

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

BOARD MEETING)
JANUARY 5, 2018)

TRANSCRIPT OF PROCEEDINGS

Heard at Room 111 of the Metcalf Building
1520 East Sixth Avenue
Helena, Montana
January 5, 2018
9:00 a.m.

BEFORE CHAIR CHRIS DEVENY,
and CHRIS TWEETEN in person;
BOARD MEMBERS JOHN DEARMENT,
DEXTER BUSBY, and
JOHN FENTON by telephone

PREPARED BY: LAURIE CRUTCHER, RPR
COURT REPORTER, NOTARY PUBLIC

1 WHEREUPON, the following proceedings were
2 had:

3 * * * * *

4 CHAIR DEVENY: Good morning, everybody,
5 and I'd like to call this meeting of the Board of
6 Environmental Review to order. Lindsay, would you
7 please take the roll call.

8 MS. FORD: Chris Deveny.

9 CHAIR DEVENY: Present.

10 MS. FORD: John Felton.

11 MR. FELTON: Present.

12 MS. FORD: Dexter Busby.

13 MR. BUSBY: I'm here.

14 MS. FORD: Hillary Hanson.

15 (No response)

16 MS. FORD: Hillary?

17 (No response)

18 MS. FORD: Tim Warner.

19 (No response)

20 MS. FORD: Tim?

21 (No response)

22 MS. FORD: John Dearment.

23 MR. DEARMENT: Here.

24 MS. FORD: Chris Tweeten.

25 (No response)

1 MS. FORD: So I have Hillary, Tim, and
2 Chris Tweeten not present. We have Chris, John
3 Felton, Dexter Busby, and John Dearment. That's a
4 quorum.

5 CHAIR DEVENY: So we do have a quorum.

6 MS. CLERGET: But John is recused, so we
7 do not.

8 MR. DEARMENT: (Inaudible)

9 CHAIR DEVENY: Sorry. We didn't hear
10 that.

11 MR. DEARMENT: This is John Dearment. I
12 was saying I will have to recuse myself from the
13 CFAC portion of this, which I think is most of it.

14 CHAIR DEVENY: Yes. Well, we'll wait a
15 couple more minutes.

16 (Off the record briefly)

17 (Mr. Tweeten present)

18 CHAIR DEVENY: Chris Tweeten has just
19 arrived to make our quorum complete. The meeting
20 has been called to order, and we will proceed.
21 We've done the roll call, and thanks everybody for
22 waiting. I appreciate everyone's patience.

23 And just a reminder to those on the
24 phone to remember to mute your phones when you're
25 not speaking, and for the purposes of

1 identification for our Court Reporter, to please
2 identify yourselves when you do speak.

3 So at this point I'm going to turn this
4 meeting over to Sarah to clarify and explain the
5 purpose of why we're here today, and then we'll
6 proceed from there.

7 MS. CLERGET: So remember at the last
8 meeting we had the proposed order from me that had
9 a bunch of parts at the end, and we got through
10 some of them.

11 Essentially what's happened is at the
12 last meeting you declared Ben Reed unavailable,
13 and then the next question was what to do about
14 that. CFAC indicated that they needed more time
15 to decide.

16 We now have a filing in front of us.
17 For those who are on the phone who don't see it,
18 I'll just read it quickly. It is from CFAC's
19 Counsel. It says, "Columbia Falls Aluminum
20 Company, by and through its Counsel of Record,
21 submits this notice following the Board of
22 Environmental Review's December 8th, 2017 decision
23 that Hearing Officer Ben Reed is unavailable.
24 CFAC does not seek rehearing in this matter, and
25 findings of fact may be prepared from the November

1 2016 record."

2 So I'm assuming -- I'm looking at
3 Counsel for CFAC -- that you want this filed in
4 the record; is that correct?

5 MS. LAUGHNER: Yes. And I did file it
6 this morning.

7 MS. CLERGET: Okay. Thank you. So this
8 is part of the record now. And my understanding
9 from DEQ is that, from the last meeting, is that
10 they also have waived the demeanor of witnesses;
11 is that correct?

12 MR. MOSER: Madam Chair, members of the
13 Board, that is correct. This is Kurt Moser,
14 Counsel for DEQ in this matter.

15 MS. CLERGET: So now we have both
16 parties waiving the demeanor of the witnesses,
17 which for the purposes of 2-4-622 means you can
18 have a Hearings Examiner review the record of the
19 hearing that Ben Reed conducted.

20 So the decisions in front of the Board
21 now are: Do you want a Hearing Examiner to do
22 that, or would you like as a Board to review that
23 record? If you want a Hearings Examiner, who do
24 you want as a Hearings Examiner? Do you want me
25 or somebody else? And then to set a schedule for

1 that review.

2 I would suggest that if you do choose me
3 as the Hearings Examiner, I believe, with some
4 discussion with the parties, that we can probably
5 get that done by the April meeting, not by the
6 February meeting, because we'll need two weeks for
7 exceptions to any proposed order, and then a week
8 for responses, if that's acceptable to the
9 parties.

10 If you guys can do simultaneous
11 exceptions, and then a week for response? Would
12 you be able to do that? I'm looking at the
13 parties, for those on the phone.

14 MR. MOSER: A week might be a bit tight
15 to do responses.

16 MS. CLERGET: So for those of you on the
17 phone, Kurt is saying that we're going to probably
18 need two weeks for responses. So that would be
19 simultaneous exceptions, and then two weeks for
20 simultaneous responses, so we need a month prior.
21 So I would have to have, whoever the Hearings
22 Examiner is, would have to have the order done a
23 month prior, a little more than a month prior to
24 the April meeting, which I still think is possible
25 for me, just so everybody on the phone knows, as

1 you deliberate. And CFAC Counsel is standing up.

2 MS. LAUGHNER: This is Cathy Laughner
3 for Columbia Falls Aluminum Company. I just have
4 a really busy first quarter of this year, and so I
5 don't know if I could do it in two weeks.

6 MS. CLERGET: If you could do responses
7 in two weeks?

8 MS. LAUGHNER: Yes. I just wanted to
9 let you know that.

10 MS. CLERGET: Could you do simultaneous
11 exceptions two weeks after the proposed order, or
12 are you going to need longer for that as well?

13 MS. LAUGHNER: I expect I would need
14 some more time.

15 MS. CLERGET: So I will put all of that
16 in front of the Board, so we may need even longer.
17 Would three weeks be possible, for both? So that
18 would be -- because that gives us a month and a
19 half back. So the decision would be due -- The
20 next meeting of BER is April 9th, I believe. I'll
21 double check that. So that would be end of
22 February you'd need to have that. Yes, that's
23 still possible, I think.

24 MS. LAUGHNER: I'd like to look at what
25 the dates are. January and February -- it depends

1 on when the findings get out, I think.

2 MS. CLERGET: So April 6th is the next
3 BER meeting. So that would mean I would have to
4 have the findings and conclusions done by the 11th
5 of February.

6 Well, if it's acceptable to the Board,
7 given what the parties are saying, that might not
8 even be possible. We might need to push it to the
9 June 8th meeting. So all of that is in front of
10 you for decision, if that makes sense.

11 CHAIR DEVENY: Thank you, Sarah. At
12 this point I'd like to ask any of the Board
13 members if they have any questions right now of
14 Sarah about what we're here to do today, and just
15 make sure everybody is clear on that. Chris
16 Tweeten.

17 MR. TWEETEN: This is for Counsel for
18 CFAC. In reading the submission that you made in
19 writing between the last meeting and this meeting,
20 you raised the issue with respect to the recusal
21 of one of the members of the Board. Is that still
22 a live issue?

23 CHAIR DEVENY: That Board member has
24 been recused.

25 MR. TWEETEN: Okay. Great. I'm a

1 little behind the curve. I missed the meeting
2 last time. Okay. Thank you.

3 CHAIR DEVENY: Do any other Board
4 members have any questions right now?

5 (No response)

6 CHAIR DEVENY: Then at this point I
7 would just like to hear from the parties, if they
8 have anything to add from our discussion. Mr.
9 Moser for DEQ.

10 MR. MOSER: This is Kurt Moser again.
11 Madam Chair, members of the Board, we have nothing
12 further to add.

13 CHAIR DEVENY: Thank you. And Ms.
14 Laughner.

15 MS. LAUGHNER: Cathy Laughner. I just
16 want to make sure everybody is aware that my first
17 quarter of 2018 is pretty booked, and so I'd hate
18 to have come back and ask for more time. So thank
19 you for your consideration.

20 MR. TWEETEN: Madam Chair, might I
21 suggest that we pass a motion delegating to our
22 Counsel the matters dealing with the scheduling of
23 filing and so forth, so that in her position as
24 Hearing Examiner, she can set deadlines. If the
25 parties need relief from those deadlines, they can

1 go to her.

2 I don't think would be a good idea for
3 the Board itself to by motion set deadlines,
4 because then they'd have to come to us to get
5 those deadlines changed, and we'd have set up a
6 special meeting and so forth, which I think is a
7 little burdensome on the parties and also on us.

8 And I think our Counsel is more than
9 capable to handle the scheduling issues, and keep
10 the Board informed as to what schedules have been
11 made, and if changes have been made, what those
12 changes are and so forth. I'd be happy to make
13 that as a motion if the members of the Board
14 agree.

15 CHAIR DEVENY: Mr. Tweeten, I hear what
16 you're saying. I also know that this issue has
17 drug on for quite some time, and I just want to
18 make sure that we're not continuing to postpone
19 decisions on this, and if it would -- if indeed
20 Sarah is the Hearings Officer on this, I just want
21 to make sure that she knows what the Board's
22 intentions are in terms of having a rapid -- or
23 not rapid -- but a timely conclusion, and forward
24 movement on this.

25 MR. TWEETEN: Madam Chair, we previously

1 bifurcated the Hearing Examiner responsibility for
2 this matter, with our Board Counsel being
3 responsible for procedural things like scheduling,
4 for example, and in expectation that Mr. Reed's
5 findings and conclusions would be filed.

6 And now it appears pretty clear that
7 they're not going to be filed, and we have to make
8 a decision as to where to assign the
9 responsibility for reviewing the record and
10 preparing the proposed findings and conclusions,
11 where that's going to lie.

12 But I do think someone has to be in
13 control of the day-to-day procedural changes that
14 are made, motions that are made, and things like
15 that, and I continue to think that it is much more
16 appropriate to have our Counsel act as Hearing
17 Examiner for that purpose, and then if we decide
18 to appoint somebody else to review the record,
19 that would be consistent with the way that we've
20 handled this matter heretofore.

21 CHAIR DEVENY: Would you --

22 MR. TWEETEN: Would there be any comment
23 from the other Board members that are on the
24 phone?

25 MR. BUSBY: This is Dexter Busby. I

1 tend to agree with Chris on this one.

2 MR. FELTON: This is John Felton.

3 Wasn't one of our options previously to appoint a
4 Hearing Examiner either to do the procedural
5 stuff, or procedural stuff and the conclusions and
6 findings?

7 MR. TWEETEN: Madam Chair, I think
8 that's where we are right now. Do we hire an
9 additional Hearing Examiner, who probably would
10 have to be outside Counsel, rather than another
11 lawyer from ALSB, in order to -- if we don't want
12 Sarah to be responsible for the proposed findings,
13 and I don't think anybody in her office should be
14 either. So we could hire outside Counsel to
15 prepare the findings and conclusions, or we can
16 just give the whole ball of wax to Sarah to deal
17 with.

18 CHAIR DEVENY: That would be my
19 preference. I believe Sarah can handle this
20 completely. I have full confidence that she would
21 do a good job, and would be fair and open in her
22 work.

23 MR. TWEETEN: Madam Chair, as do I.

24 CHAIR DEVENY: So we do need --

25 MR. FELTON: This is John Felton. I

1 agree with that, and I would make that motion that
2 we appoint Sarah as the Hearing Officer, both for
3 purposes of the procedures, and the findings and
4 conclusions.

5 CHAIR DEVENY: And I would second that.
6 Is there any discussion on the motion?

7 MR. BUSBY: This is Dexter again. I
8 don't have any issues with Sarah on this, but
9 there has been so much inadvertent issues with
10 this whole thing. I personally think we would be
11 better off with an outside Counsel, because
12 irregardless how this comes down, I'm afraid this
13 may go on to court if not -- we don't have
14 somebody totally unbiased and not tainted. And I
15 fear anybody from the Department may be tainted on
16 this, so I'm just concerned a little about that.

17 CHAIR DEVENY: Any other comments on the
18 motion?

19 (No response)

20 CHAIR DEVENY: CFAC, would you like to
21 respond to Mr. Dexter's comment at all?

22 MS. LAUGHNER: This is Cathy Laughner
23 for the record. I don't have any objection to
24 Sarah. There have been a lot of anomalies in this
25 procedure, but it is a new year, so I'm ready to

1 move forward most efficiently.

2 CHAIR DEVENY: I appreciate that. Thank
3 you very much.

4 MR. TWEETEN: Madam Chair, it seems to
5 me that solves Dexter's problem about this
6 becoming an issue on appeal, because as I
7 understand what CFAC's Counsel just said, they're
8 basically waiving any objection to the idea of
9 having Sarah serve both functions.

10 CHAIR DEVENY: I believe I heard that,
11 too, and Dexter, are you comfortable with that?

12 MR. BUSBY: Yes. Very comfortable with
13 Sarah. I have no objections to Sarah. I'm just
14 -- the whole process has got some issues.

15 CHAIR DEVENY: And I think we've worked
16 through that at our last meeting, and I think
17 we're all ready to move forward with the new Board
18 and a new year, so unless you had other comments.

19 MR. TWEETEN: Madam Chair, just one
20 brief. Last night I went through the minutes, and
21 looked at parts of the transcripts of prior
22 meetings going back to a year ago November, I
23 guess, when this whole problem started.

24 And I noted that CFAC's Counsel has been
25 present for virtually all of the discussions

1 regarding the problem that we've been left with by
2 Mr. Reed's departure; and except for the written
3 filing that they made recently, CFAC hasn't raised
4 any objections to the decisions to delay the
5 matter in hopes that Mr. Reed would be able to
6 perform his function.

7 So even though I agree with Dexter that
8 the procedure here has been quite convoluted, and
9 I think it is because this is an usual case. I've
10 not seen a case of the missing Hearing Examiner in
11 all the time I've been on boards in State
12 government.

13 So it is a very unusual set of facts, I
14 think. And given the cooperation that's existed
15 between CFAC and the Department regarding how to
16 deal with this issue, my sense is that a lot of
17 the procedural wrinkles have essentially been
18 waived by CFAC, given their acquiescence, or
19 agreement actually, with the ideas that the
20 Department and the Board have followed to try to
21 solve this problem.

22 So hopefully this won't give rise to a
23 huge legal wrangle if the matter goes up on
24 appeal. There is a lot more important issues I
25 think than this one that might be subject to

1 appeal argument by the parties. So I hear what
2 Dexter is saying. My sense is it is not likely to
3 become a big problem.

4 CHAIR DEVENY: If there are no other
5 comments from Board members, I would like to call
6 the question on the motion and have a vote. First
7 of all, are there any other comments?

8 (No response)

9 CHAIR DEVENY: We're going to vote on
10 this motion then. And all those in favor, signify
11 by saying aye.

12 (Response)

13 CHAIR DEVENY: Any opposed?

14 (No response)

15 CHAIR DEVENY: Motion carries. Thank
16 you.

17 MS. CLERGET: This is Sarah. Given what
18 you said about the schedule, are you comfortable
19 that I can set the schedule, with the
20 understanding that -- and I think the parties have
21 heard as well that we want this resolved as soon
22 as possible. I think we will shoot for the June
23 meeting, to have it done by the June meeting, and
24 work hard to get that done.

25 CHAIR DEVENY: I'm comfortable with the

1 June meeting, but I'd feel a little distressed if
2 it went beyond that, so I really hope --

3 MS. CLERGET: I think the parties heard
4 that as well, so we're all on the same page.

5 CHAIR DEVENY: Any other comments about
6 the scheduling?

7 (No response)

8 CHAIR DEVENY: With that, I think we've
9 resolved all the issues that we came here for
10 today, and again, I thank CFAC for their patience
11 and cooperation in this. Chris, did you have
12 something?

13 MR. TWEETEN: No.

14 CHAIR DEVENY: At this point, I would
15 like to open this meeting up for general public
16 comments on issues other than contested cases. Is
17 there any public comment?

18 (No response)

19 CHAIR DEVENY: Hearing none, I believe
20 we're ready to move to adjournment then if
21 somebody would so move.

22 MR. TWEETEN: So moved.

23 CHAIR DEVENY: I'll second it. All
24 those in favor, say aye.

25 (Response)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIR DEVENY: All those opposed.

(No response)

CHAIR DEVENY: None. Thank you very much, everybody. And we'll hopefully see a lot of you in February, and Happy New Year.

MR. BUSBY: This is Dexter. Could I get the new schedule, confirmed schedule for 2018 mailed out again, please?

MS. FORD: Yes. I will do that.

MR. BUSBY: Thank you, Lindsay.

(The proceedings were concluded
at 9:25 a.m.)

* * * * *

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MONTANA)

: SS.

COUNTY OF LEWIS & CLARK)

I, LAURIE CRUTCHER, RPR, Court Reporter,
Notary Public in and for the County of Lewis &
Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at
the time and place herein named; that the
proceedings were reported by me in shorthand and
transcribed using computer-aided transcription,
and that the foregoing - 18 - pages contain a true
record of the proceedings to the best of my
ability.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal
this _____ day of _____, 2017.

LAURIE CRUTCHER, RPR
Court Reporter - Notary Public
My commission expires
March 9, 2020.

1	10:14, 12:1, 13:1, 15:7 agreement - 15:19 ALSB - 12:11 Aluminum [2] 4:19, 7:3 anomalies - 13:24 appeal [3] 14:6, 15:24, 16:1 appears - 11:6 appoint [3] 11:18, 12:3, 13:2 appreciate [2] 3:22, 14:2 appropriate - 11:16 April [4] 6:5, 6:24, 7:20, 8:2 argument - 16:1 arrived - 3:19 assign - 11:8 assuming - 5:2 Avenue - 1:11 aye [2] 16:11, 17:24	8:23, 9:3, 9:11, 10:3, 10:10, 10:13, 11:2, 11:23, 14:17, 15:20, 16:5 Board's - 10:21 boards - 15:11 booked - 9:17 brief - 14:20 briefly - 3:16 Building - 1:10 bunch - 4:9 burdensome - 10:7 Busby [10] 1:20, 2:12, 2:13, 3:3, 11:25, 11:25, 13:7, 14:12, 18:6, 18:10 busy - 7:4	14:2, 14:4, 14:10, 14:15, 14:19, 16:4, 16:9, 16:13, 16:15, 16:25, 17:5, 17:8, 17:14, 17:19, 17:23, 18:1, 18:3 changed - 10:5 changes [3] 10:11, 10:12, 11:13 check - 7:21 choose - 6:2 Chris [10] 1:17, 1:18, 2:8, 2:24, 3:2, 3:2, 3:18, 8:15, 12:1, 17:11 clarify - 4:4 Clark [2] 19:4, 19:7 clear [2] 8:15, 11:6 CLERGET [11] 3:6, 4:7, 5:7, 5:15, 6:16, 7:6, 7:10, 7:15, 8:2, 16:17, 17:3 Columbia [2] 4:19, 7:3 comes - 13:12 comfortable [4] 14:11, 14:12, 16:18, 16:25 comment [3] 11:22, 13:21, 17:17 comments [6] 13:17, 14:18, 16:5, 16:7, 17:5, 17:16 commission - 19:21 Company [2] 4:20, 7:3 complete - 3:19 completely - 12:20 computer-aided - 19:11 concerned - 13:16	concluded - 18:11 conclusion - 10:23 conclusions [6] 8:4, 11:5, 11:10, 12:5, 12:15, 13:4 conducted - 5:19 confidence - 12:20 confirmed - 18:7 consideration - 9:19 consistent - 11:19 contain - 19:12 contested - 17:16 continue - 11:15 continuing - 10:18 control - 11:13 convoluted - 15:8 cooperation [2] 15:14, 17:11 correct [3] 5:4, 5:11, 5:13 Counsel [15] 4:19, 4:20, 5:3, 5:14, 7:1, 8:17, 9:22, 10:8, 11:2, 11:16, 12:10, 12:14, 13:11, 14:7, 14:24 County [2] 19:4, 19:6 couple - 3:15 court [5] 1:24, 4:1, 13:13, 19:5, 19:20 CRUTCHER [3] 1:23, 19:5, 19:19 curve - 9:1	11:13 deadlines [4] 9:24, 9:25, 10:3, 10:5 deal [2] 12:16, 15:16 dealing - 9:22 Dearment [7] 1:19, 2:22, 2:23, 3:3, 3:8, 3:11, 3:11 December - 4:22 decide [2] 4:15, 11:17 decision [4] 4:22, 7:19, 8:10, 11:8 decisions [3] 5:20, 10:19, 15:4 declared - 4:12 delay - 15:4 delegating - 9:21 deliberate - 7:1 demeanor [2] 5:10, 5:16 Department [3] 13:15, 15:15, 15:20 departure - 15:2 depends - 7:25 DEQ [3] 5:9, 5:14, 9:9 Deveny [35] 1:17, 2:4, 2:8, 2:9, 3:5, 3:9, 3:14, 3:18, 8:11, 8:23, 9:3, 9:6, 9:13, 10:15, 11:21, 12:18, 12:24, 13:5, 13:17, 13:20, 14:2, 14:10, 14:15, 16:4, 16:9, 16:13, 16:15, 16:25, 17:5, 17:8, 17:14, 17:19, 17:23, 18:1, 18:3 Dexter [9] 1:20, 2:12,
2					
2-4-622 - 5:17 2016 - 5:1 2017 [2] 4:22, 19:17 2018 [4] 1:6, 1:13, 9:17, 18:7 2020 - 19:22					
5					
5 [2] 1:6, 1:13					
6					
6th - 8:2					
8					
8th [2] 4:22, 8:9					
9					
9 - 19:22 9:00 - 1:14 9:25 - 18:12 9th - 7:20					
A	B	C			
a.m [2] 1:14, 18:12 ability - 19:14 able [2] 6:12, 15:5 acceptable [2] 6:8, 8:6 acquiescence - 15:18 act - 11:16 add [2] 9:8, 9:12 additional - 12:9 adjourment - 17:20 affixed - 19:16 afraid - 13:12 agree [4]	ball - 12:16 basically - 14:8 become - 16:3 becoming - 14:6 behind - 9:1 Ben [3] 4:12, 4:23, 5:19 BER [2] 7:20, 8:3 best - 19:13 better - 13:11 beyond - 17:2 bifurcated - 11:1 bit - 6:14 Board [23] 1:1, 1:5, 1:19, 2:5, 4:21, 5:13, 5:20, 5:22, 7:16, 8:6, 8:12, 8:21,	capable - 10:9 carries - 16:15 case [2] 15:9, 15:10 cases - 17:16 Cathy [3] 7:2, 9:15, 13:22 certify - 19:7 CFAC [11] 3:13, 4:14, 4:24, 5:3, 7:1, 8:18, 13:20, 15:3, 15:15, 15:18, 17:10 CFAC's [3] 4:18, 14:7, 14:24 Chair [42] 1:17, 2:4, 2:9, 3:5, 3:9, 3:14, 3:18, 5:12, 8:11, 8:23, 9:3, 9:6, 9:11, 9:13, 9:20, 10:15, 10:25, 11:21, 12:7, 12:18, 12:23, 12:24, 13:5, 13:17, 13:20,			
			D		
			dates - 7:25 day-to-day -		

<p>3:3, 11:25, 13:7, 14:11, 15:7, 16:2, 18:6</p> <p>Dexter's [2] 13:21, 14:5</p> <p>discussion [3] 6:4, 9:8, 13:6</p> <p>discussions - 14:25</p> <p>distressed - 17:1</p> <p>double - 7:21</p> <p>drug - 10:17</p> <p>due - 7:19</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>East - 1:11</p> <p>efficiently - 14:1</p> <p>either [2] 12:4, 12:14</p> <p>Environmental [3] 1:1, 2:6, 4:22</p> <p>essentially [2] 4:11, 15:17</p> <p>everybody [6] 2:4, 3:21, 6:25, 8:15, 9:16, 18:4</p> <p>everyone's - 3:22</p> <p>Examiner [12] 5:18, 5:21, 5:23, 5:24, 6:3, 6:22, 9:24, 11:1, 11:17, 12:4, 12:9, 15:10</p> <p>example - 11:4</p> <p>except - 15:2</p> <p>exceptions [4] 6:7, 6:11, 6:19, 7:11</p> <p>existed - 15:14</p> <p>expect - 7:13</p> <p>expectation - 11:4</p> <p>expires - 19:21</p> <p>explain - 4:4</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facts - 15:13</p> <p>fair - 12:21</p>	<p>Falls [2] 4:19, 7:3</p> <p>favor [2] 16:10, 17:24</p> <p>fear - 13:15</p> <p>February [5] 6:6, 7:22, 7:25, 8:5, 18:5</p> <p>feel - 17:1</p> <p>Felton [7] 2:10, 2:11, 3:3, 12:2, 12:2, 12:25, 12:25</p> <p>FENTON - 1:21</p> <p>file - 5:5</p> <p>filed [3] 5:3, 11:5, 11:7</p> <p>filing [3] 4:16, 9:23, 15:3</p> <p>findings [9] 4:25, 8:1, 8:4, 11:5, 11:10, 12:6, 12:12, 12:15, 13:3</p> <p>followed - 15:20</p> <p>FORD [11] 2:8, 2:10, 2:12, 2:14, 2:16, 2:18, 2:20, 2:22, 2:24, 3:1, 18:9</p> <p>foregoing - 19:12</p> <p>forth [3] 9:23, 10:6, 10:12</p> <p>forward [3] 10:23, 14:1, 14:17</p> <p>front [4] 4:16, 5:20, 7:16, 8:9</p> <p>full - 12:20</p> <p>function - 15:6</p> <p>functions - 14:9</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>general - 17:15</p> <p>given [4] 8:7, 15:14, 15:18, 16:17</p>	<p>gives - 7:18</p> <p>goes - 15:23</p> <p>government - 15:12</p> <p>guess - 14:23</p> <p>guys - 6:10</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half - 7:19</p> <p>handle [2] 10:9, 12:19</p> <p>handled - 11:20</p> <p>Hanson - 2:14</p> <p>happened - 4:11</p> <p>happy [2] 10:12, 18:5</p> <p>hasn't - 15:3</p> <p>hate - 9:17</p> <p>having [2] 10:22, 14:9</p> <p>hear [4] 3:9, 9:7, 10:15, 16:1</p> <p>heard [4] 1:10, 14:10, 16:21, 17:3</p> <p>hearing [11] 4:23, 5:19, 5:21, 9:24, 11:1, 11:16, 12:4, 12:9, 13:2, 15:10, 17:19</p> <p>Hearings [6] 5:18, 5:23, 5:24, 6:3, 6:21, 10:20</p> <p>Helena - 1:12</p> <p>hereby - 19:7</p> <p>herein - 19:9</p> <p>heretofore - 11:20</p> <p>hereunto - 19:15</p> <p>Hillary [3] 2:14, 2:16, 3:1</p> <p>hire [2] 12:8, 12:14</p> <p>hope - 17:2</p> <p>hopefully [2] 15:22, 18:4</p> <p>hopes - 15:5</p> <p>huge - 15:23</p>	<hr/> <p style="text-align: center;">I</p> <hr/> <p>idea [2] 10:2, 14:8</p> <p>ideas - 15:19</p> <p>identification - 4:1</p> <p>identify - 4:2</p> <p>inadvertent - 13:9</p> <p>Inaudible - 3:8</p> <p>indeed - 10:19</p> <p>indicated - 4:14</p> <p>informed - 10:10</p> <p>intentions - 10:22</p> <p>irregardless - 13:12</p> <p>issue [5] 8:20, 8:22, 10:16, 14:6, 15:16</p> <p>issues [7] 10:9, 13:8, 13:9, 14:14, 15:24, 17:9, 17:16</p> <p>itself - 10:3</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>January [3] 1:6, 1:13, 7:25</p> <p>job - 12:21</p> <p>John [10] 1:19, 1:21, 2:10, 2:22, 3:2, 3:3, 3:6, 3:11, 12:2, 12:25</p> <p>June [4] 8:9, 16:22, 16:23, 17:1</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>knows [2] 6:25, 10:21</p> <p>Kurt [3] 5:13, 6:17, 9:10</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>Laughner [11] 5:5, 7:2, 7:2, 7:8, 7:13, 7:24, 9:14,</p>	<p>9:15, 9:15, 13:22, 13:22</p> <p>LAURIE [3] 1:23, 19:5, 19:19</p> <p>lawyer - 12:11</p> <p>legal - 15:23</p> <p>Lewis [2] 19:4, 19:6</p> <p>lie - 11:11</p> <p>likely - 16:2</p> <p>Lindsay [2] 2:6, 18:10</p> <p>longer [2] 7:12, 7:16</p> <p>looking [2] 5:2, 6:12</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>Madam [8] 5:12, 9:11, 9:20, 10:25, 12:7, 12:23, 14:4, 14:19</p> <p>mailed - 18:8</p> <p>makes - 8:10</p> <p>March - 19:22</p> <p>matter [6] 4:24, 5:14, 11:2, 11:20, 15:5, 15:23</p> <p>matters - 9:22</p> <p>means - 5:17</p> <p>meeting [22] 1:5, 2:5, 3:19, 4:4, 4:8, 4:12, 5:9, 6:5, 6:6, 6:24, 7:20, 8:3, 8:9, 8:19, 8:19, 9:1, 10:6, 14:16, 16:23, 16:23, 17:1, 17:15</p> <p>meetings - 14:22</p> <p>member - 8:23</p> <p>members [9] 1:19, 5:12, 8:13, 8:21, 9:4, 9:11, 10:13, 11:23, 16:5</p> <p>Metcalf - 1:10</p> <p>minutes [2] 3:15, 14:20</p> <p>missed - 9:1</p> <p>missing - 15:10</p>	<p>Montana [4] 1:2, 1:12, 19:2, 19:7</p> <p>month [4] 6:20, 6:23, 6:23, 7:18</p> <p>morning [2] 2:4, 5:6</p> <p>Moser [6] 5:12, 5:13, 6:14, 9:9, 9:10, 9:10</p> <p>motion [9] 9:21, 10:3, 10:13, 13:1, 13:6, 13:18, 16:6, 16:10, 16:15</p> <p>motions - 11:14</p> <p>move [4] 14:1, 14:17, 17:20, 17:21</p> <p>moved - 17:22</p> <p>movement - 10:24</p> <p>mute - 3:24</p> <p>myself - 3:12</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>named - 19:9</p> <p>needed - 4:14</p> <p>none [2] 17:19, 18:3</p> <p>notarial - 19:16</p> <p>Notary [3] 1:24, 19:6, 19:20</p> <p>noted - 14:24</p> <p>nothing - 9:11</p> <p>notice - 4:21</p> <p>November [2] 4:25, 14:22</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objection [2] 13:23, 14:8</p> <p>objections [2] 14:13, 15:4</p> <p>office - 12:13</p> <p>Officer [3] 4:23, 10:20, 13:2</p> <p>open [2] 12:21, 17:15</p> <p>opposed [2]</p>
--	--	--	---	---	---

<p>16:13, 18:1 options - 12:3 order [7] 2:6, 3:20, 4:8, 6:7, 6:22, 7:11, 12:11 outside [3] 12:10, 12:14, 13:11</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pages - 19:12 parties [11] 5:16, 6:4, 6:9, 6:13, 8:7, 9:7, 9:25, 10:7, 16:1, 16:20, 17:3 pass - 9:21 patience [2] 3:22, 17:10 perform - 15:6 personally - 13:10 phones - 3:24 please [3] 2:7, 4:1, 18:8 point [4] 4:3, 8:12, 9:6, 17:14 portion - 3:13 position - 9:23 possible [5] 6:24, 7:17, 7:23, 8:8, 16:22 postpone - 10:18 preference - 12:19 prepare - 12:15 prepared [2] 1:23, 4:25 preparing - 11:10 present [5] 2:9, 2:11, 3:2, 3:17, 14:25 previously [2] 10:25, 12:3 prior [4] 6:20, 6:23, 6:23, 14:21 probably [3]</p>	<p>6:4, 6:17, 12:9 problem [5] 14:5, 14:23, 15:1, 15:21, 16:3 procedural [5] 11:3, 11:13, 12:4, 12:5, 15:17 procedure [2] 13:25, 15:8 procedures - 13:3 proceed [2] 3:20, 4:6 proceedings [6] 1:8, 2:1, 18:11, 19:8, 19:10, 19:13 process - 14:14 proposed [5] 4:8, 6:7, 7:11, 11:10, 12:12 public [5] 1:24, 17:15, 17:17, 19:6, 19:20 purpose [2] 4:5, 11:17 purposes [3] 3:25, 5:17, 13:3 push - 8:8</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>quarter [2] 7:4, 9:17 quickly - 4:18 quite [2] 10:17, 15:8 quorum [3] 3:4, 3:5, 3:19</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raised [2] 8:20, 15:3 rapid [2] 10:22, 10:23 rather - 12:10 reading - 8:18 ready [3] 13:25, 14:17, 17:20 really [2] 7:4, 17:2</p>	<p>recently - 15:3 record [11] 3:16, 4:20, 5:1, 5:4, 5:8, 5:18, 5:23, 11:9, 11:18, 13:23, 19:13 recusal - 8:20 recuse - 3:12 recused [2] 3:6, 8:24 Reed [4] 4:12, 4:23, 5:19, 15:5 Reed's [2] 11:4, 15:2 regarding [2] 15:1, 15:15 rehearing - 4:24 relief - 9:25 reminder - 3:23 reported - 19:10 Reporter [4] 1:24, 4:1, 19:5, 19:20 resolved [2] 16:21, 17:9 respect - 8:20 respond - 13:21 response [15] 2:15, 2:17, 2:19, 2:21, 2:25, 6:11, 9:5, 13:19, 16:8, 16:12, 16:14, 17:7, 17:18, 17:25, 18:2 responses [5] 6:8, 6:15, 6:18, 6:20, 7:6 responsibility [2] 11:1, 11:9 responsible [2] 11:3, 12:12 review [6] 1:1, 2:6, 5:18, 5:22, 6:1, 11:18 Review's - 4:22 reviewing - 11:9</p>	<p>rise - 15:22 roll [2] 2:7, 3:21 Room - 1:10 RPR [3] 1:23, 19:5, 19:19</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>Sarah [14] 4:4, 8:11, 8:14, 10:20, 12:12, 12:16, 12:19, 13:2, 13:8, 13:24, 14:9, 14:13, 14:13, 16:17 saying [6] 3:12, 6:17, 8:7, 10:16, 16:2, 16:11 says - 4:19 schedule [5] 5:25, 16:18, 16:19, 18:7, 18:7 schedules - 10:10 scheduling [4] 9:22, 10:9, 11:3, 17:6 seal - 19:16 seek - 4:24 seems - 14:4 sense [3] 8:10, 15:16, 16:2 serve - 14:9 shoot - 16:22 shorthand - 19:10 signify - 16:10 simultaneous [4] 6:10, 6:19, 6:20, 7:10 Sixth - 1:11 solve - 15:21 solves - 14:5 somebody [4] 5:25, 11:18, 13:14, 17:21 someone - 11:12 Sorry - 3:9 speak - 4:2 speaking - 3:25 special - 10:6 SS - 19:3 standing - 7:1</p>	<p>started - 14:23 State [4] 1:2, 15:11, 19:2, 19:7 stuff [2] 12:5, 12:5 subject - 15:25 submission - 8:18 submits - 4:21 suggest [2] 6:2, 9:21</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tainted [2] 13:14, 13:15 taken - 19:8 telephone - 1:21 tend - 12:1 terms - 10:22 thank [10] 5:7, 8:11, 9:2, 9:13, 9:18, 14:2, 16:15, 17:10, 18:3, 18:10 thanks - 3:21 they'd - 10:4 they're [2] 11:7, 14:7 thing - 13:10 though - 15:7 tight - 6:14 Tim [3] 2:18, 2:20, 3:1 timely - 10:23 today [3] 4:5, 8:14, 17:10 totally - 13:14 transcribed - 19:11 TRANSCRIPT - 1:8 transcription - 19:11 transcripts - 14:21 true - 19:12 turn - 4:3 Tweeten [18] 1:18, 2:24, 3:2, 3:17, 3:18, 8:16, 8:17, 8:25, 9:20, 10:15, 10:25, 11:22,</p>	<p>12:7, 12:23, 14:4, 14:19, 17:13, 17:22</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>unavailable [2] 4:12, 4:23 unbiased - 13:14 understand - 14:7 understanding [2] 5:8, 16:20 unless - 14:18 unusual - 15:13 using - 19:11 usual - 15:9</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>virtually - 14:25 vote [2] 16:6, 16:9</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait - 3:14 waiting - 3:22 waived [2] 5:10, 15:18 waiving [2] 5:16, 14:8 wanted - 7:8 Warner - 2:18 wax - 12:16 we'd - 10:5 we'll [4] 3:14, 4:5, 6:6, 18:4 we're [8] 4:5, 6:17, 8:14, 10:18, 14:17, 16:9, 17:4, 17:20 we've [5] 3:21, 11:19, 14:15, 15:1, 17:8 week [3] 6:7, 6:11, 6:14 weeks [7] 6:6, 6:18, 6:19, 7:5, 7:7, 7:11, 7:17 what's - 4:11 WHEREOF - 19:15 WHEREUPON</p>
--	---	--	--	--	---

<p>- 2:1 whoever - 6:21 whole [4] 12:16, 13:10, 14:14, 14:23 WITNESS - 19:15 witnesses [2] 5:10, 5:16 won't - 15:22 wrangle - 15:23 wrinkles - 15:17 writing - 8:19 written - 15:2</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>you'd - 7:22 yourselves - 4:2</p>					
---	--	--	--	--	--