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BEFORE THE CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD OF THE STATE OF MINNESOTA ----- In the Matter of the Republican Party of Minnesota, ----- Sworn statement OF ANTHONY SUTTON, taken in the above-entitled matter, pursuant to Notice, before Dennis Currier, Court Reporter and Notary Public, at Suite 190, 658 Cedar Street, in the City of St. Paul, County of Hennepin, State of Minnesota, on June 19, 2012, commencing at approximately 1:00 p.m. * * *	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 APPEARANCES: 2 GARY GOLDSMITH, Executive Director, and 3 JEFFREY SIGURDSON, Assistant Executive Director, 4 Minnesota Campaign Finance and Public Disclosure 5 Board, Centennial Office Building, Suite 190, 658 6 Cedar Street, St. Paul, Minnesota 55155-1603, 7 appeared for and on behalf of the Minnesota Campaign 8 Finance and Public Disclosure Board. 9 The Deponent appeared pro se. 10 ALSO PRESENT: 11 Jodi Pope 12 13 14 15 16 17 WHEREUPON, the following proceedings were 18 duly had and entered of record, to wit: 19 20 21 22 23 24 25	1 ANTHONY SUTTON, 2 after having been first duly sworn, was 3 examined and testified on his oath as follows: 4 5 EXAMINATION 6 7 MR. GOLDSMITH: First I'm going to note 8 the appearance. Gary Goldsmith, G-o-l-d-s-m-i-t-h, 9 for the Campaign Finance Board. 10 MR. SIGURDSON: Jeff Sigurdson, 11 S-i-g-u-r-d-s-o-n, Campaign Finance Board. 12 MS. POPE: Jodi Pope, J-o-d-i P-o-p-e, 13 Campaign Finance Board. 14 BY MR. GOLDSMITH: 15 Q If you would state your name for the record spelling 16 your last name, please? 17 A Tony Sutton, S-u-t-t-o-n. 18 Q What's your current address if we need to mail you 19 something? 20 A 8540 Bechtel Avenue, Inver Grove Heights, Minnesota 21 55076. 22 Q If I need to call what would be a number? 23 A (612) 868-2311. 24 Q How about an e-mail? 25 A Agsutton @ msn.com.

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1 Q I think you know generally why we're here?
 2 A Uh-huh.
 3 Q Let me just recap. This is probably the last in a
 4 series of depositions that we've taken in response
 5 to a complaint filed by Common Cause Minnesota
 6 regarding the Republican Party of Minnesota. That
 7 complaint raised a number issues that are becoming
 8 more and more clear as we talk to more and more
 9 people. And as I say you're probably the last
 10 person we'll talk to.
 11 There's a lot of information that we've
 12 received and I haven't got it all memorized so we're
 13 going to do sort of conversation here which will
 14 give you an opportunity to explain to us what
 15 happened and I'll ask some specific questions as we
 16 go to keep things moving. The key points that we're
 17 going to be talking about today are David Sturrock,
 18 S-t-u-r-r-o-c-k, David Sturrock's certification of
 19 campaign finance reports in 2009 and 2010. And the
 20 question there is whether those were -- whether he
 21 knowingly certified those knowing they contained
 22 false information or omitted information. That's
 23 one of the allegations of the complaint. We'll talk
 24 about the general question of why information was
 25 left off of reports in 2009 and '10. And then we'll

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1 have a conversation about the recount and paying for
 2 the recount.
 3 A Uh-huh.
 4 Q When did you become -- during the period in question
 5 which is 2009 and 2010 and actually going into 2011
 6 during some period, some part of that time, you were
 7 the Chairman of the Republican Party of Minnesota?
 8 A Yeah, starting July 1, 2009.
 9 Q That's an elected position?
 10 A It is.
 11 Q Who elects the position?
 12 A State Central Committee.
 13 Q How often is it up for election?
 14 A Every two years, the odd numbered years.
 15 Q Did you have any activity or relationship with the
 16 Republican Party prior to your election as Chair?
 17 A Sure, I was the treasurer.
 18 Q How long have you been treasurer?
 19 A From July of 2005 until the end of June 2009.
 20 Q As treasurer you at least signed the campaign
 21 finance reports?
 22 A That's correct.
 23 Q Let me try to tell you to wait for me to finish the
 24 question even though you know what I'm going to say
 25 because the court reporter has a hard time taking us

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1 both down at once. So back to that question, at
 2 least you signed the reports while you were
 3 treasurer, is that correct?
 4 A That's correct.
 5 Q Can you tell me whether you played some additional
 6 role in preparing those reports other than signing
 7 them?
 8 A Not very much. You know, the Party is a large
 9 organization for political committee and so
 10 professional staff prepares the reports. And then
 11 typically as treasurer I would sit down with Maria
 12 Taubenberger who is the controller at the time and
 13 had been controller for at least a decade and kind
 14 of go over things with her and occasionally ask a
 15 few questions. But, you know, as a volunteer pretty
 16 much relied on the staff to prepare the reports.
 17 Q Before you were treasurer did you have any other
 18 positions with the Party?
 19 A Sure. I was executive director back in the nineties
 20 from '97 to 2001. Before that back in the early
 21 nineties I was executive director for a short period
 22 of time from December of '92 until June of '93.
 23 I've been finance director back in December of '90
 24 until June of '92.
 25 Q So for more than 20 years you've been a volunteer or

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1 an employee of the Republican Party?
 2 A That's true, yes.
 3 Q When you first were elected Chair in June of 2009,
 4 taking office on July 1, 2009, how much time did
 5 that take for you to perform your duties?
 6 A Well, it was difficult. And, you know, I had
 7 decided -- I had run for Party Chair under sort of
 8 the Bill Cooper model where I was a business person.
 9 I was the CEO of a restaurant company. When Bill
 10 was Party Chairman he was the CEO of TCF Bank. So
 11 he basically had staff run the Party on a day-to-day
 12 basis. And my role would be to do mostly
 13 fundraising and also run my company. And so it was,
 14 you know, the fundraising was a pretty time
 15 consuming operation so it was hard to juggle the
 16 two. But through 2009 and 2010 that's how I did it.
 17 Q Would you say during that period 2009/2010 were you
 18 in the office every day or --
 19 A No. There was some weeks I wasn't in the office at
 20 all. I was either in my office at Baja Sol or I was
 21 out at fundraising appointments. So I relied on the
 22 staff.
 23 Q How would you describe the duties of the Chair
 24 during that period?
 25 A I'm sorry, what do you mean?

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1 Q Well, was there a position description?
 2 A No, not really. I mean, there's sort of precedent
 3 and practice I guess you would call it of what the
 4 Chairs do, but everybody handled it a little
 5 differently. When I worked for Bill Cooper he was
 6 not hands-on at all. I don't think he was in the
 7 office half a dozen times the entire time he was
 8 Chairman. Robert Steiner was a little bit more in
 9 the office. Although when the .com first happened
 10 he disappeared for about a month because he was hip
 11 deep in alligators. But Chris Georgacas, I worked
 12 for Chris just for a short period of time, he was
 13 full-time Chairman. He was paid full-time from day
 14 one. So every Chairman handled it a little bit
 15 differently.
 16 Q So your duties during 2009 at least and into 2010
 17 were fundraising you said?
 18 A Fundraising. It was my role to kind of set the
 19 tone. Here's where we're going to go, we're going
 20 to build the Party, we're going to recruit
 21 candidates, we're going to win elections. And also
 22 it was my job to raise money, especially in the
 23 light of the refund program going away. It was
 24 especially even more dependent on major donor. We
 25 anticipated being more dependent on major donors.

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1 We didn't realize just how much more
 2 dependent we were going to be at the time. But,
 3 that was my focus was fundraising primarily. But,
 4 setting the tone, you know, here's what we're going
 5 to do, here's the goals, here's the agenda of what
 6 we want to accomplish and being the cheerleader for
 7 them.
 8 Q So the public face of the Party really?
 9 A More or less.
 10 Q Did you have the authority to hire and fire
 11 personnel?
 12 A Yes. Although, I didn't hire and fire all the
 13 staff. I hired the senior staff and they would hire
 14 typically the junior staff for the entry level
 15 people.
 16 Q When you came on the Party already had its office
 17 space so there was no decision regarding office
 18 space?
 19 A No.
 20 Q What about letting consulting or polling contracts,
 21 those sorts of things?
 22 A Typically I would be the final decision typically,
 23 but not always. It really depended on the
 24 situation, depended on how busy I was, depended what
 25 the purpose of it was. Sometimes Ryan Griffin our

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1 executive director would do something and come back
 2 to me and say I had to do this, okay, fine, I trust
 3 you. So it was a little bit of -- in hindsight
 4 maybe there should have been some kind of policy,
 5 but that had never been the practice or the
 6 precedent. So it was sort of, you know, a lot of
 7 things would be run by me in the final case but not
 8 always.
 9 Q In the context of these various contracts and
 10 decisions that had to be made was there a budget
 11 that you were working?
 12 A Typically. I mean, the Central Committee passes a
 13 budget, but it's more or less as a guidepost because
 14 the situation always changes. I've never seen a
 15 budget at the beginning of a cycle end up to be the
 16 same at the end of the cycle. So you make decisions
 17 based on what's happening. When the Chairman takes
 18 over, in '09 takes over halfway through the year,
 19 and so the budget is adopted the previous December,
 20 so you take over in July. Well, half the year is
 21 gone. You start making decisions and doing things.
 22 You know, you've been elected to do certain things
 23 and, you know, typically never ends up being, you
 24 know, about the same as when you first pass it.
 25 Q Having that in mind for 2010 I suppose the budget

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1 more reflected your goals. Would that be correct?
 2 A Yeah. I mean, it was our goal to expand our voter
 3 contact operation, have a larger more robust field
 4 operation to have, you know. The activists weren't
 5 happy with the voter vault list management program
 6 and so we dumped that and developed our own program
 7 tailored to Minnesota. I mean, all sorts of things.
 8 Q Who was the executive director when you started on
 9 July 1, 2009?
 10 A Ryan Griffin.
 11 Q Did he come in at the same time as you?
 12 A Same time, yup.
 13 Q Had you known him before? Did you hire him?
 14 A Yeah. He did my campaign manager when I ran for
 15 State Chair. And, again, it's kind of been the
 16 practice that the campaign manager of the person who
 17 runs for Chair ends up being the executive director.
 18 Kind of the last several Chairman have been that
 19 way.
 20 Q Is there any Party document or anything other than
 21 past practice that defines the authority of the
 22 Chair with respect to financial decisions?
 23 A Yes. The bylaws are pretty broad. Or at least the
 24 bylaws as they existed when I was elected Chairman,
 25 I think they've since been modified, were pretty

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1 broad. The Chairman had the power to make
 2 contracts, et cetera. So it's pretty broad
 3 authority for the Chairman.
 4 Q Did the amount of time that you spent on Party work
 5 change during 2010?
 6 A Towards the end of the cycle it changed because I
 7 was spending a lot more time on fundraising. We
 8 were hip deep. I don't know how much you remember
 9 from the election but, you know, the summer of 2010
 10 was very difficult politically. You know, Emmer got
 11 into trouble with the trip credit and then with the
 12 drunk driving stuff and the money kind of dried up.
 13 And so we ended up kind really scrambling to -- you
 14 know, I spent a lot of days at Minneapolis Club all
 15 day every day. That's the Republican fundraising
 16 hangout. I spent a lot more time on the fundraising
 17 and my business suffered.
 18 Q Did the position ever become a paid position?
 19 A Yes, in 2011.
 20 Q Was that in June or when was that?
 21 A 2011 I think it was either June or July. I can't
 22 remember.
 23 Q How did that transition to a paid position occur?
 24 A I left Baja Sol at the end of the year in 2010. And
 25 the first part of 2011 I started a public affairs

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1 company and was intending to do that and then still
 2 serve as a volunteer Chairman. Well, there was a
 3 lot of internal, you know, hubbub about that and
 4 that was in the newspapers and so I decided to give
 5 that up, but it was hard because I didn't have any
 6 other income. So I went to the executive committee
 7 and said, look, I need a salary because I can't be a
 8 volunteer chairman and not have any income. That's
 9 when I became a paid Chairman.
 10 Q How would you assess the status of the Party's
 11 finances at the end of 2009?
 12 A At the end of 2009?
 13 Q Right. So the first -- after you had been there for
 14 six months?
 15 A I don't know. I mean, my role is to -- my vision
 16 was to expand the Party's reach as far as field
 17 operations and the voter lists changes and things
 18 like that. So, you know, my concern financially was
 19 mostly with just sort of day-to-day cash flow making
 20 sure we get paid for what we need to do and I had to
 21 sit and figure out how to raise it. Maybe I
 22 suffered from a little bit of hubris, I just thought
 23 I could keep raising the money indefinitely.
 24 Q 2010 was a big election year because everybody was
 25 on the ballot. Did you monitor the financial

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1 position of the Party more closely this year?
 2 A The second half of the year. Again, I don't want to
 3 throw staff under the bus, but I was really
 4 concentrated mostly on my business. It was a very
 5 difficult time for my business. So I think
 6 basically full-time on my business and nearly
 7 full-time on fundraising. And so I didn't have a
 8 lot of time. So I really left a lot of that kind of
 9 stuff to the staff. I was more concerned directly
 10 only if there was some kind of cash flow issue or we
 11 needed to pay for some big project or something that
 12 required a lot of money. Then I needed to make sure
 13 I knew that so I could go out and raise it, make it
 14 happen. That was frankly my mistake because I was
 15 counting on coming out of the state convention with
 16 more enthusiasm from the business community for our
 17 endorsed candidate for governor and didn't happen
 18 until the end.
 19 Q One of the allegations of the complaint that I
 20 mentioned earlier is that Mr. Sturrock the treasurer
 21 certified the reports knowing that they omitted
 22 required information. That required information
 23 would be bills that were due and payable but were
 24 not listed as unpaid bills. Are you aware of, first
 25 of all, are you aware of the fact that the reports

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1 at least in 2010 did in fact omit certain bills?
 2 A I'm aware of it now, the Party's report on that.
 3 Q What about 2009? I have a record that there was one
 4 bill to Tony Trimble's law firm that was unpaid?
 5 A I will be perfectly frank, when the Party produced
 6 that report I had no idea that we owed Tony Trimble
 7 that kind of money.
 8 Q For either 2009 or '10?
 9 A No.
 10 Q I'm going to stay on that a moment, although it's
 11 taking me off track. I'll get back to that point.
 12 Ron Huettl came on in mid April of 2010 as finance
 13 director?
 14 A Uh-huh.
 15 Q Did you hire him?

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3 Q What was his responsibility as finance director?
 4 A Well, it was a pretty hefty responsibility because
 5 he was in charge of fundraising, but primarily the
 6 small dollar fundraising, direct mail,
 7 telemarketing. And then he was also in charge of
 8 sort of the day-to-day processing the payments and
 9 things like that with the vendors.
 10 Q To the extent that you had a policy or can tell me
 11 about a policy, let's limit this to 2010 now, that's
 12 the main year, what was the policy or procedure if
 13 somebody wanted to incur an obligation on behalf of
 14 the Party?
 15 A Well, this is going to sound bad because in
 16 hindsight it was probably pretty sloppy, but it
 17 varied. The executive director, basically as my
 18 agent, the executive director could authorize a
 19 payment to a vendor on his own. I could authorize a
 20 payment to a vendor. But, it was more or less a,
 21 you know, it wasn't a written down policy. It had
 22 just been the practice, you know, over the years.
 23 Q When you say authorize payment to a vendor, does
 24 that also mean --
 25 A I think occasionally even Huettl and Angie Neilson

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1 authorized payments as well.
 2 Q When you say authorizing payments, does that also
 3 extend to creating the obligation in the first
 4 place? In other words --
 5 A Well, you see, this is where it would vary.
 6 Sometimes it would come into Nick Erickson who when
 7 he worked for the Party part of his responsibilities
 8 were invoices would come into him.
 9 Q Let me stop you there because you're still not --
 10 what I'm talking about is if somebody wanted, for
 11 example, to purchase some polling services, to
 12 initiate the purchase itself, not the payment, but
 13 just to go ahead and incur this obligation, how did
 14 that work?
 15 A It would vary. Most of the time it would be run by
 16 me, but not always because if I wasn't available and
 17 time sensitive they would go ahead and authorize it,
 18 Ryan did.
 19 Q Then you were talking about the payment that could
 20 happen in a variety of ways?
 21 A Right.
 22 Q At the time in 2010 were you aware -- let me
 23 rephrase that. How well aware were you of the state
 24 campaign finance reporting requirements?
 25 A Somewhat familiar. I mean, I had been treasurer. I

1 had been active in the Party for a long time. To be
 2 perfectly frank even as a treasurer I relied
 3 entirely on the staff to do the reports and was
 4 familiar only in the most general ways of that. And
 5 so I knew that we had to report obligations. I knew
 6 we had to report expenditures. I knew that we had
 7 to report fundraising. We had to itemize over a
 8 hundred dollars, et cetera. But, just in the most
 9 general terms.
 10 Q Sure. What happened when a, physically with an
 11 invoice that was received in the office, how did it
 12 go through the various steps?
 13 A Again in hindsight it seems sloppy. But, at the
 14 time it would either go to one of four people. It
 15 would either to go Nick Erickson, he typically
 16 handed like staff expenses and things like that and
 17 the small political invoices. Barb Linnert (ph) who
 18 typically did the administrative stuff. Sometimes
 19 stuff would go to Ryan. Sometimes stuff would go
 20 direct to the finance director, either Neilson or
 21 Huettl.
 22 Q And then did it get entered into some sort of
 23 computer system or something?
 24 A Yes.
 25 Q Tell me about that?

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1 A I don't know a whole lot about it. I didn't set it
 2 up. It was Dan Puhl's company did the caging
 3 operation meaning they processed the money as it
 4 came in. And they also -- I don't know if they put
 5 the stuff in or if Huettl put the stuff in. I think
 6 maybe Huettl put the stuff in. I don't know. I
 7 don't know. I don't want to make up an answer.
 8 Q Sure. Was there a time in 2010 at which you took a
 9 more active role in collecting and approving
 10 invoices for payment?
 11 A After the election because money was really tight
 12 and the recount was creating a squeeze as well. We
 13 typically would have laid the whole staff off
 14 practically by the end of the week after the
 15 election. We kept people on pretty much through the
 16 end of the year which created a really tight cash
 17 flow. And I took a very active interest in making
 18 sure that we could make payroll and do those sorts
 19 of things.
 20 Q There are a couple of specific things I want to ask
 21 you about.
 22 A Sure.
 23 Q One is Strothers.
 24 A Strothers & Associates.
 25 Q Go ahead, what is the name of it?

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1 A I think it's Strothers Communications, Strothers &
 2 Associates. Something like that.
 3 Q Right, I think Communications, S-t-r-o-t-h-e-r-s.
 4 A Uh-huh.
 5 Q Who are they?
 6 A They were a research company that did branding, they
 7 did focus groups, they did things like that. We
 8 engaged them in late 2009 to -- when I took over as
 9 Chairman people were concerned about the brand of
 10 the Republican Party. And the brand being damaged
 11 in the last election. Obama was way up, we got
 12 crushed, all that sort of stuff. And so we brought
 13 these guys on to give us advice, focus groups, about
 14 how to improve the Republican brand. And so they
 15 conducted focus groups. One idea they presented
 16 that didn't go anywhere was to revert back to the
 17 independent Republican name and things like that.
 18 Q And did you work directly with that company?
 19 A Yes, with the principal Pat Strother and with his
 20 associate Jonathan Anestedt.
 21 Q According to materials that we've received in the
 22 course of this investigation some of the bills from
 23 that company were among those that were not included
 24 on the 2010 report. Were you aware of that?
 25 A No. I didn't think we owed them that much money.

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1 Q I thought I had a piece of paper here, but I don't.
 2 Let me tell you what Mr. Huettl said.
 3 A Sure.
 4 Q We were asking him about unpaid bills of course.
 5 And he said in the case of the Strothers Sutton had
 6 met privately with the Strothers people periodically
 7 about their invoices. "I did not receive those. I
 8 wasn't allowed to give those to the compliance
 9 company." Did you meet with Strothers about their
 10 invoices in 2010?
 11 A Yeah, I told them that we would pay them off over a
 12 certain period of time which we did what I thought
 13 we owed them.
 14 Q You testified just a minute ago you didn't know how
 15 much you owed them?
 16 A No. What I didn't know was when the Party conducted
 17 its report, that report they put out in the
 18 beginning of January, I didn't know how much that
 19 was, okay. I thought that we had paid them off.
 20 Q I'm a little bit confused because if you were
 21 meeting with them and getting their invoices, those
 22 invoices were from 2010, I would think you would
 23 know how much you owed them?
 24 A I would typically take the invoices and give them to
 25 Huettl or I thought all that stuff was already on

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1 the books. When I was meeting with them I was
 2 meeting with them not just about their invoices, but
 3 about the project. And they would say, hey, when
 4 can get a payment. I would say, well, we're going
 5 to try and pay you this, that and the other thing as
 6 soon as we can.
 7 Q Mr. Huettl says with regard to those invoices he
 8 didn't receive them and he wasn't allowed to give
 9 them to the compliance company?
 10 A If he didn't receive them then how could he not be
 11 allowed to give them to compliance company?
 12 Q Well, he was telling us they went to you?
 13 A Every invoice I got I gave to Ron. Now, if
 14 something fell through the cracks I can't help that.
 15 I know Griffin, Ryan Griffin, was concerned that he
 16 thought that -- he questioned the value of Strothers
 17 and I thought it was a valuable thing to do. I
 18 thought they helped us a lot in developing the
 19 message in 2010.
 20 Q The compliance company, by the way, we're talking
 21 about is Cardinal FEC Compliance?
 22 A Yes.
 23 Q Just to be specific one more time I asked Mr. Huettl
 24 again, I said, "I think you said you were not
 25 allowed to give the Strothers invoices to the

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1 compliance company?" Answer, "That is correct."
 2 Question, "And that was on Mr. Sutton's order?"
 3 Answer, "That is correct." So that's an untrue
 4 statement?
 5 A No, that's not true. He's saying that he had
 6 invoices that he didn't turn over?
 7 Q He's saying that you had them and wouldn't give them
 8 to him to turn over and he wasn't to turn them over?
 9 A No.
 10 Q Did you ever have any role in preparing Mr. Sturrock
 11 for signing of the campaign finance reports?
 12 A No, none.
 13 Q Whose role was that?
 14 A Dan Puhl, Ron Huettl.
 15 Q I'm going to quote you another section from Mr.
 16 Huettl's deposition. We were talking about his
 17 preparation of Mr. Sturrock for signing these
 18 reports which Sturrock would be certifying as
 19 correct and Mr. Huettl acknowledges that he knew
 20 that there were unpaid bills that weren't on the
 21 reports. He acknowledges that he was aware that he
 22 was presenting to Mr. Sturrock an inaccurate report
 23 and not telling Mr. Sturrock of that fact.
 24 I asked him, and this is the question,
 25 "Why didn't you tell him about that when you were

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1 preparing for the meetings -- let me rephrase. He
 2 also acknowledged presenting Mr. Sturrock with
 3 inaccurate reports to present to the executive
 4 committee because they omitted unpaid bills. I say,
 5 "Why didn't you tell him about that when you were
 6 preparing for the meetings in which he was going to
 7 present the financial condition of the
 8 organization?" Answer, "Although Chairman Sutton
 9 never told me directly not to tell him, it was my
 10 understanding that I shouldn't tell him or anyone
 11 else."
 12 A That's just not true. I never said anything like
 13 that by his own statement. I don't want to throw
 14 staff under the bus. In 2011 I would go to Ron and
 15 say, "Oh, look, we've paid off Rapid Printing." And
 16 he'd say, "Oh, well, I have a couple invoices on my
 17 desk." You know, I was not at the Party every day
 18 managing every single invoice that came in, okay.
 19 I'm not going made out to be the scapegoat for that
 20 for other people trying to save their jobs.
 21 Q So you wouldn't -- one of the things, speculations
 22 that's been out there, is that there was some method
 23 or purpose on your part to keep these bills off the
 24 report to sort of shore up at least the picture of
 25 the financial stability of the Party?

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1 A What's the difference between being \$400,000 or
 2 \$500,000? It really didn't make a lot of
 3 difference. I didn't even look at the reports that
 4 were filed with the state or the federal. I didn't
 5 have to. I was worried with the day-to-day cash
 6 flow of the Party. I assumed that Dan Puhl, who's
 7 and excellent professional, was doing his job. If
 8 any invoices fell through the cracks it was
 9 inadvertent. Or it was a couple times I call asking
 10 Ron do we owe people this money, can you go back and
 11 reconcile this, you know.
 12 Q I'm just going to ask about one other invoice that
 13 was fairly large that wasn't on the report. And it
 14 was Frank Magid. Can you tell me who or what that
 15 company is?
 16 A Polling company. They do survey research. Unlike
 17 Strothers they don't do focus groups and things like
 18 that. They do straight up market research. And
 19 they had been recommended to me by a businessman who
 20 used them and so we engaged them in I forgot if it
 21 was late 2009 or early 2010, but to do not a poll,
 22 but more extensive market research again on the
 23 Party and issues and things like that.
 24 And I think we paid an initial down
 25 payment and frankly I thought that it had been taken

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1 care of. Then I get a call from Magid saying this
 2 hasn't been taking care of. So I say, "Ron, here,
 3 work something out with these guys."
 4 And then I got a letter in September I
 5 think of 2011 threatening action. Or, no, I'm
 6 trying to remember. I don't remember the exact
 7 timing. There was a call in which I told Huettl
 8 work this out, figure this out. And then I got
 9 another call in, or a letter, in September
 10 threatening legal action. And I said we're trying
 11 to do the best we can, we don't have any money,
 12 blah, blah, blah. That kind of stuff.
 13 Q That was something you had to tell a number of
 14 people?
 15 A Well, it is. I don't have a lot of regrets about
 16 it. We're whatever, a million bucks in debt, versus
 17 billions of dollars in tax increases. I'd trade
 18 that any day of the week.
 19 Q So it would be your statement if I just can
 20 summarize that you never intentionally or knowingly
 21 withheld any invoices from either Cardinal FEC
 22 Compliance or from your finance director?
 23 A No, I never instructed him to say or do anything.
 24 Q Let's move on to the recount or to the election and
 25 then the recount that followed. This would be the

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1 2010 gubernatorial election. Ultimately three
 2 attorneys associated with three different firms were
 3 involved in providing services on the recount. The
 4 first one was Tony Trimble. He had been a
 5 longtime -- had been the Party's attorney for a long
 6 time, is that correct?
 7 A That's correct.
 8 Q With regard to the recount he just continued to do
 9 his work on the basis of the historical arrangement?
 10 A He worked on the recount separate from his Party
 11 work. I think we made that clear to him that was
 12 separate from the Party.
 13 Q How did you make that clear to him?
 14 A Verbally. Again, I've known Tony Trimble for 25
 15 years. He gave me my first job at the Party back in
 16 '88 as a field man when he was state Chairman. He
 17 had been Party attorney since Barry Anderson stepped
 18 down to be a judge back when Chris Georgacas was
 19 Chairman, mid nineties. So he was seen as sort of a
 20 subject matter expert in all these sorts of things.
 21 And I remember telling him at the time that this
 22 recount was separate from the Party stuff,
 23 especially once you guys brought the advisory
 24 opinion saying a recount fund could be set up.
 25 Q But yet he was billing the Party?

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1 A For the recount?
 2 Q Yes.
 3 A That's why I said those are not our bills, that's
 4 for the recount.
 5 Q There was no separate agreement or retainer
 6 agreement or fee agreement or anything with Mr.
 7 Trimble?
 8 A Never had to do that before. We've just always been
 9 verbal.
 10 Q Had he performed services before that were
 11 considered to be not for the Party?
 12 A No, we'd always had verbal agreements on whatever he
 13 did. I don't think we had a written retainer with
 14 him that I recall.
 15 Q I mean aside from the fact that this was different
 16 from regular Party work, you're still the one that
 17 told him to go to work on the recount, right?
 18 A Yeah. I got a call from the Emmer campaign from
 19 Chris Georgacas and Collin Sheehan basically at 4:00
 20 or 5:00 o'clock in the morning saying can you guys
 21 help us with this, we have no way to raise money, we
 22 don't know what to do. Unlike the Coleman recount
 23 this isn't the 60th seat to determine whether or not
 24 Obama care is going to get passed. They needed our
 25 help and I said yes.

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1 Q What about Michael Toner?
 2 A Uh-huh.
 3 Q He indicates that you contacted him, it's a little
 4 bit unclear, but maybe two or three weeks before the
 5 election indicating that it looked like it was going
 6 to be a close election?
 7 A That was more or less sort of a belt and suspenders
 8 never thinking there would be an actual recount two
 9 cycles in a row. He had done our FEC stuff. He's a
 10 well respected Washington attorney. And the plan
 11 was Michael Toner was going to be lead lawyer, going
 12 to be basically the boss in charge of the recount.
 13 Trimble was only there because of the
 14 institutional knowledge from the previous recount,
 15 general institutional knowledge about Minnesota,
 16 okay. Toner recommended we bring in a litigator and
 17 that's when we brought on Magnuson, okay. Trimble's
 18 involvement was actually unpopular with a lot of
 19 people who blamed him for the '08 recount thing with
 20 Coleman. But, Tony was very aggressive in asserting
 21 himself almost as a matter of pride and ended up
 22 being on television and such and really actually
 23 hurt our fundraising efforts for the Party and later
 24 when I tried to solicit money on behalf of the
 25 recount.

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1 Q Mr. Toner had been on retainer with an agreement
 2 with the Party from the 2008 recount, was that, or
 3 was it some other?
 4 A He worked at the '08 recount. I don't recall.
 5 Q I may be wrong, but he indicated to us that the work
 6 he did on the 2010 recount he considered it to be
 7 covered under an agreement that he had with the
 8 Party that just provided for whatever services the
 9 Party needed they would provide?
 10 A That's really not the way -- again, once the
 11 advisory opinion came out Toner gave us a memo on
 12 how a recount fund could be set up, his
 13 recommendations based on the advisory opinion. Then
 14 Dan Puhl unbeknownst to me walks into my office, I
 15 don't remember if it was the next day but it was
 16 shortly thereafter, saying I've set up a recount
 17 fund. Okay, great, perfect. You know, it's at that
 18 point I said, look, there's a recount fund, these
 19 aren't our bills, these are the recount fund's
 20 bills.
 21 Q I'm making some notes here because this is the very
 22 first time anybody has indicated that there was a
 23 memo from Toner or anyone else regarding setting up
 24 a recount fund?
 25 A It was an analysis of the advisory opinion, okay.

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1 And very clearly I remember sitting in my office,
 2 Toner is right over here with his assistant going
 3 over things. I don't remember who else was in the
 4 room. It might have been Trimble, maybe not. It
 5 might have been Huettl. And saying -- I remember
 6 asking him can you take corporate, is it just
 7 individual. He said, well, it seems kind of hazy
 8 about corporate. It would be a safe harbor just to
 9 take individual funds. Okay, great, you know. So
 10 kind of know the parameters, fundraising parameters,
 11 of what we could do. And that's what happened.
 12 Q I don't suppose you'd have a copy of that?
 13 A No. I wish I did. You can talk to Toner.
 14 Q The election was on November 2nd. I don't remember
 15 the date the advisory opinion came out, but it was
 16 very shortly after that. We had a special meeting
 17 as I recall so I think it was within days of that.
 18 You mentioned Dan Puhl said he set up a recount
 19 fund. Was he telling you this after the fact after
 20 he had already formed --
 21 A Yes.
 22 Q -- the corporation.
 23 A Yes. And unbeknownst to me. I was kind of doodling
 24 over who would do something like this. Again, I'm
 25 not a lawyer. I was going off of what, you know,

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1 Toner was saying based on his analysis of the
 2 advisory opinion, okay. If he had said you can't
 3 set up a recount fund, it all has to go through the
 4 Party, then that's what would have happened, okay.
 5 Q Okay. Did you consult with any other people in the
 6 Party about actually going ahead with the recount or
 7 how was the decision made to go ahead with the
 8 recount?
 9 A To do the recount itself?
 10 Q Yes.
 11 A I guess that was just me. There was no pushback
 12 from any of the Party officials at all. Everybody
 13 was gung-ho. It's easy now six, seven months later,
 14 to be dispassionate about it. But, the emotion at
 15 the time was we were robbed in '08 and we weren't
 16 going to let the bastards rob us again. And it
 17 didn't matter if it was 300 votes in '08 or 8,700
 18 votes in 2010. You know, all the anecdotal stories
 19 coming out of the woodwork about absentee ballots
 20 and these sorts of things. It was like déjà vu all
 21 over again. And so there was a big emotion at the
 22 moment. And so I thought it was the right thing to
 23 do to help them with the recount. But, from a
 24 Machiavellian political point of view there was no
 25 choice. Everybody in every leadership position

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1 thought that we had to do this.
 2 Q At that point on November 2nd, and actually it would
 3 be November 3rd by that time, the day after the
 4 election, there was no separate committee or
 5 corporation or anything set up so that the Party
 6 unit had to be the one to move to get it underway?
 7 A Exactly. Again, at the time it seemed like it took
 8 forever. But, if you look back it was a very short
 9 period of time, just a lot happening. Frankly, my
 10 concern was twofold. I was trying to make sure that
 11 I was raising enough money to keep this -- the
 12 bloated organization, because post election we
 13 didn't need that many staff, okay. You know,
 14 Trimble came to us and said, you know, in the last
 15 recount we didn't get those files from the county.
 16 We spent all this money, but we didn't get the files
 17 from the county. Can you do it this time, fine, go
 18 do it, boom, boom, boom. Let's just do it and we'll
 19 worry about it later.
 20 And I was trying to make sure I was
 21 bringing in enough dough to cover the payrolls. I
 22 think December was a three payroll month. So I had
 23 to cover like five payrolls before the end of the
 24 year. And, you know, I was getting kind of stressed
 25 because of that.

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1 So there was a lot going on and there's
 2 political considerations. I mean, you're getting
 3 people saying the recount is going to go past the
 4 first of year and Pawlenty is going to stay in the
 5 governorship. Emmer to his credit would not have
 6 any part of that. He did not want that to occur,
 7 but there was a lot of people who did want that to
 8 occur.
 9 Q As the bills started coming in I think you said you
 10 were surprised to see how much the attorneys had
 11 billed by the time it was done. But, were you
 12 receiving any kind of bills during the recount?
 13 A All the bills and stuff I just handed them to
 14 Huettl. I said keep these because once the recount
 15 fund was set that's the responsibility of the
 16 recount fund. I was clear with these guys. I mean,
 17 I did feel that the Party had a moral obligation to
 18 help raise the money, you know, my role to help
 19 raise money. And again this is probably a little of
 20 hubris. I was very confident in my ability to raise
 21 money even for a recount fund even after the fact.
 22 Okay, now I started hitting the street it was a
 23 little different story.
 24 Q On the topic of fundraising I guess I'd like to talk
 25 about that a little bit. We talked of course with

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1 Tom Emmer. One of the things he mentioned was that
 2 the Party had hoped to get the money that was left
 3 in his principal campaign committee for governor.
 4 Is that correct?
 5 A Yeah.
 6 Q What was -- how did that play out?
 7 A We didn't.
 8 Q He didn't want to turn it over?
 9 A No.
 10 Q He also indicates that he did participate in
 11 fundraising after the election?
 12 A Somewhat limited right after the election. To be
 13 perfectly honest a lot of pledges just didn't pay
 14 because we lost, you know. Again, the heat of the
 15 moment, it's like okay, we got to try and win this
 16 thing. The whole Supreme Court ruling on
 17 reconciliation was a key factor for us. They were
 18 forced to reconcile the votes.
 19 I don't know if you're familiar with that
 20 concept, but they were forced to reconcile the
 21 votes. That might have made it closer and made it
 22 more attainable. But, then go after other issues
 23 like vouching and things like that. And so once
 24 that petered out we didn't -- a lot of those people
 25 didn't pay.

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1 Q I see. So you had some pledges, but then things
 2 moved so quickly that before they were paid the
 3 recount was over and they decided not to pay?
 4 A Right. And I thought I could twist arms and cajole
 5 people after the fact and things like that.
 6 Q Mr. Emmer indicated that from after the election up
 7 through right about Thanksgiving, or maybe a little
 8 bit after Thanksgiving, maybe right before, I was a
 9 little unclear, that he would come to the Republican
 10 Party offices virtually every day?
 11 A We would go on appointments occasionally and he'd
 12 make calls. Frankly before the recount fund was set
 13 up we were soliciting on behalf of the Party, not
 14 knowing how we were going to do the recount fund, if
 15 there was going to be one, et cetera.
 16 And more importantly I had bills to pay
 17 for the Party, the staff overhead and things like
 18 that, all related to the recount. So that's, you
 19 know, I know Tom said he went out and raised money.
 20 Well, he helped a little bit, raised a little bit of
 21 money, but that helped pay for the overhead for the
 22 recount.
 23 Q I was going to ask you about some of these, and I
 24 guess I still will. There are a number of fairly
 25 large contributions, \$10,000 or more, in mid

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1 November after the election. Would these typically
 2 be raised through that fundraising activity with Mr.
 3 Emmer?
 4 A Yeah, we raised the money. And I would be honest
 5 with the donors. I said we got to pay for staff, we
 6 got to pay for this, that and the other thing. That
 7 was part of the pitch.
 8 Q I will ask you once more to try not to answer before
 9 I finish. There you did it again. It's difficult
 10 but you have to just wait. Without going into the
 11 specific contributions, was that money that was
 12 raised in November 2010 as a result of your efforts
 13 and Mr. Emmer's efforts, actually you weren't able
 14 to use that to pay the lawyers for the recount, is
 15 that correct?
 16 A That's correct, we didn't raise as much we were
 17 hoping to raise.
 18 Q You used it just to keep the doors open?
 19 A Keep the field staff going, keep the people. We had
 20 people running all over the state at the behest of
 21 the attorneys to collect data and to collect things.
 22 Q I want to talk about this corporation which we now
 23 know was named Count Them All Properly,
 24 Incorporated. We refer to that sometimes as CTAP
 25 for short. First of all, tell me who Dan Puhl is?

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1 A Dan is a -- does political accounting, I guess. He
 2 does accounting for campaigns and party
 3 organizations and somebody who was brought onboard I
 4 think by Ron Carrie.
 5 Q Onboard to do work for the Republican Party?
 6 A To do compliance stuff, right.
 7 Q And Puhl is P-u-h-l, by the way. Did you know him
 8 other than through his work for the Party?
 9 A I met him years ago. He had been a supporter or a
 10 friend of Jerry Blakey when Jerry Blakey switched
 11 parties.
 12 Q So I want to get this chronology down as closely as
 13 we can. The board came out with its advisory
 14 opinion. Michael Toner gave you some sort of
 15 analysis. You were thinking about how you might
 16 approach this?
 17 A Right.
 18 Q And the recount -- the election was November 2nd, so
 19 the recount sort of started November 3rd. Did you
 20 do anything to get this new organization off the
 21 ground prior to the time that Puhl came?
 22 A Not one thing; not one thing.
 23 Q Prior to the time that Puhl came and told you he had
 24 done it?
 25 A Not one thing.

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1 Q He hadn't even suggested he was going to do it?
 2 A No.
 3 Q You knew nothing about it?
 4 A Nothing about it.
 5 Q The Secretary of State records indicate that that
 6 corporation was filed or at least got its
 7 certificate on December 3rd. So this would put it
 8 fairly late in the recount as we now know that it
 9 played out?
 10 A Okay.
 11 Q So from November 3rd to December 3rd there was no
 12 other organization?
 13 A No. But, I don't recall when your advisory opinion
 14 came out. And I know that Toner was busy. So I'm
 15 not sure how much longer after that he came back
 16 with the memo.
 17 Q What was your reaction to Dan Puhl when he told you
 18 that?
 19 A I was great, so I can get cracking trying to raise
 20 money.
 21 Q Did you have a meeting and talk about how this might
 22 proceed then?
 23 A No. At that point I figured my only role was just
 24 to try and collect checks.
 25 Q Did you at that point right away on December 3rd

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<p>1 start trying to collect checks for CTAP or were you 2 still trying to collect checks for the Party? 3 A I don't remember when I started calling about Count 4 Them All Properly. 5 Q Did you talk to Mr. Puhl about who else was involved 6 in Count Them All Properly? 7 A No. Didn't know who the board was. Didn't know who 8 the CEO was. None of that. I learned months later 9 that Mary Igo, she approached me at a women's event, 10 asking if I was still helping raising money for it. 11 I learned she was the CEO. 12 Q Not having the benefit of Toner's analysis, I don't 13 have the benefit of Toner's analysis, can you just 14 tell me why you thought it would be beneficial to do 15 the recount through some organization other than the 16 Party? 17 A Well, one of the advantages Toner told me was it 18 wouldn't have to be reported who gave the money. 19 And I thought that anonymity, you know, one of the 20 appealing parts about it is it's anonymous, doesn't 21 have to go on a finance report and that might appeal 22 to potential contributors. 23 Q That's about it? 24 A That's about it. That's a big reason. Ever do 25 political fundraising that's a big reason.</p>	<p>1 December 8th when Tom Emmer conceded, what 2 activities were you involved in with regard to 3 raising money for the corporation? 4 A Well, I planned to try to approach some of the key 5 donors, the guys who kind of -- who get it 6 politically. You know, guys that wouldn't have to 7 require, you know, guys who kind of understood the 8 politics of it, hey, we had to help this guy, he was 9 our endorsed candidate, you know. So this recount 10 thing was set up to pay these bills. We didn't win, 11 but it was still worth the fight so we need to pay 12 for this. 13 Q One of the people you talked to was Robert Cummings? 14 A Bob Cummings, yup. 15 Q He had given a lot of the money to the Republican 16 Party already in 2010? 17 A Uh-huh. 18 Q As I recall and I don't have the report, but more 19 than \$400,000? 20 A That's correct. 21 Q Yet he only gave \$30,000 to the corporation. Can 22 you explain why he wasn't willing to give any more 23 than that. 24 A Because we lost. That was sort of the canary in the 25 coal mine for me that it was going to be very</p>
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<p>1 Q I never have. So there were some donors to whom 2 that would be important or at least you thought so 3 at the time? 4 A Or some donors maybe if it's reportable they would 5 give a certain amount of money; if it's not 6 reportable they would give more money. 7 Q Given the fact that Count Them All Properly got its 8 certificate on December 3rd and Tom Emmer resigned 9 on -- not resigned, ceded the election on December 10 8th the corporation actually didn't conduct any 11 recount activities, correct? 12 A I don't know what you mean by that. 13 Q Well, all of the activities of the actual recount up 14 through the time -- 15 A That's true. Although, again, the way I looked at 16 it at least was that because of the timing of the 17 advisory opinion and et cetera, that everything that 18 we had done, you know, legal fees certainly, would 19 be covered under the recount. And the lawyers all 20 seemed to agree with that. None of them raised any 21 protests at all about that. 22 Q Other than Toner were they consulted about that? 23 A Yes. I said these aren't bills for the Republican 24 Party, these are billings for the recount. 25 Q Now, after the recount was over, by that I mean</p>	<p>1 difficult because Bob was the first person I 2 approached. 3 Q Did you approach other people? 4 A I talked to, I can't remember exactly who, but maybe 5 half a dozen people. I was quite discouraged 6 because Bob was probably the most political of all 7 the donors and he was really down. "Well, geez, 8 I'll help you this little bit." He said all of the 9 attorneys, they should take a haircut and they 10 should do this, that and the other thing. Nobody 11 likes to pay lawyers. 12 Q And none of the other donors contributed? 13 A No. 14 Q Do you know if Count Them All Properly did any kind 15 of fundraising on its own? 16 A I don't know. 17 Q Did you ever discuss with them how they might raise 18 money to pay the bills? 19 A No, never. 20 Q I know that you -- well, through Ron Huettl you 21 asked the attorneys to re-invoice these services in 22 the name of Count Them All Properly? 23 A Correct. 24 Q At that time did the Republican Party then get a 25 release from the attorneys for any fees that the</p>

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1 attorneys might claim the Party owed?
 2 A No, I assumed it wasn't required.
 3 Q Did Count Them All Properly, Incorporated execute
 4 any kind of assumption of debt?
 5 A I have no idea.
 6 Q They didn't with you, in other words?
 7 A Right.
 8 Q In fact, Mr. Trimble required you to sign a
 9 guarantee of his attorney's fees prior to
 10 re-invoicing them in the name of Count Them All
 11 Properly, is that correct?
 12 A I don't know if that was before or after. I signed,
 13 I know that I signed a guarantee, I don't know if it
 14 was before or after. Quite frankly in hindsight I
 15 probably should have consulted another attorney
 16 about this. I wasn't aware until the Party did its
 17 report in January how much he had invoiced Count
 18 Them All Properly.
 19 I thought the legal bills were like in
 20 the \$450,000 range. They ended up being over
 21 \$700,000. I think half of it was to him and he was
 22 the secondary attorney on the project. You know,
 23 quite frankly he really leaned on me to do this and
 24 I felt like I signed that under duress.
 25 Q For the record, and I don't know if it was before or

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1 after, I have you signed apparently it on March
 2 22nd. So I'll just ask you if this is a copy of the
 3 agreement and if that's your signature?
 4 A It is.
 5 Q For the record just to clarify, he indicates in this
 6 document that his portion of fees is \$212,000 and
 7 change. Even after the corporation, when I say
 8 corporation I mean Count Them All Properly, even
 9 after the corporation got the contribution of
 10 \$30,000 from Mr. Cummings, it took a while to get
 11 some payments out to the attorneys. Do you remember
 12 that?
 13 A Yeah. Attorneys knew that I was basically the only
 14 person doing fundraising so they would pester me all
 15 the time how's it going, what's going on, when are
 16 we going to get paid, that kind of stuff.
 17 Q What was your role as intermediary between the
 18 attorneys and Count Them All Properly with respect
 19 to getting their bills paid?
 20 A Not much of a role. I mean, I operated sort of
 21 under the assumption I would raise money and then
 22 they would pay out money on a timely basis. But,
 23 you know, I think I even expressed frustration once
 24 to Huettl after I got that initial \$30,000 in, why
 25 aren't they paying something out because these guys

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1 keep calling me.
 2 Q Did you figure out or have a theory as to why they
 3 weren't paying them?
 4 A Well, I know that Dan and Tony didn't get along
 5 because Dan thought Tony was overcharging the Party
 6 for his services.
 7 Q What about you and Mr. Puhl, were you getting along
 8 at that time?
 9 A I think so. I mean, we don't converse that often.
 10 He conversed mostly with Huettl or with other staff.
 11 Q What I'm looking at here is a number of e-mails that
 12 the Republican Party has provided to us. And I can
 13 see this exchange between generally going through
 14 Ron Huettl to get the attorneys to re-invoice their
 15 bills in the name of Count Them All Properly?
 16 A Right. He was the finance director.
 17 Q So that was why he was the one because you wanted to
 18 get the bills out of the Party's name and into the
 19 corporate name?
 20 A Correct.
 21 Q Then after that happened you again typically going
 22 through Mr. Huettl were trying to get Count Them All
 23 Properly to actually issue the checks and again that
 24 was --
 25 A I don't know if I could make them do it, but it was

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1 like come on, just get these guys to quit calling
 2 me.
 3 Q Then they finally did?
 4 A What's that?
 5 Q Count Them All Properly finally did issue checks?
 6 A I assume so.
 7 Q I thought I read recently when somebody called you
 8 about something going on with Count Them All
 9 Properly and asked if you were involved in forming
 10 that corporation and that you didn't say much, but I
 11 thought I read you said that you were involved?
 12 A No, no, no. I was not involved, let me be very
 13 clear.
 14 Q I just wanted to make sure. I couldn't find that
 15 reference, but I had it in my mind so that clarifies
 16 that. One other thing that came up and this was in
 17 the deposition of Mary Igo, she's a Party activist,
 18 is that correct?
 19 A Uh-huh.
 20 Q She's also you've learned the CEO of Count Them All
 21 Properly. She said that in a conversation with you
 22 at some point, this would be 2011 now when they're
 23 still trying to pay the bills, that you indicated
 24 that the Party might have money from the Midwest
 25 Values Conference that could be used to pay those

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1 bills?
 2 A What I think I even asked, I forget if I asked Toner
 3 or Trimble, I asked one of the attorneys, if we had
 4 a surplus if it would be possible to give that to
 5 the recount fund and I think the answer they came
 6 back with was no.
 7 Q When you say we asked them if we had a surplus who
 8 is we?
 9 A The Midwest Leadership Conference.
 10 Q What is the Midwest Leadership Conference?
 11 A It's a conference every two years. It's conducted
 12 in the Midwest region of the RNC and it's hosted by
 13 different states every two years. I think we did it
 14 ten years ago. We did it this last time and we did
 15 it ten years ago in 2001. It rotates around various
 16 states in the Midwest region.
 17 Q I see. And who has control of the finances of that
 18 conference?
 19 A That would be the officer of the conference. That
 20 would be me, Michael Broadcorp (ph) and David
 21 Sturrock.
 22 Q You're officers of that? Is that an organization?
 23 A It's a Minnesota nonprofit. Same thing we had ten
 24 years ago. It's what all the states do when they do
 25 this stuff. It's like an RNC host convention.

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1 Q There isn't an overall Midwest Values Conference
 2 that moves from state-to-state. Each state forms a
 3 corporation to host their --
 4 A Right. I think the last one was in Indiana and then
 5 before us was Indiana.
 6 Q So that corporation would be inactive I presume?
 7 A Right, it didn't make any money so it's kind of a
 8 mute point much to my disappointment.
 9 Q And it's your position that that corporation has no
 10 relationship to the Republican Party of
 11 Minnesota?
 12 A Yes.
 13 Q You smile.
 14 A No, I just -- no, it's like an RNC. The reason it's
 15 set up that way it's similar to the way an RNC sets
 16 up its corporation for the convention, okay. So
 17 like holding a convention or conference.
 18 Q And so is the money -- are the funds of the
 19 Republican Party of Minnesota separate from the
 20 Midwest Values Conference funds? I mean, do they
 21 have separate checking accounts?
 22 A Yes, Minnesota Leadership Conference had a separate
 23 checking account.
 24 Q I presume maybe the Republican Party could donate to
 25 them or did the Republican Party donate to them?

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1 A Yes, 50 some thousand dollars.
 2 Q But, if there was money left over it would not be
 3 available to the Party, is that what you said?
 4 A Correct. Actually I think there's like a \$20,000
 5 debt for the corporation. Story of my life the last
 6 couple years.
 7 MR. GOLDSMITH: I'm going to ask my
 8 colleague Jeff Sigurdson to fill in any blanks that
 9 I might have missed. So Jeff.
 10 EXAMINATION
 11 BY MR. SIGURDSON:
 12 Q Mr. Sutton, I want to go back to the role of the
 13 executive committee. They review the budget on a
 14 monthly basis, is that correct?
 15 A Uh-huh.
 16 Q Yes?
 17 A Oh, yes.
 18 Q The review was based on reports that David Sturrock
 19 presented to the executive committee?
 20 A Right.
 21 Q Was there any reaction in 2010 from the executive
 22 committee on the status of the budget versus the
 23 reports that he was presenting?
 24 A In 2010, no.
 25 Q So it wasn't the role of the executive committee to

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1 provide you with guidance on the status of the
 2 finances of the Party?
 3 A Typically it hadn't been the practice, no. I mean
 4 they would get reports, they would ask questions, we
 5 would talk about it and that would be it.
 6 Q So there wasn't any concern there about -- you've
 7 indicated that towards the second half of 2010 there
 8 was starting to be a problem, or problem may not be
 9 right word, finances were not as you were hoping
 10 they would be. Was the executive committee
 11 concerned about that as well?
 12 A No, I think that they had confidence that we would
 13 figure out a way to raise the money.
 14 Q The report said David Sturrock was presenting. Mr.
 15 Huettl testified that he provided those to Mr.
 16 Sturrock with the assistance of Cardinal FEC, but
 17 basically he presented that material to Mr.
 18 Sturrock. Does that sound right to you?
 19 A Yeah, that's standard practice going back three
 20 years.
 21 Q You were involved with looking at those reports
 22 before they went to Mr. Sturrock?
 23 A Yeah, I would look at them before they went to the
 24 executive committee or David.
 25 Q Did you have any input on the format of the reports

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1 or the --

2 A Sure, yeah.

3 Q Can you tell us a little bit about that?

4 A Sure. When it would come from Puhl sometimes he

5 would combine categories to show that instead of

6 having all these different mail categories or

7 something to combine categories down.

8 Q I am going to be going back to an area or circling

9 back to an area that Mr. Goldsmith already covered.

10 But, there was, at the end of Mr. Huettl's

11 testimony, there was an opportunity where we with

12 all of the people that provided depositions

13 basically asked if he wanted to provide any

14 additional information.

15 He was represented by an attorney Mr.

16 Morgan who then asked him to give him Mr. Morgan's

17 question or reading Mr. Morgan's and Mr. Huettl's

18 response. This is Mr. Morgan speaking here. "Well,

19 the things I heard you say, correct me if I'm wrong,

20 is at some point you understood that you were not to

21 tell Mr. Sturrock about some of the unpaid or

22 unrecorded invoices. Well, what was the basis for

23 that? I need to understand that better."

24 Then Mr. Huettl's answer is, "It was

25 clearly understood by me from Mr. Sutton that I

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1 wasn't to tell David Sturrock. Mr. Sutton had made

2 that clear." Do you want to react to that

3 statement?

4 A I never made anything clear like that.

5 Q I realize there is some element of speculation here,

6 but why would Mr. Huettl think that he was not

7 supposed to give out that information to Mr.

8 Sturrock?

9 A I don't know. I was surprised at some of the --

10 when the Party did its report in January surprised

11 at the amount that Trimble invoiced, I was surprised

12 at some of the smaller vendors that I thought were

13 paid off that still had balances on the books. I

14 related earlier the incident about Rapid Printing in

15 which I had signed a check that I thought was paying

16 them off. And Ron said, well, I still have some

17 invoices here on my desk, you know.

18 So I don't want to speculate too much

19 but, you know, I don't know if things fell through

20 the cracks or what. I never instructed him not to

21 tell Sturrock anything. As a matter of fact, he

22 spoke to Sturrock a couple times a week. I would

23 speak to Sturrock regularly.

24 Q Is the process of invoices -- you had mentioned

25 earlier in your testimony that after the recount or

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1 at least late in 2010, I wasn't quite sure if it was

2 after the recount or towards the end of 2010, you

3 became much more active with the process of invoices

4 and active interest in the day-to-day finances of

5 the report?

6 A Uh-huh.

7 Q In terms of what does the term active interest mean,

8 I guess?

9 A It means I was very greatly concerned about cash

10 flow and needing to know. I was frustrated a little

11 bit because I had raised a ton of money and it

12 wasn't enough to cover things. So finally I went I

13 just need to know every day what's happening and

14 nobody else can approve an expense unless I approve

15 it. Because before I think what had been happening

16 is people were approving things and doing things.

17 And it's kind of like you think your bank balance is

18 x and then your spouse takes out a couple hundred

19 bucks and doesn't tell you and then you bounce a

20 check. It's a very similar thing where I think

21 that's what was occurring, so I said nothing can

22 occur going forward until I sign off on it.

23 Q At that point were all invoices coming to you then?

24 A At that point, yes, this is like December of 2010.

25 Q Not prior to December?

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1 A No. Again I don't want to throw anybody under the

2 bus, but a lot of this stuff was a surprise to me.

3 I thought things had been taken care of or handled.

4 I would give things to Ron and say work out a

5 payment plan or deal with this. But, I wasn't

6 taking notice to circle back around to make sure it

7 got done. I just expected it when I said to get it

8 taken care of it would be taken care of.

9 Q When you examined the report of the Republican Party

10 as issued here on the status, was there any large

11 unpaid bills where a vendor itself was a surprise to

12 you? In other words, not the amount, but was there

13 any bills that you thought I don't even remember

14 that?

15 A Well, the Trimble bills. As I mentioned they were

16 higher than I thought. That was the one that stuck

17 out the most to me.

18 Q Just let me look at my notes for a second. I

19 believe that's all I have. I just want to make

20 sure. That's all I have, sir. Thank you.

21 MR. GOLDSMITH: Do you have anything?

22 MS. POPE: No.

23 MR. GOLDSMITH: Mr. Sutton, thank you for

24 coming in this afternoon. At this point we always

25 allow a witness to add anything or explain something

1 that you might want to explain that we didn't ask
2 the right questions to allow that to happen. So if
3 you want to add anything this would be your
4 opportunity.

5 THE WITNESS: I feel a little bit like
6 I'm being made out to be a scapegoat. And so, you
7 know, I guess I would like to say that, you know, if
8 any mistakes were made they were inadvertent. And
9 quite frankly being a full-time employee of the
10 company I worked for, the company I owned, and
11 raising money for the Party I wasn't there every day
12 all day watching every single thing that came
13 through, okay.

14 And I think the Party has corrected these
15 issues and has better controls in place, et cetera,
16 et cetera. Maybe that should have been the way it
17 was, but that had just been the practice. So I feel
18 as though that I haven't done anything wrong and in
19 fact the only regret that I have is I wish that
20 maybe I should have consulted different attorneys,
21 made sure the recount stuff was better handled.
22 But, there was no attempt to deceive, no attempt to,
23 you know, as I said if the lawyers had said do it a
24 different way we would have done it a different way.

25 MR. GOLDSMITH: Okay. Thank you. That's

1 STATE OF MINNESOTA)
) ss.
2 COUNTY OF HENNEPIN)
3

4 Be it known that I took the sworn statement of
5 ANTHONY SUTTON, on June 19, 2012, at St. Paul,
6 Minnesota;

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

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

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

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

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

23 That the reading and signing of the sworn statement
24 by the witness was waived.

25 WITNESS MY HAND AND SEAL THIS 25th day of June, 2012.

DENNIS CURRIER
Court Reporter

1 all.

2 (Sworn statement concluded at 2:15 p.m.)
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