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IN THE COURT OF COMMON PLEAS

MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS

BUTLER COUNTY, OHIO

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ERIN GABBARD,

et al.,

Plaintiffs/Relators,

vs.

CASE NO. CV 2018 09 2028

MADISON LOCAL SCHOOL

DISTRICT BOARD OF EDUCATION,

et al.,

Defendants/Respondents.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Deposition of PETE ROBINSON, Witness

herein, called by the Plaintiffs/Relators for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Karen M. Rudd, a
Notary Public in and for the State of Ohio, at
the Courtyard Marriott, 1 Riverfront Plaza,
Hamilton, Ohio, on Thursday, January 10, 2019,
at 4:20 p.m.

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PETE ROBINSON

of lawful age, Witness herein, having been first
duly cautioned and sworn, as hereinafter
certified, was examined and said as follows:

CROSS-EXAMINATION

BY MS. LEFKOWITZ:

Q. Hi. My name is Alla Lefkowitz.
I'm one of the attorneys for the plaintiffs, and
I'm going to be the one deposing you.

A. Okay.

Q. And this is my friend and
colleague.

MS. LEFKOWITZ: Do you want to
introduce yourself, Jed?

MR. MILLER: Hi, Mr. Robinson.
James Miller, Jed Miller. I'm also a lawyer for
the plaintiffs with Alla.

THE WITNESS: Okay.

BY MS. LEFKOWITZ:

Q. Can you state your name for the
record?

A. Pete Robinson.

Q. And what is your job title with
Madison School District?

A. Board of Education member.

1 Q. How long have you been a member?

2 A. Starting my tenth year.

3 Q. Have you ever been deposed before?

4 A. No, ma'am.

5 Q. We are going to go through the
6 rules of the road.

7 A. Sure.

8 Q. I will say the most important thing
9 is when I ask a question, let me ask the
10 question first, and then you will provide an
11 answer. And what that does is make things
12 easier for the court reporter who is writing
13 everything.

14 The second rule of the road is when
15 I ask a question, please respond verbally. So
16 there should be a yes or a no, not a head shake.
17 Is that understood?

18 A. Yes.

19 Q. You can also shake your head, but
20 the transcript won't reflect it.

21 A. Sure.

22 Q. Another really important thing, if
23 you don't understand something I'm asking, will
24 you let me know?

25 A. Sure.

1 Q. The purpose here is not to trick
2 you. The purpose is to get a clear record.

3 A. Understood.

4 Q. If you want me to clarify
5 something, you will let me know?

6 A. Okay.

7 Q. All right. Another really
8 important thing, you are under oath, so you are
9 required to tell the truth. Do you understand
10 that?

11 A. Yes.

12 Q. At certain points I may ask a
13 question poorly, or there may be another reason,
14 but your attorney may object. Unless he
15 instructs you otherwise, you should still -- you
16 should let him object, but then you should still
17 answer the question. Understood?

18 A. (Witness nodding head up and down.)

19 Q. If you ever need a break, will you
20 let me know?

21 A. Sure.

22 Q. We will probably take a break in an
23 hour, but if you need one before, just let me
24 know.

25 The other important thing is that

1 you may know that there is a confidentiality
2 agreement in this case, and we understand that
3 there are a lot of sensitive issues here. So at
4 some point, you may be asked questions that you
5 know that are confidential, but just so you
6 know, your attorney can designate testimony as
7 confidential. Is that understood?

8 A. Yes.

9 Q. Other than serving as a member of
10 the board, do you have any other positions at
11 the school district?

12 A. No.

13 Q. And when I say school district, I'm
14 always going to be talking about the Madison
15 Local School District. Is that fine?

16 A. Yes.

17 Q. Sometimes I'm going to refer to
18 that as Madison. Is that okay?

19 A. That's fine.

20 Q. Have you ever been a teacher?

21 A. No.

22 Q. What is your current occupation?

23 A. Heating and air conditioning sales,
24 project management.

25 Q. Have you ever held any position at

1 the school other than a board member?

2 A. Assistant soccer coach unpaid for
3 one year.

4 Q. Was that at the Madison Local
5 School District?

6 A. Yes.

7 Q. And when was that?

8 A. Last -- it would have been 2017.
9 Humbling.

10 Q. What?

11 A. Very humbling.

12 Q. I was going to ask, did you have a
13 winning record?

14 A. Actually, we did, yes.

15 Q. Okay. Great. All right. I am
16 going to introduce an exhibit. You should know
17 we had a deposition here before, so there are
18 multiple exhibits that have already been
19 introduced.

20 A. Sure.

21 Q. So we are going to keep going from
22 there, and I am going to introduce what is
23 Exhibit L.

24 (Thereupon, Plaintiffs' Exhibit L,
25 Resolution to allow armed staff in school safety

1 zone, was marked for purposes of
2 identification.)

3 BY MS. LEFKOWITZ:

4 Q. So you have a document in front of
5 you that has now been marked as Exhibit L. Do
6 you recognize that document?

7 A. Yes.

8 Q. What is it?

9 A. It's the resolution to allow armed
10 staff in school safety zone.

11 Q. This is the resolution that was
12 passed by the Board of Education on April 24,
13 2018; is that right?

14 A. Yes.

15 Q. And you voted for this resolution?

16 A. Yes.

17 Q. Why did you vote for the
18 resolution?

19 A. February 29th, 2016, the day of the
20 shooting.

21 Q. And when you say the day of the
22 shooting --

23 A. Yes.

24 Q. -- you mean the shooting --

25 A. The day of the shooting, the school

1 shooting, that took place at our school.

2 Q. Just remember to let me ask the
3 question first.

4 A. I'm sorry.

5 Q. It's just very much not like a
6 regular conversation between me and you.

7 A. Okay.

8 Q. We just have to let the court
9 reporter be able to write everything down.

10 You were saying the reason you
11 voted for this resolution is February 26th --

12 A. 9th.

13 Q. -- February 29th, 2016?

14 A. Yes.

15 Q. And that was the shooting that
16 occurred at Madison, right?

17 A. Yes.

18 Q. So the primary concern for voting
19 for this resolution was to keep the students
20 safe?

21 MR. CONOVER: Objection. You can
22 go ahead. Sorry.

23 BY MS. LEFKOWITZ:

24 Q. Do you want me to repeat the
25 question?

1 A. Sure.

2 MS. LEFKOWITZ: Can you read back
3 the question?

4 (Record read.)

5 THE WITNESS: Is that a yes or no
6 question?

7 MS. LEFKOWITZ: It is.

8 THE WITNESS: Yes.

9 BY MS. LEFKOWITZ:

10 Q. Is there any other reason that you
11 voted for this resolution?

12 A. This is all part of the -- this was
13 just another piece of some of the steps that
14 were taken post shooting to assure the
15 well-being of the kids and the staff.

16 Q. So your reason for voting for this
17 resolution was it was one step to keep the
18 students at Madison secure; is that correct?

19 A. And the staff.

20 Q. So the reason -- I just want to
21 make the record clear. The reason that you --
22 one of the reasons you voted for this resolution
23 is to keep the students and the staff at Madison
24 secure?

25 A. Keep them safe.

1 Q. What's the difference between
2 secure and safe?

3 A. You're familiar with the resolution
4 and what it all entails, I'm sure of that. And
5 this resolution and this action gives us the
6 ability to -- there's always a -- I don't know.
7 Because it's not public knowledge if -- or -- if
8 there is anyone, and if there is anyone armed,
9 who they are, it's a great deterrent against
10 anything bad happening to the school or those
11 people that are in it.

12 Q. And I understand your response, but
13 my question was --

14 MS. LEFKOWITZ: Could you repeat my
15 question, please?

16 (Record read.)

17 THE WITNESS: I don't know. Secure
18 would almost be offensive, whereas safe is more
19 of a defensive.

20 BY MS. LEFKOWITZ:

21 Q. Can you provide a little bit more
22 clarity on what exactly you mean when you say
23 secure almost means offensive?

24 A. An offensive nature, such as a
25 security guard would be someone that would be

1 proactive, go towards anything, you know, that
2 would -- might be happening, whereas keeping
3 safe would be more or less just defending in
4 place if they -- if anything would occur.

5 Q. So your understanding with regard
6 to this resolution is personnel who are armed
7 pursuant to this resolution are expected to be
8 defensive?

9 A. Only, yes.

10 Q. We can put this aside for now. And
11 I want to take us to an exhibit that was
12 introduced earlier today in a previous
13 deposition, Exhibit F.

14 (Thereupon, Plaintiffs' Exhibit F,
15 Firearm Authorization Policy, having been
16 previously marked, was presented for purposes of
17 identification.)

18 MR. CONOVER: Do you have that?

19 MS. LEFKOWITZ: Yeah, I can --

20 MR. CONOVER: For him, F. Is it
21 not in the stack over there?

22 MR. MILLER: I would show him the
23 one that is already marked.

24 MS. LEFKOWITZ: Good point.

25 BY MS. LEFKOWITZ:

1 Q. The document that you have in front
2 of you, can you confirm that that is marked as
3 Exhibit F?

4 A. Yes.

5 Q. Why don't you take a minute to look
6 over it, and then when you're ready, if you
7 could let me know. Is this a document that you
8 are familiar with?

9 A. Yes.

10 Q. What is your understanding of the
11 purpose of the document that you have in front
12 of you?

13 MR. CONOVER: Objection. Go ahead.

14 THE WITNESS: Oh, okay. I'm sorry.
15 This is the authorization to add armed staff.

16 BY MS. LEFKOWITZ:

17 Q. So this is the firearm
18 authorization policy for Madison?

19 A. That's correct.

20 Q. And is it fair to say this sets
21 forth the rules pursuant to which certain
22 authorized staff can be armed?

23 A. Yes.

24 Q. Do you want to take a few more
25 minutes to look at it?

1 A. Oh, no.

2 Q. Are you aware of any other policy
3 at Madison setting forward rules on how staff
4 can be armed?

5 A. One minute, please. I believe this
6 is the crux of what we passed.

7 Q. If you could take a look through
8 this document, and could you point to the
9 portion of this document where it says that
10 individuals who are armed pursuant to this
11 policy can only act in a defensive nature?

12 A. It would be under the review of
13 qualifications. I believe it's clearly stated
14 in the FASTER program that our people were
15 actually sent through under review of
16 qualifications.

17 Q. Are you --

18 A. That would be part of the
19 qualification. That would be part of what was
20 put up there.

21 Q. So I just want to clarify. Are you
22 looking at the bottom of the page that's marked
23 264?

24 A. Uh-huh, and the top.

25 Q. The top of 265?

1 A. Yes.

2 Q. And where exactly does it say that
3 the individual -- strike that.

4 Where exactly does it say that
5 armed individuals can only act defensively?

6 MR. CONOVER: Objection.

7 THE WITNESS: Like I said, it's
8 part of the training that they had gone through.
9 That's part of the precursor in the review of
10 qualifications.

11 BY MS. LEFKOWITZ:

12 Q. So your testimony is the defensive
13 aspect is taught in the training, but it is not
14 explicitly laid out in the policy?

15 MR. CONOVER: Objection.

16 THE WITNESS: No, I believe it's
17 clearly spelled out in the policy. If you look
18 at the precursors where you have the
19 qualifications listed, and then if you go down
20 through these different -- you have to have --
21 some of these -- I believe it's on the ones that
22 are followed. It shows the minimum training and
23 whatnot. It's part of the curriculum on that.

24 BY MS. LEFKOWITZ:

25 Q. All right. I just want to make

1 sure we are clearly talking about the same
2 thing. So I'm looking at the review of
3 qualifications, and the first bullet point that
4 I see is holding a valid Ohio concealed handgun
5 license. Do you see that bullet point?

6 A. Yes.

7 Q. Is that the course that you are
8 speaking about?

9 A. It would be holding -- it would be
10 that one, completing a minimum 24 hours of
11 response to active shooter/killer training from
12 an approved vendor, and then it lists the
13 vendors on the next page, and then it also has
14 the handgun qualifications. But in the training
15 that was received, that was part of the
16 training. This is not an offensive program by
17 design.

18 Q. Have you taken one of the trainings
19 that are listed in these bullet points?

20 A. The CCW I have, but none of the
21 others.

22 Q. So how do you know that these
23 trainings are defensive and not offensive?

24 A. That's the whole syllabus. I'm
25 certain that you have the FASTER training

1 documents, and I'm sure you guys have that, and
2 it's in there. And I don't believe anywhere in
3 there it states that these are offensive.

4 Q. Other than the trainings that you
5 have mentioned that are referenced in this
6 policy under review of qualifications, is there
7 anything else in this policy that says that
8 authorized personnel can only act in a defensive
9 manner?

10 A. Well, that's part of the whole
11 curriculum. So yes, it would be stated in the
12 training that they have had, that's correct.
13 And they are bound by that training as part of
14 this.

15 Q. So my answer is in addition --
16 let's set aside for a minute the reference to
17 the training. Is there any -- there's -- is
18 there anything else in this policy that
19 references that the armed personnel have to act
20 defensively?

21 A. Will you give me a minute to review
22 this again?

23 Q. Absolutely. You can take more than
24 a minute.

25 A. Yeah, it would be under the board

1 authorization. On the first page under board
2 authorization, Ohio Revised Code 2923.122.

3 Q. And that --

4 A. The authorization -- I'm sorry. Go
5 ahead.

6 Q. I just want to be clear. We're
7 looking at page 263?

8 A. Yes.

9 Q. And that is the paragraph where it
10 says authorization, A, board authorization,
11 correct?

12 A. Yes.

13 Q. And where in that paragraph does it
14 say that the authorized personnel can only act
15 defensively?

16 A. Last -- the last sentence, for the
17 welfare and safety of students. It clearly
18 states safety and not security, just as I spoke
19 earlier in one of your previous questions.

20 Q. So your testimony is that from
21 seeing the phrase for the welfare and safety of
22 the students, combined with the training that
23 the armed personnel receive, they know that they
24 are only allowed to act defensively?

25 MR. CONOVER: Objection.

1 THE WITNESS: Defensively.

2 BY MS. LEFKOWITZ:

3 Q. Strike that. Is your testimony
4 that from seeing this phrase for the welfare and
5 safety of the students and the training that
6 authorized personnel received through FASTER,
7 and anything else listed under review of
8 qualifications, that they know they can only act
9 defensively?

10 MR. CONOVER: Objection.

11 THE WITNESS: Yes.

12 BY MS. LEFKOWITZ:

13 Q. Actually, while we're on this
14 document, I do have a question under permitted
15 ammunition. That's on page 265. Let me know
16 when you see that.

17 A. Yes, I see it.

18 Q. Can you actually read that sentence
19 out loud?

20 A. Only hollow-point or frangible
21 ammunition, i.e., ammunition designed to have
22 reduced ricochet hazard, will be permitted in
23 firearms authorized to be on school property
24 under this policy.

25 Q. Do you know what hollow-point

1 ammunition is?

2 A. Yes.

3 Q. Is that the same thing as frangible
4 ammunition?

5 A. I'm not sure.

6 Q. Why is it important that
7 hollow-point ammunition be used?

8 A. I refer again to the paragraph
9 where it says ammunition designed to have
10 reduced ricochet hazard.

11 Q. So is the concern that if another
12 type of ammunition was used, someone else may be
13 injured who is not the intended target?

14 MR. CONOVER: Objection.

15 THE WITNESS: On February 29th of
16 2016, when the student fired the firearm, it was
17 not hollow-point, and injuries that were
18 obtained were from ricochets. That's the
19 difference between what is spelled out in the
20 policy and what was actually used in the
21 shooting.

22 BY MS. LEFKOWITZ:

23 Q. How does -- strike that.

24 You are aware that there are
25 authorized personnel on -- at Madison who are

1 permitted to bring firearms onto the school
2 campus, right?

3 MR. CONOVER: Objection.

4 THE WITNESS: I know Madison Local
5 Board of Education, which I'm a member of, has
6 passed an authorization. We have a policy in
7 place. If anyone is actually doing it on a
8 day-to-day basis, I have no idea.

9 BY MS. LEFKOWITZ:

10 Q. My question is are you aware that
11 there are individuals who have been authorized
12 to bring firearms onto Madison property?

13 A. Yes.

14 Q. Do you have any idea whether they
15 are only loading their firearms with
16 hollow-point or frangible ammunition?

17 MR. CONOVER: Objection.

18 THE WITNESS: I have no idea.

19 BY MS. LEFKOWITZ:

20 Q. Is there a system in place to
21 verify that that is what they are doing?

22 A. Not at my level.

23 Q. So your testimony is as far as you
24 know, there's nothing, but maybe there is
25 something, but you don't know?

1 MR. CONOVER: Objection.

2 THE WITNESS: As a Board of
3 Education member, we basically just administer
4 policy and things on that level. We have two
5 employees, which would be the superintendent of
6 schools and the treasurer, and they are
7 responsible for all the other aspects.

8 We are in the policy authorization
9 process, and then all policies and procedures
10 are to be carried out by our two employees.

11 BY MS. LEFKOWITZ:

12 Q. Are you aware of a policy that
13 provides for any verification about what kind of
14 ammunition an authorized personnel is carrying?

15 MR. CONOVER: Objection.

16 THE WITNESS: I would -- it would
17 only be an assumption, so I'll say no.

18 MS. LEFKOWITZ: We are done with
19 this for now.

20 THE WITNESS: Okay. Would you like
21 that back?

22 MS. LEFKOWITZ: No, it's okay. You
23 can keep it. We will probably come back to it.

24 THE WITNESS: All right.

25 BY MS. LEFKOWITZ:

1 Q. How does someone become an
2 authorized person to carry firearms at Madison?

3 A. We will go back to this.

4 MR. CONOVER: Just note that this
5 is Exhibit F.

6 THE WITNESS: If you go back to
7 review of qualifications, training, and
8 everything that's part of this background check,
9 drug screening, annual exams, just everything is
10 laid out in this policy.

11 BY MS. LEFKOWITZ:

12 Q. I want to get some specifics. If
13 individual A decides that he or she wants to be
14 armed on school property, what's the first step
15 that he or she must take?

16 A. By -- I believe it would go to the
17 superintendent, and then a decision would be
18 made if the process would continue from there.

19 Q. Is it true that there's a safety
20 committee that is involved in deciding whether
21 someone is authorized to carry a firearm?

22 MR. CONOVER: Objection.

23 THE WITNESS: Yes. Sorry.

24 MR. CONOVER: You're good.

25 THE WITNESS: Yes, there is.

1 BY MS. LEFKOWITZ:

2 Q. Are you on that safety committee?

3 A. Yes.

4 Q. Who else is on that committee with
5 you?

6 A. I -- do I need -- is that an
7 answer --

8 MR. CONOVER: So we certainly --
9 you know, Ms. Lefkowitz mentioned earlier we'll
10 have some areas that we're going to be exploring
11 regarding highly confidential information or
12 designated as highly confidential pursuant to a
13 confidentiality agreement between the parties,
14 but you can certainly go ahead and answer. At a
15 later point, we will designate it as
16 confidential and do some sort of redaction or
17 deal with it at that time. But you can go ahead
18 and answer.

19 THE WITNESS: Okay. Dr. Lisa
20 Tuttle-Huff, our superintendent; Kent Hall,
21 school resource officer; Dr. Paul Jennewine,
22 board member; and myself.

23 MS. LEFKOWITZ: Can we go off the
24 record for one minute?

25 THE WITNESS: Sure.

1 (Recess taken.)

2 MS. LEFKOWITZ: Can we go back on
3 the record?

4 BY MS. LEFKOWITZ:

5 Q. So before my hot tea arrived, we
6 were talking about the fact that you are a
7 member of the safety committee; is that correct?

8 A. Yes.

9 Q. And what is the role of the safety
10 committee?

11 A. Review the information after -- one
12 part of this is the background, the drug, and I
13 believe there's a psychological evaluation part
14 of it, as well, and then actually interview the
15 applicants.

16 Q. Okay.

17 A. And then decide -- make a decision
18 on -- you know, after the -- all things have
19 been looked at and make a recommendation to the
20 board.

21 Q. I'm going to walk through that step
22 by step.

23 A. Sure.

24 Q. At what point -- strike that.

25 If a teacher decides that he wants

1 to be armed, your testimony is that he
2 approaches an administrator; is that correct?

3 A. The superintendent.

4 Q. And what does the superintendent do
5 then?

6 A. I believe the first thing would be
7 to confer with the SRO that's in the building,
8 the school resource officer, and then the
9 superintendent would have the -- would be relied
10 on just knowing the person, the demeanor of the
11 person, and whatnot. And if they felt that that
12 would be someone they would recommend to the
13 board, then I assume we would go through the
14 process from there, which would be they would
15 initially go to the superintendent, and then
16 they would be required to go through the courses
17 and the training that's listed out in our
18 policy.

19 Q. So as part of your last answer, you
20 said you assume that the superintendent at some
21 point would go to the safety committee; is that
22 correct?

23 MR. CONOVER: Objection.

24 THE WITNESS: We were -- you know,
25 honestly, I'm not -- I don't exactly remember

1 how we did it this time. This was all kind of
2 new to us, and we had quite a bit going on at
3 the same time. But yes, the first thing that
4 would happen is that the staff member, whoever
5 it may be, would go to the superintendent.

6 BY MS. LEFKOWITZ:

7 Q. And when you say did this, you mean
8 authorize an individual to be armed on school
9 property?

10 A. No, would make a recommendation
11 that we allow this person to start going down
12 through all the requirements to become armed
13 staff.

14 Q. But you don't recall how you came
15 to that recommendation the first [REDACTED] times
16 that you did this; is that correct?

17 MR. CONOVER: Objection.

18 THE WITNESS: How we started? To
19 the best of my knowledge, when it was -- when
20 this policy was implemented, we did not have to
21 solicit. There were several individuals that
22 came forward and showed an interest. And before
23 any training took place, that was shared with
24 the board. And after that, they were, you know,
25 put through the training.

1 BY MS. LEFKOWITZ:

2 Q. I'm just trying to clarify exactly
3 what happened. For -- there are [REDACTED]
4 authorized personnel?

5 A. Yes.

6 Q. Correct?

7 A. Yes.

8 Q. And the events that you just
9 recounted are for all [REDACTED]?

10 A. Yes.

11 Q. So at some point in this process --
12 strike that.

13 Did these [REDACTED] individuals --
14 strike that.

15 Did the safety committee consider
16 all of these [REDACTED] individuals?

17 A. The safety committee's final
18 meeting -- the safety committee actually
19 convened at the conclusion of all the training,
20 the backgrounds, and the psychologicals, and
21 actually the safety committee reviewed -- or
22 conducted the one-on-one interviews with the
23 candidates, and then the safety committee made
24 recommendations to the full board.

25 Q. Do you remember when those

1 recommendations were made?

2 A. I don't know the exact date. The
3 fall of last year. Excuse me. Recommendations
4 from the safety committee --

5 Q. Exactly.

6 A. -- to the board --

7 Q. Yes.

8 A. -- to authorize the individuals
9 that had gone through the training --

10 Q. Yes.

11 A. -- in the fall.

12 Q. And by the time that you made
13 your -- the safety committee made the
14 recommendations to the board, the individuals
15 had already completed the required firearms
16 training?

17 A. They had completed everything
18 according to the policy.

19 Q. One of those things was the
20 firearms training?

21 A. Yes.

22 Q. Another one of those things is the
23 mental health evaluations?

24 A. Yes.

25 Q. What else did they have to

1 complete?

2 A. Background -- criminal background,
3 and then also verify that they had their CCW
4 through the State of Ohio, and drug screening,
5 and the training.

6 Q. Did you personally verify that each
7 of these individuals had a valid CCW?

8 A. Not personally, no. But before
9 they could go to the training, the FASTER
10 program, they had to have that in place. That
11 was a prerequisite of FASTER before they could
12 go through that program.

13 Q. So it's FASTER that would have
14 verified the CCW training?

15 A. Yes.

16 Q. Let me strike that. It's FASTER
17 that would have verified the CCW permit?

18 A. Yes.

19 Q. So no one at Madison actually
20 verified the CCW permit?

21 A. Not to my knowledge. Rephrase. I
22 didn't.

23 Q. Are you aware that anyone else did?

24 A. Not to my knowledge.

25 Q. Does the safety committee have a

1 copy of the CCW permits on file for the [REDACTED]
2 individuals who are authorized?

3 A. I'm not sure.

4 Q. You don't recall ever seeing them;
5 is that correct?

6 A. I never asked to see them, because
7 it was a prerequisite before they could attend
8 the training for the handgun and the triage and
9 everything else.

10 Q. My understanding is that the safety
11 committee trusted FASTER to verify that the
12 individual had a CCW permit before attending the
13 training; is that correct?

14 MR. CONOVER: Objection.

15 THE WITNESS: Yes.

16 BY MS. LEFKOWITZ:

17 Q. After each of the individuals
18 attended the training -- strike that.

19 Each of the individuals had to
20 satisfactorily -- had to complete the training
21 in a satisfactory manner, right?

22 A. Yes.

23 Q. How did you verify that they
24 completed the training in a satisfactory manner?

25 A. The information was told to us by

1 our superintendent that they had.

2 Q. Do you --

3 A. And each individual that we
4 interviewed stated that they did, as well.

5 Q. Do you have any documentation
6 showing that they completed the training in a
7 satisfactory manner?

8 A. I personally do not. Sorry. I
9 didn't mean to speak over you.

10 Q. Are you aware that anyone at
11 Madison has documentation that is showing that
12 they completed the FASTER training in a
13 satisfactory manner?

14 A. Me personally, no.

15 Q. You are not aware that anyone has
16 this?

17 A. I'm saying I don't know.

18 Q. But you've never seen it?

19 A. Well, I don't recall.

20 Q. You're part of the safety committee
21 that makes the recommendation to the
22 superintendent; is that correct -- to the board;
23 is that correct?

24 A. Yes.

25 Q. Part of the process for authorizing

1 personnel is that they go through a mental
2 health evaluation?

3 A. Yes.

4 Q. Is that right?

5 A. Yes.

6 Q. Why is that part of the process?

7 A. It was part of the policy.

8 Q. Is the reason that it's part of the
9 policy is that it's important that someone who
10 brings a firearm into a classroom be of sound
11 mind?

12 MR. CONOVER: Objection.

13 THE WITNESS: That's reasonable.

14 BY MS. LEFKOWITZ:

15 Q. Is that the reason why it is part
16 of the policy?

17 MR. CONOVER: Objection.

18 THE WITNESS: It's part of the
19 policy because our counsel looked over
20 everything before the policy was ever enacted,
21 and I would assume, yes.

22 BY MS. LEFKOWITZ:

23 Q. So before authorizing an individual
24 to carry a firearm in a classroom, the safety
25 committee would want to make sure that their

1 mental health evaluation is satisfactory; is
2 that correct?

3 MR. CONOVER: Objection.

4 THE WITNESS: Yes.

5 BY MS. LEFKOWITZ:

6 Q. And did you make that determination
7 in each of the [REDACTED] cases?

8 A. Yes.

9 Q. So you reviewed the mental health
10 evaluations of each of the [REDACTED] authorized
11 individuals; is that correct?

12 A. Yes. And one member of our safety
13 committee is Dr. Paul Jennewine, and relied
14 heavily on his professional opinion.

[illegible]

[illegible]

24 A. Yes.

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A Veritext Company

2 A. This is just one part of the job,
3 yes, one part of the items to review.

5 A. Yes, that's correct.

25 MR. CONOVER: Can we just note for

1 the record the sarcasm?

2 THE WITNESS: I'm sorry.

3 MS. LEFKOWITZ: Let's go off the
4 record for a second.

5 (Thereupon, an off-the-record
6 discussion was held.)

7 BY MS. LEFKOWITZ:

[REDACTED]

[REDACTED]

[REDACTED]

9 BY MS. LEFKOWITZ:

10 Q. So this evaluation is not a full
11 evaluation of the individual?

12 MR. CONOVER: Objection.

13 THE WITNESS: This is out of my
14 wheelhouse.

15 BY MS. LEFKOWITZ:

16 Q. So you're saying you're not really
17 qualified to review this mental health
18 evaluation?

19 MR. CONOVER: Objection.

20 THE WITNESS: Yes.

[REDACTED]

[illegible]

[REDACTED]

1 BY MS. LEFKOWITZ:

2 Q. Would you agree with me it's a
3 pretty big decision to allow someone to go into
4 a classroom with children with a firearm?

5 MR. CONOVER: Objection.

6 THE WITNESS: Yes.

7 BY MS. LEFKOWITZ:

8 Q. And would you -- is it true that
9 this individual was authorized to use deadly
10 force if the situation calls for it?

11 A. Yes.

[REDACTED]

24 BY MS. LEFKOWITZ:

25 Q. These are one-on-one interviews

2 | A. That's correct.

5 A. I'm not sure.

8 A. I'm not sure.

11 A. I was there, yes. There is a
12 recollection, yes.

15 A. I am -- honestly, I don't recall.

[illegible]

800-642-1099

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 BY MS. LEFKOWITZ:

15 Q. You did testify earlier that you
16 are not really qualified to evaluate this mental
17 health evaluation; is that right?

18 MR. CONOVER: Objection.

19 THE WITNESS: I said that I'm not a
20 mental health professional. And we were
21 fortunate to have a member of our board that
22 does have some background in that, so we did
23 rely greatly on his opinion. But I can read.

24 BY MS. LEFKOWITZ:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[illegible]

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[illegible]

[illegible]

17 A. There was -- I was involved in the
18 approval of the policy.

[illegible]

[illegible]

17 Q. Do you think it's important for an
18 individual who brings a firearm into a classroom
19 to be able to handle stressful situations?

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[illegible]

1 MS. LEFKOWITZ: I think we are done
2 with this. Let's take a break. Do you want to
3 do like ten minutes? Is that fair?

4 MR. CONOVER: That's fine.

5 (Recess taken.)

6 MS. LEFKOWITZ: Back on the record.

7 BY MS. LEFKOWITZ:

[illegible]

18 BY MS. LEFKOWITZ:

19 Q. What other factors?

20 A. After the review of this, the last
21 thing that we did as a committee was interview,
22 the one-on-one. [REDACTED]

1 know, after going through this and -- like I
2 said, and then doing the interviews with them,
3 and then weighing everything else.

4 Q. So I just want to make sure that we
5 are just talking about the mental health
6 evaluation that is Exhibit M.

7 A. That's correct.

8 Q. Sorry. That is Exhibit N, as in
9 Nancy.

10 A. Correct. I was just making
11 reference to Exhibit M as an example.

12 Q. With regard to the individual in
13 Exhibit N, as in Nancy, what other aspects of
14 his evaluation made you authorize this
15 individual?

16 MR. CONOVER: Objection.

17 THE WITNESS: On the psychological?

18 MS. LEFKOWITZ: Overall.

19 THE WITNESS: Like I said, it was
20 just -- it was -- it was just the entire
21 package, looking at everything that we had in
22 front of us.

23 BY MS. LEFKOWITZ:

24 Q. What is everything?

25 A. Knowing that they had successfully

1 completed everything as stated in the policy,
2 and completing their background check, and I
3 believe the drug check, and then completing the
4 psychological evaluation, and then the interview
5 process.

6 Q. You did testify earlier that you
7 don't recall seeing any documentation that
8 this -- any of these individuals had
9 successfully completed the firearms training; is
10 that right?

11 A. That's correct, I said I didn't
12 personally see it.

13 Q. Did you personally see the
14 background check --

15 MR. CONOVER: Objection.

16 BY MS. LEFKOWITZ:

17 Q. -- for this individual?

18 A. I don't recall.

19 MS. LEFKOWITZ: Can we go off the
20 record?

21 (Thereupon, an off-the-record
22 discussion was held.)

23 MS. LEFKOWITZ: Let's go back on
24 the record.

25 BY MS. LEFKOWITZ:

1 Q. You mentioned the things that you
2 considered were the background check, the drug
3 check, the mental health eval, the firearms
4 training, and an interview; is that correct?

5 A. Uh-huh. Yes.

6 Q. What did this person say in his
7 interview that led you to recommend authorizing
8 this individual?

9 A. You know, I honestly can't say word
10 for word, but was -- but I personally was very
11 comfortable with the answers to the questions
12 that were posed.

13 Q. Do you -- I understand that you
14 don't remember word for word, but can you tell
15 me anything from that interview?

16 A. Regarding Exhibit N?

17 Q. Regarding this particular
18 individual that made you think that he was a
19 person that should have a firearm around
20 children in a classroom.

21 MR. CONOVER: Objection.

22 THE WITNESS: Like I said, number
23 one, knowing that he had passed his background
24 check, and the courses, and everything else, and
25 then the interview itself. Just the questions

1 that were asked were -- and the answers that
2 were given just was able to give me personally a
3 level of confidence.

4 BY MS. LEFKOWITZ:

5 Q. What questions were asked of this
6 individual?

7 A. Why are you interested in doing
8 this.

9 Q. And what was this person's answer
10 approximately?

11 A. All of the individuals that went
12 through this were all there when -- on
13 February 29th of 2016, and had personal
14 experiences. And just -- you know, just wanting
15 to do anything to make sure that they didn't --
16 them or those that were in their classroom
17 didn't become victims.

18 Q. So this person's -- so you recall
19 asking the individual why this person -- sorry.
20 Strike that.

21 You recall asking this individual
22 why he wanted to be allowed to carry firearms at
23 Madison?

24 A. This one and all of them, correct.

25 Q. What other questions did you ask of

1 this individual?

2 A. Kind of tell us about their
3 training.

4 Q. Did you ask anything about their
5 personality?

6 MR. CONOVER: Objection.

7 THE WITNESS: I believe I stated
8 earlier that having known just from serving on
9 the school board and being in the community,
10 which is a pretty small community, you know,
11 knowing them on a professional capacity when
12 they are in school and also outside of that, as
13 well.

14 BY MS. LEFKOWITZ:

15 Q. How long have you known this
16 person?

17 MR. CONOVER: Objection.

18 THE WITNESS: Probably five years.

19 BY MS. LEFKOWITZ:

20 Q. Other than the two questions you
21 said you asked -- or strike that.

22 Other than the two questions that
23 were asked during this interview, what other
24 questions were asked of this individual?

25 A. I just -- I honestly couldn't -- I

1 don't recall.

2 Q. Were --

3 A. Are you, you know, aware of the
4 responsibility and everything, the -- you know,
5 those types of questions.

6 Q. You remember being asked -- strike
7 that.

8 You remember someone asked this
9 individual if they are aware of their
10 responsibilities?

11 A. What a large responsibility this
12 would be, yeah.

13 Q. You remember that question
14 specifically being asked?

15 A. I believe so.

16 Q. Are you aware if there's any
17 written documentation of this interview or the
18 answers that were given?

19 A. I don't believe so.

20 Q. You don't believe there's a written
21 record?

22 A. I don't think there is. I can't
23 recall one.

24 Q. You reviewed the background check
25 for this individual?

1 A. I believe I previously stated I
2 reviewed for all [REDACTED] of them, correct.

3 Q. If you were the person who was
4 writing the policy, the firearms authorization
5 policy, would you have included the mental
6 health evaluation?

7 MR. CONOVER: Objection.

8 THE WITNESS: Yeah, I'm not the one
9 that does that.

10 BY MS. LEFKOWITZ:

11 Q. I understand you are not the one.

12 A. I can't envision myself being -- I
13 can't answer that question, because that's not
14 my -- as far as writing the policy, that is not
15 my area of expertise. That's why we pay our
16 legal counsel and whatnot to do things like
17 that.

18 Q. So is the reason for having a
19 mental health evaluation being part of this
20 process primarily a legal one?

21 MR. CONOVER: Objection. To the
22 extent it requires you to divulge any
23 conversations with counsel, I'll instruct you
24 not to answer. But if you can answer it without
25 doing that, please do so.

1 THE WITNESS: I don't think I can.

2 BY MS. LEFKOWITZ:

3 Q. Is there a reason that you believe
4 you are qualified to be on the safety committee?

5 MR. CONOVER: Objection.

6 THE WITNESS: I was asked.

7 BY MS. LEFKOWITZ:

8 Q. Would you agree with me that
9 allowing an individual to go armed in a school
10 is a big responsibility?

11 A. Yes.

12 Q. But your testimony is that you are
13 not qualified to review this mental health
14 evaluation?

15 MR. CONOVER: Objection.

16 THE WITNESS: Yes, that's correct.

17 BY MS. LEFKOWITZ:

18 Q. And your testimony is that you
19 don't recall reviewing the results of the
20 firearms training?

21 MR. CONOVER: I'm sorry. Could we
22 just have that reread?

23 (Record read.)

24 MR. CONOVER: Objection.

25 THE WITNESS: The individuals would

1 not have been interviewed if they had not passed
2 successfully, satisfied the course requirements,
3 and all the other requirements as laid out in
4 the policy.

5 BY MS. LEFKOWITZ:

6 Q. My question is do you recall
7 reviewing the results of the firearms training?

8 A. I recall being informed by our
9 superintendent that they had all passed the
10 course.

11 Q. But you don't recall reviewing a
12 particular document with the results of the
13 firearms training?

14 A. That's correct. I never asked to.

15 MS. LEFKOWITZ: We can put Exhibit
16 N aside. Can we go off the record for a second?

17 (Thereupon, an off-the-record
18 discussion was held.)

19 MS. LEFKOWITZ: Let's go back on
20 the record.

21 BY MS. LEFKOWITZ:

22 Q. Do you consider the physical
23 fitness of the individual before authorizing him
24 to carry firearms at Madison?

25 MR. CONOVER: Objection.

1 THE WITNESS: I don't believe
2 that's part of the policy.

3 BY MS. LEFKOWITZ:

4 Q. So you don't consider the physical
5 fitness of the individual?

6 A. In what regards?

7 Q. Do you want me to clarify my
8 question?

9 A. I'm sorry. No, you don't need to.
10 No.

11 Q. So for this position, you don't
12 think physical fitness of the individual
13 matters?

14 MR. CONOVER: Objection.

15 THE WITNESS: Can I ask, regarding?

16 BY MS. LEFKOWITZ:

17 Q. If you want me to clarify -- do you
18 want me to clarify the question?

19 A. Sure.

20 Q. Does the relative physical fitness
21 of an individual who is authorized under this
22 policy matter to you?

23 MR. CONOVER: Objection.

24 THE WITNESS: I don't believe so.
25 If they are fit enough to be licensed by the

1 state to teach, and they have received -- gone
2 through all the prerequisites and training, like
3 I said, that's not part of our policy.

4 MR. CONOVER: Can we go off the
5 record real quickly?

6 (Thereupon, an off-the-record
7 discussion was held.)

8 MR. CONOVER: We can go back on the
9 record.

10 MS. LEFKOWITZ: Sure.

11 BY MS. LEFKOWITZ:

12 Q. Let me try to clarify the question.
13 Does it -- is it important when deciding to
14 authorize -- strike that.

15 Is one of the factors that you
16 consider when deciding to authorize an
17 individual whether this person is physically in
18 shape?

19 MR. CONOVER: Objection.

20 THE WITNESS: Physically in shape
21 to do?

22 BY MS. LEFKOWITZ:

23 Q. To, for example, tackle an
24 attacker.

25 A. That's not part of our policy.

1 Q. So that's not something that you
2 consider?

3 MR. CONOVER: Objection.

4 THE WITNESS: It's not part of the
5 policy.

6 BY MS. LEFKOWITZ:

7 Q. My question --

8 A. And we consider what is -- what the
9 policy lays out for us. We are bound by the
10 policy.

11 MS. LEFKOWITZ: Can you repeat the
12 question I asked?

13 (Record read.)

14 THE WITNESS: No.

15 MS. LEFKOWITZ: I am going to
16 introduce Exhibit O.

17 (Thereupon, Plaintiffs' Exhibit O,
18 criminal background history checks, was marked
19 for purposes of identification.)

20 BY MS. LEFKOWITZ:

21 Q. If you could take a look at these
22 documents that are in front of you, which are
23 labeled as Exhibit O, and let me know when
24 you're ready to discuss them.

25 A. Okay, I'm ready.

1 Q. So you could see that -- first,
2 what is Exhibit O?

3 A. It's from Mike DeWine, Ohio
4 Attorney General, and it looks like a criminal
5 background history.

6 Q. Is there any reason to think that
7 these are not criminal background history
8 checks?

9 A. No.

10 Q. Are these the criminal history
11 background checks that you reviewed before
12 authorizing the individuals?

13 A. No.

14 Q. Did you review other background
15 checks?

16 A. No. And can I tell you why?

17 Q. Definitely.

18 A. Because in order to have licensing
19 in the state of Ohio to teach, it's something
20 that's routinely done, I believe, on a yearly
21 basis, and, therefore, if you know -- if they
22 could teach, you know certainly they passed
23 this, and it looks to me like that just verifies
24 that.

25 Q. When you say they passed this, I

1 just want to make clear, you're pointing to
2 Exhibit O?

3 A. Yes. It looks like according to
4 Exhibit O, they did pass their background
5 checks, which the assumption was made they did,
6 because they were licensed to teach in the state
7 of Ohio.

8 Q. Do individuals who are authorized
9 to carry firearms on Madison property serve a
10 security purpose?

11 A. No.

12 MR. CONOVER: Objection.

13 BY MS. LEFKOWITZ:

14 Q. Why not?

15 A. The definition in my opinion and
16 the way it's been explained to me -- when I say
17 explained, according to the opinion rendered by
18 Mike DeWine in his capacity of Ohio Attorney
19 General, a security person would imply someone
20 that would be offensive in nature. As an
21 example, if something was to happen, it would
22 almost be like a security guard or an SRO, where
23 they would go to what was going on. And that is
24 not what this is. This is totally a defense in
25 place.

1 So that's the difference between
2 like a safety and a security in my opinion.
3 That's the way it's been explained to me.

4 Q. And when you say it's been --
5 that's the way it's been explained to you, other
6 than anything -- I don't want to hear about
7 anything that you may have talked about with
8 counsel, who was it explained to you by?

9 A. In the original -- well, I read it
10 actually in the FASTER packet, and that's the
11 key to this, and that's where the opinion by
12 Ohio Attorney General Mike DeWine comes in, in
13 his opinion, that, you know, the training
14 courses that have been set out satisfy the
15 requirements of the law, because they are a
16 safe defend in place type, and not an offensive,
17 go towards the fire. And I actually read that.

18 Q. What is the role of authorized
19 personnel?

20 MR. CONOVER: Objection.

21 THE WITNESS: To be a defensive
22 posture, you know, a defensive person in case
23 there was something happening similar to what
24 happened on February 29th of 2016.

25 If a shooter were to come into

1 their room and threaten them, to neutralize that
2 person, individual, whatever it would be.

3 BY MS. LEFKOWITZ:

4 Q. So part of the authorized
5 individual's role is to make the students safer;
6 is that fair?

7 A. To defend, yes.

8 Q. My question was part of what
9 authorized personnel do is make the students
10 safer; is that true?

11 A. They defend any assault that may
12 happen at the point of where they are at.

13 Q. So they don't make the students
14 safer?

15 MR. CONOVER: Objection.

16 THE WITNESS: What's your
17 definition of safer?

18 BY MS. LEFKOWITZ:

19 Q. In the regular English term, safer.

20 A. Well, actually, as it pertains to
21 this policy, I think the students would be
22 neutral, because with this policy, no one knows
23 if said teacher or principal or anyone else is
24 actually carrying a concealed weapon, so --

25 Q. I think --

1 A. But I think teachers, I think
2 students, knowing that we have a policy in
3 place, with us being a rural district as we are,
4 and the response times being as long as they
5 would be for law enforcement, and families as a
6 whole, as we have had by public reaction since
7 this has happened, has been very supportive.

8 So I would say it makes them feel
9 safer knowing there is the possibility that
10 maybe there are armed personnel in the
11 buildings.

12 Q. I just want to make sure we're not
13 talking past each other. My question is are the
14 authorized personnel armed for the safety of the
15 students?

16 A. They are armed to defend in place.

17 Q. Let's go back to Exhibit L. You
18 are looking at Exhibit L right now, right?

19 A. That's correct.

20 Q. That's the resolution that was
21 passed in April, correct?

22 A. Yes.

23 Q. And if we are looking at the first
24 paragraph -- no, the second paragraph of the
25 resolution, do you see where it says that the

1 purpose -- strike that.

2 The purpose of passing this
3 resolution was to maintain the welfare and
4 safety of the students; is that correct?

5 A. Yes.

6 MR. CONOVER: Objection.

7 BY MS. LEFKOWITZ:

8 Q. That's what it says in the
9 resolution?

10 A. That's correct.

11 Q. And then I'm going to direct you to
12 the firearms authorization policy.

13 MR. CONOVER: F.

14 BY MS. LEFKOWITZ:

15 Q. F. Exhibit F. If you look at page
16 263 of Exhibit F -- do you see that?

17 A. Yes.

18 Q. And I'm looking at the section
19 entitled board authorization.

20 A. Yes.

21 Q. That section says the board
22 authorizes certain persons to carry firearms for
23 the welfare and safety of the students; is that
24 right?

25 MR. CONOVER: Objection.

1 THE WITNESS: Yes.

2 BY MS. LEFKOWITZ:

3 Q. So authorized personnel are armed
4 for the safety of the students; is that correct?

5 A. For the defense, according to this,
6 yes.

7 Q. According to the policy?

8 A. That's correct.

9 Q. I'm going to direct you to Exhibit
10 C, which I don't think you have seen yet.

11 (Thereupon, Plaintiffs' Exhibit C,
12 authorizations, having been previously marked,
13 was presented for purposes of identification.)

14 BY MS. LEFKOWITZ:

15 Q. If you will take a look at that.
16 Let me know when you have had a chance to look
17 over it while I search for it in my own piles.

18 A. It's [REDACTED] copies of the same; is
19 that correct?

20 Q. It is, yes.

21 A. Yes, I read it.

22 Q. What is Exhibit C?

23 A. It looks like the correspondence
24 from the superintendent giving individuals the
25 authorization to carry a firearm on school

1 property.

2 Q. I'm going to direct you to the
3 paragraph that begins please note. Do you see
4 that paragraph?

5 A. Yes.

6 Q. Can you read the second sentence of
7 that paragraph?

8 A. You are granted this authorization
9 as an additional safety measure to protect our
10 students and staff from harm.

11 Q. So you agree with me that this
12 authorization -- strike that.

13 Do you agree with me that the point
14 of this policy is to provide safety to the
15 students?

16 MR. CONOVER: Objection.

17 THE WITNESS: It's to keep everyone
18 safe and secure -- not 'secure, safe. Just safe.

19 MS. LEFKOWITZ: Off the record.

20 (Thereupon, an off-the-record
21 discussion was held.)

22 MS. LEFKOWITZ: Let's go back on
23 the record.

24 BY MS. LEFKOWITZ:

25 Q. I'm going to direct your attention

1 back to Exhibit C. Is there anything in the
2 authorization letter from the superintendent
3 that states that the authorized individual is
4 not allowed to act in an offensive manner?

5 MR. CONOVER: Objection.

6 THE WITNESS: It states under the
7 policy the authorized school employee must -- it
8 refers back to the policy, and the policy is all
9 based on the -- what's laid out in the training,
10 and it was clear in the training that -- so it
11 all reverts back to that.

12 BY MS. LEFKOWITZ:

13 Q. And you are referring to the end of
14 paragraph one that's the policy?

15 MR. CONOVER: Objection.

16 BY MS. LEFKOWITZ:

17 Q. Let me clarify. I'm looking at
18 Exhibit C.

19 A. Yes, you are. Yes, correct.

20 Q. So --

21 A. It's right here.

22 Q. My question is the -- you were just
23 referring me to the sentence that says under the
24 policy, the authorized school employees must
25 meet the following requirements, and then

1 there's a list of bullet points; is that right?

2 A. Correct. Correct.

3 Q. Other than that, is there any other
4 reference to authorized individuals only being
5 allowed to act defensively?

6 A. Just not in this document, but if I
7 may continue, by all the training and
8 everything, it was quite clear.

9 Q. And these authorizations came from
10 the superintendent, right?

11 A. That's correct.

12 Q. And they were sent to the authorized
13 individuals after the safety committee completed
14 its interviews?

15 A. Correct.

16 Q. I'm done with that. I believe you
17 mentioned earlier that the resolution to arm
18 staff was one of the steps that the board
19 considered to make the students safer; is that
20 safe -- is that fair?

21 MR. CONOVER: Objection.

22 THE WITNESS: Yes.

23 BY MS. LEFKOWITZ:

24 Q. What were some of the other steps
25 that you considered?

1 A. As far as safety?

2 Q. Yes.

3 A. Limited access to buildings during
4 school hours, a film over windows that prevents
5 shattering, makes them more shatterproof and
6 protective. There are actually security
7 measures put in place to secure doors from the
8 inside, the addition of a second school resource
9 officer, labeling of individual classrooms on
10 the exterior of the building, just to mention a
11 few.

12 The -- I'm sorry. One other one
13 was the unannounced checking with metal
14 detectors students and personnel coming in.

15 Q. I believe you mentioned adding of
16 an additional SRO; is that right?

17 A. That's correct.

18 Q. So I just want to clarify. I'm
19 talking about the time period in 2018.

20 A. The -- oh, I'm sorry. I'm just
21 giving you everything that we have put in place
22 since February 29th of 2016 when the shooting
23 occurred.

24 Q. I just wanted to make sure we are
25 on the same page.

1 A. That's correct.

2 Q. Because my understanding is the
3 school does have two SROs.

4 A. Now they do, that's correct, yes.

5 Q. Was there ever any -- at the same
6 time that you were considering passing the
7 resolution to arm staff, did you also consider
8 adding any additional SROs?

9 A. We -- that's not really a yes and
10 no question, so if I could elaborate.

11 Q. Yes.

12 A. We would love to, but financially
13 it's just not something that can be done. And
14 it's not like you can put a price tag on safety.
15 There's also considerations. You know, we are
16 trying to make a safe environment, a safe
17 learning environment that's a happy and friendly
18 place, and I think if you would -- this is just
19 my opinion, if you had 15 SROs walking around,
20 you could almost get to where it was like a
21 prison setting or something like that.

22 Of course, that's just my opinion.
23 But financially, we feel that we are doing --
24 this is all that we can do.

25 Q. So the authorized personnel is in

1 lieu of additional SROs?

2 A. No. No, we have one SRO in each
3 building. We have basically two buildings that
4 are connected, and we have one SRO that's
5 assigned to each building, and then the armed
6 staff are just a layer to defend in place if
7 they get by the SROs.

8 But no, there's -- they are apples
9 and oranges. The SRO, you know, are police
10 officers, and they are offensive. They will run
11 to the -- you know, to the flames and the fire,
12 just as ours did on the day February 29th when
13 the shooting took place, and whereas the armed
14 staff will not do that. They will stay
15 stationary and defend in place if a threat
16 arises.

17 Q. And that's because of the training
18 they received?

19 A. That's correct.

20 Q. Are there security guards in the
21 building?

22 A. There's two school resource
23 officers.

24 Q. In addition to the school resource
25 officers, are there security guards?

1 A. No.

2 MS. LEFKOWITZ: Let's take a
3 five-minute break and then hopefully wrap things
4 up by 7. Off the record.

5 (Recess taken.)

6 MS. LEFKOWITZ: On the record.

7 BY MS. LEFKOWITZ:

8 Q. I'm going to direct your attention
9 back to Exhibit F, which is the firearms
10 authorization policy.

11 Once individuals are authorized to
12 carry firearms, there are certain rules that
13 they are required to follow; is that right?

14 A. Yes.

15 Q. What are those rules?

16 A. If you look at the bottom of 00264,
17 within the review of qualifications, it refers
18 to the different items that are required to do
19 it, and the one that we went through was the --
20 you know, with CCW license, and then with the
21 approved vendor going through the training, and
22 it was conveyed to them in the training that
23 they were to defend in place.

24 Q. So I just want to clarify. Let's
25 look at the bottom of 265 at the firearm

1 authorization policy. It's the last page. One
2 of the rules is that authorized personnel can
3 only use a certain type of ammunition; is that
4 correct?

5 A. That's correct.

6 Q. One of the other rules is that the
7 firearms have to be concealed at all times; is
8 that correct?

9 A. That's correct.

10 Q. I think one of the other rules is
11 that authorized personnel will have to maintain
12 their -- the confidentiality of the policy; is
13 that correct?

14 A. That's correct.

15 MR. CONOVER: If you are going to
16 be referring to specific items in the document,
17 do you mind pointing those out just to kind of
18 clarify? Thank you.

19 BY MS. LEFKOWITZ:

20 Q. Are there any rules about what kind
21 of firearm they can carry with them?

22 A. A handgun.

23 Q. Any particular kind of handgun?

24 A. I'm going to 265. Under selection
25 of firearms, school employees authorized to

1 possess firearms shall be trained on the
2 firearms and caliber and shall only possess
3 firearms of the caliber for which they have
4 received training.

5 It says authorized school employees
6 may possess and use personal firearms subject to
7 the completion of training requirements stated
8 in this policy with a personal firearm.

9 So the answer would be a personal
10 firearm of their choice that they own that they
11 are trained with.

12 Q. Are there any other rules that
13 authorized personnel have to follow?

14 A. Once again, I'll refer back to the
15 training that they received and what was laid
16 out there.

17 Q. So they are required to act in the
18 manner that -- strike that.

19 They are required to do what the
20 training told them to do?

21 A. Defend in place, yes.

22 Q. Is there any material -- rule
23 issued by the board or the superintendent which
24 explicitly says that they can only act
25 defensively?

1 A. I go back again to where they are
2 required -- the requirements of the policy when
3 it states of the authorized courses, you know,
4 they are this, and it's part of the course.
5 That's clearly spelled out during the course.

6 Q. But the word defensively does not
7 actually appear anywhere in the firearms
8 authorization policy, right?

9 A. It's in the training that they
10 receive through the FASTER program.

11 MS. LEFKOWITZ: Can you repeat my
12 question, please?

13 (Record read.)

14 THE WITNESS: Under review of
15 qualifications, any one of the things that they
16 have there, holding an Ohio valid concealed
17 handgun license, you know, it comes under there.
18 That's for self-defense. I'm sorry. Repeat the
19 question.

20 (Record read.)

21 THE WITNESS: It's in the different
22 prerequisites that are in the policy.

23 MS. LEFKOWITZ: You do have to
24 answer my question that I'm actually asking.

25 THE WITNESS: I think I have. No,

1 I do not see in this policy, but in order for
2 this policy to be in place, you have to go
3 through the training that's here, and it's
4 certainly part of all the training.

5 And just as an example, the Ohio
6 concealed carry weapons permit that you have to
7 go through, that is self-defense. So it's
8 just -- no, it is not directly in there, but
9 it's kind of all of your training is based on
10 that.

11 BY MS. LEFKOWITZ:

12 Q. So the text of the firearms
13 authorization policy does not have the word
14 defensively anywhere in it; is that correct?

15 MR. CONOVER: Objection. I think
16 he has answered that. Go ahead.

17 THE WITNESS: Not that word and
18 that statement, but in order to qualify for
19 the -- to be armed in the school, you have to
20 complete all the items that are listed on this
21 document.

22 Once again, just to start with the
23 holding of a valid Ohio concealed carry
24 license -- concealed handgun license, that is
25 defensive. And then on the training courses

1 that they had to go through, that is all based
2 on defensive. It is not offensive.

3 BY MS. LEFKOWITZ:

4 Q. If the armed personnel break any of
5 the rules that they are expected to follow,
6 their authorization can be revoked; is that
7 right?

8 A. Yes.

9 Q. Has anyone's authorization been
10 revoked since this policy has started?

11 A. No.

12 Q. So if one of the authorized,
13 personnel were to act offensively, their
14 license -- their authorization would be revoked;
15 is that right?

16 MR. CONOVER: Objection.

17 THE WITNESS: Yes, if they violate
18 the policy. That's correct.

19 BY MS. LEFKOWITZ:

20 Q. So if they -- if there was an
21 active shooter, and one of these authorized
22 personnel went and chased after the shooter,
23 that individual's authorization would be
24 revoked?

25 MR. CONOVER: Objection.

1 THE WITNESS: Yes.

2 BY MS. LEFKOWITZ:

3 Q. So if there was ever an active
4 shooter at the school again, and the shooter
5 came to the classroom of an individual who was
6 armed, the individual would be expected to
7 engage with the shooter; is that correct?

8 MR. CONOVER: Objection.

9 THE WITNESS: Defend in place. If
10 there is an imminent threat to them or those in
11 their room, to defend themselves. And that
12 would be, you know, an option. That would
13 certainly be an option.

14 BY MS. LEFKOWITZ:

15 Q. And part of defending in place can
16 be pointing a firearm; is that correct?

17 MR. CONOVER: Objection.

18 THE WITNESS: Heaven forbid it
19 would ever come to that, yes.

20 BY MS. LEFKOWITZ:

21 Q. And defending can also mean, if the
22 situation calls for it, shooting the firearm?

23 A. Yes.

24 Q. Assuming it's safe to do so and it
25 is occurring in the authorized individual's

1 classroom, would that individual be expected to
2 disarm the shooter?

3 MR. CONOVER: Objection.

4 THE WITNESS: No, they are not.
5 They are to defend. And if they feel threatened
6 themselves or -- you know, that they are
7 authorized to take appropriate action, and I
8 guess it would be a case-by-case basis.

9 MS. LEFKOWITZ: Understood.

10 THE WITNESS: This is all based on
11 worst case scenario. And heaven forbid it ever
12 happened again, because once is too many
13 anywhere.

14 MS. LEFKOWITZ: I think we can all
15 probably agree on that.

16 THE WITNESS: Yeah.

17 BY MS. LEFKOWITZ:

18 Q. So an authorized personnel who is
19 carrying a firearm, if that person hears a
20 commotion outside of his classroom, your
21 testimony is that he should not go out and
22 investigate what's going on?

23 MR. CONOVER: Objection.

24 THE WITNESS: [REDACTED] that
25 is correct.

1 BY MS. LEFKOWITZ:

2 Q. Because if he did go out and
3 investigate what's going on, that would be
4 acting in a security capacity?

5 MR. CONOVER: Objection.

6 THE WITNESS: Correct. That would
7 be offensive.

8 BY MS. LEFKOWITZ:

9 Q. I'm going to direct you back to the
10 firearms authorization policy. I already forgot
11 what I was going to ask. Yes. I'm going to
12 direct you to the firearms policy purpose.
13 Could you read that paragraph on page 263?

14 A. Yes. The board adopts the
15 following policy to address concerns about
16 effective and timely response to emergency
17 situations at schools, including invasion of the
18 schools by an armed outsider, an active shooter,
19 hostage situation, students who are armed and
20 posing a direct threat of physical harm to
21 themselves or others, and similar circumstances.

22 Q. That phrase similar circumstances,
23 can you give me some idea of what those
24 circumstances would be?

25 A. That is -- let's see here. I don't

1 know. My understanding is similar, circumstances
2 could be different types of threats of physical
3 harm that would be coming to them.

4 Q. If there's a threat of physical
5 harm, is the first option that the authorized
6 individual has to use his firearm?

7 MR. CONOVER: Objection.

8 THE WITNESS: The firearm would be
9 the last resort, you know. And just in any
10 circumstance, lethal force would be a last
11 resort.

12 BY MS. LEFKOWITZ:

13 Q. Is there a system in place that if
14 there was an armed attacker in the school, that
15 someone can contact the authorized personnel?

16 A. You know what, that may very well
17 be a part of the safety plan, but I can't
18 honestly sit here and recite you exactly what
19 that is.

20 Q. Authorized personnel are carrying
21 firearms 100 percent of the time that they are
22 on the school property; is that correct?

23 MR. CONOVER: Objection.

24 THE WITNESS: They are authorized
25 to carry 100 percent of the time. There is

1 nothing in the policy that states that they have
2 to, they will. It says they may. That's the
3 beauty of the policy.

4 BY MS. LEFKOWITZ:

5 Q. So even when there is not an
6 emergency situation, authorized personnel have
7 to be vigilant; is that fair?

8 MR. CONOVER: Objection.

9 THE WITNESS: I think as vigilant
10 as anyone else in the building, any other person
11 in the building, whether it be a gym teacher or
12 lunch lady.

13 BY MS. LEFKOWITZ:

14 Q. I think you said earlier, maybe two
15 hours ago, that part of the point of this policy
16 is to serve as a deterrent effect?

17 A. Yes.

18 Q. Can you explain to me what you mean
19 by that?

20 A. Sure. Just over the past five
21 years, and I know it sounds terrible, but
22 targeted environments are those that are gun
23 free zones, such as the shooting in Colorado at
24 the theater. Schools are known as gun free
25 zones. Rural schools are really known as, you

1 know, a good spot for somebody that, you know,
2 would want to do harm.

3 And just having this policy
4 enacted, and, you know, everybody knowing, I
5 think -- and it's been proven, that, you know,
6 you don't hear a lot of gun stores or gun shows
7 where people come in and rob them, as compared
8 to, like the example I gave earlier of a theater
9 or, you know, anywhere that would be a gun free
10 zone. Not that I necessarily agree with all of
11 that. You know, that's just reality as I see
12 it. It's a great deterrent.

13 Q. So part of the role of authorized
14 personnel is to deter potential attackers?

15 A. The deterrent of potential
16 attackers is the existence of this policy.
17 There's nothing in the policy that says these
18 people are actually carrying. It just says they
19 may, they might, they could.

20 Q. Is there a system in place to
21 verify whether authorized personnel are actually
22 carrying?

23 A. No.

24 Q. So on any given day, no one on the
25 school campus knows if any individuals are

1 carrying firearms?

2 MR. CONOVER: Objection.

3 THE WITNESS: I don't think there's
4 a system in place to know that they are or if
5 they are not outside of the school resource
6 officers.

7 BY MS. LEFKOWITZ:

8 Q. Do you think that -- do any of the
9 students know whether any particular staff are
10 carrying firearms?

11 MR. CONOVER: Objection.

12 THE WITNESS: I have no knowledge
13 of that.

14 BY MS. LEFKOWITZ:

15 Q. You haven't heard about any
16 particular suspicions?

17 MR. CONOVER: Objection.

18 THE WITNESS: Not me personally,
19 no.

20 BY MS. LEFKOWITZ:

21 Q. Do you have a Facebook account?

22 A. Yes.

23 Q. Have you commented about this
24 lawsuit on Facebook?

25 A. I'm not sure.

1 Q. Have you --

2 A. Have I?

3 Q. Have you referred to this lawsuit
4 as fake news?

5 A. Yes.

6 Q. Why is that?

7 A. How the whole lawsuit came about
8 had nothing to do with armed staff, nothing at
9 all. That's why.

10 Q. What is your understanding of how
11 it came about?

12 A. There was an organized student
13 walkout that occurred. The student body was
14 told that if they did this, that there would be
15 consequences. And I believe around maybe in the
16 40s, the amount of kids that actually walked
17 out, decided to do it anyway, and there were
18 consequences.

19 And there were some individuals
20 that were upset that their child was or their
21 grandchild was disciplined for exercising his
22 First Amendment rights while totally
23 disregarding our policies that state you can't
24 do anything to disrupt the educational process.

25 And so that's -- this all started

1 out as a First Amendment thing, and then it
2 sailed into outlaw the AR-15, and then it went
3 into how dare you talk about arming staff.

4 Q. So --

5 A. That's where it all came from. And
6 if the people who started all of this were
7 honest, that's where it came from.

8 Q. So you don't think that the
9 individuals who have brought this lawsuit are
10 doing it because they are concerned about the
11 safety of their children?

12 MR. CONOVER: Objection.

13 THE WITNESS: This is just
14 personally, not as a Board of Education member,
15 but as a resident out there, the gentleman that
16 was actually instrumental in this from the start
17 is the same guy that had his grandson that was
18 disciplined for walking out when they were told
19 not to in the backyard sitting in their rifles
20 with a target with Donald Trump's picture on it.
21 So, you know, this is all politically motivated.
22 BY MS. LEFKOWITZ:

23 Q. As far as you are aware, is that
24 individual a plaintiff in this lawsuit?

25 A. No.

1 Q. So my question is about the
2 plaintiffs that have brought this lawsuit. Do
3 you not believe that they are worried about the
4 safety of their children?

5 MR. CONOVER: Objection.

6 THE WITNESS: Me personally, no.

7 MS. LEFKOWITZ: I'm going to switch
8 for a few minutes to the public records
9 requests.

10 MR. CONOVER: 'Okay.

11 BY MS. LEFKOWITZ:

12 Q. Before passing -- sorry. Before
13 voting to -- for the resolution, strike that.

14 Before voting for this resolution
15 in April, did you conduct any research into the
16 efficacy of having armed civilian staff?

17 A. The --

18 Q. Whether it was actually effective.

19 A. Reviewed, me personally, yes.

20 Q. What kind of research did you see?

21 A. I actually spoke to some different
22 law enforcement individuals that are
23 stakeholders in that community and then in the
24 surrounding areas to get their opinion on the
25 matter.

1 Q. When you say in that community, you
2 mean the Madison Local School District
3 community?

4 A. Yes. We have one gentleman that's
5 an assistant police chief in the Germantown
6 Police Department and another gentleman that's a
7 retired Montgomery County sheriff's deputy. As
8 far as -- you know, that was how I personally
9 did it, along with the informational packets
10 from FASTER.

11 Q. Had you done any research on FASTER
12 before voting for the resolution?

13 A. Yes.

14 Q. What was that research?

15 A. From the time the information was
16 given to us to, you know, checking out their
17 programs and talking to the different
18 individuals in the law enforcement community to
19 get their take on it.

20 Q. So I'm going to represent to you
21 that in the records that we have seen, the first
22 time that anyone brought up the issue of FASTER
23 was in February 2018. Were you aware of FASTER
24 before February of 2018?

25 A. Me personally, I don't believe so,

1 no. However, not that particular program, but I
2 did know there were other schools in the area
3 that had policies that did allow different
4 levels of armed staff.

5 Q. So I believe you testified that you
6 talked to some law enforcement individuals, and
7 you reviewed materials from FASTER; is that
8 right?

9 A. Uh-huh. Yes.

10 Q. Did you do any other research
11 before voting to arm staff?

12 A. I believe as a board we turned it
13 over to our counsel, had them review it, sought
14 their counsel on the issue, and talked to
15 various community members, as well.

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 BY MS. LEFKOWITZ:

15 Q. You are a member of the board
16 though.

17 A. Correct, but I don't speak for the
18 entire board. I speak for Pete Robinson, just
19 one elected individual.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

11/11/2011

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 MS. LEFKOWITZ: We are done.

17 MR. CONOVER: I will have a few
18 questions for you, Mr. Robinson.

19 MS. LEFKOWITZ: Sorry. Let me say
20 we are probably done, unless you inspire some --

21 MR. CONOVER: Of course.

22 MS. LEFKOWITZ: -- more questions.

23 MS. BLOOMEKATZ: I'm going to have
24 to step out. Excuse me.

25 THE WITNESS: Can we go off the

1 record for one minute?

2 MR. MILLER: It's up to her.

3 MS. LEFKOWITZ: Yes, off the
4 record.

5 (Thereupon, an off-the-record
6 discussion was held.)

7 DIRECT EXAMINATION

8 BY MR. CONOVER:

9 Q. And just for purposes of the
10 record, I don't know if Alex and I introduced
11 ourselves. I'm Brodi Conover with Frost, Brown,
12 Todd on behalf of the defendants, Madison Local
13 School District Board of Education and Madison
14 Local School District superintendent Lisa
15 Tuttle-Huff. And my co-counsel is Alex Ewing.

16 Mr. Robinson, we have talked about
17 a variety of topics today, so I may be kind of
18 scattered in my questioning, so I apologize for
19 that. But fundamentally, who authorizes the
20 individuals to carry a concealed weapon on
21 Madison's property?

22 MS. LEFKOWITZ: Objection.

23 THE WITNESS: The Board of
24 Education.

25 BY MR. CONOVER:

1 Q. And is someone designated to carry
2 out that policy?

3 A. The superintendent.

4 Q. But the board is the one that has
5 the -- has the authority to authorize the
6 individual, correct?

7 A. That is correct.

8 Q. And how did you become a member of
9 the Madison Board of Education?

10 A. Through an election process.

11 Q. Do you recall what the
12 qualifications for that board -- that election
13 were?

14 A. I believe it was a resident of the
15 district.

16 Q. Was there any sort of qualification
17 that you be an expert in firearms training?

18 A. No, sir. The biggest thing is, I
19 believe, a taxpayer.

20 Q. And what about regarding having an
21 expertise in psychological evaluations?

22 A. No, sir. And if I can elaborate,
23 boardsmanship, because I serve on, you know,
24 other boards, as well, I am of the -- my thought
25 process is if you have a talent that can be of

1 use, well, then you serve. And you serve, and
2 then you walk away and let somebody else serve.
3 Sorry.

4 Q. Thank you. And I believe there was
5 some discussion regarding your service or
6 membership on the safety committee for kind of
7 lack of a better word; is that correct?

8 A. Yes.

9 Q. Are there any necessary or required
10 qualifications -- sorry. Strike that.

11 Are there any required qualifications
12 to serve on that safety committee?

13 A. The time when the interviews were
14 going to take place, there were other conflicts
15 of interest, and it was, you know, you had to
16 be -- it was set up so it would be board
17 members, and my schedule allowed that.

18 Q. And what was the purpose of the
19 safety committee?

20 A. To do the final -- receive the
21 recommendations from our superintendent after
22 everyone had completed all the processes, and to
23 make sure that a psychological evaluation had
24 been done, and to conduct personal interviews,
25 and then to make recommendations to the full

1 board.

2 Q. So is it fair to say that the
3 safety committee ensures that the applicants
4 have fulfilled all the qualifications of the
5 firearms authorization policy?

6 MS. LEFKOWITZ: Objection.

7 THE WITNESS: Yes.

8 BY MR. CONOVER:

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. And I think you mentioned that
18 there was a one-on-one interview process as part
19 of that safety committee, for lack of a better
20 word, meeting?

21 A. Yes.

22 Q. And did you have the opportunity to
23 question the applicants regarding any concerns
24 or issues that you may have had with one -- with
25 any of the applicants?

1 A. Yes.

2 Q. Did the individuals have the
3 opportunity to explain in answers to your
4 questions?

5 A. Yes.

6 Q. And after you conducted those
7 interviews, did you have -- were there any red
8 flags with any of the applicants that might pose
9 a problem or a concern on your part regarding
10 their ability to carry a firearm on Madison
11 property?

12 A. No.

13 Q. I think there was also some
14 discussion regarding the criminal background
15 checks as part of your service on the safety
16 committee. Are you aware -- is every member or
17 every staff member for a school district
18 required to pass a background check?

19 A. If I'm not mistaken, I believe
20 through the Ohio Department of Education, to
21 obtain their licensures, that is one of the
22 requisites.

23 Q. Are you aware of any sort of
24 notification system regarding updates to that
25 criminal background check?

1 A. Yes, it's -- actually, it's been
2 quite a point of contention over the past couple
3 of years. The state actually changed it I
4 believe last year and made the treasurers of the
5 districts responsible that people were actually
6 teaching in courses that they were licensed and
7 certified to be in, and they hold the treasurers
8 personally financially responsible if they
9 weren't. So there are checks and balances. And
10 no one is allowed to enter a classroom unless
11 they have received their licensure, which is
12 part of the background check.

13 Q. Thank you. Why is this policy or
14 the implementation of arming -- or the decision
15 to arm staff important to you as a board member?

16 A. I'm a long time resident. I've
17 been out here -- I've lived out in the district
18 for 28 years. I had two children that have
19 graduated from the schools, come all the way
20 through.

21 On the day of the shooting -- you
22 know, we are a rural community, you know, which
23 is one of the reasons why, you know, we choose
24 to live out there. And on the day of the
25 shooting, we actually had a school resource

1 officer that was in the cafeteria, where it took
2 place, and the shooter waited until the school
3 resource officer left before he decided to do
4 what he was going to do. And, you know, the
5 damage that was done in just that short amount
6 of time, it was just devastating to the
7 community and naturally all the kids. I mean,
8 we're adults.

9 And it's just any opportunity that
10 we have to put out any deterrents of anything
11 ever happening like that again, it was just very
12 important. And it was just one piece of the
13 puzzle. As I stated earlier, there were several
14 other things that we enacted as a district to
15 increase the security, make for a safer learning
16 environment.

17 MR. CONOVER: Thank you. I think
18 that's all for us.

19 RECROSS-EXAMINATION

20 BY MS. LEFKOWITZ:

21 Q. I have one more question that your
22 lawyer very nicely reminded me of. I believe
23 that you just testified that the superintendent
24 was designated by -- superintendent -- strike
25 that.

1 You just testified that the
2 superintendent was designated by the Board of
3 Education to grant written authorization to
4 authorized individuals.

5 MR. CONOVER: Objection.

6 THE WITNESS: After approval by the
7 board, yes. At the board's direction, correct.

8 BY MS. LEFKOWITZ:

9 Q. Is there any documentation that you
10 are aware of granting that power to the
11 superintendent?

12 A. Actually, the -- that's part of the
13 superintendent's job description is to enact and
14 make sure that the policies are policies,
15 whether it be this or anything else, that that's
16 part of their job.

17 Q. So it would be written in the job
18 description?

19 A. I believe -- I believe, yes.

20 MS. LEFKOWITZ: That's all I've
21 got. So are you going to --

22 MR. MILLER: Should we take it off
23 the record?

24 MS. LEFKOWITZ: Can we agree to the
25 same timeline for reviewing and signing?

1 MR. CONOVER: Sure.

2 MS. LEFKOWITZ: And that time
3 record -- sorry. So you will review and get a
4 copy back to us by January 25th, or within seven
5 days of receiving the transcript?

6 MR. CONOVER: Whichever is later I
7 think, right?

8 MS. LEFKOWITZ: Whichever is later.
9 I think we are set.

10 MR. CONOVER: Thank you.

11 (Thereupon, the deposition was
12 concluded at 7:08 p.m.)
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STATE OF _____)
) : ss
COUNTY OF _____)

I, PETE ROBINSON, the witness
herein, having read the foregoing
testimony of the pages of this deposition,
do hereby certify it to be a true and
correct transcript, subject to the
corrections, if any, shown on the attached
page.

PETE ROBINSON

Sworn and subscribed to before me,
this _____ day of _____, 2019.

Notary Public

1 STATE OF OHIO)
2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Karen M. Rudd, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named PETE ROBINSON, was by me first duly
8 sworn to testify the truth, the whole truth and
9 nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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IN WITNESS WHEREOF, I have hereunto set
my hand and seal of office at Dayton, Ohio, on
this 14th day of January, 2019.

Karen M Rudd

KAREN M. RUDD

NOTARY PUBLIC, STATE OF OHIO

My commission expires 5-21-2022

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

E R R A T A

I wish to make the following changes,
for the following reasons:

PAGE LINE

CHANGE: _____

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PETE ROBINSON

DATE

SUBSCRIBED AND SWORN TO BEFORE

ME THIS _____ DAY OF _____, 201 .

NOTARY PUBLIC

COMMISSION EXPIRES