Excerpts from the Deposition of
David Pauken

June 7, 2022

Committee on Oversight and Reform
U.S. House of Representatives
oversight.house.gov
On June 7, 2022, the Committee conducted a deposition of David Pauken, the former Chief Operating Officer at the Washington Commanders from 2001 to 2006. Below are key excerpts from the deposition.

**Dan Snyder Protected Coaching Staff from Sexual Harassment Allegations to “Make the Problem Go Away” (pp. 167-68)**

Q: You mentioned a sexual harassment incident. What are you referring to?
A: That was fall of 2002. There was a member of the public relations staff that was groped by a member of the coaching staff at an event. I believe it may have occurred on a bus. It was an evening event. And it got reported to me. I don’t know if it came in through [REDACTED] or how it came in, but it got to me. And I talked to Dan about it, and I knew what we were going to do and—which was nothing. And we told the person to just stay away from the coach, we would do our best to keep the coach away from you, but stay away from the coach. Obviously, that is not right. That’s what we did.
Q: Did you talk with the coach about the allegations?
A: No.
Q: And when you say that you knew what we were going to do, how did you come to an understanding of what you were going to do?
A: Well, I had spent, at that point, six years with Dan. I knew the importance of things that were important to him. This was a new coach and we weren’t going to disrupt that new coach. And so we were going to make the problem go away as best we could.
Q: The problem being the public relations staff?
A: Yeah.
Q: Did Mr. Snyder tell you not to take action?
A: He told—he told me—together, he and I came up with, like, we weren’t going to confront the coach, and keep this person away from the coach. Together we came up with that plan.

**Female Staff Were Fired for Violating a Non-Fraternization Personnel Policy While Male Staff Faced No Consequences; Mr. Snyder “Wanted the Problem to Go Away” (pp. 129-131)**

Q: Is it your testimony today that this policy regarding prohibited relationship with football players did not just apply to cheerleaders, but to front office employees?
A: Yes.
Q: Do you recall any instances of employees who were not cheerleaders who violated this policy?
A: Yes, I do.
Q: Can you tell me about that?
A: Yeah, I can think of two stories. One involved—both involved women and on the front office side, and people on the coaching staff.
Q: Can you tell me more about those?
A: One of them involved a woman in a leadership role on the front office side who engaged in a regular and active sexual relationship with a senior member of the coaching staff. And we discovered that. And when we discovered it, we briefed Dan Snyder on it, and the conclusion was made to terminate the woman involved. We—the evidence that we had was incontrovertible, in that it was described in detail in hundreds of emails. Yeah.

Q: What happened to the coaching staff?
A: Nothing. We didn’t say anything to the coach involved.

Q: Why not?
A: We didn’t want the coach to have any distractions. We just wanted the problem to go away, as it were. So when we terminated the woman involved, the termination was done by me and Norm Chirite together. And we gave the employee no reason why we were terminating her. She pressed hard, she speculated that we knew. We did not admit that we knew, and just informed her that today was her last day, and gave her an agreement to sign that involved some amount of severance with an NDA, nondisclosure.

Q: Anything else?
A: To that story? No, nothing else.

Q: Did Mr. Snyder know?
A: He knew. He knew as soon as I discovered it. Actually, it was discovered by [REDACTED], the CFO. [REDACTED] informed me, I reviewed the evidence, I immediately informed Dan. The decision to terminate this person took minutes to make that decision and was done within 24 hours.

Q: Who made that decision?
A: Dan Snyder made that decision. I agreed with it. I’m not saying that’s right, but I agreed with it.

Dan Snyder Approved the Firing of Cheerleader for Having a Relationship with Football Player, but No Action Was Taken Against Player (pp. 93-97)

Q: Mr. Pauken, you mentioned earlier that prior to your arriving at the Commanders, you believed that there was a policy that perhaps governed the conduct of cheerleaders; is that correct?
A: Yes.

Q: Can you tell me about that policy?
A: I believe when I got there, there was some policy in place which, as I mentioned, I reviewed and edited. And it covered the conduct of the cheerleaders and perhaps other matters I can't recall. Included in there was a prohibition against relationships with football players, other team staff, and I don't know—I don't recall how far it went in the definition of relationships, but it included not having sex with players. That was the intent of it.

…

Q: Do you know if that policy was ever violated during your tenure?
A: It was.

Q: Do you recall when?
A: Yes. This would have been the 2005 season. There were two cheerleaders involved, [REDACTED]. And the player involved—and I mention this because this is all publicly reported, was Chris Cooley.

It came to my attention, and I don’t recall how, that [REDACTED] had been involved in a sexual relationship with Chris Cooley. It was credible information. I had Donald Wells confront [REDACTED] about it, [REDACTED] reported to Donald Wells and validated what was happening. And it was a violation of the policy with the cheerleaders to have sex with a player. I talked to Dan about it, and he said that we should fire [REDACTED] and I agreed with him. Frankly, I agreed with him we should fire [REDACTED]. And then told Donald to fire [REDACTED], and we did.

... And unfortunately, this was a situation where the female employee was treated differently than the male. The female employees were fired, the male employee was—there were no repercussions other than he was restricted from additional sex with the cheerleaders. This story is fairly widely publicized.

Q: Was Chris Cooley ultimately hired by Dan Snyder to work on the business side of the Washington Commanders?
A: Yes, I believe that he was after I left. He was in some capacity.

**Mr. Snyder’s Description of Himself as a “Hands-Off” Owner Was “Not a True Statement” (pp. 108-109)**

Q: Now, Mr. Pauken, what was your reaction when you read Mr. Snyder’s statement that he was a hands-off owner?
A: My reaction was that that is not a true statement.
Q: Why not?
A: Because I have no experience with him, nor do any of my colleagues, where he was hands off.
Q: Was Mr. Snyder hands off when it came to the Commanders marketing and sales strategy, in your experience?
A: No, never. He was always very actively involved in suite sales, who we were selling suites to, in sponsorships, who we were selling sponsorships. He even got involved in helping do negotiation of the larger deals. I already discussed there were cheerleaders that we fired that we discussed with him. I talked to him about the personnel policy.

**Dan Snyder Said to “Keep Cheerleaders Skinny and With Big Tits” (pp. 64-65)**

Q: Do you recall what year?
A: Yeah, when I took over the cheerleaders in 2001, so that was the 2001 calendar. While I was there, Donald and Melanie would organize the calendar shoot which would normally happen in a tropical island somewhere or Mexico, or someplace like that. And—look, I was always fighting, I felt like I was always fighting Dan and Donald Wells on the sexualization of the cheerleaders. I told Donald and I
told Melanie, and it wasn’t really Melanie’s responsibility. It was more Donald, but they were in my office together.

I said, look, I want tops and bottoms on every girl. And, fine. They took that direction. And they would go take the calendar shoots and they would come and they would present the photos that they want to pick from—I don’t want to say they, I want to say Donald would want to pick for the calendar. And, okay, the girls had tops and bottoms, but one ankle was on the left, and the other ankle was on the right. And did that comply that there was a top and a bottom? Yes. But was it to my standard on what I was looking for on not oversexualizing something that was already sexual? No. And I remember killing that shot.

So—and I would tell Dan these stories and, you know, he would tell me to leave Donald alone and tell Donald to keep the cheerleaders skinny and with big tits.

Q: Did you relay that message to Donald?
A: I did. And Donald told me that Dan had told him the same thing directly.

**Mr. Snyder Invited Mr. Pauken and Others on Weekend Trip Where “We’ve Got Girls Lined Up,” Which Mr. Pauken Believed Were Prostitutes (pp. 142-45)**

Q: When you would travel with Mr. Snyder on trips that were related to work and/or pleasure, even if it was a mixture of both, did you ever witness him engaging in conduct that you believed was unprofessional, unfitting for an owner of a team, a leader, manager, executive? I think the NFL describes it often as conduct detrimental. Did you ever witness him engaging in any behavior like that?
A: Yes, I did. You’re asking me for an example?
Q: Please.
A: Okay. There was an instance in the spring of 2001. The University of Maryland had made it to the Final Four. The game was played in Minneapolis. So this is all a matter of public record on when that was. It was the spring of 2001. And Dan said to me, hey, I’m going to—me and some of his friends are going to go see the game, we’re going to go have a day trip to Minneapolis, go there, watch the game, come home.

And like I’m working a lot, I’ve got three kids, et cetera, and I’m leaving to go on a day trip on a Saturday, I think it was on a Saturday. I’m pretty sure it was a Saturday. And so I go. I get on the plane, and I get in the air. And I’m told that we’re going to be gone for a couple of days.

And I said, hey, Dan, you told me this was a day trip. I told [REDACTED]—[REDACTED] is my wife—I would be home tonight. And also, I have no luggage. I didn’t bring anything. And, look, to Dan, these are irrelevant details, okay, because you can call your wife and say you’ll be a few days, and you can have somebody go out and buy you some clothes when you get to Minneapolis. These are just like not even relevant details.

And he said, we’ve got girls lined up, and there’s one for you. And to be honest, I wasn’t sure what to do with that, other than to know I was in trouble here and needed to figure out a way out. And we get to Minneapolis, we get over to the hotel that we’re staying in. And there are a number of beautiful women in this
hotel suite who are physically very affectionate and they—nobody said they were prostitutes. I assumed they were prostitutes. They had flown in from Dallas. And so we sat around, had drinks. I did my best to avoid being touched by them. They were very affectionate to Dan and other men who were with us. And when it came time to go to the game, they had tickets that were in a different place than our tickets because Dan’s a public figure, he’s not going to be sitting there next to these women. I also was given tickets not near Dan, and that night or midway through the game, I walked out of the arena, got in a cab, went over to the Minneapolis airport and got the last flight from Minneapolis back to DC, and told my wife what had happened, which was not an easy conversation to have with one’s wife. That’s one story for you.

... 

Q: Now, you mentioned that these girls were flown in from Dallas. How do you know that?
A: Dan mentioned that they flew in from Dallas. I found out from him.

Q: Do you know who would have arranged that travel?
A: I don’t.

Q: You mentioned that the women were affectionate?
A: Mm-hmm.

Q: What do you mean by that?
A: I mean, like putting their arm around one’s back, and rubbing fingers through hair, sitting thigh to thigh while doing that.

“And He Would Ask Me for $500 ... It Happened Again in 2005. And I Put It on My Expense Report to Get Reimbursed $500 Plus a $1.50 Charge” (pp. 147-49)

Q: Do you recall any other instances where Mr. Snyder brought girls to events on work travel or personal travel, or used girls’ services?
A: Yeah, I—so there was an instance in—I think, again, it was in 2001, and I know it happened again in 2005, where he and I were in New York. And we would be at a dinner, and we were walking back to the hotel. And he would ask me for $500. And I said, Dan, I don’t have $500. And I know better than to ask Dan if he has $500. And I know better than to ask Dan if he has $500. Number one, he wouldn't be asking me if he had it. And number two, I know he didn’t really carry much cash, typically. And he said, well, can you get me $500 from a money machine? Now, he has a money card. He can get $500, but he asked me to get it. So I did. And it’s late at night, and I give him the money and he goes to his room. And he says, I’ll see you in the morning. And, look, I wasn’t born yesterday. I’m not—there’s not too many things you need $500 for at 11:00 at night, where you’re staying at the St. Regis, where you can put anything on the tab that you might need. And in my marriage, my wife keeps the checkbook and I don’t ever pull $500 out. I’ll pull 200 out, and it would be very unusual for me to pull $500 out in the evening. And she would notice that. She has an attention to detail. So I called her that night and told her what had happened.
After that, I told [REDACTED] and [REDACTED] that whenever I traveled, and they would know when I'm traveling, I wanted somebody to put at least $1,000 in cash in my hand, so that if I was ever asked for cash, I had it. And I didn’t want to be in a situation where I needed to call my wife again.

I think in 2005 or—I don’t know what happened, but I—the same thing happened. We were in New York and I pulled $500 out of a Citibank. And I know this because I have my 2005 expense reports. I have my 2005 calendar. And there’s a receipt for a withdrawal at Citibank and—on my calendar that clearly says I flew to New York with Dan on Thursday and was with him all day on Friday. So it happened again in 2005. And I put it on my expense report to get reimbursed $500 plus a $1.50 charge. I can keep going.

Q: Please.
A: Also sitting in expense reports, there was an expense report from Karl Swanson that has no receipts attached, but is asking for roughly $1300. I think two components, one 700, one 500, from Karl Swanson, from which there are no receipts and indicate they’re for Dan Snyder.

And why do I have that expense report? Well, I’m not sure how it got in my stack of expense reports, but it would have been given to me. There’s a note on there from my assistant, [REDACTED], to please note there was no receipt. So it was given to me because the accounting was not going to reimburse Karl without my signature. So that’s why it got to me. So I would, of course, approved that because I know what that’s for. And I know it’s not right for Karl to be out that money.

“There Wasn’t a Year That Went By” That Daniel Snyder Didn’t “Push” Mr. Pauken to Allow Sponsors and Suiteholders Access to Cheerleader Photo Shoots (pp. 65-66)

Q: Was it your understanding that Mr. Wells, in oversexualizing the cheerleading program, was trying to appease the owner of the team?
A: Yes. I felt like—I knew Dan’s view and Donald knew Dan’s view, and neither view was consistent with my view. And as I said earlier, I felt all the time like it was me against Dan and Donald when it came to the cheerleaders.

And, look, Dan had me in charge of it, because I had, I think, reasonably good operating skills. And I was able to make money with it. But I was always, I felt like, holding the line. There wasn’t a year that went by where Dan didn’t push me to allow Dennis Greene or other people in the sales and marketing staff to allow sponsors or other paying guests to attend a calendar shoot. And I never allowed it.

Dan Snyder Called Cheerleaders “Ugly” and Harassed Mr. Pauken about Their Looks (p. 70-71)

Q: Did you ever have any discussions with Mr. Snyder about his desire to make the calendar more risqué, so to speak?
A: Not the calendar, no. The cheerleaders, yes.
Q: How so?
A: Two things come to mind. Before a game, hours before a game, the cheerleaders were out on the field and would do practice. We’d be at the stadium early on gameday. And on more than one occasion, two or three seasons at least, maybe four, Dan would call me in to the owner’s box. He would be in the owner’s box. He would be sitting there and there would be somebody else, a friend of his who was with him at that time, just sitting there relaxing before the game. And they’re watching the cheerleaders practice out on the field. And I would get called in and he would say to his friend, hey, do you think Dave is gay? And his friend would say, yeah, he must be gay. And Dan would say, yeah, he has to be gay. As ugly as these cheerleaders are. Pauken, are you gay? You must be gay. How could you have a cheerleading squad that looked like this?

The Culture Was “How Dan Wanted the Culture at the Time” (pp. 91-92)

Q: Did you ever try to implement these kinds of changes—outside of the code of conduct policy that you implemented with the front office staff, were there other ways that you tried to change this culture?
A: No.
Q: Can you tell me why not?
A: The—because the culture was how Dan wanted the culture at the time. And I wasn’t going to go against his wishes. It’s not that on occasion I wouldn’t. I would try on occasion. But on a major cultural shift, I wasn’t going to do that. I just wasn’t going to take it on with him. In the end, I don’t think I would have been at the company.

Why Congress Should be Involved in This Investigation (p. 155)

Q: But yet you still think that Congress is the right place for transparency of the private work place?
A: I think absent the NFL doing something, which they didn’t with the Beth Wilkinson investigation, yeah.
Q: Is there a currently ongoing investigation by the NFL?
A: It is. And it only happened because of this Committee. Because this Committee brought Tiffany Johnston in, and she told her story and it wasn’t until after that, that this investigation occurred. And my belief is that this Congress has a right and an obligation to workplace safety and oppression. And if there’s a role to help the American worker in that, then you have a role in it.
DEPOSITION OF: DAVID PAUKEN

TUESDAY, JUNE 7, 2022

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON OVERSIGHT AND REFORM

WASHINGTON, D.C.

The Interview Commenced at 10:00 a.m.
Appearances:

For the COMMITTEE ON OVERSIGHT AND REFORM:

For the DEMOCRATIC STAFF:

Counsel, Majority Counsel
Counsel, Majority Counsel

For the REPUBLICAN STAFF:

Counsel, Minority Counsel
Counsel, Minority Counsel
Counsel, Minority Counsel

For the WITNESS:

DANIEL GROOMS, ESQ.

Cooley, LLP

1299 Pennsylvania Avenue, N.W.

Suite 700

Washington, DC 20004
Also Present:

 Majority Intern

 Summer Associate, Cooley
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<th>Exhibit</th>
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<td>3</td>
<td>The Washington Post, August 26, 2020 article, Lewd cheerleader videos, sexist rules: Ex-employees decry Washington's NFL team workplace</td>
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<td>Document Bates stamped 997332</td>
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<td>5</td>
<td>Memo dated June 23, 2003, to Personnel file of Dennis Green from Bates NFL-0097350</td>
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<td>Code of Conduct for Employees with the Redskins Organization, Pro-Football, Inc. and WFI Stadium, Inc., Bates commencing NFL-00102480</td>
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<td>A</td>
<td>Report to the National Football League on the Washington Football Team's Implementation of Recommendations, dated January 29, 2022</td>
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It is 10:00. Good morning.

The Witness. Good morning.

This is the deposition of David Pauken conducted by the House Committee on Oversight and Reform. The deposition is occurring under subpoena issued by Chairwoman Carolyn Maloney on June 12, as part of the Committee's investigation into the Washington Commanders toxic work environment and the NFL's handling of that matter.

The person transcribing this deposition is a House stenographer and a notary public authorized to administer oaths. The stenographer will now place you under oath.

Before we begin, I will mark the subpoena as Exhibit 1 and enter it into the record.

(Majority Exhibit No. 1 was identified for the record.)

Whereupon,

DAVID PAUKEN,

having been duly sworn by the Notary Public, was examined and testified as follows:

Would the witness please state his full name and spell his last name for the record?


Mr. Pauken, my name is P-A-U-K-E-N, and
I have been designated Majority counsel for this deposition. I am accompanied by [redacted]. He is Majority counsel for this Committee. I am also accompanied by [redacted], who is Majority counsel for this Committee.

At this time, I will ask the additional individuals in the room to introduce themselves for the record, starting with the Majority staff.

[redacted], Majority intern.
[redacted], Majority intern.
[redacted], counsel for the Minority.
[redacted], counsel for the Minority.
[redacted], And [redacted] counsel for the Minority.

EXAMINATION BY COUNSEL FOR THE COMMITTEE

BY [redacted]

Q Because this witness is compelled to be here by subpoena, we are operating pursuant to Committee rules, specifically Rules 15 and 16, which cover the guidelines for today's deposition. We previously provided Mr. Pauken's personal counsel with a copy of these rules. I have a copy of these rules here today with us if you would like to review them at any time. I will now briefly review the ground rules for today's deposition.

The way the questioning will proceed today is as follows: The deposition will begin with the Majority asking
questions of you for up to one hour; thereafter, the
Minority will have the opportunity to ask you questions for
an equal period of time. We will rotate back and forth, one
hour per side, until we are out of questions.
If you need a break for any reason at any time, please
do let us know. We are happy to accommodate you.
Ordinarily, we take a five-minute break at the end of each
hour of questioning, but if you need a break before that,
just let us know. To the extent there is a pending
question, I would just ask that you finish answering the
question before you take a break.
Do you understand?
A  I understand.
Q  Under the Committee's rules, you are allowed
to have an attorney present to advise you. Do you have an
attorney present with you today?
A  I do.
Would counsel for Mr. Pauken please
identify themselves for the record?
Mr. Grooms. Daniel Grooms and from
Cooley.

Q  As you can see, the stenographer is taking
down everything that I say, and everything you say to make a
written record of this deposition. For the record to be
clear, please wait until I finish the question before you
begin your answer, and I will wait for you to finish your
response before asking you the next question. The
stenographer cannot record nonverbal answers, such as
shaking your head. So it's important that you answer each
question with an audible verbal answer.

Do you understand?

A I do.

Q You are required to answer all questions
unless you are asserting a privilege. To the extent you or
your counsel object to a question, to assert a privilege,
you must clearly state the specific privilege being asserted
and the reason for the assertion on or before the scheduled
date of testimony. Objections must be made in a non-
suggestive and argumentative manner.

Members of Committee staff are not permitted to raise
objections. You may only refuse to answer a question to
preserve a privilege recognized by the Committee, and not
for any other reason. For example, it is improper to object
to questions on the basis of confidentiality and/or
concurrent litigation interests.

Mr. Pauken, do you understand?

A I do.

Q The House of Representatives and the
Committee do not recognize common law nondisclosure
privileges, including but not limited to deliberative
process privilege, attorney-client privilege, attorney work
product protection, and any purported contractual privileges
such as nondisclosure agreements.

Do you understand?
A I do.

Q The only assertions of executive privilege
that the Chair of the Committee will consider are those made
in writing by an Executive Branch official authorized to
assert the privilege.

Do you understand?
A I do.

Q If you refuse to answer a question on the
basis of privilege, the Majority staff will either proceed
with the deposition or seek a ruling from the Chair on the
objection by telephone, or otherwise during the deposition
at a time of the Majority staff's choosing. If the Chair
overrides any such objection during deposition, you are
required to answer the question.

Do you understand?
A I do.

Q If you refuse to answer a question after
being directed by the Chair in writing or orally during the
deposition as reflected in the record, you may be subject to
sanction.
Do you understand?
A I do.
Q We want you to answer our questions in the most complete and truthful manner as possible, so we are going to take our time. If you have any questions or you don't understand any of the questions, please do let me know, we will be happy to clarify or rephrase our questions. Do you understand, Mr. Pauken?
A I do.
Q If I ask you about conversations or events in the past and you are unable to recall the exact words or details, you should testify to the substance of those conversations or events to the best of your recollection. If you recall only a part of the conversation or event, you should give us your best recollection of those events or parts of the conversation that you do recall. Do you understand?
A I do.
Q Mr. Pauken, because you have been placed under oath, your testimony here today has the same force and effect as if you were testifying before the Committee. If you knowingly provide false testimony, you could be subject to criminal prosecution for perjury, making false statements, or related offenses. Do you understand?
A I do.

Q Have you consumed anything, including medications, alcoholic beverages, or other substances, that would impair your ability to testify truthfully today?

A I have not.

Q Is there any reason that you are unable to testify truthfully today?

A No.

Q Do you have any questions before we begin?

A I do not.

Q Mr. Pauken, are you currently employed?

A Yes.

Q Where are you employed?

A A company called Convoke, Inc., and a company called Acadian Software.

Q What is your job title at Convoke, Inc.?

A Chairman of the board and CEO.

Q And what about at Acadian Software?

A CEO.

Q As chairman of the board and CEO at Convoke, can you briefly explain what your job entails?

A I lead a software company that provides a software as a service solution to the banking industry.

Q And what about at Acadian Software?

A I lead a software investment company that
makes investments in software as a service businesses.

Q How long have you been with Convoke?
A Since 2010.

Q And what about Acadian Software?
A Since December 2017.

Q Prior to joining Convoke in 2010, did you have any other employment?
A Yes.

Q And what was that?
A I was chairman and CEO of a company called EKA, E-K-A, Systems.

Q What was your job title at EKA Systems?
A I was chairman and CEO.

Q What kind of company is EKA Systems?
A It was a technology company that provided software and hardware solutions to the utility industry.

Q And as president and CEO, what does your job entail?
A Leading sales, marketing, product development, engineering of EKA Systems.

Q How long were you at EKA Systems?
A From August of 2008 until starting at Convoke in 2010, fall, maybe summer of 2010.

Q Prior to joining EKA Systems, did you have any other employment?
I was -- just prior to EKA Systems?

Correct.

I was unemployed for two-and-a-half, approximately two-and-a-half years after leaving the Washington Redskins in March of 2006. I do have a question. Would you prefer I refer back in that period to the team as the Redskins or the Commanders? Do you have a preference on the team name that I refer to for that period of time?

I will probably refer to them as the Commanders, but if you slip back and forth, that's fine.

Okay.

Now, prior to this period of unemployment, were you employed elsewhere?

Only at the Washington Commanders as the chief operating officer.

When did you begin your employment with the Washington Commanders?

In January 2001.

What was your role?

I was the chief operating officer and I was responsible for a number of activities. The retail business, the cheerleaders, what we called football operations, finance and accounting. I also had responsibilities over for a period of time player contract negotiations, management of the salary cap. Not for the
entire time, but part of the time I was there, I had those responsibilities.

I was also responsible for the Washington Redskins Leadership Council, which was the charitable organization of the team. I was not the executive director, but I did sit on the board and had primary oversight responsibility for the Leadership Council.

Q Anything else?

A I provided -- yeah, I was also responsible for a period of time for premium seat sales from 2000 approximately 2003, when that was taken over by Mitch Gershman, who reported to Dan Snyder. So at that time, premium seat sales, I was no longer responsible for. And then I was actively involved in the hostile takeover of Six Flags in 2005, which was successful. And I was ultimately named to the board of directors of Six Flags.

Q When were you named to the board of directors?

A Whenever the takeover was consummated. I can't recall if it was December of 2005, December -- or January of 2006. Around that timeframe. I'm sure it's in the SEC records somewhere.

Q Are there any other responsibilities that you can recall?

A No.
Mr. Grooms. If you don't mind one moment, please.

The Witness. Oh, thank you.

Yeah, I was also responsible for human resources while at the Commanders.

Q Is that throughout your tenure?
A Yes.

Q Now, you mentioned that you were responsible for player contract negotiations only for part of the time you were employed?
A Yes.

Q Why did that change?
A It primarily had to do with either who was serving as the coach at the time or who was leading player personnel at the time. So, for example, when Marty Schottenheimer was the head coach, part of his responsibility and authority was player personnel and contract negotiations. So while Marty was the head coach, he had it.

After Marty left, player personnel reverted back to Vinny Cerrato, who was rehired by Dan Snyder. And we hired an attorney by the name of Eric Schaffer, who reported to Vinny. And there were some challenges within the department and Dan asked for Eric to have dotted line reporting to me to -- for me to perform oversight of the contract
negotiations and salary cap, management of the salary cap. And that occurred for some number of years. I don't recall if I had that all the way until my departure, but for some number of years, I did have that responsibility.

Q You mentioned that there were some challenges. What do you mean by that?

A Well, I think Dan Snyder was not satisfied with how player personnel was negotiating and managing negotiations with potential players or existing players, and also management of the salary cap, which is a math exercise to keep track of the numbers. And I'm pretty good with numbers. And so he asked me to take over supervising Eric and overseeing the calculation of where we stood on salary cap. It was not an area where it's good to make mistakes. It's something you needed to get right.

Q And when you say that it's not an area where it's good to make mistakes, what do you mean by that?

A Well, if you exceed the salary cap, you're subject to some form of discipline or ramifications from the NFL. You're violating the NFL rules if you've got players on your roster where if you add up everything that you're paying them exceeds the salary cap. That's a violation of the NFL.

And when it comes to negotiating a player contract, as in any negotiation, there can be challenges in that. And
I think Dan felt like Eric and I might be able to do a better job than some of the existing staff on player personnel. It's certainly true that Dan Snyder was involved in any significant player contract negotiation.

Q You also mentioned that you were involved in the hostile takeover of Six Flags. What do you mean by hostile takeover?

A It's a figure of speech coined by Wall Street. And what that means, it's traditionally considered an unfriendly takeover. So what you do is you go to the shareholders of a public company and you put something before them to vote on. And in this case, we wanted them to remove the existing board of directors and install a new board of directors. And if you get a majority of the shareholders to vote for that, you've essentially fired the existing board and management team. So Wall Street has coined the term hostile, because it's not done willingly.

Q As the COO, was your role on the board of Six Flags part of your responsibilities, or was that separate?

A Separate. It had nothing to do with the Washington Commanders.

Q How many employees reported to you as the COO during your tenure, if you recall?

A On a full-time basis, probably somewhere in the neighborhood of 100. If you counted part-time, which
are gameday employees, there's probably somewhere between 500 and 1,000 gameday employees that report up to me at game time.

Q And who did you report to?
A I reported to Dan Snyder.

Q Directly?
A Directly.

Q Prior to joining the Washington Commanders in 2001, did you have any other employment?
A Yes.

Q What was that?
A I was the chief accounting officer of a company called Snyder Communications from August of 1996 to December of 2000.

Q What did that role entail?
A I was responsible for -- it was a public company. I was responsible for the accounting and finance function, all SEC reporting, financial planning and analysis. All financial directors of our subsidiaries had dotted line reporting in to me.

The company had approximately 12,000 employees, I believe, at the time it was sold to Havas, H-A-V-A-S, Havas, in September of 2000. I also had a role assisting the chief operating officer of Snyder Communications in implementing per policies, per direction at acquired subsidiaries.
Q Who was the chief operating officer?
A Michelle Snyder.
Q And that is the sister of Mr. Snyder?
A Sister of Mr. Snyder, and I reported to Michelle Snyder.
Q Who owns Snyder Communications?
A It was privately held until, I think, September 1996, when it went public on the New York Stock Exchange. So when it went public, it was obviously public shareholders plus ownership by Dan Snyder, Michelle Snyder, Arlette and Gerry Snyder, Mort Zuckerman, Fred Drasner, and public shareholders. They were the owners when it was public. I believe that's the list. Prior to going public, it would have been owned by Dan Snyder, Michelle Snyder, Arlette and Gerry Snyder, Mort Zuckerman, Fred Drasner.
Q Who is Arlette Snyder?
A Dan and Michelle Snyder's mother.
Q And what about Gerry Snyder?
A Dan and Michelle Snyder's father.
Q Do you recall who hired you at Snyder Communications?
A Yes. Dan Snyder and his sister, Michelle,
together hired me.

Q And what about at the Washington Commanders?

A Dan Snyder hired me.

Q You mentioned that you reported to Michelle Snyder while at Snyder Communications. Did that ever change?

A No.

Q And approximately how long were you with Snyder Communications?


Q Prior to Snyder Communications, did you have any other employment?

A I did.

Q What was that?

A I worked for the accounting firm Arthur Andersen from July 1984 up until starting with Snyder Communications in July or August of 1996, I think August of 1996.

Q And what was your role at Arthur Andersen?

A My last role was senior audit manager in the Washington office.

Q What did that entail?

A I managed, supervised the firm's audits over companies that were clients of Arthur Andersen. In my last couple years there, I had only three clients. Most of my
time was spent on Marriott International, which was a big company, a company called the Dark Group, and a semiconductor company up in Long Island whose name escapes me.

Q As the senior audit manager, did you manage other employees?

A I did.

Q Approximately how many?

A Anywhere from five to 30 people, depending on the size of the engagement.

Q Do you recall what other roles you held at Arthur Andersen?

A I was on the audit staff my entire time. So I started as a staff auditor, became a senior auditor, became a manager, then became a senior manager all working on audits of companies, the same basic role the entire 12 years I was there, just different levels of responsibility.

Q Why did you leave Arthur Andersen?

A I was not going to make partner, and I needed to find a job. And Snyder Communications was a client of Arthur Andersen. It was not a client that I worked on. And when I was doing my job search, the partners in the Washington office suggested that I interview with Snyder Communications who was looking for a chief accounting officer.
Q So prior to being hired at Snyder Communications, is it fair to say that you did not know Dan Snyder?
A I did not. That is fair, yes.
Q I want to shift focus to Snyder Communications. As the chief accounting officer, understanding that you reported to his sister, Michelle, did you interact with Dan Snyder himself?
A Yes.
Q How often would you say you interacted with him?
A No less than once every two days. So occasionally, there would be a day where I wouldn't spend time with Dan, but rarely would it ever go more than two days, unless he was on extended travel. And in those cases, I would speak to him over the phone.
Q How would you describe the nature of those interactions?
A Focused, intentional, detailed. He would have questions, he would expect answers, or he would have direction and want to understand how his direction would be carried out.
Q And in terms of the substance of those interactions, how would you describe the types of things you would interact with Mr. Snyder about?
Well, we would interact certainly on business matters for the most part. Snyder Communications was, at the time, a growth company. We acquired over 40 businesses from 1996 to 2000. So there's always a lot to talk about from a business standpoint.

And with any business, there's problems and there's opportunities to talk about, so we would talk about them. We would also talk about earnings and public reporting responsibilities that we had. And we kept very close tabs on where we were and the direction we were giving the public markets. So as a public company, there's a lot of pressure to be responsive to the expectations of public shareholders, so we worked very hard at that.

Q   Now, you mentioned you were the chief accounting officer. Was that considered an executive level position?

A   Yes, I was an officer of the company.

Q   You also mentioned Michelle would have the title of COO. Do you recall if there was an executive team?

A   There was. It was Dan Snyder, Michelle Snyder. Michelle may have also carried the title president, I can't recall, but it's in the public records somewhere.

So Dan Snyder, Michelle Snyder, [REDACTED] was the chief financial officer. He reported to Dan Snyder. And he was - - his primary responsibilities were the M&A activities and
investor relations.

And then the way we were organized worldwide over time, there were a lot of companies that we acquired. So we had to organize them in groups, and we assigned various individuals to sit on top of those groups of companies. And those individuals were part of the executive team that reported to Dan.

Q How many individuals were there, approximately?
A At the end, probably half a dozen.
Q Do you recall if anyone on the executive team, apart from Mr. Snyder's sister, any of the other individuals were women?
A I do not recall if any of them were part of the executive team. I do know that some of the companies that we acquired did have women CEOs and some stayed and some left after we acquired them.
Q Do you recall if any of the executives were non-white?
A I don't believe we had any non-white executives. I did have someone who ran human resources who reported to me, that was , obviously a woman, her name was . She was not part of the executive team, but ran human resources for Snyder Communications.
Q During your time at Snyder Communications, do you recall if Mr. Snyder had a close knit group of individuals whom he trusted and relied on for advice?
A Yes.
Q Were those the same individuals that were on the executive team?
A Yes, and they would have also included -- it would also included Fred Drasner, who sat on the board of directors, and Mort Zuckerman, who sat on the board of directors. And, sorry, [redacted], it's coming to me. There are two other directors, [redacted] [redacted], I think it's [redacted], who came on the board after we went public. And they were close advisers to Dan as well.
Q Can you repeat [redacted] first name?
A [redacted].
Q The individual, [redacted], I believe you mentioned?
A [redacted].
Q Was he also part of that --
A Yes.
Q -- close circle? So everyone on the executive team --
A Yes.
Q -- you would say? Would you consider that executive team part of Mr. Snyder's inner circle?
A It would be accurate to use that phrase inner circle. I think it would also include some of the leaders of some of the businesses that we acquired as well. These were individuals with a lot of operating responsibility for a public company that had a billion dollars in revenue at the time.

Q Do you recall who those individuals are?
A With some time, I could come up with their names, but it's hard right now.

Q Now, you described Mr. Snyder's interactions with yourself as focused, intentional, detailed, understanding because there was a focus on growth. But how would you describe his interactions with other employees, including non-executives?
A Dan -- Dan Snyder's interaction with all employees ranged from charming and polite and considerate to abusive, and everything in between.

Q What do you mean by abusive?
A He would, on occasion, call people names, demean them, ridicule them.

Q Anything else?
A No.

Q Did he ever use profanity?
A Yes.

Q Would you say that was a common occurrence?
A Yes.
Q Would he do that in front of other people?
A Yes.
Q And he would do that with both executives and non-executives; is that correct?
A Yes.
Q Do you recall if any employees complained about Mr. Snyder's behavior?
A Yes.
Q Do you recall who?
A It would have been people on my staff who had interacted with him, or on occasion, members, leaders in some of the business units that we had acquired that had an interaction with him. They would, on occasion, talk with me about something that happened. I can't recall any specifics for that period of time from some of the executives. For some of my staff, I had 15 or 20 counting HR staff that worked for me at the Bethesda, Maryland headquarters, who on occasion, not often, might end up in a meeting with him. And whatever happened in some of those meetings, they would ask me if I could in the future keep them out of those meetings. Q Would you? A I would, to the best I could. If Dan insisted on seeing somebody, then they presented.
Q Did you understand those employees to be asking to be kept out of those meetings because of the way Mr. Snyder was treating them?

A Treating them or treating others made them uncomfortable.

Q Do you recall any specific instances where employees raised concerns about Mr. Snyder's behavior and making them feel uncomfortable?

A I don't recall a specific instance for that period of time.

Q Now, you mentioned you had HR staff that reported to you; is that correct?

A Yes.

Q I think you said that you had the --

A .

Q She was human resources director?

A She was human resources director.

Q Do you recall if ever raised concerns about Mr. Snyder's treatment?

A Yes.

Q In that instance where the human resources director raises concerns with you, how would you have handled that?

A You know, I -- at the time, the way I would have handled that would have been, we need to do our best to
keep those people away from Dan. That's how I would have handled that.

Q Why is that?

A There's -- there was -- there was no avenue to confront Dan on that, where he's going to change how he's going to interact. And I knew that to be true. And to go into his office and make a pleading would not -- it would not be a good outcome, so I didn't attempt it. And I had enough interactions with Dan to know that told me that was not going to be a viable strategy. He operated and managed the way that he did, and that was how it was going to be.

And so the role that I played or I played would have been more to protect employees from interactions as much as we could. And I spent as much time as I could and tried to limit the role of my staff in interactions with Dan or Michelle Snyder as much as possible.

Q You said that had you confronted Mr. Snyder, it would not have been a good outcome, and that you knew that to be true. What, if any, experiences did you have with Mr. Snyder where he indicated that he would not have received that type of feedback?

A I guess from the -- look, from the day I went to work for Dan and Michelle, they had a way of being autocratic in their management style and having their way. And if you weren't doing what he wanted, you were not going
to be part of the organization. It's that simple. And, I mean, even the day that I was hired, he called the managing partner of the Washington office on a Thursday evening and said I accepted the offer, and today was my last day on Arthur Andersen, and Friday is Dave's first day here. Like, my very next day -- the very next was my start date.

And it's unusual. Normally, I'm allowed to go tell my employer I've accepted a job and that I will be starting in a week or two. But Dan called the office managing partner of the DC office, one of the largest offices, and said __ resigned today. He starts here tomorrow.

So that just gives you some indicator, albeit a small one, that that's how he interacts. And there were instances where employees were like working a lot and needed more time, and he would tell me to tell them to just get a divorce and then they'll have more time.

These -- these types of interactions are not ones that would tell you that he would be receptive to interacting differently with rank and file, employees or management team, for that matter.

Q How did you know that Mr. Snyder was not making those kinds of comments in jest you just mentioned, just get a divorce?

A There wasn't anything about his demeanor, tone of voice, word choice that indicated that he was saying
it in jest.

Q  Now, at Snyder Communications, would you say that the human resources department was well resourced?

A  For the staff that we had, it was a small corporate staff, yes. Each of the operating companies around the world had their own human resources departments at those operating companies, so the human resources in Bethesda was for the corporate group. Yes, I would say it was adequately staffed.

Q  Was Mr. Snyder in any way involved in the operations or decisions that were made by human resources personnel?

A  If we established a policy, he would have been apprised, and had a chance to express an opinion if we wanted to on any policy changes.

Q  But apart from that, he was not otherwise involved?

A  No.

Q  Is that fair to say?

Do you recall if Mr. Snyder's treatment of rank and file employees, as you called them, differed based on any characteristics such as race, gender, national origin?

A  I think he would be more measured when around women.

Q  What do you mean by that?
A Well, there's certain language that he might use in front of men that he wouldn't use in front of women.

Q Anything else?

A And he would be, in my experience, generally less demeaning to women when he's in front of them at Snyder Communications.

Q The behavior you described earlier about Mr. Snyder being abusive towards employees, would you say that affected the way employees treated each other and the culture at Snyder Communications?

A For certain employees, it did affect the culture, in that they would take on some of those characteristics.

Q What do you mean by that?

A Others, no. Others saw that it was wrong and didn't adopt those behaviors. But as I said, others would - you could see the signs of that in some of the others, in how they would behave in terms of demeaning language, intimidation, pressure, undue pressure.

Q Did you notice that type of change in the executives?

A No. was always an extraordinary professional. was. was very professional. So I never saw that. It would have been some of the operating executives where I would see some of the
behaviors. Mitch Gershman, for example, who ran one of our business units called Snyder Direct.

Q Was Mitch Gershman part of the executive team?

A Yeah, he ran a business unit. I wouldn't consider him part of the executive team. Dan Snyder might consider him part of the executive team.

Q How would you describe Mitch Gershman's behavior at Snyder Communications?

A Similar to Dan Snyder's behavior. Aggressive, intimidating, abusive on one hand, can be charming, pleasant, and nice on the other. I did not find Mitch to be trustworthy and reliable.

Q Why is that?

A I had numerous instances where he had made commitments and was unable to achieve those commitments, when he stated that they would be achieved. There was also an instance where he had an affair with a married member of the staff. And so taken together, I just over time didn't find him trustworthy and reliable. And he was in a leadership position at the company having an affair with a married woman at the company.

Q Was that widely known?

A I wouldn't say widely known, but known by more than ten people, but not -- in Mitch's company that he
was responsible for, there were probably hundreds of employees. So they wouldn't have all known, but it would have been known by at least a dozen.

Q Do you know if Mr. Snyder knew?
A He knew.

Q Was this employee a subordinate of Mr. Gershman's, to your knowledge?
A Possibly. Also possibly a peer, I think. She could have been in another operating group. Either a subordinate or a peer.

Q Do you have any reason to believe that Mitch Gershman managed this employee directly?
A I don't recall. But in any case, it was completely wrong.

Q Mr. Gershman's behavior, you mentioned he was aggressive, intimidating. Was that something that was widely known within Snyder Communications?
A Yes.

Q Was that --
A By the corporate staff. By the corporate staff.

Q To your knowledge, was that something that was ever brought to Mr. Snyder's attention?
A Dan was aware of it. Dan would have liked it. That's why he put Mitch in that position. That type of
person is somebody that Dan liked to have. I mean, he liked
to have other types of people, but that type of person was
totally consistent with the type of person Dan would like to
have on his staff. There wasn't anything to bring to Dan's
attention, because Dan would have been fully aware of it
already, and approved of it.

Q How do you know that Mr. Snyder would have
been aware of it?

A He would have heard from me or others about
how Mitch interacts. He would have witnessed how Mitch
interacts himself. If you talked to Mitch, Mitch can be
that way, so he would have observed it himself.

Q Do you recall instances where you raised
those concerns with Mr. Snyder directly?

A No, that's not something I would have done.

Q Why is that?

A There would have been no value in doing that.

Q What do you mean by that?

A He would tell me to go back to work, stop
wasting his time.

Q What's your understanding of how employees at
Snyder Communications felt about the work culture if you
have an understanding?

A I have an understanding. They would have --
they would -- they would describe the work culture as toxic
and abusive. It was an environment where you could learn a lot and be exposed to some very interesting things, but it came at a price, and many left over time. Some we could keep, but some we couldn't. I think [REDACTED] and I worked hard to protect people as much as we could.

Q What would you say Mr. Snyder's role was in creating that toxic and abusive culture?

A Well, he was the architect. That's who he is. That's what he knows. So he's responsible for it. As the CEO, you're responsible for what happens in the organization, in the end.

[REDACTED] Off the record.

(Recess.)

[REDACTED] Back on the record.

I'm [REDACTED] I'll be asking you questions for this next hour. But I want to start off our hour by reiterating Mr. Comer's concerns with this so-called investigation.

First, the House Oversight Committee is not the proper forum for this investigation. While he and the Committee's Minority members agree that the alleged behavior is troubling, there is no relief for any of the aggrieved parties with this Committee. The primary mission of the House Oversight and Reform Committee is to root out waste, fraud, abuse, and mismanagement in the federal government.
Unfortunately, this investigation has strayed far from this mission. Committee Democrats are pursuing a private company despite lacking any foundation for exercising any congressional oversight authority. Meanwhile, the American people are suffering. Inflation continues to spiral, desperate parents cannot find baby formula on store shelves, fentanyl is killing our teenagers, and our southern border is broken.

This Committee has the jurisdiction to examine all of these pressing crises, but we are not. Rather, we are using valuable Committee resources pursuing a private company to investigate alleged wrongs for which we can offer no remedy nor redress. Further, as Mr. Comer pointed out in his letter to the Chairwoman, this investigation has lacked basic investigatory standards and some members have even used this investigation directly as a means for raising funds.

I want to reiterate Mr. Comer's call that the Chairwoman cease this investigation and get back to working for the American people during these trying times.

With that, I will move on to our questions this hour. Thank you for your patience.

Q Since we are here to investigate the workplace misconduct at the team, which I will how I will
refer to the Redskins team, Commanders, my questions are going to focus on your time there.

A Okay.

Q So you worked for the team for about four years; is that right?

A It would be a little over five years.

Q A little over five years, okay.


Q Okay. Thank you for clarifying. During your time with the team, did the team undergo any internal audits of the financials?

A No. External audits.

Q External audits?

A External audits.

Q Did the team come in and hire someone to come in and audit the books?

A Yes.

Q Who did the team hire, to the best of your recollection?

A It would have been Ernst & Young.

Q Okay.

A And at some point, we might have changed auditors, but it would have been a prominent firm.

Q And was it important to have a prominent firm conduct those?
A Yes.

Q Can you tell me why?

A We wanted to have a credible accounting and auditing firm perform our audit. And traditionally in the marketplace, from my experience and the experience of Dan Snyder, that Snyder Communications used one of the bigger -- at the time, big six firms to do those, because they had the credibility. That was why.

Q And when these -- how frequently did these audits occur?

A Annually.

Q Okay. If these auditors came in, would they have full access to all of your financials?

A Yes.

Q Who would they go to if they had questions about what they were seeing?

A They would start with the chief financial officer who supervised providing them information for the audit. Auditors also have, generally speaking, complete access to anybody that they want to speak to in the organization. And that would have been permitted while I was there.

Q Would they ever come to you to ask questions?

A Yes.

Q Did they during your time there?
A Yes.

Q Who was the CFO at the time you were there?

A The first CFO was [redacted] He was CFO until -- from 2000 to 2002. And late 2002 and then beginning in 2003, [redacted] came as the CFO, and was there when I left. He was still the CFO when I left in 2006.

Q Did you find that these audits were full and accurate, as far as your understanding of the financials of the team?

A Yes.

Q Would the auditors be able to tell if there was something off with the books?

A Umm.

Q I can rephrase that.

A Well, the answer is, it depends.

Q Okay. And what does it depend on?

A It depends on whether management is providing full and complete information to an auditor.

Q Okay.

A That's what it depends on. So there are -- and there's numerous examples in history where there were inaccuracies that management disclosed or hid from auditors, and they weren't discovered.

Q You had mentioned that during your time at the team, the auditors had full and complete access to
everything?

A Yes.

Q So there wouldn't have been something hidden from the auditors while you were there?

A Not that I would know of. It's possible something could happen that I didn't know of.

Q Okay. You mentioned during the Majority's questioning that you were -- part of your responsibility included the financials; is that right?

A Yes.

Q So you had full access to all of the financial documents that you would need as COO?

A Yes.

BY [REDACTED]

Q What does that mean, like you were responsible for financials as the COO. How was that different from what the CFO's responsibility is?

A Well, the CFO --

[REDACTED] I would like to object that under the rules, there's only one counsel permitted to ask questions per hour.

Okay.

[REDACTED] We didn't know that you were still pertaining to that under this deposition. Sorry. I will ask the question.
Q How were your responsibilities --
A So the CFO is responsible, reported to me.

And traditionally, when you're performing an audit, when an audit is being performed, there's something called a general representation letter that management must sign. It's part of every audit everywhere.

And typically, the CEO's required to sign that. The CFO signs it, or in some cases the COO signs it. But there's senior level management who signs it, where the auditor is asking top management to sign in writing that they've provided -- they haven't lied, that they haven't -- there's a list of things, these things can be found, complete and accurate information has been provided to the best of our knowledge. So that's where some of my responsibility would come in.

Q Okay. Did you sign those affidavits for the audits?
A Those rep letters, I believe I did.
Q Okay.
A I believe I did.
Q Did the NFL conduct their own audits in addition to the ones that you commissioned?
A Yeah, the NFL would come in and do reviews over certain financial matters annually, often around
payments that were due the NFL. I believe they also would
review salary cap calculations. So the answer is yes.

Q And would the NFL auditors have the same
access to financial documents?
A Yes.

Q And if the NFL auditors found something that
they didn't like or understand, who would they talk to?
A They would start with the CFO and eventually
it would get to me.

Q Would that ever go to other individuals in
the organization or would it stay at the high level?
A They could go to other individuals, but they
would normally ask permission if they felt they needed to
talk to someone else.

Q Permission from you?
A Yeah, or from the CFO, hey, can I talk to
this person.

Q You said that the NFL looked specifically at
payments due to the NFL.
A Yes.

Q So they would probably scrutinize those
numbers quite closely?
A Yes.

Q Is that fair to say?
A Yes.
Q Do you think that they would -- given the fact that they would have had full access to all of the financials, and would have an interest in understanding what was due to them, do you think that they would be able to tell if something was off?

A It depends. If management is being forthright and the underlying records haven't been manipulated, then the NFL would have what they need to conclude that it's accurate. If underlying records had been manipulated, it would be hard to detect.

Q And while you were COO, did you manipulate any documents?

A I did not.

Q Did you know anyone at the team to manipulate documents?

A I did not.

Q Were you ever instructed to either evade the team's hired auditors or the NFL auditors and not provide them any information?

A Never.

Q How would you advise either the CFO or other staff dealing with the auditors on their interactions with the auditors?

A To provide complete and accurate information at all times. Never hide from an auditor.
Q And to the best of your knowledge, is that what occurred?

A Yes.

Q Did anyone come to you to discuss problems or inconsistency with the audits while you were there?

A No.

Q As I'm sure you're aware, Beth Wilkinson conducted an investigation of the workplace at the team. Did you talk with Beth Wilkinson during the course of her investigation or anyone on her team?

A I did.

Mr. Grooms. If I could just interject, I don't know if you're going to ask about the substance of those discussions. My understanding is that those are subject to a claimed privilege by that team.

Understood. Thank you.

Q Did you speak with Mary Jo White in the course of her investigation?

A I did.

Q Have you spoken to anyone else in the course of those investigations or outside about your experiences at the team?

A Yes.

Q Can you tell me who?
A It's a long list. I have colleagues that work with me who are former Redskins employees, I have friends who used to work at the team, and we have maintained relationships and talked for the last 20 years.

Q Did you ever hear or use the term juice during your time as COO?

A No.

Q A former ticket salesman alleged in a prior deposition in this investigation, this investigation, I mean congressional investigation, that revenue gained by the team through financial misconduct was internally known as juice. The team, meaning the football team, responding to this allegation in a letter to the FTC or the Federal Trade Commission, stated that juice was actually a slang term internally to refer to an upside in revenue.

Do you have any knowledge of that slang term?

A I do not.

Q Circling back just a bit to the discussions about the Wilkinson investigation and the Mary Jo White investigation.

A Mm-hmm.

Q Did you ever talk to anybody informally that was maybe looking into the matter?

A No.

Q Okay.
A They were the only two, to my knowledge -- to
my knowledge, other than this Committee, of course.
Q How did you come to be sitting before us
today?
A The Committee sent me a subpoena.
That's going to be all we have for this
hour, so we can go off the record.
(Discussion held.)
Back on the record, 11:33.
Q Mr. Pauken, was Mr. Snyder involved in the
daily operations of Snyder Communications?
A Yes.
Q How involved was he?
A He was actively involved.
Q What does that mean to you?
A There are -- I went through details big and
small with Dan Snyder as a matter of normal operating
course. And he has a large capacity for a lot of details.
And I covered all matters big and small with me -- with him.
There are instances where employees would come to me,
by way of example, and say, hey, I have something I want to
talk about, but don't tell Dan. And I would say, then don't
tell me. Because if you tell me, I'm going to tell Dan.
And the reason why I said that is Dan would let me know that
if there's anything of significance going on that he doesn't know about, that I do, I'm going to be in trouble with him. And I saw enough of those interactions to know that all issues big and small, I would discuss with him. And I spent a lot of time with him on these things.

Q When you say small, what type of small matters are you referring to?

A We would discuss everything from ticket prices to parking problems to financial forecasts to how much we were paying the receptionist to specific -- when we did a termination, specific individuals.

There was this one example, where we were doing a layoff in 2004, and he wanted to cut some staff, and he got involved in the specific staff we would terminate, instead of leaving it to me and my management team. There was one individual who was our best -- one of our best IT persons and we wanted to keep him, and Dan didn't like him, his name was [redacted], and instructed us to let him go. He was a lower level IT person at the time.

So there are just numerous examples throughout the years where he would be involved in issues big and small.

Q And so the example that you just gave, those were at the Washington Commanders?

A Yes.

Q Was that your experience with Mr. Snyder at
Snyder Communications as well?

A Yes.

Q At Snyder Communications, were there any decisions that you made that Mr. Snyder would not approve -- would not need to approve?

A No.

Q During your time at Snyder Communications, were you aware of any questionable or potentially unethical business practices?

A Yes.

Q And what were those?

A We had an allegation, I think it was by the State of Florida, for a practice that has a term called slamming. And it was for a business that Mr. Gershman led, where we were working for, I believe it was GTE at the time, later acquired by Bell Atlantic, which later became Verizon. And it was a marketing project we were working on for GTE, to go to a long distance customer of Sprint or AT&T, and convince them to come over to GTE. And we were paid a commission for doing that.

And the consumer has to agree in writing to change long distance companies. And the State of Florida discovered many citizens who were changed from their long distance carrier from one to another, and they didn't give permission, where allegedly fraudulent signatures were
obtained.

And this investigation went on for a number of years, and was finally settled after Snyder Communications was sold to Havas. I believe it was in the neighborhood of 2 to $3 million. I don't think anybody admitted any wrongdoing in the settlement, but it was an allegation that had enough legs that a settlement was paid.

Q Were you aware of the investigation prior to the settlement?

A I was.

Q You mentioned that Mr. Gershman -- strike that.

What was Mr. Gershman's role in relation to the group that was responsible for engaging in this practice?

A He was the operating executive with senior level responsibility over that group. He was -- didn't have the title CEO, but basically acted in that role for that business unit.

Q Now, earlier, you testified that you found Mr. Gershman to be unworthy. Do you have any reason to believe that Mr. Gershman was unaware of those practices as they were happening?

A I don't know if he was aware or unaware of them. I don't have any evidence, one way or the other.

Q Now, Karl Swanson, a spokesperson for
Mr. Snyder at the time, told The Washington Post in 2001 that Mr. Snyder didn't know that his employees at Snyder Communications were breaking the rules. And once it discovered the practice, it fired the employees.

Based on the level of involvement that you described Mr. Snyder had in the daily operations of Snyder Communications, do you have any reason to doubt Mr. Swanson's statement that Mr. Snyder did not know about those practices?

A I think it is possible he didn't know. I think it is possible. I also think it's possible that he did know.

Q And why do you think it's possible that he did know?

A Because myself and others who worked for Dan made it a practice to cover any details large or small that we thought that he would want to know. That was our normal business practice.

Q To your knowledge, was that also Mr. Gershman's practice?

A Yes.

Q Now, you mentioned that Snyder Communications was ultimately acquired by Havas?

A Yes.

Q Did you receive any financial benefit from
the sale?
A I did.
Q Did you leave Snyder Communications because of the acquisition?
A Yes, after the acquisition, Havas asked me to stay for, I believe it was three months. And I think the acquisition closed in September. They asked me to stay until the end of December. And I agreed to do that, and they were terminating me at that time.
Q Now, I want to go back to a moment ago when you testified that you received financial benefit from the sale. What did you mean by that?
A I had stock options at Snyder Communications that were vested, or vested as a result of the transaction. And all of the Snyder Communications shares were acquired by Havas, and I sold them to Havas and realized a financial benefit from the sale of those shares.
Q Now, I understand that Mr. Snyder acquired the Washington Commanders in or around 1999.
A That's correct.
Q Were you in any way involved in Mr. Snyder's bid to acquire the Commanders?
A Only tangentially involved. I was -- spent day-to-day in my responsibilities at Snyder Communications, I would occasionally talk with Dan about the strategy. It
was a difficult process to acquire -- to gain approval to acquire the Redskins. If you read the history on it, with Milstein and so forth.

I do recall an instance where I was on Dan's plane when he received a call -- we were on the plane and he received a call from the league that if he would increase the price by $50 million, the team would be his. The bid was 750 and he needed to go to 800. And he told them that he would get back to them.

He and I were the only two on the plane at the time, other than the flight crew. And he asked me what I thought. And I felt like the question was a test, because I know Dan knew what the answer was, but he wanted to see if I knew. So he asked me what I thought, and I told him that certainly you should pay $50 million more.

And at the time, it was the highest price ever paid for a sports franchise. So there's a certain level of discomfort when you do that. And so of course, the answer was to do that, but he wanted to know if I knew that that was the right answer. That's how I felt. And he said, yeah, that's right. And of course, he then called and told them that he would increase it the 50 million and the rest is history.

So that's an example of my tangential involvement. I was not deeply involved in the negotiations or the process
or anything like that.

Q A moment ago, you described the history of Mr. Snyder's bid to acquire the team. I believe you used the word difficult.

A Yes.

Q Can you explain what you mean by that?

A So the -- originally, when the original bid was made by Dan Snyder, he was partnering with a gentleman by the name of [redacted]. The NFL would not accept the combination of Dan Snyder and [redacted] as owners, and rejected the bid.

And the problems lied with the financing proposal, and I think [redacted]. You can ask the NFL. And so the bid was rejected. And then Dan -- and all of this is public, okay? So then Dan had to regroup and he organized additional funds that he had, his sister had, Michelle, Arlette and Gerry Snyder, his parents had, Fred Drasner. And at that time, he brought in Mort Zuckerman. Mort Zuckerman was not part of the original bid.

And with that revised bid and Mort, I think Mort had a really strong reputation, that helped, and was ultimately successful in Dan getting approval to buy the Commanders.

After that occurred, [redacted] sued the NFL, the Washington Commanders, and Dan Snyder, and probably a few other people for conspiring to keep him from being an
NFL owner, and for damages was seeking the team as compensation.

So it was an important lawsuit to win, and we needed to find counsel to help defend the Commanders. And then it was at that instance that we interviewed Dave Donovan, who is a partner at WilmerHale. That is how we came to know Dave Donovan, met Dave, hired Dave and WilmerHale to defend us. And we ultimately prevailed in that suit. So that was sort of -- there's the Cliff notes of the acquisition process.

Q I note that you referred to that process as we needed to find and we interviewed Dave Donovan. As I understand it, at the time, you were employed by Snyder Communications?

A Yes, I don't remember the exact timing of the lawsuit. I can't recall if it occurred in 2000 or 2001. But while I was at Snyder Communications, Dan had acquired the team. While I was at Snyder Communications during 2002, employed by Snyder Communications, I would help Dan Snyder on the side with various business aspects of the Commanders. And I spent, I think, hundreds of hours on the side. And at one point, Michelle Snyder asked me for her own interest to prepare -- she wanted a time log of time that I spent in 2000 on the Commanders. And I did prepare that.
Q Why did she ask for that?
A I don't recall.
Q Were you compensated for the work that you performed for the Commanders?
A No.
Q In your experience, was it typical for Mr. Snyder to use employees from certain of his companies to perform work for others -- at the other companies that he owned?
A It was my experience. It happened again with the Six Flags takeover. That was a -- outside the Commanders, separate side project.
Q Was that to say you received no compensation for the work that you performed on the Six Flags takeover?
A I was an investor in Six Flags in the company that we set up to pursue the hostile takeover, and we made an investment in Six Flags because initially the plan was to try to buy the company. So I did make an investment with my personal money, And when I eventually left working for the Commanders, I received my stock back, and sold that to Dan Snyder and Dwight Schar and made money doing that. One could argue that that was my compensation, others could say that was just an investment. In terms of, like, time and effort, I wasn't compensated. So I guess it depends on how
Q: What was the name of the company that was set up?
A: It was called Red Zone.
Q: Do you recall who the auditor was for Snyder Communications?
A: It was Arthur Andersen at the time.
Q: During your tenure?
A: The entire time.
Q: Now, I want to focus on your time with the Washington Commanders. How soon after you left Snyder Communications did you begin working for the Washington Commanders?
A: A matter of days. I started the first business day in January of 2001. I left the last business day in December from Havas, Snyder, and immediately started the following year.
Q: How did you come to work for Washington Commanders?
A: At some point during the year in 2000, I received a call from Michelle Snyder that Dan was going to offer me a job at the Commanders. And I think she wanted to alert me to that, because I think she knew I was out looking for a job, and wanted me to stand down on that. Within a matter of days, I did hear from Dan and he had me out to his
office at his Commanders Park, and offered me a job when my Havas responsibilities were over, adding that I could help him out as required on the side between now and then, which I was doing already.

Q And to be clear, was Mr. Snyder informing you that in addition to the role that you would assume, you could also continue to assist him more informally on the side with different matters?

A Yes.

Q And at the time, did you have any understanding that you would be compensated for that additional work you would perform on the side?

A I had no understanding that I would be compensated.

Q We talked about your role as the chief operating officer earlier. During the conversation with Mr. Snyder and what he explained to you would be your role, do you recall if it was different than what your role ultimately became when you began working for the team?

A Yeah, it did become different.

Q How so?

A Which is not unusual, okay, in business. But for example, within a couple of weeks of getting to the Commanders in January, Dan told me that I would be responsible for the cheerleaders and the business of the
cheerleaders. That was not previously something we had discussed.

A month or two later, he told me that I would be responsible for establishing a retail business. At the time, we had one store at the stadium and he had a vision for a dozen stores in the Washington metro area. In 2002, he told me I was responsible for the salary cap and overseeing Eric Schaffer on player contracts and contract negotiations. So those are examples of when my responsibilities changed.

Q What, if anything, was your reaction when Mr. Snyder told you, you would be responsible for the cheerleaders?

A Well, I told him I would do it. I also told him that I was uncomfortable doing it, but that I would do it. He asked me why I was uncomfortable. And I said something to the effect that the way the NFL sexualizes cheerleaders makes me uncomfortable, and I think is inappropriate. And if you put me in charge of it, Dan, I'm going to exercise some authority over how far that goes.

And on more than one occasion, I can't recall specific occasions, but on more than one occasion, I would ask him to entertain the idea of just getting rid of the cheerleaders altogether. Not all NFL teams have cheerleaders. It is possible to have a successful football
team and business without cheerleaders. And I thought that maybe we would just -- it would be an idea worth entertaining to disband the cheerleaders, which he never agreed to do.

Q When you told Mr. Snyder that you were uncomfortable, what was his response, if any?

A He wanted to know if I liked girls.

Q What did you understand him to mean by that?

A That anybody who likes girls likes cheerleaders, and if you don't, if you're uncomfortable with the cheerleaders, maybe you don't like girls. That was my understanding of where he was going with that.

Q So, in other words, Mr. Snyder was inferring something about your sexual orientation because of your --

A Yes.

Q -- level of discomfort with the team?

A Yes.

Q How did you respond when Mr. Snyder made that comment?

A I told him that I liked girls, but I was still uncomfortable with the sexualization of the cheerleaders. Something to that effect. That wouldn't be my exact words, but it would be something like that.

Q Do you recall if he had any reaction?

A I don't.
Q Thereafter, you assumed responsibility for the cheerleaders?

A I did. And the issue primarily was the cheerleaders was a cost center. Meaning we lost money on the cheerleaders as a business, and he wanted to turn it into a profit center. In my experience at Snyder Communications, while I was responsible for financial and accounting matters, as I mentioned, I had a lot of operating responsibilities with Michelle Snyder, and that is where I learned business and how to run a business and business tactics. And he knew that. And he wanted me to turn the cheerleaders into a profit center, which is why he told me he put me in charge of it, and I did.

Q Meaning that you turned it into a profit center?

A I did.

Q How so?

A I hired a sales and marketing director. I can't recall the title of that person, that was Melanie Trainer. I think she goes by Melanie Trainer Coburn. Melanie worked for Donald Wells, who headed up the cheerleaders at the time. Donald reported to me, Melanie reported to Donald, but I spent a lot of time with Melanie. And together, me, Donald, and Melanie developed a plan to turn the cheerleaders into a profit center. And
that involved a number of things. Traditionally, all we had
was a calendar that we sold calendars. But what we added
were appearances so various groups around the Washington, DC
area for various reasons might want to have a Redskins
cheerleader or cheerleaders. We would normally never send
one. Come at an appearance, whether it's at a car dealer or
some business-related thing. And we would get fees for
those appearances. We also sold shows to the U.S.
Department of Defense. And we would normally do one or two
of those a year, where these are troop visits to where
troops are located around the world.

So it's these kinds of activities that generated
revenue, and we were able to turn the cheerleading business
into a profit center.

Again, all of those cases, I was never comfortable
with it. I did it, but I was never comfortable with it.
That's why, on occasion, I would tell Dan, let's just
disband the cheerleaders. Because what you're doing
fundamentally when you do that is you're selling sex.
That's what you're -- sex appeal. That's what you're
selling. Because you're asking these young ladies to make
an appearance or go see the troops with not a lot of clothes
on, in my view.

Now, this is a common practice in the NFL. It's not
like we were unique.
Q Do you recall the year that the cheerleading program transitioned from a cost center to a profit center?

A I suspect we made money the first year I had it. We can go back and look, but if it wasn't the first, it would have been the second.

Q When you would mention to Mr. Snyder he should consider getting rid of the program, what was his reaction?

A That I must be crazy. It's the Redskins cheerleaders, are you out of your mind? Something like that. It's not a direct quote, but it would be something like that.

Q What did you understand him to mean by that?

A He felt like it was a traditional core part of the Commanders. And to consider getting rid of that, it's like amputating an arm. Like, how would you -- he didn't even have a category for me bringing something like that up.

Q Do you recall the impetus for you raising those concerns about perhaps getting rid of the program in each of those instances?

A It would have started -- before I even pursued the appearances and sponsorships, it would have started with the calendar. Okay, I can recall the calendar. Before I took over, the 2000 calendar was, in my view, very
promiscuous. There was one picture in there with a cheerleader who was completely naked with rose pedals covering her nipples and pubic area, but she was obviously naked. And that was a bridge too far for me on the calendar. So it was that kind of thing that was the impetus for me to have the feelings that I had. And I took over the calendar editorial after that.

Q Do you recall what year?

A Yeah, when I took over the cheerleaders in 2001, so that the 2001 calendar. While I was there, Donald and Melanie would organize the calendar shoot which would normally happen in a tropical island somewhere or Mexico, or someplace like that. And -- look, I was always fighting, I felt like I was always fighting Dan and Donald Wells on the sexualization of the cheerleaders. I told Donald and I told Melanie, and it wasn't really Melanie's responsibility. It was more Donald, but they were in my office together.

I said, look, I want tops and bottoms on every girl.

And, fine. They took that direction. And they would go take the calendar shoots and they would come and they would present the photos that they want to pick from -- I don't want to say they, I want to say Donald would want to pick for the calendar. And, okay, the girls had tops and bottoms, but one ankle was on the left, and the other ankle was on the right. And did that comply that there was a top
and a bottom? Yes. But was it to my standard on what I was looking for on not overssexualizing something that was already sexual? No. And I remember killing that shot. So -- and I would tell Dan these stories and, you know, he would tell me to leave Donald alone and tell Donald to keep the cheerleaders skinny and with big tits.

Q Did you relay that message to Donald?
A I did. And Donald told me that Dan had told him the same thing directly.

Q Do you know if Mr. Snyder gave Mr. Wells directives relating to what he wanted to see in the calendars outside of this particular directive that you just mentioned about keeping them skinny with big tits?
A I didn't hear the beginning, Can you repeat?

Q Did Mr. Snyder give Mr. Wells directives outside of the one you just mentioned?
A I don't know.

Q Was it your understanding that Mr. Wells, in overssexualizing the cheerleading program, was trying to appease the owner of the team?
A Yes. I felt like -- I knew Dan's view and Donald knew Dan's view, and neither view was consistent with my view. And as I said earlier, I felt all the time like it was me against Dan and Donald when it came to the
cheerleaders.

And, look, Dan had me in charge of it, because I had, I think, reasonably good operating skills. And I was able to make money with it. But I was always, I felt like, holding the line. There wasn't a year that went by where Dan didn't push me to allow Dennis Green or other people in the sales and marketing staff to allow sponsors or other paying guests to attend a calendar shoot. And I never allowed it.

I told Donald Wells, if anybody outside the photographs and the cheerleaders were on a calendar shoot, I would probably -- I would fire them. So it never happened while I was there, but Dan asked me regularly to do that, or to allow that. I said, no. He never pushed it. He never pushed it when I said no.

But it did happen for the first time in May of 2006, after I left. And there was -- I remember seeing an ad which I think at one point The Washington Post published in an article where they were selling opportunities to go on the calendar shoot for the 2006 calendar. And you could watch the shoot and have dinner with the ladies.

Q Do you recall who was over the cheerleading program after you left and when that May 2006 advertisement posted?

A Yes. So in January of 2006, in my final
months at the Commanders, I fired Donald Wells and told Dan beforehand that I was firing him. Donald, I can't remember the circumstance, but he had pushed sexualization or some policy of mine too far for the last time. And I told Dan I was going to fire him, and that was all there was to it.

Dan didn't push back, he didn't -- I don't think he agreed, but he didn't stop me. I fired Donald Wells.

After I departed the Commanders in March or late February, I don't remember exactly when it was, Dan instructed [redacted] who was [redacted] at the time, [redacted] reported to me when I was there, Dan instructed [redacted] to call Donald Wells, rehire him, and tell him that it was a mistake that he had been fired. [redacted] called Donald, did that, rehired Donald Wells. So -- it's a long answer to your question. Donald Wells was in charge.

Q And I'm going to come back to that, but I have a question about the calendar shoots. Were those calendar shoots also known as something called beauties on the beach, to your knowledge?

A I think so.

Q And those shoots were done annually?

A Annually for a calendar each year.

Q And during your tenure, Mr. Wells was responsible for selecting the cheerleaders to appear in the calendar, to your knowledge?
A Yes, I think Melanie would assist him, but Donald had overall responsibility.

Q Do you recall if there were ever complaints from fans or other customers about the oversexualization of the cheerleading program?

A Yes.

Q Can you tell me more about that?

A It was the 2004, maybe '5 season. And I received a letter from a mom who had taken her teenaged son to a game. It was a handwritten letter. It was a long letter, and it went into a fair amount of detail. And this mom was recounting this dance routine that occurred where the cheerleaders were in the end zone. And at some point in the dance routine, they spread their legs, reach over and each grab an ankle, grab their ankles while there is a song playing at that moment, the lyrics are choreographed with the words, with the singers singing, "stick it in." And this mom is like, how do I take my teenaged son to an NFL game if this is what you're doing?

And I remember sharing this with Dan, and he thought it was funny. And I told him that I was going after Donald on this one, and I didn't fire Donald, but I let him have it. And that dance routine ended, and that song was gone. It was just an example of Donald pushing the envelope and -- yeah, that's the clearest example.
Q Do you recall if any cheerleaders ever expressed discomfort with the sexualization of the program?

A No, a cheerleader never did it to me, anyway.

Cheerleaders are somewhat unique individuals in the NFL, in that they have a higher -- a higher level of comfort with -- than maybe others might, in displaying parts of their body, for good or for ill.

Q Now, during your tenure, after you were put over the cheerleading program, do you recall what Mr. Snyder's role was with respect to the team and his level of involvement?

A He was always heavily involved in the team, always, in my experience. And the business operations, always heavily involved.

Q And I apologize, I meant the cheerleading team or the cheerleading program.

A Oh, he was not involved in selecting cheerleaders. Choreography, dance routines. He was not involved in that. You know, he wanted to understand how we were running the business, what were the sponsorships we were selling, appearances we were selling. How we were going to use the cheerleaders to visit suite holders. He wanted to understand those details, the budget of course.

He would review the budget and the results, financial results.
Q Going back to what you mentioned that Mr. Wells confirmed that Mr. Snyder had told him about keeping cheerleaders skinny with big tits, do you have any understanding if there were more interactions between Mr. Snyder and Mr. Wells about the cheerleading program?
A I don't, no.

Q You also mentioned that you opposed the idea of allowing suite holders and/or sponsors to travel with the cheerleading team to these photo shoots. Why is that?
A I don't think it's -- I didn't think it was appropriate to subject these ladies to men -- because it would be men who would go -- who would pay to look at them in various stages of disrobe on a calendar shoot. Like, I just felt like that was, like a bridge too far, and would not be protective of the cheerleaders to the extent that I could. I would be exposing them to -- it seems very unprotective, to me, to do that.

And I also thought that it was the kind of thing that, best case, you're going to break even. There was a high likelihood something bad could happen. Bad being a sexual assault or cheerleader feeling like she was seen in a way she didn't want. I just felt like there would be no upside to doing something like that, aside from the fact that it was just wrong, men ogling over young women.

Q Did you ever have any discussions with
Mr. Snyder about his desire to make the calendar more risque, so to speak?

A Not the calendar, no. The cheerleaders, yes.

Q How so?

A Two things come to mind. Before a game, hours before a game, the cheerleaders were out on the field and would do practice. We'll be at the stadium early on gameday. And on more than one occasion, two or three seasons at least, maybe four, Dan would call me in to the owner's box. He would be in the owner's box. He would be sitting there and there would be somebody else, a friend of his who was with him at that time, just sitting there relaxing before the game.

And they're watching the cheerleaders practice out on the field. And I would get called in and he would say to his friend, hey, do you think Dave is gay? And his friend would say, yeah, he must be gay. And Dan would say, yeah, he has to be gay. As ugly as these cheerleaders are. Pauken, are you gay? You must be gay. How could you have a cheerleading squad that looked like this?

Another instance, this would have been in 2002 because it happened with [REDACTED]. [REDACTED] reported to me until we fired him in 2003. [REDACTED] was responsible for club seat sales and reported to me at the time. And he told me back then that a similar kind of interaction had occurred
with him and Dan, where Dan had called him in to the owner's
box and Dan said, hey, [redacted], look at the cheerleaders. And
what do you notice that's different from last year? And
looked at the cheerleaders. I don't know, Dan. I
don't know, what's different? And Dan said, their tits are
bigger.
So those are two examples of how I know it's
important, it was important to Dan how the cheerleaders
looked.

Q Did Mr. Snyder ever make comments to you
directly about the physical appearance of cheerleaders whom
you oversaw?

A Probably did, but I don't recall a specific
instance, sitting here -- other than what I've just
described, yes.

Q At the Committee's February roundtable where
former employees shared their experiences at the Washington
Commanders regarding the toxic work environment, we learned
that there were lewd videos that were created, which showed
intimate body parts of unsuspecting cheerleaders and they
were created, according to these participants, for
Mr. Snyder's private consumption using footage from those
annual calendar shoots, otherwise known as beauty on the
beach. Are you aware of those allegations?

A I'm aware of those allegations.
Q When did you become aware?
A When it first broke in the news by the -- I think The Washington Post. I'm a subscriber of the post, so --
Q What was your reaction, if any, to the allegations?
A I was not surprised that something like that could occur.
Q Why not?
A I think I've shared a few stories that would tell you the view of the organization and Dan over the cheerleaders. And it was right after I left that they started allowing sponsors and other patrons to go on the shoots. So it's just a matter of time before something like that could happen. And so it wasn't a surprise. The other -- yeah. Yeah, I'll stop there.
Q Do you have any reason to believe that the allegations that the videos were prepared for Mr. Snyder were untrue, based on your experiences with Mr. Snyder and the team?
A Yeah, my -- I have no reason to believe they're untrue. And my experience with the team is something like that would never happen without Dan Snyder being aware of it. Someone -- if someone did that on their own, and he found out, there would be a lot of trouble to
pay. And there are many examples of much smaller things
where people got in trouble where he wasn't made aware,
which I can share.

Go off the record.

(Whereupon, at 12:34 p.m., the testimony in the
above-entitled matter was recessed, to reconvene at 1:00
p.m., this same day.)
We can go back on the record.

Q Mr. Pauken, you've talked extensively about your time at Snyder Communications. You've made a number of criticisms about your time there, about your experience there. So when you left Snyder Communications to come work for the team, why did you want to continue to work for Dan Snyder?

A At the time, the Washington Commanders was an extraordinary franchise with history, and I was being offered an opportunity to take a leadership role in arguably one of the greatest sports franchises ever. People spend their whole life trying to get a job like that, and I just wanted the opportunity to be part of that and was willing to pay the price of doing so.

Q When you say pay the price, what do you mean?

A Well, you indicated I had made some criticisms, which I had. So there was a price to pay in working with Dan. As I said, he can be charming, pleasant, courteous, kind. But on the other hand, he can also be highly abusive to people and others, and so that's the price.

Q Why did you leave the team in 2006?
In 2006, I left for several reasons. I have three children. And so there was a lot going on personally, number one. Two, while I worked at the Commanders, I had -- I had never received a raise in my five years. And I felt like the contribution in terms of hours and time and commitment against compensation, I felt like I should be compensated more.

And then the third reason was, I was -- frankly, I was getting bored with it, and I wanted to do something different. And I was open to doing something different with Dan, because I had been working on Six Flags on the side, and found that interesting. And if there was -- had been a way to get me involved in something different, compensate me more, give me a raise, and enable me to have more time to deal with my family situation, I would have stayed. But Dan and I covered this stuff extensively in conversations, and he was not -- he was not willing to get me where I needed to be -- yeah, where I needed to be. So I decided to leave.

You said that you never received a raise in your tenure there. How much did you make over your entire tenure?

My base salary, I believe, was [redacted].

Okay.
A And I think --
Q Annually?
A Annually. And I believe I had a bonus that was [REDACTED], one or the other. [REDACTED].
Q [REDACTED] each year?
A Yes.
Q Okay. You said you talked with Dan extensively about your salary situation. Did he provide a reason for why --
A Well, I talked to him extensively about all three of these issues.
Q Okay.
A Including the salary, certainly. And, no, he didn't provide a reason, he just said you're not getting paid any more, I don't owe you any more.
Q You said you were getting bored with it and you were still open to doing another project with Dan?
A Yeah.
Q Can you tell me why, after all of the things that you've said in the last couple hours about your experience with him, you would want to continue to work with him?
A Yeah, there is something about -- you can read plenty of medical evidence on this. But there is something about people who stay in abusive relationships.
And I think there was something to that with me, okay? And it takes a while sometimes for people to break out of them and some longer than others. And there's lots of reasons for this, but I think it has to do with that.

Okay.

I do recall, too, that the complexity of the [redacted], there was a certain, you know, security at the time of knowing that I had [redacted]. And the bills were never less than [redacted]. So there was a certain comfort in having that.

You said that -- when I asked in our last hour, I asked how did you come to be here today. You said I was subpoenaed?

Yeah.

Fair answer. Were you ever approached about appearing voluntarily?

I was.

How come you couldn't appear voluntarily?

I have a separation agreement with Dan Snyder, the Redskins, and Dwight Schar that governs my separation. And in that, there is a confidentiality clause that doesn't allow me to speak about any confidential matter. And if I am asked by a government authority to speak about any confidential matter, I am required to provide notice to him and the team to respond.
Q Did you want to appear voluntarily before us?

If you didn't have that clause, would you have?

A I would have, yes.

Q How did you become aware of the investigation that Congress was overseeing?

A In the press.

Q And when that came out, did you reach out to the Committee?

A I did not.

Q When did you first start interacting with the Committee on this matter?

A On this matter, it was sometime here in 2022.

Lisa Banks, who had represented me in my conversations with Mary Jo White, said that --

Mr. Grooms. Can I just pause to say I assume you all aren't asking for any communications between Mr. Pauken and counsel.

Mr. Grooms. But, David, if you want to take a minute to talk it over, I will, but you just be mindful that if you choose to talk about something that involves with communications with counsel, you're waiving that.

The Witness. Okay. Maybe we should talk for a minute.

Mr. Grooms. Can we talk for a minute?

We can go off the record for a second.
(Recess.)

We can go back on the record.

BY [REDACTED].

Q So the question was, how or when did you first start engaging with this Committee?

A Sometime in 2022.

Q Okay?

A I came to understand that the Committee wanted to speak to me.

Q Do you remember the month, the season?

A Springtime.

Q Okay. Have you, in your personal capacity, ever filed a lawsuit against the team or Snyder based off of your experiences with them?

A No.

Q I am going to move now into some of the stuff about the cheerleading program that you were talking to my colleagues about before. Can you just remind me what years you were overseeing the cheerleader program?

A 2001 through the time I left in late February, early March 2006.

Q Okay. And you mentioned when my colleague asked that you were uncomfortable with what you perceived to be the oversexualization of women in the program across the NFL. But that Mr. Snyder asked you to make it a profitable
venture and you did.

A Yes.

Q Why did you continue to pursue that even if you felt that it was wrong or unethical?

A I -- yeah, I felt that at least with me at the helm, the chances of mitigating the sexualization of the cheerleaders had its best chance with me, and that's why.

Q You mentioned that cheerleaders were unique individuals who -- and this is a rough quote.

A Yeah.

Q Have a higher level of comfort displaying parts of their body. Can you explain what you meant?

A Yes. So if you look at pictures of at the time Commanders cheerleaders, there's a lot of cleavage, short shorts and at least in the circles I travel in, most of the women I hang out with, they generally don't dress like that. And it takes, you know, certain individuals have a comfort level with that, others don't. And those are more -- I think that's the minority of women, actually, that are comfortable dressing like that. So that's what I meant.

Q You said that none of the cheerleaders ever reported feeling oversexualized or uncomfortable to you, right?

A They didn't, no.

Q And at the beginning of this interview, you
said, as CEO, part of your responsibilities were overseeing human resources; is that right?
A Yes, that is correct.
Q So if a cheerleader had reported feeling oversexualized to human resources, you would have known about it?
A I would have.
Q And there were no claims during your tenure?
A None that I can recall.
Q Okay. You said that you communicated your hesitation about the oversexualization of the cheerleaders to Dan.
A Mm-hmm.
Q Did you talk to anybody else about it?
A I would have talked to [redacted] about it.
Q The CFO?
A The CFO. And then later [redacted] about it. I would have talked to [redacted] about it, [redacted]
Q What was the purpose of you conveying those concerns to those individuals?
A These were close business associates of mine, and I have a practice of, to the greatest extent possible, helping people that work with me or for me understand what's important to me.
Q Did they agree that it was important?
A Yes, they did.

Q Did they have any knowledge that you didn't have that the cheerleaders were feeling uncomfortable?

A No, they didn't.

Q So --

A And no one is saying that they were feeling uncomfortable, because nobody filed a claim, came to HR, came to me, that I'm aware of.

Q So if the cheerleaders weren't uncomfortable with the sexual portrayal of their bodies --

A Yeah.

Q -- is it fair to say that it was just a conversation based off of your perception of the cheerleaders instead of their perception of their bodies?

A It is. It is. But since I was responsible for them in that business, it's also my job to protect them. And to the extent that they go too far, they're going to open themselves up to things that they're not going to want to have happen, and that is exactly what happened after I left.

Q So in your time -- or in the portion of your job that was overseeing HR, you said you worked hard to protect people, you were trying to advocate for them. Did you ever attempt to make policy changes to create a different work environment?
A I did.

Q Can you tell me about those?

A Yes. I got to the team in January of 2001, and I had just come from a New York Stock Exchange public company and we had policies, procedures, the kinds of things you would expect a New York Stock Exchange public company to have. And we had no respectable personnel policy code of conduct. Maybe there was something rudimentary, I can't recall. But whatever it was, in my view, it was not adequate.

I went to Dan and I said, hey, we should put together a code of conduct and a personnel policy and get that pulled together. And so we did that. Pulled that together, had an attorney help us, , the CFO reviewed it, we all -- the front office, as we called it, the staff reviewed it, commented, got it in a decent enough position and then I told Dan, I said I'm going to give it to Marty Schottenheimer, so the coach can look at it, circulate it among the coaching staff and see what they think.

So I did that. And I'm asleep one night shortly after this, and Dan calls me and says, what are you doing? I said, well, I'm sleeping. He said turn on ESPN.

And I turn it on and he said, they're doing a story about your personnel policy. What the fuck are you doing? Dan, we talked about this. It's the HR policy, code of
conduct, treat people with respect, don't steal from the company, et cetera, et cetera. And he says, what, are you crazy? And the press is reporting that the owner is going to make them sign this, the coaching staff, or they will be fired. What's wrong with you? I'm like, Dan, we talked about it. He said, kill it. It's killed. I said, it's killed, done. And -- get Marty Schottenheimer. I can't get Marty. I called [name redacted]. And I have [name redacted] drive out to Redskins Park to find Marty and get him to talk to me or Dan.

What had happened is, I had gone to Coach Schottenheimer with this and he was very nice, he was very pleasant. Marty and I had a good relationship. Nothing like this had ever been done in the NFL, to my knowledge, at any team. There was no such thing as a personnel code of conduct policy anywhere, any team, to my knowledge.

And Marty went to the press, and made the claim that we were instituting this or they were going to be fired. The press bought it hook, line, and sinker, and they won and we killed the policy altogether. I think later we got the policy implemented to front office staff only, some number of years later, not football staff, not coaches, not team members. And it wasn't until 2005 when the Minnesota Vikings sex boat scandal happened on the Mississippi River that the NFL mandated all teams have a personnel policy and
code of conduct.

Q When you first were having these
conversations with Dan about creating this policy, can you
remember when that was?

A That would have been -- it would have been
around the time Marty Schottenheimer became our head coach,
which would have been spring of 2001, around that time.

Q And you helped author it; is that right?

A I helped author it.

Q And then you talked with Mr. Snyder about it?

A Before I picked up a pen, I went to him with
the idea, because I know Dan, I'm not going to go off and
create a policy without him knowing I'm off creating a
policy.

Q And he was supportive of you creating that
policy?

A Yes, he was.

Q And he was supportive of you sharing that
policy with other staff?

A Yes.

Q And so it was only because of the clapback
from the ESPN story and the press with this information that
the policy got killed?

A Yes, for the coaching and team staff. Later,
I got it in for the -- you know, what we call the front
Q Do you remember when?
Q And --
A There was a separate policy for cheerleaders, it might be worth mentioning.
Q Okay. Was that something that was in place before you got there, or something --
A I think it was.
Q Okay.
A I think it was, and I would have edited it.
Q There was always a separate policy for the cheerleaders.
A Did you feel like -- you said you edited it.
Q Did you feel like your edits were able to, to use your words, to protect adequately?
A I don't remember. I couldn't tell you. But I know it's the kind of thing I would have reviewed and edited.
Q You said you were doing this to attempt to create a better work environment; is that right?
A The policy?
Q The policy changes.
A Yes. Plus, it's just good business practice for employees to have -- what's the policy on X, Y, and Z?
Q That makes a lot of sense. Since Mr. Snyder
was supportive of these policy changes, it seems that perhaps culture could have followed that kind of policy change. Do you think that's fair to say?

**A**    Could have, yes.

**Q**    And throughout the course of this interview, you've made a number of references to things that you believe Mr. Snyder knew about the work environment at the team. Did you ever discuss your concerns about the workplace environment with Mr. Snyder?

**A**    Yes.

**Q**    What did those conversations --

**A**    Look, I think over the years -- over the years, we would have conversations about how people were treated. And as far as I would take it would be, like, for example, you know, I would witness him yelling at his executive assistant. And I would advise him to lighten up on [redacted] or whoever the other executive assistant might be. That would be as far as I would go. He -- so on occasion, I would, but it would more be a, hey, lighten up.

**Q**    Can you remember any specific instances where you witnessed something like that or how many times?

**A**    Yeah, I -- there was one individual who we were taking in to the visiting team -- no, our team locker room, and he told this individual, when you walk in there, don't look at their dicks.
Q Was that an employee?
A An employee, and it was a male employee, and it's a pretty demeaning, abusive thing to say to somebody.
Q Did you say anything to him?
A No.
Q You said you would advise him to lighten up in these sorts of instances?
A I did in that case.
Q Right. Can you give me an example of an instance where you saw something occur, and then had that conversation with him, just to the best of your recollection?
A Yeah, I think it would occur -- Dan and I would spend many hours together alone, and it would be in the context of, we're talking about many, many different topics. And I would feel like he's in a decent enough of a mood where I would work in, hey, let's just go a little easier on this person or that, would be the context.
Q Did you ever see Mr. Snyder sexually harass or sexually abuse a member or anyone?
A Anyone?
Q Let's start over, so we can get a clean -- did you ever see him sexually harass or sexually abuse any person that worked for the team?
A No.
Q Did you ever see Mr. Snyder sexually harass or sexually abuse any person?

A No.

Q My colleagues asked you about things that had occurred after your departure, the beauties on the beach video outtakes and things like that in 2008 and forward. You're only aware of these allegations based off of reporting on them; is that right?

A That is correct.

Q You don't have any actual knowledge of the things that occurred after you departed?

A No, I do not.

Q I am going to go ahead and introduce an exhibit. We'll mark it as Minority Exhibit A.

(Minority Exhibit A was identified for the record.)

BY .

Q This was an exhibit that was given to the Committee in February. It is a Vestry Laight report on the National Football League on the Washington Football Team's Implementation of Recommendations.

Have you seen this report?

A No.

Q I am going to have you turn to -- so this is part of the results of the Wilkinson investigation and
having the NFL oversee the football team and making sure
that they are doing the things that they are supposed to be
doing.

A Okay.

Q And changing the culture. I'll have you turn
to the conclusion on page 23, if you don't mind.

I'll give you a second.

A You want me to read the conclusion?

Q Yes, if you could read through the first two
paragraphs, that would be helpful.

A Okay, I've read the first two paragraphs.

Q Thank you. So this report was released in
January of 2022. And from -- I understand you have very
limited knowledge of this report. But from what you just
read, does it seem that the culture at the team looks more
like what you would have wanted it to look like?

A Yes.

Q And what about that tells you that?

A Well, they're doing confidential surveys and
they're seeing a measurable increase in scores, and they've
got a majority, a super majority, 80 percent of the
employees who are responding that they've seen improvements.

So I take it at face value.

Q Did you ever try to implement these kinds of
changes -- outside of the code of conduct policy that you
implemented with the front office staff, were there other ways that you tried to change this culture?

A No.

Q Can you tell me why not?

A The -- because the culture was how Dan wanted the culture at the time. And I wasn't going to go against his wishes. It's not that on occasion I wouldn't. I would try on occasion. But on a major cultural shift, I wasn't going to do that. I just wasn't going to take it on with him. In the end, I don't think I would have been at the company.

Q You said when you did approach him about the code of conduct, he was receptive to that, right?

A He was.

Q So is it possible that he could have been receptive to additional changes?

A It's possible. Out of character, but possible.

Q And as we can see with this 2022 review from an external party, it seems that the culture has taken a significant shift in a positive direction?

A Yeah. I accept that, as I said, at face value.

Those are all the questions I have for this hour.
(Recess.)

Back on the record, 1:55.

Q Mr. Pauken, you mentioned earlier that prior to your arriving at the Commanders, you believed that there was a policy that perhaps governed the conduct of cheerleaders; is that correct?

A Yes.

Q Can you tell me about that policy?

A I believe when I got there, there was some policy in place which, as I mentioned, I reviewed and edited. And it covered the conduct of the cheerleaders and perhaps other matters I can't recall. Included in there was a prohibition against relationships with football players, other team staff, and I don't know -- I don't recall how far it went in the definition of relationships, but it included not having sex with players. That was the intent of it.

Q Did that policy survive after you separated from the Washington Commanders, to the best of your knowledge?

A I don't know what happened to it after I left.

Q Do you have any reason to believe it was not in effect at any time during your tenure?

A During my tenure, it was in effect the whole
Q Why do you think there was a policy for cheerleaders but not other employees?
A Well, looking at all the NFL as a whole, it was not customary to have personnel or conduct policies at any team, because as I said, it didn't happen until 2005. But with cheerleaders, there's -- I think there was sufficient history within the league over the years where there were distractions created between players and cheerleaders. And I don't think we were the only team to have such a policy. And the goal was to minimize the distraction to the team.

One of the -- that's my speculation on how this sort of thing came to be. And one of the things that I learned when I joined the organization was that, look, it's all about the team. We're trying to win football games. Everybody else is support and our job is to help the team win, and not have them bogged down with things that don't have to do with winning football games. So we're going to pay them on time, we're going to have the lights on, we're going to have food there and we're not going to have cheerleaders creating temptations.

And that's why those kinds of policies existed, I think, to minimize distractions, temptations for players.

Q Do you know if that policy was ever violated?
during your tenure?

A It was.

Q Do you recall when?

A Yes. This would have been the 2005 season.

There were two cheerleaders involved, ... Cooley.

It came to my attention, and I don't recall how, that ... Cooley. It was credible information. I had Donald

Wells confront ... reported to Donald

Wells and validated what was happening. And it was a

violation of the policy with the cheerleaders to have sex

with a player. I talked to Dan about it, and he said that

we should fire ... And then told

Donald to fire ... and we did. Or he did.

Then two things happened, and I don't remember the

order, but two things happened. ... And separately, I received to my attention out at

the park, an envelope addressed to me with incriminating
evidence validating that another cheerleader was involved in
a sexual relationship with Chris Cooley.

Mr. Grooms. You say incriminating. Are you saying a
crime was committed or there was evidence to substantiate
it?

The Witness. Evidence to substantiate it. Thank
you.

And on the sports talk radio, they were like, okay,
why is one cheerleader being treated one way, and another
cheerleader is still on the squad?

This other cheerleader was [REDACTED]. I talked
to Dan about it. I talked to [REDACTED] about it. I had
also talked to [REDACTED] about [REDACTED]. And the decision
was made by Dan, which I agreed with, to fire [REDACTED].

So we fired [REDACTED], or I had Donald Wells
do that.

And at that point, it felt very much out of hand and a
distraction for the team that had been achieved. It was a
distraction. It's all over sports talk. There's articles
in the paper. And it's decided that I am going to talk to
Chris Cooley about this, which I didn't want to do because
Chris Cooley does not report to me. Chris Cooley reports to
the coach. But for whatever reason, [REDACTED] wanted me
to talk to Cooley about it, and Dan told me to do whatever
the coach wanted done.
And very soon after, we were playing the New York Giants. And we -- as was our custom, we took the train when we played the Giants, and I went up to the players, where the players were sitting and grabbed Chris and sat and had a chat with him about and, and reached an agreement with him that he would not have any more sex with any cheerleaders.

And unfortunately, this was a situation where the female employee was treated differently than the male. The female employees were fired, the male employee was -- there were no repercussions other than he was restricted from additional sex with the cheerleaders. This story is fairly widely publicized.

Q Was Chris Cooley ultimately hired by Dan Snyder to work on the business side of the Washington Commanders?

A Yes, I believe that he was after I left. He was in some capacity.

Q And with respect to Chris Cooley, the extent -- as you mentioned, the repercussion that he faced was to restrict himself from having sex with additional cheerleaders, and that's to say that there was no punishment for him. He remained on the team, correct?

A Yes.

Q Was the NFL aware of this incident, to your
knowledge?

A    I didn't notify the NFL, but it was public because it was widely reported in the Post, local sports talk radio. Whether it got to the NFL, I don't know. I never heard from anybody at the NFL on it.

Q    Do you have reason to believe that the NFL contacted Mr. Snyder about the termination of two female employees regarding this policy?

A    I don't have any information that would tell me that. If they did, Dan would have told me. That would have been something he would gotten me involved in.

Q    Do you know why Mr. Snyder was involved in a cheerleading disciplinary issue?

A    I would never fire anybody without Dan Snyder knowing and having a chance to weigh in, especially when it involved -- well, just anybody. But especially when it involves the star tight end. I'm not going to make a move without him knowing.

Q    Sticking with the cheerleading program at the Washington Commanders, do you recall hearing about a photo shoot in Costa Rica that took place in 2013, where suite holders and sponsors were accused of gaining access to cheerleaders as part of a package that was promoted by Dennis Green?

A    I have read about that.
Q: Can you remind me what Dennis Green's role was?

A: Dennis -- Dennis Green, he -- his role was to sell suites. That was his role. And he reported to Dan on suite sales. That was his role.

Q: You mentioned that Mr. Green had requested that you provide suite holders access prior to you leaving the team, but that you rejected that idea, correct?

A: Yeah, he and Dan wanted access to the calendar shoots for sponsors and others -- other paying customers. It could have been a suite holder. It could have been anybody paying money would have been probably eligible. It was considered an experience that could be sold.

Q: Part of the accusations were that the suite holders and sponsors also selected cheerleaders who they picked personally to be their personal escorts on that particular evening at a nightclub.

A: On that calendar shoot?

Q: Correct.

A: I think I read that.

Q: Do you have any reason to believe that that did not happen?

A: That is entirely consistent with the Dennis Green and Dan Snyder that I know.
Were you aware of any similar incident happening while you were at the team perhaps behind your back?

A I am not.

Q Are you familiar with an event called fight night?

A I am.

Q How are you familiar with it?

A I attended fight night probably every year that we attended while I was at the Commanders. We were -- if I'm not mistaken, we provided an appearance with the cheerleaders at fight night, if not one year, every year, many years. And the Commanders, we were always present in some form or fashion.

Q So if you attended every year, is it fair to say that you attended fight night in 2004?

A It's highly likely that I did.

Q How would you describe --

A I mean, it's possible I missed one year but it would have been unusual.

Q How would you describe fight night in terms of the cheerleaders' role?

A Well, look, fight night is -- there's boxing, pretty girls, drinking, and cigar smoking and all that comes with it. So it's not a subdued event. It's an event
meant -- it raises money for a good cause, but it's meant to
edge into the vices that appeal to mankind. Smoking,

drinking, pretty girls. Pretty women.

Q Is this one of the events that you introduced
to turn the program from a cost center to a program center?

A We would have -- no, we would have, since

this was a charitable event, we would have offered the

cheerleading squad for free at this event.

Q Do you recall reading reports about a

cheerleader named Tiffany Bacon Scourby, who was

propositioned by Mr. Snyder on behalf of his friend Anthony

Roberts, the team's official ophthalmologist?

A I do recall reading that story. Tiffany was

on the squad when I was there.

Q According to Ms. Scourby, Mr. Snyder called

her over after she finished performing and told her that we

have a hotel room, in regards to his friend, and invited her
to go upstairs with Mr. Roberts to get to know each other

better. Do you recall reading about that?

A I do.

Q Did you witness that exchange at that

particular fight night?

A I did not.

Q To the best of your recollection?

A I did not.
Q. Do you recall witnessing any inappropriate behavior by Mr. Snyder or other team executives at that fight night or others?

A. No.

Q. Now, you mentioned earlier that there was a push by Mr. Snyder to oversexualize the cheerleading program, and that he would insult you and others if the cheerleaders didn't look a certain way. He wanted the cheerleaders to have big tits and stay skinny, or words to that effect. And he wanted the calendars to remain as they were, with women scantily clad at the annual photo shoots.

So in your opinion, who was responsible for the direction and the oversexualization of the cheerleading program during your tenure and after at the Washington Commanders?

A. Dan Snyder.

Q. And for the record, what makes you say that?

A. Dan -- Dan ran the team and the business. That's part of it. That's how he wanted it. The stories that I've shared with you support that. And the events and allegations that occurred afterwards, which, to be honest, I don't have any real knowledge on, are also consistent with that.

Q. Earlier, you testified about a so-called inner circle of executives at Snyder Communications. Was that also the case at the Commanders?
A Yes, we didn't use that term. In my experience, all businesses have an inner circle, a group of management personnel that are close, and we had that at the Commanders as well, yes.

Q Do you recall who during your employment was part of that circle?

A Yeah, it was -- it would have been -- it would have included always in every case, the head coach, whoever was running player personnel, myself, Dennis Green, and Mitch Gershman. It depends on who the general counsel was at the time, Norm Chirite or David Donovan.

Q Anyone else that you can recall?

A Dan, when I was there, Dwight Schar was a close adviser. And until they had a falling out, Fred Drasner was a close adviser.

Q Who is Norm Chirite?

A Norm Chirite was a partner at Weil Gotshal, and Weil Gotshal was our law firm at Snyder Communications. And they assisted us with the M&A activity that we pursued at Snyder Communications. At some point after Dan acquired the team and we got over there, we hired Norm away from Weil Gotshal to become the general counsel at the Commanders.

Q And Dwight Schar?

A Dwight Schar was a minority owner of the Commanders. We sold minority ownership, someone can check
the public records, it's 2002 or 2003, when Fred Smith, Bob Rothman, and Dwight Schar became minority owners in the Commanders. Dwight is a local businessman here in the DC area.

Q You mentioned Mitch Gershman. What was his role on the Commanders during your tenure?

A Mitch joined the company in the summer of 2003. After we sold Snyder -- Mitch was at Snyder Communications. After we sold Snyder Communications, he left. He went and worked somewhere else, I don't know where, or I can't recall where.

At some point, we -- Dan was not satisfied with how I was managing, leading club seat sales. was working for me, Jason Friedman reported to reported to me. And Dan was not happy on what -- maybe we weren't hitting our sales goals, there may have been a good reason, and he called and I into his office, and said that -- you know, basically fired and that they were bringing in Mitch Gershman to head up premium seat sales.

And I remember that conversation so well, because in it, Dan told and I that he had more sales and marketing knowledge in his left testicle than and I had in our entire bodies. And that we were off premium seat sales and Mitch was going to come in and take it over.

So Mitch came in, I forget his title, and he was put
in charge of premium seat sales, and he had that role until my departure, when Dan made him chief operating officer of the Commanders.

Q The statement you just expressed that Dan shared with you and [redacted] that he had more marketing --

A Sales and marketing.

Q Sales and marketing in his left testicle than you both had in your entire body.

A Yes.

Q Are those Dan Snyder's words?

A Those are Dan Snyder's words.

Q Verbatim?

A Verbatim. Well, as close as I can recall, but it's pretty close.

Q What was your reaction to that?

A That was the normal course. So I don't think I had a reaction, because like I wasn't surprised or shocked to hear him speak to me or [redacted] that way. That was not an unusual way of speaking. So I took it in stride.

Q When my colleagues were questioning you earlier, you testified that you spent many hours alone with Mr. Snyder. And in such cases when you were having conversations about many things, those would be the situations where you would raise or potentially push back out of some concern that you had.
Q Do you recall saying that?
A Yes.
Q Now, you worked alongside Mr. Snyder in executive level positions in two different companies that he owned over the course of nearly a decade. Is that fair?
A Yes.
Q Based on your experience, would you agree that you came to know Mr. Snyder and the way he ran his businesses well?
A Yes, I did.
Q And how would you describe Dan Snyder as a business owner?
A He is a visionary. He is very smart. He understands how to create value. And there's a lot to be learned from him. On the other hand, I find him to be overly aggressive, abusive, and demeaning to those that are around him.
Q Would you describe Mr. Snyder as a hands on or hands off owner?
A Both hands on.
Q Meaning two of his hands?
A On.
(Majority Exhibit No. 3 was identified for the record.)
BY
Q I'm now handing you what has been marked as Exhibit 2 for identification purposes.

A Exhibit 3.

Q Exhibit 3 for identification purposes, thank you. I want to direct your attention to the page with the orange flag. Flip one more page.

A Oh.

Q The first paragraph. I want to direct your attention to that first paragraph. Do you see it? I'll give you a few minutes to review it. Please let me know when you're done.

A Okay. I've read it.

Q Do you recognize what I just handed you?

A No, I don't recognize that.

Q This is an August --

A Oh. I mean, I don't recognize that in Dan Snyder. That's what I'm saying.

Q Do you recognize this document itself that I just handed you?

A Yes, yes, I remember reading this in this paper.

Q It's an August 26, 2020 Washington Post article detailing the toxic work environment at the Commanders.
A Yeah.

Q How do you recognize it?

A Well, the Dan Snyder I know was --

Mr. Grooms. May I talk to him?

The Witness. I read the story. It came in the Post that day, and I read it. That's how I recognize it.

BY [REDACTED]:

Q Now, that paragraph that I directed your attention to, it states in his statement, Snyder said, I have admittedly been too hands off as an owner and have allowed others to have day-to-day control to the detriment of our organization. Going forward, I'm going to be more involved, and we have already made major changes in personnel bringing in new leadership to drive cultural transformation on and off the field.

Do you see that?

A I do.

Q Now, Mr. Snyder made that statement in response to the allegations that were raised in this Washington Post article.

A Mm-hmm.

Q Now, Mr. Pauken, what was your reaction when you read Mr. Snyder's statement that he was a hands-off owner?

A My reaction was that that is not a true
Q Why not?
A Because I have no experience with him, nor do any of my colleagues, where he was hands off.
Q Was Mr. Snyder hands off when it came to the Commanders marketing and sales strategy, in your experience?
A No, never. He was always very actively involved in suite sales, who we were selling suites to, in sponsorships, who we were selling sponsorships. He even got involved in helping do negotiation of the larger deals. I already discussed there were cheerleaders that we fired that we discussed with him. I talked to him about the personnel policy.

Leaving me out of it for a second, there was an instance where Dwight Schar had a suite. And the way this particular type of suite looked, if you were a guest in that suite, you left the suite, went to a bar to buy a drink and you told the bartender what suite you were in, so they knew where to charge it. And people were charging -- not in Dwight's suite were charging drinks to Dwight's suite. You would go to the bartender and say, I'm in Dwight's suite, and Dwight would get this bill.

And Dwight came to [REDACTED], who ran the stadium and highlighted this problem. And together he and [REDACTED] figured out a solution to that problem, which was, whenever
somebody asked for a drink, make them show their ticket, so the bartender knows what suite they're in. Pretty simple, pretty minor detail. Okay?

This is an internal control issue on a dozen suites, in all the suites at the stadium. Sometime later, at an away game, [redacted] is at a dinner with Dan and Dwight Schar and numerous other Redskins executives. This is at an away game. And Dan says to [redacted], who is the owner of the Washington Redskins? And [redacted] responded, you are, Mr. Snyder. He said, I understand that you and Dwight are cooking up some changes on billing at the suite. Is that true? And Dwight is sitting there, Dwight's a billionaire, and he is an owner of the team. And Dan is speaking like this to Dwight and to [redacted] and everybody else.

Yes, here's what happened and Mr. Schar and I talked about it, and we concluded -- and he said, I want you to put it back the way it was, and you don't ever make a change like that without talking to me. He humiliated [redacted] in front of everybody, and he humiliated Dwight Schar, his partner, who wrote a check for $50 million to become a part owner of the team.

And so I've provided some examples for me on Dan's involvement and in minor details. Here's one that doesn't have anything to do with me to show you his level of involvement in details.
Q When you were chief operating officer of the Commanders, how would you describe the structure of the Commanders' human resources department?

A We had a human resources person. There was one person there. That would have been the structure. And that person would have reported to the CFO, either [redacted] or [redacted], who reported to me.

Q Do you recall who the HR person was during your tenure?

A Her name escapes me. I could find it.

Q Is that to say that there was one person in the entire HR department while you were there?

A I think so, yes.

Q How many employees did the Commanders have?

A Excluding players, I don't know, about 150, including stadium personnel. I'm not counting the gameday employees.

Q If you were to count gameday employees and players?

A Well, players, there's a 53-man roster and then gameday employees are -- probably 500 people on a gameday or more. But those are just part-time workers who work just for the games.

Q Was the human resources department responsible for handling complaints of workplace misconduct,
for example, and/or conducting investigations into such complaints?
A Yes.
Q What about conducting workplace trainings?
A I don't recall us ever doing any workplace training. It's possible that we did, but I don't recall any. If we did, they would have done it.
Q What involvement did the legal department have, if at all, in workplace misconduct complaints?
A The legal department would have gotten involved. I suspect -- I don't recall briefing the general counsel on the Chris Cooley cheerleader incident --
Mr. Grooms. Let me stop you for a second. I assume you're not asking for any internal discussion with legal that could be subject to a claim of privilege.
I have not posed a question. That was communications.
Mr. Grooms. We can discuss if you have any concerns with anything.
The Witness. Yeah.
There are other instances where I do recall getting general counsel involved.

Q When would you get the general counsel involved, and when would you decide not to raise it with the
A If it involved a potential termination of an employee, I would get the general counsel involved because we then normally want to get the appropriate documentation in order on a separation agreement. So that would be one example. Any time there was a potential separation involved, or there was some claim of discrimination or harassment of some sort, I know we would certainly get the general counsel involved. In addition, of course, to discussing with Dan.

Q So that's to say for the cheerleaders that you mentioned earlier that were terminated for violating the policy that prohibited them from having sex with football players.

A Mm-hmm.

Q That the general counsel would have been involved in preparing the paperwork?

A I think in that case, we didn't. I don't think we did any paperwork with them. I think we just cut them from the squad, and that was it. I could be wrong, but I just don't recall. I think we just -- I told Donald to cut them loose.

Q Were cheerleaders considered employees or independent contractors, to the best of your recollection?

A I think we paid them -- I think we had a
contract. I think we paid them $75 a game. And then I don't know, some stipend for practice perhaps. It was very low wages at the time.

Q Would you describe the human resources department as well-resourced during your employment?

A I would describe them as adequately resourced. And I say that because of the resources we had in the financial staff and in the general counsel's staff to handle human resource related matters.

Q So is that to say that there were employees in other departments --

A That helped out. Like benefits, like how we handled benefits was done within the financial staff, getting people signed up for benefits, resolving benefit issues, things of that nature.

Q Did you ever request that more resources be allocated to human resources?

A I did not.

Q In your view, did Mr. Snyder prioritize the human resources department as a department that needed more resources?

A No.

Q Why do you say that?

A We prioritized anything related to the team and anything related to growing revenue, that got
prioritized. And we were very good at growing revenue. By 2006, it was the world's most valuable sports franchise, maybe sooner than that. By 2003, it was.

Q Did you have any role specifically in workplace investigations?
A Yes.
Q What was your role?
A I was responsible for them, if one needed to be done.
Q Would you, yourself, conduct the investigation?
A Or I would work for the general counsel's office or anybody else that might be appropriate to help.
Q But there were instances where you would conduct investigations?
A Well, for example, on the Chris Cooley matter, I made inquiries to conclude I was dealing with facts before we initiated the terminations, by way of example.
Q Do you have any training in human resources or human resources certification?
A Training? I have no training in human resources. I was -- you know, human resources reported to me at Snyder Communications. It reports to me at the companies I run now.
(Majority Exhibit No. 4 was identified for the record.)

BY [Redacted]

Q Mr. Pauken, I've handed you what has been marked as Exhibit 4 for identification purposes. The document which is Bates stamped ending in 997332 was produced to the Committee by the NFL. I will give you a few minutes to review. Please let me know when you're done.

A Okay.

Q Do you recognize what I just handed you?

A I don't recall it, but I would have read it at the time and been informed of this.

Q I handed you what appears to be a memo to file?

A Mm-hmm.

Q From an [Redacted], human resources manager, to a [Redacted]?

A Mm-hmm.

Q Gameday security supervisor?

A [Redacted] was the name I couldn't recall a few minutes ago.

Q The memo is dated November 12, 2002. And the subject appears to be Written Warning.

A Mm-hmm.

Q There's several individuals who are copied.
And an individual named [REDACTED]. Do you recall who that is?

A I don't recall.

Q [REDACTED]?

A I know [REDACTED].

Q And can you remind me what his title was?

A [REDACTED]. He was responsible for everything that happened at the stadium, everybody reported to him.

Q There's a [REDACTED]?

A And [REDACTED] reported to me. [REDACTED] reported to [REDACTED]. [REDACTED] is the assistant general counsel.

Norm Chirite was the general counsel, and then there's me.

Ultimately -- go ahead, sorry.

Q Do you know who [REDACTED] is?

A I didn't know [REDACTED] And in my capacity, I wouldn't normally know the gameday security supervisor.

Q Do you know why all of these individuals are copied on this memo?

A Yes.

Q Why is that?

A Well, we've got an incident here that's a serious incident. And it's something that I would take seriously. [REDACTED] -- everybody on this would take seriously, and we would want the general counsel's office to know.
and I were ultimately responsible for
gameday security. And we -- it was not a joke to us. It
was very, very serious, and we had a lot of protocols and
training involved on security, our security personnel and
processes and procedures. It was something that got a lot
of time and attention, and we don't want mistakes made. And
this was the kind of thing where whatever is happening here,
at whatever level, is not appropriate and we weren't going
to stand for it. So that's why we're all involved.

And before anything like this would have been written,
and I would have been fully briefed and agreed that
this was the right answer for this. This would not happen
with [redacted] on her own, ever. And this is the kind of thing
that I would also let Dan know, hey, I've got a situation,
here's what's going on, as an FYI.

Q In that -- I want to direct your attention to
the third paragraph beginning with, "you will remain." Do
you see that?

A Mm-hmm.

Q It says, "You will remain in your position at
FedEx Field as a Service Level Security Supervisor.
However, should we receive another formal or informal
complaint of similar, you may be subject to discipline, up
to and including termination of employment."

A Mm-hmm.
Q: Do you recall whether the team had a progressive discipline policy in place?

A: I do not recall if we did.

Q: And are you familiar with the term --

A: Yeah.

Q: Progressive discipline?

A: Yeah.

Q: Is it your understanding that a document like this would have been kept in the employee's personnel file?

A: It should have been, yes.

(Majority Exhibit No. 5 was identified for the record.)

BY: [Redacted]:

Q: Mr. Pauken, I just handed you what has been marked as Exhibit 5 for identification purposes. This document, which is Bates stamped NFL-00097350, was produced to the Committee by the NFL. I will give you a few minutes to review. Please let me know when you are done.

A: Okay. I've read it.

Q: Do you recognize what I just handed you?

A: I do.

Q: What is it?

A: Yeah, there was an instance where Dennis was speaking inappropriately to [Redacted], and she complained to -- I don't know if it was human resources or
how -- where she complained, but she filed a complaint.

And Norm and I spoke with Dennis about it, and we put this in his file. And I would have told -- talked to Dan about this, certainly. Dennis would make inappropriate comments about a woman's appearance, or make suggestive remarks. And that's what happened in this instance. It was either about her appearance or suggestive remarks that made [REDACTED] feel uncomfortable, and were inappropriate on any reasonable level.

Q I want to direct your attention to the header where it says "From: [REDACTED]." Do you see that?
A Mm-hmm.
Q It's dated June 23rd, the subject is Counseling?
A Mm-hmm.
Q Do you recall why this memo was coming from [REDACTED]
A Human resources reported to [REDACTED] who arguably had dual reporting to Dan and me. And so why it didn't come from [REDACTED] or me, I don't know. I probably asked [REDACTED] to write it and put it in Dennis's file. That's probably what happened, I would have told [REDACTED] to do it.
Q I will note that there are no other employees who are copied on this memo. Do you recall why?
A Probably because I didn't tell [REDACTED] to. I
probably just said, write a memo that Norm and I talked to
Dennis about it, because, look, Dennis had issues and this
was -- I probably wanted a record, so that depending upon
what happened, I could build a case and have it in writing
that I had spoken to him. So I probably just told [BL] to
put something in Dennis's file.

Q Do you recall what [BL] relationship was with Mr. Green?

A Yeah, it was some sales or marketing
assistant role.

Q Did she report to him?

A I think so. But the Commanders can tell you.

Q Why did you and Mr. Chirite counsel Mr. Green
regarding his office conduct?

A Because we wanted Dennis to know that it was
serious. If I'm sitting down and Norm is sitting down with
Dennis, it's not a joke. If we sent [BL] in there,
it's not even a fair fight against Dennis Green. And Dennis
knows neither Norm or I are going to take anything off of
him, and we wanted Dennis to know it's serious. That's why
we're involved. He's a senior level person reporting to
Dan.

Q I want to direct your attention back to the -
- where it says, "Re: Counseling." Is there a reason why
this was counseling as opposed to a written warning, if it
was serious?

A Probably a failure on our part. Looking

back, it's a very weak subject line, I admit.

Q Did you ever receive any other complains

about Mr. Green and his conduct towards women in the

workplace either before or after receiving the complaint

from Ms. [redacted]?

A I don't recall any.

[redacted] We'll go off the record.

(Recess.)

[redacted] We can go back on the record. We just

have a couple of questions.

BY [redacted].

Q Is your testimony today, to the best of your

knowledge, that during your tenure, the team did not hide

revenue from the NFL; is that right?

A Yes.

Q And it's your testimony that the team did not

maintain two sets of books to hide revenue from the NFL; is

that right?

A Yes, that is my testimony.

Q The team did not engage in financial

misconduct or fraud; is that right, during your tenure?

A Well, it depends on how you want to define

that.
Q Okay.
A There are instances where NFL rules were violated or other rules were violated, but I wouldn't characterize them as fraud.
Q Is the NFL aware of those instances?
A The NFL is aware of one of them. The other one is publicly reported. I don't know if the NFL is aware of it.
Q Okay.
A And I wouldn't say they're fraud. Maybe just --
Q You also testified that you spoke to both Beth Wilkinson and Mary Jo White in their investigations. Did you give complete and truthful information in your conversations with them?
A Yes.
Q Throughout the course of this interview today, you've discussed a number of allegations against people who worked at the team, Mitch Gershman, Wells, Green. To the best of your knowledge, are any of these people still employed by the team?
A They are not, to the best of my knowledge, still employed by the team. They are not.
Q When I asked you a question earlier about financial misconduct or fraud, you said there was not fraud,
but perhaps misconduct depending on the definition.

A Mm-hmm.

Q Can you clarify what you mean?

A It's probably best if I could share a story.

Q Okay.

A There was an instance, I think in 2005, when Dan wanted us to require fans who purchased tickets to use a Redskins branded master card and only that. So the fans were required to get a MasterCard that was Redskins branded and use that to buy their tickets. They couldn't use any other Visa or MasterCard. We told him he couldn't do that. He told us to do that anyway. We did it. That is a violation of MasterCard rules. Fans got upset that they couldn't use their normal credit card to buy seats. And it hit the press and we very quickly reversed ourselves, because we were violating, by having that policy, MasterCard rules. That's one example.

The other example which the NFL is aware of is after Dan bought the team, Mort Zuckerman decided he no longer wanted to be an owner of an NFL team. And he asked Dan to buy back his shares. And Dan did that with him, Fred Drasner, and I think his sister Michelle, each acquiring 5 percent of Mort's 15 percent, increasing their ownership and taking Mort down to 0. And Mort was no longer a shareholder of the Redskins.
It's fine to do that, as long as you have the approval of the NFL owners, and Dan did not seek approval from the NFL owners to do that, in violation of league rules. It was all done and over with by the time the league found out.

And you can check with the league on this, they'll have all the details, but there was some period of time, a year or two, where our financial statements were held up because we didn't know the level of fine, if any, we would be under, what the other -- what the various ramifications would be. It took a couple of years to resolve. But it was an example where we clearly violated a league rule and they were not happy about it.

Q So you said the NFL was aware of that instance, the MasterCard instance was reported publicly, so it's safe to assume the NFL was aware. In those instances, it appears that there were direct consequences to those violations, in the instance of the MasterCard you reversed the policy and everything went back to normal?

A Mm-hmm.

Q And in the instance of the NFL -- the NFL, it took a few years to process, but they're ultimately --

A Yeah, they came to a resolution. I forget what the resolution was.

Q But the league did -- they went through the normal course of business, normal course of process?
A Yeah.

Q So there was nothing hidden in the books?

A No.

Q There was nothing being misreported to them.

A No, there wasn't.

Those are all our questions. We can go off the record. Thank you.

(Recess.)

Back on the record at 3:11.

Q Mr. Pauken, you just said that nothing was misreported with respect to the two incidents you mentioned, where -- one where Mr. Snyder failed to follow a league rule. And then the second where he made a decision or at least approved a decision to use a MasterCard for the purchase of tickets, and then reversed his decision based on public backlash; is that correct?

A Yeah, thinking about it using the term misreported on the first one may not be accurate, because the transaction occurred with Mort Zuckerman, and it was not reported to the league. It was only later after it occurred and it was reported. The protocol is, it has to be presented to the league in advance, and NFL owners have to vote on it. You need 75 percent of the owners to say yes to a change like that.
So that, it's probably not an accurate statement when I said nothing was misreported, okay? In the beginning, it was not reported. Afterwards, we came clean on it and it was open book on that at that point.

Q But with respect to what you were testifying about, it had nothing to do with the allegations made by Mr. Friedman that occurred after your separation?

A Yeah, nothing to do with those, yes.

(Majority Exhibit No. 6 was identified for the record.)

BY .

Q Mr. Pauken, I just handed you what has been marked as Exhibit 6 for identification purposes. This document which has been Bates stamped NFL 00102480 ending with Bates stamped in 102488, was produced to the Committee by the NFL. I will give you a few minutes to review it. And please let me know when you are done.

A Okay. I haven't read it, but I've got the gist of it.

Mr. Grooms. Could I take just one moment?

(Discussion held.)

Mr. Grooms. Thank you.

BY .

Q Do you recognize what I just handed you?

A I do.
Q How do you recognize it?
A I think I created it, or it was created under my leadership. This would have been the document that I would have shared with the management team and Marty Schottenheimer, and -- in 2001.
Q I want to direct your attention to the third page of the document ending in Bates stamp 102483.
A Okay.
Q Where it says, Part III - Conduct and Fraternization.
   Do you see that?
A Mm-hmm.
Q That fourth paragraph, first line, it states, "Additionally, non-football employees may not date, flirt, socialize, or fraternize with any member of the football team, coaching staff, cheerleading squad, or football-related personnel, either on or off the Redskins premises."
A Mm-hmm.
Q Do you see that?
A Yes.
Q Is this similar to the policy that you mentioned earlier that was provided to cheerleaders governing their contact and relationship with football players?
A It would have been similar to that, yes.
Q This document, do you recall who this document would have been distributed to and/or who it would have applied to?

A This would not have been distributed to any football-related personnel, because of what happened in 2001. If it got distributed to anybody, it would have been what we called front office people, finance, accounting, HR, public relations, sales and marketing, and employees over at the stadium. I would be very surprised to find that any football-related person got this.

Q Is it your testimony today that this policy regarding prohibited relationship with football players did not just apply to cheerleaders, but to front office employees?

A Yes.

Q Do you recall any instances of employees who were not cheerleaders who violated this policy?

A Yes, I do.

Q Can you tell me about that?

A Yeah, I can think of two stories. One involved -- both involved women and on the front office side, and people on the coaching staff.

Q Can you tell me more about those?

A One of them involved a woman in a leadership role on the front office side who engaged in a regular and
active sexual relationship with a senior member of the coaching staff. And we discovered that. And when we discovered it, we briefed Dan Snyder on it, and the conclusion was made to terminate the woman involved. We -- the evidence that we had was incontrovertible, in that it was described in detail in hundreds of emails. Yeah.

Q What happened to the coaching staff?
A Nothing. We didn't say anything to the coach involved.

Q Why not?
A We didn't want the coach to have any distractions. We just wanted the problem to go away, as it were. So when we terminated the woman involved, the termination was done by me and Norm Chirite together. And we gave the employee no reason why we were terminating her. She pressed hard, she speculated that we knew. We did not admit that we knew, and just informed her that today was her last day, and gave her an agreement to sign that involved some amount of severance with an NDA, nondisclosure.

Q Anything else?
A To that story? No, nothing else.

Q Did Mr. Snyder know?
A He knew. He knew as soon as I discovered it. Actually, it was discovered by [redacted], the CFO. I informed me, I reviewed the evidence, I immediately informed
Dan. The decision to terminate this person took minutes to make that decision and was done within 24 hours.

Q Who made that decision?
A Dan Snyder made that decision. I agreed with it. I'm not saying that's right, but I agreed with it.

Q You mentioned you had two stories.
A The second one involved an assistant to [redacted], I think, at the time, who had a relationship with a coach. And they ended up boyfriend and girlfriend. She quit and they got married. Really, nothing else to it. No allegations, no -- yeah. I mean, what she was doing was a violation of rules, but she quit her job and went and got married.

Q Do you know if she quit because she suspected she would be fired?
A No, I think she quit because she was going to have a relationship with a coach who is making a lot of money, and she didn't need to be an executive assistant any more. And she was fine to go be the spouse of an NFL coach, I think.

Q Had she not quit, do you believe you would have terminated her?
A Probably would have, yeah.

Q You mentioned she was an assistant to [redacted]
A Yes.

Q An executive assistant, correct?

A Yeah.

Q Do you recall her name?

Mr. Grooms. I think he is not comfortable identifying people by name. Are you telling him he must, or is this something we can --

BY [REDACTED]

Q I understand that you have concerns, but it's important that we know the people that were affected by these type of policies as part of our investigation.

A Okay. Her name was [REDACTED] [REDACTED] I can't remember her last name.

Q And in the first story, you mentioned it was a woman in a leadership role in the front office. Do you recall her name?

A Yes, that was [REDACTED]. She was the [REDACTED], which was the [REDACTED]. She reported to me.

Q And you said she was in a relationship with a member of the coaching staff. Who was that individual?

A That would be [REDACTED].

Q Are there any other examples you could think of that we haven't discussed?

Mr. Grooms. Can I just briefly talk to him?
(Discussion held.)

Mr. Grooms. You said is there anything else. I just want to make sure you're talking about any potential relationships among staff and -- who are not cheerleaders and the team, is that correct, is that what you're asking?

BY [REDACTED]

Q I'm asking, are there any other examples of individuals who would have been in violation of this policy as worded in the exhibit in front of you.

A Okay. Not that I can think of.

And just for clarification, even before this policy was in place, which I don't know exactly when it did go in place, the answer would have been the same. If somebody were involved in a sexual relationship with somebody on the team's staff, just the fact that we didn't have a policy governing it, we still would have probably fired that person. We wouldn't have said, oh, you can stay because we don't have a policy governing it. That's not even a thing. Because it gets at, we don't want distractions for the team.

That was our thinking.

Q Now, the example with [REDACTED], you mentioned that there were hundreds of emails, I believe, that were discovered, [REDACTED] discovered that email. Do you recall how that came to his attention?

A Yeah, I had a belief that [REDACTED] was
dishonest with me on something. I can't recall. And there
had been a number of instances on expense reports that ___
had had with ___, where there was always receipts missing
or petty cash that she needed for something and could never
come up with a receipt, or on occasion couldn't come up with
a receipt.

So he had those instances, and there was some sales
or marketing element where I didn't believe her. And I
asked ___ I said, hey, could you check in her email, and
see if my suspicions are founded or unfounded? And he
looked and very quickly stumbled on to these very explicit
emails between her and ___.

Q  Do you know of other instances where
employees emails were searched based on a suspicion of some
type of behavior or policy, potential policy violation
occurring?

A  Yes.

Q  Was that a routine practice?

A  It was not routine. There was the ticket
office reported to me, and at some point during my stay
there, we did -- we ended up starting background checks on
certain employees, okay? And particularly those that were
involving -- it involved money. So I think we did a
background check on the person who ran the ticket office,
and his name was ___. And the reason for that is
there are millions and millions of dollars going through the ticket office. And [redacted] had --

Mr. Grooms. Excuse me just a second.

(Discussion held.)

The Witness. Okay. So we discovered some things that led us to just want to investigate further. And that would have been an example where we would have looked at [redacted] email. So it wasn't a routine thing. It was only if we were concerned about something. We didn't find anything.

BY [black]:

Q And when you say you were concerned, was that based on the background check?

A Yeah. And I remember there in that case, we found nothing in his emails. There was no reason to be concerned.

Q If you wanted to search an employee's email, how would you make that happen?

A I would tell [redacted] to look or -- because the IT staff all reported up through [redacted] and [black], [black] and [black] reported to me, or [blue] reported to me, and they would just provide access, so [redacted] could look. Normally, I would have [black] or [black], [black] do the looking, because HR reported to them. And it was good to keep the IT staff and [black] out of it. And I would say it was a rare
occurrence. It was not a routine, it was rare. If it happened, it happened a handful of times.

Q I want to direct your attention to the bottom of the same page, part 4, alcohol and drug policy. Do you see that?

A Mm-hmm.

Q Now, turning the page, the first bullet states, "The Redskins organization will not tolerate any employees being under the influence of drugs or alcohol while on Redskins organization premises, in vehicles supplied by the Redskins organization, or in any location while on Redskins organization business."

A Mm-hmm. Okay.

Q In your experience, do you recall any employees or -- including executives, violating this provision of the policy?

A No.

Q During your tenure, do you recall if employees or including executives would consume alcohol?

A Yes.

Q In the office?

A On occasion.

Q During meetings?

A On occasion, yes. Not often.

Q What were the occasions where employees would
be consuming alcohol in the office during a meeting?

A   It was pretty rare in my experience, but maybe somebody's having a beer or something of that nature. It wasn't really, you know, I just wouldn't say it never happened, but if it did, it was pretty casual and uneventful, while I was there.

Q   And then below that, part 5, sexual harassment policy. Do you see that?

A   Mm-hmm.

Q   I believe you testified earlier that you don't recall there being work place misconduct training. Do you recall if there was a training on handling sexual harassment complaints during your tenure?

A   No, I don't recall doing that.

Q   I want to direct your attention to the last page ending in Bates number 102488, media relations policy. Do you see that?

A   Mm-hmm.

Q   Do you know why there's a stand alone media relations policy?

A   Yes.

Q   And why is that?

A   When I was there, there were more reporters camped out there every day than the White House press office. That's how many reporters were there. And they
were always trying to get a story and talk to anybody they could to get a story. So you needed a policy letting everybody know, if you're contacted by the press, if you're in the restroom with the press, you don't speak to that person. It all goes through media relations. That was why.

Q Do you recall if Mr. Snyder was very concerned about media relations and leaks to the press?

A He was always very concerned about that, yes.

Q Why is that?

A He never -- well, he often didn't feel that the press was accurate in its reporting, and was out to get him in one way or another from the beginning. And so it was a scenario where he was always cautious and he minimized his interactions with the press over the years to the point where I think now he rarely speaks to the press.

Q If Mr. Snyder, at any time during your tenure, suspected that there was an employee who was leaking information to the press, do you recall what his reaction would have been?

A Yeah, he would want us to try to find out who that is, and he would probably be terminating that person.

Q How would you go about finding out who that person is?

A It's really hard, really, really hard because the press won't divulge their sources. So yeah, I think --
I don't know that we ever did find -- there was leaks that he was concerned about. And I can't remember ever finding the culprit and terminating somebody. But I can remember it would happen periodically, where something was written and how it got out, and he would be quite upset and very spirited.

Q Do you recall if there were ever efforts to investigate employees who were suspected of being behind leaks to the media?

A I mean, investigate in the sense that maybe we would ask employees if they did, if we thought a certain person. But did we take it to the point -- do I recall asking somebody for phone records or searching their email? I don't recall ever doing that.

Q Did you travel -- a minute ago, you just mentioned that you've never searched phone records or emails or anything like that. Is that something you had heard of in connection with Mr. Snyder or the Commanders either during or after your tenure or even before?

A I don't believe I have heard of that.

Q Did you travel often for work when you were with the Commanders?

A Yes, very often. Every away game, many business trips on side business activities, Six Flags, what have you. I attended every owners -- NFL owners meeting
with Dan as an example. So, yes.

Q When you would travel for away games, were you also traveling with Mr. Snyder?

A We would travel on the team plane to the away games.

Q When you say "we," are you talking about you and Mr. Snyder or were there others as well?

A Yeah, other front office personnel would be on the plane. Sales and marketing staff who are meeting sponsors at an away game or staff that are responsible for the physical movement of equipment and just supporting the team operation when you get to the away game to the training staff. You know, support staff would also be on the plane. Doctors.

Q Do you recall any instances of inappropriate conduct by Mr. Snyder or other executives when traveling for work trips or other events?

A Could you repeat your question?

(Reporter read back.)

The Witness. Yes.

BY [Redacted]

Q Can you explain what you mean by that?

A Can I talk to --

Mr. Grooms. Can we take a minute?

[Redacted] Sure.
(Discussion held.)

The Witness. Thank you for that.

(Reporter read back.)

The Witness. So two questions on that question. So inappropriate is a fairly wide area. And maybe if you could be a little bit more specific. And when it comes to work, as I worked with Dan, like everything blends together, personal and work. Like, there's no, like, trying to like draw the line between what's personal and what's not is in the eye of the beholder.

So I want to be as accurate as I can, but I also want you to know that the lines are very blurred on trips, and how we would spend time together, right, on whether one would consider that work or one would consider that personal. It's not a traditional, you're at the office nine hours a day and then it's personal. Like it all sort of runs together. And I don't want to be inaccurate.

BY [REDACTED].

Q Let me ask you this. Would you have traveled with Mr. Snyder but for having work related to the Washington Commanders or business related prospects related to the Commanders?

A I traveled with him for a wide range of activities, Commanders related, Six Flags related, sometimes both in the same trip, sometimes personal trips that don't
have anything to do with Commanders or Six Flags or Red Zone, but maybe have to do with sports or other team personnel. But it's not really a business matter. Or I would -- we would be on a trip, and we would stop at his house in Aspen for the weekend. That's personal time, but there's a lot of business things that are discussed. So to me, it sort of all runs together.

Q So my question is directed to -- applies to all of the above.

A Okay.

Q When you would travel with Mr. Snyder on trips that were related to work and/or pleasure, even if it was a mixture of both, did you ever witness him engaging in conduct that you believed was unprofessional, unfitting for an owner of a team, a leader, manager, executive? I think the NFL describes it often as conduct detrimental. Did you ever witness him engaging in any behavior like that?

A Yes, I did. You're asking me for an example?

Q Please.

A Okay. There was an instance in the spring of 2001. The University of Maryland had made it to the Final Four. The game was played in Minneapolis. So this is all a matter of public record on when that was. It was the spring of 2001. And Dan said to me, hey, I'm going to -- me and some of his friends are growing to go see the game, we're
going to go have a day trip to Minneapolis, go there, watch
the game, come home.

And like I'm working a lot, I've got three kids, et
cetera, and I'm leaving to go on a day trip on a Saturday, I
think it was on a Saturday. I'm pretty sure it was a
Saturday. And so I go. I get on the plane, and I get in
the air. And I'm told that we're going to be gone for a
couple of days.

And I said, hey, Dan, you told me this was a day trip.
I told [REDACTED] -- [REDACTED] is my wife -- I would be home
tonight. And also, I have no luggage. I didn't bring
anything. And, look, to Dan, these are irrelevant details,
okay, because you can call your wife and say you'll be a few
days, and you can have somebody go out and buy you some
clothes when you get to Minneapolis. These are just like
not even relevant details.

And he said, we've got girls lined up, and there's one
for you. And to be honest, I wasn't sure what to do with
that, other than to know I was in trouble here and needed to
figure out a way out. And we get to Minneapolis, we get
over to the hotel that we're staying in. And there are a
number of beautiful women in this hotel suite who are
physically very affectionate and they -- nobody said they
were prostitutes. I assumed they were prostitutes. They
had flown in from Dallas.
And so we sat around, had drinks. I did my best to avoid being touched by them. They were very affectionate to Dan and other men who were with us. And when it came time to go to the game, they had tickets that were in a different place than our tickets because Dan's a public figure, he's not going to be sitting there next to these women.

I also was given tickets not near Dan, and that night or midway through the game, I walked out of the arena, got in a cab, went over to the Minneapolis airport and got the last night from Minneapolis back to DC, and told my wife what had happened, which was not an easy conversation to have with one's wife.

That's one story for you.

Q You mentioned there were other executives there with you.
A There were no other executives from the team. They were -- they were friends of Dan that were there.

Q Do you recall who those individuals were?
A One of them would have been __________

Q The __________?
A Yes, who is __________. Do you need to know other names?
Q Anyone else?
A I can't say with certainty. There were others, I can't say with certainty.
Q Now, you mentioned that these girls were flown in from Dallas. How do you know that?
A Dan mentioned that they flew in from Dallas. I found out from him.
Q Do you know who would have arranged that travel?
A I don't.
Q You mentioned that the women were affectionate?
A Mm-hmm.
Q What do you mean by that?
A I mean, like putting their arm around one's back, and rubbing fingers through hair, sitting thigh to thigh while doing that.
Q Anything else that you recall?
A No.
Q Was that the first time that had happened?
A That is the first time I was witness to that, yes.
Q Did Mr. Snyder ever ask you why you left?
A Oh, he made fun of me, and called me Mr. Goody Two Shoes. And that was the name that he used frequently in the years to come following.
Q: What do you mean by that?

A: Well, any time I was -- not any time. Oftentimes, when I was taking a moral stand, for example, on the cheerleaders, you know, like, hey, maybe we should think about disbanding them or maybe we should not have such risque dance routines or whatever, he would call me Mr. Goody Two Shoes. Or he would say to another executive, or friend or somebody that I don't like girls. I'm Mr. Goody Two Shoes.

Q: How did that affect you, if at all?

A: How did that?

Q: Affect you, if at all?

A: Yeah, I guess I'll answer it the way I answered question earlier. It just rolled off my back. That was just part of what it was like being in an abusive relationship.

Q: Did you ever discuss with anyone other than your wife that incident?

A: Yes.

Q: Who?

A: I would have -- I would have talked to [redacted] about it, [redacted], who are close friends of mine. I wouldn't immediately have talked to them about it, but I didn't wait ten years to talk to them about it. And I have told close friends of mine that story. And that's the kind
of thing my wife and I had to work through, so there was
people who helped us work through that. That's not a good,
a story good for marital relations, so it took a little
work. Particularly when I elected to stay after that.

Q Do you recall any other instances where
Mr. Snyder brought girls to events on work travel or
personal travel, or used girls' services?

A Yeah, I -- so there was an instance in -- I
think, again, it was in 2001, and I know it happened again
in 2005, where he and I were in New York. And we would be
at a dinner, and we were walking back to the hotel. And he
would ask me for $500. And I said, Dan, I don't have $500.
And I know better than to ask Dan if he has $500. Number
one, he wouldn't be asking me if he had it. And number two,
I know he didn't really carry much cash, typically. And he
said, well, can you get me $500 from a money machine?

Now, he has a money card. He can get $500, but he
asked me to get it. So I did. And it's late at night, and
I give him the money and he goes to his room. And he says,
I'll see you in the morning. And, look, I wasn't born
yesterday. I'm not -- there's not too many things you need
$500 for at 11:00 at night, where you're staying at the St.
Regis, where you can put anything on the tab that you might
need.

And in my marriage, my wife keeps the checkbook and I
don't ever pull $500 out. I'll pull 200 out, and it would be very unusual for me to pull $500 out in the evening. And she would notice that. She has an attention to detail. So I called her that night and told her what had happened.

After that, I told [redacted] and [redacted] that whenever I traveled, and they would know when I'm traveling, I wanted somebody to put at least $1,000 in cash in my hand, so that if I was ever asked for cash, I had it. And I didn't want to be in a situation where I needed to call my wife again.

I think in 2005 or -- I don't know what happened, but I -- the same thing happened. We were in New York and I pulled $500 out of a Citibank. And I know this because I have my 2005 expense reports. I have my 2005 calendar. And there's a receipt for a withdrawal at Citibank and -- on my calendar that clearly says I flew to New York with Dan on Thursday and was with him all day on Friday. So it happened again in 2005. And I put it on my expense report to get reimbursed $500 plus a $1.50 charge.

I can keep going.

Q Please.

A Also sitting in expense reports, there was an expense report from Karl Swanson that has no receipts attached, but is asking for roughly $1300. I think two components, one 700, one 500, from Karl Swanson, from which
there are no receipts and indicate they're for Dan Snyder.

And why do I have that expense report? Well, I'm not sure how it got in my stack of expense reports, but it would have been given to me. There's a note on there from my assistant, [redacted] to please note there was no receipt. So it was given to me because the accounting was not going to reimburse Karl without my signature. So that's why it got to me. So I would, of course, approved that because I know what that's for. And I know it's not right for Karl to be out that money.

There are also -- Dan knew that I was not going to engage with prostitutes. He and I would -- on many occasions when we traveled, we would share a suite. We would be at the St. Regis, we would be at the Four Seasons. It's a presidential suite. There's a couple of rooms attached. We would share a suite. Other times, we wouldn't share the suite. I would be in a room down the hall or on a different floor. Often on those trips -- not often. On occasion on those trips, he would tell me that it's time to leave. And two or three times over the years when I'm leaving, there's a beautiful woman or women walking down the hall in the other direction.

Q Did you ever see those women enter Mr. Snyder's room?

A Once I did and -- once I did turn and look,
Q Do you know if any of the women walking to Mr. Snyder's hotel room at the St. Regis were his wife, Tanya?

A They were not.

Q How do you know that?

A Because I know Tanya, I've spent a fair amount of time with her over the years.

Q How many times would you estimate that occurred?

A Two or three times.

Q Did Mr. Snyder ever joke, laugh, or make comments about any of these exploits?

A He would routinely make comments, jokes about hookers, having hookers, Pauken's not involved, because he's Mr. Goody Two Shoes. I can't remember a specific conversation, but that was a routine sort of dialogue over the years.

Q With whom would he engage in these conversations or make these comments to?

A He would be around -- you're asking for names?

Q Yes.

A Around Norm Chirite, Karl Swanson, people like that. Others I can't -- probably.
Q. You've spoken about what you've observed personally. Have you heard of other incidents where Mr. Snyder engaged in similar behavior or other troubling behavior that you recall?

A. Sometime after I left the Commanders, I think it was somewhere between 2012 and 2014, that part of the decade, Norm Chirite and I had coffee at Katie's Coffee Shop in Great Falls, Virginia. And Norm told me this story, where he had been on Dan's boat, I believe it was in Portofino, which is the Italian Riviera. And there were -- there was a wild party on that boat, with a lot of girls, drinking, who knows what else was going on.

And it had gotten to a level where Norm Chirite was uncomfortable. And Norm, as he recounted this story, was counseling Dan that this could head south here if we're not careful what's going on on this boat. Whatever it was, I don't know the details. A huge fight ensued, and Dan threw him off the boat that night and told him to get a plane and fly back to the United States. It was very troubling for Norm. I believe Norm was trying to be helpful to Dan and as Norm's recounting the story to me, he was pretty upset by it.

There also was this marketing, sales and marketing sort of a celebration trip that occurred, I believe in February of 2005. It could have been January. It was
wintertime. Dan had us out to his house in Aspen, and it was a good time. There was a lot of fun going on, and I heard from more than one person that Dan and others had prostitutes on that trip at some point during that trip. I never saw them.

Dan knew not to have me around if he was doing that, tried to mitigate that anyway. I never saw them, but people on that trip told me about it on that trip, and after that trip. I never saw it, I never confronted Dan on it, but it was told to me by people who had witnessed things.

Q Do you recall who those individuals were?
A I do not.

[Redacted]. Off the record.

(Recess.)

BY

Q So today during the course of your testimony, you have described several different examples of issues and problems as you observed them during your tenure there from 2001 to 2006.
A Mm-hmm.

Q I think, looking across those examples and issues that you raised, it seems to fall within a couple, like, three different kind of categories with workplaces. I think you can ascribe some of them to problems that we have seen every workplace. Every workplace has issues, so some
of them can be categorized as that. Some of them could be categorized as that. Some categorized with problems that are unique to an NFL franchise.

A Mm-hmm.

Q Obviously as an organization, it's a bit of a different one than a lot of different organizations at companies and workplaces across the country. And then I think a third category is ascribed to the management itself as a third category of problems that you've described today.

A Mm-hmm.

Q So I think from some of the problems being common, some of them because it's uniquely an NFL franchise, and some of them attributed to the management style.

A Mm-hmm.

Q So as you sit here today, and you've come forth to this Committee as part of this investigation, what is it you think about this particular organization, the Washington Football Team, the Washington Commanders, that has made it the subject of a congressional investigation in light of its workplace problems from many years ago?

A Yeah, I think that in the end, it all stems from the owner, Dan Snyder. That's what I think. I think that the workplace culture and how he ran the business when I was there, and how I believe he ran it after I left caused the events, set the stage and caused the events to occur
where the allegations that came out, whether they occurred
or not, I don't know, but those are the kinds of things that
led to this investigation.

And then -- so it led to the NFL getting involved.

Beth Wilkinson has her investigation and by all accounts, it
was buried by the NFL. And it wasn't until this Committee
dug further that more came to light. And I think this is a
really good example where transparency is everyone's friend.

Q So you think that the changes that were made
post Beth Wilkinson's investigation were not enough? They
came out in January of 2022, which is --

A No, they very well may be enough. It is not
for me to decide what is enough. They very well may be.

Q So Congress -- so what remedies, then, do you
think Congress can and should provide to this workplace and
other workplaces in the private sector?

A I think the role Congress can play is
providing visibility so that those that are in a position to
institute remedies will do that. Because absent visibility,
no one would have done anything, in my opinion.

Q But so there were actions that were taken,
though, were they not, prior to this investigation? There
was visibility through the press and there were a lot of
individuals that were subsequently fired before this
investigation took place, were they not?
A Yeah, and those firings occurred right at the time The Washington Post was going to release articles, right? Like Larry Michael and Mitch Gershman, they all resigned -- I may not have the exact dates or times right, but like right before the press blows this open.

Q But yet you still think that Congress is the right place for transparency of the private workplace?

A I think absent the NFL doing something, which they didn't with the Beth Wilkinson investigation, yeah.

Q Is there a currently ongoing investigation by the NFL?

A It is. And it only happened because of this Committee. Because this Committee brought Tiffany Johnson in, and she told her story and it wasn't until after that, that this investigation occurred. And my belief is that this Congress has a right and an obligation to workplace safety and oppression. And if there's a role to help the American worker in that, then you have a role in it.

Q And so with the limited resources that Congress and this Committee has, then you -- it's your opinion that it's rightly placed in looking at an NFL franchise?

A I think the American people --

Q I mean, does the resources that this Committee has, the limited resources that this Committee
has, is to be looking at a private workplace including the Washington Commanders?

A Yes, this Congress can walk and chew gum. It can take care of Ukraine, it can take care of the Commanders, it can take care of fentanyl.

Q I appreciate your confidence. I'm not sure the American people agree, given the problems they're facing, but I appreciate your candor in that, that we can -- so provide the transparency when a number of other problems face the people, so -- so what would you like to see then as a result of this investigation.

A Yeah, I am in favor of transparency so that the NFL will take whatever appropriate action they want to take, and that ultimately is in the hands of Roger Goodell and 24 of 32 owners. That's where it lies. I expect that the state authorities, Loudoun County prosecutor's office, EEOC, all the -- they've had enough time to review and have concluded either there's nothing to do here or they haven't yet done anything. I'm assuming they're all doing their jobs.

All right. Let's go off the record.

Back on the record at 4:30.

BY:

Q Mr. Pauken, earlier you testified about an incident that occurred in Aspen in 2005. Do you know if
that's the same incident that Melanie Coburn, who is one of the Committee's roundtable participants shared with the Committee regarding a marketing event, where there were prostitutes who came into the home while she was in the basement with another colleague?

A That would have been the same event.

Q I believe you testified earlier that Jason Friedman reported to [redacted] is that correct?

A Yes.

Q And [redacted] reported to you?

A Yes. Until such time as [redacted] was terminated, and then Jason reported to Mitch Gershwin.

Q Mr. Friedman, who is a former sales executive with the team, recently informed the Committee that the Commanders concealed revenues that were owed to the NFL as part of a revenue sharing agreement with the league. He also revealed that executives may have withheld millions of dollars in refundable security deposits owed to customers upon the expiration of their seat leases, and may have taken steps to prevent customers from collecting these deposits.

He also revealed that in 2009, the Commanders would tell customers that the team had sold out of general admission tickets while at the same time selling those tickets to ticket brokers in bulk and then direct the fans to the team's purported waiting list. Are you familiar with
the allegations I'm referring to?

A  I'm familiar with them.

Q  Now, you worked with Mr. Snyder as the chief accounting officer for Snyder Communications for four years, and then as the chief operating officer for the Commanders for about five years. Do you have any reason to believe that the allegations that Mr. Friedman raised with the Committee are untrue?

A  I do not.

Q  Why is that?

A  Well, I believe that it's possible that it happened. Do I have specific knowledge that tells me it did not happen? No. Is such a thing possible? Yes.

Q  Why do you think that that would be possible within the Commanders organization?

A  A couple of reasons. I provided some examples of aggressive business practices, the Mort Zuckerman story, the MasterCard story, where we were culturally aggressive. That's number one. Number two -- or aggressive from a business standpoint. Culture is probably not the right word.

Number two, the Commanders were operating under what's called a club seat waiver for 15 years. When the stadium was built in 1997, the NFL permitted certain ticket revenue to be classified as non-shareable revenue. And that lasted
for 15 years, 1997 to 2012, I believe. The way that worked is you had, for example, a club seat that has a value, say that value is $300. The NFL allowed you to subtract the premium seat portion of that club seat. Let's say that's 200. I'm making up numbers here.

And the remaining value was the GA value, the general admission seat value of the seat. That $200 was not shareable with the NFL, and that was for 15 years on premium seats. It amounted to, I don't know the number, the Commanders can tell you, over $10 million a area, a lot of money that the Commanders did not have to give to the NFL to then share with the other 31 owners for a period of 15 years.

The NFL would come in and they would audit that. Our outside auditors would audit that as well. And so when that expires, there's a material drop in revenue for the Commanders because now money that used to be yours, this $200, now you have to give to the NFL. So whatever your revenue was in 2011, in 2012, it's going to drop materially.

So that creates a mindset within any business, hey, my business revenue is falling, what can I do to mitigate that or not have it drop so much. And so that creates an environment where potentially inappropriate things could occur.

And so what Jason described, as I read in the report
to the Federal Trade Commission, was efforts to classify revenue from a shareable category to a non-shareable category. And this would be helping to alleviate the problem that I described. Whether or not that happened, I don't know, but I'm just saying if it all happened around starting in 2012, it makes sense that it would coincide with the termination of the club seat waiver.

Q Mr. Friedman also told the Committee that he had preserved certain documents and information related to his allegations because he had taken blame for certain actions as a Commanders employee that he had been directed to do by Mr. Snyder or other team executives. Do you recall reading that?

A I do recall reading that.

Q Were you surprised to read that Mr. Snyder publicly placed blame for his decisions on other employees?

A I was not surprised to read that.

Q Why is that?

A Well, you know, the Dan Snyder I know, and I think maybe through some of the stories that I've shared with you, he is not the kind of person that's going to accept that responsibility or blame. Like, he is going to put that on Jason Friedman and say Jason Friedman was acting alone.

If you go back to the personnel policy thing with
Marty Schottenheimer, that was all my fault that I got into that situation. Dan didn't take any responsibility on that when I was the one that had gone through it with him. And in the end, it was all my fault. So it makes sense to me that if something went sideways on this with Jason, if these allegations are true, that Dan would distance himself.

Q You testified earlier that Ernst & Young was the auditor for the team during your employment; is that correct?

A Yes.

Q And was that throughout your tenure?

A Yes.

Q Do you recall if Ernst & Young had a suite or a box with the team?

A They did. They did.

Q Was it customary for the Commanders to sell suites to companies that were providing services for them?

A Yes. Yes, we would almost make it a requirement. And I think at one point, we changed -- or maybe after I left, I heard they changed accounting firms because Ernst & Young wouldn't continue the suite. We did lean on vendors to buy suites or club seats, depending upon how big the vendor was, in order to do business with us.

Q You mentioned also that you were over premium --
A Seat sales.
Q Until around 2003?
A 2003, when [REDACTED] was fired.
Q Did you have occasion to deal with the
security deposits that were collected from --
A I did. I did.
Q And in your experience, did the team attempt
to convert security deposits to bookable revenue during your
employment?
A Never inappropriately. The only thing that
we did was for certain premium seat holders where their
contracts had expired, and they were due a security deposit
back, if they were not renewing, we went to some of those
customers and said, would you like to buy one more season?
And you can use your security deposit to help defray the
cost of one more season.
And we sold hundreds of seats that way, legitimately
so, and the customers sort of liked it because they weren't
cash out of pocket, they had already spent the money. So
that's -- we did that some number of years. But we never,
under my watch, knowingly converted security deposits
inappropriately.
Q And in your experience, when you were
overseeing the premium suite sales, was there a push to
convert security deposits to bookable revenue, even if done
appropriately?

A Only if done appropriately. Only if done appropriately.

Q But to be clear, it was your experience that there were efforts to do that, or was the approach that whatever happened, happened, as it relates to those security deposits?

A No, it was -- look, it was a defined program and I worked on with Dan. And I think frankly it was his idea, which was a good one, I thought, for a customer who was actually walking away from you for whatever reason, to try to sell him one more season by using the security deposit. It was purely voluntary, nobody was pressured into it, and we sold some seats that way. And if they didn't want to renew, we returned the security deposit.

To my knowledge, we did not while I was there convert security deposits to revenue without selling the person seats, actual seats. I would not have stood for it.

Q Do you recall when you first learned about the allegations of the Commanders toxic workplace culture that were publicly reported in 2020?

A I do recall, yes, in 2020, yes.

Q At the time, were you surprised by the nature of the allegations that were detailed in the reports?

A No.
Q    Did you speak to any of your former Commanders colleagues about the reports after they were published?
A    Yes.
Q    Do you recall who you spoke to?
A    I would have spoken to [redacted], [redacted], [redacted].
Q    How would you describe their reactions to the reports?
A    They were appalled, not surprised, and did not believe that Dan Snyder did not know about the video.
Q    Are you referring to the lewd outtake video?
A    Yes, I believe that was the story that broke that summer.
Q    Did you ever consider speaking up publicly about your experiences?
A    I did not -- I did consider it. I did consider it and decided against it because of my agreement with Dan Snyder, and that if I violated that agreement, I was pretty sure he would take legal action against me.
Q    The employees you just named, [redacted], [redacted], do you know whether they considered speaking out publicly, and if they didn't, why not?
A    They did not consider speaking out publicly and they would not consider doing that because they would
fear retaliation from Dan.

Q Were you contacted by the Wilkinson Stekloff law firm regarding sitting for an interview in connection with the Washington Commanders toxic workplace culture?

A May I speak with Danny?

(Discussion held.)

The Witness. Thank you.

Do you need the question read back?

The Witness. Go ahead.

(Reporter read back.)

The Witness. I was in contact with them and they did ask for an interview.

BY

Q Did you sit for an interview?

A I did.

Q Do you recall when?

A I think it was in the fall of 2020. It's easy enough to check, maybe it was early 2021, but I think it was fall of 2020.

Q Did you speak with them more than once?

A I think we had two or three sessions.

Q Did you share with Ms. Wilkinson the information we've covered here today?

Mr. Grooms. I'm sorry, if I could just stop. The same thing I said earlier, it's my understanding that the
substance of the internal investigation by Ms. Wilkinson is subject to a claim of privilege by the team, by the organization.

BY [Redacted]

Q Mr. Pauken, have you been instructed by the team not to answer questions concerning the Wilkinson investigation?

Mr. Grooms. I'll step in to say it's my understanding as his counsel that the team asserts privilege over the Wilkinson investigation, the substance of that.

Have they instructed him not to answer any questions regarding the Wilkinson investigation?

Mr. Grooms. I would not characterize it as an instruction or direction. I would say that I confirmed that the view is that that is a privileged communication and not Mr. Pauken's to either waive or assert.

BY [Redacted]:

Q Mr. Pauken, sitting here today, would you have done or handled anything differently during your time with the Commanders?

A Yes.

Q What's that?

A It's -- I mean, it's probably a lot. I mean, if you think about some of these things, [Redacted], the Cooley cheerleader incident, the MasterCard, there's a
There's an interaction with Mark Lerner. There's a number of things that I regret. So, yes, I don't know how much time you want me to go through the list, but there's a lot of what I've shared, I would have rather done differently.

Q You mentioned a sexual harassment incident. What are you referring to?

A That was fall of 2002. There was a member of the public relations staff that was groped by a member of the coaching staff at an event. I believe it may have occurred on a bus. It was an evening event. And it got reported to me. I don't know if it came in through or how it came in, but it got to me.

And I talked to Dan about it, and I knew what we were going to do and -- which was nothing. And we told the person to just stay away from the coach, we would do our best to keep the coach away from you, but stay away from the coach.

Obviously, that is not right. That's what we did.

Q Did you talk with the coach about the allegations?

A No.

Q And when you say that you knew what we were going to do, how did you come to an understanding of what you were going to do?
Well, I had spent, at that point, six years with Dan. I knew the importance of things that were important to him. This was a new coach and we weren't going to disrupt that new coach. And so we were going to make the problem go away as best we could.

Q The problem being the public relations staff?
A Yeah.

Q Did Mr. Snyder tell you not to take action?
A He told -- he told me -- together, he and I came up with, like, we weren't going to confront the coach, and keep this person away from the coach. Together we came up with that plan.

Q Who was the coach you're referring to?
A Are you requiring me to disclose the name?
Q Yes.
A It would be Lerner.

Q And who is the staffer who was groped?
A That would be Lerner.

Q You also mentioned an interaction with Mark Lerner. What are you referring to?
A This one is fairly embarrassing. Mark Lerner, prominent business, local businessperson here in the Washington area, now the owner of the Nationals -- at the time, I believe the Nationals. The Lerner family had a suite or their business had a suite at FedEx Field, and they
also as real estate owners in the Washington area, they
tended to own some real estate around and near FedEx Field
that we needed for parking.

And we completed a business deal with the Lerners
that, in Dan's view, was way too much money to pay, but we
needed the parking. And this happened -- the story I'm
telling happened to me and it happened to [redacted] where
Dan wanted to see Mark Lerner's suite and we go up there to
his suite. This was on a non-gameday. And Dan asked me to
pour milk on the carpet under the seating in Mark Lerner's
suite, so that the suite would smell like sour milk when the
Lerner family came in on gameday.

And he had [redacted] do that on another occurrence.

And so if you're asking me things I regret doing, that would
fall under that category. I owe Mark Lerner an apology, but
I did it because Dan told me to do it.

Q With respect to the allegation concerning

[redacted], you mentioned that [redacted] was

the individual who harassed her. [redacted]

A [redacted]. He's the [redacted].

Q And with respect to the resolution with

[redacted], and by resolution, I mean what was

communicated back to her. Was there any kind of agreement

in exchange for her silence?
A No.

Q Have we discussed all of the instances of workplace misconduct, and specifically sexual harassment that occurred in the Washington Commanders across the front office, coaches, professional coaching staff, players, et cetera?

A I can't think of any other sexual harassment workplace misconduct that I haven't told you.

Q Have we discussed all of the instances that you've experienced with Mr. Snyder and his behavior which you viewed as unbecoming, inappropriate, conduct detrimental during this deposition?

A Mm-hmm.

Q Is that a yes?

A I think we have, yes. Just to the best of my recollection, I've covered everything. There may be other instances but to the best of my recollection.

Q Now, given your experience with Mr. Snyder were he to find out what you've shared with the Committee here today, what do you expect his reaction to be, if anything?

A He's going to be very surprised. And the reason I think he's going to be surprised is his experience with me was that I was a very good soldier. I may have pushed back on things at times, but by and large, I was a
good and loyal soul. And his last interaction with me was a very positive one.

Between 2011 and 2016, his lawyers contacted me and asked me to help him with some litigation against UBS and then Cadwalader, and I voluntarily helped in that case, and was fairly extensive, my testimony. And all I did was tell the truth, but it was very helpful truth and he won that case.

And so his last interaction with me was very positive. And for me, I'm not doing anything different here. I was asked to tell the truth in that investigation, I'm being asked to tell the truth in this one. But to answer your question, because of that, his experience with me while I was there, his last interaction with me being positive, I think this will surprise him.

Q One last question regarding the incident on Mr. Snyder's boat involving Norm Chirite. You testified that he was thrown off the boat. I just want to clarify, did you mean physically?

A No, not physically. Asked to leave the boat.

Q Thank you.

No further questions.

We just have a couple. We can go back on the record.

BY
Q I apologize for asking you about what you described as an embarrassing event. But can you tell me when the milk incident in the Lerner suite occurred, when you poured the milk?

A It was 2003 or '4.

Q All right. And you testified that also was asked to pour milk on the rug?

A Mm-hmm.

Q Were you there when he poured it there?

A No, told me pretty soon afterwards.

Hey, Dave, you're not going to believe what happened. So this would have happened before got fired, so it was probably 2002, 2003.

Q Okay?

A Because did the same thing. was fired in the summer of 2003, so it would have been before that.

Q So there was -- you did it once?

A And then

Q And then told you that he did it once?

A Yes.

Q Was there when you did it?

A I don't believe he was, no.

Q Okay.

A He may have been, but I don't recall.
Q That's okay. So Jason Friedman, we've discussed with our colleagues, has made a lot of unsubstantiated allegations about financial fraud and you agreed that those allegations could be true; is that right?

A Yes.

Q Do you have any evidence that those allegations are true?

A No, but I think that's obtainable.

Q Okay.

A If it is.

Q Insofar as your experience and your testimony in your time with the team, you did not witness, experience, or endorse any financial fraud?

A No.

Q You mentioned that the reason that you went to go work for the organization, meaning the Redskins, was that it was an incredible franchise, it was one of the best in the NFL, and that's why you chose to stay. Did you ever have an interest in buying into shares of the team?

A I did. And I talked to Dan about that, about some way to have some equity interest, and it wasn't something he was interested in.

Q Do you remember when he had those conversations?

A In fall of 2005. And it was in the context
of, are there ways to compensate me more. Okay, it wasn't -
- it didn't need to be that, it could have been other ways,
but it was just -- that was a way.

Q Was it kind of upsetting to not be able to
buy into this franchise that you loved?

A No. What was upsetting for me was I felt
like -- I felt like I -- it would have been nice to have a
raise after five years. That's what I felt.

Those are our questions. We can go off
the record. Okay. Thank you. 5:06.

[Whereupon, at 5:06 p.m., the taking of the instant
interview ceased.]
ERRATA SHEET

INSTRUCTIONS: After reading the interview transcript, please note any change, addition, or deletion on this sheet. DO NOT make any marks or notations on the actual transcript. Use additional paper if needed.

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