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TRANSCRIPTION OF RECORDED INTERVIEW

OF

Jason Summers

September 25, 2012

Sacramento, California

Investigation of Department of Parks
and Recreation - Financial Irregularities

Interviewed by: Thomas M. Patton
Deputy Attorney General
Office of the Attorney General
State of California

Transcribed by: Janice D. Badeau
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1 MR. PATTON: And the time is?

2 MR. MATSON: I've got 11:07.

3 MR. PATTON: All right. It's 11:07
4 a.m., Tuesday, September 25, 2012. Thomas M.
5 Patton, Deputy Attorney General, speaking.
6 With me is Mike Matson (ph.), and investigator
7 with the Department of Justice. And we have?

8 MR. SUMMERS: Jason Summers.

9 MR. PATTON: S-U-M-M-E-R-S?

10 MR. SUMMERS: Correct.

11 MR. PATTON: Okay. And as I
12 indicated, you received my letter notifying
13 you of this interview and giving you some
14 admonitions?

15 MR. SUMMERS: Yes.

16 MR. PATTON: Okay. Requiring that
17 you tell us truthfully the answers to the
18 questions we're going to pose.

19 MR. SUMMERS: Yes.

20 MR. PATTON: So let's talk about
21 what's your position with the agency?

22 MR. SUMMERS: I'm a Staff Services
23 Manager I.

24 MR. PATTON: In what section?

25 MR. SUMMERS: It's called the

1 performance management unit.

2 MR. PATTON: Oh.

3 MR. SUMMERS: Yes.

4 MR. PATTON: Performance management
5 unit. Is that part of admin services?

6 MR. SUMMERS: Yes.

7 MR. PATTON: Okay. Which does -- I
8 guess it --

9 MR. SUMMERS: Stands by itself. I
10 was -- I imagine we'll get to this, but I was
11 the personnel officer.

12 MR. PATTON: Ah-huh?

13 MR. SUMMERS: I was demoted as part
14 of the admin buy-down --

15 MR. PATTON: Right. I --

16 MR. SUMMERS: -- shift. So that was
17 the -- that was where I was placed, is in this
18 role.

19 MR. PATTON: Was this a new unit
20 created?

21 MR. SUMMERS: Yes. Yes.

22 MR. PATTON: Okay. So you -- so
23 kind of a new function in admin services was
24 created.

25 MR. SUMMERS: Correct. Correct.

1 MR. PATTON: And you're -- I mean,
2 how is that working out? Was it worth doing?

3 MR. SUMMERS: It really hasn't
4 started, per se. I'm sort of helping
5 budget -- the budget unit and --

6 MR. PATTON: Ah-huh?

7 MR. SUMMERS: -- position
8 reconciliation, tied to questions that we're
9 getting from both auditors and the legislature
10 on, you know, where do we get positions?
11 Where's our authority? That sort of thing.

12 MR. PATTON: Ah-huh?

13 MR. SUMMERS: So I imagine, once we
14 get past all the audits, I will have some real
15 work associated with it, yeah.

16 MR. PATTON: Okay.

17 MR. SUMMERS: At least I hope so.

18 MR. PATTON: So -- and you -- this
19 guy created a -- I read the prior report, so
20 the demotion occurred I think back when? May?

21 MR. SUMMERS: July.

22 MR. PATTON: July?

23 MR. SUMMERS: Yes.

24 MR. PATTON: So this got created
25 then. You had been personnel officer from

1 when to when?

2 MR. SUMMERS: July of 2011 to July
3 of 2012.

4 MR. PATTON: Okay. And before that,
5 what were you doing?

6 MR. SUMMERS: I was the assistant
7 personnel officer.

8 MR. PATTON: And you were assistant
9 personnel officer from when to when?

10 MR. SUMMERS: Off and on -- and I
11 say off and on because I was the acting for a
12 couple times during that period of time, I
13 want to say three years I was the assistant
14 personnel officer.

15 MR. PATTON: You were in personnel a
16 total of?

17 MR. SUMMERS: Five years.

18 MR. PATTON: Five years?

19 MR. SUMMERS: Yes. For about a year
20 before that, I was the classification pay
21 manager.

22 MR. PATTON: And when you were the
23 assistant personnel officer, who was the
24 personnel officer?

25 MR. SUMMERS: At different points,

1 it was Olivia Suber and Debbie Yue.

2 MR. PATTON: Olivia Suber?

3 MR. SUMMERS: Um-hum.

4 MR. PATTON: S-U-B-E-R?

5 MR. SUMMERS: Correct.

6 MR. PATTON: And Deb -- and who?

7 MR. SUMMERS: Debbie Yue.

8 MR. PATTON: Debbie Yue.

9 MR. SUMMERS: Y-U-E.

10 MR. PATTON: And then before that,
11 you said you were where?

12 MR. SUMMERS: Before that, I was the
13 classification and pay manager, also reporting
14 to Olivia Suber.

15 MR. PATTON: So that's part of
16 personnel.

17 MR. SUMMERS: Yes. Correct. Yes.

18 MR. PATTON: And you had been -- so
19 you spent how much time total in personnel?

20 MR. SUMMERS: Five years.

21 MR. PATTON: Okay, so in addition to
22 being -- so that includes being classification
23 pay manager.

24 MR. SUMMERS: Correct.

25 MR. PATTON: Assistant personnel

1 officer and personnel officer.

2 MR. SUMMERS: Correct.

3 MR. PATTON: And that takes us back
4 to I guess about 2007. How long --

5 MR. SUMMERS: Yes.

6 MR. PATTON: How long you been at
7 the Parks Department?

8 MR. SUMMERS: Eight years.

9 MR. PATTON: Okay. And what were
10 your other three years?

11 MR. SUMMERS: Before that, I was
12 down in the budget section.

13 MR. PATTON: Okay. The prior three
14 years -- so your first three years from --
15 what year did you start?

16 MR. SUMMERS: 2004.

17 MR. PATTON: Ah-huh?

18 MR. SUMMERS: To 2007. Going
19 backwards, I was --

20 MR. PATTON: You were in the budget
21 shop.

22 MR. SUMMERS: Yeah, I was in the
23 budget shop.

24 MR. PATTON: What were you -- what
25 were you doing on the budget shop?

1 MR. SUMMERS: I was -- going
2 backwards in time -- I was the support office
3 budget manager.

4 MR. PATTON: You're going from most
5 recent to oldest?

6 MR. SUMMERS: Yes, exactly.

7 MR. PATTON: Okay.

8 MR. SUMMERS: Yes. Yes.

9 MR. PATTON: You were what?

10 MR. SUMMERS: Support office -- they
11 don't have it anymore. We had a manager that
12 was just over the support side of the budget.

13 MR. PATTON: Ah-huh?

14 MR. SUMMERS: At that particular
15 point in time. As I understand it, now we
16 don't categorize it that way.

17 MR. PATTON: Okay.

18 MR. SUMMERS: They just do -- they
19 do everything, so --

20 MR. PATTON: Yeah. And what other
21 positions?

22 MR. SUMMERS: And before that, I was
23 in the state-wide bond unit.

24 MR. PATTON: Um-hum?

25 MR. SUMMERS: As an analyst.

1 MR. PATTON: Okay. Any other
2 positions in budget?

3 MR. SUMMERS: No.

4 MR. PATTON: So when you were in
5 budget from '04 to '07, the budget -- you were
6 reporting to who?

7 MR. SUMMERS: Manuel.

8 MR. PATTON: The whole time?

9 MR. SUMMERS: Manuel Lopez, yes.

10 MR. PATTON: Okay.

11 MR. SUMMERS: Yeah. Well, I'm
12 sorry, from '04 to '07, for a short period of
13 time, when I first started working here, I
14 worked for Marcy Brown as an analyst who -- we
15 all worked under Becky Brown.

16 MR. PATTON: Okay.

17 MR. SUMMERS: But that was maybe
18 like six months.

19 MR. PATTON: Um-hum? All right.
20 Now we've heard from a couple of other people
21 who've already indicated that you were one of
22 the people who had been -- had become aware at
23 some point that there was a problem with the
24 budget reports -- a disparity in the budget
25 reports.

1 MR. SUMMERS: Um-hum.

2 MR. PATTON: Nodding your head yes.

3 MR. SUMMERS: Yes.

4 MR. PATTON: Rather than me ask you
5 a bunch of pointed questions, why don't you
6 just tell me when you --

7 MR. SUMMERS: Yeah.

8 MR. PATTON: -- learned about it and
9 from whom. Just give me the story.

10 MR. SUMMERS: I guess early on, when
11 I was the support office manager, one of my
12 duties was to prepare the fund condition
13 statements.

14 MR. PATTON: Um-hum.

15 MR. SUMMERS: And -- and --

16 MR. PATTON: Were you doing that --
17 I'm sorry to interrupt you.

18 MR. SUMMERS: Yes.

19 MR. PATTON: Were you doing that
20 when Manny had already come in? Or were you
21 doing that when Becky was still here?

22 MR. SUMMERS: No, when Manuel was
23 here.

24 MR. PATTON: Okay. Go ahead.

25 MR. SUMMERS: Not -- not when -- not

1 when Becky was here.

2 MR. PATTON: Sorry for the
3 interruption.

4 MR. SUMMERS: But I prepared the
5 fund condition statement based off of the --
6 and forgive me, it's a long time -- but I
7 imagine it was one of the comptroller's
8 reports. I don't remember how to do it now.
9 But I remember that I prepared the fund-
10 condition statement and I was told by Manuel
11 that I had done it wrong. And he explained to
12 me, at the time, that it was because we had an
13 error in the comptroller's side of it and that
14 we needed to make -- I forgot what he said --
15 planning estimate adjustment over the course
16 of a few years to make that correction. He
17 said he had learned that from Becky Brown.
18 But I had not first-hand knowledge of that.
19 You know, I didn't hear her say that to him;
20 he just relayed that to me.

21 So we -- because it's an incremental
22 budgeting system, it made sense. That there
23 wasn't a mechanism in which there was an
24 increment to make that fund condition match on
25 the Governor's budget side, unless we had done

1 it in the planning estimate adjustment. And
2 we had missed it by that particular point in
3 time. Does that make sense?

4 MR. PATTON: I guess --

5 MR. SUMMERS: It made sense to me at
6 the time.

7 MR. PATTON: Okay.

8 MR. SUMMERS: So I went along with
9 it.

10 MR. PATTON: Go ahead.

11 MR. SUMMERS: So we reported the
12 Governor's budget fund condition the same as
13 it was the year before, basically, just
14 following the -- it just sort of serpentines
15 through, if you will. And that was that. And
16 I only did it the one year.

17 MR. PATTON: Um-hum.

18 MR. SUMMERS: Because I was only
19 there for that one year.

20 MR. PATTON: And then you went to
21 personnel?

22 MR. SUMMERS: So -- and then I went
23 to personnel.

24 MR. PATTON: So -- so you were in
25 support ops only -- and I think Manuel Lopez

1 got to the budget office in '05.

2 MR. SUMMERS: Yeah, '04-'05, yeah.

3 MR. PATTON: And so you only did one
4 fund condition statement; that would have been
5 in the last year you were in budget shop,
6 then.

7 MR. SUMMERS: Correct.

8 MR. PATTON: Like for '07, maybe?

9 MR. SUMMERS: '06-'07.

10 THE COURT: '06-7?

11 MR. SUMMERS: Yeah -- yeah.

12 MR. PATTON: And then you went to
13 personnel.

14 MR. SUMMERS: Correct.

15 MR. PATTON: When you did this and
16 Manny said your fund condition statement is
17 wrong --

18 MR. SUMMERS: I might not be using
19 the right words. He explained to me that --
20 he explained the rational for why one report
21 didn't match the other report.

22 MR. PATTON: Did you -- okay. Did
23 you see -- did you see the two reports?

24 MR. SUMMERS: Yeah, because he used
25 those --

1 MR. PATTON: Yeah.

2 MR. SUMMERS: -- two reports to
3 prepare the fund condition in the Governor's
4 budget.

5 MR. PATTON: What two reports are
6 you using to prepare the fund condition
7 statement?

8 MR. SUMMERS: Yeah, I don't
9 remember.

10 MR. PATTON: Well, there are two
11 reports. You're using the accounting report
12 to the comptroller.

13 MR. SUMMERS: Yes.

14 MR. PATTON: Which is a fund-balance
15 statement, I'm told.

16 MR. SUMMERS: I really don't
17 remember. It has been so long ago. All I
18 remember --

19 MR. PATTON: Oh, don't be in a
20 hurry.

21 MR. SUMMERS: Yeah.

22 MR. PATTON: Don't be in a hurry --

23 MR. SUMMERS: Okay.

24 MR. PATTON: -- at all.

25 MR. SUMMERS: Okay.

1 MR. PATTON: Did you ever talk with
2 the accounting-side people about the numbers
3 that they generate?

4 MR. SUMMERS: You know, back then,
5 yeah, sure.

6 MR. PATTON: Yeah.

7 MR. SUMMERS: Yeah.

8 MR. PATTON: So -- and this was a
9 new thing for you to prepare; a fund condition
10 statement.

11 MR. SUMMERS: Yes.

12 MR. PATTON: So, obviously,
13 you're --

14 MR. SUMMERS: I was looking -- I --

15 MR. PATTON: You were on a learning
16 curve.

17 MR. SUMMERS: I was on a learning
18 curve; absolutely.

19 MR. PATTON: So who did you go to,
20 to help learn how to do it?

21 MR. SUMMERS: Manny.

22 MR. PATTON: Manuel.

23 MR. SUMMERS: Yes.

24 MR. PATTON: Okay. And then you say
25 you looked at a couple of reports. I'm

1 assuming one of them is the accounting side's
2 balance report to comptroller.

3 MR. SUMMERS: I believe so. Yes.
4 What they report as what the fund condition
5 should be.

6 MR. PATTON: Exactly.

7 MR. SUMMERS: Correct.

8 MR. PATTON: Because to do this, my
9 understanding is the starting point is you got
10 to know how much money is in the bank.

11 MR. SUMMERS: Correct.

12 MR. PATTON: Basically.

13 MR. SUMMERS: And then we have what
14 is in the Governor's budget and what was
15 reported last year.

16 MR. PATTON: All right. So those
17 are the two reports, probably.

18 MR. SUMMERS: Those were the two
19 reports.

20 MR. PATTON: Okay.

21 MR. SUMMERS: And so I was taking
22 what was in that report, because -- and I
23 remember reporting numbers like --

24 MR. PATTON: In the fund condition
25 report; the Governor report.

1 MR. SUMMERS: No. I think I was
2 taking what was --

3 MR. PATTON: Okay.

4 MR. SUMMERS: -- in the accounting
5 reports.

6 MR. PATTON: Right.

7 MR. SUMMERS: And I was putting it
8 in and --

9 MR. PATTON: Right.

10 MR. SUMMERS: -- the galleys that we
11 would submit to Department of Finance.

12 MR. PATTON: Right.

13 MR. SUMMERS: You know, because I
14 think, you know, some of the report numbers
15 that I recall are like the BO 6, which I think
16 are the total expenditures. You would take
17 those and put those into the, you know, total
18 expenditures for the Governor's budget. And
19 I -- I think you would take that same
20 information from the comptroller's report --
21 or not comptroller's reports, from the
22 accounting reports, and put them in the
23 Governor's budget.

24 MR. PATTON: Right.

25 MR. SUMMERS: And that's when I

1 entered them in there and then I gave them to
2 him for review and he explained to me the
3 rationale for why, in this case, that number
4 wasn't --

5 MR. PATTON: Okay, we're going to --

6 MR. SUMMERS: Right.

7 MR. PATTON: We're going to get to
8 that rationale in just a second.

9 MR. SUMMERS: Okay.

10 MR. PATTON: So you did what I
11 understand is the logical, correct thing to
12 do, is to go to the accounting report.

13 MR. SUMMERS: Yes.

14 MR. PATTON: And get the ending fund
15 balance to insert into the fund condition
16 statement.

17 MR. SUMMERS: Correct. Correct.

18 MR. PATTON: And so that's what you
19 did.

20 MR. SUMMERS: Correct.

21 MR. PATTON: Did you have any
22 conversation with the accounting side in doing
23 that? Or you just went and got it?

24 MR. SUMMERS: No. The -- you know,
25 my chain of command was through him.

1 MR. PATTON: Sure.

2 MR. SUMMERS: So, I, you know --

3 MR. PATTON: And it was available to
4 you. You didn't need to talk to anybody in
5 accounting. You just went and got it.

6 MR. SUMMERS: No, I had the report.
7 Right.

8 MR. PATTON: Right.

9 MR. SUMMERS: Yeah.

10 MR. PATTON: And then so you put it
11 in the fund condition statement you're
12 preparing. You say you're also looking at the
13 last year's fund condition statement, the
14 galleys.

15 MR. SUMMERS: From the -- right,
16 from the galleys, right.

17 MR. PATTON: And do you see then
18 that that prior year number that you just
19 extracted from the accounting reports is
20 different than the prior year beginning
21 balance or ending balance in the fund
22 condition statement? Do you see that there's
23 a disparity? That your report is going to be
24 different.

25 MR. SUMMERS: You know, if I

1 remember correctly, you just -- you just --
2 you put a number in that then reconciled to
3 the current year. So I think that that was
4 where he said that I would have had to have
5 put that in the planning estimate adjustments.
6 And I'm -- and forgive me, it's been five, six
7 years, so -- but I -- that's what I remember,
8 was the timing of it was something that had
9 already passed, that we couldn't fix it at
10 that point. And that was -- the plan was
11 that, in future years --

12 MR. PATTON: Okay, but you're
13 jumping ahead.

14 MR. SUMMERS: Oh, I'm sorry.

15 MR. PATTON: What you're telling me
16 now is that -- so, what you're telling me
17 about is a disparity that's observed.

18 MR. SUMMERS: Yes.

19 MR. PATTON: And what the plan is to
20 deal with it.

21 MR. SUMMERS: Correct.

22 MR. PATTON: And I want to just kind
23 of go slowly over --

24 MR. SUMMERS: Okay.

25 MR. PATTON: -- what your

1 observations were --

2 MR. SUMMERS: Okay.

3 MR. PATTON: -- in terms of the
4 disparity.

5 MR. SUMMERS: Okay.

6 MR. PATTON: You pulled a number
7 from the accounting report. You inserted it
8 in the fund condition statement and --

9 MR. SUMMERS: I don't think I
10 observed that it was -- that there was -- when
11 I entered the number from here to there --

12 MR. PATTON: Um-hum?

13 MR. SUMMERS: -- that there was
14 something that shouldn't have been from here
15 to there. It was not until Manuel pointed out
16 that I shouldn't have taken that number from
17 here to there.

18 MR. PATTON: Oh, okay.

19 MR. SUMMERS: That then there was a
20 rationale provided to me.

21 MR. PATTON: Okay. And then --

22 MR. SUMMERS: Does that make sense?

23 MR. PATTON: Yes.

24 MR. SUMMERS: Okay.

25 MR. PATTON: And then did that

1 number then get changed?

2 MR. SUMMERS: Yes.

3 MR. PATTON: Okay.

4 MR. SUMMERS: Yes.

5 MR. PATTON: So the number --

6 MR. SUMMERS: So then the number
7 was, I guess, reduced in the Governor's
8 budget --

9 MR. PATTON: Right.

10 MR. SUMMERS: -- to reflect that
11 there wasn't an incremental change, because we
12 would then, again, I don't know if I'm jumping
13 ahead through this.

14 MR. PATTON: Okay. Stop. Stop.
15 Stop.

16 MR. SUMMERS: Okay. Sorry.

17 MR. PATTON: It's all right. So the
18 number that you had obtained in the accounting
19 reports and put in the fund condition
20 statement that Manny then goes over and he
21 says, "This is what we're going to do." And
22 that number gets changed.

23 MR. SUMMERS: Correct.

24 MR. PATTON: Downward, you
25 indicated.

1 MR. SUMMERS: Correct.

2 MR. PATTON: Do you remember how
3 much downward it got changed?

4 MR. SUMMERS: I don't. I don't. I
5 remember --

6 MR. PATTON: Do you remember -- did
7 he ask you to change it or did he change it or
8 did someone else change it?

9 MR. SUMMERS: I don't remember. I'd
10 imagine either he or I changed it; one or the
11 other of us, because we would have -- that was
12 our responsibility, so --

13 MR. PATTON: Okay. Okay. So he --
14 and but he told you what it should be?

15 MR. SUMMERS: Correct.

16 MR. PATTON: Okay. Now, let's get
17 to what he identified as the number it should
18 be, and because I want you to walk me through
19 that fairly slowly in terms of -- because I
20 didn't quite catch --

21 MR. SUMMERS: Okay.

22 MR. PATTON: -- this incremental
23 adjustment and the rational.

24 MR. SUMMERS: I don't know if I can
25 remember --

1 MR. PATTON: Just go slow.

2 MR. SUMMERS: -- exactly what the
3 number --

4 MR. PATTON: Just go slow.

5 MR. SUMMERS: -- should be.

6 MR. PATTON: Just go slow with me.

7 MR. SUMMERS: As he explained it,
8 this was something that carried over from
9 before he was the budget officer. That this
10 was some sort of discrepancy that occurred
11 prior to him.

12 MR. PATTON: And I think you
13 described it as an error. He may have
14 described it to you as an error.

15 MR. SUMMERS: He might. That was my
16 understanding of -- it was an error.

17 MR. PATTON: An error in the
18 accounting report or in the prior fund
19 condition statement?

20 MR. SUMMERS: I couldn't say.

21 MR. PATTON: Okay. Not sure.

22 MR. SUMMERS: I didn't -- I didn't
23 have an understanding.

24 MR. PATTON: But it is clearly a
25 discrepancy.

1 MR. SUMMERS: A discrepancy, yes.

2 MR. PATTON: That existed. Pre-
3 existed.

4 MR. SUMMERS: Pre-existed.

5 MR. PATTON: Okay.

6 MR. SUMMERS: Prior to him.

7 MR. PATTON: Okay.

8 MR. SUMMERS: And that he was -- he
9 had told me that he learned of this as part of
10 when he became the budget officer, he learned
11 this from the prior budget officer.

12 MR. PATTON: Who would have been?

13 MR. SUMMERS: Becky Brown.

14 MR. PATTON: Okay.

15 MR. SUMMERS: This was the first I
16 had heard of it.

17 MR. PATTON: Okay.

18 MR. SUMMERS: But of course, that
19 would have been not something I would have
20 benefit privy to anyway in my prior roles.

21 MR. PATTON: Sure.

22 MR. SUMMERS: And so, basically, I
23 guess, the plan on how to rectify it was to do
24 small -- and when I say small, multi-million
25 dollar, two, three, four million dollar

1 adjustments to the planning estimates for the
2 fund conditions over the course of --

3 MR. PATTON: To the planning
4 estimates.

5 MR. SUMMERS: I guess when you --
6 and again, it's --

7 MR. PATTON: So these are like
8 forecasted expenditures?

9 MR. SUMMERS: Yes, forecasted how
10 much you're going to be bringing in terms of
11 revenue.

12 MR. PATTON: Oh, okay, forecasted
13 revenues.

14 MR. SUMMERS: Yes.

15 MR. PATTON: Make some adjustments
16 to forecasted revenues.

17 MR. SUMMERS: That's -- I --

18 MR. PATTON: Okay.

19 MR. SUMMERS: My understanding.

20 MR. PATTON: So if we were going to
21 make small -- and you say multi-million --

22 MR. SUMMERS: Two, three million
23 dollars.

24 MR. PATTON: Two, three million.

25 MR. SUMMERS: Over the course of --

1 MR. PATTON: If two -- over the
2 course of what?

3 MR. SUMMERS: Several years.

4 MR. PATTON: Several years.

5 MR. SUMMERS: Yeah.

6 MR. PATTON: So if two, three
7 million was an incremental correction and
8 several --

9 MR. SUMMERS: Yeah, I want to say
10 that, if I had to guess --

11 MR. PATTON: Yeah.

12 MR. SUMMERS: -- and of course now
13 I've read that it's twenty million dollars.

14 MR. PATTON: Okay. Okay.

15 MR. SUMMERS: But I don't want to
16 say that it was that high. I want to say it
17 was more like twelve.

18 MR. PATTON: All right.

19 MR. SUMMERS: At that particular
20 point in time.

21 MR. PATTON: Okay.

22 MR. SUMMERS: And, you know --

23 MR. PATTON: We're talking about
24 '07.

25 MR. SUMMERS: Yeah.

1 MR. PATTON: Okay.

2 MR. SUMMERS: And so it sort of
3 makes sense to me that, if those weren't done
4 over the course of -- if they weren't done,
5 and I'm not saying they were or they weren't,
6 because I don't know, but if they weren't
7 done, you know, it could calculate out to be
8 about twenty million dollars. That seems
9 about right.

10 MR. PATTON: But you, obviously, you
11 didn't -- you didn't have a firm grasp, based
12 on what you're telling me, of the exact
13 number.

14 MR. SUMMERS: No.

15 MR. PATTON: Yes.

16 MR. SUMMERS: And I still don't. I
17 mean, I don't recall what it was.

18 MR. PATTON: Which tells me that --
19 tells me that at least you don't have a
20 recollection of seeing what the balance
21 reported in the comptroller was and directly
22 comparing that to the balance -- you don't
23 have -- you don't have a specific recollection
24 of comparing the two.

25 MR. SUMMERS: No. Aren't those --

1 those should have been kept -- I mean, I would
2 imagine that that original report would have
3 been kept with the -- with the file that, even
4 though we put it in a different number, that
5 accounting report still should have shown that
6 number from 06-07, right?

7 MR. PATTON: Um-hum.

8 MR. SUMMERS: Yeah, okay.

9 MR. PATTON: Yeah, those are the
10 accounting numbers.

11 MR. SUMMERS: Yes.

12 MR. PATTON: Let's talk about those
13 budget records. Do you have any knowledge of
14 what's become of the records that the budget
15 office worked up for those years?

16 MR. SUMMERS: Those should all still
17 be there.

18 MR. PATTON: Be where?

19 MR. SUMMERS: Down in the budget
20 section.

21 MR. PATTON: Okay. You don't know
22 about -- you've never heard anything about
23 Becky Brown's archive records being tossed
24 out?

25 MR. SUMMERS: I know that the -- I

1 think the present budget officer moved her
2 stuff, but I think it's still all over in
3 the -- what used to be the budget conference
4 room. There's a whole bunch of files over in
5 there. I think all those filing cabinets that
6 were in Becky's office are over in that -- in
7 that location.

8 MR. PATTON: Okay.

9 MR. SUMMERS: But that's to the best
10 of my knowledge.

11 MR. PATTON: Okay.

12 MR. SUMMERS: I don't know what -- I
13 don't know what Cheryl or -- is there anybody
14 else in there? There's Cheryl. There was
15 Elsie. There was --

16 MR. MATSON: Do you know if those
17 cabinets still contain any documents or the
18 original documents?

19 MR. SUMMERS: I think that they're
20 all still there, yeah. I mean, it's --

21 MR. PATTON: The person to check --

22 MR. SUMMERS: Budgets -- budgets, by
23 nature, are sort of -- they're, for lack of a
24 better word, orders, because we want to go
25 back and validate those numbers, if ever

1 asked.

2 MR. PATTON: Okay. So Manuel
3 indicated to you that there was a discrepancy,
4 possibly described it as an error --

5 MR. SUMMERS: A discrepancy, yes.

6 MR. PATTON: Okay.

7 MR. SUMMERS: Possibly an error.

8 MR. PATTON: And there's a budget
9 document, the plan was, would get
10 incrementally adjusted.

11 MR. SUMMERS: Yes.

12 MR. PATTON: Over some period of
13 years by adjusting the projected revenue
14 numbers.

15 MR. SUMMERS: To the best of my
16 recollection, yes.

17 MR. PATTON: Did he ever -- did he
18 ever mention adjusting actual revenue numbers?

19 MR. SUMMERS: No. Because I don't
20 think he -- he had access to those, because
21 the revenue unit was controlled by Park
22 Operations.

23 MR. PATTON: Yes.

24 MR. SUMMERS: That's a different
25 section.

1 MR. PATTON: Okay. Okay.

2 MR. SUMMERS: So the revenues, I
3 think that that's -- I mean, that's just
4 opinion, but I think that's part of the
5 problem with our organization, is a disconnect
6 between those two units.

7 MR. PATTON: So at some point -- so
8 you say that Manuel told you that Becky had
9 educated him.

10 MR. SUMMERS: Yes.

11 MR. PATTON: As she left, about this
12 disparity.

13 MR. SUMMERS: Correct.

14 MR. PATTON: And then we've heard
15 from -- then Manuel gets promoted and Cheryl
16 Taylor ends up coming in.

17 MR. SUMMERS: Correct.

18 MR. PATTON: And then we've been
19 told that Cheryl Taylor asked you -- she saw
20 the disparity as well, and --

21 MR. SUMMERS: She may have asked me
22 about it, yeah.

23 MR. PATTON: And do you recall what
24 you said to her?

25 MR. SUMMERS: I said that I was

1 aware that the disparity existed, yeah, but
2 that she'd have to talk to Manuel, because I
3 didn't really understand the -- how it all
4 worked.

5 MR. PATTON: Do you recall Marilyn
6 Evans-Jones asking you also?

7 MR. SUMMERS: It may have all been
8 within the same context, because they work
9 together.

10 MR. PATTON: Okay.

11 MR. SUMMERS: I know that -- I mean,
12 there's little side conversations that you
13 have over the course of working with somebody,
14 but, you know, I would have -- I didn't know,
15 really, how it all worked, so I would have
16 pointed them back to Manuel, because it's not
17 really my bailiwick.

18 MR. PATTON: Yes.

19 MR. SUMMERS: You know? I was there
20 for that short little blip, so --

21 MR. PATTON: So, basically, what I'm
22 hearing is you were there, you were in support
23 ops and budget. You worked on one year's fund
24 condition statement. You ran across this
25 disparity. You were at least informed of it.

1 MR. SUMMERS: Well, I -- I did the
2 process of putting it in the fund condition.

3 MR. PATTON: Right.

4 MR. SUMMERS: And yeah, so I didn't
5 necessarily run across it. I mean, it was --

6 MR. PATTON: Well, you're --
7 you're --

8 MR. SUMMERS: -- part of the
9 process.

10 MR. PATTON: You're -- and then the
11 fund condition statement you had worked on at
12 that point hits a speed bump because Manny
13 says, "Well, this is -- this is not right.
14 We're going to have to do something."

15 MR. SUMMERS: Yeah. Yeah. Yeah.

16 MR. PATTON: Yeah.

17 MR. SUMMERS: I mean, I -- I'm
18 trying to reflect back on your last question
19 of did -- you know, what Marilyn and Cheryl
20 would have asked me. I don't --

21 MR. PATTON: Well, come -- we'll
22 come back to that.

23 MR. SUMMERS: Yeah.

24 MR. PATTON: Have you -- other than
25 since the stories came out about it in the

1 paper, you worked on it one year.

2 MR. SUMMERS: Um-hum.

3 MR. PATTON: You got -- you got a
4 little sense of what was going on; that there
5 was a disparity.

6 MR. SUMMERS: Right.

7 MR. PATTON: You saw Manny.

8 MR. SUMMERS: Right.

9 MR. PATTON: A correction was made,
10 a change was made.

11 MR. SUMMERS: Yup.

12 MR. PATTON: Can't remember if it
13 was you or him, but clearly, it was at his
14 direction.

15 MR. SUMMERS: Yes.

16 MR. PATTON: And you heard about a
17 plan that incrementally trued things up over
18 some period of years. Then you exit the
19 budget shop; you're over in personnel.

20 MR. SUMMERS: Correct.

21 MR. PATTON: Then I asked you, "Did
22 Cheryl Taylor asked you about it?" "Did
23 Marilyn Evans-Jones?" From then until the
24 story broke, have you conversed with anybody
25 about this over the years?

1 MR. SUMMERS: Over the years, I
2 think I did, perhaps, bring it up with Manuel,
3 recently within the last year, as we got
4 closer to park closures, because I did wonder
5 if there were monies available in the fund
6 that could be used to curtail park closures,
7 but I didn't have a specific number. I didn't
8 know -- I just knew that there was monies that
9 were in the fund; that's all I knew.

10 MR. PATTON: That -- so, basically,
11 your recollection was that the change made to
12 the finance documents resulted in an
13 underreporting of the actual funds?

14 MR. SUMMERS: Yes. It -- it --
15 yes -- yeah.

16 MR. PATTON: Because you know that
17 the number got changed downward.

18 MR. SUMMERS: Yes. Yes.

19 MR. PATTON: Yes. And your
20 recollection at the time was it looked to you
21 like twelve million or so. Could have been
22 more.

23 MR. SUMMERS: Yeah, I don't
24 remember.

25 MR. PATTON: Okay. So that --

1 MR. SUMMERS: I know -- I know there
2 were -- there was a discrepancy.

3 MR. PATTON: Yeah. So that's what
4 led you to have the notion in your head, as
5 the department was facing closures, that there
6 may be, who knows, ten, twelve -- maybe
7 more -- million.

8 MR. SUMMERS: That could be. Enough
9 to at least curtail, you know, transfers or
10 layoffs. I mean, we were talking about
11 layoffs at one point.

12 MR. PATTON: So you asked Manny what
13 about that -- what about that issue?

14 MR. SUMMERS: Yeah, and he said that
15 wasn't -- that wasn't on the table. It's all
16 sort of -- I mean, that's the problem, is with
17 the newspaper articles. I don't really have a
18 good grasp of what happened when. You know, I
19 have some vague recollection of Michael Harris
20 knowing about it, but I wouldn't be able to
21 stick my hand on a bible and swear to God that
22 I was part of that conversation. You know
23 what I am saying? I -- I --

24 MR. PATTON: You can't remember if
25 he was personally in the room when it was

1 discussed? Or if you heard it from somebody
2 else?

3 MR. SUMMERS: Yeah. Yeah.

4 MR. PATTON: But you have a
5 recollection -- some --

6 MR. SUMMERS: Yeah.

7 MR. PATTON: -- some --

8 MR. SUMMERS: I know that either
9 stories were told to me, you know, via Manuel
10 and meetings that we had. You know, because
11 they -- he would bring up contingent fund in
12 our admin manager's meetings. We'd talk about
13 advance collections in our manager's meetings.
14 He didn't really talk about SPRF so much in
15 our manager's meetings.

16 MR. PATTON: He who?

17 MR. SUMMERS: Manny.

18 MR. PATTON: Manny.

19 MR. SUMMERS: Manny. So, you know,
20 it's kind of just around, but you don't really
21 recall who said what when. That's my problem
22 is I don't really remember specifics.

23 MR. PATTON: Did you -- did you ever
24 run across any similar issues about disparity
25 with the OHV fund?

1 MR. SUMMERS: No. No. I don't --
2 that was -- when I read that in the newspaper,
3 I was surprised to learn about the OHV.

4 MR. PATTON: Okay.

5 MR. SUMMERS: And in fact, I'm still
6 not quite sure I understand what the
7 discrepancy is with the OHV, because I've
8 heard, just recently from Aaron in meetings,
9 that we're not sure that they got that piece
10 right, so I'm not -- I am not sure.

11 MR. PATTON: Yeah.

12 MR. SUMMERS: So --

13 MR. PATTON: Well, we're working on
14 trying to get that cleared up, as well.

15 I've got to make a note about
16 something else unrelated.

17 (Pause)

18 MR. PATTON: Okay. So what -- what
19 you learned early on you recognized as a
20 disparity and an underreporting of finance
21 documents that, as you -- as it was explained
22 to you, would get rectified incrementally over
23 time?

24 MR. SUMMERS: Correct.

25 MR. PATTON: So then you go on. You

1 leave the budget side and things, financially,
2 keep getting more and more dire for the
3 department.

4 MR. SUMMERS: Oh, yeah. Yeah. I
5 mean, ultimately, yeah. They go up and down,
6 up and down -- but, yeah.

7 MR. PATTON: But you say you think
8 you may have had a conversation with them. I
9 wasn't -- it was 2011 when the park closure
10 issue was --

11 MR. SUMMERS: Oh, it was going on
12 for the better part of two years because --

13 MR. PATTON: Yeah.

14 MR. SUMMERS: -- we took cuts in 9-
15 10, and 11-12, and now in 12-13.

16 MR. PATTON: Okay.

17 MR. SUMMERS: So, yeah, it was going
18 on for quite some time.

19 MR. PATTON: So in your head you're
20 thinking, you know, "I've seen this before.
21 There may be some money missing."

22 MR. SUMMERS: There might be --
23 right.

24 MR. PATTON: And so you go to Manny,
25 and this was the only time in between the

1 first time, when you'd worked on the fund
2 condition statement, and I'm assuming it's
3 probably around 2011?

4 MR. SUMMERS: Yeah, I wouldn't have
5 -- you know, I wouldn't have had any -- yeah.
6 I mean, there wasn't really any reason to
7 inquire otherwise because there -- I think we
8 were desperate for any solution.

9 MR. PATTON: But I'm -- in the
10 intervening years, because you then went to
11 personnel in '07, I think.

12 MR. SUMMERS: Right.

13 MR. PATTON: Right?

14 MR. SUMMERS: Yes.

15 MR. PATTON: So in the intervening
16 years, 8, 9, 10, you didn't have any more
17 conversations with Manny about, "Hey, what
18 about that?"

19 MR. SUMMERS: Not in my realm then.
20 No.

21 MR. PATTON: Okay.

22 MR. SUMMERS: Yeah. Only --

23 MR. PATTON: And then --

24 MR. SUMMERS: Only reason it would
25 have come up, again, like I said, and it's

1 just a vague recollection that I might have
2 said, "Hey, is there money in SPRF to try to
3 curtail the layoffs?" Because we went from
4 talking about layoffs to then now this
5 transfer process.

6 MR. PATTON: One reason -- and about
7 what time -- what year were you talking about
8 layoffs? This before Brown came in?

9 MR. SUMMERS: No. No. This was
10 when the twenty-two million dollar cut was --

11 MR. PATTON: All right.

12 MR. SUMMERS: -- was slated to --

13 MR. PATTON: Okay.

14 MR. SUMMERS: -- take place.

15 MR. PATTON: And my understanding is
16 that was right at the beginning of 2011 when
17 Brown has taken office?

18 MR. SUMMERS: Well, the first part
19 of the cut took place, as I understood it, in
20 9-10. So it was 9-10 --

21 MR. PATTON: Oh, okay.

22 MR. SUMMERS: -- 10-11, 11-12.

23 MR. PATTON: Okay. So part of the
24 cut --

25 MR. SUMMERS: So it took three

1 years.

2 MR. PATTON: -- then is during
3 Arnold Schwarzenegger's administration.

4 MR. SUMMERS: Yeah, I guess towards
5 the tail end of his administration.

6 MR. PATTON: Okay.

7 MR. SUMMERS: Yeah, going right into
8 Brown, yeah.

9 MR. PATTON: Okay. So cuts occurred
10 2009-2010.

11 MR. SUMMERS: Yeah.

12 MR. PATTON: Layoffs?

13 MR. SUMMERS: That's what we were
14 talking about because -- yeah.

15 MR. PATTON: Okay. So it's about
16 that time you may have mentioned to Manny
17 again --

18 MR. SUMMERS: Yeah.

19 MR. PATTON: -- "What about this
20 money?"

21 MR. SUMMERS: Yeah. Yeah. I'm
22 thinking that would have been about the time.

23 MR. PATTON: So then it sounds
24 like --

25 MR. SUMMERS: And that's why I think

1 that Harris would have been part of those
2 conversations -- Michael Harris would have
3 been part of those conversations.

4 MR. PATTON: Okay.

5 MR. SUMMERS: Because --

6 MR. PATTON: So it sounds like you
7 brought it up at least a couple more times
8 after the first go-round when you worked on
9 the fund condition statement. Sounds like you
10 brought it up when layoffs were at issue in
11 09-10. It sounds like you brought it up again
12 in about '11 -- early part of '11 when park
13 closures were coming.

14 MR. SUMMERS: Well, it was all part
15 of the same thing; layoffs and park closures
16 were --

17 MR. PATTON: Oh, okay.

18 MR. SUMMERS: -- part of the same
19 thing.

20 MR. PATTON: So you only brought it
21 up the one - one more time.

22 MR. SUMMERS: Yeah. I -- I -- yeah.
23 Once I was told that it was a no-go, there was
24 no point in --

25 MR. PATTON: You -- oh.

1 MR. SUMMERS: -- beating the dead
2 horse.

3 MR. PATTON: All right. So you
4 didn't about -- Manny about it multiple times?

5 MR. SUMMERS: No. No.

6 MR. PATTON: Okay.

7 MR. SUMMERS: There was no reason.
8 If --

9 MR. PATTON: Did he explain to you
10 why it was a no-go?

11 MR. SUMMERS: No. No.

12 MR. PATTON: Did you ask him, "Why
13 aren't we pursuing this? What happened to
14 your proposed plan of incremental correction?"

15 MR. SUMMERS: I didn't -- I didn't
16 bring it up in that way, because I didn't have
17 the information to say, "Hey, there's a whole
18 bunch of money in this fund."

19 MR. PATTON: Ah-huh?

20 MR. SUMMERS: I said, "Is there
21 money in this fund?"

22 MR. PATTON: Ah-huh?

23 MR. SUMMERS: And he said it was a
24 non-starter. So he didn't answer my question
25 by saying that there was money in the fund.

1 MR. PATTON: Did he say anything
2 more to you other than it's a non-starter?

3 MR. SUMMERS: No. No. Non-starter.

4 MR. PATTON: Didn't tell you why
5 it's a non-starter.

6 MR. SUMMERS: No.

7 MR. PATTON: Okay.

8 MR. SUMMERS: And I wasn't -- I
9 wasn't --

10 MR. PATTON: Did anybody tell you
11 why it was a non-starter?

12 MR. SUMMERS: No.

13 MR. PATTON: Okay.

14 MR. SUMMERS: And I wasn't -- I
15 wasn't going to, you know, attack why it was a
16 non-starter. It wasn't -- it wasn't really my
17 budgets. It isn't my arena. And so, as I
18 recall, it was just sort of an off-the-cuff,
19 "Hey, is their money in the SPRF fund?" And
20 that was -- and that was it. It wasn't some
21 extensive conversation.

22 MR. PATTON: Well, I really want to
23 make sure that you tell me everything you can
24 possibly recollect about the reasons you were
25 told -- I understand it wasn't your decision.

1 MR. SUMMERS: Um-hum.

2 MR. PATTON: Okay? I understand it
3 wasn't your mistake; it wasn't your decision.
4 You just happened to be someone who was in the
5 loop.

6 MR. SUMMERS: Yeah.

7 MR. PATTON: And I really want to
8 make sure I get exactly what you were told
9 because I'm going to -- I'm going to tell you
10 right now that both Marilyn Evans-Jones --

11 MR. SUMMERS: Sorry.

12 MR. PATTON: -- and Cheryl Taylor
13 report that they did ask you, and both of
14 them, in separate interviews, told us that
15 your response was, "Yeah, I know that there's
16 a disparity. Go talk to Manny."

17 MR. SUMMERS: Okay.

18 MR. PATTON: And that you said, in
19 kind of a humorous quip, "If I tell you, I'll
20 have to kill you." They both reported that.
21 Do you remember saying that?

22 MR. SUMMERS: No. No. No.

23 MR. PATTON: But you do remember
24 saying, "Yeah, I'm aware; go talk to Manny."

25 MR. SUMMERS: Yeah. Yeah. Because

1 I think they would have run into the same
2 question.

3 MR. PATTON: Sure.

4 MR. SUMMERS: You know, looking at
5 the documents going back, if they were trying
6 to reconstruct -- that's why I say you can go
7 back to the accounting reports and see what
8 was reported. If they were doing that, if
9 they were trying to --

10 MR. PATTON: Obviously, they're
11 going to run into the same issue you did in
12 preparing a --

13 MR. SUMMERS: Yeah, right.

14 MR. PATTON: -- fund condition
15 statement.

16 MR. SUMMERS: And so, you know, they
17 knew I worked down there.

18 MR. PATTON: Right.

19 MR. SUMMERS: And so they would ask
20 me.

21 MR. PATTON: Right.

22 MR. SUMMERS: You know, both -- it's
23 unfortunately that their tenure here ended the
24 way it did. You know, I consider both of them
25 my friends, but --

1 MR. PATTON: Well, I'm not worried
2 about that.

3 MR. SUMMERS: But I --

4 MR. PATTON: I just -- I just want
5 to know about the conversations.

6 MR. SUMMERS: I can tell you why --

7 MR. PATTON: How we're going to deal
8 with this.

9 MR. SUMMERS: -- I think they would
10 both say something like that.

11 MR. PATTON: Yeah?

12 MR. SUMMERS: Because they're both
13 disgruntled employees.

14 MR. PATTON: All right.

15 MR. SUMMERS: And they've both moved
16 on and they're now --

17 MR. PATTON: All right.

18 MR. SUMMERS: -- suing the
19 department.

20 MR. PATTON: Well, you don't have to
21 give me a theory. I just want to know whether
22 or not you're confirming or rejecting that you
23 said that, okay?

24 MR. SUMMERS: I am rejecting that I
25 said that.

1 MR. PATTON: You reject that.

2 MR. SUMMERS: Yes.

3 MR. PATTON: That's fine. That's
4 fine. That's it.

5 MR. SUMMERS: Right.

6 MR. PATTON: I'll not ask any more
7 questions about that.

8 MR. SUMMERS: All right.

9 MR. PATTON: You went to executive
10 committee meetings because --

11 MR. SUMMERS: No.

12 MR. PATTON: No?

13 MR. SUMMERS: No. Not to executive
14 committee meetings.

15 MR. PATTON: Never?

16 MR. SUMMERS: Very rarely.

17 MR. PATTON: As the personnel
18 officer?

19 MR. SUMMERS: Very rarely.

20 MR. PATTON: Okay.

21 MR. SUMMERS: I went to maybe two
22 executive committee meetings.

23 MR. PATTON: Okay. Okay.

24 MR. SUMMERS: Yeah. Once to
25 deliver, I think, a thing on a type of hiring

1 process. Oh, god, and it might have been just
2 that one. It was just a -- very rarely did
3 any of us investigate the front line
4 administrative-manager level ever attend
5 executive-level meetings.

6 MR. PATTON: Okay.

7 MR. SUMMERS: It was always Manuel
8 or the assistant deputy.

9 MR. PATTON: So do you know whether
10 or not the subject of some possible reserve
11 undisclosed monies in SPRF ever coming up?

12 MR. SUMMERS: I couldn't say. I
13 would not know directly.

14 MR. PATTON: You've told us about
15 having had conversations with Cheryl, with
16 Marilyn, with Manny about it.

17 MR. SUMMERS: Yes.

18 MR. PATTON: You have some sense
19 that Michael knew as well. You don't --

20 MR. SUMMERS: Yeah. The only reason
21 I lump Michael in there is only because there
22 would have been -- you know, every once in a
23 while, when you're working on like a PY drill
24 or, you know, sometimes by just personnel
25 connect on the 7A reconciliation, and that's

1 something that crosses over between personnel
2 and budgets. You know, a budget letter that
3 sweeps positions. Obviously, the park
4 closures has a budget personnel overlay. I
5 just -- I just remember in some context him
6 recognizing that there was a discrepancy
7 between the two. I can't say what meeting, I
8 can't say what date, I can't say what time.

9 MR. PATTON: Okay.

10 MR. SUMMERS: I just don't -- I
11 don't recall specifically. But I -- but he's
12 the only other one that I can think of at the
13 moment, unless you remind me.

14 MR. PATTON: No. So that was my
15 next question. You don't recall anybody else
16 either that you ever had a discussion about it
17 with?

18 MR. SUMMERS: No.

19 MR. PATTON: No other budget --

20 MR. SUMMERS: No.

21 MR. PATTON: -- people?

22 MR. SUMMERS: No.

23 MR. PATTON: Okay. And nobody else
24 that you have a vague sense they were -- they
25 also knew?

1 MR. SUMMERS: No.

2 MR. PATTON: Okay.

3 MR. SUMMERS: No.

4 MR. PATTON: I assume, then, nobody
5 ever indicated to you whether or not Ruth
6 Coleman had ever been briefed on the issue.

7 MR. SUMMERS: Not specifically. I
8 was thinking you were going to ask me that
9 question. The only thing I can -- not in
10 regard to SPRF -- the only reason I would
11 think that she would know would be that there
12 were several drills on a different type of
13 fund; it was the contingent fund, which is --
14 it's an equally controversial fund because it
15 doesn't have a fund condition. It doesn't --
16 it's not reported in the Governor's budget.
17 It is something that donors, you and me, big
18 companies can donate to and give specific
19 direction on how those dollars are supposed to
20 be spent. She had a lot of interest in that
21 fund. So I would imagine, if she was
22 interested in that fund, she had to be briefed
23 on all the funds that were available to the
24 department. I can't imagine, in her role,
25 that she wasn't briefed by Manny. But that's

1 my opinion.

2 MR. PATTON: Yes.

3 MR. SUMMERS: But I can tell you
4 that we did run drills on the contingent fund
5 for her, but I never directly reported to her.
6 I could count the number of interactions with
7 her on one hand in my years here.

8 MR. PATTON: So you never had a
9 direct one-on-one with her where you sat down
10 and went over budget items?

11 MR. SUMMERS: Never. Never.

12 MR. PATTON: But it was your
13 understanding that she well understood the
14 budget.

15 MR. SUMMERS: Yeah. She came --
16 from what I understood, she came from the LAO
17 budget side over there. So --

18 MR. PATTON: Do you remember, you
19 were -- say you started in --

20 MR. SUMMERS: 04-05 I think is --

21 MR. PATTON: '04. So Becky Brown
22 was still here when you started.

23 MR. SUMMERS: Yes.

24 MR. PATTON: And I think she left
25 the next year. Do you remember --

1 MR. SUMMERS: Excuse me.

2 MR. PATTON: -- there's like an
3 assistant budget officer, right? There's a
4 number two in the budget office, isn't there?

5 MR. SUMMERS: There was, Allan Fuji,
6 but he was gone I think by the -- I think it
7 was Allan Fuji -- Alan something-or-another.
8 I want to say Allan Fuji, but he was gone by
9 the time I was here or he was running out
10 retirement or something like that.

11 MR. PATTON: Okay.

12 MR. SUMMERS: The lady that was the
13 support office manager when I started -- and
14 of course, I worked for Marcy over in
15 statewide funds, was Gail Kirschenman, but,
16 unfortunately, she is -- she passed away a few
17 years ago.

18 MR. PATTON: So she was a support
19 ops person before you?

20 MR. SUMMERS: Yes.

21 MR. PATTON: Okay.

22 MR. SUMMERS: Yes.

23 MR. PATTON: Gail what?

24 MR. SUMMERS: Kirschenman.

25 MR. PATTON: Okay. Kirschenman.

1 MR. SUMMERS: Kirschenman.

2 MR. PATTON: Kirschenman.

3 MR. SUMMERS: Yeah, not be confused
4 with Gail Kerschman (ph.) who is still working
5 there and very much alive.

6 MR. PATTON: Gail Kirschenman.

7 MR. SUMMERS: Gail Kirschenman is
8 dead, passed on.

9 MR. PATTON: And there is a Gail --

10 MR. SUMMERS: Yes, and also happens
11 to be --

12 MR. PATTON: Kerschman.

13 MR. SUMMERS: Yes.

14 MR. PATTON: Wow.

15 MR. SUMMERS: Yes.

16 MR. PATTON: Okay.

17 MR. SUMMERS: Yes.

18 MR. PATTON: I'm glad you
19 straightened me out.

20 MR. SUMMERS: Yeah. You wouldn't
21 want to interview her and she'd go, "What the
22 heck are you talking about?" Yeah.

23 MR. PATTON: Anybody ever -- when
24 you -- during the time you worked with Manny,
25 the subject of retaining some of the auto pave

1 machine revenues that ever got discussed?

2 MR. SUMMERS: I remember him
3 bringing up those things in admin manager's --
4 or Aaron just brought them up and I was
5 surprised to learn how they were all being
6 handled.

7 MR. PATTON: How were they being
8 handled?

9 MR. SUMMERS: Well, if I understood
10 what was being relayed in admin managers
11 correctly, apparently, he authorized the APMs
12 and I guess the pay showers to be handled as
13 reimbursements or advanced collections, excuse
14 me. And as I understand it, I mean, of course
15 it's been five years, so there might be some
16 technical way that you can do this, but from
17 what I understood an advanced collection was,
18 if you and I were -- if you were going to do a
19 service for me -- I'm not sure I'm saying this
20 right -- no, I'm going to do this service for
21 you, you give me the money in advance and I
22 can use that money for that service. But
23 that's two parties, from what I understood,
24 was how that arrangement was to be conducted.
25 This, apparently, is within the department.

1 So there really isn't two parties; it's them
2 sort of redirecting revenue off the top into
3 this advance collection. So it certainly
4 didn't sound right.

5 MR. PATTON: Okay. You learned
6 about it in the meeting.

7 MR. SUMMERS: I learned about it
8 here just recently.

9 MR. PATTON: Oh.

10 MR. SUMMERS: In the last couple
11 weeks.

12 MR. PATTON: Okay. So it's not
13 something you ever learned about from Manuel.

14 MR. SUMMERS: No. And I don't know
15 whether I even understood it correctly.

16 MR. PATTON: Okay. Okay.

17 MR. SUMMERS: I hope I didn't
18 understand it correctly, but that's the --

19 MR. PATTON: And you may -- I don't
20 think all such revenues were diverted. I
21 think you said -- you did say at the end off-
22 the-top, and I think you learned that there
23 was a portion as opposed to the whole thing.

24 MR. SUMMERS: Oh, okay. Okay. And
25 that's okay?

1 MR. PATTON: I'm not saying that.

2 MR. SUMMERS: Oh, okay.

3 MR. PATTON: I'm just telling you --

4 MR. SUMMERS: So I -- I don't --

5 MR. PATTON: I'm just saying facts.

6 I don't --

7 MR. SUMMERS: And see that's -- and
8 that's the danger that I see in me relaying my
9 understanding of budgeting, is that it was --

10 MR. PATTON: Yeah.

11 MR. SUMMERS: -- you know, they say
12 that it takes three years to understand a
13 budget and I wasn't there long enough to --

14 MR. PATTON: Okay.

15 MR. SUMMERS: -- truly understand
16 everything, so I would just qualify every --

17 MR. PATTON: Since -- since the
18 story has come out publicly about the
19 disparity in funds --

20 MR. SUMMERS: Yeah?

21 MR. PATTON: -- who have you talked
22 to about it?

23 MR. SUMMERS: I've talked to the
24 people down in the budget section, because
25 that's where I sit.

1 MR. PATTON: That would be Elsie
2 Brenneman?

3 MR. SUMMERS: Yeah, Elsie. You
4 know, not -- I really haven't had any
5 conversations about it because I really have
6 no reason to talk about it. I mean, it's not
7 really my bailiwick, so --

8 MR. PATTON: Um-hum?

9 MR. SUMMERS: -- you know, maybe a,
10 you know, a little quip about the hidden
11 funds. I mean, we're all trying to stay sane
12 with, you know, the admin buy-down thing,
13 obviously, hits directly home for me.

14 MR. PATTON: Yeah.

15 MR. SUMMERS: You know, so, you
16 know, something, you know, in line with the
17 way the "B" portrays it as a scheme or the
18 hidden funds -- all sort of things might be
19 something, but nothing -- no serious
20 conversation.

21 MR. PATTON: Nobody besides me from
22 the outside world has come to talk to you
23 about it?

24 MR. SUMMERS: Not yet.

25 MR. PATTON: Okay.

1 MR. SUMMERS: Not yet.

2 MR. PATTON: Manny Lopez hasn't
3 tried to contact you?

4 MR. SUMMERS: No.

5 MR. PATTON: Okay. No other former
6 employee --

7 MR. SUMMERS: No.

8 MR. PATTON: -- contact you? Okay.

9 MR. SUMMERS: I mean, I should say,
10 and I imagine you already know this, my
11 father-in-law used to work here.

12 MR. PATTON: David Saxby?

13 MR. SUMMERS: No. No.

14 MR. PATTON: Who is your father-in-
15 law?

16 MR. SUMMERS: Tom Domich --

17 MR. PATTON: Oh, that's right.

18 MR. SUMMERS: Is my -- is --

19 MR. PATTON: Oh, that's right.

20 MR. SUMMERS: Yeah.

21 MR. PATTON: There's two --

22 MR. SUMMERS: No, I have to laugh.

23 MR. PATTON: There's two father,
24 son-in-law --

25 MR. SUMMERS: Oh, yeah -- no. Yeah,

1 that's right.

2 MR. PATTON: And I guessed the wrong
3 one.

4 MR. SUMMERS: Yeah. There's -- they
5 joke about state parks being the -- a state
6 parks family, and you'll see it all over.

7 MR. PATTON: Yeah, okay.

8 MR. SUMMERS: That's the only one --
9 only relatives that work for State Parks.

10 MR. PATTON: Tom Domich is your
11 father-in-law.

12 MR. SUMMERS: Yeah. Yeah.

13 MR. PATTON: Have you talked with
14 him about this?

15 MR. SUMMERS: Not this. We talked
16 about the lead buy-back issue because he was
17 guiding me on, you know, what I should do.
18 And in fact, the officer for me was Denzel
19 Verardo, so -- helped me through that process.
20 Denzel Verardo was a --

21 MR. PATTON: No, I know who he was.

22 MR. SUMMERS: Yeah.

23 MR. PATTON: What's a Skelly
24 officer?

25 MR. SUMMERS: A Skelly officer is --

1 you don't know what a Skelly officer is?

2 MR. PATTON: Well, I kind of do.

3 MR. SUMMERS: Yeah.

4 MR. PATTON: I want to hear you tell
5 me.

6 MR. SUMMERS: The Skelly officer is
7 the person who represents the department as
8 part of the adverse action process and
9 making -- listening --

10 MR. PATTON: And Denzel -- Denzel
11 played that role?

12 MR. SUMMERS: I'm sorry, no. Denzel
13 was not the Skelly officer.

14 MR. PATTON: He was just an advisor
15 to you.

16 MR. SUMMERS: Yeah, he was an
17 advisor through that process. The Skelly
18 officer was somebody from resources agency.

19 MR. PATTON: Okay.

20 MR. SUMMERS: I'm sorry, I may have
21 said that he was the Skelly officer.

22 MR. PATTON: Yes.

23 MR. SUMMERS: No. He was not.

24 MR. PATTON: So you've talked to
25 your father-in-law, Tom Domich, a little bit

1 about the adverse action, the vacation buy-out
2 thing.

3 MR. SUMMERS: Yeah.

4 MR. PATTON: Obviously, it had a
5 personal impact on you.

6 MR. SUMMERS: Yeah.

7 MR. PATTON: You haven't talked to
8 Tim at all about the reported fund
9 discrepancies?

10 MR. SUMMERS: Nothing really to talk
11 about.

12 MR. PATTON: Okay.

13 MR. SUMMERS: Yeah.

14 MR. PATTON: He hasn't told you
15 whether he knew or didn't know about this
16 before the reports came out?

17 MR. SUMMERS: No. No.

18 MR. PATTON: Has he told you whether
19 he's talked to Becky Brown about this?

20 MR. SUMMERS: No.

21 MR. PATTON: Has he told you
22 anything about when the last time was he's
23 talked to Becky Brown?

24 MR. SUMMERS: No. I think they go
25 to lunch every once in a while. I think he

1 meets with some of the old -- like Alia
2 Pasquale, and Becky, and Margie Popoff, who
3 used to be the labor relations manager. I
4 think that's about all he has -- and of course
5 Denzel. He and Denzel were -- are pretty
6 close, I think, still. But I mean, he is my
7 father-in-law.

8 You know, I purposely waited for him
9 to retire before wanting to come here.

10 MR. PATTON: Um-hum.

11 MR. SUMMERS: Long story, but I --
12 you know, where I was before, we can do what
13 we do administratively, and the State Parks
14 and Recreation, you know, really spoke to me
15 in terms of something that, you know, I could
16 do budget work, because I was in budgeting at
17 the time at the State Banking Department. It
18 really didn't matter --

19 MR. PATTON: That's where you worked
20 before?

21 MR. SUMMERS: It didn't really --
22 yeah. It didn't -- it didn't feel like I was
23 involved in the department. And so he had
24 been at State Parks for thirty years, you
25 know, and talked it up and was just -- and --

1 and it just sounded like it was a good place
2 to work. And so when he announced he was
3 retiring, I began looking. And so that's when
4 I found the job working at statewide bonds.
5 But I really tried to keep that separation
6 because you don't want that stigma of, you
7 know, oh, you're so-and-so's, you know, son-
8 in-law. I could have, I suppose, tried to
9 come here when he was here, and then, of
10 course -- then he came back as a retired
11 annuitant after that, which was annoying, but
12 then he retired.

13 MR. PATTON: And you're married to
14 his daughter.

15 MR. SUMMERS: Correct.

16 MR. PATTON: And she works -- does
17 she also work for Parks?

18 MR. SUMMERS: No.

19 MR. PATTON: Okay.

20 MR. SUMMERS: No. No. She's a
21 teacher out in Oak Grove.

22 MR. PATTON: Okay.

23 MR. SUMMERS: But, you know, hey,
24 it's a legitimate question around here.
25 Sometimes you got the whole family.

1 MR. PATTON: Your father-in-law, Tom
2 Domich, he indicated he stays in touch with
3 Denzel Verardo?

4 MR. SUMMERS: Yes.

5 MR. PATTON: Do you -- he told you
6 anything about the last time he's talked with
7 Denzel Verardo?

8 MR. SUMMERS: To the best of my
9 knowledge, the last time he saw Denzel Verardo
10 was in regard to my adverse action.

11 MR. PATTON: Okay. Did -- so
12 whatever consultation you had, whatever
13 assistance you might have derived from Denzel
14 regarding adverse action, that was -- was
15 Denzel officially --

16 MR. SUMMERS: Yeah, he accompanied
17 me to my Skelly hearing.

18 MR. PATTON: Oh, okay.

19 MR. SUMMERS: Yeah.

20 MR. PATTON: So he was like your
21 representative?

22 MR. SUMMERS: Yes.

23 MR. PATTON: And how did that -- did
24 you get to pick whatever representative you
25 wanted?

1 MR. SUMMERS: Yeah, I could pick
2 whatever representative I wanted, yes.

3 MR. PATTON: And so that was -- it
4 was your --

5 MR. SUMMERS: As long as they're not
6 involved with the case itself, right.

7 MR. PATTON: So that was your idea,
8 then, to ask for that assistance from Denzel.

9 MR. SUMMERS: When I was talking
10 about it with my father-in-law, he brought it
11 up to Denzel, and Denzel volunteered himself,
12 and I accepted. I knew Denzel would know that
13 process from his time here.

14 MR. PATTON: Yeah.

15 MR. SUMMERS: Time here at Parks.

16 MR. PATTON: Yeah. Yeah. Yeah.

17 MR. SUMMERS: Yeah. So I thought
18 that that would be a good person to sort of
19 stabilize me during that meeting.

20 MR. PATTON: Okay. Your father-in-
21 law, Tom Domich tell you about he and I
22 talking?

23 MR. SUMMERS: No.

24 MR. PATTON: Okay. So you didn't
25 know that I've already interviewed him?

1 MR. SUMMERS: No. No.

2 MR. PATTON: Okay. All right. I
3 think that's about all I have.

4 Do you have any questions, Michael?

5 MR. MATSON: No.

6 MR. PATTON: Is there anything else
7 that you were thinking I might ask you?

8 Hoping? Not hoping?

9 MR. SUMMERS: No. I mean, I wish I
10 could just -- no. I wish I could provide you
11 more specifics, but that's as specific as I
12 can be, given the length of time that's gone
13 by.

14 MR. PATTON: Okay.

15 MR. SUMMERS: You know, and I would
16 just add that I didn't -- I didn't think
17 that -- it wasn't until it was portrayed in
18 the "B" in a way -- a negative way. And I'm
19 still not sure if it's a negative thing.

20 MR. PATTON: Do have a little bit of
21 extra money?

22 MR. SUMMERS: Well, I mean, if we
23 were -- there are errors abundant within all
24 sorts of things. You know, the Governor's
25 budget doesn't accurately report the

1 expenditures for operating expenses. You
2 know, you've got your -- you've got your line
3 items for personal services, and you've got
4 your line item for OE. And because of salary
5 savings, I mean, they just did a budget
6 letter, 12-3, to try to correct some of that.
7 So, I mean, there's -- there's all sorts of
8 things in the Governor's budget that aren't a
9 hundred percent accurate. So, you know, it
10 didn't strike me as something wrong.

11 MR. PATTON: The disparity in the
12 reports.

13 MR. SUMMERS: Yeah. The logic --
14 the logic that he offered me.

15 MR. PATTON: And the logic was what
16 again?

17 MR. SUMMERS: That -- that we -- we
18 would make those incremental changes over the
19 course of the years. So --

20 MR. PATTON: So he didn't really
21 explain to you why there's an error. He just
22 explained to you --

23 MR. SUMMERS: No, I'm not even sure
24 he understood why -- how the error occurred.

25 MR. PATTON: Okay.

1 MR. SUMMERS: I don't know. Yeah.
2 I am not sure if -- again, as best as I
3 recall, his explanation was this was something
4 that Becky had informed him was a carry-over.
5 So why or how it happened originally, I don't
6 know.

7 MR. PATTON: Did it surprise you,
8 then, when you went to Manny a few years after
9 you first learned about it, a couple years
10 later when the financial situation was getting
11 more severe, did it surprise you then when you
12 went to him and said, you know, "Is there some
13 more money to deal with this?" And he says,
14 "That's off the table." When he had
15 originally told you, you know, this is
16 something we'll rectify, you know,
17 incrementally.

18 MR. SUMMERS: No. I guess it didn't
19 surprise me because maybe they had resolved it
20 incrementally; I don't know. Again, I wasn't
21 privy to that information, so --

22 MR. PATTON: Um-hum. And you didn't
23 quiz him. You just accepted that?

24 MR. SUMMERS: I just accepted it,
25 you know? Budgeting wasn't my thing. That

1 wasn't my realm. Mine was personnel. And so
2 mine was the process of --

3 MR. PATTON: Okay.

4 MR. SUMMERS: -- of hiring and,
5 unfortunately, firing, and, you know, at that
6 particular point, you know, discussions of
7 layoffs and transfers and, you know, those
8 sort of things. So where the money came from,
9 budgets, so, you know, had I hoped that there
10 was going to be money in there? Had I hoped
11 that we'd find some other solution? Sure.
12 Because I don't -- I didn't want any of our
13 employees to have to be harmed. You know?

14 MR. PATTON: I guess -- I guess
15 where I get a little curious is the response
16 that's off the table says to me --

17 MR. SUMMERS: And -- and I'm --
18 putting -- I'm putting words --

19 MR. PATTON: No. No. No.

20 MR. SUMMERS: I'm putting -- yeah.

21 MR. PATTON: Hey -- hey.

22 MR. SUMMERS: Yeah.

23 MR. PATTON: That's the impression
24 you got.

25 MR. SUMMERS: That the impression.

1 MR. PATTON: Whether it's his exact
2 words.

3 MR. SUMMERS: Right.

4 MR. PATTON: But the concept of this
5 is a subject that's off the table says to
6 me -- it's like someone's shutting down a
7 conversation saying, "This is not something
8 that can be discussed."

9 MR. SUMMERS: Yeah.

10 MR. PATTON: As opposed to giving,
11 you know, giving a reasoned explanation for
12 here's why this is --

13 MR. SUMMERS: Yeah. But in my role,
14 I am not sure that he owed me a reasoned
15 explanation.

16 MR. PATTON: No. No. No. You
17 missed my point.

18 MR. SUMMERS: Yes.

19 MR. PATTON: A response that says
20 it's off the table is saying it's an issue
21 that cannot be discussed, can't be dealt with.
22 It's not going to -- it's an issue that's not
23 broachable.

24 MR. SUMMERS: I didn't take it that
25 way. I took it as that he didn't have time at

1 that particular point to discuss it with me.
2 And that it wasn't something that I needed to
3 concern myself with in my capacity. And that,
4 if there were extra monies, that, you know,
5 somebody was going to be talking about it. If
6 there were no monies, then there were no
7 monies. It wasn't my bailiwick to jumpstart
8 that conversation.

9 MR. PATTON: So, basically, you
10 were -- you were okay, you were satisfied to
11 leave that interaction as uninformed as you'd
12 entered it. He basically told you, "We're not
13 going to talk about it."

14 MR. SUMMERS: Yeah. He basically
15 said there was nothing to talk about.

16 MR. PATTON: Yes.

17 MR. SUMMERS: Yes.

18 MR. PATTON: Right.

19 MR. SUMMERS: Yes.

20 MR. PATTON: And so -- and so that
21 was it. End of -- end of conversation.

22 MR. SUMMERS: Yes.

23 MR. PATTON: Okay.

24 MR. SUMMERS: Yes.

25 MR. PATTON: All right. That's

1 all -- that's all I wanted to know.
2 MR. SUMMERS: Okay.
3 MR. PATTON: Okay.
4 MR. SUMMERS: All right.
5 MR. PATTON: Anything else?
6 MR. SUMMERS: No.
7 MR. PATTON: You got my card.
8 MR. SUMMERS: Yes.
9 MR. PATTON: If you do think of
10 anything else that you want to share with us,
11 you can give me a call.
12 MR. SUMMERS: All right.
13 MR. PATTON: We can always do a
14 short little recorded supplemental --
15 MR. SUMMERS: All right.
16 MR. PATTON: -- by telephone. And
17 we appreciate your time.
18 MR. SUMMERS: All right.
19 MR. PATTON: And we're going to go
20 off the record at --
21 MR. MATSON: 12:05.
22 MR. PATTON: 12:05.
23 (Off the record at 12:05 p.m.)
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TRANSCRIBER'S CERTIFICATE
Jason Summers interview on 9-25-12

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