

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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*
M. PETER KUCK, ET AL., *
Plaintiffs, *
* CASE NO. 3:07-CV-1390-VLB
V *
* DECEMBER 20, 2011
JOHN A. DANAHER, III, ET AL., *
Defendants. *
*
* * * * *

DEPOSITION OF CHRISTOPHER ADAMS, ESQ.

Taken on behalf of the Plaintiffs in the above-entitled cause, before Patricia Tyszka, Registered Merit Reporter, License No. 46, Notary Public, in and for the State of Connecticut, on Tuesday, December 20, 2011, at 8:44 a.m., at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, pursuant to the Rules of Civil Procedure.

TYSZKA COURT REPORTING SERVICES
189 Old Forge Road
West Hartland, Connecticut 06091
pat7995@charter.net Phone/Fax (860)379-7955

APPEARANCES

For the Plaintiffs:

LAW OFFICES OF RACHEL M. BAIRD
379 Prospect Street
Torrington, Connecticut 06790-5238
BY: RACHEL M. BAIRD, ESQ.
(860)626-9991

For Defendant State of Connecticut:

OFFICE OF THE ATTORNEY GENERAL
999 Sherman Street
Hartford, Connecticut 06614
BY: SNOOK, ESQ.
(203)378-7100

STIPULATIONS

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IT IS STIPULATED by counsel that formalities as to the proof of the authority of the Notary Public and sufficiency of Notice are waived.

IT IS STIPULATED and agreed between counsel that all objections, except as to form, are reserved to the time of trial.

IT IS FURTHER STIPULATED and agreed that the deposition may be signed before a Notary Public.

1 CHRISTOPHER ADAMS, ESQ.,
2 Of 32 Connally Drive, Old Saybrook, Connecticut
3 06475, having first been duly sworn, was examined
4 and testified as follows:

5
6 DIRECT EXAMINATION

7
8 BY MS. BAIRD:

9 Q Good morning, Mr. Adams.

10 A Good morning.

11 Q How are you?

12 A Fine. How are you?

13 Q My name is Rachel Baird, and I represent Peter
14 Kuck who is also present --

15 A Yes.

16 Q -- in a lawsuit that we filed back in 2007,
17 entitled Kuck versus Danaher. Are you familiar with the
18 name of that lawsuit?

19 A Yes.

20 Q And are you familiar with the lawsuit?

21 A Yes.

22 Q Have you ever read the complaint?

23 A Yes.

24 Q And how long ago was that when you last read it?

25 A When I last read it? Probably a week, maybe two

1 weeks ago.

2 Q Have you ever been through a deposition before?

3 A No.

4 Q Okay. Have you ever attended a deposition?

5 A Yes.

6 Q Okay. So you're a little familiar with how they
7 work then.

8 A Yes.

9 Q Well, the first thing is there is a court
10 reporter here. So when I ask a question, even though you
11 know what the question is going to be -- and you probably
12 will a lot of the time -- wait until I finish the question
13 and then you answer.

14 A Okay.

15 Q That way we can get a clean record.

16 If there's anything I say that's not clear,
17 please ask me to clarify it and I will.

18 If you need a break, ask for a break. And if
19 your counsel states an objection, just wait for that to
20 be resolved until we go forward. Okay?

21 A Okay.

22 Q So you are here primarily because during a time
23 period you were the chairman of the Board of Firearms
24 Permit Examiners. Correct?

25 A Yes.

1 Q And what exact period was that when you were
2 chairman of the board?

3 A I'm actually not sure of the exact period. I
4 think it was sometime on or around August of 2005, I
5 think? And up until I resigned in July 2008.

6 Q Okay. That was a volunteer position. Correct?

7 A Yes.

8 Q And were you appointed by the Governor?

9 A Yes.

10 Q Did you have a regular occupation where you
11 received salary and compensation?

12 A Yes.

13 Q And what was that during the time when you were
14 board chairman?

15 A Staff attorney at the Legislative Office Building
16 for the House Republican Office.

17 Q Okay. When did you start in that position?

18 A December of 1996.

19 Q And are you still in that position?

20 A Yes.

21 Q So that's about 15 years to this point. Correct?

22 A Yes.

23 Q Have your primary job duties changed in any way
24 during that 15 years?

25 A Not significantly.

1 Q And what are your job duties? What do you do?

2 A Mostly I help the caucus members with
3 legislation, amendments, drafting. Our primary duties are
4 in session, in bill screening. We go through all the
5 bills and explain in laymen's terms what they mean, what
6 some of the significance of some of the proposals are.
7 That sort of thing.

8 Q How many staff attorneys like yourself are there?

9 A In my office?

10 Q Yes.

11 A Right now we have one, two, three -- four,
12 including me, and a chief counsel.

13 Q So you're a staff attorney for the Republican
14 caucus; is that correct?

15 A That's right.

16 Q So are there staff attorneys for the Democratic
17 caucus as well?

18 A There are caucus attorneys for each of the four
19 caucuses, yes.

20 Q And what are the four caucuses?

21 A House and Senate Democrats; House and Senate
22 Republicans.

23 Q And you are Senate Republican Caucus or House
24 Senate Republican Caucus [sic]?

25 A House.

1 Q House.

2 A Right.

3 Q Okay. And you said there were five staff
4 attorneys in the House Republican --

5 A Yes.

6 Q -- caucus?

7 A Yes. That's right.

8 Q And do you think there's five in the Democrat as
9 well?

10 A I expect there's probably more.

11 Q Okay. Why would that be?

12 A Because they outnumber us almost -- well, not
13 quite two-to-one anymore.

14 Q Oh. Okay. So how is it determined how many
15 staff attorneys there will be?

16 A There's no set formula. It's really up to the
17 chief of staff, but generally speaking, if you have more
18 caucus members you would need more staff to support those
19 members.

20 Q Okay. And in your position as staff attorney for
21 the House Republican Caucus, do you go to court?

22 A No.

23 Q Okay. Do you sit in on legislative sessions?

24 A Yes.

25 Q Do you have contact with commissioners of the

1 various agencies?

2 A Sometimes. And by that I mean the primary
3 interaction that we have with the agencies is through the
4 agency liaison. We seldom have direct contact with the
5 commissioners themselves.

6 Q Do you know who the agency liaison for the
7 Department of Public Safety -- I know it has a different
8 name now, but what was the Department of Public Safety?

9 A I don't recall.

10 Q Does the name of Steve Spellman -- is that name
11 familiar to you?

12 A It is familiar to me. I don't think I've had any
13 direct dealings with him.

14 Q Do you divide the work among the staff attorneys
15 in various ways such as you would focus more on some
16 agencies or some types of legislation, another staff
17 attorney would focus more on other kinds of legislation or
18 jobs?

19 A Yes, generally. It's -- the division of labor
20 varies from session to session.

21 Q And are you able to describe any particular focus
22 or area that you're more familiar with and work more in
23 than other areas regarding legislation?

24 A Yes. I mean one of the things about caucus
25 attorneys is that you don't really specialize in any one

1 area. You're more --

2 Q Right.

3 A -- in the -- analogous to a general counsel, and
4 then you kind of go and pick and choose experts; not
5 experts in the technical sense, but folks that are more
6 familiar. We have fifth-floor staff that is nonpartisan
7 staff that develop the expertise. But the areas that I'm
8 most familiar with have to do with transportation,
9 generally. Some labor issues a little bit. I was on
10 the -- covering the labor committee this last session.

11 Q Prior to 1996, did you hold any other law-related
12 positions related to your occupation as an attorney?

13 A Yes. I was a law clerk at what had been at the
14 time Gersten & Clifford on Main Street in Hartford. But
15 that was while I was in law school, so this is the --
16 other than practicing a little bit on my own between
17 graduating law school and getting this job, this was the
18 first job that I got out of law school.

19 Q When did you graduate from law school?

20 A 1996.

21 Q Have you ever been a member of other state boards
22 other than the Board of Firearms Permit Examiners?

23 A Yes.

24 Q What boards have those been?

25 A The Connecticut Public Transportation Commission.

1 Q And during what time period were you a member of
2 that commission?

3 A Oh, I'm trying to remember when I was first
4 appointed. Best estimate is 2006, maybe 2007. I'm still
5 on it now.

6 Q Okay. So for a time period you were on not only
7 that commission, but also the Board of Firearms Permit
8 Examiners?

9 A Yes.

10 Q Any other boards than the two you've already --

11 A No.

12 Q -- discussed?

13 A No.

14 Q Are you chairman of this commission that you're
15 on right now?

16 A No.

17 Q Is there a chairman?

18 A Yes.

19 Q Is there a secretary of the commission you're on
20 right now?

21 A I don't -- I don't remember if they call him the
22 secretary. There's a vice-chairman that may act as
23 secretary.

24 Q And who was the chairman of that commission?

25 A Kevin Maloney.

1 Q And who is the vice chair?

2 A Rick Schreiner.

3 Q And how many people are on that commission?

4 A Oh. Again, this varies quite a bit from meeting
5 to meeting. I'm not sure. I think maybe seven to eight.

6 Q Okay. And how often do you meet?

7 A Monthly.

8 Q Is it similar to the board in that there are
9 issues or people that come before you for issues to be
10 resolved?

11 A No.

12 Q What is the main function or mission of the
13 commission then that you're on right now?

14 A To collect information. Primarily to conduct
15 public hearings around the state in order to solicit input
16 on public transportation issues. We have usually a guest
17 speaker that comes to our meetings and will brief us on
18 different public transportation issues.

19 Q So it's not an adjudicatory board --

20 A No.

21 Q -- in any sense.

22 A No.

23 Q What was it that led -- and I'll be more specific
24 in terms of did you approach someone or did someone
25 approach you with regard to becoming a member of the Board

1 of Firearms Permit Examiners?

2 A I was approached.

3 Q And who approached you?

4 A Philip Dukes, the previous chairman.

5 Q Had you known Mr. Dukes when he approached you?

6 A Yes.

7 Q How did you know him?

8 A He had been a co-counsel of mine in the House
9 Republican caucus; another caucus attorney. He had been a
10 caucus attorney when I started there.

11 Q Had you ever discussed with Mr. Dukes, prior to
12 him approaching you, his work on the board?

13 A Yes.

14 Q And were you somewhat familiar with what the
15 board did?

16 A Vaguely.

17 Q Had you ever gone to any board meetings?

18 A No.

19 Q And how long had Mr. Dukes been on the board; if
20 you know?

21 A I don't know.

22 Q And is Mr. Dukes still a staff attorney with you?

23 A No.

24 Q How did that discussion progress when Mr. Dukes
25 approached you about being on the board?

1 A He expressed some concern that there was not
2 enough people on the board and there was a vacancy coming
3 up or -- either a vacancy was coming up or had already
4 occurred and he was, you know, looking for somebody to
5 fill the vacancy.

6 Q Was it your impression that he was interested in
7 looking for an attorney to fill the vacancy?

8 A Yes.

9 Q For what reason?

10 A Because only an attorney can chair the board.

11 Q And do you know if at that time there were any
12 other attorneys on the board?

13 A I don't think there were.

14 Q What process did you then go through to determine
15 if you wanted to be on the board?

16 A There wasn't much of a process. I gave it some
17 thought, looked at my schedule and thought it would be
18 interesting work. Phil certainly thought it was
19 interesting, and I looked for an opportunity to help him
20 out.

21 Q And at that point before being appointed to the
22 board, did you go to any board meetings?

23 A No.

24 Q Did you know anyone else on the board besides
25 Mr. Dukes?

1 A No.

2 Q And at that time Mr. Kuck was on the board.

3 Correct?

4 A Yes.

5 Q But you had not known him prior to your
6 involvement with the board?

7 A No.

8 Q Who appointed you to the board then?

9 A The Governor.

10 Q What Governor was it?

11 A Rell. Yes, it was Rell.

12 Q Okay. And what conversations, if any, did you
13 have with Governor Rell about your appointment?

14 A None.

15 Q Was there an intermediary between you and
16 Governor Rell so that --

17 A If there was, I don't know.

18 Q Okay. Did you put in a written application to
19 her?

20 A Yes.

21 Q And when you were appointed to the board, were
22 there any processes you went through to familiarize
23 yourself with the board activity?

24 A When I was first appointed, I looked at the
25 statutes governing the board and basically just started

1 attending the meetings to familiarize myself with the
2 culture of the board.

3 Q Were you aware when you were appointed to the
4 board, whether there were any issues that presented
5 problems for the board?

6 A Yes.

7 Q Okay. What was your idea of what those issues
8 were?

9 A That there was some conflict or tension on the
10 board that Phil often felt like -- or he's told me that he
11 often felt like he had to referee things on the board --

12 Q Okay.

13 A -- and manage the, as he put it, personalities on
14 the board.

15 Q Is this something he discussed with you over time
16 or was it more of an issue of discussion between you and
17 Mr. Dukes when he was talking to you about going on the
18 board?

19 A He's still my friend, but there's not anything
20 that he mentioned before I got on the board.

21 Q Okay. So when you got on the board, then you had
22 some discussions with Mr. Dukes about it?

23 A Yes.

24 Q And exactly what was the nature of the
25 personalities that you just referenced that presented

1 problems or issues?

2 A With the number of people on the board there are
3 definitely different perspectives, which is to be
4 expected; but Phil would often -- not "often." He would
5 occasionally mention to me how difficult it was to try and
6 decide cases while simultaneously having to deal with what
7 he thought were leading -- not leading questions, but
8 tension on the board. I mean, it's a group decision that
9 has to be made, so -- and he often would like for those
10 decisions to be consensus decisions. And often they ended
11 up being consensus decisions, but the process of getting
12 there was more difficult than he thought it had to be.

13 Q Okay. And by "consensus decisions" do you mean
14 that Mr. Dukes wanted everybody to agree in each case
15 and --

16 A It would be the preference if everybody had the
17 same perspective on the cases before us.

18 Q Okay. But that was --

19 A But not expected. All the time. I mean, hoped
20 for.

21 Q And it wasn't a requirement either.

22 A Absolutely not.

23 Q Did you come to know Susan Mazzocoli as
24 executive director of the board?

25 A Yes.

1 Q Had you known her prior to being appointed to the
2 board?

3 A No.

4 Q And what was your impression when you were
5 appointed to the board, of what her role or function was?

6 A To run all the administrative functions of the
7 board.

8 Q Okay. And what would the administrative
9 functions involve?

10 A Gathering information on the cases, preparing the
11 cases for our hearings, working with the department in
12 order to process that information, schedule hearings.
13 That sort of thing.

14 Q And did you have an impression of how well or
15 how -- her job performance in performing those functions?

16 A I was very impressed. I thought she did a fine
17 job.

18 Q When you were appointed to the board, how many
19 times did the board meet monthly?

20 A Monthly.

21 Q Monthly. Okay. And during those monthly
22 meetings, were there hearings that were held?

23 A Yes.

24 Q And what was the nature of those hearings?

25 A By "nature" what do you mean?

1 Q Would someone come to appeal --

2 A Oh, what was the reason for the hearings?

3 Q Exactly.

4 A Yes. Appeals.

5 Q Okay.

6 A Appeals from revocations or denials of permits.

7 Q So would there be an appellant on one side?

8 A Yes.

9 Q And then would the Department of Public Safety be
10 on the other side?

11 A Yes.

12 Q Okay. And who were some of the people, the
13 detectives that appeared in front of you while you were on
14 the board representing the Department of Public Safety?

15 A Seth Mancini. Alaric Fox. Those are the two
16 that first -- that are most prominent in my mind. I know
17 there were others that would substitute from time to time.

18 Q Okay. Was there a Sergeant Rosado?

19 A Oh, yes. Of course, Dave Rosado.

20 Q Okay. And then some of the witnesses, Detective
21 Mattson?

22 A Yes.

23 Q You're familiar with her?

24 A Yes.

25 Q Detective Karanda?

1 A Yes.

2 Q Were you there when Sergeant Hall appeared before
3 the board? Are you familiar with Sergeant Douglas Hall?

4 A Maybe if I saw him.

5 Q Okay.

6 A I don't recall. I vaguely recall his name, but I
7 didn't have -- if I had any involvement with him, I don't
8 recall.

9 Q And during your time on the board -- and it
10 sounds like it was about three years; do you agree? I
11 think you had said August of 2005 --

12 A Yes.

13 Q -- through 2008?

14 A Yes.

15 Q During your time on the board, were there any
16 board members that left the board? Or were not
17 reappointed to the board?

18 A Yes.

19 Q And who were those?

20 A There was a police chief. I'm sorry, I don't
21 recall his name -- oh, Karangekis. He left and another
22 was appointed. I don't think any others left during the
23 time I was there.

24 Q Did you have any input into Chief Karangekis'
25 decision to leave?

1 A No.

2 Q Do you know if anybody was reappointed while you
3 were on the board? Any other members of the board were
4 reappointed?

5 A I think they all were reappointed.

6 Q And did you have any input into those
7 reappointments?

8 A No.

9 Q In the Governor's office, is there something
10 called the -- what is it called? The Governor's
11 Commission or the Office of the Governor? Is there
12 something like that that you're familiar with?

13 A I'm familiar with the Office of the Governor.

14 Q Office of the Governor. What is that?

15 A It's the Governor's office.

16 Q Okay. And who else does it include besides the
17 Governor?

18 A I'm not sure.

19 Q Okay. Do you know somebody named Maryann Boord?

20 A Yes.

21 Q And who was she at the time, or what position did
22 she hold when you were on the Board of Firearms Permit
23 Examiners?

24 A From what I recall, she had something to do with
25 the Boards and Commissions.

1 Q Okay.

2 A So my understanding of her role was that she
3 would process appointments, reappointments, resignations.
4 That sort of thing.

5 Q So are you familiar with -- what is it, some sort
6 of office called the Boards and Commissions office within
7 the Governor's office?

8 A Yes.

9 Q Okay. And how many people are on the Boards and
10 Commissions office?

11 A I do not know.

12 Q How long have you known Maryann Boord?

13 A I've never met her personally. My only knowledge
14 of her is as the staff person for that Boards and
15 Commissions outfit. So I don't really know how long I've
16 known her.

17 Q Did she have any involvement in processing your
18 application to be on the board?

19 A I don't know.

20 Q What was your idea of what her job function was
21 while you were on the board?

22 A To oversee the boards and commissions, make sure
23 that they had enough people. Again, if there were any
24 resignations or vacancies that needed to be filled, we let
25 her know.

1 Q Okay. While you were on the board, did you have
2 any contact regarding your board duties with Lisa Moody?

3 A No.

4 Q Do you know who she is?

5 A Yes.

6 Q Have you had contact with her otherwise than --

7 A No.

8 Q -- on the board?

9 A Oh. There was some special election legislation
10 where I was in a conference room with her. That is my
11 only recollection of ever having even been in the same
12 room with her.

13 Q Okay. No discussions with Ms. Moody about the
14 board functions or issues or any appointments during your
15 time on the board?

16 A Not by me. Absolutely not.

17 Q Okay. I'm going to show you an exhibit that was
18 already marked, and I'm going to ask you to share because
19 I didn't make another copy of the exhibits that we already
20 had.

21 This is Plaintiff's Exhibit 7 from a December
22 1st, 2011 deposition of Judge Danaher. I'm handing that
23 to you, and I'd like to ask you if that document which
24 appears to me to be a proposal for legislation submitted
25 by the Department of Public Safety, is that something --

1 is that a kind of document that you're familiar with in
2 your job as staff attorney for the House Republican
3 caucus?

4 A (Reviewing.) Yes.

5 Q Okay. When would or for what reason would a
6 state agency submit such a proposal to amend or initiate
7 or impact legislation?

8 A It's very common, actually. Based on the date,
9 my -- I expect this is probably either in lieu of or in
10 support of public hearing testimony on this particular
11 bill.

12 Q So in the process, what is the process that an
13 agency goes through in determining whether they are going
14 to submit proposed legislation?

15 A I don't know. I don't know what their process
16 is.

17 Q Okay. And would a letter such as Plaintiffs'
18 Exhibit 7 from Judge Danaher's deposition come to your
19 attention in any way for review as a staff attorney?

20 A Not directly. The only time that I would
21 normally see this sort of document would be in reviewing
22 public hearing testimony.

23 Q Okay. And in reviewing public hearing testimony
24 as part of your job as staff attorney, you're talking
25 about after the hearing has already proceeded, then you

1 review the testimony for what reason?

2 A To get background on what the -- to flesh out
3 more of what the bill is about and what the concerns are
4 or sources of support are. We would either look at these
5 documents while the public hearing is going on or
6 afterwards on an as-needed basis in order to, again, flesh
7 out where the, you know, different interested parties
8 might be on a particular bill.

9 Q And then after you do that, do you render an
10 opinion to the Republican caucus?

11 A Not typically.

12 Q Okay. So how do you communicate whatever your
13 findings are after you go through the testimony and review
14 things?

15 A During our bill screening process, that's the
16 time when if there were any particular concerns with a
17 bill that had been highlighted during public hearing
18 testimony, we would communicate those concerns to the
19 other bill screeners.

20 Q Now, in Plaintiffs' Exhibit 7 from Judge
21 Danaher's deposition, on the second page there's a section
22 eight. That appears to reference proposed legislation to
23 clarify a bill or a statute involving a firearm. Is that
24 correct?

25 A What this paragraph is doing is summarizing

1 legislative language contained in section eight. I don't
2 know what that language itself says, not having it in
3 front of me; but it looks like the commissioner is saying
4 that that section provides some clarification in the
5 current statutes.

6 Q Okay. Do you recall when you were on the board
7 that an appeal was filed regarding James Goldberg?

8 A While I was on the board?

9 Q Yes.

10 A Yes.

11 Q Okay. And that name's familiar to you, James
12 Goldberg?

13 A Yes.

14 Q Do you recall that it was an appeal by
15 Mr. Goldberg from a revocation that followed an arrest by
16 the Town of Glastonbury?

17 A Yes.

18 Q Okay. And at that time when that appeal came to
19 your attention, how exactly did you become aware of it?

20 A Through the press.

21 Q Okay. Were you contacted by the press?

22 A No.

23 Q And when you say "through the press," is it
24 because you read about in the newspaper?

25 A It was in our clips, and it was also something

1 that I guess other board members were familiar with
2 because we had heard about it through one of our board
3 meetings.

4 Q What issue do you recall was Mr. Goldberg's --
5 what issue do you recall from the press, I guess, was
6 Mr. Goldberg bringing to light?

7 A The controversy --

8 Q Yes.

9 A -- of the --

10 Q Yes.

11 A -- situation? Was from what I recall, that he
12 had a firearm that had been seen in a restaurant and, you
13 know, there was some concern about that. I think there
14 may have been a breach of peace or something.

15 Q Okay. Prior to the attention that was brought to
16 Mr. Goldberg that you noticed in the press and perhaps
17 through other board members, discussions with them, had
18 the issue of -- had you ever heard of the issue of open
19 carry in Connecticut?

20 A Yes.

21 Q And how had you heard of that issue or how had
22 that come to your attention?

23 A Hard to say. Certainly through discussions of
24 board members. Generally I'm familiar with the concept of
25 open carry versus concealed carry.

1 Q And did the board ever address the open carry
2 issue in a declaratory ruling?

3 A I don't recall.

4 Q Okay. And when I say that, I mean while you were
5 on the board did it ever?

6 A I don't recall.

7 Q Okay. And what was your position on the board
8 with regard to whether open carry --

9 MR. SNOOK: If I may interrupt. Are you
10 asking his subjective opinions on the open carry
11 issue or are you asking what decisions he ever
12 reached on it?

13 MS. BAIRD: Yes. I'll clarify that.

14 BY MS. BAIRD:

15 Q While you were on the board, did any cases
16 involving open carry come before the board?

17 A I don't think so.

18 Q Okay. And had the board made any formal decision
19 with regard to an interpretation of the statute regarding
20 whether open carry is legal in Connecticut or not?

21 A There were certainly discussions about it. I
22 don't think there was actually any decision because I
23 don't recall there being a case that came up before us
24 where we could decide.

25 Q Okay. Did you ever discuss with anyone at the

1 Department of Public Safety a need to clarify the statute
2 with regard to whether open carry is legal in Connecticut?

3 A I did not.

4 Q Okay. Were you ever contacted about any
5 legislation that was proposed by either the Department of
6 Public Safety or any other agency with regard to
7 clarifying the statute?

8 A I was not contacted, no.

9 Q Okay. Since you have been off the board in 2008,
10 have you been involved in any firearms legislation?

11 A How do you mean "involved"?

12 Q As a staff attorney have you been involved in any
13 public hearings or reviewing any public hearings about
14 firearms legislation?

15 A Oh, I've seen firearms legislation come through
16 our shop, basically.

17 Q Okay.

18 A But not involved in any sort of policy
19 discussions about it.

20 Q Okay. Since you have not been on the board in
21 2008 to this time, have you seen any proposed legislation
22 such as in Plaintiffs' Exhibit 7 about attempts to clarify
23 the firearms statutes in Connecticut concerning open
24 carry?

25 A Yes.

1 Q And when have you come across those?

2 A Certainly this bill. There I think may have been
3 one other, I'm not sure. But certainly at least this
4 bill.

5 Q Okay. And do you know what has happened -- and
6 I'll start with do you know whether any of the proposals
7 for legislation to clarify the statute involving the
8 carrying of pistols has passed?

9 A I don't think it has.

10 Q Okay. Do you know how far those proposals have
11 gone in the process towards passing?

12 A I don't recall.

13 Q I mean what are the steps between a proposal such
14 as in Plaintiffs' Exhibit 7 for Judge Danaher's deposition
15 and actual passage?

16 A Quite a few, actually.

17 Q Okay.

18 A This is how a bill becomes a law.

19 Q Okay.

20 A But basically again I'm assuming that this letter
21 was done in the context of some sort of public hearing
22 testimony, so I'm deducing that this bill was subject to
23 public hearing at this time in 2009. That being the case,
24 Darden -- Representative Stephen Dargan and Senator Andrea
25 Stillman were co-chairs of the Public Safety Committee

1 that would have been the committee of cognizance for a
2 bill of this type. It would have started there. It would
3 have had to be voted out of that committee first, and from
4 that point could either go to the floor directly for a
5 vote or go to other committees in order to be reviewed if
6 other committees had cognizance over parts of that
7 particular bill. It could also go to the committees from
8 the floor, and that's often how that happens.

9 This particular bill being a House bill would
10 have started in the House, and that means that it would
11 have had to have been voted on by the House in order to
12 then go to the Senate. The Senate could make
13 recommendations as to what other committees it would need
14 to go to if it hadn't gone to those committees already,
15 and then the Senate would get an opportunity to vote on
16 it. It would have to pass the Senate and then it
17 would -- having passed both chambers, it would go to the
18 Governor for a signature or veto.

19 Q Do you have any knowledge of at what point in the
20 process the proposal that's referenced in Plaintiffs'
21 Exhibit 7 from Judge Danaher's deposition regarding
22 clarifying the statute about carrying firearms did not
23 make it any further?

24 A I do not know.

25 Q Have you had any discussions about that

1 particular proposal about clarifying the statute regarding
2 the carrying of firearms? In your capacity as a staff
3 attorney.

4 A Probably. You know, if it had come up to us
5 through the bill screening process, certainly. But I
6 don't recall this coming through our process.

7 Q I mean based on --

8 A It may have, but I don't recall.

9 Q Based on your experience with the board and your
10 experience as a staff attorney -- and I guess I'm asking a
11 subjective opinion at this point --

12 MR. SNOOK: We'll see how the question
13 goes.

14 BY MS. BAIRD:

15 Q -- what is your opinion about why the proposal
16 that the statute be clarified has not reached the point
17 where it's been passed to amend the statute?

18 MR. SNOOK: Just for the record, since you
19 are no longer on the board, this is not a
20 question of your subjective opinion of any case
21 that is before you as an adjudicator whatsoever.
22 This is simply your opinion on -- if I'm
23 correct, you're talking about the period after
24 you've been on the board?

25 MS. BAIRD: Right. Right.

1 MR. SNOOK: Your opinion as a citizen. And
2 as a person who -- you know, if you have an
3 opinion on this matter, that certainly is not an
4 objectionable question.

5 A So what --

6 BY MS. BAIRD:

7 Q Well, what's your opinion about why this proposal
8 by the Department of Public Safety that the statute
9 involving the carrying of firearms has not passed?

10 A My best guess is because the legislators didn't
11 want it to pass.

12 Q Well, let me ask you, what's your opinion about
13 why they wouldn't want it to pass?

14 A I really couldn't say.

15 Q Okay. Fair enough.

16 Now --

17 MR. SNOOK: If I can?

18 MS. BAIRD: Yes.

19 MR. SNOOK: Mr. Adams, do you recall this
20 bill ever getting to the Senate?

21 THE WITNESS: I don't recall.

22 MR. SNOOK: Do you know if this went out of
23 committee to the floor or from the floor to the
24 committees? Can you give any other background
25 about this bill?

1 THE WITNESS: No.

2 MR. SNOOK: Thank you. Sorry.

3 MS. BAIRD: Sure.

4 BY MS. BAIRD:

5 Q When you became chairman of the board, who was
6 the commissioner of the Department of Public Safety? Was
7 it Boyle? Does that sound familiar?

8 A I think so. I'm not really sure.

9 Q Okay. But is it fair to say the commissioner
10 that you're most familiar with on your time on the board
11 was Commissioner Danaher?

12 A Yes.

13 Q And he was appointed shortly -- what, not that
14 long after you were appointed?

15 A That's my recollection, yes.

16 Q Had you known Commissioner Danaher before he
17 became the commissioner?

18 A No.

19 Q When was your first meeting with him while you
20 were on the board and while he was commissioner?

21 A I think I saw him in the hallway on the way into
22 one of the hearings one time.

23 Q And how would you characterize the relationship
24 between the Department of Public Safety and the board
25 while you were on the board?

1 A The relationship between the two?

2 Q Yes.

3 A Cordial. Generally cooperative.

4 Q And the board meetings were held at the
5 Department of Public Safety. Correct?

6 A Yes.

7 Q Why was that?

8 A I'm not sure.

9 Q They were already being held there when you
10 became the chairman?

11 A Yes.

12 Q Did you have an impression while you were the
13 chairman of whether there was an equal relationship
14 between the Department of Public Safety and the board?

15 A I'm not sure what you mean by "equal
16 relationship."

17 Q Did you have any impression that the Department
18 of Public Safety ran the board while you were on the
19 board?

20 A No.

21 Q Okay. Did you have any impression that the
22 Department of Public Safety told the board what to do
23 while you were on the board?

24 A No.

25 Q Okay. And was it your impression that the

1 relationship between the Department of Public Safety and
2 the board was that the Department of Public Safety was a
3 party that appeared in front of the board?

4 A Yes.

5 Q Okay. What role, if any, did the Department of
6 Public Safety have in scheduling hearings before the
7 board?

8 A I don't know.

9 Q Okay. And is it fair to say that Susan
10 Mazzoccoli was the one who had the most contact with the
11 Department of Public Safety?

12 A Yes.

13 Q And do you know what the nature of that contact
14 was that she had --

15 A No.

16 Q -- with them?

17 A No.

18 Q What was the role of the chairman while you were
19 on the board? What additional functions, if any, did the
20 chairman have other than the board members who were not
21 chairman?

22 A Presiding over the hearings, making sure that
23 they ran smoothly. That all the board members had
24 opportunities to ask the questions that they wanted to
25 ask. Making sure that the two parties got along as best

1 as possible.

2 I mean, I really saw our role as a board as
3 analogous to a court, and my role as chairman to try and
4 make sure that both parties got to present their cases
5 and that we as board members fairly decided those cases.

6 Q Okay. I have an exhibit.

7 MS. BAIRD: Here's a copy for you,
8 Mr. Snook.

9 BY MS. BAIRD:

10 Q And then I have the actual Plaintiffs' Exhibit 9
11 from the December 1st deposition of Judge Danaher.

12 I have to correct the record. I think I said
13 before it was the December 11th deposition of Judge
14 Danaher and it was actually December 1st. You should
15 have in front of you a --

16 MR. SNOOK: Two different letters?

17 MS. BAIRD: Yes.

18 MR. SNOOK: This is the May 14th letter?

19 MS. BAIRD: Yes.

20 I want to give you the May 14th letter
21 which has not been marked as an exhibit yet so
22 we need to mark it today.

23 (Plaintiff Exhibit 21 marked for
24 identification.)

25

1 BY MS. BAIRD:

2 Q I'm handing you Plaintiffs' Exhibit 21. Do you
3 recognize that letter?

4 A Yes.

5 Q Okay. What was your purpose in drafting this
6 letter back in May 2007 to Commissioner Danaher?

7 A The purpose?

8 Q Yes.

9 A The board had been expressing a concern with the
10 backlog and it was a concern that I shared, and we decided
11 as a board to contact the commissioner to ask if there was
12 anything that we could do or that they could do to try and
13 address the backlog.

14 Q Who, if you recall, were the members on the board
15 expressing a concern about the backlog of cases?

16 A I think all of the board members were concerned
17 at varying levels. Certainly the one that was most
18 concerned and the most vocal about the backlog was Peter
19 Kuck.

20 Q As the chairman, did you have a concern whether
21 there were any implications of civil rights being violated
22 as a result of the backlog?

23 A Yes, generally. I shared along with the other
24 board members the general concern that the backlog being
25 what it was was longer than we would like to see. The

1 fact that there was a backlog, however, did not at all
2 surprise me. I mean, I expected there would be a backlog
3 and, you know, wanted to do what I could to address it;
4 but I didn't hope to dream that we could ever eliminate
5 it.

6 Q What was your knowledge about the backlog, if
7 any, when you became the chairman?

8 A Just that one existed.

9 Q Had you discussed with Mr. Dukes the reason for
10 the backlog?

11 A Generally. General reasons.

12 Q Did you determine when you became chairman, how
13 long the backlog had existed?

14 A I think I did. But I don't recall at this point
15 how many specific months.

16 MR. SNOOK: Excuse me. When you say "how
17 long the backlog existed," do you mean how long
18 there had been a backlog or --

19 MS. BAIRD: Yes.

20 MR. SNOOK: -- how long was the backlog?

21 A Oh. I'm sorry. Thank you for the clarification.

22 BY MS. BAIRD:

23 Q How long -- in other words, did you determine at
24 the time you became chairman or in preparation for
25 becoming chairman when you learned about the backlog, if

1 there had always been a backlog or if it was something
2 new, or if there was a particular reason for an existence
3 of a backlog now when there hadn't been one before?

4 A Yes. My best recollection is that there had
5 always been some level of backlog, but that it had
6 increased within the past number of years. I'm not sure
7 how many years; three to five is my best guess.

8 Q And I think you testified a couple of
9 sentences -- a couple of questions back that the fact
10 there was a backlog didn't surprise you, and I'm going to
11 ask you why it didn't surprise you?

12 A Usually -- well, it didn't surprise me because
13 in -- I've heard that with other adjudicatory bodies there
14 often is a backlog, either because they are not able to
15 meet as often as they would like or because there is a lot
16 of influx of cases. I think it's the general rule that
17 these bodies have backlogs rather than have everything --
18 being on top of everything and having everything running
19 very smoothly.

20 Q Now, you wrote to Commissioner Danaher about the
21 backlog in Exhibit 21. What, if anything, did you think
22 Commissioner Danaher could do about the backlog?

23 A I wasn't sure. Frankly, we were as a board, best
24 way of characterizing it, grasping at straws; trying to
25 figure out if there was any place where we could become

1 more efficient, if the department in processing their
2 cases could become more efficient. I had no way of
3 knowing how they could become more efficient; that was
4 really their issue. But we wanted to bring it to their
5 attention that it was a concern of ours, so that if there
6 were any opportunities to either streamline the process
7 or, you know, make it more efficient so that the backlog
8 could be reduced, then that's something we would be
9 interested in working with the department to do.

10 Q Who are the Auditors of Public Accounts?

11 A I think they -- they are a body that reviews
12 agencies, how they are running, in addition to other
13 things. I always assumed that they had something to do
14 with auditing, but I discovered that they had something
15 more to do with agencies whenever, you know, I would look
16 at some of their reports.

17 Q Okay. And did you ever talk to anybody directly
18 related to the audit, the annual report that the Auditors
19 of Public Accounts performed? That is cited in your
20 letter?

21 A Right. To anybody? Yes.

22 Q Yes. And who did you talk to?

23 A Other board members.

24 Q Okay. But did any auditors ever come to talk to
25 you for your input into the annual report that they were

1 preparing?

2 A No.

3 Q And when the annual report would come out, did
4 you receive a copy? Or how would you know about it?

5 A Oh. I -- I know nowadays we get an e-mail.

6 Q Well, who brought this one to your attention that
7 you reference in your letter?

8 A I think one of the other board members.

9 Q Okay. And the information that you cite in your
10 letter, Exhibit 21, about the wait time of 14 months and
11 the -- in your first paragraph.

12 A Yes.

13 Q And the backlog, did you get that from the
14 auditors' report?

15 A I don't recall where I got that from. It could
16 have been the auditors' report, it could have been
17 checking with -- see as to what the backlog looked like.

18 Q Okay. I'm going to go to paragraph three then of
19 your May 14th, 2007 letter, Exhibit 21. It talks about a
20 strategy that the board was contemplating to provide the
21 unit more advanced notice of the hearing docket.

22 What process was being used at the time, instead
23 of providing the unit more advanced notice?

24 A I don't recall specifically.

25 Q And you talk in that paragraph three about

1 uncontested matters to clear out. What were you referring
2 to?

3 A Again, it was the -- making the analogy to court.
4 On review of cases, if nobody was going to be arguing over
5 facts, you know, they could perhaps come to some sort of
6 decision earlier.

7 Q Okay. Do you recall when you were the chairman
8 on the board, whether cases would be scheduled for hearing
9 on a particular date, but then not proceed to hearing?

10 A Yes.

11 Q And do you know the reasons for that?

12 A Usually because -- again making the analogy to
13 court, which is the only vocabulary I seem to be able to
14 come up with -- you know, that they would settle before
15 trial, I guess would be the best way of analogizing it.
16 That was my sense of how that worked.

17 Q Okay. And was this strategy ever devised in
18 paragraph three that you talk about, setting the calendars
19 90 days in advance to provide the unit more lead time?

20 A Yeah, I think I recall that.

21 Q And how would that have helped, if the board had
22 set the calendar 90 days in advance?

23 A My best recollection is that if -- well, the hope
24 was that by setting it so far in advance that maybe the
25 cases that were likely to settle could settle more

1 quickly.

2 Q Okay. And do you agree that along with that, it
3 would have provided the Department of Public Safety notice
4 of the hearing so they could review the files in advance?

5 A Yes.

6 Q Okay. So at the time, do you know -- well, you
7 state in your letter that you were giving about one month
8 advance notice at the time. Correct?

9 A Yes.

10 Q So it's your testimony that the reason for
11 considering setting it 90 days in advance would have given
12 the Department of Public Safety an additional 60 days to
13 review the upcoming cases?

14 A Yes. And maybe get ahead -- well, if not get
15 ahead of things, maybe catch up a little bit.

16 Q Okay. And towards that, do you agree that if
17 they had been able to review them or have an additional 60
18 days to review them, then they could have knocked some
19 cases out and scheduled additional cases --

20 A That was our hope.

21 Q -- for the upcoming -- okay. Did that ever
22 happen, that you know?

23 A I think it may have a little bit. During the
24 time I was there it didn't happen to the extent that I
25 would have liked to have seen.

1 Q And who would have been responsible for giving
2 the Department of Public Safety either the one-month
3 advance notice or the 90-day advance notice?

4 A While I was there, it would have been Sue. That
5 was the process.

6 Q Okay. I'm going to paragraph four then of the
7 May 14th, 2007 letter where it talks about being
8 interested in the department's response to that idea and
9 any other ideas that the department might have.

10 Did you ever receive any response to that idea
11 from the Department of Public Safety? And when I say
12 "that idea," I mean the 90-day advance idea.

13 A I don't recall.

14 Q Okay. What was the response that you received,
15 if any, to the May 14th, 2007 letter, from Commissioner
16 Danaher?

17 A I think there was a letter that came back, but I
18 don't recall what it says.

19 Q Okay. I'll --

20 A If you have it --

21 Q Yes; I'll show that letter to you. It's
22 Plaintiffs' 9.

23 A Oh. Okay. Thank you.

24 Q So there you go right there.

25 Now, is that a letter that you recognize from --

1 A Yes.

2 Q -- Danaher to you?

3 A Yes, I do.

4 Q I'm going to ask you about between your May 14th,
5 2007 letter and then the letter you have in front of you
6 that I think is dated September 14th, did you hear
7 anything else from the Department of Public Safety during
8 that, gosh, four months?

9 A No. No. Other than they were working on a
10 letter.

11 Q And who did you hear that from that they were
12 working on a letter?

13 A Either Barbara or Detective Karanda. Because
14 we -- I had known that some of the board members,
15 including Peter and myself, would ask them before hearings
16 sometimes, "Have you heard anything about a response to
17 our letter?" And they would say, "Well, we're working on
18 it."

19 Q And when you received Plaintiffs' Exhibit 9, that
20 letter from Commissioner Danaher at the time, were you
21 satisfied with his response in terms of its receptiveness
22 to assisting the board in resolving the backlog or --

23 A I was disappointed.

24 Q Why were you disappointed?

25 A I had hoped they could have done this and that it

1 would have had an effect on the backlog.

2 Q And when you say you were disappointed, what is
3 it exactly about Commissioner Danaher's response that
4 indicated to you that there was not going to be perhaps
5 the assistance in decreasing the backlog?

6 A In the third paragraph, you know, they say that
7 it wouldn't have a significant effect on the backlog and
8 it would do little, if anything, to reduce the amount of
9 time they have in preparing the cases.

10 I thought that it would. But I defer to, you
11 know, their judgment as to what their agency was capable
12 of doing because I had no way of knowing that.

13 Q Were there any discussions that you had with any
14 member of the Department of Public Safety about whose
15 fault it was; whether it was the board's or the Department
16 of Public Safety's? Whose fault that there was a backlog?

17 A No.

18 Q Was that a contentious issue about whose fault it
19 was; whether it was the board or the Department of Public
20 Safety?

21 A It -- it may have been the source of a concern,
22 but I wouldn't say it was really contentious. I think we
23 were all interested in -- or my impression was that we
24 were all interested in trying to address it.

25 Q Did you ever witness or hear a member of the

1 Department of Public Safety blame the board for the
2 backlog?

3 A I don't recall that.

4 Q Did you ever hear a member of the Department of
5 Public Safety indicate that, you know, if the board held
6 more hearings there wouldn't be a backlog?

7 A I think I've heard that.

8 Q Okay. Did you ever hear -- do you recall who you
9 might have heard that from or --

10 A No, I don't. I mean it sounds familiar, but I
11 don't have any specific recollection of it.

12 Q Okay. Did you ever hear a member of the
13 Department of Public Safety indicate that sometimes enough
14 board members weren't there during the monthly meetings
15 and that affected the backlog?

16 A Yes.

17 Q Okay. And who said that; if you recall?

18 A I don't recall.

19 Q And what exactly was said about if there were
20 more board members who -- you know, that there wasn't a
21 quorum so a hearing couldn't be held?

22 A That's the extent of it, extent of my
23 recollection: That if we couldn't have meetings we
24 couldn't process the hearings.

25 Q Okay. Did the board ever discuss while you were

1 the chairman, holding more than monthly meetings? In
2 other words, more often than monthly?

3 A It was -- it was discussed from time to time.
4 Especially toward the end of my tenure there.

5 Q Okay. Who brought that up?

6 A Peter Kuck, certainly. Other members at
7 different times. You know, even I earlier on -- you know,
8 there was a general sense that, of course, if we met more
9 perhaps we could process more hearings. But when it came
10 time to actually -- I was going to say "pull the trigger";
11 poor choice of words -- but actually do it, there was not
12 as much interest in doing that, being a volunteer board.

13 Q When did you become aware that there was a
14 secretary on the Board of Firearms Permit Examiners?

15 A Oh, right from the very beginning I knew there
16 was a big role of secretary.

17 Q And who was the secretary while you were on the
18 board?

19 A Peter Kuck.

20 Q Did your impression of what the secretary's
21 function on the board was change during your tenure as
22 chairman?

23 A I'm sorry?

24 Q Did your impression of what the secretary's role
25 on the board was, what his duties were on the board,

1 change over time while you were the chairman?

2 A My impression was that the -- this particular
3 secretary's role or this particular secretary was seeking
4 to expand his role. That was my impression.

5 Q Okay. Let me ask you this then. Are you
6 testifying that during your tenure as chairman, your
7 impression of what the secretary's role was remained
8 constant?

9 A Yes.

10 Q Okay. But that during that time you developed
11 the opinion that Mr. Kuck was trying to expand that role?

12 A Yes.

13 Q Did you familiarize yourself with the regulations
14 relevant to the Board of Firearms Permit Examiners when
15 you became chairman?

16 A Yes.

17 Q Okay. And did you review what the secretary's
18 duties were in those regulations?

19 A Yes.

20 Q And is it your testimony that during the time in
21 question, that Mr. Kuck was performing those duties and
22 wanted to expand on those duties under the regulations?

23 A My impression and recollection was that whenever
24 I started there, that -- well, from the time that I
25 started there until the time that I ended there, my

1 impression was that he sought to exercise those roles and
2 duties much more directly and aggressively than he had
3 when I first started there.

4 Q Okay. And was Susan Mazzocoli performing many
5 of the functions that fell under the secretary's duties?

6 A Yes.

7 Q And why was that?

8 A My impression was that those duties had been
9 delegated. That was my impression whenever I was first
10 appointed to the board, and that impression continued
11 while I was chair -- the first months while I was
12 chairman; that being the only full-time employee that we
13 had, that she was in the best position to perform a lot of
14 those day-to-day functions. But that was something that
15 had been occurring from before I started on the board.

16 Q I'm going to go back to these letters between you
17 and Judge -- excuse me -- Commissioner Danaher. What
18 other communication other than the written communication
19 in the May 14th and the September 14th, 2007 letters did
20 you have with Commissioner Danaher?

21 A We had one meeting with him going over the letter
22 to see if there was any other creative solutions that we
23 could come up with to address the backlog.

24 Q Did that meeting occur after the September 14th,
25 2007 response?

1 A I don't recall. I expect it probably did, but I
2 don't have any specific recollection of when it occurred.

3 Q Okay. You had testified that you had a meeting
4 to go over the letter. I just wanted to clarify which
5 letter.

6 A Well, the content of the letters. You know, the
7 general concern with the backlog itself.

8 Q Who was at that meeting other than yourself and
9 Commissioner Danaher?

10 A Susan, certainly. I think one of the -- one of
11 the detectives; it might have been Alaric Fox. There were
12 others in the room. I don't recall specifically who they
13 were.

14 Q Okay. And was Peter Kuck made aware of that
15 meeting by you?

16 A I don't recall.

17 Q Okay. Do you know if he was made aware of the
18 meeting by Susan Mazzoccoli?

19 A I wouldn't know that.

20 Q Okay. And was Mr. Kuck's name brought up during
21 the meeting?

22 A I don't think so, but I don't have any
23 recollection of whether it was or wasn't.

24 Q Was his name -- was the function of the secretary
25 of the board brought up during this meeting?

1 A I don't recall. I don't think so. My best
2 recollection of the substance was what can we do to
3 address the backlog. I mean, that was really kind of our
4 lodestar, if you will, to try and figure that out.

5 Q And at that time were you aware that Mr. Kuck was
6 interested in decreasing the backlog?

7 A Yes.

8 Q And that he was asserting his role as secretary
9 toward decreasing the backlog?

10 A Yes.

11 Q And sitting here today, can you think of a reason
12 why Mr. Kuck was not invited to that meeting with
13 Commissioner Danaher about the backlog?

14 A Likely because of what I had witnessed as a lot
15 of animosity between Peter and the department. I didn't
16 think his presence would be helpful.

17 Q Okay. When did you first become aware of this
18 animosity between Mr. Kuck and the department that you
19 just testified about?

20 A I don't -- it was early on in my tenure there. I
21 don't specifically know when.

22 Q Do you know, was there any animosity by -- or
23 from the department directed at Mr. Kuck?

24 A It was mutual.

25 Q Okay. And do you know, are you aware of what

1 started the animosity, if anything?

2 A I don't know. It clearly -- well, in my mind it
3 had clearly predated my being on there. My impression was
4 that it was a long-standing thing.

5 Q How was the animosity or the behavior that you
6 interpreted as animosity conveyed by Mr. Kuck?

7 A In what I thought was unnecessary badgering, if
8 you will, of the department's people during hearings.

9 Q Do you recall that Mr. Kuck brought up an audit
10 of the Department of Public Safety that was performed by
11 the New York State Police?

12 A I have a recollection of that.

13 Q Okay. And --

14 A Except my recollection is limited to basically
15 just that. I do seem to recall that, though.

16 Q Do you know if Mr. Kuck expressed some concerns
17 about the audit and things that were said in the audit
18 about the Connecticut State Police?

19 A Yes. I do recall that.

20 Q Okay. Do you recall the particular issue of the
21 horizontal gaze nystagmus test?

22 A I remember reading about that in the complaint.
23 I -- yes, actually. I do recall that being a concern.

24 Q Okay. And while you were on the board, and you
25 you've just testified that you witnessed conduct from

1 Mr. Kuck to DPS that you interpreted as hostile or
2 badgering, did you have an opinion about whether he had
3 any basis for his questioning?

4 A I could only imagine that he thought he did.

5 Q And what conduct did you observe on the part of
6 DPS that was part of the mutual display of hostility
7 between DPS and Mr. Kuck?

8 A Raised voices. Arguing. I frankly thought both
9 sides whenever they engaged one another, their level of
10 professionalism diminished drastically.

11 Q Any particular members of the Department of
12 Public Safety that you recall being engaged in this
13 conduct?

14 A At different times all of them, I would -- well,
15 I don't want to say all of them, but -- at different times
16 all of the ones that were in front of us: David Rosado,
17 Barbara Mattson, Detective Karanda. Notable by the --
18 well, best recollection, lack of animosity would be Seth
19 Mancini. He always seemed to be very kind of even-keeled,
20 not easily riled. I thought, frankly, that both sides of
21 the equation -- Peter Kuck on the one side and whoever
22 happened to be representing DPS at the time on the other
23 side -- when the two got engaged they were both -- they
24 both seemed to be very easily riled up and it just
25 escalated.

1 BY MS. BAIRD:

2 Q Okay. Were there other members of the board that
3 came to you with concerns about the mutual hostility
4 you've just described between Mr. Kuck and DPS?

5 A Yes.

6 Q And who were they?

7 A At different times most of them, if not all of
8 them.

9 Q What, would they approach you at meetings as
10 board members?

11 A Sometimes it would come up during meetings, where
12 we would deliberate afterwards when, you know, we're just
13 talking amongst ourselves. Sometimes it would be, you
14 know, one-on-one conversations after the meetings. You
15 know, comments like, you know, "That was really rough."
16 And, "I wish both sides would come down and be more
17 professional." You know, characterizing it that way.

18 Q Was there a point in time where you determined
19 that something formal needed to be done about the
20 situation between Mr. Kuck and DPS?

21 A I wouldn't say a particular point in time. Just
22 that it seemed to be getting worse over time rather than
23 better.

24 Q Okay. And was there ever any action taken to
25 stop what you've described as this hostile back-and-forth

1 that increased over time?

2 A Yes. I had talked to Peter on a number of
3 occasions. I couldn't do anything about DPS, but I
4 thought part of my responsibility as chairman was to try
5 and do something about our board; and by that I mean the
6 perception that we weren't being as even-handed
7 adjudicators as we ought to be. And I felt that
8 impression was left mostly by Peter; I mean, if not
9 exclusively by Peter. And I spoke with him about that on
10 a number of occasions.

11 Q What role, if any, did you believe you had as
12 chairman, other than conducting the actual hearings?

13 A To make sure that things ran smoothly. I thought
14 that that included making sure our board members were
15 acting professionally.

16 Q Okay. Do you agree that under the regulations it
17 describes the chairman's function as conducting hearings?

18 A Yes.

19 Q And do you agree that there's really no other
20 function described in the regulations for the chairman?

21 A Yes.

22 Q Okay. But if I'm hearing your testimony correct,
23 you saw the efforts you made outside the hearing process
24 to bring the members together as conducive to actual
25 conducting the hearings?

1 A Yes.

2 Q Did Sue Mazzoccoli ever come to you with concerns
3 about Mr. Kuck?

4 A Yes.

5 Q When did she first come to you with concerns
6 after you became chairman?

7 A It wasn't -- I don't know specifically when. A
8 third of the way? Halfway through my tenure? You know,
9 it wasn't late in my tenure. It was early.

10 Q And when she came to you, at what point in the
11 progression was Mr. Kuck at in becoming more assertive
12 about exercising his role as secretary?

13 A I don't remember the relationship or the
14 correlation, if any, between the two.

15 Q Okay. I was just going to ask you if you could
16 recall a correlation between the two.

17 A No.

18 Q Do you recall any friction between Sue Mazzoccoli
19 and Mr. Kuck related to both of them wanting to perform
20 the functions of secretary?

21 A Yes.

22 Q Okay. And would you describe that friction?

23 A How would I describe it?

24 Q Yes.

25 A That Sue had been -- well, my impression of what

1 Sue had told me was that she had been performing those
2 functions for a long time and that Peter was trying more
3 and more to take that away from her.

4 Q And did Ms. Mazzoccoli express to you that they
5 were her job functions to do?

6 A I don't recall that she would have used those
7 words.

8 Q Okay.

9 A Just that in processing the cases and scheduling
10 things, that that's something that was her responsibility
11 to do as the executive assistant or executive director.

12 MR. SNOOK: Just one suggestion. Since we
13 are going to segue to -- does anyone want to
14 take a break?

15 THE WITNESS: I'd like to, if that's okay.

16 MS. BAIRD: Oh, sure.

17 (A recess was taken at 9:57 a.m.)

18 (The proceedings resumed at 10:11 a.m.)

19 BY MS. BAIRD:

20 Q I think we left off talking about Sue Mazzoccoli,
21 so I'm going to pick up on that again and some concerns
22 she raised with you about Mr. Kuck.

23 Do you recall there being some sort of claim
24 that Mr. Kuck had harassed Sue Mazzoccoli?

25 A She had mentioned that.

1 Q Okay. And what did she say about that
2 harassment?

3 A I don't have any specific recollection other than
4 she felt intimidated. She felt like he berate -- not
5 berated her, but she -- she just felt very uncomfortable
6 around him.

7 Q Okay. There was never any indication that it was
8 other than what you've described, correct? There was no
9 indication of any physical intimidation; touching or
10 anything like that. Correct?

11 A No, no, no, no, no.

12 Q Okay.

13 A I don't have any recollection of that at all.

14 Q Do you recall it being an issue presented by
15 counsel from the Attorney General's office that there had
16 been some claim of sexual harassment?

17 A I don't have any recollection of that.

18 Q Okay. But there was never a claim made by Sue
19 Mazzocoli of sexual harassment. Correct?

20 A I don't --

21 Q To you.

22 A -- know of any. Oh, not to me, no.

23 Q Okay. So what did you do with regard to
24 Ms. Mazzocoli's claim to you that she felt intimidated by
25 Mr. Kuck?

1 A Frankly, I didn't really know what to do. On the
2 one hand, as the chairman of the board I thought I might
3 have some responsibility to try and address it. On the
4 other hand, it was, you know, way outside -- or I felt it
5 was way outside my scope of -- I don't want to say
6 "expertise," but even familiarity. You know, I hadn't
7 ever had anybody make that sort of claim to me, and I told
8 her I would try and see if I could -- again, I mean, I did
9 see it as part of my role to make sure that things went
10 smoothly on the board, and I thought that would include
11 between the board and its staff. And so that is what I
12 really felt like was the extent of what I could do.

13 Q Was there an executive session that was held
14 where the matters we're discussing right now were
15 discussed?

16 A Yes, but I -- I didn't know to what extent the
17 matters could be resolved by doing that. I had hoped that
18 by having everybody -- my policy is really having
19 everything out in the open, figuring that that would maybe
20 hopefully promote some sort of discussion and try and
21 resolve matters. That's really kind of the policy I
22 always try to have. And so the executive session was
23 really in that spirit; to try and, you know, air some
24 things and -- you know, like a family. Get some of these
25 things out and see if maybe there could be some

1 resolution.

2 Q What was specifically addressed at that executive
3 session?

4 A I don't know that anything specifically was
5 addressed.

6 Q Okay.

7 A I was just trying to create an atmosphere or a
8 context for discussions and airing of, you know, where
9 people were coming from, with a view of hopefully having
10 things be better.

11 Q So what did you say towards that goal?

12 A Pretty much what I just said. You know, we all
13 have this job to do, we're all volunteers. You know,
14 there's been some concerns, tempers have run high in some
15 instances and sometimes maybe that can be misinterpreted.
16 You know, I certainly didn't want to diminish what Sue was
17 feeling; and whether or not he would agree or not I didn't
18 really want to diminish what Peter was feeling either. I
19 mean obviously he had some very strong opinions about
20 things.

21 Q Did Mr. Kuck speak at the executive session?

22 A I think he did, yes.

23 Q Okay. And did Sue Mazzoccoli speak at the
24 executive session?

25 A Yes.

1 Q And what did they talk about?

2 A I don't have any specific recollection.

3 Q How about other members of the board? Who was
4 present?

5 A I don't have any specific recollection of who was
6 present. I know we had a quorum because we had conducted
7 hearings. One, maybe two people might not have been
8 there, but my best recollection is that most of them, all
9 the members were there.

10 Q What input did the other members give at the
11 executive session?

12 A Not much. Again, the context or atmosphere I
13 wanted to create is, you know, this is -- you know, we're
14 all trying to work toward the same goal and, you know,
15 let's all figure out how best we can do that.

16 Q Was it your impression that the backlog was
17 somehow attributable to people not getting along on the
18 board?

19 A I don't -- well, no; I don't think that the
20 backlog would have had anything to do with that. But to
21 the extent that it affected our operation as an efficient
22 organization, I don't know that that would have
23 contributed directly to the backlog. It certainly would
24 have made it less pleasant for some of the members to come
25 to the meetings.

1 Q Okay. So other than pleasantries, what impact did
2 it have on the efficiency of the board, the scenario where
3 perhaps people aren't -- there is hostility?

4 A I wouldn't -- I would hope that there wouldn't be
5 any direct impact on the efficiency. But again, it's a
6 volunteer organization, and if you don't enjoy working at
7 that volunteer organization or at least don't find it
8 distasteful, then, you know, that's -- it's a good thing
9 to have a collegial body.

10 Q Were there any members of the board that left
11 while you were on the board, that you know of, as a result
12 of perhaps it not being as pleasant as it could be to be
13 on the board?

14 A None. But I like to think that was due in great
15 part to my efforts to try and keep them on there.

16 Q And with particular board members, what efforts
17 did you make?

18 A Basically pleadings: Please don't leave because,
19 you know, if we don't have a quorum we can't conduct our
20 meetings; and if we can't conduct our meetings, it will
21 just push things back even further.

22 Q Okay. And who did you specifically say that to?

23 A There were a few. The only one that I have any
24 specific recollection of is Colonel -- Colonel -- his name
25 totally went out of my mind.

1 Q Was there a general named Colonel Nelson?

2 A Thank you. Yes. Craig Nelson.

3 Q And so you spoke to Colonel Nelson?

4 A Yes. I do have a recollection of that.

5 Q What were his concerns?

6 A That the hearings were going on too long. That a
7 lot of -- his impression or what he told me his impression
8 of the hearings were, that they were unnecessarily long
9 because of the kind of animosity that he also was
10 concerned about between Peter and the department.

11 Q Did Colonel Nelson eventually leave while you
12 were the chairman?

13 A I don't think he left while I was the chairman.

14 Q And do you know if your discussions with him
15 impacted his decision to perhaps stay longer?

16 A I can only hope that they did. He certainly
17 stayed longer than he had wanted to.

18 Q Now, at some point while you were on the board,
19 Joseph Corradino became a member of the board. Correct?

20 A Yes.

21 Q Was he a member of the board that was appointed
22 as a result of the provision in the statute where somebody
23 from DPS -- a DPS-chosen person?

24 A Right. Yeah, I think he was DPS appointed.

25 Q Okay. How did that work, DPS appointed? The

1 Governor still appointed him, though. Right?

2 A I think so. He --

3 Q He was nominated by DPS?

4 A I think that's how that works.

5 Q Okay.

6 A Yeah; but I don't have any specific recollection.

7 I have to double-check the statute. But I think -- my
8 best recollection is that we all are actually appointed,

9 but there are -- well, I know that, for example, the

10 Guild --

11 Q Right.

12 A -- nominates folks.

13 Q Right.

14 A And from that list of folks the Governor will
15 pick who he or she wants to be on the board.

16 Q Who did Attorney Corradino replace?

17 A I think it was Chief Karangekis. I think. But
18 now that I -- I mean I'm recalling -- Chief Karangekis had

19 left. Somebody else must have left at some point because

20 I know that there was another person from the Police

21 Chiefs that needed to be appointed. And I forget his

22 name. He was a -- he came during the last few months, I

23 think, that I was there. So I think that Joe must have

24 replaced Chief Karangekis, but I'm not sure.

25 Q Okay. Did you have any input into Attorney

1 Corradino coming on as a member of the board?

2 A Other than being happy that another attorney was
3 going to join us, I mean no direct input that I recall.

4 Q So let me ask you this. If there's two attorneys
5 on the board, either one of them could serve as chairman.
6 Correct?

7 A Yes; but I think only in the context of the
8 chairman not being present.

9 Q Okay.

10 A I mean if it were true that either one of us
11 could serve, there would have been meetings where I would
12 gladly have stepped back and let him take conduct of the
13 meeting.

14 Q Right. What discussions did you have with
15 Attorney Corradino about the functioning of the board, if
16 any, when he came on board?

17 A I don't have any specific recollection other than
18 perhaps just generally how the board works and, you know,
19 what the role was, is.

20 Q Did you talk to him about the backlog?

21 A I'm sure I mentioned it.

22 Q Okay. And did you have discussions with him
23 about Peter Kuck?

24 A If I did it was in the context of giving him a
25 little bit of information or background about each board

1 member so he knew with whom he served.

2 Q How was it that Attorney Corradino became the
3 secretary of the board?

4 A There was an election and he was elected.

5 Q Okay. Now, did you have any discussions with
6 Attorney Corradino about replacing Peter Kuck as secretary
7 of the board?

8 A Yes.

9 Q And what did you say to Attorney Corradino about
10 that?

11 A I don't have any recollection of what
12 specifically it would have been in the context of. Peter
13 has been a problem on the board and it -- the board would
14 run better and more well, if that's even a way to put it,
15 with a different secretary.

16 Q Okay. And was that because you were anticipating
17 that a different secretary would leave Sue alone and let
18 her continue to do what she had been doing all those
19 years?

20 A I wouldn't -- I don't have any specific
21 recollection of that being the reason. I mean, all I
22 recall my reason being that I thought things would move
23 more efficiently and smoother with a different secretary.

24 Q Well, but let me ask you this. Peter Kuck would
25 still be on the board even if he wasn't the secretary.

1 Correct?

2 A Yes.

3 Q So --

4 A Likely.

5 Q So the conduct that you've described that people
6 were irritated with or expressed dissatisfaction with
7 about the hearings where there were questions asked or
8 hostility, that wasn't affected by Peter Kuck being the
9 secretary, was it?

10 A No; but my impression of Peter was that he
11 thought his role as secretary was one of authority, and I
12 thought it not appropriate that somebody so outspoken and,
13 frankly, in my view a lot of times biased in decisions, I
14 didn't think it appropriate that they have any more power
15 or role than absolutely necessary.

16 Q Okay. And was that based on any of the
17 regulations or statutes?

18 A No. Just my impression of him as another member
19 of the board.

20 Q Okay. Did you have any concerns about Attorney
21 Corradino perhaps not having the authority of a secretary
22 because of any bias or outspokenness he may have had?

23 A No. My impression of Attorney Corradino was and
24 remains one of absolute professionalism.

25 Q Okay. And how long had you known Attorney

1 Corradino at that time?

2 A Not very long, but long enough to form an
3 impression.

4 Q And did you know he was a career prosecutor at
5 that time?

6 A Yes. Yes, I did.

7 Q Okay. Did that concern you at all that he might
8 have any bias towards DPS or law enforcement?

9 A No. No. Because the -- I mean I knew from
10 conversations with him that he would not refuse an
11 appointment as a judge at some point in the future; that
12 he was very -- I don't want to necessarily characterize it
13 as self-conscious, but I can't think of a better way of
14 putting it -- of making sure that he was in fact and in
15 impression, even-handed and had a judicial type
16 temperament. And I thought that would be very helpful to
17 us.

18 Q Okay. What were your specific concerns about
19 Mr. Kuck and what he might do if he continued to be
20 secretary because of his outspokenness or what you've
21 described as his bias?

22 A Yeah; I don't know that I had any specific --
23 anything specific in mind. Just again an overall
24 impression and atmosphere that was created by his
25 presence.

1 Q And while Mr. Kuck was secretary, did you have
2 those concerns while he was secretary as well?

3 A Oh, yes.

4 Q And did that affect your decisions about what
5 role Peter Kuck should play as secretary?

6 A I think that's fair.

7 Q Okay. And were you more comfortable when Peter
8 Kuck was secretary, leaving the administrative functions
9 to Sue Mazzocoli?

10 A Well, I think the short answer is yes. The
11 longer answer is that the -- the functioning of the board
12 having always been a certain way from before I was there
13 to up to that time, I saw that functioning devolving
14 during the time that I was there and I -- my impression
15 was that if anybody was going to have an increased role or
16 increased responsibility as secretary or take on more
17 responsibility as secretary, it ought to be someone that's
18 more even-handed.

19 Q And while Peter Kuck was secretary, you saw that
20 more even-handed person as Sue Mazzocoli?

21 A I didn't really have an impression of -- or had
22 formed an impression of even-handedness. That hadn't
23 really become apparent until later on. That, frankly, in
24 my view, anybody would be more even-handed than Peter.

25 Q Do you know if anyone, any members of the

1 Department of Public Safety ever intimidated Sue
2 Mazzoccoli?

3 A I don't know.

4 Q Okay. Did you ever see Sue Mazzoccoli confront a
5 member of the Department of Public Safety about an issue?

6 A No.

7 Q Okay. Did you ever see Sue Mazzoccoli assert her
8 authority as the executive director of the board to
9 disagree with a member of the Department of Public Safety?

10 A No.

11 Q Can you ever envision, while you were a board
12 member, Sue Mazzoccoli directing Detective Mattson to do
13 something?

14 A No.

15 Q Could you ever envision Sue Mazzoccoli, while you
16 were the board chairman, directing Detective Karanda to do
17 anything?

18 A No.

19 Q Did you ever see Sue Mazzoccoli, while you were
20 board chairman, assert authority over the Department of
21 Public Safety that the secretary had the authority to
22 assert?

23 A No.

24 Q While you were the board chairman, is it a fair
25 characterization to say that Sue Mazzoccoli was basically

1 a puppet of the Department of Public Safety?

2 A No, I don't think that's fair.

3 Q No. What's unfair about it?

4 A I don't -- I mean I saw her role as being --
5 making sure that the cases were processed efficiently and
6 that information was collected. It wouldn't have even
7 occurred to me that there was a relationship, good or bad,
8 between her and the department other than to make sure
9 that the cases got processed.

10 Q Okay. Are you aware of a situation where Sue
11 Mazzoccoli and Detective Karanda and Detective Mattson
12 discussed getting rid of Peter Kuck as the secretary on
13 the board?

14 A I have no idea if that ever happened.

15 Q Okay. Did you ever discuss with Sue Mazzoccoli
16 getting rid of Peter Kuck as secretary of the board?

17 A I probably mentioned to her at some point that
18 I'd be interested in having somebody be secretary.

19 Q Okay. Did you ever discuss with Sue Mazzoccoli
20 getting Peter Kuck not renominated to the board?

21 A Yeah.

22 Q Okay. And do you know if there were any efforts
23 made by Sue Mazzoccoli in that regard?

24 A I think so. I think there were.

25 Q And what were they?

1 A To contact the Boards and Commissions person on
2 behalf of the board to find out what the process was and
3 to let them know that in our opinion it would be better
4 for the board if the Guild came up with somebody else to
5 be appointed.

6 Q Okay. Were there any other members on the board
7 that had what you've described as hostile or
8 confrontational relationship with the Department of Public
9 Safety?

10 A None that come to mind, no.

11 Q Were there any other members of the board that
12 questioned the Department of Public Safety during
13 hearings?

14 A Oh, yes.

15 Q Okay. And who were they?

16 A Any or all of us. At one time or another in our
17 position as judges over the cases, you know, we would butt
18 heads with both the -- what we considered the prosecutors
19 and what we considered the defendants in these matters.

20 Q Okay. But the defendants were really appellants;
21 is that correct?

22 A Appellants. Yes. I'm sorry. I keep -- the
23 analogy; that's how I keep it straight in my head.

24 Q Okay. Were you aware of -- well, let's get back
25 to this. Do you know a gentleman named Ed Peruta?

1 A Oh, yes.

2 Q And when did his name first become known to you?

3 A Oh. I don't specifically recall when. My best
4 recollection is that his name started cropping up along
5 the same time as the Goldberg name started cropping up.

6 Q Were you asked to make any decisions with regard
7 to information that was to be provided to Mr. Peruta that
8 he was requesting?

9 A Yes.

10 Q Okay. And what decisions were those and who came
11 to you about them?

12 A Decisions about board deliberations, documents,
13 producing documents, giving him stuff for his -- what I
14 thought was his case that he was doing on behalf of
15 Goldberg.

16 Q Did you receive any complaints about Mr. Peruta
17 from Sue Mazzoccoli?

18 A Just general that he was difficult to deal with.

19 Q Okay.

20 (Brief discussion held off the record.)

21 BY MS. BAIRD:

22 Q Did you receive complaints from any board members
23 about Mr. Peruta?

24 A Yes.

25 Q Who?

1 A I don't have any specific recollection of who,
2 other than Colonel Nelson. Actually, he would say that,
3 you know, Ed was belligerent, disruptive.

4 Q At some point did you see any connection between
5 Mr. Kuck and Mr. Peruta?

6 A Oh, yes.

7 Q And when did you first determine there was a
8 connection?

9 A Well, I wouldn't characterize it as determining
10 there was a connection as much as there seemed to be an
11 alignment of interest between them.

12 Q Okay. And what was that interest that you saw as
13 aligned between Mr. Kuck and Mr. Peruta?

14 A It seemed they had in common that they both
15 thought that Goldberg had been -- what's the best way of
16 putting it? I don't want to say "railroaded," but had
17 been treated unfairly by the police.

18 Q Okay. Did you see any other alignment of
19 interests between Mr. Peruta and Mr. Kuck?

20 A I mean, my impression was that they were
21 generally aligned philosophically, ideologically. Among
22 all the board members, Ed seemed to find a friend in
23 Peter, was my impression.

24 Q Okay. And what was that philosophy?

25 A Just being very outspoken pro-Second-Amendment

1 rights.

2 Q Okay. At some point did you become aware that
3 Mr. Peruta obtained e-mails from the Board of Firearms
4 Permit Examiners' executive director?

5 A Yes.

6 Q When did you become aware of that?

7 A I don't have -- I don't specifically recall when.
8 At some point.

9 Q And have you had a chance to look at the e-mails
10 that were obtained or to know --

11 A No.

12 Q -- exactly what e-mails were obtained?

13 A No.

14 Q Did you ever discuss with Susan Mazzoccoli
15 obtaining copies of exactly what she had disclosed to
16 Mr. Peruta?

17 A I don't have -- I don't specifically recall
18 asking her that, but the -- I think that anything that I
19 would have said to her is that whatever he's looking for,
20 I mean if it's something that he has a right to have, let
21 him have it.

22 Q Okay. Well, what I'd like to do is mark these
23 e-mails as Exhibit 22.

24 A Okay. Is that this pile here?

25 Q Yes.

1 A Okay. I probably will need a break at some
2 point.

3 MS. BAIRD: Off the record.

4 (Plaintiff Exhibit 22 marked for
5 identification.)

6 MS. BAIRD: Back on the record.

7 BY MS. BAIRD:

8 Q I'll hand you the official Exhibit 22 and then I
9 have a copy for your counsel.

10 Basically how I'd like to begin is to ask you to
11 look at these documents and tell me, first, if you've
12 ever seen them before and, second, if we can come to some
13 agreement that they either were sent from you or to you.

14 A Yes.

15 (Reviewing.) I am going -- I mean I don't know
16 if I should stipulate to all of these, but I can only
17 assume if you have them that they are things that I've
18 seen and that I have sent.

19 Q Well, what we can do is we can start kind of
20 going through a couple that I've highlighted; certainly
21 we're not going to read every one. And then if something
22 comes to your mind and you say "Wow, I" --

23 A "Somebody took over my account"? I don't expect
24 that will be likely.

25 Q You could bring that to my attention, and then if

1 we have a break maybe you'll have a chance to look through
2 them all and bring any concerns to our attention that you
3 have.

4 A Okay.

5 MR. SNOOK: For the record, the Attorney
6 General's office has not thoroughly vetted the
7 process by which Mr. Peruta got these or the
8 appropriateness of that. We reserve that for
9 motions in limine, things down the road. I'd
10 just like it to be reflected on the record that
11 while we certainly have every reason to believe
12 that these are accurate and complete e-mails
13 between the deponent and Sue Mazzoccoli, we
14 reserve the right to challenge that, if
15 necessary, as we go forward.

16 MS. BAIRD: Okay.

17 BY MS. BAIRD:

18 Q So I'd like to first direct your attention to --
19 and hopefully this goes smoothly -- the second page. It's
20 a May 30th, 2006 e-mail at 3:51.

21 A Oh, okay.

22 Q And in that e-mail it appears that you're
23 discussing with Ms. Mazzoccoli an upcoming hearing date,
24 is that correct, and scheduling that?

25 A It looks like that, yes.

1 Q Okay. Would you describe for me before the
2 meetings that you would have as board chairman, what
3 process you would go through with Sue Mazzoccoli in
4 scheduling what was going to be heard at the next hearing?

5 A It evolved over time because initially I didn't
6 have any -- I don't -- any involvement at all, really, in
7 scheduling it. And then it evolved to a point where I was
8 very curious as to how many cases had been scheduled,
9 whether or not we were scheduling as many as we could.
10 And so it was really not a set process. I mean it was --
11 or I wouldn't even characterize it as a process. It
12 wasn't a set conversation. It was a conversation that
13 would evolve over time, that did evolve over time.

14 Q Okay. Did your heightened interest in scheduling
15 cases have any relationship to some scrutiny or publicity
16 that had attached to the backlog at the board?

17 A No. As -- my best recollection is that my
18 concern was really driven by our entire board's concern,
19 most vocally expressed by Peter, that we schedule more
20 cases if possible.

21 Q Okay. And at the time in question of this May
22 30th, 2006 e-mail that was sent at 3:51 p.m., who was
23 identifying the cases that would be heard at the next
24 meeting?

25 A I think it -- my recollection is that it was Sue.

1 Q Okay. And would Sue tell the Firearms Unit what
2 appeals they should have ready for the next hearing?

3 A I think so. I'm not really familiar with how she
4 did her work.

5 Q Okay.

6 A Just that as these -- my best understanding of
7 the process, the administrative process from her end was
8 that as these things -- as the appeals would come through
9 she would process them, she would send a letter out. I
10 mean there was a whole process that she went through in
11 order to have these things move along and come to a
12 hearing. And whenever they became ripe for a hearing, she
13 could let the DPS know which ones were ripe for a hearing.
14 I think. I think that's the way it worked.

15 Q Do you know if Ms. Mazzoccoli reviewed the actual
16 cases in terms of the investigation reports prepared by
17 the Firearms Unit prior to the hearings?

18 A I don't know if she did or didn't. I wouldn't
19 expect that she would.

20 Q Okay.

21 A I mean, I saw her role as being purely
22 administrative, just processing the paperwork.

23 Q Okay.

24 A Not having any sort of opinion or evaluation of
25 the contents.

1 Q Okay. And in processing the paperwork, conveying
2 a list of the appellants' names that were to be scheduled
3 for the next hearing?

4 A That's what I would expect, yes.

5 Q Okay. If you could go further in your book, at
6 the top of the page it's a March 9th, 2007 e-mail.

7 A Okay.

8 MR. SNOOK: Are these consecutive --

9 A I was looking at page numbers that you have, but
10 I don't have them.

11 MS. BAIRD: They should be consecutive,
12 yes. Chronological.

13 A I'm sorry. What date?

14 BY MS. BAIRD:

15 Q March 9th, 2007.

16 A Oh, this one here.

17 Q 9:31 a.m.

18 A Okay.

19 Q Now, again, this is Ms. Mazzocoli sending an
20 e-mail to you. And is she reporting in this e-mail some
21 sort of information to you? Correct?

22 A Looks like it, yes.

23 Q And what is she telling you in that e-mail?

24 A When I saw this e-mail -- I mean as I see this
25 e-mail, this looks to me like she is telling me they've

1 settled eight cases.

2 Q Okay. And is it your impression that she would
3 have sent a list of 40 cases to the Firearms Unit?

4 A That would be my impression, yes.

5 Q Okay. And after eight names are taken care of,
6 were there eight more names that were added to the list
7 for the next hearing?

8 A I don't -- I don't know, is the short answer; but
9 I think at one point we were wonder -- I do recall
10 wondering, the board wondering whether or not more cases
11 could be added in a situation where cases had been settled
12 beforehand; and we were told that they couldn't because
13 there wouldn't be enough time to get the paperwork out and
14 notice new people to be ready, and that sort of thing.

15 MR. SNOOK: If I could interrupt. When you
16 say "notice new people," is that notice to DPS
17 or notice to the actual appellants?

18 THE WITNESS: I think it was -- that's a
19 good question. I think my impression was that
20 it was notice to the appellants, getting them
21 ready. So as far as -- and also noticing DPS.
22 I mean letting -- well, letting people know that
23 these others would be on or there wouldn't be
24 enough time.

25

1 BY MS. BAIRD:

2 Q Okay. Based on your experience as the board
3 chairman, what's your opinion about how that might have
4 been affected if the 90-day window had been adopted?

5 A My impression was that if folks had been aware
6 earlier of the possibility that they could be called, then
7 if it became necessary or if there was an opportunity to
8 call them, it would be more likely that they would be
9 ready to go.

10 THE WITNESS: I don't want to affect your
11 train of thought, so I'd like to ask for a
12 break. If that's okay.

13 MS. BAIRD: Yes.

14 (A recess was taken at 10:48 a.m.)

15 (The proceedings resumed at 10:56 a.m.)

16 BY MS. BAIRD:

17 Q Let's go next then to an e-mail that at the top
18 of the page is dated March 20th, 2007, at 2:25 p.m.

19 A Yes.

20 Q What do you know about a visit or meeting between
21 Peter Kuck and Senator Guglielmo?

22 A Other than this, nothing.

23 Q Okay. What was the reason, if you know or if you
24 ever discussed with Ms. Mazzocoli, for her conveying this
25 information to you about Peter Kuck?

1 A No recollection.

2 Q Did you receive e-mails from Ms. Mazzoccoli --
3 was there some policy with regard to your position as
4 board chairman that Ms. Mazzoccoli sent e-mails to you
5 about any communications she had with other board members?

6 A No. And frankly, the e-mails -- I didn't know
7 whether or not she had ever sent a lot of e-mails to my
8 predecessor or not. I know that whenever I first became
9 chairman, there wasn't much communication between us at
10 all. As things continued to escalate on the board, she
11 felt more comfortable, for lack of a better way of putting
12 it, documenting what she was doing. I think she felt that
13 people were questioning the type of job she was doing.

14 Q And when you say "people were questioning the
15 type of job she was doing," is one of those people Peter
16 Kuck?

17 A Yes.

18 Q Okay. Any other person that you recall
19 questioning the job?

20 A I don't have any specific or direct knowledge
21 other than what she told me. She said that Ed Peruta also
22 thought that she didn't do a good job.

23 Q Well, Ed Peruta didn't have any position on the
24 board --

25 A No.

1 Q -- correct?

2 A No. Well, I thought you had asked me if anybody
3 else --

4 Q Right.

5 A Yes.

6 Q Did Mr. Kuck ever discuss with you that he blamed
7 Sue Mazzoccoli for the backlog?

8 A I don't recall that, no.

9 Q Okay. Was there any blame ever placed by anyone
10 on Sue Mazzoccoli for the backlog?

11 A For the backlog? No. I mean one of the things
12 that I -- well, it may be overstating the same problem,
13 but blame really never entered the picture. I mean if
14 there was any expression of blame or who had more of a
15 role with the backlog than anybody else, it was Peter
16 and -- well, mostly Peter; maybe some others, including
17 myself -- wondering the extent to which DPS had a role in
18 the backlog. Maybe if they were more efficient, maybe we
19 could address it more. We as a board were certainly as
20 efficient as we thought we could be.

21 Q What control mechanisms, if any, did the board
22 have to compel DPS to increase its efficiency if it was,
23 in fact, not as efficient as it could have been?

24 A No official statutory role at all, as far as I
25 could tell. Which was why I thought it even more

1 important that we try and develop a cooperative and good
2 relationship with them; you know, hopefully getting by
3 some persuasion what we couldn't compel them to do.

4 Q Was it your opinion as the board chairman that
5 DPS denied permits and revoked permits because it believed
6 there was cause to do so?

7 A Yes.

8 Q Okay. And following up on that --

9 A Well, just to be specific, I think that -- and
10 frankly, I don't know how or when this evolved, but it
11 would be the local police that would do the revocations
12 or -- I mean I just want to make sure that distinction is
13 clear. I don't know that it's always or exclusively the
14 DPS that's doing the revocations. They are certainly
15 representing the department's interests in the revocations
16 and the denials, and I think ultimately if those decisions
17 be voted on.

18 Q Right --

19 A But I think the initial revocations or denials
20 are often done by the police.

21 Q And when you were board chairman, DPS represented
22 law enforcement in the --

23 A Yes.

24 Q -- denial process as well as the revocation
25 process?

1 A Yes. Yes, that's right.

2 Q Following up on that, did you consider while you
3 were board chairman that DPS may have had an interest in
4 not having appeals heard?

5 MR. SNOOK: Objection as to hearsay.

6 But please feel free to answer, if you can.

7 A It wouldn't surprise me if they did. I don't
8 have any specific recollection of them saying so.

9 BY MS. BAIRD:

10 Q In other words, do you agree that it was the
11 appellant that was the party more interested in having the
12 appeal come up faster than DPS?

13 A Oh. Yes. Yes. Yes. But I wouldn't want to
14 infer -- I wouldn't want anybody to infer from that that
15 that would necessarily mean that the DPS had a
16 complementary interest in slowing it down. I never got
17 that impression.

18 Q Okay. Is it your testimony that under the
19 regulations applicable to the board, that the secretary
20 did not have or does not have any mechanisms at his or her
21 disposal to increase or impact the DPS's efficiency?

22 A I don't think there's any way for them to -- for
23 the secretary to do that.

24 Q Is there any way for the secretary to ensure that
25 cases are brought in a more timely manner from the

1 Firearms Unit to be heard before the board?

2 A No. I think the only thing the secretary can do
3 as far as scheduling and stuff is what he or she has the
4 control and power over, which is our side of it, not DPS's
5 side.

6 Q Okay. What involvement did you have, if any, in
7 the issue that arose with regard to Peter Kuck's renewal
8 of a state permit and the requirement imposed by DPS that
9 he present some sort of identification?

10 A No -- no legal involvement. I think that came up
11 after -- I mean that officially came up after I left. But
12 it was the subject of many conversations amongst the board
13 members.

14 Q Okay.

15 A And between Peter and myself.

16 Q And it appears from the e-mail that we're looking
17 at in Exhibit 22 that Ms. Mazzoccoli would -- and that's
18 the March 20th, 2007, 2:25 p.m. e-mail -- that
19 Ms. Mazzoccoli would report to you what she knew about the
20 situation with Peter Kuck and his attempt to renew his
21 permit?

22 A Yes.

23 Q Okay. Did you ask Ms. Mazzoccoli to keep you
24 apprised of what she knew about Mr. Kuck?

25 A No. She volunteered that.

1 Q Okay. Going to what I hope is the next page in
2 your Exhibit 22, at the top it has a Thursday, March 22nd,
3 2007 e-mail, 12:08 a.m.?

4 A Yes.

5 Q And if I could direct your attention more to the
6 bottom of the page where there's an e-mail from you to
7 Peter, and it's regarding what we've already discussed;
8 you know, a meeting or a response by the commissioner of
9 Public Safety?

10 A Yes.

11 Q Was it your impression that Mr. Kuck did want to
12 meet with the commissioner of Public Safety to discuss the
13 backlog?

14 A No.

15 Q Okay. Was it your impression that he wanted you
16 to communicate with the commissioner of Public Safety
17 regarding the backlog?

18 A No.

19 Q What was your impression?

20 A My impression was that he wanted the board as the
21 board to communicate with the commissioner.

22 Q Okay. And you as the chairman of the board.

23 A Yes.

24 Q Okay. And going to the next page where Mr. Kuck
25 asks in the March 15th, 2007, 6:53 p.m. e-mail whether

1 you've been able to set up a meeting with the new head of
2 Public Safety to discuss the backlog issue?

3 A Yes.

4 Q And at that time was it your decision that
5 Commissioner Danaher had not been in office long enough --

6 A Yes.

7 Q -- to set up that meeting?

8 A Yes.

9 Q Okay. Were you aware or ever told by
10 Commissioner Danaher or one of his representatives that he
11 was involved in other matters such as the backlog at the
12 lab?

13 A This is the first I've heard of that.

14 Q Okay. Okay.

15 A So no.

16 Q So during the time between your letter of
17 May 14th, 2007 and Commissioner Danaher's response on
18 September 14th of 2007, were you ever told by Commissioner
19 Danaher or anyone in the Department of Public Safety that
20 the reason for the four months in response time was
21 because Commissioner Danaher was working on other things?

22 A I don't have any specific recollection of that.

23 Q Okay.

24 A It wouldn't surprise me if that had been one of
25 the reasons why they're still working -- they would say

1 that they were still working on the letter.

2 Q Do you recall any specific reason about the time
3 period for still working on the letter?

4 A No specific reason. Just agency type reasons.

5 Q Okay. Going on, a March 19th, 2007 e-mail.

6 A Okay.

7 Q Do you have that?

8 MR. SNOOK: No.

9 A Is it the previous page?

10 MS. BAIRD: I think that one is out of
11 order; I remember looking at that. So strike
12 that question.

13 MR. SNOOK: My next is March 22nd.

14 MS. BAIRD: Okay.

15 BY MS. BAIRD:

16 Q We're going to go on then to a March 27th, 2007
17 e-mail, 11:38 a.m.?

18 A Yes.

19 Q And again Sue's reporting to you about Mr. Kuck's
20 contact with Senator Guglielmo?

21 A Yes.

22 Q And again did you ask her to report to you about
23 Peter Kuck's activities?

24 A No.

25 Q And what discussions, if any, did you have with

1 Phil Dukes about him communicating with Peter Kuck?

2 A None that I recall.

3 Q Okay. Were you concerned at all during this time
4 period when you were receiving e-mails from Susan
5 Mazzoccoli, that Ms. Mazzoccoli as a staff member may have
6 gotten the impression that you didn't fully support Peter
7 Kuck in his job as secretary?

8 A I think she was concerned about her job. I know
9 that she was concerned about her job. And I think that
10 she -- well, I don't know what she thought. But the
11 impression that I got from receiving the e-mails was that
12 she was providing additional evidence that Peter was out
13 lobbying for different things.

14 Q Okay. An April 10th, 2007 e-mail, 11:50 a.m.?

15 A Yes.

16 Q Okay. Now, there's a discussion here between you
17 and Ms. Mazzoccoli, sort of a string on that page and the
18 next page about --

19 A Okay.

20 Q -- scheduling cases. Correct?

21 A It appears that that's what this is, yes.

22 Q Okay. And it appears that -- am I correct that
23 you and Ms. Mazzoccoli when you would have these
24 conversations about scheduling cases, that Mr. Kuck would
25 be left out of it; that he was not involved in these

1 conversations?

2 A That's correct.

3 Q Okay. And at some point there was even a
4 discussion between you and Ms. Mazzoccoli that Peter Kuck
5 wouldn't be allowed to see the upcoming cases.

6 A Right.

7 Q Even if he asked.

8 A Yes.

9 Q Now, why was that?

10 A Because, again, in my impression over -- that I
11 had developed over time with dealing with Peter was that
12 he was more and more outspoken and passionate about what
13 he perceived to be an injustice that was -- DPS was
14 involved in. I didn't -- I didn't share that perception.
15 And whenever any discussion about scheduling cases came
16 up, he would always blow it up; blow up the discussion and
17 see it as additional evidence of DPS -- DPS's bad
18 behavior, in his opinion. And frankly, I didn't think
19 that that was helpful, that type of perspective.

20 Q Just for the record, when you say "blow up the
21 discussion," what does that mean?

22 A Get so worked up and riled up about it that
23 constructive discussions about how best to proceed were
24 difficult to have.

25 Q Okay. And going along with that then, on the

1 page at the top where it has the April 10th, 2007, 11:50
2 a.m. e-mail, if you go to the bottom of that page, it has
3 an e-mail from you to Sue, April 10th, 2007, 8:31 a.m.?

4 A Yes.

5 Q Where you talk about Peter is going to totally
6 flip. Correct?

7 A Yes.

8 Q Okay. And what would he have flipped out about
9 with regard to scheduling at that particular time?

10 A At this particular point in time it looks like
11 the fact that there weren't -- there wouldn't be enough
12 cases, in his mind, for us to hear.

13 Q Okay. And was it your impression that DPS could
14 not add more cases?

15 A That was my impression, yes.

16 Q Okay. And do you know the reason? And I know we
17 have already discussed this --

18 A Yeah. I don't know.

19 Q Okay. Let's continue on this string of e-mails
20 then. Again it's the page at the top that has the
21 April 10th, 2007, 11:50 a.m. e-mail. If you go to the
22 e-mail second from the bottom --

23 A Yes.

24 Q -- April 10th, 2007 --

25 A Yes.

1 Q -- 9:38 a.m. It looks like there's a decision
2 made -- or a discussion between you and Ms. Mazzocoli to
3 do something so that there's some sort of reflection in
4 the minutes of the next board meeting about how many cases
5 were heard. Is that correct?

6 A Yes.

7 Q And what's the purpose of this planning between
8 you and Ms. Mazzocoli?

9 A Let me just look at it real quick.

10 Oh, yeah. This is -- I recall us having a
11 discussion, and it's reflected in this e-mail as well,
12 about making sure that the list of cases that were
13 disposed of, that that list was accurate. And
14 sometime -- my recollection is that sometimes there would
15 be cases that the DPS would resolve, settle, ahead of
16 time that we never even heard about or knew about. But
17 to the extent that the backlog was an issue that we were
18 very concerned about, I thought it important that we know
19 about the disposition of all the cases and that the
20 disposition of those cases be reflected in the agenda and
21 in the list of -- you know, in the list of cases that
22 were disposed of or settled.

23 Q Was that, in fact, done for this next meeting?

24 A I expect it was. I know that on a going-forward
25 basis or at least evolving very quickly over time we

1 developed -- and by "we" I mean first Sue and then the
2 rest of the board agreed that it was a more accurate
3 reflection of what steps were taken to address the backlog
4 that all the cases that were disposed of, whether by
5 hearing or by settling or, you know, prior disposition or
6 whatever were all reflected and noted.

7 Q Okay. From that point onward, and we're talking
8 about it looks like probably what turned out to be the
9 May 2007 meeting, because this was an April 10 --

10 A That sounds right.

11 Q From the May 2007 board meeting onward, do you
12 know if the agenda would have a list of cases that were
13 settled by DPS or --

14 A I think --

15 Q -- withdrawn or whatever, prior to hearing?

16 A Resolved prior to hearing.

17 Q Okay.

18 A I recollect that being one of the headings.

19 Q So was that something new under your chairmanship
20 that hadn't been done before?

21 A I don't know if it had been done before. I
22 thought that it was -- it was certainly knew from whenever
23 I was on there.

24 Q Okay. But because of for whatever reason, even
25 if those resolved cases were on the agenda, additional

1 ones couldn't be scheduled, that really didn't impact the
2 backlog. Am I correct?

3 A The decision to note those certainly wouldn't
4 have affected the backlog. But I wanted to make sure that
5 Peter and members of the board and the public knew that
6 there are a lot of other cases being processed and
7 resolved one way or the other, in addition to what we
8 actually had to go through hearing.

9 Q And if there would have been -- going back to
10 that 90-day window or even a greater window if there could
11 have been an agreement about that, do you have an opinion
12 about when you were board chairman if it was more than a
13 30-day window, perhaps a 90-day window when the board
14 found out the cases had been settled, would that have
15 affected -- could that have affected the backlog in any
16 way, and how?

17 A Yeah. I think the hope among the board members,
18 including myself, was that by having a -- by having DPS
19 review things earlier and, again, have things ready to go
20 earlier, that those -- I guess from an overarching policy,
21 our hope was that we would have those settlement
22 discussions, for lack of a better way of characterizing
23 them --

24 Q Sure.

25 A -- happen sooner rather than the day of the

1 hearing or the day before the hearing, because I thought
2 the reality was that a lot of times, you know, agency
3 workers -- I certainly know in my own shop a lot of times
4 you don't deal with the things until you have to deal with
5 them, and sometimes you won't look at a file until it's up
6 or ready to be looked at. And so I thought that maybe by
7 having that prompting earlier, that maybe that would give
8 the process enough time to process more cases.

9 Q Did Sue Mazzocoli, to your knowledge -- and it
10 probably would have been at your direction -- ever ask DPS
11 to review cases earlier?

12 A I expect she probably did. You know, certainly
13 if we -- if we could make them review them earlier we
14 would have. But, you know, asking them if they could, I
15 figured would be the very least we should do.

16 THE WITNESS: Would I be able to take
17 another break?

18 MS. BAIRD: Yes. Anything.

19 (A recess was taken at 11:19 a.m.)

20 (The proceedings resumed at 11:25 a.m.)

21 BY MS. BAIRD:

22 Q We've been looking at some e-mails from April of
23 2007 regarding scheduling, and you've already testified
24 that you were on the board through, you know, midyear
25 2008. How would you characterize from April 2007 through

1 the time you left, your involvement in scheduling hearings
2 with Ms. Mazzocoli? Or discussing scheduling hearings
3 with Ms. Mazzocoli?

4 A Yeah; that's a fair characterization, just
5 discussing. Fairly constant. Well, fairly consistent.
6 From about this time through the end, you know, she would
7 let me know how many cases have been scheduled so that we
8 would know or have a better idea of what we were looking
9 at as far as the amount of time we'd be spending.

10 Q There was an election where Attorney Corradino
11 was elected secretary?

12 A Yes.

13 Q And he replaced Mr. Kuck?

14 A Yes.

15 Q Was that related at all to an opinion that was
16 received from the Office of the Attorney General regarding
17 any conflict Mr. Kuck had in serving on the board because
18 he had brought a lawsuit in this matter, Kuck versus
19 Danaher?

20 A Yes.

21 Q And how were those things related?

22 A I think they were related insofar as additional
23 evidence or reason to not have Peter have any more of a
24 role than necessary because of the lawsuit that he was
25 planning on bringing.

1 Q Okay. And at the time the election was held --
2 that was in, what, October of 2007?

3 A That sounds about right. Sometime around the
4 fall of '07.

5 Q Did you also have concerns about the process that
6 Mr. Kuck had engaged in regarding obtaining the renewal of
7 his state permit?

8 A Yes.

9 Q Okay. And what concerns did you have about that
10 as related to Mr. Kuck's service as secretary?

11 A My concern was that, to put it in a nutshell, a
12 judge shouldn't be a plaintiff. And I spoke to Pete on a
13 number of occasions about my concern that as a judge of
14 these types of cases, if he wanted to sue and become a
15 plaintiff, that he would be -- his case and, frankly, the
16 board, which was my biggest concern, would be best served
17 for him stepping down, if even temporarily, in order to
18 pursue that and not be in a situation -- not put us as
19 board members in a situation where we have to be
20 adjudicating over another board member's permit.

21 Q Okay. But certainly judges, if they have issues,
22 appear in front of other judges. Correct?

23 A Sure.

24 Q So it's not an unusual circumstance.

25 A No, it may not be an unusual circumstance

1 generally. I thought it was a remarkably unusual
2 circumstance for our board.

3 Q When Attorney Corradino took over or was elected
4 to replace Mr. Kuck as secretary, what involvement do you
5 know, if any, did Attorney Corradino have in working with
6 Sue to schedule cases?

7 A I don't know of any.

8 Q Okay. Did your interactions with Sue change in
9 degree or in quantity after Attorney Corradino became
10 secretary, in terms of scheduling?

11 A I don't have any specific recollection of that,
12 but I -- I don't mind saying that I was more comfortable
13 with Joe being secretary than I was with Peter. So if
14 communications with Sue had diminished, I wouldn't be
15 surprised.

16 Q Diminished between you and Sue?

17 A Right.

18 Q With Attorney Corradino taking over more of --

19 A Yes.

20 Q -- that job?

21 A Yes.

22 Q Did you ever feel like when you were board
23 chairman that you were performing some of Peter Kuck's
24 role as secretary?

25 A No.

1 Q Did you ever feel when you were board chairman
2 that you were preventing Peter Kuck from performing his
3 role as secretary?

4 A No.

5 Q How about in discussing with Sue that Peter Kuck
6 shouldn't have access to certain files in the board's
7 offices? Do you think that impacted his ability to
8 function in his role as secretary?

9 A I think he'd have to answer that. My concern
10 with him accessing files is because, again, my impression
11 based on what he would say during board meetings was that
12 he would be collecting that information or at least using
13 that information in support of his own case.

14 Q Okay. Is that something that you and Attorney
15 Corradino addressed with the Attorney General's office in
16 requesting an opinion?

17 A I don't recall if we mentioned that specifically.
18 My recollection of the letter was whether or not there
19 would be a conflict if he remained as a board member and
20 as secretary, and also had this appellant's case, his own
21 appellant's case coming before us.

22 Q And the opinion of the Attorney General was not
23 that Mr. Kuck could not be secretary. Correct? The
24 ruling was that he could remain secretary.

25 A Yes.

1 Q Okay. But Attorney Corradino was elected at that
2 time in his place.

3 A Yes.

4 Q When did you initially determine that it would be
5 harmful or not recommended that Mr. Kuck see the board
6 files because he had a conflict or because of his own
7 interests?

8 A I don't know that there was any -- well, I don't
9 recall any specific point, frankly. As is the case with a
10 lot of this, it was an impression and a level of comfort
11 that developed over time, which is to say a level of
12 discomfort that developed over time. So I can't point to
13 any specific time when I determined that. I can only say
14 that whenever -- you know, I was uncomfortable letting
15 those -- letting him have the kind of access that he was
16 looking for, obviously. I was concerned with what he
17 would do with that information.

18 Q Okay.

19 A And his motive for seeking it.

20 Q If we could go back to Exhibit 22, top of the
21 page. It says April 13th, 2007, at 3:36 and 53 seconds
22 p.m.

23 A Okay. April 13th?

24 Q Yes.

25 A Right. Okay.

1 Q Now, we had talked about this a little bit
2 before, whether the board had regulations. This e-mail,
3 correct me if I'm wrong, seems to indicate that you had
4 had some discussion with Ms. Mazzoccoli about bylaws?

5 A Yeah; I didn't know what those were.

6 Q Well, had somebody mentioned bylaws to you? Or
7 how did that subject come up?

8 A Best recollection is that Peter referred to
9 bylaws, and I was trying to figure out what he was talking
10 about.

11 Q Okay. And did the board have any bylaws at that
12 time?

13 A I --

14 Q Or ever?

15 A I don't recall.

16 Q Okay.

17 A My impression was that they did not.

18 Q Okay. Well, let's go on to the next e-mail and
19 it should be on your next page. April 23rd, 2007, at
20 11:30:18 a.m.?

21 A Sorry. 23rd, 2007?

22 Q Let me go to the one you're at. April 23rd,
23 2007, at 3:02 p.m. and 59 seconds?

24 A I have that.

25 Q Okay. Now, there's some discussion here from

1 Susan Mazzoccoli in the second e-mail to you, sent
2 April 23rd, 2007, at 2:25 p.m., and she seems to be
3 reporting back to you about some sort of research or
4 investigation she did into whether the board has
5 regulations. Am I interpreting that correctly?

6 A I think so.

7 Q Okay. I'm trying to get a handle on this. Did
8 you know at this time in April of 2007, that there were
9 regulations numbered 1 through 15?

10 A Yes.

11 Q Okay. And it appears from this e-mail that Peter
12 had asked Sue for a copy of the regulations? If you look
13 at the second page of that e-mail.

14 A Okay. Oh, okay.

15 Q Okay. Did you ever inquire of Ms. Mazzoccoli why
16 Mr. Kuck had left her office with an incomplete set of
17 regulations only numbered 1 through 5?

18 A I don't -- I don't recall asking.

19 Q Do you know if the board's office had a complete
20 set of regulations?

21 A I assumed that they had, but I guess they did
22 not.

23 Q Okay. And where did you keep your complete set
24 of regulations?

25 A I didn't keep a set. They were part of the --

1 the regulations binders that we have in our office.

2 Q Okay.

3 A So I didn't maintain a separate copy.

4 Q So back on, you know, April 23rd, 2007, at 2:25
5 p.m., in the second paragraph it says that Donna e-mailed
6 you the regulations. Is that correct? Do you remember
7 receiving those from Donna?

8 A I don't.

9 Q Okay. And do you know why Sue, Ms. Mazzoccoli,
10 would be telling you that the agency does have regulations
11 if you already knew that?

12 A Looking back at this, the only thing I can think
13 of is that there seemed to be some confusion among Sue,
14 Peter -- and maybe even Donna, for all I know -- confusion
15 as to what were regulations, what were bylaws, what were
16 Robert's Rules. I mean the impression that I got was that
17 folks were using a lot of that terminology
18 interchangeably.

19 Q Okay.

20 A And, of course, with my background I understand
21 that there is a difference, and I knew that there were
22 regulations; but when people started talking about bylaws,
23 I'm like, what's that all about? So I'm trying to figure
24 that out here.

25 Q Okay.

1 A And the only other thing that I knew we were --
2 not legally governed by, but just -- there's agency
3 practice, which is why I was talking to Art Carr. Because
4 he had been there forever.

5 Q Right. And what did Art Carr have to say about
6 that?

7 A That there were no bylaws.

8 Q Okay. I think you're going to skip a lot of
9 pages to go to April 25th, 2007, at 4:36.

10 A That's fine. 4:36?

11 Q P.m. And 44 seconds.

12 A Yes.

13 Q Okay. And on an e-mail, the second one down,
14 April 25th, 2007, at 3:48 p.m., it talks about -- or it
15 seems to talk about Ms. Mazzoccoli's involvement in Peter
16 Kuck's reappointment process. Do you remember being
17 involved in conversations with Sue about that?

18 A Yes.

19 Q Okay. And also in Chief Karangekis'
20 reappointment process. Were you involved in that at all?

21 A No.

22 Q Okay.

23 A Not that I recall.

24 Q And do you know why Chief Karangekis did not seek
25 reappointment or renomination?

1 A I don't. I know that he had some trouble with
2 his health. I think that may have been the reason that he
3 gave.

4 Q Okay. Moving onward to April 25th, 2007, a 5:10
5 e-mail.

6 A Okay.

7 Q In the third e-mail down, April 25th, 2007,
8 4:36 p.m., you're asking Sue for any information about
9 when Peter was elected. Did you mean elected to be
10 secretary or appointed to the board?

11 A I think elected as secretary.

12 Q Okay. Do you know why you were asking Sue for
13 that information?

14 A I expect because I wanted to know when his term
15 might be up.

16 Q Well, what was the term for the secretary?

17 A I don't recall.

18 Q Was Ms. Mazzocoli aware that, if it was the case
19 at that time, you did not support Peter Kuck being the
20 secretary of the board?

21 A That's fair.

22 Q Did you consider whether that undermined Peter
23 Kuck's authority as secretary in dealing with Sue
24 Mazzocoli?

25 A I thought if there had been any damage it had

1 been done already.

2 Q Going onwards. April 30th, 2007 e-mail, at 12:59
3 p.m. at the top?

4 A Yes.

5 Q There is a rough draft of a letter that was sent
6 from Ms. Mazzoccoli to you in the second e-mail of
7 April 27th, 2007, 8:12 a.m.?

8 A Yes.

9 Q Did Ms. Mazzoccoli draft that rough draft?

10 A I don't recall who started the draft. I'm sure I
11 was involved with the draft.

12 Q Okay. What were the discussions between you and
13 Ms. Mazzoccoli that preceded the decision to draft up this
14 letter?

15 A Best of my recollection, the -- again, the
16 overall concern with Peter's role and to -- you know, it
17 had gotten to a point where the board had not yet ceased
18 to function, but had become -- the atmosphere had become
19 so untenable that I wanted to be sure that the Governor's
20 office knew about this. Because if anything were to come
21 out in the press, if there was anything that reflected
22 badly on the board it would reflect badly on the
23 Governor's office, and I thought they ought to know.

24 Q Who was the letter going to be directed to?

25 A I expected it would be the Boards and Commissions

1 person, Maryann Boord.

2 Q What involvement, if any, did other board members
3 have in drafting this letter, besides yourself?

4 A I wouldn't expect any. I don't think any.
5 Certainly didn't intend for there to be any, other than to
6 discuss with them, again, how they felt serving with Peter
7 and what they felt about the situation that we were in.

8 Q Did --

9 A So they were behind the letter, but they weren't
10 involved in any specific drafting or anything.

11 Q Was there a final copy of this rough draft
12 letter?

13 A I -- I expect so. I don't specifically recall.

14 Q Well, do you know if it went out?

15 A I think it did.

16 Q And did it go to Maryann Boord directly or to the
17 Governor?

18 A I wouldn't expect it to go to the Governor
19 directly. I would have expected it to go to Maryann
20 Boord. I don't know if it did, in fact, or not, but I
21 expected it to.

22 Q Do you remember signing off on a letter?

23 A I don't have any specific recollection of that.
24 I expect I probably did, but I don't recall.

25 Q Was there ever an executive session held with the

1 board to determine if such a letter should be sent?

2 A No.

3 Q Whose decision was it to send -- or to draft this
4 letter?

5 A Mine.

6 Q And under what authority did you operate to draft
7 the letter? Was it as chairman?

8 A As chairman of the board and as a person
9 interested in running the board efficiently and having it
10 be as collegial a body as possible and as efficiently run
11 as possible. And Peter's continued involvement, the
12 longer he was involved the chances of that diminished.

13 Q Was Attorney Corradino involved in drafting the
14 letter that's in Exhibit 22, April 27, 2007 e-mail?

15 A I don't think so.

16 Q Going onward, there is a May 2nd, 2007 e-mail,
17 9:05 a.m.?

18 A Yes.

19 Q Okay. Again Sue Mazzoccoli's reporting to you
20 about Peter's progress in renewing his permit?

21 A Mm-hmm.

22 Q Okay. Again, did you ask Ms. Mazzoccoli to keep
23 you apprised of Peter's progress in renewing his permit?

24 A I don't have any specific recollection of that.
25 It wouldn't surprise me if I had at that point only to

1 know what our time frame was looking like; you know,
2 before we had to deal with this one way or another.

3 Q Okay. Well, you knew it would be about 14 to 16
4 months, though. Right?

5 A Well, I hoped it would be shorter and that it --
6 you know, and that it wouldn't happen.

7 Q In this May 2nd, 2007 e-mail, at the end Sue,
8 Ms. Mazzocoli writes: I'll be interested to see if Peter
9 stands on principle, now that he isn't under the gun. Pun
10 intended.

11 Did you discuss that with her, what she meant by
12 that?

13 A No. Let me read this.

14 (Reviewing.) I don't think that I did. Let me
15 finish reading this here.

16 (Reviewing.) Is the question do I have any
17 recollection of --

18 Q Of discussing that --

19 A -- what she meant by the "pun intended"?

20 Q Right.

21 A Oh. No. I'm sorry. No.

22 Q Okay. In your position as chairman, in receiving
23 this e-mail from a staff member did you consider that to
24 be a professional statement about a fellow board member
25 made by Ms. Mazzocoli?

1 A Looking at it now, certainly not. At the time,
2 we had -- you know, we had had a professional
3 relationship. And, frankly, anything to relieve the
4 tension, humor or what have you, I didn't think was
5 inappropriate.

6 Q Does that in your experience as the board
7 chairman, looking back on that, would you have considered
8 that an indication that Ms. Mazzocoli did not respect
9 Peter Kuck as a board member?

10 A I think she lost respect for him as a board
11 member when she started feeling intimidated by him.

12 Q Okay. May 4th, 2007, the next e-mail, 11:19 a.m.

13 A Mm-hmm.

14 Q Sue is contacting you to inform you that Peter
15 wants a copy of the regulations sent to the members. Had
16 you asked Sue to communicate with you whenever Peter
17 contacted her with a request?

18 A No.

19 Q Okay. Did you view that communication about
20 Peter wanting a copy of the regulations as some sort of
21 question to you about whether Sue Mazzocoli should
22 provide those?

23 A No. I -- I saw this e-mail like a lot of her
24 e-mails, her basically covering herself because she was
25 worried about her job and making sure -- you know, she had

1 always been very confident in her job performance, and
2 over the course of time I think she lost that confidence
3 in how she was doing her job because of -- well, for
4 whatever reasons. But I think that she was just very
5 concerned that she was going to do something wrong, and
6 she didn't want to do anything wrong.

7 Q Had you ever said anything to Ms. Mazzoccoli that
8 would have made her fearful of providing a board member
9 copies of regulations?

10 A I certainly had not. And if I had, I certainly
11 didn't intend to.

12 Q Do you consider the regulations part of the
13 information that Mr. Kuck should have been denied access
14 to because of his outspokenness?

15 A No. You know, frankly, they are public. I mean
16 he can get them any place he wants to. If I had any
17 concern, it would be that he would use them as a -- you
18 know, to try and drive a further wedge among the board
19 members. How, I did not know. But the impression that
20 continued to develop that I had of Peter was that he would
21 use any and all information that he could to make his
22 points.

23 Q Okay. And so you saw one means of relieving that
24 situation was in denying Mr. Kuck information. Correct?

25 A Well, at that point I'm sure I had gotten to the

1 point where I was so -- I had become so impatient with his
2 behavior that I certainly didn't feel like being helpful.

3 Q May 8th, 2007, a 4:11 p.m. e-mail.

4 A I'm sorry. May 7th? 8th?

5 Q May 8th, 2007.

6 A Yes.

7 Q 4:11 p.m. Yes. This is at the top, an e-mail
8 from Ms. Mazzocoli to you, talking about a letter that
9 Attorney Corradino hasn't written yet, but will be ready
10 for signature. What was that letter about?

11 A (No response.)

12 Q And again, perhaps I could direct your attention
13 to the bottom of the page where the string begins.

14 A Oh, yeah. That would probably be helpful. Let
15 me look at that. Just give me a minute.

16 Q Sure.

17 A (Reviewing.) Your question is what was this
18 letter about?

19 Q Yes.

20 A Sorry?

21 Q I may be able to provide you with the actual --

22 A Right.

23 Q (Handing.)

24 A Yes. This May 14th, 2007 is the letter that
25 we're talking about there.

1 Q Okay. So the exhibit you were looking at was
2 Plaintiffs' 21?

3 A Yes.

4 Q And that's the letter that's being discussed in
5 Exhibit 22, the May 8, 2007 e-mails?

6 A Yes.

7 Q Okay. Did Attorney Corradino assist you in
8 drafting Plaintiffs' Exhibit 21?

9 A Yes.

10 Q Okay. And the rough draft of the letter that was
11 intended to go to the Governor's office that we've already
12 reviewed in a previous e-mail, it was your testimony that
13 Corradino didn't assist you in writing that letter.
14 Correct?

15 A Yes.

16 Q What was the back-and-forth throughout some of
17 these e-mails at this time in question? I can direct your
18 attention to specific ones about Mr. Kuck requesting
19 transcripts.

20 A Oh. Right. My recollection, and to the extent
21 my recollection's been refreshed by going through a couple
22 of these e-mails, there was a concern with -- well, Peter
23 would continue in the context of talking about the
24 backlog, but also in the context of, from what I recall,
25 his own permit coming up, wanting information from the

1 board. Wanting specific transcripts of -- I think there
2 was one hearing where he wanted specific transcripts.

3 I thought that was inadvisable on two bases.
4 First of all, the cost of providing a transcript is very
5 high. And our agency, being on a small budget and
6 everything else, I thought that was, for lack of a better
7 way of putting it, a silly use of the funds; where it was
8 a hearing that he had attended, he had participated in,
9 and he could get a tape very easily of what happened at
10 the hearing. To actually get a written transcript
11 produced at the cost of hundreds of dollars I thought
12 could be used only for his own personal benefit in his
13 case.

14 Q And were the transcripts provided to Mr. Kuck or
15 was it up to you to deny or --

16 A I -- yeah --

17 Q -- the request?

18 A I don't recall whether or not they were provided.
19 I certainly didn't see myself in a position to say yes or
20 no on the transcripts; just, you know, it wouldn't be a
21 good idea, given the budgetary constraints we're under and
22 my own personal belief that -- and a belief that was
23 shared by the members on the board that he was
24 increasingly using his position on the board to gain
25 information, evidence, and documents relating to his own

1 appeal that was if not pending, would be coming.

2 Q What other members of the board expressed that
3 concern to you that he was using his position to get
4 information to support his own appeal?

5 A Certainly Colonel Nelson. Mr. Carr. Attorney
6 Corradino after he had been on the board for a bit, he saw
7 the same thing that I saw and, you know, I asked him
8 attorney-to-attorney once, you know, if he shared the
9 impression. I mean, "This is my impression. What do you
10 think? You know, you're out there in practice. I mean,
11 is this a problem?" And he thought it was as well.

12 Q Were there any specific instances that you can
13 point to of information that Mr. Kuck sought that would
14 have assisted in his appeal?

15 A None. No. But if I had any way of preventing
16 that from occurring, I would.

17 Q Like what kind of information would that have
18 been that wasn't just generally available to the public?

19 A I don't know. But frankly, at that point my
20 impression of Mr. Kuck had diminished so far that I
21 probably suspected him of just about anything. Capable of
22 just about anything. And I didn't know what.

23 Q Well, is there information that the board has
24 that isn't public?

25 A No. But again, I didn't feel like being helpful,

1 quite frankly. You know, and if he wanted to pay for the
2 transcripts for his own case, he could. But to actually
3 provide him with a free copy, I didn't think that was
4 anything that we were interested in doing.

5 Q Was there a process, given the budgetary
6 restraints that the board had, where it would be placed on
7 the agenda if a board member thought they needed to expend
8 funds on a transcript or anything else, to support their
9 role in the board?

10 A No. No process that I'm aware of.

11 Q Well, how were decisions made about whether
12 people could spend funds such as on transcripts to support
13 their position on the board?

14 A I really don't know because we'd never been in
15 that position before as far as -- well, certainly hadn't
16 been in that position since I've been on the board. So
17 it's unprecedented in that sense.

18 Q Okay. May 11th, 2007 e-mail. Time is 2:11.

19 MR. SNOOK: May 11, you said?

20 MS. BAIRD: May 11th, 2007.

21 A Sorry. What time?

22 BY MS. BAIRD:

23 Q 2:11 p.m.

24 A 9:31 on the 11th, and then 12:30 p.m. on the
25 14th.

1 Q Hmm. May 11th, at 9:31 a.m.?

2 A Yes.

3 Q Okay. Now, at some point Attorney Corradino did
4 act as chairman when he came onto the board. Correct?

5 A Yes.

6 Q And that would be probably because you were not
7 available on that date?

8 A Likely I was in session.

9 Q Okay. This is an e-mail from Susan Mazzocoli to
10 you, reporting on a hearing where Attorney Corradino acted
11 as chairman?

12 A Mm-hmm.

13 Q And in that e-mail Ms. Mazzocoli seemingly
14 reports to you about Mr. Kuck's conduct?

15 A Okay.

16 (Reviewing.) Okay. Yes.

17 Q Had you asked Ms. Mazzocoli to report to you
18 about what Peter did or didn't do at that hearing where
19 Attorney Corradino acted as chairman?

20 A If I asked her about it at all it would have been
21 in the context of how did the hearing go, because I wasn't
22 there. So I was curious as to how it went. And this may
23 have been the first time that Attorney Corradino took my
24 place, so I was interested in how he had done.

25 Q Okay. Did you ever see the list that Sue

1 Mazzoccoli references in her e-mail about how Peter was
2 inappropriate?

3 A No.

4 Q Did you discuss this e-mail with Ms. Mazzoccoli
5 about Peter's conduct?

6 A This e-mail? No.

7 Q And I think it was your testimony that you never
8 met Maryann Boord. Right?

9 A Yes.

10 Q Did you ever talk to her?

11 A If I did, it would have been in the context of
12 whenever I was appointed. I don't have any other
13 recollection of talking to her.

14 Q And from what is in this e-mail, you were
15 informed by Ms. Mazzoccoli that she had spoken to
16 Ms. Boord and talked about Mr. Kuck. Correct?

17 A Looks like that, yes.

18 Q Okay. Did you feel that a staff member on the
19 board talking to someone from the Boards and Commissions
20 about a board member undermined the board to any extent?

21 A I didn't think it had undermined it, again, any
22 more than it was already dysfunctioning. She -- meaning
23 Sue -- was contacting Maryann about the process. And, I
24 mean, I didn't see that was undermining anything that
25 hadn't already been undermined.

1 Q But given Ms. Mazzocoli's position as a staff
2 member to the board, did you see her conduct as somewhat
3 out of control in talking about a board member to someone
4 from the Governor's office?

5 A No; to the extent that she's the only full-time
6 member. I mean she is the only one that has day-to-day
7 operations experience and experience with the board, and
8 to a great extent is -- you know, is the person that takes
9 care of the administrative matters. And to the extent
10 this was an administrative matter, I didn't think it was
11 inappropriate for her to talk to Maryann Boord about it.

12 Q Do you see where it could be the case -- well,
13 let me ask it this way.

14 You've talked about dissension on the board.
15 Did you view your conduct and Ms. Mazzocoli's conduct in
16 undermining Peter as contributing to the dissension on
17 the board at all?

18 A I did not.

19 Q Why not?

20 A Because the dissension had predated my
21 involvement there. It had gotten worse while I was there.
22 My way of operating is to, you know, frankly, get feedback
23 and ask folks how I'm doing. The other board members, if
24 they had a problem with anybody, it was with Peter. I
25 asked the other board members if they had any problems

1 with our staff. I mean on a number of occasions I would
2 solicit input and feedback as to how things were going,
3 you know, to put a check on my own impressions; and time
4 and time again it came back to Peter, that Peter was the
5 source of the dissension.

6 Q Monday, May 14th, 2007, 2:48 p.m. The letter
7 that's referred to in this e-mail sent by Ms. Mazzoccoli
8 to you, is that the letter that -- is that -- the rough
9 draft that we viewed earlier in another e-mail, is that
10 the letter that developed from this e-mail?

11 A I don't know. I suspect that it may have been.

12 Q Or is this a letter that was discussed about
13 sending to Ye Gun Guild, Connecticut Gun Guild?

14 A Hmm. My best recollection is that this e-mail
15 may have been about both. We have two different types of
16 letters: You know, one to the board about our concerns
17 which would have been that earlier draft e-mail, and then
18 another letter to the Guild asking for names in
19 nomination. But that letter would not be sent from us.

20 Q Okay. Did you have the impression from
21 Ms. Mazzoccoli's e-mails that Maryann Boord was supporting
22 the attempt to replace Peter as a member of the board?

23 A My impression was that when Maryann learned of
24 what was going on in the board, that she shared my concern
25 that it could have implications for the Governor

1 eventually. And I -- my expectation was that Maryann,
2 being a Governor's person, would want to try and prevent
3 that.

4 Q Is it fair to say that Peter Kuck was reasonably
5 aware of your perspective or view of his outspokenness --

6 A Absolutely.

7 Q -- as you've called it?

8 A Absolutely. I don't mind saying that one of the
9 things that I had hoped would help the situation is my
10 being very candid and forthright with Peter about how I --
11 what I felt about his outspokenness, the impression that
12 it left, the impression that it left of the board to the
13 parties. So, yeah, I'm sure it would never have come to
14 any surprise to him that I was very concerned with him,
15 and said on a number of occasions that I had no problems
16 with him personally, but to the extent that he was, you
17 know, going to end up becoming a plaintiff and to the
18 extent that his demeanor was not even, even-handed, in my
19 mind, that was a problem. I mean, I told him that on a
20 number of occasions.

21 Q And to your knowledge, despite this disagreement
22 or relationship that you and Mr. Kuck had, do you know if
23 he ever wrote any letters to the Governor's office saying
24 that you should not be the chairman or you should not be
25 on the board?

1 A I have no idea if he did or not.

2 Q Do you know if he ever e-mailed Sue Mazzoccoli
3 negative comments about you and your efforts and your
4 positions on things?

5 A I have no idea if he did or not.

6 Q Do you know if he ever e-mailed or communicated
7 with other board members or spoke to other board members
8 in a derogatory fashion about you?

9 A No specific recollection of that.

10 Q Do you know if he ever made fun of you?

11 A I don't know.

12 Q Do you know if he ever said you would totally
13 flip out about something?

14 A I don't have access to his e-mails, so I don't
15 know.

16 Q May 24th 2007, 9:06.

17 A Yes.

18 Q If you recall, what was this whole issue with the
19 Erisoty case and the stated reason Mr. Kuck gave, if you
20 know, for the need for a transcript?

21 A I remember this name. It's familiar to me,
22 Erisoty; it's an unusual name. But the specific -- the
23 specific reasons why that was an important case I don't
24 recall.

25 Q Did you ever have any discussions with Detective

1 Mattson about Peter Kuck's what is termed "conduct"?

2 A She and -- yes. But I -- she had come to me
3 saying that she didn't think that he was being even-handed
4 or, you know, had the right demeanor. I happened to agree
5 with her; it wasn't an impression that I had formed based
6 on what she had said. But what she said was to me further
7 evidence that this wasn't something that we just -- that
8 just we perceived, but that it was a perception that
9 others shared.

10 Q Did Detective Mattson ever convey to you her
11 opinion that, really, civilians should not possess
12 firearms?

13 A She never conveyed that to me.

14 Q Okay. And again in that May 24th, 2007 e-mail,
15 9:06 a.m., you're again communicating to Ms. Mazzocoli
16 asking her if -- I assume you're referring to Mr. Kuck --
17 if he'll ever behave?

18 A Mm-hmm.

19 Q And by "behave" did you mean to -- what did you
20 mean? What would "behaving" mean?

21 A I -- this is a -- I don't know what "behaving"
22 would have meant specifically in that instance. This,
23 though, clearly is an expression of frustration with his
24 behavior. And especially at this time, late May of 2007,
25 I mean we're going into the last three weeks of session

1 and he knew that. I asked him to hold off on some of
2 these issues until we could, you know, deal with them more
3 thoroughly; and it seemed like no matter what I did or
4 didn't do, it was always a problem.

5 Q Did you see the chairman of the board having more
6 authority than the secretary of the board?

7 A I wouldn't say more authority. Perhaps different
8 authority.

9 Q Okay. And who, if anyone, did Susan Mazzoccoli
10 report to on the board?

11 A Me.

12 Q Is that by regulation?

13 A No. I think it's just by practice. I mean Phil
14 before me, and I would assume that previous chairs as
15 well, I mean being -- you know, all the board members are
16 volunteer board members. The chairman of the board as
17 chairman has -- you know, ends up spending more time, you
18 know, dealing with board issues. And so it's not
19 surprising that there would be more of a conversation or
20 working relationship between the executive head and the
21 chairman. I mean that was my impression of the
22 relationship that Phil had had with her. So I continued
23 that.

24 Q Over a period of time while you were the board
25 chairman, was it your impression that Mr. Kuck attempted

1 to expand his role?

2 A Yes.

3 Q And did that attempt to expand his role infringe
4 on the work that you and Susan Mazzoccoli had developed in
5 scheduling cases and performing the administrative
6 functions?

7 A I don't know that I'd characterize it like that.
8 The -- frankly, the scheduling of the cases and the
9 administrative paperwork and all that had -- while I was a
10 member of the board before becoming chairman had always
11 been invisible, frankly, to me. And to other members of
12 the board, I would expect. After becoming chairman, I
13 wasn't surprised that I became more aware of how that
14 process actually worked, especially after the backlog
15 issue became a bigger and bigger issue to us as a board,
16 our joint efforts in trying to address the backlog. And
17 the only thing we really had any control over was the
18 scheduling, so, you know, of course I became more involved
19 in that, or at least more aware of how that process worked
20 in order to try and figure out creative ways of trying to
21 address it. The extent to which Peter, in my view and in
22 the view of others, couldn't play nicely with others on
23 the board, I think that probably did undermine this
24 situation. That was my impression.

25 Q Undermine what situation?

1 A The situation on the board. Of being able to
2 operate efficiently.

3 Q Okay. June 13th, 2007, a 3:10 p.m. e-mail.

4 A Yes.

5 Q Okay. At 3:10 p.m.

6 MR. SNOOK: Oh, it's out of sequence.

7 MS. BAIRD: Sorry.

8 MR. SNOOK: No problem.

9 BY MS. BAIRD:

10 Q Ms. Mazzoccoli wrote in that first e-mail on that
11 page, June 13th, 2007, at 3:10 p.m., that Chief Karangekis
12 was tired of staying late due to Peter. Do you remember
13 her talking to you about that or writing that?

14 A Yeah. I do.

15 Q Did you agree with that characterization?

16 A That the chief was tired of staying late due to
17 Peter?

18 Q Yes.

19 A Yes.

20 Q Did he ever express that to you?

21 A Yes.

22 Q You had mentioned earlier that the chief had some
23 health issues. Correct?

24 A He also had some health issues, yeah.

25 Q Okay. And do you know if those health issues

1 prevented him from staying on the board?

2 A I expect they -- if that wasn't the only reason,
3 it's certainly a large reason.

4 THE WITNESS: Can I take another break?

5 MS. BAIRD: Yes.

6 (A lunch recess was taken at 12:20 p.m.)

7 (The proceedings resumed at 12:54 p.m.)

8 BY MS. BAIRD:

9 Q There's an e-mail in Exhibit 22: June 15th,
10 2007, at 11:04 a.m.?

11 A Yes.

12 Q If you could look to the bottom of that page to
13 the e-mail that is June 15th, 2007, at 10:56 a.m., it's an
14 e-mail from Ms. Mazzocoli to you. It appears to be
15 talking about a meeting where either you were late or you
16 weren't present. Do you remember that June 2007 board
17 meeting and what occurred?

18 A I don't specifically, no.

19 Q Do you recall receiving that phone call from
20 Ms. Mazzocoli?

21 A Not that particular one.

22 Q That's referenced in the e-mail, the second
23 paragraph?

24 A No specific recollection, no.

25 Q Okay. Do you remember being informed by

1 Ms. Mazzoccoli that the Bridgeport Press may have been
2 interested in doing a story about the board?

3 A That I recall, yes.

4 Q And did the Bridgeport Press do a story?

5 A That I don't recall whether they did or not.

6 Q Okay. And it looks like in preparation for that
7 story you and Ms. Mazzoccoli discussed the backlog?

8 A Yes.

9 Q Were you concerned about the backlog and how it
10 might appear in the press?

11 A Sure.

12 Q Had you had any other media inquiries prior to
13 that about the backlog?

14 A Not that I recall.

15 Q Did you suspect that Peter had -- Mr. Kuck had
16 contacted the press about the backlog?

17 A I -- no. I had -- the point never occurred to
18 me, actually.

19 Q Now, going back up to June 15, 2007, the
20 11:04 a.m. e-mail, that last paragraph. You indicate that
21 Peter clearly continues to be Peter.

22 Was that referring to Ms. Mazzoccoli's earlier
23 e-mail about him wanting to start the meeting?

24 A Yes.

25 Q Okay. And why did you suspect that Peter wanted

1 to make you look bad; that was why he was doing that?

2 A Yes.

3 Q Had Peter tried to make you look bad before?

4 A I didn't think so. But, you know, looking -- you
5 know, as things continued to devolve, it seemed, you know,
6 more and more my impression was that he was.

7 Q Okay. But in this e-mail you indicate that the
8 reason he was in a hurry was to try to make you look bad.
9 Do you remember any occasions prior to June 15th where you
10 suspected that Mr. Kuck was trying to make you look bad?

11 A No specific recollection.

12 Q And do you remember any specific incidents after
13 June 15th, 2007, where it was your belief that Mr. Kuck
14 was trying to make you look bad?

15 A No. No recollection.

16 Q Okay. And then there's that final sentence in
17 the June 15th, 2007 e-mail where you write that he needs
18 to be reminded that the role of secretary, what it
19 includes isn't much. What did you mean by that?

20 A Right. What I meant by that was that based on
21 how the board had been operating before I became a board
22 member, certainly before I became chairman, that the
23 secretary's role as a matter of practice was much less
24 than what Peter wanted it to be.

25 Q And by the way you're wording your question it

1 sounds like you recognize that under the regulations the
2 secretary's role is -- is much under the regulations.

3 A Well, yes. Yes.

4 Q Okay. We'll get to that in a minute.

5 A Sure.

6 Q June 15th, 2007, 11:41 a.m. e-mail.

7 A Oh. Well, no. I have --

8 Q It may not be at the top of your page. I think
9 some of mine are different.

10 A That's why I'm looking down. Looks like
11 June 15th was a busy day. Oh, 11:03?

12 MR. SNOOK: No. 11:41.

13 A Oh, okay. Thank you.

14 BY MS. BAIRD:

15 Q In this June 5th, 2007 e-mail transmitted at
16 11:41, from Ms. Mazzoccoli to you, she talks about a
17 discussion she had with Detective Karanda about Peter, and
18 his indication to her, Ms. Mazzoccoli, that Peter should
19 be removed from the board.

20 Had you heard Detective Karanda express that to
21 you at any time, that Mr. --

22 A A concern with Peter?

23 Q Yes.

24 A Yes.

25 Q And that he should be removed from the board?

1 A Yes.

2 Q Did you see anything inappropriate about having a
3 discussion with a member of DPS, such as Detective
4 Karanda, about another board member?

5 A Yes.

6 Q You saw that as inappropriate?

7 A Yes. I received the information, and my response
8 to him likely would have been, "Thank you. Duly noted."

9 Q Okay. And do you know if Ms. Mazzocoli treated
10 information such as that from Detective Karanda in the
11 same way?

12 A I don't know how she treated it.

13 Q Did you take any action to ensure that
14 Ms. Mazzocoli made it clear that she would be treating it
15 the same way as you treated it; "duly noted"?

16 A If I had any communication with her about it,
17 which I likely did, it would have been to tell her it
18 wasn't appropriate for us to be talking about -- for
19 either me or her, or any other board members talking with
20 DPS about removing or not removing a particular board
21 member.

22 Q And she talks about Sergeant Rosado indicating to
23 her in this June 15th, 2007 e-mail, that Sergeant Rosado
24 had spoken with you the previous day.

25 A Mm-hmm.

1 Q Do you recall any conversation with Sergeant
2 Rosado around that time?

3 A I do.

4 Q And what was that conversation about?

5 A Concern about how the -- concern about the
6 impression that the board was giving; generally the entire
7 board, but then he was specific about Peter. And the
8 impression was that the board was not neutral, that they
9 were too pro-gun.

10 Q Okay. So if the board was pro-gun, it wouldn't
11 have been only Peter, then, Peter Kuck. What other
12 members of the board joined Peter in that sentiment?

13 A I don't know of any others. I mean he --
14 Sergeant Rosado may characterize it as the board
15 generally, and then about Peter specifically. I can tell
16 you -- well, I'll let you ask.

17 Q I mean Peter was one member of a seven-member
18 board?

19 A Yes.

20 Q And any decision by the board requires a
21 majority?

22 A Yes.

23 Q So is it your testimony that Sergeant Rosado
24 indicated to you that it was a board pro-gun problem or --

25 A The board had --

1 Q -- a Peter Kuck pro-gun problem?

2 A Both. That the -- well, that the board is giving
3 the impression of not being totally neutral. And I --
4 what he said about Peter Kuck I took as an example of what
5 he thought was the lack of neutrality.

6 Q Well, was he accusing the board of being biased?

7 A He was accusing the board of having -- I don't
8 think that he went so far as saying that the board was
9 biased, but that it was -- that the impression that it was
10 giving was that it wasn't neutral.

11 Q Wasn't neutral towards what?

12 A Towards DPS, certainly.

13 Q Okay. So DPS believed that the decisions were
14 not going their way?

15 A I don't know about -- he didn't characterize it
16 like that. I mean as a matter of fact, a lot of them
17 wouldn't go their way. But many cases wouldn't go the way
18 of the appellant either. I mean, I thought we as a board
19 despite our personality conflicts, frankly, was doing a
20 pretty good job of being even, even-handed in our
21 deliberations and fair in our decisions.

22 Q For example, I mean, do you recall that certain
23 members of the board would vote in favor of DPS on more
24 occasions than perhaps other members of the board?

25 A In favor with regard to DPS? No. The only thing

1 as far as votes that I recall was that Peter seemed to be
2 if not always finally voting this way, certainly
3 expressing a lot of concern with DPS in a way that was
4 distinct from how other board members expressed any
5 concerns with a particular case.

6 The impression that I had of Peter's concerns,
7 that they were more general concerns with DPS as a
8 department, not on any specific case; although on some
9 specific cases he would, you know, raise his concerns
10 with how a specific case was handled by the DPS. He
11 would do that quite often.

12 Q Okay. And the sentiment expressed by Sergeant
13 Rosado to you, did that have to do with what you just
14 characterized as Mr. Kuck expressing his -- expressing
15 whatever about DPS?

16 A I don't have any specific recollection that he
17 said that during this discussion. I do know that there
18 was a lot of tension and animosity between the two of them
19 because it would often manifest itself during the
20 hearings.

21 Q And did you take the same position in that
22 conversation with Sergeant Rosado that he had with you
23 about his concerns over the board's neutrality as, "Duly
24 noted. I can't really discuss this"? Or did you engage
25 him more in discussion?

1 A I don't specifically recall. I mean I would
2 expect I would have had a consistent policy, if you will,
3 with folks.

4 Q How did Sergeant Rosado contact you?

5 A It would have been probably after one of the
6 hearings.

7 Q Okay. Is it fair to say that in between hearings
8 you didn't have --

9 A No.

10 Q -- much contact with DPS?

11 A No.

12 Q Most of the time --

13 A It would be fair to say that I didn't.

14 Q Okay.

15 A Right. So it would have been at the end of the
16 day.

17 Q Okay. June 25th, 2007, 11:27 a.m.

18 A Okay.

19 Q If you go down to the bottom of the page, it
20 looks like the trail --

21 A Okay.

22 Q -- begins at or continues at --

23 A Looks like it begins.

24 Q Just stay on that one page. If you need to look
25 at more -- but I'll address this page.

1 At the bottom, Monday, June 25th, 2007, at
2 10:48 a.m. Had Peter -- had Mr. Kuck been contacting you
3 directly at all about the status of the DPS response to
4 the May 14th, 2007 letter?

5 A I don't recall any direct nonverbal
6 communication, by which I mean I don't recall his calling
7 or e-mailing me, although he may have. I do know that he
8 at meetings would bring it up, just about at every meeting
9 or every opportunity. You know, "Where's the letter?"
10 "Where's the response?" "We sent this in May and where is
11 the response?"

12 Q And then if you go up one e-mail, the June 25th,
13 2007, 10:52 a.m., again this is the time when you were in
14 the legislative session still or --

15 A Oh. It could have been. It wouldn't
16 constitutionally have been, but it could have been that we
17 were in special session. I just don't recall.

18 Q Okay.

19 A I do recall, though, going through a lot of
20 negotiations with my house that ended up going into the
21 next month. And if we were in special session on top of
22 that, yeah, I would have been pretty busy at that time.

23 Q And I had asked that because it appears that your
24 response --

25 A Under some stress. Yes.

1 Q -- you know, indicates that Peter needs to take
2 some Valium. Would you explain what you meant by that
3 expression?

4 A Well, I'm certainly no doctor. I mean, it's
5 clearly an expression of frustration. We had just sent
6 the letter a little over a month before. We in the
7 intervening time -- "we" meaning the legislature as well
8 as the agencies -- are all dealing with the end of
9 session, maybe even a special session. And in legislative
10 time and in agency time, a month is no time, frankly.
11 That's always been my experience. And the fact that he
12 was contacting Sue and talking to me and bringing it up at
13 every single opportunity, "where's the letter," "where's
14 the letter," "where's the letter," that was frustrating.

15 Q Had you been concerned or did you discuss any
16 concerns during this time frame in June 2007, or before,
17 about the possibility that the backlog and the wait time
18 could open up the board to liability if someone sued?

19 A Yes. There was a concern that -- certainly
20 expressed by Peter and not disagreed to by me -- awkward
21 way of putting it -- but I didn't necessarily disagree
22 that there could be a problem eventually if the backlog
23 were to get too far. The concerns that Peter raised I
24 didn't think were bad concerns. I told him so on a number
25 of occasions. Did not -- not only did I not disagree with

1 his concerns, but in many respects were in alignment and
2 had the same concerns, which is why I wanted to address
3 the backlog.

4 Whether or not the number of months that the
5 backlog was at that time, whether that would have
6 constituted some basis, I had no way of knowing. I
7 certainly know based on my background and experience that
8 something doesn't have to necessarily be illegal to be
9 bad and to leave a bad impression and to undermine the --
10 what's the word I'm looking for -- authority of the
11 board. Or the important impression that the board needs
12 to give to appellants that they have a way of pursuing
13 their rights, short of Superior Court, having to go to
14 Superior Court. That's the whole reason why the board is
15 there. So these were concerns that I was in alignment
16 with. So yeah, I probably said that.

17 Q I just want to be clear. I think you had
18 testified earlier that one contributory factor in the
19 backlog was the fact that the board only met once a month?

20 A Yes.

21 Q And that related to that or perhaps another
22 contributory factor is that the board members were
23 volunteers. Correct?

24 A Yes.

25 Q Sitting here today, are there any other factors,

1 in looking back, that contributed to the backlog?

2 A Yes.

3 Q What were they?

4 A One of the things while I was chairman is we got
5 a new president. And while also I was on the board,
6 actually also as chairman, we had the Cheshire murders.
7 It created a huge burden on permits, people getting
8 permits, coming and getting permits for the first time
9 being denied because of something that they either had
10 forgotten or whatever. And so, you know, like a pig in a
11 snake, I mean, it would create these lumps of backlog.
12 And I know from, you know, my reading and my dad being an
13 NRA member, that the election of President Obama caused a
14 lot of people to get permits. And, you know, there seemed
15 to be these increases in the number of months where the
16 number of months would go out and then they would expand
17 and contract, and it seemed that we didn't -- you know, we
18 were reacting to those rather than having any control over
19 those.

20 Q Okay. Any other factors?

21 A Not that I recall, sitting here today.

22 Q While you were on the board, did any of the
23 municipalities represent themselves before the board in
24 denial cases?

25 A I don't think so. I know the municipalities

1 showed up, but my best recollection is that they were
2 always accompanied by DPS, somebody from DPS. And they
3 were witnesses, not representing themselves, is my
4 recollection.

5 Q And you had testified earlier I think in kind of
6 clarifying one of my questions that it's the towns that
7 issue the temporary state permits.

8 A Yeah, there -- it had evolved or changed, and I'm
9 not sure when. I remember a topic of our discussions or
10 deliberations had been -- not often, but occasionally, you
11 know, Peter or Art Carr reminding the board members that
12 it's now the DPS that's taking care of this. The
13 municipalities are operating pursuant to the DPS and, you
14 know, there's a whole difference between a local permit
15 versus a state permit. So there had been that
16 distinction, and that was something that was a topic of
17 some of our conversations.

18 Q Did the issue ever come up of why DPS would
19 represent municipalities in denial cases where it was
20 actually the municipality that made the decision, and not
21 DPS?

22 A I don't recall that, no.

23 Q Okay. Getting back then to this page with the
24 June 25th, 2007 e-mail, we had been looking at the one at
25 10:48 a.m. talking about Mr. Kuck's request about the

1 status of the May 14th, 2007 letter. It appears at that
2 time that you had not received a response. Correct?

3 A Correct.

4 Q Now, did you follow up on Mr. Kuck's request or
5 Ms. Mazzocoli's e-mails to you and contact anybody at DPS
6 to ask what was going on with the May 14th, 2007 response?

7 A I don't recall doing that. So, no.

8 Q And then finally, at the top of that page, the
9 June 25th, 2007, 11:27 a.m e-mail, you had indicated to
10 Ms. Mazzocoli that you had spoken to somebody a couple of
11 weeks ago. Do you know who you spoke to?

12 A No. It likely was one of the folks after our
13 hearings at the end of the day, you know, asking them, you
14 know, is a response coming.

15 Q And when you say "and the commissioner's office,"
16 did you contact anybody in particular in the
17 commissioner's office?

18 A No. Not that I recall.

19 Q Do you know what that sentence is referring to?
20 "I spoke to them a couple of weeks ago and the
21 commissioner's office is drafting a response"?

22 A As I sit here today, my best recollection is that
23 that would have been referring to a query of one of the
24 DPS folks after the hearings.

25 Q Okay.

1 A You know, saying, you know, where is the
2 response, and then saying, well, the commissioner's office
3 is drafting it.

4 Q Going on in that e-mail, on what basis or for
5 what reason did you tell Ms. Mazzoccoli that the fact that
6 the secretary wants to know is not relevant?

7 A That's referring to a -- well, again, a growing
8 impression that Peter was using his role as his own -- for
9 his own personal reasons. And the extent to which the
10 issue with the backlog, the issue with the letter and
11 everything else aligned with his, for lack of a better way
12 of putting it, agenda, in my mind, that, you know, wasn't
13 anything again that we were going to help him do. I told
14 him time and time again that it wasn't the board's role to
15 be advocating his position, and he shouldn't be advocating
16 his position while on the board.

17 Q Well, was one of his positions to decrease the
18 backlog?

19 A Yes.

20 Q And certainly the board was advocating that
21 position. Correct?

22 A Yes. Yes.

23 Q What other positions are you referring to that
24 Mr. Kuck advocated?

25 A Well, again, being very outspoken pro-gun. Very

1 outspoken against DPS. Being very outspoken about his
2 perspective and philosophy. Which is fine, but to the
3 extent to which it undermined our credibility as a board
4 and the judicial nature of our board, I thought it was a
5 problem.

6 Q Other than individuals who worked for DPS, did
7 you receive any other complaints about Mr. Kuck's
8 outspokenness or pro-gun positions?

9 A I don't recall.

10 Q Well, let me throw in there then --

11 A Okay.

12 Q -- in case -- you know, I'm not trying to trick
13 you.

14 A Sure.

15 Q I'll include local law enforcement agencies. Did
16 you receive any input from them about Mr. Kuck's
17 outspokenness or pro-gun positions?

18 A I -- yeah, I seem to recollect there was --
19 again, after one of the hearings one of the police
20 officers that had been a witness and I think had been --
21 had felt he had been treated unfairly during the course of
22 the hearing, you know, said that, you know, the board
23 doesn't look like it's very neutral and, you know,
24 Mr. Kuck seems to, you know, be very argumentative and
25 everything. So I was like, okay, duly noted.

1 Q Well, do you know if that decision had gone
2 against the town or in favor of the town?

3 A That I don't recall because I don't even remember
4 what specific case that was. Typically we would have made
5 our decisions later in the evening after the hearings were
6 over with.

7 Q Well, let me put it this way. If the board had
8 gone in favor of that officer's municipality that you're
9 talking about, would he have been complaining that the
10 board wasn't neutral?

11 A Probably not.

12 Q And if the board had gone against him in that
13 particular appeal, then it would have required more than
14 Mr. Kuck --

15 A Absolutely.

16 Q -- to vote against him. Correct?

17 A Right. But --

18 Q So when people complained, were they complaining
19 about Mr. Kuck or the board?

20 A The board, insofar as Mr. Kuck is a
21 representative of the board.

22 Q Okay. So now that we've clarified that, other
23 than local law enforcement agencies and the State Police,
24 did you receive complaints about Mr. Kuck's, you know,
25 lack of neutrality or pro-gun positions from anyone else?

1 A I think Attorney Ralph Sherman had also expressed
2 a concern.

3 Q When did he do that?

4 A I don't have any specific recollection of when.
5 I remember him doing it, because I thought it was odd
6 that, you know, as an attorney who should know better,
7 frankly, you know, why -- I -- again, "Duly noted. I
8 understand there is an issue of perception. We're
9 addressing it."

10 Q Was Attorney Sherman's communication to you about
11 Mr. Kuck's treatment of his client or of DPS?

12 A It likely would have been his client, but I don't
13 have any specific recollection. I just know that he
14 had -- he was another one on the list of folks that was
15 complaining about Peter.

16 Q Okay. So Mr. Kuck questioned appellants as well
17 as DPS? Is that what information you gathered from
18 Mr. Sherman? I'm --

19 A Sure.

20 Q Okay.

21 A Sure. I don't mean to leave the impression that
22 he was always argumentative with and difficult with DPS
23 exclusively. He wasn't.

24 Q Okay.

25 A So if I left that impression I didn't mean to.

1 Q Okay. Well --

2 A But it was certainly -- you know, on balance,
3 certainly more difficult with DPS than appellants
4 generally.

5 Q And did any member of DPS come to you and
6 complain about Mr. Kuck being argumentative with
7 appellants?

8 A I don't have any specific recollection of that,
9 but they may have, only because it would have been an
10 additional indication of how argumentative he is anyway.
11 I mean he's an outspoken guy. And that's pretty clear.

12 Q But you don't remember a specific occasion --

13 A No.

14 Q -- about that? Okay.

15 Back to the June 25th, 2007 e-mail from
16 11:27 a.m. At the end of that e-mail there is a phrase,
17 "he needs to be reminded that all he gets to do is keep
18 track of minutes." It looks like you're emphasizing that
19 he should just keep track of minutes.

20 A Right.

21 Q Okay. And not try to expand his role; am I
22 correct?

23 A Expand it beyond what had traditionally been the
24 role.

25 Q Now, Mr. Kuck, did he keep minutes as the board

1 secretary?

2 A I think so.

3 Q Okay. Or did Sue Mazzoccoli?

4 A She kept the transcripts. She had -- well, she
5 kept the tape that she would go through, and I think
6 that -- I think the practice had been that Peter would
7 send his notes to Sue and Sue would fill in gaps and
8 things with the tape.

9 Q Understood. And is that sentiment that you
10 expressed on June 25th, 2007 to Ms. Mazzoccoli that the
11 secretary needs to be reminded that all he gets to do is
12 keep track of minutes, based on past practice of the
13 board?

14 A Yes.

15 Q It's not based on the regulation, though.

16 Correct?

17 A No.

18 Q July 6th, 2007, at 4:13 p.m.

19 A Sorry. What time again?

20 Q 4:13.

21 A Yes.

22 Q At this point in July of 2007, where were you as
23 the board chairman in terms of your efforts, if there were
24 efforts, to see if Mr. Kuck could be replaced by another
25 member of the Gun Guild on the board?

1 A I don't know. Frankly, at that time it was
2 probably on the back burner in my mind. It wasn't in the
3 forefront of my mind at that point.

4 Q And do you know what that July 6th, 2007 e-mail
5 at 4:13 p.m. refers to when it talks about "please give
6 Ms. Boord a call now and ask how it's going"?

7 A Mm. Yeah. Just getting a status. A status as
8 to, you know, where the process is.

9 MR. SNOOK: On the last paragraph, this is
10 the 4:13 subsequent to the 11:30 a.m.

11 MS. BAIRD: Yes.

12 MR. SNOOK: And the 11:30 a.m. last
13 paragraph seems to --

14 MS. BAIRD: Yes. Okay.

15 BY MS. BAIRD:

16 Q If I could direct your attention --

17 A Oh. Thank you.

18 Q "By the way" it begins.

19 A Yeah, that makes more sense.

20 Q The July 6, 2007, 11:30 a.m. e-mail.

21 A Yeah, that does make more sense.

22 Q Did DPS, in fact, object to Mr. Kuck serving on
23 the board due to a conflict of interest?

24 A I don't know or recall if they did so formally.
25 This may -- this objection may have been referring to

1 their objections that we were talking about earlier. I
2 don't recall them making a formal complaint. They may
3 have.

4 Q For what reason did you give Ms. Mazzoccoli the
5 go-ahead to let Maryann Boord know that Peter had retained
6 an attorney to investigate DPS?

7 A To keep them abreast of what was going on in the
8 board. I mean it was along the same lines of letting the
9 Governor's office know what was going on.

10 Q When you're appointed to a board or maybe
11 specifically when you become a board chairman, are you
12 given directives about who you need to go to or contact
13 when certain issues come up?

14 A No. No.

15 Q I mean did you report to anybody as the board
16 chairman?

17 A No. No. I was appointed by the Governor. And
18 again, like I said above, the extent to which her agency
19 would reflect on her, I thought it prudent to let them
20 know what was going on in the agency. It's a small
21 agency, you know, unlike DOT or, you know, DEP or anybody
22 else. They would not necessarily know what was going on
23 or have any reason to expect that things were going
24 poorly. So I wanted to make sure that they knew.

25 Q As some of these issues developed during your

1 time as board chairman, and I specifically am referring to
2 the greater attention given to the backlog, the concern
3 that the press might be interested, a board member filing
4 an appeal, did you believe that the board came under more
5 scrutiny from the Boards and Commissions office?

6 A I think it -- my impression was that it was
7 coming under more scrutiny generally, and so to the extent
8 that we knew what was going on because we were looking
9 at -- you know, we were involved in it and very close to
10 it and interested folks would be scrutinizing our actions,
11 I thought it, again, prudent that the Governor's office be
12 aware of the scrutiny because they might not otherwise be
13 aware.

14 Q Did that come to pass that the board came under
15 more scrutiny while you were the chairman?

16 A Yes.

17 Q From whom?

18 A Well, there was an article in the press, I think
19 over Columbus Day weekend of that year. Ed Peruta
20 certainly became very vocal in a lot of the hearings. I
21 mean, he's got a Web site; I know that he told us that he
22 would be putting stuff on his Web site about what was
23 going on and everything, and -- which is fine. But the
24 extent to which we were giving a bad impression, that's a
25 concern.

1 Q Okay. July 9th, 2007, at 8:57 a.m.

2 A The second one down on that page?

3 Q Yes. And I'm not sure, but on your next page it
4 may have the beginning of that string: July 9, 2007, at
5 8:54 a.m.?

6 A 8:54 is here.

7 Q Okay.

8 A Okay. It looks like I have three on my page and
9 you have two.

10 Q Okay. That is -- it looks like it begins a
11 string and then the next e-mail 8:59?

12 A I don't have 8:59. I have 8:57, then
13 9:00 o'clock. I mean that could just be a delay in the --

14 MR. SNOOK: It looks like yours is 8:59,
15 but -- 8:57 shows up as 8:59.

16 THE WITNESS: I thought computers were
17 supposed to be fast.

18 A Well, if we're talking about the same content --

19 BY MS. BAIRD:

20 Q Okay. The one that begins with "cool"?

21 MR. SNOOK: Yes. The "cool."

22 A That would identify it.

23 BY MS. BAIRD:

24 Q Now, that's from you to Ms. Mazzocoli. What was
25 the other type of good news that you're making veiled

1 reference to in that e-mail?

2 A Oh. That either Peter had decided to resign or
3 Maryann Boord had been able to find somebody to replace
4 him.

5 Q Okay. So not to belabor --

6 A There is no mystery there.

7 Q Exactly. Not to belabor a point and go on and
8 on, but you definitely wanted Peter Kuck off the board.
9 Right?

10 A I think that's clear and I told him so.

11 THE WITNESS: I can stipulate to that? Is
12 that --

13 MR. SNOOK: Yes. You can stipulate.

14 BY MS. BAIRD:

15 Q Okay. The July 17th, 2007, at 10:00 p.m. -- no,
16 I'm sorry, 12:10 p.m.

17 A Yes.

18 Q Do you know where Maryann Boord is now?

19 A I don't, actually. Do you?

20 Q No. I get to ask the questions.

21 MR. SNOOK: That's interesting because for
22 other professional reasons if someone is doing
23 eminent domain, that's kind of important.

24 A No, I actually don't.

25

1 BY MS. BAIRD:

2 Q Okay. So Ms. Mazzocoli writes you on July 17th,
3 2007, and indicates that Detective Mattson and Karanda
4 tried to make an appointment with Maryann Boord.

5 Did that surprise you in any way?

6 A Where are you looking? Oh, right at the top
7 there. Okay.

8 Remembering that, I guess I wasn't surprised
9 because they -- I took that to mean that they understood
10 that I wasn't the right person to be talking to, and that
11 if they needed to talk to somebody about a concern with
12 who is on the board, then they needed to talk to the
13 Boards and Commissions person.

14 Q Okay. And again, you didn't write this e-mail,
15 but Ms. Mazzocoli indicates that Ms. Boord had said she
16 had enough information. Do you know where she would have
17 gotten all that information from?

18 A No.

19 Q Okay. And do know if the "Barb" that
20 Ms. Mazzocoli references is Detective Mattson? Had you
21 heard Ms. Mazzocoli refer to Detective Mattson as "Barb"
22 before?

23 A Yes.

24 Q Okay. And does it appear from this, in receiving
25 this e-mail from Ms. Mazzocoli, that Detective Mattson

1 and Ms. Mazzoccoli had shared some discussion about their
2 mutual desire that Peter Kuck not be on the board?

3 A I don't know if they did or not.

4 Q Okay. Did you tell Ms. Mazzoccoli in any way
5 that you were concerned that she was talking to a member
6 of DPS about a member of the board departing from the
7 board?

8 A Yes.

9 Q You did? What did you say?

10 A Best recollection is just something along those
11 lines. I mean that's not an appropriate conversation to
12 be having with members of the DPS or any parties.

13 Q Okay. And is one of those reasons it's not
14 appropriate because it undermines the board?

15 A Yes. I was already dealing with undermining on
16 one front. I didn't want another front opening up.

17 Q Okay. August 23rd, 2007, at 2:24 p.m.

18 MR. SNOOK: Sorry. What was that?

19 MS. BAIRD: August 23rd, 2007, at 2:26 or
20 2:24; either one.

21 A Starts with, what, "Colleen"?

22 BY MS. BAIRD:

23 Q Yes.

24 A Okay.

25 Q Do you know who Colleen from the commissioner's

1 office is?

2 A No. I assume it must have been his secretary.

3 Q And this e-mail was not received -- well, it was
4 forwarded to you; is that how this works? Yes, it looks
5 like Ms. Mazzoccoli forwarded an e-mail to you that she
6 had sent to Mr. Kuck. Does that look right?

7 A Yes.

8 Q Okay. And were you aware that the commissioner's
9 office -- well, first, were you aware that Mr. Kuck had
10 set up a meeting with Commissioner Danaher?

11 A No.

12 Q At this point had you already had your meeting
13 with Commissioner Danaher where Ms. Mazzoccoli was present
14 and perhaps Lieutenant Fox or Sergeant Fox?

15 A Yeah; I know the meeting you're talking about and
16 I don't know, actually. Don't recall whether that
17 happened before or after this.

18 Q When you received this forwarded e-mail from
19 Mazzoccoli, do you recall if you were surprised that
20 there, in fact, had been any meeting scheduled?

21 A If I was, it was only very little surprise. I
22 knew that Peter was wanting very much to get a response
23 from the commissioner, and so when I saw this, my reaction
24 likely was, well, okay. I guess he's trying to get it
25 from him directly.

1 Q Did Commissioner Danaher express any concerns to
2 you prior to the meeting that because DPS appeared before
3 the board as a party, it may not be appropriate to discuss
4 things with you as the board chairman?

5 A I recall him saying -- I do have a recollection
6 of him saying something about a concern with DPS being a
7 party with regard to specific cases. I don't recall him
8 saying anything about having a concern about dealing with
9 me directly as the chairman. I mean with regard to
10 addressing the backlog or having a communication about the
11 backlog or how to address it.

12 Q Have you ever talked to Mr. Kuck about this
13 meeting that was scheduled with Commissioner Danaher that
14 was ultimately postponed?

15 A I don't recall if I did or not, actually.

16 Q You didn't go to Mr. Kuck and ask him what this
17 was about?

18 A If I -- if I had, it would have been at the next
19 meeting, whenever that was.

20 Q September 4th, 2007, at 4:11 p.m.

21 A Yes.

22 Q Just double-checking to see if there was a
23 string, but I don't think there is.

24 It looks like on September 4th, 2007, at
25 4:00 p.m., Ms. Mazzocoli had e-mailed you indicating

1 that Mr. Kuck was requesting some information.

2 A Mm-hmm.

3 Q And one of the pieces of information he was
4 looking for was the names of the appellants for the next
5 90 days.

6 A Yes.

7 Q Do you know what that means, the names of the
8 appellants for the next 90 days?

9 A No. Other than what it says I don't know that it
10 has any other meanings.

11 Q Would that be the names of the appellants who
12 were scheduled within the next three months for a hearing?

13 A Oh.

14 Q Is that the way you took that?

15 A Yeah. That would be the way I took it. Sure.

16 Q Okay. And do you agree that Mr. Kuck is asking
17 if DPS had sent the issuing authority a questionnaire for
18 those appellants scheduled during the next three months
19 for hearing?

20 A That's what it looks like it's saying, yes.

21 Q Was there any question in your mind on
22 September 4, 2007, that Mr. Kuck had the authority under
23 the regulations to get that information as secretary?

24 A Yes. And he clearly had the authority. Again,
25 the concern was that he also clearly had animosity toward

1 DPS, and in my view and in the view of others on the
2 board, wasted no opportunities to berate them, badger
3 them, and try and pressure them to do what he thought they
4 should be doing. So I took this as another example of
5 that; that he was going to -- you know, after them telling
6 us that they couldn't do anything for 90 -- you know, for
7 that 90 days, you know, looking at this and using this as
8 another stick to beat them with, basically is how I took
9 it.

10 Q Do you think that in what you're describing as
11 the berating conduct by Mr. Kuck towards DPS, that the
12 function of the Firearms Unit in denying permits -- excuse
13 me -- in revoking permits or representing municipalities
14 involved was impacted?

15 A I don't know if it was or not.

16 Q I mean, well, what was it that Mr. Kuck did
17 exactly that DPS just became so upset about?

18 A All I knew is that they were upset. I knew
19 that -- and I knew from attending the hearings and hearing
20 how he would treat them and sometimes treat appellants
21 was, in my view, unprofessional and not becoming a
22 judicial type person.

23 Q Did he ever physically strike anybody?

24 A Oh, like hit them?

25 Q Right.

1 A No.

2 Q Okay. Did he yell? Was he yelling?

3 A Yeah. I mean that -- like I said, I mean he's
4 very passionate about his position, and that's fine; but
5 it seemed like he took every opportunity to embarrass
6 them, to disagree with how they did their jobs, and to
7 make it known that he didn't think they were doing a good
8 job.

9 Q Okay. And did you read the audit by the New York
10 State Police?

11 A No.

12 Q Okay. Did you read what the New York State
13 Police thought of what the Connecticut State Police did --

14 A I didn't read it, but I heard it.

15 Q Okay. And would you call that whatever you heard
16 about what the New York State Police said in the audit
17 about the Connecticut State Police, berating the
18 Connecticut State Police or saying they weren't doing
19 their job properly?

20 A Sure.

21 Q These hearings were taped, right, before the
22 board?

23 A Yes.

24 Q In going to Maryann Boord -- I know you didn't,
25 but you were informed by Sue Mazzoccoli that she did --

1 was there ever a plan that excerpts from the tapes before
2 the board of Mr. Kuck yelling or berating people or being
3 however he was would be obtained so that this evidence
4 could be given to somebody to get him off the board? Did
5 anybody ever think of that?

6 A I wouldn't be surprised if they did. I don't --
7 I don't recall there being any plan to do that.

8 Q Well, to your knowledge, has anybody ever taken a
9 piece of a tape from a hearing where Mr. Kuck allegedly
10 engaged in this conduct and said, "Look, here it is. Get
11 him off the board"?

12 A No.

13 Q Why not?

14 A I don't know.

15 Q I mean what was --

16 A I guess I could have done a better job of getting
17 him off the board if I had done that.

18 Q What was the worst thing that you ever heard
19 Mr. Kuck say to somebody?

20 A It wasn't -- well, first of all, there wasn't --
21 it was the whole demeanor, and that's -- and that's really
22 the basis of my impression, the basis of my concern was
23 the sum and substance of his approach. As a judge in a
24 case, to be so antagonistic towards parties I didn't think
25 was professional.

1 MR. SNOOK: If counsel permits, I think
2 we've established that there were a few
3 different views on the conduct of parties during
4 these hearings. If we go through the tapes at
5 some point in the future we can do that. At
6 this point I think the deponent is being asked
7 what he did and being asked, you know, what
8 letters were written and what was the context of
9 e-mails. We can continue to ask him the same --
10 I mean you have the right to ask him what did
11 Mr. Kuck do. I think we had sort of asked and
12 answered the question, but I'm throwing that out
13 as something which if we wish to pursue the
14 exact tone and text and words spoken, we can do
15 that. But it wouldn't be able to be done at
16 this meeting since we really don't have the
17 tapes.

18 MS. BAIRD: Right. Exactly.

19 BY MS. BAIRD:

20 Q I was just attempting to clarify, you know, the
21 basis --

22 A Sure.

23 Q -- for some of the testimony about what was done.
24 But I agree. I think --

25 A Understood.

1 Q -- we have gotten it out to this point.

2 MR. SNOOK: The record reflects that the
3 conduct that Mr. Adams is concerned about all
4 occurred during meetings and hearings.

5 Am I correct in that?

6 THE WITNESS: Yes.

7 MR. SNOOK: Okay. And it was not that
8 there was any physical altercations before or
9 after meetings.

10 THE WITNESS: Not that I'm aware of. I
11 hope not.

12 BY MS. BAIRD:

13 Q September 4th, 2007, at 4:00 p.m. We're still at
14 that e-mail. What was your reaction or perspective in
15 terms of whether you agreed or disagreed with the
16 sentiment expressed in this e-mail that Mr. Kuck wanted to
17 schedule two meetings a month and was looking for another
18 location?

19 A Yeah. That was a controversial thing among our
20 board. He was clearly advocating the position that we
21 should have more meetings. I knew that I couldn't attend
22 more meetings, but I did poll the board on a number of
23 occasions during our discussions after hearings that we
24 would have as a board, whether there any was interest by
25 any of the other board members to have more meetings, and

1 there wasn't. Being a volunteer board, people thought
2 they were already spending a lot of time at these
3 hearings. And for him to go and all of a sudden have
4 there be two meetings notwithstanding that board
5 sentiment, I thought was improper.

6 Q Did the board ever vote on any other issues
7 besides appeals?

8 A I think so.

9 Q Well, it voted on who would be the secretary?

10 A Oh. Secretary, certainly.

11 Q Okay. It didn't vote on who would be the
12 chairman, though.

13 A I don't think so.

14 Q Right. But how about votes, for instance,
15 whether there would be two meetings a month? Would the
16 board vote on that? I mean who would make the decision on
17 that?

18 A Well, as a matter of law, I frankly don't know;
19 but as a matter of practice and tenure on the board I
20 thought it should be something that we should all vote on.

21 Q Well, while you were board chairman, other than
22 the election I think where Attorney Corradino replaced
23 Mr. Kuck, and the votes on the appeals, were there any
24 other votes taken for anything?

25 A I'm trying to remember. I don't recall there

1 being. As far as a formal vote, there may have been -- I
2 think there was a vote about minutes at one point, minutes
3 not being produced quickly enough or something. And there
4 may have been other votes, but I don't recall anything
5 specific.

6 Q Well, was there a vote at every meeting to adopt
7 the minutes?

8 A Oh, yes. Yes. Yes.

9 Q So in the September 4th, 2007 e-mails where
10 Mr. Kuck is requesting some information and citing a
11 regulation for his authority, was it your response to
12 Ms. Mazzocoli to not respond at that time and that it
13 would be discussed at the next meeting?

14 A Yes.

15 Q What does I-I-R-C mean?

16 A "If I recall correctly."

17 Q Okay. So the next board meeting was
18 September 13th of 2007?

19 A That's what it looks like, yes.

20 Q And were these issues discussed or put on the
21 agenda for the next meeting?

22 A I don't specifically recall if they were or not.
23 I would hope so.

24 Q Well, is it fair to say at that point that you
25 really had no intention of giving Ms. Mazzocoli the

1 go-ahead to let Peter see that information?

2 A My intent was clearly to address it at the next
3 meeting.

4 Q And sitting here today, do you know if it was
5 addressed or would we need to look at the minutes?

6 A I think you'd need to look at that.

7 Q Okay.

8 A Because I don't recall. Like I said, I hope that
9 it was and, frankly, if it were something that we
10 discussed among ourselves, I don't know that it would show
11 up in the minutes.

12 Q Well, let me clarify that then. When you say "we
13 will discuss," it could have meant just you and
14 Ms. Mazzoccoli will discuss?

15 A No. No.

16 Q Oh.

17 A My intention there was "we" meaning the board.

18 Q Okay. Friday, September 7th, 2007, at 11:17 a.m.

19 A Yes.

20 Q Do you know what led to Ms. Mazzoccoli e-mailing
21 you that she had decided to notify security not to let
22 Mr. Peruta or Mr. Kuck into the office?

23 A She had said that she was concerned about her
24 safety.

25 Q Okay. And what were you told by Ms. Mazzoccoli,

1 if anything, about what conduct there had been that made
2 her concerned about her safety?

3 A She had said that both Mr. Peruta and Mr. Kuck
4 had been very loud and very rude to her, very intimidating
5 and generally unpleasant to deal with, and to an extreme
6 that she thought, you know, she didn't want to subject
7 herself to that sort of behavior.

8 Q Okay. And do you know if, in fact, security had
9 to take action not to let Mr. Peruta or Mr. Kuck into the
10 office?

11 A That I don't know.

12 Q Did Ms. Mazzoccoli ever report to you after this,
13 any issues about Mr. Peruta or Mr. Kuck trying to force
14 themselves into the office?

15 A Not that I recall, no. I mean, things were very
16 hot during this time, so, you know, I think everybody's --
17 everybody was on edge. So I mean, you know, looking back
18 on it, you know, she may have thought of it differently.
19 I have no way of knowing that.

20 Q Okay. September 11th, 2007, at 12:25. Well, it
21 looks like in there that Ms. Mazzoccoli had gotten back to
22 you about when you actually became chairman of August 11,
23 2005. Does that seem right to you?

24 A Yeah.

25 Q Okay.

1 A And let's see -- okay.

2 Q Okay. Again, this talks about the election. How
3 did it come to be determined that -- and again, was the
4 election -- do you recall, was it in October or September
5 of that year?

6 A The election for secretary?

7 Q Yes.

8 A It was in one of those two months. I don't
9 recall when. If I had to guess, I would say October, but
10 I'm not sure. It was one of those two months, though.

11 Q Do you know how it was determined or who
12 determined it was time for an election?

13 A I think I may have asked Peter during one of the
14 meetings when he was appointed, and then figuring out what
15 the terms are and stuff, and figuring out when it was
16 coming up next.

17 Q Do you know how long Mr. Kuck had been secretary
18 on the board?

19 A Not specifically, no. I knew that it had been
20 for a long time. I don't think he even remembered.

21 Q Was there any process of notice or any input from
22 the Boards and Commissions about how an election would
23 proceed?

24 A No. It's very informal.

25 Q Did you know ahead of time or discuss with

1 anybody else on the board which way the vote was going to
2 go?

3 A No. I may have probably made it clear how I
4 would like for it to have gone, but --

5 Q Okay. September 11th, 2007, at 1:40 p.m. That's
6 kind of not true. At that point you had plans to remove
7 Mr. Kuck as secretary; isn't that true?

8 A Well, I had hoped. I certainly hoped to, sure.

9 Q So was it your intent in that e-mail to convey
10 the impression to Mr. Kuck that there were no plans to
11 remove him as secretary?

12 A I'm not sure, but I would be surprised if he were
13 surprised about it.

14 Q Okay. I'm done with Exhibit 22 unless -- unless
15 did you see anything in Exhibit 22 that you have questions
16 about its authenticity?

17 A No.

18 Q Certainly you could bring that to attention of
19 counsel if you run across something?

20 A Sure. I mean, to the extent these are e-mails
21 that are from me, I stand by them.

22 MR. SNOOK: My present intention,
23 notwithstanding the methods by which they may
24 have been obtained, I have no particular reason
25 at this point to say that I will object.

1 MS. BAIRD: Okay.

2 MR. SNOOK: But Government in the Sunshine
3 is usually not a problem.

4 THE WITNESS: I agree.

5 MS. BAIRD: I think we're on Exhibit 23
6 then if this could be marked. That's the
7 regulations.

8 (Plaintiff Exhibit Adams 23 marked for
9 identification.)

10 (A recess was taken at 1:58 p.m.)

11 (The proceedings resumed at 2:09 p.m.)

12 MS. BAIRD: Back on the record.

13 If you two could share Exhibit 23. I
14 didn't have a copy for you, but thanks for
15 making these copies.

16 BY MS. BAIRD:

17 Q We discussed earlier the regulations concerning
18 the Board of Firearms Permit Examiners, and I think you
19 had testified that you were aware of the regulations when
20 you became the chairman?

21 A Yes.

22 Q And in looking at section 29-32b-2 which concerns
23 the chairman, does that describe what your duties were
24 during the time you were with the board?

25 A Yes.

1 Q What was your function as presiding officer at
2 meetings?

3 A To make sure that the hearings went smoothly. To
4 make sure that people knew what their rights were. You
5 know, I'd read a statement at the beginning of the
6 hearings apprising them of their rights, telling them
7 about the process that they were getting ready to go
8 through. And, you know, making sure that all the board
9 members had an opportunity to ask questions of the parties
10 before us.

11 Q Is there another place in the regulations that
12 describes additional duties of the chairman?

13 A I don't know offhand. I'd have to flip through
14 it. I don't think so. Yeah. I mentioned this before
15 about each party having adequate time, determined by the
16 chairman, to present their case during the conduct of
17 hearings.

18 Q What section are you referencing?

19 A That's 29-32b-8.

20 Q Did you agree at 29-32b-9, it looks like, that
21 the chairman has the authority to sign a subpoena?

22 A Yes.

23 Q And then again if I could direct your attention
24 to 29-32b-11.

25 A Yes.

1 Q It looks like that the board can postpone, recess
2 or reschedule hearings at the discretion of the secretary
3 or, if the board is in session, at the discretion of the
4 chairman.

5 A Yes.

6 Q Okay. Now, during your testimony today you
7 described what you saw as your role of chairman in trying
8 to make the board efficient by, you know, however you
9 would describe it, by --

10 A Yes.

11 Q -- sort of coordinating the board members. What
12 authority under the regulations did the chairman really
13 have to do that?

14 A I wouldn't expect there to be specific regulatory
15 authority for him to do that. I would expect that to be
16 just part and parcel of being chairman of any board.

17 Q Okay. So you took the general definition of
18 "chairman" and applied it to the board in carving out your
19 role in the board; is that fair to say?

20 A Yes. As long as it didn't conflict with the
21 regulations.

22 Q And looking at section 29-32b-3, it describes the
23 function of the secretary. Do you agree?

24 A Yes.

25 Q And it talks about -- it incorporates sections

1 29-32b-5 through 29-32b-15?

2 A Yes.

3 Q Okay. And I think we skipped over this one when
4 talking about what role the chairman had. It looks like
5 in 29-32b-3 the chairman could appointment an interim
6 secretary as needed?

7 A Yes.

8 Q When would that be needed?

9 A If the -- I interpret that to mean that when the
10 secretary is not available, can't make it to a particular
11 meeting, is in the hospital or otherwise incapacitated.

12 Q Okay. And during Mr. Kuck's tenure as secretary,
13 did you ever come to the determination that he was not
14 capable of performing his job function as secretary?

15 A Well, never came to the determination that he was
16 incapable of performing his job as secretary, but very
17 concerned about how he would perform that job.

18 Q Did you have a concern that Mr. Kuck would
19 perform his role as secretary as envisioned under the
20 regulations?

21 A Yes; that and in ways other than under the
22 regulations.

23 Q Okay. So when you say that you were concerned
24 that Mr. Kuck would perform his role as secretary under
25 ways other than pursuant to the regulations, are you

1 talking about your concern that he would abuse his
2 authority?

3 A Yes.

4 Q Okay. So did it occur to you that if a secretary
5 could not be allowed to perform his role because he could
6 abuse that role, that another secretary was needed?

7 A Yes; but I didn't think that appointing an
8 interim secretary under this regulation gave me the
9 authority to do that. I figured I had to wait until the
10 election.

11 Q But did you consider that, though? It sounds
12 like you may have considered it, in your answer.

13 A To be fair, it probably didn't occur to me at the
14 time. And if it had, I would have come to that
15 conclusion. I would have come to the same conclusion.

16 Q Well, how many opinions did you request from the
17 Office of the Attorney General while you were board
18 chairman?

19 A I just recall that one.

20 Q And did you come to the determination to request
21 that on your own or was that suggested to you by Attorney
22 Corradino?

23 A I don't specifically recall if any one person
24 suggested it. I think it was the tenor of the board that
25 we should clarify this -- clarify his position.

1 Q Okay. And that was sometime in September 2007?

2 A I don't know.

3 Q Is it fair to say it was around the time when the
4 election occurred that Attorney Corradino replaced
5 Mr. Kuck as secretary?

6 A No. I thought that we had solicited that opinion
7 in advance of that. Well in advance of that.

8 Q Do you know how far in advance?

9 A No, I -- no, I don't. Months, I think?

10 Q Okay. But in 2007, certainly.

11 A Yeah, I would expect so.

12 Q Prior to that, had you requested any other
13 opinions from the Attorney General?

14 A No. Not that I recall.

15 Q In looking at the regulations, Exhibit 23,
16 29-32b-4 --

17 A Yes.

18 Q -- do you agree that the manager described in
19 that section was Susan Mazzocoli?

20 A Yes.

21 Q And that she performed routine administrative and
22 operational matters?

23 A Yes.

24 Q And for a time that there was a staff member
25 named Donna?

1 A Yes.

2 Q Okay. Was she the other personnel named in that
3 section? I mean --

4 A I can only assume so, yes.

5 Q Did you have any direct contact with Donna?

6 A Not really. I mean, any time I talked to her was
7 during the hearings, but usually we were communicating to
8 her through Sue. Because she was really Sue's assistant.

9 Q Okay. In 29-32b-4a it talks about the election
10 of officers?

11 A Yes.

12 Q And again, while you were the chairman there was
13 that one election --

14 A Yes.

15 Q -- that we discussed?

16 A Yes.

17 Q Now, getting to section 29-32b-5, it talks about
18 a petition for a hearing.

19 A Yes.

20 Q Do you agree that under 29-32b-3, that this
21 section, section 5, applied to the duties of the secretary
22 of the board?

23 MR. SNOOK: I'm not sure I follow.

24 BY MS. BAIRD:

25 Q Okay. Going back to 29-32b-3, it says that the

1 secretarial duties are defined in section 5 through 15.

2 MR. SNOOK: Yes.

3 BY MS. BAIRD:

4 Q So do you agree that the duties described in
5 section 5, Petition for Hearing, were secretarial duties
6 under the regulations?

7 A I -- yeah, I think --

8 Q In other words, when somebody appeals to the
9 board, they appeal to the secretary. When it says "to the
10 board."

11 MR. SNOOK: I would consider that a legal
12 determination. I would have thought the board.

13 A Right.

14 MR. SNOOK: But that's just my opinion.

15 A The -- yeah. Just reading that, I would say that
16 is the authority that is given to people in order to
17 appeal to our board.

18 MR. SNOOK: Let me find out 3 just for a
19 second. For all secretarial duties. Not all
20 board duties.

21 Can we go off the record for a second?

22 (Brief discussion held off the record.)

23 THE WITNESS: Back on the record?

24 MS. BAIRD: Yes.

25 A Yes. My understanding is that that appeal goes

1 to the secretary as a matter of law. In practice, the
2 board certainly hears the hearing. And also in practice,
3 at least it had been for the time from before I was there,
4 the appeal as a matter of practice was being addressed to
5 the board at their address, and Sue Mazzocoli was
6 processing the paperwork.

7 BY MS. BAIRD:

8 Q Okay. Going on to section 29-32b-7, the
9 acknowledgment. When the regulation says "after receipt
10 of appeal, the secretary," when you were the board
11 chairman, did you make a determination of what the word
12 "the secretary" or who it referred to? Did it refer to
13 Sue Mazzocoli or to Peter Kuck?

14 A I never made that determination.

15 Q Okay. Do you know? Did you know?

16 A I know as -- I did know as a matter of practice
17 that the processing of the appeal was done by the staff.
18 By Sue.

19 Q Okay. Well, when you read the regulation when
20 you became the board chairman, did you ask who the
21 secretary was referred to in section 7?

22 A No. I mean, I knew that -- I knew that Peter was
23 the elected secretary of the board. I also knew that the
24 board's practice had -- to the best of my knowledge,
25 always had been that the paperwork was processed by the

1 staff of the board; and that at least from the time that I
2 first got on the board and the first months of my being
3 chairman, Peter was okay with that and didn't become not
4 okay with that or concerned about that until after he
5 started raising these concerns about his own permit.

6 Q Do you know if there was a period when Peter Kuck
7 did not have the entire set of the regulations 1 through
8 15?

9 A Oh. No. I didn't know that -- about that until
10 I think Sue mentioned that he had told her that he didn't.
11 But that's my only recollection of it. I didn't have any
12 independent recollection of that.

13 Q And do you recall that Susan Mazzoccoli at her
14 office just had sections 1 through 5 of the regulations?

15 A Yeah, I did hear that. I think Sue told me that.
16 I recall hearing that. And I was surprised that they only
17 had, you know, a truncated set. But, frankly, it didn't
18 surprise me. A lot of agencies don't.

19 Q Did you after you found out that Ms. Mazzoccoli
20 did not have the entire set of regulations, review section
21 7 with Ms. Mazzoccoli as regards Peter Kuck's duty as the
22 secretary?

23 A No.

24 Q Do you know if Ms. Mazzoccoli after an appeal was
25 filed with the board, made a thorough inquiry of the facts

1 of the appeal?

2 A I can only assume that she did whatever was
3 necessary to process the appeal and get it ready to be
4 heard.

5 Q Okay. Well, we had already gone over section 4
6 where it says her duties were routine administrative and
7 operational matters. Correct?

8 A Right. Right.

9 Q Was it within her duties to make a thorough
10 inquiry of the facts of the appeal?

11 A I don't know. I don't know if that was part of
12 her processing the paperwork or not.

13 MR. SNOOK: If we can go off the record for
14 one second.

15 (Brief discussion held off the record.)

16 MR. SNOOK: On the record?

17 MS. BAIRD: Yes.

18 BY MS. BAIRD:

19 Q So as regards section 7 then, let me just ask
20 you, Mr. Adams, what does that section give -- or what did
21 that section give Peter Kuck the authority to do while he
22 was secretary?

23 A The right to make a thorough inquiry of the facts
24 of the appeal.

25 Q Okay. Did it give him the authority to set a

1 date for a hearing?

2 A Yes.

3 Q Okay. And did it give Mr. Kuck while he was
4 secretary, the authority to provide reasonable notice of
5 the time and the place of the hearing?

6 A Yes.

7 Q At any point did you as chairman deny Mr. Kuck,
8 while he was secretary, the right to make a thorough
9 inquiry of the facts of the appeal?

10 A I don't think I did. But if I did, it would have
11 been very late in our relationship, after he had started
12 to use his role in a way that I thought was increasingly
13 inappropriate because of his own personal appeal that was
14 coming up.

15 In other words, the practice had always been a
16 certain way, and it was my intent to continue following
17 that practice. And then when Peter sought to do things
18 that were inconsistent with that practice, given that he
19 only sought to do that, as far as I knew, after he had
20 this personal issue, I didn't think that was appropriate,
21 to not -- and if we were going to change the practice,
22 then we ought to have a different secretary, you know,
23 doing that instead of him using his position, in my view,
24 inappropriately.

25 Q Okay. And was that ever communicated to Mr. Kuck

1 formally, this claim you have or this testimony that
2 you're now giving that the reason why if he was denied
3 access or denied the right to make a thorough inquiry of
4 the facts the appeal was based on, what, that he was
5 appealing the nonrenewal of his permit?

6 A Right. He had his own -- again, I mean it
7 comes -- first of all, the answer to the question is
8 absolutely yes.

9 Q That --

10 A On a number of occasions I told him that I didn't
11 think that it was appropriate that he be using his role as
12 secretary in order to pursue his own case.

13 Q Was it ever placed in writing?

14 A Probably not.

15 Q Was it ever placed on a record anywhere?

16 A Probably not; I mean to the extent that any of
17 those discussions among board members wouldn't have been
18 on the record. But I made no secret of the fact what I
19 thought. So I can rely on that testimony now.

20 Q Right. Was it an issue of such import that there
21 was a secretary on a board who was attempting, in your
22 opinion, to abuse his authority as secretary, did that
23 merit some sort of formality in writing or vote?

24 A Well.

25 Q Or action?

1 A Frankly, I was -- I felt like I was in a position
2 to try and keep from raising the volume in all of this.
3 To a great extent I thought a big part of the problem was
4 there was too much volume and arguing and yelling and
5 everything else that I didn't think that -- I thought it
6 would just make things worse if we did things formally.
7 We just made things very -- I made things very clear how I
8 felt, and I didn't think that it would rise to the level
9 of a formal complaint against him. I certainly wasn't
10 going to bring a formal complaint against him. He was
11 already bringing a suit against us.

12 Q And his lawsuit was filed in court. Correct?

13 A Yes.

14 Q And there were communications or there was a
15 rough draft, at least, of a communication that you
16 intended to send to the Boards and Commissions about
17 Mr. Kuck?

18 A Right.

19 Q But sitting here today, you're not sure if that
20 actually was finalized and sent?

21 A That's right.

22 Q And was it intended that a copy would go to
23 Mr. Kuck so he would be aware of that?

24 A I don't recall it even getting to that point.

25 Q When Ms. Mazzocoli communicated with the

1 detectives, Mattson or Karanda, and informed you by
2 e-mail, was Mr. Kuck kept apprised of these communications
3 that were going back and forth about him?

4 A I don't know if he was or not. I know I didn't
5 keep him apprised of them. I mean, my professional view
6 of him was clear and I made it very clear to him all
7 along, so none of this should be any surprise.

8 Q Okay. And again, did you make it clear in
9 writing to Mr. Kuck at any point?

10 A No. I'm sure I didn't.

11 Q And when you say there was yelling, who was
12 yelling? You said there was a lot of upping up the
13 volume, and people were yelling. Who yelled?

14 A Peter.

15 Q That's it? He just yelled by himself?

16 A Pretty much.

17 Q Okay. And when he would yell by himself, where
18 would this happen? At the board meetings?

19 A Yes.

20 Q While a hearing was going on?

21 A Well, certainly while a hearing was going on; but
22 I was specifically referring to discussions that we would
23 have among the board members about the situation on the
24 board.

25 Q Would that be during executive session?

1 A I don't know that we formally went into executive
2 session. Frankly, we didn't need to a lot of times
3 because at the end of the hearings, usually they would go
4 so late everybody would make for the doors anyway.

5 Q Okay.

6 A So we would be in there just among ourselves,
7 talking.

8 Q When you say Peter Kuck would sit there yelling
9 by himself, what would he say?

10 A How, you know -- you know, justice delayed is
11 justice denied. I mean basically arguing his case,
12 arguing his case in front of us. Which again, I didn't
13 think was appropriate, especially if he was going to be
14 coming in front of us within months as well. And again,
15 it just contributed to my impression of him as not having
16 judicial demeanor at all.

17 Q Any notes taken about these incidents where Peter
18 would sit there yelling?

19 A I know I didn't. I would hope that nobody else
20 did either because, frankly, we felt this was a board
21 matter and we were trying to deal with it within
22 ourselves.

23 Q So did anybody else respond at all or it was just
24 Peter yelling?

25 A No; I mean Colonel Nelson, Art Carr, myself,

1 Chief Karangekis when he was there, you know, we all try
2 and, well, simultaneously calm things down and also try to
3 be heard, which would sometimes require raising one's
4 voice.

5 Q Okay. Was there a reason why these sessions had
6 to be held for everybody to sit there and apparently
7 listen to Peter Kuck yelling?

8 A No, just -- but there wasn't any, you know, good
9 reason, in my mind, to deny him a chance to talk. You
10 know, talk out his issues.

11 Q So let me -- the board meetings, the appeals
12 would go for a pretty long time, right, sometimes?

13 A Usually.

14 Q Okay. So when the meetings were over and the
15 board deliberated and decided whether people -- you know,
16 whether the decision of the issuing party was upheld or
17 not, then everybody after that would just collect and
18 listen to Peter?

19 A No -- well, that's one way of characterizing it,
20 but the short answer is yes.

21 Q Nobody objected to that? Nobody said, "I have to
22 go home" or --

23 A They would -- Chief Knapp came up to me a couple
24 of times afterwards and said, you know, this is getting a
25 little crazy. And my attitude -- my response to him as

1 well as my attitude with the other board members was, you
2 know, this is a board matter. It's creating a lot of
3 tension, and if we can talk these things through and give
4 him a chance to talk and, you know, let us know his
5 perspective, maybe we can resolve things. Maybe we can
6 figure out a way out of the position that it looks like he
7 is inevitably putting us in.

8 Q Well, given your impression of Peter to that
9 point and some of the e-mails you'd written, did you have
10 the opinion that sitting there and listening to Peter yell
11 was going to resolve anything?

12 A Frankly, I didn't know. I hoped so. Maybe that
13 was naive, but I continued to hope that there would be
14 some way that we could either convince him to resign,
15 convince somebody else to be a proper plaintiff for his
16 issue. It's an issue that he had from long before I even
17 got on the board. And then whenever it became apparent
18 that he was going to be the plaintiff in that lawsuit, I
19 mean that -- that really changed things.

20 Q Was Sue Mazzocoli present for these meetings
21 after the board hearings?

22 A Typically yes, because she would collect all the
23 case matters and files and stuff afterwards.

24 Q Okay. Well, she would have collected those right
25 after the hearings ended, though --

1 A Sometimes. But, you know, typically we would --
2 we would all still be there and we'd still have all our
3 papers all around and stuff like that, and we would be,
4 you know, talking things through. And then whenever we
5 would adjourn, then we'd collect all our stuff and hand it
6 to Sue on our way out.

7 Q You had mentioned Chief Knapp. Did you misspeak?
8 Was Chief Knapp on the board while you were on the board?

9 A No. I'm sorry.

10 Q Karangekis?

11 A Karangekis. Thank you.

12 Q I thought so. Yes.

13 If I could just go back to Exhibit 23, section
14 29-32b-8, Conduct of Hearings. How did you interpret,
15 when you read these regulations, the second sentence to
16 mean: A verbatim transcript of each hearing shall be
17 kept in a manner determined by discretion of the
18 secretary of the board. Was that ever done?

19 A If by "verbatim transcript" something typed up?
20 Not to my knowledge.

21 Q Okay.

22 A I think that requirement was met by recording
23 each session. In fact, the kind of boilerplate statement
24 that's right at the beginning basically paraphrases this
25 regulation and lets people know that while there isn't a

1 court reporter there, that the sessions are being
2 recorded.

3 Q Okay. And when Mr. Kuck had requested
4 transcripts from Ms. Mazzoccoli -- not from her, but
5 requested the transcripts be prepared, and that that
6 request was conveyed to you through Ms. Mazzoccoli, was it
7 your opinion that Mr. Kuck was abusing his discretion in
8 requesting a transcript?

9 A I wouldn't put it that way. If he would have
10 been satisfied with receiving a copy of the tape that was
11 kept as a normal course of business, that would have been
12 fine. The problem seemed to me to be that the request to
13 have a typewritten transcript be prepared of a particular
14 hearing, a particular hearing which, if I recall
15 correctly, is one that raised an issue that would be
16 helpful to him on his appeal, to have that typed
17 transcript prepared at great expense to the board would be
18 inappropriate.

19 Q Did you look at the appeal transcripts he was
20 requesting, to determine if there was some basis for your
21 belief that those transcripts would help him in his
22 appeal?

23 A No. But I did feel I needed to because I knew
24 what hearing he was requesting the transcript of, and I
25 was at that hearing and recall him being very vocal about

1 the issues in that hearing.

2 Q Okay. And do you recall him being vocal about
3 the issues of the hearing that the Department of Public
4 Safety may have engaged in some sort of misrepresentation
5 in their testimony that he wanted to look at?

6 A Yeah; I'm not -- I don't specifically recall
7 that. But, I mean, that was certainly one of the issues
8 that he had.

9 Q Okay. And as an officer of the court, certainly
10 you would be concerned if someone appearing in front of
11 you may have misrepresented an issue. Correct?

12 A Yes.

13 Q But before you accuse somebody of that, you want
14 to make sure you're right.

15 A Sure.

16 Q Okay. Did you talk to Mr. Kuck about his reason
17 for requesting the transcript?

18 A No. And this might be a good place to put on the
19 record for clarity that if -- if my level of trust of
20 Peter hadn't been at such a low ebb at that point it would
21 not have been an issue.

22 Q But what had Mr. Kuck ever done to you to make
23 you not trust him?

24 A It was the -- again, it was the entire demeanor
25 and way he came across. His attitude. It didn't at all

1 seem consistent with, you know, good judicial practice or
2 being an impartial person on the board.

3 Q But when you say that made -- is it your opinion
4 that Peter acted in such a way that was deceitful? For
5 example, is he really anti-gun, but he may pretend he was
6 pro-gun?

7 A No. But representing himself as a commissioner
8 to folks, you know, speaking as if he were the entire
9 board when he's only one other member of the board. You
10 know --

11 Q When did he do that?

12 A I don't -- I don't have any specific dates. I
13 mean that's --

14 Q But who did he do that with? What do you mean?
15 We hadn't discussed that so far today.

16 A Oh, okay. Sue had said that he had -- she had
17 reported back to me that he had contacted the Waterbury
18 Police Department as, quote/unquote, a commissioner of the
19 Board of Firearms in order to get certain information;
20 information which I understood was, again, information
21 along the same lines of what he was going to do in his
22 appeal.

23 Q And what do you mean, somebody at the -- there
24 was some issue with the Waterbury Police Department of
25 someone not presenting a birth certificate, passport or

1 voter registration card?

2 A I think that was it. I think that was it, but I
3 don't have a specific recollection of it.

4 Q Okay.

5 A You know, I mean, frankly, I didn't need to. My
6 concern was that he was going off representing the board
7 without letting anybody know, and we would find out about
8 these things afterwards.

9 Q Did Sue ever indicate to you that Peter's
10 attorney had called the AG's office to get her fired?

11 A Yes, I think she did.

12 Q Do you know if that's true?

13 A I don't.

14 Q Did you ever look to see if that was true or not?

15 A No, I did not.

16 Q Do you think it's possible it's not true?

17 A Sure.

18 Q Do you think it's possible what Sue Mazzoccoli
19 told you about Peter's contact with the Waterbury Police
20 Department wasn't true?

21 A Sure, it could be untrue; but it was consistent
22 with what I thought.

23 Q Well, was Peter's attorney contacting the AG's
24 office to get Sue fired consistent with what you thought?

25 A I didn't know.

1 Q The case that you're talking about with the
2 Waterbury Police Department, was that a case that was on
3 appeal?

4 A That I don't recall.

5 Q Okay.

6 A I know that we on the board had had discussions
7 about some of the local authorities being too aggressive
8 in denying folks.

9 Q Well, who had said that on the board?

10 A Peter. And I think Colonel Nelson also may have
11 mentioned that, but he didn't know whether or not that was
12 an actual problem or not.

13 Q Okay. Besides Colonel Nelson and Mr. Kuck,
14 anybody else that expressed that?

15 A Mr. Carr I think may have said something about --
16 because he had such a long tenure on the board, that it
17 might have been a problem in the past. I guess to make an
18 analogy that this isn't anything new.

19 Q Well, did you see that as berating a local police
20 department when that comment --

21 A I did, but since more than one person shared that
22 perspective I didn't think it was as big of a deal.

23 MS. BAIRD: I'm going to review with my
24 client if he has any more questions just to
25 close it up, and I think we're almost done. If

1 we could just have a minute.

2 (A recess was taken at 2:44 p.m.)

3 (The proceedings resumed at 2:53 p.m.)

4 MS. BAIRD: Well, I'm done. I don't have
5 any more.

6 MR. SNOOK: I have got a couple.

7

8 CROSS-EXAMINATION

9

10 BY MR. SNOOK:

11 Q Mr. Adams, where were you raised?

12 A Kentucky and West Virginia.

13 Q When you were young, were there firearms in your
14 household?

15 A Yes.

16 Q Have you ever owned a gun?

17 A Yes.

18 Q Do you own a gun now?

19 A Yes.

20 Q You have commented several times and I believe
21 you used the word "passion" with respect to Mr. Kuck's
22 views on firearms; am I correct?

23 A Yes.

24 Q Do you feel that citizens of the United States
25 and legal residents have rights under the Second Amendment

1 to own a firearm?

2 A Absolutely.

3 Q And are you strong in that?

4 A Yes.

5 Q Is that one of the reasons you were on this
6 board?

7 A Yes.

8 Q Were you aware at any time before the onset of
9 this litigation, of any efforts by then Commissioner
10 Danaher to institute legislation or to encourage
11 legislation to arrange for paid positions of board
12 members?

13 A No.

14 Q When you came on board as chairman of the board,
15 was the practice and policy of the Board of Firearms
16 Permit Examiners to have the responsibilities for the
17 scheduling of appeals delegated to the -- I'll call it the
18 executive director?

19 A Yes.

20 Q Who was Sue Mazzoccoli?

21 A Yes.

22 Q When did you become aware of Mr. Kuck's intention
23 to commence a lawsuit with respect to his permit appeal?

24 A Don't specifically recall. Sometime late 2006,
25 early 2007, I think.

1 Q Would that have been before his permit
2 terminated?

3 A Yes.

4 Q And how did you become aware of this?

5 A He told us at the board.

6 Q I'm trying to read my handwriting. Bear with me.
7 As chairman of the board, do you have any
8 control over the decisions made by the Special Licensing
9 and Firearms Unit?

10 A No.

11 Q Over the scheduling of any of their internal
12 matters?

13 A No.

14 Q Over the Department of Public Safety generally?

15 A No.

16 Q As a chairman of a board appointed by the
17 Governor with the advice and consent of the director of
18 Boards and Commissions, did you feel it was important for
19 that director to be made aware of personnel difficulties
20 among board members?

21 A Absolutely.

22 Q In determining your responsibilities to -- as you
23 have mentioned, I believe using your terminology, the
24 smooth and efficient running of the board, did you feel it
25 was included within those responsibilities to ensure the

1 smooth and efficiency of running of the board members?

2 A Yes.

3 Q And other than members of the DPS or any local
4 law enforcement authorities, or I believe you referred to
5 Attorney Sherman, was there any point that any members of
6 the board brought to your attention any concerns they had
7 with respect to the plaintiff's demeanor?

8 A Yes.

9 Q As a board member?

10 A Yes.

11 MR. SNOOK: Thank you. I have no further
12 questions.

13

14 REDIRECT EXAMINATION

15

16 BY MS. BAIRD:

17 Q You had just testified that you believed it was
18 important as the board chairman to make the Boards and
19 Commissions aware of difficulties with board members? Was
20 that your testimony?

21 A Yes.

22 Q Was that in your capacity as the board chairman
23 or just as a board member that you believe it was your
24 duty to make Boards and Commissions aware of difficulties?

25 A As chairman. I may have felt the same way as a

1 board member, but I didn't have that opportunity. But
2 certainly as chairman.

3 Q Okay. And again, is there any guideline or
4 policy with regard -- that you knew of, for board members
5 to go with complaints about other board members?

6 A No.

7 Q Do you know if any other board member of the
8 Board of Firearms Permit Examiners while you were the
9 chairman went to the Boards and Commissions office or
10 anywhere else to complain about Mr. Kuck?

11 A I don't know if they did. I would be surprised
12 if they had.

13 Q Okay. Do you know if Mr. Kuck went to the Boards
14 and Commissions to complain about any other board members?

15 A I don't know if he did. Wouldn't be surprised if
16 he did.

17 Q Okay. So from your testimony, it appears that
18 you believe that members of boards should voice their
19 complaints about other members of the boards, behind their
20 backs, to the Boards and Commissions?

21 MR. SNOOK: Objection as to the
22 characterization.

23 BY MS. BAIRD:

24 Q Well, let me put it this way. When you
25 complained to the Boards and Commissions office, did you

1 tell Mr. Kuck that you were entering a complaint against
2 him?

3 A No. He knew I had problems with him.

4 Q That wasn't my question.

5 A Understood.

6 Q Did you tell him that you were making a complaint
7 about him to the Boards and Commissions?

8 A No.

9 Q Did you tell him that Sue Mazzoccoli was talking
10 to the Boards and Commissions about him?

11 A No.

12 Q Do you know how many complaints everybody on the
13 Board of Firearms Permit Examiners was making about each
14 other to the Boards and Commissions while you were the
15 chairman?

16 A No.

17 Q Do you agree that a certain number of complaints
18 by board members against each other to the Boards and
19 Commissions may have undermined the effectiveness of the
20 board?

21 A Yes.

22 Q And do you know if those complaints that were
23 received by the Boards and Commissions were ever conveyed
24 to Mr. Kuck so that they could be addressed?

25 A I don't know.

1 Q Okay. Oh. The delegation of authority to Sue
2 Mazzoccoli, do you know when that began?

3 A No. I know that it occurred before I started.

4 Q Okay. And when you say delegation of authority,
5 are you referring to the delegation of authority given the
6 secretary under the regulations?

7 A Generally, yes.

8 Q Okay. Is there any authority that the secretary
9 has under the regulations that wasn't delegated to Sue
10 Mazzoccoli while you were the chairman?

11 A I don't think so.

12 Q So Sue Mazzoccoli was responsible, because the
13 authority was delegated to her, to set a date for
14 hearings?

15 A Yes.

16 Q And to give reasonable notice of the time and the
17 place of the hearing?

18 A Yes.

19 Q And she made the determination of whether the
20 information that she received was sufficient to permit a
21 fair and impartial hearing?

22 A It was her responsibility to make sure the
23 paperwork was complete.

24 MR. SNOOK: If I could follow up on
25 counsel's question with respect to: But you're

1 not aware of any delegation of authority to Sue
2 Mazzoccoli to make independent verification of
3 fact.

4 THE WITNESS: No. Absolutely not.

5 MR. SNOOK: So that authority was never
6 delegated.

7 THE WITNESS: Absolutely not.

8 MS. BAIRD: Okay.

9 BY MS. BAIRD:

10 Q And I think what Attorney Snooks is referring to
11 is section 29-32b-7 which indicates that the secretary
12 reserves the right to make a thorough inquiry --

13 MR. SNOOK: Yes.

14 BY MS. BAIRD:

15 Q -- of the facts of appeal. To your knowledge,
16 that was not delegated to Ms. Mazzoccoli?

17 A That's correct.

18 Q And do you know who performed that function if
19 Ms. Mazzoccoli did not?

20 A I think we all did. Whenever a case would come
21 before us as a board, we have in front of us the police
22 report, all of the documents relevant to the case, and we
23 look at them while we're conducting the hearing.

24 Q Okay. Did Ms. Mazzoccoli indicate to you that
25 the authority had been delegated to her that was the

1 secretary's under the regulations?

2 A No. Not in those -- not in those words. If at
3 all it would be in answer to the question, "Well, how do
4 you do things?" And then, "This is what I do."

5 Q I mean, to your knowledge, based on what
6 Ms. Mazzocoli told you about just having sections 1
7 through 7 of the regulations, she wasn't even aware of
8 section 7 that gave her the authority to --

9 A I think it's fair to characterize how she did her
10 work as this is the way her predecessor had done it and
11 she continued that and had always done a good job and
12 never had any problems.

13 Q Okay. What did Mr. Kuck tell you about his
14 intention to bring a lawsuit?

15 A He told all of us that his permit was coming up
16 for renewal, and if the DPS insisted on information which
17 he didn't think they had a right to get, that he would
18 sue.

19 Q Okay. Did you and Attorney Corradino approach
20 Mr. Kuck together at some point and ask him to resign?

21 A I don't think we did so together. Certainly I,
22 and I think he also at different times said that it would
23 be better for Peter to resign and focus on his lawsuit if
24 that's what he wanted to do, than try and serve on the
25 board and also be a plaintiff in that lawsuit. And it's

1 certainly something that we expressed at, you know, our
2 board meetings whenever Peter would bring it up.

3 MS. BAIRD: I don't have any questions to
4 your follow-up.

5 MR. SNOOK: Thank you all.

6
7 (Whereupon, the witness was excused and the
8 proceedings were concluded at 3:04 p.m.)
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SIGNATURE PAGE

I, CHRISTOPHER ADAMS, have read the foregoing transcript of the testimony given at the deposition held on DECEMBER 20, 2011, and it is true and accurate to the best of my knowledge as originally transcribed or with the changes as noted on the attached Errata Sheet.

CHRISTOPHER ADAMS

STATE OF CONNECTICUT
COUNTY OF _____

Sworn and subscribed to before me this _____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires: _____

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