

EIGHTH JUDICIAL DISTRICT COURT

ORIGINAL

CLARK COUNTY, NEVADA

FILED

Oct 10 12 37 PM '08

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

E. J. Smith
CLERK OF THE COURT

THE STATE OF NEVADA,)
)
)
 Plaintiff,)
)
 -vs-)
)
 WILLIAM GILBERT,)
 THAD SKINNER, MATHEW GOINS,)
 GEORGE CASAL, LLOYD HAFEN,)
 GARY HAFEN, DAVE WILSON,)
 Defendants.)

Case No. 07BGJ136A-G

0248193

Taken at Las Vegas, Nevada

Thursday, September 18, 2008

9:08 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

CE15

3 1 GRAND JURORS PRESENT ON SEPTEMBER 18, 2008:

2

3

FRANCES EBER, Foreperson

4

FERN FUKUYAMA, Deputy Foreperson

5

BOBBI MUIJE, Secretary

6

GINA TULLIS, Assistant Secretary

7

RICHARD CALLEN

8

MICHAEL DONEGAN

9

RAFAEL GUTIERREZ

10

SONYA HIGGINS

11

ALLAN HOROWITZ

12

ROBERT MEDVE

13

SHIRLEY MYERS

14

BEVERLY POWELL

15

RUBY WALLER

16

17

Also present at the request of the Grand Jury:

18

Conrad Hafen,
Deputy Attorney General

19

20

21

22

23

24

25

INDEX OF WITNESSES

	<u>Examined</u>
1	
2	
3	
4	ANTHONY RUGGIERO 16
5	MICHELLE CHASE 116
6	MARIO BALDERAS 135
7	SALVATORE SAPORITO 151
8	DALE LAWRENCE 166
9	KEVIN STICH 175
10	ABRAHAM ZUNIGA 190
11	VIRGINIA MARTIN 193
12	JERRY TIPPETTS 211
13	LINDA BOUTELLE 225
14	MARY KAY BAILEY 243
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

INDEX OF EXHIBITS

<u>Grand Jury Exhibits</u>	<u>Identified</u>
1 - proposed Indictment	5
2 - instructions	5
3 - photographs	24
4 - Home Depot documents	26
5 - photographs	30
6 - CSN purchase documents & invoices	32
7 - photographs	27
8 - photograph	33
9 - CSN inventory & asset summary	34
10 - photograph	34
11 - inventory control sheet	35
12 - photographs	35
13 - fixed assets report	36
14 - Home Depot invoice, photos & CSN documents	39
15 - CSN purchase order & invoice	43
16 - CSN purchase order & invoice	43
17 - purchase request & purchase order	44
18 - purchase order numbers & material list	45
19 - Nedco documents	46
20 - CalPly documents	46
21 - aerial photographs	107
22 - time line	62
23 - personnel file	63
24 - Home Depot invoices	64
25 - CSN purchase request & purchase order	64
26 - Nedco Supply invoices	72
27 - CalPly invoices	72
28 - time line	87
29 - Home Depot documents	85
30 - CSN purchase request & purchase order	86
31 - time line	104
32 - personnel file	104
33 - photographs	123
34 - photographs	123
35 - photographs	147
36 - letters	152
37 - photographs	160
38 - photographs	185
39 - Ahern Rental documents	234

3 1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 18, 2008

2 * * * * *

3
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 THE FOREMAN: Let the record reflect that I
10 have canvassed the waiting area and no one has appeared in
11 response to Notice of Intent to Seek Indictment.

12 MR. HAFEN: Good morning. My name is Conrad
13 Hafen. I am the chief deputy attorney general for the
14 State of Nevada and this morning I am appearing in order to
15 seek an Indictment against seven individuals. It's my
4 16 understanding that each of you have a copy of the proposed
17 Indictment as well as a copy of the proposed Grand Jury
18 instructions; is that correct?

19 THE FOREPERSON: Yes.

20 MR. HAFEN: Okay. It appears everybody is
21 unanimous in regard to that question.

22 Okay. The seven individuals are William
23 Gilbert, and actually he goes by Bob Gilbert, Thad Skinner,
24 Mathew Goins, George Casal, Lloyd Hafen, Gary Hafen and
25 David Wilson.

4 1 Now in the interest of full disclosure,
2 I need to tell you that Lloyd Hafen and Gary Hafen, even
3 though we share the last name, I have never met those two
4 individuals. The Hafen name is a fairly well-known name in
5 Southern Nevada. My ancestors were some of the first
6 settlers in this area so there are quite a few Hafens down
7 here. I can tell you that I contacted some of my first
8 cousins and asked them if they had heard of Lloyd or Gary
9 Hafen and they said no and I can tell you that I've never
10 met them either. Okay. So just in case you're wondering,
11 we share the last name but I have never met these two
12 individuals.

13 Just to kind of tell you a little bit
14 about this case and then I'll ask if anyone has any
15 apparent conflicts or problems with sitting in this Grand
16 Jury. William "Bob" Gilbert is an employee or was an
17 employee for the Community College of Southern Nevada, CCSN
18 which is now CSN. He was the vice president over their
19 facilities department. Thad Skinner, Mathew Goins and
20 George Casal are also employees with the college and worked
21 under William "Bob" Gilbert. Lloyd Hafen, Gary Hafen and
22 Dave Wilson are all principal owners of a construction
23 company here in Las Vegas called WGDL.

24 Now the nature of this case stems from a
25 couple of perspectives. First of all we're alleging that

4

1 Bob Gilbert in his capacity was able to take property owned
2 by the community college and transport it up to his house
3 up on Mt. Charleston. That property consisted of
4 construction equipment as well as building materials that
5 were purchased through various vendors that the college had
6 contracts with. And as a result of him using the
7 construction equipment owned by the college and obtaining
8 materials through these vendors on the college's accounts
9 he was able to build his home up at Mt. Charleston. And
10 Thad Skinner, Mathew Goins, George Casal all helped him in
11 that respect. In addition, while Thad Skinner, Mathew
12 Goins and George Casal were helping Mr. Gilbert build his
13 house they were suppose to be working at the college during
14 those days.

15 Lloyd Hafen, Gary Hafen and Dave Wilson,
16 as principal owners of WGDL, entered into a contract with
17 the college to provide laborers. The college would send
18 out to bid contracts asking certain companies to provide
19 day laborers to the college that they, the college, could
20 use to then build projects on the campuses. WGDL was
21 awarded several of those contracts. In those contracts
22 they were precluded, WGDL was precluded from hiring any CSN
23 employees and/or their family members and then turning
24 around and saying these are the laborers that we're
25 providing to the college. The allegation is that what they

4

1 did is they hired George Casal and Thad Skinner and then
2 turned around and loaned them out to the college and as a
3 result of that they took away services that the college
4 would normally get from these two individuals as normal
5 employees and they also received compensation for loaning
6 those employees out.

7 Okay. So that's kind of an overview.

8 At this point is there anybody here, based on that and
9 looking at the proposed witnesses, that would have any
10 apparent conflicts that would cause them to be biased and
11 prejudiced either against the State or these proposed
12 individuals?

13 Yes. State your name please for the
14 record.

15 JUROR GUERINO: Mike Guerino, G-u-e-r-i-n-o.
16 I feel I could be impartial, but my agency, Department of
17 Transportation, who I work for, was contacted and we were
18 there for several days hauling all this equipment away.

19 MR. HAFEN: Were you involved in that?

20 JUROR GUERINO: Yes, I actually did loading
21 the equipment on trucks and hauled it away for several
22 days.

23 MR. HAFEN: Is there anything about the nature
24 of your involvement in doing that that would cause you to
25 be biased or prejudiced against any of these seven

4 1 individuals in the proposed Indictment?

2 JUROR GUERINO: No.

5 3 MR. HAFEN: You feel you could be fair?

4 JUROR GUERINO: Yes.

5 MR. HAFEN: Did you talk to any individuals
6 from the Attorney General's Office, any investigators up
7 there, or Mr. Gilbert or anybody that was at that house
8 about what you were doing or what this was about?

9 JUROR GUERINO: Not with Mr. Gilbert. I did
10 see him on-site. I believe that's who it was because they
11 said it was the homeowner. I did talk to some of the
12 detectives just to find out why we were doing this and they
13 basically said what you said,

14 MR. HAFEN: Okay. All right. Well, at this
15 time I don't feel comfortable with you sitting in on this.
16 I really don't. If we do that though that's going to --
17 we've got thirteen right now?

18 THE FOREPERSON: Fourteen.

19 MR. HAFEN: Okay. We need at least twelve.
20 So I don't feel comfortable having you here deliberating on
21 this so --

22 JUROR GUERINO: It's your call.

23 MR. HAFEN: So why don't you go ahead and I'll
24 excuse you.

25 JUROR GUERINO: How long are we going to be?

5 1 MR. HAFEN: Today is going to be all day.

2 JUROR GUERINO: This is for the rest of the
3 day?

4 MR. HAFEN: And then it's going to spill over
5 until next Thursday. I expect I'll be able to wrap this up
6 by noon next Thursday.

7 MR. GUERINO: Okay. Then I need to find out
8 what I have to do.

9 MR. HAFEN: Again I want to be fair to these
10 individuals and I just don't feel comfortable with you
11 deliberating on this.

12 JUROR GUERINO: That's fine. Bye you all.

13 (At this time, Juror Michael Guerino
14 exits the proceedings.)

15 MR. HAFEN: Okay. In addition to what I've
16 told you, this case also generated some media attention
17 about a year ago. There was a big article in the paper.
18 Did anybody read that or remember, do you remember reading
19 about this case in any of the newspapers here in Las Vegas?

20 Okay. Good.

21 Is there any other reason why you
22 wouldn't be able to look at the evidence and judge it
23 fairly and be fair to both sides in this case?

24 Does anybody know any of the witnesses,
25 proposed witnesses?

5 1 A JUROR: No.

2 MR. HAFEN: Does anybody have any contact with
3 the college or with the Attorney General's Office or with
4 WGDL that might cause them to be biased or prejudiced one
5 way or the other on this case?

6 Okay. Seeing no hands or nobody
7 indicating they could not be fair, let's just go over the
8 Indictment then.

9 I've set forth forty counts and I've
10 laid it out according to the individuals named in the
11 Indictment. The first seventeen counts all relate to
12 William "Bob" Gilbert and they're all theft counts and I'm
13 just going to read Count 1. It says that the defendant,
14 William Gilbert, without authority, knowingly converts,
15 make an unauthorized transfer in, or without authorization
16 controls any property of another person and the value of
17 the property is twenty-five hundred dollars or more,
18 to-wit: That between March 1, 2007 to June 13, 2007, the
19 defendant converted, transferred or controlled numerous
20 Community College of Southern Nevada pallets of MW eight
21 inch by eight inch by sixteen inch cinder block at his Mt.
22 Charleston, Nevada residence, and at the time the defendant
23 converted, transferred or controlled the cinder blocks,
24 their value was twenty-five hundred dollars or more.

25 That same type of charge is set forth in

5 1 Counts 2, 3, 4, 5, 6, 7, 8, 9, and so I'm not going to read
2 2 all of those counts because the elements are fairly much
3 3 the same. The only difference is some of the counts
4 4 require two hundred fifty dollars or more and some of the
5 5 other counts require twenty-five hundred dollars or more.

6 Then if you look at Counts 10, 11, 12
7 7 and 13, they charge Mr. Gilbert with misconduct of a public
8 8 officer. And again in Count 10 it says that the defendant,
9 9 William Gilbert, being a public officer, employs or uses
10 10 any person, money or property under his official control or
11 11 direction, or in his official custody, for the private
12 12 benefit or gain of himself or another, to-wit: That between
13 13 March 1, 2007 and June 13, 2007, defendant used pallets of
14 14 cinder block belonging to the Community College of Southern
15 15 Nevada and under his official control or direction to help
16 16 build his Mt. Charleston, Nevada residence.

17 Then if you go to Count, and again those
18 18 are the same type of charges, 11, 12 -- 10, 11, 12 and 13.

19 Then if you go to Count 14, 15, 16 and
20 20 17, it's again the same theft charges that I read before.

21 Then picking up on Count 18 are the
22 22 allegations relating to Thad Skinner and all these counts
23 23 relate to Thad Skinner being a principal to the crime of
24 24 theft and what we allege, and I won't go through
25 25 necessarily those counts, but basically we're alleging that

6 1 he aided and abetted another individual in committing the
2 crime of theft.

3 And then if you flip through to page 12
4 you'll see it pickup with Mathew Goins and we've alleged
5 there three counts of principal to the crime of theft.
6 Again that he aided and abetted another individual to
7 commit the crime of theft. And then we've also charged
8 Mathew Goins in Count 31 and 32 with obtaining money by
9 false pretenses and the charge in that is that the
10 defendant, Mathew Goins, being a person who knowingly and
11 designedly by any false pretenses obtains from any other
12 person any money or other valuable thing, with the intent
13 to cheat or defraud the other person and the money or other
14 valuable thing is two hundred fifty dollars or more,
15 to-wit: That between August 1, 2006 and December 31, 2006,
16 defendant would leave during scheduled work hours with the
17 Community College of Southern Nevada and travel to Bob
18 Gilbert's residence on Mt. Charleston located at 9045 Barr
19 Avenue, Las Vegas, Nevada, to work on Gilbert's house.
20 During this time defendant accepted wages from CCSN for
21 work he never performed at CCSN. The amount in wages paid
22 to the defendant by CCSN during this period was two hundred
23 fifty dollars or more.

24 And then if you turn to Counts,
25 beginning with 33, 33 and 34, all relate to George Casal,

6 1 again obtaining money by false pretenses, and those same
2 elements that I just read concerning Mathew Goins obtaining
3 money under false pretenses are the same type of elements
4 for Mr. Casal.

5 And then the last six counts are theft.
6 Counts 35 and 36 all relate to Lloyd Hafen committing the
7 theft by misrepresentation, Gary Hafen in Counts 37 and 38
8 committing the theft by misrepresentation, and then Count
9 39 and Count 40 relate to Dave Wilson again committing
10 theft through misrepresentation.

11 Okay. Does anybody have any questions
12 concerning the proposed Indictment?

13 In regard to the packet of instructions
14 that you have, I provided you with the elements of each of
15 the charges. I've also given you some definitions of
16 several things relating to the property or, excuse me,
17 relating to the theft counts, the misconduct of a public
18 officer and the obtaining of money by false pretenses, as
19 well as principal to the crime of theft.

20 Okay. Any questions before I bring in
21 the first witness?

22 Okay. The first witness will be Anthony
23 Ruggiero. He was a former investigator with the Nevada
24 Attorney General's Office.

25 THE FOREPERSON: Please remain standing and

6 1 raise your right hand.

2 You do solemnly swear the testimony you
3 are about to give upon the investigation now pending before
4 this Grand Jury shall be the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 MR. RUGGIERO: I do.

7 THE FOREPERSON: Please be seated.

8 MR. RUGGIERO: Thank you.

9 THE FOREPERSON: You are advised that you are
10 here today to give testimony in the investigation
11 pertaining to the offenses of theft, misconduct of a public
12 officer, principal to the crime of theft, and obtaining
13 money by false pretenses, involving Dave Wilson, Thad
14 Skinner, Mathew Goings, George Casal, William "Bob"
15 Gilbert, Lloyd Hafen and Gary Hafen.

16 Do you understand this advisement?

17 MR. RUGGIERO: Yes.

18 THE FOREPERSON: Please state your first and
19 last name spelling both for the record.

20 MR. RUGGIERO: My name is Anthony Ruggiero.
21 A-n-t-h-o-n-y, R-u-g-g-i-e-r-o.

22 THE FOREPERSON: Thank you.

23 MR. HAFEN: Thank you.

24 ///

25 ///

6 1 Q And what was your title in that office?

2 A Investigator.

3 Q Did you work for different units within that
4 office?

5 A Yes.

6 Q How long did you work in the Attorney
7 General's Office as an investigator?

8 A Nearly seven years.

9 Q Describe your duties and responsibilities
10 during that seven year period.

11 A My duties and responsibilities included
12 investigating allegations of fraud, public integrity,
13 ethics violations, misconduct by public officials, theft.
14 Basically I was a criminal investigator investigating
15 violations of the Nevada Revised Statutes, criminal
16 violations.

17 Q Describe the extent of your education.

18 A I have a Bachelor of Science degree from a
19 four year college, I attended law school, and I am a POST
20 certified peace officer in the State of Nevada.

21 Q During the time that you've been an
22 investigator describe what type of training you've
23 received.

24 A My training includes defensive tactics
25 training, firearms training, fraud investigations training,

7
1 and becoming a teacher, a POST certified instructor, but
2 mainly investigative techniques and investigative skills
3 training. Also constitutional law training and search and
4 seizure training. It runs the gamut.

5 Q Okay. During the time you've been an
6 investigator how many theft-related cases have you
7 investigated?

8 A I couldn't give you an exact number but it's
9 been many.

10 Q Over fifty?

11 A I would say between twenty-five and fifty.

12 Q Directing your attention to March of 2007, did
13 there come a time when you read an article in the Las Vegas
14 Sun?

15 A Yes.

16 Q And as a result of you reading that article,
17 did that cause you to begin a subsequent investigation?

18 A Yes.

19 Q Who was the target of that subsequent
20 investigation?

21 A William Robert Wilbert.

22 Q Was he also known as Bob Gilbert?

23 A Yes.

24 Q Did anyone assist you at the beginning of that
25 investigation?

7

1 A Yes.

2 Q Who was that?

3 A Investigator Michelle Chase.

4 Q In regard to the investigation and as it
5 developed, would it be fair, Chief Ruggiero, to say that
6 the investigation turned into three parts; property that
7 was taken from CCSN by Bob Gilbert and other individuals,
8 employee misconduct, and then misconduct by a company
9 called WGDL?

10 A Yes.

11 Q Okay. What I want to do is I want to talk
12 initially about the property element of your investigation,
13 CCSN property. Okay?

14 A Yes.

15 Q All right. Now after reading the article in
16 the Las Vegas Sun, did you and investigator Michelle Chase
17 go somewhere?

18 A Yes.

19 Q Directing your attention to the latter part of
20 March 2007, did you go to Bob Gilbert's house?

21 A Yes.

22 Q Where is that located?

23 A It's, the address is 9045 Barr Avenue which is
24 off of Kyle Canyon Road on Mt. Charleston.

25 Q What county is that located in?

7 1 A Clark County.

2 Q When you and Investigator Chase arrived at
3 that location describe what you initially saw.

4 A We saw a very large acreage of property, it
5 was completely surrounded with cinder block wall, a
6 finished wall. There was two entrances to the property,
7 one on the left which was a closed gate and it had a sign
8 on it that said construction entrance, and the entrance on
9 the right was open and that's what we observed. We
10 observed the house that was being constructed in the front
11 and there was a finished house towards the rear of the
12 property.

13 Q Did there come a time when you entered onto
14 the property and went to the front door?

15 A Yes, but it was the front door to the finished
16 house in the rear of the property.

17 Q As you were driving to the front door of the
18 finished house, describe what you saw.

19 A There was construction material, there were
20 construction equipment, it was just all over. I mean you
21 couldn't go anywhere without seeing some type of
22 construction material, whether it was two-by-fours, cinder
23 blocks, just a bunch of construction material as we made
24 our way to the finished house that was in the rear and
25 there was construction equipment all over the place.

7 1 Q As you went to the front door of the finished
2 house did you knock on the door?

3 A Yes.

4 Q And did you find anybody home at that point?

5 A No.

6 Q What did you do?

7 A We attempted to, the reason why we went there
8 was an attempt to speak with Mr. Gilbert about that Las
9 Vegas Sun article. There was a vehicle in the driveway and
10 we left, I think Investigator Chase left her business card
11 on the windshield to have him give us a call so that we
12 could speak with him.

13 Q And then did you leave the premises at that
14 point?

15 A Yes.

16 Q Did you go back the same way that you entered?

17 A Yes.

18 Q Did there come a time when you returned back
19 to Mr. Gilbert's residence at Mt. Charleston just a few
20 days later?

21 A Yes.

22 Q Who did you go with?

23 A Once again Investigator Chase.

24 Q Okay. Now the first visit, in addition to you
25 and Investigator Chase, was anybody else with you?

8

8

1 A Yes.

2 Q Who was that?

3 A That was Deputy Chief Investigator Greg Smith.

4 Q And where is he employed?

5 A At the Nevada Attorney General's Office.

6 Q Okay. So a couple days later you and
7 Investigator Michelle Chase return back to Mr. Gilbert's
8 residence; is that correct?

9 A Yes.

10 Q When you get there the second time what do you
11 see?

12 A It was the same thing that we saw the first
13 time. We saw the large acreage of property, the finished
14 cinder block wall around, the gate to the left once again
15 was closed, the gate to the right, the construction
16 entrance once again was open, and the house that was being
17 constructed in the front and the finished house in the
18 rear.

19 Q Did you attempt to locate Mr. Gilbert?

20 A Yes. Once again we went to the back house,
21 the finished house, and tried to make contact with Mr.
22 Gilbert.

23 Q What was the result of that?

24 A No one was home.

25 Q Finding nobody home what did you and

8 1 Investigator Chase do next?

2 A All the materials and equipment that we had
3 observed in plain sight on his property was in line with
4 what the allegations were in that Las Vegas Sun article and
5 the allegations were that Mr. Gilbert was stealing or using
6 equipment and materials from CCSN to build a house. So it
7 all seemed to corroborate and all this material was in
8 plain sight and we observed it.

9 Q At that point did you or Investigator Chase
10 then begin to take pictures of Gilbert's property?

11 A Yes, Investigator Chase took pictures.

12 Q Okay. I'm going to hand you what has been
13 marked as Grand Jury Exhibit 3.

14 A Can I add one thing?

15 Q No.

16 A Okay.

17 Q Go ahead and take a look at that.

18 Have you had a chance to look at that
19 exhibit?

20 A Yes.

21 Q What did you want to add?

22 A I wanted to add on both occasions when we went
23 to that finished house at the rear there was no one else on
24 the property to speak to, there were no construction
25 workers, no one else to ask any questions about any of

8 1 this, anything that we observed. Sorry.

2 Q Okay. What is Grand Jury Exhibit 3?

3 A These are some of the photos that Investigator
4 Chase took of the materials that were in plain sight on Mr.
5 Gilbert's property.

6 Q And how do you recognize them?

7 A I personally observed this.

8 Q Does this exhibit fairly and accurately then
9 depict what you saw that day at Gilbert's house?

10 A Absolutely.

11 Q Go ahead and admit Exhibit 3. Pass those
12 around.

13 Now in regard to this particular
14 exhibit, what did it show or what does it show?

15 A It showed a number of pallets of cinder block
16 that were situated near his finished house and they were
17 shrink wrapped. They had the name Gilbert spray painted in
18 blue along the side and they had a will call delivery slip
19 from Home Depot which was on each of the pallets and it
20 indicated delivered to CCSN.

21 Q Why was it significant that you noted that it
22 had the sticker CCSN on the shrink wrap?

23 A Because the allegations that we had were that
24 Mr. Gilbert was misappropriating materials by way of the
25 CCSN Home Depot account.

8 1 Q Okay. So you see pallets of cinder block
2 there on his residence and it's actually got a CCSN sticker
3 on it; correct?

4 A It was a Home Depot sticker with deliver to
5 CCSN, yes.

6 Q Okay. Now how many pictures were taken that
7 day of what you could see in plain view?

8 A Over two hundred.

9 Q Okay. After doing that did you and
10 Investigator Chase return back to the office?

11 A Yes.

12 Q Did there come a time when Investigator Chase
13 contacted Home Depot?

14 A Yes.

15 Q And what was the reason for her contacting
16 Home Depot?

17 A On those stickers that were attached to those
18 pallets of cinder block there was an invoice number or a
19 purchase order number and she contacted Home Depot to get
20 more information regarding that number.

21 Q And was she able to obtain some documents from
22 them?

23 A Yes.

24 Q Did she provide those documents to you?

25 A Yes.

8 1 Q I'm going to hand you Grand Jury Exhibit 4.
2 What is that exhibit?

9 3 A This was the fax transmission -- the first
4 sheet is the fax transmission from the community college.

5 Q Let me stop you. To kind of speed things up,
6 just generally what is that exhibit?

7 A These were the documents that Investigator
8 Chase received from the Home Depot.

9 Q And how do you recognize that exhibit?

10 A I personally reviewed these documents.

11 Q Okay. They appear to be true and correct
12 copies of those documents that she provided to you?

13 A Yes.

14 Q Okay. Now after you received these documents
15 did you make some type of comparison with these documents
16 to the information that was depicted in or on the tag?

17 A Yes.

18 Q On the shrink wrap of the pallets?

19 A Yes.

20 Q What did you do in that regard?

21 A It was the same number.

22 Q And so what did that lead you to believe?

23 A That led us to believe that those materials
24 were purchased by the college, because on those invoices it
25 says the Community College of Southern Nevada, it's their

9 1 account that was used to purchase those cinder blocks.

2 Q And now you find them up at Gilbert's house at
3 Mt. Charleston and the name Gilbert is spray painted on the
4 side of one of the pallets, correct?

5 A On a couple of the pallets.

6 Q Okay. After obtaining the documents, the
7 records from Home Depot, did there come a time when you and
8 Investigator Chase visited other locations on CCSN
9 campuses?

10 A Yes.

11 Q What locations did you visit?

12 A We visited the West Charleston campus and we
13 had visited the Henderson campus.

14 Q Okay. I'm going to hand you Grand Jury
15 Exhibit 7 marked for identification. Will you look at that
16 please.

17 A Okay.

18 Q And what is that exhibit?

19 A These are photos that were taken at the West
20 Charleston Community College of Southern Nevada campus.

21 Q How do you recognize that exhibit?

22 A I personally observed this.

23 Q And do those pictures in that exhibit
24 accurately depict what you and Investigator Chase saw the
25 day that you visited that campus?

9 1 A Yes.

2 Q What was the purpose for you going to the West
3 Charleston campus?

4 A In this exhibit there are pictures of the K
5 building of the West Charleston campus and there is a
6 redstone or a flagstone that is used on the face of that
7 building and we observed pallets of that redstone or that
8 flagstone at Mr. Gilbert's residence. In addition to that
9 when we were there to see the K building we also observed a
10 little corral, a fenced-in corral, and that contained more
11 of the same palletted cinder block with the tag, with the
12 Home Depot tag on the side. So we saw that at the college
13 as well.

14 Q Okay. And why was that important in your
15 investigation?

16 A That indicated that it was purchased by the
17 college and delivered to the college.

18 Q So the same type of cinder block that you see
19 at the West Charleston campus were also the same type of
20 cinder blocks that you saw up at Gilbert's house, correct?

21 A Yes.

22 Q In addition to that you saw flagstone at West
23 Charleston campus, correct?

24 A That --

25 Q Did you also see that type of flagstone in

9 1 your second visit to Bob Gilbert's house?

2 A Yes.

3 Q Now did there come a time when you executed a
4 search warrant in regard to this case?

5 A Yes.

6 Q Directing your attention to June 13, 2007, is
7 that the date that search warrants were executed?

8 A Yes.

9 Q How many search warrants were executed on June
10 13, 2007?

11 A It was one search warrant but it encompassed
12 four different locations.

13 Q What were those four different locations?

14 A The four different locations were Bob
15 Gilbert's house up on Mt. Charleston, Bob Gilbert's house
16 at the Cheyenne campus of the College of Southern Nevada,
17 the Financial Services and Fiscal Offices of the Community
18 College of Southern Nevada at the Cheyenne campus, and a
19 labor contract company named WGDL.

20 Q As a result of executing the search warrant at
21 those locations, and let's begin with Mr. Gilbert's house,
22 did investigators seize certain property?

23 A Yes.

24 Q During the time of the search warrant was a
25 videotape also taken of the premises?

9 1 A Yes.

2 Q Now I want to hand you, I'm handing you Grand
3 Jury Exhibit 5. Okay. Does that exhibit contain some of
4 the photos that were taken during the second visit by you
10 5 and Investigator Chase at Bob Gilbert's house?

6 A Yes.

7 Q Okay. Does that exhibit then accurately
8 depict what you guys saw during that second visit?

9 A Yes.

10 Q Okay. Ladies and gentlemen, in order to put
11 this all in perspective I'm going to show you these
12 pictures as well. I know there is a lot but be patient
13 with me.

14 And again just so the record is clear,
15 Exhibits 4 and 5 are admitted into evidence.

16 There is Exhibit 5. Okay. Now during
17 the execution of these search warrants or the search
18 warrant at these different locations, where did you go on
19 that day?

20 A I was at the Community College of Southern
21 Nevada Cheyenne campus, because there were two locations on
22 the Cheyenne campus and the labor contractor WGDL was close
23 to that, close to the campus, it was in the proximity of
24 that campus, so I was near at least three locations if
25 needed to answer any questions of the searching

10

1 investigators.

2 Q So were you the lead investigator that was
3 kind of supervising that aspect of the execution of the
4 search warrants that day?

5 A Yes, those locations.

6 Q Did you assign somebody to be the supervising
7 investigator up at Bob Gilbert's house on Mt. Charleston?

8 A Yes.

9 Q Who was that person?

10 A Investigator Michelle Chase.

11 Q And then was there somebody assigned to be the
12 supervising investigator at the WGDL offices?

13 A Yes.

14 Q Who was that?

15 A Senior Investigator Larry Allred.

16 Q Okay. Now how long did the execution of the
17 search warrant take at these different locations?

18 A It took all day at the two CCSN locations, it
19 took the morning or half a day at the WGDL location, and it
20 went into the following day at Bob Gilbert's house.

21 Q Why did it go into the following day at Bob
22 Gilbert's house?

23 A There was a piece of equipment that we
24 couldn't seize on the first day because we didn't have the
25 right equipment to get it out of there. It was a Grove

10 1 Manlift and we needed to get additional equipment to seize
2 that item and transport it out. So we had two
3 investigators stay at the house overnight to ensure that it
4 remained at the house.

5 Q Now focusing on Gilbert's house up at Mt.
6 Charleston, as a result then of that search were you able
7 to obtain and observe for yourself certain property taken
8 from his residence?

9 A Yes.

10 Q During the course of the execution of that
11 search warrant, either before or after, does there come a
12 time when you contacted the community college and asked
13 them for documentation relating to cinder blocks?

14 A Yes.

15 Q I'm going to hand you Grand Jury Exhibit 6.
16 Take a look at that exhibit.

17 A Okay.

18 Q What is that exhibit?

19 A This is the Community College of Southern
20 Nevada purchase request, purchase order, and the
21 corresponding invoices from Home Depot with respect to a
22 fourteen thousand six hundred forty dollar purchase of
23 cinder block.

24 Q And how is it that you recognize that exhibit?

25 A I personally observed these documents.

10

1 Q And is that what community college provided to
2 you upon your request?

3 A Yes.

4 Q Now when you observed or were involved in the
5 property seizure at Bob Gilbert's house, was there a place
6 where that property was taken?

7 A Yes.

8 Q Where was it taken?

9 A The Nevada Highway Patrol impound lot.

10 Q Why was all the property taken there?

11 A For safekeeping.

12 Q Once it was taken there did you have an
13 opportunity to visit that lot?

14 A Yes.

15 Q I'm going to hand you Grand Jury Exhibit 8.

16 A Okay.

17 Q What is that exhibit?

18 A That is a paint sprayer.

19 Q Is it a photograph?

20 A Yes. I'm sorry.

21 Q Of what?

22 A Of a paint sprayer.

23 Q How do you recognize that exhibit?

24 A I personally observed this.

25 Q And does that exhibit accurately depict the

10 1 paint sprayer you saw?

2 A Yes.

3 Q Now focusing on this paint sprayer, did you
4 attempt to obtain documentation from the community college
5 in regard to that paint sprayer?

6 A Yes.

7 Q Hand you what has been marked as State's
8 Exhibit 9. What is that exhibit?

9 A This is a Community College of Southern Nevada
10 inventory control and asset summary inquiry for that paint
11 sprayer.

12 Q This exhibit, Exhibit 9, the community college
13 provided this to you directly, correct?

14 A Yes.

11

15 Q I'm going to hand you Grand Jury Exhibit 10.
16 What is that exhibit?

17 A This is a hoist lift.

18 Q How do you recognize it?

19 A I personally observed it.

20 Q Is it a photograph?

21 A It's a photograph.

22 Q Of a chain hoist?

23 A Yes.

24 Q And does this exhibit fairly and accurately
25 depict the chain hoist that you saw?

11

1 A Yes.

2 Q And where did this chain hoist come from?

3 A Mr. Gilbert's residence.

4 Q Go ahead and admit Exhibit 10.

5 Hand you Exhibit 11. What is that
6 document?

7 A This is a Community College of Southern Nevada
8 inventory control sheet for that item.

9 Q What item?

10 A The hoist chain lift.

11 Q And how do you recognize it?

12 A I personally reviewed this document and I
13 received it from the college pursuant to my request.

14 Q Okay. We'll take just a short little break
15 while she marks that.

16 Chief Ruggiero, I hand you what has been
17 marked as Grand Jury Exhibit 12. What is that exhibit?

18 A A photograph.

19 Q How many?

20 A One, two, three, four -- six.

21 Q Okay. And how do you recognize that exhibit?

22 A I personally observed it.

23 Q Is the exhibit, the photographs in that
24 exhibit fairly and accurately depict what you observed or
25 accurately depict what you observed in those pictures?

11

1 A Yes.

2 Q Okay. What is that? What is depicted in
3 those pictures?

4 A This is the Grove Manlift that we had to wait
5 a day to seize from his house. It's a very big equipment,
6 item, equipment. It's a very big piece of construction
7 equipment.

8 Q As with this piece of property, as well as the
9 chain hoist and the paint sprayer, were you also able to
10 observe a serial number or some type of a number on those
11 pieces of equipment?

12 A Yes.

13 Q And you observed the photographs of those
14 serial numbers, correct?

15 A Yes.

16 Q And the serial numbers depicted in those
17 photos of the chain hoist, the paint sprayer and now the
18 Grove Manlift, do they all depict the same serial numbers
19 or numbers that you saw when you observed these property?

20 A Those are true and accurate depictions of
21 those serial numbers.

22 Q Okay. I'm going to hand you Grand Jury
23 Exhibit 13. What is that exhibit?

24 A This is the College of Southern Nevada fixed
25 assets report for items that were seized from Bob Gilbert's

11

1 house.

2 Q How do you recognize this exhibit?

3 A I personally received these and reviewed them
4 from the Community College of Southern Nevada.

5 Q So now, Chief Ruggiero, in regard to the chain
6 hoist, the paint sprayer and the manlift, you were able to
7 obtain a serial number or asset number off of these three
8 pieces of property, correct?

9 A Yes.

10 Q And then you obtained corresponding
11 documentation from the community college relating to those
12 three pieces of equipment, correct?

13 A Yes.

14 Q Did you make a comparison of the information
15 you received on those documents or the information you
16 received from those documents that the community college
17 provided to you and what you observed when you looked at
18 those three pieces of equipment?

19 A Yes.

20 Q What type of comparison did you make?

21 A I determined that the serial numbers or asset
22 numbers or model numbers, whatever was contained on the
23 tags that were affixed to those items, was the same as the
24 serial number, model number or asset number that was
25 contained in the fixed asset information that I received

11 1 from the College of Southern Nevada.

2 Q Okay.

3 A Community College of Southern Nevada.

4 Q So it was community college property on
5 Gilbert's house on June 13, 2007, correct?

6 A Yes. And those photos of that Grove Manlift
7 were taken at his residence.

8 Q Now what do you mean during -- at what point
9 in time?

10 A When we had gone there the second time in
11 March of 2007.

12 Q Okay. And I think you previously testified
13 that the search that was executed at Mr. Gilbert's house
14 was videotaped; is that correct?

15 A Yes.

16 Q Who videotaped that; do you recall?

17 A I wasn't at that location and I am not
18 certain.

19 Q Okay. Did there come a time when you reviewed
20 that videotape?

21 A Yes.

22 Q And why did you review it?

23 A I reviewed that videotape to determine if
24 there were any other items that were notable with respect
25 to the allegations concerning theft of materials or theft

11 1 of equipment.

12 2 Q As you were reviewing it did there come a time
3 when you looked at the video and noticed a particular or
4 particular items of interest?

5 A Yes.

6 Q What were those items of interest?

7 A They were fifty pieces of two-by-four and I
8 forget how many bags of Versabond.

9 Q After viewing those items, the two-by-fours
10 and the Versabond, did you contact anybody?

11 A I don't recall contacting anybody.

12 Q Did you obtain documentation relating to those
13 items from an entity?

14 A Yes. I had the documentation from the College
15 of Southern Nevada, Community College of Southern Nevada,
16 with regard to all the Home Depot purchases that were made.

17 Q So did you go back and review those Home Depot
18 purchases to see if they matched up with what you saw in
19 the videotape relating to the two-by-fours and the
20 Versabond?

21 A Yes.

22 Q I hand you Grand Jury Exhibit 14. Now
23 generally speaking what is that exhibit?

24 A This is a Home Depot customer invoice for
25 fifty pieces of two-by-fours and twenty bags of

12

1 Versabonding mortar.

2 Q Is there anything else attached to that
3 exhibit?

4 A Yes.

5 Q What is that?

6 A This is a photograph of a Home Depot will call
7 screen.

8 Q Now how is it that you recognize this exhibit?

9 A I took that photograph. I personally observed
10 it.

11 Q What about the documents in that exhibit?

12 A I personally reviewed these documents and
13 received those documents from CCSN.

14 Q Okay. So at this point then you've matched up
15 a Home Depot invoice with what you observed with the
16 materials you observed on the videotape that was taken
17 during the execution of the search warrant on June 13th of
18 '07, correct?

19 A Yes.

20 Q What type of follow-up or additional
21 investigation did you engage in after coming to that
22 conclusion?

23 A Well, once I reviewed these invoices I went to
24 Home Depot to determine who picked up these items or who
25 received these items from the Home Depot. They were unable

12 1 to give me a signed receipt for those items, but they were
2 able to show me on their computer who picked it up and the
3 name. The pickup name was Thad.

4 Q Okay. And in the course of your investigation
5 did you come across an individual whose first name was
6 Thad?

7 A Yes.

8 Q What was the complete name?

9 A Thad Skinner.

10 Q Now as you would review these Home Depot
11 documents, was it important for you to compare it to any
12 documents, any other documents given to by the community
13 college?

14 A I tried to make as many comparisons as
15 possible.

16 Q And specifically what would you try to compare
17 the Home Depot documents to in regard to the documents you
18 received from the community college?

19 A I tried to draw the nexus and show an
20 association between the materials that were purchased with
21 regard to cell phone records that I had received from the
22 college with respect to CCSN employees.

23 Q Okay. Let me backup.

24 Did the community college provide to you
25 documents that they called purchase orders?

12

1 A Yes.

2 Q What was important about those purchase
3 orders?

4 A To determine who was requesting, who was
5 signing for those purchase orders at the college to get
6 approval to purchase these materials and then it was very
7 important for me to determine who from the college was
8 picking up these materials at the Home Depot.

9 Q Okay. In regard to the purchase orders that
10 the community college gave to you, was there an associated
11 purchase order number?

12 A Yes.

13 Q Would you take that purchase order number and
14 look at the Home Depot documents to see if that number was
15 on those documents as well?

16 A Yes, I tried to find the corresponding
17 information all the time.

18 Q Okay. And when it came to the two-by-fours
19 and the Versabonding, did you make that same comparison?

20 A Yes.

21 Q Okay. And you found a common purchase order
22 number that was on the Home Depot invoices, correct?

23 A Yes.

24 Q Now after the search was completed at Mr.
25 Gilbert's home, did there come a time during the course of

12 1 your investigation that you became aware of some rental
 2 property that was also at his residence?

 3 A Yes.

 4 Q Whose rental property was it?

 5 A Ahern Rentals.

 6 Q After receiving that information did you then
 7 contact the college regarding the rental property?

13

 8 A Yes.

 9 Q What did you ask the college to provide?

 10 A I requested the same information that I had
 11 been requesting, all the invoices, all the purchase orders,
 12 all the purchase requests for Ahern Rentals and the
 13 Community College of Southern Nevada for a specific time
 14 period.

 15 Q I'm going to provide you Grand Jury Exhibit 15
 16 and Grand Jury Exhibit 16.

 17 A Okay.

 18 Q Take a minute and take a look at those two
 19 exhibits.

 20 A 15 and 16.

 21 Q Okay. After having reviewed Exhibits 15 and
 22 16, what are those two exhibits?

 23 A These are the limited purchase order from the
 24 Community College of Southern Nevada to Ahern Rentals for a
 25 particular item and then you have the Ahern Rentals

13

1 rental-out contract.

2 Q Generally what -- okay. What are these two
3 exhibits?

4 A Purchase orders and invoices.

5 Q And how --

6 A From Ahern Rental.

7 Q How do you recognize these two exhibits?

8 A I personally received and reviewed these two
9 documents.

10 Q Okay. Now what specifically were the rental
11 properties involved that you were looking at?

12 A We were concerned with two items in
13 particular. It was a forklift and a scissor lift.

14 Q And why is it that those two items now became
15 important?

16 A Because they were observed by the
17 investigators at Bob Gilbert's house when the search
18 warrant was being executed. In fact there was someone
19 operating the forklift at the time the investigators were
20 on the property executing the search warrant.

21 Q I apologize, Chief Ruggiero, I'm going to hand
22 you Grand Jury Exhibit 17. Now generally speaking what is
23 that exhibit?

24 A This is the purchase request, purchase request
25 and purchase order from the Community College of Southern

13 1 Nevada for the vendor Ahern Rental.

2 Q And how do you recognize it?

3 A Personally received and reviewed that
4 document.

5 Q Now did there come a time when Investigator
6 Chase handed you some documents that were obtained as a
7 result of the search at Bob Gilbert's house?

8 A Yes.

9 Q Hand you Grand Jury Exhibit 18. Take a minute
10 and take a look at that.

11 A Okay.

12 Q What is that document?

13 A These documents are photocopies that indicate
14 purchase order numbers, indicates a material list for
15 Gilbert residence and indicates scheduled activities,
16 scheduled completions for a job named residence with the
17 work item and descriptions for different time frames.

18 Q Is there anything about those documents that
19 became significant in your investigation?

20 A Yes.

21 Q And specifically what?

22 A These purchase orders are --

23 Q I'm sorry, purchase orders?

24 A Yes, purchase order numbers.

25 These purchase order numbers that are

13

1 listed on this document are Community College of Southern
2 Nevada purchase order numbers.

3 Q Did it also name any specific businesses that
4 became important in this investigation?

5 A Yes.

6 Q What two businesses became important?

7 A Well, the Home Depot is there, but we also had
8 CalPly and Ferguson and Nedco which all became very
9 important.

10 Q Okay. In regard to CalPly and Nedco, did you
11 follow-up with trying to obtain additional information on
12 those two businesses?

13 A Yes.

14 Q I'm going to hand you Grand Jury Exhibit
15 Number 19 and 20. What is Exhibit 19?

16 A 19 is the Nedco Supply invoice which includes
17 the purchase, the Community College of Southern Nevada
18 purchase request and purchase order for that invoice.

19 Q Okay. And what is Exhibit 20?

20 A Exhibit 20 is a CalPly invoice and a Community
21 College of Southern Nevada purchase request and purchase
22 order for that invoice.

23 Q And who provided these, the documents in
24 Exhibits 19 and 20?

25 A The Community College of Southern Nevada.

13 1 Q Now when you reviewed those documents in
2 Exhibits 19 and 20, what did you conclude?

3 A I concluded that the college had purchased
4 these items in these invoices.

5 Q What item was purchased in Exhibit 19?

6 A Exhibit 19, it is a switchboard, an electrical
7 switchboard.

8 Q And what item or materials were purchased in
9 Exhibit 20?

10 A In Exhibit 20 it's two hundred pieces of
11 two-inch Dryvit foam.

12 Q Now just to be clear, the switchboard was
13 purchased from what business?

14 A Nedco Supply.

15 Q And the Dryvit foam was purchased from what
16 business?

17 A CalPly.

18 Q Did there come a time when you talked to a
19 particular individual during the course of your
20 investigation about the Dryvit and the switchboard?

21 A Yes.

22 Q Who did that individual work for?

23 A Clark County.

24 Q In what capacity?

25 A Building inspector.

14 1 Q What was his name?

2 A Jerry Tippetts.

3 Q Did you show Jerry Tippetts these documents
4 that are in Grand Jury Exhibits 19 and 20?

5 A Yes.

6 Q Where did that meeting occur?

7 A It occurred at his office on Russell Road at
8 the Clark County Building Inspection offices on Russell
9 Road.

10 Q Now you've obtained property from Mr.
11 Gilbert's home, you've executed a search warrant at four
12 different locations, you've obtained documents from the
13 community college relating to purchases at Home Depot as
14 well as the corresponding P.O., purchase order documents.
15 Did there come a time when you began to interview specific
16 individuals in an attempt to corroborate the documents and
17 the equipment that you had in your possession during this
18 investigation?

19 A Yes.

20 Q Did you talk to an individual by the name of
21 Mario Balderas?

22 A Yes.

23 Q And who is Mario Balderas?

24 A Mario Balderas was the former facilities
25 supervisor, I think number four, facilities supervisor

14 1 four, at the Community College of Southern Nevada.

2 Q And where did you talk to him?

3 A At his home.

4 Q Was anybody with you?

5 A Yes.

6 Q Who was with you?

7 A Investigator Michelle Chase.

8 Q During this interview did you show Mr.
9 Balderas any photos?

10 A Yes.

11 Q Approximately how many photos did you show
12 him?

13 A We showed him the two hundred plus photos that
14 we had taken at Mr. Gilbert's residence the second day we
15 went there in March of 2007.

16 Q And what did he do with those photos?

17 A He observed quite a bit of material and
18 equipment that he believed --

19 Q No, no. What did he do with the photos?

20 A He looked at the photos. He reviewed the
21 photos.

22 Q During the time that he looked at those two
23 hundred plus photos, did he select any particular photos
24 from that group?

25 A Yes.

14 1 Q When he made that selection what did you do
2 with those pictures? Did you separate them out?

3 A Yes.

4 Q Did there come a time when you also talked to,
5 after this interview with Mr. Balderas, did you also talk
6 to a person by the name of Sal Saporito?

7 A Yes.

8 Q Who is Sal Saporito?

9 A Sal Saporito was the director of operations I
10 believe his title was at the Community College of Southern
11 Nevada. He also was a former --

12 Q Where did you talk to him?

13 A At his house.

14 Q And who was present besides you and Mr.
15 Saporito?

16 A Investigator Michelle Chase.

17 Q During that visit did you show Mr. Saporito
18 the two hundred plus photos that Michelle Chase took during
19 the second visit at Gilbert's house?

20 A Yes.

21 Q What did you see Mr. Saporito do?

22 A Mr. Saporito personally reviewed those
23 photographs.

24 Q And did he do anything with some particular
25 photographs?

14

1 A Yes.

2 Q What did he do?

3 A He identified certain photographs.

4 Q Were those the similar or same type of
5 photographs or similar photographs that Mr. Balderas had
6 also identified?

7 A Yes.

8 Q After talking with Mr. Saporito did you talk
9 to an individual by the name of Abraham Zuniga?

10 A Yes.

11 Q Who is Abraham Zuniga?

12 A I believe his title was painter. I'm not
13 certain what his title was. But he was also an employee or
14 a former employee of Community College of Southern Nevada.

15 Q Where did you interview Mr. Zuniga?

16 A At his house.

17 Q Who was present?

18 A Investigator Michelle Chase.

19 Q Now in this interview did you show Mr. Zuniga
20 any photos?

21 A I don't believe we did. I'm not certain. I
22 don't believe we did.

23 Q How long did that interview last if you
24 recall?

25 A About a half hour.

14

1 Q And then did you also, after that interview,
2 interview an individual by the name of Kevin Stich?

3 A Yes.

4 Q Who is Kevin Stich?

5 A Kevin Stich was another employee for buildings
6 and grounds at the Community College of Southern Nevada.
7 Former employee I believe as well.

8 Q Specifically what did he do?

9 A I believe he was a painter as well. I'm not
10 certain.

11 Q Okay. Could he have been a locksmith?

12 A He -- yes.

13 Q Okay. During that interview did you show him
14 some photographs?

15 A Yes.

16 Q And were those the two hundred plus
17 photographs that Michelle Chase had taken previously?

18 A Yes.

15

19 Q What did you see Mr. Stich do?

20 A Mr. Stich had identified, we had taken photos
21 of locks at Mr. Gilbert's residence and door handles and he
22 identified those door handles and locks as the same type of
23 door handles and locks that were throughout the community
24 college.

25 Q Okay. Now I know you interviewed several

15 1 other individuals during the course of this investigation,
2 correct, in addition to the ones we just covered?

3 A Yes.

4 Q Did there come a time however when the
5 investigation now began to focus not only on Bob Gilbert
6 but other specific Community College of Southern Nevada
7 employees?

8 A Yes.

9 Q Okay. Do you recall interviewing a person by
10 the name of Mathew Goins?

11 A Yes.

12 Q Where did that interview occur?

13 A That occurred at the Attorney General's
14 Office.

15 Q And how is it that Mr. Goins came to the
16 office? Did you call him?

17 A Yes.

18 Q Did he agree to come?

19 A Yes.

20 Q All right. Was anybody with you during that
21 interview?

22 A Yes.

23 Q When you began that interview did you tell Mr.
24 Goins what the interview was about?

25 A Yes.

15 1 Q What did you tell him?

2 A We told him that it was regarding the
3 allegations that Mr. Gilbert was using CCSN materials and
4 CCSN labor to build and construct his house up on Mt.
5 Charleston.

6 Q Okay. And just so we're clear, what did you
7 discover Bob Gilbert's title to be at the community
8 college?

9 A He was the vice president of operations and
10 planning.

11 Q Could it also have been planning and
12 facilities?

13 A Facilities and planning, yes.

14 Q At the beginning of the interview with Mr.
15 Goins did you ask him about his background as it relates to
16 CCSN?

17 A Yes.

18 Q What did he say?

19 A He told us how he rose through the ranks, how
20 he started as an electrician and then became a supervisor
21 and then became Gilbert's right hand person so to speak or
22 directly beneath Gilbert.

23 Q Did he tell you about his relationship with
24 Bob Gilbert?

25 A Yes, they were very close.

15 1 Q Do you recall if he indicated how long he had
2 known Bob Gilbert?

3 A I do recall him mentioning that, I can't
4 recall the specifics right now.

5 Q Now during the course of this interview did
6 you ask Mr. Goins about working at Bob Gilbert's house?

7 A Yes.

8 Q What did he say in that regard?

9 A He had indicated that he had done some wiring
10 at Mr. Gilbert's house, that he had done the wiring for the
11 generator to provide power up at Mr. Gilbert's house.

12 Q And did you ask him if he saw other CCSN
13 employees at Gilbert's house while he was there?

14 A Yes.

15 Q What did he say in that regard?

16 A He responded yes.

17 Q And did he give you some names?

18 A Yes.

19 Q What names did he give you?

20 A The names included Thad Skinner, it included
21 George Casal, it included Donald James, and I believe it
22 was Abraham Zuniga. Those were a few names, a few names of
23 CCSN employees that he observed up there.

24 Q Did he also give you the name of Fernando
25 Gonzalez and a Ron Reed?

15

1 A Yes.

2 Q Did you ask him about certain contractors or
3 vendors that did work for the community college?

4 A Yes.

5 Q What did he tell you in regard to who the top
6 contractors or vendors for the community college were?

7 A He gave us the names of the top vendors and
8 contractors for the Community College of Southern Nevada.

9 Q Right. What did he say in that regard?

10 A He told us that the top five contractors or
11 people, vendors that did business with the community
12 college, were Universal Paving, In-line Electric, WGDL,
13 Southern Nevada Construction, and I believe it was HVR
14 Builders. Those were the top five.

15 Q Now you testified previously that you had
16 discussed Mr. Goins visits up at Bob Gilbert's house. What
17 did he initially tell you about going up there?

18 A He said he would go there and work at his
19 house on the weekends.

20 Q Did he tell you what his work hours were?

21 A He's a classified employee and he worked
22 Monday through Friday for the college.

23 Q Was he able to give you specific hours each
24 day that he worked?

25 A He, I believe his hours were seven --

15 1 Q No, I don't want you to guess. If you did a
2 report and you need to refresh your recollection please let
3 me know.

16 4 A Okay. I'm not certain. I would need to refer
5 to my report.

6 Q Okay. Do you have that with you?

7 A Yes.

8 Q Okay. Will you take a minute and look at your
9 report.

10 A Okay.

11 Q Have you had a chance to review your report?

12 A Yes.

13 Q And does that help refresh your recollection?

14 A Yes.

15 Q Did he, did Mr. Goins during that interview
16 indicate what work hours he had while he was a CCSN
17 employee?

18 A Yes.

19 Q What did he say in that regard?

20 A He said his hours of work at CCSN were either
21 seven a.m. to 3:30 p.m. or eight a.m. to 4:30 p.m.

22 Q Okay. Now prior to this interview had you
23 pulled Mr. Goins' cell phone records as well as his leave
24 records from the community college?

25 A Yes.

16 1 Q During the interview did you inform him that
2 you had that information?

3 A Yes.

4 Q How did he react when you informed him that
5 you got his cell phone records as well as his leave
6 records?

7 A He told me that if the documents indicate he
8 was working or he was up at Gilbert's house during the time
9 he was working for CCSN then I was up at Gilbert's house
10 during the time I was supposed to be working at CCSN.

11 Q Did he make any other admissions in regard to
12 that during the interview?

13 A The only other information was that he said he
14 never got paid for work up at Gilbert's house, but if he
15 was up there then he would be being paid by the college
16 while he was up there.

17 Q Right. Okay.

18 Did -- go ahead.

19 I don't want you to look at your report.
20 Make sure you put that away.

21 During this interview did Mathew Goins
22 indicate he knew a Patrick O'Donnell?

23 A Yes.

24 Q How did he know Patrick O'Donnell?

25 A He knew Patrick O'Donnell because Patrick

16 1 O'Donnell was a CCSN employee and he had supervised him.

2 Q Did he indicate if Patrick O'Donnell had
3 worked at Gilbert's house?

4 A Yes, I believe he said he saw him work up
5 there.

6 Q Now staying with Mathew Goins for a minute,
7 let's go back to the cell phone records and the leave
8 records.

9 Before we do that, members of the Grand
10 Jury, it's a little after 10:30. Anybody want to take a
11 break, about five or ten minutes?

12 Okay. Let's go ahead and do that. I
13 know I'm getting tired too and I think Dani is.

14 (Recess.)

15 BY MR. HAFEN:

16 Q Mr. Ruggiero, we're now back on the record
17 after taking about a ten-minute break and everybody here is
18 present in the Grand Jury room.

19 Now during the course of your
20 investigation as it relates to Mathew Goins, I believe you
21 testified previously that you had pulled his cell phone
22 records as well as you obtained his leave records from the
23 college, correct?

24 A Yes.

25 Q Why did you want to look at Mathew Goins' cell

16

1 phone records?

2 A Well, cell phone records give you the point
3 where those cell phone calls are made from. I'm sure all
4 of you have seen the little cell phone towers throughout
5 the county. The cell phone records can tell you which cell
6 phone tower a particular cell phone call was made from.
7 When I reviewed those cell phone records I had determined
8 that there were only two or three cell phone towers close
9 to Mr. Gilbert's house up on Mt. Charleston. If everybody
10 knows where Mt. Charleston is, it's all the way up 95, 95
11 North, and it's a pretty secluded area, so my investigative
12 approach was to try to show the CCSN employees that had
13 CCSN issued cell phones were at or about Mr. Gilbert's
14 residence up on Mt. Charleston by showing where they were
15 making their cell phone calls.

16 Q Now did the cell phone records also provide
17 you with the time when the call was made or at least the
18 call hit that particular cell phone tower by Gilbert's
19 house?

20 A Yes, it would give me the date and the time.

21 Q Okay. In regard to the leave documents
22 relating to Mr. Goins, who provided those documents to you?

23 A The Community College of Southern Nevada.

24 Q Was there a particular person there at the
25 community college or a department that gave you those

16 1 documents?

2 A Yes.

3 Q Who or what department was that?

4 A It was Mr. Mueller from the human resources
5 department.

6 Q And why is it that you wanted Mathew Goins
7 leave records?

8 A I wanted to determine whether or not he was on
9 leave, whether annual leave, sick leave, some other type of
17 10 administrative leave, during the time he was supposed to be
11 working for the college when I had observed his cell phone
12 calls at or about Mr. Gilbert's residence up on Mt.
13 Charleston.

14 Q And if he was on annual leave or even sick
15 leave during the time those calls were made from his cell
16 phone, what would you have to conclude?

17 A That he was on his own time.

18 Q Okay. Now did you also come across some
19 documents containing Mr. Goins' signature or what you
20 confirmed was his signature?

21 A Yes.

22 Q And what were those documents connected to?

23 A Those were connected to the Home Depot and
24 other invoices where those items were received by Mr. Goins
25 or he signed for those items.

17 1 Q Was Nedco also involved?

2 A Yes. And I believe CalPly too.

3 Q And CalPly?

4 A I believe so.

5 Q Okay. I'm going to hand you several exhibits.

6 And we'll do this one at a time. I'm going to hand you

7 Exhibit 22, Grand Jury Exhibit 22. Take a look at that.

8 While you're looking at that exhibit,

9 did there come a time when you took the information from

10 Mr. Goins' leave records and cell records and summarize it

11 on a time line?

12 A Yes.

13 Q Did anybody assist you with that?

14 A Yes.

15 Q Who assisted you with that?

16 A Jill Mitchell. She's a program specialist for

17 the Office of the Attorney General.

18 Q Looking at exhibit, I think that was Exhibit

19 22, correct?

20 A I believe that's what you said.

21 Q Look on the back. Is that Grand Jury Exhibit

22 22?

23 A Yes.

24 Q Looking at Grand Jury Exhibit 22, what is that

25 exhibit?

17 1 A This is an exhibit of the plotting or the
2 charting that Jill Mitchell did with the information I
3 provided her with respect to Mr. Goins' cell phone records
4 and leave records at the community college in addition to
5 his payroll records.

6 Q And what's the time period? Where does it
7 start and where does it end? What month does it start and
8 what month does it end, as well as the year?

9 A It starts in July of 2006 and it ends in
10 December of 2007.

11 Q Okay. Now look at Grand Jury Exhibit 23.
12 What is that exhibit?

13 A This is Mr. Goins' personnel file.

14 Q How do you recognize it?

15 A I personally received it and reviewed it.

16 Q And is that the original documents from his
17 personnel file?

18 A Yes.

19 Q And does that exhibit contain the documents
20 that you used to help form the time line as set forth in
21 Grand Jury Exhibit 22?

22 A Yes. And may I make a clarification?

23 Q Yes.

24 A The leave slips, the original leave slips are
25 the originals. I'm not certain that the application is an

17 1 original application. It may be a photocopy. But this was
2 the original records that were contained in his personnel
3 file. That's what I received.

4 Q Okay. Now I hand you Grand Jury Exhibit
5 Number 24. What is that exhibit?

6 A These are Home Depot invoices that contain
7 Mathew Goins' signature.

8 Q Well, let me stop you right there. Are you
9 familiar with Mathew Goins' signature?

10 A Just from reviewing the documents and seeing
11 it.

12 Q Have you ever seen him write his name?

13 A No.

14 Q So you can't, you today can't state this is
15 Mathew Goins' signature, correct?

16 A No.

17 Q What signature, what's the name, signature
18 name on the document?

19 A It's a signature that appears to say Mathew
20 Goins.

21 Q Okay. Now I hand you Exhibit 25. What is
22 that exhibit?

23 A This exhibit is the corresponding purchase
24 request and purchase order for these Home Depot invoices
25 from the Community College of Southern Nevada.

17

1 Q So Grand Jury Exhibit 24 and Grand Jury
2 Exhibit 25 go together, correct?

3 A I believe, yes.

4 Q 24 is the Home Depot invoice setting forth
5 what materials were purchased, right?

6 A Yes.

7 Q On a CCSN account?

8 A Correct.

9 Q And Grand Jury Exhibit 25 is the corresponding
10 invoice, correct?

11 A Purchase request and purchase order for the
12 invoice.

13 Q Okay. Let's now start with the time line and
14 the leave relating to Mathew Goins. Have you got those
15 documents?

16 A Yes.

17 Q I need you to look at the time line and start
18 with August 1st, for the month of August 2006 all the way
19 through December 31st of 2006.

20 Do you have those months there?

21 A Yes.

22 Q Okay. Let's start with August. Now you
23 indicated previously that based on your discussions with
24 Mathew Goins you discovered that he is a classified CCSN
25 employee, correct?

17 1 A Yes.

2 Q And he worked Monday through Friday at the
3 college, correct?

4 A Yes.

18

5 Q And his work hours were determined to be from
6 when to when?

7 A Once again it was either seven to 3:30 or
8 eight to 4:30.

9 Q Looking at your time line that reflects the
10 cell phone calls hitting the tower up by Bob Gilbert's
11 house in the month of August 2006, how many times is there
12 an indication from the cell phone that it's hitting the
13 tower Monday through Friday between six in the morning and
14 five in the afternoon?

15 A Twice.

16 Q Okay. And what days are those?

17 A August 4th and August 5th of 2006.

18 Q Turn now to, we're going to do this for each
19 month, okay, so to speed things up. Now September, using
20 the same criteria, how many times?

21 A Three times.

22 Q What are the dates?

23 A September 1st, September 4th and September 29,
24 2006.

25 Q Turn to October. How many times?

18 1 A There are no times in October.

 2 Q Okay. And in November how many times?

 3 A There are no times in November.

 4 Q And in December of '06 how many times?

 5 A There are two times in December.

 6 Q What are the dates?

 7 A December 4th and December 6th, 2006.

 8 Q So based on the cell phone records then, how

 9 many times between August of '06 and December of '06 does

 10 it appear that Mathew Goins is at Bob Gilbert's house

 11 during his work hours?

 12 A Seven times.

 13 Q Now turn to January of '07 through August of

 14 '07.

 15 A Okay.

 16 Q And in January of '07, using that same

 17 criteria, how many times does the cell phone hit that tower

 18 by Bob Gilbert's house?

 19 A Three times.

 20 Q And in February?

 21 A One time.

 22 Q And March?

 23 A One time.

 24 Q And in April?

 25 A Three times.

18

1 Q And May?

2 A Eleven times.

3 Q And that was in May of '07, correct?

4 A Yes.

5 Q And in June?

6 A Four times.

7 Q And July?

8 A No times.

9 Q And August 2007?

10 A Two times.

11 Q Okay. Now I don't know if you kept track in
12 your head, but I want you to go back and give us the total
13 number from January of '07 to August of '07 as to how many
14 times during Mathew Goins' work hours his cell phone hits
15 the tower by Bob Gilbert's house.

16 A Twenty-five times.

17 Q Okay. So twenty-five different times during
18 that time period he's up at Gilbert's house, correct? Is
19 that a fair representation?

20 A Yes.

21 Q Or are some of those times on the same day
22 only at different times?

23 A No, that's a fair representation.

24 Q Now look at the other two exhibits that I
25 provided to you. I think it's 24 and 25.

18

1 A Okay.

2 Q Do you have those two exhibits?

3 A Yes.

4 Q And again refresh my recollection, what is
5 Exhibit 24 and the corresponding Exhibit 25?

6 A Exhibit 24 are the Home Depot invoices and
7 Exhibit 25 are the Community College of Southern Nevada
8 purchase requests and purchase orders for those invoices.

9 Q Now in regard to those documents, is there a
10 receipt attached to the Home Depot?

11 A Yes.

12 Q Okay. And does that receipt give you a date
13 and a time of when those particular items were picked up?

14 A Yes.

15 Q And what does it say?

16 A There are two dates. It's April 27, 2007 and
17 April 30, 2007.

18 Q And again the signature on the Home Depot
19 invoices has the signature of Mathew Goins, the name Mathew
20 Goins; is that correct?

21 A Yes, what appears to be Mathew Goins.

22 Q I think you're going to need your time line
23 again. I apologize.

24 Did you have occasion to take the date
25 and the time from those receipts that are attached to the

18 1 corresponding Home Depot invoice and make a comparison to
2 the information from Mathew Goins' cell phone?

3 A Yes.

4 Q Okay. Again what's the date that we're
5 looking at?

6 A April 27, 2007 and April 30, 2007.

7 Q Turning to your time line, in April of '07 did
8 you obtain any information from the cell phone records that
9 led you to believe that Mathew Goins was the one who not
10 only picked up these materials at Home Depot but would have
11 taken them up to Bob Gilbert's house on those two days?

12 A His cell phone records -- yes.

13 Q And what was that information?

14 A His cell phone records show times subsequent,
15 on the same date subsequent to the time of the, these
16 invoices, the times on these invoices, so it shows him at
17 Home Depot receiving these items or signing for these
18 items, and then at or about Bob Gilbert's house on Mt.
19 Charleston after those times.

20 Q But Chief Ruggiero, if the cell phone records
21 showed ten hours after the pickup --

22 A No, it's not.

23 Q What does it show? What's the correlation,
24 what's significance then with the time of the pickup and
25 the time where his cell phone is hitting the tower?

19

- 19 1 A It's the same day and it's shortly thereafter.
- 2 Q What do you mean by shortly thereafter?
- 3 A Well, in one instance you have a date and time
- 4 of 4/27 at 12:51 and then he was up at his house on 4/27 at
- 5 11:26. So it's very likely that he was driving from his
- 6 house to this Home Depot which was on Rainbow Boulevard,
- 7 and then it has him, his cell phone record at 1:08 p.m. It
- 8 was 12:51 -- 11:26, 12:51 and then 1:08. So he went from
- 9 the house to Home Depot back to the house.
- 10 Q Okay. Now look at just those numbers. You
- 11 indicated that the Home Depot was on Rainbow, correct?
- 12 A Correct.
- 13 Q Is there a corresponding CCSN campus anywhere
- 14 close to that Home Depot address?
- 15 A No. Well, there is the one on West
- 16 Charleston, but that's going south, not north, which is the
- 17 direction he went in and where his cell phone records
- 18 indicate he was.
- 19 Q Okay. Did you have occasion to drive from the
- 20 Home Depot located on Rainbow, the one that we're talking
- 21 about, up to Mr. Gilbert's house?
- 22 A Yes.
- 23 Q And did you time how long it took you to drive
- 24 that?
- 25 A Yes.

19 1 Q And approximately how long did it take you to
2 drive it?

3 A Approximately twenty-seven minutes.

4 Q And so based on that and all the information
5 that you have from the cell phone and the records it
6 appears that there was a direct line from picking up the
7 materials at Home Depot and Bob Gilbert's house, correct?

8 A For these invoices, yes. And Mathew Goins.

9 Q Okay. You still have the time line, correct?

10 A Yes.

11 Q I'm going to hand you now Grand Jury Exhibit
12 26 and Grand Jury Exhibit 27. What is Exhibit 26?

13 A Exhibit 26 is the invoice from Nedco Supply.
14 There is two invoices. Actually there is three invoices
15 from Nedco Supply.

16 Q And what is 27?

17 A 27 is invoices from CalPly, Cal Wholesale
18 Material Supply.

19 Q How do you recognize these two invoices?

20 A I personally received and reviewed these
21 documents?

22 Q And who provided those to you?

23 A This was the Community College of Southern
24 Nevada, they provided me these documents.

25 Q Okay. Now as you look at those two documents,

19 1 were you able to pull off a date and a time as to when
2 those materials were purchased?

3 A There are dates and the time on the CalPly
4 documents. There is a date, I do not see a time on the
5 Nedco documents.

6 Q Okay. Now in regard to the CalPly documents,
7 what's the date and the time?

8 A May 22, 2007 at 4:30 p.m., May 23, 2007 at
9 2:03 p.m., May 25, 2007 at 11:25 a.m., June 4, 2007 at
10 3:22 p.m., June 4, 2007 at 3:22 p.m. This copy is very
11 light, very difficult to ascertain the time, but it says
12 June 11th of 2007 clearly a little above it. And then the
13 last one is June -- there is two more, I'm sorry. June 19,
14 2007, it looks like it's eight -- eight something -- 03 or
15 23. I believe it is 8:23 a.m. And then June 28, 2007 at
16 11:12 a.m.

17 Q Okay. Now looking at those two exhibits, is
18 there a signature on those exhibits showing who picked it
19 up, who picked up the items from those two companies?

20 A On this one there is a signature that appears
21 to be Mathew Goins. And on this one --

22 Q You're going to have to tell me what exhibit
23 you're looking at.

24 A The Nedco invoice looks like there is a
25 signature of Mathew Goins.

19 1 Q And what exhibit --

2 A This is Exhibit 26. And this is the invoice
3 on August 10th of 2007.

4 Q And just be clear, you don't recognize the
5 signature, it just says Mathew Goins, that's the signature,
6 right?

7 A Yes. And it's also written in print above it.

8 Q Okay. Now what about --

9 A The other invoices from CalPly, I do not see a
10 signature that appears to be Mathew Goins, but there is a
11 signature that appears to be Thad Skinner's.

12 Q Okay. In regard to the Nedco document, does
13 that have a date and a time associated with that?

14 A It has a date of, invoice date is August 10,
20 15 2007.

16 Q Okay. Were these two exhibits that you have
17 shown to Jerry Tippetts?

18 A Yes.

19 Q And based on your conversation with Jerry
20 Tippetts, were the materials that are set forth in these
21 two exhibits identified as being up at Gilbert's house?

22 A Yes, these materials were the same type of
23 materials that he observed up at Gilbert's house.

24 Q Were you able to determine the relationship
25 with the CalPly, that's the signature, or excuse me, Nedco

20 1 document which is Exhibit 26, that you said has the name
2 Mathew Goins, were you able to determine through the cell
3 phone records any relationship to the pickup of the Nedco
4 materials and Mathew Goins?

5 A Yes.

6 Q Okay. What did you determine?

7 A I determined that on the same date, August 10,
8 2007, Mathew Goins was also up at Bob Gilbert's house, at
9 or about Bob Gilbert's house making cell phone calls.

10 Q However you didn't have a time of when the
11 materials at Nedco were picked up, correct?

12 A There is no time on here, correct.

13 Q So at this point all you can do is just match
14 the date of the pickup with the date of the cell phone
15 records?

16 A Yes.

17 Q Now you also interviewed an individual by the
18 name of Thad Skinner, correct?

19 A Yes.

20 Q And where did that interview occur?

21 A At Mr. Skinner's house.

22 Q Who was present?

23 A Investigator Anthony Kotlarz and myself.

24 Q Did you indicate to Mr. Skinner the purpose
25 for the interview?

20

1 A Yes.

2 Q And what did you tell him in that regard?

3 A I told him that we were investigating the
4 allegations of Mr. Gilbert using CCSN accounts to purchase
5 materials and equipment for use at his residence.

6 Q And how did he respond to that?

7 A I'm not sure of the question.

8 Q Well, when you informed him of that did he
9 respond to the fact why you were there? Did he say
10 anything in that regard?

11 A He didn't admit anything at that point in
12 time.

13 Q Okay. All right. Let me ask you this, Chief
14 Ruggiero. During this interview did Thad Skinner tell you
15 what his background was in terms of employment with the
16 community college?

17 A Yes.

18 Q What did he say?

19 A He also was one of those individuals that had
20 rose through the ranks, he was also very good friends with
21 Mr. Gilbert, had worked with Mr. Gilbert previously, I
22 believe it was at Martin Harris Construction, and he was in
23 a supervisory capacity as well, and he was also Gilbert's
24 right hand person.

25 Q Okay. Did he indicate how long he had been

20

1 working at the community college?

2 A Yes.

3 Q And how long did he say?

4 A I'd have to refresh my memory.

5 Q Okay. Is that in your report?

6 A I believe it is.

7 Q All right. Do you have your report with you?

8 A Yes.

9 Q You want to go ahead and take a look at that?

10 A It doesn't have his start date in my report.

11 Sorry.

12 Q I'm sorry, what?

13 A That's okay. It doesn't have his start date
14 in his report, but it does indicate that he previously
15 worked with Gilbert at Martin and Harris.

16 Q Okay. That's fine. Go ahead and put your
17 report away.

18 Okay. Now during this interview did you
19 discuss whether Mr. Skinner was responsible for picking up
20 any materials for the college?

21 A Yes.

22 Q What did he say in that regard?

23 A He responded yes.

24 Q Did he say what type of materials?

25 A Well, I had asked him if he had ever picked up

20

1 materials and transported materials to Gilbert's house, but
2 in general he was part of the construction or facilities
3 and operations so he would pickup materials from the Home
4 Depot.

5 Q Did you have any conversations as to his role
6 in picking up equipment from Ahern Rentals?

7 A Yes.

8 Q What did he say in that regard?

9 A He indicated he would also pickup equipment
10 rentals at Ahern Rentals.

11 Q Now did you discuss cinder blocks?

12 A Yes.

13 Q Now what did you say in that regard? What was
14 the conversation about in that regard?

15 A He had indicated that he had observed a number
16 of pallets of cinder block appear at Mr. Gilbert's house
17 overnight.

18 Q So they just appeared magically overnight?

19 A That's what he told us.

20 Q Did he make any other further comment as to
21 the cinder blocks? Did he indicate where he thought maybe
22 they came from or anything like that?

23 A I don't recall.

24 Q Okay. In regard to Ahern Rental, did he
25 indicate what he would pickup?

1

1

1 A Yes.

2 Q What did he say?

3 A He indicated that he would pickup forklifts
4 and scissor lifts and whatever rental equipment that was
5 needed to do the jobs at CCSN. He also indicated that he
6 would use his own truck, he has a very large pickup truck,
7 to transport those materials from time to time, those
8 rentals from time to time.

9 Q And you said forklifts and scissor lifts is
10 what he mentioned; is that correct?

11 A Yes, I believe.

12 Q Did he indicate how often he would go to
13 Gilbert's house?

14 A He indicated that he would go up there often.
15 Specific number I can't recall offhand.

16 Q Did he state what his job primarily was up at
17 Gilbert's house?

18 A He indicated that he would feed the horses and
19 feed the dogs up at Bob Gilbert's house. He indicated he
20 would transport hay and feed up to Gilbert's house. And as
21 we started to progress in the questioning he started to
22 indicate some more materials that he would transport up to
23 Gilbert's house on Mt. Charleston.

24 Q Did you discuss Mathew Goins with Mr. Skinner?

25 A Yes.

1 1 Q What did he say in regard to Mathew Goins?

2 A He indicated that he had observed Mathew Goins
3 up at Gilbert's house on Mt. Charleston.

4 Q Okay. Did you ask him about George Casal?

5 A Yes.

6 Q What did he say about George Casal?

7 A Again he indicated that he would observe
8 George Casal up at Gilbert's house on Mt. Charleston and
9 George Casal is another Community College of Southern
10 Nevada employee.

11 Q Did you discuss WGDL with Mr. Skinner?

12 A Yes.

13 Q What did he say about that business?

14 A To begin with the principals of WGDL worked
15 with Mr. Skinner and Mr. Gilbert at Martin and Harris prior
16 to Mr. Gilbert getting his position over at the Community
17 College of Southern Nevada. But Mr. Skinner also indicated
18 to us that WGDL had performed the slab or the footings for
19 Mr. Gilbert's house that was being constructed at his
20 residence on Mt. Charleston.

21 Q Did Mr. Skinner indicate if he ever worked for
22 them?

23 A For WGDL?

24 Q For WGDL.

25 A Mr. Skinner indicated he received paychecks

1 from WGDL. He said that he didn't work for them but he
2 received paychecks from them.

3 Q Did he elaborate on that? Did he indicate
4 what he thought the paychecks were for?

5 A Yes.

6 Q What did he say?

7 A He said he thought it was Bob's way of giving
8 him a bonus for doing a good job.

9 Q Did he indicate how -- when you say Bob, to be
10 clear Bob Gilbert, correct?

11 A Sorry, yes, Mr. Gilbert.

12 Q Did he explain or did you ask him to explain
13 how is it that Mr. Gilbert was able to provide him with
14 WGDL checks as a bonus?

15 A I believe we asked. I don't think he had an
16 answer for us though.

17 Q Now just to digress just for a second.
18 Regarding Mathew Goins, did Mathew Goins ever tell you that
19 he worked for WGDL while he was working for the community
20 college?

21 A I believe Mathew Goins said he did not work
22 for WGDL while he was working for the community college.

23 Q Okay. He was just working up at Gilbert's
24 house during his work hours for CCSN, correct?

25 A Yes, and he admitted that.

1 1 Q Okay. Now in regard to Thad Skinner, prior to
2 this interview did you have or obtain information from
3 Ahern Rental about a change in the CCSN rental account at
4 Ahern Rentals?

5 A Yes.

6 Q Did you discuss those facts and circumstances
7 with Mr. Skinner during this interview?

8 A Yes.

9 Q Did you ask him about his involvement in that
10 after the June 13, 2007 search warrant was executed at Bob
11 Gilbert's house?

12 A Yes.

13 Q Okay. Tell us what you discussed in that
14 regard.

15 A Just to bring the jury back, we spoke about
16 the two Ahern rental pieces of equipment that were observed
17 being operated at Mr. Gilbert's residence when we conducted
18 our search warrant. Once again it was a forklift and a
19 scissor lift that the investigators who were up at Mr.
20 Gilbert's house on June 13, 2007 had observed at Mr.
21 Gilbert's house and one was being operated by an
22 individual. Those two items, those two rental items, we
23 received all the invoices and all the other information
24 from Ahern Rental and determined that those two items were
25 rented from Ahern Rental on a Community College of Southern

2 1 Nevada account. Using once again, I think we saw the
3 2 limited purchase order and the invoices and the purchase
4 3 request for those items, so we knew that those items were
5 4 paid for by the College of Southern Nevada. When we went
6 5 and spoke with Mr. Skinner we had additional information
7 6 from individuals at Ahern Rental, salespersons and desk
8 7 persons, that Mr. Skinner came into Ahern Rental two days
9 8 later, two days after our search warrant on June 13th, and
10 9 changed those items from the Community College of Southern
11 10 Nevada's account to a created account, a newly created
12 11 account for Mr. Gilbert using Mr. Gilbert's driver's
13 12 license and credit card.

13 Q What did Mr. Skinner tell you during this
14 13 interview as to why he did that?

15 A He told us he was instructed by Mr. Gilbert to
16 14 do that.

17 Q Okay. So to take the two rental properties
18 15 that were found at Gilbert's house and had been rented on
19 16 CCSN's account and switch that information to show that it
20 17 appeared that it was rented through Bob Gilbert's own
21 18 personal account, correct?

22 A Yes. And additionally he asked the persons at
23 19 Ahern to back date those accounts for those rentals.

24 Q So back date, so before June 13th?

25 A Yes. I think they back dated it to June 10th

2 1 if I'm not mistaken.

2 Q Okay. Now staying with Mr. Skinner, did you
3 obtain his cell phone records as well?

4 A Yes.

5 Q And for the same reason that you described
6 that you obtained cell phone records as it relates to
7 Mathew Goins?

8 A Yes.

9 Q Okay. Is Mr. Skinner, were you able to
10 determine if Mr. Skinner was a classified or unclassified
11 employee at CCSN?

12 A I was able to determine that Mr. Skinner was a
13 contract employee at CCSN.

14 Q As a result of that status were you able to
15 obtain any leave records for Mr. Skinner?

16 A I believe we were able to obtain leave records
17 but they were different than the ones I had obtained for
18 the classified employee.

19 Q Well, did those leave records play a role in
20 you being able to determine if Mr. Skinner could
21 legitimately be up to Bob Gilbert's house during work
22 hours?

23 A Yes.

24 Q But if he's an unclassified person then can't
25 he go wherever he wants basically throughout the day?

2 1 A He can go wherever he wants, but there is, he
2 still has to give the college forty hours a week or
3 whatever he was contracted to do.

4 Q Right. But he doesn't have set hours like
5 Mathew Goins does, he doesn't work from seven in the
6 morning until three in the afternoon or whatever the hours
7 were, correct?

8 A No.

9 Q Okay. Now in regard to Mr. Skinner, were you
10 able to obtain Home Depot records relating to him?

11 A Yes.

12 Q Okay. I'm going to show you Grand Jury
13 Exhibit 29. Just take a minute and go through that
14 exhibit.

15 A Okay.

16 Q Okay. Have you had a chance to look at that
17 exhibit, Exhibit 29?

18 A Yes.

19 Q Generally speaking what is that exhibit?

20 A This exhibit is Home Depot invoices and
21 customer pickup confirmations for various dates and times.

22 Q Does it also have a separate receipt on those
23 invoices?

24 A Yes.

25 Q How do you recognize this exhibit?

2 1 A I personally received and reviewed these
2 documents.

3 Q Does this exhibit and the invoices in this
4 exhibit show a purchase order number?

5 A Yes.

6 Q What is the three numbers on that purchase
7 order?

8 A The last three digits on these invoices, the
9 purchase order number from the Community College of
10 Southern Nevada, is 014.

11 Q Okay. Now I hand you --

12 A I'm sorry, I was going to go --

13 Q No.

14 Now I hand you Exhibit 30. What is that
15 exhibit?

16 A This is the purchase request and purchase
17 order for purchase order number last three digits 014 from
18 the Community College of Southern Nevada.

19 Q How do you recognize this exhibit?

20 A Personally received and reviewed this
21 document, these documents.

22 Q All right. Now look at Exhibit 29 and 30
23 then. They both share the common purchase order numbers
24 ending in 014, correct?

25 A Yes.

3 1 Q All right. Looking at Exhibit 29, the
2 invoices from Home Depot, do each of those invoices and the
3 receipts attached provide a date and a time as to when the
4 materials set forth in the invoices were picked up?

5 A Yes.

6 Q Do each of those invoice have a signature on
7 them?

8 A Yes.

9 Q And what's -- I know you can't recognize the
10 signature, but what's the name of the signature?

11 A Signature appears to be that of Thad Skinner
12 on the customer pickup confirmations.

13 Q Okay. Keeping 29 there in front of you. I'm
14 going to hand you Exhibit 28, Grand Jury Exhibit 28. Do
15 you recognize that exhibit?

16 A Yes.

17 Q What is that exhibit?

18 A This is a time line for Thad Skinner's
19 payroll, leave and cell site information.

20 Q Okay. Were you able to compare the Home Depot
21 invoices, the dates and times, with the information that
22 you received from Thad Skinner's cell phone records?

23 A Yes.

24 Q Okay. We're going to go through this so I
25 need you to look at the invoice, the Home Depot invoice for

3 1 January 12th and January 18th. It should be right on top.
2 Those should be in order, Chief Ruggiero.

3 A Okay.

4 Q Do you see January 12th of '07 and January
5 18th of '07 invoices?

6 A Yes.

7 Q And their corresponding receipts?

8 A Yes. And there is January 17th in here as
9 well.

10 Q Okay. Oh, I'm sorry.

11 Okay. Between -- let me backup. I got
12 just a little confused.

13 Look at the invoices and the receipts
14 from Home Depot.

15 A Okay.

16 Q Between January 12th and January 18th of '07.

17 A Okay.

18 Q Do you have those?

19 A Yes.

20 Q Beginning with the very first one, I believe
21 it's January 12th, what's the date and time of pickup
22 according to the receipt?

23 A The date is January 12, 2007, and the time
24 stamp is 9:13 a.m.

25 Q Okay. And then the next invoice.

3 1 A The next invoice is January 17, 2007, and the
2 time is 8:29 a.m.

3 Q And the next invoice.

4 A The next invoice is January 18, 2007, and the
5 time is 10:53 a.m.

6 Q Okay. Now turn to your time line for Thad
7 Skinner that you created in the month of January 2007.

8 Are you there?

9 A Yes, sir.

10 Q Okay. Do you see a corresponding cell phone
11 hit on the tower at Bob Gilbert's house on January 12th?

12 A Yes.

13 Q What time?

14 A 10:55 a.m.

15 Q And does that fall after the pickup of the
16 January 12th invoice?

17 A Yes.

18 Q And what about the next date?

19 A January 17th.

20 Q What is the date and time there?

21 A On the invoice it's 8:29 a.m. and his cell
22 phone record is 9:46 a.m. for the same date.

23 Q On the same date?

24 A Yes.

25 Q January 18th?

3

1 A January 18th. The time on the invoice is
2 10:53 a.m. and January 18th he's making a cell call up near
3 Mt. Charleston 11:18 a.m.

4 Q Okay. Now sticking with this same pattern.
5 Okay. Let's now just run through it. I want you to go now
6 to the January 22nd invoice. Tell me the date and the time
7 of that invoice.

8 A The date and time on the invoice is January
9 22, 2007, at 10:58 a.m.

10 Q And according to your time line what's the
11 corresponding cell phone hit on the tower?

12 A January 22, 2007, at 11:52 a.m.

13 Q And then January 23, 2007.

14 A January 23, 2007, 9:08 a.m. on the invoice,
15 January 23, 2007, 10:28 a.m. on his cell phone.

16 Q Okay. January 24th, between January 24th of
17 '07 and February 2nd, '07. Starting with January 24th of
18 '07.

19 A January 24, 2007, the time on the invoice is
20 9:11 a.m. January 24, 2007, the time of his cell phone
21 record is 9:52 a.m.

22 Q And the next invoice.

23 A Is January 29, 2007. The time on the invoice
24 is 9:04 a.m. January 29, 2007, the time of his cell phone
25 is, cell phone record up near Mt. Charleston is 10:10 a.m.

3 1 Q And the next one.

2 A The next one is February 2nd, 2007 at 7:59
3 a.m. And I've turned to February 2007 on the time line.
4 On the 2nd of February 2007 he's making a cell phone call
5 at or about Gilbert's residence at 8:57 a.m.

6 Q Okay. And February 8th, or, excuse me,
7 February 9th.

8 A The next one is February 9, 2007, at 8:02 a.m.
9 on the invoice and February 9, 2007, 8:48 a.m. on his cell
10 phone.

11 Q Now between February 14th and February 22nd of
12 '07.

13 A February 14, 2007, stamped 9:14 a.m. on the
14 invoice; February 14, 2007, the call is 11:24 a.m. up by
15 Gilbert's residence.

16 Q And the next one.

17 A Next one is February 22, 2007, time stamp is
18 9:03 a.m. on the invoice, and February 22, 2007, the time
19 is 10:37 for his cell phone.

20 Q Now between March 6th and March 13th of '07.

21 A Turn the page on the time line.

22 On March 6, 2007 the time stamp on the
23 invoice is 8:36 a.m. and on March 6, 2007 the time is 8:49
24 a.m. on his cell phone record.

25 Q And the next one.

4 1 A The next one is March 13, 2007, the time stamp
2 is 8:59 on the invoice, and March 13, 2007, the time is
3 9:35 on his cell phone.

4 Q Okay. Now turn to between April 17th and
5 April 25th of '07.

6 A On April 17, 2007 the time stamp on the
7 invoice is 9:28 a.m. and on April 17, 2007, the time of his
8 cell phone record is 10:11 a.m.

9 Q Next one.

10 A On April 25, 2007 the time stamp on the
11 invoice is 8:37 a.m., and on April 25, 2007 the time of his
12 cell phone record up at or about Mr. Gilbert's residence is
13 11:14 a.m.

14 Q Okay. And that was April 25th, correct?

15 A Correct.

16 Q Okay. Now turn to May 23rd.

17 A And that's the last one.

18 On May 23, 2007 the time stamp on the
19 invoice is 9:06 a.m., and on May 23, 2007 the time of his
20 call is 11:31 a.m.

21 Q Okay. Now in regard to Exhibit 27, again
22 that's the CalPly invoice, correct?

23 A Yes.

24 Q Were you able to determine or make any
25 determinational -- let me backup.

4 1 What's the name of the person picking up
2 the materials from CalPly on that particular invoice?

3 A I have Thad Skinner on two of the invoices.

4 Q But that invoice didn't give you a time of
5 pickup, did it, the invoice doesn't do that, does it?

6 A This one does.

7 Q What's the time of pickup?

8 A I have one on June 19, 2007 at 8:23 a.m. and I
9 have one on June 28, 2007 at 11:12 a.m.

10 Q Okay. And according to your time line on the
11 cell phones, was there any evidence to indicate that after
12 picking up the materials from CalPly Mr. Skinner is now by
13 Mr. Gilbert's house?

14 A I don't see a cell phone record for that on
15 this time line.

16 Q So as it relates to this particular pickup you
17 were not able to conclude that he had taken these materials
18 from CalPly up to Mr. Skinner's, or up to Mr. Gilbert's
19 house, correct?

20 A No, sir.

21 Q Okay. Now in regard to the Ahern Rental
22 property that we talked about, the scissor lift and the
23 forklift, do you recall that?

24 A Yes, sir.

25 Q I'm going to hand you back Grand Jury Exhibit

4 1 15 and Grand Jury Exhibit 16. Do you recall seeing those
2 two exhibits earlier?

3 A Yes.

4 Q Okay. Look through Exhibit 15 first. Is
5 there any document in there that indicates pickup of a
6 piece of equipment?

7 A No.

8 Q Looking at Exhibit 16, is there any document
9 in there that indicates pickup of the equipment?

10 A Yes.

11 Q Okay. Now in Exhibit 16 does it indicate the
12 pickup of a particular piece of property or equipment or
13 does it have multiple equipment pickups?

14 A Multiple.

15 Q And what are the two pieces of property?

16 A It's the forklift and the scissor lift.

17 Q And what's the name on the document showing
18 who picked it up?

19 A On one it appears to be a name of a Bob Paul,
20 first and last name, however on that same document it also
21 indicates Community College Thad and his cell phone number.
22 It also indicates it was ordered by Thad.

23 And then on the second document it
24 indicates customer signature and name printed Thad Skinner
25 and on a ready-for-rent receipt it indicates a signature

4
5

1 that appears to be Thad Skinner's and it also indicates
2 customer picking up and dropping off unit Thad, his phone
3 number and CCSN.

4 Q So based on the information in Exhibits 15 and
5 16 that you have, what did you conclude in terms of who
6 picked up the forklift and the scissor lift that was found
7 up at the college on June 13, 2007, the day the search
8 warrant was executed?

9 A I concluded that Thad Skinner had ordered the
10 forklift which was observed up at Mr. Gilbert's house and I
11 concluded that Mr. Skinner had received or signed for and
12 picked up the scissor lift that was observed at Mr.
13 Gilbert's house.

14 Q Now do they give a time of pickup?

15 A Yes.

16 Q And it gives a date, correct?

17 A Yes.

18 Q What's the date and time of the pickups?

19 A The forklift date out was 4/19/07 at seven
20 a.m. and the scissor lift date out was 5/15/07 at nine a.m.

21 Q Okay. Handing you back Grand Jury Exhibit 28,
22 that's the Thad Skinner cell phone time line, correct?

23 A Yes.

24 Q Okay. Were you able to obtain any
25 corresponding cell phone information as it relates to when

5 1 these two rental pieces of property were picked up at Ahern
2 2 Rental?

3 A With respect to the forklift, the date
4 4/19/07, there was no cell phone record for 4/19/07, but
5 with respect to the scissor lift on 5/15/07 there was a
6 corresponding cell phone record on 5/15/07 for Thad
7 Skinner.

8 Q Okay. Now what's the time of pickup for that
9 piece of property and what does the time show on the cell
10 phone records?

11 A The date out on the invoice is 5/15/07 at nine
12 a.m. and the cell phone record is 5/15/07 at 12:42 a.m.

13 MR. HAFEN: Okay. We're in a dilemma, folks.
14 I've got one more person to go over. His name is George
15 Casal. I think it will be relatively quick, but it's ten
16 to twelve. What's the pleasure, Madame Foreperson, with
17 the members of the Grand Jury? Do we break now, come back,
18 or do you want me to finish this?

19 THE FOREPERSON: Do you think it will be
20 relatively quick, like say --

21 A JUROR: Half hour?

22 MR. HAFEN: Twenty minutes.

23 THE FOREPERSON: Then go ahead and proceed and
24 we'll take a little bit later lunch break.

25 ///

5

1 BY MR. HAFEN:

2 Q Did there come a time when you interviewed a
3 person by the name of George Casal?

4 A Yes.

5 Q Where did that interview occur?

6 A At Mr. Casal's house.

7 Q Who was present?

8 A Investigator Michelle Chase and myself.

9 Q And how long did the interview last?

10 A That interview lasted approximately an hour.

11 Q Did Mr. Casal tell you where he worked?

12 A Yes.

13 Q What did he say?

14 A Mr. Casal worked for the Community College of
15 Southern Nevada.

16 Q Did he indicate how long he had worked there?

17 A Yes. Once again a long time employee and
18 worked his way up through the ranks.

19 Q And were you able to determine if he was
20 classified or unclassified?

21 A I was.

22 Q What did you determine?

23 A That Mr. Casal was a classified employee with
24 the Community College of Southern Nevada.

25 Q Okay. Did he indicate what he did for the

5 1 college?

2 A Yes, he was a carpenter.

3 Q And did he indicate that he knew Bob Gilbert?

4 A Yes.

5 Q What did he say in that regard?

6 A That he's worked for Mr. Gilbert, he was his
7 ultimate supervisor at community college and he also worked
8 for Mr. Gilbert at his house on Mt. Charleston.

9 Q Did he say what his work hours were?

10 A I believe he told us what his work hours were.

11 Q What did he say?

12 A I do not recall specifically.

13 Q Okay. Can you refresh your recollection by
14 reviewing your report?

15 A I could.

16 Q Will you do that quickly please?

17 A Yes.

18 Okay.

19 Q Did he state during this interview what his
20 work hours were for Monday through Friday?

21 A He is supposed to work from six a.m. to 2:30
22 p.m.

23 Q Okay. And that's Monday through Friday?

24 A Yes.

25 Q During the interview did you discuss if he had

5 1 worked up at Bob Gilbert's house?

2 A Yes.

3 Q What did he say?

4 A He said yes.

5 Q Did he indicate what time period during the
6 week he'd work there?

7 A Well, he said he would work there on the
8 weekends.

9 Q Did you inform him that you had cell phone
10 records and leave records?

11 A Yes.

6

12 Q And after making it known to him that you had
13 that information did he change his answer as to when he
14 went up to Gilbert's house to work?

15 A Yes.

16 Q What did he say?

17 A He said he would work there during the week
18 sometimes.

19 Q While he was working for the community
20 college, correct?

21 A While he was supposed to be working for the
22 community college, yes.

23 Q Did he indicate during this interview if he
24 had ever worked for WGDL?

25 A Yes.

6 1 Q What did he say in that regard?

2 A He said he would receive paychecks from WGDL
3 for working at Mr. Gilbert's house on the weekends.

4 Q And he did this while he was a CCSN employee,
5 correct?

6 A Yes.

7 Q Did he indicate any other times he was working
8 for WGDL other than just the weekends?

9 A I don't recall.

10 Q Now you showed him a list, correct?

11 A A list of?

12 Q A document that had a list.

13 A Oh, yes.

14 Q What was that list?

15 A It was a list of jobs to be performed at Bob
16 Gilbert's house, things to be done.

17 Q And where did you obtain that list?

18 A From the search warrant.

19 Q Was that contained with the information that
20 you received that had Nedco and CalPly?

21 A And the purchase order numbers, yes.

22 Q Okay. And what did that list reveal?

23 A It revealed installation projects or just
24 projects in general that were supposed to be done at Mr.
25 Gilbert's house and it also had the name George at the top

6 1 of those sheets.

2 Q Did Mr. Casal state, tell you what the list
3 represented?

4 A Yes.

5 Q What did he say?

6 A He confirmed what we believed, that those were
7 the jobs he was to do up at Mr. Gilbert's residence and
8 that Mr. Gilbert gave him that list of things to do.

9 Q Did you discuss whether he picked up items
10 from Home Depot?

11 A Yes.

12 Q What was his response?

13 A He said he would pickup some items from Home
14 Depot.

15 Q Did you ask him if he ever saw Home Depot
16 materials at Gilbert's house?

17 A Yes.

18 Q What did he say to that?

19 A He confirmed he saw materials from Home Depot
20 up at Gilbert's residence.

21 Q Did he explain how he knew that they were Home
22 Depot materials?

23 A Yes.

24 Q What did he say?

25 A He would see, you know, Home Depot identifiers

6 1 on the items.

2 Q Did you ask Mr. Casal about using equipment at
3 Mr. Gilbert's house?

4 A Yes.

5 Q Did you ask him specifically about the day of
6 the search warrant?

7 A Yes.

8 Q What did he say?

9 A He was the one operating the forklift when the
10 Attorney General's Office executed the search warrant at
11 Mr. Gilbert's residence on June 13, 2007.

12 Q Now let's be real clear. What time during the
13 day on June 13th is the search warrant being executed, is
14 executing up there?

15 A We all I believe went simultaneously at nine
16 a.m. to all the locations. So we entered each of those
17 locations at nine a.m. to the best of my recollection.

18 Q And June 13th was what day of the week?

19 A It was a Wednesday.

20 Q Okay. So on Wednesday, June 13th, after nine
21 o'clock in the morning, George Casal is at Gilbert's house
22 sitting on a Ahern Rental piece of equipment, correct?

23 A Operating it, yes.

24 Q And it was the forklift?

25 A Yes.

6 1 Q When you asked him about that how did he
2 respond?

3 A He really couldn't say much about that. He
4 was up there and he was working while he was supposed to be
5 working for the college.

6 Q Okay. Did you ask him who else worked up at
7 the house when he was there?

8 A Yes.

9 Q What did he say?

10 A He had mentioned -- I forget the gentleman's
11 name. If I could --

12 Q Would it refresh, would reviewing your report
13 help refresh your recollection?

14 A Yes, it would.

15 Q Please do that.

16 And Chief Ruggiero, I understand this
17 was an extensive investigation and there is a lot of
18 information so please don't apologize for having to go to
19 your report on occasion.

20 A Okay.

21 Q Go ahead and put your report to the side.

22 Let me ask you again. Did you ask him
23 if there was anybody else up at Gilbert's house that he
24 worked with?

25 A Yes.

6 1 Q Who did he identify?

2 A Specifically he identified other CCSN
3 employees that he worked with at Gilbert's house and they
4 were Donald James, Patrick O'Donnell and Abraham Zuniga.

5 Q Did he also indicate Thad Skinner?

6 A He would see Skinner up at the house often.

7 Q And again in regard to WGDL, did he indicate
8 he was paid by them to work at Gilbert's house?

9 A Yes.

10 Q What did he say in that regard?

11 A He said he would work at Gilbert's house on
12 the weekends and he would get paid by WGDL for working at
13 Mr. Gilbert's house on the weekends.

14 Q All right. We're going to go through the same
15 exercise that we did with Mr. Skinner and with Mr. Goins.
16 I'm going to hand you Grand Jury Exhibit 32. What is that
17 exhibit?

18 A Once again this is Mr. Casal's personnel file
19 from the Community College of Southern Nevada, the original
20 file that I received.

21 Q Okay. And I'm going to hand you Grand Jury
22 Exhibit 31. What is that exhibit?

23 A This is the time line that was created by
24 Program Specialist Jill Mitchell regarding the payroll,
25 leave and cell site information for George Casal.

7

1 Q And that cell information you obtained as you
2 did with all the other cell phone information by a
3 subpoena; is that correct?

4 A No, it was by a search warrant.

5 Q Okay. So you obtained a search warrant and
6 you obtained those records for George Casal, Thad Skinner
7 and Mathew Goins; is that correct?

8 A Yes.

9 Q Let's now turn, the first period I want you to
10 look at is between July 1, 2006 and December 31, 2006 on
11 the time line. Do you have that?

12 A Yes.

13 Q Okay. Now starting with the month of July, do
14 you see any hits from his cell phone on the tower by
15 Gilbert's house that occur during his stated work hours?

16 A Yes.

17 Q How many times in July of '06?

18 A Three times.

19 Q How many times in August?

20 A No times.

21 Q September?

22 A One time.

23 Q October?

24 A Three times.

25 Q November?

7

1 A One time.

2 Q And December?

3 A Two times.

4 Q Now go to January 1st of '07 through June 31st

5 of '07. Are you there?

6 A Yes.

7 Q How many times in January of '07?

8 A Three times.

9 Q And February?

10 A Three times.

11 Q March of '07?

12 A Four times.

13 Q April?

14 A One time.

15 Q May?

16 A Four times.

17 Q June?

18 A Four times.

19 Q Okay. Now to the side there is another

20 document.

21 Look around the corner there.

22 A Okay.

23 Q I think that's Grand Jury Exhibit 33; is that

24 correct?

25 A It says Exhibit 21.

7 1 Q Oh, 21.

2 A JUROR: It was marked way back.

3 BY MR. HAFEN:

4 Q Okay. I'm sorry, Grand Jury Exhibit 21. I
5 apologize.

6 During the course of your investigation
7 you indicated that you met with Clark County Building
8 inspectors, correct?

9 A Yes.

10 Q Did you have occasion to meet with a building
11 inspector -- oh, let me strike that.

12 In regard to Exhibit 21, what is that
13 exhibit?

14 A These are aerial photographs from the Clark
15 County Assessor's Office.

16 Q Okay. And how do you recognize them?

17 A I personally received and reviewed these
18 photos.

19 Q Okay.

20 A These documents.

21 Q As you looked at those aerial photographs in
22 that exhibit, do they accurately depict Bob Gilbert's land
23 and residence as you saw it during the course of this
24 investigation?

25 A Yes.

7 1 Q What was significant about getting these
2 aerial views of his property?

3 A What I was -- the significance of these aerial
4 photographs will show you they took aerial photographs
5 every, twice a year, semi-annually, and you can see from
6 September of 1998 through September of 2007 you, can
7 actually see the houses or the structures and the road and
8 the facilities being built on his property. I thought it
9 would be a strong visual image for the jury to see actually
10 what was being done at his house. In addition to that,
11 when I had the people that do these aerial photographs
12 review this, they could tell me, okay, here is the wall
13 being built, here's the roof being put on. You can see the
14 construction equipment and you can just see the progression
15 of how this barren property in September of 1998 became
16 this full property or full home residence, tennis courts,
17 basketball courts, paved roads, garages, stables, you could
18 just see everything in the progression through the years.

19 Q As you look at this property what are some of
20 the most glaring commonalities with this property and
21 community college campus buildings and property?

22 A Well, the materials used in all of these
23 edifice at his home were the same materials that were used
24 on all of the community college buildings.

8 25 Q Let's be specific. When you looked at the

8 1 door knobs and the locks --

2 A The same type.

3 Q When you looked at the cinder, the wall that
4 was built out of cinder block --

5 A Same type.

6 Q Okay. Did you notice anything that was
7 peculiar in terms of gates or anything that was painted red
8 that seemed odd for this residence?

9 A These were all industrial materials. They
10 were industrial materials, they were all commercial grade
11 and quality building materials, and this is a residence,
12 it's not, that's not the type of material you use to build
13 a house.

14 Q Okay.

15 A And the other important thing about these
16 pictures is it corresponds to the invoices, so when I had
17 invoices for the Community College of Southern Nevada
18 purchasing cinder blocks, well sure enough there was a
19 cinder block wall being built. When I had Community
20 College of Southern Nevada invoices for wood or flooring
21 materials, sure enough you could see the flooring or the
22 roof being put on the house. When I had CCSN invoices for
23 foam or compounds that was used to finish the house, sure
24 enough the house was being finished at that time. And it
25 also corresponds with all the rental equipment that was

8 1 being rented using the college's account for a building.
2 2 For construction.

3 Q And I'll wrap it up with this last question.

4 In addition to the big pieces of
5 6 equipment that were recovered from the house that we've
6 7 shown by picture here this morning, were there other
7 8 so-called miscellaneous pieces of property that were
8 9 recovered from Mr. Gilbert's home inside his house?

9 A Yes.

10 Q What were those that were significant?

11 A Computer, fax machine, printer, I think it was
12 13 two computers if I'm not mistaken, but there was a list of
13 14 office equipment that was found in his house and it a had
14 15 CCSN asset tags affixed to them.

15 Q Now to be fair, with those computers, you
16 17 discovered that there is actually a loan agreement that he
17 18 had with the community college, correct?

18 A There is supposed to be.

19 Q And you actually obtained those loan
20 21 agreements with Mr. Gilbert's signature as it relates to
21 22 the laptop computers, correct?

22 A On some of them, yes. On some of the
23 24 materials, not all of the materials.

24 MR. HAFEN: All right. That's all the
25 26 questions I have at this time.

8

1

A JUROR: I just have one.

2

THE WITNESS: However you want to do it.

3

A JUROR: Go ahead.

4

BY A JUROR:

5

Q Did you have a chance to see the contract and

6

it did not indicate that they were going to be taking care

7

of his housing as part of his contract?

8

A Which contract are you referring to?

9

Q Well, is there any contract with CCSN that

10

indicates they would furnish his housing?

11

A There were two separate contracts, and if

12

you're referring to the labor, WGDL, that company, they had

13

a separate contract for the Gilbert residence. But the

14

contracts that they had with the college which these

15

employees were paid from, because we have their computer

16

records that show that these employees, these CCSN

17

employees, were paid through the college's accounts to work

18

at his, or while they were working at his house. There was

19

a separate contract for the footings that I mentioned to

20

you earlier, that they did the slab or the footings for his

21

new home.

22

Q Okay. What I'm talking about is, like say I

23

take a job somewhere and part of my taking that job,

24

they're going to take care of my housing when I move and I

25

relocate, there is a contract that says they're going to

8 1 buy me a house or they're going to close on a house or
 2 they're responsible for my housing. What I'm trying to
 3 find out is if the college is responsible for Mr. Gilbert's
 4 housing.

5 A No.

6 Q Okay.

7 BY A JUROR:

8 Q Isn't there an administrative body over this
9 Bob Gilbert? Who is his supervisor?

10 A The president of the college.

11 Q Exactly.

12 A Yeah.

13 Q Who watches what's going on then?

14 A He was -- in the community college system he
15 was one of the top three and that's why he --

16 Q They didn't --

17 A That's -- I can't -- he was able to do the
18 things that he did. It was very hard to question what was
19 being done because there was only one or two people that
20 could question what he was doing. And most of the people
21 that would question it, because I spoke with --

22 MR. HAFEN: Mr. Ruggiero, don't -- that's
23 hearsay so I'm going to instruct you not to go there.

24 THE WITNESS: Sorry.

25 A JUROR: I got it.

8
9

1 BY A JUROR:

2 Q You said all this started with a newspaper
3 article?4 A It was a little more than that. We had
5 information from other employees, other CCSN employees,
6 there were grievances filed against one person in
7 particular, a Mathew Goins, you've heard his name here
8 today, there were grievances filed against him by some
9 employees and when we met with these employees they started
10 telling us about Bob Gilbert and how he's building --

11 MR. HAFEN: Again that's hearsay.

12 THE WITNESS: Sorry.

13 MR. HAFEN: I'm going to instruct you not to
14 talk about hearsay matters.15 THE WITNESS: Okay. We had allegations from
16 other employees about Mr. Gilbert.

17 THE FOREPERSON: Seeing no further questions.

18 By law these proceedings are secret and
19 you are prohibited from disclosing to anyone anything that
20 has transpired before us, including evidence and statements
21 presented to the Grand Jury, any event occurring or
22 statement made in the presence of the Grand Jury, and
23 information obtained by the Grand Jury.24 Failure to comply with this admonition
25 is a gross misdemeanor punishable by a year in the Clark

9 1 County Detention Center and a \$2,000 fine. In addition,
2 2 you may be held in contempt of court punishable by an
3 3 additional \$500 fine and 25 days in the Clark County
4 4 Detention Center.

5 Do you understand this admonition?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you for your testimony,
8 8 sir. You are excused.

9 MR. HAFEN: Mr. Ruggiero -- and I apologize
10 10 Madame Foreperson -- before you leave, and just so members
11 11 of the Grand Jury understand, this will go over until next
12 12 Thursday because I need to present some additional evidence
13 13 relating to WGDL and a couple of my witnesses are not
14 14 available today and that's why we're going to go until next
15 15 Thursday. I will be bringing Mr. Ruggiero back on Thursday
16 16 as well.

17 So Mr. Ruggiero, I'm telling you now you
18 18 will be coming back next Thursday.

19 THE WITNESS: Thank you, sir.

20 MR. HAFEN: Thank you.

21 THE FOREPERSON: Okay. We have another case
22 22 at 1:30 so I guess we'll wrap for lunch until 1:30.

23
24 (Recess.)
25

2 1 (Proceedings resumed at 1:40 p.m.)

2 * * * * *

3
4 MR. HAFEN: Are we ready for the next person?

5 A JUROR: Yes.

6 MR. HAFEN: The next person will be
7 Investigator Michelle Chase. She's an Attorney General
8 investigator.

9 THE FOREPERSON: Please remain standing and
10 raise your right hand.

11 You do solemnly swear that the testimony
12 you are about to give upon the investigation now pending
13 before this Grand Jury shall be the truth, the whole truth,
14 and nothing but the truth, so help you God?

15 MS. CHASE: I do.

16 THE FOREPERSON: Please be seated.

17 You are advised that you are here today
18 to give testimony in the investigation pertaining to the
19 offenses of theft, misconduct of a public officer,
20 principal to the crime of theft, and obtaining money by
21 false pretenses, involving Dave Wilson, Thad Skinner,
22 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
23 Hafen and Gary Hafen.

24 Do you understand this advisement?

25 MS. CHASE: Yes, ma'am.

2

1

THE FOREPERSON: Please state your first and last name and spell both for the record.

2

3

MS. CHASE: Michelle Chase. M-i-c-h-e-l-l-e, last name Chase, C-h-a-s-e.

4

5

THE FOREPERSON: Thank you.

6

7

MICHELLE CHASE,

8

having been first duly sworn by the Foreperson of the Grand

9

Jury to tell the truth, the whole truth, and nothing but

10

the truth, testified as follows:

11

12

EXAMINATION

13

14

BY MR. HAFEN:

15

Q Miss Chase, where are you currently employed?

16

A The Nevada Office of the Attorney General.

17

Q And what's your title there?

18

A I'm an investigator.

19

Q How long have you worked for that agency?

20

A It will be three years in November.

21

Q Did you work in law enforcement prior to

22

joining the Nevada Attorney General's Office?

23

A Yes, sir.

24

Q Where did you work?

25

A I worked at the City of North Charleston

2 1 Police Department in North Charleston, South Carolina.

2 Q What are your duties and responsibilities with
3 the Attorney General's Office?

4 A I'm currently assigned to the Missing
5 Children's Clearing House where we recover children that
6 have been abducted, predominantly parental abductions, and
7 I also am a participant in the FBI Mortgage Fraud Task
8 Force and I also do in-house mortgage fraud cases in the
9 Attorney General's Office.

10 Q What's the extent of your education?

11 A I have a GED and some college.

12 Q Okay. When you worked with law enforcement
13 before the Attorney General's Office -- and again where was
14 that?

15 A North Charleston, South Carolina.

16 Q What were you primarily involved in doing?

17 A I was a patrol officer for one year and nine
18 months and I then went to the detective division where I
19 worked the major case crimes unit and was on the homicide
20 team and the last year that I was there I was a white color
21 crimes detective.

22 Q Directing your attention to the latter part or
23 the end of March 2007. Did you become involved in
24 investigating a case relating to a Bob Gilbert?

25 A Yes, sir.

2 1 Q And did you investigate that case with another
2 detective or investigator?

3 A Yes, sir, Investigator Anthony Ruggiero.

4 Q Okay. When you and Investigator Ruggiero were
5 first assigned to investigate the case, did you go to Mr.
6 Gilbert's house?

7 A Yes, sir, in March of '07.

8 Q Okay. And just generally what occurred when
9 you went there with Investigator Ruggiero that first time?

10 A It was the latter part of March of '07 and
11 there was an article that had come out in the Las Vegas Sun
12 pertaining to allegations of Mr. Gilbert having CCSN
13 equipment and materials on his property. Also in that
14 article there were photographs of some signs that appeared
15 to be the property of CCSN. We went to the house that we
16 knew Mr. Gilbert to be residing in at 9045 Barr Avenue in
17 an effort to speak to him about the allegations.

18 Q You didn't find anybody there that day,
19 correct?

20 A No, sir.

21 Q Did you and Investigator Ruggiero return the
22 next day?

23 A I believe it was four days later. I believe
24 it was the 30th of March, 2007. I had left a business card
25 on a Hummer that was at the residence that we believed to

2
3
1 belong to Mr. Gilbert and had not heard from him for that
2 period of time so we went out again to try to make contact
3 with him to discuss the matter of the Las Vegas Sun
4 article. When we went there I noted that my business card
5 was still on the windshield area of the Hummer that I had
6 left it on and then I believe it was not until sometime in
7 early April that Mr. Gilbert finally got that card and
8 contacted me.

9 Q Okay. On this second visit did you have
10 occasion to take some pictures?

11 A Yes, sir, I did.

12 Q Okay. When you went the second time did you
13 observe any cinder blocks?

14 A Yes, sir, I did.

15 Q I'm going to show you what has been marked and
16 admitted into evidence as Grand Jury Exhibit 3. Looking at
17 that exhibit, are those the photos that you took during the
18 second visit?

19 A Yes, sir, they are.

20 Q Do they depict the cinder blocks that you saw?

21 A Yes, sir.

22 Q And the significance of these pictures
23 relating to the investigation is what?

24 A When we observed those pallets of cinder block
25 on the property, I might make note that we noticed a large

3
1 house that was being constructed out of the same type of
2 material on the property, I believe it was approximately
3 eight thousand square feet, but there were some tags on the
4 pallets of cinder block, they were shrink wrapped and they
5 had tags on them from the Home Depot, they were delivery
6 tags that indicated the delivery date and the pickup
7 number, essentially the order number that pertained to that
8 delivery from Home Depot and it also indicated that they
9 were to be delivered to CCSN.

10 Q Okay. Now you took numerous pictures that
11 day, correct?

12 A Yes, sir.

13 Q I'm going to hand you what has been marked as
14 Grand Jury Exhibit 5. And just real quick, does that
15 exhibit show photographs that you took that day, the second
16 visit, of Mr. Gilbert's house?

17 A Yes, sir, it does.

18 Q They accurately depict everything that you saw
19 that day, correct?

20 A They may not be everything that we saw that
21 day. I believe the property is over four acres and it was
22 essentially filled with construction materials and
23 equipment, but it definitely, everything in the photos was
24 observed on the property that day by myself.

25 Q And I stand to be corrected. Those photos

3 1 just show some of the things that you guys observed that
2 day, correct?

3 A Yes, sir.

4 Q Now when you returned back to, or there came a
5 time that you left Gilbert's premises that day, correct?

6 A Correct.

7 Q And when you came back did there come a time
8 when you contacted Home Depot?

9 A Yes, sir.

10 Q And as a result of that contact were you
11 provided certain documents?

12 A Yes, sir, I was.

13 Q I hand you what has been marked as Grand Jury
14 Exhibit 4.

15 A Okay.

16 Q Are those the documents that you were provided
17 by Home Depot?

18 A Yes, sir, they are.

19 Q And the person that provided you these
20 documents, who was that?

21 A That was Teisha Hollis (phonetic).

22 Q What is her status with Home Depot?

23 A I believe she works in the area of loss
24 prevention in a supervisory capacity.

25 Q All right. Now combining, just focusing on

3 1 the cinder blocks and the documents you received from Home
2 Depot from Miss Hollis, what conclusions did you draw as an
3 investigator?

4 A That the order number, I provided the order
5 number that we observed on the pallets of cinder blocks to
6 Miss Hollis to see if we could determine whom and how those
7 were purchased and the purchase orders pertaining to that
8 order number. Based on what was provided on the documents
9 by Teisha Hollis and the corresponding order number on the
10 pallets it appeared that the pallets observed at Mr.
11 Gilbert's property were the same ordered via those
12 documents provided by Miss Hollis for the college.

13 Q Now did there come a time when you and
14 Investigator Ruggiero left Gilbert's home that second time?
15

16 A Yes, sir.

17 Q Okay. And then you went back and you
18 contacted Home Depot. After the contact with Home Depot
19 did there come a time when you and Investigator Ruggiero
20 visited different CCSN campus sites?

21 A Yes, sir.

22 Q What sites did you visit?

23 A We went to the Cheyenne campus as well as the
24 Henderson campus.

25 Q Okay. I hand you what has been marked as

3 1 Grand Jury Exhibit 33 and Grand Jury Exhibit 34. Looking
2 2 at Exhibit 33, what is that exhibit?

3 3 A 33 appears to, this is, a couple of the photos
4 4 are from the Henderson campus and other photos are from the
5 5 Cheyenne campus.

6 6 Q Okay. And how do you, look at 33, how do you
7 7 recognize that exhibit?

8 8 A 33, I observed the, I'm looking at the picnic
4 9 tables and some flagstone walls that are in the ballpark
10 10 area of the Henderson campus. Behind those are photographs
11 11 of CCSN buildings on the Cheyenne campus that are comprised
12 12 predominantly of flagstone.

13 13 Q So you recognize that exhibit because you were
14 14 actually there at the site; is that correct?

15 15 A Yes, sir.

16 16 Q The photos depicted or in Exhibit 33, do they
17 17 accurately depict what you saw that day at those campuses?

18 18 A Yes, sir, they do.

19 19 Q And again in 33, those represent what you saw
20 20 at what two campuses again?

21 21 A Henderson and Cheyenne.

22 22 Q Looking at 34, what is that exhibit?

23 23 A These appear to be all photographs of items I
24 24 observed on the Henderson campus of CCSN.

25 25 Q Okay. And do the photographs in that exhibit

4 1 accurately depict then what you saw that day?

2 A Yes, sir, they do.

3 Q Okay. Looking at these two exhibits, what was
4 the significance in viewing these items in your
5 investigation?

6 A After the two visits to Mr. Gilbert's
7 residence in March and the items that we observed in the
8 construction, construction materials, we noted that on the
9 campuses of these, of CCSN, the Henderson and Cheyenne
10 campus, there appeared to be the same type of materials on
11 the campuses and most notable pallets of the cinder block
12 with the same order number as the pallets of cinder block
13 we observed on Mr. Gilbert's property.

14 Q Did you also notice flagstone when you visited
15 these two sites?

16 A Yes, sir.

17 Q And was that observed, the same color and type
18 of flagstone that you observed at these locations did you
19 observe also at Gilbert's house during that second visit?

20 A It appeared to be the same to me.

21 Q Okay. I'll go ahead and admit 33 and 34 and
22 go ahead and pass those around.

23 Okay. Now did there come -- directing
24 your attention to June 13th of 2007, were you involved in
25 executing a search warrant at Bob Gilbert's house?

4 . 1 A Yes, sir, I was.

2 Q And who was with you during the execution of
3 that warrant?

4 A The acting chief Dale Liebherr who was the
5 acting chief of the Attorney General's Office at that time;
6 Carrie Halverson, who is another investigator', Ray
7 Braganza, he's an investigator; Tony Kotlarz; Investigator
8 Chris Thompson I believe was going back and forth between
9 the location I was at and some of the other search warrants
10 that we were serving at the same time with photographic and
11 camera equipment provisions.

12 I'm trying to recall. I apologize.

13 Q That's fine if you can't recall everyone.

14 Approximately how many people were on
15 your team?

16 A I would say approximately ten.

17 Q And were you the designated for lack of a
18 better term supervisor?

19 A I was designated as the team leader.

20 Q Okay. Good.

21 Now during the course of the search of
22 Gilbert's house was somebody videotaping?

23 A Yes, sir.

24 Q And who was that?

25 A I do not know who was videotaping inside the

4 1 residence at the beginning of the search. It's standard
2 for us to record before the search begins and after. I did
3 some recording after the search warrant was executed but I
4 don't know who did it before. I was on the outside of the
5 residence on the surrounding property for most of the time
6 we were there.

7 Q But you do know it was video recorded,
8 correct?

9 A Yes, sir.

10 Q Did you have an opportunity to view the
11 videotaping?

12 A Yes, sir, I have.

13 Q Now as the team went up to Gilbert's property
14 did you see anybody that was sitting in some type of
15 equipment?

16 A Yes, sir. I saw George Casal, he was on a
17 Terrix or Terrex piece of heavy equipment that was parked
18 at the front structure that was being constructed, the
19 eight thousand something square foot structure at the front
20 of the property, and there were several other gentlemen
21 that were working on that part of the property.

22 Q Okay. What was your primary role during the
23 execution of this warrant?

24 A Basically to give instruction and designate
25 the various participants in the search warrant as to, you

4 1 know, what we're looking for, what to search for and where
2 those items may be located. And I sat in partially on an
3 interview with Mr. Gilbert. He came to the property during
4 the search warrant, he was apprised that we were at his
5 residence when Investigator Ruggiero served the consecutive
6 search warrant at the college and sat in with Chief
5 7 Investigator Greg Smith on part of the interview of Mr.
8 Gilbert.

9 Q Did your role also include documenting and
10 inventorying all the property that was going to be taken?

11 A No, sir. I believe Acting Chief Dale Liebherr
12 was handling the input of the inventory items into the data
13 base.

14 Q Okay. And then at that point a spread sheet
15 was created?

16 A Yes, sir, it was.

17 Q And the spread sheet set forth everything that
18 was taken; is that correct?

19 A Yes, sir.

20 Q Okay. Now during the execution of the
21 search -- well, let me -- I'm going to hand you Grand Jury
22 Exhibit 8, 10 and 12. Looking at 8, do you recognize --
23 that's a photo -- photographs, correct?

24 A Yes, sir.

25 Q What is depicted in those photographs?

5 1 A In this particular exhibit, in 8, there is a
2 paint sprayer that was recovered from the property.

3 Q Okay. And look at 10. What is depicted in
4 that?

5 A I believe this is referred to as an auto lift
6 that was recovered from the, automobile chain hoist auto
7 lift that was recovered from the property, Mr. Gilbert's
8 property.

9 Q And looking at 12.

10 A That is a Grove Manlift that was recovered
11 from the property of Mr. Gilbert.

12 Q And you personally saw each of these items in
13 these three exhibits, correct?

14 A Yes, sir. As a matter of fact the last item,
15 the manlift, we went to two days on a search warrant and we
16 had some difficulty maneuvering it off of the property with
17 the assistance of the DOT and I was the last person there
18 the following evening as they were able to finally get it
19 loaded and transported to be secured.

20 Q Now the items that I just showed you in these
21 three exhibits, they were secured, correct?

22 A Yes, sir, they were.

23 Q Where were they taken?

24 A I did not personally go there but I was told
25 they were going to the Highway Patrol yard where they had a

5 1 secured fenced-in area. Investigator Ruggiero assisted in
2 the off-loading and inventoried those items at that
3 particular location.

4 Q Now did there come a time that you returned
5 back to Gilbert's house a couple of months after the search
6 warrant was executed?

7 A Yes, sir, I did.

8 Q Why did you go back there?

9 A During the initial search warrant we observed
10 some pieces of equipment that bore stickers that indicated
11 they were property of the the Community College of Southern
12 Nevada, they were inside the stable area and extremely
13 heavy items and we were not prepared or equipped to remove
14 those items from the property at the time that we served
15 the initial warrants.

16 Q So you went back because at that point you
17 were able to arrange to have them removed, correct?

18 A Yes, sir.

19 Q Who did you go back with?

20 A With Investigator Ruggiero and Investigator
21 Kotlarz. I believe Investigator Ray Braganza was there as
22 well and I can't recall who else was there at that time.

23 Q When you went back two months later what did
24 you discover about these particular pieces of property that
25 had a CCSN tag on them?

5 1 A They were not on the property.

2 Q You couldn't see them at all, you couldn't
3 find them?

4 A No, sir, they had been removed.

5 Q What did you do?

6 A We spoke to Mr. Gilbert about the items and I
7 believe that Investigator Ruggiero spoke to him about where
8 those items were located. I don't know what his response
9 was specifically, but I know he made mention that he had
10 removed them from the property for some reason, but I can't
11 attest to what was specifically said in that conversation.

12 Q Now you testified earlier that you had
13 reviewed or you have reviewed before coming in here today
14 the videotape that was taken or the video that was taken of
15 the search warrant on June 13, 2007; correct?

16 A Yes, sir.

17 Q While doing that did you notice any particular
18 materials?

19 A I did. There were --

20 Q Okay. What type of particular materials drew
21 your attention?

22 A Construction materials.

23 Q Specifically did you see Versabonding?

24 A Yes, sir, I did.

25 Q Did you see two-by-fours?

5 1 A Yes, sir.

2 Q Okay. In regard to the Versabonding and the
3 two-by-fours depicted in the videotape, where were they in
4 relation to each other?

5 A They were in adjoining rooms of the structure
6 that was being constructed in the front of the property,
7 rooms that were adjacent to each other, on the floor area
8 of those rooms.

9 Q Now what was it about those two items that
10 drew your attention?

11 A I can't say that they drew my attention at the
12 time. My video documentation was simply for that, to
13 document what we observed. At a later date I was presented
14 with documents that Investigator Ruggiero had acquired that
15 corresponded to those items that I observed that we just
16 mentioned.

17 Q Okay. Were you able to extract from that
18 video a number off of either of those two items?

19 A Yes, sir. I had, when I was doing my video
20 recording I tried to get a sku number or serial number, any
21 identifying number off of all of the items that I observed
22 on the property in the event that any subsequent
23 documentation could lead us to where they originally were
24 purchased from or how they were purchased.

25 Q Of the two items, the Versabond or the

6 1 two-by-fours, which one had the number that you were
2 able --

3 A The two-by-fours had a sku number attached to
4 them that I recorded on the video.

5 Q So looking at that sku number then, did you
6 then look at a particular Home Depot invoice?

7 A Yes, sir, I did.

8 Q I'm going to hand you Grand Jury Exhibit 14.
9 Is that the particular invoice that you looked at?

10 A Yes, sir, it is.

11 Q And the sku number that you got off the video
12 recording, is it located on this particular document?

13 A Yes, sir, it is.

14 Q Where is it located?

15 A It's located under the area S-K-U and the
16 number is 603-597.

17 Q Okay. And so when you made that comparison
18 what did you conclude?

19 A I concluded based on the delivery date which I
20 believe in a very close proximity to when the items were
21 observed and the number of items I was observing and the
22 description that they appeared to be the same number and
23 items that are listed on that document.

24 Q Okay. Now when you looked at the videotape do
25 you recall how many bags of Versabonding you saw?

6 1 A I counted twenty bags of Versabond.

2 Q And do you recall how many two-by-fours?

3 A I believe there were approximately fifty.

4 Q And did those numbers match up with the
5 invoice that you just saw?

6 A Yes, sir, they do.

7 MR. HAFEN: That's all the questions I have.

8 THE FOREPERSON: Seeing no further questions.

9 By law these proceedings are secret and
10 you are prohibited from disclosing to anyone anything that
11 has transpired before us, including evidence and statements
12 presented to the Grand Jury, any event occurring or
13 statement made in the presence of the Grand Jury, and
14 information obtained by the Grand Jury.

15 Failure to comply with this admonition
16 is a gross misdemeanor punishable by a year in the Clark
17 County Detention Center and a \$2,000 fine. In addition,
18 you may be held in contempt of court punishable by an
19 additional \$500 fine and 25 days in the Clark County
20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes, ma'am.

23 THE FOREPERSON: Thank you for your testimony.

24 THE WITNESS: Thank you.

25 THE FOREPERSON: You are excused.

6 1 MR. HAFEN: The next witness is Mario
2 Balderas.

3 THE FOREPERSON: You may move closer to the
4 chair. Please remain standing and raise your right hand.

5 You do solemnly swear that the testimony
6 you are about to give upon the investigation now pending
7 before this Grand Jury shall be the truth, the whole truth,
8 and nothing but the truth, so help you God?

9 MR. BALDERAS: Yeah, I do.

10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today
12 to give testimony in the investigation pertaining to the
13 offenses of theft, misconduct of a public officer,
14 principal to the crime of theft, and obtaining money by
15 false pretenses, involving Dave Wilson, Thad Skinner,
16 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
17 Hafen and Gary Hafen.

18 Do you understand this advisement?

19 MR. BALDERAS: Yes, ma'am.

20 THE FOREPERSON: Please state your first and
21 last name spelling both for the record.

22 MR. BALDERAS: Mario, M-a-r-i-o, Balderas,
23 B-a-l-d-e-r-a-s.

24 THE FOREPERSON: Thank you.

25 ///

6 1 ///

2 MARIO BALDERAS,

3 having been first duly sworn by the Foreperson of the Grand
4 Jury to tell the truth, the whole truth, and nothing but
5 the truth, testified as follows:

6
7 EXAMINATION

8
9 BY MR. HAFEN:

10 Q Mr. Balderas, are you currently employed?

11 A Yes, sir.

12 Q Where?

13 A Burlington, Iowa.

14 Q What business do you work for?

15 A I work for Huffman's Farm and Home.

16 Q What is your title there?

17 A Assistant manager.

18 Q Have you lived in Las Vegas?

19 A For thirty-five years.

20 Q When did you leave Las Vegas and go back to
21 Iowa?

22 A Exactly? August 27th. And -- I beg your
23 pardon. I left August 15th from Las Vegas to go back to
24 Burlington, Iowa.

25 Q What year?

6 1 A 2007.

2 Q While you were living in Las Vegas were you
3 employed at the Community College of Southern Nevada?

4 A Yes, sir.

5 Q When did you first start at the college?

6 A April, I can't give you the exact day, but it
7 was 1985.

8 Q And what were you hired to be at the college?

9 A I started out in 1985 as a custodian and
10 throughout the years I worked my way up to the position
11 that I left which was facilities supervisor four.

12 Q Facilities supervisor four?

13 A That's correct.

14 Q How long did you hold that title?

15 A I'm just guessing, I would say probably five
16 years. Just as a guess.

17 Q What were your duties and responsibilities
18 under that title?

19 A Well, what I did, what they wanted me to do is
20 I overseen all the campuses. When I say overseen all the
21 campuses, Henderson, West Charleston, all the satellite
22 campuses, Mesquite, Pahrump, there is like fifteen campuses
23 at that time. I can't even remember them all now.

24 Q Would you go and visit those campuses?

25 A That's correct.

7 1 Q As a result of that you had an opportunity to
2 observe property and materials that were all owned by the
3 community college, correct?

4 A That's correct.

5 Q Okay. During the time that you worked for the
6 community college did you come to know a person by the name
7 of Sal Saporito?

8 A Yes, sir. He was my supervisor.

9 Q How long have you known Sal Saporito?

10 A All the years that he was there. I would say
11 probably -- well, I'd be guessing again. I'd say probably
12 fifteen years.

13 Q And you indicated that Mr. Saporito was your
14 supervisor. What title did he hold?

15 A He was the assistant fiscal plant manager.

16 Q Okay. Did you know a person by the name of
17 William "Bob" Gilbert?

18 A Yes, sir.

19 Q And how long have you known Mr. Gilbert?

20 A For as long as he's been at the college. I
21 would say probably ten years probably or maybe even more.
22 I'm not sure.

23 Q In regard to employment, what was your
24 relationship with Mr. Gilbert?

25 A Well, he started out as a contractor for the

7 1 school, a hired contractor, and then he ended up getting
2 out of that business and became a high official at the
3 college which he was Sal's boss and my boss as well.

4 Q So he had direct supervisory responsibilities
5 over you; is that correct?

6 A He would override anybody else's decisions.

7 Q Okay. Including yourself?

8 A Absolutely.

9 Q Did he have you do any specific duties,
10 responsibilities; was it that type of a supervisory role?

11 A There at the end it was. That was after Sal
12 was gone.

13 Q And what did he have you do?

14 A Well, I overseen the campuses, oversee the
15 maintainance, electrical, H-Vac, ground, and I would order
16 materials, supplies and stuff for the college; toilet
17 paper, paper towels and chemicals and stuff. I'd get bids
18 and stuff for him. I'd put out bids for him.

19 Q Was some of your responsibilities actually
20 working on construction projects at CCSN?

21 A When it first started out I was doing the
22 take-offs. Take-offs being estimates on materials. At
23 that time Duane Stevens was my immediate supervisor and I
24 would do the take-offs on all the buildings that we were
25 going to be getting ready to put under new construction.

7 1 And then after that Bob Gilbert came in and reinvented the
2 wheel with everybody, in other words he just took
3 everything over, it was his way.

4 Q Now who would work with you there at the
5 college? Did you have anybody that kind of you partnered
6 up with on a regular basis?

7 A Well, I had five gentlemen that use to work
8 for me and I called them the A team and they weren't very
9 well-liked by everybody because they would work extremely
10 hard and harder than anybody else. So then they disbanded
11 them and I just said that they just disbanded the A team.
12 It was all a joke to me. And so then they went their own
13 little ways and then after that I use to get all the
14 feedback from all of them telling me how they had been
15 mistreated by Bob Gilbert and --

16 Q We don't need to go into that. Let me cut you
17 off there.

18 Okay. Now while you were there did you
19 come to know Mathew Goins, Thad Skinner and George Casal?

20 A Yes, sir. Very well. Excuse the snickering
21 but --

22 Q Okay. Did you work with those three
23 individuals?

24 A Tried to.

25 Q Now are you familiar with Bob Gilbert's home

7 1 up on Mt. Charleston?

2 A Unfortunately, yes.

3 Q How often have you been there?

4 A Well, the reason I went up there was because
5 I'd go up there on the weekends and my wife and my kids
6 would ride his horses and they would groom his horses for
7 him after they rode them and stuff in appreciation for
8 letting us ride them and I would say we kind of went up
9 there at the most a half a dozen times.

10 Q When you went up there during those time
11 periods did you see any equipment or materials that you
12 identified as belonging to the community college?

13 A No pun intended, but it looked like one of our
14 campuses.

15 Q Can you tell us what type of materials you
16 would see up there?

17 A Well, there was one piece of equipment that
18 stood out very well with me because I questioned why we
19 don't have it, it just disappeared one day, and that was a
20 piece of equipment that was a, when it left the college --.

21 Q I'm sorry, what piece of equipment?

22 A It was a Grove Manlift.

23 Q Okay.

24 A And it was old. I guess they bought it new
25 and it needed some work, but I mean it's still operable, we

8 1 used it, and then one day it just disappeared. And I asked
2 2 Sal Saporito, because he was my supervisor, what happened
3 3 to my manlift and I got the response that Bob Gilbert was
4 4 taking it to a friend to have it rebuilt. And that was in
5 5 approximately 2004 and never to be seen again until I went
6 6 up there and seen it for myself. And fortunately had I not
7 7 remembered the color of it and the way it looked and what
8 8 the features were on it, someone painted it to a different
9 9 color, it was originally an orange/red which is a pretty
10 10 common color with Grove equipment, and when I went up there
11 11 I asked Bob, I said that looks like my manlift, meaning my
12 12 manlift, the manlift from the school that I use, and he
13 13 just gave me a and that was all that was said.

14 Q So he gave you a chuckle?

15 A Yeah. So then when he walked away from me, of
16 16 course it's like I was deceiving him too because I took it
17 17 upon myself to go over and look at it and I looked at the
18 18 undercarriage and it was still orange/red, they didn't
19 19 paint the bottom of it, they just painted the surface that
20 20 you seen, and it turns out it was our manlift.

21 Q I'm going to show you Exhibit 12. As you look
22 22 at that exhibit -- those are photographs, correct?

23 A Yes, sir.

24 Q Do those photographs depict the manlift that
25 25 you're testifying to?

8 1 A Yes, sir.

2 Do you want me to look at all of them?

3 Q Go ahead and take just a second to look and
4 make sure.

5 A That's it. I mean it's -- I can't tell you if
6 that was the serial numbers that were on them, that was on
7 it, but that is the manlift. You can obviously see the
8 orange/red color underneath the beige color that they
9 painted on it. Whoever they were, whoever he was.

10 Q Okay. Thank you.

11 Now in addition to the manlift, what other
12 type of, specifically what other type of property sticks
13 out in your memory as being up there when you would visit?

14 A I mean it wasn't like it was being covered up
15 or nothing, you'd go out there and see steel rafters that I
16 say came from West Charleston campus and the reason I say
17 that because it said on them CCSN community college, and I
18 didn't know that we had a storage space up at Mt.
19 Charleston.

20 Q Now did there come a time when you were
21 interviewed -- well, let me backup.

22 In regard to the property that you saw
23 up there on those visits, do you recall seeing auto lifts
24 and cabinets?

25 A Yes, sir. I can describe them for you if

8 1 you'd like.

2 Q No, that's fine.

3 Why is it that you associated the auto
4 lift and the cabinets on his property with being CCSN
5 property?

6 A Well, because eventually he worked at the
7 college, runs it, and they had just taken these lifts out
8 of the automotive department, the reason being is because
9 they were replacing them with new, high state of the art
10 new lifts, and those lifts that were in there were placed
11 on the side of the building, I would say on the northeast
12 side of the building, and then all of a sudden they were
13 MIA, they were no where to be found, and when I went up to
14 Bob Gilbert's ranch again I walked through and in the
15 garage I seen these lifts laying there in the garage along
16 with other CCSN equipment.

17 Q Now while still employed at CCSN did there
18 come a time when you were asked to be trained on the
19 insulation of locks of door knobs?

20 A Absolutely. It was one of my, part of job
21 description.

22 Q What type of training did you get in order to
23 do that?

24 A I got sent to Valencia, California to a
25 locksmith school, and because we were going to try and get

8 1 our key system down where we only had a half a dozen as
2 opposed to three hundred keys on our sides, and when I say
3 three hundred it's an exaggeration figure, but it was three
4 big key rings full of keys, and my job was to go to
5 Valencia, California, go to the school, get trained on the
6 lock system, which is the Best lock system, that's the name
7 of the company and the the system, and I went to that
8 school and got certified and I came back. And it was going
9 to cost the college over forty-four thousand to do the lock
10 system on it. And what happens with that lock system,
11 there is a master lock, a master key, I beg your pardon, a
12 grand master lock and then there is a master lock, a sub
13 master and a master, and then off of each one of those keys
14 each individual, like say there is an office complex that
15 has eight or ten offices in it, well, you had to key each
16 lock to access the front door. Each key would access that
17 front door so you could get to your own personal office.
18 Your own personal office wouldn't open this lady's over
19 here and nor will hers open his, but it it will open the
20 front door accessing the front door. So essentially you
21 have one key that does two functions is what it is, what it
22 boiled down to. And I even went to the dean at that time,
23 her name was Dr. Deane Simms, I told her that I wanted to
24 put this into effect, this new lock system, and it had to
25 be taken to cabinet to be done, and at that time Bob

9 1 Gilbert wasn't there yet, so they ended up running it
2 through cabinet and I made up a proposal that I wanted them
3 to, if anybody lost their key they had to replace each
4 office that was in that complex due to the fact that
5 somebody else would end up getting in there, have access to
6 someone else's files and stuff.

7 Q Let me stop you right there and kind of shift.

8 Now as a result of your involvement with
9 the locks, did you come to know how much they cost the
10 college per lock?

11 A Yes, sir.

12 Q How much did it cost the college per lock?

13 A See, when you buy that Best system you pay a
14 hundred and fifty dollars per lock, that's without the lock
15 itself. Okay. And the thing with the Best system, which
16 is one of the best systems around, you have to have what
17 they call a core key, and a core key function is to open
18 any one core, you take that core out and you put seven pins
19 in it and then you make a key for that individual with
20 those seven pins and the combination was twenty-three on
21 any of them that you go, but there is, I don't know how
22 many thousands of combination there are, and you program
23 that, you put it in and then you cut them a key.

24 Q Okay. So these are very particular, specific
25 locks, correct?

9 1 A Absolutely. Absolutely.

2 Q Now during the time that you were up to
3 Gilbert's house up on Mt. Charleston, did you happen to see
4 those type of locks that you were familiar with in your
5 employment at community college?

6 A Yes, sir.

7 Q All right. Now during the course of this
8 investigation were you interviewed by Attorney General
9 investigators?

10 A I beg your pardon?

11 Q During the course of this investigation did
12 you, were you interviewed by Attorney General
13 investigators? Did some investigators come and talk to
14 you?

15 A Yes, sir. Yes, sir. I'm sorry.

16 Q Okay. I'm sorry. Did they talk to you twice?

17 A Yes, sir.

18 Q Two separate occasions?

19 A Yes, sir.

20 Q The second time that they met with you did
21 they show you a stack of pictures?

22 A A few times.

23 Q Did you go through that stack of pictures?

24 A Yes, sir.

25 Q And as you were going through those pictures

9 1 did you pick out some photos or pictures that you could
2 2 identify?

3 A Several.

4 Q Okay. I'm going to hand you what has been
5 5 marked as Exhibit 35.

6 A Do you want me to describe these?

7 Q Well, just look at those first, Mario. Just
8 8 go through them real quick so you get an idea of what
9 9 they're about.

10 A It looks almost like the college, doesn't it.

11 Q Don't say anything. There is not a question.

12 A Beg your pardon.

13 Yes, sir.

14 Q Okay. Are those some of the photos that you
15 15 were shown by the investigators?

16 A I would say --

17 Q That is depicted in that exhibit?

18 A I would say all of them are, sir.

19 Q Those are the ones that you picked out in the
20 20 stack of photos, correct?

21 A That's correct.

22 Q And do they accurately depict what you saw
23 23 when you visited Bob Gilbert's house?

24 A Yes, sir.

25 Q Now in regard, and I'm just going to kind of

9 1 talk about some general concept here so we can move this
2 2 along, in regard to those pictures, do they depict the
3 3 locks that you both, were in charge of installing at the
4 4 college and that you had previously seen?

5 A Well, if I may, these are the same type of
6 6 locks that we use at the college. And if you'd like for me
10 7 to tell you why I know they are --

8 Q Go ahead.

9 A Is because there is an orange lock in here,
10 10 that's the core that I was talking about. That core, that
11 11 specific core is an orange core so you can only use it with
12 12 an orange core key. There is no other key, not a master
13 13 lock, not a master key, just an orange core key. That's a
14 14 construction core and that core is only used when we have a
15 15 new building. We don't want you to come in this part of
16 16 the office, we put one of them orange core keys in every
17 17 one of the locks because nobody has access to them except
18 18 for the supervisors. Then there is a blue core key, there
19 19 is a green core key and a black core key. Black core key
20 20 is one that nobody has but Bob Gilbert.

21 Q Okay. Now in those pictures are depicted some
22 22 corrals; is that correct?

23 A Yes, sir. It looks like the ones I sell.

24 Q Oh, in Iowa?

25 A Yes.

10 1 Q What is the connection with the corrals and
2 CCSN?

3 A Well, at one time, I can't tell you what year
4 it was because I don't remember it, at one time we had --
5 Bob had purchased these corrals, and if you go out to the
6 campus at Cheyenne, it's on the northwest where the campus
7 is, they use to be like a track for the automotive
8 motorcycle course and stuff, and they had these corrals all
9 around there and then prior to me leaving they disappeared.
10 They're gone.

11 Q Okay.

12 A Now I can't say that these are the ones that
13 were there but those are the same type that were there.

14 MR. HAFEN: Okay. That's all the questions I
15 have at this time.

16 THE FOREPERSON: Seeing no further questions.

17 By law these proceedings are secret and
18 you are prohibited from disclosing to anyone anything that
19 has transpired before us, including evidence and statements
20 presented to the Grand Jury, any event occurring or
21 statement made in the presence of the Grand Jury, and
22 information obtained by the Grand Jury.

23 Failure to comply with this admonition
24 is a gross misdemeanor punishable by a year in the Clark
25 County Detention Center and a \$2,000 fine. In addition,

10 1 you may be held in contempt of court punishable by an
2 additional \$500 fine and 25 days in the Clark County
3 Detention Center.

4 Do you understand this admonition?

5 THE WITNESS: Yes, ma'am.

6 THE FOREPERSON: Thank you for your testimony,
7 sir. You are excused.

8 THE WITNESS: Thank you.

9 MR. HAFEN: Thanks, Mario.

10 THE WITNESS: Thank you.

11 THE FOREPERSON: Please remain standing, raise
12 your right hand.

13 You do solemnly swear that the testimony
14 you are about to give upon the investigation now pending
15 before this Grand Jury shall be the truth, the whole truth,
16 and nothing but the truth, so help you God?

17 MR. SAPORITO: I do.

18 THE FOREPERSON: Please be seated.

19 You are advised that you are here today
20 to give testimony in the investigation pertaining to the
21 offenses of theft, misconduct of a public officer,
22 principal to the crime of theft, and obtaining money by
23 false pretenses, involving Dave Wilson, Thad Skinner,
24 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
25 Hafen and Gary Hafen.

10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SAPORITO: Yes, sir.

THE FOREPERSON: Do you understand this advisement?

Please state your first and last name spelling both for the record.

MR. SAPORITO: First name is Salvatore, S-a-l-v-a-t-o-r-e, last name Saporito, S-a-p-o-r-i-t-o.

THE FOREPERSON: Thank you.

SALVATORE SAPORITO,

having been first duly sworn by the Foreperson of the Grand Jury to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. HAFEN:

Q Mr. Saporito, before we get started there is one matter I need to go on the record with.

A Yes, sir.

MR. HAFEN: Ladies and gentlemen, two days ago I received correspondence from a community college professor by the name of John Cummings. In that correspondence he attached two letters that he claimed he received from former community college presidents Carpenter

10 1 and Remington. These letters relate to this case. I'm not
2 obligated to disclose these, however in the spirit of full
3 disclosure I'm making sure that you as a body have all the
4 information. I'm going to go ahead, I'm going to introduce
5 these two letters, it's Exhibit 36, pass it around and have
6 you read these. Again these are two letters that were
7 faxed to me by John Cummings, a professor at the community
8 college, who's claiming that these are letters written by
9 former college presidents Remington and Carpenter. And the
10 reason I'm doing that at this point is because they tie in
11 with Mr. Saporito as far as his testimony.

12 BY MR. HAFEN:

13 Q Okay. Mr. Saporito, are you currently
14 employed?

15 A Yes, I am.

16 Q Where are you employed?

17 A I'm selling real estate as an independent.

18 Q How long have you been doing that?

19 A Since I was let go at the college in 2006.

20 Q When you say the college, are you referring to
21 the Community College of Southern Nevada?

22 A Yes, sir, that's correct.

23 Q When did you begin working for CCSN?

24 A 19 -- November of 1989.

25 Q When you started there what was your title?

10 1 A Facility manager.

2 Q Did you progress in the ranks from that point
3 until the time you left?

4 A Yes, I did, sir.

5 Q Could you tell us generally how you, what
6 titles you had through that progression?

11 7 A Yes, sir. I was an assistant director to
8 Orlando Sandoval and after that when Orlando retired I went
9 to another position and I became the director of
10 operations. My responsibilities basically were new
11 construction, remodeling, maintainance, H-Vac, electrical,
12 ground, for the entire college system, for the community
13 college system, which they had at that time nine sites.

14 Q Now in that capacity did you become familiar
15 with what space was available in order to repair equipment
16 on the college campus?

17 A Yes, sir. I set up most of the spaces.

18 Q What do you mean? How did you do that?

19 A Over at the Cheyenne campus I had two modulars
20 brought in for the staff as well as I had a metal building
21 put up for storage and equipment and I had a building that
22 was thirty by sixty that had a shop in it and, an
23 automotive shop, and the shop, there was equipment like
24 band saws, drills, et cetera.

25 Q While you were working there at the college in

11

1 that capacity is that where all the maintenance or the
2 repairs for all college equipment would occur?

3 A That was just for the Cheyenne campus only. I
4 had separate facilities at the other two sites. Cheyenne
5 had its own -- I mean West Charleston had its own building,
6 had its own storage yard, I put up a metal building there
7 as well for the staff to work out of. And over in
8 Henderson we had space in the building as well as a bone
9 yard which is for storage and that's where the gentlemen
10 all worked out of and that included H-Vac techs,
11 electricians, maintenance. We were capable of doing
12 anything in the buildings that needed to be done.

13 Q Prior to coming here today did you have an
14 opportunity to go back to CCSN campuses and determine if
15 there is sufficient space there to repair equipment?

16 A Yes, I did. I had to go there yesterday to
17 pickup my personnel file. I went to the Cheyenne campus.
18 We have a total of seventy-five acres there and the amount
19 of vacant land still there for storage is still available
20 and I would say it's about thirty acres. They have like
21 nine storage units on the lot now for storage with a fence
22 that runs all the way the full back of the lot which is
23 entirely empty.

24 I had to go over to West Charleston to
25 pickup the balance of my records and the empty property is

11

1 still there. The only thing that's on there now at West
2 Charleston is a motorcycle track and that sits all the way
3 back by Opportunity Village and there again I would say
4 it's a good thirty acres for storage.

5 Q So based on your experience and your position
6 there in the years at the community college and what you
7 observed just a day or two ago, was there any need at the
8 community college while you were there to transport
9 equipment to somebody else's house and have that equipment
10 repaired there?

11 A Absolutely not. If I had to transport
12 equipment off of college property to private property I had
13 to fill out a property movement form and it had to be
14 signed by the vice president.

15 Q During the time that you were at the community
16 college did you ever become aware of any equipment,
17 community college equipment, which was transported to a
18 person by the name of Bob Gilbert's residence at Mt.
19 Charleston?

20 A Yes, I was.

21 Q For repair purposes?

22 A The lift was one of the items that was a big
23 concern to me because we used it at the Cheyenne campus to
24 repair the exterior lighting as well as as we used it in
25 the building to repair the high ceilings. Anyway Bob was

11 1 taking it off the campus, one day he had a truck over there
2 2 to haul it off, and I said Bob, where's it going, and he
3 3 said it's going to be rebuilt, I said there is nothing
4 4 wrong with it, and he said, well, I own a junkyard now, I
5 5 have a lot of parts, I'm going to fix it up, rebuild it and
6 6 bring it back. I kept asking him about every three months
7 7 where it was because we couldn't do anything without it,
8 8 then finally he told me that it was not repairable, and I
9 9 said really, I says, then I went to see Jack Collin who was
10 10 in purchasing and I said Jack, did you write the zoom boom
11 11 off and he said no, and I said well, I understand it's no
12 12 longer usable, and he says that's the first I heard about
13 13 it. So anyway Mario happened to go up by Bob's place and
12 14 Mario came into my office and he says guess what I saw, I
15 15 said what, he said I saw the zoom boom up there, the lift,
16 16 and it's been repainted, I said it's ours, and he said
17 17 yeah, I crawled underneath and I saw the orange paint, and
18 18 I says what did you say to Bob, and he says Bob, he says
19 19 this belongs to the college, it's the same one, and he said
20 20 Bob snickered and kind of blinked at him and turned his
21 21 head and walked away.

22 Q I kind of jumped ahead with that question.

23 So you know a William "Bob" Gilbert?

24 A It's the same person.

25 Q Yes?

12

1 A Yes.

2 Q How is it that you know Bob Gilbert?

3 A I originally met him when I was working for
4 Orlando Sandoval doing remodeling and construction. When I
5 first started working for him he brought Bob Gilbert in and
6 told me to use him as a contractor. That's how I met Bob.

7 Q Now at some point in time Gilbert came to the
8 community college to work, correct?

9 A That is correct.

10 Q And when he first got to the college what was
11 his title there?

12 A The first that he was at the college he came
13 into my office with Richard Moore, the president of the
14 college, and Orlando Sandoval.

15 Q Now Sal, I know you've got some feelings here
16 but if you could just answer the question.

17 A Oh sure. I'm sorry.

18 Q That would be great.

19 A Yeah.

20 Q I apologize, I don't want to cut you off but I
21 don't want to prejudice --

22 A No, that's okay, I understand.

23 Q -- with some comment.

24 When he came to the college at the very
25 beginning what was Bob Gilbert's title?

12 1 A As an employee of the college?

2 Q Okay.

3 A Yeah, construction.

4 Q Did he work under you at that time?

5 A No.

6 Q Who did he work for?

7 A Orlando Sandoval.

8 Q Now did there come a time when you would have
9 discussions with Mr. Gilbert over the years and get to know
10 a little bit more about his background?

11 A Yes.

12 Q Okay. What did he do -- based on those
13 discussions did you discover what he did prior to coming to
14 the community college?

15 A Well, outside of being in construction he told
16 me that he worked for Ted Binion as a collector.

17 Q Now did there come a time when your duties at
18 the community college changed?

19 A Yes.

20 Q To what extent?

21 A From all the areas that I mentioned before
22 basically to sitting in an office and coloring drawings.

23 Q And who took over your duties and
24 responsibilities?

25 A Bob Gilbert.

12

1 Q Now while you were at the community college
2 did you become familiar with how surplus community college
3 property would be processed?

4 A Yes.

5 Q Explain how a piece of property owned by the
6 college becomes surplus property.

7 A First thing you have to do is make-up a list,
8 usually we did it once a year, of all the equipment that
9 was in the bone yard that was not being used or unusable or
10 unsafe. Once we had that list made up I'd bring it in to
11 Jack Collin and Dan Morris who had to approve it. Jack
12 would go out there and evaluate it, okay it for surplus,
13 and then it would get advertised and go out to bid.

14 Q So was there paperwork that had to be filled
15 out?

16 A Absolutely.

17 Q Okay. Was anyone during the time you were
18 there permitted per policy to just take equipment to their
19 personal residence?

20 A Absolutely not.

21 Q And specifically equipment such as a manlift,
22 a paint sprayer and a chain hoist?

23 A Absolutely not.

24 Q Now during the course of investigation of this
25 case were you interviewed by Attorney General

12 1 investigators?

2 A Yes, sir, I was.

3 Q Do you recall how many times?

4 A I think Anthony Ruggiero came over twice with
5 Michelle.

6 Q During the second visit do you recall if they
7 showed you any photographs?

8 A Yes, sir, they did.

9 Q Do you recall if it was a small number a large
10 number?

11 A It was quite a few.

12 Q Did you have an opportunity to review those
13 photographs?

14 A Yes, sir, I did.

15 Q And during that review did you pull out some
16 photographs that you thought depicted property that was
17 community college property?

18 A Yes, sir, I did.

19 Q Okay. I'm going to show you Grand Jury
20 Exhibit 37. And don't take a lot of time, just generally
21 look at those.

22 A These are locks in the college. It's a red
23 core lock.

24 Q Wait until I ask you a question.

25 A Oh, I'm sorry. I'm sorry.

12 1 Q It's okay. Just go ahead and review them.
2 Have you had a chance to review that
3 exhibit?

4 A Yes, sir.

13 5 Q And what is this exhibit? What does it
6 contain? Not specific each picture, but generally what
7 does the exhibit contain?

8 A College equipment.

9 Q Are they photographs?

10 A Yes, sir, they are.

11 Q And do these photographs accurately depict
12 what you saw on the CCSN campuses while you worked there?

13 A Yes, sir. In fact I purchased a couple of
14 these.

15 MR. HAFEN: Okay. That's all the questions I
16 have at this time.

17 BY THE FOREPERSON:

18 Q Mr. Saporito, I have a question.

19 A Yes, ma'am.

20 Q At the beginning of your testimony you
21 indicated that you were let go from the community college
22 in 2006.

23 A Yes, ma'am.

24 Q Did your termination have anything to do with
25 this situation?

13 1 A Yes, ma'am. I was pushed out by Bob Gilbert
2 and Jeff Forshee. He was the vice president.

3 Q Yeah, that was my next question. Was Mr.
4 Gilbert involved in your termination?

5 A Yes, he was. He was in the room in fact when
6 Dr. Forshee said they weren't going to renew my contract.

7 Q Had you questioned any of this?

8 A Yes, I did. I had went to personnel and
9 pulled my personnel jacket and I went back to Forshee and I
10 showed him my personnel jacket for the eighteen years I was
11 there, I never got a less evaluation than an excellant
12 which is above standard. I said I worked seventy hours a
13 week to a hundred hours a week and I never took a vacation
14 for six years and I said there is no justification, and he
15 said well, you're not doing your job, I said how do you
16 figure. So then what I did is I made up like an eight and
17 a half by eleven that I sent to all the staff in the
18 building, are you happy with the way the building is
19 cleaned, is the maitenance okay, is the bathrooms okay,
20 anything that they could possibly write, I got those back,
21 ninety percent of them were positive. I brought them to
22 Forshee and he yelled at me for about twenty minutes for
23 doing that. And after that then Bob Gilbert called me and
24 he says I got some work for you to do and he put me in an
25 office at West Charleston, small office, which I didn't

13 1 care as long as I had my job, and then he gave me some
2 drawings and he said color these drawings different colors
3 by area.

4 Q Thank you.

5 A You're welcome, ma'am.

6 BY A JUROR:

7 Q Forshee, now that's the president?

8 A Vice president, ma'am.

9 Q Forshee is the vice president?

10 A Yes. He was working for Carpenter. He was
11 vice president of operations.

12 Q Okay. But Gilbert is vice president now?

13 A He's vice president now, yes. He was
14 appointed that position.

15 Q Okay. And was the president involved?

16 A Yes. President Carpenter, he's the one that
17 appointed Bob to vice president. And it never went out, it
18 never got posted.

19 Q And was the president aware that Gilbert had
20 these things at his home?

21 A Yeah, he's --

22 MR. HAFEN: I'm going to, I have to interject
23 here because I think that would call for speculation on the
24 part of this witness. And if he's going to say anything
25 that Mr. Forshee told him that would be hearsay so it would

13

1 be inappropriate to get into that at this time.

2 THE WITNESS: Could I say something?

3 MR. HAFEN: No.

4 THE WITNESS: Okay.

5 Yes, sir.

6 BY A JUROR:

7 Q Just one. Did you retire on your own in that
8 position?

9 A No, sir, I was forced to retire. I wanted to
10 work another five, six or seven years yet.

11 THE FOREPERSON: Seeing no further questions.

12 By law these proceedings are secret and
13 you are prohibited from disclosing to anyone anything that
14 has transpired before us, including evidence and statements
15 presented to the Grand Jury, any event occurring or
16 statement made in the presence of the Grand Jury, and
17 information obtained by the Grand Jury.

18 Failure to comply with this admonition
19 is a gross misdemeanor punishable by a year in the Clark
20 County Detention Center and a \$2,000 fine. In addition,
21 you may be held in contempt of court punishable by an
22 additional \$500 fine and 25 days in the Clark County
23 Detention Center.

24 Do you understand this advisement?

25 THE WITNESS: Yes, I do, ma'am.

13

1 THE FOREPERSON: Thank you for your testimony,
2 sir. You are excused.

3 THE WITNESS: Thank you all.

4 MR. HAFEN: Thank you, Sal.

5 This is Dale Lawrence. I'm sorry.

6 THE FOREPERSON: Please remain standing, sir,
7 and raise your right hand.

8 You do solemnly swear that the testimony
9 you are about to give upon the investigation now pending
10 before this Grand Jury shall be the truth, the whole truth,
11 and nothing but the truth, so help you God?

12 MR. LAWRENCE: Yes, ma'am.

13 THE FOREPERSON: Please be seated.

14 You are advised that you are here today
15 to give testimony in the investigation pertaining to the
16 offenses of theft, misconduct of a public officer,
17 principal to the crime of theft, and obtaining money by
18 false pretenses, involving Dave Wilson, Thad Skinner,
19 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
20 Hafen and Gary Hafen.

21 Do you understand this advisement?

22 MR. LAWRENCE: Yes, ma'am.

23 THE FOREPERSON: Please state your first and
24 last name spelling both for the record.

25 MR. LAWRENCE: Dale Lawrence. D-a-l-e,

13 1 L-a-w-r-e-n-c-e.

2 THE FOREPERSON: Thank you.

3
4 DALE LAWRENCE,

5 having been first duly sworn by the Foreperson of the Grand
6 Jury to tell the truth, the whole truth, and nothing but
7 the truth, testified as follows:

8
9 EXAMINATION

10
11 BY MR. HAFEN:

12 Q Mr. Lawrence, I want to begin by talking a
13 little bit about your background and some of the specialty
14 knowledge that you have as a result of what you do.

15 Where are you currently employed?

16 A Ahern Rentals.

17 Q And what do you do there?

18 A I am a location branch manager.

19 Q What are your duties and responsibilities?

20 A Basic daily operations, purchasing equipment,
21 selling equipment, dealing with the customer on a daily
22 basis, contract negotiating, all aspects of equipment
23 rental.

24 Q How long have you worked at Ahern Rentals?

25 A Six years this October.

14 1 Q During that six year period have you also been
2 involved in purchasing construction equipment?

3 A Yes, sir, I have.

4 Q In order to help you in that part of your
5 duties and responsibilities, have you been given any type
6 of training or do you refer to any type of a resource book
7 or anything like that?

8 A Yes, sir, I do.

9 Q In what respect?

10 A For example, we have what is known as a
11 construction green guide which is basically a blue book for
12 construction equipment to price used equipment for resale.
13 I work closely with manufacturers of various different
14 types of equipment when I'm purchasing new equipment for my
15 rental fleet. A lot of hands-on experience over the last
16 twelve years working with equipment.

17 Q Now prior to going to work for Ahern, what did
18 you do?

19 A I managed a rental center in North Idaho
20 called Hahn Rental, H-a-h-n, in Moscow, Idaho.

21 Q As part of your manager duties and
22 responsibilities in that position, what did you do?

23 A Basic general operation of the complete rental
24 store, dealing with customers, basic operations, dealing
25 with the customers on a daily basis, purchasing equipment,

14

1 selling equipment, day-to-day operations at the store.

2 Q When you say equipment, does that include
3 construction type equipment as well?

4 A All construction equipment, yes, sir.

5 Q Now directing your attention to the early part
6 of August 2008, did you have occasion to meet with an
7 Attorney General investigator by the name of Tony Kotlarz?

8 A Yes, sir.

9 Q Where did you meet Mr. Kotlarz?

10 A Nevada Highway Patrol Office over -- I can't
11 remember the cross streets -- it's over on the, I guess it
12 would be the south end of Las Vegas. I'm sorry, I don't
13 recall the streets but --

14 Q Would it be by Sunset Road?

15 A Absolutely, yes, sir.

16 Q Okay. What was the reason for you meeting
17 Investigator Kotlarz at that location?

18 A He asked me to look at some equipment and give
19 him an approximate value basically on the equipment.

20 Q Okay. I have presented to you or I present to
21 you three exhibits, Grand Jury Exhibit 8, Grand Jury
22 Exhibit 10 and Grand Jury Exhibit 12 that have been
23 admitted into evidence. Looking at those three exhibits,
24 are those photographs of property that you have observed?

25 A Yes, sir.

14

1 Q And where did you observe the property that is
2 depicted in those three exhibits?

3 A Tony showed me this property over on the
4 Nevada Highway Patrol's impound yard.

5 Q Look at the first exhibit which is Exhibit 8.
6 What is that piece of equipment depicted in that exhibit?

7 A It's an Ultra 495 airless paint sprayer.

8 Q Did you have the occasion to determine the
9 value of that paint sprayer after viewing it?

10 A Yes, sir, I did.

11 Q Can you describe or tell us how you came to
12 that value?

13 A This is the same style of paint sprayer that
14 we've been renting at Ahern Rentals for several years. I
15 have purchased many of these.

16 Q And what did you conclude is the value the day
17 that you looked at that piece of equipment?

18 A I said approximately a thousand dollars.

19 Q Okay. Now showing you Grand Jury Exhibit 10,
20 what piece of equipment is depicted in those photos?

21 A An electrical chain fall or chain hoist.

22 Q Or a chain hoist?

23 A Same thing, two different names.

24 Q Let me just digress. And I apologize. Going
25 back to Exhibit 8.

14 1 A Yes, sir.

2 Q You indicated that was a paint sprayer,
3 correct?

4 A Yes, sir.

5 Q What is it used for?

6 A We rent ours to the every-day individual who
7 wants to paint his house or a fence or anything you want to
8 put paint down on.

9 Q So in other words it allows you to paint
10 quicker as opposed to doing it by hand?

11 A Absolutely, yes, sir.

12 Q No, it was a dumb question because it's a
13 paint sprayer and you use it to paint, but at least I
14 wanted to make sure.

15 Now look at the next exhibit you
16 identified as the chain hoist. What can that be used for?

15 17 A This type of chain hoist, if it was in my shop
18 would be sitting in the middle of the shop, I would use it
19 to pickup heavy objects. If I wanted to rebuild an engine
20 I would pull out the engine with this.

21 Q Did you have occasion to determine the value
22 of that chain hoist after viewing it?

23 A Yes, sir, I did.

24 Q What did you do in that regard or how did you
25 come to that conclusion?

15 1 A Well, doing what I've done for several years,
2 running many shops, I've dealt with these, I've purchased
3 them, I've rented them and I've sold them.

4 Q What value did you determine was associated
5 with this chain hoist?

6 A Again something of this nature, it could be
7 anywhere from five hundred to a thousand dollars very
8 easily and up from there.

9 Q Several days ago did you have occasion to go
10 back to that yard and determine if this chain hoist
11 actually worked?

12 A Yes, sir, I did.

13 Q What happened in that regard?

14 A I plugged it in, I hit the button, the thing
15 works fine.

16 Q And does that in your mind then, did that
17 increase the fair market value of that chain hoist?

18 A Yes, sir, it did.

19 Q And what did it go up to?

20 A Probably in the neighborhood of fifteen
21 hundred dollars.

22 Q Okay. And then showing you Exhibit 12, what
23 is depicted in the photos in that exhibit?

24 A It's a Grove boom lift.

25 Q What can that be used for?

15 1 A Putting you in a position to work on an eve or
2 somewhere high off the ground, it allows you to get up in
3 the air and reach things that you can't reach with a ladder
4 or scaffolding in a safe manner.

5 Q Could you use it to build a house?

6 A Absolutely.

7 Q And you had occasion to look at that piece of
8 equipment at the lot; is that correct?

9 A Yes, sir, I did.

10 Q Were you able to come to a determination as to
11 the value of that manlift the day that you looked at it?

12 A Yes, sir, I was.

13 Q And what value did you determine it to be?

14 A More than likely around the ten to fifteen
15 thousand dollar range.

16 Q And how did you come to that opinion?

17 A Again working in the rental industry for the
18 last twelve years, selling, renting, purchasing, looking at
19 numbers.

20 Q And you've been involved in selling, renting
21 and purchasing those manlifts like that?

22 A Yes, sir, I have.

23 Q Okay. Now on any of these three pieces of
24 equipment did you look at any type of a reference or a book
25 to just verify the value that you have placed on each of

15

1 them?

2 A No, sir, I have not. I have been dealing with
3 them for years.

4 Q Okay. So based on that you didn't think it
5 was necessary to go to -- you mentioned some book that you
6 rely on.

7 A The green guide. The construction equipment
8 green guide.

9 Q You didn't have to go to that because you
10 already know what it would say?

11 A Yes, sir.

12 Q And is that because you always look at that
13 book and use it every day?

14 A On a very regular basis. Every day, no, but
15 on a very regular basis. I sell equipment quite regularly
16 so.

17 MR. HAFEN: That's all the questions I have.

18 THE FOREPERSON: Seeing no further questions.

19 By law these proceedings are secret and
20 you are prohibited from disclosing to anyone anything that
21 has transpired before us, including evidence and statements
22 presented to the Grand Jury, any event occurring or
23 statement made in the presence of the Grand Jury, and
24 information obtained by the Grand Jury.

25 Failure to comply with this admonition

15 1 is a gross misdemeanor punishable by a year in the Clark
2 County Detention Center and a \$2,000 fine. In addition,
3 you may be held in contempt of court punishable by an
4 additional \$500 fine and 25 days in the Clark County
5 Detention Center.

6 Do you understand this admonition?

7 THE WITNESS: Yes, ma'am.

8 THE FOREPERSON: Thank you for your testimony.
9 You are excused.

10 THE WITNESS: Thank you.

11 MR. HAFEN: Thank you, Dale.

12 THE WITNESS: Thank you, sir.

13 MR. HAFEN: The next witness will be Kevin
14 Stich.

15 THE FOREPERSON: Please raise your right hand.

16 You do solemnly swear that the testimony
17 you are about to give upon the investigation now pending
18 before this Grand Jury shall be the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 MR. STICH: I do.

21 THE FOREPERSON: Please be seated.

22 MR. STICH: Thanks.

23 THE FOREPERSON: You are advised that you are
24 here today to give testimony in the investigation
25 pertaining to the offenses of theft, misconduct of a public

15 1 officer, principal to the crime of theft, and obtaining
2 money by false pretenses, involving Dave Wilson, Thad
3 Skinner, Mathew Goins, George Casal, William "Bob" Gilbert,
4 Lloyd Hafen and Gary Hafen.

5 Do you understand this advisement?

6 MR. STICH: Yes, ma'am.

7 THE FOREPERSON: Please state your first and
8 last name spelling both for the record.

9 MR. STICH: Kevin Stich. K-e-v-i-n,
10 S-t-i-c-h.

11 THE FOREPERSON: Thank you.

12
13 KEVIN STICH,

14 having been first duly sworn by the Foreperson of the Grand
15 Jury to tell the truth, the whole truth, and nothing but
16 the truth, testified as follows:

17
18 EXAMINATION

19
20 BY MR. HAFEN:

21 Q Mr. Stich, where are you currently employed?

22 A I'm employed at CSN.

23 Q How long have you worked at CCSN overall, how
24 many years?

25 A Overall, this year will be fourteen, in

15 1 January of '09 will be fourteen.

2 Q When did you first start working at CCSN?

3 A January of '95.

4 Q When you were hired there what were you hired
5 to be?

6 A Custodian. Graveyard.

7 Q Did there come a time when you were promoted
8 or given a new title?

9 A Yes, numerous times.

16

10 Q Just generally can you go through -- well --

11 A Sure.

12 Q Yeah, just go through and tell us what titles
13 you've had over the years.

14 A I started as a graveyard custodian. From
15 there I moved to a daytime rover. From there moved to a
16 ground worker position. From the ground worker to a
17 locksmith and from a locksmith to my current title right
18 now is -- well, excuse me. From a locksmith to a
19 maintenance repair worker three and then currently as a
20 facilities supervisor.

21 Q Now as a locksmith, what were you responsible
22 for doing?

23 A My duties were for installation of locks, most
24 things that dealt with doors, and issuing keys, returning
25 keys.

16

1 Q What brand name of locks were used on CCSN
2 campus?

3 A There has been numerous. It started with, old
4 time it was Sergeant and then it moved to Best, and that's
5 with the locks. That's where pretty much we have been
6 until today where we're now moving to Yale.

7 Q In regard to Best, is there something with
8 Best locks that's called an orange key or an orange core?

9 A It's an orange, it's actually called a
10 construction core.

11 Q What is significant about that? What does
12 that mean?

13 A Well, basically what it is is any time you're
14 building, bringing up a new building, ninety percent of the
15 time an orange core will go on those doors once lock sets
16 are installed, okay, so that allows the construction people
17 company, whatever, to lock out those doors so they can keep
18 equipment or whatever they want behind those doors.

19 Q And these type of locks, they're kind of a
20 specialty lock, correct?

21 A They're basically used by construction
22 throughout Vegas and other places, it's pretty, as I
23 understand it it's pretty much a general key and a core.

24 Q But specifically they're found at the college,
25 at the CCSN campuses?

16 1 A Right, we also use them, that's correct.

2 Q Now in regard to your employment at CCSN, you
3 indicated that you started there about fourteen years ago,
4 correct?

5 A Yes, sir.

6 Q Did there come a time when you left the
7 community college?

8 A Yes, sir, I did.

9 Q When did you leave?

10 A It was November of '05.

11 Q So from the time you started until you left in
12 November of '05, did you come to know an individual by the
13 name of William "Bob" Gilbert?

14 A Yes, sir.

15 Q Who is Bob Gilbert?

16 A Bob when I got to know him was the director of
17 construction for the college.

18 Q Was he your direct supervisor during that
19 period when you first started and when you left?

20 A No, he was my direct supervisor probably about
21 the last year and a half.

22 Q Who was your supervisor before Bob Gilbert?

23 A Before then the lock shop actually reported to
24 the head of facilities who was Sal Saporito. I started
25 with Sal and worked through Sal for those first about five

16

1 years.

2 Q Did you also work with an individual by the
3 name of Mario Balderas?

4 A Yes, sir. My second job as a rover there
5 Mario was my direct supervisor.

6 Q Did you ever work with or know Mathew Goins,
7 George Casal and Thad Skinner?

8 A When I first started Mathew was in charge of
9 custodials, so there was the graveyard supervisor, then
10 Mathew in the chain of command there. And George Casal,
11 never worked for George, did some work as a rover, worked
12 with them some. And Thad Skinner came in a little later,
13 never worked with Thad. Just at other times if they needed
14 keys issued or something like that through Bob to give to
15 Thad or whatever, I would do that.

16 Q Okay. Now in your duties and responsibilities
17 as a locksmith, are you also required to purchase those
18 locks for the community college or be in that process of
19 purchasing?

20 A Yes, sir.

21 Q How much does a Best lock cost and/or the door
22 handle?

23 A Well, basically your door handle or your lock
24 set is, back then, you know, five years ago or so, it was
25 about a hundred and thirty-seven dollars a piece.

16 1 Q Okay. And that was for the set?

2 A That was for the lock set itself.

3 Q Okay. Now you left in November of '05 and now
4 you're back at the community college, correct?

5 A Yes, sir.

6 Q When did you come back?

7 A Okay. I was gone for six months so it would
8 have been July of '06.

9 Q During that six month period what did you do?

10 A For three months I stayed at home, boy that
11 was really nice, and then I went to, I was working for HSBC
12 in the call center taking calls from, for credit cards and
13 stuff like that.

14 Q What was the reason for you leaving the first
15 time in '05?

16 A Well, the reason I left is there was a
17 position open under Sal's side of the house, what had
18 happened, I can't give you a year, probably about a year
19 and a half or so before I left, the whole lock shop moved
20 from facilities under Sal over to construction under Mr.
21 Gilbert, okay, and at that time, so I was working there in
22 that position and then what happened was a position,
23 facilities supervisor position which I now currently have
24 opened up under Mr. Saporito's position and so I applied
25 for that and within about a month after that that position

17

1 disappeared.

2 Q And as a result of that is that when you left?

3 A That's when I left, yes, sir.

4 Q Did you leave voluntarily?

5 A Yes, sir.

6 Q Okay. And then you came back six months

7 later?

8 A Yes, sir.

9 Q Describe or explain why and under what
10 circumstances you came back to the college.

11 A Well, to be honest people don't call credit
12 card companies because they're happy about what's going on,
13 so it was a very difficult job, it was not anything that I
14 was ready for or anything, and I left on good terms with
15 the college and it just took me six months to figure out
16 that's where I wanted to be.

17 Q Was there a particular individual who
18 facilitated your return?

19 A I actually called at that time Mr. Gilbert.

20 Q And you had a discussion with him?

21 A Yes, sir.

22 Q What did he tell you?

23 A He told me that there was some positions open
24 and to apply for one of the positions, maintenance repair
25 worker three.

17

1 Q Did he condition any way your return?

2 A No, sir.

3 Q Okay. Did it require you to do anything or --

4 A No, sir.

5 Q Now during the period that you worked at the
6 college the first time before you left in '05, during that
7 time did you have an opportunity to go to Bob Gilbert's
8 home on Mt. Charleston?

9 A Yes, I had been there numerous times I would
10 say.

11 Q And why did you go there?

12 A Well, I was moving from rover and I wanted to
13 get more experience and I had heard through some of the
14 guys that Bob had people out there working on his house so
15 I went in his office one day and asked him if I could work
16 out there so I could gain the knowledge to progress within
17 the college.

18 Q And what did he say?

19 A He said that would be fine. I told him that
20 I'd be willing to work for free because I needed the
21 experience and he said, basically he told me at that time
22 anybody that works on my house will be paid ten dollars an
23 hour.

24 Q So you started working at his house, correct?

25 A Yes, sir.

17 1 Q And what days during the week did you go up
2 there?

3 A I would only work on Saturdays and Sundays.

4 Q How often would you work at his house?

5 A In the beginning it was probably two weekends
6 a month probably for, I don't know, three, four, five, six
7 months, somewhere in there, and after that it started
8 tapering off as, you know, basically money got better at
9 home, the kids got older and my job at the college became a
10 little more, a little tougher let's say.

11 Q Did there ever come a time when you would go
12 up there during the week Monday through Friday?

13 A No, sir.

14 Q When you were up at Mr. Gilbert's house did
15 you see other CCSN employees?

16 A Not so much CCSN employees that were up there
17 working, but I would see people who I knew that were
18 contractors for the college.

19 Q Now you had an opportunity to be interviewed
20 by AG investigators; is that correct?

21 A Yes, sir, twice.

22 Q During that interview didn't you tell them
23 that you would see CCSN employee Mathew Goins up there?

24 A Never saw Mathew Goins up there working. And
25 I don't remember saying that. I've never seen Mathew up

17 1 there when I was up there working.

2 Q Okay. And you know Mathew Goins through your
3 association there at the college, correct?

4 A Yes, sir, that is correct.

5 Q Now when you would go up there you were there
6 to do what specifically?

7 A Whatever Bob wanted done in the area at that
8 time. One time, sometimes we would work in landscaping,
9 sometimes we work in the house, sometimes we'd do some
10 construction type stuff, sometimes we'd put up windows,
11 just whatever he needed to. One time we put radiant floor
12 heating on the second floor of the guest house is what he
13 called it.

14 Q Did you perform any locksmith work at
15 Gilbert's house?

18 16 A Yes, I would install lock sets, I would also
17 put closers on doors, those type of things.

18 Q Were those materials already there when you
19 got there to perform that work?

20 A Yes, sir.

21 Q And did they appear to be the same Best locks
22 and door knobs that were used at the college that you
23 installed?

24 A Yes, sir.

25 Q How many Best locks and door knobs did you

18 1 install at Bob Gilbert's house?

2 A I would say a dozen to sixteen.

3 Q Now while you were there at Mr. Gilbert's
4 house did you observe any flagstone material?

5 A Yes, there was, outside the main compound
6 there was a, what looked in my estimate to be about a dump
7 truck full in a pile.

8 Q And was that the same type of material that
9 you had seen at the community college campuses?

10 A Yes, sir.

11 Q When I say the same type, same color, same
12 texture?

13 A Yes.

14 Q I'm going to show you Grand Jury Exhibit 38.
15 What is that exhibit?

16 A Looks to be --

17 Q Are they photographs?

18 A Yeah, they're photographs, yes.

19 Q And do you recognize what is depicted in those
20 photographs?

21 A Yes, sir.

22 Q And do those photographs accurately depict
23 what you would see up at Bob Gilbert's house?

24 A Yes.

25 Q What is it that is depicted in those

18

1 photographs?

2 A Looks to be flagstone.

3 Q The same flagstone that you would see at the
4 community college, correct?

5 A Yes, sir.

6 Q Now how many times were you interviewed by
7 Attorney General investigators?

8 A Twice.

9 Q During any of those two interviews did they
10 provide you with any photographs to review?

11 A The second time that I saw them there was say
12 a whole slew of them. I think they numbered up over two
13 hundred.

14 Q When they provided those photographs to you
15 what did you do with them?

16 A They asked me to page through them and asked
17 me if I had seen any of those things before I believe on
18 any of the CSN campuses

19 Q And did you do that?

20 A Yes, sir, I did.

21 Q And what did you tell them after you went
22 through those photos?

23 A As I saw various photos I said would tell them
24 that yes this looks like the same type of equipment I have
25 seen on campuses or I haven't seen these type of things.

18

1 Q Specifically what type of materials or
2 equipment did you tell them that you had seen on campus?

3 A Well, I remember the weights and explained to
4 him that we had at one time, when I was a rover, there was
5 a storage unit at, a unit close to the college that I had,
6 we had been in and we had seen the weights, twenty-five
7 pound plates, ten pound plates, things like that, the racks
8 that they stand in, stand on, and stuff like that.

9 Q When you say weights, you're talking about
10 weights that people will lift?

11 A Barbell weights, yeah, that you put on a
12 barbell.

13 Q Any other equipment or materials that you
14 recall in addition to the weights and the flagstone that
15 we've already talked about?

16 A You know there were so many pictures. I'm
17 sure there was more but as of right now the only other
18 thing I remember seeing is a boom lift in the pictures.

19 Q And you associated that boom lift with being a
20 boom lift you saw on the campus?

21 A No, sir, I never saw that boom lift on the
22 campus. I was told that it was by somebody else but had
23 never seen it on campus, but I had seen it at Mr. Gilbert's
24 house.

25 Q Now in regard to your relationship with Mr.

18

1 Gilbert and doing work at his house, did you ever talk to
2 him about these locks that you were installing and mention
3 hey, they kind of look like the ones that I install at the
4 campus?

5 A No. The first time I went out there he had
6 lock sets everywhere. This is before I was in the lock
7 shop. He had ground pipe, valves in a big old trailer that
8 he had over here. He had another trailer full, at that
9 time it had lock sets in it, I don't know if they were the
10 same ones, whatever, but, you know, it didn't click that
11 way. I knew it was the same stuff we used at the college.

12 MR. HAFEN: That's all the questions I have.

13 THE FOREPERSON: Seeing no further questions.

14 By law these proceedings are secret and
15 you are prohibited from disclosing to anyone anything that
16 has transpired before us, including evidence and statements
17 presented to the Grand Jury, any event occurring or
18 statement made in the presence of the Grand Jury, and
19 information obtained by the Grand Jury.

20 Failure to comply with this admonition
21 is a gross misdemeanor punishable by a year in the Clark
22 County Detention Center and a \$2,000 fine. In addition,
23 you may be held in contempt of court punishable by an
24 additional \$500 fine and 25 days in the Clark County
25 Detention Center.

18

1 Do you understand this admonition?

2 THE WITNESS: Yes, ma'am.

3 THE FOREPERSON: Thank you for your testimony.

4 You are excused.

5 THE WITNESS: Thank you.

6 MR. HAFEN: Thank you, Kevin.

7 We'll take a break.

8 THE FOREPERSON: Ten minutes.

9 (Recess.)

10 THE FOREPERSON: Please remain standing, sir,

11 and raise your right hand.

12 Sir, please remain standing.

13 A JUROR: Stand up.

14 THE FOREPERSON: And raise your right hand.

15 You do solemnly swear that the testimony

16 you are about to give upon the investigation now pending

17 before this Grand Jury shall be the truth, the whole truth,

18 and nothing but the truth, so help you God?

19 MR. ZUNIGA: I do

19

20 THE FOREPERSON: Please be seated.

21 MR. ZUNIGA: Thank you.

22 THE FOREPERSON: You are advised that you are

23 here today to give testimony in the investigation

24 pertaining to the offenses of theft, misconduct of a public

25 officer, principal to the crime of theft, and obtaining

19

1 money by false pretenses, involving Dave Wilson, Thad
2 Skinner, Mathew Goins, George Casal, William "Bob" Gilbert,
3 Lloyd Hafen and Gary Hafen.

4 Do you understand this advisement?

5 MR. ZUNIGA: Yeah.

6 THE FOREPERSON: Please state your first and
7 last name spelling both for the record.

8 MR. ZUNIGA: My what?

9 THE FOREPERSON: First and last name and spell
10 both for the record please.

11 MR. ZUNIGA: Oh. My name, Abraham.

12 THE FOREPERSON: Spell it please.

13 MR. ZUNIGA: A-b-r-a-h-a-m.

14 THE FOREPERSON: And your last name please.

15 MR. ZUNIGA: Zuniga, Z-u-n-i-g-a.

16 THE FOREPERSON: Thank you, sir.

17

18 ABRAHAM ZUNIGA,

19 having been first duly sworn by the Foreperson of the Grand
20 Jury to tell the truth, the whole truth, and nothing but
21 the truth, testified as follows:

22

23 EXAMINATION

24

25 BY MR. HAFEN:

19

1 Q Mr. Zuniga, before we get started I need to
2 put a couple things on the record.

3 Now over the last couple weeks I have
4 received calls from your daughter at my office.

5 A Yeah.

6 Q Indicating to me that you need an interpreter
7 because you don't understand the English language very
8 well.

9 A Well, I --

10 Q Wait, wait just a second, I've got to put this
11 on the record.

12 A Okay.

13 Q This morning when we were out in the hall your
14 daughter raised the same concerns, as did you, and she
15 asked if I had an interpreter for you and I said no, I
16 didn't. I then offered for you to come back on Thursday of
17 next week which would give me time to obtain an interpreter
18 to come in here and interpret for you. A few minutes later
19 you came up to me and said you would be able to understand
20 these proceedings and what I was asking you was that your
21 English was okay, that you felt comfortable in coming in
22 here and testifying. Is all that correct what I just
23 represented?

24 A You know I think this is a very serious
25 situation, I think I feel better if I have interpreter

19 1 because I don't understand sometimes what you're asking.

2 Q That's what I thought. Because I want to make
3 sure -- all right. So what I'm going to do is I'm going to
4 excuse you, but your subpoena says that you have to be here
5 today and next Thursday on the 25th, so you need to be back
6 here next Thursday at 8:30 in the morning. Do you
7 understand that?

8 A Yes, I will.

9 Q Okay. You are excused. You can leave.

10 A Okay. Thank you.

11 Q Just make sure you come back next Thursday.

12 A I'll be here.

13 MR. HAFEN: Okay.

14 THE FOREPERSON: Please remain standing and
15 raise your right hand.

16 You do solemnly swear that the testimony
17 you are about to give upon the investigation now pending
18 before this Grand Jury shall be the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 MS. MARTIN: Yes.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today
23 to give testimony in the investigation pertaining to the
24 offenses of theft, misconduct of a public officer,
25 principal to the crime of theft, and obtaining money by

19 1 false pretenses, involving Dave Wilson, Thad Skinner,
2 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
3 Hafen and Gary Hafen.

4 Do you understand this advisement?

5 MS. MARTIN: Yes.

6 THE FOREPERSON: Please state your first and
7 last name spelling both for the record.

8 MS. MARTIN: Virginia, V-i-r-g-i-n-i-a,
9 Martin, M-a-r-t-i-n.

10 THE FOREPERSON: Thank you.

11
12 VIRGINIA MARTIN,

13 having been first duly sworn by the Foreperson of the Grand
14 Jury to tell the truth, the whole truth, and nothing but
15 the truth, testified as follows:

16
17 EXAMINATION

18
19 BY MR. HAFEN:

20 Q Miss Martin, do you also go by Ginny?

21 A Yes, I do.

22 Q Is it okay if I call you Ginny?

23 A Yes.

24 Q Ginny, where are you currently employed?

25 A The College of Southern Nevada.

- 19 1 Q How long have you worked for that institution?
- 2 A I have worked for them approximately seven and
 3 a half years.
- 4 Q So did you begin in 2001?
- 5 A Yes, I did.
- 6 Q When you were hired at the college what was
 7 your title?
- 8 A Receiving manager.
- 9 Q And what were your duties and responsibilities
10 with that title?
- 11 A I was responsible for the receiving at the
12 college of all books, packages for the particular class
13 rooms, equipment, things of that nature, and for doing a
14 physical inventory of the college's equipment.
- 15 Q From that time until today has your title
16 changed?
- 17 A Yes, my current title is receiving manager and
18 fixed asset control manager.
- 19 Q Have your duties and responsibilities changed?
- 20 A Yes. I currently also do surplus of the
21 college's equipment.
- 22 Q I want to talk a little bit about property
23 equipment and materials owned by the college as it relates
24 to your responsibilities. When you first joined the college
25 was there a process or procedure in place dealing with the

19 1 surplus of college property?

2 A Yes.

3 Q What was that process or policy?

20

4 A Anyone who wanted to surplus equipment had to
5 fill out what was called a property movement form, they had
6 to get authorization from their dean, director or chair,
7 which is a upper level supervisor, prior to being able to
8 dispose of the equipment. The property movement form was
9 then sent to my office along with the equipment and then
10 approval in our office was done, you know, a little
11 research as far as the property and where it had come from,
12 how the money, you know, it was purchased, that type of
13 thing, before it was disposed of.

14 Q So if there was a piece of property, and let's
15 say a desk at the community college --

16 A Uh-huh.

17 Q -- that was outdated and the community college
18 wanted to get rid of it, explain the process using that
19 desk as to how it would be surplus.

20 A It would depend on the cost of the desk. If
21 it was just a normal desk in an office it would probably be
22 disposed of because at that stage of the game it wasn't of
23 any use, it might have been broken. It had to be over a
24 certain dollar value before it really came through me. A
25 desk per se, if it was over two thousand dollars at that

20

1 time then there were certain procedures. Like I say the
2 property movement had to be filed out, authorization had to
3 be received prior to it being disposed or put up for sale,
4 auction.

5 Q So if the college was going to get rid of
6 equipment or materials then there would have to be
7 paperwork generated, correct?

8 A Yes.

9 Q And after that paperwork was generated who
10 would approve the surplus of that property up the chain?

11 A The department head of that particular, and
12 then it would come to our department and Mary Kaye at that
13 time, well, it was someone other than Mary Kaye, but now
14 Mary Kaye Bailey who is the associate assistant vice
15 president and controller there.

16 Q So assuming that everything was approved along
17 the chain then at some point that piece of property owned
18 by the college would then be, what, put up for sale?

19 A If it was a saleable item, yes, it would. At
20 auction.

21 Q Where would the auction be held?

22 A It would be held in my department where I'm at
23 the Cheyenne campus and everything in auction is open to
24 the public and it's all a sealed bid process which means
25 anybody that is bidding on the equipment has to put their

20 1 bid in a sealed envelope so that no one sees that until the
2 end of the auction period when my department opens the bids
3 and then we call people based on what they bid.

4 Q Now in regard to that process, is a notice
5 sent out to the public and CCSN employees?

6 A Yes, a notice is put in the Review Journal and
7 then a notice is also sent out to all, anyone who works at
8 the college or is a student at the college, we post it for
9 information so that the public is notified.

10 Q And then people attend the auction and submit
11 bids in sealed envelopes, correct?

12 A Yes. We, our bid is open for a five day
13 period and people have five days to submit their bids and
14 then like I said at the end of that five day period my
15 staff opens up the bids, we put them into a spread sheet,
16 we sort them and call people based on the highest dollar
17 value bid and work down depending on how much equipment we
18 have to sell.

19 Q And that's the process that has been in place
20 since you've been in there since 2001, correct?

21 A Yes.

22 Q Has it been modified at all from that point
23 until today?

24 A No.

25 Q Now who is your supervisor?

20 1 A I work for Jack Holland who is the director of
2 purchasing.

3 Q How long has Jack Holland been the director of
4 purchasing?

5 A I know it's over ten years but I'm not sure of
6 the exact, he was there when I started working for the
7 college.

8 Q Since you've been at the college in this
9 capacity has there ever been a policy that you're aware of
10 that allowed individuals to go to Jack Holland on a
11 personal basis and get approval to take CCSN property
12 off-site to their home?

13 A Not that I'm aware of.

14 Q It all has to be, as far as you know, done
15 through the appropriate paperwork and the process, correct?

16 A Yes.

17 Q Now are you aware of the term bone yard?

18 A Yes.

19 Q What is a bone yard as it relates to property
20 at CCSN?

1 21 A It is a designated area behind the receiving
22 department, a fenced-in area where pieces, not necessarily
23 equipment but property the college has that is no longer
24 usable or has any kind of value is left until it can be
25 recycled or hauled away or disposed of.

1 Q What is the typical type of equipment or
2 property that is placed in the bone yard?

3 A Oh, it might be old stoves because they've
4 revamped the culinary departments, it might be like
5 bookcases maybe that are bent and destroyed or old desks
6 that maybe don't have any legs or the drawers are broken on
7 them, things that really aren't usable in any way and not
8 even sellable.

9 Q Since you've been at the college until today
10 have you had an opportunity to walk past the bone yard and
11 look at the property that's in there?

12 A Yes.

13 Q Where is it located?

14 A I wouldn't say directly but almost directly
15 behind the receiving department where my office is.

16 Q During the years that you've walked past the
17 bone yard and looked, did you ever see property there that
18 appeared to be a manlift?

19 A No.

20 Q Did you ever see any piece of property in
21 there that appeared to be a paint sprayer?

22 A No.

23 Q What about a chain hoist?

24 A I'm not a hundred percent sure what a chain
25 hoist looks like, but I think it's pretty big so I would

1 have to say not to my knowledge.

2 Q So typically then the bone yard wouldn't
3 contain large pieces of construction equipment; is that
4 correct?

5 A It hasn't since I've been there.

6 Q Okay. Now how does a piece of property get
7 into the bone yard?

8 A Normally it's either moved by the department
9 or our facilities management department which used to be
10 called operations and maintenance. The staff people move
11 it.

12 Q What happens to that property once it's placed
13 in the bone yard?

14 A It's either recycled through Republic Service
15 or it's disposed of through Republic Service.

16 Q Since you've been at the community college
17 until today, has there ever been a policy at the community
18 college that anyone that works for the college can enter
19 that bone yard and take property home with them without
20 filing any type of paperwork or telling anybody?

21 A Not that I'm aware of.

22 Q And you're the policy person, right?

23 A I wouldn't say I'm the policy person but --

24 Q You're the one that keeps track of everything?

25 A As far as that's concerned, yes.

1 Q Okay. Now during the time that you have been
2 at the college did you come to know an individual by the
3 name of Bob Gilbert?

4 A Yes.

5 Q Who is Bob Gilbert?

6 A He was the director of site planning, what was
7 called site planning then.

8 Q Did he achieve a position of being a vice
9 president over facility, planning and facilities?

10 A Yes, he did.

11 Q Are you familiar with what his duties and
12 responsibilities are?

13 A No.

14 Q Generally are you?

15 A Generally, yes.

16 Q What are those?

17 A I know he was overall of the ground personnel,
18 the operations and maintenance, the people who clean the
19 buildings, any construction. I know he worked with the
20 construction of some of the buildings, renovation of the
21 buildings.

22 Q Since you've been at the college until today
23 was it ever part of the policy at the community college
24 that allowed Bob Gilbert to override the process for
25 surplusizing community college property and/or placing it'

1 1 into the bone yard?

2 A Not that I'm aware of.

3 Q So in other words, based on your understanding
4 and knowledge, Bob Gilbert had to comply, if he wanted any
5 college property he had to comply with the process just
6 like everybody else, correct?

7 A Yes.

8 Q Okay. Now did there come a time when you were
9 contacted by an Attorney General investigator regarding
10 this matter?

11 A Yes.

12 Q Were you asked to provide some documentation?

13 A Yes.

14 Q What type of documentation were you asked to
15 provide?

16 A I was asked to provide documentation on
17 certain equipment items, on certain items that were removed
18 from Mr. Gilbert's residence, laptops and things of that
19 nature, as far as what my records show those particular
20 items that were equipment and tagged as so.

21 Q Now going back to the beginning of when the
22 community college purchases property. Are you familiar
23 with that process?

24 A Yes.

25 Q Okay. Explain the very beginning how property

1 is purchased by the community college.

2 A Well, there is several different ways that
3 it's purchased. It's done through a purchasing process.
4 They have three different types of purchasers based on the
5 dollar value of whatever is being purchased. In some cases
6 the department has to get a bid before they purchase
7 equipment and that bid has to go with the purchase order.
8 There is certain levels of authority, signature authority
9 that has to be obtained. The purchase order is put in the
10 system, sent off to a company, in most instances when that
11 equipment is delivered or those items are delivered to the
12 college they're delivered through one of the three main
13 campus locations which would be Henderson, Charleston or
14 Cheyenne. If it's equipment that is deemed what they
15 either call sensitive in nature or up until last July it
16 would be anything over two thousand dollars, the equipment
17 had to be tagged with a CSN or CCSN property tag which is a
18 bar coded number for identification. My staff would fill
19 out paperwork which would show who the vendor is, what
20 department was getting this equipment, what room number it
21 went to, serial number, make, model, all the pertinent
22 information, and we would tag the equipment and then we
23 would enter that information into our data base which is
24 called Advantage so that, you know, the whole state,
25 anybody in the state could go through that system and see

2 1 that equipment, then the equipment would get delivered to
 2 the departments.

3 Q Now from the time that you started at the
4 college, whenever the college purchased property was
5 paperwork always generated that was associated with the
6 purchase of the property?

7 A As far as I know, yes.

8 Q Some type of record, correct?

9 A Yes.

10 Q And prior to you working at the college have
11 you had instances where you discovered the paperwork was
12 generated at that time as well?

13 A Yes.

14 Q Now as it relates to this investigation I hand
15 you Exhibit 9, Exhibit 11 and Exhibit 13.

16 A Yes.

17 Q Looking at Exhibit 9, what is that exhibit?

18 A Exhibit 9 is what we call an inventory control
19 sheet which is the sheet my department fills out with all
20 the pertinent information on the equipment. This
21 particular one is for a paint sprayer, a Graco paint
22 sprayer. That's the name of the manufacturer,

23 Q And in regard to this particular exhibit how
24 is it that you recognize it?

25 A Well, because this is my department's form and

2 1 I created this form and our bar code there that says
2 property of the Community College of Southern Nevada. I
3 know that the person who entered it in the system works for
4 me and still works for me.

5 Q The information contained on this document, is
6 that inputted then by somebody that works for you or by
7 yourself?

8 A By someone who works for me.

9 Q Okay. And what is the purpose for the
10 information that is on this exhibit?

11 A For tracking purposes. We put the information
12 into the system and we have to balance it with year end
13 records and finance. It also gives us information that
14 when we do a physical inventory of all the equipment then
15 we know where to go looking for this particular equipment
16 based on, you know, where it went maybe in the first place.

17 Q And is this a record or a document that is
18 generated during the regular course of activity at the
19 college in your department?

20 A Yes.

21 Q Okay. Looking at Exhibit 11, what is that
22 exhibit?

23 A This is an inventory control sheet for a hoist
24 chain electric half ton.

25 Q And how do you recognize this document or this

2 1 exhibit?

2 A I recognize this by the inventory control
3 sheet like the other one which came out of my department.
4 It has the property, the Community College of Southern
5 Nevada bar code sticker on it. I recognize my staff who
6 entered the data into the system. We have department
7 account numbers, different things on here, different items
8 of interest I guess you would call it like department
9 account numbers, purchase order numbers. All of those are
10 standard numbering systems for CSN.

11 Q And is this a document that would be created
12 during the regular course of activity at the community
13 college in your department?

14 A Yes.

15 Q Okay. I'm handing you Exhibit 13. What is
16 that exhibit?

17 A This is a print screen out of our inventory
18 system which is called the financial -- excuse me, it's not
19 the financial data warehouse -- yeah, it is financial data
20 warehouse. Because I did not have a hard copy of this
21 particular piece of equipment because this equipment was
22 bought back in 1987 which was quite a time before I started
23 with the college so it was the only way I was able to go
24 into the system and get the information that showed CSN
25 asset numbering and other pertinent information that would

2
3
1 tell me it was our equipment.

2 Q Are there any other documents attached to that
3 particular equipment as well?

4 A Yes. There is what is called, we have a
5 system that is called Advantage and out of the Advantage
6 system this particular item had been deleted, but there is
7 a history record so I can go into the history record and
8 print screen that shows me when it was deleted from the
9 system.

10 Q Now when you say deleted from the system what
11 do you mean by that?

12 A We removed it from inventory.

13 Q What was the reason for that?

14 A Based on other documents here the reason that
15 this particular item was removed from the system, it would
16 have been about four years ago, was because the item hadn't
17 been physically seen by my department in over I think it
18 was four years of our, we do an annual physical inventory
19 and we hadn't been able to locate the equipment and based
20 on the fact that it was bought, purchased in 1987 and fully
21 depreciated it was very possible that it had been, you
22 know, disposed of prior to my coming with the college, but
23 I wasn't able to get any answers so.

24 Q Now the last document in that exhibit that you
25 made reference to, what is that associated with?

3

1 A Oh, these spread sheets. These are spread
2 sheets that are created by my department out of or from
3 information that is in our inventory system. I can create
4 a sales spread sheet which I use to monitor the inventory
5 and so I made copies of ones that I had done from previous
6 years to show that it hadn't been physically found.

7 Q In regard to this particular exhibit then, are
8 the documents in this exhibit created during the regular
9 course of activity at the community college?

10 A Yes.

11 Q Okay. Now in regard to this investigation,
12 you provided these three exhibits to AG investigators,
13 correct?

14 A That's correct.

15 Q And why is it that you provided these to them?
16 What were they seeking or asking for?

17 A They were asking me for any documentation I
18 had in reference to these pieces of equipment.

19 Q And were they interested in any asset numbers
20 or serial numbers relating to the pieces of equipment?

21 A Well, I believe you had these particular asset
22 numbers and that's how I found the equipment.

23 Q So they provided you --

24 A They provided me with an asset number or a
25 serial number which are two ways I can track.

3 1 Q And based on the information that they gave
2 you, you were able to go in your system and pull up these
3 documents, correct?

4 A Yes.

5 Q So based on these documents then is it clear
6 that at one time the community college owned a paint
7 sprayer, a hoist chain electric half ton and a Grove
8 Manlift?

9 A Yes.

10 MR. HAFEN: Okay. That's all the questions
11 that I have.

12 THE WITNESS: I can go?

13 THE FOREPERSON: Seeing no questions.

14 By law these proceedings are secret and
15 you are prohibited from disclosing to anyone anything that
16 has transpired before us, including evidence and statements
17 presented to the Grand Jury, any event occurring or
18 statement made in the presence of the Grand Jury, and
19 information obtained by the Grand Jury.

20 Failure to comply with this admonition
21 is a gross misdemeanor punishable by a year in the Clark
22 County Detention Center and a \$2,000 fine. In addition,
23 you may be held in contempt of court punishable by an
24 additional \$500 fine and 25 days in the Clark County
25 Detention Center.

3 1 Do you understand this admonition?

2 THE WITNESS: Yes.

3 THE FOREPERSON: Thank you for your testimony.

4 You are excused.

5 THE WITNESS: Thank you.

6 MR. HAFEN: The next witness will be Jerry
7 Tippetts.

8 (At this time, Juror Ruby Waller exits
9 the proceedings.)

10 THE FOREPERSON: Please raise your right hand.

11 You do solemnly swear that the testimony
12 you are about to give upon the investigation now pending
13 before this Grand Jury shall be the truth, the whole truth,
14 and nothing but the truth, so help you God?

15 MR. TIPPETTS: Yes.

16 THE FOREPERSON: Please be seated.

17 You are advised that you are here today
18 to give testimony in the investigation pertaining to the
19 offenses of theft, misconduct of a public officer,
20 principal to the crime of theft, and obtaining money by
21 false pretenses, involving Dave Wilson, Thad Skinner,
22 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
23 Hafen and Gary Hafen.

24 Do you understand this advisement?

25 MR. TIPPETTS: Yes.

3 1 THE FOREPERSON: Please state your first and
2 last name spelling both for the record.

3 MR. TIPPETTS: Jerry Tippetts. J-e-r-r-y,
4 T-i-p-p-e-t-t-s.

5 THE FOREPERSON: Thank you.

6
7 JERRY TIPPETTS,

8 having been first duly sworn by the Foreperson of the Grand
9 Jury to tell the truth, the whole truth, and nothing but
10 the truth, testified as follows:

11
12 EXAMINATION

13
14 BY MR. HAFEN:

15 Q Mr. Tippetts, where are you currently
16 employed?

17 A Clark County Building Department.

18 Q How long have you worked there?

19 A Little over twenty-one years.

20 Q Prior to working for Clark County Building
21 Department where did you work?

22 A I worked in the construction field from the
23 time I was eighteen years old in all different phases up
24 until the time I went to work at Clark County Building
25 Department.

- 3 1 Q What is your title at the building department?
- 2 A Senior building inspector or I'm what they
 3 call a residential combination inspector which means I
 4 inspect residences and I inspect all phases, electrical,
 5 plumbing, mechanical and structural.
- 4 6 Q Is that what you do on a daily basis is go out
 7 and inspect homes? You inspect commercial buildings as
 8 well?
- 9 A I've had a little experience but most
 10 everything I do is residential.
- 11 Q Have you also been a carpenter prior to
 12 working for the Clark County Building Department?
- 13 A Yes.
- 14 Q How long were you a carpenter?
- 15 A Well, most of that time prior to that in the
 16 construction trades was doing carpentry work in one form or
 17 another.
- 18 Q During the time that you've been working for
 19 the county, were you assigned to inspect a house on Mt.
 20 Charleston at 9045 Barr Avenue?
- 21 A Yes.
- 22 Q Who is the owner associated with the house at
 23 that address?
- 24 A Bob Gilbert.
- 25 Q When did you first start going to that

4 1 residence?

2 A I don't remember the date but it's been close
3 to two years ago.

4 Q When you went there the first time describe
5 what you saw.

6 A The first time I went there they were getting
7 ready to pour a foundation, they had the footings dug and
8 the reinforcing steel in place and that's what I was there
9 to inspect. There was a lot of other things I saw but
10 that's basically what I was there to see.

11 Q Over the next several months did the house
12 continue to progress?

13 A It did.

14 Q In what respect?

15 A They poured the foundation and then the next
16 step was to build the outside walls which was built out of
17 cinder block, reinforced cinder block. After that point
18 they put a roof on it and then they put the inside walls in
19 and then they, during that period of time they do the
20 electrical and the plumbing and the mechanical work. And I
21 was out there on numerous occasions. They usually call in
22 an inspection for one or two of them, it's each time they
23 have an inspection.

24 Q Now did you also go out and inspect roof
25 sheetings?

4 1 A Yes, that was --

2 Q What type of material was used for that?

3 A It was like a three quarter inch thick OSB
4 board is what they call it. It's a replacement for plywood
5 but it's made out of chips of wood.

6 Q Is that unusual to use that type of material
7 for a residential?

8 A No. Well, the type of material is fairly
9 common, but it's usually a half inch thick, that's what is
10 required by code is half inch thick. This was thicker than
11 that, three quarter inch.

12 Q Was that unusual to use the three quarter inch
13 for a residence?

14 A Yes.

15 Q Is three fourth inch typically used for
16 commercial?

17 A Well, yes. Or floors. They might use it on
18 floors where you've got people walking on, but on the roof
19 where nobody is walking on it typically they use half inch.

20 Q Were you also involved in the electrical
21 inspection of the home?

22 A I was.

23 Q Now is that referred to as electrical rough
24 inspection?

25 A Yes.

4 1 Q What does that consist of?

2 A An electrical rough inspection, they have went
3 around and they have put in all of the outlet boxes, all of
4 the light fixture boxes and they have strung the conductors
5 in between them and then they have a main source of power
6 that all of these feeders go back into. Sometimes they'll
7 have subpanels on larger houses.

8 Q Is there anything in regard to your inspection
9 of the electrical aspects of Mr. Gilbert's house that
10 raised some questions or some surprise in your mind?

11 A Yes, the whole house was done in conduit.

12 Q Why is that unusual?

13 A Well, cost wise it costs eight to ten times
14 the amount of money to put in that type of system. That
15 type of system is required on commercial jobs. In
16 residential they use what they call Romex which is a
17 plastic sheath stuff that comes on spools and it's
18 relatively inexpensive.

19 Q Would you expect to see that conduit, the use
20 of that conduit say in buildings on the CCSN campus?

21 A Yes, that's what would be required to be used
22 there.

23 Q Is there anything else in regard to the
24 electrical aspect that you inspected that, during the time
25 that you inspected his house that caused you any concern?

4 1 And if not I can move on.

2 A Well, another unusual thing was a, what they
3 call an emergency transfer switch which is an automatic
4 switch that goes between the generator and the house and
5 the line power and if the line power fails it disconnects
6 the house from the line power so a repairman wouldn't get
5 7 shocked repairing it and then it turns the generator on,
8 and attached that into the house wiring so they can have
9 power. And that's all done automatically.

10 Q What was it about that switch that was
11 unusual?

12 A Well, they're expensive and they usually don't
13 use them on homes. They're required to use them in, on
14 jobs like the casinos or public jobs where people are in
15 there, in case of a power failure then the generator comes
16 on line and powers the emergency lighting in the building.

17 Q During the time that you're acting as the
18 inspector, what was your overall impression of the
19 inspections in this house?

20 A It appeared that somebody had a lot of money
21 or, you know, I inspect high-end houses mostly in the
22 Ridges where the building lots start at eight hundred
23 thousand dollars up to eight million dollars just for the
24 building lots, and they were using methods and materials in
25 there that I have never seen used in even a high-end

5 1 residential. The electrical system, I had never seen that
2 type of electrical system used in a residence in twenty-one
3 years.

4 Q And is that because the materials and what was
5 being used to put into the house you associate more with
6 commercial type buildings?

7 A Yes, commercial and the cost.

8 Q Okay. Now were you interviewed by
9 investigators with the Nevada Attorney General's Office?

10 A I was.

11 Q During this -- do you recall was it Anthony
12 Ruggiero that interviewed you?

13 A It was.

14 Q During this interview did Anthony Ruggiero
15 show you multiple documents?

16 A He did.

17 Q I'm going to hand you what has been marked as
18 Exhibit 19, Grand Jury Exhibit 19, and Grand Jury Exhibit
19 20. Looking at those two exhibits, are those some of the
20 documents that you looked at when you met with Investigator
21 Ruggiero?

22 A Yes. On this one --

23 Q I'm sorry, which number are you referring to;
24 is it 20?

25 A 20.

5

1 Q Okay.

2 A Some of these are, some of them marked fax
3 transmissions I didn't see but --

4 Q You're referring to Number 19, correct?

5 A Yeah, 19.

6 Q Okay. Now looking at Exhibit 19, let's focus
7 on that, the first couple pages in that exhibit. The first
8 document, what does it appear to be?

9 A The first page appears to be a six hundred amp
10 free-standing electrical service panel.

11 Q But specifically the document itself, does it
12 appear to be an invoice?

13 A Oh, yes, it is an invoice.

14 Q From what business?

15 A From Nedco Supply.

16 Q Okay. And does it state a material or a piece
17 of property on that invoice?

18 A It does.

19 Q What is the property?

20 A It's a six hundred amp electrical panel.

21 Q Okay. Now flip over to the next couple of
22 pages.

23 Go ahead and skip that one. Skip that
24 one.

25 Do you see another document that appears

5 1 to be an invoice?

2 A Yeah, but I can't tell exactly what -- it's an
3 open end purchase order, this one is.

4 Q Okay. Keep --

5 A And that's a fax transmission.

6 Oh, okay.

7 Q The very last document in this exhibit, does
8 it appear to be an invoice?

9 A No.

10 Q In regard to the first page of this exhibit,
11 you indicated that you have seen a piece of property
12 identified as a six hundred amp switchboard, correct?

13 A Yes.

14 Q Did you, during your inspections, did you
15 observe a six hundred amp switchboard at Gilbert's house?

16 A I did.

17 Q Now looking at Exhibit 20, the very first page
18 of that exhibit, what does that first page appear to be?

19 A It's a -- it's an order sheet. It's a
20 customer P.O., purchase order.

21 Q Does it appear, is there a company associated
22 with it that you can tell?

23 A CalPly.

24 Q Does that set forth any type of materials?

25 A It does.

5 1 Q What does it set forth?

2 A It's called two-inch Dryvit foam.

3 Q What is Dryvit foam?

4 A It's foam that comes in different thicknesses,
5 two inch, three inch, four inch, and this particular stuff,
6 well, it doesn't say on this but it usually comes in two
7 foot by four foot sheets.

8 Q What is it used for?

9 A It typically goes on the outside of concrete
10 or masonry block walls and it serves as an insulation
11 because the block walls have no insulation value so they
12 put an insulation on the outside of it and, it's a base
13 finish for the finish, finish that they put on there which
6 14 is what they call Dryvit. It's a system that comes in five
15 gallon buckets and after they get the foam up then they
16 wrap the building with a fiber glass cloth-looking stuff
17 and then they put this through the holes in the cloth and
18 that bonds it to the foam and then after that sets up they
19 come back with another coat of it.

20 Q Let me stop you right there.

21 Did you observe that type of material at
22 Mr. Gilbert's house during your inspections?

23 A Yes.

24 MR. HAFEN: Okay. That's all the questions I
25 have.

6

1 THE WITNESS: Okay.

2 BY THE FOREPERSON:

3 Q Excuse me.

4 While you were there did you observe
5 like pallets of cinder block or other construction
6 materials on the site?

7 A Yes, there were. From time to time I saw -- I
8 did question him about a large stack of marble cut in
9 sheets like you'd use on countertops and shower enclosures
10 and I admired that he had so much of it and asked him, you
11 know, where he come up with that much and he told me he had
12 run into a guy going out of business and that he had bought
13 it from him really cheap.

14 Q When you noticed all of this commercial
15 standard materials going into the building of a residence
16 did you ever question the owner or did you bring it to
17 anyone else's attention since it was unusual?

18 A I questioned him about a few things like that,
19 but I didn't bring it to anybody's attention.

20 Q Did you feel the responses he gave you were
21 entirely appropriate?

22 A No.

23 Q But you didn't do anything about it even
24 though it was inappropriate in your view?

25 A No, I didn't.

6 1 Q Okay. Thank you.

2 A Could I add one thing to --

3 Q Certainly.

4 A That piece of property out there is a large
5 piece of property and when he went to pull the building
6 permit to build the house, he's got a guest house and
7 several hundred feet of block wall and shops and buildings
8 for animals and this sort of thing, and none of that was
9 ever permitted or inspected and that was already -- before
10 they could -- before they issued him a permit to build the
11 house they made him pull permits for these other structures
12 and told him that they would have to have the final
13 inspection on them before he could get a final inspection
14 on his house. So I knew there was lots of eyes looking at
15 that piece of property and I was there to inspect the
16 things that I was called out there to inspect.

17 Q Did your inspection reports ever note the
18 considerable amount of overbuild that was being used on
19 this piece of property, this residential piece of property?

20 A No. That would be inappropriate. That had
21 already been dealt with through other departments, that
22 they had already dealt with that, and at the time I went
23 out to start inspection on the residence he had pulled
24 permits for all of these other things. I think I had
25 twelve or fourteen permits on different things out there.

6

1 Q So plans check and every other department had
2 already signed off on the use of commercial standard?

3 A Commercial standard, yes. And in a residence
4 to start with plans check don't really plans check the
5 electrical system or the plumbing system or the mechanical
6 system. And it's up to the inspector in the field to see
7 that it meets minimum standards. That's what we inspect,
8 to minimum standards, and if it's above standard there's,
9 we're not authorized to question that.

10 THE FOREPERSON: Okay. Thank you.

11 Seeing no further questions.

12 By law these proceedings are secret and
13 you are prohibited from disclosing to anyone anything that
14 has transpired before us, including evidence and statements
15 presented to the Grand Jury, any event occurring or
16 statement made in the presence of the Grand Jury, and
17 information obtained by the Grand Jury.

18 Failure to comply with this admonition
19 is a gross misdemeanor punishable by a year in the Clark
20 County Detention Center and a \$2,000 fine. In addition,
21 you may be held in contempt of court punishable by an
22 additional \$500 fine and 25 days in the Clark County
23 Detention Center.

24 Do you understand this admonition?

25 THE WITNESS: I do.

6

1 THE FOREPERSON: Thank you for your testimony.
2 You are excused.

3 THE WITNESS: All right. Bye.

4 MR. HAFEN: Next witness is Linda Boutelle
5 from Ahern Rentals.

6 THE FOREPERSON: Please remain standing and
7 raise your right hand.

8 You do solemnly swear the testimony you
9 are about to give upon the investigation now pending before
10 this Grand Jury shall be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 MS. BOUTELLE: Yes, I do.

13 THE FOREPERSON: Please be seated.

14 You are advised that you are here today
15 to give testimony in the investigation pertaining to the
16 offenses of theft, misconduct of a public officer,
17 principal to the crime of theft, and obtaining money by
18 false pretenses, involving Dave Wilson, Thad Skinner,
19 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
20 Hafen and Gary Hafen.

21 Do you understand this advisement?

22 MS. BOUTELLE: Yes, ma'am.

23 THE FOREPERSON: Please state your first and
24 last name spelling both for the record.

25 MS. BOUTELLE: Linda Boutelle. L-i-n-d-a,

6 1 B-o-u-t-e-l-l-e.

2 THE FOREPERSON: Thank you.

3

4

LINDA BOUTELLE,

5 having been first duly sworn by the Foreperson of the Grand

6 Jury to tell the truth, the whole truth, and nothing but

7 the truth, testified as follows:

8

9

EXAMINATION

10

11 BY MR. HAFEN:

12 Q Do you mind if I call you Linda?

13 A Not at all.

7

14 Q Okay. Linda, where are you currently working?

15 A Ahern Rentals.

16 Q When did you start with Ahern Rentals?

17 A 1996.

18 Q What is your title there?

19 A I'm a counter manager.

20 Q What duties and responsibilities does that
21 entail?

22 A Running of the front counter, making sure
23 contracts, customer equipment gets ready, answering phones,
24 just whatever basically needs to be done.

25 Q In regard to the process of how a person rents

7
1 equipment from Ahern Rentals, start at the very beginning
2 with a call from somebody, I'm assuming that's how they
3 usually come in, and take us through the process of what
4 you and Ahern Rentals do in processing the rental of
5 equipment.

6 A Depending on if they're a cash customer, a
7 charge account, the cash customer we take their ID,
8 photocopy it and enter all their information into the
9 system, figure out what they're wanting, what they're
10 needing, write them up and get them on their way.

11 Q Is paperwork generated?

12 A Yes, sir.

13 Q Explain the whole process. What happens?

14 A We write up the contract for the equipment
15 they're needing, we have them sign, date and print their
16 name, and that would be it.

17 Q What do you do with the paperwork?

18 A We file it. They take their copy out to the
19 yard, we file our copy.

20 Q If a business or an organization such as the
21 community college, typically would they have standing
22 accounts with Ahern Rental?

23 A Yes, they do.

24 Q The community college does, correct?

25 A Yes, sir.

- 7 1 Q Okay. Tell us how a request for rental
2 property is processed using the community college account.
- 3 A It's normally called in over the phone by Thad
4 Skinner or Joanna, they call in, tell us what they're
5 needing, a boom, which campus, where, when, that's about
6 it.
- 7 Q And the person taking the call does what with
8 the information?
- 9 A They write all the information down, the
10 delivery location, time, P.O.'s, whatnot, run it through
11 the process, write up the contract and get it delivered out
12 on-site.
- 13 Q Does the information get entered into a
14 computer system?
- 15 A Yes, sir, it does.
- 16 Q And that information then would be what;
17 pickup time --
- 18 A Delivery time, pickup time, on-site contact.
- 19 Q Does it generate how much it costs for the
20 rent?
- 21 A It does on the copy that the customer signs.
22 The copy they keep has no, any kind of fees on it.
- 23 Q But Ahern Rental keeps track of how much
24 they're charging, correct?
- 25 A Yes, sir.

7 1 Q And then that's all inputted into the system.
2 Does Ahern Rental then take the equipment and deliver it to
3 a particular site at one of the campus locations?

4 A Yes, sir.

5 Q Now when it gets there what happens? What's
6 the required --

7 A Requirement basically is to get a signature on
8 the contract, somebody taking possession of the equipment,
9 contacting the customer. Most of the time we get a drop
10 location because they're not on-site, driver calls back in,
11 dispatcher logs who they spoke with and where they dropped
12 the equipment.

13 Q Are specific individuals or particular
14 individuals that work with the college permitted to come to
15 an Ahern Rental location and pickup equipment or materials
16 themselves?

17 A Yes, sir.

18 Q Who were the designated people associated with
19 the college?

20 A The only one that I know of is Thad Skinner.

21 Q How long have you known Thad Skinner?

22 A Thirteen years.

23 Q Do you know his daughters?

24 A No, sir.

25 Q You didn't go to school with his children?

7

1 A No.

2 Q Now have you been -- what store do you
3 specifically work at?

4 A I work at the south Dean Martin store.

5 Q Did Thad Skinner come in personally and dealt
6 with you when he picked up rental equipment?

7 A Yes.

8 Q Typically what type of rental equipment has he
9 picked up over the years?

10 A Basically it's just been trailers that I'm
11 recalling right now.

12 Q Has he ever picked up forklifts or scissor
13 lifts?

14 A No, those are delivery items. They're
15 strictly delivered.

16 Q Do you know how long CCSN has had an account
17 with Ahern Rentals?

18 A At least the thirteen years that I have been
19 there. Since I've been they've had an account.

20 Q Okay. Direct your attention to June 15th of
21 2007. Did you receive a telephone call from Thad Skinner?

22 A Yes, I did.

23 Q And do you recognize his voice because you've
24 talked to him over the phone before?

25 A Yes, sir.

7 1 Q What did Mr. Skinner tell you?

8
2 A He had given me a couple pieces of equipment
3 that he said they needed, I needed to stop time on and put
4 on contract to Mr. Gilbert backdating it a few days, I
5 believe a week, starting the rental a week previously I was
6 told, at his home.

7 Q Specifically did he state what kind of
8 equipment it was?

9 A A scissor lift and a forklift.

10 Q When you got this call from Mr. Skinner, did
11 it seem to be unusual?

12 A Yeah, pretty much.

13 Q Why?

14 A The different companies and whatnot are always
15 moving equipment. It's more cost initially than calling
16 this equipment off-rent and then paying another delivery
17 fee. They might be at their month's rate which they get a
18 free week out of it. It happens quite often they just get
19 moved to different job locations.

20 Q Now at the time you're talking to him on the
21 phone are you pulling up the information on the computer
22 relating to this request?

23 A Yes, sir.

24 Q And in regard to his request that it be
25 switched over to Bob Gilbert, that time as you're talking

8 1 to him did you check to see if Bob Gilbert had an account
2 with Ahern?

3 A No, I didn't.

4 Q What did you tell Mr. Skinner he had to do in
5 order to complete the switch over?

6 A I told him that Mr. Gilbert needed to bring in
7 his ID and his credit card to get it switched over into his
8 name because he's a cash customer, not on the community
9 college any longer, and he said that Bob wasn't going to be
10 able to come in, that he was going to bring it in. I told
11 him that would be fine.

12 Q And then did the conversation end?

13 A Pretty much, yeah. I told him I'd have
14 everything ready to go when he had gotten there so we could
15 just get the paperwork over with and done.

16 Q What did you mean have everything ready to go
17 when he got there?

18 A Reservations written up for that specific
19 equipment over to the residence, pickup ticket done on the
20 other one so it's stopping the time of that equipment at
21 the college.

22 Q Now did there come a time when Mr. Skinner
23 showed up at your business location?

24 A Yes, sir.

25 Q And when he showed up did he provide you with

8 1 anything?

2 A Yes, he gave me Bob's credit card and his
3 driver's license.

4 Q At that time what did you do with that
5 information?

6 A I went to pull him up into the system and I
7 noticed that he wasn't in the system.

8 Q What does that mean?

9 A That means that I shouldn't have put him in
10 because he should have been present himself basically but.

11 Q Did that also mean he never had an account
12 before that day?

13 A Yes. He's always gone through the community
14 college.

15 Q So then what did you do?

16 A So I just basically, I went ahead and entered
17 him in and got everything rolling. I told Thad that I
18 needed to get a fax number to fax over to Bob to get this
19 contract signed and Thad signed the contract.

20 Q And then you made the switch; is that correct?

21 A Yeah. Paperwork wise, yes, sir.

22 Q And you backdated it; is that correct?

23 A Yes.

24 Q Now did there come a time when you were
25 interviewed by investigators with the Attorney General's

8 1 Office?

2 A Yes.

3 Q And where did that interview occur?

4 A At Ahern Rentals.

5 Q Did they talk to you about this transaction?

6 A Yes.

7 Q And did there come a time where you actually
8 wrote out or made a written statement concerning this
9 transaction?

10 A Yes.

11 Q Did you tell the investigators the same thing
12 that you've testified to here today?

13 A Pretty much, yes.

14 Q What else did you tell them that you haven't
15 said today in regard to this transaction if you remember?

16 A I don't remember telling them anything else
17 outside of what I've just said here.

18 Q Okay. Now Thad Skinner comes in then a couple
19 days later after he makes the call, correct?

20 A Uh-huh.

21 Q Is that a yes?

22 A Actually he came in that same afternoon.

23 Q He comes in that same afternoon, he presented
24 to you Bob Gilbert's driver's license?

25 A Uh-huh.

8 1 Q Is that a yes?

 2 A Yes.

 3 Q And a credit card?

 4 A Yes.

 5 Q And he's asking you to remove these two pieces
6 of equipment, the scissor lift and the forklift, from the
7 community college account that it was rented on and put it
8 into a brand new Bob Gilbert personal account, correct?

 9 A Yes.

10 Q And to backdate it, correct?

11 A Yes.

12 Q Did that cause you any concern?

13 A No, not at the moment it didn't.

14 Q Why?

15 A We backdate contracts all the time. They
16 forget to get called off, the sales reps forget to call
17 them off, they don't work on weekends, just different,
18 different reasons. It's kind of like a normal, every day
19 thing at work.

20 Q Okay. I'm going to hand you Exhibit 39. Will
21 you take just a minute and look at that?

22 You can undo it and go through the
23 documents if you'd like.

24 Have you had a chance to look at all of
25 those?

9 1 A Not all of those, but yeah.

2 Q Are you familiar with that exhibit and the
3 documents in that exhibit?

4 A Forklift, yeah. I never really actually
5 looked at his contract. I mean I didn't open his contract,
6 I didn't close his contract. I just wrote the reservation
7 and got it over to our department, but yes, I am familiar
8 with our contracts.

9 Q Okay. Now looking at that exhibit, what type
10 of information is inputted in those documents? Just
11 generally speaking what type of information is inputted?

12 A Delivery location, the equipment, credit card
13 authorization, charges.

14 Q And who typically will input the information
15 in these documents?

16 A It depends on who actually is doing the work.

17 Q Right. But it's an Ahern Rental person,
18 correct?

19 A Yes, sir.

20 Q An employee?

21 A An employee, yes.

22 Q At the counter; is that correct?

23 A Yes.

24 Q And this system or, excuse me, this
25 information is inputted into your computer system, correct?

9

1 A Yes.

2 Q And then these documents are created after
3 that information is inputted, correct?

4 A Yes.

5 Q Okay. The documents in this exhibit, are they
6 created during the regular course of business activity at
7 Ahern Rental?

8 A Yes.

9 Q Okay. Now looking at this exhibit, the first
10 document of that exhibit, what does that tell you in regard
11 to the scissor lift and the forklift that was rented on the
12 community college account?

13 A The community college --

14 Q Yes.

15 A -- invoice?

16 Q Does it indicate who was going, where it was
17 going to be delivered?

18 A Yeah, to the Charleston campus.

19 Q Okay. And the two pieces of equipment is the
20 forklift and the scissor lift, correct?

21 A Yes.

22 Q And how much is the community college being
23 charged for each equipment?

24 A Forklift, it looks like they're being charged
25 thirty-seven hundred and forty-two a month. I see no

9 1 paperwork on a scissor lift in here.

2 Q What's that other document in front of you?

3 A This is for Gilbert's residence under

4 Gilbert's name.

5 Q In regard to the forklift then, when was it
6 rented out?

7 A On 5/17/07. Excuse me. It's a cycle invoice.
8 They read differently. The actual rental started 04/19/07.
9 It gets billed out every twenty-eight days which is called,
10 we call it a cycled invoice.

11 Q That's fine.

12 The other document that you have in
13 front of you, is that the document that was created when
14 the switch was made over to Gilbert's account?

15 A Yes.

16 Q What changes were made in terms of where the
17 equipment was supposed to be delivered?

18 A What do you mean in terms of where it was
19 supposed to be delivered? Well, it's showing the community
20 college on Charleston here and then of course on his it's
21 showing his residence.

22 Q So that's where when you made the change it
23 would show that the property was going to be delivered to
24 his residence, correct?

25 A We didn't deliver it. They took it over

9 1 themselves, yes.

2 Q I understand that. But the documentation now
3 reflects that it was going to go to his residence, correct?

4 A Right.

5 Q And it was backdated a couple of days,
6 correct?

7 A Right.

8 Q And was it, in relation to June 13th, when was
9 the date it was backdated to?

10 A It was backdated to --

11 Q Looking at Gilbert's document, what does it
12 say?

13 A Date out 6/7. So that's when I started his
14 time.

15 Q So a few days before June 13th.

16 Now during your interview with the
17 investigators, did they tell you that they executed a
18 search warrant at Bob Gilbert's house on June 13th?

19 A No, sir, they didn't.

20 Q They never gave you that information?

21 A No.

22 Q Okay. During the interview when they told
23 you -- did they tell you why they were interviewing you?

24 A Basically they came in asking questions about
25 what was going on. I really didn't know anything that was

9 1 going on. Somebody just shows up, this happened, this
2 happened, you know, you wrote up a contract stating that
3 this equipment is now at his house, it was at the community
4 college, yes, yes. Probably about after the third visit I
10 5 sort of got an idea that there was something wrong going
6 on.

7 Q And you don't ever remember being told by
8 these investigators that they had conducted an interview
9 or, excuse me, a search warrant at Gilbert's house on June
10 13th?

11 A No.

12 MR. HAFEN: Okay. That's the only questions I
13 have.

14 BY THE FOREPERSON:

15 Q Excuse me. On the community college account
16 did they normally use a purchase order number when they
17 were renting equipment?

18 A Yes.

19 Q Was there a purchase order number given at the
20 time that these two pieces of equipment were rented, the
21 scissor lift and the forklift?

22 A There should have been. Sometimes it gets
23 called in after the fact. They've got to figure out what
24 the charges are going to be for the amount of time before
25 they figure out which type of P.O.'s they have.

10

1 Q Do you recall a purchase order appearing on
2 any of the paperwork associated with these two pieces of
3 equipment?

4 MR. HAFEN: I'm handing her Exhibit 39.

5 THE WITNESS: Yes, on the forklift there is a
6 P.O. number.

7 BY THE FOREPERSON:

8 Q Is there one on the scissor lift?

9 A I don't show any paperwork in here on the
10 scissor lift.

11 Q Okay. Thank you.

12 A Sure.

13 BY MR. HAFEN:

14 Q I have a follow-up question.

15 I'm going to show you Exhibit 15. Take
16 a look at that exhibit.

17 A This looks like it's one of their P.O.'s for
18 the scissor lift.

19 Q What are the other documents attached to it?

20 A Reservation for the scissor lift.

21 Q Okay.

22 A And there is the contract for the scissor lift
23 with the P.O. on it.

24 Q What's the P.O. on the scissor lift, the last
25 three numbers?

10

1 A 4103.

2 Q So does that indicate then the scissor lift
3 was rented from Ahern Rental on the community college
4 account?

5 A Yes, sir.

6 Q Okay. And when was it picked up? Or
7 delivered. Excuse me.

8 A Delivery out date would have been 5/15.

9 Q That's in 2007?

10 A 2007.

11 Q Okay. Now in regard to this particular
12 exhibit and the documents that you've seen relating to
13 Ahern Rental, were those created during the regular course
14 of business activity with Ahern Rental?

15 A Yes, sir.

16 MR. HAFEN: Thank you. I don't have any other
17 questions.

18 THE FOREPERSON: Okay. Seeing no further
19 questions.

20 By law these proceedings are secret and
21 you are prohibited from disclosing to anyone anything that
22 has transpired before us, including evidence and statements
23 presented to the Grand Jury, any event occurring or
24 statement made in the presence of the Grand Jury, and
25 information obtained by the Grand Jury.

10 1 Failure to comply with this admonition
2 is a gross misdemeanor punishable by a year in the Clark
3 County Detention Center and a \$2,000 fine. In addition,
4 you may be held in contempt of court punishable by an
5 additional \$500 fine and 25 days in the Clark County
6 Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, ma'am.

9 THE FOREPERSON: Thank you for your testimony.
10 You are excused.

11 THE WITNESS: Thank you.

12 MR. HAFEN: Next witness is Mary Kaye Bailey.

13 THE FOREPERSON: Please remain standing, raise
14 your right hand.

15 You do solemnly swear that the testimony
16 you are about to give upon the investigation now pending
17 before this Grand Jury shall be the truth, the whole truth,
18 and nothing but the truth, so help you God?

19 MS. BAILEY: I do.

20 THE FOREPERSON: Please be seated.

21 You are advised that you are here today
22 to give testimony in the investigation pertaining to the
23 offenses of theft, misconduct of a public officer,
24 principal to the crime of theft, and obtaining money by
25 false pretenses, involving Dave Wilson, Thad Skinner,

10 1 Mathew Goins, George Casal, William "Bob" Gilbert, Lloyd
2 Hafen and Gary Hafen.

3 Do you understand this advisement?

4 MS. BAILEY: Yes.

5 THE FOREPERSON: Please state your first and
6 last name spelling both for the record.

7 MS. BAILEY: Mary Kaye Bailey. M-a-r-y,
8 K-a-y-e, B-a-i-l-e-y.

9 THE FOREPERSON: Thank you.

10
11 MARY KAYE BAILEY,

12 having been first duly sworn by the Foreperson of the Grand
13 Jury to tell the truth, the whole truth, and nothing but
14 the truth, testified as follows:

15
16 EXAMINATION

17
18 BY MR. HAFEN:

19 Q Mary Kaye, where are you currently employed?

20 A I work for the College of Southern Nevada in
21 the finance division.

22 Q How long have you worked there?

23 A Seven years.

24 Q What are your duties and responsibilities?

25 A I oversee the day-to-day finance activities

10 1 for the college which includes overseeing the purchasing
2 functions, receiving, accounts payable, fixed assets,
3 accounting, inventorying grants, accounting, financial
4 accounting.

5 Q In your capacity there at the college, do your
6 duties and responsibilities also include understanding the
7 process for using purchase orders to buy equipment and
8 materials?

9 A I oversee the director of purchasing so I do
10 understand at that level the process for purchasing and
11 using purchase orders.

12 Q Now using the example of purchasing Versabond
13 from Home Depot.

14 A I'm sorry, purchasing what?

15 Q Versabond. Okay. It's a material.

16 A Okay.

17 Q But before I go to that question, let me
18 backup.

19 Does the community college deal with
20 various vendors when purchasing materials or equipment?

21 A Yes.

22 Q Okay. Are some of those vendors Home Depot?

23 A Yes.

24 Q CalPly?

25 A Yes.

10 1 Q Nedco?

2 A Yes.

11 3 Q Okay. Let's say somebody in the facilities
4 department wanted to purchase Versabond, wanted to purchase
5 cinder blocks --

6 A Okay.

7 Q -- from Home Depot. Start at the very
8 beginning of the process and just take us through the
9 process so we all understand how that process works from
10 the community college's end.

11 A Okay. If somebody wanted to purchase
12 Versabond from Home Depot, I'm assuming the purchase cost
13 is most likely over a thousand dollars, they would use a
14 requisition for purchase we which call an RX. The RX would
15 contain information on the desired vendor, which would be
16 Home Depot, and their tax I.D. number, their address, the
17 department ordering the items, the account number that they
18 wish the item to be charged to, what the items are, how
19 much the items are, and it would also have the signature of
20 the individual who could approve the order depending upon
21 what the account number was and whether they were
22 authorized to sign on that account. The RX would also have
23 a quote attached from the vendor that would say the quote
24 for what those items were, the costs per item and the total
25 cost. Those, the RX and the quote would then be sent to

11 1 the purchasing department to a buyer and the buyer would
2 take the information, would key that into our financial
3 system, they would print-out a purchase order and then the
4 purchase order would be faxed to in this case Home Depot,
5 that purchase order then gives Home Depot the authority to
6 then do business with the college and with that department.
7 So then Home Depot would fill the order, and however the
8 instructions were for delivery on an item such as Versabond
9 they would deliver that item to one of our campuses for
10 something of that nature and that item would then be
11 accepted by somebody in the facilities department who would
12 then notify our receiving department that the item was
13 received and then the item would be received in our
14 financial system. At some point after that then Home Depot
15 would send us an invoice, the invoice would come into our
16 accounts payable system to an accounts payable clerk who
17 would key the invoice into our financial system which would
18 match up what they were charging us versus what we received
19 and then from there the financial system will cut a check
20 to Home Depot.

21 Q Now the purchase order you said has a purchase
22 order number, correct?

23 A Yes.

24 Q And when you receive an invoice from the
25 vendor that you're purchasing materials from, that invoice

11 1 also contains the same purchase order number, correct?

2 A Yes, it's supposed to, and with Home Depot it
3 would, yes.

4 Q Now would you be able to take that purchase
5 order number and run it through accounting and determine if
6 those materials had actually been paid by the college?

7 A Yes.

8 Q Okay. So it's all set up on that purchase
9 order number, correct?

10 A The purchase order number and it would also be
11 identified by the invoice number.

12 Q Okay.

13 A And the amount.

14 Q Now were you contacted by Attorney General
15 investigators regarding their investigation of this case as
16 it relates to Bob Gilbert and the community college?

17 A Yes.

18 Q You probably communicated with them several
19 times, correct?

20 A Yes.

21 Q And during the course of those communications
22 did you also help research and provide documentation that
23 they requested?

24 A Yes.

25 Q Okay. I'm going to hand you Exhibit 14,

11 1 Exhibit 17, Exhibit 24. We're going to do this real quick
2 so don't get too overwhelmed. Exhibit 25, Exhibit 29, 30
3 and 6. Okay?

4 A Yes.

5 Q Now just take a look at each of those quickly.
6 I know you're already familiar with these documents,
7 correct?

8 A Yes. I've seen so many, but yes.

9 Q As you look at each of those exhibits does it
10 appear that they contain either a purchase order document
11 created by the college and/or some invoice sent to the
12 college by a vendor?

13 A Yes.

14 Q Looking at these exhibits, are these exhibit
15 documents that were in the community college's possession?

16 A Yes.

17 Q In regard to the purchase orders in those
18 exhibits that were created by the community college, were
19 they created during the regular course of activity at the
20 college?

21 A Yes.

22 Q Okay. Now let's start with, do you see a
23 purchase order there and associated invoices from Home
24 Depot with the purchase order ending in 349?

25 A Yes.

11 1 Q Okay. Prior to coming here today did you have
12 2 occasion -- now just so that we're clear, what exhibit,
3 look on the very back, there is an exhibit stamp, what
4 exhibit are you looking at?

5 A Number 6.

6 Q Prior to coming here today did you have
7 occasion to look at or go through records in your
8 accounting system to determine if the materials bought
9 under 349 purchase order had been paid by the college?

10 A Yes, I did.

11 Q What was the result of your search?

12 A This purchase order was paid, the full amount.

13 Q Do you recall the amount, the full amount?

14 A The full amount was paid with two different
15 checks on this purchase order.

16 Q What was the total of the full amount?

17 A Fourteen thousand six forty.

18 Q Are there any other, in those exhibits do you
19 see any other purchase orders or invoices that have the
20 last three numbers 349 or is Exhibit 6 the only one?

21 A That should be it.

22 Q Okay. Now find purchase orders ending in 520,
23 purchase order number 520.

24 A Okay.

25 Q You have those particular purchase orders and

12

1 documents?

2 A Yes.

3 Q And what exhibit are you looking at Mary Kaye?

4 A 14.

5 Q Was that particular purchase order number paid
6 or the materials purchased under that purchase order number
7 paid by the college?

8 A Yes.

9 Q Is that again Home Depot materials?

10 A It is Home Depot.

11 Q Okay. And how much was paid under that
12 purchase order number?

13 A Four hundred and sixty-two dollars and fifty
14 cents.

15 Q Okay. Now turn to purchase order 512. And
16 I'm going to hand you Exhibit 16, Exhibit 39 and Exhibit
17 15. Okay?

18 A Okay.

19 Q All right. Now in regard to purchase order
20 number 512, is that associated with Ahern Rental?

21 A Yes.

22 Q In what respect? What type of property is
23 being rented from Ahern Rental using that purchase order?

24 A The description is rental of forklift, ten
25 thousand pounds, fifty-six foot telescoping.

12 1 Q Was that particular purchase order associated
2 with Ahern Rental, again 512, was that paid by the college?

3 A On this purchase order we paid an invoice for
4 three thousand four hundred and sixty-eight dollars and
5 another invoice for sixty dollars.

6 Q Do you see another purchase order associated
7 with Ahern Rental where the number is 8LP0C34103?

8 A Yes.

9 Q Now why is that purchase order number
10 different than some of the other ones that we've talked
11 about?

12 A We have two sets of purchase orders. We have
13 the purchase orders that we were speaking about previously
14 were for requisitions that are over a thousand dollars, and
15 if somebody chooses for a purchase under a thousand dollars
16 they may use a limited purchase order which is this
17 purchase order we're talking about now and that gives the
18 authority to the departments to basically procure on their
19 own without having to go through the purchasing department
20 up front and through a buyer. So the department is doing
21 the purchasing and basically gives the notification to the
22 purchasing department after the fact so. But again these
23 are only to be used for up to a thousand dollars.

24 Q And so that particular purchase order
25 associated with that number, was it paid by the community

12 1 college?

2 A There was an invoice for six hundred and six
3 dollars and ninety cents associated with this LPO paid by
4 the college, yes.

5 Q Now I already had mentioned invoice number
6 520, but I want you to go back to 520 and look at an
7 invoice that was paid. I think the first 520 you said ten
8 thousand two hundred and ten dollars.

9 A Yes. When I looked up all the invoices that
10 was ten thousand two hundred and ten dollars and
11 eighty-four cents was the total that was paid on this P.O.
12 That included the invoice of four hundred and sixty-two
13 dollars and fifty cents.

14 Q Okay. All right.

15 Do you see an invoice with the last
16 numbers 014?

17 A I see an RX, yes. 014, uh-huh.

18 Q And what vendor is that P.O. associated with
19 does it say?

20 A This is Home Depot.

21 Q Home Depot again?

22 A Yes.

23 Q What exhibit are you looking at?

24 A 30.

25 Q Okay. Was that particular P.O. paid off, 014?

12 1 A Yes. On this P.O. we paid fifty-one thousand
2 five hundred and ninety-eight dollars and nine cents.

3 Q Okay. Now in regard to these exhibits, did we
4 cover all the P.O.s that it has?

5 A 520. We talked about 512.

6 Q Okay. What's that over there?

13 7 A This is 14.

8 Q Okay. And that's 520?

9 A 520 and 349.

10 Q Now I'm showing you Exhibit 19 and Exhibit 20.
11 Look at Exhibit 19. Is there a P.O. number -- I just ask
12 you to refer to the last three numbers associated with that
13 exhibit.

14 A Yes, it's number 521.

15 Q And based on your review of the records at the
16 community college, was that P.O. paid off?

17 A Yes, it was. This invoice was paid.

18 Q How much?

19 A Four thousand six hundred and seventy-four
20 dollars.

21 Q Who is the vendor associated with that
22 purchase order?

23 A Nedco Supply.

24 Q And then do you see a -- looking at Exhibit
25 20, the other exhibit.

13

1 A Okay.

2 Q What is the last three numbers of the P.O. on
3 that exhibit?

4 A 523.

5 Q And based on your review of the records at the
6 community college was that P.O. paid off by the college?

7 A This, an invoice for five hundred
8 seventy-three dollars and fifty cents was paid against this
9 P.O.

10 Q And who is the vendor associated with that
11 P.O.?

12 A CalPly.

13 Q Do you know a Bob Gilbert?

14 A Yes.

15 Q And how do you know Bob Gilbert?

16 A I know Bob as the, he was the associate vice
17 president for facilities management at the college.

18 Q How long have you known him?

19 A For seven years. Since I began work at the
20 college.

21 Q If Bob Gilbert needs to purchase materials or
22 equipment, what does he need to do?

23 A In his capacity previously?

24 Q Yes.

25 A If he needed to purchase equipment he would

13

1 need to complete an RX and attach a quote and then turn it
2 into the purchasing department.

3 Q Okay. And who was that person in the
4 purchasing department?

5 A We have a director of purchasing Jack Holland
6 and three buyers that work for Jack.

7 Q Does Sally Severt (phonetic) also work in that
8 department?

9 A She's one of the three buyers, yes.

10 Q And then once it goes to that department then
11 it would be reviewed and approved, correct?

12 A Well, they would key in the information into
13 the financial system and a purchase order would be issued
14 then to the vendor.

15 Q Now did Mr. Gilbert have to sign off on
16 anything on that purchase order as well?

17 A He didn't sign the purchase order but he
18 signed the requisition which gave our buyers in our
19 purchasing department authority to place that order because
20 he had authority over the account that he was using to make
21 that purchase.

22 Q Are there times when Mr. Gilbert then would
23 create or have created an open-ended purchase order amount
24 or does there always have to be a limit on it?

25 A There are open-ended purchase orders, yes.

13

1 Q And is that allowed then, either Mr. Gilbert
2 or an authorized person working for him, to either go to
3 Home Depot, CalPly, Nedco, whatever vendor they're buying
4 materials or equipment, and order the equipment without
5 having to do another P.O. every time?

6 A You don't have to do another requisition but
7 you have to, you have to let the purchasing department know
8 that you want to increase the limit and that would have to
9 be done in writing in some way, in either e-mail or a
10 signature on a form saying I want to increase the amount of
11 the P.O. so that the buyer could then send that information
12 back to the vendor letting him know that the P.O. was
13 increased.

14 Q Now if Mr. Gilbert wanted to purchase a set
15 amount of materials from Home Depot, is there anyone there
16 at the community college that is authorized to oversee him
17 and make sure that what he's purchasing is actually the
18 right amount for the project at the college or does he have
19 full authority to purchase as much as he wants?

20 A Bob always reported to someone which was
21 always a vice president and so I would say that someone did
22 oversee his duties, but in his position as the construction
23 manager or the associate vice president one would think
24 that that person would be responsible for not only
25 purchasing what was necessary to complete the project that

13 1 he was working on --

2 Q So Mr. Gilbert basically then had final
3 authority to obtain as much materials as he felt necessary
4 for a particular project?

5 A Yes. I would say for the most part, yes.

6 Q Okay. Okay.

7 A Just to add to that, we have accounts at the
8 college, like I said I've been there seven years, in the
9 earlier times there were some accounts where his authority
10 was limited to a certain dollar amount and then somebody
14 11 above would be a second signature, but that person was
12 basically signing that, you know, the account had money and
13 the funding was available, but he still, it was his
14 responsibility still to be the one to know how much was
15 needed to build the building or a project.

16 Q And if he purchased materials for more than
17 what a project required, there necessarily wouldn't be
18 anybody there that would make sure those materials would be
19 kept at the college; is that correct, other than Bob
20 Gilbert, he had overall power?

21 A Yeah, as far as I know. I don't know how
22 anybody above him would know that.

23 MR. HAFEN: Okay. Okay. That's all the
24 questions I have.

25 BY A JUROR:

14

1 Q Just to clarify, there was nobody in your
2 department that would question any of his purchase orders?

3 A If there is a question on a requisition, yes,
4 people would question the purchase orders, but when they
5 look and seem reasonable, you know, I need to go to Home
6 Depot to get supplies to finish the book store, I need to
7 go to Home Depot or Nedco or CalPly or whatever to get
8 lumber or whatever to work on the science building, we do
9 millions and millions of dollars worth of building and so
10 if something seemed strange, if we were buying the same
11 thing from, you know, different vendors or over and over,
12 sure, somebody would question it, but again he's the one
13 who knows what he's building so.

14 Q So basically nobody in your department oversaw
15 his purchasing?

16 A We didn't oversee him.

17 Q So he could pretty much purchase anything he
18 wanted?

19 A Yeah, as long as it was legal and it, you
20 know, was within the realm of the project. And then we
21 have certain things that people are prohibited from buying,
22 you can't purchase alcohol, there are things that we don't
23 allow, but if he's got a requisition for lumber we can't
24 say you can't buy lumber. So they can question him, sure,
25 but I'm not sure that we would know when to question. In

14 1 this particular circumstance it seems to be coming to
2 light.

3 Q So nobody really in your department would have
4 enough knowledge to question his purchase orders is what
5 you're trying to get out?

6 A Because we're not with him and following him
7 around, I guess that would be true.

8 Q Okay. So he pretty much had carte blanche, he
9 could order what he wanted at will?

10 A Pretty much, yes, as long as he had the
11 correct authority and filled out the right forms and had
12 the correct quotes attached, yes, follow the procedure,
13 yes.

14 Q Theoretically somebody above him would have to
15 check that?

16 A Yes. But they weren't required to in all
17 cases.

18 BY THE FOREPERSON:

19 Q Has -- is the college solely responsible for
20 the payment or has there been any reimbursement made on any
21 of these invoices by anyone?

22 A As far as I know on all of these invoices that
23 we spoke about today there has been no reimbursement on
24 them.

25 THE FOREPERSON: Thank you.

14

1 Seeing no further questions.

2 By law these proceedings are secret and
3 you are prohibited from disclosing to anyone anything that
4 has transpired before us, including evidence and statements
5 presented to the Grand Jury, any event occurring or
6 statement made in the presence of the Grand Jury, and
7 information obtained by the Grand Jury.

8 Failure to comply with this admonition
9 is a gross misdemeanor punishable by a year in the Clark
10 County Detention Center and a \$2,000 fine. In addition,
11 you may be held in contempt of court punishable by an
12 additional \$500 fine and 25 days in the Clark County
13 Detention Center.

14 Do you understand this admonition?

15 THE WITNESS: Yes.

16 THE FOREPERSON: Thank you for your testimony.
17 You are excused.

18 THE WITNESS: Thank you.

19 MR. HAFEN: Folks, it's after five o'clock,
20 it's been a long day. I can tell you that what I have left
21 are four short witnesses and one, he couldn't make it
22 today, he's the C.P.A., I'm going to bring back on
23 Thursday, that may be a little bit longer, but I'm going to
24 propose that we end for today.

25 A JUROR: Thank you.

14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HAFEN: And come back Thursday and I can tell you, assuming all goes well, we'll probably be done in a couple hours Thursday morning.

A JUROR: Great.

MR. HAFEN: Is that okay with everybody?

THE FOREPERSON: Yes.

(Proceedings adjourned, to reconvene on Thursday, September 25, 2008.)

--ooOoo--

14


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : SS
COUNTY OF CLARK)

I, Danette L. Antonacci, C.C.R. 222, do hereby certify that I took down in Shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated and thereafter said shorthand notes were transcribed at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

Dated at Las Vegas, Nevada, September 25, 2008.


Danette L. Antonacci, C.C.R. No. 222

14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 07BGJ136A-G:

Does not contain the social security number of any person,

-OR-

Contains the social security number of a person as required by:

A. A specific state or federal law, to-wit: NRS 656.250

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Danette L. Antonacci
Signature

9/25/08
Date

Danette L. Antonacci
Print Name

Official Court Reporter
Title