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AUDIO TRANSCRIPTION

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Transcribed by: Rhonda Olynyk

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1 (Audio File 01222014 V3.WAV)

2 MS. ROBINSON: And that's what I was trying to

3 see, was whether or not it's closed again tomorrow,

4 because I have a new station 8 on, which is news all

5 day.

6 MR. LOPEZ: Right.

7 MS. ROBINSON: But they repeat a lot of stuff,

8 and I can't figure out if -- what I'm looking at,

9 D.C. Public Schools delayed two hours, if this is

10 yesterday. You know what I mean?

11 MR. LOPEZ: Yep. Yep, yep.

12 MS. ROBINSON: If this is yesterday's or today,

13 but right now -- okay. This status is for Thursday,

14 January 23rd. That would be tomorrow. D.C. Public

15 Schools, no report. Fairfax County schools closed

16 tomorrow, is what it's saying.

17 MR. LOPEZ: Correct.

18 MS. ROBINSON: Federal government offices, no

19 report, which is what NISH goes by.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: Whatever the federal government

22 office. Frederick County delayed two hours. Oh, some

23 are delayed, and I'm thinking that maybe that's right,

24 but, see, the reason I'm not a hundred percent sure is

25 the school system sends out an email to parents, and I

3

1 have not received that email saying that it's closed

2 tomorrow.

3 MR. LOPEZ: Right.

4 MS. ROBINSON: So that's what's unusual, but I'm

5 going to look over here now to see. Here we go.

6 Yeah.

7 All right. So, anyway, so how are -- how are you

8 doing? Tell me what's going on.

9 MR. LOPEZ: Well --

10 MS. ROBINSON: What I was telling you is we did

11 the balloting and that took -- and that took -- that

12 took all afternoon --

13 MR. LOPEZ: Right.

14 MS. ROBINSON: -- because -- well, first of all,

15 that whole thing was pretty funny because they were --

16 they were so hot on this election that they were going

17 to fly Pam -- I took the ballots that had come before

18 I left with me --

19 MR. LOPEZ: Right.

20 MS. ROBINSON: -- with the intention of sending

21 them overnight, you know.

22 MR. LOPEZ: Correct.

23 MS. ROBINSON: But the others, I have a locked

24 mailbox. Bob Chamberlin kept insisting that I send

25 the key to my mailbox back, and, you know, that wasn't

4

1 happening, and they would go by and get them. So

2 I'm like -- wait a minute, there it is right there.

3 Fairfax County Public Schools, it just came out.

4 8:30.

5 (Conversation between Ms. Robinson and her daughter.)

6 MS. ROBINSON: Yeah, yeah, yeah. So, anyway, the

7 bottomline is -- we got a little cabin fever here,

8 obviously.

9 MR. LOPEZ: Right, right.

10 MS. ROBINSON: We haven't been to school in two

11 weeks now.

12 MR. LOPEZ: Oh, my.

13 MS. ROBINSON: So you know how that works.

14 MR. LOPEZ: Yep. I tell you, we have the same

15 thing here. I wanted to ask you a few -- a few things

16 because last time we spoke I was a little bit out of

17 it.

18 (Conversation between Ms. Robinson and her daughter.)

19 MS. ROBINSON: Okay. Go ahead, Ruben.

20 MR. LOPEZ: No problem. So I saw today that the

21 Denver project was withdrawn from -- for I guess it

22 was impact. They call it impact. So it was finally

23 withdrawn. Oh, by the way, Denise Ransom called me.

24 She was told by David that her last day is the end of

25 this month. So she's officially going to be handing

5

1 in keys the last of this month.

2 MS. ROBINSON: Wow. Okay, okay. And so where is

3 she -- where is she living now?

4 MR. LOPEZ: Cleveland, Ohio.

5 MS. ROBINSON: Oh, so she's still out in

6 Cleveland. Okay.

7 MR. LOPEZ: Right, right.

8 MS. ROBINSON: I gotcha.

9 MR. LOPEZ: And she got a little upset. I said,

10 are you sure? She said, of course, I'm sure, I got my

11 marching papers. I said, okay, okay, Denise, don't

12 get upset. I just couldn't believe it.

13 MS. ROBINSON: Okay. Yeah, and I haven't heard

14 anything, but I've been a little out of pocket.

15 MR. LOPEZ: Right.

16 MS. ROBINSON: So I don't know on that one.

17 MR. LOPEZ: But I wanted to let you know that,

18 yeah, that's what they did with the Denver one,

19 they -- they took it out of the program. You said

20 you -- you had some --

21 MS. ROBINSON: I told you that was going to

22 happen, didn't I?

23 MR. LOPEZ: You were saying that there were some

24 emails that they were trying to get it out of the

25 program.

1 MS. ROBINSON: Yeah, I told you that -- I told  
 2 you that that's going to be the new trend is when they  
 3 can't defend what -- hold on one second, Ruben. Hold  
 4 on. I've got to send Teresa upstairs. Hang on.  
 5 MR. LOPEZ: Okay.  
 6 MS. ROBINSON: Okay. All right. I'm back.  
 7 MR. LOPEZ: Okay.  
 8 MS. ROBINSON: Okay. So basically that's the new  
 9 trend, is that when you can't figure out -- when you  
 10 know you're going to be challenged and you don't have,  
 11 you know, clear -- what's the word -- delineated or  
 12 clear -- clear reasons that it has to go to somebody  
 13 other than your challengers and you can't justify it  
 14 totally, then what you do is call the customer and say  
 15 to the customer, look, we're going to be in litigation  
 16 over this, we'll come back -- we'll come back when  
 17 things cool off or next year or some other time, but  
 18 go ahead, you know, with your incumbent or go ahead  
 19 with somebody else.  
 20 MR. LOPEZ: Is that what they did in this -- in  
 21 this case?  
 22 MS. ROBINSON: Now -- now, the one -- okay, the  
 23 one that I told you, because it's all kind of running  
 24 together for me -- did the one that Sally Henderson  
 25 was dealing with, did that come out of the program?

1 MR. LOPEZ: Yeah. That's the one.  
 2 MS. ROBINSON: Okay. That's the one that I spent  
 3 like six hours, right?  
 4 MR. LOPEZ: Yeah, that's right.  
 5 MS. ROBINSON: Like I got home from Wisconsin.  
 6 MR. LOPEZ: Right.  
 7 MS. ROBINSON: And I spent -- it was on a Friday,  
 8 right? I spent like six or seven -- literally, six or  
 9 seven hours, correct?  
 10 MR. LOPEZ: Correct.  
 11 MS. ROBINSON: Okay. And that's the one that I  
 12 made -- I spent the first three hours without Carlos  
 13 and Mayling, and then I said to Pam, get Carlos and  
 14 Mayling on, because they're going to have to know  
 15 about this one because I think you guys were involved  
 16 or whatever. I can't remember.  
 17 MR. LOPEZ: Correct.  
 18 MS. ROBINSON: But -- but I got them on, and I  
 19 do recall -- and then when it was all said and done --  
 20 so when Carlos and Mayling got on, I told you that  
 21 what's her face, Sally changed her whole tone and  
 22 tune. Remember I told you that?  
 23 MR. LOPEZ: Yes.  
 24 MS. ROBINSON: She was like really adversarial  
 25 with me and trying to -- you know, but -- but I could

1 tell by the end of that, even though she committed to  
 2 doing the right thing, what we were going to do with  
 3 that one is she had an -- they all have an obligation  
 4 prior to when you're involved, not you, but your  
 5 agency is involved --  
 6 MR. LOPEZ: Right.  
 7 MS. ROBINSON: -- as part of the monitoring  
 8 agreement is to run their answer by me.  
 9 MR. LOPEZ: Correct.  
 10 MS. ROBINSON: And who did I tell you, because  
 11 it's just kind of a blur, and I apologize --  
 12 MR. LOPEZ: No problem.  
 13 MS. ROBINSON: -- there's too many things going  
 14 on at once, but who did I tell you that she decided it  
 15 was going to go to?  
 16 MR. LOPEZ: CW Resources.  
 17 MS. ROBINSON: CW Resources, right?  
 18 MR. LOPEZ: Right, right.  
 19 MS. ROBINSON: Okay. And then I told you that I  
 20 spent from -- and I can check my cell, but I'm pretty  
 21 sure, from quarter to 10:00 until like 4:00 something  
 22 in the day, and at 3:45, call me slow, I finally had  
 23 the wisdom, after, you know, putting them through  
 24 their paces, to say -- because they didn't send me any  
 25 paper. They were giving me an oral on this.

1 MR. LOPEZ: Right.  
 2 MS. ROBINSON: And so I said, just give me the  
 3 executive summary, you know, and I know which  
 4 questions to ask now pretty much, but since she  
 5 said -- this is the one she was going to give to  
 6 you -- okay, it's coming back now -- this is the one  
 7 she was going to give to you, but I said: Well, what  
 8 are you on the phone asking me for? I'm only  
 9 monitoring when he's in a competition and they're not  
 10 going to give it to him.  
 11 MR. LOPEZ: Correct.  
 12 MS. ROBINSON: And so I smelled the dead cat on  
 13 the line right away, and that's the one where I said:  
 14 Okay, so what's the catch here? You know, you don't  
 15 have to hunt me down to ask me if you can give Ruben a  
 16 project. That's great, give it to him. Well, the  
 17 contractor is crazy, nobody wanted it, blah, blah,  
 18 blah, difficult, you know.  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: And so I said -- this was the  
 21 Machiavellian one, that's what it was, where they  
 22 wanted you to take it, but she said, well, I think  
 23 we're going to offer it to him and -- and, you know,  
 24 let him take it and so forth and so on. So I put them  
 25 through their paces, and then at the end of the call I

10

1 found out -- I said, well, who voted for Bona Fide?  
 2 And it turned out that only one person voted for you  
 3 and everybody else voted for CW Resources.  
 4 MR. LOPEZ: Correct.  
 5 MS. ROBINSON: So I said, well, why the hell are  
 6 you giving it to Bona Fide?  
 7 MR. LOPEZ: Correct.  
 8 MS. ROBINSON: But silly me, I didn't ask that  
 9 for like seven hours or six hours, however many hours.  
 10 It was just -- it was god forsaken. I mean, I  
 11 remember that.  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: And then I finally ask, and then  
 14 she said, well, we decided it's going to Bona Fide.  
 15 And so I said, well, you know, I don't know. And so  
 16 what we were going to do is, I think my final -- what  
 17 we all agreed on, and Carlos would have to refresh my  
 18 memory, and I owe him a call anyway, because I haven't  
 19 had a chance to talk to him, but I think we agreed we  
 20 were going to rerun it.  
 21 MR. LOPEZ: Rerun it. That's --  
 22 MS. ROBINSON: We were going to redo it.  
 23 MR. LOPEZ: Yeah. That's what -- the last that  
 24 you told me.  
 25 MS. ROBINSON: We were going to redo it, and

11

1 then -- and that's what -- that was my final advice.  
 2 Mayling, Carlos concurred with that advice.  
 3 MR. LOPEZ: Correct.  
 4 MS. ROBINSON: But it took three hours to get  
 5 everybody there, I mean, three more hours.  
 6 MR. LOPEZ: Because something they forgot --  
 7 MS. ROBINSON: And we were going to rerun it, and  
 8 then something came up, like maybe the -- well, let's  
 9 see. That would have been Friday. Maybe that Monday.  
 10 Something else came up that made me think that they  
 11 aren't going to redo this, they're just going to take  
 12 it out of the damn program.  
 13 MR. LOPEZ: You said there were emails.  
 14 MS. ROBINSON: Who is -- who is the client?  
 15 USDA?  
 16 MR. LOPEZ: GSA, GSA.  
 17 MS. ROBINSON: It's GSA.  
 18 MR. LOPEZ: Yeah, they're downtown.  
 19 MS. ROBINSON: They're just going to -- they're  
 20 just going to take it out of the program because  
 21 they're going to call GSA and say, you know, hey, this  
 22 is going to be a problem.  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: And -- and they're just going to  
 25 take it out of the program. They're going to convince

12

1 somebody to get it out of the program rather than  
 2 redoing it. I don't -- now I've got to try to  
 3 remember why --  
 4 MR. LOPEZ: You told me that there were some --  
 5 MS. ROBINSON: -- I had that -- I know I told you  
 6 that.  
 7 MR. LOPEZ: Yeah. You said there's some emails  
 8 going back and forth and --  
 9 MS. ROBINSON: Between who and whom, who and --  
 10 MR. LOPEZ: Between -- between SourceAmerica,  
 11 GSA, and the Commission. That's what you said.  
 12 MS. ROBINSON: Okay.  
 13 MR. LOPEZ: So there were some --  
 14 MS. ROBINSON: It was on this one the emails were  
 15 going back and forth?  
 16 MR. LOPEZ: Yeah, yeah.  
 17 MS. ROBINSON: Okay. I got to refresh my memory.  
 18 MR. LOPEZ: Okay.  
 19 MS. ROBINSON: And I can do that through Carlos,  
 20 but --  
 21 MR. LOPEZ: Yeah. No problem.  
 22 MS. ROBINSON: Somehow I knew -- I concluded just  
 23 knowing my players that this one was going to possibly  
 24 go away.  
 25 MR. LOPEZ: And there you have it, there you have

13

1 it.  
 2 MS. ROBINSON: And there's another one that I  
 3 told you that's going to go away, NTI with USDA.  
 4 MR. LOPEZ: Okay.  
 5 MS. ROBINSON: That despite the fact that we're  
 6 going to do a redo, they're going to convince USDA  
 7 that they don't want to -- you know, they don't want  
 8 to do AbilityOne, because that's a -- that's a clean  
 9 way -- think about it. If the customer calls us up --  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: -- or writes us and says, I'm no  
 12 longer going to use AbilityOne program to get this  
 13 done, there's nothing we can do about that.  
 14 MR. LOPEZ: Correct.  
 15 MS. ROBINSON: I mean, we can try to fight and  
 16 say, why not or you should do it, if it hasn't already  
 17 been added to the procurement list.  
 18 MR. LOPEZ: Correct.  
 19 MS. ROBINSON: And in these instances they have  
 20 not been.  
 21 MR. LOPEZ: Okay.  
 22 MS. ROBINSON: So that's the cleanest way to  
 23 avoid, you know, a court of law and a redo, you know,  
 24 ordering the redo, because it's clear that if the  
 25 customer doesn't have a need for us, then, you know,

14

1 we can't make them --

2 MR. LOPEZ: Correct.

3 MS. ROBINSON: -- go AbilityOne.

4 MR. LOPEZ: Correct, correct.

5 MS. ROBINSON: And so -- so what Dennis Lockard

6 and the Commission has figured out is the best way to

7 avoid litigation and not necessarily to stake their

8 money on the fact that we're going to do a beautiful,

9 perfect process and fair process, but they'd rather

10 just lose -- they'd rather lose the project to the

11 program than have to fight or litigate it out in court

12 and be reversed or -- you know, or have to explain

13 some of the nonsense that's going on.

14 MR. LOPEZ: Correct.

15 MS. ROBINSON: So the -- so the better way to

16 deal with that is, this is their new trend, is to call

17 the customer and tell the customer, ah, we got all

18 kind of challenges on this and we thank you for having

19 an interest in AbilityOne, but, you know, if you

20 continue down this AbilityOne road, you're going to be

21 in litigation -- tied up in litigation for the next,

22 you know, two years or something.

23 MR. LOPEZ: Right. Right, right, right, right,

24 right. Well, going back, just because I've had a --

25 like you, been a while trying to remember

15

1 appropriately, on the Puerto Rico situation, remember

2 that Bob -- you told me that Bob Chamberlin asked

3 Carlos whether they had to give us everything we asked

4 for or not.

5 MS. ROBINSON: Yes, on the information.

6 MR. LOPEZ: On the information.

7 MS. ROBINSON: What did you get?

8 MR. LOPEZ: Well, we --

9 MS. ROBINSON: Have you gotten -- have you gotten

10 any -- that -- that may be my fault that you haven't

11 gotten anything. They got me the information.

12 MR. LOPEZ: Okay.

13 MS. ROBINSON: And I was going to go back to

14 them -- right, I was going to go back and say, you

15 know, here -- here are the answers, and I've done

16 that, and actually that one rests in Carlos's court,

17 but I need to follow up.

18 MR. LOPEZ: Now, I want --

19 MS. ROBINSON: In other words, because Bob was

20 push -- Bob and Dennis were saying, you know, just

21 because his lawyer asked for it, why do we have to

22 give it and -- and why do we have to give the

23 information. And I was saying, well, you know, we

24 have a monitoring agreement, we said we'd monitor,

25 they asked questions, and we have the answers, so give

16

1 them the answers.

2 MR. LOPEZ: Right.

3 MS. ROBINSON: I mean, why not, you know.

4 MR. LOPEZ: Right.

5 MS. ROBINSON: And so Carlos is going to rule on

6 that one, and I did not -- I personally did not follow

7 up with Carlos on that one.

8 MR. LOPEZ: No problem, but the main thing --

9 MS. ROBINSON: So I'm sitting -- I'm sitting on

10 that information, although Bob probably followed up

11 with Carlos. Remember I told you he had that meeting.

12 MR. LOPEZ: Sure.

13 MS. ROBINSON: The day I had to get on the plane

14 and fly out --

15 MR. LOPEZ: Sure.

16 MS. ROBINSON: -- for my mom --

17 MR. LOPEZ: Sure.

18 MS. ROBINSON: -- he had that private separate

19 meeting with Carlos, and Carlos and I to this day have

20 not had a chance to debrief that meeting.

21 MR. LOPEZ: Okay, okay.

22 MS. ROBINSON: So I need to call Carlos and get

23 up-to-date --

24 MR. LOPEZ: Okay.

25 MS. ROBINSON: -- on where that is, but, again --

17

1 let me see. That one that they would take out of --

2 that one is just fraught with all kinds of stuff,

3 so --

4 MR. LOPEZ: Right. You say that Y -- YAI and --

5 MS. ROBINSON: Yeah, yeah, yeah, yeah. That one

6 they don't -- they don't want to deal with, right,

7 right.

8 MR. LOPEZ: Yeah. They're the same -- they have

9 the same CEO for whomever they gave it to. I forget

10 the name of the company they gave it to in Puerto

11 Rico, but --

12 MS. ROBINSON: Yeah, I do too right this minute,

13 but -- but it's YAI Corporate Source.

14 MR. LOPEZ: And Corporate Source.

15 MS. ROBINSON: Corporate Source, yeah.

16 MR. LOPEZ: Remind me --

17 MS. ROBINSON: They're the same company.

18 MR. LOPEZ: Remind me again, what did Elizabeth

19 Booth, Elizabeth, what did she find about these

20 companies are the same?

21 MS. ROBINSON: Elizabeth Goodman?

22 MR. LOPEZ: Goodman. I'm sorry.

23 MS. ROBINSON: When we looked up their 990s,

24 I think we found that they shared the same executive

25 director, etcetera, etcetera, but then that executive

18

1 director just retired after the other big Medicaid or  
 2 Medicare, whatever it was, scandal.  
 3 MR. LOPEZ: Sure.  
 4 MS. ROBINSON: And so we were -- we were  
 5 convinced, but there isn't -- oh, and we also found on  
 6 the 990 -- you got to -- you got to write this stuff  
 7 down when it happens because I forget. But on the 990  
 8 I believe we found that there is a management -- that  
 9 they were the same as Job Options, their corporate  
 10 structure is the same, where it's really just kind of  
 11 a passthrough situation because there are no salaries  
 12 reported for the Corporate Source people because  
 13 they're -- they're a corporation that's really being  
 14 managed by the executives of YAI.  
 15 MR. LOPEZ: Correct.  
 16 MS. ROBINSON: So it's sort of like a shell -- a  
 17 shell corporation, sort of a shell game.  
 18 MR. LOPEZ: Correct, correct.  
 19 MS. ROBINSON: But I would have to, you know, dig  
 20 the file out and refresh my memory, but that was what  
 21 I -- what I recall off the top of my head.  
 22 MR. LOPEZ: Correct.  
 23 MS. ROBINSON: That's still problematic.  
 24 MR. LOPEZ: Yeah.  
 25 MS. ROBINSON: So given that information, they'll

19

1 probably try to take that one off the -- out of the  
 2 program too.  
 3 MR. LOPEZ: But aren't they already -- aren't  
 4 they already performing?  
 5 MS. ROBINSON: Is it on the procurement list?  
 6 MR. LOPEZ: I think -- well, I don't know if it  
 7 is, but --  
 8 MS. ROBINSON: I don't know if they've started  
 9 yet, though.  
 10 MR. LOPEZ: Oh, okay. I don't know. I don't  
 11 know.  
 12 MS. ROBINSON: Yeah, that's -- I mean, where they  
 13 can -- the new -- the new plan, new strategy is where  
 14 they can yank them off rather than try to deal with  
 15 the questions and the litigation around it, they're  
 16 going to yank them off.  
 17 MR. LOPEZ: I see.  
 18 MS. ROBINSON: And that's -- that's a cooperative  
 19 effort between our staff and the Commission.  
 20 MR. LOPEZ: I see.  
 21 MS. ROBINSON: So there may not be any  
 22 SourceAmerica fingerprints because government to  
 23 government the Commission can call. Kim Zeich can  
 24 call and say something, you know --  
 25 MR. LOPEZ: Sure, sure.

20

1 MS. ROBINSON: -- to the customer and -- or -- or  
 2 Barry -- not Barry. What's that other guy's name?  
 3 Somebody else there. Some of the Commission staff  
 4 could make that phone call.  
 5 MR. LOPEZ: Right. Right, right. No, I mean --  
 6 MS. ROBINSON: Yeah.  
 7 MR. LOPEZ: -- it's just one of those like Martin  
 8 Williams that day when he pulled that number on me in  
 9 front of CH2M Hill.  
 10 MS. ROBINSON: Well, there's -- there's subtle  
 11 ways, but there also is a pattern now of taking out of  
 12 the program ones that are problematic or  
 13 nondefensible.  
 14 MR. LOPEZ: I see.  
 15 MS. ROBINSON: And -- but -- you know, because  
 16 the Commission just doesn't feel like getting their  
 17 butts kicked anymore.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: I mean, think about the -- the  
 20 last two that they took off was because the same  
 21 guy -- same lawyer challenged them that is  
 22 representing NTI --  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: -- you know.  
 25 MR. LOPEZ: Right.

21

1 MS. ROBINSON: So they're probably going to get  
 2 that one to go by the way of the cuckoo's nest too,  
 3 you know.  
 4 MR. LOPEZ: Right, right, right.  
 5 MS. ROBINSON: So that's where we are on that.  
 6 MR. LOPEZ: Jean, remind me again what Martin  
 7 Williams told you when -- when -- when he went to the  
 8 meeting after he told -- he told CH2M Hill that we  
 9 were -- our rating was number one and that was going  
 10 to be detrimental.  
 11 MS. ROBINSON: He told who this now?  
 12 MR. LOPEZ: Remember when we went to the meeting  
 13 there at the home office with Martin Williams and  
 14 Dennis Fields and Dave Dubinsky to introduce CH2M Hill  
 15 and --  
 16 MS. ROBINSON: Yeah.  
 17 MR. LOPEZ: -- and that he --  
 18 MS. ROBINSON: Yeah, but I never knew -- you  
 19 explained that one to me, because I wasn't around  
 20 whatever Martin said or whatever.  
 21 MR. LOPEZ: Yeah.  
 22 MS. ROBINSON: You mean when he said something in  
 23 front of CH2M Hill or whatever?  
 24 MR. LOPEZ: Right. He said to me, well, have you  
 25 explained to them what your category is, what your

22

1 rating is, you know, and -- and -- and then you told  
 2 me that last -- that he went to the meeting and then  
 3 said, well, I -- I just wanted them to -- CH2M Hill to  
 4 know who they were going -- who they were associated  
 5 with.  
 6 MS. ROBINSON: Going to do business with. Yeah,  
 7 I don't remember. I honestly don't remember.  
 8 MR. LOPEZ: Wow.  
 9 MS. ROBINSON: I mean, I'd have to think it  
 10 through, but I don't -- yeah, I don't remember. At  
 11 the time I would remember it, but I don't remember now  
 12 what -- you know, what he said.  
 13 MR. LOPEZ: These people are just -- there's so  
 14 much, it's hard to keep track of it.  
 15 MS. ROBINSON: That's what I was just going to  
 16 say to you. You know, every little project has its  
 17 own unfortunate idiosyncrasies, and so, you know, I  
 18 just know when I see it going South for the wrong  
 19 reasons.  
 20 MR. LOPEZ: Right.  
 21 MS. ROBINSON: And Carlos -- Valerie had really  
 22 caught on, but she's gone, I mean, as to -- you know,  
 23 she was pretty good at predicting when it was going to  
 24 go South or out of the program or who it was going to  
 25 go to or what the answers are going to be at the time

23

1 too, because if you spend time with them doing  
 2 practice debriefs to prepare for you guys --  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: -- and we get to play you guys.  
 5 When I do a debrief with them, I -- I become Dan  
 6 Cragg.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: And I ask all these questions,  
 9 and, you know, I don't get the right answers or  
 10 whatever. So when it becomes less defensible -- but  
 11 that's just how the Commission is dealing -- I mean,  
 12 that's how they're just sort of cutting -- you know,  
 13 cutting their losses by just taking it out of the  
 14 program.  
 15 MR. LOPEZ: Right.  
 16 MS. ROBINSON: That way, you know, they don't  
 17 have to lose the litigation around it.  
 18 MR. LOPEZ: But, I mean, they could do the right  
 19 thing also and keep the job for the people with  
 20 disabilities.  
 21 MS. ROBINSON: Well, but I -- what I said to, you  
 22 know, them about that process is every -- the people  
 23 with disabilities really lose out when you do that.  
 24 MR. LOPEZ: Right.  
 25 MS. ROBINSON: And they said, yeah, but -- but

24

1 when they ask why they're losing out, we'll tell them  
 2 that our detractors, and that's my word, but the  
 3 people like the Ruben Lopezes and the other people,  
 4 they don't care about the program, they just want a  
 5 contract, and they're causing all this litigation, and  
 6 the government customer is saying, I don't want to be  
 7 involved, so they just don't deal with the AbilityOne.  
 8 So their raising Cain is -- is what's causing the  
 9 thing to come out of the program, not us. So they get  
 10 to kind of deflect that back on the complainants,  
 11 whether it be you or David Gonzales or whomever.  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: You know, so that's -- that's  
 14 their general strategy on that.  
 15 MR. LOPEZ: I see.  
 16 MS. ROBINSON: So what they try to do is do, you  
 17 know, the whole "A Few Good Men," the movie concept,  
 18 is turn your peers against you.  
 19 MR. LOPEZ: Correct.  
 20 MS. ROBINSON: So then your peers say, you know,  
 21 just let those people do what the hell they're doing,  
 22 because as you guys fight them, hell, we're all losing  
 23 because nobody is getting it.  
 24 MR. LOPEZ: Correct.  
 25 MS. ROBINSON: The whole program is losing the

25

1 thing.  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: And it's because you guys keep  
 4 making all this noise.  
 5 MR. LOPEZ: Correct.  
 6 MS. ROBINSON: So that's the -- that's the  
 7 overall, you know --  
 8 MR. LOPEZ: Approach to it.  
 9 MS. ROBINSON: -- thought process, yes.  
 10 MR. LOPEZ: The spin, the spin.  
 11 MS. ROBINSON: That's the spin. That's the spin.  
 12 You know, but the spin becomes a -- it's really not  
 13 spin if they really are just saying, rather than give  
 14 it to them I'm taking the damn thing out of the  
 15 program. Then everybody does lose.  
 16 MR. LOPEZ: Correct.  
 17 MS. ROBINSON: I mean, we lose, the program  
 18 loses, and as long -- I guess they don't care as long  
 19 as they keep the ones in, you know, that are -- that  
 20 are ripe, I guess.  
 21 MR. LOPEZ: Correct, the ones they like.  
 22 MS. ROBINSON: Right, right, right.  
 23 MR. LOPEZ: Now, whatever happened -- they said  
 24 that between the -- you know, they were going to --  
 25 there may be some emergency -- emergency allocations

1 or something before the 27th? Have you heard  
 2 anything?  
 3 MS. ROBINSON: Okay. Now, you lost -- emergency  
 4 allocations regarding what?  
 5 MR. LOPEZ: Yeah, we -- we got a letter when they  
 6 said that there would be the transition between the  
 7 B-1 process and the -- what they're calling the --  
 8 MS. ROBINSON: Oh, yeah, yeah, yeah, yeah, yeah,  
 9 yeah. Okay. That's why I think that call took six or  
 10 seven hours, Ruben, is because Sally was trying to  
 11 argue with me when I said just redo the damn thing.  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: I mean, you have these  
 14 idiosyncrasies, let's just redo it. And she said, no,  
 15 that there was a moratorium, that we couldn't do any  
 16 redo, and if we redid it, would we do it under the old  
 17 or the new system, and nobody had the answer to that.  
 18 That was my question to them.  
 19 MR. LOPEZ: I see.  
 20 MS. ROBINSON: So -- yeah, so there was a little  
 21 bit of that going on as well. I don't know how they  
 22 finally resolved it all on that one, but -- so you  
 23 got a letter saying what? That they're taking it out  
 24 of the program.  
 25 MR. LOPEZ: They're taking it out of the program

1 due to impact.  
 2 MS. ROBINSON: And I told -- and that -- I know I  
 3 was in Wisconsin then, and I told -- I told Carlos  
 4 that, and he said, you got to be shitting me, because,  
 5 I mean, we spent -- we spent our whole day on that  
 6 damn call --  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: -- trying to get them to do the  
 9 right thing and only for Sally to turn around and  
 10 figure out a way to get it out of the whole damn  
 11 program.  
 12 MR. LOPEZ: Correct.  
 13 MS. ROBINSON: Now, why did -- what did the  
 14 letter say, by the way?  
 15 MR. LOPEZ: That it was due to impact, impact, I  
 16 guess, to the incumbent, I suppose.  
 17 MS. ROBINSON: Okay. Who's the incumbent?  
 18 MR. LOPEZ: Some 8A company.  
 19 MS. ROBINSON: Ah, that's bullshit. I'll have to  
 20 figure out how they worked that, but they had to have  
 21 the help of the Commission on that one.  
 22 MR. LOPEZ: Right, right.  
 23 MS. ROBINSON: But that's where it's tough, it  
 24 gets tougher.  
 25 MR. LOPEZ: Yeah. Yeah, it does. It does.

1 MS. ROBINSON: Yes, yes.  
 2 MR. LOPEZ: But, well --  
 3 MS. ROBINSON: But -- but it wasn't an impact  
 4 issue. I got to call Carlos on that one because --  
 5 and I got to refresh my memory, I got to get the stuff  
 6 in front of me, but there was -- an impact was not an  
 7 issue that I recall.  
 8 MR. LOPEZ: I'm sure not. I'm sure not.  
 9 MS. ROBINSON: Yeah. I'm sure that was created  
 10 after the fact --  
 11 MR. LOPEZ: Correct.  
 12 MS. ROBINSON: -- because -- in fact, I asked  
 13 specifically about impact. Wasn't this one that was  
 14 already on the procurement list and it went off on a  
 15 purchase exception?  
 16 MR. LOPEZ: I'm not sure. I don't -- I don't  
 17 think --  
 18 MS. ROBINSON: I think -- I asked about impact,  
 19 and we didn't have impact -- I made sure on that phone  
 20 call that impact wasn't an issue.  
 21 MR. LOPEZ: Okay.  
 22 MS. ROBINSON: I'll have to get Pam to get her  
 23 notes out, but I made sure of that.  
 24 MR. LOPEZ: Okay.  
 25 MS. ROBINSON: So it became -- it became an issue

1 after we hung up, obviously.  
 2 MR. LOPEZ: Right, right, right. And we don't  
 3 get to debrief on this one, evidently.  
 4 MS. ROBINSON: Wait a minute. Let me check my  
 5 emails, because they did send me something, and it was  
 6 just a time that I really couldn't -- I told Carlos to  
 7 jump on it because --  
 8 MR. LOPEZ: Sure.  
 9 MS. ROBINSON: -- I was otherwise engaged. So  
 10 let me just see real quick. Hold on. Are they  
 11 getting Scott his stuff?  
 12 MR. LOPEZ: A little bit. A little bit. It's  
 13 coming.  
 14 MS. ROBINSON: Yeah, I wonder what the hell is  
 15 coming.  
 16 MR. LOPEZ: Yeah. Slowly but surely, but we'll  
 17 see. I'm sure a lot of --  
 18 MS. ROBINSON: Sally Henderson. Hold on a  
 19 minute. I'm getting stuff, but I'm getting too much  
 20 stuff. What was the date of -- what's the date of the  
 21 letter you got?  
 22 MR. LOPEZ: Oh, my goodness, that was just today  
 23 or yesterday, I think it was.  
 24 MS. ROBINSON: All right. It's searching, but  
 25 it's not giving me anything. Two weeks ago. That

30

1 one.

2 "Hi, Jean. It's Sally. Please give me a call

3 regarding our favorite topic of the project out of the

4 Denver Federal Center. Thank you very much. Bye."

5 Okay. That was on 1/8.

6 MR. LOPEZ: Right.

7 MS. ROBINSON: Oh, Denver Federal Center Impact.

8 Hold on.

9 "Hi, Jean. This is Sally. Please give me a call

10 at 817-622-7002. Thank you."

11 They're getting smarter. They are listening to

12 me about email. They sent voicemail, voicemail.

13 "Jean, Based on update information from GSA Mike

14 Jurkowski of the Commission staff received yesterday,

15 it looks like there will be severe impact on the

16 opportunity that we discussed last week. It will

17 become a lost opportunity. Mike will not be putting

18 this in writing to us until next Wednesday."

19 That was on Thursday, 1/9.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: "I'm sitting tight now on any

22 action related to this. If you want to talk or have

23 guidance for me, please give me a call. Sally."

24 MR. LOPEZ: Right. That's interesting. How --

25 can GSA give them information that has to do with

31

1 impact? Isn't that directly from the incumbent?

2 MS. ROBINSON: Okay. Let me explain. The

3 Commission -- they're just figuring out a way to get

4 this one out. They were -- Sally was clearly pissed

5 with me at the end of six and a half hours. Guess

6 what, I was kind of pissed -- pissed at myself, okay?

7 MR. LOPEZ: Right.

8 MS. ROBINSON: Because I was tired of saying the

9 same thing over and over and over. But where we came

10 out, and like I said, I'd have to remind myself with

11 Pam, but what you can do is tomorrow we can have -- or

12 you can call me, and I can ask and say, you know,

13 leave the notes out on this, because I had her on the

14 phone, she got on and off, but her whole purpose of

15 being on there was -- but the way it works is the

16 Commission is supposed to determine impact prior to us

17 running literally -- we do a preliminary impact

18 analysis before we run a competition.

19 MR. LOPEZ: Correct.

20 MS. ROBINSON: And then the Commission does the

21 real -- the real one. So the Commission is supposed

22 to -- so who's the incumbent on this?

23 MR. LOPEZ: I don't know. All I knew it was an

24 8A company, I hear.

25 MS. ROBINSON: Hold on a second. Yeah, let's see

32

1 how legit the impact is, though. Okay. He told me

2 who Denver -- when did you get your letter? Today?

3 MR. LOPEZ: Well, they showed it to me today. It

4 could have come a couple of days ago, you know. I was

5 not in the office.

6 MS. ROBINSON: Because I just want to -- I just

7 want to say when I start looking into it tomorrow that

8 I got a phone call.

9 MR. LOPEZ: Right.

10 MS. ROBINSON: Searching. I'll try searching

11 again. Maybe that's too -- yeah, that's all that's

12 coming up is that. Let me see what else.

13 MR. LOPEZ: They probably worked with Carlos on

14 this one.

15 MS. ROBINSON: Who's Tamara Rodriguez?

16 MR. LOPEZ: Don't know. Tamara, did you say?

17 MS. ROBINSON: Yeah, business development manager

18 in South Central region. "This opportunity closed

19 last night per guidance given to me by my executive

20 director, Sally Henderson. This serves as notice to

21 you of the respondents to this opportunity. I have

22 attached the Sources Sought Notice for your

23 information." And that's Bona Fide, CW Resources,

24 Crossroads, Lincoln Training. This is the Denver

25 federal system. Hold on.

33

1 Ah. Okay. Now this is reminding me. Now, this

2 is the CDA one.

3 MR. LOPEZ: Correct.

4 MS. ROBINSON: The one I told you not to -- this

5 is not one you wanted anyway, by the way.

6 MR. LOPEZ: Correct.

7 MS. ROBINSON: But that's why you were going to

8 get it, my friend. Ah, it's coming back now. Yes,

9 it's coming back. All those things that they usually

10 beat you up on, like not having a presence in Denver

11 and all that other shit, not be an issue this time.

12 MR. LOPEZ: Correct.

13 MS. ROBINSON: Yeah, yeah, that's -- I remember

14 it now. What I was looking for in here, but that's

15 good I opened this because now I'm remembering. Let

16 me see what's -- let me just look real quick so I can

17 remember.

18 MR. LOPEZ: Sure. Take your time.

19 MS. ROBINSON: Oh, but I know why I told them

20 they had to redo it. I told them they had to redo it

21 because the amount of money changed, it was a lower

22 amount of money than what they told you guys.

23 MR. LOPEZ: Correct.

24 MS. ROBINSON: And I wanted to make sure that

25 they knew about the CDA stuff.

34

1 MR. LOPEZ: Correct. And that --

2 MS. ROBINSON: And GSA gave them a new statement

3 of work. I told them when they did the redo, GSA had

4 been promising them a statement of work, but that's --

5 none of that had anything to do with impact.

6 MR. LOPEZ: Correct.

7 MS. ROBINSON: You tell your people, by the way,

8 when they're applying for these if they see in the SSN

9 that it's got a union, that unless it's a big

10 contract --

11 MR. LOPEZ: Sure.

12 MS. ROBINSON: -- a million plus --

13 MR. LOPEZ: Sure.

14 MS. ROBINSON: -- you really got to decide

15 whether you even want to deal with that because you

16 potentially are going to end up organizing your entire

17 workforce.

18 MR. LOPEZ: True, true.

19 MS. ROBINSON: You know, what happens is you get

20 a union in one place, if it's a strong union,

21 especially on janitorial like SEIU --

22 MR. LOPEZ: Right.

23 MS. ROBINSON: -- they come after all your other

24 stuff too.

25 MR. LOPEZ: They do, they do. How did -- how did

35

1 Ed get rid of his union at the Lloyd George?

2 MS. ROBINSON: He probably didn't.

3 MR. LOPEZ: I think --

4 MS. ROBINSON: It's okay that -- okay. Let me

5 explain to you when it's okay to keep the union. It's

6 okay -- the union wages are usually higher than the

7 WDR.

8 MR. LOPEZ: Sure.

9 MS. ROBINSON: And the way it works is, if you

10 hire 50 percent of those old people, of the people --

11 of the incumbent's people, which generally most people

12 do because, you know, you want to take some of them

13 because you get some continuity --

14 MR. LOPEZ: Sure.

15 MS. ROBINSON: -- you become a successor to the

16 union.

17 MR. LOPEZ: Correct.

18 MS. ROBINSON: But even if you don't become a

19 successor -- automatically a successor to the union,

20 you have to pay that union wage for a year. You know

21 that, right?

22 MR. LOPEZ: Correct.

23 MS. ROBINSON: But then after a year you could

24 drop that down to the WDR.

25 MR. LOPEZ: Correct.

36

1 MS. ROBINSON: Generally, the union wage is

2 higher than the WDR. You got workers working

3 hypothetically at \$10 an hour for a year, and then by

4 law you can drop that down to -- let's say the WDR is

5 7.50.

6 MR. LOPEZ: Correct.

7 MS. ROBINSON: Not many workers are going to want

8 to take a \$2.50 pay cut. They're going to say, we

9 need the union.

10 MR. LOPEZ: Sure.

11 MS. ROBINSON: And they're going to organize your

12 workforce.

13 MR. LOPEZ: Sure.

14 MS. ROBINSON: Now, the other option is to tell

15 GSA, yes, that could drop back down to 7.50, but -- in

16 my hypothetical here, but if I do it, it's going to

17 only be temporary because my workers, the union is

18 going to convince them how important they are and

19 they're going to organize.

20 MR. LOPEZ: Sure.

21 MS. ROBINSON: And they're going to have an

22 election, and they're going to win.

23 MR. LOPEZ: Correct.

24 MS. ROBINSON: And we're going to be right back

25 up to the 10.50.

37

1 MR. LOPEZ: Right.

2 MS. ROBINSON: So, GSA, don't put me through all

3 that, just keep paying me at the 10, you know, \$10 an

4 hour or something.

5 MR. LOPEZ: Sure.

6 MS. ROBINSON: GSA is always too cheap.

7 MR. LOPEZ: Right.

8 MS. ROBINSON: They're like, sorry, that's your

9 problem, not ours.

10 MR. LOPEZ: Correct.

11 MS. ROBINSON: And you can drop this wage in a

12 year when you need to do it.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: And so, you know, you usually end

15 up, like I said, risking and paying money to lawyers

16 to run your union campaign --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- etcetera. That's usually a

19 mess. But if it's a big contract, it can be worth it.

20 MR. LOPEZ: Right, right. I agree.

21 MS. ROBINSON: But, you know, it just depends

22 on -- on what it is.

23 MR. LOPEZ: Agreed.

24 MS. ROBINSON: So that's what it was, is that the

25 amount of money changed. Now, Sally had an excuse to

38

1 contact the GSA folks, okay, because I wanted her to  
 2 do a redo.  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: And I said, when you do the redo,  
 5 if you've got a better statement of work, then you  
 6 need to give it to everybody --  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: -- so they understand what they're  
 9 dealing with. And so under the guise of getting a new  
 10 statement of work, she probably called GSA. How they  
 11 figured out this impact thing -- because I certainly  
 12 asked that question. I'm sure I asked that question.  
 13 MR. LOPEZ: Yeah. No, and usually, I mean, the  
 14 Commission will talk to the incumbent himself.  
 15 MS. ROBINSON: Oh, yeah.  
 16 MR. LOPEZ: Not to GSA.  
 17 MS. ROBINSON: Yeah. Yeah, I know.  
 18 MR. LOPEZ: GSA is like, what -- what does GSA  
 19 have to do with the contractors? Nothing.  
 20 MS. ROBINSON: Right.  
 21 MR. LOPEZ: Impact statement.  
 22 MS. ROBINSON: Right. Well, we need to -- and  
 23 you know how impact goes. You should know that better  
 24 than anybody else. We had that issue with you and  
 25 Lloyd George and TTC, didn't we?

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1 MR. LOPEZ: Many times, many times.  
 2 MS. ROBINSON: Where the Commission didn't even  
 3 bother to do an impact analysis because they said you  
 4 were a graduate of AA --  
 5 MR. LOPEZ: Correct.  
 6 MS. ROBINSON: -- and you would have been  
 7 ineligible for the contract again anyway.  
 8 MR. LOPEZ: Correct.  
 9 MS. ROBINSON: But they're still supposed to go  
 10 through the process.  
 11 MR. LOPEZ: Correct.  
 12 MS. ROBINSON: And it's what we call phantom  
 13 impact.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And it looks like somebody dropped  
 16 the ball here. It looks like they were looking for a  
 17 reason to get this out of the program.  
 18 MR. LOPEZ: Correct.  
 19 MS. ROBINSON: And the Commission helped to give  
 20 them one.  
 21 MR. LOPEZ: There you go.  
 22 MS. ROBINSON: But I'll get that confirmed when I  
 23 talk to Sally.  
 24 MR. LOPEZ: Okay. All right.  
 25 MS. ROBINSON: So -- but the call would be

40

1 logical that if you got something today saying, hey,  
 2 it's out --  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: -- then --  
 5 MR. LOPEZ: We need to know.  
 6 MS. ROBINSON: But you never got anything saying  
 7 they were going to redo it?  
 8 MR. LOPEZ: No.  
 9 MS. ROBINSON: So the timing of that email, wait  
 10 a minute, just -- wait a minute, hold on, is  
 11 suspicious in and of itself, because she was supposed  
 12 to craft an email to all you folk -- hold on. My  
 13 computer is -- she was supposed to craft an email to  
 14 all you folk telling you folk that there was going to  
 15 be a redo.  
 16 MR. LOPEZ: A redo, yeah. That never came.  
 17 MS. ROBINSON: I guess she didn't have to do that  
 18 because when she called her friends at the  
 19 Commission -- hold on. Let me see the -- let me see  
 20 the timing here. So I talked to her on Friday, the  
 21 3rd, right?  
 22 MR. LOPEZ: Right.  
 23 MS. ROBINSON: I spent all day on Friday, January  
 24 3rd. By Monday the time was of the essence. Oh, I  
 25 know how I figured that they were going to get it out

41

1 of the program, because she kept saying to me, we're  
 2 not going to meet GSA's schedule if we have to redo  
 3 this. And I said: Sally, that's bullshit. A redo is  
 4 only going to take, and I was that blunt, a week.  
 5 You're going to lose a week. So you guys didn't have  
 6 a week's time in there? And the contract was slated  
 7 to start in May, if I recall correctly.  
 8 MR. LOPEZ: Okay.  
 9 MS. ROBINSON: And so she kept putting up that --  
 10 she and whoever this woman was from her staff kept  
 11 saying, mostly Sally, if we call GSA and tell them  
 12 we've got to redo this, they're going to say, forget  
 13 it, I'm not going AbilityOne.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And I said: Well, why would they  
 16 say that? I don't think they're going to say that.  
 17 Why would they say that?  
 18 MR. LOPEZ: Correct.  
 19 MS. ROBINSON: They kept saying that. That's why  
 20 I was suspicious that they were looking for a way to  
 21 convince the customer to take it out of the program.  
 22 MR. LOPEZ: Gotcha. Makes sense, makes sense.  
 23 MS. ROBINSON: Okay. Wait a minute. So I get  
 24 that email -- I'm trying to find the date. Okay, 1/9.  
 25 So the following -- see, technically, by Monday or

42

1 Tuesday she was supposed to put out and do the redo.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: Instead of doing that, they  
 4 figured out how to get it out of the program. Okay.  
 5 So now next Wednesday, that would have been the 16th.  
 6 So we should have something from Mike from the  
 7 Commission. Let me see. Let me search my email. We  
 8 should have something from Mike saying why they had to  
 9 take it out of the program.  
 10 MR. LOPEZ: From Mike. Who's Mike? Who's Mike,  
 11 Jean?  
 12 MS. ROBINSON: Huh?  
 13 MR. LOPEZ: Who's Mike?  
 14 MS. ROBINSON: Mike Jurkowski works for the  
 15 Commission. I don't know him.  
 16 MR. LOPEZ: Gotcha.  
 17 MS. ROBINSON: She never forwarded Mike's  
 18 supposed correspondence to me about impact.  
 19 MR. LOPEZ: Hmm.  
 20 MS. ROBINSON: Hmm-um, don't have that. I was  
 21 just making sure I hadn't seen it.  
 22 MR. LOPEZ: Jean, I also wanted to ask you about  
 23 the employee evaluation that Bob Chamberlin gave you  
 24 that you --  
 25 MS. ROBINSON: Oh, he didn't give me that,

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1 because remember I got called out of town.  
 2 MR. LOPEZ: Yeah, but I thought he --  
 3 MS. ROBINSON: It's scheduled for this Friday.  
 4 MR. LOPEZ: It's scheduled for this Friday?  
 5 MS. ROBINSON: Yeah.  
 6 MR. LOPEZ: I thought he went forward with it in  
 7 absentia or something.  
 8 MS. ROBINSON: Oh, he probably did. I didn't  
 9 look, though. I haven't looked to see. But, no, he  
 10 wants to do a sit-down in person, so if he's going  
 11 to -- he went forward -- he didn't let me put my stuff  
 12 in.  
 13 MR. LOPEZ: Right.  
 14 MS. ROBINSON: But he went forward with whatever  
 15 it is, but I haven't seen it yet.  
 16 MR. LOPEZ: Okay, okay.  
 17 MS. ROBINSON: So I'll see it on Friday maybe.  
 18 MR. LOPEZ: Okay.  
 19 MS. ROBINSON: Yeah, I didn't get anything from  
 20 her. So, okay, I'll inquire about this tomorrow.  
 21 I'll have better information tomorrow.  
 22 MR. LOPEZ: Okay.  
 23 MS. ROBINSON: I don't have good insight right  
 24 now. I'll check in. So let's check in tomorrow.  
 25 I'll have better news for you.

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1 MR. LOPEZ: No problem. What are your plans?  
 2 Are you going back to mom's at sometime?  
 3 MS. ROBINSON: Yeah. Well, I'm going to call  
 4 now and see what's going on, because when I was on all  
 5 those conference calls today the doctor called me and  
 6 I have not had a chance to call him back.  
 7 MR. LOPEZ: Okay, okay.  
 8 MS. ROBINSON: So I need to do that.  
 9 MR. LOPEZ: Okay.  
 10 MS. ROBINSON: He said call him before 10:00  
 11 p.m., so I need to do that.  
 12 MR. LOPEZ: Okay. Well, you go ahead and do  
 13 that.  
 14 MS. ROBINSON: Okay.  
 15 MR. LOPEZ: We'll touch bases tomorrow.  
 16 MS. ROBINSON: All right. Thanks, Ruben.  
 17 MR. LOPEZ: Thank you.  
 18 MS. ROBINSON: Okay. Bye-bye.  
 19 MR. LOPEZ: Bye-bye.  
 20 (End of Audio File 01222014 V3.WAV)  
 21 \* \* \*  
 22  
 23  
 24  
 25

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1 (Audio File 01282014.WAV)  
 2 MS. ROBINSON: That's the only thing. But  
 3 concerns made over an issue we were talking about?  
 4 MR. LOPEZ: Yes.  
 5 MS. ROBINSON: Go ahead.  
 6 MR. LOPEZ: Jean, I'm so sorry, but were you able  
 7 to find out the name of the shredding company?  
 8 MS. ROBINSON: No, because I had no way to ask  
 9 that out of context.  
 10 MR. LOPEZ: Okay.  
 11 MS. ROBINSON: I will. I will. But yesterday I  
 12 could not ask that out of context.  
 13 MR. LOPEZ: I understand that. And how about --  
 14 how about Goodman, Goodman company, the auditors? Are  
 15 they related to Elizabeth, by any chance?  
 16 MS. ROBINSON: No, no. No, they are not. They  
 17 just happen to have the same name.  
 18 MR. LOPEZ: Okay. For sure no relatives, no  
 19 friends, nothing?  
 20 MS. ROBINSON: No, no. The only relatives that  
 21 we keep getting complaints about is between the head  
 22 of HR, Matt Bates, and Elizabeth Goodman are supposed  
 23 to be related, and she actually brought Mr. Bates  
 24 there, you know, what we've had complaints,  
 25 complaints, complaints about, but we've not been able

1 to verify there is in fact. In fact, I've had  
 2 official complaints through the system and everywhere  
 3 else, because obviously it's a huge conflict, and  
 4 based on what he seemingly has been brought there to  
 5 do, which is to eradicate the place from all  
 6 minorities.  
 7 MR. LOPEZ: I see.  
 8 MS. ROBINSON: Matt Bates, the head of HR, VP of  
 9 HR.  
 10 MR. LOPEZ: Okay, okay.  
 11 MS. ROBINSON: He's got a hit list that Bob gave  
 12 him when he came, and he's working his way down that  
 13 list pretty well.  
 14 MR. LOPEZ: I see. I see  
 15 MS. ROBINSON: But, anyway, that's -- that's the  
 16 only relatives, but, no. But the current auditors,  
 17 Calibre, are clearly in Elizabeth's pocket. They  
 18 clearly dance to whatever tune she says. They won't  
 19 change a thing, where we follow Sarbanes-Oxley, and so  
 20 every so often you're supposed to change your auditors  
 21 so that people don't get too chummy.  
 22 MR. LOPEZ: I see.  
 23 MS. ROBINSON: They just changed the partner  
 24 instead of the company because they finally got one  
 25 that will tell them what they want to hear. They've

1 do. I said, and so do you --  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: -- because the bottomline is I say  
 4 no to what you're doing.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: And they don't accept that no, and  
 7 that's -- that's as succinctly as I can put it, Bob.  
 8 And he said, no, it's not that. I said, it isn't? I  
 9 said: Well, then what is it? When you say it's not  
 10 working out, if you can be specific and say it's not  
 11 working out because of A, B, and C, I can deal with  
 12 that. I have no problem dealing with that, just tell  
 13 me what it is.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And he said, well, for example,  
 16 Dennis Fields is in here every day complaining about  
 17 you. I said, oh, that's interesting. I didn't want  
 18 to say to him, because Dennis is usually complaining  
 19 to me about you, but I didn't. I just -- I said,  
 20 really. I said, well, I'll have to -- I said, why  
 21 don't you call Dennis right now and have him come in  
 22 here and let's talk about his concerns, because I  
 23 can't imagine, he's overly nice to me and seems to be  
 24 perfectly satisfied. I know he's been a little upset  
 25 lately because, you know, I keep pushing hard on this

1 had some in the past, Beers & Cutler, which is now  
 2 Baker Tilly, he did some major audits, and that  
 3 partner, I called him recently to -- to help me with  
 4 some investigation, and he's like, I don't want any  
 5 parts of those people, Jean.  
 6 MR. LOPEZ: Right, right.  
 7 MS. ROBINSON: So anytime you got large companies  
 8 turning business down because they don't want to, you  
 9 know, deal with the nonsense is interesting. But,  
 10 anyway, what -- what I have is 45 days to shape up or  
 11 ship out. I'll read it to you. I just can't read it  
 12 now because I'm driving, but it was the most -- it was  
 13 very nebulous. I looked at him. I didn't have much  
 14 to say. I wasn't very emotional. I was pretty quiet,  
 15 no raised voices. He said, Jean, this just isn't  
 16 working out.  
 17 MR. LOPEZ: Wow.  
 18 MS. ROBINSON: I said -- I said, when you say  
 19 it's not working out, can you be a little more  
 20 specific? I let him talk. He said, you know, people  
 21 come in and complain to me every day. I said, who's  
 22 coming in and complaining? I said, I could give you  
 23 the list of the people who complained. He said, but  
 24 the chair of the audit committee and the board  
 25 members, they want you gone. I said, of course they

1 allocation process and e-recycling and all these  
 2 operations, and every time I look everything is a  
 3 mess, so I'm not the bearer of good news with him, and  
 4 I've been pushing him towards decisions from  
 5 documentation, etcetera, he doesn't like it, so it  
 6 still all kind of circles back to you -- I told him,  
 7 I said, you have a corporate culture where you guys  
 8 are going to continue to do the wrong thing and I'm  
 9 going to continue to tell you that while I'm here and  
 10 on my watch, which may be, you know, not -- not long,  
 11 that I'm not going to go along with it, I'm not going  
 12 to tell you what you want to hear. I mean, that --  
 13 that should be clear by now.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And he says, well, I've never been  
 16 able to control you. And I said: Well, it's not  
 17 about control. We're not in the military. This is  
 18 about -- he said, well, all of my board members and  
 19 all of the staff, all of my followers have lost  
 20 respect because they don't understand why I keep you,  
 21 they want you gone.  
 22 MR. LOPEZ: Wow.  
 23 MS. ROBINSON: And I looked at him, and I just  
 24 laughed, and I said, I bet they do, I bet you do too.  
 25 Oh, no, I'm the one who hired you. And I just smiled.

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1 And he says: You think I'm not your supporter. I'm  
 2 one of your biggest supporters. I just smiled again.  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: Because it's all just bullshit.  
 5 And I said, you know, you still can't come up with --  
 6 I said, your cases, I win your cases for you. I've  
 7 never lost a case. I've been around this for 20  
 8 years. I've never lost a case, and believe me you  
 9 guys have some doozies, you don't give me a good set  
 10 of facts to work with. I said, we settled some  
 11 with -- you know, there's just no way you're going to  
 12 win. But the bottomline is you're supposed to be  
 13 evaluating me on my legal work, you're not evaluating  
 14 me on that, you're evaluating me on people telling you  
 15 that they don't like me or that, you know. I said,  
 16 this is a total setup, Bob, and you got to tell me  
 17 what it is you want.  
 18 He says: Well, it certainly can't be pleasant  
 19 for you to come in here every day. You got to decide  
 20 whether you want to work here. I said, well, I'm here  
 21 every day, so I've obviously decided I want to work  
 22 here.  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: You know, and so he said, well,  
 25 I'm going to give you 45 days to tell me what it is

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1 you want to do. I said, I don't need 45 days, you  
 2 know, I'm going to keep doing my job, and apparently  
 3 you guys are going to keep doing what you're doing,  
 4 and, you know, that's the way it's going to work.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: So he said, no, no, you're going  
 7 to -- I'm going to give you this memo, but he never  
 8 gave me the memo until like we were leaving because  
 9 he's such a coward.  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: Because he knows it's not right,  
 12 you know. So -- so I said: Well, what does the memo  
 13 say, Bob? Would you like to go over that? Well, the  
 14 memo has got -- I said, Bob, I'm in here because  
 15 you're supposed to be evaluating my performance as of  
 16 last year.  
 17 MR. LOPEZ: Correct.  
 18 MS. ROBINSON: You are talking about a couple  
 19 things that occurred in the last three weeks or two  
 20 weeks. He said, well, yeah, you've been gone four  
 21 weeks with your mom. I said, first of all, I haven't  
 22 been gone four weeks with my mom. I left -- I told  
 23 him what day I left. I came back. I said, what are  
 24 you talking about? I said -- I said, so that's -- I  
 25 said, but that's neither here nor there because what

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1 you have to understand is that is my priority, and my  
 2 priority is my kid and my family and my mom right now  
 3 because she's ill, but, you know, I haven't missed a  
 4 beat in terms of doing your work. I've been standing  
 5 out in the hallway at the hospital while my mother is  
 6 in the intensive care unit getting reamed out by your  
 7 board members because they don't like the way -- the  
 8 fact that there was a recent complaint against you and  
 9 I said I need to take a look at your expenses.  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: I have been forbidden -- I said, I  
 12 can't do my job if these board members are going to  
 13 continue to try to do it for me or to hinder me. They  
 14 can't have it both ways. They can't tell me, Jean, go  
 15 investigate it, and then when I start, you're only  
 16 going to investigate it this way and you're not going  
 17 to do this. I said, I have four lawyers telling me  
 18 that they agree with the methodology that I'm going to  
 19 use to investigate it, and it's including your board  
 20 chair. And Amy is sitting there saying, no, I'm not,  
 21 because she wants to protect you. Why is she  
 22 protecting you, Bob? I don't understand.  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: I mean, I assume -- I said, you're  
 25 a pretty frugal guy, so I assume that when you were

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1 traveling out of the country that it wasn't  
 2 exorbitant, that, you know, you didn't spend a lot of  
 3 money, but I don't know, but I got to tell you that  
 4 this complete block on how -- that I cannot look at  
 5 your expenses and I can't do this and -- and people  
 6 emailing back and forth close this out immediately is  
 7 not the right answer, and I'm not going to go along  
 8 with that. So I'm going to go and investigate this,  
 9 and I don't really care what Amy says, and that's why  
 10 she doesn't speak -- he said, but she doesn't speak to  
 11 me now because she wants you fired. I said: A bunch  
 12 of the CRPs -- you have a board that is going to  
 13 continue doing what they're doing, which I don't think  
 14 is correct, and I've been on the record as saying  
 15 that, and I'm in the way. I understand they want me  
 16 gone and they have ordered you to make me go away, but  
 17 you want me gone as bad as they do.  
 18 MR. LOPEZ: Correct.  
 19 MS. ROBINSON: Well, well, it's just not working,  
 20 Jean. I said: Bob, you've said that consistently,  
 21 every time I say no to you guys or every time I say,  
 22 hey, let's do this a different way. I said: The  
 23 allocation process, I told you how to change it so it  
 24 would be fair and transparent. You won't do it.  
 25 You've assigned work to other lawyers, anything. You

1 keep me from helping you. I said, I can't help you if  
 2 you don't want to help yourselves.  
 3 MR. LOPEZ: Correct.  
 4 MS. ROBINSON: I said, but -- you know, he says,  
 5 well, I know, you know, you've got to follow the law  
 6 and -- and I said, and that's exactly what I'm going  
 7 to do, Bob. And I said: Have there been any  
 8 assignments, Bob, that you have given me that I  
 9 haven't done? I may not -- you may not like my  
 10 answer. That's different. Your liking me telling you  
 11 that -- not liking me telling you that you should put  
 12 a certain CRP on probation or that you guys screwed up  
 13 something during the allocation, you may not like  
 14 that, but it's not that I haven't done the assignment,  
 15 it's I haven't done the assignment -- he said, well,  
 16 you don't run anything around here, and I run this  
 17 place, and I'm just unable to control you.  
 18 MR. LOPEZ: Okay.  
 19 MS. ROBINSON: I looked at him and started  
 20 laughing. I was like, well, yeah, I guess, you know.  
 21 I said: I think I have the appropriate amount of  
 22 respect and deference for your position as CEO. I'm  
 23 never disrespectful, but I do respectfully disagree  
 24 with how you are leading the organization as well as  
 25 how you allow your staff to just go down, you know,

1 sitting there lying to me.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: I can prove it. And so he said,  
 4 well, well, that's the other thing, you know, these  
 5 guys, they don't like -- I said, they don't like me  
 6 telling them that they're -- not only are they  
 7 screwing up, but they're just not doing the right  
 8 thing, they're being unfair. I said, there are  
 9 vulnerabilities, and it's not a transparent and fair  
 10 process. But what I don't understand, Bob, is with  
 11 all the heat that we have on us, OIG, GAO, you name  
 12 it, this person wanting to sue that person, I just  
 13 don't understand why you keep doing the same thing,  
 14 why we keep giving them more material every day.  
 15 Well, it's free employment for lawyers. I said, it  
 16 may not be this lawyer, obviously, from what you're  
 17 saying, but employment for some lawyer, because you  
 18 guys are determined you're going to do what you're  
 19 going to do, and I'm determined that when I'm the  
 20 general counsel I'm not going to support, you know,  
 21 illegal or wrong or immoral, sometimes it's not  
 22 illegal, it's just plain old immoral or wrong, an  
 23 unfair process. It just, you know --  
 24 MR. LOPEZ: Right.  
 25 MS. ROBINSON: For me it's just not going to

1 one rabbit hole after the next that just keeps us in  
 2 perpetual trouble.  
 3 I said, it's -- instead of being a proactive  
 4 general counsel, I'm a general counsel that puts out  
 5 fires every day. I can't -- if I were the most  
 6 organized person in the world, it wouldn't matter  
 7 because there is an emergency or a crisis every day  
 8 with you guys.  
 9 MR. LOPEZ: Correct.  
 10 MS. ROBINSON: And a lot of it is because -- you  
 11 know, I don't know, Bob, are you leading these crises  
 12 or -- or -- I just don't know. I can only tell you, I  
 13 said, today is the perfect example. In the time I  
 14 should have been sitting down preparing for your  
 15 performance whatever this is, whatever meeting this  
 16 is, somebody scheduled a call for me at 1:30 to talk  
 17 about this NTI thing.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: I said: That call was supposed to  
 20 go from 1:30 to 2:30. It went from 1:30 to two  
 21 minutes after 4:00. Your people aren't listening.  
 22 They're -- they're so busy contradicting themselves or  
 23 practicing the debrief. I found a million holes in  
 24 it, and all they want to do is argue with me about how  
 25 they're doing the right thing, and I know they're

1 happen.  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: So, well, then you've got to  
 4 decide -- you've got to decide whether you want to  
 5 work here or not.  
 6 MR. LOPEZ: That's what he told you? That's what  
 7 he told you?  
 8 MS. ROBINSON: Then he said: You've got 45 days  
 9 to figure this out. It ain't working. I said: Well,  
 10 Bob, you know what, let me just ask you. How would  
 11 you solve this problem? I said, because I -- you  
 12 know, I don't know what it is you want me to do, and  
 13 I -- and I haven't read this memo that you talked  
 14 about for the last half hour, I said, so I can't  
 15 even -- you know, I can't comment on that.  
 16 I said, but what is it that you want me to do? I  
 17 said, I'm never going to get along with -- with Rhett  
 18 Linke, who -- who is totally incompetent and is doing  
 19 things that is not aboveboard. I'm not going to get  
 20 along with Elizabeth Goodman, I said, because -- but I  
 21 can work with them. In other words, they can do their  
 22 job and I can do mine, but I'm not going to have tea  
 23 and crumpets with them because philosophically I think  
 24 that the things that they're doing are hurting the  
 25 program and I think they're not right and they're

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1 trying very hard to please you and do things that are  
2 inappropriate, and I'm just not willing to get on that  
3 bandwagon. So I can't figure out if what you're  
4 telling me is if I want to stay around after 45 days  
5 I've got to, you know, go along with things, that I  
6 can't say no, because no is going to be my continued  
7 answer to most of what your staff brings me because  
8 most of what they bring me is incorrect and  
9 inappropriate and it does not serve the best interests  
10 of the program. So what is it that you want me to do?  
11 I want you to come back to me in 45 days, Jean,  
12 and -- I said, now, Bob, there's one thing that I  
13 probably could do. I said -- you know, I said, first  
14 of all, one of the things that you have -- that you  
15 have legitimately something to gripe about would be  
16 the back travel expenses that I have out there that I  
17 need to get turned in, that I can never seem to get  
18 around to doing because I'm putting out this fire,  
19 that fire. I'm the one hurt by that. You guys owe me  
20 money. I don't owe you money; you owe me money.  
21 He said: You know, that's another thing. You  
22 make way too much money. You make -- you make -- you  
23 make as much as I do. I said, Bob, stop the bullshit.  
24 I said, there is over a hundred thousand dollars'  
25 difference between my salary and your salary, so I

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1 don't make almost, so stop saying that.  
2 MR. LOPEZ: Right.  
3 MS. ROBINSON: I said -- I said -- I said, I  
4 actually took a cut in pay to do this, and you know  
5 that. I said: I used to make twice as much money  
6 when I wasn't an employee and had my own firm and was  
7 doing my thing. You made sure you cut that in half.  
8 I'm not -- I've been working for the last three years  
9 since you asked me to be an employee without a pay  
10 raise, without anything. (Unintelligible) pay raise.  
11 I said, so, you know, don't -- don't -- don't tell me  
12 that, Bob, don't tell me that.  
13 I said, now, what that does say to me is the  
14 Dennises and the Elizabeths and the rest of these  
15 folks who are carrying your water and are totally  
16 incompetent are upset by. I said, but here's what is  
17 so ironic about it, you guys pay lawyers -- my whole  
18 year's salary is \$300,000. I said, but you pay a  
19 lawyer \$300,000 to do one investigation, more -- more  
20 than that. I said, you pay them, and they've only  
21 worked a month, conceivably.  
22 MR. LOPEZ: Right.  
23 MS. ROBINSON: I said, that's the kind of money  
24 you're spending. Lawyers are not cheap, that's for  
25 sure. I said, but, you know, come on, Bob, they've --

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1 but you go ahead, and -- and the bottomline -- so I  
2 just looked at him. I was very quiet. I just looked  
3 at him. I said, so what do you -- so what is it -- I  
4 said, so what is it you want me to do, Bob?  
5 He said, well, read the memo, do the stuff that's  
6 in the memo, and be absolutely responsive to Dennis  
7 and -- and Rhett and Elizabeth and Matt and, you know,  
8 all these people.  
9 And so I get home and read the memo, and the most  
10 ironic thing in the memo that I thought was funny was  
11 this thing about the -- about us getting the fine when  
12 Matt refused to give me the files.  
13 MR. LOPEZ: Right.  
14 MS. ROBINSON: You know, because Matt was trying  
15 to screw up my perfect record, the EEOC, etcetera.  
16 And I've got great documentation, so I'm glad he put  
17 that in there. I can't wait to get here and talk to  
18 Dennis about his supposed going in complaining every  
19 day.  
20 MR. LOPEZ: Right.  
21 MS. ROBINSON: Because I suggested to Bob, you  
22 know, let's get Dennis in here, because I want to see  
23 him say that to my face, you know.  
24 MR. LOPEZ: Right, right.  
25 MS. ROBINSON: So -- so the bottomline is they --

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1 he's -- the next shot has been fired over the bow.  
2 There is nothing that I -- as I told him, I said, Bob,  
3 there is nothing that I could do right to satisfy your  
4 honest committee people and the -- and the machine.  
5 And he just looked at me like, you know. I said: You  
6 guys are going to keep doing what you're doing. I'm  
7 going to keep throwing roadblocks in the way and  
8 telling you no while it's on my watch, and they're  
9 going to keep pressuring you to get me out, and you're  
10 going to keep wanting me out because I'm not telling  
11 you what you want to hear and I'm not going along with  
12 the program, and that's the way it's going to be. So  
13 you are going to have to give me a suggestion about  
14 what it is you want me to do.  
15 MR. LOPEZ: Right.  
16 MS. ROBINSON: And so he didn't know what to --  
17 because it was so nebulous, he didn't know what to do  
18 with that, and I didn't know what to do with it, so I  
19 had to leave the -- you know, go get my kid, because  
20 it was 6:00 o'clock anyway. So I'm not quite sure  
21 what it is he wants at this point, but --  
22 MR. LOPEZ: Well, I mean, he's told you --  
23 MS. ROBINSON: I know he wants me out in 45 days.  
24 I mean, he's told me clearly you got to go and you got  
25 to go because the board and the staff don't want you

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1 here.

2 MR. LOPEZ: But, you know -- but, in other words,

3 he also gave you a choice, toe the line, play ball, do

4 what we --

5 MS. ROBINSON: Well, what he said to me is,

6 you've got to -- he said -- he said, and those weren't

7 his exact words, but what he said is, you've got 45

8 days to be more responsive, get along better with --

9 with Rhett and Dennis and Martin and, you know, all

10 those people, do what they want you to do, and I -- I

11 said, well, anything that I've told them I'm not going

12 to do, I'm not going to do it over the next 45 days

13 either. I mean, you know, so you don't -- you don't

14 leverage me by saying you either play ball or get out,

15 because that ain't going to work. I didn't say those

16 words to him. I just looked at him and smiled. But

17 that's really what it amounts to, yes.

18 MR. LOPEZ: Yeah. I mean, he wants you to do

19 what they -- you know, to turn a blind eye to what

20 they're doing and try to help them, like when --

21 MS. ROBINSON: And I want him -- and excuse my

22 vernacular, but I want him to man up, grow some balls,

23 look at me and say, Robinson, pack your shit in a box

24 and get --

25 MR. LOPEZ: Right.

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1 MS. ROBINSON: -- because you aren't going to go

2 along with our program and we're not going to let you

3 stay here unless you do. That's what I want him to

4 say.

5 MR. LOPEZ: Correct.

6 MS. ROBINSON: But he's not -- he's too coward

7 to say that, and he knows what he's doing is not

8 right. He's even too coward to give me the memo when

9 I came in.

10 MR. LOPEZ: Right.

11 MS. ROBINSON: He only gave me the memo -- he

12 wouldn't even let me read it, you know, while we're

13 sitting there. So the bottomline is, I do plan to

14 address in writing, I've just got to set the time

15 aside, the memo, and get it all down in writing.

16 One of the things he doesn't know is I told --

17 I've been reviewing the last year so I could do my

18 self-review. I told him, I said, I'm not going to

19 continue to be set up by you people. That's just not

20 going to work. I mean, so I'm going to document, I'm

21 going to record meetings. It's come down to that. I

22 record the meetings. I should have recorded his

23 meeting, is what I should have done. I didn't think

24 about it until later.

25 MR. LOPEZ: Yeah.

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1 MS. ROBINSON: But from now on I'm going to

2 record meetings. I'm going to make sure I cover my

3 butt, because, you know, he's pretty clear on where he

4 is.

5 MR. LOPEZ: Right, right. No, that's -- that's

6 very wise.

7 MS. ROBINSON: So -- yeah, so that's -- that's

8 where I am. But on this other thing, you know, I

9 don't know if it -- but the issues that I found, like

10 I spent two and a half hours telling them yesterday,

11 the bottomline is they -- they corrected their

12 submission and their proposal, our people didn't

13 read -- they were determined what they were going to

14 do, and this is going to be real interesting, but I --

15 my prediction is the way this is going to work, and I

16 haven't been wrong yet, but, you know, I -- I could be

17 wrong, but my prediction is they're not worried about

18 this NTI thing because they're going to convince USDA

19 to yank it from the program.

20 MR. LOPEZ: Okay.

21 MS. ROBINSON: And that's what's going to --

22 which is really a shame, but --

23 MR. LOPEZ: Right.

24 MS. ROBINSON: Well, here's what they're going to

25 do. This is my prediction, and this is what I want

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1 you to go on, because I can figure this stuff out.

2 They're going to tell USDA to go commercial otherwise

3 they're going to be tied up in litigation with NTI.

4 MR. LOPEZ: Right.

5 MS. ROBINSON: And then when they go commercial,

6 Peckham is going to apply for it because they have

7 contracts outside of the AbilityOne program, and

8 they're going to give it to them.

9 MR. LOPEZ: Correct, correct.

10 MS. ROBINSON: It just won't be in the AbilityOne

11 program. NTI won't have any standing. Because that's

12 the new trend.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: That's the way they're working.

15 So that will be the same thing here, but, you know,

16 it's -- it's one of those things that this is not

17 going to stop. I mean, they're -- they're on a roll.

18 But that's not all bad from some perspectives.

19 MR. LOPEZ: Right, right.

20 MS. ROBINSON: So let them -- let them continue

21 to do what they're going to do, but -- so I'm going

22 to -- I'm going to keep -- keep, you know, working on

23 the stuff I'm working on. I'm going to try and get,

24 you know, Carlos and Mayling the documents they need.

25 I'm going to keep trying to oversee that. I know --

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1 we all know I've got 45 days to, you know --

2 MR. LOPEZ: Okay.

3 MS. ROBINSON: -- to keep working.

4 MR. LOPEZ: Okay.

5 MS. ROBINSON: So I'll work on the other

6 information that we talked about, and we'll go from

7 there.

8 MR. LOPEZ: Okay, okay.

9 MS. ROBINSON: But I will read you this thing

10 tonight. I just can't read it now.

11 MR. LOPEZ: I understand. What time should I

12 call you?

13 MS. ROBINSON: In terms -- in terms of the other

14 situation, they should just ask: What process did you

15 employ when you did the redo?

16 MR. LOPEZ: Right.

17 MS. ROBINSON: Describe that process. Did you

18 get a new -- did you get new committee members,

19 evaluation members?

20 MR. LOPEZ: Right.

21 MS. ROBINSON: Did you reread all the proposals?

22 Did the evaluation team know this was a redo? What

23 guidance did -- did the team -- the evaluation team

24 have about the redo? How did we score or rate in each

25 category? They need to go through each category.

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1 MR. LOPEZ: Okay.

2 MS. ROBINSON: Capability, explain to me, were

3 we good, were we bad, were we --

4 MR. LOPEZ: Right.

5 MS. ROBINSON: You know, I would go through each

6 one and -- because the bottomline is, my understanding

7 is when they cleaned up -- and this is why people

8 don't stand a chance.

9 MR. LOPEZ: Right.

10 MS. ROBINSON: The whole reason we redid it is

11 because they said they didn't understand that entity's

12 relationship with the subcontractor. So in the redo

13 the person -- or the entity corrected that in their

14 response.

15 MR. LOPEZ: Right.

16 MS. ROBINSON: They didn't read the correction

17 because the correction didn't go -- it was more than

18 500 words, and on a technicality, you know --

19 MR. LOPEZ: Right.

20 MS. ROBINSON: -- they can throw it out.

21 MR. LOPEZ: Oh-oh.

22 MS. ROBINSON: So it's -- but -- but they can't

23 know that part. What they got to know is, you know,

24 what was the process, did you guys read the new stuff

25 we put in or whatever, but they've got to ask some

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1 pointed questions. Now, from what I understand the

2 counsel is not going to be on the phone, so I'm not

3 going to be on the phone either.

4 MR. LOPEZ: Okay.

5 MS. ROBINSON: Because they're not going to have

6 their counsel. But I don't really know where they're

7 coming from, where, you know, this person is coming

8 from.

9 MR. LOPEZ: Right.

10 MS. ROBINSON: And from what I hear, their house

11 is not all that clean, but I don't know that, you

12 know. I just -- you know, I don't know that that's

13 the case.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: So I don't know from a trust

16 standpoint if you can really trust.

17 MR. LOPEZ: Right. Yes. I understand.

18 MS. ROBINSON: So you got to -- you got to

19 work -- you know, you got to think -- think that one

20 through.

21 MR. LOPEZ: Sure.

22 MS. ROBINSON: Maybe just let it go and see

23 how -- how it all comes out in the wash.

24 MR. LOPEZ: I gotcha. I gotcha. Okay, okay.

25 Well --

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1 MS. ROBINSON: Okay? I'm going to go inside the

2 asylum for the next beating for today. The audit

3 committee is meeting today. They're here in town.

4 MR. LOPEZ: Okay.

5 MS. ROBINSON: So I'm going to go in and get my

6 ass kicked about wanting to review Bob's expenses and

7 investigating the complaint we got anonymously about

8 the Berry Amendment and Bob Chamberlin's international

9 travel.

10 MR. LOPEZ: Wow.

11 MS. ROBINSON: I'm going to go get my butt kicked

12 on that --

13 MR. LOPEZ: Oh, no.

14 MS. ROBINSON: -- without much support even --

15 that's okay. That's all right. I'm a big girl. I

16 can, you know -- here's the problem for them. They

17 don't know it's a problem, but I'm just telling you as

18 a friend.

19 MR. LOPEZ: Right.

20 MS. ROBINSON: I'm the kind of individual, once I

21 get the emotion out of it, once I -- you know, once

22 the emotion goes away from it for me --

23 MR. LOPEZ: Right.

24 MS. ROBINSON: -- then it doesn't -- it doesn't

25 phase me too much, you know.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: You know, a few years ago there's

3 a lot of emotion in it, like how can you guys do this,

4 hey. They're going to do what they're going to do.

5 MR. LOPEZ: Right.

6 MS. ROBINSON: And it's not going to be right,

7 and I've now accepted that. I'm just going to make

8 sure that the record reflects that I'm trying to tell

9 them to do the right thing, but they're not doing it.

10 MR. LOPEZ: Correct, correct.

11 MS. ROBINSON: And that's what they want to, you

12 know, get rid of. I understand that. And I'm not

13 saying I'm a perfect individual and I don't have any

14 flaws and I do everything perfect. That's far from

15 what I'm saying. I'm just saying to you that I

16 realize I'm being set up, I realize that they're

17 trying to railroad me out, I realize I'm not going to

18 win, and the least little things that -- that -- any

19 error that I make is going to be magnified and talked

20 about forever, etcetera, etcetera.

21 I said to them: I'm only one person. I can't do

22 a thousand things. You ran my counsel away, and you

23 won't let me hire any new counsel.

24 MR. LOPEZ: Yeah.

25 MS. ROBINSON: So, you know, but that's -- that's

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1 so they can say, you aren't getting this done. It's

2 like a total setup.

3 MR. LOPEZ: Correct.

4 MS. ROBINSON: But I now -- I now have my -- my

5 choices, and the choice is to play ball or not, and

6 I'm not going to play ball.

7 MR. LOPEZ: Correct.

8 MS. ROBINSON: So I'm just going to keep doing

9 what I'm doing, and we'll -- we'll see what -- we'll

10 see where this goes, but today will be interesting

11 because, like I said, this committee may want to fight

12 about -- they've already directed me to quickly close

13 it out and not look at Bob's stuff and not investigate

14 Bob.

15 MR. LOPEZ: Right.

16 MS. ROBINSON: But that ain't going to happen.

17 MR. LOPEZ: Right, right.

18 MS. ROBINSON: Because I'm still the compliance

19 officer, I'm still the general counsel, and I

20 represent the corporation. I do not represent them in

21 their -- so he said, well, you have a dotted line to

22 the audit committee. I said, that's bullshit, I don't

23 have any dotted line to the audit committee.

24 MR. LOPEZ: Right.

25 MS. ROBINSON: That is just total bullshit.

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1 MR. LOPEZ: Correct.

2 MS. ROBINSON: But that's the way they're trying

3 to do it. They think they're pretty clean because

4 they've got Amy Luttrell who's -- she does, you know,

5 participate in the program, but they haven't given her

6 a lot of stuff.

7 MR. LOPEZ: Okay.

8 MS. ROBINSON: You know, they haven't given her a

9 lot of -- a lot of allocations, etcetera, etcetera,

10 but she does carry their water for them. They think

11 she's clean in carrying it, but, you know, not

12 totally, and so -- and Mike Kivitz, who is Bob's best

13 buddy.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: And, you know, it is what it is.

16 But I will tell you we got the stuff back on Portco,

17 and David is prevailing a little bit, a couple counts

18 that he's got to redo.

19 MR. LOPEZ: Okay.

20 MS. ROBINSON: The fraud stayed in, though.

21 MR. LOPEZ: The fraud stayed in.

22 MS. ROBINSON: The fraud -- the fraud count

23 stayed in. The business conspiracy act went out,

24 though.

25 MR. LOPEZ: I see.

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1 MS. ROBINSON: He's got -- but he's got leave to

2 amend it. He's got leave to amend it.

3 MR. LOPEZ: I see.

4 MS. ROBINSON: So he's doing pretty good, at

5 least with that, but, you know, they'll give him --

6 like I said, they'll give him a lot more material

7 because that's just what they're going to do.

8 MR. LOPEZ: Right, right. Well, I mean, take --

9 take comfort in the knowledge, in the scientific

10 knowledge that for every action there's an equal and

11 opposite reaction. So at one time point whatever

12 they've done and whatever they're doing is going to be

13 completely reverted -- reversed. Take comfort in that

14 now.

15 MS. ROBINSON: I hope you're right. I hope

16 you're right, but I got to tell you, they just --

17 every day it's a new -- it's a new -- it's a new game,

18 but in any event, I will -- like I said, I'll just --

19 I'll just keep plugging away.

20 I'm going to look today at the information that

21 they sent to Mayling and Carlos, and that's -- the

22 reason Dennis is shooting for me now, let me tell you

23 what this is really all about. Dennis never gunned

24 for me before, but the reason he's gunning for me now

25 is because, I'm not bragging, but I know the

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1 operations pretty damn well.

2 MR. LOPEZ: Yes.

3 MS. ROBINSON: And -- and I know it much better

4 now in the last few years because I've had to litigate

5 the challenges brought, so I understand. Bob does not

6 know the operation. Dennis tells him some bullshit.

7 And now that -- that Mumper has asked and Lisa have

8 asked for these questions about the allocation process

9 and the competition, Carlos and Mayling don't know

10 enough to analyze the information that they're

11 getting. I do, and I push back with them, and I'm not

12 going to let it fly. So they slid some information

13 over to Carlos and Mayling to give to Scott. Some of

14 it's correct maybe, and a whole bunch of it is not,

15 and so I'm going to push to get the right inform --

16 the correct information out.

17 MR. LOPEZ: Right.

18 MS. ROBINSON: And he knows that. And if I

19 want -- they can deal with the other lawyers because

20 they just don't -- you know, they haven't been around

21 long enough, they don't know our processes well

22 enough, they're not on the inside, so they can give

23 them what seems to be plausible answers.

24 MR. LOPEZ: Correct.

25 MS. ROBINSON: And I -- you know, and that's what

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1 they've done. But even in doing that, I mean, even

2 when they did that with GAO, GAO still said, you know,

3 I think there's issues around the transparency and

4 fairness of the process, but if they really knew, I

5 mean, if they really had some answers, they would --

6 they'd have (unintelligible). So what I'm going to

7 do is make sure what they're giving you is correct.

8 Elizabeth -- I got to tell you this one funny

9 thing, because I'm sitting out in the parking lot,

10 tell you one funny thing. Yesterday at the staff

11 meeting, Elizabeth hands out this snapshot of the top

12 25 -- this is related to the information they're

13 giving Scott.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: The top 25 CRPs, right?

16 MR. LOPEZ: Right.

17 MS. ROBINSON: So I'm looking on the list, and

18 there's none of the usual suspects. So JP Industries,

19 Parkers.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: They're like in the top 10.

22 MR. LOPEZ: Wow.

23 MS. ROBINSON: I'm like, they ain't in no damn

24 top 10. So I'm looking, and I don't have my

25 glasses, you know. I don't have my reading glasses

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1 sometimes. So I'm looking. I'm like, does that say

2 JP Industries? And so she says, this is a snapshot

3 in time, this is a dashboard. So I looked at her, and

4 I said, none of these agencies are really our top 20.

5 MR. LOPEZ: Right.

6 MS. ROBINSON: I said -- I said, like Pride and

7 Peckham, but the rest of these little guys, they're

8 not in our top 20. Why are they listed as in our top

9 20? Where is this information going? So she says,

10 well, we aren't doing anything with it, but -- but

11 this information -- this is where I'm telling you

12 they've got to get me out the friggin door, because

13 there's no way Scott, anybody on the outside is going

14 to get this figured out. So I'm looking, and I'm

15 going, so you think these agencies are the top 25?

16 That's bullshit.

17 MR. LOPEZ: Right.

18 MS. ROBINSON: So -- so Dennis looks at me, and

19 he says, well, yeah, what is this? Because he

20 knows I've figured it out. And she said, well, no,

21 this is only -- I said, is this just a snapshot in

22 time? She said, well, yeah, these are only the people

23 who turned in their QER information.

24 MR. LOPEZ: Ah.

25 MS. ROBINSON: I said, well, looking -- you see

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1 the difference?

2 MR. LOPEZ: Yes.

3 MS. ROBINSON: You got a nice, pretty graph that

4 says that -- you know, I could name little guys. I

5 mean, the little guys are usually the ones who are

6 complying, you know, quickly --

7 MR. LOPEZ: Correct.

8 MS. ROBINSON: -- with whatever. So with the QER

9 stuff, for example, that just means, you know, like JP

10 Industries, Parker is the general, so he's a little

11 following guy.

12 MR. LOPEZ: Right.

13 MS. ROBINSON: So when the QER is due, he turns

14 it in like the first day it's due.

15 MR. LOPEZ: Correct.

16 MS. ROBINSON: So she -- so she generates this

17 report, is what I'm trying to tell you, and it's based

18 on who turned in the QER data, and that constitutes

19 their top 25, right?

20 MR. LOPEZ: Wow.

21 MS. ROBINSON: So I look at her, and I said,

22 well, apparently you must have a hell of a lot of

23 people -- in the meeting. She's pissed off. Bob's

24 pissed off. I said, you must have a hell of a lot of

25 people who haven't turned in their QER data, this -- I

1 said, this piece of paper is just useless, this is  
 2 just -- I said, are you just trying to show off the  
 3 capability of your new computer system?  
 4 MR. LOPEZ: Wow.  
 5 MS. ROBINSON: Because the data on here is  
 6 useless.  
 7 MR. LOPEZ: Correct.  
 8 MS. ROBINSON: So Dennis said -- he kind of  
 9 shakes his head to me yes. I said, because there's no  
 10 way that, and I kept picking on that one, that JP  
 11 Industries is one of our top 10 CRPs.  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: Well -- I said, so how did you  
 14 come up with this? So then -- so now I'm pushing, so  
 15 now she's red in the face. So she says, well, this is  
 16 only people who turned -- the QER data isn't really  
 17 due until Friday, this Friday, and this will  
 18 completely change once everybody turns in their data.  
 19 So then we'll be back to the usual suspects for the  
 20 top 25 CRPs, right? Well, yeah, probably so, because  
 21 80 to 90 percent of the people -- I think she said,  
 22 yeah, probably 90 -- 80 to 90 have not turned it in  
 23 yet.  
 24 MR. LOPEZ: Wow.  
 25 MS. ROBINSON: I said, so this report is based on

1 10 percent of our CRP population?  
 2 MR. LOPEZ: Whoa.  
 3 MS. ROBINSON: What good does it do? Why would  
 4 I even waste time looking at this? Well, I just want  
 5 you to look at it. Now, here's what they were doing,  
 6 Ruben, because, you know, I'm a pretty good chess  
 7 player. I didn't take state chess for nothing.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: What they were doing was trying to  
 10 try out on me and others, nobody else caught it,  
 11 whether or not when they compiled the data, whether  
 12 they can take a snapshot in time that's never going to  
 13 be accurate.  
 14 MR. LOPEZ: Correct.  
 15 MS. ROBINSON: Did you hear my point?  
 16 MR. LOPEZ: Absolutely.  
 17 MS. ROBINSON: It's accurate at the time that she  
 18 pushed the button, so technically speaking on today  
 19 JP Industries -- I forgot, there was some other little  
 20 ones too, but I just remember that one, but they're in  
 21 our -- they're in our top 10 CRPs. So if Scott asks  
 22 today, let me have a list of your top 10 CRPs, she'd  
 23 give him that list.  
 24 MR. LOPEZ: Wow.  
 25 MS. ROBINSON: And he would be totally like,

1 Ruben and Jean are smoking something and the rest of  
 2 the people are smoking something because their  
 3 agencies are in the top 10 and 25.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: They're not the favored children.  
 6 MR. LOPEZ: Right.  
 7 MS. ROBINSON: So they were just trying to see if  
 8 that system could work without question.  
 9 MR. LOPEZ: Right.  
 10 MS. ROBINSON: So I shot it down pretty quickly  
 11 and said it's pretty useless. I mean, I'll just  
 12 wait -- I said, if you don't mind, I'll keep this, but  
 13 I'll just wait until everybody has turned it in and  
 14 you run the numbers then.  
 15 MR. LOPEZ: Right, right. Well --  
 16 MS. ROBINSON: I said, because this snapshot is  
 17 useless.  
 18 MR. LOPEZ: Do you have --  
 19 MS. ROBINSON: So I've got to make sure that the  
 20 snapshot that's been given -- that they've given Scott  
 21 and Lisa is not useless.  
 22 MR. LOPEZ: Correct, correct.  
 23 MS. ROBINSON: Because that's the kind of games  
 24 that they're playing.  
 25 MR. LOPEZ: Right. And we knew they would.

1 MS. ROBINSON: And Elizabeth is running --  
 2 Elizabeth and Dennis are running that show.  
 3 MR. LOPEZ: Gotcha, gotcha. Do you know which  
 4 are the top 20, Jean? Do you know?  
 5 MS. ROBINSON: It isn't going to change, Ruben.  
 6 It ain't going to change. You know it's going to be  
 7 Peckham, Pride. I mean, I could -- I could look at a  
 8 list, but, yeah, I know them.  
 9 MR. LOPEZ: It would be important. It would be  
 10 important.  
 11 MS. ROBINSON: Well, but it's -- it's easy to do  
 12 because it's by revenue.  
 13 MR. LOPEZ: Right, but --  
 14 MS. ROBINSON: But we got to jump on Peckham,  
 15 because Peckham has got a lot more revenue than we're  
 16 showing because he refuses to sign and turn in all of  
 17 his contracts for the AbilityOne program. So what  
 18 does that tell you?  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: It tells you that he's also  
 21 refusing to (unintelligible).  
 22 MR. LOPEZ: Right.  
 23 MS. ROBINSON: We know it, we know it, and we  
 24 won't enforce it, and that's why Dennis wants my  
 25 little black ass gone, because I look at Dennis and

1 say, that is unconscionable.

2 MR. LOPEZ: Right.

3 MS. ROBINSON: It is unconscionable that we are  
4 a prime contractor to subcontractors who have refused  
5 to sign the prime subcontract and we have no executed  
6 contract. That's bullshit.

7 MR. LOPEZ: True. Absolutely.

8 MS. ROBINSON: You know, and so -- you know,  
9 that's what I discovered this week, which is why I --  
10 you know, the quicker the better on me.

11 MR. LOPEZ: Well --

12 MS. ROBINSON: I didn't even know that. I didn't  
13 even know that can of worms.

14 MR. LOPEZ: Wow.

15 MS. ROBINSON: When whoever -- whoever called in  
16 the anonymous complaint about our CRPs violating the  
17 Berry Amendment by using non-American parts --

18 MR. LOPEZ: Right.

19 MS. ROBINSON: -- they knew better than I did,  
20 because I didn't know that was an issue.

21 MR. LOPEZ: Wow.

22 MS. ROBINSON: I mean, to be honest with you.

23 MR. LOPEZ: Sure.

24 MS. ROBINSON: And I certainly didn't know that  
25 the contracts that I have been writing for them to

1 give to their subcontractors, that the subcontractors,  
2 mainly Peckham, to name one, that they refused to sign  
3 them and turn them back in.

4 MR. LOPEZ: Right.

5 MS. ROBINSON: Ruben, I don't have a friggin  
6 legal leg to stand on.

7 MR. LOPEZ: Wow.

8 MS. ROBINSON: So if something blows up on that  
9 contract tomorrow, okay?

10 MR. LOPEZ: Right.

11 MS. ROBINSON: And I -- you know, they're my sub.  
12 You know. You know enough about contracting.

13 MR. LOPEZ: Sure.

14 MS. ROBINSON: So I'm going to call up -- let's  
15 say you're my sub. I'm going to call you up and say,  
16 hey, Ruben, why the hell haven't you guys complied  
17 with these things in the contract?

18 MR. LOPEZ: We haven't signed your contract.

19 MS. ROBINSON: You're going to look at me and  
20 say, what contract, Jean?

21 MR. LOPEZ: Right.

22 MS. ROBINSON: And I'm going to -- and I'm going  
23 to go grab my signed copy and say, Section 8 of this  
24 contract, and I'm going to go grab the damn thing and  
25 see that it's not signed.

1 MR. LOPEZ: There you go.

2 MS. ROBINSON: And you've been working, and I've  
3 been paying you, and I have absolutely no legal  
4 leverage over you.

5 MR. LOPEZ: There you go.

6 MS. ROBINSON: You can argue -- you can argue  
7 that I do because oral contracts count, but that's a  
8 whole -- that's stupid.

9 MR. LOPEZ: Sure.

10 MS. ROBINSON: So -- so I said to Dennis, I'm  
11 sorry to embarrass your operation, but you need to  
12 know, and I forwarded it to him, and I hate forwarding  
13 it to them because now they get to play with it, but  
14 that's okay because I already have originally when it  
15 came to me. So I said to him, I have asked Elizabeth  
16 Stackmar to call every one of these CRPs and get an  
17 executed contract or I need you to step in as the COO  
18 and say they must stop work or they cannot be paid for  
19 work.

20 MR. LOPEZ: Correct.

21 MS. ROBINSON: I mean, what kind of operation are  
22 we running here?

23 MR. LOPEZ: Right.

24 MS. ROBINSON: You know, and so -- so he was  
25 like, well, yeah, that just doesn't make sense. And

1 then I -- then I asked -- I asked yesterday, I said,  
2 well, what I'd like to have is, I'd like to have a  
3 good old-fashioned hard copy of the executed contract.  
4 So Elizabeth starts fussing. Well, no, Jean, you can  
5 get it off DMax like all the rest of us. I said,  
6 well, DMax, whoever puts -- garbage in, garbage out,  
7 Elizabeth. Whoever puts the information in the DMax  
8 didn't bother to tell legal or anybody else that the  
9 people hadn't signed the contract. It's like having  
10 an unwitnessed will. It doesn't do you any damn good.

11 MR. LOPEZ: Correct, correct.

12 MS. ROBINSON: The thought -- the thought is  
13 there, but, you know, it isn't legal until it's  
14 signed.

15 MR. LOPEZ: Correct.

16 MS. ROBINSON: And why would we allow -- why  
17 would we allow Peckham, our biggest contractor, to  
18 refuse to sign a prime subcontract with us? I'm not  
19 taking shit on faith, and that's what I said to  
20 Dennis.

21 And I said, Elizabeth, what did they say to you?

22 Now Elizabeth is (unintelligible). She said, well,  
23 they said that we're bureaucrats and we know that  
24 they're not violating the Berry Amendment and they're  
25 not going to sign. I said, they said just point-blank

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1 to you they're not going to sign and nobody ever  
 2 bothered to call legal or anybody else to try and  
 3 enforce that? She said, yeah.  
 4 MR. LOPEZ: Wow.  
 5 MS. ROBINSON: I said, you people are -- you  
 6 people are crazy. That's just what I said to them. I  
 7 said, you people are crazy. I said, well, we're going  
 8 to get all of them signed, and I'm going to stay on  
 9 top of this. And so then they were like, oh, shit,  
 10 this is a new problem.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: And so, you know, it's -- I don't  
 13 know why they don't want me to look at Bob's expenses.  
 14 I don't think, I mean, in my heart, I will be  
 15 surprised, Ruben, I'm just telling you, I'll be  
 16 surprised if he was exorbitant or whatever, because he  
 17 really isn't -- that isn't his thing. You know what I  
 18 mean?  
 19 MR. LOPEZ: Yeah, but --  
 20 MS. ROBINSON: But -- but the fact that they  
 21 won't let me look at them --  
 22 MR. LOPEZ: Something is up. Something is up.  
 23 MS. ROBINSON: -- of course, makes me want to  
 24 look at them, of course.  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: But, you know.  
 2 MR. LOPEZ: Forgive my ignorance, Jean, but I  
 3 want to ask you, what is this contractor/subcontractor  
 4 contracts? Are they specific projects, or what's  
 5 going on? I don't understand that.  
 6 MS. ROBINSON: Oh, yeah. See, you're not in  
 7 products, which is where all the money is. I keep  
 8 telling you you better to go get some equipment.  
 9 MR. LOPEZ: Products, that's right. Okay.  
 10 MS. ROBINSON: So you can have some of those  
 11 opportunities they can tell you you can't have.  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: But in any event, we are the --  
 14 NISH, we are the prime on these contracts.  
 15 MR. LOPEZ: Okay.  
 16 MS. ROBINSON: They're mostly DOD. They're DOD  
 17 contracts.  
 18 MR. LOPEZ: I understand now.  
 19 MS. ROBINSON: And when you -- when you  
 20 manufacture a product for DOD, whether it's a uniform,  
 21 whether it's a munitions thing or something, all of  
 22 the parts that you use to manufacture that product are  
 23 supposed to be made in the USA and come from the USA.  
 24 You can't be getting your parts from China and  
 25 Thailand and -- sometimes it's hard, by the way,

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1 because we don't always manufacture.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: But you cannot manufacture a  
 4 product for the federal government --  
 5 MR. LOPEZ: Gotcha.  
 6 MS. ROBINSON: -- using foreign parts.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: And if you do, you violate  
 9 something called the Berry Amendment.  
 10 MR. LOPEZ: I understand that.  
 11 MS. ROBINSON: We got an anonymous complaint that  
 12 Bob misused the fee money that CRPs pay to the program  
 13 by engaging in international travel, and that's a  
 14 philosophical question --  
 15 MR. LOPEZ: Correct.  
 16 MS. ROBINSON: -- you know, but, you know, why  
 17 would we spend money for Bob to be involved in -- in  
 18 disability groups in Australia and internationally?  
 19 We don't have our shit together here at home.  
 20 MR. LOPEZ: Correct.  
 21 MS. ROBINSON: That's a whole 'nother story. But  
 22 why are we taking your fee money? That doesn't create  
 23 any jobs for people with disabilities. It doesn't  
 24 facilitate getting more contracts. It doesn't do  
 25 anything.

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1 MR. LOPEZ: Correct.  
 2 MS. ROBINSON: It's just a complete junket, okay?  
 3 MR. LOPEZ: Correct, correct.  
 4 MS. ROBINSON: So maybe for his professional  
 5 development, whatever, you know. I don't care. But  
 6 the bottomline is somebody blew the whistle and said  
 7 they took monies -- they're using our fee money  
 8 wrongly. So some CRP exec said, bullshit, you ain't  
 9 going to use my money, Bob, to travel  
 10 internationally --  
 11 MR. LOPEZ: Correct.  
 12 MS. ROBINSON: -- when it has no relationship to  
 13 the program. But in addition to that, at the end of  
 14 the complaint -- and this is an EthicsPoint complaint,  
 15 so Scott is going to get it.  
 16 MR. LOPEZ: Right.  
 17 MS. ROBINSON: At the end of it, it said, and by  
 18 the way, since 2011 -- which I'm telling you, see, I  
 19 think I know everything. I don't know shit is what  
 20 I'm learning, because it says, and by the way, since  
 21 2011 you have CRPs in your program that have been  
 22 manufacturing products for the government not using  
 23 American-made components, and that's a violation of  
 24 the Berry Amendment.  
 25 MR. LOPEZ: Sure. I understand that.

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1 MS. ROBINSON: Okay.

2 MR. LOPEZ: Now, but --

3 MS. ROBINSON: So they put it all in one

4 complaint.

5 MR. LOPEZ: Right.

6 MS. ROBINSON: And so when I start -- so I'm

7 looking and thinking it's going to be easy to get this

8 focused, and as I'm looking thinking it's going to be

9 easy to get it focused, then I'm going, hmmm, I don't

10 even know what -- but luckily for me when I wrote the

11 contracts several years ago for them to get, the

12 subcontracts, I put in there, don't violate the Berry

13 Amendment, and if you do all the consequences,

14 etcetera. Well, how was I supposed to know that they

15 weren't going to -- if I give you a contract to give

16 to your sub and they don't sign it and they refuse to

17 sign it, I wouldn't know that.

18 MR. LOPEZ: Right.

19 MS. ROBINSON: You know, there's a lot of them.

20 Somebody tells me. But now when I've got to come and

21 say, hey, Ruben, your agency is violating -- you've

22 got a complaint that your agency has been violating

23 the Berry Amendment, and actually the liability lies

24 with us because we're the prime, but -- so -- and I

25 want to say to them, and I told you in the contract

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1 right here you're not supposed to do that, they're

2 going to look at me and say, what contract, Jean?

3 MR. LOPEZ: Right. Now, how does that translate

4 to them not having to talk about ratios or fees?

5 MS. ROBINSON: Yeah, that's -- the whole thing is

6 screwed up, okay? And Dennis is embarrassed, and

7 that's why he wants me gone, because -- but, see,

8 that's why God works in mysterious ways. I mean, I

9 would tell you straight up if I knew about this

10 problem. I didn't know about this problem.

11 MR. LOPEZ: Right.

12 MS. ROBINSON: And all I'm trying to do is answer

13 the mail. All I'm trying to do is answer the

14 complaint. So Bob says, well, the audit committee was

15 really incensed that you would send it -- send this

16 complaint over to the Commission. I said, I had to

17 send it over to the Commission. The damn complaint

18 says that -- that the Commission and the board are

19 equally culpable for allowing the misuse of funds.

20 MR. LOPEZ: Correct.

21 MS. ROBINSON: They're cited in the complaint.

22 How can I not send it over to them?

23 MR. LOPEZ: Correct, correct.

24 MS. ROBINSON: So he says, well, you could have

25 just -- I said, I couldn't have done just anything,

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1 you know. I said, and so these people are going to

2 be in the building today, and we're going to -- and

3 we're going to argue about it, and I don't really give

4 a shit. So I'm going to try to stay calm, but it just

5 pisses me off. So I didn't even know this problem.

6 So I go to Dennis, and I said, Dennis, I said, this

7 is a can of worms. He goes, what are you talking

8 about?

9 So luckily, by the way, Scott asked for -- I'm

10 skipping around, but I've got to tell you this. Scott

11 asked for the resignation letters from board members,

12 consultants, and so John Murphy and some other guy

13 who's a doozy, but so is Gregg Bender.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: Gregg Bender is going to be pay

16 dirt. So Dennis says to me, well, did he put a limit

17 on how many years back?

18 MS. ROBINSON: And I said -- they don't want them

19 to get some of these other ones. And I said, no, I

20 don't think so, but, you know, you've got to ask

21 Carlos and Mayling.

22 MR. LOPEZ: Right.

23 MS. ROBINSON: So those are coming in, and I'm

24 about to turn those over today. So believe me, while

25 they're pretending they don't care about this stuff,

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1 they really care because the light is being shone in

2 the right direction. It's shining in the right

3 direction.

4 MR. LOPEZ: Correct.

5 MS. ROBINSON: But there's so much stuff. That's

6 what I'm telling you. It's so much stuff. So when I

7 should have been -- yesterday when I should have been

8 getting information that we discussed and working on

9 some old problems, I have 15 new ones.

10 MR. LOPEZ: New ones.

11 MS. ROBINSON: Well, I mean, I spent -- I spent

12 from 1:30 to 4:15 trying to help these idiots with the

13 redo that we know was a fucking sham anyway. Excuse

14 my language, but we know it's a sham.

15 MR. LOPEZ: Sure, sure.

16 MS. ROBINSON: So I'm trying to tell them what

17 not to say on the debrief because I'm supposed to

18 defend them.

19 MR. LOPEZ: Right.

20 MS. ROBINSON: And they're arguing with me, of

21 course, and they're not able to rationalize it even to

22 me.

23 MR. LOPEZ: Wow.

24 MS. ROBINSON: So -- so I go, look, this is going

25 to get litigated, I mean, that lawyer is going to take

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1 this to court, so you guys better make sure what you  
 2 say, and they're contradicting themselves all over  
 3 the place, but my point is, so I spent -- that's a new  
 4 problem. I wasn't involved in the redo for NTI. You  
 5 know, but they're not worried about it. They don't  
 6 care that it's a sham because they got a buy-in from  
 7 the Commission that they're all going to pull it  
 8 out -- that they're going to convince USDA to pull it  
 9 out of the program and they're going to give it to  
 10 Peckham anyway, because when it goes commercial  
 11 Peckham is going to apply and, guess what, they're  
 12 going to get it.  
 13 MR. LOPEZ: Right.  
 14 MS. ROBINSON: And they're going to avoid the  
 15 litigation and cut it off.  
 16 MR. LOPEZ: There you go. There you go.  
 17 MS. ROBINSON: So, I mean, I understand the --  
 18 you know, so -- so did I waste time yesterday?  
 19 Probably. But I wanted to at least be on the record  
 20 as saying, this, this, and this is flawed and wrong,  
 21 and I wanted to get out of them a confirmation for  
 22 what I think is going to happen that that's the  
 23 direction they're going in, and, you know, you have to  
 24 take three hours to get it, but you do get it.  
 25 MR. LOPEZ: Right, right.

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1 MS. ROBINSON: So -- so, anyway, I've got to get  
 2 in here, but --  
 3 MR. LOPEZ: Okay.  
 4 MS. ROBINSON: I will catch you later, and I know  
 5 what I'm looking for today, by the way.  
 6 MR. LOPEZ: Very good. I'm -- I'm -- tonight I'm  
 7 busy between 7:00 and 9:00. I'm available before and  
 8 after.  
 9 MS. ROBINSON: Just call me late. Just call me  
 10 late.  
 11 MR. LOPEZ: Okay.  
 12 MS. ROBINSON: Late, late. I went -- last night  
 13 I went to sleep on the President. I'm kind of upset  
 14 about that. I didn't get to hear it all, but, you  
 15 know, it started off good, and actually Teresa came  
 16 and jumped in -- we actually went -- we sat down and  
 17 watched that. We fell asleep. We both didn't have  
 18 our pajamas on. It was pretty funny. So I woke up,  
 19 the TV is like off, because the timer shuts it off,  
 20 and I looked over at her, and she was so peacefully  
 21 sleeping in all of her clothes, I just let her sleep  
 22 till about 5:00 o'clock this morning, and then the  
 23 schools were delayed again because of the snow and --  
 24 and ice.  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: So, yeah, that's -- that's where  
 2 we are; but in any event, it's -- it's crazy. I leave  
 3 to you discretion about whether you want to take a  
 4 risk, but that may be a bigger risk than, you know --  
 5 in -- in, you know, translating other information.  
 6 MR. LOPEZ: Right, right. Okay. I'll -- I'll  
 7 mull it over and do the best thing I can -- the best I  
 8 can.  
 9 MS. ROBINSON: Okay. All right. Talk to you  
 10 later.  
 11 MR. LOPEZ: Thank you.  
 12 MS. ROBINSON: Okay. Bye.  
 13 (End of Audio File 01282014.WAV)  
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1 (Audio File 01302014 V1.WAV)  
 2 MR. LOPEZ: Okay. Sorry. Let me get some paper.  
 3 I want to take a few notes. Is that all right?  
 4 MS. ROBINSON: I mean, no, they just basically  
 5 were telling me this for their communications with  
 6 God.  
 7 MR. LOPEZ: Oh.  
 8 MS. ROBINSON: And, you know, that was kind of  
 9 where that was, and I was updating them about the  
 10 Denver federal building, and they were going, oh, you  
 11 got to be kidding. And I said, well, I said, if you  
 12 were Ruben's lawyer, would you go file a suit or would  
 13 you go tell Scott and Lisa about the craziness?  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And they said, we'd go tell Scott  
 16 and Lisa if we were his lawyer. And I said, yeah,  
 17 that's kind of where I think his lawyer is going to  
 18 go, because, you know, I mean, it's just absurd, and,  
 19 you know, everybody's take is it doesn't matter, he  
 20 doesn't have a suit because, you know, we took it out  
 21 of the program, so there's nothing that -- there's no  
 22 contract to sue over.  
 23 MR. LOPEZ: Correct, correct. Well, we -- how  
 24 can I tell you? We're preparing something that's  
 25 going to shock them and --

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1 MS. ROBINSON: Okay. Well, the thing about that,  
 2 the thing about that thing is, is that let it -- they  
 3 take it out of the program, so now let's let it go  
 4 commercial. But on this one, GSA, I'll tell you the  
 5 contracting officer is going, I don't know what games  
 6 those people are playing, but they knew this from the  
 7 beginning.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: You know, so nothing quite adds up  
 10 on that one, and that one is just another clear -- but  
 11 I guess what I don't understand on that one is if  
 12 we're going to try and show you who's boss, you  
 13 know --  
 14 MR. LOPEZ: Correct.  
 15 MS. ROBINSON: -- put you in your place --  
 16 MR. LOPEZ: Correct.  
 17 MS. ROBINSON: -- why would we pick a GSA one?  
 18 MR. LOPEZ: True. That's a bonehead move.  
 19 MS. ROBINSON: There's so many other ones we  
 20 could pick.  
 21 MR. LOPEZ: That's a bonehead move. It truly is.  
 22 And now what about the -- what about the PIP? What do  
 23 you -- what do you make of the PIP?  
 24 MS. ROBINSON: So you got a -- you were put on a  
 25 PIP where?

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1 MR. LOPEZ: At San Jose, the federal building,  
 2 the one that they gave me the --  
 3 MS. ROBINSON: Oh, the dog we gave you.  
 4 MR. LOPEZ: Exactly.  
 5 MS. ROBINSON: The one we gave you that's going  
 6 to kick your butt anyway. That's what it was supposed  
 7 to do.  
 8 MR. LOPEZ: Exactly, exactly.  
 9 MS. ROBINSON: Okay. Yeah. I'm surprised you  
 10 haven't been on one yet.  
 11 MR. LOPEZ: That's right.  
 12 MS. ROBINSON: You've been a pretty good fighter  
 13 there, my friend.  
 14 MR. LOPEZ: Do I have --  
 15 MS. ROBINSON: Is it -- is it even halfway  
 16 legitimate? I mean, is there anything about it  
 17 that --  
 18 MR. LOPEZ: I would --  
 19 MS. ROBINSON: When I say that, you know,  
 20 sometimes your people, they give them -- they give --  
 21 like my people give you guys all kind of material.  
 22 MR. LOPEZ: Right. They --  
 23 MS. ROBINSON: Did they give them any material so  
 24 that they can justify it?  
 25 MR. LOPEZ: I would say one-fourth, one-fourth.

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1 MS. ROBINSON: Okay, okay.  
 2 MR. LOPEZ: I mean, if you stretch it hard, yes.  
 3 MS. ROBINSON: Okay.  
 4 MR. LOPEZ: Which is what they've done.  
 5 MS. ROBINSON: Okay. No, I understand, because,  
 6 you know, like I said, we're all human, and nobody is  
 7 perfect.  
 8 MR. LOPEZ: Right. Right, right, right. Do I --  
 9 MS. ROBINSON: So -- so how does -- is  
 10 Mr. Dubinsky -- who put you on the PIP?  
 11 MR. LOPEZ: Jim Freeman informed us today that we  
 12 were on a PIP today. I told --  
 13 MS. ROBINSON: Wait a minute. Who -- Jim is --  
 14 he's the government customer or he's our guy?  
 15 MR. LOPEZ: No. He's your guy. He's --  
 16 MS. ROBINSON: I don't know all those West Coast  
 17 guys.  
 18 MR. LOPEZ: Okay. So Jim Freeman is --  
 19 MS. ROBINSON: I mean, I know the names kind of.  
 20 MR. LOPEZ: Right. He's the man -- he's Dave  
 21 Dubinsky's subordinate dealing with GSA contracts.  
 22 MS. ROBINSON: Hold on one second, Ruben, because  
 23 I've got to -- I've got to put this in here because  
 24 it's heated up.  
 25 MR. LOPEZ: Okay.

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1 MS. ROBINSON: Hold on. Keep talking. I'm  
 2 listening.  
 3 MR. LOPEZ: Yeah, yeah.  
 4 MS. ROBINSON: I'll put you on speaker, but  
 5 nobody is here.  
 6 MR. LOPEZ: No. That's fine, that's fine.  
 7 Likewise. So Jim Freeman is Dave Dubinsky's  
 8 subordinate dealing with all GSA contracts and --  
 9 MS. ROBINSON: Okay. I'm listening.  
 10 MR. LOPEZ: And I don't know if you remember, but  
 11 a while back --  
 12 MS. ROBINSON: He was interviewed or something,  
 13 wasn't he?  
 14 MR. LOPEZ: Yes, he was. Yes, he was.  
 15 MS. ROBINSON: Okay. I'm trying to remember,  
 16 yeah.  
 17 MR. LOPEZ: Yes, he was. But remember that a  
 18 while back I made a fuss because he set up a meeting  
 19 between GSA, the contracting officer, the field  
 20 officer of GSA, he and two others.  
 21 MS. ROBINSON: He didn't tell you anything about  
 22 it.  
 23 MR. LOPEZ: Exactly, exactly.  
 24 MS. ROBINSON: And they said, mea culpa, mea  
 25 culpa.

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1 MR. LOPEZ: Correct.

2 MS. ROBINSON: Yeah, I remember that.

3 MR. LOPEZ: Okay. So now that's -- without my

4 knowledge, that started.

5 MS. ROBINSON: You're such a damn -- you're such

6 a damn little troublemaker, Lopez.

7 MR. LOPEZ: Well, you know, I keep -- I keep -- I

8 keep grabbing the whip. Every time they slash me, I

9 keep grabbing it. I don't like it.

10 MS. ROBINSON: You've got to learn not to do

11 that. You've got to just lay down and take your

12 beatings. Okay. So, yes, I do recall vaguely not so

13 long ago, maybe a couple months ago --

14 MR. LOPEZ: Exactly.

15 MS. ROBINSON: -- where you wrote an email that

16 said, what are you guys doing, why are you meeting

17 with the customer without me, it would have been nice

18 to have me a part of it.

19 MR. LOPEZ: Correct. Well --

20 MS. ROBINSON: Was that the prerequisite to this?

21 MR. LOPEZ: Exactly.

22 MS. ROBINSON: Ah.

23 MR. LOPEZ: Exactly. Behind my back.

24 MS. ROBINSON: Cannot win, can we?

25 MR. LOPEZ: Huh? No.

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1 MS. ROBINSON: How do they just -- I just don't

2 get it. I swear to you I don't get it. I mean, I'm

3 at a loss now.

4 MR. LOPEZ: It's okay.

5 MS. ROBINSON: In fact, that was -- that was part

6 of my conversation with Carlos and Mayling today. I

7 said, you know what, I think I'm reasonably

8 intelligent, but I just don't understand now what

9 they're doing.

10 MR. LOPEZ: Right. Well --

11 MS. ROBINSON: Which is not all bad because it

12 just gives you, like I said, new material every day.

13 MR. LOPEZ: Correct, correct.

14 MS. ROBINSON: My question to you is, once I sign

15 an AbilityOne contract, am I bound to accept whatever

16 comes down the pike like a PIP, or can I disagree?

17 Can I --

18 MS. ROBINSON: Wait a minute, though. Who --

19 okay, here's the -- here's the issue. Who put you on

20 the -- it's us who put you on the PIP; it's not the

21 customer.

22 MR. LOPEZ: You know, that's what I don't

23 understand. Who does the PIP, the customer or

24 Ability -- or Source --

25 MS. ROBINSON: Wait a minute. When you say a

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1 PIP, you mean the four-step -- you're on the four-step

2 plan?

3 MR. LOPEZ: That is right. That's right.

4 MS. ROBINSON: Don't you remember this from last

5 time when I didn't know you very well and I'm sitting

6 at your office having tea and crumpets and --

7 MR. LOPEZ: Right.

8 MS. ROBINSON: -- trying to -- trying to defend

9 my folk, and you're looking at me like I was, you

10 know, kind of crazy.

11 MR. LOPEZ: You were so -- you were --

12 MS. ROBINSON: But David told me -- I'll never

13 forget it. We were at a restaurant or something,

14 and David told me, we're not really -- we're not

15 really -- Ruben's never been on a PIP. Remember that

16 whole --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- discussion?

19 MR. LOPEZ: Right. Right, right, right, right.

20 MS. ROBINSON: Maybe you don't remember it

21 because it was very early on, but the bottomline was,

22 I was told you really weren't on a PIP.

23 MR. LOPEZ: Right, right. No. Well, today Jim

24 Freeman announced --

25 MS. ROBINSON: You were on a mock PIP, remember?

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1 MR. LOPEZ: -- I am on a PIP. And my

2 representative said: What? I do not -- I cannot

3 agree to this. Ruben is not here. I can listen to

4 you, but I'm not agreeing to it.

5 MS. ROBINSON: Oh, wow. Okay. So -- so let me

6 see if I understand this. So who called you up and

7 said, hey, we got to put you on -- and what part of --

8 you got to -- okay. Listen very closely. What part

9 of the four-step program are you in?

10 MR. LOPEZ: I do --

11 MS. ROBINSON: Because let me tell you why -- let

12 me tell you why it would be important to put you on a

13 PIP strategically.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: Strategically, if you are far

16 enough along on the PIP, there's four steps.

17 MR. LOPEZ: Right.

18 MS. ROBINSON: One is kind of a warning, but if

19 you pass the first step of the PIP --

20 MR. LOPEZ: Right.

21 MS. ROBINSON: -- then you are not eligible to

22 apply for any more projects.

23 MR. LOPEZ: Right.

24 MS. ROBINSON: Okay?

25 MR. LOPEZ: Right.

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1 MS. ROBINSON: So that's one way to shut you down  
 2 for a little while, anyway --  
 3 MR. LOPEZ: Correct.  
 4 MS. ROBINSON: -- until you get off the PIP.  
 5 MR. LOPEZ: Correct.  
 6 MS. ROBINSON: There must be some project that  
 7 they're about to put out that they don't want your  
 8 agency to be able to apply for.  
 9 MR. LOPEZ: I couldn't agree more. That's the  
 10 first thing I thought of.  
 11 MS. ROBINSON: And that's -- well, but it kind of  
 12 depends on which stage -- I told you I had too many  
 13 visitors yesterday.  
 14 MR. LOPEZ: You did? Oh, that's right.  
 15 MS. ROBINSON: I saw too many people go meet with  
 16 Bob and Dennis, and then they all stopped by, and I  
 17 told you I had too many visitors.  
 18 MR. LOPEZ: That's true.  
 19 MS. ROBINSON: So there's something -- there's  
 20 something brewing out there, Fort something, because  
 21 Joe said to me, when I said some other project, he  
 22 thought it was something else, and he looked -- I  
 23 mean, everybody just looked worried. I mean, I -- I  
 24 could read the signs, but I couldn't -- you know, I  
 25 just didn't know --

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1 MR. LOPEZ: Let me --  
 2 MS. ROBINSON: -- what shoe was going to be  
 3 falling. So now we know what shoe is falling.  
 4 MR. LOPEZ: Well, guess what happened, Jean?  
 5 You're going to find this acutely interesting. About  
 6 four hours ago I have a Goodwill from Colorado call me  
 7 wanting to know whether I would like to partner with  
 8 them for a project.  
 9 MS. ROBINSON: Which Goodwill is it?  
 10 MR. LOPEZ: Colorado Springs, I think. Colorado  
 11 Springs.  
 12 MS. ROBINSON: Okay. Go ahead. Uh-huh.  
 13 MR. LOPEZ: So I was not here. They did not say  
 14 what project they were hoping to partner with us on,  
 15 and we've been calling them, and no one answers. So  
 16 we're going to go -- we're going to see what happens.  
 17 MS. ROBINSON: Well, okay. So, yeah, the timing  
 18 is coincidentally strange as usual.  
 19 MR. LOPEZ: Correct.  
 20 MS. ROBINSON: Yes, but that's -- that's normal.  
 21 That's the way we do it.  
 22 MR. LOPEZ: That's the way you do it. Now, let  
 23 me ask you this. So can -- can they just announce  
 24 you're on a PIP and then I have nothing -- I have no  
 25 recourse?

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1 MS. ROBINSON: No, no, no, no, no. Because now  
 2 you get to have fun playing with your favorite  
 3 SourceAmerica person, and I'm glad to say that's not  
 4 me, but your favorite SourceAmerica person is Dave  
 5 Dubinsky, right?  
 6 MR. LOPEZ: Oh, we love this. I knew so.  
 7 MS. ROBINSON: So what you have to do -- I mean,  
 8 did you get it in writing yet or you just got --  
 9 MR. LOPEZ: No.  
 10 MS. ROBINSON: -- the verbal -- the first shot  
 11 across the bow?  
 12 MR. LOPEZ: Correct, correct.  
 13 MS. ROBINSON: See, look at that. Now, Ruben,  
 14 this is -- this is our demise week. I got my -- I'm  
 15 on -- I'm on a whatever I'm on for 45 days; you're on  
 16 something. This is just -- oh, man. Okay. Uncanny.  
 17 But, anyway. All right. So -- so the bottomline is  
 18 you're on a -- you're on a PIP, but you haven't gotten  
 19 any correspondence from Mr. Dubinsky yet?  
 20 MR. LOPEZ: Not at all, no.  
 21 MS. ROBINSON: Or Jim -- because, see, he's not  
 22 going to put his hands on it.  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: Because he's still running scared  
 25 from Underhill.

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1 MR. LOPEZ: Correct.  
 2 MS. ROBINSON: So he's going to have -- that's  
 3 what I hate about him. He's going to throw his staff  
 4 out there to the -- Freeman or somebody. He's a  
 5 pretty nice guy but not very bright --  
 6 MR. LOPEZ: Correct.  
 7 MS. ROBINSON: -- as I recall.  
 8 MR. LOPEZ: Correct.  
 9 MS. ROBINSON: I think that was Carlos's  
 10 assessment, because, remember I didn't -- I was  
 11 barred, if you recall, from sitting in on the  
 12 interviews. That won't happen this time, though.  
 13 MR. LOPEZ: Correct.  
 14 MS. ROBINSON: Unless I'm not there, then it  
 15 would happen, but in any event. Okay. So -- so  
 16 you're on a PIP, but you have to -- the questions you  
 17 want to ask, what -- it's not called a PIP. It's  
 18 called a four-step -- it's our four-step plan.  
 19 MR. LOPEZ: Okay.  
 20 MS. ROBINSON: Performance improvement. But it  
 21 is kind of a PIP, but -- but it's our four-step plan,  
 22 and you are going to call up and ask very legitimate  
 23 questions to Dave. Dave, I understand I came back in  
 24 the office and my people are all upset and they said  
 25 that we're on a four-step plan.

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1 MR. LOPEZ: Um-hmm.  
2 MS. ROBINSON: Who puts me on that?  
3 MR. LOPEZ: Right.  
4 MS. ROBINSON: The answer is that we do, in -- in  
5 consultation and in conjunction with the customer.  
6 MR. LOPEZ: Okay.  
7 MS. ROBINSON: Okay? So usually when we do it,  
8 it is because the customer has requested it.  
9 MR. LOPEZ: Okay.  
10 MS. ROBINSON: Okay? You have to find out if the  
11 customer had a little help in that request  
12 MS. ROBINSON: Oh, they certainly did. The  
13 customer said, we would like to up it to a step three  
14 something, communication thing. I -- I don't know.  
15 MS. ROBINSON: Four-step. It's called a  
16 four-step.  
17 MR. LOPEZ: The four-step. Okay.  
18 MS. ROBINSON: Okay. Well, they -- usually the  
19 customer doesn't even know about the four-step. We  
20 have to tell them about it.  
21 MR. LOPEZ: Of course.  
22 MS. ROBINSON: I mean, now in this case -- so who  
23 is -- is the customer GSA?  
24 MR. LOPEZ: Of course. Naturally. We want to  
25 keep this thing going.

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1 MS. ROBINSON: They love you as much as we do. I  
2 don't know. I don't know, Ruben. You're just such a  
3 popular kind of guy. So -- okay. So they're still  
4 willing to play ball, huh?  
5 MR. LOPEZ: Oh, for the time being, for the time  
6 being.  
7 MS. ROBINSON: Okay. Then there's not much you  
8 can do about that, my friend.  
9 MR. LOPEZ: I know, I know.  
10 MS. ROBINSON: And we know that that was a dog of  
11 a project, and we knew this would happen, and we -- I  
12 think historically the people that were there before  
13 hated it, and I can't remember if they got put on four  
14 steps and all that, but you might -- when you're  
15 asking questions tomorrow, you might say to him --  
16 after he explains to you what the four-step process  
17 is, how it works, how long you're on it, what -- what  
18 was the customer's involvement in placing you on this,  
19 who asked for it. You already have why. I mean, you  
20 have a whole list of things you've got to fix, right?  
21 MR. LOPEZ: Not --  
22 MS. ROBINSON: Are the things fixable?  
23 MR. LOPEZ: Yes.  
24 MS. ROBINSON: Okay. But, I mean, are they  
25 measurably fixable?

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1 MR. LOPEZ: Absolutely. I mean, I -- I mean,  
2 excuse me. I apologize. I'm speaking out of turn. I  
3 haven't gotten anything, so I don't know what -- what  
4 the list will say.  
5 MS. ROBINSON: Okay. But one of the things you  
6 want to do is look to see, because sometimes if it's  
7 kind of a ruse --  
8 MR. LOPEZ: Right.  
9 MS. ROBINSON: -- then you -- the things that  
10 they're citing are not things that you can clearly say  
11 in two weeks or three weeks or four weeks or one week  
12 or one day they're fixed.  
13 MR. LOPEZ: Correct.  
14 MS. ROBINSON: You know, I mean, sometimes they  
15 do crazy stuff like say, we want you to change out  
16 your project manager.  
17 MR. LOPEZ: Correct.  
18 MS. ROBINSON: They come up with things that are  
19 not easily fixable --  
20 MR. LOPEZ: Correct.  
21 MS. ROBINSON: -- quickly.  
22 MR. LOPEZ: Correct.  
23 MS. ROBINSON: Okay? And what they're looking  
24 for, the four-step is the prerequisite to a cure  
25 notice.

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1 MR. LOPEZ: Right.  
2 MS. ROBINSON: Okay. So basically what they're  
3 trying to do here is lay the groundwork to get you on  
4 that.  
5 MR. LOPEZ: Right.  
6 MS. ROBINSON: But the four-step, my guess is  
7 they're -- I had too many visitors. There is some --  
8 and I watched where all my visitors came from.  
9 MR. LOPEZ: Right.  
10 MS. ROBINSON: All my visitors came from Bob's  
11 office.  
12 MR. LOPEZ: Correct.  
13 MS. ROBINSON: So there is some project that  
14 they're about to put on the -- just keep looking, have  
15 your people keep looking for the site --  
16 MR. LOPEZ: Right.  
17 MS. ROBINSON: -- they're about to put out there  
18 and you're going to be estopped. Now, it may be a  
19 longer term plan, because they seem to be kind of  
20 patient with you.  
21 MR. LOPEZ: Correct.  
22 MS. ROBINSON: What I mean by that is maybe Dave  
23 is going to tell you you're not on the -- you're not  
24 on the part where you can't apply for projects, but  
25 that's the first part you're going to listen for, what

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1 step of the four are you in.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: Okay? And how do you move off the  
 4 plan and how do you move through the plan.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: Are you with me?  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: But he's -- so let's just say he  
 9 says tomorrow -- because they might just be trying to  
 10 see where you're coming from right this minute.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: Hang on a second, Ruben. Hang on.  
 13 I've got to do something.  
 14 MR. LOPEZ: Of course.  
 15 (End of Audio File 01302014 V1.WAV)  
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1 (Audio File 1302014 V2.WAV)  
 2 MR. LOPEZ: Okay.  
 3 MS. ROBINSON: I was -- somebody gave me for  
 4 Christmas, a friend of mine, my old law partner gave  
 5 me a Ninja cooker, cooking system. It's like a slow  
 6 cook, some other stuff.  
 7 MR. LOPEZ: Oh.  
 8 MS. ROBINSON: And you can do -- it's kind of a  
 9 three-in-one. You can do roasting, you can do  
 10 slow-cooking, and you can do other stuff, and so I got  
 11 about three different -- when I went to the grocery  
 12 store, three different stuff for recipes to try it  
 13 out. The lasagna was great. I'll give them that.  
 14 One thing was -- the shrimp scampi was a bomb.  
 15 Tonight it's ribs, so I'm going to see if -- but it's  
 16 a weird kind of process, like a steaming. It's a  
 17 different process. So I have to follow the  
 18 instructions and the timing, and so I was like, okay,  
 19 let me not -- let me at least do it right, so --  
 20 MR. LOPEZ: Sure, sure.  
 21 MS. ROBINSON: -- so I can tell if it's a good  
 22 thing or a bad thing.  
 23 MR. LOPEZ: Good.  
 24 MS. ROBINSON: But, anyway. So -- so, okay, so  
 25 you're going to ask how you move through the plan.

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1 MR. LOPEZ: Right.  
 2 MS. ROBINSON: So let's say he says to you  
 3 tomorrow, oh -- let me see if I can do it. Oh, Ruben,  
 4 don't worry, you're just on the first step.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: This -- this won't really -- you  
 7 remember, Ruben, when I -- I put you on that sort of  
 8 mock four-step?  
 9 MR. LOPEZ: Right, David.  
 10 MS. ROBINSON: You know, way back when?  
 11 MR. LOPEZ: Yes, David, that was so nice.  
 12 MS. ROBINSON: Before all this stuff happened.  
 13 Do you remember that?  
 14 MR. LOPEZ: I -- yeah.  
 15 MS. ROBINSON: Well, this is the real thing this  
 16 time, unfortunately for you, but, Ruben, we're going  
 17 to be able to work through this, and so, you know, on  
 18 the first -- if he says that, you're on the first  
 19 step, Ruben, and that means you can still apply for  
 20 projects.  
 21 MR. LOPEZ: Um-hmm.  
 22 MS. ROBINSON: But you have to understand,  
 23 though, Ruben, you can be moved from the first step to  
 24 the second step pretty quickly, because if you get on  
 25 the second or the third step, depending on the

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1 customer, then -- then you can't apply for projects --  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: -- until you get off.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: So -- you know, so what's the  
 6 process for moving off or moving through, what --  
 7 where are you, what step are you on.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: Look to see if the things are  
 10 fixable.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: If the -- if whatever you're  
 13 supposed to fix or whatever you -- I mean, if they're  
 14 things you can truly fix, because usually there are --  
 15 if Dave plays his cards the way he normally plays  
 16 them, there are five or six things that you can fix  
 17 easily and then one or two you can't.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: That's usually the way that game  
 20 is played.  
 21 MR. LOPEZ: Right.  
 22 MS. ROBINSON: Or maybe just one. It depends.  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: If there are five or ten things,  
 25 it may -- and you're in the second step, it may be

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1 just long enough for them to get the opportunity out  
 2 there and, you know, get it -- because it's -- you're  
 3 in Pride's region, and when you're in Pride's region,  
 4 you're in the way, my friend --  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: -- because you're going to apply  
 7 for this stuff.  
 8 MR. LOPEZ: Right. Oh, I didn't know --  
 9 MS. ROBINSON: But it also might be related to  
 10 TFM.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: I'm sure it probably is. There's  
 13 probably some big TFM thing coming down the pipe.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: They don't want you to be able to  
 16 play.  
 17 MR. LOPEZ: Correct, correct.  
 18 MS. ROBINSON: And we gave you that project so  
 19 that whenever we needed to put you in the penalty box  
 20 and knock you out, because those people dislike you  
 21 anyway, all we have to do is call over there and say  
 22 to them, okay, now is the time.  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: Because no project is ever perfect  
 25 and there's always something --

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1 MR. LOPEZ: Correct.  
 2 MS. ROBINSON: -- if you want to be a nitpicker  
 3 that you can think of to -- but it looks like they've  
 4 been planning this one for a while, you said, because  
 5 it's been a couple months since they went and talked  
 6 to the customer without you --  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: -- to get all the complaints.  
 9 MR. LOPEZ: Correct.  
 10 MS. ROBINSON: But that was to go talk without  
 11 you to explain to them how the four-step works  
 12 probably.  
 13 MR. LOPEZ: Right, right. Exactly.  
 14 MS. ROBINSON: That would be my guess, but, you  
 15 know.  
 16 MR. LOPEZ: I'm sure of it.  
 17 MS. ROBINSON: I can't prove that, but -- so the  
 18 bottomline is, is you take a look, you get the stuff,  
 19 those are the questions, you call Mr. Dubinsky. Oh, I  
 20 don't know, it's only 4:29 there. Why don't you call  
 21 him today?  
 22 MR. LOPEZ: I want to --  
 23 MS. ROBINSON: Or right now? He just got back to  
 24 the office.  
 25 MR. LOPEZ: I just -- I just need to wait and see

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1 what they're going to be doing. I'm --  
 2 MS. ROBINSON: Yeah, well, just let them keep  
 3 doing it, because, I mean, they're so silly, I don't  
 4 want you to -- I don't want you to derail this.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: You know, let them walk right  
 7 into this --  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: -- this little -- because I'm sure  
 10 there's something behind it. I can tell you it's  
 11 not -- now, the other side of it is, either there's --  
 12 sometimes we give them more credit than they deserve,  
 13 meaning they're not as great at strategizing and being  
 14 Machiavellian as we think.  
 15 MR. LOPEZ: Correct.  
 16 MS. ROBINSON: So if they don't plan on giving a  
 17 project -- or putting a project out there that you  
 18 can't apply for or something like that, if that's not  
 19 the plan, then it is pure, unadulterated ego.  
 20 MR. LOPEZ: Correct.  
 21 MS. ROBINSON: Again, they're trying to just show  
 22 you not only ain't you getting no more work, but we're  
 23 going to screw around with the work that you have.  
 24 MR. LOPEZ: Correct.  
 25 MS. ROBINSON: So it's one or -- with those guys

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1 it's one or the other.  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: And so it always keeps you,  
 4 unfortunately, in the same position I am, and that is  
 5 you can never give them a bullet to shoot you with  
 6 because they're going to unload the gun.  
 7 MR. LOPEZ: Right. Right, right, right.  
 8 MS. ROBINSON: So you've got to stress that with  
 9 your people.  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: You know, you got to say, look,  
 12 guys, we got to be as next to perfect as we can  
 13 because the minute we misstep --  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: -- we're on their list.  
 16 MR. LOPEZ: Correct, correct.  
 17 MS. ROBINSON: So -- but the bottomline is that  
 18 you need to get more details about it, see what it is.  
 19 Once you get the details, we can figure out what's  
 20 really going on.  
 21 MR. LOPEZ: Okay. Now, can I refuse?  
 22 MS. ROBINSON: But you make sure you deal  
 23 directly with Mr. Dubinsky.  
 24 MR. LOPEZ: Of course. Now, let me ask you this.  
 25 MS. ROBINSON: He's not going to -- he's going to

1 avoid you probably. He's probably going to let you  
 2 deal with Freeman.  
 3 MR. LOPEZ: Right, right. Now, what if I say I'm  
 4 not submitting to this? Is there a legal -- am I  
 5 bound by a legal contract to submit to the four-step  
 6 process?  
 7 MS. ROBINSON: Well, you can say to them, I want  
 8 to appeal the -- I mean, no, there is not. There is  
 9 not. But what you can do is do the same thing Pride  
 10 did 52 times, and that is -- see, if the customer  
 11 requests it, we got to know more about it --  
 12 MR. LOPEZ: Okay.  
 13 MS. ROBINSON: -- so we can figure out how you  
 14 can fight it.  
 15 MR. LOPEZ: Correct.  
 16 MS. ROBINSON: Right now you don't -- you don't  
 17 say you're not submitting, you don't say anything.  
 18 You just get as much information about it as you can.  
 19 Then we figure that out.  
 20 MR. LOPEZ: Correct. What did Pride do?  
 21 MS. ROBINSON: Because if it was driven by the  
 22 customer, it's harder to fight.  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: If the customer called them up,  
 25 you know, allegedly, and said, you know, give me a new

1 contractor or put these guys on a PIP or we hate them  
 2 or we want them out. And then, oh, make sure you ask  
 3 about the history of that contract as to whether other  
 4 people when they had it before you got put on a PIP  
 5 and what were their problems.  
 6 MR. LOPEZ: Okay.  
 7 MS. ROBINSON: I mean, you know, because you want  
 8 to know, you know, is this something new, is this the  
 9 first time they've ever put anybody on a PIP there.  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: I think not, by the way.  
 12 MR. LOPEZ: Of course.  
 13 MS. ROBINSON: I told you it was a dog contract.  
 14 MR. LOPEZ: Okay.  
 15 MS. ROBINSON: And it was -- it was a setup so  
 16 that they would be able to kind of screw with you  
 17 whenever they needed to.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: I'm just surprised it took this  
 20 long, quite frankly.  
 21 MR. LOPEZ: Well --  
 22 MS. ROBINSON: But I guess the pressure is on a  
 23 little bit and maybe your people did a couple things  
 24 to give them some ammunition.  
 25 MR. LOPEZ: Correct, correct.

1 MS. ROBINSON: But the bottomline is, is find  
 2 out what things they are, and then once we know that,  
 3 then you can see if it's fixable and how you move  
 4 forward and whether or not you should protest the  
 5 whole thing.  
 6 MR. LOPEZ: Right. What did -- what did Pride do  
 7 in a situation like this?  
 8 MS. ROBINSON: Well, Pride got -- okay, here's  
 9 the big issue. Here's your comparator. Pride is the  
 10 reason that I keep getting put on PIPs and fired and,  
 11 you know, whatever, whatever, because they were on  
 12 probation. Remember, that's the one where Joe was  
 13 supposed to put -- they had enough bad stuff that  
 14 they -- I mean, they had ETA. They had big  
 15 violations. They should have been put on -- they  
 16 should have been put out of the program, but that's a  
 17 whole 'nother story, but they had big enough  
 18 violations that they should have been put on the  
 19 four-step. I forced the four-step. I said: You guys  
 20 got to do something, come on. If this is any other  
 21 CRP, you put them out of the program, you're not even  
 22 going to put these guys on. So Joe --  
 23 (Conversation between Ms. Robinson and her daughter.)  
 24 MS. ROBINSON: All right. So, anyway, the  
 25 bottomline is that -- I lost my train of thought.

1 What was I saying when she --  
 2 MR. LOPEZ: Pride, Pride, what they did.  
 3 MS. ROBINSON: Oh, they were on probation, they  
 4 were on probation, and they kept bugging me to get  
 5 off, and they said, you guys don't have any legal  
 6 authority to put us on probation.  
 7 MR. LOPEZ: Uh-huh.  
 8 MS. ROBINSON: And so we fought that -- we fought  
 9 that fight, and I found some legal authority to put  
 10 them on, but it will be interesting -- and then Bob  
 11 said, I don't care, I'm not using that.  
 12 MR. LOPEZ: Oh, okay.  
 13 MS. ROBINSON: But -- and that's -- that's -- you  
 14 know, that's a whole 'nother long story for another  
 15 day. But in terms of the four-step, you want to find  
 16 out -- when we talk about how we're going to fight it,  
 17 whether you should fight it, if it was suggested by us  
 18 and not by the customer --  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: -- then you might say, well, no,  
 21 you guys got a lot of nerve putting me on a four-step,  
 22 you didn't even call me to the meeting, I didn't have  
 23 a chance to defend myself, you know, why are we  
 24 jumping the gun.  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: But see what step you're in.  
 2 MR. LOPEZ: Okay.  
 3 MS. ROBINSON: See what step you're in. That's  
 4 what's really important.  
 5 MR. LOPEZ: I mean, they just notified us. I  
 6 can't imagine we're in more than step one because this  
 7 is the first time they told us.  
 8 MS. ROBINSON: No. You can be immediately  
 9 placed -- depending on how bad the problems are, you  
 10 could be immediately in two or three. You can be  
 11 wherever they want you to be. That's the problem with  
 12 that whole process too.  
 13 MR. LOPEZ: I see. I see.  
 14 MS. ROBINSON: Very subjective.  
 15 MR. LOPEZ: I see.  
 16 MS. ROBINSON: So I just -- once you know that,  
 17 then I will know -- I will know what's behind it.  
 18 MR. LOPEZ: Okay.  
 19 MS. ROBINSON: Do you understand? I can't --  
 20 MR. LOPEZ: Sure.  
 21 MS. ROBINSON: If you're automatically in a step  
 22 where you can't apply for projects, then we know  
 23 what -- then we know what the deal is.  
 24 MR. LOPEZ: Correct.  
 25 MS. ROBINSON: If you are not in that step but

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1 David is saying, but you could be in there, you know,  
 2 next week or soon or what have you, then it might  
 3 still be the thing about allocation. We just don't  
 4 know. You don't have enough information for me to get  
 5 it figured out yet.  
 6 MR. LOPEZ: I understand. I understand.  
 7 MS. ROBINSON: But they laid some groundwork,  
 8 though, right?  
 9 MR. LOPEZ: Right.  
 10 MS. ROBINSON: I mean, two months ago the  
 11 customer said you guys are screwing up?  
 12 MR. LOPEZ: Right. Right, right, right.  
 13 MS. ROBINSON: Did you fix whatever they said two  
 14 months ago?  
 15 MR. LOPEZ: Of course, of course.  
 16 MS. ROBINSON: Okay. And that may be the -- that  
 17 may be the argument for saying, I'm not going to stand  
 18 for a PIP.  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: Because I fixed everything they're  
 21 talking about.  
 22 MR. LOPEZ: Right, right.  
 23 MS. ROBINSON: Or what they're talking about is  
 24 not fixable or whatever. I just -- you just got to  
 25 get more information to figure out how you -- what

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1 your approach is going to be about it.  
 2 MR. LOPEZ: Correct. Okay.  
 3 MS. ROBINSON: Right now you're in nice, nice,  
 4 oh, my god, a very upset mode to try to figure out --  
 5 to get as much information about it as you can.  
 6 MR. LOPEZ: Right.  
 7 MS. ROBINSON: Because if you come out  
 8 adversarial going into it, they're going to limit --  
 9 Dave is smart enough to limit the information.  
 10 MR. LOPEZ: Correct.  
 11 MS. ROBINSON: And remember, Dave is not only  
 12 your new best friend, but he's the smartest guy in the  
 13 room.  
 14 MR. LOPEZ: Correct.  
 15 MS. ROBINSON: So you need help, you need his  
 16 help --  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: -- to understand this, to  
 19 understand the ramifications from it, what can happen.  
 20 You know, you're just totally ignorant about this  
 21 because you've never, ever been on this before.  
 22 MR. LOPEZ: Correct, correct.  
 23 MS. ROBINSON: So, you know, you make him -- you  
 24 know, just stroke his ego a little bit, because he's  
 25 got a big one.

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1 MR. LOPEZ: Right.  
 2 MS. ROBINSON: You just tell him, David, I --  
 3 god, I just need to talk directly to you to understand  
 4 the implications of this, man, oh man, you know.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: Etcetera, etcetera.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: Until you get all the information,  
 9 then we -- then we figure it out after that.  
 10 MR. LOPEZ: Okay. Okay.  
 11 MS. ROBINSON: All right?  
 12 MR. LOPEZ: Wonderful.  
 13 MS. ROBINSON: Okay.  
 14 MR. LOPEZ: Thank you so much.  
 15 MS. ROBINSON: So call him whenever. You can  
 16 wait until tomorrow or whatever, but call him soon.  
 17 MR. LOPEZ: Okay.  
 18 MS. ROBINSON: Because if you -- if you want to  
 19 undo it --  
 20 MR. LOPEZ: Right.  
 21 MS. ROBINSON: -- or you want to say, no, no, it  
 22 ain't going to go this way --  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: -- you don't want to wait too  
 25 long.

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1 MR. LOPEZ: Correct, correct.  
 2 MS. ROBINSON: So that's the other side of it.  
 3 MR. LOPEZ: Okay.  
 4 MS. ROBINSON: Okay.  
 5 MR. LOPEZ: Very well.  
 6 MS. ROBINSON: All right. Talk to you later.  
 7 MR. LOPEZ: I will talk to you.  
 8 MS. ROBINSON: All right. Good luck.  
 9 MR. LOPEZ: Thank you. Bye-bye.  
 10 (End of Audio File 01302014 V2.WAV)  
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1 (Audio File 02062014.WAV)  
 2 MS. ROBINSON: You're up bright and early.  
 3 MR. LOPEZ: Yeah. Yeah, I have to go to my  
 4 children's school something, so I have to be out there  
 5 early.  
 6 MS. ROBINSON: Gotcha.  
 7 MR. LOPEZ: But I wanted to just run a few things  
 8 by you. M.J. -- M.J. Willard called yesterday.  
 9 MS. ROBINSON: Okay.  
 10 MR. LOPEZ: And she -- I got -- I got an  
 11 interesting feeling from her, Jean. She -- I said,  
 12 well -- I get a feeling she's not clean, she's not  
 13 clean all -- you know, completely clean.  
 14 MS. ROBINSON: Well, that's what I -- that's what  
 15 I said to you. I didn't have anything to back it up  
 16 with. I'm just going on women's intuition.  
 17 MR. LOPEZ: Right, right, right. Because I  
 18 mentioned a few things, and she just got quiet, and  
 19 she said, well, we're not all -- we're not perfect,  
 20 we're not all perfect. And I said, I understand, I  
 21 understand, M.J.  
 22 MS. ROBINSON: Um-hmm, um-hmm.  
 23 MR. LOPEZ: But she's -- but she's going full  
 24 bore ahead. I mean, she's going to make some mess.  
 25 MS. ROBINSON: I know, and she should, and she

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1 should, and they don't know what to do about it, and  
 2 she's doing some smart things. Like one of the things  
 3 that she did is they're taking her back through the  
 4 appeal process. They did the redo, and they came up  
 5 with Peckham. Surprise, surprise.  
 6 MR. LOPEZ: Oh, wow.  
 7 MS. ROBINSON: I mean, it's so -- but -- and that  
 8 would be one, again, where I would think if Scott is  
 9 looking for poster children, you know --  
 10 MR. LOPEZ: Yeah.  
 11 MS. ROBINSON: -- that are similar. But, anyway,  
 12 they did the redo, came up with Peckham. The  
 13 committee doesn't know what to do about it at this  
 14 point, the Commission or whatever they call it these  
 15 days.  
 16 MR. LOPEZ: These days.  
 17 MS. ROBINSON: So -- so M.J. wrote -- well, I  
 18 mean, she's got good counsel, and the counsel wrote  
 19 and said, look, people, there's no point in going back  
 20 to Martin and Dennis because they're going to say the  
 21 same thing, we know -- I mean, can we just skip the  
 22 rest of the appeal process with SourceAmerica and why  
 23 don't you guys just rule, because they're just trying  
 24 to -- I would assume, they're just trying to exhaust  
 25 their administrative revenue so they can go to

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1 court --  
 2 MR. LOPEZ: Of course.  
 3 MS. ROBINSON: -- and give them a free discovery  
 4 in the process, but -- but the Commission doesn't know  
 5 how they're going to rule on that, and, you know, my  
 6 guess is they -- they usually are very supportive  
 7 of -- of SourceAmerica, so my guess is they'll --  
 8 they'll continue to be supportive, and, you know,  
 9 she's going to end up litigating.  
 10 Now, the only other thing, though, is for all of  
 11 these where they think they're going to lose the  
 12 litigation, they're just going to take them off the  
 13 program.  
 14 MR. LOPEZ: Correct, correct.  
 15 MS. ROBINSON: That's the new -- but I got  
 16 some -- I wanted to ask you how you turned out on your  
 17 probation.  
 18 MR. LOPEZ: Well, you know, I got an email the  
 19 following day.  
 20 MS. ROBINSON: I saw that one. I saw it. I got  
 21 copied on that one.  
 22 MR. LOPEZ: From Jim Freeman. He made a mistake,  
 23 he made a terrible mistake, it's not a PIP.  
 24 MS. ROBINSON: Wait. I didn't get that one.  
 25 MR. LOPEZ: Huh?

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1 MS. ROBINSON: What's the mistake?  
 2 MR. LOPEZ: It's not a PIP. Let me read it to  
 3 you. This is dated --  
 4 MS. ROBINSON: Oh, that's right. It's just a  
 5 plan -- it's that bullshit thing again.  
 6 MR. LOPEZ: Yeah.  
 7 MS. ROBINSON: Why do we just keep doing the same  
 8 thing over? It's like "Groundhog's Day." It's that  
 9 same crap he did before when I was out there and I  
 10 said, well, David, is he -- is it fish or file? Is he  
 11 on a plan or isn't he on a plan?  
 12 MR. LOPEZ: Right, right, right. Now, it's dated  
 13 July -- January 31st, okay? This is from Jim. It  
 14 says: "After our discussion yesterday regarding the  
 15 terminology of the action items we were all working  
 16 on, I've had more discussion with staff at  
 17 SourceAmerica."  
 18 MS. ROBINSON: It wasn't me. Go ahead.  
 19 MR. LOPEZ: "I also reviewed our project  
 20 intervention and improvement process this morning. In  
 21 reviewing the process, I realized I misinterpreted the  
 22 process and made a mistake by calling the action  
 23 register we were all working on yesterday a  
 24 Performance Improvement Plan. Per our process a PIP  
 25 is only a four-step process, and Bona Fide is not in a

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1 four-step process. I should have called the action  
 2 register a Corrective Action Plan per our process. I  
 3 apologize for the mistake I made and the concern it  
 4 caused you." But he had told my representative --  
 5 MS. ROBINSON: But then I still got to -- but  
 6 then you got another email yesterday that said you got  
 7 30 days to clean your act up.  
 8 MR. LOPEZ: That I haven't seen.  
 9 MS. ROBINSON: Oh, yeah. Well, you -- okay.  
 10 Well, you got another one after that. You got more  
 11 after that.  
 12 MR. LOPEZ: And that's -- and that's --  
 13 MS. ROBINSON: Now they're calling it a  
 14 corrective action plan and you still got some issues,  
 15 so --  
 16 MR. LOPEZ: Well, of course. I knew -- I knew  
 17 they would not go away. That was -- that was a fact.  
 18 MS. ROBINSON: Yeah.  
 19 MR. LOPEZ: But -- but, I mean, what do you think  
 20 they -- why would they go, you're on a PIP, you're on  
 21 a PIP, and the next day, you're not on a PIP?  
 22 MS. ROBINSON: Well, he may -- you know, I told  
 23 you they're not the brightest people. He may have  
 24 screwed it up. He may have -- you know, I don't know,  
 25 because that would be really dumb to do that, first of

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1 all --  
 2 MR. LOPEZ: Right, right. And we were --  
 3 MS. ROBINSON: -- in the middle of all this,  
 4 but -- and David -- David may not have known. I mean,  
 5 you know, maybe he got to it and said, you did what,  
 6 you know.  
 7 MR. LOPEZ: Right, right.  
 8 MS. ROBINSON: But this is the same game they  
 9 played with you last time --  
 10 MR. LOPEZ: Correct.  
 11 MS. ROBINSON: -- if I recall correctly.  
 12 MR. LOPEZ: Correct. Absolutely, absolutely.  
 13 MS. ROBINSON: It's the exact same -- it's  
 14 like -- like I said, it's like "Groundhog's Day," you  
 15 go to sleep and it starts all over again.  
 16 MR. LOPEZ: Right. Because -- because, I mean,  
 17 we were on level 3, by the way. They put us on 3, on  
 18 level 3, not 2, but 3.  
 19 MS. ROBINSON: 3 means you can't apply for  
 20 anything.  
 21 MR. LOPEZ: Correct.  
 22 MS. ROBINSON: Yeah.  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: Yeah, yeah.  
 25 MR. LOPEZ: And have you noticed that there's

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1 nothing on -- I mean, I don't know that they've issued  
 2 anything starting, you know, this year, this month.  
 3 MS. ROBINSON: Oh, they're on a moratorium right  
 4 now because, remember, Martin is supposed to be  
 5 revamping the process, the process, which is just the  
 6 craziest thing, but hold on a second. I thought I  
 7 just saw an email to you like yesterday or the day  
 8 before. Let me check my email. Hold on.  
 9 MR. LOPEZ: That's odd.  
 10 MS. ROBINSON: Who are you dealing with out  
 11 there?  
 12 MR. LOPEZ: I'm sorry?  
 13 MS. ROBINSON: Who are you dealing with out  
 14 there? Freeman and who else?  
 15 MR. LOPEZ: Jim Freeman, that's all.  
 16 MS. ROBINSON: No. I saw some other email to  
 17 you. Hang on a minute.  
 18 MR. LOPEZ: I'm looking for -- I'm looking for it  
 19 right now.  
 20 MS. ROBINSON: It still was within the last day  
 21 or two. Let's see. I don't think it was Tuesday.  
 22 Let me do it this way. Peckham. This is about the  
 23 Peckham building, right?  
 24 MR. LOPEZ: Right.  
 25 MS. ROBINSON: Yeah, yeah, yeah.

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1 MR. LOPEZ: I'm looking for it here at the Bona  
2 Fide email. I don't see anything.  
3 MS. ROBINSON: But how are you liking the NGA  
4 stuff?  
5 MR. LOPEZ: I'm telling you, I'm telling you.  
6 MS. ROBINSON: That's getting better by the  
7 minute. That's going to go out of the program too,  
8 though.  
9 MR. LOPEZ: Is it?  
10 MS. ROBINSON: That would be my guess, because  
11 they have -- I have to -- the Commission sent back --  
12 they're at least trying to cover their butts on paper.  
13 They sent back a lot of questions for our people, and  
14 I told -- and Martin wanted to go get outside counsel,  
15 and I said, no way, I got time, I'll handle it, but  
16 what I want you to do is get me the answers to all the  
17 questions they asked today, by close of business  
18 today. And so this morning he told me, I can't do  
19 that, my people are just getting back from the  
20 conference. I said: Well, you're the one who said we  
21 had to rush because we had to get an answer back  
22 quickly. Now -- now it's not so quick?  
23 And let me see. In talking to the Commission --  
24 I mean, they're at least asking the right questions  
25 now. The Commission is slowly starting to figure out

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1 they better at least, like I said, be on paper with  
2 the right stuff.  
3 MR. LOPEZ: Now, what's going on? I apologize.  
4 I answered too quickly. What is going on with the  
5 NGA? I thought you said M.J. -- M.J. Willard.  
6 MS. ROBINSON: No. NGA.  
7 MR. LOPEZ: Yeah.  
8 MS. ROBINSON: NGA. Let me see.  
9 MR. LOPEZ: What's going on over there?  
10 MS. ROBINSON: Lots of questions. Because this  
11 is the one they gave to Service Source.  
12 MR. LOPEZ: Yes.  
13 MS. ROBINSON: It's supposed to be going to a  
14 vote letter, but the committee won't put it to a vote  
15 letter because the lawyer who's representing the  
16 incumbent is making a lot of noise with the  
17 Commission, so the Commission is scared to vote on it  
18 to send it forward.  
19 MR. LOPEZ: I see.  
20 MS. ROBINSON: It's not -- you're not the only  
21 bad guy around.  
22 MR. LOPEZ: Well --  
23 MS. ROBINSON: There are a lot of bad guys.  
24 Names or some questions concerning.  
25 MR. LOPEZ: I thought Service Source was already

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1 working there in one of the campuses.  
2 MS. ROBINSON: No. This is for St. Louis.  
3 MR. LOPEZ: Okay.  
4 MR. LOPEZ: And --  
5 MS. ROBINSON: The incumbent contractor went and  
6 got a lawyer and said, bullshit, this shouldn't even  
7 be in the AbilityOne program, and it sure as hell  
8 ain't going to Service Source.  
9 MR. LOPEZ: So let me ask you this then, Jean.  
10 Where was it that Casey Kay and Service Source were  
11 working together already?  
12 MS. ROBINSON: I don't know which one, but one of  
13 them. Yeah, maybe in that one.  
14 MR. LOPEZ: Okay. Because that --  
15 MS. ROBINSON: They're on one of them. They're  
16 on one of them, but it may not -- let me say to you,  
17 the forces are converging from every direction.  
18 MR. LOPEZ: Right.  
19 MS. ROBINSON: You know, it's not just you and  
20 OIG and other stuff and David. It's -- it's -- it's  
21 the tsunami.  
22 MR. LOPEZ: Right.  
23 MS. ROBINSON: And the more it comes, the more  
24 they're resistant to it and the dumber they get, but  
25 that's just -- I guess that's the way life works. I

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1 was down yesterday with the ADR, the American  
2 Arbitration Association. Martin tried to cancel the  
3 meeting. Dennis tried to cancel the meeting for me.  
4 Everybody tried to cancel the meeting for me, and I  
5 wouldn't cancel it. So lawyer-to-lawyer, the lady who  
6 heads it up, she and Martin -- she said Martin hates  
7 my guts, and I was really not so nice to him. And so  
8 she said, Jean, you know, lawyer-to-lawyer come on  
9 down. So we met, and she said, Jean, you know, we  
10 don't want any parts of you guys.  
11 MR. LOPEZ: Right.  
12 MS. ROBINSON: And so I felt a little bit better  
13 that it's just not you, me, and some others who have  
14 this feeling that stuff is not right. The judge --  
15 the retired judge and this woman clearly told me the  
16 reputation is -- and this woman said, Jean, let's face  
17 it, she said, I've been in the world, I think she told  
18 me 65 years or something. She said, and I got to tell  
19 you there's too just much money going through this  
20 program and too much resistance and too much  
21 shenanigans.  
22 MR. LOPEZ: Sure.  
23 MS. ROBINSON: She said, I can't prove it, and I  
24 know you're the counsel and you've got to say nothing  
25 is going on, she said, but I ain't there yet, you

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1 know.

2 MR. LOPEZ: Right.

3 MS. ROBINSON: Off the record. So she knows

4 about the OIG investigation. She knows about GAO.

5 She knows about it all. And they're like, you know,

6 we're not -- we don't want to -- we don't want to --

7 we don't want to go down with the sinking ship. We

8 don't want the name of our organization to get all

9 muddled up with this bullshit process you guys have in

10 place.

11 MR. LOPEZ: Oh. So she represents one of the

12 NPAs?

13 MS. ROBINSON: No, she doesn't represent anybody.

14 We're trying to come up with an alternative dispute --

15 when you guys are appealing, I'm trying to get it you

16 don't appeal to Martin and Dennis, because what good

17 does that do you.

18 MR. LOPEZ: I gotcha.

19 MS. ROBINSON: It's just a waste of time.

20 MR. LOPEZ: Okay.

21 MS. ROBINSON: So -- so you guys would submit to

22 the American Arbitration Association. And we have

23 somebody else besides me, by the way --

24 MR. LOPEZ: Right.

25 MS. ROBINSON: -- telling them there are problems

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1 with this decision.

2 MR. LOPEZ: I see.

3 MS. ROBINSON: I am pretty convinced, and I'm

4 more convinced after meeting with her yesterday, that

5 if outside judges and outside legal people take a look

6 at our decisions after the debrief --

7 MR. LOPEZ: Right.

8 MS. ROBINSON: -- that they will start kicking

9 those damn things back to SourceAmerica people in

10 spades.

11 MR. LOPEZ: Correct.

12 MS. ROBINSON: Okay? But I send them back; they

13 don't listen to me. They don't care. They're still

14 going to do what they're going to do.

15 MR. LOPEZ: Right.

16 MS. ROBINSON: And we're convinced that even when

17 these outside people send them back --

18 MR. LOPEZ: Right.

19 MS. ROBINSON: -- they're trying to set up a

20 system that -- to limit what the judges can review and

21 what they can look at on a PO and all that, and I'm

22 going, no, no, no, no, no, you let them look at

23 whatever they want to look at, ask whatever questions

24 they want, until they have their questions answered

25 and they can make an intelligent decision --

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1 MR. LOPEZ: Of course.

2 MS. ROBINSON: -- about whether or not the

3 process was fair and transparent and, you know,

4 didn't -- didn't have any problems and whether, you

5 know, CRP X should have gotten the allocation.

6 MR. LOPEZ: Right.

7 MS. ROBINSON: So they're willing to do that, and

8 I was creating a system where we wouldn't really touch

9 it, like once you guys get the bad news and you

10 debrief --

11 MR. LOPEZ: Right.

12 MS. ROBINSON: -- you know, you go ahead and have

13 your debrief, that then you guys submit to -- we all

14 submit the case to an outside arbitrator.

15 MR. LOPEZ: Correct.

16 MS. ROBINSON: And then the outside arbitrator

17 will look at it and say, you know, I agree, don't

18 agree, whatever, and then we take that and go forward.

19 At least we've got somebody who has no interest in the

20 outcome --

21 MR. LOPEZ: Correct.

22 MS. ROBINSON: -- looking at it.

23 MR. LOPEZ: Correct.

24 MS. ROBINSON: But right now our process in the

25 outside judges and retired judges and the outside

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1 people who look at this is so screwed up that they

2 don't know if they really want to be involved.

3 MR. LOPEZ: Correct. Wow.

4 MS. ROBINSON: Not a lot of money. You know what

5 I mean?

6 MR. LOPEZ: Sure.

7 MS. ROBINSON: They're not going to get paid a

8 lot to do it --

9 MR. LOPEZ: Sure.

10 MS. ROBINSON: -- when you go through the

11 American Arbitration Association.

12 MR. LOPEZ: Right.

13 MS. ROBINSON: And so they don't know that they

14 really want to be a part of the bullshit.

15 MR. LOPEZ: Wow, wow.

16 MS. ROBINSON: And so, you know, they'll do it,

17 but when they do it, they've kind of already said to

18 me as counsel, understand we're going to be kicking a

19 lot of them back to you.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: Based on the samples that we've

22 seen, we'd be kicking a lot of them back to you.

23 MR. LOPEZ: Sure, sure.

24 MS. ROBINSON: And so I'm going to let them go

25 forward and do this. So I've been telling them, you

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1 know, don't start the ADR stuff in the middle of the  
 2 OIG -- here Scott is and Lisa are investigating the  
 3 allocation process.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: So you're going to start this ADR,  
 6 and they're going to be -- well, it's going to create  
 7 a nice little record for -- just wait and see where  
 8 Scott and Lisa come out, because right now Scott and  
 9 Lisa have enough material to come out with a very  
 10 slamming report.  
 11 MR. LOPEZ: Correct.  
 12 MS. ROBINSON: And if they were to look at three  
 13 or four of these, you know, even the ones that are  
 14 currently all screwed up, then I think, you know,  
 15 they'd have enough to do -- to show a pattern of  
 16 practice and that everything is not good in Denmark.  
 17 MR. LOPEZ: Sure.  
 18 MS. ROBINSON: But instead of them backing up,  
 19 like sensible people do, they seem to be running to go  
 20 jump off the cliff.  
 21 MR. LOPEZ: Correct.  
 22 MS. ROBINSON: So -- but yesterday was good for  
 23 me, Ruben, because it wasn't you, it wasn't me, it was  
 24 somebody who doesn't know anybody.  
 25 MR. LOPEZ: And they --

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1 MS. ROBINSON: And good legal minds saying,  
 2 something ain't right with this process.  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: And it's clear that your people  
 5 are lying. I'm like, well, yeah. I mean, you know, I  
 6 just sat and listened because I never know what  
 7 people -- I never know where people are coming from.  
 8 MR. LOPEZ: Sure.  
 9 MS. ROBINSON: But I sat and listened, and I  
 10 said, well, okay. So clearly -- and then, of course,  
 11 what I get is, why won't they just let you fix the  
 12 process?  
 13 MR. LOPEZ: Correct.  
 14 MS. ROBINSON: And I have to say I don't know.  
 15 MR. LOPEZ: Right, right.  
 16 MS. ROBINSON: But I also have to say I have  
 17 offered suggestions and I have tried, but, you know.  
 18 MR. LOPEZ: It's just --  
 19 MS. ROBINSON: They'd rather have non-lawyers  
 20 fix -- they'd rather have Martin --  
 21 MR. LOPEZ: Right.  
 22 MS. ROBINSON: -- genius -- boy genius fixing the  
 23 system.  
 24 MR. LOPEZ: Well, it's going to --  
 25 MS. ROBINSON: I know why they -- I can't tell an

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1 outsider. They won't let me fix it because they know  
 2 I'm going to make it fair and I'm going to make it so  
 3 the favorites and -- you know, one of the things I  
 4 said to them is take the damn names off.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: They don't need -- I don't need to  
 7 know it's Bona Fide or -- or CW. It doesn't matter.  
 8 What you have in your proposal -- maybe at the end of  
 9 the day, right before, but in the earliest stages they  
 10 should take the names off.  
 11 MR. LOPEZ: That's a very good approach, very  
 12 good approach.  
 13 MS. ROBINSON: You know, that's one way of doing  
 14 it. But, I mean, there are some things we could do,  
 15 but until they decide to, what's the word, stop making  
 16 the executive directors god.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: Because right now it doesn't  
 19 matter. An evaluation and review team could spend two  
 20 weeks locked in a room trying to make the fairest  
 21 decision they know how, poring over the proposal  
 22 responses, they can write up their recommendation,  
 23 give it to the executive director, and the executive  
 24 director could look at them and say, thank you for all  
 25 your hard work, but it is not going to CRP X, it's

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1 going to go to CRP Y.  
 2 MR. LOPEZ: End of story.  
 3 MS. ROBINSON: That is a system that is fraught  
 4 with the potential for serious corruption on the part  
 5 of any executive director.  
 6 MR. LOPEZ: Of course.  
 7 MS. ROBINSON: I'm not saying it's necessarily  
 8 corrupt. I'm saying that if you have the power to  
 9 play god -- this is a lot of money. These contracts  
 10 are a lot of money. If you have the power to veto an  
 11 entire panel of experts or -- maybe they're not  
 12 experts, let's not call them -- let's not go that far,  
 13 but a panel who has spent time reviewing the document,  
 14 that then come up with the best decision that they  
 15 can. That's why I laugh and say, the new process is  
 16 not new, you just have a new name.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: Because until they relent and say,  
 19 okay, the executive director ain't that powerful, you  
 20 know, that when the -- when the evaluation team  
 21 collectively makes its decision, I'm not saying that's  
 22 perfect, but it's certainly better than what we have,  
 23 that's the decision of SourceAmerica.  
 24 MR. LOPEZ: Correct.  
 25 MS. ROBINSON: And it should not be able to be

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1 overturned or vetoed or changed by one individual who  
 2 did not sit in that whole process-making and review  
 3 all that paper.  
 4 MR. LOPEZ: Of course.  
 5 MS. ROBINSON: Because that just makes the whole  
 6 thing arbitrary and capricious.  
 7 MR. LOPEZ: Correct, correct.  
 8 MS. ROBINSON: But they don't care, and they're  
 9 going to keep doing what they're going to do, but --  
 10 MR. LOPEZ: Now --  
 11 MS. ROBINSON: I have outside confirmation,  
 12 because sometimes, you know -- you know, David called  
 13 the other day, and he says, well, you know, you and  
 14 Ruben -- you and Ruben need to take a step back  
 15 because I don't want you guys to -- to, you know,  
 16 screw up your health or -- you know, you guys are  
 17 really into this, and I -- so I didn't say anything.  
 18 I said, what do you mean? He said, well, you know, he  
 19 said, you just have to take a step back. And I said,  
 20 oh, you're just feeling good -- I teased him. I said,  
 21 you're just feeling good because your case is going  
 22 forward. And he laughed, and, you know, he said,  
 23 well, you know, I just don't let these guys get to me  
 24 anymore because they used to have me up at night all  
 25 night. I said, yeah, I understand. So the bottomline

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1 is, it's slow, but it's sure, but it's -- it's going  
 2 to break wide open.  
 3 MR. LOPEZ: Of course, of course.  
 4 MS. ROBINSON: The Commission is getting scared.  
 5 I mean, they're backing up a little bit because they  
 6 don't want to be -- I mean, you know, right now we  
 7 still give them a lot of -- a lot of material. In  
 8 other words, even if they said, well, we didn't know,  
 9 we got duped too, they could probably still say that  
 10 right now, because you wouldn't necessarily be able to  
 11 prove their complicity, but -- but, you know, they're  
 12 at least asking the right questions now.  
 13 MR. LOPEZ: I see. I see.  
 14 MS. ROBINSON: I mean, I'm not saying at the end  
 15 of the day they're doing the right thing, but at least  
 16 they want to show the world, well, we asked, you know,  
 17 if they lied to us, we can't help that, or if they  
 18 didn't do their homework, we can't help that. But  
 19 that's going to backfire too because people are going  
 20 to say, you certainly -- you most certainly could help  
 21 it.  
 22 MR. LOPEZ: Of course, of course. Now, let me  
 23 ask you --  
 24 MS. ROBINSON: You know, like in this Peckham  
 25 thing, I said to Dennis this morning, I said: Why are

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1 we waiting for the litigation? You know it's coming.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: With NTI and M.J. They keep  
 4 telling you that Peckham is not doing the right thing  
 5 and that -- they keep telling you that they're not  
 6 employing people with disabilities, so why don't you  
 7 just send a team of people out there, they have 1600  
 8 files, audit every file, and, I mean, scrub them clean  
 9 if -- if -- or report on what you find if the files  
 10 are bad. I would have to think by now they would have  
 11 cleaned up everything. I mean, they've been  
 12 getting -- M.J. has been hollering this for two years.  
 13 The problem with M.J. that I've figured out, and  
 14 that's what I was trying to tell you, is people who  
 15 live in glass houses cannot throw stones or shouldn't  
 16 throw stones.  
 17 MR. LOPEZ: Correct. I got that loud and clear  
 18 yesterday.  
 19 MS. ROBINSON: And I think she's had a fair  
 20 amount of problems with Social Security and -- and,  
 21 you know, whether or not she's doing the right thing  
 22 with the Ticket to Work program.  
 23 MR. LOPEZ: Correct, correct.  
 24 MS. ROBINSON: And so they're going to leverage  
 25 her. I mean, she has nothing to lose, she should just

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1 keep going down the road, but, you know, I think in  
 2 her heart of hearts she's running scared because she  
 3 thinks they're going to -- you know, dirt for dirt,  
 4 they're going to -- they're going to throw a bunch of  
 5 dirt at her.  
 6 MR. LOPEZ: Correct, correct.  
 7 MS. ROBINSON: And they are. I mean, you know, I  
 8 mean, you expose them, they expose you.  
 9 MR. LOPEZ: Correct, correct. Well, I mean,  
 10 that's -- that's the -- that's what I got from M.J.  
 11 yesterday, that she was a little concerned.  
 12 MS. ROBINSON: Well, that's the way they play the  
 13 game. You know, we are dealing with the mafia here,  
 14 the old -- the old SourceAmerica mafia, where they've  
 15 gotten to who they believe is her source, which is  
 16 Denise Driver.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: And I'm sure they've told --  
 19 because I know that the stuff that I heard about  
 20 whether or not she's clean or not --  
 21 MR. LOPEZ: Right.  
 22 MS. ROBINSON: -- was coming from people in  
 23 Denise Driver's shop.  
 24 MR. LOPEZ: I see.  
 25 MS. ROBINSON: So I'm sure they got that to

1 Denise, and I'm sure, you know, it's working like  
 2 clockwork for them, because they play these people  
 3 like pawns in a chess game.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: So I'm sure Denise has probably  
 6 said to her, well, now, you know, they've got a lot of  
 7 dirt on you. And where they get that dirt from, I  
 8 guess, is that Denise's boss has -- who's not the  
 9 cleanest fella himself, but used to work for Social  
 10 Security or something.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: So they're using Denise to scare  
 13 her up.  
 14 MR. LOPEZ: Correct.  
 15 MS. ROBINSON: I don't know -- I don't know how  
 16 much you're talking to Denise.  
 17 MR. LOPEZ: I haven't. I have not.  
 18 MS. ROBINSON: But -- but I can't figure out  
 19 where she's coming from these days.  
 20 MR. LOPEZ: Right. I mean, I was thinking about  
 21 it, I'll tell you that, but I haven't yet.  
 22 MS. ROBINSON: Yeah, don't, because I -- because  
 23 I don't think that she knows -- no. I mean, I've  
 24 tried to get her involved with Scott in some of the  
 25 answering the questions about the board and the

1 MS. ROBINSON: You know, so be careful in that --  
 2 in that respect.  
 3 MR. LOPEZ: I understand. I understand. With  
 4 Carl, I did call him, and I left things in very  
 5 general terms, though I -- you know, I tried to  
 6 encourage him at the same time. But you're right, you  
 7 know, you got to be careful.  
 8 MS. ROBINSON: I'm just telling you be careful  
 9 with them because -- I don't know how to say it to  
 10 you. It's a strange group. It's a -- it's a very  
 11 strange group, and they basically do -- it's every man  
 12 and woman for him or her self.  
 13 MR. LOPEZ: Correct, correct.  
 14 MS. ROBINSON: So I would -- you know, I think in  
 15 heart and in spirit those people are with you --  
 16 MR. LOPEZ: Right.  
 17 MS. ROBINSON: -- and with seeing, you know, the  
 18 craziness be exposed, but they're also running a  
 19 little bit scared, and they leverage, they leverage  
 20 everybody.  
 21 MR. LOPEZ: Correct.  
 22 MS. ROBINSON: Anything that you have that's not  
 23 so good or bad or any mistake, they're going to  
 24 leverage these people like crazy.  
 25 MR. LOPEZ: Correct, correct.

1 relationships and all of that.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: So we have clued her in on an  
 4 official, and I would just keep it official if I were  
 5 you.  
 6 MR. LOPEZ: Right. Of course, of course.  
 7 MS. ROBINSON: Yeah, let's keep it official,  
 8 because you just never know -- that's not somebody you  
 9 can trust. That's somebody who talks a lot, and you  
 10 never know when they're going to go back and say, you  
 11 know, this is who I was talking to, X, Y, and Z.  
 12 MR. LOPEZ: Right, right, right, right.  
 13 MS. ROBINSON: Believe it or not.  
 14 MR. LOPEZ: No, I understand.  
 15 MS. ROBINSON: It won't come across as -- it will  
 16 come across as you having called them, etcetera,  
 17 etcetera.  
 18 MR. LOPEZ: Correct, correct, correct.  
 19 MS. ROBINSON: Yeah. Because there was somebody  
 20 else, oh, Carl, who told me that you had called him.  
 21 MR. LOPEZ: Carl --  
 22 MS. ROBINSON: You've got to watch these guys.  
 23 They're not -- I mean, they're just not solid enough  
 24 for you to be --  
 25 MR. LOPEZ: Correct, correct.

1 MS. ROBINSON: That's the game they play.  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: So, you know, I would -- I can't  
 4 imagine that there's too much that Denise Driver knows  
 5 that won't come trickling out anyway.  
 6 MR. LOPEZ: Correct, correct, correct.  
 7 MS. ROBINSON: And sometimes the accuracy of it  
 8 is not good.  
 9 MR. LOPEZ: Not there.  
 10 MS. ROBINSON: So just be circumspect.  
 11 MR. LOPEZ: Correct. I wanted to share -- talk  
 12 to you about two things that are, I think, quite  
 13 important.  
 14 MS. ROBINSON: Okay.  
 15 MR. LOPEZ: The first one is, have you heard -- I  
 16 mean, you must have heard of the Resolution of 2006 at  
 17 the National Federation of the Blind there in Dallas,  
 18 Texas, I think it was. It was --  
 19 MS. ROBINSON: What did they say? I can't  
 20 remember. They always -- they hate us, so they're  
 21 always on something.  
 22 MR. LOPEZ: Okay. So, I mean, it was 2006, this  
 23 certain Ms. --  
 24 MS. ROBINSON: 2006 was a blur because that's  
 25 when all the NCED stuff was hitting the fan.

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1 MR. LOPEZ: Okay.

2 MS. ROBINSON: So we were busy dealing with the  
3 FBI and U.S. attorneys and all of that, but -- but  
4 what happened?

5 MR. LOPEZ: Well, Sharon Maneki, she in a  
6 resolution -- man, it was scathing, scathing toward --

7 MS. ROBINSON: Yes.

8 MR. LOPEZ: -- against NISH.

9 MS. ROBINSON: Yeah.

10 MR. LOPEZ: And it was so scathing that I'm  
11 wondering how -- and she -- she lays out everything  
12 about the shenanigans, the --

13 MS. ROBINSON: Now, Denise would be a good source  
14 for stuff like that because she kind of keeps up with  
15 that, that kind of stuff.

16 MR. LOPEZ: Right, and I just -- I am just --  
17 okay, okay. And she -- I mean, I can't -- I don't  
18 know why it didn't go anywhere.

19 MS. ROBINSON: What did she lay out? I mean, I  
20 don't -- I don't know. Maybe I don't know about this.

21 MR. LOPEZ: I mean, she --

22 MS. ROBINSON: What did she lay out?

23 MR. LOPEZ: Let me give you an example. She  
24 just -- I mean, I'm trying to --

25 MS. ROBINSON: Because everybody was on top of us

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1 in 2006.

2 MR. LOPEZ: Right. She talks about the 1971  
3 amendment.

4 MS. ROBINSON: I mean, there was a whole bunch of  
5 crap going on.

6 MR. LOPEZ: Right, right. Let me give you an  
7 example of this, some of the abuses. "To meet the 75  
8 percent hours of direct-labor requirements, jobs may  
9 be split into three or four smaller jobs, generating  
10 more hours spent by blind or disabled workers, whose  
11 productivity is thus artificially capped.

12 "Number 2, the result" -- "the resulting jobs are  
13 often paid at piece rate with the rates set so high  
14 that minimum wage can rarely be achieved.

15 "Number 3, blind and disabled workers are kept on  
16 the shop floor and rarely advanced into management  
17 because they are more valuable in direct-labor jobs to  
18 qualify for the priority than they are as managers.

19 "Number 4, as the resulting jobs come and go,  
20 making employment of blind and disabled workers  
21 intermittent and present only to qualify for the  
22 federal priority, and;

23 "Number 5, the definition of people with other  
24 severe disabilities has been interpreted so  
25 ridiculously elastic to qualify for the priority."

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1 MS. ROBINSON: Yeah, yeah, yeah. We get that --  
2 you think that's scathing. We get that on a regular  
3 basis.

4 MR. LOPEZ: Okay.

5 MS. ROBINSON: And we've gotten a lot more of  
6 that. You can update that because the Blind -- the  
7 Federation for the Blind are against 14-C, sub-minimum  
8 wages.

9 MR. LOPEZ: Right.

10 MS. ROBINSON: And so they have been making, you  
11 know, all kinds of claims similar to what you saw on  
12 that Rock -- what was it, Rock Center or Rock Cellar  
13 Center special.

14 MR. LOPEZ: Yes, yes.

15 MS. ROBINSON: Right. So that's the same -- I  
16 mean, that's sort of the same attack, and they have  
17 always been very strong. They actually have good  
18 lobbyists, by the way, and they're pretty effective on  
19 the Hill. So, yeah, they have -- they have been on  
20 top of SourceAmerica forever. They continue to be.

21 MR. LOPEZ: Okay.

22 MS. ROBINSON: And they continue to have some  
23 representatives on the Commission that are  
24 predisposed, if you will, to their point of view. The  
25 only problem with the NFB is, it's good that they're

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1 pointing out all this stuff, but they -- they have a  
2 different agenda. You know, it's a little bit like  
3 M.J. Their agenda is sort of single-focused, and it's  
4 that the Commission is more in favor of the blind -- I  
5 mean, of people with disabilities and that Tina and  
6 Bob, you know, or whomever, that -- that NISH gets  
7 preferential treatment by the program, by the  
8 Commission --

9 MR. LOPEZ: Correct.

10 MS. ROBINSON: -- that there isn't really equal  
11 status between the severely disabled and blind and,  
12 you know, etcetera, etcetera. So they have their  
13 agenda, but -- and they use dirt in the program to  
14 point some things out, and they've always done that.  
15 I mean, I think if you look at most of their stuff,  
16 you will find even more.

17 MR. LOPEZ: Okay, okay, okay.

18 MS. ROBINSON: Any of the -- yeah, any of the NFB  
19 stuff. So it has been out there in the public forum,  
20 for sure.

21 MR. LOPEZ: Now, who was that gentleman that  
22 knows their -- I think it was their leader that knows  
23 that Tina wants Bob's job? What was his -- what is  
24 his name?

25 MS. ROBINSON: Kevin.

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1 MR. LOPEZ: Kevin what?  
 2 MS. ROBINSON: Kevin Lynch.  
 3 MR. LOPEZ: Lynch.  
 4 MS. ROBINSON: He heads up NIB. But, no, NIB is  
 5 different than NFD.  
 6 MR. LOPEZ: NFD.  
 7 MS. ROBINSON: NIB is the same as SourceAmerica.  
 8 MR. LOPEZ: Okay.  
 9 MS. ROBINSON: So that guy -- Kevin Lynch has the  
 10 same job as Bob Chamberlin.  
 11 MR. LOPEZ: So it's NIB.  
 12 MS. ROBINSON: He's president of one of the CNAs.  
 13 MR. LOPEZ: President of one of the CNAs. Okay.  
 14 MS. ROBINSON: Okay? So he has the same job as  
 15 Bob Chamberlin.  
 16 MR. LOPEZ: Okay.  
 17 MS. ROBINSON: He is Bob Chamberlin of the  
 18 National Industries for the Blind.  
 19 MR. LOPEZ: NIB. Okay.  
 20 MS. ROBINSON: Yeah. What you're talking about  
 21 is National Federation for the Blind, and they're an  
 22 advocacy group that obviously is connected with NIB,  
 23 but they're not -- you know, they're not one and the  
 24 same.  
 25 MR. LOPEZ: I understand now. Advocacy group.

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1 How do you think that --  
 2 MS. ROBINSON: One of the things you have to know  
 3 in the disability community and people like you and me  
 4 and most lay people who are nondisabled don't get it  
 5 is the blind and the severely disabled hate each  
 6 other's guts.  
 7 MR. LOPEZ: I see.  
 8 MS. ROBINSON: It's like they're all fighting for  
 9 the same piece of pie.  
 10 MR. LOPEZ: Sure.  
 11 MS. ROBINSON: And so they go before judges and  
 12 they go before outsiders and they go, well, as far as  
 13 I'm concerned, you're all people with disabilities.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: They don't separate out people  
 16 being blind.  
 17 MR. LOPEZ: I see. Of course.  
 18 MS. ROBINSON: But our program does, and there's  
 19 a big rivalry between NIB and SourceAmerica because  
 20 NIB is much smaller. They don't seem to have the  
 21 problems that we have on their allocations or any of  
 22 that stuff either, by the way.  
 23 MR. LOPEZ: Yeah, but they have a very limited  
 24 scope of jobs that they can do, that's why, in my  
 25 perspective.

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1 MS. ROBINSON: Well, but remember they get to  
 2 exercise the waiver first, so they're fighting --  
 3 they're the competitor. They're the rival -- rivalry  
 4 organization. We don't work well together as we  
 5 should. I happen to like Kevin. I think he's a good  
 6 guy.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: But there's no love lost between  
 9 Kevin and Bob.  
 10 MR. LOPEZ: How do you think -- how do you --  
 11 MS. ROBINSON: There's no love lost between our  
 12 staff and their staff.  
 13 MR. LOPEZ: How do you think Kevin Lynch came to  
 14 learn of the Tina/Bob Chamberlin issue?  
 15 MS. ROBINSON: I have no idea.  
 16 MR. LOPEZ: But somehow he knew.  
 17 MS. ROBINSON: I have no idea, no idea.  
 18 MR. LOPEZ: Now, M.J. talks about --  
 19 MS. ROBINSON: I didn't bite on it because I just  
 20 never know if people drop stuff, why they drop it, you  
 21 know what I mean.  
 22 MR. LOPEZ: Sure. Absolutely, absolutely,  
 23 absolutely.  
 24 MS. ROBINSON: I don't know who they put out  
 25 there to kind of test where people are coming from.

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1 MR. LOPEZ: Absolutely. No, no. I understand.  
 2 MS. ROBINSON: It could be Tina's best friend and  
 3 she could -- Tina steers clear of me.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: To the extent that she can.  
 6 MR. LOPEZ: Wow.  
 7 MS. ROBINSON: She won't meet with me. She won't  
 8 be in a room by herself with me. She's totally clear  
 9 of me.  
 10 MR. LOPEZ: Wow, wow.  
 11 MS. ROBINSON: Goes in the other direction if she  
 12 can.  
 13 MR. LOPEZ: Well, that too shall someday change  
 14 soon.  
 15 MS. ROBINSON: Well, you know, I wouldn't --  
 16 under the circumstances I guess I wouldn't blame her,  
 17 but that's -- that's what she does, but -- but it's --  
 18 I don't know. I think -- like I said, and that's --  
 19 every time I think I'm going to get to it, I don't  
 20 have a chance, but I did start. I took boxes and  
 21 boxes in, and I had Pam start filing stuff.  
 22 MR. LOPEZ: Okay.  
 23 MS. ROBINSON: And then they did something to  
 24 piss me off, and we loaded -- we got about a quarter  
 25 of the way through the job, and then we loaded them

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1 all back in my car.  
 2 MR. LOPEZ: Okay.  
 3 MS. ROBINSON: And so Martin calls Pam this  
 4 morning. It was funny, because they were all away at  
 5 the conference, and they're my files, they're my files  
 6 from my house.  
 7 MR. LOPEZ: Sure.  
 8 MS. ROBINSON: But I wanted to organize them into  
 9 folders and, you know, kind of revisit what has  
 10 happened over the last five or six years so that I can  
 11 respond to Bob in kind --  
 12 MR. LOPEZ: Sure.  
 13 MS. ROBINSON: -- before the 45 days is up.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: Oh, believe me, I'm going to get  
 16 all my stuff in writing.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: But I can never have a chance to  
 19 do that because there's always some crap going on.  
 20 Every day there's new -- they give me new material.  
 21 MR. LOPEZ: Sure.  
 22 MS. ROBINSON: But the biggest thing you got to  
 23 remember is Scott has got to ask just the right  
 24 questions --  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: -- because they're putting a lot  
 2 of pressure -- let me say, I have not seen Carlos and  
 3 Mayling since Bob took Carlos and Mayling in that  
 4 room.  
 5 MR. LOPEZ: Really.  
 6 MS. ROBINSON: Okay? Now, know that Carlos used  
 7 to come and visit us once a week.  
 8 MR. LOPEZ: Of course.  
 9 MS. ROBINSON: So our normal, you know,  
 10 get-together, update, what have you. They're  
 11 communicating directly with Martin and Dennis and Bob,  
 12 and, you know, whomever --  
 13 MR. LOPEZ: Sure.  
 14 MS. ROBINSON: -- Matt and the rest of the people  
 15 to get their information. Carlos said he was going to  
 16 stop by this week, Wednesday or Thursday. Well, it's  
 17 Friday. He didn't.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: It turns out I wouldn't have been  
 20 able to get together with him anyway, but -- but -- so  
 21 I haven't had a chance to look him face-to-face,  
 22 lawyer-to-lawyer with no one around and say, what  
 23 really happened?  
 24 MR. LOPEZ: Right.  
 25 MS. ROBINSON: I will get that chance.

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1 MR. LOPEZ: Yes.  
 2 MS. ROBINSON: But it just keeps falling to the  
 3 next week.  
 4 MR. LOPEZ: Very telling, very telling.  
 5 MS. ROBINSON: You know, and -- and the other  
 6 thing is, so -- because I said to -- my directive to  
 7 them is don't play games with Scott and Lisa.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: You give them what they need and  
 10 you give them -- even if they don't ask the question  
 11 perfectly, you know what the hell they're looking for,  
 12 just give it to them.  
 13 MR. LOPEZ: Correct.  
 14 MS. ROBINSON: And so now they're playing that  
 15 game, no, we're only going to give them exactly what  
 16 they ask for. So if they don't get the question  
 17 right, they ain't going to get the right information.  
 18 MR. LOPEZ: Correct.  
 19 MS. ROBINSON: At least on the first go-round.  
 20 MR. LOPEZ: Correct.  
 21 MS. ROBINSON: You know, once they give it to  
 22 them. And the other thing is, I just don't know from  
 23 timing, but he still has not clarified the question  
 24 that is going to cause him to get a lot of good stuff,  
 25 and that is, he's got to ask, I want the last five

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1 years of the competitions that you guys have run to  
 2 award projects.  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: I want to know who was in them,  
 5 who was in the competition, who won. He can later,  
 6 once he gets -- once he finds out, for example, I  
 7 don't know, pick any of them, the NGA building --  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: -- that the competitors were Bona  
 10 Fide, Portco -- I'm just making this up.  
 11 MR. LOPEZ: Sure.  
 12 MS. ROBINSON: CW Resources, Service Source.  
 13 MR. LOPEZ: Right.  
 14 MS. ROBINSON: Who won the competition.  
 15 MR. LOPEZ: Right.  
 16 MS. ROBINSON: And if it turns out that it's  
 17 Service Source, then he can start matching it up to  
 18 say, you know, three times out of five it's always  
 19 somebody in the top 20, but that's the last piece of  
 20 the puzzle.  
 21 MR. LOPEZ: Sure.  
 22 MS. ROBINSON: The first piece is -- I mean, as I  
 23 understand his question, his question is, he and  
 24 Lisa's charge is to find out whether our allocation  
 25 process is fair and transparent.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: Okay? The second part of that

3 question is, assuming -- well, let's say it isn't. If

4 it isn't, does it show a bias or favoritism towards

5 certain CRPs?

6 MR. LOPEZ: Right.

7 MS. ROBINSON: And then he gets to, yes, and

8 which CRPs are those?

9 MR. LOPEZ: Right.

10 MS. ROBINSON: And then you get to: And are any

11 of them in the top 20?

12 MR. LOPEZ: Right.

13 MS. ROBINSON: Some will be; some will not be.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: Some are smart enough not to get

16 on the board, like Janet. Janet has been brilliant in

17 not -- making sure she never gets on our board.

18 MR. LOPEZ: Right.

19 MS. ROBINSON: She doesn't -- she doesn't --

20 isn't active in the NCWC. The people who are in those

21 are people who have smaller agencies that want to use

22 their board contact and their influence to grow, you

23 know. At one time NCED and ReadyOne was one of our

24 smaller agencies. At one time Peckham was one of --

25 you know, you got to start somewhere.

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1 MR. LOPEZ: Sure, sure.

2 MS. ROBINSON: So the -- what he's got to get

3 from them is, we don't care whether it made it to the

4 procurement list or not.

5 MR. LOPEZ: Right.

6 MS. ROBINSON: All I want is a listing of every

7 competition that SourceAmerica has run in the last

8 five years, who was in the running --

9 MR. LOPEZ: Right.

10 MS. ROBINSON: -- who were the winners, and then

11 once he -- then he can kind of compile that. Well,

12 hopefully they'll compile it for him.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: We don't care whether it

15 actually -- the project after you told the CRP you got

16 it --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- whether it actually made it to

19 the procurement list.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: Because that's not what he's

22 looking for. What he's looking for -- I mean, that is

23 part of it too, but --

24 MR. LOPEZ: Right.

25 MS. ROBINSON: -- at the end of the day, but what

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1 he's looking for is when they put out an opportunity

2 notice --

3 MR. LOPEZ: Right.

4 MS. ROBINSON: -- is the process for selecting

5 the CRP fair, transparent, and do you guys as

6 competitors and CRPs really stand a snowball's chance

7 in hell of actually getting something.

8 MR. LOPEZ: Sure.

9 MS. ROBINSON: You know.

10 MR. LOPEZ: Sure.

11 MS. ROBINSON: And not just the ones that nobody

12 else wants.

13 MR. LOPEZ: Correct, correct. No, no. I agree.

14 I agree.

15 MS. ROBINSON: So -- so they have that data,

16 because in order to run a competition you've got to

17 put out -- you've got to advertise it up on the

18 Website, right, up on the portal?

19 MR. LOPEZ: Of course.

20 MS. ROBINSON: Isn't that where your people go

21 and look for what opportunities are available?

22 MR. LOPEZ: Right, right.

23 MS. ROBINSON: Right. So they have that

24 information, and they know who responded to each of

25 those, and they know what teams they put together, and

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1 then once he has just that general information,

2 there's another list, which he doesn't know yet

3 because I -- that he should just look and say, if he's

4 looking for samples like Lloyd George where the facts

5 are ugly and it's clear people are lying and it's

6 clear people are connected and it's clear people are

7 using those connections --

8 MR. LOPEZ: Sure.

9 MS. ROBINSON: -- then there's probably three,

10 four, five more, and that's what I think he's looking

11 for.

12 MR. LOPEZ: Right.

13 MS. ROBINSON: So he can show a pattern or a

14 practice or a trend.

15 MR. LOPEZ: Right.

16 MS. ROBINSON: But he's not going to get to that

17 until he asks the question about, well, how many

18 competitions -- I mean, I would start it broad and go

19 narrow.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: How many competitions are you guys

22 running a week?

23 MR. LOPEZ: Right.

24 MS. ROBINSON: Okay? In a week's time, you

25 know -- and he can say, well, not a week, a month.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: Every month how many competitions

3 are there?

4 MR. LOPEZ: Right.

5 MS. ROBINSON: And who are the winners of the

6 competition?

7 MR. LOPEZ: Right.

8 MS. ROBINSON: You know, and -- and who are the

9 losers?

10 MR. LOPEZ: Right.

11 MS. ROBINSON: And that will speak volumes at

12 some point.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: See, the other thing is, some of

15 them we don't run a competition.

16 MR. LOPEZ: Right.

17 MS. ROBINSON: So it's not just how many

18 competitions are you running. Sometimes people get

19 stuff and there is no competition, right?

20 MR. LOPEZ: Right.

21 MS. ROBINSON: So the question there is, in

22 addition to how many competitions you're running, how

23 many sole sources where you guys didn't run a

24 competition at all, you just gave it to CRP X? We

25 need that list too and who are those people.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: Some of us know -- because they're

3 not busy gathering that information. As far as I

4 know, they gave them the information that they gave

5 to -- and I'm not stopping them from giving them

6 whatever they're giving them. We just give it to

7 them.

8 MR. LOPEZ: Sure. Of course.

9 MS. ROBINSON: And I'm not trying to correct it,

10 if they want to be stupid enough to give them bad

11 information.

12 MR. LOPEZ: Right, right.

13 MS. ROBINSON: But he does have to have

14 information that is helpful for what he's looking for,

15 and I think that's important. When is he going to

16 start interviewing these folk?

17 MR. LOPEZ: Soon, soon.

18 MS. ROBINSON: I guess he shouldn't be in any

19 hurry because -- right now since they have certainly

20 underestimated what he's capable of doing --

21 MR. LOPEZ: Right.

22 MS. ROBINSON: -- and what he's really looking

23 for, because they keep doing it.

24 MR. LOPEZ: Right.

25 MS. ROBINSON: It's like the movie "Dumb and

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1 Dumber."

2 MR. LOPEZ: Sure.

3 MS. ROBINSON: I mean, every day they do -- they

4 give him new material.

5 MR. LOPEZ: Correct.

6 MS. ROBINSON: Which is good for Scott, not so

7 good for us, but, you know -- but in any event, so the

8 more he stays off of them, in some ways kind of the

9 better it is because they just keep --

10 MR. LOPEZ: Keep messing up.

11 MS. ROBINSON: Yeah, they just keep -- keep -- I

12 don't know. They just become emboldened.

13 MR. LOPEZ: Correct.

14 MS. ROBINSON: But the Commission is getting

15 smarter.

16 MR. LOPEZ: Okay.

17 MS. ROBINSON: And so he needs to at least --

18 like a squirrel for the winter, he needs to at least

19 gather his nuts --

20 MR. LOPEZ: Right.

21 MS. ROBINSON: -- the ones that cannot be undone

22 and unrung --

23 MR. LOPEZ: Right.

24 MS. ROBINSON: -- in terms of the bell, and put

25 them -- squirrel them away.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: And then, you know, just wait a

3 few days, because there will always be something new.

4 MR. LOPEZ: Of course.

5 MS. ROBINSON: So, I mean, I think -- I don't

6 know what's going on with the Bob Turner stuff or

7 whatever.

8 MR. LOPEZ: Right.

9 MS. ROBINSON: But when he does the Bob Turner

10 stuff, that will certainly ripen him up for his

11 interviews with Dennis Fields and Bob Chamberlin --

12 MR. LOPEZ: Of course.

13 MS. ROBINSON: -- you know, and that situation.

14 But now, for example, I know that this NGA may go out

15 of the program quickly.

16 MR. LOPEZ: Right.

17 MS. ROBINSON: You know, because they know

18 that -- oh, Ruben, my apologies, hold on a second

19 here.

20 "Just a quick note to remind you." Okay. This

21 is what I saw. "Hello, Mr. Lopez. Just a quick note

22 to remind you that GSA is awaiting a response

23 regarding subject project within 30 days of their

24 January 27th letter."

25 Did you see that, that email?

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1 MR. LOPEZ: I -- I read the email -- I mean, I  
 2 read that letter from -- from GSA.  
 3 MS. ROBINSON: Well, I know. No, no, no, no,  
 4 no. This is from Tina Wright to you.  
 5 MR. LOPEZ: Okay.  
 6 MS. ROBINSON: It says, "To Ruben at Bona Fide,"  
 7 the date -- copy to Jim Freeman.  
 8 MR. LOPEZ: Okay.  
 9 MS. ROBINSON: It came at 6:37 p.m. on the 5th of  
 10 February.  
 11 MR. LOPEZ: Okay.  
 12 MS. ROBINSON: And it says: "Hello, Mr. Lopez.  
 13 Just a quick note to remind you that GSA is awaiting a  
 14 response regarding subject project within 30 days of  
 15 their January 27th letter."  
 16 MR. LOPEZ: Oh, yes, I see it.  
 17 MS. ROBINSON: "Jim Freeman" -- "Jim Freeman  
 18 from my staff has forwarded a recommended corrective  
 19 action plan to your operations manager, Andrea Cole,  
 20 with a response suspense date of close of business  
 21 February 13."  
 22 MR. LOPEZ: Okay, okay.  
 23 MS. ROBINSON: "Copy is attached to this email.  
 24 This draft document has been created with input  
 25 provided by your project manager, Sandy Olivia" --

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1 MR. LOPEZ: Right.  
 2 MS. ROBINSON: -- "and your site supervisor,  
 3 Raphael Telli. Shall we assume if we do not hear back  
 4 from your organization that you accept the  
 5 recommended corrective action plan?" Hang on a  
 6 second.  
 7 MR. LOPEZ: Okay.  
 8 (Conversation between Ms. Robinson and someone  
 9 else on the phone.)  
 10 MS. ROBINSON: Okay. I'm back.  
 11 MR. LOPEZ: Okay. Thank you.  
 12 MS. ROBINSON: So did you see that? Did you see  
 13 that email?  
 14 MR. LOPEZ: I did. I did see the email. Okay.  
 15 And then -- and then there's another one right after  
 16 that, a half hour later at 4:26. It says: "My  
 17 apology. Copies of the CAP were sent to Andrea Cole  
 18 and prepared with input from your project manager,  
 19 Sandy Avila."  
 20 Okay. What does this mean --  
 21 MS. ROBINSON: Right. Okay. Right, exactly.  
 22 Okay. So -- but it still looks like you're on the  
 23 CAP, though, no matter what.  
 24 MR. LOPEZ: What is a CAP? I mean --  
 25 MS. ROBINSON: It's some shit that David made up,

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1 I told you the first time we met. No. It's -- it's  
 2 a corrective action plan.  
 3 MR. LOPEZ: Correct.  
 4 MS. ROBINSON: It's that thing where, Ruben  
 5 and Jean, he really isn't on it a performance  
 6 improvement plan, it's -- it's sort of modeled after  
 7 that, but it's -- it's our version of how to correct  
 8 the problem. Remember that whole thing?  
 9 MR. LOPEZ: Right, right, right, right, right,  
 10 right.  
 11 MS. ROBINSON: So that's that again.  
 12 MR. LOPEZ: Okay. Okay. Well, I will be  
 13 answering him next week. I was just waiting to see  
 14 exactly where they were coming from and what they were  
 15 doing, both he and the government, so --  
 16 MS. ROBINSON: Well, okay. But Clevester was the  
 17 guy from GSA who wrote the stuff, what the hell are  
 18 you guys giving me Bona Fide for, they're suing us all  
 19 over the place, and I don't want any parts of them,  
 20 right?  
 21 MR. LOPEZ: Correct, correct.  
 22 MS. ROBINSON: Wasn't he the guy?  
 23 MR. LOPEZ: Yes.  
 24 MS. ROBINSON: Okay. So -- so -- so this may do  
 25 this -- I mean, in getting Peckham, it was a shotgun

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1 marriage anyway, right?  
 2 MR. LOPEZ: Correct, correct.  
 3 MS. ROBINSON: Okay. And so now they're just  
 4 going to follow, I guess, whatever process. But is  
 5 GSA putting this pressure on them?  
 6 MR. LOPEZ: Slightly, slightly. Slightly.  
 7 MS. ROBINSON: Okay.  
 8 MR. LOPEZ: Yes. The answer is yes, but it  
 9 won't -- it won't be for long. I would expect that by  
 10 no later than the week of the 17th GSA will be backing  
 11 off.  
 12 MS. ROBINSON: Okay.  
 13 MR. LOPEZ: I would expect.  
 14 MS. ROBINSON: All right. Okay. Well, you just  
 15 do whatever you guys are supposed to do in terms of  
 16 responding so that --  
 17 MR. LOPEZ: Sure.  
 18 MS. ROBINSON: -- you know, they won't -- don't  
 19 give them any bullets to shoot you with, because  
 20 they're definitely going to shoot you if you do.  
 21 MR. LOPEZ: Absolutely, absolutely. I  
 22 understand.  
 23 MS. ROBINSON: So don't give them any. But I  
 24 would certainly, you know, make sure you don't miss  
 25 any deadlines and make sure your people stay on top of

1 it. What were the -- were the nature of the things  
 2 they were complaining? Are they things that can be  
 3 fixed, or are you being set up? What's the story  
 4 there?  
 5 MR. LOPEZ: Well, no, there -- I mean, there --  
 6 I mean, everything, I mean, from carpet spots to  
 7 people falling and saying that there were no -- no wet  
 8 floor signs, which there were. I mean, it's the full  
 9 approach. It's a full approach. But the beautiful  
 10 thing is that it's documentable and we're pushing back  
 11 starting next week. We're pushing back hard.  
 12 MS. ROBINSON: Okay. Well, tell your people they  
 13 can't afford to make a mistake here, this is one where  
 14 they got to --  
 15 MS. ROBINSON: Yeah, shine.  
 16 MS. ROBINSON: -- really give 110 percent.  
 17 MR. LOPEZ: Absolutely, absolutely. We're on it.  
 18 Believe me, there are people there -- I have people  
 19 out there this week making sure, and we had people  
 20 there last week, and we're going to be there until  
 21 that place is perfect.  
 22 MS. ROBINSON: Okay. Good. Because you got to  
 23 get -- you got to get it perfect because --  
 24 MR. LOPEZ: Yeah. We're on it. We're on it,  
 25 but --

1 faster.  
 2 MR. LOPEZ: Correct, correct.  
 3 MS. ROBINSON: Because the Commission is getting  
 4 smarter. Dennis isn't calling me every morning  
 5 because he likes me. Dennis, Dennis Lockard from the  
 6 Commission. He's calling to see what information he  
 7 can get.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: And I just go, oh, I don't know,  
 10 really, you know, so it's give a little, give a  
 11 little, give a -- you know, I just keep saying the  
 12 same thing to him, why do you guys keep doing the same  
 13 thing over and over?  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: And you need to take this serious.  
 16 MR. LOPEZ: Right.  
 17 MS. ROBINSON: And you guys need to quit. So  
 18 Dennis gets it now.  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: Dennis just hopes he can hold out  
 21 until his retirement in eight months.  
 22 MR. LOPEZ: In eight months. I don't think -- I  
 23 don't think he's going to make it.  
 24 MS. ROBINSON: But that's what he told me. He's  
 25 doing what his boss directs him to do, and he's

1 MS. ROBINSON: I mean, it's never going to really  
 2 be perfect in their eyes, but you've got to get it as  
 3 perfect --  
 4 MR. LOPEZ: As possible.  
 5 MS. ROBINSON: -- as documentable perfect as you  
 6 can get it.  
 7 MR. LOPEZ: Exactly, exactly. Jean, I do want to  
 8 ask for clarification on that NGA. I'm a bit  
 9 confused. I knew that -- I mean, I thought, and I'm  
 10 sure, I'm going to go back to my documents, that Casey  
 11 Kay and ProSource, is it? Or I forget.  
 12 MS. ROBINSON: There's more than one NGA now,  
 13 just remember that.  
 14 MR. LOPEZ: Right, right. But they were working  
 15 somewhere together.  
 16 MS. ROBINSON: Yeah, I'm sure they're working on  
 17 this. I mean, it may not have been added to the  
 18 procurement list yet, but it's probably started to  
 19 start up. I don't know the timing of it.  
 20 MR. LOPEZ: Right. And I thought they were  
 21 already working on something, and then now I'm  
 22 beginning to see that maybe it won't be, maybe that  
 23 the Commission will not accept it because --  
 24 MS. ROBINSON: That's my point in how fast --  
 25 that Mr. Mumper and Ms. Demaria need to move a little

1 just -- just trying to hang on.  
 2 MR. LOPEZ: I don't think he's going to make it.  
 3 MS. ROBINSON: Martin and Bob, they're just on a  
 4 mission to grind you guys -- you detractors, and not  
 5 just you, I mean, it's Portco, it's all the people,  
 6 into the ground.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: And get rid of -- so it's a race  
 9 to the finish.  
 10 MR. LOPEZ: Correct.  
 11 MS. ROBINSON: Okay? I got my 45 days' notice.  
 12 You know, wherever they can give you or anybody else  
 13 who they believe is on top of them on this stuff, you  
 14 know, the boot, it's going to happen. I mean, you  
 15 know, this thing with Peckham is their way of keeping  
 16 you busy for a while --  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: -- and a message to you that, you  
 19 know. I mean, it isn't really coincidental that we  
 20 all sort of get put on probation or corrective action,  
 21 whatever it is you want to call it --  
 22 MR. LOPEZ: At the same time.  
 23 MS. ROBINSON: -- in the same week.  
 24 MR. LOPEZ: Yes.  
 25 MS. ROBINSON: You really don't think that's

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1 coincidental, do you?

2 MR. LOPEZ: No, of course not.

3 MS. ROBINSON: I know that serendipity is

4 interesting, but, you know, come on. And it's

5 interesting that neither party is formally put on

6 anything.

7 MR. LOPEZ: Correct, correct.

8 MS. ROBINSON: And so I'm not formally on a PIP,

9 a performance improvement plan, which is available to

10 them if I'm such a screwed-up employee.

11 MR. LOPEZ: Right, right.

12 MS. ROBINSON: Put my ass on it. That's what I'd

13 do. That's what I'd recommend for them to do. You

14 know, if you've got a -- if you've got a wayward

15 employee, put their asses on a performance improvement

16 plan and then give them 45 days.

17 MR. LOPEZ: Right.

18 MS. ROBINSON: I got 45 days to shape up or ship

19 out, is what I was pretty much told. So, you know,

20 what are we, two weeks into that 45 days or something

21 now, but whatever. The bottomline is they're sending

22 out their signals. They're planning. They're doing

23 their paperwork. They're exploiting and leveraging

24 any vulnerability that anybody has --

25 MR. LOPEZ: Correct.

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1 MS. ROBINSON: -- and anybody that's coming at

2 them.

3 MR. LOPEZ: Correct.

4 MS. ROBINSON: So M.J. they told, you know, you

5 better back your ass off or we're going to -- we're

6 going to make you look really bad out here.

7 MR. LOPEZ: Correct.

8 MS. ROBINSON: So she's going to be running

9 scared, but her lawyer ain't going to -- she's going

10 to have trouble putting the genie back in the bottle.

11 MR. LOPEZ: Right, right. Well, they're going to

12 have -- they're going to have some issues come the end

13 of this month from me, huge issues that they don't

14 know --

15 MS. ROBINSON: Okay.

16 MR. LOPEZ: -- are coming.

17 MS. ROBINSON: So, anyway, so -- but here's the

18 bottomline. The bottomline is, like you said, we all

19 just kind of need to sit back. We need to be

20 organized about the things that you're looking at and

21 looking for --

22 MR. LOPEZ: Sure.

23 MS. ROBINSON: -- and gather that stuff.

24 MR. LOPEZ: Sure.

25 MS. ROBINSON: To the extent that they can begin

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1 to undo -- they're not totally stupid -- undo some of

2 the things that look bad, they're going to try.

3 MR. LOPEZ: Right.

4 MS. ROBINSON: In some cases they can't unring

5 the bell.

6 MR. LOPEZ: It's too late.

7 MS. ROBINSON: On this Bob Turner thing, it just

8 ain't worth it to the guy. I mean, 150, \$200,000

9 ain't that much money. I know Scott says it's a lot

10 of money, but not to this guy.

11 MR. LOPEZ: Right.

12 MS. ROBINSON: You understand what I'm saying?

13 MR. LOPEZ: Sure. Absolutely.

14 MS. ROBINSON: So to the extent they can back

15 their asses out of this and to the extent that he's

16 not interviewed any of them yet and had statements

17 that he can later say, well, why you changing now?

18 MR. LOPEZ: Right.

19 MS. ROBINSON: You understand?

20 MR. LOPEZ: Yes.

21 MS. ROBINSON: You know, they're going to --

22 so -- so timing is important here --

23 MR. LOPEZ: Yes.

24 MS. ROBINSON: -- in terms of following through

25 on this stuff because you understand that the new

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1 motif is on the ones where they can't cover their

2 tracks or they can't explain a rational basis for what

3 they've done, they just have thrown in the towel by

4 taking it completely out of the program.

5 MR. LOPEZ: Correct, correct.

6 MS. ROBINSON: Which is awful for the people with

7 disabilities, but --

8 MR. LOPEZ: Of course.

9 MS. ROBINSON: -- and the issue.

10 MR. LOPEZ: Of course.

11 MS. ROBINSON: But that's the plan. Because

12 that's the way -- that's their defense, that's the way

13 they've figured it all out.

14 MR. LOPEZ: Okay.

15 MS. ROBINSON: And what we got to do -- now,

16 Denise did write something. I wrote her and called

17 her in my official capacity, Driver, and said, I need

18 those resignation letters, I need this stuff. I don't

19 know if John Murphy was contacted yet, but -- as a

20 former board member, but now he has a resignation

21 letter from him that Dennis is worried about. I

22 didn't look at it. I didn't -- let me see why he's so

23 worried about that. But that gives Scott a perfect

24 reason --

25 MR. LOPEZ: Sure.

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1 MS. ROBINSON: -- to call.  
 2 MR. LOPEZ: Absolutely.  
 3 MS. ROBINSON: But, again, John is having his own  
 4 personal -- I haven't spoken to him in -- since May or  
 5 something, but when he was at the conference, we had  
 6 dinner. But let me just see what --  
 7 MR. LOPEZ: What does John look like?  
 8 MS. ROBINSON: John Murphy?  
 9 MR. LOPEZ: Yeah.  
 10 MS. ROBINSON: Like -- okay, you know Tom Sawyer?  
 11 MR. LOPEZ: Yes.  
 12 MS. ROBINSON: Kind of professorial, tall,  
 13 skinny, beard, black hair, well, maybe -- maybe salt  
 14 and pepper now.  
 15 MR. LOPEZ: He plays golf, doesn't he? He's a  
 16 golfer?  
 17 MS. ROBINSON: Glasses.  
 18 MR. LOPEZ: Glasses. Okay. He's not a golf  
 19 player, a golfer?  
 20 MS. ROBINSON: Nah, nah, nah, nah.  
 21 MR. LOPEZ: Okay, okay. Then --  
 22 MS. ROBINSON: Not that I know of. I mean, I  
 23 don't think so. Nah, nah, nah. He doesn't do any  
 24 golfing.  
 25 MR. LOPEZ: Okay.

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1 MS. ROBINSON: Oh, let's see what Bob -- let's  
 2 see what -- let me write Bob back and tell him. Hi,  
 3 Bob, you asshole. I'm sorry.  
 4 MR. LOPEZ: Oh, my goodness, Jean. It's come to  
 5 this.  
 6 MS. ROBINSON: I know, I know, I know. I'm  
 7 working on it as we speak, you asshole. It keeps  
 8 growing because you keep doing dumb crap every day, so  
 9 I -- yeah. So we will definitely -- since we're all  
 10 just trying to get stuff in writing, definitely -- you  
 11 know, I just thought Bob was a smarter guy.  
 12 MR. LOPEZ: Not when you're greedy and arrogant.  
 13 Wisdom goes out the window.  
 14 MS. ROBINSON: Well, that's what -- that's what  
 15 the lawyers said yesterday. They said, Jean, why are  
 16 you so naive to think there's no money exchanging  
 17 hands? I said, because I don't know, I don't know, I  
 18 just -- I just tell you I don't -- they said -- they  
 19 told me I had to say that because I'm counsel, but I  
 20 really -- I said, I don't know. They're such idiots,  
 21 you know, I don't know. They like power as much as  
 22 they like money.  
 23 MR. LOPEZ: So are they taking the case or not,  
 24 this association?  
 25 MS. ROBINSON: We're going to try and -- only if

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1 we can get the Commission to -- to do some things.  
 2 MR. LOPEZ: But they -- but they're --  
 3 MS. ROBINSON: It has to be nonbinding because it  
 4 cannot be binding based on the law.  
 5 MR. LOPEZ: I see. I see.  
 6 MS. ROBINSON: And that's what -- John sat with  
 7 these poor people for months, and, you know, he didn't  
 8 have sense enough to figure that out. So this lady  
 9 remembered that I sat in on one call and that -- hold  
 10 on one second. I'm sending this back to him real  
 11 quick.  
 12 MR. LOPEZ: No problem.  
 13 MS. ROBINSON: Because when I'm working from  
 14 home, they time when -- when -- how quickly I respond  
 15 to email.  
 16 MR. LOPEZ: Right. Oh, my goodness.  
 17 MS. ROBINSON: Not 12 days a slave, 365 days.  
 18 MR. LOPEZ: Oh, my. Did you see that movie?  
 19 MS. ROBINSON: No, not yet, not yet.  
 20 MR. LOPEZ: You've got to see it.  
 21 MS. ROBINSON: I'll probably try to see it -- I'm  
 22 going to be out in California the weekend of the 14th.  
 23 MR. LOPEZ: What part?  
 24 MS. ROBINSON: Laguna Niguel.  
 25 MR. LOPEZ: Oh.

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1 MS. ROBINSON: That's not by you, though, right?  
 2 I think it's far from you.  
 3 MR. LOPEZ: Yeah, yeah. Unfortunately, I'll be  
 4 at my --  
 5 MS. ROBINSON: It's a couple hours, I think,  
 6 from you.  
 7 MR. LOPEZ: Right, right, right, right, right.  
 8 What are you going to be doing, Jean?  
 9 MS. ROBINSON: I'll be out that way, but let's  
 10 see. Ba-ba-ba-bum-bum-bum-boom. Okay. I know -- all  
 11 right. I'm good now. But -- okay. So are you on a  
 12 corrective action plan or not? That's what I need to  
 13 know.  
 14 MR. LOPEZ: Well, I -- evidently I'm on a -- on a  
 15 CAP. Okay. I guess I am. I guess I am.  
 16 MS. ROBINSON: That damn Ruben. You just can't  
 17 do right, can you?  
 18 MR. LOPEZ: Well --  
 19 MS. ROBINSON: All right. So you're on a CAP,  
 20 and I'm on a -- I guess I'm on a CAP too.  
 21 MR. LOPEZ: I suppose we're both on a CAP. But  
 22 it's okay. We're going to -- oh, let me ask you this.  
 23 Are there enough people, Jean, that if in a week the  
 24 board of directors at SourceAmerica had to be  
 25 switched, are there enough people that could step in,

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1 honest people that you know of?

2 MS. ROBINSON: Oh, hell, yeah. I mean, our whole

3 program is not bad. It's just -- you know what

4 somebody said to me yesterday, Ruben? I'm telling you

5 yesterday was a breath of fresh air for me because I

6 never met these people in my life.

7 MR. LOPEZ: Right.

8 MS. ROBINSON: Okay? And whether they were sent

9 to tell me this shit or whatever, it worked, it

10 sounded good, but I don't think they were, okay,

11 because they don't like these people either. But

12 they're just -- they're not people with an ax to

13 grind. They don't know any of us.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: Including me. I mean, they don't

16 know whether -- I mean, part of their speech to me was

17 if you're one of the bad people, you know, we think

18 it's screwed up. You know what I mean?

19 MR. LOPEZ: Sure.

20 MS. ROBINSON: But they were -- they were

21 clear -- for me it was a breath of fresh air that the

22 stuff that I'd been thinking, because I clearly at

23 this point -- you know, they're swatting at me every

24 day, so I'm clearly too emotionally into it to be

25 objective, but they are clearly people who don't know

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1 anybody and said, you would have to be crazy not to

2 know and understand the bad things that are going on

3 here and that it all stinks to high heaven.

4 MR. LOPEZ: Sure, sure.

5 MS. ROBINSON: These are outside lawyers, outside

6 judges, you know, who said, Jean, are you kidding me?

7 MR. LOPEZ: Right, right.

8 MS. ROBINSON: And they said, did you think we

9 wouldn't get around to reading the GAO report? I

10 said -- I was saying to myself, that was mild.

11 MR. LOPEZ: Right, right.

12 MS. ROBINSON: So I guess what I'm trying to tell

13 you is that we're definitely on the right road, but

14 one of the things they said to me was, and this is

15 going to answer your question, one of the things they

16 said to me was that these people have been doing it

17 for so many years and they're not going to stop, I

18 mean, that they're just -- it's like an addiction,

19 they're just -- so much time has passed, they've been

20 getting away with it for, you know -- for what,

21 25 years, and they don't know how to do it different.

22 MR. LOPEZ: Correct.

23 MS. ROBINSON: You know, even though all the heat

24 is on, even though people are saying to them --

25 because I asked them. I said, well, when you sat and

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1 explained to them how screwed up their decision-making

2 process was and how screwed up the B-1, because I

3 wasn't in the meeting, I said, what did they say?

4 They looked at me and they said -- they said, well,

5 they didn't agree with that and that -- that I didn't

6 understand and we didn't understand and it's a

7 subjective process and basically they told us to stick

8 it in our ear, and I started laughing. I said, okay,

9 well, good, at least -- at least now I feel better

10 that they just don't tell me that, they tell anybody

11 who says it differently. So I said that to say to you

12 that the word is certainly out in the legal

13 community --

14 MR. LOPEZ: Correct.

15 MS. ROBINSON: -- and at the courts, because

16 we're dealing with retired judges --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- that there are serious problems

19 with our allocation process. So Scott shouldn't feel

20 like, well, you know -- I know there's got to be days

21 where he and Lisa feel like, well, maybe Ruben and

22 Jean and the rest of these people, they all have an ax

23 to grind because they've been screwed over by these

24 people, and maybe the stuff they're saying is not as

25 bad as it seems.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: And maybe these people are dumb

3 and mean, but not -- you understand what I'm saying?

4 MR. LOPEZ: Sure, sure, sure.

5 MS. ROBINSON: I know at some point they got to

6 say, you know, are they making it up?

7 MR. LOPEZ: Right. No, you can't make this up.

8 MS. ROBINSON: I mean, they've got to say that,

9 Ruben.

10 MR. LOPEZ: Sure.

11 MS. ROBINSON: They may not say it to your face.

12 MR. LOPEZ: Sure.

13 MS. ROBINSON: But I can tell you -- I can tell

14 you by the reaction of outside counsel and other

15 people, they look at you and they think, you know,

16 they're kind of delusional, aren't they?

17 MR. LOPEZ: Yes.

18 MS. ROBINSON: There's no way anybody would do

19 stuff --

20 MR. LOPEZ: Correct.

21 MS. ROBINSON: -- time after time, time and time

22 again.

23 MR. LOPEZ: Now, who are these people you're

24 talking to? What are their names?

25 MS. ROBINSON: Well, I won't give you their

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1 names. I won't compromise them. But I'm telling you  
 2 that these are lawyers that are looking at our process  
 3 because we are trying to employ an ADA -- an ADR, an  
 4 alternative dispute resolution process.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: So these are contract appeals  
 7 lawyers. These are procurement lawyers. These are  
 8 judges, retired judges. They're retired judges.  
 9 MR. LOPEZ: Correct.  
 10 MS. ROBINSON: And what happened is our guys  
 11 approached them to try to sanitize, if you will, the  
 12 B-1 process.  
 13 MR. LOPEZ: This was Martin Williams and Dennis  
 14 Fields.  
 15 MS. ROBINSON: Yes. And Bob Chamberlin. Well,  
 16 it was Paul Atkinson's idea, you know, the new  
 17 incoming chair who benefits from every policy he's  
 18 ever put in place --  
 19 MR. LOPEZ: Sure.  
 20 MS. ROBINSON: -- that he created.  
 21 MR. LOPEZ: Sure.  
 22 MS. ROBINSON: I mean, so -- so the bottomline  
 23 is, is that it is just -- the message I want you to  
 24 take away from, because it was good for me to hear.  
 25 So you're just talking to me, but if you were talking

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1 to somebody else and you explained or you pointed out  
 2 some of the stuff, I'm telling you they would think  
 3 you're --  
 4 MR. LOPEZ: Crazy.  
 5 MS. ROBINSON: -- ready for the straightjacket.  
 6 I'm telling you, they're going to look at you like --  
 7 they're going to be nice to you.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: But they're going to look at you  
 10 and say, really, really, really, really, but they  
 11 don't believe it --  
 12 MR. LOPEZ: Right.  
 13 MS. ROBINSON: -- until they start looking into  
 14 several of the allocations or several of the  
 15 competitions, and then they go, well, shit.  
 16 MR. LOPEZ: Right, right.  
 17 MS. ROBINSON: And that's what you're dealing  
 18 with. And so I'm telling you just as a friend, you  
 19 know, I'm telling you that I bet you when Scott and  
 20 Lisa, no matter how much they like us or whatever,  
 21 when they go out of the room by themselves, they go,  
 22 well, shit, I mean, you know, it can't be this bad.  
 23 MR. LOPEZ: These guys are smoking something.  
 24 MS. ROBINSON: I'm telling you, they think we  
 25 live in Colorado.

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1 MR. LOPEZ: Right.  
 2 MS. ROBINSON: And I'm sure they think we live in  
 3 either -- what is it, Washington state and Colorado  
 4 are both legal?  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: I'm sure they think that we are  
 7 smoking wacky tobacky every day. They're not going to  
 8 say it to your face, Ruben. They're not going to say  
 9 it to your face. But I'm telling you, they're looking  
 10 at you, they're listening. It's not that they're not  
 11 listening. It's not that they're not even following  
 12 up on what we're telling them. But after a while you  
 13 got to say, nobody could do this shit for this long  
 14 and this often. Okay. Next time you just kind of  
 15 look -- you pay closer attention when you're talking  
 16 to them, right? You're usually focused and you're  
 17 trying to get the information. You pay closer  
 18 attention, and I bet they're going to be looking like,  
 19 oh, here he comes again with some more shit, you know,  
 20 because every day it's more shit.  
 21 MR. LOPEZ: That's right.  
 22 MS. ROBINSON: I mean, come on, Ruben.  
 23 MR. LOPEZ: I agree with you. I can hear them  
 24 saying, did this guy drive himself here alone, should  
 25 we get someone to drive him home.

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1 MS. ROBINSON: I'm telling you -- I'm telling you  
 2 when they look at me, they're going to say, well,  
 3 she's crazy too. There is no way that people would  
 4 continue to do the same dumb shit day in and day out.  
 5 MR. LOPEZ: Yeah.  
 6 MS. ROBINSON: I mean, it's -- it's unbelievable.  
 7 MR. LOPEZ: It's unbelievable, but it's true.  
 8 MS. ROBINSON: I don't talk to anybody in my  
 9 family or anybody that I'm close to about it anymore  
 10 because I swear they will be -- they will be saying,  
 11 well, you know, what are the laws about getting people  
 12 some help and committed.  
 13 MR. LOPEZ: That is true. That is true. That is  
 14 absolutely true.  
 15 MS. ROBINSON: I mean, they just don't believe  
 16 it. And then -- and then if they really want to be  
 17 entertained, if they sat in a room and listened to  
 18 Martin Williams and Dennis and Bob just one day --  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: -- they'd be like, they're all  
 21 fucking crazy, the whole bunch.  
 22 MR. LOPEZ: Right.  
 23 MS. ROBINSON: Because it just doesn't make  
 24 sense.  
 25 MR. LOPEZ: Right.

1 MS. ROBINSON: But, you know, Bob is crazy like a  
 2 fox. Dennis is crazy like a fox. Martin is crazy for  
 3 real.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: I mean, he's busy chasing power  
 6 and a job.  
 7 MR. LOPEZ: Correct.  
 8 MS. ROBINSON: He thinks he's going to get Bob's  
 9 job. So -- so he's busy. And the one thing I've  
 10 really realized about folks, and, you know, I'm not a  
 11 psych major, but if you start -- if you become sort of  
 12 a -- what do you call it, a pathological liar, you  
 13 start to believe the lies yourself.  
 14 MR. LOPEZ: Absolutely. Look what --  
 15 MS. ROBINSON: And that is part of it now that --  
 16 that, you know, I've watched -- like I've watched Bob  
 17 for ten years now.  
 18 MR. LOPEZ: Right.  
 19 MS. ROBINSON: And what I'm seeing is he and  
 20 Dennis and Martin and these guys have convinced  
 21 themselves that what they're doing is right and what  
 22 they're doing is defensible --  
 23 MR. LOPEZ: Correct.  
 24 MS. ROBINSON: -- so that it doesn't matter, and  
 25 anybody who tells them it's not, they just crush them.

1 MR. LOPEZ: Correct.  
 2 MS. ROBINSON: Whether it's me or outside  
 3 counsel. They just move them -- move them along, move  
 4 them along.  
 5 MR. LOPEZ: Correct.  
 6 MS. ROBINSON: Okay? And so that's the mentality  
 7 that we're dealing with, and so I don't lose sleep  
 8 anymore, because I used to couldn't figure out. I  
 9 would be like, well, logically, you know, okay, they  
 10 might be onto that, so you might want to stop that.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: Well, no, why would we stop. I  
 13 mean, they don't say that to you; they just don't.  
 14 MR. LOPEZ: Right, right.  
 15 MS. ROBINSON: But the Commission and Tina, I've  
 16 not seen her or talked to her, because I tell you she  
 17 runs, but I think they're starting to run a little bit  
 18 scared.  
 19 MR. LOPEZ: It sounds like it. It really does  
 20 sound like it.  
 21 MS. ROBINSON: They're running scared because  
 22 it's not just Scott and Lisa. That's just -- I mean,  
 23 they got to stand in line in terms of the heat and the  
 24 scrutiny.  
 25 MR. LOPEZ: Sure.

1 MS. ROBINSON: Really. I mean, they've got all  
 2 these lawsuits, they've got all this litigation,  
 3 they've got all these law firms, plus they've got --  
 4 and to some extent they've got to have DOJ who has to  
 5 defend them --  
 6 MR. LOPEZ: Correct.  
 7 MS. ROBINSON: -- which is always weird, saying,  
 8 are you guys really minding the store?  
 9 MR. LOPEZ: Right, right.  
 10 MS. ROBINSON: You know, and so -- it's  
 11 hilarious. A guy bought a mattress and put it on the  
 12 bus. I love it, I love it, I love it. They show him  
 13 taking the mattress off the city bus.  
 14 Anyway, I'm going to let you go, but I think -- I  
 15 think what's important here is to keep it -- keep it  
 16 coming, because even though they're trying to pretend  
 17 to you and me and the Davids of the world that they  
 18 don't give a shit and that they're just going to pound  
 19 everybody into the ground, they're -- you know,  
 20 they're running a little bit scared behind the scenes,  
 21 I think.  
 22 MR. LOPEZ: You know --  
 23 MS. ROBINSON: They're doing a lot of plotting  
 24 and planning.  
 25 MR. LOPEZ: You know it, and you just wait. You

1 just wait a little bit.  
 2 MS. ROBINSON: But it's a timing thing.  
 3 MR. LOPEZ: Yes.  
 4 MS. ROBINSON: It's a timing thing, you know.  
 5 MR. LOPEZ: Well, I -- I hope to -- I'm sure  
 6 we'll be talking end of this month. I'm sure we'll be  
 7 talking.  
 8 MS. ROBINSON: Okay. Well, the bottomline is  
 9 that I'm going to -- now I'm going to call Carlos and  
 10 Mayling and check in with them, see why I didn't hear  
 11 any update from them --  
 12 MR. LOPEZ: Okay.  
 13 MS. ROBINSON: -- and see where they're going.  
 14 I've gotten no -- I've been asking for an analysis  
 15 from my outside counsel, who I know is on their team,  
 16 on the Bob/PCSI team. I've asked for an analysis of  
 17 the order for a week now. I haven't gotten it. I  
 18 just write every day, did you get a chance to do that  
 19 yet?  
 20 MR. LOPEZ: Right.  
 21 MS. ROBINSON: He's promised it by the end of  
 22 today, because I just want to see what their thought  
 23 is on that, because that's another one where they were  
 24 so convinced that the whole damn thing was going to  
 25 get thrown out that they underestimated their

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1 opponent. I mean, their arguments weren't that great  
2 in getting some of the stuff thrown out. So it's  
3 not --  
4 MR. LOPEZ: What are you talking about, Jean?  
5 Please explain.  
6 MS. ROBINSON: On the Portco case.  
7 MR. LOPEZ: On the Portco case.  
8 MS. ROBINSON: Yeah, that's another example.  
9 MR. LOPEZ: What stood -- by the way, what  
10 ground, what stood out? What are they proceeding on?  
11 MS. ROBINSON: Oh, no, it did not get thrown out.  
12 That's what I'm telling you.  
13 MR. LOPEZ: Yeah.  
14 MS. ROBINSON: They're proceeding on everything.  
15 MR. LOPEZ: Oh, everything, all charges.  
16 MS. ROBINSON: And what's beautiful about that  
17 from Scott's perspective, your perspective, my  
18 perspective, is David's got a lot of shit in there  
19 about fraud and business conspiracy and all kinds of  
20 stuff.  
21 MR. LOPEZ: Correct.  
22 MS. ROBINSON: So my point to you is that the  
23 judge -- they thought the stuff was going to get  
24 thrown out.  
25 MR. LOPEZ: Right.

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1 MS. ROBINSON: And what I'm telling you is that  
2 it didn't.  
3 MR. LOPEZ: Correct.  
4 MS. ROBINSON: So Perez has some contact  
5 somewhere too, but from Scott's perspective, he has  
6 asked Mayling and Carlos for all the Portco stuff,  
7 smart move on his part.  
8 MR. LOPEZ: Right.  
9 MS. ROBINSON: Because now the judge has ordered  
10 all the stuff. Like he's got stuff in there about  
11 backroom deals, fraud, the board. You know, he's  
12 got -- the same stuff that Scott is looking at --  
13 MR. LOPEZ: Right.  
14 MS. ROBINSON: -- parallels with the claims or  
15 counts, as we call them, in the Portco case.  
16 MR. LOPEZ: Right.  
17 MS. ROBINSON: Not identically, but certainly  
18 enough. And David is saying that that whole  
19 allocation is just another example of the bullshit.  
20 MR. LOPEZ: Right.  
21 MS. ROBINSON: And so Scott has asked for all the  
22 paperwork associated with it. But in the meantime all  
23 the lawyers, PCSI's lawyer, Didlake's lawyer,  
24 SourceAmerica's lawyer, they all filed motions to have  
25 the case what we call demurs, but it's the same as

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1 having the case dismissed --  
2 MR. LOPEZ: Right.  
3 MS. ROBINSON: -- because the counts allegedly  
4 have no merit.  
5 MR. LOPEZ: Right.  
6 MS. ROBINSON: And, generally speaking, unless  
7 you're a really shitty lawyer --  
8 MR. LOPEZ: Right.  
9 MS. ROBINSON: Okay? So when you file a case,  
10 Ruben, you file the kitchen sink.  
11 MR. LOPEZ: Right.  
12 MS. ROBINSON: So you put in 20 counts.  
13 MR. LOPEZ: Sure.  
14 MS. ROBINSON: Only expecting to prevail on maybe  
15 half of them.  
16 MR. LOPEZ: Correct.  
17 MS. ROBINSON: Some shit you just put in just in  
18 case, you know.  
19 MR. LOPEZ: Right, right.  
20 MS. ROBINSON: Just in case, to make sure you  
21 have enough in there, A, to keep your case alive, and,  
22 B, you know, to go forward.  
23 MR. LOPEZ: Correct.  
24 MS. ROBINSON: Well, Perez put in the kitchen  
25 sink. So, you know, I'm going to mess up the number,

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1 but let's say he put in 15 counts.  
2 MR. LOPEZ: Right.  
3 MS. ROBINSON: Okay? So in all 15 counts the  
4 stuff that did go by the wayside, which is tougher for  
5 Scott, was the business conspiracy. David was arguing  
6 that PCSI and Didlake and SourceAmerica were all  
7 conspiring against him so that he wouldn't get it and  
8 they would get it. He is right, by the way, and it  
9 did occur, that conspiracy did occur.  
10 MR. LOPEZ: Right.  
11 MS. ROBINSON: But the judge -- Mike didn't plead  
12 it right. Everything is not perfect.  
13 MR. LOPEZ: Right.  
14 MS. ROBINSON: So the judge said, I'm going to  
15 overrule these counts. There's like two of them.  
16 MR. LOPEZ: Right.  
17 MS. ROBINSON: And they're all under Virginia  
18 law. I'm going to overrule those two counts, but I'm  
19 going to give you leave to amend.  
20 MR. LOPEZ: Right.  
21 MS. ROBINSON: That's why I said Perez always has  
22 an angel on his shoulder.  
23 MR. LOPEZ: Sure.  
24 MS. ROBINSON: So, in other words, you didn't  
25 write them up right so that they could stay in

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1 legally, so I'm going to overrule them for now, but  
 2 you go back and you rewrite them.  
 3 MR. LOPEZ: Wonderful.  
 4 MS. ROBINSON: They can come back in.  
 5 MR. LOPEZ: Wonderful.  
 6 MS. ROBINSON: So in essence, on all 20 of the  
 7 counts, even some of them I thought ain't going to  
 8 last long --  
 9 MR. LOPEZ: Right.  
 10 MS. ROBINSON: -- they're all in play for the --  
 11 for the trial and litigation.  
 12 MR. LOPEZ: Okay.  
 13 MS. ROBINSON: Many of those counts parallel the  
 14 issues that Mumper and Lisa are investigating.  
 15 MR. LOPEZ: Right.  
 16 MS. ROBINSON: So right now Carlos and Mayling  
 17 have all of our Portco files based on Scott asking for  
 18 them.  
 19 MR. LOPEZ: Beautiful, beautiful.  
 20 MS. ROBINSON: And Pam, the new person, she  
 21 looked -- it was two boxes' worth, so she handed them  
 22 all to Carlos and Mayling.  
 23 MR. LOPEZ: Okay.  
 24 MS. ROBINSON: This morning at 7:30 -- Pam is  
 25 pretty good. She's innocent, new. You know, she's a

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1 paralegal, she's not a lawyer, but, you know, she's  
 2 trying to do the right thing.  
 3 MR. LOPEZ: Sure.  
 4 MS. ROBINSON: So Martin shows up at my office --  
 5 in her office, our respective offices, and says to  
 6 her: I'm worried about our Portco files. Did you get  
 7 them back? So she calls me up, Martin says he's  
 8 worried about our Portco files. I said: Well, why is  
 9 he worried about them? First of all, they're with  
 10 outside counsel. What does he think the lawyers are  
 11 going to do with them? They're not going to eat them.  
 12 I mean --  
 13 MR. LOPEZ: Right.  
 14 MS. ROBINSON: -- they're not going to lose them.  
 15 They're not going to -- you know, they can be trusted.  
 16 They're defending us.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: Secondly -- secondly, how does he  
 19 even know that you gave them originals?  
 20 MR. LOPEZ: Right.  
 21 MS. ROBINSON: She said, well, I might have  
 22 mentioned it to him, you know. She doesn't know  
 23 what -- I might have mentioned it to him. And I said,  
 24 well, you -- so I said, well, I'll call Martin to  
 25 address this. Well, I called Martin to address it,

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1 and Martin doesn't -- doesn't mention it at all. We  
 2 talked about -- you know, Martin right now is funny to  
 3 watch, you know, because while I was trying to cook  
 4 dinner, I think it was yesterday -- or night before,  
 5 night before, yesterday, night before, he talked to me  
 6 for two hours bitching and moaning about the  
 7 Commission and these allocations and how, you know,  
 8 the people who are complaining are just going to get  
 9 them yanked from the program and how the Commission is  
 10 no longer supportive of our position, etcetera,  
 11 etcetera. Truth of the matter is the Commission is  
 12 still supportive and they're still complicit and  
 13 they're still in as much trouble as SourceAmerica --  
 14 MR. LOPEZ: Sure.  
 15 MS. ROBINSON: -- on this -- on this process, but  
 16 the Commission is a little bit smarter in that they  
 17 are trying to cover their tracks a little bit with the  
 18 right questions at least.  
 19 MR. LOPEZ: Correct.  
 20 MS. ROBINSON: I mean, with them, to me it's a  
 21 results measurement. At the end of the day -- so what  
 22 you ask all the right questions, but if you come  
 23 out -- it's a little bit like the Lloyd George/Alan  
 24 Bible.  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: Okay. So they did a redo, but  
 2 they still gave it right back to OVI.  
 3 MR. LOPEZ: Sure.  
 4 MS. ROBINSON: So -- but at least -- at least  
 5 they learn. I have to give them credit. At least  
 6 they know to ask the right questions, and so that's  
 7 what you're -- that's what you're dealing with right  
 8 now, but I think that -- and I know Scott and them  
 9 have other things to do, but -- but, you know, the  
 10 thing is, is we give them new material every day, so I  
 11 can't decide whether it's good that they kind of go  
 12 dormant for a while because it just gives our people a  
 13 chance to do more stupid stuff or do they -- I think  
 14 it is good, but I think somewhere in the middle. I  
 15 think they should preserve the stuff they know about  
 16 and have now --  
 17 MR. LOPEZ: Correct.  
 18 MS. ROBINSON: -- and then just kind of sit and  
 19 wait on the other stuff.  
 20 MR. LOPEZ: Correct.  
 21 MS. ROBINSON: But -- but -- so the answer to the  
 22 long, long question, yes, there are honest people out  
 23 there who could serve on the board, but I got to tell  
 24 you, I got to tell you, and this is going to sound  
 25 like the race card, but they're -- it is an all boy

1 and girl Caucasian outfit --  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: -- throughout the entire program.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: Okay? And so because of that,  
 6 because of that, it's -- I think it's indicative of  
 7 the fact that David only got three votes in the East  
 8 region, one was his own.  
 9 MR. LOPEZ: Sure.  
 10 MS. ROBINSON: I think it's indicative of the  
 11 fact that Dorothy only got five votes, and -- and I'm  
 12 assuming she called everybody and they just lied to  
 13 her and said, yeah, I'm going to vote.  
 14 MR. LOPEZ: Yes.  
 15 MS. ROBINSON: And she -- but she wanted to send  
 16 out a picture with her campaign stuff. I said, oh,  
 17 don't do that.  
 18 MR. LOPEZ: Right, right.  
 19 MS. ROBINSON: That will be a sure vote against  
 20 you --  
 21 MR. LOPEZ: That's right.  
 22 MS. ROBINSON: -- when they see who you are.  
 23 MR. LOPEZ: That's right.  
 24 MS. ROBINSON: She didn't get that. She doesn't  
 25 get that, but I get it because I've been around these

1 board right now?  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: That's really sad. I'm just  
 4 trying to think. Is there anybody on that board --  
 5 I'd have to look at a list, but is there anybody on  
 6 that board -- this is kind of like you having me do  
 7 this with the executive directors and --  
 8 MR. LOPEZ: Sure.  
 9 MS. ROBINSON: -- I realized that there were none  
 10 that were pure, even a little bit.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: But Service Source is now caught  
 13 up in this other Bobby Dodd thing too.  
 14 MR. LOPEZ: Wow.  
 15 MS. ROBINSON: Which is another board connection.  
 16 By the way, I've got to send that thing to Bill. I  
 17 got to do that. When I get home, I'll do that. And  
 18 Micky got into -- just so you understand what my daily  
 19 life is like very quickly, so Micky called me. When I  
 20 was out with my mom, we got an EEOC subpoena because  
 21 remember Bobby Dodd Institute, he is a board -- former  
 22 board member and he's a board advisor now, and he's  
 23 one of Bob's very close friends, and he's all  
 24 connected up with the Service Source, Bob Turner, Bob  
 25 Chamberlin, Jim Barone, Pride connection.

1 folks for so long.  
 2 MR. LOPEZ: Yeah.  
 3 MS. ROBINSON: You have to remember that I was  
 4 general counsel for Goodwill before I came -- you  
 5 know, came to do this job, and so going back to the  
 6 day I walked out of law school in dealing with these  
 7 folk, it has always been a very racist, sexist  
 8 organization with very few diverse leaders.  
 9 MR. LOPEZ: Correct. Yeah.  
 10 MS. ROBINSON: And that isn't going to change,  
 11 so -- but are there people out there who I don't think  
 12 are part of the -- it's a pretty -- it's a pretty  
 13 broad net, part of what I call the machine. It's like  
 14 Chicago.  
 15 MR. LOPEZ: Sure.  
 16 MS. ROBINSON: It's really -- it's a machine, the  
 17 allocation machine. Yeah, I think they are.  
 18 MR. LOPEZ: Okay.  
 19 MS. ROBINSON: But, you know, most of the people  
 20 who, you know, have an ax to grind would be honest  
 21 except they'll say, well, they have an agenda and  
 22 their agenda is to get contracts too.  
 23 MR. LOPEZ: Right.  
 24 MS. ROBINSON: So it's a tough sell. But, no, I  
 25 think that there are people out there -- now, on the

1 MR. LOPEZ: Okay.  
 2 MS. ROBINSON: And Debra Atkinson. But I didn't  
 3 know that. So they were -- I noticed they went in the  
 4 morning when he lost the election.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: He lost the election, okay?  
 7 But -- so he's getting sued, and Micky has always  
 8 been, you know, the biggest, you know -- you know,  
 9 he's going to do whatever they say do. He's sort of  
 10 the guy -- he implements the stuff. But, anyway, long  
 11 story short, so he calls me the other day, and he  
 12 says -- I put out this notice for the subpoena  
 13 collecting the documents, and then he sends me this  
 14 email which I really thought this was a totally  
 15 unrelated, for change, we're not the -- we're not the  
 16 target or the bad guys, we're the good guys kind of  
 17 deal. Oh, wait a minute. Let me just -- Bob keeps  
 18 sending me emails here. I'll tell him I'm on the  
 19 phone. One more time. And then I get this email from  
 20 Micky, and here's Joe Diaz again, and I go, shit,  
 21 nothing is clean.  
 22 MR. LOPEZ: Right.  
 23 MS. ROBINSON: So even the things I know were bad  
 24 turn out -- hold on. Let me get my vacation days  
 25 here.

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1 I'm going to read you that email, and you're  
 2 going to -- that's what I tell you when people  
 3 think -- you know, at this point if you would tell  
 4 them the story or you would write a Hollywood or a  
 5 Lifetime movie to go along with it, they would say,  
 6 well, can you tell me which part is Hollywood and  
 7 which part is not, because I'm telling you, they would  
 8 never get it, but let's just -- let me just read you  
 9 this, and you tell me whether -- that's the part I  
 10 don't like, though, is that there is this real  
 11 potential to be set up.  
 12 MR. LOPEZ: Correct.  
 13 MS. ROBINSON: Let me just show you what they're  
 14 doing. Let me just show you. Let me see if I can  
 15 find it. When did we put that out? I think last  
 16 Friday. You tell me what you think, because sometimes  
 17 I can't keep up with them either, they're always  
 18 amazing. Gazaway, Gazaway. So he starts talking, and  
 19 I find out that he's had -- he's having lunch or  
 20 dinner with this guy, and he's attacking me and Pam,  
 21 and they just -- anybody who they think is -- okay,  
 22 here it is. Matt Bates. My thing doesn't search  
 23 well. Give me one minute here.  
 24 MR. LOPEZ: Take your time.  
 25 MS. ROBINSON: This is the latest in the -- in

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1 the setup.  
 2 MR. LOPEZ: And this is whom again? Who's  
 3 writing this?  
 4 MS. ROBINSON: Micky Gazaway.  
 5 MR. LOPEZ: Okay.  
 6 MS. ROBINSON: Bob Chamberlin really, but --  
 7 MR. LOPEZ: Okay.  
 8 MS. ROBINSON: -- but it's a Service Source kind  
 9 of thing.  
 10 MR. LOPEZ: Correct.  
 11 MS. ROBINSON: Let me find it. Okay. So we send  
 12 out -- I send out last week a notice, because we get a  
 13 subpoena, you know. I never know, by the way, if  
 14 Scott is going to be serving me with one or -- or  
 15 who's going to be serving me with one, but --  
 16 MR. LOPEZ: Right.  
 17 MS. ROBINSON: So we get a subpoena. They send  
 18 out a subpoena last week saying, this is to inform you  
 19 EEOC has served SourceAmerica with a subpoena for the  
 20 production of documents in the Bobby Dodd matter,  
 21 okay?  
 22 MR. LOPEZ: Right.  
 23 MS. ROBINSON: So I'm thinking, that's an easy  
 24 one, we're going to collect the documents, we're not  
 25 part of this suit or anything, we're just going to

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1 give it. She sends that out Friday at 5:09, okay?  
 2 MR. LOPEZ: Correct.  
 3 MS. ROBINSON: And at -- you got to love them,  
 4 though. At 8:04, after he's had a chance to talk to  
 5 Bob and Service Source and, you know, all the powers  
 6 that be.  
 7 MR. LOPEZ: Right.  
 8 MS. ROBINSON: "Pam and Jean, I believe there are  
 9 some unusual details regarding the contract referenced  
 10 in the attached subpoena that may be useful  
 11 information for you in the information collection  
 12 process. The contract listed in the subpoena is  
 13 actually a subcontract between Service Source and the  
 14 Bobby Dodd Institute."  
 15 MR. LOPEZ: Huh.  
 16 MS. ROBINSON: "As such, while BDI, Bobby Dodd  
 17 Institute, is a directed sub under AbilityOne, the  
 18 contract itself is a commercial contract between  
 19 Service Source and BDI, not a contract between Bobby  
 20 Dodd and the federal government. In addition, all  
 21 individuals in the South region were subpoenaed, but  
 22 due to the prime sub relationship, this project is  
 23 managed out of the East region. As no one in South  
 24 region is assigned to this project, there will be very  
 25 little information generated from our office." I

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1 suppose you don't want to tell me about those side  
 2 meetings you're having with Wayne McMillan, the head  
 3 of Bobby Dodd.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: "At a minimum" -- "At a minimum I  
 6 am giving Joe a heads-up that it is likely there is a  
 7 PM in his office with this project." Okay.  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: So that's 8:00 o'clock Friday  
 10 night.  
 11 MR. LOPEZ: Right.  
 12 MS. ROBINSON: Okay. Here comes Joe. Here comes  
 13 Joe at 8:30, because they've already had their  
 14 meeting.  
 15 MR. LOPEZ: Right.  
 16 MS. ROBINSON: "Thanks, Micky, for the heads-up.  
 17 I'll give you a call on Monday. Have a great  
 18 weekend."  
 19 MR. LOPEZ: Right.  
 20 MS. ROBINSON: All right. So then -- okay. So  
 21 I'm going, what are you guys talking about? So I  
 22 talked to Micky, if you recall, on a Friday about a  
 23 month ago about this when I looked -- remember I  
 24 looked it up?  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: And I said, Micky, why didn't  
 2 you bother to tell me then --  
 3 MR. LOPEZ: Right.  
 4 MS. ROBINSON: -- that, you know, it was a  
 5 Service -- this was part of the stuff and it wasn't a  
 6 direct AbilityOne contract. Why didn't you tell me  
 7 then? So EEOC subpoenaed one of Micky's employees.  
 8 MR. LOPEZ: Okay.  
 9 MS. ROBINSON: I was out there with my mom. I --  
 10 and I'd read you that email, but I'd have to find it.  
 11 So the email traffic is, I got a subpoena to appear  
 12 from the EEOC, and this is serious, by the way, when  
 13 the EEOC decides to sue an agency. But the connection  
 14 for Scott and you and me is that Wayne McMillan is a  
 15 board advisor. He lost the election, former board  
 16 member. He's really close to Micky. Okay?  
 17 MR. LOPEZ: I see.  
 18 MS. ROBINSON: But -- and Bob. And -- and he's  
 19 the same guy that about, oh, I don't know, maybe it  
 20 was Bob's birthday or when the Sox -- when the Red Sox  
 21 won, he wanted to give Bob a gift.  
 22 MR. LOPEZ: I see.  
 23 MS. ROBINSON: Like, I don't know, some Sox  
 24 memorabilia or something.  
 25 MR. LOPEZ: Right.

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1 MS. ROBINSON: And I said no, and they were all  
 2 pissed off at me for saying no. I said, nah, nah, you  
 3 can't, you can't do it, you know, and now that you  
 4 asked me, don't do it.  
 5 MR. LOPEZ: Right.  
 6 MS. ROBINSON: You know, I mean, if he'd just  
 7 done it --  
 8 MR. LOPEZ: Sure.  
 9 MS. ROBINSON: -- maybe it would have -- you  
 10 know, but, anyway. So he doesn't like me, he doesn't  
 11 like me for a whole bunch of reasons, and he was one  
 12 of the people who was leading the charge to put me out  
 13 of the board.  
 14 MR. LOPEZ: Huh.  
 15 MS. ROBINSON: He was quiet as hell about what  
 16 was going on, right, he was going to embarrass all the  
 17 damn organization with this bullshit suit, but that's  
 18 okay. So -- so Micky -- so I'm out there, his  
 19 employee gets a subpoena to show up, and he writes an  
 20 email that says, I need to be advised on this.  
 21 MR. LOPEZ: Right.  
 22 MS. ROBINSON: Pam -- Pam calls me. I'm standing  
 23 out in ICU. I said, Pam, tell him -- first of all,  
 24 when is he supposed to appear? Well, he's supposed to  
 25 appear on Friday. Let's say this is a Tuesday. I

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1 might have the days off, but --  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: Well, he ain't going to appear.  
 4 You need to tell him that your counsel is out of  
 5 pocket, I don't have time -- I wouldn't have time if I  
 6 were sitting there looking at him --  
 7 MR. LOPEZ: Sure.  
 8 MS. ROBINSON: -- to get him ready for a  
 9 deposition by Friday, it's three days from now.  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: And that at a minimum we're going  
 12 to reschedule it, but I'm going to call them and get  
 13 him out of this, tell him don't go.  
 14 MR. LOPEZ: Right.  
 15 MS. ROBINSON: Okay? So Pam says, okay. So Pam  
 16 hangs up. She calls, communicates this to him.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: Ruben, he goes anyway.  
 19 MR. LOPEZ: No way.  
 20 MS. ROBINSON: With no counsel.  
 21 MR. LOPEZ: What an idiot.  
 22 MS. ROBINSON: No, no, no, no, no. No, no, no,  
 23 he's not an idiot. Bob Chamberlin and Micky Gazaway,  
 24 in their quest to get me, okay, in their quest to make  
 25 a point that I was unavailable because I was out there

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1 with my mom --  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: -- they tell him, you go anyway.  
 4 MR. LOPEZ: Wow.  
 5 MS. ROBINSON: Wait. So he goes. They don't  
 6 tell me, right? So in the meantime, silly me, when I  
 7 get off the phone with Pam, I call EEOC, and I say,  
 8 nice try, guys, but it ain't happening.  
 9 MR. LOPEZ: Right.  
 10 MS. ROBINSON: You're not -- you're not deposing  
 11 any of our people.  
 12 MR. LOPEZ: Correct.  
 13 MS. ROBINSON: We're not -- we're not doing it.  
 14 And -- and if you are, it needs to be sometime next  
 15 month, but we're not doing it.  
 16 MR. LOPEZ: Right.  
 17 MS. ROBINSON: So the lawyers laugh, and they  
 18 say, well, here's -- I say, what do you need us for,  
 19 anyway? We're not -- this is not our -- we have our  
 20 own set of problems. We don't need ones that aren't  
 21 ours.  
 22 MR. LOPEZ: Sure.  
 23 MS. ROBINSON: So the woman tells me, okay, Jean,  
 24 I'll -- I'll quash that subpoena and I'll reissue  
 25 you another one, nobody has to come to a deposition,

1 I'll just get you one where you have to give us the  
 2 contract and all that. But I'm still not knowing  
 3 there's anything funny with the contract.  
 4 MR. LOPEZ: Right.  
 5 MS. ROBINSON: And she said, we want compliance  
 6 records. She kind of told me what they wanted. I  
 7 said, cool, send me another subpoena. Okay? She  
 8 said, no problem. Okay? So I'm thinking everything  
 9 is done and over with. So I tell Pam -- I've already  
 10 told Pam, tell the guy not to go --  
 11 MR. LOPEZ: Sure.  
 12 MS. ROBINSON: -- that I would handle it. So he  
 13 goes. Then he writes Matt Bates, the other one that  
 14 if I had a quarter I could -- I could go down in the  
 15 hood and pay some people a quarter to take care of  
 16 him, but, anyway. That's how much he aggravates me.  
 17 But in any event, so -- so Matt Bates writes me  
 18 something saying, keep me in the loop, Jean, you're  
 19 not communicating about when employees get subpoenas,  
 20 you know, something -- something for Bob to add to his  
 21 file about, you know, me being a bad lawyer.  
 22 MR. LOPEZ: Sure.  
 23 MS. ROBINSON: So -- so the bottomline is, I  
 24 think I just ignore that. Yeah, I think I just ignore  
 25 it. I ignore all of his emails now because I know

1 MS. ROBINSON: It ain't going to show up in any  
 2 statistics.  
 3 MR. LOPEZ: Correct.  
 4 MS. ROBINSON: Do you understand?  
 5 MR. LOPEZ: Yes.  
 6 MS. ROBINSON: Because the contract is between  
 7 Service Source, they subbed a piece of the work --  
 8 MR. LOPEZ: Right.  
 9 MS. ROBINSON: -- that they were given --  
 10 MR. LOPEZ: Right.  
 11 MS. ROBINSON: -- to -- to their buddy.  
 12 MR. LOPEZ: Of course.  
 13 MS. ROBINSON: Okay. So -- so, anyway, so I'm  
 14 going, okay, call a meeting with Micky and Joe. Micky  
 15 comes to the meeting. Pam did make one mistake.  
 16 She -- she -- she told me the meeting was 4:00. So at  
 17 4:15 when I hadn't heard from anybody, I start calling  
 18 them, and then Micky jumps on the phone with an  
 19 attitude. Joe was fine, because Joe is running real  
 20 scared right about these days. He's not sleeping at  
 21 night. He's got a little gray coming around the  
 22 temples, you know, he's not sleeping. So Joe -- Joe,  
 23 we're talking, and Micky -- I said, well, where's  
 24 Micky? He said, well, I don't know, get him on the  
 25 phone.

1 that Bob crafts them and he signs them.  
 2 MR. LOPEZ: Right.  
 3 MS. ROBINSON: So I didn't -- I didn't even write  
 4 back. Once in a while I used to get excited and write  
 5 back. I don't even do that anymore. I don't give a  
 6 shit.  
 7 So -- so yesterday or day before we have a  
 8 conference. So now that they've told me there's some  
 9 unusual -- what did he say, unusual circumstances  
 10 between Service Source and, you know, the whole thing  
 11 is unusual and I ought to know that, I said, Pam, you  
 12 set up a conference call between Joe Diaz and Micky  
 13 and whatever, because I thought this was an easy kind  
 14 of thing, you know, I thought it was an easy -- easy  
 15 peasy.  
 16 MR. LOPEZ: Sure.  
 17 MS. ROBINSON: Easy peasy. But now there's some  
 18 shit going on. How did Service Source -- this is a  
 19 Bob Turner thing. How did they take Bobby Dodd? See  
 20 what I'm saying --  
 21 MR. LOPEZ: Sure.  
 22 MS. ROBINSON: -- that Scott needs to ask not  
 23 only for sole sources, but here's a contract where  
 24 we're getting a fee on it.  
 25 MR. LOPEZ: Right.

1 So I get him on the phone, and he says, I wasn't  
 2 supposed to be on this call until 4:30. I said, I'm  
 3 sorry, Pam told me 4:00. Well, is it a problem? Do  
 4 you need us to call you back in 15 minutes? No, no,  
 5 no, I'll talk now. Okay.  
 6 So we're talking, and I said, well, I just need  
 7 you guys to explain to me why this is so unusual and  
 8 what you're talking about because I sent the subpoena  
 9 to the right region, Bobby Dodd's, and you -- I don't  
 10 understand what you guys are talking about. And so  
 11 Micky says, well, first of all, Jean, what are your  
 12 questions? I said, I just asked my question, it was  
 13 very general. And then he says, well, you know, I'm  
 14 not really happy. I said, well, why are you unhappy?  
 15 I said, join the club, you got to stand in line on  
 16 that one.  
 17 MR. LOPEZ: Right.  
 18 MS. ROBINSON: And he said, because my guy went  
 19 to the deposition and he was unrepresented and he  
 20 complained, he complained to Bob, he complained to me,  
 21 he complained. I said, your guy went to the  
 22 deposition. I said, what are you talking about? I  
 23 said, why would your guy go to the deposition, Micky,  
 24 when he was clearly told not to go by Pam and she  
 25 wrote him an email telling him, stand down, Jean will

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1 handle this?

2 MR. LOPEZ: Correct.

3 MS. ROBINSON: So I said, and what idiot -- I

4 did. I said, what idiot would go to a deposition not

5 represented by counsel? Does he watch TV? My

6 seven-year-old knows better than to do this. Micky

7 said, you don't want to go there, Robinson, because

8 the bottomline is you dropped the ball, you left our

9 staff hanging out there unrepresented because you had

10 some family medical emergency, and then that just

11 got -- that just sent me right through the roof.

12 MR. LOPEZ: Sure.

13 MS. ROBINSON: You had some family medical

14 emergency when you should have been there representing

15 our guy.

16 MR. LOPEZ: Oh-oh.

17 MS. ROBINSON: I wanted to say, Micky, F-U, but I

18 didn't.

19 MR. LOPEZ: Oh-oh.

20 MS. ROBINSON: I calmed down. I said, Micky your

21 guy is an idiot, he was directed not to go. Well,

22 I -- I disagree with you, Jean. I said, well, I don't

23 really care, Micky. I said, fine, go tell God, go

24 tell Bob Chamberlin, go tell the chair of the board,

25 go tell anybody you want that I was at my mother's

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1 side in ICU when your guy went, when he was told not

2 to, to go to a deposition without representation and

3 decided he was going to take on SourceAmerica. I

4 said, what level is this guy anyway?

5 MR. LOPEZ: Right.

6 MS. ROBINSON: I mean, is he like a support

7 person? Because, you know, I didn't think we had any

8 idiots working for us.

9 MR. LOPEZ: Right.

10 MS. ROBINSON: So he said, well, I really don't

11 appreciate you -- I said, what level is he? He said,

12 he's a project manager. I said, that's even worse.

13 He's a project manager, and he goes -- he gets a -- he

14 gets a subpoena to show up at a deposition, he

15 complains to Bob Chamberlin and anybody who will

16 listen how the legal department won't represent him,

17 and then he still goes?

18 MR. LOPEZ: Right.

19 MS. ROBINSON: I said, that's bullshit. I said,

20 that's bullshit, Micky; you know it's bullshit. Well,

21 don't go there, Jean, if you want to talk about

22 bullshit. I said, yeah, I do, let's talk about it.

23 So then he said -- so he said, well -- he said, well,

24 I've got to tell you that -- that he just felt like --

25 I said: Well, Micky, okay, you know what, I'm sorry.

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1 I -- I -- it's not bullshit, let me try to understand

2 why a manager in this organization would think that it

3 was okay -- let's say I was the worst lawyer in the

4 world, let's say Pam is the worst paralegal in the

5 world, and we drop the ball and we didn't get back to

6 him and he wasn't represented. Most -- that's not

7 what happened, but let's just say that for

8 hypothetical. Anybody with an ounce of common sense

9 knows you don't go to court, you don't go anywhere

10 without a lawyer.

11 MR. LOPEZ: Of course.

12 MS. ROBINSON: I said -- so he said, well -- I

13 said, but what was he thinking? Well, he was thinking

14 that, you know, he's a pretty savvy businessperson.

15 Well, we don't agree on that, but go ahead. He was

16 thinking that he's been deposed and he's been to

17 depositions before and that he can handle it.

18 MR. LOPEZ: Uh-huh.

19 MS. ROBINSON: I wanted to say, no, he went

20 because -- but then as I talked to him more, he went

21 for two reasons. He went, one, so that Bob Chamberlin

22 could say to me that I dropped the ball and didn't

23 represent a staff member at a deposition, which I

24 clearly got an email that covers me, but that's good.

25 MR. LOPEZ: Correct.

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1 MS. ROBINSON: But, secondly, he went because

2 after I talked to Micky more, Micky says, well, you

3 need to understand, Jean, that Wayne McMillan and I

4 had dinner and Wayne started talking to me about this.

5 I said, well, I need to call Wayne McMillan and tell

6 him that, you know, he is talking in his capacity not

7 as a SourceAmerica board member but as CEO of that

8 organization, and I've asked everybody to keep it

9 confidential.

10 MR. LOPEZ: Sure.

11 MS. ROBINSON: And so I don't understand why

12 you're having -- talking about it with him at dinner.

13 Well, I told him I didn't want to know, and, blah,

14 blah, blah, blah. So -- and then he starts telling me

15 the guy's strategy, and so when he started telling me

16 his strategy, I said, I really don't want to know any

17 more of this, it was clear to me that Wayne had gotten

18 together -- I said, well, let me ask you one question.

19 Did Wayne McMillan know that your staff member, George

20 Patterson, was deposed to show up and answer

21 questions?

22 MR. LOPEZ: Wow.

23 MS. ROBINSON: Yeah, he knew about it.

24 MR. LOPEZ: Oh-oh.

25 MS. ROBINSON: I said, oh. He said, well -- and

1 this is the way it really goes. So he starts going  
 2 into this whole thing about it, and -- and what he  
 3 tells me is that the lawyer for the EEOC used to work  
 4 for Wayne McMillan, she supposedly has a vendetta  
 5 against him. And I said: Well, she ain't that  
 6 powerful. Let me explain something to you. EEOC is  
 7 broke like every other government agency, and the last  
 8 thing they do is take on a case against a  
 9 not-for-profit organization serving people with  
 10 disabilities and try to make, you know, an example out  
 11 of them if they really thought -- if they really  
 12 thought that there wasn't discrimination there. Even  
 13 if she had a vendetta, she could not convince the  
 14 region, the South region of the EEOC to expend this  
 15 kind of money.

16 MR. LOPEZ: Sure.

17 MS. ROBINSON: So I said -- and he said, well, I  
 18 don't understand, you know, why you're not fighting  
 19 the subpoena, because it's really not us. I said:  
 20 Because the things they're asking for, we're going to  
 21 give them to them. They want to know about  
 22 compliance, they want to know about connections  
 23 between us and Bobby Dodd and so forth and so on, and  
 24 we're going to give it to them. Well, I just think we  
 25 should get another counsel's opinion on that. I said,

1 well, you go -- you go forth and do that, but make  
 2 sure it comes out of your budget.  
 3 MR. LOPEZ: Sure.  
 4 MS. ROBINSON: I said, this counsel is going to  
 5 answer the subpoena, and I can't -- I'm sorry your guy  
 6 went unrepresented, but I'm also annoyed, because I'm  
 7 going to send out a memo to the whole staff that tells  
 8 them, you don't go showing up at depositions -- even  
 9 though they'll think I'm crazy, because they'll  
 10 think -- they'll be insulted by the fact that I would  
 11 send them a communication that says you don't go show  
 12 up in court unrepresented.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: I said, the worst-case scenario,  
 15 if I had wanted him to go to that deposition, all I  
 16 had to do was pick up counsel, local counsel in  
 17 Atlanta, and tell them to go prepare the guy and show  
 18 up.

19 MR. LOPEZ: Sure.

20 MS. ROBINSON: I wouldn't have done it, anyway.

21 MR. LOPEZ: Sure.

22 MS. ROBINSON: I didn't want him to go because I  
 23 had worked out a deal with the EEOC that none of our  
 24 people were going to go.

25 MR. LOPEZ: Right.

1 MS. ROBINSON: The lawyer at EEOC and me, we're  
 2 in the dark. So he says, well, he went, and he  
 3 answered questions.

4 MR. LOPEZ: Wow.

5 MS. ROBINSON: I said: Oh, really? Was he going  
 6 to bother to tell us he went?

7 MR. LOPEZ: Wow.

8 MS. ROBINSON: While he's running in to tell Bob  
 9 Chamberlin and Dennis Fields that he had to go to a  
 10 deposition unrepresented, did he bother to tell you  
 11 what happened at the deposition, what questions he  
 12 answered? So, anyway, it gets all stupid. I said,  
 13 and the fact that what's his face is our board member.  
 14 Well, he's also a personal friend of mine.

15 MR. LOPEZ: Oh.

16 MS. ROBINSON: So what I figured out at the end  
 17 is Wayne asked what's his face to let him go or they  
 18 talked about it and they decided he was going to go.

19 MR. LOPEZ: Right.

20 MS. ROBINSON: And they really didn't want me to  
 21 say no, but I did say no. They didn't really want me  
 22 to negotiate it out, and they were going to leverage  
 23 the fact that I was in Wisconsin, but it didn't work  
 24 because I was an idiot. Instead of going to  
 25 Wisconsin, turning my damn phone off and not dealing

1 with any SourceAmerica stuff and just taking leave, I  
 2 was working remotely.

3 MR. LOPEZ: Wow.

4 MS. ROBINSON: So what I should have done is,  
 5 you know -- and then I still end up getting set up,  
 6 you know.

7 MR. LOPEZ: Sure.

8 MS. ROBINSON: But the bottomline is, these  
 9 connections are -- and Micky is very involved in the  
 10 Pride, the Fort Hood, the Fort Rucker, all of those  
 11 allocations that went awry. He's the one who sat in  
 12 the conference room and told Carlos and me and Valerie  
 13 that he felt like he was in an uncomfortable position  
 14 but he was doing what his boss was telling him to do,  
 15 but that was bullshit too. He just wanted to see what  
 16 we were going to say --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- so he could go back and tell  
 19 his boss.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: And that's the way these people  
 22 are playing this game, is that they know they're not  
 23 doing right and they -- and they pretend that  
 24 they're on the side of right to see what you're going  
 25 to say --

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: -- and see if you're going to try

3 and get them to work on your behalf.

4 MR. LOPEZ: Right.

5 MS. ROBINSON: And -- and that's why on -- you

6 know, so I just listen, and I don't say much, you

7 know, but he clearly was part of that setup, and I

8 haven't finished with that one, because, you know, how

9 stupid do we look, I'm over there negotiating out of

10 it, and in the subpoena that -- that they sent, the

11 EEOC says, okay, Jean, we're -- we're quashing the

12 one, nobody needs show up at any depositions, and this

13 is in place of that.

14 MR. LOPEZ: Okay.

15 MS. ROBINSON: It was clear that I had -- you

16 know, the record shows I had done a negotiation, but,

17 you know, it's just -- it's just one thing after

18 another. But Wayne McMillan is also a part of the

19 Gonzales lawsuit in that he says, you know, why is

20 Wayne McMillan still on the -- when he lost his

21 election, you guys found a way to bring him back to

22 the board --

23 MR. LOPEZ: Right.

24 MS. ROBINSON: -- as an advisor. So now we got

25 all this other heat. So Wayne is clearly part of the

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1 mafia and the machine, but their stuff is just

2 unraveling in ways that even they couldn't imagine.

3 MR. LOPEZ: Correct.

4 MS. ROBINSON: Because who would have imagined

5 that the EEOC, which is not even dealing with project

6 allocation --

7 MR. LOPEZ: Right.

8 MS. ROBINSON: -- would be saying something is

9 not right between SourceAmerica and -- and that it

10 would turn up a silent or, if you will, a faulty

11 allocation, one that we don't know anything about.

12 MR. LOPEZ: Right.

13 MS. ROBINSON: At least I didn't, I mean.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: You know, so it just -- that's

16 what I'm telling you why every day there's something

17 new that even we don't know about that comes up from a

18 different angle. It's like God said, let's just shine

19 the light all the way through here.

20 MR. LOPEZ: Correct, correct.

21 MS. ROBINSON: So -- so now they're really

22 pissed, so now they're stepping up the pressure. So

23 now Micky is writing Bob and telling Bob, you know,

24 how counsel is awful and is not responsive and has got

25 to go, but that's because now we've turned over this

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1 new rock with Service Source and the subcontract

2 between them and McMillan, which I don't know how that

3 ran through our system --

4 MR. LOPEZ: Sure.

5 MS. ROBINSON: -- or if it ran through at all.

6 MR. LOPEZ: Correct.

7 MS. ROBINSON: And the question about that is, is

8 it the same way that Service Source ended up subbing

9 the deal to Bob Turner?

10 MR. LOPEZ: Correct. Good question.

11 MS. ROBINSON: So what I'm thinking now that I

12 know this, that I'm putting these pieces together, is

13 that when they did the Bob Turner subcontracting

14 thing --

15 MR. LOPEZ: Right.

16 MS. ROBINSON: -- they were following a model

17 that they had used successfully in the past --

18 MR. LOPEZ: Correct.

19 MS. ROBINSON: -- with Bobby Dodd.

20 MR. LOPEZ: Correct.

21 MS. ROBINSON: But, you know, direct -- you

22 couldn't say -- if you were challenging that IRS

23 contract, it did not go to Wayne McMillan. I bet you

24 if I go and peel that onion, I mean, in fact, I'll bet

25 you -- you don't drink, so I'll bet you -- me a glass

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1 of wine, you a Coke. I bet if I unpeel that onion

2 that I will find that Bobby Dodd -- if a competition

3 was run, okay?

4 MR. LOPEZ: Right.

5 MS. ROBINSON: Because Service Source, they seem

6 to get stuff sole-sourced to them that -- you know,

7 they're so big now that they're going to always beat

8 you guys.

9 MR. LOPEZ: Sure.

10 MS. ROBINSON: But with -- and so I bet you I'll

11 find that Bobby Dodd probably applied for that

12 opportunity too.

13 MR. LOPEZ: Right.

14 MS. ROBINSON: But at the time -- at the time

15 Wayne McMillan would have been on our board.

16 MR. LOPEZ: Right.

17 MS. ROBINSON: Very active board member. He also

18 used to be the chair of the NCSE.

19 MR. LOPEZ: Right.

20 MS. ROBINSON: I bet I will find that he was in

21 on the competition, he lost. In fact, now that I'm

22 thinking back, I think it was one of the ones where

23 they said, well, you know, there are some -- some

24 competitions where board members have been in and they

25 lost, how come nobody ever talks about that.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: Well, the reason we don't talk

3 about it is because if we dig long enough we'll find

4 that you might have lost it, didn't get it, but you

5 still got it because you got it through a subcontract

6 relationship.

7 MR. LOPEZ: Absolutely, absolutely.

8 MS. ROBINSON: So I'm going to peel that onion,

9 and I hadn't thought about that, but I'm going to peel

10 that onion, because Micky is trying too hard to get my

11 little butt out the door like within the next day or

12 so to -- you know, he doesn't want me to touch this

13 one.

14 MR. LOPEZ: Right.

15 MS. ROBINSON: So -- so whenever they act like

16 that, I always know there's more to it.

17 MR. LOPEZ: Sure.

18 MS. ROBINSON: But I bet when I ask -- and who

19 I'm going to ask is Joe Diaz.

20 MR. LOPEZ: Right.

21 MS. ROBINSON: Call Joe up. Hey, Joe. And today

22 it's due, the stuff is due. So call Joe and say, hey,

23 Joe, can you -- I need you to dig out the records.

24 Because Joe has already said this to me, and I told

25 you Joe was being too nice.

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1 MR. LOPEZ: Right.

2 MS. ROBINSON: But Joe said: Well, this one is

3 before my time. This is a Bob Sullivan one, and Lord

4 knows, as I quote, how Service Source got that

5 contract.

6 MR. LOPEZ: Wow.

7 MS. ROBINSON: I said, well, it wasn't that long

8 ago, so obviously it was when B-1. Was it pre B-1?

9 He says, well, I think it might have been. I think it

10 was 2007. I think B-1 is 2008.

11 MR. LOPEZ: Okay.

12 MS. ROBINSON: But -- but we're going to find

13 out, and we're going to find out how Service Source

14 ended up giving part of it to our board member and

15 Bobby Dodd, which is Wayne McMillan.

16 MR. LOPEZ: Correct.

17 MS. ROBINSON: We're also going to find out, and

18 maybe David knew this, because he was on to Wayne

19 McMillan a long time ago, and -- and Wayne just

20 stopped speaking to me at the point that you guys

21 filed your stuff, and he's the one who said in the

22 board meeting when I was reporting on the Lloyd

23 George, whatever, whatever, he said -- what did he say

24 to me? He said, well, I just -- I have real issues

25 with how Jean defends this -- this organization and

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1 why she isn't, you know, more aggressive with these

2 people who are filing these suits. And I'm like, I

3 mean, I can't change the facts. I mean, I'm a lawyer,

4 not a magician.

5 MR. LOPEZ: Right.

6 MS. ROBINSON: But so now I'm realizing why,

7 because he knew he had a bunch of crap, you know,

8 all twisted up here. So what I'm going to do is look,

9 because my guess is, is that this arrangement, like I

10 said, is the model for how Service Source gave or

11 got -- you know, they just did the same model with Bob

12 Turner's outfit.

13 MR. LOPEZ: Correct, correct.

14 MS. ROBINSON: But I'll -- but I'll look and see,

15 because they really don't want me to look, and I'll

16 call Joe, because this one --

17 MR. LOPEZ: Right.

18 MS. ROBINSON: -- Joe -- Joe is pretty funny.

19 MR. LOPEZ: Right.

20 MS. ROBINSON: He'll give me the information

21 because it would have been before his time.

22 MR. LOPEZ: Right.

23 MS. ROBINSON: It's one of the few that he won't

24 be in the middle of, and he could use a few of those

25 right now. So -- so I think he'll give me that info,

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1 and I'll do it that way and -- and find out about that

2 one, because we've got to call the EEOC today and get

3 more time because I don't have all the documents

4 because now it's not even in the region I thought it

5 was supposed to be in.

6 MR. LOPEZ: Okay.

7 MS. ROBINSON: So Micky says to me, it's none of

8 their business and it's none of our business. I said,

9 are we collecting a fee on it? He said, yeah. I

10 said, well, then it's their business and our business.

11 MR. LOPEZ: Oh, wow.

12 MS. ROBINSON: Anyway, so I'll find that out. So

13 I'll let you know and keep you posted on that, but,

14 you know, just -- just keep moving forward, I guess,

15 is all we can do.

16 MR. LOPEZ: That's what we're going to do, and

17 we're going to succeed.

18 MS. ROBINSON: All right. Talk to you later.

19 MR. LOPEZ: Thank you, Jean. Bye-bye.

20 MS. ROBINSON: Bye-bye.

21 (End of Audio File 02062014.WAV)

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1 (Audio File 20131107 082848.m4a)

2 MR. DUBINSKY: Lou, do you have -- do you have

3 the agenda of the topics that --

4 MR. BARTALOT: Yes, I do.

5 MR. DUBINSKY: Okay. Well, if you're ready to

6 go, just -- you can start, cover the topics, just go

7 down the list, and we'll hold all questions till --

8 till the end.

9 MR. BARTALOT: Okay. Well, the first one I have

10 here is presumptive eligibility, and I'll start by

11 making sure I've got everybody awake. We're not going

12 to do presumptive eligibility. What we are going to

13 do is directed eligibility; in other words, we will

14 probably be revising the regulations such that certain

15 disabilities are automatically defined as being --

16 meeting the definition of severely disabled.

17 I'm not sure how many of you know, but we've got

18 a group that Jim Kesteloot is looking -- is heading,

19 and we call it DSP for definition, suitability, and

20 process team, and a big part of this was the suit that

21 came out of the project up in Yakima and the court

22 decision, but we have a group, of which I am a member,

23 that's looking at the definition, and we've got Jim on

24 that group. We've got Rich Gilmartin from Lakeview.

25 We've got some people from Podak. We've got Bobby

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1 Silverstein on there and several other people. Bob

2 Chamberlin is also part of that group. And Bobby has

3 developed a definition that -- that we're working

4 with. It may not be the final one, but he's actually

5 got four categories that he's talking about that we

6 would define as being eligible, meeting eligibility

7 for the program.

8 The first one would be people who are currently

9 on SSI or SSDI when they come to the agency, to the

10 nonprofit. I think that's pretty obvious there.

11 The second one would be the one that we've been

12 working on at the Institute, and that would be people

13 that are combat-wounded veterans.

14 The third would be -- that he's come up and

15 suggested would be those that are defined by the DR as

16 most significantly disabled. That's probably a

17 reasonable assumption since depending on the state

18 those are people that have functional limitations in

19 two or three, in some cases even more areas.

20 And the last one is workers that are receiving

21 disability as a result of workmen's compensation.

22 That one I personally have some problems with because

23 of the variation from state to state of what exactly

24 disability means for workers' comp. So that one is

25 going to need a lot more work whether -- whether the

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1 group recommends to the Commission. The other three

2 are not -- at this point we don't know. That group

3 has an objective of making a recommendation to the

4 Commission in the April or May time frame.

5 So that's the first subject. The second subject

6 is status of activity of active focus groups. Neither

7 Kim nor I were exactly sure what you mean by focus

8 groups. We did the CO forum back in 2010, and there's

9 only one of those four groups that's actually still

10 partially active, and that's the business enterprise

11 group, and they have continued to help with selecting

12 information on small business and veterans. The other

13 what we see as potentially what the -- is what I just

14 talked about, is Jim Kesteloot -- Kesteloot's group.

15 So if you have other focus groups that you want to

16 know about, I guess I need to know.

17 The third subject was the impact of the GAO

18 report on the Commission operations and on the

19 program. If you look at our -- at the report itself,

20 our comments are included in the report.

21 The report basically made three recommendations.

22 One is strictly for Congress. That has to do with the

23 Inspector General. The second was that we should have

24 written agreements between the Commission and the

25 CNAs. That's something that's beginning to be worked

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1 on, and we agreed with the GAO that that is a good

2 idea. And the third is more oversight of the CNAs.

3 Again, it's something we're starting to develop some

4 concepts and some ideas on exactly how to do that.

5 The status of the fiscal year '14 budget request

6 of the Commission, what's on the wish list. Well, our

7 wish is that we had a budget. We asked for not quite

8 5.4 million, which is what we got in 2010, you know,

9 and -- and that's -- after sequestration we had even

10 less than that. What we got for the current CR is

11 25 percent of --

12 (Dog barking.)

13 MR. LOPEZ: Wait a minute.

14 MR. BARTALOT: Okay.

15 MALE VOICE: Can we quote him on that?

16 MR. LOPEZ: It's gone to the dogs.

17 MR. BARTALOT: So we've asked for money. We

18 got -- the CR is now 25 percent of what we -- we

19 asked, of what the money after the continuing -- after

20 sequestration we got 25 percent of that money for this

21 continuing resolution. The continuing resolution is

22 actually a little bit longer than a (unintelligible)

23 of the year, so we are again tight on money. So we

24 wish -- what we wish for is enough money to cover our

25 expenses, our salaries, our benefits, our office rent,

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1 and do some travel. And we -- we are going to be very  
 2 tight again this year.  
 3 We were able to last year by doing some things to  
 4 actually not have to furlough people. We thought we  
 5 might have to furlough everybody for -- for basically  
 6 three days, but we did some things and moved some  
 7 money around, and we were able to not furlough  
 8 anybody. We're going to continue to try, and  
 9 hopefully that -- that will happen this year too.  
 10 The last subject I have is QWE, the Commission's  
 11 current perspective, will it become mandatory. When  
 12 we rolled out QWE, it was rolled out to be voluntary.  
 13 We have not exhausted the initial time frame which  
 14 goes through 2015. However, you look at what the  
 15 goals and objectives were from at the end of the  
 16 rollout or at the end of 2015 was that there would be  
 17 a hundred percent participation. So it's possible it  
 18 might become mandatory at some point in the future,  
 19 but we don't see it happening immediately.  
 20 So those are just subjects you guys asked for --  
 21 for some update on, and -- and that's a quick update  
 22 of the subjects. So we got a lot of time to talk  
 23 questions.  
 24 MR. CHAMBERLIN: Hey, Lou. Do you recognize this  
 25 voice?

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1 MR. BARTALOT: Between you being on a -- speaking  
 2 in a microphone and me having an earbud in my ear, no.  
 3 MR. CHAMBERLIN: All right. Now, hey, Lou, it's  
 4 Bob Chamberlin.  
 5 MR. BARTALOT: Hi, Bob.  
 6 MR. CHAMBERLIN: How you doing?  
 7 I wanted to just -- because I think there were  
 8 maybe not more questions in the formal topics, but  
 9 around the subject of presumptive eligibility or  
 10 direct or directed, the word that you used. I guess  
 11 that would be one question. Maybe that's just a  
 12 semantics thing, that that makes it easier to execute  
 13 under that name. That's not really my question,  
 14 although I'd be interested in the derivation of that.  
 15 But in terms of scope of it, in terms of timing,  
 16 in terms of the duration, when someone does come into  
 17 the program under presumptive or directed eligibility,  
 18 one of the big issues was that they would get -- the  
 19 proposal was a five-year window. You're not going to  
 20 come back in a year and then say now it's going to be  
 21 the standard eligibility (unintelligible). So I had  
 22 questions around that and any input that you might  
 23 have on that area.  
 24 The other question was, I just didn't understand  
 25 the fourth criteria when you went through the four

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1 different areas. I just didn't catch what that fourth  
 2 one was.  
 3 MR. BARTALOT: Okay. Well, why don't we want to  
 4 call it "presumptive eligibility"? If you look up the  
 5 definition of "presumptive," it means you assumed  
 6 that's somebody, that that meets the criteria, and in  
 7 talking with Bobby Silverstein and -- and Dennis, the  
 8 government basically doesn't assume things, and that  
 9 would also leave us open for -- for some shots that  
 10 that -- oh, you guys assume they are, but how do you  
 11 know they are. So, you know, what was suggested is we  
 12 write it up such that the regs specify that anybody  
 13 that meets the certain criteria is in fact defined as  
 14 meeting the definition. So rather than continuing on  
 15 using the term "presumptive eligibility," we kind of  
 16 made the decision to call it direct defined or  
 17 directed eligibility.  
 18 MR. CHAMBERLIN: Okay.  
 19 MR. BARTALOT: The -- the -- you know, the fourth  
 20 one that Bobby suggested and the one that I have  
 21 problems with is the idea that somebody because of an  
 22 injury from workmen's compensation is on disability  
 23 and is getting disability. The problem is, as you --  
 24 you know, when I -- first I thought, oh, okay, but how  
 25 long -- you know, workmen's comp is not necessarily a

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1 permanent type of thing, but there are people that --  
 2 that are on workmen's comp permanently because of the  
 3 injury they received. So I thought, okay, that's  
 4 reasonable, I can understand why he might include  
 5 them, but what about the people that aren't on this?  
 6 So I went and started looking around, and the first  
 7 place I went was to DOL to look at what it said about  
 8 some of the federal programs, and there's a federal  
 9 disability program for longshoremen, and if you look  
 10 at that definition, it clearly says it's a permanent  
 11 disability and that the individual is not able to earn  
 12 the money they'd earned before. So I said, okay,  
 13 that's reasonable.  
 14 Then I went to Maryland, and Maryland actually  
 15 has three categories. You have -- they have a full,  
 16 but they also have a partial disability and where  
 17 they -- they give him something -- they give an  
 18 individual maybe no more than \$50 a month for a  
 19 disability, and that could be permanent, but obviously  
 20 if you're getting \$50 a month, that's not saying  
 21 you're not capable of getting a job.  
 22 So I've got some -- some issues with this idea of  
 23 workmen's compensation disability, including it. I  
 24 think we've -- if we do that, it's got to be tightened  
 25 up a lot more than what Bobby had just

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1 (unintelligible).

2 MR. CHAMBERLIN: Okay. So on that one it's just

3 more discussion to be held, I guess.

4 MR. BARTALOT: Yes.

5 MR. CHAMBERLIN: Okay. And then on the issue --

6 MR. BARTALOT: And they all -- they all need to

7 be discussed in more detail.

8 MR. CHAMBERLIN: And then on the issue of scoping

9 of the pilots, duration, eligibility, and so on, could

10 you offer a few comments on that as you see it at this

11 point?

12 MR. BARTALOT: Well, you know, we had agreed to

13 do a pilot on the -- on the wounded warrior piece

14 before we even started DSP, and so in some ways the

15 DSP and this idea of including these in the

16 definition, in some ways its kind of overcome the

17 pilot, but I think we still need to do the pilot. The

18 project that we've agreed to do a pilot on is one that

19 Service Source is going to be doing in the St. Louis

20 area where they're going to be providing I guess it's

21 TFM for the National Geospatial Agency, and that one

22 is kind of interesting because all the people,

23 including people who are just custodians, have to have

24 top-secret clearances. So it's going to present some

25 issues, but obviously trying to get veterans and

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1 wounded warriors in there is going to make the whole

2 clearance issue easier to deal with. So that's the

3 pilot we kind of agreed on.

4 You know, the idea, as you mentioned, was that we

5 were going to give them -- you know, assume

6 eligibility for five years, but we were going to have

7 the agency do the annual evaluations every year so

8 that, you know, we could see that at the end of the

9 time whether -- you know, that the one -- the

10 assumption that wounded warriors automatically met,

11 that was a good point of view on day one, was it still

12 a good point of view after one year, two years, three

13 years. And so that, you know, the thought was that,

14 okay, if the pilot works out, then we also have an

15 idea as do we really want to do it for five years or

16 should it be a shorter period of time, and so that's

17 what the pilot is going to help determine too.

18 MR. CHAMBERLIN: Okay. And just one last little

19 thing on the same subject. And if it didn't seem to

20 be appropriate at year two or three, that wouldn't

21 change the status of the individual's five-year

22 arrangement.

23 MR. BARTALOT: It wouldn't -- it wouldn't change

24 the status of the individual, we gave them five years,

25 but the annual review is so that we have an idea that

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1 when the pilot is done whether -- you know, and if

2 we decided that five years wasn't good, well, is it

3 good after three years or two years, you know, then,

4 one, it makes sense to all of us, but is there, you

5 know, this trying to pick the five years without

6 having any real data to support a five-year time, and

7 this will give us data to, one, either support five

8 years versus for a shorter time.

9 MR. CHAMBERLIN: Okay. Thanks, Lou.

10 MR. DANIELS: Lou, this is Bob Daniels. I want

11 to ask a question for clarity on the DSP work group

12 that's been put together. You spoke to the disability

13 group and the process group, but you didn't mention

14 the aspects of suitability. Can you take a minute and

15 do that, please?

16 MR. BARTALOT: You know, Bob, I'm not really

17 involved with the suitability group, so I'm not sure

18 exactly what they're doing, what they're looking at.

19 Obviously, from -- you know, we picked cases, and,

20 again, you know, if you go back and look at the court

21 case, the judge made some statements in that based on

22 our suitability approach with it, and the concern was

23 that the language in our regs may not be adequate

24 to -- to make anybody -- or to make everybody

25 understand what we really meant. So the idea was to

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1 go back and get it through to look at the suitability

2 criteria, do we need to change those, do we need to

3 add additional suitability requirements.

4 And are you on that group?

5 MR. DANIELS: No. I'm on the process group.

6 (Unintelligible) is on that group from SourceAmerica.

7 MR. BARTALOT: Okay.

8 MR. DANIELS: So I can't help you.

9 MALE SPEAKER: Hi, Lou. This is

10 (unintelligible). You know, I was wondering, with the

11 GAO decision on the suitability of the Yakima

12 contract, how has that affected the way the Commission

13 is looking at adding new projects to the PL, and has

14 the Commission thought about what contracts are not

15 suitable for the program?

16 MR. BARTALOT: Well, one, that's in part what the

17 process team is looking at, and Bob can probably --

18 since he signed up or admitted that he was in that

19 group, that maybe Bob Daniels can add a little bit

20 more for everybody. You know, again, we needed -- as

21 a result of Yakima and some other issues that have

22 come up in the past, the thought was, okay, we need to

23 look at the process we use, are there things that we

24 need to do different from a process standpoint.

25 Now, I personally still think the Yakima project

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1 was suitable for the procurement list. I personally  
 2 spent a lot of time on that project. I went up, and  
 3 I visited Yakima. I spent time with Skookum. I spent  
 4 time with the contracting folks. And -- and many,  
 5 many years ago when I was on active duty, I was in  
 6 (unintelligible) office. So in my mind it's a project  
 7 that Skookum could have done successfully, but the  
 8 judge looked at a lot of other things and considered a  
 9 lot of other things.

10 So we need to be maybe a little more careful, and  
 11 one of the things I've said is that, you know, in some  
 12 ways we've all kind of swallowed the Kool-Aid. We  
 13 all -- we all believe that people with disabilities do  
 14 a whole lot of things that other people that are not  
 15 dealing with that don't think they can do. So from a  
 16 process standpoint we need to make sure that we really  
 17 do cross our i's and -- dot the i's and cross the t's  
 18 so that when somebody from outside comes in and looks  
 19 at it they understand that yes, they can, and that the  
 20 Commission did do due diligence and didn't make an  
 21 arbitrary and capricious decision.

22 MR. FOUNTAIN: Hi, Lou. This is Jeff Fountain  
 23 with SourceAmerica Pacific West. And it was mentioned  
 24 that some of the direct eligibility people may be  
 25 coming -- be considered as people because they are a

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1 part of voc rehab, and in many of the states voc  
 2 rehab had to do an order of selection over the last  
 3 bunch of years so that they were serving the most  
 4 significantly disabled first. So would the Commission  
 5 be looking at it similarly, only serving people with  
 6 the most significant disabilities first, or anybody  
 7 that would be potentially eligible for voc rehab even  
 8 if they're not on that selected list would qualify?

9 MR. BARTALOT: The idea was that if somebody is  
 10 in that category one, that most significantly disabled  
 11 category, that they would be -- our definition, they  
 12 would meet our definition, our definition of  
 13 significantly disabled. That doesn't mean that  
 14 another individual that met the category two or three  
 15 couldn't also meet our definition, but that would not  
 16 be defined as (unintelligible), just as -- as we're  
 17 looking now at wounded warriors, which would be people  
 18 who receive wounds in combat. That's the category  
 19 that we're talking about wounded warrior. It doesn't  
 20 mean that other disabled veterans wouldn't also be  
 21 looked at, but they're just not defined as  
 22 (unintelligible).

23 MR. DUBINSKY: Lou, this is Dave Dubinsky. I  
 24 have a follow-up on that question, because it would  
 25 appear that ever since the program started that people

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1 who are deemed disabled by the state they reside in  
 2 have already become partially eligible to be counted  
 3 as severely disabled as long as there's a vocational  
 4 component to it. Are you now saying that if they're  
 5 being served at a -- by a state or deemed disabled at  
 6 the state level that we do not need that vocational  
 7 piece to it in order to qualify for the program?

8 MR. BARTALOT: Well, that's -- that's essentially  
 9 what Bobby is suggesting, that if somebody has been  
 10 defined as most significantly disabled, which  
 11 depending on the state means he's got functional  
 12 limitations in two areas or three areas, and there may  
 13 even be a state that's four, four areas, but they're  
 14 all -- they're all at least two and many who are  
 15 three, so those are the most significantly disabled,  
 16 and what Bobby is recommending is the group define  
 17 that individual as meeting the definition of  
 18 significantly disabled at least at the initial point.

19 MR. DUBINSKY: Any other questions? Are there  
 20 any other questions for the Commission? Bob.

21 MR. CHAMBERLIN: Oh, okay. Lou, this question  
 22 isn't necessarily under any of these categories. This  
 23 is Bob Chamberlin again.

24 MR. BARTALOT: Yeah. Now I know whose voice it  
 25 is.

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1 MR. CHAMBERLIN: Okay. But as you know, you and  
 2 I go back quite a ways, and you further than me, from  
 3 when I was on the Commission and so on, but I'm just  
 4 wondering, if you step back a bit related to these  
 5 issues or any other ones, how you would evaluate our  
 6 environment today versus maybe when I was on the  
 7 Commission, which was in the latter part of the '90s,  
 8 from any dimension you want to compare. I'm curious  
 9 your view of that with all the experience you have.

10 And a second one, which is related but unrelated in a  
 11 way, but -- and this is you speaking, not Tina  
 12 Ballard, so we understand that, but just your -- your  
 13 take and then what are the two or three top priorities  
 14 from your perspective with the situation that we're in  
 15 right now.

16 MR. BARTALOT: Well, I think -- I think the  
 17 program, one, in part because we've grown, we've  
 18 become more subject to -- to scrutiny from outside  
 19 people. I think the disability community paints all  
 20 of you guys, "you guys" meaning the nonprofit  
 21 agencies, at least some of them as sheltered  
 22 workshops, and clearly the vast majority of you don't  
 23 come anywhere close to what they think a sheltered  
 24 workshop is, but that's unfortunate. I don't know  
 25 how -- we continue to try to educate them that you're

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1 not, but somehow I don't think we've been all that  
 2 successful doing that.  
 3 I think the environment that you all work in now  
 4 is a lot more complex, you know. We all lived a good  
 5 life from 2002 to 2000 -- really, 2009. We're  
 6 government defined more and more and more because of  
 7 the wars in Iraq and Afghanistan (unintelligible)  
 8 other people can do for them. We're -- most of you  
 9 who are doing products have definitely seen the effect  
 10 of no longer being on that strong war footing, and we  
 11 actually should have realized that was going to come  
 12 because it has happened after every other war. We see  
 13 that looking at sales from NIB going back to 1939.  
 14 You can see the big spike for World War II, Korea,  
 15 Vietnam, even Desert Shield, Desert Storm. So we  
 16 should have known it was going to come, but I think we  
 17 kind of didn't think about it.  
 18 But there is a lot more people all wanting  
 19 government business now than there ever was before,  
 20 which makes -- makes it a little harder for us, and I  
 21 think there's also more, well, I'll call it infighting  
 22 among the nonprofits for business that is there. In  
 23 some ways that's not good. There may be some  
 24 advantages to it, but it's not necessarily the best  
 25 thing either.

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1 I'm sorry, Bob, I forget your second question.  
 2 MR. CHAMBERLIN: How you would rank your two or  
 3 three top priorities, recognizing all of this with the  
 4 environment that we're in.  
 5 MR. BARTALOT: Well, I think we need to  
 6 proceed -- you know, we've been talking about making  
 7 reg changes for a number of years. I think the  
 8 Commission, you know, spent some time the last couple  
 9 years rewriting policies and that, and that's been  
 10 good, but we really need to spend some time now and  
 11 revise our regulations.  
 12 I mean, the Yakima case is just the latest one of  
 13 these things that the outside comes in and look and  
 14 they don't understand and they read the regs and they  
 15 read the regs the way they want to read the regs.  
 16 Maybe we need to define things a little more precisely  
 17 so that people can't go off from the law perspective,  
 18 anyway, and have talk and make up something that's not  
 19 what we intended.  
 20 So I think rewriting the regs is important. I  
 21 think continued emphasis on compliance. None of you  
 22 need to be associated with the program  
 23 (unintelligible), and so it's in everybody's interest  
 24 that we all follow the rules as closely as we can. So  
 25 those to me are the two biggest priorities.

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1 MR. CHAMBERLIN: Thank you.  
 2 MR. MAGUID: Hi, Lou. This is Mo Maguid from  
 3 Toolworks. It's an NPA here in San Francisco.  
 4 MR. BARTALOT: Sure. How you doing?  
 5 MR. MAGUID: Under the current circumstances, the  
 6 financial constraints that we're having, has the  
 7 committee done any studies in regards to how much the  
 8 NPA program that we would have would cost them versus  
 9 the commercial or in-house cost? Because if we're --  
 10 you know, I think that we're spending a lot of time on  
 11 regulations and trying to get the regulations going,  
 12 but everybody understands numbers. So if we can or  
 13 have had a study saying, okay, this is what Toolworks,  
 14 for instance, will do for GSA and this is the cost by  
 15 having this program in versus if GSA would have their  
 16 own in-house staff or go commercially, this is the  
 17 cost it's going to be in doing, which in my estimation  
 18 I think would be higher.  
 19 I've had customers in the National Park Services  
 20 coming to us saying, we want you to take extra work  
 21 that we have in-house because it turns out that you  
 22 guys are (unintelligible). And maybe in our studies  
 23 maybe we should also include that the cost of  
 24 our employees who are with disabilities included in  
 25 that, because we're saving not only that -- whatever

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1 the government will pay them without them being  
 2 productive while we're turning them into taxpayers and  
 3 it's good for the economy and things like that.  
 4 So has the committee looked into doing studies  
 5 like this?  
 6 MR. BARTALOT: Well, obviously, number one, no,  
 7 we don't have any money to do any studies, okay?  
 8 That's -- that's the bottomline.  
 9 Actually, SourceAmerica has done some of that,  
 10 and we did -- we tried to do a cost benefit study back  
 11 in the late '90s, and it didn't really come up with  
 12 that, an answer. The assumption that most people make  
 13 is that you cost more than commercial. That's the  
 14 general assumption, doing something through the  
 15 AbilityOne program generates a higher cost than a  
 16 commercial vendor. That's not always true, and there  
 17 is always issues, and we've had agencies, federal  
 18 agencies that said that, and -- you know, but then  
 19 they turn around and get back to us again, because  
 20 maybe they can get it cheaper dollar-wise, but the  
 21 bottomline, the satisfaction, they'd rather deal with  
 22 us.  
 23 So, you know, one of the things that we probably  
 24 need to do again is do a real cost benefit study. I  
 25 know SourceAmerica has just recently done another

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1 benefit study, but we feel we really need to do  
 2 that -- that cost side of it, which is -- which is not  
 3 easy, especially when you're trying to compare  
 4 services. To find two really identical services to  
 5 compare is not easy.

6 MR. DUBINSKY: Okay. Lou, this is Dave Dubinsky  
 7 again. We -- just to follow up with that, and, Mo,  
 8 for your question, we did a couple studies, I want to  
 9 say they were in the late '90s too, maybe 2000. They  
 10 were in selected areas. One was custodial. And we  
 11 found out, when we took into account all of the costs,  
 12 the costs of getting individuals with disabilities off  
 13 of transfer payments from the government and put that  
 14 into the model that we were using, it was considerably  
 15 cheaper for the economy to employ our people under  
 16 this program than any small business, but we have not  
 17 updated those, and as Bob has indicated, we may do  
 18 that. We may have to do that internally.

19 I don't believe that the Commission was involved.  
 20 The last time we did that, we did that off of data  
 21 that we gathered, and probably with the ERS system  
 22 we're in a better position today to do that than we  
 23 were in the 1990s, so it may be something that --

24 MR. BARTALOT: Dave, there were three studies.  
 25 They were actually done in 2003. One was

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1 commissaries, the other was GSA custodial, and the  
 2 third was food service.

3 MR. DUBINSKY: Okay. Yeah. And the problem with  
 4 those now is that they're dated.

5 MR. BARTALOT: Yeah.

6 MR. DUBINSKY: So when we pull those out and use  
 7 them, they -- they don't have the credibility they'd  
 8 have if that was 2013 instead of 2003. So we'll --  
 9 we'll look (unintelligible).

10 Are there any other questions for Lou? Hold on.

11 MS. CARR: Good morning, Lou. This is Carol  
 12 Carr, ACHIEVE Human Services in Yuma, Arizona, and the  
 13 NCSE executive committee. Earlier when you talked  
 14 to -- answered a question for Bob regarding priority,  
 15 you mentioned an attention to compliance. Could you  
 16 elaborate on that a little more? Are you prepared to  
 17 speak to that a little more?

18 MR. BARTALOT: Well, you know, basically most of  
 19 us when we think about compliance, we initially think  
 20 about the 75 percent ratio, and that's true, that's  
 21 the bottomline for everything, is that you've got to  
 22 have an overall direct labor of 75 percent, but, you  
 23 know, it's not just the labor ops. Do you have the  
 24 medical documentation, are you doing the IBs right,  
 25 are you OSHA-compliant. You know, there are basically

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1 eleven areas that you're supposed to be doing to  
 2 maintain your qualifications to participate in the  
 3 program. So everybody needs to pay attention to all  
 4 of these things, not just -- not just pay attention  
 5 to what my ratio is. So that's what I was  
 6 (unintelligible).

7 MR. DUBINSKY: Lou, I'd like to thank you for  
 8 taking the time to join us this morning. I know we're  
 9 hoping you get a budget. We'd love to see you guys  
 10 participate personally, maybe as --

11 MR. BARTALOT: I wish I could.

12 MR. DUBINSKY: Yeah, I'm sure. So, anyway, thank  
 13 you very much for calling in. We really appreciate  
 14 it. Please thank Ms. Ballard and Kim as well. I know  
 15 they were -- they were involved in some of the prep  
 16 early on, and we look forward to talking with you next  
 17 year. By the way, the buzz around here is we're going  
 18 to Hawaii, so --

19 MR. BARTALOT: Oh, well, you know, I need another  
 20 trip to Hawaii. My wife will come too, though.

21 MR. DUBINSKY: Thank you very much, Lou.

22 MR. BARTALOT: Okay. Bye all.

23 VOICES: Bye-bye. Bye.

24 MR. DUBINSKY: All right. I hope you guys found  
 25 that helpful to hear from the Commission. We're going

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1 to move right now into the next topic on our agenda.  
 2 We're going to talk a little bit about the Affordable  
 3 Health Care Act. I know it goes by a lot of names  
 4 depending on what news show you're tuning into,  
 5 FOX or MSNBC, but in any event, we're going to talk a  
 6 little bit about it really just from a reality  
 7 standpoint. We have some -- we have some experts in  
 8 the audience that can help us. Denise Ransom is going  
 9 to introduce the topic, and then -- and then we're  
 10 going to let the topic flow, and hopefully some of our  
 11 in-house experts can answer any questions that you  
 12 have.

13 (End of Audio File 20131107 082848.m4a)  
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1 (Audio File 20131107 110258.m4A)  
 2 MR. DUBINSKY: Only talking about AbilityOne  
 3 contracts, federal government contracts. And I also  
 4 want to put -- let you know that I'm going to give a  
 5 very short summary on this because it's a complicated  
 6 topic. There is formal training currently being  
 7 introduced for the nonprofit community. There is a  
 8 class in Las Vegas on November 20, 21. That's the  
 9 closest one to you.  
 10 We also have December 3 and 4 in Seattle and  
 11 Dallas. Certainly those cities are accessible.  
 12 There's also November 13, 14 in Albany, New York, and  
 13 Cleveland. Those are a little further away for the  
 14 majority of you, but there are seats available  
 15 currently as of this morning, anyway, in all of those  
 16 classes. And for those of you who are interested in  
 17 continuing to compete for AbilityOne work, I highly  
 18 recommend you go to one of those classes.  
 19 So I'm not here to teach that. What I want to do  
 20 is just try to explain at a very high level what's  
 21 going on. And, Bob, certainly, you know, jump in if  
 22 you feel that you can add to this.  
 23 Most of you -- those of you who have been around  
 24 a long time, and I've been around working with the NPA  
 25 community on getting new work since 1983. It's been a

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1 long time. In 1981 I actually came to -- to the  
 2 company then known as NISH, but from 1975 when  
 3 we were born until 2003, staff working for this  
 4 organization worked directly with the NPA community to  
 5 go out and get work. If that meant jointly identified  
 6 projects, to go figure out how to do it, talk to the  
 7 government, that's what we did. There was no -- it  
 8 wasn't meant to be discriminatory. It was meant to  
 9 try to grow a program from an idea, a concept, to  
 10 something where we were actually employing people with  
 11 disabilities across the United States, and during that  
 12 first 30 years or so it worked pretty well. We were  
 13 able to put a program together that was national in  
 14 scope and that involved over 500 nonprofits at that  
 15 point in time.  
 16 However, in the early 2000s, specifically around  
 17 2003, we started to recognize that we had to be more  
 18 transparent and more systematic in how that work was  
 19 allocated because the community became larger, the  
 20 stakes became somewhat larger, and the NPA community  
 21 at large and our board in particular were no longer  
 22 supportive of deals that were made over the telephone  
 23 or over lunch or that didn't involve the community at  
 24 large. So we started a transparency process where at  
 25 first that was really just to let the community know

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1 how decisions were being made for allocation of work,  
 2 and that was okay for a little while, but even that  
 3 started to have issues because just knowing how  
 4 decisions were made didn't -- didn't satisfy a lot of  
 5 people that decisions were fair and equitable across  
 6 the community.  
 7 And -- and defining anything, I mean, as you  
 8 know, whether you're a parent or working in business  
 9 or whatever, those words "fair" and "equitable" are  
 10 tough. You know, "fair" and "equitable" means so many  
 11 different things to different people. So -- so as we  
 12 got more and more involved in this and -- and we  
 13 started getting involved in the legal community, who  
 14 have their own idea about fair and equitable, we -- we  
 15 had to undertake a massive revision of our process for  
 16 recommending who was going to get work in the future  
 17 moving forward.  
 18 So starting this January in our organization we  
 19 are now -- we are now moving to what we're calling an  
 20 NPA recommendation process, and what that really means  
 21 is we're going to still follow a very systematic  
 22 process for determining which NPA we are going to  
 23 recommend to the AbilityOne Commission to -- to pursue  
 24 and continue development of a new opportunity for  
 25 addition to the PL. We're not actually making that

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1 allocation, "we" being SourceAmerica. The Commission  
 2 will be making that decision. Our job is to make the  
 3 recommendation to them.  
 4 So we're following a very similar process. I  
 5 mean, to many people it's going to look similar.  
 6 You're going to see -- you're going to -- as you do  
 7 today, you're going to get an email if you're signed  
 8 up to get those emails that's going to describe the  
 9 opportunity. We still may at times put RFIs out,  
 10 which is just maybe pre-opportunity, to find out if we  
 11 have capability, but once we -- once we know we're  
 12 going to -- we have an opportunity, you're going to  
 13 get an opportunity notice via email like you do today.  
 14 Those opportunities are going to be developed by  
 15 a centralized team, so we're going to have some  
 16 consistency there. That centralized team, we kind of  
 17 have that in place today, but it's going to be people  
 18 that pretty much do this for a living so that our  
 19 notices are very consistent. It will be a lot closer  
 20 to what you'd see in a federal agency, I guess, which  
 21 is kind of where we're going.  
 22 Those notices will have a similar look and feel.  
 23 They'll go out to the community. That information  
 24 will come back into an evaluation team. That  
 25 evaluation team will have some centralized component

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1 to it.

2 There will be -- there's always going to be an  
 3 opportunity leader. Those are people like Doris over  
 4 here that -- you know, Sylvia, that work in the  
 5 Pacific West region, many of you know. Our business  
 6 development leaders will continue to -- to work that  
 7 opportunity, and they'll be part of an evaluation  
 8 committee that's going to be set up, and they are  
 9 going to be reading and evaluating the responses that  
 10 the NPA community provide to us.

11 That is really a key issue here, because, you  
 12 know, I look out in the audience, and I'm very blessed  
 13 to have been working in this program for a long time,  
 14 and I know an awful lot about many of your  
 15 organizations and so do other staff, but when it comes  
 16 to evaluating the information that you submit for an  
 17 opportunity, our knowledge of what you do and who you  
 18 are is not -- is not relevant. It's only really how  
 19 you respond to that opportunity.

20 So there's a lot of pieces to this. You have to  
 21 be very, very careful not to assume we know who you  
 22 are and how well you do your business but really how  
 23 well you can respond to that opportunity. So pay  
 24 attention to the question, answer the question, assume  
 25 that the audience knows nothing about you and answer

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1 those questions to the best of your ability.

2 That evaluation team will then make a  
 3 recommendation to an executive director like myself,  
 4 like Keith who is here for TFM, the other regional  
 5 executive directors, and then an actual recommendation  
 6 will be made and pushed off.

7 We still have an appeal procedure. Obviously,  
 8 we're human beings and are capable of making mistakes,  
 9 and so there will be an internal review panel, but the  
 10 idea is that once we make a recommendation it goes to  
 11 the Commission and -- and they'll make a final  
 12 decision.

13 So the idea here is not to make this harder.  
 14 It's really to make it more consistent so that when  
 15 individuals who maybe are not selected, organizations  
 16 that are not selected for work, at least have some  
 17 knowledge now and hopefully some faith in our system  
 18 that -- that it is fair, it's fair and equitable as it  
 19 can be.

20 Does that mean you're always going to agree?  
 21 Absolutely not. Does that mean you might not -- you  
 22 know, that you're never going to appeal? Absolutely  
 23 not. You're going to have the same right to that as  
 24 you do today. You know, we -- we respect that right  
 25 and know that, you know, at times we may miss

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1 something, but at the same time we have to do  
 2 something to -- to minimize the dissension and in  
 3 particular all of the legal activity that goes on,  
 4 because oftentimes once we get to that point we're  
 5 all -- we all lose control of it, and it just -- it  
 6 takes a lot of time and resources away from what we're  
 7 all really trying to do collectively.

8 So I'll take questions on it. Bob, I don't know  
 9 if I missed anything or if you want to add anything to  
 10 that.

11 I'll take some questions on that, if you have  
 12 any, and then, again, I highly recommend that --  
 13 that -- do you have one?

14 MALE SPEAKER: Yeah.

15 MR. DUBINSKY: Go ahead.

16 MALE SPEAKER: My understanding is that the email  
 17 coming from (unintelligible), correct? That's how it  
 18 usually works.

19 MALE SPEAKER: Yeah, I'm looking for the other  
 20 way around, let's say (unintelligible).

21 MR. LOPEZ: We can't hear the question. Sorry.

22 MALE SPEAKER: Repeat the question.

23 MALE SPEAKER: My question is, this is -- when  
 24 SourceAmerica is referring on putting out a bid for  
 25 sources sought, my question is what if NPR or NPA came

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1 in and said, I have a prospective customer that wants  
 2 to join the program and we have agreed whether I was  
 3 doing commercial work with them before or something  
 4 like that. How would that be in regards to the NPA  
 5 that refers the business to NISH?

6 MR. DUBINSKY: We still have opportunity -- first  
 7 of all, any contract that's under \$50,000 we have the  
 8 authority to sole source at any time we want, and, I  
 9 mean, I've got to tell you I don't know that I would  
 10 always choose to do that, I don't know that my peers  
 11 would choose to do that, if there were a number of  
 12 organizations that could do the work, but that is an  
 13 opportunity for us to shortcut some of this process, a  
 14 very small process.

15 But back to your question, Mo, we -- we have had  
 16 and still have the opportunity that if an NPA develops  
 17 work, finds a customer, brings the work to -- to  
 18 SourceAmerica, that we could sole source that work to  
 19 you. That is -- that's still an opportunity. We have  
 20 not eliminated it.

21 There are some rules around it. So it can't just  
 22 be, you know, that, hey, I read in the paper, you  
 23 know, they're building a new building in my town and  
 24 GSA is going to own it, and so I'm bringing that to  
 25 you, because most likely we already know that too.

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1 You know, we work with our customers, we know where  
 2 those new opportunities are for the most part, but  
 3 there are times where people have successfully  
 4 developed work and brought it to the table and -- and  
 5 we do -- absolutely do honor that.

6 Any other questions about this?

7 MALE SPEAKER: Dave, is this process currently in  
 8 place, any jobs in the pipeline or contracts in the  
 9 pipeline will be allocated this way, the new way?

10 MR. DUBINSKY: This process officially is slated  
 11 to begin in January 1. We're currently operating  
 12 under our current B-1 process. This new -- new  
 13 program will -- is scheduled to go into effect  
 14 January 1. That's why we spent a lot of time and  
 15 energy to get these trainings going across the country  
 16 in November and December, so -- and there will be  
 17 additional trainings during calendar year 2014.

18 MALE SPEAKER: Dave, what was the driving force  
 19 behind the latest change in the process? Because, you  
 20 know, I wasn't really aware that it was getting  
 21 changed until the emails came out and said, hey, sign  
 22 up for your training class.

23 MR. DUBINSKY: Robert, that's -- that's kind of a  
 24 complicated question. I mean, there's a lot of things  
 25 that were going on. You know, we -- we had a process

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1 that actually had its roots back to the early 2000s,  
 2 you know. I think it was actually a board member  
 3 representing our region from an NPA, Bill Meade and  
 4 others, a long time ago that started talking about  
 5 transparency, and -- and so we started to respond to  
 6 that and put -- put processes together. We shared the  
 7 development of those processes.

8 MALE SPEAKER: Well, not just the history.

9 MR. DUBINSKY: Well, I think --

10 MALE SPEAKER: I don't want the history.

11 MR. DUBINSKY: Well, again, the history is  
 12 somewhat important because as we developed this  
 13 process we involved a lot of stakeholders, and the --  
 14 and the good thing about involving stakeholders, you  
 15 get a lot of agreement. The negative thing is that  
 16 often documents are a little choppy and hard to read  
 17 and maybe not as smooth as they should be, and it was  
 18 a lack of that smoothness that caused some -- some  
 19 vagueness, and the vagueness created holes, and the  
 20 holes were exploited by -- by interested parties,  
 21 especially attorneys.

22 So -- so in effect we had to sit down and kind of  
 23 take it -- start from scratch, and -- and knowing what  
 24 our end product, what we wanted, what the outcome was,  
 25 we had to start from scratch to build it and involve

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1 it -- and involve our legal team and outside counsel  
 2 at times to make sure that we developed something that  
 3 was a little more airtight. So we were spending -- I  
 4 mean, to be honest, but from my perspective we were  
 5 spending a lot of time and a lot of money defending  
 6 decisions that staff were making because we didn't  
 7 have a very well-written process, and so we tried to  
 8 fix that.

9 MR. CHAMBERLIN: We've been involved, as Dave  
 10 said, not to go back in history, but as long as I've  
 11 been with SourceAmerica, how we allocate projects, how  
 12 that whole thing works, it's been an issue since day  
 13 one in terms of questions on how it can be improved.

14 When I first came to the organization, the very  
 15 first thing that happened, my first meeting with the  
 16 head of the then NCWC, the president, when I asked her  
 17 what can we do to help, she said, you need to fix the  
 18 distribution process and how that works, and the  
 19 approach I took with her -- because it is not a matter  
 20 of a formula where you plug in A plus B plus C and the  
 21 answer comes to D, and if we could do that and just  
 22 stick it in the computer, then these things would be  
 23 easy, but it doesn't work that way. So when I turned  
 24 back to her, I said: Well, you tell me. I'm going to  
 25 turn the question back to you, and you tell me how you

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1 think we could improve and what we should have.

2 Well, anyway, since that process -- and there  
 3 were changes made at that time, and there have been  
 4 various versions of this over the years. They've  
 5 been, I don't know how you describe it, but, you know,  
 6 incremental improvements. I think most of them we  
 7 think are improvements.

8 But when we had the combination of certain  
 9 circumstances occurring, and actually it might have  
 10 even been before that GAO report came out, I can't  
 11 remember, but at the senior level when you say, where  
 12 did this come from, well, it came from the senior  
 13 level, and we sat down to talk about more incremental  
 14 improvement or going right back to ground zero and  
 15 looking at how this thing is done, in effect starting  
 16 all over, and the first place you start is with the  
 17 law, what does the law say.

18 And so we went back and did that kind of analysis  
 19 and took it all the way through the law right through,  
 20 and based on that we -- we came up with, well, a lot  
 21 of it won't be necessarily visible, that much visible  
 22 difference in certain aspects to it, but it's really,  
 23 I call it, more transformational than incremental  
 24 improvement. Certainly one thing that's  
 25 transformational is the way that we have developed it

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1 and the way that the training is being conducted.  
 2 We've never done anything like this.  
 3 I don't know if it was mentioned earlier in the  
 4 session, but Tina Ballard went through the training,  
 5 Kim Zeich went through the training. We were there  
 6 for two days, and you actually had to do case studies.  
 7 You had to go through all of it.  
 8 And the other thing in the transformation was  
 9 transforming the culture of every single person at  
 10 SourceAmerica -- we have some people that work much  
 11 more directly in this area; we have a lot of other  
 12 people too -- in terms of accountability, standards,  
 13 and all those things that make up the system. So we  
 14 had discussions along the lines of your question,  
 15 well, you know, can we just tweak this and just tweak  
 16 that, and that's when we decided, no, we're really  
 17 going to take this thing on.  
 18 So one of the reasons it can't come out any  
 19 sooner than it is, I might have even mentioned  
 20 yesterday, some of the different IT improvement  
 21 projects that we have on the horizon or on the way was  
 22 that this one took priority on what was needed to do  
 23 this. So we put the resources into this to get this  
 24 out, and that's why, I think, January is currently,  
 25 right?

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1 MALE SPEAKER: Yeah.  
 2 MR. CHAMBERLIN: So I'm not sure if that answered  
 3 your question, but that's a little more background on  
 4 it.  
 5 MALE SPEAKER: Dave, I know in some instances  
 6 there's been an RFI process that's been used to kind  
 7 of pre-vett or to sift through interested NPAs for  
 8 given lines of business. Is that still going to  
 9 continue for certain opportunities? I don't mean a  
 10 specific contract opportunity, but line of business  
 11 types.  
 12 MR. DUBINSKY: Absolutely. Yeah, we're still  
 13 using that as a tool, and that's, you know, still --  
 14 still going to be used. You're going to see probably  
 15 more of that. So absolutely.  
 16 MR. LOPEZ: I just want to see if I understand it  
 17 correctly. Lou said that their budget for the  
 18 Commission was rather meager. Am I to understand they  
 19 will have a budget to have a department that will  
 20 specialize in making decisions for this new process?  
 21 MR. DUBINSKY: Well, if you're asking me if the  
 22 United States government will get together and have a  
 23 budget, I have no idea. I mean, right now it looks  
 24 pretty bleak, to be honest, but I'm assuming that they  
 25 will and that the Commission -- as Lou mentioned, they

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1 were asking for a flat budget, I think it's 5.4  
 2 million or somewhere around there, and given their  
 3 history, my -- my guess is they will get that and they  
 4 would be able to continue.  
 5 I mean, obviously, the piece that -- and, again,  
 6 Bob, I don't know if you have any new information. I  
 7 was actually sitting at the table when we were going  
 8 through this training with Ms. Ballard, and at that  
 9 point they did not talk about a new process on their  
 10 end, how they were going to handle our recommendations  
 11 to them. So that's still something, I think, we have  
 12 to -- we'll have to experience and see what happens,  
 13 but my assumption is they'll -- I can make an  
 14 assumption. I know Lou said he can't. My assumption  
 15 is that they'll handle it, and -- and we'll put a  
 16 recommendation for it, and they'll -- and they'll move  
 17 forward with it, so -- yeah, Donna.  
 18 FEMALE SPEAKER: I'm sorry. You know, I was  
 19 recently returned to this world after being gone for  
 20 almost ten years, and some things are different, and  
 21 some things are very much the same, and allocation has  
 22 always been an issue, and, you know, if you get the  
 23 contract, it's a good thing, and if you don't, it's a  
 24 bad thing. And, you know, we've always struggled with  
 25 it, and I still see it as an issue, and I also see --

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1 you know, I don't know what the statistic is, but I  
 2 think it's probably a pretty small percentage of  
 3 nonprofits who control -- have a big percentage of the  
 4 JWOD pie, my JWOD, sorry, SourceAmerica, AbilityOne.  
 5 I'm still getting all that. Will this new allocation  
 6 system address that? Will there be -- because you  
 7 talk about equity. So where is that equity?  
 8 And I've also always wondered like in terms of  
 9 geographic limitations or do you get preference if you  
 10 are the closest agency to that potential contract, and  
 11 if not -- I mean, to me that should be the number one  
 12 priority, but it doesn't seem like that's been the way  
 13 that SourceAmerica has gone.  
 14 MR. DUBINSKY: You know, those are -- those are  
 15 all good questions, and they're difficult to answer.  
 16 I will tell you that there are criteria, there are now  
 17 called discretionary criteria that an executive  
 18 director can put into a particular opportunity up  
 19 front. So, for example, one might be geography. Here  
 20 we have a small project in a community; the emphasis  
 21 is to try to get somebody in that community that work.  
 22 That has to be put in there up front. It can't be  
 23 decided at the back end.  
 24 So in terms of will this -- will we create more  
 25 work for the smaller NPAs, that again could be a

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1 discretionary criteria. We could say we'd like this  
 2 work to go to a small NPA, but that would have to be  
 3 put up front too, Donna. It's not something that  
 4 could just happen.  
 5 I don't know if -- if at the end of the day when  
 6 we take a look at this at the end of FY '14 or FY '15,  
 7 if it -- if it accomplishes those goals that you  
 8 aspire to. I will tell you, and I understand you,  
 9 because I've known you for a long time, those would be  
 10 good goals, but I don't know if those are commonly  
 11 shared by all your peers, so --  
 12 FEMALE SPEAKER: I'm not asking what's shared by  
 13 you. I mean the Commission, what are their goals?  
 14 MR. DUBINSKY: Well, they're not -- they're not  
 15 putting any goals like that on us at this point that  
 16 I'm aware of. So it comes down to really right now  
 17 how can we best provide that service to the government  
 18 and employ people with significant disabilities and,  
 19 you know, which ink it is may have some importance.  
 20 You know, it just depends on the opportunity. A lot  
 21 of it is just how can we get the government satisfied  
 22 providing the price and quality that they're asking  
 23 for and still create jobs for people with  
 24 disabilities.  
 25 And, you know, there may be -- and, again, that's

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1 a great dialogue for you as NCSE members to talk about  
 2 and give us guidance, but right now, you know, we're  
 3 moving forward with just trying to provide -- because  
 4 I can tell you right now that discussions at the  
 5 government are only price and -- price and value,  
 6 price and quality. I mean, that's it. And if we  
 7 can't do that -- and the people with disabilities is a  
 8 nice thing to do after you do the other two, but  
 9 you've got to do -- you've got to do those first.  
 10 So, you know, I look around this room. There is  
 11 probably nobody sitting in here except maybe Mitch and  
 12 Rick where I haven't told no to on some opportunity  
 13 and -- and a number of you also yes, and I know those  
 14 are always difficult discussions. They're not going  
 15 to end. There will still be difficult discussions. I  
 16 think that what we're trying to do is just make sure  
 17 that at the end of the day you understand it, and --  
 18 and that's the best we can do, so --  
 19 MR. LOPEZ: I just -- I just want to understand  
 20 something. I'm not clear, still a little nebulous for  
 21 me. So will the Commission now make the decision? Is  
 22 that what I'm to understand?  
 23 MR. DUBINSKY: Yes, understand that. We're  
 24 making a recommendation, Ruben, on which NPA we are  
 25 going to recommend. We're going to select an NPA to

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1 recommend to the Commission, because that's really  
 2 what the law is asking us to do.  
 3 MR. LOPEZ: So then the -- no decision will be  
 4 published until it goes to the Commission. Is that  
 5 what I'm understanding?  
 6 MR. DUBINSKY: Our -- well, again, the process  
 7 will allow us to identify and make public our  
 8 recommendation, but -- and so we'll continue to do  
 9 that, but the recommendation by itself is not final  
 10 until the Commission puts their stamp of approval.  
 11 MR. LOPEZ: Thank you.  
 12 MR. MAGUID: What's the turnaround, Dave?  
 13 MR. CHAMBERLIN: I have no idea. Mo has asked  
 14 what's the turnaround for that process. Really,  
 15 because we have not started this, we really don't  
 16 know, and I guess as we get into it, we'll -- we'll  
 17 have a better feel for it. And, again, you know, we  
 18 could talk about this for a long time, but that's why  
 19 we have the training available. Again, I highly  
 20 encourage all of you to go to it.  
 21 Are there any other questions about -- about  
 22 this?  
 23 MR. CHAMBERLIN: I just want to make a quick  
 24 comment on turnaround. I don't know that answer  
 25 either, but in the -- as the development of this, we

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1 not only had them go through the training, but they  
 2 were involved in the development, and we were doing  
 3 presentations to them on -- on where we were headed,  
 4 so they were involved in all of that and then the  
 5 active training. So they understand and in some cases  
 6 had a role in exactly what this final process is going  
 7 to be, so I would hope that it's not with the -- the  
 8 little caveat that it's not going to take three months  
 9 to get through the decision process up there because  
 10 they know -- they know what they're getting.  
 11 MALE SPEAKER: It is going to take two days to go  
 12 through this to really understand it. It's  
 13 interesting.  
 14 Tell me a little bit more about when you have  
 15 given the recommendation to the Commission on who  
 16 should get it. You know, if they have that choice,  
 17 then it's a rubber stamp on that choice. So is the  
 18 information you give them, here are five opportunities  
 19 we looked at, here's the rationale why we picked this  
 20 one, do you agree with our rationale?  
 21 MR. DUBINSKY: Well, Sam, really what it is, is  
 22 we have an opportunity out there, and we have  
 23 information from all of the NPAs why they should be  
 24 selected. We're reading that, and our team that's put  
 25 together then makes a recommendation to someone like

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1 me, and we -- and I either concur or not, and then if  
 2 I concur, we -- we formalize that recommendation, and  
 3 we push it forward.  
 4 Now, the Commission can always come back and say,  
 5 you know, why, what made -- what -- well, of course  
 6 we're writing up a justification, but they could still  
 7 ask a question, and the information would be -- that  
 8 we have available to us that came from the responses,  
 9 we could share them with the Commission. But because  
 10 we have not actually put this in practice yet and  
 11 won't until next -- until calendar year '14, I really  
 12 don't know how they're going to view -- to view our  
 13 recommendations.  
 14 And when you say is it a rubber stamp, I think --  
 15 I would not -- I would not categorize it like that. I  
 16 got to believe that the Commission based on the GAO  
 17 report, based on their desire to be much more  
 18 participative in the process, that it will be anything  
 19 but a rubber stamp. I expect them to want to  
 20 understand our decision and question us and make sure  
 21 that we -- that we're doing our due diligence. That's  
 22 my expectation.  
 23 We're going into it as though -- I know -- I know  
 24 I'm prepared and preparing with our BD team to go into  
 25 these where I'm trying to explain my actions to

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1 someone who has no idea how we did what we did or why  
 2 we did what we did and so to make sure that it's clear  
 3 to them, and so I really don't anticipate -- I  
 4 anticipate it to be a change. I don't know what the  
 5 impact of that's going to be until we really start  
 6 practicing.  
 7 FEMALE SPEAKER: I have a question, Dave, because  
 8 that opens up a whole thing that I am assuming  
 9 SourceAmerica has had a discussion with the Commission  
 10 and that they're going to come back and say, this is  
 11 what we plan to do. Are we going to do a test pilot  
 12 with them in January and work out the kinks as we go?  
 13 I guess that's the question. I'm sure there's been a  
 14 lot of dialogue with Martin Williams or the regional  
 15 office people with the Commission about this.  
 16 MR. DUBINSKY: I haven't had -- I mean, Bob, I  
 17 don't know. I mean, again --  
 18 MR. CHAMBERLIN: I don't know if I follow the  
 19 question.  
 20 FEMALE SPEAKER: Well, we're starting this NPA  
 21 recommendation process January 1, 2014. So when an  
 22 opportunity goes out and SourceAmerica makes a  
 23 recommendation, it's going to be sent to the  
 24 Commission. I guess I'm trying to understand. The  
 25 missing piece of this puzzle is their process involved

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1 on that end and are they -- do we anticipate them  
 2 coming back before January 1 and saying, this is what  
 3 we intend to do, are we going to give a rubber -- I  
 4 don't necessarily think it's going to be a rubber  
 5 stamp, but what is their process?  
 6 MR. CHAMBERLIN: Well, they don't -- have not  
 7 told us when and if they're coming back with that. I  
 8 think that's a good question, though, and I think that  
 9 we'll -- we'll talk with them about that, but -- but  
 10 what threw me off was the thing about doing a pilot,  
 11 doing a test, and all this. I don't think that's  
 12 what's into play.  
 13 Again, nothing reaches perfection, but on the  
 14 other hand, the whole way this thing is designed, as I  
 15 said earlier, by going back to the law and then  
 16 tracing it all the way through the regs and so on, and  
 17 that's where sometimes there's a little curveball in  
 18 there and so on where things haven't been in  
 19 accordance when you go back. That's how we're doing  
 20 it.  
 21 So when the questions -- some of the questions  
 22 when there is an appeal are pretty obvious what they  
 23 could be asked, and the most common one is that  
 24 something is -- in the decision process is not  
 25 outlined up front. So we have a requirement and we

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1 have criteria, and then all of a sudden a decision  
 2 is made and it's based on something that doesn't even  
 3 exist, so -- or it could be. So that's in going  
 4 through the process, and that's why a lot of this  
 5 standardization within SourceAmerica on who's going to  
 6 evaluate them coming through and so on.  
 7 So, again, I don't mean to -- to live in a dream  
 8 world, but I think if we've done this right, and I  
 9 think we've done a pretty good job, that's my  
 10 assessment from watching it so far, that these are  
 11 going to come through meeting those criteria and  
 12 hopefully simplify the effort for them, but their  
 13 effort is not going to be a rubber stamp either.  
 14 FEMALE SPEAKER: And their feedback was positive  
 15 during the training?  
 16 MR. CHAMBERLIN: Yes. Even when we gave them the  
 17 grade on their test. They had to take the grade.  
 18 MR. DUBINSKY: Well, we're out of time for that  
 19 topic, thankfully. We do have -- we do have some time  
 20 on the agenda for general questions, and I'll be glad  
 21 to take them, or Bob or anybody.  
 22 I want to again thank our consultants. Thank you  
 23 guys for coming. That was very, very helpful  
 24 hopefully to the community.  
 25 If there are any general questions, we'll take

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1 them at this time. I do also want to point out that  
 2 the agenda this year to the degree possible, I know  
 3 Carol Carr worked very hard to make this relevant for  
 4 the NCSE membership. You know, this is really your  
 5 meeting. We at SourceAmerica agree to fund it to make  
 6 it happen, but we're trying to make this not a  
 7 SourceAmerica meeting but an NCSE meeting and to  
 8 answer to the topics that are of interest to you from  
 9 the NPA community, and hopefully you found this  
 10 executive forum to be of value.

11 So if you have any -- any other general  
 12 questions, we'll be glad to answer them.

13 FEMALE SPEAKER: I just have a few comments. I  
 14 want to thank everybody for -- for being here. Also,  
 15 I want to reach out to you. Are the communications  
 16 coming to you? If they're not, please let me know so  
 17 I can get you on the distribution list, because I  
 18 probably do a monthly email distribution to everybody  
 19 on the PAC list region. So if you're not on it, if  
 20 you just let -- well, if you don't have my email, let  
 21 Katherine know, and she'll get that information to me.

22 One other item I'd like to say, and I'm doing  
 23 this very impromptu because I didn't ask them, but I  
 24 wanted to acknowledge that John was here with the -- I  
 25 know he spoke yesterday about the 14C. And is there

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1 anything else that you'd like to apprise the  
 2 membership here regarding any legislation, outstanding  
 3 legislation that they should be aware of or keep their  
 4 eyes and ears to the --

5 MALE SPEAKER: I'm not sure about any other  
 6 legislation. There is a lot going on. I was  
 7 watching the Senate just passed the Employment  
 8 Non-Discrimination Act that they were working on  
 9 related to sexual preference, so that just passed.  
 10 That wasn't something we were watching necessarily,  
 11 but it's just happened while we were sitting here.

12 So I don't know if there's other legislation I'd  
 13 point to that we need to watch. We're working on a  
 14 lot of various different things, government affairs,  
 15 around FPI, around flags, around Berry extensions,  
 16 some of those things.

17 The one thing I would say, though, and I was  
 18 going to raise my hand earlier, but I didn't, around  
 19 the Affordable Care Act, because everybody does have  
 20 questions, and there's questions that weren't asked  
 21 here today, and there's more questions that are going  
 22 to come up. In a lot of cases we can help answer  
 23 those, and in some cases the best answer maybe is  
 24 somebody else in this room who's experienced the same  
 25 thing and tried to figure it out.

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1 So with that in mind, one of the things we've  
 2 done is set up on the extranet a forum related to  
 3 the Affordable Care Act that has a couple different  
 4 sections. It has an area for documents. So as we  
 5 produce documents, it will help me to put them there.  
 6 It has a section for news, so as key news stories that  
 7 impact our community come up, we put them there. But  
 8 maybe the most important part, it has a discussion  
 9 forum. So as you're experiencing things and you have  
 10 questions or thoughts and want to chat with your peers  
 11 and with us, you can start topics there, and there can  
 12 be back-and-forth discussion. We'll certainly be  
 13 monitoring that, but, again, I think the real value  
 14 may be folks in this room and in other regions  
 15 discussing it amongst yourselves as well. So I wanted  
 16 to make sure --

17 MALE SPEAKER: Where is that? Where is that,  
 18 John?

19 MALE SPEAKER: If you go to the extranet, there's  
 20 a place called "Resources" and then on the government  
 21 affairs page there. It will be in every -- if you're  
 22 a CEO, you should be getting the weekly update every  
 23 Wednesday. I hope everyone is. Within that is a  
 24 public policy update, and we'll have a link directly  
 25 to that in this coming week's public policy update so

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1 that -- we found that to be helpful, and, again, we've  
 2 got some off-site experts too on the Affordable Care  
 3 Act that monitor that as well. So that may be helpful  
 4 for you.

5 MALE SPEAKER: Is everyone getting that CEO  
 6 update?

7 MALE SPEAKER: Yes.

8 MALE SPEAKER: Do you know what that is? Okay.  
 9 Good.

10 MR. DUBINSKY: Okay. Well, I think we're done.  
 11 I want to again thank -- Bob, thank you for coming.  
 12 That was very helpful. Elizabeth, John, Sherry  
 13 Walton, Casey, you know, our team from Vienna.  
 14 Oh, we have one more question?

15 FEMALE SPEAKER: No. I just want to mention that  
 16 the food is here, but it's placed right outside the  
 17 doors here, so please don't exit those doors, exit  
 18 over here.

19 MR. DUBINSKY: That's important. Yeah.  
 20 (End of Audio File 20131107 110258.m4A)  
 21 \* \* \*  
 22  
 23  
 24  
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1 (Audio File 0401204)  
 2 MR. LOPEZ: Today is April the 1st.  
 3 (Beginning at 1:10)  
 4 MR. DUBINSKY: How's it going?  
 5 MR. LOPEZ: Fine, thank you. I think fine.  
 6 We're working at it, as you can see.  
 7 MR. DUBINSKY: Yeah.  
 8 MR. LOPEZ: We've --  
 9 MR. DUBINSKY: I got a good report from Tom and  
 10 Terry, you know, with their -- I guess they were  
 11 moving forward with S.T.A.R.S.  
 12 MR. LOPEZ: Yes.  
 13 MR. DUBINSKY: Things look good with that?  
 14 MR. LOPEZ: Yeah. We're happy about that. We  
 15 need to do something out there to show Yolanda and  
 16 Jason and Sylvester that we're acting with it, we are  
 17 working at it. As you probably saw my email on  
 18 Friday, we have to; we had no choice. We were working  
 19 with them, and we saw everything aligning itself in a  
 20 bad -- negatively.  
 21 MR. DUBINSKY: Yeah.  
 22 MR. LOPEZ: We got reports that every day for two  
 23 weeks San Francisco contracting was at Peckham,  
 24 sometimes the whole day, and we thought, no, this is  
 25 not looking good, this is just not looking good, and

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1 that was in spite of the fact that we had been there  
 2 for the meetings.  
 3 MR. DUBINSKY: Right.  
 4 MR. LOPEZ: That we told them, you know, we're --  
 5 Tina was there, and Jim was there, we're starting  
 6 S.T.A.R.S., SourceAmerica is going to help us train.  
 7 All of those actions that we were taking, for some  
 8 reason they were not focusing on.  
 9 MR. DUBINSKY: Well, you know, I read your email.  
 10 I was a little surprised. It seemed like you were  
 11 sort of throwing us under the bus a little bit there,  
 12 but I don't know if you did that intentionally. Just  
 13 to kind of, one -- and maybe we have done this. I  
 14 tried to find out, but Jim is -- Jim left yesterday to  
 15 go to -- there's what's called a GSA alliance. So I  
 16 don't know how strong this alliance is. It seems to  
 17 be more talk than -- but there's an alliance that was  
 18 signed by the senior people of GSA and the Commission  
 19 and SourceAmerica years ago, and it was meant to  
 20 produce more work for our program, but ever since the  
 21 alliance was signed we've actually not gotten very  
 22 much work, but it's a group of people that mean well.  
 23 They get together. Karen Blondin kind of runs it from  
 24 the GSA central office.  
 25 And so I wasn't able to get ahold of Freeman

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1 yesterday. He did call me today, but I was curious  
 2 because in your email it suggested that, you know, we  
 3 go there and don't -- and don't let your staff know,  
 4 and I kind of have a rule that we shouldn't be doing  
 5 that. Now, there are -- maybe -- maybe there have  
 6 been times where, you know, GSA has called us and  
 7 said, can you meet me there, and we do it, thinking  
 8 we're -- we're, you know, customer-servicing them, but  
 9 I want to make sure that when we do that that at least  
 10 your local people know.  
 11 MR. LOPEZ: Yes.  
 12 MR. DUBINSKY: And -- and, I mean, we're making  
 13 an effort to do that. We're not trying to be in  
 14 cahoots with GSA --  
 15 MR. LOPEZ: Right.  
 16 MR. DUBINSKY: -- in any way. As you -- as you  
 17 know, this has been an issue ever since we -- we  
 18 recommended Bona Fide for that project. And so, you  
 19 know, Ruben, I've tried to stay aboveboard with that  
 20 with you, but I don't know if you're sensing something  
 21 else.  
 22 MR. LOPEZ: No. I think in a way I needed to --  
 23 we all know what's happening. We have talked. The  
 24 problem I'm having with that office is that we talk to  
 25 them. We will sit across the table and talk, and it

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1 will seem great. Yeah, no problem. We have this  
 2 course of action. Yeah, it's understandable. And  
 3 then I get on the plane. By the time I land here, I  
 4 have a slew of emails that are negative. We just  
 5 talked about this. We just discussed it.  
 6 MR. DUBINSKY: When you say "the office," who, I  
 7 mean --  
 8 MR. LOPEZ: Yolanda and Jason.  
 9 MR. DUBINSKY: Oh, Yolanda and Jason.  
 10 MR. LOPEZ: Yolanda and Jason, yeah.  
 11 MR. DUBINSKY: All right.  
 12 MR. LOPEZ: So we'll say -- for instance, the  
 13 NCRs for the (unintelligible), okay, here it is, we  
 14 have an NCR. Do we agree? Oh, sure, absolutely. So  
 15 we're going to give you the number of porcelain  
 16 fixtures. Absolutely, yeah. So we're talking, great.  
 17 I land in San Diego, and they're doing onsets,  
 18 and I thought we just talked about this, we discussed  
 19 it. And then finally when my people are out there,  
 20 they said, well, what about the NCR? Then I get a  
 21 flat, well, you know, it doesn't matter, we're still  
 22 going to -- we're still going to (unintelligible).  
 23 Then I'm thinking, what can we do with that?  
 24 Now, as far as meetings, once, I think, Jim  
 25 forgot. He thought he invited me. He forgot. So I

1 get that. And then the other I think they called you  
2 directly and said come, and I know you're trying to  
3 service that, but I want them to also include us.  
4 So I'm addressing it, you know, mostly GSA, and since  
5 we're all in this together, I have to -- I have to  
6 address you.

7 MR. DUBINSKY: Well, I -- I don't mind -- you  
8 know, obviously we're doing it together, but what I'm  
9 trying to make sure that the IG -- I mean, I went  
10 through quite a bit of effort with them back when we  
11 were doing the Lloyd George building and that whole  
12 mess, you know. I was always very honest with them  
13 and that we had no ill feeling towards Bona Fide, you  
14 know, it was not -- going back from to the very  
15 beginning of the Lloyd George situation, it wasn't,  
16 oh, because I was trying to get even with Bona Fide or  
17 feel bad, you know. I was making choices because of  
18 information I had which was very different from  
19 information you had and following practices that I had  
20 been following for years, and now we don't do things  
21 like that anymore, which is probably better for the  
22 whole community at large.

23 But right after that, you know, is when I started  
24 to see kind of the unequal treatment you were  
25 receiving from GSA, not necessarily spoken, just in

1 action, you know, and -- and people that were your  
2 biggest fans at one time suddenly were no longer --

3 MR. LOPEZ: Absolutely.

4 MR. DUBINSKY: -- fans of Bona Fide, you know,  
5 Tracy Wilmot and people that are no longer really in  
6 the picture, at least if they are, it's not real  
7 evident to me how they -- how they interface, but --

8 MR. LOPEZ: They were a little bit -- I mean,  
9 they were up until recently --

10 MR. DUBINSKY: Yeah.

11 MR. LOPEZ: -- they were still part of it. And,  
12 I mean, there's no beating around the bush. The email  
13 sort of pretty much explains it all. We --

14 MR. DUBINSKY: Well, the Steven Underhill thing,  
15 there's a lot more that's going on there than --

16 MR. LOPEZ: Yes.

17 MR. DUBINSKY: -- than what I'm aware of, I  
18 think.

19 MR. LOPEZ: Yes.

20 MR. DUBINSKY: Because it had to do more -- I  
21 mean, he was also involved in your commercial work,  
22 right?

23 MR. LOPEZ: Absolutely.

24 MR. DUBINSKY: The Tried and True work?

25 MR. LOPEZ: Yeah.

1 MR. DUBINSKY: Right.

2 MR. LOPEZ: It was -- it was in all a global, a  
3 global action, you know, front of action for them.

4 MR. DUBINSKY: And we had very little overlap  
5 with -- with Underhill. I mean, he was, you know, an  
6 assistant building manager to Barbara Payton. Barbara  
7 was somebody that, you know, I went to to get her  
8 opinion about things as I would any building manager,  
9 and, you know, I didn't at that time perceive Barbara  
10 as being negative towards your organization at all,  
11 but, you know, that -- maybe it wasn't obvious. I  
12 don't know. I don't really know her that well.

13 It's one of those -- you know, it's one of those  
14 situations where if you wind the clock back to 2009  
15 and '10, '11 maybe even, I knew everybody in GSA/PBS  
16 very well because they had been there for years in  
17 San Francisco and also the suboffice in Oakland, and  
18 building managers, depending on the building, you  
19 know, I knew some of them. Area managers, I knew some  
20 of them, you know, from interfacing, but -- but not so  
21 much -- you know, Barbara Payton was somebody I -- I  
22 knew mainly from talking to her on the phone.

23 Now what's really interesting is the entire GSA  
24 Region 9 team, other than Patrick Jones, has turned  
25 over, and I know very few of them very well. I mean,

1 we -- we meet, but I don't know them. Debbie, you  
2 know, Tyson.

3 MR. LOPEZ: Tyson, right.

4 MR. DUBINSKY: You know, I've met with her a  
5 number of times, but I don't really know her, not --  
6 not like I knew her predecessors who had been there  
7 for ten years or whatever. So just kind of curious  
8 what's going on, whether -- I mean, I get from your  
9 email, obviously, you're feeling kind of persecuted, I  
10 guess, is a good word.

11 MR. LOPEZ: Yeah.

12 MR. DUBINSKY: Treated unfairly.

13 MR. LOPEZ: Well, as our forefathers said, we  
14 hold all evidence to be self -- I mean, all truths to  
15 be self-evident.

16 MR. DUBINSKY: Right.

17 MR. LOPEZ: I mean, we're getting this very  
18 obvious, you know, finger on this, I mean, if you're  
19 going to talk -- there's a fingerprint on this. You  
20 know this is -- we're not here -- we're not talking  
21 normal.

22 MR. DUBINSKY: Right.

23 MR. LOPEZ: You know that.

24 MR. DUBINSKY: Right. Well, no. I mean, we

25 both -- I mean, you've been in the custodial business

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1 for a long time.

2 MR. LOPEZ: Right.

3 MR. DUBINSKY: We tell everybody, you know, if

4 the government wants -- it doesn't matter government

5 or commercial really -- if they want to find dirt in a

6 building, they can. There's no way you can clean and

7 hit every corner, every crevice, every shelf, every --

8 you know, when somebody looks at a contract, if

9 they're out to get you, they can get you.

10 MR. LOPEZ: Sure.

11 MR. DUBINSKY: And we always talk about

12 relationship-building is absolutely essential. It may

13 be more important than your quality control program.

14 MR. LOPEZ: Agreed.

15 MR. DUBINSKY: You know, because it's how you --

16 how do you interface, is there trust in the building.

17 And most building managers who have experience also

18 know that no contractor is going to be perfect, and

19 what they want is a reasonably clean building

20 following the contract, and that's what they're --

21 that's what they're looking for, and normally when you

22 give that to them, that's good enough.

23 MR. LOPEZ: It's true.

24 MR. DUBINSKY: I think in this case -- you know,

25 you and I have talked about San Jose a number of

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1 times. I felt that the people in that building never

2 really gave Hope Services a good opportunity. I mean,

3 they had been in that building 17 years.

4 MR. LOPEZ: Oh, wow. That's a long time.

5 MR. DUBINSKY: Long time. And just, you know,

6 the last five were -- were brutal.

7 MR. LOPEZ: Like this.

8 MR. DUBINSKY: It was like this. Well, what

9 you're saying is a continuation and maybe even amping

10 it up a little bit, but, you know, everything that

11 went wrong in that building the last two or three

12 years Hope was in there became their fault, even if --

13 you know, GSA at one time was delivering I believe it

14 was two copiers in a hallway, and you could tell that

15 they had set them down on the floor and indented the

16 tile.

17 MR. LOPEZ: Right.

18 MR. DUBINSKY: And the next thing you know it's,

19 oh, Hope did it with their buffer.

20 MR. LOPEZ: Right.

21 MR. DUBINSKY: I'm like, you know, you can't do

22 that with a buffer. I mean, you can't -- I don't care

23 how you misuse a piece of equipment, you can't make

24 that mark. Oh, yeah, they -- you know, they did it

25 with the buffer. They wrote them up. You know, we

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1 fought it. I brought in Bill Griffin, who I, you

2 know, think is a --

3 MR. LOPEZ: He's good.

4 MR. DUBINSKY: -- very smart guy when it comes to

5 floors. He testified, you know, that you can't make

6 those marks with a buffer, that had -- you know, he

7 knew -- he got even to the rating of the tile, how

8 heavy would something have to be to indent a tile.

9 GSA ignored all that, and they -- they wrote a CDR.

10 We helped Hope reclama it. We got them out of the

11 contract. I even took almost \$5,000 of our own budget

12 and went and hired a firm to refurbish carpet areas,

13 re-dye carpet areas that they claimed Hope ruined.

14 We -- I always felt it was sabotage, Ruben, that

15 somebody was in there pouring peroxide or something,

16 because it didn't make sense. You know, they were

17 saying, oh, the clean -- the crew was dripping bleach.

18 Well, they didn't have bleach. They weren't using

19 bleach.

20 MR. LOPEZ: There you go. I mean, I used the

21 word "sabotage" because that's what we are noticing.

22 We're noticing exactly that. We're noticing we clean,

23 we leave, sometimes five minutes later they come, and

24 I -- I mean, it's just a mess. We even have pictures

25 of it before and after, five minutes later.

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1 MR. DUBINSKY: So when you -- so you're to the

2 point now where -- are you using Clean Telligent in

3 that building?

4 MR. LOPEZ: Um-hmm, um-hmm.

5 MR. DUBINSKY: So when you're done, you can

6 record pretty, I mean, precisely really when you're

7 done with a particular area, make a note of it; but, I

8 mean, it's unbelievable if you have to now take

9 photographs to prove that it's done.

10 MR. LOPEZ: I mean, think about it. I didn't

11 think of the conflicts -- I did not know the conflicts

12 that Hope -- the situation with Hope, but with us

13 Yolanda sent me an email about three months ago

14 saying, I saw your people scraping the door and they

15 damaged it. I said, okay, Yolanda, I'll be happy to

16 get a contractor and repair it; and immediately I get

17 an email, an hour later, we are counting the doors in

18 the building. And I said: Excuse me, Yolanda. I was

19 talking about the door that you personally saw being

20 damaged. I can't speak to the building or agree that

21 my worker scraped all the --

22 MR. DUBINSKY: All the doors.

23 MR. LOPEZ: -- doors in your building.

24 MR. DUBINSKY: Yeah.

25 MR. LOPEZ: I apologize, I was talking about the

1 door you personally saw. So that was an interesting  
 2 thing. So, I mean, in any event, we have to address  
 3 it. It's bigger than -- than us, and it has to be  
 4 resolved. I think I have exercised the patience,  
 5 reasonable patience and then some, and it's at the  
 6 point where we're going to have to get to the bottom  
 7 of this.  
 8 MR. DUBINSKY: So you sent an email back to  
 9 Mumper and Lisa Marie or Maria, whatever her name is.  
 10 I know I've met her before.  
 11 MR. LOPEZ: And their boss.  
 12 MR. DUBINSKY: And their boss.  
 13 MR. LOPEZ: And their boss, yeah.  
 14 MR. DUBINSKY: Did he respond to you?  
 15 MR. LOPEZ: Yes.  
 16 MR. DUBINSKY: Oh, he has already?  
 17 MR. LOPEZ: Yeah, already. No, that thing is in  
 18 motion.  
 19 MR. DUBINSKY: Okay. So what, I mean -- and that  
 20 was the thing that I wanted -- I didn't want to  
 21 respond. In fact, I was trying to call Jean this  
 22 morning to say, you know, I want Mumper to know  
 23 that -- because, you know, I went around and around  
 24 with him last go-round. I can't speak to the other --  
 25 well, Lisa DeMarie, whatever her name, was part of our

1 things like the floors.  
 2 MR. LOPEZ: Correct. No, I --  
 3 MR. DUBINSKY: You know, it's -- it's difficult  
 4 because, you know, if we become antagonistic to GSA in  
 5 a big way --  
 6 MR. LOPEZ: Sure.  
 7 MR. DUBINSKY: -- you know, it could affect  
 8 hundreds of people, you know, hundreds of people that  
 9 are working. You know, they -- we're trying to  
 10 maintain an open relationship with them. I don't -- I  
 11 mean, it doesn't bother me what your email said, but I  
 12 just want to -- I want Mumper to know that we're  
 13 not -- we don't make it a routine habit to go into a  
 14 building to find fault with one of our contractors.  
 15 That's not what we do.  
 16 MR. LOPEZ: Let me share something with you.  
 17 MR. DUBINSKY: Sure.  
 18 MR. LOPEZ: You know that I've worked with law  
 19 enforcement agencies for many years now.  
 20 MR. DUBINSKY: Yes.  
 21 MR. LOPEZ: Going on 25 now. Let me share  
 22 something with you right here. This, as you know, is  
 23 the Supreme Court.  
 24 MR. DUBINSKY: Sure.  
 25 MR. LOPEZ: But this is something I learned a

1 interviews, but I went around and around with him  
 2 to -- and at times, you know, I would let him know  
 3 that -- you know, when I came here, like it was a year  
 4 ago January, you know, I sent him an email. I said,  
 5 hey, we're continuing to work with Bona Fide  
 6 Conglomerate to ensure that we're treating them  
 7 fairly, providing the same level of service, you know,  
 8 we provide to anybody else.  
 9 There was a lot of confusion at our corporate  
 10 office. There's still confusion at our corporate  
 11 office. Every time we get together with you and GSA  
 12 and put some kind of plan in place, they don't really  
 13 understand what we're doing, you know, well, are  
 14 you -- is it a penalty, are you -- I go, no, what  
 15 we're trying to do is quantify these complaints and  
 16 put a box around it so we can deal with it, because if  
 17 we don't do that, it stays open-ended. You know, GSA  
 18 is just saying, well, they're not providing good  
 19 service.  
 20 And, you know, so our tact has always been, well,  
 21 put in writing what the contractor is not doing, let  
 22 us -- let us work with them to fix those things and  
 23 try to get them off of the -- because we don't want  
 24 them coming back and coming back and coming back,  
 25 things like these fixtures, things like the carpeting,

1 long time ago, law enforcement principles in the  
 2 Bible. And you know we say, "In God we trust."  
 3 MR. DUBINSKY: Right.  
 4 MR. LOPEZ: Well, we do. "Let every soul be in  
 5 subjection to the superior authorities, for" they are  
 6 an authority -- "there is no authority except by God;  
 7 the existing authorities stand placed in their  
 8 relative positions by God. Therefore he who opposes  
 9 the authority has taken a stand against the  
 10 arrangement of God; those who have taken a stand  
 11 against it will receive judgment to themselves. For  
 12 those rulers are an object of fear, not to the good  
 13 deed, but to the bad. It says to you then, Do you  
 14 want to have no fear of the authority? Keep doing  
 15 good, and you will have praise from it, for it is  
 16 God's minister to you for your good. But if you are  
 17 doing what is bad, be in fear, for it is not without  
 18 purpose that it bears the sword. For God's a  
 19 minister, an avenger to express wrath on the one  
 20 practicing what is bad."  
 21 That's Romans 13:1-4. Sometimes we don't realize  
 22 these law enforcement agencies have a God-given  
 23 support. They're not just men doing their thing. If  
 24 it weren't for them, this world would be in chaos.  
 25 And I've learned -- look at this one. This is my

1 personal favorite. "Do not be afraid, for I am with  
2 you. Do not gaze about, for I am your God. I will  
3 fortify you. I will really help you. I will really  
4 keep fast hold of you with my right hand of  
5 righteousness. Look. All those men heated up against  
6 you will become ashamed and be humiliated. The man  
7 who has quarreled with you will become as nothing and  
8 will perish. You will search for them, but you will  
9 not find them, those men that struggle. They will  
10 become as something nonexistent and as nothing, those  
11 men at war with you. For I, Jehovah your God, am  
12 grasping your right hand, the One saying to you, 'Do  
13 not be afraid. I myself will help you.'"

14 Your name is David. Do you know why -- why were  
15 you named David?

16 MR. DUBINSKY: Well, it's an old family name. My  
17 middle name is Peter.

18 MR. LOPEZ: Okay.

19 MR. DUBINSKY: So, you know, my grandfather was  
20 Peter. My great-grandfather was a David. You know,  
21 my family came here -- I'm third-generation American,  
22 but my family -- my father was born in this country.  
23 His father was not.

24 MR. LOPEZ: Okay.

25 MR. DUBINSKY: So, you know, the -- but he came

1 to this country as a young man, and they -- they came  
2 here from what was Russia at the time, and they were  
3 fighting against the rise of Communism.

4 MR. LOPEZ: Right.

5 MR. DUBINSKY: And eventually lost that battle  
6 and emigrated to the U.S.

7 MR. LOPEZ: Because David is -- you know the  
8 story of David and Goliath.

9 MR. DUBINSKY: Um-hmm.

10 MR. LOPEZ: It's very well-known, and sometimes  
11 people name their sons David because of that.

12 MR. DUBINSKY: Yeah.

13 MR. LOPEZ: You might have -- you know, sometimes  
14 we just have to think, when David volunteered to fight  
15 Goliath, it wasn't like he thought, well, maybe I can  
16 win or I hope I'm successful. By the time he  
17 volunteered, he knew --

18 MR. DUBINSKY: Sure.

19 MR. LOPEZ: -- he would win.

20 MR. DUBINSKY: Sure.

21 MR. LOPEZ: So I have lived that for pretty much  
22 all my life. By the time I engage on something, there  
23 is no question, there is no maybes; it's going to  
24 happen, because everything, it falls into place. And  
25 that's why I've spent most of my life aligning myself

1 with law enforcement because I know the backing they  
2 have.

3 And I didn't come here to educate you on  
4 religion, absolutely not. I didn't ask you to come  
5 here. I asked you to come -- I asked you to come  
6 because I think that you're -- I believe in your  
7 honesty. You have expressed at times Goodwill toward  
8 us, and I believe that there's an honest man in there.  
9 So it's a compliment to you.

10 MR. DUBINSKY: Well, I appreciate that. I try to  
11 deal honestly. You know, I don't recall any time  
12 where I have mis --

13 MR. LOPEZ: Let me share something with you.

14 MR. DUBINSKY: -- lied to you.

15 MR. LOPEZ: No. Let me share something with you,  
16 David. It's been nine years since we've been involved  
17 with NISH and now SourceAmerica, and during that time  
18 we have patiently learned, studied, understood,  
19 investigate. By today, and I'm going to be very open  
20 with you, we have several volumes of information as to  
21 exactly what is happening.

22 MR. DUBINSKY: Okay.

23 MR. LOPEZ: We've had -- we've spoken to many  
24 people. You know there are always disgruntled  
25 employees.

1 MR. DUBINSKY: Oh, yeah.

2 MR. LOPEZ: It happens everywhere. We've spoken  
3 to them. We know what happened to a detail, I mean to  
4 an expression on their face, and just like we have  
5 been polite and we've held back and that. Like with  
6 (unintelligible), we knew about that. What do you  
7 mean you gave it to Bona Fide? He sued us. We've  
8 known for years. We just haven't told him. Today we  
9 have no choice to say, come on. By the same token,  
10 with SourceAmerica -- and I'm -- I have no problem  
11 sharing this with you because it's going to become  
12 public soon.

13 MR. DUBINSKY: Sure.

14 MR. LOPEZ: We know details of everything,  
15 statements, conversations, motives, everything, and I  
16 know that you -- there is an honest man in there,  
17 okay? And that's why I am -- I asked you to come, and  
18 in a positive way you can make decisions that will  
19 benefit yourself. Negative way, we go the way we've  
20 been going, and things happen as they go.

21 But working with law enforcement, you know, I've  
22 spent some -- through the years from information of my  
23 ties to DEA, FBI, we work with them day in and day  
24 out, what will happen, David, is first, and talking  
25 about me personally and actions, that I can assure you

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1 that as of today SourceAmerica will no longer be able  
 2 to control its destiny as of today. Afterwards, when  
 3 SourceAmerica, the issues are resolved, individuals  
 4 will be addressed personally.  
 5 MR. DUBINSKY: Okay.  
 6 MR. LOPEZ: I don't know if you heard about Mia.  
 7 MR. DUBINSKY: Yeah.  
 8 MR. LOPEZ: Okay. Individuals that thought,  
 9 well, you know, we're just doing our job. No, it  
 10 doesn't work that way.  
 11 MR. DUBINSKY: Right.  
 12 MR. LOPEZ: Afterwards you're collectively an  
 13 individual. Everyone has to respond to things. It  
 14 didn't work in Nuremberg, you know, saying, oh, I was  
 15 a traffic soldier, I was just -- it doesn't work  
 16 there; it didn't work today. So everyone has an  
 17 opportunity, you and I, to do the right thing, okay?  
 18 We know possibly that you might have been forced  
 19 to make decisions you realized were not wise, that you  
 20 knew in your -- everyone knows now this is not right,  
 21 it shouldn't be, but we have bosses, and we have to  
 22 toe a line. It's a fact. It happens to all of us.  
 23 But there is a time when you have the ability and the  
 24 opportunity to undo where there is an individual, not  
 25 as an organization. That never happens.

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1 We work with, as you saw in the email, with huge  
 2 cartels. We are experts at this, take them apart,  
 3 dissect them, done it for years. There is always a  
 4 window of opportunity for individuals to do the right  
 5 thing and benefit themselves individually, not  
 6 organizationally. That doesn't happen. It can't.  
 7 It's impossible. What is done is done. People are  
 8 not judged by what they will do tomorrow, what they  
 9 will -- are doing today. We are all judged by what we  
 10 have done over the last ten years. That cannot be  
 11 changed. Impossible, no matter what you do.  
 12 So knowing that I know the details and am  
 13 offering you as a gentleman in a kind and positive way  
 14 the opportunity to do the right thing, have you at  
 15 times been forced to do something you knew you  
 16 shouldn't or couldn't?  
 17 MR. DUBINSKY: So when you -- when you talk about  
 18 things that I have done or that the organization has  
 19 done, because -- because, you know, our  
 20 organization -- and this is the way I look at it. Our  
 21 organization has been -- you know, it's not a stagnant  
 22 body. It doesn't have a long history like some  
 23 companies do.  
 24 So our organization has actually evolved, and I  
 25 would say the first 20 years, from 19 -- well, my

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1 history started in the '80s, but from the 1970s to  
 2 probably about 1994, that period, our organization  
 3 operated, you know, with one speed and one way. We  
 4 basically had single leadership over that period of  
 5 time, and the organization was very small, decisions  
 6 were pretty quick.  
 7 You know, when I was sent as a very young man  
 8 from our corporate office to California in 1994, it  
 9 was about the 20-year mark. If I -- if I went back to  
 10 Washington or my peers, we went back there, you know,  
 11 we always met with the -- what was then the CEO. We  
 12 didn't call him the CEO of the board. We didn't  
 13 really have that at the time. We had different  
 14 titles. But all the emphasis was in the regions and  
 15 on growth and on trying to find ways to get more  
 16 people employed.  
 17 The process was very different because the  
 18 Commission, the committee, it was called at that time,  
 19 allowed us to add projects to the procurement list  
 20 without government approval. When I say that, what I  
 21 mean is they were the government, they could approve,  
 22 but I didn't need to go ask a building manager or  
 23 even -- to some degree I had to have some agreement at  
 24 the -- at the contracting level, to take GSA, at the  
 25 Region 9 level, but even if I didn't, if I had a good

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1 story to tell, the committee may add that project to  
 2 the PL, and the story would be that, you know, I'm not  
 3 impacting a small business by -- you know, they always  
 4 managed impact, but approximately 15 percent, that I  
 5 know that this project is a smaller amount of their  
 6 total sales than 15 percent, and we -- and if we were  
 7 willing to take the project at the then-market price,  
 8 whatever was being paid to the current contractor plus  
 9 5 percent, which allowed that nonprofit to pay the  
 10 CNA fee --  
 11 MR. LOPEZ: Sure.  
 12 MR. DUBINSKY: -- plus 1 and a half or 1 percent  
 13 difference, we could add it to the procurement list.  
 14 So you can imagine, Ruben, in the '90s, and I could  
 15 show you data, you know, we were adding in our region  
 16 alone 40 to 50, you know, 36 projects every year,  
 17 and -- and two, three, four hundred, one year 800  
 18 jobs. That would be more than we do as an  
 19 organization now even though we're much bigger,  
 20 because it was -- there was just a lot of what I call  
 21 low-hanging fruit. There were federal buildings,  
 22 there were commissaries, there were military bases  
 23 where we had no presence, and we were able to build a  
 24 good base.  
 25 Starting about 2001, a gentleman here from

1 San Diego that was connected to Job Options was on our  
 2 board at the time, Bill Mead.  
 3 MR. LOPEZ: Bill Mead.  
 4 MR. DUBINSKY: Bill didn't last very long. He  
 5 was kind of an outspoken guy. But Bill wanted to  
 6 bring some discipline to -- to our process. Bill was  
 7 the first one -- and at that time I attended all the  
 8 board meetings. I don't do that today, but at that  
 9 time all the executive directors were always at the  
 10 board meetings. And the board meetings themselves  
 11 were not where events happened. It's usually in these  
 12 committee meetings. The board committees spin off,  
 13 and they meet. And that was where the first time I  
 14 heard Dr. Mead talk about we need more transparency,  
 15 we cannot -- you know, the world was changing rapidly  
 16 at that point, and decisions were being made somewhat  
 17 in a vacuum.  
 18 You go back, and I remember one question Harry  
 19 Mumper asked me about the first time we took a run at  
 20 the Lloyd George building. I actually walked into the  
 21 building with Opportunity Village as -- as a  
 22 preselected -- we didn't have a process where I would  
 23 compete it. It was sort of find an agency you thought  
 24 had the capability, take them with you, sell that, if  
 25 you will, sell that package to the government, and

1 MR. LOPEZ: Sure.  
 2 MR. DUBINSKY: You would get them one contract  
 3 and another, and you would try and build them. That's  
 4 really what we were doing at that time, but at the  
 5 same time these companies were getting bigger and  
 6 bigger. And what I didn't see, what I wasn't able  
 7 to see, because, you know, sometimes when you're in  
 8 the forest you don't --  
 9 MR. LOPEZ: Yeah.  
 10 MR. DUBINSKY: -- well, the larger organizations  
 11 were also -- oftentimes on our board, were also  
 12 influence drivers, you know, to the degree that  
 13 individuals were purposely misleading the program for  
 14 their personal gain. There may have been some of  
 15 that, but I don't think it was -- to me it was not  
 16 widespread. It was -- you know, I mean, many of --  
 17 many of the people that I recall on our board at that  
 18 time were actually very high ethical individuals.  
 19 MR. LOPEZ: At that time. There are things that  
 20 I know that you don't know, like what happened in  
 21 Vienna evidently, but like I said, by the time I -- by  
 22 the time I --  
 23 MR. DUBINSKY: Well --  
 24 MR. LOPEZ: -- am speaking to you, I have solid  
 25 proof.

1 then see if you could make it work. I mean, that's  
 2 how -- up until that point the vast majority of  
 3 projects were added to the procurement list exactly  
 4 that way.  
 5 And I explained that to Mumper. I said, you  
 6 know, we -- and he said, you know, Mr. Dubinsky, you  
 7 know, as a contracting person didn't you feel that was  
 8 wrong? And I said, you know, no. To be honest with  
 9 you, I was trained, I was brought up in that  
 10 environment, I was trained to execute our program that  
 11 way, and it was all about -- it was all about finding  
 12 a nonprofit that had a certain expertise, if you will,  
 13 so you could make the sell and then hope and pray that  
 14 they could actually perform the work, because we had  
 15 so little ability at that time to help them, that if  
 16 they didn't, you know, we were -- we were going to  
 17 fail. So it was all about kind of building capacity.  
 18 Even -- even organizations like Job Options and  
 19 Pride, who are very big today, when I met them were  
 20 very small. They had like zero capability. And it  
 21 was through this series of building them. We were  
 22 operating much like what SBA envisioned the minority  
 23 business program in the very -- in its infancy. You  
 24 know how you would get a company, you would kind of  
 25 incubate them.

1 MR. DUBINSKY: Ruben, I'm not -- I wouldn't say  
 2 you don't, but I'm just trying to give you a little --  
 3 a little background --  
 4 MR. LOPEZ: Yeah.  
 5 MR. DUBINSKY: -- because I think it's important  
 6 that people from the outside look through the same  
 7 lens that people on the inside of our program were  
 8 looking through.  
 9 MR. LOPEZ: Yeah. And I think, you know, for the  
 10 most part if that would have been a state like that  
 11 and a normal day-to-day, I don't think that would have  
 12 been a huge, you know, problem, except when people who  
 13 began -- who were having problems with other federal  
 14 programs and got into trouble for dishonesty remained  
 15 in the board of directors for at that time NISH and  
 16 now they are now evidently dishonest and they continue  
 17 there, and that really is, you know --  
 18 MR. DUBINSKY: Well, yeah. And so, you know,  
 19 right about that time, you know, we had our first what  
 20 I call scandal which involved this company called  
 21 ReadyOne, you know, down in -- in Texas.  
 22 MR. LOPEZ: Texas, yeah.  
 23 MR. DUBINSKY: And, you know, that shook me,  
 24 because prior to coming to California I was our  
 25 compliance. I ran -- I started our compliance office.

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1 And I had no particular skill. I had to go learn.  
 2 I spent a lot of time with Department of Labor  
 3 officials in Washington, D.C., some attorneys. I  
 4 learned as best I could the rules about FSLA, the  
 5 Service Contract Act. I went to a lot of meetings  
 6 of -- there was an association of Service Contract  
 7 Act employers that would meet in Washington. And so I  
 8 spent eight years of my life visiting nonprofits to  
 9 make sure they were in compliance with a variety of  
 10 rules that were thrust on them when they became a  
 11 federal contractor. Many of our agencies didn't  
 12 really understand when they said, oh, yeah, I'll --  
 13 I'll be glad to take that work on, what all they were  
 14 signing up for.  
 15 MR. LOPEZ: Sure.  
 16 MR. DUBINSKY: They didn't often know all the  
 17 rules that came with that. Even though it was in  
 18 those contract clauses, you know, that you see in the  
 19 front of the contract, you don't sit there and really  
 20 read through that. You just go right back to where --  
 21 the building statistics. You know, you can get  
 22 yourself in a lot of trouble.  
 23 MR. LOPEZ: It reminds me of the gentleman from  
 24 Goodwill, Fred Wilshire. Remember we had that meeting  
 25 out there, and he very innocently said, Ruben, you

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1 know, the contracting documentation is very onerous,  
 2 why don't you do the job, and we'll take care of the  
 3 admin. And I smiled, and I thought, don't you -- you  
 4 will never know that I eat those, you know, government  
 5 contracts for -- for breakfast.  
 6 MR. DUBINSKY: Yeah. Well, you know, the --  
 7 the -- it's not the case today, but the average  
 8 nonprofit when they first got involved in our program  
 9 were extremely naive about federal contracting. I  
 10 mean, most of them had no clue because these are  
 11 social service organizations, period, and -- and then,  
 12 you know, as they started to get larger or had more  
 13 and more skin in the game, if you will, they would go  
 14 out and hire people that came to them from industry  
 15 that would say, oh, my gosh, you know, we could get --  
 16 we got to clean house, we've got to set up  
 17 organizations, we've got to set up practices,  
 18 policies, you know, all the things that federal  
 19 contractors have to do. Meanwhile, we were talking  
 20 about that too. So we get to the -- to the decade of  
 21 the 2000s, and suddenly, you know, you start to see  
 22 some changes in our -- our program.  
 23 Dr. Mead, his emphasis was really transparency.  
 24 It wasn't so much competing work for fairness in  
 25 contract award. It was more being transparent about

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1 decisions that were being made at the board level, at  
 2 my level, at various levels around the organization,  
 3 and his big thing was transparency, let's -- let's be  
 4 transparent and let's see where that gets us, because  
 5 if we're transparent and the community embraces all  
 6 the decisions that we make, then we're probably doing  
 7 the right thing, but if we start getting pushback,  
 8 then we know -- then we know the areas we've got to  
 9 focus on to fix, because first by being transparent  
 10 you're being open, and, you know, the idea is to be  
 11 open and honest and then see what kind of feedback you  
 12 get.  
 13 Well, that opened Pandora's box. As soon as we  
 14 became transparent, you know, all these -- a lot of  
 15 organizations, I mean, you were one, at that time were  
 16 saying, wait a minute, time-out, you know, what you're  
 17 doing over here may look like -- it may be business as  
 18 usual for you, but it shouldn't be business as usual,  
 19 business as usual should be this way.  
 20 MR. LOPEZ: Absolutely. And what -- what we  
 21 were -- why we were so eager is because we were aware  
 22 of the underpinnings, we were aware of the details, we  
 23 knew what was happening behind closed doors. I don't  
 24 think you've ever had or have been with an  
 25 organization like us who has the ability to know

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1 exactly what happens behind closed doors, but we --  
 2 you know, just like God, you do what you want to do,  
 3 we'll talk around the corner, we'll talk around  
 4 the corner, and that is what -- we waited and we  
 5 waited. And that's why I invited you, because I said  
 6 to some degree I saw times you were trying to do the  
 7 right thing. So I'm wondering, David, wouldn't you  
 8 agree with me that sometimes you or your superiors had  
 9 to do what you had to do? Like I said, keep in  
 10 mind --  
 11 MR. DUBINSKY: Well, I mean, Ruben, obviously --  
 12 MR. LOPEZ: -- keep in mind that I know the  
 13 details.  
 14 MR. DUBINSKY: Obviously, there were times where,  
 15 as any -- as in any organization, I might feel  
 16 differently than my boss. I mean, that happens -- for  
 17 me that happens all the time, and -- and, you know, I  
 18 always -- I'm not a shrinking violet even in our  
 19 closed-door meetings. I will give my opinion.  
 20 MR. LOPEZ: Of course.  
 21 MR. DUBINSKY: This is what I would do if this  
 22 decision were up to me, if a -- but then if a decision  
 23 is made by others, you know, superior to say, well,  
 24 David, this is what we should do, unless I think it's  
 25 breaking a law -- I mean, if I think it's breaking a

1 law that I'm aware of, I will -- you know, I will  
 2 become much more adamant, you know, talking to --  
 3 now, we -- we never really had an ethics program until  
 4 recently, and now we actually have what I would call  
 5 an actual compliance officer. You know how some  
 6 companies that do a lot of business with the  
 7 government should --  
 8 MR. LOPEZ: Sure.  
 9 MR. DUBINSKY: -- should always have a compliance  
 10 officer that's separate from the CEO, separate from  
 11 the chain of command.  
 12 MR. LOPEZ: Sure.  
 13 MR. DUBINSKY: Our compliance officer now is  
 14 Jean, though for years we didn't have that, so you  
 15 didn't -- you didn't have anywhere to go to report  
 16 what you thought might be something that was unethical  
 17 without -- you know, if you wanted to risk your job,  
 18 you could -- you could, but you had to be really  
 19 careful. You didn't have that protection. I think  
 20 today we're trying to set that up where employees feel  
 21 like they have that.  
 22 MR. LOPEZ: Let me give you a few sets of details  
 23 that will help you understand the degree of our  
 24 comprehension on the issues. Dennis Fields, he  
 25 arrived in the organization around 2002.

1 and you can explain things in a way that makes the  
 2 layman understand it, so go -- go do this, you know,  
 3 what I realized my shortcoming was I was talking to  
 4 people that were rehabilitation professionals. So I  
 5 thought I needed to seek somebody out that had that  
 6 background.  
 7 When I met Martin in the training, I was actually  
 8 conducting a training at the time. I met Martin, and  
 9 he told me he had a master's degree from Auburn in  
 10 rehabilitation, and he was doing that at this agency.  
 11 It was part of a school district in south Georgia.  
 12 And I thought perfect. In addition, you know, he's  
 13 African-American. We had a very nondiverse  
 14 environment in our corporate office, and I thought,  
 15 well, this is good, you know, I can bring in a person  
 16 of color, I can -- he seemed intelligent, you know,  
 17 he can work with me, and he can help me, you know, and  
 18 I can help him.  
 19 And when I -- and I did Martin's annual review  
 20 for eight years while he worked for me. Martin had a  
 21 lot of talent in certain areas, not good with details,  
 22 you know, but he was good with people. I mean, that  
 23 was kind of his talent.  
 24 When I was and I want to say transferred, because  
 25 it wasn't -- you know, our company was so small at the

1 MR. DUBINSKY: Yes.  
 2 MR. LOPEZ: He came from a company called Smurf.  
 3 MR. DUBINSKY: Smurfit.  
 4 MR. LOPEZ: Smurfit, there you go.  
 5 MR. DUBINSKY: Boxes.  
 6 MR. LOPEZ: Exactly.  
 7 MR. DUBINSKY: Yeah. Right.  
 8 MR. LOPEZ: So -- and by the way, you did a nice  
 9 job with Martin Williams. You trained him, and now  
 10 he's out there in a way if you -- if he had followed  
 11 your direction, I think things would be much better.  
 12 Unfortunately, he's decided to find his way, and he  
 13 alone is a treasure trove of evidence.  
 14 MR. DUBINSKY: Yeah. Well, you know, Martin --  
 15 Martin is a different guy. You know, when I -- when I  
 16 first met him, he was a director of rehabilitation at  
 17 a small agency in Georgia, and I was a department of  
 18 one, and I felt my weakness -- you know, I was a -- I  
 19 was a business student, master's degree in economics,  
 20 but I didn't really understand the rehabilitation side  
 21 of our agencies very well. I mean, I didn't grow up  
 22 in that area. You know, I was visiting agencies.  
 23 But when our CEO at that time, a man named Ivy  
 24 Johansen, said, Dave, I want you to start a compliance  
 25 program, you're young, you're smart, you can learn,

1 time that the CEO who then took over from Ivy Johansen  
 2 was a guy named Dan McKinnon. He was an ex-admiral.  
 3 And Dan basically told me, Dave, I need you in  
 4 California, you know, we have a -- we don't have a  
 5 very effective office there, I've tried two different  
 6 people, and I'd like you to apply. It was one of  
 7 these kind of conversations. Or I'd like you to  
 8 apply, but you start Monday.  
 9 MR. LOPEZ: Of course.  
 10 MR. DUBINSKY: You know, so it was kind of like  
 11 that, and I had four small children at the time. So  
 12 it was like, hey, this is a good time for you to make  
 13 a move, your kids aren't in school, go to California.  
 14 And, you know, his attitude was go there, work for ten  
 15 years, and I'll bring you back to the corporate  
 16 office, but that never happened. I went there, he  
 17 left, a new regime came in, and, you know, I'm on the  
 18 West Coast, and I -- and I still -- I believe I'm  
 19 generally thought of as the guy out on the West Coast,  
 20 not a guy that grew up in the corporate office, right?  
 21 And that's normal. I mean, if you get far away  
 22 from the flagpole in any corporate environment,  
 23 sometimes that's just how you're perceived, you're the  
 24 guy doing that, and I was actually fine with it  
 25 because I -- you know, my kids were here, they were --

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1 they, you know, spent their growing-up years here, my  
 2 wife is a native Californian, born in Barstow, lived  
 3 in, you know, San Diego. So we -- we felt, okay,  
 4 we'll make that our home, and we have.  
 5 MR. LOPEZ: Unfortunately for you and for many  
 6 people, decisions were made and carried out, and  
 7 course of actions were delineated that have been in  
 8 practice in this organization for decades and harmful,  
 9 harmful to many people.  
 10 MR. DUBINSKY: So do you think with the advent --  
 11 in your mind, Ruben, is the leadership that came in  
 12 there in the late -- in the early 2000s, that group of  
 13 people, they were all relatively new, Elizabeth  
 14 Goodman, Dennis Fields, Bob Chamberlin.  
 15 MR. LOPEZ: Correct. I mean, we look at those  
 16 things, and we go, okay, so Dennis Fields arrives,  
 17 ReadyOne and CED begins to --  
 18 MR. DUBINSKY: That was crazy.  
 19 MR. LOPEZ: -- subcontract. Coincidentally,  
 20 they're using Dennis Fields's company to the tune of  
 21 \$950,000 a year. That's a great arrangement. You  
 22 can't unring that bell, and that's just one. We begin  
 23 to look at each individual, each executive director  
 24 for each region. It's just -- like I said, it's  
 25 just -- you can't -- all evidence is -- I mean, all

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1 truths are self-evident; it's just there.  
 2 But, thankfully, me having a relationship with  
 3 you that I don't have with any others, you have the  
 4 opportunity -- I think this -- this meeting is like a  
 5 bus stop. It is a bus. The bus is moving. It stops,  
 6 you have the opportunity to, you know, reflect and do  
 7 what is correct, we're all human, or, you know, the  
 8 bus goes. It's a decision that we all have, and it's  
 9 fine, whatever, because we know where we're going.  
 10 There's nothing can change that.  
 11 MR. DUBINSKY: What about Chris? Do you have a  
 12 relationship with Chris Stream?  
 13 MR. LOPEZ: Not so much.  
 14 MR. DUBINSKY: Not really?  
 15 MR. LOPEZ: Not to the point where I would call  
 16 him --  
 17 MR. DUBINSKY: Okay.  
 18 MR. LOPEZ: -- and say, let's talk.  
 19 MR. DUBINSKY: Oh, okay.  
 20 MR. LOPEZ: I mean, he's going to have to, you  
 21 know, do what he's going to do, and we're all going to  
 22 have to respond ourselves.  
 23 MR. DUBINSKY: I did not know if you -- because I  
 24 know you do --  
 25 MR. LOPEZ: Yeah.

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1 MR. DUBINSKY: -- work in that region.  
 2 MR. LOPEZ: Right.  
 3 MR. DUBINSKY: But I don't know to what degree  
 4 you actually participate with them. I don't know if  
 5 you go there and see him or that kind of thing.  
 6 MR. LOPEZ: I do, but we've never had a  
 7 heart-to-heart on any given issue.  
 8 MR. DUBINSKY: Okay.  
 9 MR. LOPEZ: Other than I know what he's doing, I  
 10 know what he's been told to do, and -- but I've never  
 11 had any personal relationship with him or even a  
 12 conversation that I would say, you know, I think I  
 13 should talk to him, I think I should.  
 14 MR. DUBINSKY: Well, Ruben, can I ask you a  
 15 question?  
 16 MR. LOPEZ: Certainly.  
 17 MR. DUBINSKY: So when you got -- when -- when we  
 18 got sideways, I mean, we had a little bit of a round  
 19 with the -- in Los Angeles when you first got started,  
 20 but that -- you know, kind of got by that, and then --  
 21 and then, you know, we had kind of a big personal  
 22 issue with Las Vegas.  
 23 MR. LOPEZ: Yes.  
 24 MR. DUBINSKY: And, you know, we both saw things  
 25 differently there.

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1 MR. LOPEZ: Sure.  
 2 MR. DUBINSKY: I do hope that you know that I was  
 3 trying to tell you -- be honest with you about what I  
 4 was doing.  
 5 MR. LOPEZ: That's why we're here.  
 6 MR. DUBINSKY: Okay.  
 7 MR. LOPEZ: That's why we're here.  
 8 MR. DUBINSKY: All right.  
 9 MR. LOPEZ: Okay?  
 10 MR. DUBINSKY: But my -- but my question after  
 11 that.  
 12 MR. LOPEZ: Right.  
 13 MR. DUBINSKY: So, you know, you kind of -- you  
 14 said, Dave, I hear what you're telling me, but I've  
 15 got to do -- I've got to take this to another level.  
 16 I said, well, obviously that's your right, you know.  
 17 And you went to court in Washington, and I know you  
 18 had meetings -- I don't know the details, but I know  
 19 you had meetings with our corporate attorney, with Bob  
 20 Chamberlin, I believe, certainly with Dennis Fields.  
 21 MR. LOPEZ: Sure.  
 22 MR. DUBINSKY: I know you had meetings there.  
 23 MR. LOPEZ: Of course, of course, of course.  
 24 MR. DUBINSKY: Did those meetings produce any  
 25 positive -- I mean, you were at that time -- I mean,

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1 we reflect back, my office, and mainly Dennis and I  
 2 now as my last kind of manager that's been there with  
 3 me for many years.  
 4 MR. LOPEZ: Sure.  
 5 MR. DUBINSKY: But Dennis and I talk about that  
 6 often. We think about that situation where you -- you  
 7 know, you brought a case forward, it had some  
 8 fundamental impact on -- on our program, and you were,  
 9 it looked like, spending a lot of time in Washington  
 10 meeting with those people, and -- and it looked  
 11 like -- well, hard to know if -- if -- certainly from  
 12 Jean's perspective to me, because I've been with Jean  
 13 for a long time, it was, you know, Dave, we've got to  
 14 look at things differently now, and -- and there were  
 15 some changes. Do you ever feel like you were a change  
 16 agent with Dennis Fields and that team?  
 17 MR. LOPEZ: Let me give you a little background  
 18 as to how my mental approach to things, and please  
 19 keep in mind my background and my experience. By the  
 20 time I'm meeting with someone, I pretty much know the  
 21 whole gamut globally. I'm never going to meet with  
 22 someone wondering what's going to happen or wondering  
 23 what information will be forthcoming. By the time I  
 24 meet with someone, I've done my homework.  
 25 MR. DUBINSKY: Okay.

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1 MR. LOPEZ: And my purpose in meeting with Dennis  
 2 and Martin and Bob were to see what they would do  
 3 personally. We all make decisions, you know. Even if  
 4 we are living in a certain environment and are gung-ho  
 5 on doing something, you have the opportunity for  
 6 someone to say: Excuse me, Dennis, is this what you  
 7 want to do? Are you sure? Martin, let me give you  
 8 this evidence. Is this where we're going? It's your  
 9 decision. You're a man. You're an adult. Is this  
 10 what you're going to do? Oh, yes. Okay. Move --  
 11 move forward and do what -- so I approached them with  
 12 the hope that they would do the right thing, knowing  
 13 that they had been practicing a very -- you know, the  
 14 whole organization, board of directors, had been  
 15 practicing very negative approach to federal  
 16 government, but I thought every individual deserves to  
 17 make decisions, and unfortunately they made the wrong  
 18 decision, woefully wrong decision.  
 19 You were there at that time with CH2M Hill when  
 20 Martin Williams came and, you know, blasted us.  
 21 That was horrible. That was tangible.  
 22 MR. DUBINSKY: Yeah. Whatever happened with  
 23 that?  
 24 MR. LOPEZ: Well, the thing is, obviously, that  
 25 ruined our relationship with them.

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1 MR. DUBINSKY: Okay.  
 2 MR. LOPEZ: Obviously.  
 3 MR. DUBINSKY: Well, you know, I wasn't sure -- I  
 4 mean, you know --  
 5 MR. LOPEZ: But you knew it was wrong, right?  
 6 You knew it was not appropriate for him to say that?  
 7 MR. DUBINSKY: Well, I didn't understand where --  
 8 at that meeting I did not really understand what --  
 9 where he was -- now, it seemed -- what Martin does at  
 10 times is he trips over himself. You know, why he was  
 11 bringing up that some -- you know, something that was  
 12 not related to that meeting.  
 13 MR. LOPEZ: I want you to know we love him for  
 14 it.  
 15 MR. DUBINSKY: Yeah. Well, you know, he -- he --  
 16 I didn't -- I just -- you know, at times when Martin  
 17 says things, and I'm not the only one, but you just  
 18 scratch your head, like what's -- okay, I heard the  
 19 words, what is he -- what does he mean, what is he  
 20 trying to say.  
 21 MR. LOPEZ: At that time would you agree with me  
 22 that it was negative?  
 23 MR. DUBINSKY: Definitely.  
 24 MR. LOPEZ: It was definitely negative.  
 25 MR. DUBINSKY: I mean, you could tell the body

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1 language from --  
 2 MR. LOPEZ: Andrea.  
 3 MR. DUBINSKY: -- Andrea Thompson, right.  
 4 MR. LOPEZ: I mean, she had to ask. She asked  
 5 you personally.  
 6 MR. DUBINSKY: Yeah.  
 7 MR. LOPEZ: In view of what Martin said, does  
 8 Ruben have your support?  
 9 MR. DUBINSKY: Yeah.  
 10 MR. LOPEZ: Because, you know, that was horrible.  
 11 And thankfully you said, yes, he has our support, I'm  
 12 here. That is why you're here today.  
 13 MR. DUBINSKY: Oh.  
 14 MR. LOPEZ: Okay. Because there are glimpses  
 15 that I said, the man seems to be trying to do the  
 16 right thing, maybe there is an honest man in there.  
 17 And so, yeah, that was interesting and yet obviously  
 18 negative, trying to discredit Bona Fide. He did not  
 19 take into account they traveled all the way from San  
 20 Diego, David is here, this is a big to-do, everyone,  
 21 you know, took time from their busy schedule to sit  
 22 here, even CH2M Hill is here. Very detrimental to  
 23 tell them, you know they're only in tier one, that's,  
 24 you know, kind of useless, do they know that you're  
 25 just not cut out, you know, for what they need. And

1 so we're sitting -- and he asked again. You know I  
2 was trying to be polite. He asked it again. How many  
3 times did he ask it? I think three times, three  
4 times.

5 MR. DUBINSKY: Yeah. And Andrea and him had  
6 some -- some relationship. I mean, they knew each  
7 other at the time too, which was also surprising,  
8 not -- well, it didn't shock me because, you know, he  
9 did travel in certain circles, but I thought the fact  
10 that once he knew that that he would -- he would  
11 disclose that right up front. That was the other  
12 thing that was a little odd about that meeting.

13 MR. LOPEZ: Well, yeah, but, I mean, he was just  
14 trying to make it right in public, you know, this is  
15 not good for you, CH2M Hill, Bona Fide is useless.  
16 There's another gentleman there that's with me,  
17 Mr. Larson, I think. So in public you feel that bold  
18 that you can just pretty much throw us under the bus  
19 in front of everybody, that was interesting.

20 Why do you think that -- so in answer to your  
21 question, we felt that after our meetings with them in  
22 Vienna we got that kind of response, the throw Ruben  
23 under the bus, it's an alley and --

24 MR. DUBINSKY: Even the meetings where Jean was  
25 present?

1 To give you an example, we know the directives  
2 that have been issued to all executive directors  
3 regarding Bona Fide. We know it, and we've seen the  
4 facts. So first we have information, we have the  
5 directive, and then we see the results. How many  
6 contracts do you think we've gotten since the  
7 settlement agreement all throughout the country, many  
8 different executive directors? Zero. And the  
9 reasons, the vetting, very interesting. Like I said,  
10 by the time we're sitting here, there is no doubt  
11 about what's going to happen, so --

12 MR. DUBINSKY: So you've gotten zero work since  
13 when?

14 MR. LOPEZ: Since the settlement agreement.

15 MR. DUBINSKY: And the -- okay. And that was --

16 MR. LOPEZ: Almost three years ago.

17 MR. DUBINSKY: About 2011? Was that 2011?

18 MR. LOPEZ: Yeah. So this isn't -- so, you know,  
19 the facts are there. So, David, let me again in the  
20 interest of --

21 MR. DUBINSKY: Well, can I ask you one question,  
22 Ruben, just about that, because I'm trying to think  
23 back about how many projects that you've applied for  
24 in our region since that period of time where I have  
25 said no if I was the decision-maker, you know, based

1 MR. LOPEZ: After the meetings -- I'm not talking  
2 about specifically the meetings, but the result.

3 MR. DUBINSKY: Oh, okay. All right.

4 MR. LOPEZ: The result was we didn't get any  
5 favorable --

6 MR. DUBINSKY: I mean, I would just tell you  
7 this. I mean, and I'm -- in all honesty, Jean --  
8 Jean, I thought, has been trying to do what good  
9 corporate attorneys do, which is tell leadership, you  
10 know, if you're behaving in this way and -- and you  
11 keep going down this path, it can hurt the  
12 organization, it can hurt you. You know, I mean,  
13 I've -- I've heard her in many forums be very  
14 consistent --

15 MR. LOPEZ: That might be the case.

16 MR. DUBINSKY: -- with that message.

17 MR. LOPEZ: That might be the case, but we --  
18 you know, we're not involved in --

19 MR. DUBINSKY: You didn't see that.

20 MR. LOPEZ: And what we are -- the actions are so  
21 overtly different. We don't know and we don't care  
22 what happens over there. We're only seeing what  
23 they're actually doing, the principals, your bosses,  
24 and -- and we hear and we get information. I mean,  
25 it's interesting.

1 on our -- our process. I'm just trying to recall.  
2 Are there -- was there a particular project that you  
3 felt like I did not select Bona Fide Conglomerate  
4 simply because of a directive?

5 MR. LOPEZ: That's something I'm sort of like --  
6 I'm asking you, if you --

7 MR. DUBINSKY: Oh.

8 MR. LOPEZ: -- if you have --

9 MR. DUBINSKY: Well, I would tell you the answer  
10 to that's no.

11 MR. LOPEZ: So, no, you were not given a  
12 directive at all to -- to treat Bona Fide differently.  
13 Is that what you're telling me?

14 MR. DUBINSKY: What I'm telling you is, I have  
15 not selected -- I have not not selected Bona Fide for  
16 a particular opportunity as a result of any directive.  
17 That would not enter into my decision-making.

18 MR. LOPEZ: Okay.

19 MR. DUBINSKY: My decision-making has been and to  
20 this day to the degree that I get -- where I'm asked  
21 to make a decision based on some evaluation team, what  
22 the process is, right? So that boils up to me. If  
23 someone had either recommended you and I would -- you  
24 know, I've never said no. Did the evaluation team  
25 recommend Bona Fide? No, I'm not doing that. Nor

1 have I seen a situation where if they did make a  
2 recommendation and threw it over the fence to me,  
3 which occasionally does happen, you know, where you've  
4 been in the mix and I've said, no, I'm not going to  
5 select Bona Fide, and selected somebody else that was  
6 less qualified, or if I haven't selected you -- and,  
7 again, I'd have to go back and look at the timing.

8 I can think off the top of my head, but I don't  
9 think this was in the time. You were going after a  
10 project in Hawaii, and I was working with ORI, and  
11 there was a big circumstance there, and I selected  
12 them over you, and I felt I had, you know, a really  
13 good reason why to do that, although -- and I'm trying  
14 to think if there was -- and then the other one we  
15 were working on was in -- with customs or --

16 MR. LOPEZ: The one in Utah with Crossroads, you  
17 gave it to Crossroads, the GSA complex of buildings?

18 MR. DUBINSKY: No.

19 MR. LOPEZ: Do you remember that one?

20 MR. DUBINSKY: No. They're not in Utah.

21 MR. LOPEZ: Or where was it? There was -- I'll  
22 find out, but, you know, there was one where  
23 Crossroads and we were vying for it and right around  
24 the time --

25 MR. DUBINSKY: Coast Guard Island maybe.

1 MR. LOPEZ: Columbus, Ohio.

2 MR. DUBINSKY: Yeah.

3 MR. LOPEZ: Okay. So, see, during the period of  
4 time when the SSN came off for Homeland Security here,  
5 Denise was visiting Toward Maximum Independence at  
6 that time. I don't know if you're aware of that.

7 MR. DUBINSKY: I don't know who they are that I  
8 can --

9 MR. LOPEZ: Okay.

10 MR. DUBINSKY: They may be an affiliate, but I  
11 don't know them.

12 MR. LOPEZ: Yeah.

13 MR. DUBINSKY: The only affiliate that I know of  
14 around here that we've worked --

15 MR. LOPEZ: But let me tell you what happened.

16 MR. DUBINSKY: All right.

17 MR. LOPEZ: She visits TMI and says -- she spends  
18 the day. She says, you know, we would like for you to  
19 support Job Ops. And they said, absolutely, Job Ops  
20 is going to get the award. Oh, good, good, good. So  
21 you're going to be working with Job Ops. Okay.

22 But what Denise could not know, would not have known,  
23 is that we have close contacts with TMI.

24 MR. DUBINSKY: And who is TMI?

25 MR. LOPEZ: Toward Maximum Independence.

1 MR. LOPEZ: Maybe. It was a GSA contract.

2 MR. DUBINSKY: No, because that's Coast Guard.

3 MR. LOPEZ: Yeah.

4 MR. DUBINSKY: Coast Guard Island is Coast Guard.

5 MR. LOPEZ: No, no. Yeah, we're aware that  
6 Crossroads is getting the lion's share in this region  
7 of work.

8 MR. DUBINSKY: I'm just trying to think of -- I  
9 know you have submitted, got locations in other  
10 regions.

11 MR. LOPEZ: Yes, yes.

12 MR. DUBINSKY: But I'm trying to think about --  
13 because, you know --

14 MR. LOPEZ: Let's talk about the one here in  
15 customs right here. Denise Ransom visited Toward  
16 Maximum Independence right here in San Diego, but it  
17 was -- are you aware of that? But it was -- does  
18 Denise Ransom still work with you?

19 MR. DUBINSKY: No.

20 MR. LOPEZ: No, she doesn't work anymore. She's  
21 where? Cleveland?

22 MR. DUBINSKY: No. She's retired. She's in  
23 Ohio.

24 MR. LOPEZ: Ohio.

25 MR. DUBINSKY: Columbus.

1 MR. DUBINSKY: Just a nonprofit here.

2 MR. LOPEZ: Just a nonprofit here.

3 MR. DUBINSKY: Okay.

4 MR. LOPEZ: And all they do is they rehabilitate.

5 MR. DUBINSKY: Okay. So they're not a -- they're  
6 not a performer of work. They are --

7 MR. LOPEZ: No.

8 MR. DUBINSKY: They feed --

9 MR. LOPEZ: Exactly.

10 MR. DUBINSKY: Okay. Got it.

11 MR. LOPEZ: Exactly. But interesting to us, that  
12 decision had been made, and Denise Ransom visited  
13 their facility and pretty much explained to them how  
14 it was going to happen, and it happened. Job Ops got  
15 it.

16 MR. DUBINSKY: Was it already made when she was  
17 visiting them?

18 MR. LOPEZ: No, no. It was still -- you know,  
19 it was still in the decision process. So we have this  
20 chronological evidences, so that -- you see what I'm  
21 saying? You can't turn that back.

22 MR. DUBINSKY: Well, I -- and I wouldn't try. I  
23 mean, I think there -- you know, I recall -- I recall  
24 that scenario. It seemed to me that in that -- in  
25 that scenario, and I could go back and pull the

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1 documents, and I'd be glad to do it for you, but it  
 2 seemed to me that the customer came to us and  
 3 requested them because they were doing something for  
 4 them, they were doing a piece of that or they -- so  
 5 there was some relationship there where Job Options  
 6 was either doing a piece of the contract, Ruben, and  
 7 they were trying to grow it --  
 8 MR. LOPEZ: Yes, yes.  
 9 MR. DUBINSKY: -- you know, they were trying to  
 10 add something into it, or -- and what I recall about  
 11 that is that there was a commercial company that was  
 12 subcontracting to you, but we had no knowledge, we  
 13 didn't know that was going on. I mean, I don't know  
 14 if they were subbing to you or Tried and True, to be  
 15 honest, but I know what turned up after the fact was  
 16 that you had this relationship, and -- and so -- and  
 17 then -- and then, you know, we ended up losing that  
 18 entire opportunity for a variety of reasons, but I  
 19 think one of them was impact and impact against the  
 20 current company --  
 21 MR. LOPEZ: But let me tell you where things --  
 22 MR. DUBINSKY: -- that you were a sub to.  
 23 MR. LOPEZ: Let me tell you what things made that  
 24 really interesting, and maybe you know about this,  
 25 maybe you don't. So impact happens, right? And then

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1 the contracting officer is told by NISH then, get them  
 2 out, it's been one year, you know, keep them outside,  
 3 get another contractor. After that year there's no  
 4 more impact. We have all of that information, and  
 5 that was --  
 6 MR. DUBINSKY: Get who out? The current  
 7 contractor?  
 8 MR. LOPEZ: Yeah, that, and then after one  
 9 year --  
 10 MR. DUBINSKY: And the government didn't like  
 11 that company.  
 12 MR. LOPEZ: Well, the government didn't like the  
 13 company, but what I'm trying to -- SourceAmerica or  
 14 NISH at that time manipulated the contractor -- I  
 15 mean, the contracting officer, and the contracting  
 16 officer going along with it, we're going to get rid of  
 17 this company even though this didn't pan out, in a  
 18 year there will no longer be impact, and then Job Ops  
 19 gets it, and all of that is documented.  
 20 It's that kind of detailed information that we  
 21 have that brings us to know where this is going to end  
 22 up, no ways about it. There's just a time and a place  
 23 to bring it up, and that's why I'm telling you with  
 24 all certainty after today SourceAmerica is no longer  
 25 in control of what will happen to it. There are

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1 forces far greater than it. We've dealt with cartels  
 2 that have billions of dollars and they were wonderful  
 3 attorneys, but you can't change the facts.  
 4 MR. DUBINSKY: Yeah.  
 5 MR. LOPEZ: It's done. So --  
 6 MR. DUBINSKY: Okay. Well, I mean, I would like  
 7 to -- you know, it's one of those things where I would  
 8 actually like to lay all of the events on the table  
 9 there, because I don't -- I don't recall that being a  
 10 situation where we were excluding Bona Fide  
 11 intentionally. Now, what I mean by that, Ruben, is  
 12 I'm not saying that as that project got developed and  
 13 you were, you know, doing some work over here in one  
 14 capacity or another, and, again, you probably know,  
 15 but I don't recall whether it was Tried and True or  
 16 Bona Fide at that time, it was not known to us, but --  
 17 but these projects get put together.  
 18 The woman that worked on that originally was  
 19 Janet Ferraro, not Denise, so I'm not real sure what  
 20 Denise's role there was, but I remember Janet was  
 21 putting that together, but there was not -- I will  
 22 tell you this because I know, there was not -- there  
 23 was not full knowledge at that time that that came to  
 24 us that we were putting -- that we were in any way  
 25 harming Bona Fide. It was more we have an opportunity

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1 to expand something, is my recollection, that would  
 2 bring work to the table and create an opportunity, you  
 3 know, for people with disabilities.  
 4 MR. LOPEZ: And then again we're not any more  
 5 focusing on any specific project because we --  
 6 MR. DUBINSKY: Well, but, I mean, I think it's  
 7 important, though.  
 8 MR. LOPEZ: It was. At that time it was.  
 9 MR. DUBINSKY: Because, you know, I go back to  
 10 our -- the largest rift between us was Las Vegas.  
 11 MR. LOPEZ: It was indeed, and you know why it  
 12 was, is because we knew the other side of the sphere  
 13 who had details and we knew everybody knows and --  
 14 MR. DUBINSKY: Yeah, but I didn't -- there's some  
 15 things I didn't know.  
 16 MR. LOPEZ: Absolutely.  
 17 MR. DUBINSKY: But there were some things that I  
 18 was told that you didn't know, I believe.  
 19 MR. LOPEZ: Yes.  
 20 MR. DUBINSKY: And so when -- you know, when the  
 21 decision came to my desk to select a nonprofit, the  
 22 situation there wasn't punitive. I mean, there was  
 23 no, oh, I got to keep -- find a way to keep Bona Fide  
 24 from this building. It was --  
 25 MR. LOPEZ: Did someone tell you from Vienna that

1 it was -- OVI would be the most appropriate decision?  
 2 MR. DUBINSKY: No.  
 3 MR. LOPEZ: No. That was something you did on  
 4 your own.  
 5 MR. DUBINSKY: I did that on my own. The initial  
 6 decision was mine and mine alone.  
 7 MR. LOPEZ: But what about afterwards?  
 8 MR. DUBINSKY: Well, afterwards there was  
 9 support -- you know, it's hard for me to know what  
 10 goes on in those -- after something leaves my desk  
 11 because I don't -- I don't -- what I try to do, and  
 12 this is -- I'm being very honest with you, when we  
 13 have -- we establish a corporate process and my job is  
 14 to make a decision, I make a decision, and then I let  
 15 everybody know who is affected by that decision you  
 16 can appeal.  
 17 I always felt and I always told my staff an  
 18 appeal is a right that we provide to community, the  
 19 nonprofits have a right to appeal, and that I'm -- my  
 20 decision once it is appealed goes to other people, and  
 21 it ceases to be personal to me then, because, you  
 22 know, what if I made a mistake, what if I didn't see  
 23 the data the same way that another person is going to  
 24 see it.  
 25 So once that decision left my desk, I didn't -- I

1 let's go to the hotel and have a good time, they're  
 2 the government, they're the Secret Service, but Ruben  
 3 knows, I don't think I should, as a matter of fact I  
 4 know I won't, because this can go wrong in so many  
 5 different ways. And that's what happened in Vegas.  
 6 It went wrong in so many different ways.  
 7 I mean, let me give you an example, and I  
 8 understand, but we know about the conversation of  
 9 what's said in the locker stays in the locker. We  
 10 know about that. Many people that at that time said,  
 11 no, we're going to toe the line, we're all going to be  
 12 a unified front, that's no longer the case, and by now  
 13 it's too late. We all know what happened. They know  
 14 what happened. The people that should know knows what  
 15 happened.  
 16 So this is an opportunity to help individually  
 17 yourself, that's it, nobody else. And if that's  
 18 possible, fine. If not, I understand; that's also a  
 19 good decision. But so let's be very honest here.  
 20 That case was fraught with many irregularities.  
 21 Wouldn't you agree?  
 22 MR. DUBINSKY: Are you talking about --  
 23 MR. LOPEZ: The Lloyd George decision to --  
 24 MR. DUBINSKY: Well, there was a lot of things  
 25 that were odd about it, especially things that came up

1 never peeled back the layers of the onion to find out  
 2 why it wasn't overturned or, you know, why they  
 3 supported it. All I knew is after -- well, we didn't  
 4 follow our process, but in ten days -- it's supposed  
 5 to be, you know, ten days or two weeks, it took much  
 6 longer, but what I got back was, you know, Dave, we  
 7 support your decision on that.  
 8 My decision on that one was really driven by a  
 9 conversation I had with Barbara Payton and which she  
 10 later denied having with me, but -- but, you know, as  
 11 I tried to say to everybody at the time, there was not  
 12 much I could do about that. You know, Barbara was a  
 13 customer who I picked up the phone and had what I felt  
 14 was an honest discussion with that was not -- you  
 15 know, there didn't appear to be any -- any funny  
 16 business. You know, it seemed like she was giving me  
 17 reasons why she liked OVI that were legitimate, that  
 18 were -- that were normal. You know, it wasn't  
 19 something that you're holding the phone and going,  
 20 what, you know, why would she be telling me that. It  
 21 seemed very normal, logical to me.  
 22 MR. LOPEZ: David, if I'm --  
 23 MR. DUBINSKY: And then she denied, you know.  
 24 MR. LOPEZ: David, if I'm in Columbia working  
 25 with the Secret Service and they say, hey, Ruben,

1 afterwards.  
 2 MR. LOPEZ: Yeah. It shouldn't have happened.  
 3 MR. DUBINSKY: Yeah.  
 4 MR. LOPEZ: It should not have happened. We know  
 5 that Ed is a wonderful person that supports the  
 6 organization greatly, but there are times when you  
 7 say: You know what, is Ed's organization getting this  
 8 contract worth the entire NISH or SourceAmerica? Is  
 9 it worth all of our jobs? I would have said no. You  
 10 guys said yes. Okay. That's the decision. Isn't  
 11 that strange?  
 12 MR. DUBINSKY: Well, do you -- do you -- are you  
 13 able to look at that and say to yourself that -- and  
 14 be honest with me about this, because, you know,  
 15 you're looking at this with a lot of information  
 16 that's running around in your head, but if you were  
 17 sitting in my chair calling up Barbara Payton and  
 18 saying, you know, look, I've got two organizations,  
 19 one is the nonprofit that's affiliated with an  
 20 organization that's doing the project now, and the  
 21 other is this organization in Las Vegas that's doing  
 22 these other buildings, tell me, you know -- and  
 23 then -- and then when I asked her, you know, do you --  
 24 do you have any preference, do you have any -- do you  
 25 have anything that you can give to me that would help

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1 me make a good decision, knowing that to me, not that  
 2 she was the customer from a contracting point of view,  
 3 but from a tenant, a user point of view, which I think  
 4 is oftentimes more important, to be honest, and she  
 5 gave me that preference, if you were listening to  
 6 that, would that not mean anything to you? Does that  
 7 not mean anything that the customer speaks and they --  
 8 and your goal is to always satisfy that customer? I  
 9 mean, I know you know that.  
 10 MR. LOPEZ: Right.  
 11 MR. DUBINSKY: I know you -- I know that you've  
 12 told me, Dave, I know that the customer is important.  
 13 MR. LOPEZ: True, true.  
 14 MR. DUBINSKY: And, I mean, I know that our  
 15 program is bigger than that, but at a very rudimentary  
 16 level we -- we have to find a way to do that.  
 17 MR. LOPEZ: True. And I think that if that were  
 18 consistent throughout that I would see it as a normal  
 19 course of action. What is interesting is to see  
 20 nationwide how when there's a nonprofit agency that is  
 21 preferred by SourceAmerica and the customer says, I  
 22 would like this other one, then SourceAmerica says,  
 23 thank you so much for your suggestion, but, no, you  
 24 will marry this one.  
 25 MR. DUBINSKY: Well --

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1 MR. LOPEZ: And we've seen it.  
 2 MR. DUBINSKY: Okay. I mean, I'm not saying it  
 3 doesn't happen, but, you know, your -- your first  
 4 contract in the program came when I disagreed that  
 5 Bona Fide Conglomerate should be the selected  
 6 nonprofit because I felt that ECF, who had been doing  
 7 the contracted grounds, you know, at that time, I'd  
 8 have to go back and look, but it was probably nine or  
 9 ten years, and then GSA took this position that was  
 10 very unreasonable and said, well -- and we couldn't  
 11 come up with a price. So my solution was, well, put  
 12 it out on purchase exception, go get a commercial  
 13 price, right? That was how -- I mean, to me at the  
 14 end of the day sometimes it's, okay, let's agree to  
 15 disagree, go get a commercial price. They awarded the  
 16 contract to Bona -- to Tried and True, I think, at the  
 17 time.  
 18 MR. LOPEZ: Yes. At that time, yes.  
 19 MR. DUBINSKY: And -- and then, you know, a year  
 20 passes, we have your price, and ECF wants to come back  
 21 and do it at that price, and GSA is telling me no,  
 22 Dave, no. And I'm saying, wait a minute, we had a  
 23 deal. This was all -- the argument was all about  
 24 price. We have a commercial price, it's higher than  
 25 you thought, it was higher than what they wanted to

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1 pay ECF, we're going to take Tried and True's price, I  
 2 want to put ECF back on the work that they had, and  
 3 no, no. GSA, Tracy Wilmot at the time, very adamant,  
 4 no, no, Tried and True has a new -- a nonprofit called  
 5 Bona Fide Conglomerate, we want you to give this work  
 6 to them.  
 7 I'm like, this is unfair, how -- I don't know who  
 8 they are. How would we -- GSA, how would you make a  
 9 decision like that? Well, it's just how we feel. We  
 10 feel like that's the new -- the new way, you know, the  
 11 new kind of NPA that's business-oriented first, ECF is  
 12 a rehab agency. And I fought that, Ruben. I thought  
 13 it was wrong.  
 14 And GSA picked up the phone and called Lee  
 15 Wilson. Lee Wilson called me and said, Dave, your  
 16 customer is asking for Bona Fide Conglomerate. And I  
 17 said, you know, Lee, I know they are, and I understand  
 18 why, I think they're wrong, but okay. I still have  
 19 the document. I said okay, and I picked up the phone,  
 20 and I called and said, you know, we're going -- we're  
 21 going to go with what the customer wanted. At that  
 22 time you could do no wrong for GSA, I mean "you" being  
 23 Ruben Lopez, and they -- and they associated you with  
 24 both organizations, you could do no wrong, and, you  
 25 know, we -- so we listened to the customer.

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1 I still tell you today that the circumstances  
 2 around that to me were wrong because GSA pulled a fast  
 3 one, the way that sometimes they just do, you know,  
 4 they tell you one thing, and then they do another,  
 5 but -- but we went along with it.  
 6 MR. LOPEZ: Do you think that would have been a  
 7 very good lesson for you not to do the same thing in  
 8 Vegas, to actually take context from what you just  
 9 told me and say, you know what, that was bad back  
 10 then, this time I'm going to do the right thing?  
 11 MR. DUBINSKY: Well, no. Actually, what I --  
 12 what I learned from that was at the end of the day --  
 13 Lee Wilson and I had a long talk, and, you know, Lee  
 14 was a retired general, was running the Commission, and  
 15 he said: You know, Dave, if we're going to make this  
 16 program grow, you're talking about the grounds  
 17 maintenance around a federal building, 11000 Wilshire.  
 18 So now you have this new NPA, Bona Fide Conglomerate;  
 19 it's who the customer wants. You know, you should  
 20 always listen to who the customer wants, because we're  
 21 a federal agency, they're a federal agency, and we are  
 22 always going to be on their side. So if you want to  
 23 grow the program, listen to what the customer wants  
 24 and make sure that you pay a lot of attention to that.  
 25 So it's really the opposite, Ruben. What I

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1 learned from that experience was, if I'm going to have  
 2 success growing the program, I've got to make sure  
 3 I keep my ear to the ground and understand what that  
 4 federal government customer wants and put that into my  
 5 decision-making, which is the only reason I picked up  
 6 the phone to call Barbara Payton --  
 7 MR. LOPEZ: Right.  
 8 MR. DUBINSKY: -- in Las Vegas.  
 9 MR. LOPEZ: Okay. Then moving forward from that,  
 10 and let's say we will concede that point.  
 11 MR. DUBINSKY: Okay.  
 12 MR. LOPEZ: That's reasonable. Moving forward,  
 13 you know the irregularities that happened around that  
 14 with now OVI and the ability to reach you post hoc,  
 15 you know, and all the wonderful reasons why it was  
 16 appropriate that it would go to them and all the other  
 17 shenanigans that took place aside from that. Let  
 18 me -- let me grant you one thing, Dave.  
 19 MR. DUBINSKY: Okay.  
 20 MR. LOPEZ: If that had been -- if the customer  
 21 had been the only thing, we would not be talking about  
 22 it. It was all the other shenanigans that -- that  
 23 really caused, you know, the problem.  
 24 MR. DUBINSKY: But I do think, you know, from our  
 25 very first discussion, because I remember you coming

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1 by my office, was it late one -- one evening and maybe  
 2 several months after that, Ruben, you came by my  
 3 office, and -- and I told you -- you were telling me  
 4 that Barbara Payton never -- that you had -- you knew  
 5 she never told me what I was saying she told me, and I  
 6 said, how do you know that? And you go: Well, I know  
 7 it because, you know, we -- we questioned her. We had  
 8 attorneys present, Dave, and we questioned her. And  
 9 you were very honest with me, this is how I know it.  
 10 MR. LOPEZ: Right.  
 11 MR. DUBINSKY: And all I was -- all I could tell  
 12 you at that point was, well, Ruben, I can't explain  
 13 why she said what she said, but I'm telling you that  
 14 what she said to me was very different, and now, you  
 15 know, we're in a difficult position --  
 16 MR. LOPEZ: Yes, you were.  
 17 MR. DUBINSKY: -- because I'm now being put in a  
 18 position where I have to, you know, kind of bring her  
 19 down.  
 20 MR. LOPEZ: I do agree with you.  
 21 MR. DUBINSKY: And I thought, you know, this  
 22 is -- this is horrible.  
 23 MR. LOPEZ: That was difficult for you.  
 24 MR. DUBINSKY: Yeah.  
 25 MR. LOPEZ: Like I said, and if that were the

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1 case, we would not be talking about it. We would have  
 2 understood, hey, the government wants it, no problem.  
 3 We would not be.  
 4 What happened, what makes it difficult for you,  
 5 made it difficult for you then and still makes it  
 6 difficult for you today, is Sylvia's, you know,  
 7 unfortunate decision to call me ahead of the game and  
 8 said, Ruben, they are -- OVI is going to get it, it's  
 9 been decided. And I still remember to my -- to my  
 10 dying day of her words, it is what it is. When I  
 11 said, no, we'll be happy to apply for it. And that is  
 12 why we are here --  
 13 MR. DUBINSKY: Well, I --  
 14 MR. LOPEZ: -- to give you more of the details.  
 15 MR. DUBINSKY: Well, I know, but, I mean --  
 16 MR. LOPEZ: And now -- and now they say, no, it  
 17 didn't happen. Well, for -- it happened at the  
 18 beginning. There was a period of time where everybody  
 19 thought, no, it didn't happen. And today, April 1st,  
 20 2014, people now understand and say it did happen.  
 21 MR. DUBINSKY: Well --  
 22 MR. LOPEZ: So now we have this -- you're going  
 23 to have to reconcile.  
 24 MR. DUBINSKY: I know, but just to give you a  
 25 little insight about -- about Sylvia. Sylvia --

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1 really, you know, Sylvia is one of my best PD people.  
 2 Sylvia was sitting at her desk, and she's not in the  
 3 decision stream. You know, being the manager, she's  
 4 not in that decision stream. I think -- I think  
 5 Sylvia was giving you her opinion at that time, not --  
 6 not a fact. It may have then correlated with a  
 7 decision that was made.  
 8 MR. LOPEZ: Most definitely.  
 9 MR. DUBINSKY: But I'm just telling you being  
 10 very honest. I think Sylvia was looking at the tea  
 11 leaves and saying, you know -- Sylvia was also the one  
 12 that was working with Barbara Payton and Underhill and  
 13 had heard from them before that they wanted OVI. Now,  
 14 she didn't really -- you know, in her world, in  
 15 Sylvia's world, hey, I'm going to a customer, they  
 16 want NPA X, NPA X is going to be very strong, it's  
 17 probably not -- Dave's not going to be able to  
 18 overturn that, and so she's speaking out of turn on a  
 19 phone call she shouldn't have been doing, but she did,  
 20 and she fully admits that, but I know -- I know her  
 21 psychology. You know, Sylvia was reading the tea  
 22 leaves and just giving you her opinion,  
 23 inappropriately --  
 24 MR. LOPEZ: Yes.  
 25 MR. DUBINSKY: -- no question, inappropriately on

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1 her part, but I do want you to know that that -- her  
 2 comment, her comment today, if I called her today  
 3 and she was working, would not influence a decision  
 4 that I would make because she doesn't have that  
 5 accountability.  
 6 MR. LOPEZ: Where it becomes complicated is that  
 7 when --  
 8 MR. DUBINSKY: I know that looks bad. I mean,  
 9 clearly, I mean, but --  
 10 MR. LOPEZ: Let me tell you again. So Denise is  
 11 listening to this, and Denise hears it.  
 12 MR. DUBINSKY: Right.  
 13 MR. LOPEZ: And we corroborate, and Denise says,  
 14 yeah, that's what happened --  
 15 MR. DUBINSKY: I know.  
 16 MR. LOPEZ: -- absolutely. And then when we  
 17 talked to you in Scottsdale and we talked to Martin  
 18 Williams and we talked to Dennis Fields, I mean, we --  
 19 and -- and you say, well, Ruben, no, no, that's not.  
 20 I said, David, it is going to happen. And I still  
 21 remember: David, you say it's not true, but when it  
 22 happens, it's going to be true.  
 23 MR. DUBINSKY: Yeah, but at that time remember,  
 24 in November, whatever year, that was 2010 or whatever,  
 25 you were still in your appeal process, and you had an

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1 opportunity -- you were still appealing that decision  
 2 through channels.  
 3 MR. LOPEZ: No. That was before. That was  
 4 before. We had some --  
 5 MR. DUBINSKY: Oh, you're right.  
 6 MR. LOPEZ: Yes.  
 7 MR. DUBINSKY: At Scottsdale. But at that point  
 8 Dennis Fields wasn't really involved in this --  
 9 MR. LOPEZ: He was not.  
 10 MR. DUBINSKY: -- at all.  
 11 MR. LOPEZ: It was just you and Dennis Hynes.  
 12 MR. DUBINSKY: Yeah.  
 13 MR. LOPEZ: And Martin Williams was --  
 14 MR. DUBINSKY: So that's the Dennis you're  
 15 talking about. Because -- because after that decision  
 16 was made and that -- and I pushed it upstream, you  
 17 know, had Martin or Dennis at that time said, David,  
 18 look at this, you know, this looks bad, you've got  
 19 Sylvia saying something even if it was purely  
 20 innocent, you've got -- we've got a board member who  
 21 should be recusing himself, you've got another ABC who  
 22 obviously can do the work because they're doing it now  
 23 commercially, let's just -- let's just do that, I  
 24 would have said, okay, fine. It would have been -- it  
 25 would have been the Lee Wilson thing all over again.

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1 I would not have protested it. I would have said,  
 2 fine, right, you know, because --  
 3 MR. LOPEZ: That's what I'm asking you. Was it  
 4 from your higher-ups a decision that you -- at  
 5 sometime you would have had to say, this looks bad,  
 6 guys, look at all the evidence, I don't think we  
 7 should go through with this, someone should call  
 8 Barbara Payton and tell her we've got issues.  
 9 MR. DUBINSKY: Well, I did bring that up. I did  
 10 point that out. I did -- I did disclose everything  
 11 that occurred, Sylvia's faux pas, you know, that  
 12 was -- you know, I tried to protect her, that she  
 13 didn't -- she wasn't disclosing inside information.  
 14 She was speaking out of turn as an employee.  
 15 I counseled her on it, you know, but it wasn't --  
 16 to me it wasn't -- it was a mistake, but it wasn't a  
 17 huge error other than who she's talking to, you know,  
 18 you never -- and I think she learned her lesson. She  
 19 doesn't do that anymore. She's very, very careful,  
 20 as is everybody, but it was -- but I did disclose  
 21 that, Ruben. I did let everybody know, you know,  
 22 we -- there are some things here that we -- that, you  
 23 know, when you look at it outside of my -- off of my  
 24 desk -- I mean, my decision was my decision, right?  
 25 And I stood by it. And I said, but I'm a human being,

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1 it could be wrong. I mean, I could make a decision  
 2 today that's wrong.  
 3 MR. LOPEZ: Of course.  
 4 MR. DUBINSKY: Of course, right? So that's why  
 5 you have this process, because then you have people  
 6 who aren't in the heat of the moment, they're not --  
 7 you know, they're dispassionate, right? So -- so they  
 8 have an opportunity to look at things more objectively  
 9 and bring in all the evidence and make a decision that  
 10 is best for the organization. And so all I know is  
 11 Martin and Dennis and then a third-party process went  
 12 through.  
 13 MR. LOPEZ: Yeah. That was beautiful, by the  
 14 way.  
 15 MR. DUBINSKY: Right. And -- and I recused  
 16 myself from all of it.  
 17 MR. LOPEZ: Exactly.  
 18 MR. DUBINSKY: I would not participate in it. I  
 19 did not add any commentary to it, and, you know,  
 20 even --  
 21 MR. LOPEZ: Do you think it was just people were  
 22 frightened of admitting what happened as far as, you  
 23 know, Sylvia saying, yeah, I know he's going to get  
 24 it, for whatever reason? Because that explanation  
 25 you've given me would have been very possible, very

1 reasonable, anyone would have understood, you know,  
2 she was speaking out of turn. I think that would have  
3 been a very honest explanation. But, oh, no, that  
4 didn't happen. Oh, no, no one said anything. That I  
5 think is what is really the issue.

6 You know, when -- if I break -- let's say I was a  
7 young child and I broke a crystal vase.

8 MR. DUBINSKY: Yeah.

9 MR. LOPEZ: And my dad came in, and I said, dad,  
10 I --

11 MR. DUBINSKY: I didn't do it.

12 MR. LOPEZ: That would have been -- that's huge.

13 MR. DUBINSKY: Right.

14 MR. LOPEZ: My response would have been very  
15 negative. If I told my dad, you know, I'm sorry, I  
16 was playing, I hit it, it is what it is, the result  
17 was usually different.

18 MR. DUBINSKY: Yeah.

19 MR. LOPEZ: And I think that's where we ran into  
20 trouble with this situation. The explanation you gave  
21 me here today, quite possible and reasonable, but it  
22 had to have been told to the parties that way.

23 MR. DUBINSKY: Well, it came out -- all of that  
24 came out at some point, right, when you were at court  
25 with it, and, see, what I don't know -- what I do know

1 MR. DUBINSKY: But it wasn't -- but I want you to  
2 know, because I think it's important, that it wasn't  
3 Sylvia doing something -- Sylvia really didn't do  
4 anything wrong. Sylvia was just being --

5 MR. LOPEZ: She just told us -- she just told us  
6 what was happening.

7 MR. DUBINSKY: She gave you her opinion.

8 MR. LOPEZ: Her opinion --

9 MR. DUBINSKY: Right.

10 MR. LOPEZ: -- which happened to end up exactly  
11 where we --

12 MR. DUBINSKY: Right.

13 MR. LOPEZ: -- where we knew it would end up.

14 MR. DUBINSKY: Right.

15 MR. LOPEZ: I agree with you on that.

16 MR. DUBINSKY: And she would not have -- and  
17 she -- you know, because -- the way that works, and this  
18 is just so you know, the Sylvias of the world -- well,  
19 I take this back. If they're the opportunity -- you  
20 know, when they're the opportunity owner, they do  
21 present the opportunity to the evaluation team, and  
22 they're -- and they're part of that team, but they're  
23 not -- they're not -- they're not a decision-maker.

24 So I just -- I think it's real important for  
25 you to know that. I don't want anybody to ever think

1 is that you had a number of meetings with Dennis and  
2 that team before this even went to the court of  
3 appeals. Am I wrong about that? Or did you -- did  
4 you not have meetings before this went to -- before  
5 you appealed it outside of the Commission?

6 MR. LOPEZ: Yeah.

7 MR. DUBINSKY: It seems to me that you did.

8 MR. LOPEZ: We gave everybody ample opportunity  
9 to do the right thing, ample opportunity, I mean, even  
10 to -- even to share with us, you know, Ruben, you  
11 know, calm down, we make mistakes. If they had told  
12 us, Ruben, we made a mistake, can you just relax?  
13 Don't you make a mistake, Ruben? I would have  
14 understood that. I would have been the reasonable man  
15 that I am and said, you know, they're right. But that  
16 was not the position they took.

17 What really got things -- escalated things is  
18 when they said, no, Denise didn't hear that, Ruben.  
19 Martin Williams tells Denise, you didn't hear that,  
20 Denise. And Denise agrees with Martin. Are you sure,  
21 Martin Williams? Yeah, you didn't hear it. Oh, okay,  
22 I guess I didn't hear it. That's what pissed us off.  
23 You see what I'm saying? That is what made it wrong.

24 MR. DUBINSKY: Um-hmm.

25 MR. LOPEZ: And all that is out there.

1 Sylvia did something wrong, other than it was  
2 inappropriate -- when I use the word "wrong," what I  
3 mean was it was a mistake that an employee -- any  
4 employee can make by being inappropriate, which to me  
5 is a little different than wrong. She didn't do  
6 something she was never told to do. She didn't use  
7 good judgment in a business conversation that she  
8 didn't realize what the potential ramifications could  
9 be. She's learned a big lesson from that. She's  
10 very, very careful.

11 MR. LOPEZ: Yeah. I mean --

12 MR. DUBINSKY: So -- so, you know, one thing I  
13 don't want to do and I always was nervous about is  
14 somebody trying to find blame, you know, and point the  
15 blame to someone like Sylvia, because she really -- I  
16 always took accountability for my decision and said,  
17 you know, I did it, my decision was my decision based  
18 on a number of facts that I have in front of me, and  
19 then once it left my desk, it left my desk, and I  
20 didn't try to influence it.

21 MR. LOPEZ: Yeah. The problem we have is that  
22 that situation we just looked at is a snapshot in  
23 time, but --

24 MR. DUBINSKY: But you're saying it repeats  
25 itself.

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1 MR. LOPEZ: Oh, it repeats itself beautifully.  
 2 It magnifies itself. It ripples throughout the  
 3 country from here to Vienna.  
 4 MR. DUBINSKY: So where -- what in your mind -- I  
 5 mean, I came here a year ago in January. I think it  
 6 was a result of a meeting you may have had with Bob  
 7 Chamberlin at some point. Bob called me up and said,  
 8 Dave, I need you to go meet with Ruben and let's put  
 9 the past behind us --  
 10 MR. LOPEZ: Right.  
 11 MR. DUBINSKY: -- and let's talk about things.  
 12 So we did that.  
 13 MR. LOPEZ: Right.  
 14 MR. DUBINSKY: And I told Bob I would do it.  
 15 MR. LOPEZ: Right.  
 16 MR. DUBINSKY: And with my team I made it very  
 17 clear, I don't care whether it's Tom or Sylvia or  
 18 Dennis or Terry or Jim or whoever, Sarah Patton,  
 19 doesn't matter, you know, that we treat Bona Fide  
 20 Conglomerate as a customer, any -- any negative  
 21 feelings you may have had in the past are gone, you  
 22 know, wipe that from your memory.  
 23 MR. LOPEZ: Right.  
 24 MR. DUBINSKY: And I would say, I'm just -- I  
 25 know, you know, I don't -- unfortunately, when you're

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1 an executive director you think you know everything  
 2 that goes on, but you don't always, right? You think,  
 3 but you don't. But what I've seen from my team is  
 4 behavior that would be consistent with what I asked  
 5 them to do starting that meeting.  
 6 I also then went to my peer group, Martin was in  
 7 the room, and I said, you know, Bob Chamberlin, our  
 8 CEO, asked me to do this, I did it, I want everyone  
 9 here to know that, you know, whatever you've heard, if  
 10 you've had any dealings or not with Ruben Lopez or  
 11 Bona Fide Conglomerate, from this date forward the  
 12 past is the past and we're focused on the future, and  
 13 everyone nodded their head. What I don't know is if  
 14 you're sitting here saying that did not change  
 15 behavior.  
 16 MR. LOPEZ: Well, like I said, the evidence  
 17 proves that in spite of everyone's good intentions and  
 18 great proclamations of fraternity, it never realized.  
 19 Let me share with you why.  
 20 Let's go here with -- let's deal with us here,  
 21 the West. This is the first assistance that we are  
 22 getting from you because the issue with San Jose is  
 23 just a lot, it's huge, and we literally had to ask  
 24 you, you've got to come in, you've got to come in, but  
 25 for that all the time there was just silence between

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1 us. As far as our relationship with the entire --  
 2 something you're not privy to, our other executive  
 3 directors, Chicago, Vienna, it has been very negative,  
 4 very negative. And like I said, you may not be privy  
 5 to that, those events, those actions. But in spite of  
 6 everyone's statements, the result has been quite  
 7 different. Now --  
 8 MR. DUBINSKY: Can I just follow up on one thing  
 9 on the -- on the Peckham building, because I want to  
 10 make sure, and be very honest with me on this. So  
 11 since you went in there -- of course, we knew walking  
 12 in there it was going to be difficult. We wanted to  
 13 do some things last year, last fall, which we weren't  
 14 able to do because of sequestration and some other  
 15 issues budget-wise, but my understanding is that Jim,  
 16 who manages our -- he's our project manager, Jim  
 17 Freeman. He's our project manager for all of our GSA.  
 18 We have 26 federal buildings including Peckham. So  
 19 you have in that portfolio several. You know, you do  
 20 work still in L.A. Of course, you have Santa Rosa and  
 21 the small one over in Nevada.  
 22 Are you telling me that my team will not respond  
 23 to you if you need help or they have not been  
 24 responsive?  
 25 MR. LOPEZ: What I'm sharing with you is -- and

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1 this is very unsettling for us. Recently Jim was  
 2 putting us on a PIP, okay?  
 3 MR. DUBINSKY: A CAP.  
 4 MR. LOPEZ: A PIP.  
 5 MR. DUBINSKY: Oh, okay.  
 6 MR. LOPEZ: When we were in the field, he told  
 7 us, you are on a PIP.  
 8 MR. DUBINSKY: All right.  
 9 MR. LOPEZ: Level 3.  
 10 MR. DUBINSKY: Yeah.  
 11 MR. LOPEZ: And we said, are you sure? And, oh,  
 12 yes, you are. And we said, no, no. Oh, yes, you are.  
 13 We said, oh, okay. Very interesting. He put us on a  
 14 PIP, okay? So now he goes back to your office and the  
 15 following day realizes he's made a mistake.  
 16 MR. DUBINSKY: Right.  
 17 MR. LOPEZ: There's no PIP.  
 18 MR. DUBINSKY: No PIP.  
 19 MR. LOPEZ: Okay.  
 20 MR. DUBINSKY: Yeah, because you can't -- I  
 21 mean --  
 22 MR. LOPEZ: But do you see -- but do you see --  
 23 MR. DUBINSKY: Yeah.  
 24 MR. LOPEZ: -- when you're officially told,  
 25 you're on a PIP today, I mean, I don't care how much

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1 you scream or you squirm, you're on a PIP. To us  
2 that's official. He's a representative of your  
3 organization.  
4 MR. DUBINSKY: That's fair. He is, yeah.  
5 MR. LOPEZ: And we are on a PIP.  
6 MR. DUBINSKY: Right. Should have been a CAP,  
7 but all right.  
8 MR. LOPEZ: So then --  
9 MR. DUBINSKY: Because we have a different  
10 process with GSA.  
11 MR. LOPEZ: Like I say, we're only --  
12 MR. DUBINSKY: I know.  
13 MR. LOPEZ: -- seeing what we're -- you know,  
14 we're catching what is being thrown at us.  
15 MR. DUBINSKY: Right.  
16 MR. LOPEZ: He throws a fastball; we're going to  
17 catch it. So we get that. And then we're told that  
18 we are on a CAP, okay? And then we're saying, there's  
19 still a CAP, that's still not -- we're not comfortable  
20 with it, because like I shared with you in Berkeley --  
21 MR. DUBINSKY: I know.  
22 MR. LOPEZ: -- I don't want to be put on anything  
23 that's -- I want your assistance, I want -- but I  
24 don't want to be put on any format, because I know  
25 where formats go. They evolve, they develop, they're

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1 assigned. So then in a conversation that I had with  
2 you and with Dennis on the phone, Dennis tells me,  
3 you're not on anything.  
4 MR. DUBINSKY: Right.  
5 MR. LOPEZ: Not a PIP, not a CAP, nothing. So we  
6 are --  
7 MR. DUBINSKY: A corrective action plan is not --  
8 MR. LOPEZ: I agree, but you see --  
9 MR. DUBINSKY: Yeah.  
10 MR. LOPEZ: -- now we begin to get -- okay. So  
11 you bring a sword, but then you realize, no, it's not  
12 a sword, we're going to opt for a whip, but in reality  
13 it's not a whip after all, it's a wet noodle.  
14 MR. DUBINSKY: Well, you know that what we put in  
15 these GSA contracts which we add to the contracts is  
16 this process that we developed in conjunction with GSA  
17 Region 9. It only really applies to them. It's not a  
18 SourceAmerica corporate-wide process. It's a -- it's  
19 a Region 9 SourceAmerica Pac West project where we  
20 have a communications matrix how we elevate issues  
21 within GSA in this region, period, right?  
22 MR. LOPEZ: Right.  
23 MR. DUBINSKY: The CAP, what that is, is when  
24 the customer brings forth complaints, recognize we  
25 don't make -- we don't put judgment on them at that

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1 point, is this valid, is it not valid, it's a  
2 complaint. And what we want to do is get that  
3 complaint formalized, using your term, because that --  
4 it may seem to you that, well, David is putting us in  
5 a bind, but it also puts the government in a bind,  
6 because we have to get them to define what is the  
7 issue.  
8 MR. LOPEZ: What is the issue.  
9 MR. DUBINSKY: All right. Here's a time frame  
10 we're going to take to fix that, right? And we -- and  
11 we --  
12 MR. LOPEZ: I don't mean to interrupt you, but  
13 you can see how it gets us nervous, because on one  
14 hand we already know what GSA is trying to do, we  
15 know, we have information, we know what's coming down  
16 the pike.  
17 MR. DUBINSKY: Yeah.  
18 MR. LOPEZ: On the other hand, we're over here  
19 getting mixed messages, so we can only be a little  
20 hesitant and concerned.  
21 MR. DUBINSKY: I understand that.  
22 MR. LOPEZ: And that's why --  
23 MR. DUBINSKY: I understand that.  
24 MR. LOPEZ: David, can I invite you to take a  
25 bathroom break?

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1 MR. DUBINSKY: Okay.  
2 MR. LOPEZ: It's to your -- to your left in the  
3 hallway. I'm going to do the same.  
4 MR. DUBINSKY: All right. Be a good idea.  
5 MR. LOPEZ: Yeah. I'll show you. Right here,  
6 through there.  
7 MR. DUBINSKY: Okay. Thank you.  
8 (Break in audio from 1:46 through 1:49)  
9 MR. LOPEZ: I won't take much more of your time,  
10 David, I just wanted to --  
11 MR. DUBINSKY: So, yeah, before -- I mean, before  
12 we -- what -- what --  
13 MR. LOPEZ: Like I said, I want this meeting to  
14 be profitable for you, substantial and progressive.  
15 Let's put things on the table. Let me share with you  
16 what's happened, because whether you -- you know, it's  
17 your decision, but it doesn't matter, of course,  
18 anymore.  
19 Something that is happening as we speak is  
20 this is being filed in San Diego federal court.  
21 SourceAmerica is being treated as a cartel because of  
22 the actions nationwide, across states. It's going to  
23 be bad, and it's going to involve every single  
24 affiliate. It's not one instance. It's not one case.  
25 We're dealing with global, the pattern and practice.

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1 We have no choice. We just have no choice.  
 2 And like I said, first it's going to be the  
 3 organization, then it's going to be individuals, and  
 4 we feel that there are individuals -- we know there  
 5 are individuals that are honest, and they've come  
 6 forth, and that can be dealt with appropriately  
 7 because they get the benefit of getting on the right  
 8 of us. The others get the benefit of the unfortunate,  
 9 horrible pattern that they're going to have to go down  
 10 with the ship.  
 11 Like I said, I feel that there's honesty in you,  
 12 and I think that's why you are being afforded the  
 13 opportunity, and I'm telling you everything openly.  
 14 MR. DUBINSKY: Okay.  
 15 MR. LOPEZ: Because it is what it is, to quote  
 16 Sylvia.  
 17 MR. DUBINSKY: Well, yeah, it always is what it  
 18 is, right?  
 19 MR. LOPEZ: So as of today things are going to  
 20 get really -- they're going to go, and they're going  
 21 to go fast.  
 22 MR. DUBINSKY: So you've said you -- so you filed  
 23 this against every one of the SourceAmerica companies  
 24 that are part of the AbilityOne program.  
 25 MR. LOPEZ: AbilityOne program.

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1 MR. DUBINSKY: But are the individual  
 2 organizations and including the Commission, so  
 3 everyone will receive this Complaint?  
 4 MR. LOPEZ: Everyone will receive this Complaint.  
 5 Everyone will receive -- they should be receiving it  
 6 within a day or two, but today it's official that  
 7 it's -- it's being received by the --  
 8 MR. DUBINSKY: And what -- and what -- what  
 9 exactly are you alleging all of the producing -- you  
 10 know, many of these organizations are -- they don't  
 11 know what's going on, right? They just -- they're  
 12 just out there doing their thing.  
 13 MR. LOPEZ: Yeah. But for the most part what we  
 14 have evidence and what we have proof of is, as you  
 15 know, the board of directors saying, well, yeah, you  
 16 know, I think that we will get this contract, and  
 17 they're proactively taking federal contracts to  
 18 themselves, the grants, the loans, everything. I  
 19 mean, it's just a free-for-all.  
 20 It's a beautiful program if -- for them, and  
 21 unfortunately it runs afoul of federal law, while no  
 22 one was watching, no one was monitoring. You know,  
 23 absolute power corrupts absolutely. It does. You  
 24 know, we're all human, we're all imperfect, and when  
 25 you allow yourself to be tempted to that degree, it's

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1 going to go --  
 2 MR. DUBINSKY: So do you -- and this is just --  
 3 just a question. You can answer it or not answer it.  
 4 Do you believe based on the evidence or whatever  
 5 homework you've done that the board -- because, you  
 6 know, I don't really know our board. I mentioned  
 7 about two or three years ago I stopped being asked to  
 8 go to board meetings. Board meetings are really sort  
 9 of closed group. So I don't know the board members  
 10 that well. I know a few. The one friend I have on  
 11 the board, who was a disabled man, passed away last  
 12 year, Tom Miller. But the board knowingly has done  
 13 things that are -- are wrong?  
 14 MR. LOPEZ: Wouldn't you agree that the evidence  
 15 is, I mean, pretty overwhelming, David?  
 16 MR. DUBINSKY: Well, I don't know what the  
 17 evidence is. I mean --  
 18 MR. LOPEZ: No. I'm saying the facts. I mean,  
 19 think about it. Let's talk about Pride. He's  
 20 right -- they're up north in our backyard, your  
 21 backyard. They get the lion's share of the contracts,  
 22 don't they?  
 23 MR. DUBINSKY: Well, not so much in this region,  
 24 but --  
 25 MR. LOPEZ: But nationwide.

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1 MR. DUBINSKY: -- maybe around the country they  
 2 get a lot.  
 3 MR. LOPEZ: That's why this is going all over the  
 4 country. Interesting that they're getting that, but  
 5 that's not so much interesting, you know; that's just  
 6 the evidence that they're getting all the contracts.  
 7 What they do to get them, now that's fascinating.  
 8 That's beautifully fascinating. How it works behind  
 9 the scenes, that is wonderful. At some point I would  
 10 have been upset. At this point I'm just -- hello,  
 11 hello.  
 12 But so the point is, I would like to see, is  
 13 there -- are we willing to talk openly, man-to-man,  
 14 honestly, you and me?  
 15 MR. DUBINSKY: I feel like we have been, yeah.  
 16 MR. LOPEZ: Okay. Let me ask you a few  
 17 questions.  
 18 MR. DUBINSKY: Okay.  
 19 MR. LOPEZ: I already asked you whether you have  
 20 at any time been influenced by your superiors to make  
 21 decisions that you feel uncomfortable with. I forget  
 22 what your answer was.  
 23 MR. DUBINSKY: Well, yeah, of course. Yeah.  
 24 MR. LOPEZ: Of course. Okay. Do you -- how much  
 25 influence does SourceAmerica and their directors have

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1 over executive directors? How much influence do they  
 2 have?  
 3 MR. DUBINSKY: Does SourceAmerica?  
 4 MR. LOPEZ: Yeah, you know, the mother ship. How  
 5 much influence do they have over you, the executive  
 6 directors in the regions?  
 7 MR. DUBINSKY: Total control. We are -- if  
 8 you -- you know, we'd be like regional vice  
 9 presidents, if that now. I mean, in some ways there  
 10 have been more layers.  
 11 You know, when I first came out here, I kind of  
 12 reported directly -- we had one operations head and a  
 13 CEO, and, you know, there have been a lot of layers  
 14 created in Vienna over the 20 years that I've been in  
 15 this region, but -- so Job -- just to give you an  
 16 example, when I came here 20 years ago, as an  
 17 organization we didn't even have a human resource  
 18 department. It wasn't a -- it wasn't a function.  
 19 When that function first was invented, it came in  
 20 as a director. Well, I was an executive director. So  
 21 it would have been a grade or two below, a director of  
 22 HR, and it became, you know, an assistant vice  
 23 president. Then the next thing you know it's a vice  
 24 president, and it leap-frogged the position. My  
 25 position has stayed at the same grade and pay bracket

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1 since I came here 20 years ago.  
 2 MR. LOPEZ: Wow.  
 3 MR. DUBINSKY: And I -- and I think, you know --  
 4 and that's something that those of us who have been in  
 5 the field, we've certainly talked about, you know.  
 6 MR. LOPEZ: Sure.  
 7 MR. DUBINSKY: Because you take -- when I came to  
 8 California, the very first person I hired was Craig  
 9 Lawrence. He was -- well, Craig's been retired a  
 10 couple years, right, so --  
 11 MR. LOPEZ: Yeah.  
 12 MR. DUBINSKY: And he'd just retired from the  
 13 Navy like a month prior to me hiring him, and he was  
 14 employee number six in our office.  
 15 MR. LOPEZ: Okay.  
 16 MR. DUBINSKY: Well, that office grew from 6 to  
 17 26 people over a, you know, 15-year period, but my --  
 18 my line accountability in the corporate structure did  
 19 not change, whereas someone who had a department of  
 20 two or three in Vienna at the corporate office may get  
 21 a director level, when they got to be six, became a  
 22 vice president. So you had a lot going on there.  
 23 MR. LOPEZ: Let me ask you another question.  
 24 Have you ever been directed by SourceAmerica's  
 25 leadership to take a particular action or pressured to

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1 take a particular action?  
 2 MR. DUBINSKY: Well, of course.  
 3 MR. LOPEZ: Yeah. I understand. Thank you for  
 4 that very honest answer.  
 5 MR. DUBINSKY: I mean, yeah.  
 6 MR. LOPEZ: Are you aware of SourceAmerica  
 7 intentionally giving certain affiliates advantages on  
 8 the selection process?  
 9 MR. DUBINSKY: You know, I'm going to tell you  
 10 now currently we have done our best to put safeguards  
 11 to prevent that. Do I think that that still occurs?  
 12 It could, you know, but we have a lot of safeguards  
 13 that would -- that would -- that are in place to try  
 14 to keep that from happening. I think the issue here,  
 15 Ruben, is it comes back to the old adage of, if  
 16 someone wants to commit fraud, are there opportunities  
 17 for them to do it, I mean, whether we're talking about  
 18 can I take a dollar bill and try to make a copy.  
 19 MR. LOPEZ: Thank you. It's -- it's normal.  
 20 MR. DUBINSKY: You know, I mean, so we -- we have  
 21 established safeguards. I think there is a -- there  
 22 are a lot of people in our organization that have to  
 23 me a high level of integrity, and we try to establish  
 24 safeguards, and we try to do, quote-unquote, the right  
 25 thing. Now, right to me might not always be right to

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1 you, right? But within your set of values you try to  
 2 do the right thing.  
 3 MR. LOPEZ: And I agree with you, because there  
 4 are ways as humans we can delude ourselves and say,  
 5 I'm doing the right thing --  
 6 MR. DUBINSKY: Right.  
 7 MR. LOPEZ: -- you know.  
 8 MR. DUBINSKY: Right.  
 9 MR. LOPEZ: You can say, well, I'm robbing this  
 10 bank, but God knows I'm hungry.  
 11 MR. DUBINSKY: Right. I've got to feed my kids,  
 12 so it's the right thing to do.  
 13 MR. LOPEZ: So I understand that.  
 14 MR. DUBINSKY: Yes.  
 15 MR. LOPEZ: But what I'm talking about is --  
 16 thank you for being honest -- from what we know, okay,  
 17 a third-party, I understand, objective would look at  
 18 this and say, oh, this is not right.  
 19 MR. DUBINSKY: So let's go back to something  
 20 about that, because, you know, there are a lot of  
 21 instances that, you know, I look at today or in the  
 22 last year or two that might bother me as an individual  
 23 but not necessarily bother the corporation or maybe  
 24 not bother people outside of the organization. I'll  
 25 give you just a hypothetical.

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1 So let's say Boeing, Boeing Services that has all  
 2 these contracts came to me and they said, hey, Dave,  
 3 I'm -- I'm going to set up a not-for-profit because I  
 4 really -- you know, I think it's a good thing to do,  
 5 and I've got all these contracts, you know, under  
 6 Boeing Services, and so what I want to do is flip  
 7 those to my nonprofit. I would be very uncomfortable  
 8 with that.  
 9 MR. LOPEZ: Absolutely.  
 10 MR. DUBINSKY: Right.  
 11 MR. LOPEZ: Absolutely.  
 12 MR. DUBINSKY: I would say, wait a minute, I  
 13 don't really know -- first of all, that's not fair to  
 14 the community, what about all the businesses that are  
 15 in those communities, and just because you can do that  
 16 doesn't mean --  
 17 MR. LOPEZ: You should.  
 18 MR. DUBINSKY: -- you should, and I shouldn't  
 19 necessarily be driven to recognize that you should be  
 20 selected for all these no matter what, right? No  
 21 matter what.  
 22 MR. LOPEZ: Agreed, agreed.  
 23 MR. DUBINSKY: Now, somebody else from the  
 24 outside might say, well, what difference does it make,  
 25 if they're a nonprofit and they're employing people

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1 with disabilities and -- and they -- you know, they've  
 2 got all these contracts and can put them in the  
 3 AbilityOne program, what's the downside? Well, to me  
 4 the downside is, it may not be against the law, but  
 5 there's a smell test to it.  
 6 MR. LOPEZ: That's right.  
 7 MR. DUBINSKY: So someone from the outside might  
 8 look at that and say, wait a minute, our current  
 9 constituency might look at that and say, wait a  
 10 minute, this is unfair to me, I'm damaged by what  
 11 you're -- by that kind of behavior.  
 12 So I think, you know, there's some ethics that --  
 13 and this is why to me you have a board of directors.  
 14 A board of directors should be looking at these  
 15 situations from an ethical point of view, there should  
 16 be some compliance review, some what-if scenarios, and  
 17 the board should say, we are going to avoid these  
 18 kinds of scenarios, they may not be illegal on their  
 19 face, that is, it's not like robbing a bank, right?  
 20 But they're -- they're unethical -- they could be  
 21 viewed unethical by an outside party, which could  
 22 damage then our organization and, of course, our --  
 23 our program.  
 24 MR. LOPEZ: Yeah. And it's human nature too, you  
 25 know. Let's say one of my accountants says, well, I'm

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1 going to borrow \$10 today for lunch, and he borrows  
 2 \$10, and then next month, you know, late on the rent  
 3 maybe, I'm going to borrow \$200 and give it right  
 4 back. And we as humans, we go from one little thing,  
 5 and it just snowballs, doesn't it? And many times  
 6 when they're being sentenced it turns out that it  
 7 started very innocently.  
 8 MR. DUBINSKY: Right.  
 9 MR. LOPEZ: The opportunity was just there, you  
 10 know, and we didn't think it would get to this degree;  
 11 but as years went by and a decade went by, it really  
 12 did turn out to this degree. It's unfortunate we --  
 13 we have to check ourselves, be introspective, because  
 14 if we don't, before you realize it -- you know, you  
 15 start wading at the edge of the beach, before you know  
 16 it you're in deep water.  
 17 MR. DUBINSKY: So do you -- do you -- so based on  
 18 your research, you think that our board is -- or the  
 19 leadership and the board have made not just errors in  
 20 judgment, but they're actually taking money? You  
 21 know, the difference between what you just said and  
 22 what I just said, somebody is breaking the law when  
 23 they steal from somebody else, right?  
 24 MR. LOPEZ: Absolutely.  
 25 MR. DUBINSKY: There's a law against stealing.

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1 MR. LOPEZ: Unfortunately. Yes.  
 2 MR. DUBINSKY: But -- but sometimes people make  
 3 decisions that are unethical, they're not necessarily  
 4 illegal.  
 5 MR. LOPEZ: Correct, correct.  
 6 MR. DUBINSKY: So you're talking about not things  
 7 that are unethical, but things that are illegal.  
 8 MR. LOPEZ: And you can think of -- let's think  
 9 about this, so that I can be concrete and specific,  
 10 target it.  
 11 MR. DUBINSKY: Okay.  
 12 MR. LOPEZ: We have the people from New York,  
 13 YAI, okay?  
 14 MR. DUBINSKY: Okay.  
 15 MR. LOPEZ: Huge problems, legal problems, they  
 16 defrauded. It's on the books. It's on court records.  
 17 You can't change it. They continue to operate within  
 18 the SourceAmerica organization. People of that moral  
 19 fiber get to make decisions and continue to operate  
 20 within our organization. You can only imagine people  
 21 of that fiber given the opportunity. With an open jar  
 22 of cookies, what will they do? They will do what they  
 23 have been doing. And there's more like it. That  
 24 thing just replicates itself all over the place.  
 25 But I thank you, David, for being honest and

1 forthcoming. I knew you would, and I appreciate it.  
 2 It makes -- it makes, you know, me glad that I took  
 3 the opportunity and thought, he is an honest man,  
 4 let me talk to him. Let me ask you another question.  
 5 MR. DUBINSKY: Okay.  
 6 MR. LOPEZ: Has anyone indicated to you that  
 7 contracts should not be given to Bona Fide regardless  
 8 of merit that Bona Fide has?  
 9 MR. DUBINSKY: No.  
 10 MR. LOPEZ: No. Do you know of anybody telling  
 11 any of the other executive directors that? And let  
 12 me -- let me be -- let me be a little more specific.  
 13 MR. DUBINSKY: Okay.  
 14 MR. LOPEZ: They say, well, why don't we say this  
 15 one will need top-secret clearance. Bona Fide doesn't  
 16 have it. Or this one will have a SINS requirement.  
 17 Bona Fide doesn't have it. That's what I mean,  
 18 something like that.  
 19 MR. DUBINSKY: Have I heard that?  
 20 MR. LOPEZ: Um-hmm.  
 21 MR. DUBINSKY: No, I have not.  
 22 MR. LOPEZ: Okay.  
 23 MR. DUBINSKY: I mean, again, keep in mind too,  
 24 Ruben, that if statements like that were made in front  
 25 of me, I would call people on it, because, you know,

1 MR. DUBINSKY: Well, let me tell you, in the  
 2 past, depending upon how far back you go, absolutely.  
 3 I mean, like I mentioned early on, in the -- in the  
 4 formative years, a hundred -- I mean, a hundred  
 5 percent of the opportunities were like that, right?  
 6 It was -- it was -- it was identify the opportunity,  
 7 find a nonprofit generally speaking in that community,  
 8 and there were some exceptions to that, but most of  
 9 the time those were related to products, but in the  
 10 services world it was generally find the opportunity,  
 11 find a nonprofit, put them together.  
 12 MR. LOPEZ: No one can fault, you know, that,  
 13 because you're having small companies, you're trying  
 14 to nourish and you're trying to fortify them.  
 15 MR. DUBINSKY: Right. And it was all  
 16 community-based.  
 17 MR. LOPEZ: People would understand.  
 18 MR. DUBINSKY: It was all community-based and --  
 19 and --  
 20 MR. LOPEZ: But when you're talking about now in  
 21 this day and age today.  
 22 MR. DUBINSKY: Well, and, again, I'm going to  
 23 tell you that, because we have this discussion in my  
 24 office all the time, you know, we -- we see an  
 25 opportunity, we're developing it, and we're very

1 that -- that would be specific -- that's going  
 2 specifically against what we were asked to do.  
 3 MR. LOPEZ: Let me now go -- thank you.  
 4 Interestingly, when we contacted CH2M Hill --  
 5 MR. DUBINSKY: Yeah.  
 6 MR. LOPEZ: -- something they said was very  
 7 interesting, and they knew -- we knew, but we weren't  
 8 going to say, but when they came out with it. They  
 9 said: You, Bona Fide, you want us to join you? Come  
 10 on. You know that the affiliate is chosen before even  
 11 the SSN goes out. And I said, really, Andrea? Are  
 12 you sure about that? Oh, absolutely. So it's common  
 13 knowledge.  
 14 So now let me ask you, David. Are you -- I mean,  
 15 isn't that -- hasn't that happened sometimes when the  
 16 affiliate is chosen ahead of time before the SSN goes  
 17 out?  
 18 MR. DUBINSKY: Well, you know, I'm trying to  
 19 understand. In the TFM world there is a tiering.  
 20 There is a tiering --  
 21 MR. LOPEZ: And I don't mean by -- and I don't  
 22 mean by mistake or happenstance. I'm talking -- let's  
 23 be honest, outright. Hasn't it happened that  
 24 sometimes, well, I think you should take this one, and  
 25 it's decided before the SSN goes out?

1 careful, very careful that we don't talk about the  
 2 who, even if it's in a geography like Guam where --  
 3 where generally speaking, you know, we have two  
 4 producing agencies in Guam. We have had in one -- in  
 5 one situation an opportunity -- an agency from the  
 6 Mainland, I think, compete for a contract in Guam.  
 7 MR. LOPEZ: Right.  
 8 MR. DUBINSKY: But it's very rare.  
 9 MR. LOPEZ: Right.  
 10 MR. DUBINSKY: But even there we don't say, well,  
 11 it's either going to be I Can or Pari because -- and  
 12 we practice that because we -- I say, you just never  
 13 know, so --  
 14 MR. LOPEZ: And I apologize. Maybe I should  
 15 clarify. I'm not talking about your specific region.  
 16 I'm talking, you know, nationwide, because we're  
 17 dealing with many regions here, many directors.  
 18 MR. DUBINSKY: Well --  
 19 MR. LOPEZ: And keep in mind that we know.  
 20 MR. DUBINSKY: That you know. Well, I'm just  
 21 going to tell you that, do I hear my peers say, I'm  
 22 going to give this to X? Not in front of me.  
 23 MR. LOPEZ: All right. Okay. We'll move on  
 24 then.  
 25 MR. DUBINSKY: Yeah.

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1 MR. LOPEZ: Are you aware of anybody adding  
2 criteria after the SSN has been submitted that would  
3 favor a certain nonprofit agency?  
4 MR. DUBINSKY: Adding criteria.  
5 MR. LOPEZ: Yeah, ad hoc, when, you know --  
6 MR. DUBINSKY: Oh, I know what you're talking  
7 about. You mean in the Sources Sought Notice, in an  
8 opportunity notice? Well, technically you can't.  
9 MR. LOPEZ: Technically you can't, you're right.  
10 MR. DUBINSKY: You cannot do that.  
11 MR. LOPEZ: Technically you can't.  
12 MR. DUBINSKY: You have to evaluate every  
13 opportunity based on the criteria that was put in the  
14 original opportunity notice. Now, one exception to  
15 that. Somebody calls and they have a question and  
16 it's like an "oh, my god" kind of thing. I need to  
17 disclose that. Good, thank you for your question.  
18 That question should then be published with the  
19 answer. That may create a new criteria, you know, for  
20 it.  
21 MR. LOPEZ: Sure.  
22 MR. DUBINSKY: But that criteria is then public  
23 and part of everyone's response, and that's what the  
24 process would say. So -- so you can't just make up  
25 criteria. Criteria you -- you can select from a menu

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1 up front and decide what's important and put it in  
2 your opportunity notice, but you cannot add it to  
3 after the fact; and if that's gone on, that's --  
4 that's wrong. You can't do it.  
5 MR. LOPEZ: I agree.  
6 Wouldn't you agree that Martin Williams and his  
7 statement at that time damaged Bona Fide? Wouldn't  
8 you agree that it would be damaged?  
9 MR. DUBINSKY: At -- the statement with --  
10 MR. LOPEZ: When we were with CH2M Hill.  
11 MR. DUBINSKY: Well, it was clear that Andrea  
12 Thompson did not understand what Martin was saying,  
13 and, you know, to the degree -- sitting there in the  
14 room at the time, it was clear from her body language  
15 that she was surprised --  
16 MR. LOPEZ: Yeah.  
17 MR. DUBINSKY: -- by that statement. Damage is  
18 harder for me to -- to answer, because what I would  
19 have -- what I would want to know -- I mean, I did  
20 follow up with Andrea at one point.  
21 MR. LOPEZ: Right.  
22 MR. DUBINSKY: But, you know, was Andrea -- was  
23 that something we -- you know, could somebody pick up  
24 the phone and say, you know, gosh, that was not --  
25 MR. LOPEZ: Right.

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1 MR. DUBINSKY: -- I didn't mean to say that, that  
2 came out wrong.  
3 MR. LOPEZ: Could have been -- could have  
4 happened.  
5 MR. DUBINSKY: Yeah.  
6 MR. LOPEZ: I mean, it's just like someone --  
7 let's say that I'm sitting there and someone says,  
8 you're ugly, in front of a prospective --  
9 MR. DUBINSKY: Right.  
10 MR. LOPEZ: You know, that would have, you know,  
11 been negative.  
12 MR. DUBINSKY: Right.  
13 MR. LOPEZ: Can't get around that, right?  
14 MR. DUBINSKY: Yeah.  
15 MR. LOPEZ: Does it seem to you that  
16 SourceAmerica sometimes favors certain affiliates in  
17 evidence and in practice?  
18 MR. DUBINSKY: I think SourceAmerica over time  
19 has become comfortable. When I say -- and, again, you  
20 know, when I say SourceAmerica, Ruben, I don't know --  
21 are we talking about the entire --  
22 MR. LOPEZ: The entire.  
23 MR. DUBINSKY: -- the entire --  
24 MR. LOPEZ: All these questions are nationwide.  
25 MR. DUBINSKY: Yeah. So over time there are

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1 organizations that -- nonprofit affiliates, it could  
2 even be a government customer, it could be -- it could  
3 be a commercial firm, people become comfortable with,  
4 and that comfort breeds -- sometimes that comfort has  
5 its roots in trust and/or performance, you know,  
6 they've been a good performer over the years, and so,  
7 you know, that -- that reputation that they build can  
8 at times be kind of omnipresent, you know, it's just  
9 there. It's sort of that -- the reason why you might  
10 stop at a -- at a McDonald's instead of some hamburger  
11 stand you don't know or an In-N-Out, because you just  
12 sort of have this.  
13 And so what -- because of that, I think, it goes  
14 really back to the days of Dr. Mead and the  
15 transparency, that human nature, whether it's  
16 cognitive or not, could allow that kind of trust to  
17 influence what goes on in a decision. So transparency  
18 and a rock-solid process is what's needed to prevent  
19 that.  
20 MR. LOPEZ: You have children, and I have  
21 children.  
22 MR. DUBINSKY: Right.  
23 MR. LOPEZ: And you know how sometimes as the  
24 father you have to say, okay, I spent two days with  
25 this little one, I have neglected the other one, I

1 have to tomorrow spend time with the other child,  
 2 because it's almost taking stock. I need to make  
 3 sure they're all nourished --  
 4 MR. DUBINSKY: Right.  
 5 MR. LOPEZ: -- and they're all thriving, right?  
 6 MR. DUBINSKY: Right.  
 7 MR. LOPEZ: So we're human beings. We have to.  
 8 MR. DUBINSKY: It works even with animals.  
 9 MR. LOPEZ: We have to. If we don't keep an eye  
 10 on it, your favorite or the one who's older or the one  
 11 you can interact with better, who has a more like  
 12 personality like you, ends up getting all of your  
 13 time.  
 14 MR. DUBINSKY: Right.  
 15 MR. LOPEZ: And that leads to disaster. The same  
 16 in this organization. If they have not taken the time  
 17 to -- to help, you know, nothing is perfect, but to a  
 18 reasonable degree.  
 19 MR. DUBINSKY: Let me -- can I ask you a  
 20 question?  
 21 MR. LOPEZ: Sure.  
 22 MR. DUBINSKY: And this is just -- so since Bona  
 23 Fide was -- became producing, and your first project  
 24 was at Wilshire.  
 25 MR. LOPEZ: Um-hmm.

1 MR. DUBINSKY: And then you got, I don't  
 2 remember, I'm going to say Santa Rosa after that, but  
 3 then you got that contract in --  
 4 MR. LOPEZ: Carson City.  
 5 MR. DUBINSKY: Carson City was before Santa Rosa.  
 6 MR. LOPEZ: Either one. I forget. It doesn't  
 7 matter.  
 8 MR. DUBINSKY: Okay. But then you got a contract  
 9 out in the Midwest somewhere.  
 10 MR. LOPEZ: Yeah.  
 11 MR. DUBINSKY: Indiana, Illinois.  
 12 MR. LOPEZ: Yeah, yeah.  
 13 MR. DUBINSKY: Indiana. When you got that work,  
 14 were you -- at that point in time were you of the  
 15 opinion that there was -- that was given to you for  
 16 some other reason other than you deserved it?  
 17 MR. LOPEZ: No. I mean, we got that work because  
 18 no one wanted it. It was a closed-up building. It  
 19 was closed.  
 20 MR. DUBINSKY: Oh.  
 21 MR. LOPEZ: I don't think there were many buyers  
 22 for it.  
 23 MR. DUBINSKY: Oh.  
 24 MR. LOPEZ: You know, we decided to go for it.  
 25 We might have been one, the only one maybe, I think.

1 MR. DUBINSKY: Oh, okay. All right.  
 2 MR. LOPEZ: It was closed up.  
 3 MR. DUBINSKY: Is it still viable? I mean --  
 4 MR. LOPEZ: It just opened a little after.  
 5 MR. DUBINSKY: Well, the reason -- the reason I  
 6 asked that is I didn't know if you thought somebody  
 7 gave that to you to -- to placate you in any way.  
 8 MR. LOPEZ: No, no. Like I said, it was closed.  
 9 I'm not sure anybody else competed for it.  
 10 MR. DUBINSKY: Oh.  
 11 MR. LOPEZ: The honest truth.  
 12 MR. DUBINSKY: Okay. That's interesting. And  
 13 that's the last new project you received?  
 14 MR. LOPEZ: No. San Jose has been the last one.  
 15 MR. DUBINSKY: Oh, yeah. Okay. Of course,  
 16 San Jose.  
 17 MR. LOPEZ: So do you think that in your heart of  
 18 hearts that the program as presently administered is  
 19 fair?  
 20 MR. DUBINSKY: Is what?  
 21 MR. LOPEZ: Is it fair in your heart of hearts?  
 22 And let me give you a little context, okay, before you  
 23 answer that. In our meeting in Berkeley, there was  
 24 something very interesting that happened. The new  
 25 process which now the Commission will decide --

1 MR. DUBINSKY: NPA recommendation process.  
 2 MR. LOPEZ: NPA recommendation. Something -- a  
 3 few things jumped out at me that were acutely  
 4 fascinating. One is that Kim and Tina spent two days  
 5 learning the process.  
 6 MR. DUBINSKY: As did Barry Lineback.  
 7 MR. LOPEZ: As did Barry Lineback.  
 8 MR. DUBINSKY: And Patricia Briscoe and I think  
 9 some of the other staff.  
 10 MR. LOPEZ: True, true.  
 11 MR. DUBINSKY: Yeah.  
 12 MR. LOPEZ: But they learned it at the feet of  
 13 SourceAmerica in Vienna.  
 14 MR. DUBINSKY: Right.  
 15 MR. LOPEZ: And they even took tests to make sure  
 16 that they --  
 17 MR. DUBINSKY: Understood.  
 18 MR. LOPEZ: -- understood the process.  
 19 MR. DUBINSKY: Right.  
 20 MR. LOPEZ: Then after spending all that time  
 21 there with SourceAmerica, as they should have,  
 22 SourceAmerica was not privy or understood how the  
 23 AbilityOne program -- the Commission was going to make  
 24 decisions.  
 25 MR. DUBINSKY: Still don't know.

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1 MR. LOPEZ: Still don't know, whether they have a  
 2 department, whether they have individuals prepared  
 3 to make those decisions. All that time really we  
 4 didn't know.  
 5 MR. DUBINSKY: Right.  
 6 MR. LOPEZ: Quite discombobulating, very  
 7 confusing. It would seem to me that the program,  
 8 since we're trying to really make things transparent  
 9 and shorten them up, that would have been a perfect  
 10 opportunity to say: Okay, this is A, this is B, this  
 11 is Z, one through five. Are we all clear? We took  
 12 the test. So now how is this going to work? We will  
 13 do this. You will do that. It's a -- it's very, very  
 14 important. It's like a sailor having a training  
 15 program and then the captain asking him, so what is  
 16 that? I don't know. Can you tell me? No, I don't  
 17 know.  
 18 MR. DUBINSKY: Well, you know, that's still --  
 19 it's interesting to me because the main change -- I  
 20 mean, there were some procedural things and some  
 21 things, but the main change really there is the  
 22 language. If you take a step back and you look at  
 23 when we first developed the NPA selection process, you  
 24 know, we were selecting the NPA, and when GAO audited  
 25 the Commission and the program and they said, wait a

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1 minute, you're abdicating your authority, you have NIB  
 2 and NISH at that time basically telling you who's  
 3 going to do the work, and you're the Commission. So  
 4 in -- in view of that, in order to help them, we come  
 5 up with the NPA recommendation process. Okay, so now  
 6 we're going to recommend, throw the recommendation  
 7 over the fence.  
 8 MR. LOPEZ: Right.  
 9 MR. DUBINSKY: But if they don't have -- if they  
 10 don't quickly develop a secondary process to evaluate  
 11 that recommendation, if they just rubber-stamp it, we  
 12 haven't changed anything except -- it's the same  
 13 thing, but we're calling it something different.  
 14 MR. LOPEZ: Agreed. Who is that woman that  
 15 commented? She's tall, beautiful, blonde, and used  
 16 that same word in Berkeley, said, so the Commission is  
 17 just going to rubber-stamp it? What is her name?  
 18 MR. DUBINSKY: Tall, blonde. In my office?  
 19 MR. LOPEZ: Maybe. I'm not sure if she's in your  
 20 office or if she's from national. But she was there,  
 21 and I remember she took the microphone and said, so  
 22 the Commission is just going to keep rubber-stamping  
 23 it, and then you and Bob said --  
 24 MR. DUBINSKY: I don't know. It wasn't Elizabeth  
 25 Goodman, was it?

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1 MR. LOPEZ: No, no, no.  
 2 MR. DUBINSKY: No. You know her.  
 3 MR. LOPEZ: But you remember that -- that woman  
 4 who said that?  
 5 MR. DUBINSKY: I do remember.  
 6 MR. LOPEZ: And Bob said, no, no, they're not  
 7 going to rubber-stamp it.  
 8 MR. DUBINSKY: Yeah, they don't rubber-stamp it.  
 9 MR. LOPEZ: Right.  
 10 MR. DUBINSKY: But they don't -- but they don't  
 11 have a process other than that at this point that I'm  
 12 aware of.  
 13 MR. LOPEZ: Right.  
 14 MR. DUBINSKY: And in fact I asked that question  
 15 as recently as last week because I'm in the middle of  
 16 a transfer, and, you know, we had a commissary at Fort  
 17 Irwin that one of our agencies based in Las Vegas  
 18 said, I can't do it anymore, I'm losing too much  
 19 money.  
 20 So we put out an opportunity notice. We had one  
 21 respondent, CW Resources out of the East, and so I  
 22 was, okay. You know, I actually called their CEO to  
 23 say, are you sure, because Fort Irwin, very rural, you  
 24 know, I want to make sure you understand what you're  
 25 doing. Yeah, I understand what I'm doing, you know,

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1 we're very good at commissaries. Okay.  
 2 But in the transfer email that I sent to him, I  
 3 was very careful to say, you know, I'm making a  
 4 recommendation to the Commission, I will be  
 5 recommending CW Resources. Well, he immediately gets  
 6 my email and calls me and said, well, wait a minute,  
 7 Dave, should I spend money, should I travel there  
 8 based on this email? I said, if you're asking me, I  
 9 would not until the Commission reaffirms that you  
 10 actually -- you're actually authorized to do the work,  
 11 because I'm only recommending you, I don't know  
 12 what -- I don't know what they're going to do.  
 13 MR. LOPEZ: That presents a good question that  
 14 I'd like to ask you. You know how sometimes they pull  
 15 projects, just pull them, they die --  
 16 MR. DUBINSKY: Yeah.  
 17 MR. LOPEZ: -- on the vine? What do you know  
 18 about that?  
 19 MR. DUBINSKY: Well, I mean, it can happen for a  
 20 lot of reasons.  
 21 MR. LOPEZ: Yeah, I know, but, you know, the real  
 22 reasons. What -- have you ever thought something  
 23 suspicious of some of the cases? And let me again  
 24 give you context.  
 25 MR. DUBINSKY: Okay.

1 MR. LOPEZ: We all know that these are indefinite  
2 contracts, and once they're given and if you do the  
3 work, no one else is going to have the opportunity.

4 MR. DUBINSKY: Right.

5 MR. LOPEZ: It's dead. The contract is gone.  
6 And isn't it true that sometimes when someone who's,  
7 let's say, not a favorite is vying and they look  
8 pretty good, the favorites are going to go, oh, my  
9 goodness, you know, if you give it to them, this is  
10 not going to be good for us, and sometimes are pulled  
11 back not because of SBAA, not because of impact, but  
12 because there is, you know, an understanding?

13 MR. DUBINSKY: Just take it off the table?

14 MR. LOPEZ: Just take it off the table until such  
15 time --

16 MR. DUBINSKY: Ruben, I -- first of all, I can't  
17 imagine ever doing it because, you know, the goal  
18 is --

19 MR. LOPEZ: Not your region, not your region.

20 MR. DUBINSKY: Well, I can't imagine -- I mean, I  
21 can't imagine why anyone would do it because you're  
22 supposed to be dispassionate about the ink and focused  
23 on the jobs.

24 MR. LOPEZ: Wouldn't that look horrible when it  
25 comes out that that's what's happening?

1 that could happen is if it's a project that maybe  
2 they're doing commercially or -- or the government  
3 has. So -- so let me give you an example. This is a  
4 real example in our region, and I'll just lay it out  
5 for you.

6 So I got a call from the Marine Corps. This is  
7 maybe like four weeks ago. I don't know the people  
8 that called me. They were contract announcers from  
9 the East, and they said they have a bunch of material  
10 in a warehouse in a -- outside, in an outside, exposed  
11 area. The Marine Corps was just a depot in Barstow,  
12 and there's no current contract for this. This stuff  
13 got delivered there from the Middle East, and it's  
14 uniforms and belts and boots, things that a Marine  
15 Corps soldier would wear.

16 And he asked me two things. He said, I  
17 understand that you have an NPA that does -- that  
18 launders Marine Corps clothing in California. And I  
19 said: Yes, we do. The company is called Job Options.  
20 They have a -- in San Bernadino, which is a little  
21 ways away, but they have laundry, and they clean  
22 uniform items for Camp Pendleton.

23 And then he said, well, would you have any  
24 agency -- if we had an emergency contract, and then  
25 he goes, I'm not telling you we do yet, but if we had

1 MR. DUBINSKY: That would be horrible.

2 MR. LOPEZ: That would look bad.

3 MR. DUBINSKY: That would be very bad.

4 MR. LOPEZ: That's why you and I have made the  
5 right decision, David.

6 MR. DUBINSKY: I mean -- I mean, if that -- if  
7 that has happened and you know or you have evidence  
8 that that's happened, that's horrible.

9 MR. LOPEZ: That would be bad.

10 MR. DUBINSKY: Because you can't -- I mean --

11 MR. LOPEZ: Yeah, you can laugh. All you can do  
12 is laugh.

13 MR. DUBINSKY: I'm not -- I'm not laughing at  
14 that.

15 MR. LOPEZ: No, no. I'm saying, I'm laughing,  
16 because that's all you can do is --

17 MR. DUBINSKY: But that's -- that's beyond --

18 MR. LOPEZ: Isn't that interesting?

19 Are you aware of SourceAmerica giving affiliates  
20 a little bit of an advantage on some selections  
21 process nationwide?

22 MR. DUBINSKY: An advantage to --

23 MR. LOPEZ: You know, like heads-up, hey, this is  
24 coming down the pike.

25 MR. DUBINSKY: The only time that I'm aware of

1 an emergency and I could sole source something to you  
2 next week, do you have any agency that you believe  
3 could rent a warehouse in Barstow, move all this stuff  
4 into an inside area, and then allow this agency to  
5 clean it for us and retag it?

6 And I said: Well, yeah, we do. I mean, we have  
7 a nonprofit that's right in Barstow that might know  
8 the area, and then Job Options actually has a contract  
9 on the procurement list for clothing items. So he  
10 said, well, if I call you back and I'm willing to sole  
11 source it, could you stand this up in seven days  
12 commercially? And I said, yeah, I think I can.

13 So I hung up the phone, and I did alert Job  
14 Options, and I did alert the nonprofit, they're not  
15 producing, in Barstow about that opportunity. And --  
16 and two reasons there, Ruben. One is it was  
17 commercial.

18 MR. LOPEZ: Of course.

19 MR. DUBINSKY: And second because of the timing,  
20 because there's no way I could ever use our process  
21 and -- and, quote-unquote, be fair. This would be  
22 like -- almost like a gift.

23 MR. LOPEZ: Those are reasonable things. I mean,  
24 like when the Pentagon was attacked, right, and the  
25 plane plowed into it, all of the contracting rules,

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1 everything went by the wayside. We needed what we  
 2 needed.  
 3 MR. DUBINSKY: Yeah.  
 4 MR. LOPEZ: And no one will question it.  
 5 MR. DUBINSKY: Yeah.  
 6 MR. LOPEZ: It's reasonable.  
 7 MR. DUBINSKY: Well, that's the kind of thing  
 8 that I'm saying. When you -- when you get that kind  
 9 of call, from the outside somebody might still say,  
 10 well, Dave, why did you, and I'm going, well, I'm  
 11 doing it because I'm --  
 12 MR. LOPEZ: I'm not alluding to those --  
 13 MR. DUBINSKY: Okay.  
 14 MR. LOPEZ: -- reasonable and -- you know,  
 15 reasonable circumstances. I'm alluding to the fact  
 16 that sometimes when someone calls and says they know  
 17 that -- the team of people for SourceAmerica look for  
 18 work and they know it's coming down the pike.  
 19 MR. DUBINSKY: All right.  
 20 MR. LOPEZ: All right? They know it's coming  
 21 down the pike.  
 22 MR. DUBINSKY: Well, here's another one.  
 23 MR. LOPEZ: Right.  
 24 MR. DUBINSKY: So I just mentioned Fort Irwin  
 25 commissary. So Job Options is cleaning a hospital at

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1 Fort Irwin, and a couple people said, well, are you  
 2 going to let Job Options know about this? I said,  
 3 I can't. They either see the opportunity notice for  
 4 the commissary or they don't. Well, wouldn't it make  
 5 sense that they get it because they're already -- I  
 6 said, well, it might make sense, but I cannot pick up  
 7 the phone and call Job Options and say --  
 8 MR. LOPEZ: And, again, David, I know you're an  
 9 honest man, as we are evidencing. I'm talking about  
 10 nationwide, the things that you know this organization  
 11 to be like.  
 12 MR. DUBINSKY: Well, I don't want to sound like I  
 13 have my head in the sand, but I'm telling you --  
 14 MR. LOPEZ: I appreciate that.  
 15 MR. DUBINSKY: I'm telling you that I don't -- it  
 16 does not happen in front of me where a regional -- one  
 17 of my peers will say, I'm going to contact -- now, the  
 18 closest thing to it, the closest thing to it recently  
 19 was a contract up in the state of Washington for a  
 20 medical hospital, Madigan, I think is the name of it,  
 21 and -- and there was a discussion about the customer,  
 22 Medcom, wanting this particular nonprofit and they're  
 23 going to sole source it to this particular nonprofit.  
 24 And I spoke up at a meeting and said, I would  
 25 not -- I would never do that because there's no reason

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1 to. And the comment was, well, it's the only one that  
 2 Medcom will accept. I'm thinking, well, that -- then  
 3 they're pulling your leg, because Medcom has accepted,  
 4 you know, four other nonprofits at four other  
 5 hospitals. So they're telling you that, but you  
 6 shouldn't buy that -- you shouldn't drink that  
 7 Kool-Aid.  
 8 MR. LOPEZ: Sure.  
 9 MR. DUBINSKY: You should -- you should force  
 10 Medcom to prove it by turning it down if you put an  
 11 opportunity notice out.  
 12 MR. LOPEZ: True, true. I agree with you.  
 13 MR. DUBINSKY: See, because, again, that's one of  
 14 those things where you're not forced by the  
 15 government -- I mean, it may sound like they're  
 16 telling you, but you haven't proven it, you haven't  
 17 tested it. You're just kind of --  
 18 MR. LOPEZ: Agreed. Now, what about the times  
 19 when other people are giving a little advantage to  
 20 certain affiliates, you know, because they're on --  
 21 MR. DUBINSKY: On the board.  
 22 MR. LOPEZ: Or whatever. What about that, David?  
 23 MR. DUBINSKY: Well, can that happen?  
 24 Absolutely. It's a conflict of interest. I mean, you  
 25 have board members. That's why I think, you know, if

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1 you listen to our legal counsel, has been advising the  
 2 board for some time to do one of two things, you  
 3 either divest yourself of producing CEOs on the board,  
 4 which would have some disadvantage to it, or while  
 5 they serve on the board they -- they are not eligible  
 6 for projects and grants. I mean, it could be one --  
 7 one or the other. I would prefer the latter, only  
 8 because I think NPAs bring value to the board in a lot  
 9 of ways.  
 10 MR. LOPEZ: To this day I will never forget, and  
 11 I learned through the years working with the Justice  
 12 Department that a defendant who does not listen to his  
 13 attorney is going to learn a lifelong lesson. I got  
 14 my ability to work with the federal government, and  
 15 the first case I was assigned to was in Vegas, of all  
 16 places, at the Foley building.  
 17 MR. DUBINSKY: Okay.  
 18 MR. LOPEZ: I will never forget that case. The  
 19 man had sold cocaine to an undercover DEA agent, and  
 20 his attorney was telling him: Please plead guilty.  
 21 You'll get 5 years in jail. If you force the  
 22 government to go through trial, you're going to get  
 23 40 years. This is federal court. This is not state  
 24 court. You don't do half the time.  
 25 MR. DUBINSKY: Right.

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1 MR. LOPEZ: You do every.

2 MR. DUBINSKY: In a federal pen.

3 MR. LOPEZ: And I remember the man said, no, no,

4 no. And the attorney begged him. He says: Look.

5 Look at the evidence. We can't win. 5 years or 40,

6 huge difference. They're giving you a gift with 5.

7 MR. DUBINSKY: Absolutely.

8 MR. LOPEZ: The government does not want to go

9 through this. I feel a little bit guilty, David,

10 because that was my first federal case and I so wanted

11 to go through a court trial. So in the back of my

12 mind I was going, say no, say no, say no.

13 MR. DUBINSKY: Yeah.

14 MR. LOPEZ: And he said no. I couldn't -- my

15 conscience has hurt ever since then because in the

16 back of my mind I know I wanted him to go through the

17 trial so just that I could experience the trial.

18 MR. DUBINSKY: Get the experience.

19 MR. LOPEZ: And he's doing 40 years. Okay,

20 that -- I have never forgotten that. So where does

21 that bring us here?

22 MR. DUBINSKY: Well, I know Jean -- I do know,

23 because I've heard Jean talk about -- about this

24 issue, you know, and -- and I don't believe it's

25 related to things you've done, maybe, maybe

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1 indirectly. I think it's just more been related to

2 ethics training that has evolved from BoardSource and

3 other organizations, and I've even noticed, you know,

4 when I go visit nonprofits and I see something that

5 looks, you know, maybe bad -- for example, I went to

6 one nonprofit that will remain nameless, and I was in

7 a really nice building that had on the outside, you

8 know, the name of a big real -- big national real

9 estate company.

10 And I said, oh, you know, you've got some really

11 nice space here in this, you know, really nice

12 building with this name on the front. And he goes,

13 yeah, well, the guy that runs that company is on my

14 board, and he gives us this space for free. Well,

15 right away I'm like, eeee, you know.

16 MR. LOPEZ: Yeah.

17 MR. DUBINSKY: You really should pay him some

18 rent --

19 MR. LOPEZ: Sure.

20 MR. DUBINSKY: -- because -- and he goes: Why?

21 You know, we've got a great thing. I get -- well, I

22 said, because from the outside people could -- I'm not

23 saying there's anything wrong, but from the outside

24 somebody could look at this and think, you know,

25 there's some quid pro quo going on here, and then if

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1 you were paying him rent, is it a market rent or is it

2 more than market or what's going on.

3 So I said, you know, one of the things that you

4 have to be careful about with boards is that there's

5 no conflict of interest either perceived or otherwise.

6 Perceived is not necessarily illegal. It means the

7 public might perceive it poorly, which could have a

8 negative impact on you. There are conflicts of

9 interest that are illegal for nonprofits, and so you

10 need to really -- you need to talk to your attorney,

11 you need to -- you need to flush that out, and I know

12 that's our legal counsel said that. So the problem --

13 the interesting thing about our board, you know, we

14 have the six founding non-NMAs.

15 MR. LOPEZ: NMAs.

16 MR. DUBINSKY: Right.

17 MR. LOPEZ: Yes.

18 MR. DUBINSKY: And they have this perpetuarcy,

19 and really they have -- they've always had an

20 opportunity to have somebody other than an NPA

21 executive on our board, because they have -- they all

22 have corporate offices, and I would just assume that,

23 you know, for example, JVS, should never have an

24 executive director of a JVS serve on our board. It

25 should be someone from their corporate office.

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1 Goodwill, the same thing. Don't have a Goodwill exec,

2 have someone from their -- you know, someone who's a

3 step removed.

4 MR. LOPEZ: Sure.

5 MR. DUBINSKY: Because they're not -- there's no

6 conflict of interest. They're serving only in their

7 national nonprofit role.

8 MR. LOPEZ: Both of those are good suggestions.

9 They're good, David, but, you know --

10 MR. DUBINSKY: Not always practiced.

11 MR. LOPEZ: Well, yeah. One thing is like my

12 wife doesn't have to tell me, don't go dancing with a

13 pretty lady alone, don't. She doesn't have to tell

14 me.

15 MR. DUBINSKY: Yeah.

16 MR. LOPEZ: Because, I mean, you know what's

17 going to happen. I have to be introspective and say,

18 you know what, I'm staying home with my children.

19 MR. DUBINSKY: Yeah.

20 MR. LOPEZ: Because that can only lead to a --

21 MR. DUBINSKY: Right, right.

22 MR. LOPEZ: Common sense, which is not very

23 common.

24 Lastly, David, let me ask you this. What do you

25 know about this unspoken understanding that, you know,

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1 the board of directors or affiliates of SourceAmerica  
2 have as far as allocating federal contracts to  
3 themselves? I mean, we have the evidence, you know,  
4 that they're the top 20, top 25, and they can't -- you  
5 can't deny it. There's nothing that can be done.  
6 MR. DUBINSKY: You know what I think, this is  
7 just, again, my honest opinion about that, and forget  
8 the board for a minute and just think about the top 25  
9 or so that have 80 percent of the dollars, not  
10 necessarily contract numbers, just think about it in  
11 terms of dollars. We've slowly painted ourselves into  
12 a corner by developing processes that say, I want to  
13 select the best. When you use terms like "the best,"  
14 the one that has the most experience, whatever,  
15 however you define what "best" is, and I've talked  
16 about this quite a bit in our corporate meetings, you  
17 then put yourself in a position when you get six  
18 well-meaning staff together and you say, you're an  
19 evaluation team, select the best, and you give them,  
20 you know, a Pride Industries and they've got 200  
21 million dollars worth of work, and they've got these  
22 very glossy, you know, well-prepared,  
23 professional-looking proposals, and then you put them  
24 up against somebody maybe that's in that community  
25 that doesn't have all of that. They don't have all

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1 that experience, and they don't have -- they may be  
2 capable, they may be deemed capable, they're in that  
3 pool, so they -- you know, they've passed all the  
4 tests. They're in this pool of capable NPAs, but they  
5 cannot ever really put a proposal together that's  
6 going to be better than somebody like a Pride Industry  
7 who's got all this. And so then if you award that one  
8 to Pride, you've only made them stronger for the next  
9 one, because now their portfolio is this long and this  
10 long.  
11 And -- and the issue with that and the reason  
12 why, for example, the AA program and other  
13 preferential procurement programs run by the  
14 government aren't that way is because you will tend --  
15 you will tend to concentrate all of your work in a --  
16 all your eggs in, you know, one basket. So what has  
17 happened over the last I'm going to say maybe seven or  
18 eight years, probably not longer than that, is that  
19 the government has become a tougher customer with us,  
20 and they want to see this experience, and they want to  
21 see, quote-unquote, our best, you know, SourceAmerica,  
22 Dave. I mean, I've had this discussion over and over.  
23 I give you one example. I was asked to make  
24 an award for a base-wide janitorial at L.A. Air Force  
25 Base which is south of LAX.

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1 MR. LOPEZ: Okay.  
2 MR. DUBINSKY: Not really an Air Force base,  
3 really an office building. Pride Industries was  
4 already doing a TFM contract there and had been doing  
5 it for about four or five years. I put an RIF out,  
6 you know, and then an opportunity notice, and we get  
7 some NPAs, and the evaluation team was coming to me,  
8 and they said, you know, we should select Pride. I  
9 had -- we also allowed the government to review the  
10 proposals and give us their input. The wing commander  
11 of this, a colonel, also said, I'd like Pride,  
12 they're already here.  
13 And I convened the meeting in my office, and I  
14 said, you know, I'm going to go against everybody's  
15 wishes and select Goodwill Industries of southern  
16 California here in L.A. And there was this like,  
17 David, you know, why, and Pride is all this, you know.  
18 And I said, well, the problem is that, first of  
19 all, Goodwill was doing a commissary right there, and  
20 so -- and these buildings, the biggest issue to the  
21 tenants and to the property manager were the floors.  
22 They're all hard floors, very little carpeting.  
23 I said, Pride is doing a TFM, they're doing this  
24 stuff, but we have a contractor here who's already  
25 doing floors in a big commissary, and commissary floor

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1 care is extremely important because of just the  
2 traffic. So I know they can do that and they can do  
3 the job. And the other thing is that I need to  
4 diversify, I need to -- I need to build capacity in  
5 our community. I cannot allow just this one agency to  
6 get all this work. I need to build capacity.  
7 And Goodwill at that time the only work they had  
8 was this, you know, commissary. So on paper they  
9 didn't look like the right one, but we selected them,  
10 and the wing commander didn't like it, and it came  
11 with all this, you know, if they fail --  
12 MR. LOPEZ: Right.  
13 MR. DUBINSKY: -- you know. Well, we put some  
14 resources on it, and six months later, you know, we  
15 had a performance meeting, and the wing commander  
16 came down and said, you know, I'm very happy with your  
17 decision, I'm very happy that this worked out.  
18 Now, that would be really hard to do today. The  
19 reason I was able to do it then is I had a lot more  
20 power then. I could actually overturn my staff's  
21 opinion. I mean, my opinion counted more.  
22 Today the evaluation team, I would have to find  
23 it -- I would have to find a process error to overturn  
24 it. I would have to -- so I would have to say, wait,  
25 you guys selected Pride, but you did so -- you did so,

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1 but you violated one of our processes which allows me  
 2 to go to another entity. And -- and that's scary to  
 3 me.  
 4 MR. LOPEZ: It is.  
 5 MR. DUBINSKY: I mean, there are two issues  
 6 there. Having that power could be a problem if I was  
 7 abusing it, but not having it is also a problem if my  
 8 staff or that evaluation team is not very experienced  
 9 and I -- and I have good reason to want to do  
 10 something because ultimately it's my accountability,  
 11 and I feel like if it's my accountability I need to  
 12 own that decision.  
 13 MR. LOPEZ: Agreed, agreed. So keeping that in  
 14 mind, and this is just man-to-man.  
 15 MR. DUBINSKY: Yeah.  
 16 MR. LOPEZ: Just --  
 17 MR. DUBINSKY: Well, I'm hoping a lot --  
 18 MR. LOPEZ: It is, but I want to underscore that  
 19 this is, you know, really between you and I now that  
 20 we have a relationship of just keep it honest and move  
 21 productively to our mutual benefit and happy future.  
 22 If you had to do it all again with the fiasco in  
 23 Vegas, with, you know, Craig and Denise Ransom and  
 24 Sylvia and Isleen Giminez and all that, if you had to  
 25 do it again, would you have done it differently now

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1 that --  
 2 MR. DUBINSKY: You know what, if I -- and what I  
 3 recommended that I didn't do but I should have forced  
 4 it was just do a redo, and I actually put that on the  
 5 table at one point, let me just redo it, because, you  
 6 know what, there was a lot of noise, and I thought if  
 7 I redid it, wipe the slate clean and redo it, and we  
 8 had the time at that point, I could have done a redo  
 9 that -- and what I mean by that, Ruben, is, you know,  
 10 I might have added some criteria, like what the  
 11 customer wants, and make sure I got that in writing.  
 12 I would have done some things differently because I  
 13 never really anticipated -- well, first of all, I  
 14 didn't -- I didn't have any idea what was going on  
 15 with Steven Underhill. That was off my radar. So I  
 16 didn't -- I didn't know what was going on there.  
 17 And then with Barbara, you know, I really -- I  
 18 felt like she was being totally honest with me at the  
 19 time, and I didn't know -- I didn't put her in the  
 20 position early on of putting her -- her position in  
 21 writing, which in retrospect I probably should have  
 22 done, but I didn't do it. So would that have changed  
 23 my decision? I don't know.  
 24 MR. LOPEZ: And I guess what I'm asking is  
 25 specifically, David, and, again, the Ransom situation,

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1 the Sylvia situation, you know, just to leave them  
 2 alone to say whatever they were going to say, that  
 3 would have been, I think, the wisest thing to do, and  
 4 that's what I'm alluding to, rather than allow other  
 5 forces to shape their testimony to people that had the  
 6 authority to know, who had the right to know what had  
 7 happened, because that compounded everything  
 8 exponentially. It went from I broke, you know, the  
 9 glass vase to, my goodness, I've murdered somebody.  
 10 MR. DUBINSKY: Well, you know what, I mean, in  
 11 retrospect it looks like that. In a realtime  
 12 environment what was really happening there, what I  
 13 was seeing happened, from my -- from my vantage point,  
 14 my executive director's chair with the staff, you  
 15 know, I had two females that had a history of sniping  
 16 at each other for whatever reason, just -- it was just  
 17 their history, you know, and I was trying to say --  
 18 what I didn't know, what I was worried about was this  
 19 sniping, kind of in-house dirty laundry, if you will,  
 20 getting out into the community and damaging both of  
 21 their reputations over something that at that time I  
 22 didn't feel had this -- this major ramification.  
 23 Remember, I'm sitting there thinking, I don't  
 24 really care what Sylvia says, and if she's talking out  
 25 of turn, that's a -- that's a disciplinary problem,

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1 not a legal issue, because at that period of time I  
 2 did not see that. And with Denise, how she was  
 3 behaving was saying, well, you know, this is what I  
 4 heard. Well, this -- this was like the head of a  
 5 long-going kind of sniping that had been going on  
 6 between Denise and Sylvia because their cubicles  
 7 literally are, you know, as close as you and I across  
 8 this aisle.  
 9 MR. LOPEZ: Right.  
 10 MR. DUBINSKY: And eventually, you know, Denise  
 11 picks up and moves to the other side of the office to  
 12 get away and things settle down. I think I know a  
 13 lot more about -- about that and -- and the damage  
 14 that that was doing that I didn't -- that wasn't clear  
 15 to me at the time. It just wasn't -- it -- it just  
 16 wasn't clear to me. It was -- you know, to me what  
 17 Sylvia said had no bearing on what I was doing and  
 18 Denise's -- you know, the comment about being out of  
 19 the locker room or out of the family, I take full  
 20 accountability for that. Part of that was keep your  
 21 personal issues in-house, don't go out and start  
 22 involving customers about who's right and who's wrong.  
 23 I didn't see it the way that it -- that you saw it.  
 24 MR. LOPEZ: And it's hard because people -- one  
 25 question I asked a while back, I forget whom I asked.

1 It was a higher-up in -- I think it was one of the  
 2 times when I went to Vienna. I asked, has anyone here  
 3 in this organization ever been part of law enforcement  
 4 or knows how this works? And the answer was no. I  
 5 said, that's why they have no idea what is happening  
 6 here. I thought -- because I thought someone should  
 7 know here, there's too many of them.  
 8 MR. DUBINSKY: Well, Jean knows.  
 9 MR. LOPEZ: No, but --  
 10 MR. DUBINSKY: Oh, you mean --  
 11 MR. LOPEZ: No. I'm talking criminal law,  
 12 criminal law enforcement.  
 13 MR. DUBINSKY: Yeah.  
 14 MR. LOPEZ: I don't think she's a criminal  
 15 attorney. She wouldn't know.  
 16 MR. DUBINSKY: No, no.  
 17 MR. LOPEZ: She wouldn't know.  
 18 MR. DUBINSKY: No.  
 19 MR. LOPEZ: Because, see, what I have learned in  
 20 working with them is that they will such -- they are  
 21 like an executioner with a huge ax and any information  
 22 that they are given has huge repercussions. When they  
 23 swing that thing, it's going to have effect. They  
 24 have the authority. It's going to have results.  
 25 And if they are basing their actions on false

1 him plead guilty.  
 2 MR. DUBINSKY: Yeah, I mean, you can't -- you  
 3 can't force the --  
 4 MR. LOPEZ: Let me see if I've forgotten anything  
 5 before -- I would like to take you to lunch if you  
 6 have the time.  
 7 MR. DUBINSKY: Yeah, I do. I mean, that's fine.  
 8 MR. LOPEZ: Let me see if I've forgotten  
 9 anything.  
 10 Has anyone indicated to you that a contract  
 11 should not be given to Bona Fide regardless of the  
 12 merit?  
 13 MR. DUBINSKY: No.  
 14 MR. LOPEZ: No. Okay. Are you aware of anyone  
 15 in SourceAmerica ever choosing an affiliate for an  
 16 opportunity prior to the publishing of the SSN?  
 17 MR. DUBINSKY: Selecting an affiliate prior.  
 18 MR. LOPEZ: Prior to the SSN, right, maybe we  
 19 should give it to --  
 20 MR. DUBINSKY: I mean, in -- in the long -- I  
 21 mean, I'd have to put -- I'd have to put some time  
 22 frames around that.  
 23 MR. LOPEZ: No. I'm just saying just like this,  
 24 just capriciously, okay, this one is going to get it,  
 25 end of story.

1 information, God save that person who gave them false  
 2 information, because once it has happened, now they  
 3 realize, oh, my god, we are -- and whose fault? Oh,  
 4 come over here. We -- we acted this way because of  
 5 you and now things -- that's why it's so -- but if  
 6 you've never been in that environment, you would never  
 7 know how serious it is.  
 8 I'll tell you, even working with them day-in and  
 9 day-out, when I stand across the table and they said,  
 10 Ruben, what did you hear about this case we're working  
 11 on? I'm the interpreter. I better tell them to a tee  
 12 this is what I heard, not any more, not any less,  
 13 because things -- decisions will be made, actions will  
 14 be taken, and it's going to go forward. Like that  
 15 person to this day my conscience hurts me. It wasn't  
 16 my decision. He made the decision to go on with the  
 17 trial, but just the fact that I wanted him to go  
 18 through the trial.  
 19 MR. DUBINSKY: Sure, sure.  
 20 MR. LOPEZ: It still hurts me.  
 21 MR. DUBINSKY: Sure. Well, I mean, you have  
 22 knowledge -- you have knowledge, you tried to  
 23 communicate the knowledge, and maybe you could have  
 24 tried harder if you were --  
 25 MR. LOPEZ: Yeah. Yeah, I mean, I couldn't tell

1 MR. DUBINSKY: In a -- in a situation where time  
 2 is of the essence, I'm aware of it.  
 3 MR. LOPEZ: Okay.  
 4 MR. DUBINSKY: And I would do it, just like  
 5 that --  
 6 MR. LOPEZ: Okay.  
 7 MR. DUBINSKY: -- one I talked to you before.  
 8 MR. LOPEZ: Are you aware of anyone in  
 9 SourceAmerica assigning greater weight to selection  
 10 criteria that clearly favors a particular affiliate?  
 11 MR. DUBINSKY: Yeah, I would say that that  
 12 occurs. I think, again, the current process would --  
 13 here's the thing about weights, okay, that I struggle  
 14 with. So we've taken weights out of our criteria, out  
 15 of -- out of the -- so you don't see that anymore like  
 16 you used to. You don't see 10, 25, 70. You don't see  
 17 it. So now it's just let's say something comes out  
 18 and it has five criteria. Well, whether we believe it  
 19 or not, they all carry 20 percent weight by -- just by  
 20 definition, and you can't -- in a discussion you  
 21 cannot informally say, but this is more important,  
 22 because it can't -- it can't be. They're all  
 23 20 percent. And, you know, I have -- in different  
 24 meetings I've heard people say, well, they're listed,  
 25 you know, in order of priority.

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1 See, the thing about that is, is that in our  
 2 system today, I don't care how many, it's 5, 10, 15,  
 3 divide that number into a hundred, and each one of  
 4 those criteria has that much weight, period. It  
 5 cannot have any more than that; it can't have any less  
 6 than that by virtue of taking the weights away. So if  
 7 you don't explicitly state what the weights are, they  
 8 have to all be equal.

9 Now, do people say -- will people say, but -- but  
 10 experience has got to be? Yeah, I do -- you do hear  
 11 that kind of comment, and you have to immediately say,  
 12 guys, stop.

13 MR. LOPEZ: I agree with you. I mean, right  
 14 now --

15 MR. DUBINSKY: Because you -- see, you can't go  
 16 to a third-party and say, well, it was obvious to  
 17 everybody what the weights were. It's not obvious  
 18 if you don't state that. And then even if you state  
 19 them, there's -- there's some issues with that.

20 For example, if you're going to say, if you don't  
 21 put point system, well, I'm going to give 75 percent  
 22 of the weight to this. Well, does that mean that's  
 23 like 75 points or -- you know, if -- if your scale --  
 24 if you're using a 1-to-10 scale for 75 percent and you  
 25 actually give that person a 6, then it isn't 75; it's

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1 6/10ths of 75. So there's a lot of misunderstanding  
 2 about weight and criteria.

3 MR. LOPEZ: Yeah, but you know what I'm  
 4 getting -- you know what I'm getting at, the ability  
 5 to give someone a little bit more privilege.

6 MR. DUBINSKY: Well, it's arbitrary.

7 MR. LOPEZ: It is arbitrary, absolutely.

8 MR. DUBINSKY: And then -- and then -- and then  
 9 you have to live with that. If you're going to say,  
 10 I'm going to do that, it's arbitrary.

11 MR. LOPEZ: Agreed, agreed. Unfortunately, poor  
 12 Joe Diaz, he looks like a Christmas tree when it comes  
 13 to this subject, the gift that keeps on giving. Poor  
 14 Joe. I feel bad for him sometimes, just a little bit.

15 MR. DUBINSKY: Do you compete for work over  
 16 there?

17 MR. LOPEZ: Um-hmm.

18 MR. DUBINSKY: Oh, yeah, you told me about one,  
 19 St. Elizabeth's.

20 MR. LOPEZ: Are you aware of anyone in  
 21 SourceAmerica including a requirement or a selection  
 22 criteria in an SSN that in your view intentionally  
 23 favored a particular affiliate or intentionally  
 24 disfavored Bona Fide?

25 MR. DUBINSKY: No.

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1 MR. LOPEZ: No. You're not aware of it?

2 MR. DUBINSKY: I'm not aware of that.

3 MR. LOPEZ: Okay.

4 MR. DUBINSKY: Let me ask you a question about  
 5 that, though. So when you -- if you take -- if you're  
 6 thinking about setting up an opportunity notice that  
 7 would intentionally -- and forget Bona Fide for a  
 8 minute, but intentionally discredit any agency, I  
 9 mean, what would that look like? I mean --

10 MR. LOPEZ: It would look like -- again, let's  
 11 talk about our friend Joe Diaz. Okay. And we're all  
 12 here being very, very open. So Joe Diaz has the  
 13 Elizabeth.

14 MR. DUBINSKY: St. Elizabeth's, right.

15 MR. LOPEZ: You know, headquarters for the Coast  
 16 Guard. And he says, hmm, I'm going to put a top  
 17 clearance on this one, and I'm going to say the  
 18 government told me I need to get top-security  
 19 clearance on this one, I'm going to do it. And I  
 20 reach out to him, and I say, Joe, are you sure this is  
 21 what's going on? Oh, yes, absolutely. From when we  
 22 had conversation by that time, I already know that  
 23 didn't happen. I know for a fact.

24 MR. DUBINSKY: So -- so let me ask you a question  
 25 about that.

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1 MR. LOPEZ: Right.

2 MR. DUBINSKY: Because facility -- I'm not sure  
 3 what you're talking about, but if it's facility-level  
 4 clearance, which is what oftentimes a government -- I  
 5 can't imagine DHS would do that there, but let's say  
 6 they did, because we have two that I'm aware of. We  
 7 have Odessa office at Hill Air Force Base, we also  
 8 have Pearl Harbor, where we have a facility-level  
 9 clearance put into the contract, very clear when you  
 10 have that because it's right up in the front. So that  
 11 is a criteria that has to be in your opportunity  
 12 notice right off the bat. It's not a -- it's not a --  
 13 now, does that rule some agencies out? Absolutely it  
 14 would, because very few people have that kind of  
 15 clearance, right, but if it's a requirement --

16 MR. LOPEZ: There are two agencies in your -- in  
 17 your organization I think that have that.

18 MR. DUBINSKY: No. We've got to have more than  
 19 that.

20 MR. LOPEZ: Like whom?

21 MR. DUBINSKY: Well, ORI has it in Hawaii,  
 22 because, I mean, they have --

23 MR. LOPEZ: But there are -- I'm talking  
 24 Mainland.

25 MR. DUBINSKY: Oh, Mainland.

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1 MR. LOPEZ: Anyway.

2 MR. DUBINSKY: Whatever. But the point of it is,  
3 is that that would -- that would clearly narrow it  
4 down to a small pool, two, three, whatever pool it is,  
5 right?

6 MR. LOPEZ: Right.

7 MR. DUBINSKY: But if it's a requirement of the  
8 contract, how would you get around it? You would have  
9 to put that in there.

10 MR. LOPEZ: Absolutely. If it is a requirement  
11 of the contract, you would have to, absolutely. I  
12 agree with you.

13 MR. DUBINSKY: So what you're saying is St. E's  
14 PWS was put together or the solicitation and that was  
15 not a requirement?

16 MR. LOPEZ: It was a requirement when it came out  
17 from NISH/SourceAmerica. It was not a requirement  
18 from the government to SourceAmerica.

19 MR. DUBINSKY: Well, how would you add it?

20 MR. LOPEZ: That's an interesting question.  
21 We're going to have to ask Mr. Diaz. I would like for  
22 him to answer that.

23 MR. DUBINSKY: I mean, when you say it came out  
24 without it, it was never in the PWS, or are you saying  
25 that SourceAmerica added it to the PWS?

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1 MR. LOPEZ: Thank you, David. Yes.

2 MR. DUBINSKY: How would -- how can -- you know,  
3 how does -- we don't write PWS's.

4 MR. LOPEZ: Isn't that interesting? No. I'm  
5 talking about the SSN, when the SSN came out.

6 MR. DUBINSKY: Oh, the opportunity notice or the  
7 solicitation.

8 MR. LOPEZ: Yeah, that we saw. I'm not talking  
9 about the government gave to -- back to NISH, now  
10 SourceAmerica. And that was a beautiful disconnect.  
11 Do you see what I'm saying?

12 MR. DUBINSKY: Yeah. So here is the question.  
13 So let's say you -- now, I mean the problem with that  
14 is maybe somebody sees this notice and they don't  
15 even -- they don't --

16 MR. LOPEZ: There you go. They go, why?

17 MR. DUBINSKY: They don't dig into it, because  
18 they go, why, I don't have it.

19 MR. LOPEZ: I don't have it. I'm disqualified  
20 right off the bat.

21 MR. DUBINSKY: But if you did read the PW -- or  
22 the solicitation, which is normally, 99 percent of the  
23 time that's going to be an attachment. That's the  
24 main attachment, right? That's describing what the  
25 government wants to buy, and you read it and you don't

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1 see that in there, you would then write a question to  
2 the East region and say, you know, maybe I'm missing  
3 something, but I don't see this. That would then be  
4 published as a question with an answer that would be  
5 for the world to see, right?

6 MR. LOPEZ: That would be as easy as that, but it  
7 didn't happen that way. It didn't go out that way.  
8 Anyway, like I said, it's going to be very --

9 MR. DUBINSKY: Well, I mean, I can't imagine -- I  
10 can't imagine how that --

11 MR. LOPEZ: It's going to be beautiful. It's  
12 going to be beautiful.

13 MR. DUBINSKY: Did you ask Joe? I mean, I'm  
14 just --

15 MR. LOPEZ: Absolutely. Oh, many times. And,  
16 you know, we went as far as saying, can you provide us  
17 with that from the government? If you provide that to  
18 us from the government, no harm, no foul.

19 MR. LOPEZ: Well, Ruben, I don't even -- I mean,  
20 what you're saying is just -- I don't even --

21 MR. LOPEZ: Now you see why we --

22 MR. DUBINSKY: It's nonsensical.

23 MR. LOPEZ: Now you see why we're having this  
24 conversation, because I'm thinking -- you know, and I  
25 have to take -- you know, I have to think of it, okay,

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1 if David decides not to be honest, it's okay, he's  
2 going to go tell them what it is that I'm doing and  
3 it's okay because it's going to be out in the open,  
4 David, you know, it's all right. But if he decides to  
5 be honest, then again that's -- now he helps himself  
6 and clarifies many things that, you know, we already  
7 knew. So either way it was going to be fine.

8 It's situations like this where you cannot unring  
9 the bell. You can't hide it. It's just so obvious  
10 out there that's going to -- that is worth a  
11 pay-per-view ticket to see, explain that one.

12 MR. DUBINSKY: Well, I don't even -- the amazing  
13 thing to me, this is just amazing to me, forget what  
14 you did or didn't do, I would think that there would  
15 be so many -- you know, the East region in Washington,  
16 D.C., just in that area, there are so many nonprofits  
17 that have capability to do work because there's so  
18 much work, right? I mean, that -- you just drive  
19 through that city and you're just like, oh, my god,  
20 this is like a gold mine, right, all this federal  
21 work.

22 I would think that somebody somewhere would have  
23 at least read the PWS when it came -- when the SSN  
24 came out and said, wait a minute, I don't -- I don't  
25 understand this criteria, and formally ask a question

1 that then gets answered, and the criteria would either  
 2 be removed or -- because, first of all, this is just  
 3 my understanding because of what happened at Hill Air  
 4 Force Base and what's happening in Hawaii as we speak,  
 5 but my understanding is facility-level clearances are  
 6 being removed from custodial-only contracts. The  
 7 government does not want that anymore. They don't  
 8 want to pay for the audit trail that comes with that.  
 9 And so -- and the only time you're going to -- they're  
 10 going to be able to request a facility-level clearance  
 11 is if there's multiple NAICS codes in a contract. So  
 12 you might be maintaining a computer data center, you  
 13 might be doing this and that, and cleaning, and so  
 14 then they can -- they can request. Those are very few  
 15 and far between, because the Defense Security Agency,  
 16 DSA is saying, guys, you either escort the cleaners or  
 17 you do something that's less expensive than this  
 18 facility-level clearance.

19 So we have situations where we have had that in a  
 20 requirement for a long time, and the reason the agency  
 21 that has the work today has the work is because of  
 22 that requirement. The issue is going to be when that  
 23 requirement goes away, you know, it's going to -- it  
 24 could pose some issues for us down -- to me downstream  
 25 because now you open up -- you know, you have this

1 monopoly that you don't really need to have with  
 2 certain --  
 3 MR. LOPEZ: I agree, and that is what we thought,  
 4 wow, my goodness, everyone is quiet. That's why we  
 5 were -- you know, everyone is not saying a thing, it's  
 6 interesting. So this is an organizational-wide  
 7 agreement. That's what the question is.  
 8 MR. DUBINSKY: Oh, well, no.  
 9 MR. LOPEZ: Well, you see what I'm saying?  
 10 There's so many thoughts there.  
 11 MR. DUBINSKY: Yeah, but I --  
 12 MR. LOPEZ: It is frustrating.  
 13 MR. DUBINSKY: Yeah. Yeah, I could see where  
 14 you're jumping it, but that's not --  
 15 MR. LOPEZ: Okay.  
 16 MR. DUBINSKY: -- that's just not the case.  
 17 MR. LOPEZ: Okay.  
 18 MR. DUBINSKY: And, again, I mean, these are -- I  
 19 mean, that's kind of -- to me that's a basic thing.  
 20 MR. LOPEZ: Yeah, yeah.  
 21 MR. DUBINSKY: Are you done asking?  
 22 MR. LOPEZ: Yeah.  
 23 MR. DUBINSKY: Can I ask you a couple questions?  
 24 Then we can go.  
 25 MR. LOPEZ: Of course, of course. Absolutely.

1 MR. DUBINSKY: I do want to -- at 3:00 o'clock I  
 2 want to -- I have a conference call I want to be on.  
 3 MR. LOPEZ: Sure, sure.  
 4 MR. DUBINSKY: This goes back to Peckham, and I  
 5 know you're doing this and this is going to go on for  
 6 a while and make a lot of noise, but at the same time  
 7 we still have what we have.  
 8 MR. LOPEZ: Yeah.  
 9 MR. DUBINSKY: So I wanted to ask you some  
 10 specific questions about this flower thing.  
 11 MR. LOPEZ: Yeah.  
 12 MR. DUBINSKY: The 10,000-some-odd dollars for  
 13 the flower thing, because I dug it into a little bit  
 14 with Tina. So they had in the contract -- my  
 15 understanding is GSA had in the contract seasonal  
 16 flowers as a to-do, as an IDIQ.  
 17 MR. LOPEZ: No. It just said flowers. They  
 18 didn't say seasonal.  
 19 MR. DUBINSKY: Okay. Flowers.  
 20 MR. LOPEZ: Just flowers.  
 21 MR. DUBINSKY: And when you did the walk-through  
 22 of that building, there were flowers, they had a lot  
 23 of flowers around. Apparently, there were some -- I  
 24 mean, the staff was saying, you know, they've always  
 25 had more flowers in that building than certainly other

1 buildings in northern California. So when that  
 2 requirement, and I'm assuming -- and I'm using the  
 3 word "seasonal" because most flowers if they're annual  
 4 are seasonal.  
 5 MR. LOPEZ: Agreed.  
 6 MR. DUBINSKY: Right?  
 7 MR. LOPEZ: Agreed.  
 8 MR. DUBINSKY: They're sort of -- when -- when  
 9 the building manager, whoever came to you and said,  
 10 okay, it's now time to take out the old stuff from the  
 11 fall and put something in for the winter or whatever  
 12 it was that they did that they claim you didn't do,  
 13 right, and then they billed you for it, or they billed  
 14 you because they hired somebody else to do it?  
 15 MR. LOPEZ: No, that never happened. Nothing  
 16 happened like of that sort. See, that's where  
 17 we're concerned about the report to government. What  
 18 our subcontractor was -- and the only paragraph that's  
 19 seasonal flowers is between us and our subcontractor.  
 20 In the contract -- in the contract from the government  
 21 it just says flowers. So seasonal flowers comes from  
 22 us.  
 23 MR. DUBINSKY: Okay. And you're just saying that  
 24 to clarify to a seller.  
 25 MR. LOPEZ: To our subcontractor, exactly.

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1 MR. DUBINSKY: You're going to be changing out  
 2 flowers.  
 3 MR. LOPEZ: Exactly, exactly.  
 4 MR. DUBINSKY: All right.  
 5 MR. LOPEZ: So he actually didn't do it. That's  
 6 why we told him, we can't have a relationship with  
 7 you, our contract says you're supposed to provide  
 8 seasonal flowers, you didn't do it.  
 9 MR. DUBINSKY: Okay.  
 10 MR. LOPEZ: So, sorry, we're changing.  
 11 MR. DUBINSKY: All right.  
 12 MR. LOPEZ: So now we have a new contractor who  
 13 does put the flowers in.  
 14 MR. DUBINSKY: Okay.  
 15 MR. LOPEZ: Okay? But that -- the past is the  
 16 past. He didn't do it; we didn't do it.  
 17 MR. DUBINSKY: Okay.  
 18 MR. LOPEZ: So now we are being charged \$10,000  
 19 for not putting in the flowers, and whereas we  
 20 understand if you want to I guess you can deduct some  
 21 money for the fact that we dropped the ball and didn't  
 22 enforce our subcontractor to put flowers, but \$10,000,  
 23 which is half of the year's landscaping fee, is  
 24 excessive, morbidly excessive. That's where we are.  
 25 MR. DUBINSKY: All right. So -- so in order to

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1 issue -- see, what I don't understand about this  
 2 particular contract, these instruments don't really  
 3 have a way -- they don't really have a contract  
 4 deduction set of clauses in the back of the contract,  
 5 you know, like some do. What it really says is that  
 6 if there's a requirement that needs to be done and you  
 7 don't do it and we have to go out and hire somebody to  
 8 do it, that we can then hand you the bill for that,  
 9 but there's some limits on that. So are you telling  
 10 me that GSA went out and hired somebody?  
 11 MR. LOPEZ: No, no. We just recently put flowers  
 12 ourselves.  
 13 MR. DUBINSKY: Well, how did they come up with  
 14 the \$10,000?  
 15 MR. LOPEZ: They went back to that contracting --  
 16 that contractor whom we had dismissed. They brought  
 17 him in and said, so what would you have done? And  
 18 they consulted with him, and somehow they came up with  
 19 the fee of \$10,000. That's how it happened. And they  
 20 got a quote from him and --  
 21 MR. DUBINSKY: It wasn't a quote for work that  
 22 was performed --  
 23 MR. LOPEZ: No.  
 24 MR. DUBINSKY: -- by somebody else --  
 25 MR. LOPEZ: No.

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1 MR. DUBINSKY: -- after you refused to do it.  
 2 MR. LOPEZ: No.  
 3 MR. DUBINSKY: So there's no way for them to take  
 4 a deduction from an invoice.  
 5 MR. LOPEZ: Sir, yes, you are right.  
 6 MR. DUBINSKY: But they actually did it?  
 7 MR. LOPEZ: They -- they did it.  
 8 MR. DUBINSKY: So have you reclaimed?  
 9 MR. LOPEZ: We asked, you know, Sylvester Hines,  
 10 this is, you know, irregular, and a week later he  
 11 said, I'll look into it. That's where we are.  
 12 MR. DUBINSKY: Okay. But -- but you have not  
 13 formally sent a reclama to this deduction? I mean,  
 14 you actually had money taken out of an invoice.  
 15 MR. LOPEZ: Yeah, yeah. We don't know how that  
 16 stands, to be honest. We thought we would just say --  
 17 you know, we did say we don't agree with it. That's  
 18 what we've done. We don't know if there's a vehicle  
 19 that we must use to get our money back or some of it.  
 20 MR. DUBINSKY: Well, there is a vehicle. There  
 21 is a vehicle, because they should not have -- you  
 22 know, you submitted an invoice. Somebody, it had to  
 23 be a contracting officer, had to sign off on an  
 24 invoice and change the total to another number and  
 25 attached something to it to go to the payment office

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1 to get paid.  
 2 MR. LOPEZ: You see, that's why we realized we  
 3 had no choice but to send the letter that we sent last  
 4 Friday because it was just falling apart.  
 5 Let's go to lunch, David. You're going to get  
 6 one of these anyway, so -- okay.  
 7 MR. DUBINSKY: Am I getting -- you mean getting  
 8 it through the normal system or --  
 9 MR. LOPEZ: Yes.  
 10 MR. DUBINSKY: -- are you saying --  
 11 MR. LOPEZ: Yes, yes. Yeah. I have to give time  
 12 for it to -- I will give you a copy.  
 13 MR. DUBINSKY: Okay.  
 14 MR. LOPEZ: Personal copy, but they have to get  
 15 it first.  
 16 MR. DUBINSKY: Okay.  
 17 MR. LOPEZ: To be fair.  
 18 MR. DUBINSKY: All right.  
 19 MR. LOPEZ: And then once that happens, I will  
 20 shoot you a personal copy.  
 21 MR. DUBINSKY: Okay.  
 22 MR. LOPEZ: Okay. Let me get my keys, and I'll  
 23 be right with you.  
 24 MR. DUBINSKY: Sure.  
 25 (End of Audio File 0401204)

CERTIFICATE OF REPORTER

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STATE OF MINNESOTA

COUNTY OF SCOTT

Be it known that I transcribed the foregoing audio recordings from audio links e-mailed to me by Daniel Cragg, Attorney;

That the foregoing transcript is a true and correct transcript done to the best of my ability;

That I am not related to nor an employee of any of the parties hereto, nor a relative or employee of any party or counsel employed by the parties hereto, nor interested in the outcome of any action related hereto.

WITNESS MY HAND AND SEAL this 23rd day of January 2015.

\_\_\_\_\_  
Rhonda Olynyk  
Notary Public, Scott County

<p style="text-align: center;"><b>\$</b></p> <p><b>\$10</b> [4] - 36:3, 37:3, 392:1, 392:2  <b>\$10,000</b> [4] - 446:18, 446:22, 447:14, 447:19  <b>\$2.50</b> [1] - 36:8  <b>\$200</b> [1] - 392:3  <b>\$200,000</b> [1] - 188:8  <b>\$300,000</b> [2] - 59:18, 59:19  <b>\$5,000</b> [1] - 308:11  <b>\$50</b> [2] - 253:18, 253:20  <b>\$50,000</b> [1] - 277:7  <b>\$950,000</b> [1] - 334:21</p>	<p><b>10,000-some-odd</b> [1] - 444:12  <b>10.50</b> [1] - 36:25  <b>10:00</b> [2] - 8:21, 44:10  <b>110</b> [1] - 182:16  <b>11000</b> [1] - 361:17  <b>110258</b> [1] - 1:12  <b>110258.m4A</b> [2] - 270:1, 297:20  <b>115</b> [1] - 1:9  <b>12</b> [1] - 192:17  <b>13</b> [2] - 178:21, 270:12  <b>130</b> [1] - 1:9  <b>1302014</b> [1] - 115:4  <b>131</b> [1] - 1:10  <b>13:1-4</b> [1] - 313:21  <b>14</b> [1] - 270:12  <b>14-C</b> [1] - 160:7  <b>14C</b> [1] - 294:25  <b>14th</b> [1] - 192:22  <b>15</b> [7] - 93:9, 209:1, 209:3, 229:4, 321:4, 321:6, 434:2  <b>15-year</b> [1] - 387:17  <b>150</b> [1] - 188:8  <b>1600</b> [1] - 152:7  <b>16th</b> [1] - 42:5  <b>17</b> [1] - 307:3  <b>17th</b> [1] - 181:10  <b>19</b> [1] - 319:25  <b>1939</b> [1] - 262:13  <b>1970s</b> [1] - 320:1  <b>1971</b> [1] - 159:2  <b>1975</b> [1] - 271:2  <b>1981</b> [1] - 271:1  <b>1983</b> [1] - 270:25  <b>1990s</b> [1] - 266:23  <b>1994</b> [2] - 320:2, 320:8  <b>1:10</b> [1] - 298:3  <b>1:30</b> [4] - 55:16, 55:20, 93:12  <b>1:46</b> [1] - 381:8  <b>1:49</b> [1] - 381:8  <b>1st</b> [2] - 298:2, 364:19</p>	<p><b>20-year</b> [1] - 320:9  <b>200</b> [1] - 422:20  <b>2000</b> [2] - 262:5, 266:9  <b>2000s</b> [4] - 271:16, 279:1, 327:21, 334:12  <b>2001</b> [1] - 321:25  <b>2002</b> [2] - 262:5, 330:25  <b>2003</b> [4] - 266:25, 267:8, 271:3, 271:17  <b>2006</b> [4] - 157:16, 157:22, 157:24, 159:1  <b>2007</b> [1] - 243:10  <b>2008</b> [1] - 243:10  <b>2009</b> [2] - 262:5, 304:14  <b>2010</b> [3] - 248:8, 249:8, 366:24  <b>2011</b> [4] - 89:18, 89:21, 344:17  <b>2013</b> [1] - 267:8  <b>20131107</b> [6] - 1:11, 1:12, 246:1, 269:13, 270:1, 297:20  <b>2014</b> [3] - 278:17, 291:21, 364:20  <b>2015</b> [3] - 250:14, 250:16, 450:20  <b>21</b> [1] - 270:8  <b>23rd</b> [2] - 2:14, 450:19  <b>245</b> [1] - 1:10  <b>246</b> [1] - 1:11  <b>25</b> [14] - 75:12, 75:15, 76:15, 77:19, 78:20, 80:3, 195:21, 249:11, 249:18, 249:20, 312:21, 422:4, 422:8, 433:16  <b>26</b> [2] - 376:18, 387:17  <b>269</b> [1] - 1:11  <b>270</b> [1] - 1:12  <b>27th</b> [3] - 26:1, 177:24, 178:15  <b>297</b> [1] - 1:12  <b>298</b> [1] - 1:13  <b>2:30</b> [1] - 55:20</p>	<p><b>365</b> [1] - 192:17  <b>3:00</b> [1] - 444:1  <b>3:45</b> [1] - 8:22  <b>3rd</b> [2] - 40:21, 40:24</p>	<p style="text-align: center;"><b>8</b></p> <p><b>8</b> [2] - 2:4, 83:23  <b>80</b> [3] - 78:21, 78:22, 422:9  <b>800</b> [1] - 321:17  <b>817-622-7002</b> [1] - 30:10  <b>8:00</b> [1] - 221:9  <b>8:04</b> [1] - 220:4  <b>8:30</b> [2] - 4:4, 221:13  <b>8A</b> [2] - 27:18, 31:24</p>
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