

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH

MURRAY CRAIG, an individual,)
)
Plaintiff,)
)
vs.) No. 07-2-01680-3
)
THOMAS PETERSON, individually; and)
the marital community of THOMAS)
PETERSON and JANE DOE PETERSON,)
and JOHN DOES I through X,)
)
Defendants.)

DEPOSITION OF DAVID E. MAXWELL
October 18, 2007
Olympia, Washington

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dated 1/8/07

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9 Exhibit No. 2 1-page e-mail string dated 77
9/1/2006
Bates CAP 0610

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11 Exhibit No. 3 1-page e-mail string 78
beginning 9/1/06
Bates CAP 0616

12
13 Exhibit No. 4 1-page e-mail from Dave 79
Maxwell to Don Sorenson dated
9/8/06

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15 Exhibit No. 5 2-page e-mail string 84
beginning with 9/6/06
Bates CAP 0931-0932

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17 Exhibit No. 6 1-page e-mail from Larry 87
Mangum to Dave Maxwell dated
18 9/7/06
Bates CAP 0329

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20 Exhibit No. 7 1-page e-mail string 92
beginning 9/7/06
Bates CAP 0339

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22 Exhibit No. 8 1-page e-mail string 97
beginning 9/10/07
Bates CAP 0952

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24 Exhibit No. 9 1-page e-mail from Dave 99
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4 dated 10/5/06
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1 BE IT REMEMBERED that on Thursday,
2 October 18, 2007, at Olympia Community Center, 222
3 North Columbia, Olympia, Washington, at 10:33 a.m.,
4 before BARBARA L. BRACE, CCR, Notary Public in and for
5 the State of Washington, appeared DAVID E. MAXWELL,
6 the witness herein;

7 WHEREUPON, the following proceedings
8 were had, to wit:

9

10 <<<<<< >>>>>>

11

12 DAVID E. MAXWELL, having been first duly sworn
13 by the Notary, deposed and
14 testified as follows:

15

16 EXAMINATION

17 BY MS. PHILLIPS:

18 Q Good morning, sir. We met downstairs very briefly.
19 My name is Robin Phillips, and I represent Mr. Craig
20 in a matter that's been brought against Mr. Peterson
21 at this point.

22 I'm going to ask you some questions today. If you
23 at any point don't understand my questions, need me to
24 repeat them or rephrase them, please speak up.

25 I will assume that once I've asked it and you're

7

1 responding that you both heard and understood my
2 question; is that fair?

3 A Sure.

4 Q Okay.

5 A Absolutely.

6 Q The next rule for depositions is we must audibly
7 respond and ask questions. So if I ask you a
8 question, and you nod --

9 A I understand.

10 Q -- the court reporter won't be able to take that down?

11 A I got it. I got it.

12 Q The third, and most important, rule for the court
13 reporter's sanity is that only one of us can speak at
14 a time.

15 There will be occasions where you will rightly
16 anticipate the endings of my questions. Please make
17 sure I get my entire question on the record before you
18 begin your answer. If we violate that rule, I am sure
19 she will be the first one to yell at us.

20 Do you understand --

21 A Yes.

22 Q -- those rules?

23 A Yes.

24 Q Okay. Do you also understand that you've been sworn,
25 and your answers today are under oath?

8

1 A Yes.

2 Q And you understand what that means?

3 A Yes.

4 Q Can you state your full name for me, please?

5 A David Earl Maxwell.

6 Q And what is your current residential address?

7 A 4400 Meridian Road Northeast, in Olympia, 98516.

8 Q Do you reside there with your wife?

9 A Yes.
10 Q And your wife's name is what?
11 A Kathy with a K, Maxwell.
12 Q What is your date of birth, sir?
13 A 2 September 1951.
14 Q For purposes of today's deposition, how would you like
15 me to refer to you?
16 A Dave is fine.
17 Q I can call you Dave, Mr. Maxwell, Colonel Maxwell.
18 A Dave's fine.
19 Q Okay. Dave, are you currently taking any type of
20 medication or drug that might impair your ability to
21 understand or respond to questions?
22 A No.
23 Q As far as you know, have you had any recent memory
24 issues?
25 A No.

9

1 Q When did you first learn of this lawsuit?
2 A I first learned of the lawsuit -- Mr. Peterson, Tom,
3 told me that Murray had filed something and that I was
4 named in it.
5 Q That you personally --
6 A That my name was on the -- in the -- referenced in it.
7 Q And when did this dialogue occur?
8 A Honestly, I can't remember. It's been several months
9 ago.
10 Q Okay. Do you remember the season?
11 A It would have been this summer.
12 Q This --
13 A June.
14 Q Okay.
15 A That's a guess.
16 Q That's fine. For today's purposes, if you can give me
17 an educated guess or an estimate, that's fine.
18 A Okay.
19 Q Just let me know that's what you're doing.
20 A Correct.
21 Q Okay. Where did this conversation take place?
22 A At the wing headquarters at McChord Air Force Base.
23 Q When you're referring to "wing headquarters," are you
24 referring to Civil Air Patrol?
25 A Yes.

10

1 Q I'm going to refer to Civil Air Patrol, for purposes
2 of today's deposition as "CAP."
3 A That's fine.
4 Q How long was the conversation?
5 A No more than 15 minutes.
6 Q What was the purpose of the conversation?
7 A The purpose was to let me know that my name had been
8 referenced, and that was it.
9 Q Did he tell you in what context your name had been
10 referenced?
11 A No, he did not.
12 Q Did he give you copies of any of the pleadings so you
13 could read them?
14 A Yes, he did.
15 Q What did he give you a copy of?
16 A He gave me a copy of the part where my name was
17 referenced, and that was it. There were several names
18 referenced, and he just showed me that my name had
19 been referenced.
20 Q So he didn't give you a copy of the entire complaint?
21 A No.

- 22 Q He gave you portions of it?
23 A Right.
24 Q Do you know why he did this?
25 A No, I don't. I believe he said it was just in case --

11

- 1 I mean, for something like this, that I might be
2 called for something like this, and that was what he
3 said.
4 Q And at that point, you had heard nothing of the
5 lawsuit prior to him coming forward to you?
6 A No.
7 Q So I would assume that took you as a surprise?
8 A Yes.
9 Q What did you do, if anything, to prepare for today's
10 deposition?
11 A Nothing.
12 Q Did you talk to anyone?
13 A No.
14 Q Did you review any e-mails or notes?
15 A No.
16 Q Have you ever talked to opposing counsel, the attorney
17 representing Mr. Peterson, or anyone from his office?
18 A Before we were here -- I mean, when we first got here,
19 we were just talking. We basically introduced each
20 other to ourselves.
21 Q Okay. Did you discuss any of the underlying facts of
22 this claim with opposing counsel?
23 A No, I did not.
24 Q Who else have you spoken to with respect to this
25 lawsuit besides Mr. Peterson?

12

- 1 A Just -- I believe it was one other person who -- I
2 noticed his name was in the lawsuit also -- I mean, in
3 the group -- listing of names.
4 His name was Ernest Schnabler. He was the former
5 wing commander.
6 Q So Mr. Schnabler held the post which you now hold?
7 A Yes.
8 Q And when did you talk to Mr. Schnabler?
9 A It would have been just after I found out about -- I
10 found out about it.
11 Q Approximately June or so?
12 A June.
13 Q And what was the content of that conversation?
14 A It was just the fact that I'd been -- I saw the fact
15 that our names had been referenced in the document and
16 that he might be called by somebody.
17 Q Did you as well give him copies of what you had?
18 A No. I didn't get a copy. I didn't get to keep the
19 copy. He -- I was shown it and then taken it back. I
20 did not get a copy of the document.
21 Q Okay. Let me clarify. When you met with Mr. Peterson
22 and had the original discussion, Mr. Peterson did not
23 give you copies of any documents at that point?
24 A Yes.
25 Q So when you talked to Mr. Schnabler, you told him that

13

- 1 you had seen documents and that his name was included?
2 A Yes.
3 Q What else did you talk to him about with respect to
4 this lawsuit?
5 A Just basically the fact that we were both -- we were
6 both mentioned -- named in the thing, and we might --
7 I mean, the fact that we might have to do something.

8 Q Do you understand now, as you sit here today, the
9 basis of the complaint?
10 A No, I don't.
11 Q So you have --
12 A I should say the fact that I -- the only thing I know
13 is when you read the -- when you see the -- it says --
14 it looks to me like it's a complaint against
15 Mr. Peterson, Tom.
16 Q Right. What I'm asking you is: Do you know why
17 Mr. Peterson's getting sued?
18 A No, I don't.
19 Q So you have no understanding as to the underlying --
20 A No.
21 Q -- claims that are being made?
22 A No. No, I don't.
23 Q How long did this conversation with Mr. Schnabler
24 take?
25 A No more than five minutes.

14

1 Q Did you discuss this lawsuit with anyone else?
2 A No.
3 Q Did you discuss it with Ed Lane?
4 A Just based on the fact that I received the summons at
5 my -- when I received the summons at my house, I let
6 Ed know that I received it, and that's basically it.
7 I let Ed know, yeah, and my staff -- not my staff,
8 but the legal staff at our natural headquarters.
9 Q Okay. So you talked to more than just Tom and Ernie.
10 You talked to Ed when you received the subpoena?
11 A Mm-hm.
12 Q You need to say "yes."
13 A Yes.
14 Q You talked to someone at national, legal?
15 A I e-mailed at -- someone at national, my national
16 corporate legal counsel, the fact that I received a
17 subpoena.
18 Q Is that Mr. Odell?
19 A Yes.
20 Q So you talked to Mr. Odell or communicated?
21 A Yes.
22 Q Who else did you communicate with?
23 A Ed and Mr. Odell.
24 Q Okay. Did you talk to your wife?
25 A Of course. She was there when I received the

15

1 subpoena.
2 Q Okay. What did you talk to your wife about?
3 A The fact that I received a subpoena.
4 Q In your discussion with Mr. Lane, did he explain to
5 you what the underlying merits of the claim were?
6 A No, he did not.
7 Q Did you have an in-person conversation or telephone
8 conversation with Mr. Lane?
9 A It was a telephone conversation.
10 Q When did that take place?
11 A It would have been just -- I got this on the 9th. I'm
12 not exactly sure when I got the original subpoena, 8th
13 or 9th, so it would have been the next day that I let
14 him know that I received it.
15 Q Did you send him a copy?
16 A Yes.
17 Q Other than your e-mail to Mr. Odell, was there any
18 other communication between the two of you?
19 A No.
20 Q Did he respond --

21 A Let me take that back. He told me Ed would be getting
22 in contact with me. He did e-mail me back and said
23 that Ed Lane, who's our legal officer for the wing,
24 would be getting back to me, and he did.
25 Q Was that before or after you talked to Ed Lane? Who

16

1 did you talk to first, Odell or Lane?
2 A Ed Lane.
3 Q And did Ed Lane get back to you again after the e-mail
4 with Odell?
5 A Yes, he did.
6 Q So you've talked to him twice about this?
7 A Okay. Yes.
8 Q More than twice or just twice?
9 A Just the twice -- two times.
10 Q Okay. The second conversation with Mr. Lane, what was
11 that about?
12 A It was about the fact that he was trying to work out a
13 change here to get the date changed -- because he's in
14 court right now -- because he wanted to be present,
15 and that he could not, and he would -- if he could get
16 here, he would be here. He may walk in on us any
17 time. That was it.
18 Q Does Mr. Lane represent you; is he your lawyer?
19 A He's the legal officer for the Washington Wing Civil
20 Air Patrol.
21 Q Are you paying him personally?
22 A No.
23 Q Okay. Did you ever talk to Ernie Pearson about this?
24 A No.
25 Q Have you talked to Larry Mangum?

17

1 A No.
2 Q Have you ever been arrested?
3 A No.
4 Q Have you ever been known by any other names?
5 A No.
6 Q Have you ever been involved as a witness or a party to
7 a lawsuit?
8 A No, I have not.
9 Q Have you ever given a deposition before?
10 A No.
11 Q Could you briefly summarize for me your educational
12 background.
13 A I have an associate's -- I was in the military, served
14 in the military, and I received an Associate of Arts
15 in resource management, which is a financial -- it's a
16 financial area.
17 Q When was that? When did you receive the AA?
18 A It would have been in the mid '80s.
19 Q Did you receive it through any particular institution?
20 A Community College of the Air Force.
21 Q Where is that located?
22 A That is at -- that's on Maxwell Air Force Base in
23 Alabama. That's where it's headquartered.
24 Q Okay. Did you take classes online?
25 A I went to school -- went to, you know, night classes

18

1 in -- during my military career.
2 Q Okay. When did you enter the military?
3 A 1971.
4 Q What branch?
5 A Air Force.
6 Q Did you enlist?

7 A Yes.
8 Q Were you posted overseas?
9 A Yes.
10 Q Where were you posted?
11 A In Germany.
12 Q How long did you stay in the military?
13 A 22 years.
14 Q Until 1993?
15 A I retired in 1995.
16 Q And at the time you retired from the military, I'm assuming you were still in the Air Force?
17 A Yes.
18 Q What rank had you achieved?
19 A I was a master sergeant, E-7. On your question overseas, I actually -- I was in Germany and Korea.
20 Q And a master sergeant is an NCO position?
21 A Yes. Senior NCO position.
22 Q And were you discharged honorably?
23 A Yes.

19

1 Q I should say, did you retire honorably?
2 A Yes.
3 Q During your time in the Air Force, does the Air Force have regulations?
4 A Yes.
5 Q And are you required to read them?
6 A Yes.
7 Q Are you required to follow them?
8 A Yes.
9 Q Are you allowed to break them?
10 A Of course not.
11 Q Describe for me your understanding of the purpose of regulations.
12 A Regulations are made for -- to follow, I guess. They describe situations that may arise or things that need to be done to get things done.
13 Q Are they important for consistency?
14 A Of course.
15 Q I assume that during your time in the Air Force, you never knowingly broke regulations?
16 A No, I did not.
17 Q You're aware that there are regs for CAP?
18 A Yes.
19 Q Have you read them?
20 A Not all of them, but yes, I've read them.

20

1 Q Which ones have you read?
2 A Oh, there's over a hundred regulations.
3 Q Okay. Have you read the regs that deal with investigations?
4 A Yes.
5 Q Would it be fair to say that the CAP regs serve the same purpose or function as military regs?
6 A Yes.
7 Q Are you allowed to break CAP regs?
8 A No.
9 Q And what are the ramifications if one knowingly breaks CAP regs?
10 A Well, sometimes the ramifications are listed in the regulation itself.
11 Q Would you agree with me that if someone broke regulations, it would or could warrant a complaint by a member?
12 A Yes.
13 Q In 1995, have you been employed since then?

20 A Yes.
21 Q And what have you been employed doing?
22 A I was the -- I worked for the Civil Air Patrol
23 Corporation as what is called the liaison NCO. I have
24 to explain to you how it works.
25 Q Go ahead.

21

1 A Basically, it's -- there's the Washington Wing Civil
2 Air Patrol, and then there's a -- the Air Force has a
3 presence working with the Civil Air Patrol in things
4 that it does.
5 When the Civil Air Patrol wants to do something
6 with the Air Force per se, they go to the liaison
7 office and ask if they can do that.
8 The liaison office goes to whatever -- Air Force
9 or whatever military branch that it wants to work with
10 to find out if it can make it work, if whatever they
11 want to do can be done.
12 I worked in that branch as the liaison NCO,
13 working for the Civil Air Patrol Corporation.
14 Q And you were a W-2 employee?
15 A No. We were -- I worked for the Civil Air Patrol
16 Corporation, which is not a government -- wasn't
17 government. The Civil Air Patrol is a --
18 Q 501(c)(3)?
19 A Right.
20 Q Yes.
21 A So I'm not sure exactly -- it's a private corporation,
22 so I worked for the CAP itself.
23 Q I understand that. What I'm wondering is: Did you
24 get paid?
25 A Oh, I'm sorry. I didn't understand your question.

22

1 Q Okay.
2 A Yes, I did.
3 Q Okay. So you received a W-2 for wages from --
4 A I'm sorry. I understand now what you're asking now.
5 Yes.
6 Q Okay.
7 A Yes.
8 Q And have you been in that capacity as the liaison
9 since 1995?
10 A I did -- I went from 1995 to 2001, when the job was
11 converted to civilian -- GS civilian, which means the
12 government took over the job.
13 Q State government or federal government?
14 A Federal government. I did that for a year.
15 Q So you worked for the federal government for a year?
16 A Yes.
17 Q And what was the GS level?
18 A I was a GS-11.
19 Q Okay.
20 A Still doing the same job.
21 Q Okay.
22 A Then that position of the deputy state director, due
23 to budget constraints, was done away with. So I went
24 to work for the Air Force as a budget analyst for the
25 314th Maintenance Group.

23

1 Q And you started that job in roughly 2002?
2 A It was in October of '01.
3 Q Okay.
4 A Approximately.
5 Q Have you been employed by the Air Force since?

6 A I have not. I stayed in that job for about a year,
7 and then I quit that job.
8 Q So roughly the end of 2002, you quit that position?
9 A Yes.
10 Q Have you been employed since the end of 2002?
11 A No.
12 Q Would I be correct then in assuming since roughly 2001
13 you have received no income through CAP?
14 A Yes.
15 Q Other than your career in the military and those
16 positions we've talked about thus far, have you had
17 any other jobs since roughly 1973?
18 A No.
19 Q So right now you are on retired status?
20 A Yes, I am.
21 Q I understand your wife is also a member of CAP?
22 A Yes, she is.
23 Q And when did she join CAP?
24 A In 1972.
25 Q Okay. When did you join CAP?

24

1 A 1970.
2 Q What is your current position within CAP?
3 A I'm the Washington Wing Commander.
4 Q How long have you held that post?
5 A One year.
6 Q What was the post you held immediately preceding this
7 post?
8 A Washington Wing Vice Commander.
9 Q I assume that was under Mr. Schnabler?
10 A Yes.
11 Q How long were you vice commander?
12 A It was about a year and a half.
13 Q Before that post?
14 A I was the director of logistics for the wing.
15 Q How long were you director of logistics?
16 A Since 2000 -- actually, when I went to work for the
17 Air Force, 2002.
18 Q Have you been a member of any other wing?
19 A Yes.
20 Q Okay. What other wings have you been members of?
21 A Member of Virginia. These are based on the fact where
22 I was stationed in the military. Virginia Wing,
23 Arkansas Wing. When I first joined, way back when, it
24 was Minnesota Wing.
25 Q When did you move to Washington Wing?

25

1 A I was stationed in Washington from '71 to '75 in the
2 military, and that's where I met my wife, and
3 basically ever since then.
4 Q So you did a four-year stint in the Washington Wing?
5 A In Washington state, at McChord Air Force Base, right.
6 Q Okay. I guess I'm not being clear. From 1971 to
7 1975, were you a member of the Washington Wing CAP?
8 A Yes.
9 Q Okay. And then you can't be a member of more than one
10 wing at the same time, can you?
11 A No.
12 Q Okay. So when you left in '75, you went through
13 Virginia, Arkansas, Minnesota in some --
14 A Minnesota was my -- when I was young. I joined when I
15 was young, the CAP. Minnesota was where I first
16 joined.
17 Then I went into the military from Minnesota.
18 Then I came out here to Washington in '71.

19 Q Okay. You told me you joined CAP in 1970?
20 A Right. I joined as young -- as a cadet.
21 Q All right. And that --
22 A Then I joined the military after that. The CAP has a
23 cadet program.
24 Q From 1970 to 1971 you were in Minnesota, and you were
25 a member of the Minnesota Wing?

26

1 A No. I was in Washington state, at McChord Air Force
2 Base in Washington, as an Air Force member, and I also
3 was in Civil Air Patrol.
4 Q Okay. You told me you joined CAP in 1970?
5 A In Minnesota.
6 Q Then you told me you joined the Air Force in 1971?
7 A Right.
8 Q So from 1970 to 1971, what wing were you a member of?
9 A Minnesota.
10 Q Okay. And 1971, you went into the military?
11 A Mm-hm.
12 Q You were stationed at McChord?
13 A Mm-hm.
14 Q So you joined the Washington Wing?
15 A Very good. Yes.
16 Q You said in 1975 you moved elsewhere?
17 A Yes.
18 Q And you moved your wing membership?
19 A Yes.
20 Q To Virginia?
21 A Yes.
22 Q Okay. And you were in Virginia for a number of years?
23 A A couple of years, yes.
24 Q Okay. And then you moved to Arkansas?
25 A After -- yes.

27

1 Q Okay. You went overseas?
2 A Yes.
3 Q Got back --
4 A Came back, yes.
5 Q -- from overseas?
6 A Yes.
7 Q Then you come and you joined the Arkansas Wing?
8 A Yes.
9 Q All right. And you stayed in Arkansas for a number of
10 years?
11 A Yes.
12 Q All right. And then at some point you come back to
13 Washington?
14 A Yes.
15 Q When do you come back?
16 A In 1995.
17 Q Okay. And since 1995, you have been a member only of
18 Washington Wing?
19 A Yes.
20 Q Okay. Have you ever been stationed through national
21 headquarters, with national?
22 A No.
23 Q Would it be fair it say that, within the Washington
24 Wing now, you are currently as high as you can get?
25 A Yes.

28

1 Q Do you have any plans of leaving CAP any time soon?
2 A No.
3 Q Do you have any plans of applying for a different
4 post?

5 A Within CAP?
6 Q Yes.
7 A No.
8 Q From what I understand about CAP, the first year that
9 you are commander you are on probation; is that
10 correct?
11 A Yes.
12 Q Have you gotten any notification that your probation
13 has ended?
14 A Yes.
15 Q When did you get that notification?
16 A About two weeks ago.
17 Q What does it mean to be on probation?
18 A Basically, you're on -- every -- actions I do are
19 watched, monitored, just to make sure the wing flows
20 in a good manner, that things I do are in line with
21 the corporate objectives.
22 Q How many members are there in the Washington Wing?
23 A Approximately 1250.
24 Q Okay. Would it be fair to say that these 1250 people
25 fall under your either direct or indirect supervision?

29

1 A Yes.
2 Q Who do you directly supervise?
3 A I supervise the vice commander and the -- my two
4 chiefs of staff, and I have four area commanders that
5 are stationed around the state.
6 Q Anyone else?
7 A No, because everybody else has their own supervisors
8 within the wing.
9 Q Okay. Who's your vice commander currently?
10 A His name is Ted Tax.
11 Q And who are the two chiefs of staff?
12 A My chief of staff for operations is Larry Mangum, and
13 my chief of staff of mission support is my wife Kathy.
14 Q Who are your four area commanders?
15 A Colonel Schnabler is one of them.
16 Q Carl?
17 A No. I'm sorry. Ernie Schnabler is one of them. Then
18 there's Lou, L-O-U, Sherry, S-H-E-R-R-Y. Then there's
19 Don Long. Then there's Mark Norton.
20 Q Okay. I take it now that Ernie Schnabler is an area
21 commander, that is a demotion from where he used to
22 be?
23 A It is not really a demotion. He had to step down from
24 the position due to his job. He wanted to stay within
25 the wing, to help out with the wing, so he -- we did

30

1 some reorganization, and he volunteered to serve as
2 the area vice commander.
3 Q Okay. Who did the reorganization?
4 A I did.
5 Q Okay. So you appointed Ernie?
6 A Yes.
7 Q And you appointed all these people, correct?
8 A Yes.
9 Q And you directly supervise all these people?
10 A Yes.
11 Q Did anyone talk to you about a conflict of interest
12 with you having your wife as a direct subordinate?
13 A Yes.
14 Q Has there been a problem?
15 A No. There's not really a problem. We don't have a
16 problem with it.
17 Q Who is "we"?

18 A My wing staff does not have a problem with my wife
19 serving as a director -- chief of staff of operations
20 for mission support.
21 Q Have you ever gotten any direction from the region or
22 national about the propriety of having your wife be a
23 direct subordinate?
24 A Yes.
25 Q And what have they said?

31

1 A When I was vice commander, my wife served as the
2 finance officer. When I was appointed a wing
3 commander, she can no longer be the finance officer
4 because the wing commander and the finance officer
5 cannot be from the same family.
6 So we moved her to the chief of staff of
7 operations position -- chief of staff of mission
8 support.
9 Q Okay. When you say "we," who do you mean "we"?
10 A I did.
11 Q Okay. So you made the decision to move her?
12 A Right.
13 Q Because you got some information, either from region
14 or from national, saying that because she was your
15 financial officer, that was a conflict?
16 A Right.
17 Q Okay. And how long had she been your financial
18 officer before you were told there was a conflict?
19 A She -- when I was vice commander for the year and a
20 half under Colonel Schnabler.
21 Q Okay. So when you were vice commander, she was the
22 finance officer?
23 A Yes.
24 Q And that was a conflict?
25 A No.

32

1 Q Okay.
2 A When I became commander --
3 Q Right.
4 A -- she could not be finance officer.
5 Q And she was finance officer at the time you became
6 commander?
7 A Right. So she had to be removed.
8 Q How long was she finance officer while you were
9 commander?
10 A She was not.
11 Q So there was not one day when you were commander, and
12 she was still --
13 A No. She was moved away.
14 Q You moved her -- let me finish my question.
15 A Okay.
16 Q There was not one day when you were the commander of
17 Washington Wing where your wife was the director of
18 finance or finance officer; is that correct?
19 A There was not one day when I was Washington Wing
20 Commander where my wife was the finance officer.
21 Q Okay. How long before you were commander were you
22 told that your wife had to move positions?
23 (Interruption in proceedings.)
24
25 MS. PHILLIPS: Let's go off the

33

1 record for a minute.
2 (Discussion off the record.)
3

4 MS. PHILLIPS: I'm sorry. Where
5 were we?

6 (Question on Page ^, Line ^
7 read by the reporter.)
8

9 THE WITNESS: During the period when
10 Colonel Schnabler -- I think I didn't answer your
11 question. During the period when Colonel Schnabler
12 stepped down from the position, I was appointed
13 interim commander during the period.

14 It was brought up, the fact that since I had been
15 appointed interim commander, my wife was still the
16 finance officer, but it was determined by national
17 headquarters that since I was not the full commander
18 during the three months -- interim period was where
19 people -- the solicitations for commandership went
20 out.

21 During the three months that I was the acting or
22 interim commander, my wife was still the finance
23 officer, but that was made -- determined to be okay by
24 national headquarters because I was not the
25 appointed -- how would you say it -- I was not the

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1 appointed wing commander at the time. I was only
2 interim, in between.

3 Q (By Ms. Phillips) When national informed you that your
4 wife could no longer be the finance officer, was that
5 something you had asked in terms of getting some
6 guidance or on it or was that just something that came
7 down from national?

8 A No. That's something that we asked about.

9 Q Okay. When you say "we," who do you mean by "we"?

10 A My wife and myself asked the national people how long
11 we had to -- you know, appoint -- how long could we
12 serve -- or I should say my wife could serve as
13 finance officer whenever -- and they told us that if I
14 was appointed wing commander, she would have to be --
15 finance officer would have to be changed, but during
16 the period, we would -- she would not.

17 Q Okay. Does the vice commander supervise the finance
18 officer?

19 A Probably not, no. I'm the -- I am what is called the
20 "corporate officer," so I'm -- I guess you could say I
21 would supervise the finance officer.

22 Q Okay. So that's someone else on my list. You have
23 the vice commander, you have the two chiefs of staff,
24 you have the four area commanders, and you also have a
25 finance officer you supervise?

35

1 A Okay. I'll go with that.

2 Q If it's not accurate, tell me it's not accurate.

3 A No. You're right. You're right. I'll go with that.

4 Q All right. Anyone else?

5 A The finance officer -- okay. Yeah. That's -- that
6 was good. I'll go with that. Directly -- are you
7 talking about directly supervising?

8 Q Well, someone supervises the finance officer?

9 A Right, right.

10 Q So it's either got to be the vice commander, area
11 commander, chief of staff --

12 A The supervisors --

13 Q -- or you?

14 A I -- if you -- the way it works is the chief of staff
15 for mission support would supervise the finance
16 officer.

17 In our organization, that's how it works. My
18 chief of staff supervises the wing staff. That's how
19 it works.
20 Q So right now Kathy is supervising the finance officer?
21 A Mm-hm.
22 Q You need to say "yes."
23 A Yes.
24 Q And national has no problem with your wife now; you
25 being the commander and your wife supervising the

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1 finance officer?
2 A No.
3 Q Do they know that she is --
4 A Yes.
5 Q Let me finish my question. Do they know that Kathy is
6 your chief of staff?
7 A Yes.
8 Q And do they know that she is the supervisor for your
9 finance officer?
10 A Yes.
11 Q Who knows at national?
12 A The national finance officer.
13 Q And who is that?
14 A Her name is Susan Easter.
15 Q And when you say you had communications with national,
16 were they e-mail communications or were they verbal
17 communications?
18 A They were communications -- in the point of asking the
19 questions?
20 Q Yes. When you first contacted them about the issue.
21 A Okay. It would have been in August of '06 at a
22 national board meeting, and it was in Atlanta, I
23 believe.
24 We inquired -- when Ernie said he was going to
25 step down, we inquired at that time as to what the

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1 situation would be with Kathy being the finance
2 officer.
3 Q When you say "we," who do you mean?
4 A Kathy and myself.
5 Q So Kathy and you went to Susan and said, "I'm the
6 interim wing commander. I have my name in the hat to
7 be appointed permanent wing commander. What do we do,
8 because my wife is the finance officer," or words to
9 that effect?
10 A Yeah. The words were to that effect of, "Since I'm
11 the interim, can Kathy remain the finance officer?"
12 Q And Susan verbally said to you, "Yes. That's okay"?
13 A Yes.
14 Q All right. Did you at any point tell Susan that it
15 was your plan, if you became commander, to move her to
16 your chief of staff position?
17 A No.
18 Q Okay. Well, who at national knew that was your plan?
19 A Nobody knew that was my -- the plan would be if I
20 became wing commander, Kathy would be removed from the
21 finance position.
22 Q Right. And so what I'm wondering is, I thought you
23 told me a minute ago that national knows that
24 currently she is your --
25 A They do.

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1 Q -- chief of staff?
2 A They do. They didn't at that time, but they do now.

3 Q When did they know?
4 A As soon as I made the appointment.
5 Q Okay. I want to make it really clear so there's no
6 misunderstanding.
7 A Mm-hm.
8 Q It's your testimony that you were the one that came
9 forward and asked about the potential conflict with
10 your wife Kathy being the finance officer and you
11 being the interim wing commander?
12 A Yes.
13 Q Okay. As the Washington Wing Commander, how many IG
14 investigations have taken place over the past year?
15 A Approximately three, I believe it is.
16 Q Three investigations?
17 A Mm-hm.
18 Q Okay. And who were the names of the individuals that
19 were investigated, besides my client?
20 A I'm not sure if I should really tell you that. I
21 don't know if I have the authority to tell you that.
22 Q Well, I don't know what to tell you. If you don't
23 answer my question, more likely than not we will get a
24 judge's ruling on whether you have to answer it, and
25 we will be back here.

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1 A Well -- I mean, I -- really, I don't know if I could
2 tell you that. I honestly don't know if I can give
3 you the names.
4 Q What would be your concern about giving me the names?
5 A Giving you the names. Just giving you the names. I
6 mean -- I don't know.
7 Q Would it be a breach of confidentiality or what is
8 your --
9 A Yeah. That's what I think it would be.
10 Q All right. Can you tell me what the investigations
11 were about without naming names?
12 A Yeah. Well, we had an investigation on a cadet
13 protection issue.
14 Q Is that a cadet hazing type thing?
15 A Something like that, yes.
16 Q Okay.
17 A And we had -- well, I'll go with -- we had two
18 investigations on cadet protection.
19 Q Okay.
20 A We had one investigation on a -- make it two
21 investigations on flying, different flying aspects.
22 Q Safety issues on flying?
23 A Yes. Then an investigation on Murray.
24 Q Okay. So you've had five altogether, not three?
25 A Mm-hm.

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1 Q When you received your complaint on cadet hazing, did
2 you remove -- temporarily remove anyone in the chain
3 of command for that cadet?
4 A Yes. How the procedures are, that when somebody's --
5 a cadet protection violation -- I should say an
6 allegation is made on cadet protection, the person
7 involved has to be removed from that position and
8 suspended.
9 Q Right.
10 A Pending the investigation.
11 Q Right. And I assume, in both of those cases, it was
12 someone who was removed and suspended?
13 A Yes.
14 Q All right. Have they been reinstated?
15 A One -- I believe one was and one was not.

16 Q The one that was not reinstated, was there a finding
17 that that person had engaged in cadet hazing?
18 A Yes, I believe so.
19 Q Who were -- I would assume because these were
20 Washington Wing investigations that you had Washington
21 IGs --
22 A Yes.
23 Q -- doing these investigations?
24 A Yes.
25 Q What Washington Wing IGs conducted the cadet hazing

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1 investigations?
2 A They were -- it would have been my -- IG would have
3 been -- at the time was Don Sorenson, and also --
4 Desmond Reid is his deputy.
5 Q Did they also investigate the flying safety issues?
6 A They -- yes. One of them did, I should say. They did
7 one, and the other one was in -- investigated by
8 another individual that I appointed.
9 Q Okay. And who did you appoint?
10 A His name was Dale Newell, N-E-W-E-L-L.
11 Q And as the commander, I assume that you get to choose
12 which IG does which investigation, correct?
13 A Yes.
14 Q And then you send out what's called an "appointment
15 letter"?
16 A Yes.
17 Q Appointing the investigation?
18 A Yes.
19 Q The appointment letter also outlines the boundaries of
20 the particular investigation being done?
21 A Mm-hm.
22 Q All right. So for instance -- you need to say "yes."
23 A Yes. I'm sorry.
24 Q So for instance, on the cadet hazing allegations, you
25 wouldn't necessarily go into whether or not those

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1 individuals that are claimed to be the hazers, whether
2 their qualifications are accurate?
3 A I'm not sure --
4 Q You wouldn't investigate their qualifications?
5 If it's a cadet hazing issue, you investigate the
6 hazing. You don't take that individual and say,
7 "Well, while we're here, let's take a look at his
8 qualifications and see if his qualifications are
9 okay"?
10 A We basically -- the letter would basically state
11 something to the effect of: I want you to investigate
12 the allegations of cadet hazing on such a such a date
13 by such and such a person.
14 Q Okay. So if you sign such an appointment letter,
15 would it be appropriate for your IG investigator at
16 that point to investigate someone's qualifications?
17 A I don't know. If it was under the -- came under the
18 purview of the case, yes. If not, possibly not.
19 Q Don't you as the commander make the decision as to the
20 boundaries of an investigation; isn't that what one of
21 your jobs is?
22 A I basically assign an investigator to -- the IG to
23 look into allegations and complaints and whatever
24 the -- if somebody makes a complaint, I assign
25 somebody to look into different allegations.

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1 Q Right.

2 A And the regulations, 123-3, I believe it is, tells the
3 investigator what he can do and not do.
4 Q Well, no --
5 A I should say his regulations, his guidance.
6 Q That regulation provides that you are to issue an
7 appointment letter, and in that appointment letter you
8 are to outline the boundaries of the investigation;
9 isn't that what that reg says?
10 A Okay. I'll go with that. Yes.
11 Q Okay. That's what the reg says?
12 A Yes.
13 Q And so you as the commander, you are the one that
14 determines the boundaries of an investigation,
15 correct?
16 A Okay. I'll go with that. Yes.
17 Q Now, during your time as the commander, have you
18 reviewed all of the five investigations that were
19 done, and have they all been within the boundaries of
20 your initial appointment letter?
21 A Yes.
22 Q And you're certain of that?
23 A Yes.
24 Q Okay. The two flying safety issues, what were the
25 outcomes of those investigations?

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1 A One of the -- the first flying safety issue, the
2 member was reprimanded for the activity that he did.
3 In the second flying safety issue where a member
4 is being -- a member's membership is being terminated
5 for multiple violations of our flying regulation.
6 Q Okay. And when an investigation is done, I assume
7 that when it is finished, you are supplied with some
8 sort of formal report?
9 A Mm-hm.
10 Q Is that correct?
11 A Mm-hm. Yes. I'm sorry.
12 Q Okay. And it goes to you, and you only, because
13 you're the commander?
14 A Yes.
15 Q Okay. And we're only talking about Washington Wing
16 investigations?
17 A Mm-hm.
18 Q Correct?
19 A Yes.
20 Q We're not talking about regional investigations,
21 right?
22 A No.
23 Q And we're not talking about national?
24 A Just the wing.
25 Q Right. They're handled differently?

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1 A Yes.
2 Q So if a national investigation was done on someone in
3 your wing, you would not necessarily be involved in
4 that?
5 A That's true.
6 Q Okay. Same as the region. If the region was doing an
7 investigation for one of your members in Washington,
8 you would -- may not necessarily be involved in that
9 investigation?
10 A I would probably be informed as it was being done, but
11 other than that I would not be involved.
12 Q Okay. You wouldn't be issuing an appointment letter
13 or things like that?
14 A No, I would not.

15 Q Okay. So we get to the end of the investigation, and
16 there is some sort of final report that's supplied to
17 you --
18 A Yes.
19 Q -- by the IG that you've appointed on an investigation
20 being done on a Washington Wing member, correct?
21 A Yes.
22 Q Who is the decider of either the penalties or the
23 outcome of that investigation?
24 A I guess you could say I am.
25 Q Okay.

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1 A I should say the wing commander is.
2 Q Right. So as the wing commander, when you get the
3 final reports from your IG investigators, they are
4 giving you a recommendation, I would assume; is that
5 true?
6 A It's a synopsis of what the -- what they found in
7 their case.
8 Q Okay. But they make a decision; they make a finding?
9 A Yes.
10 Q Okay. You don't have to go through all the facts --
11 A No, no.
12 Q -- and come up with your own finding?
13 A They -- it's called -- they sustain or not sustain
14 issues that come up.
15 Q Okay. So they give you a report that either sustains
16 or does not sustain certain issues or certain
17 complaints?
18 A Yes.
19 Q And then you look at the report, and you make a
20 decision as to whether you agree or disagree with
21 their findings?
22 A Yes.
23 Q All right. And if you agree with their findings, do
24 you also make the decision as to what ramifications
25 those findings have?

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1 A Yes.
2 Q All right. So in other words, if someone was
3 investigated -- for instance, one of these members
4 about the flying safety issues -- you were the one
5 that made the decision to terminate their membership?
6 A Yes.
7 Q Okay. So would it be fair to say that in Murray
8 Craig's case, you were the one that decided whether to
9 suspend certain credentials?
10 A Yes.
11 Q Let's talk about how an investigation is started. I
12 assume an investigation is started with a complaint by
13 someone?
14 A Yes.
15 Q Okay. Describe how that works for me.
16 A An individual feels that -- makes a complaint, and --
17 in writing, and we in turn -- my phone just went off.
18 (Discussion off the record.)
19
20 THE WITNESS: An individual makes a
21 complaint. We in turn look at the -- review the
22 complaint and determine whether or not it needs to be
23 looked into, investigated.
24 Q (By Ms. Phillips) Okay. Do the regs require that a
25 complaint be in writing?

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1 A Yes.
2 Q And they also require it be signed as well, correct?
3 A Yes.
4 Q In Mr. Murray Craig's case, did you take a look at the
5 complaint?
6 A Yes.
7 Q Who filed the complaint?
8 A I believe it was Larry Mangum filed a complaint.
9 Q So Larry Mangum filed something in writing, signed by
10 Mr. Mangum, an allegation --
11 A I believe so.
12 Q -- against Mr. Craig?
13 A I believe so.
14 Q Are you sure?
15 A I'm not sure.
16 Q Okay.
17 A I would have to go look at the case file. I'm not
18 sure -- at this moment in time, I'm not sure.
19 Q Okay. Would it be inappropriate to have an
20 investigation without a complaint?
21 A Yes.
22 Q Okay. So for instance, if there was no complaint ever
23 filed by anyone against Mr. Craig, a formal
24 complaint -- signed, written, formal complaint -- it
25 would have been inappropriate to go ahead with the

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1 investigation?
2 A Yes.
3 Q Is that true?
4 A Yes.
5 Q Okay. Who is charged, when there has been a
6 complaint, with the requirement that the regs are
7 followed?
8 A Complaints usually are -- what happens is a complaint
9 is filed with our -- usually, with the IG. An IG
10 reviews the -- whatever it is and makes a
11 determination whether or not a complaint is valid or
12 not valid or whatever and decides, in accordance with
13 the regulations, if a complaint is -- I guess you
14 could say valid.
15 We get -- sometimes we get a complaint by e-mail,
16 okay. So we take that and say you wanted -- you made
17 a complaint against somebody. We take that and let
18 the person know if they're going to -- if they want to
19 file a complaint, they need to, you know, write it out
20 and sign it and send it in.
21 Q Okay. In this particular case, if there had never
22 been a written complaint filed against Murray Craig,
23 would it have been appropriate for you to have
24 approved the investigation and done the appointment
25 letter?

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1 A No.
2 Q Okay. Would you agree with me that that would be a
3 violation of the regs to have an IG investigation done
4 on an individual without a formal written complaint
5 filed?
6 A Yes.
7 Q Do you have a copy of the complaint that was filed
8 against Mr. Craig?
9 A No -- oh, not here. I do not have anything here.
10 Q But by "here," I don't necessarily mean in this
11 conference room.
12 A Oh, yeah. Yes, I do. I'm sorry.
13 Q And you do have a copy --

14 A In his case file.
15 Q -- of the complaint that was filed against him?
16 A I'd have to review it, but I'm sure we have did in
17 the -- in our regulations -- in our files at wing
18 headquarters.
19 Q Okay. Where are your files kept?
20 A McChord Air Force Base.
21 Q Are you aware that CAP was served with a subpoena from
22 my office to turn over the investigative file on
23 Mr. Craig?
24 A Gordon Odell said that you did send him the
25 information.

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1 Q Okay. Did you send to Mr. Odell your complete files?
2 A I was never asked for it.
3 Q I'm sorry?
4 A I was never asked for it.
5 Q Mr. Odell never asked for your file on Mr. Craig?
6 A Not that I -- unless he asked Colonel Lane. I don't
7 remember him sending anything in.
8 Q So you have never provided, as far as you know, to
9 Mr. Odell the wing copy of Mr. Craig's investigation?
10 A Yes. We have not.
11 Q Is there a reason why you haven't? Is it because you
12 simply were never asked for it?
13 A Yes. I was never asked for it.
14 Q So is it your testimony then that Mr. Odell never
15 asked you personally -- let's start with personally --
16 for a copy of Mr. Craig's investigative file?
17 A He did not. Not that I know of.
18 Q Do you know if he asked anyone that you supervise?
19 A Not that I know of.
20 Q Do you know if he asked Larry Mangum?
21 A No.
22 Q You don't know if he did?
23 A I do not know if he did.
24 Q So where is your copy of Mr. Murray's [sic] file now?
25 A At McChord, in our IG's files.

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1 Q When was the last time you looked at it?
2 A It's been quite a while. Ever since the closing of
3 the situation.
4 Q Is there a reason that national has an investigative
5 file, a copy of the investigative file; is that
6 normally done?
7 A Not that I know of.
8 Q Okay. So if I asked Mr. Odell for documents,
9 including the investigative file on Mr. Craig, and I
10 got -- and if I got everything Mr. Odell had, what
11 explanation can you offer to me that he had in fact
12 parts --
13 A I can't.
14 Q -- of the Washington Wing file?
15 A I can't.
16 Q And you have no idea how Mr. Odell got the documents
17 he sent me?
18 A No, I don't.
19 Q Do you recall ever being contacted by Mr. Odell,
20 asking for e-mails with respect to Mr. Craig?
21 A Yes, I do. He did ask for e-mails -- any e-mails, but
22 not for any -- not the file. He just asked for any
23 e-mails pertaining to the case.
24 Q Who was it at Washington Wing that would have been in
25 charge of compiling those e-mails?

- 1 A That would have been the IG.
 2 Q And who was that at the time?
 3 A That would have been Don Sorenson.
 4 Q So Don Sorenson, who was the IG who actually was
 5 engaged in the investigation of Mr. Craig, was the
 6 individual to whom Mr. Odell charged the
 7 responsibility of gathering e-mail?
 8 A He probably would have charged me, and I would have
 9 asked Don to do this -- do what we were asked to do by
 10 national headquarters.
 11 Q Okay. Were you ever concerned about Mr. Sorenson
 12 providing true and accurate copies of e-mails?
 13 A No. I never had any reason to be.
 14 Q Well, you certainly would have a reason if, for
 15 instance, the investigation that was done against
 16 Mr. Craig violated a lot of regs, wouldn't you?
 17 A Yes.
 18 Q That would reflect very --
 19 A Of course.
 20 Q -- poorly on you, wouldn't it?
 21 A Yes.
 22 Q Okay. So were you concerned at all that Mr. Sorenson
 23 was the one that you charged with getting these
 24 documents together?
 25 A No.

- 1 Q Would it surprise you if not all the e-mails were
 2 turned over and that Mr. Sorenson had --
 3 A Yes.
 4 Q Let me finish my question.
 5 And Mr. Sorenson had sorted through them and
 6 provided some of them, not all of them?
 7 A Yes.
 8 Q Does Mr. Sorenson work outside of CAP?
 9 A He works for the Washington State Patrol.
 10 Q Is he a trooper?
 11 A Honestly, I don't know if he's a trooper or not. What
 12 I understand is he works in their legal department,
 13 but I don't know exactly.
 14 Q Okay. He works in the legal department for Washington
 15 State Patrol?
 16 A Mm-hm. Or I should say investigate -- not legal
 17 department. I take that back. The IG department.
 18 Q So he does investigations on behalf of Washington
 19 State against state patrol officers?
 20 A That I don't know. He does investigations for
 21 Washington State Patrol. That could be true, yeah. I
 22 understand what you're saying.
 23 Q Well, when you say "IG," I assume immediately --
 24 A Yeah. It could be.
 25 Q -- that it's internal investigations --

- 1 A Right.
 2 Q -- as opposed to car accident investigations?
 3 A Yes, yes.
 4 Q Okay. So do you know, does he conduct internal
 5 investigations on behalf of Washington State?
 6 A I do not know. I would assume so, but I don't know.
 7 MR. YAMASHITA: I'm sorry.
 8 Washington State or Washington State Patrol?
 9 Q (By Ms. Phillips) Which is it, do you know?
 10 A No.
 11 Q Okay. Do you know whether Mr. Sorenson is a
 12 Washington state employee?

13 A No, I do not.
14 Q In supervising investigations that are done for CAP,
15 once a complaint is filed, does the person against
16 whom the complaint is made get a copy of the
17 complaint?
18 A No, they do not.
19 Q Are they notified?
20 A Yes, they are.
21 Q When?
22 A When the decision is rendered.
23 Q So you believe that the regs provide that the
24 individual against whom the complaint is being made is
25 not notified about the complaint until after a

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1 decision has been made?
2 A Yes.
3 Q So in your mind, Mr. Craig had no right to know that
4 there was an investigation being done on him and there
5 had been a complaint made against him until after you
6 had made your decision?
7 A I believe that's what the regulations state.
8 Q Okay. Let's take a look at them.
9 A No. 123.
10 (Exhibit No. 1 marked for
11 identification.)
12
13 Q (By Ms. Phillips) I'm going to show you what's been
14 marked as Exhibit 1 to your deposition. I'd like you
15 to refer to -- well, let's start at the beginning,
16 Paragraph 7.a.
17 Q Are you there with me?
18 A Yes.
19 Q First sentence, "All complaints should be in writing,
20 dated and signed by the complainant." Do we agree on
21 that?
22 A Yes.
23 Q Okay. And it is your belief that in Mr. Murray's
24 case -- Mr. Craig's case --
25 A I do it, too.

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1 Q -- that the complaint was in writing, dated and signed
2 by Mr. Mangum?
3 A Yes.
4 Q And that Mr. Mangum was the complainant; is that fair
5 to say?
6 A Yes.
7 Q Okay. The next page, it says, "Complaints shall be --
8 I'm looking at Paragraph c.
9 MR. YAMASHITA: What page are we on?
10 THE WITNESS: 7.
11 MS. PHILLIPS: We're on Page 7,
12 Section 7, Paragraph c.
13 Q (By Ms. Phillips) It says, "Complaints shall be
14 submitted to the commander or inspector general of the
15 unit to which the complaint is assigned." Is that
16 true?
17 A Yes.
18 Q Okay. I would assume that in Mr. Murray's [sic] case
19 that his commander got a copy of the complaint; is
20 that true?
21 A Yes.
22 Q Okay. Who was his commander at the time this
23 complaint was made?
24 A I believe he was assigned to national headquarters at
25 the time, I believe.

- 1 Q And who was his commander?
2 A It would have been general -- well, I'm not sure who
3 he -- his overall commander would have been General
4 Antonio Pineda at the time.
5 Q General Pineda is no longer with CAP, I assume?
6 A That is true.
7 Q And so it is your testimony that the complaint, as far
8 as you know, was sent to General Pineda?
9 A As far as I know.
10 Q And how do you know? What are you relying on?
11 A Well, I guess you -- I guess you could say I don't
12 know.
13 Q Okay.
14 A To be honest, I don't know.
15 Q Okay. Who would have been charged with the
16 responsibility of sending a copy of the complaint to
17 General Pineda?
18 A The complainant.
19 Q So Mr. Mangum --
20 A Yes.
21 Q -- would have been responsible for sending him that
22 complaint?
23 A Mm-hm.
24 Q Okay. And you directly supervised Mr. Mangum,
25 correct?

- 1 A Yes.
2 Q At the time?
3 A Yes.
4 Q Okay. Would it be your responsibility to make sure
5 that these regs were followed in the investigation?
6 A Yes.
7 Q So what did you do to assure yourself that General
8 Pineda had gotten a copy of the complaint?
9 A Honestly, I did not.
10 Q You didn't do anything?
11 A I didn't do anything.
12 Q Okay. I want you to turn now to Section 8,
13 Paragraph e. Are you with me? It's at the bottom of
14 Page 8.
15 A Yes.
16 Q Starting at the second sentence, "The IG will notify
17 the subject's commander of the complaint and, if
18 appropriate, and on behalf of the commander, shall
19 either personally investigate the complaint, or cause
20 an investigation to be completed."
21 We just discussed that you were not sure whether
22 the -- General Pineda ever received a copy of the
23 complaint, correct?
24 A Yes.
25 Q All right. Then it goes on. "Upon initiation of an

- 1 investigation, the IG or IO shall provide the subject
2 a short, plain statement of the general nature of the
3 complaint and that the complaint is under
4 investigation."
5 I thought a moment ago you told me that Mr. Craig
6 was not entitled to know that a complaint had been
7 made against him until there had been a decision?
8 A I did.
9 Q And you were wrong, weren't you?
10 A And I was wrong.
11 Q Okay. So in this particular case, do you have any

12 reason to believe Mr. Murray Craig was given a copy of
13 the complaint or given a copy of a short, plain
14 statement of the general nature of the complaint --
15 A I do not --
16 Q -- at any time?
17 A I do not know.
18 Q And whose responsibility is it to make sure that these
19 regs are followed?
20 A Mine.
21 (Recess from 11:42 a.m. to
22 12:01 p.m.)
23
24 ///

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1 EXAMINATION (Continuing)
2 BY MS. PHILLIPS:
3 Q You mentioned before that when you got a request from
4 Mr. Odell to gather documents that you asked
5 Mr. Sorenson to follow through on that request,
6 correct?
7 A Yes.
8 Q Okay. Is one of the reasons that you asked
9 Mr. Sorenson to do it was because you felt him
10 particularly trustworthy?
11 A Yes.
12 Q Does that have anything to do with his position as a
13 state trooper or working for the Washington state
14 troopers?
15 A Yes.
16 Q All right. When did you become aware that Larry
17 Mangum had filed a complaint against Mr. Craig?
18 A It would have been approximately -- honestly, I can't
19 remember at this time. It would have been
20 approximately in the -- sometime between June and
21 August of '06.
22 Q Okay. And how did you find out?
23 A I believe he told me he was going to do it.
24 Q Okay. So Mr. Mangum came to you and said he was going
25 to file a complaint against Mr. Craig?

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1 A Right.
2 Q And he didn't actually show you a copy of the
3 complaint at that point?
4 A No.
5 Q He just told you that was his intent?
6 A Right.
7 Q And did you ask why?
8 A Yes, I did.
9 Q And what was his response?
10 A It was based on allegations of -- how can I say
11 this -- I'm trying to figure out how to say it.
12 Allegations of falsifications of certain emergency
13 service credentials.
14 Q Okay. So let me get this straight. The best that you
15 remember is sometime between June and August of 2006,
16 Mr. Mangum came to you and said he intended to file a
17 complaint against Mr. Craig because he believed he had
18 falsified his ES credentials, or words to that effect?
19 A Yes.
20 Q At the time Mr. Mangum told you that, did you ask him
21 what was or were the bases of his belief?
22 Did you ask him why he believed Mr. Craig had
23 falsified ES credentials?
24 A Yes.

25 Q What did he say?

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- 1 A He told me that during an exercise that we had in June
2 of '06, the -- what we call the incident commander of
3 the exercise input the credentials into our computer
4 system, and he knew that they were false.
5 Q Okay. Pronouns are hard in depositions --
6 A Okay.
7 Q -- so let me go back.
8 A Okay.
9 Q Mr. Mangum told you that in June of '06, during a
10 training session --
11 A Exercise.
12 Q -- training exercise that the incident commander at
13 the time --
14 A Mm-hm.
15 Q -- inputted into MIMS?
16 A Yes.
17 Q Okay. Inputted into MIMS qualifications for Mr. Craig
18 that he did not have, or words to that effect?
19 A Yes.
20 Q So he told you that the incident commander had
21 inputted the information, not Mr. Craig?
22 A Yes.
23 Q Okay. And the incident commander at the time was?
24 A Gary Johnson.
25 Q Okay. Was Gary Johnson investigated?

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- 1 A No.
2 Q Why not?
3 A Good question.
4 Q Well, if you had --
5 A He was not.
6 Q If you have an incident commander who is inputting
7 qualifications into MIMS which are fraudulent, why
8 wasn't that incident commander investigated?
9 A He should have been.
10 Q In your opinion, he should have been?
11 A Mm-hm.
12 Q Why didn't you file a complaint against him?
13 A I can't answer your question because I did not.
14 Q Did you think about it?
15 A Honestly, no. I did not.
16 Q Why not?
17 A Because at the time we were doing the investigation on
18 Murray, and honestly I would -- intended to do that
19 after the investigation, but I did not.
20 Q Let me get this straight. At the time you did not
21 file a complaint against Mr. Johnson because you
22 already had an outstanding complaint against
23 Mr. Craig?
24 A Right.
25 Q And you wanted to wait until the conclusion of that

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- 1 investigation before potentially proceeding against
2 Mr. Johnson?
3 A Yes. That is true.
4 Q Did you discuss filing a complaint against Mr. Johnson
5 with anyone else?
6 A No, I did not.
7 Q Did anyone come to you and say that they were thinking
8 of filing one against Mr. Johnson?
9 A No.
10 Q Okay. At the time you were the interim wing

11 commander, correct?
12 A Correct.
13 Q You had not been specifically appointed, correct?
14 A That's true.
15 Q And what was Mr. Johnson's position within CAP?
16 A He was the director of emergency services at the time
17 of the exercise.
18 Q The director of emergency services, did you supervise
19 that position?
20 A No.
21 Q Who supervised the director of emergency services?
22 A The director -- I take that back. He was the director
23 of operations.
24 Q Okay.
25 A I take that back.

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1 Q And who supervises the director of operations?
2 A The chief of staff of operations.
3 Q And so who was Mr. Johnson's direct supervisor at the
4 time?
5 A At the time -- see, this was in August of '06. That
6 would have been Larry Mangum at the time.
7 Q And you supervised Mr. Mangum at the time, correct?
8 A Yes.
9 Q Larry Mangum never expressed to you any concern that
10 an individual who he supervised allegedly entered
11 false qualifications into MIMS on behalf of Mr. Craig?
12 A Yes, he did.
13 Q Okay. What were his concerns at the time?
14 A The fact that he had done it.
15 Q Okay. Did he want to file a complaint?
16 A We didn't go into it. He may have expressed concerns,
17 but I, in turn, was waiting -- waiting for the
18 investigation to be completed.
19 Honestly, I just -- once the investigation was
20 completed, I never went forward with anything else.
21 Q When did the investigation start?
22 A Honestly, I'd have to look at -- look at it to find
23 out -- to look at the case. I'm not sure.
24 Q What determines when an investigation starts?
25 A Basically, the initial sign-out letter to the IG.

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1 Q The appointment letter?
2 A The appointment letter, right.
3 Q Would it be appropriate for IGs to be investigating
4 without an appointment letter?
5 A They should not. There's -- no, they shouldn't.
6 Q Okay. So they wait for an appointment letter --
7 A Mm-hm. Which gives them --
8 Q -- which outlines the boundaries of the
9 investigation --
10 A Right, right.
11 Q -- and then they investigate?
12 A Tells them where to go.
13 Q Okay. Were you aware that Mr. Craig was being
14 investigated before you actually signed and sent out
15 an appointment letter?
16 A No, I was not.
17 Q Okay. That would have been inappropriate?
18 A Yes.
19 Q If you become aware -- strike that. Let me start
20 again.
21 If you were to find out now that Mr. Craig was
22 being investigated before you signed an appointment
23 letter, what would you do?

24 A There may be a possibility that we'd have to review
25 the case.

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1 Q By "we," meaning who? Who is "we"?

2 A I would have to review the case file or I would have
3 to elect to -- I could possibly elect to forward the
4 case to my region IG for a review to determine if
5 the -- everything was done according to the proper
6 procedures.

7 Q And that region IG would be Mr. Ray Lantz?

8 A Yes.

9 Q Okay. Suppose it was Mr. Ray Lantz who was
10 investigating Mr. Murray [sic] before an appointment
11 letter came out, who would you send it to then?

12 A That's a good question. I might have to ask the
13 national people whether or not -- what -- their
14 opinion on the situation.

15 Q Okay. Would it have been inappropriate for Mr. Lantz
16 to be investigating Mr. Craig before your appointment
17 letter?

18 A Depending on -- I mean, I don't know what he was
19 investigating. I don't know his guidance, what he was
20 doing. I would say yes, if he was investigating on
21 something I was doing or, I should say, something that
22 we were looking into.

23 He may have been -- he could have been appointed
24 by his commander to do something also. I can't -- I
25 don't know.

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1 Q Assume for a moment that Mr. Lantz was investigating
2 Mr. Craig based upon Mr. Mangum's complaint. Would it
3 have been inappropriate for him to do so before an
4 appointment letter went out from you from Washington
5 Wing?

6 A I would think so, yes.

7 Q What type of jurisdiction would Mr. Lantz have to
8 investigate a Washington Wing complaint against
9 Mr. Craig?

10 A Mr. Lantz is the Pacific Region Inspector General.

11 Q Right.

12 A I do not know what type of jurisdiction he would have.

13 Q How often does Mr. Lantz investigate Washington Wing
14 members when it's been a Washington Wing complaint?

15 A If a -- it happens every now and then. If a member
16 feels they were not being treated fairly in the wing,
17 sometimes our members go -- what we call VFR -- direct
18 to Mr. Lantz and file a complaint directly with him
19 because they don't feel they could get a fair review
20 in the wing.

21 Sometimes Mr. Lantz says, "I received this
22 complaint. I think you can handle it." Sometimes he
23 says, "I'll look into it."

24 Q Okay. During the time that you have been either the
25 interim wing commander or the wing commander, have

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1 there been any occasions where Mr. Lantz has sent a
2 complaint to you saying, "I, as a region IG, have got
3 this complaint, and I would like you, Washington Wing,
4 to handle it"?

5 A Yes.

6 Q Okay. Which of those five complaints went to region?

7 A One of the cadet protection ones.

8 Q One of the hazing ones?

9 A Right. One of the hazing ones went to the region, and

10 he in turn said this is a region -- this is a wing --
11 you guys can handle it.
12 Q Okay. Out of the five complaints that we talked about
13 that were filed while you were interim wing commander
14 or actual wing commander, did any of those start at
15 the wing and start with the wing IG and then end up in
16 Mr. Lantz's jurisdiction?
17 A The -- one of the flying ones did.
18 Q Went to Mr. Lantz?
19 A Mm-hm.
20 Q And why was that?
21 A Because at the time, the wing did not take -- this was
22 before my -- my time, but at the time the wing did not
23 take appropriate -- I don't want to say "appropriate,"
24 but didn't take -- didn't investigate it in a timely
25 manner.

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1 Q Okay. When you say "timely," is there some reg that
2 outlines how quickly something must be investigated?
3 A Within -- yeah. I believe it is even in the
4 regulation here. It says it should be within the -- I
5 believe it says 180 days, you know, as much as
6 possible.
7 Q Right. There's some qualifying language --
8 A Yes, yes.
9 Q -- that allows you over the 180 days --
10 A Yes, yes.
11 Q -- is that correct?
12 A Yes, there is.
13 Q Okay.
14 A But they should be made -- what they call "prudent."
15 They should be done in a prudent manner.
16 Q Are there any regs that deal with how quickly a
17 complaint -- a written complaint needs to be filed?
18 A Within -- yes. I think it's in here, too. It should
19 be done within a certain time limit.
20 Q Okay. Let's take a look --
21 A Of the alleged complaint.
22 Q Okay. Let's take a look at 7.g., which is on Page 7,
23 all right?
24 A Mm-hm.
25 Q I'll read that. It says, "The complainant shall

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1 submit the complaint within 60 days of the occurrence
2 or action upon which the complaint is based or within
3 60 days of the complainant becoming aware of the
4 occurrence or action upon which the complaint is
5 based," correct?
6 A Yes.
7 Q Those are the regs that would have required Mr. Mangum
8 to have filed his complaint within 60 days of when he
9 found out or had reason to believe there had been a
10 falsification of credentials, correct?
11 A Yes.
12 Q Do you know whether his complaint was filed within 60
13 days?
14 A No, I do not.
15 Q Who is in charge of making sure that these regs are
16 followed? I mean, who is the one that ultimately
17 reviews the file and makes sure that there is
18 compliance?
19 A I am.
20 Q Okay. Would you agree with me that if Mr. Mangum had
21 filed his complaint against Mr. Craig sometime in
22 August of 2006, and Mr. Craig did not find out that a

23 complaint had been filed until mid-November 2006, that
24 that would violate the regs?
25 A Yes.

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1 Q The regulations -- I'm going to turn to the next page,
2 which is Page 8, under a., under the Complaint
3 Processing section.

4 A Mm-hm.

5 Q The last sentence says, "The IG or IO will send
6 reports every 45 days to both the complainant and the
7 commander who directed the investigation indicating
8 how the investigation is progressing, without
9 discussing specific issues or information relating to
10 or derived from the investigation."

11 In this particular case with Mr. Craig, who was
12 the IG?

13 A Don Sorenson.

14 Q Okay. Did Don Sorenson provide the 45-day reports?

15 A Yes.

16 Q And who did he give those reports to?

17 A Me.

18 Q Did he give them to Larry as well?

19 A No.

20 Q Why didn't he give them to Larry?

21 A Because Larry was the -- he just gave it to me, based
22 on the fact that I'm the wing commander.

23 Q Okay. But doesn't this say that the IG will send
24 reports every 45 days to both --

25 A Oh, the complainant.

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1 Q -- the complainant and the commander, and so Larry
2 would have had to get a copy of the reports as well?

3 A Yes.

4 Q Did Larry get a copy of those reports?

5 A Probably not, since they were verbal.

6 Q Did you do anything to ensure that Mr. Mangum was kept
7 in the process because it was his complaint?

8 A No, I did not.

9 Q The next paragraph, b., the end of that paragraph
10 says, "The appointment letter shall state the nature
11 of the complaint and any limits to the scope of the
12 investigation."

13 Do you recall doing an appointment letter?

14 A Yes. I do remember sending one out.

15 Q Do you remember what the date of that appointment
16 letter was?

17 A No, I do not.

18 Q Do you have any idea how long the appointment
19 letter -- how much time had lapsed between the
20 complaint from Mr. Mangum and your appointment letter?

21 A No, I do not.

22 Q Is there a typical length of time?

23 A Well, it should be, like, whatever is in the -- it
24 should be within a couple of -- at least a week, I
25 would believe, or whenever -- whenever it says in the

75

1 regulation that the appointment letters come out to
2 me.

3 Q Okay. I --

4 A I don't have the -- I don't know the time frame.

5 Q Okay. What is your general practice?

6 A The IG -- a complaint is filed.

7 Q Right.

8 A The IG determines whether or not it needs to be --

9 Q Merits investigation?
10 A Yes.
11 Q Okay.
12 A And then he brings an appointment letter to me saying,
13 "I've looked at this. It merits investigation."
14 Q So the actual appointment letter is not prepared by
15 you. It is prepared by --
16 A The IG.
17 Q -- the IG.
18 Well, doesn't the appointment letter appoint the
19 IG?
20 A The appointment letter appoints the IG to conduct the
21 investigation.
22 Q Okay. But is it your typical or general business
23 practice to provide the appointment letter within a
24 week or two --
25 A Yes.

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1 Q -- after receiving the --
2 A Yes.
3 Q Hold on.
4 A I'm sorry.
5 Q After receiving the IG's recommendation on going
6 forward with an investigation?
7 A Yes.
8 Q Okay. And when the IG comes to you, do they come to
9 you verbally and tell you they think it should go
10 forward, or do they hand you something in writing that
11 says, "After preliminary review, we believe this is a
12 matter that should be investigated," or something like
13 that?
14 A Something like that, yes.
15 Q But it's typically in writing?
16 A Yes.
17 Q Do you recall getting that in writing in this
18 particular case with Mr. Craig?
19 A No, I do not.
20 Q And it would have been prepared by Mr. Sorenson?
21 A Yes.
22 Q And it's your best estimate that after a week or two
23 of receiving that, you would have sent out the
24 appointment letter?
25 A Yes.

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1 (Exhibit No. 2 marked for
2 identification.)
3
4 Q (By Ms. Phillips) The court reporter has given you
5 what's been marked as Exhibit 2 to your deposition.
6 A Yes.
7 Q Have you seen this e-mail before? Take a moment and
8 look at it.
9 A No.
10 Q You have not seen this before?
11 A No.
12 Q Okay. I just want to get these people down. I know
13 who Ernie Pearson is.
14 A Mm-hm.
15 Q Who is Larry Myrick?
16 A Larry Myrick.
17 Q Myrick.
18 A He is the Pacific Region Vice Commander.
19 Q Okay. And who is Tom Green?
20 A Tom Green, at the time, was also the Pacific Region
21 Vice Commander. At the time we had two vice

22 commanders.
23 Q Okay. Who was the Pacific Region Inspector General?
24 A That would be Colonel Lantz, Ray Lantz.
25 Q Okay. Do you have any idea why the region commander,

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1 in September 2006, is asking Ray Lantz to investigate
2 the false credential issue with Mr. Craig?
3 A No, I do not.
4 Q Does this surprise you?
5 A Yeah. I've never seen it before.
6 Q Were you aware, at any point in time, of Ray Lantz's
7 involvement in the investigation?
8 A No.
9 (Exhibit No. 3 marked for
10 identification.)
11
12 Q (By Ms. Phillips) Have you taken a look at this now?
13 A Yes.
14 Q This is Exhibit 3 to your deposition. It's an e-mail
15 from Mr. Pearson, again to Mr. Lantz, dated September
16 6th. It says, "Lord - Re: Item c. Murray Craig
17 false ES cards. Please investigate this issue."
18 What standing did Mr. Pearson have at the time to
19 institute an investigation?
20 A He's the Pacific Region Commander.
21 Q Okay. Doesn't he have to have a complaint to do so?
22 A Yes.
23 Q Okay. Would it be inappropriate for him to start an
24 investigation on Mr. Murray Craig without having a
25 complaint filed?

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1 A Yes.
2 Q Okay. I would assume that commanders, whether they be
3 regional commanders or wing commanders, don't just
4 investigate people; that there's got to be a basis or
5 complaint for doing so?
6 A Yes.
7 (Exhibit No. 4 marked for
8 identification.)
9
10 Q (By Ms. Phillips) Did you have a chance to look at
11 this?
12 A Yes, ma'am.
13 Q Is this an e-mail that you authored?
14 A Yes.
15 Q Is the date it was sent on or about September 8, 2006?
16 A Yes.
17 Q Who did you send this to?
18 A My IG.
19 Q Okay. Who did you cc?
20 A The chief of staff of operations, the Pacific Region
21 IG, and the state director.
22 Q Okay. So Larry Mangum was cc'd on this?
23 A Yes.
24 Q Why?
25 A This came about based on the fact that the region IG

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1 brought it up to Larry Mangum, and, in turn, I wanted
2 to have it looked into.
3 Q Okay. Maybe I'm misreading this. The last sentence
4 says, "This has been brought to my attention by the
5 Pacific Region IG."
6 A Right.
7 Q That's Colonel Lantz?

8 A That's right. It is.
9 Q That's not Mr. Mangum?
10 A That's not Mr. Mangum.
11 Q Did you just tell me a few minutes ago that you had no
12 idea of Mr. Lantz's involvement in this investigation?
13 A I only knew about Mr. Lantz's involvement when
14 Mr. Mangum told me about it, that it was being looked
15 into, so that's why I say the region IG was looking
16 into it. He brought it to our attention.
17 Q Okay. So, "This has been brought to my attention by
18 the Pacific Region IG," isn't accurate. It was
19 brought to your attention through --
20 A Through --
21 Q -- your Washington Wing IG?
22 A Right, right.
23 Q From, initially, the Pacific Region IG?
24 A Right, right. Yes.
25 Q And when did Larry Mangum tell you that it had been

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1 brought to his attention by Mr. Lantz?
2 A At our -- we had a -- our region commander had a town
3 hall meeting, and it was in the latter August time
4 frame, I believe it was.
5 He told me at the time that -- that's when he told
6 me, at the time. We had a town hall meeting in -- a
7 bunch of CAP -- this is just after I was appointed
8 interim commander.
9 Q Okay.
10 A He told me at the time that it was being looked into.
11 Q Who is "he"?
12 A Larry. I'm sorry. Larry Mangum.
13 Q Okay. Larry Mangum told you at a town hall CAP
14 meeting that there was -- Mr. Craig's credentials were
15 being looked into because they thought they might have
16 been falsified?
17 A Yes.
18 Q And so it's your testimony today that before this town
19 hall meeting you had no idea there had been
20 allegations of falsification of credentials?
21 A I had heard rumors, but no allegations had come
22 forward, so I was not -- rumors are rumors. We didn't
23 take any action on rumors.
24 Q Okay. Why did you ask Don to look into this?
25 A Because Don was my inspector general at the time.

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1 Q Okay. So was this e-mail written before or after
2 Larry Mangum filed a complaint?
3 A I can't answer that question. I'd have to look to be
4 sure, check the file.
5 Q Okay. Before didn't you tell me that Larry Mangum
6 filed his complaint sometime between June and August
7 of 2006?
8 A I'd say approximately, yes.
9 Q Okay. And this is dated the beginning of September
10 2006?
11 A Okay.
12 Q So if this were after the complaint, why wouldn't you
13 have simply just sent out an appointment letter and
14 had it looked into?
15 A Because the appointment letter -- I mean, I sent this
16 to Don for him to look into the alleged allegation,
17 and Don needs to make -- Don would then in turn make
18 the determination that yes, we need to look into this
19 or no, we don't need to look into this.
20 It's not -- so this was to get Don to start the

21 process to look into the situation if it was a true
22 allegation.
23 Q Were you ever instructed by anyone at region to do the
24 investigation?
25 A No.

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1 Q No one told you it was a hot issue with Ernie?
2 A Not that I recall.
3 Q Or words to that effect?
4 A Not that I recall. I was not told it was a hot issue.
5 Q Do you remember getting an e-mail at any point from
6 anyone saying that Ernie was real hot on this and
7 wanted it done ASAP, or words to that effect?
8 A I don't recall.
9 Q So at the time you sent this e-mail out, I'm assuming,
10 based on the language of the e-mail, that Mr. Sorenson
11 was being told to look into both Mr. Johnson's
12 involvement in this and Mr. Craig's involvement in
13 this?
14 A At the time, yes.
15 Q Okay. And at the time you -- at some point in time,
16 you decided at least that Mr. Craig should be
17 investigated for falsifying credentials but not
18 Mr. Johnson?
19 A Yes.
20 Q Even though Mr. Johnson was the superior officer?
21 A He was involved, yes.
22 Q How long does it take for an IG to determine whether
23 an investigation should go forward?
24 A I don't know. I would think a week or two to make a
25 determination.

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1 Q Of whether to investigate?
2 A Of whether or not to investigate.
3 Q Okay. So if months went by, that would be
4 extraordinary?
5 A I would think so, yes.
6 (Exhibit No. 5 marked for
7 identification.)
8
9 Q (By Ms. Phillips) Have you had a chance to look at
10 Exhibit 5?
11 A Yes.
12 Q Have you seen that before?
13 A No, I have not.
14 Q Okay. It's an e-mail -- well, there's a couple of
15 forwardings on it, but the main body of the e-mail is
16 dated Thursday, September 7th, from Mr. Mangum to Ray
17 Lantz; is that correct?
18 A The -- from --
19 Q Well, one goes from Ray to Larry --
20 A Oh, I'm sorry.
21 Q -- Larry to Ray.
22 A I got you.
23 Q Those are the general --
24 A I'm with you.
25 Q -- and then it's forwarded.

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1 A I'm with you, yeah.
2 Q Okay?
3 A Yes.
4 Q So the first one came from Ray. I'm looking at the
5 second page.
6 A Yes.

7 Q Ray to Larry on September 6th. It says: I have been
8 directed to investigation the information you provided
9 to Merle in June concerning the false ES
10 qualifications of Murray Craig.
11 Do you see where I'm reading?
12 A Yes. I'm with you.
13 Q Okay. Who directed that investigation?
14 A I don't know.
15 Q Well, who would have the authority to direct the
16 investigation?
17 A The region commander.
18 Q Which would be Mr. Pearson?
19 A Yes.
20 Q Okay. Do you know whether Mr. Mangum provided a
21 written statement of how and what he found out?
22 A No, I don't.
23 Q Mr. Mangum responds to Mr. Lantz the next day,
24 September 7th. Do you see the response at the bottom
25 of Page 1?

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1 A Yes, I do.
2 Q At that point, Mr. Mangum identifies himself, and I'm
3 referring to Paragraph 3, as the "Director of
4 Information Technology" for the region.
5 Are you certain of Mr. Mangum's position at the
6 time this investigation started with you?
7 A He was doing both.
8 Q So he was both acting as your -- I think he was
9 your --
10 A Chief of staff of operations.
11 Q -- chief of staff of operations and the director of
12 information technology for the region?
13 A Yes.
14 Q Do you know the -- what the qualifications for an AOBD
15 are?
16 A No, I do not. Not unless I looked it up.
17 Q Okay. If that were one of the qualifications that
18 were being challenged as one of the falsified
19 credentials, and you made the determination what to do
20 with the IG's report, do you think it would be
21 important for you to know --
22 A Yes.
23 Q -- what the qualifications and prerequisites are for
24 an AOBD?
25 A Yes.

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1 Q Do you know whether you looked them up when you got --
2 A I would --
3 Q -- the IG report?
4 A Yes.
5 Q You did look them up?
6 A Yes.
7 Q As you sit here today, you have no recollection or you
8 don't know what --
9 A I don't know what they are -- the actual.
10 (Exhibit No. 6 marked for
11 identification.)
12
13 Q (By Ms. Phillips) Okay?
14 A Yes.
15 Q I'm going to refer to the bottom part, the original
16 message, and that's from Larry Mangum to -- I think
17 that's -- is that you?
18 A That's me.
19 Q Okay. Do you remember receiving this?

20 A No, I don't.
21 Q Do you have any reason to believe you didn't receive
22 it?
23 A I'm sure I did.
24 Q Okay. Larry says to you, "Dave, The attached document
25 clearly shows that Murray Craig could not have

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1 obtained the ratings he did not meet the prerequisites
2 for with out Gary's knowledge."
3 Do you see where I'm reading?
4 A Yes.
5 Q What attached document is he referring to, do you
6 know?
7 A I don't know. I see the words "attached document"
8 here, but I don't know what attachment he's referring
9 to.
10 Q What document would show, if you were to take an
11 educated guess at what document was attached?
12 A Probably a MIMS qualification print.
13 Q Okay. It says, "I know we talked about having the
14 wing IG look into the matter, however after reviewing
15 the attached document again, I believe there is
16 sufficient evidence to relieve Gary for cause without
17 an investigation."
18 What discussions did you have before September 7th
19 with Mr. Mangum where you talked about having the wing
20 look into this?
21 A It was based on -- at our -- again, at our town hall
22 meeting. After our town hall meeting we were
23 walking -- which was held on McChord.
24 We were walking back to our headquarters,
25 approximately three blocks away, and we -- Larry -- I

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1 was not involved in the questioning, but Larry was
2 talking to Gary Johnson about the situation and asked
3 him if the -- if he had input the credentials into the
4 system, knowing they were false or, I should say,
5 knowing that --
6 Q Prerequisites had not been met?
7 A That's it. He said yes.
8 Q Who said yes?
9 A Gary Johnson said yes.
10 Q Did Larry Mangum want Gary relieved of his duties?
11 A No, not necessarily. He was just questioning him
12 about the input of the credentials into the system.
13 Q Okay. I'm kind of wondering why, if Larry Mangum
14 believed there was sufficient evidence to relieve Gary
15 for cause without an investigation, why at least there
16 wouldn't have been an IG investigation into the
17 matter, if it was that serious?
18 A IG investigation on?
19 Q Mr. Johnson.
20 A Again, I -- we were concentrating on the initial
21 investigation of the falsification entry of records.
22 If you were looking for somebody to say why didn't we
23 do it, is because I didn't -- we finished one and
24 didn't continue with the other.
25 Q Let me ask you this: Are you certain that you had

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1 this discussion at the town meeting?
2 A Yes.
3 Q Okay. Would it surprise you that the town meeting
4 postdates this e-mail? In other words, the town
5 meeting was held on September 16th.

6 A Okay.
7 Q So you couldn't have had this discussion before you
8 received this e-mail.
9 A Okay. I'll go with that.
10 Q Let's assume for a minute that the town meeting was
11 held on September 16th.
12 A Mm-hm.
13 Q What discussions did you have with Mr. Mangum before
14 September 7th about the Washington Wing investigating
15 this matter?
16 A Basically, it was just the fact that he -- he already
17 talked to Gary. I mean, he had talked to Gary about
18 the -- the situation involved a -- what we call a
19 "guided training exercise," which we did not do very
20 well at.
21 It developed -- the situation involved the -- came
22 up with the possible input of the credentials into the
23 system, and I know that Gary -- I mean, Larry had been
24 talking to Gary about it.
25 And then after the -- and we were looking in -- I

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1 should say they were -- he was looking into it, I
2 guess you could say, to see if it was -- if we should
3 go forward with anything.
4 Q Well, let me ask you this: Why would you investigate
5 the individual for whom the qualifications were
6 entered as opposed to the person who did the
7 falsifying?
8 A It should have been done. Both of them should have
9 been done.
10 Q Why would you investigate Mr. Craig if Mr. Johnson
11 inputted false credentials in MIMS? Why would
12 Mr. Craig be implicated?
13 A Because they were both involved in the situation.
14 Honestly, they should have both been looked into.
15 Q Would it be fair to say that you don't have a real
16 clear recollection of when you first talked to
17 Mr. Mangum about this issue?
18 A Yes. I would go with that.
19 Q Would it be fair to say you talked to him between June
20 and August of 2006 initially?
21 A Okay. Yes.
22 Q You may have had a more in-depth discussion following
23 the town meeting, but you certainly were aware of it
24 before the town meeting?
25 A Yes.

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1 (Exhibit No. 7 marked for
2 identification.)
3
4 Q (By Ms. Phillips) Have you had the opportunity to
5 review Exhibit 7?
6 A Yes.
7 Q What is Exhibit 7?
8 A It's a message I sent to the IG about -- the Pacific
9 Region IG had informed me that the region commander
10 wanted it looked into.
11 Q Let's back up and let's go to the first e-mail first,
12 which is the one at the bottom, the September 7th,
13 2006, e-mail, okay.
14 A Mm-hm.
15 Q You write in subject, "Request for Inquiry (Priority
16 Issue.)" Why did you put "priority issue" in there?
17 A Because I believed it was a priority issue.
18 Q Okay. Nobody told you it was a priority issue?

19 A No.
20 Q Why did it go to James Nakauchi?
21 A He is the Washington state director, and I use him as
22 an advisor. I should say I worked with him when I was
23 the deputy state director. He was my supervisor.
24 When I became the interim wing commander and then
25 the wing commander, he still is in the position as the

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1 state director, but I use him as an advisor, just to
2 keep informed on different things I'm doing to make
3 sure I'm doing things right.
4 He offers advice. He's a GS civilian that works
5 for the Air Force as the liaison officer for the
6 Washington and Oregon wings.
7 Q Do you know whether there are any regs regarding the
8 confidentiality of investigations?
9 A Yes, there are.
10 Q And do you know whether you violated those regs in
11 sharing with this individual this investigation or
12 allegations of falsified credentialing?
13 A I don't believe I did.
14 Q Why?
15 A Because Mr. Nakauchi works -- he works for the Air
16 Force, so he has no -- he has no -- no say or no --
17 how do you want to say it -- nothing he can do or --
18 nothing he can do or knows will weigh or decide an
19 investigation. I just use him for an advisor -- for
20 advice.
21 Q Okay. Well, did you -- I mean, not to be sarcastic
22 about this, but -- I mean, I'm sure you use your
23 accountant as an advisor, too. Did you tell your
24 accountant about this investigation?
25 A No.

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1 Q Okay. Well, I'm puzzled because you initially started
2 off this deposition by refusing to give me the names
3 of individuals against whom complaints had been filed,
4 or the victims of those complaints, because of
5 confidentiality issues.
6 So clearly you understand there's confidentiality
7 issues with respect to investigations?
8 A Yes.
9 Q Yet you felt compelled to include your personal
10 advisor on information with respect to this
11 investigation?
12 A Yes.
13 Q Okay. Have you ever looked into whether that's a
14 violation of confidentiality regulations?
15 A No.
16 Q Okay. The next e-mail is sent Saturday, September
17 30th, 2006. Do you see that? It's the top one.
18 A Yes.
19 Q Again, it goes to Mr. Sorenson, and it goes to
20 Mr. Lantz and Mr. Mangum, and again to your advisor.
21 And this is a priority issue again.
22 It says, "Don/Des, This has PCR/CC attention." I
23 assume that means Mr. Pearson?
24 A Yeah. Pacific Region Commander.
25 Q Right. How did you know it had Ernie's attention?

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1 A Because Colonel Lantz had let me know that he has --
2 that Ernie was looking in -- interested in the
3 situation.
4 Q When did you have discussions with Mr. Lantz about

5 Region's interest in this investigation?
6 A I don't remember.
7 Q Okay. Well, I'm again confused because at the
8 beginning of this deposition, when I showed you the
9 first exhibit, you told me you were surprised of
10 Mr. Lantz's involvement in this investigation.
11 Now you're telling me that you had discussions
12 with Mr. Lantz and understood that Mr. Pearson was
13 interested in this investigation?
14 A I was in -- I was confused -- I did not know he was
15 being investigated by the region. I was informed by
16 Ray that he was looking into it.
17 Q Yes. But when I gave you the first initial --
18 Exhibit 2, I believe it was -- you told me that it
19 caught you by surprise, that you didn't know that
20 there was interest or you didn't understand that
21 Mr. Lantz was in any way involved in the
22 investigation?
23 A I didn't.
24 Q Well, clearly you did if you sent an e-mail out in
25 September of 2006 that says this has PCR/CC attention?

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1 A I sent it on September 30th.
2 Q And you told me today, as you read that e-mail, you
3 were surprised?
4 A This was sent on September 1st, is when this was. I
5 didn't know he was -- between the 1st and the 30th, I
6 was informed that he was looking into the situation.
7 Q So your response to me was not that you were surprised
8 today learning that Mr. Lantz was involved?
9 A Oh, yes. Okay. I'll go with a that. I was not
10 surprised today learning that Mr. Lantz was involved.
11 Q Okay. Why did you ask him to do it ASAP?
12 A Well, when the region commander is -- region
13 commander's attention is involved, you want to try to
14 do it as quickly as possible.
15 Q Okay. Did you actually talk to Mr. Pearson about this
16 issue?
17 A No.
18 Q Okay. How did you know? Through Larry, is that how
19 you knew it had Ernie's attention; Lantz to Larry to
20 you?
21 A I knew -- right, right.
22 Q Did you ever talk to Mr. Pearson about this?
23 A No, I did not.
24 Q Even as you sit here today, you've never had any
25 discussions with Ernie's Pearson about --

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1 A Well, okay.
2 Q -- this investigation?
3 A Yes, I have. Yes.
4 Q Okay. When, in the grand scheme of this, did you have
5 discussions with Mr. Pearson?
6 A I don't remember. Sometime during the course of the
7 investigation we have talked about it, but I couldn't
8 pinpoint the exact dates.
9 Q Did Mr. Pearson want Gary Johnson investigated?
10 A It was never brought up.
11 (Exhibit No. 8 marked for
12 identification.)
13
14 Q (By Ms. Phillips) To give you some guidance on this,
15 this is a string of e-mail that continues from
16 Exhibit 4. Exhibit 4 has the full Friday, September
17 8th, 2006, e-mail from you, and this is the

18 continuation of that e-mail string. (Indicating.)
19 A I got you.
20 Q Okay.
21 A Okay.
22 Q Did you send the e-mail dated September 11, 2006, to
23 Don Sorenson that states, "Don, I believe that Larry
24 Mangum may have more info on this issue. Dave"?
25 A Yes.

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1 Q Had you received from Mr. Sorenson the e-mail dated
2 September 10, 2006, stating, "Dave, is this all the
3 info you have or is there more? Don"?
4 A Yes.
5 Q Okay. If someone -- I want to go to the top of the
6 page for a second. At the top there's a cc. It says
7 "WAWGIG"?
8 A Mm-hm.
9 Q Who does that go to?
10 A That's the Washington Wing IG. That's the official
11 CAP e-mail address.
12 Q And who gets something if it's sent to that e-mail
13 address?
14 A It would be the -- Don Sorenson or Desmond Reid, the
15 IG and the deputy IG.
16 Q Okay. Let me ask you this: At this point, is there
17 an investigation taking place?
18 A At this point, I believe not. The way this reads, no.
19 Q What does that mean to you?
20 A It means -- it looks like a request for information.
21 Q What kind of information, if you know?
22 A I don't know.
23 Q Well, let me ask you this --
24 A Information on the -- whatever allegations have been
25 brought forward.

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1 Q Okay. Let me ask you this: If you talked to Gary
2 Johnson, and Gary Johnson had admitted he had put into
3 the computer qualifications for which prerequisites
4 had not yet been met, what more additional information
5 do you need before making a decision as to whether to
6 go forward with an investigation?
7 A Probably none.
8 Q So why wasn't there an investigation started, or was
9 there?
10 A I don't know. I can't answer your question.
11 Q Okay. Is it possible that the investigation had
12 started?
13 A I don't know. To be honest, I'm not sure.
14 (Exhibit No. 9 marked for
15 identification.)
16
17 Q (By Ms. Phillips) Set aside Exhibit 9 that I've given
18 you.
19 Do you recall, during this time, whether anyone
20 made any comment about keeping the inquiry low-key and
21 not letting anyone know that there was this
22 investigation going on?
23 A No, I do not.
24 Q Would it have been inappropriate?
25 A Yes.

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1 Q Okay. Have you had the chance to look at Exhibit 9?
2 A Yes.
3 Q Can you tell me what that is, please?

4 A It's a message that I sent to Don and Desmond to
5 indicate that the region commander has -- is
6 interested in the case.
7 Q Is this anything different than him being interested a
8 month earlier? Is he more interested now?
9 A I don't know. I'm not sure. I would say possibly,
10 yes, but I don't know if it's -- if this is from
11 information that I might have received from Colonel
12 Lantz or not.
13 Q And what were these issues that you were asking
14 Mr. Sorenson look into?
15 A I believe at the time they were looking into both
16 issues, the Gary Johnson and Murray -- Gary Johnson
17 issue. I must have asked him to include Murray into
18 the investigation. That's all I can say. I'm not
19 sure.
20 Q Let me back up for just a minute. I'm a bit confused
21 at this point. You have an individual who is not a
22 Washington Wing member, who's a member of national at
23 this point, and you have Washington Wing people
24 investigating him?
25 A The investigation was done based on the fact that he

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1 was involved in a Washington Wing exercise -- activity
2 in Washington Wing.
3 Q So any CAP member throughout the country who engages
4 in a Washington Wing exercise can be investigated by a
5 Washington IG?
6 A Allegations can be looked into, yes. The
7 investigation should probably be conducted by the
8 member's home unit or home wing, but allegations can
9 be looked into, in my belief.
10 Q I think we covered this before, but I'll do it really
11 quickly. Larry Mangum's complaint, you would have had
12 an obligation to forward that on to General Pineda,
13 correct?
14 A Yes.
15 Q Okay. Do you have any continuing obligation to keep
16 General Pineda in the loop, while Mr. Craig was still
17 under his command, with respect to investigations that
18 were being done?
19 A Yes. I would say yes.
20 Q Did you?
21 A No.
22 Q Okay. When you say, "This needs to be placed high on
23 your list of items to do," what was your expectation?
24 A I just -- well, I didn't know all he was handling at
25 the time, what other situations he was handling at the

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1 time, so I wanted to make sure he was given -- he was
2 giving it the proper attention it needed.
3 Q Okay. I mean, you understood that a complaint has to
4 be filed --
5 A Yes.
6 Q -- within 60 days of the occurrence?
7 A Yes, yes.
8 Q And now we're in October?
9 A Yes.
10 Q And they're doing this preliminary look-see that you
11 were talking about before?
12 A Right. A lot of that comes from the fact that our
13 members are volunteers, and they're not available
14 sometimes to get information, so -- I mean, that's why
15 sometimes things do stretch out.
16 But I agree with you, that things still should be

17 handled in a prudent manner -- a prudent and timely
18 manner.
19 Q Did you ever communicate to anyone -- the region IG,
20 Washington Wing IG -- that it was taking too long?
21 A No.
22 Q Did you ever tell any of them, "Hey, guys. We have a
23 60-day window and we have a 180-day window, so let's
24 get on it," or words to that effect?
25 A Words to that effect, the fact that we should handle

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1 it in a --
2 Q Expeditious?
3 A Yes. That's the word. Thank you. Expeditious
4 manner, yes.
5 Q Okay. And who did you have those discussions with?
6 A With Don Sorenson.
7 Q And what was Don's response?
8 A He said he would make sure we would look into that --
9 he would make sure that he would look into that, but
10 he was having -- he was doing -- information he was
11 trying to get -- when you do an investigation, of
12 course you know, you have to try to get information
13 from all sorts of places. He was waiting for things
14 to come from places that he'd made inquiries to.
15 Q Like Mr. Craig's personnel records?
16 A Yes.
17 Q Okay. Why do you need Mr. Murray's personnel records
18 to make a determination whether to forward the
19 complaint?
20 A I don't know. I can't answer your question.
21 Q Are you aware of an e-mail from Ernie Pearson to Ray
22 Lantz, dated September 13th, 2006, which says: Aha,
23 good. Unsure of what to do with info. If Craig gets
24 wind of this, he might complain to his new boss, and
25 then I'll have to tap dance. Please keep all of this

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1 low-key and close to the vest. Thanks.
2 A I don't recall that.
3 Q Does that shock you?
4 A Yeah, honestly.
5 Q Is that inappropriate?
6 A I would say so, yes. Yes.
7 Q Does Mr. Pearson like Mr. Craig?
8 A I don't know.
9 Q Has he ever said any derogatory comments about
10 Mr. Craig?
11 A No, he has not.
12 (Exhibit No. 10 marked for
13 identification.)
14
15 Q (By Ms. Phillips) Have you had a chance to look at
16 Exhibit 10?
17 A Yes.
18 Q What is Exhibit 10?
19 A It's an e-mail from Don Sorenson to Ray Lantz.
20 Q Okay. Did you get a copy of this e-mail?
21 A Yes, I did.
22 Q Do you remember reading it?
23 A No, I don't.
24 Q Okay. Do you think that, in order to simply look at
25 an inquiry issue, that someone's personnel file has

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1 got to be retrieved?
2 A Probably not.

3 Q Okay. Did you, at any point in time, go to
4 Mr. Sorenson or Mr. Reid and say, "You're going far
5 beyond just the inquiry as to whether we should
6 investigate this matter"?
7 A No, I did not.
8 Q Why not?
9 A I can't answer your question. I just didn't do it.
10 Q Isn't this the kind of stuff that the IGs do once an
11 investigation is started?
12 A Yes.
13 Q They look at personnel files? They do interviews?
14 A Yes.
15 Q Were they conducting an investigation without the
16 proper appointment letter; is that what this looks
17 like to you?
18 A Yes.
19 (Exhibit No. 11 marked for
20 identification.)
21
22 Q (By Ms. Phillips) Have you had a chance to look at
23 Exhibit 11?
24 A Yes.
25 Q Does it shock you?

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1 A Yes.
2 Q Does it shock you because, first of all, this is
3 referred to as an investigation, not an inquiry, true?
4 A Yes, it is.
5 Q And that it was being directed in part by Region CC,
6 meaning Ernie?
7 A Yes.
8 Q Did you know Ernie was directing his investigators in
9 this?
10 A No, I did not.
11 Q Who's the boss?
12 A The boss would have been Colonel Pearson.
13 Q And again, for me, Tom Green is who?
14 A He -- at the time he was the Pacific Region Vice
15 Commander.
16 Q Okay. So he's one step below Ernie?
17 A Yes.
18 Q Okay. Why was this investigation in part directed by
19 Region?
20 A Well, it looks like to me that -- sometimes our
21 members, like I said before, send things directly to
22 the region. It could be the fact that the region
23 wanted to step in and look into it. I don't know.
24 Q Okay. Well, would it be fair to say that they were
25 investigating?

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1 A Yes.
2 Q They weren't looking into it?
3 A Yes.
4 Q They were investigating it?
5 A Yes.
6 Q Okay. Do you recall a specific time period -- I'll
7 say late September, early October 2006 -- when you
8 found out that Murray Craig allegedly was calling
9 Washington Wing members to get support for Gary
10 Johnson to become the commander and not you?
11 A Yes.
12 Q What did you learn?
13 A I learned it from a -- I learned it from -- who called
14 me -- a member. A member had called, I believe it was
15 Larry Mangum, and told him that Mr. Craig had -- was

16 drumming up support for -- the way it was explained to
17 me -- was drumming up support for one of the other
18 candidates for wing commander after I had been
19 selected.
20 Q Had you been selected?
21 A I had been selected by the region commander.
22 Q When did that selection process happen?
23 A I was appointed October the 10th, and I believe it
24 happened within the -- sometime between the 1st and
25 the 10th.

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1 Q That you had received your letter telling --
2 A That I had been notified that I had been appointed.
3 Q Okay. And sometime after you received that formal
4 notification, but before it was made public, Mr. Craig
5 supposedly was soliciting support for Mr. Johnson for
6 the commander position?
7 A I was told he was soliciting support for one of the
8 other candidates. I didn't know -- no names involved.
9 Q Who were the other candidates besides yourself?
10 A Gary Johnson, Gary Gregory and Donald Long.
11 Q Were you in any way influenced to send out an
12 appointment letter as a result of you finding out that
13 Murray Craig did not support you for commander but
14 supported someone else?
15 A No, I was not. I was a little bit -- I guess you
16 could say hurt and upset that he did it, but I did not
17 let it affect my judgment. I do not believe it
18 affected my judgment, let's put it that way.
19 Q Did you ever ask Mr. Craig if he in fact had done
20 that?
21 A No, I did not.
22 Q Do you think it's possible that he didn't?
23 A Yes.
24 Q Do you think it's possible that Mr. Mangum made it up?
25 A I don't think so, but I don't believe that -- I don't

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1 believe Murray Craig would have done it. I don't know
2 why I was told that information.
3 Q Is it Dustin Jones or Jones Dustin?
4 A Dustin Jones.
5 Q Who is Dustin Jones?
6 A At the time he was the -- our plans and programs
7 officer.
8 Q Okay. Would it have been appropriate for the IG of
9 either Washington Wing or region, before an
10 appointment letter actually appointing investigators
11 to investigate, to have gone to Mr. Craig's former
12 wing in California and solicited statements,
13 information and documentation from them with respect
14 to this investigation?
15 A I don't believe so, no.
16 Q Do you know why anyone did that?
17 A No, I don't.
18 Q Did anyone talk to you about doing it before it was
19 done?
20 A I knew they were going to go to California after, but
21 I didn't know -- no. I didn't know they were going
22 before.
23 Q Okay. When you say "they," who do you mean?
24 A My IG, Don Sorenson.
25 Q If you had known they were going to go to California

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1 and dig up that information before, would you have

2 said it was inappropriate?
3 A Yes. I would have said wait until we actually sign
4 off the letter so there would have been a trail to
5 use.
6 Q Okay. Let's -- suppose with me for a moment that you
7 signed off on a letter that said we're going to
8 investigate allegations that he falsified or allowed
9 his credentials to be entered into MIMS that were
10 false, that he hadn't the required prerequisites.
11 What on earth did his California records have to
12 do with that allegation?
13 A The only thing I can tell you is maybe they were
14 looking into history. Other than that, I don't know.
15 Q When you have been in charge of these other
16 investigations that you had over the past year -- you
17 have had five -- did you go to other wings to get
18 background information on the individuals against whom
19 a complaint was made?
20 A The other individuals were -- I believe the other
21 individuals were not involved in any other wings.
22 They were all Washington Wing members.
23 Q Did you go to national to get his information from
24 national for this investigation, do you know, "you"
25 meaning your IGs?

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1 A I don't understand the question.
2 Q Well, your IGs went to California to dig up
3 information on Mr. Craig.
4 A Mm-hm.
5 Q Did they go to national to do that, too, because he
6 was at national for a while?
7 A Right. Yes, they did.
8 Q Did they do that before or after the appointment
9 letter?
10 A Probably looks like they went before.
11 Q Okay. Did you at any point in time tell them that was
12 inappropriate?
13 A No.
14 Q Was it inappropriate?
15 A It looks like it is, according to the regulations,
16 yes.
17 Q Okay. If Larry Mangum is the complainant, does Larry
18 Mangum play any part in information gathering?
19 A You mean from the IG?
20 Q Yes.
21 A I believe that the IG should interview the
22 complainant.
23 Q No. I mean Larry Mangum going out and interviewing
24 people himself and soliciting information; is he
25 supposed to do that?

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1 A I don't believe so, no.
2 Q Okay.
3 A Because he's the complainant.
4 Q Right.
5 (Exhibit No. 12 marked for
6 identification.)
7
8 Q (By Ms. Phillips) Have you had a chance to look at it?
9 A Yes.
10 Q I want to look -- direct your attention to the October
11 6th e-mail. It's on Page 2 primarily. That is to
12 Larry Mangum and Dustin, and it is from you, correct?
13 A Yes, it is.
14 Q Do you remember sending this?

15 A Yes.
16 Q Is it true that on or about Friday, the 6th of
17 October, that your appointment was on hold?
18 A Yes.
19 Q So you had not yet received any information that you
20 had been confirmed as the commander?
21 A Not confirmed, yes.
22 Q As of the 6th, okay.
23 Then it says, "... it appears the information you
24 relayed to me last night about Murray Craig is true."
25 How did you find that out?

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1 A Because of the fact that the -- it was relayed to me
2 that the information -- I should say the inquiries
3 being made about my capabilities to be wing commander
4 caused the national commander to delay my appoint --
5 retract my appointment.
6 The region commander selected me. The national
7 commander approved me. Then he retracted my approval
8 for a short period of time. Then I was reapproved --
9 reappointed.
10 Q So what information are you talking about with respect
11 to Murray Craig?
12 A Would have been the fact that -- what appeared to be
13 the fact that he was making inquiries into my
14 appointment, whether or not the other candidates --
15 some other candidate -- one of the other candidates
16 was more capable than I was.
17 Q And what information did you get to lead you to
18 believe that was true?
19 A The fact that the national commander had retracted my
20 appointment.
21 Q So the fact that the national commander had retracted
22 your appointment made you believe that it was because
23 of what Mr. Craig was doing?
24 A Yes, it did.
25 Q Why? Why would you make that leap?

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1 A Because I had no other choice. The fact that someone
2 was making inquiries into my capability to be wing
3 commander and that all of a sudden the national
4 commander had put my appointment on hold, I went
5 there.
6 Q Okay. Do you have a lack of ops background?
7 A Yes, I do.
8 Q Why did you indicate not to discuss this with anyone
9 but you or Mr. Pearson?
10 A Because I didn't want this type of information just to
11 be out there.
12 Q The first page of that is an e-mail from Larry Mangum
13 to Dustin Jones, for your eyes only. Why would Larry,
14 if you know, send this e-mail?
15 A I don't know why he would send it to Dustin Jones.
16 Q Was Dustin Jones in any way involved in the
17 investigation?
18 A I can't answer your question there. I don't know.
19 Q Do you have any information as to why Mr. Peterson
20 denied Mr. Craig's request, the last two sentences of
21 Paragraph 1?
22 A No, I do not.
23 Q Okay. Having read this, given that Larry Mangum is
24 your immediate subordinate, is this appropriate, in
25 your eyes?

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1 A Not necessarily to Dustin Jones, no. He shouldn't
2 have -- I'm not sure how Dustin Jones became involved
3 in any of this situation.
4 Q I don't know either. That's why I'm -- I was hoping
5 you might enlighten me.
6 A No, I don't.
7 Q Do you know why Dustin would have asked Larry to start
8 with, "Can you elaborate on what you heard about
9 Murray Craig"?
10 A No, I don't. I was just going to -- I don't know why
11 he asked the question in the first place.
12 Q Okay.
13 A I don't know why the answer was given.
14 Q Can you outline for me what your ops background is,
15 although you said it might not be --
16 A I really don't have -- I'm not a pilot, so I don't
17 have an actual flying background.
18 Q Okay.
19 A I rely on my staff to help me in operational matters.
20 (Exhibit No. 13 marked for
21 identification.)
22
23 Q (By Ms. Phillips) Do you recognize this?
24 A Yes.
25 Q What is this?

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1 A It's a message to the Skagit squadron commander about
2 an activity that Murray was doing on behalf of
3 national headquarters.
4 Q Okay. So this is an e-mail from you, correct?
5 A Yes.
6 Q And it's to Colonel Pearson, correct?
7 A I'm sorry. Yes, it is.
8 Q Okay.
9 A I'm sorry. I read the wrong thing.
10 Q That's all right.
11 A Yes.
12 Q Okay. So it's an e-mail from you to Colonel Pearson?
13 A Mm-hm.
14 Q And you have cc'd in Ray Lantz in on it, Don Sorenson,
15 correct?
16 A Mm-hm.
17 Q Desmond Reid?
18 A Right.
19 Q Larry Mangum?
20 A Yes.
21 Q Is that all?
22 A Vice commander -- wawg-admin is also Desmond Reid.
23 That's his address.
24 Q Okay.
25 A My vice commander and another -- my advisor -- another

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1 advisor, Dick Heiz.
2 Q Is he a CAP member?
3 A Yes, he is.
4 Q Is he a Washington Wing member?
5 A Yes, he is.
6 Q And what is his rank or position?
7 A He's the advisor to the commander.
8 Q What does that mean?
9 A He is just like -- somebody like Jim Nakauchi who I go
10 to for advice.
11 Q All right. It says, "Colonel Pearson, I just got a
12 call from Todd Wigal, the squadron commander at Skagit
13 squadron, Murray's old squadron in Washington. He

14 (Murray) told Todd he wanted to come out and take
15 pictures of the unit building for part of this 'movie'
16 he is working on. (I don't know the time frame on
17 this) But the unit commander asked me how he should
18 handle it if MC shows up at the unit."
19 A Correct.
20 Q Why is "movie" in quotes?
21 A Because I was told he was just doing -- I just did
22 that. There was no reason for it.
23 Q Did you not believe he was involved in a movie?
24 A Yes.
25 Q You didn't believe it?

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1 A I did. I mean, I just quoted it, "movie." I
2 didn't -- there was no really -- reason for it.
3 Q "My question is to you is, 'How do we handle it?'
4 Does MC -- I assume that means Murray Craig --
5 A Murray Craig.
6 Q -- know anything about the investigations that are
7 underway?"
8 Are you still sticking with your position that
9 there was not an investigation being done at this
10 time?
11 A It should have been.
12 Q This is dated October 10th?
13 A Oh, October 10th. Yes.
14 Q This is October 10th, 2006. You refer to
15 investigations that are underway with respect to
16 Mr. Craig.
17 A Mm-hm.
18 Q Okay. Do you agree with me now that there was an
19 investigation underway at that point?
20 A Yes.
21 Q Do you know whether you had signed an appointment
22 letter at the time?
23 A No, I do not.
24 Q Do you know whether Mr. Craig had gotten notification
25 of a complaint being filed against him?

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1 A No, I do not.
2 Q Do you know whether his commanding officer had gotten
3 notification?
4 A No.
5 Q Question, "Can Murray Craig be suspended or restricted
6 from the squadron area until this is over?" Did you
7 want Murray Craig suspended from CAP during the
8 investigation?
9 A I was asking -- no. I did not want him suspended. I
10 was asking whether or not he should be involved with
11 the unit while the investigation is being conducted.
12 That was my basic question.
13 Q Well, what other --
14 A I didn't mean to say "suspended."
15 Q Okay. I'm trying to figure out what other way could
16 you meant to the word "suspended"?
17 A I didn't mean to say "suspended." I just meant should
18 he be involved with the unit.
19 Q Then it says, "By the way, his records were removed
20 from the unit without the commander's knowledge ..."
21 what records?
22 A His personnel records.
23 Q From which unit?
24 A Todd Wigal told me that his personnel records had been
25 removed from the unit without his, Todd's, knowledge.

- 1 Q Is that a violation of any reg?
 2 A The unit member's records are supposed to be signed
 3 out to the member when they move, when they transfer
 4 to a unit, so the unit has a record of -- well, just
 5 so they know that they were -- a member picked up his
 6 or her own records.
 7 Q It says, "Todd has move documents that he is sending
 8 me." What does that mean?
 9 A I believe he still had some documents that he -- if I
 10 remember right, he had documents that were not picked
 11 up pertaining to Murray.
 12 Q And he was sending them to you?
 13 A He did send them to the wing, and I gave them to
 14 the -- Don.
 15 Q So he sent them to you personally?
 16 A Yes, he did.
 17 Q Is it appropriate --
 18 A Well, he sent them to me at the Washington Wing
 19 headquarters.
 20 Q Care of you?
 21 A The commander, yes.
 22 Q Okay. Is it appropriate for you to get involved in
 23 the investigation by getting documents?
 24 A Actually, I should not.
 25 Q And why did you?

- 1 A Because he already put them in the mail, is what this
 2 was. He put them in the mail, and I got the envelope
 3 and turned it over to Don.
 4 I should not have been involved in any way
 5 whatsoever with the investigation. The documents
 6 should have gone direct to Don if he had documents.
 7 That's true.
 8 (Recess from 1:33 p.m. to
 9 1:38 p.m.)
 10 (Exhibit No. 14 marked for
 11 identification.)
 12
 13 EXAMINATION (Continuing)
 14 BY MS. PHILLIPS:
 15 Q Do you have Exhibit 14 in front of you?
 16 A Yes, I do.
 17 Q Okay. Have you read it?
 18 A Yes.
 19 Q Let's start at the first e-mail. It looks like
 20 there's an e-mail October 12th, Thursday, from Larry
 21 Mangum to you, correct?
 22 A Yes.
 23 Q Larry Mangum writes, "During a call with Tom Peterson
 24 this afternoon, the subject of Murray Craig's ES
 25 credentials came up."

- 1 Why would Larry Mangum be talking to Tom Peterson
 2 about Mr. Craig's credentials?
 3 A Your guess is as good as mine. I don't know.
 4 Q Okay. Well, who is Tom Peterson?
 5 A He's the Washington State Aviation Division Director
 6 of SAR, Search and Rescue.
 7 Q So he is a state employee?
 8 A Yes.
 9 Q He's also a Washington Wing member as well, correct?
 10 A No. He's a Pacific Region member.
 11 Q He's not a Washington Wing member?
 12 A No, he's not.

13 Q So would I be correct in assuming that Larry's contact
14 with Mr. Peterson was related to Mr. Peterson's
15 position as a state employee?
16 A It looks like it is, yes.
17 Q Is there any other reason he would be talking to
18 Mr. Peterson?
19 A The fact that maybe -- I mean, other than the fact
20 that they both have a position on the region staff and
21 in this -- their conversation went to this. Other
22 than that, I don't know.
23 Q Okay. Why would the State care about Mr. Craig's
24 credentials?
25 A I don't know.

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1 Q Okay. Is it inappropriate for Mr. Mangum to be
2 talking to Tom Peterson about Mr. Murray's [sic]
3 credentials and that issue?
4 A Yes.
5 Q Okay.
6 A I would think it would be, yes.
7 Q Okay. Is this something that, if you knew about it at
8 the time, you would have admonished him for doing?
9 A I probably would have talked to him about it.
10 Q Do you recall having that discussion with him?
11 A I believe we did talk about it.
12 Q What was his response?
13 A But honestly, I can't -- I can't remember the
14 conversation. I believe we did talk about it.
15 Q Do you recall Larry Mangum ever telling you that he
16 was going to Tom Peterson for additional information
17 on the investigation?
18 A No.
19 Q Do you remember Mr. Peterson supplying to your IGs
20 information with respect to Mr. Craig's issues with
21 his worker card?
22 A He may have, but I don't remember it. I mean,
23 Mr. Peterson may have provided information to our IG.
24 Q Well, as you sit here today, are you aware of the
25 issues with respect to Mr. Craig's worker card?

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1 A I'm aware of -- the only thing I'm aware of is that
2 Mr. Peterson has issues with -- or I should say he
3 explained to me he has issues with state of legal
4 residence of Mr. Murray --
5 MR. CRAIG: Craig.
6 THE WITNESS: I'm sorry. Other than
7 that, I don't know anything.
8 Q (By Ms. Phillips) What was Mr. Peterson's issues with
9 his state of residency?
10 A That he could not verify his state of legal residence.
11 Q Couldn't he just ask Mr. Craig?
12 A Yes, he could have. I don't know -- I don't know the
13 State's requirements for -- or what backup
14 documentation the State requires.
15 Q Why did you have the conversation with Mr. Peterson
16 about Mr. Craig's worker card?
17 A He came -- when he brought investigation -- the copy
18 of the investigation to me, he said that he was having
19 issues with his verification of state of legal
20 residence.
21 Q Let me back up. When Mr. Peterson came to you with
22 copies of the investigation, Mr. Peterson had copies
23 of the internal investigation being done on Mr. Craig?
24 A No, no. Mr. Peterson -- when he brought me the
25 initial documents that said my name had been stated,

1 where he showed me that my name had been stated --

2 Q The complaint?

3 A The complaint.

4 Q Oh, okay.

5 A Of course, I asked what the complaint is, and he just

6 said something about the fact that he was having

7 issues with his --

8 Q Go ahead.

9 MR. YAMASHITA: If you don't mind, I

10 just want clarification. We've been using "complaint"

11 to mean the CAP complaint or "complaint" meaning the

12 lawsuit.

13 MS. PHILLIPS: Let's talk about the

14 lawsuit. Let's call it the "lawsuit" as opposed to

15 "complaint."

16 THE WITNESS: Okay.

17 MR. YAMASHITA: Thank you.

18 THE WITNESS: When he brought the

19 information to me about where my name was mentioned in

20 there, of course I -- there was a part in there where

21 it talks about his -- you know, Craig versus Peterson.

22 I asked him, and he said it was -- he gave me an

23 answer that it was something to do with the fact that

24 he cannot verify -- Mr. Craig was upset by the fact

25 that he could not get a worker card, and Tom said it

1 was because of the fact that he could not verify his

2 state of legal residence.

3 Q (By Ms. Phillips) Do you have Washington Wing members

4 that are residents of outside the state of Washington?

5 A That are living outside of the state of Washington?

6 Q Yes.

7 A Yes.

8 Q Okay. Do you have any that are Canadian residents?

9 A We have one.

10 Q Who is that?

11 A His name is Desmond Reid, in fact.

12 Q Desmond Reid lives in Canada?

13 A He does not live in Canada. He was born in Canada.

14 Q Okay. Do you -- so he's a Canadian citizen or is he a

15 U.S. citizen?

16 A I believe he's a U.S. citizen living in Tacoma.

17 Q Okay. So as far as you know, of the 1250 Washington

18 Wing members, there is only one individual, that being

19 Mr. Craig, who occasionally lives in Canada?

20 A Yes, as far as I know.

21 Q Okay. How about his son James. Does he occasionally

22 live in Canada, too?

23 A Yeah. Okay. I'll go with that.

24 Q Have you got any more?

25 A Not as far as I know.

1 Q Okay. Mr. Mangum, in his e-mail, tells you that he

2 has suspended Mr. Craig's credentials. Is that

3 appropriate to do when there hasn't been an

4 investigation started?

5 A Probably not.

6 Q Probably not?

7 A I would say I don't know. Depending on the

8 operations -- if an operations person feels that

9 somebody is not doing something right, maybe there's

10 something that can be done. But in this issue, I

11 would say no.

12 Q What right did Mr. Mangum have of suspending
13 credentials?
14 A He should not have. I'll go with that.
15 Q Is that your job?
16 A It's my job to say to do it.
17 Q Okay. And he did it without you saying to do it?
18 A Yes, he did.
19 Q Then he went to you afterwards and said, "Gee, is it
20 okay I just did this without asking you"?
21 A Mm-hm.
22 Q Above and beyond the problem I have with Mr. Mangum
23 doing something that he doesn't have a right to do
24 without you making the decision, were you concerned at
25 all that Mr. Mangum was getting personally involved in

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1 this investigation? He's the complainant, and he is
2 suspending Mr. Craig's credentials.
3 A Yes.
4 Q You respond later and say, "I was going to ask you
5 about this anyway." What did you mean by that?
6 A I was going to ask him about what -- if we should do
7 it, if it should be done.
8 Q What was your feeling?
9 A My feeling would have been -- at the time would have
10 probably been not to do it, based on the fact that we
11 really didn't have probably hard evidence at the time.
12 Q Okay. Did you ask Larry to reinstitute those
13 credentials?
14 A No.
15 Q You also say: I talked to Ed Lane, and he will be
16 bringing info to the Saturday meeting on some legal
17 issues on this.
18 What are you talking about there?
19 A This was in April. I don't remember. To be honest, I
20 don't remember.
21 Q Okay. Do you recall ever having any discussions with
22 anyone about Mr. Craig -- start again.
23 Do you ever recall having discussions with anyone
24 at any time about Mr. Peterson's issues with the way
25 Mr. Craig registered his vehicles?

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1 A That was part of the -- yes, yes. With Mr. Peterson
2 himself.
3 Q And when did you have that conversation with
4 Mr. Peterson?
5 A That would have been some -- not in -- nothing to do
6 with the investigation. That was based on a prior
7 conversation we've had concerning the issuance of the
8 aviation division card, something to do with he
9 couldn't -- he tied it in with he couldn't verify his
10 state of legal residence.
11 Q So Mr. Peterson said to you at some point in 2006?
12 A Mm-hm.
13 Q Okay. Before the investigation started?
14 A Yes.
15 Q Or after?
16 A It was before the investigation started.
17 Q Okay. Was it before the June issue, the June
18 training?
19 A Yes.
20 Q So it was before June 2006?
21 A Yes.
22 Q Early 2006?
23 A Yes.
24 Q Mr. Peterson came to you and said that he was having a

25 problem issuing Mr. Craig a worker card, not only

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- 1 because he has issues with the state of residency but
2 also with the way he registers his vehicles, or words
3 to that effect?
4 A Or words to that effect.
5 Q And what was the problem with the way he was
6 registering his vehicles?
7 A I honestly can't remember, but I -- something to do
8 with multiple registrations. Other than that, I can't
9 remember.
10 Q Okay. Did he explain to you that some of the vehicles
11 may have been registered in Oregon and some may have
12 been registered in California?
13 A Yes.
14 Q Did Mr. Peterson ever tell you that it was his
15 position that Mr. Craig was a Washington resident?
16 A No.
17 Q Did he ever tell you that he thought registering his
18 vehicles the way Mr. Craig was registering them was
19 illegal?
20 A Yes.
21 Q What did he say along those lines?
22 A That's it.
23 Q He said, "The way Mr. Craig is registering his
24 vehicles is illegal"?
25 A Mm-hm.

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- 1 Q Is that a "yes"?
2 A Yes.
3 Q Okay. Was there anyone else in this conversation?
4 A No. Just the two of us.
5 Q Okay. Did you repeat this conversation to anyone?
6 A No.
7 Q Do you know whether Mr. Peterson had the same or
8 similar conversations with anyone else?
9 A No, I do not.
10 Q So no one else came to you and said -- like Larry, for
11 example?
12 A No.
13 Q Tom Peterson told me, too, that he thought Mr. Craig
14 was acting illegally?
15 A No.
16 Q Okay. As a result of what Mr. Peterson told you about
17 the way Mr. Craig was registering his vehicles, did
18 you have some concerns?
19 A Not really. Not at the time, no.
20 Q It didn't matter to you?
21 A No.
22 Q Okay. Did it matter to you that he didn't have a
23 worker card?
24 A No, not really.
25 Q Getting back to this Exhibit 14, what information was

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- 1 being brought to the Saturday meeting?
2 A I don't remember.
3 Q Do you know whether there was any legal issue with
4 respect to whether you could suspend someone's
5 credentials during an investigation?
6 A I don't know if there's -- no, I do not.
7 Q Do you know if there are any regs on that issue?
8 A I'm sure there are, yes.
9 Q Okay. But you're not sure, sitting here today --
10 A No.

11 Q -- what those regs are?
12 A No.
13 Q Okay. Are you aware that Mr. Peterson was supplying
14 information to your IGs with respect to Mr. Craig?
15 A Not to my knowledge, no. I mean, he could have been.
16 They could have asked him for information, yes.
17 Q What information --
18 A I couldn't --
19 Q Go ahead and finish.
20 A I could have read it in a report or something like
21 that, but offhand, no.
22 Q What information would Mr. Peterson have that would
23 have any bearing on an investigation into Mr. Craig's
24 credentials?
25 A Other than the fact that some of the credentials being

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1 investigated were things that we would use on a
2 mission base, none. Not that I know of.
3 (Exhibit No. 15 marked for
4 identification.)
5
6 Q (By Ms. Phillips) Have you had a chance to look at
7 Exhibit 15?
8 A Yes.
9 Q What is Exhibit 15?
10 A That's the authorization to conduct the investigation.
11 Q Okay. Can I refer to it as an "appointment letter"?
12 A Yes.
13 Q Okay. Who prepared the appointment letter?
14 A The IG did.
15 Q Which one?
16 A It would have been Desmond Reid.
17 Q So he prepared it for your signature?
18 A Yes.
19 Q And did you read it before you signed it?
20 A Yes.
21 Q Did you sign it on or around October 25, 2006?
22 A Yes.
23 Q The first paragraph says, "The Wing Inspector General
24 is hereby authorized to inquire into all aspects and
25 circumstances of a complaint action filed by The

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1 Pacific Region Inspector General in concert with the
2 Pacific Region Commander ..."
3 Are you sure the complainant was Larry?
4 A I'm sure he did file something, but I can go back and
5 look at it. I know he did something.
6 Q Do you know whether the region IG or Mr. Pearson filed
7 a complaint as well?
8 A Not with me. Not with the wing per se, but I can go
9 back and look, but -- no. I don't remember if it was
10 filed with the wing per se by the region IG.
11 Q Okay. I would assume that the IG regs that we looked
12 at, which were Exhibit 1, applied to region as well as
13 wing, correct?
14 A Yes, they do.
15 Q So if Ernie Pearson decided he wanted Mr. Craig
16 investigated, there would have to be a written
17 complaint, signed and dated?
18 A Yes. I agree.
19 Q Am I correct in understanding that the limit or
20 boundary of this investigation was whether Mr. Craig
21 personally represented himself as having ES
22 qualifications?
23 A I would say yes.

24 Q Okay. There is no permission to investigate
25 Mr. Craig's criminal background; is that true?

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1 A No.
2 Q As far as you know, that had nothing to do with this?
3 A Right. As far as I know, that had nothing to do with
4 it.
5 Q Okay. And it would have been inappropriate for
6 somebody to do a criminal background check on
7 Mr. Craig as a result of this investigation?
8 A Yeah.
9 Q Okay. I would assume likely as well that this
10 investigation would not have included any
11 determination or investigation into allegations made
12 against Mr. Craig from the California Wing?
13 A It might have been part of the investigation, but I
14 don't know if it pertained to this, you know. If
15 something from the California Wing was looked at, but
16 it didn't pertain to this, I wouldn't say it would be
17 not used.
18 Q Do you know -- strike that. Let me start again.
19 At the time you signed this letter, were you the
20 Washington Wing Commander?
21 A Yes, I was.
22 Q Okay. So let's go back for a minute and find out
23 when -- you said at one point the national commander
24 rescinded or looked at again whether or not he would
25 approve your appointment, right?

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1 A Right.
2 Q When did you get final notification of your
3 appointment?
4 A I was appointed the 10th of October of '06.
5 Q You're certain of that?
6 A Yes. That's my one-year date.
7 Q Okay. Given all that had gone on before October 25,
8 2006, why did it take until October 25, 2006, to get
9 an appointment letter done?
10 A Honestly, I don't know. I can't answer your question
11 there. I don't know.
12 Q Okay. Who was in charge of getting you the
13 appointment letter timely?
14 A The IG.
15 Q Which would have been, in this case Desmond?
16 A Don and Desmond.
17 Q Okay. Did you ever ask them why it took them so long
18 to get this to you for signature?
19 A Well, yes, I did. They --
20 Q What was their response?
21 A They were gathering information.
22 Q Well, you by your own e-mails --
23 A You're right.
24 Q -- admitted an investigation was already being
25 undertaken?

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1 A They were gathering information is what I was told, so
2 that's what they -- gathering -- doing a preliminary
3 investigation to determine if they should go farther.
4 (Exhibit No. 16 marked for
5 identification.)
6
7 Q (By Ms. Phillips) Have you had a chance to look at
8 this?
9 A Just a minute.

10 Q Okay.
11 A Okay.
12 Q Have you seen Exhibit 16 before?
13 A No.
14 Q Okay. If I were to represent to you that these were
15 questions put together by Mr. Sorenson and Mr. Desmond
16 with respect to interviews they planned to have, is
17 that consistent with what this appears to be?
18 A It does look like questions.
19 Q Okay. Assume with me, for purposes of the next bunch
20 of questions, that that is what this is in fact. This
21 is an outline of questions that were going to be asked
22 of Mr. Johnson and Mr. Craig during the interview
23 process.
24 A Okay.
25 Q I'd like you to look at Questions 4, 5, 6, 7, 8, 9, 10

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1 for me. The first is, "Where do you now reside? Is
2 that your permanent address? Are you a resident of
3 that state? How long have you lived there? Can you
4 show proof of that residency? Do you have dual
5 citizenship of any kind? What was your citizenship
6 when joining CAP?"
7 Do you see those questions?
8 A Yes, I do.
9 Q What has that got to do with whether his
10 qualifications were warranted?
11 A I don't --
12 Q Doesn't this sound an awful lot like Tom Peterson's
13 issues?
14 MR. YAMASHITA: Object as to
15 speculation.
16 Q (By Ms. Phillips) Go ahead.
17 A Okay. Yes.
18 Q Did you have any issues or care which state he was a
19 resident of or where his permanent address was?
20 A For our investigation?
21 Q Yes.
22 A No.
23 Q Do you have any idea how Mr. Reid and Mr. Sorenson
24 came by asking those types of questions?
25 A No, I do not.

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1 Q So you don't know what conversations either of those
2 two may have had with Mr. Peterson?
3 A No.
4 Q All right. Let's go on to Questions 11, 12, 13, 14,
5 15, 16, 17, 18, 19, 20, 21, okay?
6 A Say it again. 11 through?
7 Q We're doing 11 through 21.
8 A Okay.
9 Q Without me reading all of those questions, would it be
10 fair to characterize those questions as questions
11 involving his promotions, Mr. Craig's promotions?
12 A Oh, I'm sorry. I just -- those were questions given
13 to Mr. Craig?
14 Q Those were questions that --
15 A I just saw the Johnson questions.
16 Q Oh, no. These are Craig questions.
17 A Yes. I see that now.
18 Q Okay.
19 A I have no idea why they asked those questions.
20 Q Well, let me back up. The question I had for you was
21 whether or not Questions 11 through 21 were generally
22 questions about Mr. Craig's promotions?

- 23 A Yes. That's what it looks like.
24 Q At any point in time, did you ever authorize an
25 investigation as to Mr. Craig's promotions?

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- 1 A No.
2 Q Do you have any idea why they would inquire into this
3 area?
4 A No, I do not.
5 Q 22 says, "Now let's focus on your ES certifications,
6 okay?" Do you see where I am?
7 A Mm-hm. I do.
8 Q Would you agree with me that that is what the
9 investigation is about?
10 A Yes.
11 Q Okay. No. 32 implies that Mr. Sorenson and/or
12 Mr. Reid had some forensic evidence that Mr. Craig
13 approved his own certifications.
14 Do you know whether in fact they ever had any
15 forensic evidence to suggest that Mr. Craig was the
16 one who approved his own certifications?
17 A No, I don't.
18 Q Do you have any idea why they would ask that type of a
19 question?
20 A No.
21 Q No. 30 says, "What would you say if I told you that we
22 have a signed statement indicating that another gave
23 you said authorization and that you acted upon it?"
24 As far as you're aware of, was there any signed
25 statement in the investigative file indicating that

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- 1 Mr. Murray was given authorization?
2 A Not that I know of.
3 Q Do you have any idea why they would ask that kind of a
4 question?
5 A No, I do not.
6 Q Do you have concerns that these kinds of questions in
7 an interview process go beyond the scope of the
8 investigation that you authorized?
9 A Yes.
10 Q Okay.
11 A Yes.
12 (Exhibit No. 17 marked for
13 identification.)
14
15 Q (By Ms. Phillips) Okay. Have you had a chance to
16 review Exhibit 17?
17 A Yes.
18 Q Okay. Do you remember getting this e-mail?
19 A I believe I do, yes. Yes.
20 Q Okay. Let me ask you this: Were you aware of what
21 interviews your IGs planned to take?
22 A No, I was not.
23 Q Okay. So they at no point in time -- even as you sit
24 here today, do you have any understanding of who they
25 interviewed?

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- 1 A Not without looking at the actual file, no.
2 Q Okay. Are you aware, as you sit here today, they did
3 not interview Mr. Craig?
4 A Yes.
5 Q Okay. Are you aware that they did interview
6 Mr. Johnson?
7 A No.
8 Q Are you aware that they interviewed Mr. Gregory?

9 A Without -- I mean, without looking at the file, I'd
10 have to --
11 Q You can say "I don't remember."
12 A I don't remember. I don't.
13 Q Do you know whether or not they interviewed Bob
14 Miller?
15 A No, I don't.
16 Q Do you know whether they interviewed John Holbrook?
17 A I don't know the name.
18 Q Okay. Assume with me for a moment that someone is
19 interviewed in the IG process. Are there written
20 notes or recordings of those interviews?
21 A I believe there should be, yes.
22 Q When a final report is submitted by the IG officer, do
23 they identify in that report everyone they interview?
24 A Yes. It should be in the file.
25 Q Okay. So if, for instance, the final report issued by

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1 the IG does not indicate not only witnesses that were
2 interviewed but the information gathered from those
3 witnesses, that would be a defective report?
4 A Right. There would be information missing out of the
5 file.
6 Q Okay. Now, this e-mail we're looking at, Exhibit 17,
7 from Don Sorenson indicates that, at least from my
8 reading of it, there's some angst at the upper echelon
9 as to why the investigation is taking so long; is that
10 fair?
11 A That's fair.
12 Q Okay. Do you know who this angst came from?
13 A The region commander.
14 Q I have a question for you: Why on earth would the
15 region commander be upset that this was taking too
16 long when the appointment letter was only signed two
17 weeks earlier?
18 A I don't know. I can't answer your question there.
19 Q Well, would --
20 A The only thing I can think of is to speculate that
21 since things have been going on from -- for so long,
22 e-mail-wise and such, he wants to know or he was
23 anxious to get things moving along. I do know that
24 Ray told him that the IG process does take time to
25 make sure things are done properly.

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1 Q You know that --
2 A Ray told me.
3 Q I'm sorry. I didn't hear you.
4 A Ray told me that he told Colonel Pearson that the IG
5 process does take time.
6 Q Okay. Do you know whether your IGs had any
7 correspondence or communication with Pearson on that
8 issue?
9 A No.
10 Q Would it be appropriate to go through Colonel Pearson
11 or should they go through you?
12 A They should have gone through me.
13 Q Do you know whether you forwarded this to anyone?
14 A No, I do not.
15 Q Okay.
16 A I don't believe I did.
17 (Exhibit No. 18 marked for
18 identification.)
19
20 Q (By Ms. Phillips) Have you had a chance to look at
21 Exhibit 18?

22 A Yes.
23 Q Okay. Do you recall being involved in this e-mail
24 string?
25 A At the -- yes, yes.

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1 Q Okay. Well, it looks like, from the way this is
2 written, that the initial e-mail went from Ray Lantz
3 to -- I'm not really sure who it's from because it's
4 blanked out.
5 A I'm not sure either.
6 Q Let's go above that. Certainly, the one above that is
7 from Ernie Pearson, correct, Sunday, November 5th?
8 "This thing has slowed down to a stop."
9 A Yes. Okay. We're up here. (Indicating.)
10 Q Do you see where I am, kind of mid-page?
11 A Yes.
12 Q Who did that go to? It's from Ernie Pearson, but it
13 appears it went --
14 A I don't know. I would assume that probably went to
15 me, but I don't know.
16 Q Okay. Because you responded to it?
17 A Because I responded to it.
18 Q Okay. Let me ask you this: Colonel Pearson says,
19 "This thing has slowed down to a stop. Don should not
20 be 'waiting' for anything from anyone. If he hasn't
21 received anything, he should follow up. If the
22 California Wing JAG hasn't responded I need to know.
23 I know he was shipped the info. What he has he
24 requested from national, M.C.s file (which isn't
25 available).

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1 I again state: this is a hot item for me, please
2 treat it as such and keep me advised."
3 Going back to your earlier testimony, do you now
4 have your memory refreshed in terms of being told by
5 Colonel Pearson that this is a hot item for him?
6 A I'm sure he told me once or twice, yes. I'm sure.
7 Q Why is Colonel Pearson getting involved in this
8 investigation at this point?
9 A I couldn't answer your question. I don't know.
10 Q As the region commander --
11 A As the region commander --
12 Q -- should he be telling IGs what documents to get,
13 what they shouldn't get, what they should be waiting
14 for and how they should follow up?
15 A As the region commander, he can ask that question, but
16 the -- again, at the same light, the region IG or an
17 IG should say -- tell him it takes time to do things.
18 Q Hold on, though. So according to a previous e-mail, I
19 have at least some reason to believe that Colonel
20 Pearson may have been the complainant?
21 A That's true.
22 Q You state that this is a complaint that came through
23 region IG and region commander. As the complainant,
24 is it appropriate for Colonel Pearson to get involved
25 and try to find out exactly what has been requested

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1 from national and how the IGs should be following up
2 with getting information?
3 A Probably not.
4 (Exhibit No. 19 marked for
5 identification.)
6
7 Q (By Ms. Phillips) I'm going to say now, I apologize it

8 doesn't have a second page, but what I need is on this
9 page.
10 A Yes. I can see that. Okay.
11 Q All right. Have you seen this before?
12 A No, I have not.
13 Q Okay. It starts out with a November 12, 2006, e-mail
14 from Murray Craig to -- I guess it's Ray Lantz, Larry
15 Mangum, with a cc to Ken Salzman?
16 A Yes.
17 Q Ernie?
18 A Mm-hm.
19 Q And is that Gary Johnson?
20 A Gary Johnson.
21 Q And Gary Johnson?
22 A Mm-hm.
23 Q Okay. In this e-mail, Mr. Craig expresses his
24 concern, to say it lightly, that he just found out he
25 was being investigated for credentials?

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1 A Mm-hm.
2 Q And that it came as a complete surprise to him. This
3 is November 12th. This investigation has been going
4 on since September. Is it appropriate that he find
5 out two to three months later that this investigation
6 has been happening?
7 A According to the regs, no, it's not. He should have
8 known.
9 Q Is it appropriate that he found out through a
10 conversation with Larry Mangum?
11 A No.
12 Q Particularly if Larry Mangum is the complainant, I
13 would hope that he would stay out of it.
14 A Yes.
15 Q Okay. It goes on, and evidently this is forwarded by,
16 it appears, Ray Lantz to Ernie Pearson?
17 A Mm-hm.
18 Q And Ernie responds, "Any idea why Larry told him this?
19 Was it okay to do so?"
20 Was Ernie Pearson directly or -- was Ernie Pearson
21 attempting to keep the investigation quiet?
22 A Not that I know of.
23 Q Did this statement give you leave to pause on that
24 issue?
25 A It gives me leave to -- I would say he's asking if

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1 what Larry did was okay to do.
2 Q In other words, was it okay for Larry to tell Murray?
3 A Right.
4 Q That he was under investigation?
5 A Right.
6 Q Correct?
7 A Yes.
8 Q Okay. Then Ray Lantz responds and says, "I have no
9 idea why Larry told him and I'm not sure it was okay."
10 Now, Ray Lantz is in the IG's office, right?
11 A Mm-hm.
12 Q I would assume -- you need to say "yes."
13 A Yes.
14 Q I would assume Mr. Lantz would know the regs?
15 A Yes.
16 Q Particularly with respect to conducting IG
17 investigations?
18 A Yes.
19 Q Is there any doubt in your mind Mr. Craig had a right
20 to know that he had been investigated?

21 A He should have known.
22 Q Is there any doubt in your mind that Mr. Lantz should
23 know that?
24 A No.
25

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1 (Exhibit No. 20 marked for
2 identification.)
3
4 Q (By Ms. Phillips) I'm going to show you what's been
5 marked as Exhibit 20 and ask if you recognize that?
6 A Okay.
7 Q Is this the standard form that informs members that
8 they're under investigation.
9 A Yes.
10 Q Okay. Do you have any reason to believe that it was
11 not received by Mr. Craig on the 21st of November and
12 was not drafted on the 15th of November?
13 A No.
14 (Exhibit No. 21 marked for
15 identification.)
16
17 Q (By Ms. Phillips) Okay. Have you read Exhibit 21?
18 A Yes.
19 Q It is an e-mail from Don Sorenson to you, correct?
20 A Yes.
21 Q Do you remember getting this e-mail?
22 A I do.
23 Q Okay. Do you have any reason why Mr. Sorenson is
24 asking you at this point to prepare what looks like an
25 appointment letter?

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1 A No, I do not. I believe, if I remember right, I told
2 him we'd already done it, which we'd already done.
3 Q Okay. So as you sit here today, you don't have any
4 reason to believe that the letter prepared that is
5 currently dated October 25, 2006, was backdated?
6 In other words, it was prepared sometime in
7 January and an October 25, 2006, date was put on it?
8 A No.
9 Q Are you certain?
10 A Yes, yes.
11 Q What was your response when you got this e-mail?
12 A I believe what it was is I told him that we'd already
13 done it.
14 Q Do you think it's important for --
15 A On this -- the other letter.
16 Q The appointment letter?
17 A Mm-hm.
18 Q Do you think it's important for the IG to understand
19 the breadth and scope and boundaries of his
20 investigation?
21 A Yes, I do.
22 Q This would seem to imply he had no idea what the
23 breadth and boundaries were?
24 A It does, yes.
25 Q Did you reply verbally or did you reply via e-mail?

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1 A No. I think I called him and talked to him about it
2 and told that we had -- you know, I think I called
3 Desmond on it and told him it had already been done
4 because of the appointment letter.
5 Q Okay. He has a line in here that says, "This is one
6 case where we want all the i's dotted and t's

7 crossed."
8 First of all, I would assume that that is true of
9 any investigation that's done?
10 A Absolutely.
11 Q Not this particular case?
12 A No.
13 Q Do you have a reason for why Mr. Sorenson felt that
14 this particular case deserved all the i's dotted and
15 the t's crossed?
16 A Yes, I do.
17 Q Would you agree with me that in hindsight, looking at
18 what you've looked at today, that not all the i's were
19 dotted and t's were crossed?
20 A Yes.
21 (Exhibit No. 22 marked for
22 identification.)
23
24 Q (By Ms. Phillips) Have you had the opportunity to
25 look at Exhibit 22?

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1 A Yes.
2 Q What is Exhibit 2?
3 A It is the letter that is -- this was the report of the
4 investigation that was conducted.
5 Q And who prepared the report?
6 A It would have been Don Sorenson.
7 Q Okay. And then Don Sorenson gave it to you for review
8 and approval?
9 A Yes.
10 Q And decision making, I would assume?
11 A Yes.
12 Q Correct?
13 A Yes.
14 Q Could you explain to me why Mr. Sorenson reports you
15 as being the complainant?
16 A I was just looking at that myself. I'm not sure.
17 Q Did you ever file a written, signed, dated complaint?
18 A I filed -- I submitted a document to the IG just to
19 look into the allegations of the input of the
20 fraudulent ES credentials. I did --
21 Q Were you --
22 A Go ahead.
23 Q Were you the complainant? Did you file a complaint?
24 A I don't know that you'd consider it a complaint. I
25 just filed -- wrote a letter asking them to look into

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1 the allegation of fraudulent -- input of fraudulent ES
2 credentials.
3 Q Did you ever consider yourself the complainant in this
4 matter?
5 Did you ever consider yourself the one who
6 initiated the complaint?
7 A No.
8 Q Okay. Do you recall who you thought the complainant
9 was?
10 A The region -- I'm sorry. It would have been the
11 region -- Larry would have been the complainant
12 through the -- filed through the region inspector.
13 Q All right. The first thing I'd like to do is actually
14 go to the last page. I assume -- I don't know if this
15 is true, but let me know -- that there are five
16 allegations at the back -- I'm sorry. It's maybe not
17 on the last page.
18 It's the second to the last page. Are you with
19 me?

- 20 A Yes.
21 Q Okay. There are five allegations, true?
22 A Yes.
23 Q And they all have to do with credentials that were not
24 supported by the underlying prerequisites, correct?
25 A Yes.

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- 1 Q Now, just in terms of language, I just want to read
2 one to you and ask what the language means, all right?
3 Let's take this one: CAPR 60-3, par 2-3q. I'm
4 reading Allegation 4.
5 A Got you.
6 Q It deals with the qualifications of mission scanner.
7 "According to the SQTR Work Sheet in MIMS the
8 respondent has not successfully completed the
9 prerequisites for this position as he is not
10 signed-off on the prerequisites. Therefore, the
11 allegation is sustained."
12 A Okay.
13 Q Can you tell me what the language means that says "as
14 he is not signed-off on the prerequisites"? What does
15 that mean?
16 A It sounds like he is not -- all his requirements to
17 become a mission scanner are not signed off, are not
18 validated.
19 Q Does it mean that he did the training and someone
20 didn't sign on training or does it mean he never had
21 the training?
22 A It means that he -- to me he's not signed off on the
23 training.
24 Q Which means?
25 A He has not received the training.

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- 1 Q He's not received the training?
2 A Mm-hm.
3 Q Okay. So for your purposes, when you went through
4 this, the period -- there could have been a period
5 after the word "position"?
6 In other words: According to the SQTR Work Sheet
7 in MIMS the respondent has not successfully completed
8 the prerequisites for this position, period?
9 A Right.
10 Q Is the rest of that language superfluous in your
11 mind --
12 A Yes.
13 Q -- in terms of when you read this?
14 A Yes.
15 Q Okay. So in your mind it was simply he did not
16 successfully complete the prerequisites for these
17 qualifications?
18 A Right.
19 Q That was the question you were answering and deciding
20 on?
21 A Yes.
22 Q What are the prerequisites for mission scanner?
23 A Without looking at them, I wouldn't be able to tell
24 you.
25 Q Not to worry, I brought it.

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- 1 A I knew you would.
2 (Exhibit No. 23 marked for
3 identification.)
4
5 Q (By Ms. Phillips) Can you identify for me what Exhibit

6 23 is?
7 A It's the 60-3, the emergency services training and
8 operations missions manual.
9 Q Okay. Is this what is being referred to in these
10 allegations?
11 A Yes.
12 Q Okay. So let's look at Allegation 4, 60-3 par 2-3q.
13 I'll give you a hint. It is on Page 14.
14 A Thank you.
15 Q Are you looking at that?
16 A Yes.
17 Q All right. What are the prerequisites for mission
18 scanner?
19 A 18 years of age and qualified GES.
20 Q Do you have any reason to believe that Mr. Murray
21 Craig does not satisfy both of those prerequisites?
22 A No, I do not.
23 Q Do you have any idea why that allegation was
24 sustained?
25 A The way it reads, no.

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1 Q Did you look at these before you approved this?
2 A Yes, I did, but -- okay. The way the thing reads,
3 yes. I see where you're coming from, okay.
4 Q Do you see where I'm coming from --
5 A Yeah.
6 Q -- in terms of Mr. Craig has satisfied the
7 prerequisites for mission scanner?
8 A I see. Okay. Yes.
9 Q You're agreeing with me?
10 A Yes, I am. The training prerequisites a) and b), he
11 is 18 years of age and qualified GES, okay.
12 Q Is this report going to get amended after this
13 deposition?
14 A It will be -- have to be reviewed.
15 Q Okay.
16 A That's what normally happens in things like this.
17 Q Who reviews it?
18 A I would probably appoint somebody not involved with
19 it.
20 Q Okay. So that would include not Ernie Pearson?
21 A Yes.
22 Q Or region IGs?
23 A Right.
24 Q Okay.
25 A Yes. That would be reviewed.

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1 Q Okay. Let's go to the back page for me, to Page 13.
2 So you're on Page 13 of Exhibit 23?
3 A Yes.
4 Q But we're still on this next to last page of Exhibit
5 22, right?
6 A Yes.
7 Q All right. Let's look at the planning section chief,
8 Allegation 2?
9 A Okay.
10 Q All right. That says, "CAPR 60-3 par 2-3i deals with
11 the qualifications of planning section chief.
12 According to this SQTR Work Sheet in MIMS, the
13 respondent has not successfully completed the
14 prerequisites for this position as he is not
15 signed-off on the prerequisites. Therefore, the
16 allegation is sustained."
17 So now let's look at Page 13 under planning
18 section chief. What are the prerequisites?

- 19 A Age, GES.
20 Q And what's under letter a)?
21 A Mission staff assistant; that does not have to be
22 current.
23 Q Okay. So can we agree that he's at least 21?
24 A Yes, we can.
25 Q We can agree that he has a GES?

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- 1 A Yes. Correct.
2 Q Now, under a) it says that he has to be a qualified
3 AOBBD?
4 A I'm sorry?
5 Q Planning section chief, i; are you with me?
6 A I was in the wrong one.
7 Q Okay.
8 A 21, GES.
9 Q Do you see where I am now?
10 A Yes.
11 Q Planning section chief, PSC?
12 A Yes.
13 Q Under i)?
14 A Yes. I'm with you. I was just dropped down one.
15 Q Okay. So let's take a look at a), b) and c). Under
16 b) and c), would you agree with me that he has met
17 those qualifications?
18 A Yes.
19 Q Okay. Under a), it says he has to either be a
20 qualified AOBBD, correct, or a ground branch director?
21 A Yes.
22 Q Would you agree with me that he is a ground branch
23 director?
24 A That's not one of the ones that we investigated, I
25 don't believe, no. Okay. I -- without looking at his

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- 1 record, I couldn't tell you.
2 Q Okay. Let's just -- well, I mean, at some point you
3 approved this report?
4 A Mm-hm.
5 Q All right. So if his record at the time when you
6 looked at this said that he was a ground branch
7 director, okay, and that he obviously is a mission
8 scanner, that meeting both of those satisfied the
9 prerequisites under a)?
10 A Okay.
11 Q Would you agree with me?
12 A Yes, yes. Yes, ma'am.
13 Q Do you necessarily at this point agree that he did not
14 have the qualifications to be a planning section
15 chief?
16 A He possibly -- yes.
17 Q Assuming he's 21 and older?
18 A He possibly met the qualifications of planning section
19 chief.
20 Q Well, I don't want possibly. What I want from you is
21 assuming -- he is 21 years old; will you agree with
22 me?
23 A Yes. I'll agree with that.
24 Q And will you agree that he's a qualified GES?
25 A I'm assuming he has his GES credentials.

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- 1 Q Okay. Assume that he has a ground branch director and
2 mission scanner.
3 A Okay.
4 Q It says, "Personnel applying based on qualification as

5 a Ground Branch Director must also have been qualified
6 as a mission scanner at one time."
7 Would you agree with me he's met the prerequisites
8 under a)?
9 A Yes.
10 Q Do you know whether he is a ground branch director?
11 A No, I do not.
12 Q Okay. Did you ever, when you reviewed this document,
13 look at his sheet of qualifications to confirm whether
14 or not he was a ground branch director?
15 A I may have reviewed them, but I can't remember.
16 Q Okay. Assume with me for a moment that he was --
17 A Okay.
18 Q -- and that he was a mission scanner. Would you agree
19 with the sustainment of that allegation?
20 A No.
21 Q Let me ask you this: If he was granted the planning
22 section chief qualifications, would it be fair to say
23 then he would necessarily also qualify for the
24 operations section chief?
25 A In this context, yes.

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1 Q I understand that after you looked at this -- strike
2 that. That's not my understanding.
3 My understanding is before you looked at this,
4 this actually went to a JAG officer to take a look at
5 this?
6 A Right.
7 Q Is that true?
8 MR. YAMASHITA: I'm sorry. When you
9 say "this," what do you mean?
10 Q (By Ms. Phillips) I'm sorry. Exhibit 22, the report
11 of investigation --
12 A Right.
13 Q -- and the underlying investigative file, that goes to
14 a JAG officer to review, correct?
15 A Yes.
16 Q In this particular case, do you know whether it went
17 to a JAG officer for review?
18 A It would have -- I'm just trying to remember if we
19 did. It would have went to Ed Lane, my legal officer.
20 Q Okay. So you believe that it did go to a JAG officer?
21 A Yes.
22 Q And you believe that that JAG officer is Mr. Lane?
23 A Yes.
24 Q Okay. Do you know if Mr. Lane reviewed the
25 investigative file?

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1 A If I sent it to him, he probably did. He should have.
2 Q Did you have any discussions about it with Mr. Lane?
3 A No. If I remember right, he said that the
4 investigation was okay in content, yes. Okay.
5 Q Okay. Would the investigative file have necessarily
6 included things like the initial complaint, the letter
7 of appointment, Mr. Craig's personnel file, those
8 types of things, or is it simply this document?
9 (Indicating.)
10 A It would have been -- if I remember right, there is
11 some -- yes. There is some documentation. There
12 should be the documentation -- some backup
13 documentation to go with that document.
14 Q Okay. Do you know if Mr. Lane was provided either
15 recording or notes of interviews?
16 A He would have been -- excuse me. He would have been
17 provided the package to review.

18 Q And that package would have included the interview
19 notes?
20 A Yes.
21 Q Okay. How long did it stay at JAG, do you know?
22 A I would say he normally turns them around in a week.
23 Being a lawyer, he's -- he has a life, and he -- if I
24 remember right, it was about a week.
25 Q Okay. And then he returns it to you?

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1 A Returns it to me.
2 Q And I would assume when he returns it to you, he makes
3 some sort of comment that it looks clean, make your
4 decision?
5 A Yes.
6 Q Does he ever offer his opinion?
7 A No, he does not.
8 Q Okay. And so the file then comes back to you and you
9 look through it, and you look at the investigative
10 findings, and you make your decision?
11 A Yes.
12 Q All right. And how is your decision relayed?
13 A By letter.
14 Q Okay. So you send a letter that informs whomever the
15 complaint is about what your decision is on that
16 complaint?
17 A Yes.
18 Q Does the complainant also get a copy of your decision
19 letter?
20 A Yes.
21 Q All right. So who did you send your decisional letter
22 to? You sent one to Mr. Craig as the individual
23 against whom the action was taken.
24 A Right.
25 Q Who did you then send the corresponding letter to as

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1 to the complainant notifying them that there'd been a
2 decision made?
3 A Oh, I'm sorry. I understand what you're talking about
4 now. No.
5 Well, yes, yes. I take that back. The four
6 people that are listed on the back of it -- Colonel
7 Linker, Colonel Lantz, the -- Colonel Lane now would
8 have gotten -- I should take that back. I take that
9 back.
10 Q Okay.
11 A My letter, I believe, goes to Colonel Pearson, Colonel
12 Lantz, Colonel Lane, and I can't remember the fourth
13 one. I don't have a -- without having a copy of it,
14 it's -- there's a cc block on my letter.
15 Q Let me ask you this: Are the four individuals that
16 get copied on that letter, are they copied in on all
17 the complaint letters?
18 A Yeah. On the file letters they are copied on.
19 Q Okay. How about the complainant?
20 A The complainant probably -- no, no. Colonel Pearson
21 would have gotten a copy of the letter.
22 Q Right. And in your mind, he was one of the
23 complainants?
24 A He was one of the complainants, yes.
25 Q Okay. Would Larry Mangum get a copy?

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1 A No. He did not get a copy.
2 Q But you understood him to be --
3 A Yes.

4 Q -- at least one of the complainants?
5 A Yes.
6 Q Did the regs provide that you're supposed to send that
7 letter to both the individual against whom the action
8 is taken and the complainant?
9 A Yes.
10 Q Okay. And in this case, you sent it to Colonel
11 Pearson, but nobody else -- I mean, in terms of your
12 belief --
13 A Yes.
14 Q As to who was the complainant?
15 A Yes.
16 MS. PHILLIPS: Okay. We'll stop.
17 MR. YAMASHITA: Stop as in recess or
18 stop --
19 (Discussion off the record.)
20
21 Q (By Ms. Phillips) Do you know an individual named
22 Terry Roth -- I'm sorry. Of course.
23 (Recess from 2:48 p.m. to
24 2:56 p.m.)
25

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1 (Question on Page ^, Line ^
2 read by the reporter.)
3
4 THE WITNESS: Yes.
5 Q (By Ms. Phillips) How do you know Terry Roth?
6 A He was a member of the Port Angeles Squadron Unit of
7 our Civil Air Patrol Unit, and he works in Port
8 Angeles, Washington.
9 Q You said he was a member. Is he no longer a member?
10 A I believe he is not a member now.
11 Q Is he a member of Washington Wing?
12 A Honestly, without looking up the unit membership, I
13 couldn't tell you, to be honest.
14 Q When was the last time you knew him to be a member?
15 A Oh, I honestly can't remember. It's been three or
16 four years.
17 Q When was the last time you spoke with him?
18 A Probably about three or four years ago in Port Angeles
19 at his business.
20 Q Okay. What is his business?
21 A He works in the -- all I know is that he works in
22 the -- I better say I don't know. I know where he
23 works, but I don't know what it's called.
24 He works in a little shop right next to where the
25 Coho Ferry goes across to Victoria, but I don't know

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1 what it is.
2 Q Were you aware that he's a private investigator?
3 A Yes.
4 Q To your knowledge, has CAP ever used him to do private
5 investigating?
6 A Not that I know of.
7 Q Does CAP do background checks on its members?
8 A At the national headquarters they will. When they
9 first join, every member has to do a fingerprint card,
10 and it's sent to the national headquarters to do a FBI
11 check.
12 Q Okay. So the FBI data bank, does that include state
13 crimes, do you know?
14 A I don't believe it does, no, but I'm not sure. I'll
15 say I don't know, but I don't believe it does.
16 Q Do you know whether there is a state criminal

17 background check on members?
18 A No, there is not.
19 Q Okay. Do you know whether there are background checks
20 of members that go outside the boundaries of the U.S.
21 A No, I do not.
22 Q Criminal background checks?
23 A No, I do not.
24 Q Have you ever asked anyone to perform a criminal
25 background check on any of your members?

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1 A No, I have not.
2 Q Do you know what Terry Roth's position was in CAP?
3 A He worked in our counter-drug area.
4 Q Okay. Was he a counter-drug officer?
5 A I believe he was, yes.
6 Q Okay. As a counter-drug officer, does he have special
7 badges or --
8 A No.
9 Q -- insignia or --
10 A No.
11 Q Does he have some CAP identification?
12 A He has -- the only thing he has is that he's been --
13 when we do our -- when a member is cleared for
14 counter-drug, they get a special ID card that says
15 they've been cleared by the DEA and Customs.
16 Other than that, they don't -- it's not a -- any
17 official badge or anything like that.
18 Q Okay. Would it have been inappropriate for Terry Roth
19 to ever represent himself as a member of the DEA,
20 based upon his ID card as a CAP counter-drug officer?
21 A No. As a member of the DEA?
22 Q Yes.
23 A No.
24 Q Okay. That would have been inappropriate?
25 A Yes.

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1 Q Okay. Would it likewise have been inappropriate for
2 Terry Roth, based upon his ID card as a counter-drug
3 officer, to represent himself as a U.S. official
4 acting in an official capacity?
5 A Using our --
6 Q Yes. ID card.
7 A -- no.
8 Q So if Mr. Roth were to present himself to Canadian
9 officials as a member -- as an official U.S. Air Force
10 member looking for a background check on somebody,
11 that would have been inappropriate?
12 A Yes.
13 Q Is that something someone would investigate?
14 A Yeah, yeah. If somebody went in and -- yes.
15 Q Okay. As far as you know, did anyone ask Mr. Roth to
16 go to Canada and do a background check on Mr. Craig,
17 portraying himself to be a member of the U.S. Air
18 Force?
19 A No.
20 Q Does it surprise you that I ask you these questions?
21 A Yes.
22 Q As a commander, are you going to take any action --
23 A Yeah.
24 Q -- with respect to these allegations?
25 A I'm going to have to look into the -- allegations are

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1 being made here.
2 Q Okay. Would it have been appropriate, as part of the

3 investigation, for Mr. Roth to interview Mr. Craig's
4 neighbors in Canada?
5 A Would it have been appropriate? No.
6 Q Did you ever authorize anyone to go to Canada to do
7 any kind of background check --
8 A No.
9 Q -- on Mr. Craig?
10 A No.

11 MS. PHILLIPS: I'm done for today.
12 Thank you. I'm going to recess.
13 I'll reserve the right to continue, in the event
14 that I need to, but I'm hoping that that won't be
15 necessary.

16 (Signature reserved.)
17 (Deposition adjourned at
18 3:02 p.m.)
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1 STATE OF WASHINGTON) I, Barbara L. Brace, CCR,
) ss CCR # 3010, a duly authorized
2 County of Mason) Notary Public in and for the State
 of Washington, residing at
3 Grapeview, do hereby
 certify:
4
5

6 That the foregoing deposition of DAVID E. MAXWELL
 was taken before me and completed on October 18, 2007, and
 thereafter was transcribed under my direction; that the
7 deposition is a full, true and complete transcript of the
 testimony of said witness, including all questions, answers,
8 objections, motions and exceptions;

9 That the witness, before examination, was by me
 duly sworn to testify the truth, the whole truth, and
10 nothing but the truth, and that the witness reserved the
 right of signature;
11

12 That I am not a relative, employee, attorney or
 counsel of any party to this action or relative or employee
 of any such attorney or counsel and that I am not
13 financially interested in the said action or the outcome
 thereof;
14

15 That I am herewith securely sealing the said
 deposition and promptly delivering the same to
 Attorney Robin W. Phillips.
16

17 IN WITNESS WHEREOF, I have hereunto set my hand
 and affixed my official seal this day of
 , 2007.
18
19
20
21

22 _____
 Barbara L. Brace, CCR
 Notary Public in and for the State
 of Washington, residing at
23 Grapeview.
24