

Thomas Datwyler - 6/12/12

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<p>BEFORE THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD OF THE STATE OF MINNESOTA</p> <p>-----</p> <p>In the Matter of the Republican Party of Minnesota</p> <p>-----</p> <p>Statement of THOMAS CHARLES DATWYLER, taken in the above-entitled matter, pursuant to Notice, before Angie D. Threlkeld, court reporter and notary public, at 658 Cedar Street, Third Floor, St. Paul, Minnesota, on the 12th day of June, 2012, commencing at approximately 2:45 p.m.</p> <p style="text-align: center;">* * *</p>	<p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WITNESS</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td>THOMAS CHARLES DATWYLER</td> <td style="text-align: right;">4</td> </tr> <tr> <td> Examination by Mr. Goldsmith</td> <td style="text-align: right;">4</td> </tr> <tr> <td> Examination by Mr. Sigurdson</td> <td style="text-align: right;">18</td> </tr> </tbody> </table>	WITNESS	PAGE	THOMAS CHARLES DATWYLER	4	Examination by Mr. Goldsmith	4	Examination by Mr. Sigurdson	18
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<p>1 APPEARANCES:</p> <p>2 GARY GOLDSMITH, Executive Director, and</p> <p>3 JEFFREY SIGURDSON, Assistant Executive Director,</p> <p>4 Minnesota Campaign Finance and Public Disclosure</p> <p>5 Board, Centennial Office Building, Suite 190,</p> <p>6 658 Cedar Street, St. Paul, Minnesota 55155-1603,</p> <p>7 appeared for and on behalf of the Minnesota Campaign</p> <p>8 Finance and Public Disclosure Board.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 WHEREUPON, the following proceedings were</p> <p>18 duly had and entered of record, to wit:</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 THOMAS CHARLES DATWYLER,</p> <p>2 after having been first duly sworn, was</p> <p>3 examined and testified on his oath as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. GOLDSMITH:</p> <p>6 Q First of all, appearances. Gary Goldsmith for the</p> <p>7 Minnesota Campaign Finance Board. And also</p> <p>8 assistant director, Jeff Sigurdson, for the</p> <p>9 Minnesota Campaign Finance Board.</p> <p>10 If you would please state your full name</p> <p>11 and state your last name.</p> <p>12 A Thomas, T-H-O-M-A-S, C, Charles, Datwyler,</p> <p>13 D-A-T-W-Y-L-E-R.</p> <p>14 Q And what's your current address, please?</p> <p>15 A 740 Regal Ridge Circle. That's Hudson, Wisconsin</p> <p>16 54016.</p> <p>17 Q Okay. And in case we have to reach you, what would</p> <p>18 a telephone number be?</p> <p>19 A 715-338-8554.</p> <p>20 Q And I have an email at cardinalfeccompliance. Is</p> <p>21 that the best email to reach you if we need to reach</p> <p>22 you?</p> <p>23 A Yep, it's thomasdatwyler@cardinalfeccompliance?</p> <p>24 Q Now, say that again for the court reporter.</p> <p>25 A It's thomas, T-H-O-M-A-S, datwyler, D-A-T-W-Y-L-E-R,</p>								

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<p>1 @cardinalsfeccompliance. 2 Q Dot-com? 3 A Dot-com. 4 Q Okay. Thank you. And what's your current 5 employment? 6 A I'm an account manager at Cardinals FEC Compliance 7 Services. 8 Q Okay. What is that company? 9 A We do FEC reporting. We review FEC reports that 10 federal candidates have to submit to the federal 11 government. 12 Q Okay. And as an account manager, do you have 13 certain accounts then that are your responsibility? 14 A Yes. 15 Q Do you have more than one? 16 A Yes. 17 Q Is the Republican Party of Minnesota one of your 18 accounts? 19 A No. 20 Q Okay. How long have you been with Cardinals FEC 21 Compliance? 22 A December of 2009. 23 Q Okay. So in November of 2010 when we had a 24 gubernatorial election, you were with Cardinals. 25 And were you an account manager at that time as</p>	<p>1 Q Okay. As far as you know? 2 A No. 3 Q Okay. 4 A No. 5 Q Who first brought up the subject to you of the 6 possibility of an organization being formed that 7 would pay the cost of the 2010 gubernatorial 8 recount? 9 A Who? 10 Q Yeah. Who brought that up to you? 11 A That would have been Dan. He had asked me if I 12 would just sit on the board, and I said sure. 13 Q Okay. 14 A Pretty much how that went down. 15 Q Do you know approximately when that would have been? 16 A Oh, goodness. I think it was around -- I want to 17 say it was like January of 2011, somewhere around 18 there. I'm not a hundred percent sure when it was 19 open. 20 Q Okay. The first board meeting -- and we'll get to 21 that in more detail. But the first meeting was 22 February 17th of 2011. So it was -- 23 A Yes. 24 Q -- sometime before that? 25 A Yeah, before then. Yeah, just right before then.</p>
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<p>1 well? 2 A Yes. 3 Q During -- during that period of time did your 4 responsibilities with Cardinals have anything to do 5 with the Republican Party of Minnesota? 6 A No. 7 Q And who's the owner of Cardinals FEC Compliance? 8 A Dan Puhl. 9 Q And do you know where he was physically based in 10 November of 2010 as far as a work location? 11 A I just can't remember when he moved. Oh, he 12 would -- he would have been in Minnesota. Yep. 13 Q Okay. Do you know what his relationship as far as a 14 business relationship was with the Republican Party 15 of Minnesota? 16 A Strictly business. 17 Q Right. But, I mean, did he -- was he their account 18 manager or what was the business relationship 19 between Cardinals and the Republican Party? 20 A None. He -- he is not -- he was not the account 21 manager, no. 22 Q Okay. Did he do work at their offices? 23 A Never at their office, no. 24 Q In November of 2010? 25 A Nope. No.</p>	<p>1 That makes sense. 2 Q And even though you know what I'm going to ask, try 3 to wait 'til the end of my question, because it's 4 hard for the court reporter to take -- 5 A Sure. 6 Q -- down both of us -- 7 A Sorry. 8 Q -- at once. Other than asking you if you would be 9 on the board of directors of this corporation, did 10 you have any other discussion with Dan about forming 11 the corporation or getting it organized? 12 A No. 13 Q And this is the corporation that we now know as 14 Count Them All Properly, Inc.; is that correct? 15 A Correct. 16 Q Okay. And for the sake of abbreviation, we 17 sometimes refer to that as CTAP. I don't know if 18 you did in your -- 19 A Yeah. 20 Q -- office or not. 21 A Yeah. 22 Q Okay. So prior to your attending the February 17th, 23 2011 meeting, Dan asked you to be a director. What 24 else -- what did he tell you at the time when he 25 asked you to be a director?</p>

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<p>1 A He didn't tell me anything. Just asked me if I 2 would be the secretary, and I took notes. And that 3 was -- that was it. 4 Q Okay. Did he tell you what the purpose of the 5 corporation was or anything about the corporation? 6 A Not really. You know, I just kind of -- no, not at 7 all, actually. I really had no idea what its 8 purpose was. 9 Q Okay. Do you know who Tony Sutton is? 10 A I do, yeah. Not personally, but I know of him. 11 Q Have you ever talked to him? 12 A No, never talked to him. 13 Q Never at all? 14 A No. 15 Q Okay. So between the time that Dan asked you to be 16 on the board and your first board meeting of 17 February 17th, were there any other discussions 18 about how the corporation was going to operate or 19 what your duties might be? 20 A No. He just had asked me, besides to sit on the 21 board, just to handle the incoming bills too. I 22 guess that was another one of my assignments. And 23 that's -- that's pretty much it. I just kind of 24 kept them in the file and filed them away. 25 Q Okay. How did you get bills? Did somebody give</p>	<p>1 A For the most part, Dan would make the bill-paying 2 decisions. And as far as I know, he's the only one 3 that has authority to write checks. 4 Q Okay. You didn't have anything to do with drafting 5 the articles of incorporation or the bylaws? 6 A No. Over my head. 7 Q Do you remember anything about the first meeting 8 that you attended for Count Them All Properly? 9 A Where was it held again? 10 Q Meritage, M-E-R-I-T-A-G-E. 11 A Yeah, in St. Paul. Gosh, that was so long ago, I 12 don't remember any specifics, no. 13 Q Do you remember you met some other directors at 14 that -- 15 A Yeah -- 16 Q -- meeting? 17 A Yep. Yep. 18 Q Did you know Mary Igo before that? 19 A Just -- I met her one other time before that. I 20 don't really know her on a personal or any type of 21 basis like that, no. 22 Q And what about Mr. Meyer, did you know him before? 23 A Yeah, I knew Fred before. 24 Q Okay. 25 A Yeah.</p>
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<p>1 them to you or did they come in the mail or what? 2 A You know what, I don't remember. Actually, I don't 3 recall. For the most part they would be mailed, 4 actually. The only bill that I can think of was 5 mailed. Otherwise, I don't recall how the other 6 ones got there. There weren't many. 7 Q Primarily you're talking about bills from three law 8 firms, correct, or what bills are you talking about? 9 A I don't even know which ones, actually, to be 10 honest. I have no idea. I don't know which ones 11 and how they came. I just -- yeah. I mean, I have 12 no idea. 13 Q Okay. Somehow you got some bills and put them in a 14 file? 15 A Yeah. Yeah. I know one of them came to our P.O. 16 box, and I think -- it was Trimble. That one would 17 come to our P.O. box. Otherwise, the other ones, I 18 have no idea how I came about them. 19 Q And it wasn't your responsibility to actually issue 20 the checks to pay those bills? 21 A No. No. 22 Q Or to make decisions about which bills might get 23 paid? 24 A No. 25 Q Who made those decisions?</p>	<p>1 Q I'm going to show you what's been marked Exhibit 1 2 A Okay. 3 Q Just -- this is the minutes of the first meeting. 4 Did you -- are you the one that actually took those 5 minutes? 6 A Yeah, I took these. Yeah. 7 Q You typed them up? 8 A Yeah. 9 Q And Mary, what looks like Higle, is actually now -- 10 A Igo. 11 Q -- Mary Igo; correct? 12 A Yeah. 13 Q I-G-O? 14 A Yeah. 15 Q So in looking at these minutes, do you remember the 16 conversation about not speaking to the press? 17 A No, I don't recall. 18 Q So all you're recording here is that there was a 19 decision of some sort made? 20 A Right. Right. That we just -- we as a board 21 wouldn't speak to the press. 22 Q Okay. And also you have indicated the order that 23 bills apparently would be paid. Do you know how 24 that order was arrived at? 25 A I honestly don't recall, no.</p>

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1 Q Okay. So somebody decided, and you just wrote it
2 down?
3 A Yeah. Yep. I want to say that either Dan or Mary
4 decided, and then I just wrote down.
5 Q Were you aware -- at that time of that first
6 meeting, if you remember, were you aware that CTAP
7 already had a check in its account?
8 A No, I had no idea.
9 Q Okay. Give that back --
10 A Sure.
11 Q -- to the court reporter. There were three other
12 meetings that we'll probably talk about over a
13 period of several months between each one. And the
14 next meeting actually was not until September 9th of
15 that same year, last year. Make sure that's right.
16 Yes, that's correct.
17 In between those two meetings, the first
18 one and the second one, so from February to
19 September, did you have any duties or
20 responsibilities other than when you saw a bill you
21 put it in a folder?
22 A Yeah, just collected the bills that might have come
23 into the P.O. box.
24 Q Okay. And you didn't keep any spreadsheet or
25 anything like that?

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1 A Of what?
2 Q Of the bills.
3 A No, no.
4 Q Now, looking at Exhibit Number 2 toward the middle
5 of the document, you've got a list of Our Current
6 Debts, and it lists three law firms there. Do you
7 know what -- where those figures came from at the
8 meeting? Did somebody have paper or bills or what?
9 A Those numbers actually didn't come during the
10 meeting, no. They came after the meeting. It was a
11 request that had arised (sic) how much in debt do we
12 have. And I went back and took a peek at the bills,
13 and I got those figures from the outstanding
14 payables bills that we got from them.
15 Q Okay.
16 A But...
17 Q Did the fact that each of those firms had been paid
18 \$9,000, did that come up at the meeting?
19 A That -- yeah, that came up at the meeting, yeah,
20 because Dan had paid them each.
21 Q You say Dan had paid them?
22 A Yeah, Dan had wrote those.
23 Q And as far as you know, he just made the decision
24 and issued the checks?
25 A Yeah. As far as I know, yeah.

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1 Q Do you remember what ideas for making money for the
2 corporation were discussed?
3 A I don't recall, no.
4 Q How about at any time, maybe even after this
5 meeting, do you remember any kind of discussion
6 about raising money?
7 A Yeah, I mean, there were talks to -- to raise money.
8 Nothing that was ever, you know, placed upon me to
9 do so. That wasn't my job, to fundraise. It was
10 strictly to be a board member. So...
11 Q Sure. And was there anybody whose job was to
12 fundraise in the corporation?
13 A Not solely. Not that I can recall, no.
14 Q In fact, do you know of any fundraising that was
15 done by the corporation other than this single check
16 from Bob Cummins?
17 A No, I don't recall. I don't know, no.
18 Q You don't recall or you're not aware of any?
19 A No, I'm not aware at all, no.
20 Q Did you ever take any calls from these attorneys who
21 were trying to collect their money?
22 A Any -- like did they call me?
23 Q Right. Did they talk to you personally?
24 A No. Nope. Never.
25 Q Okay.

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1 A Well, actually, that's -- that's not true. When I
2 actually called Trimble to ask for his W-9, he
3 had -- he had said that he didn't recognize us as a
4 customer. But he ended up giving me his W-9
5 information anyway, so -- that goes without saying.
6 But that was the only other conversation I've ever
7 had with any of them.
8 Q Okay. Well, there was another meeting on
9 February 10th of this year, and a more recent
10 meeting on April 24th, not all that long ago. Other
11 than at those two meetings, have you had any
12 discussions or meetings with people about CTAP
13 outside of those two meetings in that period of
14 time?
15 A No. Never.
16 Q I'm gathering from your testimony that really all
17 you did mostly was keep the records of the meetings?
18 A Keep the records, grab the bills. That's -- that's
19 it. I really didn't even have any insight when we
20 were at the meetings, to be honest.
21 Q Okay. And maybe that explains why, in response to
22 my letter in which I asked for documents --
23 A I didn't have anything, yeah.
24 Q You're not waiting for me to finish --
25 A Sorry.

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1 Q -- the question. So you didn't have anything other
 2 than what Mary Igo had already provided?
 3 A That's correct.
 4 Q Is CTAP still a -- I won't say active, but it's
 5 still a corporation; correct?
 6 A As far as I know.
 7 Q Do you have any future meetings scheduled?
 8 A No.
 9 Q Have you had any discussions with anybody about
 10 what's going to happen to CTAP --
 11 A No.
 12 Q -- going forward?
 13 A No.
 14 Q At one of the -- at the last meeting, which was
 15 called at least in part to discuss this problem with
 16 CTAP's chief executive officer registration with the
 17 Secretary of State's office -- do you remember that
 18 discussion?
 19 A Can you repeat that? Sorry.
 20 Q Well, apparently the corporate records had been
 21 modified --
 22 A Um.
 23 Q -- to list --
 24 A Um-hum.
 25 Q -- somebody as the CEO who said he had no knowledge

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1 of that. And that --
 2 A Right.
 3 Q -- was discussed at the April 24th meeting.
 4 A Correct.
 5 Q Do you recall the discussion of that?
 6 A Vaguely. I have a vague recollection. As far as I
 7 know, it's very easy to go on to the Minnesota
 8 Secretary of State and just change somebody's --
 9 whoever is, I guess, the owner or the, you know,
 10 president or the CEO, and that was done. I know
 11 that his lawyers -- I don't recollect his name, but
 12 his lawyers looked into it and found out that the
 13 change was made at his office on a computer there
 14 that came from an IP address out of his office. But
 15 they couldn't narrow it down to any further than
 16 that. He works out of a big office, I understand.
 17 So...
 18 Q Okay. Anything that you think you would like to add
 19 to the discussion we've had this afternoon?
 20 A No, I have nothing to add.
 21 MR. GOLDSMITH: Okay. I'll ask Jeff if
 22 he has any questions.
 23 MR. SIGURDSON: Just a couple, sir.
 24 EXAMINATION
 25 BY MR. SIGURDSON:

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1 Q Do you happen to know Ron Huettl? He was the
 2 finance director of the Republican committee.
 3 A Yeah, I know Ron. Yep.
 4 Q Did he forward to you, either through email or any
 5 other way, any documentation on the debt that the
 6 attorneys was eventually going to turn over to you;
 7 do you recall that?
 8 A No, no. No, I've never had any association with Ron
 9 for CTAP.
 10 Q So to the best of your knowledge, it was Mr. Puhl
 11 then that was keeping track of any cash balance that
 12 CTAP might have?
 13 A That's correct.
 14 Q Do you know if there was any communication -- I
 15 believe you stated that you've never talked to
 16 Mr. Sutton. But there is an indication on two
 17 different minutes -- one I believe you have in front
 18 of you. I'm not sure if you have the February 10th,
 19 2012 in front of you as well.
 20 A Right.
 21 Q The February 10th one, if I can find my -- find my
 22 reference. Give me just a --
 23 A Sure.
 24 Q -- second here. Oh, I'm sorry, I'm going to move
 25 you back to the very first one is actually where my

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1 question was. The February 17th, 2011, the third
 2 from the bottom line says, Take recommendations from
 3 RPM and Tony Sutton on what to pay with the cash on
 4 hand.
 5 That certainly implies that there's some
 6 communication between CPAP and the RPM on the order
 7 in which things should be paid and that there is,
 8 again, a channel that's open with the RPM. Do you
 9 know who may have been in communication with the
 10 RPM?
 11 A No. I can just say that it wasn't me.
 12 MR. SIGURDSON: Okay. That's it. I
 13 think that's all I have.
 14 THE WITNESS: Cool. All right.
 15 MR. GOLDSMITH: Thank you.
 16 THE WITNESS: Yeah, thank you guys.
 17 (Deposition concluded at 3:05 p.m.)
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 19
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 21
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 23
 24
 25

1 STATE OF MINNESOTA)
2) ss.

3 COUNTY OF DAKOTA)
4

5 Be it known that I took the deposition of THOMAS
6 CHARLES DATWYLER on June 12, 2012, at Minneapolis,
7 Minnesota;

8 That I was then and there a notary public in and for
9 the County of Dakota, State of Minnesota, and that I was
10 duly authorized to administer an oath;

11 That the witness before testifying was first duly
12 sworn to testify the truth and nothing but the truth;

13 That the testimony was recorded by myself and
14 transcribed into a computer-aided transcript and that
15 the deposition is a true record of the testimony given
16 by the witness to the best of my ability;

17 That I am not related to any of the parties hereto
18 nor interested in the outcome of the action;

19 That the cost of the original transcript has been
20 charged to the party noticing the deposition, unless
21 otherwise agreed by Counsel, and that copies have been
22 made available to all parties at the same cost, unless
23 otherwise agreed upon by Counsel;

24 That the reading and signing of the deposition by the
25 witness was waived.

WITNESS MY HAND AND SEAL THIS 19th day of June, 2012.

ANGIE D. THRELKELD
Court Reporter