

TRANSPERFECT  
LEGAL SOLUTIONS



STATE OF ILLINOIS

Admissions Review Commission

July 14, 2009

James R. Thompson Center

100 W. Randolph Street, 16-503

Chicago, IL 60601

1 [START admissions-review-071409 Part 1 of 4]

2 MR. LAWRENCE EPPLEY: Mr. Chairman, ladies  
3 and gentlemen, thank you for the opportunity to  
4 address you today about serious issues regarding  
5 the admissions policy of University of Illinois.  
6 I offer my gratitude and apologies to you for  
7 these events causing you to use some of your  
8 valuable time to help us. And as a volunteer  
9 public servant myself, I commit to you all my  
10 efforts to fix what needs fixing.

11 I'm very proud of what the university has  
12 accomplished and what it has contributed to  
13 society. I wear the school's colors on my  
14 sleeve proudly. Having received my bachelor's,  
15 master's, and law degree from the U of I and  
16 having served on the board since 2001, this  
17 institution and its reputation are of paramount  
18 importance to me. I may be the U of I's biggest  
19 cheerleader.

20 Obviously, we are here today to talk about  
21 admissions. We're also here because U of I is a  
22 jewel. Our faculty and students have been  
23 awarded Nobels and Oscars. And today, the U of  
24 I ranks as one of the top ten public  
25 universities in the country.

1 But the university does not exist in a  
2 vacuum. Every board member, the Chairman  
3 included, are often the point of contact for  
4 various business and civic leaders and political  
5 figures and their staff. It's part and parcel  
6 of this voluntary job.

7 Unfortunately, inferences are drawn that we  
8 act as part of someone else's team. That's  
9 totally false. We represent an ad - - on behalf  
10 of the university.

11 Over the last eight years, I've been an  
12 advocate for the university. And at times, this  
13 met badly with members of the prior  
14 administration. Case in point--shortly after  
15 becoming Chairman in 2003 in the midst of the \$5  
16 billion budget deficit facing the state, I was  
17 approached by the budget--then budget director  
18 about a cut of \$350 million to the university's  
19 budget. We are at the sharp end of that. And  
20 we are at the sharp end of their rhetoric.

21 Through careful education and planning and  
22 discussion, helping them understand exactly what  
23 a budget cut of that magnitude would do to the  
24 school, we're able to wield the budget cut to  
25 something under \$70 million and also get

1 commitments from the new administration for  
2 capital programs. And I'm happy to say that two  
3 of those were finally funded yesterday--will be  
4 funded as a result of yesterdays signing of the  
5 capital bill. It's taken six years. But we're  
6 very grateful.

7 Over the years, I continued to advocate on  
8 behalf of the university, in the process found  
9 myself dealing with members of the prior  
10 administration's staff.

11 We board members and senior university  
12 executives, including the President, the  
13 chancellors, and various vice presidents,  
14 developed respectful, courteous, and  
15 professional working relationships with members  
16 of the prior administration's staff.

17 Over the past few weeks, I've heard my name  
18 mentioned in ways I could never have imagined.  
19 But let me be clear. I did not pal around. I  
20 did not act as a go-between for this Governor,  
21 the prior Governor, or any Governor or staff. I  
22 did not give directions or orders regarding  
23 admission. I didn't bargain or negotiate for  
24 admissions with jobs or anything else.  
25 My personal integrity and the integrity of

1 the university are more important to me than  
2 that. I volunteered my time to the university  
3 because I believe in the mission. I believe in  
4 the transformative power of public higher  
5 education. I didn't do it for chip [phonetic].  
6 I didn't do it for salary. And I didn't do it  
7 for a career.

8 My prior role as board chair received  
9 admission inquiries from many sources. I  
10 followed the established admissions protocol and  
11 the decades-long policy on special consideration  
12 for admission. Thankfully, as a result of this  
13 process, all of that will be changed.

14 This may surprise you. But I have to say  
15 that without the Tribune's reporting on this  
16 issue, I'm not sure that we would've seen on  
17 such a large scale what the inquiry system had  
18 become. And if we are able to put the  
19 sensational aside and use this experience as an  
20 opportunity for critical analysis, then what we  
21 can conclude is that this inquiry process has  
22 not only taken on a life of its own, but it  
23 snowballed beyond what any reasonable person  
24 would consider to be best practices for a  
25 university such as ours.

1 Do we need to change the system?

2 Absolutely. Do we need to level the playing  
3 field? Again, absolutely.

4 We're a public university. And we  
5 desperately need to restore the public's  
6 confidence in our admissions system. - -  
7 university ought to be what it always has been--  
8 a tool.

9 I deeply care about the university. And I  
10 know you do, too. And I'm confident that we'll  
11 be able to fix this problem quite soon. Thank  
12 you.

13 MALE VOICE 1: Thank you - - . John  
14 [phonetic], - - .

15 JOHN: Thank you, judge. Mr. Eppley, you  
16 mentioned the three degrees that you have from  
17 the university. Can you describe what those  
18 three are and when you received those degrees?

19 MS. EPPLEY: - - I have a bachelor's degree  
20 in accounting. And the university, when I was--  
21 at the time, they had a five-year program where  
22 you could earn your bachelor's and master's  
23 degree and through tests, preadmission tests--I  
24 think they were called PUT [phonetic] tests. I  
25 was about a semester ahead. So I talked to the

1 Dean of the College of Business about trying to  
2 do that five-year program in four years, four  
3 years and a summer. So that led to my master's  
4 degree as well.

5 JOHN: What year was that?

6 MR. EPPLEY: Both in 1982.

7 JOHN: And your law degree, sir?

8 MR. EPPLEY: My law degree went right from  
9 bachelor's or undergrad-grad school to U of I  
10 Law School, graduated in 1985.

11 JOHN: And what have you done since  
12 professionally?

13 MR. EPPLEY: I've worked at one firm since I  
14 was in the summer program in 1984 and joined a  
15 firm in 1985, have been there ever since. I did  
16 have a two-year term of hiatus or leave of  
17 absence where I was the sole legal department at  
18 a small, private company, but by and large at  
19 one firm my entire career.

20 JOHN: How would you generally describe the  
21 nature of your practice?

22 MR. EPPLEY: Transactional. I tell friends  
23 that if there's a piece of paper that says I  
24 agree to do something or I promise to pay  
25 something, it's probably something I do.

1 MALE VOICE: Is the firm in Chicago?

2 MR. EPPLEY: It is, 120 years in Chicago.

3 JOHN: What is the name of the firm?

4 MR. EPPLEY: It was Bell, Boyd. Now it's  
5 called K.L. Gates.

6 JOHN: Have you personally as a licensed  
7 attorney done work for the state of Illinois or  
8 for that matter for any of the institutions of  
9 higher education?

10 MR. EPPLEY: Institutions of higher  
11 education, in the early '90s, I participated in  
12 finance transaction where the University of  
13 Illinois was the issuer of bonds. I believe in  
14 that transaction I was part of the legal team  
15 that represented the underwriters.

16 JOHN: Any other work for either the  
17 University of Illinois or the state of Illinois?

18 MR. EPPLEY: I have not done work--any other  
19 work for the University of Illinois. And I have  
20 not personally done any work with - - .

21 JOHN: Now we'll talk extensively about your  
22 service to the university as a trustee. Have  
23 you also served on any other board that is  
24 connected to the law school?

25 MR. EPPLEY: Yeah, my first sort of

1 encounter as a professional volunteer board  
2 member to the university was as a member of the  
3 Board of Visitors to the law school.

4 MALE VOICE: What year was that?

5 MR. EPPLEY: Yeah, it's a great question.

6 It was before I was a trustee. I don't think I  
7 carried over maybe a year. So I'm guessing  
8 probably late '90s probably when I started - -  
9 member of the Board of Visitors. It was  
10 something that the then Dean - - invited me.

11 MALE VOICE: Who was the Dean then?

12 MR. EPPLEY: - - Tom Miggler [phonetic].

13 JOHN: What were your duties as a member of  
14 the Board of Visitors?

15 MR. EPPLEY: The members of the Board of  
16 Visitors are certainly treated very nice. We  
17 discussed things that maybe the law school could  
18 do or do better. You know, we would talk about,  
19 you know, issues that are hot in the legal  
20 market, you know, for instance, maybe  
21 environmental law or bankruptcy law as sort of  
22 the new things, the hot practice areas. And you  
23 know, maybe the law school would focus a little  
24 bit on that. We talked a lot about, you know,  
25 things generally that would benefit the law

1 school and law students.

2 JOHN: Did you talk at all about admissions  
3 policy or admissions practices with respect to  
4 the law school?

5 MR. EPPLEY: No.

6 JOHN: Now let's talk about your initial  
7 appointment to the Board of Trustees for the  
8 university. First of all, when were you  
9 initially appointed to the board?

10 MR. EPPLEY: 2001, yes, 2001.

11 JOHN: Can you explain for the commissioners  
12 the circumstances that led to your appointment  
13 to the board in 2001?

14 MR. EPPLEY: Through--I was able to meet  
15 then Governor Ryan through mutual friends,  
16 people that were in state government, probably  
17 had four-ish sort of more personal encounters,  
18 you know, at a dinner or some other such thing.  
19 And you know, I was such a big component of the  
20 university, I was I guess maybe looking back a  
21 little too bold. But I inquired about whether  
22 or not I could be considered a candidate for a  
23 trustee position.  
24 He said--well, I don't think it was anything  
25 more than, you know, send me a resume. And I

1 did. And some time after that - - when, I got a  
2 call from I believe it was the - -  
3 commissioner's office and asked--sort of  
4 following up on my inquiry and my resume. And I  
5 was asked whether or not I'd be willing to serve  
6 as a member of the Gaming Board I believe  
7 because I had an accounting degree, a CPA. And  
8 I politely declined. I wasn't really anxious to  
9 get involved in the Gaming Board. And I believe  
10 the next thing I heard back was another phone  
11 call from Boards and Commissions. And the  
12 Governor had decided that I would be a worthy  
13 candidate for a U of I trustee.

14 JOHN: And that was in 2001?

15 MR. EPPLEY: Mid-2000 or early 2001. My  
16 first meeting as board member was in March, so  
17 somewhere between late--winter of 2000 - - .

18 JOHN: And obviously, you had not previously  
19 served in a board which--I'm sorry--the Ryan  
20 Administration?

21 MALE VOICE: Who were the people that you  
22 knew in the Ryan Administration?

23 MR. EPPLEY: I'm sorry?

24 MALE VOICE: Who - - your entrance to  
25 serving on the Board of Trustees?

1 MR. EPPLEY: Well, at the time, one of my  
2 law partners was Lee Daniels. And he was either  
3 Minority Leader of the House or Speaker of the  
4 House. And he made the initial introduction. I  
5 never felt like I could call Mr. Ryan directly.  
6 I didn't have that kind of relationship. That's  
7 why I'm saying I think I was a little bold in  
8 even asking about serving--

9 MALE VOICE: [Interposing] Did you know  
10 other people in the administration at the time?

11 MR. EPPLEY: In the Ryan Administration? I  
12 don't think so.

13 [Crosstalk]

14 MALE VOICE: Were you a contributor to the  
15 Ryan--?

16 MR. EPPLEY: I don't believe I was.

17 JOHN: Do you know if Mr. Daniels was a  
18 contributor to the Ryan Administration?

19 MR. EPPLEY: I don't know. But you know, I  
20 suspect, given their--I think they served in the  
21 House together. So I suspect that relationship  
22 went back quite a ways.

23 JOHN: Did you know Mr. Cellini at all?

24 MR. EPPLEY: I only met him after I was  
25 appointed to the board. I don't really know him

1 otherwise.

2 FEMALE VOICE: Did there come a time when  
3 you came to know the former Governor  
4 Blagojevich? Is that correct?

5 MR. EPPLEY: I didn't meet anybody related  
6 to the Blagojevich camp until after he was  
7 elected.

8 FEMALE VOICE: Okay. And when you--he came  
9 --and when he was elected, who did you meet  
10 within his cabinet?

11 MR. EPPLEY: Lon Monk.

12 FEMALE VOICE: And how did you come to meet  
13 Mr. Monk?

14 MR. EPPLEY: I was introduced to Lon Monk.  
15 The situation for the university at the time was  
16 these--I shouldn't say these guys--the  
17 administration--the Blagojevich team seemed to  
18 be campaigning on a theme that everything old is  
19 bad. Only everything new that they do is going  
20 to be good. It's a, you know, huge reform  
21 platform. And at the time, the university was  
22 sort of suffering under this, you know, a lot of  
23 harsh rhetoric about bureaucracy, tuition's too  
24 high. We'd gone through a couple years of  
25 tuition increases that weren't very popular.

1 And they kind of came out swinging in their  
2 campaign and so forth.  
3 My concern I think shared by a lot of people  
4 within the university was, you know, what does  
5 this portend for the university once they take  
6 office? And it just seemed like it wasn't  
7 likely to be a good outcome, a good result. So  
8 I took an initiative. I'm sure other members  
9 may have done the same. But I took the  
10 initiative to try to meet as many people in the  
11 new administration as I could so--you know, in  
12 an effort to let them understand from my  
13 perspective, you know, what the university is,  
14 what it contributes to the state, you know, the  
15 fact that, for instance, you know, every \$1 of  
16 appropriation created about five times more  
17 expenditure of the state because, you know, it  
18 supports research and supports--it supports a  
19 lot of things.  
20 In other words, the university was much  
21 greater than the amount of money that was  
22 appropriated in the university. And it seems  
23 ironic. But you know, the reality is the more  
24 you support the university, the more it does for  
25 the state. I've heard things--and I shouldn't

1 give this as an absolute track--but I think what  
2 we've learned lately at the university is every  
3 \$1 of appropriation creates up to \$14 or \$15 of  
4 economic activity in the state.  
5 So it was stuff--it was information like  
6 that that I was desperate to get in front of the  
7 new administration before they started--you  
8 know, 'cause we knew that they were faced with a  
9 \$5 million budget deficit. And we knew that--  
10 well, I shouldn't say we knew. The problem is  
11 they might come, you know, asking for a lot of  
12 money, you know, to cut so they could help  
13 balance their budget, their purchase budget - -  
14 . And we'd already in the last--the economy  
15 started to get worse in the transition from the  
16 Ryan Administration to the Blagojevitch  
17 Administration. And then the last year of the  
18 Ryan Administration, we had already lost \$30  
19 million of appropriation through a rescission.  
20 And we just were concerned about the--protecting  
21 the university and its programs. So we just--we  
22 didn't know anybody. We were sort of--we just  
23 didn't know anybody. As a reality, I didn't  
24 even vote for that guy.  
25 MALE VOICE: You were then Chairman of the

1 Board of Trustees?

2 MR. EPPLEY: No.

3 MALE VOICE: Still--

4 MR. EPPLEY: [Interposing] - - .

5 MALE VOICE: At the same time, the

6 Blagojevitch victory, gubernatorial victory, was

7 in November 2002. And then there is a

8 approximately two-month transition period, the

9 administration coming in officially in January

10 2003, correct?

11 MR. EPPLEY: Yes.

12 MALE VOICE: And is it fair to say that

13 between the date of the election and the date of

14 the inauguration, you made effort to get to know

15 some of the individuals within the new

16 Blagojevitch Administration, correct?

17 MR. EPPLEY: Mm-hmm.

18 MALE VOICE: You talked about Lon Monk. Who

19 else did you have contact with in those early,

20 in those early months as the new administration

21 is preparing to come - - ?

22 MR. EPPLEY: It was principally Lon Monk. I

23 don't think I ever spoke to the Governor himself

24 about any of these issues. I don't think I was

25 ever introduced to him at that point in time.

1 So it was principally Lon Monk and maybe John  
2 Filan. It certainly was John Filan when they  
3 came calling for budget cuts. But up until that  
4 point, I'm not really sure whether it was John  
5 Filan. But those are the two principle guys--

6 MALE VOICE: Had any dealings with Tony  
7 Rezko?

8 MR. EPPLEY: I do not.

9 MALE VOICE: Did you know him?

10 MR. EPPLEY: No.

11 MALE VOICE: Let me ask you about Chris  
12 Kelly. Is it your understanding that Chris  
13 Kelly was not in fact that point in time or at  
14 any point in time and employee of the state of  
15 Illinois?

16 MR. EPPLEY: Well, I don't know exactly what  
17 his status was. But I did--I met Lon Monk  
18 through an introduction by Chris Kelly. And I  
19 met Chris Kelly through a mutual friend and  
20 somebody who was close to the Governor. And so  
21 that was my first point of contact if you will.  
22 And I think I bored him to tears on everything I  
23 just told you about how valuable the university  
24 is. The good news was turns out he's a U of I  
25 grad. And you know, to paraphrase, you know, I

1 was kind of preaching to the choir. And he  
2 suggested that I tell my story to Lon Monk. Lon  
3 was the one who was working with the  
4 administration.

5 MALE VOICE: You said you understood that  
6 Mr. Kelly was close to the Governor--

7 MR. EPPLEY: [Interposing] I was told he  
8 was. I mean, I--again, I didn't know him before  
9 I met him. But an old friend of mine said, you  
10 know, here's a guy--everybody I talked to I  
11 talked about the university. And they probably  
12 wanted me to go away at some point. So you  
13 know, people that I knew knew how much I cared  
14 for the university. And I think everybody saw  
15 sort of the writing on the wall perhaps of  
16 existing state-funded institutions at the time.  
17 And so it was, you know, just a friend said,  
18 hey, you know, I know this guy. And he's  
19 supposedly close to the Governor. Hey, talk to  
20 him about this. That's how it started.

21 MALE VOICE: How much contact did you have  
22 with Mr. Kelly between late 2000 to early 2003  
23 if you recall?

24 MR. EPPLEY: Well, it started at either a  
25 basketball game or hockey game, invited him, and

1 talked to him about that. - - you know, I'd  
2 just be guessing two or three, four.

3 MALE VOICE: In that time period.

4 MR. EPPLEY: Yeah.

5 MALE VOICE: And what was your understanding  
6 as to what role Mr. Kelly had within the  
7 Blagojevitch Administration in those early  
8 months?

9 MR. EPPLEY: I'm not sure I knew what role  
10 or whether he had a role. You know, from my  
11 standpoint, it was somebody who had a connection  
12 to the university, maybe not as deep as mine,  
13 but you know, at least felt a little bit  
14 comfortable that somebody who was, you know, - -  
15 close to the new Governor at least liked the  
16 university. So - - that was good news.

17 MALE VOICE: So in January 2003, you were  
18 elected Chair of the Board of Trustees?

19 MR. EPPLEY: Yeah, you know, either January  
20 or February. I'm now not remembering the exact  
21 date. I believe that the--they had four  
22 appointments. I believe they had four  
23 appointments, the new administration, yeah. The  
24 way--the members of the U of I Board are the  
25 Governor, I mean, which is unusual 'cause I

1 don't think any other public university in the  
2 state has the Governor as a member 'cause the  
3 Governor is a voting member of the U of I Board.  
4 And there are actually some interesting stories  
5 about governors who have shown up at meeting to  
6 make a vote on university issues.

7 But so Governor's a member. Then there are  
8 nine statewide appointees. And those nine are  
9 appointed every--three every other year. So  
10 it's kind of staggered like that. So if you're  
11 appointed, you get a six year term and then two  
12 years later a new batch of three.

13 So in 2000--after the election--and I  
14 believe this recollection's correct--Gerry Shea,  
15 who was then a board member, resigned from the  
16 board. So they not only had three that just  
17 rolled off on their own, but they also had a  
18 fourth then when Gerry Shea left the board. And  
19 again, this is just recollection. But I think  
20 they took awhile to make the appointments. I'm  
21 not sure we had--generally, the first meeting of  
22 the year in January is the board's annual  
23 meeting where the board officers are elected.  
24 That would include a Chair, Treasury I think  
25 every other year, second chair, and university

1 counsel. And that's usually the first meeting  
2 in January. But for some reason, I think that  
3 that might've been postponed a month or two.

4 MALE VOICE: So early in 2003, you were  
5 elected Chair of the Board of Trustees.

6 MR. EPPLEY: Mm-hmm.

7 MALE VOICE: The election is - - .

8 MR. EPPLEY: The board elects the Chair,  
9 yeah, every voting member of the board,  
10 including a student trustee. By the way, I did  
11 forget there's three student trustees, one from  
12 each campus. They're elected by their campus,  
13 whatever process they come up with. And out of  
14 the three, one gets an official vote. The other  
15 two get advisory votes. And the Governor, the -  
16 - Governor designates which student trustee gets  
17 the official vote.

18 MALE VOICE: So you got a nominating process  
19 for the Chair?

20 MR. EPPLEY: Yeah, there are nominating  
21 processes. You know, I haven't been involved in  
22 one that involved multiple nominations. And I  
23 was talking to the board actually this morning  
24 just about that issue. It's just that generally  
25 most boards like that, usually the elections are

1 not contested.

2 MALE VOICE: But you'd been a fairly new  
3 member.

4 MR. EPPLEY: I was fairly new member, yeah.

5 MALE VOICE: And appointed by the previous  
6 administration of another - - .

7 MR. EPPLEY: - - didn't vote for the current  
8 - - .

9 MALE VOICE: And how did you get to be the--  
10 were you a consensus candidate? Did you have -  
11 - ?

12 MR. EPPLEY: You know, I guess anybody who  
13 gets elected in the position - - because of, you  
14 know, your skills and diplomacy and, you know,  
15 such. - - , you know, I did--among the things I  
16 talked about with the new folks if you will is  
17 to the extent--I'm not sure--being a board  
18 member for two years, I'm not sure there was an  
19 established protocol how you rotate through  
20 various board committee chairs and become chair.  
21 But to the extent there was one, I'd given them  
22 information on sort of the person who might be  
23 next in line. And you know, so suggested that,  
24 you know, since the Governor has a vote and vote  
25 for chair, you know, this is something they

1 like--I had also mentioned because this person  
2 happened to be from the other political party  
3 that there was a senior member of the board that  
4 was a Democrat would also be an outstanding  
5 candidate - - .

6 MALE VOICE: That didn't happen.

7 MR. EPPLEY: That didn't happen. And you  
8 know, it was--I wasn't--I guess it sounds easy  
9 for me to say that I wasn't extraordinarily  
10 happy that the person who I thought was sort of  
11 next in line was not going to be chair. But you  
12 know, again, we had--the bigger issue was making  
13 sure that university was able to move forward.  
14 And I think--and again, this is just  
15 speculating on my part. But you know, they were  
16 sort of all about throw away the old, in with  
17 the new kind of stuff. And I'd say maybe they  
18 were populating various things with younger  
19 people. I don't know.

20 FEMALE VOICE: How did--but how did you  
21 become chair?

22 MR. EPPLEY: I was elected.

23 FEMALE VOICE: And how did you come to be  
24 elected if someone else was--

25 MR. EPPLEY: [Interposing] They--

1 FEMALE VOICE: --someone else, someone else  
2 was the successor?  
3 MR. EPPLEY: There is no--there's no  
4 official successor.  
5 FEMALE VOICE: I mean, there was no--but  
6 were you an official candidate for the position?  
7 MR. EPPLEY: I was nominated at the annual  
8 meeting, yes. They asked Lon Monk at one point  
9 after talking all about university and, you  
10 know, possible candidates for chair, asked me if  
11 I would consider being chair, told him it was a  
12 little awkward to do that. But he said they  
13 really want me to be chair.  
14 FEMALE VOICE: So he said they wanted you to  
15 be the chair. Did you understand him to mean  
16 that Governor Blagojevitch and Lon Monk was the  
17 Chief of Staff, they wanted you to head the  
18 Board of Trustees. Is that right?  
19 MR. EPPLEY: Yeah, I think the best way to  
20 put it is were the Governor to vote--and the  
21 Governor is entitled to vote--and that is one of  
22 the things I learned this morning from the Board  
23 Secretary that in the past Governors have  
24 actually gone to board meetings to vote for the  
25 Chairman--that the Governor would vote for me.

1 MALE VOICE: - - there were three holdovers  
2 on the board?

3 MR. EPPLEY: There's nine statewide. So  
4 four--we needed four new ones. So there were  
5 five old ones, including - - .

6 MALE VOICE: But they hadn't been appointed  
7 yet, had they?

8 MR. EPPLEY: They four new ones had to be  
9 appointed I think before we had the annual  
10 meeting. - - .

11 MALE VOICE: And so did new members come on  
12 the board?

13 MR. EPPLEY: Yes, new members came on the  
14 board.

15 MALE VOICE: Who were those new members?

16 MR. EPPLEY: Brondan Trough [phonetic],  
17 Frances Carroll, Devon Bruce, and Bob Swillin  
18 [phonetic].

19 MALE VOICE: Bob?

20 MR. EPPLEY: Swillin.

21 FEMALE VOICE: So you were to have a--you  
22 had a conversation with Lon Monk. Was it face  
23 to face? Or was it over the telephone about the  
24 potential chair candidates?

25 MR. EPPLEY: Both.

1 FEMALE VOICE: There was more than one  
2 conversation.

3 MR. EPPLEY: About the chair? Yeah, I'm  
4 sure there was.

5 FEMALE VOICE: Were they face to face and  
6 over the telephone? Were there--was there any  
7 email correspondence?

8 MR. EPPLEY: I don't think so.

9 FEMALE VOICE: And you indicated that you  
10 were giving him background potential candidates  
11 who had more experience than you on the board.  
12 Is that right?

13 MR. EPPLEY: Yes.

14 FEMALE VOICE: And these conversations  
15 concluded with his appeal to you to take the  
16 position. Is that correct?

17 MR. EPPLEY: Yes.

18 FEMALE VOICE: Did you at any time advocate  
19 for yourself?

20 MR. EPPLEY: In the prior conversation, no.

21 FEMALE VOICE: In any, any other  
22 conversations you had with Mr. Monk.

23 MR. EPPLEY: You know, would I at some point  
24 like to be Chair? Absolutely. I think  
25 everybody wants to be Chair, which is one of the

1 reasons I did not run for Chair this last time.  
2 I knew I had colleagues who probably wanted to  
3 be Chair. But I didn't--you know, it was my  
4 time.

5 MALE VOICE: Mr. Eppley, while there was no  
6 established policy for naming a chairperson, was  
7 there an informal process or a tradition that  
8 would name the Chair of the Economic Committee  
9 to be the Chair of the entire board?

10 MR. EPPLEY: So at the time, I'd been on the  
11 board two years and served under one chairman.  
12 So I can't honestly say I knew if there was a  
13 protocol what it might be. I think what I was  
14 focused on was that there was sort of a senior  
15 member who hadn't been chair that I thought, you  
16 know, if--again, if you do this in sort of the  
17 way some private university boards do it, you  
18 sort of move your way up. And you know, then  
19 you do your two years as chair. Then I was--I  
20 don't think there was an official protocol. But  
21 I was trying to be--

22 MALE VOICE: [Interposing] Well, no, no, I  
23 know there's no official protocol. But since  
24 then, have you learned if that was the former  
25 tradition?

1 FEMALE VOICE: How did Governor Blagojevitch  
2 make his wishes known to the other trustees?

3 MR. EPPLEY: I wasn't part of any  
4 conversation with him. But I suspect that he  
5 said that if Mr. Eppley's nominated, that's who  
6 the Governor was voting for. I - - .

7 FEMALE VOICE: And I understand this was an  
8 11th-hour decision to put you in this chair.

9 MR. EPPLEY: Well, I think--honestly, I  
10 think they thought they had the right to appoint  
11 the chair. So to the extent it was 11th hour,  
12 it was, no, you don't appoint the chair. The  
13 chair is elected by the board.

14 FEMALE VOICE: And respectfully, I ask that  
15 subsequent to this your firm made over \$100,000  
16 of donations to the Blagojevitch campaign.

17 MR. EPPLEY: You'd have to ask my firm. And  
18 I've had this conversation with Mr. Chung  
19 [phonetic]. The firm has a committee that  
20 decides how they're going to make contributions  
21 and to whom. I don't serve on it, wasn't asked  
22 to serve on it, never have served on it.

23 MALE VOICE: And you've made no  
24 contributions.

25 MR. EPPLEY: Me personally?

1 MALE VOICE: Yeah.

2 MR. EPPLEY: No. I've made contributions to  
3 President Bush, President Obama, other  
4 candidates.

5 MALE VOICE: But not to Governor  
6 Blagojevitch.

7 FEMALE VOICE: And your firm did not make  
8 any contributions prior to the decision to make  
9 you chair.

10 MR. EPPLEY: I would have to actually--  
11 somebody would have to check to see what they--  
12 the contributions.

13 FEMALE VOICE: Okay. Did you have any  
14 conversations with your law firm team or  
15 committee or anyone in the law firm about your  
16 desire if there was one to contribute to  
17 Governor Blagojevitch's campaign? So you had  
18 absolutely no conversations.

19 MR. EPPLEY: They don't - - any of my  
20 business.

21 MALE VOICE: Did you tell them, though, you  
22 were the Chair of the board?

23 MR. EPPLEY: You know, until I was elected,  
24 I don't think--you know, you don't--I'm not the  
25 kind of person that counts on stuff like that.

1 MALE VOICE: No, but as a partner in the  
2 firm, I assume you had to indicate to them or  
3 did indicate to them that that was--could  
4 happen.

5 MR. EPPLEY: - - I don't think so.

6 MALE VOICE: You never told anybody at the  
7 firm that the Governor wanted you to be the  
8 Chairman and that's why you're the Chairman.

9 MR. EPPLEY: I don't think so. I was  
10 Chairman when I was elected Chairman.

11 MALE VOICE: How big is the firm?

12 MR. EPPLEY: Currently, 1,900 lawyers, then  
13 230. You know, look, my--the firm--the prior  
14 firm has a deep history of civic engagement.

15 [Crosstalk]

16 MR. EPPLEY: The Vice Chairman of the  
17 Northwestern board is in our firm. We've had--  
18 there are Former Chair of the University of  
19 Chicago Board of Trustees. So were they proud  
20 of my ability to serve? Absolutely. I hope  
21 they were.

22 MALE VOICE: Sure they were. I'm curious  
23 that you just said there's a - - that that could  
24 happen?

25 MR. EPPLEY: Well, I don't make public

1 announcements of stuff that may not happen. You  
2 know, until the annual meeting occurred--I'm a  
3 board member. They were very happy that I was a  
4 board member. And I was very happy to be a  
5 board member, would've been happy to only be a  
6 board member. But I ended up being Chairman.  
7 And I served for six years.

8 MALE VOICE: Law firms generally would send  
9 out a press release saying that you were elected  
10 Chairman of the University of Illinois Board of  
11 Trustees.

12 MR. EPPLEY: They probably did after I was  
13 elected.

14 MALE VOICE: So then they all did know from  
15 that.

16 MR. EPPLEY: Yeah, I thought you said  
17 before.

18 MALE VOICE: No, no.

19 MALE VOICE: I was.

20 MR. EPPLEY: Yeah, and I don't think before.  
21 I just--it wouldn't be something I would say,  
22 hey, I'm going to be Chairman. You know, once  
23 the election happens, sure. But it didn't occur  
24 to me.

25 FEMALE VOICE: Your meetings with Mr. Monk

1 to discuss the chair, first of all, was it over  
2 dinner or over lunch? Or where were the  
3 meetings held - - ?

4 MR. EPPLEY: Probably in his office or over  
5 the phone.

6 FEMALE VOICE: And did you discuss any  
7 policy directions or any issues that you'd like  
8 to take if you were Chairman? I guess what  
9 we're trying to get--or at least I am--is why  
10 were you chosen? What was it about you that  
11 made--

12 MR. EPPLEY: [Interposing] Yeah.

13 FEMALE VOICE: --made it desirable for the  
14 Governor to appoint you as Chair?

15 MR. EPPLEY: I don't know. It could be - -  
16 asking somebody who ended up being Chairman to  
17 figure out why. I do know that, you know,  
18 Springfield emptied out when Ryan left office,  
19 right? In addition to - - the Republican Party  
20 had been in control for--what--decades, right?  
21 So when they left, everybody left. And then  
22 they also had a buyout of employees. So you  
23 know, Springfield essentially emptied out.  
24 So the Blagojevitch team seemed to come in  
25 with, you know, let's do things in a new way,

1 right? He was - - the Governor was. So again,  
2 I didn't keep track of where--what agencies - -  
3 . But it could've been that. It could've been  
4 maybe they respected my enthusiasm for the  
5 university. I made it my business to know  
6 everything I could about university and what  
7 needed to be done, what we could do to, you  
8 know, create benefits for the state, you know,  
9 the--an agent of economic development. So you  
10 know, maybe they just captured my enthusiasm. I  
11 don't know.

12 FEMALE VOICE: Did you ever discuss in that  
13 meeting with Mr. Monk category as whatever term  
14 it would be, the special ed manager, or would  
15 you be amenable to accepting recommendations  
16 from the Governor--

17 MR. EPPLEY: No.

18 FEMALE VOICE: --the university? Any other  
19 sort of issues that - - could be subject to - -  
20 ? You know for example, you know, - - hiring  
21 specific people the Governor wanted you to hire  
22 or contracts or any issues of those kind - - ?

23 MR. EPPLEY: So to sort of set the stage--  
24 and I know that, you know, there's sort of this  
25 feeling that, you know, they, you know, wanted

1 to sort of overly influence the U of I. But you  
2 know, starting in the spring when they needed to  
3 set the budget for the year, that was really my  
4 first encounter [coughing] anything related to  
5 policy or programmatic or anything, you know,  
6 related to the Governor's office. And my  
7 feelings at that point were more with John  
8 Filan, who was I believe the Budget Director  
9 with the actual official title.

10 I remember being at home and getting the  
11 call saying, you know, - - . They wanted a 10%  
12 intervention, a 10% rescission on the budget.  
13 And they just looked at our entire budget. You  
14 know, our entire budget at that point was 3.5 -  
15 - around there. But our appropriation at that  
16 point was only about \$770 million.

17 And so I think they were going sort of  
18 across the board saying everybody's got to give  
19 back 10%. In our case, they wanted 10% of our  
20 entire budget just by the fact that most of that  
21 was [coughing] funding. So that was the, you  
22 know, in terms of policy or decision making, you  
23 know, executive office issues, that was the  
24 first one. Frankly, there wasn't much after  
25 that.

1 I've been lobbied before on voting issues,  
2 but once by Governor Ryan - - and three times by  
3 then President Stucco [phonetic] - - .

4 MALE VOICE: Were you involved in that - -  
5 that [coughing] you know Chancellor Herman  
6 first?

7 MR. EPPLEY: Yeah, he was Provost when I--I  
8 believe he was Provost when I started.

9 MALE VOICE: Do you and the board select a  
10 Chancellor?

11 MR. EPPLEY: The board--yes, at the end of  
12 the day, we have to sign off on the Chancellor  
13 position I think--

14 MALE VOICE: [Interposing] So you signed off  
15 on his becoming Chancellor.

16 MR. EPPLEY: Well, we--

17 MALE VOICE: [Interposing] You meaning the  
18 board.

19 MR. EPPLEY: The board--there was a  
20 predecessor to Chancellor Herman, woman named  
21 Nancy Cantor. So I think that was probably the  
22 first senior officer of the university that I--  
23 whose hiring I participated in. And my  
24 recollection is, you know, they set up these  
25 search committees for the faculty and all kinds

1 of stuff. And they narrow the field down to,  
2 you know, three, four, five finalist. I'm sure  
3 that any of them would be suitable for the  
4 search committee. And then the board and the  
5 President indicates the Chancellor search,  
6 interviews the final candidates and selects the  
7 final.

8 MALE VOICE: And so you were on the board  
9 when--

10 MR. EPPLEY: [Interposing] Mm-hmm.

11 MALE VOICE: --when Herman was the  
12 Chancellor.

13 MR. EPPLEY: Yep.

14 MALE VOICE: Were you involved in those  
15 emails about a particular student that  
16 Chancellor Herman pressed very hard on the law  
17 school?

18 MR. EPPLEY: Well, I have two emails.

19 MALE VOICE: I'm talking about one where it  
20 said, gee, - - .

21 MR. EPPLEY: No, I was not in those emails.

22 MALE VOICE: You never saw that before?

23 MR. EPPLEY: Well, just - - first time I saw  
24 it.

25 MALE VOICE: You know who Chancellor Herman

1 was dealing with at the time?

2 MR. EPPLEY: Did I know who? I'd heard.

3 MALE VOICE: - - on the Board of Trustees?

4 MR. EPPLEY: I don't know for sure - - .

5 They used my name, so. If you're talking about  
6 the same email.

7 MALE VOICE: Yes, I am. So all that stuff  
8 about your discussing jobs that you were going  
9 to get, it was all made up?

10 MR. EPPLEY: Well, I don't want to speak to  
11 what was in his mind.

12 MALE VOICE: I'm talking about what was in  
13 the emails.

14 MR. EPPLEY: Well, I only got--I didn't get  
15 that email. I got an email the next day or  
16 later that day, three hours later, completely  
17 independent of anything else, didn't have  
18 anything that said anything about admissions. I  
19 don't frankly remember that email.

20 MALE VOICE: But it did talk about jobs.

21 MR. EPPLEY: About jobs. But it had nothing  
22 about admissions.

23 MALE VOICE: So you didn't know that there  
24 was a particularly sensitive admission going on  
25 at the time?

1 MR. EPPLEY: Not related to that email.  
2 This was--I know--now I know the email you're  
3 talking about. There's--mine's--there's the  
4 conversation that he's having with people at the  
5 law school. And you know, that's the one I saw  
6 that was first produced. I've now actually  
7 looked at a bunch of law school emails of a  
8 similar tone, where either the Chancellor or the  
9 Dean or people involved in admissions chat up a  
10 lot about students, including one they call  
11 twerp. They talk about dumb white kids. They  
12 talk about somebody who's trying to maybe  
13 advance or retake the test, improve his score.  
14 They say, yeah, when pigs fly and that kind of  
15 stuff.  
16 So I've seen that, you know, but at the same  
17 time you're seeing them. You know, I had a  
18 separate email. What's interesting about that  
19 is I think even the email that he sent to me on  
20 that Saturday--again, this is three hours after  
21 that whole conversation I wasn't a part of. The  
22 only reason it even became an admissions email  
23 is because he blind copied it to people at the  
24 law school. And his email to me, as random as  
25 it was, just said, Larry, you know, I don't even

1 know if it's Larry or not.

2 MALE VOICE: It says, Larry, you know, the  
3 law school is unhappy about - - .

4 MR. EPPLEY: That was, that was, that was a  
5 different email.

6 MALE VOICE: And he has here--he says  
7 [coughing] jobs for law school?

8 MR. EPPLEY: Yeah, you know, Richard  
9 sometimes talks in code. You know, I don't know  
10 what--frankly, even today, I don't know what to  
11 think of that email, except, you know, I'm a law  
12 professional. I don't know. You know, at the  
13 time, I wasn't involved in recruiting, so.

14 MALE VOICE: Did you know Heidi Herd  
15 [phonetic] at the time?

16 MR. EPPLEY: Sure.

17 MALE VOICE: Did she have any conversations  
18 with you?

19 MR. EPPLEY: I don't think I ever talked to  
20 Heidi Herd about admissions.

21 MALE VOICE: And John?

22 MR. EPPLEY: No.

23 FEMALE VOICE: But you understood that you  
24 were referring a candidate who typically would  
25 not have been admitted to the University of

1 Illinois Law School.

2 MR. EPPLEY: Well--

3 FEMALE VOICE: [Interposing] Is that  
4 correct?

5 MR. EPPLEY: I wouldn't know necessarily  
6 who's going to be admitted, who's not going to  
7 be admitted.

8 FEMALE VOICE: But you were pushing a  
9 candidate that typically would not have been  
10 admitted to the law school. Is that right?

11 MR. EPPLEY: I wouldn't use the word  
12 pushing. I don't think I pushed anybody.

13 FEMALE VOICE: You were Chairman of the  
14 Board.

15 MR. EPPLEY: Yeah.

16 FEMALE VOICE: You were Chairman of the  
17 Board.

18 MR. EPPLEY: So--

19 FEMALE VOICE: [Interposing] A trustee. And  
20 you were recommending a candidate.

21 MR. EPPLEY: Referring a candidate. And let  
22 me just--

23 [Crosstalk]

24 MALE VOICE: --just the same as Joe Blow?

25 MR. EPPLEY: Well, I understand that. I

1 understand that. But here's my--I went back  
2 through all of these, you know, hazing, you  
3 know, my inquiries at the law school, you know.

4 There are--

5 MALE VOICE: [Interposing] If I could  
6 finish--

7 MR. EPPLEY: --four--I've advocated for  
8 students. But I've advocated for students by  
9 doing letters of recommendation. And I've done  
10 it at the law school. I did four of them.

11 MALE VOICE: Written letters.

12 MR. EPPLEY: Written letters of  
13 recommendation. I've done it four times.

14 MALE VOICE: Not emails and not phone calls.

15 MR. EPPLEY: Not emails, not--but actual  
16 letters of recommendation. And they're in their  
17 files. Three of them were for - - student  
18 trustee colleagues of mine at the board,  
19 students who had served with me. And one was  
20 the child of a colleague on the board. So I've  
21 done four of them. Three of them did not get  
22 in. One of them was referred to as a twerp by  
23 the law school.

24 MALE VOICE: So--

25 MR. EPPLEY: [Interposing] No, I just want

1 to say--so you know, I'm not--I don't think it  
2 had any--I don't think I had any special magic  
3 powers of persuasion or anything else based on  
4 that. If this is an official recommendation for  
5 admission to law school, then three out of four  
6 were declined.

7 FEMALE VOICE: But your unofficial  
8 recommendations, did you have better luck with  
9 those?

10 MR. EPPLEY: Well--

11 FEMALE VOICE: [Interposing] The ones that  
12 you--instead of writing letters of  
13 recommendation but you sent emails and you  
14 attributed the recommendations to politicians or  
15 to the Governor. Did you have better success  
16 with those?

17 MR. EPPLEY: That's not my recollection.  
18 But when you look at the totality of this, to  
19 me, this is what--this is the issue that has  
20 gotten out of control. And I've called this  
21 sort of an unofficial letter of recommendation  
22 system. This morning, I was thinking of it as a  
23 sort of a VIP inquiry. But when you, when you--  
24 again, you don't really see this. I mean, I  
25 don't really see what happens once it sort of

1 goes behind the curtain.

2 But now that we see everything, what is--

3 what it looks like is going on is this inquiry

4 business--whatever it is supposed to be,

5 whatever it started out being, once it got a

6 name attached to it or a VIP name or a donor's

7 name or trustee's name, politician's name, now

8 all of a sudden had either a life of its own or

9 carried extra weight. You don't really, you

10 know--

11 [Crosstalk]

12 MALE VOICE: --before you get to that

13 characterizing, let me just make sure I

14 understand the facts. There was an email in

15 which Chancellor Herman--chain of emails--

16 Chancellor Herman forwarded Dean Herd that she

17 had to--the law school had to admit a student

18 that otherwise didn't seem to qualify by - - .

19 You know about that.

20 MR. EPPLEY: Mm-hmm.

21 MALE VOICE: And she resisted on that. Or

22 somebody resisted at the law school. And then

23 he made it sound like he had consulted with

24 somebody on the Board of Trustees and said G

25 wants this. Do you know who that trustee was?

1 MR. EPPLEY: Well, I have an email from the  
2 prior day that says call me about this. You  
3 know, I don't recall talking to him. So you  
4 know, that's possible.

5 MALE VOICE: And do you think at that point  
6 you could've said to the Governor - - ?

7 MR. EPPLEY: The fact that his email to  
8 Heidi says straight from the G suggests to me  
9 either from me or independent of me, he knew  
10 that this was an inquiry that came through from  
11 the Governor's office.

12 MALE VOICE: Okay. So--

13 MR. EPPLEY: [Interposing] And I believe--  
14 yeah, if you look at that, I believe the reason  
15 for - - was the inquiry came from the Governor's  
16 office.

17 MALE VOICE: I understand. But I want to  
18 know--it must've--do you think it could've come  
19 through you?

20 MR. EPPLEY: It could've come through me,  
21 sure.

22 MALE VOICE: Wouldn't you remember if the  
23 Governor's called you and said we want this  
24 person admitted?

25 MR. EPPLEY: No.

1 [Crosstalk]

2 MALE VOICE: Don't you consider that  
3 uncommon?

4 MR. EPPLEY: You know, at that time of--no.

5 MALE VOICE: How many, how many such  
6 requests did the Governor's office make to you?

7 MR. EPPLEY: Over my six-year - - two or  
8 three or four a year, five a year.

9 MALE VOICE: Came from the Governor's office  
10 under both Ryan and Blagojevitch.

11 MR. EPPLEY: Oh, I don't think I got any  
12 from George Ryan.

13 [Crosstalk]

14 MALE VOICE: --Blagojevitch?

15 MR. EPPLEY: Yeah.

16 MALE VOICE: I assume--

17 MR. EPPLEY: [Interposing] And while I was  
18 Chair, I was getting their inquiries.

19 MALE VOICE: And you passed them on?

20 MR. EPPLEY: Mm-hmm.

21 MALE VOICE: Do you know anything about it?  
22 Had you ever done admissions work of any kind?

23 MR. EPPLEY: No, I still don't - - ever done  
24 admissions work.

25 MALE VOICE: Well, what did you think was

1 happening when you sent out a request from the  
2 Governor, a Chair of the Board of Trustees to  
3 somebody in the admissions process, whether it's  
4 Chancellor Herman or Mr. - - or whoever? Who  
5 did you send them out to, Richard Herman?

6 MR. EPPLEY: Usually Richard Herman.

7 MALE VOICE: Right, what did you think would  
8 happen?

9 [Crosstalk]

10 MR. EPPLEY: It's a letter of  
11 recommendation. As sensational as it seems now,  
12 it seemed benign back then. You know, you get--  
13 I get inquiries from business acquaintances,  
14 sometimes pretty random, very unsolicited, and  
15 some from the Governor's office.

16 MALE VOICE: That goes on, too?

17 [Crosstalk]

18 MR. EPPLEY: --inquiry on. You know, if--

19 [Crosstalk]

20 MALE VOICE: An inquiry is how am I doing?

21 A request for admission is please admit this  
22 student or maybe without the please.

23 MR. EPPLEY: Yeah.

24 MALE VOICE: So which is it? How am I doing  
25 or admit this student?

1 MR. EPPLEY: Well, most of them fall into  
2 the category of somebody complaining about  
3 admissions. You know, so and so got into  
4 Michigan or Northwestern or Northeast but didn't  
5 get into Illinois.

6 MALE VOICE: Didn't get into Illinois.

7 MR. EPPLEY: Yeah. So--

8 MALE VOICE: That's not how am I doing?

9 That's I want, I want this person admitted,  
10 right? That's why I asked you who you--

11 MR. EPPLEY: [Interposing] Yeah, I think  
12 whoever, whoever the source of the inquiry is--I  
13 guess some of these sort of pass along to a  
14 couple of levels, you know. It might go from  
15 somebody to somebody else who knows me and sort  
16 of, you know, my cousin or my neighbor's kids  
17 got into - - and stuff. So I think you can take  
18 it on faith that nobody would make the inquiry,  
19 again, whatever inquiry means, unless they had  
20 an interest in that student being admitted.

21 MALE VOICE: That's--yeah, we can - -  
22 disguised what's really--what's going on. I've  
23 written letters of recommendation. But when I  
24 usually write a recommendation, I usually put  
25 consistent with your policies making it clear

1 that I didn't want anybody to get special favor.  
2 But you wanted special favors. It's not on your  
3 behalf because the Governor - - .

4 MR. EPPLEY: Well, I guess they rejected me.  
5 I wanted special favors.

6 MALE VOICE: You did--you knew the Governor  
7 was requesting special favors. And you were  
8 passing on the request.

9 MR. EPPLEY: Well, yeah, I--you know, again,  
10 it seems all so sensational now, and--

11 MALE VOICE: [Interposing] No, don't you  
12 think it had special influence, special color  
13 because you were Chair of the Board of Trustees?

14 MR. EPPLEY: Again, my personal experience  
15 was I had enough nose that sort of tempered my  
16 enthusiasm for the sake that I had any special  
17 powers of admission. And I want to be very  
18 clear. If I start to--if somebody has an  
19 inquiry, in my role, I knew I wasn't an  
20 admissions officer. I didn't want to get  
21 involved in admissions. So I didn't even want  
22 to really--you know, if I start screening who's  
23 inquiring this or not, I mean, this was the  
24 protocol. I mean, it wasn't something that was,  
25 frankly, at the time viewed as untoward. It's

1 only now that we're sort of seeing what--

2 MALE VOICE: [Interposing] You didn't see  
3 anything wrong with it at the time?

4 MR. EPPLEY: I had plenty--

5 [Crosstalk]

6 MR. EPPLEY: I had plenty--well, again, you  
7 know, believe it or not, these were very brief  
8 encounters, very brief encounters. It wasn't an  
9 essential part of what I was doing as a board  
10 member.

11 MALE VOICE: Do you think that the trustees  
12 should have anything to do with admissions?

13 MR. EPPLEY: If you were to ask me that  
14 almost probably at any moment, I would say no,  
15 and especially no now, I mean, especially now.

16 MALE VOICE: Why would it--why would the  
17 answer have been different before?

18 MR. EPPLEY: Well, I didn't say it would be  
19 different before. But it--the question you  
20 asked, should trustees have any involvement in  
21 admissions, you could've asked me that six years  
22 ago or eight years ago. I would've said no. I  
23 would've said no. But again, I don't feel like  
24 --you know, just from my standpoint I would get  
25 inquiries. The protocol was anybody, whatever

1 question they had, you send in--

2 MALE VOICE: [Interposing] I don't know what

3 that protocol means. What does that mean?

4 [Crosstalk]

5 MR. EPPLEY: I don't think it's written.

6 You know, the--

7 MALE VOICE: [Interposing] There was this

8 ancient--

9 MR. EPPLEY: The first time you get--the

10 first time somebody calls, says, hey, Larry, my

11 neighbor's kid, you know, whatever - - what does

12 that mean? You know, so then somebody called

13 me, some--

14 MALE VOICE: [Interposing] - - ?

15 MR. EPPLEY: Probably another colleague.

16 Probably the first time it comes up, I--

17 MALE VOICE: [Interposing] - - from another

18 trustee.

19 MR. EPPLEY: Yeah, what do you do when--

20 MALE VOICE: [Interposing] And that other

21 trustee says what?

22 MR. EPPLEY: Ask Richard or ask--you know,

23 that's what you do. You submit the name to

24 Richard. And then Dr. Richard or if it's

25 Chicago, you talk to the Chancellor there. Or

1 they would, you know, they could track it.

2 MALE VOICE: You don't have a lot of  
3 requests about getting people into Chicago,  
4 though, do you?

5 MR. EPPLEY: No.

6 MALE VOICE: No, most of the ones you're  
7 talking about is people getting into--

8 MR. EPPLEY: [Interposing] - - , yeah. You  
9 know, over the years, it's getting harder and  
10 harder. And again, committee may not want to  
11 hear this. But on the whole, I do want to say I  
12 think they--you know, putting this aside--and I  
13 know it's hard to put this aside - - really  
14 exceptional classes--

15 MALE VOICE: [Interposing] Well, I  
16 understand. We're talking about this.

17 MR. EPPLEY: I understand.

18 MALE VOICE: What did the other trustee say  
19 to you? Let's take a minute, explore what this  
20 protocol's about. So the first time an  
21 admissions request comes to from whoever, the  
22 Governor or whoever, so you go to a fellow  
23 trustee - - and you ask him what?

24 MR. EPPLEY: Somebody asks me about an  
25 admissions or asks me an admission question.

1 MALE VOICE: And do you--

2 MR. EPPLEY: [Interposing] And the answer -

3 - you're asking about something that probably

4 occurred six or seven years ago. But I think

5 the answer was ask Richard or give the name to

6 Richard, who I think was Provost at the time.

7 And you can check on it.

8 MALE VOICE: Did you think that all this was

9 was a tracking?

10 MR. EPPLEY: I didn't know what it was. And

11 you know, so again, this sounds silly to say now

12 given everything we're reading. But--

13 MALE VOICE: [Interposing] - - everything

14 you're reading. You're--you graduated from the

15 law school. You graduated with a master's

16 degree. You graduated with a bachelor's degree.

17 You knew people in various schools at the time,

18 didn't you?

19 MR. EPPLEY: No.

20 MALE VOICE: Your colleagues at the time.

21 MR. EPPLEY: Colleagues at the school?

22 MALE VOICE: Yeah.

23 MR. EPPLEY: Of course.

24 MALE VOICE: And you didn't know about the

25 fact that there was some kind of admissions

1 process going on?

2 MR. EPPLEY: - - .

3 MALE VOICE: Where'd you go to high school?

4 MR. EPPLEY: Dundee High School [phonetic],

5 very small, on the Fox River [phonetic].

6 MALE VOICE: When you were in law school,

7 you didn't hear about other kids who may have

8 gotten in through some kind of call?

9 MR. EPPLEY: No.

10 MALE VOICE: Never?

11 MR. EPPLEY: To be honest, I didn't hang out

12 at the law school much - - I lived in an

13 apartment. I was happy to get away from the law

14 school - - anxiety that sort of hung over law

15 school - - .

16 MALE VOICE: So let's get back. I don't

17 want to go too far back since you don't seem to

18 remember that much about those law school days.

19 When you were on the Board of Trustees, the

20 first request comes up from somebody who wants

21 help getting somebody into the law school or

22 into the university. And you think you would've

23 asked a fellow trustee what's the protocol.

24 MR. EPPLEY: If somebody asks this question,

25 what, you know, what do you do? And so I

1 believe the answer was, you know, you submit the  
2 name and Social Security number and check on it.  
3 I do want to say because I think one of the  
4 things that--  
5 MALE VOICE: [Interposing] And at that time,  
6 you thought it was a purely benign thing?  
7 MR. EPPLEY: Well, you know, again, I don't,  
8 I don't think I had such great powers of  
9 persuasion, you know, because I had plenty of  
10 occasions where the answer was just no or advice  
11 was given. One that Mr. Chung and I discussed  
12 was, you know, somebody who actually knew, you  
13 know, a child of a friend of mine, a pretty good  
14 friend of mine. And the email I got back--and  
15 by the way, there wasn't always follow up, you  
16 know, either--there just wasn't follow up. Or I  
17 wasn't very good at follow up. But in this  
18 particular case, this one example where there  
19 actually was some follow up beyond the initial  
20 inquiry, and the recommendation was the student  
21 had good test scores but maybe, you know, all  
22 things considered would be better off doing the  
23 one year at Parkland [phonetic] route. The  
24 university has a thing where you go to Parkland  
25 for a year. Then they transfer you in after

1 that. So that was about as, you know, about as  
2 detailed as I got. And the answer on that one  
3 was no.

4 MALE VOICE: I guess I'm having a little bit  
5 of trouble understanding how you as a trustee  
6 could be that naive to think that they're really  
7 asking directions on how to get to the  
8 admissions office.

9 MR. EPPLEY: So I don't want to pretend  
10 being naive. But I also don't want to suggest  
11 to you that these encounters were very deep or  
12 long or lasting or - - .

13 FEMALE VOICE: But that's part of the  
14 problem. But that's part of the problem is that  
15 you're pushing for the admission of students you  
16 know nothing about.

17 MR. EPPLEY: Well, yeah, I mean, the answer  
18 is know nothing about but, you know, if, again,  
19 I start filtering then all of a sudden I don't  
20 know who they're going to, right? I mean,  
21 somebody writes me an email glowing about their  
22 friend or their friend's child, whatever it is.  
23 What business is it of mine? Well, I read your  
24 letter. I don't think you're a good candidate.  
25 The admission--

1 MALE VOICE: [Interposing] Why is it so - -  
2 now that the trustees shouldn't be in this  
3 business [coughing]?

4 MR. EPPLEY: Well, a couple things. One,  
5 this--I agree with you, judge. You know,  
6 calling it an inquiry, I struggle with the word,  
7 but that's the word that sort of gets you. This  
8 system is a--once a name, let's call it VIP  
9 name, so it's a board member. It's the  
10 Governor's office. It's the Speaker of the  
11 House. It's a big donor. It's somebody who  
12 used to play in football. Once a name gets  
13 attached to it, you now sort of created a  
14 situation, especially in undergraduate  
15 admissions in Urbana where they say no letters  
16 of recommendation. Now you've just created sort  
17 of this underground recommendation system.  
18 So it's obviously - - I shouldn't say  
19 obviously. I shouldn't make conclusions like  
20 that. But it would appear that that is giving  
21 students who have that attachment, who have that  
22 VIP attached a leg up. And other students are  
23 not getting the opportunity to have their own  
24 letter of recommendation. So the answer is, you  
25 know, you've got to change that, you know. You

1 level the playing field.  
2 So either you say absolutely no inquiries.  
3 And maybe that's not the answer because maybe  
4 there are mistakes. I don't know. Maybe there  
5 are special considerations. You know, this goes  
6 back, as you know, to sort of the bocky  
7 [phonetic] days where special consideration is  
8 part of the admissions process. It's embedded  
9 in - - .  
10 But you know, so maybe the answer is  
11 everybody gets to do letters of recommendation.  
12 Right now, they don't accept them. Maybe they  
13 should accept them. And from a manpower  
14 standpoint, you know, maybe they can't manage  
15 that. But I would imagine--I mean, this is  
16 just--I could imagine the scenario where now  
17 you've got--take last year. You've got 23,000  
18 applications. And what, 70% of them are going  
19 to get offers of admission, right?  
20 So maybe the top, you know, scores - - the  
21 first--the top - - it maybe is pretty clear that  
22 the bottom, they're not it. So now you've got  
23 the vast middle where there's going to be some  
24 considerations given that's going to allow some  
25 student in or not, right? Maybe they don't want

1 too many kids from - - . So some kids from - -  
2 are not going to get - - . Whatever it is that  
3 they decide. But presumably, then they whittle  
4 that vast middle down even further. So maybe at  
5 that point, you'd say, okay, now let's look at  
6 the recommendation letters.

7 Let's give everybody the opportunity. I  
8 mean, I agree with you. I mean, but this--it  
9 seems incredibly naive. I don't want to deny  
10 that. But I'm not sure we see the scale or the  
11 scope of it until, you know, it's all been laid  
12 out in front of us. I mean, it does look like  
13 it gives kids a leg up.

14 FEMALE VOICE: It does give kids a leg up.

15 I mean, this whole system--

16 MR. EPPLEY: [Interposing] I agree.

17 FEMALE VOICE: It's not just about  
18 admissions. I mean, there's a series of emails.  
19 And I'm sure you--maybe you recall them where  
20 there was a student who was denied at Urbana and  
21 wanted to then try UIC but had missed the  
22 deadline. And you were trying to fix that. It  
23 wasn't just admissions. You were just trying to  
24 fix it for everybody. And this, and this--you  
25 don't have a sense of your power or your

1 responsibility. But--

2 MR. EPPLEY: [Interposing] I sense that  
3 people were attentive to--or if I asked a  
4 question, people were attentive to that. And I  
5 think in that case, that parent was referred to  
6 the admissions office at UIC. And I pretty  
7 much--they took care of it.

8 MALE VOICE: Did you ever try--

9 MR. EPPLEY: [Interposing] That's a good - -  
10 for that student. I mean, at the end of the  
11 day, that student, you know, was able to get  
12 into school.

13 MALE VOICE: - - for all the students to get  
14 in - - for all the students that don't get in  
15 because they didn't have anybody pushing for  
16 them.

17 MR. EPPLEY: Well, yeah, and yeah.

18 MALE VOICE: Equally--

19 MR. EPPLEY: [Interposing] If in fact it's a  
20 zero-sum game, and I'm not sure in all cases - -  
21 . But I don't want to disagree with what  
22 you're saying.

23 MALE VOICE: Did you have any occasion to  
24 try to help somebody get into special--into  
25 classes, were hard to get into because they were

1 full?

2 MR. EPPLEY: I couldn't get in myself. I

3 couldn't get into--

4 [Crosstalk]

5 MALE VOICE: Did you ever try to influence a  
6 college dean or the admissions office to admit  
7 somebody to classes they were otherwise - - ?

8 MR. EPPLEY: No.

9 MALE VOICE: Do you think that would be an  
10 appropriate thing for trustees to do?

11 MR. EPPLEY: No. I would want to speculate  
12 on the circumstances.

13 MALE VOICE: What circumstances?

14 MR. EPPLEY: Well, again, you know, I--a  
15 student--again, I don't know--if a student I  
16 tried to get into [coughing] you wanted - - and  
17 the rule was once they were full, they were  
18 full. I was a third-year law student. I  
19 believe that when I was a student I had a very  
20 unlucky Social Security number because I never  
21 seemed to get any classes I wanted to get. And  
22 I asked the professors or the dean, actually - -  
23 . So if the answer is you can't, then maybe -  
24 - .

25 MALE VOICE: But if a trustee who knows

1 nothing about the system that decides who gets  
2 in and who doesn't, if there's nothing to  
3 indicate that there was any undue - - should a  
4 trustee ever get involved in deciding which kid  
5 gets--

6 [END TAPE PART 1]

7 [START TAPE 2]

8 MALE VOICE: --jumped over other kids. Did  
9 you try - -

10 MR. EPPLEY: - - .

11 MALE VOICE: You don't know if--that never  
12 happened -you were never involved?

13 MR. EPPLEY: I've, you know I've looked at,  
14 you know, the stuff that involves me or the  
15 stuff that involves - - I have not looked at the  
16 entire 5,000 pages.

17 FEMALE VOICE: I have a couple of questions  
18 - -. You said the child - - did not get in. Is  
19 that correct?

20 MR. EPPLEY: Um-hum.

21 FEMALE VOICE: What about the child - - did  
22 that child get in?

23 MR. EPPLEY: That child I believe did get  
24 in.

25 FEMALE VOICE: Okay, and what -can you tell

1 me who the - - was? Was it a current Board  
2 member?

3 MR. EPPLEY: - -

4 MALE VOICE: I think is Commissioner - -  
5 [crosstalk]

6 FEMALE VOICE: Have you had the opportunity  
7 to go through the ethics training of the Office  
8 of Executive Inspector General for the Agency?  
9 - -

10 MR. EPPLEY: Um-hum.

11 FEMALE VOICE: And have you signed this  
12 document?

13 MR. EPPLEY: - -

14 FEMALE VOICE: Okay. In that document I'd  
15 like to read two sentences from that document.  
16 It says a conflict of interest occurs when the  
17 interests of an appointee - - an appointee's  
18 friend, relative or business associate come into  
19 conflict with the interests of the State. This  
20 might occur for example in a decision or  
21 recommendation an appointee makes either affects  
22 or is affected by his preferred personal  
23 interests or those of family members, friends or  
24 business associates. Now, given this document  
25 that you signed off on, don't you see--can you

1 tell me if you believe that you violated this  
2 Ethics Act by promoting the interests of a  
3 friend, business associate - - and facilitated a  
4 violation by advocating for the child of a  
5 fellow worker?

6 MR. EPPLEY: Two things, one, I don't agree  
7 that these have been violated. In terms of a  
8 letter of recommendation that's an open process  
9 invited by law school or a special school so I  
10 think that's just an established part of - -  
11 writing recommendation - -.

12 FEMALE VOICE: Well, again, - - we're not  
13 talking about here we're talking about the  
14 informal - -.

15 MR. EPPLEY: Right, and again what I've said  
16 it, um, through this process, this inquiry  
17 process, I don't think, you know, I've ever  
18 advocated or tried to influence the admission  
19 decision solely on the basis of the inquiry.

20 FEMALE VOICE: So, you don't think you were  
21 motivated by personal interest toward the  
22 friend, business associate, family member?

23 MR. EPPLEY: Uh, I was just motivated, um,  
24 to, um, to not be the filter on the inquiry. If  
25 somebody had a question whatever it was about

1 admissions or to explain about admissions I  
2 referred them to the appropriate office and I  
3 communicated - -. I get questions all the time  
4 as you might imagine, all kinds of questions.  
5 FEMALE VOICE: Well, you know, I mean that's  
6 - - you passed along Lee's request without  
7 thinking about whether it was ethical or whether  
8 in violation of the Ethics Act. Did you think  
9 that you're the one, I mean, you're the  
10 chairman, you're the leader of the whole  
11 organization. What did you do when someone  
12 wanted a contract? Did you pass those along - -  
13 .  
14 MR. EPPLEY: Ma'am, I, uh, take offense to  
15 that. I was never involved in contract - -.  
16 FEMALE VOICE: But why do you differentiate,  
17 and I mean it respectfully, and I didn't mean to  
18 be disrespectful, but where do you cross the  
19 line?  
20 MR. EPPLEY: Um, advocacy and not advocacy.  
21 I mean, I would, I, um, when I was asked to give  
22 a letter of recommendation I gave a letter of  
23 recommendation. That is me saying I think this  
24 is a capable student, you can judge his worth I  
25 guess within your policy I've written my letters

1 but they're, you know, benign in that respect  
2 I'm just telling them what I know about that  
3 particular candidate. Um, the other thing I  
4 think we're, and I think, I hope you see from my  
5 emails, um, very little editorial comments - - I  
6 say I know this family, or you know, I know the  
7 father, but, you know, even that is rare.

8 FEMALE VOICE: All right, what's the  
9 difference between that and saying I know this  
10 contractor or this contractor's a really good  
11 contractor he'll bring a lot of value to the  
12 university? I just don't understand it.

13 MR. EPPLEY: The difference is I wasn't  
14 advocating at that particular - -. For instance  
15 in the two that I just described I think they  
16 were emails from the parents saying in glowing  
17 terms what they thought of their child. It  
18 wasn't any of my business to say yay or nay. I  
19 forwarded it on, very seldom with any editorial  
20 comments. This is for the admissions office, or  
21 the admissions process to decide. That's - -.

22 FEMALE VOICE: Did it ever cross your mind  
23 that maybe you should refer this issue back to  
24 the parents and say go through the admissions  
25 office?

1 MR. EPPLEY: Uh--

2 FEMALE VOICE: [Interposing] Why did you  
3 think it was your role to pass on their  
4 questions.

5 MR. EPPLEY: I just think, frankly, I would  
6 like that to, you know--would be a very  
7 acceptable answer. You know, when you're trying  
8 to describe it, you know, we're talking about  
9 admission and we're all - -. But when you are  
10 board members, when you're chairmen, um, it's  
11 hard to describe the number of, and the weird  
12 kind of - - questions you get. I mean this  
13 really was not a big part of, you know, they're  
14 daily life - -. I would jokingly say the most  
15 common question I get as a member of the board  
16 is we're going to the game on Saturday where  
17 should we eat? You know, it's stuff like that,  
18 it's not□

19 [crosstalk].

20 [laughter].

21 MR. EPPLEY: - - I was sitting at my desk  
22 one night, 7:00 or 8:00 and a friend called, he  
23 was asking me about how do you use the online  
24 tuition - -. You get a lot of that and then you  
25 get a lot of questions that are good questions

1 to be answered by the campus and the campus is  
2 doing a great job with it. Do they answer my  
3 questions quicker than they might answer a  
4 question, you know, from a man on the street,  
5 maybe they do. You know, um, but, um, you know,  
6 I don't really--

7 FEMALE VOICE: [Interposing] You said in  
8 your interview that, uh, you did not think - -  
9 training or strong orientation program when you  
10 became trustee, is that correct?

11 MR. EPPLEY: I had mentor.

12 FEMALE VOICE: You did? But did you go  
13 through three-day ethics training or  
14 administrative orientation?

15 MR. EPPLEY: Once we had an ethics training,  
16 we went through ethics training. Um, the, um,  
17 when I joined the board and sat down with, um,  
18 am colleague who was my designated mentor and  
19 sort of go through board practices, you know,  
20 all the board meetings were--

21 FEMALE VOICE: [Interposing] and who was  
22 your designated mentor?

23 MR. EPPLEY: Pinchman.

24 FEMALE VOICE: And did he talk to you about  
25 - - ?

1 MR. EPPLEY: No.

2 FEMALE VOICE: Did he talk about special  
3 admins or requests from the governor's office?

4 MR. EPPLEY: I don't think a lot of us knew  
5 about Camp Meyers.

6 FEMALE VOICE: As a lawyer did it ever cross  
7 your mind that maybe the board should have a  
8 code of ethics addressing - -?

9 MR. EPPLEY: Outside of the ethics training?  
10 You know we were--

11 FEMALE VOICE: [Interposing] Right, should  
12 the university have its own code of ethics apply  
13 to university conduct as applicable to  
14 university--

15 MR. EPPLEY: [Interposing] I think I fact  
16 our ethics office has created the ethics program  
17 for all the public universities - -.

18 FEMALE VOICE: Okay, because we've heard  
19 over and over that there really isn't a code of  
20 conduct specific to the university.

21 MR. EPPLEY: Um, you know, I don't--I can  
22 check on that, um, but again, my understanding  
23 is, um, and with the support of the board, the  
24 um, we have a pretty robust ethics office,  
25 pretty robust, internal auditing office. And,

1 um, our I think maybe when I was still chairman  
2 we saluted our ethics officer who was voted the  
3 ethics officer of the year or some other such  
4 award which she very justly deserved. Um, and  
5 also found out that, uh, the uh, state had asked  
6 our ethics officer to develop a new program for  
7 their offices.

8 MALE VOICE: Okay.

9 FEMALE VOICE: Thank you.

10 MALE VOICE: Mr. Eppley, uh, in early 2003  
11 when you were elected chair for Tech East and  
12 that happened at a particular meeting, uh, in  
13 early 2002, correct?

14 MR. EPPLEY: - -.

15 MALE VOICE: When you walked into that  
16 meeting you understood that you were going to be  
17 named chair of the board of trustees, correct?

18 MR. EPPLEY: It was my understanding that,  
19 uh, I was going to be the only nominee.

20 MALE VOICE: Okay. And you had understood  
21 that because you had spoken with members of the  
22 Blagojevich administration who had advised you  
23 that the governor wanted you to be the chair of  
24 the board, correct?

25 MR. EPPLEY: Uh, whether he particularly did

1 or not but, yep. - - yeah.

2 MALE VOICE: And, uh, the person that you,  
3 um, understood to be next in line that you were  
4 in effect replacing was Ken Schmidt?

5 MR. EPPLEY: Um-hum.

6 MALE VOICE: And you --

7 [crosstalk]

8 MR. EPPLEY: - - I'll say the answer to  
9 that, yes, displacing, I'm not sure I'd use that  
10 word but--

11 MALE VOICE: [Interposing] - - he was the  
12 presumptive candidate that next in line if you  
13 were to leave that term - -.

14 MR. EPPLEY: Um, I described him as a  
15 presumptive candidate so those would be my  
16 words. I don't think that's, you know, again, I  
17 don't think there's actually officially - - .

18 MALE VOICE: At the point the meeting  
19 started you had a conversation with, uh, Dr.  
20 Schmidt about the fact that you were going to be  
21 named, uh, chair of the board, correct?

22 MR. EPPLEY: Uh, I told Ken about the same  
23 thing that I just told the Commission.

24 MALE VOICE: And later that day did you have  
25 a conversation about, um, anyone else in the

1 administration with Mr.--with Dr. Schmidt?

2 MR. EPPLEY: - -

3 MALE VOICE: Uh, who is John Wyma? Is that  
4 someone you know?

5 MR. EPPLEY: John Wyma, um, he was with the  
6 governor's staff either as governor or as - - or  
7 something like that.

8 MALE VOICE: Did you understand him to be a  
9 lobbyist as a - - for 2003?

10 MR. EPPLEY: I don't know, I wouldn't know  
11 what his position was. - -.

12 MALE VOICE: Do you understand that he was  
13 ever at any point in time a lobbyist?

14 MR. EPPLEY: Uh, I think that's what he does  
15 now. But the answer is yes I guess I, you know,  
16 - - . I don't think he works for the President  
17 - - governor.

18 MALE VOICE: Do you recall ever having had a  
19 conversation with any fellow trustee about Mr.  
20 Wyma?

21 MR. EPPLEY: About what? I'm not sure.

22 MALE VOICE: Any - -

23 [crosstalk]

24 MALE VOICE: - - ever raising the name John  
25 Wyma in a conversation with another trustee?

1 MR. EPPLEY: Could have.

2 MALE VOICE: And if you did, what would the  
3 context have been?

4 MR. EPPLEY: You're asking me--I don't have  
5 specific recollection of a conversation. Could  
6 I have had a conversation with a trustee about  
7 John Wyma, I certainly could.

8 MALE VOICE: Do you recall ever having a  
9 conversation with another trustee about giving  
10 something to Mr. Wyma?

11 MR. EPPLEY: - -

12 MALE VOICE: Doing something for Mr. Wyma?

13 MR. EPPLEY: I don't think so, I mean I am  
14 not sure as to what the question is but - -  
15 again I mentioned a recollection and do I know  
16 John Wyma, yes, I know John Wyma. I don't know  
17 him well. Uh, I do know that he was again I  
18 believe maybe worked for Blagojevich - -  
19 congressman. - -

20 MALE VOICE: Do you recall ever having a  
21 conversation with Dr. Schmidt about Mr. Wyma?

22 MR. EPPLEY: Uh, I don't have a specific  
23 recollection of a conversation with Pinchman  
24 about John Wyma but again anything's possible.

25 MALE VOICE: Do you ever recall any

1 conversation with Dr. Schmidt about doing  
2 something for Mr. Wyma or giving something to  
3 Mr. Wyma?

4 MR. EPPLEY: I don't have a specific  
5 recollection but, uh, - - .

6 MALE VOICE: I'm sorry?

7 MR. EPPLEY: I don't have a specific  
8 recollection.

9 MALE VOICE: How long have you served as  
10 board chairman?

11 MR. EPPLEY: Uh, I was board chair for six  
12 years.

13 MALE VOICE: And is that longer than a  
14 typical tenure as board chair?

15 MR. EPPLEY: - - I believe, again I'm not  
16 fully versed in university lore but I think  
17 there's a guy named Park Livingston that might  
18 have been chairman a bit longer - - went over  
19 two different terms.

20 MALE VOICE: Is there--is there a - - that's  
21 been developed with regard to how long, in your  
22 opinion, how long, um, a person typically sits  
23 in a position of chair?

24 MR. EPPLEY: Again, um, this is speculation  
25 because I've only been on the board for eight

1 years. And my experience, uh, you know, um,  
2 board member two years, chairman six years, now  
3 board member. Um, but if there is it's two then  
4 the next - - two. You serve two one-year terms.  
5 MALE VOICE: One-year term?  
6 MR. EPPLEY: Two one year--it's a one-year  
7 term. Um, can, if I might, in terms of  
8 commenting on that, um, the board, um, sort of  
9 as a unit tried to develop as much stability as  
10 we could so that the administration, the  
11 president and the chancellors, wouldn't have to  
12 sort of retrain board members, you know, every  
13 two years. It's hard--you ever see the this  
14 humungous organization - - it's hard to tell  
15 from what you read about it and the size of the  
16 budget. But the scale and the scope of the  
17 university is a lot of work for a nine-member  
18 lay board. And, um, when you rotate committee  
19 chairs with a lot of frequency, you lose a lot  
20 of continuity. And, you know, we're in the  
21 midst of a lot of a lot of strategic planning  
22 issues and I think the board as a unit felt more  
23 comfortable providing stability so that's one  
24 reason why we didn't move committee chairs like  
25 they may have been in the past. And I don't

1 have--I don't have any experience with any prior  
2 boards so I really can't comment on what--how  
3 they used to do it. Uh, but we've had people in  
4 their committee chairs, you know, to provide  
5 some stability. So, for instance, in hospital  
6 clinics we have a hospital committee, um, you  
7 know, the same person has been in that committee  
8 chairmanship for a six years, maybe longer but  
9 that helps the people in the hospital because  
10 they know they don't have to re-explain sort of  
11 all the issues the terminology it's, uh, we--I  
12 view that as a benefit .

13 MALE VOICE: You were appointed to the board  
14 and you were put in your position by the  
15 administration , correct?

16 MR. EPPLEY: I was elected by the board.

17 MALE VOICE: Right but you were elected at  
18 the request of the administration--

19 MR. EPPLEY: [Interposing] Only the first  
20 year, I can't speak to the following year.

21 MALE VOICE: All right, sir, but my question  
22 is what's your understanding of why it is you  
23 continued to serve consecutive terms as chairman  
24 of the board?

25 MR. EPPLEY: It was because I did a good

1 job.

2 MALE VOICE 2: Did you still continue to  
3 have conversations with--Lon Monk wasn't there  
4 that - -.

5 MR. EPPLEY: You know that's--it might have  
6 been--

7 MALE VOICE: [Interposing] Did you still  
8 want to do it? Were you still willing to do it?

9 MR. EPPLEY: Um, you know, --

10 MALE VOICE 2: [Interposing] Were there  
11 still conversations with Mr. Monk?

12 MR. EPPLEY: Um, - - was chief of staff at  
13 the time. And I have no specific recollection  
14 of that. But, you know, it was probably more in  
15 the nature of are you still wanting to a lot of  
16 work.

17 MALE VOICE: How would you characterize the  
18 nature and extent of your involvement with  
19 members of the Blagojevich administration  
20 compared to the involvement of your fellow  
21 trustee?

22 MR. EPPLEY: Uh, I could compare, um, mine  
23 was in the nature of, um, you know, here's  
24 what's going on, here's uh, you know, we - -  
25 tuition next month and we're going to do this,

1 you know, that kind of stuff. Just some heads-  
2 up kind of issues. Again, the governor is a  
3 member of our board. Um, so to ignore a member  
4 of the board wouldn't be good practice. But,  
5 um, it was--it was in the nature of that. You  
6 know, the last year, uh, we had some discussions  
7 about, uh, ways to improve the delivery of  
8 healthcare on the west side. So, you know, we  
9 had conversations with, um, some of their policy  
10 people about, you know, what can you do, uh, to  
11 help serve, um, serve a very needy population on  
12 the west side. We have a big medical center  
13 operation out there. - - is out there, County  
14 is out there, um, so we, you know, we talked  
15 strategy about, you know, is there a better way  
16 to deliver healthcare given the - - resources,  
17 you know, to be, you know, do more with less,  
18 all kinds of discussions, but you know, that's--  
19 that's one example but that was generally the  
20 nature of the conversations we would have.

21 MALE VOICE: My question's more about - -  
22 Harrison. Were you in a position to understand  
23 whether your fellow board members were having as  
24 much and as regular contact with members of the  
25 administration as you were having?

1 MR. EPPLEY: Uh, I don't know. I don't  
2 have--I wasn't - -.

3 MALE VOICE: Well, how much contact were you  
4 having, I don't know that we need the details  
5 about a specific types of meetings, but can you  
6 estimate on a monthly, weekly or annual basis,  
7 how much contact were you having with members of  
8 the administration?

9 MR. EPPLEY: Yeah, I don't know if I could  
10 estimate because I could either be way short or  
11 way long. Um, it was, uh, it was appropriate  
12 enough to keep them informed of what we were  
13 doing.

14 MALE VOICE 2: Did the governor's office  
15 ever ask you about personnel decisions?

16 MR. EPPLEY: Nope.

17 MALE VOICE 2: Did the governor's office  
18 ever ask you about contract information?

19 MR. EPPLEY: No.

20 MALE VOICE 2: Not even when budget  
21 discussions were being held?

22 MR. EPPLEY: No. And I, um, I've heard a  
23 question like that, uh, in the past as well.

24 Um, and I do want to say, and I understand why  
25 were' here, and it's admissions and, you know,

1 the prior administration, you know, their  
2 everyday associated with them know creates quite  
3 a sensation. Um, I would have encouraged  
4 anybody in the commission or anybody as a public  
5 member in the general public to come to our  
6 board meetings, um, and if you don't mind Judge,  
7 I would like to just use this as an example  
8 because I think it--I think it's full of irony  
9 because it shows that what people think is true,  
10 the opposite is the case. When I started on the  
11 board, um, so 2001, whatever it was, um, we  
12 would at the end of the board meeting we would  
13 pass our agenda items, right? And that's one of  
14 the reasons the board shows up is to pass what  
15 has to be passed because certain things have to  
16 be adopted by the board in order for, um, the  
17 business of the university to be conducted. So,  
18 we would get and I'm going to close this to give  
19 you an illustration. We would get--the board--  
20 the agenda - - this thick, I'm showing or 3  
21 inches more, right? That is what we were  
22 supposed to pass. And, um, we would have the  
23 agenda for the day, you know, from 9:00 to 10:00  
24 we do this, you know, there was about, I don't  
25 know five, ten, 15 minutes on the agenda, on the

1 schedule, excuse me where we would take  
2 questions and answers about agenda items, right?  
3 Nothing presented, just questions and answers.  
4 So you were the board member, you know, he  
5 obviously reads, prepares and sees what's going  
6 on but nothing was presented, nothing was--  
7 unless somebody had a question. And then maybe  
8 nobody had a question. Maybe there were five  
9 questions about four of the agenda items and  
10 that was it, ignoring the other four or whatever  
11 was in the stack, right? And then at the end of  
12 the meeting, you know, half of those items were  
13 - - you know, the other half were roll called,  
14 and that was it. That was the meeting. Then I  
15 thought, when I became chair I thought this is,  
16 I'm just not used to this. I'm not used to  
17 acting, you know, uh, adopting resolutions. It  
18 doesn't look very, like we're very engaged. It  
19 doesn't serve the public. The public's entitled  
20 to know what we're doing. So, we went to the  
21 style we have now which is every agenda item is  
22 presented individually or a group if they happen  
23 to be related. - - university officer presents  
24 the item, requires them actually to be prepared  
25 because I can assure you there were times when

1 questions were asked and there wasn't anybody in  
2 the room who could answer them. It was  
3 embarrassing. So that's the protocol we went to  
4 and that includes contract issuance. Toward the  
5 end of the presentation and I think at this  
6 point people fall asleep but you know 20 or 30,  
7 you know, divisions of contracts, you know we're  
8 subject to German Law so, you know, we might bid  
9 every component separately. But there it is.  
10 Everybody could see it. It's presented  
11 everybody knows who the contractors are.  
12 Everybody knows who the winning bid is.  
13 Everybody can ask a question about it. So, you  
14 know, the level of disclosure and transparency  
15 we have now is 20-times what we had when I  
16 started on the board. Everybody wants to know  
17 how the board operates, all you've got to do is  
18 come to a board meeting and see the discussion.  
19 Everybody's laid out - everything's laid out in the  
20 open. Um, so it  
21 MALE VOICE: Um  
22 MR. EPPLEY: I'm sorry for going on.  
23 MALE VOICE 2: The - - if any trustee had  
24 any conversations with the governor's office  
25 about contracts or personnel?

1 MR. EPPLEY: I wouldn't know the  
2 circumstances for that. I know how the, you  
3 know□

4 MALE VOICE 2: [Interposing] Would it be  
5 aberrational or would it be protocol?

6 MR. EPPLEY: I guess aberrational as you  
7 describe it but, um, you know, our protocol is  
8 pretty rigorous. I--Judge, I'm sorry, just, you  
9 know, the--

10 MALE VOICE 2: [Interposing] I'm not asking  
11 you if anybody - - trustees. I just want to  
12 know you just described the process that sounds  
13 very, uh, open and very, uh, informed, and  
14 that's great. But as you know, being a lawyer -  
15 - ever been involved in politics what it says in  
16 the book and what people are going to do or  
17 going to say so that's why I asked you would it  
18 be aberrational or protocol if there were some  
19 conversations on the side? You're saying it  
20 would be aberrational?

21 MR. EPPLEY: Yeah, I guess - - limited - -.

22 MALE VOICE: Mr. Eppley, um, you received,  
23 uh, applicants from three sources and you return  
24 provided those applicants two people from the  
25 university whose resources were social

1 acquaintances, business acquaintances and public  
2 officials, is that fair?

3 MR. EPPLEY: Um, I would add a four  
4 sometimes, somewhat random, I'm not sure I would  
5 know who they were.

6 MALE VOICE: The four categories of persons  
7 who would come to you with applicant's and you  
8 in return would provide them - - on an annual  
9 basis if you can estimate how many total  
10 applicant's did you deal with.

11 MR. EPPLEY: Again, uh, I've, uh, estimated  
12 this and I'm either guessing high or low but I  
13 would say five to ten. Um, when I say five to  
14 ten some years it might be four - -. I just,  
15 um, recollection, you know some years are higher  
16 than others.

17 MALE VOICE: And what period of time are we  
18 talking about? It is 2003 through 2009, 2008?

19 MR. EPPLEY: Um, again, speculating, since I  
20 joined the board in '01 I'm guessing I missed  
21 the recruiting season then or the admission  
22 season then so I might have gotten them as early  
23 as 2002. Um, I got them, um, last, in '08  
24 obviously.

25 MALE VOICE: And on an average basis how

1 many of these applicant's were originated from  
2 the governor's office?

3 MR. EPPLEY: So, um□

4 MALE VOICE: Half or less?

5 MR. EPPLEY: Again that number sounds very  
6 true. Again, I didn't keep track. So, I didn't  
7 you know, keep my own list so I can't really□

8 MALE VOICE: Possibly half but maybe less  
9 than half?

10 MR. EPPLEY: Yes, I just - -.

11 MALE VOICE: - - the typical process or  
12 protocol that you followed when you received  
13 information and then passed them on to members  
14 of the university administration?

15 MR. EPPLEY: Yeah, uh, probably not as  
16 established as what you call a protocol but I  
17 have a recollection of one year I might have  
18 batched them. You know, sort of waited until I  
19 got a handful before I, uh, gave the list to  
20 Richard. Um, but, you know, I think there were  
21 times when there was email inquiries if you  
22 will, you know, and a letter from the parent and  
23 a nice note - - probably just forward it right  
24 at the time.

25 MALE VOICE: And in terms of specific

1 individuals connected to his gubernatorial  
2 administration Chris Kelly from time to time  
3 provided you with names to provide to the  
4 administration?

5 MR. EPPLEY: Um, I got some - - from Chris.

6 MALE VOICE: And Lon Monk?

7 MR. EPPLEY: And Lon Monk.

8 MALE VOICE: And ultimately John Harris as  
9 well?

10 MR. EPPLEY: Yes.

11 MALE VOICE: Any other individuals that you  
12 understood to be part of the Blagojevich  
13 administration?

14 MR. EPPLEY: Um, not that I recall. - - .

15 MALE VOICE: Any state legislators provide  
16 names to you? Say yes or no.

17 MR. EPPLEY: Yes, I'm sorry - -.

18 MALE VOICE: Was Chris Kelly a member of the  
19 administration when you got these requests?

20 MR. EPPLEY: I don't believe so.

21 MALE VOICE: Pardon?

22 MR. EPPLEY: I don't believe so.

23 MALE VOICE: But you said that he was, you  
24 just said that you got them from people like  
25 Chris Kelly, from the administration.

1 MR. EPPLEY: Yeah, I think he asked - -  
2 Chris Kelly when asked about the administration  
3 - -.

4 MALE VOICE 4: So you're not--you got ones  
5 from Chris Kelly that weren't part of the  
6 administration.

7 MR. EPPLEY: Right.

8 MALE VOICE 4: How many of those did you get  
9 a year?

10 MR. EPPLEY: Well--I'm sorry in terms of  
11 that math I would count that so maybe I should.  
12 You know, the math that Mr. - - asked me to do I  
13 would include that I guess I should have  
14 anticipated that's how - - so that would be - -  
15 .

16 MALE VOICE 2: How many of those would be  
17 directed to inquiries about the law school?

18 MR. EPPLEY: Um, I think there were--I tried  
19 to that was the most recent batch, um, I did  
20 four recommendation letters, um, there was an  
21 inquiry, um, when African-American students from  
22 a guy I've gone fishing with, that's the ones  
23 you see where I cite, you know, the - - guy - -  
24 . Um, I should - - say that we're talking  
25 about the inquiry system, but there is a later

1 email from the Law School - -. That was the  
2 extent of that one and then there were to my  
3 recollection is there were two just sort of  
4 general inquiries or what we're calling  
5 inquiries.

6 MALE VOICE: Any to the medical school?

7 MR. EPPLEY: Um, I think there was, uh, one  
8 or two, both rejects. Um, and I'm basing this  
9 mostly on what I've seen, um, from the emails  
10 not recollection, but one was a, uh, reject, - -  
11 and the other one was sort of a soft no, uh, on  
12 my mom's side of the family called it an Irish  
13 no

14 MALE VOICE: - - you emailed it right  
15 specifically to the Law School and another  
16 school - -.

17 MR. EPPLEY: Of what you gave me, yes.

18 MALE VOICE: All right. Could you turn to  
19 the two-page document that I've marked Exhibit 1  
20 that has the Page Numbers 336 and 337?

21 MR. EPPLEY: Got it.

22 MALE VOICE: Could you look at the second  
23 page of that exhibit and take a second to  
24 review, um, what I believe to be an email that  
25 was forwarded to you by an acquaintance.

1 MR. EPPLEY: Yeah, this is the one I just  
2 talked about.

3 MALE VOICE: Who is the acquaintance?

4 MR. EPPLEY: Um, --

5 MALE VOICE: [Interposing] Maybe not the  
6 name but is this acquaintance a social  
7 acquaintance--

8 MR. EPPLEY: This is the one I just talked  
9 about.

10 MALE VOICE: Okay.

11 MR. EPPLEY: This is the, uh, African-  
12 American student whose father I'd gone fishing  
13 with. And - - I don't know the top one, um, I  
14 guess - - , you know, this is my email Mr. So  
15 and So has called the guy said - - that's the  
16 forwarding email, um, it's not included in this.  
17 But there is another one I think that you showed  
18 me that last time or somebody showed me. This  
19 is a candidate--there's an email, you know, - -  
20 said, you know, we love this guy.

21 MALE VOICE: - - in summary is if fair to  
22 say that the applicant involved here the son of  
23 an acquaintance of yours is applying to the Law  
24 School?

25 MR. EPPLEY: It looks like it.

1 MALE VOICE: All right. And the person had  
2 applied to the University of Illinois was wait-  
3 listed and had already been accepted at some  
4 other institutions? - -.

5 MR. EPPLEY: You asked me to read it and I  
6 said I didn't read it--

7 MALE VOICE: Okay--

8 MR. EPPLEY: I looked at it enough to  
9 recognize it. You want me to read it?

10 MALE VOICE: I want, yes, I was actually  
11 going to direct you to a specific sentence or  
12 two, um, but you need to familiarize yourself  
13 with the document - -.

14 MR. EPPLEY: - -.

15 MALE VOICE: Okay, in the middle of the  
16 first paragraph there's an indication that the  
17 candidate is wait-listed, the Dean - - stated  
18 that he was optimistic and anticipated an  
19 opening might be available in May. And at the  
20 very end of that email, um, there's a plea or  
21 request that says, um, would you be so kind as  
22 to look past the fact that the applicant is - -  
23 and give the Dean or the appropriate executive a  
24 personal word of encouragement as it relates to  
25 my son's admission I would sincerely appreciate

1 your efforts and consider it a dear personal  
2 favor which is my way of saying I'd be deeply in  
3 your debt, again Larry Webber, Assistant Counsel  
4 at - - is most appreciated. Thank so you much.  
5 You forward that email to, um, Richard - - at  
6 the, um, I believe he was the chancellor at that  
7 time with the note, Mr. \_\_\_\_\_, which I understand  
8 to be the father of the applicant?

9 MR. EPPLEY: Yep.

10 MALE VOICE: - - quality like - - respect  
11 your son, I think meant that they did, but--

12 MR. EPPLEY: Yes.

13 MALE VOICE: --as well. So.

14 MR. EPPLEY: I didn't spell that name  
15 correctly either.

16 MALE VOICE: So apparently they found out  
17 that you didn't actually know the son.

18 MR. EPPLEY: I only know the father.

19 MALE VOICE: Are you prepared to say that  
20 you were advocating on behalf of his son's  
21 admission.

22 MR. EPPLEY: Well I honestly, I hear were  
23 he's going I just didn't view this as  
24 advocating, it's just, um, he already was known  
25 to the Law School had already established

1 contact.

2 MALE VOICE 2: But what did you letter to  
3 do?

4 MR. EPPLEY: Take a look at it.

5 MALE VOICE 2: We're looking at it already.

6 MR. EPPLEY: And as it turns out they loved  
7 him. I mean I, this seemed to be somebody that  
8 they were anxious to get, I don't know.

9 [crosstalk]

10 MALE VOICE 2: It's not about what it did,  
11 what did you think it was going to do? What was  
12 your purpose in writing it? Just to placate  
13 this friend?

14 MR. EPPLEY: No, uh, he asked, uh, if I had  
15 forwarded an email for someone who had an  
16 encounter with the Law School.

17 MALE VOICE 2: - -.

18 MR. EPPLEY: Yes.

19 MALE VOICE: It wasn't that you were the  
20 postman?

21 MR. EPPLEY: No, I wasn't a postman but I  
22 also didn't say you ought to admit this student.  
23 These are their decisions, Judge and they'll  
24 always been their decisions. And I'll always  
25 believe they're their decisions.

1 MALE VOICE : Mr. Eppley, sir, if I may, it  
2 is clear from the first email that the son I son  
3 track for potentially a wait-list acceptance in  
4 May. If you look at the sequence of emails your  
5 email causes the son to be admitted the very  
6 same day in April. So, what I'm curious about  
7 is your - - your understanding now of the affect  
8 of your email on the decision-makers within the  
9 university, your email caused these people to do  
10 something they were not prepared to do.

11 MR. EPPLEY: Well, uh, I don't know, what  
12 you're saying is, you know, I don't believe  
13 it's fair, I--I don't agree with you. I mean I  
14 don't know what to make of this other than  
15 here's an anxious parent, the son's already made  
16 contact, the child's already contact with the  
17 Law School, it's not for me to decide. I  
18 couldn't, you know, am I going to write the  
19 father back and say, you know, no, or um, you  
20 know, there's nothing that can be done--I don't  
21 know whether anything can be done. Um, but□

22 MALE VOICE 2: [Interposing] But you do  
23 agree that a good policy would be for you to  
24 write back the father and say as a trustee I  
25 can't get involved?

1 MR. EPPLEY: I would love to, I would love  
2 nothing more. And I hope I said this before,  
3 um, the and I want to be careful how I say this,  
4 if this was a good call, the answer was you may  
5 not submit these inquiries or forward emails or  
6 do anything like that. If the only way you can  
7 do it is refer them to an office in the  
8 admissions department or so and so at the Law  
9 School, that would be a perfectly acceptable  
10 answer now and it would have been perfectly  
11 acceptable before.

12 MALE VOICE 2: - - to the existing system.

13 MR. EPPLEY: Absolutely. I don't know you  
14 can conclude anything other than that. And Mr.  
15 - - questioning, I understand his questioning.  
16 But at the time, I'm asking, I'm forwarding to  
17 Richard there is the editorial comment that I do  
18 know his father, is that, did I think that was  
19 going to create anything more than an honest  
20 look? I honestly at the time I can't imagine I  
21 would. Because that's not who I am, that's not  
22 how I operate. I would not ask for anybody to  
23 do anything, any special favors. It's just not  
24 who I am.

25 MALE VOICE: You didn't, you sent an email

1 saying, gee, they went from a wait-list to  
2 acceptance, how did that happen? - - just  
3 making inquiries, you didn't do that did you?  
4 You didn't do that. I mean, you say you write a  
5 letter and a person goes from a wait list to  
6 being accepted, you weren't trying to apply any  
7 pressure and it happened maybe you were  
8 surprised--

9 [crosstalk]

10 MR. EPPLEY: I don't have that in front of  
11 me. The one I remember is the one where the  
12 Dean tells - - not on these emails that they  
13 love him. I mean, that's the one I saw before,  
14 I had not seen this one. And I don't know if I,  
15 I don't know what follow up or what took place  
16 beyond this. I mean I□

17 [crosstalk]

18 MALE VOICE : You know, it's very hard to  
19 understand some of the things you say because  
20 you become the chairman for the governor after  
21 you serve for two years and you don't know how  
22 that happened. And you served for six years,  
23 which is out of the ordinary and you don't know  
24 how that happened. And yet you had--you had  
25 nothing to say to the governor. You had no

1 involvement with him. You were, you really  
2 don't know. You handled referrals for Chris  
3 Kelly who wasn't a member of the administration  
4 but was the right arm of the governor. And you  
5 don't know how that happened. And you had  
6 trouble with the Law School students but I don't  
7 know how much difficultly you had with your kids  
8 for the undergraduate students. Do you have the  
9 numbers on that?

10 MR. EPPLEY: Uh--

11 MALE VOICE: [Interposing] Any of your,  
12 these inquiries as you characterize them? They  
13 got accepted? How many?

14 MR. EPPLEY: I don't--I didn't keep track.

15 MALE VOICE: No one told you when they were  
16 accepted or not accepted?

17 MR. EPPLEY: Um, sometimes yes, sometimes  
18 no. I didn't keep--I did not keep track. I did  
19 not keep track of who was getting in and who was  
20 not getting in. Um, on some occasions whoever  
21 had--the source of the original inquiry might  
22 ask, you know, hey I haven't heard anything I'd  
23 seen an email like that. And I'm not sure I  
24 answered the question the way you described. I  
25 think I described how I believed the chairman

1 should - -, um, I'd like to think that I was  
2 chairman for six years because I was doing a  
3 good job. I worked tirelessly. I hope that's  
4 uh□

5 MALE VOICE 2: I doubt - - .

6 MR. EPPLEY: And again I understand the  
7 speculation I understand the why something that,  
8 again, I this is the only way I can describe it,  
9 um, at the time of this, did I think that--did I  
10 actually think that I was doing something more  
11 for the student than the student deserved or  
12 that the process would allow for absolutely not.

13 MALE VOICE: We didn't know anything about  
14 most of the students. Well you didn't know  
15 their record and we didn't have any personal  
16 knowledge of that. Is that correct?

17 MR. EPPLEY: That's correct, yes.

18 But see, I'm talking about, and I don't want  
19 to be disagreeable because again, um, it's hard  
20 to know whether you draw any conclusions except  
21 when you see the totality of things. I really  
22 don't know but, you know, my experience is, uh,  
23 you know, it's five to ten a year, that's it.  
24 And it's free, it's exceptionally free. It's  
25 not what I do, it's not what I expected. I

1 wasn't hoping, you know, I wasn't demanding  
2 that, you know this kids' got to get in, none of  
3 that. These were Ace's parents or Ace's  
4 relatives they have a question about an  
5 admission the respectful thing to do, the  
6 courteous thing to do, the non-judgmental thing  
7 to do is if there can be a question answered or  
8 some sort of follow-up, whatever the issue is,  
9 then fine.

10 FEMALE VOICE: I think we all agree that  
11 Ace's parents should get--

12 MALE VOICE: [Interposing] - - Carroll who is  
13 the trustee of the board of trustees, correct?  
14 She's never done it in the years that she's been  
15 on there. Not once because when we asked her  
16 why she said, because it was wrong. All right.

17 FEMALE VOICE: She did

18 MALE VOICE: It was wrong.

19 FEMALE VOICE: But she recommended students  
20 but not relatives or friends or business  
21 associates. - -.

22 MALE VOICE: Students that she knew  
23 everything about.

24 MALE VOICE: Let me ask again about Chris  
25 Kelly.

1 [crosstalk].

2 MALE VOICE 2: DO you know or not know that  
3 he was not on the governor's staff?

4 MR. EPPLEY: Um, probably not. I didn't  
5 know that he wasn't. I mean, - -.

6 MALE VOICE 2: But you knew that he was  
7 connected with the governor in some way.

8 MR. EPPLEY: Yes. He was described to me as  
9 somebody, you know, going back to another time I  
10 was desperate to talk to anybody about  
11 protecting the university so this for me was  
12 somebody □ -.

13 MALE VOICE 2: Now I'm talking about he  
14 recommended, whether he's recommending students  
15 for admission. You perceived him as a friend of  
16 the governor, or maybe on the governor's staff.

17 MR. EPPLEY: No, friend of the governor.

18 MALE VOICE 2: He wasn't recommending for  
19 his children was he?

20 MR. EPPLEY: I don't believe so.

21 MALE VOICE 2: So what did you take of those  
22 recommendations that he was recommending kids  
23 that were on parole? Did you know?

24 MR. EPPLEY: No. I didn't.

25 MALE VOICE 2: So what were you accepting as

1 the - - bona fide of his recommendations?

2 MR. EPPLEY: I'm not sure I understand the  
3 questions about accepting his bona fide, I mean,  
4 a student has a name and acknowledge they were--

5 MALE VOICE 2: - - If some drunk comes up  
6 to you in the middle of the night and says  
7 recommend Joe Smith for the university you're  
8 not going to be a friend of mine.

9 MR. EPPLEY: Yeah, well I guess I wasn't  
10 putting, um, people that I know in that  
11 category. - -

12 [crosstalk]

13 MALE VOICE: Was it just because you knew  
14 him?

15 MR. EPPLEY: Yeah, I knew who he was.

16 MALE VOICE: And you didn't identify him as  
17 being related to the governor through the  
18 questions?

19 MR. EPPLEY: Uh, no. Maybe I should have  
20 but I didn't. You know, I just, uh, - - since  
21 I've been on the board.

22 FEMALE VOICE: How many requests did you  
23 turn away if any?

24 MR. EPPLEY: Well, my recollection is that I  
25 didn't. I was, um, I was looking through the,

1     you know, again, maybe this all sounds weird  
2     now, but you know, if I turn away requests or  
3     inquiries - - that somehow I am involving myself  
4     - - sort an either do none or, you know, - - in  
5     a way which sounds weird but it's not like, you  
6     know, there's jillions of them. But if I were  
7     to look at a resume and tell a person that this  
8     person doesn't stand a chance, gee all of the  
9     sudden I'm in the admissions office. You know,  
10    that's not where I belong.

11    FEMALE VOICE: So, if someone walked up to  
12    you on the street and said, would you inquire  
13    about my son's - -

14    MR. EPPLEY: Good question - -

15    [crosstalk]

16    FEMALE VOICE: Did you?

17    MR. EPPLEY: Probably not.

18    FEMALE VOICE: And you are--one of the  
19    things that's been confusing me is that you  
20    refer - - to the protocol - - isn't it your job  
21    as chairman of the board to create the protocol  
22    or the policies?

23    MR. EPPLEY: Well, um, we may be involved  
24    now. Um, should we have been involved then, um,  
25    I guess, uh, if we had, uh, more insight into

1 what was going on. But you know, - - my  
2 encounter, you know, personally was very brief,  
3 sporadic, but violate an agreement now, you  
4 know, you look at it and it was creating--it was  
5 creating outcomes that probably would have  
6 occurred but for the way this worked, I admit it  
7 was - -

8 FEMALE VOICE: Certainly you knew that your-  
9 -the son of your fiend's decision was - - you  
10 had to know that, right?

11 MR. EPPLEY: I believe I did.

12 FEMALE VOICE: and when did you learn of  
13 that?

14 MR. EPPLEY: Uh, I think when I heard he was  
15 at the Law School.

16 MALE VOICE: Should the university officials  
17 have pushed back against undue pressure?

18 MR. EPPLEY: Um, That's a tough one to  
19 answer. Because, um, you know, you're dealing  
20 you--really don't know exactly what they're  
21 dealing with. Um, this did provide, uh, the  
22 opportunity for pressure whether intended or  
23 not, and I - - can admit that. You know, and I  
24 think it also provided an opportunity to give  
25 yes as an answer when maybe no should have been

1 the answer. You know, I don't think you can  
2 necessarily discount the opportunity of somebody  
3 to say yes, right, you know, some people like to  
4 say no. I think that's, uh, - -

5 MALE VOICE: - - said that when you sent  
6 emails other trustees sent emails saying I'm not  
7 going to pressure the Law School Dean to admit  
8 somebody that she doesn't think is admissible.  
9 Shouldn't that have been the proper response? -  
10 -.

11 [crosstalk]

12 MALE VOICE: What about the admissions  
13 office?

14 MR. EPPLEY: Well, again, on - - agree with  
15 you Judge, admissions office, um, so again I  
16 think a conclusion you can draw, rightfully from  
17 looking at this, um, is again it created as you  
18 described, it created dissidence in the system,  
19 you know, it created these opportunities for  
20 arguments and, you know debates over who get I  
21 in and who I do not get in. It created probably  
22 more--it probably created enough decisions that  
23 we wouldn't have otherwise made. Um, and um,  
24 and I think it provided opportunities for people  
25 in positions, uh, to say yes where --

1 MALE VOICE: - - Said that if anybody told  
2 him he had to admit somebody that he thought was  
3 inappropriate he would resign before he would do  
4 it. Do you think that's an appropriate response  
5 to a Law School Dean?

6 MR. EPPLEY: Well, um, more power to him.  
7 Um, you know, um, I hope that opportunity never  
8 presents itself, because I hope we have a system  
9 that, um, doesn't allow for that or at least  
10 monitors that. And again, I know this is, uh,  
11 one of the major tasks for the commission, um,  
12 but, you know, you get a system that, uh, sort  
13 of eliminates the opportunity for this stuff to  
14 happen. I think if you audited and let, you  
15 know, look for exceptions and, um, figure out  
16 why they were made, um, if you have, you know, I  
17 don't know what the answer is in terms of, you  
18 know, whether there should be inquiries. And if  
19 there are how they're made and what we do on the  
20 manpower basis. Maybe these are all - -.

21 MALE VOICE 2: I think we have been  
22 monitoring these proceedings as they've gone on  
23 and - -.

24 MR. EPPLEY: Um, I don't read the newspapers  
25 every day. Um, but I do have friends that call

1 me and say here's the - -.

2 MALE VOICE 2: Would you say it would be

3 fair to say that some of the people who lower

4 down in the food chain in the pecking order were

5 more resistant than some of the people up above

6 him? Is that what you've seen so far?

7 MR. EPPLEY: Um, based on what I read I

8 think that's a conclusion you might be able to

9 draw. You know, again, Judge, I'm having, you

10 know, not had encounters with commission

11 officers ever, so I don't, but - - earnest about

12 their job and, uh, - - .

13 MALE VOICE : Don't you say that Mr.

14 Marshall seemed to resist more in the efforts to

15 admit unsuitable students - -.

16 MR. EPPLEY: I'll admit to mostly reading

17 emails or correspondence where my name's on it

18 whether it originates with me or just somebody

19 is using my name on the system. Um, I think

20 he's doing a good job. You know, nobody wants

21 to hear this, but on the whole if we're ever

22 able to push this aside I don't know how - -

23 given all the pressures Urbana has on

24 admissions, I mean the population growth

25 produces more students than the Bell Curve

1       who've got good scores, I mean that's just math,  
2       everybody gets that. So, that's difficult to  
3       deal with. The Urbana campus, you know, it's  
4       flagship parents, um, families think, you know,  
5       Urbana or nothing, right? And, uh, which isn't  
6       really true and I for four or five years have  
7       been promoting UIC, and just look there are  
8       other options. Parents shouldn't put so much  
9       pressure on their kids getting into Urbana.  
10      Because you don't have to go to Iowa, you don't  
11      have to go to Minnesota but there's that  
12      pressure. There's the in-state population  
13      pressure, because they've been able to, you  
14      know, you've heard this, I'm sure a million  
15      times, I'm not the first one, but you know,  
16      their in-state population is higher than Big  
17      Ten. They have a very diverse population I  
18      think there numbers are at or near the top of,  
19      you know, sort of diversity criteria - - Big Ten.  
20      So all things considered - - doing a remarkable  
21      job and it's that's Keith Marshall or somebody  
22      else in the admissions office, you know, I think  
23      hats off to them.

24      FEMALE VOICE: - -

25      MALE VOICE: - - If you can turn to Exhibit

1 Number 2, which deals with a medical school  
2 applicant, again starting with the end of at  
3 Page 2 - -.

4 [crosstalk]

5 [pause]

6 MALE VOICE: I'm sorry sir, um, that page  
7 did not contain an email that you were part of.  
8 It does refer to you and the email at the bottom  
9 from Silvia Manning to Art Savage a copy to  
10 Donna Newton, states in part Larry Eppley tells  
11 me that one of the students whose progress we  
12 were following regarding their application to  
13 the med college was accepted at Northwestern can  
14 you somehow check that back, etcetera. - - did  
15 that refresh your recollection at all as to this  
16 particular candidate for the medical school?

17 MR. EPPLEY: I think it does. Um, this is,  
18 um, - -

19 [crosstalk]

20 MR. EPPLEY: This is another one for missing  
21 the terminal - -.

22 MALE VOICE: Let me get back to you with  
23 some general questions. Why this read would  
24 suggest that you'd done some homework or  
25 investigation of some sort to understand that

1       there was an applicant who presumably had not  
2       been admitted to the University of Illinois  
3       Medical School but had been admitted to  
4       Northwestern.

5       MR. EPPLEY: I think what it tells me is  
6       whoever made the, uh, initial inquiry, uh,  
7       informed me that the student was admitted to  
8       Northwestern, I assure you I had not done, nor  
9       would I have any time to do some personal  
10      investigation of a particular student's - -.

11      MALE VOICE: Now, my questions is whether  
12      you were relying on information that had been  
13      provide to you or where you found that  
14      information?

15      MR. EPPLEY: Yeah, I - - you had to draw  
16      inferences from this but clearly somebody told  
17      me this wouldn't be uncommon because it was a  
18      recurring complaint. Somebody got into some  
19      school and - - .

20      MALE VOICE: Uh, you know at the top of that  
21      second page, again you're not on this email but  
22      it's apparently from Teresa Soto to Art Savage  
23      and apparently in reference to the very same  
24      applicant and the first line of that email says  
25      will not be admitted to - - through regular

1 admissions.

2 MR. EPPLEY: Um-hum.

3 MALE VOICE: And at the very bottom of that,  
4 - - there's no way of finding out if in fact a  
5 student admitted - -. Okay. Let me just draw  
6 your attention then to the first page.

7 MR. EPPLEY: Um-hum.

8 MALE VOICE: Which, uh, is an email from  
9 Sylvia Manning to □ - and Sylvia Manning, by the  
10 way, she at the time states on the title at the  
11 bottom of the email was chancellor - - .

12 [crosstalk]

13 MALE VOICE: What was your understanding of  
14 her role if any in Colleges of Medicine?

15 MR. EPPLEY: Well, um, again, just prior to  
16 this inquiry protocol, um, you know, giving--  
17 sending it in to the Chancellor, um, you know, I  
18 suppose you go in a write to a dean, you know,  
19 if you're trying to--if you're a board member  
20 and you're dealing directly with a Dean I guess  
21 that would be, uh, and they feel more pressure  
22 than they should if you go right through a  
23 chancellor. You're asking me a questions, uh,  
24 what, you know, she's in charge of the campus,  
25 so, I think Corrine probably went from me to her

1 and the followed through on it, um, and this is  
2 not, I believe, I don't - - you and I talked  
3 about this one this is not email this is not the  
4 terminal email this is the--this is the student  
5 who's not admitted which is given in my mom's  
6 side of the family they call it an Irish no. -  
7 -.

8 FEMALE VOICE: And that's--

9 MR. EPPLEY: Irish no.

10 MALE VOICE: - - my question because my  
11 understanding is and I may be wrong, is that  
12 this is the student that, um, according to Dean  
13 Flaherty in the medical school was in fact  
14 admitted based on pressure from there, and maybe  
15 I'm wrong about that--

16 MR. EPPLEY: Yeah, I think you're wrong  
17 about this student.

18 MALE VOICE: Okay.

19 MR. EPPLEY: And I actually talked to Dean  
20 Flaherty about it, um, after it was, um, in the  
21 papers. Uh, this student was given a letter  
22 that said, um, if you need--he was already at  
23 another medical school or he was in something.  
24 He was given a letter than says if you do xyz  
25 and Double-A you know, you can be admitted as a

1 transfer student. But you know it was pretty  
2 clear, uh, in talking to, you know that wasn't  
3 really going to happen. The student was not  
4 going to be admitted. The conditions would not  
5 be met.

6 MALE VOICE 2: How often did you talk to  
7 Dean Flaherty?

8 MR. EPPLEY: I talked to Dean Flaherty, um,  
9 three weeks ago after this came up. The first  
10 time I talked him about anything I just asked  
11 him□

12 MALE VOICE 2: [Interposing] You didn't talk  
13 to him before you sent that letter to Dean  
14 Manning? To Chancellor Manning?

15 MR. EPPLEY: No. I'm not, I don't know in  
16 '03 whether he was, uh, - -

17 MALE VOICE 2: Would you have talked to the  
18 Dean - - first before you - -.

19 MR. EPPLEY: No.

20 MALE VOICE 2: And why did you think that  
21 was outside the protocol to talk to the Dean?

22 MR. EPPLEY: - - it sounds silly saying  
23 this, but, uh, ten times because I know it  
24 sounds silly to everybody else, but, you know,  
25 if you had a inquiry you just submitted to the

1 Chancellor.

2 MALE VOICE 2: Always?

3 MR. EPPLEY: I think that was the case.

4 MALE VOICE 2: - - about how many  
5 conversations did you have with Dean Flaherty?

6 MR. EPPLEY: Well again, I talked to Dean  
7 Flaherty about the reporting.

8 MALE VOICE 2: After the fact?

9 MR. EPPLEY: Yes, and I said, you know, I  
10 said, um, again, you know, I see Dean Flaherty  
11 at board meetings, I see Dean Flaherty at, uh,  
12 hospital events and, you know--

13 MALE VOICE 2: [Interposing] You wouldn't  
14 talk to Dean Heard about admissions?

15 MR. EPPLEY: No.

16 MALE VOICE 2: You wouldn't talk to the Dean  
17 of the Engineering School about admissions?

18 MR. EPPLEY: No. Um, I just want to touch  
19 the point on this, um, when I saw the reporting,  
20 I said Joe, am I wrong, is this a soft no? He  
21 said it was a soft no. I think that you're  
22 referring to, and I asked him about that, um,  
23 that he believes he was-- what was in the paper  
24 he was answering a different question. But - -  
25 .

1 MALE VOICE: Um, is it fair to say that in -  
2 - paragraph of the first page of Exhibit 2 there  
3 is a description of a conditional offer to this  
4 particular applicant? As long a certain  
5 conditions are met and the second paragraph says  
6 let me know as soon as you can and if I can't,  
7 I'm not reach able and your response is simple,  
8 i.e., we hope go ahead you can just leave a  
9 message with Don - -. U, first of all who's the  
10 half if you remember - - the candidate.

11 MR. EPPLEY: Uh, I don't know. Um,  
12 nothing's really giving me any recollection  
13 about who he is.

14 MALE VOICE: And why, if you know, why would  
15 you be in a position based on this email of  
16 being in an intermediary role trying to broker-  
17 -?

18 MR. EPPLEY: Again, in your words broker,  
19 great questions, I don't know. Um, but, the end  
20 result was the, you know, they sent out the  
21 letter.

22 MALE VOICE: - - in relation to the first  
23 paragraph. One thing is that I hope that  
24 whoever you need to speak with will not be  
25 brining the offer back to the family, that is

1 acting as a go-between or negotiator it would  
2 look real bad, real bad all around and worse if  
3 there's a - -. I hope that the person you speak  
4 with is just someone who you consult to be  
5 convinced that we are making a reasonable offer.  
6 Um, what's your understanding of that's being  
7 communicated there, if you have any?

8 MR. EPPLEY: Well, it's, um, obviously she -  
9 - this proposal the initial offer is enough and  
10 apparently it was because that actually went out  
11 it was to - -.

12 MALE VOICE: Do you recall ever having any  
13 conversations with the - -.

14 MR. EPPLEY: U, I don't, I don't, um, you  
15 know, it is possible but I don't recall having  
16 any conversation or follow-up, uh, and again my  
17 recollection is principally based on the  
18 correspondence that came out right after this  
19 which was a conditional offer letter when out  
20 and, um, I think I heard from or learned in the  
21 newspaper that June didn't even try to achieve  
22 those conditions, or never showed up or never  
23 went.

24 MALE VOICE2 : Do you know where the request  
25 to you came from?

1 MR. EPPLEY: I don't and I don't--Mr. - -  
2 was asking me - - I don't know where it came  
3 from. Right now there's nothing that's giving  
4 me any particular recollection.

5 MALE VOICE: Mr. Eppley, - - Exhibit 3.

6 MR. EPPLEY: Yep.

7 MALE VOICE: It's a one-page document. Uh,  
8 from time to time did you ever receive an  
9 applicant named you understood to be an  
10 applicant sponsored directly by Governor  
11 Blagojevich.

12 MR. EPPLEY: You know, I, uh, when - - and  
13 I talked before I said I did have a recollection  
14 that maybe one came directly from the Governor,  
15 but, uh, I couldn't in all of the  
16 correspondence, I couldn't put my finger on it.  
17 I at one point thought I actually had gotten a  
18 recommendation letter that I had given to  
19 President White, he doesn't have that - -. He  
20 didn't say that was the case either, so, I  
21 either have faulty recollection or I just didn't  
22 happen.

23 MALE VOICE: In reference to Exhibit 3, um,  
24 you see that it - - by someone named Mary. Do  
25 you see that?

1 MR. EPPLEY: I thought it said Manny, but  
2 so, maybe it says Mary.

3 MALE VOICE: Did you understand that  
4 Governor Blagojevich had an assistant or  
5 secretary by the first name Mary?

6 MR. EPPLEY: No.

7 MALE VOICE: And, so January 13, 2005, note  
8 handwritten Lon, would you please call Larry  
9 Eppley at the UI and recommend this applicant -  
10 - from the Liberal Arts College the U of I does  
11 not accept letters of recommendation, he begins  
12 college Fall 2005 \_\_\_ parents \_\_\_ are very old  
13 dear friends of Rod and Rod wants to help any  
14 way he can. Also \_\_\_ helped - - Thanks much.  
15 Do you recall this particular applicant?

16 MR. EPPLEY: No, this is the first time I've  
17 seen this. - -.

18 MALE VOICE: Right, now that you've read  
19 this do you recall having a received in or about  
20 January 2005 some communication from the  
21 governor's office concerning an applicant to the  
22 Liberal Arts College.

23 MR. EPPLEY: Um, I don't, but I did get, uh,  
24 um, names or, you know, applications or notice -  
25 - candidate, he would have been part of that

1 batch, but any particular one--

2 MALE VOICE: [Interposing] He being?

3 MR. EPPLEY: Lon would have been in the  
4 category of requested things from the governor's  
5 office. I would put him in the category from  
6 the governor's office.

7 MALE VOICE: If this came to pass, Lon Monk,  
8 not the governor himself, not Mary would have in  
9 turn acted on this and perhaps contact you?

10 MR. EPPLEY: It looks like it, yeah.

11 MALE VOICE: But you don't have - -.

12 MR. EPPLEY: No. I don't.

13 MALE VOICE: What I'm curious about in  
14 reference to the University of--the U of I does  
15 not accept letters of recommendation he begins  
16 college Fall 2005 and there has been a fair  
17 amount of testimony in this case and the  
18 original proceedings--

19 MR. EPPLEY: [Interposing] Um-hum.

20 MALE VOICE: --That the U of I does not  
21 accept - - letters of recommendation.

22 MR. EPPLEY: Correct.

23 MALE VOICE: And yet, communications from--

24 [END TAPE 2]

25

1 OF 4]

2 MALE VOICE: --operation recommendations.

3 Do you see any problem with that?

4 MR. EPPLEY: Well, I agree. A couple  
5 things. One, I think is undergraduate programs  
6 that - - or some recommendation letters. And as  
7 I described earlier in this meeting and Mr. - -  
8 , you and I discussed before.

9 One analogy I'd come up with, always, you  
10 know, thinking about this and, you know, what's  
11 been going on, this whole inquiry system again  
12 with the name attached, I think, essentially  
13 praise and undergrad recommendation letters  
14 which can, you know, either if you're going to  
15 allow recommendation letters allow  
16 recommendation letters; if you're not then you  
17 shouldn't have that. So I think I'm in  
18 agreement with you that.

19 MALE VOICE: Well, I want to ask you about  
20 something. You didn't think he was asking on  
21 his own behalf did you?

22 MR. EPPLEY: I'm not sure. Could be, could  
23 be not. You know, I suspect, although I don't  
24 know that, you know, they probably get the same  
25 kind of complaining e-mails or inquiries that we

1 would get, you know, why is it so hard to get  
2 into U of I, or, you know--

3 MALE VOICE: [Interposing] Yeah, but you  
4 were guessing as chief of staff, right?

5 MR. EPPLEY: Well, again, I don't know. I  
6 mean, I don't know what relationships he would  
7 have. I think it's fair to say that probably  
8 most of them came because it was "The Governor,"  
9 but, you know, he might have friends, too. I  
10 don't know.

11 MALE VOICE: I don't know if that makes it  
12 better or worse.

13 MR. EPPLEY: Yeah. Yeah, for somebody else  
14 other than me to decide that, but, you know. I  
15 mean, I would imagine that there's probably a  
16 number of reasons why they got inquiries. I can  
17 only imagine that plenty of them are probably in  
18 the nature of complaining.

19 FEMALE VOICE: - - you've repeatedly said  
20 today that you really weren't aware of an  
21 implication - - your e-mails or your sponsorship  
22 - - . How do you--how did you react to this  
23 April 28th, 2006 e-mail that changed the meeting  
24 from Chancellor Thomas? It was a copy of the e-  
25 mail that he was forwarding Dean Hurd's e-mail

1 in which she expressed very strong  
2 dissatisfaction with the process and the having  
3 to admit a student who was not qualified into  
4 the law school.

5 MR. EPPLEY: Which one?

6 MALE VOICE: It should be the last page of  
7 Exhibit 5.

8 FEMALE VOICE: It starts I've received your  
9 message concerning--

10 MR. EPPLEY: [Interposing] Oh, give me a  
11 buzz when you've read this?

12 FEMALE VOICE: I can't state strongly enough  
13 the negative impact that this will have on the  
14 profiles of incoming class. And then she talks  
15 about other people that they've been forced to  
16 admit. How did you read this e-mail? Did it  
17 cause you any concerns?

18 MR. EPPLEY: So, ma'am, I'm certainly aware  
19 of the effect that, although, you know, with a  
20 more confined population at - - where we have a  
21 higher set of scores. But, you know, whether it  
22 was because of this e-mail or just because I'm a  
23 lawyer and I didn't know - - enough - - , but  
24 it's--yeah.

25 So, you know, this together with a lot of

1 the other stuff you read, you know, there's been  
2 a comment of maybe four--clearly, there's way  
3 more discord and dissidence in the system than  
4 there should be, and I think, you know, inquiry  
5 from me or from a member of the general assembly  
6 or from a donor, wherever they come from, have  
7 either caused or certainly helped create that  
8 sort of discord and dissidence.

9 And, you know, the case in a law school, you  
10 know, created this sort of--it looked like they  
11 had, you know, this special admit, you know, it  
12 wasn't planned. Some kids with low scores were  
13 not going to get in, but it looked like they  
14 were trying to contain that and, you know, so  
15 there was also it'd be a lot of discussion about  
16 who's, who was the ultimate defier. You know,  
17 it looked like the--there's a reference to Dean  
18 Hurd being glad that it looked like Richard  
19 didn't think he had his own list, you know, for  
20 special admits that it was only her list of  
21 special admits.

22 And, again, this doesn't justify it, but,  
23 you know, you're sort of now clearly there's  
24 pressure on admission--

25 FEMALE VOICE: [Interposing] That you've

1 created.

2 MR. EPPLEY: Yeah, that I've created and--

3 FEMALE VOICE: [Interposing] And so how did  
4 you respond? What did you think when you read  
5 this e-mail?

6 MR. EPPLEY: I don't recall what I thought,  
7 you know, I don't recall it.

8 FEMALE VOICE: I mean, did you say ooh, I'm  
9 creating a problem here; I didn't realize the  
10 implications of my innocent inquiries?

11 MR. EPPLEY: Yeah--

12 FEMALE VOICE: [Interposing] I didn't  
13 realize that I'm forcing out of law school  
14 someone's who's unqualified to be here--it was  
15 comparatively speaking.

16 MR. EPPLEY: Yeah, I don't--

17 FEMALE VOICE: [Interposing] Someone that  
18 the dean herself is saying is bound to fail. I  
19 mean, if I received this e-mail and I was  
20 innocently referring to someone, I'd be--this  
21 would cause me problems. It didn't cause you  
22 problems?

23 MR. EPPLEY: I'm not saying it didn't cause  
24 me problems. I'm not sure I would have ever - -  
25 myself that I was forcing a student in, you

1 know, so--

2 FEMALE VOICE: [Interposing] Well, if you  
3 didn't before you saw this e-mail you certainly  
4 must've when you saw it because that's what this  
5 e-mail says.

6 [Crosstalk]

7 MR. EPPLEY: Yeah, but the e-mail says--

8 FEMALE VOICE: [Interposing] You're being  
9 ordered to admit these people.

10 MR. EPPLEY: No, this doesn't say I'm  
11 forcing to admit anybody. I don't--

12 FEMALE VOICE: [Interposing] Well, it - - .

13 MR. EPPLEY: And I'm telling you, I never, I  
14 never forced anybody to admit anybody. So I  
15 will--

16 FEMALE VOICE: [Interposing] Tell me about  
17 the phone call that it includes that the  
18 chancellor - - give me a call.

19 MR. EPPLEY: Yeah, please give me a buzz and  
20 I don't recall having the discussion with him.

21 FEMALE VOICE: You don't recall. And what  
22 about - - , President White [phonetic]? Have  
23 you ever discussed category I with President  
24 White?

25 MR. EPPLEY: Not category I because I don't

1 think--

2 FEMALE VOICE: [Interposing] Or special  
3 admits or by whatever means the remaining--that  
4 discusses - - but any special response or  
5 candidate for any - - ?

6 MR. EPPLEY: Never asked Joe White to force  
7 admissions - - .

8 FEMALE VOICE: Have you, have you spoken  
9 with Joe White, the president, about admitting  
10 any students?

11 MR. EPPLEY: Yeah, there were a few of these  
12 inquiries. In fact, I think some had come  
13 through from the governor's office that I gave  
14 to Joe. Looking back, I'm not exactly sure why  
15 I had given them to Joe. It may have been the  
16 convenience of the meeting that I was having  
17 with Joe. He and I used to meet every two or  
18 three days to discuss things, and so, I don't  
19 know exactly why I was giving them to Joe, but I  
20 - - to Joe--

21 MALE VOICE: [Interposing] When I asked you  
22 earlier this afternoon if you remembered the e-  
23 mail about jobs [phonetic] and this admittee  
24 [phonetic], you made it sound like that was all  
25 - - , but you, you saw this whole chain of e-

1 mails--

2 MR. EPPLEY: [Interposing] Well--

3 MALE VOICE: --contemporaneously with when  
4 what was going on, right?

5 MR. EPPLEY: No.

6 MALE VOICE: But they were all--it was all  
7 part of the same e-mail - - addressed to you.

8 MR. EPPLEY: I, I want to be very clear on  
9 this. I don't know whether I have--

10 MALE VOICE: Judge, I can't make sure of the  
11 record - - because part - - my call that I've  
12 attached a couple e-mails that begin with the  
13 same e-mail. So, Your Honor, with your  
14 indulgence--

15 MR. EPPLEY: Yeah, this is--Judge, this is  
16 the only e-mail I, I have, right?

17 [Crosstalk]

18 FEMALE VOICE: Well, well, wait a minute.

19 MR. EPPLEY: No, I'm - - .

20 FEMALE VOICE: Okay.

21 [Crosstalk]

22 MR. EPPLEY: - - the e-mail I got.

23 MALE VOICE: Let me ask it this way. But,  
24 but Mister--Chancellor Herman [phonetic] had  
25 talked to you about jobs.

1 MR. EPPLEY: No, I don't believe he did, at  
2 least not until this e-mail.

3 MALE VOICE: Well, but he said he did.

4 MR. EPPLEY: Well, yeah. And - - I'm  
5 saying--

6 [Coughing]

7 MALE VOICE: - - by John.

8 MR. EPPLEY: Yeah, well--

9 MALE VOICE: [Interposing] You don't  
10 remember that?

11 MR. EPPLEY: No, and I don't think I did.

12 In fact, I'm very confident--

13 MALE VOICE: [Interposing] So you think he  
14 made that up.

15 MR. EPPLEY: --in connection with any  
16 applicant.

17 MALE VOICE: Do you think he made that up?

18 MR. EPPLEY: I don't want to characterize  
19 what he's done. I can tell you that--

20 MALE VOICE: [Interposing] But it's not--

21 MR. EPPLEY: - - discussion with Richard  
22 Herman about jobs and law school candidates.

23 MALE VOICE: You did not have--

24 MR. EPPLEY: [Interposing] I did not have  
25 conversation with--about--with Richard about

1 jobs and law school candidates.

2 MALE VOICE: And you did not have  
3 conversations with Dean Hurd.

4 MR. EPPLEY: No.

5 MALE VOICE: How about jobs?

6 MR. EPPLEY: No.

7 MALE VOICE: So you've never talked about  
8 jobs with anybody.

9 MR. EPPLEY: Nope.

10 MALE VOICE: In or not in relationship to  
11 admission.

12 MR. EPPLEY: Well, not in relation to  
13 admissions. Remember, Judge, you know, I, I  
14 used to be involved in recruiting. At this  
15 particular it's not.

16 MALE VOICE: But, but the relation to this  
17 particular set of e-mails.

18 MR. EPPLEY: No.

19 MALE VOICE: There was no discussion about  
20 jobs.

21 MR. EPPLEY: No. They - - you know, they  
22 had sort of their own little system of how they  
23 were going to manage special admits and I'm  
24 learning about it the same time as you are.

25 FEMALE VOICE: Well, I don't think that's

1 true. I, I just disagree with that because this  
2 e-mail's very clear that there's a system and -  
3 - real problems here.

4 MR. EPPLEY: Yeah, I agree with you on that.

5 I'm just talking about this--how they're going  
6 to do special admits. There's a bunch of e-  
7 mails. None of them involve me, but they've  
8 been produced and there's a lot of discussion  
9 back and forth between the provost's office when  
10 he was the provost in the law school and then  
11 when he was chancellor in the law school about  
12 special admits. There seem to be a list of  
13 about 24.

14 And there's a lot of discussion amongst  
15 themselves that didn't involve anybody outside  
16 of their little group about how they were going  
17 to manage these special admits, discussions of  
18 scholarships and so and so forth.

19 Judge, you know, I'm sorry to tell you what  
20 I know and all I know is what I had--the e-mails  
21 I had. The ones you're talking about and then,  
22 you know, one's a completely separate one and,  
23 and the thing that connects it is the fact that  
24 Richard blind copied the law school.

25 MALE VOICE: Okay. So there were two

1 statements made by Chancellor Herman that he  
2 repeated when he testified before us. One was  
3 that he, he acknowledges the e-mail in which he  
4 has said about Heidi Hurd. He said it came  
5 straight from the dean's office. You never told  
6 him that that request came from the governor's  
7 office.

8 MR. EPPLEY: I'm not saying I didn't. I'm  
9 just saying he either knew from the materials  
10 that I had provided that it came through me or  
11 from a discussion with me that it was referrals  
12 from--referred inquiry from the governor's  
13 office.

14 MALE VOICE: You don't remember whether it  
15 was or not.

16 MR. EPPLEY: Well, I don't remember  
17 specifically, but, you know, it's apparent from  
18 this e-mail that maybe it was.

19 MALE VOICE: And you don't remember that he  
20 pushed you on it to make sure that this was an  
21 important request or anything like that?

22 MR. EPPLEY: I don't have specific  
23 recollection of that, but, again--

24 MALE VOICE: [Interposing] Did he ever call  
25 you up and say is this important or something

1       like that?

2       MR. EPPLEY:  I don't know.  And, you know,  
3       again, in the theory that anything's possible,  
4       sure.

5       MALE VOICE:  But do you recall any such  
6       conversation?

7       MR. EPPLEY:  No.  No.

8       MALE VOICE:  And you don't recall any  
9       conversation that he had with you about jobs in  
10      relation to this?

11      MR. EPPLEY:  No.  I never had a conversation  
12      with Richard about jobs--

13      MALE VOICE:  [Interposing] Do you know he  
14      said that he had such both in the e-mail and in  
15      - - .

16      MR. EPPLEY:  I cannot explain that, but I  
17      know that I didn't have a conversation with  
18      Richard about jobs or law school candidates.  
19      I'm very clear about that.

20      FEMALE VOICE:  And how do you remember that  
21      when you don't remember any of the other--

22      MR. EPPLEY:  [Interposing] It's weird  
23      enough.  It's weird enough that I would've  
24      remembered something like that.

25      FEMALE VOICE:  Just, just to refresh my

1 memory, I believe you said that Governor Ryan  
2 never forwarded you, you a request or the team  
3 never forwarded you a request?

4 MR. EPPLEY: I don't recall ever getting an  
5 e-mail or inquiry - - .

6 FEMALE VOICE: With any--again, back to the  
7 protocol and the process. - - it seems that the  
8 Blagojevich administration brought this to a new  
9 art form. Wouldn't you part of the development  
10 of the protocol and the processes? I mean,  
11 that's what's so puzzling if you ask me. I, I  
12 know I'm repeating myself, but why--you say this  
13 is protocol, but you're the guy who's in charge  
14 of creating the protocol.

15 MR. EPPLEY: Well, and let me disagree.

16 FEMALE VOICE: For the board. For the  
17 board.

18 MR. EPPLEY: No, absolutely not. Absolutely  
19 not. And, and here's why I disagree. One, I  
20 was not chairman under Ryan, so I don't know  
21 where--whether there was any of that sort of  
22 point of contact inquiries from the governor's  
23 office in this board at all. I wouldn't know.

24 Number one.

25 Number two, I was getting inquiries, you

1 know, referred inquiries before I was chairman.  
2 Not from an administration, but, you know, sort  
3 of the run of the mill hey, you know, can  
4 somebody answer this question. And that's when  
5 I said, you know, for the first time in my  
6 recollection hey, I get this inquiry what do I  
7 do with it and the answer is they are referred  
8 to the chancellor - - .

9 FEMALE VOICE: And that was from a fellow  
10 trustee.

11 MR. EPPLEY: I believe so. I believe so.  
12 But, you know, believe me, you know, this  
13 bothers me as much as it bothers everybody else  
14 and I've done, you know, some reconnaissance,  
15 you know, with people I've talked to saying - -  
16 I stand--former president, you know, whether,  
17 you know, this went on. He says yes, probably  
18 not to the detail, right, not to this level, but  
19 he was president 15 years ago, you know.  
20 So that either means, you know, a new art  
21 form and I'm, I'm, I'm not prepared to say that  
22 or it could be quite a bit related to the  
23 pressure on getting into - - and the type of  
24 standards. It could be related to that.  
25 I've talked to the board secretary about

1 this and she said, you know, this kind of  
2 inquiry stuff has been going on a long time and  
3 she has a lot of institutional memory.

4 MALE VOICE: I think I got a different  
5 impression of what President - - said was in  
6 practice when he was there. He described this  
7 as an aberration.

8 MR. EPPLEY: Okay. Well, I mean, I talked  
9 to him after the--if first came out. And I  
10 talked to, you know--

11 MALE VOICE: [Interposing] - - President - -  
12 .

13 MR. EPPLEY: Yeah, and you should. But he's  
14 a, he's a guy who we probably go to a lot for  
15 advice and he was one of the first people I  
16 called - - .

17 FEMALE VOICE: Do you happen to know how the  
18 legislative affairs office got answers to manner  
19 in which - - ?

20 MR. EPPLEY: I don't. I don't. And I don't  
21 even know how long that's been going on except,  
22 again, you know, there were certain - - unfold  
23 before us - - .

24 MALE VOICE: Is that a policy problem that  
25 you think is - - ?

1 MR. EPPLEY: Yeah.

2 MALE VOICE: That the board should take up?

3 MR. EPPLEY: Yeah. You know, we've given  
4 the opportunity. I think that's almost an easy  
5 answer. The answer is, you know, we don't  
6 really need - - being involved in admissions at  
7 all. I mean, I don't need to be involved in  
8 admissions. I don't need to be making inquiry.  
9 I think that's pretty clear.

10 FEMALE VOICE: Should anybody lose their  
11 jobs over this issue?

12 MR. EPPLEY: This would not be for me to  
13 decide.

14 FEMALE VOICE: Well, you're a member of the  
15 board.

16 MR. EPPLEY: Well, again, I, I guess, I  
17 hadn't thought about that--

18 MALE VOICE: [Interposing] Who would we--

19 MR. EPPLEY: --I guess I'd like to give a  
20 considered answer written - - .

21 MALE VOICE: Forget that. But who, who has  
22 the authority to remove officers at the  
23 university?

24 MR. EPPLEY: Well, I guess, any respective  
25 board. So, I guess, anybody--

1 MALE VOICE: [Interposing] The Board of  
2 Trustees would have.

3 MR. EPPLEY: Yeah, I suppose it would.

4 MALE VOICE: So this may be something you  
5 have to consider. And I appreciate how long  
6 the--you've - - time to answer us as to who or  
7 what, but this is certainly something that ought  
8 to be within the board's - - , correct?

9 MR. EPPLEY: Yeah. Can I just make a sort  
10 of a general comment over the - - . Again, it's  
11 been over six weeks now, seven weeks. I took a  
12 lot of opportunity to think about this. You  
13 know, again, despite the fact that I'll, you  
14 know, say anybody who wants to hear, you know,  
15 on the - - I don't know how they do it and keep  
16 - - whoever's been doing that they're doing a  
17 great job. I think it's a--they're brilliant  
18 kids down there and the opportunity to provide -  
19 - spectacular and the university - - .

20 What we need is to restore confidence and so  
21 some of these things, you know, there's specific  
22 answers and some of the easy ones you either  
23 stop the inquiries or open it up and make - - .  
24 I talked to a lot of friends and colleagues who,  
25 you know, read this as a - - and, you know, one

1 of the things that, that bothers them is this -  
2 - relations involved in admissions, so - - take  
3 care of that.

4 But whatever we come up with, you know,  
5 there's an opportunity for best practices,  
6 right. We ought to do something that we can be  
7 proud of and it may be the model for everybody.  
8 You hear out there and I don't have experience  
9 with - - university, but what you hear out and  
10 about is everybody does this. Well, I don't  
11 know if they do or not. And that doesn't even  
12 mean we have to do this, right, at least not - -  
13 .

14 But whatever we do, you know, I want it to  
15 be something that doesn't disadvantage the  
16 students, right, or their opportunity or their  
17 families, but also doesn't disadvantage the  
18 university, right, because at the end of the day  
19 we are competing, you know, in a very talent-  
20 rich pool of - - institutionalism. So, you  
21 know, whoever can strike that balance I think  
22 deserves, you know, a lot of credit. You know,  
23 I suspect we'll get--we have plenty of smart  
24 people - - .

25 MALE VOICE: Yeah, I just want to clear--

1 make sure the record is clear on the exhibit,  
2 which should be Exhibit 5, right, the - - .

3 It's the--

4 MR. EPPLEY: [Interposing] Yeah.

5 MALE VOICE: Okay. Now, it begins on a  
6 Thursday afternoon 2.4 in April 2006 with an e-  
7 mail from - - to Heidi Hurd, right?

8 MR. EPPLEY: Yep.

9 MALE VOICE: And I think Diane measured  
10 that's a pretty startling e-mail, especially for  
11 someone who has served on the board - - for the  
12 law school, right.

13 MR. EPPLEY: Are you asking me or you  
14 telling me?

15 MALE VOICE: I'm asking you. I'm asking  
16 you.

17 MR. EPPLEY: Sure.

18 MALE VOICE: Do you agree with the  
19 characterization?

20 MR. EPPLEY: Well, now you're going to--I  
21 should read it again. Well, you might just  
22 finish your question.

23 MALE VOICE: Well, my question is do you  
24 agree with the characterization that, that the  
25 former or maybe even at the time current Board

1 of Visitors for the law school that this was a  
2 startling e-mail from the director of admissions  
3 - - ?

4 MR. EPPLEY: Anxious e-mail. Startling I  
5 don't know. I don't have anything to compare it  
6 to.

7 MALE VOICE: Well, in the first sentence, I  
8 received your message concerning--

9 [Crosstalk]

10 MR. EPPLEY: I can't speak strongly enough.

11 MALE VOICE: --I can't speak strongly enough  
12 the negative impact this will have on the  
13 profile - - . Is that not a significant  
14 startling--

15 MR. EPPLEY: [Interposing] Sure, it's  
16 significant. I'll go with significant.

17 MALE VOICE: The next paragraph begins, I  
18 have another concern this is now the third  
19 candidate that we have been forced to admit.  
20 Would you agree with the characterization on  
21 that--with regard to that sentence?

22 MR. EPPLEY: Yes.

23 MALE VOICE: So if you look above at the top  
24 of that page that e-mail was forwarded to you  
25 the next day 11:48 a.m., so that would be

1 Friday, correct?

2 MR. EPPLEY: Yes.

3 MALE VOICE: Larry, give me a buzz when you  
4 have read this. Richard.

5 MR. EPPLEY: Yep.

6 MALE VOICE: Now, Mr. Herman, Chancellor  
7 Herman, had the authority to make the decision  
8 himself. Is that your understanding? He  
9 could've admitted this student without ever  
10 forwarding you this e-mail, without ever having  
11 contacted you about this e-mail. Is that fair  
12 to say?

13 MR. EPPLEY: It was my impression that  
14 Richard could persuade Heidi to admit somebody.

15 MALE VOICE: But he did forward this e-mail  
16 to you--

17 MR. EPPLEY: [Interposing] Yep.

18 MALE VOICE: --and had you received this e-  
19 mail and reviewed it, it would really have stuck  
20 out in your mind. Is that true?

21 MR. EPPLEY: Well, I do want to make a  
22 comment. And the answer is you would think so.  
23 That Friday, the day was the day that--and this  
24 is going to sound like a wholly separate subject  
25 because it is--that Friday was the day that the

1 NCAA issued their final ruling on our chief - -  
2 issue. And so I was caught up from probably  
3 that day for the next couple of weeks dealing  
4 with that, the final notice of rejecting our  
5 appeal.

6 So when you ask me about a specific e-mail  
7 on that day I'm not going to have great  
8 recollection on that because it wasn't central  
9 to what I was thinking.

10 MALE VOICE: So do you or do you not have  
11 recollection of receiving the e-mail on or  
12 about--

13 MR. EPPLEY: [Interposing] You asked me that  
14 when we last talked. I said I don't have  
15 specific recollection of, of this e-mail. I  
16 don't have specific recollection of having a, a  
17 follow-up conversation with Richard. You then  
18 asked whether I was, was generally aware enough  
19 of, you know, of what this message says and I  
20 said yes, I do because either, either from a  
21 conversation with Richard or independent--and as  
22 you said as, as somebody who'd been on the Board  
23 of Visitors I would certainly know that in a  
24 finite, relatively finite population a low score  
25 can skew the average - - .

1 MALE VOICE: If you look at the third page  
2 in, - - Document 13.

3 MR. EPPLEY: Yep.

4 MALE VOICE: It's probably the same. Again,  
5 it is--now it's the next day. So we've gone  
6 from a Thursday e-mail - -, to a Friday e-mail  
7 forwarded to you, to a Saturday e-mail from  
8 Richard Herman to Heidi Hurd on the morning of  
9 Saturday the 29th. Heidi, straight from the  
10 chief, my apologies. Larry has promised to work  
11 on jobs - - .

12 Now, Mr. Herman, Chancellor Herman had  
13 testified about a conversation he had with you.  
14 He testified about your having directed--in a  
15 sense directed the admission of this substandard  
16 candidate. And he also talked about the thought  
17 about your having had a conversation with him  
18 where the connection between jobs and the  
19 admission - - .

20 As you sit here today, you are stating that  
21 you specifically recall not having had such a  
22 conversation--

23 MR. EPPLEY: [Interposing] I did not have a  
24 conversation with Richard Herman about jobs and  
25 a candidate.

1 MALE VOICE: And you're also stating or am I  
2 mis-recollecting your testimony that you also  
3 don't recall directing--

4 MR. EPPLEY: [Interposing] I did not direct  
5 Richard--

6 MALE VOICE: --the admission of a student.

7 MR. EPPLEY: I never directed Richard to  
8 admit any student.

9 MALE VOICE: Okay. What, if anything, do  
10 you recall saying to Richard at any point in  
11 time, April 2006, before or later, about this  
12 particular candidate and--

13 MR. EPPLEY: [Interposing] I don't recall  
14 any discussion with Richard about this  
15 candidate.

16 MALE VOICE: Even though this is such a high  
17 profile incident, according to the e-mails - - .

18 MR. EPPLEY: Yeah. Well, if you'll forgive  
19 me, but I said the--and I've got two different  
20 e-mails and I assure you I had something else on  
21 my mind that weekend.

22 MALE VOICE: I understand. And I've heard  
23 the - - .

24 MR. EPPLEY: That took a lot of my time - -  
25 .

1 MALE VOICE: But you talked to him. You  
2 didn't remember talking to Chancellor Herman.

3 MR. EPPLEY: I don't. I don't have a  
4 specific recollection of talking to Richard  
5 about the candidate.

6 MALE VOICE: And you didn't reply to--  
7 apparently, we don't have as many e-mail replies  
8 to the forwarded e-mail from the 28th or on the  
9 first page of this exhibit the e-mail that  
10 Richard sent directly to you about jobs--Larry,  
11 I am seeking your assistance in, in obtaining  
12 five jobs, et cetera.  
13 My first question would be, did you in fact  
14 reply in e-mail--

15 MR. EPPLEY: [Interposing] No.

16 MALE VOICE: --it's just we don't have it?

17 MR. EPPLEY: Nope.

18 MALE VOICE: - - you did not reply?

19 MR. EPPLEY: Again, until it was shown to me  
20 in connection with this production I couldn't  
21 recall it and I still don't recall it and I have  
22 no evidence that I ever replied. Certainly  
23 never got any jobs for Richard Herman's law  
24 student.

25 FEMALE VOICE: And are you the only one who

1 reads your e-mail?

2 MR. EPPLEY: Yeah, they come to me directly.

3 MALE VOICE: Do you know if Chancellor

4 Herman had any of these discussions in

5 relationships with any of the other trustees

6 about special admits?

7 MR. EPPLEY: I don't. Again, I can only

8 refer to the same thing that you get to see, and

9 it's particular to the law school. You know,

10 there was quite a bit of activity about special

11 admits. This is one, but I think there were

12 over 20.

13 MALE VOICE: And as far as you know, they

14 were the ones that dealt with the trustees you

15 were the, you were the designated trustee, as

16 far as you know.

17 MR. EPPLEY: Ask the question again. I

18 don't know if other trustees had law school

19 inquiries or not if that happen.

20 MALE VOICE: But as far as Chancellor Herman

21 is concerned, when he dealt with any of these he

22 dealt--he seemed to be dealing with you or were

23 there other trustees that you know he dealt

24 with? Has any of the other trustees ever stated

25 Herman was on my butt about getting somebody in

1 or something?

2 MR. EPPLEY: Again, I apologize, I'm not  
3 understanding your question. I have no idea  
4 what other interaction other trustees would have  
5 had with Richard about any admissions.

6 MALE VOICE: Okay.

7 MR. EPPLEY: Law school or otherwise. I  
8 just have no knowledge about it. Again, I only  
9 know what I read, the same as you, and there's--  
10 I get the impression that kind of your point.

11 It wasn't so much that there were special admits  
12 it's like who--whose special admits were going  
13 to be admitted.

14 They were going to admit some, right, but  
15 they probably--you know, at some point you do  
16 the math you can figure out how many special  
17 admits you could do without overly impacting  
18 the, the average scores that they were  
19 targeting.

20 And then my question was who got to do that  
21 and you see e-mails about that going all the way  
22 back to when Chancellor Herman was provost. And  
23 so, you know, there's one, there's one that, you  
24 know, I see my name on, but there's, you know,  
25 again, 20 other--20 more other ones that, that

1 we had no knowledge of until it was--you know, I  
2 think they, they were trying to manage it and  
3 the question was who got the - - , whose special  
4 admits are going to get in.

5 FEMALE VOICE: Yesterday we heard of an  
6 incident in which a board member instructed that  
7 a relative of his gets special treatment in  
8 getting the preferred classes that were closed,  
9 as you know. And the chairman asked you whether  
10 you facilitated that or if you ever did that  
11 yourself. But what I'd like to know is, were  
12 you aware of that--

13 MR. EPPLEY: [Interposing] No.

14 FEMALE VOICE: --happening at the time?

15 Okay. Would you consider that a breach of  
16 ethics?

17 MR. EPPLEY: Again, I would like to - -  
18 rational and analytical because I'm not going to  
19 answer a question like that without seeing the  
20 full - - . But if it's as you described it - -  
21 .

22 FEMALE VOICE: Did the board have any method  
23 to discipline its members?

24 [Crosstalk]

25 MR. EPPLEY: They have a governance

1 committee. They have a governance committee.

2 So it potentially is a topic for the governance  
3 committee.

4 FEMALE VOICE: And you've answered this to  
5 some degree, but just to make sure, no one's  
6 ever reached out to you and complained about  
7 this process?

8 MR. EPPLEY: No. No.

9 FEMALE VOICE: Okay. I've been making an  
10 informal - - of some of the areas in which I'm  
11 doing - - and I'd like for you to tell me  
12 whether this was a complete - - . But the  
13 reason I think it's important that any - -  
14 conduct that is created as a result of this  
15 process that it not only addresses admissions,  
16 but it address all areas or as many as we can  
17 think of that could be subject to - -  
18 miscellaneous.

19 But I'd like you to let me know what you  
20 think should be added to this list. We talked  
21 about admissions, we talked about in the last  
22 few weeks early notification of admission  
23 decisions, which I think is a special treatment,  
24 and we talked about anxious parents--the 17,000  
25 anxious parents or 17,007--whatever the case may

1 be. We talked about housing, getting into  
2 closed classes. We didn't talk about but I  
3 think we should add - - tickets, parking, and,  
4 of course, procurement and hiring.

5 You know, our jobs like your job is to put  
6 together the best practices. Our job is to  
7 recommend, it's your job to implement or create  
8 your own. Are there any other areas that you  
9 think this code of conduct should include?

10 MR. EPPLEY: Well, you've covered a lot of  
11 waterfront. I'm trying to think in terms of,  
12 you know, sort of principles, university  
13 activities. I suppose you could think about  
14 access to healthcare, you know, something like  
15 that. You know, I guess--and they probably have  
16 their own protocol at the hospital, but, you  
17 know, you might see, you know, if somebody gets  
18 a little special access to healthcare - - you  
19 know, a visit by a doctor or something like  
20 that. So that might be another one that we  
21 could think about.

22 FEMALE VOICE: Okay. And I just would  
23 encourage the board to think along these lines.

24 MR. EPPLEY: Yeah. No, that's--

25 [Crosstalk]

1 FEMALE VOICE: - - comprehensive - - it'll  
2 never be comprehensive, but as - - .

3 MR. EPPLEY: Yeah. There's--and I like the  
4 sort of the categorization because it's kind of  
5 how I think sometimes when I try to think of  
6 functional areas, you know, it's something you  
7 could break the large organization down in  
8 different ways. One way is to put it in  
9 functional areas - - .

10 FEMALE VOICE: And, hence, the board  
11 discussed in light of this - - this issue, has  
12 the board discussed remedies or any way the  
13 commission--

14 MR. EPPLEY: [Interposing] We have. You  
15 know, it's, it's, it's kind of--I'm trying to  
16 think of an analogy. We're desperate for  
17 remedies, right. I mean, we really are. And  
18 desperate for remedies because I guess it also  
19 brings some resolution, but just desperate for  
20 remedies because we need it.

21 At the same token, we don't really want to  
22 get out ahead of anything, you know, so I think  
23 most of it--at least in my thinking, it's been  
24 contextual and then, you know, every once in a  
25 while an idea will pop into my head about, you

1 know, how you might change it.

2 But, you know, I've talked about best

3 practices, and I've talked about level the

4 playing field, I talk about not disadvantaging

5 students, I talk about restoring confidence, you

6 know, as far as--for the most part, my thinking

7 has been sort of the, sort of the goals, you

8 know, what we're shooting for for the remedy

9 because I didn't really want - - too far ahead

10 of suggesting solutions when the - - .

11 And I'm not going to say that we're waiting

12 for somebody else to tell us, but, again, we

13 also don't want to get out ahead of it. There

14 was some discussion, you know, what to do at the

15 early stages and, you know, my view was--and I

16 think other people shared it.

17 Again, on the first production I thought

18 well, you know, this is--forgetting about how

19 sensational it was, you know, this is--we were

20 learning something. And I know it sounds silly

21 for me to say that, but we really were learning

22 something that we--in a way that we hadn't been

23 learning it before, so, you know, we should just

24 take ownership of it immediately and say, hey,

25 we're seeing some things that we're not, we're

1 not not only not proud of, but probably aren't  
2 right and they shouldn't happen, so we need to  
3 get it--we need to start looking at this right  
4 away and something would be done.

5 It's always easy to say in hindsight, you  
6 know, we should've - - and I'm not here to  
7 criticize any of that, but it's been in my head  
8 for a long time.

9 MALE VOICE: - - one final line of  
10 questioning. Are you familiar with a man by the  
11 name of Tony Rezko?

12 MR. EPPLEY: I, I do now.

13 MALE VOICE: When did you first come to know  
14 Tony Rezko or know about Tony Rezko?

15 MR. EPPLEY: Specifically, I couldn't say,  
16 but presumably, in or around the election or  
17 some time after the election.

18 MALE VOICE: Which election? 2002 election?

19 MR. EPPLEY: Yeah.

20 MALE VOICE: And what is it that you  
21 understood Tony Rezko to be or to do in  
22 connection with the Blagojevich administration?

23 MR. EPPLEY: I don't think I understood  
24 anything other than somebody else who was close  
25 to the governor - - close to the governor. And

1 those are the words - - .

2 MALE VOICE: Do you understand him to be a  
3 donor to the Blagojevich campaign?

4 MR. EPPLEY: Frankly, I didn't pay a whole  
5 lot of attention to their campaign, you know, so  
6 I wouldn't know who the donors are, I wouldn't  
7 know who the fundraisers are.

8 MALE VOICE: But do you, do you not  
9 understand him to be a donor to the Blagojevich  
10 administration for their campaign--

11 MR. EPPLEY: [Interposing] I understood--I  
12 stick with the first answer, which is, I  
13 understood him to be close to the governor based  
14 primarily on what I read in the newspapers.

15 MALE VOICE: Do you recall ever having dealt  
16 with an applicant to the University of Illinois  
17 sponsored by Tony Rezko?

18 MR. EPPLEY: I'm aware of most recently  
19 pursuant to the e-mails that were produced that  
20 there was a student with that last name.

21 MALE VOICE: Okay. But I'm sorry--

22 MR. EPPLEY: [Interposing] What did you ask?

23 MALE VOICE: - - .

24 MALE VOICE: He just asked you whether you  
25 were familiar with someone that was sponsored.

1 He didn't ask you--

2 MR. EPPLEY: [Interposing] Oh, I'm sorry.

3 No. Somebody that Tony Rezko--

4 MALE VOICE: [Interposing] An applicant that  
5 was being supported by Tony Rezko.

6 MR. EPPLEY: No. No, I'm sorry, I, I don't.

7 MALE VOICE: Okay. So you've never known  
8 that any applicant you were handling in  
9 connection with a category I process was an  
10 applicant who--

11 MR. EPPLEY: [Interposing] To my knowledge,  
12 I didn't get any inquiries from Tony Rezko.

13 MALE VOICE: Let me direct your attention to  
14 the, the final exhibit, which is one we've not  
15 talked about, Number 4 - - .

16 MR. EPPLEY: Yep.

17 MALE VOICE: Again, it's one of these  
18 exhibits that begins with the same e-mail and  
19 then - - a little bit, two different strings,  
20 but the beginning e-mail the first page from  
21 Joseph B. White to Richard Herman.

22 MR. EPPLEY: Yep.

23 MALE VOICE: December of 2005. Richard, the  
24 governor - - Larry Eppley has expressed his  
25 support and would like to see admitted to UI and

1       you see two candidates. The candidates' names  
2       are redacted. Please keep me posted on these  
3       applications.

4       Okay. If you look at the third page, the  
5       second to last page. 1.5 up in the right-hand  
6       corner.

7       MR. EPPLEY: Yep.

8       MALE VOICE: In the middle of there, there  
9       is an e-mail from - - Gosh [phonetic], dean of  
10      the college of business, confirming that one of  
11      the applicants was admitted to the college of  
12      business on December 8th. He will be receiving  
13      an official letter by this week.

14      And that left, of course, one additional  
15      remaining applicant. If you go to the first  
16      page of Exhibit 4, in the middle there, Richard  
17      Herman sends an e-mail to President White, Joe,  
18      blank, which is that other remaining applicant,  
19      is looking rather dicey at this point. Let me  
20      follow up again on Monday.

21      Having read--having looked at now these  
22      various e-mails, does it refresh your  
23      recollection at all as to either or both of  
24      these candidates that were the subject of these  
25      e-mails?

1 MR. EPPLEY: The only thing that would  
2 refresh my recollection is the e-mail that  
3 President White sends to Richard.

4 MALE VOICE: Okay. And have you seen that  
5 e-mail?

6 MR. EPPLEY: Well, I'm looking at it.

7 MALE VOICE: And what are you referring to?

8 MR. EPPLEY: Well, it shows up twice. It's  
9 the December 8th e-mail from Joe to Richard in a-  
10 -right? There's one, one version of it on page  
11 125--

12 MALE VOICE: [Interposing] Right. That's  
13 the one I read to begin with.

14 MR. EPPLEY: Yeah.

15 MALE VOICE: Well, let me direct your  
16 attention to the first page almost at the top,  
17 the e-mail of December 17th, 2005, 9:40 a.m. from  
18 President White to Richard Herman. Okay,  
19 thanks. I'm sure we're on the same page that we  
20 need to stretch some but not too much on these  
21 cases then call them as we see them. If not  
22 admitted I need to talk with Larry about how to  
23 handle the message before denial letter goes  
24 out.

25 Chancellor Herman testified about having had

1 a discussion with you concerning the applicant  
2 that's the subject of that e-mail and, and I  
3 guess the question right there is do you recall  
4 any such conversation with Chancellor Herman?

5 MR. EPPLEY: I don't. I don't. I don't.

6 MALE VOICE: Do you recall ever having a  
7 conversation with Chancellor Herman about Tony  
8 Rezko?

9 MR. EPPLEY: No.

10 MALE VOICE: Do you ever recall telling  
11 Chancellor Herman that Tony Rezko was a donor to  
12 the Governor Blagojevich?

13 MR. EPPLEY: Nope.

14 MALE VOICE: Judge, that's all I have.

15 MALE VOICE: Thank you very much, Mr.  
16 Eppley. We appreciate your appearance and - -  
17 on this. - - willingness to cooperate.

18 MR. EPPLEY: Thank you.

19 MALE VOICE: Why don't we take a ten-minute  
20 recess--

21 [OFF THE RECORD]

22 [ON THE RECORD]

23 MALE VOICE: Mr. Chung, you - - .

24 MALE VOICE: Your Honor, the next person  
25 before the commission is Dr. Kenneth Schmidt.

1 MALE VOICE: Dr. Schmidt, welcome.

2 KENNETH SCHMIDT, MD: Thank you.

3 MALE VOICE: We appreciate you coming here  
4 and volunteering to give us the benefit of your  
5 expertise on the board and else wise and we'll  
6 have the - - start the proceedings - - feel free  
7 to interrupt as we go along.

8 MALE VOICE: Dr. Schmidt, your full name,  
9 please?

10 DR. SCHMIDT: Kenneth Dale Schmidt.

11 MALE VOICE: And you're a medical doctor,  
12 sir?

13 DR. SCHMIDT: I am.

14 MALE VOICE: What practice? What specialty?

15 DR. SCHMIDT: I practice diagnostic imaging  
16 with subspecialty of nuclear medicine.

17 MALE VOICE: Doctor, currently you are on  
18 the Board of Trustees for the University of  
19 Illinois.

20 DR. SCHMIDT: I am.

21 MALE VOICE: How long have you been on the  
22 board?

23 DR. SCHMIDT: Ten years.

24 MALE VOICE: And you are the only medical  
25 doctor on the board. Is that correct?

1 DR. SCHMIDT: I am.

2 MALE VOICE: So at the time you were first--  
3 and those were ten consecutive years, correct?

4 DR. SCHMIDT: That's correct.

5 MALE VOICE: At the time you were first  
6 appointed to the Board of Trustees, who was the  
7 governor?

8 DR. SCHMIDT: Governor Ryan.

9 MALE VOICE: Can you describe to the members  
10 of the commission the circumstances in which you  
11 became--you came to be appointed as a Board of  
12 Trustee member under Ryan - - ?

13 DR. SCHMIDT: I had been involved in public  
14 service activities. It would be on the medical  
15 district commission for many years. That  
16 started all the way back with the Governor  
17 Walker and I think I have a record. I've been  
18 reappointed by five different governors and I  
19 continue to serve in that commission.

20 During that time period, we frequently  
21 worked with the legislature regarding funding  
22 for the--both capital and operations for the  
23 development of - - Medical District, which is a  
24 560-acre planning in development encompassing  
25 brush, University of Illinois, Westside VA, and

1 Cook County Hospitals, amongst other  
2 institutions.

3 As such, I worked increasingly with the  
4 University of Illinois in the development of  
5 their campus, their medical campus there, and I  
6 also worked increasingly with the legislature  
7 regarding funding and what we were trying to do.  
8 And as such, I encountered many people over the  
9 course of the years. I was kind of a huge fan  
10 of the university and I was approached by one of  
11 the legislative leaders about whether I had an  
12 interest in serving on the board or not.

13 MALE VOICE: Who was - - leader?

14 DR. SCHMIDT: Sandra Phillip.

15 MALE VOICE: When was that?

16 DR. SCHMIDT: 1999.

17 MALE VOICE: And it was that very same year  
18 in which you were - - , correct?

19 DR. SCHMIDT: Yes.

20 MALE VOICE: When did you first have contact  
21 with someone you understood to be in the Ryan  
22 administration concerning appointment to the  
23 board?

24 DR. SCHMIDT: When the, when the Governor  
25 Ryan called me on the phone.

1 MALE VOICE: Did you know Governor Ryan when  
2 he was speaker?

3 DR. SCHMIDT: No.

4 MALE VOICE: Have you ever made political  
5 contributions to Governor Ryan?

6 DR. SCHMIDT: I'm--almost certainly I have.  
7 According to what the tribune told me, my  
8 political contributions over the years have  
9 totaled about \$100,000. I - - everybody. That  
10 includes democrats, republicans, state and  
11 federal and varying primarily those who support  
12 public higher education.

13 MALE VOICE: At any time since, as of, as of  
14 1999, how much of that 100,000 went to Governor  
15 Ryan?

16 DR. SCHMIDT: Maybe \$1,000.

17 MALE VOICE: Any of that, before I forget,  
18 how about with respect to Governor Blagojevich?  
19 In your entire history of providing campaign  
20 contributions, how much have you provided to  
21 Governor Blagojevich?

22 DR. SCHMIDT: Two contributions. One was  
23 1,000, one was 500.

24 MALE VOICE: When were those made?

25 DR. SCHMIDT: The 500 was within the last

1 year. There was a reception at a friend's home  
2 for the then governor and I felt that every man  
3 has a right to have funds to defend himself, so  
4 I made that contribution. And then there was  
5 one about five years ago. I don't remember for  
6 certain what--exactly the date.

7 MALE VOICE: The board members serve a  
8 particular term. Is that correct?

9 DR. SCHMIDT: Yes, they're six-year terms.

10 MALE VOICE: Your term would've been up  
11 approximately 2005?

12 DR. SCHMIDT: Yes.

13 MALE VOICE: Before you got to 2005, let's  
14 focus on 2003. So you'd been on the board  
15 approximately four years, correct?

16 DR. SCHMIDT: Yes.

17 MALE VOICE: And as of the beginning of  
18 2003, was there a possibility that you were  
19 going to be elevated to the position of chair of  
20 the board?

21 DR. SCHMIDT: Yes. At that time, I was  
22 acting chair. And I want to just make this  
23 comment that Mr. Estrada, who asked this  
24 question earlier, there was a method in place  
25 for if a chair left who would, who would, who

1 would then become chair on a temporary basis and  
2 that person would be the chair of the academic  
3 affairs committee. And so I stepped in as  
4 acting chair as I was the chairman of the  
5 academic affairs committee.

6 MALE VOICE: Who, who did you succeed? Who  
7 had been the chair?

8 DR. SCHMIDT: Jerry Shay [phonetic], who had  
9 resigned from the board.

10 MALE VOICE: And he resigned in the middle  
11 of his term.

12 DR. SCHMIDT: Yes.

13 MALE VOICE: For how long did you serve as  
14 acting chair?

15 DR. SCHMIDT: I think it was several months.  
16 There about.

17 MALE VOICE: Okay. So, roughly coinciding  
18 with the election of Governor Blagojevich.

19 DR. SCHMIDT: Yes.

20 MALE VOICE: So as you approached the first  
21 meeting of 2003, did you have an understanding  
22 that you were the presumptive or slated  
23 candidate to become chair?

24 DR. SCHMIDT: There appeared to be a  
25 consensus of the board that due to my longevity

1 and due to my involvement in the specific  
2 projects of the boards, particularly academic  
3 affairs, which is the guts committee of the  
4 board, and with my involvement with the research  
5 park we were trying to build I, I had been  
6 extremely active, and there was a common  
7 consensus despite the fact that I'm a republican  
8 that I would--I could possibly do the job.  
9 The board has to be balanced politically, by  
10 the way, by statute.

11 MALE VOICE: So there was a particular  
12 meeting in which the new chairman was named. Is  
13 that correct?

14 DR. SCHMIDT: That's correct.

15 MALE VOICE: Okay. And that occurred on a  
16 date sometime in early 2003?

17 DR. SCHMIDT: Yes.

18 MALE VOICE: Okay. And you presided over  
19 that meeting?

20 DR. SCHMIDT: Yes.

21 MALE VOICE: Did you get a phone call before  
22 that meeting concerning the chairmanship?

23 DR. SCHMIDT: Yes.

24 MALE VOICE: Could you describe that to the  
25 members of the commission?

1 DR. SCHMIDT: I was attending a meeting  
2 relating to some other project in the  
3 university. I don't know what it was at this  
4 time. It was in the morning. And I got a call.  
5 And I took the call. And the individual told me  
6 that the governor wanted Larry Eppley to become  
7 chairman.

8 MALE VOICE: Who was the individual?

9 DR. SCHMIDT: Chris Kelly.

10 MALE VOICE: Did you expect to receive a  
11 call from Chris Kelly that day about the  
12 chairmanship or about any other matter?

13 DR. SCHMIDT: It was quite a surprise.

14 MALE VOICE: Have you ever spoken to Chris  
15 Kelly before?

16 DR. SCHMIDT: Yes.

17 MALE VOICE: About board matters?

18 DR. SCHMIDT: No.

19 MALE VOICE: Who did you understand Chris  
20 Kelly to be at that point in time?

21 DR. SCHMIDT: An affiliate of the  
22 administration and that's about it.

23 MALE VOICE: And when he told you that day  
24 on the phone that he want--that the governor  
25 wanted Mr. Eppley to be the chair of the board

1 what was your reaction?

2 DR. SCHMIDT: I was silent for about 15  
3 seconds. And Chris's words were I'm sorry to  
4 tell you this, but this is the way the governor  
5 wants it. So I thought about it for 15 seconds  
6 and I said okay because I did not think it made  
7 any sense for the university to have a chair  
8 installed even though I could've blasted my way  
9 in, I believe, that the governor didn't want.

10 It was a good administration. There were a lot  
11 of hard times coming financially. We needed  
12 someone who could get along with the governor's  
13 staff well. And so I simply backed out.

14 MALE VOICE: And you concluded the call?

15 DR. SCHMIDT: Concluded the call.

16 MALE VOICE: Okay. What happened then?

17 DR. SCHMIDT: I was at the board office. We  
18 had the small office in the administrative  
19 office building on the campus, trying to decide  
20 what exactly what the next steps were going to  
21 be. Now, I knew I had to talk to the people who  
22 were going to nominate me and the people who  
23 supported me and let them know what's going on.  
24 And Trustee Eppley walked in with another  
25 trustee and I reached out and shook his hand.

1 MALE VOICE: - - .

2 DR. SCHMIDT: And I said congratulations.

3 And he said--I didn't think you'd ever talk to  
4 me. I said well, that's not the issue now. The  
5 issue is what's best for the university and how  
6 we're going to go about accomplishing what the  
7 governor wants to do.

8 So I went to the meeting a little early and  
9 I rounded up my trustees and I said I can't do  
10 this, the governor wants Larry to serve as the  
11 chairman and I need somebody to nominate him - -  
12 the meeting.

13 MALE VOICE: What happened in the meeting?

14 DR. SCHMIDT: He was nominated. I don't  
15 remember by who. I don't remember the second.  
16 There were no other nominations and he was  
17 elected.

18 MALE VOICE: And later that day did you have  
19 occasion to speak with Mr. Eppley after the  
20 meeting had concluded?

21 DR. SCHMIDT: Yes.

22 MALE VOICE: Can you describe for the  
23 members of the commission what happened there?

24 DR. SCHMIDT: Well, the meeting concluded.

25 It was late afternoon. We were walking back to

1 the parking lot next to the administrative  
2 office building on Polk Street. And we were  
3 walking along and - - banter conversation.

4 Well, that was your first meeting how did it go,  
5 how did it feel, this kind of stuff. And there  
6 was a moment of silence and then he looked at me  
7 and he said they want us to do something for  
8 Wyma. And I kind of looked at him and I said  
9 what. And he said they, they want us to do some  
10 things for Wyma.

11 Well, I didn't know who Wyma was and I  
12 thought maybe I should've known who it was, I  
13 was too embarrassed to ask - - anything we just  
14 went on. The topic never came up again. He  
15 never discussed it with me, I never met Wyma, I  
16 don't think we did anything for Wyma.

17 MALE VOICE: So you, at the time, did not  
18 know anyone by the name of Wyma?

19 DR. SCHMIDT: No.

20 MALE VOICE: Today, do you know anyone by  
21 the name of Wyma?

22 DR. SCHMIDT: Only by reputation.

23 MALE VOICE: And what would you say you know  
24 about this person by reputation?

25 DR. SCHMIDT: - - obvious.

1 MALE VOICE: For who?

2 DR. SCHMIDT: I don't know.

3 MALE VOICE: And did you relate it, sir, - -  
4 the term they in reference to they wanted - - ,  
5 et cetera, who do you understand they to be?

6 DR. SCHMIDT: The governor's office was my  
7 understanding. He did not say the governor's  
8 office. He said they want us to do something  
9 for Wyma.

10 MALE VOICE: Did he explain what he met by  
11 something?

12 DR. SCHMIDT: No.

13 MALE VOICE: Did you have an understanding  
14 of what Mr. Eppley meant by the term something?

15 DR. SCHMIDT: I didn't really because I  
16 didn't know who Wyma was, so--

17 MALE VOICE: [Interposing] Did you think it  
18 had something to do contracts or personnel?

19 DR. SCHMIDT: Well, I think it had to do  
20 with--yeah. But I don't know specifically--I  
21 didn't know specifically his line of business or  
22 what he offered or I just know who he was, so I  
23 just listened.

24 MALE VOICE: And you say his name never  
25 again came up at board meetings?

1 DR. SCHMIDT: Not to my recollection.

2 MALE VOICE: Do you know if the university  
3 has any relationships with Wyma?

4 DR. SCHMIDT: None that I am aware of.

5 MALE VOICE: Not all contracts come through  
6 the board.

7 DR. SCHMIDT: No, there is a threshold, a  
8 ceiling. I think a contract under \$20,000  
9 doesn't come before the board or something like  
10 that.

11 FEMALE VOICE: Have you ever done any  
12 research on Mr. Wyma - - ?

13 DR. SCHMIDT: No.

14 MALE VOICE: And/or compare them. And just  
15 out of curiosity, why not? Wouldn't that be of  
16 interest to you?

17 DR. SCHMIDT: Well, I'm not sure it would be  
18 an interest to me. I mean, I've learned that he  
19 was--acted as a lobbyist. I never saw him  
20 again, never heard from him again, so it is what  
21 it is.

22 MALE VOICE: You never met him.

23 MALE VOICE: Today you were here when  
24 Trustee Eppley said that he had never talked--  
25 had a discussion with any trustee about Wyma.

1       What comment do you have about what he said?

2       DR. SCHMIDT:   Well, my, my recollection is  
3       different.

4       MALE VOICE:   Did you ever have--you never  
5       met Governor Blagojevich or did you?

6       DR. SCHMIDT:   I didn't meet him.  I'd met  
7       him maybe three times.

8       MALE VOICE:   But not at that, at that time.

9       DR. SCHMIDT:   No, I hadn't.  I don't believe  
10      I'd met him at that time.

11      MALE VOICE:   And did Mr. Kelly or anybody  
12      else or has anybody subsequently told you why  
13      they didn't want you to follow the normal  
14      protocol for becoming chair of the board?

15      DR. SCHMIDT:   No.  No.  No one.  You know,  
16      you could assume that since I'm a registered  
17      republican and maybe the democratic governor  
18      didn't want a republican running the board--

19      MALE VOICE:   [Interposing] Is Mr. Eppley to  
20      be a democratic?

21      DR. SCHMIDT:   Mr. Eppley was appointed as an  
22      independent.

23      FEMALE VOICE:  And I say this respectfully,  
24      but clearly this is a decision that upset you.

25      DR. SCHMIDT:   Yes.

1 FEMALE VOICE: Is that fair to say?

2 DR. SCHMIDT: Yes, it did.

3 FEMALE VOICE: And what was it about the  
4 decision that upset you so much? Do you - -  
5 something happened to--

6 DR. SCHMIDT: [Interposing] What upset me  
7 the most was I know of no time a governor has  
8 reached inside the board to do something like  
9 this.

10 FEMALE VOICE: Really. Because Trustee  
11 Eppley testified that this wasn't uncommon, you  
12 know, at least he said something along those  
13 lines. He said that the governor's a member of  
14 the board and he had a vote and, and - - being  
15 that unusual.

16 DR. SCHMIDT: The, the governor is a member  
17 of the board, he does have a vote. As far as I  
18 know, there's only been one instance when the  
19 governor ever attended a meeting and that was  
20 when a presidential choice was in play, which I  
21 think was about 20 years ago. But I only know  
22 that from history.

23 FEMALE VOICE: So, so you were upset that  
24 this was the first time a governor had gotten--  
25 but did you see this as part of a broader trend

1 of politicizing the U of I or--I don't want to  
2 put words in your mouth. What were the  
3 implications in your mind of the governor  
4 reaching in and selecting the chairman?

5 DR. SCHMIDT: Well, the implications were  
6 that what happens to the autonomy of the board  
7 because the board has always been - -  
8 functioning autonomously of, of the governor's  
9 office. Yes, we're all appointed by the  
10 governor, but I don't know of any times when  
11 previous governors have reached in and gotten  
12 involved in a decision.

13 FEMALE VOICE: And what, what are the  
14 implications of the governor or the board losing  
15 its autonomy?

16 DR. SCHMIDT: Well, the one I could think of  
17 that is most interesting is that there was a  
18 time when our, our budget was being cut  
19 dramatically. When I came on the board the GR  
20 portion of our budget was 837 million and  
21 change. Over the series of terms with the  
22 Governor Ryan and then with Governor Blagojevich  
23 that - - got cut to \$700 million.

24 There's only two places where a university  
25 can raise money on its own that's not tagged.

1 Philanthropy is 95% tagged; people tell you what  
2 they want to do with their money. Research is  
3 100% tagged, which are other two big revenue  
4 streams. Another revenue stream is in the  
5 clinical - - , which is tagged to patient care.  
6 So the only two things left are tuition and  
7 general revenue fund, which are the only two  
8 places we have where we can juggle the books, so  
9 to speak.

10 The issue becomes since it's not popular to  
11 raise tuition, certainly, and nor do we want to  
12 raise tuition without good cause and without a  
13 lot of thought that they could be reaching in to  
14 alter our thinking about what should be done  
15 with tuition. That type of thing. That's--  
16 FEMALE VOICE: [Interposing] And what about  
17 sports revenue?

18 DR. SCHMIDT: Sports revenue is an, is an  
19 independent stream. The division of  
20 intercollegiate athletics and the athletic  
21 department is totally self-supporting. And  
22 although it looks like it's part of our budget  
23 we really have no control over it, which is very  
24 difficult to explain in light of the coaches  
25 salaries, but we don't.

1 FEMALE VOICE: So, so back to your line of  
2 discussion here, so you're saying that the - - I  
3 guess, what I'm asking is did you see, did you  
4 see the system being politicized? Is that what  
5 you saw by them who--

6 DR. SCHMIDT: [Interposing] To some extent  
7 yes.

8 FEMALE VOICE: Yeah. And then what were the  
9 implications there? You started to say and I  
10 interrupted you. I'm sorry.

11 DR. SCHMIDT: Well, again, the debate over  
12 what needed to be done provincially for the  
13 university versus what the state may think they  
14 can do with the university. I mean, obviously,  
15 when you have a general revenue fund of \$837  
16 million that looks like an obvious place to, to,  
17 to, to harvest revenue. And if the board  
18 believes that we need that revenue to do the  
19 things we do and the state says no, you don't  
20 need it, you need to have that construct of  
21 tension between the board and the state in that  
22 regard.

23 Our primary responsibility is to protect the  
24 university. I've often, you know, joked with  
25 members of the legislature that we--that they

1 have eight-balled it; they're taxing position to  
2 us. Because when the university is not funded  
3 we, we have to raise tuition, so we have a de  
4 facto taxing body for the middle class.

5 MALE VOICE: Mr. Chung.

6 MR. CHUNG: You were reappointed to the  
7 board in 2005?

8 DR. SCHMIDT: Yes.

9 MR. CHUNG: How did that come about?

10 DR. SCHMIDT: I, I wrote a letter that said  
11 I'd like to be reappointed. I was in the middle  
12 of several projects I'd been working on.  
13 Primarily, healthcare workforce production  
14 issues in the medical center and the research  
15 parks. And I was reappointed. There, again,  
16 the, the board is balanced politically so that  
17 they need to keep a couple full-time republicans  
18 on there.

19 [Crosstalk]

20 DR. SCHMIDT: By the way, it also made  
21 perfect sense because we were loaded up with  
22 attorneys, no offense, the attorneys. But I was  
23 the, I was the only physician, the only person  
24 with medical expertise on the board. I think  
25 what most people don't understand is that of

1       our, our budget in Chicago the budget's 1.6  
2       billion, but the medical portion of the budget  
3       is 1.2 billion. So we have a ton of resources  
4       tied up in the medical enterprise.

5       MR. CHUNG: And while you were on the board  
6       during the Blagojevich administration, did you  
7       make any effort to develop relationships with  
8       members of that administration?

9       DR. SCHMIDT: Several.

10      MR. CHUNG: Could you describe that?

11      DR. SCHMIDT: Well, I became extremely  
12      interested in the healthcare workforce issues  
13      over the last five years when I saw some  
14      statistics that were quite alarming. For  
15      instance, 42% of physicians practicing in a  
16      state are over the age of 55. But they're  
17      predicting a 200,000 physician shortage  
18      nationwide by 2025 and so forth and so on.  
19      And then I saw the programs, clearly  
20      socially good, about loading up the state  
21      programs with people who need medical care and I  
22      tried to make an - - one of the things you need  
23      to think about is the healthcare workforce  
24      production, who's going to take care of these  
25      patients. I couldn't really--I didn't make any

1 headway with anybody--with anyone. No one  
2 really wanted to talk to me too much.

3 MR. CHUNG: Well, and through whom  
4 specifically were you trying to make contact  
5 within the governor's office?

6 DR. SCHMIDT: Well, I, I did meet with - - .  
7 I met with Bradley Tusk [phonetic] once. And  
8 told them what I was trying to do and they  
9 assigned me to someone a little bit further down  
10 the pecking order, but nothing ever came forth.  
11 There was never any meaningful dialogue about  
12 what the university could do as a partner to the  
13 state to solve the problem.

14 My posture was the only game in town is the  
15 University of Illinois to solve this problem  
16 because we're the largest production force of  
17 healthcare professionals almost in the United  
18 States. And we produce 1 of every 6 doctors in  
19 the state, I think almost 6,000 nurses we have  
20 practicing in the state. You need us as a  
21 partner help us--let us help design a program  
22 for this. You can call it your program, I don't  
23 care, but we need, we need--we needed this and  
24 we needed--we need funding. But it just didn't  
25 get anywhere.

1 MR. CHUNG: Now, were there any of your  
2 colleagues on the board whom you perceived to  
3 have a "relationship" with the Blagojevich  
4 administration?

5 DR. SCHMIDT: Well, the belief was and I  
6 can't document it, the belief was that Larry,  
7 who was chairman of the board, had a, a  
8 relationship with, with the administration that  
9 was better than anybody else's relationship.  
10 But I can't, I can't quantitate it. I have no  
11 way to do that.

12 MR. CHUNG: Rather than that be a  
13 quantitative, what is it that led you to believe  
14 that? What did you observe? What did you  
15 experience? - - ?

16 DR. SCHMIDT: Well, Larry would, for  
17 instance, we were discussing a tuition increase.  
18 All right. We thought it should be at X. So  
19 Larry would come back and say the governor  
20 doesn't want it to be X. He wanted it to be X  
21 minus 7. Well, what happens if we act in the  
22 best interest of the university - - think we  
23 should do. Well, I don't know. You could  
24 always take it out of the GRF portion back and  
25 that's the type of thing. At least he postured

1 himself - - the relationship.

2 MR. CHUNG: How long did Mr. Eppley serve as  
3 the chairman of the board?

4 DR. SCHMIDT: Six years.

5 MR. CHUNG: In your experience, is that a  
6 normal duration?

7 DR. SCHMIDT: It is not.

8 MR. CHUNG: Then do you have any  
9 understanding of why it is he served longer than  
10 would be typical?

11 DR. SCHMIDT: Well, hope springs eternal and  
12 that was we could make headways with the  
13 administrations existing at the time. Secondly,  
14 we were changing presidents. We had a new  
15 president coming in. With having that stability  
16 in a chairmanship of the board with the new  
17 president coming on board--

18 MALE VOICE: [Interposing] That's president  
19 of the university.

20 DR. SCHMIDT: With president of the  
21 university, I'm sorry. Yeah, that would be  
22 helpful. And the time commitment for the  
23 chairmanship of the board is absolutely massive.

24

25 OF 4]

1

2 OF 4]

3 DR. SCHMIDT: And people were thinking twice  
4 about whether or not they could really commit  
5 the time. As I said, it was a series of events  
6 and it was perceived that Larry did a good job  
7 of organizing the meetings, running the  
8 meetings, dealing with the president.

9 MALE VOICE: Who--what other trustees did  
10 Governor Blagojevich appoint or reappoint during  
11 his term of office? Who were the new trustees  
12 that he put on - - ?

13 DR. SCHMIDT: Well, everybody that's,  
14 everybody that's there now was appointed by him.

15 MALE VOICE: Some of them by re-appointment.

16 DR. SCHMIDT: Yes, some are re-appointments

17 MALE VOICE: Who are the new people - -

18 under the Blagojevich administration?

19 Commissioner--I mean, Trustee Carroll.

20 DR. SCHMIDT: Francis Carroll, James  
21 Montgomery, Robert Sperling [phonetic], Devon  
22 Bruce, Trustee Vickrey was a re-appointment, I  
23 was a re-appointment, Eppley was a re-  
24 appointment. How many am I up to?

25 MALE VOICE: Seven.

1 DR. SCHMIDT: Seven. I'm at a loss. I  
2 can't--Niranjan Shah was a Blagojevich  
3 appointment.

4 MALE VOICE: Blagojevich. Is that all there  
5 is?

6 DR. SCHMIDT: No, there are nine. Nine plus  
7 three students.

8 MALE VOICE: Is the governor--

9 DR. SCHMIDT: [Interposing] Oh, I'm sorry.  
10 The, the gentleman who may well be following me  
11 today, Dave Dorris.

12 MALE VOICE: Chung?

13 MR. CHUNG: And Dr. Schmidt, do you have a  
14 point in time where the chairmanship changed  
15 over to Mr. Shah, correct?

16 DR. SCHMIDT: Yes.

17 MR. CHUNG: How'd that come about?

18 DR. SCHMIDT: Well, there was a sense that--  
19 a sense started to develop that it was not good  
20 to have one person there that long. The  
21 appearance was that the, the chairman had a very  
22 close relationship with the, with the university  
23 president. Not necessarily that that's a bad  
24 thing, but maybe there ought to be a little  
25 constructive tension between the two of them.

1 And, and several things that independently  
2 started talking about it.

3 And I, I think that no one wanted to offend  
4 Larry by saying enough is enough, but everyone  
5 kind of thought enough was enough. So that's  
6 really how it came about. And Niranjana, Trustee  
7 Shah, as I understand it, started talking to  
8 individuals to get support and he had support  
9 lined up and I, I told Larry that I thought it  
10 was time for him to retire from the position.

11 I had the kind of--I have the kind of  
12 personality - - I think I could say that and he  
13 could understand that I'm saying it in his best  
14 interest, as well as the university. And I  
15 talked to Niranjana and I said the only other  
16 candidate would be me do you really want to do  
17 this and he said yes, he really wanted to do it.

18 And I said well, I'm very busy with the  
19 healthcare projects and I'm still practicing  
20 medicine full-time, I don't think that--I think  
21 maybe that would be a good thing to do.

22 And Trustee Shah has made magnificent  
23 contributions in his line of work to the  
24 university because he's an expert at contracting  
25 and he's, I think personally - - the university

1 millions of dollars in, in his expertise in that  
2 area - - . So that's how that happened.

3 MR. CHUNG: Well, I understand--yeah, you  
4 just--you began your answer with a reference to  
5 some concern held by some trustees about the  
6 relationship between the chairman, Mr. Eppley,  
7 and I believe you referred to the president.  
8 Could you elaborate on that?

9 DR. SCHMIDT: This is really speculation or  
10 maybe I should get it observation, but it seemed  
11 like decisions may well have been made between  
12 the president and the chairman without a lot of  
13 discussion of the board members and we kind of  
14 found out about well, this is happening, that's  
15 happening. Not to do with any contracts, but  
16 maybe just educational issues or something like  
17 that. And I've got nothing in concrete that  
18 says they had, they had a written--you know,  
19 nothing like that.

20 MALE VOICE: When did this new chair--when  
21 was the new chair elected?

22 DR. SCHMIDT: January.

23 MALE VOICE: Of '09.

24 DR. SCHMIDT: Yes.

25 MALE VOICE: It has nothing to do with the

1 fact that we were in the process of getting a  
2 new governor? Wasn't Governor Blagojevich at  
3 that point under--had he been impeached?

4 DR. SCHMIDT: I, I, I, I can't--I don't  
5 know. I can't answer that.

6 MALE VOICE: But you don't recall any  
7 conversation in the board meetings about--

8 DR. SCHMIDT: No. No.

9 MALE VOICE: --having a new chair because  
10 you were getting a new governor?

11 DR. SCHMIDT: No.

12 MALE VOICE: Governor Quinn was not  
13 consulted about - - before he was governor?

14 DR. SCHMIDT: Yes. That's correct.

15 MALE VOICE: Governor Blagojevich's office  
16 was not consulted about it either?

17 DR. SCHMIDT: No.

18 MR. CHUNG: Dr. Schmidt, just so we're  
19 clear, you're, you're sense was or was it your  
20 sense that decisions that should've been board  
21 decisions, collective board decisions, were  
22 being made by the chairman of the board and the  
23 president?

24 DR. SCHMIDT: That's what it seemed. There  
25 were issues, for instance, with the global

1 campus [phonetic], the direction of global  
2 campus and how it was funded and who got bonus  
3 statements and stuff like that. It would seem  
4 like all of a sudden these things would happen  
5 and we found them--we'd find out about it a  
6 little later in the game. So the antennae  
7 started to go up about oh, wait a minute, why  
8 didn't we know about this. That, that, that  
9 type of thing.

10 FEMALE VOICE: Is it appropriate for a  
11 trustee to get involved in who gets bonus  
12 payments?

13 DR. SCHMIDT: Well, this--no. No. The  
14 bonus statements in the university are very  
15 unusual and this had to do with this new  
16 adventure. I choose the - - knowing what I'm  
17 saying - - campus. And it's not been going  
18 well. I mean, the press has reported that. Our  
19 faculty senates are not happy with it. There  
20 are a lot of problems. But yet the mission is  
21 good.

22 So a group of people who were involved in  
23 the administration of this were allowed to have  
24 bonuses, performance bonuses and that seemed to  
25 have gotten approved and then some people on the

1 board said how in the world could you give  
2 performance bonuses when there are--when the,  
3 when the project is - - . So, I mean, that kind  
4 of thing. Who knew, how did they know, you  
5 know, it seemed like--it appeared as if Larry  
6 and the president knew, but others didn't know.

7 FEMALE VOICE: And just, just for the  
8 record, is there any connection between bonuses  
9 and contact - - or any other--

10 DR. SCHMIDT: [Interposing] Not that I know  
11 of.

12 FEMALE VOICE: --areas of undoing - - ?

13 DR. SCHMIDT: Not that I know of.

14 MALE VOICE: When was--when were you aware  
15 that there were - - but when were you aware, for  
16 instance, of a - - ? When did that first come  
17 to your--

18 DR. SCHMIDT: [Interposing] Quite frankly, I  
19 hadn't heard of - - until it was published in  
20 the paper. I wrote a letter to the editor  
21 saying and I'm sure he didn't publish it, and I  
22 said what is this, I had never heard of this  
23 before. I have feelings that are a little bit  
24 different than what I've heard expressed in the  
25 commission today because I, I believe in my

1 heart of hearts that if you are a trustee in the  
2 university, you, you were appointed by the  
3 governor and approved by the senate then all of  
4 a sudden you have an obligation to the  
5 university and anything that has to do with it.  
6 And if you have a chance to advocate for a good  
7 cause or a student then maybe you should think  
8 about doing that - - the student--

9 MALE VOICE: [Interposing] So if you know  
10 the student well.

11 DR. SCHMIDT: Yes.

12 MALE VOICE: How about if somebody who you  
13 know well knows the student?

14 DR. SCHMIDT: I could tell you what I've  
15 done in that instance and it seemed to be the  
16 way the board operated. There was never a  
17 manual that said you do this and you do that. I  
18 have always categorically said I will be happy  
19 to make an inquiry. Can you get my student--my  
20 son or daughter in the, in the medical school; I  
21 get that, that kind of question all the time. -  
22 - position on the board I'd be able to put kids  
23 into the medical center.

24 MALE VOICE: What do you, what do you answer  
25 - - ?

1 DR. SCHMIDT: I said no, I cannot do that,  
2 but I will make an inquiry and get back to you  
3 about the status of the application. Some of  
4 them are actually--some of the inquiries--some,  
5 some I don't take that far because some are  
6 quite humorous.

7 I had one where a lady's granddaughter  
8 wanted to become a doctor and her MCAT scores  
9 were 24 when what you're looking for is about a  
10 32. And she said but it's, it's okay because  
11 she only wants to be a dermatologist. I said,  
12 you know, no, it doesn't quite work that way and  
13 I don't think there's a chance of a snowball in  
14 hell that this is going to happen. But I didn't  
15 even want to make the inquiry.

16 Almost categorically, I think categorically  
17 and I have to be shown something that proves me  
18 wrong, when I ask about a student I know about  
19 that student beforehand. I know what their  
20 scores are, I know what they're trying to do. I  
21 never, ever tried to lift a student in above  
22 another student. Never.

23 MALE VOICE: So you really felt that your,  
24 your intervention was that of inquiring.

25 DR. SCHMIDT: Yes. Yes, I did. And--

1 MALE VOICE: [Interposing] And that--and you  
2 didn't think that the people at the other end,  
3 the dean at the medical school was going to give  
4 the student you were inquiring about undue  
5 benefit because it was a trustee asking about  
6 it.

7 DR. SCHMIDT: I didn't, didn't feel that  
8 way. I always thought that's much more power  
9 has been attributed to me than I think I have.  
10 And the medical school, certainly, that--that's  
11 not even a possibility. Medical school  
12 applicants are decided by, by committee, totally  
13 by committee. I think there are, there are  
14 rules about at least ten of meet at one time. I  
15 don't know who the members of the admissions  
16 committee are or if I know them I don't know  
17 they're members of the commission--

18 MALE VOICE: [Interposing] So who did you  
19 make your inquiries to?

20 DR. SCHMIDT: The inquiries always went to  
21 the chancellor except - - .

22 MALE VOICE: The chancellor being Herman?

23 DR. SCHMIDT: Yes.

24 MALE VOICE: And does he have anything to do  
25 with the medical school?

1 DR. SCHMIDT: No.

2 MALE VOICE: So when you put your inquiry in  
3 there what does it do?

4 DR. SCHMIDT: No. The medical school?

5 MALE VOICE: Yeah.

6 DR. SCHMIDT: I would write the--call the  
7 dean or e-mail the dean and say there's a  
8 student that I want the status--can you give me  
9 information of status of the application.

10 MALE VOICE: All right. Now, let's talk  
11 about the others. You have students that are  
12 questioning admissions, the undergraduates,  
13 right?

14 DR. SCHMIDT: Okay. Right.

15 MALE VOICE: And you would give those  
16 requests to the chancellor?

17 DR. SCHMIDT: Yes.

18 MALE VOICE: And do you know what he did  
19 about them?

20 DR. SCHMIDT: No, I don't, I don't know what  
21 happened on the other end. All I know is the  
22 answers would come back not a chance, excellent  
23 student will get on their own merit, delayed.

24 And, and I'd relay the information back.

25 In, in, in some instances I thought it was

1       beneficial because, for instance, they would see  
2       an e-mail that the student was applying in  
3       biology, okay. Biology is a hot major now and  
4       you apply by college and by major - - . So if  
5       there's a bunch of kids in biology and you've  
6       got a real good student here doesn't quite make  
7       the grade then they can go into the division of  
8       general studies and have the same kind of  
9       curriculum and a lot of confidence that they can  
10      make the grade. That would be an appropriate  
11      choice for the university to make an appropriate  
12      action, I believe.

13      And interestingly enough, the students are  
14      very savvy and they discovered since there's a  
15      tuition differential in biology they could enter  
16      the division of general studies for less money  
17      and get the same course curriculum. The  
18      students have figured that out on their own  
19      already.

20      MALE VOICE: Well, then you don't think that  
21      your inquiries then ever did anything except  
22      inform the, the inquirer as to what the status  
23      was?

24      DR. SCHMIDT: I truly do not believe they  
25      changed a thing. But then again, the students

1 that I made inquiries about were pretty much  
2 going in on their own.

3 MALE VOICE: Did you ever have any  
4 conversations with Chancellor Herman as to what  
5 he did or didn't do about your inquiries?

6 DR. SCHMIDT: Other than, for instance, what  
7 do you think about his and he said I'm going to  
8 refer them to the division of general studies.  
9 That sounds reasonable.

10 MALE VOICE: So you're surprised when some  
11 of the testimony and some of the e-mail--

12 DR. SCHMIDT: [Interposing] I'm, I'm, I'm  
13 very surprised. Yes, I am.

14 MALE VOICE: And you say you did not know  
15 about the I list at all?

16 DR. SCHMIDT: I don't think any trustee knew  
17 about the I list. I've never heard that  
18 mentioned before. Now, is it a list? You know,  
19 I don't know. I never heard it - - the  
20 student's going on the I list or the watch list,  
21 whatever. I've never, I've never, never, never  
22 seen or heard that.

23 MALE VOICE: How many inquiries do you think  
24 you made in a year?

25 DR. SCHMIDT: In a year?

1 MALE VOICE: Yeah.

2 DR. SCHMIDT: Maybe, maybe up to four maybe.

3 I have e-mail--their e-mails which, again, seem  
4 to be lifted out of context where I refer at one  
5 point to this is an epidemic. What I meant by  
6 that was people are asking all the time now  
7 about getting their kid in school. And another  
8 e-mail that said I'm inquiring about my crop. I  
9 think that was three students in an academic  
10 year, how are they doing, I haven't heard  
11 anything back, I know you've been busy, that  
12 type of thing.

13 MALE VOICE: Chung?

14 MR. CHUNG: And that's the first exhibit  
15 that's in front of you, correct?

16 DR. SCHMIDT: Yes.

17 MR. CHUNG: So in 2006, November of that  
18 year, you sent an e-mail - - .

19 DR. SCHMIDT: 102 is the number at the top.

20 [Crosstalk]

21 MR. CHUNG: The document that's marked  
22 Exhibit 1 of - - e-mails from - - it's really  
23 the first one is from K. Schmidt, M.D. to  
24 Richard Herman, November 20, 2006. It's an  
25 epidemic and then you set forth what appears to

1 be data related to a particular applicant.

2 DR. SCHMIDT: Yes.

3 MR. CHUNG: Thanks, let me know when I check  
4 off on my crop on - - .

5 DR. SCHMIDT: right.

6 MR. CHUNG: And the crop your, your  
7 testimony is it was grouping - - ?

8 DR. SCHMIDT: Maybe it's three. Maybe three  
9 students.

10 MR. CHUNG: And the, and the epidemic is the  
11 fact that you were receiving inquiries from lots  
12 of folks.

13 DR. SCHMIDT: Constantly. The more the  
14 economy had turned the more inquiries we would  
15 be getting.

16 MR. CHUNG: So, is it your testimony, sir,  
17 that you would get a lot of inquiries from  
18 outside individuals but not necessarily turn all  
19 those around and funnel them into the  
20 university?

21 DR. SCHMIDT: Yes.

22 MR. CHUNG: What percentage of inquiries  
23 were you taking and then turning around into the  
24 university, if you can estimate?

25 DR. SCHMIDT: Probably at least half.

1 MR. CHUNG: What was your general process  
2 for doing that? You've already testified to  
3 typically dealing with Chancellor Herman. Would  
4 it be that then Chancellor Herman would receive  
5 information and report it back to you?

6 DR. SCHMIDT: Yes.

7 MR. CHUNG: Okay. And what would you do  
8 with the information you got back from  
9 Chancellor Herman?

10 DR. SCHMIDT: I would get, get back to  
11 whoever asked the question and say no way, looks  
12 good, wait list it looks like, don't know what's  
13 going to happen.

14 MR. CHUNG: So you would rely on the  
15 information you got back from Chancellor Herman  
16 and - - the time talk to the family or even the  
17 individual applicant and call them?

18 DR. SCHMIDT: Yes, yes.

19 MR. CHUNG: Can you look at Exhibit 2 - - ?

20 DR. SCHMIDT: Uh huh.

21 MR. CHUNG: And these are separate e-mails  
22 attached together. Can you take a look at each,  
23 each of the pages?

24 DR. SCHMIDT: Yeah, I'm familiar with this.

25 MR. CHUNG: Okay.

1 DR. SCHMIDT: I, I, I think I alluded to  
2 this just a couple of minutes ago, actually.

3 MR. CHUNG: Okay. And within going through  
4 the, the detail of these various e-mails to you  
5 explain to the members of the commission what  
6 occurred - - ?

7 DR. SCHMIDT: Well, if it's who I think it  
8 is because these are redacted also, there was a  
9 young woman was a very good student and who  
10 thought she wanted to be a biology major and was  
11 applying to biology. But here was that, that  
12 big pressure head of students wanted to get  
13 involve - - excellent student. She didn't  
14 qualify for that. So the alternative route, the  
15 alternative route would be division of general  
16 studies, which is something the university  
17 developed over the last three years to exactly  
18 assess this--the division of general studies is  
19 the same as general curriculum for the purposes  
20 of this discussion.

21 MR. CHUNG: So this is a fair statement the  
22 original decision made by the university was to  
23 deny this applicant?

24 DR. SCHMIDT: To deny her in biology.

25 MR. CHUNG: Okay. Let me refer you--

1 DR. SCHMIDT: [Interposing] Oh, and, again,  
2 may I explain further because I'm looking at  
3 something. I remember this clearly because the-  
4 -when I first made the inquiry about how, how is  
5 this application coming along they said it's  
6 coming along fine. She'll be admitted. It  
7 looks like she'll be admitted.  
8 So I told her family, I said it's coming  
9 along fine, it looks like she'll be admitted.  
10 And I didn't think anything more of it. And  
11 then the family said they didn't admit her. And  
12 I said okay, I don't know anything about that.  
13 And then I wrote back and I said, you know, are  
14 there other alternatives, you know.  
15 This division of general studies thing it is  
16 a wonderful thing if people know about it. Now,  
17 is there another advantage to a student who  
18 knows me because I know about it? I would guess  
19 yeah, yes, but the university has already moved  
20 to correct that. So everybody knows about this  
21 possibility.  
22 MR. CHUNG: Doctor, let me - - I think  
23 you're referring to initially an e-mail from Dr.  
24 Herman to you where he says in part Ken, the end  
25 will be fine. That's on the third page at the

1 top. Ken, the end will be fine.

2 DR. SCHMIDT: Uh huh.

3 MR. CHUNG: And you took that to mean that  
4 the student would be admitted.

5 DR. SCHMIDT: Yeah.

6 MR. CHUNG: And you in turn provided that  
7 information to the family.

8 DR. SCHMIDT: Yeah.

9 MR. CHUNG: And then it turned out the  
10 family got a rejection letter.

11 DR. SCHMIDT: I think so.

12 MR. CHUNG: And your response if you look at  
13 the first page of the exhibit was to write an e-  
14 mail to Richard Herman saying this puts me in a  
15 grave position with her family based on what I  
16 was originally told. I indicated to the family  
17 that she would be admitted and then there's  
18 additional language.

19 So is it fair to say that the denial of an  
20 applicant and that you understood would be  
21 admitted put you in a tough spot with the  
22 family?

23 DR. SCHMIDT: Right.

24 MR. CHUNG: Okay. And then as you--

25 DR. SCHMIDT: [Interposing] But I, I did not

1 ask for the applicant to be admitted. I didn't,  
2 I didn't--I want to make very clear I didn't say  
3 you got to take this kid and put her in biology.

4 MR. CHUNG: Right. But the fact of the  
5 matter is the student was eventually admitted--

6 DR. SCHMIDT: Right.

7 MR. CHUNG: --correct?

8 DR. SCHMIDT: Yes.

9 MR. CHUNG: Now, if you look at the rest of  
10 the e-mail--the two e-mails on top of the e-mail  
11 on the first page, on the top of the bottom e-  
12 mail. Richard Herman takes your e-mail and  
13 forwards it on to Keith Marshall and Keith  
14 Marshall says just admit her in response to  
15 Herman's e-mail.

16 DR. SCHMIDT: Yeah.

17 MR. CHUNG: So knowing what you know now and  
18 granted you were not part of the, the two e-  
19 mails that, that followed your e-mail do you  
20 have any sense as to whether or not your  
21 complaint that you registered with Richard  
22 Herman caused the admission of this particular  
23 applicant?

24 DR. SCHMIDT: Well, it caused--it helped  
25 create a pathway to be admitted to DGS, but it

1 didn't change that she wasn't admitted to  
2 biology. You know--

3 MALE VOICE: [Interposing] Dr. Schmidt,  
4 knowing what you know now and what you've -- e-  
5 mails, other things you've read about in the  
6 newspaper, do you still think it's a good idea  
7 for the trustees to get involved into the  
8 admissions process at all?

9 DR. SCHMIDT: No, I do not.

10 MALE VOICE: You indicated at the beginning  
11 of your testimony that you thought there was  
12 nothing wrong with the kind of inquiries you've  
13 made.

14 DR. SCHMIDT: Okay. I'm going to separate  
15 that in two different kinds of inquiries now  
16 that I know the lay of the land a little better.  
17 I have taken the time to go over to the  
18 admissions office to find out what they're  
19 really doing to address things that I thought I  
20 had to address as a trustee.

21 MALE VOICE: The systemic operation in the  
22 administrative office.

23 DR. SCHMIDT: Yeah. Yeah.

24 MALE VOICE: Okay.

25 DR. SCHMIDT: I think by and large they're

1       doing a great job. They have a lot more  
2       attention to the detail of the applications that  
3       I realized they had - - address the things - -  
4       where I thought about addressing things.  
5       One of the things would be, for instance,  
6       one of the things that I thought about--I'm very  
7       hung up on this division of general studies  
8       thing because I'm chairman of the academics and  
9       I think this is one of the most stellar programs  
10      we've devised to specifically catch these kids  
11      in this category. Very good students but don't  
12      quite make it to this particular specialty right  
13      now.  
14      They've devised a system. I don't, I don't  
15      have to advocate for that. It is obvious to the  
16      student how to advocate for themselves. And  
17      that has now become apparent that they, through  
18      the interactive Web site, and so forth and so on  
19      they're told how to advocate for themselves.  
20      And the other thing I think that needs to be  
21      done and, and I thought it was a brilliant idea-  
22      -I had it a year too late, was that the  
23      university needs to set up a method of educating  
24      high school counselors all across the state so  
25      that they really know how to access the

1 university in a variety of ways and not just the  
2 standard approaches. DGS is one of, is one of  
3 those ways.

4 The, the professional schools--well, I don't  
5 know anything about the law school except one  
6 instance, which I'd like to talk about in a  
7 minute, but the, the medical school, for  
8 instance, they had that in place. If you don't  
9 quite make it in you could request a - - and - -  
10 you can request this intermediate - - .

11 If opportunities to address denials are in  
12 the public domain where everybody could get at  
13 them because then I don't--I think--I don't  
14 think that we, we have to - - that kind of  
15 stuff.

16 MALE VOICE: - - do you think it might be a  
17 good idea if they - - don't get involved?

18 DR. SCHMIDT: Yeah - - get involved in it.

19 FEMALE VOICE: - - .

20 [Crosstalk]

21 DR. SCHMIDT: There are some instances where  
22 I'm conflicted about any trustee involvement - -  
23 appropriate. For instance, I know of a student,  
24 the family came to me and said we have a  
25 terrible dilemma. Our daughter has been granted

1 an academic scholarship but was denied admission  
2 to the college, how does this work. Well, that  
3 was an appropriate venue for me to make an  
4 inquiry because the university had screwed up.  
5 At least I thought it was appropriate.

6 There was another kid that had been admitted  
7 under his own horsepower that nowhere on the  
8 admissions application work did he indicate he  
9 was, he was a disabled student and he came down  
10 to get housing and he couldn't get housing. - -  
11 the need to help to solve that. Okay. I think  
12 that's appropriate.

13 On the admissions aspect, there was one kid  
14 whose, whose application didn't make sense  
15 because he had a 36 ACT, but was not high enough  
16 in his class ranking. Something didn't make  
17 sense and I asked them to look at that again,  
18 because I knew the family and it was because the  
19 kid had one bad semester in high school because  
20 a family issue. However, they had already  
21 started to look at that, so I didn't have to be  
22 involved.

23 But those are examples where I think trustee  
24 involvement in the process may be worthwhile. I  
25 don't know how you guys feel about whether

1 that's a no no also, but it seems to me that  
2 there are isolated instances where trustee  
3 involvement and that kind of thing would be  
4 helpful.

5 FEMALE VOICE: Well, it seems to us or at  
6 least to me that an ombudsman would be a good  
7 point. There needs to be a mechanism that the  
8 trustees and policies that don't get involved -  
9 - . But just for my own clarification and  
10 forgive me if you've said that because I was  
11 reading the e-mails, did you say what your  
12 relationship was to the family that it was  
13 referenced in this e-mail? The family that you  
14 informed the student had obtained admission to  
15 the biology program?

16 DR. SCHMIDT: I know the grandfather and the  
17 father.

18 FEMALE VOICE: In, in what context? I mean,  
19 in a personal context--

20 DR. SCHMIDT: [Interposing] A business  
21 context, but not a - - .

22 FEMALE VOICE: Did you ever get questions  
23 from people you didn't know about admission?

24 DR. SCHMIDT: Yes.

25 FEMALE VOICE: And what did you do with

1 those?

2 DR. SCHMIDT: I would, I would, I would talk  
3 to just about anybody that came to talk to me or  
4 called me and asked for some basic information  
5 and asked, you know, you know, have you tried  
6 this, have you tried that. If it looked like  
7 they were at a dead end then I would say, you  
8 know, what's your--what is, what is your son or  
9 daughter's credentials. Okay. And if their  
10 credentials, you know, looked pretty good I'd  
11 say I - - make an inquiry of the status and off  
12 would go an e-mail.

13 FEMALE VOICE: Now, if someone writes you a  
14 letter as a trustee I would presume it goes to  
15 the board secretary's office.

16 DR. SCHMIDT: Yes.

17 FEMALE VOICE: And then gets distributed.

18 DR. SCHMIDT: Yes.

19 FEMALE VOICE: Is there any mechanism to  
20 look through the mail and, and funnel it to the  
21 correct department if it comes to a trustee and-  
22 -or at least funnel copy?

23 DR. SCHMIDT: Not that I know of.

24 FEMALE VOICE: Okay. So all the mail that  
25 you receive as trustee you alone are responsible

1 for handling it and deciding what to do with it.

2 DR. SCHMIDT: Yes. There are some issues -

3 - back to the chief--we have like 18,000 pieces

4 of correspondence. So when we get deluged with

5 these copies of these things, I mean, most of

6 those you kind of--at one point, I wanted to

7 save them all and, and write back to people only

8 because I was very - - that people said I'm

9 going to stop contributing - - comes back.

10 And I wanted to send out an e-mail that this

11 is the most important thing about the university

12 though I guess you're justified in doing that.

13 I never did get around to doing that, but it was

14 a thought. But there's no, there's no presort

15 on our mail.

16 FEMALE VOICE: Is the mail that you receive

17 manageable now?

18 DR. SCHMIDT: Yeah.

19 FEMALE VOICE: With the exception - - .

20 DR. SCHMIDT: Yeah. And even with the

21 current dilemma and the problems the board has,

22 the university has maybe--I think maybe in the

23 last--we get a packet once a week of mail that's

24 accumulated for us and things for us to look at.

25 I don't think there's been a packet yet with

1 more than five or six comments about, about  
2 this, this issue.

3 MALE VOICE: Chung?

4 MR. CHUNG: Dr. Schmidt, if you could turn  
5 to Exhibit 3.

6 DR. SCHMIDT: Uh huh.

7 MR. CHUNG: It's a two-page document. I  
8 will give you the opportunity, as we previously  
9 discussed, to go in some detail if you feel  
10 appropriate about this particular applicant, but  
11 what I want to focus on - - to really point you  
12 at Heidi Hurd's comment at the very end of her  
13 e-mail, page 139. Now, specific context you  
14 understood that this e-mail relates to an  
15 applicant for the law school, correct?

16 DR. SCHMIDT: Correct.

17 MR. CHUNG: And it's connected to you and it  
18 appears to be--the inference I have drawn - - is  
19 that because it came from you, a trustee, Heidi  
20 Hurd noted that this one, meaning this applicant  
21 takes velvet gloves, right.

22 And my question to you then for that  
23 background, sir, is do you now understand that  
24 communications from trustees with regard to  
25 applicants can be perceived by the recipient for

1 those communications as something other than  
2 what was necessarily intended in the first  
3 place?

4 DR. SCHMIDT: Yeah, that's very clear from  
5 this.

6 MR. CHUNG: Okay. So you--when you first  
7 read this e-mail and you saw the reference to  
8 the velvet gloves did it surprise you?

9 DR. SCHMIDT: It, it, it shocked me.

10 MR. CHUNG: Why did it shock you?

11 DR. SCHMIDT: Because if, if you're not--I  
12 mean, if your history is not trying to lift  
13 people in where they don't belong what's the  
14 velvet gloves issue? I just don't understand  
15 it. I've never hammered on a dean or a  
16 department chairman to do something that they  
17 thought was inappropriate and why she said this,  
18 I don't know, but you heard the former dean  
19 testify. She says flippant things sometimes.

20 MALE VOICE: But do you think that there--I  
21 hear you when you say it surprises you, but do  
22 you now realize that when some people lower down  
23 on the chain see that a trustee is interested in  
24 an application that they are going to perceive  
25 that as being more than just a casual inquiry?

1 DR. SCHMIDT: Well, I've seen it from this.

2 MALE VOICE: Okay.

3 DR. SCHMIDT: Clearly see it from this.

4 MALE VOICE: And you think there might be  
5 other people lower in the chain that might react  
6 the same way.

7 DR. SCHMIDT: I do, but I don't know who  
8 sees it. I don't know, I don't know who sees  
9 her e-mails, frankly.

10 MALE VOICE: Well, I'm not--but, but they  
11 may see your e-mails or other e-mails.

12 DR. SCHMIDT: Yeah.

13 MALE VOICE: So you are aware of - - this  
14 misconception that you have a lot of power.

15 DR. SCHMIDT: Yeah, it is a misconception to  
16 think it's true.

17 MALE VOICE: Mr. Chung?

18 DR. SCHMIDT: But can I, can I say something  
19 about that? Because I was extremely offended  
20 and angered by some things that have appeared in  
21 The Tribune recently because I think they're  
22 false and they're absolutely inflammatory  
23 innuendo. This e-mail was on the front page of  
24 The Tribune on Father's Day, Happy Father's Day  
25 to me, okay. And it talked about my request for

1 information because a relative who you have  
2 heard - - was my son and my son said it was okay  
3 to say it was my son, so - - the thing is  
4 cleared up.

5 He wanted information about going to law  
6 school, okay. I didn't know much about it, so  
7 I'm writing for information here. But and then  
8 The Tribune says--it shows this e-mail and it  
9 says that, that a relative was admitted. What  
10 they fail to say is that it was 2-1/2 years  
11 later that I made a general inquiry and they  
12 made it look like boom to look, my son admitted.  
13 Then all of a sudden is anybody that's  
14 related to a trustee in any way circumspect and,  
15 and, and how they enter into the university? I  
16 mean, and that's, that's a, that's a terrible  
17 burden to put on, on any student and it's just--  
18 and it's not, it's not--that's not, that's not,  
19 that's not the case.

20 And - - Ms. Vander Weele--

21 MS. VANDER WEELE: Vander Weele.

22 DR. SCHMIDT: Vander Weele. You asked a  
23 question I think about Larry, Larry Eppley  
24 talked about writing a letter of reference, a  
25 standard letter of reference for the law school.

1       Okay.  And one of the letters he was referring  
2       to a colleague.  I'm the only one with a, you  
3       know, relative in the law school was me,  
4       obviously, and he said to me you need three  
5       letters, you want me to write one.  I said okay,  
6       sure, write one, it'd be fine.  But the bottom  
7       line is and I'm paranoid.  I admit it.  Okay.  
8       But I heard your voice would he have gotten in,  
9       you know, because of this.

10      What they don't say in these situations is  
11      the kid graduated with a 3.86 average with  
12      honors, - - scholar program, member of BANA  
13      [phonetic], he had very good scores on the LSAT  
14      and had three years of government experience  
15      they put in the Dunn Fellowship.  So I don't--I-  
16      -

17      MS. VANDER WEELE:  [Interposing] Trustee,  
18      it's very helpful to know, but at the same time  
19      and, and, and what you're saying is he's a very  
20      qualified young man and, and - - .  But I, I  
21      think that it calls into question any time that  
22      a trustee begins to ask questions on e-mail - -  
23      and it just does.  I mean, it will be put the -  
24      - do not ask on behalf of--do not promote the  
25      interests of a family member.  Given your

1 position there are some things that are just not  
2 appropriate for the position of the trustee.

3 And--so, I mean, I appreciate the, the  
4 information and I appreciate knowing it as a  
5 clarification, but this whole thing - - would  
6 have had - - in which the--

7 DR. SCHMIDT: [Interposing] Yeah, I just get  
8 back to the idea that does that mean that if I  
9 have a relative that's trying to do something I  
10 can't write a letter for him because I'm a  
11 trustee? I mean, is that--am I--is that a  
12 standard--not a call that I make on a standard  
13 reference letter.

14 MS. VANDER WEELE: - - .

15 MALE VOICE: Mr. Chung.

16 MR. CHUNG: And quickly, just quickly switch  
17 gears and talk about other benefits or other  
18 special consideration that you may have  
19 attempted to facilitate on behalf of the  
20 students or applicants to the university. When  
21 we met before, Dr. Schmidt, we talked about  
22 housing.

23 DR. SCHMIDT: Yes.

24 MR. CHUNG: We talked about classes.

25 DR. SCHMIDT: Yes.

1 MR. CHUNG: We talked about tours. Could  
2 you for the benefit of the commissioners explain  
3 what, if any, additional benefits that you have  
4 provided - - ?

5 [Crosstalk]

6 DR. SCHMIDT: Yeah. Let me, let me take it  
7 backwards. Let me start with tours.

8 MR. CHUNG: Sure.

9 DR. SCHMIDT: Okay. There are certain  
10 students who we are attempting to recruit into  
11 the university. One of the students was a  
12 graduate at - - 1500 on the, on the--not LSATs  
13 but the SATs, huge scores on the ACTs, research  
14 experience, and was being advised, incorrectly  
15 in my view, to go to a smaller but - - because  
16 that was a very interesting thing to do. And I  
17 said there--I'm not so sure you want to do that.  
18 You want to do research in your freshman year,  
19 have you considered the University of Illinois,  
20 let me arrange a tour and I'll show you some of  
21 the research possibilities.  
22 That is not--that has nothing to do with  
23 lifting an admission. That's a recruitment  
24 issue. Tours were set up to recruit students.  
25 We try to recruit that kind of student.

1 The second one was housing. I'm very keen  
2 on what's--what are called Living and Learning  
3 Communities. And there are several. The first  
4 one in the country was at Illinois. It's called  
5 Unit 1 at Allen Hall.

6 It's a situation where an area of a dorm is  
7 designated as a community and there are certain  
8 activities that center around your social group.  
9 That could be music lessons, outside lectures,  
10 sometimes to give classes in the, in the, in the  
11 residence hall. They have distinguished guests  
12 that come in and - - resident that, that stay  
13 for a week, lecture every night, have an open-  
14 door policy, the students can come and talk to  
15 them.

16 And they have people as diverse as the  
17 original Patch Adams, the head of CNN News, to  
18 controversial figures like Bill Ayers, and so  
19 forth and so on. So I'm very keen on that type  
20 of community.

21 And if I saw a student that was coming,  
22 coming in and that I thought would benefit from  
23 that kind of a support group, so I said you have  
24 to think about applying to Allen Hall. I didn't  
25 - - because you have to write a, you have to

1 write an essay and all that kind of stuff to be  
2 admitted to the program. But yeah, so yeah, I  
3 have advocated in that regard for a student - -  
4 .

5 MR. CHUNG: And before - - can I stop you -  
6 - and ask you to look at Exhibit 4, the last  
7 exhibit? It's a very short exhibit. Two e-  
8 mails. The first e-mail - - is an e-mail from  
9 you to someone as RHH, which I take to be  
10 Richard Herman.

11 DR. SCHMIDT: Uh huh.

12 MR. CHUNG: And the subject is student for  
13 Unit 1. Is that the unit you were just  
14 referring to in Allen Hall?

15 DR. SCHMIDT: Yes. Uh huh.

16 MR. CHUNG: And the person that--the student  
17 application that we have been discussing was  
18 sent to housing along with the deposit check on  
19 March 24th, we can't let this one slip through  
20 the cracks as we did with a similar situation a  
21 year ago. Is it fair to say that you in this  
22 instance were advocating for the admission of  
23 this particular student into Unit 1 in Allen  
24 Hall?

25 DR. SCHMIDT: Housing not admission to the

1 university.

2 MR. CHUNG: Okay. And the person's already  
3 in.

4 DR. SCHMIDT: Yeah.

5 MR. CHUNG: And you saw no conflict or  
6 concern with respect to advocating for admission  
7 into a presumably competitive program at the  
8 university.

9 DR. SCHMIDT: I, I did not. I viewed that  
10 is making the experience with the student better  
11 and helping to ensure the student was going to  
12 stay there. As Chancellor Mann at UIC used to  
13 say, we don't have trouble recruiting freshman,  
14 we have trouble recruiting sophomores. And I  
15 felt that this kid was someone that needed that  
16 kind of support structure.

17 MR. CHUNG: I guess one way of looking at it  
18 is all things being equal, there may have been a  
19 similarly-situated candidate who didn't have the  
20 backing of a trustee and then this candidate who  
21 did have a backing of a trustee, and to the  
22 extent the candidate with the backing of the  
23 trustee gets in and the other candidate does not  
24 potentially creates an uneven playing field. I  
25 mean, is that--do you agree with that

1 proposition?

2 DR. SCHMIDT: Well, I suppose I'd have to.

3 Yeah - - . Yeah, I would agree with it. If I

4 didn't feel strongly about this kid not

5 surviving unless he was over there I wouldn't

6 have written it, though. What, what that would

7 speak to is--of course, I don't know all of the

8 kids that are applying to live in Allen Hall.

9 There's no way I could possibly know about that.

10 MALE VOICE: So for, for appearances sake,

11 if no other, I don't want to beat a dead horse,

12 but wouldn't it look better if all the trustees

13 said look, we don't get involved in these things

14 because we are trustees and we want it to look

15 like a level playing field, as well as be a

16 level playing field?

17 DR. SCHMIDT: Judge, I, I--at this stage, I

18 completely agree with you.

19 MALE VOICE: And that would apply to

20 housing, to admissions, to which classes they

21 get into, and really everything that, that is

22 discretionary--

23 DR. SCHMIDT: [Interposing] Yeah, yeah.

24 MALE VOICE: --within the university.

25 DR. SCHMIDT: I think if I look back on the

1 involvement I've had that the one thing I would  
2 do is counsel the student about how to go after  
3 it themselves. I mean, that seems to be the  
4 logical thing. You know what? You're not in  
5 here, but here is the--here's what you do,  
6 here's the telephone number, and here's the e-  
7 mail address, and good luck, you know.

8 I mean, I think that would, you know, I'm  
9 the type of person that kind of jumps in and say  
10 oh, but we'll get this done, you know, let's go  
11 - - .

12 MR. CHUNG: And the final topic would be in  
13 the area of classes. There was a fair amount of  
14 discussion yesterday--

15 DR. SCHMIDT: [Interposing] Yeah, in  
16 yesterday's Tribune.

17 MR. CHUNG: Efforts by trustees to--or it  
18 was a trustee to get students into over-  
19 subscribed classes.

20 DR. SCHMIDT: Yeah. You know, I have, I  
21 have wracked my brain to think if that had to do  
22 with me. The times don't match. I don't--I  
23 haven't seen those e-mails, so I don't think it  
24 had to do with me.

25 However, one instance when I did do that and

1 I'll tell you what the circumstance was and I'll  
2 tell you what the response was and what  
3 happened.

4 Again, a student coming out of a  
5 metropolitan Chicago Jesuit academy--

6 [Cell phone ringing]

7 DR. SCHMIDT: Honest, not me. Okay. A  
8 student comes out, you know, thank God I didn't  
9 write an e-mail about this student and I thank  
10 God for that. But he comes out of a Jesuit  
11 preparatory academy, grade average 4.96 out of  
12 5, ACTs 34, 17 hours of AP credit, AP Calculus  
13 5, rows on the crew team, and letters--plays  
14 three musical instruments and so forth. Okay.  
15 That's a candidate who you want at the  
16 University of Illinois, right?

17 Now, had I written an inquiry what would  
18 happen is if I write it the headline is going to  
19 say honor student picks Illinois and The Tribune  
20 would say trustee relative - - . The same  
21 story. And that is what I'm objecting to about  
22 what's happening to us and we're being crucified  
23 in the process.

24 Having said that, the student comes down and  
25 registers in the honors program, is admitted as

1 an honor student and James [phonetic] Scholar  
2 and a Corn [phonetic] Scholar - - . There are  
3 only ten of those in the university. All right.  
4 Ten. The student can't get one class he has to  
5 have because he's in the James Scholar Honors  
6 Program. So I wrote to the chancellor and said  
7 what does one do about this, you know. They're  
8 a James Scholar, they're an honor student, they  
9 have to have this honors class, they say it's  
10 closed.

11 In response I got was the class is closed  
12 and open - - typically so that you section--you  
13 get the section filled and then there's a wait  
14 list and when the - - builds up they open it up  
15 again and so forth and so on like that. So as a  
16 result of my call, I'm sure, they took at that  
17 section and said maybe we did need to have  
18 another section or two more sections. And I  
19 think that, commissioner, that what you might  
20 have been alluding to. It was one of my notes  
21 when you were asking a question earlier.

22 So yeah, that, that, that did change the  
23 course of history by me making that inquiry.

24 FEMALE VOICE: I didn't understand your  
25 reference to because the student had a

1       fellowship was a--why couldn't he get in the  
2       class?

3       DR. SCHMIDT:  No.  This student was called a  
4       James Scholar Honors and when you are in that  
5       designation you must have an honors course each  
6       and every semester to, to--

7       FEMALE VOICE:  [Interposing] Oh, I see.

8       DR. SCHMIDT:  Okay.  And by doing that you  
9       get preferentially treated by place of your  
10      accomplishments because you get to register  
11      early and all that kind of stuff.

12      FEMALE VOICE:  But did he not register early  
13      is that why he couldn't get in?

14      DR. SCHMIDT:  First--no.  First semester,  
15      first registration couldn't get registered.

16      FEMALE VOICE:  So did, did he miss the  
17      deadline or

18      DR. SCHMIDT:  No.  It was just closed.

19      MALE VOICE:  Mr. Chung?

20      MR. CHUNG:  Nothing further.

21      MALE VOICE:  The only thing I was going to--  
22      unlike the previous witness and several others  
23      before him, you seem to have a detailed  
24      knowledge of everybody that you advocated,  
25      advocated for.  And while that advocacy is

1 under question right now, it's good to know that  
2 you knew exactly what you were talking about.

3 So it's appreciated.

4 MALE VOICE: We do appreciate you. You've  
5 been very forthcoming.

6 FEMALE VOICE: I, I do have a couple of  
7 questions, though, I'm sorry - - . Why does the  
8 board not have a code of conduct? Or at least  
9 that's what we've been told.

10 DR. SCHMIDT: I don't know. I've never,  
11 I've never seen that approached or discussed.  
12 We subscribe to the annual ethics training, but  
13 there's--there is no code of conduct and I know  
14 that I don't--I've never heard it--I'm the  
15 oldest--I'm not the oldest member in years, but  
16 I'm the oldest tenured member of the board, in  
17 ten years I've never heard it described. I've  
18 never heard it talked about. I don't know.

19 FEMALE VOICE: So then, obviously, it didn't  
20 occur to any of the trustees to say hey, how  
21 come we don't have a code of conduct.

22 DR. SCHMIDT: Right.

23 FEMALE VOICE: Particularly in light of the,  
24 the - - talked about or the fear, I should say,  
25 the board's becoming more political. I'm having

1 trouble--

2 DR. SCHMIDT: [Interposing] Yeah.

3 FEMALE VOICE: I also wanted to just go  
4 through the list that we discussed earlier and  
5 our recommendation will be clearly recommending  
6 a code of conduct and any code - - only  
7 admissions and we talk about on these influence,  
8 but making the - - informally. And I would like  
9 to get your opinion on whether the - - needs to  
10 be added, okay, - - the earlier question.

11 So undue influence would be prohibited in,  
12 in admissions, early notification of admissions,  
13 housing, any of the classes that are filled,  
14 tickets to ball games, procurements, hiring,  
15 special access to healthcare was added. Is  
16 there anything--I'm not sure exactly how that  
17 works, but is there anything else you would add  
18 to that if the trustees stay out of the day-to-  
19 day management of the university - - is there  
20 any other area you think, if you agree with the  
21 whole concept, that you think should be added?

22 DR. SCHMIDT: I agree with the broad  
23 concept. The only thing I have trouble with  
24 what about the special circumstance when you  
25 know something is awry? I mean, what do you do

1       then? Do you go back to the student and discuss  
2       it or are you going to go back to the--where do  
3       you take that concern? Or do you just--I mean,  
4       I don't--if you can't advocate for anybody  
5       nobody has an advocate.

6       FEMALE VOICE: Well, unless there is another  
7       mechanism like an ombudsman.

8       DR. SCHMIDT: Right. correct.

9       FEMALE VOICE: I mean, one of the things  
10       we're looking at is or discussing is whether  
11       there should be an inspector general for  
12       institutions of higher learning. Because one of  
13       our commissioners was the former inspector  
14       general for the state of Illinois and she  
15       advocated it when she was the executive  
16       inspector general for the state. So that would  
17       be a little different than an ombudsman who  
18       would address issues that don't necessarily  
19       arise to the level - - .

20       But I think the context - - yesterday was  
21       the trustees stay out of the day-to-day  
22       management. But your point's well taken and  
23       I'll put that in my notes for our discussion.

24       DR. SCHMIDT: Thank you. I'd appreciate it.  
25       I do appreciate that. I appreciate the

1 opportunity to be here because I, I had some  
2 things I wanted to get off my chest.

3 MALE VOICE: Thank you, doctor.

4 MALE VOICE: Judge, can I make one comment,  
5 please?

6 MALE VOICE: Yesterday we had a speaker, Dr.  
7 Steven Korch [phonetic], who's a former very  
8 high senior level executive at several  
9 universities. And he said one thing that  
10 resonated in my, in my mind and I want to state  
11 what he said. He said at the end of the day  
12 it's the quality of the person appointed not the  
13 methodology. And I think you would be--you did  
14 a good job of selecting the person with a great  
15 quality. So thank you for your testimony.

16 DR. SCHMIDT: I think that the same thing  
17 applies to the Board of Trustees.

18 MALE VOICE: Thank you, Dr. Schmidt.

19 MALE VOICE: And I'm not talking about you.

20 [Crosstalk]

21 DR. SCHMIDT: Thank you.

22 FEMALE VOICE: You know, I do have one more  
23 question.

24 DR. SCHMIDT: Uh oh.

25 FEMALE VOICE: I'm sorry.

1 DR. SCHMIDT: That's okay.

2 FEMALE VOICE: And that is can you talk  
3 about some of the accomplishments the chancellor  
4 - - ? We've received a letter from - -  
5 professors lauding the accomplishments of the  
6 chancellor. Is there--can you give an opinion  
7 on his accomplishments and what he's brought to  
8 the institution?

9 DR. SCHMIDT: He's, he's, he's a man of, of  
10 great accomplishment and, and, and, and he's a  
11 nationally-recognized mathematics, which is why  
12 sometimes it's hard to follow him when he talks.  
13 He, he gets into the ethos a little bit. But  
14 when you look at the Urbana campus there are  
15 certain things that, that happen under his watch  
16 that are, are critically important.  
17 First of all, we've maintained faculty,  
18 which has been a probably difficult experience  
19 in this, in this financial community. I'd like  
20 you all to know--

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22 OF 4]

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C E R T I F I C A T E

The prior proceedings were transcribed from  
audio files and have been transcribed to the  
best of my ability.

Signature \_\_Amy La Branch\_\_\_\_\_

Date\_\_July 24, 2009\_\_\_\_\_

<hr/>	214:13,23	205:3	<b>2001</b> 2:16	<b>24th</b> 214:19
> 98:12	<b>1,000</b>	<b>1982</b> 7:6	10:10,13	<b>28th</b> 118:23
108:9	159:23	<b>1984</b> 7:14	11:14,15	142:8
<hr/>	<b>1,900</b> 30:12	<b>1985</b>	79:11	<b>29th</b> 140:9
\$	<b>1.2</b> 175:3	7:10,15	<b>2002</b> 16:7	<hr/>
<b>\$1</b> 14:15	<b>1.5</b> 153:5	<b>1999</b> 158:16	69:13	3
15:3	<b>1.6</b> 175:1	159:14	83:23	<b>3</b> 79:20
<b>\$1,000</b>	<b>10%</b>	<hr/>	150:18	114:5,23
159:16	34:11,12,	2	<b>2003</b> 3:15	116:25
<b>\$100,000</b>	19	<b>2</b> 61:7	16:10	178:24
28:15	<b>10:00</b> 79:23	76:2,10	18:22	206:5
159:9	<b>100</b> 1:14	78:14,17,	19:17	<b>3.5</b> 34:14
<b>\$14</b> 15:3	<b>100%</b> 172:3	20	21:4	<b>3.86</b> 210:11
<b>\$15</b> 15:3	<b>100,000</b>	81:23	69:10	<b>30</b> 81:6
<b>\$20,000</b>	159:14	82:4,10	71:9	<b>32</b> 187:10
168:8	<b>102</b> 192:19	86:16	83:18	<b>336</b> 87:20
<b>\$30</b> 15:18	<b>11:48</b>	91:2,5,10	160:14,18	<b>337</b> 87:20
<b>\$350</b> 3:18	137:25	,17 92:22	161:21	<b>34</b> 218:12
<b>\$5</b> 3:15	<b>11th</b> 28:11	93:12	162:16	<b>36</b> 202:15
15:9	<b>11th-hour</b>	96:5	<b>2005</b>	<hr/>
<b>\$70</b> 3:25	28:8	98:2,6,13	115:7,12,	4
<b>\$700</b> 171:23	<b>120</b> 8:2	,18,21,25	20 116:16	<b>4</b> 2:1
<b>\$770</b> 34:16	<b>125</b> 154:11	99:5	152:23	86:4,8
<b>\$837</b> 173:15	<b>13</b> 115:7	103:21	154:17	117:1
<hr/>	140:2	104:2	160:11,13	152:15
0	<b>139</b> 206:13	106:1,3	174:7	153:16
<b>01</b> 83:20	<b>14</b> 1:12	110:6,12,	<b>2006</b> 118:23	178:25
<b>03</b> 110:16	<b>15</b> 79:25	17,20	136:6	179:1,2
<b>071409</b>	131:19	111:2,4,8	141:11	214:6
116:25	164:2,5	,13,16	192:17,24	225:21,22
178:24	<b>1500</b> 212:12	112:2	<b>2008</b> 83:18	<b>4.96</b> 218:11
179:1	<b>16-503</b> 1:14	116:24	<b>2009</b> 1:12	<b>42%</b> 175:15
225:21	<b>17</b> 218:12	194:19	83:18	<hr/>
<b>08</b> 83:23	<b>17,000</b>	<b>2.4</b> 136:6	226:16	5
<b>09</b> 182:23	146:24	<b>20</b> 81:6	<b>2025</b> 175:18	<b>5</b> 119:7
<hr/>	<b>17,007--</b>	143:12	<b>20-times</b>	136:2
1	<b>whatever</b>	144:25	81:15	218:12,13
<b>1</b> 2:1	146:25	170:21	<b>2-1/2</b>	<b>5,000</b> 61:16
6:13 61:6	<b>17th</b> 154:17	192:24	209:10	<b>500</b>
87:19	<b>18,000</b>	<b>200,000</b>	<b>23,000</b>	159:23,25
176:18		175:17	57:17	<b>55</b> 175:16
192:22		<b>2000</b>	<b>200</b> 30:13	<b>560-acre</b>
213:5		11:17	<b>24</b> 127:13	157:24
		18:22	187:9	
		<b>2000--after</b>	226:16	
		20:13		

<hr/> 6 <hr/>	104:8,22	99:3	4:20 63:2	<b>Adams</b>
6 176:18	105:13	<b>access</b>	64:8	213:17
<b>6,000</b>	112:7	147:14,18	177:21	<b>add</b> 83:3
176:19	186:22	200:25	202:15	147:3
<b>60601</b> 1:15	<b>about--</b>	222:15	<b>acted</b> 116:9	222:17
<hr/> 7 <hr/>	<b>I'm</b> 200:6	<b>accomplishe</b>	<b>acting</b>	<b>added</b>
7 177:21	<b>absence</b>	<b>d</b> 2:12	80:17	146:20
<b>7:00</b> 66:22	7:17	<b>accomplishi</b>	113:1	222:10,15
<b>70%</b> 57:18	<b>absolute</b>	<b>ng</b> 165:6	160:22	,21
<hr/> 8 <hr/>	15:1	<b>accomplishm</b>	161:4,14	<b>addition</b>
8:00 66:22	<b>absolutely</b>	<b>ent</b>	<b>action</b>	32:19
<b>837</b> 171:20	6:2,3	225:10	190:12	<b>additional</b>
<b>8th</b>	26:24	<b>accomplishm</b>	<b>active</b>	153:14
153:12	29:18	<b>ents</b>	162:6	197:18
154:9	30:20	220:10	<b>activities</b>	212:3
<hr/> 9 <hr/>	57:2	225:3,5,7	147:13	<b>address</b> 2:4
9:00 79:23	93:13	<b>according</b>	157:14	146:16
<b>9:40</b> 154:17	96:12	109:12	213:8	199:19,20
<b>90s</b> 8:11	130:18	141:17	<b>activity</b>	200:3
9:8	178:23	159:7	15:4	201:11
<b>95%</b> 172:1	208:22	<b>accounting</b>	143:10	217:7
<hr/> A <hr/>	<b>academic</b>	6:20 11:7	<b>ACTs</b> 212:13	223:18
<b>a.m</b>	161:2,5	<b>accumulated</b>	218:12	<b>addressed</b>
137:25	162:2	205:24	<b>actual</b> 34:9	124:7
154:17	192:9	<b>Ace's</b>	41:15	<b>addresses</b>
<b>aberration</b>	202:1	97:3,11	<b>actually</b>	146:15
132:7	<b>academics</b>	<b>achieve</b>	20:4	<b>addressing</b>
<b>aberrationa</b>	200:8	113:21	21:23	68:8
<b>l</b>	<b>academy</b>	<b>acknowledge</b>	24:24	200:4
82:5,6,18	218:5,11	99:4	29:10	<b>administrat</b>
,20	<b>accept</b>	<b>acknowledge</b>	38:6	<b>ion</b>
<b>ability</b>	57:12,13	<b>s</b> 128:3	54:12,19	3:14
30:20	115:11	<b>acquaintanc</b>	60:22	4:1
226:13	116:15,21	<b>e</b> 87:25	70:17	11:20,22
<b>able</b> 3:24	<b>acceptable</b>	88:3,6,7,	80:24	12:10,11,
5:18 6:11	66:7	23	89:10	18
10:14	93:9,11	<b>acquaintanc</b>	90:17	14:11
23:13	<b>acceptance</b>	<b>es</b>	96:10	15:7,16,1
59:11	92:3 94:2	46:13	109:19	7,18
	<b>accepted</b>	83:1	113:10	16:9,16,2
	89:3 94:6	<b>across</b>	114:17	0 18:4
	95:13,16	34:18	195:2	19:7,23
	106:13	200:24	<b>actually--</b>	22:6
	<b>accepting</b>	<b>act</b> 3:8	<b>some</b>	69:22
	33:15		187:4	71:1
	98:25		<b>ad</b> 3:9	74:10
				75:15,18

76:19	83:21	135:2	,17 145:4	<b>advocacy</b>
77:25	89:25	137:2	<b>admitted</b>	64:20
78:8 79:1	90:21	144:5	39:25	<b>advocate</b>
84:14	97:5	146:15,21	40:6,7,10	3:12
85:2,4,13	98:15	188:15	44:24	4:7 26:18
,19,25	120:24	189:12	47:9,20	186:6
86:2,6	126:11	199:8,18	92:5	200:15,16
95:3	140:15,19	202:8,13	107:2,3,7	,19
130:8	141:6	216:20	,25 108:5	223:4,5
131:2	146:22	222:7,12	109:5,14,	<b>advocated</b>
150:22	198:22	<b>ADMISSIONS-</b>	25	41:7,8
151:10	202:1	<b>REVIEW</b>	110:4	63:18
158:22	203:14,23	116:25	138:9	214:3
163:22	212:23	178:24	144:13	220:24,25
164:10	214:22,25	179:1	152:25	223:15
175:6,8	215:6	225:21	153:11	<b>advocating</b>
177:4,8	<b>admissions</b>	<b>admissions-</b>	154:22	63:4
179:18	1:11	<b>review-</b>	196:6,7,9	65:14
184:23	2:5,21	<b>071409</b>	197:4,17,	90:20,24
<b>administrat</b>	4:24 5:10	2:1	21	214:22
<b>ions</b>	6:6	<b>admit 43:17</b>	198:1,5,2	215:6
178:13	10:2,3	46:21,25	5 199:1	<b>advocation</b>
<b>administrat</b>	37:18,22	60:6	202:6	220:25
<b>ion's</b>	38:9,22	91:22	209:9,12	<b>affairs</b>
4:10,16	39:20	101:6,23	214:2	132:18
<b>administrat</b>	45:22,24	102:7	218:25	161:3,5
<b>ion--</b>	46:3 47:3	103:2	<b>admitting</b>	162:3
<b>the</b> 13:17	48:20,21	104:15,16	123:9	<b>affect 92:7</b>
<b>administrat</b>	49:12,21	119:3,16	<b>adopted</b>	<b>affected</b>
<b>ive</b> 67:14	51:21,25	120:11	79:16	62:22
164:18	52:25	122:9,11,	<b>adopting</b>	<b>affects</b>
166:1	55:8	14 137:19	80:17	62:21
199:22	56:15	138:14	<b>advance</b>	<b>affiliate</b>
<b>admins</b> 68:3	57:8	141:8	38:13	163:21
<b>admissible</b>	58:18,23	144:14	<b>advantage</b>	<b>African</b>
102:8	59:6 60:6	196:11	196:17	88:11
<b>admission</b>	64:1	198:14	<b>adventure</b>	<b>African-</b>
4:23	65:20,21,	210:7	184:16	<b>American</b>
5:9,12	24	<b>admittee</b>	<b>advice</b>	86:21
37:24	78:25	123:23	54:10	<b>afternoon</b>
42:5	93:8	<b>admits</b>	132:15	123:22
46:21	100:9	120:20,21	<b>advised</b>	136:6
48:17	102:12,15	123:3	69:22	165:25
51:25	104:24	126:23	212:14	<b>against</b>
55:15,25	105:22	127:6,12,	<b>advisory</b>	101:17
57:19	108:1	17	21:15	
63:18	111:14,17	143:6,11		
66:9	123:7	144:11,12		
	126:13			
	133:6,8			

<b>age</b> 175:16	204:25	217:13	145:19	126:8
<b>agencies</b> 33:2	<b>already</b> 15:14,18	<b>Amy</b> 226:15	151:12	127:15
<b>Agency</b> 62:8	89:3	<b>analogy</b> 117:9	182:4	133:10,25
<b>agenda</b> 79:13,20, 23,25	90:24,25	148:16	183:5	134:14
80:2,9,21	91:5	<b>analysis</b> 5:20	186:24	169:11,12
<b>agent</b> 33:9	92:15,16	<b>analytical</b> 145:18	<b>answered</b> 67:1	177:9
<b>ago</b> 49:22	109:22	<b>ancient</b> 50:8	95:24	204:3
52:4	190:19	<b>And/or</b> 168:14	97:7	209:13
110:9	194:2	<b>And--so</b> 211:3	146:4	223:4
131:19	196:19	<b>angered</b> 208:20	<b>answering</b> 111:24	<b>anybody-- with</b> 176:1
160:5	202:20	<b>announcemen ts</b> 31:1	<b>answers</b> 80:2,3	<b>any--I</b> 42:2
170:21	215:2	<b>annual</b> 20:22	132:18	<b>anyone</b> 29:15
195:2	<b>alter</b> 172:14	24:7 25:9	134:22	70:25
214:21	<b>alternative</b> 195:14,15	31:2 78:6	189:22	166:18,20
<b>agreement</b> 101:3	<b>alternative s</b> 196:14	83:8	<b>antennae</b> 184:6	176:1
117:18	<b>am</b> 37:7	221:12	<b>anticipated</b> 86:14	<b>anything</b> 4:24
<b>ahead</b> 6:25	46:20,24	<b>answer</b> 49:17	89:18	10:24
112:8	47:8	52:2,5	<b>anxiety</b> 53:14	34:4,5
148:22	67:18	54:1,10	<b>anxious</b> 11:8 91:8	37:17,18
149:9,13	72:13	55:2,17	92:15	42:3
<b>alarming</b> 175:14	92:18	56:24	137:4	45:21
<b>Allen</b> 213:5,24	93:21,24	57:3,10	146:24,25	49:3,12
214:14,23	100:3	60:23	<b>any-- again</b> 130:6	92:21
216:8	111:20	66:7	<b>anybody</b> 13:5	93:6,14,1
<b>all--it</b> 124:6	141:1	67:2,3	15:22,23	9,23
<b>allow</b> 57:24	142:11	70:8	22:12	95:22
96:12	156:13,20	71:15	30:6	96:13
103:9	157:1	81:2	40:12	110:10
117:15	168:4	93:4,10	48:1	128:21
<b>allowed</b> 184:23	179:24	101:19,25	49:25	137:5
<b>alluded</b> 195:1	191:13	102:1	59:15	141:9
<b>alluding</b> 219:20	<b>amenable</b> 33:15	103:17	79:4 81:1	148:22
<b>alone</b>	<b>American</b> 88:12	131:4,7	82:11	150:24
	<b>am--is</b> 32:9	133:5,20	93:22	166:13,16
	<b>amongst</b> 127:14	134:6	98:10	186:5
	158:1	138:22	103:1	188:24
	<b>amount</b> 14:21		122:11,14	190:21
	116:17			192:11
				196:10,12
				201:5
				222:17
				<b>anything-- I'm</b> 222:16

<b>anything's</b>	89:22	190:4	223:24,25	222:20
72:24	90:8	216:19	<b>appreciated</b>	<b>areas</b>
129:3	106:2	<b>applying</b>	90:4	9:22
<b>anywhere</b>	107:1,24	88:23	221:3	146:10,16
176:25	112:4	190:2	<b>approached</b>	147:8
<b>a--once</b>	114:9,10	195:11	3:17	148:6,9
56:8	115:9,15,	213:24	158:10	185:12
<b>AP</b> 218:12	21 125:16	216:8	161:20	<b>aren't</b>
<b>apartment</b>	151:16	<b>appoint</b>	221:11	150:1
53:13	152:4,8,1	28:10,12	<b>approaches</b>	<b>are--one</b>
<b>apologies</b>	0	32:14	201:2	100:18
2:6	153:15,18	179:10	<b>appropriate</b>	<b>are--when</b>
140:10	155:1	<b>appointed</b>	60:10	185:2
<b>apologize</b>	193:1	10:9	64:2	<b>arguments</b>
144:2	194:17	12:25	78:11	102:20
<b>apparent</b>	195:23	20:9,11	89:23	<b>arise</b>
128:17	197:20	22:5	103:4	223:19
200:17	198:1,23	25:6,9	184:10	<b>arm</b> 95:4
<b>apparently</b>	206:10,15	75:13	190:10,11	<b>arrange</b>
90:16	,20	157:6,11	201:23	212:20
107:22,23	<b>applicants</b>	169:21	202:3,5,1	<b>art</b> 106:9
113:10	82:23,24	171:9	2	107:22
142:7	153:11	179:14	206:10	130:9
<b>appeal</b>	188:12	186:2	211:2	131:20
26:15	206:25	224:12	<b>appropriate</b>	<b>Arts</b>
139:5	211:20	<b>appointee</b>	d 14:22	115:10,22
<b>appear</b>	<b>applicant's</b>	62:17,21	<b>appropriati</b>	<b>as--for</b>
56:20	83:7,10	<b>appointees</b>	on	149:6
<b>appearance</b>	84:1	20:8	14:16	<b>aside</b>
155:16	<b>application</b>	<b>appointee's</b>	15:3,19	5:19
180:21	106:12	62:17	34:15	51:13
<b>appearances</b>	187:3	<b>appointment</b>	<b>approved</b>	104:22
216:10	189:9	10:7,12	184:25	<b>aside--</b>
<b>appeared</b>	196:5	158:22	186:3	<b>and</b> 51:12
161:24	202:8,14	179:24	<b>approximate</b>	<b>asked--sort</b>
185:5	207:24	180:3	ly 16:8	11:3
208:20	214:17	<b>appointment</b>	160:11,15	<b>ask--you</b>
<b>appears</b>	<b>application</b>	<b>s</b>	<b>April</b>	50:22
192:25	s 57:18	19:22,23	92:6	<b>asleep</b> 81:6
206:18	115:24	20:20	118:23	<b>aspect</b>
<b>applicable</b>	153:3	<b>appreciate</b>	136:6	202:13
68:13	200:2	89:25	141:11	<b>assembly</b>
<b>applicant</b>	<b>applied</b>	134:5	<b>area</b>	120:5
88:22	89:2	155:16	182:2	
	<b>applies</b>	156:3	213:6	
	224:17	211:3,4	217:13	
	<b>apply</b> 68:12	221:4		
	94:6			

<b>assess</b>	170:19	119:18	180:23	175:11
195:18	<b>attending</b>	139:18	202:19	<b>became--you</b>
<b>assigned</b>	163:1	145:12	<b>badly</b> 3:13	157:11
176:9	<b>attention</b>	151:18	<b>balance</b>	<b>become</b> 5:18
<b>assistance</b>	108:6	168:4	15:13	22:20
142:11	151:5	185:14,15	135:21	23:21
<b>assistant</b>	152:13	208:13	<b>balanced</b>	94:20
90:3	154:16	<b>away</b>	162:9	161:1,23
115:4	200:2	18:12	174:16	163:6
<b>associate</b>	<b>attentive</b>	23:16	<b>ball</b> 222:14	187:8
62:18	59:3,4	53:13	<b>BANA</b> 210:12	200:17
63:3,22	<b>attorney</b>	99:23	<b>bankruptcy</b>	<b>becomes</b>
<b>associated</b>	8:7	100:2	9:21	172:10
79:2	<b>attorneys</b>	150:4	<b>banter</b>	<b>becoming</b>
<b>associates</b>	174:22	<b>awhile</b>	166:3	3:15
62:24	<b>attributed</b>	20:20	<b>bargain</b>	35:15
97:21	42:14	<b>a--why</b>	4:23	169:14
<b>assume</b> 30:2	188:9	220:1	<b>based</b>	221:25
45:16	<b>audio</b>	<b>awkward</b>	42:3	<b>beforehand</b>
169:16	226:12	24:12	104:7	187:19
<b>assure</b>	<b>audited</b>	<b>awry</b> 222:25	109:14	<b>begin</b>
80:25	103:14	<b>Ayers</b>	112:15	124:12
107:8	<b>auditing</b>	213:18	113:17	154:13
141:20	68:25	<b>a--you</b>	151:13	<b>beginning</b>
<b>a--</b>	<b>authority</b>	25:21	197:15	152:20
<b>they're</b>	133:22	<hr/>	<b>basic</b> 204:4	160:17
134:17	138:7	<b>B</b>	<b>basing</b> 87:8	199:10
<b>athletic</b>	<b>autonomously</b>	<b>bachelor's</b>	<b>basis</b> 63:19	<b>begins</b>
172:20	171:8	2:14	78:6	115:11
<b>athletics</b>	<b>autonomy</b>	6:19,22	83:9,25	116:15
172:20	171:6,15	7:9 52:16	103:20	136:5
<b>attached</b>	<b>available</b>	<b>back--and</b>	161:1	137:17
43:6	89:19	54:14	<b>backed</b>	152:18
56:13,22	<b>average</b>	164:13	18:25	210:22
117:12	83:25	<b>background</b>	<b>basketball</b>	<b>behalf</b>
124:12	139:25	26:10	18:25	3:9 4:8
194:22	144:18	206:23	<b>batch</b> 20:12	48:3
<b>attachment</b>	210:11	<b>backing</b>	86:19	90:20
56:21	218:11	215:20,21	116:1	117:21
<b>attempted</b>	<b>award</b> 69:4	,22	<b>batched</b>	210:24
211:19	<b>awarded</b>	<b>backwards</b>	84:18	211:19
<b>attempting</b>	2:23	212:7	<b>beat</b> 216:11	<b>behind</b> 43:1
212:10	<b>aware</b>	<b>bad</b> 13:19	<b>became</b>	<b>belief</b>
<b>attended</b>	118:20	113:2	38:22	177:5,6
			67:10	<b>believe</b> 5:3
			80:15	8:13

11:2,6,9	<b>benefits</b>	190:3,5,1	<b>Blagojevitc</b>	49:9
12:16	33:8	5	<b>h's</b> 29:17	53:19
19:21,22	211:17	195:10,11	<b>blank</b>	56:9 62:1
20:14	212:3	,24 198:3	153:18	66:10,15
34:8 35:8	<b>benign</b>	199:2	<b>blasted</b>	67:17,19,
44:13,14	46:12	203:15	164:8	20
49:7 54:1	54:6 65:1	<b>bit</b> 9:24	<b>blind</b> 38:23	68:7,23
60:19	<b>best</b> 5:24	19:13	127:24	69:17,24
61:23	24:19	55:4	<b>Blow</b> 40:24	70:21
63:1	135:5	73:18	<b>board</b>	73:10,11,
72:18	147:6	131:22	2:16	14,25
73:15	149:2	143:10	3:2	74:2,3,8,
85:20,22	165:5	152:19	4:11	12,18,22
87:24	177:22	176:9	5:8	75:13,16,
90:6	181:13	185:23	8:23	24
91:25	226:13	225:13	9:1,3,9,1	77:3,4,23
92:12	<b>be--the</b>	<b>Blagojevich</b>	4,15	79:6,11,1
98:20	206:18	13:4,6,17	10:7,9,13	2,14,16,1
101:11	<b>be--this</b>	69:22	11:6,9,16	9 80:4
109:2	121:20	72:18	,19,25	81:16,17,
125:1	<b>better</b> 9:18	76:19	12:25	18
130:1	42:8,15	85:12	16:1	83:20
131:11,12	54:22	114:11	19:18,24	97:13
164:9	77:15	115:4	20:3,15,1	99:21
169:9	118:12	130:8	6,18,23	100:21
177:13	177:9	150:22	21:5,8,9,	108:19
182:7	199:16	151:3,9	23	111:11
185:25	215:10	155:12	22:17,20	130:16,17
190:12,24	216:12	159:18,21	23:3	,23
<b>believed</b>	<b>beyond</b> 5:23	161:18	24:18,22,	131:25
95:25	54:19	169:5	24	133:2,15,
<b>believes</b>	94:16	171:22	25:2,12,1	25
111:23	<b>be--you</b>	175:6	4 26:11	134:1
173:18	224:13	177:3	27:9,11	136:11,25
<b>Bell</b> 8:4	<b>bid</b> 81:8,12	179:10,18	28:13	139:22
104:25	<b>bigger</b>	180:2,4	29:22	145:6,22
<b>belong</b>	23:12	183:2	30:17,19	147:23
100:10	<b>biggest</b>	<b>Blagojevich</b>	31:3,4,5,	148:10,12
207:13	2:18	<b>'s</b> 183:15	6,10	156:5,18,
<b>beneficial</b>	<b>bill</b> 4:5	<b>Blagojevitc</b>	34:18	22,25
190:1	213:18	<b>h</b> 15:16	35:9,18	157:6,11
<b>benefit</b>	<b>billion</b>	16:6,16	36:4,8	158:12,23
9:25	3:16	19:7	37:3	160:7,14,
75:12	175:2,3	24:16	40:14,17	20
156:4	<b>biology</b>	28:1,16	41:18,20	161:9,25
188:5		29:6	43:24	162:4,9
212:2		32:24	46:2	163:17,25
213:22		45:10,14	48:13	164:17
				167:25
				168:6,9
				169:14,18

170:8,14, 17	184:2,11, 14	222:22	<b>Bush</b> 29:3	<b>campus</b>
171:6,7,1 4,19	<b>bonuses</b>	<b>broader</b>	<b>business</b>	21:12
173:17,21	184:24	170:25	3:4 7:1	67:1
174:7,16, 24	185:2,8	<b>broker</b>	29:20	105:3
175:5	<b>book</b> 82:16	112:16,18	33:5	108:24
177:2,7	<b>books</b> 172:8	<b>Brondan</b>	46:13	158:5
178:3,16, 17,23	<b>boom</b> 209:12	25:16	55:23	164:19
182:13	<b>bored</b> 17:22	<b>brought</b>	56:3	184:1,2,1 7 225:14
183:7,20, 21,22	<b>bothers</b>	130:8	62:18,24	<b>candidate</b>
185:1	131:13	225:7	63:3,22	10:22
186:16,22	135:1	<b>Bruce</b> 25:17	65:18	11:13
204:15	<b>bottom</b>	179:22	79:17	22:10
205:21	57:22	<b>brush</b>	83:1	23:5 24:6
221:8,16	106:8	157:25	97:20	39:24
224:17	108:3,11	<b>budget</b>	153:10,12	40:9,20,2
<b>boards</b>	198:11	3:16,17,1 9,23,24	167:21	1 55:24
21:25	210:6	15:9,13	203:20	65:3
27:17	<b>bound</b>	17:3	<b>business-- whatever</b>	70:12,15
75:2	121:18	34:3,8,12 ,13,14,20	43:4	89:17
162:2	<b>Boyd</b> 8:4	74:16	<b>busy</b> 181:18	106:16
<b>board's</b>	<b>Bradley</b>	78:20	192:11	112:10
20:22	176:7	171:18,20	<b>but</b> > 92:21	115:25
134:8	<b>brain</b>	172:22	<b>butt</b> 143:25	123:5
221:25	217:21	175:1,2	<b>buyout</b>	137:19
<b>Boards</b>	<b>Branch</b>	<b>budget's</b>	32:22	140:16,25
11:11	226:15	175:1	<b>buzz</b> 119:11	141:12,15
<b>board-- there</b>	<b>breach</b>	<b>budget-- then</b> 3:17	122:19	142:5
35:19	145:15	<b>build</b> 162:5	138:3	161:23
<b>board-- yes</b> 35:11	<b>break</b> 148:7	<b>building</b>	<hr/> C <hr/>	181:16
<b>Bob</b>	<b>brief</b>	164:19	<b>cabinet</b>	215:19,20 ,22,23
25:17,19	49:7,8	166:2	13:10	218:15
<b>bocky</b> 57:6	101:2	<b>builds</b>	<b>Calculus</b>	<b>candidates</b>
<b>body</b> 174:4	<b>brilliant</b>	219:14	218:12	24:10
<b>bold</b>	134:17	<b>bunch</b>	<b>camp</b> 13:6	25:24
10:21	200:21	38:7	68:5	26:10
12:7	<b>bring</b> 65:11	127:6	<b>campaign</b>	29:4 36:6
<b>bona</b> 99:1,3	<b>brings</b>	190:5	14:2	125:22
<b>bonds</b> 8:13	148:19	<b>burden</b>	28:16	126:1
<b>bonus</b>	<b>brining</b>	209:17	29:17	129:18
	112:25	<b>bureaucracy</b>	151:3,5,1 0 159:19	153:1,24
	<b>broad</b>	13:23	<b>campaigning</b>	<b>candidate-- there's</b>
			13:18	88:19
				<b>can't--I</b>
				183:4
				<b>can't--</b>

<b>Niranjan</b> 180:2	<b>categorical</b> <b>ly</b> 186:18 187:16	79:15 112:4 132:22 160:6 212:9 213:7 225:15	23 70:21 73:11,14, 23 80:15 160:19,22 ,25 161:1,2,4 ,7,14,23 163:25 164:7 169:14 182:21 183:9	162:22 163:12 178:16,23 180:14
<b>Cantor</b> 35:21	<b>categories</b> 83:6			<b>Chairman--</b> <b>that</b> 24:25
<b>capable</b> 64:24	<b>categorizat</b> <b>ion</b> 148:4	<b>certainly</b> 9:16 17:2 72:7 101:8 119:18 120:7 122:3 134:7 139:23 142:22 159:6 172:11 188:10		<b>chairmen</b> 66:10
<b>capital</b> 4:2,5 157:22	<b>category</b> 33:13 47:2 99:11 116:4,5 122:23,25 152:9 200:11			<b>chairperson</b> 27:6
<b>captured</b> 33:10				<b>chairs</b> 22:20 74:19,24 75:4
<b>care</b> 6:9 59:7 135:3 172:5 175:21,24 176:23	<b>caught</b> 139:2		<b>chairman</b> 2:2 3:2,15 15:25 27:11 30:8,10,1 6 31:6,10,2 2 32:8,16 40:13,16 64:10 69:1 73:10,18 74:2 75:23 94:20 95:25 96:2 100:21 130:20 131:1 145:9 161:4 162:12 163:7 165:11 171:4 177:7 178:3 180:21 182:6,12 183:22 200:8 207:16	
<b>cared</b> 18:13	<b>cause</b> 15:8 19:25 20:2 119:17 121:21,23 172:12 186:7	<b>cetera</b> 142:12 167:5		<b>chair--when</b> 182:20
<b>career</b> 5:7 7:19				<b>chance</b> 100:8 186:6 187:13 189:22
<b>careful</b> 3:21 93:3	<b>caused</b> 92:9 120:7 198:22	<b>chain</b> 104:4 123:25 207:23 208:5		<b>chancellor</b> 35:5,10,1 2,15,20 36:5,12,1 6,25 38:8 43:15,16 46:4 50:25 90:6 108:11,17 ,23 110:14 111:1 118:24 122:18 127:11 128:1 131:8 138:6 140:12 142:2 143:3,20 144:22 154:25
<b>carroll</b> 25:17 97:12 179:19,20	<b>caused--</b> <b>it</b> 198:24	<b>chair</b> 5:8 19:18 20:24,25 21:5,8,19 22:20,25 23:11,21 24:10,11, 13,15 25:24 26:3,24,2 5 27:1,3,8, 9,15,19 28:8,11,1 2,13 29:9,22 30:18 32:1,14 45:18 46:2 48:13 69:11,17,		
<b>case</b> 3:14 34:19 54:18 59:5 79:10 111:3 114:20 116:17 120:9 146:25 209:19	<b>causes</b> 92:5 <b>causing</b> 2:7			
<b>cases</b> 59:20 154:21	<b>ceiling</b> 168:8			
<b>casual</b> 207:25	<b>Cell</b> 218:6			
<b>catch</b> 200:10	<b>Cellini</b> 12:23 <b>center</b> 1:13 77:12 174:14 186:23 213:8			
	<b>central</b> 139:8			
	<b>certain</b>		<b>chairmanshi</b> <b>p</b> 75:8	155:4,7,1 1

188:21,22	<b>chest</b> 224:2	<b>Chris's</b>	157:10	175:19
189:16	<b>Chicago</b>	164:3	<b>cite</b> 86:23	196:3
191:4	1:15	<b>Chung</b> 28:18	<b>civic</b> 3:4	208:3
194:3,4,9	8:1,2	54:11	30:14	222:5
,15	30:19	155:23	<b>clarificati</b>	<b>clinical</b>
215:12	50:25	174:5,6,9	<b>on</b>	172:5
219:6	51:3	175:5,10	203:9	<b>clinics</b>
225:3,6	175:1	176:3	211:5	75:6
<b>chancellors</b>	218:5	177:1,12	<b>class</b>	<b>close</b> 17:20
4:13	<b>chief</b> 24:17	178:2,5,8	119:14	18:6,19
74:11	76:12	180:12,13	174:4	19:15
<b>change</b>	118:4	,17 182:3	202:16	79:18
6:1 56:25	139:1	183:18	219:4,9,1	150:24,25
149:1	140:10	192:13,14	1 220:2	151:13
171:21	<b>chief--we</b>	,17,21	<b>classes</b>	180:22
199:1	205:3	193:3,6,1	51:14	<b>closed</b>
219:22	<b>child</b> 41:20	0,16,22	59:25	145:8
<b>changed</b>	54:13	194:1,7,1	60:7,21	147:2
5:13	55:22	4,19,21,2	145:8	219:10,11
118:23	61:18,21,	5	147:2	220:18
180:14	22,23	195:3,21,	211:24	<b>CNN</b> 213:17
190:25	63:4	25 196:22	213:10	<b>coaches</b>
<b>changing</b>	65:17	197:3,6,9	216:20	172:24
178:14	<b>children</b>	,12,24	217:13,19	<b>code</b> 39:9
<b>characteriz</b>	98:19	198:4,7,9	222:13	68:8,12,1
<b>ation</b>	<b>child's</b>	,17	<b>clear</b>	9 147:9
136:19,24	92:16	206:3,4,7	4:19	221:8,13,
137:20	<b>chip</b> 5:5	,17	47:25	21 222:6
<b>characteriz</b>	<b>choice</b>	207:6,10	48:18	<b>coinciding</b>
<b>e</b> 76:17	170:20	208:17	57:21	161:17
95:12	190:11	211:15,16	92:2	<b>colleague</b>
125:18	<b>choir</b> 18:1	,24	110:2	41:20
<b>characteriz</b>	<b>choose</b>	212:1,8	124:8	50:15
<b>ing</b> 43:13	184:16	214:5,12,	127:2	67:18
<b>charge</b>	<b>chosen</b>	16	129:19	210:2
108:24	32:10	215:2,5,1	133:9	<b>colleagues</b>
130:13	<b>Chris</b>	7	135:25	27:2
<b>chat</b> 38:9	17:11,12,	217:12,17	136:1	41:18
<b>check</b> 29:11	18,19	220:19,20	183:19	52:20,21
52:7 54:2	85:2,5,18	<b>circumspect</b>	198:2	134:24
68:22	,25	209:14	207:4	177:2
106:14	86:2,5	<b>circumstanc</b>	<b>cleared</b>	<b>collective</b>
193:3	95:2	<b>e</b> 218:1	209:4	183:21
214:18	97:24	222:24	<b>clearly</b>	<b>college</b> 7:1
<b>cheerleader</b>	163:9,11,	<b>circumstanc</b>	107:16	60:6
2:19	14,19	<b>es</b>	120:23	106:13
		10:12	169:24	
		60:12,13		
		82:2		

115:10,12 ,22 116:16 153:10,11 190:4 202:2 <b>Colleges</b> 108:14 <b>color</b> 48:12 <b>colors</b> 2:13 <b>comes</b> 50:16 51:21 53:20 99:5 204:21 205:9 218:8,10, 24 <b>comfortable</b> 19:14 74:23 <b>coming</b> 16:9 156:3 164:11 178:15,17 196:5,6,8 213:21,22 218:4 <b>comment</b> 75:2 93:17 120:2 134:10 138:22 160:23 169:1 206:12 224:4 <b>commenting</b> 74:8 <b>comments</b> 65:5,20 206:1 <b>commission</b> 1:11 70:23 79:4	103:11 104:10 148:13 155:25 157:10,15 ,19 162:25 165:23 185:25 188:17 195:5 <b>commissioner</b> 62:4 219:19 <b>Commissioner--I</b> 179:19 <b>commissioners</b> 10:11 212:2 223:13 <b>commissioners</b> 11:3 <b>Commissions</b> 11:11 <b>commit</b> 2:9 179:4 <b>commitment</b> 178:22 <b>commitments</b> 4:1 <b>committee</b> 22:20 27:8 28:19 29:15 36:4 51:10 74:18,24 75:4,6,7 146:1,3 161:3,5 162:3 188:12,13 ,16	<b>committees</b> 35:25 <b>common</b> 66:15 162:6 <b>communicate</b> <b>d</b> 64:3 113:7 <b>communication</b> 115:20 <b>communications</b> 116:23 206:24 207:1 <b>Communities</b> 213:3 <b>community</b> 213:7,20 225:19 <b>company</b> 7:18 <b>comparatively</b> 121:15 <b>compare</b> 76:22 137:5 168:14 <b>compared</b> 76:20 <b>competing</b> 135:19 <b>competitive</b> 215:7 <b>complained</b> 146:6 <b>complaining</b> 47:2 117:25 118:18 <b>complaint</b> 107:18 198:21 <b>complete</b>	146:12 <b>completely</b> 37:16 127:22 216:18 <b>component</b> 10:19 81:9 <b>comprehensive</b> <b>ve</b> 148:1,2 <b>concept</b> 222:21,23 <b>concern</b> 14:3 137:18 182:5 215:6 223:3 <b>concerned</b> 15:20 143:21 <b>concerning</b> 115:21 119:9 137:8 155:1 158:22 162:22 <b>concerns</b> 119:17 <b>conclude</b> 5:21 93:14 <b>concluded</b> 26:15 164:14,15 165:20,24 <b>conclusion</b> 102:16 104:8 <b>conclusions</b> 56:19 96:20 <b>concrete</b>	182:17 <b>conditional</b> 112:3 113:19 <b>conditions</b> 110:4 112:5 113:22 <b>conduct</b> 68:13,20 146:14 147:9 221:8,13, 21 222:6 <b>conducted</b> 79:17 <b>confidence</b> 6:6 134:20 149:5 190:9 <b>confident</b> 6:10 125:12 <b>confined</b> 119:20 <b>confirming</b> 153:10 <b>conflict</b> 62:16,19 215:5 <b>conflicted</b> 201:22 <b>confusing</b> 100:19 <b>congratulations</b> 165:2 <b>congressman</b> 72:19 <b>connected</b> 8:24 85:1 98:7 206:17 <b>connection</b>
---	---	--	---	--

19:11	<b>consulted</b>	168:8	26:2,20	153:6
125:15	43:23	<b>contracting</b>	28:4,18	<b>correct</b>
140:18	183:13,16	181:24	38:4,21	13:4
142:20	<b>contact</b> 3:3	<b>contractor</b>	70:19,25	16:10,16
150:22	16:19	65:10,11	71:19,25	26:16
152:9	17:21	<b>contractors</b>	72:5,6,9,	40:4
185:8	18:21	81:11	21,23	61:19
<b>connects</b>	77:24	<b>contractor'</b>	73:1	67:10
127:23	78:3,7	<b>s</b> 65:10	113:16	69:13,17,
<b>consecutive</b>	91:1	<b>contracts</b>	125:25	24
75:23	92:16	33:22	129:6,9,1	70:21
157:3	116:9	81:7,25	1,17	75:15
<b>consensus</b>	130:22	167:18	139:17,21	96:16,17
22:10	158:20	168:5	140:13,17	97:13
161:25	176:4	182:15	,22,24	116:22
162:7	185:9	<b>contribute</b>	155:4,7	134:8
<b>consider</b>	<b>contacted</b>	29:16	166:3	138:1
5:24	138:11	<b>contributed</b>	183:7	156:25
24:11	<b>contain</b>	2:12	<b>conversatio</b>	157:3,4
45:2 90:1	106:7	<b>contributes</b>	<b>ns</b>	158:18
134:5	120:14	14:14	26:14,22	160:8,15
145:15	<b>contemporan</b>	<b>contributin</b>	29:14,18	162:13,14
<b>considerati</b>	<b>eously</b>	<b>g</b> 205:9	39:17	180:15
<b>on</b> 5:11	124:3	<b>contributio</b>	76:3,11	183:14
57:7	<b>contested</b>	<b>n</b> 160:4	77:9,20	192:15
211:18	22:1	<b>contributio</b>	81:24	196:20
<b>considerati</b>	<b>context</b>	<b>ns</b>	82:19	198:7
<b>ons</b>	72:3	28:20,24	111:5	204:21
57:5,24	192:4	29:2,8,12	113:13	206:15,16
<b>considered</b>	203:18,19	159:5,8,2	126:3	223:8
10:22	,21	0,22	191:4	<b>correct--</b>
54:22	206:13	181:23	<b>convinced</b>	<b>Gerry</b>
105:20	223:20	<b>contributor</b>	113:5	20:14
133:20	<b>contextual</b>	12:14,18	<b>Cook</b> 158:1	<b>correctly</b>
212:19	148:24	<b>control</b>	<b>cooperate</b>	90:15
<b>consistent</b>	<b>continue</b>	32:20	155:17	<b>corresponde</b>
47:25	76:2	42:20	<b>copied</b>	<b>nce</b>
<b>Constantly</b>	157:19	172:23	38:23	26:7
193:13	<b>continued</b>	<b>controversi</b>	127:24	104:17
<b>construct</b>	4:7 75:23	<b>al</b> 213:18	<b>copies</b>	113:18
173:20	<b>continuity</b>	<b>convenience</b>	205:5	114:16
<b>constructiv</b>	74:20	123:16	<b>copy</b>	205:4
<b>e</b> 180:25	<b>contract</b>	<b>conversatio</b>	106:9	<b>Corrine</b>
<b>consult</b>	64:12,15	<b>n</b> 25:22	118:24	108:25
113:4	78:18		204:22	<b>coughing</b>
	81:4		<b>Corn</b> 219:2	34:4,21
			<b>corner</b>	35:5 39:7
				56:3

60:16	219:23	5:20	30:22	44:2
125:6	220:5	<b>critically</b>	92:6	59:11
<b>couldn't</b>	<b>courteous</b>	225:16	116:13	70:24
142:20	4:14 97:6	<b>criticize</b>	<b>current</b>	79:23
150:15	<b>cousin</b>	150:7	22:7 62:1	92:6
175:25	47:16	<b>crop</b>	136:25	103:25
202:10	<b>covered</b>	192:8	205:21	135:18
220:1,13, 15	147:10	193:4,6	<b>currently</b>	137:25
<b>could've</b>	<b>CPA</b> 11:7	<b>cross</b> 64:18	30:12	138:23,25
33:3	<b>cracks</b>	65:22	156:17	139:3,7
44:6,18,2	214:20	68:6	<b>curriculum</b>	140:5
0 49:21	<b>create</b> 33:8	<b>crosstalk</b>	190:9,17	163:11,23
138:9	93:19	12:13	195:19	165:18
164:8	100:21	30:15	<b>curtain</b>	208:24
<b>counsel</b>	120:7	40:23	43:1	222:19
21:1 90:3	147:7	43:11	<b>Curve</b>	224:11
217:2	198:25	45:1,13	104:25	<b>days</b>
<b>counselors</b>	<b>created</b>	46:9,17,1	<b>cut</b>	53:18
200:24	14:16	9 49:5	3:18,23,2	57:7
<b>count</b> 86:11	56:13,16	50:4 60:4	4 15:12	123:18
<b>country</b>	68:16	62:5	171:18,23	<b>day-to</b>
2:25	102:17,18	66:19	<b>cuts</b> 17:3	222:18
213:4	,19,21,22	70:7		<b>day-to-</b>
<b>counts</b>	120:10	71:23	<hr/>	<b>day</b>
29:25	121:1,2	91:9	D	223:21
<b>County</b>	146:14	94:9,17	<b>daily</b> 66:14	<b>de</b> 174:3
77:13	<b>creates</b>	98:1	<b>Dale</b> 156:10	<b>dead</b>
158:1	15:3 79:2	99:12	<b>Daniels</b>	204:7
<b>couple</b>	215:24	100:15	12:2,17	216:11
13:24	<b>creating</b>	102:11	<b>data</b> 193:1	<b>deadline</b>
47:14	101:5	106:4,19	<b>date</b>	58:22
56:4	121:9	108:12	16:13	220:17
61:17	130:14	122:6	19:21	<b>deal</b>
117:4	<b>creating--</b>	124:17,21	160:6	83:10
124:12	<b>it</b> 101:4	137:9	162:16	105:3
139:3	<b>credentials</b>	145:24	<b>Date</b> <u>July</u>	<b>dealing</b> 4:9
174:17	204:9,10	147:25	226:16	37:1
195:2	<b>credit</b>	174:19	<b>daughter</b>	101:19,21
221:6	135:22	192:20	186:20	108:20
<b>course</b>	218:12	201:20	201:25	139:3
52:23	<b>crew</b> 218:13	212:5	<b>daughter's</b>	143:22
147:4	<b>criteria</b>	224:20	204:9	179:8
153:14	105:19	<b>crucified</b>	<b>Dave</b> 180:11	194:3
158:9	<b>critical</b>	218:22	<b>day</b> 35:12	<b>dealings</b>
190:17		<b>curiosity</b>	37:15,16	17:6
216:7		168:15		<b>deals</b> 106:1
		<b>curious</b>		

<b>dealt</b> 143:14,21 ,23 151:15	92:17 118:14 133:13 164:19	<b>defier</b> 120:16	<b>st</b> 187:11	148:16,18 ,19
<b>dealt--he</b> 143:22	<b>decided</b> 11:12 188:12	<b>degree</b> 2:15 6:19,23 7:4,7,8 11:7 52:16 146:5	<b>describe</b> 6:17 7:20 66:8,11 82:7 96:8 157:9 162:24 165:22 175:10	<b>desperately</b> 6:5
<b>dean</b> 7:1 9:10,11 38:9 43:16 60:6,22 89:17,23 94:12 102:7 103:5 108:18,20 109:12,19 110:7,8,1 3,18,21 111:5,6,1 0,11,14,1 6 118:25 120:17 121:18 126:3 153:9 188:3 189:7 207:15,18	<b>decides</b> 28:20 61:1	<b>degrees</b> 6:16,18	<b>described</b> 65:15 70:14 82:12 95:24,25 98:8 102:18 117:7 132:6 145:20 221:17	<b>despite</b> 134:13 162:7
<b>dean's</b> 128:5	<b>decision</b> 28:8 29:8 34:22 62:20 63:19 101:9 138:7 169:24 170:4 171:12 195:22	<b>delayed</b> 189:23	<b>description</b> 112:3	<b>detail</b> 131:18 195:4 200:2 206:9
<b>dear</b> 90:1 115:13	<b>decision-</b> <b>makers</b> 92:8	<b>deliver</b> 77:16	<b>deserved</b> 69:4 96:11	<b>detailed</b> 55:2 220:23
<b>debate</b> 173:11	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>deluged</b> 205:4	<b>deserves</b> 135:22	<b>develop</b> 69:6 74:9 175:7 180:19
<b>debates</b> 102:20	<b>decision-</b> <b>makers</b> 92:8	<b>demanding</b> 97:1	<b>Democrat</b> 23:4	<b>developed</b> 4:14 73:21 195:17
<b>debt</b> 90:3	<b>decision-</b> <b>makers</b> 92:8	<b>democratic</b> 169:17,20	<b>democrats</b> 159:10	<b>development</b> 33:9 130:9 157:23,24 158:4
<b>decades-</b> <b>long</b> 5:11	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>denial</b> 154:23 197:19	<b>design</b> 176:21	<b>designed</b> 67:18,22 143:15 213:7
<b>December</b> 152:23 153:12 154:9,17	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>denials</b> 201:11	<b>designates</b> 21:16	<b>designed</b> 67:18,22 143:15 213:7
<b>decide</b> 58:3 65:21	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>denied</b> 58:20 202:1	<b>designation</b> 220:5	<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>deny</b> 58:9 195:23,24	<b>desirable</b> 32:13	<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>department</b> 7:17 93:8 172:21 204:21 207:16	<b>desire</b> 29:16	<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>deposit</b> 214:18	<b>desk</b> 66:21	<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21	<b>dermatologi</b>	<b>desperately</b> 6:5	<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>described</b> 65:15 70:14 82:12 95:24,25 98:8 102:18 117:7 132:6 145:20 221:17	<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>deserved</b> 69:4 96:11	<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>deserves</b> 135:22	<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>Democrat</b> 23:4	<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>democratic</b> 169:17,20	<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>democrats</b> 159:10	<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>design</b> 176:21	<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>designates</b> 21:16	<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>designation</b> 220:5	<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>desirable</b> 32:13	<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>desire</b> 29:16	<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>desk</b> 66:21	<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>desperate</b> 15:6 98:10	<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21		<b>dermatologi</b>	<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperately</b> 6:5
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>despite</b> 134:13 162:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detail</b> 131:18 195:4 200:2 206:9
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>detailed</b> 55:2 220:23
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>develop</b> 69:6 74:9 175:7 180:19
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>developed</b> 4:14 73:21 195:17
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>development</b> 33:9 130:9 157:23,24 158:4
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>designed</b> 67:18,22 143:15 213:7
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desires</b> 29:16
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			<b>desperate</b> 15:6 98:10
	<b>decisions</b> 78:15 91:23,24, 25 102:22 146:23 182:11 183:20,21			

<b>did</b> > 97:17	<b>didn</b> □ <b>t--I</b> 198:2	<b>directed</b> 86:17	190:14	143:4
<b>did--</b> <b>among</b> 22:15	<b>didn't--you</b> 27:3	140:15	<b>discretionary</b> 216:22	<b>disguised</b> 47:22
<b>did--but</b> 23:20	<b>did--you</b> 48:6	141:7	<b>discuss</b> 32:1,6	<b>displacing</b> 70:9
<b>did--I</b> 17:17	<b>difference</b> 65:9,13	<b>directed--</b> <b>in</b> 140:14	33:12	<b>disrespectful</b> 64:18
<b>didn</b> □ <b>t</b> 117:20	<b>different</b> 39:5	<b>directing</b> 141:3	123:18	<b>dissatisfac</b> <b>tion</b>
119:23	49:17,19	<b>direction</b> 184:1	223:1	<b>tion</b> 119:2
120:19	73:19	<b>directions</b> 4:22 32:7	<b>discussed</b> 9:17	<b>dissidence</b> 102:18
121:9,12, 21,23	111:24	55:7	54:11	120:3,8
122:3	132:4	<b>directly</b> 12:5	117:8	<b>distinguish</b> <b>ed</b> 213:11
127:15	141:19	108:20	122:23	<b>distributed</b> 204:17
128:8	148:8	114:10,14	148:11,12	<b>district</b> 157:15,23
129:17	152:19	142:10	166:15	<b>diverse</b> 105:17
142:2,6	157:18	143:2	206:9	213:16
147:2	169:3	<b>director</b> 3:17 34:8	221:11	<b>diversity</b> 105:19
149:9	185:24	137:2	222:4	<b>division</b> 172:19
151:4	199:15	<b>disabled</b> 202:9	<b>discusses</b> 123:4	190:7,16
152:1,12	223:17	<b>disadvantag</b> <b>e</b> 135:15,17	<b>discussing</b> 37:8	191:8
164:9	<b>differentia</b> <b>l</b> 190:15	<b>disadvantag</b> <b>ing</b> 149:4	177:17	195:15,18
165:3	<b>differentia</b> <b>te</b> 64:16	<b>disagree</b> 59:21	214:17	196:15
166:11	<b>difficult</b> 105:2	127:1	223:10	200:7
167:15,16 ,21	172:24	130:15,19	<b>discussion</b> 3:22	<b>divisions</b> 81:7
169:6,13, 18 175:25	225:18	<b>disagreeabl</b> <b>e</b> 96:19	81:18	<b>doctor</b> 147:19
176:24	<b>difficultly</b> 95:7	<b>discipline</b> 145:23	120:15	156:11,17 ,25 187:8
184:8	<b>dilemma</b> 201:25	<b>disclosure</b> 81:14	122:20	196:22
185:6,21	205:21	<b>discord</b> 120:3,8	125:21	224:3
187:14	<b>dinner</b> 10:18	<b>discount</b> 102:2	126:19	<b>doctors</b> 176:18
188:2,7	32:2	<b>discovered</b>	127:8,14	
191:5	<b>diplomacy</b> 22:14		128:11	
195:13	<b>direct</b> 89:11		141:14	
196:10,11	141:4		149:14	
198:1,2	152:13		155:1	
199:1	154:15		168:25	
202:14,16 ,21			173:2	
203:23			182:13	
213:24			195:20	
215:19			217:14	
216:4			223:23	
218:8			<b>discussions</b> 77:6,18	
219:24			78:21	
221:19			127:17	
				62:12,14, 15,24 87:19

89:13	151:3,9	200:11,14	158:14,16	188:7,20,
114:7	155:11	201:4,8,1	,19,24	23
140:2	<b>donors</b>	3,17	159:3,6,1	189:1,4,6
177:6	151:6	202:25	6,22,25	,14,17,20
192:21	<b>donor's</b>	203:8	160:9,12,	190:24
206:7	43:6	205:25	16,21	191:6,12,
<b>doesn't</b>	<b>don't</b>	207:13,14	161:8,12,	16,25
100:8	63:6	210:10	15,19,24	192:2,16,
120:22	121:6,7,1	215:13	162:14,17	19
122:10	6	216:11,13	,20,23	193:2,5,8
135:11,15	122:11,20	217:22,23	163:1,9,1	,13,21,25
,17 168:9	,21,25	221:21	3,16,18,2	194:6,10,
177:20	125:1,9,1	223:18	1	18,20,24
187:12	1,18	<b>don't--I</b>	164:2,15,	195:1,7,2
190:6	126:25	201:13	17	4
<b>dollars</b>	128:14,19	210:15	165:2,14,	196:1,23
182:1	,22	217:22	21,24	197:2,5,8
<b>domain</b>	129:8,21	<b>don't--I</b>	166:19,22	,11,23,25
201:12	130:4,20	68:21	,25	198:6,8,1
<b>Don</b> 112:9	132:20	95:14	167:2,6,1	6,24
<b>donations</b>	133:5,7,8	<b>don't--if</b>	2,15,19	199:3,9,1
28:16	135:8	223:4	168:1,4,7	4,23,25
<b>done</b> 7:11	137:5	<b>don't--</b>	,13,17	201:18,21
8:7,18,20	139:14,16	<b>I'm</b> 29:24	169:2,6,9	203:16,20
14:9 33:7	141:3,13	<b>don't--I've</b>	,15,21,25	,24
41:9,13,2	142:3,7,1	221:14	170:2,6,1	204:2,16,
1	6,21	<b>don't--Mr</b>	6	18,23
45:22,23	143:7	114:1	171:5,16	205:2,18,
92:21	148:21	<b>door</b> 213:14	172:18	20
97:14	149:13	<b>dorm</b> 213:6	173:6,11	206:4,6,1
106:24	150:23	<b>Dorris</b>	174:8,10,	6
107:8	152:6	180:11	20	207:4,9,1
125:19	155:5,19	<b>Double-A</b>	175:9,11	1
131:14	160:5	109:25	176:6	208:1,3,7
150:4	166:16	<b>doubt</b> 96:5	177:5,16	,12,15,18
168:11	169:9	<b>Dr</b> 50:24	178:4,7,1	209:22
172:14	171:1	70:19	1,20	211:7,21,
173:12	172:25	71:1	179:3,13,	23,25
186:15	173:19	72:21	16,20	212:6,9
200:21	174:25	73:1	180:1,6,9	214:11,15
217:10	176:22	155:25	,13,16,18	,25
<b>done--I</b>	181:20	156:1,8,1	182:9,22,	215:4,9
92:20	183:6	0,13,15,2	24	216:2,17,
<b>Donna</b>	187:5,13	0,23	183:4,8,1	23,25
106:10	189:20	157:1,4,8	1,14,17,1	217:15,20
<b>donor</b> 56:11	190:20	,13	8,24	218:7
120:6	191:16		184:13	220:3,8,1
	194:12		185:10,13	4,18
	196:12		,18	221:10,22
			186:11,14	222:2,22
			187:1,25	223:8,24

224:6,16, 18,21,24 225:1,9	165:8 220:11,12 222:12	3:11 49:22 73:25	16:13 21:7 31:23 150:16,17 ,18 161:18	87:1,24 88:14,16, 19 89:20 90:5 91:15 92:2,5,8, 9 93:25 95:23 106:7,8 107:21,24 108:8,11 109:3,4 112:15
<b>dramaticall y</b> 171:19	<b>earn</b> 6:22	<b>eight- balled</b> 174:1	<b>election-- and</b> 20:13	
<b>draw</b> 96:20 102:16 104:9 107:15 108:5	<b>earnest</b> 104:11	<b>either</b> 8:16 12:2 18:24 19:19 38:8 43:8 44:9 57:2 62:21 71:6 78:10 83:12 90:15 100:4 114:20,21 117:14 120:7 128:9 131:20 134:22 139:20 153:23 183:16	<b>elections</b> 21:25	
<b>drawn</b> 3:7 206:18	<b>East</b> 69:11	<b>elects</b> 21:8	<b>elected</b> 160:19	
<b>drunk</b> 99:5	<b>eat</b> 66:17	<b>elevated</b> 160:19	<b>eliminates</b> 103:13	<b>e-mail</b> 118:23,25 119:16,22 121:5,19 122:3,5,7 124:7,13, 16,22 125:2 128:3,18 129:14 130:5 136:10 137:2,4,2 4 138:10,11 ,15 139:6,11, 15 140:6,7 142:7,8,9 ,14 143:1 152:18,20 153:9,17 154:2,5,9 ,17 155:2 189:7 190:2 191:11 192:8,18 196:23 198:10,12 ,15,19 203:13 204:12 205:10 206:13,14
<b>due</b> 161:25 162:1	<b>economic</b> 15:4 27:8 33:9	<b>elaborate</b> 182:8	<b>else</b> 4:24 16:19 23:24 24:1 37:17 42:3 47:15 70:25 105:22 110:24 118:13 131:13 141:20 149:12 150:24 156:5 169:12 222:17	
<b>dumb</b> 38:11	<b>economy</b> 15:14 193:14	<b>either-- there</b> 54:16		
<b>Dundee</b> 53:4	<b>ed</b> 33:14	<b>elected</b> 13:7,9 19:18 20:23 21:5,12 22:13 23:22,24 28:13 29:23 30:10 31:9,13 69:11 75:16,17 165:17 182:21		
<b>Dunn</b> 210:15	<b>editor</b> 185:20	<b>election</b> 3:21 5:5 8:9,11 159:12	<b>email</b> 26:7 37:6,15,1 9 38:1,2,18 ,19,22,24 39:5,11 43:14 44:1,7 54:14 55:21 84:21	
<b>duration</b> 178:6	<b>editorial</b> 65:5,19 93:17	<b>education</b> 3:21 5:5 8:9,11 159:12		
<b>during</b> 157:20 175:6 179:10	<b>educating</b> 200:23	<b>educational</b> 182:16		
<b>duties</b> 9:13	<b>effect</b> 70:4 119:19	<b>effect</b> 70:4 119:19		
<hr/> <b>E</b> <hr/>	<b>education</b> 3:21 5:5 8:9,11 159:12	<b>elaborate</b> 182:8		
<b>earlier</b> 117:7 123:22 160:24 219:21 222:4,10	<b>editorial</b> 65:5,19 93:17	<b>election</b>		
<b>early</b> 8:11 11:15 16:19,20 18:22 19:7 21:4 69:10,13 83:22 146:22 149:15 162:16	<b>effort</b> 14:12 16:14 175:7			
	<b>efforts</b> 2:10 90:1 104:14 217:17			
	<b>eight</b>			

207:7	166:13	175:4	,17,20,23	58:16
208:23	<b>embarrassin</b>	<b>enthusiasm</b>	27:5,10	59:2,9,17
209:8	<b>g</b> 81:3	33:4,10	28:3,9,17	,19
210:22	<b>embedded</b>	48:16	,25	60:2,8,11
214:8	57:8	<b>entire</b> 7:19	29:2,10,1	,14
218:9	<b>employee</b>	27:9	9,23	61:10,13,
<b>emailed</b>	17:14	34:13,14,	30:5,9,12	20,23
87:14	<b>employees</b>	20	,16,25	62:3,10,1
<b>emails</b>	32:22	61:16	31:12,16,	3
36:15,18,	<b>emptied</b>	159:19	20	63:6,15,2
21	32:18,23	<b>entitled</b>	32:4,12,1	3
37:13	<b>encompassin</b>	24:21	5	64:14,20
38:7	<b>g</b> 157:24	80:19	33:17,23	65:13
41:14,15	<b>encounter</b>	<b>entrance</b>	35:7,11,1	66:1,5,21
42:13	9:1	11:24	6,19	67:11,15,
43:15	34:4	<b>environment</b>	36:10,13,	23
58:18	91:16	<b>al</b> 9:21	18,21,23	68:1,4,9,
65:5,16	101:2	<b>epidemic</b>	37:2,4,10	15,21
87:9 92:4	<b>encountered</b>	192:5,25	,14,21	69:10,14,
93:5	158:8	193:10	38:1	18,25
94:12	<b>encounters</b>	<b>Eppley</b>	39:4,8,16	70:5,8,14
102:6	10:17	2:2	,19,22	,22
104:17	49:8	6:15,19	40:2,5,11	71:2,5,10
<b>e-mails</b>	55:11	7:6,8,13,	,15,18,21	,14,21
117:25	104:10	22	,25	72:1,4,11
118:21	<b>encourage</b>	8:2,4,10,	41:7,12,1	,13,22
124:12	147:23	18,25	5,25	73:4,7,11
126:17	<b>encouraged</b>	9:5,12,15	42:10,17	,15,24
127:20	79:3	10:5,10,1	43:20	74:6
141:17,20	<b>encourageme</b>	4	44:1,7,13	75:16,19,
144:21	<b>nt</b> 89:24	11:15,23	,20,25	25
151:19	<b>engaged</b>	12:1,11,1	45:4,7,11	76:5,9,12
153:22,25	80:18	6,19,24	,15,17,20	,22
192:3,22	<b>engagement</b>	13:5,11,1	,23	78:1,9,16
194:21	30:14	4	46:6,10,1	,19,22
195:4	<b>Engineering</b>	16:2,4,11	8,23	81:22
198:10	111:17	,17,22	47:1,7,11	82:1,6,21
203:11	<b>ensure</b>	17:8,10,1	48:4,9,14	,22
208:9,11	215:11	6 18:7,24	49:4,6,13	83:3,11,1
217:23	<b>enter</b>	19:4,9,19	,18	9
<b>e-mail's</b>	190:15	21:6,8,20	50:5,9,15	84:3,5,10
127:2	209:15	22:4,7,12	,19,22	,15
<b>e-mail--the</b>	<b>enterprise</b>	23:7,22,2	51:5,8,17	85:5,7,10
198:10		5	,24	,14,17,20
<b>e-mail--</b>		24:3,7,19	52:2,10,1	,22
<b>their</b>		25:3,8,13	9,21,23	86:1,7,10
192:3		,16,20,25	53:2,4,9,	,18
<b>embarrassed</b>		26:3,8,13	11,24	87:7,17,2
			54:7	1
			55:9,17	88:1,4,8,
			56:4	11,25

89:5,8,14	,15,19,22	168:24	64:7	97:23
90:9,12,1	125:1,4,8	169:19,21	<b>ethics</b> 62:7	216:21
4,18,22	,11,15,18	170:11	63:2 64:8	<b>every--</b>
91:4,6,14	,21,24	178:2	67:13,15,	<b>three</b>
,18,21	126:4,6,9	179:23	16	20:9
92:1,11	,12,18,21	182:6	68:8,9,12	<b>evidence</b>
93:1,13	127:4	209:23	,16,24	142:22
94:10	128:8,16,	<b>Eppley's</b>	69:2,3,6	<b>exact</b> 19:20
95:10,14,	22	28:5	145:16	<b>exactly</b>
17	129:2,7,1	<b>equal</b>	221:12	3:22
96:6,17	1,16,22	215:18	<b>ethos</b>	17:16
98:4,8,17	130:4,15,	<b>Equally</b>	225:13	101:20
,20,24	18 131:11	59:18	<b>events</b>	123:14,19
99:2,9,15	132:8,13,	<b>especially</b>	2:7	164:20
,19,24	20	49:15	111:12	195:17
100:14,17	133:1,3,1	56:14	179:5	221:2
,23	2,16,19,2	136:10	<b>eventually</b>	222:16
101:11,14	4 134:3,9	<b>essay</b> 214:1	198:5	<b>example</b>
,18	136:4,8,1	<b>essential</b>	<b>everybody</b>	33:20
102:14	3,17,20	49:9	18:14	54:18
103:6,24	137:4,10,	<b>essentially</b>	26:25	62:20
104:7,16	15,22	32:23	32:21	77:19
106:10,17	138:2,5,1	117:12	57:11	79:7
,20	3,17,21	<b>established</b>	58:7,24	<b>examples</b>
107:5,15	139:13	5:10	81:10,11,	202:23
108:2,7,1	140:3,23	22:19	12,13,16	<b>excellent</b>
5	141:4,7,1	27:6	105:2	189:22
109:9,16,	3,18,24	63:10	110:24	195:13
19	142:3,15,	84:16	131:13	<b>except</b>
110:8,15,	17,19	90:25	135:7,10	39:11
19,22	143:2,7,1	<b>estimate</b>	159:9	96:20
111:3,6,9	7 144:2,7	78:6,10	179:13,14	132:21
,15,18	145:13,17	83:9	196:20	188:21
112:11,18	,25 146:8	193:24	201:12	190:21
113:8,14	147:10,24	<b>estimated</b>	220:24	201:5
114:1,5,6	148:3,14	83:11	<b>everybody's</b>	<b>exception</b>
,12	150:12,15	<b>Estrada</b>	34:18	205:19
115:1,6,9	,19,23	160:23	81:19	<b>exceptional</b>
,16,23	151:4,11,	<b>et</b> 142:12	<b>everyday</b>	51:14
116:3,10,	18,22	167:5	79:2	<b>exceptional</b>
12,19,22	152:2,6,1	<b>etcetera</b>	<b>everyone</b>	<b>ly</b> 96:24
117:4,22	1,16,22,2	106:14	181:4	<b>exceptions</b>
118:5,13	4 153:7	<b>eternal</b>	<b>everything</b>	103:15
119:5,10,	154:1,6,8	178:11	13:18,19	<b>excuse</b> 80:1
18	,14	<b>ethical</b>	17:22	<b>executive</b>
121:2,6,1	155:5,9,1		33:6 43:2	
1,16,23	3,16,18		52:12,13	
122:7,10,	163:6,25			
13,19,25	164:24			
123:6,11	165:19			
124:2,5,8	167:14			

34:23	225:18	<b>faced</b> 15:8	138:11	<b>Father's</b>
62:8	<b>expert</b>	<b>facilitate</b>	170:1	208:24
89:23	181:24	211:19	195:21	<b>faulty</b>
223:15	<b>expertise</b>	<b>facilitated</b>	197:19	114:21
224:8	156:5	63:3	214:21	<b>favor</b>
<b>executives</b>	174:24	145:10	217:13	48:1 90:2
4:12	182:1	<b>facing</b> 3:16	<b>fairly</b>	<b>favors</b>
<b>exhibit</b>	<b>explain</b>	<b>fact</b>	22:2,4	48:2,5,7
87:19,23	10:11	14:15	<b>faith</b> 47:18	93:23
105:25	64:1	17:13	<b>fall</b> 47:1	<b>fear</b> 221:24
112:2	129:16	34:20	81:6	<b>February</b>
114:5,23	167:10	44:7	115:12	19:20
119:7	172:24	52:25	116:16	<b>federal</b>
136:1,2	195:5	59:19	<b>false</b> 3:9	159:11
142:9	196:2	68:15	208:22	<b>feel</b>
152:14	212:2	70:20	<b>familiar</b>	49:23
153:16	<b>explore</b>	89:22	150:10	108:21
192:14,22	51:19	108:4	151:25	156:6
194:19	<b>expressed</b>	109:13	194:24	166:5
197:13	119:1	111:8	<b>familiarize</b>	188:7
206:5	152:24	123:12	89:12	202:25
214:6,7	185:24	125:12	<b>families</b>	206:9
<b>exhibits</b>	<b>extensively</b>	127:23	105:4	216:4
152:18	8:21	134:13	135:17	<b>feeling</b>
<b>exist</b> 3:1	<b>extent</b>	142:13	<b>family</b>	33:25
<b>existing</b>	22:21	162:7	62:23	<b>feelings</b>
18:16	28:11	183:1	63:22	34:7
93:12	76:18	193:11	65:6	185:23
178:13	87:2	198:4	87:12	<b>fellow</b>
<b>expect</b>	173:6	<b>facto</b> 174:4	109:6	51:22
163:10	215:22	<b>facts</b> 43:14	112:25	53:23
<b>expected</b>	<b>extent--I'm</b>	<b>faculty</b>	194:16	63:5
96:25	22:17	2:22	196:8,11	71:19
<b>expenditure</b>	<b>extra</b> 43:9	35:25	197:7,10,	76:20
14:17	<b>extraordina</b>	184:19	15,16,22	77:23
<b>experience</b>	<b>rily</b> 23:9	225:17	201:24	131:9
5:19	<b>extremely</b>	<b>fail</b> 121:18	202:18,20	<b>fellowship</b>
26:11	162:6	209:10	203:12,13	210:15
48:14	175:11	<b>fair</b>	210:25	220:1
74:1 75:1	208:19	16:12	<b>fan</b> 158:9	<b>felt</b> 12:5
96:22	<hr/>	83:2	<b>father</b> 65:7	19:13
135:8	F	88:21	88:12	74:22
177:15	<hr/>	92:13	90:8,18	160:2
178:5	<b>face</b>	104:3	92:19,24	187:23
210:14	25:22,23	112:1	93:18	215:15
212:14	26:5	116:16	203:17	
215:10		118:7		

<b>FEMALE</b>	130:6,16	<b>figures</b> 3:5	28:15,17,	196:4
13:2,8,12	131:9	213:18	19	197:13
23:20,23	132:17	<b>Filan</b>	29:7,14,1	198:11
24:1,5,14	133:10,14	17:2,5	5	207:2,6
25:21	142:25	34:8	30:2,7,11	213:3
26:1,5,9,	145:5,14,	<b>files</b> 41:17	,14,17	214:8
14,18,21	22	226:12	<b>firms</b> 31:8	220:14,15
28:1,7,14	146:4,9	<b>filled</b>	<b>firm--the</b>	225:17
29:7,13	147:22	219:13	30:13	<b>First--no</b>
31:25	148:1,10	222:13	<b>first</b>	220:14
32:6,13	168:11	<b>filter</b>	8:25 10:8	<b>first--</b>
33:12,18	169:23	63:24	11:16	<b>the</b> 57:21
39:23	170:1,3,1	<b>filtering</b>	17:21	<b>fishing</b>
40:3,8,13	0,23	55:19	20:21	86:22
,16,19	171:13	<b>final</b>	21:1 32:1	88:12
42:7,11	172:16	36:6,7	34:4,24	<b>five</b>
55:13	173:1,8	139:1,4	35:6,22	14:16
58:14,17	184:10	150:9	36:23	25:5 36:2
61:17,21,	185:7,12	152:14	38:6	45:8
25	201:19	217:12	50:9,10,1	79:25
62:6,11,1	203:5,18,	<b>finalist</b>	6 51:20	80:8
4	22,25	36:2	53:20	83:13
63:12,20	204:13,17	<b>finally</b> 4:3	75:19	96:23
64:5,16	,19,24	<b>finance</b>	89:16	105:6
65:8,22	205:16,19	8:12	92:2	142:12
66:2	219:24	<b>financial</b>	105:15	157:18
67:7,12,2	220:7,12,	225:19	107:24	160:5
1,24	16	<b>financially</b>	108:6	175:13
68:2,6,11	221:6,19,	164:11	110:9,18	206:1
,18	23	<b>finding</b>	112:2,9,2	<b>five-year</b>
69:9	222:3	108:4	2	6:21 7:2
97:10,17,	223:6,9	<b>fine</b> 97:9	115:5,16	<b>fix</b> 2:10
19	224:22,25	196:6,9,2	131:5	6:11
99:22	225:2	5 197:1	132:9,15	58:22,24
100:11,16	<b>fide</b> 99:1,3	210:6	137:7	<b>fixing</b> 2:10
,18	<b>field</b> 6:3	<b>finger</b>	142:9,13	<b>flagship</b>
101:8,12	36:1 57:1	114:16	149:17	105:4
105:24	149:4	<b>finish</b> 41:6	150:13	<b>Flaherty</b>
109:8	215:24	136:22	151:12	109:13,20
118:19	216:15,16	<b>finite</b>	152:20	110:7,8
119:8,12	<b>fiend's</b>	139:24	153:15	111:5,7,1
120:25	101:9	<b>firm</b>	154:16	0,11
121:3,8,1	<b>figure</b>	7:13,15,1	157:2,5	<b>flippant</b>
2,17	32:17	9 8:1,3	158:20	207:19
122:2,8,1	103:15	<b>figured</b>	161:20	<b>fly</b> 38:14
2,16,21	144:16	190:18	166:4	<b>focus</b>
123:2,8	<b>figured</b>		170:24	
124:18,20	190:18		185:16	
126:25			192:14,23	
129:20,25				

9:23	200:18	<b>Francis</b>	<b>referred</b>	184:6
160:14	213:19	179:20	128:12	<b>games</b>
206:11	218:14	<b>frankly</b>	<b>front</b>	222:14
<b>focused</b>	219:15	34:24	15:6	<b>Gaming</b>
27:14	<b>forthcoming</b>	37:19	58:12	11:6,9
<b>folks</b> 22:16	221:5	48:25	94:10	<b>Gates</b> 8:5
193:12	<b>forward</b>	66:5	192:15	<b>gears</b>
<b>follow-up</b>	23:13	151:4	208:23	211:17
97:8	84:23	185:18	<b>full</b>	<b>gee</b> 36:20
113:16	90:5 93:5	208:9	60:1,17,1	94:1
139:17	138:15	<b>free</b>	8 79:8	100:8
<b>food</b> 104:4	<b>forwarded</b>	96:24	145:20	<b>general</b>
<b>football</b>	43:16	156:6	156:8	62:8 79:5
56:12	65:19	<b>frequency</b>	<b>full-time</b>	87:4
<b>force</b> 123:6	87:25	74:19	174:17	106:23
176:16	91:15	<b>frequently</b>	181:20	120:5
<b>forced</b>	130:2,3	157:20	<b>fully</b> 73:16	134:10
119:15	137:24	<b>freshman</b>	<b>functional</b>	172:7
122:14	140:7	212:18	148:6,9	173:15
137:19	142:8	215:13	<b>functioning</b>	190:8,16
<b>forcing</b>	<b>forwarding</b>	<b>Friday</b>	171:8	191:8
121:13,25	88:16	138:1,23,	<b>fund</b>	194:1
122:11	93:16	25 140:6	172:7	195:15,18
<b>forget</b>	118:25	<b>friend</b>	173:15	,19
21:11	138:10	17:19	<b>funded</b>	196:15
133:21	<b>forwards</b>	18:9,17	4:3,4	200:7
159:17	198:13	54:13,14	174:2	209:11
<b>forgive</b>	<b>for--</b>	55:22	184:2	223:11,14
141:18	<b>what--</b>	62:18	<b>funding</b>	,16
203:10	<b>decades</b>	63:3,22	34:21	<b>generally</b>
<b>form</b>	32:20	66:22	157:21	7:20 9:25
130:9	<b>four--</b>	91:13	158:7	21:24
131:21	<b>clearly</b>	98:15,17	176:24	31:8
<b>former</b> 13:3	120:2	99:8	<b>fundraisers</b>	77:19
27:24	<b>four-ish</b>	<b>friends</b>	151:7	139:18
30:18	10:17	7:22	<b>funds</b> 160:3	<b>gentleman</b>
136:25	<b>four--</b>	10:15	<b>funnel</b>	180:10
207:18	<b>I've</b> 41:7	62:23	193:19	<b>gentlemen</b>
223:13	<b>fourth</b>	97:20	204:20,22	2:3
224:7	20:18	103:25	<hr/>	<b>George</b>
<b>forth</b>	<b>four--we</b>	115:13	<b>G</b>	45:12
14:2	25:4	118:9	<b>game</b>	<b>German</b> 81:8
127:9,18	<b>Fox</b> 53:5	134:24	18:25	<b>Gerry</b> 20:18
175:18	<b>Frances</b>	<b>friend's</b>	59:20	<b>get--or</b>
176:10	25:17	55:22	66:16	32:9
192:25		160:1	176:14	
		<b>from--</b>		

<b>gets</b> 21:14,16 22:13 56:7,12 57:11 61:1,5 105:2 145:7 147:17 184:11 204:17 215:23 225:13	<b>giving</b> 26:10 56:20 72:9 73:2 108:16 112:12 114:3 123:19 <b>glad</b> 120:18 <b>global</b> 183:25 184:1 <b>gloves</b> 206:21 207:8,14 <b>glowing</b> 55:21 65:16 <b>goals</b> 149:7 <b>go-</b> <b>between</b> 4:20 113:1 <b>God</b> 218:8,10 <b>gone</b> 13:24 24:24 86:22 88:12 103:22 140:5 <b>Gosh</b> 153:9 <b>got--I</b> 37:14 <b>got--take</b> 57:17 <b>gotten</b> 42:20 53:8 83:22 114:17 170:24 171:11 184:25	210:8 <b>governance</b> 145:25 146:1,2 <b>government</b> 10:16 210:14 <b>governor</b> 4:20,21 10:15 11:12 13:3 16:23 17:20 18:6,19 19:15,25 20:2,3 21:15,16 22:24 24:16,20, 21,25 28:1,6 29:5,17 30:7 32:14 33:1,16,2 1 35:2 42:15 44:6 46:2 48:3,6 51:22 69:23 71:6,17 77:2 94:20,25 95:4 98:7,16,1 7 99:17 114:10,14 115:4 116:8 118:8 130:1 150:25 151:13 152:24 155:12 157:7,8,1 6	158:24 159:1,5,1 4,18,21 160:2 161:18 163:6,24 164:4,9 165:7,10 169:5,17 170:7,16, 19,24 171:3,10, 14,22 177:19 179:10 180:8 183:2,10, 12,13,15 186:3 <b>governors</b> 20:5 157:18 171:11 <b>governor's</b> 68:3 71:6 78:14,17 81:24 84:2 98:3,16 115:21 116:4,6 123:13 128:6,12 130:22 164:12 167:6,7 170:13 171:8 176:5 <b>Governors</b> 24:23 <b>Governor's</b> 20:7 34:6 44:11,15, 23 45:6,9 46:15 56:10 <b>GR</b> 171:19	<b>grad</b> 17:25 <b>grade</b> 190:7,10 218:11 <b>graduate</b> 212:12 <b>graduated</b> 7:10 52:14,15, 16 210:11 <b>granddaught er</b> 187:7 <b>grandfather</b> 203:16 <b>granted</b> 198:18 201:25 <b>grateful</b> 4:6 <b>gratitude</b> 2:6 <b>grave</b> 197:15 <b>great</b> 9:5 54:8 67:2 82:14 112:19 134:17 139:7 200:1 224:14 225:10 <b>greater</b> 14:21 <b>GRF</b> 177:24 <b>group</b> 80:22 127:16 184:22 213:8,23 <b>grouping</b> 193:7 <b>growth</b> 104:24 <b>gubernatori</b>
<b>get--the</b> 50:9 79:19				
<b>getting</b> 34:10 45:18 51:3,7,9 53:21 56:23 95:19,20 105:9 130:4,25 131:23 143:25 145:8 147:1 183:1,10 192:7 193:15				
<b>get--we</b> 135:23				
<b>given</b> 12:20 22:21 52:12 54:11 57:24 62:24 77:16 104:23 109:5,21, 24 114:18 123:15 133:3 210:25				
<b>gives</b> 58:13				

<b>al</b> 16:6 85:1	13:16	31:1 46:8	225:12	221:25
<b>guess</b> 10:20	<hr/> H <hr/>	80:22	<b>harder</b>	<b>hazing</b> 41:2
22:12	<b>had--</b>	94:2	51:9,10	<b>head</b>
23:8 32:8	<b>generally</b>	103:14	<b>hard--you</b>	24:17
47:13	20:21	110:3	74:13	148:25
48:4 55:4	<b>hadn t</b>	114:22	<b>Harris</b> 85:8	150:7
64:25	133:17	132:17	<b>Harrison</b>	195:12
71:15	149:22	143:19	77:22	213:17
82:6,21	169:9	150:2	<b>harsh</b> 13:23	<b>headline</b>
86:13	185:19	184:4	<b>harvest</b>	218:18
88:14	<b>had--the</b>	187:14	173:17	<b>heads</b> 77:1
99:9	23:12	194:13	<b>hats</b> 105:23	<b>headway</b>
100:25	95:21	218:18	<b>have--I</b>	176:1
108:20	127:20	225:15	75:1 78:2	<b>headways</b>
133:16,19	<b>had--you</b>	<b>happened</b>	<b>haven t</b>	178:12
,24,25	94:24	23:2	192:10	<b>healthcare</b>
148:18	<b>half</b>	69:12	217:23	77:8,16
155:3	80:13	94:7,22,2	<b>haven't</b>	147:14,18
173:3	84:4,8,9	4 95:5	21:21	174:13
196:18	112:10	164:16	95:22	175:12,23
205:12	193:25	165:13,23	<b>have--you</b>	176:17
215:17	<b>hall</b>	170:5	169:4	181:19
<b>guess--</b>	213:5,11,	182:2	<b>having</b>	222:15
<b>and</b>	24	189:21	2:14,16	<b>hear</b>
147:15	214:14,24	218:3	38:4 55:4	51:11
<b>guessing</b>	216:8	<b>happened -</b>	71:18	53:7
9:7	<b>hammered</b>	<b>you</b> 61:12	72:8,20	90:22
19:2	207:15	<b>happens</b>	77:23,25	104:21
83:12,20	<b>hand</b> 164:25	31:23	78:4,7	134:14
118:4	<b>handful</b>	42:25	104:9	135:8,9
<b>guests</b>	84:19	171:6	113:12,15	207:21
213:11	<b>handle</b>	177:21	115:19	<b>heard</b>
<b>guts</b> 162:3	154:23	<b>happy</b> 4:2	119:2	4:17
<b>guy</b> 15:24	<b>handled</b>	23:10	122:20	11:10
18:18	95:2	31:3,4,5	123:16	14:25
73:17	<b>handling</b>	53:13	138:10	37:2
86:22,23	152:8	184:19	139:16	68:18
88:15,20	205:1	186:18	140:14,17	78:22
130:13	<b>handwritten</b>	208:24	,21	95:22
132:14	115:8	<b>hard</b>	151:15	101:14
<b>guy--</b>	<b>hang</b> 53:11	36:16	153:21	105:14
<b>everybody</b>	<b>happen</b>	51:13	154:25	111:14
18:10	23:6,7	59:25	155:6	113:20
<b>guys</b> 17:5	30:4,24	66:11	178:15	141:22
202:25		74:14	183:9	145:5
<b>guys--the</b>		94:18	218:24	168:20
		96:19		185:19,22
		118:1		
		164:11		

,24	148:10	<b>Herman's</b>	<b>hire</b> 33:21	178:11
191:17,19	<b>Herd</b>	142:23	<b>hiring</b>	<b>hoping</b> 97:1
,22	39:14,20	198:15	33:20	<b>horse</b>
192:10	43:16	<b>herself</b>	35:23	216:11
207:18	<b>here--he</b>	121:18	147:4	<b>horsepower</b>
209:2	39:6	<b>he's</b>	222:14	202:7
210:8	<b>here--it</b>	17:24	<b>history</b>	<b>hospital</b>
221:14,17	121:14	18:18	30:14	75:5,6,9
,18	<b>here's</b>	38:4	159:19	111:12
<b>heart</b> 186:1	18:10	90:23	170:22	147:16
<b>hearts</b>	41:1	98:14	207:12	<b>Hospitals</b>
186:1	76:23,24	104:20	219:23	158:1
<b>Heidi</b>	92:15	125:19	<b>hockey</b>	18:25
39:14,20	104:1	132:13,14	18:25	<b>holdovers</b>
44:8	130:19	181:24,25	25:1	25:1
128:4	217:6	210:19	<b>home</b>	34:10
136:7	<b>Herman</b>	219:5	160:1	160:1
138:14	35:5,20	225:7,9,1	<b>homework</b>	106:24
140:8,9	36:11,16,	0	53:11	93:19
206:12,19	25	<b>hey</b>	218:7	218:7
<b>held</b> 32:3	43:16	18:18,19	<b>honestly</b>	27:12
78:21	46:4,5,6	31:22	27:12	90:22
182:5	124:24	50:10	93:20	93:20
<b>hell</b> 187:14	125:22	95:22	<b>honor</b>	124:13
<b>he'll</b> 65:11	128:1	131:3,6	124:13	155:24
<b>help</b> 2:8	128:1	149:24	155:24	218:19
15:12	138:6,7	221:20	218:19	219:1,8
53:21	140:8,12,	<b>hiatus</b> 7:16	<b>honors</b>	210:12
59:24	24	<b>high</b>	210:12	218:25
77:11	142:2	13:24	218:25	219:5,9
115:13	143:4,20,	53:3,4	220:4,5	220:4,5
176:21	25 144:22	83:12	<b>hope</b>	30:20
202:11	152:21	141:16	30:20	65:4 93:2
<b>helped</b>	153:17	200:24	96:3	103:7,8
115:14	154:18,25	202:15,19	112:8,23	113:3
120:7	155:4,7,1	224:8	<b>hindsight</b>	150:5
198:24	1	<b>higher</b>	<b>him</b> > 110:11	
<b>helpful</b>	188:22	5:4	<b>hindsight</b>	
178:22	191:4	8:9,10		
203:4	192:24	83:15		
210:18	194:3,4,9	105:16		
<b>helping</b>	,15	119:21		
3:22	196:24	159:12		
215:11	197:14	223:12		
<b>helps</b> 75:9	198:12,22	<b>him</b> > 110:11		
<b>hence</b>	214:10	<b>hindsight</b>		
	<b>Herman--</b>	150:5		
	<b>chain</b>			
	43:15			

<b>hung</b>	<b>idea</b>	212:19	117:17,22	221:7,16,
53:14	144:3	213:4	119:18,22	25
200:7	148:25	218:16,19	121:8,13,	224:19,25
<b>Hurd</b> 120:18	199:6	223:14	23,24	<b>imagine</b>
126:3	200:21	<b>illustratio</b>	122:10,13	57:16
128:4	201:17	<b>n</b> 79:19	123:14	64:4
136:7	211:8	<b>I</b> m 208:10	124:19	93:20
140:8	<b>identify</b>	<b>I'm</b> 2:11	125:4,12	118:15,17
206:20	99:16	4:2	126:23	<b>imagined</b>
<b>Hurd's</b>	<b>if--again</b>	5:16 6:10	127:5,19	4:18
118:25	27:16	9:7 11:23	128:8	<b>imagine--</b>
206:12	<b>if--that</b>	12:7 14:8	129:19	<b>I</b> 57:15
<hr/>	61:11	17:4	130:12	<b>imaging</b>
<b>I</b>	<b>ignore</b> 77:3	19:9,20	131:21	156:15
<hr/>	<b>ignoring</b>	20:20	136:15	<b>I'm--almost</b>
<b>I&gt;</b> 94:16	80:10	22:18	139:7	159:6
<b>i.e</b> 112:8	<b>I--I</b> 35:7	26:3	144:2	<b>immediately</b>
<b>I--a</b> 60:14	92:13	30:22	145:18	149:24
<b>I--again</b>	<b>I--is</b>	31:22	146:10	<b>impact</b>
18:8	211:11	36:2,19	147:11	119:13
<b>I--at</b>	<b>I--Judge</b>	37:12	149:11	137:12
216:17	82:8	39:11	150:6	<b>impacting</b>
<b>I'd</b> 11:5	<b>IL</b> 1:15	42:1 55:4	151:18,21	144:17
19:1	<b>I'll</b> 70:8	58:10,19	152:2,6	<b>impeached</b>
22:21	91:24	59:20	154:6,19	183:3
23:17	104:16	65:2 70:9	162:7	<b>implement</b>
27:10	134:13	71:21	164:3	147:7
37:2	137:16	73:6,15	168:17	<b>implication</b>
62:14	212:20	79:18,20	169:16	118:21
70:9	218:1	80:16	173:3,10	<b>implication</b>
88:12	223:23	81:22	178:21	<b>s</b>
90:2	<b>Illinois</b>	82:8,10	180:1,9	121:10
95:22	1:10	83:4,12,2	181:13,18	171:3,5,1
96:1	2:5	85:17	,19	4 173:9
117:9	8:7,13,17	87:8 92:6	184:16	<b>importance</b>
121:20	,19 17:15	93:16	185:21	2:18
133:19	31:10	95:23	191:7,12	<b>important</b>
145:11	40:1	96:18	192:8	5:1
146:11,19	47:5,6	98:13	194:24	128:21,25
169:6,10	89:2	99:2	196:2	146:13
174:11,12	107:2	100:9	199:14	205:11
186:22	151:16	102:6	200:8	225:16
189:24	156:19	104:9	201:22	<b>impression</b>
201:6	157:25	105:14,15	205:8	132:5
204:10	158:4	106:6	209:7	138:13
216:2	176:15	109:15	210:2,7	
223:24		110:15	211:10	
225:19		112:7	213:1,19	
		116:13	217:8	
			218:21	
			219:16	

144:10	44:9	<b>inform</b>	<b>inquirer</b>	48:19
<b>improve</b>	169:22	190:22	190:22	54:20
38:13	172:19	<b>informal</b>	<b>inquiries</b>	56:6
77:7	<b>independent</b>	27:7	5:9	63:16,19,
<b>inappropria</b>	--and	63:14	41:3	24
<b>te</b>	139:21	146:10	45:18	86:21,25
103:3	<b>independent</b>	<b>informally</b>	46:13	95:21
207:17	<b>ly</b> 181:1	222:8	49:25	107:6
<b>inauguratio</b>	<b>indicate</b>	<b>information</b>	57:2	108:16
<b>n</b> 16:14	30:2,3	15:5	84:21	110:25
<b>inches</b>	61:3	22:22	86:17	117:11
79:21	202:8	78:18	87:4,5	120:4
<b>incident</b>	<b>indicated</b>	84:13	93:5 94:3	128:12
141:17	26:9	107:12,14	95:12	130:5
145:6	197:16	189:9,24	100:3	131:6
<b>include</b>	199:10	194:5,8,1	103:18	132:2
20:24	<b>indicates</b>	5 197:7	117:25	133:8
86:13	36:5	204:4	118:16	186:19
147:9	<b>indication</b>	209:1,5,7	121:10	187:2,15
<b>included</b>	89:16	211:4	123:12	189:2
3:3 88:16	<b>individual</b>	<b>informed</b>	130:22,25	196:4
<b>includes</b>	163:5,8	78:12	131:1	202:4
81:4	194:17	82:13	134:23	204:11
122:17	<b>individuall</b>	107:7	143:19	207:25
159:10	<b>y</b> 80:22	203:14	152:12	209:11
<b>including</b>	<b>individuals</b>	<b>initial</b>	188:19,20	218:17
4:12	16:15	10:6 12:4	190:21	219:23
21:10	85:1,11	54:19	191:1,5,2	<b>inside</b>
25:5	181:8	107:6	3	170:8
38:10	193:18	113:9	193:11,14	<b>insight</b>
<b>incoming</b>	<b>indulgence</b>	<b>initially</b>	,17,22	100:25
119:14	124:14	10:9	199:12,15	<b>inspector</b>
<b>incorrectly</b>	<b>inference</b>	196:23	<b>inquiries--</b>	62:8
212:14	206:18	<b>initiative</b>	<b>some</b>	223:11,13
<b>increase</b>	<b>inferences</b>	14:8,10	187:4	,16
177:17	3:7	<b>innocent</b>	<b>inquiring</b>	<b>installed</b>
<b>increases</b>	107:16	121:10	48:23	164:8
13:25	<b>inflammator</b>	<b>innocently</b>	187:24	<b>instance</b>
<b>increasingl</b>	<b>y</b> 208:22	121:20	188:4	9:20
<b>y</b> 158:3,6	<b>influence</b>	208:23	192:8	14:15
<b>incredibly</b>	34:1	<b>innuendo</b>	<b>inquiry</b>	65:14
58:9	48:12	208:23	5:17,21	75:5
<b>independent</b>	60:5	<b>inquire</b>	11:4	170:18
37:17	63:18	100:12	42:23	175:15
	222:7,11	<b>inquired</b>	43:3	177:17
		10:21	44:10,15	183:25
			46:18,20	185:16
			47:12,18,	186:15
			19	190:1

191:6	62:16	58:16	180:9	36:14
200:5	63:21	59:2,9,19	185:10,18	38:9
201:6,8,2	158:12	66:2	186:9	39:13
3	168:16,18	67:7,21	188:1,18	48:21
214:22	177:22	68:11,15	191:12	61:4,12
217:25	181:14	70:11	196:1	64:15
<b>instances</b>	<b>interested</b>	75:19	197:25	82:15
189:25	175:12	76:7,10	199:3	88:22
201:21	207:23	82:4,10	203:20	92:25
203:2	<b>interesting</b>	88:5	210:17	100:23,24
<b>in-state</b>	20:4	92:22	211:7	126:14
105:12,16	38:18	95:11	216:23	133:6,7
<b>institution</b>	171:17	97:12	217:15	135:2
2:17	212:16	110:12	220:7	157:13
225:8	<b>interesting</b>	111:13	222:2	171:12
<b>institution</b>	<b>ly</b> 190:13	116:2,19	<b>interrupt</b>	184:11,22
<b>al</b> 132:3	<b>interests</b>	118:3	156:7	199:7
<b>institution</b>	62:17,19,	119:10	<b>interrupted</b>	201:17,18
<b>alism</b>	23 63:2	120:25	173:10	202:22
135:20	210:25	121:3,12,	<b>interventio</b>	203:8
<b>institution</b>	<b>intermediar</b>	17	<b>n</b> 34:12	<b>involvement</b>
<b>s</b>	<b>y</b> 112:16	122:2,8,1	187:24	49:20
8:8,10	<b>intermediat</b>	2,16	<b>interview</b>	76:18,20
18:16	<b>e</b> 201:10	123:2,21	67:8	95:1
89:4	<b>internal</b>	124:2	<b>interviews</b>	162:1,4
158:2	68:25	125:9,13,	36:6	201:22
223:12	<b>Interposing</b>	20,24	<b>introduced</b>	202:24
<b>instructed</b>	12:9 16:4	128:24	13:14	203:3
145:6	18:7	129:13,22	16:25	217:1
<b>instruments</b>	23:25	132:11	<b>introductio</b>	<b>involves</b>
218:14	27:22	133:18	<b>n</b> 12:4	61:14,15
<b>integrity</b>	32:12	134:1	17:18	<b>involving</b>
4:25	35:14,17	136:4	<b>investigati</b>	100:3
<b>intended</b>	36:10	137:15	<b>on</b> 106:25	<b>Iowa</b> 105:10
101:22	40:3,19	138:17	107:10	<b>Irish</b> 87:12
207:2	41:5,25	139:13	<b>invited</b>	109:6,9
<b>interaction</b>	42:11	140:23	9:10	<b>ironic</b>
144:4	44:13	141:4,13	18:25	14:23
<b>interactive</b>	45:17	142:15	63:9	<b>irony</b> 79:8
200:18	47:11	145:13	<b>involve</b>	<b>I's</b> 2:18
<b>intercolleg</b>	48:11	148:14	127:7,15	<b>is--</b>
<b>iate</b>	49:2	151:11,22	195:13	<b>forgettin</b>
172:20	50:2,7,14	152:2,4,1	<b>involved</b>	<b>g</b> 149:18
<b>interest</b>	,17,20	1	11:9	<b>is--I</b> 47:12
47:20	51:8,15	154:12	21:21,22	<b>is--Judge</b>
	52:2,13	167:17	35:4	
	54:5 56:1	169:19		
		170:6		
		172:16		
		173:6		
		178:18		

124:15	205:2	93:23	<b>it--the</b>	1:13
<b>is--now</b>	223:18	94:18	49:19	179:20
140:5	<b>is--that</b>	96:19,23,	<b>it--we</b>	219:1,5,8
<b>isn't</b> 68:19	138:25	24,25	150:3	220:4
<b>isn't</b>	<b>is--we</b>	100:5	<b>it--why</b>	<b>January</b>
100:20	149:19	105:3,21	49:16	16:9
105:5	<b>it&gt;</b> 81:20	107:22	<b>I've</b> 3:11	19:17,19
<b>is--of</b>	<b>it--at</b>	113:8	4:17 7:13	20:22
216:7	148:23	114:7	14:25	21:2
<b>isolated</b>	<b>it'd</b> 120:15	118:7	28:18	115:7,20
203:2	210:6	125:20	29:2 35:1	182:22
<b>issuance</b>	<b>item</b>	126:15	38:6,16	<b>Jerry</b> 161:8
81:4	80:21,24	128:17	41:8,9,13	<b>Jesuit</b>
<b>issue</b>	<b>items</b> 79:13	129:22,23	,20 42:20	218:5,10
5:16	80:2,9,12	134:10,17	47:22	<b>jewel</b> 2:22
21:24	<b>it--I</b> 79:8	136:3	61:13	<b>jillions</b>
23:12	<b>it--I'm</b>	137:15	63:15,17	100:6
42:19	221:14	140:4,5	64:25	<b>job</b> 3:6
65:23	<b>it'll</b> 148:1	142:16	73:25	67:2 76:1
97:8	<b>it's</b> 3:5	143:9	78:22	96:3
133:11	4:5	144:12	83:11	100:20
139:2	7:25	145:20	86:22	104:12,20
148:11	8:4 9:5	146:13	87:9,19	105:21
165:4,5	13:20	147:7	99:21	134:17
172:10	20:10	148:4,6,1	115:16	147:5,6,7
202:20	21:24	5,23	119:8	162:8
206:2	39:1	150:5,7	121:2	179:6
207:14	46:3,10	152:17	124:11	200:1
212:24	48:2,25	154:8	131:14,15	224:14
<b>issued</b>	50:5,24	172:10,22	,25	<b>jobs</b> 4:24
139:1	51:9,13	184:17	141:19,22	37:8,20,2
<b>issuer</b> 8:13	56:9,10,1	187:10	146:9	1 39:7
<b>issues</b>	1,18 57:8	192:22,24	149:2,3	123:23
2:4	58:11,17	193:8	157:17	124:25
9:19	59:19	195:7	168:18	125:22
16:24	66:10,17,	196:5,8	173:24	126:1,5,8
20:6 32:7	18	199:6	182:17	,20
33:19,22	74:3,13,1	206:7,17	185:24	129:9,12,
34:23	4 75:11	208:16	186:14	18 133:11
35:1	78:25	209:17,18	191:17,21	140:11,18
74:22	79:8	210:18	207:15	,24
75:11	81:10	213:4,6	208:1	142:12,23
77:2	88:16	214:7	217:1	147:5
174:14	90:24	219:9	221:10,11	<b>jobs--Larry</b>
175:12	91:10	221:1,3	,17	142:10
182:16	92:13,17	224:12	<b>I--you</b> 48:9	<b>Joe</b> 40:24
183:25		225:12		99:7
		<b>it's--</b>		
		<b>yeah</b>		
		119:24		
			<b>James</b>	

111:20	<b>jumped</b> 61:8	155:25	221:2	39:1,2
123:6,9,1	<b>jumps</b> 217:9	156:2,10	<b>know</b> > 82:3	50:10
4,15,17,1	<b>June</b> 113:21	<b>kid</b> 50:11	<b>know--if</b>	90:3
9,20	<b>just--I</b>	61:4	60:15	106:10
153:17	57:16	192:7	<b>know--it</b>	115:8
154:9	223:3	198:3	44:18	138:3
<b>John</b>	<b>justified</b>	202:6,13,	<b>knowledge</b>	140:10
6:13,15	205:12	19 210:11	96:16	152:24
7:5,7,11,	<b>justify</b>	215:15	144:8	154:22
20	120:22	216:4	145:1	163:6
8:3,6,16,	<b>just--it</b>	<b>kids</b>	152:11	165:10
21 9:13	31:21	38:11	220:24	177:6,16,
10:2,6,11	<b>justly</b> 69:4	47:16	<b>known</b>	19
11:14,18	<b>just--we</b>	53:7	28:2	179:6
12:17,23	15:21	58:1,13,1	90:24	181:4,9
17:1,2,4	<b>just--you</b>	4 61:8	152:7	185:5
34:7	182:4	95:7 97:2	166:12	209:23
39:21	<hr/>	98:22	<b>know--now</b>	<b>last</b> 3:11
71:3,5,24	<b>K</b>	105:9	38:2	15:17
72:7,16,2	<b>K.L</b> 8:5	120:12	<b>know--would</b>	27:1
4 85:8	<b>keen</b>	134:18	66:6	57:17
125:7	213:1,19	186:22	<b>know--would</b>	77:6
<b>joined</b> 7:14	<b>keep--I</b>	190:5	66:6	83:23
67:17	95:18	200:10	<b>Korch</b> 224:7	88:18
83:20	<b>Keith</b>	216:8	<hr/>	119:6
<b>joked</b>	105:21	<b>kinds</b> 35:25	<b>L</b>	139:14
173:24	198:13	64:4	<b>La</b> 226:15	146:21
<b>jokingly</b>	<b>Kelly</b>	77:18	<b>ladies</b> 2:2	151:20
66:14	17:12,13,	199:15	<b>lady's</b>	153:5
<b>Joseph</b>	18,19	<b>knew</b>	187:7	159:25
152:21	18:6,22	11:22	<b>laid</b>	175:13
<b>judge</b>	19:6	15:8,9,10	58:11	195:17
6:15 56:5	85:2,18,2	18:13	81:19	214:6
64:24	5	19:9	<b>laid</b> -	<b>lasting</b>
79:6	86:2,5	27:2,12	<b>everythin</b>	55:12
91:23	95:3	44:9	<b>g's</b> 81:19	<b>last--the</b>
102:15	97:25	48:6,19	<b>land</b> 199:16	15:14
104:9	163:9,11,	52:17	<b>language</b>	<b>last--we</b>
124:10	15,20	54:12	197:18	205:23
126:13	169:11	68:4	<b>large</b>	<b>late</b> 9:8
127:19	<b>Ken</b> 70:4,22	97:22	5:17 7:18	18:22
155:14	196:24	98:6	148:7	165:25
216:17	197:1	99:13,15	199:25	200:22
224:4	<b>Kenneth</b>	101:8	<b>largest</b>	<b>lately</b> 15:2
<b>juggle</b>	305:24	128:9	176:16	<b>later</b> 20:12
172:8	305:24	164:21	<b>Larry</b> 38:25	37:16
<b>July</b> 1:12	305:24	185:4,6		70:24
		191:16		86:25
		202:18		

141:11	129:18	193:25	160:13	216:15,16
165:18	136:12	202:5	189:10	223:19
184:6	137:1	203:6	217:10	224:8
209:11	142:23	204:22	<b>letter</b>	<b>levels</b>
<b>late--</b>	143:9,18	221:8	42:21	47:14
<b>winter</b>	144:7	<b>leave</b>	46:10	<b>Liberal</b>
11:17	201:5	7:16	55:24	115:10,22
<b>lauding</b>	206:15	70:13	56:24	<b>licensed</b>
225:5	209:5,25	112:8	63:8	8:6
<b>laughter</b>	210:3	<b>lecture</b>	64:22	<b>life</b> 5:22
66:20	<b>LAWRENCE</b>	213:13	84:22	43:8
<b>law</b> 2:15	2:2	<b>lectures</b>	91:2 94:5	66:14
7:7,8,10	<b>lawyer</b> 68:6	213:9	109:21,24	<b>lift</b> 187:21
8:24	82:14	<b>led</b> 7:3	110:13	207:12
9:3,17,21	119:23	10:12	112:21	<b>lifted</b>
,23,25	<b>lawyers</b>	177:13	113:19	192:4
10:1,4	30:12	<b>Lee</b> 12:2	114:18	<b>lifting</b>
12:2	<b>lay</b> 74:18	<b>Lee's</b> 64:6	153:13	212:23
29:14,15	199:16	<b>leg</b> 56:22	154:23	<b>light</b>
31:8	<b>leader</b> 12:3	58:13,14	174:10	148:11
36:16	64:10	<b>legal</b>	185:20	172:24
38:5,7,24	158:13	7:17 8:14	197:10	221:23
39:3,7,11	<b>leaders</b> 3:4	9:19	204:14	<b>like--I</b>
40:1,10	158:11	<b>legislative</b>	209:24,25	23:1
41:3,10,2	<b>learn</b>	132:18	211:10,13	<b>like--it</b>
3 42:5	101:12	158:11	225:4	185:5
43:17,22	<b>learned</b>	<b>legislators</b>	<b>letters</b>	<b>likely</b> 14:7
52:15	15:2	85:15	41:9,11,1	<b>limited</b>
53:6,12,1	24:22	<b>legislature</b>	2,16	82:21
3,14,18,2	27:24	157:21	42:12	<b>line</b>
1 60:18	113:20	158:6	47:23	22:23
63:9 81:8	168:18	173:25	56:15	23:11
86:17	<b>learning</b>	<b>less</b>	57:11	64:19
87:1,15	126:24	77:17	58:6	70:3,12
88:23	149:20,21	84:4,8	64:25	107:24
90:25	,23 213:2	190:16	86:20	150:9
91:16	223:12	<b>lessons</b>	115:11	167:21
92:17	<b>least</b>	213:9	116:15,21	173:1
93:8 95:6	19:13,15	<b>let's</b>	117:6,13,	181:23
101:15	32:9	10:6	15,16	210:7
102:7	103:9	32:25	210:1,5	<b>letters--</b>
103:5	125:2	51:19	<b>plays</b>	218:13
119:4	135:12	53:16	<b>level</b> 6:2	<b>lined</b> 181:9
120:9	148:23	56:8	57:1	<b>lines</b>
121:13	170:12	58:5,7	81:14	147:23
125:22	177:25		131:18	170:13
126:1	188:14		149:3	
127:10,11				
,24				

<b>list</b>	168:19	66:24,25	<b>magic</b> 42:2	35:4,9,14
84:7,19	<b>logical</b>	68:4	<b>magnificent</b>	,17
94:5	217:4	74:17,19,	181:22	36:8,11,1
120:19,20	<b>Lon</b>	21	<b>magnitude</b>	4,19,22,2
127:12	13:11,14	76:15	3:23	5
146:20	16:18,22	119:25	<b>mail</b> 118:25	37:3,7,12
191:15,17	17:1,17	120:15	123:23	,20,23
,18,20	18:2	127:8,14	136:7	39:2,6,14
194:12	24:8,16	132:3,14	138:19	,17,21
219:14	25:22	134:12,24	197:14	40:24
222:4	85:6,7	135:22	198:12	41:5,11,1
<b>listed</b> 89:3	115:8	141:24	204:20,24	4,24
<b>listened</b>	116:3,7	147:10	205:15,16	43:12,21
167:23	<b>long</b>	151:5	,23 217:7	44:5,12,1
<b>little</b> 9:23	55:12	164:10	<b>mails</b> 124:1	7,22
10:21	73:9,21,2	166:1	127:7	45:2,5,9,
12:7	2 78:11	172:13	198:19	14,16,19,
19:13	112:4	182:12	199:5	21,25
24:12	132:2,21	184:20	214:8	46:7,16,2
55:4 65:5	134:5	190:9	<b>maintained</b>	0,24
126:22	150:8	193:17	225:17	47:6,8,21
127:16	156:21	200:1	<b>major</b>	48:6,11
147:18	161:13	208:14	103:11	49:2,11,1
152:19	178:2	<b>lots</b> 193:11	190:3,4	6
165:8	180:20	<b>love</b>	195:10	50:2,7,14
176:9	<b>longer</b>	88:20	<b>MALE</b> 6:13	,17,20
180:24	73:13,18	93:1	8:1	51:2,6,15
184:6	75:8	94:13	9:4,11	,18
185:23	178:9	<b>loved</b> 91:6	11:21,24	52:1,8,13
199:16	<b>longevity</b>	<b>low</b> 83:12	12:9,14	,20,22,24
223:17	161:25	120:12	15:25	53:3,6,10
225:13	<b>lore</b> 73:16	139:24	16:3,5,12	,16
<b>live</b> 216:8	<b>lose</b>	<b>lower</b> 104:3	,18	54:5 55:4
<b>lived</b> 53:12	74:19	207:22	17:6,9,11	56:1
<b>Living</b>	133:10	208:5	18:5,21	59:8,13,1
213:2	<b>losing</b>	<b>LSAT</b> 210:13	19:3,5,17	8,23
<b>Livingston</b>	171:14	<b>LSATs</b>	21:4,7,18	60:5,9,13
73:17	<b>loss</b> 180:1	212:12	22:2,5,9	,25
<b>loaded</b>	<b>lost</b> 15:18	<b>luck</b> 42:8	23:6	61:8,11
174:21	<b>lot</b> 9:24	217:7	25:1,6,11	62:4
<b>loading</b>	13:22	<b>lunch</b> 32:2	,15,19	69:8,10,1
175:20	14:3,19	<hr/>	27:5,22	5,20
<b>lobbied</b>	15:11	M	28:23	70:2,6,11
35:1	38:10	<b>M.D</b> 192:23	29:1,5,21	,18,24
<b>lobbyist</b>	51:2	<b>ma'am</b> 64:14	30:1,6,11	71:3,8,12
71:9,13	65:11	119:18	,22	,18,22,24
			31:8,14,1	72:2,8,12
			8,19	,20,25
				73:6,9,13
				,20 74:5

75:13,17, 21 76:2,7,10 ,17 77:21 78:3,14,1 7,20 81:21,23 82:4,10,2 2 83:6,17,2 5 84:4,8,11 ,25 85:6,8,11 ,15,18,21 ,23 86:4,8,16 87:6,14,1 8,22 88:3,5,10 ,21 89:1,7,10 ,15 90:10,13, 16,19 91:2,5,10 ,17,19 92:1,22 93:12,25 94:18 95:11,15 96:5,13 97:12,18, 22,24 98:2,6,13 ,18,21,25 99:5,13,1 6 101:16 102:5,12 103:1,21 104:2,13 105:25 106:6,22 107:11,20 108:3,8,1 3 109:10,18 110:6,12, 17,20 111:2,4,8	,13,16 112:1,14, 22 113:12,24 114:5,7,2 3 115:3,7,1 8 116:2,7,1 1,13,20,2 3 117:2,19 118:3,11 119:6 123:21 124:3,6,1 0,23 125:3,7,9 ,13,17,20 ,23 126:2,5,7 ,10,16,19 127:25 128:14,19 ,24 129:5,8,1 3 132:4,11, 24 133:2,18, 21 134:1,4 135:25 136:5,9,1 5,18,23 137:7,11, 17,23 138:3,6,1 5,18 139:10 140:1,4 141:1,6,9 ,16,22 142:1,6,1 6,18 143:3,13, 20 144:6 150:9,13, 18,20 151:2,8,1	5,21,23,2 4 152:4,7,1 3,17,23 153:8 154:4,7,1 2,15 155:6,10, 14,15,19, 23,24 156:1,3,8 ,11,14,17 ,21,24 157:2,5,9 158:13,15 ,17,20 159:1,4,1 3,17,24 160:7,10, 13,17 161:6,10, 13,17,20 162:11,15 ,18,21,24 163:8,10, 14,17,19, 23 164:14,16 165:1,13, 18,22 166:17,20 ,23 167:1,3,1 0,13,17,2 4 168:2,5,1 4,22,23 169:4,8,1 1,19 174:5 178:18 179:9,15, 17,25 180:4,8,1 2 182:20,23 ,25 183:6,9,1 2,15 185:14 186:9,12,	24 187:23 188:1,18, 22,24 189:2,5,1 0,15,18 190:20 191:3,10, 14,23 192:1,13 199:3,10, 21,24 201:16 206:3 207:20 208:2,4,1 0,13,17 211:15 216:10,19 ,24 220:19,21 221:4 224:3,4,6 ,18,19 <b>man</b> 67:4 150:10 160:2 210:20 225:9 <b>manage</b> 57:14 126:23 127:17 145:2 <b>manageable</b> 205:17 <b>management</b> 222:19 223:22 <b>manager</b> 33:14 <b>Mann</b> 215:12 <b>manner</b> 132:18 <b>Manning</b> 106:9 108:9 110:14	<b>Manny</b> 115:1 <b>manpower</b> 57:13 103:20 <b>manual</b> 186:17 <b>March</b> 11:16 214:19 <b>marked</b> 87:19 192:21 <b>market</b> 9:20 <b>Marshall</b> 104:14 105:21 198:13,14 <b>Mary</b> 114:24 115:2,5 116:8 <b>massive</b> 178:23 <b>master's</b> 2:15 6:22 7:3 52:15 <b>match</b> 217:22 <b>materials</b> 128:9 <b>math</b> 86:11,12 105:1 144:16 <b>mathematics</b> 225:11 <b>matter</b> 8:8 163:12 198:5 <b>matters</b> 163:17 <b>may</b> 2:18 5:14 14:9 31:1 51:10
--	--	--	---	---

53:7	115:2	173:14	186:20,23	183:7
74:25	120:2	179:19	188:3,10,	<b>me--I</b> 72:4
89:19	128:18	184:18	11,25	<b>member</b>
92:1,4	136:25	185:3	189:4	3:2
93:4	159:16	197:3	201:7	9:2,9,13
100:23	166:12	203:18	<b>medicine</b>	11:6,16
109:11	169:7,17	205:5	108:14	20:2,3,7,
123:15	180:24	207:12	156:16	15 21:9
134:4	181:21	209:16	181:20	22:3,4,18
135:7	182:10,16	210:23	<b>meet</b>	23:3
146:25	186:7	211:3,8,1	10:14	27:15
173:13	192:2	1	13:5,9,12	31:3,4,5,
180:10	193:8	215:25	14:10	6 49:10
182:11	205:22	217:3,8	123:17	56:9 62:2
196:2	219:17	222:25	169:6	63:22
202:24	<b>maybe--I</b>	223:3,9	176:6	66:15
208:11	205:22	<b>meaning</b>	188:14	74:2,3
211:18	<b>MCAT</b> 187:8	35:17	<b>meeting</b>	77:3 79:5
215:18	<b>MD</b> 156:2	206:20	11:16	80:4
<b>maybe</b>	<b>mean</b> 18:8	<b>meaningful</b>	20:5,21,2	85:18
9:7,17,20	19:25	176:11	3 21:1	95:3
,23 10:20	24:5,15	<b>means</b> 47:19	24:8	108:19
17:1	42:24	50:3	25:10	120:5
19:12	48:23,24	123:3	31:2	133:14
23:17	49:15	131:20	33:13	145:6
33:4,10	50:3,12	<b>meant</b> 90:11	69:12,16	157:12
38:12	55:17,20	167:14	70:18	170:13,16
46:22	57:15	192:5	79:12	210:12,25
54:21	58:8,12,1	<b>measured</b>	80:12,14	221:15,16
57:3,4,10	5,18	136:9	81:18	<b>members</b>
,12,14,20	59:10	<b>mechanism</b>	117:7	3:13
,21,25	64:5,9,17	203:7	118:23	4:9,11,15
58:4	,21 66:12	204:19	123:16	9:15 14:8
60:23	72:13	223:7	161:21	19:24
65:23	91:7	<b>med</b> 106:13	162:12,19	25:11,13,
67:5 68:7	92:13	<b>medical</b>	,22 163:1	15
69:1	94:4,13,1	77:12	165:8,12,	62:23
72:18	6 98:5	87:6	13,20,24	66:10
75:8	99:3	106:1,16	166:4	69:21
80:7,8	104:24	107:3	170:19	74:12
84:8	105:1	109:13,23	<b>meetings</b>	76:19
86:11	118:6,15	156:11,24	24:24	77:23,24
88:5 94:7	121:8,19	157:14,23	31:25	78:7
98:16	130:10	158:5	32:3	84:13
99:19	132:8	174:14,24	67:20	145:23
100:1	133:7	175:2,4,2	78:5 79:6	157:9
101:25	135:12	1	111:11	160:7
103:20	148:17		167:25	162:25
109:14	168:18		179:7,8	165:23
114:14				



<b>nationally-recognize</b>	103:24 151:14	<b>Nope</b>	199:12 212:22 220:20	173:16 200:15
<b>d</b> 225:11	<b>Newton</b>	78:16 126:9 142:17 155:13	<b>nothing's</b>	<b>obviously</b>
<b>nationwide</b>	106:10	<b>nice</b> 9:16	112:12	2:20 11:18 56:18,19 80:5 83:24 113:8 173:14 210:4 221:19
175:18	<b>nice</b> 9:16	84:23	<b>not--I</b> 42:1	
<b>nature</b> 7:21	<b>night</b> 66:22	<b>nor</b> 107:8	207:11	
76:15,18, 23	99:6	<b>normal</b>	<b>notice</b>	
77:5,20 118:18	213:13	169:13 178:6	115:24 139:4	
<b>nay</b> 65:18	<b>nine</b> 20:8	<b>Northeast</b>	<b>notificatio</b>	
<b>NCAA</b> 139:1	25:3 180:6	47:4	<b>n</b>	<b>occasion</b>
<b>necessarily</b>	<b>nine-member</b>	<b>Northwester</b>	146:22 222:12	59:23 165:19
40:5 102:2 180:23 193:18 207:2 223:18	74:17	<b>n</b> 30:17 47:4 106:13 107:4,8	<b>not--that</b>	<b>occasions</b>
<b>needed--we</b> 176:24	<b>Niranjan</b>	<b>nose</b> 48:15	212:22	54:10 95:20
<b>need--he</b>	<b>Nobels</b> 2:23	<b>not&gt;</b> 66:18	<b>not--that's</b>	<b>occur</b> 31:23
109:22	<b>nobody</b>	<b>not--but</b>	209:18	62:20 221:20
<b>need--we</b>	47:18 80:8 104:20 223:5	41:15 208:10	<b>not--you</b>	<b>occurred</b>
176:23	<b>no--but</b>	<b>note</b>	86:4	52:4 101:6 162:15 195:6
<b>needy</b> 77:11	24:5	84:23 90:7 115:7	<b>November</b>	<b>occurred--</b>
<b>negative</b>	<b>nominate</b>	<b>noted</b>	16:7 192:17,24	<b>I'm</b> 31:2
119:13 137:12	164:22 165:11	206:20	<b>nowhere</b>	<b>occurs</b>
<b>negotiate</b>	<b>nominated</b>	<b>notes</b>	202:7	62:16
4:23	24:7 28:5 165:14	219:20 223:23	<b>nuclear</b>	<b>of--at</b>
<b>negotiator</b>	<b>nominating</b>	<b>no--there's</b>	156:16	205:6
113:1	21:18,20	24:3	<b>nurses</b>	<b>of--do</b>
<b>neighbor's</b>	<b>nominations</b>	<b>nothing</b>	176:19	210:24
47:16 50:11	21:22 165:16	37:21 55:16,18 61:1,2 80:3,6 92:20 93:2 94:25 105:5 114:3 176:10 182:17,19 ,25	<b>Obama</b> 29:3	<b>offend</b>
<b>news</b>	<b>nominee</b>		<b>objecting</b>	181:3
17:24 19:16 213:17	69:19		218:21	<b>offended</b>
<b>newspaper</b>	<b>none</b> 97:2		<b>obligation</b>	208:19
113:21 199:6	100:4 127:7 168:4		186:4	<b>offense</b>
<b>newspapers</b>	<b>non-</b>		<b>observation</b>	64:14 174:22
	<b>judgmenta</b>		182:10	<b>offer</b> 2:6
	<b>l</b> 97:6		<b>obtained</b>	112:3,25 113:5,9,1 9
			203:14	
			<b>obtaining</b>	
			142:11	
			<b>obvious</b>	
			166:25	

<b>offered</b> 167:22	133:22	109:18	<b>one-page</b> 114:7	102:19,24 201:11
<b>offers</b> 57:19	<b>offices</b> 69:7	124:20	<b>ones</b> 25:4,5,8 42:11 51:6 86:4,22 127:21 134:22 143:14 144:25	<b>opportunity</b> 2:3 5:20 56:23 58:7 62:6 101:22,24 102:2 103:7,13 133:4 134:12,18 135:5,16 206:8 224:1
<b>office</b> 11:3 14:6 32:4,18 34:6,23 44:11,16 45:6,9 46:15 55:8 56:10 59:6 60:6 62:7 64:2 65:20,25 68:3,16,2 4,25 78:14,17 81:24 84:2 93:7 100:9 102:13,15 105:22 115:21 116:5,6 123:13 127:9 128:5,7,1 3 130:23 132:18 164:17,18 ,19 166:2 167:6,8 171:9 176:5 179:11 183:15 199:18,22 204:15	<b>official</b> 21:14,17 24:4,6 27:20,23 34:9 42:4 153:13 <b>officially</b> 16:9 70:17 <b>officials</b> 83:2 101:16 <b>of--I</b> 181:11 <b>of--I'm</b> 148:15 <b>of--it</b> 120:10 <b>of--no</b> 45:4 <b>of--the</b> 116:14 <b>of--we</b> 15:22 <b>oh</b> 45:11 119:10 152:2 180:9 184:7 196:1 217:10 220:7 224:24 <b>okay</b> 13:8 29:13 44:12 58:5 61:25 62:14 68:18 69:8,20 88:10 89:7,15 108:5	127:25 132:8 136:5 141:9 144:6 145:15 146:9 147:22 151:21 152:7 153:4 154:4,18 161:17 162:15,18 164:6,16 187:10 189:14 190:3 194:7,25 195:3,25 196:12 197:24 199:14,24 202:11 204:9,24 207:6 208:2,25 209:2,6 210:1,5,7 212:9 215:2 218:7,14 220:8 222:10 225:1 <b>old</b> 13:18 18:9 23:16 25:5 115:12 <b>oldest</b> 221:15,16 <b>oldest--I'm</b> 221:15 <b>ombudsman</b> 203:6 223:7,17	<b>opening</b> 89:19 <b>operate</b> 93:22 <b>operated</b> 186:16 <b>operates</b> 81:17 <b>operation</b> 77:13 117:2 199:21 <b>operations</b> 157:22 <b>opinion</b> 73:22 222:9 225:6 <b>opportuniti es</b>	102:19,24 201:11 <b>opportunity</b> 2:3 5:20 56:23 58:7 62:6 101:22,24 102:2 103:7,13 133:4 134:12,18 135:5,16 206:8 224:1 <b>opposite</b> 79:10 <b>optimistic</b> 89:18 <b>options</b> 105:8 <b>or&gt;</b> 220:17 <b>order</b> 79:16 104:4 176:10 <b>ordered</b> 122:9 <b>orders</b> 4:22 <b>ordinary</b> 94:23 <b>organizatio n</b> 64:11 74:14 148:7 <b>organizing</b> 179:7 <b>or--I</b> 171:1 <b>orientation</b> 67:9,14 <b>original</b> 95:21 116:18 195:22 213:17 <b>originally</b>
<b>officer</b> 35:22 48:20 69:2,3,6 80:23 <b>officers</b> 20:23 104:11				

197:16	205:23,25	<b>parents</b>	69:25	176:10
<b>originated</b>	<b>page</b>	65:16,24	162:2	<b>people</b>
84:1	87:20,23	97:3,11	221:23	10:16
<b>originates</b>	106:3,6	105:4,8	<b>partner</b>	11:21
104:18	107:21	115:12	30:1	12:10
<b>Oscars</b> 2:23	108:6	146:25	176:12,21	14:3,10
<b>other--20</b>	112:2	<b>parents--</b>	<b>partners</b>	18:13
144:25	119:6	<b>the</b>	12:2	23:19
<b>others</b>	137:24	146:24	<b>party</b>	33:21
83:16	140:1	<b>park</b>	23:2	38:4,9,23
185:6	142:9	73:17	32:19	51:3,7
189:11	152:20	162:5	<b>pass</b>	52:17
220:22	153:4,5,1	<b>parking</b>	47:13	59:3,4
<b>otherwise</b>	6	147:3	64:12	75:3,9
13:1	154:10,16	166:1	66:3	77:10
43:18	,19	<b>Parkland</b>	79:13,14,	79:9 81:6
60:7	196:25	54:23,24	22 116:7	82:16,24
102:23	197:13	<b>parks</b>	<b>passed</b>	85:24
144:7	198:11	174:15	45:19	92:9
<b>ought</b> 6:7	206:13	<b>parole</b>	64:6	99:10
91:22	208:23	98:23	79:15	102:3,24
134:7	<b>pages</b> 61:16	<b>participate</b>	84:13	104:3,5
135:6	194:23	<b>d</b> 8:11	<b>passing</b>	119:15
180:24	<b>pal</b> 4:19	35:23	48:8	122:9
<b>ours</b> 5:25	<b>paper</b>	<b>particular</b>	<b>past</b> 4:17	131:15
<b>outcome</b>	7:23	36:15	24:23	132:15
14:7	111:23	54:18	74:25	135:24
<b>outcomes</b>	185:20	65:3,14	78:23	149:16
101:5	<b>papers</b>	69:12	89:22	158:8
<b>outside</b>	109:21	106:16	<b>Patch</b>	164:21,22
68:9	<b>paragraph</b>	107:10	213:17	172:1
110:21	89:16	112:4	<b>pathway</b>	174:25
127:15	112:2,5,2	114:4	198:25	175:21
193:18	3 137:17	115:15	<b>patient</b>	179:3,17
213:9	<b>paramount</b>	116:1	172:5	184:22,25
<b>outstanding</b>	2:17	126:15,17	<b>patients</b>	188:2
23:4	<b>paranoid</b>	141:12	175:25	192:6
<b>overly</b> 34:1	210:7	143:9	<b>pause</b> 106:5	196:16
144:17	<b>paraphrase</b>	160:8	<b>pay</b> 7:24	203:23
<b>ownership</b>	17:25	162:11	151:4	205:7,8
149:24	<b>parcel</b> 3:5	193:1	<b>payments</b>	207:13,22
<hr/>	<b>Pardon</b>	198:22	184:12	208:5
<hr/>	85:21	200:12	<b>pecking</b>	213:16
<hr/>	<b>parent</b> 59:5	206:10	104:4	<b>perceive</b>
<b>packet</b>	84:22	214:23	<b>particularl</b>	207:24
	92:15	<b>y</b> 37:24		<b>perceived</b>
				98:15
				177:2
				179:6

206:25	<b>personality</b>	124:24	<b>plea</b> 89:20	47:25
<b>percentage</b>	181:12	153:9	<b>please</b>	100:22
193:22	<b>personally</b>	161:8	46:21,22	203:8
<b>perfect</b>	8:6,20	176:7	115:8	<b>policy</b>
174:21	28:25	179:21	122:19	2:5
<b>perfectly</b>	101:2	184:1	153:2	5:11 10:3
93:9,10	181:25	210:13	156:9	27:6 32:7
<b>performance</b>	<b>personnel</b>	219:1,2	224:5	34:5,22
184:24	78:15	224:7	<b>plenty</b> 49:4	64:25
185:2	81:25	<b>physician</b>	54:9	77:9
<b>perhaps</b>	167:18	174:23	118:17	92:23
18:15	<b>persons</b>	175:17	135:23	132:24
116:9	83:6	<b>physicians</b>	<b>plenty--</b>	213:14
<b>period</b> 16:8	<b>person's</b>	175:15	<b>well</b> 49:6	<b>politely</b>
19:3	215:2	<b>picks</b>	<b>plus</b> 180:6	11:8
83:17	<b>perspective</b>	218:19	<b>point</b> 3:3	<b>political</b>
157:20	14:13	<b>piece</b> 7:23	16:25	3:4
<b>person</b> 5:23	<b>persuade</b>	<b>pieces</b>	17:4,13,1	23:2
22:22	138:14	205:3	4,21	159:4,8
23:1,10	<b>persuasion</b>	<b>pigs</b> 38:14	18:12	221:25
29:25	42:3 54:9	<b>Pinchman</b>	24:8	<b>politically</b>
44:24	<b>Philanthrop</b>	67:23	26:23	162:9
47:9 70:2	<b>y</b> 172:1	72:23	34:7,14,1	174:16
73:22	<b>Phillip</b>	<b>placate</b>	6 44:5	<b>politicians</b>
75:7 89:1	158:14	91:12	58:5	42:14
94:5	<b>phone</b> 11:10	<b>places</b>	70:18	<b>politician'</b>
100:7,8	32:5	171:24	71:13	<b>s</b> 43:7
113:3	41:14	172:8	81:6	<b>politicized</b>
155:24	122:17	<b>planned</b>	111:19	173:4
161:2	158:25	120:12	114:17	<b>politicizin</b>
166:24	162:21	<b>planning</b>	130:22	<b>g</b> 171:1
174:23	163:24	3:21	141:10	<b>politics</b>
180:20	218:6	74:21	144:10,15	82:15
214:16	<b>phonetic</b>	157:24	153:19	<b>Polk</b> 166:2
217:9	5:5	<b>platform</b>	163:20	<b>pool</b> 135:20
224:12,14	6:14,24	13:21	180:14	<b>pop</b> 148:25
<b>personal</b>	9:12	<b>play</b>	183:3	<b>popular</b>
4:25	25:16,18	56:12	192:5	13:25
10:17	28:19	170:20	203:7	172:10
48:14	35:3	<b>playing</b> 6:2	205:6	<b>populating</b>
62:22	39:15	57:1	206:11	23:18
63:21	53:4,5	149:4	<b>point's</b>	<b>population</b>
89:24	54:23	215:24	223:22	77:11
90:1	57:7	216:15,16	<b>point--</b>	104:24
96:15	122:22	<b>point's</b>	<b>shortly</b>	105:12,16
107:9	123:23,24	<b>point's</b>	3:14	
203:19		<b>policies</b>		

,17	91:20,21	<b>predicting</b>	185:6	136:10
119:20	<b>postponed</b>	175:17	<b>presidentia</b>	191:1
139:24	21:3	<b>preferentia</b>	1 170:20	204:10
<b>portend</b>	<b>posture</b>	<b>lly</b> 220:9	<b>presidents</b>	<b>previous</b>
14:5	176:14	<b>preferred</b>	4:13	22:5
<b>portion</b>	<b>postured</b>	62:22	178:14	171:11
171:20	177:25	145:8	<b>presort</b>	220:22
175:2	<b>potential</b>	<b>preparatory</b>	205:14	<b>previously</b>
177:24	25:24	218:11	<b>press</b>	11:18
<b>position</b>	26:10	<b>prepared</b>	31:9	206:8
10:23	<b>potentially</b>	80:24	184:18	<b>primarily</b>
22:13	92:3	90:19	<b>pressed</b>	151:14
24:6	146:2	92:10	36:16	159:11
26:16	215:24	131:21	<b>pressure</b>	174:13
35:13	<b>power</b> 5:4	<b>prepares</b>	94:7	<b>primary</b>
71:11	58:25	80:5	101:17,22	173:23
73:23	103:6	<b>preparing</b>	102:7	<b>principally</b>
75:14	188:8	16:21	105:9,12,	16:22
77:22	208:14	<b>presentatio</b>	13 108:21	17:1
112:15	<b>powers</b> 42:3	<b>n</b> 81:5	109:14	113:17
160:19	48:17	<b>presented</b>	120:24	<b>principle</b>
174:1	54:8	80:3,6,22	131:23	17:5
181:10	<b>practice</b>	81:10	195:12	<b>principles</b>
186:22	7:21 9:22	<b>presents</b>	<b>pressures</b>	147:12
197:15	77:4	80:23	104:23	<b>prior</b>
211:1,2	132:6	103:8	<b>presumably</b>	3:13
<b>positions</b>	156:14,15	<b>presided</b>	58:3	4:9,16,21
102:25	<b>practices</b>	162:18	107:1	5:8 26:20
<b>possibiliti</b>	5:24 10:3	<b>president</b>	150:16	29:8
<b>es</b> 212:21	67:19	4:12 29:3	215:7	30:13
<b>possibility</b>	135:5	35:3 36:5	<b>presume</b>	44:2 75:1
160:18	147:6	71:16	204:14	79:1
188:11	149:3	74:11	<b>presumptive</b>	108:15
196:21	<b>practicing</b>	114:19	70:12,15	226:11
<b>possible</b>	175:15	122:22,23	161:22	<b>private</b>
24:10	176:20	123:9	<b>pretend</b>	7:18
44:4	181:19	131:16,19	55:9	27:17
72:24	<b>praise</b>	132:5,11	<b>pretty</b>	<b>probably</b>
113:15	117:13	153:17	46:14	7:25
129:3	<b>preaching</b>	154:3,18	54:13	9:8 10:16
<b>possibly</b>	18:1	178:15,17	57:21	18:11
84:8	<b>preadmissio</b>	,18,20	59:6	27:2
162:8	<b>n</b> 6:23	179:8	68:24,25	31:12
216:9	<b>predecessor</b>	180:23	82:8	32:4
<b>posted</b>	35:20	182:7,12	110:1	35:21
153:2		183:23	133:9	49:14
<b>postman</b>				50:15,16

52:3	119:2	119:14	<b>proposition</b>	128:10
76:14	130:7	<b>program</b>	216:1	159:20
84:15,23	146:7,15	6:21	<b>protect</b>	197:6
98:4	152:9	7:2,14	173:23	212:4
100:17	183:1	67:9	<b>protecting</b>	<b>providing</b>
101:5	194:1	68:16	98:11	74:23
102:21,22	199:8	69:6	<b>protocol</b>	159:19
108:25	202:24	176:21,22	5:10	<b>provincially</b>
117:24	218:23	203:15	22:19	173:12
118:7,15, 17 131:17	<b>processes</b>	210:12	27:13,20,	<b>provost</b>
132:14	21:21	214:2	23	35:7,8
139:2	130:10	215:7	48:24	52:6
140:4	<b>procurement</b>	218:25	49:25	127:10
147:15	147:4	219:6	50:3	144:22
150:1	<b>procurement</b>	<b>programmatics</b>	53:23	<b>provost's</b>
193:25	<b>s</b> 222:14	<b>c</b> 34:5	81:3	127:9
225:18	<b>produce</b>	<b>programs</b>	82:5,7,18	<b>public</b>
<b>probably--</b>	176:18	4:2 15:21	84:12,16	2:9,24
<b>you</b>	<b>produced</b>	117:5	100:20,21	5:4 6:4
144:15	38:6	175:19,21	108:16	20:1
<b>problem</b>	127:8	200:9	110:21	30:25
6:11	151:19	<b>progress</b>	130:7,10,	68:17
15:10	<b>produces</b>	106:11	13,14	79:4,5
55:14	104:25	<b>prohibited</b>	147:16	80:19
117:3	<b>production</b>	222:11	169:14	83:1
121:9	142:20	<b>project</b>	<b>protocol's</b>	157:13
132:24	149:17	163:2	51:20	159:12
176:13,15	174:13	185:3	<b>proud</b>	201:12
<b>problems</b>	175:24	<b>projects</b>	2:11	<b>public's</b>
121:21,22	176:16	162:2	30:19	6:5 80:19
,24 127:3	<b>professiona</b>	174:12	135:7	<b>publish</b>
184:20	<b>l</b> 4:15	181:19	150:1	185:21
205:21	9:1 39:12	<b>promise</b>	<b>proudly</b>	<b>published</b>
<b>proceedings</b>	201:4	7:24	2:14	185:19
103:22	<b>professiona</b>	<b>promised</b>	<b>proves</b>	<b>purchase</b>
116:18	<b>lly</b> 7:12	140:10	187:17	15:13
156:6	<b>professiona</b>	<b>promote</b>	<b>provide</b>	<b>purely</b> 54:6
226:11	<b>ls</b> 176:17	210:24	75:4 83:8	<b>purpose</b>
<b>process</b> 4:8	<b>professors</b>	<b>promoting</b>	85:3,15	91:12
5:13,21	60:22	63:2	101:21	<b>purposes</b>
21:13,18	225:5	105:7	107:13	195:19
27:7 46:3	<b>profile</b>	<b>proper</b>	134:18	<b>pursuant</b>
53:1 57:8	137:13	102:9	<b>provided</b>	151:19
63:8,16,1	141:17	<b>proposal</b>	82:24	<b>push</b> 104:22
7 65:21	<b>profiles</b>	113:9	85:3	<b>pushed</b>
82:12			101:24	
84:11			102:24	
96:12				

40:12	131:4	131:22	<b>reaction</b>	138:19
101:17	136:22,23	143:10	164:1	148:17,21
128:20	142:13	163:13	<b>read--</b>	149:9,21
<b>pushing</b>	143:17	175:14	<b>having</b>	167:15
40:8,12	144:3,20	185:18	153:21	170:10
55:15	145:3,19	187:6,12	<b>reading</b>	172:23
59:15	155:3	190:6	52:12,14	176:2
<b>puts</b> 197:14	160:24	200:12	104:16	179:4
<b>putting</b>	186:21	201:9	203:11	181:6,16,
51:12	194:11			17
99:10	206:22		<b>reads</b>	182:9
<b>puzzling</b>	209:23		80:5	187:23
130:11	210:21		143:1	192:22
	219:21		<b>real</b>	199:19
	221:1		113:2	200:25
	222:10		127:3	206:11
	224:23		190:6	216:21
<hr/> <b>Q</b> <hr/>	<b>questioning</b>	<hr/> <b>R</b> <hr/>	<b>reality</b>	<b>really--I</b>
<b>qualified</b>	93:15	<b>raise</b>	14:23	175:25
119:3	150:10	171:25	15:23	<b>really--</b>
210:20	189:12	172:11,12	<b>realize</b>	<b>what's</b>
<b>qualify</b>	<b>questions</b>	174:3	121:9,13	47:22
43:18	61:17	<b>raising</b>	207:22	<b>really--you</b>
195:14	64:3,4	71:24	<b>realized</b>	48:22
<b>quality</b>	66:4,12,2	<b>Randolph</b>	200:3	<b>reappoint</b>
90:10	5 67:3	1:14	<b>really</b> 11:8	179:10
224:12,15	80:2,3,9	<b>random</b>	12:25	<b>reappointed</b>
<b>quantitate</b>	81:1	38:24	17:4	157:18
177:10	99:3,18	46:14	24:13	174:6,11,
<b>quantitativ</b>	106:23	83:4	34:3	15
<b>e</b> 177:13	107:11	<b>ranking</b>	42:24,25	<b>re-</b>
<b>question</b>	108:23	202:16	43:9	<b>appointme</b>
9:5 49:19	112:19	<b>ranks</b> 2:24	51:13	<b>nt</b>
50:1	203:22	<b>rare</b> 65:7	55:6	179:15,22
51:25	210:22	<b>rather</b>	65:10	,23
53:24	221:7	153:19	66:13	<b>re-</b>
59:4	<b>question's</b>	177:12	67:6	<b>appointme</b>
63:25	77:21	<b>rational</b>	68:19	<b>nts</b>
66:15	<b>quicker</b>	145:18	75:2	179:16
67:4	67:3	<b>re</b> 179:23	<b>really&gt;</b>	<b>reason</b> 21:2
72:14	<b>quickly</b>	<b>reach</b> 112:7	84:7	38:22
75:21	211:16	<b>reached</b>	<b>really</b> 95:1	44:14
78:23	<b>Quinn</b>	146:6	96:21	74:24
80:7,8	183:12	164:25	105:6	146:13
81:13	<b>quite</b>	170:8	110:3	<b>reasonable</b>
95:24	6:11	171:11	112:12	5:23
97:4,7	12:22	<b>reaching</b>	118:20	113:5
100:14	79:2	172:13	133:6	
109:10		<b>react</b>		
111:24		118:22		
		208:5		

191:9	<b>recently</b>	1 46:11	215:13,14	210:1
<b>reasons</b>	151:18	47:23,24	<b>recruitment</b>	214:14
27:1	208:21	54:20	212:23	<b>reform</b>
79:14	<b>reception</b>	56:16,17,	<b>recurring</b>	13:20
118:16	160:1	24	107:18	<b>refresh</b>
<b>recall</b>	<b>recess</b>	57:11	<b>redacted</b>	106:15
18:23	155:20	58:6	153:2	129:25
44:3	<b>recipient</b>	62:21	195:8	153:22
58:19	206:25	63:8,11	<b>re-</b>	154:2
71:18	<b>recognize</b>	64:22,23	<b>explain</b>	<b>regard</b>
72:8,20,2	89:9	86:20	75:10	73:21
5 85:14	<b>recollectio</b>	114:18	<b>refer</b> 65:23	137:21
113:12,15	<b>n</b> 20:19	115:11	93:7	173:22
115:15,19	35:24	116:15,21	100:20	206:24
121:6,7	42:17	117:6,13,	106:8	214:3
122:20,21	72:5,15,2	15,16	143:8	<b>regarding</b>
129:5,8	3	222:5	191:8	2:4
130:4	73:5,8	<b>recommenda</b>	192:4	4:22
140:21	76:13	<b>tions</b>	195:25	106:12
141:3,10,	83:15	33:15	<b>reference</b>	157:21
13 142:21	84:17	42:8,14	107:23	158:7
151:15	87:3,10	98:22	114:23	<b>register</b>
155:3,6,1	99:24	99:1	116:14	220:10,12
0 183:6	106:15	117:2	120:17	<b>registered</b>
<b>receive</b>	112:12	<b>recommended</b>	167:4	169:16
114:8	113:17	97:19	182:4	198:21
163:10	114:4,13,	98:14	207:7	220:15
194:4	21 128:23	<b>recommending</b>	209:24,25	<b>registers</b>
204:25	131:6	<b>g</b> 40:20	211:13	218:25
205:16	139:8,11,	98:14,18,	219:25	<b>registratio</b>
<b>received</b>	15,16	22 222:5	<b>referenced</b>	<b>n</b> 220:15
2:14	142:4	<b>reconnaissa</b>	203:13	<b>regular</b>
5:8	153:23	<b>nce</b>	<b>referrals</b>	77:24
6:18	154:2	131:14	95:2	107:25
82:22	168:1	<b>record</b>	128:11	<b>reject</b>
84:12	169:2	96:15	<b>referred</b>	87:10
115:19	<b>recollectio</b>	124:11	41:22	<b>rejected</b>
119:8	<b>n's</b> 20:14	136:1	59:5 64:2	48:4
121:19	<b>recommend</b>	155:21,22	131:1,7	<b>rejecting</b>
137:8	99:7	157:17	182:7	139:4
138:18	115:9	185:8	<b>referring</b>	<b>rejection</b>
225:4	147:7	<b>recruit</b>	39:24	197:10
<b>receiving</b>	<b>recommenda</b>	212:10,24	40:21	<b>rejects</b>
139:11	<b>tion</b>	,25	111:22	87:8
153:12	41:9,13,1	<b>recruiting</b>	121:20	<b>relate</b>
193:11	6	39:13	154:7	
<b>recent</b>	42:4,13,2	83:21	196:23	
86:19		126:14		

167:3	<b>relay</b>	118:19	208:25	<b>resonated</b>
<b>related</b>	189:24	<b>repeating</b>	<b>requested</b>	224:10
13:5	<b>release</b>	130:12	116:4	<b>resources</b>
34:4,6	31:9	<b>replacing</b>	<b>requesting</b>	77:16
38:1	<b>rely</b> 194:14	70:4	48:7	82:25
80:23	<b>relying</b>	<b>replied</b>	<b>requests</b>	175:3
99:17	107:12	142:22	45:6 51:3	<b>respect</b>
131:22,24	<b>remaining</b>	<b>replies</b>	68:3	10:3 65:1
193:1	153:15,18	142:7	85:19	90:10
209:14	<b>remaining--</b>	<b>reply</b>	99:22	159:18
<b>relates</b>	<b>that</b>	142:6,14,	100:2	215:6
89:24	123:3	18	189:16	<b>respected</b>
206:14	<b>remarkable</b>	<b>report</b>	<b>requires</b>	33:4
<b>relating</b>	105:20	194:5	80:24	<b>respectful</b>
163:2	<b>remedies</b>	<b>reported</b>	<b>rescission</b>	4:14 97:5
<b>relation</b>	148:12,17	184:18	15:19	<b>respectfull</b>
112:22	,18,20	<b>reporting</b>	34:12	<b>y</b> 28:14
126:12,16	<b>remedy</b>	5:15	<b>research</b>	64:17
129:10	149:8	111:7,19	14:18	169:23
<b>relations</b>	<b>remember</b>	<b>represent</b>	162:4	<b>respective</b>
135:2	34:10	3:9	168:12	133:24
<b>relationshi</b>	37:19	<b>represented</b>	172:2	<b>respond</b>
<b>p</b> 12:6,21	44:22	8:15	174:14	121:4
126:10	53:18	<b>republican</b>	212:13,18	<b>response</b>
177:3,8,9	94:11	32:19	,21	102:9
178:1	112:10	162:7	<b>residence</b>	103:4
180:22	125:10	169:17,18	213:11	112:7
182:6	126:13	<b>republicans</b>	<b>resident</b>	123:4
203:12	128:14,16	159:10	213:12	197:12
<b>relationshi</b>	,19	174:17	<b>resign</b>	198:14
<b>ps</b> 4:15	129:20,21	<b>reputation</b>	103:3	218:2
118:6	142:2	2:17	<b>resigned</b>	219:11
143:5	160:5	166:22,24	20:15	<b>responsibil</b>
168:3	165:15	<b>request</b>	161:9,10	<b>ity</b>
175:7	196:3	46:1,21	<b>resist</b>	59:1
<b>relative</b>	<b>remembered</b>	48:8	104:14	173:23
62:18	123:22	51:21	<b>resistant</b>	<b>responsible</b>
145:7	129:24	53:20	104:5	204:25
209:1,9	<b>remembering</b>	64:6	<b>resisted</b>	<b>rest</b> 198:9
210:3	19:20	75:18	43:21,22	<b>restore</b> 6:5
211:9	<b>remove</b>	89:21	<b>resolution</b>	134:20
218:20	133:22	113:24	148:19	<b>restoring</b>
<b>relatively</b>	<b>repeated</b>	128:6,21	<b>resolutions</b>	149:5
139:24	128:2	130:2,3	80:17	<b>result</b> 4:4
<b>relatives</b>	<b>repeatedly</b>	201:9,10		
97:4,20				

5:12 14:7	93:17	<b>rotate</b>	172:25	80:1
112:20	120:18	22:19	<b>salary</b> 5:6	<b>Schmidt</b>
146:14	125:21,25	74:18	<b>saluted</b>	70:4,20
219:16	127:24	<b>roughly</b>	69:2	71:1
<b>resume</b>	129:12,18	161:17	<b>Sandra</b>	72:21
10:25	138:4,14	<b>rounded</b>	158:14	73:1
11:4	139:17,21	165:9	<b>sat</b> 67:17	155:25
100:7	140:8,24	<b>route</b> 54:23	<b>SATs</b> 212:13	156:1,2,8
<b>retake</b>	141:5,7,1	0,14	<b>Saturday</b>	,10,13,15
38:13	142:4,10,	23	66:16	,20,23
<b>retire</b>	23	<b>rows</b> 218:13	140:7,9	157:1,4,8
181:10	144:5	<b>rule</b> 60:17	<b>Saturday--</b>	,13
<b>retrain</b>	152:21,23	<b>rules</b>	<b>again</b>	158:14,16
74:12	153:16	188:14	38:20	,19,24
<b>return</b>	154:3,9,1	<b>ruling</b>	<b>Savage</b>	159:3,6,1
82:23	8	139:1	106:9	6,22,25
83:8	192:24	<b>run</b> 27:1	107:22	160:9,12,
<b>revenue</b>	197:14	131:3	<b>save</b> 205:7	16,21
172:3,4,7	198:12,21	<b>running</b>	<b>savvy</b>	161:8,12,
,17,18	214:10	169:18	190:14	15,19,24
173:15,17	<b>rightfully</b>	179:7	<b>saw</b> 18:14	162:14,17
,18	102:16	<b>Ryan</b>	36:22,23	,20,23
<b>review</b> 1:11	<b>right-</b>	10:15	38:5	163:1,9,1
87:24	<b>hand</b>	11:19,22	94:13	3,16,18,2
<b>reviewed</b>	153:5	12:5,11,1	111:19	1
138:19	<b>rigorous</b>	5,18	122:3,4	164:2,15,
<b>Rezko</b>	82:8	15:16,18	123:25	17
17:7	<b>ringing</b>	32:18	168:19	165:2,14,
150:11,14	218:6	35:2	173:5	21,24
,21	<b>River</b> 53:5	45:10,12	175:13,19	166:19,22
151:17	<b>Robert</b>	130:1,20	207:7	,25
152:3,5,1	179:21	157:8,12	213:21	167:2,6,1
2	<b>robust</b>	158:21,25	215:5	2,15,19
155:8,11	68:24,25	159:1,5,1	<b>says--it</b>	168:1,4,7
<b>rhetoric</b>	<b>Rod</b> 115:13	5 171:22	209:8	,13,17
3:20	<b>role</b> 5:8	<hr/>	<b>say--so</b>	169:2,6,9
13:23	19:6,9,10	<hr/>	42:1	,15,21,25
<b>RHH</b> 214:9	48:19	<b>S</b>	<b>scale</b>	170:2,6,1
<b>rich</b> 135:20	66:3	<b>said--I</b>	5:17	6
<b>Richard</b>	108:14	165:3	58:10	171:5,16
39:8	112:16	<b>said--</b>	74:16	172:18
46:5,6	<b>roll</b> 80:13	<b>well</b>	<b>scenario</b>	173:6,11
50:22,24	<b>rolled</b>	10:24	57:16	174:8,10,
52:5,6	20:17	<b>sake</b>	<b>schedule</b>	20
84:20	<b>room</b> 81:2	48:16		175:9,11
90:5		216:10		176:6
		<b>salaries</b>		177:5,16
				178:4,7,1
				1,20
				179:3,13,

16,20	214:11,15	102:7	210:13	145:19
180:1,6,9	,25	103:5	212:13	149:25
,13,16,18	215:4,9	106:1,16	<b>screening</b>	<b>seeking</b>
182:9,22,	216:2,17,	107:3,19	48:22	142:11
24	23,25	109:13,23	<b>screwed</b>	<b>seem</b>
183:4,8,1	217:15,20	111:17	202:4	43:18
1,14,17,1	218:7	119:4	<b>search</b>	53:17
8,24	220:3,8,1	120:9	35:25	127:12
184:13	4,18	121:13	36:4,5	184:3
185:10,13	221:10,22	125:22	<b>season</b>	192:3
,18	222:2,22	126:1	83:21,22	220:23
186:11,14	223:8,24	127:10,11	<b>second</b>	<b>seemed</b>
187:1,25	224:16,18	,24	20:25	13:17
188:7,20,	,21,24	129:18	87:22,23	14:6
23	225:1,9	136:12	107:21	32:24
189:1,4,6	<b>scholar</b>	137:1	112:5	46:12
,14,17,20	210:12	143:9,18	153:5	60:21
190:24	219:1,2,5	144:7	165:15	91:7
191:6,12,	,8 220:4	186:20	213:1	104:14
16,25	<b>scholarship</b>	188:3,10,	<b>Secondly</b>	143:22
192:2,16,	202:1	11,25	178:13	182:10
19,23	<b>scholarship</b>	189:4	<b>seconds</b>	183:24
193:2,5,8	<b>s</b> 127:18	192:7	164:3,5	184:24
,13,21,25	<b>school</b> 3:24	200:24	<b>secretary</b>	185:5
194:6,10,	7:9,10	201:5,7	24:23	186:15
18,20,24	8:24	202:19	115:5	<b>seems</b> 14:22
195:1,7,2	9:3,17,23	206:15	131:25	46:11
4 196:1	10:1,4	209:6,25	<b>secretary's</b>	48:10
197:2,5,8	36:17	210:3	204:15	58:9
,11,23,25	38:5,7,24	<b>schools</b>	<b>section</b>	130:7
198:6,8,1	39:3,7	52:17	219:13,17	203:1,5
6,24	40:1,10	<b>school's</b>	,18	217:3
199:3,9,1	41:3,10,2	2:13	<b>sections</b>	<b>seen</b> 5:16
4,23,25	3 42:5	<b>schools--</b>	219:18	38:16
201:18,21	43:17,22	<b>well</b>	<b>section--</b>	87:9
203:16,20	52:15,21	201:4	<b>you</b>	94:14
,24	53:3,4,6,	<b>scope</b> 58:11	219:12	95:23
204:2,16,	12,14,15,	74:16	<b>Security</b>	104:6
18,23	18,21	<b>score</b> 38:13	54:2	115:17
205:2,18,	59:12	139:24	60:20	154:4
20	63:9	<b>scores</b>	<b>see--can</b>	191:22
206:4,6,1	86:17	54:21	62:25	208:1
6	87:1,6,15	57:20	<b>seeing</b>	217:23
207:4,9,1	,16 88:24	105:1	38:17	221:11
1	90:25	119:21	49:1	<b>sees</b> 80:5
208:1,3,7	91:16	120:12		208:8
,12,15,18	92:17	144:18		<b>seldom</b>
209:22	93:9 95:6	187:8,20		65:19
211:7,21,	101:15			
23,25				
212:6,9				

<b>select</b> 35:9	183:19,20	157:19	20:14,18	137:13,16
<b>selecting</b>	198:20	160:7	<b>she'll</b>	<b>signing</b> 4:4
171:4	202:14,17	161:13	196:6,7,9	<b>silence</b>
224:14	<b>sensitive</b>	165:10	<b>she's</b> 97:14	166:6
<b>selects</b>	37:24	178:2	108:24	<b>silent</b>
36:6	<b>sent</b>	<b>served</b> 2:16	<b>shock</b>	164:2
<b>self-</b>	38:19	8:23	207:10	<b>silly</b> 52:11
<b>supportin</b>	42:13	11:19	<b>shocked</b>	110:22,24
<b>g</b> 172:21	46:1	12:20	207:9	149:20
<b>semester</b>	93:25	27:11	<b>shook</b>	<b>Silvia</b>
6:25	102:5,6	28:22	164:25	106:9
202:19	110:13	31:7	<b>shooting</b>	<b>similar</b>
220:6,14	112:20	41:19	149:8	38:8
<b>senate</b>	142:10	73:9	<b>short</b> 78:10	214:20
186:3	192:18	94:22	214:7	<b>similarly-</b>
<b>senates</b>	214:18	136:11	<b>shortage</b>	<b>situated</b>
184:19	<b>sentence</b>	178:9	175:17	215:19
<b>send</b>	89:11	<b>service</b>	<b>shouldn't</b>	<b>simple</b>
10:25	137:7,21	8:22	117:17	112:7
31:8 46:5	<b>sentences</b>	157:14	150:2	<b>simply</b>
50:1	62:15	<b>servicing</b>	<b>should've</b>	164:13
205:10	<b>separate</b>	11:25	150:6	<b>sincerely</b>
<b>sending</b>	38:18	12:8	166:12	89:25
108:17	127:22	158:12	183:20	<b>sir</b> 7:7
<b>sends</b>	138:24	<b>seven</b>	<b>showed</b>	75:21
153:17	194:21	52:4	88:17,18	92:1
154:3	199:14	134:11	113:22	106:6
<b>senior</b> 4:11	<b>separately</b>	179:25	<b>showing</b>	156:12
23:3	81:9	180:1	79:20	167:3
27:14	<b>sequence</b>	<b>several</b>	<b>shown</b>	193:16
35:22	92:4	161:15	20:5	206:23
224:8	<b>series</b>	174:12	142:19	<b>sit</b> 140:20
<b>sensation</b>	58:18	175:9	187:17	<b>site</b> 200:18
79:3	171:21	181:1	<b>shows</b>	<b>sits</b> 73:22
<b>sensational</b>	179:5	213:3	79:9,14	<b>sitting</b>
5:19	<b>serious</b> 2:4	220:22	154:8	66:21
46:11	<b>servant</b> 2:9	224:8	209:8	<b>situation</b>
48:10	<b>serve</b>	<b>Shah</b>	<b>sign</b> 35:12	13:15
149:19	11:5	180:2,15	<b>Signature</b>	56:14
<b>sense</b> 58:25	28:21,22	181:7,22	226:15	213:6
59:2	30:20	<b>shared</b> 14:3	<b>signed</b>	214:20
140:15	74:4	149:16	35:14	<b>situations</b>
164:7	75:23	<b>sharp</b>	62:11,25	210:10
174:21	77:11	3:19,20	<b>significant</b>	<b>six</b> 4:5
180:18,19	80:19	<b>Shay</b> 161:8		
	94:21	<b>Shea</b>		

20:11	87:11	186:12	82:8	134:9
31:7	111:20,21	<b>somehow</b>	85:17	147:12
49:21	<b>sole</b> 7:17	100:3	86:10	148:4
52:4	<b>solely</b>	106:14	106:6	149:7
73:11	63:19	<b>someone</b> 3:8	127:19	<b>Soto</b> 107:22
74:2 75:8	<b>solutions</b>	23:24	151:21	<b>sound</b> 43:23
94:22	149:10	24:1	152:2,6	123:24
96:2	<b>solve</b>	64:11	164:3	138:24
134:11	176:13,15	71:4	173:10	<b>sounds</b> 23:8
178:4	202:11	91:15	178:21	52:11
206:1	<b>somebody</b>	100:11	180:9	82:12
<b>six-year</b>	17:20	113:4	221:7	84:5
45:7	19:11,14	114:24	224:25	100:1,5
160:9	29:11	121:17,20	<b>sorry--</b>	110:22,24
<b>size</b> 74:15	32:16	136:11	<b>the</b> 11:19	149:20
<b>skew</b> 139:25	38:12	151:25	<b>sort</b> 8:25	191:9
<b>skills</b>	43:22,24	158:21	9:21	<b>source</b>
22:14	46:3	164:12	10:17	47:12
<b>slated</b>	47:2,15	176:9	13:22	95:21
161:22	48:18	204:13	15:22	<b>sources</b> 5:9
<b>sleeve</b> 2:14	50:10,12	214:9	18:15	82:23
<b>slip</b> 214:19	51:24	215:15	22:22	<b>so--you</b>
<b>small</b>	53:20,21,24	<b>someone's</b>	23:10,16	14:11
7:18 53:5	54:12	121:14	27:14,16,18	<b>speak</b> 37:10
164:18	55:21	<b>sometime</b>	33:19,23,24	75:20
<b>smaller</b>	56:11	162:16	34:1,17	112:24
212:15	59:24	<b>somewhat</b>	42:21,23,25	113:3
<b>smart</b>	60:7	83:4	<b>somewhere</b>	137:10,11
135:23	63:25	<b>somewhere</b>	11:17	165:19
<b>Smith</b> 99:7	80:7	<b>son</b> 88:22	47:13,15	172:9
<b>snowball</b>	88:18	90:11,17	48:15	216:7
187:13	91:7	92:2,5	49:1	<b>speaker</b>
<b>snowballed</b>	98:9,12	101:9	53:14	12:3
5:23	102:2,8	186:20	56:7,13,1	56:10
<b>social</b> 54:2	103:2	204:8	6 57:6	159:2
60:20	104:18	209:2,3,1	67:19	224:6
82:25	105:21	2	74:8,12	<b>speaking</b>
88:6	107:16,18	<b>son's</b> 89:25	75:10	121:15
213:8	118:13	90:20	84:18	<b>special</b>
<b>socially</b>	131:4	92:15	87:3,11	5:11
175:20	138:14	100:13	97:8	33:14
<b>society</b>	139:22	<b>sophomores</b>	100:4	42:2
2:13	143:25	215:14	103:12	48:1,2,5,7,12,16
<b>soft</b>	147:17	<b>sorry</b> 11:23	105:19	57:5,7
	149:12	73:6	106:25	63:9 68:2
	150:24	81:22	120:8,10,	93:23
	152:3		23 126:22	
	165:11		130:21	
			131:2	

120:11,20 ,21 123:2,4 126:23 127:6,12, 17 143:6,10 144:11,12 ,16 145:3,7 146:23 147:18 211:18 222:15,24 <b>special--</b> <b>into</b> 59:24 <b>specialty</b> 156:14 200:12 <b>specific</b> 33:21 68:20 72:5,22 73:4,7 76:13 78:5 84:25 89:11 128:22 134:21 139:6,15, 16 142:4 162:1 206:13 <b>specificall</b> <b>y</b> 87:15 128:17 140:21 150:15 167:21 176:4 200:10 <b>specificall</b> <b>y--I</b> 167:20 <b>spectacular</b>	134:19 <b>speculate</b> 60:11 <b>speculating</b> 23:15 83:19 <b>speculation</b> 73:24 96:7 182:9 <b>spell</b> 90:14 <b>Sperling</b> 179:21 <b>spoke</b> 16:23 <b>spoken</b> 69:21 123:8 163:14 <b>sponsored</b> 114:10 151:17,25 <b>sponsorship</b> 118:21 <b>sporadic</b> 101:3 <b>sports</b> 172:17,18 <b>spot</b> 197:21 <b>spring</b> 34:2 <b>Springfield</b> 32:18,23 <b>springs</b> 178:11 <b>stability</b> 74:9,23 75:5 178:15 <b>stack</b> 80:11 <b>staff</b> 3:5 4:10,16,2 1 24:17 71:6 76:12 98:3,16	118:4 164:13 <b>stage</b> 33:23 216:17 <b>stages</b> 149:15 <b>staggered</b> 20:10 <b>stand</b> 100:8 <b>standard</b> 201:2 209:25 211:12 <b>standard--</b> <b>not</b> 211:12 <b>standards</b> 131:24 <b>stand--</b> <b>former</b> 131:16 <b>standpoint</b> 19:11 49:24 57:14 <b>start</b> 2:1 48:18,22 55:19 61:7 116:25 150:3 156:6 179:1 212:7 <b>started</b> 9:8 15:15 18:20,24 35:8 43:5 70:19 79:10 81:16 157:16 173:9 180:19 181:2,7 184:7	202:21 <b>started--</b> <b>you</b> 15:7 <b>starting</b> 34:2 106:2 <b>startling</b> 136:10 137:2,4,1 4 <b>starts</b> 119:8 <b>state</b> 1:10 3:16 8:7,17 10:16 14:14,17, 25 15:4 17:14 20:2 33:8 62:19 69:5 85:15 119:12 159:10 173:13,19 ,21 175:16,20 176:13,19 ,20 200:24 223:14,16 224:10 <b>stated</b> 89:17 143:24 <b>state-</b> <b>funded</b> 18:16 <b>statement</b> 195:21 <b>statements</b> 128:1 184:3,14 <b>states</b> 106:10 108:10	176:18 <b>statewide</b> 20:8 25:3 <b>stating</b> 140:20 141:1 <b>statistics</b> 175:14 <b>status</b> 17:17 187:3 189:9 190:22 204:11 <b>status--can</b> 189:8 <b>statute</b> 162:10 <b>stay</b> 213:12 215:12 222:18 223:21 <b>stellar</b> 200:9 <b>stepped</b> 161:3 <b>steps</b> 164:20 <b>Steven</b> 224:7 <b>stick</b> 151:12 <b>stop</b> 134:23 205:9 214:5 <b>stories</b> 20:4 <b>story</b> 18:2 218:21 <b>straight</b> 44:8 128:5 140:9
--	---	--	---	---

<b>strategic</b>	64:24	2:22 10:1	120:1	186:4
74:21	88:12	38:10	132:2	209:13
<b>strategy</b>	91:22	41:8,19	166:5	<b>suffering</b>
77:15	96:11	55:15	184:3	13:22
<b>stream</b>	99:4	56:21,22	201:15	<b>suggest</b>
172:4,19	107:7	59:13,14	214:1	55:10
<b>streams</b>	108:5	86:21	220:11	106:24
172:4	109:4,12,	95:6,8	<b>stuff--it</b>	<b>suggested</b>
<b>street</b> 1:14	17,21	96:14	15:5	18:2
67:4	110:1,3	97:19	<b>style</b> 80:21	22:23
100:12	119:3	98:14	<b>subject</b>	<b>suggesting</b>
166:2	121:25	104:15,25	33:19	149:10
<b>stretch</b>	138:9	106:11	81:8	<b>suggests</b>
154:20	141:6,8	123:10	138:24	44:8
<b>strike</b>	142:24	135:16	146:17	<b>suitable</b>
135:21	151:20	149:5	153:24	36:3
<b>strings</b>	186:7,8,1	180:7	155:2	<b>summary</b>
152:19	0,13	189:11	214:12	88:21
<b>strong</b> 67:9	187:18,19	190:13,18	<b>submit</b>	<b>summer</b>
119:1	,21,22	,25 192:9	50:23	7:3,14
<b>strongly</b>	188:4	193:9	54:1 93:5	<b>support</b>
119:12	189:8,23	195:12	<b>submitted</b>	14:24
137:10,11	190:2,6	200:11	110:25	68:23
216:4	195:9,13	211:20	<b>subscribe</b>	152:25
<b>structure</b>	196:17	212:10,11	221:12	159:11
215:16	197:4	,24	<b>subscribed</b>	181:8
<b>struggle</b>	198:5	213:14	217:19	213:23
56:6	200:16	217:18	<b>subsequent</b>	215:16
<b>Stucco</b> 35:3	201:23	<b>student's</b>	28:15	<b>supported</b>
<b>stuck</b>	202:9	107:10	<b>subsequentl</b>	152:5
138:19	203:14	191:20	<b>y</b> 169:12	164:23
<b>student</b>	209:17	<b>Students</b>	<b>subspecialt</b>	<b>supports</b>
21:10,11,	212:25	97:22	<b>y</b> 156:16	14:18
16	213:21	<b>studies</b>	<b>substandard</b>	<b>supports--</b>
36:15	214:3,12,	190:8,16	140:15	<b>it</b> 14:18
41:17	16,23	191:8	<b>succeed</b>	<b>suppose</b>
43:17	215:10,11	195:16,18	161:6	108:18
46:22,25	217:2	196:15	<b>success</b>	134:3
47:20	218:4,8,9	200:7	42:15	147:13
54:20	,19,24	<b>stuff</b> 23:17	<b>successor</b>	216:2
57:25	219:1,4,8	29:25	24:2,4	<b>supposed</b>
58:20	,25 220:3	31:1 36:1	<b>sudden</b> 43:8	43:4
59:10,11	223:1	37:7	55:19	79:22
60:15,18,	<b>student--</b>	38:15	100:9	<b>supposedly</b>
19	<b>again</b>	47:17	184:4	
	60:15	61:14,15		
	<b>student--my</b>	66:17		
	186:19	77:1		
	<b>students</b>	103:13		

18:19	207:21	10:2,6	152:15	218:13
<b>sure</b> 5:16	<b>surviving</b>	18:19	168:24	<b>tears</b> 17:22
14:8 17:4	216:5	37:20	181:15	<b>Tech</b> 69:11
19:9	<b>suspect</b>	38:11,12	208:25	<b>telephone</b>
20:21	12:20,21	50:25	209:24	25:23
22:18	28:4	67:24	211:21,24	26:6
23:13	117:23	68:2	212:1	217:6
26:4	135:23	98:10	221:18,24	
30:22	<b>Swillin</b>	110:6,12, 21	<b>talking</b>	<b>tempered</b>
31:23	25:17,20	111:14,16	21:23	48:15
36:2 37:4	<b>swinging</b>	147:2	24:9	<b>temporary</b>
39:16	14:1	149:4,5	36:19	161:1
43:13	<b>switch</b>	154:22	37:5,12	<b>ten</b> 2:24
44:21	211:16	164:21	38:3 44:3	79:25
58:10,19	<b>Sylvia</b>	165:3	51:7,16	83:13,14
59:20	108:9	176:2	63:13	96:23
70:9	<b>system</b> 5:17	189:10	66:8	105:17,19
71:21	6:1,6	194:16	83:18	110:23
72:14	42:22	201:6	86:24	156:23
83:4	56:8,17	204:2,3	96:18	157:3
95:23	58:15	211:17	98:13	188:14
99:2	61:1	213:14	110:2	219:3,4
105:14	86:25	222:7	127:5,21	221:17
117:22	93:12	225:2	142:2,4	
121:24	102:18	<b>talked</b> 6:25	181:2,7	<b>ten-</b>
123:14	103:8,12	9:24	221:2	<b>minute</b>
124:10	104:19	16:18	224:19	155:19
128:20	117:11	18:10,11	<b>talks</b>	<b>tension</b>
129:4	120:3	19:1	39:9	173:21
136:1,17	126:22	22:16	119:14	180:25
137:15	127:2	39:19	225:12	<b>tenure</b>
146:5	173:4	77:14	<b>TAPE</b> 61:6,7	73:14
154:19	200:14	88:2,8	116:24,25	<b>tenured</b>
168:17	<b>systemic</b>	109:2,19	178:24	221:16
185:21	199:21	110:8,10, 17	179:1	<b>Teresa</b>
210:6	<hr/> T <hr/>	111:6	225:21	107:22
212:8,17	<b>tagged</b>	114:13	<b>targeting</b>	<b>term</b> 7:16
219:16	171:25	124:25	144:19	20:11
222:16	172:1,3,5	126:7	<b>tasks</b>	33:13
<b>sure--being</b>	<b>taking</b>	131:15,25	103:11	70:13
22:17	193:23	132:8,10	<b>taxing</b>	74:5,7
<b>surprise</b>	<b>talent</b>	134:24	174:1,4	160:8,10
5:14	135:19	139:14	<b>team</b> 3:8	161:11
163:13	<b>talk</b> 2:20	140:16	8:14	167:4,14
207:8	8:21 9:18	142:1	13:17	179:11
<b>surprised</b>		146:20,21 ,24 147:1	29:14	<b>terminal</b>
94:8		149:2,3	32:24	106:21
191:10,13			130:2	
<b>surprises</b>				

109:4	223:24	93:21	225:1	<b>there--</b>
<b>terminology</b>	224:3,15,	94:13	<b>that's--</b>	<b>can</b> 225:6
75:11	18,21	96:3,17,2	<b>it</b> 76:5	<b>there--I</b>
<b>terms</b> 34:22	<b>Thankfully</b>	3	<b>That's--</b>	207:20
63:7	5:12	100:10,19	<b>yeah</b>	<b>there--</b>
65:17	<b>thanks</b>	101:18	47:21	<b>I'm</b>
73:19	115:14	102:4	<b>that--</b>	212:17
74:4,7	154:19	103:4	<b>that's</b>	<b>there--is</b>
75:23	193:3	104:8	188:10	73:20
84:25	<b>that--am</b>	105:1,2,2	<b>that--the</b>	<b>there's</b>
86:10	211:11	1 109:8	214:16	7:23
103:17	<b>that--and</b>	113:6	<b>that--</b>	21:11
147:11	138:23	114:3	<b>with</b>	25:3
160:9	188:1	122:4	137:21	27:23
171:21	<b>that--did</b>	126:25	<b>the--an</b>	30:23
<b>terrible</b>	96:9	130:11	33:9	33:24
201:25	<b>that--do</b>	131:4	<b>the--and</b>	57:23
209:16	215:25	132:21	141:19	58:18
<b>test</b>	<b>that--I</b>	133:4,9	<b>the--both</b>	61:2
38:13	181:20	136:10	157:22	70:17
54:21	<b>that's</b>	147:24	<b>the--call</b>	73:17
<b>testified</b>	3:8	154:12	189:6	89:16,20
128:2	12:6	155:2,14	<b>the--here's</b>	92:20
140:13,14	18:20	157:4	217:5	100:6
154:25	21:1 28:5	162:14	<b>the--if</b>	105:11,12
170:11	30:8 38:5	163:22	132:9	108:4
194:2	42:17	165:4	<b>their--I</b>	113:3
<b>testify</b>	44:4	171:25	12:20	114:3
207:19	47:8,9,10	172:15	<b>theme</b> 13:18	118:15
<b>testimony</b>	50:23	177:25	<b>themselves</b>	120:1,2,2
116:17	55:13,14	178:18	127:15	3
141:2	56:7	179:13,14	200:16,19	127:2,6,8
191:11	57:3,24	180:23	217:3	,14
193:7,16	59:9	181:5	<b>them--</b>	134:21
199:11	63:8,10	182:2,14	<b>we'd</b>	135:5
224:15	64:5	183:14,24	184:5	144:9,23,
<b>tests</b>	65:21	188:8	<b>the--not</b>	24 154:10
6:23,24	70:16	192:14,15	212:12	170:18
<b>tests--I</b>	71:14	,21	<b>theory</b>	171:24
6:23	73:20	196:25	129:3	187:13
<b>thank</b> 2:3	74:23	202:12	<b>the--</b>	189:7
6:11,13,1	77:18,19	203:1	<b>protectin</b>	190:5,14
5 69:9	79:13	205:23	<b>g</b> 15:20	197:17
90:4	81:3	207:4		205:14,25
155:15,18	82:14,17	209:13,16		216:9
156:2	86:14,22	,18,19		219:13
218:8,9	88:15	211:9		<b>There's--</b>
		212:23		<b>and</b> 148:3
		218:15		
		221:9		

<b>There's--</b>	219:7,8	<b>Thompson</b>	152:3,5,1	33:2 51:1
<b>mine's--</b>	<b>they've</b>	1:13	2	84:6 92:3
<b>there's</b>	103:22	<b>three-day</b>	155:7,11	95:14,18,
38:3	105:13	67:13	<b>tool</b> 6:8	19
<b>there's--</b>	119:15	<b>threshold</b>	<b>to--or</b> 59:3	<b>track--</b>
<b>there</b>	127:7	168:7	217:17	<b>but</b> 15:1
221:13	200:14	<b>Through--</b>	<b>top</b> 2:24	<b>tracking</b>
<b>there--</b>	<b>they--you</b>	<b>I</b> 10:14	57:20,21	52:9
<b>was</b> 26:6	51:12	<b>throw</b> 23:16	88:13	<b>tradition</b>
<b>these--I</b>	<b>thick</b> 79:20	<b>Thursday</b>	105:18	27:7,25
13:16	<b>things--and</b>	136:6	107:20	<b>training</b>
<b>the--</b>	14:25	140:6	137:23	62:7
<b>there's</b>	<b>think--</b>	<b>tickets</b>	154:16	67:9,13,1
120:17	<b>and</b> 23:14	147:3	192:19	5,16 68:9
<b>the--they</b>	<b>think--</b>	222:14	197:1	221:12
19:21	<b>honestly</b>	<b>tied</b> 175:4	198:10,11	<b>transaction</b>
<b>the--this</b>	28:9	<b>tirelessly</b>	<b>topic</b> 146:2	8:12,14
109:4	<b>think--I</b>	96:3	166:14	<b>Transaction</b>
<b>the--</b>	201:13	<b>title</b>	217:12	<b>al</b> 7:22
<b>where</b>	<b>think--</b>	34:9	<b>total</b> 83:9	<b>transcribed</b>
223:2	<b>you</b> 29:24	108:10	<b>totaled</b>	226:11,12
<b>they'll</b>	<b>third</b>	<b>today</b>	159:9	<b>transfer</b>
91:23	137:18	2:4,20,23	<b>totality</b>	54:25
<b>the--you've</b>	140:1	39:10	42:18	110:1
134:6	153:4	118:20	96:21	<b>transformat</b>
<b>they're</b>	196:25	140:20	<b>totally</b> 3:9	<b>ive</b> 5:4
21:12	<b>third-</b>	166:20	172:21	<b>transition</b>
28:20	<b>year</b>	168:23	188:12	15:15
41:16	60:18	180:11	<b>to--the</b>	16:8
55:6,20	<b>this--how</b>	185:25	43:17	<b>transparenc</b>
57:22	127:5	<b>to--I</b>	<b>touch</b>	<b>e</b> 81:14
65:1	<b>this--I</b>	136:20	111:18	<b>Treasury</b>
66:13	56:5	<b>to--if</b>	<b>tough</b>	20:24
91:25	<b>this--it</b>	48:18	101:18	<b>treated</b>
101:20	58:8	108:19	197:21	9:16
103:19	<b>this--no</b>	<b>token</b>	<b>tour</b> 212:20	220:9
127:5	184:13	148:21	<b>tours</b>	<b>treatment</b>
134:16	<b>this--the</b>	<b>Tom</b> 9:12	212:1,7,2	145:7
160:9	195:18	<b>ton</b> 175:3	4	146:23
174:1	<b>this--you</b>	<b>tone</b> 38:8	<b>toward</b>	<b>trend</b>
175:16	58:24	<b>Tony</b> 17:6	63:21	170:25
187:20	<b>Thomas</b>	150:11,14	81:4	<b>tribune</b>
188:17	118:24	,21	<b>town</b> 176:14	159:7
199:18,25		151:17	<b>track</b>	208:21,24
200:19				
208:21,22				

209:8	143:15	<b>trustee's</b>	76:25	73:14
217:16	157:12	43:7	172:6,11,	84:11
218:19	164:24,25	<b>Trustees</b>	12,15	178:10
<b>Tribune's</b>	168:24,25	10:7	174:3	<b>typically</b>
5:15	170:10	11:25	177:17	39:24
<b>tried</b> 60:16	179:19,22	16:1	190:15	40:9
63:18	181:6,22	19:18	<b>tuition's</b>	73:22
74:9	184:11	21:5	13:23	194:3
86:18	186:1	24:18	<b>turn</b>	219:12
175:22	188:5	30:19	87:18	
187:21	191:16	31:11	99:23	<hr/> U <hr/>
204:5,6	199:20	37:3	100:2	<b>uh</b> 63:23
<b>trouble</b>	201:22	43:24	105:25	64:14
55:5 95:6	202:23	46:2	116:9	66:1 67:8
215:13,14	203:2	48:13	193:18	69:5,10,1
222:1,23	204:14,21	53:19	197:6	2,19,25
<b>Trough</b>	,25	134:2	206:4	70:2,19,2
25:16	206:19	156:18	<b>turned</b>	1,22
<b>true</b> 79:9	207:23	157:6	193:14	71:3,14
84:6	209:14	224:17	197:9	72:17,22
105:6	210:17,22	<b>try</b> 14:10	<b>turning</b>	73:5,11
127:1	211:2,11	58:21	193:23	74:1
138:20	215:20,21	59:8,24	<b>turns</b> 17:24	75:3,11
208:16	,23	60:5 61:9	91:6	76:22,24
<b>truly</b>	217:18	113:21	<b>Tusk</b> 176:7	77:6,7,10
190:24	218:20	148:5	<b>twerp</b> 38:11	78:1,11,2
<b>trustee</b>	<b>trustees</b>	212:25	41:22	3 80:17
8:22	21:11	<b>trying</b>	<b>twice</b> 154:8	82:13,23
9:6 10:23	28:2	7:1 27:21	179:3	83:11
11:13	49:11,20	32:9	<b>two-month</b>	84:15,19
21:10,16	56:2	38:12	16:8	87:7,10,1
40:19	60:10	58:22,23	<b>two-page</b>	1 88:11
41:18	69:17	66:7 94:6	87:19	91:14
43:25	82:11	108:19	206:7	92:11
50:18,21	97:13	112:16	<b>two-year</b>	95:10
51:18,23	102:6	120:14	7:16	<b>uh&gt;</b> 96:4
53:23	143:5,14,	145:2	<b>type</b> 131:23	<b>uh</b> 96:22
55:5	18,23,24	147:11	172:15	99:19,20
60:25	144:4	148:15	177:25	100:25
61:4	165:9	158:7	184:9	101:14,21
67:10	179:9,11	162:5	192:12	102:4,25
71:19,25	182:5	164:19	213:19	103:10,12
72:6,9	199:7	176:4,8	217:9	104:12
76:21	203:8	187:20	<b>types</b> 78:5	105:5
81:23	206:24	207:12	<b>typical</b>	107:6,20
92:24	216:12,14	211:9		108:8,21,
97:13	217:17	<b>tuition</b>		23 109:21
131:10	221:20	13:25		110:2,16,
	222:18	66:24		23 111:11
	223:21			

112:11	86:19,20,	19	99:2	185:12
113:16	21	113:6	106:25	<b>undue</b>
114:7,12,	87:9,24	115:23	115:3	61:3
15 115:23	88:13,16	<b>Um-hum</b>	141:22	101:17
194:20	89:12,20,	61:20	151:2,9	188:4
197:2	21	62:10	163:19	222:11
206:6	90:5,6,24	70:5	167:5	<b>uneven</b>
214:11,15	92:19	108:2,7	174:25	215:24
224:24	93:3	116:19	181:7,13	<b>unfold</b>
<b>UI</b> 115:9	96:1,9,19	<b>uncommon</b>	206:23	132:22
152:25	99:10,25	45:3	207:14	<b>Unfortunate</b>
<b>UIC</b> 58:21	100:23,24	107:17	219:24	<b>ly</b> 3:7
59:6	101:19	170:11	<b>understandi</b>	<b>ng</b>
105:7	102:15,17	<b>undergrad</b>	17:12	<b>unhappy</b>
215:12	,23	117:13	19:5 55:5	39:3
<b>ultimate</b>	103:6,7,9	<b>undergrad-</b>	68:22	<b>unit</b>
120:16	,11,15,16	<b>grad</b> 7:9	69:18	74:9,22
<b>ultimately</b>	105:4	<b>undergradua</b>	75:22	213:5
85:8	106:6,18	<b>te</b>	92:7	214:13,23
<b>um</b>	108:15,16	56:14	108:13	<b>United</b>
63:16,23,	,17	95:8	109:11	176:17
24	109:1,12,	117:5	113:6	<b>universitie</b>
64:20,21	20,22	<b>undergradua</b>	138:8	<b>s</b> 2:25
65:3,5	110:8	<b>tes</b>	144:3	68:17
66:10	111:10,19	189:12	161:21	224:9
67:5,16,1	,22	<b>underground</b>	167:7,13	<b>university</b>
7	113:8,14,	56:17	178:9	2:5,11
68:21,22,	20 114:23	<b>under--</b>	<b>understand-</b>	3:1,10,12
23,24	115:24	<b>had</b> 183:3	<b>-yeah</b>	4:8,11
69:1,4	<b>Um&gt;</b> 81:21	<b>understand</b>	182:3	5:1,2,25
70:3,14,2	<b>Um</b>	3:22	<b>understood</b>	6:4,7,9,1
5 71:5	83:3,13,1	14:12	18:5	7,20
73:22,24	9,23	24:15	39:23	8:12,17,1
74:1,3,7,	84:20	28:7	69:16,20	9,22
8,18 75:6	85:5,14	40:25	70:3	9:2
76:9,12,2	86:18,24	41:1	85:12	10:8,20
2,23	87:7,8	43:14	114:9	13:15,21
77:3,5,9,	88:4	44:17	150:21,23	14:4,5,13
11,14	92:21	51:16,17	151:13	,20,22,24
78:11,22,	95:17,20	65:12	158:21	15:2,21
24	98:4	71:8,12	197:20	17:23
79:3,6,11	100:24	77:22	206:14	18:11,14
,16,22	101:18,21	78:24	<b>understood-</b>	19:12,16
81:20	102:23	90:7	<b>-I</b> 151:11	20:1,6,25
82:7,22	103:7,24,	93:15	<b>underwriter</b>	23:13
83:15,23	25	94:19	<b>s</b> 8:15	24:9
<b>um&gt;</b> 84:3	104:7,19	96:6,7	<b>undoing</b>	27:17
<b>um</b>	106:17			30:18
	111:18			
	112:1,11,			

31:10	205:11,22	176:21	179:22	26:1,5,9,
33:5,6,18	209:15	<b>usually</b>	<b>victory</b>	14,18,21
35:22	211:20	21:1,25	16:6	27:5,22
39:25	212:11,19	46:6	<b>view</b>	28:1,7,14
53:22	215:1,8	47:24	75:12	,23
54:24	216:24	_____	90:23	29:1,5,7,
65:12	218:16	V	149:15	13,21
68:12,13,	219:3	<b>VA</b> 157:25	212:15	30:1,6,11
14,20	222:19	<b>vacuum</b> 3:2	<b>viewed</b>	,22
73:16	<b>university'</b>	<b>valuable</b>	48:25	31:8,14,1
74:17	<b>s</b> 3:18	2:8 17:23	215:9	8,19,25
79:17	<b>unless</b>	<b>value</b> 65:11	<b>violate</b>	32:6,13
80:23	47:19	<b>Vander</b>	101:3	33:12,18
82:25	80:7	209:20,21	<b>violated</b>	35:4,9,14
84:14	216:5	,22	63:1,7	,17
89:2 92:9	223:6	210:17	<b>violation</b>	36:8,11,1
98:11	<b>unlike</b>	211:14	63:4 64:8	4,19,22,2
99:7	220:22	<b>variety</b>	<b>VIP</b> 42:23	5
101:16	<b>unlucky</b>	201:1	43:6	37:3,7,12
107:2	60:20	<b>various</b> 3:4	56:8,22	,20,23
116:14	<b>unofficial</b>	4:13	<b>visit</b>	39:2,6,14
133:23	42:7,21	22:20	147:19	,17,21,23
134:19	<b>unqualified</b>	23:18	<b>Visitors</b>	40:3,8,13
135:9,18	121:14	52:17	9:3,9,14,	,16,19,24
147:12	<b>unsolicited</b>	153:22	16	41:5,11,1
151:16	46:14	195:4	137:1	4,24
156:18	<b>unsuitable</b>	<b>varying</b>	139:23	42:7,11
157:25	104:15	159:11	<b>voice</b>	43:12,21
158:4,10	<b>untoward</b>	<b>vast</b>	6:13	44:5,12,1
163:3	48:25	57:23	8:1	7,22
164:7	<b>unusual</b>	58:4	9:4,11	45:2,5,9,
165:5	19:25	<b>velvet</b>	11:21,24	14,16,19,
168:2	170:15	206:21	12:9,14	21,25
171:24	184:15	207:8,14	13:2,8,12	46:7,16,2
173:13,14	<b>upset</b>	<b>venue</b> 202:3	15:25	0,24
,24 174:2	169:24	<b>versed</b>	16:3,5,12	47:6,8,21
176:12,15	170:4,6,2	73:16	,18	48:6,11
177:22	3	<b>version</b>	17:6,9,11	49:2,11,1
178:19,21	<b>Urbana</b>	154:10	18:5,21	6
180:22	56:15	<b>versus</b>	19:3,5,17	50:2,7,14
181:14,24	58:20	173:13	21:4,7,18	,17,20
,25	104:23	<b>vice</b> 4:13	22:2,5,9	51:2,6,15
184:14	105:3,5,9	30:16	23:6,20,2	,18
186:2,5	225:14	<b>Vickrey</b>	3	52:1,8,13
190:11	<b>us--let</b>		24:1,5,14	,20,22,24
193:20,24			25:1,6,11	53:3,6,10
195:16,22			,15,19,21	,16
196:19				54:5
200:23				55:4,13
201:1				56:1
202:4				58:14,17

59:8,13,1	16,19	2,16,21	3,17,23	2,15
8,23	91:2,5,10	123:2,8,2	153:8	184:10
60:5,9,13	,17,19	1	154:4,7,1	185:7,12,
,25	92:1,22	124:3,6,1	2,15	14
61:8,11,1	93:12,25	0,18,20,2	155:6,10,	186:9,12,
7,21,25	94:18	3	14,15,19,	24 187:23
62:4,6,11	95:11,15	125:3,7,9	23,24	188:1,18,
,14	96:5,13	,13,17,20	156:1,3,8	22,24
63:12,20	97:10,12,	,23	,11,14,17	189:2,5,1
64:5,16	17,18,19,	126:2,5,7	,21,24	0,15,18
65:8,22	22,24	,10,16,19	157:2,5,9	190:20
66:2	98:2,6,13	,25	158:13,15	191:3,10,
67:7,12,2	,18,21,25	127:25	,17,20	14,23
1,24	99:5,13,1	128:14,19	159:1,4,1	192:1,13
68:2,6,11	6,22	,24	3,17,24	199:3,10,
,18	100:11,16	129:5,8,1	160:7,10,	21,24
69:8,9,10	,18	3,20,25	13,17	201:16,19
,15,20	101:8,12,	130:6,16	161:6,10,	203:5,18,
70:2,6,11	16	131:9	13,17,20	22,25
,18,24	102:5,12	132:4,11,	162:11,15	204:13,17
71:3,8,12	103:1,21	17,24	,18,21,24	,19,24
,18,22,24	104:2,13	133:2,10,	163:8,10,	205:16,19
72:2,8,12	105:24,25	14,18,21	14,17,19,	206:3
,20,25	106:6,22	134:1,4	23	207:20
73:6,9,13	107:11,20	135:25	164:14,16	208:2,4,1
,20	108:3,8,1	136:5,9,1	165:1,13,	0,13,17
74:5	3	5,18,23	18,22	210:8
75:13,17,	109:8,10,	137:7,11,	166:17,20	211:15
21	18	17,23	,23	216:10,19
76:2,7,10	110:6,12,	138:3,6,1	167:1,3,1	,24
,17 77:21	17,20	5,18	0,13,17,2	219:24
78:3,14,1	111:2,4,8	139:10	4	220:7,12,
7,20	,13,16	140:1,4	168:2,5,1	16,19,21
81:21,23	112:1,14,	141:1,6,9	1,14,22,2	221:4,6,1
82:4,10,2	22 113:12	,16,22	3	9,23
2	114:5,7,2	142:1,6,1	169:4,8,1	222:3
83:6,17,2	3	6,18,25	1,19,23	223:6,9
5	115:3,7,1	143:3,13,	170:1,3,1	224:3,4,6
84:4,8,11	8	20	0,23	,18,19,22
,25	116:2,7,1	144:6	171:13	,25 225:2
85:6,8,11	1,13,20,2	145:5,14,	172:16	<b>VOICE2</b>
,15,18,21	3	22	173:1,8	113:24
,23	117:2,19	146:4,9	174:5	<b>voluntary</b>
86:4,8,16	118:3,11,	147:22	178:18	3:6
87:6,14,1	19	148:1,10	179:9,15,	<b>volunteer</b>
8,22	119:6,8,1	150:9,13,	17,25	2:8 9:1
88:3,5,10	2	18,20	180:4,8,1	<b>volunteered</b>
,21	120:25	151:2,8,1	2	5:2
89:1,7,10	121:3,8,1	5,21,23,2	182:20,23	<b>volunteerin</b>
,15	2,17	4	,25	
90:10,13,	122:2,8,1	152:4,7,1	183:6,9,1	



130:21	194:11	11:5 76:8	<b>working</b>	18:15
<b>whether</b>	<b>whoever's</b>	<b>willingness</b>	4:15 18:3	42:12
10:21	134:16	155:17	174:12	63:11
11:5 17:4	<b>whole</b> 38:21	<b>winning</b>	<b>works</b> 71:16	91:12
19:10	51:11	81:12	222:17	209:7,24
46:3 64:7	58:15	<b>wise</b> 156:5	<b>world</b> 185:1	<b>written</b>
69:25	64:10	<b>wishes</b> 28:2	<b>worse</b> 15:15	41:11,12
77:23	104:21	<b>with--</b>	113:2	47:23
92:21	117:11	<b>about--</b>	118:12	50:5
96:20	123:25	<b>with</b>	<b>worth</b> 64:24	64:25
98:14	151:4	125:25	<b>worthwhile</b>	133:20
101:22	211:5	<b>with--Lon</b>	202:24	216:6
103:18	222:21	76:3	<b>worthy</b>	218:17
104:18	<b>wholly</b>	<b>with--</b>	11:12	<b>written--</b>
107:11	138:24	<b>yeah</b>	<b>would--I</b>	<b>you</b>
110:16	<b>whom</b>	167:20	162:8	182:18
119:21	28:21	<b>witness</b>	<b>wouldn't</b>	<b>wrong</b>
124:9	176:3	220:22	130:9,23	49:3
128:14	177:2	<b>woman</b> 35:20	151:6	97:16,18
131:16	<b>who's</b> 38:12	195:9	168:15	109:11,15
139:18	40:6	<b>wonderful</b>	216:5,12	,16
145:9	48:22	196:16	<b>would've</b>	111:20
146:12	109:5	<b>work</b>	5:16 31:5	187:18
151:24	112:9	8:7,16,19	49:22,23	199:12
158:11	120:16	,20	53:22	<b>wrote</b>
179:4	121:14	45:22,24	129:23	174:10
198:20	130:13	74:17	160:10	185:20
202:25	175:24	76:16	<b>wracked</b>	196:13
222:9	224:7	140:10	217:21	219:6
223:10	<b>whose</b> 35:23	181:23	<b>write</b> 47:24	<b>Wyma</b>
<b>which--</b>	82:25	187:12	92:18,24	71:3,5,20
<b>I'm</b> 11:19	106:11	202:2,8	94:4	,25
<b>white</b> 38:11	145:3	<b>work--any</b>	108:18	72:7,10,1
114:19	202:14	8:18	189:6	2,16,21,2
122:22,24	<b>who've</b>	<b>worked</b> 7:13	197:13	4
123:6,9	105:1	72:18	205:7	73:2,3
152:21	<b>Who--what</b>	96:3	210:5,6	166:8,10,
153:17	179:9	101:6	211:10	11,15,16,
154:3,18	<b>who--</b>	157:21	213:25	18,21
<b>whittle</b>	<b>whose</b>	158:3,6	214:1	167:9,16
58:3	144:12	<b>worker</b> 63:5	218:9,18	168:3,12,
<b>whoever</b>	<b>why--you</b>	<b>workforce</b>	<b>writes</b>	25
46:4	130:12	174:13	55:21	<hr/>
47:12	<b>wield</b> 3:24	175:12,23	204:13	X
51:21,22	<b>willing</b>		<b>writing</b>	<hr/>
95:20				<b>xyz</b> 109:24
107:6				<hr/>
112:24				Y
135:21				<hr/>
				<b>yay</b> 65:18

<b>year--</b>	<b>You're--you</b>			
<b>it's</b> 74:6	52:14			
<b>yep</b> 36:13	<b>yours</b> 88:23			
70:1 90:9	<b>yourself</b>			
114:6	26:19			
136:8	89:12			
138:5,17	145:11			
140:3	<b>your--</b>			
152:16,22	<b>what</b>			
153:7	204:8			
<b>yesterday</b>	<b>you've</b>			
145:5	28:23			
217:14	56:16,25			
223:20	57:17,22			
224:6	81:17			
<b>yesterdays</b>	104:6			
4:4	105:14			
<b>yesterday's</b>	115:18			
217:16	118:19			
<b>yesterday--</b>	119:11			
<b>will</b> 4:3	120:25			
<b>yet</b> 25:7	126:7			
94:24	146:4			
116:23	147:10			
184:20	152:7			
205:25	190:5			
<b>you--he</b>	192:11			
13:8	194:2			
<b>you--how</b>	199:4,5,1			
118:22	2			
<b>you--</b>	203:10			
<b>instead</b>	221:4			
42:12	<b>you--when</b>			
<b>you'll</b>	207:6			
141:18	<hr/>			
<b>you--</b>	Z			
<b>maybe</b>	<hr/>			
58:19	<b>zero-sum</b>			
<b>young</b> 195:9	59:20			
210:20				
<b>younger</b>				
23:18				
<b>you--really</b>				
101:20				