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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 telephone statement of TONY TRIMBLE, taken in the above-entitled matter, pursuant to Notice, before Julie A. Rixe, court reporter and notary public, at Suite 190, 658 Cedar Street, in the City of St. Paul, County of Hennepin, State of Minnesota, on the 25th day of April, 2012, commencing at approximately 10:00 a.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, 6 658 Cedar Street, St. Paul, Minnesota 55155-1603, 7 appeared for and on behalf of the Minnesota 8 Campaign Finance and Public Disclosure Board. 9 The Deponent appeared pro se via 10 telephone. 11 12 13 14 15 16 17 18 19 20 21 22 23 WHEREUPON, the following proceedings 24 were duly had and entered of record, to wit: 25	1 TONY TRIMBLE, 2 after having been first duly sworn, was 3 examined and testified on his oath as follows: 4 EXAMINATION 5 BY MR. GOLDSMITH: 6 Q And would you state your name for the record and 7 spell your last name, please? 8 A My name is Tony Trimble. The last name is spelled 9 T-R-I-M-B-L-E. 10 MR. GOLDSMITH: And the other 11 appearances, I'm Gary Goldsmith with the Campaign 12 Finance Board. 13 MS. POPE: I'm Jody Pope with the 14 Campaign Finance Board. 15 MR. SIGURDSON: And Jeff Sigurdson, 16 S-I-G-U-R-D-S-O-N, Campaign Finance Board. 17 BY MR. GOLDSMITH: 18 Q And in case you didn't hear that, that's Jeff 19 Sigurdson, assistant director, and Jody Pope, who 20 is a management analyst who's helping us on this 21 matter. 22 A All right, very good. 23 Q We're here this morning to talk about the 24 attorney-client relationship and the financial 25 arrangements between the Republican Party of

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1 Minnesota and Trimble & Associates Limited, a law
 2 firm of which you are -- What are you, the
 3 principal, the owner? --
 4 A I am the principal.
 5 Q -- relating to the gubernatorial election recount
 6 in 2010.
 7 In those recount proceedings relating to
 8 the governor's election in 2010, did you represent
 9 the Republican Party in some way?
 10 A I did and members of my law firm did. We were --
 11 We served as legal counsel to the Republican Party
 12 relative to all matters we were requested to serve
 13 in with respect to the recount activities,
 14 including organizing for the recount, legal
 15 research, court proceedings, strategizing on legal
 16 issues and so forth.
 17 Q Okay. And in a previous conversation with me, we
 18 discussed the fact that there wasn't a specific
 19 retainer or fee agreement related to the recount.
 20 Can you just generally describe how your
 21 relationship as attorney and client for the
 22 recount was established?
 23 A Certainly. The recount was simply a continuation
 24 of our long-standing representation of the
 25 Republican Party of Minnesota. We have served as

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1 general counsel for the Republican Party of
 2 Minnesota, oh, through -- oh, since the early
 3 2000's and, actually, I think the late 1990's,
 4 serving through five separate chairmen
 5 administrations.
 6 So we've never had a specific written
 7 retainer agreement for any of the projects. We
 8 simply take instructions from the Party chair at
 9 the time, and this has resulted into a recurring
 10 relationship, where we have consistently performed
 11 our services and invoiced the Republican Party of
 12 Minnesota at least monthly for approximately the
 13 last ten to 12 years.
 14 Q Okay. Thank you. Now, the election was early
 15 November 2012. And Mr. Emmer, the gubernatorial
 16 candidate for the Republican Party, conceded on
 17 either December 8, I think it was, or
 18 December 9th. During the period of that time,
 19 when you were working on the recount, was there
 20 ever any understanding on your part that anyone
 21 other than the Republican Party of Minnesota would
 22 be responsible for your legal fees?
 23 A No understanding whatsoever that anyone other than
 24 Republican Party of Minnesota would be responsible
 25 for our legal fees. We were hired specifically

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1 and were requested specifically by Chairman Tony
 2 Sutton on election night, as the race closed to a
 3 very tight 9,000-odd vote separation, that our
 4 services would be required that evening and going
 5 forward. We commenced meetings with Republican
 6 Party of Minnesota Chairman Tony Sutton and
 7 Republican Party of Minnesota staff early that
 8 next morning to commence all matters.
 9 We conferred with Chairman Sutton to be
 10 certain that -- or be assured that all invoicing
 11 would be paid by Republican Party of Minnesota.
 12 We were assured by him repeatedly, Chairman Tony
 13 Sutton, and the executive director, Ryan Griffith,
 14 that that would be the case. And we, of course,
 15 worked and took instructions from either of those
 16 individuals, the chairman and the executive
 17 director, throughout the entire recount
 18 activities. We never communicated or took any
 19 direction from the Emmer campaign or from any
 20 other entity or group or individual.
 21 Q Okay. During this period of time, when you were
 22 actually working on the recount, where physically
 23 were your services being performed?
 24 A All of our services were performed at the
 25 Republican of Party of Minnesota headquarters in

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1 St. Paul. We would meet early in the morning,
 2 normally a nine o'clock meeting start in the
 3 Chairman's office, Chairman Tony Sutton's office.
 4 Normally present at the meeting would be Chairman
 5 Tony Sutton, myself, Matthew Hafya (phonetic) from
 6 our law firm, and anywhere from four to five
 7 different staff personnel of the Republican Party
 8 of Minnesota.
 9 The only time -- There may be two or
 10 three instances where the press director from the
 11 Emmer campaign would attend a meeting, and our
 12 communications or interaction with that person was
 13 simply to assist in answering questions that that
 14 person might have with respect to press conference
 15 and so forth.
 16 But all of our meetings would occur
 17 typically with a nine o'clock start. And then we
 18 would spend the day working at the Republican
 19 Party of Minnesota headquarters in their offices,
 20 using their equipment and facilities, and
 21 reporting to the chairman at different times
 22 during the day, taking care of all activities for
 23 the recount from them, from that location.
 24 Q Do you know who Mr. Dan Puhl is, P-U-H-L?
 25 A Not specifically. I know of him only by word of

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1 mouth. My understanding is that he's an
 2 individual that has -- that owns or operates an
 3 entity involved with FEC or Federal Elections
 4 Commission Compliance. And in that instance, my
 5 understanding is he is a vendor of those
 6 services. I also understand that Republican Party
 7 of Minnesota might have been or is or was a client
 8 of him or his firm. And I have -- That's the
 9 extent of my knowledge, the extent of my knowledge
 10 of him and his possible involvement.
 11 Q So do you know if he was actually physically
 12 present in the DFL offices during the time you
 13 were there working on the recount?
 14 A Do you mean physically present in the Republican
 15 Party of Minnesota offices?
 16 Q I'm sorry. Yes, yes.
 17 A My recollection would be no. I have actually
 18 never met the individual. I imagine if he would
 19 have been there on any of the business that we
 20 were attending to, we might have met him, but I've
 21 never met him. He may have had a meeting
 22 separately with Chairman Sutton. Chairman Sutton
 23 has an office -- or had an office that was
 24 physically separated from -- In other words, the
 25 Republican Party of Minnesota offices were in

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1 different blocks on the same floor. So it's
 2 possible he might have been there from time to
 3 time, but I never met him, never had any
 4 interaction with him on the recount.
 5 Q During November and December of 2010, did anyone
 6 in the Republican Party ask for your assistance in
 7 any way with regard to setting up some other form
 8 of entity that might pay the attorney's fees?
 9 A No, other than there was some talk as to whether
 10 or not contributions from corporations or, you
 11 know, limited liability entities could be accepted
 12 and, if so, could an entity be formed for that
 13 purpose. Our advice, of course, was given, which,
 14 of course, was we advised that that not occur, and
 15 we conferred with another law firm also involved
 16 in the recount, working in the headquarters with
 17 us. But that was the extent of it. There was
 18 never any discussion as to any other entity taking
 19 moneys and handling the invoices. And to my
 20 knowledge, nothing was ever established for taking
 21 money from limited liability companies or
 22 entities, corporations.
 23 Q Okay. Who would have initiated those
 24 conversations about that possibility?
 25 A Chairman Sutton.

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1 Q Now, I realize that you've received payments from
 2 the Republican Party of Minnesota periodically,
 3 but from November 2nd of 2010, the date of the
 4 election, through March of 2011, the next year,
 5 did you receive any payments from the Republican
 6 Party of Minnesota that would be payments
 7 specifically for recount activities?
 8 A My answer would be -- Well, let me answer it this
 9 way: We did -- Trimble & Associates received
 10 payments from Republican Party of Minnesota during
 11 that period of time, and our manner of payment
 12 allocation is to apply payments to the oldest
 13 invoices and work forward. So payments that we
 14 did receive from November through March, November
 15 of 2010 through March of 2011, were applied to the
 16 oldest invoices, all of which were of such -- the
 17 aggregate of which would have exceeded the number
 18 of pay- -- or the amount of payments we received.
 19 So none of that money would have reduced the
 20 invoicing that emanated from -- or that was
 21 derived from the recount activities or other
 22 Republican Party Minnesota services provided
 23 during the same period of time as the recount
 24 occurred.
 25 So to answer your question more

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1 specifically, did we apply any of those payments
 2 to reduce the amount of invoicing for recount
 3 services, the answer is no. But did we receive
 4 payments during that time which would apply to
 5 older invoices or more ancient invoices, the
 6 answer is yes.
 7 Q At some point in the spring of 2011, were you
 8 advised by the -- somebody from the Republican
 9 Party of Minnesota that you should reissue your
 10 invoices in the name of a different organization?
 11 A Yes, we were. And we provided documents in the
 12 form of e-mails and a guarantee, which start with
 13 a March 16 e-mail from Ron Huettl, who is the
 14 finance director of the Republican Party of
 15 Minnesota, indicating that an organization had
 16 been formed. Count Them All Properly is the name
 17 of that organization. And requesting that we
 18 resubmit our invoices to Count Them All Properly,
 19 and then Count Them All Properly would commence
 20 making payments on the invoicing specifically
 21 related to the recount.
 22 We indicated to Mr. Huettl that we could
 23 do so and redact from the invoicing that we had
 24 already provided to the Republican Party, redact
 25 from that non-recount matters and get those --

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1 provide those revised invoices to Count Them All
 2 Properly, but only on the understanding that
 3 Republican Party of Minnesota would stand behind
 4 payment of the entire amount and would sign a
 5 guarantee to that effect.
 6 We then provided the guarantee. The
 7 guarantee was signed by Chairman Sutton and
 8 forwarded to our offices, at which point we then
 9 submitted the invoices to Count Them All
 10 Properly. These are the revised invoices where
 11 we, again, redacted some matters which were not
 12 non-recount related, but then also cc'd those
 13 invoices both to Mr. Sutton as well as Mr. Huettl.
 14 Q Okay. And I may have missed it if you said so,
 15 but you did receive a signed guarantee from
 16 Mr. Sutton, correct?
 17 A Yes, we did receive the signed guarantee from
 18 Mr. Hutton -- or Mr. Sutton, and we have provided
 19 that -- a copy of that guarantee in our subpoena
 20 responses.
 21 Q Okay. In the course of reissuing these invoices,
 22 did you have any telephone or personal
 23 conversations with Mr. Sutton or anybody else
 24 about exactly what this organization, Count Them
 25 All Properly, was or how it came to be?

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1 A I believe I -- I can't say with certainty if I had
 2 a telephone conversation with Mr. Huettl. I
 3 believe I did. I don't believe I had a
 4 conversation with Mr. Sutton. But it was
 5 explained to us, either through the e-mails or the
 6 phone call, that Count Them All Properly had been
 7 formed for the purpose of raising money and paying
 8 the recount invoicing. And so it was either
 9 through the e-mails with Mr. Huettl or perhaps a
 10 phone call with Mr. Huettl where that was
 11 explained -- where I learned that information.
 12 Q You mentioned it had been formed for this purpose,
 13 as you understood it. Did you gather an
 14 understanding as to actually who formed the
 15 organization?
 16 A I didn't, other than we went -- in our office we
 17 checked the Secretary of State website to discern
 18 what this entity was; in other words, was it
 19 actually formed, did it exist. And on viewing the
 20 Secretary of State's website, we could see that an
 21 entity was formed in early December under the name
 22 Count Them All Properly. And I believe Dan Puhl
 23 was listed as the contact person or the organizer
 24 of the entity. But that was our first knowledge
 25 of that after receiving Ron Huettl's e-mail

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1 request, which was March 16th of 2011.
 2 Q Once you reissued the invoices, was payment
 3 forthcoming?
 4 A The only payment that we received was a \$9,000
 5 check that was received in early April, and that
 6 was received from Count Them All Properly. And we
 7 applied that to the outstanding Republican Party
 8 of Minnesota invoicing.
 9 Q Did you attempt to extract additional payments
 10 from Count Them All Properly?
 11 A No, we didn't. We maintained our contact with
 12 Chairman Sutton. And as our e-mails indicate in
 13 response to the subpoena, we continually went to
 14 Mr. Sutton or Mr. Huettl requesting status of
 15 payment and were assured, of course, through these
 16 e-mails that payments would be forthcoming. So
 17 our only contact was Republican Party of
 18 Minnesota.
 19 In fact, I believe one of the e-mails
 20 does indicate that we were asking about payment,
 21 and Mr. Sutton says, I will contact, I believe he
 22 references, Dan Puhl and have him get a check out.
 23 Q I'm looking at one of your e-mails from Tony
 24 Trimble to AG Sutton. And it says, Tony, I would
 25 like a phone call with you; we have received

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1 nothing from the recount; why has Dan not
 2 submitted checks.
 3 Would that be, then, Dan Puhl that
 4 you're referring to?
 5 A Yes, it would.
 6 Q Actually, I have to ask a further question about
 7 that because I'm confused about the dates on these
 8 two. There are a couple of e-mails, and I don't
 9 know if you have them in front of you or can get
 10 to it or not.
 11 A I can.
 12 Q First of all, I have one that's dated Wednesday,
 13 March 16th from Ron Huettl. This is the one that
 14 you probably will remember that went out to other
 15 attorneys, as well, saying, hi, I'm e-mailing you
 16 to let you know that any costs that were incurred
 17 in your firm, et cetera, and directs you to
 18 reinvoice Count Them All Properly, Inc. You're
 19 familiar with that?
 20 A Yes, I'm familiar with that.
 21 Q That was the first notice to do the re-invoicing;
 22 is that correct?
 23 A That's correct.
 24 Q And at least according to the printouts of the
 25 e-mails I have, that was March 16th of 2011. The

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1 e-mail that I just quoted from previously, where
 2 you're writing to Sutton -- or at least it
 3 purports to be you writing to Sutton saying, we
 4 have received nothing from the recount; why has
 5 Dan not submitted checks, that's actually dated a
 6 day earlier, March 15th.
 7 Do you have any recollection of
 8 discussions or developments at that time that
 9 would explain this?
 10 A Let me just check the e-mails here. You say
 11 March 15 is the other e-mail?
 12 Q Yeah, March 15. It comes quite a bit further down
 13 in the stack, actually, under Tab E if you have
 14 the tabs same as I do. Probably about seven or
 15 eight pages down, Tab E.
 16 A Yes, I have that e-mail here. Let me just go to
 17 the prior e-mails and see here. We would have
 18 informed them -- It's likely we had been informed
 19 that week or a few days earlier than March 16 that
 20 there was a fund set up to -- or a group
 21 established to attempt to raise the moneys.
 22 Q Let me put you on hold. Mr. Magnuson is calling
 23 on the other line.
 24 A All right.
 25 (Break taken.)

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1 BY MR. GOLDSMITH:
 2 Q We were talking about an e-mail on March 15th,
 3 where apparently you had some knowledge already at
 4 that point that another person was going to be
 5 submitting a check. Do you want to further
 6 explain that?
 7 A Yeah. I don't have -- I can't recollect the
 8 details accurately, but from the March 15 e-mail,
 9 it's apparent that Chairman Sutton had
 10 communicated to us that Dan Puhl or an entity
 11 would exist and had received some money. Because
 12 I'm requested March 15, on the e-mail to Tony
 13 Sutton, wondering where the check or checks are
 14 for the attorneys, since we hadn't obviously
 15 received something that was anticipated on
 16 March 15. And then, of course, it follows with
 17 the March 16 notice from Ron, telling us,
 18 essentially, that if you want to get paid, you
 19 have to retitle your invoices.
 20 Q Okay. From other information we've obtained in
 21 this investigation, we believe that about that
 22 time, this organization, Count Them All Properly,
 23 had received money in the amount of \$30,000. Do
 24 you have any recollection of being informed of
 25 anything like that?

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1 A Well, that -- I don't have a specific
 2 recollection, but I'm -- I am presuming, since
 3 March 15 I'm indicating that I was -- had an
 4 anticipation a check would be issued, that
 5 Chairman Sutton must have informed me that they
 6 did have a check in hand and Dan Puhl would be
 7 cutting checks.
 8 Whether I knew that they would be coming
 9 from Count Them All Properly or Dan was simply
 10 administering the fund, I wasn't aware of Count
 11 Them All Properly until Mr. Huettl indicated that
 12 to me. But I was apparently aware that some money
 13 had been specifically raised that was going to be
 14 used for payment for services.
 15 Q Do you have any information as to what the source
 16 of that money was?
 17 A No, I don't.
 18 Q Okay.
 19 A The only information I do have, and this is all
 20 hearsay since then, I've heard that it was a
 21 \$30,000 contribution.
 22 Q Did you hear from whom or what?
 23 A That I can't recall either. I do know that we
 24 received 9,000. I believe two other law firms
 25 received 9,000. I believe the -- My surmise was

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1 it was \$30,000, and either Chairman Sutton
 2 informed me that was the amount or I heard
 3 subsequently. I can't recall from whom, actually,
 4 I heard that.
 5 Q All right. I think those are the questions I
 6 have. I'm going to ask my two colleagues if they
 7 think I missed anything important.
 8 Jody says no.
 9 MR. SIGURDSON: Is there any issues with
 10 the counties in terms of their billing for the
 11 services or is that -- I suppose it's not really
 12 relevant.
 13 BY MR. GOLDSMITH:
 14 Q Jeff was asking about the billings by the
 15 counties, but I think that's a separate issue we
 16 don't need to deal with in this.
 17 Anything else that you'd like to add
 18 that you think might help us to reach the proper
 19 conclusion in this matter, which really is for us
 20 to determine, first of all, who owes the
 21 attorney's fees and, secondly, what the
 22 relationship between the Republican Party and
 23 Count Them All Properly was?
 24 A Well, yeah. I'll just summarize, because I think
 25 this would be helpful. I believe this is all

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1 within our submissions, in any event.
 2 The first part of the summary, which
 3 I've explained, is that we were put to work, so to
 4 speak, by Chairman Sutton on election night, work
 5 at his direction with daily meetings at 9:00 a.m.
 6 every morning. We worked only with Republican
 7 Party personnel. That's who we reported to.
 8 That's who we strategized with. We invoiced the
 9 Party weekly for those services, which were
 10 similar to invoicing the Party during the 2008
 11 recount for senator's race between Senator
 12 Coleman, of course, and now Senator Franken. So
 13 we were following the same procedures that -- you
 14 know, for working with and invoicing the Party in
 15 prior recount and prior activities.
 16 The Party never objected to our bills.
 17 The Party always confirmed it would pay our bills
 18 and would stand behind our bills. And when we
 19 were asked to invoice or title invoicing to
 20 another entity, which was not known to us until
 21 well after the services had been rendered, we did
 22 so only with the accommodation and confirmation or
 23 acknowledgment of the guarantee signed by
 24 Republican Party of Minnesota.
 25 At the same time we've received from

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1 this entity that was apparently formed to handle
 2 recount matters well after the fact, Count Them
 3 All Properly, we received only \$9,000 from Count
 4 Them All Properly. And when we were contacted by
 5 Count Them All Properly earlier this year as to
 6 the issuance of a W-2, you have our e-mail as to
 7 that as well. We responded that we don't really
 8 know who you are. We asked the individual calling
 9 us to identify what position he held with the
 10 entity. He was very vague, wouldn't give us his
 11 last name, wouldn't provide any of the directors
 12 or officers. I simply said, well, our client and
 13 our obligated party here is Republican Party of
 14 Minnesota. You can get information for the W-2
 15 from them. And if you do submit a W-2, we don't
 16 take that as acknowledgment that we are owed by
 17 anybody other than Republican Party of Minnesota.
 18 So we were very firm on that in that situation.
 19 At the same time, it's my knowledge --
 20 Or to the best of my knowledge, the Republican
 21 Party of Minnesota has -- Well, with respect to
 22 moneys that may have emanated from this Count Them
 23 All Properly, from my knowledge only three
 24 payments have been made. Each of three law firms
 25 have received \$9,000 I've been told, one of those

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1 payments to our firm. So it appears that very few
 2 payments have been made and very little money
 3 apparently raised by this separate entity. So
 4 there we have it.
 5 Q Thank you. I appreciate your assistance.
 6 A Thank you.
 7 Q That concludes the deposition.
 8 A All right.
 9 (Whereupon, the sworn statement was
 10 concluded at 10:35 a.m.)
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1 STATE OF MINNESOTA)
 2) ss.
 3 COUNTY OF DAKOTA)
 4
 5 Be it known that I took the sworn statement of
 6 TONY TRIMBLE on the 25th day of April, 2012, at
 7 Suite 190, 658 Cedar Street, St. Paul, Minnesota;
 8 That I was then and there a notary public in and
 9 for the County of Dakota, State of Minnesota, and that
 10 I was 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
 14 That the testimony was recorded by myself and
 15 transcribed into a computer-aided transcript and that
 16 the deposition is a true record of the testimony given
 17 by the witness to the best of my ability;
 18 That I am not related to any of the parties hereto
 19 nor interested in the outcome of the action;
 20
 21 That the cost of the original transcript has been
 22 charged to the party noticing the deposition, unless
 23 otherwise agreed by Counsel, and that copies have been
 24 made available to all parties at the same cost, unless
 25 otherwise agreed upon by Counsel;
 26
 27 That the reading and signing of the deposition by
 28 the witness was waived.
 29 WITNESS MY HAND AND SEAL this 1st day of May,
 30 2012.
 31
 32 JULIE A. RIXE
 33 Court Reporter
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