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COURT OF CLAIMS OF OHIO

RON WINE CONSULTING :
GROUP, LLC, :
Plaintiff :
-vs- : CASE NO. 2016-00698
WRIGHT STATE :
UNIVERSITY, :
Defendant :

Deposition of DENNIS ANDERSH, a
witness herein, taken by the Plaintiff as upon
cross-examination and pursuant to the Ohio Rules of
Civil Procedure as to the time and place and
stipulations hereinafter set forth, at the offices
of 2455 Presidential Drive, Bowler Room, Dayton,
Ohio at 9:09 a.m., on June 22nd, 2012, before Jamie
S. Hurley, Court Reporter and Notary Public within
and for the State of Ohio.

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QUICK REFERENCE INDEX

WITNESS: DENNIS ANDERSH

APPEARANCES: PAGE 3

	DX	CX	RDX	RCX
BY: MR. IGNOZZI	-	4	-	-

EXHIBITS

(None)

INFORMATION REQUESTED

NOT APPLICABLE

* * * * *

1 ON BEHALF OF PLAINTIFF

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21 Ms. Victoria L. Nilles
22 And
23 Ms. Suzanne Sumner
24 Attorneys at Law
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Dayton, Ohio 45423

ALSO PRESENT

Mr. Ron Wine

* * * * *

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1 WHEREUPON:

2 DENNIS ANDERSH,
3 of lawful age, a witness herein, being first duly
4 sworn as hereinafter certified, testified as
5 follows:

6 CROSS-EXAMINATION

7 BY MR. IGNOZZI:

8 Q. Sir, my name is Ken Ignozzi, and I
9 represent Mr. Wine and his consulting group. I
10 think you know that?

11 A. Yes.

12 Q. Today's a deposition. All that means
13 is I'm going to ask you a bunch of questions. If
14 you don't understand any question, then you stop
15 and tell me, and we'll work it out and make sure we
16 understand each other, fair enough?

17 A. Yes.

18 Q. First off, could you please tell me
19 your name?

20 A. My name is Dennis Andersh.

21 Q. Do you prefer I call you Dennis or
22 Mr. Andersh or something else?

23 A. Dennis is fine.

24 Q. Dennis, just a little bit of background
25 information. Where are you from?

1 A. I'm originally from South Clear.

2 Q. And you went to high school there?

3 A. I went to high school there.

4 Q. And tell me about your educational
5 background.

6 A. Then I went into the Air Force, and the
7 Air Force sent me on to a Bachelor's degree of
8 Electrical Engineering at the University of
9 Arizona, and then I got commissioned. And I spent
10 22 years in the Air Force and got a Master's degree
11 in Electrical Engineering from AFIT here in Dayton.

12 Q. And what year did you obtain that?

13 A. You're testing me right now. We were
14 just talking about memory. The Bachelor's degree
15 is in 1980, and Master's degree in 1990.

16 Q. And so you were done or out of the Air
17 Force what year?

18 A. December of 1995.

19 Q. And then, if you could, without
20 belaboring year-by-year, could you tell me in a
21 nutshell what you've done employment wise since
22 1995?

23 A. When I left the Air Force, I joined a
24 small business. That small business was eventually
25 bought by a large business called SCIC. I was out

1 in Illinois doing research and development work.
2 Eventually I moved to DC, and then in November of
3 2013 my position was eliminated here at SCIC, and
4 then I joined Wright State in December of 2013.

5 Q. And what was, how long were you with
6 SCIC?

7 A. Approximately 10 years, 12 years.

8 Q. And basically what was it that you did
9 there?

10 A. I was a senior vice president and had a
11 P & L and ran a large business center for the
12 company.

13 Q. Now, as I understand it, you knew
14 Mr. Wine before you joined Wright State?

15 A. Yes.

16 Q. And can you just briefly describe the
17 circumstances in which you had the opportunity to
18 meet Mr. Wine and where that was at?

19 A. I met Mr. Wine in the process of the
20 human performance consortium when it was being
21 established and --

22 Q. This would be roughly what year?

23 A. Approximately probably 2008, 2009
24 timeframe.

25 Q. And what were the circumstances upon

1 which you had the opportunity to meet with
2 Mr. Wine?

3 A. I was invited since I was the lead of
4 the SCIC office here to participate in the
5 intricacy as one of the industry partners.

6 Q. Okay. As far as before joining Wright
7 State, I'm trying to ask did you guys work with
8 each other or for each other or you guys were just
9 working on the same project?

10 A. Ron actually worked for SCIC for a
11 period of 12 or 18 months as a consultant and
12 supported the human performance consortium. That
13 was terminated, though, probably, I want to say 18
14 to 24 months before I joined Wright State.

15 Q. Did you have any role in his contract
16 as a consultant in the 12 to 18 months he worked
17 for SCIC?

18 A. I did.

19 Q. What involvement did you have?

20 A. I oversaw the contract.

21 Q. And you mentioned that that contract
22 was terminated?

23 A. Right.

24 Q. And why was that?

25 A. Funding budget reductions.

1 Q. Always a good reason.

2 A. Right.

3 Q. So then I assume that you knew when you
4 joined Wright State that, well, I don't know if you
5 knew or not, but when you joined Wright State that
6 Mr. Wine had some involvement in doing some
7 consulting work?

8 A. Yes, I did.

9 Q. Okay. And how was it as far as the
10 circumstances that you joined Wright State?

11 A. When I was laid off at SCIC in, I
12 believe it was October of 2013, I actually just met
13 with Ryan Finley saying my position is changing.
14 And at that point, he said, well, you might have a
15 possibility for working at Wright State.

16 Q. And that transpired by the end of the
17 year in 2013?

18 A. Yes.

19 Q. And what was the contemplated role upon
20 which you joined Wright State?

21 A. I was brought in as the CO of the
22 Wright State Applied Research Corporation with the
23 intent in the May timeframe of 2015 to become the
24 CEO for the Wright State, 2014, excuse me.

25 Q. And --

1 A. And Executive Director of the Institute
2 shortly thereafter.

3 Q. As I understand when you basically
4 first came onboard in early 2014 and got up to
5 speed, Ryan Finley was basically the head of the
6 ARC at the time?

7 A. Yes, he was until May 1 of 2015.

8 Q. You mean '14?

9 A. '14, I'm sorry, yes.

10 Q. And then so what was the idea, so,
11 anyway, the plan upon which you came to Wright
12 State, and the role that transpired exactly as you
13 had thought, right?

14 A. Except for the executive director.
15 That was delayed by almost 18 months to 2 years.

16 Q. What was the plan, I guess, with
17 respect to Mr. Finley?

18 A. Mr. Finley had moved to the University
19 to be the associate for the provost and was having
20 a hard time doing both jobs. And this is a way of
21 shedding some of his responsibility.

22 Q. And so the idea was basically you were
23 kind of taking over the head of the ARC and Finley
24 was still going to be involved but mostly doing his
25 other duties with provost?

1 A. Right. And Ryan remained on the board
2 and Narayanan.

3 Q. When you say on the board, you mean of
4 the ARC or --

5 A. Of the ARC, yes.

6 Q. Are you familiar with Data Ohio?

7 A. To some extent, but it predates me.

8 Q. I know it was before you came onboard?

9 A. Right.

10 Q. And do you have any knowledge or
11 understanding about Data Ohio and how it was
12 essentially merged into the ARC when it was
13 corrected?

14 A. The specifics, no.

15 Q. So how was it when basically you came
16 onboard in December of 2013 about getting up to
17 speed as far as the anticipated role, did you work
18 mostly with Finley or I'm trying to --

19 A. I worked with Ryan Finley and
20 Dr. Narayanan and Jason Parker, who was the
21 Institute director.

22 Q. And, so to speak, I'm guessing over the
23 first several months between Finley and Narayanan,
24 you got up to speed as far as everything that was
25 going on?

1 A. Mostly. It's a very difficult system
2 to learn and --

3 Q. You mean the way they had it all set
4 up?

5 A. Yes.

6 Q. Okay. You tried to get up to speed
7 with that?

8 A. Yes.

9 Q. When, during the early months when you
10 were getting up to speed in early 2014, I'm
11 guessing that you were aware that Mr. Wine's
12 consulting group had been doing a lot of work for
13 many years before that?

14 A. Yes.

15 Q. And I'm assuming --

16 A. The details, I don't know. I just knew
17 that he was supporting the University.

18 Q. And I'm guessing, too, that you,
19 yourself, have no real personal knowledge of all of
20 the details of his work or contracts or anything
21 with Wright State or the ARC prior to the time that
22 you came there?

23 A. That's correct.

24 Q. But you did know that he had worked
25 there for years and done all of the work, the

1 details all of which you didn't know everything?

2 A. Yes.

3 Q. So as part of, well, the first few
4 months and in getting up to speed or trying to get
5 up to speed with respect to the ARC when working
6 with Finley and Narayanan, I'm assuming that you
7 had meetings or conversations with Mr. Wine in
8 connection with that?

9 A. We did approximately once a month have
10 status meetings.

11 Q. And what was your understanding at the
12 beginning of Mr. Wine's role in the ARC or Wright
13 State or whatever?

14 A. He was onboard for strategic planning
15 and strategic development.

16 Q. For the ARC and the Research Institute
17 or both?

18 A. And the University.

19 Q. And the University?

20 A. Right.

21 Q. And I believe you also knew or learned
22 that they also did a lot of work directly for
23 President Hopkins?

24 A. Yes.

25 Q. So am I correct that in May of 2014

1 things went as planned and then you became
2 basically the head of the ARC?

3 A. That's correct.

4 Q. And the position that you had, you know
5 how positions are? Just the name and different
6 organizations. It might mean you're the leader,
7 and other ones maybe not. But whatever the
8 position name was, you were the head of the ARC as
9 of May of 2014?

10 A. That's correct.

11 Q. And I assume that it took you sometime
12 to, well, learn how things were done, and you
13 probably made some changes on how things were being
14 done, correct?

15 A. Yes.

16 Q. In connection with the first few months
17 in 2014 when you're getting up to speed and
18 everything, I'm assuming that the, one of many
19 topics, but one topic came up, and that was Ron
20 Wine's work and contract or compensation agreement?

21 A. His contract, yes. Compensation, no.
22 And I didn't actually start seeing these invoices
23 until, I believe, February of 2014, February or
24 March.

25 Q. You mean '14 or '15?

1 A. '14. Ryan had taken care of that since
2 he was the CEO prior to that.

3 Q. And, well, February of 2014, and you've
4 got an invoice, and I'm assuming like anything,
5 anything that comes up, you probably had some talk
6 with either Finley or Narayanan about, you know,
7 how does this work so I know what's going on,
8 etcetera?

9 A. I did.

10 Q. And it was Finley and Narayanan?

11 A. It was Finley since he was the person
12 that was signing off on them previously.

13 Q. Okay. And in the beginning, like I
14 said, I assume you asked, you know, how does this
15 work? What's the deal that's going forward here
16 because you needed to know?

17 A. Right.

18 Q. What did he tell you?

19 A. He told me Ron's under a consulting
20 agreement with the ARC providing business
21 development strategy support, and we'll get a
22 monthly invoice for the amount of hours that he
23 works.

24 Q. And was there any further discussion
25 other than that basically at the time?

1 A. That was basically it.

2 Q. Okay. And at some point in time did
3 you learn that the ongoing agreement for many years
4 before you came was that he would get a 5 percent
5 work share on revenue that was actually brought in?

6 A. I didn't fully understand it. I did
7 not understand that. I was looking at the invoices
8 purely from an hourly perspective and any hours
9 that Ron was working, and it matched what we were
10 getting on the invoices for hours, so I was not
11 aware of the details.

12 Q. Okay. Did Finley tell you even before
13 you got there that he was meeting with Mr. Wine
14 every six months?

15 A. No.

16 Q. And he would go through, and he would
17 calculate the previous six months as far as money
18 that came in on all the contracts, and then he
19 figured out the consulting agreement and the hours
20 to be billed?

21 A. No.

22 Q. Did he tell you that at any time?

23 A. No. We had one meeting when Ron was
24 present where we talked about the budget for the
25 year because I was trying to figure out what should

1 we budget for Ron for the year since he really did
2 a lot of work for the president and Dr. Narayanan,
3 and there was only one meeting that was probably
4 February or March of 2014.

5 Q. So, well, anyway, just a couple basic
6 questions, I guess. One, obviously Mr. Wine and
7 his group, they went, number 1, they did work for
8 the ARC, correct?

9 A. Right.

10 Q. Number 2, they also did work for WSRI,
11 correct?

12 A. Yes.

13 Q. And they also did work for the
14 president?

15 A. And the University.

16 Q. And various people at the University?

17 A. Yes.

18 Q. And at that time, let's say May of
19 2014, I'm trying to figure out, you were an
20 employee or you worked for whom? And when I say
21 that, I'm talking about is it the ARC or the
22 University or both?

23 A. So I'm an employee of the University,
24 but we do the services for the WSARC corporation.
25 So I'm a Wright State University employee that

1 provides services to execute the mission of the
2 WSARC corporation.

3 Q. Okay. And did you understand or know
4 going into it that the ARC was, well, basically
5 created so it was a private arm of the University
6 for flexibility?

7 A. For flexibility, yes. Private, it
8 totally wasn't because of the 501-C3 but for
9 flexibility, yes.

10 Q. Right. Were you aware that it was
11 largely created at the suggestion of Mr. Wine?

12 A. No.

13 Q. That was before your time?

14 A. Yes.

15 Q. So at that point in May of 2014, you
16 were the, by the way, your titles, are they the
17 same now as they were then?

18 A. No. I was only the CEO in May of 2015.
19 Narayanan was the executive director of the
20 Institute at that point, and I took over as
21 executive director in September of 2015 at the
22 Institute.

23 Q. Okay. And you're talking about the
24 other Research Institute?

25 A. Right.

1 Q. Which is Wright State?

2 A. Right.

3 Q. And so then basically since coming
4 onboard in, you know, the first of 2014, since
5 coming on board, you've been or you've had two
6 roles working for both the University and the ARC?

7 A. Corporation, that's correct.

8 Q. As I understand it, your paycheck or
9 your stub, if you looked at it would say Wright
10 State?

11 A. Yes.

12 Q. And so what I'm trying to figure out is
13 how this developed having two roles and how much
14 time did you spend on ARC matters versus WSRI
15 matters?

16 A. It was probably 50/50 at that point. I
17 was brought in to help grow the business as well as
18 being the CEO of the ARC approximately.

19 Q. And do they have the same physical
20 location?

21 A. Yes, they do.

22 Q. Same building?

23 A. Yes.

24 Q. Same floor?

25 A. Different floors.

1 Q. You had two offices?

2 A. No. Just one office.

3 Q. And your office was on the WSRI side

4 or --

5 A. It on the WSARC side.

6 Q. On the WSARC side or floor, I should

7 say?

8 A. Right.

9 Q. And 50/50 time or somewhere in that
10 ballpark was spent on each?

11 A. Right.

12 Q. Because as I understand it, they both
13 basically did the same thing?

14 A. No. WSRI is a department with the
15 University that actually does research and writes
16 proposals. The ARC does the contracts, finance,
17 and security support for the Institute and the
18 University.

19 Q. I guess what I meant to say was they
20 both, depending on the contract, I guess, but the
21 research contracts that came in and were accepted,
22 you know, everything that came in and were being
23 administered, oftentimes both worked on the same
24 thing?

25 A. Some of the contracts, yes.

1 Q. Not all of them?

2 A. Not all of them.

3 Q. I understand there's a difference
4 between federal and state contracts?

5 A. Right. As well as there were two ways
6 of doing contracting through the Institute, and one
7 is research and sponsored programs which is on
8 campus, and the other is on the ARC, and so we
9 dealt with both.

10 Q. Now, as I understand it, the general,
11 you know, business and purpose of WSRI and WSARC
12 was essentially the same with regard to creating
13 jobs and administering contracts for the Dayton
14 region and all of the stuff that I would put in the
15 brochure?

16 A. Yes.

17 Q. My question, I know you had monthly
18 meetings?

19 A. Uh-huh.

20 Q. And they consisted of, basically who
21 did they consist of?

22 A. The monthly meetings originally started
23 with Jason, Narayanan, Dr. Hopkins, Ron, sometimes
24 Ryan Finley, sometimes Aaron Miller.

25 Q. And yourself?

1 A. And myself. And there were status
2 updates on what was going on at the Institute and
3 the ARC.

4 Q. And --

5 A. With the president.

6 Q. When you had got there in May of 2014,
7 I'm trying to get some idea of the status of the
8 ARC at the time. How many employees did the ARC
9 have roughly?

10 A. None. So the ARC has no employees.
11 All of the employees are Wright State University
12 employees supporting the ARC mission.

13 Q. And that's even so today?

14 A. Yes.

15 Q. Okay. So WSARC has no --

16 A. Employees.

17 Q. -- employees. Everyone is employed by
18 Wright State, and I assume --

19 A. We do the services for the corporation.

20 Q. Let me ask you it this way then. How
21 many people, Wright State employees were working
22 exclusively or solely on the ARC matters on the ARC
23 floor? I'm not asking for an exact number.

24 A. When I first got there, there were
25 three of us.

1 Q. Three?

2 A. Three.

3 Q. And I assume that you had looked at
4 when you came in, you know, what's going on, and
5 what's in the pipeline? What's being administered,
6 all that sort of thing?

7 A. (Witness nodding head.)

8 Q. And I'm assuming that you could see or
9 tell in the five years that that had been running
10 before you got there that there had been tremendous
11 growth?

12 A. Yes.

13 Q. And so my question to you when you
14 first came in the first few months, and you're
15 looking at everything, what is your assessment with
16 regard to what things are running through the ARC
17 versus what things are running through WSRI? Like
18 was there any rhyme or reason or did, I'm trying to
19 figure out --

20 A. It was running through WSRI and RSP
21 because that was where it started, and then they
22 migrated to the ARC after the ARC was created, and
23 today there is still a hybrid, but we're going to,
24 everything is running by the ARC in the future.

25 Q. Okay. So that's the current way where

1 things are being run by the ARC, and that's been
2 done so since when?

3 A. Soon after the ARC was created which I
4 believe is in March of 2011.

5 Q. And what is the status today, is
6 two-thirds of everything running through the ARC
7 and one-third --

8 A. That's approximately right. It's
9 probably 75/25.

10 Q. And I assume there's probably a lot of
11 factors as far as why this contract might be
12 through the ARC versus WSRI depending if it's
13 federal or not?

14 A. Depending if it's a grant or contract.

15 Q. Right. And who, obviously since you
16 became the head of the ARC in May of 2014, is it,
17 who would make decisions on whether something like
18 was technically run through the ARC or the Research
19 Institute?

20 A. It was made between Jason Parker and
21 myself.

22 Q. And I, again, I guess, that depending
23 on a whole host of factors that changed from
24 contract to contract?

25 A. Right.

1 Q. Did you, given your experience and
2 background beginning a board in the first of 2014,
3 I'm trying to ask you did you agree with or see the
4 benefit of having a WSRI and separately the ARC?

5 A. I didn't understand it working with it
6 previously, and it wasn't well explained when I
7 came in either. It's a way different organization
8 today than it was three years ago.

9 Q. And, I guess, in the beginning because
10 your question is probably like, well, why is this?

11 A. Right. Why no employees?

12 Q. Well, exactly. And who did you direct
13 your inquiries to?

14 A. Ryan Finley primarily, some to
15 Narayanan, but mostly to Ryan Finley. He was
16 coaching me to understand things.

17 Q. And in the beginning, basically what
18 was it that he told you upon your inquiry?

19 A. Basically just laid it out as everybody
20 was WSU employees doing the WSARC function, and
21 some of the contracts went through the University,
22 and some went through WSARC depending on whether it
23 was grants or contracts.

24 Q. And how did that work? Contracts went
25 through --

1 A. WSARC.

2 Q. Grants went through?

3 A. The University.

4 Q. Okay. And did Finley tell you why the
5 separate entity was created, what advantage it gave
6 to everyone in the purpose?

7 A. The biggest reason was to have
8 something that was more lean, more nimble to better
9 align with business and federal government, the
10 pace of business.

11 Q. I guess, you know, with regulatory and
12 otherwise, is it you haven't seen this now for a
13 few years, is it easier to do things through the
14 ARC versus the WSRI which is a state entity?

15 A. At least today they serve purposes as
16 they did back then, and it's probably about the
17 same through both as far as speed and process goes.

18 Q. Okay.

19 A. And compliance.

20 Q. So when you come in, I know through the
21 end of December or whatever, I'm just saying
22 January 1st, 2014?

23 A. December 1, 2013 is when it started.

24 Q. Okay. And did you start full-time?

25 A. Yes, I did.

1 Q. And where was your office at the time?

2 A. It was on the third floor.

3 Q. And which floor is that? I mean, is
4 that the ARC floor?

5 A. That was the ARC floor, ARC suite.

6 Q. And basically where was Finley's
7 office?

8 A. On campus.

9 Q. Where was all of, because I know in,
10 did your office change in May of 2014 when you
11 became head of the ARC?

12 A. No.

13 Q. In the course of when you started until
14 May of 2014 you became the head of the ARC, I'm
15 assuming that Finley basically at some point gave
16 you all of his stuff related to the ARC?

17 A. No.

18 Q. Okay. And what I mean by that is
19 either a physical file cabinet or --

20 A. No.

21 Q. Or here is my e-mail, here is all my
22 folders, here is all of the stuff in the computer
23 for you to look at?

24 A. No.

25 Q. How about a thumbdrive?

1 A. No.

2 Q. Okay. Did you ever in the course of,
3 not only Mr. Narayanan, but in the course of other
4 things ever ask Finley, this issue is here, where
5 is the stuff on that?

6 A. I asked him that a lot, and his
7 contract was one of those because we couldn't find
8 it.

9 Q. And yeah. In the beginning I was going
10 to ask you, no one could even find one?

11 A. Right.

12 Q. And with all of the things, do you
13 know, because I know you asked him a million times
14 way back when, did he keep stuff physically or
15 electronically somehow or you're not sure what he
16 did?

17 MR. MATTES: If you know.

18 THE WITNESS: I'm not sure. He
19 had some physical files, and he had some electronic
20 files, but I'm not sure how he did it.

21 BY MR. IGNOZZI:

22 Q. Because it sounds to me like you made a
23 number of inquires on a number of issues?

24 A. Yes.

25 Q. And some you got answers and some you

1 didn't?

2 A. That's correct.

3 Q. With respect to Mr. Wine and his, the
4 ongoing consulting services for all the years
5 before you got there, did Finley have a physical
6 file that you know of?

7 A. Not to my knowledge.

8 Q. Did he have a computer file or an
9 e-mail folder or some other format?

10 A. Not to my knowledge, no.

11 Q. You asked?

12 A. I asked multiple times.

13 Q. And --

14 A. I asked for his contract multiple times
15 but did not get it.

16 Q. And he might have had it but whatever,
17 he couldn't find it, and he couldn't give it to
18 you?

19 A. That's correct or didn't.

20 Q. Well, one or the other?

21 A. Right.

22 Q. I assume because right from the
23 beginning you began attending these monthly
24 strategic meetings?

25 A. Right. Uh-huh.

1 MR. MATTES: Say yes or no.

2 THE WITNESS: Yes.

3 MR. MATTES: Thank you.

4 THE WITNESS: Thank you.

5 BY MR. IGNOZZI:

6 Q. Did you ever talk to Narayanan or
7 President Hopkins about Mr. Wine's compensation?

8 A. No. It was mostly with Ryan just
9 trying to figure out what to budget for him for the
10 year, but no.

11 Q. Now, as part of what Ryan did, well,
12 before you got there, as I assume you do this now,
13 too, but basically you do the budget, and you
14 figure out what's coming in, and what's going out,
15 and how we're going to do this, right?

16 A. That's correct.

17 Q. What is the budget, is it just a
18 calendar year?

19 A. Budget is the, at that time it was the
20 calendar year, and now it's the state fiscal year
21 which is July 1 through the 3rd of June.

22 Q. Okay. When did that change?

23 A. In 2014.

24 Q. Did you change that?

25 A. I did.

1 Q. Why?

2 A. To align with the University budget
3 process.

4 Q. Because that's their budget process?

5 A. Right.

6 Q. So I'm guessing, I don't know how this
7 works, but I'm guessing that your first six months
8 there you created the budget, and that's who you
9 were referencing for the calendar year July 1, 2014
10 through the next year?

11 A. That's correct.

12 Q. With respect to the budgeting, did you
13 do the budgeting for both the ARC and the Research
14 Institute which I know is a department of Wright
15 State?

16 A. I did exclusively for the ARC and had
17 input on the Institute, and Jason had
18 responsibility for the Institute.

19 Q. And I don't know what, like, calendar
20 starts July of 1, when did you have to have all
21 your stuff in for the budget, a month before that?

22 A. A month before that.

23 Q. And so for, I'm assuming that you
24 worked with Finley on a lot of stuff because you
25 were there for six months?

1 A. Right.

2 Q. And you were getting a handle on
3 everything?

4 A. Right.

5 Q. And at that point on June 1, 2014
6 you're saying you did the best you could, but you
7 didn't have everything because you didn't
8 officially have everything you wanted including Mr.
9 Wine?

10 A. That's correct.

11 Q. And Mr. Wine was a big part of
12 everything that was being done both at the Research
13 Institute and the ARC?

14 A. Mostly the Institute. We worked
15 together on the ARC and supporting the University
16 and strategic planning, but it was mostly support
17 for the Institute, not much of the business
18 function was done through the ARC.

19 Q. Okay.

20 A. For the ARC, excuse me.

21 Q. And you're talking about Mr. Wine?

22 A. That's correct.

23 Q. So as far as the budget for the ARC
24 which you, as I understand it, did on June 1, 2014,
25 when did you put in there for Wine Consulting

1 Group?

2 A. There was \$1 million slated for the
3 year.

4 Q. And I'm assuming, and I don't know
5 this, but I'm assuming you got that figure from
6 what had been done in the past and Mr. Finley?

7 A. From Mr. Finley, actually.

8 Q. And did, I assuming, you seem to be
9 inquisitive, I'm assuming you said, okay, how does
10 that break down?

11 A. I did. And basically it was going into
12 a new budget fiscal year and planning. There's a
13 lot of work that needed to be done, and the intent
14 was to use Ron's firm to help garner budgets for
15 the future and opportunities. The details of the
16 \$1 million, though, was not specific because he was
17 doing things for the president and Narayanan that
18 were outside our purview even though we had the
19 contracts.

20 Q. Right. He was doing a lot more work
21 than besides for the ARC?

22 A. Right.

23 Q. Your understanding was that pretty much
24 was always the case? Yes? No?

25 A. I'm not totally sure.

1 Q. Okay. So it sounds to me like there
2 was a good year period of time or so where maybe
3 among other things, but with respect to Wine
4 Consulting and their contract, you were making
5 inquiries and not really getting that, is that --

6 MR. MATTES: Getting what?

7 MR. IGNOZZI: Getting the contract
8 or details.

9 THE WITNESS: That's correct,
10 details of the contract and the renewal of his
11 contract.

12 BY MR. IGNOZZI:

13 Q. And did you assume that it was a yearly
14 thing?

15 A. I did.

16 Q. Okay. So you and I was --

17 A. But it was an assumption.

18 Q. Right. You just assumed that?

19 A. That's correct. That's right.

20 Q. Because you weren't familiar with what
21 had been going on for years?

22 A. That's correct.

23 Q. And in terms of your inquiries over
24 that year or so, whatever it was because I
25 understand it you were sending e-mails to Finley,

1 hey, where is this contract? And his respond was,
2 I'll look for it or something like that?

3 A. Or have somebody look for it.

4 Q. And it never transpired?

5 A. Right.

6 Q. Was it, in all of your inquiries, were
7 they all directed to Finley or did you after
8 getting frustrated move on to somebody else?

9 A. I had also talked to our CFO, and he
10 couldn't find it either as well as the president of
11 the ARC. They couldn't find it. Our only source
12 was Ryan.

13 Q. And did that issue, the issue meaning
14 the consulting contract with Wine, did it come up
15 in any of these monthly meetings where, you know --

16 A. With the president, no. They worked
17 solely with Ryan Finley.

18 Q. Have you ever seen documents either on
19 a computer or in paper anyway --

20 A. Uh-huh.

21 Q. -- that were generated by Mr. Finley
22 about exactly numbers that came in the previous six
23 months that were used in connection with the
24 consulting agreement?

25 A. There was one meeting when I first got

1 there that Ryan, Ron, and I sat down, we looked at
2 the budget for the year, talked about the budget.
3 Ryan had a sheet that he used, but Ryan kept that
4 material.

5 Q. That's what I was going to ask you. So
6 how many times did you see one of these, did you
7 see that sheet?

8 A. Just once.

9 Q. You personally saw it once?

10 A. That's right.

11 Q. And he had the, basically it was a
12 sheet --

13 A. Yes.

14 Q. -- and it had a bunch of stuff on it?

15 A. It was. But it had budget and schedule
16 and contract and so forth, yeah.

17 Q. And he didn't e-mail that to you or
18 give you a copy?

19 A. No.

20 Q. That's just something that he said,
21 this is what we're doing and then --

22 A. So I kept going back to him. What's
23 the budget for him for this year?

24 Q. And then you never saw that sheet
25 again?

1 A. No.

2 Q. Do you know if he kept it or what he
3 did with it?

4 A. I have no idea.

5 Q. Okay. Was it like a typed sheet or
6 handwritten sheet?

7 A. It was a typed sheet.

8 Q. And this would have been roughly,
9 what --

10 A. February or March of 2014 when he was
11 still the CEO.

12 Q. Okay. So then I guess after the budget
13 is submitted and all that, June 1st over the next
14 year at some point after, I guess trying to get the
15 contract from Finley which never transpired, was
16 it, that you decided, hey, we need to draw
17 something up here?

18 A. We were redoing all the contracts at
19 the ARC for everybody and everything, and Ron's was
20 one of those, and what we were in the process of
21 doing was writing a whole new set of consulting
22 contracts for everybody to have common contracts,
23 and Ron was a part of that process.

24 Q. And this was roughly in the spring
25 of --

1 A. 2015.

2 Q. Okay. Because I'm assuming that the
3 availability and/or the contracts, in your opinion,
4 needed to be the same?

5 A. Yes.

6 Q. Now, at this point in the spring of
7 2015, what is Finley's involvement with the ARC?

8 A. He was on the board. He was the board
9 of directors. He was also under a consulting
10 contract to us to help me learn the University and
11 the history of the ARC.

12 Q. And basically how long did that go?

13 A. It was terminated when he left the
14 University which was May, I believe, of 2015,
15 approximately.

16 Q. '15?

17 A. '15. We ended up paying him through
18 the end of that year because of a contracting
19 glitch, but it was May of 2015 when he was put on,
20 when he was terminated.

21 Q. Got you. So then, yeah, at this point
22 in time, late spring of 2015 you were redoing all
23 the contracts at the same time, you're doing the
24 budget for the next year?

25 A. Right.

1 Q. And now here we are in May of 2015,
2 we're way far ahead in terms of knowing what's
3 going on than the year before?

4 A. Better.

5 Q. And in that year of 2015, were you also
6 still taking a role and taking part in the budget
7 for the WSRI as well?

8 A. Yes.

9 Q. And so for June 1, 2015 what was put in
10 the budget regarding the Wine Consulting Group?

11 A. Given that we had to change our rate
12 structure, it was \$450,000 per the budget for him,
13 and that number may be off a little, but it's
14 approximately 450.

15 Q. Okay. And if I'm doing the math on,
16 it's dated May, was signed later but May of 2015
17 contract which you were a part of in terms
18 of getting it generated?

19 A. Yes.

20 Q. And this is, you're saying basically
21 consistent with a lot of the other contracts that
22 you were getting up-to-date?

23 A. Yes.

24 Q. And I'm assuming you created little
25 folders in your e-mail or computer to track those?

1 A. Yes.

2 Q. So they are locatable?

3 A. Yes.

4 Q. If needed?

5 A. Yes.

6 Q. And as I recall looking at it, there
7 was basically, it was 480 hours a month, I think it
8 was?

9 A. It was in three labor categories.

10 Q. Right. With three labor categories of
11 different rates of 175 and 250?

12 A. I don't totally recall the numbers,
13 but --

14 Q. Well, in any event, if I did the math
15 on that at 160 times each rate category, I came up
16 with 84,000.

17 A. Uh-huh.

18 Q. And if I multiplied that by 12, I get
19 something over a million.

20 A. Uh-huh.

21 Q. And that's what I'm trying to ask you,
22 are you going, because you mentioned you had 450 in
23 there?

24 A. That's correct.

25 Q. And why was that if --

1 A. That's all we had in the budget.

2 That's all we --

3 Q. That's all you budgeted?

4 A. That's all we had. That's all we could
5 afford.

6 Q. Okay. Did you ever become aware that
7 basically Mr. Wine only got paid money when it came
8 in as far as the source of the money?

9 A. No. I thought he was, we were paying
10 for hours.

11 Q. You thought you were paying him for
12 services like any other vendor?

13 A. Yes. And as he said on his video to
14 the television station, that's what he was saying,
15 too.

16 Q. And you had no idea since this started
17 out in the consulting agreement in 2009 that he
18 only got paid when money came in?

19 A. No.

20 Q. And you had no idea that Finley every
21 six months told him what money came in?

22 A. No.

23 Q. And changed the billing structure
24 accordingly?

25 A. No. I thought I was paying for hourly

1 because he worked so many hours, the hours didn't
2 look odd.

3 Q. Well, yeah. And not to mention, well,
4 I don't know if you know this, but he worked tons
5 of hours that he never billed for?

6 A. That I don't know.

7 Q. The details of, but it wouldn't
8 surprise you?

9 A. Right.

10 Q. Now, speaking of that dated May 2015
11 contract, as you understand it, that went through
12 June 30, 2019?

13 A. I don't recall the exact date, but it's
14 approximately correct.

15 Q. Okay. Which would be, I guess, would
16 be about four years and a month?

17 A. Right.

18 Q. Was there any, well, first of all, was
19 there any discussion at all with Mr. Wine as far as
20 the contract or its language?

21 A. There was a lot of discussion from the
22 beginning of the initial formulation to what we
23 ended up with.

24 Q. Oh, sure. And the official
25 formulations had exhibits attached to it?

1 A. Yes, it did.

2 Q. And it had compensation, and if you
3 added it up, it came out to 5 percent of the
4 revenue that came in?

5 A. That's not what it was set up for.

6 Q. Oh, no. I mean before the version, the
7 final version?

8 A. The final version was set up like all
9 the other contracts. Dr. Narayanan wanted to do a
10 bonus-based contract for the individuals as well as
11 the consultants, so we started out that way with
12 everybody including the staff, but after legal
13 review, the legal review said we could not do that
14 for consultants, so all of the consultants had the
15 same contract.

16 Q. I've got you. And that's why some of
17 the exhibits were removed from that before it was
18 presented to everybody?

19 A. That's correct.

20 Q. Well, in any event, after May of 2015
21 and that contract, by the way, that was with the
22 ARC?

23 A. That was with the ARC. That's correct.

24 Q. Okay. And even after May of 2015,
25 Mr. Wine did, well, you know, he did lots of work

1 for WSRI as well as the president?

2 A. Right.

3 Q. Was there any, and I understand you had
4 some role, I'm not sure about exactly the extent
5 and nature of the WSRI budget, but you had some
6 role in that, but my question is are you aware of
7 the budget in the Wright State if there was any
8 line item for the work that Wine Consulting Group
9 was doing?

10 A. No, not to my knowledge.

11 Q. Okay. Are you aware that over the
12 years that the compensation for Mr. Wine has been
13 switched from various purchase orders from WSRI to
14 the ARC?

15 A. I am familiar with their work purchase
16 orders, and there was an ARC contract, but I don't
17 know the details of why it was set up and how it
18 was set.

19 Q. And I guess that was going to be my
20 question, because I know you came in in January or
21 December of 2013, but do you know who it was that
22 kind of made that decision as far as whether or not
23 to pay him through the ARC or through the Wright
24 State or --

25 A. I don't know.

1 MR. MATTES: When you get to a
2 convenient point --

3 MR. IGNOZZI: Sure. Actually,
4 it's a good point to take a break.

5 MR. MATTES: Okay.

6 (WHEREUPON, a recess was taken.)

7 BY MR. IGNOZZI:

8 Q. I think I left off somewhere where you
9 agreed that it sounded correct that the May 2015
10 contract that was signed and effective May of 2015
11 was for approximately four years through 2019?

12 A. That's correct.

13 Q. And I think it was through June 30th
14 which actually that's consistent --

15 A. With the fiscal year.

16 Q. Right. Now, at some point in time
17 either then or some other time did you make any
18 effort to, with respect to Wine Consulting and all
19 the work that they did for the ARC and the Research
20 Institute and the president to try and peg all the
21 costs or the compensation to those other entities?

22 A. I tried unsuccessfully.

23 Q. And to, you mean in terms of your,
24 because I understand you were trying to, you had
25 these two entities, and you came in. You're

1 dealing with them both, and you're trying to make
2 sure this is a ship, and this is a ship, and they
3 run --

4 A. Together.

5 Q. Right. But apart?

6 A. Right.

7 Q. Because that wasn't the way it was?

8 A. Right.

9 Q. And so with, let me ask you this, I
10 assume that WSRI had like its own separate budget
11 within Wright State?

12 A. WSRI had its own budget within Wright
13 State, but it was combined work in collaboration
14 with the WSARC budget because the two supported
15 each other.

16 Q. Right. So in terms of your efforts,
17 but there was a point in time where you were
18 feeling that, well, with Wine Consulting Group and
19 all the work that was done, some of it should be
20 paid by WSRI because they were doing work for them?

21 A. Right.

22 Q. And you thought that the University
23 should be paying for some of it, you didn't know
24 the details of everything, but you knew he was
25 doing a lot of work for the president?

1 A. Right.

2 Q. And I guess my question is what efforts
3 did you make to see if you could get that done?

4 A. I talked to the president and said,
5 I've only got 450 K budgeted for Ron for this next
6 fiscal year and all the budget for WSRI and WSARC.
7 And he said he didn't have any additional resources
8 either, and that's when all the H-1B visa stuff was
9 going on and started and Ryan and Narayanan were
10 gone, and there was nobody to fall back to see
11 where the money would come back from.

12 Q. In the timing that all came about, was
13 that in February of 2015?

14 A. It started in February of 2015, and
15 they left the University in May of 2015.

16 Q. Okay. So that's when it all came to a
17 head?

18 A. Right.

19 Q. And with respect to, well, in your
20 discussion with President Hopkins, I assume you
21 talked about the compensation agreement that Wine
22 Consulting had established for many years. Did he
23 tell you about this 5 percent work share?

24 A. No.

25 Q. He did not?

1 A. No.

2 Q. But nevertheless, you knew you had
3 budgeted --

4 A. Four-hundred-fifty for him.

5 Q. Budgeted 450, and the contract came out
6 to whatever the numbers came out to. It came to
7 over 1 million?

8 A. There were labor hours, labor
9 categories, and there were maxes.

10 Q. Right. And I could do the math now,
11 but it comes out to over 1 million?

12 A. We didn't calculate that, to be honest
13 with you.

14 Q. Okay. But anyway, that was part of the
15 reason why you were talking to President Hopkins to
16 see if you could get some of Ron Wine's work paid
17 out of some other budget because you knew he had
18 been doing work for the president and also the
19 Research Institute?

20 A. Ron had told me that he expected more
21 for the year, and I did go to the president and
22 asked him if there were other resources because all
23 I had was 450. President Hopkins said there were
24 no other resources.

25 Q. And in the course, and I'm sure the

1 spring of 2015 that it was somewhat of a tumultuous
2 time with everything going on?

3 A. Right.

4 Q. Not necessarily Mr. Wine but everything
5 in general, but apparently between Narayanan,
6 Finley, and President Hopkins, are you telling me
7 that nobody ever told you that, he never got paid
8 until the money came in? That's where it came
9 from, and it was six months later that he found out
10 when, I mean, what money came in?

11 A. No. I thought it was paid for hours
12 for what he was working, and he was working lots of
13 hours. I thought that's what we were paying for,
14 and I knew he was providing a lot of hours for
15 them, too, so when the hours spiked, it didn't
16 surprise me.

17 Q. So, as I understand it, basically the
18 way all these contracts work, they are all
19 different, the grants with the contracts?

20 A. Yes.

21 Q. And as I understand it, some of them
22 might be a year, some of them might be four or five
23 or ten, but they are varying terms?

24 A. Yes.

25 Q. And obviously you don't know if the

1 whole term is going to be completed until it is?

2 A. Yeah.

3 Q. For funding of whoever is supporting
4 the grant or the contract and lots of other
5 reasons?

6 A. That's correct.

7 Q. Now, as I understand it, I think Finley
8 left, and I think it was August of 2015, does that
9 sound right?

10 MR. MATTES: Objection. I believe
11 it was asked and answered. You can answer.

12 BY MR. IGNOZZI:

13 Q. You told me before you thought it was
14 May?

15 A. He was put on vacation May of 2015 with
16 Narayanan, but I don't know exactly the termination
17 date.

18 Q. Okay. Sometime in 2015?

19 A. Yes.

20 Q. In connection with, well, probably both
21 the Research Institute and also the ARC, I'm
22 assuming there are spreadsheets or reports that are
23 generated periodically or whatever you asked for
24 that would say the revenue is coming in?

25 A. Yes.

1 Q. And also, of course, the items going
2 out?

3 A. Yes.

4 Q. And was that process something, I mean,
5 easy to do when you first got there in December of
6 2013?

7 A. No.

8 Q. Did you make changes associated with
9 those processes so that you could hit a button and,
10 you know, within a day you could get a report?

11 A. Yes.

12 Q. But you couldn't do that before?

13 A. No.

14 Q. So, I guess, I'm trying to ask you when
15 was it time-wise that your ability to generate the
16 timely report could happen after the changes that
17 you made?

18 A. We began the process in July of 2014,
19 and it evolved over the next August.

20 Q. So by summer of 2015, the process is in
21 place for, like, you as a manager to get reports in
22 a timely basis was up and running?

23 A. Yes.

24 Q. Now, before May of 2014 I think you
25 knew that somehow or another you probably didn't

1 have the vaguest idea how, but Finley came up with
2 numbers?

3 A. I don't know how.

4 Q. You know he did come up with numbers?

5 A. He came up with numbers, but I don't
6 know how.

7 Q. Right. And you couldn't figure out
8 exactly the process or the validity of the process
9 or anything that he used?

10 A. That is correct.

11 Q. Well, aside from the compensation issue
12 and everything, you're headed in May of 2014, and
13 things are going on over the next couple years.
14 Tell me how things were going with, well, with Wine
15 Consulting and their work with regards to
16 everything that they were doing with the ARC and
17 the Research Institute?

18 A. Ron Wine Consulting was very active,
19 engaged with state budgets, creating new
20 initiatives for the University, and working with
21 federal contract securities, very engaged.

22 Q. I think at that point in time when you
23 came onboard, you knew that he had some other
24 associates working also on the Wright State work?

25 A. I did, yes.

1 Q. And were you also aware or did you
2 become aware that over the course of the many years
3 that he had been doing more at Wright State that by
4 2015 Wright State had been his almost sole client
5 or primary client?

6 A. I wasn't aware totally of what his
7 client base was. I knew the amount of work they
8 were doing for us, but I wasn't aware of the rest
9 of his client base.

10 Q. For that first year that you did a
11 budget knowing what's going on which, I guess,
12 would be July 1 of 2015 to July 1 of 2016, does
13 that sound right?

14 A. Right.

15 Q. My question is in terms of the revenue,
16 obviously you assessed all the contracts and all
17 that kind of stuff and everything with respect to
18 the ARC, and my question to you is for that fiscal
19 calendar year, did the revenue come pretty close
20 with what was projected?

21 A. For 2015?

22 Q. July 1, '15 to July 1, '16?

23 MR. MATTES: June 3rd.

24 MR. IGNOZZI: I'm sorry.

25 THE WITNESS: It came in a bit

1 low.

2 BY MR. IGNOZZI:

3 Q. Lower than expected?

4 A. Lower than expected by about \$3
5 million.

6 Q. And what was the total budget
7 approximately?

8 A. At that point it was approximately \$20
9 million.

10 Q. And this is for the ARC?

11 A. This was for the ARC and the Institute
12 together.

13 Q. Both?

14 A. The ARC was approximately 9 million.

15 Q. And I'm just assuming 11 million for
16 the Institute?

17 A. Right.

18 Q. And when you say it came in 3 million
19 short, are you talking about combined both or one
20 or the other?

21 A. Combined both.

22 Q. And without getting into any detail,
23 was there some primary reason for that that one
24 contract that didn't go through?

25 A. Multiple contracts didn't come through,

1 proposals were submitted at one point.

2 Q. And then for July 1, 2016 to next week,
3 I assume you're pretty much up and running as far
4 as looking at the numbers that come out next week?

5 A. Yes, we are.

6 Q. And as far as what was the budget for
7 the July 1, '16 to next week?

8 A. It was 28 million.

9 Q. And, again, for both?

10 A. For both.

11 Q. And how did that break down between the
12 Research Institute and the ARC?

13 A. The ARC was 20 million of that, and the
14 rest was the Institute.

15 Q. And it sounds like in, it looks like
16 just based on numbers alone and probably work, but
17 on numbers alone it looks like, as you mentioned,
18 they were being more transitioned in the last year
19 or two more to the ARC than to Wright State?

20 A. That's correct.

21 Q. And I assume by your design or decision
22 making?

23 A. And the president's and the board of
24 trustees and --

25 Q. Okay. And I guess my next question is

1 are things on target to be close?

2 A. We're still short on overhead. And as
3 a result, I had to lay off seven more people in the
4 last six months.

5 Q. Getting back to these budgets and
6 these, we talked about you had a role in the WSRI
7 budget?

8 A. Right.

9 Q. In the last couple years?

10 A. Right.

11 Q. Exactly what role did you play in the
12 WSRI budget? Were you the one that had
13 responsibility for putting it forth or --

14 A. So in July of 2017, Jason was still the
15 director.

16 Q. You mean last year?

17 A. Yes. 2015.

18 Q. '15?

19 A. '15, I'm sorry. Jason was still the
20 director, so he controlled the WSRI budget. I took
21 over the Institute in December of 2015. As the
22 executive director, I took on Narayanan's role and
23 Jason's role. And at that point, I had total
24 control of all of the budget --

25 Q. I see.

1 A. -- in September of 2015.

2 Q. And, I guess, my question is at that
3 point or after that point, did you ever attempt to
4 put any line budget in the WSRI due to all the work
5 that Wine Consulting was doing for them?

6 A. No.

7 Q. I know you tried to do that with the
8 president. You told me about that, but why not try
9 to put some of the work that he was doing under the
10 unit?

11 A. He was under contract solely with the
12 ARC, and so the ARC was the company that was paying
13 his salary.

14 Q. And I know that there was obviously the
15 last couple years, you know, that there's an, I
16 don't know if dispute is still a good word, but an
17 issue regarding how much the ARC owed WSRI or the
18 unit or vice versa. I don't know if you know the
19 details about all that, but you were obviously
20 involved in all that?

21 A. Yes.

22 Q. And did that, those issues, did that
23 also, as part of those issues in the last couple
24 years include Wine Consulting?

25 A. Not that I recall.

1 Q. Okay. As far as your understanding,
2 Mr. Wine, at least that you know of, was not
3 directly provided with all the financials of the
4 ARC or WSRI?

5 A. Not to my knowledge.

6 Q. In the last couple years, you've had
7 discussions with Mr. Wine about a longstanding
8 agreement he had or what he was owed as far as
9 these compensations for all the work that he had
10 been doing, right?

11 A. We had discussions of Ron's
12 expectations at work, yes.

13 Q. Right. Well, not the expectations of
14 work but also the compensation that he felt he was
15 entitled?

16 A. Ron tried to portray that, but I did
17 not agree to it.

18 Q. Okay. Well, he told you that there was
19 a 5 percent work share or 5 percent whatever word
20 you want to use, right?

21 A. He told me he had an agreement with
22 Dr. Hopkins that he would get a 5 percent work
23 share as he said in the video. I told him that,
24 charged the hours that he works, do good work, and
25 you'll continue to be employed with the ARC.

1 Q. And when was this?

2 A. When I set the new contract up in May
3 of 2015.

4 Q. So it would be like roughly June of
5 2015, whenever --

6 A. May of 2015.

7 Q. Well, I know it wasn't assigned until
8 later. That's why I said that.

9 A. It was assigned in May.

10 Q. It was?

11 A. Yes.

12 Q. Did you talk with Dr. Hopkins about
13 that?

14 A. I did.

15 Q. Did he confirm that, in fact, since
16 2009 that he had been operating under a 5 percent
17 work share agreement?

18 A. He did not.

19 Q. He did not?

20 A. He did not. We didn't discuss it.

21 Q. You didn't discuss it --

22 A. With Dr. Hopkins, no. We talked about
23 his contract and should we continue it, and I got
24 his blessing that we should continue it, and we did
25 an hourly contract.

1 Q. Right. With no discussion about the 5
2 percent work share that the president agreed to?

3 A. No.

4 Q. That didn't come up at all?

5 A. No.

6 Q. Did you ask him? Because Ron told you
7 about that.

8 A. I asked Ryan, and Ryan said it's an
9 hourly contract, and that's what I assumed we were
10 doing was an hourly contract.

11 Q. So you're saying --

12 A. All through the process I thought it
13 was --

14 Q. So you're saying Ryan never told you
15 about the 5 percent work share?

16 A. Not any deal or arrangement, no.

17 Q. The word 5 percent didn't come up?

18 A. 5 percent work share did come up. As
19 Ron said in his video, too, there was a 5 percent
20 work share which is common in contracting, but
21 there's no guarantee of it.

22 Q. Right. Well, that's because you get a
23 contract, and it could fall to the face of the
24 Earth the next day?

25 A. That's right.

1 Q. And obviously nobody gets paid or no
2 one gets overhead or anything until the money comes
3 in?

4 A. That's correct.

5 Q. And I assume in the course of your
6 discussions with, well, the president or Ryan or
7 Ron at some point you realized that his billing and
8 everything was already six months behind?

9 A. I did not know that.

10 Q. The one meeting where you attended
11 where Ryan apparently had this sheet of paper, who
12 all was at that meeting?

13 A. Ron, Ryan, and myself.

14 Q. Just the three of you?

15 A. Just the three of us.

16 Q. And this was circa February of 2014?

17 A. Approximately February of 2014.

18 Q. And what was the topic of, what was the
19 purpose of the meeting?

20 A. Budget for the next year.

21 Q. Okay. And did Ron have some
22 involvement or work in various other matters of the
23 budget besides his work?

24 A. I don't know.

25 Q. You don't recall?

1 A. I don't know, no.

2 Q. Okay. Who came up, well, you said that
3 Ryan Finley had a sheet of paper. Did he use that
4 sheet of paper in connection with, you know, the
5 part of the budget, talk about Wine Consulting's
6 work?

7 A. For the company, yes.

8 Q. And I'm trying to ask you if you recall
9 what did he say? Did he go through and say, hey,
10 we made this much, this is what we're going to do,
11 I mean, what did he --

12 A. I was so new, I didn't understand the
13 way finances or things were done. I just sat there
14 and listened --

15 Q. I understand --

16 A. -- as they discussed what the budget
17 should be for next year for Ron.

18 Q. You were in observation mode?

19 A. I was in observation mode.

20 Q. Just a couple of questions here on what
21 we've already marked as Exhibit Number 1. And
22 that's the complaint in the Court of Claims. I'm
23 assuming at some point in time you've seen that?

24 A. Yes, I have.

25 Q. And did you have an opportunity to look

1 it over?

2 A. I have.

3 Q. And I just have a couple of questions
4 on the back. If you could, look at the last page.

5 A. Okay.

6 Q. And the last page basically lists some
7 but not all of the various contracts that Wine
8 Consulting had been involved in?

9 A. Uh-huh.

10 Q. And so I'm assuming if you look through
11 those names, you are familiar with all of the
12 names?

13 A. Yes. Except for the one with the Ball
14 Aerospace. I'm not familiar with it.

15 Q. Okay. And so my question to you is the
16 Remotely Piloted Aircraft RPA --

17 A. Yes.

18 Q. -- did, I'm just going to ask the
19 general question, first of all, does that run
20 through WSRI or ARC?

21 A. WSRI.

22 Q. And has that always been? Because I
23 don't know if there's been a change or not.

24 A. It's always been.

25 Q. And the neuroscience medical imaging,

1 is that WSRI or ARC?

2 A. That was WSRI, also.

3 Q. And the next one?

4 A. ARC.

5 Q. And the next one?

6 A. WSRI.

7 Q. And Live Virtual Constructive?

8 A. ARC.

9 Q. And Blosensing BAA?

10 A. Never won anything there.

11 Q. You did not win a contract?

12 A. Nope.

13 Q. And the HalfStar/Silversword?

14 A. That one, I don't recall.

15 Q. And Ball Aerospace?

16 A. I don't know about that.

17 Q. You're not even familiar with the name?

18 A. No.

19 Q. So I'm guessing given your familiarity

20 with everything in the last couple years, it

21 appears that that's not one of the contracts by

22 either?

23 A. There's multiple contracts with Ball

24 today, but this one in particular, I don't know

25 about.

1 Q. How about the next one down there,
2 Defense Aerospace?

3 A. Uh-huh. That one was through the ARC.

4 Q. And I'm going through each of these,
5 but what you're telling me where it was gone
6 through was the same throughout, nothing changed in
7 the middle?

8 A. That is correct. As we go through the
9 lists, I'll clarify that.

10 Q. If there's any changes, let me know.
11 DDC?

12 A. That was through the University.

13 Q. And FMJC?

14 A. Through the University.

15 Q. And Federal Research Network?

16 A. Through the ARC.

17 Q. FRN?

18 A. Through Ohio State.

19 Q. What about the subcontract, is that
20 through --

21 A. That's the ARC.

22 Q. Okay. And the Third Frontier?

23 A. University.

24 Q. And when you say University, that's
25 WSRI?

1 A. That's correct. Actually that's
2 totally the University.

3 Q. Versus the WSRI?

4 A. Right.

5 Q. Okay. And the next one?

6 A. That's the University, also.

7 Q. Again, versus the WSRI?

8 A. Right.

9 Q. And the next one?

10 A. University, also. But I don't know
11 what that is.

12 Q. Okay. And when you said the
13 University, I'm guessing that means it's not
14 technically run through the ARC or WSRI. So who or
15 what people run that?

16 A. They, the University, the contract shop
17 runs that. It's state capital money, so it runs a
18 different route. It has to go through a
19 public instrument.

20 Q. Got you. So for those ones that you
21 mentioned for the University, that's not you?

22 A. That's correct.

23 Q. Meaning not WSRI, that's not ARC?

24 A. We support it, but they manage it on
25 campus.

1 Q. And how is it that you support it?

2 A. For example, which one are you --

3 Q. Third Frontier.

4 A. Third Frontier, the way the agreement
5 is set up is depending on how much money runs
6 through. The first five contracts on the list here
7 at the top, the University gets reimbursed 15 cents
8 on the dollar depending on how much money is
9 expensed through those contracts. Okay. So we
10 provide all the data and the expenditures, and then
11 the University submits it to get reimbursed.

12 Q. Throughout all of these except for the
13 two that you said you didn't know, with that
14 exception, all of these, my question to you, did
15 all of these, I'll call them research contracts,
16 but did they all go through is my question up until
17 this point or did some of them fall off due to
18 funding or something?

19 A. Except for the bottom three.

20 MR. MATTES: Bottom three on one
21 federal or state?

22 THE WITNESS: The federal
23 contract. HalfStar went through, but I don't know
24 which organization it wasn't through, but that did
25 go through. The Live Virtual Writ, Analyst Test

1 Bed, NMI and RPA all did get awarded.

2 BY MR. IGNOZZI:

3 Q. And that's, I guess, my question is did
4 any of these not get awarded or not get fully
5 funded?

6 A. Writ did not get fully funded.

7 Q. Which one?

8 A. Writ. The Revolutionary Intel on the
9 federal side.

10 Q. Okay. Any others?

11 A. RPA has only been funded to 6.5
12 million. NMI was funded to the ceiling.

13 Q. I'm sorry, which one?

14 A. Neuroscience.

15 Q. Only got funded to?

16 A. Five million. Analyst Test Bed, 8
17 million. And until recently, Writ was only funded
18 160 K.

19 Q. Is the first one listed in the federal
20 contract the remote contract, RPA, is that research
21 project still going?

22 A. It is.

23 Q. And it's only been funded 6.5 at this
24 point?

25 A. That's correct.

1 Q. And I guess my question is the funding
2 going on target with the initial plan?

3 A. It depends on the federal sponsor. If
4 they get resources to fund the contract, we don't
5 do it.

6 Q. Okay. Do you believe that it will be
7 fully funded over time?

8 A. I don't know.

9 Q. The Defense Aerospace, that's run
10 through the ARC?

11 A. Fully funded.

12 Q. Is that still up and running?

13 A. No.

14 Q. That's done?

15 A. That's done.

16 Q. And the federal research network, is
17 that still going on?

18 A. Yes.

19 Q. Is that fully funded?

20 A. Yes.

21 Q. How many more years is that going
22 forward?

23 A. It ends 30 of June.

24 Q. Oh, next week?

25 A. Uh-huh.

1 Q. And FRN OSU subcontract through the
2 ARC?

3 A. Next week also.

4 Q. It's completely done next week?

5 A. Uh-huh.

6 Q. And the Analyst Test Bed, is that
7 completely done?

8 A. Yes.

9 Q. Looking a little bit further in Exhibit
10 Number 1, there's an Exhibit Number 1.

11 A. Okay.

12 Q. It's one page that looks like this
13 (indicating).

14 A. All right. One page.

15 Q. Right. You see it?

16 A. Yep.

17 Q. First of all, I'm assuming at some
18 point in time you've read that?

19 A. I have.

20 Q. And, by the way, too, at this point can
21 you tell me what documents or anything that you
22 have looked at or read in preparation for today?

23 A. None.

24 Q. Zero?

25 A. Zero. I take that back. I watched

1 this video for the Dayton Daily News and WHIO.

2 Q. Okay. Looking at the sheet of paper,
3 Exhibit 1, identified as Exhibit 1, in reading
4 this, do you know who authored this?

5 A. I have no idea.

6 Q. Okay. Do you know, well, did the sheet
7 of paper that Ryan Finley and the meeting that you
8 had, did it look similar to this?

9 A. No. It was a spreadsheet.

10 Q. It was a spreadsheet?

11 A. Uh-huh.

12 Q. As far as this document, when you came
13 in in January or December, January of 2014, did
14 this, did you have this available to you?

15 A. No.

16 Q. First time you saw it was when you got
17 this, meaning Exhibit 1?

18 A. Yes.

19 Q. Okay. One other question on contract,
20 shifting gears again, the HMT contract?

21 A. Yes.

22 Q. Is that still up and running?

23 A. Yes, it is.

24 Q. And what is the status of that?

25 A. It's active for another two years. I

1 don't know the exact dollar amount it's funded for
2 today, though.

3 Q. What was the total?

4 A. The total ceiling was 42 million, but I
5 don't know exact numbers as to what it's been
6 funded for today.

7 Q. Do you expect that HMT contract to be
8 fully funded?

9 A. I do.

10 Q. And was that a contract that was in
11 place and everything when you got there?

12 A. No.

13 Q. When was that, I'll call it, I'll use
14 the word secured as far as the proposal accepted
15 and everything?

16 A. The actual order was made, I believe,
17 in April or May of 2015.

18 Q. And did Mr. Wine have some involvement
19 with the opportunity to secure that contract?

20 A. No.

21 Q. Who did?

22 A. The technical staff and the project
23 manager.

24 Q. Who brought them the opportunity?

25 A. The technical staff.

1 Q. Do you have any names of the technical
2 staff who you say --

3 A. Keith Grimes.

4 Q. Okay. Is he the primary person?

5 A. He was, yes.

6 Q. Do you, are you aware of what, if any,
7 involvement Mr. Wine had in securing that contract?

8 A. Little to none.

9 Q. Did you make an inquiry?

10 A. They did not want Ron involved.

11 Q. Who?

12 A. Jason Parker and Keith Grimes.

13 Q. Okay. And did you make an inquiry
14 about what involvement Ron Wine had in getting that
15 opportunity to be --

16 A. I did. And there was no involvement.

17 Q. I understand they didn't want him
18 involved.

19 A. But there was no involvement.

20 Q. That's my question, did they tell
21 you --

22 A. Yes.

23 Q. -- that there was no involvement? You
24 have no personal knowledge as to whether Mr. Wine
25 was involved or not. That's what they told you?

1 A. That's correct.

2 Q. Now, do you know how long of a period
3 of time that, when you say April of 2015, roughly
4 that's when?

5 (Phone interruption.)

6 THE WITNESS: I apologize.

7 BY MR. IGNOZZI:

8 Q. In April of 2015 you're saying that is
9 when it was secured, it was accepted and all of
10 that?

11 A. That's correct.

12 Q. Do you think how long of a period of
13 time that that opportunity to bid on that contract
14 and everything, how long of a period of time that
15 took place?

16 A. It was a period of 12 to 15 months.

17 Q. Did you have any direct involvement
18 with securing that?

19 A. No.

20 Q. Who did Keith Grimes work for?

21 A. Jason Parker.

22 Q. And did he work for the Research
23 Institute or the ARC or both?

24 A. The Institute.

25 Q. And is that being administered through

1 WSRI?

2 A. The ARC.

3 Q. ARC. Do you have, now do you have
4 employees that work for both WSRI and the ARC?

5 A. We are all WSU employees. Our home
6 division is WSRI. The functions of the ARC are
7 done by those WSRI, WSU employees.

8 MR. MATTES: Can you read back
9 that answer please? I'm sorry.

10 (WHEREUPON, the requested portion
11 of the record was read.)

12 BY MR. IGNOZZI:

13 Q. I guess your official title right now
14 is official director of WSRI?

15 A. That's correct.

16 Q. And is that the --

17 A. And CEO of the WSARC.

18 Q. As far as your Executive Director of
19 WSRI, is that the head of WSRI?

20 A. Yes.

21 Q. Because I know there's sometimes name
22 games of what they call and what people expect of
23 the industry and that kind of thing?

24 A. No.

25 Q. But how long, and you told me once, I'm

1 sorry. I apologize. How long have you been the
2 head of WSRI?

3 A. I took over in September of 2015.

4 Q. Thank you. So basically as of
5 September 2015 you were head of both WSRI and the
6 ARC?

7 A. Yes.

8 Q. And that's still the case?

9 A. Yes.

10 Q. And head of the ARC, I assume that
11 technically you report to the ARC board?

12 A. That's correct.

13 Q. And as head of WSRI, I'm assuming that
14 you technically report to the WSU board?

15 A. No. I report to the vice president of
16 research, Dr. Fyffe.

17 Q. Okay. Now, as I understand it, there
18 came a time when Wine Consulting Group, their
19 seven-year relationship was suspended?

20 A. Yes.

21 Q. And was that your decision?

22 A. It was my decision, and it was our
23 board's decision and legal counsel.

24 Q. Legal counsel for Wright State?

25 A. The ARC.

1 Q. The ARC. Does the ARC have separate
2 legal counsel?

3 A. Yes, we do.

4 Q. Separate from Wright State?

5 A. Yes.

6 Q. And did that suspension, am I correct
7 that was in January of 2016?

8 A. December of 2015.

9 Q. I'm sorry. December of 2015?

10 A. That's correct.

11 Q. And the basis for that was an issue
12 that came up about whether or not Wine or his group
13 was a lobbyist?

14 A. That is correct.

15 Q. And how was that brought, that issue,
16 how was that brought up by anyone?

17 A. It was brought up through the media but
18 also through general counsel of the University.

19 Q. Of Wright State?

20 A. Of Wright State.

21 Q. And specifically even in the new
22 contracts that you generated for everybody in the
23 spring of 2015, that's one thing that was
24 addressed?

25 A. Yes, it was.

1 MR. MATTES: One thing being --

2 MR. IGNOZZI: One thing being the
3 lobbyist issue.

4 MR. MATTES: Thank you.

5 BY MR. IGNOZZI:

6 Q. Am I understanding things correctly
7 that this issue of lobbyist issue, and I assume
8 you're familiar with what a lobbyist is?

9 A. Yes.

10 Q. And how you have to register and all
11 that, there's regulations and all that sort of
12 stuff?

13 A. Yes.

14 Q. With respect to being a lobbyist, did
15 you ever believe that he was a lobbyist for the
16 ARC?

17 A. I don't know. He worked with
18 legislators. There's a defined definition of
19 lobbyist, and I really can't make a judgment on
20 that.

21 Q. Okay. Well, are you aware of any
22 lobbyist activities he conducted on behalf of the
23 ARC?

24 A. He had meetings with legislators.

25 Q. Do you know if that was, that's what

1 I'm trying to ask you, do you know if that was on
2 behalf of the ARC or on behalf of Wright State or
3 WSRI?

4 A. It was both.

5 Q. But in any event, at that point in
6 December of 2015, did you have any reason to
7 believe that he should have been registered as a
8 lobbyist having detailed information about?

9 A. The contract as written didn't allow
10 him to do that, and that was his decision whether
11 to be a lobbyist or not.

12 Q. Okay.

13 A. He chose not to.

14 Q. And you know that they did an
15 investigation, they determined that he was not a
16 lobbyist?

17 A. Yes.

18 Q. And I believe that came out in February
19 of 2016. Were you aware when that report came out?

20 A. Yes, I was.

21 Q. Were you aware that Mr. Wine fully
22 cooperated with them and gave them all the
23 information that they requested?

24 A. To the best of my knowledge, yes.

25 Q. In February of 2016 after it was

1 determined that he was not a lobbyist, did you
2 resume his contract?

3 A. We did not.

4 Q. Why not?

5 A. At the same time or similar time, the
6 Ohio Inspector General started an investigation
7 into his contract.

8 Q. And that was roughly December '15,
9 January of '16?

10 A. Right.

11 Q. Do you know why they started an
12 investigation?

13 A. It had to do with a billing and
14 invoicing.

15 Q. Who told you that?

16 A. I've heard that through --

17 Q. Through who?

18 A. Through the grapevine.

19 Q. Okay. You were never told that
20 directly?

21 A. No.

22 Q. Okay. Were you aware that during this
23 whole investigation started in 2015 that it was
24 investigating Wright State?

25 A. No. I was not aware of that.

1 Q. And their contracts and whether they
2 applied with state laws?

3 A. I was not.

4 Q. Were you ever told that, in fact, that
5 the Inspector General were not targeting or
6 investigating Ron Wine at all. They were asking
7 him for information about whether or not Wright
8 State followed regulatory and state guidelines on
9 contracts?

10 A. No.

11 Q. Have you ever talked to the Inspector
12 General's office?

13 A. No.

14 Q. Have you ever given the sworn statement
15 or an affidavit to them?

16 A. No.

17 Q. Do you believe, well, first of all, I
18 guess I should ask you, I assume that you're
19 familiar with WSRI and Wright State's regulatory
20 framework upon which vendor contracts can be done?

21 A. Right.

22 Q. And I've seen something where if a
23 contract is between 250 and 500, the board has to
24 be notified in some fashion?

25 A. That's correct.

1 Q. What fashion is that?

2 A. WSU has a policy, and the ARC has a
3 policy.

4 Q. I was going to ask you about that, too.
5 But if you want to just tell me, that's fine.

6 A. Basically certain dollar thresholds,
7 there are signing limits, and those signing limits
8 establish who can sign.

9 BY MR. IGNOZZI:

10 Q. You have to have a second or third
11 person or whatever it is?

12 A. Or board approval.

13 Q. And, as I understand it, with Wright
14 State, WSRI, you correct me if I'm wrong, but
15 between 250 and 500, that's one threshold that
16 requires extra signatures or notifying someone
17 else?

18 A. I don't remember the exact dollar
19 amount.

20 Q. You are --

21 A. There are thresholds like that.

22 Q. And I think, and you tell me if you
23 remember this or not, but there's a threshold if
24 it's 500 or more, then that requires board
25 approval?

1 A. To the best of my knowledge, yes.

2 Q. And the numbers that, you know, they
3 are whatever they are, but my question is the
4 numbers that, would you interpret that to mean
5 annual, like, fiscal annual year?

6 A. Total value of the contract.

7 Q. Oh, even if it's over multiple years?

8 A. Yes.

9 Q. So, in other words, if you had a
10 contract for 200,000 a year for four years, that
11 would add up to 800 in four years?

12 A. That's correct.

13 Q. You believe under the Wright State WSRI
14 guidelines that would require board approval?

15 A. Yes.

16 Q. And if it's, if the numbers are
17 correct, that's 250 to 500 total contract that it
18 requires, I'm not sure I understood what you meant
19 by another signature. What do you mean by that?

20 A. There's dollar thresholds when the CEO
21 can sign. There's dollar thresholds that requires
22 CEO and executive committee, and there's dollar
23 thresholds that requires CO, executive committee,
24 and the board signature. I don't recall the exact
25 threshold.

1 Q. But WSU, WSRI had a set-forth policy
2 with all that stuff?

3 A. Yes.

4 Q. And so my question then is with the
5 ARC, did they, do they now have a similar policy?

6 A. Yes, we do.

7 Q. And did they have a similar policy in
8 2014?

9 A. No.

10 Q. Are you the person responsible for
11 making the policy similar?

12 A. Yes.

13 Q. And when did that take place?

14 A. Sometime in the 2000, I'll back up. It
15 was put in place in September of 2015.

16 Q. And I'm just assuming you did that so
17 that the two entities are consistent?

18 A. Yes.

19 Q. Given even when you became, in 2014
20 when you became head of the ARC and given the
21 budget for Wine Consulting and all the work they
22 did for all the entities, was there any ever, was
23 there any ever, that's a bad question, a bad word.
24 Was there ever any reporting to executive committee
25 to the board of the ARC or Wright State or anybody?

1 MR. MATTES: Objection, form. You
2 may answer.

3 THE WITNESS: I'm not sure what
4 you're asking.

5 BY MR. IGNOZZI:

6 Q. We know that in the first year that it
7 was budgeted approximately \$1 million. You told me
8 that?

9 A. Right.

10 Q. Well, that's in excess of 250, whatever
11 the numbers are, right?

12 A. Yes.

13 Q. And it's obviously in excess of 500 as
14 well?

15 A. Right.

16 Q. And today on both entities Wright State
17 WSRI and/or ARC, that would require board approval?

18 A. That's correct.

19 Q. And it's just one year in a multiple
20 year thing, that's one year?

21 A. Right.

22 Q. My question to you is in 2014 or in
23 2015 on behalf of either WSRI or the ARC, did you
24 seek board approval from either entity?

25 A. No.

1 Q. Did that issue come up about whether or
2 not board approval should have been sought?

3 A. When I took over the Institute in
4 September of 2015, that was one of the topics of
5 discussion.

6 Q. And that was a topic of discussion with
7 respect to the WSU board?

8 A. No. It was WSARC board.

9 Q. And is the board the same as back then?

10 A. Same when?

11 Q. Is the people the same on the board
12 since September of 2015?

13 A. So is the board today or --

14 Q. Yes. I'm sorry.

15 A. The board is different today than it
16 was in September of 2015.

17 Q. Okay. In September of 2015 who was on
18 the ARC board?

19 A. President Hopkins, Dr. Narayanan, Ryan
20 Finley, Terry Graypock, Tim Hall, Jeff Hoagland,
21 Eleanor Ford, and Ellen Freeze, and myself.

22 Q. And so in September of 2015 this issue
23 was brought up, I'm assuming, in a board meeting?

24 A. Ron Wine's contract was not brought up
25 at that meeting.

1 Q. No. What I meant was because we had
2 talked about the issue about his contract being
3 with the board approval and, I guess, the
4 circumstances under which any contract would be
5 brought up to the board for approval. That's the
6 issue that was discussed.

7 A. I'm not sure what you're asking.

8 Q. Okay. Well, what were you telling me a
9 few minutes ago in September of 2015, the --

10 A. September of 2015 we put a signing
11 limit policy in place very similar to the
12 University.

13 Q. Okay. But no specific reference to
14 Mr. Wine's Consulting Group?

15 A. No.

16 Q. Do you know of any sworn statements or
17 any kind of verbal statements that anybody in the
18 Wright State entities provided to the Inspector
19 General?

20 A. I don't know.

21 Q. In terms of, and what is it, these, are
22 they bylaws or are they guidelines as far as what
23 was implemented in September of 2015 with respect
24 to board approval on vendor contracts, what was it?

25 A. We did two things. We have to take the

1 bylaws, and we approve signing limits.

2 Q. And that's been in place since?

3 A. Yes.

4 Q. And without going through them or
5 anything, they are identical or very similar to
6 Wright State?

7 A. Very similar.

8 Q. And is the purpose of doing that to
9 comply with state or federal regulations or laws or
10 simply just to be consistent with WSU because of
11 the entry involvement of both entities?

12 MR. MATTES: Objection, form. You
13 may answer.

14 THE WITNESS: It was done to
15 comply with University policies and procedures.

16 BY MR. IGNOZZI:

17 Q. And to be consistent?

18 A. Right.

19 MR. IGNOZZI: Can we take a quick
20 break?

21 MR. MATTES: Sure.

22 (WHEREUPON, a recess was taken.)

23 BY MR. IGNOZZI:

24 Q. Dennis, just a few more questions.

25 A. Okay.

1 Q. I'm going to jump around a little bit,
2 but September 2015, you told me who was on the ARC
3 board?

4 A. Yes.

5 Q. And I ended up with nine, does that
6 sound about right?

7 A. Sounds about right.

8 Q. And it looks to be like between the
9 president and the provost and that, six out of the
10 nine were all Wright State employees?

11 A. Yes.

12 Q. And three were industry people?

13 A. Yes.

14 Q. The board has a different makeup today?

15 A. Yes, it does.

16 Q. Is it more of an independent non-Wright
17 State employee board today?

18 A. Yes, it is.

19 Q. When did that take place? Was that an
20 all at once kind of thing?

21 A. We reelected the new board members and
22 signed the new board members in December of 2015.

23 Q. So there was a new set of board members
24 as of December 2015?

25 A. That's correct.

1 Q. Any of the same ones besides you? I
2 don't know if you're on it now or not.

3 A. I'm still on it. Ellen Freeze is still
4 on it, and Tim Hall, Jeff Hoagland, and Eleanor
5 Ford are still on it.

6 Q. So it looks like as of December of 2015
7 most of the Wright State employees were taken off?

8 A. That's correct.

9 Q. Was that done by design?

10 A. Yes.

11 Q. So you would have a more independent
12 board?

13 A. Yes.

14 Q. With respect to the, I believe it was
15 January of 2016, you had sent a letter basically
16 suspending Wine's contract and all of his work due
17 to the Inspector General's investigation?

18 A. Yes.

19 Q. Did I get the date right, January --

20 A. January of 2016.

21 Q. And my question to you is who made that
22 decision, was that you or was that the board?

23 A. It was myself, and the advice of legal
24 counsel.

25 Q. And, as I understand it, you never saw

1 the initial e-mail to Mr. Wine asking for
2 information because they were investigating Wright
3 State, not him?

4 A. I did not.

5 Q. And you probably never seen that up
6 until today?

7 A. That's correct.

8 Q. And, as I understand it, the basis for
9 doing that in January of 2016 in regard to the
10 Inspector General's investigation, where did you
11 get information about who was the target of the
12 investigation?

13 MR. MATTES: To the extent you're
14 talking about discussions you had with your legal
15 counsel, the fact that you had discussions is not
16 privileged. Those discussions are privileged, and
17 I would counsel you to be careful with what you
18 answer. You may answer the question.

19 BY MR. IGNOZZI:

20 Q. I'm asking you the source?

21 A. Legal counsel.

22 Q. Okay. And no other source?

23 A. No.

24 Q. So am I correct that you personally had
25 no evidence one way or the other as to whether or

1 not the Inspector General was investigating or
2 targeting Ron Wine for anything?

3 A. Directly, no.

4 Q. I assume that you are somewhat familiar
5 with that May 2015 contract?

6 A. Yes.

7 Q. It sounds to me like you probably used
8 a similar thing for many others?

9 A. Yes.

10 Q. Is there any provision in the contract
11 with Wine Consulting Group about suspension?

12 A. There is. Suspension?

13 Q. Yes.

14 A. No.

15 Q. There is about termination?

16 A. Termination, yes.

17 Q. But there's no provision in the
18 contract having to do with suspension?

19 A. No.

20 Q. His contract was never terminated?

21 A. That's correct.

22 Q. So technically it's still valid today
23 through June of 2019, if that's the date?

24 A. Yes.

25 Q. You never, or have you ever heard any

1 outcome from the Inspector General's investigation?

2 A. I have not.

3 Q. And, I apologize, I'm jumping a little
4 bit. Going back to that HMT contract, were you
5 aware that Wine Consulting Group and Dave Tillton,
6 and let me stop there and ask you do you know who
7 Dave Tillton is?

8 A. Yes, I do.

9 Q. You knew him, and you worked with him
10 even before you came to Wright State?

11 A. Yes.

12 Q. And you knew that he had worked with
13 Wine Consulting Group?

14 A. Yes.

15 Q. Are you aware that Dave Tillton and
16 Wine Consulting Group had prepared the proposal for
17 HMT?

18 A. I know Dave Tillton as his corporation,
19 but Ron Wine Consulting Group.

20 Q. Did you know he was being paid by Ron
21 Wine Consulting Group?

22 A. For other activities, yes, but not for
23 HMT.

24 Q. Okay. Were you ever told or directed
25 not to bring Wine Consulting Group back after the

1 suspension?

2 A. No.

3 Q. Have you had conversations with the
4 board of either Wright State or the ARC about that?

5 A. We have with our board and legal
6 counsel.

7 Q. When you say our board, you mean --

8 A. WSARC board.

9 Q. Okay. Have you ever been directed not
10 to bring in WSARC's group back by the board or ARC?

11 A. The board did not approve continuing
12 the contract.

13 Q. They did not?

14 A. They did not.

15 Q. When did they do that?

16 A. That was in September, excuse me, it
17 was in our spring board of 2016.

18 Q. And was the basis for that this alleged
19 Inspector General investigation regarding Wine
20 Consulting?

21 A. It was based on advice of legal
22 counsel.

23 Q. Okay. Have you ever had discussions
24 with the WSU board about Wine Consulting since the
25 suspension?

1 A. With the board itself, no.

2 Q. Michael Bridges?

3 A. Maybe once or twice, yes, but nothing
4 specific.

5 Q. But not in the whole full board meeting
6 setting?

7 A. No, just personally.

8 Q. And were there, did Michael Bridges
9 make inquiries of you about Wine Consulting Group
10 and activities and the status?

11 A. No.

12 Q. What was the meeting about?

13 A. Talking about business opportunities in
14 the region.

15 Q. Were you ever directed by, I guess, it
16 would be Bob Fyffe who WSRI reports to, were you
17 ever directed by him to suspend the work that Wine
18 Consulting Group did for WSRI?

19 A. No.

20 Q. And I assume you have no personal
21 knowledge of whether or not Mr. Wine's work for the
22 president of the executive team was suspended or
23 not?

24 A. I don't know.

25 Q. Now, the information that you

1 understand as far as the investigation by the
2 Inspector General, was that contract with Wright
3 State or the ARC or both or do you know?

4 A. I don't know what the Inspector General
5 was looking at specifically.

6 Q. So you weren't, even today, I guess,
7 but you weren't sure as far as what that inspection
8 investigation was doing with whether it was ARC or
9 WSRI or something else?

10 A. No, I wasn't, no. I didn't know the
11 details.

12 Q. And I guess one of my direct questions
13 is you are not familiar with exactly what entity
14 that was pertaining to?

15 A. No.

16 Q. Would it be fair to say that the setup
17 between WSRI and the ARC is completely different
18 now versus back in before September of 2015?

19 A. Yes.

20 Q. I assume that at some point in time in
21 connection with this or requests from counsel or
22 whatever, that you have looked at or seen I'll call
23 it the summary of payments or whatever to Ron Wine
24 Consulting Group?

25 A. Yes, I have.

1 Q. Over the years?

2 A. Yes, I have.

3 Q. And my question is are you aware that,
4 if you look at all of the revenue generated by all
5 the contracts that he was responsible for winning
6 or bringing in or securing the amount that was paid
7 up through all those years adds up to almost
8 exactly 5 percent?

9 A. No.

10 Q. You never did the math?

11 A. Never did it.

12 Q. As first, and we talked about this a
13 little bit earlier, I'm trying to remember the
14 timeframe now. I'm not sure if this was June of
15 2014 or June of 2015, and you can tell me, but, in
16 any event, you felt that and you knew that Wine
17 Consulting Group was doing a lot of work for the
18 ARC and WSI and the president?

19 A. Uh-huh.

20 Q. And you, what month and year that was?
21 Was that '14 or '15?

22 A. '14.

23 Q. Okay. And obviously you felt that to
24 keep things straight on the books and all that,
25 that they should pay for whatever work he did for

1 them or to keep things straight?

2 A. Yes.

3 Q. And I think you told me that really
4 didn't work?

5 A. Yes.

6 Q. And in terms of Narayanan, I apologize
7 if I asked this before, but you never had any
8 discussion with him where he told you that what
9 happened was he had 5 percent work share, and he
10 billed against it and all the information was given
11 by Wright State people and was given to Ron and was
12 figured out every six months?

13 A. No.

14 Q. Again, you had no idea he was always
15 six months behind?

16 A. No.

17 Q. Was, I don't know if you know this or
18 not, was President Hopkins on the board of WSU?

19 A. I don't know.

20 Q. Right now just to give me some clue
21 approximately how many Wright State employees are
22 working for the ARC?

23 A. For the ARC?

24 Q. Yes, roughly. It doesn't have to be
25 exact.

1 A. Roughly it's about seven full-time
2 equivalents.

3 Q. I think that number, am I correct that
4 number is substantially down from three or four
5 years ago?

6 A. Yes.

7 Q. Am I correct when you came in it was in
8 the range of 60 to 70 Wright State employees that
9 were working primarily for the ARC?

10 A. No. My original answer was for the ARC
11 they were three. The rest of it was the Wright
12 State Research Institute.

13 Q. That's what I meant, the WSRI.

14 A. Right. For the ARC there's 7. There
15 were 3 before, and there's 75 total employees today
16 at the Wright State Research Institute.

17 Q. And the 75 WSRI employees, do they also
18 do some work for the ARC?

19 A. Seven of them do.

20 Q. Seven of the 75 do?

21 A. Yes.

22 Q. Okay. I've got it. Dennis, have you
23 ever had to give a deposition before?

24 A. No.

25 Q. This is the first one?

1 A. Yes, it is.

2 Q. Congratulations.

3 A. Or condolences.

4 Q. Are you currently a party to any sort
5 of a lawsuit?

6 A. No.

7 Q. On either side?

8 A. No.

9 Q. And then as I understand it, in
10 connection with this issue meaning Ron Wine
11 Consulting Group and all the work that he did for
12 seven years before the suspension, you have never
13 given any testimony under oath or written
14 statements pertaining to any investigation
15 involving that?

16 A. That's correct.

17 Q. Through the Inspector General or the
18 joint legislative committee or anyone else?

19 A. That's correct.

20 MR. IGNOZZI: Dennis, I don't
21 think I have any other questions for you at this
22 time. Thanks.

23 MR. MATTES: Read and sign.

24 (WHEREUPON, deposition concluded

25 11:44 a.m.)

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DENNIS ANDERSH

C E R T I F I C A T E

STATE OF OHIO

SS.

COUNTY OF MONTGOMERY

I, Jamie S. Hurley, the undersigned, a Court Reporter, and Notary Public within and for the State of Ohio, do hereby certify that before the giving of aforesaid deposition said DENNIS ANDERSH, was by me first duly sworn to state the truth, the whole truth, and nothing but the truth; that the foregoing is the deposition given at said time and place by said DENNIS ANDERSH; that said deposition was taken in stenotypy by the court reporter and transcribed into typewriting under her supervision; that said transcribed deposition was submitted to the witness for his examination; the court reporter was neither a relative of nor attorney for any of the parties to this case nor relative of nor employee for any of the counsel; neither the court reporter nor the affiliated court reporting firm has a financial interest under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office this 7th day of August, 2017.

Jamie S. Hurley
Notary Public, State of Ohio
My Commission Expires 06-28-20

