

A And there could be more than this that other people would have said, oh, this may be something that we need to develop. And without the totality of the case, it's facts and circumstances and each case stands on its own.

Q Okay. So this is a compilation of what the screeners, the senior screeners --

A This email is. This email is. The three senior people in my group.

Q And Group 7822 which you reference here in the email, I believe it's the same group you mentioned before when you were speaking with my colleagues on the minority side?

A Correct.

Q Which group is that?

A 7822 was [REDACTED] a group. And they were dealing with consistency issues. Exactly what other things that they had within that group, I don't have firsthand knowledge. At this point in time, I'm not sure -- I believe that group was turned over to [REDACTED]

Q Okay. And this is the group that [REDACTED] was in at least as of March 2010?

A 2010, correct.

Q Okay.

BY [REDACTED]

Q The email also says they were send to Group 7822 for secondary screening.

A Correct.

Q What does secondary screening mean?

A Secondary screening would be looking at a case that hopefully we could merit closed, and we would send it to secondary screening for someone to take a look who had more time than my initial screeners who were spending a minimal amount of time to process their 20 to 25 cases a day. It may require things such as -- let's go look at a Web site. Things that we don't have to burden the customer with. But it can answer a question that we can go ahead and close the case. So because my screeners were not in a position of even picking up the phone to verify an issue, it was sent on in many instances in other areas to secondary screening. These folks had a little more time available to them to look at these cases.

Q Okay. So did your group have the ability to recommend that the cases that fit into any of these four issues be closed if they looked to be complete as initially submitted?

A Again, you know --

Q Do you know if these cases that fit these four issues, do you know if they were automatically sent to secondary screening?

A I do not.

Q Okay. Did you have the ability to close these cases if everything in the initial application was complete? Or did you have to send them? Or did they have to be sent to secondary screening?

A I don't know.

Q Okay.

A I mean, again, on some of these issues that -- you know,

we identified these issues. And they were in the case file. And if you gave me one case and I looked at it, I could say it. But those directions were not given.

Q Okay.

BY [Counsel] [REDACTED]

Q Okay, sir. You can set that document aside. You testified before that at some point the cases that your screeners were identifying were transferred to Group 7822 and to [REDACTED] is that correct?

A Right.

Q Before those cases were transferred are you aware of any case, any Tea Party case that was closed?

A Am I aware?

Q Yeah.

A Closed from where?

Q At the screening group level.

A I am not aware of that.

Q Okay. So everything that was sent to [REDACTED] in Group 7822 was still pending at that time, is that right?

A It was in open inventory.

Q Okay.

[REDACTED] Could we just have a moment?

[Screening Group Manager] Okay, I can clarify that when -- with the initial screening case that there were three cases that we identified as having been closed but that was prior to this first case.

[REDACTED] What [REDACTED] is referring to is an email that's

referenced on Exhibit 1, [REDACTED] 0002. The email from [REDACTED] to [REDACTED]
[REDACTED] Counsel [REDACTED] Okay. At 9:35 a.m.

[REDACTED] Which is reference to three of them being closed.

BY Counsel [REDACTED]

Q So three had been closed prior to [REDACTED] even identifying the first case?

A And I cannot tell you that these were closed by screeners. I mean prior to this identification that this general inventory case also was a high priority case that we could -- and without reviewing the case file, I would have sent that to inventory assigned to an agent in Baltimore or whatever and they could have closed it.

Q Okay. But other than those three cases and after [REDACTED] identified the first case for you, was any case from that point until the time they were transferred to Group 7822, was any case in that time closed?

A I could not tell you that.

Q Okay. Was any case closed by a screening group during that time to your knowledge?

A Was any case?

Q Any of those Tea Party cases.

A I don't know.

Q Okay.

BY Counsel [REDACTED]

Q I want to be clear for the record. The three cases that had been approved per the March 16, 2010 email that was prior to the

instruction given to hold the cases, is that correct?

A I would have to look at the cases without that verification.

Q Well, let me point you then back to Exhibit 1, [REDACTED] 0001.

So I just stated that on March 16, 2010 that was the date where there had been discussions that three cases had already been approved. And then subsequently on March 17, 2010, is when [REDACTED] E.O. Technical says to [REDACTED] [REDACTED] that she asked [REDACTED] Director to hold the rest of the cases. Do you see that email?

A Yes.

Q Okay. That's all.

BY [REDACTED]

Q All right. So I want to shift gears a little bit here. During this period that we've been discussing in the early part of 2010, those E.O. Determinations group manager meetings you were discussing earlier, were any of those held during that time period?

A I don't know.

Q Okay.

A I mean the meetings were held when [REDACTED] called them.

Q Do you recall ever discussing in this early time period from February 2010 to May 2010 the Tea Party cases at these manager level meetings?

A I do not.

Q Okay. During the same time period, early part of 2010, are you aware of any manager meetings at the --

I'm sorry, excuse me.

Did you have any meetings with members of your group as a whole about the Tea Party cases?

A I did not.

Q Okay.

Just specifically about the Tea Party or where Tea Party cases were referenced?

Counsel I would ask it both case ways. The Tea Party cases in particular.

Screening Group Manager Not that I remember.

BY Counsel

Q What about meetings in which the Tea Party cases were referenced?

A I don't know.

Q Okay. Did you ever speak with [redacted] about the progress of your group's search in identifying these cases?

A Not to my knowledge.

Q Okay. To my knowledge, sir, at this early point in 2010, was [redacted] aware of the Tea Party cases?

A I don't know.

Q And similarly, sir, to your knowledge in this early part of 2010 was Lois Lerner aware of the Tea Party cases?

A I don't know.

Q And [redacted] are there any other documents in your possession today that would help to clarify or augment your testimony about your involvement in the Tea Party cases during this early part

of 2010? If you want to take a minute and see what --

██████████ Look, there are I'm sure other documents out there.

██████████ Maybe not in his possession.

Counsel ██████████ Anything that you have in your possession that may help to elucidate some of the information here.

██████████ If we can maybe go off the record for a minute.

[Discussion off the record.]

██████████ (Concerning Group Manager) This was an important issue, but it was one of many important issues. And it was addressed accordingly. And I feel that, you know, I told the truth about everything I know.

Counsel ██████████ Okay. We appreciate that.

BY ██████████

Q Sir, are you aware of a time at which the EO Determinations Unit began training specialists on the Tea Party cases?

A Am I aware of the time?

Q Of a time when they began training specialists on Tea Party cases.

A In my purview, it ends up to be -- you know had I heard of that, I could have. But it was nothing to concern me or nothing that I was involved with. So I really don't know a lot about that.

Q Okay. But you seem to be aware of some training?

A Well, you know, as you get into going through what we have done, there are things that you see that maybe you don't know. What I am saying is I was not involved in this training. None of my agents were involved in this training. This was passed me. My function,

again, was to look at these initial cases within a span of a few days and put them in a proper bucket and just go on with my work. Whatever went on after I bucketed these cases, it was what it was. I was not intimately involved in any of that.

Q Okay. But what kind of training were you at least somewhat aware of? It seems like you were aware of some sort of training.

A No, I wasn't. I mean not with training.

Q Okay. Sir, to your knowledge, in this initial time frame, February 2010 to fall of 2010, was the existence of the Tea Party cases, was that widely known among EO Determinations?

A I don't know.

Q Sir, as a screening group manager, did you ever participate in the drafting of information request letters?

A No, I did not.

Q Do you know for what purpose the IRS needs to know the names and donors of an entity applying for tax exempt status?

A Each case is based upon the facts and circumstances within that case which would warrant what questions are asked. So the answer to your answer, no, I don't.

██████████ Don't speculate.

BY Counsel ██████████

Q Sir, are you familiar with the term BOLO?

A Yes.

Q What do you understand the term BOLO to refer to?

A I believe it means "be on the lookout."

Q Now the TIGTA audit indicates that in May of 2010 EO Determinations began to develop what would then become a BOLO spreadsheet. Is that your understanding as well?

A I don't know what the understanding was about the BOLO. Again, my job was to look at initial intake cases, put them in the proper bucket and pass them on. The BOLO came after that. I'm aware of it because, you know, I'm in the office. But I had nothing to do with the development, the update, or the distribution of the BOLO.

Q When did you become aware of the BOLO?

A Please?

Q When did you become aware of the BOLO?

A I couldn't even tell you.

Q Okay. That's fine. But you said you received the BOLO?

A Everyone in EO Determinations received the BOLO.

Q Okay.

BY Counsel

Q Do you know who was responsible for developing the BOLO?

A I have not been told but --

Don't speculate.

Counsel Okay.

BY Counsel

Q And you had no input into the language of the BOLO?

A No, I did not.

Q Did you ever discuss this BOLO with your screeners?

A I don't recall.

Q Is it something that applies to the screeners though?

A In a roundabout way, my screeners, as they go through and develop -- or they look at issues and cases are forwarded into inventory, those issues could be a future consideration of an item that would go on this. But that was not my decision. It was not anything that we did within my group. And so the BOLO in my perspective was for all the other agents. If we assigned a case, for example, and through development an issue came back in a determination answer that had a BOLO issue in it, then they needed to go and see what to do with that case. But from my standpoint, the only thing I instructed my screeners to do -- if they were looking at a case and it was on this BOLO list, it was to be transferred to Group 7822. Again, my screeners did not make telephone calls. They did not write determination letters. They did not make contact with the customer. So the instructions were very clear that we transfer any of these BOLO cases to 7822 and let them handle it.

Q Sir, are you aware of any case that was not initially identified as a Tea Party case and sent out for development and then as a result of the BOLO the specialist realized it was in fact a Tea Party case?

A Not to my knowledge.

Just for the record when you say not to my knowledge, do you mean you don't remember?

He doesn't know.

Screening Group Manager I don't know. So many of these things are beyond

what the scope of my job is. The first 3 days of life, you might say, of an application is what I dealt with. And after that, it just was beyond my purview.

BY [REDACTED]

Q So the BOLO, from your perspective, is not a tool for the screeners to use?

A That's correct.

Q Sir, also according to the TIGTA audit at some point in August of 2010, the application involving Tea Party cases that were sent to a different team of specialists in EO Determinations, do you have any awareness of that?

A I do not.

Q Sir, so after -- February 2010, [REDACTED] identifies this case for you. [REDACTED] and your other two senior screeners do additional search and find other cases, is that right?

A It wasn't a search. They were made aware of this case and the issues in that case, as were all of the screeners and my group. And people were aware of this issue. And I, being the manager, was aware if they let me know that they had a case like this.

Q Okay. And so then by March of 2010, you had identified 10 Tea Party cases?

A The agents in my group had.

Q Right. And those were all sent over to Group 7822?

A That was in April then.

Q Right. After that point what was your involvement with the

Tea Party cases?

A I had no involvement.

Q Were they still coming in?

A You know, if around when the issues were identified in these cases, they were then transferred to Group 7822.

Q Okay. So after April 2010 the standard practice was a case would come in, if the screener identified it as a Tea Party case, it would be transferred to Group 7822?

A Yeah. As a potential Tea Party case, correct.

Q And once it's over there in Group 7822 you have no knowledge of what happens to it then?

A That's correct.

Q Was there a point in time when that procedure changed?

A Not to my knowledge.

Q Okay. So from that point out when a case would come in through the screening group and the screener identified it as a Tea Party case, it would continue to go to Group 7822?

A As a potential Tea Party case, it would go to Group 7822.

Q And is that still the practice today?

A I could not comment on that.

Q But at the time you left the position of screening group manager was that still the practice?

A To the best of my knowledge.

Q Okay. Did you have any discussions with Cincinnati Director about the Tea Party cases in the fall of 2010?

A Not that I remember.

Q What about [REDACTED]?

A Not that I remember.

Q And turning to the spring of 2011, did you have any discussions with [REDACTED] about Tea Party cases in the spring of 2011?

A Not that I recall.

Q What about [REDACTED]?

A Not that I recall.

Q Okay.

A I mean, now I need to probably look at the timelines of when I talked with TIGTA. You know what I mean by that? So for that discussion, if you're asking me did I have a private discussion with [REDACTED] no, I did not.

Q Okay.

BY [REDACTED]

Q Okay. I want to refer you back to Exhibit 3. And I am just going to read this into the record and then read parts of it into the record and then just ask a couple of questions. So again Exhibit 3, this is an email on June 2, 2011 from [REDACTED] to [REDACTED] and she was forwarding your email that you sent to [REDACTED] on Thursday June 2, 2011 with the four issues that could indicate a case to be considered a potential Tea Party case. And she says, [REDACTED] says to [REDACTED] this is the criteria the screening group came up based on cases they were seeing. If we don't want the screening group to include all of

these type of issues they would have no problem including or excluding certain cases. However, they need to be given the criteria to use. And if we don't want certain cases included then EO Determinations still needs to know how the cases should be processed.

So my question to you is, did [redacted] ever give you any instructions on what to do with these cases?

A Not to my knowledge.

Q Did anyone else give you any instruction on what to do with these cases?

A Not to my knowledge.

BY [redacted]

Q Did you ever get criteria to use in screening Tea Party cases?

A I never did get criteria to use.

BY [redacted]

Q So you were never instructed to use anything different than what you or your screeners -- than what you sent to [redacted]

A We never were instructed to use any criteria. What I provided to [redacted] to send to [redacted] were the issues that my screeners were seeing in the cases.

Q Right.

A But we never had criteria.

Q Excuse me. Criteria issue, I think those terms are kind of being used interchangeably, I think. So I will rephrase. Did you ever receive any additional issues to look out for aside from the

ones --

Counsel Who's using those terms interchangeably? I don't think it's clear.

Counsel It's her question. Let her ask the question.

Counsel I think I actually am using the term "issues and criteria" interchangeably. So when I said the criteria earlier, I meant issue.

BY Counsel

Q So did you receive any additional issues aside from the ones that you sent to [REDACTED] after you sent that email to [REDACTED]

A Not to my knowledge.

Q Okay. Thank you.

BY Counsel

Q [Screening Group Manager] according to the TIGTA audit, there is a briefing with Lois Lerner on July 5, 2011 about the Tea Party cases. Were you aware of that briefing?

A I was not.

Q So suffice it to say you did not participate in that briefing?

A Not to my knowledge.

[REDACTED] I think the answer is no to that. Could you say, no, you did not participate in the meeting.

[Screening Group Manager] No, I did not participate in that meeting.

BY Counsel

Q I just want to ask you one more question, going back to the

Exhibit 3 email. Did anyone ever instruct you not to use the issues that you sent to [REDACTED] in looking for cases?

A Not to my knowledge.

Q Okay.

BY [REDACTED]

Q So you received no instruction one way or the other?

A Not that I recall.

[REDACTED] Okay.

BY [REDACTED]

Q We're talking about the June 2011 time frame?

[REDACTED] Pre or post the meeting with Lois Lerner?

[REDACTED] You had an hour to ask your questions.

[REDACTED] Just trying to clarify.

[REDACTED] That's a separate. I jumped back a question.

BY [REDACTED]

Q [REDACTED] were you aware of a meeting August 2011 with the Chief Counsel's office and the EO Determinations folks in Cincinnati?

A What date was that now?

Q August 2011.

A I don't believe so. I don't recall any meetings with Chief Counsel.

Q Do you recall meetings with anybody from the Chief Counsel's office?

A I do not.

[REDACTED] If we could just have a quick moment.

Counsel [REDACTED] Please.

[REDACTED] I just want to clarify a question I think that was probably about four or five questions ago was whether or not [REDACTED] Screening Group Manager was aware Lois Lerner was briefed in July of 2011.

With refreshing his recollection with an email, [REDACTED] Screening Group Manager was forwarded that Lois Lerner information about a meeting Lois Lerner had in which these issues were discussed but he did not participate in the meeting.

Counsel [REDACTED] Okay. We appreciate that.

[REDACTED] Is that correct?

[REDACTED] Screening Group Manager That's correct.

Counsel [REDACTED] Could you describe that email for us?

[REDACTED] It was an email from [REDACTED] Vice President Director to [REDACTED] and [REDACTED] Screening Group Manager dated July 5, 2011, at 5:10 p.m. There were folks who were cc'ed as well.

Counsel [REDACTED] Who were those folks?

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] Screening Group Manager [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

[REDACTED].

BY Counsel [REDACTED]

Q Thank you. And [REDACTED] Screening Group Manager after seeing that document, does that refresh your recollection at all about --

A It does not. I just don't recall.

[REDACTED] The email speaks for itself I guess is the bottom

line.

Counsel Could one of you summarize the contents of the email for us?

[REDACTED] I would rather not get into that. You can ask him to review the email and then see whether or not it refreshes his memory.

Counsel Please.

Counsel Is there a question pending?

Counsel There is.

Counsel He is reviewing the document.

Recording Group Manager I do not recall. I just do not. That doesn't jog my memory. It is what it is.

BY **Counsel**

Q Did **Counsel** give you a summary of what happened in the briefing with Ms. Lerner?

A Other than the contents of this email, no, she did not. And I don't recall this email.

Q But is the email a summary of the contents of the meeting?

A It's not a summary. It's just a listing of different issues.

Q That were discussed in the meeting?

A This meeting you are asking about?

[REDACTED] The original question was whether or not you were aware Lois Lerner was briefed in July of '11. The email reflected there -- the email from **[REDACTED]** to you and others references a concern raised by Lois in that meeting which resulted in follow-up with

Discussion Group #10/10/08 which does not jog his memory in any way after reading the email. So I'm not sure how much more we can do on that.

RPTS [REDACTED]

DCMN [REDACTED]

[2 p.m.]

BY [REDACTED]

Q Okay. So you're not refreshed at all what the concern was in the email?

A Not at all.

Q And, [REDACTED] in December of 2011, I understand that there was a special group of specialists created within EO Determinations to handle Tea Party cases. Were you aware of that at all?

A I don't recall in December being aware of that.

Q Did you become aware of that at some later date?

A You know, it's not anything that was part of my -- it's not anything that was part of what, you know, I was involved with. There were none of my agents that were a part of this thing. It's very difficult for me to say, no, I didn't know, but through all of our discovery, things are in there.

And so, are you asking me if I ever was aware? It -- there could be, but I was not part of this. I really wasn't involved at all with this meeting. I didn't know when it was held or anything of that nature.

Q Were you aware in December of 2011 about this group, this meeting?

A I don't recall.

Q Okay. That's fine.

Counsel Off the record for a moment?

[Discussion off the record.]

I probably should be saying this on the record.

Counsel Back on.

The documents in which the IRS has just offered to redact your 6103 are -- what we believe to be a very limited number of documents relevant to the -- [REDACTED] involvement in these cases. They are the documents in which [REDACTED] has quickly been able to identify --

[REDACTED] On his own.

[REDACTED] -- on his own in order to -- mostly on his own, I would say, with -- in order to help us prepare and help him. We haven't had the ability to go through -- image his computer and do a full forensics to see what's out there. And what our concern is that there may be other documents that we don't want somebody else coming back and saying, this is -- there are additional documents out there you did not present. So I want to be very clear. These are -- this is everything that we have right now, and whether there's anything out there or not, so be it.

Counsel [REDACTED] can you put whatever the nature of what's going to happen now on the record, please?

Counsel I don't know, so why don't we -- why don't we allow it to happen. I believe the IRS personnel are going to redact the documents right now and allow the documents to be produced to the

committee.

Counsel [REDACTED] For 6103 purposes?

Counsel [REDACTED] That's right.

But why don't we take a break, see if we can facilitate that, and then when we come back, we'll say on the record what happened.

[REDACTED] Mine are -- we're dealing with a clean copy now is the issue as well. Not 100 percent.

Mr. [REDACTED] Can we just give the IRS the dates and have them shoot them to these guys?

Counsel [REDACTED] If the IRS is capable of sending them. The problem is that they say they're having difficulty --

[REDACTED] What I have, because their copies are marked up, I have this spreadsheet which involves the date, the time, the to and the from; no substance, just the date, time, to and from of the documents that are in here. We just would ask for a quick minute to make sure it's every document that we have in here.

Counsel [REDACTED] Is it possible that between the -- you have three sets of the documents there? Between those three sets, you have one combined set that would be clean?

[REDACTED] We would have to go through it. Mine are definitely not. Mine have work product, but his may be. We have to thumb through it.

Counsel [REDACTED] Okay. Why don't we go off the record for a little and let you do that.

[Discussion off the record.]

Counsel [REDACTED] We'll go back on the record.

Counsel [REDACTED] Note for the record, we took a short break in today's proceedings to attempt to resolve the document issues that have been discussed throughout today's interview with IRS personnel who are currently here for a committee hearing. We were unable to come to a resolution of those issues and have decided to proceed with the interview of [REDACTED] as it was -- on the same conditions we discussed earlier, we are going to proceed on those terms now.

[REDACTED] Just earlier was referenced to some documents that were going to be copied. No documents have been copied. We are going to continue to obviously maintain the documents that we have, and we just want to work with whoever it is we need to work with in order to make sure the documents are produced --

Counsel [REDACTED] We appreciate that.

[REDACTED] -- timely. And we'll continue with [REDACTED]

Counsel [REDACTED] Great. Thank you.

Before we break -- broke, there was 10 minutes left in this portion of the examination. It's 2:42, and we'll continue for 10 more minutes.

BY Counsel [REDACTED]

Q [REDACTED] before the break, we were discussing the special group that was assembled in December 2011. Do you recall that discussion?

A Yes, I do.

Q Were you aware of a point at which this team, this group

was disbanded?

A I am not.

Q And in this time period, the end of 2011, did you have any discussions with Cincinnati Director ██████████ about the Tea Party cases?

A Not to my knowledge.

Q What about ██████████

A No, I did not.

Counsel ██████████ What time period is this?

Counsel ██████████ End of 2011.

BY Counsel ██████████

Q What about Lois Lerner?

A Definitely not.

Q Okay.

██████████ These are direct communications?

Counsel ██████████ That's right.

BY Counsel ██████████

Q Were you aware of any involvement by ██████████ in the Tea Party cases at this time?

A I am not.

Q I'm sorry, I should be clearer. At the time period December 2011?

A Not to my understanding.

██████████ Other than what's already been discussed.

Screening Group Manager ██████████ Correct.

BY Counsel ██████████

Q Okay. At that time in December 2011, were you aware of any involvement by Lois Lerner in the Tea Party cases?

A Not other than what we've already discussed.

Q Okay. Now, sir, according to the tape to audit, in January 2011, the BOLO criteria language was changed. Were you aware that the language had been changed?

A Not to my understanding.

Q So you were not aware at that time?

A I was not, other than the fact that BOLO was, you know, provided to me. It wasn't one of my choice documents.

Q Okay.

A I wasn't aware.

Q But when the BOLO was updated, was it something that was just then sent to you?

A I received the BOLO. It was sent to me. It was -- at that timeframe, was it sent to me? I could not say.

Q Okay. You don't recall opening it or viewing the document?

A I do not recall that.

Q Okay. The language was changed to read, quote, political action-type organizations involved in limiting, slash, expanding government, educating on the Constitution and Bill of Rights, social economic reform, slash, movement. I was wondering if you could help us understand what economic reform, slash, movement refers to.

A Those are not any -- I had nothing to do with the BOLO, the update of the BOLO, the change of the BOLO, so I really have no

understanding of what that would mean.

Q Okay. For screeners who are perhaps using this kind of language to identify cases, how would they interpret that language?

A I would not be able to comment on that, what their thought patterns are.

Q Okay. Sir, what about the language, social reform, slash, movement; can you help us understand what that means, social reform, slash, movement?

A I really can't comment. I don't know.

Q Okay. Would a religious organization qualify as a social reform, slash, movement?

A A what?

Q Religious organization?

A Depends on the facts and circumstances in the case. You know, it -- you would have to review all of that, you know, from a standpoint of, you know, what is in the case file for facts and circumstances. I wouldn't be able to say one way or another.

Q What about a prolife group; would that qualify as a social reform, slash, movement?

A I would not be able to comment on that.

Q Similarly, what about prochoice, a prochoice group; would that qualify?

A That is nothing that I would know.

Q Okay. And lastly, sir, what about a marriage equality group; would that qualify as a social -- marriage equality?

A I really don't know.

Q Okay. [REDACTED] are you aware of any other BOLOs or language in the BOLO having to do with other political-oriented criteria?

[REDACTED] You understand the question?

[REDACTED] I think -- I don't know.

[REDACTED] Then say so if you don't.

[REDACTED] I'm not sure what that means. I mean, you know, I -- as I stated before, my interaction, or my expertise, or my involvement with the BOLO is nonexistent, other than that I get a copy of it, and I -- I very seldom would look it over.

BY [REDACTED]

Q Sure.

A So, whatever is in the BOLO is not really forefront for me. So it would be difficult to comment on that.

Q I see.

My understanding of the BOLO is that it's a multitable spreadsheet, and one of the tabs is the Tea Party language. I'm just wondering, are you aware of any other tabs, any other language in that BOLO document that also concern political organizations or political-related organizations?

[REDACTED] If you know off your memory, you can answer the questions.

BY [REDACTED]

Q Is it something that in the past you would be refreshed with;

is the BOLO --

[REDACTED] Can I just have the question one more time?

[Counsel] [REDACTED] Sure. My understanding of the BOLO is it's a multitable workbook, type workbook, like that. The Tea Party language is just one tab of that, and I'm wondering if there is other language in the document concerning other political criteria or groups.

[REDACTED] Maybe if [REDACTED] just describes what the BOLO list was and what it contains, because maybe then it would be -- I think it evolved.

[REDACTED] And I'm not -- I'm not really aware of what is totally in that BOLO is my reluctance to answer the question, because there could be things in there that is just not in my purview. Like I say, it's just not a document that I review regularly, that I have anything to do with, you know, the creation or update of, so there could be things in there that meet that standard, but not right that comes to surface for me.

[REDACTED] Just for the record, there are -- obviously BOLOs change. There are copies of the BOLOs which we have which we could use to refresh his recollection to some extent, but I'm not sure with 6103 being what it is, and the BOLO being a little more specific, how much we can get into right now.

[Counsel] [REDACTED] Maybe we could try that, if you wouldn't mind showing him the document you have.

[Counsel] [REDACTED] What's the date of that BOLO you have?

[REDACTED] Are we still on the record? I'd rather have him testify

than me.

Screening Group Manager This one is 9/22/11.

BY Counsel

Q Is this all that same document that you're holding, sir?

A Yes.

Screening Group Manager We have multiple versions. Just -- this is tough, and this is why it's important that -- I think -- this is why it's a very difficult task of having Screening Group Manager here to provide that information without everyone being able to go through the documents. The BOLOs changed. I don't want to testify, but we know it changed, it evolved over time. We have a limited -- very few versions of it that are here today, and that's -- that's it.

Counsel That's fine.

Screening Group Manager That we can quickly identify.

Counsel We understand. Based on the information you have in front of you and what you are able to refresh the witness' memory with, that would be helpful for our purposes.

Screening Group Manager I don't think there's any -- I don't see it in there, what he's asking.

Screening Group Manager About other --

Screening Group Manager Uh-huh.

Screening Group Manager What's the exact question?

BY Counsel

Q Sir, based on your knowledge of the document you're looking at in front of you right now, the 9/22/2011 version of the BOLO, is

there any language in there about other political-oriented or politically-related entities that are in the BOLO list?

██████████ If it's -- I think it's going to be hard to define those words as the political entity and all that in that there is a wide-ranging variety of issues that are on the BOLO list.

BY ██████████

Q Can I ask a clarifying? Can you tell from that document whether or not they are on a tab called "Emerging Issues"?

A I can't tell that.

██████████ Okay.

██████████ I think the list is -- speaks for itself, and this is why we wanted the IRS to produce all documents.

██████████ I mean, the document, like I say, it's difficult for me, because it is a document that I can know that was sent to me, but it had such little value for what I was doing. I mean, this is beyond the scope of my work that it was of little consequence to me, so I just was not in a routine fashion of reviewing it.

BY ██████████

Q Sure.

A With that in mind, it's very difficult for me to say what the intent was, or what the language was, or what's involved with that.

BY ██████████

Q Is it your recollection that on the BOLO there was a tab entitled "Emerging Issues" or a spreadsheet?

A I couldn't -- I couldn't say that, because I don't know.

Q You don't. Okay.

BY Counsel

Q Sir, can I ask you, on that document you just reviewed, the September 2011 version of the BOLO, was there any language about prolife groups?

A I didn't see any when I --

Let's look at it.

Yeah.

If you know what a prolife is just by looking at it.

I don't see that reference that would make it readily apparent to me.

BY Counsel

Q Okay. Actually hold onto that document, sir.

Is there any language in there about identifying pro-Israel groups or any group that appears to be a pro-Israel slant?

From what you can tell from this actual document itself, I just want to be clear, because there are organizations which may not personally know what their political bent is, if they're prolife, prochoice, pro-Israel. Who knows what their stances are.

I don't see anything.

BY Counsel

Q Okay.

A And I might mention, this is the most scrutiny I've ever given this document.

Counsel Okay. We have reached our 10-minute time period here, so our hour is up. We'll go off the record, please.

[Discussion off the record.]

Counsel Back on the record, and the time is 3:13.

Counsel Thirteen?

Counsel It's 3:03.

Counsel Okay. On my watch it's 3:13, but the clock in the room is 3:03.

BY Counsel

Q [Conservative Group Manager] I believe you told us earlier, but just to make sure that I'm clear, what is your party affiliation?

A I am a conservative Republican.

Q Did you direct [redacted] to use specific criteria to identify Tea Party cases in March 2010?

A I do not recall doing that.

Q Did you ever direct [redacted] to use specific criteria to identify Tea Party cases?

A I do not recall doing that.

Q Did you direct any members of your group to use specific criteria to identify Tea Party cases?

A I do not recall doing that.

Q Are you aware of any political bias by employees in the Cincinnati office against conservative views?

A I'm not aware of that.

Q Are you aware of any political motivations behind the

screening, centralizing, and development of Tea Party cases?

A I'm not aware of that.

Q Are you aware of any political motivations to benefit one political party in the Cincinnati office?

A I am not aware of that.

Q Would you characterize the Cincinnati office as a political place?

A I'm not aware of that.

Q Would you -- do people discuss politics around the office?

A Not with me.

Q How many days a week do you work in the office?

A Between three and five.

Q At one time you were asked to send two Tea Party cases to Technical for review. Did you think that was appropriate?

A Yes, I did.

Q Can you describe why?

A If they request cases from EO Technical, that is part of my responsibility, to honor that request, and that normally would come through the chain of command from **Cincinnati Director**.

Q Did you think the request was an appropriate request?

A I have -- sure, I thought it was appropriate, because they requested it.

Q What about their request did you think was appropriate?

"They" being?

BY **Counsel**

Q "They" being your supervisor.

A Precisely that, they're my supervisor.

Q Did you make an independent determination to send a case to your supervisor in February 2010 that was a Tea Party case?

A I elevated an issue to my area manager? That was a Tea Party case.

Q And I assume that because you made the decision, you thought it was an appropriate decision to elevate it?

A I did think that was an appropriate decision.

Q And why was that an appropriate decision?

A Because that was the direction that I had been given about cases that demonstrated the potential to be a high-priority case.

██████████ High priority or profile?

██████████ Profile, I mean. I'm sorry.

BY ██████████

Q Did you ever have concerns -- is there anything inappropriate, in your view, about sending up to your supervisor high-profile cases?

A Not that I would be aware of.

Q And that was in the normal course of your duties you would send up high-profile cases?

A If identified, that's what I would do.

BY ██████████

Q Did you ever have concerns about how it would appear that you were centralizing the review of Tea Party cases?

A I did not.

Q Why not?

A It was joint general business the way I was doing things in the scope of having the responsibility of reviewing 70,000 cases over a span of 1 year, or 5 -- 5,000 a month, that we would have the consideration of a lot of different issues that needed to be sent to one place or another. So this was just in the course of doing business.

Q During your tenure as a screening group manger, do you ever recall receiving complaints about the decision to screen Tea Party cases?

A I do not.

Q During your tenure as screening group manager, do you ever recall complaints about the decision to centralize the review of Tea Party cases?

A I don't recall that.

Q Are you aware of whether there is any -- ever any outside influence in the Determination Unit's decision to centralize or screen for Tea Party cases?

A I am not aware of that.

Q Do you have any reason to believe that any executives in Washington directed the screening of all Tea Party cases for enhanced scrutiny?

A I do not.

Counsel I'm marking a document as Exhibit 4. You know what? I'm sorry, I only have two copies.

[REDACTED] Exhibit No. 4

was marked for identification.]

[REDACTED] Counsel It's a Politico article from today entitled "GOP to Darrell Issa: Cool It," June 6, 2013. I just want to direct to a quote in the article.

BY [REDACTED] Counsel

Q Go to page 2.

[REDACTED] Counsel Do you have one for the Republicans? Do you have one right there?

[REDACTED] Counsel Can you read the article and what's --

BY [REDACTED] Counsel

Q The name of the article is "GOP to Darrell Issa: Cool It." It's Politico, and it was published on June 6th, 2013.

If you turn to page 2 and go to the bottom third of the page, the second part of the paragraph beginning, "During a May 14 appearance," there's a quote that says, "This was the targeting of the President's political enemies effectively and lies about it during the election year, so that it wasn't discovered until afterwards, Issa claimed."

Do you see where I'm reading from?

A Yes.

Q In your opinion, was the screening -- the decision to screen and centralize the review of Tea Party cases targeting of the President's political enemies?

[REDACTED] Did you hear the question?

[REDACTED] Screening Group manager What's your question?

BY [REDACTED]

Q In your opinion, was the decision to screen and centralize the review of Tea Party cases the targeting of the President's political enemies?

A I do not believe that the screening of these cases had anything to do other than consistency and identifying issues that needed to have further development.

Q Do you know when executives in Washington first learned about the screening criteria used to centralize Tea Party cases?

A Again, there was no criteria that I instructed screeners to utilize, so with that being said, I don't know when they would have been in a position of knowing that. I know, again, we're splitting -- you know, but, again, it's not a criteria issue, and what I have said previously that we do look for, you know, a case from a standpoint of issues.

Q Do you know when [REDACTED] became aware of how screeners in Cincinnati were identifying Tea Party cases?

A I do not.

Q Do you know when Lois Lerner became aware of how screeners in Cincinnati were identifying Tea Party cases?

A I'm not really sure of when that could have been.

Q Are you aware of how former Commissioner Shulman became aware -- excuse me. Are you aware of when former Commissioner Shulman became aware of how screeners in Cincinnati were identifying Tea Party cases?

A I'm not aware of that.

Q Are you aware of when Steve Miller, former Acting Commissioner, became aware of how screeners in Cincinnati were identifying Tea Party cases?

A I'm not aware of that.

Q Are you aware of when Joseph Grant became aware of how screeners in Cincinnati were identifying Tea Party cases?

A I'm not aware of that.

Q Okay. Do you --

A I mean, again, I'll say my -- my realm was so low down, and after the initial review of a case, which was, you know, within 3 days after assignment, I became less and less aware of whatever happened above me.

Q Do you have any reason to believe that anyone in the White House was involved in the decision to screen Tea Party cases?

A I have no reason to believe that.

Q Do you have any reason to believe that anyone in the White House was involved in the decision to centralize the review of Tea Party cases?

A I have no reason to believe that.

Q Do you have any reason to believe that officials from the National Treasury Employees Union or any other outside entity directed the screening of Tea Party cases?

A I have no reason to believe that.

Q Have you ever communicated directly with [REDACTED]

A Have I talked?

Q Yes. Yes.

A Define -- I have talked with [REDACTED]

Q You have?

A I have talked with [REDACTED]

Q Have you ever spoken with [REDACTED] about the screening of Tea Party cases?

A Not to my knowledge.

Q Okay.

A Now, you know, the -- and I think I stated this -- oh, never mind.

[REDACTED] Make sure your answer is complete.

[REDACTED] But [REDACTED] was sitting next to me in the -- in my TIGTA interview. Now, if you want to talk and say that's communicating, it could be, but I wasn't communicating with [REDACTED] okay.

BY [REDACTED]

Q Separate and apart from your TIGTA interview, have you ever communicated with [REDACTED] about the screening of Tea Party cases?

A I have not.

Q Have you ever communicated with Lois Lerner about screening of Tea Party cases?

A I have not.

Q Have you ever communicated with Commissioner Shulman about the screening of Tea Party cases?

A I have not.

Q Have you ever communicated with Steve Miller about the --

A I have not.

Q -- screening of Tea Party cases?

A I have not.

██████████ And just -- communication, there may have been emails that eventually were forwarded or -- or I just want to be clear as to what the word -- you mean direct conversations, or what is it that you've inferring?

BY ██████████

Q By communications, I mean direct conversations or direct email correspondence between the two of you.

A I have not.

Q Have you had any communications with Joseph Grant about the screening of Tea Party cases?

A Not to my knowledge.

Q Have you had any communications with anyone from the Treasury Department about the screening of Tea Party cases?

A Not to my knowledge.

Q In spring/summer of 2010, when you were screening Tea Party cases, did you think it was appropriate that they be sent to ██████████ for further review?

A I saw nothing that was inappropriate about transferring cases to a group or agent that I was instructed to do so by my manager.

Q Did you send only those Tea Party cases that had indications of political campaign involvement to ██████████

A I can't respond to that because I don't know.

Q When you were reviewing applications, examining all of the facts and circumstances on an application that you would consider, would political activity be one of the issues that you would be looking for?

A I didn't review applications, my agents did. So what exactly their operational moderm was, I don't know. I mean, I would say, again, I had a group of highly trained, seasoned employees, and exactly their process was theirs.

Q Did you instruct your agents that political campaign activity was one of the facts and circumstances they should look for in reviewing and identifying Tea Party cases?

A I never singled it out to that extent, but they, at some point in time, could have been involved in a -- you know, that kind of an instruction.

Q In describing the types of cases that agents should identify as the Tea Party cases to be sent for [REDACTED] did you use the initial case identified by [REDACTED] as an example?

A Yes, we did.

Q And the initial case identified by [REDACTED] did have an indication of political activity, correct?

A Yes, it did.

Q Do you think that that would have suggested to the screeners that political activity was, in fact, an indicator that the screener should look for?

A The presence of political activity had to be displayed with enough specificity to make a correct determination. So when we're talking about issues, many times it's what not is said. So if someone says, you know, we plan to do this, we need to know more about that is what I'm trying to get around. So that's the indication that it would mean to me that someone else needs to get additional information.

Q The initial case by [REDACTED] was used, if I understand it correctly, as sort of a model case that you provided to the screeners to say, we're looking for more cases like this to give to [REDACTED] is that correct?

A That's not truthfully the way that -- we did not model cases. We did not, you know, specify cases. What we were doing was, again, saying, you know, cases must be reviewed, and we will evaluate those on the issues within the case; and this specific case, as we have indicated, that we found a necessity, because of the media attention, to elevate these issues up the chain to EO Technical to give us guidance.

[REDACTED] Just so I ask -- one thing we haven't discussed at all today is actually the regs, and maybe it would be important to ask him as to why these are issues, because it's going to be guided by the 501(c)(4) regs.

Counsel [REDACTED] Sure.

BY Counsel [REDACTED]

Q So why would it be an issue if there's a 504 applicant whose application indicates that the organization may be involved in political campaign activity?

A We would need to know how frequently or -- of the total activities, 100 percent of the activities, what portion of those total activities would you be dedicating to political activities. And in this particular case, it wasn't addressed, it was just mentioned, and, to me, that says it needs to have further development, and it could be good, you know. Once the information is all received, it could be fine.

Q And for a 501(c)(4) application, why is it important to know exactly how much political activity the organization will be engaging in?

A Because the law says that a 501(c)(4) must be, you know, conducting its activities, you know, in a social, you know, area that is going to benefit the general public. And so they -- those have to be the primary part of their activities, and so it's important to realize that we need to find out on what other activities they may be doing, you know, what portion of that would be, you know, not falling within that realm.

Q And how did you define the term "primary activity"?

A I didn't define that, okay?

Q How do you interpret it?

A I really didn't interpret that either. That -- if I were working the case as a manager, you know, that was not my purview. But an individual agent beyond me or group somewhere down the line -- I mean, what we did in screening was identify that this was a potential issue that needed further development.

BY [REDACTED]

Q Do you know if the regulations provide you with a clear definition of what political campaign activity is?

A Do I know that?

BY [REDACTED]

Q Do you know whether they do or not?

A You're asking an opinion?

[REDACTED] Yes, based on your experience.

BY [REDACTED]

Q Is it easy to tell? Is it easy to tell if it's primary activity or not?

A The only statement I will make, when I was an agent, the cases that I really despised working most were (c)(4)s. But it's a real difficult call. It's not -- it's not a black-and-white situation. And so, you know, I can't say that someone -- that Agent A would interpret something one way, and Agent B would interpret some way else. But the regs are the regs, and, you know, we -- we have to deal with what we have.

BY [REDACTED]

Q Is the fact that the regulations are, I believe you said, difficult. I don't want to put words --

A Most of the time they can be.

Q The application of what you're seeing in front of you in terms of the facts and circumstances of a particular case and how the regulation should apply to that, that's a difficult analysis?

A It could be, because, I mean, every case stands on its own. And, you know, I know I sound like a broken record, but I firmly believe that, that the facts and circumstances that are presented in a case, you know, are -- they are on their own. And so, you know, that's the way an agent processes a case.

BY [REDACTED]

Q When you --

BY [REDACTED]

Q Is the difficulty that you identified in those regs one reason why EO Determinations sometimes consults with the tax law experts in EO Technical?

A Correct.

BY [REDACTED]

Q Is that one of the reasons why you did it in this case?

A The reason that the case was elevated to EO Technical was based upon, you know, the high-profile issue. The agent appropriately identified the issue as not being fully developed, and that it should be gone into the inventory and assigned for that purpose. It wasn't the purpose of the difficulty of those issues that was the -- you know, the reason that I elevated it to my manager. It was more the high-profile part of the case.

[REDACTED] If I could just refer him to the email of February 15th, 2010, which is part of Exhibit 1. Refresh your memory, if you would, as to whether or not there was a substantive reasons other than high profile which you referred the case.

[REDACTED] Is that Exhibit 1?

[REDACTED] Exhibit 1.

[REDACTED] And I think I was pretty clear in what my explanation was on this is that, you know, the social welfare angle and -- and I'll repeat. This explanation was really for [REDACTED] so that she had a better understanding of maybe where the concerns were. But, again, as we did say, you know, the type of case may be considered a high-profile case, and that -- and that's the major -- that's probably the reason that was submitted up the chain to make a determine by EO Technical eventually, not because of the issue of the political activity.

And I think [REDACTED], in a subsequent email, even said that, that she felt it was the -- let's see here. "Thanks for the heads up. I think we should take a few" -- no, that's not the one I want.

But I think it was clear, she thought it was the high-profile consideration of the case is why they wanted it, not that they would be able to process it any differently than we would have.

BY [REDACTED]

Q Do you know whether EO Technical was processing the cases?

A I do not know for a fact, because I didn't see the cases, but I would -- you know, from these email strings where she said they wanted two cases, those, I'm sure, were assigned, but I can't tell you that for sure.

BY [REDACTED]

Q Do you know generally the level of involvement EO Technical

had with dealing with Tea Party cases in this time period?

A I do not. Again, that -- you know, my -- my level of processing this was, you know, within 3 days after assignment, and once we made that bucket call or whatever was going that was going up the chain to, and someone else would decide that.

BY [REDACTED]

Q We've been told that EO Technical was involved because they were going to give legal guidance on the -- this difficult issue of how to determine whether the 501(c)(4) organizations were primarily engaged in promoting social welfare. Do you -- do you have any information that would contradict that?

A I do not.

BY [REDACTED]

Q Let's take a look at Exhibit 3 for a moment, and turn to page 2 of the document, and take a look at the email in the middle of the page from [REDACTED] to yourself, dated June 2nd, 2011.

A Uh-huh.

Q I just have a quick question about it.

The email says in part, Do the applications specify/ state, quote, Tea Party? If not, how do we know applicant is involved with the Tea Party movement?

At the time, what did you understand "the Tea Party movement" to mean?

A I didn't have a clear understanding of what the Tea Party movement meant. I would again say that my approach to this was my

agents were identifying these cases as possible Tea Party movement cases, and I went back to the three senior agents and asked them the issues that would make them or allow them to come to that conclusion.

Q Did you understand the Tea Party movement, you personally, to mean more than organizations with just the word "Tea Party" in their name?

A Yes.

Q What specifically did you understand it to mean?

A Again, when I would see -- and I think I gave this example earlier -- the fact that a case had "Tea Party" in the organization's name, you needed to go back into the case file and review the issues and see exactly, you know, what their activities were, what they were trying to do. And my one example of a legitimate, you know, charitable organization was what I'm talking about. So you couldn't depend totally on that being in the title.

Q Did you understand organizations involved in the Tea Party movement to be involved in political advocacy?

A Not necessarily.

BY [REDACTED]

Q I think I'm -- I think I'm a little confused at this point. So when you were identifying potential Tea Party cases, were you -- and quote/unquote, because I'm just reading from this email -- were the Tea Party cases being identified within your unit all part of the Tea Party movement, and by that I mean the political movement of the Tea Party?

A I wasn't doing this, my agents were, and that was not my understanding of their review. There's many facets to what their review would entail, and, again, they go back into the case and they look at issues. And so the issues that they find within that case, in their mind, could have said this could be this movement, and I believe that's exactly what I asked them when I went out for this information.

BY [REDACTED]

Q What was your understanding of what was supposed to be sent to Group 7822 under the label "Tea Party cases"? What did that encompass? I think that's what we're trying to specify.

A I'm not really sure that I had a really good definition of the parameters of what that would encompass. This all goes back to individual cases and what is presented. And I think I mentioned this before, that regardless of what the name of an organization is, if their activities are exclusively educational, okay, they could qualify through 501(c)(3) as an educational organization, but you wouldn't know that are unless you really review the entire case and see what their activities are. And so you could find, as we've talked about before, other issues in there that would indicate this may then be more of a political organization than an educational organization.

BY [REDACTED]

Q So, is your understanding that your screeners could find an organization that had "Tea Party" in its name or was associated with the Tea Party movement that did not get sent to 7822?

A That's a possibility. I can tell you I'm not specifically

aware of that.

BY [Counsel]

Q Did you have the authority, though, if you -- if your screeners identified a case that you thought was within the 35 percent that could be closed immediately, but that had "Tea Party" in its name, or was identified politically with the Tea Party movement, did you have the authority to approve that application and close the case?

A If the case was, you know, in toto correct --

Q Yes.

A -- and all of the considerations that I may have were satisfied, I would have the authority to approve that.

[REDACTED] If you would just elaborate. What do you mean by "correct," meaning --

[REDACTED] Well, you know --

BY [Counsel]

Q Complete, is that what you meant?

A Not so much complete. But, I mean, as I said before, if the activities in an organization are all educational, you know, that -- you know, that ends up to be a call, and depending on how the definition goes and how the issues are that -- when we talk about percentages, that, you know, it worked that way. I guess really what I'm saying is that I guess you're asking me that, you know, was I mandated, and the answer to that is no, I was not.

BY [Counsel]

Q Did your screeners understand that they had the option of

presenting a case to you that was related to the Tea Party movement that they thought could be closed without being sent to Group 7822?

A My screeners had the option to discuss any case they had with me.

BY Counsel

Q Did screeners send cases to you between May 2010 and now, really since you've stopped being the screening group manager, that involved the Tea Party movement, but didn't involve a parent political organization and recommend that you close them?

A I could not address that for sure. Again, we're looking at volumes of cases that, you know, if someone brings something to me, I would evaluate it, and view that on its facts and circumstances, and give my advice.

RPTS [REDACTED]

DCMN [REDACTED]

[3:35 p.m.]

BY Counsel [REDACTED]

Q Do you just mean you don't remember if you did or didn't?

A I don't recall.

Counsel [REDACTED] Go ahead.

[REDACTED] If we could just have a quick second.

[Discussion off the record.]

BY Counsel [REDACTED]

Q In the last hour, you spoke with my colleagues a little bit about the BOLO and you mentioned that you did not use the BOLO frequently. Is that correct?

A I did not use the BOLO. The BOLO exists and people were aware of it, so, you know, it was something I -- my group had and they were given directions on how to consider that.

BY Counsel [REDACTED]

Q Directions by who?

A I gave them directions.

Q And what directions did you give them?

A As I mentioned before, if there was a case that appeared on the BOLO, they were to transfer it to Group 7822. And, again, the rationale was that my people looked at multiple cases in a given day, they didn't make phone calls, they didn't write letters, they didn't do Internet research, they didn't do any follow-up, so therefore, I

didn't want them to spend their time with the instructions that the BOLO would instruct.

Normally, as I looked at the BOLO on occasion, it says go to -- go to your manager. And that's why it was changed, because I said, I don't want them to come to me. There's too many cases. And so that's when we were told to send the cases to 7822.

Q And when the cases were sent to 7822, did you think that that meant that they were going to get an enhanced scrutiny, and by that I mean an enhanced scrutiny beyond going to a normal full development inventory?

A No. What that meant to me was that the BOLO action would be taken by someone in that group.

BY [REDACTED]

Q Did you receive questions from your screeners about the language in the BOLO, about how to interpret it?

A I don't recall that.

Q So the screeners in your group did use the BOLO? Is that fair?

A I -- they're -- they were aware of the BOLO. And I'm not sure what you mean by using it. They were aware of it. And so to the extent that their awareness provided them a tool in saying, oh, this case should go to Group 7822, then, no, but they -- they didn't utilize it like other groups would. If someone in California, for example, found a case on the BOLO, they probably returned it somewhere, because it should have been somewhere else. I don't know for sure, but that's

what my --

BY Counsel

Q Someone in California would be a determination specialist working a case?

A Sure.

Q So in your view, the BOLO was used more by the specialists developing cases to clarify whether or not they should be the one reviewing it?

A The BOLO -- the major use of the BOLO was after the screening process.

Q The BO --

A There's multiple reasons that could happen. I mean, you know, the case development, your answers to your questions can produce situations.

BY Counsel

Q Did the BOLO also help screeners determine when -- where to send applications when they were reviewed?

A No, it did not, because my direction was if it appeared on the BOLO, it was sent to Group 7822.

Q So the BOLO told you where to send that particular case, right, to group --

A Not for screeners.

Q So the BOLO the screeners received didn't tell them to send the cases to Group 7822?

A Part of the BOLO is instructions for, you know, that

particular issue.

[REDACTED] Do you have that iteration?

[REDACTED] Yeah.

[REDACTED] I mean, you can look at the BOLO, and it -- it says -- you know, normally -- normally it would say, you know, contact your manager or, you know -- and because my screeners didn't have the luxury of time, I was told they should send those to 7822.

BY [REDACTED]

Q So even if the BOLO said send to 7822, you didn't interpret that instruction as being for the screeners? It may have had the same instruction, in other words?

A It could have. I see what you're talking about.

BY [REDACTED]

Q So I'm handing you a document. I'm not sure if you've seen it before. It was created for the TIGTA audit. It's called the BOLO iteration document. Are you familiar with this document?

A I am not.

[REDACTED] Is this -- did you mark it?

[REDACTED] Yes. It's marked Exhibit 5.

[REDACTED] Exhibit No. 5
was marked for identification.]

[REDACTED] Thanks.

BY [REDACTED]

Q So it's called the BOLO iteration history and it's dated 4/30/2012, and it lists the different iteration of the relevant section

of the BOLO. And on this you can see a column called Disposition of Emerging Issue, and in that column, you can see instructions that indicate where cases that fit the criteria or the issue description should be sent.

In the version of the BOLO that the screeners received, was there a Disposition of Emerging Issue column?

A They got the same BOLO list as everyone.

Q Is this what the BOLO list looked like?

A I cannot -- this is -- this is -- if you look at this, it's different dates. I mean, I'm not sure. I'm not sure what this is. I've never seen it before. I think this is a work product of the TIGTA.

BY Counsel

Q You're correct. This is a compilation of all the different BOLOs. I think -- if you're looking at Disposition of Emerging Issues, was the types of directions you see here, any case should be sent to Group 7822, was that the type of direction that was in the BOLOs that were used, in your experience?

A I mean, the BOLO -- first off, the BOLO was not a primary document for screeners. They received a copy of the BOLO, but most of this activity happened after the case was reviewed, and so my agents -- my agents then used, you know, issues that they identified in the cases that were then sent to the proper bucket.

BY Counsel

Q If any issue was on the BOLO, and it's my understanding the BOLO had a number of different pieces of information on it, would your

screeners send all of those things to Group 7822?

A Correct.

Q So anything that occurred on the BOLO went over to 7822 --

A Correct.

Q -- from screeners?

A From screeners. And the rationale ends up to be they just really were in a time constraint and they -- they didn't have, you know, the situation where they could make phone calls or write letters or make, you know, the additional --

Q And so to be clear, we're not just talking about the Tea Party iterations, we're talking about whatever else was on the BOLO?

A That's correct.

BY Counsel

Q In early June -- July 2011, you became aware that Lois Lerner had a meeting with some individuals to discuss, amongst other things, the way that Cincinnati was screening Tea Party cases. Is that correct?

A When did I become aware of that?

Q Well, actually, did you become aware --

A I --

Q -- in July --

A I --

Q -- of 2011?

A Again, I had -- I was at the -- the email I refreshed earlier, before I looked at that email, I didn't recall it. I mean,

I -- because that -- really I wasn't involved at that level and I was not involved with the, you know, meeting itself, so until my mind was refreshed, I didn't really recall that.

Q Were concerns expressed by Lois Lerner ever communicated to you?

A Not to my recollection.

BY Counsel

Q Now that you've been refreshed?

Other than the July '11 email we talked about earlier?

Counsel No.

Or including?

Counsel Including the July '11 -- July '11 email.

Do you have any other recollection other than July of 11 in that email?

Counsel No.

You asked a question. Let him answer it.

It was -- I was just confusing myself.

Yeah.

Counsel I don't --

This is --

BY Counsel

Q I think earlier it came up that there was a July '11 email in which some concerns from Lois Lerner were addressed down to you, but nothing about the details of what those concerns were or why they

were expressed to you or anything about that. So if perhaps your -- your memory could be refreshed and we could discuss that, that would be helpful.

A Other -- other than that email, that --

Q Not other than the email.

A But, no, that --

Q Including the email.

██████████ They want to know about that email.

██████████
██████████ That email is the only -- I mean, that -- that I really did not recollect until my memory was refreshed. And other than looking at that email, I know of nothing beyond that.

BY ██████████ Counsel

Q Why don't you take a look at it, and we'll see if we can refresh your memory.

A Other than this --

██████████ Hold on. So let's wait for the question now.

██████████
██████████ Okay.

██████████ So --

BY ██████████ Counsel

Q So you've had a chance to review the email?

A Uh-huh.

Q When was that email from? Can you tell me the date of the email?

A July 5th, 2011.

Q And on July 5th, 2011, who communicated to you that

Ms. Lerner had expressed concerns at this meeting?

A That email was from Cincinnati Director.

Q And what were the concerns that Cincinnati Director relayed to you that Ms. Lerner had?

A There's multiple ones in this email, and that's --

Q Can you tell me what they are?

Without reading the email, is the issue, We're hopeful that you're going to get all these emails very soon, and once you do, I think the emails will speak for themselves. To have to play this -- this is just not to anyone's benefit, especially Screening Group Manager to try and have him summarize an email that's out there. It speaks for itself.

Of which he has no independent recollection.

Yes.

Screening Group Manager And on --

Counsel We want the record to be accurate about --

Screening Group Manager On the issue that I see that would involve screening is that Lois wanted to know about cases and want -- said the screening group, are they seeing any pattern. And if I had saw a pattern, I would have responded, which I did not. So I really --

, that's -- yeah.

Screening Group Manager I don't -- really don't recall the email other than refreshing at this point.

Counsel Is that not an accurate --

No.

Counsel [REDACTED] -- reflection of what's in the email.

[REDACTED] No. I think there's confusion as to what the question is, complete confusion, and I think -- and I don't want to put words in your mouth, I think the question is what issue did [REDACTED] [REDACTED] relay to you in her July 5th email as to what Lois was concerned about. Is that --

Counsel [REDACTED] Yes. That's exactly my question.

[REDACTED] So if you can answer that without reading the email, even though you've already said your memory can't be refreshed from reading the email, then --

Counsel [REDACTED] He's saying his memory's refreshed.

Screening Group Manager [REDACTED] You know, I -- I still don't recall this email. I don't recall what, you know, response, if any, that I provided [REDACTED] [REDACTED]

[REDACTED] Then I think if his memory's not refreshed, we ought to --

Counsel [REDACTED] That's all.

[REDACTED] -- we need to move on.

BY Counsel [REDACTED]

Q During the period your screening group was instructed to send cases to Group 7822, did you have any knowledge of how cases would be processed once they got to Group 7822?

A I did not.

Q You didn't have any knowledge of the level of scrutiny the cases would --

A I did not.

Q -- receive? And you didn't know that decisions on these cases could be delayed for any significant period of time?

A I did not. After the cases left me --

Q That's it.

A -- you know.

Counsel ██████████ Thank you very much.

Operating Group Manager ██████████ Okay.

Counsel ██████████ Off the record.

[Discussion off the record.]

Counsel ██████████ We will go back on the record, please. It's 3:55. We will begin the next session.

Counsel ██████████ I just have a short follow-up and then I'm going to turn it back over to ██████████.

BY Counsel ██████████

Q In response to a question from my colleagues last hour about a political article that they entered into the record, you responded that you believe the targeting of the Tea Party groups had to do with consistency. I'm paraphrasing your comments.

Counsel ██████████ Yeah. And I think you paraphrased them incorrectly. Just --

BY Counsel ██████████

Q Okay. So my question is, I just want to be clear, do you have personal knowledge of the motivations of Washington and how they worked the Tea Party cases?

A I do not.

Q Thank you.

BY Counsel

Q None whatsoever?

A None whatsoever.

Counsel Thank you.

And I'm sure the record speaks for itself, but I don't recall him saying anything about targeting anything.

BY Counsel

Q in the last hour you were led through a series of questions, you gave a series of answers in which you said you have no reason to believe. Do you recall that?

A That's correct.

Q By that, do you mean you have no personal knowledge?

A I think the question they asked me, do you have a reason to believe, and I said I do not have reason to believe.

Q And is that because you have no personal knowledge?

A That's correct.

Q Okay. Thank you.

BY Counsel

Q So is -- let me ask this. In those answers where you said you had no reason to believe, and I know this is a broad question, did you answer those questions, I have no reason to believe, because you had no personal knowledge?

And because it's a broad question, because we don't

know what questions, if we want to go back, I hate to say this, and you want to ask those question and he says, I don't remember, I don't know, I don't recall or whatever, I have no personal knowledge, that's great, but I don't -- without more specificity, I'm afraid to move forward on that.

BY [REDACTED]

Q [REDACTED] I believe you testified earlier that you could have approved Tea Party applications if they met a certain criteria. Is that correct?

A What -- what I indicated is that each case stands on its own, and the specificity within a case was not out of the realm, that if all information was provided that met the criteria of a case, that there's a possibility that it could be approved.

Q So you had the authority to approve those cases?

A Sure did.

Q And did you, in fact, approve any Tea Party cases?

A I can't address that. I don't know.

Q You don't recall?

A I don't. I mean, I didn't review every case, as I have indicated before. We had 4 and 5,000 cases a month go -- go through our group, and that, you know, some cases --

[REDACTED] can you speak up?

Screening Group Manager I didn't -- I didn't really, you know, thoroughly address all cases like that.

[REDACTED] And I want to also elaborate, if it's okay, as to

what -- when you say, meet all specificity, what you mean.

Researching Group Manager Well, it depends, again. If you -- it's the case, it's the -- the content that is existing in the case. So the issues, the activities, all the different things that we're looking at, and I think I talked about at the beginning, you know, the completeness of the case, you know, the process of the organizing documents, the -- to make sure everything was, you know, precise like it should be, can a case be approved, yes, it can.

BY **Counsel**

Q Okay. And as you sit here today, you have no recollection of approving a Tea Party case?

A I do not.

Q Okay.

Counsel May I take just one second?

Counsel Please.

BY **Counsel**

Q So in August of 2010, if a Tea Party application for (c)(4) status came in, was it judged automatically on the merits, or because of the BOLO, was it sent right away over to 7822?

A It had to be reviewed. And I -- and I talked about this before, because we get into looking at the name of an organization and then we need to look at what that organization's doing. And so the whole review of the case, looking at, you know, the issues, looking at the activities, it's the composite of everything that's in that case that an agent would make a determination as to what bucket it should

go into or to what group it should be assigned.

Q Who would decide whether or not it ended up with 7822?

A That would be the agent.

Q And how much of their decision would be guided by the BOLO? Because -- because if -- if the BOLO simply says the name Tea Party, is that guidance to send to 7822 or is that guidance to consider sending to 7822?

██████████ If you know what the line agent is thinking with regards to the BOLO.

██████████ Succession Group Manager At the time, I -- I'm not sure. You know, the BOLO is different at different times, and --

BY Counsel ██████████

Q Well, let's say in August of 2010.

A I really am not able to address what would be in the -- in the agent's mind.

BY Counsel ██████████

Q Yes. Actually, I have another question. Once EO Technical decided that they did want to review these cases, if you'd received a Tea Party case after that when you were waiting for the review, did you have the authority to approve one of those cases anyway if you found that there was no indication of political activity but it was clearly a Tea Party case?

██████████ And it was at EO Technical?

██████████ Counsel That's right. It's while this -- this whole issue is being reviewed by EO Technical.

Screening Group Manager So you're talking about that short window of time from the end of February to April?

Counsel Sure.

Well, no.

Screening Group Manager I mean, I --

Counsel I think her question -- I think her question is after you became aware that EO Technical, and I could have been wrong --

Counsel Uh-huh.

Counsel -- wanted the case, if any Tea Party case came in to the screening group, did you have the authority to approve it?

Is that your question?

Counsel Yeah.

Screening Group Manager If the --

BY Counsel

Q Because it's our understanding that when these cases came in, they're automatically flagged as subject to the secondary review, that it was based on whether or not they fit within the Tea Party parameters.

A Are -- are you -- I guess I am confused from the standpoint of not -- my former answer, the fact that an organization's name was Tea Party --

Q Right. Not necessarily just the name, but that it was a Tea Party case, one of these Tea Party cases. Could you then look at that application, after EO Technical said they wanted these cases, and say this case has no political activity and we're going to go ahead

and approve it?

A That alone wouldn't -- I mean, there's just all kinds of facets, there's -- there's different things that you would look at. Each case, again, stands on its own, and -- and so it would be, you know, impossible for me to answer that question without having the case to look at.

Q Right. But, I mean, just the general handling of the Tea Party cases, once those were identified as cases that were heightened scrutiny cases or the special attention cases, those were no longer in your office, right, because those would be checked off and sent to 7822? Those were no longer in the hands of your screeners, there's no longer a determination to be made by you.

A Well --

Mr. [REDACTED] She's assuming it's already gone up, that there's already a second level of review being undertaken, right?

Counsel [REDACTED] Right.

Mr. [REDACTED] While that's being undertaken, could you then just --

Counsel [REDACTED] Well, there's already been selected cases that were going to be subject to the secondary review.

Mr. [REDACTED] You're saying at that period while they're being --

Counsel [REDACTED] That class of case.

Mr. [REDACTED] -- could they -- could he then approve in any way?

Counsel [REDACTED] Right. Because I think that's the confusion, that you could have gotten --

Screening Group Manager Once --

Counsel -- a Tea Party case.

Screening Group Manager Once a case -- once a case left my group, I -- it was assigned to another group, which is 7822, and it was then under the control of that manager.

BY Counsel

Q Right. So as soon as -- so every time you had a Tea Party case, after the instructions were given by EO Technical, it would be -- it would leave your office, it would leave your manager, your group?

A It depends on the facts and circumstances that are presented in the case file. For me to say every case went there, I'm not able to say that.

Counsel Okay.

BY Counsel

Q Just a last question. So the August 12th, 2010, BOLO, it says that these cases involved various local -- local organizations and the Tea Party movement are applying for exemption under 501(c)(3) or 501(c)(4).

Just so we know what you're reading from.

Counsel I'm reading from -- from the TIGTA BOLO compilation.

Okay.

Counsel And then the -- it's the BOLO that was in existence August 12th, 2010.

BY [REDACTED]

Q The direction is for any cases in this group, any cases should be sent to Group 78 -- 7822. In reality, does that mean each case shall be sent to 7822 after it's considered on the merits or is it automatically sent?

A Each case would be, you know, judged on its merits and the facts and circumstances in that case. I can't categorically say that, you know, these cases are automatic. As I indicated before, this BOLO is not a document that is paramount in my --

Q Okay.

A -- with my screeners. And the directions on here were, you know, adhered to by, you know, the entire --

Q Okay.

A -- division.

BY Counsel [REDACTED]

Q [REDACTED] could I direct your attention to Exhibit 2 for just a moment, please?

A Okay.

Q So, sir, if you could -- if you could look at that second email there from the bottom. That's from [REDACTED] to [REDACTED]

[REDACTED] --

A Okay.

Q -- cc'ing you and [REDACTED] on Monday, April 5th, 2010.

A Okay.

Q See that email? It says, what information would you like? We are holding the cases pending guidance from EO Technical, because [REDACTED] didn't want all the cases sent to D.C.

A That's correct.

Q Do you recall that email?

A Yes, I do.

Q So as of April 5th, 2010, when [REDACTED] tells [REDACTED] and cc's you that, we are holding the cases pending guidance from EO Technical, did you have discretion to approve Tea Party cases on your own?

A Are we talking about these cases we were holding?

Q Yes, sir.

A Not at that point, because they had been identified as cases that really had issues that needed development.

Q And what cases were you holding at that point?

A They were cases that had been identified from that first case that we sent to EO Technical, which was at the end of February.

Q How many cases were you holding at that point?

A I couldn't tell you at this time. I really don't know.

Q Ballpark number? A handful? Dozens? A hundred?

A Oh, I don't believe it was a hundred. Probably more than a handful. I really don't know the answer to that question.

Q Okay. Let me direct your attention to Exhibit 3 for a moment, please, sir.

A Okay.

Q Now, at the very bottom of that, of the first page of that exhibit, it's an email from you to [REDACTED] on Thursday, June 2nd, 2011. So we're skipping ahead a year now, a little over a year, right? And you say, [REDACTED] the following are issues that could indicate a case to be considered, a potential Tea Party case, and sent to Group 7822 for secondary screening. And then you list those criteria. Do you recall sending this email?

A Yes.

Q So as of June 2nd, 2011, did you have -- did you, in your role there on June 2nd, 2011, have the authority to approve a potential Tea Party case on your own?

A Depending, again, on the facts and circumstances and the issues that were presented in the case file, I would make a decision based upon the total facts.

[REDACTED] And I think it's just important that this is all hypothetical in that you've already asked whether he remembers handling these cases. He doesn't. I guess I'm trying to put it in context the best as we can.

Counsel [REDACTED] And this question has been asked and answered approximately 10 times now. He keeps giving the same answer.

Counsel [REDACTED] I appreciate that, [REDACTED]. This is, like, the fifth or sixth time that you've now interrupted our questions. You've had an equal amount of time to ask the witness questions. I'd respectfully ask that you respect the witness' time, and stop interrupting.

BY Counsel [REDACTED]

Q [REDACTED] you say in that email, this is Exhibit 3, you list these criteria. Let's go to -- let's go to number one, where you say, Tea Party, Patriots, or 9/12 Project is referenced in the case file. If those words were referenced in the case file that you receive, would you have the independent authority to approve that case?

A This, first off, is not my criteria. I have said before I asked the three senior agents in my group, when they reviewed cases, what would they look for for a potential auto revocation case. I have never said or was I ever given direction concerning the inability to perform my function, which includes closing cases.

Q Your email seems to indicate, sir, that if -- if a case file referenced the terms Tea Party, Patriots or 9/12 Project, it would be sent to Group 7822 for secondary screening. Is that not the case? Am I misreading your email?

A The email really is referencing [REDACTED] request for do applications state Tea Party? If not, how do we know the applicant is involved in the Tea Party movement? That one, one sentence is really what I address. And I say the following are issues that could indicate a case to be considered a potential Tea Party case and sent to Group 7822. I under -- I interpret "consider a potential" is not a mandate, and that's what I get from your question.

Q So it is possible that -- that you could have personally approved cases that included the words Tea Party, Patriots or 9/12 Project and not sent them to Group 7822 for secondary screening?

A It's a possibility that I would approve a case that

presented all of the necessary requirements that we look at in a case, including all of the issues, all of the activities. Each case is standing on its own merit and we are going to consider all facts and circumstances within that case to determine the disposition, which could be that case could be closed.

Q Right. But you don't recall any case with the words Tea Party, Patriots, or 9/12 Project actually being closed?

A I don't recall.

Counsel Okay. Thank you.

BY Counsel

Q And just to clarify, you mentioned that these items were -- these were the -- this was the list of terms that you were given when you asked your agents about auto revocation cases?

A No, no, no. Did I say -- I'm sorry.

Q Yeah, you said that.

A I'm sorry.

Q I'm confused, because that's a new term we haven't heard.

A I'm sorry. I misspoke. It was -- it was in response to request for Tea Party cases.

Counsel Okay.

BY Counsel

Q Screening Group Manager --

Thank you for clarifying.

BY Counsel

Q -- I want to shift gears a little bit here. Sir, it's my

understanding that at some point in the spring of 2012, the IRS initiated an internal investigation into the actions of your determinations with respect to Tea Party cases. Are you aware of that?

A Yes, I am.

Q When did you become aware of this internal investigation?

A I believe I was asked to participate in an interview that was conducted in our offices by Joseph Grant's senior staff.

Q Do you recall who interviewed you?

A I believe it was [REDACTED]

Q And, sir, were you interviewed alone?

A No.

Q Who else was interviewed with you?

A I really don't recall the entire room, but it was rather expansive. I do recall that [REDACTED] was there. I do recall that, I think, [REDACTED] was there. I do recall [REDACTED] was there. I do recall [REDACTED] was there. You know, there -- there were a number of folks there that --

Q And these people you reference, are they people from D.C. or Cincinnati?

A Both.

Q Okay. So you were not the only Cincinnati employee who was interviewed at this time?

A That's correct.

Q And what kind of questions did [REDACTED] and [REDACTED] and everyone else ask you?

A I was the very first one that was interviewed, and I was asked about my understanding of the case that [REDACTED] had, you know, come into my office with the concerns about the -- the high profile aspect of the case. And I in the interview said exactly the same things that I said here, that you know, I asked for the email, which he provided. And at that point in time I, you know, sent it to my manager, and it was sent up the line to -- to [REDACTED]

Q So the interview only had to deal with that initial email and then your subsequent actions sending it up and down the chain?

A That's correct.

BY [REDACTED]

Q When you use the term "high profile," what do you -- what do you mean by that?

A The high profile case ended up to be defined in this particular instance as something that was having media attention; in other words, it was in the newspaper quite a bit about, you know, Tea Party cases or Tea Party organizations.

BY [REDACTED]

Q Did [REDACTED] or [REDACTED] or anyone else from D.C. give you a sense as to why they were doing this review, this investigation?

A I don't recall that that was an opening remark or that I had any -- you know, any indication other than them gathering information.

Q Do you have any understanding what they were going to use that information for?

A I did not. I knew that it was Joseph Grant's senior staff, and that's -- you know, I was asked to respond to the interview.

Q And as a group manager, did this ever come up in the group manager meetings, the fact that [REDACTED] and [REDACTED] had come to Cincinnati to conduct this interview?

A Not to my -- not to my knowledge.

Q Did you ever speak to [REDACTED] about this interview process?

A No, I did not. Not to my knowledge.

Q Sir, to your -- let me ask you this first. Did you ever

speak to your area managers about this interview?

A Not to my knowledge.

Q The people who were interviewed by the Washington folks, were they just the group managers or were they also line employees?

A They were line employees.

Q Okay.

A I believe these interviews lasted 3 days, and I was on day one.

Q Okay.

A If that gives you a scope.

Q And, sir, to your knowledge, other than interviewing you and others, did they review case files and do other kind of investigative work?

A That -- I wasn't involved in any of that, but I -- I am aware that they came back at another time and reviewed case files.

Q Do you know how many case files roughly?

A Like I say, I had no involvement in that and I -- I really don't know.

Q Okay. And, sir, do you know, when this investigation concluded, how long it took, approximately?

A For me or --

Q For the investigation as a whole.

██████████ It feels like it's still going on, doesn't it?

Screening Group Manager I believe that it was scheduled for 3 days. Now, because I was the first one up, I -- I don't really recall if it lasted

the entire 3 days, and I do -- those dates are somewhere.

██████████ Yeah. And, again, you -- I'm not sure if ██████████ Screening Group Manager understands investigation versus interviews versus review of documents versus reports. I think he's clarified his involvement --

██████████ Counsel Sure.

██████████ -- in what they were doing and that's what he knows.

BY ██████████ Counsel

Q So you were interviewed one day, you're aware of 3 days of interviews. It's possible that the investigation lasted longer, because they were doing document reviews at a later date?

A It could have.

Q Okay. And are you aware that ██████████ and ██████████ made any findings or conclusions as a part of this investigation?

A I'm not aware of that.

Q So you were never made aware of the results or anything like that?

A I was not.

Q Okay. Did anything change as a result of this investigation?

A Not to my knowledge.

Q All right. Sir, I want to turn to the TIGTA audit. It's my understanding that the TIGTA audit began in March of 2012. When did you become aware of the fact that TIGTA was conducting an audit?

A There's a document that I was notified to participate in an interview with the -- the TIGTA individual.

Q Okay. And so that -- that notice of the interview was the first time you became aware that the audit was occurring?

A Correct.

Counsel Do you have that document to refresh the witness' recollection?

Here it is.

Screening Group Manager I was notified by [REDACTED] that I was scheduled for an interview on Monday, August 6th.

BY Counsel

Q And what day was this email from [REDACTED]

A This was on July 26th.

Q Is this email just to you or to others in your determination?

A It was to others.

Q You and others?

A Correct.

Q Okay. How many others?

A One, two, three, four, five, six, seven.

[REDACTED] Eight.

Screening Group Manager Seven and two copies.

BY Counsel

Q Okay. And were they -- to the best you can tell from that document, were the recipients of that email also scheduled for interviews?

A Correct.

Q Okay.

BY Counsel [REDACTED]

Q What do you recall [REDACTED] telling you about the reasons why TIGTA wanted to speak with you?

[REDACTED] If you remember anything.

[REDACTED] Screening Group Manager I don't remember anything. I'm trying to -- you know, from -- he -- actually, he was acting for [REDACTED] and that's why it came from him, I'm pretty sure, but he was -- just said this is the schedule, make yourself available for this TIGTA interview.

BY Counsel [REDACTED]

Q But you were aware that it had something to do with the evaluation of Tea Party applications?

A I believe I did.

Q And you knew that from a conversation with [REDACTED]

A I don't recall.

Q What was your -- to the best of your memory, your reaction to learning that you were being asked to be interviewed by the IG about this issue?

A I have talked to TIGTA before, and I, you know -- not -- not any really concern.

BY Counsel [REDACTED]

Q And, [REDACTED] Screening Group Manager were you, in fact, interviewed by TIGTA?

A Yes, I was.

Q On that date referenced in the email?

A Yes, I was.

Q And that's the only time that you were interviewed by TIGTA?

Were you ever interviewed another date?

A No, I wasn't.

Q And, sir, I think you made reference to this before, but you were interviewed with [REDACTED] in the room?

A She --

Q Is that correct?

A She sat by my side.

Q Directly by your side --

A Yes, she did.

Q -- like [REDACTED] is today?

A Right to my right.

Q What was her role in the interview?

[REDACTED] If we can have a moment just to talk with Mr. --

Counsel [REDACTED] Sure.

[REDACTED] -- [REDACTED] on this.

Counsel [REDACTED] Go off the record, please.

[Discussion off the record.]

Counsel [REDACTED] Back on the record, please.

BY Counsel [REDACTED]

Q [REDACTED] Screening Group Manager what was [REDACTED] role in your interview with TIGTA?

A I wasn't told.

Q Did she say anything?

A "Hello." I mean, nothing of any consequence in the interview. It was a surprise to me. I never really had participated

in anything with, you know -- normally, I think what I'm trying to say, these interviews were one-to-one, and -- and so she was there.

Q So you were not made aware beforehand that she would be there?

A I can't recall that.

Q Okay. And you mentioned before that you had other interactions with TIGTA in your career. Is that right?

A Occasionally, for different situations.

Q Sure.

A Uh-huh.

Q Have you ever been in a situation where you've been interviewed by TIGTA with someone like [REDACTED] in the room with you?

A No, I have not.

Q Was [REDACTED] there on your behalf? Was she representing you?

A She was not, to my knowledge.

Q Okay. So you did not ask her to be there?

A I did not.

Q Okay.

BY Counsel [REDACTED]

Q Have you ever in your previous interactions with TIGTA had -- have you ever had anyone other than TIGTA staff in the room when you've been interviewed?

A No, I had not.

Q And why did you feel it was -- you said you were surprised,

I think, when you saw [REDACTED] present?

A Well, it wasn't that I felt surprised, but, again, you know, I wasn't sure why she was there.

Q Were you ever given an opportunity in the -- were you ever given an opportunity in the interview with TIGTA to communicate information to TIGTA without [REDACTED] in the room?

A No, I was not.

Q So there was never a time at the end of the interview where TIGTA said to you or [REDACTED] said to you [REDACTED] could leave the room and allow you to communicate with TIGTA privately?

A Not that I recall.

Q Did you find that unusual?

A You know, it's not like I interviewed with TIGTA every day. I mean, it -- it was what it was and I accepted it for that, but like you indicated before, other TIGTA interviews, it was just one and one.

Q How do you feel about the appropriateness of [REDACTED] being in that interview?

[REDACTED] Does his opinion matter on this?

Counsel I think it does, yeah.

Screening Group Manager Again, you know, I'm -- I'm quite a line and staff person, and [REDACTED] was my manager and it was what it was, and that's the way I accepted it. At that point in time, you know, that's what my feelings were.

BY Counsel [REDACTED]

Q What are your feelings now?

A Probably about the same.

BY Counsel

Q Did you -- did you ask TIGTA why [REDACTED] was in the room?

A I did not.

BY Counsel

Q And, [REDACTED] are you familiar with the TIGTA audit report they put out last month?

A I have read it over.

Q Do you generally agree with the findings of the report?

[REDACTED] If you want to ask him about a specific finding, I guess, but even that, again --

[REDACTED] The report stands by itself. I feel that there could be some inaccuracies in there. It is what it is, and so --

BY Counsel

Q What parts do you think are inaccurate?

A Not so much inaccurate, but not fully investigated or fully described.

Q Such as?

A Well, the things we talked about today about providing -- I know one thing that came to me, about this criteria issue. And it wasn't criteria that I solicited, it was, you know, tell me about issues. I mean, the whole context and understanding of that portion, I felt, was misrepresented, but that's my personal feeling about what happened to me. The rest of the TIGTA interview, I wasn't involved in any of the other participants, so the only thing that I could look

at was the part that was pertaining to me.

Q [REDACTED] to your knowledge, has anyone in the IRS been disciplined as a result of the actions that are contained within the TIGTA report?

A Not to my knowledge.

[REDACTED] Well, when and where? You don't know anyone anywhere?

[REDACTED] No, I do not. Not about this TIGTA audit.

BY [REDACTED]

Q Yeah. The actions that were referenced in the TIGTA audit.

[REDACTED] Just do you know anyone who's been put on administration leave, or you're not sure or you don't know?

[REDACTED] I don't know?

BY [REDACTED]

Q [REDACTED] have you ever been aware of an IRS official or employee who has disclosed confidential tax information to a third party?

A Do I know an individual?

Q Have you ever been aware of that circumstance?

A Not on an official basis. You know, office gossip, those kind of things. I'm not really totally aware of -- of that particular instance.

Q Okay. What kind of office gossip have you heard?

A Exactly what you said, okay, there was a third party disclosure. And I have no idea what it was or who it was disclosed

to or anything about it, because I wasn't part of it, I wasn't informed of it, and -- and I really don't even know the individual that may have done this. I don't even know that it happened.

Q Okay. So you're just generally familiar with the fact that it may have happened?

A Sure.

Q Okay. [Screening Group Manager] are you aware of media reports that the Cincinnati office of the IRS improperly released nine applications for tax exempt status to a media group?

A Am I aware of that? Yes.

Q Do you have any personal knowledge of this?

A I do not.

Q To your knowledge, has anyone been held responsible for that inappropriate release?

A I do not know that.

Q [Screening Group Manager] have you ever discussed applications for tax exempt status with any officials in the National Treasury Employees Union?

A Specific --

Q Applications.

A Applications?

Q That's correct.

A I don't believe I have.

BY [Counsel]

Q Have you ever discussed the process for evaluating groups

of applications with the national --

A Not with the national office. I have very limited contact with the union.

Q Have you had that conversations with the local chapter of the union?

A The only thing I would be hesitant to say, because I under 7114 routinely invite the union to attend all of my meetings, and what -- whatever could have been said or -- or may have been said with their attendance there, I just don't recall. So with that in mind, you know, something could have been said, but not that I recollect.

Q Has there been a meeting or a discussion that you've been asked about today that you recall having membership of the union -- representatives of the union present for?

A Not to my knowledge.

BY [REDACTED]

Q [REDACTED] were you aware of inquiries from Members of Congress about potential targeting of conservative groups by the IRS?

A Inquiries by Congress?

Q That's right.

[REDACTED] I just pause, because I want you to answer the question, but you may need to have your memory refreshed.

[REDACTED] I may need my memory refreshed, because I don't know of any specific instances that I was aware that, you know --

[REDACTED] If we may have a moment, please.

[REDACTED] Of course.

[Discussion off the record.]

█ See if that refreshes your memory.

Counsel █ And can I ask what the email is he's reading from?

█ It's an email dated February --

█ Email chain.

█ Email chain dated February 24th, 2012, from █
█ to Secretary Group Manager and █

Counsel █ Was that 24th or 4th?

█ 24th at 4:25 p.m. And there's -- and below it is
another February 24th email from █ to █ And then
the originating email is an email from Lois Lerner to █ █
and █ with others cc'd. That email is February 24th at 3:46 p.m.

So I guess if the question is did he know about any congressional
inquiry, this email references that.

Counsel █ Okay.

█ And --

Secretary Group Manager █ I mean, the reference says that. Do I recall? No,
I do not. And even now that I read it over, I do recall the question
in the email, but the -- the subject matter was -- was not
of -- pertinent to me, because I had nothing to do with what she --

BY Counsel █

Q What do you --

A -- was asking me.

Q What do you recall the question in the email to be?

A Talking again about the BOLO. And we have gone through

that, that I had nothing to do with the BOLO, you know, from any aspect.

Q And to clarify, this is a question from [REDACTED] to you or [REDACTED] to [REDACTED] or Ms. Lerner to [REDACTED]

A The email is from [REDACTED] to myself and [REDACTED]

Q And that's where the question is posed?

A Correct.

[REDACTED] And there is a congressional reference in the subject line of the email.

Counsel [REDACTED] In the whole email chain dating back to Lois Lerner?

[REDACTED] Correct. In fact, the -- it appears -- the document will speak for itself and I don't want to testify, but it looks as if the congressional follow-up is in the originating email, which is the 3:46 email from Lerner to [REDACTED]

BY Counsel [REDACTED]

Q Is the congressional --

[REDACTED] Is that correct?

Recording Group Manager [REDACTED] Yes.

[REDACTED] Okay. That's correct.

BY Counsel [REDACTED]

Q Is the congressional request that's referenced in the email, did it come from members or staff of the Committee on Oversight and Government Reform?

A This chain of emails does not indicate that.

[REDACTED] And just for clarity, congressional request, is it --

[REDACTED] Congressional follow-up.

[REDACTED] There you go.

BY Counsel [REDACTED]

Q Does it concern a briefing or a meeting that Lois Lerner did for committee staff?

[REDACTED] If it's clear from what you're looking at, you can answer that.

Screening Group Manager [REDACTED] It references a meeting.

BY Counsel [REDACTED]

Q Does it say what date the meeting was?

A Umh --

Q Or is there context in the email that can tell you what date the meeting was?

A The email is February 24th, and I would assume that, you know, that would be a pretty good day.

Q That the meeting occurred the same day?

A I -- it does not say that.

[REDACTED] Yeah. I don't want him to speculate.

Screening Group Manager [REDACTED] Yeah. And that -- that just did not say that.

[REDACTED] Oh, yeah.

Screening Group Manager [REDACTED] I mean, I'll tell you what it says right here. I just got back from a meeting, so, I mean --

BY Counsel [REDACTED]

Q Okay.

A -- you know, I'm not sure if that was on the 24th or when it was, but still, you know.

Q [REDACTED] Screening Group Manager did you at all respond to that request -- that question from [REDACTED]

A The question as it was posed didn't require a response, and I don't believe I did. Did I?

[REDACTED] Do you remember or not?

[REDACTED] Screening Group Manager I do not remember.

[REDACTED] Counsel That's fine.

RPTS [REDACTED]

DCMN [REDACTED]

[4:35 p.m.]

BY [REDACTED]

Q [REDACTED] now on May 10 of this year, 2013, Ms. Lerner appeared at a panel of the American Bar Association. Are you aware of that appearance she did?

A I'm aware. He just asked me if I'm aware. I'm aware.

Q Were you aware before she did that that she was going to appear at that panel?

A I was not.

Q Were you aware that she had publicly acknowledged the information contained in the TIGTA audit on that --

A I did not.

Q Sir, are you aware that Acting Commissioner Werfel is currently looking into the IRS's actions with respect to the Tea Party cases?

A I am aware of that.

Q And how did you become aware of that fact?

A The newspaper.

Q Have you ever spoken to Mr. Werfel about his --

A I have not.

Q Do you know what this review will entail?

A I do not.

Q Have you been contacted by anyone in IRS leadership to

discuss your involvement with Tea Party cases?

A I have not.

Q Have there been any changes at the IRS as a result of the announcement that Mr. Werfel will do this review, changes to the procedure you used to deal with these Tea Party cases?

A I am not aware of that. It's not my area any longer.

Q Okay. [Screening Group Manager] do you have a personal email account?

A Yes, I do.

Q Have you ever used your personal email account to conduct official government business?

[Redacted] Outside of communications with counsel.

[Screening Group Manager] Not that I recall.

BY [Counsel]

Q Okay. Sir, I'm sure you've heard the notion that this is all a result of two rogue employees in Cincinnati. Do you agree with that assessment?

A I do not know of any rogue employee located in Cincinnati.

Q Could you expound upon that?

A I really would need to know the definition of what a "rogue employee" is. I do not know any rogue employees in Cincinnati. That characterization is incorrect.

Q And sir I'm sure you heard the notion that Cincinnati is to blame for this, and that political leadership here in Washington has said the problem originated and is contained in the Cincinnati office. Do you agree with that?

A I do not.

Q Why not?

A I just am aware of the process. And I really at this point in time have no definitive knowledge that would lead me to believe that that is true.

Q And when you say "the process," what do you mean by "the process"? You said you were aware of the process.

A In Cincinnati of how we process cases, and I know from a manager's standpoint the scrutiny that is provided on agent cases. Probably, you know, scrutiny is more intense in other areas than mine, and I would be the first to admit that because of volumes. But we do have a quality department. We do have a number of checks and balances that would lend me to believe that whatever the definition of a rogue agent is, which I don't know, it would be difficult for me to believe that.

Q I see. So it's your perspective, sir, that the problems identified by TIGTA, the people responsible for those are not in the Cincinnati office; is that correct?

██████████ What problems?

Screening Group Manager Yeah, I can't really -- it would be a definition of the problem, okay, and everybody would have their own ideas.

██████████ Do you understand the question, ██████████ You know what you did; that's all you know, all right?

Screening Group Manager That's right.

BY Counsel ██████████

Q So is it fair to say that Cincinnati was not the only part of the IRS that was involved in these Tea Party cases? Is it fair to say that Washington was involved in those as well?

A That's a fair statement.

Q So therefore, do you think it's fair to put all the blame on Cincinnati?

[REDACTED] He's not answering what's fair or unfair.

[REDACTED] I'm in a position of not being able to answer that.

BY [REDACTED]

Q [REDACTED] if the IRS -- I think you mentioned this before, the IRS has paid for your travel here today, correct?

A Yes they did.

Q Are they paying for your counsel, too?

A No, they are not.

Q Who is paying for your counsel, sir?

A I am.

Q Sir, as we conclude, is there any other information that you think would be useful for the committee to know as it continues its investigation?

A Not at this time.

Q Okay. We appreciate it.

A Thank you.

[Discussion off the record.]

BY Counsel [REDACTED]

Q A moment ago when you were talking with my colleagues about

the TIGTA interview --

A Okay.

Q -- was there anything that you felt uncomfortable disclosing in the TIGTA interview because [REDACTED] was in the room?

A Probably not. As you can tell, I do talk a little bit, and so, you know, maybe I was a little guarded, but I told the truth, and I answered the questions, which is what I did here. So I gave the answers to the questions that were asked.

Q When you say "guarded," what do you mean?

A I just was very intent on concentrating on the question asked and delivering the answer to that question.

Q Did you withhold any information during the TIGTA interview because [REDACTED] was in the room?

A No, I did not.

Q Did you answer any of TIGTA's questions differently because [REDACTED] was in the room?

A I don't believe I did.

BY Counsel [REDACTED]

Q You mentioned that you had done TIGTA interviews before. Do you know about how many?

A Probably two.

Q And do you know whether or not those interviews were conducted pursuant to a TIGTA audit or a TIGTA investigation?

A TIGTA investigation.

Q The other two were TIGTA investigations?

A Yes.

Q And are you aware of what -- the context of the interview you did regarding the issue we're talking about today?

A Do I know what now?

Q Whether or not the interview that you did with TIGTA about this Tea Party issue was an audit or an investigation?

██████████ Do you know if there's a distinction between an audit and an investigation?

██████████ Screening Group Manager Yes. I do know it was an audit.

BY Counsel ██████████

Q And the first two interviews you did were TIGTA investigations?

A Correct.

BY Counsel ██████████

Q And this was one was an audit?

A Correct.

BY Counsel ██████████

Q When you were speaking with my colleagues a couple of minutes ago, you were talking in response to a question about whether there was someone to blame for the Tea Party screening of cases. Do you think there is anyone to blame for what happened?

A I'm not in a position of analyzing all of the factors involved to make a good assessment on that question. I can address what pertained to me, and I believe that I handled this situation like I was expected to handle it; that I correctly elevated this issue to

my manager, who elevated it to the Washington office for direction and guidance from EO Technical; and I feel that what I did was appropriate.

And I can't really go beyond that because I have not been afforded the opportunity of knowing all of the ins and outs and facts that, you know, most of -- probably what I would know about this is somewhat in the news, and I don't really have a lot of consideration there.

BY [REDACTED]

Q A few moments ago again while you were speaking with my colleagues, you said that the issue of screening Tea Party cases and how the Tea Party cases were reviewed was not isolated only in Cincinnati, but that Washington was involved as well. Do you remember that?

A Not specifically, but, I mean, when you're talking about Washington was involved in screening the cases?

Q No. And I didn't mean -- if I said that, I didn't mean to. What I mean is you were asked was Washington involved generally in this issue, or was Cincinnati only involved? Do you remember that?

A In screening or total?

Q Just this issue generally.

A Okay. I recall that.

Q When you said that, yes, Washington was involved, were you referring to the Technical Unit?

A Yes, I was.

Q Were you referring to any other part of the IRS besides the Technical Unit?

A Well, I mean, obviously from email tracks, I was aware of [REDACTED] who, you know, is the manager that is responsible for the Technical Unit. And that's as far as my direct understanding of this would go.

Q So you don't have direct knowledge of anyone in D.C. in the IRS being involved in this issue beyond the Technical Unit; is that correct?

A Other than what could have been mentioned in emails. Obviously we just discussed one that Lois Lerner was mentioned in. So to my knowledge, other than, you know, what I've talked about before, I do not know of anything else.

Counsel [REDACTED] Thank you so much. No questions.

Counsel [REDACTED] I have one.

BY Counsel [REDACTED]

Q Our colleagues asked you about your reaction to the TIGTA report. And I wanted to ask if you agreed with TIGTA's use of the phrase "targeted" when it said that it found the IRS targeted specific groups applying for tax-exempt status?

A I would need to have that definition. It would be my definition that it was not targeting, and I base that upon review of cases. Again, the most important thing is facts and circumstances, issues. That's what I'd been dedicated to for, you know, the number of years that I've been involved in this. And again, you know, as we go through this issue, again --

[REDACTED] You realize when you stop talking, we're done.

Personnel Group Manager Okay.

BY Counsel

Q Based on your experience, you don't believe that either you or your colleagues intentionally targeted the Tea Party group for --

A I'm not in a position to discuss anybody else's intention but my own, and I know that what I did was not targeting.

Counsel Thank you.

Counsel That concludes the interview, Personnel Group Manager Thank you very much for cooperating.

Personnel Group Manager Thank you.

[Whereupon, at 4:50 p.m., the interview concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date