

1 the title company, I thought you said I had to file
2 it, and they said well, we do that for every one
3 that we -- that we serve at these closings, so that
4 if we don't file it, then you won't sue us for not
5 filing it. So I said well, thanks, so...

6 Q Now I want to show you a number of exhibits, and
7 I'll mention them, and Anita will distribute
8 them. K -- I'll identify them, Respondent's
9 Exhibit KK, LL.

10 CHAIRMAN T. WHEELER: Let me -- let me ask
11 a preliminary question of the Petitioner. Do
12 you have any objection to these documents as
13 they're introduced to the witness, the
14 admissibility of the documents?

15 MS. K. CELESTINO-HORSEMAN: If I could
16 see -- if I could see them real quickly, maybe
17 we can do them all at once.

18 CHAIRMAN T. WHEELER: That's what I'm
19 hoping.

20 MR. J. BOPP: MM, NN, I.

21 Q Now I -- let me -- now that you have them before
22 you, let me clarify, Respondent's Exhibit II --
23 oh, you don't have that.

24 CHAIRMAN T. WHEELER: I have in front of me
25 I, KK, LL and MM?

1 **MR. J. BOPP:** They're multiple documents.
2 I have multiple exhibits and I'll get to that.

3 **CHAIRMAN T. WHEELER:** But in terms of
4 documents, I have I, K, L and MM; correct?

5 **MR. J. BOPP:** You have KK, LL, MM, NN, and
6 then I is -- has multiple exhibits.

7 **CHAIRMAN T. WHEELER:** Right. Is there any
8 objection to these documents?

9 **MS. K. CELESTINO-HORSEMAN:** No, Mr.
10 Chairman.

11 **CHAIRMAN T. WHEELER:** We'll admit those.

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

13 **Q** Starting with the first group of documents, KK,
14 LL, MM and NN, these appear to be either from
15 banks or your employer or the IRS or the Indiana
16 Supreme Court for your annual registration,
17 which all show the Broad Leaf address during the
18 period of time from January through the end of
19 May 2010?

20 **A** Yes, and there's also a Tower Bank & Trust here
21 as well for my health savings account that went
22 to Broad Leaf.

23 **Q** And then -- and then as we look at the
24 combination document --

25 **CHAIRMAN T. WHEELER:** Hold on, stop there a

1 second. Tab NN, although it says 2010/2011,
2 attorney's statement, there's a hand marked
3 through it that says 2009/2010.

4 **Q** Do you want to clarify that?

5 **A** Yes. When I paid for my bar fees for the
6 2010/11 year, I asked them what address do you
7 have for me currently, and they said that it
8 doesn't stay in the records if they change it,
9 and I said well, could you at least print it out
10 on a form or a letterhead?

11 And they said the best we can do is update it,
12 that we had you at Broad Leaf Lane for the previous
13 year and that your work was at the Department of
14 Natural Resources.

15 So the lady down the row of the clerks printed
16 that out, but the only thing she had was just
17 the -- the statement from this year. She didn't
18 have anything from '09-'10 she could print it off
19 on.

20 Now they've changed it to Overview, they
21 can't -- they don't have a way in the computer
22 banks to show when they listed Broad Leaf, so I
23 just wanted her to print it out.

24 **CHAIRMAN T. WHEELER:** It's -- yeah, I have
25 some concerns about that document having any

1 relevance, given the fact that it's hand marked
2 on a different date so...

3 **MR. J. BOPP:** Well, we have testimony, I
4 guess.

5 **Q** All right. Let's go to the large document --

6 **A** Okay.

7 **Q** -- which is I, J, K, L, M, N --

8 **CHAIRMAN T. WHEELER:** Is there an L in
9 there, I don't...

10 **Q** L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA,
11 BB, CC, DD, EE, FF, GG, HH, II, JJ, OO and PP
12 with respect to that exhibit, are these examples
13 of mail that you received at the Broad Leaf
14 residence from January through the first of June
15 through 2010 -- these aren't all of them, these
16 are examples?

17 **A** Yeah. On a monthly basis, I would have received
18 mail like from about June of '09 throughout --
19 and up to January 1st, 2010, and then on to
20 after I got married in 2010, so it was a much
21 longer period than just January 1st, 2010. It
22 was June of 2010.

23 **Q** Answer my question?

24 **A** Okay, yes, sir.

25 **Q** Are these examples --

1 **A** Yes, sir.

2 **Q** These are examples that you received from
3 January through 1st of June 2010?

4 **A** Yes, sir.

5 **CHAIRMAN T. WHEELER:** Exhibit CC is a PERF
6 statement and it says date produced is June and
7 mine is cut off.

8 **MR. J. BOPP:** Who has the original --
9 Jerry, pull that out -- oh, you're right.

10 **CHAIRMAN T. WHEELER:** I'm presuming that's
11 June of 2010, subject to confirmation.

12 **MR. J. BOPP:** We have the original and
13 we'll -- the original that we have is cut off so
14 I'll withdraw CC.

15 **CHAIRMAN T. WHEELER:** I don't know that you
16 need to withdraw it, but if he wants to testify
17 that it's June of 2010, then that's...

18 **MR. J. BOPP:** Well, he has -- okay, now we
19 have the actual original and it says June 17th,
20 2010.

21 **CHAIRMAN T. WHEELER:** If you would
22 substitute that.

23 **MR. J. BOPP:** Okay, keep that and we'll
24 substitute. Thank you.

25 **CHAIRMAN T. WHEELER:** Get copies over a

1 lunch break or something.

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

3 **MS. K. CELESTINO-HORSEMAN:** Mr. Chairman, I
4 need to have something noted for the record. I
5 see that Mr. Bopp -- the deputy secretary chief,
6 and I'm not sure of the title, who works for the
7 Secretary of State's office is assisting Mr.
8 White's legal team, and as I understand, Mr.
9 Bonnett is a State employee, and I'm sure that's
10 quite appropriate, but I would like the record
11 to reflect that.

12 **MR. J. BONNETT:** May I respond to that?

13 **CHAIRMAN T. WHEELER:** Mr. Bonnett.

14 **MR. J. BONNETT:** I'm Jerry Bonnett, and I'm
15 deputy and general counsel from the Secretary of
16 State's office. The Secretary of State's office
17 is maintaining a record of the proceedings. As
18 you know the Secretary of State's office has a
19 role on the commission and has historically
20 kept, except for this case, where Secretary
21 White has recused himself as recount commission
22 director, our office has kept our own files of
23 the -- all of the proceedings in a place where
24 it's kept, so as a -- as a very small courtesy,
25 I had the box here with copies of the documents

1 and I pulled that one out.

2 **CHAIRMAN T. WHEELER:** I guess the question
3 is why do you have the documents?

4 **MR. J. BONNETT:** They're not -- they're not
5 documents of the office. They're documents of
6 Secretary White's counsel.

7 **MR. J. BOPP:** He carried them for us.

8 **COMMISSION MEMBER B. PYLITT:** I'd like to
9 have an answer to the question the Chairman
10 asked -- I mean, you're working on State time
11 here and helping Respondent's counsel, what's
12 that all about?

13 **MR. J. BONNETT:** On behalf of the office --

14 **COMMISSION MEMBER B. PYLITT:** Do you have
15 the day off do or are you working -- are you
16 working for the State today or do you have the
17 day off?

18 **MR. J. BONNETT:** I'm working for the State.
19 The office of the Secretary of State is the
20 official -- the Secretary of State has a role.
21 As chairman of the recount commission, it's our
22 interpretation that we -- we maintain copies of
23 the filings. We didn't receive copies of the
24 filings.

25 **COMMISSION MEMBER B. PYLITT:** But none of

1 these have been filed in this proceeding. These
2 are Mr. Bopp's, the Respondent's personal
3 records that you're handing and assisting him
4 with.

5 **MR. J. BOPP:** No, they're actually Mr.
6 White's, and he -- he offered to carry them.
7 I -- I can' -- was loaded and he's loaded so --

8 **COMMISSION MEMBER B. PYLITT:** Why isn't he
9 sitting over here and helping the other side?

10 **MR. J. BOPP:** He offered to carry them from
11 the Secretary of State's office to here.

12 **COMMISSION MEMBER B. PYLITT:** Mr. Chairman,
13 I have a huge problem with this.

14 **MR. J. BOPP:** Hey, and if -- and if they
15 need a box carried back to the Statehouse, he'll
16 do it.

17 **CHAIRMAN T. WHEELER:** We will deal with
18 that in a different venue if people want to
19 pursue that. Right now, the question -- the
20 issue has been answered which is the date on the
21 PERF statement and we'll substitute that
22 document. Next question.

23 BY MR. J. BOPP:

24 Q Now in May of 2010, did you formally announce
25 your candidacy for Secretary of State?

1 **A** I believe it was in May 11th, 2010.

2 **Q** Okay. Let me show you what's been marked as QQ.
3 Is this your declaration of candidacy?

4 **A** Yes, sir.

5 **Q** And it shows your address on May 11th as Broad
6 Leaf Lane; correct?

7 **A** Yes, sir.

8 **MR. J. BOPP:** I move the admission of QQ.

9 **CHAIRMAN T. WHEELER:** Do you have any
10 objection?

11 **MS. K. CELESTINO-HORSEMAN:** No objection.

12 **CHAIRMAN T. WHEELER:** Admitted.

13 **Q** Now that was before you were married; right?

14 **A** Yes.

15 **Q** Now let me show you RR. In May of 2010, were
16 you the Republican county chairman for Hamilton
17 County?

18 **A** Yes, I was, sir.

19 **Q** Did you appoint yourself as a delegate?

20 **A** Yes, I was -- yes, I did.

21 **Q** And is RR your appointment showing on May 18th
22 your residence address as Broad Leaf?

23 **A** Yes, it does.

24 **MR. J. BOPP:** Move the admission of RR.

25 **MS. K. CELESTINO-HORSEMAN:** No objection,

1 Mr. Chairman. I'm assuming -- may I ask a
2 preliminary question?

3 **CHAIRMAN T. WHEELER:** Sure.

4

5 **PRELIMINARY QUESTIONS BY**

6 **MS. KAREN CELESTINO-HORSEMAN:**

7 **Q** Mr. White, was -- it says that it had to be
8 signed by the Secretary of the Republican State
9 Committee; is that right.

10 **A** At the bottom that's a form that we have to
11 submit to them prior to the convention.

12 **Q** So this was the form that was submitted?

13 **A** It's a form we submitted, yes.

14 **MS. K. CELESTINO-HORSEMAN:** I have no
15 objection.

16 **CHAIRMAN T. WHEELER:** RR is admitted.

17

18 **CROSS-EXAMINATION (Continuing)**

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

20 **Q** Now did you obtain a marriage license in May of
21 2010 to marry Michelle?

22 **A** Yes, I believe it was on or about May 18th,
23 2010.

24 **Q** Let me show you what's been admitted as Joint
25 Exhibit 4?

1 **CHAIRMAN T. WHEELER:** It's in a binder in
2 front of you.

3 **MS. A. WOUDENBERG:** Yes, this is stipulated
4 Exhibit 4.

5 **MR. J. BOPP:** And the Bates stamp?

6 **MS. A. WOUDENBERG:** 225 is the Bates stamp.

7 **A** Okay, that's a copy of the marriage license.

8 Now we're back to -- okay, I've got it, sir.

9 **Q** Is this a copy -- is this a copy of the marriage
10 license that you obtained?

11 **A** Yes.

12 **Q** And it shows your residence address at Broad
13 Leaf?

14 **A** Yes.

15 **COMMISSION MEMBER B. PYLITT:** Mr. Chairman,
16 you've got dates of birth in there for bride and
17 groom that probably ought to be redacted.

18 **MR. J. BOPP:** Yes, thank you for noting the
19 dates of birth of the -- we've got it. Thank
20 you.

21 **Q** You already testified that you were married on
22 May 28th. You went on -- on May 28th. Did
23 you -- for your wedding did you have vendors for
24 your wedding?

25 **A** Columbia Club.

1 **Q** And let me show you what's been marked --

2 **A** Something I have to note -- something I have to
3 note that's very important, at the top of my
4 marital application, I list Broad Leaf Lane, but
5 then it says at the very bottom that once I'm
6 married, I'm going to be living at Overview on
7 the same application. I just wanted to make
8 that clear.

9 **Q** I'm sorry, good point. I overlooked that, I'm
10 sorry.

11 **A** It's under my signature.

12 **CHAIRMAN T. WHEELER:** Same thing for her,
13 though, it says Farragut Circle, but she wasn't
14 living at Farragut Circle; right, she was --

15 **THE WITNESS:** I'm going to let her testify
16 to that, sir.

17 **CHAIRMAN T. WHEELER:** Well, you can
18 testify.

19 **MR. J. BOPP:** You can testify to what you
20 know, where she lived?

21 **THE WITNESS:** Oh, yeah.

22 **CHAIRMAN T. WHEELER:** I thought you
23 previously she was living at the Overview
24 address; right?

25 **THE WITNESS:** Yeah. She has told me before

1 that the reason she put down that address is
2 that until she was married to me, because of her
3 past experience with divorces, that until she
4 was actually married, she would have no legal
5 right to that condo until she got married. Once
6 she became married, then she'd have a legal
7 right to the condo then she listed Overview
8 Drive.

9 Q So she listed Farragut, which is where her
10 parents live?

11 A Yes.

12 CHAIRMAN T. WHEELER: But both of you --
13 both of you listed as the new address, counted
14 the marital address as the Overview Drive
15 address?

16 THE WITNESS: Yes, on the 18th, once we get
17 married.

18 Q Let me show you what's been marked as TT?

19 A Okay.

20 Q Can you identify this document, please?

21 A This is -- looks like a bill from the Columbia
22 Club dated May 28th of 2010.

23 Q That was the date of your wedding?

24 A Yes, it was, sir.

25 Q And what services did they provide, the

1 reception?

2 **A** We had a wedding/reception in the same room on
3 the top floor.

4 **Q** And the address where that bill was to be sent
5 was -- it was sent, was the Overview Drive
6 address?

7 **A** Yes, it was Overview Drive. Any documents
8 concerning our wedding were always sent to
9 Overview Drive because I think it was a little
10 inappropriate to be sending that to my ex-wife's
11 house.

12 **Q** Now the Republican convention occurred in which
13 you were a candidate for Secretary of State and
14 you were nominated by that convention?

15 **A** Yes, sir.

16 **Q** And a form was subsequently filed?

17 **CHAIRMAN T. WHEELER:** Mr. Bopp, just a
18 second, is there any objection to TT?

19 **MR. J. BOPP:** I forgot.

20 **MS. K. CELESTINO-HORSEMAN:** Oh, a
21 preliminary question?

22 **CHAIRMAN T. WHEELER:** Okay.
23
24
25

1 PRELIMINARY QUESTIONS BY

2 MS. KAREN CELESTINO-HORSEMAN:

3 Q Who gave the Columbia Club the address of 13086
4 Overview Drive?

5 A I don't know who called, ma'am. I don't
6 remember if it was me or Michelle.

7 Q One of the two of you gave that address to the
8 Columbia Club?

9 A One of the two of us. Neither one of us were
10 going to send that bill to my ex-wife's house.

11 CHAIRMAN T. WHEELER: Any objection?

12 MS. K. CELESTINO-HORSEMAN: No objection.

13 CHAIRMAN T. WHEELER: Admitted TT.

14

15 CROSS-EXAMINATION (Continuing)

16 QUESTIONS BY MR. JAMES BOPP, JR.:

17 Q Let me show you now what's been marked as
18 Exhibit 1, that has been jointly stipulated to?

19 A Tab 1.

20 Q And it's Bates stamped No. 148?

21 A Okay. What am I looking at here?

22 Q It's the CAN-23?

23 A Oh, yes.

24 Q The certificate of nomination?

25 A Yeah.

1 Q Could you identify this document, please?

2 A It's the State Party Chairman Certification of
3 Democratic, Libertarian, Republican Party State
4 Convention Nominee.

5 Q Now in the middle, candidate residency
6 information?

7 A Yes.

8 Q It indicates that your residence was Overview
9 Drive, and this was signed on June 19th; is that
10 correct?

11 A It's correct, sir.

12 Q And it also lists your mailing address as Broad
13 Leaf?

14 A Yes, sir.

15 Q Why was that -- was that listed?

16 A Well, because over the last several months, I've
17 had so many county parties, so many
18 organizations, everybody had Broad Leaf Lane,
19 and in the midst of just, you know, how
20 overwhelmed I was, I did not to risk that there
21 would be any mail confusion, because either way,
22 I was going to get that mail.

23 So everybody had that Broad Leaf Lane address.
24 In fact, very few people even knew I was getting
25 married and what Overview Drive even was, so I just

1 wanted to be honest. I now lived at Broad Leaf --
2 Overview Drive because I got married and I didn't
3 wanted to lists where basically all my mail was
4 going so I didn't have any interruption of mail.

5 Q When did you eventually change your mailing
6 address?

7 A Frankly, let's see, it's probably toward -- I
8 went to the post office to get forwarding
9 towards the end of the summer, and I'm not even
10 sure if my wife even still to this day has
11 changed her address. She gets all of or
12 official documents at Farragut because she works
13 there.

14 Q Let me refer you to --

15 CHAIRMAN T. WHEELER: Mr. Bopp, I want --
16 can I interrupt and ask a question just real
17 quick?

18 MR. J. BOPP: Sure.

19 CHAIRMAN T. WHEELER: This -- you're
20 currently Secretary of State; correct?

21 THE WITNESS: Yes.

22 CHAIRMAN T. WHEELER: And this is a
23 document that's filed with the Indiana Election
24 Division; is that correct?

25 THE WITNESS: Yes.

1 **CHAIRMAN T. WHEELER:** And so that -- this
2 would be a public document; correct?

3 **THE WITNESS:** Yes.

4 **CHAIRMAN T. WHEELER:** So if somebody wanted
5 to see where Charlie White was living, they
6 could look at this document and see both of
7 these addresses; correct?

8 **THE WITNESS:** Yes.

9 **CHAIRMAN T. WHEELER:** Is there anything --
10 would anything prohibit anyone from looking at
11 those and figuring where those documents --
12 where these addresses, what district these
13 addresses were in within Fishers; correct?

14 **THE WITNESS:** No, absolutely not.

15 **Q** Now let me show you Joint Exhibit No. 13?

16 **MS. A. WOUDEBERG:** It's Tab 13.

17 **A** Tab 13, okay.

18 **Q** Do you have that before you, Bates stamped --

19 **A** Yes, sir.

20 **Q** -- No. 453 at the top?

21 **A** 45_ --

22 **Q** It's a change of voter registration form.

23 **A** Is that the first page of Tab 13?

24 **MS. A. WOUDEBERG:** It is not. If you want
25 to flip forward.

1 Q Look at the -- look at the top, it says Bates
2 Stamp 453 at the top?

3 MS. A. WOUDEBERG: The one that looks like
4 a portrait like this and it's at the very top.

5 Q You're looking at the wrong top. You're looking
6 at side -- there you go.

7 A The very top, correct?

8 MS. A. WOUDEBERG: And this number up here
9 will be 453?

10 THE WITNESS: Okay.

11 Q Now do you recognize this form?

12 A I recognize the form. The fact that it looks
13 like it's an electronic signature, it may have
14 been -- it may be a form that I registered
15 on-line.

16 Q Okay. And this is dated September 22nd, 2010?

17 A Yes.

18 Q And that's the date that you changed your
19 address --

20 A Yes.

21 Q -- for your voter registration from Broad Leaf
22 to Overview?

23 A Yes.

24 Q And this was during the general election
25 registration period prior to the 2010 election?

1 **A** Yes, sir.

2 **Q** Now this is also about the time in which
3 Democrats held a press conference to allege that
4 you were not properly registered to run for
5 office, did -- and also claim that you're not
6 properly living in the district for town
7 council, and since we have had over my objection
8 testimony, as if this was a criminal trial, I'll
9 give some defense questions, as if I'm a
10 criminal defense lawyer.

11 **A** Sure.

12 **Q** Was there confusion about the question of
13 whether a -- one that was elected to the town
14 council had to continue to reside in the
15 district in which they were living?

16 **A** Yes.

17 **Q** And why do you say there was confusion, what's
18 the basis for that?

19 **A** I think some of us on the town council thought
20 we were so unique with being elected -- they had
21 to live in the district when you got elected and
22 that we were voted by all the citizens and we
23 serve at large. Now if you want to run again,
24 you have to live in that original district or
25 run in a district to run.

1 Just through, you know, past experiences, I
2 was never given an indication that you had to
3 continue to live in the district, but if you
4 didn't -- but if you didn't want to run again and
5 you wanted to move out of the district, it was
6 going to be darn hard if the districts weren't
7 realigned.

8 And no matter what happened with this race for
9 me, I was done being on the council. I had already
10 been on it for almost ten years. And in fact, I
11 will say that anyone says that somehow -- we've
12 already said that I didn't -- you know, you don't
13 get any benefits from the Fishers Town Council.
14 You don't get health insurance. It's been widely
15 reported as fact, we gave -- we give ourselves no
16 benefits and --

17 **Q** Let's focus --

18 **A** Okay.

19 **Q** -- on the question I asked, which is: Why do
20 you think there was confusion about whether or
21 not you had to continue to reside in your
22 district?

23 **A** Because there had been another instance where
24 someone had moved out of that district and they
25 had to automatically resign.

1 Q And you knew about that?

2 A Yes.

3 Q Did you also obtain a legal opinion, or was
4 there a legal opinion obtained either for you or
5 the town regarding the effect of your change of
6 residence on whether or not -- on your service
7 on the town council?

8 A Yes. After this occurrence, it was actually
9 published in the newspaper, the town council
10 attorney had written up a legal memo that they
11 counted my votes. They said I attended the
12 meetings. I did the work, and they -- the town
13 council's attorney had written up a memo
14 published publicly that I was a de facto member
15 serving in good faith, and because of that, they
16 didn't expect me to pay any of that money back.

17 CHAIRMAN T. WHEELER: Let me ask a
18 question, is that memorandum in evidence?

19 MR. J. BOPP: No.

20 CHAIRMAN T. WHEELER: It's a public
21 document, i.e. the attorney/client has been
22 waived with respect to that document?

23 THE WITNESS: Well, he sent -- he sent his
24 opinion to the Star. It was published.

25 CHAIRMAN T. WHEELER: So it was published

1 in the Star?

2 **THE WITNESS:** Yeah, around a week.

3 **CHAIRMAN T. WHEELER:** I would ask -- I
4 would ask the Respondent to submit a copy of
5 that legal opinion as a piece of evidence in
6 this case for the commission, at least for my
7 consideration regarding that.

8 **MR. J. BOPP:** Thank you. No further
9 questions.

10 **CHAIRMAN T. WHEELER:** How much longer do
11 you think you've got with Mr. White?

12 **MR. J. BOPP:** I'm done.

13 **MS. K. CELESTINO-HORSEMAN:** You're done?

14 **MR. J. BOPP:** Yes.

15 **MS. K. CELESTINO-HORSEMAN:** I would like
16 to, in the sense of expediency, because I have
17 low blood sugar --

18 **CHAIRMAN T. WHEELER:** That's what I want to
19 understand. I don't want to leave him on the
20 stand. If you're -- if you're going to just do
21 five more minutes, I'd rather...

22 **MS. K. CELESTINO-HORSEMAN:** No, it probably
23 will be more than five minutes but it won't be
24 too much longer.

25 **CHAIRMAN T. WHEELER:** Why don't you consult

1 and see if we can it get done in a couple of
2 minutes -- you know, like ten minutes or 15
3 minutes -- I'd rather get it done, and let him
4 break, he's off, and then we'll go on to the
5 other witnesses.

6 **MS. K. CELESTINO-HORSEMAN:** Okay. So can
7 we have a break then?

8 **CHAIRMAN T. WHEELER:** The question is
9 whether we're going to go to lunch break? If
10 you can tell -- just tell me how long you're
11 going to be?

12 **COMMISSION MEMBER B. PYLITT:** And Mr.
13 Chairman, and also, just for the record, the
14 document that we just asked at, Tab 13, Exhibit
15 13, 453, it appears in the middle of the page on
16 the right-hand side, the box checked driver's
17 license, it looks like there's a driver's
18 license number on there.

19 **CHAIRMAN T. WHEELER:** And there's also a
20 date of birth on there as well.

21 **COMMISSION MEMBER B. PYLITT:** Date of birth
22 also, yeah.

23 **CHAIRMAN T. WHEELER:** I have no problem
24 with that. They need to probably work on the
25 redactions.

1 **MS. K. CELESTINO-HORSEMAN:** I think it will
2 be more than a few minutes. I think it probably
3 will be another 20 minutes.

4 **CHAIRMAN T. WHEELER:** All right, what we'll
5 do, it's 12:32 on my clock. We will recess
6 until 1:00, a very short break, we'll get back
7 at it. Thank you very much. The witness is
8 excused.

9 **THE WITNESS:** Thank you, sir.

10 **CHAIRMAN T. WHEELER:** There is a separation
11 of witness order out so don't talk to anyone
12 else.

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

14 **CHAIRMAN T. WHEELER:** That also applies to
15 counsel discussing his testimony.

16 *(A recess was taken.)*

17 **CHAIRMAN T. WHEELER:** All right. Five
18 years as the chairman of the Election Commission
19 without a gavel, and so I'm pleased to finally
20 have one, that I have to use it. We'll
21 reconvene. The witness is still under oath. As
22 I recall, we had concluded with the
23 cross-examination from the Respondent, and we've
24 been promised a brief 20-minute maximum
25 examination from the Petitioner's side on

1 redirect.

2 **MS. K. CELESTINO-HORSEMAN:** Thank you,
3 Mr. Chairman.

4

5 **REDIRECT EXAMINATION**

6 **QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:**

7 **Q** At the time that you -- Mr. White, at the time
8 that you signed mortgage applications from GVC,
9 you stated that you were fully anticipating that
10 you were going to get married in March; isn't
11 that right?

12 **A** Yeah.

13 **Q** So those --

14 **A** On or about March, yeah.

15 **Q** And you signed those at the end of February and
16 at the end of January; is that right?

17 **A** I signed more than one because we had more than
18 one closing.

19 **Q** You had more than one closing on the condo?

20 **A** (The witness nodded.)

21 **Q** You mean you had to sign multiple sets of
22 papers?

23 **A** There was more than one closing. Because of the
24 complexity of this deal with the FHA changes,
25 one our first closings got canceled, and this

1 was -- this was -- this was a mess.

2 Q And the closing didn't occur?

3 A Yeah.

4 Q Okay. So you signed documents and you signed
5 them in two -- February 26th and January 28th;
6 isn't that right?

7 A Yes.

8 Q And you were fully anticipating -- I think your
9 words were you were fully anticipating that you
10 were going to be getting married in March;
11 correct?

12 A If I got everything together.

13 Q And so that's why you went ahead and claimed
14 that that was your -- going to be your
15 residency, Overview -- that's why you claimed
16 Overview was your residence on those mortgage
17 documents; is that right?

18 A On the mortgage documents, no, I didn't read
19 them.

20 Q Oh, so the...

21 A The mortgage documents, I was looking at my
22 income and my debts and my name and my Soc
23 number because those are the basic things that
24 you're worried about is to make sure your income
25 is right, your debts are right, the basics are

1 right to make sure that you can get approved for
2 financing, got a job, but no, I did not read --
3 I relied upon the expertise of my mortgage
4 broker. I was not looking at --

5 Q So you didn't state --

6 A -- specific boxes about the present and past
7 address, mailing address.

8 Q Well, then let's -- let's back up. Did you not
9 testify that at the time you signed the GVC
10 documents -- those would be Petitioner's Exhibit
11 2, do you have those in front of you?

12 A I have them in front of me, yes.

13 Q At the time you signed those documents, you said
14 that you were fully anticipating getting married
15 in March; is that right?

16 A At the time I signed them in -- in January?

17 Q January and February?

18 A Yes, it was going to be, yeah, March -- on or
19 about March -- in that period of time, yes.

20 Q And at the time you signed the sales disclosure,
21 which is Exhibit 11 in the book?

22 A Wait a minute, wait a minute, Exhibit 11 --
23 let's see -- okay, I've got Exhibit 11.

24 Q On Exhibit 11, you were asked about the
25 claiming -- it was Page 429, Bates Stamp No. 429

1 at the top?

2 **A** 429.

3 **Q** And it said will this property be the buyer's
4 primary residence, and I am correct, am I not,
5 that you testified that when you signed this,
6 you were believing that you were going to be
7 getting married in March; correct?

8 **A** On or about March, yes.

9 **Q** And that way -- then you were going to be moving
10 into the Overview condo; isn't that right?

11 **A** At the time, yes.

12 **Q** So at the time you completed your voter
13 registration on February 22nd of 2010, you had
14 no intent of making Broad Leaf your permanent
15 residence, did you?

16 **A** No, I did, because here's -- here's the
17 difference, is that this whole mortgage, this
18 whole mortgage, and it's been often not
19 reported, is that from the day that I put down
20 the deposit in September and I was told they
21 were FHS approved in the community, and in fact,
22 they weren't, from that date on, and they went
23 through several FHA/HUD rule changes during the
24 last quarter of 2009, we went up and down and up
25 and down -- every two weeks there was a problem,

1 okay.

2 So while I was intending on getting married,
3 we had -- it was overlapped with the fact that
4 every two weeks there seemed to be new rule change,
5 it would -- they kept putting back the rule dates,
6 okay. We had one mortgage -- we had one closing
7 that we had that got canceled afterwards, had to be
8 rescheduled.

9 This was a roller coaster ride because of the
10 HUD/FHA rule changes. So it was not clear whether
11 or not we were going to be able to get this thing
12 done, and months after, we were worried that
13 someone was going to call me saying they have to
14 like take away our mortgage.

15 Q So in other words, Mr. White, what your
16 testimony is, is that for purposes of getting a
17 condominium, of completing the sales disclosure
18 form, you are prepared to sit here today and say
19 you were anticipating on getting married in
20 March and that's why you could use those
21 addresses; isn't that right?

22 A No. You had me read the addresses that were on
23 a mortgage app that I did not read. You had me
24 read addresses that I was not looking at in
25 this.

1 Q Did you read the -- did you read the sales
2 disclosure form, Mr. White?

3 A I saw the box that was marked will this primary
4 be your primary residence.

5 Q And did you not testify today that you signed
6 that believing you were going to be getting
7 ready married in March?

8 A I believe I was going to be getting married in
9 March, but until the time that I was living
10 there, there was no reason to register to vote
11 there until I was living there the full time; --

12 Q So as I said --

13 A -- otherwise, they could have been going after
14 me about the same thing you are today -- if
15 you're not living somewhere, you all could have
16 gone after me for like buying a place and not
17 living there.

18 Q No, Mr. White, I think the problem here is, is
19 that you bought a place, you lived there, and
20 you're claiming that you didn't, and it all
21 comes down to intent --

22 A Well, that's your argument, Miss.

23 Q -- as your attorney has indicated.

24 A That's -- that's your theory.

25 Q Now you also gave Krieg DeVault, you testified,

1 your Overview address because you anticipated
2 that was going to be your new address because of
3 your pending nuptials in March; is that -- are
4 you changing that testimony now as well?

5 **A** No, because I told you two reasons. No. 1, I
6 thought I was going to get married in March and
7 that didn't pan out; No. 2, and most importantly
8 No. 2, there was no way that I was going to give
9 Michelle's personal information about her health
10 and her personal information about McKayla, her
11 stepdaughter, I was not going to sign up for
12 something and have all of their personal/medical
13 information sent to my ex-wife's address. That
14 is the most -- that was the biggest reason why I
15 did that because it just would not be
16 appropriate.

17 **Q** But it was appropriate for you to stay over
18 there at your ex-wife's house in the basement?

19 **A** Of course.

20 **Q** And you were afraid that your ex-wife was going
21 to read Michelle's mail; is that right?

22 **A** It's not a fear of her reading. It's just not
23 appropriate. It's Michelle's information and
24 her daughter's information.

25 **Q** Now you left Pintail, the Pintail apartment at

1 the end of May 2009?

2 **A** Yes.

3 **Q** And you purchased the Overview condominium in
4 October 2009 -- I mean, lease -- I'm sorry,
5 lease?

6 **A** Well, I think the lease started in November of
7 2009, yeah. I think you said the date.

8 **Q** I'm sorry -- okay, we'll back up. The Pintail
9 apartment, you left on May 31st, 2009?

10 **A** Yes.

11 **Q** And you leased or were given possession of the
12 Overview condo on November 15th, 2009?

13 **A** The lease said November 15th, but Miss, I'm not
14 sure when we moved Michelle in -- I'm not sure
15 about that date. We were waiting for them to
16 take out -- I'm not sure when they took out the
17 furniture from the model. I know what the lease
18 says, but I'm not sure if we moved -- I'm not
19 sure if we moved her in on that date.

20 **Q** So when you claim the insurable interest for the
21 contents on the condo with State Farm for the
22 renters policy, it was actually Michelle's
23 stuff; is that right?

24 **A** I had a couple of things in there and she had
25 things and we also -- I believe that we included

1 some of her personal items on the insurance as
2 well -- I -- I think we did, or she might have
3 gotten a personal articles policy at some point.
4 The main reason why you had to have insurance is
5 we couldn't let the place burn down and have no
6 insurance.

7 **Q** Now of these documents that have been put in
8 from your -- some of your creditors and all of
9 this as examples, who gave the creditors the
10 address where to send you mail -- that was you,
11 wasn't it?

12 **A** Okay, which creditors?

13 **Q** All of your creditors, sir?

14 **A** You mean like the credit card companies and...

15 **Q** All the -- all the documents that you put in
16 here today as evidence?

17 **A** Yeah.

18 **Q** You were the one that gave those creditors your
19 mailing address; correct?

20 **A** I either gave them to them, or when I forwarded
21 my mail, eventually, they catch it up because
22 knowing me, I probably didn't fill out each and
23 every mailing address change. Eventually, I
24 believe when you forward stuff, people you're
25 forwarding, they eventually change the mail

1 so...

2 Q And you filled out the form for forwarding of
3 the mail; correct?

4 A Yes.

5 Q And you were the one that told the post office
6 where to send your mail; correct?

7 A Oh, you mean from Pintail to Broad Leaf, that
8 period; is that what you're talking about?

9 Q I'm saying about whenever you completed the
10 form?

11 A Yeah, I did it -- yeah, I would have done it.

12 Q And as far as you know, the Postal Service never
13 sent anyone out there to verify that that was
14 your address, did they -- that that you -- that
15 was your actual residence, no -- the post office
16 never sent anyone out there to verify that;
17 correct?

18 A I'm not sure if they ever do.

19 Q But you don't know if they did it in your case;
20 correct?

21 A I have no idea.

22 Q Now on the Respondent's Exhibit RR, --

23 A RR, wait a minute -- okay, RR, got it.

24 Q -- that is your certificate of appointment of
25 delegate by county chairman; isn't that right?

1 **A** Yes.

2 **Q** And you put that in there today as evidence of
3 what your address was; correct?

4 **A** Yes.

5 **Q** And so it lists you, your name, and that your
6 address is the Broad Leaf home, but then you as
7 the county party chairman verify under penalty
8 of perjury that the information is true and
9 accurate to the best of your knowledge; isn't
10 that right?

11 **A** Yes.

12 **Q** So no one from the Hamilton County GOP had
13 reason to verify this other than you as a party
14 chair; correct?

15 **A** I suppose not.

16 **Q** Okay. Now you have put in Respondent's Exhibit
17 QQ.

18 **A** QQ, okay.

19 **Q** Now it's signed by the state committee
20 secretary, is that Barbara L. McQueen or
21 McClellan?

22 **A** Barb McClellan.

23 **Q** McClellan?

24 **A** Yeah.

25 **Q** And Miss McClellan didn't go out to Broad Leaf

1 to verify that you were actually residing at
2 Broad Leaf, did she?

3 **A** No, and she didn't do it for any other
4 candidates.

5 **Q** That's right. So that was a representation that
6 you made to the Republican Party; correct?

7 **A** Yes.

8 **Q** Now Farragut, the address of 9668 Farragut
9 Circle, Indianapolis, Indiana was the address of
10 your current in-laws; correct, the Quigleys?

11 **A** Yes.

12 **Q** And did Michelle reside at that address?

13 **A** Yes, at one time after her divorce, her first
14 divorce, yes.

15 **Q** And she's still working out of that address;
16 correct -- I believe you testified to that?

17 **A** She does have a part-time spa on the back of the
18 house, yes.

19 **Q** So she still has -- she has a good relationship
20 with her parents, doesn't she?

21 **A** Of course, yeah.

22 **Q** And they would never let her be homeless on the
23 streets, would they?

24 **A** No.

25 **Q** I'm sorry, I didn't hear you, sir?

1 **A** No.

2 **Q** Now you stated that she -- Michelle didn't want
3 to live together until you were married because
4 she had no legal right to the condo -- I know
5 what it was -- you said that she had no legal
6 right to the condo so she didn't want to use the
7 condo address and so she used the Farragut Drive
8 address; isn't that right?

9 **A** That's what I understood that she did, --

10 **Q** She has no --

11 **A** -- but you'd have to ask her.

12 **Q** Her name is no -- not on the title now, is it?

13 **A** No, but under divorce law she has the half of
14 the rights to the condo now, now that we're
15 married even if her name is not on it.

16 **Q** So she's putting her -- using the address,
17 because now if she divorces you, she gets half
18 of it; correct?

19 **A** Well, when it comes to her business mail, she's
20 probably still using Farragut Circle.

21 **Q** Well, my question, sir, you just stated that her
22 legal right to the condo now is that she gets
23 half of it if you divorce?

24 **A** Yeah, after May 28th, 2010, she gets half of it
25 even if her name is not on it.

1 Q Now she -- Michelle voted in May 2010 at a
2 polling place that served the Farragut Circle
3 property address; isn't that right?

4 A Yes.

5 Q And she was not living at that Farragut Circle
6 address, was she?

7 A No.

8 Q And she didn't tell the poll clerks that she had
9 moved out of Farragut Circle, did she?

10 A Ma'am, I was not there with her when she voted
11 so you'll have to ask her that.

12 Q Do you know the council district in which your
13 parents' address is located in?

14 CHAIRMAN T. WHEELER: Is that now, or give
15 me a time frame?

16 MS. K. CELESTINO-HORSEMAN: As of -- well,
17 back up, thank you, yes.

18 Q Are your parents currently -- in 2009, 2010,
19 early 2010, your parents lived in Fishers; is
20 that right?

21 A My father lives in Westfield. My mother lives
22 in Fishers.

23 Q And is your mother's home, in 2010, was that in
24 your council district, Council District 2?

25 A I am -- as of then -- I mean, they -- wait a

1 minute, they changed the districts, I heard, at
2 the end of '10, and before then and after then,
3 I'm not -- I'm not exactly sure because...

4 **Q** Before then?

5 **A** Before when?

6 **Q** Did your mother -- yeah, before then, did your
7 mother ever have the opportunity to vote for you
8 as town councilman?

9 **A** Well, everyone in the town has an opportunity to
10 vote for all of us. That's the way we do our
11 districts.

12 **Q** I'm sorry, you're correct. Now did she live in
13 District 2, has your mother ever lived in
14 District 2?

15 **A** I think on and off, she might have.

16 **Q** And what about in the first part of 2010?

17 **A** I'm not exactly sure. I mean, I...

18 **Q** What is your mother's address?

19 **A** I don't remember. It's Penbrook something. I
20 can't ever remember it. It's in River Glen
21 area, but I don't know.

22 **Q** And one final area we'd like to ask you about,
23 you made the statement that because you were de
24 facto, you didn't have to pay the money back?

25 **A** No, that's what they told me.

1 Q Do you understand what it means to be -- to have
2 a de facto act, the legal principle in that?

3 A You'll have to ask Doug Church about that
4 because I'm -- you're asking me to form a legal
5 opinion, and I don't -- all I was told about 20
6 times, that I don't need to pay the money back
7 and I did the work and they published something
8 from Doug Church in the newspaper, and I -- I
9 don't know much more beyond that, Miss.

10 Q So -- but you paid it back, you stated, on moral
11 grounds?

12 A Well, No. 1, when you're a candidate for
13 Secretary of State, I think it's the appropriate
14 thing to do, and like -- people like Catrice
15 Abdul (Phonetic) -- I'm not sure if he paid his
16 back yet for three and a half years out of his
17 district, and they certainly counted his votes
18 in Indianapolis.

19 Q Because he acted in a de factor manner?

20 A I guess -- I don't know. You'll have to ask
21 Scott Chin.

22 Q Which relates to votes -- de facto relates to
23 actions taken by someone who appears to have the
24 authority that allows them to take that action;
25 isn't that right?

1 **A** But you're telling me that -- I mean, I'm just
2 telling you what the council told me -- I mean,
3 you're -- you're asking me to draw a legal
4 conclusion, and I don't even have a memo in
5 front of me, and all -- all I'm telling you is
6 that they told me about 20 times not to pay it
7 back because I did the work, I don't need to pay
8 it back.

9 Reporters called every day asking if I was
10 going to pay it back, and they already told them I
11 was volunteering to do it, and of course, they
12 didn't report that, and then I paid a little extra
13 to make sure I helped defray the costs of legal
14 analysis of this de facto memo. So I thought it
15 was just the right thing to do.

16 **Q** And that's why you resigned because it was the
17 right thing to do; right?

18 **A** No, I resigned because -- because of two
19 reasons: No. 1, after I talked with the Fishers
20 folks and they had said no, I think you've got
21 to resign, and No. 2, I only was planning on
22 staying for two meetings anyway. No matter what
23 happened, it was time to leave. I had already
24 been there -- almost ten years, ma'am, of my
25 life had been on there.

1 Q And who -- you said that someone moved out and
2 wasn't -- of their other district and wasn't --
3 the prosecutor didn't have anything happen to
4 them, didn't have to give up their town council
5 seat, to whom are you referring?

6 A His name is David George.

7 Q And is he currently on the town council?

8 A Yes.

9 Q Is he still living outside of his district?

10 A No.

11 Q If you didn't know what your district boundaries
12 were, how do you know that David George moved
13 out of his district boundaries?

14 A Because I remember there being a meeting about
15 him being in his district. I didn't know what
16 his district boundaries were.

17 Q And finally, what documents did you present to
18 the Bureau of Motor Vehicles to get your
19 driver's license with the Broad Leaf address in
20 December 2009?

21 A I don't remember. I probably have bills and
22 mail and I went there that time because I had to
23 renew my driver's -- I had to renew my
24 registration anyway. I can't tell you for
25 certain what I produced, ma'am.

1 Q Of all the documents that you have produced here
2 today, are there any in here that contain an
3 address that didn't come from you or didn't come
4 from the postal service through forwarding?

5 A I don't remember, ma'am -- I mean, I don't -- I
6 don't know because you're asking if any of this
7 mail was -- there was people that verified it
8 for -- for things that no one ever verifies.
9 You're acting like the postman verifies
10 everyone's address --

11 Q That wasn't my question, sir?

12 A -- or that Barb McClellan goes around and
13 verifies people's address or...

14 Q Well, my question --

15 A I don't -- I don't under -- you know...

16 Q My question -- do let me repeat it then.

17 A Yeah.

18 Q My question to you is: All the documents that
19 you have produced here today that contain
20 addresses, are there any documents where you
21 were not a source of the address?

22 A I don't think so. I don't know.

23 MS. K. CELESTINO-HORSEMAN: Nothing
24 further, Mr. Chairman.

25 CHAIRMAN T. WHEELER: Mr. Bopp?

1 **MR. J. BOPP:** No, no more questions.

2 **CHAIRMAN T. WHEELER:** Commissioners?

3 *(No response.)*

4 **COMMISSION MEMBER B. PYLITT:** Secretary
5 White, just a few quick questions.

6 **THE WITNESS:** Okay.

7 **COMMISSION MEMBER B. PYLITT:** When you
8 would utilize the basement at Broad Leaf, did
9 you -- where did you keep your clothing for that
10 several month period?

11 **THE WITNESS:** Okay. This is where it gets
12 awfully personal. At the beginning of the
13 campaign, I lost 45 pounds and that's where it
14 gets to this -- I lost 45 pounds and I had about
15 20 years' worth of clothing that I ended up
16 giving up to Goodwill or throwing away, and I'm
17 not much of a shopper, so I basically had just
18 enough clothes to update my wardrobe, that I had
19 everything in my car pretty much because I never
20 knew where I was going to be, or where I was
21 going to have to meet someone to come drive me
22 somewhere, so that's why I just -- I had
23 informal clothes, my formal clothes, and I had
24 workout clothes in a gym bag, and I was pretty
25 mobile then so I didn't have enough time to

1 catch up on 20 years of my wardrobe but I -- I
2 have gained weight now, but believe me, a lot of
3 people thought I was sick back then, but
4 that's -- that's where it all was.

5 **COMMISSION MEMBER B. PYLITT:** Okay. Did
6 you pay Nicole anything for the use of the
7 basement?

8 **THE WITNESS:** No. The only thing I ever
9 paid to her to my knowledge was just the sports
10 fees and things to take William to soccer and
11 tennis and things like that.

12 **COMMISSION MEMBER B. PYLITT:** Okay. When
13 do you think -- you use the phrase "full-time"
14 when you moved back in permanently to Overview
15 after the marriage, what date do you pick for
16 that?

17 **THE WITNESS:** The date that we got married,
18 and then when we came back from Saugatuck, which
19 would have been -- well, I mean after our
20 honeymoon, our three-day honeymoon in Saugatuck,
21 I think that would have been the early part of
22 June, that's when I started -- I mean, then
23 there was no move. I just started living over
24 there every night.

25 **COMMISSION MEMBER B. PYLITT:** Okay. Do you

1 know what the name of the lady is that -- you
2 testified about the special election in November
3 of '09?

4 **THE WITNESS:** Yeah.

5 **COMMISSION MEMBER B. PYLITT:** And there was
6 a woman that you dealt with there that was a
7 poll worker?

8 **THE WITNESS:** Yeah.

9 **COMMISSION MEMBER B. PYLITT:** Do you happen
10 to know her name?

11 **THE WITNESS:** I don't know her name, but
12 all I know is that -- you remember Vicki
13 Lawrence in Mama's Family or Mama's House, she
14 was someone who was very determined and very
15 stern, and when I said am I done, do I have to
16 do anything else, she said go vote, and she was
17 very -- I was like yes, yes, ma'am, so I did
18 what she told me to do, but I don't remember her
19 name.

20 **COMMISSION MEMBER B. PYLITT:** Thank you,
21 Mr. Secretary.

22 **THE WITNESS:** Thank you, sir.

23 **COMMISSION MEMBER G. DURNIL:** I have no
24 questions.

25 **CHAIRMAN T. WHEELER:** I have a couple of

1 questions. I want to make sure I understand the
2 time lines.

3 **THE WITNESS:** Yeah.

4 **CHAIRMAN T. WHEELER:** From whenever you got
5 married through December of 2006, you would have
6 been living at the Broad Leaf -- Broad Leaf
7 condo; correct?

8 **THE WITNESS:** The house.

9 **CHAIRMAN T. WHEELER:** I'm sorry, the house,
10 I apologize.

11 **THE WITNESS:** Okay, did you say to the end
12 of 2006?

13 **CHAIRMAN T. WHEELER:** The stipulation I
14 have in front of me says White and Nicole
15 divorced in December of 2006, and Nicole
16 continued to live at the Broad Leaf house, I
17 assume it means...

18 **THE WITNESS:** Yeah. The only thing I'm a
19 little fuzzy on right now is when exactly I
20 truly moved over to the apartment in Pintail.
21 We weren't divorced til December of '06, but I
22 had so much stuff at Nicole's, there was a
23 transition period so I can't remember --

24 **CHAIRMAN T. WHEELER:** I working on Broad
25 Leaf, okay.

1 **THE WITNESS:** Yeah. Yeah.

2 **CHAIRMAN T. WHEELER:** Stipulation No. 8
3 says around December 2006, White rented an
4 apartment at Pintail, 6994 Pintail Drive?

5 **THE WITNESS:** It could have been a little
6 bit before then, but not much before.

7 **CHAIRMAN T. WHEELER:** So in December of
8 '06, you moved from Broad Leaf to Pintail?

9 **THE WITNESS:** Somewhere between September
10 and December, in that ballpark.

11 **CHAIRMAN T. WHEELER:** I'm sorry, I said
12 December.

13 **THE WITNESS:** Yeah, sorry, December.

14 **CHAIRMAN T. WHEELER:** December of '06?

15 **THE WITNESS:** Yeah.

16 **CHAIRMAN T. WHEELER:** Now as I understand
17 it, though, you are still paying the mortgage on
18 the Broad Leaf house; correct?

19 **THE WITNESS:** No, I was not paying the
20 mortgage anymore. It was expected at some
21 point, Nicole, my ex-wife was going to take my
22 name off of the mortgage, but just because we're
23 so amicable and I did not want her to spend
24 1,600 to refi, I did not bother her about taking
25 my name off until like three years later.

1 **CHAIRMAN T. WHEELER:** You remained on the
2 mortgage, --

3 **THE WITNESS:** Yes.

4 **CHAIRMAN T. WHEELER:** -- but she was making
5 the payments; correct?

6 **THE WITNESS:** Yes.

7 **CHAIRMAN T. WHEELER:** So you remained
8 liable for the mortgage?

9 **THE WITNESS:** Yes.

10 **CHAIRMAN T. WHEELER:** And that's what was
11 causing you problems with trying to...

12 **THE WITNESS:** On top of a lease, too, yeah.

13 **CHAIRMAN T. WHEELER:** Okay. Now as I
14 understand it, you -- you lived at the Pintail
15 address until, I believe May 31st, 2009, when
16 that lease expired?

17 **THE WITNESS:** Yes.

18 **CHAIRMAN T. WHEELER:** And then you did not
19 lease the Overview Drive address until November
20 15th, 2009; correct?

21 **THE WITNESS:** Lease, yes. I'm not sure
22 when we moved in, we moved her in, but yeah, I
23 mean...

24 **CHAIRMAN T. WHEELER:** And I -- as I
25 understand it, in the period of time from when

1 you left Pintail to at least November 15th, you
2 were essentially, and I think the word living
3 out of your car, but you were staying at one of
4 three places; correct?

5 **THE WITNESS:** Well, at that point -- well,
6 it wouldn't have been Pintail anymore after --
7 after May of '09.

8 **CHAIRMAN T. WHEELER:** So it's one of two
9 places then, you're either -- you're either at
10 Broad Leaf, or I think you indicated you were at
11 your mother's on occasion?

12 **THE WITNESS:** Yes, or on the road, hotels,
13 or with friends.

14 **CHAIRMAN T. WHEELER:** But in terms of being
15 in Fishers, that would have been in two
16 locations?

17 **THE WITNESS:** Yes.

18 **CHAIRMAN T. WHEELER:** All right. And then
19 once the Overview Drive address is purchased, or
20 I'm sorry, is leased in November of 2009, you
21 occasionally stayed there as well; correct?

22 **THE WITNESS:** Yes.

23 **CHAIRMAN T. WHEELER:** Now with respect to
24 the Broad Leaf address, it's my understanding
25 that your son lived there; correct?

1 **THE WITNESS:** Yes.

2 **CHAIRMAN T. WHEELER:** And he would have
3 lived there continuously throughout?

4 **THE WITNESS:** Yes, and he goes to school
5 based on that address currently to this day.

6 **CHAIRMAN T. WHEELER:** And you would stay
7 there and stay with him as well; correct, when
8 you would stay there?

9 **THE WITNESS:** Yes.

10 **CHAIRMAN T. WHEELER:** Now did you ever
11 during this period of time -- well, let me ask
12 this question differently. When did you intend
13 to abandon the Broad Leaf Lane address in favor
14 of the Overview Drive address?

15 **THE WITNESS:** When I got married.

16 **CHAIRMAN T. WHEELER:** Which would have been
17 May?

18 **THE WITNESS:** May 28th, 2010.

19 **CHAIRMAN T. WHEELER:** Prior to that time,
20 it was your intent that your residence would
21 have been the Broad Leaf address; correct?

22 **THE WITNESS:** Yes.

23 **CHAIRMAN T. WHEELER:** Now with respect to
24 the Overview Drive address, if you intended that
25 to be your residence from May 28th, 2010

1 forward, when did you update your voter
2 registration?

3 **THE WITNESS:** I think I looked at the
4 documents here. I think I updated it on or
5 about September 22nd on-line.

6 **CHAIRMAN T. WHEELER:** Why did it take you
7 so long to update it?

8 **THE WITNESS:** You know, frankly, it just
9 didn't cross my mind to update it. My life was
10 a blur that entire year and a half just with
11 everything I had going on.

12 **CHAIRMAN T. WHEELER:** That's all I have,
13 any other fellow commissioners, questions from
14 the commissioners?

15 **COMMISSION MEMBER B. PYLITT:** No, sir.

16 **CHAIRMAN T. WHEELER:** Follow-up questions
17 from the Petitioner based upon the questions
18 asked by the Commissioners?

19 **MS. K. CELESTINO-HORSEMAN:** No, Mr.
20 Chairman.

21 **CHAIRMAN T. WHEELER:** Mr. Bopp?

22 **MR. J. BOPP:** No.

23 **CHAIRMAN T. WHEELER:** The witness is
24 excused.

25 **THE WITNESS:** Thank you, sir.

1 **CHAIRMAN T. WHEELER:** You are released from
2 your subpoena. You cannot be recalled. Please
3 do not discuss your testimony with any of the
4 individuals who, I believe, may be witnesses in
5 the case.

6 **THE WITNESS:** Do I have to go into a
7 separate room or can I sit in the back?

8 **CHAIRMAN T. WHEELER:** No, you may -- you
9 may sit.

10 **THE WITNESS:** Oh, yeah, that's right, yeah.
11 Okay, thank you.

12 **CHAIRMAN T. WHEELER:** Petitioners, you may
13 call the next witness.

14 **MS. K. CELESTINO-HORSEMAN:** Thank you, Your
15 Honor. At this time we would call Tammi Kaeser.

16 **CHAIRMAN T. WHEELER:** Somebody going to...

17 **MS. K. CELESTINO-HORSEMAN:** Where is --
18 sir, where's the witness room?

19 **CHAIRMAN T. WHEELER:** The conference room,
20 Brad.

21 **MR. B. KING:** It's the conference room for
22 the witnesses.

23 **MS. K. CELESTINO-HORSEMAN:** Okay.
24
25

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7

DIRECT EXAMINATION,

8

QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:

9

Q Would you, please, state your full name for the court reporter?

10

11

A Tammi Kaeser.

12

Q Is this the first time that you've testified?

13

A Yes.

14

Q Well, it's kind of overwhelming, I know, so if you have any questions or anything, you have the chairman and the commissioners.

15

16

17

A Okay.

18

Q Now you were employed in 2009; isn't that right?

19

A Correct.

20

Q And where were you employed?

21

A Executive Custom Homes.

22

Q And what was your title?

23

A Sales.

24

Q And how, if ever, did you happen to encounter Charlie White?

25

1 A I sold him the townhome.

2 Q Would that have been at the address of 1086 --
3 I'm sorry, 13086 Overview Drive?

4 A It sounds correct, yes.

5 Q In front of you is a book, there's tabs, if you
6 could flip through to Exhibit No. 57?

7 A (The witness complied.)

8 Q And there's numbers at the top, and on 870, what
9 is that document?

10 A The registration.

11 Q And registration for what?

12 A When someone comes in, we just get basic
13 information.

14 Q Someone who comes into where?

15 A Into our model homes.

16 Q And who was it that came into the model homes on
17 this registration card?

18 A Charlie and Michelle.

19 Q And who is Michelle?

20 A At that time that was his girlfriend or fiancée.

21 Q And what date, do you know what -- by looking at
22 870, what date it was that they came in?

23 A On September 15th.

24 Q Now if you will go to Page 872?

25 A (The witness complied.)

1 Q And what is the Document 872 that's contained in
2 Exhibit No. 57?

3 A It's a checklist, when I do a contract, how much
4 deposit, if it's contingent like on them selling
5 a home or not, or if there's a realtor involved.

6 Q Now was there -- were there any contingencies
7 in -- who is the customer's name on this
8 exhibit?

9 A Charles White.

10 Q And were there any contingencies that you noted
11 on the contract checklist?

12 A Just mortgage approval.

13 Q Okay. And what was the mortgage approval --
14 apparently, he had to do something to be able to
15 get it?

16 A He had to have -- he has to take his ex-wife off
17 the loan, and it was already in the process.

18 Q Now it says that there was a deposit, and it
19 says 5,000, what's that mean?

20 A That he had given us a \$5,000 check.

21 Q Okay. So if you flip to Page 871 of stipulated
22 Exhibit 57, and that is indeed a check -- is
23 that the check that you just referenced?

24 A Correct.

25 Q Now I'd like you to turn to Page 868, and what

1 is this document?

2 **A** This is just an e-mail back and forth between
3 Charlie and I regarding move-in dates, some
4 things that they wanted to purchase. That house
5 was currently a model home and they wanted to
6 purchase some items out of it.

7 **Q** Can you read Paragraph No. 1 of Bates No. 868,
8 stipulated Exhibit 57?

9 **A** The lease I signed last week has me moving in on
10 Friday, the 13th. I've got my movers scheduled
11 now. I can get it over to you sooner, but
12 originally I think Jeff wanted me to bring a
13 check for the prorated rent on Friday.

14 **Q** Now the statement has me moving in on Friday,
15 the 13th. Who did you understand me to be?

16 **A** Charlie.

17 **Q** Now you stated that this was a model, what do
18 you mean it was a model?

19 **A** Models are fully decorated, like professional
20 designers, furniture, paint.

21 **Q** Now on here he wanted you to do a few other
22 things, I understand, for that model before he
23 moved in?

24 **A** Correct.

25 **Q** And what was that?

1 **A** Just according to what's on this sheet?

2 **Q** Yes.

3 **A** Carpets needed to be cleaned. There was a lock
4 not working properly on a patio door.

5 **Q** Now did you -- there's a note on here that says
6 13th, meeting movers, 9:00; is that your
7 writing?

8 **A** It is.

9 **Q** And do you know what that means?

10 **A** I don't.

11 **Q** Okay. Do you have any reason to believe that
12 Charlie White didn't move in on the 13th?

13 **A** No.

14 **Q** Now if you go to Page 878 of stipulated Exhibit
15 57, and what are those?

16 **A** One is for a rent check and the second one is
17 purchase of a table that they bought from the
18 model.

19 **Q** And on whose account are those drawn?

20 **A** Charles White.

21 **Q** And what's the address on the checks?

22 **A** 6994 Pintail Drive, Apartment 107.

23 **Q** And what are the dates of those checks?

24 **A** 11/13/09.

25 **Q** And that was the date that he was supposed to

1 move in; correct?

2 **A** Correct.

3 **Q** Now after November 13th, 2009, did you ever have
4 occasion to visit the Overview condominium?

5 **A** I was there on two occasions.

6 **Q** What was the first occasion?

7 **A** The first occasion, I believe, was to reset a
8 breaker for a washer and dryer.

9 **Q** And what happened, did you go over there, did
10 you do it by telephone?

11 **A** Charlie had called me thinking that the washer
12 and driver had not been hooked up, since it was
13 a model home. I told him I would come over and
14 so I met him in the garage and reset the
15 breaker.

16 **Q** Now when you came over that time to reset the
17 breaker, did you meet with anyone other than
18 Charlie?

19 **A** No.

20 **Q** And was there any property or anything in the
21 garage?

22 **A** I don't recall.

23 **Q** Were there any vehicles in the garage?

24 **A** I don't recall if his vehicle was in the garage
25 or if it was out front.

1 Q But it was either place; correct?

2 A Uh-huh.

3 Q I'm sorry, you need to say yes or no?

4 A Yes.

5 Q Now how do you know it was Charlie's vehicle?

6 A I know what he drives from all the meetings that
7 we had had.

8 Q And did you ever see his car going in and out of
9 the subdivision or whatever?

10 A Yes.

11 Q And -- and how did you happen to see that?

12 A My office sits on the corner of where the
13 townhome sat.

14 Q Do you have any idea -- I know you can't give me
15 an exact number, but was it fairly frequent that
16 you saw his car going in and out of there?

17 A Most evenings.

18 Q Now about the encounter in the garage, that was
19 how long after he moved in, do you have any
20 idea?

21 A It would have been shortly. I would say within
22 a few weeks.

23 Q Now what was the second occasion that you went
24 over to the condominium?

25 A I went over to reset the garbage disposal.

1 Q And was there anyone in there at the time?

2 A Michelle and her children.

3 Q And what happened?

4 A I just went to the house and reset the garbage
5 disposal and chatted for a minute and left.

6 Q Now I'd like to turn to Page 889, stipulated
7 Exhibit 57?

8 A (The witness complied.)

9 Q And what is this?

10 A It's an e-mail from me telling Charlie who to
11 make the check out to for the sofa table, how to
12 set up the alarm with Digital Sight & Sound.

13 Q And what is this about a lockbox?

14 A That would have been a lockbox that we put on
15 the house so that subcontractors can get in and
16 out to do work.

17 Q And he was to get an extra key, mailbox key, and
18 a garage door opener; is that right?

19 A Correct, that's what it says.

20 Q Do you have any reason to believe he didn't pick
21 those things up?

22 A No.

23 CHAIRMAN T. WHEELER: If I can interpose a
24 quick question, is there a date for this
25 document?

1 **MS. K. CELESTINO-HORSEMAN:** There was not a
2 date on the -- well, down at the bottom it says
3 11/11. It looks like I -- it was produced to us
4 and it was undated with the typical e-mail. I
5 can go back and look and see if the original is
6 a better copy, if you'd like me to, Mr.
7 Chairman?

8 **CHAIRMAN T. WHEELER:** No, I just -- it does
9 note 11. It looks like 2009 at the bottom.
10 It's kind of hard to tell.

11 **MS. K. CELESTINO-HORSEMAN:** I don't have
12 anything further at this time.

13 **CHAIRMAN T. WHEELER:** Mr. Bopp.

14

15 **CROSS-EXAMINATION**

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

17 **Q** When Michelle and Charlie came to look at the
18 condo, did you know that they were going to get
19 married?

20 **A** Yes.

21 **Q** And that they were going to use this as their
22 marital residence?

23 **A** Correct.

24 **Q** And that -- now did Michelle move in at the time
25 that Charlie got possession of the condo with

1 the lease?

2 **A** I'm not certain of that.

3 **Q** Okay. You knew that she was going to move in?

4 **A** Correct.

5 **Q** And that -- there were several times where there
6 were requests about things for the condominium
7 that were -- that you knew were coming from her,
8 things that she wanted?

9 **A** Correct. I think they usually came from her
10 through Charlie to me usually.

11 **Q** While he might be conveying them to you, you
12 knew that they were from her?

13 **A** Correct.

14 **Q** And let me show you -- in that same pile, if you
15 could turn to 893, that's the number at the very
16 top, and that's Exhibit 57 that we're looking
17 at?

18 **CHAIRMAN T. WHEELER:** This is the light
19 e-mail?

20 **MR. J. BOPP:** Yes.

21 **A** (The witness complied.)

22 **Q** There's a number at the bottom that's
23 11/2/2009 -- I mean, the date, and this is an
24 e-mail from you to Charlie saying when you talk
25 with Michelle, let her know we need the light

1 for the hook. What was that referring to?

2 **A** She didn't like the light that was in the model
3 and asked if we would replace it and so she was
4 going to purchase a light and we were going to
5 hang it.

6 **Q** This was an example of the request she had for
7 the condominium?

8 **A** Correct.

9 **Q** Why don't you look again at No. 868?

10 **A** (The witness complied.)

11 **MR. J. BOPP:** I need Charlie's magnifying
12 glass.

13 **MR. C. WHITE:** Actually, it's not mine.
14 It's Miss Horseman's.

15 **MS. K. CELESTINO-HORSEMAN:** Do you want to
16 use it, Mr. Bopp?

17 **MR. J. BOPP:** No, that's all right.
18 She's -- Anita can help me.

19 **Q** Now when -- when reference was made to this
20 exhibit, you were asked the question, which I
21 think was kind of an oddly worded question, any
22 reason to believe that Charlie didn't move in,
23 and you said no?

24 **A** (The witness nodded.)

25 **Q** Now is there any -- your assumption was that he

1 was going to live there; right?

2 **A** Correct.

3 **Q** And your assumption was that she was going to
4 live there?

5 **A** Correct.

6 **Q** That you were never told one way or the other
7 whether he was actually going to live there?

8 **A** Well, I assumed, since he purchased the home.

9 **Q** Well, I understand that, and you testified to
10 that --

11 **A** Correct.

12 **Q** -- and I just had you testify to that. You
13 assumed that, nobody ever told you that Charlie
14 was going to move in, at least until they were
15 married?

16 **A** Correct.

17 **Q** Now if you look at the bottom of this e-mail
18 that I just referred you to, 868, the final
19 paragraph, which is rather -- the large one that
20 says finally, I told Jeff that Michelle also
21 wanted a glass table. This is another reference
22 to Michelle making requests for things for the
23 condo; is that correct?

24 **A** Correct.

25 **Q** Let me refer you to 868?

1 **A** 868?

2 **Q** 888, sorry.

3 **A** (The witness complied.)

4 **Q** Now this is March 11th, and this is an e-mail
5 from Charlie to you?

6 **A** Uh-huh.

7 **Q** Now the purchase is complete, I wanted to put a
8 bug in your ear about replacing the faucet. Did
9 you understand that was a request from Michelle
10 through Charlie to you?

11 **A** Yes, she didn't like the kitchen faucet.

12 **Q** And if I refer you to 882?

13 **A** (The witness complied.)

14 **Q** Now this is an e-mail from you to a Tim Moore?

15 **A** Yes.

16 **Q** Who's Tim Moore?

17 **A** Tim Moore is with a plumbing company.

18 **Q** A what?

19 **A** It was our plumbers, the ones that installed the
20 faucet.

21 **Q** And this is dated April 14th, and this is you
22 telling the plumber about installing the faucet
23 and that the client contact for the install is
24 Michelle White, her cell phone, and then the
25 Overview address?

1 **A** Correct.

2 **Q** And you were aware certainly by that time that
3 she was actually living there?

4 **A** Correct.

5 **Q** Now why do you say Michelle White, they weren't
6 married then?

7 **A** It could have been just how we referred to her.

8 **Q** You knew they were going to get married?

9 **A** Yeah. I'm not sure when they got married.

10 **MR. J. BOPP:** Thank you. No further
11 questions.

12 **CHAIRMAN T. WHEELER:** Petitioner?

13 **MS. K. CELESTINO-HORSEMAN:** Very quickly.

14

15 **REDIRECT EXAMINATION**

16 **QUESTIONS BY MS. KAREN CELESTINO-HORSEMAN:**

17 **Q** You knew that it was Charlie who was purchasing
18 the condominium, or trying to; correct?

19 **A** Correct.

20 **Q** And you knew it was Charlie who had entered the
21 lease with the condominium?

22 **A** Correct.

23 **Q** Did Charlie White ever tell you at any time that
24 I'm not going to live there right away -- even
25 though the lease is in my name, even though I'm

1 the one trying to purchase it, I'm not going to
2 live there, Michelle is going to live there?

3 **A** No.

4 **MS. K. CELESTINO-HORSEMAN:** Nothing
5 further.

6 **MR. J. BOPP:** Nothing further.

7 **CHAIRMAN T. WHEELER:** Commissioners?

8 **COMMISSIONER MEMBER B. PYLITT:** I have no
9 questions.

10 **COMMISSION MEMBER G. DURNIL:** I have no
11 questions.

12 **CHAIRMAN T. WHEELER:** I have a question.
13 Turn to Page 866 in that same tab, Tab No. 57,
14 and I assume Tab 57 are documents provided by
15 your office?

16 **THE WITNESS:** Correct.

17 **CHAIRMAN T. WHEELER:** Did you collect and
18 collate these documents; are you the individual
19 that pulled these together?

20 **THE WITNESS:** I did not, but these are from
21 my personal file that I keep when I'm working
22 with clients.

23 **CHAIRMAN T. WHEELER:** Okay. 866, who is
24 Jeff McComb?

25 **THE WITNESS:** Jeff McComb was the lender.

1 **CHAIRMAN T. WHEELER:** And who is Jeff Keck?

2 **THE WITNESS:** Jeff Keck is the owner of
3 Executive Homes.

4 **CHAIRMAN T. WHEELER:** Turn to the middle
5 paragraph. There is a line beginning -- I am
6 not sure, do you see that, it's about the second
7 to the last line in that paragraph?

8 **THE WITNESS:** Okay.

9 **CHAIRMAN T. WHEELER:** Can you read that out
10 loud, and then I've got a question about that?

11 **THE WITNESS:** I am not sure that we are
12 going to need to get into that much of a hurry
13 as Neda also advised me that even though Charlie
14 did not occupy his home as his primary
15 residence, he is not going to qualify for the
16 tax credit.

17 **CHAIRMAN T. WHEELER:** I'm going to follow
18 up on that as well. Explain that sentence to
19 me?

20 **THE WITNESS:** Can I say what I believe?

21 **CHAIRMAN T. WHEELER:** Sure. I just don't
22 understand it.

23 **THE WITNESS:** In the beginning I have a
24 note about tax credit, which is, if I recall, he
25 had asked if he would qualify for that, but

1 because his name was still on the loan of his
2 ex-wife's, he would not qualify for that.

3 **CHAIRMAN T. WHEELER:** That would be the
4 first-time home buyer tax credit?

5 **THE WITNESS:** Correct.

6 **CHAIRMAN T. WHEELER:** All right. Now there
7 were, and I think this is detailed in an e-mail,
8 and I think it was from you, there were some
9 significant problems -- actually, it's from Jeff
10 Keck to you related to Charlie's ability --
11 everybody's calling him Charlie, so I guess I'll
12 do the same thing, with Mr. White's ability to
13 get financing on this property?

14 **THE WITNESS:** Correct.

15 **CHAIRMAN T. WHEELER:** Mr. White has told me
16 that they attempted to close several times,
17 there were a lot of problems with FHA financing,
18 the rules had changed; is that your recollection
19 of this process as well?

20 **THE WITNESS:** Correct.

21 **CHAIRMAN T. WHEELER:** All right. And it
22 was a very long drawn out process because of
23 that?

24 **THE WITNESS:** Correct.

25 **CHAIRMAN T. WHEELER:** And some of that is

1 documented in this e-mail -- I think you read
2 from some of it, beginning at 898 in front of
3 you, an e-mail from Jeff Keck to you talking
4 about a variety of options to try to get through
5 these problems?

6 **THE WITNESS:** Uh-huh.

7 **CHAIRMAN T. WHEELER:** All right. You have
8 to answer yes or no so the court reporter can
9 take it down.

10 **THE WITNESS:** Yes.

11 **CHAIRMAN T. WHEELER:** Now tell me this, I
12 don't see Michelle's name on any of the
13 documents, was there discussion as to why
14 Michelle was not -- you said we always assumed
15 they would be on there, they would get married,
16 why isn't Michelle on any of these documents;
17 why isn't she involved in any of these
18 discussions on the purchase of the condo?

19 **THE WITNESS:** I do not know.

20 **CHAIRMAN T. WHEELER:** Did you ever discuss
21 Michelle's credit status?

22 **THE WITNESS:** I'm sure it was discussed but
23 not by me.

24 **CHAIRMAN T. WHEELER:** All right. Do you
25 have -- were you involved in -- for example,

1 there was evidence presented earlier that
2 Michelle had a foreclosure and therefore could
3 not get any credit; are you aware of that?

4 **THE WITNESS:** I am not.

5 **CHAIRMAN T. WHEELER:** All right. Is it
6 unusual in a situation like this that she is not
7 on the -- on the documents?

8 **THE WITNESS:** No.

9 **CHAIRMAN T. WHEELER:** Now you testified
10 that you went to the condominium twice; correct?

11 **THE WITNESS:** Correct.

12 **CHAIRMAN T. WHEELER:** The second time, was
13 Mr. White there or not?

14 **THE WITNESS:** No.

15 **CHAIRMAN T. WHEELER:** Okay. So of the two
16 times that you went to the condominium, one time
17 he was there and one time he was not?

18 **THE WITNESS:** Correct.

19 **CHAIRMAN T. WHEELER:** All right. Do you
20 have any reason, as you sit here today, to
21 believe that he actually moved in that house
22 with the intent to establish a residency prior
23 to May 28, 2010?

24 **THE WITNESS:** I guess no.

25 **CHAIRMAN T. WHEELER:** That's all I have.

1 Thank you. Any other questions from the
2 commissioners?

3 **COMMISSIONER MEMBER B. PYLITT:** I do have a
4 question. Look at Exhibit 19 in the tab there,
5 in the binder there.

6 **CHAIRMAN T. WHEELER:** Tab 19?

7 **COMMISSIONER MEMBER B. PYLITT:** Tab 19. Do
8 you see that?

9 **THE WITNESS:** Uh-huh.

10 **COMMISSIONER MEMBER B. PYLITT:** Is that a
11 typical lease agreement that was used in
12 November of '09 for those units?

13 **THE WITNESS:** This was handled through our
14 main office. I normally am not involved in the
15 lease agreement side of this, but yes, this
16 looks like something we had drawn up for our
17 lease.

18 **COMMISSIONER MEMBER B. PYLITT:** And would
19 you maintain the file for that or would the main
20 office, for the lease end of it?

21 **THE WITNESS:** For the lease?

22 **COMMISSIONER MEMBER B. PYLITT:** Yeah.

23 **THE WITNESS:** The main office.

24 **COMMISSIONER MEMBER B. PYLITT:** And if
25 someone wanted to sublet or let someone else

1 live there for a period of time, would they deal
2 with the main office, would they deal with you,
3 or would you get a copy of anything?

4 **THE WITNESS:** Typically, they would just
5 deal with the main office.

6 **COMMISSIONER MEMBER B. PYLITT:** Okay.
7 Would you be aware or notified by the main
8 office if somebody was subleasing or renting
9 out, you know, a lease agreement at that time?

10 **THE WITNESS:** I would usually be aware of
11 it.

12 **COMMISSIONER MEMBER B. PYLITT:** Okay. So
13 Paragraph 6 of that lease agreement talks about
14 that the tenant, Mr. White, here shall not
15 assign it or sublet it without prior consent of
16 the landlord; do you know whether any exchange
17 in writing was made by Mr. White and the owners
18 concerning this unit?

19 **THE WITNESS:** Not that I'm aware of.

20 **COMMISSIONER MEMBER B. PYLITT:** Thank you.

21 **CHAIRMAN T. WHEELER:** Any questions?

22 **COMMISSION MEMBER G. DURNIL:** No, sir.

23 **CHAIRMAN T. WHEELER:** There was no doubt in
24 your mind that Michelle Quigley who became
25 Michelle Quigley-White was living in that condo