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1	2019 MAR -7 AM 9:53 IN THE COURT OF COMMON PLEAS
2	MARY L. SWAIN BUTLER COUNTY BUTLER COUNTY, OHIO
3	CLERK OF COURTS * * *
4	ERIN GABBARD,
5	et al.,
6	Plaintiffs/Relators,
7	vs. CASE NO. CV 2018 09 2028
8	MADISON LOCAL SCHOOL
9	DISTRICT BOARD OF EDUCATION,
10	et al.,
11	Defendants/Respondents.
12	CONFIDENTIAL - ATTORNEYS' EYES ONLY
13	Deposition of PETE ROBINSON, Witness
14	herein, called by the Plaintiffs/Relators for
15	cross-examination pursuant to the Rules of Civil
16	Procedure, taken before me, Karen M. Rudd, a
17	Notary Public in and for the State of Ohio, at
18	the Courtyard Marriott, 1 Riverfront Plaza,
19	Hamilton, Ohio, on Thursday, January 10, 2019,
20	at 4:20 p.m.
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1	EXAMINATIONS CONDUCTED	PAGE
2	BY MS. LEFKOWITZ:	5
3	BY MR. CONOVER:	108
4	BY MS. LEFKOWITZ:	114
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6	EXHIBITS MARKED	
7	(Thereupon, Plaintiffs' Exhibit L,	Y
8	Resolution to allow armed staff in	
9	school safety zone, was marked for	
10	purposes of identification.)	9
11	(Thereupon, Plaintiffs' Exhibit F,	,
12	Firearm Authorization Policy, having	
13	been previously marked, was	
14	presented for purposes of	
15	identification.)	14
16	(Thereupon, Plaintiffs' Exhibit M,	
17	Applicant's Psychological	
18	Evaluation, was marked for purposes	
19	of identification.)	36
20	(Thereupon, Plaintiffs' Exhibit N,	
21	Applicant's Psychological	
22	Evaluation, was marked for purposes	
23	of identification.)	50
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1	(Thereupon, Plaintiffs' Exhibit O,		
2	criminal background history checks,		
3	was marked for purposes of		
4	identification.)		70
5	(Thereupon, Plaintiffs' Exhibit C,		
6	authorizations, having been		
7	previously marked, was presented for		
8	purposes of identification.)		77
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	Page 5
1	PETE ROBINSON
2	of lawful age, Witness herein, having been first
3	duly cautioned and sworn, as hereinafter
4	certified, was examined and said as follows:
5	CROSS-EXAMINATION
6	BY MS. LEFKOWITZ:
7	Q. Hi. My name is Alla Lefkowitz.
8	I'm one of the attorneys for the plaintiffs, and
9	I'm going to be the one deposing you.
10	A. Okay.
11	Q. And this is my friend and
12	colleague.
13	MS. LEFKOWITZ: Do you want to
14	introduce yourself, Jed?
15	MR. MILLER: Hi, Mr. Robinson.
16	James Miller, Jed Miller. I'm also a lawyer for
17	the plaintiffs with Alla.
18	THE WITNESS: Okay.
19	BY MS. LEFKOWITZ:
20	Q. Can you state your name for the
21	record?
22	A. Pete Robinson.
23	Q. And what is your job title with
24	Madison School District?
25	A. Board of Education member.

	Page 6
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
LO	question first, and then you will provide an
L 1	answer. And what that does is make things
L 2	easier for the court reporter who is writing
L3	everything.
L <b>4</b>	The second rule of the road is when
L <b>5</b>	I ask a question, please respond verbally. So
. 6	there should be a yes or a no, not a head shake.
7	Is that understood?
8.	A. Yes.
. 9	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.

	Page 7
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

-	Page 8
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

	Page 9
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

	Page 10
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

	Page 11
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?

	Page 12
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.
L 6	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?
۱9	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.

Page 13 1 Q. What's the difference between 2 secure and safe? 3 You're familiar with the resolution 4 and what it all entails, I'm sure of that. 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 And I understand your response, but Q. 13 my question was --14 MS. LEFKOWITZ: Could you repeat my 15 question, please? 16 (Record read.) 17 THE WITNESS: I don't know. 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 An offensive nature, such as a Α.

security guard would be someone that would be

,	Page 14
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:

	Page 15
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
l 1	purpose of the document that you have in front
L 2	of you?
L 3	MR. CONOVER: Objection. Go ahead.
L 4	THE WITNESS: Oh, okay. I'm sorry.
L 5	This is the authorization to add armed staff.
L 6	BY MS. LEFKOWITZ:
L <b>7</b>	Q. So this is the firearm
l 8	authorization policy for Madison?
9	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.
4	Q. Do you want to take a few more
25	minutes to look at it?

	Page 16
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?
<b>5</b>	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?

Page 17 1 Α. 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 So your testimony is the defensive Q. 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:

All right. I just want to make

Q.

Page 18

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

Page 19 1 documents, and I'm sure you guys have that, and 2 it's in there. And I don't believe anywhere in there it states that these are offensive. 4 Other than the trainings that you Ο. 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 authorized personnel can only act in a defensive 8 9 manner? 10 Α. 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 Ο. 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 Α. Will you give me a minute to review 22 this again? 23 Absolutely. You can take more than Q. 24 a minute.

Yeah, it would be under the board

Page 20 1 authorization. On the first page under board 2 authorization, Ohio Revised Code 2923.122. 3 And that --Q. 4 The authorization -- I'm sorry. Α. Go 5 ahead. 6 I just want to be clear. Q. We're 7 looking at page 263? 8 Α. Yes. 9 Q. And that is the paragraph where it 10 says authorization, A, board authorization, 11 correct? 12 Α. Yes. 13 And where in that paragraph does it Q. 14 say that the authorized personnel can only act 15 defensively? 16 Α. 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 **O**. 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.

Page 21 1 THE WITNESS: Defensively. 2 BY MS. LEFKOWITZ: 3 0. 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: 1.3 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. 1.7 Α. Yes, I see it. 18 Q. Can you actually read that sentence 19 out loud? 20 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.

Q. Do you know what hollow-point

	Page 22
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
. 0	reduced ricochet hazard.
1	Q. So is the concern that if another
.2	type of ammunition was used, someone else may be
. 3	injured who is not the intended target?
. 4	MR. CONOVER: Objection.
.5	THE WITNESS: On February 29th of
. 6	2016, when the student fired the firearm, it was
. 7	not hollow-point, and injuries that were
. 8	obtained were from ricochets. That's the
. 9	difference between what is spelled out in the
0 2	policy and what was actually used in the
21	shooting.
2	BY MS. LEFKOWITZ:
23	Q. How does strike that.
24	You are aware that there are
25	authorized personnel on at Madison who are

Page 23 permitted to bring firearms onto the school 1 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. BY MS. LEFKOWITZ: 9 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 Α. Yes. 14 Q. Do you have any idea whether they 15 are only loading their firearms with hollow-point or frangible ammunition? 16 17 MR. CONOVER: Objection. 18 THE WITNESS: I have no idea. 19 BY MS. LEFKOWITZ: 20 Is there a system in place to 0. 21 verify that that is what they are doing? 22 Α. 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?

Page 24 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 Are you aware of a policy that 0. 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:

Page 25 1 Q. How does someone become an 2 authorized person to carry firearms at Madison? 3 We will go back to this. Α. 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. BY MS. LEFKOWITZ: 11 12 I want to get some specifics. 13 individual A decides that he or she wants to be armed on school property, what's the first step 14 15 that he or she must take? 16 Α. 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. Is it true that there's a safety 19 Ο. 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.

	Page 26
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.

	Page 27
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

Page 28 to be armed, your testimony is that he 1 approaches an administrator; is that correct? 2 3 Α. The superintendent. 4 Q. And what does the superintendent do 5 then? 6 I believe the first thing would be Α. 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 process from there, which would be they would 14 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 So as part of your last answer, you Q. 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.

honestly, I'm not -- I don't exactly remember

THE WITNESS: We were -- you know,

24

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

BY MS. LEFKOWITZ:

- Q. And when you say did this, you mean authorize an individual to be armed on school property?
- A. No, would make a recommendation that we allow this person to start going down through all the requirements to become armed staff.
- Q. But you don't recall how you came to that recommendation the first times that you did this; is that correct?

MR. CONOVER: Objection.

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

Page 30 1 BY MS. LEFKOWITZ: 2 I'm just trying to clarify exactly Q. 3 what happened. For -- there are 4 authorized personnel? 5 Α. Yes. 6 Q. Correct? 7 Α. Yes. 8 And the events that you just 9 recounted are for all ?? 10 Α. Yes. 11 Q. So at some point in this process --12 strike that. 13 Did these individuals --14 strike that. 15 Did the safety committee consider 16 all of these individuals? 17 Α. 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 Do you remember when those Q.

	Page 31
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
LO	Q. Yes.
11	A in the fall.
L 2	Q. And by the time that you made
L 3	your the safety committee made the
L <b>4</b>	recommendations to the board, the individuals
<b>.</b> 5	had already completed the required firearms
6	training?
L 7	A. They had completed everything
8.1	according to the policy.
. 9	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?
4	A. Yes.
25	Q. What else did they have to

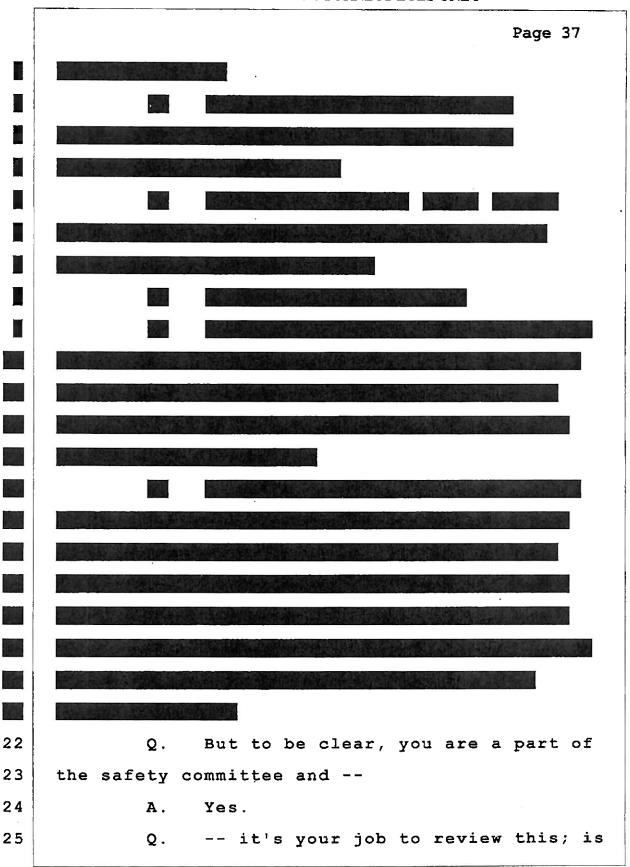
Page 32 1 complete? 2 Α. Background -- criminal background, 3 and then also verify that they had their CCW 4 through the State of Ohio, and drug screening, 5 and the training. 6 Q. Did you personally verify that each 7 of these individuals had a valid CCW? 8 Α. Not personally, no. But before 9 they could go to the training, the FASTER 10 program, they had to have that in place. 11 was a prerequisite of FASTER before they could 12 go through that program. 13 So it's FASTER that would have Q. 14 verified the CCW training? 15 Α. Yes. Let me strike that. It's FASTER 16 Q. 17 that would have verified the CCW permit? 18 Α. Yes. 19 Ο. So no one at Madison actually 20 verified the CCW permit? 21 Α. Not to my knowledge. Rephrase. 22 didn't. 23 Are you aware that anyone else did? Q. 24 Α. Not to my knowledge. 25 Does the safety committee have a Q.

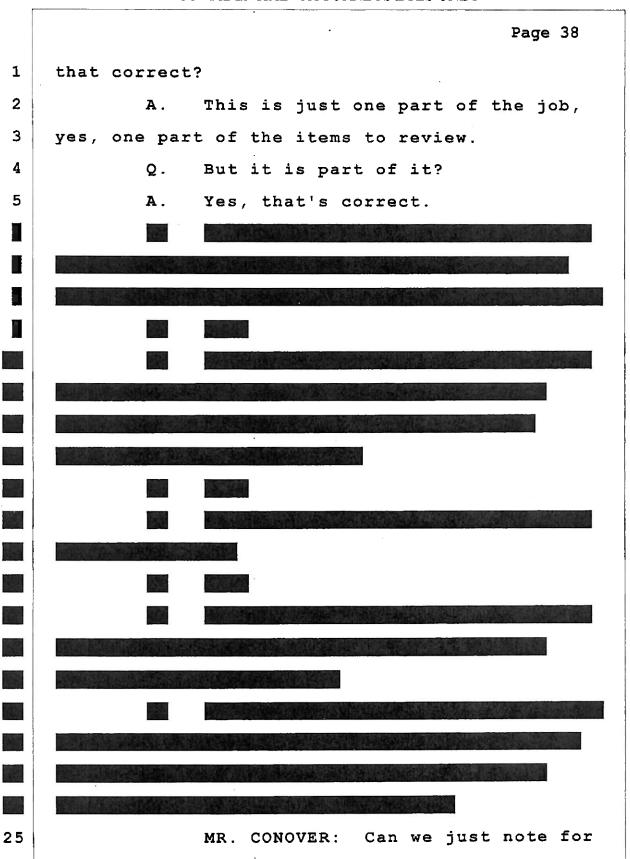
	Page 33
1	copy of the CCW permits on file for the
2	individuals who are authorized?
3	A. I'm not sure.
4	Q. You don't recall ever seeing them;
5	is that correct?
6	A. I never asked to see them, because
7	it was a prerequisite before they could attend
8	the training for the handgun and the triage and
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

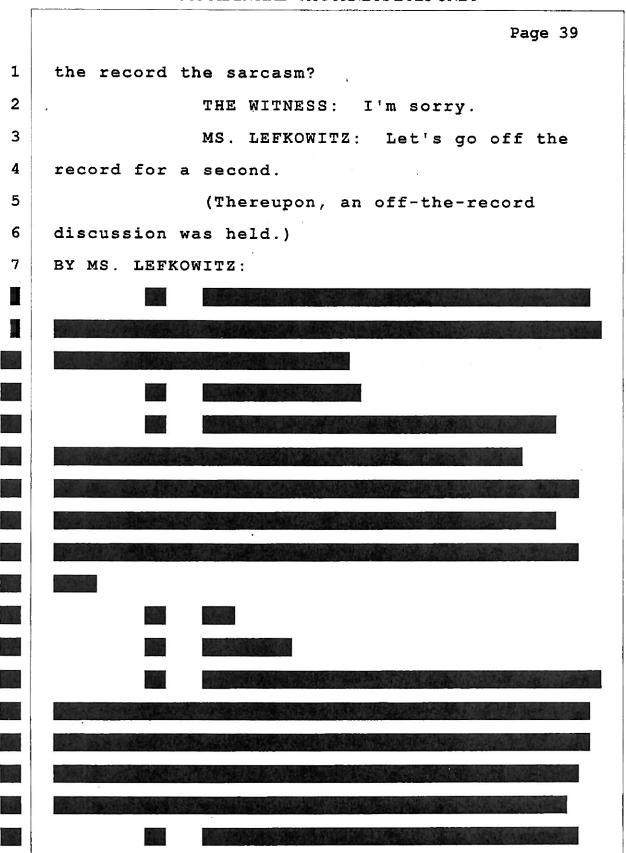
	Page 34
1	our superintendent that they had.
2	Q. Do you
3	A. And each individual that we
4	interviewed stated that they did, as well.
5	Q. Do you have any documentation
6	showing that they completed the training in a
7	satisfactory manner?
8	A. I personally do not. Sorry. I
9	didn't mean to speak over 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

	Page 35
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

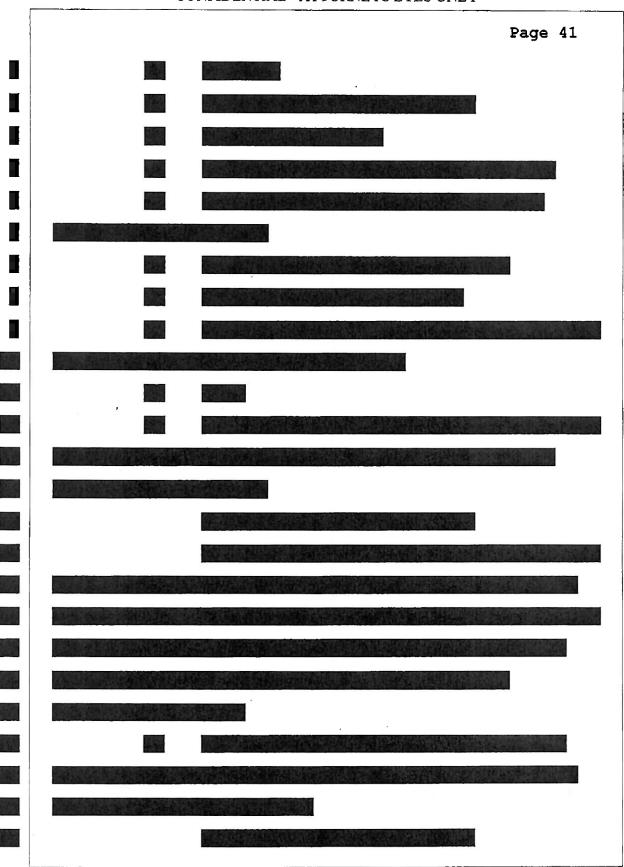
Page 36 1 mental health evaluation is satisfactory; is 2 that correct? 3 MR. CONOVER: Objection. 4 THE WITNESS: Yes. 5 BY MS. LEFKOWITZ: 6 And did you make that determination Q. 7 in each of the cases? 8 A. Yes. 9 So you reviewed the mental health 10 evaluations of each of the authorized 11 individuals; is that correct? 12 Yes. And one member of our safety 13 committee is Dr. Paul Jennewine, and relied 14 heavily on his professional opinion.

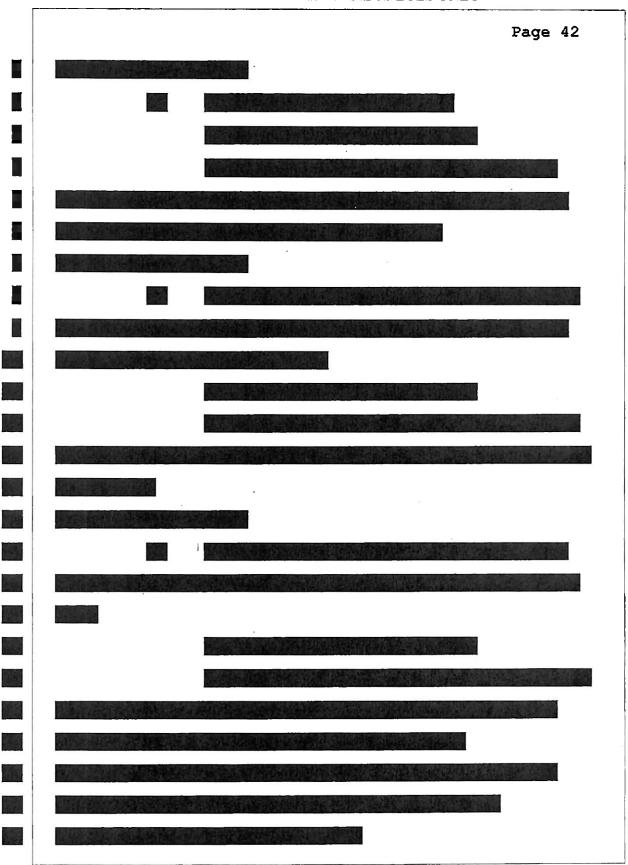






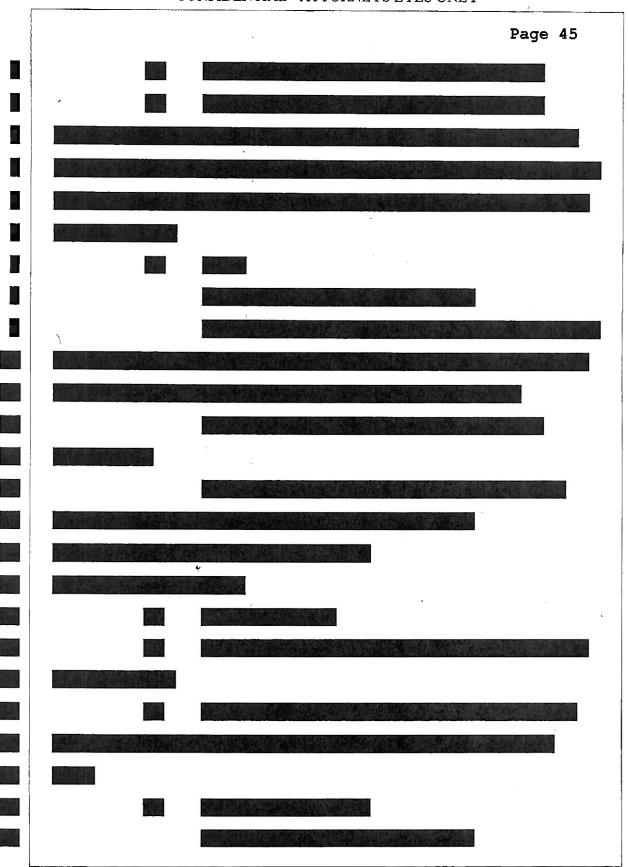
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BY MS. LEFF	KOWITZ:
Q.	So this evaluation is not a full
evaluation	of the individual?
	MR. CONOVER: Objection.
	THE WITNESS: This is out of my
wheelhouse.	
BY MS. LEFF	KOWITZ:
	So you're saying you're not really
	to review this mental health
evaluation?	
	MR. CONOVER: Objection.
	THE WITNESS: Yes.
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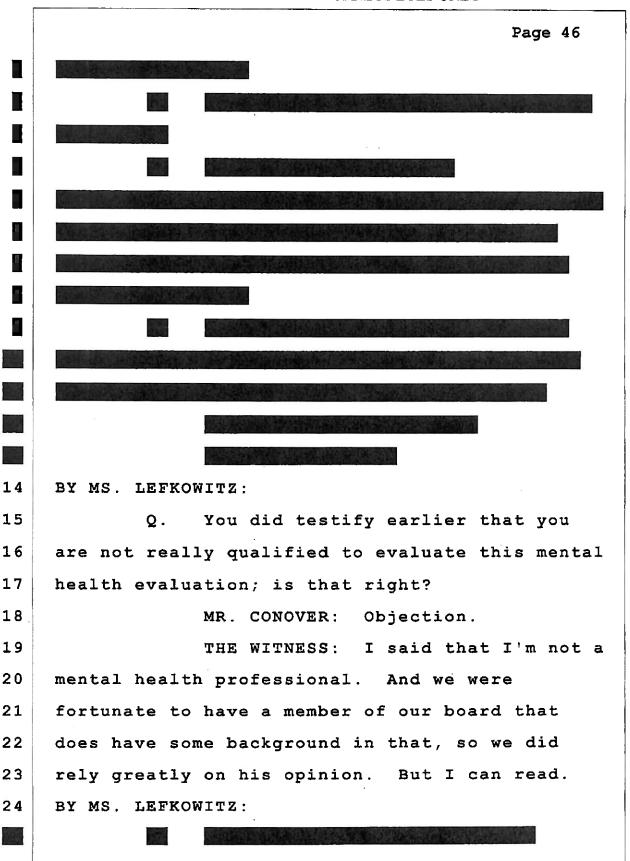


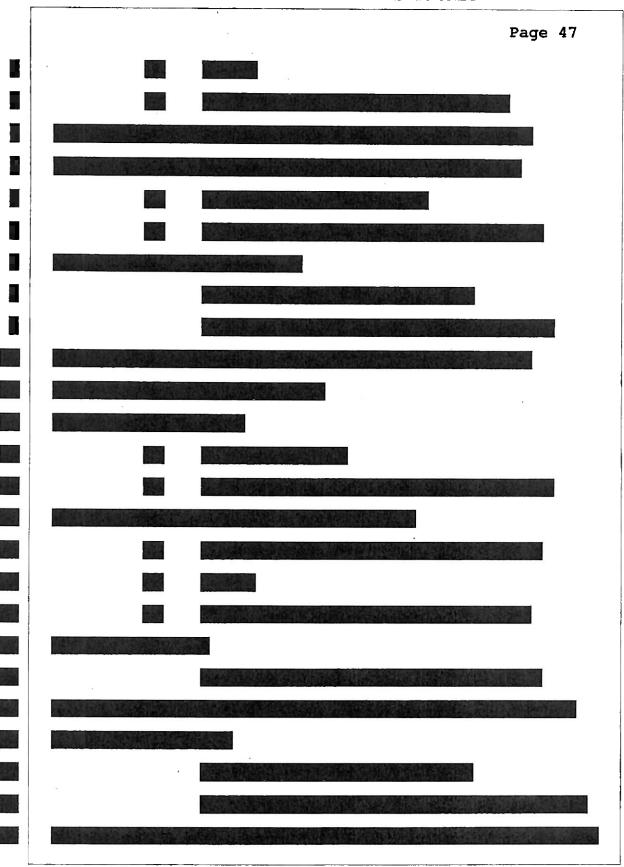


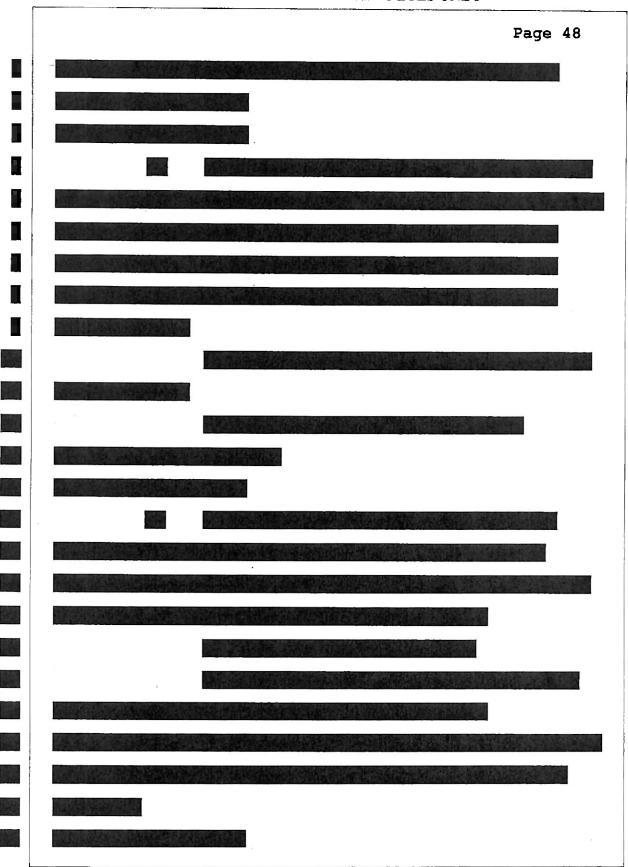
	Page 43
1	BY MS. LEFKOWITZ:
2	Q. Would you agree with me it's a
3	pretty big decision to allow someone to go into
4	a classroom with children with a firearm?
5	MR. CONOVER: Objection.
6	THE WITNESS: Yes.
7	BY MS. LEFKOWITZ:
8	Q. And would you is it true that
9	this individual was authorized to use deadly
10	force if the situation calls for it?
11	A. Yes.
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24 25	BY MS. LEFKOWITZ:  Q. These are one-on-one interviews
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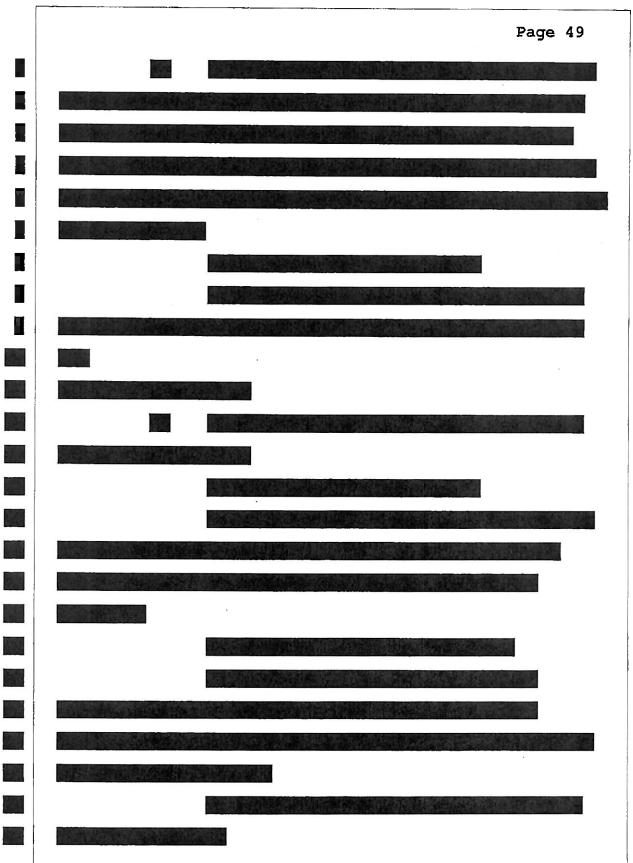
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	Page 44
1	with the safety committee; is that correct?
2	A. That's correct.
3	Q. Is there any documentation of those
<b>.4</b>	interviews?
5	A. I'm not sure.
6	Q. Do you remember there being someone
7	taking minutes during this interview?
8	A. I'm not sure.
9	Q. So to your recollection, there
10	are there's no record of this interview?
11	A. I was there, yes. There is a
12	recollection, yes.
13	Q. Are you aware of any written record
14	of this interview that you are referring to?
15	A. I am honestly, I don't recall.
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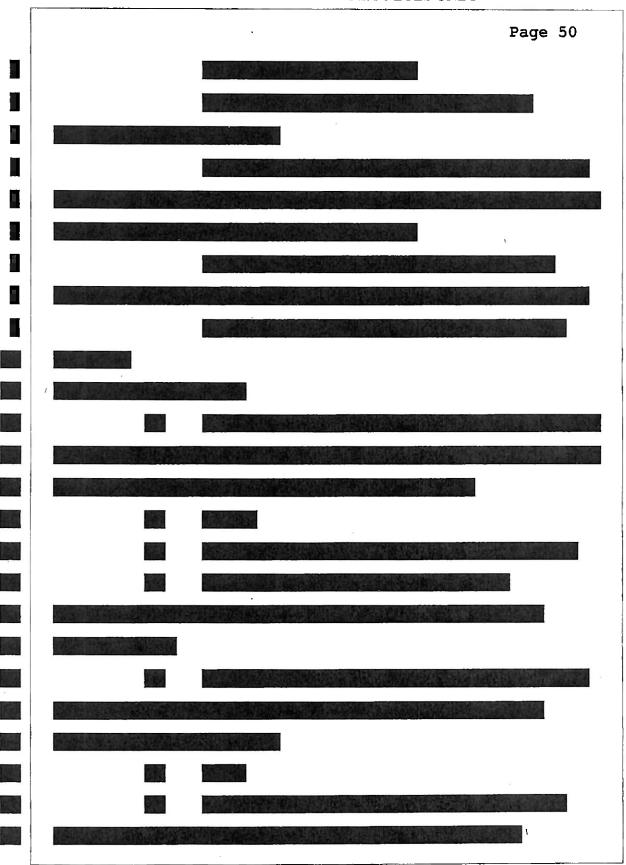


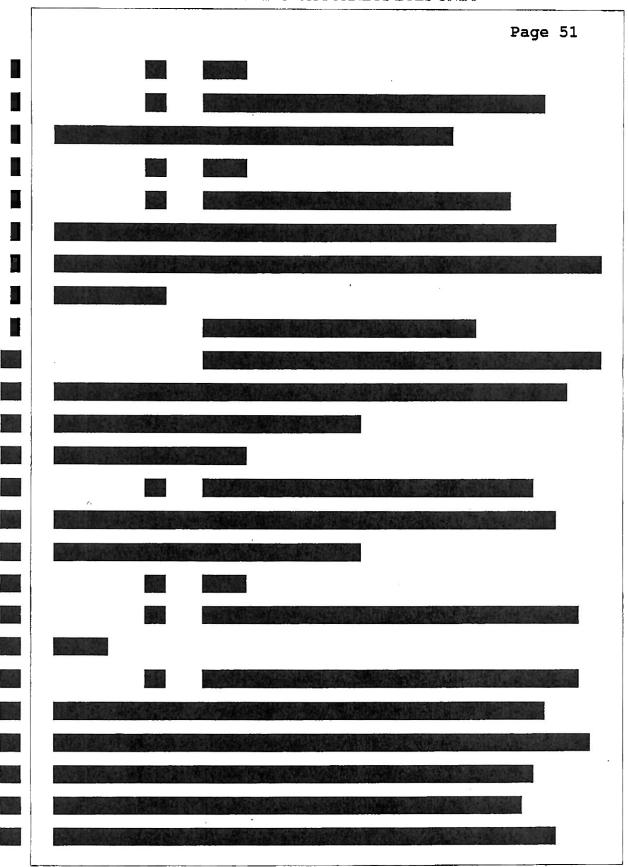


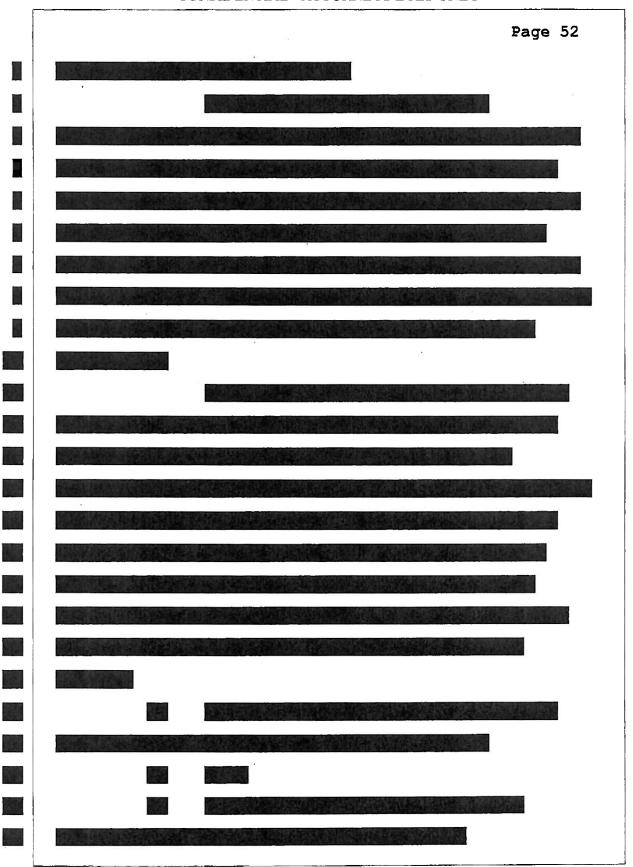


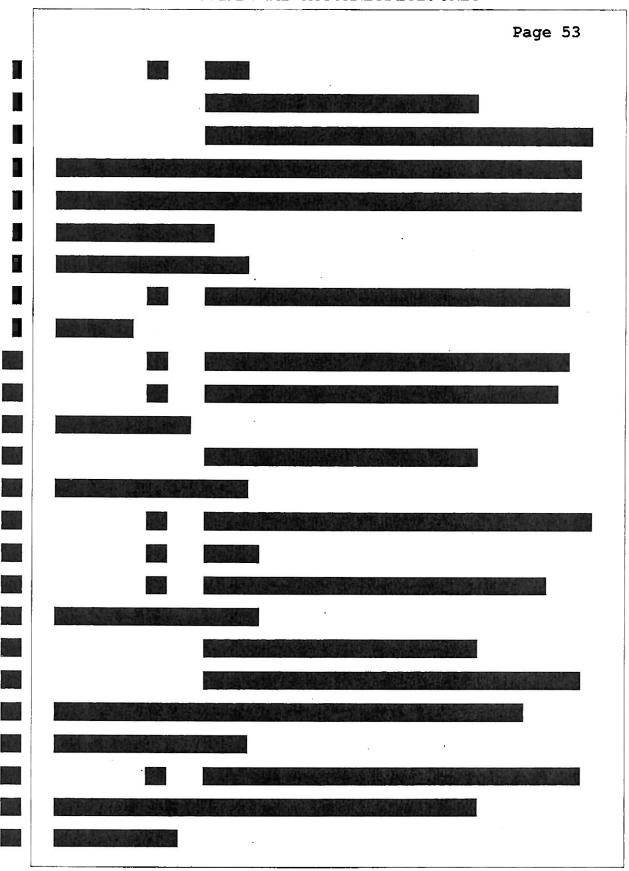


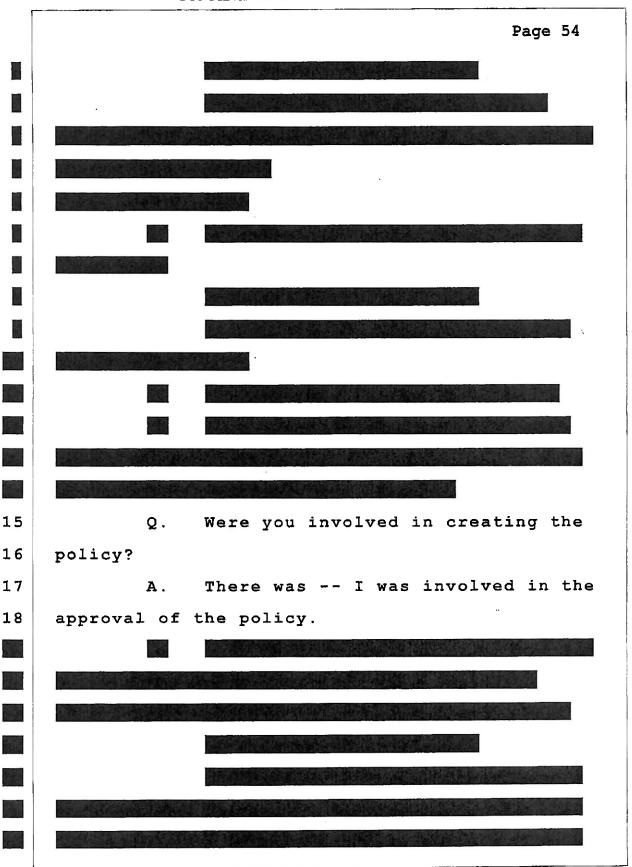


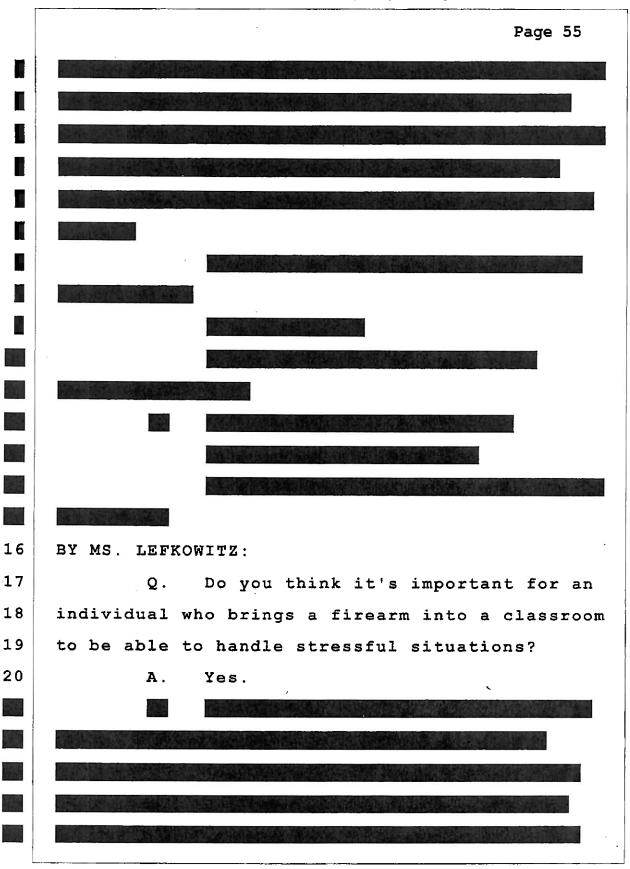


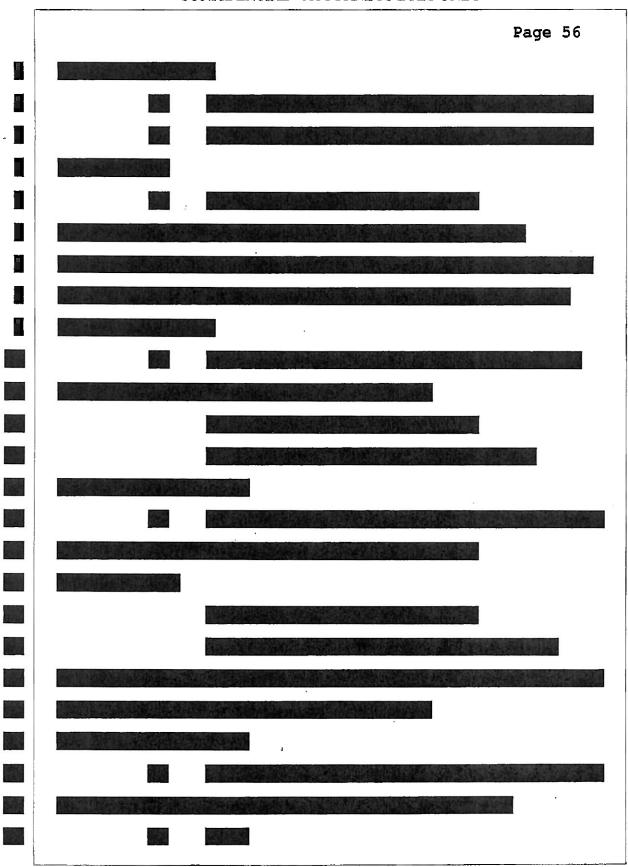


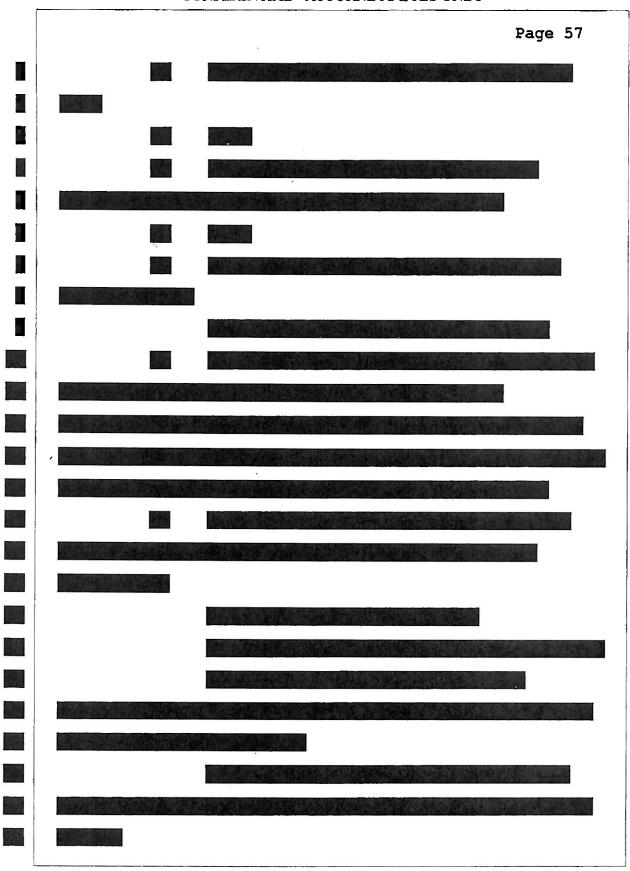












	Page 58
1	MS. LEFKOWITZ: I think we are done
2	with this. Let's take a break. Do you want to
3	do like ten minutes? Is that fair?
4	MR. CONOVER: That's fine.
5	(Recess taken.)
6	MS. LEFKOWITZ: Back on the record.
7	BY MS. LEFKOWITZ:
	(2) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15 (15) 15
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L 8	BY MS. LEFKOWITZ:
L 9	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.
	And so, you

	Page 59
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

	Page 60
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
LO	that right?
11	A. That's correct, I said I didn't
12	personally see it,
13	Q. Did you personally see the
L 4	background check
L 5	MR. CONOVER: Objection.
L 6	BY MS. LEFKOWITZ:
L 7	Q for this individual?
L 8	A. I don't recall.
L 9	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:

Page 61 Q. You mentioned the things that you considered were the background check, the drug check, the mental health eval, the firearms training, and an interview; is that correct? Α. Uh-huh. Yes. What did this person say in his Ο. interview that led you to recommend authorizing this individual? Α. You know, I honestly can't say word for word, but was -- but I personally was very comfortable with the answers to the questions that were posed. Q. Do you -- I understand that you don't remember word for word, but can you tell me anything from that interview?

- A. Regarding Exhibit N?
- Q. Regarding this particular individual that made you think that he was a person that should have a firearm around children in a classroom.

MR. CONOVER: Objection.

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

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	Page 62
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
LO	approximately?
L 1	A. All of the individuals that went
<b>L2</b>	through this were all there when on
L 3	February 29th of 2016, and had personal
L 4	experiences. And just you know, just wanting
L 5	to do anything to make sure that they didn't
L 6	them or those that were in their classroom
L 7	didn't become victims.
8 .	Q. So this person's so you recall
.9	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?
2.4	A. This one and all of them, correct.
25	Q. What other questions did you ask of

	Page 63
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?
L 7	MR. CONOVER: Objection.
18	THE WITNESS: Probably five years.
L 9	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

	Page 64
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?

Page 65

1 Α. I believe I previously stated I 2 reviewed for all of them, correct. 3 If you were the person who was 4 writing the policy, the firearms authorization 5 policy, would you have included the mental health evaluation? 6 7 MR. CONOVER: Objection. THE WITNESS: Yeah, I'm not the one 8 9 that does that. 10 BY MS. LEFKOWITZ: 11 I understand you are not the one. Ο. 12 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 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.

	Page 66
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
L O	is a big responsibility?
L 1	A. Yes.
L 2	Q. But your testimony is that you are
L 3	not qualified to review this mental health
L 4	evaluation?
. 5	MR. CONOVER: Objection.
. 6	THE WITNESS: Yes, that's correct.
7	BY MS. LEFKOWITZ:
. 8	Q. And your testimony is that you
. 9	don't recall reviewing the results of the
0 9	firearms training?
21	MR. CONOVER: I'm sorry. Could we
22	just have that reread?
23	(Record read.)
2 4	MR. CONOVER: Objection.
2.5	THE WITNESS: The individuals would

	Page 67
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.

	Page 68
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

	Page 69
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.
L 5	Is one of the factors that you
16	consider when deciding to authorize an
۱7	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.

*	Page 70
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
LO	policy.
11	MS. LEFKOWITZ: Can you repeat the
.2	question I asked?
.3	(Record read.)
4	THE WITNESS: No.
L 5	MS. LEFKOWITZ: I am going to
. 6	introduce Exhibit O.
L 7	(Thereupon, Plaintiffs' Exhibit O,
8 .	criminal background history checks, was marked
. 9	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.

	Page 71
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

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- just want to make clear, you're pointing to Exhibit O?
- A. Yes. It looks like according to

  Exhibit O, they did pass their background

  checks, which the assumption was made they did,

  because they were licensed to teach in the state

  of Ohio.
  - Q. Do individuals who are authorized to carry firearms on Madison property serve a security purpose?
- 11 A. No.

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- MR. CONOVER: Objection.
- 13 BY MS. LEFKOWITZ:
- Q. Why not?
  - A. The definition in my opinion and the way it's been explained to me -- when I say explained, according to the opinion rendered by Mike DeWine in his capacity of Ohio Attorney General, a security person would imply someone that would be offensive in nature. As an example, if something was to happen, it would almost be like a security guard or an SRO, where they would go to what was going on. And that is not what this is. This is totally a defense in 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

	Page 74
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.
L 2	Q. I just want to make sure we're not
L 3	talking past each other. My question is are the
L 4	authorized personnel armed for the safety of the
L 5	students?
L 6	A. They are armed to defend in place.
L 7	Q. Let's go back to Exhibit L. You
L 8	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
2.4	paragraph no, the second paragraph of the
25	resolution, do you see where it says that the

	Page 76
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.
L 4	BY MS. LEFKOWITZ:
L 5	Q. F. Exhibit F. If you look at page
l 6	263 of Exhibit F do you see that?
17	A. Yes.
L 8	Q. And I'm looking at the section
L 9	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.

	Page 77
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 copies of the same; is
L 9	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

	Page 78
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.
L3	Do you agree with me that the point
L 4	of this policy is to provide safety to the
L 5	students?
L 6	MR. CONOVER: Objection.
L 7	THE WITNESS: It's to keep everyone
L 8	safe and secure not secure, safe. Just safe.
L 9	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

Page 79 1 back to Exhibit C. Is there anything in the authorization letter from the superintendent 2 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 Α. Yes, you are. Yes, correct. 20 Ο. So --21 It's right here. 22 My question is the -- you were just Ο. 23 referring me to the sentence that says under the .24 policy, the authorized school employees must 25 meet the following requirements, and then

	Page 80
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
LO	the superintendent, right?
L <b>1</b>	A. That's correct.
L2	Q. And they were sent to the authorized
L3	individuals after the safety committee completed
L <b>4</b>	its interviews?
L 5	A. Correct.
6	Q. I'm done with that. I believe you
L 7	mentioned earlier that the resolution to arm
L 8	staff was one of the steps that the board
L 9	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?

Page 81 1 Α. As far as safety? 2 0. Yes. 3 Α. 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 Α. That's correct. 18 Q. So I just want to clarify. 19 talking about the time period in 2018. 20 Α. 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 I just wanted to make sure we are Q. 25 on the same page.

- A. That's correct.
- Q. Because my understanding is the school does have two SROs.
  - A. Now they do, that's correct, yes.
- Q. Was there ever any -- at the same time that you were considering passing the resolution to arm staff, did you also consider adding any additional SROs?
- A. We -- that's not really a yes and no question, so if I could elaborate.
  - Q. Yes.
- A. We would love to, but financially it's just not something that can be done. And it's not like you can put a price tag on safety. There's also considerations. You know, we are trying to make a safe environment, a safe learning environment that's a happy and friendly place, and I think if you would -- this is just my opinion, if you had 15 SROs walking around, you could almost get to where it was like a prison setting or something like that.
- Of course, that's just my opinion.

  But financially, we feel that we are doing -this is all that we can do.
- Q. So the authorized personnel is in

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lleu	ΟĪ	additio	nal	SROs?

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- A. No. No, we have one SRO in each building. We have basically two buildings that are connected, and we have one SRO that's assigned to each building, and then the armed staff are just a layer to defend in place if they get by the SROs.
- But no, there's -- they are apples and oranges. The SRO, you know, are police officers, and they are offensive. They will run to the -- you know, to the flames and the fire, just as ours did on the day February 29th when the shooting took place, and whereas the armed staff will not do that. They will stay stationary and defend in place if a threat arises.
- Q. And that's because of the training they received?
  - A. That's correct.
- Q. Are there security guards in the building?
- A. There's two school resource officers.
- Q. In addition to the school resource officers, are there security guards?

	Page 84
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.
<b>, 7</b>	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

	Page 85
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.
LO	Q. I think one of the other rules is
<b>l</b> 1	that authorized personnel will have to maintain
12	their the confidentiality of the policy; is
L3	that correct?
L 4	A. That's correct.
L 5	MR. CONOVER: If you are going to
L 6	be referring to specific items in the document,
L 7	do you mind pointing those out just to kind of
L 8	clarify? Thank you.
۱9	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

explicitly says that they can only act

defensively?

24

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,

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

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

## BY MS. LEFKOWITZ:

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

  MR. CONOVER: Objection. I think
  he has answered that. Go ahead.
- THE WITNESS: Not that word and that statement, but in order to qualify for the -- to be armed in the school, you have to complete all the items that are listed on this document.
- Once again, just to start with the holding of a valid Ohio concealed carry license -- concealed handgun license, that is defensive. And then on the training courses

	Page 89
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
1 Ó	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.

Page 90 THE WITNESS: Yes. 1 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. Ιf 10 there is an imminent threat to them or those in 11 their room, to defend themselves. And that would be, you know, an option. That would 12 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 Α. Yes. 24 Assuming it's safe to do so and it 25 is occurring in the authorized individual's

	Page 91
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:
25	is correct.

Page 92 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. BY MS. LEFKOWITZ: 8 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 Α. 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

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

circumstances would be?

24

CONFIDENTIAL - ATTORNEYS EYES ONLY
Page 93
know. My understanding is similar circumstances
could be different types of threats of physical
harm that would be coming to them.
Q. If there's a threat of physical
harm, is the first option that the authorized
individual has to use his firearm?
MR. CONOVER: Objection.
THE WITNESS: The firearm would be
the last resort, you know. And just in any
circumstance, lethal force would be a last
resort.
BY MS. LEFKOWITZ:
Q. Is there a system in place that if
there was an armed attacker in the school, that
someone can contact the authorized personnel?
A. You know what, that may very well
be a part of the safety plan, but I can't
honestly sit here and recite you exactly what
that is.
Q. Authorized personnel are carrying
firearms 100 percent of the time that they are
on the school property; is that correct?
MR. CONOVER: Objection.
THE WITNESS: They are authorized

to carry 100 percent of the time.

There is

CONFIDENTIAL - ATTORNEYS EYES ONLY Page 94 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. BY MS. LEFKOWITZ: 4 5 Ο. 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 Α. Yes. 18 Q'. Can you explain to me what you mean 19 by that? 20 Α. 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

zones. Rural schools are really known as, you

the theater. Schools are known as gun free

24

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

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

- Q. So part of the role of authorized personnel is to deter potential attackers?
- A. The deterrent of potential attackers is the existence of this policy.

  There's nothing in the policy that says these people are actually carrying. It just says they may, they might, they could.
- Q. Is there a system in place to verify whether authorized personnel are actually carrying?
  - A. No.
- Q. So on any given day, no one on the school campus knows if any individuals are

· 1

	Page 96
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
2 4	lawsuit on Facebook?
25	A. I'm not sure.

## CONFIDENTIAL - ATTORNEYS EYES ONLY

	Page 97
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

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

Q. So --

- A. That's where it all came from. And if the people who started all of this were honest, that's where it came from.
- Q. So you don't think that the individuals who have brought this lawsuit are doing it because they are concerned about the safety of their children?

MR. CONOVER: Objection.

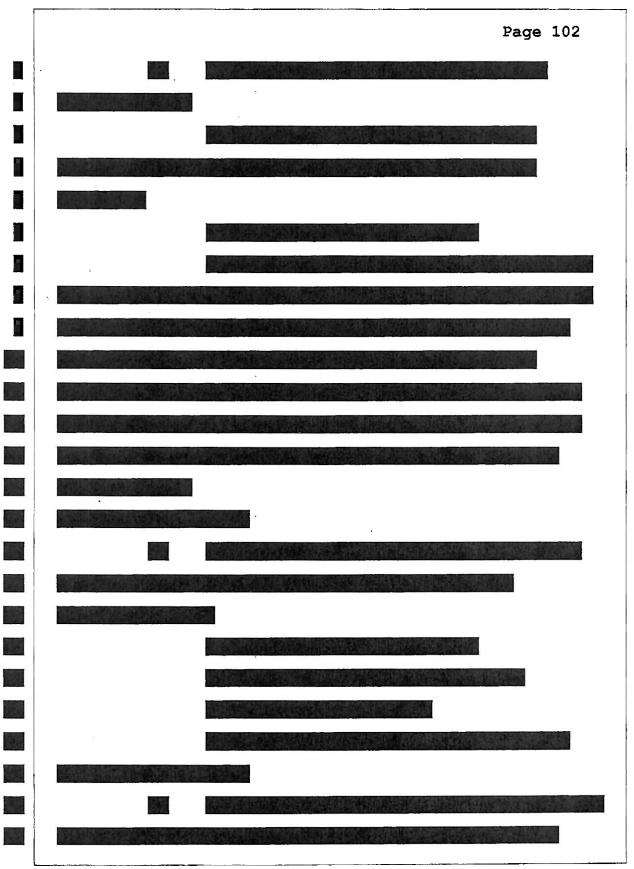
THE WITNESS: This is just personally, not as a Board of Education member, but as a resident out there, the gentleman that was actually instrumental in this from the start is the same guy that had his grandson that was disciplined for walking out when they were told not to in the backyard siting in their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

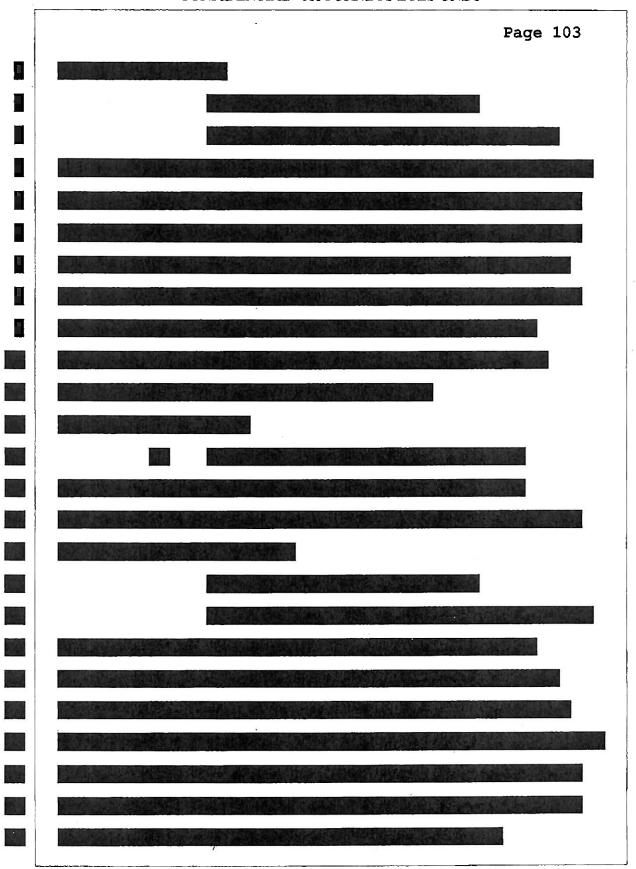
- Q. As far as you are aware, is that individual a plaintiff in this lawsuit?
  - A. No.

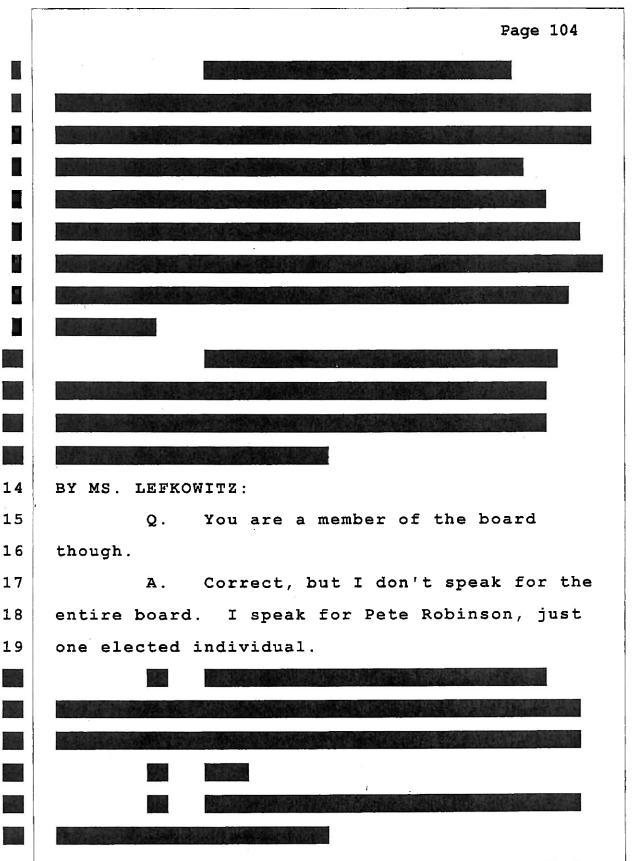
	Page 99
1	Q. So my question is about the
2	plaintiffs that have brought this lawsuit. Do
3	you not believe that they are worried about the
4	safety of their children?
5	MR. CONOVER: Objection.
6	THE WITNESS: Me personally, no.
7	MS. LEFKOWITZ: I'm going to switch
8	for a few minutes to the public records
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.

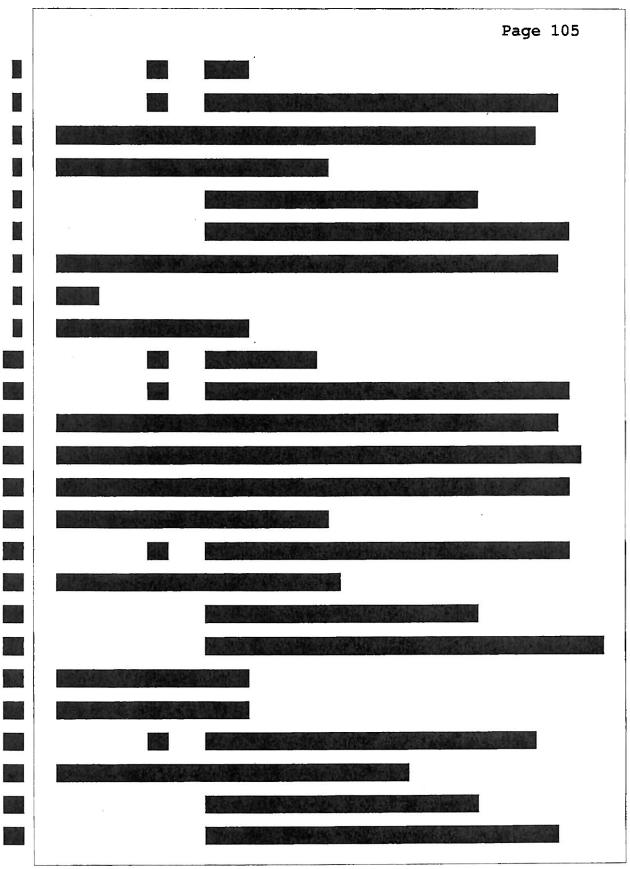
1	Q. When you say in that community, you
2	mean the Madison Local School District
3	community?
4	A. Yes. We have one gentleman that's
5	an assistant police chief in the Germantown
6	Police Department and another gentleman that's a
7	retired Montgomery County sheriff's deputy. As
8	far as you know, that 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,

	Page 101
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.
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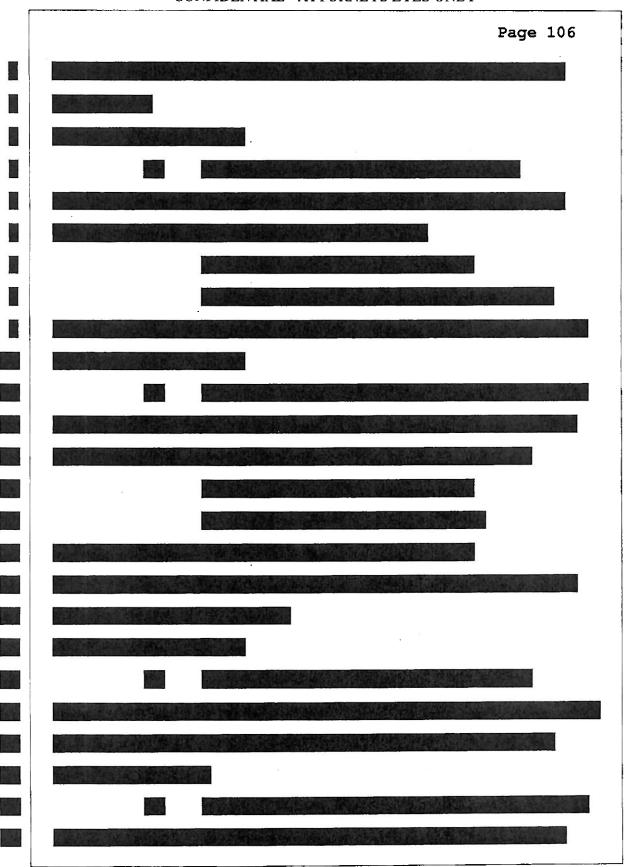


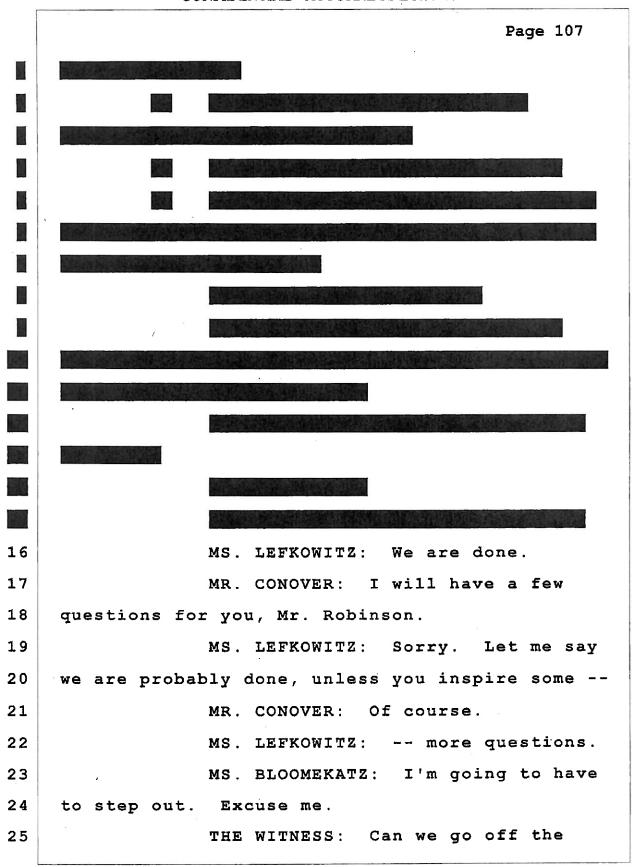






## CONFIDENTIAL - ATTORNEYS EYES ONLY





Page 108 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:

	Page 109
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?
LO	A. Through an election process.
11	Q. Do you recall what the
L 2	qualifications for that board that election
13	were?
L 4	A. I believe it was a resident of the
L 5	district.
L 6	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,
2 4	other boards, as well, I am of the my thought
25	process is if you have a talent that can be of

- use, well, then you serve. And you serve, and then you walk away and let somebody else serve. Sorry.
  - Q. Thank you. And I believe there was some discussion regarding your service or membership on the safety committee for kind of lack of a better word; is that correct?
    - A. Yes.

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

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

- A. The time when the interviews were going to take place, there were other conflicts of interest, and it was, you know, you had to be -- it was set up so it would be board members, and my schedule allowed that.
- Q. And what was the purpose of the safety committee?
- A. To do the final -- receive the recommendations from our superintendent after everyone had completed all the processes, and to make sure that a psychological evaluation had been done, and to conduct personal interviews, and then to make recommendations to the full

	Page 111
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:
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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
2 4	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

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

required to pass a background check?

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

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

- Q. Thank you. Why is this policy or the implementation of arming -- or the decision to arm staff important to you as a board member?
- A. I'm a long time resident. I've been out here -- I've lived out in the district for 28 years. I had two children that have graduated from the schools, come all the way through.

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

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

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

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

#### RECROSS-EXAMINATION

#### BY MS. LEFKOWITZ:

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

	Page 115
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?

4	Page 116
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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	I, PETE RO	BINSON, the witness
r	erein, having read	the foregoing
t	estimony of the pag	es of this deposition,
d	lo hereby certify it	to be a true and
c	correct transcript,	subject to the
	corrections, if any,	shown on the attached
F	age.	
		PETE ROBINSON
		1
	worn and subscribed	
t	his day of	, 2019.
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	Notary Publ	ic

	Page 118
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).
20	;
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Page 119

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 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.

	Page 121
1	ERRATA
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5	I wish to make the following changes,
6	for the following reasons:
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8	PAGE LINE
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	PETE ROBINSON DATE
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2	SUBSCRIBED AND SWORN TO BEFORE
3	ME THIS DAY OF , 201 .
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5	NOTARY PUBLIC COMMISSION EXPIRES