

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

ANDREW GASSER, ALGONQUIN)
TOWNSHIP ROAD COMMISSIONER,)
Plaintiff,)
vs.) No. 17 CH 435
ANNA MAY MILLER, AND ROBERT)
MILLER,)
Defendants,)
-----)
ALGONQUIN TOWNSHIP,)
Intervenor.)

The discovery deposition of ROBERT MILLER,
taken before STACY L. HARTMANN, C.S.R., via Zoom
videoconference, at Wauconda, Illinois, on
October 8, 2020, at the hour of 1:01 p.m.

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1 PRESENT:

2
3 LAW OFFICE OF ROBERT T. HANLON, by:

4 MR. ROBERT T. HANLON,

5 appeared via Zoom on behalf of the

6 Plaintiff;

7
8 THE GOOCH FIRM, by:

9 MR. THOMAS GOOCH, III, and

10 MS. SABINA WALCZYK,

11 appeared via Zoom on behalf of the

12 Defendant;

13
14 LAW OFFICES OF MATUSZEWICH & KELLY, LLP, by:

15 MR. JAMES P. KELLY,

16 appeared via Zoom on behalf of the

17 Intervenor.

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20
21 REPORTED BY: STACY L. HARTMANN, C.S.R.

22 CERTIFICATE NO. 84-3670.

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I N D E X

WITNESS EXAMINATION

ROBERT MILLER

By Mr. Hanlon 4

E X H I B I T S

NUMBER PAGE

Miller Deposition Exhibit No.

1 36

2 49

CERTIFIED QUESTIONS

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1 (WHEREUPON, the witness was duly
2 sworn.)

3 ROBERT MILLER,
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. HANLON:

8 Q. Mr. Miller, I'm going to assume that
9 you have testified previously in at least one
10 other proceeding, but I'm going to go over some
11 rules with you here today that are going to govern
12 this deposition. If during the course of this
13 deposition I ask you a question and you answer it,
14 I will assume that you understood the question.
15 Is that fair?

16 A. Yes.

17 Q. And during the course of the deposition
18 if you need to take a break, you just have to let
19 me know. It may not seem like a long time, but
20 three hours answering questions sometimes -- you
21 know, you might need a break. The only thing that
22 I ask is if there is a question pending, that you
23 answer the question before we take a break. Do
24 you understand?

1 A. I do.

2 Q. Okay. During the course of this
3 deposition your counsel, Mr. Gooch, may raise
4 objections for the record and those are for the
5 record. Now, in most cases you have to answer the
6 question anyway unless you receive instruction
7 from your counsel not to answer the question. Do
8 you understand that?

9 A. I do.

10 Q. And if you don't understand a question
11 that I ask you, will you kindly let me know that
12 you do not understand the question?

13 A. I will.

14 Q. And with those rules in mind, the --
15 I'm going to start off with a couple of quick
16 background questions on yourself.

17 MR. GOOCH: Rob, I wanted to make a record.
18 I wanted the court reporter to know Sabina
19 Walczyk, my associate, is also present.
20 Unfortunately, she's down at the end of the
21 conference room table, so you are not picking it
22 up on the camera.

23 MR. HANLON: Oh, well, I am okay with that.
24 You know, that is what we all do. So thanks for

1 letting me know. And hello.

2 Is there anything else so I can get in
3 my examination here, Mr. Gooch?

4 MR. GOOCH: No. Not a word.

5 BY MR. HANLON:

6 Q. So, Mr. Miller, can you tell me what
7 your date of birth is?

8 A. October 1st, 1954.

9 Q. And what is your highest level of
10 education?

11 A. I'm sorry. What was that?

12 Q. What is your highest level of
13 education?

14 A. High school and some college.

15 Q. When you say "some college," what kind
16 of courses did you take?

17 A. Medicine, fire service courses
18 throughout my career with the fire department.

19 Q. When did you first start working for
20 the Algonquin Township Road District?

21 A. October 1st, 1972.

22 Q. And you were working for your father at
23 the time; is that correct?

24 A. No. That is not correct.

1 Q. Who were you working for at that time?

2 A. Algonquin Township Road District
3 highway commissioner at that time was Julian
4 Dvorak.

5 Q. And are you related by blood or
6 marriage to Mr. Dvorak?

7 A. Yes. He was my grandfather.

8 Q. Okay. And did you work under any other
9 highway commissioners during your tenure as an
10 employee of the Road District?

11 A. Yes, I did.

12 Q. And who is that?

13 A. My father, Delbert Miller.

14 Q. When were you first elected as the
15 highway commissioner?

16 A. I believe it was 1993.

17 Q. One second, please. During your term
18 as -- and I think I am going to limit my questions
19 to a timeframe of the last ten years in which you
20 served as the highway commissioner of Algonquin
21 Township. Is that clear?

22 A. I'm sorry. I don't understand the
23 question.

24 Q. For the questions I'm going to ask you

1 moving forward, the timeframe is going to be the
2 last ten years that you served as highway
3 commissioner. Is that clear?

4 A. Yes.

5 Q. Okay. And when I am done with that
6 series of questions, I will let you know if the
7 timeframe changes, but most of my questions will
8 be in that realm of time period. Do you
9 understand that?

10 A. Yes, I do.

11 Q. Okay. Can you identify any
12 municipality within McHenry County that donated
13 salt to Algonquin Township Road District?

14 A. I don't -- I am not aware of any
15 specific municipality that donated salt to the
16 Road District.

17 Q. So at any point in time did any
18 municipality tender salt to the Road District to
19 hold on their behalf?

20 A. Yes, they did.

21 Q. Okay. And what municipality was that?

22 A. There were several.

23 Q. Which ones?

24 A. I believe the Village of Oakwood Hills

1 is one. Village of Cary. Village of Fox River
2 Grove. Village of Trout Valley. There may have
3 been more. It's been a while at this time.

4 Q. Would you have documented these
5 deposits of salt with the Road District?

6 A. Yes, they were. They employees were
7 instructed.

8 Q. I asked you if you documented it with
9 the Road District.

10 A. Did I personally, no. I oversaw the
11 inventory.

12 Q. Who documented those deposits of salt?

13 A. My foreman at the time.

14 Q. And who was that?

15 A. Two of them. One was a gentleman by
16 the name of Michael Barnas, and the second, when
17 Michael retired, it became the responsibility of
18 Derek Lee.

19 Q. And where were these records kept?

20 A. On a computer in the foreman's office.

21 Q. And would you be surprised to learn
22 that those municipalities, when given a FOIA
23 request by a third-party, had no knowledge of any
24 deposits or storing of salt at the Algonquin

1 Township Road District?

2 A. I'm sorry. You are going to need to
3 repeat that question.

4 MR. HANLON: Stacy.

5 (WHEREUPON, the record was
6 read by the reporter.)

7 BY THE WITNESS:

8 A. No. That wouldn't surprise me.

9 Q. Why would it not surprise you?

10 A. Perhaps they didn't keep a written
11 document of it. They trusted us to do it.

12 Q. How much salt did Oakwood Hills deposit
13 with the Algonquin Township Road District?

14 A. Off the top of my head, I have no idea.
15 I probably could find paperwork somewhere if I was
16 still at the Township to find that, but off the
17 top of my head, I could not answer that question
18 with any degree of accuracy.

19 Q. Okay. So there is paperwork that
20 reflects that, correct?

21 A. There was a database.

22 Q. It was solely on this database; is that
23 your testimony?

24 MR. GOOCH: I think he has answered the

1 question. Objection to form.

2 MR. HANLON: I said I asked him solely.

3 BY MR. HANLON:

4 Q. Solely on this database; no other
5 location?

6 A. I don't know how else it could be kept.

7 Q. Wasn't there a log, a paper log in the
8 actual salt dome of the movement of salt in and
9 out of the salt dome?

10 A. No.

11 Q. You are sure of that?

12 A. I am positive.

13 Q. And why are you positive?

14 A. Because I don't believe there was
15 anything in the salt dome that kept any kind of an
16 accurate accounting.

17 Q. Well, I am asking you why you are
18 positive there is no papers in the actual salt
19 dome with a log --

20 THE COURT REPORTER: Mr. Hanlon, you've kind
21 of cut out there.

22 MR. HANLON: Sorry about that. It muted me
23 for a moment. So I am going to rephrase the
24 question.

1 BY MR. HANLON:

2 Q. I asked you earlier whether or not
3 there was a log in the salt dome. Do you remember
4 that testimony?

5 A. I do.

6 Q. And you said that there was not,
7 correct?

8 A. That is correct.

9 Q. Okay. So if I -- if I am looking at a
10 log, that would be manufactured; is that correct?

11 A. You would have to show me what you are
12 looking at. I do not know at this time what you
13 mean.

14 Q. Okay. There was no piece of paper that
15 had a series of entries as to deposits or
16 withdraws of salt from the salt dome?

17 A. There was a piece of paper kept in the
18 front-end loader that indicated who got what when.

19 Q. Okay. So that would be a paper record
20 that would be not on a database, correct?

21 A. That is what the database was
22 constructed from.

23 Q. So there was a record. It was not
24 solely on the database, correct?

1 A. Well, the two complement one another.
2 The paper with the inventory you may or may not be
3 looking at was totally useless without the
4 database that it was transposed to.

5 Q. So a piece of paper that logs each and
6 every load and delivery of salt in and load out
7 would be useless without the database; that is
8 your testimony?

9 A. I believe that to be true because there
10 would not be totals connected to the in and out.
11 So you would have no way of reconciling.

12 Q. Okay. Do you know who Keith Seda is?

13 A. I'm sorry. Is that a question?

14 Q. I asked you if you knew who Keith Seda
15 is?

16 A. Yes, I do.

17 Q. Okay. And who is Keith Seda?

18 A. He was our IT person at the Township in
19 the Road District.

20 Q. When you say "IT person," what do you
21 mean by IT person?

22 A. Our person that worked on our IT
23 affairs, computers and such.

24 Q. So you gave Mr. Seda instructions as to

1 the maintenance of those computers; is that
2 correct?

3 A. Yes. That is correct.

4 Q. Okay. And did you give Mr. Seda any
5 instructions to run software on the computer that
6 was in your office that would eliminate the data
7 and history of the content of what was on that
8 computer?

9 A. I do not recall.

10 Q. You don't recall. So if Mr. Seda
11 testifies that you gave him such instructions,
12 would he be truthful?

13 A. I have no idea what Mr. Seda said or
14 didn't say. I do not remember giving such
15 instruction.

16 Q. Now, you understand that when you say
17 that you don't remember, if you actually do
18 remember, that would be a false statement,
19 correct?

20 MR. GOOCH: Objection. That is not a correct
21 question, and I strongly suggest you not give my
22 client legal advice.

23 MR. HANLON: I wasn't giving him legal
24 advice. I was asking him a question.

1 Stacy, can you read back the question,
2 please.

3 (WHEREUPON, the record was
4 read by the reporter.)

5 THE WITNESS: I must admit, I am confused by
6 your question. If that is yes, no -- I'm sorry.
7 I do not understand your question. Even
8 rephrased, I don't understand your question.

9 BY MR. HANLON:

10 Q. Mr. Miller, you are wearing a white
11 shirt today, right?

12 A. No.

13 Q. What's that?

14 A. No, I am not.

15 Q. Okay. You are wearing a shirt today,
16 right?

17 A. That is correct.

18 Q. Okay. And you put that shirt on today,
19 right?

20 A. That is correct.

21 *1*

22 Q. Okay. And if you were to tell me you
23 didn't remember putting your shirt on this
24 morning, could that be a lie if you actually know

1 that you put your shirt on today?

2 MR. GOOCH: Objection, argumentative. Don't
3 answer the question.

4 MR. HANLON: Then we can certify that, Stacy.

5 BY MR. HANLON:

6 Q. Have you ever used a Road District
7 credit card for anything that was not for Road
8 District business?

9 A. Not to my knowledge.

10 Q. Are you sure about that?

11 MR. GOOCH: Objection. He already answered
12 the question.

13 MR. HANLON: The question was if he was sure.
14 I am asking if he is sure.

15 BY THE WITNESS:

16 A. Not to my knowledge. I have no
17 personal recollection using a credit card for
18 non-business uses.

19 BY MR. HANLON:

20 Q. All right. You had actually two credit
21 cards that were Road District credit cards; is
22 that correct?

23 A. That's correct.

24 Q. And one was an American Express card,

1 correct?

2 A. That is correct.

3 Q. Okay. And the other one -- who
4 provided the other card?

5 A. I would have to research my paperwork
6 that I left behind. I don't recall. It's been a
7 couple years.

8 Q. One second. There is a Capital One
9 card, correct?

10 A. It may have been.

11 Q. There was also a Visa card, wasn't
12 there?

13 A. To be honest, I remember the American
14 Express card. If there were two other cards, I am
15 not exactly sure.

16 Q. And there was a Lowe's card, correct?

17 A. There may have been.

18 Q. Now, on December the 2nd, 2010, you
19 purchased a Fridgidaire top freezer refrigerator.
20 Do you recall that?

21 A. I do not.

22 Q. Do you recall purchasing a microwave?

23 A. Yes, I do.

24 Q. Okay. And --

1 A. I bought the microwave and refrigerator
2 on the same day, and I -- you have refreshed my
3 memory.

4 Q. Okay. Where was the top freezer
5 refrigerator located?

6 A. In the employee break room.

7 Q. And where was the microwave located?

8 A. Same place.

9 Q. And on December 22nd, 2010, at Lowe's
10 did you buy sets of elas-poly coverall trims and
11 Tyvek coveralls Trimaco?

12 A. I would have to look at paperwork to
13 prove that happened. I have no instant
14 recollection of that.

15 Q. You also had a Sam's credit card; is
16 that correct?

17 A. I believe so, yes.

18 Q. Okay. And you purchased a 47-inch LG
19 TV; is that correct?

20 A. I have no recollection. I purchased
21 several TVs over the years.

22 Q. Okay. So on May 19th, 2010, had you
23 purchased this 47-inch LG TV for a surveillance
24 monitor?

1 A. It may have been the TV that was
2 located in the same break room we were previously
3 talking about. Obviously, we outfitted that room
4 that day or that week or that month or during the
5 timeframe. I don't know if the TV was used for
6 that. We also had TVs used for surveillance, as
7 you stated. I have no recollection which one went
8 where.

9 Q. Can you tell me why you would have made
10 a purchase of \$78 at Renee's of Ridgefield?

11 A. I can't remember at the time what that
12 may or may not have been for.

13 Q. Well, isn't Renee's of Ridgefield a
14 flower shop?

15 A. Yes, it is.

16 Q. Okay. And so on June 4th, 2010, your
17 credit card was used to expend \$77.99 at Renee's
18 of Ridgefield. Can you tell me what the public
19 purpose of that was?

20 A. I believe is that -- I am not sure
21 which elected official it was, but one of our
22 officials was either in the hospital or having
23 surgery of some sort, and we sent -- I believe it
24 was a supervisor and the Road District combined to

1 send some flowers.

2 Q. All right. And that is all very nice
3 and everything, but what was the public purpose of
4 sending flowers?

5 MR. GOOCH: Objection. That's a legal
6 opinion what the public purpose is. You are not
7 answering the question.

8 BY MR. HANLON:

9 Q. Mr. Miller, do you understand what I
10 mean by a public purpose?

11 A. I do not know exactly what -- I am not
12 a lawyer. So I do not know what you mean.

13 Q. Okay. And you know what public is,
14 right?

15 A. I believe I understand the word public.

16 Q. Do you understand the word purpose?

17 A. I believe I do. But as far as the
18 legal terminology, I couldn't tell you what it
19 means.

20 *2*

21 Q. Okay. In the parlance of your nonlegal
22 vocabulary, can you tell me what the public
23 purpose was for the purchase of flowers?

24 MR. GOOCH: Objection. Same objection.

1 Calls for a legal opinion. Don't answer the
2 question.

3 MR. HANLON: I'm not asking him for a legal
4 opinion, Mr. Gooch. I guess if this is going to
5 continue, because this question is going to, you
6 know, come up time and time again -- so, Stacy, we
7 are going to certify that question to the court.

8 BY MR. HANLON:

9 Q. Let's talk about American Express for a
10 minute. Do you recall your testimony earlier was
11 that you had an American Express card and that was
12 issued to the Township, correct -- or I mean,
13 sorry, to the Road District, correct?

14 A. Correct.

15 Q. And there were membership rewards
16 points that were earned as a result of that card,
17 correct?

18 A. I believe so, yes.

19 Q. And commencing in 2009 you had
20 105,312 points, which I guess was the balance on
21 January 1, 2010, and you made numerous purchases
22 through Amazon. Do you know what you used those
23 points for in February and March to purchase at
24 Amazon?

1 A. I do not recall. I would have to look
2 at the paperwork and see what I purchased. Each
3 and every bill was backed up with backup.

4 Q. Well, when you purchased these items,
5 where did they go?

6 A. Office, garage for purposes for the
7 Township Road District.

8 Q. Did you ever make a record that these
9 points were being used and how they were being
10 used?

11 A. No, I did not.

12 Q. So if I direct your attention to
13 July 28, 2014, you used 28,886 points for another
14 Amazon order, would you know what that was for?

15 A. Without looking at what you are looking
16 at, no.

17 MR. GOOCH: We have as available, Rob, if you
18 give me the Bates stamp number, I can pull it up
19 real fast.

20 MR. HANLON: I appreciate your desire to
21 assist me, Mr. Gooch, but I will continue with my
22 examination.

23 MR. GOOCH: That means you don't have it in
24 front of you.

1 MR. HANLON: Well, Mr. Gooch, I have lots of
2 things in front of me at the moment, but this is
3 about a deposition, not about your speculation.
4 So just put a cork in it until you have time to
5 file -- or raise an objection.

6 BY MR. HANLON:

7 Q. In 2011 you spent \$1,500 on airline
8 tickets. Can you tell me why you spent \$1,500 on
9 airline tickets in August of 2011?

10 A. I do not know, again, without looking
11 at what you are looking at. You would have to
12 tell me a destination for me to tell you what the
13 purpose of those airline tickets were for.

14 Q. I didn't ask what the purpose was. I
15 asked you if you remember obtaining airline
16 tickets on August 19th, 2011.

17 A. I do not recall.

18 Q. Okay. Did you ever purchase tickets
19 for your family members using a Road District's
20 American Express card?

21 A. No, I did not.

22 Q. And you are sure of that?

23 A. I purchased tickets for employees and
24 employees' families for participation in

1 conferences such as the APWA shows, which stand
2 for American Public Works Association.

3 Q. All right. And so you went on a trip
4 to New Orleans. Do you recall that trip?

5 A. I did not go on a trip. I went to a
6 conference that was, again, sponsored by the
7 American Public Works Association for --

8 Q. Who went on that particular travel
9 destination?

10 A. You could probably help me if you could
11 tell me where that destination was.

12 Q. Okay. I asked you about the New
13 Orleans trip. So is that clear to you now?

14 A. That is what I was asking you.

15 Q. Okay. So your trip to New Orleans,
16 when did you take your trip to New Orleans,
17 roughly?

18 A. I attended a conference in New Orleans
19 for the APWA, and I believe that the accompanying
20 people on that trip were my foreman, my
21 administrative assistant, the assistant foreman,
22 the foreman's wife and the assistant foreman's
23 wife and minor child.

24 Q. Let's use their names. Okay. So who

1 were the people that were on the trip to
2 New Orleans?

3 A. Myself; my secretary/administrative
4 assistant, Anna May Miller; my foreman, Michael
5 Barnas; my foreman's wife, Beth -- Elizabeth
6 Barnas; my other foreman, my co-foreman, Derek
7 Lee; Derek Lee's wife, Rebecca Lee, and their
8 minor child. At the time I believe there was only
9 one, Samantha Lee.

10 Q. All right. So Derek Lee is married to
11 your daughter Rebecca Lee, correct?

12 A. Well, I don't know what relevance that
13 might have, but, you know --

14 Q. Just answer the question, Mr. -- your
15 lawyer can raise an objection if it is improper.
16 Don't be asking me questions or, you know,
17 getting -- I'm going to ask questions and you are
18 going to answer them.

19 MR. GOOCH: Quiet. You have -- you lecture
20 me and I will tell him how to behave. Do not
21 raise your voice with my client. Do not --

22 MR. HANLON: Answer the question. Answer the
23 question, please.

24 THE WITNESS: Could I please have the

1 question repeated.

2 (WHEREUPON, the record was
3 read by the reporter.)

4 BY THE WITNESS:

5 A. Thank you. Derek Lee is married to my
6 daughter Rebecca Lee. That is a correct
7 statement.

8 BY MR. HANLON:

9 Q. All right. And so the individuals that
10 were on the trip to New Orleans were yourself,
11 your wife, Mr. and Mrs. Barnas; is that correct?

12 A. That's correct.

13 Q. Your son-in-law Derek Lee, your
14 daughter and your granddaughter, correct?

15 A. Well, they were there. They --
16 obviously, we can't deny the family relation. It
17 is what it is. But as I said, they were there
18 because that is the policy of the Township, and
19 that is who accompanied the Township
20 representative group to that conference.

21 Q. What public purpose was served by
22 having your granddaughter's transportation paid by
23 the Road District to that event?

24 A. As I stated before previously, I did

1 not bring my granddaughter to any conference.

2 Q. Okay.

3 A. Along with the contingent from
4 Algonquin Township had relatives that were in that
5 group. I brought my foreman, my assistant
6 foreman, and they, in turn, brought their
7 families. That was the current policy of the Road
8 District at the time as well as the policy for the
9 Township.

10 Q. Mr. Miller, I asked you a question.
11 You didn't answer my question.

12 A. I'm sorry. I --

13 Q. So your job in this deposition is
14 answer my questions, not some other question. So
15 I asked you what the -- what public purpose was
16 served by having Samantha Lee present at the
17 expense of the Road District?

18 MR. GOOCH: Objection. Calls for -- as I
19 said before, a legal opinion. I direct him not to
20 answer any questions requiring a legal opinion.

21 MR. HANLON: It doesn't require a legal
22 opinion, Mr. Gooch.

23 BY MR. HANLON:

24 Q. I would like to know what -- the

1 purpose of having Samantha Lee on that trip at the
2 expense of the Road District. What was the
3 purpose?

4 A. It was the belief of the Township and
5 the Road District that they would get greater
6 participation of their elected officials if their
7 families could come along. That would get the
8 elected official to the venue and that was the
9 whole idea was education.

10 Q. Well, these were your employees,
11 correct?

12 A. Correct.

13 Q. Okay. So you could direct your
14 employees to go to a conference, correct?

15 A. I could ask my employees if they were
16 interested in attending a conference. They were
17 never ever demand -- there was no demand on my
18 employees.

19 Q. Those employees were under your
20 direction and control as the highway commissioner,
21 correct?

22 A. Correct.

23 Q. In 2014 and 2015 you purchased gift
24 cards at Home Depot. Do you recall doing that?

1 A. I purchased several gift cards from
2 several places. I don't specifically remember why
3 the gift cards from Home Depot, but I do know from
4 time to time I purchased gift cards.

5 Q. What did you do with the gift cards?

6 A. They were used to compensate people for
7 damages that had occurred. We had a piece of
8 equipment we referred to as our boom mower that
9 was quite destructive. And now and again in the
10 course of doing his job, our operator would take
11 out people's bushes, trees, flowers and such, and
12 to try to make those people whole again without
13 going out and replanting, we would offer a gift
14 card as compensation.

15 We had a volunteer that came in and
16 plowed our parking lot and asked for no money, and
17 as a thank you we gave him a gift card, which I
18 understand is a -- it is continued even at the
19 Township today.

20 But the gift cards went to -- also in
21 the wintertime we had a limit on how much we would
22 spend to replace somebody's monument mailbox.
23 Some people spend \$1,000 or more, believe it or
24 not, building their mailbox. We found that to be

1 just not tolerable. We couldn't replace it with
2 what they had. So in compensation we would put up
3 what we consider a regulation mailbox and give
4 them a gift card to further improve it, if they so
5 chose. We had --

6 Q. All right.

7 A. -- we had -- there were --

8 MR. GOOCH: He is not done answering his
9 question.

10 BY THE WITNESS:

11 A. There were purposes that the gift cards
12 were given. When we had people that came in, we
13 dug up their doghouse putting in a culvert, and
14 rather than go in and hiring somebody to do it, we
15 would compensate them with that gift card where
16 they could have it repaired or use it for
17 something else.

18 BY MR. HANLON:

19 Q. On 7-14-2010 you purchased Orchard
20 Meats & Deli & Wine in the amount of \$670. Do you
21 recall what that was for?

22 A. I am not sure, and I would be guessing.
23 I don't know if my attorney would feel comfortable
24 with me guessing.

1 MR. GOOCH: No, I wouldn't.

2 MR. HANLON: I don't want you to guess.

3 BY MR. HANLON:

4 Q. And so you have no recollection of
5 purchasing \$670 of meat and wine, correct?

6 A. I do not believe I purchased any wine.
7 I know the things that were purchased from Orchard
8 Prime Meats, and it was meat.

9 Q. During the first week of October in
10 2010, did you go on any trips on behalf of the
11 Road District?

12 A. I have absolutely no idea.

13 Q. Okay. Did you attend any conferences
14 in Peoria, Illinois?

15 A. I attended many conferences in Peoria,
16 Illinois throughout my years and tenure as highway
17 commissioner.

18 Q. In August of 2010 did you attend any
19 conferences in Peoria, Illinois?

20 A. I didn't go every year. So I may have
21 gone that year. I have no direct recollection
22 because I did it for over 20 years. They kind of
23 all run together.

24 Q. In August of 2010 did you purchase four

1 airline tickets each in the amount of \$280.40?

2 A. Maybe. I couldn't tell you. I don't
3 know.

4 THE COURT REPORTER: I'm going to interrupt
5 for just one second. I'm so sorry. I think
6 Mr. Kelly is joining us.

7 (WHEREUPON, MR. KELLY
8 entered the Zoom deposition
9 proceedings.)

10 BY MR. HANLON:

11 Q. Between the time you lost the primary
12 election of 2017 and May 15th, 2017, did you --
13 I'm sorry -- did the Road District hire the
14 I.T. Connection to forensically wipe the computers
15 and hard drives and servers at Algonquin Township
16 Road District?

17 A. They weren't forensically wiped. That
18 is not what my understanding was. Did I eliminate
19 personal information, yes. Road District records
20 were retained.

21 Q. Can you explain how there wasn't a
22 single email on your computer at the time that
23 Mr. Gasser took office?

24 A. The emails that were retained by MC, I

1 was under the impression they were archived and
2 they could be obtained by anybody at any time.

3 Q. Who archived them?

4 MR. GOOCH: I'm sorry. I didn't catch that
5 last question.

6 BY MR. HANLON:

7 Q. Who archived the records?

8 A. I was under the understanding that MC
9 dot -- the carrier for the email archived them.

10 Q. You had two different email addresses
11 that you used in your time as highway
12 commissioner, correct?

13 A. No. I had one personal email. My
14 business card was -- would be perceived as a
15 business email. The other is personal.

16 Q. So commissionerbob@hotmail.com, was
17 that your business or personal?

18 A. It was my personal.

19 Q. And bobmiller@mc.net was your -- the
20 only email address that you used for Road District
21 business; is that correct?

22 A. In the beginning, email was in its
23 infancy and I don't think I put it on my business
24 card until towards the latter end of my tenure,

1 but eventually it did make it on there. So, yes,
2 it was as close to a business email. There was
3 also an Algonquin Township email that I may or may
4 not have used. I don't remember. That was also
5 in the newsletter. I don't even remember what it
6 was anymore.

7 Q. Are you familiar with PC Cleaner?

8 A. No, I am not.

9 Q. I will represent to you, Mr. Miller,
10 that Mr. Seda articulated to me that he handed to
11 you two hard drives which he had removed from the
12 servers at Algonquin Township. Do you know what
13 happened to those hard drives?

14 A. They were left behind in my office.
15 They had left them in the box that they came in
16 underneath a credenza, if I remember right.
17 Mr. Seda built the computers --

18 Q. You have answered the question.

19 A. I did.

20 Q. You purchased a Blink camera on a Road
21 District credit card; is that correct?

22 A. That's correct.

23 Q. And you installed that Blink camera in
24 your home; is that correct?

1 A. That is not correct. I installed it in
2 the office.

3 Q. Do you have a security system in your
4 home?

5 A. I liked the Blink camera so much, I
6 purchased one for my home with my own funds.

7 Q. And then did you have that Blink camera
8 tied in with your email at the Road District, the
9 MC.net account?

10 A. All of them were, yes, my home and the
11 Township.

12 Q. You had a clothing policy that you
13 adopted in writing at the Road District; is that
14 correct?

15 A. I had a written clothing policy for the
16 employees in the shop. The clothing policy for
17 the office staff, which was one person, was based
18 on that, but not written down.

19 Q. So there was a separate policy for your
20 wife; is that correct?

21 A. That would be correct.

22 Q. Was it written?

23 A. No, as I stated in the last answer to
24 your question.

1 Q. What was the policy then?

2 A. The same as the -- it mimicked the
3 policy that I had in the shop, only it was a
4 non-uniform clothing allowance.

5 Q. There was an allegation in the
6 complaint in which you denied, it's paragraph 33.
7 I have given to Mr. Gooch as Exhibit No. 1 that
8 instrument and I have sent a copy to the court
9 reporter.

10 Do you have that in front of you?

11 MR. GOOCH: Yes, he has got it. I will mark
12 it as Deposition Exhibit 1 of Robert Miller.
13 Okay.

14 BY MR. HANLON:

15 Q. At the time that you left office, was
16 that Levenger bag in the possession of Anna May
17 Miller or yourself?

18 A. No. No, it was not.

19 Q. And where was that left?

20 A. That was left in the clerk's office. I
21 believe that over the course --

22 Q. I didn't ask you anything else other
23 than where it was. I just asked --

24 MR. GOOCH: Stop interrupting when he is

1 making a answer.

2 MR. HANLON: Well, his answer was complete
3 and he wanted to ramble on and waste time and I
4 know the game. So stop it.

5 MR. GOOCH: You know, wasting time is not
6 having questions ready to ask, Rob. I mean, he
7 was trying to --

8 MR. HANLON: Mr. Gooch.

9 MR. GOOCH: No, don't Mr. Gooch me. He was
10 trying to answer the question.

11 MR. HANLON: We are not doing this right now.
12 You are wasting my time, and, you know, we are
13 going to be back at it if you keep it up.

14 BY MR. HANLON:

15 Q. With respect to -- oh, excuse me.

16 You attended a Hooters restaurant and
17 charged \$210.90 to your card at the Hooters
18 restaurant. Do you recall doing that?

19 A. I do.

20 Q. Okay. And why were you at the Hooters
21 restaurant?

22 A. There was a Public Works Association
23 meeting in Milwaukee, Wisconsin, and I took the
24 employees to that educational opportunity and we

1 went to several seminars and it was an equipment
2 show. And we -- after we were done with the show,
3 to recall and talk about what we saw, what we
4 wanted to buy, what our dreams and plans were for
5 the next year, I took them all to lunch. And I
6 asked them where they would like to go. They
7 suggested Hooters. And since I knew it was a nice
8 family restaurant, that is where we went.

9 Q. With respect to your use of the
10 American Express card, you had purchased American
11 Express gift cards at Jewel. Do you recall using
12 your American Express card to purchase American
13 Express gift cards?

14 A. You know, I think I do. I do recollect
15 doing that, yes.

16 Q. And what was the purpose of those gift
17 cards?

18 A. Same. Same as I stated before. The
19 gift cards were used for various activities, and
20 they were purchased from various locations.

21 Q. Okay. You got them from Home Depot,
22 correct?

23 A. Do you want a complete answer?

24 Q. All right. I'm going to list off

1 several different ones that you obtained these
2 gift cards at. So one of them was Home Depot,
3 correct?

4 A. Yes.

5 Q. And one of them was The Barn Nursery,
6 correct?

7 A. That's correct.

8 Q. And one of them was Jewel, correct?

9 A. I don't know. They weren't Jewel gift
10 certificates. They were, like you said, American
11 Express gift cards. So they were given to people
12 to make them whole again after they suffered some
13 sort of damage.

14 Q. Identify one person that you gave those
15 cards to.

16 A. I couldn't tell you. I should have
17 probably written it down, but it's been so many
18 years, I don't remember. I can probably point out
19 the house. Maybe I remember some of the job. But
20 the actual people I gave them to, very sorry. It
21 was the owners of record of the homes and the
22 places where we put bike paths and things that
23 impacted their property.

24 Q. I asked you to identify the people. I

1 didn't ask you about the rest of that stuff. So
2 just simply, can you identify one person that you
3 gave one of those cards to by name?

4 A. I did not keep a list.

5 Q. As you sit here today, you cannot think
6 of a single person that you gave a gift card to;
7 is that correct?

8 A. I can remember at least one.

9 Q. Who?

10 A. His name was Donald Ehrensperger. He
11 was the former band director from Cary-Grove High
12 School. And I didn't know they lived there. But
13 when I went up to give him his gift card, when a
14 mower operator cutting --

15 Q. I asked you for his name. I didn't ask
16 you for the rest of it.

17 So with respect to that individual
18 Donald, how do you spell his last name?

19 A. I have no idea.

20 Q. How do you think it is spelled?

21 A. It starts with an E. I have no idea.

22 I didn't ask him to spell his name when I gave him
23 his gift card.

24 Q. What street did he live on?

1 A. Kilkenny Drive.

2 Q. Do you know if he is still alive?

3 A. I believe he is. I just saw his
4 picture in the paper about a week ago.

5 Q. Is there any other human being that you
6 can identify that received a gift card from you as
7 you allege?

8 A. Well, I know where the guy lived, but I
9 don't remember his name. I did not keep track of
10 who I gave them to. Sometimes they were done when
11 we --

12 Q. Okay. That would be a no then,
13 correct?

14 A. That would be a no.

15 Q. All right. So can you stick to
16 answering my questions as opposed to wasting this
17 time?

18 MR. GOOCH: Objection, argumentative. Don't
19 answer it.

20 BY MR. HANLON:

21 Q. You purchased an iPad 2 and an iPad 2
22 smart case. Do you recall doing that?

23 A. Yes, I do.

24 Q. Okay. And that was with Road District

1 funds, correct?

2 A. Yes, it was.

3 Q. Okay. And you did not list that iPad
4 or the iPad 2 on the inventory tendered to
5 Mr. Gasser; is that correct?

6 A. I believed it was on there. To the
7 best of my knowledge, it was on the list.

8 Q. Are you sure about that?

9 A. No. I am not sure.

10 Q. Can you tell me what the purpose of
11 purchasing clothing from Orvis was for the Road
12 District?

13 A. It was purchased for my administrative
14 assistant in the non-uniform clothing allowance.

15 Q. I assume that your administrative
16 assistant has one a size of clothing; is that
17 correct?

18 A. I assume so.

19 Q. Okay. Do you know what your wife's
20 size is?

21 MR. GOOCH: Objection. You don't have to
22 answer that question.

23 MR. HANLON: It is relevant because there is
24 a purchase for women's clothing and the sizes are

1 enumerated within the purchases. It is in the
2 complaint. So he can answer, Mr. Gooch. Are you
3 instructing him not to answer?

4 MR. GOOCH: You betcha. All you are trying
5 to do is humiliate his wife by wanting to know her
6 clothing size.

7 MR. HANLON: No, Mr. Gooch, because she or
8 your client purchased the same items in multiple
9 sizes. I would like to know why.

10 MR. GOOCH: Now, that is a question that's --

11 THE WITNESS: That is a good question. I
12 would be happy to answer that.

13 BY THE WITNESS:

14 A. Multiple sizes were because all of the
15 clothing purchased were -- was not just for my
16 administrative assistant.

17 BY MR. HANLON:

18 Q. Okay. So the -- who was the clothing
19 for other than your administrative assistant?

20 A. Various staff members. We had
21 specialized recycling --

22 Q. I asked you who, not what they did or
23 not what their job function was. What are their
24 names?

1 MR. GOOCH: Objection, argumentative. Change
2 your tone of voice.

3 MR. HANLON: Mr. Gooch, he is going to answer
4 the question and stop playing the games.

5 BY MR. HANLON:

6 Q. Identify them by name.

7 MR. GOOCH: If you can.

8 MR. HANLON: You can't coach the witness to
9 claim that he can't identify his employees.

10 MR. GOOCH: Don't be ridiculous.

11 BY THE WITNESS:

12 A. They were the people that volunteered
13 to help us do our specialized recycling, and I did
14 not keep their names or even have them log in. We
15 had many people volunteer. We used give them
16 shirts to thank them or a sweater or a sweatshirt,
17 depending on what the weather was.

18 BY MR. HANLON:

19 Q. Mr. Miller, you are represented by
20 Mr. Gooch here, and I know Mr. Gooch to be a
21 competent lawyer, and I am assuming that before he
22 filed anything with the court you had an
23 opportunity to review it; is that correct?

24 MR. GOOCH: Objection. Any conversations or

1 anything I may have done with him is all
2 protected. Do not answer the question.

3 MR. HANLON: I am not asking for what you
4 talked about. I am just asking whether or not he
5 reviewed the documents that you filed before they
6 were filed. Not privileged.

7 MR. GOOCH: Which document?

8 MR. HANLON: Any document that's been filed
9 in this case.

10 MR. GOOCH: I don't know if he can answer
11 that.

12 MR. HANLON: Well, let's let him answer it,
13 Mr. Gooch.

14 THE WITNESS: What was the question again?

15 BY MR. HANLON:

16 Q. I asked you whether or not you had
17 reviewed the documents that Mr. Gooch filed on
18 your behalf before they were filed.

19 A. I reviewed them with my lawyers, yes.

20 Q. I don't understand your answer. Did
21 you not review the documents before they were
22 filed?

23 MR. GOOCH: Objection. Which document?

24 BY MR. HANLON:

1 Q. Okay. The documents that Mr. Gooch has
2 filed on your behalf in this case. You know what
3 this case is, right?

4 MR. GOOCH: Objection, argumentative.

5 BY MR. HANLON:

6 Q. Do you know what case I am talking
7 about when I say "this case?"

8 A. I think we do. Yes, we do.

9 Q. Okay. So we have been at this for a
10 couple of years now. You get the documents and
11 you review them before they are filed; is that
12 correct?

13 A. I believe I've reviewed most of the
14 documents. There is a lot of documents. As you
15 said, it's been a lot of years. To the best of my
16 knowledge, I have reviewed the documents.

17 MR. HANLON: Okay. So I'm going to forward
18 to you -- I think we lost Mr. Kelly. Oh, there he
19 is. My apologies.

20 MR. GOOCH: While you get yourself organized,
21 why don't we take a short break.

22 MR. HANLON: I just sent this out to you. I
23 am ready to go. Do you need a break, Mr. Miller?
24 If you need a break, go ahead, Mr. Gooch.

1 Stacy, would you mind making -- keeping
2 track of the time.

3 THE COURT REPORTER: Sure.

4 MR. GOOCH: No. We stay going. I'm going to
5 have to get up and go to the other computer to
6 download the email, print it and bring it back.

7 MR. HANLON: Well, then I am going to ask my
8 questions.

9 MR. GOOCH: I'm sorry?

10 MR. HANLON: I'm going to ask my questions.
11 Or if you want to take a break, then we will take
12 a break.

13 MR. GOOCH: No, I don't want to take a break.

14 MR. HANLON: Okay.

15 MR. GOOCH: Did you send me that document by
16 email?

17 MR. HANLON: One second, Mr. Gooch. I just
18 sent it to you by email, Mr. Gooch.

19 MR. GOOCH: I'm sorry?

20 MR. HANLON: I just sent it to you by email,
21 Mr. Gooch.

22 MR. GOOCH: Sabina, will you go and print it
23 out?

24 MS. WALCZYK: Yes.

1 MR. GOOCH: As soon as it comes in and they
2 print it --

3 MR. HANLON: Stacy, I sent it to Kathy's as
4 well.

5 THE COURT REPORTER: Thank you.

6 MR. GOOCH: I'm sorry?

7 MR. HANLON: I said I sent it to the court
8 reporter as well.

9 BY MR. HANLON:

10 Q. All right. So it is a very short
11 document. It is only six pages.

12 MR. GOOCH: We will review it when it gets
13 here. This is what I cautioned you about earlier.

14 MR. HANLON: Mr. Gooch, I am not going to
15 engage in a discussion with you about this. You
16 know what, I am just going to ask him some more
17 questions. So let's be clear about something.

18 BY MR. HANLON:

19 Q. Did you ever approve a timecard for
20 your wife for hours that your wife did not work?

21 A. No.

22 Q. And you are sure about that, right?

23 A. I am as sure as I can be that I did not
24 do that, yes.

1 Q. Did you document the actual vacation
2 time taken by your employees when you were the
3 highway commissioner?

4 A. No, I did not.

5 Q. As president of the Northern Illinois
6 Highway Commissioners Association, isn't it true
7 that you used Road District resources for that
8 association?

9 THE WITNESS: I'm sorry. What was the
10 question?

11 MR. HANLON: Can you repeat it, Stacy.

12 (WHEREUPON, the record was
13 read by the reporter.)

14 BY THE WITNESS:

15 A. I was the president of the Northern
16 Illinois Highway Commissioners Association.

17 Q. I didn't ask you if you were the
18 president. I asked you if you used Road District
19 resources for that association.

20 A. I don't know if I did or not. I am not
21 aware of whether I would have used --

22 Q. All right. There is a document that
23 Mr. Gooch has. I would like for you to take a
24 look at the document. We are going to call this

1 No. 2, and it's a motion to correct the record
2 that was filed with the court on 1-16 of 2018.

3 My question for you, Mr. Miller, is:
4 Had you seen this before it was filed?

5 A. I may have. I don't recall.

6 Q. Okay. Is everything contained in that
7 motion true and correct?

8 A. No. There is some discrepancy in how
9 the sick pay was paid to me and an ex-employee of
10 the Road District.

11 Q. But your attorney filed that on your
12 behalf, correct?

13 A. Right. But there was some confusion,
14 but yeah. We thought we corrected it.

15 Q. This is after you filed the original
16 document, right?

17 A. There was some confusion, and I believe
18 we corrected it.

19 Q. And this is the correction, correct?

20 A. I don't know if this was before we
21 corrected it or after.

22 Q. It says "motion to correct record."

23 A. All I know is what the truth is. And
24 what came first, the chicken or the egg, I could

1 not tell you.

2 Q. Okay. As you sit here today, do you
3 believe that Mr. Gooch filed anything that was
4 false?

5 MR. GOOCH: Objection, invading the
6 attorney-client privilege. Do not answer the
7 question.

8 MR. HANLON: I am not asking on that. I am
9 asking what he believes. I didn't ask him what
10 you talked about.

11 BY MR. HANLON:

12 Q. It is a document and I want to know
13 about the truth and veracity of this particular
14 document.

15 MR. GOOCH: Objection, invading
16 attorney-client privilege. Don't answer the
17 question.

18 BY MR. HANLON:

19 Q. Is the document true, yes or no?

20 MR. GOOCH: How would he know? I wrote it.
21 Do you want to take my dep next?

22 MR. HANLON: Mr. Gooch, you cannot testify
23 for the witness.

24 BY MR. HANLON:

1 Q. Is there anything in the submission to
2 the court that I have given you as Exhibit No. 2
3 that is not true?

4 A. I have no idea if this was the final,
5 if this was corrected or if this was after it was
6 corrected. In the whole timeline of this
7 particular case, I don't know where this fits in.
8 So --

9 Q. Can you look at the text of that
10 motion, Mr. Miller, and tell me what, if anything,
11 in that motion is not true? It is okay if it is
12 true. It is okay if it is not true. I just want
13 to know what, if anything, is not true in that
14 motion.

15 MR. GOOCH: Objection, calls for a legal
16 opinion I think. Objection, invades the
17 attorney-client privilege.

18 However, I will stipulate that what's
19 in the -- on behalf of my client that what is in
20 the motion is true.

21 MR. HANLON: Okay. I will accept the
22 stipulation. Everything in that motion is true,
23 correct? That is your stipulation?

24 MR. GOOCH: Stipulation.

1 MR. HANLON: Okay. Stacy, did you get that
2 stipulation? I want to make sure that it is very
3 clear in the record that the contents and the
4 statements contained in paragraphs one through
5 three of the motion to correct record, our
6 Exhibit No. 2, is stipulated to be true and
7 correct.

8 And that is your stipulation, correct,
9 Mr. Gooch?

10 MR. GOOCH: The stipulation is what I said it
11 was. I am not going to repeat it for you. I
12 don't have to repeat it for you. I filed it.

13 MR. HANLON: I repeated it to you. I made a
14 record. You are saying you are stipulating it is
15 true. I am good with that. I just want to make
16 sure that those three paragraphs are true. That
17 is the testimony. That is the stipulation,
18 correct?

19 MR. GOOCH: I am not answering that question.

20 MR. HANLON: Well, then you are not
21 stipulating. So now we can have Mr. Miller tell
22 us whether or not you lied in court, Mr. Gooch.

23 MR. GOOCH: Objection. Don't answer the
24 question. Argumentative.

1 BY MR. HANLON:

2 Q. Item No. 1 in that motion says,
3 "Defendant recently filed a reply brief to his
4 motion to dismiss due to lack of standing which
5 contains two errors." Do you see that?

6 MR. GOOCH: Are you talking to me or are you
7 talking to the witness?

8 MR. HANLON: I am talking to the witness. I
9 am not talking to you, Mr. Gooch.

10 THE WITNESS: I'm sorry. Was that a
11 question?

12 BY MR. HANLON:

13 Q. Paragraph one of the motion to correct
14 record -- do you see paragraph one?

15 A. No. I was on page -- I was on
16 paragraph two.

17 Q. There is only three paragraphs here.
18 So let's look at paragraph number one.

19 A. All right. I found it.

20 Q. Okay. Do you have any personal
21 knowledge with respect to paragraph number one,
22 yes or no?

23 A. I am confused. I'm sorry. I don't
24 know what we are -- I have no idea what the

1 question is or what my response would be. I don't
2 know what you are talking about.

3 Q. Paragraph number one says, "Defendant
4 recently filed a reply brief to his motion to
5 dismiss due to a lack of standing which contains
6 two errors." Do you see that?

7 A. Yes, I do.

8 Q. Okay. And as you sit here today, do
9 you have any reason to believe that is not true?

10 A. That there were errors?

11 Q. Correct. I mean, we all make mistakes.
12 Mr. Gooch is saying he made a mistake. At least
13 that is how I read this.

14 MR. GOOCH: Is that a question?

15 MR. HANLON: I am asking if the witness knows
16 or has any reason to believe, as he sits here
17 today, that paragraph one is not true.

18 BY THE WITNESS:

19 A. I have no idea.

20 BY MR. HANLON:

21 Q. So you have no idea, you know, one way
22 or the other as to the truth or veracity of
23 paragraph one, correct?

24 MR. GOOCH: Objection, asked and answered.

1 Don't answer it again.

2 MR. HANLON: He didn't answer the question.

3 MR. GOOCH: Yes, he did. The record will
4 show that he said he --

5 MR. HANLON: Stacy, read back his answer for
6 me, please.

7 (WHEREUPON, the record was
8 read by the reporter.)

9 MR. GOOCH: The objection --

10 MR. HANLON: It is a different question. Are
11 you instructing the witness not to answer,
12 Mr. Gooch?

13 MR. GOOCH: That is right. Move on.

14 BY MR. HANLON:

15 Q. Okay. Paragraph two of the motion to
16 correct the record, do you have any knowledge that
17 anything contained in paragraph number two is not
18 true?

19 A. I don't understand paragraph two. I
20 don't know what -- I don't understand what was
21 wrong and what was right. I'm sorry. This is
22 confusing to me.

23 Q. As you sit here today --

24 A. Yes.

1 Q. -- do you have any knowledge that would
2 suggest that the motion to correct the record
3 containing three paragraphs, one, two and three,
4 was not truthful when it was filed?

5 A. No. I know to the best of my
6 knowledge -- misinformation was given to my
7 attorney, and to the best of my knowledge no
8 information was filed by my attorney that wasn't
9 true.

10 Q. And that is in light of looking at this
11 document, correct?

12 A. Well, again, this -- I do not
13 understand legalese. I am not an attorney. I
14 don't understand this document.

15 Q. As you sit here today, do you know of
16 anything that is in this motion in front of you
17 that is not true?

18 MR. GOOCH: Objection, asked and answered.
19 Don't answer the question.

20 MR. HANLON: He hasn't answered the question.
21 I want an answer to my question.

22 MR. GOOCH: Move on. Move on.

23 MR. HANLON: I am not moving on. I want an
24 answer to my question.

1 MR. GOOCH: Objection, argumentative.

2 MR. HANLON: It is not argumentative. I want
3 an answer to my question.

4 MR. GOOCH: He answered the question. Move
5 on.

6 MR. HANLON: Are you instructing the witness
7 not to answer, Mr. Gooch?

8 MR. GOOCH: I already did.

9 BY MR. HANLON:

10 Q. With respect to paragraph three of the
11 motion to correct the record -- do you see
12 paragraph three?

13 A. I do.

14 Q. Is paragraph three true, yes or no?

15 MR. GOOCH: Objection to the form of the
16 question, demanding a yes or a no answer. If you
17 can answer it that way, that is one thing.

18 MR. HANLON: It is either true or it is not,
19 Mr. Gooch.

20 BY THE WITNESS:

21 A. I am going to repeat what I said about
22 question -- or paragraph two. I don't understand
23 what this is saying. This is not clear to me.

24 BY MR. HANLON:

1 Q. Okay. Did you authorize Mr. Gooch to
2 file this on your behalf?

3 MR. GOOCH: What?

4 MR. HANLON: Repeat the question, Stacy.
5 Mr. Gooch didn't hear me.

6 (WHEREUPON, the record was
7 read by the reporter.)

8 MR. GOOCH: Okay.

9 BY THE WITNESS:

10 A. I assume I did. Again, I don't
11 remember when this was filed.

12 MR. HANLON: Yeah, I don't answer questions.
13 I ask them. If you need to look at the document,
14 it is in front of you.

15 THE WITNESS: And I answered my -- I gave you
16 my answer to the best of my recollection.

17 BY MR. HANLON:

18 Q. And to the best of this recollection of
19 yours, as you sit here today, there is nothing
20 that jumps out at you as being incorrect about
21 this document, correct?

22 A. I can respectfully tell you I have
23 answered the question to the best of my ability.

24

1 *3*

2 Q. Well, you are not going to suddenly
3 realize, after this deposition, that there is some
4 glaring error in this document; is that correct?

5 MR. GOOCH: Objection, argumentative. Don't
6 answer the question.

7 MR. HANLON: Certify it, Stacy.

8 I am going to take a five-minute break
9 here.

10 MR. GOOCH: It is on your time, not on mine.

11 MR. HANLON: It is 2:12. I am taking a
12 break. It is three hours on the record,
13 Mr. Gooch. I will be back.

14 (WHEREUPON, a recess was had.)

15 BY MR. HANLON:

16 Q. Mr. Miller, you had an I-pass
17 transponder on your Corvette that was paid for by
18 the Road District; is that correct?

19 A. No. That is not correct.

20 Q. After you had left office, had you
21 accessed the I-pass account of the Road District?

22 A. Yes. Mr. Gasser had taken all of my
23 funds. I was quite shocked.

24 Q. What do you mean he had taken your

1 funds?

2 A. The I-pass account was paid for with my
3 personal American Express account. I did not use
4 the I-pass enough that I thought it was really
5 worth it for the Township. So I had one and I put
6 the Township's vehicles on my I-pass.

7 Q. And that I-pass account was actually in
8 the name of the Road District; isn't that correct?

9 A. I think the State did that. It was
10 originally under my name. I don't know why -- how
11 the Road District got on there, but --

12 Q. But it was in the Road District's name
13 at the time that you left office, correct?

14 A. That was under my name. The Road
15 District may have been mentioned. I don't know.
16 But it was paid for by me and it was my I-pass.
17 Mr. Gasser took my funds, and then my I-passes had
18 them -- made them null and void and I had to buy
19 new ones.

20 Q. Mr. Miller, there were several
21 telephones that were owned by the Road District in
22 your tenure as the highway commissioner; is that
23 correct?

24 A. Yeah. The Road District had a lot of

1 telephones, correct.

2 Q. I'm talking about cellular phones.

3 A. Oh.

4 Q. So do you know whose cellular telephone
5 number was 847-878-1613?

6 A. No, I do not.

7 Q. Okay. Do you remember transferring the
8 phone that was associated with that to any of your
9 family members?

10 A. No, I do not.

11 Q. Okay. Do you remember transferring any
12 telephone that the Road District owned to any of
13 your family members?

14 A. I did not transfer any telephones that
15 I am aware of to my family members outside of my
16 employees.

17 Q. In the period of June -- I'm sorry.
18 Strike that.

19 In the period between February 2017 and
20 May 2017 did you transfer any telephone numbers
21 from the Road District to anyone who is related to
22 you within three degrees of consanguinity?

23 A. What does that mean?

24 Q. Okay. How about your children?

1 A. Did I transfer Township cell phones to
2 my children?

3 Q. Any of your children.

4 A. Not that I am aware of.

5 Q. Did you transfer any Township phone or
6 phone numbers to your son-in-laws?

7 A. I transferred telephone numbers to
8 employees. Some may or may not have been related.
9 But I didn't transfer anything to a relative,
10 per se. I transferred numbers. It was -- would
11 you care for an explanation?

12 Q. No. I am not asking for an
13 explanation. I am asking whether you did it or
14 not.

15 Now, did those employees pay any money
16 to the Road District for the receipt of either the
17 phone numbers or the phones that were associated
18 with those Road District accounts?

19 MR. GOOCH: Same --

20 MR. HANLON: Mr. Gooch, I can hear you. Stop
21 it.

22 MR. GOOCH: I am reading a magazine. I'm
23 sorry --

24 MR. HANLON: Well, then keep your reading

1 silently.

2 MR. GOOCH: I try to. Sometimes I,
3 unfortunately, read out loud (indicating). It is
4 just a bad habit. Sorry.

5 BY MR. HANLON:

6 Q. Mr. Miller?

7 A. Was there any money exchanged? Was
8 that your question, sir?

9 Q. Yes.

10 A. No money was exchanged.

11 Q. Did any employee give anything of value
12 to the Road District for either the phone or the
13 phone number?

14 A. I am not aware a phone number had a
15 value, and the phones themselves, the value was
16 de minimis. It was our policy when we upgraded
17 phones to either discard or allow the employee to
18 retain the phone.

19 Q. How many times did you do that?

20 A. Every year or two since cell phones
21 came out.

22 Q. Are you sure about that?

23 A. Pretty sure.

24 Q. So you would buy a new phone for the

1 employee and the employee would then retain the
2 old phone? Is that your testimony?

3 A. Well, we used to trade them in, if my
4 recollection serves me correct. And the value,
5 because the phones were so degraded, cracked
6 screens, moisture, physical abuse, because they
7 are in --

8 MR. HANLON: Did I ask you about physical
9 abuse? I did not. Just answer my question.

10 Can you repeat my question.

11 MR. GOOCH: Do not interrupt him when he is
12 trying to answer.

13 MR. HANLON: He wasn't answering the
14 question. He was doing the nonsense that you
15 advised him to do to waste time here.

16 Stacy, will you repeat my question to
17 Mr. Miller.

18 (WHEREUPON, the record was
19 read by the reporter.)

20 BY THE WITNESS:

21 A. That occasionally happened, correct. I
22 can't state that it happened every time.
23 Sometimes the phones were just discarded. We may
24 have kept them. We may not have.

1 BY MR. HANLON:

2 Q. Had you ever used any Road District
3 equipment to improve your property?

4 A. No.

5 Q. Did you retain any shovels after you
6 left office that were the property of the Road
7 District?

8 A. No, I did not.

9 Q. Did you retain any saws that were the
10 property of the Road District after you left
11 office?

12 A. No, I did not.

13 Q. Did you retain any wrenches after you
14 left -- I'm sorry -- that belonged to the Road
15 District after you left office?

16 A. No, I did not.

17 Q. Did you retain any hand tools that were
18 the property of the Road District after you left
19 office?

20 A. No, I did not.

21 Q. Did you retain any power tools that
22 were the property of the Road District after you
23 left office?

24 A. No, I did not.

1 Q. Did you retain any drills that were the
2 property of the Road District after you left
3 office?

4 A. No, I did not.

5 Q. Did you retain any Sawzalls that were
6 the property of the Road District after you left
7 office?

8 A. No, I did not.

9 Q. Did you retain a Cannon EOS camera
10 after you left office that was the property of the
11 Road District?

12 A. No, I did not.

13 Q. There was a Cannon EOS camera that was
14 purchased with Road District funds. Can you tell
15 me what happened to that camera?

16 A. The camera was left behind in the
17 office in the camera bag with the lens still
18 attached.

19 *4*

20 Q. Are you sure about that?

21 MR. GOOCH: Objection, argumentative. Don't
22 answer the question. You testified.

23 MR. HANLON: I asked him if he was sure.
24 Answer the question.

1 MR. GOOCH: Objection. Don't answer the
2 question. It is an argumentative --

3 MR. HANLON: Certify it, please, Stacy.
4 BY MR. HANLON:

5 Q. Did you retain any municipal license
6 plate for any Road District vehicle after you left
7 office?

8 A. I did not.

9 Q. Can you tell me why the Road District
10 purchased Levenger gift cards?

11 A. I don't remember Levenger. You would
12 have to show me the proof it was done. I do not
13 remember that.

14 Q. I asked you earlier about clothing
15 sizes. And on April 12th, 2011, there were two
16 pairs of women's Woolrich Kory pants that were
17 purchased in different sizes. Can you tell me
18 who, by identifying a name, received those two
19 pairs of pants?

20 A. It is possible it was part of the
21 non-uniform clothing allowance for my
22 administrative assistant.

23 Q. So your administrative assistant
24 purchased two pairs of pants in different sizes?

1 A. I have no idea whether they were in
2 different sizes.

3 Q. Can you tell me who received a women's
4 Woolrich Fisher Island tee purchased on April 12,
5 2011, for \$45?

6 A. Not without looking at the bill.

7 Q. What would the bill tell you as to who
8 received the shirt?

9 A. At this time I don't have enough
10 information to answer that question.

11 Q. Who received the women's Kordel capri
12 pant purchased on April 12, 2011?

13 A. I don't have enough information to
14 answer that question accurately.

15 Q. Who received a cashmere jacquard
16 cardigan sweater purchased with Road District
17 funds?

18 A. Again, it is possible that that was
19 part of the non-uniform clothing allowance for my
20 administrative assistant.

21 Q. I asked you who. That means a name.
22 Who received the cashmere jacquard cardigan
23 sweater purchased with Road District funds?

24 A. To the best of my knowledge, it may or

1 may not have been my administrative assistant.

2 Q. Again, I asked you to identify the
3 person by name. Who, with a person's name this
4 time, Mr. Miller, received the cashmere jacquard
5 cardigan sweater?

6 A. Again, to the best of my knowledge, I
7 believe I am telling you the truth.

8 Q. I asked you for a name. You are not
9 giving me a name. Who is your administrative
10 assistant?

11 A. At the time?

12 Q. Yes.

13 A. I believe it was my wife, Anna May
14 Miller.

15 Q. Okay. So who received the cashmere
16 jacquard cardigan sweater purchased with Road
17 District funds?

18 A. I believe it was my administrative
19 assistant, and the name I just attached for you.

20 Q. Okay. You've got to answer my
21 questions as opposed to this dodging stuff. So
22 who, by name, received the cashmere jacquard
23 cardigan sweater?

24 MR. GOOCH: Objection. You have answered the

1 question.

2 MR. HANLON: No, he hasn't. He has not told
3 me the name as to who received the cashmere
4 jacquard cardigan sweater by name.

5 MR. GOOCH: He told you his administrative
6 assistant received it and her name was Anna May
7 Miller. Now move on.

8 MR. HANLON: Okay. That is your testimony,
9 Mr. Gooch. I want to hear it from the witness.

10 BY MR. HANLON:

11 Q. So, Mr. Miller, who, by name, received
12 the cashmere jacquard cardigan sweater?

13 A. To the best of my knowledge it would
14 have been my administrative assistant.

15 Q. Do you not understand "by name?"

16 A. I think I told you that at the time I
17 believe my administrative assistant was Anna May
18 Miller.

19 Q. Who, by name --

20 A. I have answered that question.

21 *5*

22 Q. I'm sorry. Who, by name, received the
23 cashmere jacquard cardigan sweater?

24 MR. GOOCH: Objection, asked and answered

1 repeatedly. It's argumentative. Do not answer
2 the question. Move on.

3 MR. HANLON: It is not argumentative,
4 Mr. Gooch. Certify the question, Stacy.

5 BY MR. HANLON:

6 Q. Okay. Once again, Mr. Miller, who, by
7 name, received the women's Suplma stripe pocket
8 cardigan sweater?

9 MR. GOOCH: Objection, argumentative,
10 harassment. It's been asked and answered. Do not
11 answer the question.

12 MR. HANLON: It is a separate -- different
13 sweater, Mr. Gooch. This one is a stripe pocket
14 cardigan sweater.

15 MR. GOOCH: Ah. Okay. Answer the question.

16 BY MR. HANLON:

17 Q. By name this time, Mr. Miller.

18 A. I believe my administrative assistant,
19 whose name is Anna May Miller, received a
20 non-uniform clothing allowance. This may have
21 been part of it.

22 Q. Mr. Miller, I didn't ask you about
23 non-uniform clothing allowance. I asked you who,
24 by name, received the women's stripe pocket

1 cardigan sweater.

2 A. Well, I may have used too many words
3 for you, sir, but I believe I answered the
4 question.

5 Q. Isn't it true that Anna May Miller
6 received the women's stripe pocket cardigan
7 sweater, yes or no?

8 A. I believe I already gave you that
9 answer, sir.

10 Q. Now you are not answering that
11 question. I asked you: Anna May Miller received
12 a women's stripe pocket cardigan sweater, yes or
13 no?

14 A. It would seem so.

15 Q. Is that a yes?

16 A. It would seem so.

17 Q. And is that a yes?

18 A. It would seem so.

19 Q. Okay. Is there some problem with your
20 ability to answer my questions?

21 MR. GOOCH: Objection, argumentative.

22 MR. HANLON: Okay. I would like to know
23 whether or not the witness is under the influence
24 of any drugs or alcohol that would impair his

1 ability to answer my questions.

2 MR. GOOCH: Objection, argumentative. Don't
3 answer the question.

4 BY MR. HANLON:

5 Q. Mr. Miller, before you came to this
6 deposition, did you take any drugs or alcohol that
7 would interfere with your ability to answer my
8 questions?

9 A. No, I did not.

10 Q. Okay. So with respect to my question,
11 isn't it true that the women's stripe pocket
12 cardigan sweater was delivered to Anna May Miller;
13 is that correct?

14 A. I believe that is true, but, again, I
15 don't have notes in front of me, don't have a bill
16 in front of me to prove that is what I bought. So
17 I am taking your word for it.

18 Q. The Road District -- I'm sorry. Strike
19 that.

20 Identify, by name, the person who
21 received the women's print drape ballet shirt?

22 A. I believe it is the same -- all of
23 these things seem to be in line with items that
24 were purchased in regards to the non-uniform

1 clothing allowance for Anna May Miller, who at the
2 time was my administrative assistant.

3 Q. So Anna May Miller received the women's
4 print drape ballet shirt, correct?

5 MR. GOOCH: Objection, asked and answered.

6 MR. HANLON: I didn't even ask that question,
7 Mr. Gooch. He can answer the question.

8 MR. GOOCH: He answered it. You asked the
9 question in a different form.

10 MR. HANLON: Stacy, would you repeat the
11 question that I asked of Mr. Miller.

12 (WHEREUPON, the record was
13 read by the reporter.)

14 BY THE WITNESS:

15 A. My administrative assistant was my
16 wife, Anna May Miller. She received it in that
17 capacity.

18 BY MR. HANLON:

19 Q. There were men's shirts embossed with
20 the words "Algonquin Township Highway Department."
21 You received those shirts; is that correct?

22 A. They were distributed to my employees
23 as well, but, yes, I did receive some of them.

24 Q. And where are those shirts now?

1 A. They were all handed back to the
2 Township, placed in the container onsite,
3 recycled.

4 Q. Who received, by name, the women's drop
5 shoulder tuck shirt?

6 A. I have no idea.

7 Q. Who, by name, received the women's
8 Mountain parka?

9 A. I would assume that the items you are
10 mentioning were part of the non-uniform clothing
11 allowance that went to Anna May Miller, who was at
12 the time my administrative assistant.

13 Q. Who, by name, received the bison
14 leather belt?

15 A. I have absolutely no idea.

16 Q. Who, by name, received two long-sleeved
17 men's Woolrich polo shirts?

18 A. The uniforms that were obtained from
19 various outlets were distributed to all of the
20 employees. Who got what, I am sorry, I do not
21 remember.

22 Q. Do you know what a men's Woolrich polo
23 shirt is?

24 A. Do I know?

1 Q. Yeah.

2 A. Offhand, no.

3 Q. Who, by name, received the women's
4 Woolrich Mountain Laurel wrap cardigan?

5 A. Is it okay for me to say the same
6 answer as the last ten times you asked me?

7 Q. No. You are going to answer -- you are
8 going to give me a name every time I ask you a
9 question that asks for a name.

10 Who, by name, not by title, not by
11 function, not by policy, but who, by name,
12 received that item?

13 A. I believe that item, as well as the
14 other items, were part of the non-uniform clothing
15 allowance that Anna May Miller, my administrative
16 assistant, received as part of the compensation.

17 Q. Mr. Miller, did I ask you about the
18 non-uniform policy that you had?

19 MR. GOOCH: Objection. Let me make my
20 objections. Argumentative question. Don't answer
21 it.

22 BY MR. HANLON:

23 Q. Okay. I am asking for a name. And so
24 when I ask you a question for a name, I want only

1 a name and not some other fact. Okay.

2 Who, by name, received the women's
3 Woolrich Plateau Ridge tote bag?

4 MR. GOOCH: Same answer.

5 BY THE WITNESS:

6 A. I'm sorry. I believe my answer --

7 MR. HANLON: Mr. Gooch, you've got to stop
8 doing that. It is not you reading your magazine
9 out loud anymore. You just said "same answer."
10 You can't do that.

11 I don't understand why you would be so
12 obstreperous at this point. I am asking him a
13 name of a person and you don't want him to give a
14 name, which he is obligated to answer and is under
15 oath.

16 MR. GOOCH: He can answer in the method he
17 deems best. What I was reading is your Exhibit N
18 attached to the complaint which lists all of the
19 property. I don't know why you don't show him the
20 exhibit and let him go quickly through it because
21 he answered the same on each one.

22 MR. HANLON: Because I'm going to ask him the
23 questions that I decide that are proper for me to
24 ask. You don't get to tell me how to do it, and

1 let's not waste time doing this.

2 BY MR. HANLON:

3 Q. Mr. Miller --

4 MR. GOOCH: You don't get to tell --

5 by MR. HANLON:

6 Q. -- who, by name, received the Woolrich
7 Plateau Ridge tote bag? It requires a name and
8 nothing else.

9 MR. GOOCH: Objection. He answered the
10 question to the best of his ability the way --

11 MR. HANLON: I didn't hear a name. I didn't
12 hear a name.

13 BY THE WITNESS:

14 A. I believe that item, as well as the
15 other items, were part of the non-uniform clothing
16 allowance that went to Anna May Miller who was at
17 the time my administrative assistant as part of
18 the compensation.

19 BY MR. HANLON:

20 Q. Anna May Miller received a Plateau
21 Ridge tote bag, correct?

22 A. I have no idea. I don't remember it
23 and I don't know what that is.

24 Q. Anna May Miller received the Woolrich

1 Restless Brook cardigan, correct?

2 A. I believe that these items were all
3 part of the non-uniform clothing allowance --

4 Q. My question to you, Mr. Miller, was not
5 about the non-uniform clothing allowance. My
6 question to you was: Anna Miller received the
7 Plateau Ridge tote bag, correct?

8 It calls for a yes or no answer. And
9 if you want to continue with this, it is really
10 fine, Mr. Gooch, because as he continues to do
11 this, I have quite a long record of his refusing
12 to cooperate with this process that will have him
13 come back for another deposition. So that is what
14 he is facing and that is what you are encouraging
15 him to do because he won't answer a simple direct
16 question with a simple direct answer.

17 So I ask the question: Who, by name,
18 received the Plateau Ridge tote bag?

19 MR. GOOCH: And I think he has answered the
20 question.

21 MR. HANLON: I want the name. Just the name.
22 Just so I have a record that shows the question
23 and the answer.

24 MR. GOOCH: What you want is just a name for

1 your nefarious purpose. He answered the question
2 adequately. He not only identified the person, he
3 identified who she was in relation to the
4 Township.

5 BY MR. HANLON:

6 Q. Who, by name, received the Restless
7 Brook cardigan?

8 A. I believe that item, as well as the
9 other items, were part of a non-uniform clothing
10 allowance that Anna May Miller, my administrative
11 assistant at the time, received as part of the
12 compensation.

13 *6*

14 Q. So Anna May Miller received the
15 Restless Brook cardigan, correct?

16 MR. GOOCH: Objection, asked and answered.
17 Don't answer the question.

18 MR. HANLON: Certify it.

19 BY MR. HANLON:

20 Q. Who, by name, received a women's sheep
21 sweater?

22 A. I am not exactly sure what that is, but
23 I believe that that item, as well as the other
24 items that were mentioned, were part of the

1 non-uniform clothing allowance that was received
2 by Administrative Assistant, Anna May Miller, in
3 her capacity in Township Road District as the
4 administrative assistant as part of her
5 compensation.

6 Q. Who, by name, received the women's
7 Alani cardigan sweater?

8 A. To the best of my knowledge, without
9 looking at any further documentation, I believe
10 that would have been my administrative assistant,
11 Anna May Miller, as part of her compensation which
12 was given as a non --

13 Q. Who received the women's Lands' End
14 fine-gauge performance cardigan sweater? I just
15 want a name this time. Nothing else, Mr. Miller.
16 Just the name.

17 MR. GOOCH: Don't tell him how to answer a
18 question. He will answer the question to the best
19 of his ability.

20 BY MR. HANLON:

21 Q. I am asking him only for a name, and
22 only a name is all I want an answer to. The name
23 only of the person who received the women's -- I'm
24 sorry -- the fine-gauge performance cardigan

1 sweater.

2 A. I think it is important to establish
3 that that was part of the non-uniform clothing
4 allowance that Anna May Miller, my administrative
5 assistant, received as part of the compensation.

6 Q. Is there some reason you can't just
7 answer my question?

8 A. I believe I am, sir.

9 Q. I asked you solely for a name.
10 Solely -- and the next question, the only thing I
11 want is a name. I don't want an explanation. Who
12 is a person that received the general merchandise
13 purchased at the Car Bath Wash in the amount of
14 \$214.80?

15 A. I'm sorry. Without looking at what you
16 are looking at, I could not tell you. Could you
17 repeat the --

18 Q. The Road District paid for two Levenger
19 leather tote bags; is that correct?

20 A. It may be correct. In my 27 years of
21 being at the -- the highway commissioner of the
22 Road District, I don't remember.

23 Q. Who received the beige Levenger tote
24 bag?

1 A. These items were used in the normal
2 commission of our duties at the Road District
3 taking papers to and from jobs, showing up at
4 events. So they would have been used by the
5 employees of the Road District.

6 Q. Are you saying that the beige leather
7 tote bag is in the possession of the Road District
8 today, Mr. Miller?

9 A. I have no idea where the beige leather
10 tote bag might be.

11 Q. Was it in the possession of the Road
12 District on the day that you left office?

13 A. I do not recall.

14 Q. And the black leather Levenger bag
15 purchased with Road District funds on 1-19-2012,
16 do you know where that particular bag is located
17 at?

18 A. I have no knowledge of where that
19 particular bag would have been.

20 Q. At the time that you left office, do
21 you know where that bag was?

22 A. I have no idea. Probably used up and
23 disposed of. Nothing lasts forever.

24 Q. And the Levenger brief bag, which is

1 different than a tote bag -- do you know the
2 difference between a tote bag and a brief bag?

3 A. One is more like a briefcase, I would
4 guess, and one is more like a satchel, if you
5 will.

6 Q. Isn't it more like a small purse?

7 A. I really frown on using the word purse.
8 It's been used quite a bit in the press. Never
9 purchased a purse for anyone at the Road District.

10 Q. Can you explain why cowboy boots would
11 have been purchased by the Road District?

12 A. To my knowledge, cowboy boots were
13 never purchased by the Road District.

14 Q. Okay. What was She*Sheplers Western
15 Clothing purchased on August 31st, 2008, on your
16 credit card for \$215.89?

17 A. I would have to have more paperwork to
18 be able to identify that purchase.

19 Q. Did you give two truckloads of salt to
20 the Illinois Railway Museum?

21 A. I am going to rephrase that question
22 and say surplus was donated to the Illinois
23 Railway Museum. The answer to that would be yes.

24 Q. Did you declare it as surplus salt?

1 A. I used the word surplus, correct.

2 Q. Did you declare it as surplus in your
3 official capacity as the highway commissioner?

4 A. I believe the way it was obtained as
5 surplus did not require me to declare it as
6 surplus.

7 *7*

8 Q. So you never declared it as surplus,
9 correct?

10 MR. GOOCH: Objection, asked and answered.

11 MR. HANLON: No, he didn't answer that
12 question.

13 MR. GOOCH: Don't argue. Certify the
14 question.

15 MR. HANLON: Certify the question, Stacy.

16 MR. GOOCH: Okay, Stacy, do that.

17 BY MR. HANLON:

18 Q. Can you explain why the Road District
19 would pay for Jose Cuervo in the amount of \$39.33?

20 A. I have no knowledge of what you are
21 speaking of.

22 Q. Did you ever purchase Jose Cuervo using
23 your credit card -- strike that.

24 Did you ever use a Road District credit

1 card to purchase Jose Cuervo?

2 A. Not knowingly.

3 Q. What do you mean by "not knowingly?"

4 A. I am not aware that I did it.

5 Q. So if there was a charge on the Road
6 District credit card for Jose Cuervo and you were
7 the only person authorized to use the card, how
8 would it get there?

9 A. It perhaps inadvertently got on a bill
10 for lunch we purchased and it was reimbursed by an
11 employee. Alcohol was not paid for by the Road
12 District.

13 Q. You submitted a bill to the board of
14 auditors to pay for that expense; isn't that
15 correct?

16 MR. HANLON: Mr. Kelly, you can't shake your
17 head back and forth while a question is pending.

18 MR. GOOCH: Mr. Kelly is allowed to do -- you
19 don't give orders, Rob. You really don't.

20 BY THE WITNESS:

21 A. I am not aware that I paid for alcohol
22 or Jose Cuervo. I was giving you a hypothetical
23 how it may have happened. I do not know that that
24 is what happened.

1 MR. GOOCH: I think Mr. Kelly is saying
2 something and he doesn't realize he is on mute.

3 MR. KELLY: Let's make the record clear. I
4 am working on another document as I am listening
5 to this. So I am not shaking my head at anything
6 except the document I am reading. Thank you.

7 BY MR. HANLON:

8 Q. Mr. Miller, do you know who owns
9 Martenson Decorating?

10 A. I do know. Daniel Martenson.

11 Q. Is it Daniel Martenson?

12 A. I believe Martenson Decorating is owned
13 by Daniel Martenson.

14 Q. The Road District made a payment to
15 Martenson Decorating in amount of \$4,090. Do you
16 know what that was for?

17 A. Yes, I do.

18 Q. What was it for?

19 A. They did some painting around the Road
20 District shops. I had him repaint the balusters.
21 I said him repaint the wash bay. I had him touch
22 up the silver roof that was showing rust. He did
23 some maintenance work throughout the Township
24 grounds. I should say Road District grounds.

1 Q. Does the Road District own those
2 properties?

3 A. Yes, they do.

4 Q. Are you sure about that?

5 A. Absolutely positive about that. I
6 signed on the dotted line when I bought it from
7 Meyer Material a number of years ago. It was
8 co-owned by my dad and the Township and Road
9 District.

10 Q. I didn't ask about that. Thank you.
11 Do you know who Behm Paving is?

12 A. I'm sorry. You need to repeat that
13 name.

14 Q. Behm, B-E-H-M, Paving.

15 A. Oh, Behm. I know who Behm Paving is,
16 yes.

17 Q. All right. Who are the principals at
18 Behm Paving?

19 A. I believe it is owned by a husband and
20 wife, Bill and Lisa.

21 Q. Joe and Lisa?

22 A. Bill. William.

23 Q. Oh. And their last name?

24 A. Behm, B-E-H-M.

1 Q. Okay. And where do they live?

2 A. I think Prairie Grove, but I am not
3 sure.

4 Q. Did you tender all the documents to
5 Mr. Gasser when you departed office?

6 A. I'm sorry. I did not hear the
7 question.

8 Q. Did you tender to Mr. Gasser all of the
9 records of the Road District when you left office?

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

11 Q. Did you ever obtain an order of
12 destruction from the Illinois Secretary of State
13 in the period of January 1st, 2015, through
14 May 2017?

15 A. I did not.

16 Q. Did you retain any receipts for any
17 purchases at Amazon.com?

18 A. Each purchase was done with a credit
19 card and backup was attached, then it was
20 submitted at the monthly meeting for inspection by
21 the trustees before it was paid.

22 Q. Okay. Let's talk about that process of
23 payment. So when you would submit these credit
24 card bills, you would use the credit card first,

1 correct?

2 A. The credit card was used.

3 Q. Okay. And then a bill came -- just
4 bear with me. I just want to go step by step
5 through the process. I want to make sure I
6 understand the process that was used in order to
7 get bills paid. Okay.

8 So the first step when it came to
9 credit card usage, you had used a credit card,
10 correct?

11 A. Correct.

12 Q. Okay. The second step with respect to
13 the payment on the credit card is you would
14 receive a bill for the credit card, correct?

15 A. Also correct.

16 Q. Okay. And then after you received that
17 bill, you would submit that to the board of
18 auditors, correct?

19 A. After it was reconciled to be an
20 accurate and true expense for the Road District.

21 Q. Okay. But you would submit it to the
22 board of auditors, correct?

23 A. After it was reconciled.

24 Q. Okay. And this reconciliation of yours

1 was your representation to the board of auditors
2 that those were correct Road District expenses,
3 correct?

4 A. I did not represent to them. I gave
5 them a copy -- or I should say a pile of bills for
6 them to inspect, which trustees went through one
7 by one, and any questions they may have had, they
8 were able to converse with me either prior to the
9 meeting or during the meeting before any bills
10 were paid.

11 Q. Okay. And then after they audited
12 these expenses, there is a warrant that was
13 signed, correct?

14 A. That's correct.

15 Q. Okay. And you would sign a warrant
16 along with the clerk, correct?

17 A. I signed every voucher.

18 Q. And that was after it was submitted to
19 the board of auditors, correct?

20 A. No. The warrant was signed by the
21 supervisor and the trustees, not the -- not the
22 highway commissioner.

23 Q. So you never signed any of the
24 warrants?

1 A. I signed vouchers. We called them
2 vouchers. You and I might be talking about the
3 same thing. I called them vouchers.

4 Q. So after the board of auditors audited
5 the expense, then you executed a voucher; is that
6 correct?

7 A. No. That is not correct.

8 Q. Okay. Just tell me what the order was.

9 A. I was attempting to tell you that
10 before you interrupted me.

11 When the bill was presented to the
12 trustees, they would either ask their questions
13 before the meeting or after the meeting. They
14 would go through all the bills and they would be
15 approved either in their entirety or any bills
16 that they did not approve would be taken from the
17 pile and not approved until they felt comfortable
18 with the bill. And then a piece of paper was
19 given to the trustees and the supervisor, who is
20 the treasurer of the Road District, and it was
21 signed by those individuals, not by the highway
22 commissioner. I signed the voucher that was
23 attached to the check that had not been signed
24 until it is approved by the town trustees and the

1 supervisor.

2 So the voucher I signed was connected
3 to the original bill, and that means I looked at
4 it, I read it and it was reconciled, as I stated
5 before, and backup was provided for each and every
6 purchase.

7 Q. Now, you used the word "approval."

8 A. Yes.

9 Q. Okay. So I have tendered to Mr. Gooch
10 on several different occasions the minutes of all
11 of the Township meetings that show for an audit of
12 the bills but no approvals. Can you identify a
13 single instance where the term "approval" appears
14 in any minute of the board of auditors?

15 A. It was my understanding, as well as the
16 trustees, that the audit of the bills was the
17 approval of the bills. We are talking semantics.

18 Q. Since you left the office of the
19 highway commissioner, did you retain any records
20 of any of your conduct as highway commissioner?

21 A. No, I did not.

22 Q. Now, when you hired Mr. Seda to remove
23 what you called personal information from the Road
24 District computers, were you aware at that point

1 in time that there is a possibility that you might
2 be embroiled in some litigation after you left
3 office?

4 A. No.

5 Q. Not at all?

6 A. No.

7 MR. GOOCH: Are you done?

8 MR. HANLON: No. I am not done.

9 MR. GOOCH: I wondered.

10 MR. HANLON: It is only 3:00 o'clock. We've
11 got a another hour, Mr. Gooch.

12 MR. GOOCH: Well, you weren't saying
13 anything. You were kind of sitting and staring at
14 something. I thought you were finished.

15 MR. HANLON: So, you know, Mr. Gooch, I have
16 three monitors in my office: One that has a list
17 of questions and issues that I want to address in
18 this deposition and one has the camera on it,
19 another one has some other information on it. So
20 if I am looking off to my right, I am simply
21 looking at the material that I used to prepare for
22 today.

23 So I will tell you when we are done by
24 saying that I tender the witness to you, but I

1 haven't said that to you yet. So when I do that,
2 that is when I am done. Is that clear?

3 MR. GOOCH: Wow. Gosh. Are you ever
4 emphatic. You are a real lawyer.

5 MR. HANLON: But I never filed a motion about
6 the size of a woman's anatomy.

7 MR. GOOCH: What?

8 THE WITNESS: He is referring to you.

9 MR. GOOCH: About what?

10 THE WITNESS: A woman's anatomy.

11 MR. GOOCH: Yeah. That was a great motion.
12 I got more publicity out of that motion and more
13 business. I tell you. And you know an amazing
14 thing is, she and her husband and I have become
15 very good friends.

16 MR. HANLON: That is great, but I don't care.

17 BY MR. HANLON:

18 Q. Did you ever buy a wrist blood pressure
19 monitor using Road District funds?

20 A. Yes, I did.

21 Q. Why did you buy a wrist blood pressure
22 monitor using Road District funds?

23 A. We used to offer many services to the
24 seniors. They used to come every two weeks and

1 play bingo, and some of them -- I used to be a
2 paramedic in the fire department and some of them
3 asked if there was any way I could check their
4 blood pressure. And I purchased one and kept it
5 downstairs so if anybody asked me, I can check it
6 out. And I also shared it with my employees
7 because some of them suffered from high blood
8 pressure. And when they had heart palpitations,
9 they would like to check and make sure their blood
10 pressure wasn't high. So we used it for different
11 things.

12 Q. Did you ever purchase a Hoover carpet
13 cleaner using Road District money?

14 A. Yes, we did.

15 Q. Okay. And where was that used?

16 A. In the office and on the carpets we had
17 in the garage. We carpeted all of our offices
18 because people fell down and they got pretty
19 filthy with the guys going in and out with their
20 greasy feet. So we used that to keep the carpets
21 clean.

22 Q. Did you ever purchase a Silicon Power
23 external hard drive? It requires just a yes or
24 no.

1 A. A what?

2 Q. A Silicon Power external hard drive.

3 A. I don't remember. We might have.

4 Q. Did you ever purchase a Dell 27-inch
5 touchscreen LED-lit monitor using Road District
6 funds?

7 A. Yes. Probably. I bought several
8 laptops over the years. I couldn't tell you
9 exactly what the brand or size was, but yes.

10 Q. Okay. This was just a monitor, a
11 touchscreen monitor. Do you know where that was
12 installed?

13 A. Well, we had computers in many
14 locations. So I couldn't tell you. It would have
15 been in one of five or six locations where we had
16 computers.

17 Q. Can you explain why the Road District
18 would purchase a Phillips bluetooth stereo
19 headset?

20 A. I would imagine to listen without
21 outside noise interfering. With the shop foreman,
22 working on vehicles, many times it got so loud in
23 the shop you couldn't hear when he was trying to
24 listen to the technical information on the

1 computer.

2 Q. Now, Mr. Miller, I have flown over your
3 house and I see there is a pool in your backyard;
4 is that correct?

5 A. That's correct.

6 Q. Okay. Is there -- can you explain why
7 you would have used the Road District money to
8 purchase a pool cover and a pump with a 24-foot
9 cord?

10 A. I did not purchase any pool cover with
11 a 24-foot cord for my personal house. Everything
12 I use at my house has been purchased by me.

13 Q. Is there a pool at the Road District?

14 A. Yes, there is.

15 Q. Where is the pool at the Road District?

16 A. At the bottom of the conveyor that
17 feeds the salt dome. And the pump that you are
18 referring to was used to keep the sump clean. We
19 used an automatic cool cover sump because we could
20 leave it plugged in. It would sense -- every
21 15 seconds it would run and if it would sense
22 water, it would pump it out. And we didn't want
23 that water coming up high and interfering with the
24 bottom of the conveyor because it will rust. So

1 we went through many pumps because the salt brine
2 is very hard on them. They were plastic, but they
3 still didn't last very long.

4 Q. Can you tell me what a C-M-O-S digital
5 SLR GPS is?

6 THE WITNESS: Could you repeat that?

7 MR. HANLON: Stacy.

8 (WHEREUPON, the record was
9 read by the reporter.)

10 BY THE WITNESS:

11 A. No. Offhand, I don't recognize all of
12 those initials. I don't know what that might be.

13 BY MR. HANLON:

14 Q. Did you ever purchase a no-glow game
15 camera?

16 A. A no-glow gain camera?

17 Q. Yes. Game.

18 A. Oh, as in big game, we are talking
19 about a hunting camera? Yes.

20 Q. Okay. Is there any reason why the
21 Road District would purchase a hunting camera?

22 A. Yes. It was strapped to a post that we
23 could check and see who was sneaking in and
24 dumping illegal garbage after hours.

1 Q. There was a woodworking shop at the
2 Road District and has a variety of woodworking
3 tools. Can you explain to me what the purpose of
4 those woodworking tools is.

5 A. Various things come up from time to
6 time that you need various carpentry skills for
7 building shelves, building mailboxes. We found
8 that in the wintertime we had a lot of competition
9 buying mailboxes. So we started making our own.
10 It was a lot cheaper, a lot simpler, and we had
11 them in stock at all times. It wasn't unusual to
12 go through 50 to 60 mailbox posts in a single
13 season.

14 Q. You know, I am surprised by that. And
15 the reason I am surprised by that is I've lived on
16 a Township road for, gosh, 20-plus years, and I
17 don't know a single neighbor that has ever had a
18 mailbox hit. Can you tell me was there a bounty
19 on the number of mailboxes that somebody driving,
20 you know, a snowplow?

21 A. No. People just a lot of times put
22 their mailbox out there with a hope and a prayer
23 hoping when we go by it goes down and they call
24 us. If we had an unusual snow with wet,

1 slushy-type accumulation, unless you do two miles
2 an hour, it is going to be very detrimental to the
3 health of a mailbox. It wasn't unusual to take
4 out, in a nasty snowstorm of ten inches or more,
5 dozens of mailboxes. So if you were lucky enough
6 not to lose yours, god bless.

7 Q. Earlier I asked you about a pool pump.
8 Can you tell me how many of those pool pumps that
9 the Road District had?

10 A. Well, we kept one in stock at all times
11 when one failed, but over the years I am sure we
12 bought, I don't know, between six and eight, I
13 would guess. Without looking at the records, that
14 is best of my knowledge.

15 Q. So the reason that you purchased a
16 24-horsepower Marine Rule 1800 pump, was it the
17 same thing you had mentioned to me earlier?

18 A. I'm sorry. I didn't understand the
19 description.

20 Q. A 24-horsepower Marine Rule 1800 pump
21 with a 24-foot cord.

22 A. I don't ever remember buying a
23 24-horsepower. That would be one heck of an
24 electric motor.

1 Q. Let me ask you this. Let's assume that
2 I am looking at a typo. Did you ever buy a Marine
3 Rule 1800 pump with a 24-foot cord?

4 A. Those are the -- the pump that I used
5 to use for eradicating the salt brine from the --
6 well, we called it the elevator house -- the
7 company over the years changed and sometimes when
8 I would buy it on Amazon, they would give me a
9 different style. So I am guessing what you are
10 looking at is the same use, same pump, different
11 style. But Rule was the company that made the
12 pumps. So I am guessing that is what you are
13 talking about.

14 Q. Can you tell me why the Road District
15 would be making payments to the American Diabetes
16 Association?

17 A. I'm sorry. What?

18 Q. Why did the Road District make payments
19 to the American Diabetes Association?

20 A. I believe that we bought some Christmas
21 presents for the Highway Commissioners
22 Association, and that was then reimbursed by the
23 McHenry County Highway Commission. But they --
24 that is how that would have been done. That is

1 why.

2 Q. So let me make sure I understand this.
3 You used the Road District money to make a
4 donation to the Diabetes Association which was
5 then reimbursed by the McHenry County Highway
6 Commissioners Association?

7 A. Kind of sorta.

8 Q. Who --

9 A. The items that were purchased were sold
10 by this organization you referred to, and they
11 were given as Christmas gifts to the McHenry
12 County Highway Commissioners Association. The
13 president --

14 Q. Who --

15 A. -- of the Highway Commissioners
16 Association then reimbursed the shipping and
17 for -- and the sale of those items. So it was no
18 expense for the Road District.

19 Q. And you were one of the officers of the
20 McHenry County Highway Commissioners Association,
21 correct?

22 A. That's correct.

23 Q. That's correct, right?

24 A. That's correct.

1 Q. All right. And you were the highway
2 commissioner -- I'm sorry -- the president of the
3 McHenry County Highway Commissioners Association
4 in 2011 to 2013, correct?

5 A. At least. Yeah.

6 Q. So the gifts that were paid for were
7 gifts to you; is that correct?

8 A. They were given to the wives at the
9 Christmas party.

10 Q. And what purpose of giving presents to
11 the wives of a third-party entity was served by
12 the Road District?

13 A. As I told you, that particular bill was
14 reimbursed. So the Road District did not buy it.

15 Q. Well, the Road District paid for it,
16 right?

17 A. And --

18 Q. You were saying it was reimbursed
19 later.

20 A. Right.

21 Q. So you used the credit of the Road
22 District to purchase those gifts; is that correct?

23 A. The Road District acted as the
24 middleman.

1 Q. Under your direction, correct?

2 A. Absolutely.

3 MR. HANLON: Mr. Gooch, I'm going to take a
4 fine-minute break right now.

5 (WHEREUPON, a discussion was
6 had off the record.)

7 MR. GOOCH: Do you have a question to pose to
8 the witness?

9 MR. HANLON: Okay. Very well. I attempted
10 to be cordial and extend a courtesy to you,
11 Mr. Gooch.

12 BY MR. HANLON:

13 Q. With respect to American Public Work --
14 who is American Public Work?

15 A. APWA is American Public Works
16 Association.

17 Q. Okay. So how many people were
18 registered as members of that association, if you
19 know?

20 A. I believe two.

21 Q. Just two, right?

22 A. I believe.

23 Q. Any reason that you would have paid for
24 ten memberships?

1 A. I'm sorry. What?

2 Q. Any reason why the Road District would
3 have paid for ten separate memberships?

4 A. I believe the Road District paid for
5 ten separate admissions to an APWA event. It is
6 different.

7 Q. You would frequent the Around The Clock
8 restaurant during your term as highway
9 commissioner and charged many meals there. I am
10 not going to ask you to remember any specific
11 meal, but what was the purpose for the Road
12 District to be paying for meals at Around The
13 Clock?

14 A. I am not aware of any meals that were
15 paid for, but several breakfast meetings were held
16 at Around The Clock, and that would have been the
17 purpose.

18 Q. Did you ever have bid openings at
19 Around The Clock?

20 A. We never had bid openings at Around The
21 Clock, but we discussed bid openings that occurred
22 prior to the meeting at Around The Clock.

23 Q. Can you tell me what Augie's Front
24 Burner is?

1 A. I believe that is a restaurant in
2 Springfield.

3 Q. Did you have reason to be in
4 Springfield in 2011?

5 A. I am sure I did.

6 Q. Okay. Can you explain why you charged
7 \$408 at Augie's Front Burner on April 6th of 2011?

8 A. I believe the Township contingent
9 attended a dinner at that restaurant. They paid
10 for all of the Township people in attendance, as
11 per policy.

12 Q. Did the Road District ever have an
13 electronic Notebook?

14 A. I am not sure it was -- there were
15 electronic items left behind when I left office,
16 whether it would be called a Notebook or not. Is
17 that a laptop? I am not really sure what you are
18 talking about.

19 Q. I asked you whether or not the Road
20 District -- maybe I didn't ask it properly.

21 During your term as highway
22 commissioner, did the Road District have a
23 Notebook, an electronic device called a Notebook?

24 A. We may have. If a Notebook is a

1 laptop, then, yes, we had several laptops used for
2 various purposes. I couldn't tell you if it was
3 called a Notebook or not. Every brand calls it
4 something different.

5 Q. Where is the Brunch Cafe?

6 A. Fox River Grove.

7 Q. And by my calculations you spent
8 \$4,579.71 between 2012 and 2016 at the Brunch
9 Cafe. Do you know why you were charging meals at
10 the Brunch Cafe?

11 A. I know why we charged a significant
12 amount of money to the Brunch Cafe.

13 Q. Could you please explain that to me.

14 A. The county clerk concerted the Township
15 Road District to help them administer elections.
16 And over the years the Township clerk had a lot of
17 trouble retaining election judges. We made a
18 determination, the Township supervisor and myself,
19 that we would provide cold cuts and a mini
20 sandwich selection for the judges when they
21 dropped off their election supplies at the
22 Township. We were a satellite for the election
23 process. We paid the Brunch Cafe to provide mini
24 sandwiches, chips and cookies for those election

1 judges to come in, grab a sandwich, drop off their
2 election supplies and leave. And we were told by
3 the clerk that it -- that this was a little
4 something to retain election judges. That was the
5 expense from Brunch Cafe. That expense was shared
6 between the supervisor and the Road District on a
7 50-50 basis.

8 Q. In fact, you split two \$1,100 meals
9 with the Township and another \$550 meal with the
10 Township, correct?

11 A. Well, as I stated before, it was not a
12 meal. It was food for the election judges, which
13 numbered in the hundreds.

14 Q. Is the Road District responsible in any
15 way for the elections of public officials?

16 A. I believe they are.

17 Q. And how is the Road District
18 responsible for the elections that are governed by
19 the clerk's office?

20 A. We worked intergovernmentally with the
21 county clerk. And from what we heard from past
22 clerks, our help helped save thousands of dollars
23 to the County because we all worked in concert
24 with one another.

1 Q. Did the Road District receive a direct
2 benefit as a result of paying for these expenses
3 at the Brunch Cafe?

4 A. Well, we received -- I couldn't tell
5 you how much, but a dollar amount each and every
6 election cycle from the county clerk in the form
7 of a check that we deposited, of course, in our
8 account.

9 Q. You said the -- did you enter into an
10 intergovernmental agreement with respect to that?

11 A. We entered into a handshake
12 intergovernmental agreement with various county
13 clerks.

14 Q. And as you sit here today, is it your
15 testimony that all of those expenses were
16 reimbursed by the county clerk?

17 A. That is not what I said.

18 Q. Okay. So I know of -- that you have
19 given me that there was these expenses for
20 assisting these election judges. So with respect
21 to what you have told me about the election
22 judges, was that food provided by the Brunch Cafe
23 and paid for by the Road District and split with
24 the Township, was that reimbursed by the county

1 clerk?

2 A. Partially.

3 Q. How much partially?

4 A. I don't recall dollars and cents wise.

5 Q. So there was a handshake deal at the
6 time. Who was the county clerk at the time?

7 A. Kathie Schultz was the one we worked
8 with predominantly, and later on it was Mary
9 McClellan. Those were the two that I worked with.

10 Q. Had you gone to Nebraska on Township
11 Road District business?

12 A. I don't recall.

13 Q. If I were to read the names to you of
14 Robert, Anna, Joe, Jim, Mara, Don and Donna, would
15 you know who the last names were that would be
16 associated with that?

17 A. Taken out of context, just reading
18 names, no, I do not.

19 Q. Okay. Do you know what a caucus room
20 is?

21 A. Do I know what a caucus room is? I
22 have no idea. Is it the name of a restaurant?

23 Q. Well, there is a charge of \$527.15
24 payable to The Caucus Room. Do you have any idea

1 what that was?

2 A. Without looking at the documentation
3 you are looking at, no.

4 MR. GOOCH: Might I inquire? Have all of
5 these documents you are reading from been produced
6 pursuant to your notice to produce?

7 MR. HANLON: It is my deposition, Mr. Gooch.
8 I am not going to answer your questions.

9 BY MR. HANLON:

10 Q. Do you know how many -- I'm sorry.
11 Strike that.

12 What was the purpose for eating at the
13 Chesapeake Seafood Restaurant? It appears you ate
14 there one, two, three, four, five, six different
15 times for a total of \$1,339.

16 A. The purpose was we were hungry.

17 Q. All right. What was the purpose
18 associated with the Road District's business for
19 those meals?

20 A. It was customary that when we went to
21 Township conferences in Springfield that the
22 contingent went to dinner as a group, and I
23 believe that that is what you are talking about.

24 Q. I see in October of 2010 you purchased

1 Caribou coffee, spoons, paper plates, cups,
2 batteries, creamers, pens and a Motorola HX1 surge
3 protector for a total of \$585.98. Can you tell me
4 where that expense -- what that was for?

5 A. I'm sorry. I couldn't. Without more
6 information, I have no idea.

7 Q. And I'm just going to skip that one. I
8 will come back to it.

9 MR. GOOCH: Whatever.

10 BY MR. HANLON:

11 Q. You spent a little over \$7,000 at
12 Costco. Most without receipts. Could you explain
13 what purchases you were making at Costco?

14 A. Well, if you don't have a receipt,
15 somebody took it because no bill was ever paid
16 without backup. And when I say backup, I made a
17 receipt. So if you are lacking records, they
18 disappeared after my tenure.

19 Q. Can you tell me what the public purpose
20 for purchasing Domino's pizza would be?

21 MR. GOOCH: Objection, form of the question.
22 Public purpose calls for a legal opinion. Don't
23 answer the question.

24 BY MR. HANLON:

1 Q. Mr. Miller, what was the purpose for
2 purchasing Domino's pizza for the Road District?

3 A. When we talked about specialized
4 recycling held the last Saturday of every month,
5 there were many volunteers from the schools, from
6 the community that showed up and helped. And when
7 we were done with our specialized recycling, we
8 bought half a dozen pizzas and Domino's pizza was
9 generous enough to give us, for most of the time,
10 a 50 percent discount. And I believe that that
11 would be the expense that you are referring to.

12 Q. Do you recall purchasing any software
13 from the Google Earth store?

14 A. No.

15 Q. As you sit here today, do you know what
16 purpose spending \$591 at the Google Earth store
17 was served for the Road District?

18 A. I can only speculate because I can't
19 honestly give you an answer, but I would imagine
20 some sort of mapping.

21 Q. Did you ever buy Minecraft software
22 using your Road District credit card?

23 A. Not knowingly.

24 Q. Is there a purpose for the Road

1 District that would be served with a purchase of
2 Minecraft software?

3 A. I don't know. Perhaps I put it on an
4 iPad for kids that were sitting in the hall to try
5 to amuse them. I was trying to -- after looking
6 at the papers and documents lately, trying to
7 remember that myself. And all I can think is that
8 I put it on the iPad that was in the office so
9 that the kids could amuse themselves while they
10 were waiting for general assistance because they
11 become quite rambunctious when they were in a hall
12 and were quite a disruption.

13 Q. Okay. And it was never the purpose or
14 it was never the function of the Road District to
15 administer public assistance, correct?

16 A. No. But we did assist the supervisor
17 when it came time to give somebody a ride, arrange
18 for the bus to pick somebody up, take somebody
19 home. If somebody became unruly, we were kind of
20 the enforcer of the Township office. So we were
21 looked at to assist the Township supervisor with
22 any and all contacts that they might have had.

23 Q. What is H.H. Gregg?

24 A. Again, without looking at a receipt or

1 some sort of paperwork, I don't know.

2 Q. Have you ever heard of the store?

3 A. What was it called again?

4 Q. H.H. Gregg.

5 A. I think, if I remember right, it was an
6 electronics store in Crystal Lake that went out of
7 business. But I think so.

8 Q. And they sold appliances, correct?

9 A. They sold electronics and appliances,
10 yes, I believe.

11 Q. Can you explain why between 2011 and
12 2012 you spent \$2,798 had at H.H. Gregg without a
13 receipt?

14 A. Well, I will tell you right now no
15 purchases were made by me without a receipt. And
16 if I lost the receipt, I called the company and
17 got it. Every bill every month was reconciled.
18 So I would tell you if you don't have a receipt,
19 somebody took it and hid it. Somebody -- somebody
20 adulterated those records.

21 Q. With respect to Hobby Lobby -- you are
22 familiar with the Hobby Lobby store in Crystal
23 Lake?

24 A. I am.

1 Q. Can you tell me what the three home
2 accents that were purchased at Hobby Lobby were
3 for?

4 A. Office decorations.

5 Q. Can you describe them to me, please.

6 A. No idea what I bought, but I know that
7 they were office decorations.

8 Q. How many times did you go to the
9 Hooters restaurant in Brookfield, Wisconsin, to
10 the best of your knowledge?

11 A. Every time we went to the APWA show,
12 the public works show that was in Milwaukee, I
13 believe that is the restaurant the guys chose to
14 go to for lunch, which we went to after the show
15 to discuss what we learned.

16 Q. Did you ever go to the Hooters
17 restaurant in Schaumburg, Illinois on the expense
18 of the Road District?

19 A. I believe that we went to the APWA show
20 at the Ramada Renaissance and we may have -- after
21 that show, just like the one in Milwaukee, we went
22 to the restaurant in Schaumburg, yes. If my
23 memory serves me correctly, we did do that a
24 couple of times. At least once.

1 Q. You know what iTunes is, correct?

2 A. I'm sorry. What?

3 Q. Do you know what iTunes is?

4 A. Yes. Uh-huh.

5 Q. And what purpose of the Road District
6 is served by purchasing items at iTunes?

7 A. Well, when you buy apps from the Apple
8 store, iTunes has -- there is applications as well
9 as music, as far as I remember.

10 Q. Do you like Mountain Dew?

11 A. Excuse me?

12 Q. I asked if you liked Mountain Dew.

13 MR. GOOCH: Objection. Not relevant.

14 MR. HANLON: Well, it depends on his answer
15 actually.

16 MR. GOOCH: What? What did you say?

17 MR. HANLON: He can answer the question. You
18 raised relevance as your objection.

19 MR. GOOCH: Yeah. He can answer the
20 question. It is a silly question.

21 BY THE WITNESS:

22 A. Sure. I drink Mountain Dew every now
23 and again.

24

1 BY MR. HANLON:

2 Q. Okay. Can you tell me why you bought
3 \$85.74 of Mountain Dew on 12-5 of 2009?

4 A. We had a pop machine in the garage, and
5 we had it set so that it made as much as it cost
6 us to buy the pop. So we kind of -- that is when
7 we started filling it. Maybe it is all --

8 Q. Okay. So this pop machine -- and it
9 may explain an awful lot for me. So this pop
10 machine, you said that it made what the expense
11 was, correct?

12 A. Uh-huh.

13 Q. All right. So someone would put money
14 in the pop machine, right?

15 A. Uh-huh.

16 Q. Okay. How was the pop money collected?

17 A. It was dumped out at the end of every
18 specialized recycling event. We collected a
19 certain amount of cash, because people could
20 recycle their paint. And if they were from out of
21 town or they exceeded the amount that we took,
22 they can pay to have more taken. So we took cash
23 and checks in at the -- at this event. That money
24 each and every last Saturday of every month dumped

1 into that pot, given to the treasurer -- I should
2 say the secretary for the treasurer of the Road
3 District. Copies were made of the bills and the
4 money was accounted for and it was put into the
5 general fund.

6 Q. The general fund of the Township?

7 A. Road District.

8 Q. Road District. Okay. So the Road and
9 Bridge Fund?

10 A. I don't know where Judy put it. I
11 don't exactly know how. It went into the bank.
12 Probably --

13 Q. Here is what I don't understand. Money
14 is coming out for the pop that is in cash and the
15 charges are on your credit card. Why would the
16 charges be on your credit card if you had the
17 cash? So what I am hearing you tell me is the
18 cash was deposited into the bank account to the
19 Road and Bridge Fund, correct?

20 A. Uh-huh. I believe that is what I just
21 told you.

22 Q. Okay. And so for each of these
23 charges, for the Coke and the Sprite and the
24 Mountain Dew, that would all, you know, have a

1 corresponding deposit, correct?

2 A. Well, it wasn't segregated, if that is
3 your question.

4 Q. I'm sorry? What was that?

5 A. The money was not segregated, if that
6 is your question. It was combined with the moneys
7 that were taken in on that last Saturday of the
8 month.

9 Q. And that was deposited into the Road
10 District account, correct?

11 A. Uh-huh. I assume that is what the
12 secretary did with it.

13 Q. Can you tell me what purpose the Road
14 District had for purchasing Tide and Downy at
15 Jewel?

16 A. Sure. We had a washer and dryer in one
17 of the buildings. And, you know, guys could wash
18 their Carhartts. A lot of times they got so
19 soiled, they didn't want to take them home and put
20 them in their home laundry. It, obviously, was
21 ridiculously greasy.

22 Q. Okay. So this washer and dryer would
23 have been listed on the inventory for the Road
24 District that you prepared, correct?

1 A. Correct.

2 Q. Do you know if you ever listed a washer
3 and dryer on the inventory for the Road District
4 assets?

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

6 Q. We talked earlier about these election
7 judge lunches. It appears that you also used
8 Kojak's for those same kinds of events; is that
9 correct?

10 A. Kojak's was the vendor that provided
11 the sandwiches to the judges, if that is your
12 question.

13 Q. Yes. At some point in time you
14 purchased an iPad cover for -- from Levenger. Do
15 you know what happened to that iPad cover?

16 A. Yeah. It broke.

17 Q. You purchased approximately \$592 worth
18 of L.L. Bean products. Do you know what that was
19 for?

20 A. I believe L.L. Bean at one time was
21 where I purchased some of the shirts that we give
22 out to the volunteers that worked the recycling
23 events.

24 Q. And in 2010 you attended a conference

1 in Boston; is that correct?

2 A. I believe that was an APWA show that I
3 went to, yeah.

4 Q. Okay. Now, what is NATAT, N-A-T-A-T?

5 A. NATAT, National Association of Towns
6 and Townships.

7 Q. And you and a fellow by the name of
8 Joseph Powalowski and Mr. Kelly were members of
9 that entity, correct?

10 A. By -- Algonquin Township was a member.
11 By default, the attorney of record as well as the
12 trustees and every other elected official were
13 members of NATAT.

14 Q. All right. I see that the Road
15 District uses a lot of pens. In 2013 it bought
16 380 pens and another 500 pens in 2015 and another
17 pen purchase in 2015. Can you explain to me where
18 all of these pens -- what they were used for?

19 A. Writing.

20 Q. Okay. Well, pretty good. Were these
21 personalized to the Road District?

22 A. Some were personalized and given out
23 with the phone number at recycling events. In
24 fact, some of the pens we had had a unique

1 feature. They were made by Bic. When you clicked
2 the pen, it told all of the items that we
3 recycled. So some of these were given out to help
4 people realize where we were, what we did and what
5 we recycled.

6 Q. So a recycling tchotchke. Do you know
7 what a tchotchke is?

8 A. I am sorry. I do not.

9 MR. HANLON: All right. We don't have to
10 worry about it.

11 MR. GOOCH: Do you know what it is?

12 BY MR. HANLON:

13 Q. What is a hot water trailer?

14 A. The hot water trailer is a pressure
15 washer that makes its own hot water. Obviously,
16 pressure washers were mostly used to just take
17 your tap water and spray it. A hot water trailer
18 heats it up to actually steam, if you choose.
19 And, you know, we used it for several things. We
20 used it for cleaning graffiti off the walls and
21 streets and things like that, but we also used it
22 for thawing out culverts that froze in the
23 wintertime because it was a way for us to generate
24 hot water on the road.

1 Q. Who received the medium-sized red plaid
2 fleece toggle jacket and medium black cashmere
3 cardigan purchased from Orvis in 2012?

4 A. Well, we haven't said this for a while,
5 but I am guessing to the best of my knowledge that
6 that would have been indeed part of the
7 non-uniform clothing allowance that my assistant,
8 Anna May Miller, received as part of compensation.

9 Q. In fact, I don't think there is a time
10 I haven't seen your wife without a cardigan on.
11 It seems to be the things that she likes, right?

12 MR. GOOCH: Objection. Objection. What --

13 MR. HANLON: I will withdraw it. Just -- I
14 will move on, Mr. Gooch.

15 MR. GOOCH: That is a real good idea. The
16 clock is ticking.

17 MR. HANLON: Oh, Mr. Gooch, I've got plenty
18 of time to get through what I need to go through.

19 BY MR. HANLON:

20 Q. Can you tell me what President Abraham
21 is? I know there is a President Abraham Lincoln
22 in our history, but --

23 A. The Abraham Lincoln is a motel/hotel.
24 It is in Springfield right across the street from

1 the Hilton.

2 Q. Okay. You purchased five pop-up tents
3 in 2015, three of them on 10-1, one of them on
4 10-2-2015 and one on 9-29-15 all at Sam's Club.
5 Why did you purchase five pop-up tents within a
6 span of three days?

7 A. Well, I am a little disappointed in
8 your homework because I'll bet you over the years
9 I bought 30 of them. They aren't very resilient
10 to wind. And we used those at our various
11 recycling events because we did them rain or
12 shine. And it was great to keep the sun out on a
13 hot day and the rain off of us on the wet rainy
14 days. And we would put those up and then we would
15 perform our duties recycling, shredding events,
16 collecting goods at the food pantry, the various
17 things we did. And those pop-ups were, as I said,
18 not real resilient.

19 Q. All right. What's the size of your
20 inseam?

21 A. I'm sorry. What?

22 Q. What's the length of your inseam?

23 MR. GOOCH: Objection. That is pretty
24 personal. I will object to the question.

1 MR. HANLON: Well, I've got a purchase of
2 three Levi 505 jeans, and I am only asking what
3 his inseam was. I didn't ask him what his waist
4 was. But I guess I could ask it the other way
5 around.

6 BY MR. HANLON:

7 Q. And, you know -- so did you buy three
8 pairs of jeans at Sears?

9 A. I may have. I don't recall.

10 *8*

11 Q. Okay. Well, what's your inseam?

12 MR. GOOCH: Objection. It is not relevant.

13 MR. HANLON: Okay. But it is a relevancy
14 objection. You can answer.

15 MR. GOOCH: It's an offensive question.

16 MR. HANLON: No, it is not.

17 MR. GOOCH: Personal information. He is not
18 going to answer it. Move on.

19 MR. HANLON: Mr. Gooch, my inseam is 40. It
20 is not an offensive thing. I am not moving
21 forward. I want an answer to my question.

22 MR. GOOCH: No. He is not going to. Certify
23 the question, Stacy, along with the others.

24 BY MR. HANLON:

1 Q. Okay. What purpose was served for the
2 Road District for the Sirius XM radio?

3 A. Well, some of the vehicles came with it
4 and some of the drivers in those vehicles asked if
5 I would keep it for them. Obviously, in the
6 wintertime when you are out plowing, it is nice to
7 have a diversion and they enjoyed that.

8 And in the truck that I drove Sirius
9 radio offers a service called Weather Plus or
10 something. I can't remember the name. But I was
11 actually able to get live radar in the truck that
12 I drove when I would go out and check on storm
13 damage and winter activities. It was a tool in
14 the arsenal that we used to do our job.

15 Q. Okay. Do you know what the
16 WebstaurantStore is?

17 A. No.

18 Q. Did you ever pay \$36 for early voting
19 numbers?

20 A. For what?

21 Q. Early voting numbers.

22 A. Oh, you mean like the numbers when you
23 go into the store and they go two, three, four,
24 five? Yes. That is what it was.

1 We had so many people showing up for
2 early voting, we couldn't keep track of who was
3 who. So we handed out numbers.

4 Q. Okay. And, again, the Road District
5 had an intergovernmental agreement on a handshake
6 with the clerk in respect to that?

7 A. Correct. And they voted in our
8 facility, in our building. We provided the
9 internet for them as well.

10 Q. In other words, an intergovernmental
11 agreement, right?

12 A. Correct.

13 MR. HANLON: I apologize for a little break
14 here.

15 MR. GOOCH: As I said, it is your time. We
16 are out at 3:00.

17 MR. HANLON: Just be quiet, Mr. Gooch. There
18 is no question pending.

19 BY MR. HANLON:

20 Q. Do you know what Rushing Waters Fishery
21 is?

22 A. Yes.

23 Q. What is Rushing Waters Fishery?

24 A. A trout farm in Palmyra, Wisconsin.

1 Q. Okay. And can you tell me what purpose
2 the Road District was served by making a payment
3 to Rushing Waters Fisheries in the amount of
4 \$554.88?

5 A. The McHenry County Township Highway
6 Commissioners had an annual fish fry, and I picked
7 up the fish as a service to them and they
8 reimbursed me.

9 Q. Okay. That same would be true on
10 April 11th, 2012, as well as on 4-7 of '10. Did
11 you just do it two years or did you do it more
12 than two years?

13 A. I don't recall, but it was in April.
14 So --

15 Q. Okay. Can you tell me why you were
16 purchasing gasoline on the Road District charge
17 card in Saluda, North Carolina?

18 A. I don't recall purchasing gasoline on a
19 Township credit card in North Carolina. That is a
20 very good question.

21 Q. In 2014 you purchased 45 Prime Ribeye
22 steaks for \$1,000. What was the purpose for the
23 Road District of that expenditure?

24 A. I believe that that was the Township

1 Highway Commissioners had a -- the summer meeting
2 that they called their steak fund meeting. I
3 picked them up on the way to the meeting and got a
4 check from the treasurer of that association to
5 reimburse me.

6 Q. I am going to direct your attention to
7 mid July of 2015. What's the sheriff's cleanup
8 crew?

9 A. Oh, the McHenry County Sheriff's
10 Department has a program where preferred inmates
11 that haven't committed a heinous crime can opt
12 into a program where they can come out with a
13 deputy or two and perform community service for
14 municipalities, townships, school districts. And
15 a couple of times a year we would get the inmates
16 to come out. We would use them to cut weeds
17 around the guardrails. We would get them to paint
18 curb, paint guardrail, pick up garbage, perform
19 safe jobs that didn't put them in peril, but
20 helped us. And when they came, to show our
21 appreciation, we would ask the deputy if he would
22 buy them lunch.

23 Q. All right. But they were doing
24 community service and then you would sign off on

1 the community service component; is that correct?
2 Or they wouldn't get credit for community service?

3 A. They were actually inmates.

4 Q. Inmates at the jail?

5 A. Yeah. They were in the orange suits.

6 Q. So the benefit that the Road District
7 received from those restaurant expenditures was
8 the benefit of the work that they performed,
9 correct?

10 A. Correct.

11 Q. Okay. I asked you earlier about the
12 American Express rewards points. As you sit here
13 today, can you explain to me what knowledge you
14 have of how those points were used?

15 A. I bought some gift cards to give like
16 we gave all the other gift cards away and
17 merchandise, whether it was a tool or something
18 for the shop. When I saw points available, I
19 would use that to reduce the price. So it was
20 used to buy -- further buy merchandise, if you
21 will, and occasionally I converted it to gift
22 cards that were used for all of the purposes that
23 I delineated prior to you.

24 Q. Okay. You attended, at the expense of

1 the Road District, Disneyland in -- one second
2 here. It is Exhibit A to the complaint. On
3 August 22nd, 2012, and there was a ticket for you
4 and there is a ticket for Anna May Miller. What
5 was the purpose for -- for what purpose of your
6 going to the amusement park benefitted the Road
7 District?

8 Now, all I want is to know how the Road
9 District benefitted by that. I don't want to know
10 about any, you know, conference you attended or
11 anything like that. I just want to know what the
12 benefit to the Road District was for you having
13 attended Disneyland.

14 MR. GOOCH: Objection. He will answer the
15 question the best he can in the form he thinks is
16 proper.

17 BY THE WITNESS:

18 A. When I received the application for the
19 APWA, they have a series of events that take place
20 as part of the conference. And they had -- one
21 day, instead of going to the other festivities, it
22 was attend Disney World at 50 percent off or
23 something like that. I checked that. So it was
24 purchased in conjunction with the APWA show.

1 The benefit that the Township received
2 from me going was my further education in public
3 works, and that was a part probably to lure people
4 to go to the conference. So all I can say is it
5 was a part of the conference, just like if you
6 went to a conference and they have a
7 meet-and-greet or they have a cocktail hour or
8 they have a happy hour or they have a dance with
9 the stars at the end of the first day. It was
10 part of the experience.

11 BY MR. HANLON:

12 Q. Who, by name, received a long-sleeved
13 V-neck Merino cardigan sweater?

14 A. I believe that that item was probably
15 part of a non-uniform clothing allowance that my
16 administrative assistant received as part of her
17 compensation, and her name was Anna May Miller.

18 Q. Who, by name, received the Colorblock
19 Merino turtleneck?

20 A. Same as I just gave you.

21 Q. And let's just do this, Mr. Miller. I
22 will say that you can say for the -- if you want
23 to, as opposed to repeating that same long
24 statement, you can say the same answer. Okay. So

1 we don't have to hear that over and over and over
2 again and not tire you out completely. Okay?

3 A. Okay. I just don't like things taken
4 out of context. That is all.

5 Q. Okay. So -- but if it is the same
6 answer, you can just say that is the same answer;
7 is that fair?

8 A. Fair enough.

9 Q. Okay. So who, by name, received the
10 Colorblock Merino turtleneck?

11 A. I believe that would be the same
12 answer.

13 Q. Who, by name, received the print drape
14 ballet?

15 A. I don't really know what that is, but I
16 would assume the same answer.

17 Q. Okay. And who, by name, would have
18 received the drop shoulder tuck ballet drape
19 shirt?

20 A. Possibly the same answer.

21 Q. Exhibit E to the complaint, the fourth
22 amended complaint, there was a purchase of outdoor
23 athletic wear and apparel for women. Can you
24 identify who, by name, received --

1 MR. GOOCH: What page of the exhibit?

2 MR. HANLON: It is Exhibit E.

3 MR. GOOCH: What page? It's a multipage
4 exhibit.

5 BY MR. HANLON:

6 Q. Yeah. Who received the clothing that
7 is shown on Exhibit E? How about that?

8 MR. GOOCH: On what page is it shown on
9 Exhibit E?

10 BY MR. HANLON:

11 Q. Exhibit E -- all of Exhibit E. Okay.
12 So all of Exhibit E to the fourth amended
13 complaint that shows a series of clothes that were
14 purchased at the Road District expense. I just
15 want to know who, by name, received that clothing.

16 MR. GOOCH: I need you to tell me what page
17 it is on so I can show the exhibit to my client.

18 MR. HANLON: Well, unfortunately, Mr. Gooch,
19 I am looking at my document and the stamp from the
20 court has overwritten that. It appears to be --
21 well, just go to Exhibit E, Page 1. How about
22 that?

23 MR. GOOCH: The one that just says "Exhibit E
24 Prana Living?" Do you mean that one?

1 MR. HANLON: Yes. And then the following
2 page from that -- and I don't know if on your copy
3 it shows a bunch of stuff printed across the
4 bottom, but mine it overwrites itself. So it
5 shows the "Platinum Business Credit Card,
6 Algonquin Township Highway, Robert Miller," and
7 that is on Page 2. That is a statement. And then
8 there is more statement charges and then there is
9 the outdoor clothing that is shown on the next
10 page of the exhibit.

11 MR. GOOCH: In the amount of \$190.19?

12 MR. HANLON: I believe that is correct.

13 BY MR. HANLON:

14 Q. Who, by name, received that apparel?

15 A. I don't know. It says "men's/women's
16 clothing." I don't know what that is. So I can't
17 honestly tell you.

18 MR. HANLON: Okay. You purchased gift cards,
19 again, that are shown within the Jewel receipt.
20 We have already talked about that, so I don't want
21 to bother you asking that question again. And I
22 won't ask you about Hooters again. I have asked
23 about those. I asked about that.

24 Okay. Mr. Gooch, with a minute to

1 spare on the regular clock time, I tender the
2 witness to you.

3 MR. GOOCH: I'm sorry?

4 MR. HANLON: I am tendering the witness to
5 you.

6 MR. GOOCH: I have no questions.

7 We will reserve signature. If he
8 orders the original, I will take a copy electronic
9 as a pdf.

10 MR. HANLON: Stacy, I'm going to order the
11 original, so let's not mince words. I don't need
12 it expedited or anything like that.

13 So, Mr. Miller, this concludes my
14 deposition of you today. I don't have anymore
15 questions for you. So this deposition is over and
16 I am going to leave the Zoom room. Good day.

17 MR. GOOCH: Good day.

18 FURTHER DEPONENT SAITH NOT.

19 (WHEREUPON, the deposition was
20 concluded at 4:00 p.m.)

21

22

23

24

1 STATE OF WISCONSIN)
)
2 COUNTY OF WALWORTH)

3
4 I, STACY L. HARTMANN, C.S.R., a notary
5 public in and for the County of Walworth and State
6 of Wisconsin, do hereby certify that ROBERT MILLER
7 was by me first duly sworn, to testify to the
8 truth, the whole truth, and nothing but the truth,
9 and that the above deposition, Pages 4 through
10 139, inclusive, was recorded by me and reduced to
11 typewriting by me.

12 I FURTHER CERTIFY that the foregoing
13 transcript of the said deposition is a true and
14 correct transcript of the testimony given by the
15 said witness at the time and place specific
16 hereinbefore.

17 I FURTHER CERTIFY that I am not a
18 relative or employee or attorney for counsel of
19 any of the parties, nor a relative or employee of
20 such attorney or counsel, or financially
21 interested directly or indirectly in this action.

22 IN WITNESS WHEREOF, I have hereunto set
23 my hand and seal of office at Fontana, Wisconsin,
24 this 21st day of October, 2020.

Stacy L. Hartmann



STACY L. HARTMANN
Certified Shorthand Reporter
Notary Public, Walworth County, WI
Illinois CSR License No. 084-003670

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ERRATA SHEET

Deposition of ROBERT MILLER 10-8-2020

Page	Line	Correction
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STATE OF ILLINOIS)
)SS
COUNTY OF MCHENRY)

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS

ANDREW GASSER, ALGONQUIN)
TOWNSHIP ROAD COMMISSIONER,)
)
 Plaintiff,)

vs.) No. 17 CH 435
)

ANNA MAY MILLER, AND)
ROBERT MILLER,)
)
 Defendants.)

I, ROBERT MILLER, hereby certify that I have read the foregoing transcript of my deposition given at the time and place aforesaid, consisting of Pages 4 through 139, inclusive, and I do again subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid, with the corrections noted.

ROBERT MILLER

Subscribed and sworn to
before me this _____ day of
_____, 20__.

Notary Public

A				
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