

IN THE COUNCIL COURT
OF LOUISVILLE METRO COUNCIL

IN RE REMOVAL HEARING)
OF COUNCILMAN ANTHONY)
PIAGENTINI)

THIRD APPLICATION OF THE CHARGING
COMMITTEE FOR THE ISSUANCE OF SUBPOENAS

The Charging Committee of the Council Court of the Louisville Metro Council (the “Charging Committee”) hereby moves pursuant to KRS 67C.143 and Rule 15 of the Louisville Metro Council Removal Hearing Rules and Procedures (“Removal Rules”) that the Chair of the Council Court issue a subpoena to Google LLC d/b/a/ Gmail.com. The subpoena seeks metadata, including the full email header, sufficient to identify the date that Respondent Anthony Piagentini opened an electronic mail message sent to him from Tammy York Day on November 17, 2022.

The Proposed Subpoena is attached as Exhibit 1 to this Application, and the reasons for the request are set forth below.

Request for Subpoena

The Charging Committee has already presented two applications for subpoenas to the Chair for approval. As before, Rule 15 of the Removal Rules provides:

RULE 15. Subpoenas. Upon a showing [of] proper need at the request of the Charging Committee or the Respondent, the Council Court shall issue subpoenas over the signature of the Chair to compel the attendance of witnesses or the production of

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documents or other documentary evidence in conjunction with the Council Court's hearing on the removal charges. Applications for subpoenas shall be filed with the Clerk. Any application for the issuance of subpoenas shall set forth the substance of the anticipated proof or relevance of the documentary evidence or testimony to be obtained and the need therefore in support of the application.

Under Rule 4, the Chair of the Council Court decides matters of procedure.

The upcoming removal hearing will, among other things, address the Respondent's advocacy and vote for a \$40 million grant to the Louisville Healthcare CEO Council and others at a meeting of the Budget Committee on the evening of November 17, 2002. It is undisputed that the Respondent received an email from Tammy York Day, President of the CEO Council, at 11:52 a.m. on that date. (*See* email, attached as Ex. 2). The Respondent has given inconsistent answers to the question of when he first saw the email, however. He told the Investigating Officer in an interview on June 7, 2023, that "it was really Friday when I, you know, interacted with the email, at least to my recollection." (Transcript of Interview, p. 97, attached as Ex. 3). At the Ethics Commission Hearing, he testified that he "can't remember" whether he checked his emails between the time it was sent and the Budget Committee meeting. (Hearing Transcript, p. 188, attached as Ex. 4).

The Charging Committee previously sought a subpoena to have the Respondent's cellphone examined by a third-party forensic examiner to obtain the metadata for the email to determine when it was opened. The Chair denied that request, stating,

To the Charging Committee's request for metadata, while that information could go to multiple counts, the request seems to this Court to be targeted towards Count VIII, which is currently subject to a pending Motion to Dismiss filed by CM Piagentini. Given the pending Motion to Dismiss, and the fact that this same information could be shown through the text messages which this Court orders Piagentini to produce through less intrusive means, the Council Court DENIES the portion of the subpoena requesting metadata for the email received from Day at 11:52 a.m. on November 17, 2022 at this time. The Constitutional reasoning discussed above also supports the denial of this request at this time.

(Opinion and Order, p. 5). The Chair is correct, that the information is relevant to Count VIII, which alleges perjury at the Ethics Commission Hearing. But it is also relevant to Count I (that he accepted a thing of value under circumstances from which it could be inferred it was offered to influence him), Count II (that he acted when he had a private interest that impaired his judgment), and Counts IV and V (failure to disclose and disqualify). None of those other counts are subject to a motion to dismiss.

In addition, the Respondent has now responded to the subpoena directing him to produce his texts with Tammy York Day, stating that he had no such documents. There is no other available source of the metadata other than the email provider, which is Google LLC d/b/a Gmail.com.

Accordingly, the Committee has a proper need for a subpoena, in the form attached as Exhibit 1. Google requires that out-of-state subpoenas be processed under the Uniform Interstate Depositions and Discovery Act. Following that statute, the Committee will file the subpoena in Sacramento, California, Superior Court, and seek an order directing that the subpoena be served upon Google's agent for service of process, Corporation Service Company, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

WHEREFORE, the Committee requests that the subpoena requested above be issued for service as shown in the subpoena.

Respectfully submitted,

/s/ Kent Wicker

Kent Wicker
WICKER / BRAMMELL PLLC
323 West Main Street, 11th Floor
Louisville, Kentucky 40202
Telephone: (502) 780-6185

Counsel for the Charging Committee

Certificate of Filing and Service

I hereby certify that on January 22, 2024, a true and accurate copy of the foregoing was filed with the Louisville/Jefferson County Metro Council Court and served upon the following by email:

Sonya Harward
Louisville/Jefferson County Metro Council Clerk
601 W. Jefferson Street, Suite 103
Louisville, Kentucky 40202
sonya.harward@louisvilleky.gov
Clerk of the Metro Council Court

Hollie Hopkins
Office of the Jefferson County Attorney
200 S. Fifth Street, Suite 300N
Louisville, Kentucky 40202
Hollie.Hopkins@louisvilleky.gov
Counsel for the Metro Council Court

J. Brooken Smith
Michael G. Swansburg, Jr.
SWANSBURG & SMITH, PLLC
291 N. Hubbards Lane, Suite 172
Box 321
Louisville, Kentucky 40207
(502) 805-5960
jbs@swansburgandsmith.com
mgs@swansburgandsmith.com
Counsel for Respondent Piagentini

/s/ Kent Wicker
Kent Wicker

LOUISVILLE METRO COUNCIL

**COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO GOVERNMENT
JEFFERSON COUNTY**

**IN THE MATTER OF CHARGES AGAINST
DISTRICT 19 COUNCILMAN ANTHONY PIAGENTINI**

SUBPOENA

The Council Court of the Louisville Metro Council to:

Name: Google LLC d/b/a/ Gmail.com
By service upon its agent for service of process, Corporation Service Company

Address: 2710 Gateway Oaks Drive,
Suite 150N
Sacramento, CA 95833

You are commanded to appear before Louisville Metro Council, on the ____ day of _____, 202__ at ____ a.m. Eastern Time

☐ To testify in behalf of _____

☒ To produce metadata, including the full email header, sufficient to identify the date and time of opening of an email from [tyc](#) [REDACTED] to [abg](#) [REDACTED], sent at 11:52 a.m. on November 17, 2022, and attached hereto as Exhibit A. The documents shall be produced to the requesting attorney no later than February 5, 2024.

☐ To give depositions

Issuing Officer

By: President, Markus Winkler
Chair, Metro Council Court

Date: January 22, 2024

Requesting Attorney:

/s/ Kent Wicker

Kent Wicker

Wicker / Brammell PLLC

323 West Main Street, 11th Floor

Louisville, Kentucky 40202

Kent@WickerBrammell.com

(502) 541-5533

PROOF OF SERVICE

This subpoena was served by delivery of a true copy to:

This ____ day of _____, 202__ By:

Tammy York Day

From: Tammy York Day
Sent: Thursday, November 17, 2022 11:52 AM
To: abp [REDACTED]
Cc: 'Tammy York Day'
Subject: Confidential CEOc NDA
Attachments: CEOc External Mutual NDA.docx

Hi Anthony,

Please see our mutual NDA, and let me know if you have questions or any requested changes. Tammy

Tammy York Day
President and CEO

M: (502) [REDACTED]

tyo [REDACTED]

CEO^c LOUISVILLE HEALTHCARE
CEO COUNCIL

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3 IN RE: HONORABLE ANTHONY B. PIAGENTINI
4

5
6 Pending Before
7 LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
8 ETHICS COMMISSION
9

10
11
12 TRANSCRIPT OF ANTHONY PIAGENTINI INTERVIEW
13

14 HELD JUNE 7, 2023
15

16
17 TRANSCRIPTION BY:
18

19 KALLIE WILLIAMS, COURT REPORTER
20

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24 TAYLOR COURT REPORTING KENTUCKY
25 2901 SIX MILE LANE
LOUISVILLE, KENTUCKY 40220

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APPEARANCES

INTERVIEWER:

Jim Griffin
BIG SKY SOLUTIONS, LLC
P.O. Box 31
Buckner, Kentucky 40031
Telephone: (502) 558-9969

COUNSEL FOR ANTHONY PIAGENTINI:

J. Brooken Smith, Esq.
SWANSBURG & SMITH, PLLC
291 North Hubbards Lane, Suite 172
Louisville, Kentucky 40207
Telephone: (502) 805-5960
email: jbs@swansburgandsmith.com

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INTERVIEW

The verbatim transcription of the audio record of the interview of Anthony Piagentini is as follows, and was prepared by Kallie Williams, Court Reporter, at the request of J. Brooken Smith, Esq.

* * *

INTERVIEW

BY MR. GRIFFIN:

Q. This is Jim Griffin with Big Sky Solutions. Today's date is June 7th, 2023. We're currently in the offices of Brooken Smith. And we're here conducting an interview with Metro City Councilman Anthony Piagentini.

So we've spoken very little before we came on the record. But again, this is just an interview reference this ethics investigation that's been filed, I guess, against you. And we're just here trying to, one, get your side of the story; and then, two, just to answer any questions that we may have.

A. Great.

1 Q. Anything you don't understand,
2 anything you don't want to answer, that's
3 completely up to you.

4 Do you have any questions about
5 anything just before we get into the formality?

6 A. I don't.

7 MR. GRIFFIN: Mr. Smith?

8 MR. SMITH: No.

9 MR. GRIFFIN: Okay.

10 BY MR. GRIFFIN:

11 Q. All right. So if you don't mind,
12 just tell me a -- first, for the record, state
13 your name, your address -- and you can use a
14 work address, you can use your private address.
15 I know them both. But just for the record. And
16 your date of birth.

17 A. Sure. Anthony Piagentini. 15204
18 Chestnut Ridge Circle, Louisville, Kentucky
19 40245. My birthday is October 9th, 1977.

20 Q. Okay. And can you just tell us a
21 little bit about yourself and how it is that you
22 came to be in the position of City Council?

23 A. Sure. I moved here related to
24 work. It was a position with a company called
25 RxCrossroads at the time. It's been acquired a

1 few times and changed names. But a gentleman
2 hired me to come and run his operations for
3 the -- for one of his divisions in the business.
4 Since then I've moved companies a little bit.
5 But it was a work move that brought me here.

6 As far as how I came to be on City
7 Council, I started getting somewhat active in
8 local politics just helping out friends that
9 were running for office. Jerry Miller was one
10 of the first campaigns when he was running for
11 State office. I sort of helped put out signs
12 and do -- like, serve mundane things like that.
13 Was involved with the party for a little bit.

14 And then, you know, just felt -- I
15 had a bucket list, actually, that I would
16 consider running for local public office at some
17 point. I have no family history of running for
18 public office.

19 And found out that Julie Denton,
20 who was the Councilwoman prior to me, was
21 considering not running for re-election. And so
22 I put my hat in the ring and got elected. And
23 that was five years ago now. So I've been
24 through a first term. I was re-elected this
25 last cycle. But it was an unopposed election,

1 so...

2 Q. Okay. As far as professional life,
3 you say you came here for -- where did you move
4 from when you came to Kentucky?

5 A. New Jersey.

6 Q. New Jersey. Okay. And what type
7 of work was that that you came to help run this
8 company?

9 A. So health -- business healthcare
10 related is what I'll call it. Right? I'm not a
11 doctor, a clinician, or anything like that. My
12 degree's in economics. And -- but I've been on
13 the -- what I'll broadly refer to as the
14 business side of healthcare for 20-plus years
15 now. First ten were in the pharmaceutical
16 industry, largely in New Jersey.

17 I transitioned to what I'll broadly
18 refer to as pharmaceutical services companies
19 that were -- these were companies that worked
20 with pharmaceutical manufacturers, particularly
21 in the very high-priced biotech industry dealing
22 with complex managed care issues. So, you know,
23 an insurance company that put up blocks to get
24 an expensive product.

25 I'm oversimplifying this frankly

1 but, you know, we had services to help mediate
2 those blocks and do things to help physicians
3 get access to those drugs. That was the
4 business, that was RxCrossroads when I came
5 here.

6 After that, I switched over to what
7 I'll broadly call the provider side. I worked
8 for ResCare, which is now BrightSpring for a
9 period of time. I was the vice president of
10 managed care. After that, I was recruited to
11 work -- or I received an offer to work for
12 WellCare Health Plans, which is now a division
13 of Centene. Again, a lot of acquisitions and
14 mergers, just to be clear there.

15 I worked for them for about seven
16 years. And then, this is a year and change ago
17 now, I left them to start independently
18 consulting.

19 Q. Okay.

20 A. Yeah.

21 Q. And that's what you're currently
22 doing now?

23 A. Correct.

24 Q. Okay. And I'll refer back to it
25 too. But in looking at your LinkedIn page, you

1 also did some commercial real estate work, or
2 are still doing commercial real estate work?

3 A. Still doing it. It's -- you can
4 call it my side hustle.

5 Q. Okay.

6 A. So in the long term I would love to
7 be able to, you know, full-time do commercial
8 real estate. But, you know, I just jumped into
9 that a year ago. You know, got my license and
10 hung it with a local firm.

11 You know, I've just -- literally
12 just started closing my first couple deals.
13 Right? Pretty low-key deals, frankly. And, you
14 know, that industry, like most -- and I'm used
15 to long sales cycle business development-type
16 work. I did that when I worked for WellCare for
17 years. So that's what commercial real estate
18 kind of is.

19 So as that builds up, I might get
20 out of healthcare more, you know, and get more
21 into the commercial real estate business. But
22 in the meantime, right, my expertise and my
23 background is in healthcare, and I've -- it pays
24 the bills. Right? It's where I can be on the
25 highest rate of return for my time. Let's put

1 it that way.

2 Q. Okay. So currently you are a City
3 Council --

4 A. Correct.

5 Q. City Council professional?

6 A. Yeah.

7 Q. I'm assuming that's a paid
8 position? I'm not --

9 A. It is. So yeah. So I'm a W-2'd
10 paid position. Right? Employee position. My
11 salary's public knowledge. I think it's 50,000
12 or 50-something-thousand a year. Don't -- I
13 can't remember the exact dollar amount. But
14 it's in that range. So I'm a W-2'd, right,
15 employee, if you will, of Louisville Metro
16 Government.

17 I have an independent consulting
18 business that -- you know, just a -- I just
19 switched over to an S corp. But it's -- that is
20 what is contracted with the Louisville
21 Healthcare CEO Council. And then -- and prior,
22 with WellCare of North Carolina.

23 And then -- but I also have --
24 again, your commercial real estate agents are
25 1099'd. So I've got a license. I hang it with

1 SVN Menish Commercial Real Estate, which is a
2 local firm. S -- Sperry Van Ness is a national
3 brand, but Bill Menish is the local managing
4 broker. And so yeah, those are my -- those are
5 where I receive all of my compensation from.

6 Q. Okay. All right. We're going to
7 circle back to a couple of those things --

8 A. Sure.

9 Q. -- as we move on. But I guess we
10 should just get to the crust of what we're here.
11 Everybody's busy, and I don't want to take more
12 time than is necessary. So anything I say that
13 you disagree with, either one of you, please
14 say, I think you got that wrong or --

15 A. Sure.

16 Q. -- misconstrued. Okay? And if it
17 is, it's not intentional.

18 The American Rescue Plan, the
19 federal government because of COVID is freeing
20 up money to local communities, cities, counties,
21 to basically help with economics in those areas.

22 Would that be somewhat accurate?
23 You describe it.

24 A. Yeah. It's close. Right? They
25 allocated to states. And then within states,

1 depending on the local jurisdictions if they met
2 certain population guidance, which Louisville
3 did, they got a certain percentage of the amount
4 that was allocated to the state.

5 So I think Louisville got 388
6 million dollars total. There were a bunch of
7 regulations and restrictions on how you could
8 use the money that, of course, the federal
9 government always puts down whenever they pass
10 money out like that.

11 But yeah, it was related to COVID
12 response primarily, and then to essentially the
13 idea was responding to the fall-out from COVID.
14 Right? That was the two broad missions of --

15 Q. Okay. Being in a position that
16 you're in with Metro Council, it's received at
17 some point in '21 -- the City has an idea of
18 what they're going to get is my understanding.

19 Does that sound accurate?

20 A. Yes, that sounds right.

21 Q. Okay. Well --

22 A. I can't remember exactly when it
23 was, but that -- that sounds like maybe early
24 2021. Something like that.

25 Q. Yeah.

1 A. I can't remember exactly.

2 Q. And so tell me how it is that you,
3 as a citizen, as Metro Council, as a
4 representative of healthcare, whatever the
5 circumstance is, how you get involved and what
6 your actions were at the beginning of dealing
7 with these funds for the City.

8 A. Okay. So strictly related to ARP
9 funding? That's what you're asking? My
10 interaction with that?

11 Q. Well, it is. But I also understand
12 there may be sidebars to that as we go. But
13 yes. In the beginning, yes.

14 A. Okay. We'll start by focusing on
15 that. So the -- there was some agreement early
16 on between the Council and the Fischer
17 Administration that the Council wanted to
18 dictate a lot of where the money was going.
19 Right?

20 There had been a history with the
21 Fischer Administration of him proposing ideas
22 without consulting Council. He wanted to
23 reverse -- as a -- in a bipartisan he wanted to
24 reverse that dynamic.

25 So we created, I believe it was,

1 five work groups. It could have been four,
2 could have been six. But I believe it was five
3 work groups.

4 One was related to housing, one was
5 related to -- as examples. And again, I'm not
6 going to remember all of them. But one was
7 related to what we called healthy neighborhoods,
8 one was related to public safety.

9 And the idea was that each of these
10 working groups -- and they fell into broad
11 categories defined actually by a resolution that
12 Council passed that they would define what the
13 needs were within those broad categories for ARP
14 funding.

15 We divided up different Council
16 members by volunteerism into these different
17 groups. So specifically there was a group
18 called the workforce group. Right? Or the
19 workforce task force. Whatever you want to --
20 didn't have a formal name, but it was just
21 related to addressing workforce issues as
22 fall-out from COVID and proposing ideas to
23 address it through ARP money.

24 Councilman -- at the time,
25 Councilman Winkler and I -- as president, Markus

1 Winkler, and I were the two that volunteered to
2 be part of that group. Right? It did include
3 members of the Fischer Administration.

4 Margaret Handmaker was one of them.
5 She was assigned to be a part -- part and parcel
6 of essentially any of the conversations around
7 ARP money as a consultant for the Fischer
8 Administration.

9 Also Bill Hollander, who was the
10 budget chair at the time, he was involved in
11 just about every single meeting. Even the
12 individual committee meetings. So you could say
13 he was on all of them. But he was also
14 deferring decision-making to the people that
15 volunteered to be part of them.

16 So that's how I got involved in, if
17 you will, like, what my participation was in
18 making any decisions around it, which was
19 meeting several times with this group, which
20 including the administration, President Winkler,
21 well, now President Winkler, Bill Hollander, and
22 others, to say what are the ideas related to
23 workforce that make the most sense, and how much
24 is that going to cost.

25 Q. Okay. In discussions that I've had

1 with others, you intentionally tried to --
2 intentionally's not you, but as a group -- you
3 tried to keep these meetings small --

4 A. Uh-huh.

5 Q. -- because of COVID at the
6 beginning. And at the end, most of them -- most
7 or all were Zoom-type meetings?

8 A. Correct. They were virtual mostly.

9 Q. So Margaret Handmaker was the
10 executive director of the Accelerator Team --

11 A. Uh-huh.

12 Q. -- that was created by, I guess,
13 Mayor Fischer. And then she had people that
14 worked for her. Hers was a paid position.

15 So kind of talk me through how this
16 process worked, and then kind of how you -- the
17 decision was made and who the decision was made
18 by to award the money where the money was
19 awarded.

20 A. Sure. So going back to 2021, we
21 proposed -- and when I say we, I would say there
22 was broad consensus. There wasn't anybody who
23 was particularly against the idea, and everybody
24 was generally for it to do. And you know, I
25 think the administration called it an RFA, but

1 think of it like an RFP, except you're not
2 bidding on a particular thing. Right?

3 But it was one of the best ideas
4 related to workforce, given these broad criteria
5 that we had laid out. And that was a public
6 document. I'm sure you can probably still find
7 it online. But anyway. Put that out there. A
8 bunch of people respond to it. Right? You
9 know. I don't know, maybe two dozen
10 organizations or so. I can't remember all of
11 them.

12 But there was a spreadsheet that --
13 the administration was running the sort of
14 administrative side of it. Right? So they got
15 this spreadsheet and broke down, and even they
16 did the work on grading the bids -- or bids --
17 the proposals compared to the criteria that we,
18 as a group, agreed to. Right? We had set
19 ourself a criteria to sort of grade and consider
20 them.

21 Q. Was that grading part done by
22 everybody, or was that grading --

23 A. No.

24 Q. -- part basically done by --

25 A. Margaret Handmaker.

1 Q. -- Margaret and her team?

2 A. Yeah.

3 Q. Okay.

4 A. Yeah. Margaret Handmaker and her
5 team. Yeah. We did -- the Councilman -- I
6 mean, President Winkler -- and, I mean, I don't
7 know what -- if he had any interaction. I had
8 zero interaction with the grading. They
9 presented the grading to us when it was done.

10 Q. Okay.

11 A. Now, we got to question it, but
12 that's how it worked. And they were transparent
13 with the proposals. So we could have
14 scrutinized it and questioned it further if we
15 needed to.

16 Q. And for that process, was that
17 process smooth, bumpy, somewhere in between?

18 A. Let's just say that Markus Winkler
19 and I had many, many disagreements with
20 Margaret Handmaker. Many. It was a very
21 contentious process, actually. The --

22 Q. You're about the fourth person to
23 use the word contentious.

24 A. Yes. It was -- it -- and the
25 fundamental -- there was fundamental

1 disagreements from -- for process, philosophy,
2 many issues with how Margaret wanted to go about
3 doing things versus how Markus Winkler and I.

4 And generally, I would say Markus
5 and I were in agreement throughout the process.
6 Right? There was very little space between his
7 opinions and my opinions on how things were
8 going and what we should do. Right?

9 Q. Correct me if I'm wrong. It's my
10 understanding -- and I've looked at part of that
11 process and some of the paperwork with it --
12 that the rules and regulations of how this is to
13 work are pretty stringent.

14 Would that be accurate?

15 A. Regarding what?

16 Q. What the federal government says
17 you have to do A, B, C, all the way down, to how
18 this money can be allocated, how --

19 A. Correct.

20 Q. So --

21 A. But not related to the process on
22 pick-out. There was almost no guidance on how
23 you picked who the money goes to. But to your
24 point, the federal government had not only the
25 law, but also -- and at the time, the rules were

1 being drafted. There was iterations. So we
2 were trying to keep up with the rules as they
3 were being published by the federal government,
4 which is not unusual. This is a very common
5 process.

6 So every time a new iteration of
7 rules came out, we were making sure that, okay,
8 do these meet the guidelines of these rules.
9 Right? That was a fundamental baseline criteria
10 of any proposal we were reviewing.

11 If you didn't meet the guidance of
12 federal government and the rules, you were out.
13 Right? We couldn't even consider it. So yes,
14 that does apply to who can or can't be awarded
15 and how they use the funding.

16 But it is not true that there was a
17 regimented process of how you select. I mean,
18 theoretically, the mayor could have just walked
19 up and said, I'm giving it to these folks. And
20 he would have only been bound by state and local
21 statutes on how we allocated that, having
22 ordinance, things like this.

23 Q. But for these particular
24 circumstances, Council wasn't allowing the mayor
25 to do those things. Those are things the

1 Council decided we're doing this?

2 A. Correct.

3 Q. And I understand --

4 A. That's correct.

5 Q. -- why --

6 A. Yeah. No matter what, because it
7 was budget -- it was dollars that were budgeted
8 to us, the way it legally works is Council first
9 has to draft an ordinance to say we accept these
10 dollars. Right? So it's kind of like bringing
11 it into the fold.

12 So -- and we do this very commonly
13 any time we get a grant in some place or
14 federal, state dollars. Like, we have to accept
15 it as part of some legal process. Then it has
16 to be budgeted. Again, it must be done via
17 ordinance.

18 The mayor's office does not have
19 carte blanche, like, oh, we got this money over
20 here, we can spend it however we want. He does
21 have some flexibility in the budget in how he
22 can execute as the executive branch of city
23 government. But he cannot do that in large
24 scale.

25 So we knew there was -- he was

1 going to have to pass ordinances at some point.
2 The difference being in the past he has gotten,
3 let's just say, political allies on the Council
4 to shepherd his ordinance that he handed him.
5 And we wanted to stop that.

6 Instead, draft our own from
7 scratch. Right? So that's why we created these
8 work groups to create, okay, what are the
9 proposals? We were going to draft the
10 ordinances.

11 Q. So whether you-all liked it,
12 Margaret Handmaker liked it, at some point there
13 is a list that is put out --

14 A. Yes.

15 Q. -- based on the applicants from the
16 RFAs. And am I correct in saying that those
17 applicants were not, like, Greater Louisville,
18 Inc., that there was some things that --

19 A. I think one of them was, actually.
20 But anyway. Keep going.

21 Q. Yeah. But, I mean, there was some
22 criteria of who could apply and who could not or
23 who could be accepted and --

24 A. Yes.

25 Q. -- circumstances?

1 A. Some criteria that were --

2 Q. Yeah.

3 A. -- in the RFA. Right.

4 Q. Yeah. But I think that's why maybe
5 GLI wasn't allowed to continue the process or
6 something? I've read some different stuff
7 saying there was just some groups that didn't
8 meet criteria, they weren't going to be able to
9 participate?

10 A. I don't remember specific.

11 Q. Okay.

12 A. And again, a lot of that was
13 defined by the administration. They would come
14 back and be like, this one's disqualified for
15 this reason or another.

16 Q. Okay.

17 A. There was -- I don't remember
18 specifically why one individual group was
19 disqualified or not.

20 Q. So it's my understanding there's a
21 list through Handmaker's office. There's a list
22 of 30.

23 A. Sounds about right, yeah.

24 Q. And that they ranked those on what
25 they thought were --

1 A. Correct.

2 Q. -- the best candidates? Was --
3 for -- I know they've changed names. There was
4 the -- I'm just going to refer to them as CEOc,
5 if that's okay?

6 A. That's fine. Yep.

7 Q. Were they on that -- in that list
8 of --

9 A. I believe they were, yes.

10 Q. Okay. And do you recall how they
11 were ranked?

12 A. I don't. I -- I don't.

13 Q. Okay.

14 A. I'd be guessing if I tried to give
15 you a stab at where I think I remember them.

16 But I -- it'd be a guess. I don't remember.

17 Q. Okay. Would you be surprised if I
18 told you they were ranked 29th out of 30?

19 A. No. Like I said, I don't remember.

20 Q. Okay.

21 A. Because there's a -- there's more
22 to this story that changed the entire dynamics.

23 Q. And that's why we're here.

24 A. Yeah.

25 Q. I want to make sure --

1 A. Yeah. I got it.

2 Q. So you understand that? Okay.

3 A. Yep.

4 Q. So the list is put out, you guys
5 are in disagreements with Margaret and her team.

6 How do we proceed from there?

7 A. So essentially what -- again,
8 skipping a bunch of very tactful conversations
9 about why we disagree with her on certain
10 things, Markus insisted -- and this was more
11 him, and this was his idea -- that instead of --
12 I mean, I was somewhat comfortable with -- let's
13 just say -- and we were banding about 50 million
14 dollars was the original dollar amount that we
15 were saying.

16 Because the other groups, Public
17 Safety and Housing, was very quickly coming up
18 with how much money they needed for different
19 things. So because we knew we were not as quick
20 as they were, we said, hey, you know -- the
21 question was, how much do you think we need to
22 hold back so we don't eat up all this money
23 before we get to workforce?

24 The answer was 50 million dollars.
25 Right? And that was in consultation with

1 Councilman Hollander and a few others. Right?

2 Q. So how do you get to that -- you
3 don't have to go in great detail, but how do you
4 just come up with 50 million dollars?

5 A. It was somewhat made up out of thin
6 air. Yeah. It was --

7 Q. Okay.

8 A. -- you know, as a percentage of all
9 the money, it was a -- we knew we wanted the
10 bulk of it to go to housing, which I think 110
11 million or something crazy like that went --
12 ended up going to the overall concept of
13 housing. Right?

14 MR. SMITH: Can I just interrupt,
15 just for clarification? When you say the bulk
16 of it, you're talking about the bulk of the 388
17 million dollars?

18 MR. PIAGENTINI: Correct. Yeah.

19 MR. SMITH: Okay. Not the 50
20 million dollars.

21 BY MR. GRIFFIN:

22 Q. Yeah. No. I'm with you.

23 A. No. Yes. Yeah. So we knew
24 philosophically as a whole Council we wanted a
25 lot to go to housing. And then the rest of the

1 groups will be parsing it up. So it was a
2 guess. It was just, like, hey, don't go past 50
3 million in case there is -- because we're taking
4 a little bit longer here, so that we have
5 nothing to debate. Right?

6 And if we didn't use it, then, you
7 know, everybody have a list that, you know, that
8 you can use that money. Right? Okay. I was
9 somewhat okay with, and I think the
10 administration was too, however the ranking
11 ended up. Right?

12 Pick the first couple groups that
13 come to 30 to 40 million dollars, maybe up to
14 50, and then award -- you know, say, okay,
15 that's what we're going to do. Right?

16 Markus was somewhat insistent on --
17 and, you know, frankly sold me on and I agreed
18 with them at the end of the day, you know, after
19 we had conversations about it, doing one large
20 project, period. Right?

21 He was concerned with the
22 philosophy of you sprinkle a little money
23 across, like, five or six different groups and
24 you don't make any transformational impact on
25 anything. Right? You just, it's nice, but

1 nothing serious is accomplished. So he wanted
2 to go after one big project, period. And, you
3 know, okay. Right? I wasn't against the idea.
4 Right? So I'm like, okay, let's pursue this.

5 The first idea was actually
6 something related to -- and this is where Markus
7 led a lot of the conversations. He -- his
8 employment allows him a little more flexibility
9 as time than mine did at the time. So he
10 started talking to a local organization related
11 to weather data analytics. Right? And then we
12 talked -- that was one idea. Right?

13 Do we dump this money into these
14 emerging industries that can bring a bunch of
15 tech business, right, to the City? Then his
16 next idea -- and again, we talked about this.
17 I'm not saying, you know, that I didn't have
18 these conversations.

19 But he brought the idea, like, do
20 we create a -- you know, one of the reasons it's
21 tough for the City to land, like, an Amazon 2.0
22 is that we don't have a -- a -- you know,
23 building area, an urban sort of infrastructure
24 to build a couple towers that can house people,
25 both housing, business, have high-speed

1 Internet. Right? The whole deal where we can
2 say, hey, this 1,000 employees are going to come
3 in, this is where -- we have this ready to go.

4 So we were talking about, like, do
5 we use the money to create this, like, tech
6 campus? Okay? So there was that idea that was
7 floating out there. And we were even trying to
8 get ahold of developers and see, you know, if
9 there was any meat on that bone. Right? If
10 there's anything that if there -- if that made
11 any sense to anybody.

12 Well, then he brought up that the
13 CEOc, who I was, you know, familiar with, but I
14 was not familiar with this federal grant. They
15 were going after a federal grant. I think it
16 was called -- don't quote the acronym -- EDA
17 grant -- ED something. I can't remember what
18 the acronym was. But --

19 Q. It's EDA.

20 A. Okay. Thank you. The -- they were
21 going after this federal grant. I remember the
22 number being around 50 million dollarsish.
23 Right?

24 And, you know, Markus brings up,
25 like, hey, you know, they're going after this.

1 And this timing by the way, just -- okay. So
2 we're going through a timeline. We're now in
3 what I would call late 2021, early 2022. Okay?

4 So 2021 we were having these
5 meetings and these evaluations on this stuff.
6 Now we're in early 2022. So he brings up this
7 idea. And he's like, hey, he's like, they're
8 federal grant. This is huge. This is
9 transformative. This is, you know, healthcare
10 workforce, blah, blah, blah.

11 We do have a huge healthcare
12 workforce not only issue, but it's a huge part
13 of the local economy. And so he was like, all
14 right. Here's an idea. Why don't we
15 backstop -- we use this ARP money as a backstop
16 if they don't get the federal grant?

17 Because to him, it was like, okay,
18 this is a project, it's transformative, it's big
19 think, it's sustainable. Right? Like, he's
20 touting some of the benefits of this. Okay.
21 Great. Right? Okay.

22 This meets the criteria, seems to
23 be an interesting idea. And the idea was that
24 we would use this money to backstop it. Now, we
25 were very careful at the time to not say that

1 publicly, because we didn't want that decision
2 which was made early 2022 in the committee, in
3 the group. Margaret Handmaker there, Markus and
4 I, and Councilman -- at the time, Council Budget
5 Chair Hollander's in the meeting. Right?

6 Because we didn't want it to jeopardize the
7 decision-making on the federal grant. Right?

8 Say, wow, that money, forget it.
9 Right? Like, kind of thought process. So we
10 said, look, we're going to hold it. They should
11 get a notification around September of the same
12 year.

13 At that point, if they do get it,
14 we're just going to take the money and go after
15 the top, you know, call it four or five projects
16 up to 50 million. If they don't get it, we're
17 going to -- we're going to put it on that
18 project.

19 So we actually did meet, like --
20 and I don't remember when, but let's just call
21 it Q1ish, right, late Q1 2022 until September.
22 So around September. It was late August or
23 September. It was around that time frame. You
24 know, Markus lets me know. He's like, hey, they
25 didn't get the grant. We have to -- you know,

1 we have to pivot here. Okay.

2 At that point, he meets with the
3 CEOc to negotiate a dollar amount. Right?
4 Again, he kept me informed. But again, just his
5 schedule versus my schedule at the time. He was
6 working directly with the CEOc to figure out
7 what was, as he termed it, sort of like the
8 minimum viable dollar amount. Right?

9 Like, you know, because when you
10 apply for grants a lot of time you put some
11 fluff in there and, you know, all this stuff.
12 So he was saying to them, as he described it,
13 what is the minimum dollar amount you can be
14 successful and accomplish this transformative
15 goal around healthcare workforce and not have a
16 bunch of fluff and miscellaneous dollars?

17 And so he came back to me and
18 said -- and told me what the dollar amount that
19 was agreed to was right after they stripped down
20 a bunch of projects. And it was around 40
21 million. Right? Again, I can't remember exact
22 dollar amount, but it was -- I remember it being
23 about a 10-million-dollar drop from what they
24 applied federally.

25 Q. Basically that drop was something

1 for U of L?

2 A. I have no idea.

3 Q. Okay.

4 A. Yeah. Like I said, Markus was
5 dealing with them directly. I have no idea what
6 they pulled out of the -- because I didn't -- I
7 mean, I -- you know, I was familiar with -- you
8 know, again, think about it as, like, the
9 difference between I'm talking strategy versus
10 I'm the grant writer.

11 I didn't write the grant and I can
12 tell you, like, every nuance of it. I knew
13 generally what they were trying to accomplish
14 and how they were trying to accomplish it,
15 because that was communicated. Right? And that
16 was part of agreeing that this was a
17 transformative and good idea for the City.

18 But that -- I don't -- I have no
19 idea how -- you know, he -- you would have to
20 talk to Markus or Tammy. They were the ones in
21 those meetings and they had a conversation about
22 it.

23 So they come back with this
24 40-million-dollar rough dollar amount, right, on
25 this is what we're going to move forward with.

1 And this it was just a matter of Markus and I
2 working on -- well, with the county attorney's
3 office and the mayor's -- and the
4 administration, the actual ordinance. Right?
5 So that was early September.

6 Q. So the county attorney just helps
7 you draft that legislation --

8 A. Correct.

9 Q. -- makes sure it's legal?

10 A. Correct.

11 Q. Okay.

12 A. Yeah. They are -- their bracket
13 relationship, they report to the mayor's office
14 and us and they support us legally, so we
15 don't -- they have a whole team of -- not team.
16 They have people that draft ordinances for us.

17 Q. Okay.

18 A. Yeah.

19 Q. So that time -- and again, if I'm
20 stating this wrong, tell me.

21 A. Uh-huh.

22 Q. So it's September of '22?

23 A. Correct. Uh-huh.

24 Q. The other work groups of
25 basically -- most of them or all of them maybe

1 who have had most of their work done, they know
2 where they're at --

3 A. That's correct.

4 Q. -- and now you-all have to use your
5 pivot. But now time is of the essence?

6 A. Very much so, yep.

7 Q. Okay. So tell me what -- I really
8 don't care what anybody else did. Tell me what
9 you do to help get this ordinance, this
10 legislation to the point of where it's time to
11 vote. I mean, what --

12 A. Yeah. So --

13 Q. Please understand, so I'm not
14 familiar -- well, I've become familiar now, but
15 I'm familiar with, like, the state process.

16 A. Yeah.

17 Q. You know, I used to do a bunch of
18 stuff with -- through law enforcement with the
19 state legislature. So I understand their
20 process. I'm sure for the most part the nuts
21 and bolts are very similar.

22 A. Similar, but a little simpler,
23 actually. But yeah.

24 Q. Yeah. So just tell me what it is
25 that you do to help get -- and I'm just going to

1 call it your piece of legislation, because
2 you're one of the sponsors --

3 A. Yeah.

4 Q. -- to get it to the point where it
5 can get passed.

6 A. Not much other than talking to my
7 caucus. Right? Like, yeah, we have the county
8 attorney draft the legislation. At that point,
9 I was briefing particularly Kevin Kramer. He
10 was -- he's the vice chair of budget with
11 Councilman Hollander. So obviously critical
12 person really to any budget conversations.

13 I was briefing him and just sort of
14 the rest of the caucus on, hey, here's what
15 we've come up with. Right? We're going to be
16 asking for around 40 million dollars. It's
17 related to this healthcare workforce concept.
18 Right? We opted to go with one project as
19 opposed to multiple.

20 So I'm explaining to them sort of
21 the last several months/year of decision-making
22 to the Republican caucus.

23 Q. Yeah. And you-all -- do you not
24 work -- do you not go to the other side of the
25 aisle because you need their support too, or is

1 that not how that works here?

2 A. That's Markus' job.

3 Q. That's Markus' job. Okay.

4 A. Yeah. I did not -- I don't
5 remember talking to any member of the Democrat
6 caucus other than Markus during those meetings
7 related to encouraging them to vote.

8 Q. No, I'm not necessarily -- even
9 informally?

10 A. Yeah.

11 Q. Picking up the phone, saying, hey,
12 here's what we're trying to do?

13 A. Not related to this, no.

14 Q. No? Okay.

15 A. Yeah. Because that was Markus'
16 job.

17 Q. Okay.

18 A. Yeah. Like, at the time, he was
19 also the caucus chair for the --

20 Q. Right.

21 A. -- Democrat caucus. And I was
22 caucus chair for the Republican caucus.

23 Generally, that's the division of
24 labor. Like, we -- it's just easier. Right?
25 So we're not stepping on each other's toes.

1 This is not just related to this. Related to
2 any legislation I would just go to Markus, hey,
3 like, here's where we -- where there was stuff
4 we were sponsoring or not sponsoring, hey,
5 Markus, you tell me where your caucus is, where
6 my caucus is, we'll see if there's overlap or
7 what the story is. So --

8 Q. Okay.

9 A. -- that's not to say that nobody
10 ever talks across the aisle. But if you're in a
11 position where you know the legislation is
12 coming and now you're just trying to get vote
13 counts and see where people are and/or explain
14 things to them, he takes it -- I take the
15 Republican caucus, he took the Democrat caucus,
16 and that's what we did. And at the time, we
17 were seven members. We are currently nine. But
18 at the time, the Republican caucus was 7 of 26,
19 and his was 19 of 26.

20 Q. Okay. So during this time -- we're
21 going to step back just a little bit.

22 A. Sure.

23 Q. During this time when you're
24 working either with ARP money or the EDA money,
25 is there -- at what point do you start having --

1 you, personally, start having conversations with
2 anybody that's associated with CEOc?

3 A. So again, we probably have to back
4 up again. Right? Because I was focusing on ARP
5 there. Right? I've known Tammy York Day for,
6 you know, at this point it's two years plus,
7 probably. We were introduced by a guy by the
8 name of Rob Givens, who is -- knew me. We were
9 close friends. And he knew Tammy, close
10 friends.

11 Because going back -- again,
12 apologize. I have to think calendar-wise here.
13 So I left -- so this was either late 2021 or
14 early 2022. Right? I can't remember exactly
15 the first time we met. But it was in that
16 range. And I think it was late 2021. But in
17 that area.

18 We're -- you know, he -- initially
19 was like, hey, you know, you're in healthcare,
20 she's in healthcare. At the time, I had known I
21 was leaving WellCare as a W-2 employee. At that
22 point until about April of 2022, I was W-2'd
23 employed person of WellCare Health Plans.
24 Right? And had worked for them for roughly
25 seven years at that point. I had already made

1 the decision to leave. But the question was
2 timing.

3 I had stock op- -- not stock
4 options, stock grants that I was el- -- that,
5 you know, matured every year around the March
6 time frame, March, April time frame. Plus
7 bonuses were paid out in March, April time
8 frame. So, you know, a huge chunk of my total
9 compensation came around that -- the end of Q1,
10 early Q2.

11 So -- but I knew -- and there was a
12 lot of reasons I was just sort of done with that
13 place and wanted to do something more
14 independently, at least for a period of time.
15 Right? And so I was in, you know, full-blown
16 networking mode, like, calling people like, hey,
17 who do I -- you know, within healthcare, right,
18 if I'm going to consult, who do I need to know
19 in.

20 And Rob's like, oh, you need to
21 know Tammy York Day. Right? So we meet at the
22 time. And, you know, this is getting to know
23 you typical stuff. Right? And explain to her
24 my background as well as, you know, my sort of
25 decision-making process, what I'm looking to do

1 moving forward, as to try go independently as a
2 consultant. I know around January -- that's why
3 I think it was late 2021 that we met, because
4 around January 2022 I sent her my resume. And I
5 said, you know, hey, listen, you know -- you
6 know, great meeting you. Right?

7 Like, hey, this is my -- I want her
8 to see my more formal background, because at
9 that time I had made the -- you know, we were
10 talking about, like, who else should I meet
11 with, who could benefit from my services.

12 Right? Who could benefit from my experience.

13 The -- she referred me to other people. Right?

14 There was nothing that -- there was
15 nothing that CEOc had at the time. It was just
16 she introduced me to, for example, an executive,
17 chief administrative officer of Delta Dental.
18 Now, Tammy used to work for Delta Dental, and
19 she knew the chief administrative officer. They
20 were old colleagues. So I met with her. She
21 referred me to somebody else. Met with them.

22 And I forget who the other person
23 was. But she referred me to a few people. And
24 frankly, nothing came of it. And this was part
25 of, again, a larger networking effort I had had

1 at the time. And then in April of 2022 I do
2 leave well -- after all my -- essentially, after
3 all the checks clear, right, from my stock grant
4 as well as my short-term incentive plan, my
5 bonuses, I -- I had, at that point, lined up a
6 contract with a company called WellCare of
7 North Carolina.

8 So it's a division of WellCare
9 whose plan president was a guy by the name of
10 Troy Hildreth, who I worked with when I was --
11 the first four years or first three years plus I
12 was with WellCare, he was my boss. He was the
13 head of business development at the time. And I
14 ran part of his field operations.

15 So he hired me to run to -- well,
16 hired me. He contracted with me. Because
17 again, at this point now I'm an independent
18 contractor. He contracted with me to fix
19 massive problems he had with his provider
20 relations team of which I had experience.

21 So -- but during that time, you
22 know, I, you know, stayed in touch with
23 essentially my whole network. Right? I mean,
24 including Tammy York Day. Right? Like, she
25 was -- she's one of the most well-connected

1 healthcare executives arguably in the City,
2 so -- so we stayed in touch through that whole
3 time.

4 And so that -- so, you know, as far
5 as, like, how do I know CEOc or what are my
6 interactions with them, it was really with her.
7 I really didn't get to know -- I bumped into
8 some -- there's this Optimize Conference that
9 happens in September, which I'll get to in a
10 second, but up until then, I really hadn't met
11 anybody but her, right, at the organization.
12 And we just stayed in touch. Like, hey, what's
13 going on? Hey, how you doing? What's going on
14 with this?

15 And then once the decision was made
16 that her program was going to be the one we go
17 with, we were just holding off. Again, there
18 were conversations. She would send, you know,
19 hey, here's the current grant proposal or
20 whatever the deal is. She was making sure we
21 had all the background information we needed as
22 elected officials to make the decision on this
23 thing.

24 Fast-forward to Optimize, which is
25 September. She invites me, Councilman Winkler,

1 President David James, the mayor to this
2 conference. Right? At that point, we already
3 knew she lost the federal grant. So now we were
4 in the midst of drafting the legislation to
5 approve it for -- to approve the ARP funding for
6 her program.

7 So now, I was still working for
8 WellCare of North Carolina. So she invited me,
9 I attended, and basically I'm dropping out every
10 five minutes, because I was working. Right?
11 Like, I -- matter of fact, I said to her, I was
12 like, I need to have some break-out rooms so I
13 can attend to my business. Right? So those are
14 all, like, the sort of how do I know the CEOc?
15 Like that -- that all happened.

16 So I just want to give some
17 context. Like, we had known each other well
18 before, knew each other during. Right? You
19 know, in the context of just networking within
20 the local healthcare executive community. And
21 she's one of those people. Right?

22 Q. Understand. You brought up the
23 Optimize Conference that was held at Churchill
24 Downs?

25 A. Uh-huh.

1 Q. You stated that you were invited,
2 David James was invited, and Markus Winkler was
3 invited?

4 A. And the mayor. I mean, the mayor.

5 Q. Or the mayor?

6 A. I saw the mayor there, yeah.

7 Q. Yeah. Because it's my
8 understanding the City was one of the sponsors
9 of the event is what I'm told, so...

10 A. Yeah. And I think that was the
11 executive branch. Like, the Council didn't have
12 anything -- and that's common. Like, they have
13 a budget which they can do sponsorships --

14 Q. Right?

15 A. -- so I wasn't surprised to see
16 that they were a sponsor.

17 Q. So does it cost money to go to
18 that?

19 A. I don't know. We were -- I was --
20 I didn't pay a registration fee.

21 Q. Okay.

22 A. My understanding is nobody did.

23 Q. Who's nobody?

24 A. None of the Council members.

25 Q. Okay.

1 A. Yeah. That were invited.

2 Q. So if you are provided that, is
3 that something that you have to file something
4 with because it's considered a gift or
5 something?

6 A. Not at that time. So at that time,
7 it was -- there was -- I mean, essentially this
8 is why we passed -- it was mid-to-late last
9 year. And I worked on it with Councilman
10 Hollander.

11 We updated the ethics ordinance to
12 put guidelines around what a Councilman can
13 accept, right, as far as, like, you know, a
14 ticket to an event in these type of thing. At
15 that time, there were no restrictions and no
16 recording requirements.

17 Q. And when did that -- when did that
18 stuff take effect? Because it's my
19 understanding that's not the way it is, but...

20 A. That's -- oh. It didn't take
21 effect until a few months ago. So we passed the
22 ordinance late last year, but there was an
23 implementation period with the Ethics
24 Commission. And they were required to draft
25 rules and -- they're actually just wrapped up

1 publishing some of those rules. And I think it
2 backtracks to, like, maybe November of last --
3 December that you had to declare anything up to
4 December of last year or something like that.

5 But it's mostly on anybody that's a
6 registered lobbyist. Right? And then there's
7 requirements on if you fall outside of -- like,
8 I think we're allowed -- again, I'd have to
9 refer to the legislation, just \$50 for an
10 individual if the whole Council is invited, to
11 up to \$300 for spouses and things like this.

12 But --

13 Q. So none of those rules existed --

14 A. Correct.

15 Q. -- prior? There was just wild
16 west?

17 A. That's right.

18 Q. Okay. Okay. So the C -- the
19 Churchill event is around -- it was
20 mid-September. And now -- or excuse me. Late
21 September, 21st and 22nd.

22 And now we get to -- it's becoming
23 crunch time because of -- there's dates with all
24 this money as on how you can -- what you can do
25 and how you have to do it. So I'm going to use

1 the word lobby. You're not a lobbyist, I
2 understand. But the legislative process is you
3 dealt with your caucus, Markus dealt with his
4 caucus?

5 A. Correct.

6 Q. And now we get to we're approaching
7 the time where it's -- the budget committee's
8 going to yea or nay.

9 A. Correct.

10 Q. So now you pick it up there.

11 A. Yeah. So --

12 Q. And what else is going on even with
13 you as it relates to this and/or CEOc?

14 A. Yeah. So let me start with the
15 legislative process. So it was around October I
16 think we did a press release as well as
17 officially filed the legislation. I can't
18 remember the date. But I remember it being
19 Octoberish.

20 Q. And we -- what was the purpose of
21 the press release? Because others that I spoke
22 to, some thought that they found that unusual
23 for some reason. And I don't know that I
24 understand why that is. But you tell me.

25 A. I don't know why that is.

1 Q. Okay.

2 A. What's unusual about that?

3 Q. I mean, do you always file press
4 releases about stuff? That's a legit question,
5 because I don't know the answer.

6 A. Yeah. About a huge expenditure
7 going toward resolving a workforce crisis issue,
8 yeah.

9 Q. Okay.

10 A. Like, that was -- I remember -- I
11 don't remember it being a contentious
12 conversation whatsoever press release. It was
13 just like, hey, this is a big deal. We should
14 have a press release.

15 I want to say that Markus and even
16 I talked about a press conference at the time.
17 But we were like, that's overkill. Right? You
18 know.

19 Q. Was that done in conjunction with
20 anybody else too? Like, the mayor's office is
21 on board or their -- or this is something the
22 two of you decided?

23 A. The mayor's office wasn't against
24 any of this.

25 Q. I'm not suggesting that they were.

1 I'm just asking for -- again, my --

2 A. As far as the press release?

3 Q. Yeah.

4 A. I'm just trying to get to the --

5 Q. Yeah. Just putting the information
6 out. Others that we spoke to thought -- they
7 just found that was unusual, because that's not
8 typically what we do. Not -- there's nothing
9 wrong with it?

10 A. Yeah.

11 Q. I'm just trying to get an
12 understanding of why with this one --

13 A. Let me put it this way. That's --
14 the reason my face looks confused -- because
15 obviously you can't see on the recording -- is
16 because nobody said anything at that time that
17 they felt was unusual.

18 Q. That's fine.

19 A. Yeah. Like, we -- it was, this is
20 a big deal, we should put out a press release
21 because it's a big deal. Like, that was -- that
22 was as quick --

23 Q. Fair enough.

24 A. -- as the conversation was.

25 Q. Okay.

1 A. I can't even remember who drafted
2 the press release. If it was usually -- again,
3 I can't -- because I don't write my own, nor
4 does Markus as I understand it.

5 But usually the Democrat -- the
6 Democrat caucus has two full-time staff members,
7 Republican caucus has one. Usually one of the
8 two Democrat caucus staff members draft press
9 releases, they run it by Steve Haag, who's the
10 Republican caucus director, as he's -- I think
11 his job title's caucus director. So he's the
12 hired person there full-time on behalf of the
13 caucus. They agree to it, and then we publish
14 it. Right? And as long --

15 Q. Yeah.

16 A. And they run it by us. Right? You
17 know. But, yeah, no, I don't remember anybody
18 objecting to it, finding it weird, or saying
19 anything other than, yeah, go ahead and put it
20 out. Right?

21 Q. Okay.

22 A. So put out the press release and
23 filed the legislation. Usually you want those
24 to coincide. So if they weren't on the same
25 day, I'd be shocked. Usually those happen on

1 the same day. Then it gets -- yeah. The
2 process gets filed. Right? Comes to budget. I
3 cannot remember for the life of me why it was --
4 I believe it was held for one budget meeting.
5 Right? And I can't remember there being why.

6 I think it was a logistical issue.
7 Right? Yeah. I have no idea why. But it was
8 held. We get to the November meeting. Right?
9 We vote on it. It was unanimous. You know,
10 both Markus and I made statements there
11 supporting it, because we had been, you know, in
12 support of it at that point, you know, for --
13 you know, eight, nine months we'd been talking
14 about it and been in support of going that
15 route. So we spoke in support of it.

16 And then of course -- which
17 actually, this part is unusual. It came for a
18 vote two weeks later, because I think the
19 following week was Thanksgiving. So, you know,
20 just because the calendar, we don't meet the
21 week of Thanksgiving.

22 Usually it's a -- we have a week of
23 committee meetings, and then the following week
24 is the full Council meeting because that was
25 Thanksgiving. It pushed to the week after.

1 That brings us to December 1st, which is where I
2 abstained. So overlapping with that, right, I
3 got an email which after releasing it to you
4 guys, the email -- I received it the Thursday of
5 the budget vote. Right? From Tammy York Day.
6 With a nondisclosure agreement.

7 That day was -- which almost every
8 Thursday is for me just busy, because I -- I'm
9 in budget committee -- working all day. And
10 then budget committee hearings and/or working
11 and then Council meeting. So Thursdays are
12 always just not convenient days for me.

13 So we vote on the budget the next
14 morning, Friday morning, which is, you know, I'm
15 catching up on email, doing sort of the normal
16 thing. I've got this NDA from her. So that's
17 where I called her and I said, hey, listen, you
18 know, what -- I'm reading the NDA. It was
19 pretty boilerplate language.

20 But I'm like, what -- you know, you
21 have to explain to me what this is about. And
22 she gets into some detail on, you know, hey, I
23 know we've -- you know, like a year ago, right,
24 when I was networking with her to see if there
25 was any opportunity to work together or, you

1 know, use my services in any possible way, there
2 was never anything.

3 And she's like, look, we've got
4 something we're working on. We want to talk to
5 you about contracting with you. You know, this
6 is our typical first step. We want everything,
7 right, confidential and da, da, da, if we're
8 going to -- before we start negotiating. So we
9 need to sign this -- you know, is it mutual?
10 Yes, it's mutual. Okay. Great.

11 And I -- and in the context of that
12 conversation, I basically informed her of two
13 things. I said, number one, I said, I want you
14 to be super duper clear about what this is going
15 to mean for me politically. I said, I'm going
16 to have to abstain from the vote.

17 And I said, in addition to that, it
18 means I really can't say a darn thing about this
19 ordinance between now and that day. Right?
20 Until this is all over, I can't do anything. I
21 can't advocate, I can't say it's great, it
22 sucks, it's neutral. I said, I just have to
23 keep my mouth shut.

24 And then I'm going to show up the
25 day of the vote and say, I abstain from this

1 vote, because I have a conflict. And I said,
2 so, you know -- and I said, I'm going to have to
3 withdraw my sponsor -- like, I was, you know,
4 pretty blunt with her about what this means in
5 case that was going to be a risk for her related
6 to the grant. Right?

7 You know, I said I didn't want her
8 to have us both sign this and start negotiating
9 and then be blindsided by me abstaining, you
10 know, when originally I was a sponsor. The
11 other thing I told her, I said, listen, I said,
12 I'm glad to talk to you about a potential
13 relationship. That's fine. I said, but any --
14 my funding, whatever funds in my contract will
15 have to be -- and my work responsibilities
16 should be away from this grant. I said, it --
17 you know.

18 And she described, at least this
19 was very, you know, broad brush stroke, they
20 were getting into public policy, so they wanted
21 my public policy experience, which was related
22 to my time as -- you know, as a registered
23 lobbyist in a couple states when I was running
24 business development for the Southeast for
25 WellCare. So she wanted some of that. And

1 related to my general business development
2 experience related to some of the innovation
3 work they were doing.

4 And by innovation work, I mean more
5 specifically, like, working with, like, start-up
6 IT -- you know, start-up companies in the
7 healthcare space. Okay. Great. All right.
8 Well, I said, I'll sign this. You know, it'll
9 be fun to work with you. Like, you know, as
10 long as you -- we're all clear. Good.

11 So I signed it, send it back to
12 her. We were negotiating -- we negotiated over
13 the next couple days, week-plus, right, on the
14 deal. Didn't speak to anybody about the
15 ordinance during that period of time, because I
16 told her I wouldn't.

17 Come to December the 1st, that's
18 the Council meeting, we had our caucus meeting.
19 During the caucus meeting we have several
20 things -- we talk about the legislation that's
21 on at that -- for that day. And I stated at
22 that point, I said to my caucus, I said, I'm
23 going to have to abstain from this because of a
24 contract that I'm pursuing with -- and a
25 conflict with the CEOc, I said, so Councilman

1 Kramer can speak to, you know, this ordinance.

2 So he spoke for the process to make
3 sure the Republican caucus was still on -- you
4 know, just up-to-date with what the
5 decision-making process was, any questions. And
6 then from there, we went to the floor and I
7 abstained. Right? As --

8 Q. So let me just -- hold on for a
9 second.

10 So in your caucus meeting you told
11 them what had transpired?

12 A. I simply said it was -- you know,
13 did I get into the detail? No. Right? I just
14 said, I've got a contract that I'm working on
15 with -- that -- I'm going to be working with the
16 CEOc, so I said, I can't -- I'm going to have to
17 abstain. Right? I said, I had a con- -- I
18 can't remember the exact language I used. I
19 simply said, I've got a -- I know I said, I have
20 a conflict, and I can't speak to this, so I'm
21 going to give it to Kramer.

22 Q. Okay.

23 A. Right? Because he's the budget
24 chair. And that's a very common thing, you
25 know, that you give it to the committee chair of

1 whatever legislation is to talk about it. So...

2 Q. Any conversations with your
3 cosponsor on it?

4 A. On -- no. No. Other than my
5 abstention on the floor.

6 Q. Okay. And so the meeting goes on.
7 I watched it more times than I care to say that
8 I've watched it. So literally the president
9 calls for the vote, and you say, oh, wait a
10 minute. And that's when you bring it up.

11 Is that accurate?

12 A. Correct. I was actually shocked
13 that there wasn't -- like, normally there's some
14 debate and conversation about these things. And
15 I was actually a bit shocked that nobody chimed
16 in. Markus spoke. I know Markus spoke. Maybe
17 Bill Hollander. He usually speaks, because it's
18 a budget item.

19 Q. Yeah.

20 A. So usually the chair speaks,
21 sponsors speak, and then nobody chimed in. And
22 boom, you know, President James at the time is
23 like, hey, I'm going to, you know, open the
24 rules for voting. And I'm like, whoa, hey, you
25 know. So yeah, I mean, I was just sort of blown

1 away that nobody else chimed in. So I was just
2 waiting. Because usually you'll just wait until
3 the end of debate, and then explain your
4 abstention, then you vote, and you abstain.
5 Right?

6 Q. Okay.

7 A. So it was -- I was just a bit
8 surprised that nobody chimed in.

9 Q. But you didn't explain your --

10 A. Yeah. I said I had a potential
11 conflict with my business. You know. And my
12 business is sole proprietor. And then the --
13 the other weird thing, right, is that although
14 it was contemplated as we had negotiated between
15 when I signed the NDA until then that we wanted
16 my start date to be December 1st.

17 I had actually not signed the
18 agreement at that point. I didn't come into the
19 office until the 2nd, which was the day after
20 the vote, to sign the agreement. We, of course,
21 back dated it, because the intention was
22 December 1st.

23 And I did -- they started sending
24 out my email address and all that stuff on that
25 day. So that's splitting hairs. But it was a

1 weird thing because I was like, I actually
2 hadn't signed the agreement yet at that point.
3 But either way. It was important I abstained
4 either way.

5 Q. Let's take for granted that
6 everything you just said is absolutely
7 untouchable and without question.

8 Do you understand people's concern
9 of here's a guy who's a cosponsor for a bill, he
10 gets an email during the legislative process of
11 a nondisclosure, and has -- and for 14 days
12 doesn't say a word to anybody about it.

13 At the last -- literally the last
14 second, he abstains and removes his name from
15 there. And the company that he's going to work
16 for of which he helped represent in some
17 legislation gets 40 million dollars.

18 A. Uh-huh.

19 Q. Do you not see where anybody has a
20 problem with that?

21 A. I see the people didn't have the
22 full facts that might have an issue with it.
23 But, for example, I spoke to every -- when this
24 was bubbling up in call it January, February
25 time -- I think it was February time frame.

1 Q. Yeah. Nobody knew until then.

2 A. I'm sorry?

3 Q. I mean, nobody that you -- that was
4 part of Metro Council really knew anything about
5 it until then, even though it was in your
6 Christmas card. But I guess most of them didn't
7 read it.

8 A. Yeah. Okay. And I actually give
9 them to all Council members, so again, it wasn't
10 like I was hiding something there. But --

11 Q. No. I'll give you credit for that.

12 A. The -- it's funny that you even got
13 my Christmas card. But yeah. Anyway. But
14 yeah -- and I was --

15 Q. I'm thorough, if nothing else. I'm
16 not that smart, but I'm thorough.

17 A. But yeah. My wife likes to put our
18 life story in it. You know, it's just --

19 Q. Yeah.

20 A. -- our sort of shtick that we do
21 every year. But -- and yeah, distribute it
22 to -- I always make sure the whole back 26 and I
23 give it to my LA to give to all the Council
24 members. Or 25.

25 Because -- so number one, I would

1 expect that from those that don't know all the
2 facts. But, for example, at that point I did
3 have a conversation with every Council member
4 that was on Council at the time. So not the
5 freshmen, because they don't have any context.

6 And, like, everybody that
7 particularly had more intimate details, Markus
8 Winkler, he said he didn't -- he actually said
9 in the caucus meeting he doesn't think I broke
10 the ethics code. President James, you know, I
11 laughed with him about the ethics code makes no
12 reference to explaining anything. It just -- it
13 says you abstained.

14 The rules of Council do reflect you
15 have to give an explanation. And I even said to
16 him, I said, if I have any regret here, it's I
17 probably could have been more descriptive in my
18 explanation at the abstention. He laughed and
19 said, I just assumed it's because I know you
20 work in healthcare. I just assumed you were
21 going to be working with them or some -- or had
22 some relationship with them.

23 So that -- so yeah. I mean -- but
24 for those that aren't privy to the details, I
25 get it. Right? And which is why I've got no

1 problem. And even once it became a story, I
2 wrote an email to the Ethics Commission to look
3 into it. Right? So that all the facts can come
4 out.

5 And I think once they do and it's
6 clear that I was in support of the project,
7 right, from jump street before there was
8 anything on the table to work with anybody at
9 any time, and as soon as there was something on
10 the table, I removed myself from the process.
11 Right?

12 Q. I'm playing devil's advocate with
13 you.

14 A. Sure. Please.

15 Q. So why in that 14-day team period,
16 which was twice as long as what it normally
17 would be because of the holiday would you not
18 just tell somebody then? Why wait until the
19 last second to do it?

20 A. Yeah. Again, I mean, you know, I
21 could sit here and go backwards and say woulda,
22 coulda, shoulda. First of all, it was
23 Thanksgiving, and I went to North Carolina with
24 some friends. Right? So I was out for most of
25 the week. That's one thing. But it just

1 didn't -- let's put it this way. I've never
2 received a call from another Council member
3 prior to them abstaining other than just
4 abstaining on the floor ever.

5 Q. Did -- in any of those
6 circumstances, did it look as if it was -- and
7 it is what it looks like, doesn't it? I mean,
8 that's the fact, that it wasn't something where
9 someone got a \$240,000 a year job out of it.

10 A. Well --

11 Q. I think that's --

12 A. -- Councilman Holl- -- excuse me --
13 Councilman Mulvihill voted for the TARC budget.
14 His mother was the board chair when the
15 executive director of TARC was hired. That same
16 executive director hired him under the same
17 budget that he had already approved, and the
18 Ethics Commission thought that was fine.

19 So -- and I have no objection to
20 it, because I know Pat Mulvihill, and we spoke.
21 And we didn't speak specifically about it. He
22 never said a thing about it to me. But after it
23 became news, right, like, there's no evidence
24 that he did anything wrong. Right?

25 He was -- when he voted on that

1 contract, I am sure he had no concept that he
2 might be applying for a job to be their
3 attorney. And I'm sure when his mother hired
4 the executive director that also was not on her
5 mind or his mind.

6 So the circumstances changed,
7 though, and he was going after it, he abstained.
8 He didn't call me about it. He didn't call any
9 Council members about it, from what I
10 understand. So -- but he did the right thing
11 and abstained moving forward from anything
12 related to TARC.

13 Q. Okay. All right. Let's -- is
14 there anything more about the legislative
15 process? I think we've covered it. We've moved
16 to that date. I've seen the emails that you
17 supplied --

18 A. I was going to say --

19 Q. -- up of over there, and all those
20 things.

21 A. Yeah. I can't think of anything.
22 If you have any more questions, I'll be glad to
23 answer them. But I can't think --

24 Q. No. I have more questions. Just
25 not --

1 A. No, I mean related to that.

2 Q. Yeah. Yeah. Yeah. No.

3 A. Yeah. Right. Right.

4 MR. GRIFFIN: So we good?

5 MR. SMITH: I'm good. Unless
6 someone needs a break.

7 MR. PIAGENTINI: No. I'm good.

8 MR. GRIFFIN: I don't.

9 BY MR. GRIFFIN:

10 Q. So tell me about this consulting
11 company when -- so when you went to work for
12 CEOc, it was as Anthony Piagentini?

13 A. Correct.

14 Q. Has that changed now that it's --
15 it's -- they truly have hired your consulting
16 company, or if nothing else in name only?

17 A. No. I'm just -- I was just a sole
18 proprietor.

19 Q. Okay.

20 A. Yeah.

21 Q. And this is the ABP Consulting?

22 A. Correct.

23 Q. Okay.

24 A. Yeah. Yeah. It's not complicated.
25 It's me. Right?

1 Q. No, no.

2 A. Yeah.

3 Q. I have the same thing.

4 A. Yeah.

5 Q. Big Sky Solutions is me.

6 A. Exactly right. Now, recently at
7 the advice of just to be super transparent,
8 which happened maybe a month ago or so, at the
9 advice of my accountant, I've created an S corp.
10 But that was for tax purposes not related to --
11 to me, it didn't -- you know, it wasn't even
12 contemplated back then.

13 But when I filed my taxes this
14 year, my accountant said you may not to consider
15 an S corp, and then walked me through the
16 process. And we did it maybe a month or so ago.

17 Q. Okay.

18 A. You know.

19 Q. And the purpose of that was just
20 accounting? For accounting?

21 A. Accounting. Yeah. Just -- yeah, I
22 mean, as it looks like you're an LLC, it means
23 similar. Right? Nothing related to my contract
24 with CEOc, just --

25 Q. Okay.

1 A. -- wanted to change the way I'm
2 incorporated.

3 Q. Okay. I'm going to jump to a
4 couple other topics?

5 A. Sure.

6 Q. So is there any issues that we
7 should know about that really has nothing to do
8 with this investigation, but just because of we
9 are where we are, this commercial real estate,
10 does this commercial real estate company have
11 any sales, the company first and then you with
12 this company, with the City buying of property
13 and then selling it to --

14 A. With the City?

15 Q. With the City, the county? You
16 guys buy property, you are selling --

17 A. We don't buy property. We broker
18 property.

19 Q. Okay.

20 A. Yeah. I -- the very short answer
21 is I have no flipping clue if the company does.
22 I do not.

23 Q. Okay.

24 A. Right? With the City or the
25 County. Right? Which is the same thing.

1 Q. Right. Right. Yeah. Yeah. Yeah.

2 A. With Metro Government. Yeah. No.

3 Now, I mean, one of our brokers -- we have,
4 like, ten people that work for the company. One
5 of them is Tom -- excuse me -- and god rest his
6 soul, Tommy Elliott. But Tommy Clark,
7 Tommy Clark used to work for the City years ago.
8 I have no idea if he has a listing that might be
9 property owned or --

10 Q. Okay.

11 A. I have no idea. I know I don't.

12 Q. Do you currently have listings or
13 anything --

14 A. Yes.

15 Q. -- that you brokering now? Okay.

16 A. Oh, yeah.

17 Q. Okay. You gave two different
18 interviews, both of them by telephone. And
19 actually, the second one you called back to
20 Jacob Ryan.

21 A. Uh-huh.

22 Q. And you had talked about your --
23 before doing work or this consideration or
24 whatever with CEOc that you were at the end of a
25 contract with another company and had to make

1 sure that there wasn't an issue there. What was
2 that company? And I'm only referring to that is
3 because when I look at your LinkedIn page, it
4 doesn't look like you were with anybody else.
5 There was a gap time.

6 A. Well, because I didn't -- you know,
7 as -- as -- I haven't even put down CEOc on my
8 LinkedIn page. Right? Like, it -- my -- I
9 didn't -- I haven't released any of my contracts
10 via my LinkedIn page. But that was with
11 WellCare of North Carolina.

12 Q. Okay.

13 A. So now, again, I was a W-2'd
14 employee with WellCare. As I was leaving them,
15 one of the people I called was Troy Hildreth,
16 who I talked about. He's the plan president of
17 this division in North Carolina. So he
18 contracted with me --

19 Q. Okay.

20 A. -- to work with him.

21 Q. So that was the one --

22 A. Yes.

23 Q. -- you remember?

24 A. And that got me until December the
25 1st. The other thing that we had to discuss,

1 Troy and I -- when I say we, Troy and myself --
2 during that period of time was whether he
3 planned to extend -- because that was -- that
4 obviously would affect when my start date was.

5 At the time, he said no, and
6 actually called me back two weeks later and was
7 like, I changed my mind. Can you come back to
8 work for me? But I was like, I'm already
9 committed. And frankly I wanted to work closer
10 to home. I didn't -- you know, I didn't have to
11 travel a lot, but I was traveling back and forth
12 to North Carolina from time to time --

13 Q. Okay.

14 A. -- and I didn't want to keep doing
15 that.

16 Q. So did the -- when did the
17 commercial real estate stuff start?

18 A. Oh, god. January or February of
19 2022.

20 Q. Okay.

21 A. Yeah.

22 Q. That's --

23 A. That's when I think I passed my
24 license. And my license was actually handed
25 to -- or, you know, I was official ly, like,

1 signed up with SVN Menish.

2 Q. There are rules and regulations
3 within the Council and within city government
4 that says that you have to -- conflict of
5 interest, compensation, things that you have to
6 file.

7 Have all those things been done as
8 it relates to either the real estate, CEOc, or
9 any other --

10 A. So --

11 MR. SMITH: I do just want to state
12 that -- and I'm giving plenty of leeway because
13 we're being transparent here, but to my
14 knowledge this complaint has nothing to do with
15 Councilman Piagentini's real estate business.
16 So --

17 MR. GRIFFIN: No. But it was --
18 and honestly, it wasn't some focus. But through
19 conversations and stuff, it was brought up of
20 other things. And so to be perfectly honest, I
21 don't suspect to find anything with that. But
22 if that clears up things for Anthony, that's
23 fine.

24 If you want to stay away from
25 those, that's fine too. All I'm asking is is

1 this disclosure part with the City is there has
2 to be a disclosure of all finances because he's
3 an elected official. So that's the only
4 question I have with that. So are those things
5 common or not common, or are there -- there's --
6 I know there's dates and timelines.

7 I don't know specifics of what
8 those are of what you have to file those things.
9 And it's -- I guess it's a transparency thing as
10 being an elected official.

11 MR. SMITH: Why don't we take a
12 quick break, and we'll go back on the record?

13 MR. GRIFFIN: Okay.

14 MR. SMITH: And I'm going to
15 actually hit the bathroom.

16 MR. GRIFFIN: No, no, that's fine.
17 We're going to stop. It's 10:45.

18 MR. SMITH: Okay.

19

20 * * *

21 (Off the record.)

22 * * *

23

24 MR. GRIFFIN: Okay. We're back on
25 the record. It's 10:54 a.m.

1 MR. SMITH: Before we resume the
2 questioning, I just wanted to just sort of
3 follow up a little bit on what we were talking
4 about before we went off the record.

5 I just want -- and I just want to
6 state for the record that there has not been any
7 allegation that we have seen that pertains to
8 Councilman Piagentini's real estate business.

9 So this, from our perspective, is a
10 completely new topic. I mean, that being said,
11 I mean, so it appears to be sort of outside the
12 scope of the allegations that are at issue in
13 this matter. That being said, I think we're
14 fine giving a little more leeway on this
15 discussion.

16 But I do want it noted for the
17 record that, you know, this is sort of an issue
18 of first impression from our perspective.

19 MR. GRIFFIN: Fair enough. And I
20 think we discussed on the phone if there was
21 anything that was off the table. Obviously, I
22 didn't tell you what any of those things would
23 be. And you had told me then that you didn't
24 believe so. So that's fine.

25 Every -- we said that if we had --

1 ran into things that -- to cause issue, we'd
2 bring them up and discuss them, and we'll go
3 from there. So again, we're not trying to
4 create surprises. That's not --

5 MR. SMITH: Sure.

6 MR. GRIFFIN: -- that's not how I
7 work anyway.

8 MR. SMITH: And I obviously can't
9 object to a topic that I have no knowledge
10 exists. So now that it's been brought up, we've
11 obviously addressed it. I'm not saying we're
12 going to, you know, stop answering questions on
13 this basis.

14 But again, you know, because
15 it's -- because it's, from your perspective,
16 completely out of left field, we wanted to put
17 that on the record.

18 MR. GRIFFIN: Okay. We're good.

19 BY MR. GRIFFIN:

20 A. So let me answer the question about
21 how we disclose things. Right?

22 Q. Yes, sir.

23 A. The process generally is -- and
24 this is by ordinance. Every year you have to
25 redo it every year, you have to do it when

1 you're first elected. So there's certain -- you
2 know, mile stones in the ordinance where you
3 have to fill out this form. And actually, the
4 form has changed over the years. So you have to
5 fill out the form that's in front of you.
6 Right?

7 I believe -- I honestly do not
8 remember for the life of me when I filled it out
9 in early 2022. I can almost imagine I didn't
10 say anything about SVN Menish commercial real
11 estate because the question is asked, you know,
12 have you received any compensation. And it's
13 sort of this past-tense question. Right? Not
14 will you receive anything. Right?

15 I didn't receive, I think, my first
16 check until this year from SVN Menish. This is
17 the first time I closed a deal and was able to
18 receive compensation. I believe it's in my
19 current disclosure. If it's not, I'll make sure
20 and update it. But I did update my disclosure,
21 I think, in February. Which included the CEOc.

22 Q. Okay. So I'm asking questions that
23 I truly don't know the answer to, and nor do I
24 understand maybe the process. So are there
25 guidelines, are there specific wording as far as

1 disclosures that -- and I'm just going to for
2 instance -- your -- or in 2023 you may or may
3 have not filed whatever you're supposed to file
4 for that year.

5 When things change or you pick up
6 another client, are you obligated to let -- to
7 let them know now? Or do you wait until 2024,
8 because you only have to do it once a year?

9 A. I think it's -- no. I think it's
10 30 days.

11 Q. Okay.

12 A. There's a requirement if
13 circumstances change that you change your
14 disclosure for a certain amount of days.

15 Q. Okay. And have all those -- do you
16 have any reason to believe that based on our
17 conversations today and what we've talked about
18 and what business dealings you're in that
19 whatever filings you have would be accurate
20 or --

21 A. Yes. Yeah. I think right now they
22 are totally accurate.

23 Q. Okay.

24 A. Yeah. And again, not to say that
25 I'm a perfect man.

1 Q. No, no, no.

2 A. And I met every deadline in the
3 history of my life. But I do remember updating
4 it in February that would have included any of
5 my current dealings. So I think -- believe it
6 to be up-to-date as of today.

7 I -- you know, again, honestly, I
8 probably have to check. The only thing I'd have
9 to double-check now that we're talking about it
10 is I'm finally closing some deals, so I've got
11 to check to make sure that that's disclosed.
12 Right? And you don't disclose amount. It's
13 just --

14 Q. Is it employment or is it -- or
15 that it -- it doesn't matter until you get paid?

16 A. I believe the way it's -- again, I
17 would have to see the dis -- there's a --
18 there's a very specific definition in the
19 disclosure form. I believe it's something like
20 over \$10,000 over the last calendar year,
21 something like that.

22 So it's not -- I don't believe it
23 says anything about prospective. It's are you
24 currently or have received, right, over some
25 period of time. I can't remember though.

1 Q. No. That's fine.

2 A. And that's the question that has to
3 be answered. Yeah.

4 Q. But for someone who's dealt with --
5 and I'm not labeling you as public, so don't
6 take this out of context, but dealt with this
7 kind of stuff. The reason I ask that question
8 of -- about the compensation part, I mean, it
9 would be easy for Jim Griffin to enter into a
10 contract, then, as a member of city government
11 to say, hey, you know what? I don't -- we're
12 going to defer payment five years down the road.
13 I don't need the money now. And then I never
14 have to disclose anything.

15 And that's why I ask, does it
16 matter when you're getting a check, or does it
17 matter when you become employed?

18 A. That's a damn good question. I
19 don't know.

20 Q. All right.

21 A. I would have to see -- when I fill
22 it out, I always read it verbatim and answer
23 verbatim what's being asked.

24 Q. Well, as a member of City Council
25 and stuff, since you guys deal with these

1 things, I would highly encourage you to -- it's
2 when you become employed. It's not when you
3 receive a payment, because there's too many ways
4 that people can be deceived and it's a trick
5 sack. And I've seen it in other places.

6 And again, I'm not making any
7 referrals to any of this as what's applied to
8 your or anybody else on the Council, but just as
9 someone that has to -- has been put in this
10 position like I'm put now to look into stuff, I
11 would consider that.

12 Are there any other business
13 dealings -- object, you want to object, and
14 we'll move on -- that this -- that you're
15 involved with the City doesn't know about
16 because of whatever filings you have to make?

17 A. Well, my filings include my spouse.
18 So do you want me to talk about her?

19 Q. No, sir. I don't think that's --
20 unless there's something that you feel that can
21 be construed as a conflict --

22 A. No.

23 Q. -- and you want to do damage
24 control now as opposed to later?

25 A. No. There's no conflict.

1 Q. Okay.

2 A. She works part-time for an
3 accounting firm.

4 Q. No. No. That's fine. I have some
5 more questions about the Churchill Downs stuff.

6 A. Sure.

7 Q. So -- well, and it goes back to --
8 and I have a copy of your filing and you've seen
9 it. You're the one that filled it out. So with
10 the Secretary of State's office.

11 So when did ABP Consulting first
12 come to existence?

13 A. Probably the first time I signed
14 the contract with WellCare of North Carolina,
15 because at the time I was just a sole
16 proprietor.

17 Q. Okay. So that was back in 20 --

18 A. April of 2022.

19 Q. Okay.

20 A. I just made it up.

21 Q. Okay. No, no. And I'm assuming
22 those are your initials? I don't know what --

23 A. Correct. Anthony Benedict
24 Piagentini.

25 Q. Okay.

1 A. Yeah.

2 Q. So this filing that I have for 2023
3 is not the only filing? Because ABP existed
4 before that, so there's --

5 MR. SMITH: Do you want to show him
6 what you got?

7 MR. GRIFFIN: Sure. I just got it
8 off the Internet. So...

9 BY MR. GRIFFIN:

10 Q. I guess my question is --

11 A. This is related to my S corp.

12 Q. Okay. So was there an LLC in 2022?

13 A. No. It was a sole proprietorship.

14 Q. Okay.

15 A. Yeah. I didn't incorporate,
16 period. It was just a sole proprietorship, was
17 a contract with me as a sole proprietor.

18 Q. Okay. I think it's in your
19 response you had talked about this Churchill
20 Downs event that you went to that you were
21 there, that you were comped because of for
22 whatever reason. So -- but you weren't the only
23 one. There were others.

24 A. Correct.

25 Q. Did you see any other Council

1 people there?

2 A. No. I believe David James and
3 Markus Winkler were on the GLI trip, the GLI
4 trip where they take a private jet and they head
5 out to some city or another to explore other
6 ways to -- you know, essentially information
7 exchange between cities. So I believe they were
8 both on that trip is --

9 Q. Okay.

10 A. -- why part of the reason they
11 didn't attend, at least.

12 Q. Okay.

13 A. But I saw Mayor Fischer there.

14 Q. Okay.

15 A. Oh. Let me -- okay. Did you say
16 elected officials or -- because I saw elected.
17 There were other members of the mayor's
18 administration there.

19 Q. Well, like, I know Grace Simrall
20 was there.

21 A. She was there. Yeah.

22 Q. I don't know if Ms. Handmaker was
23 there or not. And I didn't --

24 A. Don't remember seeing her.

25 Q. Okay.

1 A. But Grace Simrall, that's why I was
2 asking --

3 Q. Yeah.

4 A. -- because I do remember seeing
5 other members of the mayor's administration.
6 Grace Simrall is one of them.

7 Q. So when you register for that
8 event, are you registered as you, are you
9 registered as ABP Consulting, or...

10 A. Don't --

11 Q. Even -- if you know.

12 A. I can't remember.

13 Q. That's fine.

14 A. Yeah.

15 Q. Did you have -- did you have any
16 other discussions with David James or Winkler
17 about going to that event or not going to that
18 event?

19 A. No, not that I can remember.

20 Q. Are you and Markus Winkler friends,
21 or are you more just, like, colleagues, or
22 somewhere between?

23 A. Oh, no, we're fairly close.

24 Q. Okay.

25 A. Yeah.

1 Q. Okay.

2 A. We met through Council, but --

3 Q. Yeah.

4 A. -- I mean, I would consider him a
5 friend. We talk -- same with David James,
6 frankly. We've become very close and friendly.
7 Yeah.

8 Q. Okay. But AB -- just to be clear,
9 because I'm trying to get my head wrapped
10 around -- and I'm a small business man, so I
11 don't necessarily understand what you -- what
12 you have to do and what you can do as far as --
13 so you don't have to -- to do business in
14 Kentucky, you can just do it as you, or you
15 can --

16 A. Correct.

17 Q. -- develop a company to do it.
18 But you don't necessarily have to
19 register to do business?

20 A. Yeah, I didn't create a company.

21 Q. But even as an individual, if
22 you're just working for yourself, do you -- and
23 doing business --

24 A. Not unless you're -- for tax
25 purposes you have to, you know, pay your

1 quarterlies and all that fun stuff, which I did.

2 Q. Yeah.

3 A. But you don't -- you don't have to
4 register a business that doesn't exist. Right?
5 It's just -- a sole proprietor doesn't have to
6 register.

7 Q. Got you.

8 A. Yeah. If you're LLC, S corp, C
9 corp, like, et cetera, then you do. And that's
10 what you're looking at there.

11 Q. Okay.

12 A. Which was, again, by the advice of
13 my tax accountant.

14 Q. Maybe I should check with mine too.
15 If there's an advantage there, I could -- I'll
16 take all the advantages I can get.

17 So -- but the only other business
18 that you use the ABP Consulting with was with
19 the WellCare of North Carolina?

20 A. That's correct.

21 Q. That's --

22 A. And again, it's just a name that I
23 made up. And there wasn't any incorporation or
24 anything. I just made up the name as something
25 to --

1 Q. Website, anything that's related --

2 A. No.

3 Q. -- to that company? No?

4 A. No. It was just word of mouth.

5 Like, calling friend and saying, hey, who needs
6 my help?

7 Q. Mine's the same thing.

8 A. Yeah.

9 Q. Okay. Let's -- and I think we're
10 quickly coming towards the end. I have
11 questions about communications. So we -- you
12 got a subpoena through Mr. Smith.

13 A. Uh-huh.

14 Q. That I got to him about any and all
15 communications with CEOc. And so going through
16 all the stuff that you went through that you had
17 networked with Tammy York Day, I just found it
18 unusual that there wasn't texts, other emails,
19 list of phone calls, anything that related to
20 that. So that's -- these are the questions I
21 have.

22 So what you supplied to the Ethics
23 Commission via that subpoena, that was it?

24 A. So text messages, I have a -- I
25 don't retain text messages. So at the time I

1 was only retaining 30 days of setting on an
2 iPhone. And there's personal reasons for that.
3 Right? You know, between my wife and I,
4 whatever.

5 Q. I understand.

6 A. I've since changed the setting,
7 actually, by advice of counsel, right, just
8 during the investigation just to not eliminate
9 anything. Right? So we changed it.

10 But that eliminated -- by the time
11 I received the subpoena for the time period you
12 were talking about, I had no -- I have no text
13 message from anybody retained. The -- what were
14 the other questions? Phone calls?

15 Q. Just -- yeah. Any and all
16 communications, including any form. To include
17 even social media-type things.

18 A. Definitely not social media, but --

19 Q. Well, no, but please understand.
20 So from an outsider looking in, when you
21 supplied this is it for a -- whatever the period
22 was.

23 A. Six-month period or something.

24 Q. Six or seven months.

25 A. Yeah. Right.

1 Q. That that was it. I just found
2 that honestly hard to believe. There had to be
3 more than that.

4 A. Well, again, I --

5 Q. If nothing else, just based on the
6 work of the ordinance I thought would be more to
7 it than that, so...

8 A. Well, two responses. Number one, I
9 don't know how far back my phone calls go. I
10 only think they go back a couple weeks. Like --

11 Q. Well, we can do --

12 A. Did you want me to, like, go to
13 Verizon and --

14 Q. Through your phone -- yeah, through
15 your phone company you can do whatever. I'm not
16 saying we're asking for that. I'm just
17 saying --

18 A. We didn't do that.

19 Q. -- there's going to be -- people
20 are going to be skeptical as they look at that
21 going, well, that's BS.

22 MR. SMITH: I don't have the
23 subpoena in front of me. My recollection from
24 reading it was that at least it wasn't clear to
25 me that that's what was being asked for in the

1 subpoena. We provided written communications
2 that Councilman Piagentini had in his
3 possession.

4 MR. GRIFFIN: Any and all
5 electronic or written correspondence on any
6 platform between you and anyone acting on your
7 behalf or anyone acting on behalf of Louisville
8 Healthcare CEO to include, but not limited to
9 text message, electronic messenger apps, emails,
10 including but not limited to any media emails
11 exchanged between you, your Gmail accounts, and
12 any email address at the domain.

13 MR. SMITH: To me, that clearly
14 does not include any phone calls that you may
15 have had.

16 MR. GRIFFIN: Any and all
17 communications?

18 MR. SMITH: That doesn't say
19 communications. It says correspondence, doesn't
20 it?

21 MR. GRIFFIN: Well, you're correct.
22 I didn't draft this, so okay.

23 MR. SMITH: So...

24 MR. GRIFFIN: We'll move on.

25 MR. SMITH: I mean, we tried to --

1 I will say for the record we tried to, you know,
2 fairly read the subpoena and provide the --

3 MR. PIAGENTINI: (Inaudible.)

4 MR. SMITH: -- documents that we
5 contemplate --

6 MR. GRIFFIN: Okay.

7 MR. SMITH: -- or understood that
8 it would be calling for.

9 BY MR. GRIFFIN:

10 A. So --

11 Q. So -- well, let's just -- so we can
12 clean some of that stuff up now, I think.

13 A. Right. Yeah.

14 Q. Without going into the weeds of the
15 details.

16 So you kept -- by a setting on your
17 phone you'd only keep 30 days --

18 A. Correct.

19 Q. -- of stuff? And that --

20 A. Personal --

21 Q. And that's just what you did? No,
22 that's fine.

23 MR. SMITH: Text messages, I
24 believe.

25 BY MR. GRIFFIN:

1 A. Text messages. Right. Right.

2 Q. Yes.

3 A. Right. Not email. You have
4 emails.

5 Q. Yes.

6 A. Right. Right.

7 Q. And so those emails, is that
8 everything?

9 A. Yeah. That's everything I had in
10 my possession.

11 Q. Okay.

12 A. Absolutely. From all three email
13 addresses, yeah.

14 Q. Okay. And I'm going to come back
15 to that part. So you use the word in your
16 possession.

17 Does that mean some may have been
18 deleted, you don't have them anymore?

19 A. I have no idea.

20 Q. Okay.

21 A. Yeah.

22 Q. Fair.

23 A. Yeah.

24 Q. There are communications between
25 you and Ms. Day on your government email account

1 and your Gmail account?

2 A. Uh-huh. (Answers in the
3 affirmative.)

4 Q. What was the purpose of both?

5 A. You'd have to be more specific.
6 Are you asking about a specific --

7 Q. Why -- why -- why --

8 A. -- email?

9 Q. Why is City business stuff being
10 done on your private email as opposed to just
11 doing it on your --

12 MR. SMITH: Well, hold on a second.
13 I want to object to that question, because
14 you're presuming that City business is being
15 done on a personal email address.

16 If you have an email that you would
17 like to discuss with him, happy to have him
18 present it. He can take a look at it, and he
19 either agree with you or disagree with you, if
20 that was actually involving City business.

21 MR. GRIFFIN: Fine.

22 MR. SMITH: I do object to the
23 characterization.

24 BY MR. GRIFFIN:

25 Q. Well, I'm not trying to

1 characterize anything. I'm just telling you the
2 response that you-all gave back to us have a
3 whole bunch of emails between you and Ms. Day,
4 and they're not your City account. They're your
5 Gmail account. And I'm just asking why that was
6 the case.

7 A. What I will say is I -- unless you
8 have an email that you want to discuss, I've
9 never initiated City business from my personal
10 email address.

11 Q. So if Ms. Day was sending you
12 information to your Gmail account, it's because
13 of some other --

14 A. Oh, she had my Gmail account.

15 Q. No, no, no. And I'm not --
16 again --

17 A. Yeah.

18 Q. -- don't take this out of context.
19 I'm trying to understand, because I know people
20 are going to ask questions of --

21 A. Yeah.

22 Q. There were -- there was -- and I'll
23 give you an example. I can try to find it.
24 It's in your response. That there was an email
25 that was sent to you, and then -- from

1 Ms. Day -- and in that email it also says, I'm
2 going to send this to the others. And it was
3 marked as Winkler and maybe somebody else. I
4 don't recall off the top of my head. I'm also
5 going to send this to your government account.

6 A. Uh-huh.

7 Q. And I'm just trying to figure out
8 if it's work -- if it's things that appear to be
9 related to this ordinance and things that you're
10 trying to do to get this legislation passed, why
11 is some stuff going to a private Gmail account?
12 That's all I'm trying to understand.

13 A. Yeah. I didn't generate that
14 email. I can't control what Tammy York Day does
15 or how she sends me stuff.

16 Q. Okay.

17 A. Yeah. But I didn't generate any
18 City business from my personal email address.

19 Q. Okay.

20 A. And I'm a huge stickler about that.
21 But I can't control what other people do. And
22 there have been times when people have miss --
23 you know, because they had my personal email
24 under other context have copied me on things or
25 sent things. I can't control what other people

1 do.

2 Q. Fine. Was there any -- is there
3 some rule that says you can't do City business
4 on that? I don't know.

5 A. I have no idea, honestly.

6 Q. All right.

7 A. Yeah. I tend -- I don't do it
8 because my LouisvilleKY.gov is discover- -- is
9 subject to open records.

10 Q. Sure.

11 A. As it should be. And I want all
12 City business on that email account, so...

13 Q. Any discussion with you saw those
14 things, or did any bells go off saying, hey,
15 Tammy, don't -- send this to the other thing?

16 A. I usually do.

17 Q. Okay.

18 A. I don't --

19 Q. There may be some in there. But if
20 it is, it wasn't something that you-all provided
21 to us, so I didn't see it.

22 A. Again, in that specific instance, I
23 think she indicated she was trying to send it to
24 my government account. So I just assumed it a
25 closed issue. Right?

1 Q. Well, it's just that one email.

2 A. Right.

3 Q. Again, it's in -- I'm not trying to
4 throw curve balls. It's in the response that
5 you gave. So...

6 A. Again, even in that one email, she
7 did say she was sending it to my government
8 email. So I figured, okay, it will be there.

9 Q. While I'm going through my notes, I
10 have done every interview this way, in every
11 interview I've ever done since I was 22 years
12 old, that is there anything that I didn't ask
13 that you would deem important or at least that
14 you would want those -- anybody that's going to
15 hear this or read this that you'd want them to
16 know?

17 A. No. The only thing I'd probably
18 just like to clarify -- we've already talked
19 about it, but, you know, we've been talking a
20 lot here, is, you know, the timing on when, you
21 know, I received -- and I -- I think I disclosed
22 this. Right? Received the email from Tammy
23 York Day on, I believe, it was November 17th,
24 that Thursday of the budget vote.

25 Q. 11:42 a.m.

1 A. But -- yes. So -- but it was
2 really Friday when I, you know, interacted with
3 the email, at least to my recollection. So I
4 called her and -- so it was Friday morning that
5 all those interactions were happening.

6 And again, at that point, it was --
7 the dialogue that we discussed, right, around
8 the few stipulations I had and wanted to have a
9 conversation of what this would mean for me.
10 And then that's when I signed it and sent it
11 back to her. But other than clarifying that, I
12 can't think of anything else that --

13 MR. SMITH: I mean, before we
14 formally wrap up, I might want to have a final
15 just word with Councilman Piagentini.

16 MR. GRIFFIN: Sure. And then we
17 can talk again. We can discuss some stuff off
18 the record if you want. This doesn't have to
19 all be on here and I just --

20 MR. SMITH: Okay.

21 MR. GRIFFIN: -- kind of want you
22 to know where I think we are and how to -- at
23 least with my understanding of how this thing is
24 going to move forward.

25 MR. SMITH: Okay.

1 MR. GRIFFIN: So is there anything
2 else that you want to put on the record?

3 MR. SMITH: Not at this time
4 without having spoken with him --

5 MR. GRIFFIN: That's fine.

6 MR. SMITH: -- just very briefly.

7 MR. GRIFFIN: Yep.

8 MR. SMITH: So are you done with
9 your questionings on the record?

10 MR. GRIFFIN: I think so.

11 MR. SMITH: Okay. If you give us
12 just a couple minutes.

13 MR. GRIFFIN: Sure.

14 MR. SMITH: We'll be right back.

15 MR. GRIFFIN: All right.

16 MR. SMITH: And again, if you need
17 some water, happy to --

18 MR. GRIFFIN: I'm good.

19 MR. SMITH: -- get that for you.

20 MR. GRIFFIN: This will end the
21 record. It's 11:15 a.m.

22

23 * * *

24 (Off the record.)

25 * * *

1 MR. GRIFFIN: Okay. We're back on
2 the record. It's 11:43 a.m.

3 BY MR. GRIFFIN:

4 Q. So a couple things to clarify. The
5 stuff with the emails is -- your response to my
6 question of was that everything, I agree with
7 you, you can't control what people send to
8 whatever email address.

9 So -- but the first email we got I
10 think was September -- actually, I know it
11 was -- was September 2nd. The subpoena was from
12 June 1st.

13 So was there nothing prior to that?

14 A. No.

15 Q. Okay. So -- and this is a personal
16 question. Well, it's not personal. It has to
17 do with this. But it's -- at what point, if for
18 no other reasons to -- for your colleagues and
19 the transparency part -- I'm trying to figure
20 out how you were thinking about this.

21 Was your oath as a City Council
22 person versus the nondisclosure part -- it just
23 appears -- it appears, and appearances are just
24 for appearances sake, it appears that you just
25 chose not to tell anybody, even though there was

1 all this time. Maybe that's what the law --
2 that's all the law requires. And if it's the
3 case, so be it. But it appears that the
4 nondisclosure part was maybe trumped whatever
5 oath that you have to take as part of your
6 office?

7 Don't -- I'm not taking this as a
8 personal jab. I'm trying to understand of is
9 there some part in there going, yeah, well, you
10 know, if I had to do this over I would have said
11 something a long time ago about it, but I just
12 didn't? I'm trying to understand where you are
13 with that.

14 A. Where am I with what? I'm not
15 clear as to what part you think I may have done
16 something wrong here.

17 Q. Well, and I don't know that -- I'm
18 not even saying that you did something wrong.
19 I'm trying to understand of you had -- it all
20 becomes -- it appears this all becomes very
21 secretive. And maybe you got put in that spot
22 by the CEOc about this nondisclosure.

23 A. Oh, okay.

24 Q. The nondisclosure that I can't talk
25 about any of these things.

1 A. Okay.

2 Q. Versus --

3 A. Yeah.

4 Q. -- here's what -- here's what the
5 rules say with City Council that I have to
6 disclose.

7 A. Yeah. So I don't see them in
8 conflict whatsoever.

9 Q. Okay.

10 A. Right? In other words, I
11 completely abided by both the spirit of the NDA,
12 which was nondisclosure on business concerns.
13 Right? As well as the law related to what I'm
14 supposed to do related to potential -- related
15 to conflicts of interest.

16 The law doesn't contemplate
17 potential conflicts, it contemplates actual
18 conflicts of interest. My requirements under
19 the law are that I don't -- I abstain. And
20 during the period of time where there is a
21 conflict, right, which I believe existed when I
22 signed the NDA.

23 Once that happened, there was an
24 offer on the -- there was a potential discussion
25 of a contract. Right? Which may never have

1 come to pass, by the way. Could have all fallen
2 apart between then and any future date that we
3 finally signed the agreement.

4 But, right, to me, I've crossed the
5 threshold into conflict, even though there
6 wasn't actual compensation flowing or anything
7 that was concrete at that point. The reason I
8 did it on the record was because let's just say
9 for a moment -- and again, I've never received
10 this phone call from any Council member in the
11 history of abstentions in my entire five years
12 now in Council.

13 But let's just say I called
14 everybody and started explaining it to them.
15 Well, what's to say that I didn't while I was on
16 the phone with them tell them, oh, by the way,
17 vote for this. Right?

18 As a matter of fact, the Courier
19 Journal has sued Council for having
20 conversations that they couldn't even prove, but
21 they said could have contained things that
22 applied to open meetings or things that were
23 public business. Right? So I frankly had no
24 interest in having private conversations that
25 could have been misinterpreted or misconstrued.

1 And I made my statement on the
2 floor in a recorded public meeting. Of which,
3 frankly, anybody could have questioned the junk
4 out of me, and they didn't. Right? Didn't ask
5 me for any additional explanation, they didn't
6 stop the vote, they didn't say we need to
7 re-debate this, we didn't say --

8 Q. I agree with all that.

9 A. Yeah. Which they could have done
10 at any time. They could have -- there's a
11 procedure where they could have called it back
12 for a vote. It's called reconsideration. Which
13 didn't happen. So there are multiple ways in
14 which in the -- in a public forum that people
15 could have questioned me and would have
16 eliminated any concern about private dealings
17 and all this stuff.

18 So no, I don't see signing an
19 NDA -- I'm sure many Council members whether in
20 their W-2 employment or if they have contract
21 employment have companies with policies and
22 agreements that have some level of nondisclosure
23 that's related to their company business that's
24 very common.

25 And I don't believe in any way that

1 they're in violation of any law. And I know
2 them to, unless I prove otherwise, they're not
3 violating the ethics code by abiding by those
4 nondisclosures. That's their private business.

5 Q. Okay.

6 MR. SMITH: I do want to say just
7 one thing, and that is obviously we're using
8 terms here that, you know, sort of -- if there's
9 a ven diagram, you know, may have a meeting in
10 one context that's legal and another context
11 that's more colloquial.

12 And I think that the term interest
13 is one that is defined, you know, by ordinances
14 as being a very specific definition we're
15 talking about. I think it's called a personal
16 or private interest and a financial interest.

17 And whether or not the NDA
18 constitutes or satisfies that I think is an open
19 question. I think clearly Councilman Piagentini
20 took steps to ensure that he stepped back from
21 any appearance of a conflict once the NDA --
22 once he appreciated what the NDA was and signed
23 it and returned it.

24 So I don't want to necessarily
25 suggest that we're conflating his use of the

1 word interest with what -- how that term is
2 defined in the ordinance, because I don't know
3 that -- I don't know that legally the NDA
4 qualifies as a defined interest.

5 MR. GRIFFIN: Okay.

6 BY MR. GRIFFIN:

7 A. And one more comment on this
8 particular question.

9 Q. Sure.

10 A. Because I've already said it, but
11 I'll say it again, just so it's super clear.
12 And I said it to Council members when, again,
13 this was all public and I was talking to Council
14 members just to make sure they had as much of
15 the story as humanly possible. If there is any
16 regret, it's that I could have been more
17 detailed on the record in that forum. Right? I
18 would have been happy to have been more
19 transparent at that time. But I --

20 Q. And this is when you abstained? Is
21 that what you're talking about?

22 A. Correct.

23 Q. Okay.

24 A. Yeah. In the meeting. Right? I
25 would have been happy -- if anybody, including

1 President James at the time, or the clerk, or
2 the county attorney, all of which are in the
3 meeting and all of which have the responsibility
4 to uphold the rules of Council had questioned me
5 further and said, could you please be more
6 detailed in regards to your abstention, I would
7 have gladly have done so.

8 Q. Could you have -- well, you could
9 have done it then, because you hadn't signed the
10 NDA then. So okay.

11 A. I'm sorry. Say it again.

12 Q. You could have elaborated more,
13 because you hadn't --

14 A. No, I had signed the NDA, but not
15 the agreement yet. At least pen to paper signed
16 the agreement yet.

17 MR. SMITH: The SOW is what you're
18 talking about?

19 MR. GRIFFIN: Yes.

20 BY MR. GRIFFIN:

21 A. Correct. Yeah. I hadn't signed
22 that yet. It was happening the next day. But I
23 at least could have said something without
24 disclosing the specifics of the deal that, well,
25 you know, I am -- I have been negotiating a

1 contract. I could have said something to that
2 effect with the CEOc. You know. But again, you
3 know --

4 Q. Well --

5 A. If there's any regret, I --

6 Q. Sure.

7 A. -- would have been happy to have
8 been more clear about that.

9 Q. The -- since you've brought it up
10 in those contexts, had that happened -- this is
11 an opinion question and it's your opinion -- had
12 that happened, do you think the action being
13 taken on that ordinance may have stalled, may
14 have changed, may have come into question any of
15 that?

16 A. I have no idea. I mean, you're --

17 Q. Well, I know it's a broad
18 hypothetical. But I think people would draw on
19 these conclusions --

20 MR. SMITH: I do think you're
21 asking him to speculate somewhat in this. I
22 mean, I think you even -- the way you framed it
23 is that you're asking him to speculate as to
24 what might have happened had something --

25 MR. GRIFFIN: Well, the only reason

1 I brought it up is because he's speculated,
2 so -- again, I'm not a lawyer, so I can't -- I
3 can't argue with you on fair grounds.

4 BY MR. GRIFFIN:

5 A. I'm sorry. What did I speculate
6 about?

7 Q. Had I done this or I wish I would
8 have, I could have done this?

9 A. This is speculation? I'm just
10 acknowledging if there's any regret --

11 Q. No. No. No. And I know --

12 A. That's not spec -- I didn't
13 speculate on what other people should and
14 couldn't do. I'm just simply saying if there
15 was something I could have done better it would
16 have been that.

17 Q. Fair enough. I think that's all I
18 had.

19 MR. SMITH: Okay.

20 BY MR. GRIFFIN:

21 A. And then the one clarity that I
22 wanted to make, because -- which was fine. It
23 was how the conversation went, which was great,
24 by the way. You know, we were sort of
25 meandering through, and there was layers of, you

1 know, how was your relationship with CEOc, your
2 relationship with this, is and all this stuff.

3 I do want to clarify, which is
4 basically the crux of it -- I'm restating
5 something that's in my response, which is the
6 crux of this whole thing, which is the support
7 for this ARP grant was well established when
8 there was no opportunity.

9 And, I mean, so much so that even
10 when, you know, a while prior there was an
11 opportunity to work with them, there was nothing
12 to -- there was no opportunities, there was no
13 jobs, there was no nothing. Either with the
14 CEOc directly or even referred through them.
15 Nonetheless, the support was there, because
16 objectively it was the right thing to do.

17 And that support went on for months
18 and months and months up until -- up through the
19 whole process, but, you know, they -- until the
20 NDA was signed. It wasn't as though there was
21 any wavering in my support until an NDA came --
22 or something weird like that. Right?

23 That support for that project was
24 in very early 2022, you know, when Councilman
25 Winkler and I spoke about it, what he vocalized

1 his passion and support for it, and I agreed it
2 made a lot of sense. And that was done
3 completely on its merits before there was any
4 opportunity or thought or other side glance
5 related to any opportunity to work with or
6 partner with the CEOc.

7 Q. But during that process -- it
8 sounds like it was arduous at times -- did you,
9 as your position with City Council, and even
10 with any consultation that you were doing with
11 Tammy York Day or any of her staff, were there
12 hiccups that were causing problems that either
13 Margaret Handmaker didn't think they were doing
14 the things that they needed to do or Grace
15 Simrall said, hey, you got -- we need this stuff
16 and it's not happening? Were there any
17 conversations --

18 A. Zero.

19 Q. Zero. Okay. So you didn't get
20 involved in those weeds?

21 A. No.

22 Q. Okay. I'm not saying that your
23 position that you have with them now. I'm just
24 talking about as a city -- as your City Council
25 position.

1 A. Yeah.

2 Q. Some of these things that they had
3 to do, there were timelines that had to be
4 filed, there was numbers that they had to
5 supply --

6 A. You mean after they were given the
7 contract?

8 Q. No. I'm talking about during the
9 process before the -- it even came out --

10 A. Oh, no, I didn't even know that
11 existed. I mean, we -- you know --

12 Q. So you didn't work on those things?
13 That's why I --

14 A. Oh, no, I -- like I said, I -- I'm
15 even surprised to even hear it. I didn't even
16 know it existed. It was more all we cared about
17 as Council members was the total dollar amount
18 and whether or not the support was there. Which
19 it was unanimous. Right? So --

20 Q. Right.

21 A. Yeah.

22 Q. So the weeds -- what I'm calling as
23 getting into the weeds, you didn't have part in
24 any of those discussions?

25 A. No.

1 Q. Okay.

2 A. Didn't even know they were going
3 on. I mean, I know after the grant was voted
4 on, obviously the CEOc had to do a lot of work
5 with the administration. But that's typical in
6 grants.

7 Q. Sure.

8 A. I didn't know there was any work --
9 you know.

10 Q. Yeah. There's all kinds of things
11 that they had to do to help --

12 A. Prior to vote?

13 Q. -- satisfy what the federal
14 government was going to require of them.

15 A. Prior to the vote?

16 Q. Yeah. To even qualify, I guess,
17 for their initial filings and stuff.

18 A. Prior to the vote?

19 MR. SMITH: Initial -- what initial
20 filings?

21 BY MR. GRIFFIN:

22 A. They wouldn't file anything prior
23 to the --

24 Q. When they applied the RFA --

25 A. The RFA was just an informal

1 process --

2 Q.

3 A. Yeah.

4 Q. But it's my understanding that
5 there was constant issues of trying to get
6 information for them to file with the government
7 to do that. My only question is --

8 A. That's news to me.

9 Q. -- are you involved in any of that
10 as --

11 A. No. Not only not involved --

12 Q. But it's a --

13 A. It was never even brought up in any
14 of the conversations about voting. Like, in any
15 conversation about Markus' and my support for
16 it. It never came up that, you know, hey, this
17 is a problem. Right?

18 Q. Okay. All right. Are there other
19 things that you need to -- is that the only
20 clarification you had?

21 MR. SMITH: That's the only
22 clarification we had.

23 MR. GRIFFIN: Okay. All right.
24 With this understanding, is there a possibility
25 if I have follow-up questions I've discovered

1 I -- that I can go through you and we can try to
2 do something again?

3 MR. SMITH: You can reach out to
4 me.

5 MR. GRIFFIN: Okay.

6 MR. SMITH: I'll follow up.

7 MR. GRIFFIN: Fair.

8 MR. SMITH: We'll take it on a
9 case-by-case basis.

10 MR. GRIFFIN: No. Understand. All
11 right. We're going to end this interview at
12 11:36 a.m.

13

14 * * *

15 (End of Recording.)

16 * * *

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25

1 STATE OF KENTUCKY)
) SS.
2 COUNTY OF HARDIN)

3
4 I, KALLIE WILLIAMS, a Notary Public
5 within and for the State at Large, do hereby
6 certify that the foregoing transcript of the
7 audio-recorded interview was reduced to
8 shorthand writing; that the foregoing is a full,
9 true, and correct transcript of the
10 audio-recorded interview to the best of my
11 ability.

12
13 WITNESS MY SIGNATURE this 21st day of
14 June, 2023.

15
16 My commission expires February 2,
17 2027.

18
19
20
21 /S/ Kallie Williams
22 Kallie Williams
23 Notary ID #KYNP63312
24 Court Reporter and Notary Public
25 State at Large, Kentucky

KW/

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1 MR. WICKER: Call Anthony Piagentini.

2 CHAIRWOMAN PREGLIASCO: Mr. Piagentini, would
3 you please take the witness chair?

4 THE WITNESS: Thank you.

5 CHAIRWOMAN PREGLIASCO: And you need to be
6 sworn by the court reporter.

7 THE REPORTER: Raise your right hand. Do you
8 solemnly swear or affirm that the testimony you're
9 about to give will be the truth, the whole truth,
10 and nothing but the truth?

11 THE WITNESS: I do.

12 THE REPORTER: All right. You may begin.

13 THE WITNESS: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WICKER:

16 Q. Could you tell us your name, sir?

17 A. Yes, sir. It's Anthony Piagentini.

18 Q. Let's start, Mr. Piagentini, by seeing what we
19 agree, then, okay?

20 A. Okay.

21 Q. You are a member of Metro Council?

22 A. Yes, sir.

23 Q. From District 19?

24 A. Yes, sir.

25 Q. You've been on the Council since 2019?

1 A. Yes, sir.

2 Q. You're a member of the budgeting committee; is
3 that right?

4 A. Currently, yes, sir.

5 Q. And you're chairman of the minority caucus?

6 A. Yes, sir. Currently.

7 Q. In 2021 and 2022, you were a member of the
8 workforce development work group; is that right?

9 A. Yes, sir.

10 Q. And that's one of the five work groups that
11 were created to help allocate the funds from the
12 American Rescue Plan?

13 A. That's correct.

14 Q. And you were one of two Council members on
15 your work group; is that right?

16 A. Yes, sir.

17 Q. And the two of you decided what to recommend
18 to the Metro Council about how the money would be sent -
19 - would be spent?

20 A. Yes. And just to clarify, Councilman
21 Hollander was on several of the meetings, attended many
22 of the meetings.

23 Q. Okay. And ultimately that amount was \$40
24 million?

25 A. Yes, sir.

1 Q. Okay. And I -- that's a very important
2 decision. Would you agree?

3 A. Yes, sir.

4 Q. And would you agree that, in that position,
5 you had a duty to make the decision about what to
6 recommend based solely on what was in the best interest
7 of the citizens of Louisville Metro?

8 A. Yes, sir.

9 Q. And that decision should not be influenced by
10 any private or financial interest that you might have?

11 A. Yes, sir.

12 Q. Including an interest in getting a job, true?

13 A. Yes, sir.

14 Q. Or a consulting contract?

15 A. Yes, sir.

16 Q. Or to make it more likely that someone might
17 give you a job, right?

18 A. I'm sorry. Can you restate the question?

19 Q. Your decision should not be influenced by an
20 interest in making it more likely for someone to be able
21 to give you a job?

22 A. Correct.

23 Q. Okay. Or -- and it shouldn't be influenced by
24 the desire to reward someone who had given you a job?

25 A. That's correct.

1 Q. It would be a violation of your duty to make
2 this decision in order to enable someone to give you a
3 job, right?

4 A. I'm sorry. Can you back up?

5 Q. Would it be a violation of your duty, sir, to
6 make this decision on how to allocate the money based on
7 your interest in enabling someone to be able to give you
8 a job?

9 A. Yes.

10 Q. And it would be a violation of your duty to
11 base this in any way, this decision in any way, on your
12 personal or financial interests?

13 A. That's correct.

14 Q. Okay. So to help you make this very important
15 decision, your work group issued a Request for
16 Information. Do you recall that?

17 A. Yes. The administration released a Request
18 for Information.

19 Q. Okay. And that was in October and responses
20 were due November 3rd?

21 A. That's correct. That sounds about right.

22 Q. Okay. And then a Request for Applications
23 goes out on January 3rd with responses due January 31st,
24 right?

25 A. That is -- again, it sounds about right. I

1 can't remember the specific dates, but that sounds
2 correct.

3 **Q. Okay. And during this time period, you were**
4 **looking for a new job, true?**

5 A. No.

6 **Q. Now you moved to Kentucky in 2010?**

7 A. That's correct.

8 **Q. Okay. And since that time, since you moved**
9 **here in 2010, you've worked for six different healthcare**
10 **companies?**

11 A. That's not correct.

12 **Q. Well, let's count. InVentiv Health?**

13 A. That was before I moved to Kentucky, sir.

14 **Q. Okay. Omnicare?**

15 A. Yes, sir.

16 **Q. ResCare?**

17 A. Yes, sir.

18 **Q. WellCare?**

19 A. Yes, sir.

20 **Q. WellCare in North Carolina?**

21 A. Same global company, sir.

22 **Q. But a different management structure?**

23 A. Different -- these large multinational
24 companies, they have different legal entities, but
25 they're all part of the same -- that's all part of the

1 same publicly traded company.

2 **Q. Okay. And then CEOC?**

3 A. That's correct.

4 **Q. Okay. And in November of 2021, you knew that**
5 **you would be leaving WellCare and you were looking for a**
6 **new position?**

7 A. I -- I didn't -- I wouldn't say I knew it, but
8 I was frustrated with WellCare of Kentucky and -- and
9 look -- and was open to new opportunities. Excuse me.

10 **Q. But you had already made the decision to leave**
11 **by November 2021, sir, hadn't you?**

12 A. No, because I -- I -- I wasn't going to just
13 randomly leave an organization without a plan on how to
14 move forward.

15 **Q. But you had already made the decision to**
16 **leave, hadn't you, sir?**

17 A. I'm sorry. Didn't I just answer that
18 question?

19 **Q. I thought you did. So let me -- do you have**
20 **your transcript before you?**

21 A. Yes. I'm assuming this is it? No, that can't
22 be it.

23 **Q. May I --**

24 A. That says Tammy York Day.

25 CHAIRWOMAN PREGLIASCO: Yes.

1 THE WITNESS: Thank you.

2 BY MR. WICKER:

3 Q. And this is the transcript of your interview
4 with Mr. Griffin, right?

5 A. I assume so. Yes.

6 Q. Okay. And I'm going to refer to page 38, 39.
7 And look at the --

8 A. I'm sorry. Page 38 or 39, sir?

9 Q. 38.

10 A. Okay. Yes, sir.

11 Q. And 39 at the bottom.

12 A. Yes, sir. Yes, sir.

13 Q. And you're talking about the meeting in late
14 2021.

15 A. Uh-huh.

16 Q. And you say you're talking about WellCare
17 health plans, and that you had worked for them for
18 roughly seven years at that point. "I had already made
19 the decision to leave, but the question was timing." And
20 then you go forward --

21 A. Correct.

22 Q. -- and talk about when your stock options were
23 due and things like that.

24 A. Correct.

25 Q. Okay. Your stock options were due in April,

1 but in November 2021 you had already made a decision to
2 leave.

3 A. Again, I'm speaking more generally than
4 specifically. So yes, I was frustrated with WellCare of
5 Kentucky. They had actually told me that I was going to
6 be limited in my advancement if I continued to serve as
7 a Metro councilman. It was more important to me to
8 continue serving my community than it was to continue
9 advancing in that specific organization, so I was open
10 to new opportunities to work someplace else, but the
11 timing, like, I didn't have anything at that time, so
12 no, I was -- I didn't have a specific plan. My wife and
13 I had discussed the timing. That general time, I
14 couldn't leave earlier than that. But the question of
15 actually leaving and -- and a final decision was
16 predicated on, you know, what the next step was going to
17 look like.

18 Q. Being able to find something?

19 A. Of course.

20 Q. Being able to find a new job?

21 A. That's correct.

22 Q. And that's why you met with Tammy York Day?

23 A. No.

24 Q. You met with Tammy York Day because you were
25 networking to find a new position to replace the one you

1 **had at WellCare?**

2 A. That's not accurate. Robert Givens contacted
3 me to introduce -- I didn't know who Tammy York Day was
4 at the time Robert Givens contacted me and said that he
5 knew I was a healthcare executive. He may have known
6 that I wasn't happy -- you know, he may have known I may
7 have mentioned to him that I wasn't happy where I was
8 because I'd been told that continuing to serve my
9 community was in conflict with -- or they didn't want me
10 to continue doing it, and they weren't going to continue
11 promoting me if I -- if I continued to serve my
12 community. So he said, "Tammy York Day is another
13 healthcare executive. You should probably get to know
14 her." And so he -- he -- he was having drinks with her
15 and then invited me to attend for about an hour.

16 **Q. So you're saying that you meeting with her in**
17 **November 2021, when you had already decided you were**
18 **going to be really leaving WellCare and didn't have**
19 **another job lined up, and you meet with Tammy York Day,**
20 **who is part of the CEO Council with the 15 largest healthcare**
21 **plans, but it doesn't have anything to do with finding a**
22 **new job?**

23 A. Again, I didn't know who Tammy York Day was at
24 the time. I didn't know anything significant about the
25 Louisville Healthcare CEO Council at the time. As far

1 as I knew, I was meeting "another healthcare executive."
2 And that was told to me by Rob Givens, which, of course,
3 I was always open to meet healthcare executives. I did
4 that all the time. So he made the introduction, we met
5 that night for about an hour or so, I left, they
6 continued to stay there and -- and hang out. They had a
7 much deeper relationship than I had. So yes, we
8 networked, but I didn't have -- I didn't know who she
9 was, and I didn't have any deep understanding of her
10 organization at that point.

11 Q. And what you told Mr. Griffin was that you
12 were in full networking mode?

13 A. Yes.

14 Q. And you heard Ms. Tammy -- Ms. Day say that
15 she told you that she didn't have a job opening at the
16 time?

17 A. Yes.

18 Q. So at least that was discussed, right?

19 A. Yes.

20
21
22 Q. Okay. So did you ask her if she had a job
23 open?

24 A. No.

25 Q. She just told you that on her own?

1 A. Yes, because when you're networking, a lot of
2 the times you -- you discuss what opportunities you're
3 aware of.

4 **Q. Okay.**

5 A. And so right out of the gate, she discounted
6 any opportunity that she was aware of, including
7 specifically with her organization.

8 **Q. And were you continuing to look for a job in**
9 **January when you sent a resume to Ms. Tammy York Day?**

10 A. Yes.

11 **Q. Okay. And the resume was in the hopes that**
12 **she would either have a position or she would know**
13 **someone who would've a position that could enable you to**
14 **get a new job?**

15 A. Yes. That's what networking is. It's -- it's
16 just to make sure we're defining terms, right? So it's
17 very often as a matter of fact, on several of my career
18 moves that you pointed out, I was actively recruited by
19 other executives to come and work for them even though I
20 wasn't working -- looking for another job. So
21 networking is a very common practice amongst, at least,
22 healthcare executives that I -- I could speak to that.
23 And so -- but the only way to initiate those
24 introductions is to start with some basis. So she -- I
25 gave her my resume so that if she was going to recommend

1 anybody for -- for me to speak to, she could just
2 forward my resume on.

3 Q. Or if circumstances change, she might have an
4 opportunity for you there?

5 A. She was very clear that there was no
6 opportunity.

7 Q. No possibility at all?

8 A. At that point, no.

9 Q. And you had this -- you sent her the resume in
10 January, I think, you said. And this was in the middle
11 of the period when your work group was accepting
12 responses to the request for application; is that right,
13 sir?

14 A. That's correct.

15 Q. Did you send resumes to any of the other
16 applicants?

17 A. I don't know. I would have to go back and
18 look, but I sent my resume out to probably every
19 healthcare -- executives within every healthcare
20 organization I knew of in the city at that point,
21 including, I can specifically cite, Norton Healthcare,
22 UofL Health, and others.

23 Q. Did it occur to you, Mr. Piagentini, that
24 sending resumes to someone in hopes that they are going
25 to be helpful in getting you a job might be in conflict

1 with your decision to make the grant allocation decision
2 solely in the best interest of Louisville Metro?

3 A. So I think you're getting your timelines a
4 little off here. So as -- as you indicated, I sent her
5 my resume in January. At that point, I didn't know who
6 had submitted a grant proposals for that work group. So
7 no, I saw zero conflict with networking. There's
8 nothing in the ethics code, as far as I'm concerned,
9 that says anything about networking or that being a
10 problem. And it's an extremely common practice, not
11 just with healthcare executives like myself, but other
12 Council members who are attorneys and small business
13 owners when they're conducting their typical business
14 operations.

15 Q. But Ms. Day testified that she met with you in
16 your office in January?

17 A. I'm not sure it was my -- I'm sorry. My
18 apologies.

19 Q. Did you meet with Ms. Day in January about
20 workforce happen -- workforce development matters?

21 A. I know she has testified to that. I'm sure we
22 did. I can't remember exactly where it was.

23 Q. And certainly she would've told you that her
24 group had submitted an application for \$9.2 million, or
25 was going to submit that application?

1 A. Again, I can't remember the specifics of that
2 meeting.

3 Q. That's why she met with you, right?

4 A. I'm sorry. You're asking me to --

5 Q. Yes.

6 A. -- tell you why Tammy York Day -- I don't
7 know, you have to ask Tammy York Day.

8 Q. That was the subject of the meeting, right?

9 A. I'm sorry. I don't remember the specifics of
10 the meetings. You're asking me about the subject of a
11 meeting that I can't 100 percent remember. So I -- I -
12 - I don't know the answer.

13 Q. Okay. Now, if -- let's go on to April, and in
14 April you are still looking for a permanent job; is that
15 right?

16 A. I was not closed to a permanent job, but I
17 wasn't -- and -- and at that point, again, I -- I would
18 have to go back to my records to see -- right around
19 that time I had already, I believe, started speaking to
20 WellCare of North Carolina about contracting with them.
21 So I don't think I was looking for anything once -- once
22 I spoke to the CEO of that business. He was very clear,
23 he did need help.

24 Q. Actually, you left your job with WellCare, the
25 parent organization in April; is that right?

1 A. That's correct.

2 Q. And you took your position with WellCare at
3 North Carolina in May?

4 A. It was a very tight -- I don't think I had any
5 major turnover, so it was very close to each other.

6 Q. Okay. So they were close to each other or
7 maybe a small gap; is that fair?

8 A. If there was a gap, it was intentional because
9 I -- I knew I had -- I -- I knew we were pending a deal
10 before I left. I wouldn't have left, otherwise.

11 Q. Okay. So you got -- and the employment with
12 WellCare of North Carolina, that was just a six-month
13 consulting contract?

14 A. That was the initial term.

15 Q. Okay. And it was not extended?

16 A. It was.

17 Q. Extended past December?

18 A. No, we extended it to the -- to the end of
19 November and we were discussing potentially extending it
20 past that.

21 Q. Okay. And ultimately the head of that
22 organization decided not to extend it past November?

23 A. No, that's not true. We were discussing
24 extending it and then he -- we agreed when, particularly
25 after the 18th, November the 18th, that there was -- I

1 wanted to be close to home. So I think at that point
2 there was an understanding that it didn't make sense.
3 And I was at least in the immediate term wrapping up
4 most of the deliverables that were outlined there. But
5 then he actually contacted me shortly afterwards and
6 asked if I could come back to work for him.

7 **Q. So just to be clear, turn page 70, please.**

8 A. I'm sorry, which page?

9 **Q. Page 70, please.**

10 A. Yes. Thank you.

11 **Q. And at the top of the page, when I say Troy**
12 **and I -- "when I say we, Troy and myself." Troy is the**
13 **manager at WellCare of North Carolina, right?**

14 A. Yes. That's correct.

15 **Q. "During that period of time, was whether he**
16 **planned to extend because that was -- that obviously**
17 **would affect what my start date was. At the time he**
18 **said, no." Do you see that?**

19 A. Yes. And then I say -- where it says he
20 actually called me back two weeks later. It was like, I
21 changed my mind.

22 **Q. And you -- that was because you now had a**
23 **position with the CEO Council?**

24 A. Yeah, it was all happening at the same time.

25 **Q. Okay. But certainly it was an uncertain**

1 **period of time for you, in that April time frame?**

2 A. Can you define what you mean by uncertain?

3 **Q. You didn't have a permanent job and you didn't**
4 **know where it would be.**

5 A. Again, you say permanent job. I -- I -- I'm a
6 contractor. There aren't permanent jobs. And even I
7 would say a W-2 employ is not a permanent job. This is
8 an at-will employment state, but I was in the midst of,
9 between November the 18th and December the 1st,
10 discussing a job with the CEOC.

11 **Q. Okay. And the CEOC, Ms. Day, had lined up an**
12 **interview for you with Delta Dental in March; is that**
13 **right?**

14 A. Yes. So again, just to be clear, we're
15 backtracking to March of 2022; is that correct?

16 **Q. Yes, sir.**

17 A. Yeah. To say she lined it up, she shared my
18 resume with a colleague over at Delta Dental. It was
19 not an interview. It was more networking because again,
20 right out of the gate, she was very clear that she
21 didn't see any immediate opportunities with her
22 organization. This was all part of networking.

23 **Q. And -- but it was a favor to you?**

24 A. It was networking.

25 **Q. Okay. And it was in April that the staff**

1 evaluations of the 30 responses to the RFA were
2 presented to you and Mr. Winkler?

3 A. That's correct.

4 Q. Okay. And these were the evaluations that
5 ranked the CEO Council as 29th of 30?

6 A. That's correct.

7 Q. Next to last or the next to worst?

8 A. No.

9 Q. Well, they were certainly ranked as next to
10 worst.

11 A. If you keep going down in the spreadsheet,
12 there are 11 organizations that didn't qualify at all,
13 and you could call their score zero.

14 Q. Okay. Okay. Now, being one of only two
15 members of the Council, you could have decided in favor
16 or lobbied for accepting the staff recommendations,
17 true?

18 A. Councilman Winkler and myself -- for that
19 matter, Councilman Hollander or any 14 members of
20 Council could have made any decision we wanted related
21 to how to use that money.

22 Q. Sure. And one of those could have been to
23 choose the top scoring application?

24 A. That's correct.

25 Q. Or to cut the list to the top ten?

1 A. We could have.

2 Q. Okay. But that wasn't the decision that you
3 made?

4 A. Correct.

5 Q. You decided to wait to preserve the money to
6 see whether the CEO Council would get a federal grant.

7 A. When you say you, do you mean me singularly?

8 Q. Was that your decision?

9 A. No.

10 Q. You were against that decision?

11 A. No. I just don't mean it was only my
12 decision.

13 Q. Okay. I'm not implying anything. I'm just
14 asking what your decision was.

15 A. Yes, I agreed with Councilman Winkler that
16 holding the money was one of the best ideas.

17 Q. Okay. And not perhaps coincidentally, but
18 also be a way to make sure that the CEO Council had a
19 supply of a grant in case the federal grant didn't come
20 out?

21 A. I'm not sure I understand what you're
22 referring to.

23 Q. Well, the idea was to wait to see what
24 happened to the federal grant. And then you have the
25 ARP money as a backstop.

1 A. That -- that's an accurate description. We
2 wanted to see the what the federal government did with
3 the EDA final decision because again, we knew that they
4 had made it through the first cut and that they -- so --
5 and I think accurately Ms. Simrall testified, and I do
6 remember this conversation that everybody considered a
7 50/50 shot that they were going to get it given the
8 numbers of grantors versus applications. At that point,
9 as I said, Councilman Wakeford contacted me about this
10 EDA grant -- had -- the discussion that we had about it.
11 I agreed with them that it was way more transformational
12 than anything else we were looking at on the current
13 list. So as a group, and I would say that in my
14 recollection from that meeting, Ms. Simrall,
15 Ms. Handmaker, and even Councilman Hollander, nobody had
16 any objection.

17 **Q. But you knew by September that the federal**
18 **grant had not come through, true?**

19 A. That's correct. Councilman Winkler called me
20 very early September and informed me of that fact.

21 **Q. And in September, you were still looking for a**
22 **permanent position; is that right?**

23 A. No.

24 **Q. You didn't have a -- you were still working on**
25 **the hourly contract with WellCare, North Carolina?**

1 A. That's correct. It kept me very busy.

2 Q. Okay. Did you have any other clients who you
3 consulted?

4 A. No. As -- as you indicated, I also had a
5 commercial real estate business, so it gave me the
6 flexibility to try to pursue multiple interests.

7 Q. Okay. Were you earning money from your
8 commercial real estate business at that time?

9 A. At that time, no. It's -- it's a long sales
10 cycle business and, frankly, it's a bit of a side
11 business that one day I would love for it to be bigger,
12 but it's -- it takes a long time.

13 Q. Sure. And you get a salary from being a
14 member of Metro Council, right?

15 A. That's correct.

16 Q. Is it \$50,000 a year?

17 A. Approximately. I know it's 50 something. 50
18 is low, but I -- you'd have to look it up on open
19 records. I don't know exactly.

20 Q. Okay. So in September you had your Metro
21 Council salary and then you had the money that you were
22 making on an hourly basis for the WellCare contract that
23 was going to expire in November?

24 A. That's correct.

25 Q. Okay. So the Metro Council contract would not

1 have been sufficient to support you and your family,
2 would it be -- would it, sir?

3 A. All by itself?

4 Q. By itself, right?

5 A. No.

6 Q. So you --

7 A. Not -- not -- to be clear, the Metro Council
8 salary, certainly if -- if we -- it -- it could support
9 many families and many families live off that type --
10 that salary. So it could have supported us, just not in
11 our current situation.

12 Q. That would not have been your expectation?

13 A. That's correct.

14 Q. Okay. So once that WellCare is expired, which
15 was going to do in November, you had to find an
16 additional source of income; is that fair?

17 A. Correct. As I -- as I said, it's commonplace
18 for anybody in consulting to network.

19 Q. Okay. And that's the position that you were
20 in in September of 2022?

21 A. Yeah. Again, anybody in -- in a professional
22 executive field and anybody that works on a contract
23 basis is always meeting people in networking.

24 Q. Okay. And that was the time period when you
25 accepted a free ticket from the CEO Council?

1 A. Yes.

2 MR. WICKER: Can we bring up Exhibit 13?

3 BY MR. WICKER:

4 Q. And here we have Exhibit 13, which is an
5 e-mail from Amelia Priest. Do you see that?

6 A. That's correct.

7 MR. WICKER: Move the addition of Exhibit 13.

8 MR. SMITH: No objection.

9 CHAIRWOMAN PREGLIASCO: So admitted.

10 BY MR. WICKER:

11 Q. And this is an invitation to you, and we've
12 seen other evidence that Mr. James and Mr. Winkler were
13 also invited; is that right?

14 A. I didn't know everybody who was invited at the
15 time, but now I certainly don't know.

16 Q. Okay. But not all members of Council?

17 A. That's correct.

18 Q. Okay. And there was a cost associated with
19 the ticket, true?

20 A. Yes.

21 Q. And you've heard that the cost was anywhere
22 from 199 to \$499, true?

23 A. Yes.

24 Q. Okay. Did you pay that amount?

25 A. No.

1 Q. And you know, sir, that the Council rules
2 prohibited taking free tickets unless they were offered
3 to every member, true?

4 A. No.

5 Q. You don't believe that the Council rules
6 prohibited you from taking free tickets to things?

7 A. At that time, all that existed was guidance
8 related to attending events. There was no rule
9 prohibiting that.

10 Q. Okay. Well, you certainly know that there is
11 a portion of the ethics ordinance that prohibits you
12 from taking free items?

13 A. That's not true when related to events. There
14 is a guidance that the Ethics Commission issued, and I
15 think Councilman Hollander accurately described it as a
16 long, long time ago. Frankly, I didn't know much about
17 it, but there's nothing in the ethics code at that time
18 that had a specific prohibition. There was later on. We
19 did -- I partnered with Councilman Hollander on amending
20 the ethics code to be more specific related to those
21 restrictions.

22 Q. Okay. Did you ask? Did you ask the Ethics
23 Commission for an opinion about whether you can take a
24 \$499 free ticket?

25 A. No. And as a matter of fact, the guidance

1 actually states that the Ethics Commission does not want
2 to be consulted every time somebody is considering
3 taking -- going to an event.

4 **Q. Okay. And at the time of the Churchill Downs**
5 **conference since September, the workforce group had not**
6 **announced who was going to get the grant of ARP funds;**
7 **is that right?**

8 A. We had not publicly announced it.

9 **Q. Okay. And that was the occasion when you**
10 **talked to Ms. Day at Churchill Downs?**

11 A. We bumped into each other throughout the
12 conference.

13 **Q. Okay. And that's when she told you, "If we**
14 **move forward with government affairs, I'm going to want**
15 **to talk to you." Do you recall that?**

16 A. I don't.

17 **Q. You don't recall that at all?**

18 A. No.

19 **Q. Do you think she was misremembering?**

20 A. No. I -- I think she has a very, very good
21 memory and I suspect that she did say that. I was
22 working still for WellCare of North Carolina. So I was
23 very busy during the conference ducking in and out,
24 trying to get my work done. One of the few
25 conversations I can remember specifically with Tammy

1 York Day was about Lincoln Bridge, who was there and how
2 good they were. I don't remember that conversation.

3 Q. Okay. Well, assuming that the conversation
4 occurred and that her memory is good on these matters,
5 she would not have been talking to you about commercial
6 real estate, would she?

7 A. No.

8 Q. She wouldn't have been talking to -- was she
9 saying that "if we go forward with government affairs,
10 I'm going to want to talk to you," and she would not
11 have been referring to commercial real estate, right?

12 A. That's correct.

13 Q. She would not have been referring to giving a
14 friend an opinion about working at WellCare. That
15 wouldn't have been it?

16 A. Again, I don't remember the conversation. So
17 you're asking me to opine. I mean, I can certainly say
18 her -- and Ms. York Day and I have never had a
19 conversation on commercial real estate. So anything she
20 did say to me certainly wouldn't have referred to that.
21 But if you're asking me what else she was referring to
22 related to a comment that I can't remember, I can't
23 answer that.

24 Q. Okay. And certainly if she had, as she
25 recalls, talked to you in September about respective job

1 opportunity with her organization, that would've been a
2 conflict with your duty to make a decision on the ARP
3 funds, true?

4 A. If she had this hypothetical conversation with
5 me, first of all, I would've distinctly remembered that.
6 I don't forget it when people are offering me jobs or
7 want to speak specifically about jobs. But yes, if she
8 was offering me a job at that time, which she wasn't, so
9 this is all a hypothetical scenario, then it, depending
10 on the rest of the circumstances in this mythological
11 scenario, it -- there could have been a conflict.

12 Q. You're calling it a mythological scenario?

13 A. Sorry, hypothetical scenario.

14 Q. Okay. And you know as a member of Metro
15 Council that you get training in the ethics ordinance,
16 correct?

17 A. Yes. Usually some kind of annual brush up,
18 let's put it that way.

19 Q. Okay. And you're aware that you are required
20 to disclose and disqualify if you have a conflict?

21 A. That's correct.

22 Q. Okay. And the discussion that that she
23 remembers that -- but that you don't, she was talking
24 about taking a job with her organization. That would be
25 the kind of forceful or financial interest that would

1 **require you to disqualify. Do you agree?**

2 A. Again, you're back into this hypothetical
3 scenario. So unless you give me more details about the
4 hypothetical --

5 **Q. Well, let's just say that it's hypothetical as**
6 **she recalls it. If she was talking about a job, that**
7 **would be so --**

8 MR. SMITH: Objection, mischaracterizes the
9 testimony.

10 CHAIRWOMAN PREGLIASCO: You asked specifically
11 what she said? Is that your memory of what you
12 said?

13 THE WITNESS: That's my memory.

14 MR. WICKER: And he can agree or disagree.

15 CHAIRWOMAN PREGLIASCO: All right. Go ahead.

16 BY MR. WICKER:

17 **Q. Certainly, you know, from your ethics**
18 **training, if you're discussing a job with someone, then**
19 **you have to disqualify from any matters related to that**
20 **person you're discussing the job with, right?**

21 A. Yes.

22 MR. SMITH: Objection to that.

23 A. Yes. If somebody offers you a job and from
24 that, if they have some business in front of Council,
25 then you would have to go to -- when that item came, you

1 would have to not talk about that item. And then when
2 you come to the public meeting where that item is being
3 discussed, you need to abstain? That's correct.

4 BY MR. WICKER:

5 **Q. And it's not just offering a job. If you're**
6 **in discussions about a job with someone who has Council**
7 **business, you can't act on anything that comes before**
8 **you?**

9 A. You're giving -- your question -- can you
10 restate the question? I apologize.

11 **Q. Do you disagree? Do you disagree if you're in**
12 **negotiation with someone about a job, you can take**
13 **action as a Metro Council?**

14 A. Again, if -- if there was a job on the table
15 of which there was negotiations on an ongoing basis, I
16 would agree, that would be the time that you have to not
17 engage in the matter and then abstain at the next public
18 meeting.

19 **Q. Okay. And if you're discussing a job with**
20 **someone who has business before you, you certainly got a**
21 **desire to favor that person, right? That's why you have**
22 **to disqualify.**

23 A. So can you define discussing a job?

24 **Q. We'll forget that one. Now in October of**
25 **2022, you spoke in favor of the grant to CEOC at a**

1 **budget committee meeting. Do you recall that?**

2 A. I'm sorry, which -- which date?

3 **Q. October 2022.**

4 A. Yeah.

5 **Q. October 20.**

6 A. The -- this -- sorry. Yes. The October
7 budget meeting. That's why I wanted to be clear. Thank
8 you. Yes, I do remember that.

9 **Q. Okay.**

10 A. And that was where I think I brought it up in
11 the context of another debate.

12 **Q. Okay. And you said that to the committee that**
13 **nothing else came close to this proposal?**

14 A. That's correct.

15 **Q. Did you tell the committee that the CEO**
16 **Council proposal in January actually came in 29th out of**
17 **30 eligible applicants?**

18 A. That's not what we were discussing.

19 **Q. But did you tell them that, sir?**

20 A. There was nothing to tell them because that
21 wasn't the proposal we were discussing.

22 **Q. I understand. But you were advocating for**
23 **that proposal at the time, right? You're giving a**
24 **preview of what's to come.**

25 A. I was not advocating for the proposal that

1 ranked 29th out of 30. I was -- I was advocating for
2 doing what we agreed to in April, which was backstopping
3 the EDA grant application.

4 Q. Okay. You didn't think that the members of
5 the committee would like to know how this original RFP
6 response scored in the view of the staff?

7 A. It wasn't original.

8 Q. Their January election is what I'm referring
9 to?

10 A. You're linking two things that aren't linked,
11 so --

12 Q. I'm going to clarify, but just stay with me
13 for a bit.

14 A. Sure. No problem.

15 Q. Did you think it was important to tell the
16 people who would be voting on this measure in October or
17 November, and then at the Metro Council, where the CEO
18 seat proposal scored in January in view of the scale?

19 A. Again, your question assumes that they were
20 the same proposal. That's not true. The -- both
21 proposals were very different proposals. One was a \$9
22 million proposal focused on one specific thing. The
23 other was a 40 -- well, at that point, Markus,
24 Councilman Winkler had negotiated \$40 million. But
25 prior to that, and when we had discussed it in April, it

1 was a \$50 million proposal, including a massive
2 coalition and engaging in a much more transformational
3 process. So you -- you -- you're equating two things
4 that aren't equated.

5 **Q. Did you tell them that you had met with the**
6 **CEO of the CEO Council in November as part of your**
7 **networking efforts to replace the job that you had with**
8 **WellCare?**

9 A. No.

10 **Q. Or that you had sent her a resume?**

11 A. No, because Council members almost never do
12 that. If we did that, our meetings would be about three
13 times as long because everybody would have to disclose
14 every relationship that they had and resume that they
15 had ever sent out.

16 **Q. They would certainly have more information**
17 **about your own private interests that way, wouldn't we,**
18 **sir?**

19 A. Well, again, if you're proposing consistency
20 across Council, then people would have more information
21 about all of us that the question is relevancy. So I
22 don't expect my other Council members to tell me every
23 person they've ever met or any person that they have
24 sent a resume to in their lifetime. The question is
25 whether or not they have something of value in front of

1 them at that point.

2 Q. Well, on October 25th, you announced that the
3 grant was going to the CEO Council.

4 MR. WICKER: Can we pull up Exhibit 8?

5 BY MR. WICKER:

6 Q. Is that the announcement that you made --

7 A. Yes.

8 Q. -- on October 25th?

9 A. Sorry. Yes, sir.

10 MR. WICKER: And I believe this is already in
11 evidence.

12 CHAIRWOMAN PREGLIASCO: Yes.

13 BY MR. WICKER:

14 Q. Of course, the press release didn't say
15 anything about your job discussions with Ms. Day?

16 A. There were no job discussions at that point,
17 sir.

18 Q. Well, you talked with her about your
19 networking in the job that you were leaving in November
20 and you sent her a resume in January. We agree on that,
21 right?

22 A. Yes. I agree that we -- I was networking and
23 -- but at that point there was no job discussions. Your
24 question was about a job. There was no job.

25 Q. Okay. Well, she said that if she had talked

1 to you and you don't agree with that, okay.

2 A. I'm sorry, sir. I didn't say that. I -- I
3 simply said I didn't recall her making that comment to
4 me.

5 Q. And the telephone records that we've already
6 admitted show that you talked to Ms. Day three times on
7 October 26th. Do you recall that?

8 A. Very vaguely.

9 Q. Did you talk to her about the governmental
10 affairs position, that consulting position that she was
11 working on developing?

12 A. Absolutely not.

13 Q. And then there's another conversation on
14 November 1st. Did you talk to her on November 1st?

15 A. Yes, sir.

16 Q. And was that about the consulting position
17 that she was developing for you at the CEOC?

18 A. Absolutely not.

19 Q. So at this point, Mr. Piagentini, you had been
20 looking for a replacement for the WellCare job since
21 November, now in September, and then October, so 11
22 months, and in November, almost a full year you had been
23 doing the networking to replace the WellCare job, right?

24 A. No. First of all, I'm not sure what you're
25 talking -- you're equating two jobs as if they were the

1 same thing. I had a job with WellCare of Kentucky that
2 I had left in April. At that point, I started
3 consulting with WellCare of North Carolina, and that
4 carried me through until about -- and that contract got
5 until about the end of November.

6 **Q. Okay.**

7 A. The -- to be clear, what I have said very
8 consistently is that I'm almost always networking with
9 other healthcare executives, that I've dedicated 24
10 years of my life to that industry. And I'm always
11 looking to meet with and work with the best in that
12 industry.

13 **Q. But it's a little more urgent for you by that**
14 **time, isn't it, sir?**

15 A. No.

16 **Q. You had left WellCare, Kentucky in April,**
17 **right?**

18 A. That's correct.

19 **Q. You had only an hourly consulting job that you**
20 **were working on with WellCare of North Carolina?**

21 A. Oops, sorry. You -- you say only. It was --
22 I was compensated well for what I was doing.

23 **Q. Okay. And that's going to expire and did it,**
24 **in fact, expire at the end of November?**

25 A. That's correct.

1 **Q. Okay. And you don't have money from your**
2 **commercial real estate business coming in, right?**

3 A. Not -- not at any significant amount at that
4 time. I -- I don't know if I had closed one deal at
5 that time.

6 **Q. Okay. And are you -- is it your testimony**
7 **that in four conversations between September 21st and**
8 **November 1st, four conversations with Tammy York Day,**
9 **you don't have a single discussion about your job?**

10 A. That's correct. I'm sorry. Just for clarity,
11 when you said my job, which job are you referring to?

12 **Q. About the job that you're looking for with the**
13 **CEO Council.**

14 A. So at that point I was unaware of what --
15 there was -- I wasn't looking for anything. You're
16 saying -- so no, that didn't exist. So I don't know how
17 to answer your question because you're talking about --
18 that's why, if you don't mind, I asked you to define it.
19 I can't talk about something that I didn't know existed.

20 **Q. Okay. And you didn't say well, let's go back**
21 **to what we -- what you said in September because you**
22 **don't recall that.**

23 A. That's correct.

24 **Q. Right?**

25 A. Yes.

1 **Q. And you didn't say anything about your efforts**
2 **in networking or finding a job or replacing a contract**
3 **that's going to expire at the end of November. Is that**
4 **your testimony?**

5 A. I don't have to network with somebody I'm
6 already networked with, right? That -- at that point I
7 had met Tammy York Day. We knew who each other were.
8 There -- I wasn't -- there was no -- there's no more
9 networking. I mean, I've already networked. Once you
10 built your network, it's built.

11 **Q. And you didn't think it was important or**
12 **necessary to ask her, "Well, have you heard about**
13 **anything else that might come my way?"**

14 A. No.

15 **Q. Just never ever came up in any of those four**
16 **phone calls?**

17 A. No.

18 **Q. Is that your testimony?**

19 A. Yes, that's correct. Those four phone calls,
20 it definitely didn't come up and it didn't dawn on me to
21 ask because she already knew who I was. She knew how to
22 get a hold of me. Networking, you don't bug the crap
23 out of your network every five minutes. You create a
24 network and then -- and I mentioned my resume, there's
25 been multiple times where that network has then reached

1 out to me when they've had something come up. And at
2 that point, there was nothing to talk about. So she
3 never reached out to me. We had no conversations about
4 this.

5 **Q. Okay. So you arranged for the CEO Council to**
6 **speak at the November 3rd Budget Committee?**

7 A. No.

8 **Q. They spoke there; is that right?**

9 A. They did.

10 **Q. Okay. Is that an unusual privilege?**

11 A. Yeah. Just to back up, you said I did. That's
12 not true. Councilman Winkler did. And I think
13 Councilman Hollander had already testified to that fact.

14 **Q. Okay. Is that an unusual privilege?**

15 A. No. No. People come and testify at committee
16 meetings all the time. I think what Councilman
17 Hollander was referring to and then Councilwoman Fowler
18 and -- and what upset her about that particular instance
19 was that it wasn't afforded to all of the groups who
20 were related to the ARP process. And, obviously,
21 Councilman Winkler convinced his colleague to make an
22 exemption.

23 **Q. And you spoke in favor of this grant at that**
24 **meeting on November 3rd?**

25 A. That's correct.

1 **Q. You called it a transformative proposal?**

2 A. Yes, sir.

3 **Q. And you didn't say anything about the staff**
4 **reviews?**

5 A. Again, you're trying to equate two things as
6 if they're similar. Apples and oranges, sir.

7 **Q. And you didn't say anything about your**
8 **networking efforts with Ms. Day?**

9 A. No Council member in my five years on Council
10 has ever talked about the fact that they might be
11 networked with somebody that comes in front of Council.

12 **Q. And you didn't say anything about the fact**
13 **that no eligibility review had been done for this**
14 **proposal?**

15 A. I'm sorry, which meeting are we talking about?

16 **Q. November 3rd?**

17 A. Ah. No, I think at that point we had already
18 discussed that the -- we encouraged the administration
19 to move forward with an eligibility review concurrently.

20 **Q. Okay. And then we come to November 17th,**
21 **right?**

22 A. That came after November 3rd. Yes, sir.

23 **Q. That's the day of the big vote on the**
24 **proposal, true?**

25 A. The budget vote. Yes, sir.

1 Q. Okay. You again speak in favor of it?

2 A. That's correct, sir.

3 Q. You say you're strongly in favor of it?

4 A. Yes.

5 Q. The meeting was at 6:00 p.m.? Is that when
6 you had your meetings?

7 A. No, 5:00 p.m., sir.

8 Q. 5:00. But about six hours earlier, you had
9 received an e-mail from Tammy York Day?

10 A. Yes.

11 Q. Do you get your e-mails on your mobile phone?

12 A. I do.

13 Q. Do you check your e-mails during the day?

14 A. It depends on the day.

15 Q. Well, we've been here together for two days,
16 and you've been checking your e-mails on your phone
17 whenever there's a break, right?

18 A. Yes, that's true. When I -- when I usually
19 have breaks, I -- I will check my phone from time to
20 time.

21 Q. Okay. And is it your testimony that you
22 didn't even check your e-mails even one time between
23 11:52 a.m. and the 5:00 budget committee meeting?

24 A. I'm not sure what testimony you're referring
25 to.

1 Q. Well, is it your testimony today that you did
2 not check your e-mails --

3 A. No.

4 Q. -- between getting the e-mail from Tammy York
5 Day and the budget committee meeting?

6 A. No, that's not my testimony.

7 Q. Did you check your e-mails?

8 A. I -- I honestly don't know.

9 Q. You don't know?

10 A. No. You're asking me to remember if I checked
11 my e-mails during a five-hour period of time. That was
12 very long time ago. I cannot remember.

13 Q. Okay. So you cannot say affirmatively that
14 you did not check your e-mails that day?

15 A. Well, at least during that period of time. I
16 -- what I can tell you is Thursdays at that time -- and
17 again -- a little background for everybody. That was a
18 different Council cycle, so every January we reform the
19 Council. At that time, I was on budget. I was also on
20 -- I was the vice chair of a committee with Councilman
21 Jecorey Arthur called Equity and Inclusion. That
22 committee meeting started at 4:00. Earlier that day, I
23 had a podcast that was recording at noon. I was meeting
24 with one of my legislative aides after that. I still
25 had to get back to my desk to continue doing some work

1 for my current contract. So it was just -- Thursdays
2 were always -- and then that -- that was committee week.
3 So the way Council works, you have a committee week and
4 then you have a Council week. Usually they are
5 back-to-back weeks, so you have a committee week and
6 then a full Council week. Full Council meetings are on
7 Thursdays. Again, exceptionally busy days, particularly
8 for those of us that aren't retired and that provide for
9 their families through gain from employment. I'm not
10 saying people who have retired don't do that. I
11 apologize if that came across wrong. But -- so on
12 Thursdays are exceedingly busy days. On Council days,
13 we have caucus meetings that committees hold and Council
14 meetings. It's -- those are just very, very busy days
15 when you include my day job on top of it.

16 **Q. Sure. But even on busy days, like the past**
17 **two days, you have time to check your e-mail, right?**

18 A. Again, most days.

19 **Q. Okay. And are you saying this was -- November**
20 **17th was not like most days when you're able to check**
21 **your e-mail?**

22 A. I think I said I can't remember.

23 **Q. Okay. But if you had checked your e-mails**
24 **like you did on most days, you would have seen an**
25 **e-mail from Tammy York Day, true?**

1 A. I -- I may have.

2 Q. Okay. And you would have seen that it had a
3 header that talked about an NDA?

4 A. I just want to clarify, are we going into
5 another hypothetical scenario?

6 Q. Well, you've seen the e-mail, right? It has
7 an NDA attached.

8 A. Now I do, yes.

9 Q. Okay. Okay. And there's no explanation from
10 Ms. Day about why she's sending you a non-disclosure
11 agreement in that e-mail?

12 A. Are you making question or statement, sir?

13 Q. Yes, sir. Is that -- is that an accurate --
14 is there an explanation from Ms. Day in that e-mail
15 about why she's sending you a non-disclosure agreement?

16 A. Without having the e-mail in front of me, I
17 don't think she provided any explanation. It's just the
18 attachment on there.

19 Q. So is this the e-mail that we've been
20 discussing on November 17th?

21 A. Yes, that looks like it.

22 Q. And there is no explanation about why she's
23 sending you a non-disclosure?

24 A. No, not related to why. That's -- that's
25 correct.

1 Q. Okay. And is that because you already knew
2 why she was sending it to you?

3 A. No.

4 Q. Did you already know that she was interested
5 in hiring you as a consultant for the CEOC?

6 A. No.

7 Q. Had you already talked about becoming a
8 consultant for the CEOC?

9 A. No.

10 Q. Because you do send that back, although you
11 don't do it until the next day?

12 A. That's correct.

13 Q. Okay. And the testimony is that you had a
14 conversation with her, but it wasn't until noon on that
15 day after you had already returned the NDA? Is that
16 your memory?

17 A. Yes.

18 Q. Okay.

19 A. I -- I sent that e-mail at -- it indicates
20 there 10:38 a.m., and then we had a conversation at noon
21 that day.

22 Q. Okay.

23 A. I called her.

24 Q. But before you called her, you signed and
25 returned the NDA?

1 A. Yes. That's correct.

2 Q. And you signed it, Anthony Piagentini,
3 Principal Consultant; is that right?

4 A. Yes.

5 Q. So you had to know that what this NDA was
6 about was about consulting?

7 A. No.

8 Q. So you put consultant on there even though you
9 didn't expect to be consulting from her -- with her?

10 A. That's what I was at that time. I was a
11 consultant.

12 Q. Well, you were also a councilman. You were
13 also a real estate salesman. You were a husband and a
14 father. But the one that you chose to put down is the
15 same as the job that you actually took, right?

16 A. So to be clear, I wouldn't put down husband
17 and father. I think I already testified that under no
18 circumstance would Tammy York Day have ever spoken to me
19 about commercial real estate. I think it was clear that
20 all networking with her was related to our background in
21 healthcare, and at the time I was a consultant.
22 Frankly, I was a sole proprietor at the time. I just
23 made up the title. It's just a title I've seen other
24 consultants use. I was a party of one. It wasn't --
25 there -- there's no background other than I had to put

1 something down, and I was a consultant, and Principal
2 Consultant sounds a little better than just Consultant.

3 Q. Okay. So you returned this NDA as Principal
4 Consultant. You have a conversation.

5 A. That's correct.

6 Q. That's November 18th. It's clear to you, even
7 -- at least by this time, that you have a conflict,
8 correct?

9 A. Undoubtedly.

10 Q. Undoubtedly. And you cannot remain as sponsor
11 of this legislation?

12 A. That's correct.

13 Q. November 18th at 12:00, so certainly at 12:30,
14 you sent an e-mail to the clerk taking your name off
15 this legislation as a sponsor?

16 A. I did not.

17 Q. You did not? And that's because if you had,
18 things wouldn't have happened, right, sir?

19 A. I -- I -- again, I have no idea what may have
20 happened under this -- another hypothetical scenario,
21 but as -- at the time, Council President David James,
22 now Deputy Mayor David James, testified it was very
23 common. I've done it myself before. Other people have
24 done it before, taken their names off, as sponsors of
25 legislation during -- in public meetings on the record.

1 **Q. Well, this ordinance is up for decision on**
2 **December 1st, and it's on the consent calendar, right,**
3 **sir?**

4 A. No.

5 **Q. It's not on the consent calendar?**

6 A. Correct. It was an amendment by substitution.
7 Amendments by substitutions are required to be on old
8 business consent calendar. Items can only be there if
9 they are not amended, and there was a unanimous decision
10 out of the committee. So any amended ordinance, no
11 matter how minor the amendment, and certainly amended by
12 substitution, must be on old business. It was always
13 scheduled to on old business.

14 **Q. Well, certainly if you had removed your name**
15 **as a sponsor, you would have known that, right? That**
16 **would be the purpose of removing your name as sponsor.**

17 A. Again, I'm not clear about the hypothetical
18 scenario or -- or your comment on certainly. Had I sent
19 an e-mail only to the county -- the -- excuse me --
20 Metro Council clerk, I don't know what she would have
21 done with that, who would have known, which is why it's
22 important to do things in -- in public meetings where
23 everybody's sitting there.

24 **Q. Well, certainly if she had informed the other**
25 **members of the Council who were going to vote on this**

1 proposal before the meeting, if they had known before
2 the meeting that you had removed your name as sponsor,
3 they might have asked questions about why you did it,
4 isn't that right?

5 A. I don't know what they would have done. Again,
6 this is a hypothetical scenario. I don't know what they
7 would have done.

8 Q. But that's the reason that you didn't send an
9 e-mail on November 18th, isn't it, sir, because you
10 didn't want any questions being raised about why you
11 recused?

12 A. No, that's incorrect.

13 Q. Let's go to Exhibit 16. So now we're into
14 December 1st, and there is a Metro Council meeting that
15 evening. What time does the Metro Council meeting
16 start?

17 A. The full Council meeting starts at 6:00 p.m.

18 Q. Okay. So here by 1:00, you're getting a
19 "welcome aboard, excited to have you as a part of the
20 team," right?

21 A. Yes.

22 MR. WICKER: Move the admission of Exhibit 16.

23 MR. SMITH: No objection.

24 CHAIRWOMAN PREGLIASCO: Admitted.

25 (COMPLAINANT'S EXHIBIT 16 ADMITTED INTO

1 EVIDENCE)

2 BY MR. WICKER:

3 Q. And you're talking to other people at the
4 company about setting up your e-mail and getting other
5 things necessary to start working there?

6 A. That was sent from Tammy York Day.

7 Q. Okay. And then you respond and you're happy
8 to be there. By 1:25, she's getting you set up with a
9 laptop, getting e-mail addresses, and all those things
10 in line.

11 A. I'm sorry, is that a statement or question,
12 sir? Because she did not issue me a laptop.

13 Q. Okay. But then you got it shortly thereafter;
14 is that fair?

15 A. I'm sorry, can you repeat the question?

16 Q. You got a laptop -- you got set up with e-mail
17 access --

18 A. No. Yes.

19 Q. -- thereafter?

20 A. So two different questions. They did not
21 issue me a laptop. Again, I'm a consultant, so as a
22 consultant, it's not -- you're not employed by them.
23 You're a contractor. They contract for cleaning
24 services. We don't issue those folks laptops, right? So
25 in -- in this case, I furnished my own laptop, but they

1 did -- it indicates here, "Office 365 access on your
2 personal laptop and cell phone." So yeah, they were --
3 we had to meet with the IT department at some point to
4 have them connect those items to my devices. That's
5 correct.

6 **Q. And then on -- later on, on December 1st,**
7 **there's the final vote at the Metro Council meeting?**

8 A. Yes, sir. That's correct.

9 **Q. And you finally recused?**

10 A. Yes, sir.

11 **Q. Which you could have done way earlier; is that**
12 **true?**

13 A. No. The ordinance is actually quite specific.
14 You have to abstain in a public meeting, and I believe
15 it's the next public meeting where that item comes up,
16 so -- at least for a vote.

17 **Q. Well, you certainly could have taken your name**
18 **off as a sponsor well before --**

19 A. I -- I --

20 **Q. -- the December 1st meeting?**

21 A. That is correct. I could have e-mailed the
22 clerk to remove myself as a sponsor.

23 **Q. Okay. Because -- and the reason that you**
24 **recuse and remove yourself as a sponsor is that because**
25 **you have a conflict of interest, right?**

1 A. Yes, sir.

2 Q. And the private interest that's in conflict is
3 that you go to work for the CEO Council?

4 A. Yes, sir.

5 Q. But you had been talking about working with,
6 or for, or around, and talking about finding a job with
7 Ms. Day or her organizations for almost a year before
8 that, and you had sent her a resume 11 months before
9 that. Isn't that right, sir?

10 A. Parts of it are right. Parts of it are wrong.
11 So yes, I had sent her my resume because I was
12 networking. No, I was not discussing any employment or
13 job with her at any time until we had the discussion,
14 and I signed the NDA of the -- of the 18th of November.

15 Q. And at least according to her testimony, she's
16 talking about wanting to talk with you in September, and
17 presumably about the job, right?

18 A. Again, I don't remember that comment, so you -
19 - you'd have to ask Ms. York Day.

20 Q. But you could have recused at that time or
21 before, true?

22 A. Are you -- I'm sorry, can you restate the
23 question?

24 Q. Okay. Well, let's go back to December 1st.

25 A. I'm sorry, sir. I really didn't understand.

1 Can you -- can you repeat the question?

2 Q. I'll ask another question.

3 A. Okay.

4 Q. Okay. But on November -- on December 1st,
5 when you recuse and say that you have a conflict, you
6 don't tell the Council what the conflict is?

7 A. Well, I said it was a potential conflict of
8 interest.

9 Q. Okay. Well, wasn't anything potential about
10 it. At that time, you'd already been welcomed aboard,
11 right?

12 A. No, I hadn't -- well, yes, they had sent me
13 that e-mail, but no, I had not signed my statement of
14 work at that point.

15 Q. Okay. But you were certainly intending at
16 that point to take a job with the CEO Council?

17 A. Which is why it was a potential conflict of
18 interest.

19 Q. Okay. Well, it's an actual conflict. You
20 have a -- you have an interest in making that job
21 happen, so that's an actual conflict, right, sir?

22 A. So I -- no, I had a potential conflict,
23 because as anybody who's been in contract negotiation
24 and contract knows, that nothing is done until it's
25 signed. So at that point, I did not have an actual

1 interest. I had a potential interest because we were
2 negotiating, and -- and that is a reason to abstain. So
3 that's why I abstained.

4 **Q. And it's actually a conflict because you have**
5 **an interest in favoring the interest of the person that**
6 **you're trying to negotiate a job with. Do you think --**
7 **do you disagree with that?**

8 A. You -- you need to define -- no, I had a
9 potential conflict --

10 **Q. Okay.**

11 A. -- because at that point I had not signed the
12 agreement. I could have walked in, seen the agreement.
13 It could have been wrong. There could have been terms
14 in there I disagreed with. There could have -- all
15 kinds of things could have gone sideways, which I've
16 seen happen before in contract negotiations. So at that
17 point, I did not have a signed agreement with them, but
18 there was no question in my mind, as I told her on the
19 18th, that I had to walk into that meeting - - actually,
20 back up. From November the 18th until that meeting, I
21 was required to say -- to end all advocacy whatsoever
22 for that ordinance, and I would have to walk onto the
23 floor and abstain. She would lose my support, any
24 support I could give to it. She would lose my vote, and
25 it would have to be done during the public meeting.

1 Q. Okay. But even then, Mr. Piagentini, you
2 didn't tell the Council what the nature or the identity
3 of the conflict was, did you, sir?

4 A. Again, I just said it was a potential conflict
5 of interest. I -- I think we've seen that recorded.

6 Q. And you didn't say that it was because you
7 were going to take a job with the CEO Council, did you,
8 sir?

9 A. Correct. I did not say that.

10 Q. And you can certainly imagine that if you had
11 given the details, that would have caused a lot of
12 questions from the people who were voting on this \$40
13 million grant? Did that occur to you?

14 A. No, I wasn't thinking about it in that manner.
15 But again, in this hypothetical scenario, I have already
16 stated -- I stated it in one of the first interviews I
17 took before this complaint was filed, that if me stating
18 it in a different manner on the floor could have
19 alleviated all this misconception and confusion around
20 this issue, I would gladly go back in time and state it
21 in that manner.

22 Q. So --

23 A. But I wasn't thinking about it in the way that
24 you're characterizing it.

25 Q. So is your testimony here today that it did

1 not cross your mind on December 1st that if you
2 disclosed you were going to work for the CEO Council,
3 that might delay or even scuttle the grant? Didn't
4 cross your mind?

5 A. No, because it was quite common at that point,
6 and I think Councilman Fowler hinted at this at best.
7 And then I think many other Council members would agree
8 that it's quite common that people use broad terminology
9 like that on Council, and -- and -- and then people are
10 free to ask for clarification if necessary. That
11 happens from time to time as well.

12 Q. But it's not quite common, is it, sir, for
13 people to take a job with the person -- with the company
14 whose grant for \$40 million they've been sponsoring for
15 months? That's not common, is it, sir?

16 A. Well, that -- that's a lot of very specific
17 circumstances that, yes, is not common, but there have
18 been circumstances -- for example, most recently with
19 Councilman Mulvihill, he voted for the TARC budget, and
20 within a few months received a job offer and has begun
21 working for TARC as their general counsel after having
22 voted for their budget. He has then required, and has
23 done so since, to abstain from and not discuss anything
24 related to TARC. But his conflict arose at some point
25 when he was -- when he was offered or signed on for that

1 job.

2 Q. Now, you had another duty disclosure, didn't
3 you, Mr. Piagentini?

4 A. I'm sorry. Can you be more specific?

5 Q. You had a duty to disclose this new job on
6 your financial disclosure forms, correct?

7 A. Yes. I -- I believe we've already through
8 Council acknowledged that --

9 Q. Exhibit 19.

10 A. I'm sorry, should I stop speaking? Can I
11 finish my answer?

12 Q. Certainly.

13 A. Okay. Then yes, I -- I think I refiled it in
14 February, and -- and that was late. I should have
15 updated the form before. Just for background, every
16 year around the April time frame, could be March, but
17 March, April time frame, there's sort of this general
18 call to update your financial disclosures from the
19 business manager at Metro Council, and then everybody
20 goes ahead and does that on an annual basis. That's
21 required. At that point, I had never updated my -- I'd
22 never done a mid-year financial disclosure update. There
23 had never been a need to do it at that point, so it was
24 just something I wasn't -- I wasn't thinking of, and it
25 didn't -- because it was uncommon for me, I didn't do

1 it, and it should have been updated sooner than the day
2 I updated it.

3 **Q. Okay. So this is Exhibit 19, your financial**
4 **disclosure form, right?**

5 A. It's the financial disclosure form that I
6 submitted on February 15th.

7 MR. WICKER: Move the admission of Exhibit 19.

8 MR. SMITH: No objection.

9 CHAIRWOMAN PREGLIASCO: Admitted.

10 (COMPLAINANT'S EXHIBIT 19 ADMITTED INTO
11 EVIDENCE)

12 BY MR. WICKER:

13 **Q. And we agree that the ethics ordinance**
14 **requires you to file an update to your financial**
15 **disclosure within 30 days of material change to your**
16 **financial situation?**

17 A. That's correct.

18 **Q. And the December 1st contract was a material**
19 **change to your financial situation?**

20 A. We agree.

21 **Q. And you did not comply with the ethics**
22 **ordinance in that respect?**

23 A. Yes. I made a mistake. Yes, sir.

24 **Q. So at least on that point, we agree that**
25 **you're in violation of the ethics ordinance?**

1 A. Yes. I -- I made a mistake, and I should have
2 updated that earlier. Yes.

3 **Q. And we agree that you're in violation, true?**

4 A. We agree that I should have updated it
5 earlier.

6 MR. WICKER: Okay. That's all my questions.
7 Thank you.

8 CHAIRWOMAN PREGLIASCO: Mr. Smith? Let me ask
9 you a question, Mr. Smith. Do you expect this to
10 last more than an hour?

11 MR. SMITH: I do not expect it to last an hour.

12 CHAIRWOMAN PREGLIASCO: Okay. One of our
13 Commission members needs to leave at 4:00, like to
14 be able to do that, so that's why I'm asking.

15 MR. SMITH: I don't think we'll go an hour.
16 It's a little hard to be -- you know, to commit to
17 that, but I -- you know, considering how long Mr.
18 Wicker took, I don't think we'll --

19 CHAIRWOMAN PREGLIASCO: Okay. All right.
20 Please go ahead.

21 CROSS-EXAMINATION

22 BY MR. SMITH:

23 **Q. Councilman Piagentini, I want to just cover a**
24 **couple -- (sneezes) -- things that --**

25 A. Bless you.

1 Q. -- that you discussed with Mr. Wicker. When
2 you sent your resume to Ms. York Day, you were not
3 applying for a job at the CEOC. That's correct?

4 A. That's correct.

5 Q. Okay. Fast-forwarding just a little bit,
6 there's -- you discussed a period of time when you were
7 transitioning from your WellCare of Kentucky job to the
8 WellCare of North Carolina job. Do you remember that?

9 A. Yes. And just to be super clear, the
10 terminology -- one was -- WellCare of Kentucky's a job,
11 W-2. WellCare of North Carolina was a 1099 contract
12 position.

13 Q. Okay. Thank you for that. And so my
14 understanding is that your WellCare of Kentucky position
15 ended in April of 2022?

16 A. Yes.

17 Q. And the WellCare of North Carolina contract
18 position started in May of 2022?

19 A. I -- I can't remember the specific dates off
20 the top of my head, but they would have been very, very
21 close in time. If -- if I might have taken a week
22 between, that would have been a lot. So it would have
23 been very close.

24 Q. Prior to accepting the job with WellCare of
25 North Carolina, the contract position, you had some

1 discussions and negotiations with WellCare of North
2 Carolina as to what the job would be; is that correct?

3 A. That's correct.

4 Q. And, you know, can you recall, you know, how
5 far back before you accepted the position before you
6 started?

7 A. It was a couple weeks.

8 Q. Couple weeks?

9 A. Yeah.

10 Q. Did Ms. York Day introduce you to WellCare of
11 North Carolina?

12 A. No.

13 Q. How did you find the job with WellCare of
14 North Carolina?

15 A. Troy Hildreth was -- so backing up on my
16 resume a little bit with -- with -- with Mr. Wicker,
17 when I worked for what -- the company formerly known as
18 ResCare, now known as BrightSpring, I was their Vice
19 President of Managed Care. At that time, I was working
20 on sort of an innovative value-based contracting
21 methodology with payers, and it was actually - again,
22 this is, you know, sort of small circle of people. Bruce
23 Greenstein was consulting for both me and for Troy
24 Hildreth at the time, and he said, "Hey, look, like,
25 you're trying to do this. Troy is the head of business

1 development there." And then he -- shortly after
2 meeting me and working with me for a little bit in a
3 provider/payer relationship, called and recruited me to
4 work for him at WellCare, at that time, it was WellCare,
5 the parent company, as the Senior Director of Business
6 Development underneath him. And then he later was
7 promoted to plan president of the plan in North
8 Carolina. That was while I was already working at
9 WellCare of Kentucky. And again, I was networking, and,
10 you know, he -- we ended up talking, and he said, "Hey,
11 I actually have a business problem here. Let's talk."

12 **Q. I want to back up for just a second, give the**
13 **Commission an opportunity to learn a little bit more**
14 **about, you know, who you are. Could you provide a**
15 **little bit of background about your educational**
16 **background?**

17 A. Sure. Education -- well, at least after high
18 school, it -- first of all, I grew up in New Jersey, so
19 if I mentioned the high school, nobody will know it
20 here, but it was St. Joseph's High School in Metuchen,
21 New Jersey. I graduated from there, went to Washington
22 and Lee University, studied economics and Mandarin
23 Chinese. For a period of time, my junior year, I
24 actually studied at a university called Tunghai in
25 Taiwan, and then came back, finished my senior year at

1 Washington and Lee. And then from there, after I'd
2 already been in business for several years, and actually
3 after my deployment, I used part of the GI Bill and a
4 few things to get my MBA. And I got that through the
5 University of Phoenix because I had to get it online
6 because I was working. I had newborns. I had a wife.
7 Very busy time.

8 **Q. So when did you graduate from Washington and**
9 **Lee?**

10 A. 1999.

11 **Q. And what did you do career-wise after**
12 **graduating from Washington and Lee University?**

13 A. So moved to New York. Ended up working for --
14 worked for a financial services firm for a little bit.
15 Hated it. Very quickly, within months, started working
16 for a company called Robert A. Becker. They were a
17 pharmaceutical ad agency at the time. We had clients
18 like Bristol Myers Squibb as an example. I was living
19 in New York at the time, even though my family and I --
20 and I grew up in New Jersey. New Jersey at the time was
21 sort of the Mecca of the pharmaceutical industry, so
22 again, through some networking, I ended up getting a job
23 with what at the time was Aventis Pharmaceuticals. It's
24 currently Sanofi, but at the time was a company called
25 Aventis Pharmaceuticals pre multiple acquisitions.

1 Worked with them for ten years, and then I -- do you
2 want me to keep going or --

3 **Q. Well, in that -- in the interim there, did you**
4 **have a -- did you have an opportunity to serve the**
5 **country in uniform?**

6 A. Yes. So again, when -- while working for
7 Aventis, at one point I was a procurement manager, and I
8 -- you know, I remember, as I'm sure many people do,
9 although, you know, I would argue if you were in the
10 Tri-State region, you remember exactly where you were on
11 9-11. And I -- you know, after the day -- as a matter
12 of fact, during that day, I told my best friend -- I
13 said that, you know, any able-bodied, you know,
14 unmarried, you know, childless male should be in the
15 recruiting office tomorrow, you know? And of course I
16 was like, okay, I'm able-bodied, childless, male,
17 unmarried. You know, like, I fit all the criteria I was
18 yelling about on the phone. And so it was about a year
19 or so later I actually ended up stopping by the
20 recruiting station at Times Square, the very famous
21 Armed Forces recruiting center, like, smack dab in the
22 middle of Times Square. It's a little triangle, tiny
23 building. My older brother was a Marine. He was active
24 duty at the time. To me, there was no question, if I
25 was going to go into the military, I was going to be a

1 Marine. So ended up transferring to the recruiting
2 station down in Trenton because you had to be closer to
3 your home. Ended up finally taking my oath. My
4 swearing-in ceremony was in 2003. Now at the time, I'm
5 still working for Aventis this whole time, right? I was
6 building my career, you know, as a -- again, you know,
7 young, but up-and-coming healthcare professional, and
8 into January of 2004 -- it's called shipping. I shipped
9 to Paris Island. You know, the reserves and active duty
10 all go through the same training, so three months of
11 Paris Island, a month of Marine -- or a couple weeks of
12 Marine combat training. It's basic infantry training.
13 And then another couple months at artillery school in
14 Fort Sill, Oklahoma, and then naval gunfire, call for
15 fire school in Coronado, California, and then went back
16 to my unit, which was in West Trenton, New Jersey, again
17 working in -- in reserve capacity. So weekends, right
18 two -- two or three weeks a year of annual training plus
19 weekend deploy -- weekend duty. And then in 2006, my
20 unit was called to deploy in Iraq. We went to -- my
21 specific platoon went to Ramadi, Iraq, which at the time
22 was labeled the most dangerous city in the world.
23 Served there from 2006 into about 2007, and then came
24 home. My role there was -- we did detention center
25 operations. There was a small regional detention

1 facility that we ran and operated, and I was also -- I
2 was a good machine gun instructor, so I -- whenever a --
3 a local infantry unit -- we did small boat security on
4 the Euphrates River, would go -- go out and pick up and
5 do quick reaction for us. I was a 50-caliber machine
6 gunner in the top of the seven-ton truck that hauled the
7 boats around and -- and provided security.

8 **Q. Okay. And when did your service in the United**
9 **States Marine Corps come to an end?**

10 A. So my contract -- the eight-year contract was
11 up at 2011, and -- and bluntly, at that point, I had
12 done the deployment. I was married at the time. I can
13 remember distinctly my -- leaving my wife when --

14 **Q. Sorry.**

15 A. So at 2011, my daughters were born. They were
16 2 years old. And my wife basically said to me -- she
17 was like -- I wanted to reenlist. I'm sorry. It's a
18 soft spot. I wanted to reenlist and join a group called
19 ANGLICO. They were Air Naval Guns Liaison Company out
20 of -- the reserve unit was out of Miami, Florida. But
21 she basically said, now that we have kids, she didn't
22 want me to reenlist, so I was honorably discharged.

23 **Q. Thank you for your service.**

24 A. Thanks.

25 **Q. What rank were you discharged as?**

1 A. Sergeant. And I was meritoriously promoted
2 twice.

3 Q. Turn to tab number 25 in your binder. And I
4 do want you -- I do want to fill out the rest of your
5 professional background that -- he just wants you --

6 MR. SMITH: What's that? Can everyone see
7 that?

8 MS. MORRIS: No. I can't.

9 CHAIRWOMAN PREGLIASCO: Is this number 25?

10 MR. SMITH: This will be Exhibit 25, Chair.

11 Yes.

12 BY MR. SMITH:

13 Q. Since this has been -- your resume or your
14 background has been referenced, not only by yourself,
15 but by Counsel for Mr. Wicker, I thought -- I thought it
16 advisable for the commission to have a full picture of
17 your background. Can you identify what this document
18 is?

19 A. This -- this was my resume probably -- this is
20 my resume when I was still worked where I was -- when I
21 still worked for WellCare of Kentucky.

22 Q. So that would've been 2022 time frame?

23 A. Yeah. Early 2022. Yes.

24 MR. SMITH: Okay. I would move that this
25 exhibit be admitted as Exhibit 25.

1 MR. WICKER: No objection.

2 CHAIRWOMAN PREGLIASCO: Admitted.

3 (RESPONDENT'S EXHIBIT 25 ADMITTED INTO
4 EVIDENCE)

5 BY MR. SMITH:

6 Q. So if you'd like to just continue and round
7 out your career, I think we were last at Sanofi. You're
8 at -- maybe you could point to where on the resume it is
9 just in case people want to follow along.

10 A. Well, it's -- it's in reverse chronological
11 order, so we can probably skip right to the other --
12 other than the fact that I'm a -- a GLI Health
13 Enterprise Network fellow from 2014, everything on the
14 last page I've basically covered. My MBA -- MBA in
15 economics, concentration in Mandarin Chinese, my service
16 in the United States Marine Corps. You know, I probably
17 need to update this. My Mandarin Chinese is probably a
18 little less than conversational now. It's been a few
19 years since I've used it regularly. After Sanofi, I
20 went to work for a company called InVentiv Health. I
21 was the -- their -- essentially their head of business
22 development. That was a pharmaceutical services
23 company. Omnicare Specialty Care Group, very similar
24 organization, to some degree a direct competitor of
25 InVentiv Health. The managing director recruited me.

1 That -- that was actually the transition from New Jersey
2 to -- New Jersey to Kentucky. And just to sort of round
3 out what I said earlier about people recruiting me or
4 people randomly contacting me, the gentleman that I left
5 Sanofi -- or I considered leaving Sanofi because they
6 were cutting back at the time, and although I made every
7 cut, they basically said, like, we don't have -- I was
8 senior manager. They were like, we can't make you a
9 director potentially for a couple years just due to
10 cutback. So a gentleman by the name of John Doster was
11 the managing director of that department in InVentiv
12 Health. He recruited -- I had worked with him at
13 Sanofi. He then recruited me to run his business
14 development. He left to run Omnicare Specialty Care
15 Group. The minute his non-recruit agreement expired, he
16 called me and recruited me and moved me to Kentucky to
17 work for him managing operations and assisting with
18 business development at Omnicare. He left to go work
19 for a startup company, which it was a bit too risky for
20 me at that time in the stage of my career. So I got a
21 job as Vice President of Managed Care. It was just a --
22 it was a promotional. It was a great opportunity to
23 work for ResCare at the time in a -- in a very -- it was
24 a brand new role they created at the time, so we were
25 really blazing some new trails there. And as I

1 mentioned earlier, while I was there, Troy Hildreth, in
2 doing a - - in working with him and collaborating with
3 him, he recruited me to be his senior director of
4 business development and WellCare Health plans, and from
5 there, I eventually took a job as Troy -- the job as
6 business development for WellCare was basically
7 consulting travel. I was in charge of the whole
8 southeast region of the United States leading the
9 business development activities. For example, you would
10 see under bullet point two under senior director of
11 business development, "Led the Florida Market Business
12 Development Team, placing first in 44 separate bids and
13 growing the existing market by over two billion
14 annually, including expansion into long-term care." I
15 basically lived in Florida for about eight months
16 leading up to that bid and -- and actually slept in the
17 office for about two weeks leading up to putting that
18 together, so it was a -- it was a -- it was very, very
19 hard on my family. And although the money was amazing,
20 I wanted to be around my family more, and I applied for
21 a market position. So just so people are aware, payers,
22 you have the global organization, but then you have
23 individual markets that have individual provider and
24 loss statements. So I applied to WellCare of Kentucky
25 to work for the plan so that I -- I -- once a job was

1 available, that was of -- mine. That was commensurate
2 to my experience and skill level, and then I -- I took
3 that job, albeit at -- at a pretty steep pay cut. But
4 the trade-off was worth it because I was able to be home
5 more.

6 **Q. And just to sort of by way of summary cover**
7 **what you just said, so how many years have you had**
8 **working in healthcare positions?**

9 A. I mean, it was one of my first jobs right out
10 of school. So Robert A. Becker, I started there in 1999
11 and basically from there until now.

12 **Q. And it's involved operations?**

13 A. Yeah. I mean, so as far as generic titles
14 within -- and one of my goals in my career development
15 was to diversify sort of my skill experience, right? So
16 I'll run through generic titles, right? Think marketing
17 and advertising, then procurement and finance, then
18 sales, then procurement process and systems, so
19 operating process and systems, then brand operations is
20 what I'll call it and then sales training for a short
21 period of time, then business development for quite some
22 time as well as running operations for services
23 companies, then managed -- then I got very deep. Those
24 pharmaceutical services companies dealt with managed
25 care organizations, so like Humana, right, payers like

1 that. And so that's why I went and vice president of
2 Managed Care with ResCare. So I want -- wanted to get -
3 - then I wanted to get more specific payer experience
4 and that's -- ended up getting the job with WellCare.

5 **Q. Okay. Let me go back to some things that you**
6 **and Mr. Wicker talked about.**

7 A. Uh-huh.

8 **Q. You remember learning about the there was a**
9 **grant that a coalition of healthcare workforce**
10 **organizations had submitted to the federal government**
11 **for a Build Back Better grant?**

12 A. I remember it because Councilman Winkler
13 educated me of its existence.

14 **Q. Did you know about that beforehand?**

15 A. No.

16 **Q. So he brought this to you. Why did he bring**
17 **it to you?**

18 A. So at the time, we were debating all kinds of
19 crazy ideas, frankly, about really big, transformative
20 things. I -- I think somebody earlier testified about
21 this idea that he had at one point about cryptocurrency
22 and -- and, you know, server farms to support that. I
23 thought that was one of the crazier ideas, right? He
24 also brought an idea about doing something around
25 weather prediction and tech around weather prediction.

1 We discussed that as an idea. And then another idea we
2 talked about was sort of, like, what I'll just call the
3 intersection of commercial real estate prepping for a
4 massive tech expansion, right? So we were -- we were
5 literally brainstorming crazy ideas that -- and anything
6 that anybody was sending us or giving we were open to as
7 long as it was big, transformative, and aligned with the
8 workforce of the future. That's what we were looking
9 for. And then -- and he, I mean, with no better
10 explanation called me out of the blue and was like, hey,
11 are you aware of this? No. And he described the whole
12 EDA process and the grant, and he was the one that sort
13 of sold me on it upfront.

14 **Q. And around that time frame was this?**

15 A. That -- it -- it was definitely prior to the
16 April 14th meeting of that workforce group, but how far
17 prior I cannot remember. So it could have been late
18 March, early April. It was in that time frame that -- I
19 remember being close. Like, it was within weeks that we
20 had had that discussion. He had sort of sold me on it,
21 and I was like, yeah, that sounds flipping -- I mean,
22 the description he gave me sounded great. And then he
23 talked about in broad brushstrokes, this whole EDA
24 process and then started talking about the idea of
25 holding back, like, this -- this concept that if they

1 win the EDA grant, great. We'll have this pot of money
2 that will go someplace else with or do something else
3 with it, or if they lost the EDA grant, it would be the
4 backstop. So that was part of the discussion in
5 addition to introducing the grant idea to me.

6 **Q. And how much was that grant for?**

7 A. It was \$50 plus million. It was at least 50.
8 I thought it was more than that, but 50 plus million.

9 **Q. Okay. And just sort of -- so what was it**
10 **about the grant that -- or this project that really**
11 **captured your interest?**

12 A. Yeah, there was a couple things. First of
13 all, he described, you know -- so, you know, at this
14 point, right, again, I'd known of the CEO Council,
15 right? I'd known that they existed, right? So I knew
16 it involved them, but one of the biggest things was it
17 was a coalition, right? So it wasn't just the CEO
18 Council. It was like all these different groups. And
19 frankly, they were a lot of groups that we knew were
20 very interested in this whole workforce thing. Like, we
21 knew -- you know, at that point, we were getting --
22 there were a lot of people that were politically
23 connected, calling us, you know, saying, hey, you know,
24 check out this idea, check out that idea, right? And
25 frankly, I just, you know, would stop taking all calls

1 because it was annoying, and, you know, to some degree,
2 that can get really inappropriate. So we -- so when he
3 described the coalition that was involved, I mean, when
4 you're talking the Urban League and the United Way and
5 GLI, and I mean, the City was involved, KIPDA -- KIPDA
6 is a huge deal. You know, so that -- the fact that
7 there were all these -- I mean, the CEO Council brings
8 the five -- the 15, you know, private sector. There was
9 -- you know, nobody was coming to us with these ideas
10 that included that level of private sector engagement,
11 right, people that actually employed people outside of
12 the public sector, right? If you look at all the grants
13 that, you know, others, not me, scored very high, they
14 were all public entities. You know, the
15 KentuckianaWorks is a perfect example. KentuckianaWorks
16 doesn't hire everybody, right? They do training. They
17 do recruiting. They do job placement. Like, they're
18 not an employer, so the fact that they were employers.
19 And then the big question was sustainability. I mean,
20 Markus and I talked, and Councilman Kramer was another
21 example of this. And -- and to Bill Hollander's credit,
22 we talked ad nauseum about one-time money, one-time
23 projects. It could not be programs or organizations
24 that, when that money ran out, they would be coming back
25 to us for more money because there was no more money.

1 So part of the proposal, again, as Markus sort of
2 described it, was there was this sense that -- of
3 handoff, right, that this was startup funding, and there
4 would be the private sector sustaining this moving
5 forward.

6 **Q. Mr. Wicker spoke with you about this January**
7 **proposal that came in response to RFA -- the RFA**
8 **project. Were you very familiar with the projects that**
9 **came in through the RFA process?**

10 A. You mean the ones that eventually hit that
11 spreadsheet and all that stuff?

12 **Q. Yes.**

13 A. No. No.

14 **Q. I mean --**

15 A. I mean, more than seeing the -- we had the
16 meeting on April 14th. The administration presented or
17 they had the scoring matrix. We saw it. You know,
18 beyond that, not really.

19 **Q. Right. At the time, did you place a lot of**
20 **trust in the information that you were getting from the**
21 **administration?**

22 A. No. There was almost no trust at that point,
23 and -- and, you know, the interesting dynamic was that I
24 was concerned because my disagreements with the Fisher
25 administration at that point were very public. And --

1 and I -- I was this sort of regular critic of the
2 administration, and I -- and I -- I take my oversight
3 role in the legislative body very seriously. The -- with
4 that said, I was concerned about coming off as, you
5 know, every time the administration representatives were
6 -- were speaking to us, I would be attacking them. And
7 I -- I do remember, and I think it was the April 14th
8 meeting, Councilman Winkler sort of jumped all over them
9 and basically said, you know, the -- this isn't
10 transformative, and -- and, you know, he got very
11 aggressive. So I would say that about summed up how bad
12 the relationship had gotten, but it was -- there was --
13 I -- I respect everybody that was a part of the process.
14 I respect all the people that were part of it, but the
15 professional trust at that point between the
16 administration and Council was bordering zero.

17 **Q. And so what did that do to the evaluations**
18 **that you -- that they presented to you with regard to**
19 **those RFA projects?**

20 A. We never took any of them seriously.

21 **Q. And at this time, it's fair to say, though,**
22 **that you had already heard of the Build Back Better**
23 **project --**

24 A. Uh-huh.

25 **Q. And had -- was there a proposal that was**

1 raised to basically hold ARP money for that Build Back
2 Better coalition project?

3 A. Yeah. And that was part of Markus' proposal
4 to me right out of the gate, was that, you know, the way
5 we can do this is. Now, there was concern, and he was -
6 - and -- and I get why, you know, the word
7 miscommunication was used earlier. I think I used it.
8 One of the things that we discussed, and I believe it
9 was brought up in the April 14th meeting as well, was
10 that we did not want anybody in the public to get wind
11 of the idea that we were holding this money for this,
12 depending on what happened, because that would've been
13 seen by the federal government as a, "Oh, well, if you
14 have -- if you want to go with that pot of money and --
15 and fund it, then go ahead," you know, and -- and you
16 lose the EDA grant. So we agreed to it. I think the
17 e-mail that we saw when Ms. Handmaker -- I don't know if
18 it was Ms. Handmaker or Ms. Simrall. I think it was
19 Ms. Simrall was testifying that was from Ms. Handmaker
20 talking about Ms. Simrall running a scenario and how
21 that would play out and to make sure the coalition would
22 stay engaged if that scenario played out. That -- that
23 was because we at that point had all agreed, and I do
24 not remember any objection from any other member of that
25 committee, from the administration, from Councilman

1 Hollander or anybody else who participated in that call,
2 to that strategy. And I think the evidence that we all
3 agreed was that nobody talked about it again until
4 September when we found out they lost the EDA grant.

5 **Q. And in that time period between April and**
6 **September when the federal government said that they**
7 **weren't going to fund the Build Back Better project, did**
8 **you-all had any meetings at the Workforce Development.**

9 A. Not one. No meetings, no substantive
10 conversations. We just were all waiting to find out
11 what the federal government was going to do with the EDA
12 grant.

13 **Q. Let me show you -- this is Mr. Wicker's**
14 **Exhibit -- or Mr. Fields' Exhibit number 3. This is the**
15 **e-mail that forwarded on the scores, the evaluations to**
16 **you among other members of the Council and other**
17 **individuals. Can you -- what time was that e-mail sent**
18 **on April 14th?**

19 A. From Ms. Handmaker to myself, Councilman
20 Hollander, Councilman Winkler, copy Kent Hildebrand,
21 Dwjuan McDonald, Grace Simrall, 12:26 p.m. on April the
22 14th.

23 **Q. And you mentioned this e-mail. This is an**
24 **exhibit that we've already introduced as Exhibit 24. And**
25 **so now -- and so this is an e-mail from Margaret**

1 **Handmaker to Grace Simrall copying Kent Hildebrand, you,**
2 **Councilman Winkler, and Councilman Hollander the same**
3 **day, April 14th; is that correct?**

4 A. That's correct.

5 **Q. And could you please read that, the text?**

6 A. "Please develop a short description of how the
7 24 million would be used if we get the EDA grant. Also,
8 your best assurances that all of the partners would make
9 the same financial contribution and would participate in
10 the same manner if we don't get the EDA grant and Metro
11 puts up the 50 million." Want me to stop there?

12 **Q. You can finish.**

13 A. "Please circulate it to the work group members
14 today or tomorrow. Thanks."

15 **Q. So this is actually showing that the workforce**
16 **work group is actively considering setting aside money**
17 **and trying to see what happens with the Build Back**
18 **Better grant. Isn't that correct?**

19 A. My recollection is at that point, we had
20 agreed that -- that short of new information coming out,
21 which didn't, that we were all in agreement that that is
22 -- we were going to hold the money until we found out
23 what was going to happen with the EDA grant.

24 **Q. And so what time was that e-mail sent?**

25 A. 11:16 a.m. on April the 14th.

1 Q. So about an hour and 15 minutes before
2 Ms. Handmaker sent out the scores?

3 A. That's correct.

4 Q. All right. I know there's -- everyone does
5 it, but sometimes there's just a little bit of
6 emphasized talk. But just for the record, what was the
7 -- who was the -- what was the project that was getting
8 -- that was going to get the ARP funds, the \$40 million?

9 A. That was the EDA grant.

10 Q. Right, but what was the name of the coalition
11 who was --

12 A. Oh. It was --

13 Q. The coalition, not --

14 A. Yeah. It was, like, the Healthcare --
15 healthcare Workforce Coalition, something like that.

16 Q. All right.

17 A. Yeah.

18 Q. Moving forward a little bit in the timeline
19 here, so I just want to be clear. After the budget
20 committee meeting on November 17th, when was the next
21 Metro Council meeting?

22 A. December 1st.

23 Q. Okay. And what -- was there any event -- was
24 there a holiday between November 17th and December 1st?

25 A. Thanksgiving.

1 Q. And where were you during that time frame?

2 A. The Outer Banks.

3 Q. Okay.

4 A. So I was with some friends at a -- for the
5 entire week at a -- at a house in the Outer Banks.

6 Q. So are -- is it your -- were you aware that
7 your duty to disclose required to disclose the conflict
8 on the records of Metro Council?

9 A. Yes.

10 Q. And so -- and your -- it's your understanding
11 that requires you to do so in public in front of all of
12 your colleagues at the next meeting?

13 A. That's correct, which is what all of my
14 colleagues have done when they stand over the last five
15 years.

16 Q. And was it your understanding with the NDA
17 that you could walk away at any time? You were not
18 obligated to move forward with a transaction or a
19 contracting position with the CEOC?

20 A. That's correct.

21 Q. For any reason?

22 A. That's correct. Any reason.

23 Q. And likewise, they could say, no, thanks, nice
24 knowing you, good luck, we're not interested?

25 A. That's absolutely correct.

1 Q. Turning to the statement of work, again, I
2 just want to be very, very clear. Had you seen the
3 statement of work by the time Metro Council met on
4 December 1st?

5 A. No.

6 Q. When was the first time you saw the statement
7 of work?

8 A. My recollection, I -- I -- I didn't -- as I
9 said, Thursdays were horrible days for me, and I was to
10 some degree wrapping up WellCare of North Carolina. So
11 I did not engage with or go into the office with the --
12 the CEOC has an office downtown. I didn't go in on
13 Thursday. On Friday, I went in, and it was understood
14 that I would go in there on Friday and -- and really
15 start the onboarding process. And one of the first
16 things that we discussed was signing the statement of
17 work.

18 Q. It -- isn't it the case that during these --
19 the discussion you had with Ms. York Day over, you know,
20 what this job would entail and the compensation, it was
21 -- you-all had the understanding that this was going to
22 be subject -- all the terms of this relationship would
23 be set forth in a statement of work that you would both
24 sign?

25 A. Absolutely.

1 Q. And so you had the right to review that and
2 ensure that it would -- accurately reflected what -- the
3 terms that you guys had discussed and that there were no
4 other surprises or any other provisions that were
5 unpalatable to you, correct?

6 A. That's correct.

7 Q. In your time on Metro Council, have you ever
8 observed other members abstain from a vote due to a
9 potential conflict of interest?

10 A. Yes.

11 Q. Does it occur frequently?

12 A. It occurs frequently enough. Let me put it
13 that way. Yeah. They -- they're -- I think the last
14 one I can remember Councilwoman Purvis, pardon me,
15 might've took a moment, abstained. And I was a bit
16 surprised why -- that she was abstaining, but she
17 abstained. She said it was a potential conflict or --
18 and was a bit vague in the explanation, and -- and --
19 but I didn't have any concerns with it.

20 Q. So certainly from your experience, members of
21 Council of abstaining on the basis of potential conflict
22 of interest without further elaboration is not all that
23 unusual?

24 A. No.

25 Q. Okay. Now, you and Mr. Wicker discussed the

1 financial disclosure form, and the update you had
2 mentioned, that you should have filled that out and
3 submitted it sooner than you did?

4 A. Yes. I should have.

5 Q. But in fairness, you did update it, isn't that
6 correct?

7 A. I did.

8 Q. And let me see if I can find it here. If
9 you'll turn to Exhibit number 23 in your binder, please.
10 Are you there?

11 A. Yes.

12 Q. Is this -- this is the updated financial
13 disclosure form that you filed after accepting the
14 position from the CEOC; is that correct?

15 A. That's correct. I want to be clear. This is
16 the one I submitted February 15th because I -- I've
17 since updated it again.

18 Q. It says right there, "CEOC and healthcare
19 consultant, local healthcare CEOC Council," correct?

20 A. That's correct.

21 Q. And again, just -- February 15th is when you
22 signed it and you sent it in?

23 A. That's correct.

24 Q. And was that before or after Mr. Fields filed
25 a complaint against you?

1 A. Before.

2 Q. Okay. Do you remember when Mr. Fields filed a
3 complaint?

4 A. It was first week of March. March 3rd comes
5 to mind, but I -- I -- I could be wrong. It was very
6 early in March.

7 Q. So you did that voluntarily of your own
8 accord?

9 A. Yes.

10 Q. Turn to Exhibit number 19, please?

11 A. Yes. Yeah.

12 Q. Again, this is your statement of work?

13 A. That's correct.

14 Q. And it's -- that's your signature?

15 A. It is.

16 Q. And it's dated December 1st?

17 A. It is.

18 Q. And why is it dated December 1st?

19 A. The understanding was, you know, we were
20 trying to shoot for December 1st start date, and quite
21 frankly, I think Ms. York Day already referred to this
22 related to my compensation. It was more on a retainer
23 basis, and -- and we had discussed throughout that
24 process from the 18th -- between the 18th and the
25 December 1st, you know, did we want to do an hourly --

1 what's referred to as time and materials contract?
2 That's how it's referred to in consulting, time and
3 materials. Like, you bill for every minute, hour,
4 whatever time frame you want plus all expenses and all
5 this stuff, or more of a -- I refer to it as retainer-
6 based agreement, and you're paying a set amount and
7 expecting certain outcomes. And I remember she
8 preferred, and it's worked out to her in spades for the
9 amount of hours I'm doing, that she wanted that. And -
10 - and if we signed it on, like, the 2nd, now you've got
11 to calculate one day out of 31 in prorate it, and -- and
12 I don't think either of us were interested in doing
13 that. So --

14 **Q. But you signed it on the 2nd?**

15 **A.** That's correct.

16 **Q. Sorry. Give me just a second. I'm just going**
17 **through my notes. I don't believe you covered this one**
18 **with Mr. Wicker, but after you signed the NDA, returned**
19 **it to Ms. York Day, you called her; is that right?**

20 **A.** Yes.

21 **Q. And what did you tell her --**

22 **A.** Oh.

23 **Q. -- in the conversation?**

24 **A.** Yeah. I mean, so we start the call, and it
25 was very clear. You know, immediately, she's jumping

1 into, well, listen, I want to talk to you about a job.
2 You know, this -- we -- we have a position I want to
3 talk to you about it, da, da, da, da. And I -- you
4 know, I sort of stopped her right there. I said, okay,
5 I'm interested. I said, but -- I said, we continue this
6 conversation in the slightest -- I said, you know -- I
7 explained the whole abstention process. I said I'm
8 going to have to abstain on the record. And then I went
9 into a series of questions about, you know, where I was
10 being paid and what my roles and responsibilities that
11 she was considering, and it was important to me,
12 regardless of my abstention, that, number one, I -- I
13 not, you know, be like, my job was running the grant,
14 right? Like, that that was out, right? So anything
15 related to, like, operating it, I didn't want to have
16 anything to do with. And then the other portion of it
17 was, if any of my compensation was paid for by grant
18 money, and I said I don't want that either. And
19 frankly, there were two reasons for that. One was I --
20 I didn't think that would've been -- even though I was
21 abstaining, I thought -- I would, you know, I -- I
22 didn't think that would be right, no matter what. And
23 then the other reason was, you know, as a consultant,
24 you don't want your compensation dependent on grant
25 money, right? Like, I'd rather it come out of other

1 revenue sources and income sources that the organization
2 has. So -- but those were the -- those were the first
3 conversations we had, and then we -- it wasn't that long
4 of a conversation. We had a longer one later, but the -
5 - but there was -- I remember a high level conversation
6 about affordability, essentially, where we -- you know,
7 whenever you have these initial conversations, you have
8 to know if you're both in -- playing in the same
9 ballpark as far as price. And so there was some very
10 high level, like, are we in the ballpark here
11 conversation?

12 **Q. Did you ask her if the job was dependent upon**
13 **the ARP grant going through?**

14 A. Yeah, that's my point. It was -- it was -- I
15 didn't want to have anything -- any funding for my role
16 that included whether or not that went through. Like,
17 if that blew up, if that didn't happen, if it was
18 ineligible, like, if anything happened to that grant, I
19 didn't want, number one, anything to do from it from my
20 roles and responsibilities, but also nothing to do from
21 it -- with it from my compensation.

22 **Q. And so she confirmed for you that there --**
23 **that the job was not dependent upon the grant, correct?**

24 A. That's correct. She was very clear about
25 that.

1 Q. And she was also okay that -- she had no
2 problem with you abstaining from further action,
3 correct?

4 A. That's correct. She -- she -- you know, I --
5 I remember being very clear with her about that because
6 I didn't want -- you know, I remember saying I have to
7 go on the floor in the December 1st meeting because it's
8 got to be done in a public venue, so, you know, I didn't
9 want her to be surprised when I did it.

10 Q. During that time frame from November 18th to
11 December 1st, did you do anything to promote the
12 ordinance that was appropriating the \$40 million for the
13 Healthcare Coalition?

14 A. Nothing.

15 Q. Did you speak to any members about the
16 proposal?

17 A. Nobody.

18 Q. Do you remember the December 1st Metro Council
19 meeting?

20 A. Yes.

21 Q. Do you remember the item coming up to consider
22 the ordinance approving the appropriation for the
23 Healthcare Coalition?

24 A. Yes.

25 Q. Was it a really lengthy debate that happened

1 at that time?

2 A. No. It was one of the shortest items I can
3 remember.

4 Q. And you didn't speak on -- except for
5 announcing your extension and the removal of your name
6 as a sponsor, you didn't speak on that proposal, did
7 you?

8 A. That's correct.

9 Q. Were you surprised that the discussion was so
10 short?

11 A. Yes.

12 Q. Why is that?

13 A. Because this wasn't the only thing that was on
14 that that was being approved. The -- the -- I, first of
15 all, thought others might want to chime in, and
16 secondly, it's typical that if people have -- in a
17 budget hearing particularly, if people have projects
18 that are moving, that they want to say something about
19 it. But Markus spoke, and then it -- you know, I
20 remember very quickly afterwards it going right into
21 voting. It's very common that -- and you can see it
22 even in the video. I -- I'm always doing Metro Council
23 business while I'm at -- I don't know how to call it
24 other than a station. You have a microphone. You have
25 a screen in front of you. And I bring my Metro laptop,

1 and I set it next to me. And I'm usually e-mailing
2 constituents and doing -- communicating with other
3 Council members or constituents and things that -- you
4 know, just keeping up with the business of the office.
5 And I remember it happening so fast that I had to, like,
6 quickly close that. I did my abstention, and then when
7 they pan back out, you could see I reopened my laptop
8 and just keep working.

9 **Q. To your knowledge, does it say anything in the**
10 **Metro Code of Ethics regarding disclosures and**
11 **abstentions that -- to the effect that you have to**
12 **immediately disclose conflict of interest?**

13 A. No.

14 **Q. Okay. What does it say that you have to do?**

15 A. You have to do it in the next public meeting
16 where that item being --

17 **Q. You have to do it on the record?**

18 A. On the record. Yeah.

19 **Q. Let's go back to the statement of work for**
20 **just a second.**

21 A. Sure. I still have it open here.

22 **Q. So Ms. York Day testified that, on page 2, the**
23 **statement of work sort of sets forth the essential job**
24 **duties of your job in this contracted position. And the**
25 **first one is, "Lead the organization's public policy**

1 initiatives, including creating a strategic plan, a
2 series of tactics to achieve the stated goals aligned
3 with the approved strategy, implementing the tactical
4 plans, and the creation of partnerships, meeting with
5 the key stakeholders and other advocacy necessary to
6 achieve the stated goals, update the CEOC, the CEO and
7 Board through regular progress reports." Did you feel
8 that your background prepared you and qualified you for
9 this job duty?

10 A. Yes. I've -- I've done public policy work.
11 Going back to my Pharma days, I actually worked with
12 Pharma, which is the Lobbying Trade Organization in
13 Washington D.C. I had a role to play there. I wasn't a
14 leader in it, but I had a role to play with them in and
15 -- and used to do Hill visits in other states,
16 California, for example, in meeting with legislators to
17 talk about the pharmaceutical industry and advocate.
18 Mostly that was done as a subject matter expert. When I
19 worked for WellCare corporate in my business development
20 role, a lot of Medicaid payer business development is --
21 it's government contracts, right? So particularly pre
22 the bid coming out, you do a lot of public policy work,
23 advising Medicaid directors, their corresponding
24 executive staff all the way up to the governor, frankly,
25 and then you also educate legislators within their state

1 legislature that are assigned to usually health
2 oversight or Medicaid oversight committee roles. I was
3 not only hired to contract lobbyists in multiple states
4 to work on my behalf to further those policy goals, I
5 also, myself, in some instances had to lobby -- had to
6 register as a lobbyist in -- because of either the
7 state's rules about who was considered a lobbyist, or
8 because in at least one instance, we had a government
9 affairs associate who left and -- and I had to fill in
10 for them, and do the -- the public policy work myself.
11 And even -- even at ResCare, I worked with the National
12 Governor Association, Democrat Governor Association,
13 Republican Governor Association with our head of
14 government affairs, working through public policy. So
15 yes, I've been doing that for years.

16 **Q. What about the second one, working on a**
17 **monetization strategy implementation plan for an Aging**
18 **2.0, engage in survey --**

19 A. Sorry.

20 **Q. "Engage in survey the Aging 2.0 Network to**
21 **capture best practices and monetization of their**
22 **existing network and customization of innovation service**
23 **offerings, utilizing ideas in the final report with an**
24 **emphasis on establishing Louisville, Kentucky as the**
25 **epicenter of healthcare innovation in the United**

1 **States." Is there anything in your background that you**
2 **could qualify to do that?**

3 A. That's mostly a sales and marketing play,
4 right? You know, when they purchased Aging 2.0, it's
5 that brand within the overall organization has ebbed and
6 flowed in its ability to be effective in the
7 marketplace, and -- and, you know, let's just say I'm a
8 positive ROI, so, you know, my -- I was brought in
9 particularly related to my marketing and sales
10 background to, you know, look at the marketplace, look
11 at services we're offering, and we've, you know -- we're
12 still working through it, but essentially it's
13 developing strategies to improve the brand, improve
14 their services, increase their profitability revenue,
15 the whole thing.

16 Q. Okay. Turning to the next one, "Lead the CEOC
17 Innovation Committee, organize the team, increase the
18 pipeline of innovation" -- I'm sorry, "organize the
19 team, increase the pipeline of innovation ideas and
20 strategies to support board objectives, create
21 additional strengths to increase the amount of
22 innovation ideas and companies available for pilot
23 programs." What in your background qualifies you for
24 that?

25 A. Yeah. Most of that is leadership. I mean, as

1 it says, you know, organize the team. I mean, it's --
2 it's, you know, I am not the -- the innovator, the idea
3 is we have these -- we have this committee, right, of
4 chief strategy type officers in these 15 companies who
5 make up the innovation committee, then, you know,
6 keeping them -- creating a strategy with them, executing
7 on that strategy, leading that team. But then there's
8 also a process that we have that comes out of that
9 strategic plan that needs to be executed. So it, you
10 know -- there's vendors involved and other stakeholders
11 that we have to go through that process, and -- and so
12 it's a lot of leadership in executing on that whole
13 plan. And if you look through my resume, there's a lot
14 of references to either leading teams or projects. At
15 one point, I even told was getting my PMP, which is your
16 Project Management -- or Project Management Professional
17 Certification because I was running so many projects.
18 It was one of the first jobs I had with Sanofi. I was
19 running change management on a global procurement
20 systems project, right? So project management at a
21 leadership level, I had a lot of background experience
22 in.

23 **Q. And since you started working for the CEOC,**
24 **has that been a basically a full-time job?**

25 **A. Oh yeah.**

1 **Q. How many hours a week do you work?**

2 A. Oh, I mean, it's a good week if I can get
3 through with 50.

4 **Q. So meaning on many weeks, you work more than**
5 **50 hours a week for the CEOC?**

6 A. Yeah. I mean, it -- it -- it's -- it's --
7 it's a full-time job. Like I said, I think I mentioned
8 it earlier, if you look at what I was getting paid
9 hourly, and I was truly billing hourly in my prior
10 contract, I would say Tammy did a good job in putting me
11 into a monthly retainer because it limited her exposure
12 to that, but it also means I'm -- I'm accountable to
13 those outcomes, regardless of how much time I work. So
14 on an hourly basis, this is not as lucrative as -- as
15 other contracts.

16 **Q. In your professional -- in your prior --**

17 A. In my direct professional experience. I mean,
18 if I -- as she said, with her benchmarking, I can tell
19 you, I have a friend of mine who's my age, she's a
20 managed care executive, that is all in the biotech
21 sector, which, again, I had ten years of experience in,
22 and -- and then was on the payer side for another seven
23 plus years, she bills over 400 an hour.

24 **Q. Just one or two more questions, Councilman.**

25 **Ms. York Day was asked about a disclosure form for**

1 lobbyists that was filed with, I guess, whatever the
2 state lobbying ethics agency is. When did you begin
3 performing lobbying work for the CEOC?

4 A. So on that day, so -- yeah. I don't want to
5 get too far into the weeds on definitions of lobbying,
6 but up until that point, we -- it was all legislative
7 lobbying. We had already retained the Rotunda Group.
8 That decision was made and contract signed, before I
9 joined, to be the lead legislative lobbyists. The trick
10 was they are legislative lobbyists who most legislative
11 lobbyists are masters of all trade -- jacks of all
12 trade, masters of none, so they weren't experts in what
13 we were doing, so they used subject matter experts like
14 me to create, you know -- like create the Coalition and,
15 you know, feed information and do all kinds of things in
16 the background. They initiate the contact, they do the
17 lobbying on behalf, with the legislature. When that
18 finished and House Bill 200 was -- was completed, the
19 way most legislation works, particularly when there's an
20 appropriation that could be assigned to it, in this
21 case, that's true, again, without getting too far in the
22 weeds, Kentucky has a short session and long session.
23 What we just passed was the short session. You cannot
24 file -- you cannot pass funding legislation without like
25 a two-thirds majority. It's very -- it's almost

1 impossible to get funding legislation through the short
2 session. So we just got the enabling legislation
3 passed. From there, the next thing is rules
4 propagation. So that is a very detailed, very tactical
5 process that the executive branch has to go through. It
6 makes no sense for me to have a third party do that
7 because they would -- they would just be playing
8 constant game of telephone. Policymakers, legislators
9 can do very high level -- they could hear things at a
10 high level and vote on it. When you start getting into
11 the implementation rule setting with the executive
12 branch, it gets very detailed. So at that point, we
13 made the decision to have me register as -- as an
14 executive branch lobbyist. At that point, I hadn't done
15 any lobbying. So what the form says is that you have to
16 declare any compensation received for lobbying prior to
17 that date. At which case, I hadn't done any lobbying,
18 so the answer was zero. Now, since then you have to do
19 an annual disclosure, and there was a snafu with the
20 State of Ethics Commission and we spoke directly with
21 them and they -- they had no problem with it, but we
22 updated the form finally, and that disclosed about
23 \$1,000 a month. And that is, again, what is direct
24 compensation for your lobbying activity, so when you
25 break it down, like by minute, by hour, like how much

1 time are you just talking to those people, that's --
2 that's what they're looking for there.

3 **Q. Okay. Thank you. Is there anything else that**
4 **you would like to tell the Commission at this time?**

5 A. No. I mean, other -- well, I would say that,
6 again, and I said this from one of the first interviews
7 I ever took about this, that look, I -- I don't like
8 hypotheticals, which I think came out in some of the
9 earlier questioning. But if there was a time machine
10 that we can go back in and there is a way that I could
11 have abstained or a verbalization I could have done that
12 could avoided all this miscommunication, I would've
13 gladly have done it. And if anything comes out of this
14 in a positive manner, that myself, and my colleagues,
15 and the public, and everybody has a better sense of how
16 it should work and what the expectations are, then I
17 think that's a good thing. But -- but that's it.

18 MR. SMITH: Okay. Thank you. No more
19 questions at this time.

20 THE WITNESS: Thank you.

21 CHAIRWOMAN PREGLIASCO: We have ten more
22 minutes. You --

23 MR. WICKER: Sorry?

24 CHAIRWOMAN PREGLIASCO: Do you want to ask more
25 questions?

1 MR. WICKER: Yes.

2 CHAIRWOMAN PREGLIASCO: We are going to stop at
3 4:00. And Mr. Piagentini?

4 THE WITNESS: Yes, ma'am.

5 CHAIRWOMAN PREGLIASCO: The Commission is going
6 to have some question. We'll have to reserve until
7 tomorrow.

8 THE WITNESS: Of course.

9 CHAIRWOMAN PREGLIASCO: So just would like to
10 warn you, except for talking to your attorneys, you
11 should not be engaged in conversations with others
12 who are witnesses or potential witnesses --

13 THE WITNESS: I understand, Madam Chair.

14 CHAIRWOMAN PREGLIASCO: -- from now until
15 tomorrow.

16 THE WITNESS: Thank you.

17 CHAIRWOMAN PREGLIASCO: All right. Mr. Wicker.

18 REDIRECT EXAMINATION

19 BY MR. WICKER:

20 Q. Mr. Piagentini, you talked about a number of
21 conversations and meetings, and working with Mr. Winkler
22 in the --

23 A. Yes.

24 Q. -- course of this endeavor, right?

25 A. Yes. That correct.

1 Q. It sounds like you worked pretty closely with
2 him on this ARP allocation?

3 A. Yes.

4 Q. Did you ever tell Mr. Winkler that you were in
5 discussions about taking a job with the CEO Council
6 before the abstention on December 1st?

7 A. Before the abstention, no.

8 Q. Did you ever tell him about when -- did you
9 tell him when you got the NDA on November 17th, did you
10 tell him about that?

11 A. Again, I -- I think I said earlier, I wasn't
12 aware that I got it on the 17th, but nonetheless, I did
13 not. Let's talk about the 18th, I didn't call him on
14 the 18th and say anything.

15 Q. Or in April, or in January, or in November
16 before, you never told him, at all, anything about this?

17 A. I'm sorry. I think you're asking two
18 different questions. You were talking about a job a
19 moment ago. There was no job back then.

20 Q. Did you ever tell Mr. Winkler about your
21 discussions with CEOC, about you giving a resume to
22 CEOC?

23 A. I think I called it all networking and no, I
24 don't educate Councilman Winkler on all my networking
25 activities.

1 **Q. Okay.**

2 A. Let me rephrase. I don't educate him on any
3 of my networking activities. I never have. He has
4 never with me, nor have I ever heard from any other
5 Council member what kind of networking or business
6 relationships they have that aren't business
7 relationships.

8 **Q. You talked about people abstaining. That's**
9 **not infrequent, right?**

10 A. Abstaining, yeah, it happens frequently
11 enough.

12 **Q. It happens frequently enough. But is it fair**
13 **to say that it is considerably less frequent that a**
14 **sponsor of a legislation would abstain from voting on**
15 **that very legislation?**

16 A. I agree.

17 **Q. And then we had talked about your financial**
18 **disclosure, which you could see was filed after the time**
19 **period required, right?**

20 A. Yes.

21 **Q. Okay. It was filed on February 15th?**

22 A. Yes, sir.

23 **Q. But in fact, you spoke to Jacob Ryan, a member**
24 **of the media on February 13th, about a story he was**
25 **doing about this. Isn't that right, sir?**

1 A. I believe that date is correct.

2 Q. So you knew a story was coming out before you
3 filed your updated financial disclosure?

4 A. Yes. Well, yes. I -- more accurate to say, I
5 -- I received a call from the media. It was Jacob Ryan.
6 We had an interview about everything about this or about
7 my abstention, about my job, and then, you know,
8 frankly, it dawned on me that I -- I didn't know his
9 story was coming out. He -- I can't remember if he
10 specifically said, "I will be writing a story and it
11 will be published in such and such time frame." But
12 nonetheless, it was clear to me and it jogged my memory
13 and, you know, that I hadn't updated. I want to say it
14 might even have come up in the interview. I can't
15 remember, though.

16 MR. WICKER: Thank you, sir.

17 CHAIRWOMAN PREGLIASCO: All right. As close as
18 we're to 4:00, we are going to close the hearing
19 today. I've issued you the warning about you
20 talking to people. We will start tomorrow morning
21 at 9:00.

22 THE WITNESS: Thank you.

23 (HEARING ADJOURNED AT 3:54 P.M. ET)
24
25