

BOARD MINUTES FOR 10/23/08

OCTOBER 23, 2008

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR WASHINGTON COUNTY, MET ON THE ABOVE DATE AT 9:00 A.M. AT THE WASHINGTON COUNTY ANNEX, BOARD MEETING ROOM, 1331 SOUTH BOULEVARD, CHIPLEY, FLORIDA WITH COMMISSIONERS HOLMAN, PATE, FINCH, STRICKLAND AND SAPP PRESENT.

THE PURPOSE OF THE MEETING WAS TO HOLD A PUBLIC HEARING REGARDING RECOMMENDED DISCIPLINARY ACTION FOR JAMES PETERSON.

ATTORNEY HOLLEY EXPLAINED THE PROCESS OF THE PUBLIC HEARING. HE STATED THE AUDIENCE WILL HAVE NO PARTICIPATION IN THE HEARING; BUT, COULD WATCH AND LISTEN.

HE ADDRESSED THE BOARD'S POLICY PROVIDES, WHEN AN EMPLOYEE APPOINTED BY THE BOARD OR IS A DEPARTMENT HEAD VIOLATES COUNTY POLICY, THEY ARE SUSPENDED WITH PAY UNTIL A HEARING LIKE THIS HEARING THEY ARE HAVING TODAY, IS CONDUCTED. THE POLICY ALSO PROVIDES THE HEARING SHALL BE BETWEEN THREE WORKING DAYS OR NO LATER THAN TEN WORKING DAYS FOLLOWING THE RECEIPT OF A NOTICE SENT OUT TO THE DEFENDANT AND/OR HIS ATTORNEY. THE WRITTEN NOTICE IS REQUIRED STATING THERE WILL BE A HEARING, THE DATE OF THE HEARING AND THE REASON FOR THE PROPOSED DISCHARGE SENT BY REGISTERED MAIL OR HAND DELIVERED SPECIFYING THE TIME OF THE HEARING AND HE FELT THIS HEARING DATE DOES FALL WITHIN THOSE PERIMETERS OF NO SOONER THAN THREE WORKING DAYS OR LATER THAN TEN WORKING DAYS UPON THE RECEIPT OF THAT NOTICE. THE COUNTY'S POSITION WILL GO FIRST AND THE COUNTY'S ATTORNEY WILL PRESENT HIS CASE FIRST. WHEN THE COUNTY'S ATTORNEY CALLS WITNESSES, THE EMPLOYEE'S ATTORNEY WILL HAVE THE RIGHT TO CROSS EXAMINE THOSE WITNESSES AT THAT TIME AND HOLLEY SUPPOSED EITHER THE COUNTY'S ATTORNEY OR THE EMPLOYEE'S ATTORNEY WOULD HAVE THE RIGHT TO RECALL WITNESSES IF THEY SO CHOOSE. FOLLOWING THE PRESENTATION, HOLLEY SAID IT WOULD BE THE BOARD'S RESPONSIBILITY TO CONSIDER THE ISSUES, CONSIDER WHAT THEY HAVE HEARD AND DECIDE BY A MOTION AND VOTE WHETHER TO DISCHARGE THE EMPLOYEE OR NOT TO DISCHARGE THE EMPLOYEE. THE BOARD IS ALSO REQUIRED TO RENDER A WRITTEN DECISION WITHIN TEN DAYS OF THE HEARING ON THE ISSUE. HE ASKED THE BOARD IF THEY HAD ANY QUESTIONS ABOUT THE PROCEEDINGS. THERE WAS NO RESPONSE. HOLLEY SUBMITTED THE COUNTY'S ATTORNEY, JOHN DICKINSON, PROCEED WITH THIS CASE.

THE COUNTY'S ATTORNEY GAVE A BRIEF OPENING STATEMENT BEFORE CALLING THEIR FIRST WITNESS TO SET THE STAGE AS TO WHY THEY ARE HERE TODAY. ON APRIL 5TH OF THIS YEAR PUBLIC SERVICES COORDINATOR, ELAINA PROVOST, WAS WORKING AT THE RECYCLING CENTER ON THE COUNTY'S AMNESTY DAY. THE BOARD WILL PROBABLY RECALL TWO TIMES A YEAR THEY HAVE AN AMNESTY DAY IN THE COUNTY. THEY CALL UPON EMPLOYEES TO WORK DURING THAT AMNESTY DAY TO HELP OUT IN THAT PROJECT. MS. PROVOST, BECAUSE THE WEATHER WAS BAD THAT DAY, DECIDED TO USE THE COMPUTER IN JAMES PETERSON'S OFFICE TO CHECK THE INTERNET FOR WEATHER REPORTS. MS. PROVOST TYPED THE BEGINNING LETTERS OF THE WORD WEATHER INTO THE BROWSER'S ADDRESS BAR ON THE COMPUTER IN MR. PETERSON'S OFFICE. THE ADDRESS BAR POPULATED ITSELF WITH VARIOUS SITES BEGINNING WITH THOSE LETTERS "WE " FOR THE WORD WEATHER. ONE EXAMPLE THAT IMMEDIATELY CAME DOWN IN THE BROWSER ADDRESS BAR WAS A PORNOGRAPHIC SITE. THERE WERE OTHER PORNOGRAPHIC SITES THAT ALSO DROPPED DOWN. MS. PROVOST IMMEDIATELY CLOSED THE BROWSER WINDOW AND DID NOT TELL ANYONE AT

THAT TIME WHAT SHE HAD SEEN. EVENTUALLY MS. PROVOST, WHO HAS NO SUPERVISORY RESPONSIBILITY WITH THE COUNTY, REPORTED WHAT SHE HAD DISCOVERED, THE PORNOGRAPHY, TO DAVID CORBIN, PUBLIC SERVICES DIRECTOR. MR. CORBIN THEN IMMEDIATELY REPORTED WHAT HE HAD BEEN TOLD BY MS. PROVOST TO PETER HERBERT, THE COUNTY MANAGER. MR. HERBERT THEN CONTACTED MALCOLM GAINNEY, THE COUNTY'S SYSTEMS ADMINISTRATOR, TO CHECK THE COMPUTER IN MR. PETERSON'S OFFICE AND SEE WHAT WAS THERE. IT IS IMPORTANT TO KNOW DURING THIS TIME HEATHER WAS ON MATERNITY LEAVE; SO, ITS NOT THAT PETE COULD NOT REALLY USE HEATHER INVOLVED AT ANY TIME LIKE THAT TO GET INVOLVED. SHE WAS ON MATERNITY LEAVE. LET ME DIGRESS FOR A MOMENT. AN IM- PORTANT THING THAT WAS HAPPENING ABOUT THIS TIME WAS JUST PRIOR TO RECEIVING THE REPORT OF THE ALLEGED PORNOGRAPHY FOUND ON MR. PETER- SON'S COMPUTER, IN JULY MR. HERBERT HAD DIRECTED MR. PETERSON AND SEVERAL OTHER KEY HOLDERS, PEOPLE WHO HAVE KEYS TO ACCESS OFFICES, GATES, ETC. TO MAKE COPIES OF ALL THE KEYS THEY MAINTAINED OF BUILD- INGS, GATES, ETC. BECAUSE MR. HERBERT HAD DISCOVERED HE DIDN'T HAVE ALL THE KEYS AND THE COUNTY NEEDED TO HAVE A MASTER SET. MR. HERBERT ASKED THE KEY HOLDERS TO HAVE THEIR KEYS COPIED AND TO PROVIDE THE KEYS TO HIM IN HIS OFFICE FOR THAT PURPOSE. WHILE MR. PETERSON DID DELIVER SOME KEY COPIES, HE DIDN'T DELIVER MR. HERBERT A COPY OF HIS OFFICE KEY. THE ATTORNEY FELT THAT WAS SIGNIFICANT AND THIS WILL BE EXPLAINED LATER.

THE INVESTIGATION DID NOT REVEAL THAT ANYONE OTHER THAN MR. PETERSON HAD A KEY TO THIS OFFICE. THE ATTORNEY WENT BACK TO WHERE HE DROPPED OFF WITH MS. PROVOST REPORTING TO MR. CORBIN AND MR. CORBIN TELLING MR. HERBERT ABOUT THIS.

MR. GAINNEY TOOK ACTIONS IN DETERMINING WHETHER ANY PORNOGRAPHY HAD INDEED BEEN PULLED UP ON MR. PETERSON'S OFFICE COMPUTER. HE WENT TO MR. PETERSON'S OFFICE AND WHILE IN THE OFFICE, MR. PETERSON WAS PRESENT. GAINNEY DIDN'T TELL MR. PETERSON THAT HE WAS THERE TO CHECK TO SEE IF PORNOGRAPHY WAS ON THE COMPUTER. HE TOLD MR. PETERSON HE WAS PERFORMING SOME ETIC SOFTWARE UPDATE IN THE COMPUTER WITH THE VIRUS SOFTWARE. WHILE HE WAS ON THE MACHINE TO DO THAT, HE CHECKED FOR INFORMATION TO CONFIRM OR DENY WHETHER MR. PETERSON'S COMPUTER CONTAINED PORNOGRAPHY AND WHETHER OR NOT MS. PROVOST'S REPORT WAS AC- CURATE OR NOT. HE RECOVERED PORNOGRAPHY FROM THE COMPUTER AND PUT IT ON A DRIVE, SOMETHING THAT COPIES WHAT IS ON A COMPUTER AND HE WILL TESTIFY AS TO HOW HE DID THIS. HE ALSO DISCOVERED WHILE HE WAS THERE ON MR. PETERSON'S COMPUTER THAT A SOFTWARE PROGRAM CALLED WINDOW WASHER THAT CLEANS FILES FROM COMPUTERS HAD BEEN INSTALLED ON THIS COUNTY COMPUTER IN MR. PETERSON'S OFFICE, AGAINST COUNTY POLICY. ON APRIL 5, 2008, THE VERY DAY THAT MS. PROVOST HAD SEEN THE PORNOGRAPHY, WHICH WAS THAT AMNESTY DAY, IT WAS DISCOVERED THE WINDOW WASHER PROGRAM HAD BEEN INSTALLED THAT VERY DAY ON THE COMPUTER. THE WINDOW WASHER PROGRAM WAS INSTALLED THE SAME DAY MS. PROVOST WAS OUT THERE THE AMNESTY DAY. MR. GAINNEY IMMEDIATELY REPORTED HIS FINDINGS TO MR. HERBERT AND SHOWED HE HAD A FLASH DRIVE, TOLD MR. HERBERT WHAT HE HAD SEEN AND MR. HERBERT WAS THEN ABLE TO USE THE FLASH DRIVE ON THE COMPUTER TO FOLLOW UP AND SEE THE PORNOGRAPHY HAD BEEN COPIED FROM MR. PETERSON'S MACHINE. AS A RESULT OF THAT, MR. HERBERT DECIDED A FURTHER INVESTIGATION NEEDED TO TAKE PLACE TO FIND THE EXTENT OF WHAT IS GOING ON AND WHAT HAD HAPPENED HERE. MR. HERBERT THEN DECIDED MR. PETERSON NEEDED TO BE PLACED ON ADMINISTRATIVE LEAVE WITH PAY WHILE THIS INVESTIGATION WAS ABLE TO TAKE PLACE. ON THE 27TH OF AUGUST, MR. PETERSON WAS PLACED ON ADMINISTRATIVE LEAVE WITH PAY AND AT THE SAME TIME HE WAS PLACED ON ADMINISTRATIVE LEAVE WITH PAY, MR. HERBERT AND MR.

GAINNEY OBTAINED THE COMPUTER THAT WAS IN THIS OFFICE OF MR. PETERSON, SECURED THAT COMPUTER IN MR. GAINNEY'S OFFICE IN A LOCKED SITUATION SO IT COULD NOT BE TAMPERED WITH. ABOUT THE SAME TIME, MS. FINCH RETURNS FROM MATERNITY LEAVE SO MR. HERBERT ASK MS. FINCH TO UNDERGO AN INVESTIGATION WITH MR. GAINNEY BECAUSE THEY NEEDED COMPUTER EXPERTISE EXPERIENCE TO COMPLETE THIS INVESTIGATION. THE INVESTIGATION WOULD INCLUDE VARIOUS INTERVIEWS INCLUDING THE FOLLOWING INDIVIDUALS WHO WERE INTERVIEWED BY MR. GAINNEY AND MS. FINCH. JAMES PETERSON WAS INTERVIEWED AND GIVEN AN OPPORTUNITY TO EXPLAIN WHAT HIS POSITION WAS WITH RESPECT TO THE COMPUTER USAGE AND HOW PORNOGRAPHY COULD HAVE BEEN PULLED UP ON THIS COMPUTER, HOW THE COMPUTER HAD BEEN SECURED IN HIS OFFICE THROUGH A KEY OR PASSWORD OR WHATEVER. FRED MCSWAIN, RECYCLING CENTER EMPLOYEE, WAS INTERVIEWED AS WELL AS JAMES SHOUPPE, TWO RECYCLING CENTER EMPLOYEES WITH THE RESPECT TO THE ACCESSIBILITY OF THIS OFFICE WHERE MR. PETERSON HAD HIS OFFICE AND THE COMPUTER. ALSO ELAINA PROVOST WAS INTERVIEWED; SHE WAS THE INDIVIDUAL WHO REPORTED SEEING THIS ON THE AMNESTY DAY. FURTHER, TABITHA ARNOLD, A FORMER EMPLOYEE WAS INTERVIEWED AMONG OTHERS. IN ADDITION MR. GAINNEY RECOVERED FILES FROM MR. PETERSON'S COMPUTER CALLED GETDATABACK FOR NFTS, A SOFTWARE SYSTEM THAT ALLOWS TO OBTAIN AND TO RECOVER FILES, SOME WHICH HAVE ALREADY BEEN WASHED AWAY THROUGH THIS PROGRAM AND THERE IS A MEANS OF DOING THAT. A LOT OF PEOPLE FEEL TODAY WHEN YOU HIT THE DELETE FILE ON YOUR COMPUTER OR IF YOU USE THESE WINDOW WASHER PROGRAMS THAT MATERIAL IS GONE FOREVER; BUT, THAT IS NOT THE CASE. A LOT OF FOLKS WHO ARE LAY PEOPLE WHO DON'T KNOW FEEL AS THOUGH THAT COULD HAPPEN; BUT, THAT IS REALLY NOT THE CASE. YOU CAN RECOVER THIS. THAT IS WHAT WAS RECOVERED INITIALLY BY MR. GAINNEY WHEN HE HAD ADDITIONAL TIME IN THIS SOFTWARE PROGRAM TO DO SO. ASSISTING MR. GAINNEY IN THIS PROCESS THROUGHOUT THE MATTER SO AS TO MAKE SURE THEY WERE FAIR IN THIS AND MAKE SURE THEY HAVE A WITNESS AS TO WHAT WAS GOING ON WITH THIS INVESTIGATION ON THE COMPUTER, JUDY WATFORD HELPED IN THIS PROCESS EVERY STEP OF THE WAY. MS. WATFORD IS THE COUNTY'S I.T. COORDINATOR.

AT ALL TIMES THIS COMPUTER HAS BEEN MAINTAINED AT THE CONTROL OF MS. WATFORD AND MR. GAINNEY FOR THESE PURPOSES. THE FACTS WILL SHOW NUMEROUS FILES FROM THE PERIOD OF JANUARY 2008 TO AUGUST 2008 OF PORNOGRAPHIC NATURE WERE PULLED UP ON THIS COMPUTER IN MR. PETERSON'S OFFICE. HOURS UPON HOURS WERE SPENT BY WHOMEVER DID THIS; WE BELIEVE MR. PETERSON IS THE GUILTY PARTY, PULLED UP PORNOGRAPHY ON A DAILY BASIS PRACTICALLY, HOURS AT A TIME SOMETIMES PULLING PORNOGRAPHIC MATERIAL UP. THE REPORT WHICH HAS BEEN PROVIDED TO MR. PETERSON AS WELL AS TO THE BOARD, WE HAVE ADDITIONAL COPIES THAT CAN BE USED TODAY OF THIS REPORT, HAD EXAMPLES OF THE PORNOGRAPHIC MATERIAL THAT WERE THERE. THERE ARE NUMEROUS FILES THAT ARE NOT CONTAINED IN THAT REPORT; BUT, THEY HAVE THE HARD DRIVE IF THE BOARD, MS. SCOON OR MR. PETERSON WANTS TO REVIEW THAT TODAY, THEY CAN CERTAINLY PROVIDE THAT ACCESS DURING THIS HEARING IF SOMEBODY FEELS THAT IS NECESSARY.

THE COMPUTER WE ARE TALKING ABOUT WAS PURCHASED NEW AND ISSUED TO MR. PETERSON FOR HIS USE IN NOVEMBER 2007. WHAT IS INTERESTING IS THERE WAS ANOTHER COMPUTER THAT HAD BEEN USED BY MR. PETERSON BEFORE NOVEMBER 2007. DURING THE INVESTIGATION, THERE WAS AN ATTEMPT TO LOOK AT THAT COMPUTER TO SEE WHETHER OR NOT THE FORMER COMPUTER ALSO HAD PORNOGRAPHY THAT HAD BEEN PULLED UP ON THAT. THIS IS WHAT THE INVESTIGATION FOUND:

THE FORMER COMPUTER THAT HAD BEEN ASSIGNED TO MR. PETERSON HAD BEEN SOLD TO COMMISSIONER JOEL PATE AND MR. PATE ALLOWED HIS COMPUTER TO BE SEARCHED AND ON THAT COMPUTER DELETED FILES THAT CONTAINED PORNOGRAPHIC

MATERIALS WERE RECOVERED. AGAIN THIS IS A COMPUTER MR. PETERSON HAD BEEN USING BEFORE THE NEW ONE. THE FACT REVEALS THE SUMMARY TO FOLLOW: THE COMPUTER WAS ASSIGNED TO MR. PETERSON, IT WAS PASSWORD PROTECTED, KEYS TO HIS OFFICE WERE IN MR. PETERSON'S POSSESSION; WE HAVE NO INFORMATION THAT WOULD SUGGEST ANYONE ELSE HAD KEYS TO THAT OFFICE. THE FACTS SHOW THAT FOLKS DID NOT HAVE READY ACCESS TO THAT OFFICE; THAT OFFICE WAS ROUTINELY LOCKED BY MR. PETERSON WHEN HE LEFT. HE WAS VERY PROTECTIVE, MR. PETERSON, IN HIS OFFICE AND THE ACCESS TO HIS OFFICE. MR. PETERSON SPENT A LOT OF TIME IN HIS OFFICE DURING THE WORKING DAY AND THE TWO EMPLOYEES, MR. SHOUPPE AND MR. MCSWAIN DID NOT USE THE COMPUTER AT ALL IN THEIR WORK. THEY HAD TO GO INTO THE OFFICE PERIODICALLY EVERY TWO WEEKS FOR TIME RECORD PURPOSES; BEYOND THAT, THEY HAD ABSOLUTELY NO USE TO USE THE COMPUTER, DID NOT USE THE COMPUTER ACCORDING TO THEIR STATEMENTS AND WERE PREVENTED FROM BASICALLY ACCESS TO THE OFFICE AT MOST TIMES BECAUSE IT WAS LOCKED. THE FACT IS ALSO MR. PETERSON REFUSED TO COPY THAT KEY TO HIS OFFICE WHEN MR. HERBERT NEEDED IT AND WE FIND THAT VERY SUSPICIOUS THAT KEY WASN'T COPIED TO THE OFFICE SUCH THAT THE COUNTY WOULD HAVE ACCESS TO THAT COMPUTER THROUGH THE OFFICE. ANOTHER INTERESTING FACT THEY FOUND IN THIS INVESTIGATION WAS THE DAYS WHEN MR. PETERSON WAS ABSENT FOR VACATION, LEAVE, ETC., WHEN YOU COMPARE THOSE DATES TO THE DAYS ON THE COMPUTER, THERE IS NO PORNOGRAPHY PULLED UP ON THOSE DAYS. WE THINK THAT IS SIGNIFICANT.

MR. PETERSON STATES HE USES REGIONS BANK TO BANK AND HE WOULD PULL UP HIS ACCOUNT ON THE COMPUTER TO REVIEW HIS ACCOUNT. WE CAN SEE THE DATES SOMEONE PULLED UP REGIONS ACCOUNT, PORNOGRAPHY BEFORE OR AFTER A SHORT TIME WAS ALSO PULLED UP ON THAT DAY. MR. PETERSON HAS NOT WANTED TO GIVE US THE ACCOUNT NUMBERS SO WE CAN'T STAND HERE, I CAN'T STAND HERE, THERE IS NOBODY THAT CAN SAY WE CAN SHOW TODAY THAT REGIONS ACCOUNT THAT WAS PULLED UP WAS MR. PETERSON'S BECAUSE HE WOULD HAVE TO GIVE US ACCESS TO THAT THROUGH THE BANK. MR. PETERSON HAS CHOSEN NOT TO DO THAT WHICH IS HIS RIGHT AT THIS POINT IN TIME.

ANOTHER FACT THAT IS IMPORTANT IS MR. PETERSON DURING THE INVESTIGATION ADMITTED HE HAD KNOWLEDGE OF COUNTY POLICIES INCLUDING INTERNET AND HARASSMENT POLICIES FOR THE COUNTY AND HE HAD BEEN THROUGH TRAINING FOR THE HARASSMENT POLICY. BUT IT IS SIGNIFICANT TO NOTE HERE MR. PETERSON HAS DENIED ANY WRONGDOING WHATSOEVER. HE HAS DENIED DURING THE INVESTIGATION THAT HE PULLED UP PORNOGRAPHY ON THE COMPUTER. HE HAS DENIED HE PUT THE WINDOW WASHER PROGRAM ON THE COMPUTER AND WE HAVE TO SAY THERE IS NO ONE WE KNOW OF WHO ACTUALLY SAW MR. PETERSON PULL THE PORNOGRAPHY UP WHILE HE WAS THERE AND SAW THE SCREENS THE SAME TIME. WE HAVE CIRCUMSTANTIAL, WE BELIEVE SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE, THAT I HAVE JUST GIVEN YOU TO SHOW THAT MR. PETERSON IS THE PERSON WHO DID THIS. BUT, I AM SURE, THROUGH HIS VERY COMPETENT COUNSEL, ONE ARGUMENT THAT IS GOING TO BE RAISED IS THAT YOU DON'T KNOW BECAUSE YOU NEVER SAW HIM DO THAT. BUT, WE DON'T BELIEVE THAT IS THE BURDEN THAT HAS TO BE PROVEN FOR THIS BOARD TO MAKE A DECISION TODAY. WE BELIEVE BASED UPON THE INVESTIGATION AND THE OTHER FACTS, THIS BOARD WILL HAVE ENOUGH TO MAKE A DECISION THAT WOULD BE APPROPRIATE IN THIS CASE. IT IS INTERESTING THAT MR. PETERSON, WHILE DENYING ALL THIS, HAD NO EXPLANATION OF WHO COULD HAVE USED THE COMPUTER IN SUCH A FASHION TO PULL UP ALL THIS PORNOGRAPHY ON A DAILY BASIS OVER A PERIOD OF EIGHT MONTHS. HE ADMITTED HIS PASSWORD WAS THE WORD RECYCLING; BUT, ACCORDING TO HIM, THE COMPUTER FOLKS ALSO HAD THAT PASSWORD SO I GUESS THERE IS A SUGGESTION THAT PERHAPS THE I.T. DEPARTMENT OF THE COUNTY WAS GUILTY FOR GOING THROUGH ON

A DAILY BASIS AND PULLING UP PORNOGRAPHY. BUT, THERE IS NO EVIDENCE IN THIS INVESTIGATION THAT WAS TURNED UP BY HEATHER AND DURING THE COURSE OF THIS WHOLE INVESTIGATION. IT WAS A VERY COMPLETE INVESTIGATION; IT TOOK A WHILE TO DO THIS. BUT, THERE IS NO EVIDENCE TO SUGGEST THAT ANYBODY ELSE DID THIS AND MR. PETERSON HASN'T BEEN ABLE TO SUGGEST WHO HE BELIEVES COULD BE THE INDIVIDUAL WHO DID ALL THIS. THERE WERE DAYS WHEN PETERSON SAID SOMEBODY HAD ACCESS TO IT ONE OR TWO DAYS; THEY ARE TALKING ABOUT OVER A PERIOD OF EIGHT MONTHS ALMOST A DAILY BASIS OR A ROUTINE BASIS. INTERESTINGLY ENOUGH THE WINDOW WASHER PROGRAM WAS RUN ABOUT 8:15 A.M. ON AUGUST 27, 2008. THAT IS THE DAY THE COMPUTER WAS OBTAINED BY MR. HERBERT. RIGHT AFTER THAT THE COMPUTER WAS OBTAINED BY MR. HERBERT FOR THIS INVESTIGATION AND MR. PETERSON WAS PUT ON ADMINISTRATIVE LEAVE. WE BELIEVE SOMEBODY CALLED MR. PETERSON TO SAY YOUR COMPUTER IS ABOUT TO BE OBTAINED AND SOMETHING IS COMING DOWN AND WE BELIEVE AT THAT TIME, THE WINDOW WASHER PROGRAM WAS USED BY MR. PETERSON TO ATTEMPT TO WASH OUT THE PORNOGRAPHY THAT HE HAD BEEN USING. WE BELIEVE THE TIMING OF THAT IS SIGNIFICANT IN THIS CASE. WE ARE RECOMMENDING, ON BEHALF OF THE HUMAN RESOURCE DEPARTMENT AND PETER HERBERT, COUNTY ADMINISTRATOR, WHO HAS MADE THIS RECOMMENDATION FOR PETERSON'S TERMINATION FOR VIOLATION OF POLICIES, IN ESSENCE THE POLICIES THAT HAVE BEEN VIOLATED FOR THE FOLLOWING: FAILURE TO MEET STANDARDS OF MORALITY AND TO MEET STANDARDS OF WORK. ENORMOUS AMOUNTS OF TIME WERE SPENT, NOT ON COUNTY BUSINESS, BUT DURING COUNTY TIME VIEWING INAPPROPRIATE WEB SITES FOR PURELY AN INTEREST, WASTING TIME AND MISUSING BOARD PROPERTY. EVERY EMPLOYEE IS RESPONSIBLE TO USE BOARD PROPERTY PROPERLY AND CERTAINLY PULLING UP PORNOGRAPHY ON A COMPUTER IS IMPROPER USE OF SUCH PROPERTY. THE COUNTY'S INTERNET POLICY SPECIFICALLY STATES THAT YOU ARE NOT TO PULL UP PORNOGRAPHIC MATERIAL ON A COMPUTER. MORE IMPORTANTLY AND FINALLY, THE COUNTY'S SEXUAL HARASSMENT POLICY WHICH SPECIFICALLY STATES SEXUALLY ORIENTED VISUAL MATERIAL, USE OF THAT IN THE WORK PLACE, IS A VIOLATION OF OUR HARASSMENT POLICY IN THE COUNTY. REMEMBER, MS. PROVOST PULLED THAT UP; THIS IS A PERSON THAT IS INNOCENT, A FEMALE, USING THE COMPUTER FOR A PROPER PURPOSE, IE. TO LOOK TO SEE WHAT THE WEATHER WAS THAT DAY AND SHE HAS TO ENCOUNTER THIS ON THIS MACHINE. THAT IS OUR OPENING STATEMENT. WE BELIEVE THAT AND WE ARE GOING TO BE PUTTING ON RIGHT NOW THREE WITNESSES. I WOULD LIKE TO CALL FIRST PETE HERBERT TO TESTIFY BECAUSE HE IS THE INDIVIDUAL AS WE KNOW THAT HAS MADE THE RECOMMENDATION TO TERMINATE MR. PETERSON.

PETERSON'S ATTORNEY, CECILE SCOON, QUESTIONED WOULDN'T IT BE APPROPRIATE FOR HER TO GIVE HER OPENING STATEMENT AT THIS TIME BEFORE THE WITNESSES ARE CALLED. ATTORNEY HOLLEY ADVISED SHE COULD IF SHE WISHED OR SHE COULD WAIT UNTIL HER TIME, EITHER ONE. IT IS HER PREFERENCE.

JOHN DICKINSON: MR. HERBERT WOULD YOU PLEASE STATE YOUR NAME AND JOB TITLE

MR. HERBERT: PETER SHAWN HERBERT, WASHINGTON COUNTY MANAGER.

JOHN DICKINSON: DID YOU RECEIVE A RECOMMENDATION FROM DAVID CORBIN.

MR. HERBERT: YES

JOHN DICKINSON: WE HAVE GOT COPIES IF EVERYONE DOES NOT HAVE A COPY OF THE PACKET AND ASKED IF ANYBODY NEEDS A COPY AND PROVIDED ONE TO THOSE WHO NEEDED ONE. HE ASKED MR. HERBERT TO TURN TO PAGE 3 OF THIS DOCUMENT AND QUESTIONED IF THAT WAS THE RECOMMENDATION HE RECEIVED.

MR. HERBERT: YES

JOHN DICKINSON: DID YOU HAVE AN OPPORTUNITY TO REVIEW THE INVESTIGATION REPORT COMPLETED BY MS. FINCH.

MR. HERBERT: YES

JOHN DICKINSON: HOW DID YOU GET INVOLVED WITH THIS WHOLE MATTER; HOW DID YOU LEARN THERE WAS PORNOGRAPHY ON THIS COMPUTER.

MR. HERBERT: DAVID CORBIN CAME TO ME AT MY OFFICE AND TOLD ME THAT ELAINA PROVOST HAD REPORTED IT TO HIM AND IMMEDIATELY WE CALLED MALCOLM GAINNEY AND HE CAME TO THE OFFICE AND WE DISCUSSED WITH MALCOLM ABOUT HOW WE COULD CHECK THE COMPUTER TO SEE IF THERE WAS PORNOGRAPHY ON IT.

JOHN DICKINSON: DID YOU ASK MR. GAINNEY TO GO OUT THERE TO CHECK THE COMPUTER.

MR. HERBERT: YES

JOHN DICKINSON: DID HE COME BACK WITH INFORMATION TO YOU ON WHAT HE FOUND.

MR. HERBERT: NOT THAT DAY. HE CALLED MR. PETERSON AND DISCUSSED WITH HIM ABOUT GOING DOWN THERE AND CHECKING IT THAT AFTERNOON. MR. PETERSON WAS GOING TO BE OUT THAT AFTERNOON AND DIDN'T WANT HIM GOING DOWN THERE TO CHECK IT THAT DAY. SO MALCOLM TOLD HIM HE WOULD SCHEDULE IT FOR ANOTHER DAY; THEN, LATER IN THE DAY MR. PETERSON CALLED BACK SAYING HE WAS NOT GOING TO BE OUT. HE WOULD BE THERE SO MR. GAINNEY COULD COME ON DOWN. MR. GAINNEY AT THAT TIME HAD ALREADY STARTED ON SOMETHING ELSE AND SAID HE WOULD SCHEDULE IT AT ANOTHER TIME. THEN, HE HAD A CONFERENCE TO GO TO THE FOLLOWING WEEK.

JOHN DICKINSON: WAS HE ALREADY SCHEDULED FOR THAT.

MR. HERBERT: YES, HE ALREADY HAD RESERVATIONS AND WAS SCHEDULED TO GO TO A CONFERENCE. AFTER HE GOT BACK FROM THE CONFERENCE WE MET AGAIN AND TALKED ABOUT CHECKING THE COMPUTER.

JOHN DICKINSON: DID HE EVENTUALLY HAVE ACCESS TO THIS COMPUTER.

MR. HERBERT: YES

JOHN DICKINSON: DID HE COME BACK AND REPORT TO YOU ON WHAT HE HAD FOUND.

MR. HERBERT: YES

JOHN DICKINSON: TELL THE BOARD WHAT HE CAME BACK WITH.

MR. HERBERT: HE HAD CALLED ME ON HIS WAY BACK FROM THE RECYCLING CENTER AND CALLED DAVID CORBIN AND THE THREE OF US AND JUDY WATFORD MET AT MY OFFICE. HE SAID HE HAD FOUND SOME PORNOGRAPHIC MATERIAL. I THINK JUDY LEFT THE OFFICE. THEY CLOSED THE DOOR AND HE HAD A PIN DRIVE HE PLUGGED INTO MY COMPUTER AND PULLED UP A VIDEO THAT WAS VERY GRAPHIC.

JOHN DICKINSON: WITHOUT GOING THROUGH EVERY DETAIL, GENERALLY WHAT WAS ON THAT VIDEO TO LET THE BOARD KNOW SO THEY WILL KNOW WHAT WAS ON IT.

MR. HERBERT: A MAN AND A WOMAN HAVING SEX.

JOHN DICKINSON: THIS WAS SOMETHING YOU SAID YOU PULLED OFF THAT COMPUTER.

MR. HERBERT: YES

JOHN DICKINSON: WERE THERE ANY OTHER SITES HE HAD ALSO COPIED THAT WERE ON THE DRIVE.

MR. HERBERT: AT THAT TIME, THAT IS ALL WE LOOKED AT.

JOHN DICKINSON: THERE MAY HAVE BEEN OTHERS; BUT, THAT IS ALL YOU LOOKED AT.

MR. HERBERT: THAT IS ALL THAT I AM AWARE OF; I AM NOT SURE IF THERE ARE ANY OTHERS ON THERE.

JOHN DICKINSON: WHAT DID YOU DO NEXT.

MR. HERBERT: WE TOOK OUR POLICY AND SCHEDULED A MEETING WITH MR. HOLLEY, COUNTY ATTORNEY, TO REVIEW THE POLICY AND GO OVER HOW WE SHOULD PROCEED. WHEN GOING THROUGH THE POLICY, GERALD AGREED THAT THE COUNTY EQUIPMENT AT ANY TIME CAN BE INSPECTED AND WE NEEDED TO GO DOWN THERE AND

GET THE COMPUTER, BRING IT BACK TO MALCOLM'S OFFICE SO MALCOLM COULD THOROUGHLY GO THROUGH IT TO SEE WHAT HE COULD FIND.

JOHN DICKINSON: WAS THERE AN EFFORT MADE TO GO GET THE COMPUTER.

MR. HERBERT: AT THAT TIME, WE DELAYED IT SOMEWHAT. I BELIEVE HEATHER WAS STILL ON MATERNITY LEAVE AND WE HAD THE PRIMARY ELECTION IN THE NEXT FEW DAYS. THE RECYCLING CENTER WAS A POLLING PLACE SO WE DIDN'T WANT TO GO DOWN THERE A DAY OR TWO BEFORE THE ELECTION AND TAKE IT AT THAT TIME. WE DECIDED TO WAIT UNTIL AFTER THE ELECTION AND THAT WAS AUGUST 26TH AND WE WENT ON AUGUST 27TH TO GET THE COMPUTER.

JOHN DICKINSON: DID YOU OBTAIN THE COMPUTER ON THE 27TH OF AUGUST.

MR. HERBERT: YES

JOHN DICKINSON: WAS ANYBODY WITH YOU.

MR. HERBERT: YES

JOHN DICKINSON: WHO

MR. HERBERT: DAVID CORBIN WAS WITH ME AND CAPTAIN BARNES FROM THE SHERIFF'S OFFICE AND MALCOLM WERE THERE; BUT THEY STOOD OUTSIDE THE DOORWAY. DAVID AND I WENT INSIDE AND TALKED TO JAMES PETERSON AND THEN MALCOLM CAME IN AND ACTUALLY UNPLUGGED THE COMPUTER AND TOOK IT OUT.

JOHN DICKINSON: DID YOU TAKE ANY ACTION WITH RESPECT TO MR. PETERSON AT THAT TIME ON THE 27TH OF AUGUST.

MR. HERBERT: YES, WE TOLD HIM WE HAD A REPORT OF PORNOGRAPHY ON THE COMPUTER AND THAT WE WERE GOING TO SUSPEND HIM WITH PAY SO THAT AN INVESTIGATION COULD BE CONDUCTED.

JOHN DICKINSON: WHAT WAS THE NEXT STEP YOU TOOK TO HAVE THE MATTER INVESTIGATED.

MR. HERBERT: WE BROUGHT THE COMPUTER, MALCOLM RODE IN MY VEHICLE AND DAVID, BROUGHT IT STRAIGHT BACK TO THE ANNEX, TOOK IT INTO MALCOLM'S OFFICE AND HE IMMEDIATELY STARTED CHECKING. IT ONLY TOOK HIM A FEW MINUTES AND HE FOUND NUMEROUS SITES THAT HAD BEEN ACCESSED ON THE COMPTUER. AT THAT TIME, I ASKED HIM TO KEEP AN INDEX; BUT, CONTINUE CHECKING IT AND FIND EVERYTHING HE COULD FIND AND KEEP AN INDEX FOR THE REPORT FOR WHATEVER HE FOUND AND THEN HEATHER GOT BACK FROM MATERNITY LEAVE AND I TALKED WITH HER ABOUT THE SITUATION AND ASKED HER TO CONDUCT THE INVESTIGATION AND HER AND MALCOLM WERE GOING TO BE THE PRIMARY ONES TO CONDUCT THE INVESTIGATION.

JOHN DICKINSON: WHAT I WANT TO DO NOW IS DIGRESS FOR A MOMENT. WAS THERE A TIME WHERE YOU ASKED MR. PETERSON AND OTHERS TO PROVIDE YOU COPIES OF THE KEYS THAT WAS USED TO ACCESS OFFICES OR WHATEVER PLACES THAT WERE LOCKED.

MR. HERBERT: YES. ACTUALLY I ASKED DAVID CORBIN TO GET KEYS TO THE AG CENTER, THE LIBRARIES AND THE RECYCLING CENTER BECAUSE THESE THREE DEPARTMENTS HAVE BEEN MOVED UNDER DAVID AND DAVID HAD FOUND OUT HE DIDN'T HAVE COPIES OF THE KEYS AND WHEN WE CHECKED IN AT THE OFFICE, WE DIDN'T HAVE COPIES OF THEM EITHER. I TOLD HIM TO GO AHEAD AND GET COPIES FOR ALL THOSE BUILDINGS JUST IN CASE AT ANY TIME WE NEEDED TO GET INTO THEM, WE WOULD HAVE THOSE KEYS.

JOHN DICKINSON: BUT, HAD THERE BEEN A DETERMINATION THERE WASN'T A KEY TO HIS OFFICE AT SOME POINT IN TIME IF WE NEEDED A KEY ALSO TO HIS OFFICE.

MR. HERBERT: YES. WE GOT THE KEYS TO THE RECYCLING CENTER AND THEY WERE IN AN ENVELOPE AND THE SECRETARY KEEPS THE KEYS AND I LEFT THEM WITH HER. BUT, WHEN MALCOLM AND JUDY WERE AT RECYCLING MR. PETERSON TOLD THEM HE HAD NOT GIVEN A KEY TO THE OFFICE WHEN HE SUBMITTED THE OTHER KEYS.

JOHN DICKINSON: LETS GET BACK TO THE INVESTIGATION REPORT. DID MS. FINCH HAVE THE OPPORTUNITY TO REVIEW THE THINGS SHE THOUGHT WERE NECESSARY TO GATHER THE INFORMATION IN THIS PACKET.

MR. HERBERT: YES

JOHN DICKINSON: THAT REPORT IS ALSO ATTACHED TO THE MATERIAL THAT HAS BEEN SUBMITTED AND WAS ALSO ATTACHED TO YOUR LETTER. IS THAT RIGHT FOR THE BOARD.

MR. HERBERT: YES

JOHN DICKINSON: YOU MADE A RECOMMENDATION MR. HERBERT TO TERMINATE SOMEONE WHO HAS BEEN WITH THIS BOARD AS AN EMPLOYEE FOR QUITE A WHILE. CAN YOU TELL THE BOARD WHY YOU BELIEVE THAT THE RECOMMENDATION TO TERMINATE IS APPROPRIATE. WHY DO YOU BELIEVE MR. PETERSON IS THE PARTY WHO ACCESSED THE PORNOGRAPHY.

MR. HERBERT: FIRST I THINK THE INVESTIGATION REVEALED REPEATED VIOLATIONS OF NUMEROUS COUNTY POLICIES. THE REASONS WHY I THINK THE INVESTIGATION SHOWS JAMES PETERSON WAS THE ONE WHO ACCESSED THE PORNOGRAPHY IS HE WAS THE ONLY ONE THAT HAD ACCESS TO THAT COMPUTER. ON THE MORNING WE WENT TO GET THE COMPUTER, HE ACTUALLY TOLD DAVID CORBIN AND I IF ANYTHING WAS FOUND ON THE COMPUTER, HE HAD TO BITE THE BULLET BECAUSE HE WAS THE ONLY ONE THAT USED IT.

JOHN DICKINSON: HE TOLD YOU THAT.

MR. HERBERT: YES. THE INVESTIGATION SHOWS THAT THE REGIONS BANK ACCOUNT HAD BEEN ACCESSED JUST PRIOR TO THE PORNOGRAPHY BEING ACCESSED.

JOHN DICKINSON: LET ME STOP YOU THERE. THE REPORT DID NOT SHOW THAT WAS PARTICULARLY HIS ACCOUNT.

MR. HERBERT: CORRECT

JOHN DICKINSON: JUST SO THE BOARD KNOWS.

MR. HERBERT: DURING HIS INTERVIEW, HE DID STATE HE USED THE COMPUTER IN HIS OFFICE TO ACCESS HIS REGIONS BANK ACCOUNT. THE HUGE NUMBER OF IMAGES THAT WERE PULLED UP ON THE COMPUTER REQUIRED A LOT OF TIME TO BE SPENT IN THE OFFICE. IN THE INTERVIEWS WITH JAMES SHOUPPE AND FRED MCSWAIN, THEY STATED THAT JAMES RARELY CAME OUT OF HIS OFFICE. HE WAS ALWAYS IN THE OFFICE AND ONLY CAME OUT IN A BLUE MOON I THINK IS THE WAY THEY PUT IT. HE WAS VERY PROTECTIVE OF THE OFFICE AND HE THINKS THE INVESTIGATION SHOWS THAT. HE DIDN'T LIKE THE OTHER EMPLOYEES AT THE RECYCLING CENTER TO BE IN THE OFFICE. THE SITUATION WITH THE KEYS WHERE THE KEYS TO THE GATES AND THE FRONT DOOR WERE TURNED IN; BUT, NO KEY TO THE OFFICE. ALSO, BEING RELUCTANT TO LET THE COMPUTER DEPARTMENT TO UPDATE HIS COMPUTER OR HAVE ACCESS TO HIS COMPUTER WITHOUT HIM BEING THERE. THE COMPUTER WAS PASSWORD PROTECTED AND THE INVESTIGATION DIDN'T SHOW OF ANYONE ELSE HAVING ACCESS TO THAT PASSWORD. THE DAYS JAMES WAS ABSENT FROM WORK AND PORNOGRAPHY NOT BEING VIEWED ON THOSE DAYS, THE WASHER PROGRAM BEING INSTALLED ON THE COMPUTER; BEING A LOCAL GOVERNMENT, WE ARE SUBJECT TO PUBLIC RECORDS LAWS AND THERE IS NO REASON A WASHER PROGRAM SHOULD BE ON ANY COUNTY COMPUTER. THAT MORNING JUST BEFORE US GETTING THERE, THE WASHER PROGRAM BEING USED. ONE OTHER THING, THE COMPUTER THAT WAS SURPLUSED AND THAT WE SOLD, WHEN WE RETRIEVED IT, WE FOUND THERE WAS ALSO PORNOGRAPHIC MATERIAL ON IT.

CECILE SCOON, PETERSON'S ATTORNEY, CROSS EXAMINED MR. HERBERT.

CECILE SCOON- YOU INDICATED THAT EARLIER YOU ASKED FOR KEYS TO THE BUILDINGS. WHEN YOU SAID BUILDINGS, THAT COULD BE CONSIDERED AN OUTSIDE DOOR. CORRECT.

MR. HERBERT: YES



CECILE SCOON: JUST TO MAKE SURE YOU DID NOT SPECIFICALLY ASK FOR KEYS TO EVERY OFFICE INSIDE THE BUILDING .

MR. HERBERT: YES. I ASKED DAVID TO GET KEYS TO THE BUILDINGS AND DIDN'T ASK FOR OFFICES.

CECILE SCOON: SO, IT IS POSSIBLE MR. CORBIN ALSO DIDN'T ASK MR. PETERSON FOR THE SPECIFIC KEY TO THE OFFICE.

CECILE SCOON: DID YOU EVER ASK MS. PROVOST WHY SHE WAITED OVER 90 DAYS TO REPORT THIS TO ANYBODY.

MR. HERBERT: I DIDN'T ASK HER PERSONALLY; BUT, I THINK IT IS IN THE INVESTIGATION SHE HAD SOME PERSONAL MATTERS, PERSONAL THINGS GOING ON.

CECILE SCOON: SO BASICALLY YOU NEVER SPOKE TO HER ABOUT THAT. IS THAT CORRECT.

MR. HERBERT: I DIDN'T ASK HER THE QUESTION; BUT, I HEARD HER TALK ABOUT IT IN THAT MEETING WE HAD AND TALKED ABOUT WHY SHE DIDN'T COME FORWARD WITH IT.

CECILE SCOON: DID YOU EVER QUESTION HER PERSONALLY ABOUT WHAT SHE SAW.

MR. HERBERT: NO

CECILE SCOON: SO WOULD IT BE FAIR TO SAY YOU DON'T ACTUALLY KNOW WHY SHE WAITED OVER 90 DAYS TO REPORT IT.

MR. HERBERT: I HEARD HER STATE IN A MEETING WE HAD THAT SHE HAD SOME PERSONAL ISSUES GOING ON AND THINGS IN HER PERSONAL LIFE IS WHY SHE DIDN'T COME FORWARD SOONER.

CECILE SCOON: FOR 90 DAYS. SHE SAID SHE HAD 90 DAYS WORTH OF PERSONAL ISSUES THAT PREVENTED HER FROM REPORTING IT. IS THAT WHAT SHE TOLD IN THAT MEETING FOR THE 90 DAYS.

MR. HERBERT: SHE DIDN'T SPECIFY 90 DAYS; SHE JUST SAID SHE DIDN'T COME FORWARD SOONER.

CECILE SCOON: SO YOU AGREE WITH ME YOU REALLY DON'T KNOW WHY SHE DIDN'T COME BY AND REPORT IT BEFORE 90 DAYS.

JOHN DICKENSON: THE QUESTION WAS ASKED AND ANSWERED.

CECILE SCOON: SO YOU DON'T KNOW EXACTLY WHY IT TOOK HER 90 DAYS. WOULD YOU AGREE WITH THIS.

MR. HERBERT: SHE HAD SAID IT WAS HER PERSONAL ISSUES GOING ON.

CECILE SCOON: AND YOU DON'T KNOW WHAT THOSE PERSONAL ISSUES WERE.

MR. HERBERT: I KNOW A LITTLE BIT ABOUT THEM.

CECILE SCOON: DO YOU KNOW WHAT THEY WERE FOR THE 90 DAYS.

MR. HERBERT: SHE HAD SOME THINGS GOING ON AND THERE WAS AN INTERNET SITE THAT PUTS A LOT OF INFORMATION OUT ON COUNTY EMPLOYEES, COMMISSIONERS AND DIFFERENT PEOPLE AND SHE WAS A TOPIC ON THAT WEBSITE AND SHE DIDN'T APPRECIATE IT MUCH AND SHE WAS TRYING, SHE HAD RECENTLY GOT A PROMOTION AND THINGS THAT WERE BEING SAID ABOUT HER THAT SHE DIDN'T APPRECIATE AND SHE DIDN'T WANT TO STIR THINGS UP ANYMORE.

CECILE SCOON: HAVE ANY OTHER COUNTY EMPLOYEES OR HAVE YOU YOURSELF EVER EXPERIENCED POPUPS COMING UP ON YOUR COMPUTER.

MR. HERBERT: YES

CECILE SCOON: HAVE OTHER PEOPLE REPORTED THOSE KIND OF PROBLEMS TO YOU.

MR. HERBERT: YES

CECILE SCOON: HAVE ANY OF THE OTHER EMPLOYEES EVER REPORTED SEEING SEXUAL GRAPHIC OR INAPPROPRIATE THINGS ON THEIR COMPUTERS.

MR. HERBERT: YES

CECILE SCOON: WOULD YOU SAY IT IS FAIRLY COMMON OCCURRENCE.

MR. HERBERT: NO

CECILE SCOON: ABOUT HOW MANY DIFFERENT PERSONS HAVE REPORTED THAT OR HAVE BEEN BROUGHT TO YOUR ATTENTION IN THE PAST.

MR. HERBERT: I HAVE EXPERIENCED IT AND I KNOW OF ONE OTHER. I CAN'T THINK OF IT RIGHT NOW.

CECILE SCOON: IN YOUR CASE, YOU HAD NOT TYPED UP ANYTHING INAPPROPRIATE ON YOUR COMPUTER, CORRECT; SOMETHING JUST INAPPROPRIATE POPPED UP.

MR. HERBERT: ACTUALLY, IT CAME IN AN EMAIL I THINK AND WAS KIND OF DISGUISED IN THE TOPIC AND WHEN I CLICKED ON IT, IT APPEARED.

CECILE SCOON: SO YOU PERSONALLY UNDERSTAND HOW SOMETHING CAN APPEAR ON A COMPUTER THATS IN DISGUISE OR TROJAN HORSES THAT WANT TO GET IN THERE AND CAUSE A VIRUS OR GET YOU TO SIGN ON SOME PROGRAM OR SOMETHING. YOU HAVE EXPERIENCED THAT YOURSELF.

MR. HERBERT: YES

CECILE SCOON: AND YOU ARE AWARE OTHER COUNTY EMPLOYEES HAVE HAD THAT PROBLEM.

MR. HERBERT: AT LEAST ONE OTHER.

CECILE SCOON: AND WHO WAS THAT.

MR. HERBERT: ROGER HAGAN, PUBLIC SAFETY DIRECTOR

CECILE SCOON: ARE YOU AWARE THAT SOMETIMES IF A PERSON IS MISLED WITH THESE POPUPS AND WOULD EITHER TRY TO DELETE THEM OR CLICK ON THEM, AS YOU DID, THEN SOMETIMES SOMETHING GETS IMBEDDED INTO THE COMPUTER AND THEY WILL CONTINUE TO POP UP. HAVE YOU HEARD OF THAT SIR.

MR. HERBERT: NO, I KNOW ON ONE OCCASION I TRIED TO GET OFF OF THE SITE AND EVERYTIME I TRIED TO GET OFF OF IT, IT WENT TO SOMETHING ELSE. I HAD TROUBLE GETTING OUT OF THE SITE. I DON'T KNOW ABOUT ANYTHING BEING IMBEDDED.

CECILE SCOON: BUT, IN FACT THERE WAS A SITUATION WHEN YOU ACTUALLY WERE TRYING TO GET IT OFF AND IT KEPT POPPING UP IN A DIFFERENT FORMAT. IS THAT CORRECT SIR.

MR. HERBERT: YES

CECILE SCOON: DID YOU EVER CONSIDER THAT SOMETHING LIKE OF THAT NATURE MAY HAVE HAPPENED TO MR. PETERSON.

MR. HERBERT: NO, I THINK THE LENGTH OF TIME AND THE NUMBER OF MONTHS THIS WAS GOING ON AND THE HUGE NUMBER OF IMAGES. NO.

CECILE SCOON: SO YOU ARE NOT AWARE EVEN THROUGH PERSONAL EXPERIENCES OR THROUGH INFORMATION THAT SOMETIMES IF YOU ACTUALLY CLICK ON SOMETHING TO DELETE IT, IT WILL IMBED AND KEEP POPPING UP. YOU HAVEN'T EXPERIENCED THAT OR YOU ARE NOT AWARE OF IT.

MR. HERBERT: NO

CECILE SCOON: WERE YOU AWARE THAT MR. PETERSON HAD CONTACTED SOMEONE FROM YOUR INFORMATION TECHNOLOGY OFFICE TO TRY TO GET THE POPUPS FROM COMING UP; TO TAKE THE POPUPS OFF HIS COMPUTER BECAUSE THEY WERE A HINDRANCE TO HIM.

MR. HERBERT: NO, I DID REPORT IT TO THEM WHEN IT WAS HAPPENING TO ME AND THEY STOPPED IT; THEY WERE ABLE TO USE A FILTER OR DO SOMETHING TO STOP IT. THE SAME THING WITH ROGER HAGAN; HE REPORTED IT AND IT STOPPED.

CECILE SCOON: I AM NOT GOING TO ASK YOU TO GET REALLY DETAILED ABOUT THE IMAGES THAT POPPED UP; WOULD YOU AGREE IT WAS PORNOGRAPHIC, THE ONE THAT CAME UP THAT WAS HIDDEN IN THE EMAIL.

MR. HERBERT: ON MY COMPUTER.

CECILE SCOON: YES SIR

MR. HERBERT: YES

CECILE SCOON: YOU INDICATED MR. PETERSON HAD MADE SOME COMMENT THAT HE WOULD HAVE TO BITE THE BULLET. DO YOU KNOW MR. PETERSON VERY WELL.

MR. HERBERT: HE WORKED FOR ME FOR A COUPLE OF YEARS; FROM WORK I KNOW HIM.

CECILE SCOON: WERE YOU AWARE HE WAS BEING SARCASTIC WITH YOU WHEN HE SAID THAT.

MR. HERBERT: NO, I DIDN'T THINK HE WAS.

CECILE SCOON: DID YOU HAVE INMATES THAT WOULD ALSO DO LABOR AND PROVIDE LABOR AT THE RECYCLING CENTER.

MR. HERBERT: YES

CECIL SCOON: TELL ME ABOUT THAT PROGRAM PLEASE AS IT PERTAINS TO THE RECYCLING CENTER.

MR. HERBERT: WELL, WE HAD INMATES FROM WASHINGTON CORRECTIONAL INSTITUTE FOR A WHILE AND MR. PETERSON HAD SOME PROBLEMS WITH THE CORRECTIONAL OFFICERS THERE AND THEY STOPPED SUPPLYING THEM SO WE STARTED USING COUNTY JAIL INMATES. THE INMATES HELPED AROUND THE RECYCLING CENTER, WENT ON THE ROUTES WITH THE EMPLOYEES PICKING UP CARDBOARD, MOSTLY LOADING OR CLEANING UP RECYCLING.

CECILE SCOON: DO YOU HAVE AN UNDERSTANDING OR IDEA OF HOW LONG MOST OF THESE MEN, WERE THEY MEN, THE INMATES.

MR. HERBERT: YES

CECILE SCOON: HOW LONG WERE THE INMATES ASSIGNED TO THE RECYCLING CENTER; FOR A WEEK, A MONTH AT A TIME, A YEAR. WHAT IS YOUR UNDERSTANDING OF HOW LONG THEY WOULD BE ASSIGNED.

MR. HERBERT: I REALLY DON'T KNOW HOW OFTEN THEY CHANGE OUT THE INMATES AND WE HAVE DIFFERENT INMATES. I THINK THEY TRY TO KEEP THE SAME ONES UNTIL THEY LEARNED THE ROUTINE AND THEY GET MORE WORK OUT OF THEM.

CECILE SCOON: WOULD IT BE FAIR TO SAY THEY WOULD GENERALLY BE THERE FOR SEVERAL MONTHS AT A TIME.

MR. HERBERT: ITS POSSIBLE.

CECILE SCOON: WHEN YOU WERE CHECKING THE DATES THE PORNOGRAPHY FILES WERE COMING UP ON THE COMPUTER, DID YOU ALSO COMPARE THAT TO THE DATES THE INMATES WERE PRESENT.

MR. HERBERT: NO, I DIDN'T CHECK THOSE DATES. THOSE WERE CHECKED AS PART OF THE INVESTIGATION BY MS. FINCH.

CECILE SCOON: DID ANYBODY REPORT TO YOU THAT THEY HAD LOOKED AT THE TIMES WHEN THE INMATES WERE PRESENT.

MR. HERBERT: NO

CECILE SCOON: AND YOU NEVER ASKED ANYBODY. IS THAT CORRECT SIR.

MR. HERBERT: YES

CECILE SCOON: AND YOU SAID THERE WERE TWO OTHER EMPLOYEES WHO WORKED AT THE RECYCLING CENTER ALSO, MR. MCSWAIN AND MR. SHOUPPE.

MR. HERBERT: YES

CECILE SCOON: DID YOU EVER ASK ANYONE TO CHECK THEIR TIME WHEN THEY WERE EMPLOYED AND THEY WERE AT THEIR WORKSITE AT THE RECYCLING CENTER.

MR. HERBERT: THE DAYS THEY WERE ABSENT.

CECILE SCOON: YES SIR

MR. HERBERT: NO

CECILE SCOON: DID ANYONE EVER REPORT THAT TO YOU.

MR. HERBERT: NO

CECILE SCOON: AND YOU NEVER ASKED.

MR. HERBERT: NO

CECILE SCOON: ISN'T IT TRUE OTHER INDIVIDUALS CAME OUT TO THE RECYCLING CENTER TO DO COMMUNITY SERVICE WORK FOR DIFFERENT REASONS.

MR. HERBERT: YES  
CECILE SCOON: DID YOU EVER ASK ANYONE TO GIVE YOU A REPORT OF THOSE PERSONS.  
MR. HERBERT: NO  
CECILE SCOON: DID YOU EVER INQUIRE OF MS. PROVOST HOW IT WAS THAT SHE GOT IN THE SO CALLED LOCKED ROOM AND USED THE COMPUTER AT WILL WHEN MR. PETERSON WAS NOT THERE.  
MR. HERBERT: MR. PETERSON WAS THERE ON AMNESTY DAY; THE OFFICE WAS OPEN AND IT WAS RAINING PRETTY HARD OUTSIDE AND SHE WENT TO CHECK THE WEATHER TO SEE IF THE RAIN AND THE WEATHER WAS GOING TO CONTINUE TO BE BAD.  
CECILE SCOON: SO ON THAT DAY, THE DOOR WAS OPEN, CORRECT. THE OFFICE WAS OPEN.  
MR. HERBERT: YES  
CECILE SCOON: DOES THAT INDICATE TO YOU THAT SOMETIMES THE OFFICE WAS LEFT OPEN. PEOPLE COULD JUST USE THE COMPUTER.  
MR. HERBERT: YES  
CECILE SCOON: HAVE YOU EVER HAD ANY OTHER CASES. HOW LONG HAVE YOU BEEN THE COUNTY MANAGER.  
MR. HERBERT: I HAVE HAD THAT TITLE SINCE MARCH OF THIS YEAR; BUT, I HAVE BEEN WITH THE COUNTY A LITTLE OVER TEN YEARS.  
CECILE SCOON: O'KAY. HAVE YOU HAD ANY OTHER INSTANCES WHERE THERE HAVE BEEN ALLEGATIONS OF INAPPROPRIATE USE OF COMPUTERS.  
MR. HERBERT: YES, ONE THAT I CAN REMEMBER.  
CECILE SCOON: AND WHO DID THAT INVOLVE.  
MR. HERBERT: A SECRETARY IN THE BUILDING DEPARTMENT.  
CECILE SCOON: THE NAME.  
MR. HERBERT: PAULA DOBBS  
CECILE SCOON: AND WHAT WAS SHE ACCUSED OF DOING.  
MR. HERBERT: SHE WAS GOING FROM HER DESKTOP COMPUTER AND SOME- HOW SHE KNEW HOW TO GET INTO OTHER OFFICES INTO OTHER COMPUTER SYSTEMS OFFICES IN THIS BUILDING. SHE GOT INTO THE PROPERTY APPRAISER'S FILES SOMEHOW AND COULD HAVE DONE A LOT OF DAMAGE TO THE PROPERTY APPRAISER'S. I THINK THERE WAS AN EMBEDDED VIRUS THAT WAS FOUND IN THERE.  
CECILE SCOON: WHAT DISCIPLINE WAS GIVEN TO MS. DOBBS.  
MR. HERBERT: SHE WAS TERMINATED.  
CECILE SCOON: ARE YOU AWARE OF ANY OTHER INAPPROPRIATE USE OF COMPUTERS.  
MR. HERBERT: NOT THAT I CAN THINK OF.  
CECILE SCOON: ARE YOU AWARE OF ANY OTHER ALLEGATIONS OF ANY OTHER PERSONS WHO WERE ACCUSED OF LOOKING UP PORNOGRAPHY AT THE WORKPLACE.  
MR. HERBERT: NO  
CECILE SCOON: ARE YOU AWARE OF ANY OTHER PERSONS WHO HAVE BEEN ACCUSED OF ANY FORM OF SEXUAL HARASSMENT OR SEXUAL INAPPROPRIATE BEHAVIOR LIKE THAT.  
JOHN DICKINSON: OBJECTED TO STATEMENT'S RELEVANCE TO PETERSON'S CASE WITH PORNOGRAPHY.  
CECILE SCOON: COUNSEL LISTED ALL THE ALLEGATIONS THAT WERE MADE AGAINST MY CLIENT AND SOLICITED AN OPINION OF A GENTLEMAN AS THE REASON WHY HE RECOMMENDED TERMINATION. I WENT THROUGH ALL THESE ALLEGATIONS AND THINK IT IS VERY RELEVANT FOR THE COMMISSION TO KNOW WHAT WERE THE PUNISHMENTS FOR OTHER CASES.  
ATTORNEY HOLLEY: GO AHEAD AND LET HIM ANSWER THE QUESTION.  
MR. HERBERT: YES, THERE WAS A TIME I THINK.

CECILE SCOON: WHAT WERE THOSE CASES.  
MR. HERBERT: THERE WAS ONE AT OUR, IF I REMEMBER RIGHT, AT PUBLIC WORKS A SECRETARY COMPLAINED.  
CECILE SCOON: COMPLAINED ABOUT WHO  
MR. HERBERT: A SUPERVISOR  
CECILE SCOON: WHO WAS THE SUPERVISOR  
MR. HERBERT: ROBERT HARCUS  
CECILE SCOON: WHAT WAS THE PUNISHMENT FOR THAT PERSON  
MR. HERBERT: THAT ACTUALLY WENT TO A SETTLEMENT IN A MEDIATION  
CECILE SCOON: WHAT HAPPENED TO MR. HARCUS.  
MR. HERBERT: HE IS STILL WORKING WITH US.  
CECILE SCOON: WERE THE ALLEGATIONS HE WAS PHYSICALLY DOING SOMETHING TO THE SECRETARY.  
MR. HERBERT: I DON'T REALLY RECALL THE WHOLE MATTER.  
CECILE SCOON: WHAT DO YOU RECALL.  
MR. HERBERT: ADVANCES WERE MADE OR  
CECILE SCOON: WOULD YOU AGREE WITH ME THERE HAVE BEEN NO ALLEGATIONS OF ANY ADVANCES MADE BY MR. PETERSON TOWARDS ANYONE. DO YOU AGREE WITH ME SIR. IN THIS CASE.  
MR. HERBERT: THERE WAS A COMPLAINT ABOUT  
CECILE SCOON: INTERRUPTED AND SAID SHE WAS TALKING ABOUT THIS CASE.  
JOHN DICKINSON: MR. HERBERT WAS TRYING TO ANSWER THAT QUESTION AND WANTED A RULING.  
ATTORNEY HOLLEY: LET HIM GO AHEAD AND ANSWER THE QUESTION.  
MR. HERBERT: THERE WAS A FEMALE INMATE THAT WAS WORKING IN THIS BUILDING THAT SUBMITTED A COMPLAINT AT ONE TIME; BUT, THAT WAS PRIOR TO THIS ON THE PORNOGRAPHY.  
CECILE SCOON: I MOVE TO STRIKE. THAT WAS NON-RESPONSIVE TO MY QUESTION. I SAID IN THIS PARTICULAR CASE WE ARE HERE FOR TODAY. WOULD YOU AGREE WITH ME THERE HAVE BEEN NO ALLEGATIONS OF MR. PETERSON MAKING ADVANCES TOWARDS ANYONE.  
CHAIRMAN PATE: IS THAT THE QUESTION THAT WAS ASKED AWHILE AGO.  
CECILE SCOON: YES SIR THAT WAS MY QUESTION. THIS CASE.  
ATTORNEY HOLLEY: WAS THAT YOUR ANSWER; THERE WAS SOMEBODY.  
CHAIRMAN PATE: PETE SAID THERE WAS SOMEBODY; BUT, SHE SAYS NOW THERE IS NOT.  
ATTORNEY HOLLEY: SHE ASKED THE QUESTION AND YOU ANSWERED IT, IT SHOULD BE IN THE RECORD.  
CHAIRMAN PATE: HERE IS THE PROBLEM I HAVE. SHE WANTS TO HAVE IT ONE WAY IN ONE QUESTION AND ANOTHER WAY WHEN ITS TO HER ADVANTAGE.  
ATTORNEY HOLLEY: SHE ASKED A QUESTION, PETE HAS ANSWERED IT AND IT SHOULD STAY IN THE RECORD.  
CHAIRMAN PATE: THAT SHOULD STAY IN THERE; BUT, WHAT I AM TALKING ABOUT IS SHE SAYS IT IS IMMATERIAL TO THIS CASE. DON'T GO BACK AND BRING UP THINGS THERE. EVERYTHING THAT IS MATERIAL THAT HAS GONE ON WAY BACK THEN SHOULD BE BROUGHT OUT HERE, NOW AND SINCE THIS THING HAS BEEN SENT OUT.  
ATTORNEY HOLLEY: I AGREE.  
CECILE SCOON: MR. PATE IF I MAY ANSWER YOUR QUESTION. I DON'T MIND WHAT ANSWER. HE IS GOING TO GIVE WHATEVER ANSWER THAT HE KNOWS BEST THAT HE THINKS AND THAT IS FINE. I AM NOT TRYING TO STOP HIM FROM TESTIFYING. I JUST WANTED TO RESTATE MY QUESTION, MY INITIAL QUESTION. THE ONLY QUESTION I HAVE EVER ASKED WAS THERE WAS NO ALLEGATIONS OF IT IN THIS CASE. NOW ALL HE SHOULD HAVE SAID WAS "NO" AND THEN IF HE WANTED TO SAY

THERE WAS SOMETHING IN ANOTHER CASE; BUT, HE DIDN'T. I AM JUST TRYING TO CLARIFY IT WASN'T IN THIS CASE.

CHAIRMAN PATE: AT THE SAME TIME, YOU ARE GOING BACK ON SOME OTHER THINGS THAT HAVE NOTHING TO DO WITH THIS CASE HERE.

JOHN DICKINSON: I WOULD LIKE TO RESPOND. THERE WERE A LINE OF QUESTIONS ASKED BY PETERSON'S COUNSEL ABOUT OTHER COMPLAINTS OF HARASSMENT BY OTHER PEOPLE. THE QUESTION I THOUGHT SHE ASKED THIS WITNESS IS WHETHER THERE HAD BEEN ANY OTHER COMPLAINTS OF HARASSMENT BY MR. PETERSON. MR. HERBERT ATTEMPTED TO ANSWER THAT AND WAS INTERRUPTED BEFORE HE COULD DO THAT BECAUSE OBVIOUSLY THE ANSWER WAS NOT IN HIS FAVOR. I THINK THE QUESTION HE WAS ASKED AND THE OTHER QUESTIONS ASKED PRIOR TO THAT ABOUT OTHER ACTS OF HARASSMENT IN PARTICULAR PERTAINING TO MR. PETERSON, I THINK THAT IS RELEVANT.

ATTORNEY HOLLEY: I WOULD RECOMMEND HE BE ALLOWED TO COMPLETE THE ANSWER IF HE HASN'T COMPLETED IT.

CECILE SCOON: THE RECORD WILL SPEAK FOR ITSELF IT IS EVER RECORDED. I REMEMBER SPECIFICALLY I ASKED ABOUT THIS CASE. MAYBE MY VOICE DROPPED AND YOU DIDN'T HEAR THIS CASE.

CECILE SCOON: WERE ANY ALLEGATIONS MADE ABOUT YOURSELF SIR OF ANYTHING INAPPROPRIATE LIKE THIS.

MR. HERBERT: THERE WAS A COMPLAINT AT ONE TIME; I DON'T KNOW IF I REMEMBER I EVER SAW ANYTHING WRITTEN ON IT. I DON'T KNOW IF IT WAS ACTUALLY CONSIDERED SEXUAL HARASSMENT OR WHAT IT WAS. THERE WAS A COMPLAINT.

CECILE SCOON: MADE BY A FEMALE EMPLOYEE

MR. HERBERT: YES

CECILE SCOON: BASICALLY SAYING THEY WERE ADVANCES OR SOMETHING OF THAT NATURE.

MR. HERBERT: I DON'T KNOW EXACTLY WHAT SHE SAID.

CECILE SCOON: GENERALLY SPEAKING, WHAT WAS THE BASIS OF THE COMPLAINT.

MR. HERBERT: I GUESS IT WAS SOMETHING OF THAT NATURE; BUT, I DIDN'T SEE THE COMPLAINT. I WAS TALKED TO ABOUT IT AND DEALT WITH IT.

CECILE SCOON: WHO SPOKE TO YOU ABOUT IT.

MR. HERBERT: ATTORNEY HOLLEY AND AT THAT TIME MR. SAPP WAS THE CHAIRMAN.

CECILE SCOON: SO, WAS THAT ALL THE DISCIPLINE THAT CAME OF THAT MATTER.

MR. HERBERT: I MADE SOME APOLOGIES AND WAS ASKED TO SEE A COUNSELOR.

CECILE SCOON: AND THERE WAS NO RECOMMENDATION OF TERMINATION. IS THAT CORRECT, SIR.

MR. HERBERT: NOT, THAT I AM AWARE OF.

JOHN DICKINSON: THIS IS A FOLLOW UP. WHEN YOU RECEIVED THE KEYS FROM MR. PETERSON, HOW MANY KEYS DID YOU GET.

MR. HERBERT: I BELIEVE IT WAS THREE.

JOHN DICKINSON: SO IT WASN'T JUST THE KEY TO THE BUILDING WAS IT.

MR. HERBERT: NO, HIS GATES.

JOHN DICKINSON: THERE WAS MORE THAN ONE KEY GIVEN TO YOU; BUT, THE ONE KEY MISSING WAS THE KEY TO HIS OFFICE.

MR. HERBERT: YES

JOHN DICKINSON: THERE WERE A LOT OF QUESTIONS ASKED ABOUT A POPUP THAT HAPPENED TO YOU ONCE AND YOU HAD THE I.T. DEPARTMENT TAKE CARE OF IT.

MR. HERBERT: YES

JOHN DICKINSON: DID IT OCCUR HUNDREDS OF TIMES DURING THE DAY, WEEK AFTER WEEK AFTER WEEK, MONTH AFTER MONTH AFTER MONTH.

MR. HERBERT: NO

CECILE SCOON: I THINK YOU WERE TRYING TO TELL COUNSEL WHAT THE KEYS WERE THAT YOU HAD GOTTEN. YOU SAID ONE WAS TO THE GATE. IS THAT CORRECT SIR.

MR. HERBERT: YES, ACTUALLY TWO WERE TO GATES AND ONE WAS TO THE FRONT DOOR WAS WHAT WAS REPORTED TO ME WHEN THEY TRIED THE KEYS.

COMMISSIONER HOLMAN: MR. HERBERT MADE THE STATEMENT ABOUT THE POPUPS AND WHEN IT WAS GOING ON, YOU SAID YOU REPORTED IT TO MALCOLM, RIGHT. HE CAME DOWN AND FIXED THE PROBLEM.

MR. HERBERT: YES

COMMISSIONER HOLMAN: WHAT I HAVE NOT HEARD WAS THE QUESTION IF THIS WAS GOING ON AT THE RECYCLING CENTER, DID MR. PETERSON NOTIFY PETE AND ASK HIM IF THERE WAS ANYTHING THAT COULD BE DONE. I HAVE NOT HEARD THAT QUESTION ASKED OR ANSWERED CONCERNING THIS MATTER.

MR. HERBERT: NO, I WAS NOT NOTIFIED OF ANY POPUPS AT THE RECYCLING CENTER.

COMMISSIONER HOLMAN: MR. GAINEY HAVE YOU BEEN NOTIFIED OF THE PROBLEM HE WAS HAVING.

MALCOLM GAINEY: WE WERE NOTIFIED ONCE HE WAS HAVING POPUP ISSUES AND WE WENT DOWN AND WORKED ON THE PROBLEM AND HAVEN'T BEEN NOTIFIED OF ANYTHING SINCE.

JOHN DICKINSON: ASKED MS. FINCH TO STATE HER NAME AND WHAT POSITION SHE HOLDS WITH THE COUNTY.

HEATHER FINCH: MY NAME IS HEATHER FINCH AND I AM HUMAN RESOURCE DIRECTOR FOR WASHINGTON COUNTY.

JOHN DICKINSON: ARE YOU THE AUTHOR OF THE INVESTIGATION REPORT DONE.

HEATHER FINCH: YES, MYSELF AND MALCOLM GAINEY

JOHN DICKINSON: AND THAT IS THE REPORT THAT HAS BEEN DISTRIBUTED TO ALL THE BOARD MEMBERS AS WELL AS IT WAS GIVEN TO MR. PETERSON. IS THAT CORRECT.

HEATHER: CORRECT

JOHN DICKINSON: DID YOU ASK MS. PROVOST WHY IT TOOK A WHILE FOR HER TO REPORT THE INCIDENT AND WHAT DID SHE SAY TO YOU.

HEATHER: DURING THAT TIME, I DON'T WANT TO VIOLATE HER CONFIDENCE, THERE WERE MEDICAL ISSUES AND PERSONAL PRIVATE ISSUES DEALING WITH HER MARRIAGE. THERE WERE SOME PRIVATE ISSUES SHE WAS GOING THROUGH PERSONALLY. ALONG WITH THAT MS. PROVOST DID REPORT ABOUT TOPIX.COM WEBSITE: SHE WAS GIVEN A PROMOTION; THE TOPIX WEBSITE HAS BEEN A THORN IN MANY COUNTY EMPLOYEES AND COMMISSIONERS SIDES FOR MANY MONTHS NOW. MS. PROVOST WAS BEING RIPPED APART ON THAT FORUM BY MEMBERS OF THE COMMUNITY, YOU DON'T KNOW WHO THEY ARE, ALLEGATIONS ABOUT HER AND SHE TOLD ME THAT VERY, VERY EMBARRASSING ALLEGATIONS WERE MADE OF HER IN HOW SHE RECEIVED THAT PROMOTION. SHE TOLD ME SHE DIDN'T WANT TO BRING ANY MORE ATTENTION TO HERSELF AND SHE WAS WORRIED ABOUT THAT AND THAT IS WHY SHE WAS LATE.

JOHN DICKINSON: DID SHE HOLD ANY SUPERVISORY OR MANAGERIAL RESPONSIBILITY TO REPORT WHAT HAPPENED ANYWAY. DID SHE HOLD ANY SUPERVISORY OR MANAGERIAL RESPONSIBILITY WITH THE COUNTY.

HEATHER FINCH: NO, IN MR. CORBIN'S ABSENCE, SHE IS THE PUBLIC SERVICES COORDINATOR, THAT IS A BRAND NEW ROLE THAT HAS BEEN PUT ON HER. PRIOR TO THAT AND IN APRIL SHE WAS A SECRETARY. SHE WAS HIS ASSISTANT;

UNLESS HE DELEGATED HER TO DO SOMETHING OF A SUPERVISORY NATURE, EVERYONE ANSWERED TO MR. CORBIN UNDER HIS DIRECTION.

JOHN DICKINSON: DID YOU DOCUMENT IN YOUR REPORT THE BOARD POLICIES THAT YOU CITED TO BE IMPLICATED, IS THAT RIGHT. WOULD YOU GO THROUGH THOSE POLICIES WITH THE BOARD AND EXPLAIN TO THE BOARD WHICH POLICIES YOU THINK WERE IMPLICATED BY THE PORNOGRAPHY THEY PULLED UP ON THE COMPUTER.

HEATHER FINCH: WHEN MR. HERBERT ASKED MALCOLM AND I TO PERFORM THE INVESTIGATION, PART OF THE INVESTIGATION WAS LOOKING UP POLICIES TO SEE WHAT WAS VIOLATED AND WHAT I FELT HAD BEEN VIOLATED. THE FIRST ONE WAS OUR DISMISSAL AND DISCHARGE POLICY UNDER 9.07B(1). IT STATES FAILURE TO MEET ESTABLISHED STANDARDS OF WORK, MORALITY OR ETHICS TO AN EXTENT THAT THE EMPLOYEE IS UNSUITABLE FOR EMPLOYMENT WITH THE BOARD IN THE POSITION THAT THE EMPLOYEE SERVES IN. WOULD YOU LIKE ME TO STATE MY REASON WHY I CHOSE THAT.

JOHN DICKINSON: YES

HEATHER FINCH: MR. PETERSON DOES SUPERVISE TWO COUNTY EMPLOYEES ON A DAILY BASIS AND AT TIMES HAVE HAD COUNTY INMATES DOWN THERE AND I GUESS STATE INMATES AS WELL. I AM NOT SURE HOW THAT WORKED OUT; BUT, WE DO HAVE TWO SEPARATE ENTITIES THAT PROVIDE INMATE LABOR TO THE COUNTY AT THE TIME WHEN THEY REQUEST IT WHICH IS WASHINGTON CORRECTIONAL INSTITUTE AND WASHINGTON COUNTY JAIL. IT WAS APPARENT FROM OUR INVESTIGATION THAT NUMEROUS WORK HOURS WERE SPENT ON NON-COUNTY BUSINESS. I DIDN'T UNDERSTAND HOW MR. PETERSON COULD SUPERVISE EMPLOYEES AND COULD ACCOMPLISH TASKS NEEDED AND DIDN'T FEEL THAT WAS A VERY MORAL THING TO BE DOING IN MIDST OF HAVING THOSE PEOPLE IN HIS CHARGE AS AN EMPLOYEE AND SUPERVISOR. THE SECOND POLICY IS AN OFFENSE. THE WAY OUR POLICY IS WRITTEN UP YOU HAVE DIFFERENT TYPES OF OFFENSES AT DIFFERENT LEVELS. A GROUP ONE OFFENSE IN OUR POLICY 10.03 IS QUITTING WORK, WASTING TIME, LOITERING OR LEAVING ASSIGNED WORK AREA DURING WORK HOURS WITHOUT PERMISSION. IT IS MY OPINION AS WELL AS MR. GAINNEY'S DUE TO THE NUMBER OF HOURS WE WITNESSED IN REVIEWING THE FILES ON THE COMPUTER THAT THERE WAS A LOT OF TIME WASTED DURING THE DAY; WE WERE ABLE THROUGH LOOKING INTO THAT COMPUTER TO SEE THE DOCUMENTED TIMES AND THEY WERE DURING WORK HOURS.

JOHN DICKINSON: ITS BEEN INFERENCED THESE WERE JUST POPUPS THAT PERHAPS MR. PETERSON HAD TO DELETE. IN YOUR JUDGEMENT, WOULD THAT HAVE TAKEN HOURS TO DO A DAY.

HEATHER FINCH: NO I AM NOT A TECHNOLOGY GURU EITHER; BUT, I WORK ON A COMPUTER EVERY SINGLE DAY. I SIT IN FRONT OF A COMPUTER PRETTY MUCH ALL DAY LONG. I HAVE TO DO A LOT OF INTERNET RESEARCH FOR THE BOARD. I VISIT MANY WEBSITES, ETC. AND HAVE OPPORTUNITIES TO LOOK AT MANY WEBSITES. I, MYSELF, HAVE HAD NO INAPPROPRIATE POPUPS ON MY COMPUTER. WHAT I HAVE HAD ARE EMAILS; I HAD A FILTER ON AN EMAIL. WE HAVE A FILTER ON OUR EMAIL AND I HAVE RECEIVED TONS OF INAPPROPRIATE EMAILS THROUGH THAT FILTER. THOSE ARE NOT POPUPS THOUGH; THOSE ARE EMAILS. IT IS A VERY, VERY DIFFERENT THING. IT IS NOT A WEBSITE THAT JUST APPEARS. THAT IS A POPUP. THESE WERE ACTUALLY EMAILS. I CAN'T SPEAK FOR MR. HERBERT OR MR. HAGAN THAT WAS REFERENCED BEFORE; BUT, I BELIEVE THAT IS WHAT THEY HAD. THEY DID NOT TYPE IN YAHOO.COM AND WHEN THEY DID, AN IMAGE APPEARED. THAT IS NOT WHAT I BELIEVE HAPPENED. I KNOW MYSELF THAT DIDN'T HAPPEN TO ME.

JOHN DICKINSON: WERE THERE ACTUAL VIDEOS OR MOVIES PULLED UP ON THIS COMPUTER OF MR. PETERSON'S.

HEATHER FINCH: YES



JOHN DICKINSON: THATS NOT A POP UP.

HEATHER FINCH: NO, THIS IS AN IMAGE. THE NEXT OFFENSE WAS DELIBERATELY DESTROYING OR DAMAGING ANY BOARD PROPERTY OR PROPERTY OF A BOARD EMPLOYEE WITHOUT PROPER AUTHORIZATION. I FELT THAT WAS A MISUSE OF COUNTY PROPERTY SPENDING THAT KIND OF TIME DURING THE DAY LOOKING AT INAPPROPRIATE THINGS ON THE COMPUTER THAT HAD NOTHING TO DO WITH WORK. ALSO, THE MISUSE OF THE COUNTY EQUIPMENT WITH INSTALLING THE WINDOW WASHER PROGRAM. AS MR. HERBERT STATED WE ALL WORK WITH PUBLIC RECORDS; THERE IS NO REASON FOR US TO HAVE THAT TYPE OF SOFTWARE ON OUR COMPUTER.

JOHN DICKINSON: WHAT IS THE POLICY OF THE BOARD WITH RESPECT TO EMPLOYEES BEING ABLE TO INSTALL SOFTWARE ON A COMPUTER OF THE COUNTY. IS THERE A POLICY AGAINST THAT. HEATHER FINCH: YES SIR

HEATHER FINCH: THE INTERNET POLICY IS SECTION 16.02 AND SAYS UNLESS OTHERWISE NOTED, ALL SOFTWARE ON THE INTERNET SHOULD BE CONSIDERED COPYRIGHTED WORK. THEREFORE, EMPLOYEES ARE PROHIBITED FROM DOWNLOADING SOFTWARE AND/OR MODIFYING ANY SUCH FILES WITHOUT PERMISSION FROM THE COPYRIGHT HOLDER AND THE COMPUTER DEPARTMENT. THAT PROGRAM WAS FOUND ON THE COMPUTER; IT WAS FOUND TO BE RAN THE VERY DAY THAT MR. HERBERT, MR. GAINNEY AND MR. CORBIN WENT TO THE RECYCLING CENTER, THE MORNING BEFORE THEY GOT THERE, IT WAS RAN.

JOHN DICKINSON: WAS THAT AUGUST 27TH.

HEATHER FINCH: YES; MR. GAINNEY AND MS. WATFORD, HIS ASSISTANT, NEITHER ONE OF THEM HAD APPROVED THAT PROGRAM.

JOHN DICKINSON: DID MR. PETERSON SAY AN INMATE MUST HAVE DONE THAT. DID HE EVER SAY THAT TO YOU DURING YOUR INVESTIGATION.

HEATHER FINCH: NO, OUR INTERNET POLICY ALSO STATES PROHIBITED USE FOR USING THE COMPUTER IS OBSCENE OR SUGGESTIVE IMAGES OR OFFENSIVE GRAPHICAL IMAGES. NUMEROUS DELETED FILES THEY FOUND WERE PORNOGRAPHIC THAT WAS RECOVERED. ALSO SECTION 16.04(Y) OF THE POLICY ON THE PROHIBITED USE IS USING NON-BUSINESS SOFTWARE INCLUDING GAMES OR ENTERTAINMENT SOFTWARE. IN ADDRESSING USING NON-BUSINESS SOFTWARE, WE ARE A PUBLIC ENTITY; EVERYTHING WE USE IS A PUBLIC RECORD AND WE SHOULD NEVER PUT SOMETHING ON THERE THAT WOULD DAMAGE THOSE RECORDS WHICH THAT WINDOW WASHER PROGRAM DID DO. ALSO POLICY UNDER PROHIBITION OF HARASSMENT, WHICH IS 3.03B THAT STATES UNWELCOME SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS AND ANY OTHER PHYSICAL, VERBAL OR VISUAL CONDUCT OF A SEXUAL NATURE IS SEXUAL HARASSMENT AND MAY INCLUDE BUT IS NOT LIMITED TO #3, THE CONDUCT HAS THE PURPOSE OR EFFECT OF INTERFERING WITH AN EMPLOYEE'S WORK PERFORMANCE OR CREATING AN INTIMIDATING HOSTILE, OR OFFENSIVE WORK ENVIRONMENT. I DO NOT KNOW THAT ANYBODY SAW THIS GO ON; IT WAS. IT WAS VISUAL CONDUCT OF A SEX-UAL NATURE. OUR INVESTIGATION FOUND THAT VULGAR, SEXUALLY-EXPLICIT SITES WERE VISITED DURING NUMEROUS WORK HOURS. THEY WERE SPORADIC THROUGHOUT THE ENTIRE DAY. THE NAME OF THE SITE WAS SEEN BY A FEMALE. SHE PROMPTLY STOPPED HER WORK SO SHE DIDN'T HAVE TO SEE ANY FURTHER OFFENSIVE MATERIAL, THAT WAS MS. PROVOST. WHEN SHE SAW THAT WHEN SHE WENT TO CHECK THE WEATHER BUT WAS UNABLE TO, SHE ACTUALLY LIED TO MS. ARNOLD WHO WAS THERE AND SAID THE COMPUTER HAS BEEN SHUT DOWN, I CAN'T, THE INTERNET IS NOT WORKING.

JOHN DICKINSON: DID SHE TELL YOU WHY SHE DID THAT OR SAID THAT TO TABITHA.

HEATHER FINCH: SHE TOLD ME SHE DID NOT WANT MS. ARNOLD TO SEE WHAT SHE HAD SEEN; SHE IMMEDIATELY CLOSED OUT OF IT AND DID NOT CHECK THE WEATHER.

HEATHER FINCH: THERE IS ALSO IN THE PROHIBITION OF HARASSMENT 3.03 H STATES SEXUAL HARASSMENT MAY INCLUDE BUT IS NOT LIMITED TO THE USE OF THE COMPUTER TO ACCESS ANY WEBSITE, NEWS GROUP, CD, FLOPPY DISK OR OTHER RESOURCE THAT CONTAINS MATERIAL THAT IS OF A SEXUAL NATURE. AS I HAVE ALREADY STATED, WE FOUND TONS, VAST NUMBERS OF IMAGES OF PORNOGRAPHIC NATURE IN WEBSITES THAT WERE VISITED THROUGH THE RECOVERY PROCESS.

JOHN DICKINSON: THE KEY WAS ISSUED TO MR. PETERSON FOR HIS OFFICE. IS THAT CORRECT.

HEATHER FINCH: I WAS NOT HERE WHEN THAT WAS DONE.

JOHN DICKINSON: DO YOU HAVE A KEY TO YOUR OFFICE. ARE YOU RESPONSIBLE FOR YOUR OFFICE.

HEATHER FINCH: YES

JOHN DICKINSON: ARE YOU RESPONSIBLE FOR NOT ALLOWING PEOPLE TO USE YOUR EQUIPMENT IN YOUR OFFICE FOR INAPPROPRIATE PURPOSES.

HEATHER FINCH: YES

JOHN DICKINSON: AS FAR AS YOU ARE CONCERNED AS THE HR DIRECTOR, AN INDIVIDUAL MANAGER WHO HAS AN OFFICE AND HAS BEEN ISSUED A KEY, IS IT THAT MANAGER'S RESPONSIBILITY NOT TO ALLOW OTHERS TO USE THE EQUIPMENT FOR INAPPROPRIATE PURPOSES.

CECILE SCOON: OBJECTION

ATTORNEY HOLLEY: GO AHEAD AND ANSWER THE QUESTION

HEATHER FINCH: FOR THE THINGS I AM ASSIGNED, YES THEY ARE MY RESPONSIBILITY.

JOHN DICKINSON: DID YOU ASK MR. PETERSON DURING THE COURSE OF YOUR INVESTIGATION HOW PORNOGRAPHY GOT ON THE COMPUTER.

HEATHER FINCH: YES

JOHN DICKINSON: AT ANY TIME DID HE SAY TO YOU THAT HE BELIEVED THAT INMATES MARCHED IN THERE ON A DAILY BASIS AND MISUSED THE COMPUTER TO PULL UP PORNOGRAPHY.

HEATHER FINCH: NO SIR

JOHN DICKINSON: DO YOU HAVE ANY FACTS THAT SUGGEST THAT INMATES ON A DAILY BASIS FOR EIGHT MONTHS, HOURS AT A TIME, PULLED UP PORNOGRAPHY ON THAT COMPUTER.

HEATHER FINCH: NO SIR

CECILE SCOON: WOULD YOU AGREE WITH ME MS. FINCH YOU ARE IN CHARGE OF HUMAN RESOURCES.

HEATHER: YES

CECILE SCOON: YOU UNDERSTAND WHAT SEXUAL HARASSMENT IS.

HEATHER: YES

CECILE SCOON: WOULD YOU AGREE WITH ME THAT AS DEFINED BY OUR SUPREME COURT, SEXUAL HARASSMENT HAS TO BE PERVASIVE, CONTINUING ON AND ON THAT SUBSTANTIALLY IMPACTS ON A PERSON'S WORK DAY CONTINUOUSLY. DO YOU UNDERSTAND THAT TO BE THE DEFINITION AS UNDERSTOOD TODAY.

JOHN DICKINSON: OBJECTED TO THE POINT OF QUESTION. I THINK THAT ASK FOR A LEGAL OPINION.

CECILE SCOON: I AM JUST ASKING HER UNDERSTANDING.

COMMISSIONER PATE: I DON'T UNDERSTAND THE QUESTION. IT IS NOT ABOUT THE SEXUAL HARASSMENT ISSUE; IT IS MISUSE OF THE COMPUTER, RIGHT, OF A SEXUAL NATURE.

ATTORNEY HOLLEY: I DON'T THINK HEATHER CAN ANSWER A LEGAL QUESTION. SHE IS NOT FAMILIAR WITH WHAT THE SUPREME COURT DEFINES.

CECILE SCOON: WOULD YOU AGREE WITH ME THAT THE LENGTH OF TIME THAT MS. PROVOST TOOK TO REPORT THIS INCIDENT INDICATES IN SOME WAY HOW UPSET IT MADE HER, BEING THE NAME OF THIS WEBSITE. IN OTHER WORDS SHE WASN'T

SO MORTIFIED BY SEEING THE NAME OF THE WEBSITE THAT SHE BURST INTO TEARS AND HAD TO TELL SOMEONE IMMEDIATELY. CORRECT.

HEATHER: I DON'T KNOW THAT I AGREE THAT WAS THE REASON. I BELIEVE IN TALKING TO HER THAT IT BOTHERED HER; BUT, SHE CHOSE TO KEEP IT TO HERSELF FOR PERSONAL REASONS. I BELIEVE SHE HAD HER OWN REASONS.

CECILE SCOON: WOULD YOU AGREE WITH ME IT WAS A ONE TIME, JUST A FEW SECONDS EVENT FOR HER.

HEATHER FINCH: THAT SHE SAW IT.

CECILE SCOON: YES. THAT IS WHAT SHE TOLD YOU.

HEATHER FINCH: I BELIEVE SHE SAW IT ONLY ONCE.

CECILE SCOON: RIGHT, FOR A FEW SECONDS; BUT, THEN SHE TURNED IT OFF.

HEATHER FINCH: YES

CECILE SCOON: YOU INDICATED YOU YOURSELF HAD EXPERIENCED, AS I GUESS MOST PEOPLE HAVE, EMAILS BEING SENT; THEY ARE TRYING TO TRICK YOU INTO OPENING THEM AND SOME BAD SORT OF THING WOULD HAPPEN SUCH AS A VIRUS OR SOME KIND OF PORNOGRAPHY. YOU YOURSELF HAVE EXPERIENCED THAT. CORRECT.

HEATHER FINCH: I HAVE SEEN EMAILS, AS I SAID I HAVE NO BACK- GROUND IN TECHNOLOGY; BUT, I HAVE USED THE INTERNET AS LONG AS IT HAS BEEN AVAILABLE. I HAVE IT ON MY COMPUTER; I USE IT EVERYDAY WITH MY EMAIL. I NEVER OPENED ANY OF THESE EMAILS. THESE EMAILS WERE FOR THINGS LIKE PRESCRIPTIONS, WAYS TO GET PRESCRIPTIONS, SUCH AS VIAGRA AND THINGS LIKE THAT.

CECILE SCOON: HOW OFTEN DID THEY APPEAR.

HEATHER FINCH: WE HAD A SHORT PERIOD OF TIME, MAYBE A WEEK OR SO, THAT SOMETHING HAPPENED WITH THE FILTER. I DON'T KNOW EXACTLY WHAT I MEAN; I JUST KNOW IN TALKING WITH MALCOLM. I IMMEDIATELY WENT TO COMPLAIN TO HIM THAT THIS WAS APPEARING ON MY EMAILS AND I I DON'T LIKE THIS SHOWING UP IN MY EMAILS. AND THERE WAS SOMETHING TO DO WITH FILTERS THAT HAPPENED THAT THEY WERE CORRECTING THE PROBLEM. THE PROBLEM WAS CORRECTED, I DON'T RECEIVE THOSE.

CECILE SCOON: DURING THE TIME YOU WERE RECEIVING THEM, HOW OFTEN WAS IT GOING ON.

HEATHER FINCH: IT MAY HAVE GONE ON FOR SEVERAL DAYS.

CECILE SCOON: DURING THE DAY, HOW OFTEN; LIKE FIVE TIMES, TEN TIMES.

HEATHER FINCH: THE ACTUAL EMAILS, I GET 40 OR 50. THROUGHOUT THE NIGHT, WHEN I WOULD COME TO WORK IN THE MORNING TO CHECK MY EMAIL, MY INBOX WOULD HAVE 40 OR 50 EMAILS IN IT OF THAT NATURE.

CECILE SCOON: YOU YOURSELF NEVER CLICKED ON ANY OF THE EMAILS.

HEATHER FINCH: I OPENED THE EMAIL; BUT, I DID NOT CLICK IN THE EMAIL TO GO TO A WEBSITE. AS MR. HERBERT STATED, THEY MAY SAY IMPORTANT NEWS FROM A FRIEND OR SOMETHING AND YOU OPEN IT UP TO SEE WHAT IT IS AND THAT WAS THE SUBJECT OF IT. WHEN YOU OPEN IT UP IT WAS ADVERTISEMENT FOR A PHARMACEUTICAL COMPANY OR A SORT OF ENLARGEMENT THING.

CECILE SCOON: FOR THE SEXUAL DEVICE.

HEATHER FINCH: YES. ONCE YOU OPENED THE EMAIL, YOU SAW THE CONTENT AND YOU COULD CLICK ON IT AT THE WEBSITE IF YOU CHOSE TO.

CECILE SCOON: WOULD YOU AGREE WITH ME THAT THE GROUP I TYPE OF OFFENSES THAT YOU WERE TALKING ABOUT THAT IT STATES A FIRST OFFENSE, USUALLY IT IS A WARNING.

HEATHER FINCH: YES

CECILE SCOON: AND WOULD YOU AGREE WITH ME THAT WITH REGARDS TO MR. PETERSON'S EVENT, THESE ALLEGATIONS, THAT WOULD BE CONSIDERED HIS FIRST OFFENSE BECAUSE HE HAS NO OTHER OFFENSES IN HIS RECORD. WOULD YOU AGREE WITH THAT.

HEATHER FINCH: FOR THE LEVEL ONE.

CECILE SCOON: THAT WOULD BE HIS FIRST OFFENSE.

HEATHER FINCH: IF WE ARE TAKING OUT THE LEVEL ONE.

CECILE SCOON: RIGHT, I AM JUST TRYING TO MAKE SURE I UNDERSTAND, YOU HAD NUMBERS AND I THINK YOU TESTIFIED THERE WERE TWO DIFFERENT GROUPS; GROUP I AND GROUP III.

HEATHER FINCH: YES WE ACTUALLY HAVE THREE GROUPS OF OFFENSES AND WE HAVE LIST OF OFFENSES FOR IMMEDIATE DISCHARGE.

CECILE SCOON: MY UNDERSTANDING OF THE REPORT HE HAS BEEN CHARGED WITH A GROUP I OFFENSE AND A GROUP III OFFENSE. TWO GROUP III OFFENSES AND ONE GROUP I OFFENSE.

HEATHER FINCH: NO MAAM. THERE IS A DISMISSAL OR DISCHARGE POLICY THAT I FEEL HE HAS VIOLATED WHICH WAS FAILURE TO MEET THE ESTABLISHED STANDARDS OF WORK, MORALITY OR ETHICS TO AN EXTENT THAT THE EMPLOYEE IS UNSUITABLE FOR EMPLOYMENT WITH THE BOARD IN THE POSITION THAT THE EMPLOYEE SERVES IN. THAT WOULD BE FOR IMMEDIATE TERMINATION. THERE IS A LEVEL I OFFENSE, WITH THE FIRST OFFENSE WOULD BE A VERBAL WARNING. IN GROUP THREE, OUR POLICY STATES IT CAN BE UP TO A FIVE DAY SUSPENSION OR TERMINATION. OUR POLICY STATES, DEPENDING ON THE SEVERITY OF THE INFRACTION, IT CAN BE DEALT WITH DIFFERENTLY. GROUP I, GROUP III, SECTION 16 OF THE POLICY, THERE WERE THREE DIFFERENT VIOLATIONS, I BELIEVE IN THAT WHICH IS OUR INTERNET POLICY WHICH DISCIPLINARY ACTION TAKES PLACE FOR THAT AS WELL AND THEN OUR PROHIBITION OF HARASSMENT.

CECILE SCOON: WOULD YOU AGREE WITH ME THAT WITH REGARDS TO THE ALLEGATIONS OF THIS CASE, MR. PETERSON HAS NOT BEEN GIVEN THE OPPORTUNITY TO GO TO COUNSELING OR MAKE AN APOLOGY OR ANYTHING OF THAT NATURE AS HAS BEEN DONE IN PREVIOUS CASES.

JOHN DICKINSON: OBJECTED. THERE IS ONLY A RECOMMENDATION AT THIS TIME; THERE HAS BEEN NO DECISION MADE. THERE IS NO, ABSOLUTE NO, DISCIPLINE THAT HAS BEEN TAKEN IN THIS CASE.

CECILE SCOON: I WILL REPHRASE THE QUESTION. WHAT MY QUESTION WAS I MEANT TO ASK YOU WAS DID YOU EVER CONSIDER IN YOUR RECOMMENDATION TO THE COMMISSION THAT IT WOULD BE APPROPRIATE TO ALLOW A PERSON TO BE WARNED BEFORE THEY ARE RECOMMENDED FOR TERMINATION.

HEATHER FINCH: I HAVE MADE NO RECOMMENDATION FOR TERMINATION. ALL I DID IN MY REPORT, I FOUND THE FINDINGS AND TOLD THEM THE POLICIES THAT WERE VIOLATED.

CECILE SCOON: I MISHEARD YOU EARLIER. I THOUGHT YOU HAD TESTIFIED YOU HAD EARLIER. SO THAT WAS MY MISTAKE.

JOHN DICKINSON: MS. ARNOLD WOULD YOU PLEASE STATE YOUR NAME.

TABITHA ARNOLD: TABITHA ARNOLD

JOHN DICKINSON: ARE YOU EMPLOYED BY THE COUNTY AT THIS TIME.

TABITHA ARNOLD: NO SIR

JOHN DICKINSON: DID YOU HAVE A CONVERSATION WITH MR. PETERSON WHERE HE TOLD YOU HE HAD BEEN WARNED THE COUNTY WAS COMING TO HIS OFFICE.

TABITHA ARNOLD: YES SIR

JOHN DICKINSON: AND AT THAT TIME DID MR. PETERSON TELL YOU THAT HE HAD THOUGHT OF CLEANING UP HIS COMPUTER BEFORE THEY GOT THERE.

CECILE SCOON: OBJECTED

ATTORNEY HOLLEY: ASKED JOHN DICKINSON TO REPHRASE HIS QUESTION.

JOHN DICKINSON: DID MR. PETERSON SAY HE DONE ANYTHING TO HIS COMPUTER.

TABITHA ARNOLD: YES SIR, HE DID.

JOHN DICKINSON: WHAT DID HE SAY HE DONE.

TABITHA ARNOLD: IN THE DAY OF CONVERSATION, HE TOLD ME THAT SOMEONE HAD CALLED HIM AND SAID HE HAD PORN ON HIS COMPUTER AND HE TOLD ME HE CLEANED HIS COMPUTER AND THE NEXT CONVERSATION I HAD WITH HIM WAS THE COUNTY HAD COME AND CONFISCATED HIS COMPUTER AND THAT HE HAD BEEN SUSPENDED.

CECILE SCOON: WERE YOU A COUNTY EMPLOYEE AT ONE TIME AND WHAT WAS YOUR JOB.

TABITHA ARNOLD: YES, A SECRETARY FOR THE BUILDING DEPARTMENT

CECILE SCOON: DO YOU RECALL THE TIME WHEN YOU ARE SAYING THAT MR. PETERSON HAD SAID SOMEONE HAD CALLED HIM AND TOLD HIM ABOUT ALLEGATIONS ON HIS COMPUTER.

TABITHA ARNOLD: I DON'T REMEMBER THE EXACT DAY; IT WAS THE DAY AFTER THE ELECTION EARLY IN THE MORNING.

CECILE SCOON: DID YOU EVER WORK WITH MR. PETERSON.

TABITHA ARNOLD: I WORKED WITH HIM ON AMNESTY DAY.

CECILE SCOON: WAS THE DOOR OPEN TO HIS OFFICE.

TABITHA ARNOLD: YES MAAM

CECILE SCOON: DID YOU GO IN WITH MS. PROVOST WHEN SHE USED THE COMPUTER.

TABITHA ARNOLD: I WENT IN HIS OFFICE.

CECILE SCOON: DID MR. PETERSON HAVE TO OPEN THE DOOR FOR YOU.

TABITHA ARNOLD: NO MAAM

CECILE SCOON: IT WAS JUST OPEN.

TABITHA ARNOLD: YES MAAM

CECILE SCOON: HAVE YOU EVER BEEN IN THE RECYCLING AREA BEFORE WHEN THE DOOR WAS JUST OPEN.

TABITHA ARNOLD: YES MAAM

CECILE SCOON: AND DID MS. PROVOST KNOW THE PASSWORD.

TABITHA ARNOLD: THE COMPUTER WAS ON; SHE DIDN'T HAVE TO ENTER A PASSWORD.

CECILE SCOON: DID YOU HAPPEN TO SEE ANYTHING ON THE COMPUTER WHEN SHE WAS LOOKING FOR THE WEATHER.

TABITHA ARNOLD: SHE WENT ON IT, DID IT REAL FAST, CLICKED RIGHT OUT OF IT, SHE PULLED IT UP, WHICH I WASN'T DIRECTLY LOOKING AT IT; ALL SHE TOLD ME WAS THE WEATHER WAS REALLY BAD AND SHE WAS GOING IN TO LOOK AT THE WEATHER. I WASN'T DIRECTLY LOOKING AT IT; BUT, SHE CLICKED OUT OF IT AND TOLD ME SHE COULDN'T GET ON IT BECAUSE THE WEATHER WAS BAD.

CECILE SCOON: ABOUT HOW MUCH TIME DID THAT TAKE. LESS THAN A MINUTE OR A FEW SECONDS. FIVE MINUTES.

TABITHA ARNOLD: I WOULD SAY IT WAS MORE THAN A MINUTE; BUT, LESS THAN FIVE MINUTES.

CECILE SCOON: WHEN SHE TOLD YOU THE COMPUTER WASN'T WORKING AND HAD FINISHED LOOKING, WHAT WAS HER FACIAL EXPRESSION. WAS SHE CRYING.

TABITHA ARNOLD: NO, SHE WAS NOT CRYING.

CECILE SCOON: DID SHE LOOK REAL UPSET ABOUT ANYTHING

TABITHA ARNOLD: SHE DID HAVE A FACIAL EXPRESSION. I DO KNOW HER. I WOULD SAY SHE DID ACT LIKE SHE WAS, I DON'T REALLY KNOW HOW TO WORD IT OTHER THAN MAYBE SURPRISED. I DON'T KNOW. SHE JUST DIDN'T SAY ANYTHING TO ME. SHE IMMEDIATELY GOT UP AND WENT OUT OF HIS OFFICE.

CECILE SCOON: HAVE YOU EVER BEEN TO THE RECYCLING AREA AND SEEN OTHER EMPLOYEES OR ANY OTHER PERSONS IN MR. PETERSON'S OFFICE OTHER THAN HIMSELF.

TABITHA ARNOLD: NOT BY THEIRSELVES. HE WAS ALWAYS GENERALLY IN HIS OFFICE.

CECILE SCOON: ARE YOU AWARE IF MR. PETERSON HAD ANY OTHER DUTIES OUTSIDE HIS OFFICE.

TABITHA ARNOLD: I GUESS HE HAD DUTIES OUT ON THE RECYCLING CENTER YARD.

CECILE SCOON: ARE YOU A PERSONAL FRIEND OF MR. PETERSON.

TABITHA ARNOLD: YES MAAM. I WAS A FRIEND OF HIS.

CECILE SCOON: ISN'T IT TRUE THAT MR. PETERSON NEVER TOLD YOU THAT HE HAD WENT INTO PORN ON HIS COMPUTER.

TABITHA ARNOLD: YES MAAM, HE DID TELL ME HE DID. HE TOLD ME HE HAD WENT INTO A SITE CALLED GRANNY SEX.

CECILE SCOON: WHEN DID HE TELL YOU THAT.

TABITHA ARNOLD: THE ACTUAL DAY THAT EVERYTHING TOOK PLACE, THE DAY AFTER THE ELECTION, THE DAY THEY CAME AND GOT THE COMPUTER.

CECILE SCOON: WHAT DID HE TELL YOU HOW THAT CAME ABOUT.

TABITHA ARNOLD: IN CONVERSATION WITH HIM, HE TOLD ME HE HAD POPUPS COME UP. WHEN TALKING WITH HIM, MY RECOMMENDATION TO HIM WAS WHEN HE FIRST TOLD ME ABOUT IT WAS TO CALL MR. HERBERT AND TALK WITH HIM ABOUT IT BEFORE ANYTHING HAPPENED. HE DIDN'T DO THAT OF COURSE. BUT, HE TOLD ME IN THE POPUP THAT, I ASKED HIM DID YOU CLICK ON THEM. HE SAID HE CLICKED ON THEM. SHE SAID WHAT WERE THE POPUPS. HE SAID ONE OF THE SITES WAS GRANNY SEX. I SAID IF YOU CLICKED ON IT THEN YOU WENT IN IT. IF YOU CLICK ON IT, YOU GO IN; IF YOU DON'T CLICK ON IT, YOU EITHER HAVE THE OPPORTUNITY TO CLOSE IT OUT OR CLICK ON IT TO GO IN IT. SO IF YOU CLICKED ON IT, YOU WENT IN IT. AND THAT IS WHAT HE SAID, HE CLICKED ON A SITE CALLED GRANNY SEX. THAT WAS HIS WORDS.

CECILE SCOON: DID HE INDICATE TO YOU THAT THERE WAS SOMETHING IT WAS A POPUP.

TABITHA ARNOLD: HE DID SAY IT WAS A POPUP; BUT, I DIDN'T BELIEVE IT BECAUSE I HAVE WORKED ON COMPUTERS FOR YEARS.

CECILE SCOON: DID HE INDICATE TO YOU THAT HE WAS HAVING PROBLEMS WITH POPUPS.

TABITHA ARNOLD: NO

CECILE SCOON: AND THIS WAS SOMETIME IN THE SUMMER OF THIS YEAR.

TABITHA ARNOLD: IT WAS DURING, WELL WHENEVER THE PRIMARY ELECTION WAS, THE DAY AFTER, AUGUST 27TH.

CECILE SCOON: I WAS WANTING TO CONSULT WITH MY CLIENT. SHE THEN ASKED TABITHA WHERE ARE YOU PRESENTLY EMPLOYED.

TABITHA ARNOLD: I AM NOT EMPLOYED AT THIS TIME.

CECILE SCOON: AFTER YOU LEFT THE COUNTY, WHERE DID YOU GO TO BE EMPLOYED:

TABITHA ARNOLD: NO WHERE.

JOHN DICKINSON: MR. GAINNEY STATE YOUR FULL NAME AND TITLE.

MALCOLM GAINNEY: MALCOLM GAINNEY, SYSTEMS ADMINISTRATOR FOR WASHINGTON COUNTY.

JOHN DICKINSON: YOU HAVE HEARD TESTIMONY TODAY. DID YOU HEAR TESTIMONY ABOUT YOU DOING A SEARCH ON THE COMPUTER IN MR. PETERSON'S OFFICE.

MALCOLM GAINNEY: YES SIR, MYSELF AND MS. WATFORD.

JOHN DICKINSON: DURING THE TIME YOU WERE THERE LOOKING AT THE COMPUTER FOR THE FIRST TIME AND I THINK YOU SAID YOU HAD A DRIVE THAT YOU PULLED SOMETHING DOWN AND SHOWED IT TO MR. PETERSON. MR. HERBERT SAID YOU CAME BACK TO HIS OFFICE WITH SOME INFORMATION. IS THAT RIGHT.

MALCOLM GAINNEY: YES SIR

JOHN DICKINSON: WAS THAT ON A FLASH DRIVE.

MALCOLM GAINNEY: YES SIR, IT WAS ON A MEMORY KEY.

JOHN DICKINSON: WHAT DO YOU DO, PLUG THAT INTO A COMPUTER AND DOWNLOAD STUFF ON IT.

MALCOLM GAINNEY: YES SIR

JOHN DICKINSON: AT THE TIME YOU WERE THERE THAT MORNING OR DAY, DID MR. PETERSON SAY ANYTHING TO YOU ABOUT A KEY TO HIS OFFICE.

MALCOLM GAINNEY: WHILE MYSELF AND MS. WATFORD WERE IN THE OFFICE WITH HIM AND I WAS WORKING ON THE COMPUTER, HE MADE A STATEMENT IN REGARDS TO SEVERAL THINGS. ONE OF WHICH BEING HE HAD BEEN REQUIRED TO DO A LOG REPORT AND DIDN'T FEEL LIKE THAT WAS FAIR THAT OTHER PEOPLE HADN'T BEEN MADE TO. I TOLD HIM TO MY KNOWLEDGE THAT ALL OF MR. CORBIN'S EMPLOYEES HAD BEEN MADE TO. BUT, I CAN'T SPEAK FOR ANYBODY ELSE. HE SAID THEY ARE ALSO ASKING FOR A SET OF KEYS TO THE BUILDING; I GAVE THEM TO THEM. BUT, I DIDN'T GIVE THEM ONE TO MY OFFICE.

JOHN DICKINSON: HE TOLD YOU HE DIDN'T GIVE MR. HERBERT A KEY TO THE OFFICE. IS THAT RIGHT.

MALCOLM GAINNEY: YES

JOHN DICKINSON: WHAT WE WOULD LIKE FOR YOU TO DO IS DESCRIBE, YOU LOOKED AT WHAT WAS FOUND ON THE COMPUTER, IS THAT RIGHT, YOUR OFFICE WAS RESPONSIBLE FOR THAT.

MALCOLM GAINNEY: YES

JOHN DICKINSON: DID YOU PERSONALLY GO TO THE COMPUTER HARD DRIVE AND PULL FROM THAT HARD DRIVE IMAGES OF THINGS OF PORNO- GRAPHIC NATURE.

MALCOLM GAINNEY: YES BEFORE WE GOT STARTED REVIEWING THE RECOVERY SOFTWARE, WE BOUGHT A BRAND NEW HARD DRIVE AND CLONED THE ORIGINAL SO WE COULD HAVE AN UNTOUCHED ORIGINAL; SIT BACK AND JUST SAY WE WORKED OFF THE CLONED DRIVE.

JOHN DICKINSON: SO THE ORIGINAL HARD DRIVE IS IN A SAFE LOCKED POSITION, IS THAT CORRECT.

MALCOLM GAINNEY: YES

JOHN DICKINSON: AT ANY TIME, DID YOU TAMPER IN ANY WAY BY PULLING UP PORNOGRAPHY YOURSELF AND PUTTING IT ON THAT HARD DRIVE.

MALCOLM GAINNEY: NO

JOHN DICKINSON: OVER WHAT PERIOD OF TIME DID THE PORNOGRAPHY STAND; FROM WHAT MONTH TO WHAT MONTH.

MALCOLM GAINNEY: JANUARY OF THIS YEAR UNTIL THE COMPUTER WAS RETRIEVED.

JOHN DICKINSON: HOW OFTEN SIR GENERALLY COULD YOU TELL THE BOARD WAS PORNOGRAPHY USED ON THIS COMPUTER.

MALCOLM GAINNEY: ALMOST ON A DAILY BASIS.

JOHN DICKINSON: APPROXIMATELY WHAT KIND OF TIME EACH DAY ON A DAILY BASIS, ON AN AVERAGE IN YOUR MIND, WAS PORNOGRAPHY USED.

MALCOLM GAINNEY: IT VARIED FROM DAY TO DAY; ON AN AVERAGE I WOULD SAY SOMEWHERE BETWEEN AN HOUR AND AN HOUR AND A HALF EACH DAY.

JOHN DICKINSON: WITHOUT GOING INTO TOO MUCH GRAPHIC DETAIL, JUST GENERALLY SPEAKING, WILL YOU DESCRIBE TO THE BOARD WHAT YOU OBSERVED; THE TYPE OF PORNOGRAPHY VIEWED ON MR. PETERSON'S OFFICE COMPUTER.

MALCOLM GAINNEY: THERE WERE VERY GRAPHIC SEXUAL NATURE IMAGES AND MOVIES VIEWED AND ALSO LINKED TO PORNOGRAPHIC WEBSITES

JOHN DICKINSON: WE HAVE TODAY, IF THE BOARD FINDS IT NECESSARY, TO VIEW OR MS. SCOON TO VIEW OR HER CLIENT TO VIEW IF YOU WISH TODAY BECAUSE I DON'T WANT THERE TO BE ANY INSTANCE THERE WAS UNFAIRNESS IN NOT BEING ABLE TO VIEW THIS PORNOGRAPHIC MATERIAL. SO AT THIS POINT IN TIME, IF YOU WOULD LIKE TO VIEW IT, WE CAN PULL IT UP ON THE COMPUTER IF YOU THINK IT IS NECESSARY. WOULD YOU LIKE TO DO THAT.

CECILE SCOON: I WOULD LIKE TO SEE IT.

JOHN DICKINSON: ARE THERE ANY BOARD MEMBERS THAT FEEL IT NECESSARY TO VIEW THE SAMPLES THAT WE HAVE BROUGHT IN HERE TODAY.

COMMISSIONER FINCH: IS THIS GOING TO BE SOMETHING THAT ANYBODY IN THE AUDIENCE WILL BE ABLE TO SEE. I DON'T THINK THAT IS APPROPRIATE. I DON'T THINK THAT IS RIGHT. IS THE AUDIENCE MEMBERS GOING TO BE ALLOWED TO COME UP AND SEE THAT.

JOHN DICKINSON: WHAT WE WOULD SUGGEST, SUBSEQUENTLY, AFTER THIS HEARING, ANYTHING THAT THIS BOARD VIEWS BECOMES A RECORD THAT I AM SURE YOUR COUNSEL, MR. HOLLEY, CAN GIVE US CLEAR DIRECTION ON THIS. BUT NOT RIGHT NOW. SUBSEQUENTLY, IN MY OPINION THEY WOULD HAVE AN OPPORTUNITY TO VIEW THAT, MR. HOLLEY YOU MAY HAVE TO PLAY IN ON THIS, BUT FOR PURPOSES OF THIS PROCEEDINGS IF THIS BOARD FEELS IT IS NECESSARY TO MAKE A DECISION WITH RESPECT IT IS AN IMPORTANT ISSUE WE HAVE SAMPLES THAT WERE TAKEN OFF OF THIS COMPUTER THAT WE CAN SHOW AND WE GOT THE WHOLE HARD DRIVE IF YOU WANT TO SEE THE WHOLE HARD DRIVE. THAT WOULD TAKE HOURS TO DO; BUT, WE HAVE THEM. WE ARE JUST ASKING YOU AS A BOARD WHETHER YOU FEEL LIKE YOU NEED TO SEE THEM.

COMMISSIONER PATE, BEFORE WE DO THAT, I HAVE ONE OR TWO QUESTIONS I WOULD LIKE TO ASK IF IT IS APPROPRIATE.

ATTORNEY HOLLEY: GO AHEAD.

COMMISSIONER PATE, WE'VE HEARD TONS OF EVIDENCE, LOTS OF HOURS SPENT, WHAT IS THE MAXIMUM NUMBER OF HOURS YOU FOUND ON ANY GIVEN DAY THAT WAS ON PORNOGRAPHIC. WHAT IS THE TOTAL NUMBER OF HITS THAT YOU FOUND.

MALCOLM GAINNEY: I DON'T HAVE A TOTAL NUMBER OF HITS; WE HAVEN'T ADDED ALL OF THEM UP. AS FAR AS ANY PARTICULAR DAY, THE LONGEST TIME FRAME THAT IMAGES WERE VIEWED AND THE SITES WERE VIEWED. ONE DAY WAS PROBABLY THREE HOURS. SOME DAYS WAS JUST A FEW MINUTES.

COMMISSIONER FINCH: WHEN YOU SAID THREE HOURS, IS THAT VIEWING, CLOSING, COMING BACK AND VIEWING OR ARE YOU TALKING ABOUT SETTING THERE AND WATCHING SOMETHING FOR THREE HOURS.

MALCOLM GAINNEY: SINCE THE COMPUTER ITSELF WAS NOT MONITORED, WE CAN'T SAY FOR SURE HOW MANY HOURS WERE SPENT. WHAT WE ARE GOING BY IS THE DATES AND TIME SPENT ON EACH FILE. WHENEVER YOU SEARCH THE INTERNET, WHAT THEY CALL A TEMPORARY INTERNET FILES ARE CREATED AND OTHER FILES ASSOCIATED WITH THE WEBSITE. WHEN YOU LOAD A PAGE, THERE ARE HIDDEN FILES THAT YOU DON'T REALIZE THAT LOADED IN THE BACKGROUND TO MAKE YOU BE ABLE TO DISPLAY THAT PAGE. THOSE FILES AND THOSE TIMES ARE WHAT WE ARE GOING BY. IF THEY ARE TWO AND THREE SECONDS APART, YOU CAN PRETTY MUCH MAKE THE ASSUMPTION THE BACK TIME FRAME WAS COVERED WITHIN THAT WINDOW. BUT, AS FAR AS ACTUALLY HAVING ANYTHING SAYING THAT AMOUNT OF TIME WAS SPENT ON IT WE DON'T.

COMMISSIONER PATE: CAN YOU GIVE AN ESTIMATE OF HOW MANY HITS YOU HAVE HAD ON THE COMPUTER SHOWING IT ON THERE.



MALCOLM GAINNEY: TOTAL, AN ESTIMATE WOULD BE BETTER THAN 10,000 HITS BETWEEN IMAGES, SITES, MOVIES. IN OUR RECOVERY PROCESS, WE RECOVERED FILES THAT WERE NOT PORNOGRAPHY. I DON'T WANT TO MAKE IT SOUND THAT EVERY FILE WE RECOVERED WAS PORNOGRAPHY. WHEN WE RECOVERED THE DELETED FILES, THEY WERE OTHER FILES WE RETRIEVED THAT WEREN'T, FOR EXAMPLE, THE REGIONS BANK AND OTHER SITES THAT HE WOULD VISIT. WE ARE NOT SAYING THAT IS ALL HE HAS EVER DONE WITH THIS COMPUTER AT ALL.

COMMISSIONER PATE: I NOTICED WHEN READING THROUGH THIS INFORMATION THERE WAS A LOT OF THEM I DIDN'T UNDERSTAND; THERE WERE NUMBERS, LETTERS, AND ALL LIKE THAT SO IT HAD TO BE SOME KIND OF CODED THING.

MALCOLM GAINNEY: THE NUMBERS ON IT WAS THE ONES WE GOT EXAMPLES FOR; THE NUMBERS WERE THEN RELATED TO A PICTURE THAT WAS OF PORNO- GRAPHIC NATURE. EVEN THOUGH THE TITLE OF THE PICTURE MAY NOT HAVE SHOWN THAT IT WAS, WHEN THEY ACTUALLY VIEWED THE IMAGE, IT WAS.

JOHN DICKINSON: COULD YOU GIVE AN EXAMPLE FROM THE REPORT TO HELP THE BOARD PERHAPS UNDERSTAND WHAT YOU WERE TALKING ABOUT.

MALCOLM GAINNEY: STARTING ON PAGE 14 IN YOUR PACKET, THE VERY FIRST FILE IS SUPPOSE TO BE 002(1).WMV. THIS IS THE ACTUAL MEMORY; THIS IS THE SHOT OF THE MEMORY KEY I RECOVERED FROM MR. PETERSON'S COMPUTER THE FIRST DAY WE WENT DOWN TO CORROBORATE MS. PROVOST'S STATEMENT AND THAT IS THE MOVIE I BROUGHT BACK AND SHOWED MR. CORBIN AND HER. ITS ABOUT A TEN SECOND CLIP OF TWO PEOPLE HAVING SEXUAL RELATIONS.

COMMISSIONER PATE: NUMBER FOUR DOWN; AMSOUTH. IS THAT ANOTHER BANK.

MALCOLM GAINNEY: YES SIR THEN DOWN TOWARD THE BOTTOM, THE THIRD ONE UP YOU SEE SEX-VIDEOS .XML, THAT IS A FILE THAT ACTUALLY IS PART OF WHAT MAKES THE WEBSITE PAGE LOAD. IT IS NOT AN ACTUAL IMAGE. THE LOAD MEDIA SWF FILE IS VIDEOS THAT ARE VIEWED ON THE INTERNET; THEY ARE NOT ACTUALLY EVER DOWNLOADED TO THE COMPUTER. A LOT OF PEOPLE THINK THOSE ARE SAFE TO VIEW; THAT, THERE'S NO RECORD OF THEM WHENEVER YOU GO TO THOSE SITES BECAUSE YOU DON'T DOWNLOAD THE PORNOG- RAPHY MATERIAL OR MOVIE TO THE COMPUTER. BUT, IT IS STILL TRACEABLE.

COMMISSIONER FINCH: ARE THERE ANY OF THESE SITES THAT TAKES ANY SPECIAL SOFTWARE AHEAD OF TIME TO LOAD; WOULD IT BE SOMETHING THAT YOU WOULD NEED TO LOAD A VIDEO SOFTWARE OR SOMETHING TO BE ABLE TO VIEW THIS.

MALCOLM GAINNEY: YES SIR. SOME OF THEM WOULD REQUIRE PLUG INS TO THE BROWSER TO BE ABLE TO USE THEM.

COMMISSIONER FINCH: AND YOU FOUND THOSE PLUG INS WERE THERE THE DAY YOU AND JUDY.

MALCOLM GAINNEY: SINCE AUGUST

MALCOLM GAINNEY: ON THE SECOND SHEET, AN EXAMPLE OF WHAT YOU ARE TALKING ABOUT, EVEN THOUGH IT IS NOT OF A PORNOGRAPHIC NATURE, WE FOUND AN OVERLAY BUSINESS ESSENTIALS, OVERLAY LOADER BUSINESS, SHOCK- WAVE FLASH FILE. SHOCKWAVE IS A COMPANY THAT MAKES PLUGINS FOR WEB BROWSERS TO ENHANCE THE WAY YOU DO THINGS. THE WAY THAT WORKS AS THEY REFER TO POPUPS, IT WILL POPUP AND TELL YOU THIS FILE OR THIS PROGRAM IS REQUIRED TO VIEW THIS IMAGE OF THIS FILE OR WHATEVER YOU ARE VIEW- ING DO YOU WANT TO INSTALL IT. YOU HAVE TO CLICK YES OR NO; IT IS NOT AN AUTOMATIC INSTALL.

COMMISSIONER FINCH: WITH MY LIMITED ABILITY ON THE COMPUTER, I HAVE ENCOUNTERED THIS SORT OF THING; BUT, YOU HAVE TO SAY YES I WANT TO LOAD IT. THERE IS NO SKILL NECESSARILY IN LOADING IT; BUT, IT HAS TO SAY YES I WANT TO LOAD THIS TO USE THIS.

MALCOLM GAINNEY: YES, THE SECURITY SETTINGS WE HAVE ON OUR INTERNET BROWSER UNLESS SOMEONE CHANGES THEM REQUIRE ANY SOFTWARE TO DISPLAY ANY VIEWER OR ANYTHING OF THAT NATURE HAS TO BE APPROVED BY THE USER. THAT IS ONE OF OUR SECURITY MEASURES WE HAVE IN PLACE IN OUR WEB BROWSER TO MAKE SURE THAT THINGS LIKE POPPING UP RANDOMLY DON'T HAPPEN.

JOHN DICKINSON: I MIGHT ASK THE COUNSEL TO MAYBE IF WE COULD STIPULATE TO THIS BEING THIS STUFF IS PORNOGRAPHIC AND THAT ISSUE BECOMES MUTE AND IS MORE OF A QUESTION DID MR. PETERSON PULL IT UP VERSUS AN OBJECTION SAYING THIS ISN'T EVEN PORNOGRAPHIC TO BEGIN WITH. SO WHAT ARE WE HERE FOR. THE COUNSEL MAY WANT TO WEIGH IN ON THE IDEA OF THE STIPULATION THIS MATERIAL IS PORNOGRAPHIC AND DO WE WANT TO QUESTION WHO PULLED IT UP VERSUS ARE WE OBJECTING ALSO TO IT NOT BEING PORNOGRAPHIC IN THIS CASE.

COMMISSIONER PATE: DO YOU STILL WANT TO VIEW IT BEFORE YOU MAKE THAT DECISION.

CECILE SCOON: I AM SURE MOST OF US DON'T REALLY WANT TO LOOK AT ANYTHING OFFENSIVE THIS MORNING AND I REALLY DON'T WANT TO EITHER; BUT AS MR. PETERSON'S ATTORNEY I FEEL I AM OBLIGATED. I THINK IT WOULD BE APPROPRIATE AFTER THIS GENTLEMAN IS DONE FOR MYSELF AND COUNSEL TO SHOW ME SO I AM SATISFIED. I DON'T KNOW IF YOU HAVE TO SEE ANYTHING; BUT, IF I AM SATISFIED OKAY. WHOEVER DID IT, THAT IS WHAT IT IS. THEN I CAN ENTER TO STIPULATION THAT IS WHAT IT IS. YOU WOULDN'T HAVE TO SEE IT; BUT, I FEEL LIKE I NEED TO SEE SOMETHING MYSELF AS COUNSEL.

COMMISSIONER PATE: HOW LONG WOULD IT TAKE TO DO THAT. FIVE TO TEN MINUTES.

CECILE SCOON: TEN MINUTES

COMMISSIONER PATE: CAUTIONED EACH BOARD MEMBER NOT TO SPEAK ANYTHING ABOUT THIS WHILE YOU ARE OUT OF THE ROOM. HE CALLED FOR A TEN MINUTE BREAK.

PURSUANT TO A BREAK:

JOHN DICKINSON: DO YOU WANT TO MAKE A STIPULATION

CECILE SCOON: WE DID HAVE A MOMENT TO REVIEW ONE OF THE FILES AND DO STIPULATE COUNSEL AND WITNESSES HAS INDICATED THE OTHER FILES THAT HAD SEXUAL CONTENT WERE OF SIMILAR NATURE, VERY GRAPHIC, WHICH I HAVE NO REASON TO DISBELIEVE REPRESENTATION AND IF THEY ARE ALL LIKE THAT, THE ONE WE VIEWED, THEY WOULD BE CONSIDERED TO MOST PEOPLE PORNOGRAPHIC. FOR THESE PURPOSES, YOU DON'T HAVE TO VIEW IT.

JOHN DICKINSON: THIS THEORY OF POPUPS, DOES IT HOLD ANY WATER AS FAR AS WHAT HAPPENED HERE.

MALCOLM GAINNEY: NOT IN MY OPINION. NOT WITH THE THINGS WE PUT IN PLACE TO STOP POPUPS. WE USE SYMANTEC ANTI-VIRUS, WHICH HAS A BLOCKER INCLUDED WITH IT. WE ALSO HAVE SYMANTEC ANTISPAM AND DO AUTOMATIC UPDATES FOR SPYWARE AND POPUP TYPE APPROACHES THAT WAS REFERRED TO EARLIER FOR EMBEDDED FILES. IT RUNS A SCAN EVERYDAY AND RESETS IT. IF IT HADN'T BEEN RAN, IT WOULD BE BECAUSE IT HAD BEEN CANCELLED BY THE USER.

COMMISSIONER PATE: HOW MANY TIMES HAVE I BEEN IN YOUR OFFICE OR OTHER MEMBERS OF THE BOARD OR STAFF SAYING WE GET THESE POPUPS ABOUT THESE THINGS, TRAVEL LOGS AND ALL LIKE THIS STUFF THAT HAS NOTHING TO DO WITH OUR COUNTY. HAVE YOU ALWAYS CHECKED IT.

MALCOLM GAINNEY: I HAVE NEVER HAD ANY OF YOU ALL TELL ME ABOUT POPUPS. YOU TOLD ME ABOUT EMAILS.

COMMISSIONER PATE: YES EMAILS

MALCOLM GAINNEY: AND THERE IS A BIG DIFFERENCE BETWEEN THE TWO. THATS WHY I WANT TO CLARIFY.

COMMISSIONER PATE: WE GET EMAILS THAT ARE NOT SOLICITED AND ALL LIKE THAT. WHEN I GO AND REPORT IT TO THEM, THEY GO TO WORK ON IT AND THE NEXT WEEK OR SO, IT KIND OF

MALCOLM GAINNEY: IN THOSE EMAILS THAT YOU ALL HAVE RECEIVED, I HAVE NEVER HAD ANY OF YOU TELL ME THEY AUTOMATICALLY OPENED. YOU SAW THEM AND YOU DELETED THEM AND THAT IS THE END OF IT. THERE WAS NEVER POPPED UP AND VIEWED.

CECILE SCOON: MR. GAINNEY WERE YOU AWARE THAT MR. PETERSON HAS A VERY LIMITED KNOWLEDGE OF COMPUTERS.

MALCOLM GAINNEY: YES MAAM

CECILE SCOON: HOW DO YOU KNOW THAT.

MALCOLM GAINNEY: BY HIS OWN SELF ADMISSION

CECILE SCOON: HOW MANY TIMES HAS HE TOLD YOU THAT.

MALCOLM GAINNEY: HALF DOZEN TIMES SINCE I HAVE BEEN WORKING HERE.

CECILE SCOON: AND HOW LONG HAVE YOU BEEN WORKING HERE.

MALCOLM GAINNEY: SIX YEARS

CECILE SCOON: DID YOU KNOW THAT MR. PETERSON WAS NOT EVEN ABLE TO LOAD A PRINTER ON HIS COMPUTER.

MALCOLM GAINNEY: YES MAAM. SINCE HE DIDN'T HAVE THE DRIVE.

CECILE SCOON: DID HE TELL YOU HE DIDN'T EVEN KNOW HOW TO LOAD A PROGRAM.

MALCOLM GAINNEY: WE HANDLE ALL THAT ANYWAY; IT IS NOT WHETHER HE WOULD KNOW HOW TO DO IT. I WOULDN'T KNOW.

CECILE SCOON: HE NEVER MENTIONED IT TO YOU. HE JUST HAD MADE COMMENTS TO YOU THAT HE IS NOT COMPUTER LITERATE AND HE IS NOT COMFORTABLE WITH COMPUTERS.

MALCOLM GAINNEY: YES MAAM.

CECILE SCOON: WOULD YOU AGREE WITH ME SOMETIMES THESE EMAILS, AS TESTIFIED TO EARLIER BY MS. HEATHER, SOMETIMES THEY ARE NOT OBVIOUS OF HIDE IN THEIR CONTENT, THEY TRY TO GET YOU TO OPEN IT UP.

MALCOLM GAINNEY: YES MAAM

CECILE SCOON: SO IF AN INDIVIDUAL WAS MISLED BY ONE OF THOSE EMAILS AND OPENED SOMETHING UP, IS IT POSSIBLE THAT SITE WOULD CONTINUE TO SEND THINGS TO YOUR COMPUTER. IS THAT SOMETHING THAT COULD HAPPEN.

MALCOLM GAINNEY: NOT IN THE WAY YOU ARE DESCRIBING IN MY OPINION. A WEBSITE OR AN EMAIL YOU WOULD RECEIVE WOULD HAVE FOR EXAMPLE MS. FINCH USED VIAGRA OR A PHARMACEUTICAL AS A RECORD. WHEN YOU OPEN THAT EMAIL IT SHOWS YOU THE ADVERTISEMENT FOR THAT PRODUCT. UNLESS YOU CLICK WITHIN THAT EMAIL, IT DOES NOT OPEN ANOTHER WEBSITE PAGE TO GO INTO IT. IT DOES NOT WHEN YOU OPEN THAT EMAIL AUTOMATICALLY GO INTO THAT SITE.

CECILE SCOON: BUT, YOU HEARD HER TESTIMONY DIDN'T YOU.

MALCOLM GAINNEY: YES

CECILE SCOON: DID YOU HEAR HER TESTIFY SHE FOUND AN EMAIL THAT WAS MISLEADING AND SHE OPENED IT AND IT TURNED UP IT WAS SEXUALLY GRAPHIC. DID YOU HEAR HER TESTIFY TO THAT.

MALCOLM GAINNEY: I DON'T BELIEVE THAT IS WHAT SHE SAID. MY UNDERSTANDING OF WHAT SHE SAID WAS THAT SHE OPENED AN EMAIL AND IT WAS OF GRAPHIC NATURE BUT SHE DID NOT GO TO ANY OTHER WEBSITE FROM IT. THE EMAIL ITSELF WAS OF GRAPHIC NATURE.

CECILE SCOON: THAT WAS WHAT I WAS TRYING TO FIND OUT. IF SOMEONE WAS MISLED BY AN EMAIL, THEY COULD CLICK ON THAT AND GET SOMETHING SEXUALLY GRAPHIC IS WHAT I AM ASKING.

MALCOLM GAINNEY: ANYTHING IS POSSIBLE, YES MAAM.

CECILE SCOON: AND AS MS. HEATHER TESTIFIED, THAT HAPPENED TO HER AT LEAST ONCE.

MALCOLM GAINNEY: I STILL DON'T BELIEVE SHE TESTIFIED SHE WENT TO ANY WEBSITE OR WAS LINKED TO ANY WEBSITE.

CECILE SCOON: NO NO NOT LINKED TO ANY WEBSITE; BUT, A GRAPHIC IMAGE APPEARED.

JOHN DICKENSON: WOULD YOU LIKE TO REPEAT THE QUESTION. IT IS VERY CONFUSING THAT YOU ARE ANSWERING THE QUESTION FOR HIM.

COMMISSIONER PATE: I AM HAVING A LARGE PROBLEM TRYING TO FIGURE OUT WHERE YOU ARE GOING WITH THIS ONE THING IN AN EMAIL WHEN THE EARLIER TESTIMONY WAS SOMEWHERE AROUND 10,000 HITS AND OTHER THINGS THERE HAVE BEEN TONS OF PORNOGRAPHIC STUFF SHOWED UP.

CECILE SCOON: LET ME JUST CLARIFY SO I UNDERSTAND THE TESTIMONY. WHEN YOU WERE REFERRING TO THE 10,000 HITS, YOU WERE TALKING TO THE TOTAL OF HITS, CORRECT.

MALCOLM GAINNEY: YES MAAM.

LISA COONS: YOU WEREN'T TALKING ABOUT 10,000 PORNOGRAPHIC HITS WERE YOU.

MALCOLM GAINNEY: NO MAAM. I WAS TALKING ABOUT 10,000 PORNOGRAPHIC RELATED HITS. THERE WAS OVER 80,000 HITS ALTOGETHER OF DIFFERENT SITES: REGIONS BANK, YAHOO, BUGLE. WE DID NOT LIMIT OUR INVESTIGATION TO JUST LOOKING FOR PORNOGRAPHY; WE RECOVERED ALL FILES USED.

CECILE SCOON: WOULD YOU AGREE WITH ME THAT THE PRESENCE OF THOSE FILES ON THE COMPUTER THAT THERE IS NO 100% SURE LINK THAT IT WAS MR. PETERSON THAT CLICKED ON THOSE FILES.

MALCOLM GAINNEY: NO MAAM, I DID NOT SPECIFICALLY SEE MR. PETERSON EVER GO ON ANYTHING PORNOGRAPHIC.

CECILE SCOON: DO YOU KNOW WHAT THE DUTIES ARE OF THE INMATES ASSIGNED TO THE RECYCLING CENTER.

MALCOLM GAINNEY: NO MAAM, I AM NOT FAMILIAR WITH THE INMATES. I WILL SAY THIS, MY UNDERSTANDING OF THE INMATE PROGRAM IS THAT THE INMATES ARE TO BE SUPERVISED AT ALL TIMES AND NOT TO BE LEFT ALONE OR WHERE HE COULD HAVE ACCESS TO A COMPUTER OR ANY OTHER THING FOR THAT MATTER. IF THAT WOULD BE THE CASE, WE WOULD HAVE OUR INMATES OUT ON THE STREET RECEIVING DRUGS, WHO KNOWS WHAT BY ANYBODY WALKING BY.

CECILE SCOON: SO YOU ARE BASING YOUR UNDERSTANDING ON COMMON SENSE.

MALCOLM GAINNEY: WELL COMMON SENSE IS WHAT I HAVE SEEN WITH OUR INMATES WE HAVE HAD HERE IN THE COUNTY BUILDING.

CECILE SCOON: YOU YOURSELF TESTIFIED YOU DON'T KNOW HOW THEY ARE UTILIZED AT THE RECYCLING CENTER.

MALCOLM GAINNEY: NOT AT THE RECYCLING CENTER, NO.

CECILE SCOON: WHAT WERE SOME OF THE COMPUTER ASSISTANCE THAT YOU YOURSELF HAVE HAD TO PROVIDE TO MR. PETERSON OR ANY OF YOUR STAFF YOU KNOW OF.

MALCOLM GAINNEY: WE WENT DOWN AND TRANSFERRED FILES, HELP PRINT UP AMNESTY DAY FLYERS, I BELIEVE WE HAD TO HELP HIM SET UP A SPREAD-SHEET AT ONE TIME. MS. WATFORD HAS DONE MOST OF THE WORK WITH MR. PETERSON.

CECILE SCOON: DO YOU KNOW IF MS. WATFORD IS PRESENT TODAY.

MALCOLM GAINNEY: NO MAAM, SHE WAS ALREADY SCHEDULED TO BE OUT OF TOWN BEFORE THIS WAS EVER PLANNED.

CECILE SCOON: DOES MS. WATFORD REPORT TO YOU THE WORK SHE HAS DONE.

MALCOLM GAINNEY: YES MAAM.

CECILE SCOON: DO YOU RECALL ANY SPECIFICS OF THE WORK SHE DID FOR MR. PETERSON ON HIS COMPUTER.

MALCOLM GAINNEY: LIKE SOME OF THE THINGS I GAVE EXAMPLES OF: I KNOW SHE HAS SAID WE HAVE WENT DOWN AND WE HAVE BEEN HAVING ISSUES WITH POPUPS AND THOSE POPUPS THAT WERE TOLD WERE NOT OF PORNOGRAPHIC NATURE. THEY WERE JUST A GENERAL POPUP.

CECILE SCOON: DO YOU NOW HOW MANY TIMES SHE WENT DOWN TO HELP HIM GET RID OF THE POPUPS.

MALCOLM GAINNEY: I DON'T HAVE A LIST IN FRONT OF ME BUT WE DO HAVE RECORDS THAT SHOW HOW MANY TIMES SHE HAS BEEN DOWN THERE.

CECILE SCOON: DO YOU KNOW TODAY HOW MANY TIMES SHE WENT DOWN TO HELP.

MALCOLM GAINNEY: I WOULD ESTIMATE IN MY OPINION IT COULD PROBABLY BE TEN TO FIFTEEN TIMES.

CECILE SCOON: TO TRY TO WORK ON THE POPUPS.

MALCOLM GAINNEY: NO MAAM, FOR VARIOUS ISSUES. SOMETIMES WE GO DOWN JUST TO UPDATE THE VIRUS PROGRAMS OR ANY OTHER PROGRAMS ON THE MACHINES. IT IS NOTHING RELATED TO ANY PROBLEMS THEY HAVE HAD. WHILE WE ARE AT THOSE MACHINES, WE ASK THEM IF THEY ARE HAVING ANY PROBLEMS.

MALCOLM GAINNEY: IN RESPONSE TO EMAILS, WE ALSO IN OUR RECOVERY RECOVERED DELETED EMAILS AND IN THOSE DELETED EMAILS THERE WERE NONE OF A PORNOGRAPHIC NATURE. THERE WERE SOME THAT WERE WHERE PHARMACEUTICAL COMPANIES AND THINGS LIKE THAT BUT NONE OF IT WAS PORNOGRAPHIC IN NATURE.

COMMISSIONER PATE: I HAVE NEVER HAD ONE POP UP ON MY COMPUTER THAT I USE FOR COUNTY BUSINESS EITHER.

COMMISSIONER FINCH: MALCOLM, IN THE MANY TIMES YOU SAID YOU HAD BEEN DOWN THERE, YOU OR YOUR ASSISTANT HAD BEEN DOWN, AND DID THINGS ON JAME'S COMPUTER, THERE WAS NOTHING THAT EVER POPPED UP OR YOU PULLED DOWN A MENU OR ANYTHING THAT WOULD INDICATE THERE WAS ANY PORNOGRAPHIC MATERIAL THAT HAD BEEN LOOKED AT.

MALCOLM GAINNEY: NO SIR. BUT, AS A GENERAL RULE, WHEN WE GO DOWN TO WORK ON A DEPARTMENT'S CERTAIN PROBLEM, THAT IS WHAT WE ARE GOING TO ADDRESS. WE ARE NOT GOING TO SEARCH THE INTERNET OR OTHER PROBLEMS OR CHECK THE WEATHER OR ANYTHING THAT WOULD MAKE US FLAG THAT.

COMMISSIONER FINCH: IT WAS JUST SORT OF ODD A YOUNG LADY WENT IN AND PUT IN " WE" AND ALL THAT CAME UP; BUT, AS MANY TIMES AS YOU ALL HAVE BEEN ON IT, DIDN'T AND HADN'T SEEN ANYTHING LIKE THAT.

MALCOLM GAINNEY: NO SIR AND LIKE I SAID, WHEN WE GO DOWN, WE WOULD UPDATE THE VIRUS PROGRAM OR SOME OTHER SOFTWARE, WE ARE NOT GOING DOWN TO SEARCH ON THE INTERNET.

COMMISSIONER PATE: I BELIEVE TESTIMONY WE HAD THE FIRST THREE LETTERS CAUSED THAT PARTICULAR ONE TO POP UP.

COMMISSIONER HOLMAN: MALCOLM, HAVE YOU AT ANY TIME HAD TO GO IN TO ANY OTHER COMPUTER WITHIN THE ANNEX AND CHECK THAT COMPUTER FOR ANY MISUSE. HAVE YOU DONE THAT.

MALCOLM GAINNEY: YES SIR. AND FOR ROUGHLY THE PAST YEAR WE HAVE BEEN RANDOMLY CONDUCTING TECHNOLOGY AUDITS ON ALL COUNTY COMPUTERS TO MAKE SURE THERE WERE NO ILLEGAL SOFTWARE OR THINGS OF THAT NATURE ON IT.

COMMISSIONER PATE: MR. PETERSON, WHEN DID YOU START GETTING INMATES BACK. FOR A WHILE, YOU DIDN'T HAVE THEM, DID YOU.

JAMES PETERSON: NO SIR I DIDN'T. IT WAS AROUND NOVEMBER I THINK. NO IT WASN'T EITHER. I THINK IT WAS AROUND FEBRUARY OR MARCH.

COMMISSIONER PATE: HOW MANY INMATES AND HOW MANY DAYS.

JAMES PETERSON: WE GET TWO, FIVE DAYS INCLUDING SATURDAY MORNINGS. USUALLY WHEN WE HAVE INMATES UP THERE, ONE GUY STANDS DUTY ON SATURDAY AND HAS BOTH INMATES WITH HIM.

COMMISSIONER PATE: AND YOU HAVE TO HAVE AN INMATE CARD TO DO THAT RIGHT.

JAMES PETERSON: NO SIR. NOT WITH THE JAIL HOUSE INMATES.

CECILE SCOON: I DO HAVE A FOLLOW UP QUESTION FOR ONE OF THE QUESTIONS ASKED BY COMMISSION: MALCOM, HOW LONG HAVE YOU BEEN WORKING WITH COMPUTERS MR. GAINNEY WITH THE COUNTY.

MALCOLM GAINNEY: SIX YEARS.

CECILE SCOON: ARE YOU AWARE OF ANY OTHER INSTANCES WHERE THERE HAVE BEEN ALLEGATIONS ABOUT IMPROPER USE OF EQUIPMENT. WHAT WERE THOSE INSTANCES.

MALCOLM GAINNEY: YES MAAM. THERE WAS AN INQUIRY DONE TO PEOPLE POSTING INFORMATION ON A WEBSITE AND WE LOOKED TO SEE IF ANYONE WAS DOING IT FROM THIS FACILITY.

CECILE SCOON: AND WAS THAT SO.

MALCOLM GAINNEY: NO

CECILE SCOON: HAVE THERE BEEN ANY OTHER CASES WHERE PEOPLE HAVE BEEN ACCUSED OF GOING ON INAPPROPRIATE SITES THAT YOU ARE AWARE OF.

MALCOLM GAINNEY: NO NOT SINCE I HAVE BEEN HERE. IN MS. DOBBS CASE WHICH WAS REFERENCED EARLIER, IT WAS BEFORE I CAME HERE.

COMMISSIONER STRICKLAND: HOW LONG HAVE YOU BEEN WORKING ON COMPUTERS. I KNOW YOU HAVE BEEN WORKING WITH THE COUNTY SIX YEARS.

MALCOLM GAINNEY: OVER TEN YEARS. I WORKED WITH THE DEPARTMENT OF TRANSPORTATION FOR ALMOST THREE YEARS BEFORE I CAME HERE AND I WORKED PRIVATELY IN MY OWN BUSINESS FOR A NUMBER OF YEARS.

CECILE SCOON: THIS IS A SERIOUS MATTER. CERTAINLY ANY GOVERNMENTAL ENTITY HAS AN OBLIGATION OF THOSE WHO ARE ENTRUSTED WITH MANAGING THE RESOURCES OF THE COUNTY. YOU ARE ENTRUSTED WITH ASSURING YOURSELVES AND THE PEOPLE THAT COUNTY ASSETS ARE TAKEN CARE OF AND ARE NOT MISUSED IN ANY WAY. DO YOU UNDERSTAND THAT. WE WOULD JUST LIKE THE COMMISSION TO CONSIDER THAT WHEN IT COMES TO THE POINT OF FIRST ACCUSING AND SECONDLY CONSIDERING SERIOUS DISCIPLINE AGAINST AN EMPLOYEE THAT ALL ISSUES AND QUESTIONS ABOUT WHO HAD ACCESS TO THE COMPUTER, WHO COULD HAVE BEEN LOOKING AT THE SITE, THE ISSUES OF THE POPUPS SHOULD ALL BE CONSIDERED VERY CAREFULLY. IN THIS PARTICULAR CASE, WE BELIEVE THE TESTIMONY HAS ALREADY SHOWN AND WE WILL PROVIDE A LITTLE BIT MORE ADDITIONAL TESTIMONY, THE DOOR WAS ACTUALLY NOT LOCKED ALL THE TIME. THERE ARE MANY TIMES WHEN IT WAS JUST OPEN AS MS. PROVOST, HER WORDS CAME THROUGH OTHER PEOPLE, AND I BELIEVE IT WAS MS. TABITHA THAT TESTIFIED THAT PARTICULAR DAY THE DOOR WAS OPEN AND THE COMPUTER WAS ON AND IT IS OUR BELIEF THAT WAS OFTEN THE CASE. THERE WERE MANY OTHER PERSONS WHO HAD ACCESS TO THAT ROOM AND COMPUTER. WE ALSO HEARD TESTIMONY OF HOW IMAGES CAN APPEAR AND CERTAINLY GIVEN THE TESTIMONY OF THE 10,000 HITS, IT WOULD APPEAR SOMEBODY WAS PRETTY FOCUSED IN THEIR INTEREST IN THIS AREA. IT IS OUR CONTENTION THAT PERSON WAS NOT MR. PETERSON. HE HAS WORKED FOR THE COUNTY FOR ALMOST TEN YEARS I BELIEVE, HE WAS HONORABLY DISCHARGED FROM THE MILITARY. HE IS A HARD WORKING MAN, A FAMILY MAN AND IT IS OUR CONTENTION HE DID NOT DO THAT. HE WILL TESTIFY SHORTLY HE HAS A VERY LIMITED UNDERSTANDING AND KNOWLEDGE OF COMPUTERS. HE HAS TO RECEIVE HELP FOR JUST EVEN THINGS OFTEN TIMES TEENAGERS CAN DO. THERE WAS TESTIMONY OF PUTTING ON COMPUTER PROGRAMS TO CLEAN THEM, WASH THEM, PLUG INS, OPENING UP PROGRAMS TO DOWNLOAD WEB SITES TO VIEW, DIFFERENT

KIND OF MEDIA. THAT DOESN'T SOUND LIKE IT FITS WITHIN THE ABILITY OF SOMEBODY THAT IS NOT COMFORTABLE WITH COMPUTERS AND HAS TO RECEIVE A LOT OF HELP JUST TO DO BASIC THINGS. WE CONTEND THERE WERE MANY PERSONS WHO HAD ACCESS TO THAT COMPUTER AND GIVEN THE TESTIMONY, EVEN THOUGH CERTAINLY MR. PETERSON WOULD BE SOMEONE YOU WOULD NEED TO CONSIDER AS A POSSIBILITY; BUT, WE DON'T THINK THE EVIDENCE IS GOING TO SHOW THAT HE WAS THE ONLY PERSON WHO HAD ACCESS TO IT AND THAT THEREFORE, THERE SHOULD NOT BE A BASIS FOR DISCIPLINE; CERTAINLY NOT A BASIS FOR TERMINATION. SHE THEN CALLED MR. PETERSON TO TESTIFY.

CECILE SCOON: MR. PETERSON, PLEASE STATE YOUR FULL NAME FOR THE RECORD PLEASE.

JAMES PETERSON: JAMES PHILLIP PETERSON

CECILE SCOON: AND, YOU ARE THE EMPLOYEE THAT IS THE SUBJECT FOR THIS HEARING TODAY. IS THAT CORRECT.

JAMES PETERSON: YES MAAM

CECILE SCOON: YOU HAVE HEARD SOME TESTIMONY ABOUT THE ISSUE OF THE KEYS THAT YOU PROVIDED TO MR. CORBIN. DO YOU RECALL WHAT MR. CORBIN ASKED YOU FOR WHEN HE ASKED FOR KEYS.

JAMES PETERSON: HE JUST ASKED ME FOR THE KEYS TO THE BUILDING.

CECILE SCOON: DID YOU PROVIDE HIM KEYS TO THE BUILDING.

JAMES PETERSON: YES, I GAVE HIM KEYS TO THE BUILDING AND GATES.

CECILE SCOON: DID HE EVER SAY I WOULD LIKE KEYS TO THE INTERNAL OFFICES.

JAMES PETERSON: NO, HE DID NOT.

CECILE SCOON: SO, DID YOU GIVE HIM A KEY TO THE INTERNAL OFFICE.

JAMES PETERSON: NO, I DID NOT.

CECILE SCOON: WHAT WAS YOUR UNDERSTANDING OF WHETHER HE NEEDED AN ADDITIONAL KEY. DID YOU HAVE ANY UNDERSTANDING HE WAS LOOKING FOR ADDITIONAL KEYS.

JAMES PETERSON: I DID NOT KNOW WHAT WAS GOING ON. ALL I KNOW THEY COME AND ASKED ME FOR KEYS AND I GAVE THEM THE KEYS I THOUGHT THEY WERE SUPPOSE TO HAVE.

CECILE SCOON: YOU HAVE HEARD THE TESTIMONY ABOUT THE PORNOGRAPHY THE 10,000 HITS AND THINGS OF THAT NATURE. DID YOU ACTIVELY LOOK AT PORNOGRAPHY ON YOUR COMPUTER AT WORK.

JAMES PETERSON: NO MAAM I DID NOT.

CECILE SCOON: DO YOU VALUE YOUR JOB.

JAMES PETERSON: VERY MUCH SO. I LOVE MY JOB. I THINK EVERYBODY UP HERE KNOWS THAT.

CECILE SCOON: DO YOU HAVE A FAMILY.

JAMES PETERSON: YES

CECILE SCOON: ARE YOU A PROVIDER OR A FINANCIAL SUPPORT TO YOUR FAMILY.

JAMES PETERSON: YES I AM.

CECILE SCOON: WHO IS IN YOUR FAMILY.

JAMES PETERSON: MY WIFE, JOHNNIE MAE PETERSON AND I HAVE ONE SON DEREK PETERSON, HE IS 15 AND I HAVE MY OLDEST DAUGHTER, SHE IS MARRIED BUT SHE IS STILL A PART OF ME, DADDY'S LITTLE GIRL, AND I HAVE MY STEP SON WHO IS 26 AND JUST DID A FOUR YEAR TOUR IN THE MILITARY, IN THE MARINES.

CECILE SCOON: HOW WOULD YOU DESCRIBE YOUR UNDERSTANDING OF USE OF COMPUTERS.

JAMES PETERSON: I HAVE VERY LITTLE KNOWLEDGE OF IT; I DO WHAT I CAN WITH IT. I WAS TRYING TO LEARN MORE ABOUT IT. I HAD WENT TO SCHOOL TO

GET MORE LITERATE WITH THE COMPUTER. BUT, MY FATHER DIED LAST YEAR AND I DIDN'T GET THE CHANCE TO COMPLETE THE COURSE. BUT, AS FAR AS READING MY EMAIL, I KNOW HOW TO GO IN AND READ MY EMAIL. I WAS TRYING TO LEARN HOW TO MAKE LETTERHEAD OR THINGS OF THIS NATURE; BUT, I HAVE NOT BEEN ABLE TO DO THAT. I HAVE TO HAVE TO HELP TO DO ALL THAT STUFF BECAUSE I AM NOT A VERY GOOD TYPIST.

CECILE SCOON: WHAT ARE YOUR DAILY DUTIES; ON AN AVERAGE WEEK, WHAT DO YOU DO.

JAMES PETERSON: IT STARTS OUT AS FAR AS CHECKING EVERYTHING TO SEE WHAT THE OUTSIDE LOOKS LIKE. I DO MY PAPERWORK, WHAT I HAVE TO DO INSIDE MY OFFICE IF I HAVE ANY TO DO AND I GO OUTSIDE AND GET ON THE BACKHOE AND PUSH UP SCRAP METAL OR TRASH THAT NEEDS TO BE CLEANED UP. I HELP MY GUYS IF THEY NEED HELP BY CRUSHING CANS OR THINGS OF THIS NATURE. I USUALLY TRY TO KEEP TRACK OF MY GUYS. ONE OF MY GUYS, HE IS KIND OF, I AM NOT GOING TO CALL HIM OUT, BUT, I HAVE TO KEEP TRACK OF HIM TO MAKE SURE OF HIS WHEREABOUTS AND WHAT HE IS DOING ON A DAILY BASIS BECAUSE HE IS KIND OF HARD TO WORK. I HAVE HAD PROBLEMS WITH HIM IN THE PAST.

CECILE SCOON: ABOUT HOW MUCH OF YOUR TIME ON AN AVERAGE BASIS ARE YOU OUTSIDE YOUR OFFICE.

JAMES PETERSON: I WOULD SAY ABOUT 80%. BECAUSE WHEN I GET IN IN THE MORNINGS IF I HAVE PAPERWORK, I DO IT. WHEN I TALK OVER WITH SHOUPPE, WHO IS ONE OF MY LEADERS I HAVE THERE, I FIND OUT WHAT HIS JOB IS GONNA BE AND WHAT HE IS GONNA DO, HE GOES ON HIS ROUTE AND I GET IN MY TRUCK AND GO AND CHECK THE RECYCLING BINS OR WHATEVER WE HAVE OUT TO SEE WHAT MATERIALS WE HAVE TO PICK UP. SO I AM ON THE ROAD MORE OR LESS FOR ABOUT THREE OR FOUR HOURS IN THE MORNING.

CECILE SCOON: DOES YOUR OFFICE HAVE A LOCK AND KEY.

JAMES PETERSON: YES, IT HAS A LOCK AND KEY.

CECILE SCOON: WHAT WAS YOUR POLICY ABOUT ANY EMPLOYEES GOING INTO YOUR OFFICE.

JAMES PETERSON: THEY COULD GO IN THERE AS LONG AS THEY DIDN'T GO IN THERE AND DISTURB ANYTHING BECAUSE I KEEP MONEY INSIDE OF MY DRAWERS IN THERE WHEN PEOPLE COME IN. I TRY TO TELL THEM TO KEEP TRACK OF THE INMATES TO MAKE SURE THE INMATES DON'T GO IN THERE. I DON'T LOCK MY DOOR ALL THE TIME. WHEN I GO ON TOP OF THE HILL, I SOMETIMES LEAVE IT OPEN AND WHEN I GO ON MY ROUTES, SOMETIME I FORGET TO LOCK IT. I LOCK IT FOR A REASON AND IT AIN'T GOT NOTHING TO DO WITH THE COMPUTER. I LOCK IT BECAUSE OF THE MATERIALS I HAVE IN THERE OF SORT, MY MONIES AND STUFF.

CECILE SCOON: WHAT IS YOUR CUSTOM WITH YOUR COMPUTER, DO YOU TURN IT DOWN OR DO YOU USE A PASSWORD.

JAMES PETERSON: NO, MY COMPUTER STAYS UP ALL THE TIME, I DON'T EVER SHUT IT DOWN.

CECILE SCOON: SO WHETHER THERE WAS A PASSWORD OR NOT, IT DOESN'T MATTER BECAUSE YOU LEFT IT UP.

JAMES PETERSON: I LEAVE IT UP

CECILE SCOON: WHEN YOU LEAVE YOUR OFFICE AND DO YOUR OTHER DUTIES, DO YOU HAVE ANY OF THE INMATES WITH YOU.

JAMES PETERSON: NO, USUALLY THEY ARE WITH FRED MCSWAIN, HE IS ONE OF THE GUYS AND HE HAS GOT ONE; IF NOT, HE IS AT THE FACILITY SUPPOSEDLY WATCHING OVER EVERYTHING. IF WE HAVE TWO INMATES, MCSWAIN KEEPS ONE AND SHOUPPE TAKES THE OTHER ONE WITH HIM.

CECILE SCOON: SO WHEN YOU ARE OUT OF YOUR OFFICE, WOULD IT BE FAIR TO SAY YOU DON'T ACTUALLY KNOW WHAT MEANS TRANSPIRE WHEN YOU LEAVE THE SITE.



JAMES PETERSON: NO, I DON'T.

CECILE SCOON: YOU HAVE TO RELY ON YOUR STAFF

JAMES PETERSON: I HAVE TO TRUST MY GUYS, YES.

CECILE SCOONS: WHAT KIND OF ASSISTANCE HAVE YOU ASKED FOR FROM MR. GAINNEY'S OFFICE.

JAMES PETERSON: USUALLY, IT IS NOT MR. GAINNEY. HE IS TOO BUSY WITH SOMETHING UP HERE OR HELPING WITH SOMETHING AND HE USUALLY TELLS ME. I WILL GET WITH JUDY. SHE COMES UP AND HELPS ME WITH WHAT I HAVE GOT TO DO AS FAR AS PROGRAMMING AND THINGS OF THIS NATURE.

CECILE SCOON: WHAT KIND OF ASSISTANCE HAS JUDY PROVIDED YOU.

JAMES PETERSON: SHE HAS HELPED ME WITH A LOT OF MY PAPERWORK, PUTTING FILES ON MY COMPUTER FOR ME. I DIDN'T KNOW HOW TO DO IT WITHOUT MAKING ANY MISTAKES.

CECILE SCOON: HAVE YOU EVER COMPLAINED TO HER ABOUT POPUPS.

JAMES PETERSON: VERY MUCH SO.

CECILE SCOON: WHAT DID YOU TELL HER.

JAMES PETERSON: I TOLD HER THEY WOULD APPEAR EVERY ONCE IN A WHILE AND I CHECKED ON THEM SOME KIND OF WAY; WHENEVER I TRIED TO DELETE THEM, IT SEEMED LIKE IT GOT WORSE. I HAD TO CALL ON HER TO TRY TO FIX THE SITUATION.

CECILE SCOON: DO YOU HAVE AN IDEA ABOUT HOW MANY TIMES SHE HAS TRIED TO HELP YOU WITH THE POP UPS.

JAMES PETERSON: ABOUT FIVE OR SIX TIMES.

CECILE SCOON: DID YOU HAVE TO HAVE ASSISTANCE WITH HAVING YOUR PRINTER HOOKED UP TO YOUR COMPUTER.

JAMES PETERSON: YES, I HAD TO HAVE ASSISTANCE. I DON'T KNOW NOTHING ABOUT HOOKING UP; I CAN PLUG IT UP TO THE COMPUTER. BUT, I DON'T KNOW HOW TO PROGRAM IT INTO THE COMPUTER. YOU HAVE TO HAVE IT IF YOU MAKE ANY FAXES OR ANYTHING LIKE THAT, YOU HAVE TO HAVE A PROGRAM IN YOUR COMPUTER BEFORE YOU CAN FAX ANYTHING. I HAD A PROBLEM WITH THAT AND HE SENT THE 911 MAN, DAVID ROARK, CAME AND PROGRAMMED IT FOR ME.

CECILE SCOON: YOU HAVE HEARD TESTIMONY THAT I THINK MR. HERBERT MADE MENTION OF A STATEMENT OF BITING THE BULLET; DO YOU RECALL MAKING A COMMENT LIKE THAT.

JAMES PETERSON: I WAS BEING SARCASTIC. BUT, I TOLD HIM, I GUESS IF YOU ALL FIND ANYTHING ON MY COMPUTER, I GUESS I AM GOING TO HAVE TO BITE THE BULLET FOR IT BECAUSE IT IS IN MY OFFICE AND YOU ALL ARE GOING TO ACCUSE ME OF IT ANYWAY.

CECILE SCOON: DO YOU KNOW YOURSELF WHO MIGHT HAVE BEEN LOOKING AT PORNOGRAPHY ON YOUR COMPUTER.

JAMES PETERSON: I HAVE NO IDEA.

JOHN DICKINSON: YOUR TESTIMONY IS YOU WERE ONLY ASKED FOR THE KEY TO THE BUILDING.

JAMES PETERSON; THAT IS WHAT I WAS TOLD.

JOHN DICKINSON: BUT, YET YOU GAVE A KEY TO THE GATES AND THE BUILDING

JAMES PETERSON: YES, I DID.

JOHN DICKINSON: YOU HEARD MR. GAINNEY SAY WHEN HE WAS IN YOUR OFFICE YOU TOLD HIM YOU HAD NOT GIVEN THE KEY TO YOUR OFFICE.

JAMES PETERSON: RIGHT, I TOLD HER THAT TOO.

JOHN DICKINSON: BUT, THEY REFERENCED NOT GIVING A KEY AT THAT TIME. IS THAT CORRECT.

JAMES PETERSON: YES SIR.

JOHN DICKINSON: SO YOU MADE A CONSCIOUS DECISION DID YOU NOT TO NOT COPY THAT KEY.

JAMES PETERSON: YES I DID; CAN I ELABORATE AND EXPLAIN.

JOHN DICKINSON: YOUR COUNSEL CAN ASK YOU QUESTIONS LATER AND I HAVE GOT MY QUESTIONS.

JAMES PETERSON: I AM SORRY, YES SIR.

JOHN DICKINSON: YOU HEARD MS. ARNOLD TESTIFY YOU TOLD HER THAT YOU CLEANED UP YOUR COMPUTER BEFORE MR. GAINNEY GOT THERE.

JAMES PETERSON: I DON'T REMEMBER HAVING THAT CONVERSATION WITH HER.

JOHN DICKINSON: ARE YOU TELLING THIS BOARD THAT SHE LIED.

JAMES PETERSON: I AM NOT TELLING THEM SHE LIED; I AM TELLING THEM I DON'T REMEMBER.

JOHN DICKINSON: IS IT POSSIBLE THEN YOU

CECILE SCOON: COUNSEL, WOULD YOU LET HIM ANSWER.

JOHN DICKINSON: IS IT POSSIBLE THEN YOU TOLD HER THAT.

JAMES PETERSON: NO IT IS NOT. IF I HAD DID SOMETHING THAT STUPID, I WOULDN'T HAVE TOLD ANYBODY THAT. THAT WOULD BE A STUPID MOVE OR DESPARATE TO PUT ANYTHING ON A COMPUTER, ESPECIALLY WHEN I DON'T KNOW HOW TO DO IT.

JOHN DICKINSON: TELL ME WHEN YOU ARE FINISHED BECAUSE I DON'T WANT TO INTERRUPT YOU.

JAMES PETERSON: GO AHEAD SIR, I AM SORRY.

JOHN DICKINSON: SO IS IT YOUR TESTIMONY THEN THAT TABITHA ARNOLD IS LYING TO THE BOARD WHEN SHE SAID YOU SAID THAT.

JAMES PETERSON: IT IS LIKE I SAID TO YOU SIR: I AM NOT CALLING HER A LIAR. I JUST SAID I DON'T RECALL HAVING THAT CONVERSATION WITH HER.

JOHN DICKINSON: SO YOU HAVE A KEY TO YOUR OFFICE. IS THAT CORRECT.

JAMES PETERSON: YES SIR I DO

JOHN DICKINSON: AND YOU ARE RESPONSIBLE FOR KEEPING SECURITY OF THAT OFFICE I SUPPOSE THE LOCK ON THAT DOOR, IS THAT RIGHT.

JAMES PETERSON: YES SIR

JOHN DICKINSON: YOU ALSO HAD THE COMPUTER WITH A PASSWORD ON IT. DIDN'T YOU.

JAMES PETERSON: IT IS NOT A PASSWORD SIR.

JOHN DICKINSON: DO YOU RECALL TELLING MS. FINCH DURING THE INVESTIGATION THAT THERE WAS A PASSWORD ON IT AND THAT THE PASSWORD WAS CALLED RECYCLING.

JAMES PETERSON: YES SIR. THAT IS THE ONE THEY HAVE FOR THE LOG ON TO THE COMPUTER. MY INTERNET STAYS UP ALL THE TIME.

JOHN DICKINSON: THAT WAS NOT MY QUESTION.

JAMES PETERSON: OKAY

JOHN DICKINSON: THERE WAS A PASSWORD TO THAT COMPUTER.

JAMES PETERSON: TO LOG ON THE COMPUTER, YES SIR.

JOHN DICKINSON: YOU ARE TESTIFYING TO THE BOARD YOU CHOSE, I GUESS, NOT TO EVER USE THAT PASSWORD.

JAMES PETERSON: I DIDN'T HAVE TO; I NEVER SHUT IT DOWN SIR.

JOHN DICKINSON: IN OTHER WORDS, YOU JUST DIDN'T WORRY ABOUT THE SECURITY OF THIS SYSTEM WHEN THIS BOARD ENTRUSTED A COMPUTER TO YOU WITH A PASSWORD PROTECTION; BUT, YOU DIDN'T BOTHER TO USE IT. IS THAT YOUR TESTIMONY TO THE BOARD.

JAMES PETERSON: I DIDN'T HAVE THE KNOWLEDGE THAT I HAD TO TURN IT ON SIR.

JOHN DICKINSON: LET ME MAKE SURE I UNDERSTAND. YOU ARE RESPONSIBLE AS A MANAGER TO KEEP THE SECURITY OF YOUR OFFICE SECURE. IS THAT CORRECT.

JAMES PETERSON: THAT'S WHAT YOU JUST ASKED ME. YES SIR.  
JOHN DICKINSON: YOU HAD A KEY TO THAT OFFICE.  
JAMES PETERSON: YES SIR.  
JOHN DICKINSON: BUT, YET YOU CHOSE NOT TO KEEP THE DOOR LOCKED. IS THAT RIGHT.  
JAMES PETERSON: I COULDN'T KEEP TRACK OF KEEPING THAT DOOR LOCKED SIR. I WAS A BUSY MAN DURING THE DAY OUT THERE.  
JOHN DICKINSON: SO THAT WAS YOUR DECISION NOT TO WORRY ABOUT WHETHER TO KEEP THAT DOOR LOCKED. IS THAT YOUR TESTIMONY.  
JAMES PETERSON: LIKE I SAY SIR. I AM BUSY OUT THERE AT THE RECYCLING CENTER. IF YOU EVER CAME OUT THERE AND SPENT ONE DAY AT THAT RECYCLING CENTER, YOU WOULD SEE HOW BUSY IT WOULD BE. THERE IS NO WAY YOU CAN STOP AND WORRY ABOUT A DOOR OR; YOU HAVE TO WORRY ABOUT WHAT IS COMING IN AND WHAT IS GOING OUT. I WAS TRYING TO DO A PROPER MAINTAINING JOB AS FAR AS KEEPING TRACK OF WHAT WAS COMING IN AND GOING OUT.  
JOHN DICKINSON: TELL ME WHEN YOU ARE FINISHED; I DON'T WANT TO INTERRUPT.  
JAMES PETERSON: I AM FINISHED SIR; GO AHEAD.  
JOHN DICKINSON: NOW YOU ARE TRYING TO CONVINCING THE BOARD THAT YOU AREN'T INTERNET SAVVY. IS THAT CORRECT. IS THAT YOUR TESTIMONY.  
JAMES PETERSON: I AM NOT THAT GOOD AT IT. NO SIR.  
JOHN DICKINSON: YOU KNOW HOW TO SEARCH THE INTERNET, DON'T YOU.  
JAMES PETERSON: NO SIR; NOT QUITE. I HAVE SEEN PEOPLE DO IT; BUT, I HAVE NEVER DID IT MYSELF.  
JOHN DICKINSON: SO WHAT ABOUT THE USE OF THE INTERNET TO SEARCH YOUR BANK RECORDS.  
JAMES PETERSON: I HAD TO HAVE SOMEBODY HELP DO THAT SIR.  
JOHN DICKINSON: SO EVERYTIME YOU DO THAT, SOMEBODY HAD TO HELP YOU DO THAT.  
JAMES PETERSON: MORE OR LESS LOG ON IT. YES SIR  
JOHN DICKINSON: WHO HELPS YOU EVERYTIME.  
CECILE SCOON: HE IS OBVIOUSLY TALKING AND YOU ARE OBVIOUSLY INTERRUPTING.  
CHAIRMAN PATE: JAMES, YOU NEED TO TELL HIM WHEN YOU ARE THROUGH AND MR. DICKINSON YOU NEED TO WAIT FOR HIM TO GET THROUGH AND I WILL HANDLE THIS OKAY. JAMES ARE YOU FINISHED.  
JAMES PETERSON: I AM WAITING ON WHAT THE QUESTION IS YOU ARE ASKING ME AGAIN.  
JOHN DICKINSON: I THINK YOU WERE SAYING YOU DON'T KNOW HOW TO USE THE INTERNET. SOMEBODY HAS GOT TO HELP YOU EVERYTIME YOU USE THE INTERNET. IS THAT CORRECT.  
JAMES PETERSON: YES SIR I AM TELLING YOU THERE IS CERTAIN THINGS ON THAT INTERNET I DON'T KNOW HOW TO DO.  
JOHN DICKINSON: THAT IS NOT WHAT MY QUESTION IS. DO YOU KNOW HOW TO USE THE INTERNET FOR ANYTHING.  
JAMES PETERSON: SOME THINGS  
JOHN DICKINSON: FOR SOME THINGS  
JAMES PETERSON: YES SIR  
JOHN DICKINSON: SO FOR SOME THINGS YOU DON'T HAVE TO HAVE ASSISTANCE ON. IS THAT CORRECT.  
JAMES PETERSON: RIGHT  
JOHN DICKINSON: BUT, FOR SOME THINGS YOU DO.  
JAMES PETERSON: YES SIR

COMMISSIONER FINCH: JAMES, THE ATTORNEY ASKED AND I DIDN'T HEAR THE ANSWER. WAS THERE SOMEONE AROUND, ONE OF THE WORKERS OR SOMEONE THAT WHEN YOU WANTED TO GET INTO YOUR BANK STATEMENT, THAT ASSISTED YOU.

JAMES PETERSON: I WAS TAUGHT HOW TO GET ON THAT. ON THAT PROGRAM I HAVE TO USE MY OWN SOCIAL SECURITY NUMBER AND EVERYTHING TO GET ON IT. THEY TAUGHT ME HOW TO DO THAT; BUT, THEN AFTER THAT I DIDN'T HAVE TO HAVE ASSISTANCE TO DO WHAT I HAD TO DO.

COMMISSIONER FINCH: WHO TAUGHT YOU HOW TO DO THAT.

JAMES PETERSON: I CAN'T RECALL RIGHT NOW SIR.

COMMISSIONER FINCH: THE GUYS THAT WORK WITH YOU, TO YOUR KNOWLEDGE, DO THEY HAVE COMPUTER SKILLS.

JAMES PETERSON: I DON'T KNOW SIR.

COMMISSIONER FINCH: YOU DON'T KNOW WHAT THEIR KNOWLEDGE ABOUT THE COMPUTER IS.

JAMES PETERSON: NO SIR I DON'T.

COMMISSIONER FINCH: PART OF THEIR JOB WASN'T THAT YOU DIRECTED THEM IN USING THE COMPUTER IN ANY WAY. THEY DON'T KEEP UP A LOG ON YOUR COMPUTER OR NOTHING LIKE THAT.

JAMES PETERSON: NO SIR.

COMMISSIONER FINCH: ON THE KEY THING, WHEN MR. HERBERT SENT AROUND TO VARIOUS DEPARTMENTS ABOUT THE KEYS AND YOU TURNED IN YOUR KEYS WAS YOUR UNDERSTANDING THAT HE WAS WANTING THE KEY TO THE GATE AND THE FRONT DOOR, YOU DIDN'T SAY I HAVE ANOTHER KEY HERE TO MY OFFICE, MR. HERBERT DID YOU WANT IT. YOU MEAN THAT YOU DIDN'T HAVE THAT KIND OF CONVERSATION.

JAMES PETERSON: NO SIR WE DIDN'T; I NEVER TALKED TO MR. HERBERT. IT WAS DAVID CORBIN.

COMMISSIONER FINCH: RIGHT, I AM SORRY, PETE SAID IT WAS DAVID. BUT, YOU NEVER DID TELL DAVID WELL I HAVE THIS ONE TO MY OFFICE, DO YOU ALL NEED THAT ONE.

JAMES PETERSON: NO SIR.

COMMISSIONER PATE: HOW LONG HAVE YOU BEEN KNOWING ME. JUST A LITTLE UNDER TWO YEARS OR ABOUT TWO YEARS.

JAMES PETERSON: YES SIR, SOMETHING LIKE THAT.

COMMISSIONER PATE: YOU SAID 80% OF THE TIME YOU ARE OUT OF THE OFFICE WORKING THERE. WHO SUPERVISES THE INMATES.

JAMES PETERSON: THE TWO GUYS; THAT IS THEIR JOB. I SUPERVISE THEM.

COMMISSIONER PATE: BUT ISN'T IT YOUR RESPONSIBILITY TO KNOW WHERE THEY ARE AT EVERYTIME WHEN THEY ARE OUT OF YOUR SIGHT OR OUT OF THEIR SIGHT.

JAMES PETERSON: NO SIR. BECAUSE WHEN THEY CHECK THEM OUT THEY ARE RESPONSIBLE FOR THEM, NOT ME. IF I CHECKED THEM OUT, I WOULD BE RESPONSIBLE FOR THEM.

COMMISSIONER PATE: WHEN SHOUPPE, AND I THINK IT IS SHOUPPE WHO MAKES THE RUNS TO PICK UP THE CARDBOARD AND STUFF LIKE THAT, I KNOW THAT I HAVE SEEN HIM WITH AN INMATE NOW. WHEN I FIRST CAME ON THE BOARD, IT WAS HE AND FRED AND I'M THINKING BACK AS FAR AS EARLY IN THE MORNING, I MEAN EARLIER IN THIS YEAR. WHEN DID YOU SAY YOU GOT THOSE INMATES.

JAMES PETERSON: I THOUGHT IT WAS AROUND FEBRUARY OR MARCH. THEY WOULD GIVE US SOME EVERY ONCE IN A WHILE.

COMMISSIONER PATE: WHERE I AM LEADING IS WHEN THEY ARE GONE AND IF YOU ARE GONE 80% OF THE TIME, WHO IS RUNNING THE CHAIR DOWN THERE.

JAMES PETERSON: I DON'T SEND BOTH OF THEM OUT AT THE SAME TIME.

COMMISSIONER PATE: WELL YOU USE TO BECAUSE I HAVE SEEN THEM RIGHT UP HERE EARLIER IN THE YEAR.

JAMES PETERSON: WHEN THEY ARE BOTH UP HERE, I AM UP HERE AT THE BUILDING BECAUSE I HAVE TO MAINTAIN AND MAKE SURE NOBODY BECAUSE PEOPLE WERE BUYING OR SELLING ME CANS ON A DAILY BASIS SO I HAD TO GO AND ACCUMULATE WHAT THEY WERE SELLING BECAUSE I COULDN'T JUST TURN THEM AWAY AND PEOPLE COME IN WITH STUFF, I HAD TO HELP THEM UNLOAD IT AND THINGS OF THIS NATURE.

COMMISSIONER PATE: THE REASON I AM ASKING THESE QUESTIONS, I AM REALLY REALLY DUBIOUS AND WORRIED WHO THESE BAN OF PEOPLE ARE THAT ARE GETTING ON THAT COMPUTER DOWN THERE. THERE ARE 10,000 HITS AND THE INFORMATION WE GATHERED HERE TODAY, I CAN ADD TWO AND TWO AND GET FOUR, ETC.; BUT, THIS IS NOT ADDING UP. UNLESS YOU HAVE GOT INMATES RUNNING WILD DOWN THERE OR YOU HAVE SOMEBODY DOWN THERE AND AS BUSY AS YOU SAY YOU ARE DOWN THERE, AND I AM NOT DOUBTING IT, I AM JUST TRYING TO FIGURE OUT WHO IS GETTING ON THAT COMPUTER AND HOW MANY OF THEM FOR THE NUMBER OF HOURS THAT IS PUT IN ON IT. IT DON'T ADD UP. YOU SAID IF YOU FIND ANYTHING ON MY COMPUTER OR ANY PORNOG- RAPHY, I GUESS I WILL HAVE TO BITE THE BULLET AND YOU SAID YOU SAID IT SARCASTIC.

JAMES PETERSON: YES SIR, I WAS, I WAS THINKING WELL OKAY

COMMISSIONER PATE: SIR I WILL HAVE TO TELL YOU THIS. WHEN I GOT MY HINEY ON THE HOT SEAT, I AM NOT GOING TO MAKE A SARCASTIC REMARK TO BE USED AGAINST ME. THAT WAS ILL ADVISED.

JAMES PETERSON: YES SIR

ATTORNEY HOLLEY: DO YOU HAVE ANY OTHER WITNESSES.

CECILE SCOON: WE WERE GOING TO CALL ONE CHARACTER WITNESS. IS THIS THE RIGHT TIME FOR THAT.

ATTORNEY HOLLEY: NOW OR NEVER I GUESS.

CECILE SCOON: STATE YOUR FULL NAME FOR THE RECORD PLEASE.

RANDY WILSON: MY NAME IS RANDY WILSON

CECILE SCOON: DO YOU KNOW MR. PETERSON

RANDY WILSON: YES MAAM I DO

CECILE SCOON: AND HOW DO YOU KNOW HIM

RANDY WILSON; WE WERE RAISED TOGETHER IN VERNON; I HAVE KNOWN HIM SINCE WE WERE IN THE FOURTH GRADE. WE PLAYED BASEBALL, WAS RAISED TOGETHER, GRADUATED HIGH SCHOOL TOGETHER AND HAVE GONE ON BEYOND.

CECILE SCOON: HAVE YOU EVER HAD AN OCCASION TO DEAL WITH HIM ON ON HIS JOB AT THE RECYCLING CENTER SIR.

RANDY WILSON: YES I HAVE

CECILE SCOON: HOW DIDHE PERFORM HIS DUTIES WHEN YOU WENT THERE.

RANDY WILSON: EVERYTIME I TOOK SOMETHING TO THE RECYCLING CENTER, HE USUALLY CAME OUT OF THE OFFICE TO WHERE I WAS AT, SHOWED ME WHERE I NEEDED TO DISCARD THE MATERIALS I HAD AT THAT TIME AND GENERALLY HELPED ME DISCARD THE MATERIALS. IF HE COULD NOT DO IT, HE WOULD SEND ONE OF THE GUYS OUT TO GIVE ME ASSISTANCE.

CECILE SCOON: DO YOU KNOW ANYTHING ABOUT MR. PETERSON'S MILITARY RECORD.

RANDY WILSON: ALL I KNOW HE WENT TO THE MILITARY, I THINK HE RETIRED FROM THE MILITARY, COME BACK HOME WITH AN HONORABLE DISCHARGE. THAT IS THE COMMUNICATION I HAVE HAD WITH HIM ABOUT THAT.

CECILE SCOON: DO YOU HAVE AN OPINION ABOUT MR. PETERSON'S CHARACTER.

RANDY WILSON: WE HAVE ALWAYS MAINTAINED A FRIENDSHIP, I HAVE BEEN SORT OF A MEMBER OF HIS FAMILY LIKE I SAID FOR FORTY YEARS WE WERE RAISED

TOGETHER. HE HAS SHOWED HIMSELF TO ME ALWAYS UPRIGHT, COURTEOUS AND ALWAYS WILLING TO HELP WITH ANYTHING I WOULD ASK HIM TO DO.

JOHN DICKINSON: WE HAVE NO QUESTIONS FOR THIS WITNESS.

ATTORNEY HOLLEY: ANY FURTHER WITNESSES.

JOHN DICKINSON: NO SIR

CECILE SCOON: NO SIR

COMMISSIONER PATE: WHAT IS THE NEXT STEP GERALD.

ATTORNEY HOLLEY: TIME FOR THE BOARD TO DELIBERATE AND DECIDE WHAT YOU ARE GOING TO DO.

COMMISSIONER PATE: DO WE DISCUSS IT.

ATTORNEY HOLLEY: YOU CAN DISCUSS IT AND DO IT THE WAY YOU DO OTHER BUSINESS. SOMEONE WILL MAKE A MOTION TO DO ONE OR THE OTHER AND VOTE ON IT.

COMMISSIONER FINCH: I AM NOT SURE MR. CHAIRMAN WHO THIS WOULD BE DIRECTED AT; BUT, WE ARE A GOVERNMENTAL AGENCY AND I HAVE WORKED WITH CERTAINLY OTHER GOVERNMENTAL AGENCIES AS YOU HAVE YOURSELF AND WOULD IT BE, AND MAYBE THIS WOULD BE GERALD OR SOMETHING, SOMEONE THAT KNOWS THE LAW, BUT, IS IT APPROPRIATE FOR ANY GOVERNMENTAL AGENCY, NOT JUST WASHINGTON COUNTY, ANY OTHER COUNTY, THE DEPARTMENT OF TRANSPORTATION, ANY OTHER STATE AGENCY OR ANYTHING TO HAVE AN EMPLOYEE OR HAVE A SITUATION WHERE AN EMPLOYEE WOULD VIEW PORNOGRAPHIC MATERIAL AND THAT WOULD BE ACCEPTABLE AS FAR AS POLICIES AND PROCEDURES. HAVE WE GOT SOME CASE LAW WHERE SOMEONE WAS REMOVED BECAUSE OF SOMETHING LIKE THAT IF THAT IS THE APPROPRIATE TERM.

ATTORNEY HOLLEY; IT IS CERTAINLY NOT APPROPRIATE BASED ON OUR POLICY. OUR POLICY IS VERY DIRECT ON WHAT IT SAYS ABOUT IT. I HAVEN'T RESEARCHED OTHER CASES; BUT, IT IS CERTAINLY NOT APPROPRIATE UNDER OUR POLICIES. WE CERTAINLY HAVE THE RIGHT TO ENFORCE OUR POLICIES.

COMMISSIONER FINCH: AND WHETHER IT WAS MR. PETERSON, WHOEVER PUT THAT ON THERE, IF THEY WERE DRAWING ANY KIND OF A COUNTY CHECK, IT WOULD CERTAINLY BE SOME DISCIPLINARY ACTION SHOULD BE TAKEN AGAINST THEM.

ATTORNEY HOLLEY: ABSOLUTELY; THERE SHOULD BE DISCIPLINARY ACTION.

COMMISSIONER PATE: I DO KNOW IN 1992 WHEN I WAS WORKING OVER IN TALLAHASSEE, THEY FIRED SOMEBODY THEY CAUGHT VIEWING PORNOGRAPHIC MATERIAL; HE WAS DOING IT ON HIS LUNCH HOUR. BUT, HE WAS USING THE STATE'S COMPUTER. THERE WAS NO EVIDENTIARY HEARING; IT WAS YOU'RE GONE. THEY CONFISCATED THE COMPUTER AND HE WAS OUT THE DOOR.

ATTORNEY HOLLEY: WELL, THAT'S TRUE. BUT, I WOULD SUGGEST THAT YOU LOOK AT YOUR POLICY AND DETERMINE THIS ON THE BASIS OF YOUR POLICY.

COMMISSIONER PATE: THE STATEMENT I AM MAKING, WE ARE LOOKING AT BASICALLY THE SAME THING THE STATE'S CASE; BUT, WE DIDN'T SNAP HIM UP, SEND HIM OUT THE DOOR WITHOUT A PAYCHECK AND THEN YOU WOULD WORRY ABOUT IT COMING BACK.

I HAVE ONLY KNOWN JAMES FOR ABOUT TWO YEARS. THE ONLY THING THAT BOTHERS ME ABOUT THIS IS IT JUST DON'T ADD UP JAMES. I AM NOT SAYING YOU DID DO IT OR DIDN'T DO IT. BUT, IT JUST DON'T ADD UP. IF IT IS GOING THE WAY YOU ARE TALKING ABOUT, YOU HAVE SOME GREMLINS RUNNING AROUND DOWN THERE AND I JUST DON'T BELIEVE IN GREMLINS.

COMMISSIONER SAPP: MY COMMENT AND QUESTION WOULD BE WHY WAS THE OFFICE NOT GUARDED DURING THESE TIMES. LOOKING DOWN THE DATE ISSUE ON THIS STATEMENT, ON MAY 14, 2008 AT 9:10 A.M. THERE WAS A DATE CREATED OF SO AND SO DOCUMENT, JUST GOING DOWN THE LIST AT 9:10, 8:58, 9:00, 10:02, ALL THESE ON THE SAME DATE; 8:59, 8:59, 8:58, 9:10 A.M. SAME DAY, 9:10 A.M. RIGHT ON DOWN THROUGHOUT, ON THE 14TH THERE WERE SEVERAL TIMES

DURING 8:00 AND AT 9:00 SOMEONE WAS IN THERE LOOKING AT THAT COMPUTER QUITE READILY. MY POSITION IS WE SHOULD BE RESPONSIBLE TO OUR POST. WHO IS GOING TO BE THE WATCHMAN IF THE WATCHMAN IS NOT THERE TO WATCH THE POST. THERE IS A CERTAIN AMOUNT OF RESPONSIBILITY THAT GOES WITH THE POSITION WE HOLD NO MATTER WHAT OFFICE WE ARE IN, THERE IS STILL A CERTAIN AMOUNT OF RESPONSIBILITY REQUIRED FOR THAT OFFICE. WE ARE NOT SAYING MR. PETERSON LOOKED AT ALL THESE OR WHOEVER; BUT, SOMEBODY SHOULD HAVE BEEN GUARDING THE POST TO STOP THIS FROM HAPPENING WHETHER IT IS TO SHUT DOWN THE COMPUTER, LOCK THE COMPUTER, LOCK THE ROOM TO THE COMPUTER AND THE CASH AND ETC THAT WAS IN THERE, IT IS KIND OF IRRESPONSIBLE FOR A MANAGERIAL PERSON TO LEAVE UNGUARDED CASH WITH PRISON INMATES AROUND IN THAT KIND OF SCENARIO. I HAVE A QUESTION ON THAT REGARD; THERE HAS NOT BEEN DEFINITE PROOF THAT I CAN SEE MR. PETERSON WAS THE ONE VIEWING ALL THESE. THERE IS SPECULATION PROOF; THERE'S CERTAINLY DOCUMENTED THAT SOMEBODY WAS LOOKING AT THIS KIND OF MATERIAL OVER A LONG PERIOD OF TIME, OVER SEVERAL MONTHS AND HE MAY OR MAY NOT HAVE EXPOSED THESE OR LOOKED AT THEM BUT HE IS IN A POSITION THAT HE SHOULD KNOW WHAT IS GOING ON IN HIS OFFICE ON HIS WATCH IS MY COMMENT.

COMMISSIONER PATE: I CONCUR WITH WHAT YOU ARE SAYING ABOUT THOSE DATES AND IF YOU WILL LOOK AT THEM AND TURN OVER THERE TO THESE, LIKE AUGUST 14TH AND LOOK AT THE HOURS IT WAS USED AND CREATED AND ALL, SOMEBODY WAS ON THAT COMPUTER CONSTANTLY THAT DAY AND YOU SURELY SHOULD HAVE KNOWN WHO WAS IN THERE. I HAVE RUN BUSINESS, I HAVE RUN EVERYTHING FROM A SQUAD TO AN ENGINEERING FIRM, AND I KNEW WHO WAS SPENDING A LOT OF TIME IN THERE AND WHO WAS WASTING TIME. A LOT OF THIS WAS WASTING TIME. THIS IS ONE OF THE THINGS I WAS TELLING YOU ABOUT THAT JUST DON'T ADD UP TO ME FOLKS. I CAN'T PROVE THAT HE USED IT; BUT, WHEN YOU GO TO LOOKING AT THE HOURS AND THE TIMES THEY COME UP IN HERE AND THEY WERE USED ON THESE EXAMPLES HERE, IT IS JUST NOT ADDING UP. I AM SORRY.

COMMISSIONER FINCH ASKED JAMES IF HE COULD SHARE WITH THE BOARD IF HE HAD ANY LOGICAL EXPLANATION, AS MR. SAPP AND MR. PATE HAS SAID, WHO COULD HAVE BEEN DOING THAT. AGAIN, WE ARE NOT TALKING ABOUT ONE DAY, WE ARE TALKING ABOUT SO MANY DAYS. IS THERE ANYTHING. YOU HAVE YOUR EMPLOYEES AND THERE IS INMATES DOWN THERE, IS THAT THE ONLY LOGICAL PEOPLE YOU KNOW OF THAT WOULD HAVE THAT KIND OF ACCESS OR ANYWAY YOU COULD SHARE US ANYTHING ON THAT.

JAMES PETERSON: ABOUT THE ONLY THING I CAN SAY, I AM NOT IN MY OFFICE ALL THE TIME. THE REASON BEING IS BECAUSE SOMETIMES WHEN EVER I AM GONE, I DON'T KNOW WHAT THOSE GUYS HAVE GOT TO DO. I LOCK IT SOMETIMES TO KEEP PEOPLE FROM GOING IN THERE BECAUSE THERE IS MONEY IN THERE. I DO HAVE A SENSE OF SECURITY ABOUT MY PLACE. I DO WATCH WHAT GOES ON. BUT, I CAN'T WATCH IT ALL THE TIME AND THAT IS THE REASON I RELY ON MY GUYS TO HELP ME WATCH IT. BECAUSE IF I AM NOT THERE, ONE OF THEM IS SUPPOSE TO BE THERE TO WATCH THE BUILDING.

COMMISSIONER FINCH; I AM JUST SAYING FROM OUR POINT, YOU COULD SEE HOW IT WOULD LOGICALLY, IT WOULD BE NOT LOGICAL TO THINK MAYBE YOU ARE OUTSIDE DOING SOMETHING AND THEN YOUR EMPLOYEES, YOU WOULDN'T JUST LEAVE YOUR DOOR OPEN TO ALLOW INMATES OR WHATEVER TO GO IN AND OUT.

JAMES PETERSON; SOMETIMES I DON'T THINK ABOUT THAT SIR. IT IS NOT LIKE I DON'T THINK ABOUT IT; BUT, WHEN SOMETHING COMES UP, I GOT TO GO TAKE CARE OF IT RIGHT THEN AND SOMETIMES IT DON'T LOCK IN MY BRAIN, HEY LOCK THE OFFICE UP. I JUST DON'T THINK LIKE THAT.

COMMISSIONER FINCH: I WOULD BE 100% BEHIND YOU IF IT WAS LIKE ONE OR TWO TIMES A MONTH; BUT, THIS IS REALLY HARD TO GRASP, DAY AFTER DAY AFTER DAY. THAT IS REALLY TOUGH. I DON'T SEE ANY EXPLANATION.

COMMISSIONER PATE: IT WOULD APPEAR LOOKING THROUGH THESE TIMES HERE JAMES SOMEBODY IS SITTING AT THAT COMPUTER CONTINUOUSLY OR IT IS ON SOME KIND OF AUTO ROTATION AND I DON'T BELIEVE THAT BECAUSE THE THINGS BEING PULLED UP IS TOO DIVERSE. IT IS ALL, THE 14TH, IT IS JUST AMAZING HOW MANY TIMES THAT THING WAS WENT INTO ON DIFFERENT THINGS. I AM ALMOST LIKE YOU ARE. I CAN GET IN MY EMAILS, MY PERSONAL EMAIL AND MY EMAIL OUT HERE AND SOMETIMES I HAVE TO GO AND GET MALCOLM TO STRAIGHTEN IT OUT. I AM ALMOST AS LITERATE AS YOU ARE. THAT IS AN AWFUL LOT OF TIMES FOR THAT THING TO BE HIT THERE AND AT THE LEAST, IT HAD TO BE SOME OF THE WORST SECURITY I HAVE EVER SEEN ON A COMPUTER. I STILL HAVEN'T HEARD ANYTHING THAT MADE ME BELIEVE THAT ANYBODY ELSE HAS DONE IT BECAUSE IF THOSE GUYS ARE BUSY WORKING ALL THE TIME, THEY DON'T HAVE TIME TO SET THERE ALL DAY TO DO IT. IF YOU HAVE GOT YOUR INMATES OUT THERE, THEY DON'T HAVE TIME TO DO IT. THEN, THAT LEAVES IT TO YOU AND IF YOU ARE OUT 80% BUSY AND ALL OF THAT, THERE HAVE TO BE SOME GREMLINS DOWN THERE. I AM SORRY, IT JUST DON'T FLY WITH ME. I HAVE NOTHING AGAINST YOU. ITS JUST, YOU AND I HAVE BEEN FRIENDLY EVER SINCE I HAVE BEEN ON THE BOARD, NEVER HAD A PROBLEM WITH YOU. THIS RIGHT HERE IS JUST, IT IS HARD TO SWALLOW.

COMMISSIONER PATE ASKED IF THERE WAS ANYBODY ELSE; NO RESPONSE.

COMMISSIONER PATE SAID HE NEEDED A MOTION AND A SECOND.

COMMISSIONER FINCH, BASED ON THE INFORMATION, I DON'T HAVE ANY REASON NOT TO ACCEPT MR. HERBERT'S AND MR. CORBIN'S RECOMMENDATION FOR DISMISSAL AND I WOULD SAY THAT TO BE A MOTION.

COMMISSIONER PATE ASKED A MOTION TO DISMISS WITH FINCH SAYING YES. COMMISSIONER PATE ASKED FOR A SECOND. HE THEN PASSED HIS GAVEL TO VICE-CHAIRMAN HOLMAN. COMMISSIONER HOLMAN SAID I HAVE A MOTION TO TERMINATE MR. PETERSON, DO WE HAVE A SECOND. COMMISSIONER PATE SECONDED THE MOTION.

ON A ROLL CALL VOTE, COMMISSIONER SAPP VOTED NO, COMMISSIONER FINCH VOTED YES, COMMISSIONER PATE VOTED YES, COMMISSIONER STRICKLAND VOTED YES AND COMMISSIONER HOLMAN VOTED NO. COMMISSIONER HOLMAN STATED TERMINATION IS IN ORDER BY A 3-2 VOTE.

COMMISSIONER PATE ASKED ATTORNEY HOLLEY TO GO OVER THE PROCEDURE NOW.

ATTORNEY HOLLEY: THE ONLY THING LEFT IS YOU HAVE TEN DAYS TO ENTER A WRITTEN RULING. I WILL ASSIST YOU WITH THAT.

COMMISSIONER PATE INFORMED BOTH ATTORNEYS THEY WOULD SUBMIT A WRITTEN RULING TO THEM WITHIN TEN DAYS.

COMMISSIONER PATE ASKED MS. SCOON IF SHE HAD ANYTHING TO ADD. MS. SCOON SAID NOT AT THIS TIME.

COMMISSIONER PATE ADJOURNED THE HEARING AT 12:02 P.M.

ATTEST:

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CLERK

\_\_\_\_\_  
CHAIRMAN

\*END OF MINUTES\* FOR 10/23/08