

1 IN THE SUPERIOR COURT OF FULTON COUNTY

2 STATE OF GEORGIA

3  
4 STACEY KALBERMAN,

5 Plaintiff,

CIVIL ACTION FILE

6 vs.

NO: 2012CV216247

7 GEORGIA GOVERNMENT  
8 TRANSPARENCY AND CAMPAIGN  
9 FINANCE COMMISSION, f/k/a  
10 GEORGIA STATE ETHICS  
11 COMMISSION, HOLLY LABERGE,  
12 in her Official capacity as  
13 Executive Secretary of the  
14 Georgia Government  
15 Transparency and Campaign  
16 Finance Commission, and  
17 PATRICK MILLSAPS, in his  
18 Individual capacity,

19 Defendants.

20 ~~~~~

21 DEPOSITION OF

22 JOHN HAIR

23 July 30, 2013

24 10:22 a.m.

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Suite 2600  
Atlanta, Georgia

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(Original Exhibits have been attached to the  
original transcript.)

1 DEPOSITION OF JOHN HAIR

2 July 30, 2013

3 (Reporter disclosure made pursuant to  
4 Article 8.B. of the Rules and Regulations of the  
5 Board of Court Reporting of the Judicial Council  
6 of Georgia.)

7 MS. WORTH: This is going to be the  
8 deposition of John Hair. It is taken in the  
9 matter of Stacy Kalberman versus the Government  
10 Transparency and Campaign Finance Commission,  
11 Civil Action File Number 2012CV216247, pending  
12 in the Superior Court of Fulton County in the  
13 State of Georgia. This deposition is taken  
14 pursuant to a subpoena which was served upon  
15 Mr. Hair and is to be used for all purposes  
16 allowed under the Georgia Civil Practice Act.

17 Would you swear in the witness, please.

18 JOHN HAIR,

19 being first duly sworn, was examined and deposed as  
20 follows:

21 EXAMINATION

22 BY MS. WORTH:

23 Q. Mr. Hair, my name is Kim Worth. I  
24 appreciate you coming to our office today.

25 MS. WORTH: For the record, present is my

1           colleague, Barton Black, and Mr. Webb from the  
2           attorney general's office on behalf of the  
3           defendant.

4 BY MS. WORTH:

5           Q.     Can you state and spell your full name for  
6           the record, Mr. Hair.

7           A.     Yes. My full name is John, J-o-h-n;  
8           Saverson, middle name, S-a-v-e-r-s-o-n; last name  
9           Hair, H-a-i-r.

10          Q.     Have you ever gone by any other name?

11          A.     No, I have not.

12          Q.     What's your address, sir?

13          A.     My address is 203 Lake Ridge Lane,  
14          Dunwoody, Georgia 30338.

15          Q.     Do you have relatives who reside in Fulton  
16          County, Georgia, Mr. Hair?

17          A.     No.

18          Q.     None?

19          A.     Not in Fulton County, no.

20          Q.     Have you ever given a deposition before?

21          A.     No, I haven't.

22          Q.     You understand you're under oath; correct?

23          A.     Yes, I do.

24          Q.     I want to explain to you the process just  
25          a little bit.

1 I sometimes ask yes or no questions. I  
2 ask that you answer the question, and then you can  
3 have an opportunity to respond if you need it.

4 A. Okay.

5 Q. Sometimes I may ask you a question which  
6 is based on a hypothetical, not because I'm trying to  
7 trap you but because I'm asking you the question to  
8 get your impressions of something that I have either  
9 asked you or that Mr. Webb has asked you.

10 If you don't understand something or you  
11 need me to slow down, that's totally fine. I have a  
12 tendency to talk very fast, and I drink a lot of  
13 coffee, which makes me start talking faster. So if  
14 you need me to slow down, if you need to take a  
15 break, just let us know.

16 A. Okay.

17 Q. The only thing that I ask is that you  
18 allow me to finish the question. And I need you to  
19 answer audibly on the record. Okay?

20 A. Okay.

21 Q. So no nodding of the head. And then the  
22 most important thing, which our court reporter will  
23 point out to you, is that we cannot talk over each  
24 other. I can't imagine that this is going to be an  
25 issue in this deposition, but we can't talk over each

1 other. So you let me finish, I'll let you finish,  
2 and we'll go from there.

3 A. Sure. Okay.

4 Q. Just let me know if you need to take a  
5 break.

6 A. All right.

7 Q. Are you currently employed, Mr. Hair?

8 A. No, I am not.

9 Q. Are you looking for employment?

10 A. Yes, I am.

11 Q. Can you briefly describe your educational  
12 background for the record, sir.

13 A. Yes. My educational background, I have  
14 a degree in recording arts and multimedia from  
15 Full Sail University. That's located in Orlando,  
16 Florida. I graduated in 1997.

17 Q. '97?

18 A. Yes, ma'am.

19 Q. Did you have any other education beyond  
20 that point, sir?

21 A. A associate's in business from Davenport  
22 College, Grand Rapids, Michigan.

23 Q. So what would you say your profession is?

24 A. My profession? My profession is a media  
25 specialist.



1 Q. Media specialist? All right.

2 Can you explain your professional  
3 background for the record, please, sir.

4 A. Yes. What would you like me to explain?

5 Q. I would like you to explain the jobs  
6 you've held in the last ten years. And you don't  
7 have to go into specifics; just a general  
8 understanding.

9 A. Okay, general understanding? I worked as  
10 a creative lighting director, camera director,  
11 technical director in broadcasting for an NBC news  
12 affiliate; for WXMI, which is a Fox affiliate; WGN,  
13 which is its own entity that's out of Chicago,  
14 Illinois, as a freelance TD. That's pretty much the  
15 gist as far as the broadcasting in general.

16 Let's see. Also within the past decade  
17 I've worked as a facility specialist for AXIS  
18 Reinsurance Company that's located here in Georgia in  
19 Alpharetta.

20 Q. How long did you work there for AXIS?

21 A. I believe I was at AXIS for four years.

22 Q. I'm sorry. It's not AXIS; it's Access?

23 A. AXIS; A-X-I-S.

24 Q. Okay. And you worked there how many  
25 years, sir?

1 A. I believe four years.

2 Q. Four years? Okay. Anywhere else?

3 A. Yes. I also worked in the TLC department  
4 for Delta Airlines.

5 Q. TLC stands for what?

6 A. Technology -- TLC is their technology  
7 division. I really don't know what the acronym is  
8 for it; we just called it the TLC. But it's actually  
9 a facility that's located at Delta headquarters in  
10 Hapeville, Georgia.

11 And in that capacity, I was a media  
12 specialist. I worked -- I was responsible for  
13 working with FAA documents that the engineers and  
14 mechanics working on the Delta fleet of aircraft, it  
15 was in the airframe and compliance department, and --

16 Q. What was your salary there?

17 A. My salary there? It was roughly almost  
18 \$20 an hour, so . . .

19 Q. \$20 an hour?

20 A. Yes.

21 Q. Is that it?

22 A. No. There's also Fieldwork Atlanta that's  
23 located in Marietta, Georgia; and in that position a  
24 technology recruiter for a marketing firm.

25 And then CFC, Campaign Finance Commission.

1 Q. So the CFC, Campaign Finance Commission,  
2 for purposes of your record today we're going to  
3 refer to as the Commission.

4 A. Okay, the Commission. All right.

5 Q. So how did you come to be employed with  
6 the Commission, Mr. Hair?

7 A. Lisa Dentler, Lisa L. Dentler, contacted  
8 me, told me that there was eventually going to be an  
9 open position for an individual to help with their  
10 webmaster, they were looking for a webmaster. Lisa  
11 told me that the current person that was there she  
12 didn't foresee was going to be there much longer.

13 Q. How did you know Ms. Dentler?

14 A. I knew Lisa Dentler from AXIS Insurance  
15 Company in Alpharetta, Georgia.

16 Q. How would you describe your relationship  
17 with her?

18 A. Well, we started off as simply just work  
19 colleagues; she worked in one department, I worked in  
20 another department, but we both worked for the same  
21 company. And then over the years we became very,  
22 very good friends, close friends, I thought.

23 Q. Were you romantically involved?

24 A. No.

25 Q. Just close friends?

1 A. Yes.

2 Q. How often did you see one another?

3 A. Well, Monday through Friday during the  
4 work environment; but then we had mutual friends that  
5 were also employed at AXIS, so we would maybe go to a  
6 movie as a group of friends. If someone had a  
7 birthday or a newborn child, we would gather for  
8 those type of social functions.

9 Q. How often would you say you talked to her  
10 during the week after hours?

11 A. After hours?

12 Q. Or on the weekend.

13 A. Maybe at least once or twice per weekend.

14 Q. Is Ms. Dentler still employed with the  
15 Commission?

16 A. Yes, ma'am, she is.

17 Q. Are you all still friends?

18 A. No.

19 Q. So she told you to apply for the position  
20 with the Commission?

21 A. Yes.

22 Q. Did she serve as a recommendation for you,  
23 do you know?

24 A. Yes, she did.

25 Q. Can you explain for the record the

1 interview process that you went through to get this  
2 job.

3 A. Yes. Lisa sent me a few e-mails, asked me  
4 when would be a good time for me to be able to come  
5 in for this interview. I responded to her in the  
6 e-mail and said that, you know, if she could give me  
7 a heads up, you know, I would make sure that I could  
8 possibly clear my date. Because I did not know, you  
9 know, if I would be scheduled to work with my current  
10 employer at the time.

11 The process then was she presented a date  
12 to me, she informed me that I was going to meet a  
13 gentleman, the director of IT, a gentleman by the  
14 name of Reginald Boswell.

15 Q. Did she tell you at that time who you  
16 would be reporting to?

17 A. Reggie Boswell was the individual -- he  
18 was the director of IT. He would be the person that  
19 I would do the interviewing process with.

20 Q. What was Ms. Dentler's title at the  
21 Commission?

22 A. Confidential secretary.

23 Q. Was she in a management role, in your  
24 opinion?

25 A. Yeah, I think so.

1 Q. She was? Okay.

2 Why did the job at the Commission seem  
3 like something you wanted to pursue, or what was  
4 attractive about it to you?

5 A. What was attractive about it to me was  
6 first of all the position I was currently in whom I  
7 was working with, I was a contractor. I didn't have  
8 healthcare insurance, and what I did find attractive  
9 wasn't necessarily such an increase in pay but it was  
10 the fact that I would have, you know, healthcare,  
11 optical, dental, those type of things.

12 Q. So when was your actual hire date?

13 A. My hire date was March 5th.

14 Q. March 5th, 2012?

15 A. '12, yes. I'm sorry, yes, 2012.

16 Q. At some point did you meet Ms. LaBerge,  
17 who's the current director?

18 A. Yes, ma'am, I did.

19 Q. Did you meet her before or after the  
20 interview process?

21 A. After the interview process with  
22 Mr. Boswell.

23 Q. What were your interactions with  
24 Ms. LaBerge like at the beginning of your employment?  
25 Were they daily? Hourly? Weekly?

1           A.       It was weekly; so I guess in some terms  
2           daily also. It depended on what her schedule was if  
3           she was present or not.

4           Q.       So is it fair to say at the beginning of  
5           your employment you had limited involvement with  
6           Ms. LaBerge?

7           A.       Yes.

8           Q.       And your involvement was primarily in  
9           reporting to Mr. Boswell?

10          A.       Mr. Boswell, yes.

11          Q.       How often in the beginning of your  
12          employment did you interact with Ms. Dentler?

13          A.       Quite a lot.

14          Q.       On a social or professional level?

15          A.       Both.

16          Q.       When you first started your employment  
17          with the Commission, Mr. Hair, what was your  
18          observations as to Ms. LaBerge's demeanor in the  
19          workplace, if you had any?

20          A.       What was my --

21          Q.       At the start of your employment, if you  
22          had --

23          A.       At the start -- kind of lukewarm. She  
24          wasn't very personable with me. I guess it was okay.

25          Q.       Okay. Do you know anything about the

1 lawsuit that was commenced -- let me ask you this:  
2 Do you know who Stacy Kalberman is?

3 A. Yes, ma'am, I do.

4 Q. And do you have any knowledge as to the  
5 lawsuit that she commenced against the Commission?  
6 Are you aware that she filed one?

7 A. Yes.

8 Q. Do you have any understanding as to the  
9 nature of her claims; not her legal claims, but do  
10 you have a general understanding of why she filed  
11 suit?

12 A. Yes, I do.

13 Q. What is your general understanding?

14 A. My general understanding that I have of  
15 Ms. Kalberman is that her claim is -- she was in the  
16 process of investigating allegations against Governor  
17 Deal, questions that were possibly of unethical  
18 behavior and things that were probably illegal that  
19 were done; and it's my understanding that her claim  
20 is that she was about to I guess sign over documents  
21 or go further into that investigation and she was  
22 presented with -- her income was supposed to be cut  
23 in half and that the Commission did not have the  
24 funds or resources to have the attorney -- you know,  
25 her attorney who was on the staff for the Commission,



1 they no longer had those resources to be able to  
2 sustain her employment and so forth. Those are the  
3 issues that were brought by the Commission, and, you  
4 know --

5 Q. So you were aware -- were you aware at the  
6 time that you began your employment with the  
7 Commission that Mr. Deal was being investigated?

8 A. Yes.

9 Q. Did you have any personal knowledge as to  
10 the investigation into Mr. Deal prior to your job at  
11 the Commission? Did you know anything about the  
12 investigation into anything having to do with  
13 Mr. Deal prior to starting your job?

14 A. Yes.

15 Q. Was it based on what you read in the  
16 paper?

17 A. No.

18 Q. What was your personal knowledge based on?

19 A. My personal knowledge was based on  
20 conversations with Lisa Dentler.

21 Q. So Ms. Dentler told you about her work at  
22 the Commission prior to your starting there?

23 A. Yes, she did.

24 Q. Was it prior to your interviewing?

25 A. Yes, it was before my interview.

1 Q. So Ms. Dentler shared with you the fact  
2 that the Commission was investigating Mr. Deal and  
3 told you about it?

4 A. Yes.

5 Q. Okay. All right. So you understood the  
6 basic nature of it?

7 A. Yes.

8 Q. Okay. So what were your day-to-day duties  
9 at the Commission, Mr. Hair?

10 A. My official title was the media  
11 specialist, and my daily duties were a hodgepodge of  
12 things. For example, when I first came there in  
13 March, one of the biggest issues that we were having  
14 was a failure of internal systems. So it ranged from  
15 bringing servers back up again that were failing; my  
16 daily duties also consisted of taking media, whether  
17 it was recorded media or visual or audio, taping  
18 commission meetings and taking that information, that  
19 media, and uploading it to our servers, uploading it  
20 to the Web page. My daily duties was to receive any  
21 type of documents that could come from the education  
22 department -- it could come from Holly, it could come  
23 from Lisa, it could come from the legal, you know,  
24 office -- and take those documents -- and I would be  
25 instructed to take these particular documents, what

1 part of the Web page that it needs to consist of and  
2 upload that and put it into the commission's  
3 archives.

4 Q. So you were responsible for handling  
5 documents that came in to the Commission?

6 A. Yes, ma'am.

7 Q. Was anyone else assisting you in these  
8 duties, the handling of documents, or is it just you?

9 A. It was primarily just me.

10 Q. So you may have kind of answered this  
11 question in your previous answer, but what was the  
12 protocol for handling documents when they came in to  
13 the Commission?

14 A. Well, it depended. It depended on where  
15 the document belonged. But the protocol was, my  
16 understanding, someone in management, if they were  
17 presenting a document to me, they pretty much would  
18 tell me, instruct me, what I need to do, where that  
19 document needs to go as far as the archives are  
20 concerned.

21 Q. Have you ever worked for the government  
22 before, Mr. Hair?

23 A. No, ma'am; this is my first.

24 Q. Had you had any previous experience or  
25 knowledge or training with respect to how to handle

1 documents that are part of the public record or  
2 considered to be subject to production to the public?

3 A. No.

4 Q. Are you aware of what the Open Records Act  
5 is?

6 A. Yes.

7 Q. What is your general understanding of what  
8 the Open Records Act is?

9 A. My general understanding of what the Open  
10 Records Act is -- consists of any type of a document,  
11 whether it's a physical document, whether it's  
12 audiovisual, media, if it's government property, it's  
13 something that I would take and I would upload either  
14 to the Web page or to the servers, the database; and  
15 it's public record, it's out there. Any taxpayer  
16 that's out there has access to this information; they  
17 can request to see or view it.

18 Q. So is it your testimony today, Mr. --

19 (Off-the-record discussion.)

20 BY MS. WORTH:

21 Q. So is it your testimony today, Mr. Hair,  
22 that the documents, at least in your opinion, that  
23 were coming in to the Georgia Finance Commission were  
24 documents that were considered to be public record?

25 A. Yes, ma'am.

1 Q. Now, I know that you haven't worked for  
2 the government before, but did you receive any  
3 training or did you attend any classes by anyone at  
4 the Commission while you were there as to the  
5 protocol for handling documents?

6 A. Yes.

7 Q. Did any of the divisions handle that -- I  
8 know that the education -- I had read something that  
9 education had handled classes like that.

10 A. Yes.

11 Q. Did you attend those?

12 A. A few; not all of them.

13 Q. But what was the general subject matter of  
14 the classes that you attended?

15 A. The general subject matter of the classes  
16 that I had attended was on that topic of what is  
17 public record.

18 Q. Who ran the classes?

19 A. Belinda. Belinda --

20 Q. She's the director --

21 A. Yes; of education department.

22 Q. And can you explain for the record what it  
23 is that Belinda discussed with you all about the  
24 protocol for handling these public records.

25 A. What Belinda had discussed about the

1 protocol for handling these public records -- and I'd  
2 like to just kind of quickly say, this was latter in  
3 the months after me, you know, being employed there  
4 at the Commission -- but what she discussed was the  
5 simple fact that any documents that are presented,  
6 you know, to myself and Bo Marthone, who at that time  
7 was the programmer, those documents, their  
8 originality, and if there's anything that needs to be  
9 revised or revisioned [sic], it can only be done with  
10 the authorization of, for example, either Belinda,  
11 who's the director of education, and then ultimately  
12 Holly, who would have to sign off on that.

13 And Belinda in those classes, at least the  
14 classes that I was in, the gist of what I started  
15 understanding was that these are public documents.  
16 When you receive a public document and it's supposed  
17 to go to the archives or it's supposed to go to the  
18 Web page, that is what it is, and that is now a  
19 public open record. And that is when I actually  
20 learned that entire concept -- that meaning of what's  
21 public record.

22 Q. I understand. So you started your job  
23 with the Commission in March?

24 A. Yes.

25 Q. In May or June of 2012, did you come to

1 handle any documents pertaining to the Deal  
2 investigation?

3 A. Yes, ma'am, I did.

4 Q. How did you know that they pertained to  
5 the Deal investigation?

6 A. Because Lisa Dentler verbally told me that  
7 they pertained to the Deal investigation. Also Holly  
8 LaBerge had gave notice, she said, anticipating that  
9 we're going to be dealing with this ordeal, you know;  
10 be aware when these are those documents. That was  
11 her statement at that time. But Lisa Dentler is the  
12 person that made the first presentation to me as far  
13 as documents.

14 Q. So it's your testimony, Mr. Hair, that  
15 Ms. Dentler brought you documents that she identified  
16 to you as documents pertaining to the Deal  
17 investigation?

18 A. Yes.

19 Q. What did she tell you to do, if anything,  
20 with these documents?

21 A. There were times when she gave these  
22 documents to me she informed me that she needed this  
23 document or a stack of papers that dealt with the  
24 Deal case that had his name on it and a case number  
25 on it, she either needed that document to be turned

1 over to a PDF file, for example; or if it was an  
2 Excel spreadsheet, maybe she needed that document to  
3 be transferred over into a different format. It was  
4 either scanned through her or she would present the  
5 hard copy of those documents and I would scan it for  
6 her, make the transfer over into another format, put  
7 it on a zip drive, and give it to Lisa Dentler.

8 Q. What's a zip drive?

9 A. A zip drive is literally a piece of  
10 plastic that has a microchip in it that can hold  
11 anything from 1 gigabyte to 16 gigs -- a jump drive,  
12 what they call it. It's a storage -- it's a portable  
13 storage system, yeah.

14 Q. So when the documents would come in, she  
15 would have you scan them, put them on this jump  
16 drive, and then did she tell you what she intended to  
17 do with them?

18 A. Yes, ma'am.

19 Q. What?

20 A. She would take those documents that --  
21 well, she would take that information that was on the  
22 zip drive, jump drive -- do you mind if we just call  
23 it jump drive so I can stay consistent with the name?

24 Q. You can call it whatever you want.

25 A. She would take that information, those



1 documents, that were on the jump drive as I would  
2 give it to her, and she informed me that she was  
3 going to send it to Holly LaBerge via Holly's  
4 personal e-mail address.

5 Q. Had you been handling any documents in  
6 that manner prior to your handling of these Deal  
7 investigation documents? Had you handled any other  
8 documents that came into the office up to this time  
9 -- March, April, May, whenever this was --

10 A. Yes.

11 Q. -- did you handle any documents in the  
12 same manner only during this time period and put them  
13 on a jump drive?

14 A. No; only for -- during this time, this was  
15 not the norm.

16 Q. Did you object to it?

17 A. I did express to Lisa that I felt  
18 uncomfortable. I asked questions.

19 Q. Why did you feel uncomfortable?

20 A. Well, because it didn't really make sense  
21 to me as to why I was taking this information and  
22 giving it -- or I was receiving these documents from  
23 Lisa either scanned or I was scanning these documents  
24 and putting them on a jump drive and then giving it  
25 to Lisa the jump drive for her to send it to Holly

1 through her personal e-mail address.

2 Also what I did not feel comfortable with  
3 is I asked Lisa -- and I'm sorry, I'm not trying to  
4 give a long, you know -- but I asked Lisa, Why are we  
5 doing this? Why are you sending this to Holly  
6 LaBerge on her personal e-mail address? And Lisa  
7 Dentler's response was, Because, John, there are some  
8 documents or matters that are dealing with this case  
9 that Holly does not want those documents or that  
10 information to actually go through the commission's  
11 main network, because then it would be a public  
12 record and quote/unquote any nosey reporter or  
13 individual could ask for that information and they  
14 would have to provide it. And she says that was  
15 Holly's explanation of why.

16 Q. When you talk about the scanning, who  
17 scanned to what --

18 A. Yes.

19 Q. -- what printer did you use to scan these  
20 documents?

21 A. There were two printers that were used,  
22 ma'am. There was the Canon I think HR whatever; I  
23 don't remember the model number, but it was a main,  
24 large Canon located outside of Lisa Dentler's office  
25 in the main office and then a small portable scanner

1 that was on Lisa's desk and from time to time it was  
2 brought over into my office or my workspace.

3 Q. So when an item was scanned from the  
4 printer, what would show up on the e-mail address?

5 A. On the -- it was called I believe CFC  
6 printer.

7 Q. So then -- and again, you know, I mean, I  
8 don't have any background in technology or even basic  
9 scanning issues --

10 A. I'll try to explain it in layman's terms.

11 Q. This is what I want to understand. This  
12 is all new for me. So the question I have is this:  
13 In my law firm, if you go into the printer and you  
14 want to -- you scan something, you can pick the  
15 person that you're going to send the document to the  
16 e-mail, so somebody can scan something and they'll  
17 send it to me; but if I send it out, it's going to  
18 come out as if I sent it, you know, K. Worth with my  
19 e-mail address.

20 A. Yes.

21 Q. So was Lisa, then, transmitting documents  
22 out under a different name?

23 A. Yes, ma'am.

24 Q. So what was the name? The CFC printer?

25 A. Yes. The CFC printer -- and not to be too

1 technical, but just in layman's terms -- is -- you  
2 can go into that Canon printer and you can hit a  
3 function on it -- I can bring up your name, for  
4 example, the attorney's name, your name, whomever's  
5 name, for example. But you can go to that Canon  
6 printer, the way that it was set up and formatted,  
7 you could press CFC printer, take a stack of  
8 documents, scan those documents into that Canon  
9 printer, and hit e-mail to CFC printer. That CFC  
10 printer, come to find out that was led directly to  
11 Lisa Dentler.

12 Q. So when she sent e-mails out, then, if she  
13 sent an e-mail from her personal e-mail out, it would  
14 go to Ms. LaBerge but say CFC printer?

15 A. Lisa could receive -- Lisa would then log  
16 on to her computer, which her e-mail address was  
17 temporarily for a few times either her name or it was  
18 called CFC printer.

19 Q. Why do you think she did that? Do you  
20 have any knowledge as to --

21 A. I asked her; because me being in the media  
22 side of IT, I wasn't privy to that setup and I knew  
23 that that wasn't the norm. I asked Lisa why was it  
24 set to CFC printer and literally why is her e-mail  
25 address now designated CFC printer, and she said that

1 some of these documents that she's scanning that is  
2 pertaining to Governor Deal's lawsuit, that case and  
3 what the Commission is dealing with, she says she  
4 doesn't want her name to be on it and she's taking  
5 that data of those scanned documents and she's using  
6 it to send to Holly to her personal e-mail address.

7 Q. So what types of things were you asked to  
8 do with these documents, if anything, other than just  
9 scanning them? Were you asked to change the  
10 substance? I mean, what were you asked to do to them  
11 by I guess Ms. Dentler?

12 A. By Ms. Dentler? I was asked to turn them  
13 over into other formats.

14 Q. Like change to Excel, PDF, things like  
15 that?

16 A. Yes.

17 Q. Anything else?

18 A. There were a few incidences where she had  
19 asked me not only can the format be changed but it's  
20 outdated or there's information in there that does  
21 not mark up with the current law or so forth; what  
22 can I do if I needed to move those particular things.  
23 And I expressed to Lisa, Lisa, I don't have the  
24 proper software to do those kind of things. And I  
25 also kind of pushed back on Lisa and asked her, Well,

1 if this document is outdated, why don't you just  
2 revise it?

3 Q. Were you ever asked to alter documents?

4 A. Yes.

5 Q. In what way?

6 A. Removing of paragraphs and so forth of  
7 those natures. I didn't do that.

8 Q. So you were asked to remove -- how could  
9 you do that if it was a PDF?

10 A. Well, you can take a PDF file, you can put  
11 it in a Photoshop and you can go in and just --

12 Q. You already lost me.

13 A. There's software out there to do it. As a  
14 matter of fact, it's on that desktop that's at the  
15 Commission right now.

16 (Off-the-record discussion.)

17 BY MS. WORTH:

18 Q. You were asked to Photoshop documents,  
19 alter them, and the Photoshop you said is loaded on  
20 the desktop that you had when you were at the  
21 Commission?

22 A. Yes.

23 Q. So did you ever at this point -- or in the  
24 May and June time frame, did you ever object to  
25 Ms. LaBerge or express your discomfort that you had

1 expressed to Ms. Dentler to Ms. LaBerge?

2 A. Yes.

3 Q. And what did you say to her?

4 A. You said within this time frame?

5 Q. Yeah. I mean, did you object, did you --

6 A. I -- I had shared my feelings, my opinion,  
7 with Lisa Dentler on this; and it's my understanding,  
8 because Lisa gave me confirmation, Well, I said  
9 something to Holly about how you feel about this.

10 And then Holly then -- Holly LaBerge,  
11 being her full name that I know of -- Holly LaBerge  
12 at this time frame approached me and she informed me  
13 that dealing with Governor Deal's case, there's going  
14 to be sensitive information that is dealing with  
15 their strategy, how they're going about with their  
16 strategy, documents that she specifically does not  
17 want to be sent through the main channels through the  
18 campaign's network and that's the reason why she had  
19 requested for these documents to be taken, scanned  
20 in, whether it's through the CFC printer designation,  
21 which was really Lisa's e-mail address from time to  
22 time, or the portable scanner and put on a zip drive,  
23 a jump drive, and then given to Lisa and then sent to  
24 her, her personal e-mail address. She acknowledged  
25 using her e-mail address; but she verbally sold me

1 and she's physically looking at me.

2 She also indicated that if there was any  
3 talk as far as strategy -- I'm sorry, with Governor  
4 Deal -- that she didn't want those actual certain  
5 e-mails even being spoken about on the network also.

6 Q. But beyond strategy, the documents -- it's  
7 your testimony first of all that both Ms. Dentler and  
8 Ms. LaBerge had you alter the substance of documents;  
9 is that correct?

10 A. Yes.

11 Q. Just yes or no.

12 A. Yes.

13 Q. And is it also true that they had you put  
14 these documents on this jump drive so they wouldn't  
15 be put on the main system?

16 A. Yes. Yes, ma'am.

17 Q. And is it your opinion based on what you  
18 know and at least learned in the educational meetings  
19 that were held by Miss Belinda that this was a  
20 violation of the Open Records Act?

21 A. Yes, ma'am.

22 Q. Were you present for the Commission  
23 meeting in July of 2012 where the allegations against  
24 Mr. Deal were dismissed?

25 A. Yes, ma'am.



1 Q. Why were you present?

2 A. I was present because my position at the  
3 time as the media specialist, I was required to be  
4 there because I was responsible for the recording of  
5 that commission meeting through audio and visual.

6 Q. So you're aware that the allegations at  
7 that time were dismissed?

8 A. Yes, ma'am.

9 Q. Did Holly make any statements as to the  
10 results of the dismissal against Mr. Deal?

11 A. Yes, she did.

12 Q. What did she say?

13 A. She said -- I remember it was July 23rd,  
14 2000--and -- that year; and her statement was she  
15 walked past Lisa Dentler, and I was in earshot, and  
16 she looked at Lisa in her office and told Lisa, she  
17 says, Well, I made Governor Deal's little legal  
18 problem go away; so as far as I'm concerned from this  
19 point on, he and his office owe me a favor, they owe  
20 me.

21 Q. Do you have any personal knowledge as to  
22 why the Commission dismissed these allegations  
23 against Mr. Deal? Any personal knowledge? Do you --

24 A. Do I have any personal knowledge of why?

25 Q. Uh-huh.

1 A. That would be hearsay.

2 Q. Well, you can --

3 A. Okay. Well, my personal knowledge or  
4 understanding that -- of this Deal dismissal was  
5 conversation from Lisa Dentler and also Elisabeth  
6 Obertein, who is the current commission ethics  
7 attorney. Elisabeth had shared with me her concern  
8 with Holly in stating that she was concerned and she  
9 did not like the fact that during the time of May and  
10 June that Holly was meeting with Governor Deal's  
11 attorneys without Elisabeth being aware of it,  
12 without her present at the meeting. And she said her  
13 concern was that Holly's acting as a lawyer without a  
14 law degree and she's cutting deals with the  
15 governor's lawyers without her advisement.

16 And also my discussion with Lisa Dentler,  
17 who expressed, as a matter of fact, on June 23rd -- I  
18 mean July 23rd of that day after the hearing in the  
19 walk back, I believe it was Commissioner Abernathy,  
20 who was way ahead of us, Holly was with us, Elisabeth  
21 had one floor there -- she was pregnant about --  
22 dealing with a child situation anyway but her health  
23 was kind of bothering her because of the pregnancy.  
24 And Lisa turned to me and said, You know, John, you  
25 know, Holly went ahead and cut this deal, she helped

1 this -- she helped, you know, the governor's legal  
2 issues go away, his problems, and now she's going to  
3 be very hard to deal with and I think that you really  
4 need to kind of keep that and be aware of that  
5 because she's going to feel extremely empowered.

6 Q. So you and Lisa were still pretty friendly  
7 at this point?

8 A. Yes, ma'am.

9 Q. So at this point -- I guess we're getting  
10 into either late summer, early fall -- did your  
11 relationship with Ms. LaBerge ever change?

12 A. Yes.

13 Q. At what point did your relationship with  
14 her change?

15 A. The point where our relationship started  
16 to change first was in November, to my recalling,  
17 November of 2012. Bo Marthone, who was the  
18 programmer at that time, who was the only other full  
19 time person in the IT department --

20 Q. What's his last name?

21 A. I want to say Marthone.

22 Q. Is he still there?

23 A. No, ma'am, he is not.

24 Q. I haven't heard his name before. So Bo  
25 Marthone -- I'm sorry. Go on.

1           A.       Okay. Bo, in November Holly came back  
2 into the IT department and she approached Bo and she  
3 was extremely angry at him, and basically she  
4 insulted him. She was very disrespectful to him, she  
5 told him that he was stupid and he's incompetent and,  
6 you know, she's tired of turning around and having to  
7 deal with his incompetence. And, you know, she  
8 continued to -- you know, she used the F word and a  
9 bunch of profanity which I really -- I know this is  
10 being recorded, but I don't think I have to go into  
11 the detail of that.

12           Q.       But, I mean, wasn't that directed at Bo,  
13 not you?

14           A.       That was directed at Bo.

15           Q.       Right. So what does that have to do with  
16 you?

17           A.       Well, what it has to do with me is that  
18 one, I was there and I was present. I was sitting in  
19 the other opposite cubicle; and Holly's standing  
20 there and she's yelling these obscenities to Bo; and  
21 when she's done, she pauses and she looks at Bo and  
22 then she looks over at me and she gave me a pretty  
23 cross look. And I kind of -- you know, my  
24 interpretation of it I guess if I can say was that it  
25 was being leveled, you know, I guess at the entire IT

1 department, you know. That's my thought process.

2 But nonetheless, it was her tone. I mean,  
3 she didn't turn and say, I'm sorry you had to hear  
4 that, John, or, This wasn't directed towards you.  
5 There was no apology; she stormed off. So I felt  
6 from a professional aspect and being in a  
7 professional environment that that was a change in  
8 our professional interaction. That was the first.

9 Q. Did anything else happen after that?

10 A. Yes. In December, December I had a very  
11 dear friend that I had known ever since high school,  
12 unfortunately he passed away; and I approached Holly  
13 and I informed her that I lost a very close dear  
14 friend back in Michigan, and I told her, I said,  
15 Holly, you know, I have vacation time, I have  
16 personal time.

17 Make a long story short, I asked Holly if  
18 I could go back up to Michigan for the funeral, and  
19 Holly, she became extremely angry. She was upset and  
20 she expressed that she didn't feel comfortable with  
21 me going up to Michigan at the time because the new  
22 year is coming and with -- in tandem with Joel, who's  
23 the current systems administrator or I don't know  
24 what his capacity is now and then also Andrew Booth,  
25 who was the programmer, they were going to roll out

1 from the internal system of IT for the Commission,  
2 they were going to roll out the Web page and certain  
3 data and information over to Rackspace, which is a  
4 Web hosting. And she was concerned about me being  
5 capable of doing my part of moving all the  
6 audiovisual and archive information over to my Web  
7 host page.

8 Q. So she was worried about you leaving?

9 A. Yeah, she was worried about leaving.

10 Q. Do you know anything about these so-called  
11 blackout days?

12 A. Yes, I do.

13 Q. What are the blackout days?

14 A. The blackout days are days that Holly and  
15 Lisa sat down and devised that they deem they have to  
16 have blackout days basically where employees,  
17 regardless of whether you have vacation time or  
18 personal time, you cannot take that particular  
19 designated day off; and the reason was because if  
20 there was, you know, a deadline for constituents or  
21 politicians to meet certain time restrictions to make  
22 their -- you know, their finance campaign  
23 expenditures report, they wanted to make sure that  
24 they had adequate staffing.

25 Q. Did you have any reviews with Holly?

1 A. Yes, ma'am, I did.

2 Q. When was your review with her?

3 A. I believe my review with Holly was in  
4 January.

5 Q. Of 2013?

6 A. Yes, ma'am.

7 Q. So of this past year?

8 A. Yes.

9 Q. Did she -- how was it? Good or bad or  
10 indifferent?

11 A. I don't think that it was good. It caught  
12 me by surprise, personally.

13 Q. Did she say anything good about your  
14 performance?

15 A. Yes. She opened up with this performance,  
16 and I remember there's an individual from human  
17 resources that was there, HR; and Holly said -- she  
18 acknowledged, you know, that I did a good job  
19 researching and finding the Vimeo Web page for Web  
20 hosting; she said I did a good job moving that  
21 information, the audiovisual and all the archives  
22 over to Vimeo. And then after that in tandem she  
23 says, But however, I did not meet her expectations.

24 And I asked her why have I not met her  
25 expectations, and she says, Because Joel, who is the

1 contractor who Holly had designated or told me that  
2 was my immediate supervisor, who wasn't there full  
3 time --

4 Q. So Reggie was gone?

5 A. Yes, ma'am, Reggie was gone.

6 Q. Reggie left because of Holly?

7 A. Yes, ma'am, he did.

8 Q. How do you know that?

9 A. Because Reggie told me.

10 Q. What did he say, just specifically? What  
11 did he say?

12 A. He says, I can't work with her, she's  
13 combative, she's difficult.

14 Q. What about Bo? Was he there?

15 A. Yes -- no, Bo was gone by January.

16 Q. So he left voluntarily?

17 A. Oh, I'm sorry; Bo left in November. Bo  
18 left the following week after Holly's explosion on  
19 him that I discussed.

20 Q. So Bo left --

21 A. Yes, ma'am.

22 Q. What was Bo's race?

23 A. African American.

24 Q. Reggie?

25 A. African American.



1 Q. So they're both gone. This new Joel  
2 person --

3 A. Yes, ma'am.

4 Q. -- who's he? I mean was he a consultant?  
5 Was he full time?

6 A. Joel is a consultant that Holly informed  
7 me that she came across Joel because she said she  
8 knows Joel from her personal life. Joel was a  
9 consultant and is a friend --

10 Q. -- of her boyfriend?

11 A. Yeah, a friend of her boyfriend, and Joel  
12 Perkins knows Holly's boyfriend also because Joel is  
13 also a part-time aviation pilot and Joel has taken  
14 Holly's boyfriend, I think his name is Wayne, to, for  
15 example, I believe to either Montana or Wyoming for a  
16 hunting trip.

17 Q. What is his race, Joel?

18 A. He's Caucasian, ma'am.

19 Q. So you go through this review; some of  
20 it's good, some of it's bad. Do you think the bad  
21 part -- I mean, is it your opinion that the bad parts  
22 of your review were related to the fact that you gave  
23 Lisa and Holly a hard time about the way they wanted  
24 you to handle the Deal documents?

25 A. Yes, ma'am.

1 Q. So you testified at the beginning of this  
2 deposition, Mr. Hair, that you did not handle  
3 documents in any other manner other than the Deal  
4 documents during the time you were there. Did you  
5 ever have an occasion to handle documents or to be  
6 asked by either Ms. Dentler or Ms. LaBerge to handle  
7 documents in the same manner as you had handled the  
8 Deal ones with respect to the jump drive and the  
9 e-mail address and not putting them in the main  
10 system?

11 A. And your question is was there another  
12 time?

13 Q. Was there any other documents that you  
14 handled in the same manner that you had been advised  
15 to handle the Deal documents?

16 A. Yes.

17 Q. What documents were those?

18 A. For the Stacy Kalberman case.

19 Q. When was that?

20 A. That was in February.

21 Q. So how were you asked to handle the  
22 documents in the Kalberman case?

23 A. The same from Governor Deal's. Lisa M.  
24 Dentler approached me, said that we're going to have  
25 other documents that's going to be pertaining to

1 Stacy's case now, and, you know, I'm going to either  
2 need you to scan these documents or I'm going to scan  
3 these documents and I need you to either turn them  
4 over into different formats, so forth, put it on the  
5 jump drive and give it back to her and she was going  
6 to once again send this information to Holly LaBerge  
7 via her personal Gmail account.

8 Q. And how did you know they pertained to the  
9 Kalberman matter?

10 A. Because from just physically looking at  
11 them -- not looking, but some had, you know, a docket  
12 number or a case number and it had Ms. Kalberman's  
13 name on it, or Lisa verbally told me that this is  
14 what it is, she identified those documents to me.

15 Q. So did you object to the fact that you  
16 weren't allowed to put these documents on the regular  
17 server as you had previously done?

18 A. Yes, I did.

19 Q. So what did you say exactly? Who did you  
20 object to?

21 A. I objected to Lisa and eventually Holly.  
22 I objected --

23 Q. So at this point let's talk about Lisa.  
24 What exactly did you object to?

25 A. I objected to Lisa about doing it, these

1 documents; because my concern was, Well, this is  
2 supposed to be public record, this is supposed to be  
3 public notice. There isn't a reason for these  
4 documents to not be on the Commission's network, and  
5 I don't see a reason why this information should be  
6 sent to Holly in privacy and I did not feel  
7 comfortable nor did I buy what was presented to me  
8 last time with Governor Deal, Well, there could be  
9 nosey reporters or individuals who would want to have  
10 access to this and it's Holly's discretion to decide  
11 what should be public record or not.

12 Q. So when you disclosed this issue to  
13 Ms. Dentler and you objected, do you know whether or  
14 not she conveyed your objection to Ms. LaBerge?

15 A. Yes, ma'am, she did -- yes, I do know she  
16 conveyed it.

17 Q. How do you know?

18 A. Because Holly in February then came back  
19 to my -- where I was sitting. At that time I was the  
20 only person in the IT department, so I'm sitting  
21 there by myself, and she brought up the topic. She  
22 said, So it's my understanding from Lisa that you  
23 object to the use of these documents or putting them  
24 on a jump drive and that they need to be turned over  
25 to a PDF form or if they're scanned documents they

1 need to be turned to a PDF form or anything of that  
2 that you don't feel comfortable doing so. And her  
3 argument for me and her tone was pretty high; but her  
4 argument was that there's some -- you know, it's her  
5 position -- she's the person to decide what  
6 necessarily needs to go through the Commission's  
7 network and what information doesn't need to be on  
8 the network; because it could be a public domain.  
9 And once again she used the example of nosey  
10 reporters, for example, and her not wanting them to  
11 see that information.

12 Q. What did you say in response?

13 A. I told Holly, Holly, I don't feel  
14 comfortable with this, and as a matter of fact,  
15 Holly, I'm not going to do it. I refused her; I said  
16 that I was not going to do it.

17 Q. What did she say in response?

18 A. She -- well, it was pretty explosive. She  
19 said, Okay, fine. Fuck it. That's the word that she  
20 used, okay. She turned around and she was walking  
21 out away from me and she walked past cubicles and she  
22 yelled out to me, I guess you're going to have to ask  
23 yourself, John, how much do you want to continue  
24 being a part of this agency.

25 Q. Do you think your job was on the line?

1 A. Oh, it definitely was after that, yes.

2 Q. So, Mr. Hair, is it your testimony today  
3 that you were only asked to utilize this process with  
4 these documents in the Deal investigation and with  
5 respect to the Kalberman matter; you were not asked  
6 to use it in any other matters?

7 A. No, ma'am.

8 Q. Do you have any personal knowledge as to  
9 anyone else at the Commission that was involved in  
10 handling the documents in this manner other than  
11 Dentler and LaBerge?

12 A. No, ma'am.

13 Q. You don't have any knowledge as to whether  
14 Ms. Obertein was instructed in the same manner as  
15 you?

16 A. No, I don't -- no.

17 Q. You don't know?

18 A. (Witness shakes head.)

19 Q. Did Holly ever tell you who -- Ms. LaBerge  
20 ever tell you who she reported to?

21 A. Yes, ma'am, she did.

22 Q. Who's that?

23 A. She told me that she doesn't answer to --  
24 she told me -- Ms. LaBerge told me that she does not  
25 have to answer to the Commission or the

1 commissioners; the only person that she has to answer  
2 to that is her boss is the governor himself.

3 Q. Did she share with you what kind of  
4 relationship she had with the governor?

5 A. She made a statement -- this is hearsay,  
6 but I heard her say this -- she made a statement, I  
7 can't tack down the time, but she made a statement to  
8 Lisa that, you know, she pretty much knew that she  
9 already had the job before the interviewing process.

10 Q. You overheard her saying this, or it was  
11 repeated to you?

12 A. I overheard her say this.

13 Q. She was handpicked by whom? Did she  
14 indicate who it was?

15 A. She says the governor's office. And this  
16 was what I heard her saying to Lisa Dentler, which  
17 really seemed kind of arrogant to me.

18 Q. So after this confrontation where Holly  
19 says, Fine, fuck it, in February --

20 A. Yes, ma'am.

21 Q. -- and you're concerned about your job,  
22 does anything happen after this?

23 A. Yes. Shortly after that -- you know, that  
24 was February; then in March I was pulled in to  
25 Holly's -- late February, early March, I received an

1 e-mail on an early business morning day, and it was  
2 from Lisa L. Dentler -- well, Lisa M. Dentler, Marie  
3 Dentler -- and Lisa calls me -- an e-mail it says,  
4 John, you're supposed to remove all of your  
5 equipment, as many monitors that you need necessary  
6 over to a new desk that's outside of Holly LaBerge's  
7 office sitting right next to Gwendolyn Jones, who was  
8 the auditor at the time.

9 And I -- you know, I physically got up --  
10 it said immediately. And I physically got up, and I  
11 walked in and I asked Lisa -- as a matter of fact,  
12 she was crossing me as I was headed to her office,  
13 and I said, Lisa, what's going on? And Lisa's  
14 response was very stern, you know, Johnny, I can't  
15 talk to you about it right now; just do as you're  
16 asked, you'll find out later. And so I did so.

17 Anyway, at the end of that business day,  
18 Holly sends me an e-mail asking me can I step into  
19 her office; this was about 4:00 o'clock. And I come  
20 into Holly's office and Holly informs me, she says,  
21 John, it's been brought to my attention that a person  
22 unbeknownst that I can't name that is unwilling to  
23 sign put their name in writing that they saw you  
24 looking at pornography -- you were visiting  
25 pornography Web sites.



1 Q. Were you?

2 A. No, I wasn't.

3 Q. Did you ever?

4 A. No, I didn't.

5 Q. So she accused you of watching porn in the  
6 workplace. Did you ask her who --

7 A. Yes, ma'am, I did.

8 Q. And she wouldn't tell you?

9 A. No, she wouldn't tell me.

10 Q. So at this point, you're still friends  
11 with Ms. Dentler, or not?

12 A. After -- later on that evening, no, I  
13 wasn't friends with Ms. Dentler.

14 Q. What do you mean?

15 A. Well, after Holly accused me of this, of  
16 doing so, and I asked her who accused me and she said  
17 she didn't need to, I, the respondent, says, Well,  
18 I'm going to speak to human resources about this.

19 But anyway to answer your question with  
20 Lisa, Lisa and I weren't friends from that day  
21 forward, at least it was clear to me that we weren't  
22 friends; because I called Lisa later on that evening  
23 on her cell phone from my home residence and I asked  
24 Lisa, I said, Lisa, so in other words, you knew this  
25 when I came in and you sent me an e-mail in the

1 beginning of the morning? And I asked her, How could  
2 you not give me a heads up on something like this?  
3 You know who I am; we've been friends for over seven  
4 years. You know that I'm active in my church, you  
5 know that I'm a youth group leader, and you've met  
6 those kids that I work with.

7 Q. That doesn't mean that you can't watch  
8 porn.

9 A. No, no, no; I understand that. But as her  
10 friend, I was calling her as a friend.

11 Q. And saying, Why didn't you give me a heads  
12 up, you mean?

13 A. Yeah, you know, what is this.

14 Q. What did she say?

15 A. Lisa says, John, from this point on I have  
16 to tell you that whatever you're saying to me or --  
17 you're saying to me, you know, you're speaking to,  
18 you know, Holly's confidential secretary. There's  
19 really nothing I can do about it; I'm sorry. I know  
20 you want to talk to me as a friend.

21 And so at that point, I mean, I wasn't  
22 rude to her, I said, Well, Lisa, this really hurts  
23 me; because I thought that we were friends. So I got  
24 off the phone, ended the conversation with her.

25 Q. Do you have any personal opinion,

1 Mr. Hair, as to why such an accusation of this  
2 magnitude would be launched towards you, you were  
3 watching porn in the workplace?

4 A. The only way I can think about it, I think  
5 that it was some type of intimidation or retribution  
6 because I refused Holly in February that I wasn't  
7 going to touch any of the documents for Stacy  
8 Kalberman's case.

9 Q. So did you actually go to HR?

10 A. Yes, ma'am, I did.

11 Q. What did you report to HR and who did you  
12 speak with?

13 A. When Holly accused me of the pornography,  
14 the following business day in the morning I went to  
15 human resources and then eventually I made contact  
16 with the director of human resources; I'm trying to  
17 think of her name, Miss -- anyway, I spoke to the  
18 director of human resources who's in tandem to the  
19 Secretary of State, and I informed her of what  
20 happened yesterday with Ms. LaBerge.

21 And her response was first of all -- she  
22 says, First of all, Ms. LaBerge never should have  
23 approached you with this situation without coming to  
24 us. She stated that this was not protocol and  
25 procedure and how something like this should be dealt

1 with. And I explained to her because I feel  
2 extremely humiliated by this accusation. And she  
3 said, I understand your feeling for this. Then her  
4 response was, you know, This was wrong, they should  
5 never have come at you with this; they should have  
6 come to human resource about this. There's a way and  
7 a protocol to handle the nature of this. And then  
8 she says, As far as I'm concerned, the way that Lisa  
9 and Holly has dealt with this, she says, it's just  
10 going to be a matter of time before they end up  
11 getting themselves into a world of trouble.

12 So she says, I understand where you're  
13 coming from, Mr. Hair, and that you want vindication,  
14 and I said, Yes. So I requested from that point  
15 hence forth I don't care if it was Georgia Bureau or  
16 if it was GBA or if Holly was going to use Joel or  
17 Andrew Booth, I wanted someone to go in that work  
18 station, look at the IP addresses, do whatever they  
19 need to do, go through that hard drive, and I want  
20 verification and vindication that I was not looking  
21 at pornography. I wasn't at any pornography Web  
22 sites. And until that time I'm not going to log on  
23 to that computer.

24 Q. So did they perform that investigation, do  
25 you know?

1           A.       Yes, ma'am, I do believe so.  Yes, it was.  
2       It was done.

3           Q.       Did the director of HR indicate to you  
4       what the results of the investigation were?

5           A.       She indicated that they didn't find  
6       anything.  She also indicated to me that now once --  
7       well, she said once it's found -- well, she says --  
8       she said that Holly and Lisa Dentler need to  
9       apologize to me.

10          Q.       Did they?

11          A.       No, ma'am, they didn't.

12          Q.       So that's the end of your relationship  
13       with Ms. Dentler, I'm assuming.

14          A.       Yes.

15          Q.       Do you ever have a follow-up meeting with  
16       anybody as to the porn?  Did you all ever discuss it  
17       again --

18          A.       Oh, yes, I had a follow-up --

19          Q.       Let me finish my question for the record.

20          A.       Oh, I'm sorry.

21          Q.       That's okay.  I'm going quickly; we don't  
22       have that much more.

23                    So you had a follow-up conversation with  
24       Ms. LaBerge with respect to the allegations after you  
25       met with HR?

1 A. Yes, ma'am, I did.

2 Q. And what if anything did she say to you?  
3 Did she apologize?

4 A. No, she didn't apologize. Lisa Dentler  
5 was present at this meeting also. She says, Well, I  
6 have a stack out of over 700 pages and, you know, we  
7 didn't find any pornography; but, you know, who  
8 knows. I doubt that -- you know, I'm not sure if  
9 that's necessarily true or the fact. And I says,  
10 Well, aren't you going to apologize? And she says,  
11 I'm not focusing on that.

12 Her next topic was she did not like the  
13 fact that I was going to Facebook too often.

14 Q. Was there a policy on the use of Facebook  
15 in the office?

16 A. Not to my knowledge.

17 Q. Do you know whether or not LaBerge used  
18 it?

19 A. I don't know.

20 Q. You don't know?

21 A. I know there are other employees in the  
22 agency that --

23 Q. Did you work on Facebook at all while you  
24 were there?

25 A. Yes. I actually had put together by the

1 suggestion of Joel Perkins a Facebook Web page for  
2 the Commission.

3 Q. Did Ms. LaBerge approve that?

4 A. No, she didn't approve it. She didn't  
5 like the fact that individuals would be able to post  
6 comments on the Facebook page.

7 Q. So it was never active?

8 A. No, ma'am, it wasn't active. It still  
9 sits dormant.

10 Q. Anything else that happened that called  
11 your performance into question after this period of  
12 time?

13 A. Oh, well, after -- after the accusation  
14 and then the run-through of that -- and mind you, at  
15 this point I was moved from where I was sitting now  
16 outside of Holly's office. Okay? That was almost a  
17 punishable offense of being accused of something then  
18 once I was supposed to be vindicated from this, I was  
19 still kept where I was.

20 And then I received immediately, I believe  
21 less than two weeks after that, a PIP, a Performance  
22 Improvement Plan.

23 Q. So within two weeks of the allegation of  
24 the porn, you receive a PIP?

25 A. Yes, ma'am.

1 Q. The PIP is dated what?

2 A. The PIP is dated March 15th.

3 Q. How would you characterize the PIP?

4 A. Excuse me, I think it's all B.S. I think  
5 -- I don't think that -- I don't think that it's  
6 factual. I think that it was trumped up and it was  
7 put together.

8 Q. I'm going to show you what we're going to  
9 mark as the first exhibit to your deposition. This  
10 is going to be -- I don't want to go through the  
11 whole PIP and the response; I just want to ask you  
12 some questions.

13 I'm going to show you a document that  
14 appears to be your response to the Performance  
15 Improvement Plan.

16 A. Yes, ma'am.

17 Q. Which will be Exhibit 1 to your  
18 deposition.

19 (Plaintiff's Exhibit No. 1 was marked.)

20 BY MS. WORTH:

21 Q. Is this something that you recognize,  
22 Mr. Hair?

23 A. Yes, ma'am, it is.

24 Q. How are you able to recognize this  
25 document?



1           A.       I recognize this document because I put  
2 this document together in response to the PIP.

3           Q.       So the PIP called for a response to be due  
4 when?

5           A.       The PIP -- well, we were supposed to meet  
6 at a later date.

7           Q.       Okay. But does the PIP have an actual  
8 response date that you have to respond to the  
9 allegations enumerated in the PIP?

10          A.       No. No. To my knowledge, no --

11          Q.       I can show you the PIP to refresh your  
12 recollection.

13          A.       Yeah. I believe there's wording if I have  
14 any questions or something maybe along those lines.

15          Q.       It says the first checkpoint meeting will  
16 be March 28th.

17          A.       Okay. All right.

18          Q.       Does that refresh your recollection?

19          A.       Yes. Yes, it does.

20                 MS. WORTH: Ken, do you need to see this?

21                 There you go.

22                 BY MS. WORTH:

23                 Q.       So she gives it to you and wants you to  
24 respond by the 28th; is that correct?

25                 A.       Yes, ma'am.

1 Q. So you responded actually by when?

2 A. The 21st of March.

3 Q. The 21st?

4 A. Yes, ma'am.

5 Q. How did you transmit your response to her?

6 A. I transmitted my response to her in a  
7 typed-out form which I gave her a hard copy of my  
8 response. And then I also indicated -- informed  
9 Ms. LaBerge that I had another copy and I was going  
10 to give it to human resources, HR.

11 Q. I don't want to go through every point in  
12 the PIP because it will take too much time; but let  
13 me just pick out a couple here.

14 Let's look at the first one. The first  
15 thing that she accuses you of is failing to report to  
16 her -- I'm assuming she's the manager --

17 A. Yes.

18 Q. -- information with respect to a meeting  
19 that was held with the GBI in 2012.

20 A. Yes.

21 Q. And you respond and said that's B.S.,  
22 basically; yes, I did.

23 A. Yes, that's correct.

24 Q. So you did, in fact, report to her what  
25 happened with the GBI?

1 A. Yes, I did.

2 Q. She also accuses you of sleeping in the  
3 workplace?

4 A. Yes, ma'am.

5 Q. Did you ever sleep in the workplace?

6 A. No, ma'am.

7 Q. She accuses you of not providing Google  
8 Analytics reports. I mean, was that something that  
9 was communicated to you as a job duty?

10 A. No, ma'am.

11 Q. So do you have any idea why it's in your  
12 Performance Improvement Plan?

13 A. No, ma'am. Joel Perkins said, you know,  
14 it's something that you might want to look into. He  
15 suggested looking into it because it may be a way of  
16 kind of looking at how much traffic was coming  
17 through; but it was not a formal request that was  
18 given to me by Joel. There isn't an e-mail that Joel  
19 sent me specifically telling me that that's what I  
20 needed to do.

21 And on top of it, there was no formal  
22 training of how Google Analytics was even going to  
23 work in tandem with the report. I ended up self  
24 educating myself and learning on the job how to even  
25 make a report for Holly.

1 Q. Had Holly or Lisa ever expressed to you  
2 their dissatisfaction with your management and  
3 failure to follow directives prior to your receiving  
4 the PIP?

5 A. No, ma'am.

6 Q. Had anyone said anything to you about your  
7 time management issues?

8 A. No, ma'am.

9 Q. Had anyone said anything to you about your  
10 alleged sleeping at work?

11 A. No.

12 Q. Another thing that jumps out at me here is  
13 that Ms. LaBerge apparently says that you cannot go  
14 directly to contracted IT personnel; you have to go  
15 through her.

16 A. Yes. She -- and in this process, from  
17 this point forward and in the past in tandem I was  
18 able to call Joel or Andrew Booth, because they were  
19 working on the other end of moving this virtual  
20 server system over to Rackspace; they had access to  
21 all the passwords, the access, and protocols that had  
22 changed since I had even come there. And it was  
23 actually vital information for me to be able to speak  
24 to the system's administrator if I'm the media  
25 specialist, and then she turns around and tells me I

1 can't communicate with him without her authorization.

2 Q. Okay. And then she asks you to produce a  
3 daily task log to assist in the management of your  
4 time.

5 A. Yes, ma'am.

6 Q. And you indicate on here that you will?

7 A. And I did.

8 Q. So you produce your response to her on the  
9 21st of March to the PIP; correct?

10 A. Yes, ma'am.

11 Q. And you all were supposed to meet on the  
12 28th?

13 A. Yes, ma'am, that's correct.

14 Q. All right. And for the record just to be  
15 clear although you had your performance review I  
16 think you said in January of 2013, there was some  
17 good, some bad, but the issues that were communicated  
18 to you in your PIP were not communicated to you in  
19 that January performance review meeting with  
20 Ms. LaBerge; is that correct?

21 A. No -- that's correct. Yes, that's  
22 correct.

23 Q. So you respond in writing to the PIP, and  
24 you're supposed to meet on the 28th. Do you meet on  
25 the 28th?

1 A. No, ma'am, we didn't.

2 Q. So you don't meet. Are you aware that our  
3 office, my office, served subpoenas to the personal  
4 e-mail addresses of Ms. Dentler, Ms. Obertein -- was  
5 it Obertein?

6 MR. BLACK: Yes.

7 BY MS. WORTH:

8 Q. Obertein and LaBerge?

9 A. Yes, ma'am.

10 Q. Were you there when they were received in  
11 the office?

12 A. I do believe so.

13 Q. How do you know? Did you personally  
14 receive them?

15 A. No, I didn't personally receive them; but  
16 Holly --

17 Q. She received it --

18 A. -- Holly received it and got up and  
19 screamed profanities, walked past me physically over  
20 to Lisa Dentler and -- I'm sorry, I'll finish -- and  
21 basically said, Who the hell do they think they are?  
22 This is bullshit. They don't have the authority or  
23 the right to see my personal Gmail -- e-mail account.

24 And she also then proceeded and said that  
25 she -- she reached out to Kevin Abernathy and said

1 something to him on a conversation -- this is to Lisa  
2 Dentler -- that she told Kevin something along the  
3 lines of, I told Kevin, you know, I fucked up, maybe  
4 I shouldn't have did that; and she's speaking to Lisa  
5 Dentler at this moment. And from where I'm sitting  
6 in my view of my desk I'm kind of leaning over and  
7 I'm looking at Holly and I can hear this, because  
8 she's about as far as from here maybe to that wall  
9 (indicating).

10 And then Holly then proceeds to say that,  
11 you know, as far as she's concerned, the  
12 commissioner, you know, and the Commission, you know,  
13 if they're going to allow something like this to  
14 happen, to file a suit, you know, because they're  
15 just looking for things, they're just being nosey and  
16 intrusive and she feels that that isn't -- they don't  
17 have the right to go into her personal e-mail  
18 address, that the Commission is literally leaving her  
19 out to dry for any other type of lawsuit and that  
20 will happen for any other administrator here.

21 And she says, As far as I'm concerned, the  
22 governor also owes me favors, and then she refers  
23 back to how she made his legal problems go away.

24 Q. So wait a second.

25 A. Yes, ma'am.

1 Q. Did you hear her speaking in the office to  
2 Mr. Abernathy?

3 A. No, I didn't hear her speaking in the  
4 office to Mr. Abernathy; she's telling Lisa Dentler  
5 what she told Mr. Abernathy.

6 Q. So you didn't hear her on the phone or in  
7 person with him?

8 A. No, ma'am. No. I did see him in there  
9 like a day --

10 Q. I'm talking about --

11 A. No.

12 Q. The conversation that you just recounted  
13 for the record is a conversation that you heard her  
14 have with Lisa Dentler saying to Mr. Abernathy, I  
15 fucked up?

16 A. Yes, ma'am.

17 Q. How do you know she was talking about the  
18 e-mail address?

19 A. It was the context of the conversation  
20 that she was having with Lisa.

21 Q. Meaning what?

22 A. Well, because --

23 Q. I mean, couldn't she have been talking  
24 about any number of things?

25 A. No, ma'am. No, ma'am. Because Holly was



1 specific. She mentioned the talk of how can they --  
2 who the hell do they think they are to have the  
3 authority to look at her personal e-mail account.  
4 She was very specific.

5 Q. All right. So this day that the subpoena  
6 has come in you think was the 27th of March?

7 A. Yes; roughly.

8 Q. So this is an e-mail that Ms. LaBerge sent  
9 you, which is dated the 27th of March.

10 A. Yes.

11 Q. And I'm going to ask you to identify this.  
12 This is going to be the second exhibit to your  
13 deposition.

14 (Plaintiff's Exhibit No. 2 was marked.)

15 BY MS. WORTH:

16 Q. And in this e-mail that starts at the  
17 bottom at 11:26, Holly says, We're scheduled to meet  
18 tomorrow, which is the 28th, it's the date that we  
19 just reviewed in the PIP, and she tells you that  
20 we're going to now meet on April 1st?

21 A. Yes, ma'am.

22 Q. So you're supposed to discuss the PIP on  
23 the 27th, the subpoena's come into the office, and  
24 she changes the date?

25 A. Yes, ma'am.

1 Q. All right. Does anything else happen at  
2 the Commission during that day the subpoenas came in  
3 between anybody --

4 A. Yes, ma'am.

5 Q. What's that?

6 A. What happened? On that day when it came  
7 in, Ms. LaBerge, Ms. Obertein, and Ms. Dentler all  
8 went out to lunch, and that was the first time I've  
9 ever seen the three of them go out to lunch together.  
10 They left.

11 When they returned, neither of them would  
12 give me any eye contact. Ms. Obertein even through  
13 all of this her and I really had I think a good  
14 professional relationship and just respect for each  
15 other as friends, and I noticed Elisabeth couldn't  
16 even look me in the eye; she just looked down at the  
17 floor. And she usually would always say, Hi, John.  
18 She just walked right past me, not a word, and went  
19 to her office and shut the door at the time.

20 And then Lisa Dentler walked over to the  
21 other cubicle after they had returned, and she  
22 turned to Jocelyn, who is the legal assistant for  
23 Ms. Obertein, and she told Jocelyn, Well, if the rat  
24 or the snitches or the whoever leaked it is the  
25 person that I think he is, I'm going to key the shit

1 out of his car. And that was Lisa Dentler, and I  
2 know she was referring to me.

3 Q. How do you know she was referring to you?

4 A. I knew she was referring -- because I'm  
5 the person that was raising my hand back during May  
6 and June, ma'am, and in February -- well, in February  
7 finally refusing as far as the use of sending  
8 documents to Holly's personal e-mail.

9 Q. So did you ever discuss the use of the  
10 e-mail accounts with anyone else at the Commission?

11 A. Yes -- no, I didn't, not at the  
12 Commission.

13 Q. Did Holly keep the meeting on April 1st?

14 A. Yes, ma'am, she did.

15 Q. And what happened then?

16 A. I walked into the meeting, I sat down,  
17 Ms. Lisa Dentler was there present, and Holly --  
18 basically she terminated me.

19 Q. And the reason for your termination --

20 A. We didn't even go into the PIP. We didn't  
21 even go into the PIP.

22 Q. And the reason she terminated you -- your  
23 separation notice indicates that she terminated you  
24 for failing to meet a deadline?

25 A. Yes, ma'am; that's what it says. It says

1 failure to meet a deadline.

2 Q. What deadline?

3 A. I asked her what the deadline was, and her  
4 reference was -- and I'll go to my response in the  
5 PIP, if you don't mind.

6 Q. Yeah. Whatever you need to look at.

7 A. -- was, The employee is to produce  
8 detailed standard operating procedures for each task  
9 performed by the close of March 29, 2013. And my  
10 response was, I am not management therefore was not  
11 aware that it was my responsibility to produce  
12 operating procedures. Generally these standards are  
13 given to employees by management; and I do not have  
14 an in-house IT director, and these procedures  
15 generally would come from that person.

16 Q. Okay. So she fires you on April 1st?

17 A. Yes, ma'am.

18 Q. And that's what? Three or five days after  
19 the subpoenas came in?

20 A. Yes, ma'am.

21 Q. Did you ever hear from Holly again?

22 A. Yes, I did, ma'am.

23 Q. When did you hear from her again?

24 A. I received an e-mail from Ms. LaBerge, and  
25 in that e-mail of all things Ms. LaBerge indicates to

1 me that there was a jump drive that was issued to me,  
2 she named the name brand of the jump drive, she  
3 stated the fact that it was 16 gigahertz in size and  
4 that that was the Commission's property; and they  
5 looked in my desk, my old work area, they did not  
6 find that jump drive and that it needs to be returned  
7 to her immediately. And she stated -- and I don't  
8 have the e-mail in front of me --

9 Q. Here, I have a copy of it. Sorry.

10 (Recess from 11:40 a.m. until 11:49 a.m.)

11 MS. WORTH: We are back on the record.

12 Thank you.

13 BY MS. WORTH:

14 Q. Mr. Hair, we were just discussing whether  
15 or not -- and I'm refreshing my own recollection here  
16 -- whether or not you all had the meeting in March;  
17 you did not, you were terminated April 1st. I asked  
18 you if she had contacted you after the meeting, and  
19 you said she had sent you an e-mail, and I found it.  
20 This will be marked as Exhibit 3 to your deposition.

21 (Plaintiff's Exhibit No. 3 was marked.)

22 BY MS. WORTH:

23 Q. If you go down to the bottom, it is  
24 actually the e-mail I think that your testimony was  
25 just referencing. This is No. 3. Is this the e-mail

1 that you received from Ms. LaBerge on April 17th?

2 A. Yes, ma'am, it is.

3 Q. And you're able to recognize it as such?

4 A. Yes, ma'am.

5 Q. So in it she's asking for this -- I guess  
6 is a flash drive the same thing as a jump drive and  
7 the same thing as a zip drive and all that?

8 A. Yes, ma'am.

9 Q. So she wants it back?

10 A. Yes, ma'am.

11 Q. And your response to her is somewhat  
12 facetious being that, you know, the value is \$5 is  
13 essentially what you're alleging here in your e-mail  
14 back. And tell me about why your response is the way  
15 that it is.

16 A. Well, my response is the way that it is is  
17 because first of all -- and I just want to say -- I  
18 thought it was pretty blazing and almost kind of a  
19 telltale of the fact that Holly is actually  
20 acknowledging this jump drive and its use, its use  
21 that I was using it for back and forth for Lisa to  
22 send this information to her private e-mail.

23 And the -- my response, you know, I guess  
24 the way that you see it though it's kind of slanted  
25 is because my thought is this: You know, she knows

1     darn well that I refused to do something that I felt  
2     that was definitely unethical, and there was  
3     retaliation to me, you know, from that, a PIP and all  
4     the other things that have been stated today; and I  
5     found it very annoying and interesting at the same  
6     time that, you know, a high level, a high ranking  
7     government official who is the administrator for the  
8     Commission after you turn around and you've  
9     terminated an employee knowing that they would refuse  
10    to do something that they felt that was unethical  
11    well after you've terminated this person, we're  
12    talking, what, 16 days, so basically over two weeks  
13    later, the thing that is solely more important on  
14    your mind after, you know, sending me out the door  
15    and making sure that the door hits me in the behind  
16    out of there, accusing me of pornography and refusing  
17    to apologize to me, the one thing that's on your mind  
18    is a \$5 flash drive that you want returned to you.  
19    And my understanding is because -- it wasn't a matter  
20    of the \$5 flash drive; it was because Holly was more  
21    concerned and afraid of what information might have  
22    been on it.

23           Q.     Well, I mean, with all due respect you  
24     could have been using a flash drive contemporaneously  
25     with what you were doing? You could have been doing

1 both.

2 A. Yes, ma'am.

3 Q. So what would it have mattered? In other  
4 words, you could have been putting things on the main  
5 system and then you could have been putting them on a  
6 jump drive at the same time just to have some backup  
7 or something; right?

8 A. Yeah.

9 Q. Right. So why would she care? I mean, I  
10 know we're speculating, but -- I get your point.  
11 What I'm trying to understand is -- I guess the  
12 bigger point that I'm assuming to speak for you that  
13 I'm trying to understand is that you think it's kind  
14 of ironic that she didn't e-mail you and ask you for,  
15 like, the return of pens or anything but she's asking  
16 for this \$5 drive?

17 A. Yes. Exactly.

18 Q. Was this, in fact, one of the drives you  
19 used for these documents, to store the documents in  
20 either Deal or Kalberman?

21 A. Yes, ma'am, it was.

22 Q. Was anything still on it?

23 A. No.

24 Q. What happened to it?

25 A. When I received the jump drive back from



1 Lisa, Lisa would delete --

2 Q. Okay. She would delete --

3 A. Yes, ma'am.

4 Q. So wait a second. So you're telling me  
5 that the stuff that was on this jump drive that you  
6 gave to them you would get back empty?

7 A. Yes, ma'am, I would.

8 Q. So then there was no record of this at  
9 all, these documents?

10 A. Not left on the jump drive. And this  
11 e-mail is Holly's acknowledging that it existed;  
12 because she knew what it was used for.

13 Q. Did you work with Ms. Stubbs?

14 A. Yes, ma'am.

15 Q. Do you know if she's still at the  
16 Commission?

17 A. No, ma'am, she isn't.

18 Q. Do you know why she left?

19 A. She was terminated.

20 Q. Do you know why?

21 A. I believe she was terminated -- it's kind  
22 of a far thing, but I had kind of a conversation with  
23 Ms. Stubbs before either of us was terminated and,  
24 you know, there's two things.

25 One, Ms. Stubbs felt that she was being

1 singled out; Holly would tell her that she was  
2 inconsistent, she was -- what's the word which Holly  
3 used a lot of? What is it? You are incompetent,  
4 yes --

5 Q. Well, she certainly wasn't singling her  
6 out if she talked to Bo like that; right?

7 A. No. Telling her that she was incompetent;  
8 and in my perspective in speaking to Ms. Stubbs, I  
9 also believe that it was a racial issue, I think  
10 because she was a person of color, an African  
11 American female.

12 Q. Did Ms. Stubbs feel that way? Did she  
13 express that to you?

14 A. Yes, she did. She was very clear on that  
15 one.

16 Q. Isn't Lisa Dentler African American?

17 A. No. Lisa Dentler is actually from --  
18 where is it? Panama? She's Panamanian.

19 Q. The point being that she's still a  
20 minority.

21 A. Well, yes.

22 Q. And she's there?

23 A. Yeah, well; but Lisa's doing everything  
24 that Holly wants.

25 Q. How about Gwen Jones? Did you know her?

1 A. Yes, ma'am.

2 Q. And what was your relationship like with  
3 Miss Jones?

4 A. It was very good. Gwen -- Gwen's a  
5 sweetheart and she's professional. She's good  
6 people. Sharp as a whip.

7 Q. So she had some issues with Ms. LaBerge;  
8 right?

9 A. Yes, she did.

10 Q. Did she ever express those to you?

11 A. Yes, she did.

12 Q. What did she convey to you about her  
13 issues with Ms. LaBerge?

14 A. She told me that Ms. LaBerge was very  
15 unprofessional, she was abrasive, it was a travesty  
16 to have someone in her position to be responsible for  
17 a department, agency, that's supposed to uphold  
18 ethics when the administrator is one of the most  
19 unethical people that she's ever worked with.

20 And Ms. Jones also indicated that she felt  
21 that Ms. LaBerge's aggressiveness towards her was  
22 also racially motivated as an African American  
23 female.

24 Q. One of the things that I read about  
25 Ms. Jones's allegations is that she alleged that

1 Ms. LaBerge stole state time. Are you familiar with  
2 that allegation?

3 A. Yes, I am.

4 Q. What does that mean?

5 A. Yeah. Wow, yeah. Ms. LaBerge -- Gwen  
6 told me that Holly -- and I observed this, actually  
7 -- Holly would take two, three days off at a time,  
8 she would take vacation time just in the year that I  
9 was there; and when I first was employed there, you  
10 know, in employment, you could log on to our intranet  
11 -- not the Internet, but the actual intranet -- and  
12 there was a public calendar for the employees. And  
13 on that calendar -- let's say, for example, if I  
14 would have been able to, you know, fly back to  
15 Michigan, for example, for my friend's funeral, okay,  
16 if Holly had said, Okay, yeah, no problem; I mean,  
17 you have the personal time, I can't tell you no, I'm  
18 not going to make you feel bad, any of that -- but  
19 anyway, if I had done that, when I would return, Lisa  
20 Dentler or Holly for all the other employees and  
21 including for themselves either of them, but it was  
22 primarily Lisa, Lisa would be responsible for then  
23 going on that private intranet calendar and they  
24 would indicate, black out, your name, the date that  
25 you left, how many days you were gone, and the date

1 that you returned.

2 Gwen pointed this out to Holly and says,  
3 Well, Holly, you were gone, you haven't put your days  
4 that you used your vacation time that you've accrued;  
5 you haven't used any of your -- you haven't used  
6 these particular dates. You went on this date, you  
7 went on that. And I don't have record of it, but I  
8 know that Gwen documented it, she wrote it down;  
9 because she was an auditor, for goodness sakes.  
10 That's her thing.

11 But anyway, make a long story short, once  
12 she presented that to Holly, I did see Holly yelling  
13 at Gwen, she was cussing her out, profanity; poor  
14 Gwen's standing there in the middle of the outer  
15 office in front of Holly's office. Holly's sitting  
16 down, she's red in the face, and she's just going at  
17 it with Gwen telling her she doesn't know what she's  
18 talking about, blah, blah, blah, blah, she's an  
19 administrator, and who does she think she is -- you  
20 aren't in the position to question me and so forth.

21 Make a long story short, the following  
22 week, it was indicated to me by Andrew Booth, who was  
23 the programmer, they pulled that access out for all  
24 employees. You could not see who was taking vacation  
25 time, who was gone for what days; that calendar was

1 completely restricted, only Holly and Lisa Dentler  
2 had access to it from that point on hence forth.

3 Q. Are you aware that Ms. Jones filed an  
4 inspector general report as to the issues with  
5 Ms. LaBerge? Yes or no?

6 A. No, huh-uh.

7 Q. Are you aware of whether or not Ms. Stubbs  
8 ever filed a charge against Ms. LaBerge?

9 A. No.

10 Q. So we've got Reggie, yes?

11 A. Yes.

12 Q. He left?

13 A. Yes.

14 Q. Bo?

15 A. Yes.

16 Q. Ms. Stubbs?

17 A. Uh-huh.

18 Q. Ms. Jones?

19 A. Yes.

20 Q. You?

21 A. Yes, ma'am.

22 Q. Who else? Anybody else -- and I said  
23 Reggie?

24 A. The brand-new auditor who came in to the  
25 Commission, and she only worked I believe maybe --

1 the day I was terminated on April 1st was the start  
2 date for the new auditor who was supposed to replace  
3 Ms. Jones. It's my understanding that she only  
4 lasted, from Murray-Obertein, who's the attorney who  
5 told me, she said, John, she was only here for I  
6 think what, three weeks; they terminated her.

7 Q. Let's talk about Murray-Obertein.

8 A. Yes.

9 Q. Murray-Obertein has indicated that her  
10 relationship with LaBerge is much like what you're  
11 discussing with everybody else?

12 A. Yes, ma'am.

13 Q. Has she conveyed that to you directly?

14 A. Yes, ma'am, she has.

15 Q. And does she continue to call you?

16 A. Yes, ma'am, she has.

17 Q. What does she want from you?

18 A. After I was terminated, the first time I  
19 heard from Ms. Obertein was a few weeks after, and --  
20 I have a voicemail of it -- but anyway, she indicated  
21 that basically, quote/unquote, John, you know, it was  
22 awful what they did to you, they were going after  
23 you, they ran you away, it was unfair. She expressed  
24 to me, she says, I think that you actually have a lot  
25 of legal cause that's in this, but that's your

1 discretion what you want to do.

2 But pertaining to what she was going  
3 through at the time, Ms. Obertein shared with me that  
4 Holly was using profanity with her, telling her that  
5 she was incompetent again. Her concern was with  
6 Holly that -- and this is the thing: Elisabeth  
7 shared with me that Elisabeth brought up to Holly  
8 that she once again back with the Governor Deal case  
9 did not like the fact that Holly LaBerge was making  
10 contact with Governor Deal's attorneys, sitting down  
11 with them in private meetings off of the record  
12 without Elisabeth being aware of it, without her  
13 being present; and Elisabeth says, John, you know, I  
14 got on the phone and I called one of the  
15 commissioners, and I conveyed that to them. She  
16 says, That came back to Holly, and she said Holly --  
17 what her word is, she said Holly went ape shit on  
18 her. She from that point on forbade Elisabeth to  
19 contact any of the commissioners without her  
20 authorization, she forbade Elisabeth to call, what,  
21 the secretary general's office without Holly's  
22 authorization. This is what Elisabeth told me.

23 Q. So Elisabeth said --

24 A. She said a lot.

25 Q. Yeah. And I don't think it's necessary



1 for you to play it, but you have the voicemail  
2 message for her where she's indicating all this on  
3 your phone now?

4 A. Yes, ma'am, I do. And on this voicemail  
5 she said -- I'm sorry; I didn't want to interrupt  
6 you.

7 Q. No, that's okay.

8 She indicated to you that she believed you  
9 had cause of action against the Commission?

10 A. That was during the conversation.

11 Q. Was she telling you this based on her  
12 legal opinion on behalf of the Commission, or was she  
13 telling you this as a friend?

14 A. I'm thinking both.

15 Q. And was her opinion that she was giving  
16 you with respect to this related to your objections  
17 as to how you would handle the documents related to  
18 Kalberman and Deal or to something else, or do you  
19 know?

20 A. I don't know. I don't know. I don't know  
21 about that.

22 Q. Does she still call you?

23 A. Yes, ma'am.

24 Q. As recently as when?

25 A. Last week.

1 Q. And what is she continuing to convey to  
2 you? How unhappy she is?

3 A. Yes; she's extremely still unhappy. She  
4 can no longer shut her office door for any private  
5 phone calls or even if it's a business phone call,  
6 she can no longer shut her door. She has to be there  
7 at the office by a certain time, and she's a salaried  
8 person, and Lisa and Holly kind of come and go as  
9 they please.

10 And Elisabeth's nature if she has  
11 something that's work related, she has to have  
12 authorization from Holly, you know. She, you know,  
13 Holly as she said, Elisabeth says that Holly like she  
14 was doing to me is verbally abusive to me and  
15 belittles her in front of the rest of the staff.

16 Q. Yeah, I heard that.

17 So let me ask you this: So you start your  
18 job, you're asked to handle these things with  
19 Governor Deal?

20 A. Yes, ma'am.

21 Q. You say no, you're uncomfortable. You  
22 then are asked to handle the documents for  
23 Ms. Kalberman?

24 A. Yes, ma'am.

25 Q. After you refuse to do this, you're

1 accused of watching porn?

2 A. Yes, ma'am.

3 Q. You're exonerated from the porn?

4 A. Yes. Well, I should be, but I wasn't  
5 apologized to.

6 Q. Then you get a PIP?

7 A. Yes, ma'am.

8 Q. And then before you have an opportunity to  
9 discuss the PIP, you're fired?

10 A. Yes, ma'am.

11 Q. And you think all of this is related to  
12 your refusal to handle the documents in the manner  
13 that they wanted you to?

14 A. Yes, ma'am.

15 Q. Not speaking for Mr. Webb, but one of my  
16 questions to you would be: Aren't you just pissed  
17 you got fired? No offense.

18 A. No, ma'am, I'm not.

19 Q. Well, I mean, are you a little mad that  
20 you got terminated?

21 A. Well, yeah. I mean, that hurts. The  
22 firing, the thing that hurts me was the accusation of  
23 looking at pornography, using something that vile to  
24 get me out the door. How much lower can you go?

25 Q. Right. Right.

1                   Have you spoken to Ms. Dentler at all  
2 about this, any of this, since that day that your  
3 friendship --

4           A.       No, ma'am.

5           Q.       Do you think you will?

6           A.       I doubt it, no.

7           Q.       No?

8           A.       No. I don't need friends like that.

9           Q.       Yeah.

10                   MS. WORTH: I think that's all I have.

11                                   EXAMINATION

12 BY MR. WEBB:

13           Q.       I want to talk to you about these  
14 documents that you put on a jump drive in the Deal  
15 investigation.

16           A.       Uh-huh.

17           Q.       What happened to the actual documents?

18           A.       I don't know.

19           Q.       Can you tell me physically what you did  
20 with them?

21           A.       Oh, if I had documents I would give it  
22 back to Lisa Dentler, sir.

23           Q.       Do you know what she did with those  
24 documents?

25           A.       No, I don't.

1 Q. I want to ask you real hard -- I'm not  
2 trying to test you at all --

3 A. Okay.

4 Q. -- but can you give me any kind of  
5 description of what those documents may have looked  
6 like and what kind of information they may have  
7 contained so that if I wanted to go over to the  
8 office I can see whether or not they exist?

9 A. You know, I really can't, sir.

10 Q. Was it words or was it an Excel sheet?

11 A. Some were Excel sheets, sir, and some were  
12 words.

13 Q. About how many documents were there?

14 A. There were times where it was a stack.

15 Q. How do you define a stack?

16 A. Maybe four or five times. I mean a stack  
17 that could be that tall, (indicating).

18 Q. About 500 pages?

19 A. Yes, sir.

20 Q. How many times do you think that happened,  
21 that you were asked to put stuff on the jump drive?

22 A. I would say maybe about 17, 18 times.

23 Q. Here's a question that I'm going to have  
24 to rely --

25 A. I'm sorry. Can you speak up for me, sir.

1 MS. WORTH: I was struggling to hear you,  
2 too.

3 BY MR. WEBB:

4 Q. I'm going to have to rely upon your  
5 expertise for this. If you made a PDF of those  
6 documents, put it on a jump drive, and according  
7 to your testimony it went into Lisa Dentler's  
8 computer --

9 A. Uh-huh.

10 Q. -- under some name other than what she had  
11 -- what was it, CTC?

12 A. CFC.

13 Q. CFC?

14 A. Yeah. I do believe that's what I  
15 remember. It was Campaign Finance Commission printer  
16 or Commission printer.

17 Q. How likely is it that there would be a  
18 record that those documents were put under that name?

19 A. It would be extremely hard for there to be  
20 a record back in May and June, because Lisa Dentler's  
21 old desktop died and I gave her a new one.

22 Q. Do you know what happened to the hard  
23 drive?

24 A. The hard drive was destroyed. That was  
25 protocol by the campaign -- Commission Finance and

1 GBA.

2 Q. When did the computer die?

3 A. I want to say after July -- maybe late  
4 July. July or August, sir.

5 Q. At my office if I do something on my  
6 computer, then it's saved to a central server.

7 A. Okay.

8 Q. Is there a central server?

9 A. There was a central server. How it's  
10 configured now, I'm not sure.

11 Q. Would that information likely be saved on  
12 that central server backup?

13 A. In a functioning world, yes; but this is  
14 the thing: We had server failures at the campaign  
15 commission's -- the infrastructure, the actual Sun  
16 servers and the Dell servers, sir, that were in that  
17 IT room. Those servers had physically been swapped  
18 out, to the best of my knowledge.

19 Q. About when did that happen?

20 A. That happened in I want to say, let's  
21 see -- I want to say Joel Perkins, sir, and Andrew  
22 Booth, the programmer, they were in the process of  
23 installing the new servers, as a matter of fact, just  
24 a few weeks before I was terminated, sir.

25 Q. Was that something that was going to

1 happen --

2 A. Here's another thing. I found it  
3 interesting that Joel --

4 MS. WORTH: Can we go off the record for  
5 one second, please.

6 (Off-the-record discussion.)

7 MS. WORTH: I'm just going to put on the  
8 record that Mr. Sutherland is here. He's  
9 counsel for Ms. Streicker. And sorry.

10 MR. WEBB: That's okay.

11 BY MR. WEBB:

12 Q. We were talking about the central servers,  
13 and you said that at some point these central servers  
14 were exchanged.

15 A. Yes, sir.

16 Q. And my question was when did that happen,  
17 and you gave me a time frame. What I was going to  
18 ask you was whether or not that was a planned switch  
19 or do you know how that occurred, how it became, you  
20 know, to be that those central servers were going to  
21 be switched out?

22 A. No. And the reason why is because -- I'm  
23 going to give this answer in tandem -- mind you, with  
24 me being the media specialist and for me a person  
25 that's responsible for taking documents for the



1 Commission and uploading them to the database and to  
2 the Web page, being the Web server himself, I found  
3 it also disturbing and very strange that Ms. LaBerge  
4 forbade me to make contact with Joel for any reason  
5 -- for any reason.

6 For example, if a server at that point  
7 were to have physically gone down, sir, I could not  
8 go in there and just bring that server back up if I  
9 even -- I had the knowledge; I had to call Holly  
10 wherever she was or Lisa would override and act as a  
11 Holly there, authorize me to call Joel, and then I  
12 would bring the server up physically. But Joel on  
13 the other side of the software part, he had the  
14 master passcodes. Joel had the keys.

15 Q. That's fine. Hold on. Did you ever see  
16 Ms. Dentler actually physically destroy any physical  
17 documents?

18 A. Yes. I saw documents going to shredders.

19 Q. About the same time that we were dealing  
20 with the Deal campaign stuff?

21 A. Yes, sir.

22 Q. When do you remember seeing that happen?

23 A. I want to say in May and June.

24 Q. Do you know what those documents were?

25 A. No, I don't.

1 Q. So you can't say for sure one way or the  
2 other; right?

3 A. No, I can't.

4 Q. Can I hear your voicemail?

5 A. Yes, sir, you can.

6 (The voicemail message was played as follows:)

7 MS. OBERTEIN: Hey, John Hair. This is  
8 Elisabeth Obertein, you know, from Campaign  
9 Finance Commission. I was just calling to check  
10 up and see whatever happened to you after you  
11 got fired. I'm the next one on the chopping  
12 block, so I was just wondering whatever happened  
13 to you. And I don't know if you're somebody I  
14 can trust to talk to or not, because I know that  
15 you were best friends with Lisa at some point,  
16 so I don't know if you're somebody I can trust  
17 to talk to or not. And I would appreciate if  
18 you are still best friends with Lisa and someone  
19 I can't trust that you probably not return my  
20 call; because I'm an emotional wreck right now  
21 and I don't need somebody else to stab me in the  
22 back. So if you are somebody I can trust,  
23 please call me back. Thanks. Bye.

24 THE WITNESS: Here's the next one.

25 (The voicemail message was played as follows:)

1 MS. OBERTEIN: Hey, John. This is  
2 Elisabeth. Give me a call when you get this  
3 message. I went by HR today and it was all  
4 really strange, so give me a call. Thanks.  
5 Bye.

6 BY MR. WEBB:

7 Q. So those are the two voicemail messages  
8 that you got?

9 A. Yes.

10 Q. Did you call Ms. Murray-Obertein back?

11 A. Yes, sir, I did.

12 Q. How many times have you talked to her?

13 A. I'd have to say maybe about ten times.

14 Q. Between what day and what day?

15 A. Between what day and what day?

16 Q. What day is the first call you had?

17 A. I think it was during the weekend. I  
18 think it was during the weekend. I haven't -- I  
19 haven't spoken to her with her in the office.

20 Q. Do you remember a month? A day?

21 A. Well, the first month, sir, would be  
22 obviously -- no offense, in April; because that's  
23 when I was terminated and, you know, the context  
24 issue she's referring to, so April. So I've been  
25 speaking to Attorney Obertein for the Commission

1 April, May, June, July, you know, to where we're at  
2 right now.

3 Q. I have some very -- just a specific area  
4 where I want to focus on with Ms. Obertein.

5 A. All right.

6 MS. WORTH: Is it Murray-Obertein or  
7 Obertein-Murray?

8 MR. WEBB: I don't know.

9 MS. WORTH: Does it matter?

10 MR. WEBB: It does, I guess.

11 MS. WORTH: Does to her, I guess.

12 MR. WEBB: I probably got it mixed up.

13 I'm sorry.

14 THE WITNESS: I think it's Elisabeth  
15 Murray-Obertein.

16 MR. WEBB: I think it is, too.

17 MS. WORTH: Gotcha.

18 BY MR. WEBB:

19 Q. My question is: How many times has she  
20 spoken to you specifically about how they resolved  
21 the Deal campaign investigation?

22 A. Quite often.

23 Q. What is the substance of what she's told  
24 you?

25 A. The substance of what she has told me is

1 that Ms. Holly LaBerge has -- and this is her wording  
2 -- has cut deals with Governor Deal's attorneys  
3 without her present there and that she's frustrated  
4 because Ms. Obertein comes up with, Okay, this is the  
5 juncture, this is something that, you know, Governor  
6 Deal did wrong in his campaign finance or whatever,  
7 you know, this law case, and this is something that I  
8 found, this is discrepancy.

9 And then, for example, she would then come  
10 back and Holly would have had a conversation, a  
11 private meeting, with Governor Deal's attorneys  
12 without her attorney with her, Elisabeth, and Holly  
13 would dismiss and say, No, we're taking that off of  
14 the ledger, we're taking that off of what he's going  
15 to be charged for.

16 Q. When she's talking to you about this and  
17 she says that Holly's having conversations with  
18 Deal's attorneys --

19 A. Yes, sir.

20 Q. -- do you know whether or not she's  
21 talking about Deal's attorneys within the governor's  
22 office or Deal's attorneys dealing with the Campaign  
23 Finance Commission or dealing with his campaign?

24 A. Dealing with the lawyers from the lawsuit.

25 Q. Did she give you a name of an attorney

1 that Holly was dealing with?

2 A. Like Mr. Randy Evans, for example.

3 MS. WORTH: Who?

4 THE WITNESS: Randy Evans. I believe  
5 that's the name that she had said.

6 BY MR. WEBB:

7 Q. Has she given you any indication that she  
8 believed that either the fines or the resolution of  
9 those complaints should have been harsher or should  
10 have been different?

11 A. Yes, sir.

12 Q. Can you tell me what she said about that.

13 A. She said he got away with murder.

14 Q. He didn't kill anybody --

15 A. No. Well, but you asked me and I'm  
16 telling you what she said verbally.

17 Now, do you want me to give you my  
18 feelings from all the conversation?

19 Q. Just tell me what exactly her words were.  
20 Was it exactly, He got away with murder?

21 A. Well, that was one of her statements;  
22 that's what stood out. But she said that as far as  
23 she's concerned, he was guilty of a lot more and more  
24 harsher charges than what he agreed to, and what she  
25 did not like was although this is the governor of the

1 state of Georgia and we're the Commission, she says  
2 she feels without truth that she was enabled through  
3 Holly -- she wasn't being able through Holly, Holly  
4 was disabling her from actually going after Governor  
5 Deal with -- with more severe charges and State of  
6 Georgia Ethics Commission Rules and Regulations, she  
7 said they should have been much more harsher.

8 She said she had so much that was lined up  
9 that she filed discrepancies, and she said time and  
10 time again after Holly -- once again she would find  
11 out that Holly had met with Governor Deal's attorneys  
12 that were dealing with this lawsuit, sir, and Holly  
13 would come back and Holly would literally strike  
14 things out of whatever file that they had that they  
15 were presenting and basically coming down to the  
16 agreement of, what are the charges that he's going to  
17 be charged.

18 And she says what she didn't like was that  
19 the governor's attorneys, she said that their demure  
20 was they would push back on her and tell her, Well,  
21 we're not going to agree to that; because that's --  
22 you know, the governor isn't going to agree to this,  
23 because that's a much more, you know, inflammatory, a  
24 much more severe deal. But then we'll -- almost like  
25 plea bargaining; we'll take something that's lower

1 than this. And Ms. Obertein did not like that at  
2 all. She said, John, I'm the staff attorney. And  
3 her concern was just career-wise and professionally  
4 in the future she didn't want this to come back and  
5 haunt her. That's why you're hearing her afraid.

6 Q. Did she give you any indication as to  
7 whether or not the commissioners were aware of this  
8 activity?

9 A. She said that she went to one of the  
10 commissioners and told one of the commissioners that  
11 she was concerned about this activity, and she says  
12 it got back to Holly and then -- I mean, that's when  
13 now she's going through a meat grinder.

14 Q. Did she tell you that she went to one of  
15 the commissioners specifically --

16 A. Yes, sir, she did.

17 Q. -- about the Deal campaign?

18 A. Yes, sir.

19 Q. Which commissioner was it?

20 A. I want to say -- I can't remember. I  
21 can't remember for the life of me right now, I can't;  
22 so I don't want to say a name. But she did tell me.  
23 She definitely did. Because she said it was like  
24 night and day. And she goes back and said, John, it  
25 was just like when you -- yeah. I wish I could name



1 that person, but she did tell me she definitely went  
2 to a commissioner.

3 MR. WEBB: All right. I don't have  
4 anything further.

5 MS. WORTH: I do.

6 FURTHER EXAMINATION

7 BY MS. WORTH:

8 Q. I want to understand something here,  
9 Mr. Hair.

10 A. Yes.

11 Q. So you said in response to something that  
12 Mr. Webb asked you with respect to the documents  
13 being on the server, and I want to make sure that I  
14 understand this.

15 If Lisa Dentler had come to you and said,  
16 Look, we don't want these documents to go through our  
17 database, so you're going to do XYZ and Mr. Webb's  
18 question was, Wouldn't it still appear on the server.  
19 And your response was, Well, it could; but the  
20 servers were switched out --

21 A. Yeah. They physically failed. The  
22 servers physically failed. And another thing about  
23 it -- not a long answer -- but in tandem is that you  
24 have to mind if it comes under CFC or Commission  
25 printer, that's tens of thousands of documents. It's

1 easier to say, you know, in a search engine bring up  
2 every e-mail from Lisa Marie Dentler, bring up every  
3 e-mail from Holly LaBerge. Bring up every e-mail --  
4 but when you go CFC printer . . .

5 Q. I understand. Is it your testimony,  
6 Mr. Hair, that Ms. Dentler was using the CFC printer  
7 to hide her identity?

8 A. Yes, ma'am.

9 Q. So --

10 A. She admitted to that.

11 Q. So it's possible that some of the  
12 documents that you were either asked to destroy or  
13 deface or whatever with respect to the Deal  
14 investigation may have appeared on Ms. Dentler's  
15 computer but her hard drive was destroyed?

16 A. Yes. Yeah. Her hard drive, the operating  
17 system on it completely failed.

18 Q. When was that?

19 A. I don't have the documentation in front of  
20 me, but I was the person that went to the local  
21 Brandsmart --

22 Q. -- and got a new one?

23 A. Yeah, and -- yeah, got the agency -- well,  
24 did the research and found a good price --

25 Q. I got it.

1 A. Yes.

2 Q. So the other question I have for you is:  
3 Is it your testimony in response to what Mr. Webb  
4 asked you about the switching out the servers prior  
5 to your termination, is it your testimony that was  
6 intentional, or was that just, with all due respect,  
7 fortuitous because now the old server's no longer  
8 there? Do you need me to reask the question?

9 A. Yes.

10 Q. It's somewhat compound.

11 Do you think that the servers being  
12 switched out by this friend of Ms. LaBerge's, Joel,  
13 do you think that that was intentional?

14 A. I think it was convenient.

15 Q. That's different.

16 A. Yes.

17 Q. Convenient is different.

18 A. Yes.

19 Q. So you do not think it was intentional on  
20 their behalf?

21 A. No, it was intentional. It was  
22 intentional for them to switch them out; but mind  
23 you, the servers that were there were failing. They  
24 were at least over a decade old.

25 Q. So it's not your testimony today that they

1 were switched out to subvert the fact that now that  
2 all these documents --

3 A. No.

4 Q. Going to Ms. Murray-Oberteain, or whatever  
5 her name is, in certain instances without getting  
6 into the legal implications of it, there's certain  
7 evidence sometimes that you don't have, and sometimes  
8 whether it's campaign finance or whether it's  
9 criminal prosecution or whatever it is, someone will  
10 either plea to a lesser charge, pay a lesser charge,  
11 whatever it is. Is it your opinion based on your  
12 conversations with Ms. Murray-Oberteain that the  
13 reason for the reduced fines and things of this  
14 nature were related to Holly's statements,  
15 Ms. LaBerge's statements, that she was doing the  
16 favors -- doing the governor a solace?

17 A. Yes, ma'am. Yes. To give you a clear  
18 answer, Elisabeth -- in our conversations, Elisabeth  
19 made the statement that Holly is walking around  
20 telling people that she is the reason why the  
21 governor's legal problems went away. And  
22 Ms. Oberteain said that, she said that to me, which --  
23 and I told Elisabeth, I said, Well, that confirms  
24 what Holly has told me, what I heard her say on more  
25 than one occasion. And Elisabeth's response was, She

1 needs to stop saying that, because that's going to  
2 end up getting her in trouble. That was one of the  
3 other things that . . .

4 Q. She told the same thing to us.

5 All right. So then it's your testimony in  
6 response to what Mr. Webb asked you is that she went  
7 to the commissioners and she said, Look, I'm  
8 concerned about this. But what was she concerned  
9 about? Was she concerned about Holly practicing law  
10 without a license, or was she going to complain  
11 because she was concerned about the fact that the  
12 evidence that she had reflected the need for a  
13 harsher fine and she felt that Holly was subverting  
14 that --

15 A. Okay. What Ms. Obertein told me when she  
16 went to the commissioner her concern was Holly  
17 practicing without a legal license, and her example  
18 was Holly meeting privately with Governor Deal's  
19 attorneys, ma'am, without Ms. Obertein's presence  
20 there to give legal guidance.

21 Q. Yeah; but they could have had meetings,  
22 they could have had lunches; there's nothing  
23 necessarily inappropriate about that. My question to  
24 you is: Did Murray-Obertein express to you that she  
25 felt that there were fines that were recommended --

1 A. Oh, yes.

2 Q. -- that Holly refused to pursue because of  
3 a personal relationship that Ms. LaBerge had with the  
4 governor's office?

5 A. Yes, ma'am. Yes.

6 MS. WORTH: That's all I have. Brian?

7 MR. SUTHERLAND: Can we take just a few  
8 minutes?

9 MS. WORTH: Oh, yeah, sure. I'm done.

10 MR. WEBB: I'm finished, too.

11 (Recess from 12:31 p.m. until 12:39 p.m.)

12 EXAMINATION

13 BY MR. SUTHERLAND:

14 Q. Hi, Mr. Hair.

15 A. Hi.

16 Q. I have just a couple of questions for you.  
17 I think my colleagues asked you a number of questions  
18 today, and I just have a couple more.

19 A. Okay.

20 Q. I wanted to ask you about destruction of  
21 documents. Is it your testimony you were instructed  
22 to destroy documents related to the Deal campaign --

23 A. No.

24 Q. No?

25 A. No; I didn't destroy documents. I mean, I

1 had documents -- if a physical document was given to  
2 me, I would scan it, put it on a zip drive, and  
3 transfer it, move it over into a different format;  
4 but when I hear destroy document, I'm picturing  
5 taking it and putting it in a shredder.

6 Q. Was it your testimony that you altered  
7 documents?

8 A. Well, if you move from a PDF file over to  
9 a -- yes.

10 Q. Okay. Can you describe --

11 A. -- to another format.

12 Q. Can you describe that in more detail for  
13 me.

14 A. Well, a document is altered -- sir, you  
15 have a stack of paper, let's say for example these  
16 documents right here (indicating). If I take these  
17 documents and I -- I'm not being sarcastic -- I take  
18 these documents and I put them into a scanner and now  
19 I have a electronic copy of it and then I then put it  
20 on my computer and I turn it into a PDF file, as far  
21 as I'm concerned, that's altering a document.

22 Q. Did you ever alter the documents in terms  
23 of the substance contained in the documents?

24 A. I have altered documents before in the  
25 past, but those documents were things that were along

1 the lines of, you know, there's a revision, you know;  
2 this law is no longer an act and the wording needs to  
3 be changed; but that would go through Belinda, who's  
4 in education -- you follow what I'm saying -- who  
5 would confer and say. But what stood out was  
6 completely different was these two different law  
7 cases.

8 Q. And which law cases do you speak of?

9 A. Governor Deal, sir, and also Stacy  
10 Kalberman.

11 Q. Do you know anything about -- and I should  
12 tell you just to the full disclosure here, I  
13 represent Sherilyn Streicker. Are you familiar with  
14 Ms. Streicker?

15 A. I've heard of her.

16 Q. Have you had any conversations with Holly  
17 LaBerge about Sherilyn Streicker?

18 A. Yes; I've heard conversations. I haven't  
19 had a conversation with her, but I've heard  
20 conversations.

21 Q. How many conversations have you heard in  
22 which Ms. LaBerge was saying something or another  
23 about Ms. Streicker?

24 A. About several times, five or seven times.

25 Q. When was the first time that you heard



1 conversation in which Ms. LaBerge was talking about  
2 Ms. Streicker?

3 A. I want to say probably maybe -- I think I  
4 remember back it was -- kind of -- well, actually --  
5 of this year, of this year. As a matter of fact,  
6 maybe around February, maybe around that time also.

7 I remember Lisa Dentler saying something  
8 along the lines that they were in discovery and they  
9 were gathering information that was requested for  
10 Sherry Streicker and going through her e-mail account  
11 or something like that or that type of information.

12 Q. But did you hear Ms. LaBerge say anything  
13 about this?

14 A. Yes.

15 Q. What did you hear her say?

16 A. Well, she said Sherry Streicker was full  
17 of shit.

18 Q. Did she elaborate at all on that?

19 A. No; but she just said she's full of shit  
20 and she's a -- basically she referred to her as being  
21 a pain in their ass, and that was it. I mean, that's  
22 all that I remember. I mean, I can only say what I  
23 remember.

24 Q. Certainly. Certainly. So nothing other  
25 than her referring to her in that way? You didn't

1 hear Ms. LaBerge have any conversations about  
2 anything more substantive with respect to  
3 Ms. Streicker?

4 A. Yeah, I did not. No, sir.

5 Q. Did you hear anybody else in the  
6 Commission talking about Ms. Streicker at any time?

7 A. Lisa Dentler.

8 Q. What did you hear Ms. Dentler say about  
9 Ms. Streicker?

10 A. Lisa Dentler said that Ms. Streicker has  
11 no chance in hell of winning her suit, that Holly has  
12 too much power backing behind her and she's not going  
13 to win.

14 Q. Was this a conversation that you had with  
15 Ms. Dentler?

16 A. Yes, sir, it is.

17 Q. What initiated this conversation or how  
18 did it happen?

19 A. Well, Lisa was sitting at her desk and she  
20 was flustered, you know. I guess she was getting  
21 this information together or whatever was requested  
22 for Ms. Streicker, and that was it. But then the  
23 thing is is that by this time my relationship with  
24 Lisa had diminished, so she immediately stopped and  
25 kind of caught herself, you know what I mean, like,

1 I'm not going that far with you. You know what I  
2 mean? Because it was a matter of me coming in and  
3 providing Lisa with something, so . . .

4 Q. Did she say anything more about -- you  
5 said that she said something about Holly having too  
6 much power for Ms. Streicker to win her lawsuit?

7 A. Yes, sir.

8 Q. Did she say anything else about  
9 Ms. LaBerge's power or --

10 A. No; she stopped. She stopped. She  
11 clicked. She looked at me and stopped.

12 Q. And when do you think this conversation  
13 took place?

14 A. Yeah, like about February. February.

15 Q. Okay. And other than Ms. LaBerge and  
16 Ms. Dentler, was there anybody else that you  
17 overheard having a conversation about Ms. Streicker  
18 at the Commission?

19 A. No, sir.

20 MR. SUTHERLAND: I think that's all I  
21 have. Thank you very much.

22 MR. BLACK: I'm going to have one question  
23 for John. I'm Barton Black.

24

25 ///

EXAMINATION

BY MR. BLACK:

Q. Mr. Hair, when Mr. Webb was speaking to you, he was asking you about servers and documents and documents to be backed up.

A. Uh-huh.

Q. In regard to the process that you discussed with scanning documents to a jump drive, handing it to Ms. Dentler, could Ms. Dentler have just e-mailed the documents or files to Holly's personal e-mail address directly from the jump drive without the files or documents being copied or saved to Ms. Dentler's hard drive? Like could she have just plugged in the jump drive and then e-mailed the documents so that there would be no record of the documents on the --

A. No; it would have left a document there. But then Lisa could have easily gone in and just deleted it after. You can do what is called a reformat; and when you reformat something, GBI can't even go in and pull it out. Do you follow what I'm saying? So no.

And there's another thing on that -- not to be elongated -- but I'd like to point out all of that time all the way up until the new servers

1 actually went in, which was almost my via out of the  
2 Commission, from the time of the beginning of my hire  
3 all the way to my time of being released,  
4 terminated -- and I found this to be extremely  
5 ridiculous -- but the old backup, the actual master  
6 backup for the Commission, was ran -- used to be on I  
7 guess physical tape; that apparatus had broke down  
8 well before I was even hired. They didn't even have  
9 a master backup. Okay?

10 So saying this in legal terms, okay, even  
11 if servers were pulled out and new servers went in,  
12 the agency was still running without a master backup.  
13 It would have been nice to have a master backup for  
14 situations like now.

15 Q. So in May and June of 2012, Ms. Dentler's  
16 computer was not being backed up?

17 A. No. No. I mean, no. If there was  
18 something that you wanted as a master backup, she  
19 could put it on her local drive; but see, they didn't  
20 keep things on a local drive. They kept them on a  
21 shared drive. But what I'm saying is all the shared  
22 drives, the legal shared drives, none of that was on  
23 a master backup back during May and June.

24 Q. And if Ms. Dentler would have just deleted  
25 the files that may or may not have been on her

1 computer, there'd be no record of them anyways?

2 A. Yes. Yes. Yes.

3 MS. WORTH: I have one follow-up question,  
4 Mr. Hair.

5 THE WITNESS: Yes, ma'am.

6 FURTHER EXAMINATION

7 BY MS. WORTH:

8 Q. You testified earlier today that in  
9 response to -- I can't remember if it was myself or  
10 Mr. Webb -- you were asked about altering documents.  
11 And you said you did, in fact, alter documents and  
12 oftentimes you would use Photoshop. Did I  
13 misunderstand your testimony?

14 A. Yeah. I would use Photoshop for  
15 documents; but in those documents, that was primarily  
16 stuff that was either education -- but there are some  
17 Deal -- that's what I'm trying to remember. I do  
18 believe there were some times where I was asked to  
19 strike a date or to move a paragraph because of the  
20 -- oh, altered the documents because one font was  
21 completely different than the other font, meaning the  
22 person who was there or whoever originally did that  
23 particular document, it was like they were in half of  
24 a document and then the other document were in  
25 different fonts.

1                   And my response to Lisa was, Well, if  
2                   that's the case, that means this document doesn't  
3                   seem to actually be original that you're giving me.  
4                   There's one type of font, and then we go down to  
5                   another paragraph or another page in this document  
6                   and it's a completely different font. And so now you  
7                   want me to copy that document but then use a software  
8                   to match that font with a backwards font and then  
9                   give it back to her; and thus, you know what I mean,  
10                  it comes out like, Oh, this is one single document.  
11                  Does that make sense?

12                Q.        It does.

13                A.        All right. I'm sorry.

14                Q.        And so you -- you believe that your  
15                  termination from the Commission was related to your  
16                  refusal to engage in this kind of conduct?

17                A.        Most definitely, yes, ma'am.

18                MS. WORTH: That's all I have. That's it.

19                (Deposition concluded at 12:50 p.m.)  
20  
21  
22  
23  
24  
25

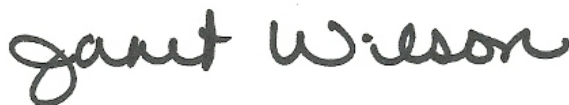
C E R T I F I C A T E

G E O R G I A :

GWINNETT COUNTY:

I hereby certify that the foregoing deposition was taken down, as stated in the caption, and the questions and the answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 111 represent a true and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in any way interested in the result of said case.

This, the 12th day of August 2013.



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JANET K. WILSON, B-1108  
My License Expires: March 31, 2014



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