

TRANSPERFECT
LEGAL SOLUTIONS



STATE OF ILLINOIS

Admissions Review Commission

July 14, 2009

James R. Thompson Center

100 W. Randolph Street, 16-503

Chicago, IL 60601

1 [START admissions-review-071409 Part 1 of 4]

2 MR. LAWRENCE EPPLEY: Mr. Chairman, ladies
3 and gentlemen, thank you for the opportunity to
4 address you today about serious issues regarding
5 the admissions policy of University of Illinois.
6 I offer my gratitude and apologies to you for
7 these events causing you to use some of your
8 valuable time to help us. And as a volunteer
9 public servant myself, I commit to you all my
10 efforts to fix what needs fixing.

11 I'm very proud of what the university has
12 accomplished and what it has contributed to
13 society. I wear the school's colors on my
14 sleeve proudly. Having received my bachelor's,
15 master's, and law degree from the U of I and
16 having served on the board since 2001, this
17 institution and its reputation are of paramount
18 importance to me. I may be the U of I's biggest
19 cheerleader.

20 Obviously, we are here today to talk about
21 admissions. We're also here because U of I is a
22 jewel. Our faculty and students have been
23 awarded Nobels and Oscars. And today, the U of
24 I ranks as one of the top ten public
25 universities in the country.

1 But the university does not exist in a
2 vacuum. Every board member, the Chairman
3 included, are often the point of contact for
4 various business and civic leaders and political
5 figures and their staff. It's part and parcel
6 of this voluntary job.

7 Unfortunately, inferences are drawn that we
8 act as part of someone else's team. That's
9 totally false. We represent an ad - - on behalf
10 of the university.

11 Over the last eight years, I've been an
12 advocate for the university. And at times, this
13 met badly with members of the prior
14 administration. Case in point--shortly after
15 becoming Chairman in 2003 in the midst of the \$5
16 billion budget deficit facing the state, I was
17 approached by the budget--then budget director
18 about a cut of \$350 million to the university's
19 budget. We are at the sharp end of that. And
20 we are at the sharp end of their rhetoric.

21 Through careful education and planning and
22 discussion, helping them understand exactly what
23 a budget cut of that magnitude would do to the
24 school, we're able to wield the budget cut to
25 something under \$70 million and also get

1 commitments from the new administration for
2 capital programs. And I'm happy to say that two
3 of those were finally funded yesterday--will be
4 funded as a result of yesterdays signing of the
5 capital bill. It's taken six years. But we're
6 very grateful.

7 Over the years, I continued to advocate on
8 behalf of the university, in the process found
9 myself dealing with members of the prior
10 administration's staff.

11 We board members and senior university
12 executives, including the President, the
13 chancellors, and various vice presidents,
14 developed respectful, courteous, and
15 professional working relationships with members
16 of the prior administration's staff.

17 Over the past few weeks, I've heard my name
18 mentioned in ways I could never have imagined.
19 But let me be clear. I did not pal around. I
20 did not act as a go-between for this Governor,
21 the prior Governor, or any Governor or staff. I
22 did not give directions or orders regarding
23 admission. I didn't bargain or negotiate for
24 admissions with jobs or anything else.
25 My personal integrity and the integrity of

1 the university are more important to me than
2 that. I volunteered my time to the university
3 because I believe in the mission. I believe in
4 the transformative power of public higher
5 education. I didn't do it for chip [phonetic].
6 I didn't do it for salary. And I didn't do it
7 for a career.

8 My prior role as board chair received
9 admission inquiries from many sources. I
10 followed the established admissions protocol and
11 the decades-long policy on special consideration
12 for admission. Thankfully, as a result of this
13 process, all of that will be changed.

14 This may surprise you. But I have to say
15 that without the Tribune's reporting on this
16 issue, I'm not sure that we would've seen on
17 such a large scale what the inquiry system had
18 become. And if we are able to put the
19 sensational aside and use this experience as an
20 opportunity for critical analysis, then what we
21 can conclude is that this inquiry process has
22 not only taken on a life of its own, but it
23 snowballed beyond what any reasonable person
24 would consider to be best practices for a
25 university such as ours.

1 Do we need to change the system?

2 Absolutely. Do we need to level the playing
3 field? Again, absolutely.

4 We're a public university. And we
5 desperately need to restore the public's
6 confidence in our admissions system. - -
7 university ought to be what it always has been--
8 a tool.

9 I deeply care about the university. And I
10 know you do, too. And I'm confident that we'll
11 be able to fix this problem quite soon. Thank
12 you.

13 MALE VOICE 1: Thank you - - . John
14 [phonetic], - - .

15 JOHN: Thank you, judge. Mr. Eppley, you
16 mentioned the three degrees that you have from
17 the university. Can you describe what those
18 three are and when you received those degrees?

19 MS. EPPLEY: - - I have a bachelor's degree
20 in accounting. And the university, when I was--
21 at the time, they had a five-year program where
22 you could earn your bachelor's and master's
23 degree and through tests, preadmission tests--I
24 think they were called PUT [phonetic] tests. I
25 was about a semester ahead. So I talked to the

1 Dean of the College of Business about trying to
2 do that five-year program in four years, four
3 years and a summer. So that led to my master's
4 degree as well.

5 JOHN: What year was that?

6 MR. EPPLEY: Both in 1982.

7 JOHN: And your law degree, sir?

8 MR. EPPLEY: My law degree went right from
9 bachelor's or undergrad-grad school to U of I
10 Law School, graduated in 1985.

11 JOHN: And what have you done since
12 professionally?

13 MR. EPPLEY: I've worked at one firm since I
14 was in the summer program in 1984 and joined a
15 firm in 1985, have been there ever since. I did
16 have a two-year term of hiatus or leave of
17 absence where I was the sole legal department at
18 a small, private company, but by and large at
19 one firm my entire career.

20 JOHN: How would you generally describe the
21 nature of your practice?

22 MR. EPPLEY: Transactional. I tell friends
23 that if there's a piece of paper that says I
24 agree to do something or I promise to pay
25 something, it's probably something I do.

1 MALE VOICE: Is the firm in Chicago?

2 MR. EPPLEY: It is, 120 years in Chicago.

3 JOHN: What is the name of the firm?

4 MR. EPPLEY: It was Bell, Boyd. Now it's
5 called K.L. Gates.

6 JOHN: Have you personally as a licensed
7 attorney done work for the state of Illinois or
8 for that matter for any of the institutions of
9 higher education?

10 MR. EPPLEY: Institutions of higher
11 education, in the early '90s, I participated in
12 finance transaction where the University of
13 Illinois was the issuer of bonds. I believe in
14 that transaction I was part of the legal team
15 that represented the underwriters.

16 JOHN: Any other work for either the
17 University of Illinois or the state of Illinois?

18 MR. EPPLEY: I have not done work--any other
19 work for the University of Illinois. And I have
20 not personally done any work with - - .

21 JOHN: Now we'll talk extensively about your
22 service to the university as a trustee. Have
23 you also served on any other board that is
24 connected to the law school?

25 MR. EPPLEY: Yeah, my first sort of

1 encounter as a professional volunteer board
2 member to the university was as a member of the
3 Board of Visitors to the law school.

4 MALE VOICE: What year was that?

5 MR. EPPLEY: Yeah, it's a great question.

6 It was before I was a trustee. I don't think I
7 carried over maybe a year. So I'm guessing
8 probably late '90s probably when I started - -
9 member of the Board of Visitors. It was
10 something that the then Dean - - invited me.

11 MALE VOICE: Who was the Dean then?

12 MR. EPPLEY: - - Tom Miggler [phonetic].

13 JOHN: What were your duties as a member of
14 the Board of Visitors?

15 MR. EPPLEY: The members of the Board of
16 Visitors are certainly treated very nice. We
17 discussed things that maybe the law school could
18 do or do better. You know, we would talk about,
19 you know, issues that are hot in the legal
20 market, you know, for instance, maybe
21 environmental law or bankruptcy law as sort of
22 the new things, the hot practice areas. And you
23 know, maybe the law school would focus a little
24 bit on that. We talked a lot about, you know,
25 things generally that would benefit the law

1 school and law students.

2 JOHN: Did you talk at all about admissions
3 policy or admissions practices with respect to
4 the law school?

5 MR. EPPLEY: No.

6 JOHN: Now let's talk about your initial
7 appointment to the Board of Trustees for the
8 university. First of all, when were you
9 initially appointed to the board?

10 MR. EPPLEY: 2001, yes, 2001.

11 JOHN: Can you explain for the commissioners
12 the circumstances that led to your appointment
13 to the board in 2001?

14 MR. EPPLEY: Through--I was able to meet
15 then Governor Ryan through mutual friends,
16 people that were in state government, probably
17 had four-ish sort of more personal encounters,
18 you know, at a dinner or some other such thing.
19 And you know, I was such a big component of the
20 university, I was I guess maybe looking back a
21 little too bold. But I inquired about whether
22 or not I could be considered a candidate for a
23 trustee position.
24 He said--well, I don't think it was anything
25 more than, you know, send me a resume. And I

1 did. And some time after that - - when, I got a
2 call from I believe it was the - -
3 commissioner's office and asked--sort of
4 following up on my inquiry and my resume. And I
5 was asked whether or not I'd be willing to serve
6 as a member of the Gaming Board I believe
7 because I had an accounting degree, a CPA. And
8 I politely declined. I wasn't really anxious to
9 get involved in the Gaming Board. And I believe
10 the next thing I heard back was another phone
11 call from Boards and Commissions. And the
12 Governor had decided that I would be a worthy
13 candidate for a U of I trustee.

14 JOHN: And that was in 2001?

15 MR. EPPLEY: Mid-2000 or early 2001. My
16 first meeting as board member was in March, so
17 somewhere between late--winter of 2000 - - .

18 JOHN: And obviously, you had not previously
19 served in a board which--I'm sorry--the Ryan
20 Administration?

21 MALE VOICE: Who were the people that you
22 knew in the Ryan Administration?

23 MR. EPPLEY: I'm sorry?

24 MALE VOICE: Who - - your entrance to
25 serving on the Board of Trustees?

1 MR. EPPLEY: Well, at the time, one of my
2 law partners was Lee Daniels. And he was either
3 Minority Leader of the House or Speaker of the
4 House. And he made the initial introduction. I
5 never felt like I could call Mr. Ryan directly.
6 I didn't have that kind of relationship. That's
7 why I'm saying I think I was a little bold in
8 even asking about serving--

9 MALE VOICE: [Interposing] Did you know
10 other people in the administration at the time?

11 MR. EPPLEY: In the Ryan Administration? I
12 don't think so.

13 [Crosstalk]

14 MALE VOICE: Were you a contributor to the
15 Ryan--?

16 MR. EPPLEY: I don't believe I was.

17 JOHN: Do you know if Mr. Daniels was a
18 contributor to the Ryan Administration?

19 MR. EPPLEY: I don't know. But you know, I
20 suspect, given their--I think they served in the
21 House together. So I suspect that relationship
22 went back quite a ways.

23 JOHN: Did you know Mr. Cellini at all?

24 MR. EPPLEY: I only met him after I was
25 appointed to the board. I don't really know him

1 otherwise.

2 FEMALE VOICE: Did there come a time when
3 you came to know the former Governor
4 Blagojevich? Is that correct?

5 MR. EPPLEY: I didn't meet anybody related
6 to the Blagojevich camp until after he was
7 elected.

8 FEMALE VOICE: Okay. And when you--he came
9 --and when he was elected, who did you meet
10 within his cabinet?

11 MR. EPPLEY: Lon Monk.

12 FEMALE VOICE: And how did you come to meet
13 Mr. Monk?

14 MR. EPPLEY: I was introduced to Lon Monk.
15 The situation for the university at the time was
16 these--I shouldn't say these guys--the
17 administration--the Blagojevich team seemed to
18 be campaigning on a theme that everything old is
19 bad. Only everything new that they do is going
20 to be good. It's a, you know, huge reform
21 platform. And at the time, the university was
22 sort of suffering under this, you know, a lot of
23 harsh rhetoric about bureaucracy, tuition's too
24 high. We'd gone through a couple years of
25 tuition increases that weren't very popular.

1 And they kind of came out swinging in their
2 campaign and so forth.
3 My concern I think shared by a lot of people
4 within the university was, you know, what does
5 this portend for the university once they take
6 office? And it just seemed like it wasn't
7 likely to be a good outcome, a good result. So
8 I took an initiative. I'm sure other members
9 may have done the same. But I took the
10 initiative to try to meet as many people in the
11 new administration as I could so--you know, in
12 an effort to let them understand from my
13 perspective, you know, what the university is,
14 what it contributes to the state, you know, the
15 fact that, for instance, you know, every \$1 of
16 appropriation created about five times more
17 expenditure of the state because, you know, it
18 supports research and supports--it supports a
19 lot of things.
20 In other words, the university was much
21 greater than the amount of money that was
22 appropriated in the university. And it seems
23 ironic. But you know, the reality is the more
24 you support the university, the more it does for
25 the state. I've heard things--and I shouldn't

1 give this as an absolute track--but I think what
2 we've learned lately at the university is every
3 \$1 of appropriation creates up to \$14 or \$15 of
4 economic activity in the state.
5 So it was stuff--it was information like
6 that that I was desperate to get in front of the
7 new administration before they started--you
8 know, 'cause we knew that they were faced with a
9 \$5 million budget deficit. And we knew that--
10 well, I shouldn't say we knew. The problem is
11 they might come, you know, asking for a lot of
12 money, you know, to cut so they could help
13 balance their budget, their purchase budget - -
14 . And we'd already in the last--the economy
15 started to get worse in the transition from the
16 Ryan Administration to the Blagojevitch
17 Administration. And then the last year of the
18 Ryan Administration, we had already lost \$30
19 million of appropriation through a rescission.
20 And we just were concerned about the--protecting
21 the university and its programs. So we just--we
22 didn't know anybody. We were sort of--we just
23 didn't know anybody. As a reality, I didn't
24 even vote for that guy.
25 MALE VOICE: You were then Chairman of the

1 Board of Trustees?

2 MR. EPPLEY: No.

3 MALE VOICE: Still--

4 MR. EPPLEY: [Interposing] - - .

5 MALE VOICE: At the same time, the

6 Blagojevitch victory, gubernatorial victory, was

7 in November 2002. And then there is a

8 approximately two-month transition period, the

9 administration coming in officially in January

10 2003, correct?

11 MR. EPPLEY: Yes.

12 MALE VOICE: And is it fair to say that

13 between the date of the election and the date of

14 the inauguration, you made effort to get to know

15 some of the individuals within the new

16 Blagojevitch Administration, correct?

17 MR. EPPLEY: Mm-hmm.

18 MALE VOICE: You talked about Lon Monk. Who

19 else did you have contact with in those early,

20 in those early months as the new administration

21 is preparing to come - - ?

22 MR. EPPLEY: It was principally Lon Monk. I

23 don't think I ever spoke to the Governor himself

24 about any of these issues. I don't think I was

25 ever introduced to him at that point in time.

1 So it was principally Lon Monk and maybe John
2 Filan. It certainly was John Filan when they
3 came calling for budget cuts. But up until that
4 point, I'm not really sure whether it was John
5 Filan. But those are the two principle guys--

6 MALE VOICE: Had any dealings with Tony
7 Rezko?

8 MR. EPPLEY: I do not.

9 MALE VOICE: Did you know him?

10 MR. EPPLEY: No.

11 MALE VOICE: Let me ask you about Chris
12 Kelly. Is it your understanding that Chris
13 Kelly was not in fact that point in time or at
14 any point in time and employee of the state of
15 Illinois?

16 MR. EPPLEY: Well, I don't know exactly what
17 his status was. But I did--I met Lon Monk
18 through an introduction by Chris Kelly. And I
19 met Chris Kelly through a mutual friend and
20 somebody who was close to the Governor. And so
21 that was my first point of contact if you will.
22 And I think I bored him to tears on everything I
23 just told you about how valuable the university
24 is. The good news was turns out he's a U of I
25 grad. And you know, to paraphrase, you know, I

1 was kind of preaching to the choir. And he
2 suggested that I tell my story to Lon Monk. Lon
3 was the one who was working with the
4 administration.

5 MALE VOICE: You said you understood that
6 Mr. Kelly was close to the Governor--

7 MR. EPPLEY: [Interposing] I was told he
8 was. I mean, I--again, I didn't know him before
9 I met him. But an old friend of mine said, you
10 know, here's a guy--everybody I talked to I
11 talked about the university. And they probably
12 wanted me to go away at some point. So you
13 know, people that I knew knew how much I cared
14 for the university. And I think everybody saw
15 sort of the writing on the wall perhaps of
16 existing state-funded institutions at the time.
17 And so it was, you know, just a friend said,
18 hey, you know, I know this guy. And he's
19 supposedly close to the Governor. Hey, talk to
20 him about this. That's how it started.

21 MALE VOICE: How much contact did you have
22 with Mr. Kelly between late 2000 to early 2003
23 if you recall?

24 MR. EPPLEY: Well, it started at either a
25 basketball game or hockey game, invited him, and

1 talked to him about that. - - you know, I'd
2 just be guessing two or three, four.

3 MALE VOICE: In that time period.

4 MR. EPPLEY: Yeah.

5 MALE VOICE: And what was your understanding
6 as to what role Mr. Kelly had within the
7 Blagojevitch Administration in those early
8 months?

9 MR. EPPLEY: I'm not sure I knew what role
10 or whether he had a role. You know, from my
11 standpoint, it was somebody who had a connection
12 to the university, maybe not as deep as mine,
13 but you know, at least felt a little bit
14 comfortable that somebody who was, you know, - -
15 close to the new Governor at least liked the
16 university. So - - that was good news.

17 MALE VOICE: So in January 2003, you were
18 elected Chair of the Board of Trustees?

19 MR. EPPLEY: Yeah, you know, either January
20 or February. I'm now not remembering the exact
21 date. I believe that the--they had four
22 appointments. I believe they had four
23 appointments, the new administration, yeah. The
24 way--the members of the U of I Board are the
25 Governor, I mean, which is unusual 'cause I

1 don't think any other public university in the
2 state has the Governor as a member 'cause the
3 Governor is a voting member of the U of I Board.
4 And there are actually some interesting stories
5 about governors who have shown up at meeting to
6 make a vote on university issues.

7 But so Governor's a member. Then there are
8 nine statewide appointees. And those nine are
9 appointed every--three every other year. So
10 it's kind of staggered like that. So if you're
11 appointed, you get a six year term and then two
12 years later a new batch of three.

13 So in 2000--after the election--and I
14 believe this recollection's correct--Gerry Shea,
15 who was then a board member, resigned from the
16 board. So they not only had three that just
17 rolled off on their own, but they also had a
18 fourth then when Gerry Shea left the board. And
19 again, this is just recollection. But I think
20 they took awhile to make the appointments. I'm
21 not sure we had--generally, the first meeting of
22 the year in January is the board's annual
23 meeting where the board officers are elected.
24 That would include a Chair, Treasury I think
25 every other year, second chair, and university

1 counsel. And that's usually the first meeting
2 in January. But for some reason, I think that
3 that might've been postponed a month or two.

4 MALE VOICE: So early in 2003, you were
5 elected Chair of the Board of Trustees.

6 MR. EPPLEY: Mm-hmm.

7 MALE VOICE: The election is - - .

8 MR. EPPLEY: The board elects the Chair,
9 yeah, every voting member of the board,
10 including a student trustee. By the way, I did
11 forget there's three student trustees, one from
12 each campus. They're elected by their campus,
13 whatever process they come up with. And out of
14 the three, one gets an official vote. The other
15 two get advisory votes. And the Governor, the -
16 - Governor designates which student trustee gets
17 the official vote.

18 MALE VOICE: So you got a nominating process
19 for the Chair?

20 MR. EPPLEY: Yeah, there are nominating
21 processes. You know, I haven't been involved in
22 one that involved multiple nominations. And I
23 was talking to the board actually this morning
24 just about that issue. It's just that generally
25 most boards like that, usually the elections are

1 not contested.

2 MALE VOICE: But you'd been a fairly new
3 member.

4 MR. EPPLEY: I was fairly new member, yeah.

5 MALE VOICE: And appointed by the previous
6 administration of another - - .

7 MR. EPPLEY: - - didn't vote for the current
8 - - .

9 MALE VOICE: And how did you get to be the--
10 were you a consensus candidate? Did you have -
11 - ?

12 MR. EPPLEY: You know, I guess anybody who
13 gets elected in the position - - because of, you
14 know, your skills and diplomacy and, you know,
15 such. - - , you know, I did--among the things I
16 talked about with the new folks if you will is
17 to the extent--I'm not sure--being a board
18 member for two years, I'm not sure there was an
19 established protocol how you rotate through
20 various board committee chairs and become chair.
21 But to the extent there was one, I'd given them
22 information on sort of the person who might be
23 next in line. And you know, so suggested that,
24 you know, since the Governor has a vote and vote
25 for chair, you know, this is something they

1 like--I had also mentioned because this person
2 happened to be from the other political party
3 that there was a senior member of the board that
4 was a Democrat would also be an outstanding
5 candidate - - .

6 MALE VOICE: That didn't happen.

7 MR. EPPLEY: That didn't happen. And you
8 know, it was--I wasn't--I guess it sounds easy
9 for me to say that I wasn't extraordinarily
10 happy that the person who I thought was sort of
11 next in line was not going to be chair. But you
12 know, again, we had--the bigger issue was making
13 sure that university was able to move forward.
14 And I think--and again, this is just
15 speculating on my part. But you know, they were
16 sort of all about throw away the old, in with
17 the new kind of stuff. And I'd say maybe they
18 were populating various things with younger
19 people. I don't know.

20 FEMALE VOICE: How did--but how did you
21 become chair?

22 MR. EPPLEY: I was elected.

23 FEMALE VOICE: And how did you come to be
24 elected if someone else was--

25 MR. EPPLEY: [Interposing] They--

1 FEMALE VOICE: --someone else, someone else
2 was the successor?

3 MR. EPPLEY: There is no--there's no
4 official successor.

5 FEMALE VOICE: I mean, there was no--but
6 were you an official candidate for the position?

7 MR. EPPLEY: I was nominated at the annual
8 meeting, yes. They asked Lon Monk at one point
9 after talking all about university and, you
10 know, possible candidates for chair, asked me if
11 I would consider being chair, told him it was a
12 little awkward to do that. But he said they
13 really want me to be chair.

14 FEMALE VOICE: So he said they wanted you to
15 be the chair. Did you understand him to mean
16 that Governor Blagojevitch and Lon Monk was the
17 Chief of Staff, they wanted you to head the
18 Board of Trustees. Is that right?

19 MR. EPPLEY: Yeah, I think the best way to
20 put it is were the Governor to vote--and the
21 Governor is entitled to vote--and that is one of
22 the things I learned this morning from the Board
23 Secretary that in the past Governors have
24 actually gone to board meetings to vote for the
25 Chairman--that the Governor would vote for me.

1 MALE VOICE: - - there were three holdovers
2 on the board?

3 MR. EPPLEY: There's nine statewide. So
4 four--we needed four new ones. So there were
5 five old ones, including - - .

6 MALE VOICE: But they hadn't been appointed
7 yet, had they?

8 MR. EPPLEY: They four new ones had to be
9 appointed I think before we had the annual
10 meeting. - - .

11 MALE VOICE: And so did new members come on
12 the board?

13 MR. EPPLEY: Yes, new members came on the
14 board.

15 MALE VOICE: Who were those new members?

16 MR. EPPLEY: Brondan Trough [phonetic],
17 Frances Carroll, Devon Bruce, and Bob Swillin
18 [phonetic].

19 MALE VOICE: Bob?

20 MR. EPPLEY: Swillin.

21 FEMALE VOICE: So you were to have a--you
22 had a conversation with Lon Monk. Was it face
23 to face? Or was it over the telephone about the
24 potential chair candidates?

25 MR. EPPLEY: Both.

1 FEMALE VOICE: There was more than one
2 conversation.

3 MR. EPPLEY: About the chair? Yeah, I'm
4 sure there was.

5 FEMALE VOICE: Were they face to face and
6 over the telephone? Were there--was there any
7 email correspondence?

8 MR. EPPLEY: I don't think so.

9 FEMALE VOICE: And you indicated that you
10 were giving him background potential candidates
11 who had more experience than you on the board.
12 Is that right?

13 MR. EPPLEY: Yes.

14 FEMALE VOICE: And these conversations
15 concluded with his appeal to you to take the
16 position. Is that correct?

17 MR. EPPLEY: Yes.

18 FEMALE VOICE: Did you at any time advocate
19 for yourself?

20 MR. EPPLEY: In the prior conversation, no.

21 FEMALE VOICE: In any, any other
22 conversations you had with Mr. Monk.

23 MR. EPPLEY: You know, would I at some point
24 like to be Chair? Absolutely. I think
25 everybody wants to be Chair, which is one of the

1 reasons I did not run for Chair this last time.
2 I knew I had colleagues who probably wanted to
3 be Chair. But I didn't--you know, it was my
4 time.

5 MALE VOICE: Mr. Eppley, while there was no
6 established policy for naming a chairperson, was
7 there an informal process or a tradition that
8 would name the Chair of the Economic Committee
9 to be the Chair of the entire board?

10 MR. EPPLEY: So at the time, I'd been on the
11 board two years and served under one chairman.
12 So I can't honestly say I knew if there was a
13 protocol what it might be. I think what I was
14 focused on was that there was sort of a senior
15 member who hadn't been chair that I thought, you
16 know, if--again, if you do this in sort of the
17 way some private university boards do it, you
18 sort of move your way up. And you know, then
19 you do your two years as chair. Then I was--I
20 don't think there was an official protocol. But
21 I was trying to be--

22 MALE VOICE: [Interposing] Well, no, no, I
23 know there's no official protocol. But since
24 then, have you learned if that was the former
25 tradition?

1 FEMALE VOICE: How did Governor Blagojevitch
2 make his wishes known to the other trustees?

3 MR. EPPLEY: I wasn't part of any
4 conversation with him. But I suspect that he
5 said that if Mr. Eppley's nominated, that's who
6 the Governor was voting for. I - - .

7 FEMALE VOICE: And I understand this was an
8 11th-hour decision to put you in this chair.

9 MR. EPPLEY: Well, I think--honestly, I
10 think they thought they had the right to appoint
11 the chair. So to the extent it was 11th hour,
12 it was, no, you don't appoint the chair. The
13 chair is elected by the board.

14 FEMALE VOICE: And respectfully, I ask that
15 subsequent to this your firm made over \$100,000
16 of donations to the Blagojevitch campaign.

17 MR. EPPLEY: You'd have to ask my firm. And
18 I've had this conversation with Mr. Chung
19 [phonetic]. The firm has a committee that
20 decides how they're going to make contributions
21 and to whom. I don't serve on it, wasn't asked
22 to serve on it, never have served on it.

23 MALE VOICE: And you've made no
24 contributions.

25 MR. EPPLEY: Me personally?

1 MALE VOICE: Yeah.

2 MR. EPPLEY: No. I've made contributions to
3 President Bush, President Obama, other
4 candidates.

5 MALE VOICE: But not to Governor
6 Blagojevitch.

7 FEMALE VOICE: And your firm did not make
8 any contributions prior to the decision to make
9 you chair.

10 MR. EPPLEY: I would have to actually--
11 somebody would have to check to see what they--
12 the contributions.

13 FEMALE VOICE: Okay. Did you have any
14 conversations with your law firm team or
15 committee or anyone in the law firm about your
16 desire if there was one to contribute to
17 Governor Blagojevitch's campaign? So you had
18 absolutely no conversations.

19 MR. EPPLEY: They don't - - any of my
20 business.

21 MALE VOICE: Did you tell them, though, you
22 were the Chair of the board?

23 MR. EPPLEY: You know, until I was elected,
24 I don't think--you know, you don't--I'm not the
25 kind of person that counts on stuff like that.

1 MALE VOICE: No, but as a partner in the
2 firm, I assume you had to indicate to them or
3 did indicate to them that that was--could
4 happen.

5 MR. EPPLEY: - - I don't think so.

6 MALE VOICE: You never told anybody at the
7 firm that the Governor wanted you to be the
8 Chairman and that's why you're the Chairman.

9 MR. EPPLEY: I don't think so. I was
10 Chairman when I was elected Chairman.

11 MALE VOICE: How big is the firm?

12 MR. EPPLEY: Currently, 1,900 lawyers, then
13 230. You know, look, my--the firm--the prior
14 firm has a deep history of civic engagement.

15 [Crosstalk]

16 MR. EPPLEY: The Vice Chairman of the
17 Northwestern board is in our firm. We've had--
18 there are Former Chair of the University of
19 Chicago Board of Trustees. So were they proud
20 of my ability to serve? Absolutely. I hope
21 they were.

22 MALE VOICE: Sure they were. I'm curious
23 that you just said there's a - - that that could
24 happen?

25 MR. EPPLEY: Well, I don't make public

1 announcements of stuff that may not happen. You
2 know, until the annual meeting occurred--I'm a
3 board member. They were very happy that I was a
4 board member. And I was very happy to be a
5 board member, would've been happy to only be a
6 board member. But I ended up being Chairman.
7 And I served for six years.

8 MALE VOICE: Law firms generally would send
9 out a press release saying that you were elected
10 Chairman of the University of Illinois Board of
11 Trustees.

12 MR. EPPLEY: They probably did after I was
13 elected.

14 MALE VOICE: So then they all did know from
15 that.

16 MR. EPPLEY: Yeah, I thought you said
17 before.

18 MALE VOICE: No, no.

19 MALE VOICE: I was.

20 MR. EPPLEY: Yeah, and I don't think before.
21 I just--it wouldn't be something I would say,
22 hey, I'm going to be Chairman. You know, once
23 the election happens, sure. But it didn't occur
24 to me.

25 FEMALE VOICE: Your meetings with Mr. Monk

1 to discuss the chair, first of all, was it over
2 dinner or over lunch? Or where were the
3 meetings held - - ?

4 MR. EPPLEY: Probably in his office or over
5 the phone.

6 FEMALE VOICE: And did you discuss any
7 policy directions or any issues that you'd like
8 to take if you were Chairman? I guess what
9 we're trying to get--or at least I am--is why
10 were you chosen? What was it about you that
11 made--

12 MR. EPPLEY: [Interposing] Yeah.

13 FEMALE VOICE: --made it desirable for the
14 Governor to appoint you as Chair?

15 MR. EPPLEY: I don't know. It could be - -
16 asking somebody who ended up being Chairman to
17 figure out why. I do know that, you know,
18 Springfield emptied out when Ryan left office,
19 right? In addition to - - the Republican Party
20 had been in control for--what--decades, right?
21 So when they left, everybody left. And then
22 they also had a buyout of employees. So you
23 know, Springfield essentially emptied out.
24 So the Blagojevitch team seemed to come in
25 with, you know, let's do things in a new way,

1 right? He was - - the Governor was. So again,
2 I didn't keep track of where--what agencies - -
3 . But it could've been that. It could've been
4 maybe they respected my enthusiasm for the
5 university. I made it my business to know
6 everything I could about university and what
7 needed to be done, what we could do to, you
8 know, create benefits for the state, you know,
9 the--an agent of economic development. So you
10 know, maybe they just captured my enthusiasm. I
11 don't know.

12 FEMALE VOICE: Did you ever discuss in that
13 meeting with Mr. Monk category as whatever term
14 it would be, the special ed manager, or would
15 you be amenable to accepting recommendations
16 from the Governor--

17 MR. EPPLEY: No.

18 FEMALE VOICE: --the university? Any other
19 sort of issues that - - could be subject to - -
20 ? You know for example, you know, - - hiring
21 specific people the Governor wanted you to hire
22 or contracts or any issues of those kind - - ?

23 MR. EPPLEY: So to sort of set the stage--
24 and I know that, you know, there's sort of this
25 feeling that, you know, they, you know, wanted

1 to sort of overly influence the U of I. But you
2 know, starting in the spring when they needed to
3 set the budget for the year, that was really my
4 first encounter [coughing] anything related to
5 policy or programmatic or anything, you know,
6 related to the Governor's office. And my
7 feelings at that point were more with John
8 Filan, who was I believe the Budget Director
9 with the actual official title.

10 I remember being at home and getting the
11 call saying, you know, - - . They wanted a 10%
12 intervention, a 10% rescission on the budget.
13 And they just looked at our entire budget. You
14 know, our entire budget at that point was 3.5 -
15 - around there. But our appropriation at that
16 point was only about \$770 million.

17 And so I think they were going sort of
18 across the board saying everybody's got to give
19 back 10%. In our case, they wanted 10% of our
20 entire budget just by the fact that most of that
21 was [coughing] funding. So that was the, you
22 know, in terms of policy or decision making, you
23 know, executive office issues, that was the
24 first one. Frankly, there wasn't much after
25 that.

1 I've been lobbied before on voting issues,
2 but once by Governor Ryan - - and three times by
3 then President Stucco [phonetic] - - .

4 MALE VOICE: Were you involved in that - -
5 that [coughing] you know Chancellor Herman
6 first?

7 MR. EPPLEY: Yeah, he was Provost when I--I
8 believe he was Provost when I started.

9 MALE VOICE: Do you and the board select a
10 Chancellor?

11 MR. EPPLEY: The board--yes, at the end of
12 the day, we have to sign off on the Chancellor
13 position I think--

14 MALE VOICE: [Interposing] So you signed off
15 on his becoming Chancellor.

16 MR. EPPLEY: Well, we--

17 MALE VOICE: [Interposing] You meaning the
18 board.

19 MR. EPPLEY: The board--there was a
20 predecessor to Chancellor Herman, woman named
21 Nancy Cantor. So I think that was probably the
22 first senior officer of the university that I--
23 whose hiring I participated in. And my
24 recollection is, you know, they set up these
25 search committees for the faculty and all kinds

1 of stuff. And they narrow the field down to,
2 you know, three, four, five finalist. I'm sure
3 that any of them would be suitable for the
4 search committee. And then the board and the
5 President indicates the Chancellor search,
6 interviews the final candidates and selects the
7 final.

8 MALE VOICE: And so you were on the board
9 when--

10 MR. EPPLEY: [Interposing] Mm-hmm.

11 MALE VOICE: --when Herman was the
12 Chancellor.

13 MR. EPPLEY: Yep.

14 MALE VOICE: Were you involved in those
15 emails about a particular student that
16 Chancellor Herman pressed very hard on the law
17 school?

18 MR. EPPLEY: Well, I have two emails.

19 MALE VOICE: I'm talking about one where it
20 said, gee, - - .

21 MR. EPPLEY: No, I was not in those emails.

22 MALE VOICE: You never saw that before?

23 MR. EPPLEY: Well, just - - first time I saw
24 it.

25 MALE VOICE: You know who Chancellor Herman

1 was dealing with at the time?

2 MR. EPPLEY: Did I know who? I'd heard.

3 MALE VOICE: - - on the Board of Trustees?

4 MR. EPPLEY: I don't know for sure - - .

5 They used my name, so. If you're talking about
6 the same email.

7 MALE VOICE: Yes, I am. So all that stuff
8 about your discussing jobs that you were going
9 to get, it was all made up?

10 MR. EPPLEY: Well, I don't want to speak to
11 what was in his mind.

12 MALE VOICE: I'm talking about what was in
13 the emails.

14 MR. EPPLEY: Well, I only got--I didn't get
15 that email. I got an email the next day or
16 later that day, three hours later, completely
17 independent of anything else, didn't have
18 anything that said anything about admissions. I
19 don't frankly remember that email.

20 MALE VOICE: But it did talk about jobs.

21 MR. EPPLEY: About jobs. But it had nothing
22 about admissions.

23 MALE VOICE: So you didn't know that there
24 was a particularly sensitive admission going on
25 at the time?

1 MR. EPPLEY: Not related to that email.
2 This was--I know--now I know the email you're
3 talking about. There's--mine's--there's the
4 conversation that he's having with people at the
5 law school. And you know, that's the one I saw
6 that was first produced. I've now actually
7 looked at a bunch of law school emails of a
8 similar tone, where either the Chancellor or the
9 Dean or people involved in admissions chat up a
10 lot about students, including one they call
11 twerp. They talk about dumb white kids. They
12 talk about somebody who's trying to maybe
13 advance or retake the test, improve his score.
14 They say, yeah, when pigs fly and that kind of
15 stuff.
16 So I've seen that, you know, but at the same
17 time you're seeing them. You know, I had a
18 separate email. What's interesting about that
19 is I think even the email that he sent to me on
20 that Saturday--again, this is three hours after
21 that whole conversation I wasn't a part of. The
22 only reason it even became an admissions email
23 is because he blind copied it to people at the
24 law school. And his email to me, as random as
25 it was, just said, Larry, you know, I don't even

1 know if it's Larry or not.

2 MALE VOICE: It says, Larry, you know, the
3 law school is unhappy about - - .

4 MR. EPPLEY: That was, that was, that was a
5 different email.

6 MALE VOICE: And he has here--he says
7 [coughing] jobs for law school?

8 MR. EPPLEY: Yeah, you know, Richard
9 sometimes talks in code. You know, I don't know
10 what--frankly, even today, I don't know what to
11 think of that email, except, you know, I'm a law
12 professional. I don't know. You know, at the
13 time, I wasn't involved in recruiting, so.

14 MALE VOICE: Did you know Heidi Herd
15 [phonetic] at the time?

16 MR. EPPLEY: Sure.

17 MALE VOICE: Did she have any conversations
18 with you?

19 MR. EPPLEY: I don't think I ever talked to
20 Heidi Herd about admissions.

21 MALE VOICE: And John?

22 MR. EPPLEY: No.

23 FEMALE VOICE: But you understood that you
24 were referring a candidate who typically would
25 not have been admitted to the University of

1 Illinois Law School.

2 MR. EPPLEY: Well--

3 FEMALE VOICE: [Interposing] Is that
4 correct?

5 MR. EPPLEY: I wouldn't know necessarily
6 who's going to be admitted, who's not going to
7 be admitted.

8 FEMALE VOICE: But you were pushing a
9 candidate that typically would not have been
10 admitted to the law school. Is that right?

11 MR. EPPLEY: I wouldn't use the word
12 pushing. I don't think I pushed anybody.

13 FEMALE VOICE: You were Chairman of the
14 Board.

15 MR. EPPLEY: Yeah.

16 FEMALE VOICE: You were Chairman of the
17 Board.

18 MR. EPPLEY: So--

19 FEMALE VOICE: [Interposing] A trustee. And
20 you were recommending a candidate.

21 MR. EPPLEY: Referring a candidate. And let
22 me just--

23 [Crosstalk]

24 MALE VOICE: --just the same as Joe Blow?

25 MR. EPPLEY: Well, I understand that. I

1 understand that. But here's my--I went back
2 through all of these, you know, hazing, you
3 know, my inquiries at the law school, you know.

4 There are--

5 MALE VOICE: [Interposing] If I could
6 finish--

7 MR. EPPLEY: --four--I've advocated for
8 students. But I've advocated for students by
9 doing letters of recommendation. And I've done
10 it at the law school. I did four of them.

11 MALE VOICE: Written letters.

12 MR. EPPLEY: Written letters of
13 recommendation. I've done it four times.

14 MALE VOICE: Not emails and not phone calls.

15 MR. EPPLEY: Not emails, not--but actual
16 letters of recommendation. And they're in their
17 files. Three of them were for - - student
18 trustee colleagues of mine at the board,
19 students who had served with me. And one was
20 the child of a colleague on the board. So I've
21 done four of them. Three of them did not get
22 in. One of them was referred to as a twerp by
23 the law school.

24 MALE VOICE: So--

25 MR. EPPLEY: [Interposing] No, I just want

1 to say--so you know, I'm not--I don't think it
2 had any--I don't think I had any special magic
3 powers of persuasion or anything else based on
4 that. If this is an official recommendation for
5 admission to law school, then three out of four
6 were declined.

7 FEMALE VOICE: But your unofficial
8 recommendations, did you have better luck with
9 those?

10 MR. EPPLEY: Well--

11 FEMALE VOICE: [Interposing] The ones that
12 you--instead of writing letters of
13 recommendation but you sent emails and you
14 attributed the recommendations to politicians or
15 to the Governor. Did you have better success
16 with those?

17 MR. EPPLEY: That's not my recollection.
18 But when you look at the totality of this, to
19 me, this is what--this is the issue that has
20 gotten out of control. And I've called this
21 sort of an unofficial letter of recommendation
22 system. This morning, I was thinking of it as a
23 sort of a VIP inquiry. But when you, when you--
24 again, you don't really see this. I mean, I
25 don't really see what happens once it sort of

1 goes behind the curtain.

2 But now that we see everything, what is--

3 what it looks like is going on is this inquiry

4 business--whatever it is supposed to be,

5 whatever it started out being, once it got a

6 name attached to it or a VIP name or a donor's

7 name or trustee's name, politician's name, now

8 all of a sudden had either a life of its own or

9 carried extra weight. You don't really, you

10 know--

11 [Crosstalk]

12 MALE VOICE: --before you get to that

13 characterizing, let me just make sure I

14 understand the facts. There was an email in

15 which Chancellor Herman--chain of emails--

16 Chancellor Herman forwarded Dean Herd that she

17 had to--the law school had to admit a student

18 that otherwise didn't seem to qualify by - - .

19 You know about that.

20 MR. EPPLEY: Mm-hmm.

21 MALE VOICE: And she resisted on that. Or

22 somebody resisted at the law school. And then

23 he made it sound like he had consulted with

24 somebody on the Board of Trustees and said G

25 wants this. Do you know who that trustee was?

1 MR. EPPLEY: Well, I have an email from the
2 prior day that says call me about this. You
3 know, I don't recall talking to him. So you
4 know, that's possible.

5 MALE VOICE: And do you think at that point
6 you could've said to the Governor - - ?

7 MR. EPPLEY: The fact that his email to
8 Heidi says straight from the G suggests to me
9 either from me or independent of me, he knew
10 that this was an inquiry that came through from
11 the Governor's office.

12 MALE VOICE: Okay. So--

13 MR. EPPLEY: [Interposing] And I believe--
14 yeah, if you look at that, I believe the reason
15 for - - was the inquiry came from the Governor's
16 office.

17 MALE VOICE: I understand. But I want to
18 know--it must've--do you think it could've come
19 through you?

20 MR. EPPLEY: It could've come through me,
21 sure.

22 MALE VOICE: Wouldn't you remember if the
23 Governor's called you and said we want this
24 person admitted?

25 MR. EPPLEY: No.

1 [Crosstalk]

2 MALE VOICE: Don't you consider that
3 uncommon?

4 MR. EPPLEY: You know, at that time of--no.

5 MALE VOICE: How many, how many such
6 requests did the Governor's office make to you?

7 MR. EPPLEY: Over my six-year - - two or
8 three or four a year, five a year.

9 MALE VOICE: Came from the Governor's office
10 under both Ryan and Blagojevitch.

11 MR. EPPLEY: Oh, I don't think I got any
12 from George Ryan.

13 [Crosstalk]

14 MALE VOICE: --Blagojevitch?

15 MR. EPPLEY: Yeah.

16 MALE VOICE: I assume--

17 MR. EPPLEY: [Interposing] And while I was
18 Chair, I was getting their inquiries.

19 MALE VOICE: And you passed them on?

20 MR. EPPLEY: Mm-hmm.

21 MALE VOICE: Do you know anything about it?
22 Had you ever done admissions work of any kind?

23 MR. EPPLEY: No, I still don't - - ever done
24 admissions work.

25 MALE VOICE: Well, what did you think was

1 happening when you sent out a request from the
2 Governor, a Chair of the Board of Trustees to
3 somebody in the admissions process, whether it's
4 Chancellor Herman or Mr. - - or whoever? Who
5 did you send them out to, Richard Herman?

6 MR. EPPLEY: Usually Richard Herman.

7 MALE VOICE: Right, what did you think would
8 happen?

9 [Crosstalk]

10 MR. EPPLEY: It's a letter of
11 recommendation. As sensational as it seems now,
12 it seemed benign back then. You know, you get--
13 I get inquiries from business acquaintances,
14 sometimes pretty random, very unsolicited, and
15 some from the Governor's office.

16 MALE VOICE: That goes on, too?

17 [Crosstalk]

18 MR. EPPLEY: --inquiry on. You know, if--

19 [Crosstalk]

20 MALE VOICE: An inquiry is how am I doing?

21 A request for admission is please admit this
22 student or maybe without the please.

23 MR. EPPLEY: Yeah.

24 MALE VOICE: So which is it? How am I doing
25 or admit this student?

1 MR. EPPLEY: Well, most of them fall into
2 the category of somebody complaining about
3 admissions. You know, so and so got into
4 Michigan or Northwestern or Northeast but didn't
5 get into Illinois.

6 MALE VOICE: Didn't get into Illinois.

7 MR. EPPLEY: Yeah. So--

8 MALE VOICE: That's not how am I doing?

9 That's I want, I want this person admitted,
10 right? That's why I asked you who you--

11 MR. EPPLEY: [Interposing] Yeah, I think
12 whoever, whoever the source of the inquiry is--I
13 guess some of these sort of pass along to a
14 couple of levels, you know. It might go from
15 somebody to somebody else who knows me and sort
16 of, you know, my cousin or my neighbor's kids
17 got into - - and stuff. So I think you can take
18 it on faith that nobody would make the inquiry,
19 again, whatever inquiry means, unless they had
20 an interest in that student being admitted.

21 MALE VOICE: That's--yeah, we can - -
22 disguised what's really--what's going on. I've
23 written letters of recommendation. But when I
24 usually write a recommendation, I usually put
25 consistent with your policies making it clear

1 that I didn't want anybody to get special favor.

2 But you wanted special favors. It's not on your

3 behalf because the Governor - - .

4 MR. EPPLEY: Well, I guess they rejected me.

5 I wanted special favors.

6 MALE VOICE: You did--you knew the Governor

7 was requesting special favors. And you were

8 passing on the request.

9 MR. EPPLEY: Well, yeah, I--you know, again,

10 it seems all so sensational now, and--

11 MALE VOICE: [Interposing] No, don't you

12 think it had special influence, special color

13 because you were Chair of the Board of Trustees?

14 MR. EPPLEY: Again, my personal experience

15 was I had enough nose that sort of tempered my

16 enthusiasm for the sake that I had any special

17 powers of admission. And I want to be very

18 clear. If I start to--if somebody has an

19 inquiry, in my role, I knew I wasn't an

20 admissions officer. I didn't want to get

21 involved in admissions. So I didn't even want

22 to really--you know, if I start screening who's

23 inquiring this or not, I mean, this was the

24 protocol. I mean, it wasn't something that was,

25 frankly, at the time viewed as untoward. It's

1 only now that we're sort of seeing what--

2 MALE VOICE: [Interposing] You didn't see
3 anything wrong with it at the time?

4 MR. EPPLEY: I had plenty--

5 [Crosstalk]

6 MR. EPPLEY: I had plenty--well, again, you
7 know, believe it or not, these were very brief
8 encounters, very brief encounters. It wasn't an
9 essential part of what I was doing as a board
10 member.

11 MALE VOICE: Do you think that the trustees
12 should have anything to do with admissions?

13 MR. EPPLEY: If you were to ask me that
14 almost probably at any moment, I would say no,
15 and especially no now, I mean, especially now.

16 MALE VOICE: Why would it--why would the
17 answer have been different before?

18 MR. EPPLEY: Well, I didn't say it would be
19 different before. But it--the question you
20 asked, should trustees have any involvement in
21 admissions, you could've asked me that six years
22 ago or eight years ago. I would've said no. I
23 would've said no. But again, I don't feel like
24 --you know, just from my standpoint I would get
25 inquiries. The protocol was anybody, whatever

1 question they had, you send in--

2 MALE VOICE: [Interposing] I don't know what

3 that protocol means. What does that mean?

4 [Crosstalk]

5 MR. EPPLEY: I don't think it's written.

6 You know, the--

7 MALE VOICE: [Interposing] There was this

8 ancient--

9 MR. EPPLEY: The first time you get--the

10 first time somebody calls, says, hey, Larry, my

11 neighbor's kid, you know, whatever - - what does

12 that mean? You know, so then somebody called

13 me, some--

14 MALE VOICE: [Interposing] - - ?

15 MR. EPPLEY: Probably another colleague.

16 Probably the first time it comes up, I--

17 MALE VOICE: [Interposing] - - from another

18 trustee.

19 MR. EPPLEY: Yeah, what do you do when--

20 MALE VOICE: [Interposing] And that other

21 trustee says what?

22 MR. EPPLEY: Ask Richard or ask--you know,

23 that's what you do. You submit the name to

24 Richard. And then Dr. Richard or if it's

25 Chicago, you talk to the Chancellor there. Or

1 they would, you know, they could track it.

2 MALE VOICE: You don't have a lot of
3 requests about getting people into Chicago,
4 though, do you?

5 MR. EPPLEY: No.

6 MALE VOICE: No, most of the ones you're
7 talking about is people getting into--

8 MR. EPPLEY: [Interposing] - - , yeah. You
9 know, over the years, it's getting harder and
10 harder. And again, committee may not want to
11 hear this. But on the whole, I do want to say I
12 think they--you know, putting this aside--and I
13 know it's hard to put this aside - - really
14 exceptional classes--

15 MALE VOICE: [Interposing] Well, I
16 understand. We're talking about this.

17 MR. EPPLEY: I understand.

18 MALE VOICE: What did the other trustee say
19 to you? Let's take a minute, explore what this
20 protocol's about. So the first time an
21 admissions request comes to from whoever, the
22 Governor or whoever, so you go to a fellow
23 trustee - - and you ask him what?

24 MR. EPPLEY: Somebody asks me about an
25 admissions or asks me an admission question.

1 MALE VOICE: And do you--

2 MR. EPPLEY: [Interposing] And the answer -

3 - you're asking about something that probably

4 occurred six or seven years ago. But I think

5 the answer was ask Richard or give the name to

6 Richard, who I think was Provost at the time.

7 And you can check on it.

8 MALE VOICE: Did you think that all this was

9 was a tracking?

10 MR. EPPLEY: I didn't know what it was. And

11 you know, so again, this sounds silly to say now

12 given everything we're reading. But--

13 MALE VOICE: [Interposing] - - everything

14 you're reading. You're--you graduated from the

15 law school. You graduated with a master's

16 degree. You graduated with a bachelor's degree.

17 You knew people in various schools at the time,

18 didn't you?

19 MR. EPPLEY: No.

20 MALE VOICE: Your colleagues at the time.

21 MR. EPPLEY: Colleagues at the school?

22 MALE VOICE: Yeah.

23 MR. EPPLEY: Of course.

24 MALE VOICE: And you didn't know about the

25 fact that there was some kind of admissions

1 process going on?

2 MR. EPPLEY: - - .

3 MALE VOICE: Where'd you go to high school?

4 MR. EPPLEY: Dundee High School [phonetic],

5 very small, on the Fox River [phonetic].

6 MALE VOICE: When you were in law school,

7 you didn't hear about other kids who may have

8 gotten in through some kind of call?

9 MR. EPPLEY: No.

10 MALE VOICE: Never?

11 MR. EPPLEY: To be honest, I didn't hang out

12 at the law school much - - I lived in an

13 apartment. I was happy to get away from the law

14 school - - anxiety that sort of hung over law

15 school - - .

16 MALE VOICE: So let's get back. I don't

17 want to go too far back since you don't seem to

18 remember that much about those law school days.

19 When you were on the Board of Trustees, the

20 first request comes up from somebody who wants

21 help getting somebody into the law school or

22 into the university. And you think you would've

23 asked a fellow trustee what's the protocol.

24 MR. EPPLEY: If somebody asks this question,

25 what, you know, what do you do? And so I

1 believe the answer was, you know, you submit the
2 name and Social Security number and check on it.
3 I do want to say because I think one of the
4 things that--

5 MALE VOICE: [Interposing] And at that time,
6 you thought it was a purely benign thing?

7 MR. EPPLEY: Well, you know, again, I don't,
8 I don't think I had such great powers of
9 persuasion, you know, because I had plenty of
10 occasions where the answer was just no or advice
11 was given. One that Mr. Chung and I discussed
12 was, you know, somebody who actually knew, you
13 know, a child of a friend of mine, a pretty good
14 friend of mine. And the email I got back--and
15 by the way, there wasn't always follow up, you
16 know, either--there just wasn't follow up. Or I
17 wasn't very good at follow up. But in this
18 particular case, this one example where there
19 actually was some follow up beyond the initial
20 inquiry, and the recommendation was the student
21 had good test scores but maybe, you know, all
22 things considered would be better off doing the
23 one year at Parkland [phonetic] route. The
24 university has a thing where you go to Parkland
25 for a year. Then they transfer you in after

1 that. So that was about as, you know, about as
2 detailed as I got. And the answer on that one
3 was no.

4 MALE VOICE: I guess I'm having a little bit
5 of trouble understanding how you as a trustee
6 could be that naive to think that they're really
7 asking directions on how to get to the
8 admissions office.

9 MR. EPPLEY: So I don't want to pretend
10 being naive. But I also don't want to suggest
11 to you that these encounters were very deep or
12 long or lasting or - - .

13 FEMALE VOICE: But that's part of the
14 problem. But that's part of the problem is that
15 you're pushing for the admission of students you
16 know nothing about.

17 MR. EPPLEY: Well, yeah, I mean, the answer
18 is know nothing about but, you know, if, again,
19 I start filtering then all of a sudden I don't
20 know who they're going to, right? I mean,
21 somebody writes me an email glowing about their
22 friend or their friend's child, whatever it is.
23 What business is it of mine? Well, I read your
24 letter. I don't think you're a good candidate.
25 The admission--

1 MALE VOICE: [Interposing] Why is it so - -
2 now that the trustees shouldn't be in this
3 business [coughing]?

4 MR. EPPLEY: Well, a couple things. One,
5 this--I agree with you, judge. You know,
6 calling it an inquiry, I struggle with the word,
7 but that's the word that sort of gets you. This
8 system is a--once a name, let's call it VIP
9 name, so it's a board member. It's the
10 Governor's office. It's the Speaker of the
11 House. It's a big donor. It's somebody who
12 used to play in football. Once a name gets
13 attached to it, you now sort of created a
14 situation, especially in undergraduate
15 admissions in Urbana where they say no letters
16 of recommendation. Now you've just created sort
17 of this underground recommendation system.
18 So it's obviously - - I shouldn't say
19 obviously. I shouldn't make conclusions like
20 that. But it would appear that that is giving
21 students who have that attachment, who have that
22 VIP attached a leg up. And other students are
23 not getting the opportunity to have their own
24 letter of recommendation. So the answer is, you
25 know, you've got to change that, you know. You

1 level the playing field.
2 So either you say absolutely no inquiries.
3 And maybe that's not the answer because maybe
4 there are mistakes. I don't know. Maybe there
5 are special considerations. You know, this goes
6 back, as you know, to sort of the bocky
7 [phonetic] days where special consideration is
8 part of the admissions process. It's embedded
9 in - - .
10 But you know, so maybe the answer is
11 everybody gets to do letters of recommendation.
12 Right now, they don't accept them. Maybe they
13 should accept them. And from a manpower
14 standpoint, you know, maybe they can't manage
15 that. But I would imagine--I mean, this is
16 just--I could imagine the scenario where now
17 you've got--take last year. You've got 23,000
18 applications. And what, 70% of them are going
19 to get offers of admission, right?
20 So maybe the top, you know, scores - - the
21 first--the top - - it maybe is pretty clear that
22 the bottom, they're not it. So now you've got
23 the vast middle where there's going to be some
24 considerations given that's going to allow some
25 student in or not, right? Maybe they don't want

1 too many kids from - - . So some kids from - -
2 are not going to get - - . Whatever it is that
3 they decide. But presumably, then they whittle
4 that vast middle down even further. So maybe at
5 that point, you'd say, okay, now let's look at
6 the recommendation letters.

7 Let's give everybody the opportunity. I
8 mean, I agree with you. I mean, but this--it
9 seems incredibly naive. I don't want to deny
10 that. But I'm not sure we see the scale or the
11 scope of it until, you know, it's all been laid
12 out in front of us. I mean, it does look like
13 it gives kids a leg up.

14 FEMALE VOICE: It does give kids a leg up.

15 I mean, this whole system--

16 MR. EPPLEY: [Interposing] I agree.

17 FEMALE VOICE: It's not just about
18 admissions. I mean, there's a series of emails.
19 And I'm sure you--maybe you recall them where
20 there was a student who was denied at Urbana and
21 wanted to then try UIC but had missed the
22 deadline. And you were trying to fix that. It
23 wasn't just admissions. You were just trying to
24 fix it for everybody. And this, and this--you
25 don't have a sense of your power or your

1 responsibility. But--

2 MR. EPPLEY: [Interposing] I sense that
3 people were attentive to--or if I asked a
4 question, people were attentive to that. And I
5 think in that case, that parent was referred to
6 the admissions office at UIC. And I pretty
7 much--they took care of it.

8 MALE VOICE: Did you ever try--

9 MR. EPPLEY: [Interposing] That's a good - -
10 for that student. I mean, at the end of the
11 day, that student, you know, was able to get
12 into school.

13 MALE VOICE: - - for all the students to get
14 in - - for all the students that don't get in
15 because they didn't have anybody pushing for
16 them.

17 MR. EPPLEY: Well, yeah, and yeah.

18 MALE VOICE: Equally--

19 MR. EPPLEY: [Interposing] If in fact it's a
20 zero-sum game, and I'm not sure in all cases - -
21 . But I don't want to disagree with what
22 you're saying.

23 MALE VOICE: Did you have any occasion to
24 try to help somebody get into special--into
25 classes, were hard to get into because they were

1 full?

2 MR. EPPLEY: I couldn't get in myself. I

3 couldn't get into--

4 [Crosstalk]

5 MALE VOICE: Did you ever try to influence a

6 college dean or the admissions office to admit

7 somebody to classes they were otherwise - - ?

8 MR. EPPLEY: No.

9 MALE VOICE: Do you think that would be an

10 appropriate thing for trustees to do?

11 MR. EPPLEY: No. I would want to speculate

12 on the circumstances.

13 MALE VOICE: What circumstances?

14 MR. EPPLEY: Well, again, you know, I--a

15 student--again, I don't know--if a student I

16 tried to get into [coughing] you wanted - - and

17 the rule was once they were full, they were

18 full. I was a third-year law student. I

19 believe that when I was a student I had a very

20 unlucky Social Security number because I never

21 seemed to get any classes I wanted to get. And

22 I asked the professors or the dean, actually - -

23 . So if the answer is you can't, then maybe -

24 - .

25 MALE VOICE: But if a trustee who knows

1 nothing about the system that decides who gets
2 in and who doesn't, if there's nothing to
3 indicate that there was any undue - - should a
4 trustee ever get involved in deciding which kid
5 gets--

6 [END TAPE PART 1]

7 [START TAPE 2]

8 MALE VOICE: --jumped over other kids. Did
9 you try - -

10 MR. EPPLEY: - - .

11 MALE VOICE: You don't know if--that never
12 happened -you were never involved?

13 MR. EPPLEY: I've, you know I've looked at,
14 you know, the stuff that involves me or the
15 stuff that involves - - I have not looked at the
16 entire 5,000 pages.

17 FEMALE VOICE: I have a couple of questions
18 - -. You said the child - - did not get in. Is
19 that correct?

20 MR. EPPLEY: Um-hum.

21 FEMALE VOICE: What about the child - - did
22 that child get in?

23 MR. EPPLEY: That child I believe did get
24 in.

25 FEMALE VOICE: Okay, and what -can you tell

1 me who the - - was? Was it a current Board
2 member?

3 MR. EPPLEY: - -

4 MALE VOICE: I think is Commissioner - -
5 [crosstalk]

6 FEMALE VOICE: Have you had the opportunity
7 to go through the ethics training of the Office
8 of Executive Inspector General for the Agency?
9 - -

10 MR. EPPLEY: Um-hum.

11 FEMALE VOICE: And have you signed this
12 document?

13 MR. EPPLEY: - -

14 FEMALE VOICE: Okay. In that document I'd
15 like to read two sentences from that document.
16 It says a conflict of interest occurs when the
17 interests of an appointee - - an appointee's
18 friend, relative or business associate come into
19 conflict with the interests of the State. This
20 might occur for example in a decision or
21 recommendation an appointee makes either affects
22 or is affected by his preferred personal
23 interests or those of family members, friends or
24 business associates. Now, given this document
25 that you signed off on, don't you see--can you

1 tell me if you believe that you violated this
2 Ethics Act by promoting the interests of a
3 friend, business associate - - and facilitated a
4 violation by advocating for the child of a
5 fellow worker?

6 MR. EPPLEY: Two things, one, I don't agree
7 that these have been violated. In terms of a
8 letter of recommendation that's an open process
9 invited by law school or a special school so I
10 think that's just an established part of - -
11 writing recommendation - -.

12 FEMALE VOICE: Well, again, - - we're not
13 talking about here we're talking about the
14 informal - -.

15 MR. EPPLEY: Right, and again what I've said
16 it, um, through this process, this inquiry
17 process, I don't think, you know, I've ever
18 advocated or tried to influence the admission
19 decision solely on the basis of the inquiry.

20 FEMALE VOICE: So, you don't think you were
21 motivated by personal interest toward the
22 friend, business associate, family member?

23 MR. EPPLEY: Uh, I was just motivated, um,
24 to, um, to not be the filter on the inquiry. If
25 somebody had a question whatever it was about

1 admissions or to explain about admissions I
2 referred them to the appropriate office and I
3 communicated - -. I get questions all the time
4 as you might imagine, all kinds of questions.
5 FEMALE VOICE: Well, you know, I mean that's
6 - - you passed along Lee's request without
7 thinking about whether it was ethical or whether
8 in violation of the Ethics Act. Did you think
9 that you're the one, I mean, you're the
10 chairman, you're the leader of the whole
11 organization. What did you do when someone
12 wanted a contract? Did you pass those along - -
13 .
14 MR. EPPLEY: Ma'am, I, uh, take offense to
15 that. I was never involved in contract - -.
16 FEMALE VOICE: But why do you differentiate,
17 and I mean it respectfully, and I didn't mean to
18 be disrespectful, but where do you cross the
19 line?
20 MR. EPPLEY: Um, advocacy and not advocacy.
21 I mean, I would, I, um, when I was asked to give
22 a letter of recommendation I gave a letter of
23 recommendation. That is me saying I think this
24 is a capable student, you can judge his worth I
25 guess within your policy I've written my letters

1 but they're, you know, benign in that respect
2 I'm just telling them what I know about that
3 particular candidate. Um, the other thing I
4 think we're, and I think, I hope you see from my
5 emails, um, very little editorial comments - - I
6 say I know this family, or you know, I know the
7 father, but, you know, even that is rare.

8 FEMALE VOICE: All right, what's the
9 difference between that and saying I know this
10 contractor or this contractor's a really good
11 contractor he'll bring a lot of value to the
12 university? I just don't understand it.

13 MR. EPPLEY: The difference is I wasn't
14 advocating at that particular - -. For instance
15 in the two that I just described I think they
16 were emails from the parents saying in glowing
17 terms what they thought of their child. It
18 wasn't any of my business to say yay or nay. I
19 forwarded it on, very seldom with any editorial
20 comments. This is for the admissions office, or
21 the admissions process to decide. That's - -.

22 FEMALE VOICE: Did it ever cross your mind
23 that maybe you should refer this issue back to
24 the parents and say go through the admissions
25 office?

1 MR. EPPLEY: Uh--

2 FEMALE VOICE: [Interposing] Why did you
3 think it was your role to pass on their
4 questions.

5 MR. EPPLEY: I just think, frankly, I would
6 like that to, you know--would be a very
7 acceptable answer. You know, when you're trying
8 to describe it, you know, we're talking about
9 admission and we're all - -. But when you are
10 board members, when you're chairmen, um, it's
11 hard to describe the number of, and the weird
12 kind of - - questions you get. I mean this
13 really was not a big part of, you know, they're
14 daily life - -. I would jokingly say the most
15 common question I get as a member of the board
16 is we're going to the game on Saturday where
17 should we eat? You know, it's stuff like that,
18 it's not□

19 [crosstalk].

20 [laughter].

21 MR. EPPLEY: - - I was sitting at my desk
22 one night, 7:00 or 8:00 and a friend called, he
23 was asking me about how do you use the online
24 tuition - -. You get a lot of that and then you
25 get a lot of questions that are good questions

1 to be answered by the campus and the campus is
2 doing a great job with it. Do they answer my
3 questions quicker than they might answer a
4 question, you know, from a man on the street,
5 maybe they do. You know, um, but, um, you know,
6 I don't really--

7 FEMALE VOICE: [Interposing] You said in
8 your interview that, uh, you did not think - -
9 training or strong orientation program when you
10 became trustee, is that correct?

11 MR. EPPLEY: I had mentor.

12 FEMALE VOICE: You did? But did you go
13 through three-day ethics training or
14 administrative orientation?

15 MR. EPPLEY: Once we had an ethics training,
16 we went through ethics training. Um, the, um,
17 when I joined the board and sat down with, um,
18 am colleague who was my designated mentor and
19 sort of go through board practices, you know,
20 all the board meetings were--

21 FEMALE VOICE: [Interposing] and who was
22 your designated mentor?

23 MR. EPPLEY: Pinchman.

24 FEMALE VOICE: And did he talk to you about
25 - - ?

1 MR. EPPLEY: No.

2 FEMALE VOICE: Did he talk about special
3 admins or requests from the governor's office?

4 MR. EPPLEY: I don't think a lot of us knew
5 about Camp Meyers.

6 FEMALE VOICE: As a lawyer did it ever cross
7 your mind that maybe the board should have a
8 code of ethics addressing - -?

9 MR. EPPLEY: Outside of the ethics training?
10 You know we were--

11 FEMALE VOICE: [Interposing] Right, should
12 the university have its own code of ethics apply
13 to university conduct as applicable to
14 university--

15 MR. EPPLEY: [Interposing] I think I fact
16 our ethics office has created the ethics program
17 for all the public universities - -.

18 FEMALE VOICE: Okay, because we've heard
19 over and over that there really isn't a code of
20 conduct specific to the university.

21 MR. EPPLEY: Um, you know, I don't--I can
22 check on that, um, but again, my understanding
23 is, um, and with the support of the board, the
24 um, we have a pretty robust ethics office,
25 pretty robust, internal auditing office. And,

1 um, our I think maybe when I was still chairman
2 we saluted our ethics officer who was voted the
3 ethics officer of the year or some other such
4 award which she very justly deserved. Um, and
5 also found out that, uh, the uh, state had asked
6 our ethics officer to develop a new program for
7 their offices.

8 MALE VOICE: Okay.

9 FEMALE VOICE: Thank you.

10 MALE VOICE: Mr. Eppley, uh, in early 2003
11 when you were elected chair for Tech East and
12 that happened at a particular meeting, uh, in
13 early 2002, correct?

14 MR. EPPLEY: - -.

15 MALE VOICE: When you walked into that
16 meeting you understood that you were going to be
17 named chair of the board of trustees, correct?

18 MR. EPPLEY: It was my understanding that,
19 uh, I was going to be the only nominee.

20 MALE VOICE: Okay. And you had understood
21 that because you had spoken with members of the
22 Blagojevich administration who had advised you
23 that the governor wanted you to be the chair of
24 the board, correct?

25 MR. EPPLEY: Uh, whether he particularly did

1 or not but, yep. - - yeah.

2 MALE VOICE: And, uh, the person that you,
3 um, understood to be next in line that you were
4 in effect replacing was Ken Schmidt?

5 MR. EPPLEY: Um-hum.

6 MALE VOICE: And you --

7 [crosstalk]

8 MR. EPPLEY: - - I'll say the answer to
9 that, yes, displacing, I'm not sure I'd use that
10 word but--

11 MALE VOICE: [Interposing] - - he was the
12 presumptive candidate that next in line if you
13 were to leave that term - -.

14 MR. EPPLEY: Um, I described him as a
15 presumptive candidate so those would be my
16 words. I don't think that's, you know, again, I
17 don't think there's actually officially - - .

18 MALE VOICE: At the point the meeting
19 started you had a conversation with, uh, Dr.
20 Schmidt about the fact that you were going to be
21 named, uh, chair of the board, correct?

22 MR. EPPLEY: Uh, I told Ken about the same
23 thing that I just told the Commission.

24 MALE VOICE: And later that day did you have
25 a conversation about, um, anyone else in the

1 administration with Mr.--with Dr. Schmidt?

2 MR. EPPLEY: - -

3 MALE VOICE: Uh, who is John Wyma? Is that
4 someone you know?

5 MR. EPPLEY: John Wyma, um, he was with the
6 governor's staff either as governor or as - - or
7 something like that.

8 MALE VOICE: Did you understand him to be a
9 lobbyist as a - - for 2003?

10 MR. EPPLEY: I don't know, I wouldn't know
11 what his position was. - -.

12 MALE VOICE: Do you understand that he was
13 ever at any point in time a lobbyist?

14 MR. EPPLEY: Uh, I think that's what he does
15 now. But the answer is yes I guess I, you know,
16 - - . I don't think he works for the President
17 - - governor.

18 MALE VOICE: Do you recall ever having had a
19 conversation with any fellow trustee about Mr.
20 Wyma?

21 MR. EPPLEY: About what? I'm not sure.

22 MALE VOICE: Any - -

23 [crosstalk]

24 MALE VOICE: - - ever raising the name John
25 Wyma in a conversation with another trustee?

1 MR. EPPLEY: Could have.

2 MALE VOICE: And if you did, what would the
3 context have been?

4 MR. EPPLEY: You're asking me--I don't have
5 specific recollection of a conversation. Could
6 I have had a conversation with a trustee about
7 John Wyma, I certainly could.

8 MALE VOICE: Do you recall ever having a
9 conversation with another trustee about giving
10 something to Mr. Wyma?

11 MR. EPPLEY: - -

12 MALE VOICE: Doing something for Mr. Wyma?

13 MR. EPPLEY: I don't think so, I mean I am
14 not sure as to what the question is but - -
15 again I mentioned a recollection and do I know
16 John Wyma, yes, I know John Wyma. I don't know
17 him well. Uh, I do know that he was again I
18 believe maybe worked for Blagojevich - -
19 congressman. - -

20 MALE VOICE: Do you recall ever having a
21 conversation with Dr. Schmidt about Mr. Wyma?

22 MR. EPPLEY: Uh, I don't have a specific
23 recollection of a conversation with Pinchman
24 about John Wyma but again anything's possible.

25 MALE VOICE: Do you ever recall any

1 conversation with Dr. Schmidt about doing
2 something for Mr. Wyma or giving something to
3 Mr. Wyma?

4 MR. EPPLEY: I don't have a specific
5 recollection but, uh, - - .

6 MALE VOICE: I'm sorry?

7 MR. EPPLEY: I don't have a specific
8 recollection.

9 MALE VOICE: How long have you served as
10 board chairman?

11 MR. EPPLEY: Uh, I was board chair for six
12 years.

13 MALE VOICE: And is that longer than a
14 typical tenure as board chair?

15 MR. EPPLEY: - - I believe, again I'm not
16 fully versed in university lore but I think
17 there's a guy named Park Livingston that might
18 have been chairman a bit longer - - went over
19 two different terms.

20 MALE VOICE: Is there--is there a - - that's
21 been developed with regard to how long, in your
22 opinion, how long, um, a person typically sits
23 in a position of chair?

24 MR. EPPLEY: Again, um, this is speculation
25 because I've only been on the board for eight

1 years. And my experience, uh, you know, um,
2 board member two years, chairman six years, now
3 board member. Um, but if there is it's two then
4 the next - - two. You serve two one-year terms.
5 MALE VOICE: One-year term?
6 MR. EPPLEY: Two one year--it's a one-year
7 term. Um, can, if I might, in terms of
8 commenting on that, um, the board, um, sort of
9 as a unit tried to develop as much stability as
10 we could so that the administration, the
11 president and the chancellors, wouldn't have to
12 sort of retrain board members, you know, every
13 two years. It's hard--you ever see the this
14 humungous organization - - it's hard to tell
15 from what you read about it and the size of the
16 budget. But the scale and the scope of the
17 university is a lot of work for a nine-member
18 lay board. And, um, when you rotate committee
19 chairs with a lot of frequency, you lose a lot
20 of continuity. And, you know, we're in the
21 midst of a lot of a lot of strategic planning
22 issues and I think the board as a unit felt more
23 comfortable providing stability so that's one
24 reason why we didn't move committee chairs like
25 they may have been in the past. And I don't

1 have--I don't have any experience with any prior
2 boards so I really can't comment on what--how
3 they used to do it. Uh, but we've had people in
4 their committee chairs, you know, to provide
5 some stability. So, for instance, in hospital
6 clinics we have a hospital committee, um, you
7 know, the same person has been in that committee
8 chairmanship for a six years, maybe longer but
9 that helps the people in the hospital because
10 they know they don't have to re-explain sort of
11 all the issues the terminology it's, uh, we--I
12 view that as a benefit .

13 MALE VOICE: You were appointed to the board
14 and you were put in your position by the
15 administration , correct?

16 MR. EPPLEY: I was elected by the board.

17 MALE VOICE: Right but you were elected at
18 the request of the administration--

19 MR. EPPLEY: [Interposing] Only the first
20 year, I can't speak to the following year.

21 MALE VOICE: All right, sir, but my question
22 is what's your understanding of why it is you
23 continued to serve consecutive terms as chairman
24 of the board?

25 MR. EPPLEY: It was because I did a good

1 job.

2 MALE VOICE 2: Did you still continue to
3 have conversations with--Lon Monk wasn't there
4 that - -.

5 MR. EPPLEY: You know that's--it might have
6 been--

7 MALE VOICE: [Interposing] Did you still
8 want to do it? Were you still willing to do it?

9 MR. EPPLEY: Um, you know, --

10 MALE VOICE 2: [Interposing] Were there
11 still conversations with Mr. Monk?

12 MR. EPPLEY: Um, - - was chief of staff at
13 the time. And I have no specific recollection
14 of that. But, you know, it was probably more in
15 the nature of are you still wanting to a lot of
16 work.

17 MALE VOICE: How would you characterize the
18 nature and extent of your involvement with
19 members of the Blagojevich administration
20 compared to the involvement of your fellow
21 trustee?

22 MR. EPPLEY: Uh, I could compare, um, mine
23 was in the nature of, um, you know, here's
24 what's going on, here's uh, you know, we - -
25 tuition next month and we're going to do this,

1 you know, that kind of stuff. Just some heads-
2 up kind of issues. Again, the governor is a
3 member of our board. Um, so to ignore a member
4 of the board wouldn't be good practice. But,
5 um, it was--it was in the nature of that. You
6 know, the last year, uh, we had some discussions
7 about, uh, ways to improve the delivery of
8 healthcare on the west side. So, you know, we
9 had conversations with, um, some of their policy
10 people about, you know, what can you do, uh, to
11 help serve, um, serve a very needy population on
12 the west side. We have a big medical center
13 operation out there. - - is out there, County
14 is out there, um, so we, you know, we talked
15 strategy about, you know, is there a better way
16 to deliver healthcare given the - - resources,
17 you know, to be, you know, do more with less,
18 all kinds of discussions, but you know, that's--
19 that's one example but that was generally the
20 nature of the conversations we would have.

21 MALE VOICE: My question's more about - -
22 Harrison. Were you in a position to understand
23 whether your fellow board members were having as
24 much and as regular contact with members of the
25 administration as you were having?

1 MR. EPPLEY: Uh, I don't know. I don't
2 have--I wasn't - -.

3 MALE VOICE: Well, how much contact were you
4 having, I don't know that we need the details
5 about a specific types of meetings, but can you
6 estimate on a monthly, weekly or annual basis,
7 how much contact were you having with members of
8 the administration?

9 MR. EPPLEY: Yeah, I don't know if I could
10 estimate because I could either be way short or
11 way long. Um, it was, uh, it was appropriate
12 enough to keep them informed of what we were
13 doing.

14 MALE VOICE 2: Did the governor's office
15 ever ask you about personnel decisions?

16 MR. EPPLEY: Nope.

17 MALE VOICE 2: Did the governor's office
18 ever ask you about contract information?

19 MR. EPPLEY: No.

20 MALE VOICE 2: Not even when budget
21 discussions were being held?

22 MR. EPPLEY: No. And I, um, I've heard a
23 question like that, uh, in the past as well.

24 Um, and I do want to say, and I understand why
25 were' here, and it's admissions and, you know,

1 the prior administration, you know, their
2 everyday associated with them know creates quite
3 a sensation. Um, I would have encouraged
4 anybody in the commission or anybody as a public
5 member in the general public to come to our
6 board meetings, um, and if you don't mind Judge,
7 I would like to just use this as an example
8 because I think it--I think it's full of irony
9 because it shows that what people think is true,
10 the opposite is the case. When I started on the
11 board, um, so 2001, whatever it was, um, we
12 would at the end of the board meeting we would
13 pass our agenda items, right? And that's one of
14 the reasons the board shows up is to pass what
15 has to be passed because certain things have to
16 be adopted by the board in order for, um, the
17 business of the university to be conducted. So,
18 we would get and I'm going to close this to give
19 you an illustration. We would get--the board--
20 the agenda - - this thick, I'm showing or 3
21 inches more, right? That is what we were
22 supposed to pass. And, um, we would have the
23 agenda for the day, you know, from 9:00 to 10:00
24 we do this, you know, there was about, I don't
25 know five, ten, 15 minutes on the agenda, on the

1 schedule, excuse me where we would take
2 questions and answers about agenda items, right?
3 Nothing presented, just questions and answers.
4 So you were the board member, you know, he
5 obviously reads, prepares and sees what's going
6 on but nothing was presented, nothing was--
7 unless somebody had a question. And then maybe
8 nobody had a question. Maybe there were five
9 questions about four of the agenda items and
10 that was it, ignoring the other four or whatever
11 was in the stack, right? And then at the end of
12 the meeting, you know, half of those items were
13 - - you know, the other half were roll called,
14 and that was it. That was the meeting. Then I
15 thought, when I became chair I thought this is,
16 I'm just not used to this. I'm not used to
17 acting, you know, uh, adopting resolutions. It
18 doesn't look very, like we're very engaged. It
19 doesn't serve the public. The public's entitled
20 to know what we're doing. So, we went to the
21 style we have now which is every agenda item is
22 presented individually or a group if they happen
23 to be related. - - university officer presents
24 the item, requires them actually to be prepared
25 because I can assure you there were times when

1 questions were asked and there wasn't anybody in
2 the room who could answer them. It was
3 embarrassing. So that's the protocol we went to
4 and that includes contract issuance. Toward the
5 end of the presentation and I think at this
6 point people fall asleep but you know 20 or 30,
7 you know, divisions of contracts, you know we're
8 subject to German Law so, you know, we might bid
9 every component separately. But there it is.
10 Everybody could see it. It's presented
11 everybody knows who the contractors are.
12 Everybody knows who the winning bid is.
13 Everybody can ask a question about it. So, you
14 know, the level of disclosure and transparency
15 we have now is 20-times what we had when I
16 started on the board. Everybody wants to know
17 how the board operates, all you've got to do is
18 come to a board meeting and see the discussion.
19 Everybody's laid out everything's laid out in the
20 open. Um, so it
21 MALE VOICE: Um
22 MR. EPPLEY: I'm sorry for going on.
23 MALE VOICE 2: The - - if any trustee had
24 any conversations with the governor's office
25 about contracts or personnel?

1 MR. EPPLEY: I wouldn't know the
2 circumstances for that. I know how the, you
3 know□

4 MALE VOICE 2: [Interposing] Would it be
5 aberrational or would it be protocol?

6 MR. EPPLEY: I guess aberrational as you
7 describe it but, um, you know, our protocol is
8 pretty rigorous. I--Judge, I'm sorry, just, you
9 know, the--

10 MALE VOICE 2: [Interposing] I'm not asking
11 you if anybody - - trustees. I just want to
12 know you just described the process that sounds
13 very, uh, open and very, uh, informed, and
14 that's great. But as you know, being a lawyer -
15 - ever been involved in politics what it says in
16 the book and what people are going to do or
17 going to say so that's why I asked you would it
18 be aberrational or protocol if there were some
19 conversations on the side? You're saying it
20 would be aberrational?

21 MR. EPPLEY: Yeah, I guess - - limited - -.

22 MALE VOICE: Mr. Eppley, um, you received,
23 uh, applicants from three sources and you return
24 provided those applicants two people from the
25 university whose resources were social

1 acquaintances, business acquaintances and public
2 officials, is that fair?

3 MR. EPPLEY: Um, I would add a four
4 sometimes, somewhat random, I'm not sure I would
5 know who they were.

6 MALE VOICE: The four categories of persons
7 who would come to you with applicant's and you
8 in return would provide them - - on an annual
9 basis if you can estimate how many total
10 applicant's did you deal with.

11 MR. EPPLEY: Again, uh, I've, uh, estimated
12 this and I'm either guessing high or low but I
13 would say five to ten. Um, when I say five to
14 ten some years it might be four - -. I just,
15 um, recollection, you know some years are higher
16 than others.

17 MALE VOICE: And what period of time are we
18 talking about? It is 2003 through 2009, 2008?

19 MR. EPPLEY: Um, again, speculating, since I
20 joined the board in '01 I'm guessing I missed
21 the recruiting season then or the admission
22 season then so I might have gotten them as early
23 as 2002. Um, I got them, um, last, in '08
24 obviously.

25 MALE VOICE: And on an average basis how

1 many of these applicant's were originated from
2 the governor's office?

3 MR. EPPLEY: So, um□

4 MALE VOICE: Half or less?

5 MR. EPPLEY: Again that number sounds very
6 true. Again, I didn't keep track. So, I didn't
7 you know, keep my own list so I can't really□

8 MALE VOICE: Possibly half but maybe less
9 than half?

10 MR. EPPLEY: Yes, I just - -.

11 MALE VOICE: - - the typical process or
12 protocol that you followed when you received
13 information and then passed them on to members
14 of the university administration?

15 MR. EPPLEY: Yeah, uh, probably not as
16 established as what you call a protocol but I
17 have a recollection of one year I might have
18 batched them. You know, sort of waited until I
19 got a handful before I, uh, gave the list to
20 Richard. Um, but, you know, I think there were
21 times when there was email inquiries if you
22 will, you know, and a letter from the parent and
23 a nice note - - probably just forward it right
24 at the time.

25 MALE VOICE: And in terms of specific

1 individuals connected to his gubernatorial
2 administration Chris Kelly from time to time
3 provided you with names to provide to the
4 administration?

5 MR. EPPLEY: Um, I got some - - from Chris.

6 MALE VOICE: And Lon Monk?

7 MR. EPPLEY: And Lon Monk.

8 MALE VOICE: And ultimately John Harris as
9 well?

10 MR. EPPLEY: Yes.

11 MALE VOICE: Any other individuals that you
12 understood to be part of the Blagojevich
13 administration?

14 MR. EPPLEY: Um, not that I recall. - - .

15 MALE VOICE: Any state legislators provide
16 names to you? Say yes or no.

17 MR. EPPLEY: Yes, I'm sorry - -.

18 MALE VOICE: Was Chris Kelly a member of the
19 administration when you got these requests?

20 MR. EPPLEY: I don't believe so.

21 MALE VOICE: Pardon?

22 MR. EPPLEY: I don't believe so.

23 MALE VOICE: But you said that he was, you
24 just said that you got them from people like
25 Chris Kelly, from the administration.

1 MR. EPPLEY: Yeah, I think he asked - -
2 Chris Kelly when asked about the administration
3 - -.

4 MALE VOICE 4: So you're not--you got ones
5 from Chris Kelly that weren't part of the
6 administration.

7 MR. EPPLEY: Right.

8 MALE VOICE 4: How many of those did you get
9 a year?

10 MR. EPPLEY: Well--I'm sorry in terms of
11 that math I would count that so maybe I should.
12 You know, the math that Mr. - - asked me to do I
13 would include that I guess I should have
14 anticipated that's how - - so that would be - -
15 .

16 MALE VOICE 2: How many of those would be
17 directed to inquiries about the law school?

18 MR. EPPLEY: Um, I think there were--I tried
19 to that was the most recent batch, um, I did
20 four recommendation letters, um, there was an
21 inquiry, um, when African-American students from
22 a guy I've gone fishing with, that's the ones
23 you see where I cite, you know, the - - guy - -
24 . Um, I should - - say that we're talking
25 about the inquiry system, but there is a later

1 email from the Law School - -. That was the
2 extent of that one and then there were to my
3 recollection is there were two just sort of
4 general inquiries or what we're calling
5 inquiries.

6 MALE VOICE: Any to the medical school?

7 MR. EPPLEY: Um, I think there was, uh, one
8 or two, both rejects. Um, and I'm basing this
9 mostly on what I've seen, um, from the emails
10 not recollection, but one was a, uh, reject, - -
11 and the other one was sort of a soft no, uh, on
12 my mom's side of the family called it an Irish
13 no

14 MALE VOICE: - - you emailed it right
15 specifically to the Law School and another
16 school - -.

17 MR. EPPLEY: Of what you gave me, yes.

18 MALE VOICE: All right. Could you turn to
19 the two-page document that I've marked Exhibit 1
20 that has the Page Numbers 336 and 337?

21 MR. EPPLEY: Got it.

22 MALE VOICE: Could you look at the second
23 page of that exhibit and take a second to
24 review, um, what I believe to be an email that
25 was forwarded to you by an acquaintance.

1 MR. EPPLEY: Yeah, this is the one I just
2 talked about.

3 MALE VOICE: Who is the acquaintance?

4 MR. EPPLEY: Um, --

5 MALE VOICE: [Interposing] Maybe not the
6 name but is this acquaintance a social
7 acquaintance--

8 MR. EPPLEY: This is the one I just talked
9 about.

10 MALE VOICE: Okay.

11 MR. EPPLEY: This is the, uh, African-
12 American student whose father I'd gone fishing
13 with. And - - I don't know the top one, um, I
14 guess - - , you know, this is my email Mr. So
15 and So has called the guy said - - that's the
16 forwarding email, um, it's not included in this.
17 But there is another one I think that you showed
18 me that last time or somebody showed me. This
19 is a candidate--there's an email, you know, - -
20 said, you know, we love this guy.

21 MALE VOICE: - - in summary is if fair to
22 say that the applicant involved here the son of
23 an acquaintance of yours is applying to the Law
24 School?

25 MR. EPPLEY: It looks like it.

1 MALE VOICE: All right. And the person had
2 applied to the University of Illinois was wait-
3 listed and had already been accepted at some
4 other institutions? - -.

5 MR. EPPLEY: You asked me to read it and I
6 said I didn't read it--

7 MALE VOICE: Okay--

8 MR. EPPLEY: I looked at it enough to
9 recognize it. You want me to read it?

10 MALE VOICE: I want, yes, I was actually
11 going to direct you to a specific sentence or
12 two, um, but you need to familiarize yourself
13 with the document - -.

14 MR. EPPLEY: - -.

15 MALE VOICE: Okay, in the middle of the
16 first paragraph there's an indication that the
17 candidate is wait-listed, the Dean - - stated
18 that he was optimistic and anticipated an
19 opening might be available in May. And at the
20 very end of that email, um, there's a plea or
21 request that says, um, would you be so kind as
22 to look past the fact that the applicant is - -
23 and give the Dean or the appropriate executive a
24 personal word of encouragement as it relates to
25 my son's admission I would sincerely appreciate

1 your efforts and consider it a dear personal
2 favor which is my way of saying I'd be deeply in
3 your debt, again Larry Webber, Assistant Counsel
4 at - - is most appreciated. Thank so you much.
5 You forward that email to, um, Richard - - at
6 the, um, I believe he was the chancellor at that
7 time with the note, Mr. _____, which I understand
8 to be the father of the applicant?

9 MR. EPPLEY: Yep.

10 MALE VOICE: - - quality like - - respect
11 your son, I think meant that they did, but--

12 MR. EPPLEY: Yes.

13 MALE VOICE: --as well. So.

14 MR. EPPLEY: I didn't spell that name
15 correctly either.

16 MALE VOICE: So apparently they found out
17 that you didn't actually know the son.

18 MR. EPPLEY: I only know the father.

19 MALE VOICE: Are you prepared to say that
20 you were advocating on behalf of his son's
21 admission.

22 MR. EPPLEY: Well I honestly, I hear were
23 he's going I just didn't view this as
24 advocating, it's just, um, he already was known
25 to the Law School had already established

1 contact.

2 MALE VOICE 2: But what did you letter to
3 do?

4 MR. EPPLEY: Take a look at it.

5 MALE VOICE 2: We're looking at it already.

6 MR. EPPLEY: And as it turns out they loved
7 him. I mean I, this seemed to be somebody that
8 they were anxious to get, I don't know.

9 [crosstalk]

10 MALE VOICE 2: It's not about what it did,
11 what did you think it was going to do? What was
12 your purpose in writing it? Just to placate
13 this friend?

14 MR. EPPLEY: No, uh, he asked, uh, if I had
15 forwarded an email for someone who had an
16 encounter with the Law School.

17 MALE VOICE 2: - -.

18 MR. EPPLEY: Yes.

19 MALE VOICE: It wasn't that you were the
20 postman?

21 MR. EPPLEY: No, I wasn't a postman but I
22 also didn't say you ought to admit this student.
23 These are their decisions, Judge and they'll
24 always been their decisions. And I'll always
25 believe they're their decisions.

1 MALE VOICE : Mr. Eppley, sir, if I may, it
2 is clear from the first email that the son I son
3 track for potentially a wait-list acceptance in
4 May. If you look at the sequence of emails your
5 email causes the son to be admitted the very
6 same day in April. So, what I'm curious about
7 is your - - your understanding now of the affect
8 of your email on the decision-makers within the
9 university, your email caused these people to do
10 something they were not prepared to do.

11 MR. EPPLEY: Well, uh, I don't know, what
12 you're saying is, you know, I don't believe
13 it's fair, I--I don't agree with you. I mean I
14 don't know what to make of this other than
15 here's an anxious parent, the son's already made
16 contact, the child's already contact with the
17 Law School, it's not for me to decide. I
18 couldn't, you know, am I going to write the
19 father back and say, you know, no, or um, you
20 know, there's nothing that can be done--I don't
21 know whether anything can be done. Um, but□

22 MALE VOICE 2: [Interposing] But you do
23 agree that a good policy would be for you to
24 write back the father and say as a trustee I
25 can't get involved?

1 MR. EPPLEY: I would love to, I would love
2 nothing more. And I hope I said this before,
3 um, the and I want to be careful how I say this,
4 if this was a good call, the answer was you may
5 not submit these inquiries or forward emails or
6 do anything like that. If the only way you can
7 do it is refer them to an office in the
8 admissions department or so and so at the Law
9 School, that would be a perfectly acceptable
10 answer now and it would have been perfectly
11 acceptable before.

12 MALE VOICE 2: - - to the existing system.

13 MR. EPPLEY: Absolutely. I don't know you
14 can conclude anything other than that. And Mr.
15 - - questioning, I understand his questioning.
16 But at the time, I'm asking, I'm forwarding to
17 Richard there is the editorial comment that I do
18 know his father, is that, did I think that was
19 going to create anything more than an honest
20 look? I honestly at the time I can't imagine I
21 would. Because that's not who I am, that's not
22 how I operate. I would not ask for anybody to
23 do anything, any special favors. It's just not
24 who I am.

25 MALE VOICE: You didn't, you sent an email

1 saying, gee, they went from a wait-list to
2 acceptance, how did that happen? - - just
3 making inquiries, you didn't do that did you?
4 You didn't do that. I mean, you say you write a
5 letter and a person goes from a wait list to
6 being accepted, you weren't trying to apply any
7 pressure and it happened maybe you were
8 surprised--

9 [crosstalk]

10 MR. EPPLEY: I don't have that in front of
11 me. The one I remember is the one where the
12 Dean tells - - not on these emails that they
13 love him. I mean, that's the one I saw before,
14 I had not seen this one. And I don't know if I,
15 I don't know what follow up or what took place
16 beyond this. I mean I□

17 [crosstalk]

18 MALE VOICE : You know, it's very hard to
19 understand some of the things you say because
20 you become the chairman for the governor after
21 you serve for two years and you don't know how
22 that happened. And you served for six years,
23 which is out of the ordinary and you don't know
24 how that happened. And yet you had--you had
25 nothing to say to the governor. You had no

1 involvement with him. You were, you really
2 don't know. You handled referrals for Chris
3 Kelly who wasn't a member of the administration
4 but was the right arm of the governor. And you
5 don't know how that happened. And you had
6 trouble with the Law School students but I don't
7 know how much difficultly you had with your kids
8 for the undergraduate students. Do you have the
9 numbers on that?

10 MR. EPPLEY: Uh--

11 MALE VOICE: [Interposing] Any of your,
12 these inquiries as you characterize them? They
13 got accepted? How many?

14 MR. EPPLEY: I don't--I didn't keep track.

15 MALE VOICE: No one told you when they were
16 accepted or not accepted?

17 MR. EPPLEY: Um, sometimes yes, sometimes
18 no. I didn't keep--I did not keep track. I did
19 not keep track of who was getting in and who was
20 not getting in. Um, on some occasions whoever
21 had--the source of the original inquiry might
22 ask, you know, hey I haven't heard anything I'd
23 seen an email like that. And I'm not sure I
24 answered the question the way you described. I
25 think I described how I believed the chairman

1 should - -, um, I'd like to think that I was
2 chairman for six years because I was doing a
3 good job. I worked tirelessly. I hope that's
4 uh□

5 MALE VOICE 2: I doubt - - .

6 MR. EPPLEY: And again I understand the
7 speculation I understand the why something that,
8 again, I this is the only way I can describe it,
9 um, at the time of this, did I think that--did I
10 actually think that I was doing something more
11 for the student than the student deserved or
12 that the process would allow for absolutely not.

13 MALE VOICE: We didn't know anything about
14 most of the students. Well you didn't know
15 their record and we didn't have any personal
16 knowledge of that. Is that correct?

17 MR. EPPLEY: That's correct, yes.

18 But see, I'm talking about, and I don't want
19 to be disagreeable because again, um, it's hard
20 to know whether you draw any conclusions except
21 when you see the totality of things. I really
22 don't know but, you know, my experience is, uh,
23 you know, it's five to ten a year, that's it.
24 And it's free, it's exceptionally free. It's
25 not what I do, it's not what I expected. I

1 wasn't hoping, you know, I wasn't demanding
2 that, you know this kids' got to get in, none of
3 that. These were Ace's parents or Ace's
4 relatives they have a question about an
5 admission the respectful thing to do, the
6 courteous thing to do, the non-judgmental thing
7 to do is if there can be a question answered or
8 some sort of follow-up, whatever the issue is,
9 then fine.

10 FEMALE VOICE: I think we all agree that
11 Ace's parents should get--

12 MALE VOICE: [Interposing] - - Carroll who is
13 the trustee of the board of trustees, correct?
14 She's never done it in the years that she's been
15 on there. Not once because when we asked her
16 why she said, because it was wrong. All right.

17 FEMALE VOICE: She did

18 MALE VOICE: It was wrong.

19 FEMALE VOICE: But she recommended students
20 but not relatives or friends or business
21 associates. - -.

22 MALE VOICE: Students that she knew
23 everything about.

24 MALE VOICE: Let me ask again about Chris
25 Kelly.

1 [crosstalk].

2 MALE VOICE 2: DO you know or not know that
3 he was not on the governor's staff?

4 MR. EPPLEY: Um, probably not. I didn't
5 know that he wasn't. I mean, - -.

6 MALE VOICE 2: But you knew that he was
7 connected with the governor in some way.

8 MR. EPPLEY: Yes. He was described to me as
9 somebody, you know, going back to another time I
10 was desperate to talk to anybody about
11 protecting the university so this for me was
12 somebody □ -.

13 MALE VOICE 2: Now I'm talking about he
14 recommended, whether he's recommending students
15 for admission. You perceived him as a friend of
16 the governor, or maybe on the governor's staff.

17 MR. EPPLEY: No, friend of the governor.

18 MALE VOICE 2: He wasn't recommending for
19 his children was he?

20 MR. EPPLEY: I don't believe so.

21 MALE VOICE 2: So what did you take of those
22 recommendations that he was recommending kids
23 that were on parole? Did you know?

24 MR. EPPLEY: No. I didn't.

25 MALE VOICE 2: So what were you accepting as

1 the - - bona fide of his recommendations?

2 MR. EPPLEY: I'm not sure I understand the
3 questions about accepting his bona fide, I mean,
4 a student has a name and acknowledge they were--

5 MALE VOICE 2: - - If some drunk comes up
6 to you in the middle of the night and says
7 recommend Joe Smith for the university you're
8 not going to be a friend of mine.

9 MR. EPPLEY: Yeah, well I guess I wasn't
10 putting, um, people that I know in that
11 category. - -

12 [crosstalk]

13 MALE VOICE: Was it just because you knew
14 him?

15 MR. EPPLEY: Yeah, I knew who he was.

16 MALE VOICE: And you didn't identify him as
17 being related to the governor through the
18 questions?

19 MR. EPPLEY: Uh, no. Maybe I should have
20 but I didn't. You know, I just, uh, - - since
21 I've been on the board.

22 FEMALE VOICE: How many requests did you
23 turn away if any?

24 MR. EPPLEY: Well, my recollection is that I
25 didn't. I was, um, I was looking through the,

1 you know, again, maybe this all sounds weird
2 now, but you know, if I turn away requests or
3 inquiries - - that somehow I am involving myself
4 - - sort an either do none or, you know, - - in
5 a way which sounds weird but it's not like, you
6 know, there's jillions of them. But if I were
7 to look at a resume and tell a person that this
8 person doesn't stand a chance, gee all of the
9 sudden I'm in the admissions office. You know,
10 that's not where I belong.

11 FEMALE VOICE: So, if someone walked up to
12 you on the street and said, would you inquire
13 about my son's - -

14 MR. EPPLEY: Good question - -

15 [crosstalk]

16 FEMALE VOICE: Did you?

17 MR. EPPLEY: Probably not.

18 FEMALE VOICE: And you are--one of the
19 things that's been confusing me is that you
20 refer - - to the protocol - - isn't it your job
21 as chairman of the board to create the protocol
22 or the policies?

23 MR. EPPLEY: Well, um, we may be involved
24 now. Um, should we have been involved then, um,
25 I guess, uh, if we had, uh, more insight into

1 what was going on. But you know, - - my
2 encounter, you know, personally was very brief,
3 sporadic, but violate an agreement now, you
4 know, you look at it and it was creating--it was
5 creating outcomes that probably would have
6 occurred but for the way this worked, I admit it
7 was - -

8 FEMALE VOICE: Certainly you knew that your-
9 -the son of your fiend's decision was - - you
10 had to know that, right?

11 MR. EPPLEY: I believe I did.

12 FEMALE VOICE: and when did you learn of
13 that?

14 MR. EPPLEY: Uh, I think when I heard he was
15 at the Law School.

16 MALE VOICE: Should the university officials
17 have pushed back against undue pressure?

18 MR. EPPLEY: Um, That's a tough one to
19 answer. Because, um, you know, you're dealing
20 you--really don't know exactly what they're
21 dealing with. Um, this did provide, uh, the
22 opportunity for pressure whether intended or
23 not, and I - - can admit that. You know, and I
24 think it also provided an opportunity to give
25 yes as an answer when maybe no should have been

1 the answer. You know, I don't think you can
2 necessarily discount the opportunity of somebody
3 to say yes, right, you know, some people like to
4 say no. I think that's, uh, - -

5 MALE VOICE: - - said that when you sent
6 emails other trustees sent emails saying I'm not
7 going to pressure the Law School Dean to admit
8 somebody that she doesn't think is admissible.
9 Shouldn't that have been the proper response? -
10 -.

11 [crosstalk]

12 MALE VOICE: What about the admissions
13 office?

14 MR. EPPLEY: Well, again, on - - agree with
15 you Judge, admissions office, um, so again I
16 think a conclusion you can draw, rightfully from
17 looking at this, um, is again it created as you
18 described, it created dissidence in the system,
19 you know, it created these opportunities for
20 arguments and, you know debates over who get I
21 in and who I do not get in. It created probably
22 more--it probably created enough decisions that
23 we wouldn't have otherwise made. Um, and um,
24 and I think it provided opportunities for people
25 in positions, uh, to say yes where --

1 MALE VOICE: - - Said that if anybody told
2 him he had to admit somebody that he thought was
3 inappropriate he would resign before he would do
4 it. Do you think that's an appropriate response
5 to a Law School Dean?

6 MR. EPPLEY: Well, um, more power to him.
7 Um, you know, um, I hope that opportunity never
8 presents itself, because I hope we have a system
9 that, um, doesn't allow for that or at least
10 monitors that. And again, I know this is, uh,
11 one of the major tasks for the commission, um,
12 but, you know, you get a system that, uh, sort
13 of eliminates the opportunity for this stuff to
14 happen. I think if you audited and let, you
15 know, look for exceptions and, um, figure out
16 why they were made, um, if you have, you know, I
17 don't know what the answer is in terms of, you
18 know, whether there should be inquiries. And if
19 there are how they're made and what we do on the
20 manpower basis. Maybe these are all - -.

21 MALE VOICE 2: I think we have been
22 monitoring these proceedings as they've gone on
23 and - -.

24 MR. EPPLEY: Um, I don't read the newspapers
25 every day. Um, but I do have friends that call

1 me and say here's the - -.

2 MALE VOICE 2: Would you say it would be

3 fair to say that some of the people who lower

4 down in the food chain in the pecking order were

5 more resistant than some of the people up above

6 him? Is that what you've seen so far?

7 MR. EPPLEY: Um, based on what I read I

8 think that's a conclusion you might be able to

9 draw. You know, again, Judge, I'm having, you

10 know, not had encounters with commission

11 officers ever, so I don't, but - - earnest about

12 their job and, uh, - - .

13 MALE VOICE : Don't you say that Mr.

14 Marshall seemed to resist more in the efforts to

15 admit unsuitable students - -.

16 MR. EPPLEY: I'll admit to mostly reading

17 emails or correspondence where my name's on it

18 whether it originates with me or just somebody

19 is using my name on the system. Um, I think

20 he's doing a good job. You know, nobody wants

21 to hear this, but on the whole if we're ever

22 able to push this aside I don't know how - -

23 given all the pressures Urbana has on

24 admissions, I mean the population growth

25 produces more students than the Bell Curve

1 who've got good scores, I mean that's just math,
2 everybody gets that. So, that's difficult to
3 deal with. The Urbana campus, you know, it's
4 flagship parents, um, families think, you know,
5 Urbana or nothing, right? And, uh, which isn't
6 really true and I for four or five years have
7 been promoting UIC, and just look there are
8 other options. Parents shouldn't put so much
9 pressure on their kids getting into Urbana.
10 Because you don't have to go to Iowa, you don't
11 have to go to Minnesota but there's that
12 pressure. There's the in-state population
13 pressure, because they've been able to, you
14 know, you've heard this, I'm sure a million
15 times, I'm not the first one, but you know,
16 their in-state population is higher than Big
17 Ten. They have a very diverse population I
18 think there numbers are at or near the top of,
19 you know, sort of diversity criteria - - Big Ten.
20 So all things considered - - doing a remarkable
21 job and it's that's Keith Marshall or somebody
22 else in the admissions office, you know, I think
23 hats off to them.

24 FEMALE VOICE: - -

25 MALE VOICE: - - If you can turn to Exhibit

1 Number 2, which deals with a medical school
2 applicant, again starting with the end of at
3 Page 2 - -.

4 [crosstalk]

5 [pause]

6 MALE VOICE: I'm sorry sir, um, that page
7 did not contain an email that you were part of.
8 It does refer to you and the email at the bottom
9 from Silvia Manning to Art Savage a copy to
10 Donna Newton, states in part Larry Eppley tells
11 me that one of the students whose progress we
12 were following regarding their application to
13 the med college was accepted at Northwestern can
14 you somehow check that back, etcetera. - - did
15 that refresh your recollection at all as to this
16 particular candidate for the medical school?

17 MR. EPPLEY: I think it does. Um, this is,
18 um, - -

19 [crosstalk]

20 MR. EPPLEY: This is another one for missing
21 the terminal - -.

22 MALE VOICE: Let me get back to you with
23 some general questions. Why this read would
24 suggest that you'd done some homework or
25 investigation of some sort to understand that

1 there was an applicant who presumably had not
2 been admitted to the University of Illinois
3 Medical School but had been admitted to
4 Northwestern.

5 MR. EPPLEY: I think what it tells me is
6 whoever made the, uh, initial inquiry, uh,
7 informed me that the student was admitted to
8 Northwestern, I assure you I had not done, nor
9 would I have any time to do some personal
10 investigation of a particular student's - -.

11 MALE VOICE: Now, my questions is whether
12 you were relying on information that had been
13 provide to you or where you found that
14 information?

15 MR. EPPLEY: Yeah, I - - you had to draw
16 inferences from this but clearly somebody told
17 me this wouldn't be uncommon because it was a
18 recurring complaint. Somebody got into some
19 school and - - .

20 MALE VOICE: Uh, you know at the top of that
21 second page, again you're not on this email but
22 it's apparently from Teresa Soto to Art Savage
23 and apparently in reference to the very same
24 applicant and the first line of that email says
25 will not be admitted to - - through regular

1 admissions.

2 MR. EPPLEY: Um-hum.

3 MALE VOICE: And at the very bottom of that,
4 - - there's no way of finding out if in fact a
5 student admitted - -. Okay. Let me just draw
6 your attention then to the first page.

7 MR. EPPLEY: Um-hum.

8 MALE VOICE: Which, uh, is an email from
9 Sylvia Manning to □ - and Sylvia Manning, by the
10 way, she at the time states on the title at the
11 bottom of the email was chancellor - - .

12 [crosstalk]

13 MALE VOICE: What was your understanding of
14 her role if any in Colleges of Medicine?

15 MR. EPPLEY: Well, um, again, just prior to
16 this inquiry protocol, um, you know, giving--
17 sending it in to the Chancellor, um, you know, I
18 suppose you go in a write to a dean, you know,
19 if you're trying to--if you're a board member
20 and you're dealing directly with a Dean I guess
21 that would be, uh, and they feel more pressure
22 than they should if you go right through a
23 chancellor. You're asking me a questions, uh,
24 what, you know, she's in charge of the campus,
25 so, I think Corrine probably went from me to her

1 and the followed through on it, um, and this is
2 not, I believe, I don't - - you and I talked
3 about this one this is not email this is not the
4 terminal email this is the--this is the student
5 who's not admitted which is given in my mom's
6 side of the family they call it an Irish no. -
7 -.

8 FEMALE VOICE: And that's--

9 MR. EPPLEY: Irish no.

10 MALE VOICE: - - my question because my
11 understanding is and I may be wrong, is that
12 this is the student that, um, according to Dean
13 Flaherty in the medical school was in fact
14 admitted based on pressure from there, and maybe
15 I'm wrong about that--

16 MR. EPPLEY: Yeah, I think you're wrong
17 about this student.

18 MALE VOICE: Okay.

19 MR. EPPLEY: And I actually talked to Dean
20 Flaherty about it, um, after it was, um, in the
21 papers. Uh, this student was given a letter
22 that said, um, if you need--he was already at
23 another medical school or he was in something.
24 He was given a letter than says if you do xyz
25 and Double-A you know, you can be admitted as a

1 transfer student. But you know it was pretty
2 clear, uh, in talking to, you know that wasn't
3 really going to happen. The student was not
4 going to be admitted. The conditions would not
5 be met.

6 MALE VOICE 2: How often did you talk to
7 Dean Flaherty?

8 MR. EPPLEY: I talked to Dean Flaherty, um,
9 three weeks ago after this came up. The first
10 time I talked him about anything I just asked
11 him□

12 MALE VOICE 2: [Interposing] You didn't talk
13 to him before you sent that letter to Dean
14 Manning? To Chancellor Manning?

15 MR. EPPLEY: No. I'm not, I don't know in
16 '03 whether he was, uh, - -

17 MALE VOICE 2: Would you have talked to the
18 Dean - - first before you - -.

19 MR. EPPLEY: No.

20 MALE VOICE 2: And why did you think that
21 was outside the protocol to talk to the Dean?

22 MR. EPPLEY: - - it sounds silly saying
23 this, but, uh, ten times because I know it
24 sounds silly to everybody else, but, you know,
25 if you had a inquiry you just submitted to the

1 Chancellor.

2 MALE VOICE 2: Always?

3 MR. EPPLEY: I think that was the case.

4 MALE VOICE 2: - - about how many
5 conversations did you have with Dean Flaherty?

6 MR. EPPLEY: Well again, I talked to Dean
7 Flaherty about the reporting.

8 MALE VOICE 2: After the fact?

9 MR. EPPLEY: Yes, and I said, you know, I
10 said, um, again, you know, I see Dean Flaherty
11 at board meetings, I see Dean Flaherty at, uh,
12 hospital events and, you know--

13 MALE VOICE 2: [Interposing] You wouldn't
14 talk to Dean Heard about admissions?

15 MR. EPPLEY: No.

16 MALE VOICE 2: You wouldn't talk to the Dean
17 of the Engineering School about admissions?

18 MR. EPPLEY: No. Um, I just want to touch
19 the point on this, um, when I saw the reporting,
20 I said Joe, am I wrong, is this a soft no? He
21 said it was a soft no. I think that you're
22 referring to, and I asked him about that, um,
23 that he believes he was-- what was in the paper
24 he was answering a different question. But - -
25 .

1 MALE VOICE: Um, is it fair to say that in -
2 - paragraph of the first page of Exhibit 2 there
3 is a description of a conditional offer to this
4 particular applicant? As long a certain
5 conditions are met and the second paragraph says
6 let me know as soon as you can and if I can't,
7 I'm not reach able and your response is simple,
8 i.e., we hope go ahead you can just leave a
9 message with Don - -. U, first of all who's the
10 half if you remember - - the candidate.

11 MR. EPPLEY: Uh, I don't know. Um,
12 nothing's really giving me any recollection
13 about who he is.

14 MALE VOICE: And why, if you know, why would
15 you be in a position based on this email of
16 being in an intermediary role trying to broker-
17 -?

18 MR. EPPLEY: Again, in your words broker,
19 great questions, I don't know. Um, but, the end
20 result was the, you know, they sent out the
21 letter.

22 MALE VOICE: - - in relation to the first
23 paragraph. One thing is that I hope that
24 whoever you need to speak with will not be
25 brining the offer back to the family, that is

1 acting as a go-between or negotiator it would
2 look real bad, real bad all around and worse if
3 there's a - -. I hope that the person you speak
4 with is just someone who you consult to be
5 convinced that we are making a reasonable offer.
6 Um, what's your understanding of that's being
7 communicated there, if you have any?

8 MR. EPPLEY: Well, it's, um, obviously she -
9 - this proposal the initial offer is enough and
10 apparently it was because that actually went out
11 it was to - -.

12 MALE VOICE: Do you recall ever having any
13 conversations with the - -.

14 MR. EPPLEY: U, I don't, I don't, um, you
15 know, it is possible but I don't recall having
16 any conversation or follow-up, uh, and again my
17 recollection is principally based on the
18 correspondence that came out right after this
19 which was a conditional offer letter when out
20 and, um, I think I heard from or learned in the
21 newspaper that June didn't even try to achieve
22 those conditions, or never showed up or never
23 went.

24 MALE VOICE2 : Do you know where the request
25 to you came from?

1 MR. EPPLEY: I don't and I don't--Mr. - -
2 was asking me - - I don't know where it came
3 from. Right now there's nothing that's giving
4 me any particular recollection.

5 MALE VOICE: Mr. Eppley, - - Exhibit 3.

6 MR. EPPLEY: Yep.

7 MALE VOICE: It's a one-page document. Uh,
8 from time to time did you ever receive an
9 applicant named you understood to be an
10 applicant sponsored directly by Governor
11 Blagojevich.

12 MR. EPPLEY: You know, I, uh, when - - and
13 I talked before I said I did have a recollection
14 that maybe one came directly from the Governor,
15 but, uh, I couldn't in all of the
16 correspondence, I couldn't put my finger on it.
17 I at one point thought I actually had gotten a
18 recommendation letter that I had given to
19 President White, he doesn't have that - -. He
20 didn't say that was the case either, so, I
21 either have faulty recollection or I just didn't
22 happen.

23 MALE VOICE: In reference to Exhibit 3, um,
24 you see that it - - by someone named Mary. Do
25 you see that?

1 MR. EPPLEY: I thought it said Manny, but
2 so, maybe it says Mary.

3 MALE VOICE: Did you understand that
4 Governor Blagojevich had an assistant or
5 secretary by the first name Mary?

6 MR. EPPLEY: No.

7 MALE VOICE: And, so January 13, 2005, note
8 handwritten Lon, would you please call Larry
9 Eppley at the UI and recommend this applicant -
10 - from the Liberal Arts College the U of I does
11 not accept letters of recommendation, he begins
12 college Fall 2005 ___ parents ___ are very old
13 dear friends of Rod and Rod wants to help any
14 way he can. Also ___ helped - - Thanks much.
15 Do you recall this particular applicant?

16 MR. EPPLEY: No, this is the first time I've
17 seen this. - -.

18 MALE VOICE: Right, now that you've read
19 this do you recall having a received in or about
20 January 2005 some communication from the
21 governor's office concerning an applicant to the
22 Liberal Arts College.

23 MR. EPPLEY: Um, I don't, but I did get, uh,
24 um, names or, you know, applications or notice -
25 - candidate, he would have been part of that

1 batch, but any particular one--

2 MALE VOICE: [Interposing] He being?

3 MR. EPPLEY: Lon would have been in the
4 category of requested things from the governor's
5 office. I would put him in the category from
6 the governor's office.

7 MALE VOICE: If this came to pass, Lon Monk,
8 not the governor himself, not Mary would have in
9 turn acted on this and perhaps contact you?

10 MR. EPPLEY: It looks like it, yeah.

11 MALE VOICE: But you don't have - -.

12 MR. EPPLEY: No. I don't.

13 MALE VOICE: What I'm curious about in
14 reference to the University of--the U of I does
15 not accept letters of recommendation he begins
16 college Fall 2005 and there has been a fair
17 amount of testimony in this case and the
18 original proceedings--

19 MR. EPPLEY: [Interposing] Um-hum.

20 MALE VOICE: --That the U of I does not
21 accept - - letters of recommendation.

22 MR. EPPLEY: Correct.

23 MALE VOICE: And yet, communications from--

24 [END TAPE 2]

25

1 OF 4]

2 MALE VOICE: --operation recommendations.

3 Do you see any problem with that?

4 MR. EPPLEY: Well, I agree. A couple
5 things. One, I think is undergraduate programs
6 that - - or some recommendation letters. And as
7 I described earlier in this meeting and Mr. - -
8 , you and I discussed before.

9 One analogy I'd come up with, always, you
10 know, thinking about this and, you know, what's
11 been going on, this whole inquiry system again
12 with the name attached, I think, essentially
13 praise and undergrad recommendation letters
14 which can, you know, either if you're going to
15 allow recommendation letters allow
16 recommendation letters; if you're not then you
17 shouldn't have that. So I think I'm in
18 agreement with you that.

19 MALE VOICE: Well, I want to ask you about
20 something. You didn't think he was asking on
21 his own behalf did you?

22 MR. EPPLEY: I'm not sure. Could be, could
23 be not. You know, I suspect, although I don't
24 know that, you know, they probably get the same
25 kind of complaining e-mails or inquiries that we

1 would get, you know, why is it so hard to get
2 into U of I, or, you know--

3 MALE VOICE: [Interposing] Yeah, but you
4 were guessing as chief of staff, right?

5 MR. EPPLEY: Well, again, I don't know. I
6 mean, I don't know what relationships he would
7 have. I think it's fair to say that probably
8 most of them came because it was "The Governor,"
9 but, you know, he might have friends, too. I
10 don't know.

11 MALE VOICE: I don't know if that makes it
12 better or worse.

13 MR. EPPLEY: Yeah. Yeah, for somebody else
14 other than me to decide that, but, you know. I
15 mean, I would imagine that there's probably a
16 number of reasons why they got inquiries. I can
17 only imagine that plenty of them are probably in
18 the nature of complaining.

19 FEMALE VOICE: - - you've repeatedly said
20 today that you really weren't aware of an
21 implication - - your e-mails or your sponsorship
22 - - . How do you--how did you react to this
23 April 28th, 2006 e-mail that changed the meeting
24 from Chancellor Thomas? It was a copy of the e-
25 mail that he was forwarding Dean Hurd's e-mail

1 in which she expressed very strong
2 dissatisfaction with the process and the having
3 to admit a student who was not qualified into
4 the law school.

5 MR. EPPLEY: Which one?

6 MALE VOICE: It should be the last page of
7 Exhibit 5.

8 FEMALE VOICE: It starts I've received your
9 message concerning--

10 MR. EPPLEY: [Interposing] Oh, give me a
11 buzz when you've read this?

12 FEMALE VOICE: I can't state strongly enough
13 the negative impact that this will have on the
14 profiles of incoming class. And then she talks
15 about other people that they've been forced to
16 admit. How did you read this e-mail? Did it
17 cause you any concerns?

18 MR. EPPLEY: So, ma'am, I'm certainly aware
19 of the effect that, although, you know, with a
20 more confined population at - - where we have a
21 higher set of scores. But, you know, whether it
22 was because of this e-mail or just because I'm a
23 lawyer and I didn't know - - enough - - , but
24 it's--yeah.

25 So, you know, this together with a lot of

1 the other stuff you read, you know, there's been
2 a comment of maybe four--clearly, there's way
3 more discord and dissidence in the system than
4 there should be, and I think, you know, inquiry
5 from me or from a member of the general assembly
6 or from a donor, wherever they come from, have
7 either caused or certainly helped create that
8 sort of discord and dissidence.

9 And, you know, the case in a law school, you
10 know, created this sort of--it looked like they
11 had, you know, this special admit, you know, it
12 wasn't planned. Some kids with low scores were
13 not going to get in, but it looked like they
14 were trying to contain that and, you know, so
15 there was also it'd be a lot of discussion about
16 who's, who was the ultimate defier. You know,
17 it looked like the--there's a reference to Dean
18 Hurd being glad that it looked like Richard
19 didn't think he had his own list, you know, for
20 special admits that it was only her list of
21 special admits.

22 And, again, this doesn't justify it, but,
23 you know, you're sort of now clearly there's
24 pressure on admission--

25 FEMALE VOICE: [Interposing] That you've

1 created.

2 MR. EPPLEY: Yeah, that I've created and--

3 FEMALE VOICE: [Interposing] And so how did
4 you respond? What did you think when you read
5 this e-mail?

6 MR. EPPLEY: I don't recall what I thought,
7 you know, I don't recall it.

8 FEMALE VOICE: I mean, did you say ooh, I'm
9 creating a problem here; I didn't realize the
10 implications of my innocent inquiries?

11 MR. EPPLEY: Yeah--

12 FEMALE VOICE: [Interposing] I didn't
13 realize that I'm forcing out of law school
14 someone's who's unqualified to be here--it was
15 comparatively speaking.

16 MR. EPPLEY: Yeah, I don't--

17 FEMALE VOICE: [Interposing] Someone that
18 the dean herself is saying is bound to fail. I
19 mean, if I received this e-mail and I was
20 innocently referring to someone, I'd be--this
21 would cause me problems. It didn't cause you
22 problems?

23 MR. EPPLEY: I'm not saying it didn't cause
24 me problems. I'm not sure I would have ever - -
25 myself that I was forcing a student in, you

1 know, so--

2 FEMALE VOICE: [Interposing] Well, if you
3 didn't before you saw this e-mail you certainly
4 must've when you saw it because that's what this
5 e-mail says.

6 [Crosstalk]

7 MR. EPPLEY: Yeah, but the e-mail says--

8 FEMALE VOICE: [Interposing] You're being
9 ordered to admit these people.

10 MR. EPPLEY: No, this doesn't say I'm
11 forcing to admit anybody. I don't--

12 FEMALE VOICE: [Interposing] Well, it - - .

13 MR. EPPLEY: And I'm telling you, I never, I
14 never forced anybody to admit anybody. So I
15 will--

16 FEMALE VOICE: [Interposing] Tell me about
17 the phone call that it includes that the
18 chancellor - - give me a call.

19 MR. EPPLEY: Yeah, please give me a buzz and
20 I don't recall having the discussion with him.

21 FEMALE VOICE: You don't recall. And what
22 about - - , President White [phonetic]? Have
23 you ever discussed category I with President
24 White?

25 MR. EPPLEY: Not category I because I don't

1 think--

2 FEMALE VOICE: [Interposing] Or special
3 admits or by whatever means the remaining--that
4 discusses - - but any special response or
5 candidate for any - - ?

6 MR. EPPLEY: Never asked Joe White to force
7 admissions - - .

8 FEMALE VOICE: Have you, have you spoken
9 with Joe White, the president, about admitting
10 any students?

11 MR. EPPLEY: Yeah, there were a few of these
12 inquiries. In fact, I think some had come
13 through from the governor's office that I gave
14 to Joe. Looking back, I'm not exactly sure why
15 I had given them to Joe. It may have been the
16 convenience of the meeting that I was having
17 with Joe. He and I used to meet every two or
18 three days to discuss things, and so, I don't
19 know exactly why I was giving them to Joe, but I
20 - - to Joe--

21 MALE VOICE: [Interposing] When I asked you
22 earlier this afternoon if you remembered the e-
23 mail about jobs [phonetic] and this admittee
24 [phonetic], you made it sound like that was all
25 - - , but you, you saw this whole chain of e-

1 mails--

2 MR. EPPLEY: [Interposing] Well--

3 MALE VOICE: --contemporaneously with when
4 what was going on, right?

5 MR. EPPLEY: No.

6 MALE VOICE: But they were all--it was all
7 part of the same e-mail - - addressed to you.

8 MR. EPPLEY: I, I want to be very clear on
9 this. I don't know whether I have--

10 MALE VOICE: Judge, I can't make sure of the
11 record - - because part - - my call that I've
12 attached a couple e-mails that begin with the
13 same e-mail. So, Your Honor, with your
14 indulgence--

15 MR. EPPLEY: Yeah, this is--Judge, this is
16 the only e-mail I, I have, right?

17 [Crosstalk]

18 FEMALE VOICE: Well, well, wait a minute.

19 MR. EPPLEY: No, I'm - - .

20 FEMALE VOICE: Okay.

21 [Crosstalk]

22 MR. EPPLEY: - - the e-mail I got.

23 MALE VOICE: Let me ask it this way. But,
24 but Mister--Chancellor Herman [phonetic] had
25 talked to you about jobs.

1 MR. EPPLEY: No, I don't believe he did, at
2 least not until this e-mail.

3 MALE VOICE: Well, but he said he did.

4 MR. EPPLEY: Well, yeah. And - - I'm
5 saying--

6 [Coughing]

7 MALE VOICE: - - by John.

8 MR. EPPLEY: Yeah, well--

9 MALE VOICE: [Interposing] You don't
10 remember that?

11 MR. EPPLEY: No, and I don't think I did.

12 In fact, I'm very confident--

13 MALE VOICE: [Interposing] So you think he
14 made that up.

15 MR. EPPLEY: --in connection with any
16 applicant.

17 MALE VOICE: Do you think he made that up?

18 MR. EPPLEY: I don't want to characterize
19 what he's done. I can tell you that--

20 MALE VOICE: [Interposing] But it's not--

21 MR. EPPLEY: - - discussion with Richard
22 Herman about jobs and law school candidates.

23 MALE VOICE: You did not have--

24 MR. EPPLEY: [Interposing] I did not have
25 conversation with--about--with Richard about

1 jobs and law school candidates.

2 MALE VOICE: And you did not have
3 conversations with Dean Hurd.

4 MR. EPPLEY: No.

5 MALE VOICE: How about jobs?

6 MR. EPPLEY: No.

7 MALE VOICE: So you've never talked about
8 jobs with anybody.

9 MR. EPPLEY: Nope.

10 MALE VOICE: In or not in relationship to
11 admission.

12 MR. EPPLEY: Well, not in relation to
13 admissions. Remember, Judge, you know, I, I
14 used to be involved in recruiting. At this
15 particular it's not.

16 MALE VOICE: But, but the relation to this
17 particular set of e-mails.

18 MR. EPPLEY: No.

19 MALE VOICE: There was no discussion about
20 jobs.

21 MR. EPPLEY: No. They - - you know, they
22 had sort of their own little system of how they
23 were going to manage special admits and I'm
24 learning about it the same time as you are.

25 FEMALE VOICE: Well, I don't think that's

1 true. I, I just disagree with that because this
2 e-mail's very clear that there's a system and -
3 - real problems here.

4 MR. EPPLEY: Yeah, I agree with you on that.
5 I'm just talking about this--how they're going
6 to do special admits. There's a bunch of e-
7 mails. None of them involve me, but they've
8 been produced and there's a lot of discussion
9 back and forth between the provost's office when
10 he was the provost in the law school and then
11 when he was chancellor in the law school about
12 special admits. There seem to be a list of
13 about 24.

14 And there's a lot of discussion amongst
15 themselves that didn't involve anybody outside
16 of their little group about how they were going
17 to manage these special admits, discussions of
18 scholarships and so and so forth.

19 Judge, you know, I'm sorry to tell you what
20 I know and all I know is what I had--the e-mails
21 I had. The ones you're talking about and then,
22 you know, one's a completely separate one and,
23 and the thing that connects it is the fact that
24 Richard blind copied the law school.

25 MALE VOICE: Okay. So there were two

1 statements made by Chancellor Herman that he
2 repeated when he testified before us. One was
3 that he, he acknowledges the e-mail in which he
4 has said about Heidi Hurd. He said it came
5 straight from the dean's office. You never told
6 him that that request came from the governor's
7 office.

8 MR. EPPLEY: I'm not saying I didn't. I'm
9 just saying he either knew from the materials
10 that I had provided that it came through me or
11 from a discussion with me that it was referrals
12 from--referred inquiry from the governor's
13 office.

14 MALE VOICE: You don't remember whether it
15 was or not.

16 MR. EPPLEY: Well, I don't remember
17 specifically, but, you know, it's apparent from
18 this e-mail that maybe it was.

19 MALE VOICE: And you don't remember that he
20 pushed you on it to make sure that this was an
21 important request or anything like that?

22 MR. EPPLEY: I don't have specific
23 recollection of that, but, again--

24 MALE VOICE: [Interposing] Did he ever call
25 you up and say is this important or something

1 like that?

2 MR. EPPLEY: I don't know. And, you know,
3 again, in the theory that anything's possible,
4 sure.

5 MALE VOICE: But do you recall any such
6 conversation?

7 MR. EPPLEY: No. No.

8 MALE VOICE: And you don't recall any
9 conversation that he had with you about jobs in
10 relation to this?

11 MR. EPPLEY: No. I never had a conversation
12 with Richard about jobs--

13 MALE VOICE: [Interposing] Do you know he
14 said that he had such both in the e-mail and in
15 - - .

16 MR. EPPLEY: I cannot explain that, but I
17 know that I didn't have a conversation with
18 Richard about jobs or law school candidates.
19 I'm very clear about that.

20 FEMALE VOICE: And how do you remember that
21 when you don't remember any of the other--

22 MR. EPPLEY: [Interposing] It's weird
23 enough. It's weird enough that I would've
24 remembered something like that.

25 FEMALE VOICE: Just, just to refresh my

1 memory, I believe you said that Governor Ryan
2 never forwarded you, you a request or the team
3 never forwarded you a request?

4 MR. EPPLEY: I don't recall ever getting an
5 e-mail or inquiry - - .

6 FEMALE VOICE: With any--again, back to the
7 protocol and the process. - - it seems that the
8 Blagojevich administration brought this to a new
9 art form. Wouldn't you part of the development
10 of the protocol and the processes? I mean,
11 that's what's so puzzling if you ask me. I, I
12 know I'm repeating myself, but why--you say this
13 is protocol, but you're the guy who's in charge
14 of creating the protocol.

15 MR. EPPLEY: Well, and let me disagree.

16 FEMALE VOICE: For the board. For the
17 board.

18 MR. EPPLEY: No, absolutely not. Absolutely
19 not. And, and here's why I disagree. One, I
20 was not chairman under Ryan, so I don't know
21 where--whether there was any of that sort of
22 point of contact inquiries from the governor's
23 office in this board at all. I wouldn't know.

24 Number one.

25 Number two, I was getting inquiries, you

1 know, referred inquiries before I was chairman.
2 Not from an administration, but, you know, sort
3 of the run of the mill hey, you know, can
4 somebody answer this question. And that's when
5 I said, you know, for the first time in my
6 recollection hey, I get this inquiry what do I
7 do with it and the answer is they are referred
8 to the chancellor - - .

9 FEMALE VOICE: And that was from a fellow
10 trustee.

11 MR. EPPLEY: I believe so. I believe so.
12 But, you know, believe me, you know, this
13 bothers me as much as it bothers everybody else
14 and I've done, you know, some reconnaissance,
15 you know, with people I've talked to saying - -
16 I stand--former president, you know, whether,
17 you know, this went on. He says yes, probably
18 not to the detail, right, not to this level, but
19 he was president 15 years ago, you know.
20 So that either means, you know, a new art
21 form and I'm, I'm, I'm not prepared to say that
22 or it could be quite a bit related to the
23 pressure on getting into - - and the type of
24 standards. It could be related to that.
25 I've talked to the board secretary about

1 this and she said, you know, this kind of
2 inquiry stuff has been going on a long time and
3 she has a lot of institutional memory.

4 MALE VOICE: I think I got a different
5 impression of what President - - said was in
6 practice when he was there. He described this
7 as an aberration.

8 MR. EPPLEY: Okay. Well, I mean, I talked
9 to him after the--if first came out. And I
10 talked to, you know--

11 MALE VOICE: [Interposing] - - President - -
12 .

13 MR. EPPLEY: Yeah, and you should. But he's
14 a, he's a guy who we probably go to a lot for
15 advice and he was one of the first people I
16 called - - .

17 FEMALE VOICE: Do you happen to know how the
18 legislative affairs office got answers to manner
19 in which - - ?

20 MR. EPPLEY: I don't. I don't. And I don't
21 even know how long that's been going on except,
22 again, you know, there were certain - - unfold
23 before us - - .

24 MALE VOICE: Is that a policy problem that
25 you think is - - ?

1 MR. EPPLEY: Yeah.

2 MALE VOICE: That the board should take up?

3 MR. EPPLEY: Yeah. You know, we've given
4 the opportunity. I think that's almost an easy
5 answer. The answer is, you know, we don't
6 really need - - being involved in admissions at
7 all. I mean, I don't need to be involved in
8 admissions. I don't need to be making inquiry.
9 I think that's pretty clear.

10 FEMALE VOICE: Should anybody lose their
11 jobs over this issue?

12 MR. EPPLEY: This would not be for me to
13 decide.

14 FEMALE VOICE: Well, you're a member of the
15 board.

16 MR. EPPLEY: Well, again, I, I guess, I
17 hadn't thought about that--

18 MALE VOICE: [Interposing] Who would we--

19 MR. EPPLEY: --I guess I'd like to give a
20 considered answer written - - .

21 MALE VOICE: Forget that. But who, who has
22 the authority to remove officers at the
23 university?

24 MR. EPPLEY: Well, I guess, any respective
25 board. So, I guess, anybody--

1 MALE VOICE: [Interposing] The Board of
2 Trustees would have.

3 MR. EPPLEY: Yeah, I suppose it would.

4 MALE VOICE: So this may be something you
5 have to consider. And I appreciate how long
6 the--you've - - time to answer us as to who or
7 what, but this is certainly something that ought
8 to be within the board's - - , correct?

9 MR. EPPLEY: Yeah. Can I just make a sort
10 of a general comment over the - - . Again, it's
11 been over six weeks now, seven weeks. I took a
12 lot of opportunity to think about this. You
13 know, again, despite the fact that I'll, you
14 know, say anybody who wants to hear, you know,
15 on the - - I don't know how they do it and keep
16 - - whoever's been doing that they're doing a
17 great job. I think it's a--they're brilliant
18 kids down there and the opportunity to provide -
19 - spectacular and the university - - .

20 What we need is to restore confidence and so
21 some of these things, you know, there's specific
22 answers and some of the easy ones you either
23 stop the inquiries or open it up and make - - .
24 I talked to a lot of friends and colleagues who,
25 you know, read this as a - - and, you know, one

1 of the things that, that bothers them is this -
2 - relations involved in admissions, so - - take
3 care of that.

4 But whatever we come up with, you know,
5 there's an opportunity for best practices,
6 right. We ought to do something that we can be
7 proud of and it may be the model for everybody.
8 You hear out there and I don't have experience
9 with - - university, but what you hear out and
10 about is everybody does this. Well, I don't
11 know if they do or not. And that doesn't even
12 mean we have to do this, right, at least not - -
13 .

14 But whatever we do, you know, I want it to
15 be something that doesn't disadvantage the
16 students, right, or their opportunity or their
17 families, but also doesn't disadvantage the
18 university, right, because at the end of the day
19 we are competing, you know, in a very talent-
20 rich pool of - - institutionalism. So, you
21 know, whoever can strike that balance I think
22 deserves, you know, a lot of credit. You know,
23 I suspect we'll get--we have plenty of smart
24 people - - .

25 MALE VOICE: Yeah, I just want to clear--

1 make sure the record is clear on the exhibit,
2 which should be Exhibit 5, right, the - - .

3 It's the--

4 MR. EPPLEY: [Interposing] Yeah.

5 MALE VOICE: Okay. Now, it begins on a
6 Thursday afternoon 2.4 in April 2006 with an e-
7 mail from - - to Heidi Hurd, right?

8 MR. EPPLEY: Yep.

9 MALE VOICE: And I think Diane measured
10 that's a pretty startling e-mail, especially for
11 someone who has served on the board - - for the
12 law school, right.

13 MR. EPPLEY: Are you asking me or you
14 telling me?

15 MALE VOICE: I'm asking you. I'm asking
16 you.

17 MR. EPPLEY: Sure.

18 MALE VOICE: Do you agree with the
19 characterization?

20 MR. EPPLEY: Well, now you're going to--I
21 should read it again. Well, you might just
22 finish your question.

23 MALE VOICE: Well, my question is do you
24 agree with the characterization that, that the
25 former or maybe even at the time current Board

1 of Visitors for the law school that this was a
2 startling e-mail from the director of admissions
3 - - ?

4 MR. EPPLEY: Anxious e-mail. Startling I
5 don't know. I don't have anything to compare it
6 to.

7 MALE VOICE: Well, in the first sentence, I
8 received your message concerning--
9 [Crosstalk]

10 MR. EPPLEY: I can't speak strongly enough.

11 MALE VOICE: --I can't speak strongly enough
12 the negative impact this will have on the
13 profile - - . Is that not a significant
14 startling--

15 MR. EPPLEY: [Interposing] Sure, it's
16 significant. I'll go with significant.

17 MALE VOICE: The next paragraph begins, I
18 have another concern this is now the third
19 candidate that we have been forced to admit.
20 Would you agree with the characterization on
21 that--with regard to that sentence?

22 MR. EPPLEY: Yes.

23 MALE VOICE: So if you look above at the top
24 of that page that e-mail was forwarded to you
25 the next day 11:48 a.m., so that would be

1 Friday, correct?

2 MR. EPPLEY: Yes.

3 MALE VOICE: Larry, give me a buzz when you
4 have read this. Richard.

5 MR. EPPLEY: Yep.

6 MALE VOICE: Now, Mr. Herman, Chancellor
7 Herman, had the authority to make the decision
8 himself. Is that your understanding? He
9 could've admitted this student without ever
10 forwarding you this e-mail, without ever having
11 contacted you about this e-mail. Is that fair
12 to say?

13 MR. EPPLEY: It was my impression that
14 Richard could persuade Heidi to admit somebody.

15 MALE VOICE: But he did forward this e-mail
16 to you--

17 MR. EPPLEY: [Interposing] Yep.

18 MALE VOICE: --and had you received this e-
19 mail and reviewed it, it would really have stuck
20 out in your mind. Is that true?

21 MR. EPPLEY: Well, I do want to make a
22 comment. And the answer is you would think so.
23 That Friday, the day was the day that--and this
24 is going to sound like a wholly separate subject
25 because it is--that Friday was the day that the

1 NCAA issued their final ruling on our chief - -
2 issue. And so I was caught up from probably
3 that day for the next couple of weeks dealing
4 with that, the final notice of rejecting our
5 appeal.

6 So when you ask me about a specific e-mail
7 on that day I'm not going to have great
8 recollection on that because it wasn't central
9 to what I was thinking.

10 MALE VOICE: So do you or do you not have
11 recollection of receiving the e-mail on or
12 about--

13 MR. EPPLEY: [Interposing] You asked me that
14 when we last talked. I said I don't have
15 specific recollection of, of this e-mail. I
16 don't have specific recollection of having a, a
17 follow-up conversation with Richard. You then
18 asked whether I was, was generally aware enough
19 of, you know, of what this message says and I
20 said yes, I do because either, either from a
21 conversation with Richard or independent--and as
22 you said as, as somebody who'd been on the Board
23 of Visitors I would certainly know that in a
24 finite, relatively finite population a low score
25 can skew the average - - .

1 MALE VOICE: If you look at the third page
2 in, - - Document 13.

3 MR. EPPLEY: Yep.

4 MALE VOICE: It's probably the same. Again,
5 it is--now it's the next day. So we've gone
6 from a Thursday e-mail - -, to a Friday e-mail
7 forwarded to you, to a Saturday e-mail from
8 Richard Herman to Heidi Hurd on the morning of
9 Saturday the 29th. Heidi, straight from the
10 chief, my apologies. Larry has promised to work
11 on jobs - - .

12 Now, Mr. Herman, Chancellor Herman had
13 testified about a conversation he had with you.
14 He testified about your having directed--in a
15 sense directed the admission of this substandard
16 candidate. And he also talked about the thought
17 about your having had a conversation with him
18 where the connection between jobs and the
19 admission - - .

20 As you sit here today, you are stating that
21 you specifically recall not having had such a
22 conversation--

23 MR. EPPLEY: [Interposing] I did not have a
24 conversation with Richard Herman about jobs and
25 a candidate.

1 MALE VOICE: And you're also stating or am I
2 mis-recollecting your testimony that you also
3 don't recall directing--

4 MR. EPPLEY: [Interposing] I did not direct
5 Richard--

6 MALE VOICE: --the admission of a student.

7 MR. EPPLEY: I never directed Richard to
8 admit any student.

9 MALE VOICE: Okay. What, if anything, do
10 you recall saying to Richard at any point in
11 time, April 2006, before or later, about this
12 particular candidate and--

13 MR. EPPLEY: [Interposing] I don't recall
14 any discussion with Richard about this
15 candidate.

16 MALE VOICE: Even though this is such a high
17 profile incident, according to the e-mails - - .

18 MR. EPPLEY: Yeah. Well, if you'll forgive
19 me, but I said the--and I've got two different
20 e-mails and I assure you I had something else on
21 my mind that weekend.

22 MALE VOICE: I understand. And I've heard
23 the - - .

24 MR. EPPLEY: That took a lot of my time - -
25 .

1 MALE VOICE: But you talked to him. You
2 didn't remember talking to Chancellor Herman.

3 MR. EPPLEY: I don't. I don't have a
4 specific recollection of talking to Richard
5 about the candidate.

6 MALE VOICE: And you didn't reply to--
7 apparently, we don't have as many e-mail replies
8 to the forwarded e-mail from the 28th or on the
9 first page of this exhibit the e-mail that
10 Richard sent directly to you about jobs--Larry,
11 I am seeking your assistance in, in obtaining
12 five jobs, et cetera.
13 My first question would be, did you in fact
14 reply in e-mail--

15 MR. EPPLEY: [Interposing] No.

16 MALE VOICE: --it's just we don't have it?

17 MR. EPPLEY: Nope.

18 MALE VOICE: - - you did not reply?

19 MR. EPPLEY: Again, until it was shown to me
20 in connection with this production I couldn't
21 recall it and I still don't recall it and I have
22 no evidence that I ever replied. Certainly
23 never got any jobs for Richard Herman's law
24 student.

25 FEMALE VOICE: And are you the only one who

1 reads your e-mail?

2 MR. EPPLEY: Yeah, they come to me directly.

3 MALE VOICE: Do you know if Chancellor

4 Herman had any of these discussions in

5 relationships with any of the other trustees

6 about special admits?

7 MR. EPPLEY: I don't. Again, I can only

8 refer to the same thing that you get to see, and

9 it's particular to the law school. You know,

10 there was quite a bit of activity about special

11 admits. This is one, but I think there were

12 over 20.

13 MALE VOICE: And as far as you know, they

14 were the ones that dealt with the trustees you

15 were the, you were the designated trustee, as

16 far as you know.

17 MR. EPPLEY: Ask the question again. I

18 don't know if other trustees had law school

19 inquiries or not if that happen.

20 MALE VOICE: But as far as Chancellor Herman

21 is concerned, when he dealt with any of these he

22 dealt--he seemed to be dealing with you or were

23 there other trustees that you know he dealt

24 with? Has any of the other trustees ever stated

25 Herman was on my butt about getting somebody in

1 or something?

2 MR. EPPLEY: Again, I apologize, I'm not
3 understanding your question. I have no idea
4 what other interaction other trustees would have
5 had with Richard about any admissions.

6 MALE VOICE: Okay.

7 MR. EPPLEY: Law school or otherwise. I
8 just have no knowledge about it. Again, I only
9 know what I read, the same as you, and there's--
10 I get the impression that kind of your point.

11 It wasn't so much that there were special admits
12 it's like who--whose special admits were going
13 to be admitted.

14 They were going to admit some, right, but
15 they probably--you know, at some point you do
16 the math you can figure out how many special
17 admits you could do without overly impacting
18 the, the average scores that they were
19 targeting.

20 And then my question was who got to do that
21 and you see e-mails about that going all the way
22 back to when Chancellor Herman was provost. And
23 so, you know, there's one, there's one that, you
24 know, I see my name on, but there's, you know,
25 again, 20 other--20 more other ones that, that

1 we had no knowledge of until it was--you know, I
2 think they, they were trying to manage it and
3 the question was who got the - - , whose special
4 admits are going to get in.

5 FEMALE VOICE: Yesterday we heard of an
6 incident in which a board member instructed that
7 a relative of his gets special treatment in
8 getting the preferred classes that were closed,
9 as you know. And the chairman asked you whether
10 you facilitated that or if you ever did that
11 yourself. But what I'd like to know is, were
12 you aware of that--

13 MR. EPPLEY: [Interposing] No.

14 FEMALE VOICE: --happening at the time?

15 Okay. Would you consider that a breach of
16 ethics?

17 MR. EPPLEY: Again, I would like to - -
18 rational and analytical because I'm not going to
19 answer a question like that without seeing the
20 full - - . But if it's as you described it - -
21 .

22 FEMALE VOICE: Did the board have any method
23 to discipline its members?

24 [Crosstalk]

25 MR. EPPLEY: They have a governance

1 committee. They have a governance committee.

2 So it potentially is a topic for the governance
3 committee.

4 FEMALE VOICE: And you've answered this to
5 some degree, but just to make sure, no one's
6 ever reached out to you and complained about
7 this process?

8 MR. EPPLEY: No. No.

9 FEMALE VOICE: Okay. I've been making an
10 informal - - of some of the areas in which I'm
11 doing - - and I'd like for you to tell me
12 whether this was a complete - - . But the
13 reason I think it's important that any - -
14 conduct that is created as a result of this
15 process that it not only addresses admissions,
16 but it address all areas or as many as we can
17 think of that could be subject to - -
18 miscellaneous.

19 But I'd like you to let me know what you
20 think should be added to this list. We talked
21 about admissions, we talked about in the last
22 few weeks early notification of admission
23 decisions, which I think is a special treatment,
24 and we talked about anxious parents--the 17,000
25 anxious parents or 17,007--whatever the case may

1 be. We talked about housing, getting into
2 closed classes. We didn't talk about but I
3 think we should add - - tickets, parking, and,
4 of course, procurement and hiring.

5 You know, our jobs like your job is to put
6 together the best practices. Our job is to
7 recommend, it's your job to implement or create
8 your own. Are there any other areas that you
9 think this code of conduct should include?

10 MR. EPPLEY: Well, you've covered a lot of
11 waterfront. I'm trying to think in terms of,
12 you know, sort of principles, university
13 activities. I suppose you could think about
14 access to healthcare, you know, something like
15 that. You know, I guess--and they probably have
16 their own protocol at the hospital, but, you
17 know, you might see, you know, if somebody gets
18 a little special access to healthcare - - you
19 know, a visit by a doctor or something like
20 that. So that might be another one that we
21 could think about.

22 FEMALE VOICE: Okay. And I just would
23 encourage the board to think along these lines.

24 MR. EPPLEY: Yeah. No, that's--

25 [Crosstalk]

1 FEMALE VOICE: - - comprehensive - - it'll
2 never be comprehensive, but as - - .

3 MR. EPPLEY: Yeah. There's--and I like the
4 sort of the categorization because it's kind of
5 how I think sometimes when I try to think of
6 functional areas, you know, it's something you
7 could break the large organization down in
8 different ways. One way is to put it in
9 functional areas - - .

10 FEMALE VOICE: And, hence, the board
11 discussed in light of this - - this issue, has
12 the board discussed remedies or any way the
13 commission--

14 MR. EPPLEY: [Interposing] We have. You
15 know, it's, it's, it's kind of--I'm trying to
16 think of an analogy. We're desperate for
17 remedies, right. I mean, we really are. And
18 desperate for remedies because I guess it also
19 brings some resolution, but just desperate for
20 remedies because we need it.

21 At the same token, we don't really want to
22 get out ahead of anything, you know, so I think
23 most of it--at least in my thinking, it's been
24 contextual and then, you know, every once in a
25 while an idea will pop into my head about, you

1 know, how you might change it.

2 But, you know, I've talked about best
3 practices, and I've talked about level the
4 playing field, I talk about not disadvantaging
5 students, I talk about restoring confidence, you
6 know, as far as--for the most part, my thinking
7 has been sort of the, sort of the goals, you
8 know, what we're shooting for for the remedy
9 because I didn't really want - - too far ahead
10 of suggesting solutions when the - - .

11 And I'm not going to say that we're waiting
12 for somebody else to tell us, but, again, we
13 also don't want to get out ahead of it. There
14 was some discussion, you know, what to do at the
15 early stages and, you know, my view was--and I
16 think other people shared it.

17 Again, on the first production I thought
18 well, you know, this is--forgetting about how
19 sensational it was, you know, this is--we were
20 learning something. And I know it sounds silly
21 for me to say that, but we really were learning
22 something that we--in a way that we hadn't been
23 learning it before, so, you know, we should just
24 take ownership of it immediately and say, hey,
25 we're seeing some things that we're not, we're

1 not not only not proud of, but probably aren't
2 right and they shouldn't happen, so we need to
3 get it--we need to start looking at this right
4 away and something would be done.

5 It's always easy to say in hindsight, you
6 know, we should've - - and I'm not here to
7 criticize any of that, but it's been in my head
8 for a long time.

9 MALE VOICE: - - one final line of
10 questioning. Are you familiar with a man by the
11 name of Tony Rezko?

12 MR. EPPLEY: I, I do now.

13 MALE VOICE: When did you first come to know
14 Tony Rezko or know about Tony Rezko?

15 MR. EPPLEY: Specifically, I couldn't say,
16 but presumably, in or around the election or
17 some time after the election.

18 MALE VOICE: Which election? 2002 election?

19 MR. EPPLEY: Yeah.

20 MALE VOICE: And what is it that you
21 understood Tony Rezko to be or to do in
22 connection with the Blagojevich administration?

23 MR. EPPLEY: I don't think I understood
24 anything other than somebody else who was close
25 to the governor - - close to the governor. And

1 those are the words - - .

2 MALE VOICE: Do you understand him to be a
3 donor to the Blagojevich campaign?

4 MR. EPPLEY: Frankly, I didn't pay a whole
5 lot of attention to their campaign, you know, so
6 I wouldn't know who the donors are, I wouldn't
7 know who the fundraisers are.

8 MALE VOICE: But do you, do you not
9 understand him to be a donor to the Blagojevich
10 administration for their campaign--

11 MR. EPPLEY: [Interposing] I understood--I
12 stick with the first answer, which is, I
13 understood him to be close to the governor based
14 primarily on what I read in the newspapers.

15 MALE VOICE: Do you recall ever having dealt
16 with an applicant to the University of Illinois
17 sponsored by Tony Rezko?

18 MR. EPPLEY: I'm aware of most recently
19 pursuant to the e-mails that were produced that
20 there was a student with that last name.

21 MALE VOICE: Okay. But I'm sorry--

22 MR. EPPLEY: [Interposing] What did you ask?

23 MALE VOICE: - - .

24 MALE VOICE: He just asked you whether you
25 were familiar with someone that was sponsored.

1 He didn't ask you--

2 MR. EPPLEY: [Interposing] Oh, I'm sorry.

3 No. Somebody that Tony Rezko--

4 MALE VOICE: [Interposing] An applicant that
5 was being supported by Tony Rezko.

6 MR. EPPLEY: No. No, I'm sorry, I, I don't.

7 MALE VOICE: Okay. So you've never known
8 that any applicant you were handling in
9 connection with a category I process was an
10 applicant who--

11 MR. EPPLEY: [Interposing] To my knowledge,
12 I didn't get any inquiries from Tony Rezko.

13 MALE VOICE: Let me direct your attention to
14 the, the final exhibit, which is one we've not
15 talked about, Number 4 - - .

16 MR. EPPLEY: Yep.

17 MALE VOICE: Again, it's one of these
18 exhibits that begins with the same e-mail and
19 then - - a little bit, two different strings,
20 but the beginning e-mail the first page from
21 Joseph B. White to Richard Herman.

22 MR. EPPLEY: Yep.

23 MALE VOICE: December of 2005. Richard, the
24 governor - - Larry Eppley has expressed his
25 support and would like to see admitted to UI and

1 you see two candidates. The candidates' names
2 are redacted. Please keep me posted on these
3 applications.

4 Okay. If you look at the third page, the
5 second to last page. 1.5 up in the right-hand
6 corner.

7 MR. EPPLEY: Yep.

8 MALE VOICE: In the middle of there, there
9 is an e-mail from - - Gosh [phonetic], dean of
10 the college of business, confirming that one of
11 the applicants was admitted to the college of
12 business on December 8th. He will be receiving
13 an official letter by this week.

14 And that left, of course, one additional
15 remaining applicant. If you go to the first
16 page of Exhibit 4, in the middle there, Richard
17 Herman sends an e-mail to President White, Joe,
18 blank, which is that other remaining applicant,
19 is looking rather dicey at this point. Let me
20 follow up again on Monday.

21 Having read--having looked at now these
22 various e-mails, does it refresh your
23 recollection at all as to either or both of
24 these candidates that were the subject of these
25 e-mails?

1 MR. EPPLEY: The only thing that would
2 refresh my recollection is the e-mail that
3 President White sends to Richard.

4 MALE VOICE: Okay. And have you seen that
5 e-mail?

6 MR. EPPLEY: Well, I'm looking at it.

7 MALE VOICE: And what are you referring to?

8 MR. EPPLEY: Well, it shows up twice. It's
9 the December 8th e-mail from Joe to Richard in a-
10 -right? There's one, one version of it on page
11 125--

12 MALE VOICE: [Interposing] Right. That's
13 the one I read to begin with.

14 MR. EPPLEY: Yeah.

15 MALE VOICE: Well, let me direct your
16 attention to the first page almost at the top,
17 the e-mail of December 17th, 2005, 9:40 a.m. from
18 President White to Richard Herman. Okay,
19 thanks. I'm sure we're on the same page that we
20 need to stretch some but not too much on these
21 cases then call them as we see them. If not
22 admitted I need to talk with Larry about how to
23 handle the message before denial letter goes
24 out.

25 Chancellor Herman testified about having had

1 a discussion with you concerning the applicant
2 that's the subject of that e-mail and, and I
3 guess the question right there is do you recall
4 any such conversation with Chancellor Herman?

5 MR. EPPLEY: I don't. I don't. I don't.

6 MALE VOICE: Do you recall ever having a
7 conversation with Chancellor Herman about Tony
8 Rezko?

9 MR. EPPLEY: No.

10 MALE VOICE: Do you ever recall telling
11 Chancellor Herman that Tony Rezko was a donor to
12 the Governor Blagojevich?

13 MR. EPPLEY: Nope.

14 MALE VOICE: Judge, that's all I have.

15 MALE VOICE: Thank you very much, Mr.
16 Eppley. We appreciate your appearance and - -
17 on this. - - willingness to cooperate.

18 MR. EPPLEY: Thank you.

19 MALE VOICE: Why don't we take a ten-minute
20 recess--

21 [OFF THE RECORD]

22 [ON THE RECORD]

23 MALE VOICE: Mr. Chung, you - - .

24 MALE VOICE: Your Honor, the next person
25 before the commission is Dr. Kenneth Schmidt.

1 MALE VOICE: Dr. Schmidt, welcome.

2 KENNETH SCHMIDT, MD: Thank you.

3 MALE VOICE: We appreciate you coming here
4 and volunteering to give us the benefit of your
5 expertise on the board and else wise and we'll
6 have the - - start the proceedings - - feel free
7 to interrupt as we go along.

8 MALE VOICE: Dr. Schmidt, your full name,
9 please?

10 DR. SCHMIDT: Kenneth Dale Schmidt.

11 MALE VOICE: And you're a medical doctor,
12 sir?

13 DR. SCHMIDT: I am.

14 MALE VOICE: What practice? What specialty?

15 DR. SCHMIDT: I practice diagnostic imaging
16 with subspecialty of nuclear medicine.

17 MALE VOICE: Doctor, currently you are on
18 the Board of Trustees for the University of
19 Illinois.

20 DR. SCHMIDT: I am.

21 MALE VOICE: How long have you been on the
22 board?

23 DR. SCHMIDT: Ten years.

24 MALE VOICE: And you are the only medical
25 doctor on the board. Is that correct?

1 DR. SCHMIDT: I am.

2 MALE VOICE: So at the time you were first--
3 and those were ten consecutive years, correct?

4 DR. SCHMIDT: That's correct.

5 MALE VOICE: At the time you were first
6 appointed to the Board of Trustees, who was the
7 governor?

8 DR. SCHMIDT: Governor Ryan.

9 MALE VOICE: Can you describe to the members
10 of the commission the circumstances in which you
11 became--you came to be appointed as a Board of
12 Trustee member under Ryan - - ?

13 DR. SCHMIDT: I had been involved in public
14 service activities. It would be on the medical
15 district commission for many years. That
16 started all the way back with the Governor
17 Walker and I think I have a record. I've been
18 reappointed by five different governors and I
19 continue to serve in that commission.

20 During that time period, we frequently
21 worked with the legislature regarding funding
22 for the--both capital and operations for the
23 development of - - Medical District, which is a
24 560-acre planning in development encompassing
25 brush, University of Illinois, Westside VA, and

1 Cook County Hospitals, amongst other
2 institutions.

3 As such, I worked increasingly with the
4 University of Illinois in the development of
5 their campus, their medical campus there, and I
6 also worked increasingly with the legislature
7 regarding funding and what we were trying to do.
8 And as such, I encountered many people over the
9 course of the years. I was kind of a huge fan
10 of the university and I was approached by one of
11 the legislative leaders about whether I had an
12 interest in serving on the board or not.

13 MALE VOICE: Who was - - leader?

14 DR. SCHMIDT: Sandra Phillip.

15 MALE VOICE: When was that?

16 DR. SCHMIDT: 1999.

17 MALE VOICE: And it was that very same year
18 in which you were - - , correct?

19 DR. SCHMIDT: Yes.

20 MALE VOICE: When did you first have contact
21 with someone you understood to be in the Ryan
22 administration concerning appointment to the
23 board?

24 DR. SCHMIDT: When the, when the Governor
25 Ryan called me on the phone.

1 MALE VOICE: Did you know Governor Ryan when
2 he was speaker?

3 DR. SCHMIDT: No.

4 MALE VOICE: Have you ever made political
5 contributions to Governor Ryan?

6 DR. SCHMIDT: I'm--almost certainly I have.
7 According to what the tribune told me, my
8 political contributions over the years have
9 totaled about \$100,000. I - - everybody. That
10 includes democrats, republicans, state and
11 federal and varying primarily those who support
12 public higher education.

13 MALE VOICE: At any time since, as of, as of
14 1999, how much of that 100,000 went to Governor
15 Ryan?

16 DR. SCHMIDT: Maybe \$1,000.

17 MALE VOICE: Any of that, before I forget,
18 how about with respect to Governor Blagojevich?
19 In your entire history of providing campaign
20 contributions, how much have you provided to
21 Governor Blagojevich?

22 DR. SCHMIDT: Two contributions. One was
23 1,000, one was 500.

24 MALE VOICE: When were those made?

25 DR. SCHMIDT: The 500 was within the last

1 year. There was a reception at a friend's home
2 for the then governor and I felt that every man
3 has a right to have funds to defend himself, so
4 I made that contribution. And then there was
5 one about five years ago. I don't remember for
6 certain what--exactly the date.

7 MALE VOICE: The board members serve a
8 particular term. Is that correct?

9 DR. SCHMIDT: Yes, they're six-year terms.

10 MALE VOICE: Your term would've been up
11 approximately 2005?

12 DR. SCHMIDT: Yes.

13 MALE VOICE: Before you got to 2005, let's
14 focus on 2003. So you'd been on the board
15 approximately four years, correct?

16 DR. SCHMIDT: Yes.

17 MALE VOICE: And as of the beginning of
18 2003, was there a possibility that you were
19 going to be elevated to the position of chair of
20 the board?

21 DR. SCHMIDT: Yes. At that time, I was
22 acting chair. And I want to just make this
23 comment that Mr. Estrada, who asked this
24 question earlier, there was a method in place
25 for if a chair left who would, who would, who

1 would then become chair on a temporary basis and
2 that person would be the chair of the academic
3 affairs committee. And so I stepped in as
4 acting chair as I was the chairman of the
5 academic affairs committee.

6 MALE VOICE: Who, who did you succeed? Who
7 had been the chair?

8 DR. SCHMIDT: Jerry Shay [phonetic], who had
9 resigned from the board.

10 MALE VOICE: And he resigned in the middle
11 of his term.

12 DR. SCHMIDT: Yes.

13 MALE VOICE: For how long did you serve as
14 acting chair?

15 DR. SCHMIDT: I think it was several months.
16 There about.

17 MALE VOICE: Okay. So, roughly coinciding
18 with the election of Governor Blagojevich.

19 DR. SCHMIDT: Yes.

20 MALE VOICE: So as you approached the first
21 meeting of 2003, did you have an understanding
22 that you were the presumptive or slated
23 candidate to become chair?

24 DR. SCHMIDT: There appeared to be a
25 consensus of the board that due to my longevity

1 and due to my involvement in the specific
2 projects of the boards, particularly academic
3 affairs, which is the guts committee of the
4 board, and with my involvement with the research
5 park we were trying to build I, I had been
6 extremely active, and there was a common
7 consensus despite the fact that I'm a republican
8 that I would--I could possibly do the job.
9 The board has to be balanced politically, by
10 the way, by statute.

11 MALE VOICE: So there was a particular
12 meeting in which the new chairman was named. Is
13 that correct?

14 DR. SCHMIDT: That's correct.

15 MALE VOICE: Okay. And that occurred on a
16 date sometime in early 2003?

17 DR. SCHMIDT: Yes.

18 MALE VOICE: Okay. And you presided over
19 that meeting?

20 DR. SCHMIDT: Yes.

21 MALE VOICE: Did you get a phone call before
22 that meeting concerning the chairmanship?

23 DR. SCHMIDT: Yes.

24 MALE VOICE: Could you describe that to the
25 members of the commission?

1 DR. SCHMIDT: I was attending a meeting
2 relating to some other project in the
3 university. I don't know what it was at this
4 time. It was in the morning. And I got a call.
5 And I took the call. And the individual told me
6 that the governor wanted Larry Eppley to become
7 chairman.

8 MALE VOICE: Who was the individual?

9 DR. SCHMIDT: Chris Kelly.

10 MALE VOICE: Did you expect to receive a
11 call from Chris Kelly that day about the
12 chairmanship or about any other matter?

13 DR. SCHMIDT: It was quite a surprise.

14 MALE VOICE: Have you ever spoken to Chris
15 Kelly before?

16 DR. SCHMIDT: Yes.

17 MALE VOICE: About board matters?

18 DR. SCHMIDT: No.

19 MALE VOICE: Who did you understand Chris
20 Kelly to be at that point in time?

21 DR. SCHMIDT: An affiliate of the
22 administration and that's about it.

23 MALE VOICE: And when he told you that day
24 on the phone that he want--that the governor
25 wanted Mr. Eppley to be the chair of the board

1 what was your reaction?

2 DR. SCHMIDT: I was silent for about 15
3 seconds. And Chris's words were I'm sorry to
4 tell you this, but this is the way the governor
5 wants it. So I thought about it for 15 seconds
6 and I said okay because I did not think it made
7 any sense for the university to have a chair
8 installed even though I could've blasted my way
9 in, I believe, that the governor didn't want.

10 It was a good administration. There were a lot
11 of hard times coming financially. We needed
12 someone who could get along with the governor's
13 staff well. And so I simply backed out.

14 MALE VOICE: And you concluded the call?

15 DR. SCHMIDT: Concluded the call.

16 MALE VOICE: Okay. What happened then?

17 DR. SCHMIDT: I was at the board office. We
18 had the small office in the administrative
19 office building on the campus, trying to decide
20 what exactly what the next steps were going to
21 be. Now, I knew I had to talk to the people who
22 were going to nominate me and the people who
23 supported me and let them know what's going on.
24 And Trustee Eppley walked in with another
25 trustee and I reached out and shook his hand.

1 MALE VOICE: - - .

2 DR. SCHMIDT: And I said congratulations.

3 And he said--I didn't think you'd ever talk to
4 me. I said well, that's not the issue now. The
5 issue is what's best for the university and how
6 we're going to go about accomplishing what the
7 governor wants to do.

8 So I went to the meeting a little early and
9 I rounded up my trustees and I said I can't do
10 this, the governor wants Larry to serve as the
11 chairman and I need somebody to nominate him - -
12 the meeting.

13 MALE VOICE: What happened in the meeting?

14 DR. SCHMIDT: He was nominated. I don't
15 remember by who. I don't remember the second.
16 There were no other nominations and he was
17 elected.

18 MALE VOICE: And later that day did you have
19 occasion to speak with Mr. Eppley after the
20 meeting had concluded?

21 DR. SCHMIDT: Yes.

22 MALE VOICE: Can you describe for the
23 members of the commission what happened there?

24 DR. SCHMIDT: Well, the meeting concluded.

25 It was late afternoon. We were walking back to

1 the parking lot next to the administrative
2 office building on Polk Street. And we were
3 walking along and - - banter conversation.

4 Well, that was your first meeting how did it go,
5 how did it feel, this kind of stuff. And there
6 was a moment of silence and then he looked at me
7 and he said they want us to do something for
8 Wyma. And I kind of looked at him and I said
9 what. And he said they, they want us to do some
10 things for Wyma.

11 Well, I didn't know who Wyma was and I
12 thought maybe I should've known who it was, I
13 was too embarrassed to ask - - anything we just
14 went on. The topic never came up again. He
15 never discussed it with me, I never met Wyma, I
16 don't think we did anything for Wyma.

17 MALE VOICE: So you, at the time, did not
18 know anyone by the name of Wyma?

19 DR. SCHMIDT: No.

20 MALE VOICE: Today, do you know anyone by
21 the name of Wyma?

22 DR. SCHMIDT: Only by reputation.

23 MALE VOICE: And what would you say you know
24 about this person by reputation?

25 DR. SCHMIDT: - - obvious.

1 MALE VOICE: For who?

2 DR. SCHMIDT: I don't know.

3 MALE VOICE: And did you relate it, sir, - -
4 the term they in reference to they wanted - - ,
5 et cetera, who do you understand they to be?

6 DR. SCHMIDT: The governor's office was my
7 understanding. He did not say the governor's
8 office. He said they want us to do something
9 for Wyma.

10 MALE VOICE: Did he explain what he met by
11 something?

12 DR. SCHMIDT: No.

13 MALE VOICE: Did you have an understanding
14 of what Mr. Eppley meant by the term something?

15 DR. SCHMIDT: I didn't really because I
16 didn't know who Wyma was, so--

17 MALE VOICE: [Interposing] Did you think it
18 had something to do contracts or personnel?

19 DR. SCHMIDT: Well, I think it had to do
20 with--yeah. But I don't know specifically--I
21 didn't know specifically his line of business or
22 what he offered or I just know who he was, so I
23 just listened.

24 MALE VOICE: And you say his name never
25 again came up at board meetings?

1 DR. SCHMIDT: Not to my recollection.

2 MALE VOICE: Do you know if the university
3 has any relationships with Wyma?

4 DR. SCHMIDT: None that I am aware of.

5 MALE VOICE: Not all contracts come through
6 the board.

7 DR. SCHMIDT: No, there is a threshold, a
8 ceiling. I think a contract under \$20,000
9 doesn't come before the board or something like
10 that.

11 FEMALE VOICE: Have you ever done any
12 research on Mr. Wyma - - ?

13 DR. SCHMIDT: No.

14 MALE VOICE: And/or compare them. And just
15 out of curiosity, why not? Wouldn't that be of
16 interest to you?

17 DR. SCHMIDT: Well, I'm not sure it would be
18 an interest to me. I mean, I've learned that he
19 was--acted as a lobbyist. I never saw him
20 again, never heard from him again, so it is what
21 it is.

22 MALE VOICE: You never met him.

23 MALE VOICE: Today you were here when
24 Trustee Eppley said that he had never talked--
25 had a discussion with any trustee about Wyma.

1 What comment do you have about what he said?

2 DR. SCHMIDT: Well, my, my recollection is
3 different.

4 MALE VOICE: Did you ever have--you never
5 met Governor Blagojevich or did you?

6 DR. SCHMIDT: I didn't meet him. I'd met
7 him maybe three times.

8 MALE VOICE: But not at that, at that time.

9 DR. SCHMIDT: No, I hadn't. I don't believe
10 I'd met him at that time.

11 MALE VOICE: And did Mr. Kelly or anybody
12 else or has anybody subsequently told you why
13 they didn't want you to follow the normal
14 protocol for becoming chair of the board?

15 DR. SCHMIDT: No. No. No one. You know,
16 you could assume that since I'm a registered
17 republican and maybe the democratic governor
18 didn't want a republican running the board--

19 MALE VOICE: [Interposing] Is Mr. Eppley to
20 be a democratic?

21 DR. SCHMIDT: Mr. Eppley was appointed as an
22 independent.

23 FEMALE VOICE: And I say this respectfully,
24 but clearly this is a decision that upset you.

25 DR. SCHMIDT: Yes.

1 FEMALE VOICE: Is that fair to say?

2 DR. SCHMIDT: Yes, it did.

3 FEMALE VOICE: And what was it about the
4 decision that upset you so much? Do you - -
5 something happened to--

6 DR. SCHMIDT: [Interposing] What upset me
7 the most was I know of no time a governor has
8 reached inside the board to do something like
9 this.

10 FEMALE VOICE: Really. Because Trustee
11 Eppley testified that this wasn't uncommon, you
12 know, at least he said something along those
13 lines. He said that the governor's a member of
14 the board and he had a vote and, and - - being
15 that unusual.

16 DR. SCHMIDT: The, the governor is a member
17 of the board, he does have a vote. As far as I
18 know, there's only been one instance when the
19 governor ever attended a meeting and that was
20 when a presidential choice was in play, which I
21 think was about 20 years ago. But I only know
22 that from history.

23 FEMALE VOICE: So, so you were upset that
24 this was the first time a governor had gotten--
25 but did you see this as part of a broader trend

1 of politicizing the U of I or--I don't want to
2 put words in your mouth. What were the
3 implications in your mind of the governor
4 reaching in and selecting the chairman?

5 DR. SCHMIDT: Well, the implications were
6 that what happens to the autonomy of the board
7 because the board has always been - -
8 functioning autonomously of, of the governor's
9 office. Yes, we're all appointed by the
10 governor, but I don't know of any times when
11 previous governors have reached in and gotten
12 involved in a decision.

13 FEMALE VOICE: And what, what are the
14 implications of the governor or the board losing
15 its autonomy?

16 DR. SCHMIDT: Well, the one I could think of
17 that is most interesting is that there was a
18 time when our, our budget was being cut
19 dramatically. When I came on the board the GR
20 portion of our budget was 837 million and
21 change. Over the series of terms with the
22 Governor Ryan and then with Governor Blagojevich
23 that - - got cut to \$700 million.

24 There's only two places where a university
25 can raise money on its own that's not tagged.

1 Philanthropy is 95% tagged; people tell you what
2 they want to do with their money. Research is
3 100% tagged, which are other two big revenue
4 streams. Another revenue stream is in the
5 clinical - - , which is tagged to patient care.
6 So the only two things left are tuition and
7 general revenue fund, which are the only two
8 places we have where we can juggle the books, so
9 to speak.

10 The issue becomes since it's not popular to
11 raise tuition, certainly, and nor do we want to
12 raise tuition without good cause and without a
13 lot of thought that they could be reaching in to
14 alter our thinking about what should be done
15 with tuition. That type of thing. That's--
16 FEMALE VOICE: [Interposing] And what about
17 sports revenue?

18 DR. SCHMIDT: Sports revenue is an, is an
19 independent stream. The division of
20 intercollegiate athletics and the athletic
21 department is totally self-supporting. And
22 although it looks like it's part of our budget
23 we really have no control over it, which is very
24 difficult to explain in light of the coaches
25 salaries, but we don't.

1 FEMALE VOICE: So, so back to your line of
2 discussion here, so you're saying that the - - I
3 guess, what I'm asking is did you see, did you
4 see the system being politicized? Is that what
5 you saw by them who--

6 DR. SCHMIDT: [Interposing] To some extent
7 yes.

8 FEMALE VOICE: Yeah. And then what were the
9 implications there? You started to say and I
10 interrupted you. I'm sorry.

11 DR. SCHMIDT: Well, again, the debate over
12 what needed to be done provincially for the
13 university versus what the state may think they
14 can do with the university. I mean, obviously,
15 when you have a general revenue fund of \$837
16 million that looks like an obvious place to, to,
17 to, to harvest revenue. And if the board
18 believes that we need that revenue to do the
19 things we do and the state says no, you don't
20 need it, you need to have that construct of
21 tension between the board and the state in that
22 regard.

23 Our primary responsibility is to protect the
24 university. I've often, you know, joked with
25 members of the legislature that we--that they

1 have eight-balled it; they're taxing position to
2 us. Because when the university is not funded
3 we, we have to raise tuition, so we have a de
4 facto taxing body for the middle class.

5 MALE VOICE: Mr. Chung.

6 MR. CHUNG: You were reappointed to the
7 board in 2005?

8 DR. SCHMIDT: Yes.

9 MR. CHUNG: How did that come about?

10 DR. SCHMIDT: I, I wrote a letter that said
11 I'd like to be reappointed. I was in the middle
12 of several projects I'd been working on.
13 Primarily, healthcare workforce production
14 issues in the medical center and the research
15 parks. And I was reappointed. There, again,
16 the, the board is balanced politically so that
17 they need to keep a couple full-time republicans
18 on there.

19 [Crosstalk]

20 DR. SCHMIDT: By the way, it also made
21 perfect sense because we were loaded up with
22 attorneys, no offense, the attorneys. But I was
23 the, I was the only physician, the only person
24 with medical expertise on the board. I think
25 what most people don't understand is that of

1 our, our budget in Chicago the budget's 1.6
2 billion, but the medical portion of the budget
3 is 1.2 billion. So we have a ton of resources
4 tied up in the medical enterprise.

5 MR. CHUNG: And while you were on the board
6 during the Blagojevich administration, did you
7 make any effort to develop relationships with
8 members of that administration?

9 DR. SCHMIDT: Several.

10 MR. CHUNG: Could you describe that?

11 DR. SCHMIDT: Well, I became extremely
12 interested in the healthcare workforce issues
13 over the last five years when I saw some
14 statistics that were quite alarming. For
15 instance, 42% of physicians practicing in a
16 state are over the age of 55. But they're
17 predicting a 200,000 physician shortage
18 nationwide by 2025 and so forth and so on.
19 And then I saw the programs, clearly
20 socially good, about loading up the state
21 programs with people who need medical care and I
22 tried to make an - - one of the things you need
23 to think about is the healthcare workforce
24 production, who's going to take care of these
25 patients. I couldn't really--I didn't make any

1 headway with anybody--with anyone. No one
2 really wanted to talk to me too much.

3 MR. CHUNG: Well, and through whom
4 specifically were you trying to make contact
5 within the governor's office?

6 DR. SCHMIDT: Well, I, I did meet with - - .
7 I met with Bradley Tusk [phonetic] once. And
8 told them what I was trying to do and they
9 assigned me to someone a little bit further down
10 the pecking order, but nothing ever came forth.
11 There was never any meaningful dialogue about
12 what the university could do as a partner to the
13 state to solve the problem.
14 My posture was the only game in town is the
15 University of Illinois to solve this problem
16 because we're the largest production force of
17 healthcare professionals almost in the United
18 States. And we produce 1 of every 6 doctors in
19 the state, I think almost 6,000 nurses we have
20 practicing in the state. You need us as a
21 partner help us--let us help design a program
22 for this. You can call it your program, I don't
23 care, but we need, we need--we needed this and
24 we needed--we need funding. But it just didn't
25 get anywhere.

1 MR. CHUNG: Now, were there any of your
2 colleagues on the board whom you perceived to
3 have a "relationship" with the Blagojevich
4 administration?

5 DR. SCHMIDT: Well, the belief was and I
6 can't document it, the belief was that Larry,
7 who was chairman of the board, had a, a
8 relationship with, with the administration that
9 was better than anybody else's relationship.
10 But I can't, I can't quantitate it. I have no
11 way to do that.

12 MR. CHUNG: Rather than that be a
13 quantitative, what is it that led you to believe
14 that? What did you observe? What did you
15 experience? - - ?

16 DR. SCHMIDT: Well, Larry would, for
17 instance, we were discussing a tuition increase.
18 All right. We thought it should be at X. So
19 Larry would come back and say the governor
20 doesn't want it to be X. He wanted it to be X
21 minus 7. Well, what happens if we act in the
22 best interest of the university - - think we
23 should do. Well, I don't know. You could
24 always take it out of the GRF portion back and
25 that's the type of thing. At least he postured

1 himself - - the relationship.

2 MR. CHUNG: How long did Mr. Eppley serve as
3 the chairman of the board?

4 DR. SCHMIDT: Six years.

5 MR. CHUNG: In your experience, is that a
6 normal duration?

7 DR. SCHMIDT: It is not.

8 MR. CHUNG: Then do you have any
9 understanding of why it is he served longer than
10 would be typical?

11 DR. SCHMIDT: Well, hope springs eternal and
12 that was we could make headways with the
13 administrations existing at the time. Secondly,
14 we were changing presidents. We had a new
15 president coming in. With having that stability
16 in a chairmanship of the board with the new
17 president coming on board--

18 MALE VOICE: [Interposing] That's president
19 of the university.

20 DR. SCHMIDT: With president of the
21 university, I'm sorry. Yeah, that would be
22 helpful. And the time commitment for the
23 chairmanship of the board is absolutely massive.

24

25 OF 4]

1

2 OF 4]

3 DR. SCHMIDT: And people were thinking twice
4 about whether or not they could really commit
5 the time. As I said, it was a series of events
6 and it was perceived that Larry did a good job
7 of organizing the meetings, running the
8 meetings, dealing with the president.

9 MALE VOICE: Who--what other trustees did
10 Governor Blagojevich appoint or reappoint during
11 his term of office? Who were the new trustees
12 that he put on - - ?

13 DR. SCHMIDT: Well, everybody that's,
14 everybody that's there now was appointed by him.

15 MALE VOICE: Some of them by re-appointment.

16 DR. SCHMIDT: Yes, some are re-appointments

17 MALE VOICE: Who are the new people - -
18 under the Blagojevich administration?
19 Commissioner--I mean, Trustee Carroll.

20 DR. SCHMIDT: Francis Carroll, James
21 Montgomery, Robert Sperling [phonetic], Devon
22 Bruce, Trustee Vickrey was a re-appointment, I
23 was a re-appointment, Eppley was a re-
24 appointment. How many am I up to?

25 MALE VOICE: Seven.

1 DR. SCHMIDT: Seven. I'm at a loss. I
2 can't--Niranjan Shah was a Blagojevich
3 appointment.

4 MALE VOICE: Blagojevich. Is that all there
5 is?

6 DR. SCHMIDT: No, there are nine. Nine plus
7 three students.

8 MALE VOICE: Is the governor--

9 DR. SCHMIDT: [Interposing] Oh, I'm sorry.
10 The, the gentleman who may well be following me
11 today, Dave Dorris.

12 MALE VOICE: Chung?

13 MR. CHUNG: And Dr. Schmidt, do you have a
14 point in time where the chairmanship changed
15 over to Mr. Shah, correct?

16 DR. SCHMIDT: Yes.

17 MR. CHUNG: How'd that come about?

18 DR. SCHMIDT: Well, there was a sense that--
19 a sense started to develop that it was not good
20 to have one person there that long. The
21 appearance was that the, the chairman had a very
22 close relationship with the, with the university
23 president. Not necessarily that that's a bad
24 thing, but maybe there ought to be a little
25 constructive tension between the two of them.

1 And, and several things that independently
2 started talking about it.

3 And I, I think that no one wanted to offend
4 Larry by saying enough is enough, but everyone
5 kind of thought enough was enough. So that's
6 really how it came about. And Niranjana, Trustee
7 Shah, as I understand it, started talking to
8 individuals to get support and he had support
9 lined up and I, I told Larry that I thought it
10 was time for him to retire from the position.

11 I had the kind of--I have the kind of
12 personality - - I think I could say that and he
13 could understand that I'm saying it in his best
14 interest, as well as the university. And I
15 talked to Niranjana and I said the only other
16 candidate would be me do you really want to do
17 this and he said yes, he really wanted to do it.

18 And I said well, I'm very busy with the
19 healthcare projects and I'm still practicing
20 medicine full-time, I don't think that--I think
21 maybe that would be a good thing to do.

22 And Trustee Shah has made magnificent
23 contributions in his line of work to the
24 university because he's an expert at contracting
25 and he's, I think personally - - the university

1 millions of dollars in, in his expertise in that
2 area - - . So that's how that happened.

3 MR. CHUNG: Well, I understand--yeah, you
4 just--you began your answer with a reference to
5 some concern held by some trustees about the
6 relationship between the chairman, Mr. Eppley,
7 and I believe you referred to the president.
8 Could you elaborate on that?

9 DR. SCHMIDT: This is really speculation or
10 maybe I should get it observation, but it seemed
11 like decisions may well have been made between
12 the president and the chairman without a lot of
13 discussion of the board members and we kind of
14 found out about well, this is happening, that's
15 happening. Not to do with any contracts, but
16 maybe just educational issues or something like
17 that. And I've got nothing in concrete that
18 says they had, they had a written--you know,
19 nothing like that.

20 MALE VOICE: When did this new chair--when
21 was the new chair elected?

22 DR. SCHMIDT: January.

23 MALE VOICE: Of '09.

24 DR. SCHMIDT: Yes.

25 MALE VOICE: It has nothing to do with the

1 fact that we were in the process of getting a
2 new governor? Wasn't Governor Blagojevich at
3 that point under--had he been impeached?

4 DR. SCHMIDT: I, I, I, I can't--I don't
5 know. I can't answer that.

6 MALE VOICE: But you don't recall any
7 conversation in the board meetings about--

8 DR. SCHMIDT: No. No.

9 MALE VOICE: --having a new chair because
10 you were getting a new governor?

11 DR. SCHMIDT: No.

12 MALE VOICE: Governor Quinn was not
13 consulted about - - before he was governor?

14 DR. SCHMIDT: Yes. That's correct.

15 MALE VOICE: Governor Blagojevich's office
16 was not consulted about it either?

17 DR. SCHMIDT: No.

18 MR. CHUNG: Dr. Schmidt, just so we're
19 clear, you're, you're sense was or was it your
20 sense that decisions that should've been board
21 decisions, collective board decisions, were
22 being made by the chairman of the board and the
23 president?

24 DR. SCHMIDT: That's what it seemed. There
25 were issues, for instance, with the global

1 campus [phonetic], the direction of global
2 campus and how it was funded and who got bonus
3 statements and stuff like that. It would seem
4 like all of a sudden these things would happen
5 and we found them--we'd find out about it a
6 little later in the game. So the antennae
7 started to go up about oh, wait a minute, why
8 didn't we know about this. That, that, that
9 type of thing.

10 FEMALE VOICE: Is it appropriate for a
11 trustee to get involved in who gets bonus
12 payments?

13 DR. SCHMIDT: Well, this--no. No. The
14 bonus statements in the university are very
15 unusual and this had to do with this new
16 adventure. I choose the - - knowing what I'm
17 saying - - campus. And it's not been going
18 well. I mean, the press has reported that. Our
19 faculty senates are not happy with it. There
20 are a lot of problems. But yet the mission is
21 good.

22 So a group of people who were involved in
23 the administration of this were allowed to have
24 bonuses, performance bonuses and that seemed to
25 have gotten approved and then some people on the

1 board said how in the world could you give
2 performance bonuses when there are--when the,
3 when the project is - - . So, I mean, that kind
4 of thing. Who knew, how did they know, you
5 know, it seemed like--it appeared as if Larry
6 and the president knew, but others didn't know.

7 FEMALE VOICE: And just, just for the
8 record, is there any connection between bonuses
9 and contact - - or any other--

10 DR. SCHMIDT: [Interposing] Not that I know
11 of.

12 FEMALE VOICE: --areas of undoing - - ?

13 DR. SCHMIDT: Not that I know of.

14 MALE VOICE: When was--when were you aware
15 that there were - - but when were you aware, for
16 instance, of a - - ? When did that first come
17 to your--

18 DR. SCHMIDT: [Interposing] Quite frankly, I
19 hadn't heard of - - until it was published in
20 the paper. I wrote a letter to the editor
21 saying and I'm sure he didn't publish it, and I
22 said what is this, I had never heard of this
23 before. I have feelings that are a little bit
24 different than what I've heard expressed in the
25 commission today because I, I believe in my

1 heart of hearts that if you are a trustee in the
2 university, you, you were appointed by the
3 governor and approved by the senate then all of
4 a sudden you have an obligation to the
5 university and anything that has to do with it.
6 And if you have a chance to advocate for a good
7 cause or a student then maybe you should think
8 about doing that - - the student--

9 MALE VOICE: [Interposing] So if you know
10 the student well.

11 DR. SCHMIDT: Yes.

12 MALE VOICE: How about if somebody who you
13 know well knows the student?

14 DR. SCHMIDT: I could tell you what I've
15 done in that instance and it seemed to be the
16 way the board operated. There was never a
17 manual that said you do this and you do that. I
18 have always categorically said I will be happy
19 to make an inquiry. Can you get my student--my
20 son or daughter in the, in the medical school; I
21 get that, that kind of question all the time. -
22 - position on the board I'd be able to put kids
23 into the medical center.

24 MALE VOICE: What do you, what do you answer
25 - - ?

1 DR. SCHMIDT: I said no, I cannot do that,
2 but I will make an inquiry and get back to you
3 about the status of the application. Some of
4 them are actually--some of the inquiries--some,
5 some I don't take that far because some are
6 quite humorous.

7 I had one where a lady's granddaughter
8 wanted to become a doctor and her MCAT scores
9 were 24 when what you're looking for is about a
10 32. And she said but it's, it's okay because
11 she only wants to be a dermatologist. I said,
12 you know, no, it doesn't quite work that way and
13 I don't think there's a chance of a snowball in
14 hell that this is going to happen. But I didn't
15 even want to make the inquiry.

16 Almost categorically, I think categorically
17 and I have to be shown something that proves me
18 wrong, when I ask about a student I know about
19 that student beforehand. I know what their
20 scores are, I know what they're trying to do. I
21 never, ever tried to lift a student in above
22 another student. Never.

23 MALE VOICE: So you really felt that your,
24 your intervention was that of inquiring.

25 DR. SCHMIDT: Yes. Yes, I did. And--

1 MALE VOICE: [Interposing] And that--and you
2 didn't think that the people at the other end,
3 the dean at the medical school was going to give
4 the student you were inquiring about undue
5 benefit because it was a trustee asking about
6 it.

7 DR. SCHMIDT: I didn't, didn't feel that
8 way. I always thought that's much more power
9 has been attributed to me than I think I have.
10 And the medical school, certainly, that--that's
11 not even a possibility. Medical school
12 applicants are decided by, by committee, totally
13 by committee. I think there are, there are
14 rules about at least ten of meet at one time. I
15 don't know who the members of the admissions
16 committee are or if I know them I don't know
17 they're members of the commission--

18 MALE VOICE: [Interposing] So who did you
19 make your inquiries to?

20 DR. SCHMIDT: The inquiries always went to
21 the chancellor except - - .

22 MALE VOICE: The chancellor being Herman?

23 DR. SCHMIDT: Yes.

24 MALE VOICE: And does he have anything to do
25 with the medical school?

1 DR. SCHMIDT: No.

2 MALE VOICE: So when you put your inquiry in
3 there what does it do?

4 DR. SCHMIDT: No. The medical school?

5 MALE VOICE: Yeah.

6 DR. SCHMIDT: I would write the--call the
7 dean or e-mail the dean and say there's a
8 student that I want the status--can you give me
9 information of status of the application.

10 MALE VOICE: All right. Now, let's talk
11 about the others. You have students that are
12 questioning admissions, the undergraduates,
13 right?

14 DR. SCHMIDT: Okay. Right.

15 MALE VOICE: And you would give those
16 requests to the chancellor?

17 DR. SCHMIDT: Yes.

18 MALE VOICE: And do you know what he did
19 about them?

20 DR. SCHMIDT: No, I don't, I don't know what
21 happened on the other end. All I know is the
22 answers would come back not a chance, excellent
23 student will get on their own merit, delayed.

24 And, and I'd relay the information back.

25 In, in, in some instances I thought it was

1 beneficial because, for instance, they would see
2 an e-mail that the student was applying in
3 biology, okay. Biology is a hot major now and
4 you apply by college and by major - - . So if
5 there's a bunch of kids in biology and you've
6 got a real good student here doesn't quite make
7 the grade then they can go into the division of
8 general studies and have the same kind of
9 curriculum and a lot of confidence that they can
10 make the grade. That would be an appropriate
11 choice for the university to make an appropriate
12 action, I believe.

13 And interestingly enough, the students are
14 very savvy and they discovered since there's a
15 tuition differential in biology they could enter
16 the division of general studies for less money
17 and get the same course curriculum. The
18 students have figured that out on their own
19 already.

20 MALE VOICE: Well, then you don't think that
21 your inquiries then ever did anything except
22 inform the, the inquirer as to what the status
23 was?

24 DR. SCHMIDT: I truly do not believe they
25 changed a thing. But then again, the students

1 that I made inquiries about were pretty much
2 going in on their own.

3 MALE VOICE: Did you ever have any
4 conversations with Chancellor Herman as to what
5 he did or didn't do about your inquiries?

6 DR. SCHMIDT: Other than, for instance, what
7 do you think about his and he said I'm going to
8 refer them to the division of general studies.
9 That sounds reasonable.

10 MALE VOICE: So you're surprised when some
11 of the testimony and some of the e-mail--

12 DR. SCHMIDT: [Interposing] I'm, I'm, I'm
13 very surprised. Yes, I am.

14 MALE VOICE: And you say you did not know
15 about the I list at all?

16 DR. SCHMIDT: I don't think any trustee knew
17 about the I list. I've never heard that
18 mentioned before. Now, is it a list? You know,
19 I don't know. I never heard it - - the
20 student's going on the I list or the watch list,
21 whatever. I've never, I've never, never, never
22 seen or heard that.

23 MALE VOICE: How many inquiries do you think
24 you made in a year?

25 DR. SCHMIDT: In a year?

1 MALE VOICE: Yeah.

2 DR. SCHMIDT: Maybe, maybe up to four maybe.

3 I have e-mail--their e-mails which, again, seem
4 to be lifted out of context where I refer at one
5 point to this is an epidemic. What I meant by
6 that was people are asking all the time now
7 about getting their kid in school. And another
8 e-mail that said I'm inquiring about my crop. I
9 think that was three students in an academic
10 year, how are they doing, I haven't heard
11 anything back, I know you've been busy, that
12 type of thing.

13 MALE VOICE: Chung?

14 MR. CHUNG: And that's the first exhibit
15 that's in front of you, correct?

16 DR. SCHMIDT: Yes.

17 MR. CHUNG: So in 2006, November of that
18 year, you sent an e-mail - - .

19 DR. SCHMIDT: 102 is the number at the top.

20 [Crosstalk]

21 MR. CHUNG: The document that's marked
22 Exhibit 1 of - - e-mails from - - it's really
23 the first one is from K. Schmidt, M.D. to
24 Richard Herman, November 20, 2006. It's an
25 epidemic and then you set forth what appears to

1 be data related to a particular applicant.

2 DR. SCHMIDT: Yes.

3 MR. CHUNG: Thanks, let me know when I check
4 off on my crop on - - .

5 DR. SCHMIDT: right.

6 MR. CHUNG: And the crop your, your
7 testimony is it was grouping - - ?

8 DR. SCHMIDT: Maybe it's three. Maybe three
9 students.

10 MR. CHUNG: And the, and the epidemic is the
11 fact that you were receiving inquiries from lots
12 of folks.

13 DR. SCHMIDT: Constantly. The more the
14 economy had turned the more inquiries we would
15 be getting.

16 MR. CHUNG: So, is it your testimony, sir,
17 that you would get a lot of inquiries from
18 outside individuals but not necessarily turn all
19 those around and funnel them into the
20 university?

21 DR. SCHMIDT: Yes.

22 MR. CHUNG: What percentage of inquiries
23 were you taking and then turning around into the
24 university, if you can estimate?

25 DR. SCHMIDT: Probably at least half.

1 MR. CHUNG: What was your general process
2 for doing that? You've already testified to
3 typically dealing with Chancellor Herman. Would
4 it be that then Chancellor Herman would receive
5 information and report it back to you?

6 DR. SCHMIDT: Yes.

7 MR. CHUNG: Okay. And what would you do
8 with the information you got back from
9 Chancellor Herman?

10 DR. SCHMIDT: I would get, get back to
11 whoever asked the question and say no way, looks
12 good, wait list it looks like, don't know what's
13 going to happen.

14 MR. CHUNG: So you would rely on the
15 information you got back from Chancellor Herman
16 and - - the time talk to the family or even the
17 individual applicant and call them?

18 DR. SCHMIDT: Yes, yes.

19 MR. CHUNG: Can you look at Exhibit 2 - - ?

20 DR. SCHMIDT: Uh huh.

21 MR. CHUNG: And these are separate e-mails
22 attached together. Can you take a look at each,
23 each of the pages?

24 DR. SCHMIDT: Yeah, I'm familiar with this.

25 MR. CHUNG: Okay.

1 DR. SCHMIDT: I, I, I think I alluded to
2 this just a couple of minutes ago, actually.

3 MR. CHUNG: Okay. And within going through
4 the, the detail of these various e-mails to you
5 explain to the members of the commission what
6 occurred - - ?

7 DR. SCHMIDT: Well, if it's who I think it
8 is because these are redacted also, there was a
9 young woman was a very good student and who
10 thought she wanted to be a biology major and was
11 applying to biology. But here was that, that
12 big pressure head of students wanted to get
13 involve - - excellent student. She didn't
14 qualify for that. So the alternative route, the
15 alternative route would be division of general
16 studies, which is something the university
17 developed over the last three years to exactly
18 assess this--the division of general studies is
19 the same as general curriculum for the purposes
20 of this discussion.

21 MR. CHUNG: So this is a fair statement the
22 original decision made by the university was to
23 deny this applicant?

24 DR. SCHMIDT: To deny her in biology.

25 MR. CHUNG: Okay. Let me refer you--

1 DR. SCHMIDT: [Interposing] Oh, and, again,
2 may I explain further because I'm looking at
3 something. I remember this clearly because the-
4 -when I first made the inquiry about how, how is
5 this application coming along they said it's
6 coming along fine. She'll be admitted. It
7 looks like she'll be admitted.
8 So I told her family, I said it's coming
9 along fine, it looks like she'll be admitted.
10 And I didn't think anything more of it. And
11 then the family said they didn't admit her. And
12 I said okay, I don't know anything about that.
13 And then I wrote back and I said, you know, are
14 there other alternatives, you know.
15 This division of general studies thing it is
16 a wonderful thing if people know about it. Now,
17 is there another advantage to a student who
18 knows me because I know about it? I would guess
19 yeah, yes, but the university has already moved
20 to correct that. So everybody knows about this
21 possibility.
22 MR. CHUNG: Doctor, let me - - I think
23 you're referring to initially an e-mail from Dr.
24 Herman to you where he says in part Ken, the end
25 will be fine. That's on the third page at the

1 top. Ken, the end will be fine.

2 DR. SCHMIDT: Uh huh.

3 MR. CHUNG: And you took that to mean that
4 the student would be admitted.

5 DR. SCHMIDT: Yeah.

6 MR. CHUNG: And you in turn provided that
7 information to the family.

8 DR. SCHMIDT: Yeah.

9 MR. CHUNG: And then it turned out the
10 family got a rejection letter.

11 DR. SCHMIDT: I think so.

12 MR. CHUNG: And your response if you look at
13 the first page of the exhibit was to write an e-
14 mail to Richard Herman saying this puts me in a
15 grave position with her family based on what I
16 was originally told. I indicated to the family
17 that she would be admitted and then there's
18 additional language.

19 So is it fair to say that the denial of an
20 applicant and that you understood would be
21 admitted put you in a tough spot with the
22 family?

23 DR. SCHMIDT: Right.

24 MR. CHUNG: Okay. And then as you--

25 DR. SCHMIDT: [Interposing] But I, I did not

1 ask for the applicant to be admitted. I didn't,
2 I didn't--I want to make very clear I didn't say
3 you got to take this kid and put her in biology.

4 MR. CHUNG: Right. But the fact of the
5 matter is the student was eventually admitted--

6 DR. SCHMIDT: Right.

7 MR. CHUNG: --correct?

8 DR. SCHMIDT: Yes.

9 MR. CHUNG: Now, if you look at the rest of
10 the e-mail--the two e-mails on top of the e-mail
11 on the first page, on the top of the bottom e-
12 mail. Richard Herman takes your e-mail and
13 forwards it on to Keith Marshall and Keith
14 Marshall says just admit her in response to
15 Herman's e-mail.

16 DR. SCHMIDT: Yeah.

17 MR. CHUNG: So knowing what you know now and
18 granted you were not part of the, the two e-
19 mails that, that followed your e-mail do you
20 have any sense as to whether or not your
21 complaint that you registered with Richard
22 Herman caused the admission of this particular
23 applicant?

24 DR. SCHMIDT: Well, it caused--it helped
25 create a pathway to be admitted to DGS, but it

1 didn't change that she wasn't admitted to
2 biology. You know--

3 MALE VOICE: [Interposing] Dr. Schmidt,
4 knowing what you know now and what you've -- e-
5 mails, other things you've read about in the
6 newspaper, do you still think it's a good idea
7 for the trustees to get involved into the
8 admissions process at all?

9 DR. SCHMIDT: No, I do not.

10 MALE VOICE: You indicated at the beginning
11 of your testimony that you thought there was
12 nothing wrong with the kind of inquiries you've
13 made.

14 DR. SCHMIDT: Okay. I'm going to separate
15 that in two different kinds of inquiries now
16 that I know the lay of the land a little better.
17 I have taken the time to go over to the
18 admissions office to find out what they're
19 really doing to address things that I thought I
20 had to address as a trustee.

21 MALE VOICE: The systemic operation in the
22 administrative office.

23 DR. SCHMIDT: Yeah. Yeah.

24 MALE VOICE: Okay.

25 DR. SCHMIDT: I think by and large they're

1 doing a great job. They have a lot more
2 attention to the detail of the applications that
3 I realized they had - - address the things - -
4 where I thought about addressing things.
5 One of the things would be, for instance,
6 one of the things that I thought about--I'm very
7 hung up on this division of general studies
8 thing because I'm chairman of the academics and
9 I think this is one of the most stellar programs
10 we've devised to specifically catch these kids
11 in this category. Very good students but don't
12 quite make it to this particular specialty right
13 now.
14 They've devised a system. I don't, I don't
15 have to advocate for that. It is obvious to the
16 student how to advocate for themselves. And
17 that has now become apparent that they, through
18 the interactive Web site, and so forth and so on
19 they're told how to advocate for themselves.
20 And the other thing I think that needs to be
21 done and, and I thought it was a brilliant idea-
22 -I had it a year too late, was that the
23 university needs to set up a method of educating
24 high school counselors all across the state so
25 that they really know how to access the

1 university in a variety of ways and not just the
2 standard approaches. DGS is one of, is one of
3 those ways.

4 The, the professional schools--well, I don't
5 know anything about the law school except one
6 instance, which I'd like to talk about in a
7 minute, but the, the medical school, for
8 instance, they had that in place. If you don't
9 quite make it in you could request a - - and - -
10 you can request this intermediate - - .

11 If opportunities to address denials are in
12 the public domain where everybody could get at
13 them because then I don't--I think--I don't
14 think that we, we have to - - that kind of
15 stuff.

16 MALE VOICE: - - do you think it might be a
17 good idea if they - - don't get involved?

18 DR. SCHMIDT: Yeah - - get involved in it.

19 FEMALE VOICE: - - .

20 [Crosstalk]

21 DR. SCHMIDT: There are some instances where
22 I'm conflicted about any trustee involvement - -
23 appropriate. For instance, I know of a student,
24 the family came to me and said we have a
25 terrible dilemma. Our daughter has been granted

1 an academic scholarship but was denied admission
2 to the college, how does this work. Well, that
3 was an appropriate venue for me to make an
4 inquiry because the university had screwed up.
5 At least I thought it was appropriate.

6 There was another kid that had been admitted
7 under his own horsepower that nowhere on the
8 admissions application work did he indicate he
9 was, he was a disabled student and he came down
10 to get housing and he couldn't get housing. - -
11 the need to help to solve that. Okay. I think
12 that's appropriate.

13 On the admissions aspect, there was one kid
14 whose, whose application didn't make sense
15 because he had a 36 ACT, but was not high enough
16 in his class ranking. Something didn't make
17 sense and I asked them to look at that again,
18 because I knew the family and it was because the
19 kid had one bad semester in high school because
20 a family issue. However, they had already
21 started to look at that, so I didn't have to be
22 involved.

23 But those are examples where I think trustee
24 involvement in the process may be worthwhile. I
25 don't know how you guys feel about whether

1 that's a no no also, but it seems to me that
2 there are isolated instances where trustee
3 involvement and that kind of thing would be
4 helpful.

5 FEMALE VOICE: Well, it seems to us or at
6 least to me that an ombudsman would be a good
7 point. There needs to be a mechanism that the
8 trustees and policies that don't get involved -
9 - . But just for my own clarification and
10 forgive me if you've said that because I was
11 reading the e-mails, did you say what your
12 relationship was to the family that it was
13 referenced in this e-mail? The family that you
14 informed the student had obtained admission to
15 the biology program?

16 DR. SCHMIDT: I know the grandfather and the
17 father.

18 FEMALE VOICE: In, in what context? I mean,
19 in a personal context--

20 DR. SCHMIDT: [Interposing] A business
21 context, but not a - - .

22 FEMALE VOICE: Did you ever get questions
23 from people you didn't know about admission?

24 DR. SCHMIDT: Yes.

25 FEMALE VOICE: And what did you do with

1 those?

2 DR. SCHMIDT: I would, I would, I would talk
3 to just about anybody that came to talk to me or
4 called me and asked for some basic information
5 and asked, you know, you know, have you tried
6 this, have you tried that. If it looked like
7 they were at a dead end then I would say, you
8 know, what's your--what is, what is your son or
9 daughter's credentials. Okay. And if their
10 credentials, you know, looked pretty good I'd
11 say I - - make an inquiry of the status and off
12 would go an e-mail.

13 FEMALE VOICE: Now, if someone writes you a
14 letter as a trustee I would presume it goes to
15 the board secretary's office.

16 DR. SCHMIDT: Yes.

17 FEMALE VOICE: And then gets distributed.

18 DR. SCHMIDT: Yes.

19 FEMALE VOICE: Is there any mechanism to
20 look through the mail and, and funnel it to the
21 correct department if it comes to a trustee and-
22 -or at least funnel copy?

23 DR. SCHMIDT: Not that I know of.

24 FEMALE VOICE: Okay. So all the mail that
25 you receive as trustee you alone are responsible

1 for handling it and deciding what to do with it.

2 DR. SCHMIDT: Yes. There are some issues -

3 - back to the chief--we have like 18,000 pieces

4 of correspondence. So when we get deluged with

5 these copies of these things, I mean, most of

6 those you kind of--at one point, I wanted to

7 save them all and, and write back to people only

8 because I was very - - that people said I'm

9 going to stop contributing - - comes back.

10 And I wanted to send out an e-mail that this

11 is the most important thing about the university

12 though I guess you're justified in doing that.

13 I never did get around to doing that, but it was

14 a thought. But there's no, there's no presort

15 on our mail.

16 FEMALE VOICE: Is the mail that you receive

17 manageable now?

18 DR. SCHMIDT: Yeah.

19 FEMALE VOICE: With the exception - - .

20 DR. SCHMIDT: Yeah. And even with the

21 current dilemma and the problems the board has,

22 the university has maybe--I think maybe in the

23 last--we get a packet once a week of mail that's

24 accumulated for us and things for us to look at.

25 I don't think there's been a packet yet with

1 more than five or six comments about, about
2 this, this issue.

3 MALE VOICE: Chung?

4 MR. CHUNG: Dr. Schmidt, if you could turn
5 to Exhibit 3.

6 DR. SCHMIDT: Uh huh.

7 MR. CHUNG: It's a two-page document. I
8 will give you the opportunity, as we previously
9 discussed, to go in some detail if you feel
10 appropriate about this particular applicant, but
11 what I want to focus on - - to really point you
12 at Heidi Hurd's comment at the very end of her
13 e-mail, page 139. Now, specific context you
14 understood that this e-mail relates to an
15 applicant for the law school, correct?

16 DR. SCHMIDT: Correct.

17 MR. CHUNG: And it's connected to you and it
18 appears to be--the inference I have drawn - - is
19 that because it came from you, a trustee, Heidi
20 Hurd noted that this one, meaning this applicant
21 takes velvet gloves, right.

22 And my question to you then for that
23 background, sir, is do you now understand that
24 communications from trustees with regard to
25 applicants can be perceived by the recipient for

1 those communications as something other than
2 what was necessarily intended in the first
3 place?

4 DR. SCHMIDT: Yeah, that's very clear from
5 this.

6 MR. CHUNG: Okay. So you--when you first
7 read this e-mail and you saw the reference to
8 the velvet gloves did it surprise you?

9 DR. SCHMIDT: It, it, it shocked me.

10 MR. CHUNG: Why did it shock you?

11 DR. SCHMIDT: Because if, if you're not--I
12 mean, if your history is not trying to lift
13 people in where they don't belong what's the
14 velvet gloves issue? I just don't understand
15 it. I've never hammered on a dean or a
16 department chairman to do something that they
17 thought was inappropriate and why she said this,
18 I don't know, but you heard the former dean
19 testify. She says flippant things sometimes.

20 MALE VOICE: But do you think that there--I
21 hear you when you say it surprises you, but do
22 you now realize that when some people lower down
23 on the chain see that a trustee is interested in
24 an application that they are going to perceive
25 that as being more than just a casual inquiry?

1 DR. SCHMIDT: Well, I've seen it from this.

2 MALE VOICE: Okay.

3 DR. SCHMIDT: Clearly see it from this.

4 MALE VOICE: And you think there might be
5 other people lower in the chain that might react
6 the same way.

7 DR. SCHMIDT: I do, but I don't know who
8 sees it. I don't know, I don't know who sees
9 her e-mails, frankly.

10 MALE VOICE: Well, I'm not--but, but they
11 may see your e-mails or other e-mails.

12 DR. SCHMIDT: Yeah.

13 MALE VOICE: So you are aware of - - this
14 misconception that you have a lot of power.

15 DR. SCHMIDT: Yeah, it is a misconception to
16 think it's true.

17 MALE VOICE: Mr. Chung?

18 DR. SCHMIDT: But can I, can I say something
19 about that? Because I was extremely offended
20 and angered by some things that have appeared in
21 The Tribune recently because I think they're
22 false and they're absolutely inflammatory
23 innuendo. This e-mail was on the front page of
24 The Tribune on Father's Day, Happy Father's Day
25 to me, okay. And it talked about my request for

1 information because a relative who you have
2 heard - - was my son and my son said it was okay
3 to say it was my son, so - - the thing is
4 cleared up.

5 He wanted information about going to law
6 school, okay. I didn't know much about it, so
7 I'm writing for information here. But and then
8 The Tribune says--it shows this e-mail and it
9 says that, that a relative was admitted. What
10 they fail to say is that it was 2-1/2 years
11 later that I made a general inquiry and they
12 made it look like boom to look, my son admitted.
13 Then all of a sudden is anybody that's
14 related to a trustee in any way circumspect and,
15 and, and how they enter into the university? I
16 mean, and that's, that's a, that's a terrible
17 burden to put on, on any student and it's just--
18 and it's not, it's not--that's not, that's not,
19 that's not the case.

20 And - - Ms. Vander Weele--

21 MS. VANDER WEELE: Vander Weele.

22 DR. SCHMIDT: Vander Weele. You asked a
23 question I think about Larry, Larry Eppley
24 talked about writing a letter of reference, a
25 standard letter of reference for the law school.

1 Okay. And one of the letters he was referring
2 to a colleague. I'm the only one with a, you
3 know, relative in the law school was me,
4 obviously, and he said to me you need three
5 letters, you want me to write one. I said okay,
6 sure, write one, it'd be fine. But the bottom
7 line is and I'm paranoid. I admit it. Okay.
8 But I heard your voice would he have gotten in,
9 you know, because of this.

10 What they don't say in these situations is
11 the kid graduated with a 3.86 average with
12 honors, - - scholar program, member of BANA
13 [phonetic], he had very good scores on the LSAT
14 and had three years of government experience
15 they put in the Dunn Fellowship. So I don't--I-
16 -

17 MS. VANDER WEELE: [Interposing] Trustee,
18 it's very helpful to know, but at the same time
19 and, and, and what you're saying is he's a very
20 qualified young man and, and - - . But I, I
21 think that it calls into question any time that
22 a trustee begins to ask questions on e-mail - -
23 and it just does. I mean, it will be put the -
24 - do not ask on behalf of--do not promote the
25 interests of a family member. Given your

1 position there are some things that are just not
2 appropriate for the position of the trustee.

3 And--so, I mean, I appreciate the, the
4 information and I appreciate knowing it as a
5 clarification, but this whole thing - - would
6 have had - - in which the--

7 DR. SCHMIDT: [Interposing] Yeah, I just get
8 back to the idea that does that mean that if I
9 have a relative that's trying to do something I
10 can't write a letter for him because I'm a
11 trustee? I mean, is that--am I--is that a
12 standard--not a call that I make on a standard
13 reference letter.

14 MS. VANDER WEELE: - - .

15 MALE VOICE: Mr. Chung.

16 MR. CHUNG: And quickly, just quickly switch
17 gears and talk about other benefits or other
18 special consideration that you may have
19 attempted to facilitate on behalf of the
20 students or applicants to the university. When
21 we met before, Dr. Schmidt, we talked about
22 housing.

23 DR. SCHMIDT: Yes.

24 MR. CHUNG: We talked about classes.

25 DR. SCHMIDT: Yes.

1 MR. CHUNG: We talked about tours. Could
2 you for the benefit of the commissioners explain
3 what, if any, additional benefits that you have
4 provided - - ?

5 [Crosstalk]

6 DR. SCHMIDT: Yeah. Let me, let me take it
7 backwards. Let me start with tours.

8 MR. CHUNG: Sure.

9 DR. SCHMIDT: Okay. There are certain
10 students who we are attempting to recruit into
11 the university. One of the students was a
12 graduate at - - 1500 on the, on the--not LSATs
13 but the SATs, huge scores on the ACTs, research
14 experience, and was being advised, incorrectly
15 in my view, to go to a smaller but - - because
16 that was a very interesting thing to do. And I
17 said there--I'm not so sure you want to do that.
18 You want to do research in your freshman year,
19 have you considered the University of Illinois,
20 let me arrange a tour and I'll show you some of
21 the research possibilities.
22 That is not--that has nothing to do with
23 lifting an admission. That's a recruitment
24 issue. Tours were set up to recruit students.
25 We try to recruit that kind of student.

1 The second one was housing. I'm very keen
2 on what's--what are called Living and Learning
3 Communities. And there are several. The first
4 one in the country was at Illinois. It's called
5 Unit 1 at Allen Hall.

6 It's a situation where an area of a dorm is
7 designated as a community and there are certain
8 activities that center around your social group.
9 That could be music lessons, outside lectures,
10 sometimes to give classes in the, in the, in the
11 residence hall. They have distinguished guests
12 that come in and - - resident that, that stay
13 for a week, lecture every night, have an open-
14 door policy, the students can come and talk to
15 them.

16 And they have people as diverse as the
17 original Patch Adams, the head of CNN News, to
18 controversial figures like Bill Ayers, and so
19 forth and so on. So I'm very keen on that type
20 of community.

21 And if I saw a student that was coming,
22 coming in and that I thought would benefit from
23 that kind of a support group, so I said you have
24 to think about applying to Allen Hall. I didn't
25 - - because you have to write a, you have to

1 write an essay and all that kind of stuff to be
2 admitted to the program. But yeah, so yeah, I
3 have advocated in that regard for a student - -
4 .

5 MR. CHUNG: And before - - can I stop you -
6 - and ask you to look at Exhibit 4, the last
7 exhibit? It's a very short exhibit. Two e-
8 mails. The first e-mail - - is an e-mail from
9 you to someone as RHH, which I take to be
10 Richard Herman.

11 DR. SCHMIDT: Uh huh.

12 MR. CHUNG: And the subject is student for
13 Unit 1. Is that the unit you were just
14 referring to in Allen Hall?

15 DR. SCHMIDT: Yes. Uh huh.

16 MR. CHUNG: And the person that--the student
17 application that we have been discussing was
18 sent to housing along with the deposit check on
19 March 24th, we can't let this one slip through
20 the cracks as we did with a similar situation a
21 year ago. Is it fair to say that you in this
22 instance were advocating for the admission of
23 this particular student into Unit 1 in Allen
24 Hall?

25 DR. SCHMIDT: Housing not admission to the

1 university.

2 MR. CHUNG: Okay. And the person's already
3 in.

4 DR. SCHMIDT: Yeah.

5 MR. CHUNG: And you saw no conflict or
6 concern with respect to advocating for admission
7 into a presumably competitive program at the
8 university.

9 DR. SCHMIDT: I, I did not. I viewed that
10 is making the experience with the student better
11 and helping to ensure the student was going to
12 stay there. As Chancellor Mann at UIC used to
13 say, we don't have trouble recruiting freshman,
14 we have trouble recruiting sophomores. And I
15 felt that this kid was someone that needed that
16 kind of support structure.

17 MR. CHUNG: I guess one way of looking at it
18 is all things being equal, there may have been a
19 similarly-situated candidate who didn't have the
20 backing of a trustee and then this candidate who
21 did have a backing of a trustee, and to the
22 extent the candidate with the backing of the
23 trustee gets in and the other candidate does not
24 potentially creates an uneven playing field. I
25 mean, is that--do you agree with that

1 proposition?

2 DR. SCHMIDT: Well, I suppose I'd have to.

3 Yeah - - . Yeah, I would agree with it. If I
4 didn't feel strongly about this kid not
5 surviving unless he was over there I wouldn't
6 have written it, though. What, what that would
7 speak to is--of course, I don't know all of the
8 kids that are applying to live in Allen Hall.
9 There's no way I could possibly know about that.

10 MALE VOICE: So for, for appearances sake,
11 if no other, I don't want to beat a dead horse,
12 but wouldn't it look better if all the trustees
13 said look, we don't get involved in these things
14 because we are trustees and we want it to look
15 like a level playing field, as well as be a
16 level playing field?

17 DR. SCHMIDT: Judge, I, I--at this stage, I
18 completely agree with you.

19 MALE VOICE: And that would apply to
20 housing, to admissions, to which classes they
21 get into, and really everything that, that is
22 discretionary--

23 DR. SCHMIDT: [Interposing] Yeah, yeah.

24 MALE VOICE: --within the university.

25 DR. SCHMIDT: I think if I look back on the

1 involvement I've had that the one thing I would
2 do is counsel the student about how to go after
3 it themselves. I mean, that seems to be the
4 logical thing. You know what? You're not in
5 here, but here is the--here's what you do,
6 here's the telephone number, and here's the e-
7 mail address, and good luck, you know.

8 I mean, I think that would, you know, I'm
9 the type of person that kind of jumps in and say
10 oh, but we'll get this done, you know, let's go
11 - - .

12 MR. CHUNG: And the final topic would be in
13 the area of classes. There was a fair amount of
14 discussion yesterday--

15 DR. SCHMIDT: [Interposing] Yeah, in
16 yesterday's Tribune.

17 MR. CHUNG: Efforts by trustees to--or it
18 was a trustee to get students into over-
19 subscribed classes.

20 DR. SCHMIDT: Yeah. You know, I have, I
21 have wracked my brain to think if that had to do
22 with me. The times don't match. I don't--I
23 haven't seen those e-mails, so I don't think it
24 had to do with me.

25 However, one instance when I did do that and

1 I'll tell you what the circumstance was and I'll
2 tell you what the response was and what
3 happened.

4 Again, a student coming out of a
5 metropolitan Chicago Jesuit academy--

6 [Cell phone ringing]

7 DR. SCHMIDT: Honest, not me. Okay. A
8 student comes out, you know, thank God I didn't
9 write an e-mail about this student and I thank
10 God for that. But he comes out of a Jesuit
11 preparatory academy, grade average 4.96 out of
12 5, ACTs 34, 17 hours of AP credit, AP Calculus
13 5, rows on the crew team, and letters--plays
14 three musical instruments and so forth. Okay.
15 That's a candidate who you want at the
16 University of Illinois, right?

17 Now, had I written an inquiry what would
18 happen is if I write it the headline is going to
19 say honor student picks Illinois and The Tribune
20 would say trustee relative - - . The same
21 story. And that is what I'm objecting to about
22 what's happening to us and we're being crucified
23 in the process.

24 Having said that, the student comes down and
25 registers in the honors program, is admitted as

1 an honor student and James [phonetic] Scholar
2 and a Corn [phonetic] Scholar - - . There are
3 only ten of those in the university. All right.
4 Ten. The student can't get one class he has to
5 have because he's in the James Scholar Honors
6 Program. So I wrote to the chancellor and said
7 what does one do about this, you know. They're
8 a James Scholar, they're an honor student, they
9 have to have this honors class, they say it's
10 closed.

11 In response I got was the class is closed
12 and open - - typically so that you section--you
13 get the section filled and then there's a wait
14 list and when the - - builds up they open it up
15 again and so forth and so on like that. So as a
16 result of my call, I'm sure, they took at that
17 section and said maybe we did need to have
18 another section or two more sections. And I
19 think that, commissioner, that what you might
20 have been alluding to. It was one of my notes
21 when you were asking a question earlier.

22 So yeah, that, that, that did change the
23 course of history by me making that inquiry.

24 FEMALE VOICE: I didn't understand your
25 reference to because the student had a

1 fellowship was a--why couldn't he get in the
2 class?

3 DR. SCHMIDT: No. This student was called a
4 James Scholar Honors and when you are in that
5 designation you must have an honors course each
6 and every semester to, to--

7 FEMALE VOICE: [Interposing] Oh, I see.

8 DR. SCHMIDT: Okay. And by doing that you
9 get preferentially treated by place of your
10 accomplishments because you get to register
11 early and all that kind of stuff.

12 FEMALE VOICE: But did he not register early
13 is that why he couldn't get in?

14 DR. SCHMIDT: First--no. First semester,
15 first registration couldn't get registered.

16 FEMALE VOICE: So did, did he miss the
17 deadline or

18 DR. SCHMIDT: No. It was just closed.

19 MALE VOICE: Mr. Chung?

20 MR. CHUNG: Nothing further.

21 MALE VOICE: The only thing I was going to--
22 unlike the previous witness and several others
23 before him, you seem to have a detailed
24 knowledge of everybody that you advocated,
25 advocated for. And while that advocacy is

1 under question right now, it's good to know that
2 you knew exactly what you were talking about.

3 So it's appreciated.

4 MALE VOICE: We do appreciate you. You've
5 been very forthcoming.

6 FEMALE VOICE: I, I do have a couple of
7 questions, though, I'm sorry - - . Why does the
8 board not have a code of conduct? Or at least
9 that's what we've been told.

10 DR. SCHMIDT: I don't know. I've never,
11 I've never seen that approached or discussed.
12 We subscribe to the annual ethics training, but
13 there's--there is no code of conduct and I know
14 that I don't--I've never heard it--I'm the
15 oldest--I'm not the oldest member in years, but
16 I'm the oldest tenured member of the board, in
17 ten years I've never heard it described. I've
18 never heard it talked about. I don't know.

19 FEMALE VOICE: So then, obviously, it didn't
20 occur to any of the trustees to say hey, how
21 come we don't have a code of conduct.

22 DR. SCHMIDT: Right.

23 FEMALE VOICE: Particularly in light of the,
24 the - - talked about or the fear, I should say,
25 the board's becoming more political. I'm having

1 trouble--

2 DR. SCHMIDT: [Interposing] Yeah.

3 FEMALE VOICE: I also wanted to just go

4 through the list that we discussed earlier and

5 our recommendation will be clearly recommending

6 a code of conduct and any code - - only

7 admissions and we talk about on these influence,

8 but making the - - informally. And I would like

9 to get your opinion on whether the - - needs to

10 be added, okay, - - the earlier question.

11 So undue influence would be prohibited in,

12 in admissions, early notification of admissions,

13 housing, any of the classes that are filled,

14 tickets to ball games, procurements, hiring,

15 special access to healthcare was added. Is

16 there anything--I'm not sure exactly how that

17 works, but is there anything else you would add

18 to that if the trustees stay out of the day-to-

19 day management of the university - - is there

20 any other area you think, if you agree with the

21 whole concept, that you think should be added?

22 DR. SCHMIDT: I agree with the broad

23 concept. The only thing I have trouble with

24 what about the special circumstance when you

25 know something is awry? I mean, what do you do

1 then? Do you go back to the student and discuss
2 it or are you going to go back to the--where do
3 you take that concern? Or do you just--I mean,
4 I don't--if you can't advocate for anybody
5 nobody has an advocate.

6 FEMALE VOICE: Well, unless there is another
7 mechanism like an ombudsman.

8 DR. SCHMIDT: Right. correct.

9 FEMALE VOICE: I mean, one of the things
10 we're looking at is or discussing is whether
11 there should be an inspector general for
12 institutions of higher learning. Because one of
13 our commissioners was the former inspector
14 general for the state of Illinois and she
15 advocated it when she was the executive
16 inspector general for the state. So that would
17 be a little different than an ombudsman who
18 would address issues that don't necessarily
19 arise to the level - - .

20 But I think the context - - yesterday was
21 the trustees stay out of the day-to-day
22 management. But your point's well taken and
23 I'll put that in my notes for our discussion.

24 DR. SCHMIDT: Thank you. I'd appreciate it.
25 I do appreciate that. I appreciate the

1 opportunity to be here because I, I had some
2 things I wanted to get off my chest.

3 MALE VOICE: Thank you, doctor.

4 MALE VOICE: Judge, can I make one comment,
5 please?

6 MALE VOICE: Yesterday we had a speaker, Dr.
7 Steven Korch [phonetic], who's a former very
8 high senior level executive at several
9 universities. And he said one thing that
10 resonated in my, in my mind and I want to state
11 what he said. He said at the end of the day
12 it's the quality of the person appointed not the
13 methodology. And I think you would be--you did
14 a good job of selecting the person with a great
15 quality. So thank you for your testimony.

16 DR. SCHMIDT: I think that the same thing
17 applies to the Board of Trustees.

18 MALE VOICE: Thank you, Dr. Schmidt.

19 MALE VOICE: And I'm not talking about you.

20 [Crosstalk]

21 DR. SCHMIDT: Thank you.

22 FEMALE VOICE: You know, I do have one more
23 question.

24 DR. SCHMIDT: Uh oh.

25 FEMALE VOICE: I'm sorry.

1 DR. SCHMIDT: That's okay.

2 FEMALE VOICE: And that is can you talk
3 about some of the accomplishments the chancellor
4 - - ? We've received a letter from - -
5 professors lauding the accomplishments of the
6 chancellor. Is there--can you give an opinion
7 on his accomplishments and what he's brought to
8 the institution?

9 DR. SCHMIDT: He's, he's, he's a man of, of
10 great accomplishment and, and, and, and he's a
11 nationally-recognized mathematics, which is why
12 sometimes it's hard to follow him when he talks.
13 He, he gets into the ethos a little bit. But
14 when you look at the Urbana campus there are
15 certain things that, that happen under his watch
16 that are, are critically important.
17 First of all, we've maintained faculty,
18 which has been a probably difficult experience
19 in this, in this financial community. I'd like
20 you all to know--

21

22 OF 4]

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C E R T I F I C A T E

The prior proceedings were transcribed from
audio files and have been transcribed to the
best of my ability.

Signature __Amy La Branch_____

Date__July 24, 2009_____

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