

THE TWENTY-THIRD DAY

CARSON CITY (Thursday), December 2, 2004

Senate called to order at 8:42 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We open our hearts to You, O God, and pray that You may dwell in each one of us and give us poise and power. We have printed on our paper money, "In God we trust." Give us the faith to not only put it in print but to apply it to our lives.

Help us to do our very best this day and be content with today's troubles so that we shall not borrow the troubles of tomorrow. Save us from the sin of worrying, lest stomach ulcers be the badge of our lack of trust in You.

These things we ask from Him who is so trustworthy.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REMARKS FROM THE FLOOR

Senator Raggio requested that the following legal opinion be entered in the Journal.

December 1, 2004

SENATOR DENNIS NOLAN

Senate Chambers

Dear SENATOR NOLAN:

You have asked this office whether the State Controller is subject to the same restrictions on the expenditure of campaign contributions as legislators. In addition, you have asked whether the State Controller may lawfully expend campaign funds to pay the cost of a class that relates to the duties of the State Controller.

The statute that provides for the disposition of unspent campaign contributions is NRS 294A.160. That statute provides, in pertinent part, that:

1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.
2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:
 - (a) Return the unspent money to contributors;
 - (b) Use the money in his next election or for the payment of other expenses related to public office or his campaign, regardless of whether he is a candidate for a different office in his next election;
 - (c) Contribute the money to:
 - (1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;
 - (2) A political party;

- (3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or
- (4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);
- (d) Donate the money to any tax-exempt nonprofit entity; or
- (e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

This provision applies to “[e]very candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office.” Therefore, as candidates elected to state office, Legislators and the State Controller are subject to the restrictions in NRS 294A.160.

Pursuant to NRS 294A.160, a public officer is prohibited from spending unspent campaign contributions for his own personal use, but it is permissible for the public officer to use unspent campaign contributions for the payment of expenses related to his public office or campaign. Unfortunately, there is no statutory guidance as to the definition or scope of the terms “personal use” or “related to [his] public office or his campaign.” In addition, there have been no opinions issued by the Nevada Supreme Court interpreting these provisions. Therefore, we must apply the rules of statutory construction to determine whether NRS 294A.160 would prohibit the State Controller from using campaign contributions to pay the cost of a class related to the duties of the State Controller.

As a general rule of statutory construction, when the words in a statute are not defined, “[they] should be given their plain meaning unless this violates the spirit of the act.” McKay v. Board of Supervisors, 102 Nev. 644, 648 (1986). Based on its plain meaning, paragraph (b) of subsection 2 of NRS 294A.160 authorizes a candidate to spend unspent campaign contributions on expenses that are related to his public office or campaign. The term “related” is defined as “connected by reason or an established or discoverable relation.” Webster’s Ninth New Collegiate Dictionary 994 (1991). It is the opinion of this office that the cost of a class that relates to the duties of the State Controller is clearly connected to the Office of the State Controller because attendance of the class will provide the State Controller with information that would assist the State Controller in carrying out the duties of the Office. Thus, it is the opinion of this office that the State Controller may use unspent campaign contributions to pay the cost of a class that relates to the duties of the State Controller.

Analogous support for this interpretation may be found in an opinion issued to the Secretary of State of the State of Nevada by the Attorney General’s Office on May 21, 2002, regarding the use of campaign contributions.” 23 Op. Att’y Gen. (May 21, 2002). Although the opinion primarily concerns itself with the payment of attorney’s fees, which is an issue not relevant to this analysis, the opinion does discuss the standard used by the Federal Election Commission to determine whether it is permissible to pay certain expenses with campaign contributions.

Because of the lack of statutory or judicial guidance, the Attorney General considered the relevant legislative history from 1991 when NRS 294A.160 was enacted and determined that provisions of federal election law are similar to the Nevada provisions. 23 Op. Att’y Gen. at 3-16. Specifically, the opinion notes the provisions of 2 U.S.C.A. § 439a (2002), which delineates both the permitted uses and prohibited uses of campaign contributions for federal officers and candidates and which provides in pertinent part:

(b) Prohibited Use. -

(1) In general. - A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

(2) Conversion. - For the purpose of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate’s election campaign or individual’s duties as a holder of federal office, including -

- (A) a home mortgage, rent, or utility payment;
- (B) a clothing purchase;
- (C) a noncampaign-related automobile expense;
- (D) a country club membership;
- (E) a vacation or other noncampaign-related trip;

(F) a household food item;

23 Op. Att’y Gen. at 7-8. Noting that the laws of this State did not specifically define “personal use” and there had not been any judicial interpretation of the statute on that issue, the Attorney General concluded that “in enacting NRS 294A.160(1), the Nevada Legislature intended to enact a standard similar to that adopted by the federal government ... and to thereby prohibit use of campaign funds if the particular use would fulfill a commitment, obligation, or expense that would exist irrespective of the candidate’s campaign or duties as an officeholder.” 23 Op. Att’y Gen. at 16 (emphasis added).

If a court followed the reasoning set forth in 23 Op. Att’y Gen. (May 21, 2002), the court would likely find that costs of a class that is related to the duties of the State Controller may be paid from unspent campaign contributions pursuant to NRS 294A.160 because that cost would not have existed irrespective of the State Controller’s office. Although based on a different analysis, this interpretation reaches the same result as the interpretation based on the plain meaning of the provisions set forth above in this letter.

In conclusion, it is the opinion of this office that the State Controller is subject to the same restrictions on the expenditure of campaign contributions as Legislators. In addition, it is the opinion of this office that the State Controller may lawfully expend campaign funds to pay the cost of a class that relates to the duties of the State Controller.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,
BRENDA J. ERDOES
Legislative Counsel
By SCOTT G. WASSERMAN
Chief Deputy Legislative Counsel
By EILEEN O’GRADY
Principal Deputy Legislative Counsel

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that the Senate resolve itself into a Committee of the Whole for the purpose of hearing the Articles of Impeachment against Nevada State Controller Kathy Augustine, with Senator Amodei as Chair of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

At 9:01 a.m.

Senator Amodei presiding.

The Articles of Impeachment against State Controller Kathy Augustine considered.

SENATOR AMODEI:

I call this meeting of the Committee of the Whole of the Nevada State Senate, Twenty-first Special Session of the Nevada State Legislature, to order. Please show the members present and those who arrive during the course of the proceedings present. Please make CDs available of the proceedings today to any members who miss any portion of today's testimony. Mr. Greco, who is your next witness?

DANIEL J. GRECO (Special Prosecutor):
Jim Wells.

SENATOR RAGGIO:

Mr. Greco, when we began this proceeding, you indicated all the exhibits, had been, by stipulation, agreed to be admitted. You listed a number of them that would require some foundation. Would these include exhibits from the Defense as well as from the Prosecution?

MR. GRECO:

Yes.

SENATOR RAGGIO:

Which ones need further foundation?

MR. GRECO:

Some of the matters needing additional foundation were taken care of yesterday. According to my list, all Defense exhibits marked as of yesterday have been stipulated to. All State's exhibits except: Exhibit P-1, Exhibit P-2, Exhibit P-3 and Exhibit P-4 have been stipulated to or we have provided additional foundation, and those exhibits have been admitted by the Chair. I would defer to Mr. Arrascada for further additions. Exhibits P-39 and Exhibit P-41 were withdrawn.

JOHN L. ARRASCADA (Counsel for Controller Augustine):

Those are correct representations.

SENATOR RAGGIO:

Mr. Greco, one of your exhibits involved a polygraph report. Ordinarily, that is not admissible without stipulation. Is that exhibit stipulated to be admitted?

MR. GRECO:

Yes, it is. In exchange for that stipulation, the Defense has stipulated we can obtain testimony from a polygraph expert during the rebuttal phase. We did that because of mutual consideration reasons but, also, because this is not a trial. They said that was going to come in anyway so we simply gave them accommodation.

SENATOR AMODEI:

Are there any other preliminary matters before we begin direct examination?

MR. GRECO:

No.

SENATOR AMODEI:

Mr. Wells, welcome to our Committee.

CLAIRE JESSE CLIFT (Secretary of the Senate):

Would you please stand and raise your right hand? Do you solemnly swear or affirm that the testimony and any evidence you shall give in this matter shall be the truth, the whole truth and nothing but the truth?

JAMES WELLS (Accounting Officer, Public Employees Benefits Program):

I do.

MRS. CLIFT:

Please be seated. State your name and spell it for the record.

MR. WELLS:

James Wells, j-a-m-e-s,-w-e-l-l-s.

MR. GRECO:

What do you currently do for a living?

MR. WELLS:

I am the Accounting Officer for the Public Employees Benefits Program.

MR. GRECO:

At any previous time, did you ever work for the State Controller's Office?

MR. WELLS:

Yes.

MR. GRECO:

During what time frame did you work there?

MR. WELLS:

I started at the State Controller's Office in August of 1998. Except for about three months, I worked there until November, 2002.

MR. GRECO:

When you were first hired at the Controller's Office, what was your job title or rank?

MR. WELLS:

I was an Accountant III.

MR. GRECO:

When you left the Controller's Office, what was your title or rank?

MR. WELLS:

The first time I left, I was Chief Accountant. I came back as Chief Deputy. Chief Deputy was my final position there.

MR. GRECO:

Moments ago when you stated the position you held the first time you left, were you referring to the three-month period?

MR. WELLS:

Correct.

MR. GRECO:

When you returned the second time, what were the timeframes?

MR. WELLS:

I came back in November of 2001 and stayed there until November 5, 2002.

MR. GRECO:

As Chief Deputy Controller, was that a promotion over your earlier position?

MR. WELLS:

Yes.

MR. GRECO:

Who was the State Controller while you were Chief Deputy?

MR. WELLS:

Controller Augustine.

MR. GRECO:

Was Controller Augustine the one who hired you back as Chief Deputy Controller?

MR. WELLS:

Yes.

MR. GRECO:

That was a promotion?

MR. WELLS:

Yes.

MR. GRECO:

During calendar year, 2002, did you come to know an employee named Jennifer Normington?

MR. WELLS:

Yes.

MR. GRECO:
Where did she work?

MR. WELLS:
She was the executive assistant to Controller Augustine.

MR. GRECO:
There has been previous descriptive testimony regarding the layout of the two sections of the State Controller's Office. Were you physically located in the unit where Controller Augustine and the administrative assistant sat or were you in the unit where Ms. Valdez's and Ms. Miles' offices were?

MR. WELLS:
I was located in the Annex across the breezeway from Ms. Augustine's office.

MR. GRECO:
That would be where Ms. Valdez and Ms. Miles were?

MR. WELLS:
That is correct.

MR. GRECO:
Did you visit the other office where Controller Augustine and Ms. Normington had their desks?

MR. WELLS:
Yes.

MR. GRECO:
In calendar year, 2002, when you were over at the other office, did you ever see Ms. Normington engaging in campaign-related activities?

MR. WELLS:
Yes, from time to time.

MR. GRECO:
On state hours or after hours?

MR. WELLS:
During state hours and after hours.

MR. GRECO:
Can you estimate how many separate times you saw Ms. Normington working on campaign-related materials during office hours?

MR. WELLS:
I would hate to venture a guess as to an exact number—several, more than half a dozen times probably.

MR. GRECO:
When you saw Ms. Normington working on those more-than-half-a-dozen occasions on office hours, what types of campaign-related matters did you see her working on?

MR. WELLS:
There were times where she would be working on either mailing lists or invitations to fundraising events, making or taking RSVPs for events and logging campaign contributions. Primarily, those are the things I noticed.

MR. GRECO:
Did Ms. Normington appear to be a hard-working individual to you?

MR. WELLS:

Yes.

MR. GRECO:

From time to time, did she work overtime?

MR. WELLS:

Yes, she was frequently there when I left.

MR. GRECO:

As the general election approached, around September, October and early November, did you notice whether the amount of time Ms. Normington spent on campaign-related activities went up or down?

MR. WELLS:

It is difficult for me to say whether it really went up or down. I was not in her office as much as I had been before that time.

MR. GRECO:

From what you could observe, can you give us an estimate in the last two months before the election of the percentage of time she was working on campaign-related activities?

MR. WELLS:

It varied, but from my perception, it seemed to me it was more than half the time, during the peak periods, she would be working on the campaign-related issues.

MR. GRECO:

What do you mean by peak period of times? Are you talking about peak periods in terms of the election or some other standard?

MR. WELLS:

Prior to events or as they were gearing up to have an event, you would notice there were more hours involved.

MR. GRECO:

While you worked at the State Controller's Office the second time, when you were the Chief Deputy, did you know an individual named Ms. Valdez?

MR. WELLS:

Yes.

MR. GRECO:

Was she in the office when you were employed there the first time?

MR. WELLS:

I do not recall exactly when she started.

MR. GRECO:

You mentioned you were in the office in a lower position, and then, you were gone for three months. You were hired back as Chief Deputy. Was it Controller Augustine who invited you back?

MR. WELLS:

Yes.

MR. GRECO:

If you had left the office, why did she invite you back with a promotion?

MR. WELLS:

I do not know the answer to that question.

MR. GRECO:

She did invite you back with a promotion; is that correct?

MR. WELLS:

Yes, she did.

MR. GRECO:

When you came back the second time, what unit was Ms. Valdez assigned to?

MR. WELLS:

She was an Accounting Assistant for the debt collection section.

MR. GRECO:

Who was the head of the debt collection section of the Controller's Office?

MR. WELLS:

At that time, it was Ms. Coward.

MR. GRECO:

Ms. Valdez was in the same office area as you were located; correct?

MR. WELLS:

Yes.

MR. GRECO:

Did you ever see Ms. Valdez working on campaign-related matters for Controller Augustine?

MR. WELLS:

Yes.

MR. Greco:

What kind of things did you see Ms. Valdez doing?

MR. WELLS:

The one time I saw her, it appeared she was stuffing envelopes at her desk in the center of the Annex.

MR. GRECO:

Could you see the labels on the envelopes or the return address on them?

MR. WELLS:

Yes.

MR. GRECO:

What did you notice was listed on the envelopes?

MR. WELLS:

What I saw on the upper left hand corner of the envelopes were red and white "Kathy Augustine for Controller" and "Augustine for Controller." They were her campaign-slogan envelopes.

MR. GRECO:

After seeing an employee in your particular office doing that, did that concern you?

MR. WELLS:

Yes.

MR. GRECO

Did your office have certain guidelines, standards or principles in terms of doing political work during normal state working hours?

MR. WELLS:

Yes.

MR. GRECO:

What were those guidelines or policies?

MR. WELLS:

Our office manual prohibited those activities.

MR. GRECO:

When you say, "your office manual," do you mean the specific office manual of the State Controller's Office?

MR. WELLS:

That is correct.

MR. GRECO

Can you remember exactly what the manual told you?

MR. WELLS:

Not specifically, I believe it said that any campaigning during state work hours was prohibited.

MR. GRECO:

Mr. Wells, there are three blue binders in front of you. Please open to Exhibit P-44. Do you see the front page of that exhibit?

MR. WELLS:

Yes.

MR. GRECO:

Briefly, thumb through the exhibit. Do you recognize it?

MR. WELLS:

Yes.

MR. GRECO:

Is that the office manual you were referring to?

MR. WELLS:

Yes.

MR. GRECO:

Did this office manual go through revisions over the years during the first and second times you worked at the State Controller's Office?

MR. WELLS:

To my recollection, shortly after taking office, Controller Augustine revised the previous Controller's Office manual. This may have gone through revisions; I do not know exactly how many revisions it went through.

MR. GRECO:

Let me refer you, specifically, to the first section, once you get past the index and table of contents, to the first section and page 1, where it says, "State Controller Employee Policies." It is about five pages back into the exhibit. Do you see section F labeled, "Political Activity"?

MR. WELLS:

Yes.

MR. GRECO:

Was this the section in effect in 2002?

MR. WELLS:

Yes.

MR. GRECO:

This is part of the manual that was revised by Controller Augustine; is that correct?

MR. WELLS:

That is correct.

MR. GRECO:

Read section F, "Political Activity, " into the record.

MR. WELLS:

The political affiliations of employees shall not be considered in the hiring, promotion, demotion or dismissal of such employees, as long as those affiliations and opinions are held in conformance with this policy. All employees are encouraged to vote and be informed about the issues and candidates pertaining to an election. Employees have the right to vote as they choose and to express their political opinions or views in private; however, no employee shall engage in political activity in or about the State Controller's Office during the hours of state employment.

SENATOR RAGGIO:

The exhibit in my binder appears to only have pages 1, 3 and 5. I would suspect that this document was copied one side only and that the even-numbered pages are omitted in our exhibit. Are they material to what we are discussing here?

MR. GRECO:

Mr. Wells, is this the end of the political activities section or do you know if it continued to page 2?

MR. WELLS:

I honestly do not remember if this continued on to page 2, but I also have the same blank page 2.

MR. GRECO:

I am going to continue questioning so we do not waste time.

SENATOR AMODEI:

We will go ahead and make sure there is a full set of copies of the Controller's Office Procedures' Manual for all the Senators in evidence. I assume that was the intent of the stipulation and the intent of Counsel.

MR. GRECO:

Absolutely, Mr. Chair.

SENATOR AMODEI

It will be supplemented so you will have the complete manual in evidence. Please proceed.

MR. GRECO:

Mr. Wells, when you saw Ms. Valdez stuffing those envelopes, did that concern you?

MR. WELLS:

Yes.

MR. GRECO:

Did it appear to be in violation of the provision, which you just read to the Senators?

MR. WELLS:

Yes, it did.

MR. GRECO:

As a supervisor, did you decide to take some action?

MR. WELLS:

Yes, I did.

MR. GRECO:

Please tell the Senators exactly what you did?

MR. WELLS:

I walked across the breezeway to Controller Augustine's office and asked her if she thought it was appropriate that this activity be done in the center of the Annex on state hours.

MR. GRECO:

Can you recall, approximately, what month this event occurred?

MR. WELLS:

No, I do not remember exactly what date this occurred.

MR. GRECO:

What was Controller Augustine's reply when you confronted her with that statement?

MR. WELLS:

Her response was somewhere very close to, "I did not tell her she had to do it on state time."

MR. GRECO:

After you went back to your section of the office, did you notice whether Ms. Valdez continued to stuff the envelopes?

MR. WELLS:

Yes, she did.

MR. GRECO:

Referring your attention specifically to late July, 2002, do you recall an occasion where Controller Augustine went across the breezeway to your office and talked to you?

MR. WELLS:

Yes.

MR. GRECO:

In that period of late July, 2002, did she ever make a campaign-related request of you, personally?

MR. WELLS:

Yes, she did.

MR. GRECO:

What did she ask you to do?

MR. WELLS:

She asked me to complete her campaign expense report, which would be turned in to the Secretary of State's Office.

MR. GRECO:

Did you feel that act was in violation of the political policy that you read from Ms. Augustine's Controller's Office manual?

MR. WELLS:

Yes, I did.

MR. GRECO:

What response did you give to Controller Augustine?

MR. WELLS:

I did not respond directly at that moment. A couple of days later, I e-mailed her a message stating I thought that act violated our policies and procedures as well as the Nevada Administrative Code relating to political activity.

MR. GRECO:

Can you remember, approximately, how many days after Controller Augustine asked you to do that you drafted that e-mail?

MR. WELLS:

My recollection is that she came in on the afternoon of July 30, 2002, and brought the information to me on July 31, 2002, at which time I began drafting my e-mail response, which I sent the next day, August 1, 2002.

MR. GRECO:

Please open your blue Binder No. 3 to Exhibit P-42. The Counsel has already stipulated to this document, but please look it over for a few minutes so you can familiarize yourself with the contents. Is one of those the e-mail you just referred to?

MR. WELLS:

Yes.

MR. GRECO:

Which one?

MR. WELLS:

The e-mail at the bottom of the first page dated August 1, 2002.

MR. GRECO:

Please read into the record your e-mailed message to Controller Augustine.

MR. WELLS:

Kathy, while I don't mind preparing your campaign expense report, I do not appreciate feeling like it is a condition of employment because it isn't. If it was a job requirement, it would violate NAC 284.770 as well as our office policies, whether you require it to be done during or after office hours. Since I am a salaried employee, I don't have fixed hours; I get a job done. Requiring me to complete the report qualifies as work, and as such violates the prohibition of engaging in political activity during the hours of an employees' employment. However, if you ask me to prepare the report on my own time, and I agree, there is not a problem. It is all in how you ask. Free time is a valuable and limited commodity. Many of us have outside interests and hobbies, which quickly fill up what free time we have. When I or any other member of your staff volunteer our time to assist you either with your campaign or by attending an event on your behalf, we do it because we want to not because we have to. We all have to be able to choose what we do during our free time without fear of repercussion. If a member of your staff does not want to do something, they should be able to tell you and you need to respect their decision. I cannot speak for others, but the more you expect, the less I feel like volunteering. This is just some information I needed to share with you.

MR. GRECO:

Mr. Wells, given that you were sending that e-mail to your employer, did you do some soul searching before you actually sent it?

MR. WELLS:

Yes, I thought very hard about it before I sent it.

MR. GRECO:

Was it difficult for you at the time to actually press your send button and send it to Controller Augustine?

MR. WELLS:
Yes.

MR. GRECO:
When you came back as Chief Deputy, were you a classified or an unclassified employee?

MR. WELLS:
The Chief Deputy position is unclassified.

MR. GRECO:
Did that heighten your concern, the fact you were an unclassified employee?

MR. WELLS:
To some extent, yes.

MR. GRECO:
Mr. Wells, if you were concerned, and you were an unclassified employee, would you please explain to the Senators why you sent this e-mail to Controller Augustine?

MR. WELLS:
I thought it was important that this e-mail be sent to voice my concerns about what I perceived as Controller Augustine requiring me and other staff members to work on issues relating to her campaign.

MR. GRECO:
Did you think you were doing the right thing?

MR. WELLS:
Yes, at the time I did.

MR. GRECO:
Do you still think that now?

MR. WELLS:
Yes.

MR. GRECO:
Prior to the point when you sent that e-mail, did Controller Augustine frequently speak with you?

MR. WELLS:
Yes.

MR. GRECO:
Were those conversations with her, on occasions prior to you sending her the e-mail, always pleasant?

MR. WELLS:
Not always.

MR. GRECO:
Were many of them pleasant?

MR. WELLS:
Many were pleasant, yes.

MR. GRECO:
Did her attitude and demeanor toward you change after you sent her that e-mail?

MR. WELLS:
Yes.

MR. GRECO:
Was that change obvious?

MR. WELLS:
Yes, it was.

MR. GRECO:
Please tell the Senators how her attitude and demeanor changed after you sent the e-mail.

MR. WELLS:
Conversations, except for those required for day-to-day activities, were all but cut off.

MR. GRECO:
Were you made aware of any statements by her to have you fired?

MR. WELLS:
I was told of one, yes.

MR. GRECO:
Please describe that for the Senators.

DOMINIC P. GENTILE (Counsel for Controller Augustine):
Objection. Again, foundation?

MR. GRECO:
Mr. Chair, if I might briefly respond, even if this were a trial and the evidence code were applicable, of course, it is being offered to explain the effect it had on the hearer, Mr. Wells, and his fear. I am not offering it substantively in terms of the statement. What matters is the effect it had on him. This is not a trial so we do not need to go there.

SENATOR AMODEI:
I do not have any problem with you having this witness testify to the effect that it had on him. It seems we are heading toward what somebody said to him which gets us into who is the someone? Is it a witness coming; is it not a witness coming? That is my concern.

MR. GRECO:
It is Ms. Normington, who they will be able to fully cross-examine. We did give the Defense a lot of leeway with this same exact issue yesterday so I would just ask that I be given the same leeway.

SENATOR AMODEI:
You are indicating that this will be testimony that Ms. Normington will also be following up with?

MR. GRECO:
Yes, the Defense will be free to cross-examine Ms. Normington about this in as much detail as they wish to.

MR. GENTILE:
I would at least request that a predicate be laid in terms of timing, place and who was there.

SENATOR AMODEI:
Fair enough. Would you please respond to the timing issues and who else was present during the conversation if anyone, as part of the foundation for Mr. Wells answering the question?

MR. GRECO:
Yes, Mr. Chair.

SENATOR AMODEI:
Thank you. Please proceed.

MR. GRECO:

Mr. Wells, can you remember, approximately, how long, after you sent that e-mail, it was until you heard this comment?

MR. WELLS:

I do not remember exactly how many days.

MR. GRECO:

Can you give us an estimate in terms of weeks?

MR. WELLS:

I do not think it was weeks. I think we are talking more like a day or two days.

MR. GRECO:

You sent the e-mail August 1, 2002; is that correct?

MR. WELLS:

That is correct.

MR. GRECO:

We are talking about early August?

MR. WELLS:

Yes, that is correct.

MR. GRECO:

Where did you hear this comment from Ms. Normington? Can you remember if you were in your office or in her office?

MR. WELLS:

I believe I was in the Annex.

MR. GRECO:

What specifically did Ms. Normington tell you?

MR. WELLS:

She informed me Controller Augustine said she would fire me if she could, but that she would have to wait until after the election.

MR. GRECO:

After that point, did you consider your relationship with Controller Augustine strained?

MR. WELLS:

Yes, I did.

MR. GRECO:

At some point, did you make a decision to resign?

MR. WELLS:

Yes, I did.

MR. GRECO:

How long after the comment you heard from Ms. Normington? Can you give us a timeframe of when you finally decided to resign?

MR. WELLS:

I considered it hellish during August and I believe I actually resigned in late September.

MR. GRECO:

Please tell the Senators the reasons you resigned.

MR. WELLS:

There were several reasons I resigned, but the primary reason was that I felt my relationship with Controller Augustine was ineffective for me to continue in my current position.

MR. GRECO:

Ineffective, why?

MR. WELLS:

I thought that our relationship was strained, and that it would be better for her to find someone that she could have run her office that she had more trust in than she had in me.

SENATOR AMODEI:

Mr. Gentile, cross-examination?

MR. GENTILE:

You say you resigned because you felt the State Controller should have someone in your position that she had more trust in than she had in you?

MR. WELLS:

That is what I said, yes.

MR. GENTILE:

The State Controller never said anything to you to indicate she did not trust you; did she?

MR. WELLS:

No, not directly.

MR. GENTILE

If I understand you correctly, she did not stop speaking to you totally; she still spoke with you about the things that were necessary for you to complete your job.

MR. WELLS:

That is correct.

MR. GENTILE:

What she ceased doing was something in the nature of friendly conversation?

MR. WELLS:

Yes, that is correct.

MR. GENTILE:

You started with the State Controller's Office in August, 1998?

MR. WELLS:

Yes, that is correct.

MR. GENTILE

You were working with Mr. Daines at that time?

MR. WELLS:

That is correct, Mr. Daines was the Controller at that time.

MR. GENTILE:

When you were hired, you were a classified employee; am I right?

MR. WELLS:

Yes.

MR. GENTILE:

You remained a classified employee until you left in September of 2001.

MR. WELLS:

Yes.

MR. GENTILE:

You left shortly after you were evaluated by the new State Controller, Kathy Augustine; am I correct?

MR. WELLS:

I do not remember the exact date of the evaluation, but that could be correct.

MR. GENTILE:

That evaluation took place on August 10, 2001; am I right?

MR. WELLS:

That could very well be true, yes.

MR. GENTILE:

Do you recall when you left? Was it September 1, 2001?

MR. WELLS:

I do not remember the exact date.

MR. GENTILE:

You say that you did not work there for two months.

MR. WELLS:

Somewhere between, two and three months, yes.

MR. GENTILE:

You recall, do you not, that you were given a very high evaluation by Controller Augustine in August of 2001?

MR. WELLS:

I remember the evaluation being above standard, yes.

MR. GENTILE:

In fact, she referred to you as, "The hardest working and most knowledgeable individual in our office on our new integrated financial system." Do you remember that?

MR. WELLS:

Yes, I do.

MR. GENTILE:

However, she was concerned about your stress. She said you needed to abate your stress and reduce your frustration level. Am I right?

MR. WELLS:

Yes, you are

MR. GENTILE:

You did not like that; did you?

MR. WELLS:

I would not say it was the highest thing on my mind, no.

MR. GENTILE:

I did not ask you that. I said you did not like that did you?

MR. WELLS:

No, I would say not.

MR. GENTILE:

Your personal issues with Controller Augustine preceded by at least a year of her request of you to do something for her. Am I right?

MR. WELLS:

I am not certain what you are asking.

MR. GENTILE:

She had promoted you in the year, 2000, from Accountant III to the Chief of IFS (Integrated Financial System); did she not?

MR. WELLS:

Yes, she did.

MR. GENTILE:

Do you remember when you were promoted?

MR. WELLS:

I believe it was in the middle of August of 1999.

MR. GENTILE:

Then, you continued to work there, and at the time, just before you left, she recommended you work on a solution for curing your stress problems; did she not?

MR. WELLS:

She put a sentence on my evaluation that said something to that effect, yes.

MR. GENTILE:

You left for a few months.

MR. WELLS:

Yes, I did.

MR. GENTILE:

She then asked you to come back; did she not?

MR. WELLS:

Yes, she did.

MR. GENTILE:

When she asked you to come back, she did not ask you to come back in the role you had before; did she?

MR. WELLS:

No.

MR. GENTILE

She offered you a job that paid substantially more than the one you quit; did she not?

MR. WELLS:

That is correct.

MR. GENTILE

The job she offered you was an unclassified position; was it not?

MR. WELLS:

Yes, it was.

MR. GENTILE:

You had not previously worked in an unclassified position; had you?

MR. WELLS:

No, I had not. Actually, that is not necessarily true. I had worked in unclassified positions but not with the State.

MR. GENTILE:

Not with the State?

MR. WELLS:

No. I worked in an unclassified position in the University System for a time.

MR. GENTILE:

It is fair to say at least with respect to some people who worked in the State Controller's Office, it would probably be an understatement to say, she was not popular. Fair to say?

MR. WELLS:

Yes, that is probably a fair statement.

MR. GENTILE:

Before you came back to work as the Chief Deputy, you thought about it; did you not?

MR. WELLS:

Yes.

MR. GENTILE

It was voluntary. She did not say, "You must come back to work"; did she?

MR. WELLS:

No, she did not.

MR. GENTILE

You know her personality. You had worked for her for three and one-half years.

MR. WELLS:

Actually, about two and one-half years.

MR. GENTILE

Two and one-half years then. You met her during that two and one-half year period; did you not?

MR. WELLS:

Yes, I did.

MR. GENTILE

In fact, you probably talked to her every day; did you not, at least when she was around Carson City?

MR. WELLS:

During my time as Chief Accountant, I was physically located in another building.

MR. GENTILE

You were located on Fairview; were you not?

MR. WELLS:

Yes, I was.

MR. GENTILE

You did interact with Controller Augustine.

MR. WELLS:

Yes, I did.

MR. GENTILE:

You knew who it was you were going back to work for?

MR. WELLS:

Yes, I did.

MR. GENTILE:

You knew this new job was unclassified?

MR. WELLS:

Yes, I did.

MR. GENTILE:

You knew it carried more responsibilities?

MR. WELLS:

Yes.

MR. GENTILE:

You are not intimidated by Controller Augustine, or you would not have gone back to work for her. Fair to say?

MR. WELLS:

Yes, that is a fair statement.

MR. GENTILE:

When you became the Chief Deputy, you had more interaction with her. Am I right?

MR. WELLS:

Yes.

MR. GENTILE:

Your communications with her would be, if not daily, certainly on multiple occasions per week. Am I right?

MR. WELLS:

Yes, pretty much a daily interaction.

MR. GENTILE:

Pretty much daily. A lot of that communication was by phone though because she was frequently not in Carson City. Is that fair to say?

MR. WELLS:

My interactions with her were frequently by phone or in person, either one.

MR. GENTILE:

Maybe, I did not ask the question right. You did answer the one I asked so let me ask another one. Is it fair to say that, particularly, in the year, 2002, a reelection year, Controller Augustine often was not in Carson City?

MR. WELLS:

Yes, that is probably a fair statement.

MR. GENTILE:

In fact, many times when you would go in to the office at the Capitol, when you say you saw Jennifer Normington, Controller Augustine was not in the office, and maybe you did not know where she was. Is that also fair to say?

MR. WELLS:

It is a fair statement, yes.

MR. GENTILE:

Let us take our attention to July 30, 2002, if you will. That is the day Controller Augustine made a request of you that you viewed more as a demand. At least, that is what I get out of your e-mail. Am I right?

MR. WELLS:

Yes.

MR. GENTILE:

You were leaving on vacation the next day; were you not?

MR. WELLS:

Not the next day, I believe it was at the end of the next week.

MR. GENTILE:

Did you tell Deputy Attorney General Liebherr that you were leaving on vacation August 1, 2002?

MR. WELLS:

I do not remember exactly what day I left on vacation. I believed it was not on August 1, 2002.

MR. GENTILE:

It certainly was not long after the request was made?

MR. WELLS:

No, it was not. For the record, it was not exactly a vacation. It was to visit an ailing grandmother.

MR. GENTILE:

In any case, you were not going to be in the office?

MR. WELLS:

That is correct.

MR. GENTILE:

You were not going to be working?

MR. WELLS:

That is correct.

MR. GENTILE:

Speaking of that, your view of working is that an unclassified employee works twenty-four hours a day, seven days a week?

MR. WELLS:

I certainly hope not.

MR. GENTILE:

You do not mean when you are sleeping obviously. Is it your understanding an unclassified employee cannot have any other outside employment? That is your view of it. That he cannot have any outside employment?

MR. WELLS:

Actually, the NRS is very specific for the Chief Deputy position that the entire time is devoted to the Office of the State Controller.

MR. GENTILE:

Therefore, your view of that is that if you are working at all for the State Controller, it is state time.

MR. WELLS:

That is correct, yes.

MR. GENTILE:

Even if you were working on her campaign after 5:00 p.m., you would consider that state time, given the job description?

MR. WELLS:

If the request was a job requirement, yes.

MR. GENTILE:

When you told the State Controller you would not fill out the forms, you were not terminated; were you?

MR. WELLS:

No, I was not.

MR. GENTILE:

If it were a job requirement, you would have been terminated would you not because that would have been insubordination?

MR. WELLS:

Yes, that is correct.

MR. GENTILE:

Mr. Wells, can you see your e-mail on the projection screen, or do you have Exhibit P-42 in front of you?

MR. WELLS:

I have the exhibit in front of me.

MR. GENTILE:

I would like to call your attention to the third paragraph from the top of the August 12 e-mail. It appears from looking at this, the last e-mail you received prior to this being responded to, was on August 1. Do you see that, right beneath there where it says, "Kathy Augustine, 8/01/02 at 2:17 p.m.?"

MR. WELLS:

Yes, I do.

MR. GENTILE:

You did not respond for 12 days. Am I right?

MR. WELLS:

That is correct.

MR. GENTILE:

I do not want to use the word "vacation," but you used that word earlier. Were you not at work during that timeframe?

MR. WELLS:

At least part of the time, yes.

MR. GENTILE:

You had not returned yet by the August 12; had you?

MR. WELLS:

I had returned by August 12 to my recollection.

MR. GENTILE:

In that third paragraph from the top, you addressed the question of the expense report. You say:

As for your expense report, I do not believe it is appropriate for me to complete the report. I am concerned with the appearance this might create. I also have concerns about being involved in your reelection campaign, and I do not intend to be put "On the campaign trail."

Do you remember saying that?

MR. WELLS:
Yes.

MR. GENTILE:
Now, your concerns about being involved in a campaign at least in part were because you were an unclassified employee. Am I right?

MR. WELLS:
Yes, that is correct.

MR. GENTILE:
You were concerned if you were perceived as having been supportive of your boss and someone defeated her in an election, that may be taken into consideration in terms of whether you would remain there or not. Not that it would necessarily mean that you would not be there but it might be taken into consideration. Is that fair to say?

MR. WELLS:
Yes, that is a fair statement.

MR. GENTILE:
After you sent this response by e-mail, you were not fired.

MR. WELLS:
No, I was not.

MR. GENTILE:
You continued to do your job?

MR. WELLS:
Yes, I did.

MR. GENTILE:
You say that you resigned sometime in September; is that your memory?

MR. WELLS:
I believe it was the very end of September.

MR. GENTILE:
If I told you it was on Election Day, November 5, the day Kathy Augustine got reelected, would you dispute that?

MR. WELLS:
My last working day was November 5, Election Day. I actually announced I was leaving at the end of September.

MR. GENTILE:
When you gave notice, was on October 7. Am I right?

MR. WELLS:
Yes, that sounds correct.

MR. GENTILE:
You said you would resign as of November 5, Election Day.

MR. WELLS:
Yes, that is correct.

MR. GENTILE:

During that period, did you make any inquiry at all of anybody as to whether there had been a successor in that office, you might be hired?

MR. WELLS:

Could you repeat that question?

MR. GENTILE:

Sure, during that period, after the beginning of August and prior to sending this letter, did you make any inquiry as to whether you might be retained by the successor if she had been defeated?

MR. WELLS:

No, I did not.

MR. GENTILE:

You just quit.

MR. WELLS:

Yes.

MR. GENTILE:

When did you commence looking for another position?

MR. WELLS:

I do not remember the exact date, but it was probably late August or early September after the series of e-mails.

MR. GENTILE:

By October 7, you had a new job. That is why you sent the resignation letter.

MR. WELLS:

Yes, that is correct.

MR. GENTILE:

That job took you out of Nevada to Virginia.

MR. WELLS:

Yes, it did.

MR. GENTILE:

If you were moving to Virginia, working on Controller Augustine's campaign really would not have done you much good; would it?

MR. WELLS:

I do not understand the question.

MR. GENTILE:

I will ask another one. It was after these e-mails that you had these discussions with Ms. Normington about Controller Augustine allegedly saying she would fire you?

MR. WELLS:

I believe it was after the first one, but yes, it was after it started.

MR. GENTILE:

It was after that discussion with Ms. Normington that you started looking for another job?

MR. WELLS:

Yes, it was after that.

MR. GENTILE:

You had that job by October 7?

MR. WELLS:

Yes, I did.

MR. GENTILE:

Controller Augustine did not say anything to you about intending to fire you; did she?

MR. WELLS:

No.

MR. GENTILE:

You believed Ms. Normington?

MR. WELLS:

I believed what Ms. Normington said, yes.

MR. GENTILE:

You also talked to Ms. Coward then. Am I right?

MR. WELLS:

Yes, Ms. Coward's office was two doors from my office.

MR. GENTILE:

You knew her. You had been working with her for a period of time; had you not?

MR. WELLS:

Yes. I had worked with Ms. Coward for a long time.

MR. GENTILE:

Ms. Coward was involved in the debt-collection function?

MR. WELLS:

Yes, she was.

MR. GENTILE:

She was not always involved in the debt-collection function when you worked with her. Am I right?

MR. WELLS:

Yes.

MR. GENTILE:

Prior to her being involved in the debt-collection function, she had a different function?

MR. WELLS:

Yes.

MR. GENTILE:

Would you tell the Senators what she did before that?

MR. WELLS:

For lack of a better term, she was our legislative liaison.

MR. GENTILE:

The debt-collection-function legislation passed. She started that?

MR. WELLS:

Yes, she assisted Controller Augustine with crafting the legislation and then got the debt-collection program up and running.

MR. GENTILE:

You were an accountant, and you are an accountant. Am I right?

MR. WELLS:

Yes.

MR. GENTILE:

You were the Chief Deputy in 2002?

MR. WELLS:

Yes.

MR. GENTILE:

The debt-collection function was already in place when you came back in November, 2001?

MR. WELLS:

Yes.

MR. GENTILE:

You had as Chief Deputy a supervisory role over the function; did you not?

MR. WELLS:

Over the debt-collection function?

MR. GENTILE:

Over the whole office.

MR. WELLS:

Over the operations of the office, I would say, yes.

MR. GENTILE:

There came a point in time when you made a recommendation to the State Controller about reorganizing the way debt collection was performed. Am I right?

MR. WELLS:

I believe I did, yes.

MR. GENTILE:

You and Kim Huys; do you recall that?

MR. WELLS:

I do not recall the exact conversation, but I do recall having a conversation about it, yes.

MR. GENTILE:

You made some recommendations; did you not?

MR. WELLS:

I am sure I would have, yes.

MR. GENTILE:

Among the recommendations that you made was that Ms. Coward be replaced by an accountant?

MR. WELLS:

Yes, I believe that was part of the recommendation.

MR. GENTILE:

Did you tell Ms. Coward that?

MR. WELLS:

No, I did not.

MR. GENTILE:

That recommendation was made after the middle of the summer in 2002.

MR. WELLS:

It would have been in 2002, yes.

MR. GENTILE:

Right at about the time you sent this e-mail, a little before maybe?

MR. WELLS:

I am going to say before, but I do not remember the exact date of that conversation.

MR. GENTILE:

After this e-mail and after her not socially chatting with you any longer, the State Controller put into place the recommendation you made; did she not?

MR. WELLS:

I believe that happened after I left.

MR. GENTILE:

Well, that is certainly after your e-mail.

MR. WELLS:

Yes, it was.

MR. GENTILE:

Ms. Coward does not really know she has you to thank for having been moved out of debt collection, does she?

MR. WELLS:

No, I would not say so.

MR. GENTILE:

Do you think the State Controller made the right move in following your advice?

MR. WELLS:

I believe so, yes.

MR. GENTILE:

You now know it was Ms. Coward that gave your phone number to the Attorney General for them to contact you in this investigation; do you not?

MR. WELLS:

I do not know how they got my phone number.

MR. GENTILE:

You stayed in contact with Ms. Coward after you left the office?

MR. WELLS:

I stayed in contact with several people, yes.

MR. GENTILE:

I did not ask you about several people. We will take them one at a time. I asked you about Ms. Coward. Did you stay in contact with her?

MR. WELLS:

I do not remember any specific conversations with Ms. Coward, no.

MR. GENTILE:

Therefore, you do not recall Ms. Coward talking to you about how disappointed, she was, that the State Controller removed her from debt collection. She has never talked to you about that?

MR. WELLS:

I do not recall any conversations with Ms. Coward about that, no.

MR. GENTILE:

You do recall your interview by the Attorney General's investigator. That happened on April 3, 2003; do you recall that?

MR. WELLS:

Yes, somewhat.

MR. GENTILE:

You were in Roanoke, Virginia, and it was a telephone interview?

MR. WELLS:

Yes, it was.

MR. GENTILE:

When you spoke with him, you told the truth; did you not?

MR. WELLS:

Yes.

MR. GENTILE:

When you talked to him during that interview, you told him you talked to her because you wanted her to recognize that you and three, four or five other people she was trying to get involved in the campaign process, "were doing this of their own free will not because it was a condition of our employment."

MR. GRECO:

Could I have a page reference from Counsel?

MR. GENTILE:

Yes, this is the interview. It is page 6 of the interview. It is page H-7 if you have the Attorney General bound report in front of you.

MR. GRECO:

I have the page numbers, thank you, Counsel.

SENATOR AMODEI:

Is this in evidence before the Committee? Is there any place in the evidence binders that the Committee can follow along, or is this not in evidence?

MR. GENTILE:

This is a prior inconsistent statement, I am using it to impeach. I do not think it is in evidence.

SENATOR AMODEI:

I am not questioning your use of it, but if anyone would want to follow along.

MR. GRECO:

It is not in evidence, Senator Amodei. Mr. Gentile approached me about removing the investigative report that contains some of the statements because all these witnesses were available to testify. Since they were going to be here, there would be no need to introduce their cumulative statements.

MR. GENTILE:

Do you remember that discussion?

MR. WELLS:

I remember the interview, yes.

MR. GENTILE:

Do you remember saying something to that effect?

MR. WELLS:

Would you repeat the statement please?

MR. GENTILE:

Sure. I will read it verbatim. This is you speaking, and do you remember saying,

Then basically I said, "you know if you ask me to prepare the report on my own time and I agree there is not a problem, but it is all in how these things are being asked. It was kind of a subtle thing to see if she would recognize that not just myself but the three, four or five other people that she was trying to get involved in this process were doing this of our own free will, not because it was a condition of our employment or part of our work performance standards."

MR. WELLS:

Yes, I remember making that statement.

MR. GENTILE:

Did you speak with Ms. Coward after your interview by the Attorney General?

MR. WELLS:

I believe I have spoken to her since then, yes.

MR. GENTILE:

Do you remember attending some noncampaign events with Controller Augustine? You called them noncampaign events.

MR. WELLS:

I attended events with Controller Augustine, yes.

MR. GENTILE:

What events did you attend?

MR. WELLS:

I attended an event at the Fallon Naval Air Station.

MR. GENTILE:

Where?

MR. WELLS:

At the Fallon Naval Air Station.

MR. GENTILE:

The Fallon Naval Air Station, what was that event about?

MR. WELLS:

I believe it was the changing of the Commander at the base.

MR. GENTILE:

The changing of the Commander at the base, was that a noncampaign event?

MR. WELLS:

Yes.

MR. GENTILE:

That was directly related to the State Controller's functions?

MR. WELLS:

No.

MR. GENTILE:

What other ones did you attend?

MR. WELLS:

I attended a dinner with her in Las Vegas regarding a school down there.

MR. GENTILE:

A school in Las Vegas?

MR. WELLS:

Yes.

MR. GENTILE:

Do you remember the school?

MR. WELLS:

Not off the top of my head.

MR. GENTILE:

What else did you attend?

MR. WELLS:

I do not remember other specific ones. Those are the only ones I can remember off the top of my head.

MR. GENTILE:

Do you recall saying to Investigator Liebherr, "You know, both Jeannine and Jennifer while very nice and competent people in their areas of expertise, neither one of which were accountants, you know, were capable of or qualified to run the Chief Deputy's job and run the office." Investigator Liebherr said, "Sure." Then, you said, "So, these other duties that Controller Augustine is talking about relate to these public relations appearances, which in my personal opinion were not necessarily tied to the job; they were just kind of something that was, you know, again, something that if we did it, that was great; if we did not do it, then, you know, there should not be any repercussions for it." Then, Mr. Liebherr said, "Oh." Then, you said, "Because we want to do these things." Mr. Liebherr asked you, "Okay, you are talking about these public appearances that Controller Augustine had Ms. Normington and other individuals go to?" You said, "Yes." He said, "Did you ever go to those?" You said, "I went to a couple." He said, "Umhmm." You then said, "I can not tell you exactly how many, but I probably went to a half a dozen or better." Do you remember that?

MR. WELLS:

I remember that statement, yes.

MR. GENTILE:

You are an accountant. Accountants tend to be accurate. That is part of your job, is it not?

MR. WELLS:

Yes.

MR. GENTILE:

Especially, when it comes to numbers and percentages?

MR. WELLS:

Yes.

MR. GENTILE:

You told Mr. Liebherr that from June until November, when you left, that you estimated you saw Ms. Normington spending about 25 percent of her time on campaigning. Right?

MR. WELLS:

That is correct.

MR. GENTILE:

You did not see Ms. Normington eight hours a day; did you?

MR. WELLS:

No, I did not.

MR. GENTILE:

You would see Ms. Normington when you went into her office.

MR. WELLS:

Yes.

MR. GENTILE:

You might see Ms. Normington at other locations I assume, maybe in the Annex?

MR. WELLS:

Yes, that is correct.

MR. GENTILE:

During the period of time, the times you actually saw her, about 25 percent of that time, you saw her doing campaign work?

MR. WELLS:

I am not sure I understand what the question is here.

MR. GENTILE:

Do you know what 25 percent means?

MR. WELLS:

Yes, I do.

MR. GENTILE:

Do you know what seeing her means?

MR. WELLS:

Yes, I do.

MR. GENTILE:

The question was, 25 percent of the time you saw her, she was doing campaign work. In terms of what you saw, not what you heard and not what somebody told you, but what you saw?

MR. WELLS:

Yes, I believe that would be about correct.

MR. GENTILE:

As part of your accounting function, you know that no state postage or supplies were used by Controller Augustine during that campaign; do you not?

MR. WELLS:

Yes.

MR. GENTILE:

You know Ms. Hetherington?

MR. WELLS:

Yes, I do.

MR. GENTILE:

You spoke with her during the campaign?

MR. WELLS:

Yes, I did.

MR. GENTILE:

You told her it was your opinion that as an unclassified employee you were essentially always working if you were working for the State Controller. Therefore, you could not work on the campaign.

MR. WELLS:

I am not certain I understand the question.

MR. GENTILE:

Let me state it a little differently. You know she told Controller Augustine she would not work on the campaign on state time. Am I right? You communicated by e-mail with her; did you not?

MR. WELLS:

Yes, I had a communication with Ms. Hetherington regarding this issue.

MR. GENTILE:

You know she said to Controller Augustine she would not work on the campaign during state time, but she would work on it after hours.

MR. WELLS:

I was not present for that conversation.

MR. GENTILE:

You do not know that took place. When you refused to work on this campaign, you were not fired; were you?

MR. WELLS:

No, I was not.

MR. GENTILE:

You do not know of one person, in all the years Controller Augustine has been State Controller, who has ever been terminated by her; do you?

MR. WELLS:

No, I do not.

MR. GENTILE:

I do not have any further cross-examination.

SENATOR AMODEI:

Mr. Greco.

MR. GRECO:

No one was fired by Controller Augustine; correct?

MR. WELLS:

Not to my recollection, no.

MR. GRECO:

But, many people left of their own volition; correct?

MR. WELLS:

Yes.

MR. GRECO:

That is all I have.

SENATOR AMODEI:

Recross, Mr. Gentile?

MR. GENTILE:

I have no recross.

SENATOR AMODEI:

Are there questions of Mr. Wells from the Committee?

SENATOR CARE:

Mr. Wells, you were asked something this morning about what campaign activities you had seen Ms. Normington engaged in; do you recall that?

MR. WELLS:

Yes.

SENATOR CARE:

I think you said you saw Ms. Normington engaging in political activities; your words were, I believe, "More than half a dozen times probably." Does that sound familiar?

MR. WELLS:

Yes.

SENATOR CARE:

The half-dozen times or maybe a little more than half dozen times we are talking about all occurred after you came back to the office in November of 2001; correct?

MR. WELLS:

Yes.

SENATOR CARE:

Do you recall the month that you first saw Ms. Normington engaging in political activities?

MR. WELLS:

No, I cannot remember exactly when it started.

SENATOR CARE:

Do you remember if it may have been in the summer of 2002?

MR. WELLS:

The only thing I do remember is that it was before this whole series of e-mail so it is before August.

SENATOR CARE:

You said the activities you had seen her engage in included: compiling mailing lists, reservations for fundraisers and logging in campaign contributions. Do I have that right?

MR. WELLS:

Yes, that sounds correct.

SENATOR CARE:

You also testified you had seen Ms. Normington engaging in political activities more than half the time during peak periods. Does that sound familiar?

MR. WELLS:

Yes.

SENATOR CARE:

What I am trying to get at is, if you saw her engaging in political activities on roughly a half dozen occasions. Do you mean to say, she was engaged in political activities more than half the time of the particular day that she engaged in political activities? Do you mean more than half the time of an entire week, or more than half the time of a particular month? Are you only talking about those particular days when you saw her engaged in political activities? Do you understand my question?

MR. WELLS:

I believe so. I believe what you are talking about is the 50 percent I referred to in the peak periods, is that the part? Define peak period.

SENATOR CARE:

Is peak period a reference to an entire day in a busy time, or is it a reference to an entire week?

MR. WELLS:

It was more of a day; it was more of a peak day.

SENATOR CARE:

We are talking about a half dozen or so occasions on particular days; correct?

MR. WELLS:

That would be correct.

SENATOR CARE:

You also testified about political activities by others, Ms. Valdez stuffing envelopes; is that correct?

MR. WELLS:

Yes.

SENATOR CARE:

Do you recall when that might have been?

MR. WELLS:

I do not recall an exact date, no.

SENATOR CARE:

Do you remember exchanging e-mails with Ms. Hetherington in early March, 2002?

MR. WELLS:

Not right off the top of my head, no.

SENATOR CARE:

Let me try to refresh your memory. Do you recall discussing by e-mail with Ms. Hetherington what the Nevada Administrative Code might say about public employees engaging in political activities on state time?

MR. WELLS:

I remember conversing with Ms. Hetherington regarding this issue, yes.

SENATOR CARE:

Do you recall attempting to look up in the NAC or statute what prohibitions there might be by public employees engaging in political activities?

MR. WELLS:

Yes.

SENATOR CARE:

When was that?

MR. WELLS:

It probably would have been about the same time she asked the question.

SENATOR CARE:

Early March of 2002? When you saw Ms. Normington engaging in political activities, did you discuss with her what you had read in the NAC or in statute?

MR. WELLS:

I do not remember ever, specifically, sitting down saying there was a statute, no.

SENATOR CARE:

Same question about Ms. Valdez?

MR. WELLS:

No, I do not remember saying it to her either.

SENATOR CARE:

When Ms. Normington said to you that Controller Augustine said that she would fire you, did you ask Controller Augustine if she had ever made that statement?

MR. WELLS:

No, I did not.

SENATOR CARE:

Why did you not ask her?

MR. WELLS:

I do not know. I cannot answer that question.

SENATOR CARE:

You were with the Controller's Office in October, 2000; correct?

MR. WELLS:

Yes, I was.

SENATOR CARE:

Did you ever see Controller Augustine selling or having a jewelry sale from her office in October, 2000?

MR. WELLS:

No, I do not recall seeing that.

SENATOR CARE:

Did you see anyone else selling, having a jewelry sale in the Controller's Office in, roughly, October, 2000?

MR. WELLS:

I do not remember that.

SENATOR HARDY:

I am interested in your e-mail on August 12, 2002. That was approximately two months before you left the office. You had obviously given a lot of thought to this e-mail and presumably thought about it during your time away in Colorado. You were venting your frustration. I noticed at the bottom, no one has referenced this yet, but you also talked about your disappointment not receiving the full salary the Legislature had appropriated. I know this is very subjective and might not be easy to do, but could you help me to understand your thought process when you left the office. How much of that factored into your decision, that level of disappointment. How much of that factored into your over-all dissatisfaction with your time in the Controller's Office?

MR. WELLS:

This specifically?

SENATOR HARDY:

Yes, where you referenced. The only other thing you talked about, you talked about the expense report, and you did not think it was appropriate. You obviously gave a lot of thought to the things troubling you about your service in the Controller's Office. At the end, you said, "I am also disappointed I have not received the entire salary the Legislature deemed appropriate for my position." How much did that factor in to your dissatisfaction with your job?

MR. WELLS:

It was a factor, but I would not say it would be an overriding factor.

SENATOR HARDY:

You indicated that in your mind, you tried to distinguish between what you felt was a campaign event and what was not. I think it was appropriate you took the stand not to participate in campaign events. We have only identified one instance in which the Controller asked you to participate in what you felt was a campaign event, and that was the filling out of her expenditure report. After you sent this e-mail on August 12, until the time you resigned; were you ever asked, again, by the State Controller to do anything associated with the campaign, or did that end her requests?

MR. WELLS:

No, I was never asked after that.

SENATOR NOLAN:

Mr. Wells, I also read your response. I think it was very thoughtful and very well constructed, and you obviously took time in writing that. In the time between Controller Augustine's e-mail to you August 1 and the time you had written that response on August 12, had you consulted with anyone that would have helped you in coming to the conclusions that you did in your e-mail response?

MR. WELLS:

Yes, I consulted with several people both in and out of the office.

SENATOR NOLAN:

Could you give us an idea of who some of those people were in the office?

MR. WELLS:

I believe I talked with Ms. Coward about this. I believe I also talked with Ms. Kim Huys about this.

SENATOR NOLAN:

Who, outside of the office, did you consult with before you wrote the response to Controller Augustine?

MR. WELLS:

Members of my family.

SENATOR NOLAN:

There was no one else representing a state agency or any legal help?

MR. WELLS:

No.

SENATOR NOLAN:

Had you ever been either casually, formally or informally a party to any discussion or overheard any discussion by other employees in the office about the desire to unseat Controller Augustine or to see her go down or be removed from office?

MR. WELLS:

I do not remember any conversation like that, no.

SENATOR WIENER:

I want to be certain I understand the inconsistencies I detected between two witnesses. In your earlier written testimony, you stated you witnessed Ms. Valdez stuffing and placing labels on campaign envelopes emblazoned with the logo, "Augustine for Controller," which would clearly reflect campaign materials. Ms. Valdez, in her written testimony, said she had instructions to mark out information with a black marker. She never questioned that. That information that was passed around as an exhibit, could you clarify the distinction there please?

MR. WELLS:

Can you repeat that please?

SENATOR WIENER:

You had stated in your written statement that you had seen Ms. Valdez placing labels on campaign envelopes emblazoned with the logo, "Augustine for Controller," and that would significantly reflect campaign activity. In Ms. Valdez's testimony, that was reviewed yesterday with this panel, she was instructed to use a black marker and mark out information on the envelope. Could you clarify the distinction here?

MR. WELLS:

I will try. My vantage point for Ms. Valdez was that I sat behind her desk. She had two stacks of envelopes, one on her right and one on her left. She was taking one from her right putting it down in the middle of her, and doing something with it and putting it onto her left. The envelopes she used were the red and white campaign colored envelopes. All official stationery for the State Controller's Office was either the state seal or blue and white. That is how I could tell she was working on something that was unrelated to official business.

SENATOR TIFFANY:

Did you receive the list of events? I think we mentioned yesterday that they were either e-mailed to everyone around the office or somehow there was verbal communication that there were events you could attend?

MR. WELLS:

I do not recall a written list. I remember hearing about things more second-hand.

SENATOR TIFFANY:

Was it openly known in the office that if you or anyone of the 40 employees wished to attend any of these events, they could?

MR. WELLS:

Yes, to my recollection they could.

SENATOR TIFFANY:

It was wide open?

MR. WELLS:

Yes.

SENATOR TIFFANY:

These events, from what I know, typically, would be the opening of a school or the changing of the Commander. Controller Augustine is always at events.

MR. WELLS:

Yes, she would be invited as Controller to these events.

SENATOR TIFFANY:

Everyone could go or maybe one or two, but if you said you wanted to go, you could go?

MR. WELLS:

Yes, she would distribute them out among those who were interested in going, yes.

SENATOR TIFFANY:

They could be a breakfast, a lunch; they could be a dinner, or they could be anywhere in the State or in the 17 counties?

MR. WELLS:

Yes.

SENATOR TIFFANY:

If you chose to go, let us say it was in Las Vegas like the event that you attended for the school, did you use state money for your airline flight down there?

MR. WELLS:

No, I actually flew down at my own cost.

SENATOR TIFFANY:

You flew down on your own. Did you fly down at 3:00 p.m.?

MR. WELLS:

No, I think I flew down the morning of that day.

SENATOR TIFFANY:

In the morning, that is state time?

MR. WELLS:

Actually, I believe that was on a weekend.

SENATOR TIFFANY:

Do you know if you or anyone else in the office attending these events, did they fly on state time and drive on state time?

MR. WELLS:

I am sure there were people who did attend events on state time, yes.

SENATOR TIFFANY:

It looks to me if it is an event that is not necessarily about balancing the checkbook of the State, it could be considered a social event?

MR. WELLS:

Yes.

SENATOR TIFFANY:

A social event could be considered campaigning.

MR. WELLS:

That would be correct; I would assume.

SENATOR TIFFANY:

It is to elevate your name and keep your name out there whether it is attending a Chamber of Commerce meeting or a Rotary meeting or a ribbon cutting. Ultimately, that is the purpose.

MR. WELLS:

Yes.

SENATOR TIFFANY:

It was common practice in your office that that was done by employees?

MR. WELLS:

It happened, yes.

SENATOR TIFFANY:

It was also common practice that most people did not think that was campaigning?

MR. WELLS:

I hate to speak for other people, but I would assume that would be correct.

SENATOR TIFFANY:

From my outside opinion, that is campaigning. I do not know whether you can really separate that. I know that is why I go to events and not because I love the rubber chicken; it is because I need to keep my name out in the public. You probably, personally, decided what you thought was campaign activity and what you thought was a social event you wanted to attend.

MR. WELLS:

I would say that is a correct statement.

SENATOR TIFFANY:

You were very clear-cut that campaigning was stuffing envelopes or filling out the expense report. That was very clear-cut in your mind.

MR. WELLS:

Yes.

SENATOR TIFFANY:

From the e-mail that was written, the impression was that if Controller Augustine asked you to do something like that, it was not necessarily intended to be on state time.

MR. WELLS:

With this request of me, it was clear she wanted this to be done after hours.

SENATOR TIFFANY:

All I am really trying to get at here is that it is really hard to separate, sometimes, the activities that happen in a political office and what is social and what is campaigning and what is clear-cut events around campaigning.

MR. WELLS:

Yes, it can be difficult at times.

SENATOR TIFFANY:

I think all of us face this no matter what office you are in. The part I thought was interesting about your reason for leaving, is that you said Controller Augustine changed towards you and that you did not feel it was as friendly a work environment or that there was as good an exchange so that you could do your job as well as you thought you could.

MR. WELLS:

Yes, after this series of e-mails, yes.

SENATOR TIFFANY:

Did you think your attitude changed to her?

MR. WELLS:

It is possible, yes.

SENATOR TIFFANY:

Usually, it is a two way street on that.

MR. WELLS:

Yes.

SENATOR RAGGIO:

I am referring to the testimony you gave before the Assembly. It is in a blue binder along with the testimony of all the witnesses. I would like to follow up on Senator Tiffany's question about when you were asked in July of 2002 by Controller Augustine to complete her campaign expenditure report. According to your testimony, she said, "I need you to do something for me in your free time." Is that how the request was made?

MR. WELLS:

Yes, that is exactly how I remember it. She said, "I need you to do something for me in your free time."

SENATOR RAGGIO:

I am asking because I think it is a critical issue. In your written statement, you said, "Controller Augustine was clear in stating the report should be completed on my free time." That is what you told Senator Tiffany.

MR. WELLS:

Yes, she was very clear on that issue.

SENATOR RAGGIO:

I am asking because in your explanation you said even though she had asked you to do this not on state time but on free time, you felt the tone of her request somehow made it inappropriate. What do you mean by that?

MR. WELLS:

The request she made to me in person, that was not part of the e-mail, was more if I came up to a subordinate and asked them to complete a work task. It was not, "I need you to do me a favor." It was, "Here is an assignment."

SENATOR RAGGIO:

Is it not a fact then that in requesting the campaign expenditure report at no time did she ask you to do it on state time?

MR. WELLS:

No, she did not ask me to do that on state time.

SENATOR RAGGIO:

If I understood you, your last working day was Election Day, November 5, 2002?

MR. WELLS:

Yes, that is correct.

SENATOR RAGGIO:

Did I understand in your testimony you resigned in late September? Did I have that wrong or right?

MR. WELLS:

I believe it was October 7, 2002, or before that.

SENATOR RAGGIO:

That you actually resigned?

MR. WELLS:

Yes.

SENATOR RAGGIO:

How did you tender that resignation?

MR. WELLS:

I believe it was in writing.

SENATOR RAGGIO:

In that writing, did you state a reason for your resignation?

MR. WELLS:

I do not recall stating a reason in my resignation letter, no.

SENATOR RAGGIO:

In your testimony, you said when asked, you felt the relationship had become ineffective and strained, or words to that effect.

MR. WELLS:

Yes.

SENATOR RAGGIO:

Did you give Controller Augustine any reason, personally, why you were resigning other than the written letter you indicated?

MR. WELLS:

My recollection of the events was that we discussed it for a few moments and came up with a date, but I do not recall any conversation regarding the reasons behind my leaving.

SENATOR CEGAVSKE:

Mr. Wells, you had stated in your statement to the Assembly, you observed Ms. Normington working on mailing lists, fundraisers, logging campaign contributions and recording RSVPs for fundraisers. If there are 40 employees in the Controller's Office, do you have knowledge of what is on the desks of other employees? How did you become aware of the information on her desk? There are so many different areas.

MR. WELLS:

I would not say I knew exactly what was on everyone's desk, but I had a good idea of what was on most people's desks in the office, yes.

SENATOR CEGAVSKE:

Why would that be?

MR. WELLS:

It is part of my management of operations of the office.

SENATOR CEGAVSKE:

You tend to go around and visit each person at his or her desk?

MR. WELLS:

Yes.

SENATOR CEGAVSKE:

Were Ms. Normington and Ms. Valdez the only two employees out of the 40 you ever witnessed doing any work on the campaign?

MR. WELLS:

Yes.

SENATOR CEGAVSKE:

On the only piece we saw yesterday, Ms. Valdez acknowledged that it was the only one she worked on. I did not see the words Controller. Was there anything else besides the campaign envelope? You said it had the logo "Augustine for Controller" on it, but yesterday, the envelope we saw did not have that on it. I was curious about that. Do we have one we could show?

MR. GRECO:

We do. It is Exhibit D-13. For your reference, the originals are with the witness; you and the lawyers have color Xerox copies of those campaign envelopes.

SENATOR CEGAVSKE:

I was curious if you did indicate it said, "Augustine for Controller." I looked at it yesterday and did not see it on there. Do we have it to show to them? I guess what we saw up close was the envelope. Did it have it on the envelope? Was the one we saw yesterday a different envelope?

MR. GENTILE:

No, it was the same copy. You saw the original. This is a copy.

SENATOR CEGAVSKE:

That is what I wanted to verify was that it had it on there. Were there any other employees besides Ms. Valdez or Ms. Normington you saw at any time doing work on the campaign?

MR. WELLS:

No.

SENATOR BEERS:

How long have you been in Nevada?

MR. WELLS:

How long have I lived here?

SENATOR BEERS:

Yes.

MR. WELLS:

Since 1972.

SENATOR BEERS:

You are a native.

MR. WELLS:

Not really, but I am close.

SENATOR BEERS:

It strikes me that Virginia is an awfully long way away. What motivated you to go to Virginia?

MR. WELLS:

I had desired to try somewhere else.

SENATOR BEERS:

In your statement to the Assembly, you discuss Ms. Normington commonly working a 50- to 60-hour workweek. I am curious, when someone works a 50- to 60-hour workweek, where do you draw the line between state time, which is presumably the 40 hours for which she is being paid, and personal time, which is the other 10 to 20 hours?

MR. WELLS:

Typically, I would look at the state workday as 8:00 a.m. to 5:00 p.m.

SENATOR BEERS:

If Ms. Normington were performing a campaign function from 2:00 p.m. to 4:00 p.m. but, then, was doing regular Controller work from 6:00 p.m. to 8:00 p.m. and ends up putting in an eight-hour day on Controller's work, is that crossing the line?

MR. WELLS:

Only because our office policy prohibits it from being done on state time.

SENATOR BEERS:

In your mind, the proper way to do this would be to do Controller work from 8:00 a.m. to 5:00 p.m. and political work after 5:00 p.m. or before 8:00 a.m.?

MR. WELLS:

Yes.

SENATOR BEERS:

When you say that 50- to 60-hour workweeks were common, was that including both Controller work and political work?

MR. WELLS:

I believe so, yes.

SENATOR HORSFORD:

Other than the statement that Ms. Normington made about Controller Augustine allegedly wanting to fire you if she could, was there any other circumstances that contributed to you resigning?

MR. WELLS:

It became an accumulation of things, yes.

SENATOR HORSFORD:

In your statement to the Assembly, I do not want to read this but, because you used the word culmination, it states on the page 2 of your statement, "These proceedings are the culmination of

a series of unnecessary and unavoidable events for which Controller Augustine is both responsible and accountable for. Her actions were divisive to the office and resulted in employees being put in the position of doing what they knew violated office policies and procedures or risk being resented and treated as an outcast by Controller Augustine." Did you make that statement?

MR. WELLS:
Yes, I did.

SENATOR HORSFORD:
Do you feel that is an abdication of Controller Augustine's responsibility as State Controller?

MR. WELLS:
I believe it was her responsibility to insure the office policies and NAC's were followed, yes.

SENATOR HORSFORD:
Do you feel the activities or functions of the Controller's Office have been negatively affected or are less productive because of the campaign activities that are stipulated to in this complaint?

MR. WELLS:
That is a very tough call. I hate to make that call, but I think there were probably some inefficiencies resulting from it.

SENATOR HORSFORD:
You indicated you saw Ms. Normington campaign on state time. Was this observation of Ms. Normington campaigning on state time done using a state computer?

MR. WELLS:
She was at her state desk, yes.

SENATOR HORSFORD:
Did you observe her doing work on the state computer?

MR. WELLS:
She was on the computer, yes.

SENATOR HORSFORD:
What did you see Ms. Normington do on that computer?

MR. WELLS:
I could not see exactly what was on the monitor because the monitor faced away from me. I could see she had printed campaign materials and was working on her computer.

SENATOR HORSFORD:
Was there any other equipment or facilities provided by the state at taxpayer expense utilized by employees working at the Controller's Office?

MR. WELLS:
Not to my knowledge.

SENATOR HORSFORD:
You just mentioned her desk. Do you consider that equipment?

MR. WELLS:
I was thinking more along the line of technical equipment like the printer, the computer and the desk.

SENATOR HORSFORD:
Your testimony was that she used a computer. Is computer equipment state equipment?

MR. WELLS:
Yes, I consider a computer to be state equipment.

SENATOR HORSFORD:

Have you ever observed an employee of the Controller's Office utilizing state equipment or facilities for campaign use?

MR. WELLS:

No.

SENATOR WIENER:

Earlier in your written statement, you commented you observed Ms. Valdez stuffing envelopes at her desk, along the same lines of questioning as Senator Horsford. Would this not qualify as observing someone else using state time or facilities to perform a campaign activity?

MR. WELLS:

I guess, when you talk about equipment, I more or less was talking about the computer. I was not thinking about office furnishings.

SENATOR HECK:

There has been much conversation about attendance at different events. You stated you had attended several events. Were any of these events during 2002?

MR. WELLS:

Yes, I believe some were.

SENATOR HECK:

These events, as you described them, were more of a public-relations type, a State Controller's Office event, than a campaign event. Is that correct?

MR. WELLS:

Yes, to my recollection.

SENATOR HECK:

At any of the events you went to with Controller Augustine, did she have campaign material with her that she handed out at any of these events?

MR. WELLS:

I do not recall her having any, no.

SENATOR HECK:

Then, you would say they were certainly more along the lines of an official duty or public relations for the State Controller's Office?

MR. WELLS:

Yes.

SENATOR HECK:

Had there been campaign materials present at one of these events, how would you have classified that trip at that time?

MR. WELLS:

I would say you are talking more along the lines of a campaign event.

SENATOR HECK:

Had you known what was going to be present or had you seen that, would you continue to go to any of the events?

MR. WELLS:

No, I would have considered that inappropriate.

SENATOR WASHINGTON:

When Controller Augustine asked you to do her expenditure report you indicated she wanted you to do it on your free time. You also made the comment in your statement that you would

estimate it would take 10 to 15 hours to complete the task. Did she ask you to do this task of your own free volition and on your own free time?

MR. WELLS:

She asked me to do the task on my free time, yes.

SENATOR WASHINGTON:

Your response was because you are an unclassified employee, it would still constitute time that you would be putting forth on her task as state time.

MR. WELLS:

Yes. There is one difference between a normal unclassified person and the Chief Deputy Controller. By NRS statute, the Chief Deputy is required to give all his time to the official duties of the office.

SENATOR WASHINGTON:

The reason I asked that question is that in your e-mail you indicate on August 1, 2002, in the last sentence of the first paragraph, "If you ask me to prepare the report on my own time and I agree, there is not a problem." You go on to say, "It is in all how you ask." How did Controller Augustine confront you and ask you to perform this task? Was it a demand, or did she ask a favor, or was it neither, or if you do not do it, you are going to lose your job?

MR. WELLS:

I believe her comments, as I said earlier, were somewhere along the lines of, "I need you to do something for me in your free time." It was not phrased as a request for a favor. It was phrased and had the tone of the delegation of a work assignment.

SENATOR WASHINGTON:

With that understanding, if she had approached you with the tone, as a favor, "Mr. Wells, will you do this for me as a favor?" Would you proceed or would you respond in the same manner?

MR. WELLS:

It is a tough call because of the prohibitions for my specific position. I would have been more inclined to help her on this in my own free time had it been a request for a favor.

SENATOR WASHINGTON:

Has anyone ever asked you to do something for him or her, an accounting procedure, as a favor to him or her? Have you ever done it or given them the same response that follows the NAC codes?

MR. WELLS:

I am not sure I follow your question.

SENATOR WASHINGTON:

In other words, if I came to you, approached you outside of the political realm, and just said, "Mr. Wells, I need a favor from you that is an accounting procedure. Would you assist and help me with this?"

MR. WELLS:

At the time I was Chief Deputy?

SENATOR WASHINGTON:

Yes.

MR. WELLS:

I would probably have been prohibited from doing so.

SENATOR WASHINGTON:

Then your response would have been the same?

MR. WELLS:

Yes.

SENATOR WASHINGTON:

No matter how I approached you?

MR. WELLS:

Yes.

SENATOR AMODEI:

Mr. Greco, do you have any follow up questions of this witness as a result of questions from the Committee?

MR. GRECO:

I want to follow-up on questions asked by Senators Wiener and Cegavske about those envelopes. Mr. Wells, we have heard you testify about blue envelopes and red envelopes. The envelope that was displayed on the screen, which was a color Xerox, the one with Controller Augustine's photo on it, is that the red envelope you were referring to in your testimony?

Mr. Wells:

Yes, it is very similar to that.

MR. GRECO:

That was a color Xerox, but did you recognize the picture on that as the picture you saw on the campaign envelopes you saw Ms. Valdez stuffing?

Mr. Wells:

Yes.

MR. GRECO:

You also referred earlier in your testimony to blue envelopes. Do the blue envelopes have pictures on them?

Mr. Wells:

No, the only thing they have is the State Seal. Some of them have the State Seal.

MR. GRECO:

Have you seen, over the years, state envelopes with blue return addresses from various state agencies?

Mr. Wells:

Yes.

MR. GRECO:

Do they all have small blue print in the upper left corner for the return address naming the agency?

Mr. Wells:

Yes.

MR. GRECO:

When you say blue envelopes, is that what you were referring to in your testimony?

Mr. Wells:

Yes.

MR. GRECO:

There were two types, one red and one blue?

MR. WELLS:

That is correct.

MR. GRECO:

Several of the Senators asked you about how you distinguished in your mind between campaign and non-campaign, and I want to follow-up on that. Do you recall telling several of the Senators you went to an event at the Fallon Naval Air Station with Controller Augustine?

MR. WELLS:

Yes.

MR. GRECO:

That was at her request; correct?

MR. WELLS:

That is correct.

MR. GRECO:

Do you remember telling them you also went to some event at some school? I cannot remember the name of the school. Did Controller Augustine also ask you to go to that event?

MR. WELLS:

Yes.

MR. GRECO:

At those two events, did candidates get up and make campaign speeches?

MR. WELLS:

No.

MR. GRECO:

I am interested in what you were thinking at the time, not now, at the time, in your mind, were those campaign events?

MR. WELLS:

No, at the time, I did not believe they were.

MR. GRECO:

If she had asked you to go to an event where she would be making campaign speeches and others would be making campaign speeches during normal hours, would you have agreed to go to that event?

MR. WELLS:

No, I think that would have crossed the line.

MR. GRECO:

Those events such as the Fallon Naval Air Station and the school and the travel to whatever locations you mentioned, were all those things done at the request of Controller Augustine?

MR. WELLS:

Yes.

MR. GRECO:

You were, simply, complying with your boss' request. Is that true?

MR. WELLS:

Yes.

MR. GRECO:

That is all I have Mr. Chair.

SENATOR AMODEI:

Unless there is objection by Counsel or the Committee, you can consider yourself dismissed as a witness. Thank you for taking the time and providing your testimony to the Committee today. Please call your next witness, Mr. Greco.

MR. GRECO:

I call Jeannine Coward.

SENATOR RAGGIO:

Before the witness is sworn, and with your approval, I would like to request from Legislative Counsel two opinions, I do not mean at this moment, but for the use by the Committee during the remainder of this proceeding. The first one would be with reference to the preparation of campaign expenditure reports. The reason I am asking the question is, it is my understanding that these reports are required not only by candidates, but they are also required by elected public officers before an election, after an election and during the term of a public elected officer's term. I would like an opinion if whether, under all circumstances, the preparation of a report of this nature would be considered political activity for the purposes of an ethics law. The second request would be in lieu of this recent testimony, whether anyone who is an unclassified employee would be precluded at all times from engaging in anything related to a campaign or political activity, outside of what would be normal hours. I would think those two opinions will be of assistance to this Committee.

SENATOR AMODEI:

Is it your understanding that when they are prepared they will be released to the Committee and to Counsel for both sides and the press?

SENATOR RAGGIO:

Yes, in the same manner that we have released other opinions.

SENATOR AMODEI:

Without objection, that is fine.

SENATOR NOLAN:

I have a point of information. I know it is common knowledge that many of us in our position know some of the people who are involved in these hearings. The next witness coming before us is someone who served in the Legislature. Will we be required to disclose our relationship with any of the witnesses that are appearing before us?

SENATOR AMODEI:

No, I believe the rules have provided your ability to sit is absolute by virtue of holding the office. When certain people served in certain houses, who has contributed what to whose campaigns are matters of public record. There will be no disclosures required along those lines.

MRS. CLIFT:

Would the witness please stand and raise your right hand? Do you solemnly swear that the testimony and any evidence you shall give in this matter shall be the truth, the whole truth and nothing but the truth?

JEANNINE COWARD (former Assistant Controller, Office of the State Controller):

I do.

MRS. CLIFT:

Please be seated. State your name and spell it for the record.

MS. COWARD:

My name is Jeannine Coward, j-e-a-n-n-i-n-e,-c-o-w-a-r-d.

MR. GRECO:

Ms. Coward, before I launch into my prepared outline, I want to ask you about a topic that came up this morning. At some point, while you were employed in the Controller's Office, did you head up a Debt Collection Unit?

MS. COWARD:

I did, yes.

MR. GRECO:

Who named you as the head of that unit?

MS. COWARD:

It fell under my purview because I was the one who worked on the legislation that established our ability to collect debts in the Controller's Office. That was for two sessions in 1999 and in 2001.

MR. GRECO:

Please tell us the time frame you were the head of the Debt Collection Unit in the Controller's Office.

MS. COWARD:

From the time the original bill was passed, we started working and drawing up some guidelines for what we would like to have. It gave us a little bit of leeway to collect debt in the first bill. I think it was Senate Bill No. 500 of the Seventieth Session. The second bill we introduced expanded the ability of the Controller's Office to collect debt. When that session was over and that bill passed, we began that process to work with procurement and with John P. Comeaux, (Director, Department of Administration) to establish the RFP (Request For Proposal) process.

MR. GRECO:

Going back to the original question, can you give us a timeframe? What years are you talking about specifically? How many years?

MS. COWARD:

Probably, from 2001 on.

MR. GRECO:

During that timeframe, who was the State Controller?

MS. COWARD:

The State Controller was Kathy Augustine.

MR. GRECO:

She had the ultimate responsibility in assigning people to that position or other positions; correct?

MS. COWARD:

Yes.

MR. GRECO:

During the 2002 campaign, did Controller Augustine tout the success of that Debt Collection Unit that you headed in her campaign?

MS. COWARD:

That was probably her number-one accomplishment she talked about in her reelection campaign.

MR. GRECO:

Please describe for the Senators how Controller Augustine touted the unit you headed.

MS. COWARD:

She discussed the hiring of the private debt collectors. She discussed how we initiated a warrant offset program with the Department of Taxation and how we had been working with the Department of Motor Vehicles and Public Safety to collect the bad debts and restrict people from getting licenses when they did not pay for their licenses. We worked with Department of Personnel to collect over payments. It was a successful program. As I said, it was her number-one issue that she campaigned on.

MR. GRECO:

Can you please tell us when you were first hired by the Controller's Office?

MS. COWARD:

I was hired in February, 1999.

MR. GRECO:

By Controller Augustine?

MS. COWARD:

Yes.

MR. GRECO:

You have some legislative experience; is that correct?

MS. COWARD:

Yes.

MR. GRECO:

When you were hired in 1999, what was your position?

MS. COWARD:

In the original interview I had with Controller Augustine, she went over the duties she planned for the new Assistant Controller. One of the duties would be to follow the legislation process, to work with the bills the Controller wanted to introduce. The second job was related more to public relations. She said she wanted the Controller position to be more public and to get more press so it would involve writing speeches, attending events, writing press releases and doing back-up information for her for presentations and such.

MR. GRECO:

What was the official title of that position? How were you classified?

MS. COWARD:

It was an unclassified position. The title was Assistant Controller.

MR. GRECO:

How long did you remain employed in the Controller's Office?

MS. COWARD:

Almost four years to the day. I left on January 31, 2003.

MR. GRECO:

During that four-year period, did you remain the Assistant Controller the entire time?

MS. COWARD:

Yes, I did.

MR. GRECO:

In the hierarchy of the Controller's Office, was the Assistant Controller the number two position or do a number of people share that capacity?

MS. COWARD:

On the organizational chart, it is equivalent with the Chief Deputy; however, the Chief Deputy is the one who really runs the financial operation of the office.

MR. GRECO:

Did you ever consider yourself a campaign volunteer for Controller Augustine?

MS. COWARD:

I did not.

MR. GRECO:

Nonetheless, in the period of late 2001 and 2002, did Controller Augustine ever direct you to do campaign-related tasks?

MS. COWARD:

Yes.

MR. GRECO:

Let us talk about general categories first. Before we get into specifics, would you please just click off a list of the general types of tasks, and then, we will get into the specifics in a moment?

MS. COWARD:

The general tasks would be to help draft invitations.

MR. GRECO:

Invitations to what?

MS. COWARD:

Fundraisers.

MR. GRECO:

What else?

MS. COWARD:

Sometimes to contact people who might give a fundraiser and make the connections with them or to answer any questions about details for an event; filling out campaign questionnaires that candidates normally get.

MR. GRECO:

In terms of drafting invitations, how many times did Controller Augustine direct you to draft campaign-related invitations, once or more than once?

MS. COWARD:

I recall drafting two invitations. One was very early after I started working for her. That was somewhat inconsequential. The second one was the Ron Knecht event. All subsequent invitations were based on that format.

MR. GRECO:

To save time, we will go over all the exhibits at once, rather than going back and forth. In terms of campaign-related mailing lists, how many times did Controller Augustine direct you to compile those?

MS. COWARD:

I think at the beginning of the campaign season, I just handed over some disks to Ms. Normington that were mailing lists that had been used in two previous campaigns I had worked on. They were somewhat outdated, but they established a base of people. The list could be edited and updated. There were Republican Women's clubs, central committees, women that lived in Northern Nevada—that kind of list.

MR. GRECO:

You turned those over to Ms. Normington. Was that at the request of Controller Augustine?

MS. COWARD:

Yes.

MR. GRECO:

Ms. Normington was to compile the data in to some type of format in some file on a computer?

MS. COWARD:

Yes.

MR. GRECO:

You mentioned you made campaign-related phone calls, one or more than one?

MS. COWARD:

More than one, probably, four or five.

MR. GRECO:

Please describe the types of phone calls you made?

MS. COWARD:

They were phone calls related to setting up fundraisers. There were four or five different people; however, there were several calls to each of those people.

MR. GRECO:

Were those fundraisers, campaign fundraisers?

MS. COWARD:

Yes.

MR. GRECO:

You mentioned you were asked to do some campaign questionnaires. Can you be a little more specific?

MS. COWARD:

Several questionnaires came in—the League of Women Voters, a Las Vegas newspaper, SNEA. The type of questionnaire that would come in for all candidates I would prepare the base answer or make suggestions, and those were finalized by Ms. Normington.

MR. GRECO:

We heard testimony earlier about a Controller's Office manual that included a political-activity section. Were you familiar with that particular manual?

MS. COWARD:

Yes. Part of my responsibility was to be in charge of the safety program of the office and that included updating the policy and procedures manual that had the safety program in it.

MR. GRECO:

Were you familiar with the prohibition on political activity in that handbook?

MS. COWARD:

Yes.

MR. GRECO:

Did these tasks Controller Augustine asked you to perform cause you some concern?

MS. COWARD:

Yes.

MR. GRECO:

Why?

MS. COWARD:

Before I was asked the first time, I had planned to make a statement about whether we should be doing any kind of campaign work on state time.

MR. GRECO:

You planned to make a statement to who?

MS. COWARD:

To Controller Augustine.

MR. GRECO:

When you say, "make a statement," do you mean going to the press or do you just mean addressing her?

MS. COWARD:

I just meant, the first time she asked me to do campaign work on state time, I was ready with a response to see what she would say.

MR. GRECO:

Did you actually give her the response that first time?

MS. COWARD:

I did. I told her I did not think I should be doing it on state time.

MR. GRECO:

Let us give that an approximate timeframe. Are we talking about the fall of 2001 or winter, early 2002, or can you narrow it down a little bit?

MS. COWARD:

Approximately, August, 2001.

MR. GRECO:

Nonetheless, after you told her that, did she continue to direct you to do campaign-related activities?

MS. COWARD:

Yes.

MR. GRECO:

Including all the activities you described a few minutes ago?

MS. COWARD:

Yes.

MR. GRECO:

Was your position classified or unclassified?

MS. COWARD:

Unclassified.

MR. GRECO:

After that first time, when you tried to talk to her about the prohibitions on political activity on office time, did the topic come up again between you and Ms. Augustine?

MS. COWARD:

The only other time the issue came up was when she asked me to have Ms. Valdez and Ms. Hutter to stay after work to stuff envelopes. I thought that was very inappropriate since both of them are classified employees. I did ask them if they minded coming in at lunchtime to stuff envelopes. I did not ask them to stay after work.

MR. GRECO:

You testified you expressed your concern the first time, and then, you continued to do the tasks she directed you to do. That begs an obvious question. Ms. Coward, if you knew the manual prohibited it, why did you continue to do all those tasks?

MS. COWARD:

It was easier to do what she asked me to do when she asked me to do it than it was to face retaliation, in the form of temper tantrums or just being yelled at. I chose to go ahead and do the work she told me to do when it was obvious she wanted it done. If I needed to take work home to do my specific job, then, I took work home in the evening.

MR. GRECO:

Let us be more specific. When you say she displayed temper tantrums, were you afraid if you declined any of these directives that she might throw a temper tantrum?

MS. COWARD:

She could get very angry when she did not like something. She had thrown things at me before, when she did not like the way I wrote some notes for her for a speech. She slung them on my desk and told me that was not what she wanted. I suppose that was very cowardly, and I just took the easy way out and tried to go along.

MR. GRECO:

No pun intended; right?

MS. COWARD:

Correct.

MR. GRECO:

Were fits of anger or temper tantrums by Controller Augustine a rare event or regular events in the Controller's Office in the timeframe you worked there?

MS. COWARD:

They happened on a regular basis. You just never knew when they were going to happen.

MR. GRECO:

There has been earlier testimony that you do not question Controller Augustine; you just do what you are told. Did you subscribe to that credo as well while you were at the Controller's Office?

MS. COWARD:

Yes. An atmosphere was created where feedback or discussion was not welcomed or tolerated. If you did disagree, you might as well be talking to a blank wall.

MR. GRECO:

Do you know an individual named Jim Wells?

MS. COWARD:

I do.

MR. GRECO:

Did Mr. Wells work in the Controller's Office for at least a portion of the time you also worked at the Controller's Office?

MS. COWARD:

He did.

MR. GRECO:

Are you aware that at some point, Mr. Wells and Controller Augustine had a confrontation over his complaint that she was requiring employees to do campaign-related work on state time?

MS. COWARD:

Yes, I was aware of that.

MR. GRECO:

What happened after he lodged his complaint? What I am asking is, was he ostracized after he lodged that complaint?

MS. COWARD:

Yes, he was ostracized and ignored.

MR. GRECO:

Please tell us specifically how. What did Controller Augustine do to ostracize and ignore him?

MS. COWARD:

He was, supposedly, not in the loop.

MR. GRECO:

Did Controller Augustine tell you he was no longer in the loop?

MS. COWARD:

I do not know if I got the impression or if she actually told me that. He was definitely out of bounds from that point on.

MR. GRECO:

Having seen those things occur to Mr. Wells, was that affecting your thinking when you simply did the various campaign work she directed you to do?

MS. COWARD:

It was obvious if you got on her bad side, she ignored you. It was one way of creating an atmosphere where people she did not like would leave on their own.

MR. GRECO:

Let us go back to the topic you raised a few moments ago. At some point, were you ostracized or treated badly?

MS. COWARD:

At the end of the campaign season, she talked about changing the job duties and taking the debt-collection program away from me to put it under an accountant. I told her, at that point, that if she decided to do that, fine, because she was the boss, but that was the only reason I had stayed in the job. Because before the debt-collection program, it was a pretty mundane, boring and unchallenging job. After we had that conversation, I do not believe she ever spoke to me again. That was sometime in the middle of December, and I left at the end of January. The only time she spoke to me, she stuck her head in my office the day I officially put my resignation on her desk to say, "Well, I am not surprised."

MR. GRECO:

Now, please describe to the Senators the successes the debt-collection program had which you headed.

MS. COWARD:

I felt we were making very good progress. I really do not remember the numbers and the figures now, but OSI, the contractor that worked with the debts under \$25,000, was being successful. We were bringing in money every month. I was transferring money to DMV and back to other agencies that had had payroll over payments. We were signing up new agencies all the time. I would discuss with them what their needs were regarding collecting debts. I worked with individual agencies to establish a contract with them, how we would go about reconciling the payments and how we would get the money back to them.

MR. GRECO:

The campaign tasks you described specifically at the beginning, did Controller Augustine ask you to do all those things on state time?

MS. COWARD:

Generally, they were on state time because the telephone phone calls were to people who I would need to contact during office hours.

MR. GRECO:

I am referring your attention to August, 2001. Do you recall making a phone call for a political fundraiser during office hours?

MS. COWARD:

Yes, August, 2001?

MR. GRECO:

Yes.

MS. COWARD:

That was after the conversation where I said I did not think I should be doing that. She said wait until 5:00 p.m. I did wait until 5:00 p.m.

MR. GRECO:

Please tell the Senators how you had that discussion. What led up to that? What had she earlier asked you to do? What had you earlier told her?

MS. COWARD:

She had asked me to call a lobbyist's secretary to discuss some of the arrangements being made for a fundraiser in Las Vegas.

MR. GRECO:

Was that a campaign fundraiser for Controller Augustine?

MS. COWARD:

Yes, it was a campaign fundraiser for her.

MR. GRECO:

She asked you about that, and what did you tell her?

MS. COWARD:

I said I did not think it was appropriate doing campaign work on state time. She said I should wait until 5:00 p.m. From that incident, I surmised I was to do whatever she told me to do, whenever I could get it done. Usually, she wanted an answer quickly when she told you to do something. She had an attitude that as an unclassified employee our time was her time anyway. It did not really matter when we did it; we were just to get it done.

MR. GRECO:

On state time, were you also asked to assist Ms. Normington in any campaign-related duties?

MS. COWARD:

The campaign duties I helped Ms. Normington with were mostly the invitations, whether they were stuffing, stamping or sealing, that sort of thing. I offered my assistance to her at one point on the campaign-contribution report because it was so complicated and it was not balancing. I established a spreadsheet for her so everything would total up on its own.

MR. GRECO:

Do you know who asked Ms. Normington to keep campaign-contribution reports on her computer?

MS. COWARD:

Yes, Controller Augustine.

MR. GRECO:

Did Ms. Augustine ever ask you to fill out forms nominating her for awards?

MS. COWARD:

Yes, she frequently asked us, every time a publication came out or when something was announced where there was an award to be given, to fill out an application form. Two, I recall. One was for Outstanding Person in the Chamber of Commerce. She had been through the leadership class. The other one, I recall, was for the Nevada Taxpayers Association. Some others were on the national level. Mr. Wells and I discussed how we could fill out an application.

MR. GRECO:

Did she actually get any of those awards?

MS. COWARD:

I do not think so.

MR. GRECO:

She had you fill out the forms?

MS. COWARD:

Yes.

MR. GRECO:

Ms. Coward, do you ever recall a pearl sale in Controller Augustine's Office?

MS. COWARD:

Yes.

MR. GRECO:

Can you recall whether at the time of the pearl sale, her administrative assistant was Ms. Normington or Ms. Kennedy?

MS. COWARD:

I believe it was Ms. Kennedy.

MR. GRECO:

Tell the Senators about the pearl sale.

MS. COWARD:

A lady, who sold jewelry as her business, came to the Capitol, and the jewelry was put on the conference table in the Controller's office.

MR. GRECO:

Is the conference table in the office suite where Controller Augustine worked or the other office suite?

MS. COWARD:

It is in her office.

MR. GRECO:

It is actually inside her office? Were many pearls sold at that pearl sale?

MS. COWARD:

I really do not recall what the sale earned.

MR. GRECO:

Can you remember how long the pearl sale in her office lasted?

MS. COWARD:

It seems like to me the better part of the day. I really do not recall the length of time.

MR. GRECO:

Are you certain it took more than one hour?

MS. COWARD:

Yes.

MR. GRECO:

Do you know if a percentage of the proceeds of the pearl sales went to Controller Augustine's campaign fund?

MS. COWARD:

It was my belief that it did.

MR. GRECO:

Did Controller Augustine tell you that, or did someone else tell you that?

MS. COWARD:

There had been a previous fundraiser where the lady with the pearls had attended. She got a percentage at that fundraiser. From that point on, she was selling pearl elephants as a sideline. I believe the lady was giving her a percentage off the little pearl elephants that were imported from somewhere.

MR. GRECO:

To save time, I am not going to be displaying all of the exhibits that you know about. Let me ask you a few questions. There are some binders in front of you. Do you see the first blue binder?

MS. COWARD:

Yes.

MR. GRECO:

Look at Exhibit P-15 labeled, "Press Responses."

MS. COWARD:

I do not see that.

MR. GRECO:

The exhibits, as they are numbered in the binders you have, do not exactly match the ones I have. Please look at the tabs and find the exhibit with P-15.

MS. COWARD:

Exhibit P-15?

MR. GRECO:

We are going to go through them in order of the pages, Ms. Coward. Do you see date-stamped page 414?

MS. COWARD:

Yes.

MR. GRECO:

Flip that page over and look at date-stamped page 415. Do you recognize that document?

MS. COWARD:

Yes.

MR. GRECO:

What is that?

MS. COWARD:

There was an article written by Erin Neff that had many quotes from the Controller's opponent in the Controller's race, and she wanted to write a letter in response to what was in that

article. These were my thoughts in answer to some of the things that were a part of the article by Erin Neff.

MR. GRECO:

Did she ask you to draft this document?

MS. COWARD:

She asked me for my thoughts regarding the article.

MR. GRECO:

Is this document a document that was drafted by you in response to that request?

MS. COWARD:

Yes, the first two pages are pages 415 and 416.

MR. GRECO:

Moving on, again for time, we are going over these quickly. They have already been admitted in to evidence, but I want to give the Senators some context as to what they are and what they mean. Do you see date-stamped page 417?

MS. COWARD:

Yes.

MR. GRECO:

Do you recognize that document?

MS. COWARD:

Yes, that was her response to the article in Erin Neff's column.

MR. GRECO:

Did she utilize the information you generated for her in her response to the reporter?

MS. COWARD:

A small part of it.

MR. GRECO:

Moving on to pages 418-425, do you recognize the document labeled, "Committee to Elect Kathy Augustine, Las Vegas City Life"?

MS. COWARD:

Yes.

MR. GRECO:

Did you have any part or role in this document?

MS. COWARD:

Yes, I also provided some notes for filling out their questionnaire.

MR. GRECO:

Did Controller Augustine use some information you provided in this document?

MS. COWARD:

Yes.

MR. GRECO:

Next, pages 426-435, the documents starting with, "Las Vegas News and Culture Weekly," do you recognize that document?

MS. COWARD:

I believe I do. It has some questions similar to the ones we had been answering.

MR. GRECO:

No one is trying to suggest you wrote these entire documents, but let me ask you this; did you provide Controller Augustine with any information that ended up being included in this document at her request?

MS. COWARD:

This first question, "How would you grade the current performance of the Controller's Office"? The answer we developed for that question became the standard response to subsequent questionnaires asking similar questions.

MR. GRECO:

Next, pages 436-437, do you recognize those pages?

MS. COWARD:

No, I do not recognize them.

MR. GRECO:

How about page 438, do you recognize that document?

MS. COWARD:

I do not recognize the document but the statements in it were commonly used by us in putting out information about the Controller's Office.

MR. GRECO:

I would like you to move to Exhibit P-31.

MS. COWARD:

Okay.

MR. GRECO:

Do you recognize that as being the State Controller's Office employee manual or a portion of it?

MS. COWARD:

Yes.

MR. GRECO:

Do you recognize the section on the bottom labeled, "Political Activity"?

MS. COWARD:

Yes, I do.

MR. GRECO:

When you talked to Controller Augustine about doing campaign work before 5:00 p.m., was that the section of the manual you were referring to?

MS. COWARD:

Yes, that and the state manual that says the same thing.

MR. GRECO:

We will jump forward to Exhibit p-34. That is labeled, "Candidate Questions from City Life."

MS. COWARD:

Right.

MR. GRECO:

Do you recognize the documents contained in that exhibit number?

MS. COWARD:

Yes, this was what Controller Augustine sent me to provide the answers for the questions in the document that was in Exhibit P-15.

MR. GRECO:

She gave you a set of questions and asked you to prepare draft responses is that correct?

MS. COWARD:

Yes, the questions are following here.

MR. GRECO:

Is page 1176 a sample of the questions?

MS. COWARD:

Those were the questions. She asked me to respond to two and three, "Merging the Treasure's Office" and, "Increasing the Amount of Money Nevada gets from Debt Collection."

MR. GRECO:

So that she could prepare a response to this newspaper or magazine?

MS. COWARD:

Yes.

MR. GRECO:

Do you recognize page 1178?

MS. COWARD:

Yes.

MR. GRECO:

What is that?

MS. COWARD:

That was part of the questionnaire from the League of Women Voters.

MR. GRECO:

Did you assist in the compilation of that item at all?

MS. COWARD:

Yes.

MR. GRECO:

Did you draft some of it?

MS. COWARD:

Yes.

MR. GRECO:

For Controller Augustine?

MS. COWARD:

Yes.

MR. GRECO:

At her request?

MS. COWARD:

Yes

MR. GRECO:

Lastly, do you recognize that document on page 1179?

MS. COWARD:

Yes, that is mine.

MR. GRECO:

Did you draft that for Controller Augustine?

MS. COWARD:

I did.

MR. GRECO:

At her request?

MS. COWARD:

I did.

MR. GRECO:

Did you do these things on state time?

MS. COWARD:

I did.

MR. GRECO:

Did you do them on a state computer?

MS. COWARD:

I did.

MR. GRECO:

Was that your computer?

MS. COWARD:

Yes, it was.

MR. GRECO:

Look at Exhibit P-35 which is labeled, "Candidate Questions for SNEA." Do you recognize that two-page document?

MS. COWARD:

Yes, that is my handwriting.

MR. GRECO:

Describe what Controller Augustine asked you to do in the context of this document.

MS. COWARD:

She asked me to look this over and provide some thoughts on answering these questions, which is my handwritten question there "defining impropriety."

MR. GRECO:

The handwriting there is yours?

MS. COWARD:

It is.

MR. GRECO:

Did she ask you to do that on state time?

MS. COWARD:

Yes.

MR. GRECO:

Did you do that on state time?

MS. COWARD:

I did.

MR. GRECO:

With all the exhibits we have looked at so far, did you do all that work on state time?

MS. COWARD:
I did.

MR. GRECO:
At Controller Augustine's request?

MS. COWARD:
Yes.

MR. GRECO:
I know we are going fast, but time is definitely becoming of essence in this matter so I want to keep moving rapidly. Please move on to Exhibit P-36, and look over those two pages.

MS. COWARD:
Yes, date-stamped page 1182 is my handwriting regarding the Ron Knecht fundraiser.

MR. GRECO:
Is that a campaign-related fundraiser for Controller Augustine?

MS. COWARD:
That was a campaign-related fundraiser. On the right side, the handwriting half way down on the right and the deleted spaces are Controller Augustine's handwriting.

MR. GRECO:
I know almost nothing about campaign fundraisers, but was that a campaign fundraiser for Republicans in general, for Controller Augustine or for someone else?

MS. COWARD:
It was for Controller Augustine's reelection campaign.

MR. GRECO:
Is that your handwriting as well on the page 2 of that document?

MS. COWARD:
That is Controller Augustine's handwriting.

MR. GRECO:
Did you do that during state time?

MS. COWARD:
I did.

MR. GRECO:
Moving on to Exhibit P-37 labeled, "E-mails Re: Cocktail Reception." Look over those two pages and the same question; do you recognize those, and please describe for the Senators what those are?

MS. COWARD:
These were notes regarding fundraisers, potential fundraisers. Elise and Roger Norman were a couple I was supposed to contact.

MR. GRECO:
Who actually contacted them?

MS. COWARD:
Controller Augustine did.

MR. GRECO:
Do you see anything else you recognize?

MS. COWARD:

Just my notes regarding talking to Ron Knecht about the fundraiser. She had asked me to ask some questions about who was going to pay for certain things. These are the notes to me. The next page was my e-mail to Elise Norman asking her about the potential for doing a fundraiser for Controller Augustine.

MR. GRECO:

Was that done on state time?

MS. COWARD:

Yes, it was.

MR. GRECO:

At Controller Augustine's direction?

MS. COWARD:

Yes.

MR. GRECO:

Was that on a state computer?

MS. COWARD:

Yes, it was.

MR. GRECO:

Your computer?

MS. COWARD:

Yes.

MR. GRECO:

Next, Exhibit P-38 is described as, "Invitation to Cocktail Reception." Please look over that one-page document and describe for the Senators what that is and if you had any role in it.

MS. COWARD:

I do not recall if I had any role in the printing under the Augustine logo. That was a response card that usually went in invitations. The bottom half of the paper is the finalized Knecht invitation.

MR. GRECO:

Finally, Exhibit P-44, "Policies and Procedures, Controller's Office." Do you remember being shown that single page from the manual earlier about the prohibition on political activity?

MS. COWARD:

Yes.

MR. GRECO:

Is Exhibit P-44 a complete copy of the office manual from which that page came?

MS. COWARD:

I believe so. Page 1 is the political activity section.

MR. GRECO:

We will be given a complete copy of this later. When you talked about sending those responses earlier, one of the documents looks like a faxed document. Did you fax one of those responses using a state fax machine?

MS. COWARD:

I did.

MR. GRECO:

On state time?

MS. COWARD:

If it was faxed, I am sure I did. I do not recall whether it was faxed or not.

MR. GRECO:

That was pursuant to a request, initially, by Controller Augustine; correct?

MS. COWARD:

Yes.

MR. GRECO:

Ms. Coward, at some point, did you with your own eyes see Ms. Normington doing campaign-related work for Controller Augustine?

MS. COWARD:

Yes, constantly.

MR. GRECO:

Can you remember when you first saw Jennifer Normington doing campaign-related work, an approximate month and year is what I am looking for?

MS. COWARD:

I do not know exactly, but it would have been sometime in the fall of 2001.

MR. GRECO:

Did Ms. Normington's campaign-related work for Controller Augustine increase as the general election approached in 2002?

MS. COWARD:

Yes.

MR. GRECO:

Please tell the Senators the types of campaign-related activities you actually saw Ms. Normington performing during state office hours.

MS. COWARD:

I saw her working on invitation lists. It was tedious trying to go through all the Republican clubs' directories and updating the mailing lists that I had provided her with. She was constantly being called upon to interact with people who were doing fundraisers related to invitations, mailings and details.

MR. GRECO:

Constantly called upon by whom?

MS. COWARD:

Controller Augustine.

MR. GRECO:

Did you see her doing other things that were campaign related at Controller Augustine's request?

MS. COWARD:

She also had to write speeches, and sometimes, she gave speeches for her. She compiled the information for her campaign-contribution reports.

MR. GRECO:

In the last six weeks before the general election, can you describe for us the amount of work you saw Ms. Normington do, in whatever term you think would best describe it?

MS. COWARD:

As I testified in my interview, originally, with the Office of the Attorney General, I believe in the last year, 2002, Ms. Normington spent approximately 80 percent of her time doing nothing but campaign work.

MR. GRECO:

In the last four to six weeks before the election?

MS. COWARD:

I would say in the last six months.

MR. GRECO:

Did you ever witness Controller Augustine being demanding towards Ms. Normington in terms of her completing one of the campaign-related tasks?

MS. COWARD:

Yes, it always had to be completed when she asked for it.

MR. GRECO:

When we are talking about Ms. Normington being asked by Controller Augustine, are we talking about on office hours?

MS. COWARD:

Office hours, during office hours, after office hours.

MR. GRECO:

Let us focus just on during office hours. Could Controller Augustine be very demanding towards Ms. Normington in terms of when she wanted things completed?

MS. COWARD:

Yes. It was common knowledge that when she asked for something you tried to complete it as soon as possible. So much so, that sometimes Jennifer was hardly not allowed to go to the bathroom or get anything to eat.

MR. GRECO:

If Ms. Normington did not complete these campaign-related tasks on Controller Augustine's timeframe, what types of reactions did Controller Augustine have towards Ms. Normington?

JOHN L. ARRASCADA (Counsel for Controller Augustine):

Mr. Chair, we would like more foundation laid also some timeframes. It is very vague.

MR. GRECO:

Let us be a little more specific, I was trying to move this along, but we will slow down and grind it out. Can you give us a specific example of one event where Ms. Augustine asked Ms. Normington to do a campaign-related task and then expressed anger when it was not completed on her timeframe. Can you give us an example with the date or approximate date?

MS. COWARD:

I do not think I can give you a specific example because it happened so regularly, and I do not know which project Ms. Normington was working on. It was common for Controller Augustine to be standing over her while she was trying to get something finished because she was in a hurry to have it.

MR. ARRASCADA

Again, with the foundation. We also need to know if anyone was there, who was there, did she witness this with her own eyes or was it told to her by Ms. Normington.

MR. GRECO:

Can I offer a response to that, Mr. Chair?

SENATOR AMODEI:

Yes, you can.

MR. GRECO:

If this witness sees it, that is enough foundation even if we had the evidence code applying, and of course, it does not. Whether or not she can say other people saw it, and go through the time consuming process of doing that, goes to the weight and not the inadmissibility or the authentication. Since the evidence code does not apply and the other side has been allowed latitude, and I have not objected, I think the same rule should apply for us.

SENATOR AMODEI:

I am going to go ahead and allow the questioning in the manner it is taking place by Mr. Greco. I have provided extra time for him to do his direct examination with the understanding the Defense will be provided with extra time to do their cross-examination and get into these matters whether or not it can be corroborated through other witnesses or whatever is appropriate.

MR. GRECO:

Let me ask it this way.

SENATOR AMODEI:

Do you have a procedural question Senator Coffin?

SENATOR COFFIN:

Yes. I want to make certain I understand what is going on here because if questions are being asked by an examination of a general nature and general answers are given, how then does one cross-examine if they are not specific? In other words, if you rule that, then how do we know where to go to ask our own questions?

SENATOR AMODEI:

The answer would be there are two opportunities for you to get into whatever level of specificity you see appropriate. The first level would be by Mr. Gentile or Mr. Arrascada as they see fit in the their advocacy on behalf of the Controller. The second level would be yours during your opportunity to ask questions if you believe there is more specificity needed in an area. That is why members of the Committee are able to ask questions. However, the decision to ask those in the level of specificity which is utilized is in the discretion of either Mr. Arrascada, Mr. Gentile or the committee member who has the opportunity to ask questions also.

SENATOR COFFIN:

Sometimes, I do not know the question to ask because I did not hear a fact, but I hear an opinion. I think I understand what you are saying. You want to move it along, and I think the prosecutor does too, and I was not objecting to what you did but rather if it is going to make it harder for me to figure out what is going on.

SENATOR AMODEI:

If there is a witness that has been dismissed, that needs to be recalled at any point because questions come up, we can see about getting them back in front of the Committee should any questions come up after the fact.

MR. GRECO:

Did some of these events you are describing where Ms. Normington was asked to do a task and then Controller Augustine expressed impatience or anger when it was not done fast enough occur during calendar year 2002?

MS. COWARD:

Yes.

MR. GRECO:

Did they increase in frequency as the general election neared?

MS. COWARD:

I would say yes.

MR. GRECO:

You said, earlier, it was a regular occurrence, and you could not give us any kind of an exact number. In September and October, how regularly would you say that type of thing occurred?

MS. COWARD:

It was just the atmosphere of the office for 10 hours a day. Work had to be done, and it had to be done now.

MR. GRECO:

How regularly did Controller Augustine expressing displeasure or impatience or anger, about a task not being done too fast, occur? Was that something that occurred in September and October, once a week, once a month, once a day? Can you narrow it down for us? That is what the Senators are interested in.

MS. COWARD:

I do not know if I can really be that specific. I had contact with Ms. Normington at least a minimum of once a day. There was always some kind of pressure timeframe she was under.

MR. GRECO:

In terms of campaign-related activities?

MS. COWARD:

Yes.

MR. GRECO:

Can you be any more specific than that, or is that as far as you can narrow it down?

MS. COWARD:

That is as far as I can narrow it down.

MR. GRECO:

Did Controller Augustine ever express displeasure to you because you did not complete a campaign assignment on office time fast enough?

MS. COWARD:

I do not recall that she did. Whenever she asked me if I had done something, for instance, if I had called someone she had asked me to call, usually, I had made the call, but maybe, they had not responded back. As soon as she asked me to do something, I would go immediately and call that person to see if I could get a response from them.

MR. GRECO:

Before these complaints of being required to do campaign activities on state time, before those complaints came forward, were you and Controller Augustine friends?

MS. COWARD:

I had thought so.

MR. GRECO:

That is all I have Mr. Chair.

SENATOR AMODEI:

Cross-examination, Mr. Arrascada?

MR. ARRASCADA:

Ms. Coward, in your direct examination you talked about the Debt Collection Unit. Is that right?

MS. COWARD:

Yes.

MR. ARRASCADA:

You said the Debt Collection Unit fell under your purview because you were the one to shepherd all the legislation through.

MS. COWARD:

For the most part, that is true.

MR. ARRASCADA:

Then when debt collection was initiated, it became your baby at the Controller's Office.

MS. COWARD:

Exactly.

MR. ARRASCADA:

You had full control over it.

MS. COWARD:

Yes.

MR. ARRASCADA:

With that control, you enjoyed that position.

MS. COWARD:

I did.

MR. ARRASCADA:

You enjoyed that position because it was more exciting than, as you called it, "the mundane work of the Controller's Office"?

MS. COWARD:

I would clarify "the mundane work of doing public-relations-type work."

MR. ARRASCADA:

Debt collection was something you enjoyed quite a bit.

MS. COWARD:

It was challenging.

MR. ARRASCADA:

Did you enjoy it?

MS. COWARD:

It was satisfying.

MR. ARRASCADA:

It was a satisfying position?

MS. COWARD:

Yes.

MR. ARRASCADA:

In December of 2002, you were removed from dept collection; right?

MS. COWARD:

Yes.

MR. ARRASCADA:

Was that Controller Augustine's doing?

MS. COWARD:

Yes, as far as I know.

MR. ARRASCADA:

She did it because you were getting too much notoriety and popularity for the debt-collection program. Is that right?

MS. COWARD:

No, I do not think that at all.

MR. ARRASCADA:

Would it surprise you to know it was actually recommended six months before to remove you from debt collection by Jim Wells and Kim Huys?

MS. COWARD:

I had no knowledge of that.

MR. ARRASCADA:

Would it surprise you though if you learned it just now?

MS. COWARD:

I do not think I had thoughts of it either way.

MR. ARRASCADA:

Let us talk a little bit about your history.

MS. COWARD:

Fine.

MR. ARRASCADA:

You were a Nevada Assemblywomen from 1994 to 1996. Is that right?

MS. COWARD:

Yes.

MR. ARRASCADA:

Representing what is the fifth district. As an Assemblywoman, you had staff. Is that right?

MS. COWARD:

I had one person.

MR. ARRASCADA:

You had one person and had to make tough decisions.

MR. GRECO:

Mr. Chair, I am going to interpose an objection at this point. What Ms. Coward did in 1995 is completely irrelevant and not germane to this proceeding. I suspect I know where Mr. Arrascada is going with the next few questions. You sustained an objection yesterday to the same area.

MR. ARRASCADA:

I think he is wrong today, Mr. Chair. If you allow me to build this up, I will be all right.

SENATOR AMODEI:

I am going to allow the question as appropriate under cross-examination. We will indicate on the record you will let us know where this is headed fairly soon. I would also remind you, Mr. Greco, that the rulings I made yesterday were with respect to those witnesses, and I limited them to those witnesses; therefore, the precedential value of my rulings yesterday are probably about of equal value of the precedential value of my rulings to date on any matters before this Committee. Please proceed, Mr. Arrascada.

MR. ARRASCADA:

We were talking about 1994 to 1996. You were an Assemblywoman; correct?

MS. COWARD:
Yes.

MR. ARRASCADA:
As State Assemblywoman, you had to stand for ideals you believed in and tried to shepherd bills in which you believed.

MS. COWARD:
Yes.

MR. ARRASCADA:
On issues you had a strong feeling for, you were not going to back down were you?

MS. COWARD:
No.

MR. ARRASCADA:
In 1997, you became Chief of Staff to Lieutenant Governor Lonnie Hammergren; right?

MS. COWARD:
True.

MR. ARRASCADA:
As Chief of Staff, how many people did you have?

MS. COWARD:
Two, I think. There were a couple of staff positions added during that session.

MR. ARRASCADA:
You were in charge of that office as Chief of Staff; correct?

MS. COWARD:
Yes.

MR. ARRASCADA:
You ran that office.

MR. GRECO:
Mr. Chair, same objection. Mr. Arrascada is not going where he did yesterday, but this is completely irrelevant and not germane. We are five years before our subject events.

SENATOR AMODEI:
I think the background of the witness is relevant to the perspective that she brings to the job for this matter. I will allow this cross-examination to continue.

MR. ARRASCADA:
As Chief of Staff to Lieutenant Governor Lonnie Hammergren, you formulated and implemented his legislative agenda; correct?

MS. COWARD:
He formulated the agenda, I tried to implement it as well as I could.

MR. ARRASCADA:
The agenda was something you had to push through at times.

MS. COWARD:
It is your job to work on legislation your boss wants to see get through.

MR. ARRASCADA:
You had to persuade.

MS. COWARD:

In that particular incident, the legislation he wished to pursue was not going to be supported by anyone. It needed the Governor's support and it regarded when the Lieutenant Governor took over when the Governor was out of the office. I tried to explain to him that the bill had little chance of passing.

MR. ARRASCADA:

I did not ask you for any legislation in particular. We appreciate you providing that information, but I would like you to answer my question. My question was, you were going have to persuade people with the Lieutenant Governor's agenda as his Chief of Staff.

MS. COWARD:

Yes.

MR. ARRASCADA:

Then from 1997 until July of 1998, you worked on Governor Guinn's campaign; correct?

MS. COWARD:

True.

MR. ARRASCADA:

You coordinated special events and meetings.

MS. COWARD:

True.

MR. ARRASCADA:

Forums on business concerns, health and senior issues, education, domestic violence and law enforcement?

MS. COWARD:

True.

MR. ARRASCADA:

In that position, when you are coordinating these events and participating in them, you are there to try to persuade voters about the benefits of the Governor's proposals and policies he wants to implement.

MR. GRECO:

Objection, Mr. Chair it is not relevant or germane.

SENATOR AMODEI:

The same ruling as before; please proceed.

MR. ARRASCADA:

Can you answer the question?

MS. COWARD:

These were town-hall meetings and social fundraisers I set up.

MR. ARRASCADA:

At these town-hall meetings and social fundraisers, you were there on behalf of the Governor?

MS. COWARD:

I was.

MR. ARRASCADA:

You would advocate for the policies he wanted implemented in his governorship?

MS. COWARD:

It was not a part of my job.

MR. ARRASCADA:

You would not talk about the issues that were important to the Governor with any of the electorate?

MS. COWARD:

It was not part of my job.

MR. ARRASCADA:

Did you ever talk to any of the electorate?

MS. COWARD:

Never.

MR. ARRASCADA:

All you would do in coordinating events is put up chairs and put out the punch?

MS. COWARD:

I would coordinate the people to be there.

MR. ARRASCADA:

From 1997 to 1998, you worked for the John Ensign for Senate campaign; correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

Were you just a special-events coordinator, or did you also advocate the policies he wanted implemented?

MS. COWARD:

No.

MR. ARRASCADA:

You have also been an independent businessperson, Cousins Café, 1991 to 1995; is that correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

You have had other restaurant businesses?

MS. COWARD:

Yes.

MR. ARRASCADA:

Those you ran on your own.

MS. COWARD:

Yes, with my former husband.

MR. ARRASCADA:

Let us talk about the time you were at the Controller's Office. You started in 1999.

MS. COWARD:

True.

MR. ARRASCADA:

You were there until January of 2002; correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

The Controller did not fire you.

MS. COWARD:

No.

MR. ARRASCADA:

During that time, I want to get specific, you told the Senate you, personally, witnessed doing specific things especially in the fall of 2002; is that right?

MS. COWARD:

I do not know to what you are referring.

MR. ARRASCADA:

You saw Controller Augustine berate and belittle Jennifer Normington with your own eyes. That is what you testified to on your direct examination.

MS. COWARD:

True, but I would not just limit it to the fall of 2002.

MR. ARRASCADA:

How far back do you want to go?

MS. COWARD:

From the day Jennifer started working at the Controller's Office.

MR. ARRASCADA:

From the day Jennifer began working, the Controller berated and belittled her?

MS. COWARD:

When she thought it was necessary, I suppose.

MR. ARRASCADA:

Jennifer began working on the campaign. Can we limit it to the fall of 2002, or can we go further back?

MS. COWARD:

No, I would say it started in the fall of 2001 and went through the election in 2002.

MR. ARRASCADA:

It is your testimony that Jennifer Normington spent 80 percent of her time for an entire year on the campaign; is that right?

MS. COWARD:

Yes.

MR. ARRASCADA:

The time you spent on the campaign was minuscule.

MS. COWARD:

Correct.

MR. ARRASCADA:

It was less than 40 hours?

MS. COWARD:

Probably.

MR. ARRASCADA:

You told the Senate Jennifer spent 80 percent of her time for an entire year on the campaign. As far as the office layout, your office is located in the Annex; is that true?

MS. COWARD:
That is true.

MR. ARRASCADA:
Jennifer Normington's office is in the Capitol Building.

MR. ARRASCADA:
You have to walk across a breezeway to get to those two buildings.

MR. ARRASCADA:
You were not there in Jennifer Normington's office at all times during the day.

MS. COWARD:
No.

MR. ARRASCADA:
You were not standing there observing her at all times of the day.

MS. COWARD:
Not at all times of the day.

MR. ARRASCADA:
Jim Wells was a supervisor of the entire office staff; correct?

MS. COWARD:
That is right.

MR. ARRASCADA:
He had reasons to go around seeing everyone, stopping by their desks and seeing how their day was going. It is in his job description.

MS. COWARD:
Mostly within our building and the Annex not so much on the other side.

MR. ARRASCADA:
You had Sheri Hutter and Sherry Valdez under you in debt collection.

MS. COWARD:
True.

MR. ARRASCADA:
You did not have any real reason to go over and see Jennifer Normington.

MS. COWARD:
I had reasons to go through her office when I needed to talk to Controller Augustine.

MR. ARRASCADA:
How often would you go talk to the Controller?

MS. COWARD:
It depended on the project. Sometimes it could be several times a day, and then, it could be not at all.

MR. ARRASCADA:
Would you see the Controller daily?

MS. COWARD:
Probably.

MR. ARRASCADA:
For the entire year of 2002, you would see the Controller daily?

MS. COWARD:

Except when she was out of town.

MR. ARRASCADA:

Is Jennifer Normington still a close friend of yours?

MS. COWARD:

She is a friend.

MR. ARRASCADA:

Is she a close friend?

MS. COWARD:

She is a good friend and is a bit younger than I am, about the age of my daughter.

MR. ARRASCADA:

She is a good friend, and you would like to see her happy in her life.

MS. COWARD:

I like to see most of my friends happy.

MR. ARRASCADA:

You would like to see Ms. Normington happy too; correct?

MS. COWARD:

Fine.

MR. ARRASCADA:

Is that a yes?

MS. COWARD:

Yes.

MR. ARRASCADA:

You talked about witnessing Controller Augustine being abusive to Jennifer Normington or forcing her to do campaign work; is that right?

MS. COWARD:

Yes.

MR. ARRASCADA:

That was the entire year of 2002.

MS. COWARD:

Yes.

MR. ARRASCADA:

In the fall, it was even more; is that right?

MS. COWARD:

I would not put a degree on it. It was just constant.

MR. ARRASCADA:

You would watch this and see this with your own eyes during the fall, say the month of October.

MS. COWARD:

I cannot put a month on it. I am sorry.

MR. ARRASCADA:

Do you understand how serious this is?

MS. COWARD:

I do.

MR. ARRASCADA:

You cannot put a specific month on it?

MS. COWARD:

The specific instances, no.

MR. ARRASCADA:

You cannot lay out one specific instance with a date and who was there.

MS. COWARD:

I cannot give you a date. I am sorry.

MR. ARRASCADA:

Did anyone else witness it?

MS. COWARD:

I have no idea.

MR. ARRASCADA:

Where was it? Where did it happen? Was it in Controller Augustine's office?

MS. COWARD:

I remember occasions.

MR. ARRASCADA:

I am not talking about occasions. I would like you to answer my question. You cannot give any specifics.

MS. COWARD:

No.

MR. ARRASCADA:

You cannot say that, on October 1, I saw Controller Augustine looming over Jennifer Normington while she was trying to work on the campaign?

MS. COWARD:

No, I cannot.

MR. ARRASCADA:

You cannot say that on October 2, 3, 4 or 5, all the way to October 31, any specific time you saw this occur?

MS. COWARD:

No.

MR. ARRASCADA:

You cannot say on September 1 through 3 any specific time, instance or place where you witnessed this abusive behavior you talked about in your direct examination; can you?

MS. COWARD:

I cannot give a specific time or day.

MR. ARRASCADA:

That holds true for August. You cannot give a specific time, date, place or whether anyone witnessed other than what you told us on your direct examination?

MS. COWARD:

I cannot give a specific time or day.

MR. ARRASCADA:

What about witnesses, did you have anyone else there with you?

MS. COWARD:

They were random events that occurred over a year. I do not know if there was anyone else with me or not.

MR. ARRASCADA:

These random events were traumatic; were they not? Someone is abusing someone else?

MS. COWARD:

Yes.

MR. ARRASCADA:

You cannot recall where they happened; right?

MS. COWARD:

Most of the occurrences were in Ms. Normington's office.

MR. ARRASCADA:

Ms. Normington's office is about an 8-foot by 8-foot room.

MS. COWARD:

Yes.

MR. ARRASCADA:

Were you in the office when most of these occurrences happened?

MS. COWARD:

I mostly saw the effects of the abusive situation and Ms. Normington's mental state.

MR. ARRASCADA:

What you are telling us is that you did not see them with your eyes, but what you saw were the effects so Ms. Normington told you these things.

MS. COWARD:

I saw her upset and having difficulties performing her tasks because she was being made to feel so incompetent.

MR. ARRASCADA:

You saw her upset?

MS. COWARD:

There were times I saw Controller Augustine talk to Ms. Normington in a harsh way, but I cannot give you a time of day.

MR. ARRASCADA:

Now, I want you to answer my question. You saw her upset. You saw her feeling she was put down upon, but Controller Augustine was not there was she?

MS. COWARD:

She was probably in her office.

MR. ARRASCADA:

You did not witness these with your eyes.

MS. COWARD:

There were times I witnessed abusive situations.

MR. ARRASCADA:

Let us talk about those times. Give me a specific day.

MS. COWARD:

I have already told you.

MR. ARRASCADA:

Give us a specific time.

MS. COWARD:

I cannot give you a specific time or day.

MR. ARRASCADA:

Name a specific place.

MS. COWARD:

I have already answered that question.

MR. ARRASCADA:

Name a specific witness. None of those you can provide in this serious matter.

MS. COWARD:

I cannot provide you with a time or date. It was two years ago, and I did not keep a diary.

MR. ARRASCADA:

It was two years ago, and you did not have a diary. You can recall Ms. Normington telling you that these things occurred and seeing her very upset.

MS. COWARD:

I remember seeing her very upset many times.

MR. ARRASCADA:

Your position was unclassified; is that correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

As an unclassified employee, did you consider it a privilege over a classified employee?

MS. COWARD:

No.

MR. ARRASCADA:

Would you have preferred being a classified employee?

MS. COWARD:

I did not have an opinion.

MR. ARRASCADA:

As an unclassified employee, you can come and go as you please; right?

MS. COWARD:

You have a certain flexibility.

MR. ARRASCADA:

Such as, if you went into the office and you had a doctor's appointment, you could go to your appointment when you needed to without taking leave.

MS. COWARD:

The unclassified service works that way.

MR. ARRASCADA:

As an unclassified employee, you do not have set hours.

MS. COWARD:

No one says you have to be there from 8:00 a.m. to 5:00 p.m. If you do your job and you are responsible, you set a reasonable schedule to work your eight or nine hours a day.

MR. ARRASCADA:

Is that a yes to my question; you do not have a set schedule?

MS. COWARD:

Correct.

MR. ARRASCADA:

Because you are unclassified, there are times when you are working longer than a nine to five day. You are working nine- or ten-hour days.

MS. COWARD:

Yes.

MR. ARRASCADA:

By law, unclassified employees do not get overtime?

MS. COWARD:

Correct.

MR. ARRASCADA:

That was something that gave you problems. During your interview with Dale Liebherr, you mentioned, repeatedly, how you did not receive overtime pay for these extra hours.

MS. COWARD:

No, that was a misunderstanding. I did not expect to be paid overtime. I have always been in management. I understand to do your job you work how many hours is necessary.

MR. ARRASCADA:

You told Dale Liebherr you were keeping track of your overtime hours, and when they got up to 160, you stopped.

MS. COWARD:

That was true.

MR. ARRASCADA:

Your displeasure in the office began to reach a head in the summer of 2002.

MS. COWARD:

No.

MR. ARRASCADA:

When did it?

MS. COWARD:

At the end of the legislative session in 2001, I had a conversation with Controller Augustine. I talked to her about the work environment and how many of our employees were unhappy. They were frustrated. Her way of disciplining people in front of the rest of the office staff was causing morale problems. I suggested, it might be better if she would discipline people in the privacy of her office. I told her, it was causing a big problem. She did not see it that way.

MR. ARRASCADA:

The answer to my question is, your displeasure with the office began after the legislative session in 1999?

MS. COWARD:

No, it was after the session in 2001.

MR. ARRASCADA:

Would that have been June of 2001; is that correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

Did it coincide or was it close to the time you went up to Lake Tahoe to stay at your house with Ms. Valdez and Ms. Normington?

MS. COWARD:

That trip happened a year later.

MR. ARRASCADA:

The concerns you told us about in the office, you spoke to Risk Management about them; correct?

MS. COWARD:

I did.

MR. ARRASCADA:

You spoke to Jeanne Greene.

MS. COWARD:

I do not believe I spoke to Jeanne at that point. I was mostly talking to Risk Management.

MR. ARRASCADA:

Whom did you speak to specifically?

MS. COWARD:

Don Miller.

MR. ARRASCADA:

When did you go there?

MS. COWARD:

I do not know that I went there. We talked on the telephone, and I saw him at safety meetings. We discussed what the state policy was on a hostile work environment.

MR. ARRASCADA:

You discussed hostile work environments with Don Miller. What were the dates?

MS. COWARD:

It would be approximately in June because I have some e-mails.

MR. ARRASCADA:

June of 2002 or 2001?

MS. COWARD:

In 2001.

MR. ARRASCADA:

Did you file a formal complaint with Risk Management?

MS. COWARD:

There was no procedure that made it possible to file a formal complaint.

MR. ARRASCADA:

There was a time you spoke to Ms. Greene; correct?

MS. COWARD:

That was prior to my leaving the office.

MR. ARRASCADA:
What was the date?

MS. COWARD:
It was November or December. I do not recall the date. I do not have it written down on my calendar.

MR. ARRASCADA:
Was it November or December of 2002?

MS. COWARD:
Yes.

MR. ARRASCADA:
When you meet with Jeanne Greene, you complained to her about a hostile work environment and about having employees work on Controller Augustine campaign during state hours. You explained that in detail to Ms. Greene?

MS. COWARD:
I do not know how detailed it was. I discussed what I thought was the problem.

MR. ARRASCADA:
The problems were having employees work on her private campaign during state hours.

MS. COWARD:
Yes.

MR. ARRASCADA:
Also, a hostile work environment?

MS. COWARD:
Yes.

MR. ARRASCADA:
I want to establish a bit of a timeline. Is that all right?

MS. COWARD:
That is fine.

MR. ARRASCADA:
I want to focus on the year of 2002.

MS. COWARD:
That is fine.

MR. ARRASCADA:
Actually, I want to shift to the last four weeks of the general election in 2002. That would be the month of October; correct?

MS. COWARD:
Yes.

MR. ARRASCADA:
During the month of October you testified, in your direct examination, that for six months prior, Jennifer Normington spent 80 percent of her time on Controller Augustine's campaign.

MS. COWARD:
I would say that is accurate.

MR. ARRASCADA:
You witnessed Controller Augustine, in person, not letting Ms. Normington go to the bathroom during this time?

MS. COWARD:

I do not have personal knowledge of that. I did not witness her telling Ms. Normington she could not go to the bathroom.

MR. ARRASCADA:

You do not have personal knowledge about that; is that right?

MS. COWARD:

I was not there.

MR. ARRASCADA:

When you testified on your direct examination that the Controller would not let Ms. Normington go to the bathroom; it was not something you witnessed?

MS. COWARD:

It was something Ms. Normington told me.

MR. ARRASCADA:

You were told this information.

MS. COWARD:

I was.

MR. ARRASCADA:

In September and October, you testified there was a terrible atmosphere in the office ten hours a day because of Controller Augustine.

MS. COWARD:

I do not recall if I gave it a time limit. It was stressful.

MR. ARRASCADA:

Kathy Augustine was there September through October throwing fits of anger and rage?

MS. COWARD:

She had a very short fuse. It did not take much for her to get upset about something.

MR. ARRASCADA:

Controller Augustine had a short fuse. You witnessed that short fuse burn out?

MS. COWARD:

I do not know if that is the way I would term it.

MR. ARRASCADA:

Did you see her get angry?

MS. COWARD:

I saw her get angry.

MR. ARRASCADA:

She got angry with Jennifer Normington.

MS. COWARD:

I saw her get very curt and short with Ms. Normington in the way she dealt with her.

MR. ARRASCADA:

On your direct examination, you said you witnessed her in fits of anger; now, it is curt and short; is that correct?

MS. COWARD:

Fits of anger would also be curt and short.

MR. ARRASCADA:

These events were happening every day from September through October of 2002?

MS. COWARD:

They were happening on a regular basis. I cannot tell you they were happening every day.

MR. ARRASCADA:

You were not there witnessing it all; right?

MS. COWARD:

I was not in Ms. Normington's office 24 hours a day, no.

MR. ARRASCADA:

You were being told what was going on?

MR. GRECO:

Objection, asked and answered repeatedly. Mr. Chair, the message I have been getting is, I am being asked to move this along. I do not know if this is being conveyed to the Defense or not, but this has been asked and answered three times.

SENATOR AMODEI:

Mr. Greco, every time the question is asked, it appears there is a different answer. It is legitimate for cross-examination. You were provided additional time in excess of the 30 minutes to conduct your direct examination. I have no plans to limit your redirect so I am going to allow this to continue.

MR. ARRASCADA:

May I have the Chair's indulgence?

SENATOR AMODEI:

Yes.

MR. ARRASCADA:

Almost everything you heard you were told by Ms. Normington; right?

MS. COWARD:

I saw the effects on Ms. Normington.

MR. ARRASCADA:

You did not witness what occurred on a daily basis, ten hours a day, September through October, 2002; did you?

MS. COWARD:

I cannot give you specifics.

MR. ARRASCADA:

As far as anyone complaining about campaign work, you do not know if anyone did or did not?

MS. COWARD:

Complain?

MR. ARRASCADA:

Yes.

MS. COWARD:

To Controller Augustine?

MR. ARRASCADA:

Yes.

MS. COWARD:

No. I am sure no one did.

MR. ARRASCADA:

During your four years in the day-to-day running of the office of which you were in upper management, you were the Assistant Controller?

MS. COWARD:

That was my title.

MR. ARRASCADA:

It was what you were; right?

MS. COWARD:

Yes.

MR. ARRASCADA:

Controller Augustine had a policy of attending events; is that right?

MS. COWARD:

Yes, she did.

MR. ARRASCADA:

She had a list where people could sign up and put their interests and activities that they may want to attend from the office.

MS. COWARD:

Yes.

MR. ARRASCADA:

You were very critical of that policy with Dale Liebherr; were you not?

MS. COWARD:

I did not think it was appropriate.

MR. ARRASCADA:

It was not appropriate for the Office of the Controller; correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

Not appropriate to go to Lincoln Day dinners or things of that nature?

MS. COWARD:

It was fine to go to Republican events. That was her constituency. I did not think it served any purpose as Controller Augustine's function to attend some of the events we attended.

MR. ARRASCADA:

Is it not true that her constituency is the entire State of Nevada not just the Republicans?

MS. COWARD:

It is.

MR. ARRASCADA:

One of your critiques was, in your opinion, by going to these events she was trying to put her name out there; right? Doing it for her own gain?

MS. COWARD:

When she hired me, she told me, specifically, she wanted to expand the public's awareness of the Office of the Controller.

MR. ARRASCADA:

There is nothing illegal about that; is there?

MS. COWARD:

No.

MR. ARRASCADA:

When she would go to these events, other elected officials would be there as well?

MS. COWARD:

Sometimes and sometimes not.

MR. ARRASCADA:

In your opinion, no one really cared if someone from Controller Augustine's Office was there or not?

MS. COWARD:

True.

MR. ARRASCADA:

As a constitutionally elected official, you did not think the Controller should be going to all these events?

MS. COWARD:

No.

MR. ARRASCADA:

It is your opinion the Controller should not go to these events because she was going for her own personal gain. Is that right?

MS. COWARD:

I think she was more interested in public awareness of her name more than she was the Controller's Office.

MR. ARRASCADA:

That is a yes to my question?

MS. COWARD:

Yes.

MR. ARRASCADA:

At a function the Attorney General attends, the Controller should not be there.

MS. COWARD:

I am not saying that. If the Controller wanted to go to any event, she certainly should have gone. I am not certain it served any purpose to send an employee.

MR. ARRASCADA:

Did you feel the same way if the Attorney General's Office sent an employee to a function?

MS. COWARD:

I think it would be more appropriate for the officer who was elected to attend the function. I do not think anyone having a function cares whether Controller Augustine sends an employee or not.

MR. ARRASCADA:

Sending an employee is somewhat of a traditional thing to do; is it not?

MS. COWARD:

More so in federal offices, at the congressional level and senate level, not so much on the state level?

MR. ARRASCADA:

You resigned your position in January of 2002; is that right?

MS. COWARD:

In 2003.

MR. ARRASCADA:

The reason you resigned was because she took debt collection away from you; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

You told Controller Augustine in December you would let her know your decision regarding your position by the middle of January, and you resigned effective January 31?

MS. COWARD:

Yes.

MR. ARRASCADA:

On your last day in the office, you and Ms. Normington downloaded computer discs which are the evidence in this case. Is that right?

MS. COWARD:

I did.

MR. ARRASCADA:

Controller Augustine did not know about that; did she?

MS. COWARD:

She knew the files were on our computers. She did not know that I downloaded and copied them.

MR. ARRASCADA:

She did not know you had placed them on her computer; did she?

MS. COWARD:

No.

MR. ARRASCADA:

I want to talk to you about Controller Augustine's character. You told Dale Liebherr she screamed and yelled.

MS. COWARD:

She did.

MR. ARRASCADA:

She only went to events for visibility; correct?

MS. COWARD:

It is only my personal opinion.

MR. ARRASCADA:

That is what you told Dan Liebherr; right?

MS. COWARD:

That is what I told him, and it is my personal opinion.

MR. ARRASCADA:

What you told him was she went for her own personal visibility; correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

Do you recall that interview?

MS. COWARD:

Yes.

MR. ARRASCADA:

It was March 4, 2003. Is that correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

When you went to that interview, it was tape recorded by Dale Liebherr; correct?

MS. COWARD:

It was.

MR. ARRASCADA:

You brought your own tape recorder to record it also; correct?

MS. COWARD:

I did.

MR. ARRASCADA:

The reason you were there was to talk to him about the use of state employees and state resources to run a reelection campaign; correct?

MS. COWARD:

Correct.

MR. ARRASCADA:

Screaming and yelling does not have anything to do with the reelection campaign; does it?

MS. COWARD:

No.

MR. ARRASCADA:

Going to events for visibility in your opinion does not have anything to do with the reelection campaign; does it?

MS. COWARD:

Excuse me, would you repeat that?

MR. ARRASCADA:

I am going to move on. You told Dale Liebherr about Controller Augustine divorcing her husband; right?

MS. COWARD:

I said she was in the process of getting a divorce.

MR. ARRASCADA:

Getting a divorce has nothing to do with running a reelection campaign; does it?

MS. COWARD:

I was only responding to questions he asked me.

MR. ARRASCADA:

You were only responding to questions you were asked; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

Mr. Chair, may I approach? I am going to show you page 15 of your statement to Dale Liebherr. In that statement, you are talking about getting a complimentary room from Bob Cashell for a Taiwan individual.

MS. COWARD:

Yes.

MR. ARRASCADA:

Then the next question was, "But that was some time ago." Your answer was "Yeah ... but she is always trying to get complimentary rooms for people, uh herself, her husband, that she is divorcing from ..."

MS. COWARD:

The reason I made that statement was that when her husband first came after her election, she had gotten a complimentary room for them at, I believe, the Atlantis. That was only for clarification. It was not meant to be anything derogatory.

MR. ARRASCADA:

Divorcing her husband has nothing to do with the issues regarding your interview for the reelection campaign.

MS. COWARD:

No, it was an explanatory comment.

MR. ARRASCADA:

I am sorry. What was the last part of your answer? Was it a random comment?

MS. COWARD:

I do not know what I just said. I am sorry.

MR. ARRASCADA:

That was not something that you meant to have in the interview; was it?

MS. COWARD:

No, it was just mentioning the comp room.

MR. ARRASCADA:

On page 16, you talk about "I know her husband did one time in the early days before their official separation."

MS. COWARD:

Yes.

MR. ARRASCADA:

What does Controller Augustine being separated have to do with running a reelection campaign or the propriety thereof?

MS. COWARD:

Probably, nothing; it was just an explanatory phrase about the complimentary room.

MR. ARRASCADA:

Farther down that page, you talked about a complimentary room. She had a person coming from Israel that she was seeing. What has Controller Augustine's dating life to do with the propriety or impropriety of a reelection campaign?

MS. COWARD:

Not anything. It had to do with complimentary rooms.

MR. ARRASCADA:

You also said Dale Liebherr asked you if you filled out applications for awards; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

What does the filling out of applications for awards have to do with an interview regarding the propriety or impropriety of a reelection campaign?

MS. COWARD:

I saw the awards as another way of promoting herself.

MR. ARRASCADA:

You did not approve of that self-promotion; is that right?

MS. COWARD:

No, I think if someone deserves an award, the public or people in charge of the award will notice.

MR. ARRASCADA:

Controller Augustine was not deserving, in your opinion?

MS. COWARD:

I am not saying that. I am saying I frown upon asking someone to nominate you.

MR. ARRASCADA:

You also told Dale Liebherr Controller Augustine was not a very nice person.

MS. COWARD:

Her screaming and yelling in the office to me indicated that she could not be a very nice person. She could also be a nice person.

MR. ARRASCADA:

Your statement was she was not a very nice person, and I cannot imagine what the retaliation would be; correct?

MS. COWARD:

That is true.

MR. ARRASCADA:

We have already established and discussed over the four years you were in the office, there was no one fired from the office; right?

MS. COWARD:

No. The conditions were made so miserable that you quit.

MR. ARRASCADA:

The conditions were miserable; right?

MS. COWARD:

Yes.

MR. ARRASCADA:

You reported those to Jeanne Greene?

MS. COWARD:

Yes, along with others.

MR. ARRASCADA:

In addition, Kim Foster?

MS. COWARD:

I do not remember talking to Kim Foster that much. My main conversation was with Ms. Greene.

MR. ARRASCADA:

After you left Controller Augustine's office, you were very unhappy; is that correct?

MS. COWARD:

For about a month, I was not pleased Controller Augustine had taken the job away from me without any discussion and made the decision without letting me have any input into it at all.

MR. ARRASCADA:

You were the Assistant Controller. Controller Augustine is the boss, the State Controller?

MS. COWARD:

Yes.

MR. ARRASCADA:

She can make her own personnel decisions regarding unclassified employees; right?

MS. COWARD:

That is what I told her when she told me about the decision she was making. She has the right to do that. She made that decision. I had a decision to make about whether I would stay.

MR. ARRASCADA:

You were unhappy you had debt collections taken away from you?

MS. COWARD:

I was a little dismayed because that was the most the important part of the job. Without the debt collection, the job was menial.

MR. ARRASCADA:

The answer to my question, you were unhappy when the job was taken away, is yes?

MS. COWARD:

Yes.

MR. ARRASCADA:

You were upset Controller Augustine did not have the courage to include you in her decision making process; right?

MS. COWARD:

I thought after four years, I was deserving of a little more input in her decision.

MR. ARRASCADA:

The answer to my question is that you were upset Controller Augustine did not have the courage to include you in the decision making process?

MS. COWARD:

That would be true.

MR. ARRASCADA:

This is all in a letter dated February 13, 2003; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

That is Controller Augustine's Exhibit D-7. In that letter, you told her your retiring before the session ended was not to her benefit.

MS. COWARD:

That is true. I felt she would miss the expertise I had during the next legislative session. We had more debt-collection bills coming up to define some of the procedures. I thought she was going to miss my being there to promote her bills.

MR. ARRASCADA:

The answer to my question, that you were upset and told her that leaving before the session was not to her benefit, is correct?

MS. COWARD:

That is true.

MR. ARRASCADA:

That is because there would be no one to stand between her and the Legislators once you left?

MS. COWARD:

That is true. That was my feeling. There were many times when I had to go and apologize for things in order to try to get our legislation through.

MR. ARRASCADA:

The answer to my question is yes?

MS. COWARD:

Yes.

MR. ARRASCADA:

In the letter you were upset over taking the debt collection away from you. You also told Controller Augustine the Legislators always treated you with respect because of your previous relationships not hers.

MS. COWARD:

That is true.

MR. ARRASCADA:

You made her aware that the Legislature is always looking for ways to embarrass her; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

In that letter, you talk about browbeating and abusing people?

MS. COWARD:

Yes

MR. ARRASCADA:

We have already established you cannot give us any single specific instance.

MS. COWARD:

The case I was talking about in my letter was not only employees.

MR. ARRASCADA:

The question I have for you, though, is, you cannot give us any single, specific instance of browbeating and abusing people; can you?

MS. COWARD:

No, I can.

MR. ARRASCADA:

I am sorry; you can?

MS. COWARD:

I can.

MR. ARRASCADA:

Is there an instance with Ms. Normington that you witnessed?

MS. COWARD:

I stand by the comments I made earlier about Ms. Normington. I had seen Controller Augustine treat her in a very belligerent, inhumane way but much of what I saw was after it happened and the effect it had on Ms. Normington. In my own personal experience, she yelled, screamed and threw things at me. She came in our office and threw envelopes around. Yes, I did witness her having these little tantrums.

MR. ARRASCADA:

The tantrum was directed at you; right?

MS. COWARD:

Yes, on those particular occasions.

MR. ARRASCADA:

You have me a little confused. Regarding Jennifer Normington, you started by saying I saw her do these things, and then, you said I heard from Jennifer Normington what happened.

MS. COWARD:

It was a combination of both.

MR. ARRASCADA:

The times that you saw; what was the day?

MS. COWARD:

I cannot give you specifics. I have already said that.

MR. ARRASCADA:

Where did it occur?

MS. COWARD:

I have already told you.

MR. ARRASCADA:

In what room did it occur?

MS. COWARD:

I have already answered that to you.

SENATOR AMODEI:

That has been established. Let us keep it moving.

MR. ARRASCADA:

When you left Controller Augustine's office, you were humiliated; correct?

MS. COWARD:

I would say a feeling of humiliation. I felt I had given a good deal of my time and effort to putting a program together that, ultimately, made her look good.

MR. ARRASCADA:

You stated to her in your letter that demoting you and putting you under a position with Christie was even more humiliating; correct?

MS. COWARD:

Yes, if I had taken the position that she suggested and if I wanted to stay in debt collection.

MR. ARRASCADA:

That was humiliating; right?

MS. COWARD:

Yes, I thought so.

MR. ARRASCADA:
Those are your words?

MS. COWARD:
Yes.

MR. ARRASCADA:
It is your opinion as of February 13, 2002 (2003), that Controller Augustine intentionally demeaned and embarrassed you; correct?

MS. COWARD:
Yes, she did.

MR. ARRASCADA:
After February 13, 2003, two weeks later on March 4, 2003, you gave your statement to Dale Liebherr; correct?

MS. COWARD:
That is when I was called to come in.

MR. ARRASCADA:
Did they just call you unexpectedly? How did they get your name?

MS. COWARD:
I had made the tapes and given them to Attorney General Brian Sandoval.

MR. ARRASCADA:
You met with the Attorney General.

MS. COWARD:
I did.

MR. ARRASCADA:
Did you lodge your complaints?

MS. COWARD:
It was not a complaint. I gave him information. I told him I thought the law had been broken, and there is the evidence of the files. It would be his decision as to whether any crime had been committed. That was the extent of my conversation with the Attorney General.

MR. ARRASCADA:
Since March 4, 2003, when you gave this statement for the first time, you have been cross-examined regarding these incidents; correct?

MS. COWARD:
True.

MR. ARRASCADA:
During the Assembly proceedings, you sat in the back of the Assembly standing there watching everyone else testify; correct?

MS. COWARD:
Yes.

MR. ARRASCADA:
That is because you do not like Controller Augustine; do you?

MS. COWARD:
It is because I already knew what everyone else had said. I read their testimony. They are available to the public. I also read all the proceedings of the Ethics Commission. I was not going to learn anything new.

MR. ARRASCADA:

You do not like her; do you?

MS. COWARD:

There is an old saying "Love the sinner, but hate the sin." I did not like the way she treated our staff or me. It had nothing to do with my personal feelings about her. As I have said, she can be very charming in a social occasion. She was witty and a lot of fun to be with. Someone you would want to be your best friend.

MR. ARRASCADA:

When you interviewed with Dale Liebherr, you told him, "She is not a very nice person."

MS. COWARD:

That is true.

MR. ARRASCADA:

You did not qualify or quantify it. Did you not?

MS. COWARD:

There was no need to qualify it at the time.

MR. ARRASCADA:

You said she is not a very nice person.

MS. COWARD:

I said that.

MR. ARRASCADA:

When you met with Dale Liebherr, what really concerned you was that Controller Augustine could be elected to a higher office. In your opinion, she did not deserve to?

MS. COWARD:

I thought her behavior in our office indicated a complete lack of respect for the law.

MR. ARRASCADA:

What really concerned you was that she could be elected to a higher office. In your opinion she did not deserve to?

MS. COWARD:

That is correct.

MR. ARRASCADA:

You have answered my question.

MS. COWARD:

Yes, that is true.

MR. ARRASCADA:

You went to meet with Dale Liebherr because Controller Augustine could be in the United States Congress before you knew it.

MS. COWARD:

I thought that was a possibility.

MR. ARRASCADA:

You just stated it was a possibility? That is not exactly what you said. What you said was, "She could be in Congress before we know it."

MS. COWARD:

If you are reading it from my statement.

MR. ARRASCADA:

I am going to ask you to read page 39. Let me read it. Your words were, "What really concerns me is that she could get elected to higher office, and frankly, she does not deserve to." Correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

You said, "She abused her privilege as a public official, and she is a heavy-duty campaigner, and you know she could be up there in Congress before we know it." Those are your words; right?

MS. COWARD:

Yes.

MR. ARRASCADA:

That was at the end of your interview?

MS. COWARD:

Yes.

SENATOR AMODEI:

Anything further, Mr. Arrascada?

MR. ARRASCADA:

Nothing.

SENATOR AMODEI:

Redirect, Mr. Greco.

MR. GRECO:

Mr. Arrascada went over a number of questions regarding your ability to remember specific dates. The subject of events you testified to on direct you said occurred in late 2001 and 2002; correct?

MS. COWARD:

From the time Ms. Normington started.

MR. GRECO:

Do you recall the series of questions where Mr. Arrascada asked you if you could specifically remember if they occurred on September 1, 2002; September 2, 2002; September 3, 2002? Do you recall that series of questions?

MS. COWARD:

I do.

MR. GRECO:

As you sit here, today, two years later, is there any way you can remember exact dates these events occurred?

MS. COWARD:

No, there is no way.

MR. GRECO:

This was not a police investigation; correct?

MS. COWARD:

No.

MR. GRECO:

The local police or sheriff's office in Carson City was not involved?

MS. COWARD:
No.

MR. GRECO:
Mr. Liebherr did not come to you and interview you until March; correct?

MS. COWARD:
Correct.

MR. GRECO:
That would be approximately 18 months after the first event you described on your direct examination and approximately five to six months after the last event you described on your direct examination. Correct?

MS. COWARD:
Right.

MR. GRECO:
Is that one of the reasons why you cannot tell Mr. Arrascada whether it was September 1, 2, or 3 of 2002?

MS. COWARD:
Yes.

MR. GRECO:
Is everything you told this Senate on your direct exam the truth?

MS. COWARD:
Absolutely.

MR. GRECO:
You conceded to Mr. Arrascada that many things that occurred to Ms. Normington she told you later.

MS. COWARD:
Not so much told, but I saw the results.

MR. GRECO:
Did Ms. Normington tell you some of them?

MS. COWARD:
Yes.

MR. GRECO:
With your own eyes what type of campaign activities did you see Ms. Normington do on state time?

MS. COWARD:
Mailing lists, invitations, phone calls, contribution reports and speech writing.

MR. GRECO:
We went over each of those categories on direct testimony. I do not want to take a lot of time, but you said you saw those things; correct?

MS. COWARD:
I did.

MR. GRECO:
Mr. Arrascada spent a lot of time asking you if you think Controller Augustine is a nice person. Issues arose over the use of employee's computers and equipment on office time at her direction. In retrospect, do you think she is a nice person?

MS. COWARD:

I think she can be, but many times, she is not.

MR. GRECO:

Before you verbally objected to her about having to do campaign work on state time, were the two of you friendly towards one another?

MS. COWARD:

Yes, we had a friendly relationship.

MR. GRECO:

Did you regularly confide in one another?

MS. COWARD:

Yes, to a point. There is always a bridge between a supervisor and an employee.

MR. GRECO:

Did your relationship begin to deteriorate after you first worked up the courage to confront her about doing election work on state time? Is that when things began to deteriorate?

MS. COWARD:

I would not say that.

MR. GRECO:

Can you narrow it down for us any further?

MS. COWARD:

I think the relationship began to deteriorate towards the end of 2002. I got tired of her making hostile comments to me, and I started to throw them back at her.

MR. GRECO:

In terms of the fundraiser in August of 2001 in Las Vegas, do you remember testifying about telling her specifically "Do you really think it is appropriate for me to make that call on state time?" Do you remember testifying about that?

MS. COWARD:

Yes.

MR. GRECO:

Did she seem happy when you told her that?

MS. COWARD:

She just blew it off and said to make it at 5:00 p.m. It was not a big deal.

MR. GRECO:

Did you ever see a specific example of Controller Augustine blowing up at Ms. Normington?

MS. COWARD:

I cannot think of any specific incident I can remember. I am certain there were times in the past. I cannot remember anything specific enough to give you the exact time and date or the situation.

MR. GRECO:

I think you told Mr. Arrascada you definitely saw Controller Augustine blowing up at you personally.

MS. COWARD:

Yes.

MR. GRECO:

Did that happen once or more than once?

MS. COWARD:
More than once.

MR. GRECO:
You mentioned Controller Augustine threw envelopes. Were there other examples where she blew up at you or threw a temper tantrum in your presence?

MS. COWARD:
Yes.

MR. GRECO:
Please describe those.

MS. COWARD:
One incident was, we were on a conference call regarding contracts for the debt collectors. I was talking to someone in the Department of Business and Industry because there had been a problem with the people we wanted to choose. Controller Augustine was standing in my office and had the speakerphone on. She went back to her office, and I continued the call with the attorney. She kept trying to phone me. I was talking to him trying to finish the conversation, and Controller Augustine came into my office, slammed down my hold button and asked why I was not answering the telephone?

MR. GRECO:
Can you think of any other examples?

MS. COWARD:
The worse incident is when Controller Augustine was throwing the envelopes around and looking at the nametags, the names and addresses. There was a mailing list of the mail merge for a conference training session we were holding. She was looking at envelopes on Sherry's desk and throwing them all over the place. She was saying, "This one is dead. Why did you send one to him, and this one does not work there anymore." There was no way any of us would know these people. It was a list of CPAs from around the State. She was screaming and throwing things. The next day it took couple of hours to get the letters matched with the envelopes. It was a mailing of about 800.

MR. GRECO:
Mr. Arrascada asked you about the delivery of the computer disks to the Attorney General's Office?

MS. COWARD:
Yes.

MR. GRECO:
You were the employee who delivered those disks to the Office of the Attorney General?

MS. COWARD:
I was.

MR. GRECO:
Did you have to do some soul searching before you made the decision to deliver those disks to the Attorney General's Office?

MS. COWARD:
Huge soul searching over many months.

MR. GRECO:
I was just going to ask you for how long, but you answered my question. Was that a difficult decision to make?

MS. COWARD:
Of course, it was a difficult decision.

MR. GRECO:

Ms. Coward, I want you to think about this. Why did you finally decide to deliver the computer disks to the Office of the Attorney General, which is what started this investigation?

MS. COWARD:

After talking to the Personnel Office, I did not think filing a complaint with the Ethics Commission was the right way to go. I was not certain if I was correct about the law being broken, and I thought it needed to be investigated. I thought the Attorney General's Office would be the best place for that investigation to be accomplished.

MR. GRECO:

You were hoping the matter would be investigated fully?

MS. COWARD:

Yes. I actually expected no response on it.

MR. GRECO:

Were you aware when you delivered those disks that it is illegal to use state time, equipment or other property other than a de minimis use?

MS. COWARD:

I had read the regulations to see what the law said.

MR. GRECO:

When you made that decision, did you think it might affect your employment?

MS. COWARD:

I think I had already turned in my resignation.

MR. GRECO:

That is all I have, Mr. Chair.

SENATOR AMODEI:

Recross, Mr. Arrascada.

MR. ARRASCADA:

When you saw the Attorney General, you knew you had to present him with something that was more than de minimis to get him to take legal actions; is that right?

MS. COWARD:

I did not know if there would be any legal action. I just suggested they might need to investigate it.

MR. ARRASCADA:

You knew you had to provide him with evidence that was more than de minimis or else nothing would happen; correct?

MS. COWARD:

I was just providing him with the information I had. I did not think anything about it being de minimis or not.

MR. ARRASCADA:

Just two minutes ago, you said you knew the law, and you knew it had to be more than de minimis; is that right?

MS. COWARD:

I did not say that. No, I did not.

MR. ARRASCADA:

You did not say the words "de minimis"?

MS. COWARD:
No, I did not.

MR. ARRASCADA:
You gave those computer disks to a person named Forest Fox; correct?

MS. COWARD:
No.

MR. ARRASCADA:
You never gave them to Forest Fox?

MS. COWARD:
No.

MR. ARRASCADA:
You had Forest Fox do a backup on the hard drive; right?

MS. COWARD:
The backup is done as a regular procedure on a weekly basis. I suggested to Forest Fox that she might not want to tape over that particular backup.

MR. ARRASCADA:
Is that because this was in Forest Fox's area of expertise?

MS. COWARD:
She was the one who did this every week. It was just a normal backup of the computer's group-wide system. It was standard procedure.

MR. ARRASCADA:
You pulled the 13 disks or 12 disks and took them to the Attorney General?

MS. COWARD:
Yes.

MR. ARRASCADA:
That is what started this entire proceeding?

MS. COWARD:
Yes.

MR. ARRASCADA:
Thank you.

SENATOR AMODEI:
Questions of Ms. Coward from the Committee.

SENATOR MCGINNESS:
In your testimony before the Assembly, in your letter dated November 10 on page 2, paragraph 3, you wrote, "Controller Augustine had a history and reputation for losing her temper." Was that an assessment you would have made before you went to work for her, or was it a history that developed as you worked there?

MS. COWARD:
I was aware of her reputation when I went to work in the office. Shortly, after I worked there, people were asking me why I would take the job. I had not really had any problems getting along with anyone before so I thought I could get along with Controller Augustine too.

SENATOR BEERS:
I thought the Defense at one point suggested you had copied the campaign materials you had taken off your machine onto Controller Augustine's machine.

MS. COWARD:

With the group-wide system, you had access to everyone's files in the Controller's Office. They were shared files. They were shared directories. When Jennifer and I were leaving the office, we thought it was probably better for us to take all the campaign material off the computers that someone new would be using. We moved them into the Controller's files. Then, she would know where the campaign files were.

SENATOR BEERS:

Did it occur to you that, later, it might be interpreted as planting things?

MS. COWARD:

It would be on one computer or the other so it would not have mattered. Once they did the weekly backup, the campaign would have been on Ms. Normington's, Controller Augustine's or my computer.

SENATOR CARE:

Going back to the statement you presented to the Assembly, on page 4, "The most important contributing factor for employees not being willing volunteers in the reelection campaign was the existing hostile work environment." Do you recall saying that?

MS. COWARD:

Yes.

SENATOR CARE:

Would that mean if Controller Augustine had a different temperament, you would not have minded working on her reelection campaign?

MS. COWARD:

Possibly.

SENATOR CARE:

Is it accurate to say the most important contributing factor for employees not being willing to volunteer in the reelection campaign was fear of breaking state law?

MS. COWARD:

Would you repeat that question?

SENATOR CARE:

Would it be accurate to say, given what is written here, the most important contributing factor for employees not being willing volunteers in the reelection campaign was not any fear of doing so would be in violation of state law. Do you understand my question?

MS. COWARD:

No, I do not.

SENATOR CARE:

I understand from your statement the most important reason no one was willing to work on the reelection was because of the hostile work place?

MS. COWARD:

Right.

SENATOR CARE:

Was fear or concern that it might constitute a violation of state law a factor?

MS. COWARD:

The Ethics Commission called it a Hobson's Choice. We did not really want to do the work, but we also did not want to face having a confrontation of any sort.

SENATOR CARE:

When did you leave the Lieutenant Governor's Office?

MS. COWARD:

I left there in August of 1997 and took a month off. Then, I went to work on the Guinn campaign.

SENATOR CARE:

When Controller Augustine interviewed you in 1999, she gave you some sort of job description. Do you remember testifying about that this morning?

MS. COWARD:

It was a verbal job description.

SENATOR CARE:

She told you the job would include writing speeches and attending events; correct?

MS. COWARD:

Yes.

SENATOR CARE:

One of the campaign activities you said Ms. Normington engaged in was writing speeches.

MS. COWARD:

Yes.

SENATOR CARE:

Do you think it was proper for you to write speeches and not Ms. Normington to do so?

MS. COWARD:

When I was writing speeches, it was not during the campaign season. It was before Ms. Normington came. Controller Augustine spoke to all types of citizen groups telling people about the Controller's Office. I did not feel that it was a conflict. I thought it was fine to discuss the Controller's Office and what was happening with citizen groups.

SENATOR CARE:

Do you remember testifying this morning about the sale of jewelry?

MS. COWARD:

I remember it, but not everything about it.

SENATOR CARE:

Where did the proceeds go? I have written down you said, "It is my belief that 10 percent of the proceeds went to the Controller Augustine reelection campaign."

MS. COWARD:

Did I say 10 percent? I did not know a percentage. I just knew that she was working with this woman and was receiving a percentage on what was sold.

SENATOR CARE:

Your words were, "That is my belief." Do you remember saying that?

MS. COWARD:

For that particular party, because in the past two events, I know of she had been getting a percentage.

SENATOR CARE:

Do you have any personal knowledge where the proceeds of the sale of the pearls or jewelry went?

MS. COWARD:

The first fundraiser was when the pearl woman was there. The host invited her, and Controller Augustine was to get a certain percentage of her sales for that day. I was there. I

know what happened. After that, Controller Augustine sold these cute little elephants she was getting a percentage from the woman.

SENATOR CARE:

Do you know that, or are you just speculating?

MS. COWARD:

Yes. She said she was, and that was why she was selling them.

SENATOR CARE:

The second sale was in the Controller Augustine's office.

MS. COWARD:

She was selling the elephants everywhere. The third sale was the one in the office. It was my assumption since I knew that for the first two events she got a percentage, then, she would get a percentage of this one. Why else would she have it in her office?

SENATOR CARE:

Could you tell us how you computed that, during the six months leading up to Election Day of 2002, Ms. Normington spent 80 percent of her time working on campaign activities?

MS. COWARD:

About all I ever saw her working on were campaign activities. It was tremendous. She even took work home on the weekend especially the mailing lists because they took a long time to put together to update.

SENATOR CARE:

You were testifying this afternoon that you saw the effects as opposed to you seeing the activities.

MS. COWARD:

I saw some of the activity too. Ms. Normington would ask me questions about different things. I saw how Controller Augustine's behavior affected her. There were many times when Ms. Normington asked me questions about mailing lists, who to contact to get updates or other things.

SENATOR CARE:

Would it be your testimony this afternoon that 80 percent of the time you saw Ms. Normington during the six months leading up to election day you saw her working on campaign activities.

MS. COWARD:

I believe that. I do know that Michelle Miles would have had to give the checks to one of her employees had Ms. Normington been able to keep up with the state work.

SENATOR CARE:

This is a significant issue for all of us. You believe it as opposed to having seen it. We need to know.

MS. COWARD:

I saw her working on all the things I enumerated earlier. The mailing lists took a tremendous amount of time to update. The contribution reports took a tremendous time to update. She was also writing speeches. Sometimes, I gave her input about information they wanted to convey. She talked on the telephone to people giving fundraisers. She tried to work out all the details: when the invitations would be picked up, who was printing the invitations and paying for the invitations. Those things were going on all day long.

SENATOR CARE:

You saw those 80 percent of the time that you saw Ms. Normington?

MS. COWARD:

I did see that type of work going on.

SENATOR CARE:

When you downloaded the disks in January of 2003, you placed those on another computer within the Controller's Office; do I have that right?

MS. COWARD:

We just moved them. It was copying the files and saving them to your own file. If you had many files on your computer and you wanted to put them in a certain subfile, you could go into anyone's file and save a document into their file.

SENATOR CARE:

You testified it would have happened anyway because it was done on a weekly basis; correct?

MS. COWARD:

The backup of the whole system was done on a weekly basis.

SENATOR CARE:

Putting that aside, why did you do what you did?

MS. COWARD:

Why did I copy the file?

SENATOR CARE:

Yes.

MS. COWARD:

Are you asking why did I move them to Controller Augustine's computer?

SENATOR CARE:

Both.

MS. COWARD:

I copied the files because it was my intention to take them to the Attorney General. I moved them to the Controller's file because I did not think they had anyplace on a computer a new employee would be taking.

SENATOR CARE:

Did you tell anyone in advance you were going to do that?

MS. COWARD:

No.

SENATOR CARE:

Did anyone instruct you to do it?

MS. COWARD:

No.

SENATOR CARE:

You testified this afternoon that you had to do some soul searching before you went to the Attorney General.

MS. COWARD:

Yes, I did.

SENATOR CARE:

If I have the sequence right, you decided to go ahead and make the copies because at that time you were thinking you would go to the Attorney General's Office.

MS. COWARD:

I had pretty much decided by that time I needed to do something, and that was probably what I was going to do.

SENATOR TITUS:

Earlier we were looking at a series of documents you had written. They were in Exhibit P-15, on page 438. I think your exact words were, "This is commonly used when putting out statements about the Controller's Office."

It was suggested that this was campaign activity because you were doing something that Controller Augustine was putting out during the time of her campaign. I wonder if it was commonly used when putting out statements about the Controller's Office, or would you do that anyway? Was it part of the public-relations job as opposed to part of a campaign job?

MS. COWARD:

To which exhibit are you referring?

SENATOR TITUS:

It was in Exhibit P-15, page 438. There were a whole series of statements. Some are lifted for questionnaires, and some are public statements.

MS. COWARD:

The language is recognizable to me. I do not recall the purpose for which this was written. It could have been a speech, or it could have been an article in the paper. It could have been almost anything.

SENATOR TITUS:

They look like general statements about the Controller's Office. You could have put that out at any time. We heard earlier from Mr. Wells that he made a recommendation in his professional capacity that the head of debt collection should have the background of a professional auditor or CPA as opposed to your professional background. He recommended to Controller Augustine that you be replaced by a CPA. She was following his professional advice when she made that determination. Did you ever know that? Was that part of your understanding when you were removed from debt collection? Would it have made any difference in the way you felt about her decision?

MS. COWARD:

Sometime, in the fall, it had been mentioned to me once before about putting it under a CPA. At the time, the former Chief Deputy had a degree in mathematics. When she mentioned putting it under a CPA, I did not think it was necessary. I have a degree in mathematics and 20 years of accounting experience in small business. I do not see the relevance. The job was more of a supervisory role not an accounting role. That was the only time when it was discussed. I was never aware that Mr. Wells made that recommendation. I would have been open to discussing it. It would have been nice if I had been included in the final decision.

SENATOR CEGAVSKE:

You have indicated you made copies and someone indicated 12 disks were required to copy. In those 12 disks, was there anything on them other than the campaign information?

MS. COWARD:

All the copies on the disks are in these three notebooks.

SENATOR CEGAVSKE:

It took 12 disks to put together these notebooks.

MS. COWARD:

I do not know. I have not seen all the exhibits. The only other thing would have been the campaign-financial report.

SENATOR CEGAVSKE:

You went in and specifically downloaded each.

MS. COWARD:

We had them all in one file.

SENATOR CEGAVSKE:

It was one file but took 12 disks?

MS. COWARD:

Ms. Normington's and mine combined.

SENATOR CEGAVSKE:

Did you and Ms. Normington do this together?

MS. COWARD:

I told Ms. Normington to make copies of the files.

SENATOR CEGAVSKE:

How many copies?

MS. COWARD:

We made just one.

SENATOR CEGAVSKE:

You only made one to take out?

MS. COWARD:

Correct.

SENATOR CEGAVSKE:

On your last day of work, you took that copy home?

MS. COWARD:

No, I took it to the Attorney General. I took it either Thursday or Friday of my last week.

SENATOR CEGAVSKE:

When you were questioned, I thought I heard you say it took you a couple of months?

MS. COWARD:

It took me a couple of months to make the decision.

SENATOR CEGAVSKE:

It was before you made the copy?

MS. COWARD:

Right.

SENATOR CEGAVSKE:

When did you take the copy to Mr. Sandoval?

MS. COWARD:

I cannot remember whether it was Thursday or Friday.

SENATOR CEGAVSKE:

When you took it to Mr. Sandoval, was it during or after work?

MS. COWARD:

We made the files and took them over when I had the appointment with Mr. Sandoval.

SENATOR CEGAVSKE:

Did anyone else in the office besides Ms. Normington know you made copies? Had you discussed it with Mr. Wells or Ms. Kennedy?

MS. COWARD:

Mr. Wells was not there. He had been gone for six months. I had a couple of conversations with him but not about this. He did not know I was taking the files to Mr. Sandoval.

SENATOR CEGAUSKE:

Did Ms. Valdez or Ms. Kennedy know you were doing this?

MS. COWARD:

Ms. Kennedy was not there. Ms. Valdez, Ms. Fox and Barry Morgan knew about this. I was not even certain if I made the disks how to prove they came off state computers. You could make disks off our home computers.

SENATOR CEGAUSKE:

Did you have them validated?

MS. COWARD:

I did have Mr. Morgan sign off on the list of my files. Later, when talking to Ms. Fox, I found out we did the weekly backup. The weekly backup would have more data on it as to when files were created, when they were edited and from whose computer they were generated. Before I left, I told Ms. Fox she might want to save that. I was not sure it would be important in the future. She might want to put that disk away and not tape over it.

SENATOR CEGAUSKE:

You had been talking to a group of employees about doing this.

MS. COWARD:

Ms. Valdez worked directly with me. She was aware of what I was doing most of the time.

SENATOR CEGAUSKE:

Did Mr. Sandoval know what you were bringing him?

MS. COWARD:

No.

SENATOR CEGAUSKE:

He had no idea what the conversation was going to be.

MS. COWARD:

No.

SENATOR NOLAN:

Did the hostile work conditions in the Controller's Office, during the time you described, affect the ability of the office and its staff to execute its mission to the citizens of this State? If the answer is yes, I will ask you to give us specific examples.

MS. COWARD:

The answer is yes.

SENATOR NOLAN:

Please tell us how it affected the Controller's Office to execute its mission to the citizens of this State.

MS. COWARD:

The atmosphere in the office was such that people came to work not knowing what was going to happen that day. Many of the employees told me they dreaded coming to work or they could not sleep the night before. The atmosphere was such you never knew what the environment was going to be. It kept everyone on edge. It was like a domestic-abuse situation where the abused person feels as if they are walking on glass all the time. Even when they try to do what is right, it ends up being wrong. You always felt on edge. You could not relax. The Controller's Office had some wonderful employees. They were dedicated. They were not people who tried to slough

off work or waste time. Everyone was in such a state of turmoil and frustration. There were days it was very difficult.

SENATOR CARLTON:

In the time you were there, and these files were labeled campaign files, there seemed to be a campaign atmosphere. Were there true volunteers coming and going from the Controller's Office?

MS. COWARD:

I do not know about that. Ms. Normington would know more. There were people in our office who willingly did volunteer.

SENATOR CARLTON:

Let me clarify that. I am not talking about anyone who is an employee.

MS. COWARD:

I know. If volunteers were coming in, they would come through Ms. Normington's office not mine. I would never see them.

SENATOR RAGGIO:

Because of this campaign activity, did it interfere in anyway with the required work of the Controller's Office? Was it neglected or delayed? If so, could you give us some examples of that?

MS. COWARD:

The biggest example was Ms. Normington's job. Michelle Miles had to reassign some of Ms. Normington's duties because she did not have time to get her state duties done. On my part, there was no state duties neglected because I did my duties whenever I needed to do them.

SENATOR RAGGIO:

Not only your duties, but also the office as a whole had certain functions to perform. Were those functions performed even though there was this campaign activity?

MS. COWARD:

Yes.

SENATOR AMODEI:

Could you explain the difference between informational speeches that were prepared for the goings-on of the office and the campaign speeches you referred to in your testimony? How did they differ?

MS. COWARD:

The campaign speeches Ms. Normington wrote were usually an admonition to "vote for" to reelect Controller Augustine to office. They might have contained similar elements about the Controller's Office. There was always supposed to be the pitch.

SENATOR AMODEI:

Describe for me the pitch.

MS. COWARD:

I was not involved in those speeches except for providing content when Ms. Normington needed it.

SENATOR AMODEI:

Speaking only for the matters in which you were directly involved, what was the nature of the content you provided for the speeches?

MS. COWARD:

As I said before, the speeches I had written prior to Ms. Normington's coming and prior to campaign season, related to the operation and function of the Controller's Office. These speeches were to civic groups.

SENATOR AMODEI:

What you have given to us is the substance of your recollection of the content of speech material you provided?

MS. COWARD:

That I provided, yes.

SENATOR AMODEI:

You testified you did some soul searching and had spoken to the Personnel Office about your concerns with the Controller's Office. You decided not to go to the Ethics Commission with your information. Can you elaborate on what process you personally went through in deciding this was a matter for the Attorney General as opposed to a matter for the Ethics Commission?

MS. COWARD:

When I went to the Personnel Office, Ms. Greene called in the Attorney General's representative.

SENATOR AMODEI:

Were you present when Ms. Greene spoke with the Attorney General's representative regarding your concerns?

MS. COWARD:

She called me back. We had a meeting in the morning, and she said to come back in the afternoon. She called her Attorney General's representative in, and we discussed it.

SENATOR AMODEI:

Who was the Attorney General's representative?

MS. COWARD:

Jim Spencer.

SENATOR AMODEI:

You spoke with Ms. Greene and formed an opinion based upon that contact regarding the information on these disks.

MS. COWARD:

Actually, no. They did not give me much hope that anyone would do anything. I left the meeting feeling very frustrated, like there was nothing that could be done. I do not know where the idea came from to take it to Mr. Sandoval, but someone needed to know. I did not want it to go before the Ethics Commission and have it become a public complaint if there was nothing to it. I decided to take it to the Attorney General after I made the decision I needed to do something, that it was my civic responsibility to do something.

SENATOR AMODEI:

I understand. Is it your understanding after you left that they had coordinated with Mr. Spencer in the Attorney General's Office regarding the sum and substance of your allegations?

MS. COWARD:

No.

SENATOR AMODEI:

What role was it that you understood that Mr. Spencer played in helping Ms. Greene advise you concerning your concerns in the Controller's Office?

MS. COWARD:

He was there as her legal counsel.

SENATOR AMODEI:

Do you have any impression whether he performed the function as that legal counsel?

MS. COWARD:

They told me there was nothing they could do.

SENATOR WASHINGTON:

The sequence of events from Controller Augustine berating you, to the work being done in the office, to the disks being copied, to you finding out that you were demoted from debt collector, to your statement that Controller Augustine was mean, to the fact that you said she should not be elected to a higher office, was that your own opinion based upon events that had taken place?

MS. COWARD:

Yes.

SENATOR CEGAVSKE:

What was your ultimate goal? What did you want to happen, or what did you think should happen because of getting this information out?

MS. COWARD:

My only goal was to do what I thought was right according to the statute. Nevada Revised Statutes 281.621 states that employees are encouraged to report government malfeasance. It is the intent of the Legislature to protect those who do. Many years ago, someone told me that people no longer knew the difference between right and wrong and those who did were afraid to stand up for it. I finally decided that my loyalty should be to the citizens of this State, and it was my duty to report what I thought might be illegal behavior. I left it up to the Attorney General's Office to make a decision on whether it was or not. My only intent was to report it. I have no interest in the outcome.

SENATOR CEGAVSKE:

You did not want Controller Augustine removed from office.

MS. COWARD:

That would not be my decision. My decision was just what my part was in doing what was right.

SENATOR CEGAVSKE:

Did you believe this would embarrass her in the public?

MS. COWARD:

I did not have an interest in what the result would be except that I would do what I thought was right. The Attorney General would do what he thought right, and the Senators would search their consciences and would do what is right.

SENATOR HORSFORD:

I would like to understand the timeline a little better. When did you first meet with Ms. Greene?

MS. COWARD:

I think it was December.

SENATOR HORSFORD:

Was it later, in the same day, she called you back with their Deputy Attorney General?

MS. COWARD:

Correct.

SENATOR HORSFORD:

What information did you share in the second meeting?

MS. COWARD:

Some of the same information from the first meeting. It was regarding the hostile work environment and whether anything could be done about it. I felt that it was a deterrent to the

Controller's Office because people were transferring, retiring early, looking for other jobs, and there was nothing they could do because elected officials are responsible only to the citizens of this State. Regarding the political campaigning being done on state time and with state resources, they said I could go to the Ethics Commission, but they would not do anything.

SENATOR HORSFORD:

Was that the advice of the Deputy Attorney General?

MS. COWARD:

That was the advice I got. He made a joke by saying she should have at least reported it as an in-kind contribution.

SENATOR HORSFORD:

Did you advise them at that time that you could substantiate your claims?

MS. COWARD:

That was not discussed.

SENATOR HORSFORD:

In January, once you made the decision to leave the Controller's Office and to approach the Attorney General with information you had, you said you did not know how you came to the decision to approach the Attorney General. Is that correct?

MS. COWARD:

I thought there were three choices. One was the Ethics Commission; one could have been the Highway Patrol. I believe they have an investigative unit; and one was the Attorney General's Office, who conducted investigations. I knew Mr. Sandoval so I thought that was the better avenue to take. I knew if they found there was nothing to it, then, it would never become public knowledge. It would just go away.

SENATOR HORSFORD:

Was the decision made solely on your own, or did you have conversations with individuals before arriving at that decision?

MS. COWARD:

It was my own decision.

SENATOR HORSFORD:

There was no urging or input from other individuals?

MS. COWARD:

No.

SENATOR HORSFORD:

Earlier in your testimony, you said you personally observed Ms. Normington doing campaign activities on state time at taxpayer expense. Did you see her use a state computer?

MS. COWARD:

I did.

SENATOR HORSFORD:

Did you see her do that in the State Controller's Office which is a state facility?

MS. COWARD:

Yes.

SENATOR HORSFORD:

Did you see her use equipment such as a printer or a facsimile machine?

MS. COWARD:

Yes.

SENATOR HORSFORD:

You have done some campaign-related work utilizing state equipment, a computer or facilities; is that correct?

MS. COWARD:

Yes.

SENATOR CARLTON:

I would like to go back to your interview with Ms. Greene and Mr. Spencer. You said Controller Augustine was responsible to the citizens of the State as an elected official, but it has always been my thought that the Department of Personnel was there to help protect the employees. Was there any discussion about that?

MS. COWARD:

No. They tried to help a couple of employees find other jobs.

SENATOR CARLTON:

In your discussions, was there talk about classified versus unclassified that if you were in a different position, then, they could have helped you?

MS. COWARD:

No. I was not there for help for myself. I was trying to get some relief for our office staff.

SENATOR CARLTON:

The Department of Personnel told you there was no way they could protect state employees even though, I believe, that is one of their charges.

MS. COWARD:

That is what I was told. In this particular case, there was nothing they could do.

SENATOR COFFIN:

Ms. Greene is an expert in the field of employee and employer relations. She had the Deputy Attorney General who is the expert in that part of the statutes. You had two experts telling you there was not anything they could do. I guess there was no violation of the statutes or anything to cause an action to begin. Am I right?

MS. COWARD:

That was my understanding of what they were telling me.

SENATOR COFFIN:

They had checked it out after they talked with you.

MS. COWARD:

I assume so. Risk Management told me the same thing. There seemed to be a consensus.

SENATOR AMODEI:

Mr. Greco, do you have anything further for ask Ms. Coward as a result of questions from the Committee?

MR. GRECO:

You told several of the Senators you went to the State Personnel Office, and they told you, "There was nothing they could do"; correct?

MS. COWARD:

Yes.

MR. GRECO:

What was your response when Senator Carlton asked you a question and she said that the State Personnel Office told you there was nothing they could do?

MS. COWARD:

I said, they said they could not help us in this particular situation because the Controller was an elected office and answered only to the people of the State; however, I believe Kim Foster who works under Ms. Greene was helpful in finding employment for both Ms. Kennedy and Ms. Normington.

SENATOR AMODEI:

Mr. Arrascada.

MR. ARRASCADA:

The State Personnel Office and Risk Management, are you using them interchangeably.

MS. COWARD:

No, they are two different places, two different people.

MR. ARRASCADA:

You met with Ms. Greene and Ms. Foster.

MS. COWARD:

I met with Ms. Greene not Ms. Foster. I said Ms. Foster helped some of the other employees who went to the State Personnel Office.

MR. ARRASCADA:

You met with Ms. Greene; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

When you met with Ms. Greene, you, specifically, told her about private use of public resources on Controller Augustine's private campaign.

MS. COWARD:

I did.

MR. ARRASCADA:

Senator Cegavske asked what your overall goals were regarding this. You made a statement regarding your goals; did you not?

MS. COWARD:

I did.

MR. ARRASCADA:

They are on page 39 of your statement towards the end of your interview of March 4, 2003, with the Attorney General; correct?

MS. COWARD:

Yes.

MR. ARRASCADA:

What you stated regarding Controller Augustine was, "What really concerns me is that she could get elected to higher office, and frankly, she does not deserve to"; correct?

MS. COWARD:

That was my personal opinion.

MR. ARRASCADA:

They were your words; right?

MS. COWARD:

They were.

MR. GRECO:

Mr. Chair, with this witness and the next witness, Ms. Normington, there is a possibility we may call in rebuttal depending on what the Defense case does. I would ask that these two witnesses not be excused.

SENATOR AMODEI:

Please call your next witness, Mr. Greco.

MR. GRECO:

Jennifer Normington.

MRS. CLIFT:

Please stand and raise your right hand. Do you solemnly swear or affirm that the testimony and any evidence you shall give in this matter shall be the truth the whole truth and nothing but the truth.

JENNIFER NORMINGTON (former Executive Assistant, Office of the State Controller):

I do.

MRS. CLIFT:

Please be seated. State your name and spell it for the record.

JENNIFER NORMINGTON:

My name is Jennifer Normington, j-e-n-n-i-f-e-r,-n-o-r-m-n-i-n-g-t-o-n.

MR. GRECO:

Did you attend college?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you graduate from a university or a college?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

What was the university?

MS. NORMINGTON:

It was the University of California at Santa Barbara.

MR. GRECO:

Have you ever worked at the State of Nevada Controller's Office?

MS. NORMINGTON:

Yes.

MR. GRECO:

What was the timeframe?

MS. NORMINGTON:

I worked there from October 4, 2001, until January 31, 2003.

MR. GRECO:

Please tell the Senators what month and under what circumstances you first met Controller Augustine.

MS. NORMINGTON:

I first met Controller Augustine in August of 2001. I was asked to be the guest speaker at the Carson City Republican Women's Club and to bring a presentation to the group. It was a speech on presentation skills and speaking in front of a group. The Controller arrived late and because

the head table was not filled, she was asked to sit there. She sat next to me. We spoke briefly during lunch.

MR. GRECO:

Did you say that club was the Republican Women's Club?

MS. NORMINGTON:

That is correct.

MR. GRECO:

After she was seated at your table, did you have any conversations with her?

MS. NORMINGTON:

Not very many until after the presentation I gave.

MR. GRECO:

Did you give a presentation at the meeting?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Can you remember the topic of the presentation?

MS. NORMINGTON:

The topic was presentation skills as well as how to dress in public, how to speak in front of a microphone, things of that nature.

MR. GRECO:

After your presentation, did you have a chance to chat with Controller Augustine?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Who initiated the conversation?

MS. NORMINGTON:

Controller Augustine.

MR. GRECO:

What did she talk to you about on that date?

MS. NORMINGTON:

She told me her executive assistant had just left.

MR. GRECO:

You gave a presentation; correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

Were you introduced to her before or after you started your presentation?

MS. NORMINGTON:

There was a brief introduction.

MR. GRECO:

Was it before?

MS. NORMINGTON:

Correct.

MR. GRECO:

You finished the presentation, and then, you chatted with her.

MS. NORMINGTON:

Yes.

MR. GRECO:

How long was it after she initiated chatting with you she told you her executive assistant was leaving?

MS. NORMINGTON:

After I sat down, she was talking to the woman on the other side of me about the fact that Ms. Kennedy had left. I was not included in the conversation.

MR. GRECO:

After she told you her executive assistant had left her office, what other things did she tell you?

MS. NORMINGTON:

She leaned over and whispered to me that I would be great in that position, but the State cannot pay you what the casinos pay you. I joked back to her that they do not pay a lot of money.

MR. GRECO:

Did the two of you continue to converse after the meeting?

MS. NORMINGTON:

Yes. She wrote down a figure of what the salary was for her executive assistant and passed it to me. She asked if it matched what the casinos pay. I said it exceeded it.

MR. GRECO:

Before doing that, did she ask you about your employment history?

MS. NORMINGTON:

There was a brief biography given as an introduction.

MR. GRECO:

How many minutes did she ask you about your employment history?

MS. NORMINGTON:

At that time, none.

MR. GRECO:

Did she ask you to provide references?

MS. NORMINGTON:

At that time, none.

MR. GRECO:

Did she ask you to provide a resume?

MS. NORMINGTON:

Not at that time.

MR. GRECO:

How much time had passed when she said her executive assistant was leaving until the time she slipped you that piece of paper with the number on it?

MS. NORMINGTON:

It was less than five minutes.

MR. GRECO:

Did you subsequently accept the employment in the Controller's Office?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Was it that very day or later?

MS. NORMINGTON:

It was later.

MR. GRECO:

Can you recall, approximately, how many days passed between the time she chatted with you and showed you the figure on the paper and you actually accepted employment?

MS. NORMINGTON:

It was one day later.

MR. GRECO:

In the intervening 24 hours, did Controller Augustine ask you to complete an application?

MS. NORMINGTON:

Yes, she did.

MR. GRECO:

Did she ask you for a resume?

MS. NORMINGTON:

Yes, she did.

MR. GRECO:

Did she ask you for references?

MS. NORMINGTON:

I do not recall if she asked for references. I believe I provided them.

MR. GRECO:

You also provided the resume; correct?

MS. NORMINGTON:

Yes.

MR. GRECO:

How long after that did you actually start working in the Controller's Office?

MS. NORMINGTON:

It was two weeks.

MR. GRECO:

Can you remember the approximate date that you started employment, the day you actually went to the office and started working?

MS. NORMINGTON:

I started on October 4, 2001.

MR. GRECO:

What was your specific job title?

MS. NORMINGTON:

I was an executive assistant.

MR. GRECO:

Was the executive assistant desk in the Controller's Office located near Controller Augustine's desk?

MS. NORMINGTON:

My office was adjacent to hers. My desk was located right off of the Capitol hallway, her desk was at the back of her office.

MR. GRECO:

If people walked into the office, could they walk into Controller Augustine's office, or would they have to pass through your office or pass by you?

MS. NORMINGTON:

They would have to pass through my office.

MR. GRECO:

Did you serve as a screener for people who wished to speak to Controller Augustine?

MS. NORMINGTON:

Absolutely.

MR. GRECO:

After you began employment, did Controller Augustine ask you to do any campaign-related activities?

MS. NORMINGTON:

Yes.

MR. GRECO:

Please describe the general types of campaign activities that Controller Augustine asked you to do. I am going to ask that you focus on the campaign work she asked you to do during office hours. Do you understand the question?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Outline those general types of activities.

MS. NORMINGTON:

I was asked to write campaign speeches and take care of tracking all her donations. I kept a running total of her donations, formatted the forms submitted to the Secretary of State for both cash and in-kind contributions. I designed envelopes and fund raising invitations, placed telephone calls to invitees to fundraisers and checked on RSVPs. I checked on whether campaign contributions were being sent and set appointments for heads of businesses to meet with Controller Augustine for her to solicit contributions.

MR. GRECO:

When you met with Controller Augustine at the Republican Women's Club, did she discuss her campaign plans for the following year with you? Did she tell you she was planning to run for reelection for State Controller?

MS. NORMINGTON:

No, not at that meeting.

MR. GRECO:

When was the first time Controller Augustine discussed her campaign for reelection in 2002?

MS. NORMINGTON:

I believe, when I was interviewing with her at the Capitol, she mentioned she was running for reelection.

MR. GRECO:

At that point, while she was interviewing you and before you started employment, did she ask you whether you could do campaign-related tasks for her?

MS. NORMINGTON:

No, she did not.

MR. GRECO:

How long after you started your employment did she ask you to do the general things you outlined a few moments ago?

MS. NORMINGTON:

It was, approximately, two weeks.

MR. GRECO:

Let us talk about specifics. We have a large number of exhibits for you to talk about, but we are going to hold them until the end. Can you remember specific campaign-related speeches you either drafted for her or assisted her in drafting?

MS. NORMINGTON:

There was a standard speech that incorporated the history of the Controller's Office which she used for campaigning or when speaking before auditors or accountants. I also drafted her stump speeches for either her or representatives of her campaign to give at various functions.

MR. GRECO:

Did she ever ask you to deliver campaign speeches yourself?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did she ever ask you to deliver campaign speeches between 8:00 a.m. and 5:00 p.m., Monday through Friday?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you remember any of those events?

MS. NORMINGTON:

There were a few Republican luncheons where candidates had an opportunity at the end of the luncheon to stand and introduce themselves. At that time, I had a short script to say if Controller Augustine was not in attendance.

MR. GRECO:

Did you ever deliver campaign speeches for her after hours?

MS. NORMINGTON:

Yes.

MR. GRECO:

Please describe those for the Senate.

MS. NORMINGTON:

They were one page in length and outlined her accomplishments in office as well as her platform and asking for their vote at the end of the speech.

MR. GRECO:

You mentioned appearing for her at events. Did you appear for her at community or Republican events?

MS. NORMINGTON:
Yes.

MR. GRECO:
Were some of those during the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday? Please describe the events you attended for her that were campaign or politically related between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday.

MS. NORMINGTON:
I attended the Carson City Republican Women's Club, the Republican Women of Reno's Club and the Sierra Nevada Republican Women that meet in Gardnerville. I attended a luncheon with her up at Lake Tahoe, another Republican event. There were times other people running for offices were having fundraisers or "meet and greets." I specifically remember one in a park by the train museum that I went to on my lunch hour.

MR. GRECO:
Did you ever attend any breakfasts for Controller Augustine that were campaign or politically related during normal business hours?

MS. NORMINGTON:
Yes.

MR. GRECO:
Please describe those.

MS. NORMINGTON:
I attended the Good Morning Reno/Sparks breakfasts hosted monthly by the Reno/Sparks Chamber of Commerce.

MR. GRECO:
What time of the day do those start?

MS. NORMINGTON:
They start at 7:00 a.m.

MR. GRECO:
Are they always on the same day of the week?

MS. NORMINGTON:
Yes.

MR. GRECO:
When you were doing them?

MS. NORMINGTON:
Yes.

MR. GRECO:
Can you remember what day of the week that was?

MS. NORMINGTON:
It was on Thursday.

MR. GRECO:
Did they end by 7:45 a.m.?

MS. NORMINGTON:
No.

MR. GRECO:
When did they end?

MS. NORMINGTON:

They ended between 8:00 a.m. and 9:00 a.m.

MR. GRECO:

After that, would you drive to the office?

MS. NORMINGTON:

Correct.

MR. GRECO:

On those occasions, approximately, what time would you get to the office?

MS. NORMINGTON:

Depending on whether I stayed for the entire event, I might get to the office between 9:30 a.m. and 10:00 a.m. I usually tried to leave as soon as possible.

MR. GRECO:

You mentioned some luncheons a few moments ago. In terms of the luncheons you attended, did they always end before 1:00 p.m.?

MS. NORMINGTON:

No.

MR. GRECO:

Did they always begin no earlier than noon?

MS. NORMINGTON:

No.

MR. GRECO:

Can you tell us how long some of them lasted?

MS. NORMINGTON:

Typically, the social time would start at 11:30 a.m., and the serving of the luncheon would be set for noon. The meeting might run for an hour, but typically, they ran over one hour in length. Therefore, they might end around 1:15 p.m. or 1:30 p.m.

MR. GRECO:

To get to a 11:30 a.m. luncheon, what time would you leave the office?

MS. NORMINGTON:

It would depend on the location.

MR. GRECO:

Give us an example.

MS. NORMINGTON:

If it was either Reno or Gardnerville, I had to allow 30 minutes from the time I walked out of my office.

MR. GRECO:

The return would be a like amount of time; correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

You mentioned invitation lists. Did that occur during normal business hours?

MS. NORMINGTON:

Yes.

MR. GRECO:

When you first started doing these campaign-related tasks shortly after your employment, did you know there was anything wrong with them at the time?

MS. NORMINGTON:

No, not at that time.

MR. GRECO:

Did you consider your job description to be based upon the things Controller Augustine had told you?

MS. NORMINGTON:

In the initial interview, I viewed my job description as normal secretarial work. It would consist of answering the telephone and serving as a receptionist. I was to be someone to greet the public and introduce visitors before entering the Controller's Office. I kept her calendar, made her arrangements and handled the personnel work for the office. I served as the person who received the checks that came into the State. They were given to me by the Controller's Office or the Treasurer's Office, and I had the endorsing stamp.

MR. GRECO:

In addition to those things, you did some of the political events you have mentioned thus far, correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

Can you remember generating or assisting Controller Augustine's invitation lists for specific fundraisers?

MS. NORMINGTON:

Yes.

MR. GRECO:

Can you name some of the fundraisers you generated invitation lists for?

MS. NORMINGTON:

A fundraiser was held for her by Bobby Lazzarone at Scruples Bar and Grill. Ron Knecht held a fundraiser for her. A fundraiser at a jewelry store in Reno, Tristan of Beverly Hills, was held in the Parklane Mall. There was a fundraiser given by Monty and Jeanne Greene. Those are just a few.

MR. GRECO:

You said you formatted contribution letter requests, what do you mean by that? Tell us specifically what you did.

MS. NORMINGTON:

The Controller would draft how she wanted the letters to read. I typed them up and made sure they were formatted for whatever stationary she wanted to use. I checked the punctuation. We went through the various drafts.

MR. GRECO:

Did those requests include contributions?

MS. NORMINGTON:

Yes.

MR. GRECO:

Can you recall how many times you either drafted or assisted in drafting requests for contributions letters on state time?

MS. NORMINGTON:
There were over 20.

MR. GRECO:
Can you remember any specific names?

MS. NORMINGTON:
No, not for contributions.

MR. GRECO:
It was a long time ago.

MS. NORMINGTON:
Yes.

MR. GRECO:
Were you asked to design fundraising invitations?

MS. NORMINGTON:
She usually went to Ms. Coward to design the invitations. Once the specific invitation was designed, I just modified it as each fundraiser came up.

MR. GRECO:
Were you asked to stuff envelopes that were campaign related?

MS. NORMINGTON:
Yes.

MR. GRECO:
Please describe that.

MS. NORMINGTON:
Sometimes, I stuffed the envelopes myself. It was specific as to how the invitation went into the first envelope. Then, that envelope went into the mailing envelope or we set up assembly lines along the conference table in the Controller's Office where I, Sheri Hutter, Sherry Valdez and Jeannine Coward sat in stations. One person put the invitation in the envelope; the next person put that envelope in the mailing envelope, and the next person put the stamp and the address label on.

MR. GRECO:
Was this done during normal business hours?

MS. NORMINGTON:
Yes.

MR. GRECO:
Approximately, how many labels did you handle during your tenure there in terms of the assembly line? You mentioned stuffing and stamping envelopes but how many total envelopes would you say you handled?

MS. NORMINGTON:
I handled thousands of envelopes.

MR. GRECO:
You mentioned Controller Augustine asked you to prepare contribution reports. What type of contribution reports and for what agency?

MS. NORMINGTON:
There were two types of reports. One was a running total of contributions for her to keep track of who gave her what amount on what date. They listed both cash and in-kind

contributions. The other reports were forms that were submitted to the Secretary of State's Office that are required for every elected official or a person running for office.

MR. GRECO:

How many of the first type of report and how many of the second type did you prepare?

MS. NORMINGTON:

The first report continually was updated as another check came in for a donation. The Controller went to the copy machine, made a photocopy of the check. She kept the check and handed me the photocopy. Then, I entered the information on the running totals, initialed it and handed it back to her because she kept a separate file with photocopies of the checks.

MR. GRECO:

It was one original document, and then, it was revised or updated as new information came in.

MS. NORMINGTON:

Correct.

MR. GRECO:

You mentioned the forms that needed to be filed with the Secretary of State's Office. Can you remember how many times you either drafted or assisted Controller Augustine with those forms during office hours?

MS. NORMINGTON:

I did it four times.

MR. GRECO:

Was there a specific timeframe when the four had to be filed?

MS. NORMINGTON:

Yes.

MR. GRECO:

The first filing was in January for those who had announced they were running for office and the money they had so far. For Controller Augustine, it was everything she collected from the last filing she did after her election as Controller up until this filing. There was another filing before the primary and another in August before the general election and another filing immediately after.

MR. GRECO:

Did Controller Augustine make any requests of you in terms of maintaining a database of campaign contributions?

MS. NORMINGTON:

Yes.

MR. GRECO:

What specifically did Controller Augustine ask you to do?

MS. NORMINGTON:

She had me keep track of who donated money either cash or in-kind contributions.

MR. GRECO:

In terms of all the things you drafted or wrote, that you have described, whose computer did you use to draft those items?

MS. NORMINGTON:

The State's computer that sat on my desk.

MR. GRECO:

Was it your work computer?

MS. NORMINGTON:

Correct.

MR. GRECO:

Specifically, how did Controller Augustine ask you to store the data from the campaign contributions?

MS. NORMINGTON:

Originally, she came out with a check and said it has to be added to the totals that I have. Susan Kennedy had a disk with all the information on it. Therefore, I started using a floppy disk, and when the floppy disk got too big, I transferred the information onto my computer.

MR. GRECO:

The campaign contribution list was already started by Ms. Kennedy before you took over; is that correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

Would you then periodically up-date it with additional contribution information as the additional information came in?

MS. NORMINGTON:

Yes.

MR. GRECO:

Would that include logging the amount of checks?

MS. NORMINGTON:

Yes.

MR. GRECO:

What other types of information would you log into your work computer?

MS. NORMINGTON:

On that report?

MR. GRECO:

Yes, on that specific report. You said you logged in the amount of the contribution; did you log in the name of the contributor?

MS. NORMINGTON:

I logged in the name of the contributor, their address, the dollar amount for the in-kind contributions and to the side listed what they were for her references.

MR. GRECO:

Did you log in the date for each contribution?

MS. NORMINGTON:

Yes.

MR. GRECO:

How many times would you say you went back into the database generated by Ms. Kennedy to update it with new contribution information?

MS. NORMINGTON:

I was in that database—I cannot begin to estimate.

MR. GRECO:
Was it more than ten times?

MS. NORMINGTON:
Yes.

MR. GRECO:
Was it more than 50 times?

MS. NORMINGTON:
Yes.

MR. GRECO:
Was it more than 100 times?

MS. NORMINGTON:
Yes.

MR. GRECO:
When you started doing these campaign-related tasks on state time, did you have any objection to doing them?

MS. NORMINGTON:
I did not at first. The first thing I did was to call someone who was having a fundraiser for her that had to be postponed because of September 11.

MR. GRECO:
When you began doing these tasks shortly after being employed, did you believe this was part of your job?

MS. NORMINGTON:
It seemed strange, but the Controller explained the job of her executive assistant was basically to do whatever work she had for me to do.

MR. GRECO:
Did that include the campaign tasks she assigned you?

MS. NORMINGTON:
I took it to be, yes.

MR. GRECO:
At some point, did the campaign-related activities and your normal tasks begin to become overwhelming?

MS. NORMINGTON:
Yes.

MR. GRECO:
Please tell the Senators when that started to happen.

MS. NORMINGTON:
It started to occur about December, 2001. That was when I had an active part in organizing the first fundraiser.

MR. GRECO:
At any point, did you have any contact with individuals who inquired about working as a paid campaign employee of Controller Augustine?

MS. NORMINGTON:
Yes.

MR. GRECO:

Can you remember when that occurred?

MS. NORMINGTON:

I believe it was in early spring, 2002.

MR. GRECO:

By then, you were beginning to feel overwhelmed; is that correct?

MR. GENTILE:

Mr. Chair, I object to the leading form of the examination of this witness. This is the key witness in this case.

MR. GRECO:

The evidence code does not apply so the leading objection is not available, but I have no quarrel with what he is asking and I will try to not ask it in a leading fashion. My goal is simply to move it along, and I think that is important.

SENATOR AMODEI:

Mr. Greco, you have indicated you will strike a balance. Mr. Gentile, your cross-examination will be given similar latitude. While Mr. Greco got into the area in a leading fashion, he flushed it out after he got there. As to the form of the question, I am going to overrule the objection with the proviso that you will be provided similar latitude in your case.

MR. GRECO:

At any point, did anyone apply for a paid position in Controller Augustine's reelection staff? Do you recall anyone making such an application?

MS. NORMINGTON:

I recall that a man sent Controller Augustine an e-mail. It asked if she had any paid positions on her staff.

MR. GRECO:

Controller Augustine told you that.

MS. NORMINGTON:

Correct.

MR. GRECO:

At that time, learning that information from Controller Augustine, how did it make you feel?

MS. NORMINGTON:

I was very happy to hear that she was going to be getting some campaign staff, and I would not have to do the work any more.

MR. GRECO:

Did Controller Augustine actually hire that individual?

MS. NORMINGTON:

No.

MR. GRECO:

How did that make you feel?

MS. NORMINGTON:

I was upset, and I was worried.

MR. GRECO:

Did you question her about that?

MS. NORMINGTON:

I did. I asked her if she was going to hire any staff. My understanding was the man asked for \$3,000 a month.

MR. GRECO:

What was her response?

MS. NORMINGTON:

She told me she did not have enough money to hire any staff. We were going to run this campaign out of her office.

MR. GRECO:

Were those her exact words as best you can remember?

MS. NORMINGTON:

Yes.

MR. GRECO:

Is that the phrase that you placed in your statement that was given to the Assembly?

MS. NORMINGTON:

Yes.

MR. GRECO:

At some point, did you begin to voice objections to having to do campaign-related tasks on state time?

MS. NORMINGTON:

No, I did not.

MR. GRECO:

At any time, did you object to sending out e-mails on behalf of Controller Augustine you thought were campaign or election related?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Can you describe that for the Senators?

MS. NORMINGTON:

As the campaign was getting underway, Controller Augustine wanted e-mail reminders of her upcoming fundraisers sent out to those e-mail addresses I had in the database we used to create the invitation lists for her fundraisers.

MR. GRECO:

Were you hesitant at all to do that?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you express that hesitation or reservation to Controller Augustine?

MS. NORMINGTON:

Yes, I did.

MR. GENTILE:

I have an objection in respect to lack of foundation, at least with respect to time, place, and who was present.

SENATOR AMODEI:

Mr. Greco, do you want to incorporate that into your questioning?

MR. GRECO:

I was going to respond to the last part of that, that it goes to the weight not to admissibility even if the code was applicable. I will try to incorporate it to keep things moving.

SENATOR AMODEI:

Thank you.

MR. GRECO:

Can you be more specific about the timeframe of this event, the e-mail, and when you expressed this reservation? The month or what part of the year would be fine.

MS. NORMINGTON:

I believe it was in the summer.

MR. GRECO:

Would that be the year, 2002?

MS. NORMINGTON:

Yes, the summer of 2002.

MR. GRECO:

How did you express your reservation to Controller Augustine?

MS. NORMINGTON:

I went to Controller Augustine and said, "Do you really think this is a good idea if I send out e-mail reminders because it is going to have my e-mail address from the State Controller's Office? I do not think it will look right."

MR. GRECO:

Was this occurring during normal business hours?

MS. NORMINGTON:

Yes.

MR. GRECO:

What was Controller Augustine response?

MS. NORMINGTON:

Her first response was, "Are you refusing to do something I have asked you to do"?

MR. GRECO:

Did you attempt to defuse the situation?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

What did you respond?

MS. NORMINGTON:

I told her I was just expressing a concern about how it would look.

MR. GRECO:

What, ultimately, happened?

MS. NORMINGTON:

She thought about it for a while, and she agreed that it may not look right and asked me to provide all the information to her daughter who would then send out the e-mail reminders.

MR. GRECO:

You mentioned earlier, when you went over general campaign tasks, that you had given campaign speeches. When Controller Augustine had you give campaign-related speeches, were you ever asked to take any items with you to those speeches?

MS. NORMINGTON:

Yes.

MR. GRECO:

What did Controller Augustine ask you to do in that regard?

MS. NORMINGTON:

She asked me to be sure that I had campaign contribution envelopes, and I had copies of the Controller's Office Popular Report.

MR. GRECO:

Did you pass those items out at campaign speeches?

MS. NORMINGTON:

Typically, when I went to these functions, there was a table set up, and any candidate in attendance could put out their campaign information. That is where I would set out the Popular Reports with her contribution envelopes either directly above or below it.

MR. GRECO:

Did Controller Augustine have a large supply of the Popular Report?

MS. NORMINGTON:

Yes, she did.

MR. GRECO:

I will bring your attention specifically to June, 2002. Do you remember an issue arising with Judy Hetherington?

MS. NORMINGTON:

Yes.

MR. GRECO:

Who is Ms. Hetherington?

MS. NORMINGTON:

Ms. Hetherington works in the Controller's Las Vegas office.

MR. GRECO:

Can you describe the details of that problem for the Senators? What problem arose?

MS. NORMINGTON:

It is my understanding ...

MR. GRECO:

It is your understanding from what Controller Augustine told you?

MS. NORMINGTON:

Controller Augustine told me some of it, and Ms. Hetherington told me some of it.

MR. GRECO:

Tell the Senators what Controller Augustine told you.

MS. NORMINGTON:

Controller Augustine told me that Ms. Hetherington was no longer going to be working on campaign things during state time only before work, on her lunch and after work.

MR. GRECO:

Did you see with your own eyes an e-mail correspondence between Ms. Hetherington and Controller Augustine?

MS. NORMINGTON:

No, not that I recall.

MR. GRECO:

We are still in summer, 2002. Can you recall whether any problems or confrontations occurred between Controller Augustine and Mr. Wells?

MS. NORMINGTON:

Yes.

MR. GRECO:

Can you narrow it down further? Do you remember what month in the summer of 2002 this occurred?

MS. NORMINGTON:

I believe it was in August.

MR. GRECO:

You are not entirely certain.

MS. NORMINGTON:

It was either July or August.

MR. GRECO:

What was the nature of the problem?

MS. NORMINGTON:

It had to do with August filing reports for the Secretary of State.

MR. GRECO:

Filing reports of what, contributions?

MS. NORMINGTON:

Yes, they were campaign-contribution reports that were do to be filed in the Secretary of State's Office in August.

MR. GRECO:

As a result of this problem, did the Controller Augustine become angered in your presence?

MS. NORMINGTON:

Yes.

MR. GRECO:

Was that in front of you?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you remember that very well?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Please tell the Senators exactly what happened.

MR. GENTILE:

Mr. Chair, may I have a predicate in terms of anyone else who was present, when and where this took place.

MR. GRECO:

In response, they will have the chance to cross-examine, and that is the purpose of cross-examination.

SENATOR AMODEI:

It is easier if you just ask if anyone else was there rather than me dealing with objections of this nature.

MR. GRECO:

I will, Mr. Chair.

SENATOR AMODEI:

Thank you.

MR. GRECO:

Was anyone else there?

MS. NORMINGTON:

No.

MR. GRECO:

Please tell the Senators exactly what happened.

MS. NORMINGTON:

We were standing in Controller Augustine's office in front of her conference table, and I believe, she was looking at invitations for an upcoming fundraiser. She told me Mr. Wells had told her he was not going to help her file reports, and she was shaking her head and kind of throwing whatever was on the table in different places. She was trying to organize it. She said Jim is out of the circle. You, Judy, Jeannine and Sherry are in the circle. I wish I could fire him now, but I have to wait until after the election; otherwise, it will look like retaliation.

MR. GRECO:

Who was Jeannine?

MS. NORMINGTON:

It was Jeannine Coward.

MR. GRECO:

Who was Sherry?

MS. NORMINGTON:

It was Sherry Valdez.

MR. GRECO:

Who was Judy?

MS. NORMINGTON:

It was Judy Hetherington.

MR. GRECO:

Did you also witness any incidents where Controller Augustine did campaign-related events during normal working hours?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Please, generally, describe the types of things that were campaign related during normal business hours. I am asking for types or categories of things.

MS. NORMINGTON:

Reviewing campaign contribution reports from other elected officials as well as her opponent. She placed telephone calls to contributors soliciting contributions.

MR. GRECO:

Did you actually see or hear those things?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Can you remember any specific events?

MS. NORMINGTON:

Yes, at one point in time, she had either the Treasurer's Contribution Report or her main opponent's, and she was looking down at the page comparing how much money one contributor had given to one and how much they had given to her.

MR. GRECO:

When she did that, did she make any statements to you?

MS. NORMINGTON:

Yes, she told me she needed to make certain she won this election because it would buy her four more years.

MR. GRECO:

Can you remember, approximately, when that statement was made? A month would be fine.

MS. NORMINGTON:

It was right before the primary election.

MR. GRECO:

Did you finish your answer when I asked you that last question?

MS. NORMINGTON:

No, I had not.

MR. GRECO:

Did she make an additional statement?

MS. NORMINGTON:

Yes, she did.

MR. GRECO:

What was it?

MS. NORMINGTON:

She said she needed to buy herself four more years so she could set up her run for Congress. She said her place was in Washington, D.C., because she was too good for this hick little state.

MR. GENTILE:

Can we have a predicate that someone was there, please?

MR. GRECO:

Was anyone else there?

MS. NORMINGTON:

No. She was sitting at her desk when she said it. I was standing to her left. No one else was in the office.

MR. GRECO:

Were any campaign-related commercials ever filmed in the Controller's Office?

MS. NORMINGTON:

One was, yes.

MR. GRECO:

Can you recall when that was?

MS. NORMINGTON:

It was late summer.

MR. GRECO:

Of 2002?

MS. NORMINGTON:

Yes, it was late summer, 2002. It was after the primary.

MR. GRECO:

Was that during normal business hours or on the weekend?

MS. NORMINGTON:

It was during normal business hours.

MR. GRECO:

Did you assist her in arranging the personnel to film that commercial, or did she do that on her own?

MS. NORMINGTON:

I made a telephone call to Frank Roberson, who at the time was the political director for the State Republican Party. She made a phone call to Connie Swanson, who is a former employee from the Controller's Office and a friend of hers. I do not remember who told Ms. Coward she had to be over there as well.

MR. GRECO:

Were you present when the film crew showed up?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did any of the employees actually take part in the commercial?

MS. NORMINGTON:

Myself and Ms. Coward took part.

MR. GRECO:

Who asked you to do that?

MS. NORMINGTON:

Controller Augustine asked us.

MR. GRECO:

Describe the commercial. What were you asked to do in this acting assignment?

MS. NORMINGTON:

We were sitting at the conference table in her office pretending we were in a meeting with her.

MR. GRECO:

When the cameras were running was your face or your back towards the camera?

MS. NORMINGTON:

My back was toward the camera.

MR. GRECO:

Why was that?

MS. NORMINGTON:

Ms. Coward asked Robin Joyce, who was in charge of the filming of the commercial, if it was appropriate that two of her employees were in the commercial. Mr. Joyce and Controller Augustine told her to make certain our backs were to the camera so no one could recognize us.

MR. GRECO:

In the calendar year of 2002, did the number and frequency of the campaign assignments increase as the general election neared?

MS. NORMINGTON:

Yes, they did.

MR. GRECO:

During what period of the year, would you say you did the most intense campaign-related activities, intense in terms of number?

MS. NORMINGTON:

It would be right before the primary election until the general election.

MR. GRECO:

Can you recall when the primary was in 2002?

MS. NORMINGTON:

I think it was in June or July.

MR. GRECO:

From a little while before the primary until the general election is when these things reached their peak. Would that be a fair statement?

MS. NORMINGTON:

Yes.

MR. GRECO:

In the last four weeks before the general election, can you estimate for us, in terms of hours or percentages, how much of your time during office hours was spent on campaign-related activities for Controller Augustine?

MS. NORMINGTON:

In the last four weeks, prior to the general election, almost 100 percent of my time was spent on campaign-related functions.

MR. GRECO:

In front of you, there are a number of blue binders with exhibit tabs. We are going to go over a series of exhibits. In blue Binder No. 1, go to Exhibit P-6. Flip through it, and skim it. Do you recognize that lengthy document?

MR. GENTILE:

What is the page?

MR. GRECO:

It is Exhibit P-6, the first date-stamped page is 116 and last date-stamped page is 173. That is a single document.

MS. NORMINGTON:

I recognize both documents.

MR. GRECO:

Start with the item beginning with 111 labeled, "Running Total of Contributions." What is that?

MS. NORMINGTON:

It is the list Controller Augustine asked to have constantly updated with the running totals of her contributions.

MR. GRECO:

Do you recognize any of the entries as those you entered?

MS. NORMINGTON:

Yes.

MR. GRECO:

Can you give us some examples? While you do that, give us the date-stamp page number on the bottom right of the page.

MS. NORMINGTON:

On page 111, Sally Miller. On page 112, Barbara Vucanovich, Jerry Bing, Lela Rude; on 116, Audrey Rich; on page 118, Gibbons for Congress, Ostroski and Associates, Nevada Republican Party, Mary Purdue and Venetian Casino Resort.

MR. GRECO:

Let us go to page 133 to get a sampling. Do you recognize any of these entries?

MS. NORMINGTON:

Yes.

MR. GRECO:

Which names do you recognize?

MS. NORMINGTON:

I recognize Ronald and Catherine Knecht on page 133.

MR. GRECO:

I want to be specific at this point. I have been asking about names that you recognize. Starting with page 133, do you see the date entries for the items?

MS. NORMINGTON:

Yes.

MR. GRECO:

In addition to recognizing names, do you believe that you actually entered the transactions reflected from page 133 forward?

MS. NORMINGTON:

Yes.

MR. GRECO:

Give us examples of entries you believe you personally entered.

MS. NORMINGTON:

On page 133, I recognize Double Diamond Town Center, LLC; and Susan Kennedy. On page 134, I recognize the Wish List. On page 136, Employers Insurance Company of NV. On

page 137, I recognize Silver State Taxi Associates and Mary Decker. On page 139, I recognize Cox Communication, Inc., and Kim Becker Riggs. Do you want me to keep going?

MR. GRECO:

That is a fair sample. For the 2002 calendar year, from January to the general election in November, were you the only one who was entering data into this document?

MS. NORMINGTON:

Yes.

MR. GRECO:

Is it your belief that you generated all the entries from January, 2002, until the general election?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you recognize every entry for the 2002 calendar year?

MS. NORMINGTON:

I do not recognize every entry.

MR. GRECO:

Is there a second document in Exhibit P-6?

MS. NORMINGTON:

Yes, there is.

MR. GRECO:

Where does the second document start?

MS. NORMINGTON:

It starts on page 153.

MR. GRECO:

What is that document?

MS. NORMINGTON:

These are reports that went to the Secretary of State for report period two.

MR. GRECO:

Report period two of what calendar year?

MS. NORMINGTON:

It was for the year, 2002.

MR. GRECO:

Were you the one responsible for generating the data in this document?

MS. NORMINGTON:

Yes.

MR. GRECO:

Flip through the pages and tell us those names you recognize. Tell us the date-stamped page number and the name you believe you recognize.

MS. NORMINGTON:

On page 153, I recognize Stewart Richardson, Kim Becker Riggs, MRC Group, Greene Valley Republican Women's Club. On page 154, I recognize Bobby and Dale Lazzarone, Video Pros, and Kathleen and Ron Stevens.

MR. GRECO:

What month and year did you start working in the Controller's Office?

MS. NORMINGTON:

I started in October of 2001.

MR. GRECO:

Going back to some of the first pages you identified at 112 forward, you mentioned you recognize some of the names, for instance, Barbara Vucanovich.

MS. NORMINGTON:

Yes.

MR. GRECO:

See page 112; do you recognize that name?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you see the two entry dates there?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you see the first entry date, February 18, 2000? Would you have been the one who actually filled in that data?

MS. NORMINGTON:

No.

MR. GRECO:

However, you recognized the name as someone for whom you filled in data?

MS. NORMINGTON:

Correct. I entered the information for the second date.

MR. GRECO:

Do you know who started this document?

MS. NORMINGTON:

I believe it was Susan Kennedy.

MR. GRECO:

Look at Exhibit P-7. It starts at date-stamp page 174. Tell us whether you recognize the document or documents.

MS. NORMINGTON:

I do recognize the documents. I see there is more than one.

MR. GRECO:

What are they?

MS. NORMINGTON:

The first one is a report that went to the Secretary of State's Office for contributions over \$10,000. The title of the document is, "Report of Campaign Contributions over \$10,000 Contribution Form."

MR. GRECO:

That is the title at the top of the form.

MS. NORMINGTON:

Yes. This specific one is for contributions of \$100 or less.

MR. GRECO:

Let us start with date-stamp page 179 starting with the second half of the page after you were employed at the Controller's Office. Do you see the dates there?

MS. NORMINGTON:

Yes.

MR. GRECO:

From that point forward, do you recognize any of the entries?

MS. NORMINGTON:

Yes.

MR. GRECO:

Tell us the date-stamp page first and the entry you recognize as having entered.

MS. NORMINGTON:

On page 179, Michael Schneider, owner of the Serious Look; World Curio and Republican Women of Reno.

MR. GRECO:

When the document jumps from pages 179 to 181, it changes its look similar to what we saw earlier. Do you see at page 181 forward?

MS. NORMINGTON:

Is that a separate document?

MR. GRECO:

Is that a separate document from the pages you were just looking at?

MS. NORMINGTON:

Yes, it is.

MR. GRECO:

What is this document?

MS. NORMINGTON:

This is another draft of the Controller's running total of contributions.

MR. GRECO:

Do you see the dates running down the middle of the page?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do some of the entries have more than one entry?

MS. NORMINGTON:

Yes, they do.

MR. GRECO:

If there was an entry in 2000, it would not have been entered by you.

MS. NORMINGTON:

Correct.

MR. GRECO:

I would like you to look through the exhibit and tell me if you recognize any of those and believe you entered them into the report.

MS. NORMINGTON:

On page 181, Sally Miller, the second entry. On page 182, Barbara Vucanovich, Jerry Bing, second entry; Lela Rude, the third entry. On page 183, Jane Mayfield, second and third entries. On page 184, Jackie Lowrey the third entry. On page 187, Gibbons for Congress, the second entry; the Nevada Republican Party, the second, third and fourth entries; Venetian Casino Resort, third, fourth and fifth entries.

MR. GRECO:

Do you believe you are personally responsible for all the entries in these documents from the time you first took over this duty until you left?

MS. NORMINGTON:

Yes.

MR. GRECO:

It was the administrative assistant's responsibility.

MS. NORMINGTON:

Yes.

MR. GRECO:

Did Controller Augustine ask you to do those entries?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do those entries during normal business hours?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do this on your state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Let us look at Exhibit P-8. The substance commences at page 264. Look through that document through the end of the exhibit. Do you recognize that document or documents?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

What is the document?

MS. NORMINGTON:

The bulk of it is a list of lobbyists.

MR. GRECO:

Was the list of lobbyists started before you became employed?

MS. NORMINGTON:

No.

MR. GRECO:

Were you the one who started this list? Do you know why before each exhibit that actually contains substantive information why there is always a blank paper with a small label on the bottom on the right side? Look at page 263. Do you have any knowledge of that page and its generation?

MS. NORMINGTON:

I believe it was from the forensic studies done by the Attorney General's Office.

MR. GRECO:

You did not personally generate that; correct?

MS. NORMINGTON:

That is correct.

MR. GRECO:

For this document, we will use the same procedure we utilized earlier. Look at the items and see if you see the entries you recognize as those you entered. State the date-stamped page number and the entries you recognize.

MS. NORMINGTON:

On page 264, Andy Aboud and Chris Bart, I recognize all of them.

MR. GRECO:

Do you feel you were responsible for entering all this data?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do it on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do it on your state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Please find Exhibit P-9 in your binder. Look through those pages. Do you recognize some or all of those documents?

MS. NORMINGTON:

I recognize all of them.

MR. GRECO:

What are they?

MS. NORMINGTON:

These are donors' statements I designed for the Controller to give to people who either had hosted a fundraiser for her or gave an in-kind contribution.

MR. GRECO:

Who entered the data in terms of the donor's name and other information?

MS. NORMINGTON:

I did.

MR. GRECO:

Did you do that on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do it on you office computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Look at Exhibit P-10. Look through that exhibit. The dates on many of these are in 2000 and 2001. Look at page 312. Do you see that page?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you recognize any of the three entries on that page?

MS. NORMINGTON:

Yes.

MR. GRECO:

Are you the one who entered the data in this report at least as to this page?

MS. NORMINGTON:

I entered the data for everything. This is one of the Secretary of State forms.

MR. GRECO:

Going back to the date of contributions, did Controller Augustine give you a pile of checks or check receipts? Why are you the one entering the data?

MS. NORMINGTON:

I got the data from the running total that Controller Augustine had of her contributions as forms came due to be submitted to the Secretary of State. Each one of those forms had different filing periods. Some of them predated my employment. I had to have the information on the Secretary of State form that was required for that reporting period.

MR. GRECO:

The contributions occurred before your employment, but the reporting occurred after you assumed employment; is that correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

Please give us the page number and then the item.

MS. NORMINGTON:

On page 306, Madelyn Chiappero, Earline Forsythe, Gibbons for Congress, Nevada Republican Party, Ostrofski and Associates, Kasey Peterson, Passion for Pearls. On page 308, Rutgers University (Good Housekeeping), Venetian Casino Resort, Jones Vargas and Caroline H. Rapking.

MR. GRECO:

Did you make those entries on a state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:
During normal office hours.

MS. NORMINGTON:
Yes.

MR. GRECO:
Take a few moments to look through Exhibit P-11.

MS. NORMINGTON:
Okay.

MR. GRECO:
Do you recognize the documents in that exhibit?

MS. NORMINGTON:
Yes, I do.

MR. GRECO:
What are they?

MS. NORMINGTON:
They are cover sheets that went with each of the four filings for the Secretary of State's Office. The first one is date-stamp 313, report due January 15, 2002; the next is date-stamp 314, report due August 27, 2002; date-stamp 318, report due October 29, 2002, and date-stamp 316, report due January 15, 2003.

MR. GRECO:
Who entered the data in those reports?

MS. NORMINGTON:
The Controller filled out the information on a blank form, and I typed it into the computer. She filled out the totals.

MR. GRECO:
Did you do this during normal office hours?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do this on your state computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
What is page 317?

MS. NORMINGTON:
The Controller signed an acknowledgement form for submission to the Secretary of State.

MR. GRECO:
What are pages 318 and 319?

MS. NORMINGTON:
They are unspent contributions.

MR. GRECO:
Who prepared this report?

MS. NORMINGTON:
I did.

MR. GRECO:
Did you do this on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do this on your computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
What is page 320?

MS. NORMINGTON:
Page 320 is in-kind contributions in excess of \$100.

MR. GRECO:
Who prepared that document?

MS. NORMINGTON:
I did.

MR. GRECO:
Did you do this on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do this on your office computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
What is page 321?

MS. NORMINGTON:
It is the breakdown. Another cover sheet went with the report to the Secretary of State,
January 15, 2003.

MR. GRECO:
Who prepared the data in that report?

MS. NORMINGTON:
I would put in preliminary numbers, but the Controller would make corrections if needed. I
would then reinput the data.

MR. GRECO:
To save time for all the remaining items in this exhibit, did you enter the data for all the
remaining items on your state computer?

MS. NORMINGTON:
Yes, I did.

MR. GRECO:

Let us move to Exhibit P-12. Look through that exhibit. Do you recognize the pages in that exhibit?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Did you participate in filling in the data on some of these pages?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

In terms of the pages or individual reports that you entered data into, give the Senators a brief description of what it is and what data you entered.

MS. NORMINGTON:

Date-stamp 331 is a questionnaire put out by the Asian American Political Action Committee. The Controller hand wrote the answers to these questions, and I typed them in. They are formatted on a letterhead I had designed to match her existing campaign literature.

MR. GRECO:

Do you recognize the document starting at page 333 that reads Candidate's Platform?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Did you have any involvement in that document?

MS. NORMINGTON:

Yes, I wrote it.

MR. GRECO:

Did you write the entire document?

MS. NORMINGTON:

Yes.

MR. GRECO:

As to all the items we are going to be talking about in this exhibit in terms of the work you did, did you do them on state time and on your state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Starting on page 337, did you draft that document?

MS. NORMINGTON:

Yes, I did. That was for Controller Augustine to deliver herself.

MR. GRECO:

You were drafting all of these documents; correct?

MS. NORMINGTON:

I did the initial draft and made any changes Controller Augustine wanted.

MR. GRECO:

Did you do the draft of the document on pages 341 to 342, Ely Times Candidate Forum?

MS. NORMINGTON:

Yes, by this time in the campaign, after the primary, when they were comparing the candidates, we had documents of this nature already drafted. All I had to do is put in the title. Usually, they answered most of the questions.

MR. GRECO:

There are many candidates' platforms, did you draft or take part in drafting them?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Did you do something in regard to the Reno Gazette-Journal Candidate Survey starting on page 344?

MS. NORMINGTON:

Yes, I combined the Controller's resume with the answers to the questions that were at the end.

MR. GRECO:

Did you participate in drafting these endorsements starting with page 351 and ending with page 353?

MS. NORMINGTON:

Yes.

MR. GRECO:

Look at pages 370 and 378. Do you recognize those two letters on State Controller letterhead?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

What is page 370?

MS. NORMINGTON:

Page 370 is a facsimile to Tessie who is the owner of Tristan of Beverly Hills jewelry store.

MR. GRECO:

What is the letter asking?

MS. NORMINGTON:

It is a sample invitation for her review and lets her know I am updating the invitation list and the label format and asking what format she wants.

MR. GRECO:

Did you draft this document?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

To what company was that sent?

MS. NORMINGTON:

It was sent to Tristan of Beverly Hills located in the Parklane Mall in Reno.

MR. GRECO:

Was this letter drafted on Controller Augustine's personal campaign letterhead or the office's normal letterhead?

MS. NORMINGTON:

It is on the State Controller letterhead.

MR. GRECO:

Look at page 378. Did you draft that document?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

To whom was that letter written?

MS. NORMINGTON:

It was written to the Boulder City Republican Women.

MR. GRECO:

What is the letter asking?

MS. NORMINGTON:

It is a regret letter. There was a snowstorm in Reno, and the Controller was unable to fly to Las Vegas to speak to their group. It is a letter, I believe I faxed to them saying she was very sorry she was unable to attend their luncheon and thanked them for letting her participate in their parade of candidates.

MR. GRECO:

What is the name of the group that letter was sent to?

MS. NORMINGTON:

It was sent to the Boulder City Republican Women.

MR. GRECO:

Was that letter drafted on Controller Augustine's personal campaign letterhead or on the office letterhead?

MS. NORMINGTON:

It was drafted on the office letterhead.

MR. GRECO:

Were all the documents in Exhibit P-12 drafted on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Were they drafted on your office computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Look through the pages of Exhibit P-13. What are these documents?

MS. NORMINGTON:

The majority of them are faxes. They are fax coversheets sent, and there are two letters.

MR. GRECO:

Did you draft these items?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Did you do it on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do it on your computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
I noticed that page 386 is on plain paper.

MS. NORMINGTON:
Yes.

MR. GRECO:
Would that be on office plain paper or Controller Augustine's personal plain paper that this item is printed?

MS. NORMINGTON:
This is a draft item that was printed on the paper supplied to the Controller's Office to be printed on letterhead later.

MR. GRECO:
The same question for page 387, was that the office's paper it was printed on?

MS. NORMINGTON:
Correct.

MR. GRECO:
Look through the pages of Exhibit P-14. Let me know when you are finished.

MS. NORMINGTON:
Okay.

MR. GRECO:
Exhibit P-14 is the "Nevada Nurses' Campaign" packet. Can you describe what that is? I will ask the same questions as before. Tell the Senators whether you participated in drafting some of those items, and if so, was that on your state computer?

MS. NORMINGTON:
I participated in drafting all of these items, and they were done on my state computer. Pages 389, 391 and 393 were letters asking for endorsement. They were groups in which Neena Laxalt was a member. She asked Controller Augustine to draft a letter letting the groups know she was seeking reelection and looking for their endorsement.

MR. GRECO:
These are also on plain paper. Were these drafts printed on office plain paper?

MS. NORMINGTON:
The draft was printed on office plain paper.

MR. GRECO:
These are drafts because there is no letterhead on the top; correct?

MS. NORMINGTON:
Correct.

MR. GRECO:
Did you use office paper to print these out for Controller Augustine's review?

MS. NORMINGTON:
Yes.

MR. GRECO:
If she approved them, you would send out completed draft on some letterhead?

MS. NORMINGTON:
Correct.

MR. GRECO:
Since these are coming off the computer, they are not signed?

MS. NORMINGTON:
Correct.

MR. GRECO:
The reason is they are drafts?

MS. NORMINGTON:
Yes.

MR. GRECO:
There are some other types of items. What is from page 395 forward?

MS. NORMINGTON:
Pages 395 and 397 are templates for silent auction donations. I created these for the Controller to use starting at the jewelry show. The event was held at the Parklane Mall in December of 2001. They were used if a silent auction was employed at any of her fundraisers.

MR. GRECO:
What is page 406?

MS. NORMINGTON:
A candidate platform was submitted to *End of the Line Publications*.

MR. GRECO:
Did you draft it?

MS. NORMINGTON:
Yes.

SENATOR AMODEI:
We are approaching three times the time limit for witnesses. I understand the importance of this witness, but I will ask as to what extent you wish her to acknowledge these, already, admitted exhibits. If this is the bulk of what you are trying to do, then, maybe, you could speed things up.

MR. GRECO:
I will, Mr. Chair. Ms. Normington look at Exhibit P-16.

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you draft all of those documents?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do it on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do it on state computers?

MS. NORMINGTON:

Yes.

MR. GRECO:

Let us move on to Exhibit P-17 labeled, envelope and addresses. What are those?

MS. NORMINGTON:

They are the envelopes that correspond to the previous letters.

MR. GRECO:

They are the addresses that would be placed on the envelope once Controller Augustine approved the letter.

MS. NORMINGTON:

Correct.

MR. GRECO:

Would this include many of the letters you referred to in your previous testimony?

MS. NORMINGTON:

I believe these are all for the letters that are in the prior exhibit.

MR. GRECO:

Did you type that information on your state computer?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Did you do it on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Look at Exhibit P-18. What are they?

MS. NORMINGTON:

The first part is event sheets I designed for Controller Augustine so she knew the date, time, location, directions and contact people whenever she had to go out of the office.

MR. GRECO:

Did that include campaign-related events?

MS. NORMINGTON:

Yes.

MR. GRECO:

What are the other documents in the exhibit?

MS. NORMINGTON:

Date-stamp 533 is a sample of the air travel sheet for Controller Augustine. Date-stamps 534 and 535 is a calendar of Lincoln Day events that was e-mailed to me from Judy Cox.

MR. GRECO:

Did you generate all the items in Exhibit P-18?

MS. NORMINGTON:

I did not generate the calendar of the Lincoln Day events. I just saved them from an e-mail.

MR. GRECO:

Did you generate the other items?

MS. NORMINGTON:

The other items, yes.

MR. GRECO:

Did you do it on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do it on your computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

As we go through the exhibits, if there are any not drafted by you, let me know.

MS. NORMINGTON:

I will.

MR. GRECO:

Moving on to Exhibit P-19, labeled June 9, it is a fundraiser invite list. Do you recognize that exhibit?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Please tell the Senators what that is.

MS. NORMINGTON:

It is an invitation list for the fundraiser Ron Knecht and his wife held for the Controller on June 9, 2002.

MR. GRECO:

Does the associated paperwork starting at page 562 forward pertain to the same event?

MS. NORMINGTON:

Yes, it does. Let me go through the final pages. The final pages pertain to this event and others. It is not exclusive.

MR. GRECO:

Did you type the data in these various items yourself?

MS. NORMINGTON:

I typed them all except date-stamp 564 which I edited.

MR. GRECO:

Did you do that on state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

Did you do that on your state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Was this at Controller Augustine direction?

MS. NORMINGTON:

Yes.

MR. GRECO:

All the exhibits we reviewed, where you testified you worked on them on your state computer on state time, were worked on at Controller Augustine's direction?

MS. NORMINGTON:

Some of the formatting of forms I did on my own. I designed the event sheet on my own. Any of the campaign letterhead we looked at previously was not preprinted. I did it because we should not be sending faxes on State Controller letterhead. I created a fax cover sheet and fake letterhead to generate when we needed it.

MR. GRECO:

Look at Exhibit P-20. Did you enter the data on those sheets?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

What are those?

MS. NORMINGTON:

It is an invitation list to a fundraiser Bobbie and Dale Lazzarone hosted for Controller Augustine.

MR. GRECO:

Did you do that on state time?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Did you do it on your office computer?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Let us move on to Exhibit P-21 titled, "Jewelry Show Mailing List." What is that?

MS. NORMINGTON:

It is the mailing list we used for the jewelry show at Tristan of Beverly Hills.

MR. GRECO:

Is it the event you referred to in that draft letter?

MS. NORMINGTON:

Correct.

MR. GRECO:

Did you enter some of the data in this exhibit?

MS. NORMINGTON:

I entered some of it. I mainly edited it. It was started from a previous mailing list.

MR. GRECO:
Was that done on state time?

MS. NORMINGTON:
The editing I did, yes.

MR. GRECO:
I am only asking you about your personal involvement. Did you do it on your state computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
Look at Exhibit P-22. What is that document?

MS. NORMINGTON:
It is an invitation list for an August 6 event held at the Town Center Lounge. I believe it is in Las Vegas. The format is slightly different. It is not just a straight invitation list. The Controller used this format to mark off and for me to keep track of how many people were attending the event and what their contribution was.

MR. GRECO:
Do you see some additional fundraiser lists behind the original, or is this all one list?

MS. NORMINGTON:
The list itself is all one list.

MR. GRECO:
Did you enter some of the data in that list?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you use your state computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do this on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
Let us move on to Exhibit P-23 titled, "August 20 Fundraiser and Invite List." Do you recognize the pages in that exhibit?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do it on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do this on your state computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
Look at Exhibit P-24 labeled, "Greenawalt Attendee List." There are several types of documents in this exhibit. What are they?

MS. NORMINGTON:
The date-stamp 806 is the RSVP list from the Greenawalt fundraiser. The date-stamp 808 is a fax I sent to Greenawalt from the office.

MR. GRECO:
Is that about an invitation list for a fundraising event?

MS. NORMINGTON:
Yes, it is.

MR. GRECO:
Is that document on Controller Augustine's personal campaign letterhead or state office letterhead?

MS. NORMINGTON:
It is on state office letterhead.

MR. GRECO:
Quickly, tell us what these other documents are.

MS. NORMINGTON:
The date-stamp 810 is the invitation to the fundraiser. The date-stamp 812 is the invitation list that has phone numbers and addresses.

MR. GRECO:
Did you enter the data in some of these items?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do it on your office computer?

MS. NORMINGTON:
Yes.

MR. GRECO:
Did you do it on state time?

MS. NORMINGTON:
Yes.

MR. GRECO:
We will move on to Exhibit P-25. What are those documents, and tell the Senators whether or not you participated in drafting some or all of them and whether that was on state time and on your state computer.

MS. NORMINGTON:
I recognize everything in Exhibit P-25.

MR. GRECO:
What is that?

MS. NORMINGTON:

Date-stamps 847 to 858 is one of the databases used to compile the various invitation lists.
Date-stamps 860 through 910 are various fundraisers.

MR. GRECO:

Did you draft some or all of those items.

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Which is it? Some or all?

MS. NORMINGTON:

I drafted all of them.

MR. GRECO:

On state time?

MS. NORMINGTON:

Yes.

MR. GRECO:

On state computers?

MS. NORMINGTON:

Yes.

MR. GRECO:

Let us move on to Exhibit P-26 titled, "RWR Membership List."

MS. NORMINGTON:

I recognize all of the documents in Exhibit P-26.

MR. GRECO:

Same questions as before.

MS. NORMINGTON:

Date-stamps 912 through 968 is part of the database used primarily with Republican women's groups, but there are also various companies in there as well. That was part of the database used to compile the various mailing and invitation lists to fundraisers. Date-stamps 970 through 1029 is an invitation list.

MR. GRECO:

Did you draft part or all of those documents?

MS. NORMINGTON:

I drafted all of these on state time on my state computer.

MR. GRECO:

On Exhibit P-27 labeled, "Alpha List," flip through that 45-page exhibit.

MS. NORMINGTON:

I recognize all the documents in Exhibit P-27. They were e-mailed to me from a friend of Controller Augustine. I do not remember if they were a list from Junior League of Las Vegas or if it was another organization she was affiliated with, but the lists were e-mailed to me in a PDF format that I saved on my state computer.

MR. GRECO:

What was the purpose of the list?

MS. NORMINGTON:

It was for me to take all of these names and transfer them to the database for her invitations.

MR. GRECO:

Did you do that on state time?

MS. NORMINGTON:

That I did do on state time.

MR. GRECO:

On your state computer?

MS. NORMINGTON:

Yes.

MR. GRECO:

At Controller Augustine's direction?

MS. NORMINGTON:

Correct.

MR. GRECO:

Next, Exhibit P-28, "Mailing Labels, August 20 Fundraiser," flip through that 19-page exhibit.

MS. NORMINGTON:

I recognize this.

MR. GRECO:

What is it?

MS. NORMINGTON:

They are mailing labels sent out for the August 20 fundraiser she had. I would print them on blank sheets of paper and give them to Controller Augustine to proofread. She was familiar with many more of the people, and it helped avoid unfortunate situations such as my mailing an invitation to a deceased person.

MR. GRECO:

Same questions as before.

MS. NORMINGTON:

This was all done on my state computer on state time at the Controller's request.

MR. GRECO:

Next, Exhibit P-29, "Mailing Labels for October 9 Fundraiser," flip through that 19-page exhibit.

MS. NORMINGTON:

I do recognize them. They are drafts of mailing labels I would have printed out for the Controller to proofread for a fundraising event in Northern Nevada.

MR. GRECO:

Same questions as before.

MS. NORMINGTON:

I drafted these on state time on my state computer at the Controller's request.

MR. GRECO:

What is the exhibit number in front of you?

MS. NORMINGTON:

Exhibit P-30.

MR. GRECO:

Same procedure. Flip through that 56-page exhibit.

MS. NORMINGTON:

This is for the June 9 fundraiser Ron Knecht hosted for the Controller from date-stamps 1115 to 1141. It appears 1143 to 1168 is duplication.

MR. GRECO:

Same questions as with the previous exhibit.

MS. NORMINGTON:

I did format these on my state computer on state time at the Controller's request.

MR. GRECO:

What is the next exhibit number?

MS. NORMINGTON:

Exhibit P-31.

MR. GRECO:

Let us skip that one. What I want to do now is to jump to the last exhibit you can authenticate. Exhibit P-38, do you recognize that document?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

What is that?

MS. NORMINGTON:

It is the final invitation to the fundraiser Mr. and Mrs. Knecht hosted for the Controller, June 9, 2002.

MR. GRECO:

Did you take part in drafting or creating this exhibit?

MS. NORMINGTON:

Mrs. Coward created the first draft. I made all the subsequent changes on the invitation itself. What you also have here is a photocopy of the RSVP card and a photocopy of the outside envelope. That was the return of the RSVP card that I did format.

MR. GRECO:

Did you do that on state time?

MS. NORMINGTON:

I did it on state time on my state computer at the Controller's request.

MR. GRECO:

As to all of the exhibits that you have testified about at great length this afternoon, were all those done at the direction of Kathy Augustine, Controller of the State of Nevada?

MS. NORMINGTON:

All of those were done at the direction of Controller Augustine with the exception of formatting the informal campaign letterhead and fax cover sheets. I took the initiative on that because it suddenly dawned on me we should not be sending out campaign information on letterhead that was from the State Controller's Office.

MR. GRECO:

When did you actually start working in the office?

MS. NORMINGTON:

October, 2001.

MR. GRECO:

Were all the exhibits you testified about this afternoon, in terms of the ones you actually drafted, drafted by you between October, 2001, and January, 2003?

MS. NORMINGTON:

Yes.

MR. GRECO:

At some point did you copy over the computer files we have been looking at in a printed format onto some type of computer disk or other storage medium?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

Please explain why.

MS. NORMINGTON:

The Assistant Controller, Jeannine Coward, came to me. She was turning in her letter of resignation. After she resigned, she was going to speak to Attorney General Brian Sandoval to let him know about the things going on in the Controller's Office. She asked me if I wanted to provide anything. She was going over there on January 30 or 31. I worked through my last day of employment. I told her I have all of the campaign information on the computer. She said, "I know you do." I told her I would like the Attorney General to look at it and to make a decision. I told her, "I think it is wrong, but I do not know. Whatever he decides is fine with me."

MR. GRECO:

That is fine. You answered my question. Ms. Coward approached you?

MS. NORMINGTON:

Correct.

MR. GRECO:

What storage medium did you copy them to? Was it a disk, a zip drive or what?

MS. NORMINGTON:

Floppy disks.

MR. GRECO:

Can you remember how many floppy disks?

MS. NORMINGTON:

I think there were 12. It was a huge stack.

MR. GRECO:

Once you had generated those floppy disks, whatever the number was, did you turn those over to Jeannine Coward?

MS. NORMINGTON:

Yes, I did.

MR. GRECO:

What was her title at that time?

MS. NORMINGTON:

Assistant Controller for the State of Nevada.

MR. GRECO:

She outranked you?

MS. NORMINGTON:

Correct.

MR. GRECO:

Mr. Chair, that is all I have.

SENATOR AMODEI:

Cross-examination, Mr. Gentile?

MR. GENTILE:

Thank you, Mr. Chair. Ms. Coward and you are good friends. Are you not?

MS. NORMINGTON:

Yes, we are.

MR. GENTILE:

You work at the Airport Inn; do you not?

MS. NORMINGTON:

No, I work at the Airport Plaza.

MR. GENTILE:

Do you work for a relative of Ms. Coward's?

MS. NORMINGTON:

Her stepson is the general manager.

MR. GENTILE:

How long have you been working with her stepson?

MS. NORMINGTON:

I took employment at the Airport Plaza in June of this year.

MR. GENTILE:

Let me see if I understand your testimony. You said on direct examination that you met Controller Augustine at a Carson City Republican Women's Club event.

MS. NORMINGTON:

Correct.

MR. GENTILE:

You said on direct examination that was in August, 2001.

MS. NORMINGTON:

Yes.

MR. GENTILE:

Would you please look at the Defense Binder No. 1 at Exhibit D-23? If you would, peruse that exhibit. Look at every page or some pages to see if you might recognize what Exhibit D-23 is.

MS. NORMINGTON:

It appears to be photocopies of the Controller's engagement calendar for 2001 and 2002.

MR. GENTILE:

How was it that you were familiar with that? Your handwriting is in this exhibit from time to time, is it not?

MS. NORMINGTON:

Yes, it is.

MR. GENTILE:

You kept this calendar from the time you went to work on October 4?

MS. NORMINGTON:
Correct.

MR. GENTILE:
Look at the date of September 18, 2001, specifically at 11:30 a.m.

MS. NORMINGTON:
Yes.

MR. GENTILE:
Let me look at the original, because I can read the original better. Does that look like it says CCRW, Jennifer Normington, hospitality, "hosp plus hotel sup?"

MS. NORMINGTON:
It looks like CCRW, my name, and I cannot make out the line underneath it, and there appears to be a phone number.

MR. GENTILE:
In any case, you also said you went to work two weeks after the day you made the speech at the Carson City Republican Women's Club. Am I right?

MS. NORMINGTON:
Yes.

MR. GENTILE:
It, more probably, took place on September 18, 2001, and not in the month of August. Fair to say?

MS. NORMINGTON:
Yes, it was after September 11.

MR. GENTILE:
When you said August, 2001, you misspoke.

MS. NORMINGTON:
You are correct. I did. My apologies.

MR. GENTILE:
At that Republican Women's Club meeting you attended, were you there to do a presentation?

MS. NORMINGTON:
Correct.

MR. GENTILE:
In 2001, you were involved in Toastmasters. Were you not?

MS. NORMINGTON:
Yes.

MR. GENTILE:
That is how you learned public speaking. Is that not true?

MS. NORMINGTON:
Yes.

MR. GENTILE:
You had reached such a state of ability that by September 18, 2001, you were giving a presentation. Fair to say?

MS. NORMINGTON:
Yes.

MR. GENTILE:

Among the things Toastmasters teaches you is how to address a group of strangers. Am I right?

MS. NORMINGTON:

Yes.

MR. GENTILE:

It teaches you how to be effective in your address to those people. True?

MS. NORMINGTON:

Yes.

MR. GENTILE:

It teaches you how to have a proper effect in order to make a communication believable.

MS. NORMINGTON:

It strives to do that.

MR. GENTILE:

Yes, it does. You said to the Senate that when you were hired, if I have it right, in your very first discussions with Controller Augustine at the Republican Women's Club event, she said to you your speechwriting ability attracted her. She said, "You will write my speeches and correspondence"; did she not?

MS. NORMINGTON:

Yes, she did.

MR. GENTILE:

You are now a District Governor in Toastmasters.

MS. NORMINGTON:

That is correct.

MR. GENTILE:

That takes a bit of time; does it not? How long have you been involved with Toastmasters?

MS. NORMINGTON:

Since February, 1998.

MR. GENTILE:

You make a speech a week?

MS. NORMINGTON:

No.

MR. GENTILE:

At one point in the Toastmasters training, you had weekly meetings.

MS. NORMINGTON:

The clubs can have weekly meetings or as sporadic as monthly meetings to be considered a club.

MR. GENTILE:

You started in 1998, and it is now 2004 so you have been involved with speechmaking for at least seven years.

MS. NORMINGTON:

Approximately.

MR. GENTILE:

By the time you met Controller Augustine, you were involved in speechmaking and communicating for three years?

MS. NORMINGTON:

Yes.

MR. GENTILE:

In fact, you are in District 39 of Toastmasters International.

MS. NORMINGTON:

Correct.

MR. GENTILE:

At the time, you were actually the Division-B Governor.

MS. NORMINGTON:

Correct.

MR. GENTILE:

You presided over all the northern Nevada, northeastern California clubs.

MS. NORMINGTON:

Correct.

MR. GENTILE:

To someone's point of view at least, you were worth going to see that day.

MS. NORMINGTON:

I could have been.

MR. GENTILE:

Controller Augustine went to see you, and you met her that day.

MS. NORMINGTON:

Correct.

MR. GENTILE:

The club you belonged to in Toastmasters International, District 39, was the only politically themed Toastmasters District.

MS. NORMINGTON:

No.

MR. GENTILE:

I am saying the club. The "We the People" club is the club in which you were a part.

MS. NORMINGTON:

Yes.

MR. GENTILE:

The "We the People" club was the only politically themed Toastmasters International Club in District 39 at the time.

MS. NORMINGTON:

Correct.

MR. GENTILE:

You said to the Senate, I believe, that you did not speak with Controller Augustine during your first meeting about her running for reelection.

MS. NORMINGTON:

Not that I recall. Not at the luncheon, no.

MR. GENTILE:

Then the next day after the luncheon, you went to her office with her?

MS. NORMINGTON:

Yes, I did.

MR. GENTILE:

Was that your initial interview?

MS. NORMINGTON:

Correct.

MR. GENTILE:

Your initial interview took place the same day as you met?

MS. NORMINGTON:

Correct.

MR. GENTILE:

You said during that initial interview, she mentioned to you she was going to be running for reelection.

MS. NORMINGTON:

I believe she did, yes.

MR. GENTILE:

It is your memory that she did not ask you if you could do campaign activities for her at that meeting. That is what you testified to today, earlier, under oath. Is it not true?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Is it your memory that normal secretarial work such as answering the telephone is what you talked about?

MS. NORMINGTON:

We talked about that as well as writing speeches because she thought my speechwriting ability would benefit her because she was starting the debt-collection program in the Controller's Office. The Assistant Controller who had been writing the speeches she delivered was going to be tied up with debt collections. She could move those duties to the executive-assistant position if that person could write speeches.

MR. GENTILE:

Maybe I am wrong, but I wrote down that when you were asked that question by Mr. Greco, you said you discussed normal secretarial work like answering the phone, calendar, personnel work for the office, fundraisers. Am I right?

MS. NORMINGTON:

Yes, you are.

MR. GENTILE:

There was no discussion at that meeting about fundraisers or working on the campaign?

MS. NORMINGTON:

Not the fundraisers or working on the campaign.

MR. GENTILE:

That meeting took place on September 18, 2001?

MS. NORMINGTON:
Yes.

MR. GENTILE:
At that time, you were working at Boomtown; were you not?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Your job at Boomtown did not involve political activity?

MS. NORMINGTON:
No, it did not.

MR. GENTILE:
It did not involve speechwriting?

MS. NORMINGTON:
No, it did not.

MR. GENTILE:
What it did involve was that you were a hotel supervisor doing shift management at the front desk?

MS. NORMINGTON:
Yes.

MR. GENTILE:
You decided based on this initial interview with Controller Augustine that you wanted to get out of the hotel business and become a secretary. There was no discussion about you becoming involved in her campaign.

MS. NORMINGTON:
The position intrigued me, and it seemed like a once-in-a-lifetime opportunity to work for a Constitutional Officer.

MR. GENTILE:
In fact, you resigned from Boomtown. Was Michael Patterson the hotel and recreational vehicle park manager there?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Was Eric Bressler the front office manager?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Is Boomtown in Verdi?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Do you remember on September 20 sending a resignation letter?

MS. NORMINGTON:
Yes.

MR. GENTILE:

Two days after you met Controller Augustine?

MS. NORMINGTON:

Correct.

MR. GENTILE:

You told them you had given the 40-minute presentation at the Republican Women's Club and that Controller Augustine offered you a job.

MS. NORMINGTON:

No sir, it was a 20-minute presentation.

MR. GENTILE:

Are you certain it was a 20-minute presentation?

MS. NORMINGTON:

Yes, I am.

MR. GENTILE:

As certain as you are about everything you said here, today?

MS. NORMINGTON:

I am as certain as I am about the question you just asked me.

MR. GENTILE:

Then, why did you tell them it was a 40-minute presentation?

MS. NORMINGTON:

The 40-minute presentation was to the State Republican Party in April of that year.

MR. GENTILE:

Okay, then why did you say on Tuesday, September 18, "I, with your approval, gave a 40-minute presentation to the Republican Women's group of Carson City?" Did you say that?

MS. NORMINGTON:

Not that I recall.

MR. GENTILE:

Let me refresh your recollection. If you saw the letter and it had your signature on it, might it refresh your memory?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Is that your signature?

MS. NORMINGTON:

Yes, it is.

MR. GENTILE:

Is that letter made up?

MS. NORMINGTON:

No, that is the letter. I made a typo.

MR. GENTILE:

You made a typo. You made a mistake on the letter?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You also said the salary that was offered was such that it was "an offer I could not refuse."

MS. NORMINGTON:

Yes.

MR. GENTILE:

You told them, "You were not actively seeking employment elsewhere, but this opportunity literally dropped in my lap."

MS. NORMINGTON:

Yes.

MR. GENTILE:

When you left Boomtown?

MR. GRECO:

Mr. Chair, if I could interject, this letter is not ringing a bell. May I ask if this is something the Defense obtained recently via a subpoena? He showed it to the witness, but I have not been provided with it nor have I seen it.

MR. GENTILE:

I will show it to Counsel. I am not introducing it as an exhibit. This is an impeachment.

SENATOR AMODEI:

I understand. That is fine.

MR. GENTILE:

It is ordinarily called impeachment, but here I will call it discrediting a witness.

SENATOR AMODEI:

Either of those phrases is acceptable.

MR. GRECO:

Mr. Chair, the point I was making was if you refresh a witnesses' recollection with an exhibit you have to, by Nevada Case Law, provide that to the other side ahead of time. I am inquiring if we are going to be going through this with more items.

SENATOR AMODEI:

I am not certain that it was his plan to use this to refresh until the testimony came out. I am going to allow the use for that. I do not think there is a plan to offer it as an exhibit. If it comes up as one, we will discuss that at the time. Please proceed Mr. Gentile.

MR. GENTILE:

Do you recall that when you left Boomtown you had an exit interview?

MS. NORMINGTON:

Yes.

MR. GENTILE:

It took place on October 3, the day before you went to work for Controller Augustine.

MS. NORMINGTON:

Yes.

MR. GENTILE:

Do you recall telling Mr. Bressler that the reason you were leaving was because you had the opportunity to enter a new career field in the political arena?

MS. NORMINGTON:

Yes. I remember telling him that I had an opportunity to enter a new career field. I do not recall whether I said political arena or not.

MR. GENTILE:

Do you recall them asking you if you had another job, and you said, yes? They asked, "If yes, how does it compare with ours?" Do you remember that question?

MS. NORMINGTON:

Vaguely.

MR. GENTILE:

Do you remember your saying, "I do not believe it is possible to compare a position in hotel management with a political appointment to a constitutional position with the State of Nevada"?

MS. NORMINGTON:

I do not remember saying that.

MR. GENTILE:

Do you recall them asking you, "What do you like about your new job?" You said, "To become more active in our state government and the opportunity to become a more active player in the political arena."

MS. NORMINGTON:

No.

MR. GENTILE:

If you saw your exit interview, might it refresh your recollection? You do have to sign your exit interview?

MS. NORMINGTON:

I believe so.

MR. GENTILE:

Do you think it might refresh your memory if you saw it?

MS. NORMINGTON:

It might.

MR. GENTILE:

I will show it to Mr. Greco first this time. Is that your signature?

MS. NORMINGTON:

Yes, it is.

MR. GENTILE:

See if it helps you to refresh your memory. Tell me if I am wrong about what I just said was on it.

MS. NORMINGTON:

You are not about what was said, but this ...

MR. GENTILE:

There is not a question pending. I am certain Mr. Greco will ask you some questions.

MS. NORMINGTON:

Thank you.

MR. GENTILE:

I do not know, but I think you testified about an event at Lake Tahoe where you went to Ms. Coward's house after a Republican candidates' evening.

MS. NORMINGTON:

I remember the event.

MR. GENTILE:

Do you remember when it was?

MS. NORMINGTON:

It was in 2002. I think it was in the summer.

MR. GENTILE:

If I told you it was July 11, would you dispute that?

MS. NORMINGTON:

No.

MR. GENTILE:

The fact of the matter is that you worked on Controller Augustine's campaign for reelection in 2002; did you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

The fact is, you have said it before, although not today, that Controller Augustine told you on several occasions, to not do campaign work on state time. Is that not true?

MS. NORMINGTON:

Yes.

MR. GENTILE:

The fact is, Controller Augustine was away from her office in Carson City for a great deal of time in the last half of the year, 2002. Is that not true?

MS. NORMINGTON:

I believe so, yes.

MR. GENTILE:

The reason you believe so is that you make her plane reservations. Do you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You know that for almost the entire period between August and the election she was away from the office except for a handful of days. Is that fair to say?

MS. NORMINGTON:

I would have to look at the calendar.

MR. GENTILE:

You have them in front of you. You want to do it?

MS. NORMINGTON:

Please.

MR. GENTILE:

If you want to look at it, go ahead. Ms. Normington while you are doing that let me ask you a question. Controller Augustine also keeps a personal calendar, does she not?

MS. NORMINGTON:

Yes, she does.

MR. GENTILE:

Her personal calendar has in it entries you are not aware of. True?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You do not keep her personal calendar; do you?

MS. NORMINGTON:

No.

MR. GENTILE:

You feel that you have worked very hard in the year, 2002, on Controller Augustine's campaign; do you not?

MS. NORMINGTON:

I did a lot of work on the 2002 campaign.

MR. GENTILE:

No one is disputing that; do you understand that Ms. Normington?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Would you look at the binder, Exhibit D-1?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Before Exhibit D-1, let us look at Exhibit D-16. Do you have Exhibit D-16 in front of you?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Exhibit D-16 has a couple of greeting cards in it. Does it not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

The second of those greeting cards is a congratulations' card.

MS. NORMINGTON:

Yes, it is.

MR. GENTILE:

At the bottom of that card, it makes fun of her opponent in that race. Does it not?

MS. NORMINGTON:

Yes, it does.

MR. GENTILE:

That handwriting that has scratched out the word "spots" and wrote in something else, whose handwriting is that?

MS. NORMINGTON:

That is my handwriting.

MR. GENTILE:

On the inside of the card, it says something else, and again, the word "spot" is scratched out.

MS. NORMINGTON:

Yes.

MR. GENTILE:

It says, "hooray, hooray" with a couple of people smiling; right?

MS. NORMINGTON:

Yes.

MR. GENTILE:

It says, "congratulations" and is signed Jennifer and Sherry.

MS. NORMINGTON:

That is my handwriting.

MR. GENTILE:

Up at the top left, you spell Sherry, s-h-e-r-r-y. At the top, on the left it says, "You did it, yea," and it has Sheri spelled a different way. Are those two different Sherrys? Which is which? Who spells their name with the "i" at the end?

MS. NORMINGTON:

Sheri Hutter.

MR. GENTILE:

Sheri Hutter worked at the office at that time?

MS. NORMINGTON:

Yes, she did.

MR. GENTILE:

What did she do?

MS. NORMINGTON:

She worked under Jeannine Coward in debt collection. She was on the main floor of the Capitol Annex and worked for Jeannine Coward.

MR. GENTILE:

You saw her at work?

MS. NORMINGTON:

Yes, I did.

MR. GENTILE:

The one next to your name, "Jennifer and Sherry" I take it that is the Sherry whose name is closer to you on this card. Who is that?

MS. NORMINGTON:

Sherry Valdez.

MR. GENTILE:

Did you sign it for Sherry Valdez?

MS. NORMINGTON:

Yes, I did.

MR. GENTILE:

Why did you not sign it for Sheri Hutter?

MS. NORMINGTON:

Sheri Hutter purchased the card, she signed it, brought it over and said, "Jennifer, will you cross out where it says 'spot' and write in John Lee and then sign your name."

MR. GENTILE:
Sheri Hutter said that.

MS. NORMINGTON:
Correct.

MR. GENTILE:
You did that and then signed your name and Sherry Valdez's name; right?

MS. NORMINGTON:
Yes.

MR. GENTILE:
This card looks to me like you were happy that Controller Augustine won the election. True?
You have worked very hard on it.

MS. NORMINGTON:
Correct, I worked hard on the election.

MR. GENTILE:
You communicated with this card to Controller Augustine you were happy she won the election.

MS. NORMINGTON:
I had to.

MR. GENTILE:
That was not the question I asked you. The question I asked you, if someone gets this card is it not fair for them to believe you are happy?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Would you now turn to Exhibit D-2 in that binder? The election took place on November 5.
Do you remember when you gave the "spot" card to Controller Augustine?

MS. NORMINGTON:
No, I do not.

MR. GENTILE:
It would have been after because you would not have known she had won. Right?

MS. NORMINGTON:
Correct.

MR. GENTILE:
On January 9, 2003, you were given a letter of reprimand; were you not?

MS. NORMINGTON:
Yes.

MR. GENTILE:
By Kathy Augustine, Controller of the State of Nevada; right?

MS. NORMINGTON:
Yes.

MR. GENTILE:
Whom you have worked so hard for on her election?

MS. NORMINGTON:
Correct.

MR. GENTILE:
It is fair to say, is it not, that did not make you happy.

MS. NORMINGTON:
That is fair to say.

MR. GENTILE:
That might even be an understatement?

MS. NORMINGTON:
I was upset.

MR. GENTILE:
Now, turn to Exhibit D-1. Is that your handwriting on it?

MS. NORMINGTON:
Yes, it is.

MR. GENTILE:
You authored this letter?

MS. NORMINGTON:
Yes, I did.

MR. GENTILE:
It was, essentially, a letter of resignation.

MS. NORMINGTON:
Yes.

MR. GENTILE:
Would you read it aloud, please?

MS. NORMINGTON:
Certainly.

January 22, 2003

The Honorable KATHY AUGUSTINE, *State Controller*

101 N. Carson Street, Suite 5

Carson City, Nevada 89701-4786

Dear CONTROLLER AUGUSTINE,

It is with mixed feelings that I submit my letter of resignation as your Executive Assistant. I have accepted the position of Executive Assistant to the Executive Director of Tourism, Bruce Bommarito. It is a difficult move for me to make, but one that I feel is necessary. I will be making the transition from unclassified to classified state employee as an Administrative Assistant IV. I will always appreciate you bringing me into the State and mentoring me both in government and in the realm of politics.

After reviewing the pay-period schedule and to best meet the personnel/pay-roll needs of the State Controller's Office and the Nevada Commission on Tourism, my resignation will be effective February 1, 2002.

MR. GENTILE:
It is signed by you?

MS. NORMINGTON:
Correct.

MR. GENTILE:

That is at about the time you and Jeannine Coward were talking to each other, to use your Assembly testimony, "having serious discussions about the campaign work you have done for Controller Augustine on state time."

MS. NORMINGTON:

Yes.

MR. GENTILE:

You did not have those serious discussions before your reprimand. You had them after.

MS. NORMINGTON:

No.

MR. GENTILE:

Your testimony before the Assembly was that it was in January when you had these serious discussions. Do you remember that?

MS. NORMINGTON:

Yes, I do.

MR. GENTILE:

Now, that testimony was three weeks ago.

MS. NORMINGTON:

Yes.

MR. GENTILE:

Certainly, more recent in time than two years ago, almost three years ago. Right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

It was at about that time that Jeannine Coward came to you and asked you to copy the floppy disks from the computer and to put the data from the C-drive onto the F-drive.

MS. NORMINGTON:

Correct.

MR. GENTILE:

When she did that, she said to you ...

MS. NORMINGTON:

No, sir, I am sorry. Could you repeat your last question? I believe I misunderstood it.

MR. GENTILE:

Then why did you answer it?

MS. NORMINGTON:

Because, I answered too quickly.

MR. GENTILE:

It was right at about the same time that you were having these serious discussions with Jeannine Coward that she had you transfer data from your local drive on your computer that is on your desk onto the network drive. Am I right?

MS. NORMINGTON:

No.

MR. GENTILE:

When did you transfer the information from your local drive to the network drive?

MS. NORMINGTON:

I transferred it right around the last days of my employment. I did that on my own.

MR. GENTILE:

That is when, after you transferred it, the information-technology people at the State Controller's Office were told to back up the F-drive and to keep a copy of it. Am I right?

MS. NORMINGTON:

I do not know.

MR. GENTILE:

But, that information was not on the F-drive before you received the letter of reprimand; was it?

MS. NORMINGTON:

No.

MR. GENTILE:

Excuse me. You answered my question, thank you. If Mr. Greco wants to ask you questions, he will. It was not on the F-drive before you put in your letter of resignation; right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

You did not back it up from your C-drive and give it to Jeannine Coward; did you?

MS. NORMINGTON:

I backed it up off the C-drive. I believe that is where I took the floppy disks from.

MR. GENTILE:

You believe you did.

MS. NORMINGTON:

Yes.

MR. GENTILE:

You also gave Jeannine Coward some e-mails. Do you remember that? When I say "at that time," I am talking about the end of January after you resigned from the office.

MS. NORMINGTON:

I gave her some e-mails at that time and some e-mails prior.

MR. GENTILE:

You did that because, even though both of you had resigned and both of you were leaving on January 31, after all, Jeannine Coward was still your superior. You had to do what she told you to do. Right?

MS. NORMINGTON:

It was not instructed to me, "you will do this."

MR. GENTILE:

Did you not say on direct examination that the reason you did it was because Jeannine asked you to do it and she was your superior?

MS. NORMINGTON:

I said that Jeannine asked me to do it. The reason was not that she was my superior. That was just stated.

MR. GENTILE:

However, you did say that?

MS. NORMINGTON:

That she asked me to do it, yes.

MR. GENTILE:

You said to the Senate just a little while ago that she was your superior?

MS. NORMINGTON:

Correct.

MR. GENTILE:

If she was not your superior but you were both leaving the office in a couple of days and she wanted to go to the Attorney General with this information and she asked you to give it to her, you would not have given it to her?

MS. NORMINGTON:

No, I still would have.

MR. GENTILE:

That is what I am trying to get at. Thank you. You were interviewed on February 27, 2004, by an Attorney General Investigator. Do you recall that?

MS. NORMINGTON:

Yes, I do.

MR. GENTILE:

That was Investigator Liebherr?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You told him at that time that whenever you attended a function for Controller Augustine or at her direction, it was as a representative of the Controller's Office and not as a reelection committee. Do you remember telling him that?

MS. NORMINGTON:

I remember telling him that it was as a representative of the Controller's Office.

MR. GENTILE:

In front of the Assembly, three weeks ago today, you told the Assembly that you were, "forced to devote at least 75 percent of my state time to working on the State Controller's reelection campaign." Do you remember saying that?

MS. NORMINGTON:

I remember saying that, yes.

MR. GENTILE:

On February 24, 2003, almost 2 years earlier, 21 months earlier and 21 months before you went before the Assembly and testified under oath, you were interviewed by Mr. Liebherr. Do you remember that?

MS. NORMINGTON:

Yes, I do.

MR. GENTILE:

Do you remember telling him at that time you estimated that you spent almost three months in the aggregate on the 2002 campaign? Do you remember telling him that?

MS. NORMINGTON:

Could you define aggregate?

MR. GENTILE:

I do not know what definition you meant. Let me read it to you from page 35. Do you remember Mr. Liebherr saying right after the tape had run out and you started a new tape—do you remember that happening, the tape ran out?

MS. NORMINGTON:

Yes, I do.

MR. GENTILE:

You talked quite a while that day so you used up one side of a tape and had to turn it over. Do you remember this question being asked of you? Mr. Liebherr said before, tape number 2.

"Before we changed tapes I asked you a very hard question. The question is how many hours do you believe that you spent on that campaign during work hours?" You responded, "During work hours, umm, I am still trying to think because of, really during all of 2002, there was not a day that went by that I did not work on the campaign in some way, shape or form, hardly a day. The closer it got to any one of the reporting periods I would spend my entire day working on her campaign. If you condensed it down, all together, I would say I probably spent, gosh, almost three-months time."

Do you remember saying that? "At 8 hours a day, 40 hours a week. That is an estimate." Do you remember telling him that?

MS. NORMINGTON:

Yes, I do.

MR. GENTILE:

February 24, 2003, you had only left the office seven weeks earlier. Right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

You were only eight weeks past the year, 2002. True?

MS. NORMINGTON:

Yes.

MR. GENTILE:

We are now two years past the 2002 general election. Are we not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

A year after you gave that first statement when you said you thought maybe you spent three months total if you added up the little increments of time on the 2002 campaign, a year later and four days later on the February 27, 2004, you met with Investigator Liebherr again did you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

On page 4, do you remember him saying this to you, and you making these responses?

"I think I asked you in my first interview with you," and you said, "Umhum." He said "How many hours do you think you put in on the campaign?" You said, "Oh," and he said, "During work hours." You said, "During work hours, well, it steadily increased the closer it got to election time." Then he said, "umhum." Then you said, "And I would say at the onset it was maybe three or four hours a week when it first started happening. The first occurrence was with a fundraiser that was cancelled because of September 11. I went to work for her beginning of October, 2001. This was a month afterward, sending out new invitations." Later on, you said to him, "I was compiling mailing lists, designing invitations, updating databases of all Republican

women in Nevada, printing up address labels and got progressively more. So the closer to the campaign, the more time I spent on campaign things and the less time I spent on work for the Controller's Office."

Do you remember that?

Then you said to him, "So I know that is not specific hours, but it is the best I can do." He said, "Would you put it." You said, "If you figure a 40-hour week by the last week I worked on things, I would say 30 hours if not more were spent on the campaign."

Did you say that?

MS. NORMINGTON:

Could I see that, sir?

MR. GRECO:

We have that one, Mr. Chair. No objection.

MS. NORMINGTON:

Yes, sir. I do.

MR. GENTILE:

Is this the first time you have been cross-examined in this entire sojourn in this case?

MS. NORMINGTON:

Yes, sir.

MR. GENTILE:

You do not dispute that you told Investigator Liebherr that Controller Augustine prioritized your duties and told you state work comes first. You told Mr. Liebherr that; did you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You talked to him on February 24, 2003, a month after you and Jeannine Coward, in your words, had serious discussions about this situation. Right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

When you spoke to Investigator Liebherr on February 24, 2003, you told him that you were sure Controller Augustine was planning to run for Congress in 2004. Did you not?

MS. NORMINGTON:

I believe I did, yes.

MR. GENTILE:

What did that have to do with what happened in 2002? I will withdraw that question.

You also told Investigator Liebherr that Controller Augustine never actually told you to fill in the Secretary of State contribution forms on state time. She would just say to you, "these things need to be updated." Right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

You told Investigator Liebherr, Controller Augustine would sometimes get angry when you did campaign work as a first priority. Did you not?

MS. NORMINGTON:

I do not remember that, sir.

MR. GENTILE:

If Investigator Liebherr said you did, we can believe him; can we not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You told him that you attended functions after hours as a representative for the Controller's Office; did you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You took your grandmother to a candidate coffee when you made a speech on Controller Augustine's behalf. Did you not?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You told Investigator Liebherr that.

MS. NORMINGTON:

I believe I did, yes.

MR. GENTILE:

When you went to fundraisers, you told Investigator Liebherr you spoke on Controller Augustine's behalf. It was, usually, after hours. Right?

MS. NORMINGTON:

Correct.

MR. GENTILE:

One more thing, you gave a donation of \$220 to Controller Augustine's campaign for reelection; did you not?

MS. NORMINGTON:

No, sir.

MR. GENTILE:

Did your mother?

MS. NORMINGTON:

The \$220 you are referring to is a combined total of items that were bid on at the silent auction at the jewelry show by my father and a friend of mine who attended. Both had to leave before the end of the jewelry show.

MR. GENTILE:

Your family and friends gave money to Controller Augustine.

MS. NORMINGTON:

They bid on the items.

MR. GENTILE:

Was the check made out to the committee to elect Kathy Augustine?

MS. NORMINGTON:

That was what I was instructed to make the check out for, yes.

MR. GENTILE:

I do not have anything else.

SENATOR AMODEI:

Redirect, Mr. Greco.

MR. GRECO:

Ms. Normington, Mr. Gentile asked you a number of questions about instructions given to you by Controller Augustine about when she wanted you to do campaign-related work. You told Mr. Gentile that on at least a couple of occasions, Controller Augustine told you to do the work after 5:00 p.m.?

MS. NORMINGTON:

Correct.

MR. GRECO:

When you first started doing the campaign-related tasks shortly after securing employment in the Controller's Office, did she immediately tell you to always do the work after 5:00 p.m.?

MS. NORMINGTON:

No. I asked her when the work should be done. She told me when at all possible, do it after 5:00 p.m.

MR. GRECO:

When at all possible, do it after 5:00 p.m.?

MS. NORMINGTON:

Correct.

MR. GRECO:

Were there other times when she gave you a task that was campaign related that she explicitly told you she needed it done right away.

MS. NORMINGTON:

Yes.

MR. GRECO:

On one occasion or more than one occasion?

MS. NORMINGTON:

More than one.

MR. GRECO:

Many occasions?

MS. NORMINGTON:

Many.

MR. GRECO:

Did you deem it reasonable to do this amount of work after 5:00 p.m.?

MS. NORMINGTON:

Not this amount of work, no sir.

MR. GRECO:

In the 25 exhibits you talked about at length, under direct questioning, in all of those entries on those 1035 pages, did you think that you could reasonably do those after 5:00 p.m.?

MS. NORMINGTON:

I tried to, but I could not make the Controller's deadlines.

MR. GRECO:

You have talked about the percentage figures for the amount of time needed to compile these tasks. In your mind, were you a campaign volunteer of Controller Augustine?

MS. NORMINGTON:

No.

MR. GRECO:

In your mind, did you have any option but to do the bulk of them on office time?

MS. NORMINGTON:

I had no option.

MR. GRECO:

You have used that phrase both on direct, cross and now on redirect. Would you please look at the Senators and explain to them in as much detail as you need to, why you feel you had no option to do these tasks outlined in these 25 exhibits and in the 1035 pages of detailed records.

MS. NORMINGTON:

I felt I had no option because of the way Controller Augustine treated me. The Controller expects absolute perfection in all aspects in the Controller's Office, in her campaign work, in her assistants. We are expected to look appropriate, hair and make-up done. Everything has to be done perfectly. Otherwise, you are screamed at, you are yelled at, papers are thrown across the desks so they hit you. She on more than one occasion yelled at me and said, "Can you not get anything right?" On one specific occasion, she looked at me and said, "Do you not have any office experience?" The only time I remember responding to her in kind of a firm manner is when I looked at her and said, "I do not. Not as a secretary, only as a manager. But you know that, you had my résumé." She said, "I do not care how long you have to stay here, tonight, to get everything done; I do not care if you have to sleep here; you are going to stay at your desk until everything is completed." Because of that, I had no choice. If she told me to do something, I did it. If she told me to attend something, whether it was before work, during lunch, after work, on the weekend, I did it out of fear of what she would do and say to me when I returned to work if it was not done.

MR. GRECO:

Was one of those fears losing your job?

MS. NORMINGTON:

Absolutely.

MR. GRECO:

Were you an unclassified employee?

MS. NORMINGTON:

Yes.

MR. GRECO:

You testified earlier that the amount of campaign-related work reached a peak in the last few months before the general election. Do you recall that testimony?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Would you, even assuming you were a campaign volunteer happily doing all these tasks as a volunteer, have had enough hours in the day if you count eight hours for sleeping and eight hours for your normal job duties, have had enough hours in the day to even get the rest of these tasks done?

MS. NORMINGTON:

Absolutely not.

MR. GRECO:

She asked you on a number of occasions to do the work after 5:00 p.m. Did you feel coerced to do the work?

MS. NORMINGTON:

Yes.

MR. GRECO:

Mr. Gentile went over that congratulatory election card. I will ask a few questions about that. You offered her congratulations after she won the elections; correct?

MS. NORMINGTON:

Yes.

MR. GRECO:

Many employees sign cards to their employers. Can you explain to the Senators why you offered her congratulations under these circumstances given the amount of campaign-related work she was compelling you to do.

MS. NORMINGTON:

It was the politically correct thing to do. If your boss is an elected official and they win reelection, it is appropriate to give them a card or to say congratulations in some way.

MR. GRECO:

Have you ever seen a birthday card or a boss' day card or some other card given to an employer signed by employees who really did not like the employer?

MS. NORMINGTON:

Yes.

MR. GRECO:

Mr. Gentile went over that resignation letter to Boomtown. You saw he corrected the figure from 20 to 40 minutes once you saw the document. Is that correct?

MR. GENTILE:

Objection. I did not correct it. She said she made a mistake. It says 40 minutes.

MR. GRECO:

The question was fair.

SENATOR AMODEI:

Try rephrasing it.

MR. GRECO:

Ms. Normington, what I am asking you is once you saw the letter you saw that your initial testimony had been inaccurate. It was off by 20 minutes. Correct?

MS. NORMINGTON:

Correct.

MR. GRECO:

How long ago did you write that resignation letter?

MS. NORMINGTON:

In September, 2001.

MR. GRECO:

Do you remember writing the resignation letter?

MS. NORMINGTON:

For Boomtown?

MR. GRECO:

Yes.

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Was it difficult for you to remember the exact number of minutes for a resignation letter for another employer not involved in this case which was submitted several years ago?

MS. NORMINGTON:

Yes.

MR. GRECO:

In your mind, is that detail 20 minutes versus 40 minutes a particularly important detail?

MS. NORMINGTON:

No.

MR. GRECO:

Before I showed you those 25 exhibits with the 1035 pages of detailed entries, as you sat there, in your mind, were you able to remember every single entry before you saw them.

MS. NORMINGTON:

No, there are too many.

MR. GRECO:

Did seeing the documents two years later help to refresh your recollection?

MS. NORMINGTON:

Yes, they did.

MR. GRECO:

Do you remember Controller Augustine asking you to do campaign-related work on state time?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Do you remember her asking you to do that on multiple occasions?

MS. NORMINGTON:

Yes, I do.

MR. GRECO:

Do you remember her becoming angry on a number of occasions when you could not complete a campaign-related task on state time quite fast enough for Controller Augustine?

MS. NORMINGTON:

Yes.

MR. GRECO:

Do you remember her blowing up on several occasions when that occurred?

MS. NORMINGTON:

Yes.

MR. GRECO:

Those stick out in your mind?

MS. NORMINGTON:

Yes, they do.

MR. GRECO:

A little bit better than numbers?

MS. NORMINGTON:

Yes.

MR. GRECO:

Is everything you told this panel the truth?

MS. NORMINGTON:

Absolutely.

SENATOR AMODEI:

Recross, Mr. Gentile.

MR. GENTILE:

Ms. Normington, look at Exhibit P-19, please.

MS. NORMINGTON:

Is that the Prosecution's exhibits? They do not have letters on them.

MR. GENTILE:

Yes, it is. You created Exhibit P-19?

MS. NORMINGTON:

Yes, I did.

MR. GENTILE:

You were accurate when you created Exhibit P-19?

MS. NORMINGTON:

I do not understand the question.

MR. GENTILE:

It is nothing more than filling in a form with data. Right?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Would you look at date-stamped page 00562?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You just told the Senate you were not a volunteer for Kathy Augustine. Is that correct?

MS. NORMINGTON:

That is correct.

MR. GENTILE:

Does this form you created and filled in bear your name?

MS. NORMINGTON:

Yes, it does.

MR. GENTILE:

What is next to your name?

MS. NORMINGTON:

It says volunteer.

MR. GENTILE:

Who typed that in?

MS. NORMINGTON:

I did.

MR. GENTILE:

You just said Controller Augustine and you had a dispute about your secretarial skills.

MS. NORMINGTON:

Yes.

MR. GENTILE:

Did you tell the Senate that you did not discuss political activity when you were hired, but that you were hired to perform secretarial duties? Were those your words?

MS. NORMINGTON:

Yes.

MR. GENTILE:

You told Controller Augustine, "You have my résumé." Right?

MS. NORMINGTON:

Yes.

MR. GENTILE:

Do you remember on your résumé you said that under office equipment and computer skills, you talked about the applications you understood and could operate? You said Microsoft Word and Works, Excel, PowerPoint, Quicken, Map Right, Intuit, Macintex, Encore, Holodecks AS400, Lodging Management System, Casino Marketing System, Kronos Timekeeping System. Do you remember telling her that when she hired you?

MS. NORMINGTON:

I did not tell her that. It was written on my résumé.

MR. GENTILE:

Is not your résumé a statement by you to her?

MS. NORMINGTON:

I suppose.

SENATOR AMODEI:

Questions of Ms. Normington from the Committee?

SENATOR CARLTON:

You stated you received the copies of the checks in a manila folder to enter into the database to keep track of the campaign-contribution checks.

MS. NORMINGTON:

Not in a manila folder. She just handed me the photocopies of the checks.

SENATOR CARLTON:

Controller Augustine made the copies of the checks.

MS. NORMINGTON:

Correct.

SENATOR CARLTON:

You witnessed her make copies of campaign checks in her office on the copy machine there.

MS. NORMINGTON:

Yes, the copy machine was there next to my desk.

SENATOR HARDY:

Early on in the testimony, we saw some facsimiles that were sent on State Controller letterhead. Were you specifically instructed to send it on that, or was that a decision you made?

MS. NORMINGTON:

I was instructed that everything that went out of the office went out on State Controller letterhead.

SENATOR HARDY:

You indicated in the very beginning you did not know it was wrong. That is understandable coming from the private sector to the state government. Your boss asks you to do something in the private sector, and you do it. At what point did you realize that it was wrong to be doing campaign work on state time with state equipment? How far into your employment?

MS. NORMINGTON:

I would estimate it was the beginning of 2002 when more of the work began. There was starting to be so much of it; it was keeping me from my state duties.

SENATOR HARDY:

After that point, did you send any more faxes out on state letterhead? There appears to be a point where you shifted to campaign stationary or something you created for the campaign. Was that after you came to the realization that it was wrong to do that on state time?

MS. NORMINGTON:

It was afterwards. The more I thought about it, you are right, there was a moment when all of a sudden, I thought, "Wait a minute, it is not just what we are doing; it is what we are sending it on. She needs to have things sent out on something that says 'Committee to Elect'."

SENATOR HARDY:

You said you did not object to doing campaign work except for e-mails. Did you express to Controller Augustine that you had come to the realization that this was not right to do it on state time?

MS. NORMINGTON:

No, I was afraid to.

SENATOR HARDY:

Did you express to Controller Augustine that you did not have time to complete the assignments given to you after hours?

MS. NORMINGTON:

I did not tell her that because that would not have been an acceptable excuse. I was expected to get the work done no matter how long it took.

SENATOR HARDY:

It is possible she did not know you were overburdened.

MS. NORMINGTON:

No, I do not believe that is possible. She started taking away my duties as executive assistant and giving them to other staff members.

SENATOR HARDY:

She did not do that because of any conversation you had with her?

MS. NORMINGTON:

No.

SENATOR CEGAVSKE:

You stated you were told that anything you sent out had to go out on Controller letterhead.

MS. NORMINGTON:

Absolutely, when I first took the job, Controller Augustine approved everything that went out of her office.

SENATOR CEGAVSKE:

Some of the exhibits with fax cover sheets were on Controller's paper. Is that correct? Was that your decision or was that something the Controller told you to do?

MS. NORMINGTON:

Are you asking on the state letterhead?

SENATOR CEGAVSKE:

Some of the exhibits we saw were faxes from the Controller's Office, but they were campaign related. Was the piece of paper you put out something you sent on your own on that fax paper or was it something the Controller had instructed you to use with the Controller's Office on the fax?

MS. NORMINGTON:

Everything had to go out on state letterhead.

SENATOR CEGAVSKE:

Was that your decision?

MS. NORMINGTON:

Yes, because that was office procedure.

SENATOR CEGAVSKE:

Was that office procedure for office duties or campaign duties?

MS. NORMINGTON:

Whatever I did at the office, whatever I sent out was to go out.

SENATOR CEGAVSKE:

That was your decision?

MS. NORMINGTON:

Based on her policies, yes.

SENATOR CEGAVSKE:

The disks you used to make copies of the information off the computer, were those disks state disks that you used from the office, or were they something you and Jeannine Coward brought in to use to copy?

MS. NORMINGTON:

I brought them in.

SENATOR CEGAVSKE:

You brought them in?

MS. NORMINGTON:

Yes, I did.

SENATOR CEGAVSKE:

How many days prior did Ms. Coward ask you before you purchased the disks to make copies?

MS. NORMINGTON:

I do not remember how many days, maybe a week.

SENATOR CEGAUSKE:

It was something you had both been discussing for a time. You made the decision on your own, or did Ms. Coward ask you to buy the disks?

MS. NORMINGTON:

I made the decision on my own because I did not want to compound what had been going on.

SENATOR CEGAUSKE:

Did you ever make personal telephone calls, or do things for yourself while at work?

MS. NORMINGTON:

Once in a while, yes.

SENATOR CEGAUSKE:

Take time to do a personal errand? Were those things common in the office?

MS. NORMINGTON:

No, that was not common in the office as far as my position was concerned. I was expected to stay at my desk at all times in case the Controller needed me.

SENATOR CEGAUSKE:

But there were times you might have left early or come in late for personal reasons and that you also accepted phone calls or made personal phone calls yourself.

MS. NORMINGTON:

A few times, yes.

SENATOR HORSFORD:

There were e-mails for a fundraiser or a reminder for a fundraiser you were directed to send out; is that true?

MS. NORMINGTON:

That is correct.

SENATOR HORSFORD:

Was that sent out on a state computer?

MS. NORMINGTON:

No, it was not. That was a policy the Controller started using to increase attendance at fundraisers. That was when I told her if you have me send this out, the e-mail address is going to have the Controller's Office e-mail address on it. After she thought about it for a while, she decided that would not look good so she had me send everything to her daughter to e-mail out from California.

SENATOR HORSFORD:

Did the Controller ever issue you a campaign e-mail address or a private e-mail address in order for you to receive or send e-mails for campaign purposes?

MS. NORMINGTON:

I do not understand what you mean by private.

SENATOR HORSFORD:

Private like, AOL, Yahoo, a private e-mail account.

MS. NORMINGTON:

No, she only used my e-mail at the Controller's Office.

SENATOR HORSFORD:

You received e-mails from individuals based on direction Controller Augustine gave to those people to send you items such as mailing lists or invitations to events, etc.

MS. NORMINGTON:

Correct.

SENATOR HORSFORD:

You gave some testimony in the Assembly about the Popular Reports. In your Assembly testimony, you said you were directed to hold back about 2000.

MS. NORMINGTON:

I was not directed to hold them back; they were held back. I was instructed to keep a supply of them in my car so that whenever I represented her at an event or went anywhere I always had them available to put out.

SENATOR HORSFORD:

Those were printed at the state expense.

MS. NORMINGTON:

Correct.

SENATOR HORSFORD:

How many of those did you distribute during your tenure with Controller Augustine?

MS. NORMINGTON:

Several hundred.

SENATOR HORSFORD:

Earlier in your testimony, you testified you heard Controller Augustine making calls in reference to contributions that may have been made to the Treasurer or to her opponent.

MS. NORMINGTON:

That is correct.

SENATOR HORSFORD:

Did she ever print those materials out at the Controller's Office?

MS. NORMINGTON:

No, she did not print them out. That was my responsibility to print them out; she had her report of the filing. I had to monitor the postings with the Secretary of State's Office when they came on line. As soon as they came up, I printed them out and gave her the current copy so she could compare them.

SENATOR HORSFORD:

You printed those with your state computer?

MS. NORMINGTON:

Correct.

SENATOR HORSFORD:

During state time?

MS. NORMINGTON:

Correct.

SENATOR HORSFORD:

In reference to the filming of the commercial, that was done during normal business hours. Is that correct?

MS. NORMINGTON:

Yes.

SENATOR HORSFORD:

Did you take, or did Ms. Coward take leave during the taping of that commercial?

MS. NORMINGTON:

I am not certain I understand what you mean by leave.

SENATOR HORSFORD:

You were working as a state employee; correct? It was being done during business hours?

MS. NORMINGTON:

That is correct.

SENATOR HORSFORD:

You were asked to participate in the filming of the commercial?

MS. NORMINGTON:

Yes.

SENATOR HORSFORD:

You were asked to participate by whom?

MS. NORMINGTON:

The Controller.

SENATOR HORSFORD:

Did you take leave; were you unpaid for the time you taped that commercial?

MS. NORMINGTON:

No, we were not on leave.

SENATOR HORSFORD:

How long did it take to tape that commercial?

MS. NORMINGTON:

Our portion of it took maybe a half an hour to an hour, somewhere in there. There were more locations in it that took longer for the entire commercial.

SENATOR HORSFORD:

On page 12 of your testimony from the Assembly, in the defense binder on the bottom of page 11 and top of page 12, please read the last sentence on page 11 starting at the word "Kathy" to the end of that sentence.

MS. NORMINGTON:

"Kathy told us in the Capitol Office that while that may be okay for the Las Vegas Office, that was not the way it was going to work in the North. She told us since we were unclassified employees, our job security for the next four years depended on us helping her to get reelected."

SENATOR HORSFORD:

Based on that testimony, did you feel coerced to do the activities that you were assigned by the Controller?

MS. NORMINGTON:

Absolutely.

SENATOR TITUS:

As I look at the letter Controller Augustine sent you as a reprimand, Exhibit D-2, she points out three problems for which she is reprimanding you. One is that they found three personnel files under your desk. They found a folder of documents that had not been filed dating back to April, 2002, and they found some Diner's Club summaries that had not been opened dating back to December, 2001.

Please comment on two things related to this. The problems seem to predate the time you said you were so busy working on the campaign. Why did that happen? Those are very serious offenses, and yet, all you received was a letter of reprimand that said, "It is with regret." Only a

letter was placed in your file so that does not seem to me to be all that serious and threatening for not having done a good job for some pretty serious problems.

MS. NORMINGTON:

As far as the Diner's Club summaries, one was unopened dating back to December, 2001. It was not all of them. My job duties on those summaries were simply to open them and put them in a file. As my daily tasks grew larger and larger, priority wise, that kept getting pushed down to the bottom of the pile.

SENATOR TITUS:

That does not seem it would take that long to open an envelope and put it in a file.

MS. NORMINGTON:

It does not seem like it, no.

The personnel files were duplicate documents, and they were not all of the personnel files, some apparently dated back to April, 2002. Typically, the executive assistant would go to the State Personnel Office once a week, collect the backup documents, bring them back to the Capitol and file them in our records. I would fill out the form, send it to Personnel. The originals would go into the permanent record and the backup copies would come back to the Controller's Office. Unfortunately, I was not allowed the time to leave my desk to get to Personnel on a regular basis. There were times I would get documents from Personnel that might consist of ten current documents and one that was several months old. I would file those as soon as I could, but unfortunately, with the nature of everything I was doing and if I left my desk and the Controller called and I was not at my desk, I got yelled at. There were times when there were weeks or a month that went by that I could not get to Personnel. When I would get the documents back, it took more time to file them than just a few moments.

SENATOR TITUS:

Please comment on the letter in the file. This does not seem like a very harsh letter. It says they will review this in the future. This is not the Kathy Augustine you have painted a picture of. Does this letter not represent her typical self?

MS. NORMINGTON:

As far as things sent out by the Controller, this is very typical. Everything she sent out, when I worked for her was politically correct. In a formal letter like this, it was not demeaning. This letter came in January. Starting in October, 2002, our relationship started to change. I was less available to attend functions for her. My feeling was she was growing increasingly dissatisfied with my work. I had started looking for employment elsewhere within the state. By the time this letter came, I was convinced before receiving this letter, that she was building a case to let me go. That was her prerogative. When I interviewed with her, she explained to me that unclassified employees worked at the whim of the elected official for whom they worked. When I walked into the office, this letter was sitting on my desk. When she came in later, she said, "You got the letter?" I said, "Yes." She said, "I am telling you now you better have all of that stuff done. It better be done tonight. I do not care if you have to sleep here to do it. I want it all done now."

SENATOR TITUS:

It has been my experience when someone goes to another job, that the new employer contacts the old employer for letters of recommendation. It seems like many of the people who have left the Controller's Office have found other jobs. Have they not gotten letters of recommendation from the Controller? Did they not ask for a recommendation? The Controller obviously did not badmouth any of the employees who had left or they would not have easily found another job. Is there any record of that?

MS. NORMINGTON:

Not that I am aware of.

SENATOR TITUS:

The section you read for Senator Horsford stated Controller Augustine told you "since you were unclassified employees our job security for the next four years depended on us helping." What was the setting and time where she told you that?

MS. NORMINGTON:

It was in her office. She had a meeting of her chiefs: Jim Wells, Jeannine Coward and me. I do not remember if there were other people in the meeting or not. She told us that we had better do everything we can to get her reelected because our job security depended on it.

SENATOR TITUS:

That was the first I had heard of this. Everyone was there, and she told this to you as a group. No one said anything to her about it at the time.

MS. NORMINGTON:

No, she said it often. It may not have stood out to everyone.

SENATOR HECK:

You said in the beginning when you first started your employment at the Controller's Office and were being tasked with campaign-related work, you did not think it was unusual or outside of your official scope of duty to be performing those duties; correct?

MS. NORMINGTON:

Correct.

SENATOR HECK:

When you began your employment, did you receive a copy of the Controller's policy manual?

MS. NORMINGTON:

Correct. Yes, I did.

SENATOR HECK:

When did you receive that in the course of your employment?

MS. NORMINGTON:

I do not remember if I got it before I started working or after I started. It was within a few weeks.

SENATOR HECK:

Do you not recall page 1 of that policy manual that talks about performing political activities while on state time?

MS. NORMINGTON:

I do recall that.

SENATOR HECK:

If you recall that then how did you not know that performing campaign activities at work were against policy?

MS. NORMINGTON:

Originally, the first thing I was doing was to simply return a phone call for her because of a fundraiser that been cancelled because of September 11. I did not think that was unusual. It did not occur to me that I was doing campaign work until we started coordinating things for the jewelry show.

SENATOR HECK:

When you started to coordinate those things, you had already seen the policy manual that stated political activity on company time was against policy?

MS. NORMINGTON:

Correct.

SENATOR MATHEWS:

How long did you work for Controller Augustine?

MS. NORMINGTON:

About a year and one-half or a little less.

SENATOR MATHEWS:

During that year and one-half, I heard in testimony that she was throwing things and embarrassing you in front of other employees; no one ever said anything to her?

MS. NORMINGTON:

No, because if you said anything it just made things worse.

SENATOR MATHEWS:

You stayed on for a year and one-half? I am trying to picture if I could work in that situation for a year and one-half. You stayed on for a year and one-half even though she was pitching things at you.

MS. NORMINGTON:

It was not constant. If she was upset with me for a week, then, maybe, she was not for three weeks. During the time she was not upset with me, then, it made it easier to work there. I tried hard to separate personality traits from my job. I liked working in the Capitol.

SENATOR MATHEWS:

In the other jobs you had, did you work with difficult personalities? Did you have any difficulties with your other employers?

MS. NORMINGTON:

No, the only difficult personalities I worked with were the people I was checking in from the front desk, and I could call security and have them thrown out.

SENATOR BEERS:

You spoke of the fear of losing your job and the discussion that your job was on the line. Typically, unclassified employees lose their jobs if their Constitutional Officer is not reelected. That provides them with a self-preservation motive to volunteer on campaigns. You did not feel any of that?

MS. NORMINGTON:

No.

SENATOR BEERS:

As we page through these exhibits, you testified that it was done on state equipment and state time.

MS. NORMINGTON:

Correct.

SENATOR BEERS:

Later, we had testimony, I believe on cross-examination, that you often worked after hours. The Controller would often direct you to do this work after hours. If this is the sum body of the work that was done and it was all done during state hours, what was done after state hours?

MS. NORMINGTON:

I also worked on the mailing lists and, specifically, the database. I was updating it constantly. I would work on that after hours as well. I would work on it at home. If she called me or told me something was needed by Monday and she told me at noon on Friday, I had to spend the rest of the day working on it and the entire weekend. If she told me Monday she needed it by Wednesday, however long it took me to do it. There were times I would start working on it and I would e-mail it home to myself. I would work on it until 1:00 a.m. or 2:00 a.m. I would e-mail it

back to the office because of when she needed it. The majority of work done after hours for her was attending functions for her.

SENATOR BEERS:

Did the forensic examiners at the Attorney General's Office find those e-mails in the collective group drive that was backed up and restored for the forensic examination?

MS. NORMINGTON:

I do not know.

SENATOR BEERS:

Mr. Wells testified that he did not want to do the contribution and expense report and that he estimated it was a 10 to 15 hour undertaking. We have heard and seen these reports. Do you think he underestimated the time they required?

MS. NORMINGTON:

There is a difference in estimating it. That was, specifically, the August report. Mr. Wells is an accountant; he is familiar with and works with numbers all of the time. I do not. I am not an accountant. It would take me far longer to do the same work.

SENATOR BEERS:

What percentage of these reports do you think required secretarial skills versus mathematical skills?

MS. NORMINGTON:

I would say they require both.

SENATOR BEERS:

We have taken off the requirement that things are added up on the post-2003 session reports. In Exhibit P-27 is the printout of the Adobe file. It appears to be a membership list of a group currently called "Working in Communications" but then may have been called "Women in Communications." The first name on it is Barbara Aalberts. You testified you were given this to transcribe into a database form. I could not find that name. It may be easier for you, since you created it, to know what folder and what disk it is based on the forensic analyst's index to this in Binder No. 1.

MS. NORMINGTON:

The Controller marked which one she wanted. There were times when I gave her the list. She told me to take this person or that person out. You will not find every single name in these lists. The Controller would have deleted them.

SENATOR MCGINNESS:

In your Assembly testimony on page 12, you indicated that Controller Augustine was upset with Mr. Wells and said, "that he was no longer in the circle. I wish I could fire him now." You indicated you were hired as an executive assistant and as an unclassified employee, but to the end of that page, you stated, "based on this event, I knew that as a mere secretary, I would be fired in a heartbeat if I did not comply with Kathy's demands." Did you consider yourself a mere secretary or an executive assistant?

MS. NORMINGTON:

It depended.

SENATOR MCGINNESS:

In my mind, unclassified employees are a little higher up the food chain than classified employees are even though you are at the whim of your employer. Is that correct in your mind?

MS. NORMINGTON:

Yes.

SENATOR MCGINNESS:

However, you still thought that you might be fired at the drop of a hat.

MS. NORMINGTON:

Yes.

SENATOR TIFFANY:

When you were hired, some of your job responsibilities sounded mundane. They were answering the phone, opening envelopes, recording and filing things, but it sounded to me one of the most interesting parts of your job was using your acquired skills from Toastmasters. You wrote speeches and gave speeches.

MS. NORMINGTON:

Writing the speeches, yes, but it was also the chance to work for the State in the State Capitol.

SENATOR TIFFANY:

Did you get a great deal of joy out of giving the speeches and writing them?

MS. NORMINGTON:

At the beginning, I enjoyed writing the speeches for her. I had a great deal of pride just answering the phone for the State Controller of Nevada.

SENATOR TIFFANY:

Of all of the job descriptions that you had, what did you think the most favorite part of your job was?

MS. NORMINGTON:

I would say working with the public.

SENATOR TIFFANY:

Even though you were stuck in that office as you described, chained to your chair, could not go to the bathroom, you would say it was working with the public.

MS. NORMINGTON:

There were young children who went by all the time. There were people who came by who wanted to see the Controller's Office, people who asked about the history of the office.

SENATOR TIFFANY:

Therefore, you could leave your desk. You could do interesting things like that?

MS. NORMINGTON:

I did not walk around and take them on tours. I could get up and greet them.

SENATOR TIFFANY:

You could go away from your phone at times if you needed to?

MS. NORMINGTON:

I was within arms reach of my phone. The Controller did not want me away from my phone, period. If I was, she became upset.

SENATOR TIFFANY:

Meeting the public and representing the office was your favorite part?

MS. NORMINGTON:

Yes.

SENATOR TIFFANY:

Once you had worked for the Controller for a while and your relationship with her was starting to change, you did not feel as much satisfaction with your job? Did some of your job responsibilities change?

MS. NORMINGTON:

Yes.

SENATOR TIFFANY:

Did you do less social functions? Did you do fewer speeches?

MS. NORMINGTON:

No, I did not. My job responsibilities changed. Going back to your other question, I do not know if it was a favorite part, a great responsibility and pride I took was being able to process the checks that came in for the State. That responsibility was taken away from me. I could not even deliver the mail that came into the office. I could sort the mail.

SENATOR TIFFANY:

Processing checks was interesting? You enjoyed doing that?

MS. NORMINGTON:

It was stamping the endorsement on it. I felt a part of the process.

SENATOR TIFFANY:

Your job description became a little less satisfying? You felt your relationship changed? The part you missed the most was the part that was transferred to someone else?

MS. NORMINGTON:

I was no longer doing all of what I was hired to do. I did not process the checks any longer; I could not leave my desk to just deliver the mail. I had to call someone to pick it up. More and more of my time was devoted to strictly campaign functions.

SENATOR TIFFANY:

After you received the reprimand, did your job description change at all?

MS. NORMINGTON:

No.

SENATOR TIFFANY:

Did you do any activities differently? Did you still go out to the social functions? Did you still greet the children?

MS. NORMINGTON:

The after-hours social functions had diminished somewhat. I did not get any of the job responsibilities back.

SENATOR TIFFANY:

Do you think your job satisfaction stopped when some of those functions were taken away from you? Should I say, transferred to someone else?

MS. NORMINGTON:

Yes, when I stopped doing everything that had been, prior to me, the duties of the executive assistant. When I was doing primarily campaign work, that is when my job satisfaction decreased.

SENATOR TIFFANY:

The campaign work that increased was the data-entry work for the campaign contributions.

MS. NORMINGTON:

Yes, that as well as follow up phone calls. I had lists of people who I needed to call to see if they had mailed their check; if they had, when did they send it because we had not received it.

SENATOR TIFFANY:

You did not like doing that?

MS. NORMINGTON:

No, I did not.

SENATOR TIFFANY:

Did you ever express that to the Controller?

MS. NORMINGTON:

No.

SENATOR TIFFANY:

I am trying to determine when your dissatisfaction started. Was it job related or personality related. I thought you enjoyed the speech writing and giving the speeches. That is what attracted the Controller to you in the first place and at what you seemed to excel.

MS. NORMINGTON:

I did enjoy doing that, and I enjoyed giving speeches for her when they were related to the office. What I did not enjoy doing was having to do the campaign work without a choice, without being asked, "Will you do this"? I was just told to.

SENATOR TIFFANY:

That is the data-entry information you are referring to and the phone calls.

MS. NORMINGTON:

As well as delivering campaign speeches for her.

SENATOR TIFFANY:

That stopped just because you had to say at the end, "Will you vote for her." When I looked at those speeches, they were identical. They were the same when you were a spokesperson for the Office as when you went out to campaign except for the last sentence that said something about how we would appreciate your support. Other than that, they were identical. Your satisfaction changed just because of that last sentence?

MS. NORMINGTON:

That was just one of the speeches. There were also platform speeches I gave.

SENATOR TIFFANY:

I looked at them. The ones you submitted are practically identical.

MS. NORMINGTON:

That is because they were taken off the standard speech.

SENATOR TIFFANY:

I do not see any difference in what you were doing before and what you were doing in the campaign and how all of the dissatisfaction all of a sudden settled in. It seems to me it was related more to personalities than it was to job functions.

MS. NORMINGTON:

I did everything I could to separate job functions from personalities. It was more the fact that when it was campaign-related work I could make the distinction that I did not have a choice in it. I was told to go to a Chamber of Commerce mixer or to attend any type of function after hours.

SENATOR TIFFANY:

I thought those came off a list where people could say if they wanted to go to it or not. You are saying you did not get to choose from the voluntary list.

MS. NORMINGTON:

There was a list. I felt it was appropriate for me to mark everything off.

SENATOR TIFFANY:

It was a voluntary list so you were not forced to go.

MS. NORMINGTON:

I was not forced to mark it off. I felt it was expected of me to be available for her.

SENATOR TIFFANY:

Did you ask the Controller if you had a choice? You just thought that was what it was supposed to be. I had the impression you were forced and had no choice. Now, I hear it was a voluntary list.

MS. NORMINGTON:

She maintained that list for the entire office. I was told to attend functions. I did not have a choice in attending functions.

SENATOR TIFFANY:

You just said you did. You just said you would go down the list and check them off. It was voluntary.

MS. NORMINGTON:

Maybe, I am misunderstanding the question. I thought you were talking about the activity sheet.

SENATOR TIFFANY:

I do not know what it was called internally. It was a list passed around of events and people could choose to go to or not.

MS. NORMINGTON:

It was types of functions. I felt I was supposed to mark off every single one.

SENATOR TIFFANY:

However, you just said you were forced to go. You had no choice to go. It is a choice if it is a voluntary list.

MS. NORMINGTON:

Not when someone comes to you and says, "You will be attending this." If I said, "No, I cannot attend; I am going to Sacramento to see my grandmother or I want to have dinner with my parents" I was told, "No, you will be attending this because we have to have a representative there."

SENATOR COFFIN:

I admired your testimony, the way you delivered your speech in the Assembly. You have those speaking skills. I am not certain they are all taught. They may be innate. The speaking skill you have will take you a long way in politics. This will be a bloody nose because there are no winners when you get into a political fight.

Why was it so important to stop Controller Augustine from running or being eligible to run for Congress?

MS. NORMINGTON:

I do not understand the question.

SENATOR COFFIN:

We had testimony it was vital that Controller Augustine not be successful in a run for Congress. Perhaps it was not discussed with you. You can always say you never heard that.

MS. NORMINGTON:

She told me she was planning to run.

SENATOR COFFIN:

Did you not talk to the investigator about this too?

MS. NORMINGTON:

I just said I knew she was planning to run. It was just a comment.

SENATOR COFFIN:

Why was it so important to be involved in this as a political venture?

MS. NORMINGTON:

I do not believe it was important.

SENATOR COFFIN:

The seeking of a criminal investigation, would you not say that was important?

MS. NORMINGTON:

I did not seek anything but an opinion from the Attorney General. If the Attorney General would have reviewed everything and said this is nothing, there is nothing, we are sorry this happened to you, but I would have accepted that and moved on.

SENATOR COFFIN:

Did the Ethics Commission decision feel like justice to you?

MS. NORMINGTON:

I felt that it was a start.

SENATOR COFFIN:

You understood it would go further?

MS. NORMINGTON:

I thought it might.

SENATOR COFFIN:

Including the impeachment of this Officer?

MS. NORMINGTON:

It might. I was willing to accept whatever decision came out. Those people are much more qualified than I am to make any kind of judgment.

SENATOR NOLAN:

On page 1 and 2 of your Assembly testimony, you stated, "I must preface my remarks with the statement that I am not here, today, as a disgruntled former employee." On page 2 you said, "In any case, my appearance here is not as someone seeking retribution against a supervisor." Are those still true statements?

MS. NORMINGTON:

Yes, absolutely.

SENATOR NOLAN:

You told us you had an employer who made you dress the way you sometimes did not wish to dress, wear makeup and do your hair the way you did not wish to do, and was someone who disciplined you in a way you felt was unfair. She had fits of anger and threw things at you. Do you still contend that you did not leave that office feeling angry or disgruntled?

MS. NORMINGTON:

I left the office because I was unhappy. I wanted to find a different job where I would have more satisfaction. We are here, today, because of actions done, but I separate the two.

SENATOR NOLAN:

In your closing statements to the Assembly you stated, "My health suffered greatly as a result of the stress I faced between Ms. Augustine's oppressive management style and the ethical conflict I faced on a daily basis. I was forced to devote at least 75 percent of my time to working on the State Controller's reelection campaign. If that is not an impeachable offense I do not know what is."

I must ask again, if you left that office angry or disgruntled.

MS. NORMINGTON:

I was unhappy with my job. That is why I left.

SENATOR SCHNEIDER:

You testified the worst part of your job was working on the political campaign.

MS. NORMINGTON:

Correct.

SENATOR SCHNEIDER:

You resigned at the end of the political-campaign season when the better part of your job was left. You would have had four more years to work on the good part of your job. Why did you leave after the campaign?

MS. NORMINGTON:

Just because the election was over, did not mean the political work stopped. She was still getting contribution envelopes. None of the job duties given to other employees had been given back to me. Knowing she had higher aspirations whether for running for a different office in the State of Nevada or to run for Congress, I did not want to go through what I had just been through serving as her only campaign staff.

SENATOR WASHINGTON:

Do you think the Controller is a mean person?

MS. NORMINGTON:

It is hard to say. Everyone has different sides.

SENATOR WASHINGTON:

What do you think? Do you think she is a mean person?

MS. NORMINGTON:

I do not think in her heart she is, no.

SENATOR WASHINGTON:

I did not ask you that. Do you think she is a mean person?

MS. NORMINGTON:

I think she is unkind.

SENATOR WASHINGTON:

Does that equate to mean?

MS. NORMINGTON:

I do not believe it goes to the level of meanness.

SENATOR WASHINGTON:

Is that "yes" she is mean or "no" she is not mean?

MS. NORMINGTON:

She is mean at times.

SENATOR CEGAVSKE:

Earlier, I asked you about the disks you brought in. How many sets did you make of the 12 disks?

MS. NORMINGTON:

Just one.

SENATOR CEGAVSKE:

There was only one and only for the purpose for giving it to Ms. Coward to give to the Attorney General. That was your only goal in that?

MS. NORMINGTON:
Correct.

SENATOR CEGAVSKE:
At that point, what was your goal? What was the result you wanted based on giving the disks to Ms. Coward?

MS. NORMINGTON:
I wanted someone with more legal knowledge about the situation than I had to look at them, to tell me whether or not it was right or wrong and to make a decision.

SENATOR CEGAVSKE:
Whether it was right or wrong that you were working on campaign work during state time?

MS. NORMINGTON:
For myself, I knew that it was wrong that I was doing it. I wanted someone to make a decision whether it was wrong that the Controller forced me to do it.

SENATOR CEGAVSKE:
You wanted someone to intervene to say Controller Augustine was making you work on her campaign against your will on state time and you thought it was wrong even though you knew other people had said they refused to work on it. You still wanted someone else to come in and make that claim.

MS. NORMINGTON:
Some of the people who refused to work on it were classified employees. They were protected under classified status. The Controller's attitude changed toward others who refused and who were unclassified as I was. I wanted the Attorney General to look at it. If he felt legally there was something wrong and it was something that should be addressed, then it was done. If it was morally something that was done, but there was no legal standing, then he would tell me, and I would get on with my life.

SENATOR CEGAVSKE:
Did you and Ms. Coward know, at the time you copied the disks and she was going to meet with the Attorney General, that there was a possibility that the Controller could be impeached?

MS. NORMINGTON:
I was not certain of anything.

SENATOR CEGAVSKE:
Did you know about impeachment at that time? Had you heard about it?

MS. NORMINGTON:
I knew some things based on the presidential action.

SENATOR CEGAVSKE:
Did you and Ms. Coward know or get any information about impeachment that could happen to the State Controller based on the information you provided the Attorney General?

MS. NORMINGTON:
I did not get any information.

SENATOR HORSFORD:
Were there times when the assignments given to you by the Controller were hard to distinguish between whether it was state business or campaign related?

MS. NORMINGTON:
Yes.

SENATOR HORSFORD:

Do you feel if your employer knows he or she is telling you to do something wrong then he or she should tell you or protect you?

MS. NORMINGTON:

Yes.

SENATOR HORSFORD:

Do you feel that a public, elected official has a greater responsibility to do that?

MS. NORMINGTON:

Yes, I do.

SENATOR AMODEI:

Mr. Greco, are you planning to make Mr. Liebherr a witness tomorrow.

MR. GRECO:

I will make that final decision tonight.

SENATOR AMODEI:

The Committee has issued a subpoena (Partial Production and Objections to Subpoena Duces Tecum by the Office of the Attorney General) to the Attorney General regarding some background information. I will release the subpoena response to the Committee members. It is noted that providing that background information has been objected to by the Attorney General's Office. They have invited us to obtain a court order to have that subpoena complied with, a curious interpretation of the power of the Senate when conducting an impeachment proceeding. Unless 11 members of this Committee tell me to go to court to enforce that, I plan to issue a subpoena to Mr. Liebherr for the purpose of responding to those general background questions before the Defense begins its case. Mr. Greco, I will not issue that subpoena if you tell me you will ask him to come.

MR. GRECO:

That is easily accomplished in terms of asking him to be here. I have no idea if they have some legal, confidential-privilege issue. I can ask him to be here.

SENATOR AMODEI:

You can review the subpoena yourself before that time. If you have an objection to it to lodge on his behalf, we will plan to have that argument before the Committee. I believe the Committee's concern with the amount of time this takes prohibits anyone from realistically stopping the proceedings while a branch of government which is invested with the unique authority of the impeachment proceedings is asked to go to another branch of government to get permission to have someone respond to a subpoena.

SENATOR CARLTON:

Could you repeat those two sections?

SENATOR AMODEI:

I indicated it was our plan to issue a subpoena to allow the examination of this witness similar to what the subpoena requested that has been objected to is necessary. However, under Senate Standing Rule 58, if 11 members would not like to proceed in that manner and direct the Legislative Counsel to file the appropriate documents in a district court to enforce the subpoena, then I can be overruled on that. My plan is to proceed without going to court since I believe Legislative Counsel has made clear that our authority in these matters is unique and all encompassing with respect to the issuance of subpoenas and does not require us to resort to a different branch of government to conduct a function that is uniquely and constitutionally legislative in nature.

SENATOR COFFIN:

Everyday this goes by, I was told it costs about \$8,000 a day. When you add up the legal fees, it is worse than the gas prices. How long do we intend to travel this road? Has the Prosecutor finished his presentation?

SENATOR AMODEI:

We will meet tomorrow and see how things go. Mr. Greco's case is something that is uniquely within his discretion to proceed with as he sees fit. Our average adjournment time should be between 6:30 p.m. and 7:00 p.m.

On the motion of Senator Raggio, the Committee did rise and return to the Senate Chamber.

SENATE IN SESSION

At 7:38 p.m.

President Hunt presiding.

Quorum present.

Senator Raggio moved that the Senate adjourn until Friday, December 3, 2004, at 8:30 a.m.

Motion carried.

Senate adjourned at 7:39 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate