebody saw something, they would speak up. I mean,

1 they didn't have to say hey, now wait, Tina and John,  
2 you know, I think Ruth and -- remember, these people  
3 have been with me for years, so.

4 Q Right. And this kind of gets back to our  
5 quasi philosophical question about the form where if  
6 the form doesn't tell you who the specific clients  
7 are, whether it's a law firm or --

8 A Sure.

9 Q -- NSE Consulting, it's kind of hard to know  
10 whether, it's kind of hard to know whether somebody is  
11 there on behalf of a particular financial interest as  
12 opposed to just, hey, I'm here on behalf of Patton  
13 Boggs or I'm here on behalf of Manatt. I don't know,  
14 it could be -- Manatt's probably got thousands of  
15 clients. It doesn't really tell you very much that  
16 would allow you to make that case-by-base assessment  
17 of, well, did they actually have an interest, is it  
18 substantial, should I get a waiver. You just don't  
19 know enough, right?

20 A Well, I would say this, I don't ever recall  
21 an instance where a client of one of the law firms  
22 showed up without the law firm. You know, so you know

1 it's -- but I can't remember the law firm ever showing  
2 up either. So I mean -- you know what I'm saying?

3 Q Well, John Ray would show up.

4 A Yeah, John Ray or Tina, not necessarily  
5 John. But, yeah, in theory, could someone who Patton  
6 Boggs represented come to us for something and I  
7 didn't know it because I don't know all the clients at  
8 the law firm? I guess that, in theory, could have  
9 happened, but I don't ever remember it happening. If  
10 you see what I'm saying.

11 Q Yeah. You're saying if they showed up, they  
12 presumably show up with Patton Boggs as opposed to  
13 with somebody else.

14 A Or by themselves or something like that. I  
15 don't know.

16 Q Yeah.

17 A But it never happened. Yeah, we're talking  
18 theoretical, 'cause I never remember an incidence of  
19 that happening.

20 Q Let's see what else we got on this. Let me  
21 ask you to look at tab 11. It's an email between John  
22 Ray and Schannette Grant, right?

1 A Yes.

2 Q And it references a draft letter to BEGA.

3 A Yes.

4 Q So actually I misspoke earlier when I said I  
5 didn't have a document. I don't have a document with  
6 your signature on it, but there is a request to BEGA  
7 from you.

8 A Okay.

9 Q So you're asking an opinion from BEGA about  
10 the Manatt relationship and whether you can vote on  
11 matters before the Council affecting Pepco or Exelon,  
12 right?

13 A Yes.

14 Q So seeing that draft letter, does that -- I  
15 don't think we have a final version of that, do we?

16 MS. RIMON: No.

17 BY MR. BUNNELL:

18 Q Does that stimulate any recollection on your  
19 part about reaching out to BEGA in addition to  
20 reaching out to Ellen Efros?

21 A It does not.

22 Q Okay. Do you -- reading this, do you recall

1 whether there was a particular matter affecting Pepco  
2 or Exelon that you might have to vote on?

3 A I don't. And I don't -- no, I don't.

4 Q Was there ever something that came before  
5 the Council that you had to vote on?

6 A Not to my recollection, no. That's why I'm  
7 puzzled --

8 Q Why would you be seeking --

9 A That's why I'm puzzled why we even asked for  
10 this. I don't know.

11 Q And --

12 A Pepco, Exelon before the Council in 2016.

13 Q It appears from the email, the preceding  
14 email that John Ray is helping to prepare this letter,  
15 right?

16 A Mm-hmm. That's what it sounds like.

17 Q And he says "Please have Jack look at this  
18 revised draft and let me know if he's okay with it.  
19 If yes, I have to have one other person look at it,  
20 and then we'll be good to go." Was John Ray kind of  
21 helping you with these ethics issues at this point?

22 A It appears in this case he was.

1 Q Is that a role that he played in other  
2 context over the years?

3 A Again, that's a hard question to answer.  
4 Maybe he did.

5 Q Okay.

6 A Maybe he didn't. I don't know.

7 Q You don't have any other specifics that come  
8 to mind.

9 A Nothing that comes to mind.

10 Q Okay.

11 A I mean it's a good point, though. I mean,  
12 it's not just going to sound self-serving.

13 Q You're entitled to be self-serving in this  
14 setting.

15 A I mean, John was a former member of the D.C.  
16 Council. So he was and is aware of the conflict or  
17 ethics rules as anybody, as was I. So we were very  
18 careful not to in any way, shape, or form do anything  
19 that would violate these rules. I mean --

20 Q Yeah.

21 A And he was -- because he -- you know, look  
22 at it from Manatt, why would, why would --

1 Q Well, Manatt doesn't want the publicity.

2 A Okay. And really, and the financial  
3 benefit, if any, or anything, yeah, why would you do  
4 that?

5 Q Right.

6 A So we would be very -- I know we were very  
7 careful not to have any conflicts or anything like  
8 that at all.

9 Q So were you and John of like mind in terms  
10 of how to deal with these issues?

11 A Yeah. But it's not like we sat there and  
12 talked about it every day, but we were likeminded in  
13 the sense that we had to be very careful of any  
14 conflicts or potential conflicts of interest.

15 Q So let's go to tab 12. This is an email  
16 involving NSE Consulting, and it's from you to  
17 Schannette, but it's part of a chain that starts with  
18 Bill Jarvis, William Jarvis --

19 A Yes.

20 Q -- to you, right?

21 A Yes.

22 Q And this relates to the, I guess, the

1 establishment or the registration of NSE Consulting,  
2 right?

3 A Yes.

4 Q So tell me what you remember about that and  
5 why Bill Jarvis was doing this.

6 A I decided to set up NSE Consulting.

7 Q You described earlier that this came out of  
8 a conversation with Ron Paul and others, EagleBank,  
9 right?

10 A Ron Paul and Bob Pincus, largely Ron, not  
11 Bob, and John Ray.

12 Q Okay.

13 A So we decide to set this up. All right.  
14 How do you set up a corporation in the District of  
15 Columbia? I have no idea. So I tried. You know, I  
16 kind of look -- opened up -- and you have to start  
17 with a premise and I'm just not good at this stuff.  
18 I'm not good at computers. I can't see that well. So  
19 it's hard for me to even see the screen.

20 Q Mm-hmm.

21 A And it's just not my forte, and I'm not, I'm  
22 not good at emails. I'm not good at computers. I'm



1 not good at anything that involves mechanical stuff.  
2 It's unfortunate. I can't type. All those things.

3 Q Okay.

4 A So setting up this -- and the district, of  
5 course, makes everything difficult. I know that. I  
6 am the District. We make everything difficult. So  
7 it's hard to set up a company, and the hoops you have  
8 to jump through and the things you have to do are  
9 enormous.

10 So who could help me? Bill Jarvis. Bill  
11 has been my friend. A little on Bill Jarvis, 'cause  
12 we'll get there at some point in time.

13 Q Yep. Go ahead.

14 A We worked at Baker & Hostetler together back  
15 when I first started there in 1988, okay. And have  
16 been longtime friends ever since. Politics, his aunt  
17 was on the City Council with me, Charlene. When I  
18 first ran for council, you know, it was Billy and  
19 [REDACTED] and everybody, you know, helped me  
20 get elected.

21 And so Bill has been my friend, my confidant  
22 forever. Whenever I have something I need advice on

1 or help, Bill's the guy, and he's an incredibly smart  
2 guy. He really is. You know, he's my guy.

3 And so when I wanted to set up a company,  
4 Bill has, I know, has a bunch of companies. So I  
5 called Bill and said, can you help me do this, and so  
6 he said sure, I'll help you do it. And so rather than  
7 help me do it, he just did it because it's easier to  
8 do something than look over my shoulder and have me  
9 hit the right keys I guess. So that's how it got  
10 started.

11 So Bill set up my company and did all the  
12 things. And, you know, you have to set it up and  
13 you -- and, again, if you're not in this world -- you  
14 need a home occupancy permit. You need this. You  
15 need that. You need this. And I wanted to be fully  
16 compliant with everything because I am who I am, and  
17 I'm always worried someone's going to try and trip me  
18 up. So we wanted to do everything by the book, and  
19 that's why I asked Bill to help me.

20 Q Okay. Did you pay him at all?

21 A No.

22 Q Did he have any kind of investment or

1 ownership interest in NSE Consulting?

2 A No.

3 Q Was that ever something you contemplated or  
4 discussed with him?

5 A No, never. Not even contemplated.

6 Q So and he didn't --

7 A It was my company.

8 Q Okay. It was your company. Was there  
9 anyone else involved in it?

10 A No, nobody else involved in it.

11 Q It was just sort of a sole proprietorship.

12 A Correct.

13 Q Okay. Any employees?

14 A No.

15 Q Okay. Any contract people that helped you  
16 with, I don't know, bookkeeping or anything?

17 A No.

18 Q Okay. So just you. Operated out of -

19 MR. LOWELL: Well, hold on. I mean,  
20 sorry.

21 MR. BUNNELL: Okay.

22 MR. LOWELL: Just to be accurate, I

1 mean, when he has that kind of entity, his accountant  
2 will be involved --

3 MR. EVANS: Oh yeah, I'm sorry. Sure.  
4 Yeah, my accountant.

5 MR. LOWELL: When you say helping with  
6 bookkeeping, I mean, his accountant will have to help  
7 him on the tax part of that.

8 MR. BUNNELL: Sure.

9 MR. EVANS: My tax return, yeah.

10 BY MR. BUNNELL:

11 Q But in terms of somebody to, I don't know,  
12 send out invoices and make sure they get paid and that  
13 kind of thing.

14 A The only person who assisted me in this is  
15 Schannette.

16 Q Okay. And in terms of a physical location,  
17 3141 P Street, is that your residence?

18 A That's my residence and my -- when you walk  
19 in the door of my house, to the left I have it set up  
20 like an office. I have a desk and a conference table.

21 Q So you could have a client meeting there.

22 A And I have a divider that divides that room

1 off from the next room over, yes. That was my intent.

2 Q Okay.

3 A That that would be my office, and if you  
4 walk in there today, and looked at it, you'd go, huh,  
5 this looks like an office. And if this had ever  
6 worked, which it was only in existence two years and  
7 obviously never worked, but the idea was, yeah, set up  
8 a law firm or -- this was going to be a law firm.

9 Q Law firm or a consulting firm?

10 A Law firm.

11 Q Law firm.

12 A This was going to be a law firm. That was  
13 the idea.

14 Q Okay.

15 A It never got anywhere near anything, but  
16 that was my idea. And maybe when I got off the  
17 Council I could have a business. My original idea was  
18 to call it Jack Evans, Esquire, but I didn't. I  
19 called it after my wife who passed away many years  
20 ago. Her name was Noel Soderberg Evans, and that's  
21 where the NSE comes from. Assuming you'll ask me that  
22 at some point in time, but that's where it is. So

1 it's her initials, and that's my law firm.

2 Q So did you have a website for it or anything  
3 like that?

4 A No.

5 Q Was there any marketing?

6 A No. Not even business cards.

7 Q You didn't have business cards?

8 A No.

9 Q You had no swag at all?

10 A No.

11 Q Okay. How did you go about getting clients?

12 A Well, obviously Ron Paul was my client  
13 because he came up with the idea. And there were some  
14 ideas of people I kind of knew that I approached.

15 Q So you did that personally. You didn't  
16 have --

17 A I did it all personally.

18 Q Did Bill Jarvis help you find clients?

19 A No.

20 Q Okay.

21 A Ron Paul helped me -- he didn't find any  
22 clients, but was helping me -- coming up with ideas of

1 who might be clients. So Ron actually did, yes, help  
2 me - he did not find clients.

3 Q So you ended up with, depending on how we  
4 count, five or six --

5 A There were really four or five individuals  
6 who had multiple --

7 Q Yeah. And then some of them had multiple  
8 agreements.

9 A Correct.

10 Q Right. So putting aside the exact math,  
11 based on my experience at a law firm, not every  
12 business development meeting I have results in a  
13 client.

14 A Correct.

15 Q I mean Abby had that experience, but I  
16 don't. So did you have a number of meetings and  
17 outreach to, you know, a big list of people in order  
18 to generate the clients you ended up with?

19 A No. I had an idea that I wanted to make a  
20 certain amount of money. You know, \$190,000 was what  
21 I was making at Patton Boggs. And that was in  
22 addition to my City Council salary. A comfortable

1 salary for me, those combinations to do what I had to  
2 do to live, pay the mortgage, et cetera, et cetera.

3 Q Mm-hmm.

4 A And so that's kind of what I was thinking  
5 of. And so I started with Ron and then -- no, and  
6 there were others I approached that I didn't have as  
7 clients. Is that what you're kind of getting at?

8 Q Well, so I just wondered how much effort and  
9 work you put into getting clients because that can be  
10 a full-time job for some people.

11 A Once I got to the four, that's where I  
12 wanted to stay. So I had Ron, Richie, Rusty, and  
13 Anthony.

14 Q And that was driven more by just you needed  
15 a certain cash flow in order to make it all work.

16 A Yeah. Yeah. So once I got that far, that  
17 was it. Yeah.

18 Q We -- your counsel was kind enough to a lot  
19 us to take a in-camera, as it were, review of your  
20 personal bank records and your tax returns, and I'm  
21 trying to be respectful of your privacy, but it is a  
22 helpful thing for us to get a sense of your, sort of,



1 financial interests as reflected in those documents.  
2 So sources of income, there are sources of money that  
3 come into your personal account from sources other  
4 than, what appears to be other than your council  
5 paycheck and your NSE Consulting. So what -- do you  
6 have rental real estate? Do you have investments?

7 A Oh.

8 Q Do you have --

9 A It depends on when you're talking about.

10 Q Well, I'm trying to be just general about  
11 it. I'm not really interested in the specific  
12 transactions, but -- there's a \$50,000 check coming in  
13 to your personal account at some point.

14 A What -- you'd have to show me specifically.

15 Q Okay. Well, let me just ask you generally.

16 A Okay.

17 Q In terms of sources of deposits into your,  
18 basically your personal checking account, what would  
19 be the categories?

20 A Council?

21 Q Yeah.

22 A Depending on the year, it would be the law

1 firm and/or NSE.

2 Q Right.

3 A And then more recently, my wife, Noel, died  
4 in 2003. [REDACTED]

5 Q Okay.

6 A [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

11 Q I see.

12 A [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] So if you see a check for --

17 Q Okay. All right.

18 A -- considerable amount of money, not sizable  
19 or whatever it is --

20 Q No, but it --

21 A Well, it wouldn't be for more than the  
22 maximum every month is like [REDACTED] I think. That's

1 the most we ever got in a month. So if you saw a  
2 check for \$50,000 come into my account, I would have  
3 no idea where that came from. I'd have to track that  
4 one down.

5 Q There were a few big ones. I don't know.  
6 Was there a sale of property or some point or --

7 A [REDACTED]

8 Q I don't know. I can't tell where it's  
9 coming from.

10 A [REDACTED]

11 Q Could be.

12 A [REDACTED]

13 [REDACTED] So that could possibly be it. I don't know.

14 Q [REDACTED]

15 [REDACTED]

16 A [REDACTED]

17 Q Anything like that, that you'd be moving  
18 money into?

19 A Nope.

20 Q Okay. But just to sort of pin this down, in  
21 terms of sort of other sources of inflow or deposits  
22 into your personal checking account, large things

1 that, not \$100 here or there, but, you know, multiple  
2 thousands, it would be City Council salary, law  
3 firm/NSE, and then [REDACTED]

4 [REDACTED]  
5 [REDACTED] Is that --

6 A Yes.

7 Q -- an accurate description?

8 A Yes.

9 Q All right. Anything else that you can think  
10 of?

11 A No.

12 Q Okay.

13 MS. RIMON: I have a question.

14 MR. BUNNELL: Yeah, sure.

15 MS. RIMON: Just, I want to clear up  
16 something to make sure I understand related to the  
17 formation of NSE. When we talked earlier this morning  
18 you said you weren't sure when you first met with Ron  
19 Paul about what exactly, what services NSE would  
20 provide, and just a minute ago you were talking about  
21 you envisioned it as a law firm. So I wanted to just  
22 understand that and what type of law practice you were

1 intending or what type of services you had thought NSE  
2 would be providing.

3 MR. EVANS: To be honest, we had no  
4 idea. I mean, I thought, okay, well, I'll set up my  
5 own law firm. This is, you know -- without any  
6 thought about it. Maybe somebody would come to me and  
7 say I need a securities lawyer, you know, or who  
8 knows. But with Ron himself, if you're asking that,  
9 we never discussed what the services would be.

10 We decided it would be on a retainer  
11 agreement, and then he would -- like [REDACTED]  
12 and if he needed my services, he would let me know  
13 that he needed my services, and then we would discuss  
14 the project at that point in time. That's how it  
15 evolved.

16 MS. RIMON: I'm just trying to  
17 understand you --

18 MR. EVANS: But it --

19 MS. RIMON: Sorry.

20 MR. EVANS: No, go ahead.

21 MS. RIMON: If you were thinking actual  
22 legal services, research, writing, representation or

1 something --

2 MR. LOWELL: I think their ships  
3 passing again. Do you mean in the beginning with the  
4 Ron Paul or as he was envisioning how NSE would  
5 develop over time?

6 MS. RIMON: Well, I'm not clear whether  
7 those are two different things. That's part of what  
8 I'm trying to reconcile. Because just now when we  
9 were talking about the initiation of NSE, you were  
10 talking about envisioning it as a law firm, which you  
11 hadn't mentioned earlier. So maybe you can explain to  
12 me whether that was sort of a change as time went on  
13 or just -- we hadn't gotten to that level of detail  
14 when we were talking earlier.

15 MR. EVANS: Yeah, it's a level of  
16 detail, yeah. Yeah.

17 MS. RIMON: Okay.

18 MR. EVANS: It really is. You're --  
19 it's hard to explain. I mean, I never did this  
20 before, set something up on my own. Are you going to  
21 do, as you said, pen to paper or legal work, I mean I  
22 don't have the time for that. Would I really do that,

1 or do I even have the skillset to do that? Or would  
2 it be just consulting, and that's more what it  
3 involved into if somebody, you know, asked me a  
4 question or something, you know. But yeah.

5 So I guess I'm maybe just talking too  
6 much. I don't know what I envisioned. I don't know  
7 what we were going to have, and I think over time it  
8 would -- maybe we would figure out what was -- what  
9 worked and what didn't work, but we never had enough  
10 time. I mean it's only been -- it's gone, you know.  
11 It only existed for two years, two and a half years.

12 BY MR. BUNNELL:

13 Q Let's go to tab 13. This is an email from  
14 Bill Jarvis to Schannette. You're on it as well.

15 A Yes.

16 Q And he is -- Bill is recounting a "Per our  
17 conversation yesterday about Don MacCord and in light  
18 of a recent communication that I had with Rusty, in  
19 addition to you getting an authorization for NSE  
20 Consulting from the Council's general counsel, I think  
21 you should add the following provision to your NSE  
22 Consulting agreement." And then he's got a paragraph

1 about the client acknowledging that you're --

2 A Yes.

3 Q -- a member of the Council. You got to  
4 follow the ethics rules.

5 A Correct.

6 Q So do you remember sort of the origins of  
7 this, what the conversation yesterday about Don  
8 MacCord is and what he's referring to there?

9 A Well, I asked Bill to take a look at this  
10 [REDACTED] agreement, which I had probably by  
11 that time made into my agreement. So I know I did so  
12 probably -- so I took that, I made it into mine, and I  
13 gave it to Bill and said, you can take a look at it  
14 and give me any ideas you think might be helpful. And  
15 he did, and this section was the one he recommended  
16 that we put in.

17 Q Okay. And, again, he's doing this as your  
18 friend.

19 A Friend.

20 Q Okay. He has no financial interest in  
21 what's going on here.

22 A None.



1 Q When you got around to sending -- trying to  
2 get paid by out of state clients, I assume at some  
3 point you had to get paid, did you always send an  
4 invoice or did you just --

5 A In the beginning, no. Then, I don't know,  
6 Bill or somebody might have suggested to me I should  
7 send an invoice, so I did. So I think in the  
8 beginning I don't know that I did. And I think the  
9 agreement I sent.

10 Q The agreement contains dollar amounts.

11 A Yeah, I think I sent the agreement, and then  
12 they, they would send me a check.

13 Q Send you a check.

14 A So I didn't say, well, here's an invoice.  
15 What happened, again, you learn as time goes on. I  
16 think one of them, Anthony -- we sent these out like  
17 as a monthly retainer, and that is ridiculous. I  
18 mean, they're always writing checks, and I'm always,  
19 you know, it's like \$400 check. So it's like this  
20 isn't work. So that's evolved into some other idea.  
21 So why don't we do it every six months rather than on  
22 a monthly basis. It's easier for everybody to manage.

1 Q Yeah.

2 A I think the original agreement was a one-  
3 year agreement. And a year came by and I had to send  
4 out another agreement. So why don't we have an  
5 agreement that automatically renews so I don't have to  
6 keep sending these agreements out. 'Cause I'm pretty  
7 much doing this on my own, which that's how -- so  
8 that's why you're seeing when we were going through  
9 this -- I think we go, what are all these documents,  
10 and that's --

11 Q That's why there's so many documents.

12 A That's why there's so many documents is  
13 because this was evolutionary, trying to make it work,  
14 again, by someone who had never done this before and  
15 didn't have a lot of people to tell me how to do it.

16 Q So --

17 A But at some point we got down the idea of  
18 invoices that I would send out, yes.

19 Q Okay. And other than Schannette, were there  
20 other people that were helping you with that, that  
21 sort of administrative aspects of this?

22 A Sarina [ph] maybe a little bit. I don't

1 know that she did. She may have helped Schannette  
2 type something up or something, but that's it. No, it  
3 was really Schannette and me and nobody else in the  
4 office, not Ruth, not Sherry, nobody else. No, it  
5 would be just Schannette. And, again, I don't know  
6 about Sarina maybe --

7 Q Did you have a concern that the amount of  
8 time Schannette was spending on this might get out of  
9 the de minimis category somehow?

10 A No. It was de minimis. It really was. I  
11 mean, after we got the original agreements typed up  
12 there was no more -- nothing more to do.

13 Q What's your rule of thumb on what de minimis  
14 is? Do you think of it in terms of a number of hours  
15 or --

16 A Well, she wasn't doing anything on company  
17 time. I think she was doing it at home.

18 Q Okay.

19 A You know, so de minimis would be -- I'll  
20 tell you what, you know what de minimis is? Sending  
21 an email with a business plan attached one time or  
22 three times. That's de minimis, and that's about the

1 most she did on the account --

2 Q On that -- that's on the job search.

3 A Yeah.

4 Q But in terms of managing the complicated  
5 invoice situation and --

6 A No, it's not complicated. It's just typing  
7 up an invoice. I took care of all the rest. You  
8 know, I sent it out and --

9 Q Okay.

10 A -- got the money and deposited it and stuff.  
11 They had no role on any of that stuff. It was really  
12 limited, and she'll tell you whatever she did. It was  
13 very limited to typing really. That's because I don't  
14 know how to type. If I knew how to type, but I don't  
15 so.

16 Q Okay. So no discussions with anybody,  
17 including Schannette about whether she was spending a  
18 de minimis or more than a de minimis amount of time,  
19 no advice from the general counsel --

20 A No.

21 Q -- about that issue?

22 A No.

1 Q Okay.

2 MR. LOWELL: Where again? Where is she  
3 working?

4 MR. EVANS: From her house is where she  
5 was doing it from. She was not on work hours. That's  
6 my recollection anyway.

7 MR. BUNNELL: I mean, she's using her  
8 Gmail on this email.

9 MR. EVANS: Yeah.

10 BY MR. BUNNELL:

11 Q That's her Gmail, that's the one --

12 A Mm-hmm.

13 Q And you're using your AOL account.

14 A How'd you guys get this? Just kidding.

15 Q I think maybe your lawyer gave it to us.

16 Let's go to the next page, or actually next tab, which  
17 is 14. Okay. So there's a front and back to this.

18 A Yes.

19 Q The front is September 21, 2016, a letter  
20 from you to Efros, basically advising her that you're  
21 setting up this consulting entity and bringing it to  
22 her attention. And then she, she essentially says,

1 not a problem, as long as you follow the rules.

2 A Correct.

3 Q Not to be too flip about it, but so in a way  
4 there's not a whole lot of guidance here at some  
5 level. It's kind of like if you follow the rules,  
6 it's fine. So did this really accomplish anything?

7 A Yes. It puts the general counsel on notice  
8 that I'm setting up a company.

9 Q Okay. And that was your goal here. It  
10 wasn't to have any particular guidance for any  
11 different matter at this point. It's just a general  
12 heads up.

13 A Yes. And the point is, I'm setting up a  
14 company. Is it okay? Can I set this company up? And  
15 she said yes, you can do that. So and I notified the  
16 general counsel that it exists. That was the point of  
17 it. And then we had -- and it's -- something similar  
18 with Manatt. I think -- is this similar to the Manatt  
19 letter or not? I don't remember.

20 Q It's similar. Do you recall that this  
21 was -- did Bill Jarvis have something to do with  
22 drafting this?

1           A     I think he drafted -- yeah, I think he  
2 drafted it.

3           Q     And, again, he's doing that out of  
4 friendship.

5           A     Yes.

6           Q     Okay. So other than Schannette, were other  
7 people in your council office aware that you were  
8 setting up this new entity? I mean, was it a secret  
9 or did people know about it?

10          A     People didn't know about it, but it wasn't a  
11 secret. It's that, you know, it's something that  
12 opened up.

13          Q     I mean, was there something about it that  
14 you wanted to keep quiet?

15          A     No. But there was no reason to tell  
16 everybody.

17          Q     I mean it was -- the concept is blessed by  
18 the general counsel.

19          A     Right.

20          Q     And although this exchange is confidential  
21 and privileged --

22          A     Okay.

1 Q -- it says, at least her letter back to you  
2 says that. But in terms of -- so the existence of NSE  
3 Consulting is not something that you necessarily  
4 regarded as something you had to keep a secret from  
5 anybody.

6 A Well, no, and it's disclosed on my  
7 disclosure statement.

8 Q And it's disclosed on your disclosure  
9 statement.

10 A Yeah, so it's not secret.

11 Q It's not secret. The extent somebody wants  
12 to go and check the BEGA website, they could probably  
13 see it.

14 A Exactly, it's right there. 'Cause it's a  
15 registered company. So the day that happened in --

16 Q Right.

17 A -- August of 2016, it was public.

18 Q Was the identity of the --

19 A Not the BEGA website but the --

20 Q Council website.

21 A -- corporation, you know, wherever you  
22 register a corporation in the District. I don't know



1 what you do. Bill did all that, but whatever it is,  
2 you can go find it I guess.

3 Q DCRA or something like that.

4 A Yeah, DCRA, that's exactly right.

5 Q The identity of the clients of NSE  
6 Consulting, was that something you tried to keep  
7 confidential.

8 A Keep kind of a law firm model, yes. The  
9 identity of the consultants, or my clients I wanted to  
10 keep secret.

11 Q Was that something that the clients wanted  
12 or was that something that you wanted?

13 A It's -- when you say wanted, it's, it's the  
14 practice that I was used to. So, yes, it was my  
15 practice to keep my clients secret at the law firm as  
16 law firms do, and so this was my firm. And so did a  
17 client say to me you got to keep this secret, no, I  
18 don't recall that happening. It's just me keeping  
19 everything secret.

20 Q Why did you care about that?

21 A I don't know that that's the question I can  
22 answer. It's because that's the practice that I was

1 used to at a law firm, that you didn't disclose your  
2 clients.

3 MS. RIMON: Can I ask a question?

4 MR. BUNNELL: Sure, go ahead.

5 MS. RIMON: So that was -- you thought  
6 about that and made an intentional decision to comport  
7 with what you understood was sort of prior practice of  
8 being confidential about your clients. Did you --

9 MR. LOWELL: I'm sorry to interrupt  
10 you. I apologize. You guys have merged what he put  
11 on the form from before, secret, the word that's being  
12 used, whether it's secret to his staff, to the  
13 people -- I mean, to whom, because there's a  
14 difference.

15 So when he's talking about the  
16 confidentiality of clients as attorneys are supposed  
17 to do, I think he's thinking about forms. I don't  
18 know that he's sitting around and telling average  
19 staff people anything, but you're not exploring that  
20 with him, and you've let one sentence cover three  
21 different circumstances.

22 MS. RIMON: Well, you can interject if

1 you think my question -- that poses a problem with my  
2 question. My question is, given that you felt that  
3 information was confidential, whether in the form or,  
4 you know, you made the point that you're not -- you  
5 had no reason to go around disclosing who your clients  
6 were affirmatively. That wasn't something you needed  
7 to do.

8 But what I'm trying to understand is  
9 you also have -- you're aware of the conflict  
10 provisions. You're obviously reaching out to Efros to  
11 make sure you don't have any conflict issues. Under  
12 what circumstances would you think you would have to  
13 raise a particular client to avoid a conflict?

14 MR. EVANS: When would I have to raise  
15 a particular client to avoid a conflict.

16 MS. RIMON: Right.

17 MR. EVANS: What does that mean?

18 MS. RIMON: So your default position  
19 was I'm not going to affirmatively disclose my clients  
20 because that's confidential information.

21 MR. EVANS: Right.

22 MS. RIMON: Right. But you also have

1 an obligation to avoid conflicts.

2 MR. EVANS: Right.

3 MS. RIMON: Did you think about whether  
4 there might be a circumstance where you would have to  
5 disclose the client as opposed to just NSE Consulting?

6 MR. EVANS: I wouldn't do the matter if  
7 there was a conflict. So if a client -- this never  
8 happened, but to try and address your question, a  
9 client came to me and said I need you to vote on a  
10 matter of the Council that I'm going to benefit in.  
11 So I'd just say to the client, if there was something,  
12 I'd recuse myself, or I wouldn't take on a matter that  
13 would result in the conflict.

14 And the best example of that is Digi.  
15 Where, you know, when I originally approached Digi to  
16 be a client, and without any of them ever -- there's  
17 always this disagreement about whether they were our  
18 client or not since we signed an agreement and  
19 returned the checks, you know, less than a month  
20 later. But it was clear to me that at some point  
21 where could be a conflict, so I just didn't take the  
22 client on.

1           So that's the answer to your question.  
2           And there was another instance where I remember  
3           talking to somebody about becoming a client, and  
4           thought after talking to his lawyer, well, there's a  
5           potential for a conflict here, and so we didn't, we  
6           didn't pursue it. You know, we pursued it a little  
7           bit and then decided this isn't going to work. I  
8           don't think I told you guys about that one.

9           MR. LOWELL: I think the question,  
10          Jack, was when did you have to announce publicly to  
11          the Council the identity of your client?

12          MR. EVANS: The what?

13          MR. LOWELL: The identity of your  
14          client.

15          MR. EVANS: I don't know there would  
16          ever be an instance, 'cause you could recuse yourself  
17          and then not have to participate in a matter that your  
18          client was. So you wouldn't have to divulge who the  
19          client was. Or you'd have to divulge who the client  
20          is if you are participating. I guess -- is that  
21          right.

22          MR. LOWELL: Yeah, well, I think she's

1 talking about the languages of recusal itself. It  
2 would have to involve the name of the client.

3 MR. EVANS: Yeah, I guess it would.

4 MS. RIMON: Right.

5 MR. EVANS: Yeah. Okay.

6 MS. RIMON: Right. And the other  
7 question --

8 MR. EVANS: The problem is these  
9 questions are theoretical. They just never happened.  
10 So I don't, I don't know how to answer them.

11 MS. RIMON: Well, it sounds like you  
12 thought through it and managed it on your own behalf  
13 to the extent of saying I'm not going to take on that  
14 client because it might pose a conflict.

15 MR. EVANS: Yeah.

16 MS. RIMON: And so it never got to the  
17 point in your mind of where you needed to publicly  
18 report to the Council saying, I have this conflict and  
19 therefore need to recuse myself.

20 MR. EVANS: Right.

21 MS. RIMON: But and so one last thing I  
22 want to get clear is you're talking about on a matter

1 by matter basis. Could you have a client that you're  
2 not handling any specific matter for them, but they  
3 have an interest that was before the Council? You  
4 know, so you're not working on a specific matter, but  
5 they generally do have a matter before the Council.  
6 Is that something that you dealt with or thought  
7 through?

8 MR. LOWELL: So you mean client by  
9 client. So like, you know, --

10 MS. RIMON: Right.

11 MR. LOWELL: -- sign up Steve Fischer,  
12 did you sign up Ron Paul, did you sign up Rusty  
13 Lindner, did you sign up Anthony Lanier. Your  
14 premises is vis-à-vis the City Council something, what  
15 is the premise. What is your premise?

16 MR. EVANS: I'm not following that  
17 either.

18 MR. LOWELL: I'm asking a good  
19 question. She's trying to find out did you have to  
20 think through the process by which you would either  
21 have to disclose or recuse, et cetera. You've  
22 answered it as to what these people's business was in

1 front of the city or the Council.

2 MR. EVANS: Mm-hmm.

3 MR. LOWELL: I'm trying to -- I think  
4 she's trying to say where is that along the line.

5 MS. RIMON: Yeah, because --

6 MR. LOWELL: You said it never came up.  
7 You're talking theoretically. Why is it -- did it  
8 never come up?

9 MR. EVANS: None of my clients ever had  
10 something before the Council.

11 MS. RIMON: Okay. Well, yeah -- so  
12 that's the answer. That's --

13 MR. EVANS: Yeah.

14 MS. RIMON: Okay.

15 MR. BUNNELL: We're getting close.

16 BY MR. BUNNELL:

17 Q I'm going to just jump to something a little  
18 bit out of sequence --

19 A Okay.

20 Q -- question about it. Tab 32, it's an email  
21 exchange between you and Don MacCord, right?

22 A Yes.



1 Q I'll give you a second to look at it.

2 A Okay.

3 Q It starts at the -- well, I'll give you a  
4 second here. It's not that long.

5 A Okay.

6 Q So it's an email chain, it starts at the  
7 bottom you writing, "Any chance to get checks Monday,  
8 also haven't gotten anything on stock," and MacCord  
9 responds later that day or actually within an hour, "I  
10 will stop by with checks, and you should have your  
11 stock certificates any day now," and you say, "Okay,  
12 great, thanks." So this is in October 2016.

13 A Correct.

14 Q And if you flip to the next page, there's a  
15 stock certificate there.

16 A Yes.

17 Q So can you tell me sort of the context, the  
18 origins around you getting the stock certificate and  
19 what happened to it?

20 A Sure. The checks incidentally were for  
21 Hillary Clinton.

22 Q Right. I understand that.

1           A     Okay. All right.

2           Q     Yeah.

3           A     At some point, I don't remember when,  
4 probably in August, September, Don said I would like  
5 to give you some stock in the company. And remember  
6 the situation with Don presented this nationwide  
7 company that was going to do very well, et cetera, et  
8 cetera. I did have no knowledge of what subsequently  
9 happened with him and his whole thing.

10                   And being a securities guy, my original  
11 response was, well, you can't give me something, but I  
12 might be interested in buying stock. And, you know,  
13 again, my background in the SEC and at Epstein Becker  
14 was getting stock in companies. You either call it  
15 cheap stock or penny stock or whatever the terminology  
16 is. So if you're representing somebody or you're  
17 dealing with somebody, if you can get stock at a  
18 insider price, so to speak --

19           Q     Mm-hmm.

20           A     -- and then the company --

21           Q     Friends and family kind of thing.

22           A     That's it. It becomes public, and then you

1 can make a fortune. You have to hold it for a certain  
2 amount of time, six months or two years, whatever the  
3 new rules are. So that was the -- and he -- it's an  
4 opportunity to buy stock at a cheaper price and make  
5 money. And so that was it.

6 And so I remember talking to Don's  
7 assistant, whose name escapes me. Well, what's it  
8 worth. I said, is it a penny a share or a dollar a  
9 share, you know, what -- how much would I pay for  
10 this, and they had no idea. And so but it was always  
11 on the -- kind of a backburner issue. It wasn't  
12 something that I was thinking about or he was thinking  
13 about.

14 By this, it's like, well, you know,  
15 whatever, what's up with the stock. And then he --  
16 they sent it over and like with the checks, it was  
17 like this is a bad idea, you know. What am I thinking  
18 about here? And so I immediately -- we immediately  
19 took the stock that -- I always consult with Bill and  
20 Schannette about stuff. And upon receiving this --  
21 the shares, it was like, I got in the car and drove  
22 and gave him the stock back.

1 Q So you didn't keep a copy of it, of the  
2 stock certificate? You gave it --

3 A You know, I might have a copy of it  
4 someplace, I don't know.

5 Q Did you pay for it initially, or was it just  
6 a gift?

7 A It was neither. I mean, he sent the stock  
8 over, and I took it right back. So I didn't pay for  
9 it, or it wasn't a gift.

10 Q But were you originally -- were you  
11 originally thinking you were going to --

12 A Buy it.

13 Q -- buy it --

14 A Correct.

15 Q -- as an investment?

16 A Correct.

17 Q Okay. And then you realized that this is a  
18 problem.

19 A It has -- it wasn't a problem, but it had  
20 the potential to be a problem.

21 Q It was a potential problem.

22 A Yes. Being a -- you know, not looking good.

1 You know, I don't even know it was a problem. 'Cause  
2 it wasn't a client at that time. And stuff with the  
3 city was, you know, unclear what was happening with  
4 all that. So, but, yes, it became -- from my  
5 perspective, the appearance of this was terrible. So  
6 that's why I gave it back.

7 MS. RIMON: Did you negotiate a price?

8 MR. EVANS: No, as I told you, they  
9 couldn't figure out how much it was worth.

10 MS. RIMON: So at the time he sent this  
11 stock over there was no price settled on.

12 MR. EVANS: No.

13 MS. RIMON: At the time he sent it  
14 over, was it still your understanding you were going  
15 to pay for it?

16 MR. EVANS: Correct.

17 MS. RIMON: You just didn't have the  
18 price yet.

19 MR. EVANS: Correct.

20 MS. RIMON: That's -- that would be a  
21 bit unusual for a stock transaction, don't you agree?

22 MR. EVANS: Yep, I agree. Everything

1 was unusual about this.

2 BY MR. BUNNELL:

3 Q Did you have any direct interaction with Don  
4 MacCord's, I guess for lack of a better word,  
5 girlfriend, Dawn?

6 A I have --

7 Q Do you know who Dawn is?

8 A Yes.

9 Q So tell me who Dawn is. What's your  
10 understanding of --

11 A Don MacCord's girlfriend.

12 Q Do you have any other sort of association  
13 with her? Do you know anything more about her? What  
14 did she do?

15 A I really don't -- I don't --

16 Q She's not somebody that you had any  
17 independent connection with or relationship with.

18 A Absolutely not, no.

19 Q Did you ever talk with her without Don  
20 present?

21 A No.

22 Q Did you meet with her at some point?

1 A No.

2 Q Was she -- so how do you even know she  
3 exists?

4 A We went out to dinner once, and they came to  
5 the fundraiser for Hillary Clinton up in Nantucket.

6 Q Okay.

7 A Which goes to the bundling issue, I just  
8 want to put this out there.

9 Q Okay.

10 A The bundling issue.

11 Q Okay. Yeah, and I just want to ask you  
12 about --

13 A This has nothing to do with the D.C. stuff,  
14 but bundling is when you get a bunch of checks and you  
15 hand them over. In the case of Don MacCord, Don, his  
16 girlfriend, and it seems like everybody who worked for  
17 him, showed up at the fundraiser.

18 Q This is for Hillary?

19 A Yeah. So that's not bundling. That's  
20 actually showing up with a check.

21 Q Okay.

22 A So we didn't bundle any checks for Don

1 MacCord.

2 Q So I'm not sure I can recall which press  
3 account, maybe you've seen it, there is some press  
4 account about Dawn --

5 A Jeffrey Anderson, he wrote that crazy  
6 article, you know that.

7 Q I don't, I don't even know who he is. I  
8 don't follow local press the way you --

9 A Okay.

10 Q -- you have a different interest in it than  
11 I do.

12 A The whole reason this whole thing exists is  
13 there is a reporter -- he's not a reporter. He was  
14 fired by The Washington Times and the city paper for  
15 inaccurate and gross negligent reporting. It's hard  
16 to get fired by the city paper.

17 Q Okay.

18 A For that type of thing. But indeed he was,  
19 okay. Years ago he, when he was at The Washington  
20 Times -- he's crazy -- and he -- when we were doing  
21 the lottery contract back in the day, he used to call  
22 me up -- and I tried to be nice to everybody, and in



1 Jeffrey's case, he said this is what happened, right.  
2 And I'd say, Jeffrey I don't know. And he would be  
3 violent on the phone screaming.

4 And this is not just my interaction with  
5 Jeffrey. Everyone feels the same way. Get Vince Gray  
6 in here to talk about Jeffrey Anderson. And so I cut  
7 off all communication with him and haven't spoken to  
8 him other than him trying to approach me at different  
9 venues. So he started writing these articles about me  
10 back in -- two years ago or whatever it is, and  
11 frankly, that's what started all this.

12 So he would write an article like the one  
13 you're referring to where Don came into my office and  
14 gave me \$30,000 in cash. That's absurd. And he'd  
15 send it to the U.S. Attorney and send it to BEGA. And  
16 we believe he's the one who filed a complaint about me  
17 at BEGA and then reported on it, which is, you know,  
18 just totally unethical.

19 MR. LOWELL: He wants to know whether  
20 there's any truth to the issue.

21 MR. BUNNELL: Well, in part you are  
22 responding, but I just --

1                   MR. EVANS: So the answer's no. I  
2 never met with Dawn. We had dinner together once, and  
3 she came to the Nantucket event, and that's the only  
4 two times I ever remember having seen Dawn or knowing  
5 who she is.

6 BY MR. BUNNELL:

7           Q       When was the last time you spoke to Don  
8 MacCord?

9           A       Don MacCord?

10          Q       Yeah.

11          A       It was on a conference call a year ago from  
12 January when he was represented by that lawyer from  
13 Pillsbury. Yeah, Pillsbury. They called me up to  
14 tell me that Don -- all of Don's records were  
15 turned -- the sum and substance of it is that the two  
16 checks that I had returned to Don had been delivered  
17 into the hands of Karl Racine and the Attorney  
18 General's office, and they wanted me -- to put me on  
19 notice that that had happened. And he was on a  
20 conference call with his attorney, and I've forgotten  
21 her name. I know her, but I've forgotten her name.

22          Q       Okay.

1           A       That's the last time I've had any contact  
2 with Don MacCord.

3                   MR. TUOHEY:   That was in conjunction  
4 with the enforcement action that the AG took against  
5 MacCord on permitting stuff.  It had nothing to do  
6 with Jack.

7                   MR. EVANS:   Nothing to do with it,  
8 yeah.

9                   MR. BUNNELL:   That's the litigation  
10 that's pending now, correct?

11                   MR. TUOHEY:   Pending, yes, it's  
12 pending, yep.

13                   MR. BUNNELL:   This might be a good time  
14 to go -- a good time to break because it's also 1:00.  
15 We obviously have some more to talk about.  We --

16                   MR. TUOHEY:   What's your schedule in  
17 terms of other people?

18                   MR. LOWELL:   Well, can we do this by  
19 email so I can look at mine, too?  You have other  
20 interviews right, so.

21                   MR. BUNNELL:   The sooner the better.

22                   MR. LOWELL:   Yeah, I understand.  I'm

1 supposed to get him back here --

2 MR. BUNNELL: I assume sooner is better  
3 for you -- I've got a whole bunch of --

4 MR. LOWELL: Perfect, yes, yes.

5 MR. BUNNELL: So I'm not suggesting  
6 that you're -- there are others that seem to have an  
7 agenda of dragging this out, and I think that's not  
8 going to end well, frankly. 'Cause we are, we are  
9 going to explore enforcing subpoenas against people.

10 MR. LOWELL: You know that that's not  
11 what we've been doing, right?

12 MR. BUNNELL: No, no, I'm not  
13 suggesting that.

14 MR. LOWELL: No, no, I know you're not.

15 MR. BUNNELL: I'm saying I wanted to  
16 know that that's --

17 MR. LOWELL: Would I --

18 MR. BUNNELL: It would be helpful for  
19 us to have talked to all the significant other people  
20 before we talk to you so we don't have to then do  
21 again another round.

22 MR. LOWELL: Please, that makes perfect

1 sense.

2 MR. BUNNELL: But it may take a while  
3 to get some of these other folks to basically comply.

4 MR. LOWELL: So then let's not pick a  
5 date today until you know that whoever the significant  
6 was -- I mean I assume given the conversation,  
7 Schannette's a significant person. I don't know who  
8 else is a significant person. But whenever you know  
9 the schedule, then let's plug that in.

10 MR. BUNNELL: Well, I was going to --

11 MR. LOWELL: Go ahead.

12 MS. RIMON: I just -- I think we'll --

13 MR. BUNNELL: We'll circle back.

14 MS. RIMON: Yeah.

15 MR. LOWELL: We're extraordinarily  
16 flexible. So we're going to go around your schedule  
17 once you have your other interviews done. I mean, or  
18 at least in the --

19 MR. BUNNELL: What I was going to  
20 suggest, because we have some busy people on that side  
21 of the table, if you know that there are some days  
22 later in the month that might work for the three of

1 you, tell us what they are and we'll --

2 MR. LOWELL: Okay. All right. That's  
3 fair, but let me check with --

4 MR. TUOHEY: I mean, how much later  
5 than in the month do you want to --

6 MR. LOWELL: Yeah, where do you feel  
7 like that -- aimed at?

8 MR. BUNNELL: I would love to be able  
9 to do it --

10 MR. LOWELL: The week of the 16th.

11 MR. BUNNELL: I would love to be able  
12 to do it before that.

13 MR. LOWELL: Okay. So the week of the  
14 9th.

15 MR. BUNNELL: I would like to be able  
16 to represent to the Council that we have completed the  
17 fact gathering part of this, maybe not the report  
18 writing, but the fact gathering part of this exercise  
19 before they return from recess.

20 MR. TUOHEY: Then that means next week.

21 MR. BUNNELL: It does.

22 MR. TUOHEY: Okay.

1                   MR. BUNNELL: That may be ambitious,  
2 but that's the goal.

3                   MR. LOWELL: Okay.

4                   MR. BUNNELL: Because I believe there  
5 were some public commitments to get it done at that  
6 timeframe. I don't know whether we can honor that,  
7 but we're going to do our best.

8                   MR. TUOHEY: We'll get back to you.

9                   MR. BUNNELL: I think that -- isn't  
10 that what was said at the big meeting?

11                   MR. EVANS: I would love to have this  
12 done by the 15th of September.

13                   MR. TUOHEY: All right. Leave the  
14 binders. We'll be in touch.

15                   MR. BUNNELL: All right.

16                   (Whereupon, the interview concluded at  
17 1:05 p.m.)

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CERTIFICATE OF NOTARY PUBLIC

I, NATALIA THOMAS, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



NATALIA THOMAS  
Notary Public in and for the  
District of Columbia



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CERTIFICATE OF TRANSCRIBER

I, LORIE COOK, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/ Lorie Cook

LORIE COOK