

1 place. What -- the letter that was -- you just
2 testified to was what page?

3 **CHAIRMAN T. WHEELER:** Page 22.

4 **MR. J. BOPP:** Page 22.

5 **THE WITNESS:** Dated January 18th, '09.

6 **MS. K. CELESTINO-HORSEMAN:** I don't think
7 there were numbers -- I mean, I just hand wrote
8 these on.

9 **CHAIRMAN T. WHEELER:** It's handwritten on
10 the far right.

11 **MR. J. BOPP:** Okay, then --

12 **CHAIRMAN T. WHEELER:** It's also noted as, I
13 assume, KD.

14 **MS. A. WOUDEBERG:** What is the Bates
15 stamp?

16 **CHAIRMAN T. WHEELER:** The Bates stamp is
17 15 --

18 **MS. K. CELESTINO-HORSEMAN:** They didn't
19 have a Bates stamp on it.

20 **CHAIRMAN T. WHEELER:** It is -- the one --
21 the copy I've got has a KD Bates Stamp 15
22 through 17, although it's sort of redacted by
23 the large black part.

24 **MR. J. BOPP:** All right, got it, thank you.

25 Q Now on KD21.

1 **A** 21?

2 **Q** Yes.

3 **CHAIRMAN T. WHEELER:** You're using the
4 Bates stamp number now?

5 **MS. K. CELESTINO-HORSEMAN:** Yeah, we're
6 going to use numbers.

7 **CHAIRMAN T. WHEELER:** KD21.

8 **A** Okay.

9 **Q** Petitioner's Exhibit 3?

10 **A** On Page 21?

11 **Q** Yes. Now this is a federal form. It is an I-9
12 employment eligibility verification; isn't that
13 right?

14 **A** Okay, are we on Page 21 or 22?

15 **Q** KD21?

16 **COMMISSION MEMBER B. PYLITT:** It's the 28
17 at the bottom, the scribbled one.

18 **THE WITNESS:** The 28 at the bottom?

19 **COMMISSION MEMBER B. PYLITT:** Yeah.

20 **CHAIRMAN T. WHEELER:** Handwritten 28, Bates
21 stamped 21.

22 **THE WITNESS:** Okay, got it.

23 **Q** So this is a Form I-9, employment eligibility
24 verification; isn't that right?

25 **A** Yes.

1 Q And it is a form, we're in the left-hand corner,
2 that says from the Department of Homeland
3 Security; isn't that true?

4 A Yes.

5 Q And in there it appears -- that appears to be
6 your signature on there, doesn't it?

7 A Yes.

8 Q And can you read me the language to the left
9 there that's right above your signature?

10 A Language to the left -- okay. I am aware that
11 federal law provides for imprisonment and/or
12 fines for false statements or use of false
13 documents in connection with the completion of
14 this form.

15 Q Okay. So the person's name here is Charles P.
16 White; correct?

17 A Yes.

18 Q Can you, please, read for me the address that is
19 listed for Charles P. White?

20 A 13086 Overview Drive, Fisher's, Indiana, 46037.

21 Q Now you know Amanda Ricketts, do you not?

22 A Yes.

23 Q And Amanda was the, or may still be, the chief
24 resource officer for the Indiana Department of
25 Natural Resources; isn't that true?

1 **A** I think, yeah, human resources director. I
2 don't know what the title was.

3 **Q** And you were formerly employed by the Department
4 of Natural Resources before you began working
5 for Krieg; isn't that right?

6 **A** That's correct.

7 **Q** Now if you will flip to KD49?

8 **A** 49, okay.

9 **Q** This is an e-mail from Amanda Ricketts to you --

10 **A** Okay.

11 **Q** -- that Krieg DeVault has provided and --

12 **A** Wait a minute, you're on Page 49?

13 **Q** KD49, it's the handwritten number 56.

14 **A** Okay.

15 **Q** And she's asking you do you want to stop and
16 pick up your paycheck; correct?

17 **A** Correct.

18 **Q** And on Page 55, --

19 **A** 55.

20 **Q** -- or handwritten 55, KD48, --

21 **A** 55, yeah, okay, I've got it.

22 **Q** -- you responded to her. Could you read your
23 response aloud, please?

24 **A** I said -- let's see here, I know this is dumb
25 but could you send it to me. How much is it

1 for? If you can send it, please send to 13086
2 Overview Drive, Fishers, Indiana, 46037.

3 **Q** Now on Page 54 on February 21st, Miss Ricketts
4 e-mailed you and asked if you received your
5 check in the mail, and that's KD47, and could
6 you, please, read aloud your response?

7 **A** Yes. It says, yeah. Thanks, Mrs. Clause -- Ms.
8 Clause.

9 **Q** No, that's the prior e-mail?

10 **A** Oops -- oh, sorry.

11 **Q** She asked you just touching base to see if you
12 received your check in the mail?

13 **A** Oh, okay, sorry. Okay, I've got it. Thanks.

14 **CHAIRMAN T. WHEELER:** And just for clarity
15 sake the order of the e-mails is the lower
16 e-mails are the older e-mails and the higher
17 e-mails are the newest e-mails?

18 **MS. K. CELESTINO-HORSEMAN:** Yes.

19 **Q** Now pursuant to -- you closed on the purchase of
20 the Overview condominium on February 26, 2010;
21 correct?

22 **A** That sounds correct.

23 **Q** And we've established that the lease provided
24 you possession of the condominium on November
25 13th, 2009; isn't that right?

1 **A** That's what the lease provided for.

2 **Q** And on February 22nd, 2010, --

3 **A** Yes.

4 **Q** -- you completed a voter registration
5 application, didn't you?

6 **A** Yes.

7 **Q** And on that application, you claimed the Broad
8 Leaf home of your ex-wife as your residence
9 address; isn't that right?

10 **A** That's right.

11 **Q** And you had previously claimed the documents
12 that we have gone through, telling your lender
13 that your address was the Overview condominium;
14 isn't that true?

15 **A** The way they prepared the documents, yes, that
16 is true.

17 **Q** The documents that you signed; correct?

18 **A** Yes.

19 **Q** Now in 2009, do you remember you were a member
20 of the Fishers Town Council; isn't that right?

21 **A** In -- in -- did you say...

22 **Q** 2009?

23 **A** 2009, yes.

24 **Q** And the rent on the Overview condominium, as we
25 established, was nearly \$1,700; isn't that

1 right?

2 **A** Yes.

3 **Q** Now the rent was calculated to be close to what
4 your actual mortgage payment would be; isn't
5 that true?

6 **A** I don't know why they came up with that number,
7 ma'am.

8 **Q** Okay. I'm going to refer you to stipulated No.
9 44?

10 **A** Okay.

11 **Q** And there's little numbers at the top of the
12 page, and this one says 732 of Exhibit 44?

13 **A** 732?

14 **Q** Yes.

15 **A** Got it.

16 **Q** And this is an e-mail from Jeff Keck, if you
17 will take a moment to read that e-mail?

18 **A** You're talking about the one toward the bottom,
19 the bottom -- the big paragraph, ma'am?

20 **Q** Yes, I'm sorry, the first paragraph --

21 **A** Yeah, okay.

22 **Q** -- of that -- of that e-mail dated November 5th
23 at 13:11:39, and then the second paragraph of
24 that states it, does it not?

25 **A** Okay, yeah.

1 Q So he -- Mr. Keck tried to calculate your rent
2 close to what your mortgage payment; isn't that
3 right?

4 A Yeah -- it looks like it, yeah. He went through
5 a complicated calculation, but yes.

6 Q Now you were paid as a member of the town
7 council \$1,000 per month; is that right?

8 A Before withholdings.

9 Q Gross?

10 A Gross.

11 Q And you were elected to the town council from
12 District 2; isn't that correct?

13 A Ma'am, I don't know because my district numbers
14 changed over the years. I can't remember if it
15 was District 2 or 3. I -- I --

16 Q At the time --

17 A It was back in 2001. I can't remember.

18 Q At the time in 2009, you were elected from
19 District 2, weren't you, Mr. White?

20 A I can't remember what district -- it was either
21 2 or 3. It could have been 2. It's changed
22 so...

23 Q In 2009, you were the chair of the Hamilton
24 County Republican Party, were you not?

25 A Yes, I was.

1 Q And part of your duties for the Republican Party
2 chair was to help people get elected to offices;
3 isn't that correct?

4 A Yes.

5 Q So you had to know where people were living
6 within districts to be able to help them get
7 elected to offices; isn't that right?

8 MR. J. BOPP: I object. There is no
9 qualification from Secretary of State that has
10 anything to do with what district, member of the
11 Town Council of Fishers resides or ran in.

12 MS. K. CELESTINO-HORSEMAN: Mr. Chairman...

13 MR. J. BOPP: And 0and furthermore, this is
14 obviously prejudiced. If they want to have the
15 prosecutor do discovery, why don't we just bring
16 him in here because this has nothing to do with
17 his eligibility -- I read the statute. It has
18 to do with the --

19 CHAIRMAN T. WHEELER: I -- I understand --

20 MR. J. BOPP: -- voter registration.

21 CHAIRMAN T. WHEELER: I understand what
22 you're saying. I think the question from the
23 Petitioner's side was simply as Hamilton GOP
24 chair, was he aware that individuals who were
25 running in districts ought to have to reside in

1 those districts; is that the question?

2 **MS. K. CELESTINO-HORSEMAN:** Yes.

3 **MR. J. BOPP:** I wouldn't object to that
4 question. That's not the question I heard.

5 **CHAIRMAN T. WHEELER:** Did you understand
6 the question as I guess I rephrased Petitioner's
7 question?

8 **A** That as my role as a Hamilton County chairman
9 back in -- back then to know the districts of
10 the people that are representatives of the
11 council, is that what your question was?

12 **Q** No, to make sure that the candidates lived
13 within the districts which they sought to be
14 elected?

15 **A** That wasn't my job. That was their job. I
16 never -- I never went into that kind of
17 analysis.

18 **Q** And you never --

19 **A** I mean, and we hardly ever had people opposing
20 anyone in Fishers Town Council, if you're
21 talking about that area, so that wasn't my job.
22 I leave it up to the candidates to make sure
23 they run in the right district, but that was not
24 my job.

25 The clerk's office -- the clerk's office makes

1 sure that when you register for an office, they
2 check the districts. I do not -- I did not for the
3 people.

4 **Q** So when a candidate would come to you and say I
5 want to run in District 2, you didn't care
6 whether they lived in District 2; is that what
7 you're saying?

8 **A** Well, no one came up to me from anyone in
9 Fishers wanting to do that because we hardly
10 ever had any opposition for years.

11 **Q** So you picked the people, so you already knew,
12 is that what you're saying?

13 **A** No, you were just -- if people are going to ask
14 me if they could run, there was an assumption
15 they lived in the district. I did not go down a
16 check list. I knew that when they -- anywhere
17 in this state, when you go in and you register,
18 whether it's state rep, city council, town
19 council, county council, the clerk's office goes
20 out of their way to make sure that before they
21 file their candidacy, they will check the maps
22 at the county, but I don't go through a check
23 list with people, I just simply talk to them,
24 and they don't -- and believe it or not, they
25 don't always call the county chairman when they

1 want to run.

2 Q Well, you raise an interesting point. Voter
3 registration is handled within Hamilton County;
4 correct -- voter registration is handled
5 locally; correct?

6 A On the -- the voter registration board?

7 Q Yes.

8 A Yeah, there's a member from -- picked by each of
9 the parties.

10 Q So the information that is contained and
11 gathered by voter registration is information
12 that is open to the public, is it not?

13 A Yes, they can call any time they want, anybody
14 can, and ask for information.

15 Q And when someone comes in and changes their
16 registration, the person sitting behind the desk
17 there, the person working the voter registration
18 is going to know that, aren't they?

19 A Know what, they changed their registration?

20 Q That this person has changed their registration?

21 A Yeah. Yeah.

22 Q So if you had gone in in January, say the 28th,
23 the day you were signing these documents, and
24 said I want to change my voter registration to
25 Overview, then that would have been a public

1 record, wouldn't it?

2 **A** Yes, it's all public record.

3 **Q** And if anyone had read that public record, you
4 would have been required to step down from being
5 the town council, is that right?

6 **MR. J. BOPP:** I object. Now she's playing
7 prosecutor in a criminal case. That has
8 absolutely nothing to do with whether he was
9 validly registered in any location.

10 **CHAIRMAN T. WHEELER:** Miss Horseman.

11 **MS. K. CELESTINO-HORSEMAN:** Mr. Chairman,
12 we don't have to prove motive, but it certainly
13 contributes to intent, and Mr. Bopp is the one
14 who likes throwing out the words "intent." Mr.
15 White has talked -- used the word "intent."

16 Certainly, if you are going to potentially
17 lose a thousand dollars a month at a time;
18 particularly, when you just purchased a condominium
19 that is not inexpensive, you have a motive for
20 wanting to maintain your position on the town
21 council.

22 A thousand dollars a month may not sound like
23 a lot to some, but to many people, a thousand
24 dollars a month is a significant amount of money to
25 say goodbye to.

1 **COMMISSION MEMBER B. PYLITT:** And Mr.
2 Chairman, the case of Mason versus Goman
3 (Phonetic), the infamous Goldsmith case, where
4 Judge Magnes, (Phonetic) gave a brilliant
5 opinion, contemplates that there has be to a
6 determination of fraud, there has to be a
7 determination of fraud, a clerical mistake by
8 the registration board by an employee can affect
9 the validity of voter registration or
10 qualifications so I think it's incredibly
11 relevant whether there was any problem.

12 **CHAIRMAN T. WHEELER:** Could you read back
13 the question, please?

14 *(Record read.)*

15 **CHAIRMAN T. WHEELER:** My position on the
16 question itself is the question calls for a
17 legal conclusion on behalf of the witness, and
18 so I'm going to sustain the objection and ask
19 you to repeat or rephrase it in a different
20 fashion that doesn't allow you to call for a
21 legal conclusion from the witness with respect
22 to the legal impact.

23 **Q** Mr. White, --

24 **A** Yeah.

25 **Q** -- you knew in I'd say January of 2009 -- let's

1 make it February of 2009 or 2010, that
2 the -- that continued service on the town
3 council, one of the requirements was that you
4 live within the district that elected you?

5 **MR. J. BOPP:** I object. That has
6 absolutely nothing to do with where -- where he
7 thought he was living and where he was
8 registered to vote.

9 **CHAIRMAN T. WHEELER:** I'll overrule the
10 objection.

11 **MR. J. BOPP:** These are other --

12 **CHAIRMAN T. WHEELER:** I'll overrule the
13 objection. Answer the question, please.

14 **A** No.

15 **MS. K. CELESTINO-HORSEMAN:** I forgot what
16 my question was. Can I have her read back the
17 question, please?

18 *(Record read.)*

19 **Q** And your answer was no?

20 **A** No, because I serve at large.

21 **Q** But you served at large --

22 **A** Voted on at large.

23 **Q** -- but you were required so that you can have a
24 fair representation of Fishers, not everybody
25 coming from the same area, or the town

1 councilors of Fishers required to be elected
2 from districts and to remain in those districts
3 during the time of their service on the town
4 council?

5 **MR. J. BOPP:** Can we just move this to the
6 criminal court of Hamilton County.

7 **CHAIRMAN T. WHEELER:** I think that's.

8 **MR. J. BOPP:** Now it's farther and farther
9 afield.

10 **CHAIRMAN T. WHEELER:** Your client has
11 contested the Petitioner's challenge. I think
12 it is relevant to motivation and intent. You
13 spent your entire opening statement discussing
14 intent. You and I discussed intent. One of the
15 Evan Bayh factors is intent.

16 **MR. J. BOPP:** The statute is intent.

17 **CHAIRMAN T. WHEELER:** The statute is
18 clearly intent, and it is Mr. White's intent,
19 and so I think it is relevant -- I presume
20 you're going to discuss with Mr. White his
21 intent. I -- it is relevant for them to present
22 at least some evidence related to the intent
23 issue in this case. Their contention is that he
24 had a motivation for engaging in fraud with
25 respect to voter registration, that being the

1 his Fisher town council seat.

2 Now what I just heard from Mr. White was that
3 he was elected in an at large district, which I was
4 not aware of, to be perfectly honest, which I think
5 is relevant, and I'd would certainly like to hear
6 more information related to the impact of residing
7 in an at large seat with respect to his Fisher town
8 council position because I think we've heard a lot
9 about his motivation with respect to fraud for
10 keeping his Fisher town council seat, and
11 certainly, having served in my case on a county
12 council position in a district seat, it's far
13 different from serving in an at large seat with
14 respect to residency requirements, so I'm
15 interested in the line of questioning, quite
16 frankly. Now could you repeat your question?

17 **A** Did I already answer it or...

18 **CHAIRMAN T. WHEELER:** I'm sorry?

19 **THE WITNESS:** I didn't already answer it,
20 did I? I can't remember.

21 **CHAIRMAN T. WHEELER:** I'm not sure. That
22 was...

23 **THE WITNESS:** Okay.

24 **MR. J. BOPP:** I objected. You did not
25 answer.

1 **THE WITNESS:** Okay.

2 *(Record read.)*

3 **Q** I'll reask that question because it wasn't a
4 very good question. It's my understanding that
5 Fishers is the only town in the State of Indiana
6 where all the town councilors are considered at
7 large, however, they are required to be elected
8 each from a different district, and they are --
9 and you need to answer yes; do you agree with my
10 statement so far?

11 **A** So far I agree with that.

12 **Q** And that to keep their office, they have to
13 continue their residency within the district;
14 isn't that right?

15 **CHAIRMAN T. WHEELER:** Within a particular
16 district?

17 **Q** Within a particular district; isn't that right?

18 **MR. J. BOPP:** That's a legal conclusion.
19 She's asking -- she's asking for a legal
20 conclusion again.

21 **CHAIRMAN T. WHEELER:** You can go ahead and
22 answer it again.

23 **THE WITNESS:** Oh, so you're overruling him?

24 **CHAIRMAN T. WHEELER:** Yes.

25 **A** I was not aware of that part.

1 Q Oh.

2 A At the time that you ran, you had to live within
3 a particular district, and if you want to run
4 again, and of course, as you know, those
5 districts change all the time and we...

6 Q They seem to in Fishers, I will agree with
7 you, --

8 A Yeah. Yeah. Yeah.

9 Q -- but not in other places, but...

10 A Yeah, but that last part you said, I did not
11 agree with.

12 Q But in Fishers, you have -- in fact, when you
13 discovered, so to speak, after the news
14 conference that you were living outside of
15 District 2 of the Fishers -- that serves the
16 Fishers Town Council, you resigned; isn't that
17 right?

18 A Yes, I did.

19 Q And in fact, you repaid money to the Town of
20 Fishers, didn't you?

21 A They did not want it back, but I repaid it.

22 Q And you repaid it because you were not residing
23 in the district; isn't that right?

24 A No, that's not why I did it. The reason why I
25 did it, No. 1 is because once -- and I resigned

1 before the press conference, by the way, okay,
2 the day before, No. 1. No. 2, it was after I
3 talked to people on the town council, because
4 there was confusion about whether you had to
5 remand the district or not, and then I felt that
6 just from a moral sense, now that that was
7 discovered -- do you want me to continue?

8 **Q** Yes, please.

9 **A** Okay. Then just from a moral sense, unlike
10 others who haven't locally, when they didn't
11 live in their district, I decided No. 1, pay the
12 money back for that period of time I was gone,
13 and No. 2, pay a little bit extra to help defray
14 the costs of Attorney Doug Church's legal memo
15 that said I was a de facto member serving in
16 good faith, and they counted my votes, told me
17 not to pay the money back, and they view it as a
18 gift to this day -- I've been taxed on the money
19 on my W2 that I paid back.

20 **Q** The -- I am familiar with Mr. Church because we
21 tried to get some records and we were told we
22 couldn't get them until after, long after this
23 hearing. So I just want to make sure I'm
24 understanding this, it is your testimony today
25 that as the Hamilton County GOP chair, as an

1 elected official of the Fishers Town Council, as
2 an attorney licensed by the State of Indiana,
3 that you had no idea that you were required to
4 remain within the district that elected you
5 while you served on the Fishers Town Council?

6 **A** That's correct.

7 **Q** And do you admit that Overview condominium, that
8 the Overview condominium was outside of the
9 district from which you had been elected to
10 serve?

11 **MR. J. BOPP:** I object. The qualification
12 is in the election district in which he is a
13 candidate, and that is Secretary of State, and
14 that's the State of Indiana. It has nothing to
15 do with the Fishers Town Council -- I mean,
16 look, there's got to be some fairness here -- I
17 mean, they are trying to just -- to litigate the
18 prosecutor's case. That has nothing to do with
19 whether or not he continues in office.

20 **CHAIRMAN T. WHEELER:** I think it's...

21 **MR. J. BOPP:** I think it's not fair.

22 **CHAIRMAN T. WHEELER:** I think it's a fair
23 set of questions with respect to Mr. White's
24 motivation, No. 1, but also No. 2, I have a
25 couple of follow-up questions because Mr. White

1 mentioned the fact that he -- there's a legal
2 opinion out there, apparently, that indicated
3 that he was -- apparently, his votes were not
4 invalidated, which I think is probably relevant
5 to that as well, and I'm -- if the parties don't
6 ask about that, I'm going to ask about that
7 because I think that's relevant to this unusual
8 situation in Fishers, where as Petitioner's
9 counsel indicated, Fishers is an unusual
10 situation, I think she said the only city in the
11 state, that has this weird situation where at
12 large candidates are in particular districts. I
13 chaired the election commission for five years.
14 I find that a fairly unusual situation and a
15 little confusing myself so I can understand why
16 this is an issue and there ought to be some
17 inquiry on this. So in that case, I'm going to
18 allow her to ask that question.

19 **MS. K. CELESTINO-HORSEMAN:** I think -- was
20 there a question pending?

21 **MR. J. BOPP:** Yes.

22 **THE WITNESS:** I can't remember.

23 *(Record read.)*

24 **COMMISSION MEMBER B. PYLITT:** Why don't you
25 rephrase it.

1 **MS. K. CELESTINO-HORSEMAN:** Okay.

2 **Q** Mr. White, the Overview condominium was not
3 located within the district from which you had
4 been elected to serve on the Fishers Town
5 Council; isn't that correct?

6 **CHAIRMAN T. WHEELER:** And I just want to
7 ask a clarification of that, because as I
8 understood your testimony, you were elected in
9 2001 from one district, and the district lines
10 changed at least one time, maybe multiple lines?

11 **THE WITNESS:** Yes.

12 **CHAIRMAN T. WHEELER:** So if you can specify
13 in time your question because the -- apparently,
14 the Overview Drive may have been in multiple
15 districts between the time he was elected in
16 2001. Could you ask when he was elected, and if
17 you can give me times, that would help me?

18 **MS. K. CELESTINO-HORSEMAN:** Sure.

19 **Q** In 2001, you were residing at Broad Leaf;
20 correct, think that's when you --

21 **A** No, I was residing at -- I was residing in a
22 neighborhood called Wildwood Estates, it's on
23 Wilderness Trail, and I can't remember what the
24 address was, in 200_ -- May of 2001, yeah.

25 **Q** And then you went into the Over -- to the Broad

1 Leaf home; correct?

2 **A** I think it was like '03 or '04, we went to the
3 Broad Leaf home, yes.

4 **Q** And for purposes -- you then -- and when you
5 left Broad Leaf, you went to the Pintail
6 apartment, both the Pintail apartment and Broad
7 Leaf home were in the district -- when was
8 your -- when was your most recent election to
9 the -- to the council?

10 **A** The most recent election would have been in
11 November of 2007.

12 **Q** And the boundaries for the Fishers Town Council,
13 District 2, your -- your properties, either
14 Pintail or Broad Leaf, did not fall outside of
15 District 2, they remained within District 2;
16 isn't that correct?

17 **A** Yes. To my knowledge, that is correct.

18 **Q** So then Overview, your last election was out of
19 District 2, the Overview condominium was not in
20 District 2 at the time of your last election to
21 the town council; isn't that right?

22 **A** You said that Overview was not in my district at
23 the time after I got re-elected in 2007,
24 November, is that your question?

25 **Q** In November of 2007, that area was not within

1 District 2; isn't that right?

2 **A** I believe so. I can't remember the shape of my
3 own district.

4 **Q** I mean, as currently as of 2009, it was in the
5 district of Scott Faultless; isn't that right?

6 **A** I don't know. They're pretty confusing lines.
7 I don't know who was the district
8 representative.

9 **Q** It was 5 -- Overview was outside of District 2
10 by approximately 5 miles; isn't that right?

11 **A** I don't know the number of miles, ma'am.

12 **CHAIRMAN T. WHEELER:** Could you specify a
13 time period?

14 **MS. K. CELESTINO-HORSEMAN:** Yeah, I was
15 going to say.

16 **CHAIRMAN T. WHEELER:** I'm very confused
17 about -- I presume because of Fishers, with the
18 growth of Fishers, the district lines are moving
19 fairly rapidly. I'm trying to --

20 **THE WITNESS:** Yeah.

21 **CHAIRMAN T. WHEELER:** -- understand why
22 Fishers is changing its districts all the time.
23 I'm struggling with that.

24 **THE WITNESS:** Good question.

25 **CHAIRMAN T. WHEELER:** But it was?

1 **THE WITNESS:** Yes, it was.

2 **CHAIRMAN T. WHEELER:** Okay. If you could
3 specify a particular time, that would be
4 helpful, at least to me.

5 **Q** In -- in 2009, Overview was 5 miles outside of
6 the boundaries of District 2; isn't that right?

7 **A** I don't know how many miles, ma'am -- I mean,
8 now that I've checked, obviously, it's outside
9 of that district, but I don't know how many
10 miles it is.

11 **Q** And -- but it's more than 1 mile away, isn't it?

12 **A** I don't know.

13 **Q** I mean, I drove it, it's not like you can just
14 walk it?

15 **A** Okay, but I didn't -- I don't know.

16 **Q** You never drove from Broad Leaf to Overview?

17 **A** You're talking about district lines versus not
18 from Broad Leaf to my -- not from Broad Leaf to
19 Overview. You said from the district to
20 Overview -- I don't know.

21 **Q** What is the approximate distance from Broad Leaf
22 to Overview?

23 **A** I can tell you the amount of minutes that it
24 takes to drive, but I can't tell you the
25 distance.

1 Q In 2010, Overview was outside of the District 2
2 boundary lines, wasn't it?

3 A Yeah -- after we all later checked, yes, it was.

4 Q Now when this -- when the story broke out about
5 your voter registration, that was approximately
6 6 months before the election; isn't that
7 right -- I mean, six weeks -- I'm sorry, six
8 weeks before the election?

9 A Approximately, yes -- I think, yeah.

10 Q And you have told reporters that the allegations
11 against you were talked about every single day
12 in every single media market during that
13 six-week period -- that's true, isn't it?

14 A Yeah, we believe it to be true. I've heard
15 about it every day.

16 Q I mean...

17 A My family did, yes.

18 Q Okay. And it is your belief that the voters of
19 Indiana, a majority of the voters in Indiana,
20 unless they lived under a rock, knew about the
21 allegations that were being made against you;
22 correct?

23 CHAIRMAN T. WHEELER: At what point in
24 time?

25 MS. K. CELESTINO-HORSEMAN: During the

1 six-week period.

2 **CHAIRMAN T. WHEELER:** Prior to the
3 election?

4 **MS. K. CELESTINO-HORSEMAN:** Prior to the
5 election.

6 **A** I believe that every week that went by, more and
7 more of the percentage of the people knew about
8 it up til the very end.

9 **Q** And so it was a significant number of people
10 that knew about it on election day; isn't that
11 right?

12 **A** Yes.

13 **Q** In November of '09 --

14 **A** Yes.

15 **Q** -- you voted at the polling place that serves
16 the Pintail Apartments; isn't that right?

17 **A** The voting place that usually serves Pintail is
18 I believe at River Glen Country Club. That was
19 the only time that -- I believe it was a middle
20 school that had served that precinct. That was
21 the first, I believe, only time. I think it was
22 Riverside Middle School.

23 **Q** But my question was: You voted at the polling
24 place that served Pintail -- residents of the
25 Pintail Apartment Complex; correct?

1 **A** In that one special election, correct.

2 **Q** And at that time you went into the polling place
3 and you informed them --

4 **A** Yes.

5 **Q** -- that your address had changed --

6 **A** Yes.

7 **Q** -- to the Broad Leaf home; isn't that right?

8 **A** Yes.

9 **Q** And then -- we've already discussed how you went
10 in and registered to vote. Now your attorney
11 said something about the change wasn't made when
12 you went in to -- filled it out in the -- in the
13 polling book?

14 **A** When I walked in there, I was the only person in
15 the room. There were five -- four or five poll
16 workers sitting there. I indicated to them I
17 needed to make an address change. The lady who
18 was in charge -- do I need to stop, ma'am?

19 **Q** Go ahead.

20 **A** Okay. The lady that was in charge of the poll
21 book, she had me sign the poll book to indicate
22 that there was a change, and I asked her is
23 there anything else I need to do, and she said
24 no, go and vote, and so I just did whatever she
25 told me to do that day.

1 *(Request from the reporter.)*

2 **MS. K. CELESTINO-HORSEMAN:** I'm going to
3 wrap it up real quick.

4 **CHAIRMAN T. WHEELER:** All right. She's
5 just about to wrap it up.

6 **THE COURT REPORTER:** Okay.

7 **MS. K. CELESTINO-HORSEMAN:** But we don't --
8 apparently, we don't have Exhibit --
9 Petitioner's Exhibit No. 6.

10 **CHAIRMAN T. WHEELER:** We do have No. 6.
11 That's...

12 **MS. K. CELESTINO-HORSEMAN:** We -- we
13 apparently don't have a copy. May I borrow your
14 copy for one moment?

15 **MR. J. BOPP:** Sure.

16 **Q** So I'm going to hand you what has been marked
17 Petitioner's Exhibit No. 6.

18 **A** Okay.

19 **Q** Now I will represent to you that is the poll
20 book that was used in that November 2009 special
21 election on Page -- Page 1 of that Petitioner's
22 Exhibit 6. Now --

23 **A** Do you need me to respond to that -- yes, it
24 looks like it.

25 **Q** And is that your handwriting there that put in

1 there 7527 Broad Leaf lane?

2 **A** It looks like it, yes.

3 **Q** Now you received a letter telling you to fill
4 out a form for that?

5 **A** I did not receive a letter, no.

6 **CHAIRMAN T. WHEELER:** Why don't you leave
7 that with the witness --

8 **MS. K. CELESTINO-HORSEMAN:** Okay.

9 **CHAIRMAN T. WHEELER:** -- in case he needs
10 to refer to it.

11 **MS. K. CELESTINO-HORSEMAN:** Okay.

12 **A** I did not receive a letter.

13 **Q** So you didn't get any kind of letter that said
14 you need to fill an additional form out?

15 **A** I did not receive a letter from the county.
16 There was no letter.

17 **CHAIRMAN T. WHEELER:** Let me stop you for
18 just one second. This -- this document, I know
19 we were copying it fast and furious, but this
20 has date of births from all the vendors on
21 there, I'd like that redacted, as does the
22 second page.

23 **COMMISSION MEMBER B. PYLITT:** Maybe, Mr.
24 Chairman, we can redact all the names --

25 **CHAIRMAN T. WHEELER:** Is there any reason.

1 **COMMISSION MEMBER B. PYLITT:** -- of all the
2 other...

3 **CHAIRMAN T. WHEELER:** Is there any reason
4 the name of voters are on here -- so if we could
5 do -- we'll substitute redacted version that
6 simply has Charles P. White on -- I assume
7 you're using Sheets 1 and 2.

8 **MS. K. CELESTINO-HORSEMAN:** We have a copy
9 of something like that. It doesn't -- if -- if
10 we -- if possible, go ahead and use this.

11 **CHAIRMAN T. WHEELER:** I prefer you to use
12 this because the witness has been questioned on
13 this.

14 **Q** And on May 2010, when you went to vote, you
15 voted at the polling location that served the
16 Broad Leaf home; isn't that right?

17 **A** And that's on the second page here?

18 **Q** No, no -- it is -- yes, I'm being told that yes,
19 that is the second page?

20 **A** I'm sorry, I wasn't...

21 **Q** It is the second page of Petitioner's Exhibit 6,
22 I'm sorry?

23 **A** Okay.

24 **CHAIRMAN T. WHEELER:** Let me stop you
25 there. Page 2 of Exhibit 6 is a picture of the

1 poll book from the May 2010 primary; correct?

2 **MR. W. GROTH:** Correct.

3 **CHAIRMAN T. WHEELER:** Page 1 is from the
4 special election of November of 2009; correct?

5 **MR. W. GROTH:** Correct.

6 **CHAIRMAN T. WHEELER:** Okay. So your
7 question was in May of 2010, did you vote from
8 the Broad Leaf Lane address as indicated in this
9 page of the poll book where there's a signature
10 and that address; right?

11 **MS. K. CELESTINO-HORSEMAN:** Yes. Thank
12 you, Mr. Chairman.

13 **CHAIRMAN T. WHEELER:** Do you understand the
14 question?

15 **Q** On Page 2, --

16 **A** Yeah.

17 **Q** -- Petitioner's Exhibit 6, it indicates that you
18 voted using the Broad Leaf address at the
19 polling place serving the Broad Leaf address; --

20 **A** Yes.

21 **Q** -- is that correct?

22 **A** Yes.

23 **Q** Did you indicate at that time that your address
24 had changed when you voted in May of 2009?

25 **A** No.

1 **COMMISSION MEMBER B. PYLITT:** 2010.

2 **Q** I mean, May of 2010?

3 **A** Yeah, May -- May of 2010, no, I did not -- I
4 mean, I didn't -- I don't know if I checked this
5 box, but I do not indicate an address change.

6 **CHAIRMAN T. WHEELER:** In my box it appears
7 that the box address unchanged is checked.

8 **THE WITNESS:** Yeah, I'm saying I don't know
9 if I checked it, but I did not change my
10 address.

11 **CHAIRMAN T. WHEELER:** There appears to be a
12 check in that box. There's a little -- none of
13 the other boxes are checked for the other voters
14 on address unchanged.

15 **Q** As of May 2009, you went in to vote?

16 **MR. W. GROTH:** '10.

17 **Q** '10, I am so sorry, in May of 2010, when you
18 went in to vote, you did not tell poll workers
19 or anyone there that your address had changed
20 from Broad Leaf; is that right?

21 **A** There was no reason to -- I mean, the way you're
22 asking the question, I mean, no, I did not
23 indicate there was an address change.

24 **MS. K. CELESTINO-HORSEMAN:** Thank you.
25 Nothing further.

1 **CHAIRMAN T. WHEELER:** All right. At that
2 point we'll take a break and we will recommence
3 in 10 minutes with redirect, or sorry,
4 cross-examination from the Respondents.

5 *(A recess was taken.)*

6 **CHAIRMAN T. WHEELER:** All right. I'm going
7 to call the meeting back to order with respect
8 to our situation. Mr. White is still on the
9 stand and still under oath. The Petitioner has
10 closed their direct examination of Mr. White.
11 We will now move to the Respondents' examination
12 of Mr. White. As I indicated before, this is
13 being counted against the Respondents' time.

14 **MR. J. BOPP:** Thank you.

15
16 **CROSS-EXAMINATION**

17 **QUESTIONS BY MR. JAMES BOPP, JR.:**

18 **Q** In September of 1998, you married Nicole, who is
19 now known as Nicole Mills?

20 **A** September, yes, I believe 12th of 1998.

21 **Q** And you had a -- a child with Nicole?

22 **A** Yes, William Friedrich Conlon White.

23 **Q** And that was in January of 2001?

24 **A** Yes.

25 **Q** Now toward the end of your marriage, you lived

1 on Broad Leaf Lane in Fishers, Indiana?

2 **A** Yes.

3 **Q** And that was your voting registration during
4 that period of time was in -- at Broad Leaf?

5 **A** Yes.

6 **Q** So you voted when you were there married to
7 Nicole in the 2004-2006 primary and general
8 elections?

9 **A** I believe so.

10 **Q** Now in December of 2006, you were divorced from
11 Nicole?

12 **A** Yes, the -- toward the end -- yeah, December of
13 2006, yes.

14 **Q** And Nicole continued to live in the Broad Leaf
15 residence?

16 **A** Yes.

17 **Q** And she lives there today, in fact?

18 **A** Yes.

19 **Q** Now after your divorce in December of 2006, you
20 rented an apartment at Pintail Drive, Fishers,
21 Indiana?

22 **A** Yes.

23 **Q** And you filed a change in voter registration
24 moving your registration to the Pintail location
25 and you voted out of that while you lived there?

1 **A** Yes.

2 **Q** Now when you filed your declaration of candidacy
3 for Secretary of State on January 18, 2009, you
4 were living at Pintail at the time?

5 **A** January 2009, yes, I was still living at
6 Pintail.

7 **Q** And you indicated on that statement of your
8 candidacy that you lived at Pintail; right?

9 **A** I don't have it in front of me, but I don't know
10 what whether I listed Pintail or the
11 headquarters address. Frankly, I can't
12 remember.

13 **Q** If you listed a residence address, you would
14 have listed Pintail?

15 **A** Yes.

16 **Q** Because that was your principal place of
17 residence?

18 **A** Yes.

19 **Q** Now when you formed a committee for Secretary of
20 State, did you also use the Pintail address?

21 **A** I think I did, but like I said, I know that I
22 used the headquarters address, too, for mail. I
23 don't have it in front of me.

24 **Q** Now in June -- May or June of 2009, you vacated
25 the residence at Pintail apartment; correct?

1 **A** Yes.

2 **Q** And that's when your lease was up?

3 **A** Yes.

4 **Q** Now first, let me show you Exhibit 59, and we'll
5 just hand you copies?

6 **A** Okay.

7 **CHAIRMAN T. WHEELER:** Is this a stipulated
8 exhibit?

9 **MR. J. BOPP:** Yes.

10 **MS. K. CELESTINO-HORSEMAN:** Can you tell me
11 what page?

12 **CHAIRMAN T. WHEELER:** Page 59.

13 **MR. J. BOPP:** 1010 is the -- is the number
14 at the top.

15 **CHAIRMAN T. WHEELER:** It's the NTS notice
16 to vacate?

17 **MR. J. BOPP:** Yes.

18 **Q** Now this document is a notice to vacate the
19 apartment at Pintail; correct?

20 **A** That's correct.

21 **Q** All right. And you provided your forwarding
22 address to the apartment ownership indicating
23 that you were moving to Broad Leaf?

24 **A** That's correct.

25 **Q** And that was dated March 6th, 2009?

1 **A** Yes, and the reason why it was March the 6th,
2 sir, is that you have to give them, I believe,
3 60 days notice to get out of the lease so that's
4 why it was...

5 **Q** Now why -- why were you getting out of the
6 lease?

7 **A** Well, you know, after -- there was a point to
8 where it was in the best interest of my son,
9 William, that I needed to try and find a place
10 better than an apartment for him, and once I
11 decided -- the problem is I was still out -- for
12 almost three years I was still on the Broad Leaf
13 Lane mortgage, first; second, I was still on an
14 apartment lease, and it's a little difficult to
15 get financing when you're both on a lease and
16 you're still on the mortgage. So that was the
17 first step, was to get off the lease, second
18 step eventually was to get off the mortgage,
19 eventually.

20 **CHAIRMAN T. WHEELER:** May I just ask a
21 question for clarification. This is a move back
22 from the Broad Leaf address -- from the Pintail
23 address?

24 **THE WITNESS:** Yes, sir.

25 **CHAIRMAN T. WHEELER:** And this is the --

1 the home that previously, according to the
2 stipulated facts, had been conveyed to Nicole on
3 January 25th, 2007 via quitclaim deed; correct?

4 **THE WITNESS:** Yes, but I was still on the
5 mortgage.

6 **CHAIRMAN T. WHEELER:** And you had the
7 apartment?

8 **THE WITNESS:** Yeah.

9 **Q** Now what was your arrangement for visitation
10 with William with Nicole?

11 **A** Well, when we had a more regular schedule before
12 I ran for office, our custody arrangement was
13 essentially joint, physical and legal custody.

14 **Q** And how often did you exercise that so that you
15 saw William?

16 **A** Well, under normal circumstances, without the
17 campaign, it was pretty regularly, Saturdays and
18 Sundays, and Tuesdays, or Saturdays and Sundays
19 or Monday, my town council agenda -- my town
20 council meetings were put into our divorce
21 agreement to figure out what day of the week,
22 depending on a meeting or not.

23 **Q** Now Nicole and William continued to live at the
24 Broad Leaf residence at this time?

25 **A** At what time?

1 Q In -- through June of 2009?

2 A Yes.

3 Q Now what was your relationship with Nicole --
4 you were divorced, but what was your personal
5 relationship?

6 A We -- we did continue to have a great personable
7 relationship. She's the mother of my child. We
8 really didn't have any fights at all during the
9 divorce. We got it done in 62 days essentially
10 on or about, and to this day, she views my
11 mother as a second mother, and I get along great
12 with her current husband.

13 And I know it's a little bit atypical, but we
14 have always during the divorce and after the
15 divorce, we've always put the best interest of our
16 son above ourselves.

17 Q When you gave the Broad Leaf residence as a
18 place you were moving from Pintail in March of
19 2009, did you discuss that with Nicole?

20 A Yes.

21 Q And -- and what was the arrangement that you all
22 would have with respect to you moving to Broad
23 Leaf?

24 A Well, the arrangement is I had 24-hour access to
25 the place when I'm able to be in town, because

1 again, with trying to get out of the lease and
2 eventually get off of a mortgage, she knew that
3 I would be in a little bit of an odd situation
4 just trying to make all of this work while I'm
5 on the road all the time.

6 And I would see William, even though it
7 deviated from -- there would be a lot of deviations
8 from our normal arrangement that happened before
9 and after the campaign, I would -- she would make
10 sure I saw him as much as I could, morning, noon or
11 night, just whenever I was available, sir.

12 **Q** Now, let me show you what's been marked as
13 Exhibit 61, Page 1 of 16?

14 **A** Is this the same thing.

15 **CHAIRMAN T. WHEELER:** I have 61 as the NTS
16 move out statement, Tab 61?

17 **MR. J. BOPP:** Correct.

18 **A** I've got it.

19 **Q** All right. Now this is a move out statement
20 with the Pintail apartment with respect to any
21 additional charges you might have for cleaning
22 the place or any of that sort?

23 **A** Yes.

24 **Q** And this was -- this finalized your actual move
25 from Pintail to Broad Leaf?

1 A Yes, on May 31st, '09.

2 Q And you paid this on July 21st, and this
3 document indicates that you were at the Broad
4 Leaf residence; right?

5 A That's correct, sir.

6 Q And it was addressed to Broad Leaf?

7 A Yes.

8 Q And they sent it there, you got it, and paid it?

9 A Yes.

10 Q Now when you -- you were running for Secretary
11 of State?

12 A (The witness nodded.)

13 Q Now I assume since that is a statewide office,
14 that necessitated you going to many locations
15 within the state to campaign; right?

16 A That's an understatement, every single day,
17 yeah.

18 Q And then from time to time -- and in some
19 instances, you would stay in those locations?

20 A Yes.

21 Q Fort Wayne, New Albany, etc.?

22 A Yes.

23 Q Evansville?

24 A Yes.

25 Q And then sometimes you would return to Hamilton

1 County?

2 **A** Yes.

3 **Q** Where would you go when you returned to Hamilton
4 County in June, starting in June of 2009?

5 **A** There have been times where, of course, I would
6 go back to Broad Leaf Lane because that's where
7 basically I -- my place to essentially crash, if
8 I needed to. Depending on time of day, I you
9 know -- you know, various locations, I would
10 visit my then fiancée, Michelle Quigley.

11 **Q** Her name is?

12 **A** Michelle Quigley, and now it's Michelle
13 Quigley-White.

14 **Q** Go ahead.

15 **A** And sometimes depending on what was going on or
16 where Williams was, I would spend time with my
17 mother, Peggy White, and I wouldn't see my dad
18 nearly as much because he lives in Westfield --
19 you know, Fishers, generally, I would go to one
20 of those -- see one those three people.

21 **Q** Now did you consider Broad Leaf as your
22 principal residence?

23 **A** Yes.

24 **Q** Now when you -- when you would show up at Broad
25 Leaf, could this be all hours of the day and

1 night?

2 **A** Yes.

3 **Q** How would you gain access to the property, to
4 the house?

5 **A** Well, to this day, I've accessed -- I just know
6 the code on the pin pad.

7 **Q** Okay. So Michelle gave you a code?

8 **A** No, no, Nicole.

9 **Q** Nicole, sorry.

10 **A** Nicole. And I can't remember, but there have
11 been times that I did have a key as well or a
12 key was available under a mat somewhere -- I
13 mean, I can't remember how all of the times I
14 gained access, but it wasn't difficult.

15 **Q** But you did have a code?

16 **A** Yeah.

17 **Q** And that code would allow you to open the garage
18 door?

19 **A** Yeah.

20 **Q** And if you came in at let's say 11:00 o'clock at
21 night, --

22 **A** Yeah.

23 **Q** -- and you entered the code, opened the door,
24 then where would you stay?

25 **A** Usually in the basement.

1 Q And is the basement finished?

2 A Yeah.

3 Q Now would you notify Nicole that you might be
4 coming?

5 A You know, the thing is sometimes she would check
6 in with my scheduler and she already knew kind
7 of what days I might be in and out, and
8 sometimes I did and sometimes I didn't, and
9 sometimes she was out of town, and sometimes she
10 wasn't, because she, you know, has a job, too,
11 that take her out of town so...

12 Q And it was your understanding with Michelle --
13 excuse me, Nicole, that you had full access --

14 A Yeah.

15 Q -- to the Broad Leaf house --

16 A Yes.

17 Q -- whenever you chose to --

18 A Yes.

19 Q Let me finish the question.

20 A Okay.

21 Q Whenever you chose to go there?

22 A Yes.

23 Q Now did you also receive bills there?

24 A A lot of bills.

25 Q Was this your principal mailing address as well?

1 **A** Yes.

2 **Q** Now let me show you what's been marked as
3 Exhibit 2.

4 **CHAIRMAN T. WHEELER:** Is that Tab 2?

5 **MS. A. WOUDEBERG:** Yeah, stipulated
6 Exhibit 2, Page 174, is the Bates stamp at the
7 top.

8 **CHAIRMAN T. WHEELER:** Stipulated Exhibit 2,
9 affidavit of Ashley Johnson?

10 **MS. A. WOUDEBERG:** You want to look at the
11 Bates stamp of 174 at the top. Our copies don't
12 have...

13 **CHAIRMAN T. WHEELER:** Bates Stamp 174 at
14 the top is a portion of stipulated Exhibit 2.
15 It's a bill dated from Duke Energy on June 23rd,
16 2009?

17 **MR. J. BOPP:** Yes.

18 **CHAIRMAN T. WHEELER:** He's way over on
19 Exhibit 2 beyond that affidavit.

20 **Q** Now this Exhibit 2 indicates that this is a
21 final bill from Duke Energy?

22 **A** Yes, sir.

23 **Q** And that is a final bill for the Pintail
24 apartment?

25 **A** Oh, yes, sir, yeah.

1 Q And that was sent to Broad Leaf?

2 A Yes, sir.

3 Q All right. And you received it there and paid
4 it?

5 A Yes, sir.

6 Q Now did you also change your voter registration
7 from Pintail to Broad Leaf?

8 A Yes, sir. I thought I had done that in that
9 November election, but -- but yeah, there was
10 follow-up paperwork that had to be filed.

11 Q So that was the -- that was the exhibit -- you
12 were asked about, Exhibit 6, where when you
13 showed up in a special election in November of
14 2009, that you signed on the poll book that your
15 residence was Broad Leaf?

16 A Yes. One thing I'd like to add to that, sir, is
17 that, you know, back when I was an inspector, we
18 had little bitty forms that were called
19 in-county voter registration transfers, so just
20 in-county. It wasn't the regular voter
21 registration form.

22 When I went to change my address, the people
23 that serve on that board are the people that last
24 attended that training session the Saturday before.
25 I -- I did exactly what they told me to do.

1 Whether they had me fill out a form or not fill out
2 a form, had me fill out ten, I would have done
3 whatever they told me to do.

4 And additionally, when it came to registering
5 to vote on February 22nd, 2009, I had gotten a call
6 to remind me to do it, I believe a few weeks
7 before. I waited until I went to a solid waste
8 board meeting at noon that day because I was not
9 going to go up there twice because I just didn't --
10 it wasn't in my schedule. It was too hard to --
11 with all of my traveling, I had waited until that
12 day.

13 **Q** So you attempted to change your voter
14 registration address prior to the election?

15 **A** 2009 election --

16 **Q** Yeah.

17 **A** -- or 2010?

18 **Q** 2009?

19 **A** No. That's the way I thought I did it was by --

20 **Q** Was signing the poll book?

21 **A** -- doing it the way that they told me to do it
22 at the poll book. I thought that was the way to
23 do it these days.

24 **Q** And so by signing the poll book in -- at the
25 election of November of 2009, you thought you

1 had changed your voter registration form?

2 **A** Yes, and they would just do a sight check and
3 just change the precincts.

4 **Q** Now beginning in June of 2009, did you begin to
5 receive your mail there?

6 **CHAIRMAN T. WHEELER:** Mail where?

7 **Q** Mail at Broad Leaf, thank you.

8 **A** Yes, sir.

9 **Q** Let me show you what's been marked as
10 Plaintiff's Exhibit "B" as in boy?

11 **CHAIRMAN T. WHEELER:** I assume that's
12 Respondent's Exhibit?

13 **MS. A. WOUDEBERG:** Respondent's.

14 **MR. J. BOPP:** Respondent's Exhibit "B" as
15 in boy.

16 **Q** This is a three-page exhibit that has Exhibit B,
17 C and D. Let's first look at D?

18 **A** Okay.

19 **CHAIRMAN T. WHEELER:** Let me ask a
20 preliminary question. How does this differ from
21 Joint Exhibit 62? I know you have two
22 additional pages, but this is the same as Joint
23 Exhibit 62; right?

24 **MR. J. BOPP:** We're checking. It is the
25 same, isn't it, Joint Exhibit 62.

1 MS. A. WOUDEBERG: Yes.

2 MR. J. BOPP: Joint Exhibit 62 is that
3 document; right?

4 MS. A. WOUDEBERG: Yes.

5 MR. J. BOPP: Okay. So this is already
6 admitted as Joint Exhibit 62. Thank you.

7 Q Now this is from State Farm, do you know what's
8 that about; what State Farm -- business you had
9 with State Farm?

10 A If I remember correctly, this was probably from
11 like -- I'm going to -- I believe it was for my
12 auto insurance.

13 Q And the envelope appears to have been mailed to
14 Pintail, but you have kind of the standard U.S.
15 post office stamp on here indicating you had a
16 new address, which was at Broad Leaf?

17 A Yes.

18 Q And that -- and similarly, Exhibit C and Exhibit
19 D are also mail that was addressed to Pintail in
20 June of 2009 that indicate your change of
21 address to Broad Leaf; is that right?

22 A Yes, and would you like me to lists all of the
23 things I had sent to the house?

24 Q No, I haven't asked you that --

25 A Okay, yes, sir.

1 Q -- and I don't want you to do it.

2 A Okay.

3 MR. J. BOPP: I move for the admission of
4 Respondent's Exhibit C and D?

5 CHAIRMAN T. WHEELER: Any objection?

6 MS. K. CELESTINO-HORSEMAN: No -- to answer
7 your question, no.

8 CHAIRMAN T. WHEELER: Respondent exhibits
9 will be admitted, C and D.

10 MR. J. BOPP: Thank you.

11 Q In addition to these examples, was there mother
12 mail that was being either forwarded or sent
13 directly to Broad Leaf?

14 A Yes, sir, my --

15 Q And I haven't asked you to lists them. Were
16 there numerous ones?

17 A There were a lot of them.

18 Q Okay, thank you. Now did that include, for
19 instance, Chase Bank?

20 A Yes.

21 Q All right. Did that include the Social Security
22 Administration information?

23 A Yes.

24 Q Did that include information from the State
25 regarding taxes that you were being -- that you

1 owed or paid?

2 **A** Yes.

3 **Q** Now in June of 2009, you became engaged to
4 Michelle?

5 **A** Yes.

6 **Q** What was your -- when did you plan to marry?

7 **A** When we got engaged in June of 2009, we had not
8 set a date yet at that time -- you know, we had
9 just got engaged, so at that time, we had not
10 set a date.

11 **Q** Now eventually, as you have testified to, you
12 first rented the Overview condominium and then
13 purchased the Overview condominium; correct?

14 **A** Yes.

15 **Q** Now was that to be the marital home?

16 **A** That was to be the marital home, yes.

17 **Q** When you rented the property in November, that
18 is the Overview condominium, November of 2009,
19 who moved into there?

20 **A** Michelle.

21 **Q** And in addition to Michelle, who else?

22 **A** Her children, Liam Zimpleman and McKayla
23 Quigley.

24 **Q** Now did you have an agreement between you and
25 Michelle on whether or not you would live

1 together before marriage?

2 **A** Yes, we did.

3 **Q** And what was that agreement?

4 **A** That agreement was that we do not have a family
5 until we get married and she was not going to
6 let me live there full time until we got
7 married. I was going to honor those -- her -- I
8 was going to honor her request.

9 **Q** Now why did you have that agreement, you would
10 not live together; what were the motivating
11 factors?

12 **A** A few things. No. 1 -- you know, one of my
13 backgrounds, as a family law attorney, I've --
14 I've been through a lot of these custody
15 situations, that's first. Second of all, I had
16 been through a previous relationship that I
17 don't think did William very well when we did
18 break up in early '08, and that was not, I don't
19 think, very good more for me or for my son.

20 And with -- with her going through a divorce
21 as well and dealing with custody issues in the
22 past, we felt that it was in the best interest of
23 all three children -- my son, her two children,
24 that we have to have a balance between the kids
25 bonding and us bonding with the other children that

1 are ours, and then once we get married, as my
2 mother always said, you don't have a family until
3 you get married.

4 Q Did you from time to time, once Michelle moved
5 into the Overview condominium, spend the night
6 there?

7 A Of course.

8 Q And were you there alone or with William?

9 A Usually, when I was over there, if it were an
10 overnight, it would be with William.

11 Q And where would you all stay in the condominium,
12 you and William?

13 A I would usually be sleeping on the couch -- I
14 mean, it was a big couch that she brought, but
15 it was usually with William or with me,
16 depending on how we felt, but yeah.

17 Q Now the -- did you -- once you purchased or
18 rented the condominium and ultimately purchased
19 it, did you still consider your principal place
20 of residence at Broad Leaf?

21 A Yes.

22 Q Did you spend the night at Broad Leaf?

23 A Of course, yes.

24 Q You still had access --

25 A Yes.

1 Q -- to that residence?

2 A Yes.

3 Q Still the keypad thing?

4 A Yep.

5 Q And that was -- continued to be where William
6 had his residence, at the Broad Leaf address?

7 A Yes -- most of the time, yes.

8 Q Now when you rented the Overview condominium,
9 when were you planning on getting married?

10 A You mean back when I executed the agreement
11 or...

12 Q Well, in September you executed the purchase
13 agreement?

14 A Yeah.

15 Q In November, you executed the lease that we had
16 testimony about, when were you intending on
17 getting married?

18 A I think toward -- to the best of my
19 recollection, toward the end of '09, and early
20 '10, we were planning to getting married
21 somewhere in the ballpark of perhaps February or
22 March.

23 We had batted around a ton of dates, but the
24 original intent was that we were going to get
25 married in March and I was going to live over

1 there.

2 The problem was that as time crept by and we
3 got closer to March, and it was my fault because of
4 the campaign, I'd be on the road all the time, I
5 did not take care of the details, and because of
6 that, we had to push the wedding back and we
7 eventually then pushed it back to May, to Memorial
8 Day weekend, because that was the only time that
9 really there weren't any events. We had a
10 three-day honeymoon so...

11 **Q** Now when you rented and ultimately purchased the
12 Overview condominium, why wasn't Michelle a
13 co-renter or a co-purchaser?

14 **A** From her past marriage, she a foreclosure on her
15 record, which did not help her at all, No. 1,
16 and there were bills attached to that
17 foreclosure that I could not put her name on the
18 bills, on the utility bills attached to the
19 condominium, because of her bad credit, and I
20 had to get the lights turned on so I used my
21 name. I think she got her name on the trash
22 bill and that was about it.

23 And then No. 2, the day that we got engaged, I
24 asked her to marry me and she had a fever, and
25 unfortunately, the next day, it turned out she had

1 an emergency appendectomy, and I did spend the
2 night in the hospital that night, and I hope that's
3 okay, with her, but we -- she had the emergency
4 appendectomy, and unfortunately, since we were not
5 married, she did not have health insurance, and to
6 this day, she still owes that money, and I could
7 not put her name on that lease.

8 I could not -- to this day, I cannot put her
9 name on that condo so that they don't try to sue
10 her and put a lien on the house, so that's why we
11 couldn't have her name on anything.

12 **Q** So the summary is she has bad credit --

13 **A** Yes.

14 **Q** -- and it would compromise the whole purchase
15 and renting --

16 **A** Yeah.

17 **Q** -- situation?

18 **A** Exactly.

19 **Q** And was it always your intention in renting it
20 and ultimately purchasing it, that it would be
21 the marital residence for you and her and her
22 two children?

23 **A** Yes, once we were married.

24 **Q** But you would not establish that as your
25 residence until that occurred?

1 **A** That's correct.

2 **Q** Now some bills went to one you rented and then
3 purchased -- Overview, some bills?

4 **A** Yes.

5 **Q** Some bills went to Overview?

6 **A** Yes.

7 **Q** Okay. And those were the bills associated with
8 the condominium; in other words, utilities?

9 **A** Yes.

10 **Q** Insurance; right?

11 **A** Yes.

12 **Q** Also, you became employed with Krieg DeVault;
13 right; correct?

14 **A** Correct.

15 **Q** And that was on or about June 1st, 2010?

16 **A** No, that was February.

17 **Q** February 1st, 2010?

18 **A** February 1st, 2010, yes.

19 **Q** Sorry, I misspoke. Now when you married -- I'm
20 sorry, when you became employed there, what
21 address did you provide them?

22 **A** Overview Drive.

23 **Q** And why is that?

24 **A** The one caveat to -- I mean, I got all of my
25 mail over at Broad Leaf, but the one thing that

1 I did not want was any -- No. 1, I thought I was
2 going to get married before I did. I thought I
3 was going to get married pretty quickly after I
4 got employed, but of course, that didn't happen,
5 and I didn't want to change my address within a
6 month or so after I became employed with Krieg
7 so I just wanted to give them what I anticipated
8 was going to be my new address, No. 1.

9 No. 2, it was very important to me that once
10 we were -- I tried to get life insurance that day
11 for Michelle, but I couldn't, the day I signed
12 those forms and I -- I thought I could get life
13 insurance for anyone but I couldn't until we got
14 married because my driver was a total maniac and I
15 thought I was going to die every night just because
16 he drives like a maniac, but I just wanted to make
17 sure she was taken care of.

18 But the other thing was the fact that her and
19 her daughter, McKayla, were going to be put on the
20 insurance, I did not feel it was appropriate to
21 have any medical information or have her personal
22 information be sent to Broad Leaf because it's just
23 not anybody's business. So if it were something
24 that was that personal, that would have to go to
25 Overview, and of course, I didn't realize that we

1 were going to be putting off other marriage, too,
2 so...

3 **Q** Would you look again at Petitioner's Exhibit 2
4 that is the affidavit for certification of
5 records?

6 **A** Yes.

7 **Q** It's the long exhibit that has various documents
8 that --

9 **A** Yes.

10 **Q** -- you signed?

11 **A** Yes.

12 **Q** You were asked about signing these documents for
13 loan application, mortgage, etc., when you
14 finalized the purchase of the Overview
15 condominium first. At that time how soon did
16 you think you would actually move there, when
17 you were signing these documents to Overview?

18 **A** Now at the time I signed them, a lot of
19 these -- I mean, this document looks like I
20 would have signed them around like the end of
21 January.

22 **Q** The dates are from January -- yeah, the end of
23 January --

24 **A** Yeah.

25 **Q** -- through February?

1 **A** Well, at the time I signed them, I was fully
2 anticipating back then that I was going to be
3 probably getting married around March, but that
4 didn't pan out, but at the time, that's what I
5 anticipated.

6 **Q** Now isn't it true that many -- many people, when
7 they sign purchase agreements like this, that
8 they don't use the house that they're living in,
9 they use the house that they're going to live in
10 and -- and that's the one that they're buying?

11 **MS. K. CELESTINO-HORSEMAN:** I'm going to
12 object because as Mr. White himself has made
13 clear --

14 **CHAIRMAN T. WHEELER:** I'll sustain the
15 objection. It's pure speculation. You asked
16 him -- you can ask him of his own personal
17 knowledge, but you're asking him isn't it true
18 that many people.

19 **Q** Isn't it true that many people told you that
20 when they signed the -- hearsay, here we go,
21 baby?

22 **CHAIRMAN T. WHEELER:** I'm going to sustain
23 that objection.

24 **MR. J. BOPP:** Why, that's hearsay, hearsay
25 is admissible. Hearsay is absolutely

1 admissible.

2 **CHAIRMAN T. WHEELER:** We all have respect
3 to mortgage applications and we'll apply those.
4 If you can move on.

5 **Q** Didn't you have the intent that many people,
6 when you sign these agreements, that you were
7 going to live in the place that you purchased
8 and it wasn't the place where you were living
9 because you hadn't even bought the place yet?

10 **A** Of course.

11 **MS. K. CELESTINO-HORSEMAN:** Objection, same
12 grounds.

13 **CHAIRMAN T. WHEELER:** Overruled.

14 **Q** You also mentioned that you didn't read all of
15 these documents?

16 **A** No, and frankly, if I read them, I wouldn't
17 understand everything they said. I signed a lot
18 of documents multiple times.

19 **Q** Were you relying upon your agents, the realtor,
20 the mortgage broker, etc., etc., --

21 **A** Absolutely.

22 **Q** -- to properly fill these out?

23 **A** Yes.

24 **CHAIRMAN T. WHEELER:** May I ask -- I
25 apologize for interrupting. Who filled out

1 those applications; did you fill those out?

2 **THE WITNESS:** No.

3 **CHAIRMAN T. WHEELER:** Or did...

4 **THE WITNESS:** My mortgage broker typed
5 everything in and just told me to sign it.

6 **CHAIRMAN T. WHEELER:** And then you just did
7 what he told you to sign?

8 **THE WITNESS:** Yeah.

9 **CHAIRMAN T. WHEELER:** You didn't read it?

10 **THE WITNESS:** I trust his judgment. He's a
11 professional.

12 **CHAIRMAN T. WHEELER:** Well, let me ask this
13 question. I know that there's an indication
14 here that you had only gone to school for 16
15 years. As I understand it, you indicated that
16 you're a lawyer; correct?

17 **THE WITNESS:** Where does it say that, sir?

18 **CHAIRMAN T. WHEELER:** Well, when I look on
19 Page 3 of this document, it says years in
20 school, only 16, which that would take you
21 through high school and only the first four
22 years of college -- I assume that's incorrect as
23 well -- see where it says years of school right
24 next to the redacted portion?

25 **COMMISSION MEMBER B. PYLITT:** Middle of the

1 page.

2 **MR. J. BOPP:** Yeah, it does, I see it.

3 **Q** It's on the first -- it's on the first legal
4 size page with No. 3 at the bottom, do you see
5 the two redacted strikeouts --

6 **A** Yes.

7 **Q** -- in the middle of the page? If you look to
8 the right, it says years in school 16?

9 **CHAIRMAN T. WHEELER:** I assume you went to
10 law school as well; correct?

11 **THE WITNESS:** Yes, I did.

12 **Q** And that would be more like 19?

13 **A** Yeah, I guess depending on when you start
14 counting years of school so...

15 **CHAIRMAN T. WHEELER:** So that's incorrect
16 as well?

17 **THE WITNESS:** Yes, sir.

18 **CHAIRMAN T. WHEELER:** And it's incorrect
19 when it says on the Broad Leaf Lane where it's
20 marked rent versus own; correct?

21 **THE WITNESS:** There's not a box for
22 anything else but own or rent.

23 **Q** But when they checked rent, it is true that you
24 were not renting --

25 **A** No.

1 Q -- the Broad Leaf Lane?

2 A No. I don't know why he put that.

3 CHAIRMAN T. WHEELER: But you didn't read
4 it; right?

5 THE WITNESS: No.

6 CHAIRMAN T. WHEELER: You just signed it?

7 THE WITNESS: Yes.

8 BY MR. J. BOPP:

9 Q Now during this period of time, as you've
10 already testified, you continued, that is for a
11 period of time for which you were purchasing and
12 ultimately purchased the Overview condominium,
13 you continued to be registered at Broad Leaf?

14 A Yes, sir.

15 Q And then when the primary election occurred, you
16 voted out of the Broad Leaf residence?

17 A Yes, sir.

18 Q What was the date of your marriage?

19 A May 28th, 2010 -- make sure I have that right --
20 May 28th, 2010.

21 Q And then after your marriage, what -- did you
22 take a vacation -- a honeymoon?

23 A I guess you'd call it a honeymoon. We had about
24 three days because of my schedule to go up to
25 Saugatuck, Michigan -- it's her favorite place,

1 and we went up there Saturday, Sunday and
2 Monday, I think, and then we started coming back
3 Tuesday and that was it.

4 Q And then at that point did you establish your
5 principle residence at Overview?

6 A Yes, as soon as I got married.

7 Q Now you testified that when you became employed
8 with Krieg DeVault, that you gave them the
9 Overview address, --

10 A (The witness nodded.)

11 Q -- but you were planning on establishing your
12 marital residence there?

13 A Yes.

14 Q Did you also give them the Broad leaf address?

15 A Yes. It probably would have been on my driver's
16 license. I gave that to them as well.

17 Q And let me show you what's -- Krieg DeVault
18 Bates Stamp No. 22, and I forget the Exhibit
19 number.

20 CHAIRMAN T. WHEELER: Three.

21 Q Okay. Petitioner's Exhibit 3, and I'll just
22 show you that page. Now is that -- it's hard to
23 see, is that the driver's license you gave them
24 when you became employed that you -- that showed
25 that you lived at Broad Leaf; is that right?

1 **A** Yes, sir.

2 **Q** On your driver's license?

3 **A** Yes, sir.

4 **Q** Also, in February of 2010, you filled out a
5 voter registration form to verify that you had
6 moved from Pintail to Broad Leaf?

7 **A** Yes.

8 **Q** And that is Exhibit 13?

9 **A** Yes.

10 **Q** Let me show you that, a copy of that. Now
11 understand this is a follow-up from you writing
12 on the poll book in November of 2009, your
13 change of address?

14 **A** Yes, sir.

15 **Q** While you did not receive a letter from voter
16 registration, you received this form?

17 **CHAIRMAN T. WHEELER:** Mr. Bopp, can you
18 hold on for one second?

19 **MR. J. BOPP:** Yes.

20 **CHAIRMAN T. WHEELER:** What document are you
21 working off of right now?

22 **MR. J. BOPP:** Sorry?

23 **CHAIRMAN T. WHEELER:** What document are you
24 working off of right now?

25 **MR. J. BOPP:** Exhibit --

1 MS. A. WOUDEBERG: 13.

2 MR. J. BOPP: -- 13.

3 CHAIRMAN T. WHEELER: Stipulated Exhibit
4 13?

5 MS. A. WOUDEBERG: Correct.

6 MR. J. BOPP: Yes.

7 MS. A. WOUDEBERG: And I don't know if
8 they have all the pages in there, but they're
9 Bates stamped.

10 CHAIRMAN T. WHEELER: Let me make a -- let
11 me make a quick note. I was looking at Mr.
12 White's driver's license, Exhibit 38, which is a
13 Pintail driver's license.

14 MR. J. BOPP: Yes.

15 CHAIRMAN T. WHEELER: I would note that his
16 date of birth is listed on that so if someone
17 would redact that as well. All right, now we're
18 on Tab 13, and which page on Tab 13?

19 MS. A. WOUDEBERG: It's Bates stamped at
20 the top center, at 452.

21 CHAIRMAN T. WHEELER: 452, thank you very
22 much.

23 THE WITNESS: Sir?

24 MR. J. BOPP: There's no -- no question
25 pending, and let me clarify, you may have

1 misspoke, Mr. Chairman, the driver's license
2 that we referred to, the previous exhibit had
3 his address.

4 **CHAIRMAN T. WHEELER:** No, I understand.
5 The driver's license is under Tab 38?

6 **MR. J. BOPP:** At Broad Leaf.

7 **CHAIRMAN T. WHEELER:** The driver's license
8 under Tab 38 is the Pintail address driver's
9 license, and it shows amended Pintail under Tab
10 38, and then I understand it the one you're
11 introducing right now is the Broad Leaf, which I
12 assume you changed your driver's license --

13 **THE WITNESS:** Yes.

14 **CHAIRMAN T. WHEELER:** -- address at some
15 point from Pintail to Broad Leaf, which I may
16 have some questions on later or maybe somebody
17 will have questions on the driver's license
18 changes, but I just want to clarify the date of
19 birth on that. Now you're working off of 452;
20 correct?

21 **MR. J. BOPP:** Yes, thank you.

22 **Q** Before the questions came in and our confusion,
23 this is the form that you filled out to verify
24 your change of address from Pintail to Broad
25 Leaf, which you filed with the voter

1 registration on February of 2010?

2 **A** As the follow-up to whatever it is.

3 **CHAIRMAN T. WHEELER:** Mr. Bopp, may I ask a
4 question then, I'll ask my driver's license
5 question?

6 **MR. J. BOPP:** Of course.

7 **CHAIRMAN T. WHEELER:** Tab 38 is the
8 driver's license at Pintail, if you look at Tab
9 38?

10 **THE WITNESS:** Okay, got that, yes, sir.

11 **CHAIRMAN T. WHEELER:** It says amended
12 operated license at Pintail, and the driver's
13 license you just referred to also says amended
14 operator's license at Broad Leaf?

15 **THE WITNESS:** Yes, sir.

16 **CHAIRMAN T. WHEELER:** Now my question is:
17 When did you amend your driver's license from
18 Pintail to Broad Leaf -- I don't see a date on
19 them, unfortunately -- well, it shows an issue
20 date of 12/8/09?

21 **THE WITNESS:** Yes.

22 **CHAIRMAN T. WHEELER:** All right. So you
23 would have changed your driver's license on
24 December 8th, '09?

25 **THE WITNESS:** Yes.

1 **CHAIRMAN T. WHEELER:** From Pintail to Broad
2 Leaf?

3 **THE WITNESS:** Yes.

4 **CHAIRMAN T. WHEELER:** Did you ever change
5 your driver's license from Broad Leaf to the new
6 condo?

7 **COMMISSION MEMBER B. PYLITT:** Overview.

8 **CHAIRMAN T. WHEELER:** The Overview Drive
9 condo; is your current driver's license at
10 Overview Drive?

11 **THE WITNESS:** My current one says Overview,
12 and that would have been towards the end of the
13 summer probably around the time I registered to
14 vote, re-registered.

15 **Q** Now let me refer you to the sales disclosure
16 form which is --

17 **MS. A. WOUDEBERG:** 11.

18 **Q** -- Exhibit 11, Bates Stamp No. 428, and I'll
19 give you a copy of that?

20 **MS. K. CELESTINO-HORSEMAN:** Which exhibit?

21 **MS. A. WOUDEBERG:** It's Exhibit 11
22 beginning at 428.

23 **COMMISSION MEMBER B. PYLITT:** And Mr.
24 Chairman before we get there, Exhibit 13, Mr.
25 Bopp, you just referred to 0452, the middle of

1 the page on the right side, you have to verify
2 some idea, and it's got Social Security of check
3 and then there's a number -- I'm going to assume
4 that's the last four, and we probably ought to
5 redact that for the record.

6 **MR. J. BOPP:** Thank you.

7 **CHAIRMAN T. WHEELER:** And actually, since
8 we are -- we're on a little bit of a break, let
9 me ask you, Mr. White, do you have your present
10 driver's license with you by chance?

11 **THE WITNESS:** Yes, I do.

12 **CHAIRMAN T. WHEELER:** Could you tell me
13 what the date is on that, the issue date?

14 **THE WITNESS:** It says 9/20/10.

15 **CHAIRMAN T. WHEELER:** 9/20/10?

16 **THE WITNESS:** Yes.

17 **CHAIRMAN T. WHEELER:** And that one has the
18 Overview Drive address on it?

19 **THE WITNESS:** Yes. Do you need somebody to
20 make a copy of it, sir?

21 **CHAIRMAN T. WHEELER:** No, your testimony is
22 sufficient.

23 **THE WITNESS:** Okay. Thank you.

24 **Q** You have before you Exhibit 11, Bates Stamp 428.
25 If you turn to the second page, you executed

1 this on February of what day, 2010; can you
2 tell?

3 **A** It's changed from 2/11/10 to 2/26/10, it looks
4 like.

5 **Q** All right. Now I want to draw your attention to
6 the box before your signature in which -- the
7 first kind of large box, it begins with a No.
8 1 -- this question, I guess, or statement, will
9 this property be the buyer's primary residence.
10 Please complete address of primary residence,
11 including county. And you -- you checked the
12 box that says yes?

13 **A** Yes, that it will be.

14 **Q** That it will be?

15 **A** Yes.

16 **Q** Now when you say -- what do you mean will be?

17 **A** As soon as I got married, which at the time I
18 was thinking I was getting married in March,
19 probably about March, somewhere in that ballpark
20 at the time.

21 **Q** So this does not say it is currently or has been
22 but it says you will be and that was your
23 intention?

24 **A** Yes, sir.

25 **Q** Now when did you take out a homestead exemption

1 on that property?

2 **A** Sir, I -- I don't know, because when I was at
3 the closing, the title company said it was --
4 they handed me a yellow packet and they said it
5 was my responsibility to file it, and so my
6 understanding is -- and they wrote down the
7 auditor's number and they said I have to file it
8 so I took them at their word.

9 What I did not understand was that they were
10 going to file it for me and there was a receipt
11 that I saw at one time that I got from the
12 auditor's office that said these are the deductions
13 that have been filed on your behalf and not one box
14 was checked for any of those deductions, including
15 homestead.

16 And so I was under the impression that I still
17 had to file it, and I remember a friend asked me in
18 September of 2010, have you filed for your
19 homestead deduction yet, and I said no, and
20 actually, I didn't even know I filed for my
21 homestead deduction until Mr. Purvis and Mr. Parker
22 started talking about it.

23 So frankly, the next day or so, I said well,
24 gosh, Mr. Parker and Mr. Purvis said I did so I
25 suppose it was filed. I went back later and asked