

1 This is the continuation of the Mayor's deposition.
2 ((At 2:03 (by Mr. Arellano:
3 Q Good afternoon, Mr. Norquist.
4 A Good arch.
5 Q This is a continuation of your ongoing deposition.
6 I will be asking you questions and again consistent
7 with my previous instructions please let me know if
8 for some reason you don't understand my question.
9 Is that fine?
10 A Yes.
11 Q Or if you need my question to be read back, modified
12 or in some way clarified for you, please let me
13 know.
14 A Will do.
15 Q Is that okay?
16 A Yes.
17 Q Mayor, let me ask you before we proceed with some
18 specific questions, have you reviewed any
19 transcripts related to these particular proceedings
20 before coming here today?
21 A No, no.
22 Q Have you reviewed your own transcripts?
23 A No.
24 Q Have you spoken to any of the individuals that have
25 given testimony in these proceedings about anything

1 related to these proceedings?

2 A No.

3 Q Have you in any way discussed this case with anyone

4 other than your counsel?

5 A No.

6 Q Have you reviewed any documents or records that are

7 related in any manner to these proceedings, sir?

8 A No. I did -- the media that were waiting in the

9 lobby downstairs and I did, you know, discuss

10 generally without any specifics, you know, had to

11 try to answer their questions.

12 Q What did you say?

13 A They just asked whether or not I was going to be

14 asked questions today and I said yes and was I ready

15 to do that and I said yes.

16 Q Anything else?

17 A They asked whether there was a settlement and I said

18 I didn't know. That was it.

19 Q All right. Have you -- this may have been already

20 answered in some general fashion by you. Have you

21 reviewed any of the medical records, reports,

22 documents related to Marilyn Figueroa?

23 A No.

24 Q Any independent reports?

25 A No.

1 Q Are you familiar with the fact that the City has
2 requested an IME of Marilyn Figueroa?
3 A I don't know what an IME is.
4 Q An independent medical examination.
5 A Yes, I am aware of that.
6 Q And when did you become aware of that fact?
7 A When Lester Pines, my counsel, told me about it.
8 Q Do you know who the IME expert for the City is?
9 A No. I might have heard the name but I don't
10 remember what the name is.
11 Q Do you know Dr. Robbins?
12 A That's the name I heard, yes.
13 Q Do you know Dr. Robbins?
14 A No.
15 Q As you sit here under (Reporter's note:, have you
16 ever attended any events where Dr. Robbins has been
17 present?
18 A Not that I know of.
19 Q Have you ever participated in any social gatherings
20 where Dr. Robbins --
21 A No.
22 Q --has been present?
23 A Not that I know of.
24 Q And obviously you have not been interviewed by
25 Dr. Robbins pursuant to this case?

1 A No, I have not.

2 Q Do you know who, if anyone, referred Dr. Robbins to

3 the lawyers for the City of Milwaukee?

4 A No.

5 Q Do you know anyone who is familiar with Dr. Robbins?

6 A I mean the only reason I know the name Dr. Robbins

7 is my counsel passed that on. But I had forgotten.

8 I thought his name was Miller until you said

9 Robbins. But that is the name that he said.

10 Q Do you what Dr. Robbins looks like?

11 A No.

12 Q Have you ever seen him in City Hall?

13 A Not that I know of.

14 Q Have you ever been present at any meetings where

15 Dr. Robbins was present?

16 A Not that I know of.

17 Q Attended any sporting events with Dr. Robbins?

18 A No.

19 Q Any political events?

20 A No.

21 Q All right. We have spoken about the interaction

22 that you had with Marilyn Figueroa I believe from

23 1994 until I believe December of 1999.

24 A Yeah, late November, early December of '99.

25 Q Of 1999, okay. And I believe that you testified

1 that during your interaction with Marilyn Figueroa
2 there were at least two breakups; is that correct?
3 A There were, there was one time at the very end
4 where --
5 Q Just to help you --
6 A Yeah.
7 Q I think you testified that there was one in October?
8 A There was one in October.
9 Q 1999?
10 A And one at the very end, yes.
11 Q Do you recall any other time when Marilyn spoke
12 about breaking up or stopping what you call the
13 relationship?
14 A No.
15 Q Do you recall in 1999 -- strike that. Let's go back
16 to 1998. Do you recall anytime in 1998 when Marilyn
17 may have given you any reason to believe that she
18 did not want you to be bothering her or calling her
19 at all?
20 A I'm not sure I accept the precedent of the exact
21 wording of your question, but the relationship blew
22 hot and cold and from my standpoint there were times
23 when I felt that it was over, that I wanted it to be
24 over. There were other times when she may have
25 thought it was over. But there wasn't much explicit

1 expression either way. The two times that we've
2 talked about are the two times where there was an
3 explicit expression by her that she wanted it to be
4 over. There are other times when I would say things
5 like you should go out with other people, you don't
6 need to -- I mean that's good for -- I'm happy for
7 you if you go out with other people, I encourage you
8 to do that, it's not good for us to go on like this.
9 And those happened from time to time. And there
10 would be great gaps, several months at a time where
11 we weren't together and then either on the
12 initiative one or the other of us we'd come back to
13 the other.

14 Q During the year of 1994 do you recall how many times
15 Marilyn gave you any type of message that would
16 indicate to you that she was not interested in
17 continuing any type of interaction with you?

18 A Not in '94, no.

19 Q What about '95?

20 A I don't think so much in '95. I think she was --

21 Q Let's just step-by-step here. What about in '96?
22 Did she give you any reason to believe she did not
23 want you to continue?

24 A Well --

25 Q Looking for her?

1 A I think that in, perhaps in '95 or perhaps in '96,
2 but as the relationship went on either one of us
3 would just not talk about it, not do anything about
4 it, not seek to be together. When she did that, for
5 the most part then I didn't seek it. And we'd go
6 months at a time where nothing was happening.

7 Q Well, let's talk about '95. Was there a time when
8 Marilyn gave you some idea that she did not want to
9 continue any type of contact with you?

10 A Not explicitly, not to talk about.

11 Q What about '97?

12 A No. I mean I think really the only two times where
13 there was an explicit message from her not wanting
14 to continue the relationship was the October of '99
15 and December of '99.

16 Q Right. And I'm talking about the other incidents
17 that you mentioned when the two of you would give
18 each other some sort of a hint. Tell me, let's go
19 back. We already talked about the ones in '99.

20 Let's talk about 1998. Anytime when she gave you
21 the idea that she did not want to continue with this
22 interaction?

23 A Not -- nothing explicit that I can remember.

24 Q Anything indirectly or by innuendo?

25 A Just by being busy doing other things, you know,

1 dating other people.

2 Q What about '97? Anytime when Marilyn Figueroa gave

3 you any type of idea that she did not want to

4 continue with this interaction?

5 A Well, I can't think of anything explicitly in '97.

6 I would, sometime in '95 she gave a signal the other

7 direction when she came into my office one time and

8 raised her sweater.

9 Q Right. And I understand you're eager to tell me

10 that. Right now I want to talk about --

11 A Well, I don't need --

12 MR. TOKUS: Counsel, you

13 interrupted his answer, counsel.

14 MR. ARELLANO: Hold on. The three

15 of us are talking.

16 Q I'm talking about the times as you testified when

17 you and Ms. Figueroa would give each other some sort

18 of a hint that you did not want the relationship to

19 continue. And what I'm asking you, Mr. Norquist, to

20 concentrate on the times Ms. Figueroa gave you any

21 type of hint, although not explicitly, when she gave

22 you the hint that she didn't want to continue with

23 the interaction between you and her.

24 A It would just be that we wouldn't communicate about

25 it. We wouldn't talk about it.

1 Q What would lead you to believe that she would not
2 want -- when she did, that she would not want to
3 continue the interaction with you?
4 A We would talk about things other than our
5 relationship. If we were on the phone, we'd just
6 talk about something other than that, if she didn't
7 really bring it up or want to talk about it, then we
8 didn't talk about it.
9 Q Let me see if I understand what you're telling me.
10 You're telling me that other than 1999 there were
11 other times when the two of you gave each other a
12 hint of not wanting to continue but you don't
13 remember any exact time.
14 A It would just be by not communicating a desire to
15 get together. I mean we just wouldn't do it.
16 Q And again, you don't recall the times when that
17 occurred?
18 A Well, I can recall, for example, if I -- I can fix
19 to a certain date. My mother died in December of
20 '98, and to me that was sort of -- I said to myself
21 I don't -- one of the things I want to do out of
22 this is not have this relationship go on. And so
23 there wasn't any interaction with us for several
24 months after that.
25 Q That's when you decided.

1 A Yeah, and I --

2 Q Sir, I'm talking about the times when you felt --

3 A But I didn't say anything explicitly to her. Let me

4 just answer because I think maybe it will give you

5 an idea of the way I perceived her. I didn't

6 explicitly say to her after my mother died I just

7 don't want to do anything. I just didn't say

8 anything to her to try to get together or do

9 anything. I think to the extent that she didn't

10 want to do anything, she would just not do anything

11 to flirt or communicate or say we ought to get

12 together or she would just not do that. If she

13 wanted to get together, then she would say something

14 like why can't we ever be alone together or

15 whatever.

16 Q Do you recall in 1998 how many times Ms. Figueroa

17 gave you the feeling that she was not interested in

18 having any type of sexual interaction with you?

19 A I don't specifically remember anything in '98.

20 Q What about '97?

21 A No, I mean it would just be the times between when

22 we were together, if we weren't arranging to be

23 together, then that was acceptable to me. I mean I

24 didn't have any problem not getting together.

25 Q What about '97, Mr. Norquist?

1 A In '97 that was the year that we got together in
2 Chicago.
3 Q Anytime when she gave you the hint that she was not
4 interested in pursuing the interaction with you?
5 A Not that I can remember.
6 Q What about '96?
7 A Not really. You know, the fact that she couldn't
8 make it down to Chicago when we were going to meet
9 there, you know, that was fine with me. And we
10 didn't -- I don't think we got together for some
11 time after that.
12 Q Do you recall ever coming to her home when no one
13 was at home?
14 A There was one time when I left a message in her
15 mailbox for her to call. That was in March of '97
16 when it was hard to -- I think it was in March of
17 '697 when she was angry about the Mike Dawson thing.
18 I just left a note saying, you know, please call if
19 you can.
20 Q You knocked on the door?
21 A She wasn't home, left a note.
22 Q How do you know she wasn't home?
23 A Well, if she didn't answer the door.
24 Q Did there come a time when you called her home phone
25 number and no one answer?

1 A Well, if she wasn't there, then if nobody answered I
2 assume she wasn't there.
3 Q How many times did that happen, just approximate
4 time?
5 A I don't know.
6 Q Several?
7 A Maybe a half a dozen, a dozen over the period of
8 however many years that is.
9 Q Do you recall in the year of 1999 how many times you
10 called her home and no one answered?
11 A No.
12 Q What about '98?
13 A That would even be harder than '99.
14 Q '96 or '95?
15 A No.
16 Q Do you recall anytime when you called and a family
17 member answered and told you she was not home?
18 A Oh, I don't know, maybe twice, three times,
19 something like --
20 Q Do you recall who you talked to?
21 A Probably her son, I forgot -- you know who I'm
22 talking about. Whatever.
23 Q How many times did you talk to her son?
24 A I don't know, maybe three or four at the most.
25 Q Do you recall the dates?

1 A No.

2 Q Did that happen in 1999?

3 A I can remember once in 1999 trying to reach her. He

4 answered the phone. I said is she home. I mean

5 calling for her and he said she wasn't home.

6 Q And when in 1999?

7 A I'd be guessing but I'd say probably in that period

8 in early October.

9 Q Of 1999?

10 A Yeah.

11 Q And when was the previous time when someone answered

12 and she was not there or available?

13 A I wouldn't -- I mean it would be like calling

14 anybody's house. If somebody was there and it's not

15 the person you're at --

16 Q I just want to know about the previous time.

17 A I don't know.

18 Q In 1998 how many times did you call her home and she

19 was not available?

20 A I don't know. I mean sometimes it would be several

21 months where I wouldn't be talking to her on the

22 phone at all. And we both felt that it was not a

23 good idea for her to call my house.

24 Q I understand. Right now, Mr. Norquist --

25 A Yeah.

1 Q -- I'm just concentrating on the times you called
2 her house when she was not available.

3 A Right, right.

4 Q Do you recall any other time, any other year when
5 you called and she was not available? You have
6 identified one in 1999.

7 A I mean I'm sure there might have been times, you
8 know, when --

9 Q You just don't recall?

10 A Yeah. I can remember at some point way back her,
11 one of her sisters was baby-sitting the kids and I
12 called and they said she wasn't there and I said
13 fine. Or I called --

14 Q Which sister was this?

15 A I don't know.

16 Q What year was this?

17 A I don't know that but it would have been several
18 years back, maybe '95 or '96.

19 Q Did you leave any messages?

20 A Yeah. That I had called.

21 Q Anything else?

22 A No.

23 Q Did you leave a phone number where she could reach
24 you?

25 A I think maybe once or twice I would have said to

1 call me at home. But normally I wouldn't want her
2 to call at home.

3 Q Do you recall anytime when Marilyn Figueroa may have
4 called your home and someone other than yourself
5 answered the phone?

6 A I don't recall that but it's possible it might have
7 happened once.

8 Q Who else could have answered the phone?

9 A My wife or maybe my son, although at that point he
10 would have been pretty young.

11 Q Do you remember what year your wife answered the
12 phone when Marilyn Figueroa called?

13 A I'm not sure that she did. But it would have been,
14 you know, several years ago, if it did happen.

15 Q How many years?

16 A Not '99. I don't remember -- I can remember in '99
17 and I don't think she ever answered the phone.

18 Q What about '98?

19 A That's more likely than '99. The further back you
20 go, the more likely it is that that happened.

21 Q Did Marilyn leave a message with your wife?

22 A Actually one time she did and now that you mention
23 it that way and my wife said, Marilyn called and
24 her, she had somebody that worked in her O office
25 who was named Marilyn Goris and I said Marilyn Goris

1 and she said, no, Marilyn Figueroa who works in your
2 office. So that did happen once. I remember that.

3 (Reporter's note:

4 Q Anything else that Marilyn may have said by way of
5 leaving a message?

6 A No. Just, you know, that she had called.

7 Q Did she leave a phone number?

8 A I don't remember but I mean I knew her phone number
9 so I had --

10 Q That wasn't my question. Did she leave a phone
11 number?

12 MR. PINES: He answered it. He
13 said he didn't know.

14 A I don't know.

15 Q You don't recall if a phone number was given to you?

16 A I don't recall, no.

17 Q Do you have any knowledge as to why Marilyn was
18 calling your home? And I'm talking about the time
19 when --

20 A More than likely either returning my call or telling
21 me about some issue that she thought was important
22 or whatever.

23 Q At that time when your wife reported to you that she
24 had called, do you know what issue Marilyn wanted to
25 discuss with you?

1 A My guess is it probably would have been -- because I
2 remember that it was too late to call back, so I
3 think I talked to her the next day at the office.
4 And I think it was just some work related thing.
5 Q And again, do you recall the time when that
6 happened?
7 A No, I don't.
8 Q The year?
9 A Not '99. It would have been before that.
10 Q '98?
11 A Possibly but I think more likely '97.
12 Q Do you remember the specific issue that Marilyn
13 discussed with you?
14 A I don't.
15 Q At work?
16 A I don't.
17 Q Was it customary that your staff would call your
18 office with work related issues?
19 A You mean call my home?
20 Q Correct, excuse me, your home.
21 A Yeah.
22 Q So that call would not have been unusual?
23 A No. I mean some people call more than others. The
24 press, my press person is the one most likely to
25 call because reporters call after hours and that's

1 the kind of people that don't go by the eight-hour
2 day.

3 Q Do you recall, Mayor, sometime in late 1998 holding
4 a fund raiser for your political campaign?

5 A Well, yeah. I mean I do a fund raiser two or three
6 times a year.

7 Q In December of 1998 do you recall any specific fund
8 raiser during that time?

9 A I don't recall any specific one but if you give me a
10 little more information, I could try to remember.

11 Q I'm trying to get information from you, Mayor.

12 A I'm sorry.

13 Q You don't recall any fund raiser in December of
14 1998?

15 A Bell,.

16 Well, in the fall I usually have had a, in the
17 wintertime I have a fund raiser which we call a food
18 fund raiser. In the fall I typically have a smaller
19 fund raiser.

20 Q In the fall of 1998 do you remember when the fund
21 raiser took place?

22 A Are you talking about a fund raiser organized by
23 Marilyn?

24 Q Any fund raiser where Marilyn had --

25 A Because I don't remember whether it was in the fall

1 or the spring but she did organize a fund raiser.

2 Q Okay, well, let's talk about that one?

3 A At Tres Hermanos on Lincoln avenue.

4 Q Was that in December of 1998?

5 A I don't know. I mean that we can look at the

6 calendar and find out and communicate that to you.

7 But whenever it was she organized a fund raiser at

8 Tres Hermanos.

9 Q In December of 1998 do you recall whether or not you

10 had any sexual interaction with Marilyn Figueroa?

11 A I would think not. That was about the time my

12 mother was dying and died and I don't think I did,

13 no.

14 Q Do you recall during the fund raiser organized by

15 Ms. Figueroa at Tres Hermanos Marilyn admonishing

16 you for trying to get too close to her?

17 A No.

18 Q In front of the people that were attending that fund

19 raiser?

20 A No. It was actually more the opposite. I gave her

21 what amounts to an air kiss like you would, you

22 know, when you go to a cocktail party or whatever

23 and you're dealing with acquaintances and you don't

24 actually touch but you kiss the air. And my

25 impression was she was offended that that was

1 treating her sort of like she was just any stranger
2 in the room that you would just, you know, do one of
3 those hugs with. And she actually talked a little
4 bit about it later on the next day or the day after.
5 So there was no -- I wasn't trying -- I was just
6 trying to greet her like I would anybody else.

7 Q Was your wife present?

8 A She was right next to me. That's why I wasn't
9 trying to get close to her at all. I was trying to
10 greet her as you would, you know, if you were with,
11 you know, the superintendent of public instruction
12 or Libby Burmeister and you saw her at a party and
13 you hugged and kissed the air. You wouldn't kiss
14 her on the lips or anything I'm sure. (Reporter's
15 note:

16 Q At that time you sensed she was somewhat bothered by
17 the way you approached her; is that what you're
18 telling me?

19 A Well, I think that she looked at it like I was not
20 treating her special. I was just not -- I mean I
21 don't think that we -- I don't think she wanted me
22 to have a romantic kiss with her but I think she was
23 sort of took it like I was not -- that whatever
24 relationship we had should be real, not an air kiss
25 and like you treat an acquaintance.

1 Q Is that something you assumed was her reaction?

2 A No, I -- the next day or two that we briefly

3 discussed it. I mean she --

4 Q Did she tell you she expected you to kiss her in

5 front of your wife?

6 A No. But she would rather have not, you know, the

7 air kiss, just nothing. Because it was like not --

8 it was like not respecting the seriousness of our

9 relationship.

10 Q So did she tell you that -- did she tell you she was

11 expecting you to kiss her in front of your wife or

12 nothing?

13 A No. I just -- what I did was what I would do with

14 anytime you greet somebody. It would be like /KRUS

15 chef and Nixon or whatever. There was nothing

16 particularly affectionate about the kiss.

17 Q My question, Mayor --

18 A That was her objection.

19 Q So her objection was that you didn't actually kiss

20 her?

21 A Well, that would be something you do in private, not

22 something you do in public. But I just felt like if

23 you were with anybody else, you'd do the light, you

24 know, touch the arms and kiss the air. If it was

25 anybody else, to do that with her I think it

1 bothered her.

2 Q Did you have any sexual intercourse with Marilyn in
3 January of the year 1999?

4 A No.

5 Q What about February?

6 A No, I don't think so.

7 Q What about March?

8 A I don't think even in March. I think maybe by
9 April or May we got back together.

10 Q Of 1999?

11 A Of 1999.

12 Q In 1998, Mayor, do you recall Marilyn being absent
13 in any one month of the year for more than 10 days?

14 A In '98?

15 Q Correct.

16 A No.

17 Q What about 1999?

18 A '99 she was absent for I don't know how long but
19 for some period during the month of March. As I
20 understood it she was upset because Brenda Wood got
21 the position that was vacated by Mike Dawson.

22 Q Well, let's talk about that for a minute.

23 A Okay.

24 Q When did the position of Mike Dawson become vacant?

25 A I don't know, probably January or February.

1 Q Of 1999?

2 A I would assume so.

3 Q When did you learn that Ms. Dawson was going to be

4 leaving that position?

5 A When Julie Penman, the head of the Department of

6 City Development, informed me that she wanted to

7 hire her. She said do you have any problem with me

8 hiring her? I said no, go ahead.

9 Q And when was that, in 1998?

10 A I'm assuming it was like January of '99. I don't

11 know exactly.

12 Q And before January of 1999 do you recall Marilyn

13 spending substantial time working for the election

14 of Mr. Pedro Colon?

15 A In the fall of '98 leading up to the primary, yes.

16 Q Is that correct?

17 A Yes. I myself was very supportive of Pedro Colon.

18 Q Do you recall how long Marilyn was out of the office

19 while she was working for Mr. Colon?

20 A I don't remember any specific times when she was out

21 or when she was in, but I assumed that she was

22 taking time off whenever she was working on the

23 campaign.

24 Q And how would she -- what type of leave would she

25 have taken while she was working for Mr. Colon?

1 A Vacation time, just taking time off, not being
2 compensated. I don't know whether she was or not,
3 but perhaps being compensated by his campaign.
4 Q Did that in any way cause any friction between you
5 and Ms. Figueroa?
6 A Not at all. I was very enthusiastic about her
7 helping. I wanted Pedro Colon to win.
8 Q You were not very enthusiastic when Mr. Colon began
9 to represent Ms. Figueroa, were you?
10 A I didn't have any problem with her being represented
11 by him.
12 Q All right. When Marilyn Figueroa -- strike that.
13 When Mr. Colon was eventually elected I suspect
14 Ms. Figueroa came back to work full-time again for
15 your office?
16 A That's correct.
17 Q Is that correct? Did you in any way show
18 Ms. Figueroa any signs of affection because she was
19 now coming back full-time to work for you?
20 A I don't remember anything specific, but I know that
21 she -- on the night of his victory party when I was
22 there she said that she missed me and she wished
23 that we would spend more time together.
24 Q Now answer my question. Did you show any kind of
25 affection when Marilyn came back to work for you

1 full-time?

2 A I don't remember anything specific that happened,
3 but I, you know, there were times when I think the
4 attraction between us revived. But I don't remember
5 anything, a specific day or anything that happened.

6 Q Did you ever tell her I'm happy to have you back
7 when she returned?

8 A I don't remember saying those words, no.

9 Q Would that be unusual for you to say?

10 A Well, it's not so much that she would be back. I
11 mean she worked sometime when she was working on the
12 Pedro campaign and she -- I would see her from time
13 to time. I don't -- it wasn't like she wasn't
14 around.

15 Q Do you know when Mr. Colon was elected in 1999?

16 A The first Tuesday -- well, for all practical
17 purposes he was elected on the first Tuesday of
18 September 1998. He would have been formally elected
19 on the first Tuesday in November but the district's
20 about 90 percent democratic so the election's over
21 in September.

22 Q So just so I can put it in proper chronology here,
23 March live would have come back to work full-time
24 for you in November or September?

25 A No, September.

1 Q September?

2 A Yeah.

3 Q Did she at any time indicate to you that she was

4 interested in joining the Pedro Colon office?

5 A That would have been fine, wonderful.

6 Q That wasn't my question. My question was did she

7 ever tell you that?

8 A No.

9 Q Did you fear that she could join?

10 A I didn't fear it if I -- that would have been a

11 great thing. As I, I've said before, a real test of

12 whether or not our relationship was genuine and

13 something that was worth pursuing would have been if

14 she had gone somewhere else and then we continued to

15 be attracted to each other, that would have been a

16 different matter than her being in the same office.

17 So I would have been delighted if she had gone -- if

18 she'd have been happy going off to Pedro Colon's

19 office, that would have been great.

20 Q All right. Now, Ms. Dawson leaves around January of

21 1999; correct?

22 A As far as I can remember. We can find the exact

23 date.

24 Q I know. We will.

25 A Okay.

1 Q Did there come a time when it became known that
2 Ms. Dawson was leaving that Marilyn requested that
3 she be given the responsibilities of Michal Dawson?
4 A Not to -- she didn't say it to me, no.
5 Q Did she share that information with you at any time?
6 A I think after the decision was made for Brenda Wood
7 others told me she wasn't happy and I asked her
8 about it.
9 Q When were told that she was not happy?
10 A No, shortly after Brenda Wood had been chosen.
11 Q When was she appointed to that position that used to
12 belong to -- we --
13 A Sorry. Go ahead.
14 Q You've been a Mayor for 12 years. It's a simple
15 question and answer. The court reporter can't get
16 the two of us at the same time.
17 A All right. Sorry.
18 Q That's why I keep orchestrating here.
19 A Okay.
20 Q When exactly was Brenda Wood appointed to the
21 position that belonged to Michal Dawson at one
22 point?
23 A Early March I think but we can look it up.
24 Q All right. And who reported to you -- so I suspect
25 you became aware sometime in March that Ms. Figueroa

1 was not happy with the appointment of
2 Ms. Brenda Wood?
3 A That's right.
4 Q And is it your sworn testimony here that
5 Ms. Figueroa never indicated to you that she was
6 interested in that position before you selected
7 Ms. Brenda Wood?
8 A That's correct.
9 Q Who reported to you that Ms. Figueroa was upset
10 about Brenda Wood's appointment?
11 A I'm not sure who the person was but just generally
12 in the office, I mean it could have been Rowen or
13 Wyttenbach.
14 Q You don't recall exactly who?
15 A Exactly who but somebody would have said, you know,
16 she's not happy that she got it, that Brenda got it
17 instead of her.
18 Q And at what point did you discuss this particular
19 issue with Ms. Figueroa? The fact that she was not
20 happy?
21 A I don't remember a specific date but shortly
22 thereafter I would have, I asked her, you know, how
23 do you feel? She said I don't want you to spend
24 your time worrying about it. It doesn't bother me
25 that much.

1 Q Where did you discuss this issue with Ms. Figueroa?

2 A I don't remember for sure but probably in the office

3 hallway, in the office, my office, her office. I

4 don't know.

5 Q And what did Ms. Figueroa say to you in response to

6 your comments?

7 A That she didn't really want me to worry about it but

8 I had the impression that she wasn't, she didn't

9 completely believe what she was saying, that it

10 bothered her more than she was saying. And then --

11 Q What led you to believe that?

12 A Well, then she was absent from work for awhile and

13 she wasn't talking to Rowen and wasn't talking to

14 anybody in the office and had indicated that, you

15 know, that she might talk to me about it, so

16 sometime in March after she had been gone for a few

17 days, then I went to her house.

18 Q Hold on a second. We'll get there.

19 A Okay, sorry.

20 Q When whereas the very next *** when was the very

21 next time, if there was, when you spoke to

22 Marilyn Figueroa about the position that Brenda Wood

23 got or received after Michal Dawson left?

24 A After the initial discussion where she said don't

25 worry about it, I'll live with it. It would have

1 been at her house. It probably would have been like
2 on a Saturday or Friday or something like that.
3 Q And what did you discuss with her at that time?
4 A Her feeling that she didn't get fair consideration,
5 that Rowen had narrowed the choice to Brenda without
6 adequately considering her as an alternative. That
7 he sort of did -- as I understand it toward the end
8 she complained before the formal appointment had
9 been made and then Rowen took a little more time and
10 then still picked Brenda and she felt that that
11 wasn't full sincere consideration.
12 Q What did you tell her?
13 A I said in the future, you know, we all need to
14 communicate better and that, you know, she should
15 let everybody know early in the process that she
16 wanted to be considered for things like that and
17 that all of us should do a better job of trying to
18 figure out how to make sure that she got better
19 consideration.
20 Q Anything else?
21 A Yeah. I mean I told her that I would just take it
22 that in the future in the opportunity was there for
23 her to get a better position, an upgrade, whatever,
24 that I would try to make sure that she got full
25 consideration for that.

1 Q Anything else?

2 A She, at the end of the discussion which lasted maybe

3 20 minutes to a half hour, she gave me a hug. We

4 embraced for, you know, a moment, 15 seconds, 30

5 seconds, whatever. She tried to kiss me. We

6 brushed lips briefly and then I left. I really

7 didn't want to get into the relationship thing when

8 we were talking about work.

9 Q Have you told me everything that was exchanged

10 between you and Marilyn that day when you went to

11 her home?

12 A I think so.

13 Q What did you mean when you said in the future you

14 would, something about an upgrade? What did you

15 mean by that?

16 A Well, she felt she wasn't making enough money. She

17 felt that she, she felt dissatisfied by the fact that Brenda

18 who hadn't worked at the office as long as she had

19 had gotten a promotion. She said that on the

20 Council people get reclassified all the time. I don't

21 know if they really get reclassified all the time but

22 apparently that was her impression, and that it

23 isn't that hard to be reclassified. And I said, well,

24 I'll look into that. I'll see what we can do.

25 Q And what, if anything, did you do with respect to is

1 that?

2 A .

3 With respect to that.

4 A Well, when I came back in, I don't remember exactly
5 what I said but she said that she was going to come
6 back and I told Rowen and I don't know, I might have
7 said something to somebody else but I think I
8 probably said it to Rowen that she's coming back.
9 In the future we should try to look for

10 opportunities for her to advance if something else
11 opens up or if there's a way to do an upgrade, you
12 know, she says that at the Council this is a normal
13 thing. You know, let's try to accommodate her.

14 Q Anything else?

15 A Not that I can remember.

16 Q Was anything done after your discussion with
17 Ms. Figueroa at her home that Saturday after she had
18 disappeared to upgrade her in any manner or promote
19 her in any manner?

20 MR. TOKUS: Excuse me, I think you
21 mischaracterized the testimony. He didn't say
22 that she disappeared on a Saturday.

23 A I mean I would --

24 Q Hold on a second. Listen to my question.

25 A Yeah, read the question back.

1 (Question read)

2 A I think I know what you meant. Let me just say that
3 when she stopped coming to work for awhile, whenever
4 it was, number of days it was, that's what you meant
5 by disappeared -- I don't think she disappeared.
6 She just didn't come to work.

7 Q Thank you. Sir, my question is after you spoke to
8 her, to your knowledge did you do anything to
9 upgrade or improve her status with your office?

10 A Let me explain what I think happened. I think that
11 Rowen made a sincere effort to try to figure out how
12 she could get an upgrade if she were to get one or
13 go to the higher level. I think she was a seven so
14 if she went to an eight or a nine, hold you do that.

15 How would you do that? And he referred it to
16 Al Weber, DER, who's the -- who -- he's retired now
17 but he's the guy that would have worked out
18 something like that. I think the way the
19 bureaucracy would look at that wouldn't be the way
20 that I would look at it. As I've said before, I
21 think it ought to be like the Council that
22 anybody -- you just take the office budget if you
23 want to allocate it based on so and so ought to get
24 this, so and so ought to get that, forget about all
25 the classifications. So I wasn't particularly

1 interested in that kind of detail. But I'm assuming
2 that Rowen made some effort to do it. By the time
3 it got to the point where he was, it came back to
4 me, which was many months later, he said, well,
5 we're in this big budget thing. I don't think it's
6 the right time to do that. And I said, well, why
7 don't you tell Marilyn that. You know, instead of,
8 you know, just keeping that to yourself, why don't
9 you tell her about it and maybe she'll accept that
10 and understand that, you know, maybe a little later
11 will be a better time to do that.

12 Q And what happened?

13 A As I understand it, she said she understood and that
14 she was willing to wait.

15 Q And so what was done with her reclassification?

16 A I think it became dormant for the time being.

17 Q For how long?

18 A Well, it never was revived at all because she left,
19 you know, in January of '99.

20 Q Well, when was Marilyn told about the
21 reclassification being stopped?

22 A I would assume it would have been as we were
23 approaching the 2000 budget, which was a very tight
24 budget.

25 Q And that would have been when?

1 A Probably July, August of -- the budget has to be
2 submitted in September. By the time you get to
3 September you're basically down to printing it.
4 There's not a lot of flexibility.

5 Q I suspect the reclassification was stopped, as you
6 put it, before Ms. Rowen left his position as chief
7 of staff?

8 A I don't know if stopped is the right word but just
9 there weren't active efforts to try to initiate it.

10 Q As you put it, the budget problem developed?

11 A Yeah.

12 Q Is that your position?

13 A Well, I mean I think the --

14 Q I just want to know when it happened, Mayor. It
15 happened --

16 A July, August, before Rowen left. Rowen left in
17 October.

18 Q Okay. So before Rowen left is it your position that
19 Ms. Figueroa was notified that the position had to
20 be --

21 A It was my understanding --

22 Q Hold on, sir. Let me finish.

23 A Excuse me.

24 Q If I understand what you're telling me, your
25 position is that Marilyn was notified before

1 Mr. Rowen left about the budget problem and that
2 being the reason for the reclassification to be put
3 on hold?

4 A That's correct.

5 Q When did Mr. Rowen leave? When did he leave his
6 position as chief of staff?

7 A Mid October.

8 Q (Last question and answer read)?

9 Q And again, Mr. Norquist, do you know exactly when
10 Mr. Rowen may have notified Ms. Figueroa about this
11 position being in some way put on hold?

12 A I don't exactly know but my guess would have been
13 August, July or August, probably August.

14 Q Do you know if she was notified in writing?

15 A She might have been but one way or the other -- I
16 mean I don't know that she was notified in writing,
17 but she might have been.

18 Q And so if I understand what you're telling me, her
19 reclassification was put on hold for the rest of the
20 year and then she left; correct?

21 A Well, I don't know for the rest of the year. I
22 don't think there was a particular time attached to
23 it but --

24 Q Well, she left on January 4th?

25 A So, yeah, from a practical standpoint, yeah, that's

1 exactly correct.

2 Q After January 4th?

3 A Correct.

4 Q And that was because of budget problems or reasons?

5 True?

6 A Yeah. It was not a real good time to give somebody

7 a reclass when you're looking at a budget where you

8 may have to lay off workers.

9 Q So in answer to my question --

10 A Correct.

11 Q -- best of my knowledge he tear reasons placed that

12 position on hold; correct?

13 A Well, not just pure budgetary reasons but in the

14 context of you look at it in terms of the, what

15 people would think of it or justice of it, you know,

16 if you're contemplating laying off people and then

17 giving somebody a pay raise at the same time

18 that's --

19 Q But was the main reason revolving around budget?

20 A Yes.

21 Q All right. We've got that much, okay.

22 A Okay.

23 Q Now, let's go back to the time when Marilyn stopped

24 coming to work.

25 A Okay.

1 Q Do you know why she stopped coming to work? Did she
2 give any reason to anyone?
3 A Not to me.
4 Q Do you know if she gave I in.
5 Any reasons to anyone else?
6 A I don't know if she gave reasons or they were just
7 assuming reasons.
8 Q Well, did anybody tell you any reasons?
9 A Yeah. Jim Rowen said --
10 Q Go ahead, sir.
11 A I'm sorry.
12 Q Go ahead.
13 A Jim Rowen said that she was unhappy about the
14 Brenda Wood appointment.
15 Q Did he give you any other reasons why she left?
16 A No.
17 Q Did he tell you whether or not Marilyn left any
18 reasons for her leaving?
19 A He didn't -- no, he didn't tell me any.
20 Q So the only thing you knew was what Mr. Rowen told
21 you as far as why she was --
22 A That she was unhappy and she wasn't coming to work.
23 Q Do you know if Mr. Rowen -- well, did he explain to
24 you who told him that she was unhappy?
25 A Well, I'm assuming that at some point he got that

1 from talking to her.

2 Q Is that what he told you or is that something you

3 assumed?

4 A I can't remember whether he explicitly told me

5 whether he had talked to her. I know he had talked

6 to her before she left.

7 Q Do you know how long she was out of the office?

8 A No. But we can look that up.

9 Q What would help us to determine how long she was out

10 of the office?

11 A I can only give you my impression. I thought she

12 was out of the office for, you know, maybe a week,

13 something like that, five days. Maybe eight days.

14 Q Is there a document that could help us to determine

15 how long she was out of the office?

16 A I mean somebody in the office may have a document

17 that says whether she came to work or not. I don't

18 know.

19 Q Would your calendars help us to determine how long

20 she was out of the office?

21 A They might but I'm not sure they would really.

22 Q Why would your calendars could help us to determine

23 how long she was out of the office?

24 A I don't know. I don't know that they would.

25 Q Let me ask you this. Do you think she was out of

1 the office for more than 10 days?

2 A I don't think so but she might have been.

3 Q And the source of, the only source of your --

4 A I mean for all I know she might have been on

5 vacation. I mean it wasn't -- until she was gone

6 for awhile I didn't even know she was that upset.

7 Q So to this day you don't know why she was out, other

8 than --

9 A No. I assume that she was out because -- I mean

10 from talking to her later she didn't like the fact

11 that Brenda Wood got the job instead of her.

12 Q Do you know if she notified anyone whether or not

13 she was planning to return to the office at some

14 point?

15 A Well, when I talked to her the Saturday before that

16 week she said she was going to come back.

17 Q Do you know if she said anything to others other

18 than you whether or not she was coming back?

19 A I don't, I don't.

20 Q Did you ask Mr. Rowen?

21 A He did not know whether she was going to come back.

22 Q After Mr. Rowen told you that Marilyn --

23 A I vaguely remember him indicating that she may have

24 quit but I don't have any specific memory of that.

25 Q Did he -- what exact words did he tell you if you

1 remember?

2 A That's what -- I don't really remember exactly
3 whether he said that he didn't know whether she
4 quit. I wish I did. Maybe if we talk about it some
5 more, I can answer --

6 Q I just want to understand what your position is or
7 recollection, sir. At one point you felt that she
8 probably was taking a vacation. The second time you
9 claim she was upset and she went home. And now
10 you're telling me that Mr. Rowen told you that she
11 may have quit.

12 A Well, by the time she had been gone for awhile and
13 by that time Rowen and others in the office, you
14 know, were saying, well, she's not happy and she's
15 not coming in and we don't know whether she's coming
16 in. She want talk to.

17 Won't talk to anybody. At that point -- I
18 mean she may have even quit. I don't specifically
19 remember. But the feeling was, you know, she's very
20 angry and she won't talk to anybody but maybe me.

21 Q So as you sit here today, you don't remember anyone
22 telling you specifically whether or not Marilyn had
23 notified someone that she was going on vacation or
24 she was quitting or she was just going home upset
25 for the day?

1 A At the beginning I didn't know why. By the end I
2 knew she wasn't on vacation. By the end of the
3 period that she was gone, by the time I then went to
4 see her, I knew she wasn't on vacation.
5 Q And you learned that from your conversation with
6 Ms. Figueroa?
7 A No I learned that from Rowen. I mean Rowen -- you
8 know, he said she's unhappy. She's not, you know,
9 she's not here. I mean I didn't know why she wasn't
10 there and I wasn't particularly concerned about it
11 early on because for all I knew she could have been
12 on vacation.
13 Q Well, what did Mr. Rowen tell you?
14 A That she was unhappy about the Brenda Wood
15 appointment.
16 Q Anything else?
17 A No.
18 Q Did he tell you anything about Marilyn asking for
19 vacation or giving any robe?
20 A No, no.
21 Q All right, very good. And right after Mr. Rowen
22 told you that Marilyn was not at the office or was
23 not coming to the office, did you ask anyone to
24 check on Marilyn?
25 A Rowen.

1 Q You asked Mr. Rowen to check on Marilyn?
2 A Well, I didn't need to ask him because he had
3 already --
4 Q Sir, I want to know if you asked anybody to check on
5 Marilyn. That's my question.
6 A Okay. Yes, and Rowen was already trying to check on
7 her when she wasn't rushing his calls.
8 Q When you say yes, who did you ask to check on
9 Marilyn?
10 A Rowen.
11 Q What did you tell him?
12 A Check on her. He said I already have. She won't
13 return my calls.
14 Q Did you ask anybody else?
15 A I don't remember. I might have. I'm trying to --
16 Q Who do you think you may have asked?
17 A Maybe possibly Bill Christofferson (returning his
18 calls) Ruth Wyttenbach.
19 Q Have you spoken to Mr. Christofferson about whether
20 or not he called Marilyn?
21 A Not that I remember, not recently I haven't.
22 Q What about Ms. Wyttenbach? Did she give you a
23 report of any kind as to whether or not she called
24 Marilyn?
25 A I don't know if she did. If she did, she didn't get

1 through to her.

2 Q So the only person that comes clear in your mind as

3 far as --

4 A Is Rowen.

5 Q -- as far as contacting Marilyn is Mr. Rowen; is

6 that correct?

7 A Sorry. Yeah, correct.

8 Q And then you; true?

9 A True.

10 Q Did you try to call Marilyn via telephone?

11 A I think I would have.

12 MR. PINES: As opposed to?

13 MR. ARELLANO: As opposed to

14 visiting her home. Thanks.

15 A Yeah, I would -- yes.

16 Q How many times did you call her home?

17 A I don't remember but probably once or twice.

18 Q Did Mr. Rowen in any way tell you that Marilyn had

19 resigned?

20 A I don't specifically remember him saying that but I

21 remember that that, he said something like that or

22 that was sort of the fear that she had just quit.

23 Q Is that what he told you the first time that you

24 learned that Marilyn was not at work?

25 A I don't remember -- it seemed like it was, it

1 started out as a small little thing and then toward
2 the end it was more a dramatic thing. (Small).
3 Q Did Marilyn contact the office at all while she was
4 gone?
5 A I don't know.
6 Q So if I understand, you tried to call her, couldn't
7 get ahold of her and finally you went to her home on
8 a Saturday?
9 A No. She talked to somebody in the office and set
10 the time when I was supposed to go by and talk to
11 her.
12 Q Who did she talk to?
13 A I don't know. I don't know if it was Rowen or
14 Wytttenbach or who.
15 Q What did they tell you, whomever?
16 A That that was the time that I was supposed to go by
17 to talk to her, which I did.
18 Q Which what was the time?
19 A I think it was on a Saturday but I'm not sure.
20 Q So you went to her home?
21 A That's right.
22 Q And did she tell you the reasons why she left?
23 A She was upset about the fact that Brenda Wood had
24 gotten the job over her. She said it wasn't just
25 the fact that Brenda had gotten the job but that she

1 didn't feel she got adequate consideration.

2 Q When you went to her home, did you promise Marilyn

3 that you would make sure she would get substantive

4 responsibilities?

5 A I think she already had substantive responsibilities

6 so I don't --

7 Q That wasn't my question, Mr. Norquist.

8 A No, I don't remember her saying that.

9 Q Anything to that effect, that you would make sure

10 that she would get more significant opportunities

11 with respect to assignments?

12 A If she complained about that specifically, then I

13 think it's likely I would have said, well, I'll try

14 to make sure that, you know, we accommodate your

15 concern as best as possible.

16 Q Did she complain about the fact that she was not

17 getting any substantive responsibilities or

18 responsibilities of significance?

19 A I don't remember her putting it in that dramatic of

20 terms.

21 Q Well, anything to that effect?

22 A Yeah. I mean not just then but from time to time

23 she would complain that she wanted more

24 responsibility in areas like economic development.

25 Q Did she complain about that on the day you went to

1 visit?

2 A I don't specifically remember her doing that but
3 it's possible, even likely that she would have.

4 Q And did you tell her that you would give her more
5 responsibilities?

6 A That she should have fair consideration for those
7 kinds of things, yes.

8 Q Did you ask her to come back to work?

9 A Yes.

10 Q Did you promise Marilyn a reclassification?

11 A No.

12 Q At that time? Did you ever direct anyone to start
13 the reclassification of Marilyn Figueroa's position?

14 A When I came back in, I talked to Rowen and told him
15 that I thought it would be -- that Marilyn was
16 coming back and that, you know, he should look for
17 an opportunity to -- for a way to, you know, if a
18 position opened up in the future, to give her fair
19 consideration. If the reclass thing that Marilyn
20 told me about that she felt was an easy thing to do,
21 if that was an easy thing to do to try to put it
22 together and make it happen if it was possible.

23 Q Do you know if Mr. Rowen did that?

24 A I think he tried.

25 Q Do you know if Marilyn's position was subjected to a

1 reclassification study as a result of Mr. Rowen's
2 request?
3 A I don't know that for sure. I mean I really
4 didn't -- I didn't, you know, track it and follow it
5 and that sort of thing.
6 Q Well, did you know whether or not she was being
7 considered for reclassification from the time she
8 returned in March until the time she left in
9 January 4th of 2000?
10 A Yeah. I think I had that -- at least I had that
11 impression. I wasn't looking at the details of it.
12 Q All right. Now, in your last deposition I believe
13 you used the word Marilyn dumped me sometime in
14 October of 1999, something to that effect. Do you
15 recall that?
16 A I don't -- I'll agree that it was something to that
17 effect. But I have a memory of what I said which I
18 can repeat if you wish.
19 Q All right. I believe you also claimed that Marilyn
20 ended the relationship sometime in October because
21 she was upset about the Brenda Wood appointment.
22 A Well, that was a part of it, yeah.
23 Q When did Mr. Soika come on board, Mr. Norquist?
24 A In mid October.
25 Q And did Mr. Soika in any way get involved in the

1 reclassification of Tricia Geraghty?

2 A Yes.

3 Q All right. And did he do that at your request?

4 A No.

5 Q At your direction?

6 A No. But he asked whether I thought he could do it.

7 I told him I thought he could.

8 Q When was the first time that Mr. Soika brought

9 Tricia Wood to your attention?

10 A You mean Tricia Geraghty?

11 Q Tricia, thank you, sir, Tricia Geraghty to your

12 attention the first time.

13 A Oh, I would think sometime in mid November, maybe

14 late October. (Early, mid November).

15 Q And was a position specially reclassified in grade

16 and pay in order for Ms. Tricia Geraghty to come on

17 board to your knowledge?

18 A A position was reclassified because in order to

19 attract her to the job and be able to pay her as

20 much or slightly more than she was making at

21 Marquette Soika had to have that.

22 Q And again --

23 A Soika felt that that was necessary in order to

24 attract her.

25 Q And again, I might have missed something with your

1 he will 0 question and answer here. Mr. Soika
2 brought to your attention Tricia Geraghty when, in
3 October, September?
4 A I don't know precisely when but it would have been
5 sometime shortly after he came on.
6 Q He came on board?
7 A Yeah.
8 Q By the way --
9 A Probably late October, early to mid November.
10 Q By the way, why did Mr. Rowen leave his position as
11 chief of staff?
12 A Well, there's a sort of burnout factor that comes
13 along and I'd say he lasted about the average amount
14 of time.
15 Q Did he request a transfer or did you transfer him
16 out of the position as chief of staff?
17 A Well, it was not something that he resisted but I
18 think I suggested it more. I mean we had a day or
19 two of talking back and forth about it.
20 Q And before he left, as I understand, he was the
21 direct supervisor of Marilyn Figueroa; correct?
22 A Correct.
23 Q Before he left do you remember ever hearing any
24 complaints about Marilyn Figueroa coming to you via
25 Ms. Jim Rowen?

1 A I'm not sure I understand the question.

2 Q In other words, did Jim Rowen ever complain or bring

3 any complaints that the staff had about

4 Marilyn Figueroa? Did he ever bring that to your

5 attention?

6 A Well, I mean there was a certain amount of tension

7 between Marilyn and Brenda Wood, for example. But

8 no, he didn't have a list of complaints against --

9 Q Did Mr. Rowen ever tell you that the staff was

10 complaining about Marilyn not being available to be

11 found?

12 A Well, the times that she was gone, yeah.

13 Q Do you recall when he brought this to your

14 attention?

15 A The time it happened in March and the time it

16 happened in October.

17 Q What did he tell you?

18 A That people on the staff didn't want to have to do

19 her work. Why didn't she come in, you know,

20 complained that she didn't come in.

21 Q Did he give you any complaints regarding

22 Marilyn Figueroa?

23 A Other than not coming to work when she was supposed

24 to work?

25 Q Yes.

1 A I don't specifically remember any.

2 Q Well, did he mention anything -- strike that.

3 Anything else that comes to your mind?

4 A Not that comes to my mind. I mean people complain

5 about other people all the time. That's human

6 nature.

7 Q How many times did you --

8 A He wasn't one to -- I'm sorry.

9 Q How many complaints did you receive from Mr. Rowen

10 about Marilyn Figueroa before he left his position

11 as chief of staff?

12 A I mean our discussions would have been about in

13 terms of a complaint would have been when she didn't

14 show up for work.

15 Q By the way, the time when you came from Madison,

16 when you were dealing with that baseball stadium,

17 the time when you met at Marilyn's home, was that

18 before lunch time or was it early in the morning?

19 A That was about, as I remember it, about 12:30, right

20 after noon. And I was about a half an hour late.

21 Q Do you know if Marilyn went to work that day?

22 A I do not.

23 Q Did you see her at work at all that day?

24 A Well, I wasn't at work except to go to the office

25 before I had this speech that I gave.

1 Q So you arrived at her home around 12:30 or so?
2 A Yes. That's my memory.
3 Q When you arrived at her home, did you come directly
4 from Madison to her home?
5 A No.
6 Q You went home first?
7 A I went into work. I did one event, this planning
8 conference, whatever I did, a slide show about land
9 use. I went home, changed into my jogging clothes,
10 jogged over to her house.
11 Q Do you remember any other times when you met with
12 Marilyn Figueroa anytime before noon or after the
13 noon hour when you had sex with her?
14 A Not other than the times that we've already
15 discussed.
16 Q You mentioned, all right. Now going back to
17 Mr. Rowen, when he complained to you or shared with
18 you some of the complaints people in the office were
19 having about Marilyn Figueroa, what did you tell
20 him?
21 A To try to work things out.
22 Q Did you ever tell Mr. Rowen to try to do anything
23 that would keep Marilyn happy?
24 A Well, I mean I felt that it was important for her to
25 have fair consideration, you know, for her to feel

1 like, you know, even if she didn't get what she
2 wanted, at least she got consideration.

3 Q So in answer to my question --

4 A That's what I kept saying to Rowen. I did not -- I
5 did not explicitly, you know, stick my hand into the
6 process and make things happen just like that.

7 Q The day he complained or shared complaints with you
8 about Marilyn Figueroa, did you tell him to do
9 anything that you would take.

10 It would take to make Marilyn happy?

11 A I didn't use the word do anything it would take, no.

12 Q Well, did you tell him to make her happy?

13 A I'm not sure I used the word happy. I felt it was
14 important for her to have fair consideration.

15 Q That's what you told him in response to the concerns
16 he was sharing with you regarding Marilyn Figueroa?

17 A Or, for example, when --

18 Q Sir, is that what you told Mr. Rowen?

19 A Ask the question again.

20 (Question read)

21 A Yes.

22 Q All right, very good. Now, Mr. Soika comes on board
23 sometime in October of 1999; is that correct?

24 A Correct.

25 Q And was that -- and then as I understand, you had a

1 sexual encounter with Marilyn Figueroa in October of
2 1999?
3 A Correct.
4 Q Do you remember the day?
5 A October 16th.
6 Q And do you remember the time when Mr. Soika came on
7 board before October 16th or after?
8 A I think it was October 18.
9 Q And do you recall the time when Marilyn dumped you
10 or ended the relationship in October?
11 A That would have been -- the word dumped is a word
12 that I used talking to her. It's not a word that
13 she used.
14 Q When the relationship ended in October.
15 A When the relationship ended in October, that was a
16 meeting at my house.
17 Q What date?
18 A I think October 6th or 7th, something like that.
19 Q And did you ever tell Mr. Soika after he came on
20 board to stop the reclassification of
21 Marilyn Figueroa?
22 A No.
23 Q Do you know if Mr. Soika ever stopped the
24 reclassification of Marilyn Figueroa?
25 A I don't know whether he stopped the reclassification

1 or not.

2 Q Did he ever tell you he was going to stop the

3 reclassification of Marilyn Figueroa?

4 A No, not that I know of. I mean he might have but I

5 don't remember that.

6 Q Now, did your issues or problems with

7 Marilyn Figueroa have any influence in your decision

8 to remove Mr. Jim Rowen from his position as chief

9 of staff?

10 A Well, I don't think so. Not consciously anyway.

11 Q Unconsciously do you think they did?

12 A I don't know. It's hard to say.

13 Q Well, did Marilyn Figueroa play any role no your

14 decision to remove Mr. Rowen?

15 A Well, I know she wasn't very happy with the way

16 Rowen handled her attempt to try to get a

17 reclassification or the fact that Brenda Wood had

18 gotten a job that she wanted. So I think that, you

19 know, I would have known that she would have felt

20 relieved that, you know, somebody else was there

21 other than Rowen and she had worked closely with

22 Mike in the block grant office. But that wasn't the

23 primary reason that --

24 Q Was that one of the reasons why you let Mr. Rowen

25 go?

1 A Not explicitly. I'm just trying to be honest about
2 it. Subconsciously I can't say that that might not
3 have had some impact on it.

4 Q Did you believe that Mr. Rowen -- strike that. Do
5 you think that Marilyn did not get Michal Dawson's
6 former position because Mr. Rowen didn't handle that
7 well?

8 A No, I don't. I think that Brenda Wood had all kinds
9 of advantages for the job. You know, it might have
10 been easier for Marilyn to accept the fact that
11 Brenda got it if the process had been a little bit
12 more elaborate or exhaustive and taken more time and
13 she'd had more time to explain why she thought she
14 was better for the job. But ultimately, no. I
15 think it was a pretty easy call to make ultimately.
16 And it's not anything against her. It's just that
17 Brenda had qualifications that Marilyn didn't have.

18 Q Well, why don't you tell me some of those
19 qualifications that Brenda had that Marilyn didn't
20 have.

21 A Okay. She had a master's degree.

22 Q Was that a requirement for the position?

23 A No.

24 Q Okay.

25 A There are no requirements for the position to speak

1 of.

2 Q How long had Brenda --

3 A It's not a civil service type job.

4 Q How long had Brenda Wood been working for the office

5 of the Mayor?

6 A Not as long as Marilyn.

7 Q Do you know where she was working before she was

8 appointed to that position?

9 A She worked for, she had done political organizing.

10 She had worked for a call center in a supervisory

11 position. She had experience with political

12 campaigns.

13 Q Did you ever tell Marilyn that you didn't think she

14 was as qualified as Brenda Wood?

15 A I would have said that, I try to say it in a

16 diplomatic way. I can remember saying, well, you

17 know, Brenda's got the master's degree and Brenda

18 has this, Brenda has that. But I, you know, Marilyn

19 is a talented political organizer. Just because

20 somebody else gets a job doesn't mean that she's not

21 a high -- doesn't have qualifications.

22 Q So you never told Marilyn your feelings about who

23 was more qualified; is that what you're telling me?

24 A No, I think I would have defended, I know I defended

25 the appointment of Brenda Wood to have.

1 To her. But I tried to do it in a way that
2 wasn't disparaging to her.

3 Q When did you do that?

4 A Whenever -- well, one time for sure was when I was
5 at her house and she was explaining her feelings
6 about it. And another time was in October when she
7 asked to come to my house and tell me that she
8 wanted the relationship to be over.

9 Q She told you that at your house?

10 A That she said she felt like the Brenda Wood
11 appointment was not fair, that she should have had
12 it. And I explained to her then, you know, the
13 master's degree and so forth.

14 Q This was October 6th?

15 A Yes.

16 Q How long was she at your house?

17 A I don't know, 35, 40 minutes.

18 Q Did you have any sexual contact with Marilyn at that
19 time?

20 A No, no.

21 Q Why was she at your house at that time?

22 A She asked to come and she wanted to talk and she
23 said that she didn't want to have the relationship.
24 She felt that I hadn't stood up for her, that the
25 things that she wanted she hadn't gotten and I said

1 fine. Let's not have a relationship.

2 Q Let me ask you this, sir. After you spoke to

3 Marilyn that Saturday after she had disappeared in

4 March of 1999, how soon after that conversation did

5 Marilyn come back to work?

6 A I don't -- I don't remember but it would have been

7 shortly thereafter.

8 Q And when you told Mr. Rowen that you wanted to

9 reclassify Marilyn, if that's what you said, did he

10 object in any shape or manner to your suggestion

11 that she be reclassified?

12 A I don't remember him objecting but I don't really

13 think he was particularly an expert on the, on how

14 to do it.

15 Q So he didn't object to your suggestion?

16 A No.

17 Q Did he in any way lead you to believe that he was

18 not in agreement with your decision to reclassify

19 Marilyn Figueroa in March of 1999?

20 A No. My memory of it is that he said he would try to

21 do what he could.

22 Q Now, after Marilyn came back, was there an agreement

23 on her part that she would return if she would get

24 reclassification plus additional responsibilities?

25 A No. There was no explicit agreement at all.

1 Q Well, did she tell you at all -- but you led her to
2 believe that you would do whatever it would take to
3 help her out?
4 A I wouldn't use the word whatever it would take but
5 that I would try to, you know, look for
6 opportunities for her to be more satisfied.
7 Q And from the time that Marilyn, that you spoke to
8 Marilyn about getting her anything, or at least
9 trying to get her reclassification, when was the
10 very next time that you had sexual relations with
11 Marilyn Figueroa?
12 A Not for quite awhile. I would think maybe late
13 spring or early summer.
14 Q What month would that have been, do you know?
15 A June.
16 Q And before Mr. --
17 A July maybe.
18 Q Before Mr. Soika came on board, from March till the
19 time Mr. Soika came on board, how many times did you
20 have sexual relations with Marilyn Figueroa?
21 A Repeat that. I'm not sure.
22 Q From the day she returned in March of 1999 from her
23 absence after speaking with you at her home until
24 Mr. Soika came on board, how many times did you have
25 sexual contact with Marilyn Figueroa?

1 identification).

2 MR. TOKUS: May I look at this,
3 counsel?

4 MR. ARELLANO: You may obviously.

5 MR. TOKUS: Thank you.

6 (Exhibit No. 6 marked for
7 identification)

8 Q ?

9 Q Let me show you, Mr. Norquist, what has been marked
10 as Exhibit No. 5 of your deposition. And give you a
11 second to review this record.

12 (Witness looking at exhibit)

13 Q Did you review this?

14 A Yes.

15 Q Exhibit No. 5, sir?

16 A Uh-huh.

17 Q And you would agree with me, would you not, that
18 this is a job evaluation report coming from the
19 Department of Employee Relations dated August 11th,
20 1999? Is that correct?

21 MR. TOKUS: I'm going to object to
22 the form of the question because it is not
23 what you represented it to be.

24 MR. ARELLANO: Thank you.

25 Q And if I direct your attention here, sir, it shows

1 at least this document, Exhibit No. 5, that the
2 record shows an incumbent, namely Marilyn Figueroa,
3 on the first page of this record; is that correct?
4 A That's correct, that's what it says.
5 Q And it also identifies the department which is the
6 Mayor's office; is that correct?
7 A Correct.
8 Q And it also shows that her current position at the
9 time this document was dated was identified as a
10 staff assistant to the Mayor. Did I read that
11 correctly?
12 A Correct.
13 Q Which would have been a salary grade of 007 with
14 anywhere between \$41,784 to \$58,494. Did I read
15 that correctly?
16 A Correct.
17 Q Her current rate at that time, August 11, 1999,
18 shows pursuant to this document a salary of about
19 \$55,022. Did I read that correctly?
20 A Uh-huh.
21 Q Is that right?
22 A Yes.
23 Q And then there appears to be a request for this
24 position to become a senior staff assistant to the
25 Mayor. Did I read that correctly?

1 A Correct.

2 Q And this recommendation for a new salary in a new
3 title --

4 MR. TOKUS: Objection, there's
5 no --

6 MR. ARELLANO: Let me finish,
7 Mr. Tokus.

8 MR. TOKUS: All right. You may
9 finish.

10 Q The record, the document Exhibit No. 5 also shows a
11 section for recommendations; is that correct?

12 MR. TOKUS: Objection. There is no
13 recommendation there approximate and that
14 document is not a recommendation.

15 Q Did I read that correctly, Mr. Norquist?

16 A The word recommendation is there. I don't know the
17 significance of it.

18 Q Thank you. And also there is a title as well,
19 correct?

20 A Correct.

21 Q Staff assistant to the Mayor-senior. Did I read
22 that correctly?

23 A Yes.

24 Q And then the new rate would be salary grade 009.
25 Did I read that correctly?

1 A You've read everything correctly.

2 Q With a salary increase of anywhere between \$47,476
3 through \$66,463. Did I read that correctly?

4 A Correct.

5 Q And now do you recall, sir, whether or not this was
6 the reclassification request submitted by Mr. Rowen?

7 A I do not recall.

8 Q Did Mr. Rowen ever notify you that he had submitted
9 a request for a reclassification to a staff
10 assistant senior?

11 A Not that I remember but, you know, I don't have
12 any -- he probably told me that but it's not
13 something that it was -- anyway, go ahead.

14 Q And you testified, did you not, that Mr. Rowen and
15 you discussed the need to put this reclassification
16 or staff reclassification as a result of.
17 Stop this reclassification because of
18 budgetary reasons; is that correct?

19 A Yeah. It just wasn't the right time for it.

20 Q After that decision was made, do you know if any
21 other staff assistant position was reclassified
22 within your office?

23 A Not until the Tricia Geraghty thing happened.

24 Q And when did that happen?

25 A When she was hired which would have been late

1 November, early December.

2 Q All right. How soon after Ms. Figueroa's
3 reclassification study was stopped did your office
4 submit a request for a reclassification for a
5 position that eventually was given to Tricia
6 Geraghty?

7 A .

8 MR. TOKUS: Now, did you understand
9 the question.

10 A Thank you. Why don't you repeat it. Sorry.

11 (Question read)

12 A I don't know a precise day but three months later.

13 Q All right. Is it fair and accurate to say, sir,
14 that by October, from October through December you
15 sensed that what you deem a relationship between you
16 and Marilyn Figueroa was kind of coming to an end,
17 from October through December?

18 A I knew the relationship was coming to an end
19 whenever was the last time we were together,
20 November 29th to December. But my guess is the
21 last time we were together was sometime between
22 December 3rd and November 29th.

23 Q But you also knew that Ms. Figueroa had already
24 ended the relationship a couple months before in
25 October, correct?

1 A Yeah. For a couple weeks.

2 Q So given that she had ended the relationship

3 sometime in October of 1999 and again in December of

4 1999 or November, did you sense that during those

5 last months that relationship was rapidly falling

6 apart?

7 A Well, it fell apart and came together and fell apart

8 again. But I felt, you know, she should have a

9 sincere effort made to try to accommodate her desire

10 for more responsibility and a reclass. But it

11 wasn't the right time because the situation we were

12 in with the budget.

13 Q My question to you, sir, is with respect to the

14 relationship she breaks up the relationship in

15 October and then again in December or late November,

16 true?

17 A True.

18 Q Did that in any way give you a feeling from

19 October through December that the relationship was

20 falling apart anyway by the time she told you it was

21 over?

22 A I think the relationship was under some stress.

23 Q All right.

24 A It was hard to predict at the time exactly how it

25 was going to end up but it ultimately ended, yeah.

1 Q All right, very good. The Exhibit No. 5 shows
2 again, I think I put this on the record, that on
3 August 11, 1999 this position was, at least based on
4 this record, considered a study; is that correct?

5 A That's what it says.

6 Q Let me now show you, sir, a document which has been
7 marked now as Exhibit No. 6. Give you a second to
8 review it while I -- tell me when you are ready.

9 (Witness looking at exhibit)

10 MR. TOKUS: Look at all the pages.

11 Q Did you review it, sir?

12 A Yes, I did.

13 Q Exhibit No. 6, if your attorney doesn't object I'll
14 just sit a little bit close to you, is basically the
15 same position, and I'm talking about Exhibit No. 6
16 when compared with Exhibit No. 5; is that correct?

17 A I haven't reviewed both documents close enough
18 but --

19 MR. TOKUS: Let me express my
20 objection. One of them speaks of a vacant
21 position. One of them speaks of an incumbent
22 position. So they're not the same positions.

23 MR. ARELLANO: Okay, thank you.

24 Q Directing your attention, under recommendation we're
25 talking about the same position between Exhibit 6

1 and Exhibit 5?

2 A In terms of level.

3 MR. TOKUS: Same objection.

4 Q In terms of what, sir?

5 A Level.

6 Q And in terms of pay; correct?

7 A Correct.

8 Q In terms of action required you would agree with me,

9 Mr. Norquist, that we're talking about exactly the

10 same language; would that be accurate?

11 A Yes.

12 Q With respect to --

13 A I don't know about the word exactly but there are

14 similarities.

15 Q All right. And then with respect to page No. 2 of

16 Exhibit 6 which, by the way, is signed by an Alan

17 Weber from the human resources manager; is that

18 correct?

19 A That's correct.

20 Q Under page No. 2 on Exhibit, both Exhibit 5 and

21 Exhibit 6, under the analysis would you agree with

22 me that the same items are included, No. 1, research

23 and policy analysis; is that correct?

24 A Let me -- yes.

25 Q I'm talking about No. 1. No. 2, community and

1 neighborhood relations; is that correct?

2 A Correct.

3 Q City governance, No. 3; is that correct?

4 A Correct.

5 Q No. 4, can you read for the record?

6 A Citizen aldermanic and departmental service.

7 Q That would be identical to No. 5; correct?

8 A That title is there.

9 Q And then the first sentence on both documents,

10 Exhibit 5 and 6, specifically say the same; is that

11 correct, much of the work performed by the incumbent

12 to the position under study conforms to the

13 foregoing description. Did I read that correctly?

14 A Yeah, it looks like it's the same.

15 Q And I want you to --

16 A Except for one thing. One of them says by the

17 incumbent and the other one doesn't. It says by the

18 position.

19 Q Very good. The next sentence, it reads on

20 Exhibit 5, it reads "for example, Ms. Figueroa

21 serves as a liaison to the Fire & Police Commission

22 and the higher education community." Did I read

23 that correctly?

24 A Correct.

25 Q With the exception of the name miss Figueroa, do you

1 agree with me that the second sentence on
2 Exhibit No. 6 is exactly the same?
3 A Yeah, I think so.
4 Q With respect to page No. 3 of Exhibit 6, and
5 Exhibit 5, the evaluation section, would you agree
6 with me is identical both --
7 A This section?
8 Q Yes. Both on level and points and factors?
9 MR. TOKUS: I'm going to object at
10 this point in time unless the, it's clear to
11 the witness that those duties were actually
12 performed by Ms. Figueroa. If they were never
13 performed, that's something else.
14 MR. ARELLANO: That was a desperate
15 objection.
16 MR. TOKUS: I don't mean --
17 MR. PINES: Don't start arguing on
18 the record. We're going to waste time and
19 there's a weekend coming on so let's move on.
20 MS. GARCIA: It's his time.
21 MR. PINES: No, and do not talk to
22 me. It's not your role to talk to me or
23 interrupt me.
24 MR. ARELLANO: Don't interrupt like
25 this.

1 MR. PINES: Your paralegal has no
2 right to speak in this deposition.
3 MR. ARELLANO: No, you don't point
4 to her and you don't point your finger at her.
5 MR. PINES: She does not speak in
6 this deposition. MR. ARELLANO; you have no
7 right. Do whatever you want.
8 MR. PINES: Ill will stop the
9 deposition right now.
10 MR. ARELLANO: You don't talk to
11 her right now.
12 MR. PINES: You don't ever raise
13 your voice to me and your paralegal has no
14 role in in deposition.
15 MR. ARELLANO: You don't point your
16 finger at me so talk to her with respect and
17 we did can get along.
18 MR. PINES: She has no role in this
19 deposition, Victor.
20 MR. ARELLANO: I don't think. You
21 doesn't belittle my paralegal. When she steps
22 out of her role I will tell her. MR.
23 ARELLANO: You have been out of your role for
24 awhile.
25 MR. PINES: When she steps out of

1 your her. I will not allow her she can talk
2 to whomever she talks to. She is not a
3 lawyer. She will not talk to me in this
4 deposition.

5 MR. ARELLANO: Enough.

6 MR. ARELLANO: Let's take a second.

7 (Recess)

8 Q Mr. Norquist, let me just finalize this by asking
9 you to follow me with respect to Exhibit 5 and
10 Exhibit 6, Exhibit 6 being before you, on the last
11 page, page No. 4 of Exhibit 6 and Exhibit 5, I am
12 directing your attention to the recommendation
13 section. There is a section in the recommendation;
14 is that correct?

15 A That's correct.

16 Q And you would agree with me that the document
17 Exhibit No. 5 which has identified Marilyn Figueroa
18 as the incumbent indicates at the end of this
19 recommendation of Exhibit No. 5th following: On the
20 basis of the foregoing discussion and particularly
21 because of the addition of responsibilities for
22 coordinating outreach activities and recommendations
23 for mayoral appointments we recommend that one
24 position of staff assistant to the Mayor salary
25 grade 007 be reclassified to staff assistant to the

1 Mayor senior salary grade 0609 prepared by Alan
2 Weber, human resources manager, no signature. Is
3 that correct?

4 A That's correct.

5 Q Would you agree with me, sir, that on Exhibit 6
6 Mr. Weber makes exactly the same recommendation for
7 that document that he did sign?

8 A Yeah. The only difference is that he signed it.

9 Q Okay, thank you. Now, this document that Mr. Weber
10 signed is dated October 26, 1999; is that correct?

11 A Correct.

12 Q That would have been after Marilyn Figueroa had
13 broken up with you the first time in October of
14 1999; correct?

15 A Well, it also would have been after we got back
16 together.

17 Q Yeah. My question would be yes; is that correct?

18 A Yes, plus it would have been after we got back
19 together.

20 Q And then the last time would have been November,
21 late November or December 2nd when she finally ended
22 the relationship for good; is that correct?

23 A That's correct.

24 Q And do you remember when Tricia Geraghty was finally
25 appointed to that position?

1 A No, I don't, but it was sometime near the end of
2 November or the beginning of December.

3 Q And was the duties and responsibilities and job
4 title and salary shown in Exhibit 6 the same
5 assignments that, and benefits that were given to
6 Tricia Geraghty once she came on board to your
7 knowledge?

8 A I'm not going to argue with you. I mean the
9 documents are --

10 MR. TOKUS: I'm going to object,
11 I'm going to object at this point because that
12 document speaks of a vacant position. Now, if
13 Tricia Geraghty went into that position, she
14 got that position. That's my objection.

15 MR. ARELLANO: Thank you,
16 Mr. Tokus.

17 MR. TOKUS: I'll go no further.

18 MR. ARELLANO: Thank you.

19 Q Obviously Ms. Tricia Geraghty received the staff
20 assistant to the Mayor senior position; correct?

21 A Correct.

22 Q Other than Tricia Geraghty, do you know of any other
23 individual within the Mayor's office that received a
24 similar title, assistant to the Mayor senior? In
25 1999?

1 A I mean I didn't know that that was the title at the
2 time. It wasn't a great area of interest to me what
3 the name of the title should be. The Brenda Wood
4 position, that could have had the same title, senior
5 staff assistant.

6 Q From March 1999 through December 2nd or 3rd when
7 Marilyn ended the relationship with you as you put
8 it, do you recall any other position that was
9 submitted to DER for reclassification within the
10 Mayor's office?

11 A No.

12 Q When Marilyn Figueroa's reclassification was stopped
13 as you put it due to budget reasons, did you promise
14 Marilyn Figueroa any other opportunities from the
15 time she was -- from the time you made the decision
16 to stop the reclassification for budgetary reasons
17 until the time she left on January 4th of 2000?

18 A Not that I -- not explicitly other than, you know,
19 being -- keep working on it. Hopefully in the
20 future we can do something with it.

21 Q Is that something you told her?

22 A Something to that effect.

23 Q When did you tell her that?

24 A I mean one of the problems with the budgetary
25 time --

1 Q My question is, sir, when did you tell her that?
2 A Whenever we would have talked about it.
3 Q Well, in December did you offer her any additional
4 opportunities after she was told that her
5 reclassification had to be stopped as you put it due
6 to budgetary reasons?
7 MR. TOKUS: I'm going to object
8 because your question assumes that you told
9 her that in December. That's not his
10 testimony.
11 Q That was my question to you.
12 A Okay. If you're asking about the Trish Geraghty --
13 Q If you don't understand my question, I can rephrase
14 it.
15 A Okay.
16 Q Did you at any time after Marilyn Figueroa ended the
17 relationship, did you offer Marilyn any alternative
18 opportunities from the time she ended the
19 relationship until January 4th when she left?
20 A You mean from early December?
21 Q Correct.
22 A The relationship -- the time that it ended was a
23 phone call which would have been like on the 3rd,
24 the 2nd, the 3rd, whenever it was.
25 Q From that time until the time she left.

1 A No, I don't think I did.

2 Q Let me ask you this, Mr. Norquist. When
3 Marilyn Figueroa was absent for whatever time in
4 March of 1999, did you consult with DER as to what
5 to do because she was absent?

6 A I didn't but I, I wanted, in talking to Soika it was
7 my wish that they should follow any procedure they
8 would for any other employee.

9 Q And this is what you told Soika in March of 1999?

10 A I don't know --

11 MR. TOKUS: I'm going to object.
12 Soika was not present. I think you probably
13 misspoke. Because Soika was not around in
14 March 1999. (I think you probably meant Rowen.

15 Q With the help that Mr. Tokus just gave you --

16 A It's a true fact.

17 Q So my question to you, when Marilyn was absent in
18 March of 1999, did you or anyone from your office
19 consult with equal -- with employee relations in
20 order to determine how to handle Marilyn Figueroa's
21 absenteeism for that period of time while she was
22 gone?

23 A Well, it was my impression she wasn't gone that
24 long, so it was kind of an informal thing. I mean
25 it wasn't a long period of time.

1 Q So I assume you did not consult --
2 A No.
3 Q -- with employee relations?
4 A No.
5 Q You testified that someone told you she had quit.
6 A Rowen. I don't know that for sure. I just had the
7 impression that he might have said something.
8 Q Did you consult with employee relations as to what
9 the policy would be for people that resign, quit,
10 leave the place?
11 A No. I mean if somebody quit they quit, you know.
12 Q And no one told you that Marilyn had quit much of
13 '99?
14 A I don't remember explicitly being told that she
15 quit. I remember getting the impression that Rowen
16 that she might not be coming back or she won't talk
17 to anybody, we really don't know for sure what she
18 wants.
19 Q Let me ask you --
20 A To do.
21 Q -- to assume that Marilyn basically told Rowen I'm
22 quitting.
23 A Okay.
24 Q What would be the policy that would apply and how
25 would it apply to people that quit? What do you do?

1 A You turn in your keys. You figure out your --
2 whatever your last paycheck you're entitled to. I
3 imagine that the person would be interested in
4 seeing if they wanted to continue their medical
5 coverage or, you know, all the things that anybody
6 would do with any other employee when they quit.
7 Q Was there any specific reason that prompted you to
8 go to Marilyn's house instead of sending your chief
9 of staff or someone else from the employee relations
10 office?
11 A Yes.
12 Q What was the reason?
13 A That she wouldn't talk to anybody else.
14 Q Mr. Rowen testified I believe that in 1998
15 Marilyn Figueroa was gone for about two weeks and a
16 half. Do you recall that?
17 A No. You said in March of '99?
18 Q No, I'm talking about in 1998.
19 A I don't remember her being gone in 1998. I mean if
20 she was gone in '98, I would have assumed it would
21 have been she was on vacation or something.
22 Q In March of 1999 when Marilyn Figueroa refused to
23 talk to anyone, did you consult with the legal
24 department for the City of Milwaukee in order to
25 determine how to handle that?

1 A No.

2 Q Do you know if there is a provision within the City

3 policy that would allow somebody to just simply

4 disappear for 10 days and still be allowed to return

5 to work?

6 A Well, if they quit, anybody's entitled to quit.

7 They don't have to work. We're a free country. If

8 you want to quit you quit.

9 Q So in other words, if Marilyn had in fact resigned

10 in March of 1999, that would have been it; is that

11 correct, according to City policy?

12 A Yeah. I mean if she -- I mean I had the

13 opportunity. She allowed me the opportunity to ask

14 her to come back.

15 Q My question is, sir --

16 A And she did.

17 Q Let me ask you to assume that Marilyn Figueroa in

18 March of 1999 resigned.

19 A Uh-huh.

20 Q Would she still be allowed to return in light of her

21 resignation?

22 A Yes. Because it's a policy nonclassified position.

23 Somebody could quit, come back. As long as the

24 employer was willing to rehire them. In her case

25 she never filed any formal paperwork to leave so she

1 came back.

2 Q Do you know if she ever issued a written resignation
3 to anyone?

4 A I do not know that.

5 Q Anyone told you that?

6 A Other than the impression I had from Rowen that she
7 might have quit. But I did not -- I didn't know of
8 any particular document where she had resigned.

9 Q So let me see if I understand. Because
10 Marilyn Figueroa was not a civil service protected
11 employee, you had the option to either accept her
12 absence as a quit or ask her to return; is that what
13 you're saying?

14 A I'm not sure that a civil service person couldn't
15 quit and come back. There might be a little more
16 red tape to it but --

17 Q Let me now ask you to hear my question first and
18 answer my question.

19 (Question read)

20 A .

21 MR. PINES: He answered the
22 question.

23 A Yeah, yes.

24 A And I would just add that in substance it could be
25 that even a civil service employee would have that

1 optional though it probably has a little more red
2 tape attached to it.

3 Q After January 4th of 2000, after Marilyn left her
4 work, did you ever go to her house to try to
5 understand why she was quitting?

6 A No.

7 (Discussion off the record).

8 (Recess)

9 By Mr. Arellano:

10 Q Mr. Norquist, from March of 1999 through the time
11 Marilyn Figueroa ended what you deemed to be a
12 relationship, how many actual sexual acts occurred?
13 March 1999 to November or early December.

14 A Yeah. The or bell or tease, the event after that, I
15 mean the time we were together after that there was
16 the night of the UMOs event.

17 Q When you say the Abel Ortiz, what date are we
18 talking about?

19 A I'm not sure but it would have been probably in
20 July, late July or something like that.

21 Q And the next --

22 A The next one would have been the October 16th.

23 Q The next?

24 A November 2 or 3. It was the warm day in November.
25 And then the last time we were alone together where

1 she picked me up, took me to her house I gave her
2 the bracelet.
3 Q That would have been what date?
4 A Either, sometime between November 29 and I'd say
5 December 3rd at the latest from looking at the
6 calendar that's as best as I can narrow it down.
7 Q With respect to the breakup in October 1999 --
8 A I should correct that. The absolute latest would
9 have been the day that we, that she staffed me, not
10 that day but perhaps the day before the day she
11 staffed me for the Hispanic program. I think that
12 was December 8th or something like that. It's on
13 the schedule.
14 Q There was sexual conduct?
15 A No. I'm just saying that I know we didn't have any
16 contact after that date. I mean I remember, I
17 clearly remember there was nothing after that
18 particular event.
19 Q So the last sexual --
20 A But I think the last sexual contact was likely
21 between November 29th and December 3rd but I'm
22 absolutely certain that it didn't happen anytime
23 after the day before that Hispanic event.
24 Q Very good.
25 A Hispanic TV program.

1 Q Did there come a time after Marilyn left when you
2 requested surveillance of your property, 24-hour?
3 A Yes.
4 Q Do you remember the time when that occurred?
5 A
6
7
8
9
10
11
12 11
13
14 -----
15 Q How many days after you received --
16 A I took that as --
17 Q Let me just put my question on the record.
18 A I apologize.
19 Q That's fine, that's fine. How many days after you
20 received this alleged telephone call from Marilyn's
21 sister, how many days after that did you request
22 surveillance of your home on a 24-hours type of
23 shift?
24 A Well, only when, only when I was there or my,
25 anybody from my family was in the house. So it

1 wouldn't 24 hours. But I think it was for, starting
2 the day that the sister had called and Pedro had
3 called, the next four or five nights.

4 Q And who were the officers assigned to sure veil your
5 property? Or supervise?

6 A Bob Connelly, Dexter Hines.

7 Q Anyone else?

8 A Well, there could have been somebody from the City
9 Hall detail that's not specifically assigned to my
10 office but who work in the rotunda. One of them
11 might have, just to not put stress. And R. C.
12 Castille, I think he might have been working there
13 but I'm not sure.

14 Q Have you told me all of the names that you recall?

15 A Bob Connelly, R. C. Castille and Dexter Hines.

16 Q Before you received that phone call from Marilyn's
17 sister, did Marilyn ever threaten your life in any
18 manner, sir?

19 A No.

20 Q Other than that telephone call, did anyone from
21 Marilyn's relatives, friends, acquaintance ever
22 threaten your life in any manner or your safety or
23 that of your family?

24 A No.

25 Q All right.

1 A She did talk about, you know, that she did have some
2 relatives that were, I don't know if they were -- I
3 don't think they were any of her brothers or sisters
4 but some cousins who were tough guys, you know,
5 might have been involved in gang activity. But
6 nothing specific. Just sort of a vague thing that
7 she talked about once. I didn't believe there was a
8 high likelihood but I have a son.

9 Q Listen to my question.

10 A And I have a wife and I didn't want to take a
11 chance.

12 Q Did Marilyn in any manner when she related this
13 information to you about what you claim her
14 relatives being in gangs, did she in any manner
15 threaten you or imply a threat as she was relating
16 this information to you?

17 A No.

18 Q All right. Thank you. Now, sir, was there an
19 officer by the name of Linda Velasco also assigned?

20 A She was in charge of the office.

21 Q Is that correct?

22 A She would have been the one assigning the office --

23 Q Was this officer assigned to you for several years
24 before?

25 A Yes.

1 Q Marilyn left?

2 A Yes.

3 Q Is that correct? And I suspect she was one of the
4 officers monitoring and supervising your home?

5 A I'm not sure that on that particular detail that she
6 did the surveillance but she might have taken a
7 hitch or two. I don't know. I don't remember her
8 being on the surveillance detail. But she would
9 have assigned the other officers on the detail.

10 Q Did Ms. Velasco ever question directly with you the
11 need to have supervision of your home as it was
12 taking place?

13 MR. PINES: When?

14 Q At the time you were -- after --

15 A Yes.

16 Q -- the security request developed?

17 A She did. She did question it.

18 Q What did she say?

19 A She said are you just using this to hurt Marilyn's
20 case.

21 Q When did she say that to you?

22 A When I, the day that I asked for the surveillance.

23 Q Where did this exchange occur?

24 A In the office.

25 Q Did she ever tell you while she was supervising your

1 property, did she ever question whether or not you
2 were just using this approach of, you know, security
3 around your house as a defense, a potential defense
4 in a claim from Marilyn?

5 A She didn't say it during the time that the
6 surveillance was going on. She said that at the
7 beginning and I thought it was absurd. I thought it
8 was bizarre. I'm not particularly interested in
9 anybody knowing that we had surveillance. I mean I
10 don't like the security issues that affect my job to
11 be widely known in the public. It's not good for
12 security.

13 Q Did you ever summon Ms. Velasco to your office after
14 she questioned the nature of your request for
15 security?

16 A We talked. I went to her office and we didn't want
17 to talk in front of all the other -- the two other
18 people that were in the room with her. So we went
19 down the hall to an office two doors down and she
20 expressed her concern and I told her I thought that
21 that was not a well-founded concern. I just wanted
22 the security because I thought there was some
23 chance, not a probability but some chance that what
24 her sister had said might constitute a threat. And
25 I didn't want to take a chance on it. But I mean I

1 can't -- I don't know how you'd ever construe it to
2 be helpful to me in a legal case to just have
3 security. I mean what's that?
4 Q Did you admonish or in any way confront Ms. Velasco
5 as a result of her statements to you?
6 A No. I just told her that I didn't think her concern
7 was founded, well-founded. I said that's not what I
8 intend. I just want to have the security.
9 Q Did you remove Ms. Velasco from the group that was
10 providing security to you shortly after she made
11 these comments?
12 A No, not shortly after. After the election was over
13 I told, I called up Chief Jones, told him that I was
14 interested in making a change and I talked to Linda
15 and told her I was interested in making a change and
16 that I didn't want her to be hurt in any way in her
17 career and art arranged for her to have the similar
18 rank job in the department.
19 Q So she was removed?
20 A She was transferred.
21 Q She was no longer your security?
22 A And in fact, the day that she informed the other
23 security staff she was leaving we were both together
24 in the security office and I said that, you know,
25 thank you for your service. You did a good job.

1 And she told the other members of the staff that she
2 was leaving and that it was a mutual decision that
3 both of us agreed to.

4 Q But nevertheless you initiated her removal as your
5 security?

6 A Yes.

7 Q And --

8 A But I don't think there's anything punitive about
9 it.

10 Q Did the fact that she questioned your intentions
11 with respect to Marilyn Figueroa or the security
12 that you requested around your house, did that have
13 anything to do with the removal of Ms. Velasco from
14 your security team?

15 A Well, you need to be comfortable with whoever -- the
16 security thing is an issue where typically the
17 Mayor, whoever it is, whether it's me or Henry Maier
18 or Frank Ziedler, whatever, you have whoever you
19 want. It's not a civil service position. It's not
20 anything like that.

21 Q My question, Mayor, is did her comments to you
22 regarding the request for security of your property
23 after Marilyn's sister called have anything to do
24 with her removal from being a member of your
25 security team?

1 A I think that neither of us were --

2 MR. TOKUS: Hold on. I'll make an
3 objection. He has answered that question.

4 Q Go ahead, sir.

5 A I don't think it was the primary reason but there's
6 no question that Linda I think was uncomfortable
7 working in that job and I was uncomfortable having
8 her continue to be the head of the security.

9 Q What made you --

10 A But I -- but she did get a job at the same pay grade
11 and back at the department.

12 Q What made you uncomfortable about Ms. Linda Velasco?

13 A We just weren't compatible.

14 Q When did you begin to feel uncomfortable about
15 Ms. Velasco?

16 A Well, actually if you go back a couple of years,
17 sometimes I like to sing along to CD music that's on
18 the CD player that's in this van, in the SUV and I
19 could tell she didn't particularly like having me
20 sing.

21 Q Before you requested --

22 A A lot of things like that, little things.

23 Q Before you requested her transfer out of your
24 security team, was there any other time when you
25 requested the removal of Ms. Velasco in any manner

1 before that time?

2 A No.

3 Q All right. Mr. Soika, is he still your chief of

4 staff?

5 A If I could add one thing to that. I did request the

6 removal of Doug Zelmer when he was the security that

7 I had in my first term as Mayor because I didn't

8 feel like we were compatible personally.

9 Q That would have been back in 199 --

10 A '88.

11 Q 1988, all right. Mr. Soika, is he still your chief

12 of staff?

13 A No.

14 Q When was he removed?

15 A Well, he was transferred to head the Department of

16 Administration when David Reimer resigned to work in

17 England.

18 Q What date was Mr. Soika removed?

19 A I really don't --

20 Q Or transferred?

21 A Transferred. Oh, it would have been -- it's April.

22 I'd say February.

23 Q When did you --

24 A February of 2002.

25 Q When did you decide to transfer Mr. Soika out of the

1 chief of staff position within the Mayor's office?

2 A Well, I took about a month, a month and a half after

3 I knew Reimer was going to leave and I looked at

4 different people and ultimately I was most

5 comfortable with him being head of D O A.

6 Q Did the testimony of Michael Soika in these

7 proceedings have anything to do with his transfer

8 out of your office as the chief of staff?

9 A No.

10 Q All right. You know a person, Mr. Jim Rowen. Did

11 his transfer have anything to do with the complaints

12 he filed against Marilyn Figueroa? Or anything

13 relating to Marilyn Figueroa?

14 A Well, I don't know of any complaints he filed

15 against Marilyn Figueroa.

16 Q Did his transfer have anything to do with

17 Marilyn Figueroa in any way, shape or manner?

18 A Not in any significant way.

19 Q In some way?

20 A Well, subconsciously. I'd say I can't -- I don't --

21 I knew he didn't get along that well with her.

22 Q Do you know a person by the name of Karl Mueller?

23 A Yes.

24 Q Did Mr. Mueller ever disappoint you or anger you in

25 any manner?

1 A While he was working as chief of staff?

2 Q Correct.

3 A No. I think he kind of exhausted his enjoyment of

4 the job and when he left, he was -- it was time to

5 go and he knew it and I knew it. I had to -- it was

6 very, you know, it was more coming from me than him.

7 But now he's a wealthy lobbyist so he's doing quite

8 well.

9 Q Did he before he left, did you feel that he in any

10 way betrayed you, crossed you, was not loyal to you?

11 A No.

12 Q ?

13 A He was burned out on the job basically.

14 Q Evan Zeppos, do you know who this person is?

15 A Who?

16 Q Evan Zeppos.

17 MR. ARELLANO: Thank you. Pine

18 Pines you're welcome.

19 Q Did Mr. Zeppos in any way angered you, betrayed you,

20 crossed you?

21 A Well, he's never worked for me so --

22 Q As a lobbyist did he ever do something that you

23 didn't particularly care for?

24 A I'm sure he does. He represents a wide variety of

25 clients, some of whom I agree with their

1 interests and others I find quite obnoxious. I
2 mean, you know, but I try not to take it personally.
3 (Reporter's note:
4 Q What about Steve Agostini. Do you know who Steve
5 Agostini is?
6 A Yes.
7 Q Has he ever worked for you?
8 A Well, he worked for the, as budget director for the
9 City of Milwaukee and in a position that I can reach
10 with my point I have power. So yes, he worked for
11 me. He was appointed by the head of the dealt of
12 administration at the time, Anne Kinney and she
13 served at my pleasure so yes (Reporter's note:
14 Q Did Mr. Agostini ever do anything to upset you,
15 anger you, cross you that may cause him to be
16 transferred?
17 A I asked him to resign.
18 Q When did you do that?
19 A After I found out that he was (Reporter's note:
20 Working on trying to get a job for the baseball
21 stadium, the board, when he was supposed to be the
22 City's lead negotiator on the -- to protect the
23 City's interest in the negotiations over who and how
24 much different parties were supposed to pay for the
25 baseball stadium. I found that to be a conflict of

1 interest. He agreed that it was a good idea to
2 resign and he did.

3 Q You know Barb Candy, don't you?

4 A Yes.

5 Q Do you consider Barb Candy a reputable and
6 respectful individual?

7 A I admire Barb Candy. She is the fund raiser for my
8 campaign.

9 Q You know of anything that would lead you to believe
10 that Ms. Candy has not been a truthful person
11 towards you, with you, to you?

12 A No, not particularly. I mean I think she's in her
13 own way is, tries to communicate what she feels and
14 believes and things.

15 Q Did she ever lie to you?

16 A Not that I know of.

17 Q Ever said anything that you believe not to be true?

18 A Well, in politics there's all kinds of subtleties to
19 the way people communicate and Barb is supposed to
20 be working for me but sometimes she drifts off and
21 she, for example, helped the Thompson campaign. I
22 didn't particularly appreciate that. But --

23 Q Did you feel betrayed by that?

24 A No. It's just the way Barb is. I mean she works
25 for me but sometimes she has her own mind and if I

1 want her to work for me, then she will sometimes go
2 off and do something like that.

3 Q Chief Jones, has he ever done anything to lead you
4 to believe that he's not a truthful, reliable
5 individual?

6 A .

7 Q As far as his word is concerned?

8 A He ran I.

9 He and I have a disagreement over anti-crime
10 tactics and we've had some disagreement about that.
11 I do have -- there is one thing that he once said to
12 me that if I ever wanted him to resign, that was
13 before he was appointed, that he would resign. And
14 I found that that wasn't something that he continued
15 to stand by.

16 Q Do you believe that that makes him an untruthful
17 individual?

18 A No. It means he changed his mind.

19 Q All right. Do you have any reason to believe that
20 he's not a truthful individual? For all of the
21 years that you have known him?

22 A No. If I could just say something about it.

23 Q All right.

24 A In politics there's this word that's often, phrase
25 that's often thrown around that a person's word is

1 their bond and when they give their word -- if they
2 break their word, then they've broken their bond and
3 that's it. A lot of times people who say that are
4 people that often break their word and hold others
5 to a standard they don't maintain themselves.

6 In politics I always believe people should
7 have the opportunity to change their mind. And if
8 they make a pledge and for some reason they don't
9 feel they can live up to it, I don't think that
10 constitutes lying. It can create disappointment but
11 I would not use the word lying. I mean there's
12 things that the chief has done that have
13 disappointed me. I'm sure there's things that I've
14 done that have disappointed him. But generally I
15 would say he's a truthful person.

16 Q Is there anything that you can tell me that would
17 lead you to believe that Chief Jones is a liar?

18 A No.

19 Q Let me ask you this, Mayor. When you were having
20 these sexual exchanges with Marilyn Figueroa, did
21 you ever come into her office with an erection?

22 A No.

23 Q The elevator?

24 A No.

25 Q Anywhere within City Hall?

1 A No.

2 Q You testified that you and Ms. Figueroa somewhat
3 connected through apples. Is that correct?

4 A Yeah, in what I considered a, and I think she
5 considered a comical trivial way.

6 Q Did Ms. Michal Dawson ever keep apples in her desk?
7 Her office?

8 A She had Candy, apples, all kinds of stuff. It was
9 sort of a place where potato chips, popcorn.

10 Q Did you --

11 A You could gain a lot of weight hanging around her
12 office.

13 Q Did you ever use the apple idea in any sexual manner
14 in the office as a way to relate with
15 Marilyn Figueroa sexually?

16 A .

17 MR. PINES: I want to object to the
18 form of that question. I don't -- it's vague.

19 MR. ARELLANO: All right.

20 Q Do you understand the question?

21 A We talked about this before and --

22 Q My question is quite simple. Did you ever use any
23 apples in the workplace or in any work related area
24 as a way to send messages of a sexual nature?

25 A As I said before, she once presented an apple to me

1 that presumably she had rubbed on her crotch. And
2 she took an apple from me -- oh, are we off?

3 MR. PINES: Finish your answer.

4 A That she took an apple from me and ate it and she
5 thought I had rubbed it on mine. I hadn't
6 actually done that.

7 Q These two incidents happened in the workplace?

8 A Yes. (.

9 (Discussion off the record)

10 (are you ready, she re).

11 Q (Recess for discussion with the judge).

12 By Mr. Arellano:

13 Q Mayor Norquist, have you ever received any type of
14 psychiatric treatment?

15 MR. PINES: Objection, it's not
16 relevant. It's not calculated to lead to
17 discoverable evidence and whatever
18 discoverable evidence it would lead to is
19 privileged. I'm directing the witness not to
20 answer.

21 Q Any type of counseling for sexual related problems?

22 MR. PINES: Same objection. I'm
23 directing the witness not to answer.

24 MR. ARELLANO: All right. We'll
25 bring it up. I'm not waiving these questions,

1 the right to ask them.

2 Q Mr. Norquist, in 1995 and 1999 were you aware of the
3 City of Milwaukee anti-sexual harassment policies?

4 A Not in detail but I was aware that we had employee
5 laws.

6 Q When was the last time that you read the City of
7 Milwaukee sexual harassment policies?

8 A After this case became active.

9 Q And before that, this case meaning the Figueroa
10 versus Norquist case? And before that when was the
11 last time that you read the anti-sexual harassment
12 policies?

13 A I didn't read them. I attended an employee,
14 Department of Employee Relations training program on
15 workplace issues. That was one of the issues that
16 was discussed by a consultant that was brought in
17 from outside. That would have been back, I don't
18 know, maybe '95 or something like that, '94.

19 Q Was that the last time?

20 A Yeah. It wasn't just on that. It was on civil
21 rights issues, everything else.

22 Q All right, okay.

23 A Workplace adversity.

24 Q And the very next time would have been after
25 Ms. Figueroa filed a complaint against the City of

1 Milwaukee; is that correct?

2 A Correct. (Workplace diversity).

3 Q When Marilyn Figueroa left on January 4th of the

4 year 2000, did you ever ask anyone that you know to

5 try to convince Marilyn to come back to work?

6 A I think I was hopeful that Bill Christofferson when

7 he had his discussion with her that they would find

8 out what the problem was or make her, you know,

9 satisfy her that things were okay.

10 Q Do you know when Mr. Christofferson --

11 A That would have been the conversation he had with

12 her on, would have been the 4th or the 5th. No, it

13 would have been on the 5th.

14 Q You mean the conversation that he had the day

15 Marilyn Figueroa walked out of the job?

16 A I think so, whatever that day was where she said

17 talk to the Mayor if you want to know what the

18 problem is.

19 Q After January 4th did you ask anyone that you know

20 to try to contact Marilyn in order to convince her

21 to come back to work?

22 A I'm not sure I specifically asked him to do it but I

23 know that Soika tried to call her up and talk to

24 her.

25 Q Anyone that you specifically asked that Marilyn be

1 contacted after January 4th of 2000?

2 A Other than that, no. I don't think so.

3 Q All right, very good. There was one incident that

4 wasn't very clear in my mind and I will probably try

5 to finish shortly thereafter. And that is the

6 accident -- the accident -- the incident of

7 October 16th which you have identified as the UMOS

8 incident. Do you recall that?

9 A Well, it was the day of the UMOS dinner.

10 Q Right. And what I want to understand clearly,

11 Mr. Norquist, is as I understand you and

12 Ms. Figueroa attended the UMOS banquet; correct?

13 A That's correct.

14 Q Do you know approximately at what time you left the

15 banquet?

16 A Yeah. I think it would have been somewhere in the

17 vicinity of 9 o'clock maybe, whenever the formal

18 program had ended they were preparing to have

19 dancing. The bar opened again outside the banquet

20 hall and I had a beer. I think Marilyn had a beer.

21 In fact Pedro Colon I think bought the beer that I

22 had. And we stood around talking to people for

23 maybe 12, 15 minutes, something like that.

24 Q About what time did you leave the event?

25 A My guess would be something like 9:30, quarter to

1 10, something like that.

2 Q While you were at the event did you give any type of
3 presentation, make any speeches at all?

4 A Yes. Just briefly I congratulated the award winners
5 that they were honoring, the honor ease and it was
6 based on notes that Marilyn had given me.

7 Q Was Ms. Kimberly Pratt at the event?

8 A Not that I know of.

9 Q And then where did you go from the, once you left
10 the UMOS event?

11 A I went to pick up my son, went home. He went to
12 bed, fell asleep. Marilyn called, asked if the
13 coast was clear. Was Ben asleep? And I said yes.
14 And she came over.

15 Q When you left the event, do you remember where
16 Marilyn was at the time you were leaving?

17 A I assumed she stayed at the event for awhile but I
18 don't know for sure.

19 Q How soon after you left the place did she call?

20 A It would have taken me at least a half an hour to go
21 pick up Ben and go home. I would say probably an
22 hour, hour and a half later. At least an hour
23 later.

24 Q When you picked up your son, where was your son at
25 that time?

1 A I believe he was at Debra dare Ron and David
2 Loefler's house.
3 Q How far did they live from --
4 A He they lived near UW-M.
5 Q Hold on a second. How long did they live from
6 the --
7 A The and I tall yes and no community center?
8 Q How far did they live from the UMOS banquet?
9 A The banquet was at the Italian community center.
10 They live one block south F the UW-M campus. Our
11 house is on the near south side 26th and Mineral two
12 blocks south of Mitchell park. It would have taken
13 a minimum of a half an hour to go there, pick him up
14 and come back.
15 Q And go to your house?
16 A Correct.
17 Q Once you got to your house, what did you do?
18 (Reporter's note:
19 A Well, I put Ben to bed. He fell asleep. And, you
20 know, maybe 15, 20 minutes later Marilyn called and
21 said she was coming over.
22 Q Where were you when she called?
23 A At home.
24 Q And when she arrived, were you already waiting for
25 her?

1 A Yes.

2 Q At the door?

3 A Well, I mean she came up and rapped on the door. So
4 I doubt if I was standing by the door but I was
5 probably watching television or reading a book or
6 something.

7 Q When you opened the door, what were you -- what did
8 you have on, what dress code? What did you have?

9 A Probably whatever I was wearing that night, you
10 know, at the UMOS dinner.

11 Q Okay.

12 A Or I might have changed into blue jeans and a casual
13 shirt.

14 Q When she walked in where did she go?

15 A We were in the living room. We talked for a little
16 while. I mean in the front room, talked for a
17 little while, embraced. It was like we were
18 reconciled. We went over to the couch and we kissed
19 and held each other and so forth. And eventually,
20 as I described before, removed each other's clothes
21 and she said something about -- I don't think she
22 said anything about having her period but she said
23 that she didn't, that she didn't want to have sex in
24 her vagina. And then the question was whether we'd
25 have oral sex or try the anal sex and we did. And I

1 don't think either one of us particularly enjoyed it
2 that much. When it was done, I mean I asked her
3 does this hurt? No. Does this hurt? Maybe a
4 little. At some point then that was the end of it.

5 Q Did she at any time --

6 MR. TOKUS: One moment. I have an
7 objection at this point for the record. I
8 want to remind Mr. Arellano was over this very
9 point that you were objecting to the
10 repetitiousness of the questions and so I just
11 bring that to your attention.

12 MR. ARELLANO: Thank you.

13 Q Did she at any time complain when you, I suspect
14 entered her anally?

15 A I mean I asked her how it felt and when she felt
16 like there was a little pain, then I stopped.

17 Q She told you that she was in pain?

18 A I said does that hurt? She says a little and that's
19 when it stopped.

20 Q Did you ejaculate in her anal part?

21 A I don't, I honestly don't remember whether I did
22 while I was in or whether it was after I was out.

23 Q Do you recall seeing --

24 A I do know after she left I was, you know, there was
25 some of my semen was on the floor so I cleaned it

1 up.

2 Q Did you notice any blood?

3 A No.

4 Q Anywhere?

5 A No.

6 Q Once you finished did she clean up?

7 A She, I think she went to the bathroom.

8 Q You think or she did?

9 A I'm not sure. I mean typically when we were
10 together if I was at her house, then I would usually
11 take a shower. One time she was at my house. We
12 took a shower together. This particular time she
13 may have just gone to the bathroom and, you know,
14 washed up a little bit.

15 Q When you say she may, you're not sure?

16 A She didn't take a shower. I know that.

17 Q When she walked in and you claim that you talked,
18 what did you talk about?

19 A That we were attracted to each other. You know, it
20 was like --

21 Q Anything else?

22 A -- a reconciliation.

23 Q Oh, okay.

24 A She seemed euphoric.

25 Q Oh, okay. Was there any more anal sex?

1 A At a different time?

2 Q Other than what you just described?

3 A No.

4 Q On that particular occasion?

5 A No.

6 Q How long do you think that anal sex act took?

7 A Maybe two or three minutes.

8 Q All right. Other than saying that it hurt a little,
9 did she scream, cry?

10 A No.

11 Q Complain at all?

12 A No.

13 Q All right. And is it your testimony that this was
14 the only time you engaged in anal sex with
15 Marilyn Figueroa, sir?

16 A That's correct.

17 Q And it was on October 16th?

18 A Yes. It was the same night as the UMOs dinner which
19 was October 16th.

20 Q And the reason why you had anal sex is because she
21 was on her period?

22 A Well, she didn't say that then. It was my
23 impression that she had this tubal pregnancy thing
24 she was worried about that the hysterectomy that she
25 had had had somehow been incomplete and she had.

1 mentioned that -- she didn't bring -- she didn't
2 explicitly talk about that that night as I remember
3 but she had talked to me about it another time. I
4 assume that was why she didn't want to do it that
5 way.
6 Q You had one other sexual encounter after that time;
7 is that correct?
8 A That's correct.
9 Q That was in November?
10 A Yes.
11 Q Late November or early December, is that correct?
12 A Correct.
13 Q Is that right? All right. Very good.
14 Q You testified that in October she broke up with you
15 because she was angry about the Brenda Wood
16 appointment; is that correct?
17 A She said that I hadn't, that I hadn't stood up for
18 her.
19 Q What was the change in classification of Brenda Wood
20 before she was given Michal Dawson's position?
21 A I think she was a seven but I don't know that for a
22 fact.
23 Q So --
24 A I mean we can look it up.
25 Q She went into a nine or 11?

1 A I think it was an 11.

2 Q So when you recommended to Mr. Rowen that she be
3 reclassified, that would have given her a way to get
4 over the Brenda Wood complaining; is that correct?

5 A Yeah. It's not that she wasn't a capable employee.

6 Q That wasn't my question, sir.

7 A I mean it was a way for her to advance. Some other
8 way other than having exactly what Brenda had. That
9 was the idea.

10 MR. TOKUS: Are you done?

11 THE WITNESS: I am done.

12 MR. TOKUS: I'm going to object
13 because there was no testimony that
14 Ms. Figueroa had to get the grade that Brenda
15 had. That was -- that's my point.

16 Q But my question to you is when you recommended to
17 Mr. Rowen that she be given a reclassification, did
18 you feel that that would pacify Marilyn Figueroa
19 with respect to her resentment for not having been
20 appointed to Ms. Dawson's former position?

21 A Well, based on the fact that she felt that she
22 wanted to have a higher pay grade, she felt she
23 deserved it, she felt that, you know, she wanted --
24 she needed more money, that that was something worth
25 exploring and I'm sure she would have been happy to

1 have gotten a reclass, maybe it wouldn't have made
2 her as happy as if she'd gotten Brenda Wood's job,
3 but I'm sure she would have been happier if she had
4 gotten it.

5 Q When you asked her to return from her absence in
6 March of 1999, did she tell you that she would
7 return if you would stop having sex with her?

8 A No.

9 Q Did she ever allude to that?

10 A No. In fact, she initiated the embrace that we had
11 at the end. I was just there to talk to her about
12 employment situation.

13 Q You had an embrace with Marilyn Figueroa at the end
14 of your discussion?

15 A And she initiated it.

16 Q That Saturday when you went to see her?

17 A That's correct.

18 Q All right. After you had discussed with her your
19 views about what was taking place in the workplace?

20 A Yeah. And we did not talk about our relationship
21 during this discussion.

22 Q Since Marilyn Figueroa left, have you given Kimberly
23 Pratt any type of promotion or recommendation of any
24 kind?

25 A She transferred to the computer, the I T department,

1 whatever it's called. I don't know if that's a
2 promotion or a transfer. But Kimberly Pratt is very
3 capable technical I T type person and I think it's
4 an appropriate job for her.

5 Q So did you give a recommendation on her behalf?

6 A A positive recommendation, yes.

7 Q When did you do that? After January 4th, 2000?

8 A It would have been whenever, approximately whenever
9 she made the transfer. I don't know.

10 Q Do you know when she made the transfer?

11 A I don't remember. We can look it up.

12 Q Have you spoken highly of Kimberly Pratt in front of
13 other pierce within the office?

14 A I haven't gone out of my way to do it. I mean I do
15 think that she has talent. She's --

16 Q So the answer is yes?

17 A Yeah. I mean I praised her I guess.

18 Q Before Marilyn Figueroa left the workplace, did
19 Kimberly Pratt ever come and talk to you about
20 Marilyn Figueroa?

21 A She once came to me and talked to me about how she
22 felt that Marilyn wasn't appreciated enough in the
23 office, that she told me that Marilyn more than
24 anybody else stands up for me in the neighborhoods,
25 you know, if there is a neighborhood meeting that

1 Marilyn is the one that really defends me. And that
2 I should trust her more than some of the other
3 people in the office who she felt had more selfish
4 agenda.
5 Q When did she tell you this?
6 A Oh, it would be hard to narrow it down except to say
7 I guess maybe spring of '99, in the context or
8 winter of '99, in the context of the Mike Dawson
9 leaving and Brenda Wood replacing her.
10 Q Did Kimberly Pratt ever tell you anything else about
11 Marilyn Figueroa before January 4th of 2000?
12 A No.
13 Q All right. What about after January 4 of 2000? Did
14 Ms. Kimberly Pratt ever talk to you in any manner
15 about Marilyn Figueroa?
16 A No. She really didn't. I think she was
17 uncomfortable. She knew that, you know, Marilyn had
18 left and I think she just, she must have been
19 uncomfortable talking about it. And I didn't
20 initiate it in a conversation with her.
21 Q Is it fair and accurate to say, Mayor, that for all
22 of the years that Marilyn Figueroa worked for you
23 she was never promoted in any manner other than the
24 regular gradual step increases that she received
25 according to City policies? Is that correct?

1 A Yeah, she did -- she made it almost to the very top
2 of her pay range. I think that's -- that's a
3 reward. And she was offered jobs like block grant
4 director that were, would have been a significant
5 promotion.

6 Q When was she offered that position? Before she left
7 or after she left?

8 A Oh, she was offered that position well before she
9 left.

10 Q When?

11 A I think twice. Once by Christofferson and maybe
12 another time by Rowen or Soika.

13 Q Did that --

14 A When Juanita Hawkins took the job, she was offered
15 the job instead of Juanita Hawkins. She didn't want
16 it.

17 Q Did the Geraghty position require supervisory
18 experience?

19 A The Geraghty position required only that the Mayor
20 and the Mayor's office wanted to hire her.

21 Q So the question is did that position require
22 supervisory experience in your view?

23 A Not specifically. She was hired because she had
24 significant experience at Marquette and other
25 experience as well and that she was on the verge of

1 getting her master's degree in business from the
2 University of Chicago, you know, very good academic
3 record. And somebody that we had to pay more money
4 to get her work.

5 Q So supervisor have I experience was not required?

6 A There aren't any specific requirements. These are
7 policy positions, they're nonclassified positions.

8 Q The block grant position --

9 A A high school degree isn't required. There are no
10 specific requirements.

11 Q The block grant directorship position, did that
12 position require supervisory experience?

13 A With the block grant office I'm not sure whether
14 there might be some specific requirements but I
15 would guess not. I think it's a policy position.
16 Because the block grant administration is governed
17 somewhat by federal law, there may be something
18 that's in the federal law I'm not aware of but
19 generally I think it's an at will position so
20 somebody can be employed --

21 Q How many employees exist or are within the block
22 grant department?

23 A There's a little less than there were back then.

24 Q Back then how many were there?

25 A I don't know. I mean I'd make a guess that there's

1 maybe 11, 10, 11, something like that.

2 Q So she would have supervised about 11 people,

3 correct?

4 A Well, back then maybe 14 or 15. I mean we can look

5 these things up. I'm not sure I'm completely

6 accurate.

7 Q I know we can. I know we can. But that would have

8 required supervisory experience; isn't that correct?

9 A Not necessarily.

10 Q No? Anyone could just walk in and take that

11 position?

12 A Alexander the great had no supervisory experience

13 before he conquered the world.

14 Q She didn't have to have supervisory experience, is

15 that what you're saying?

16 A Not on paper, no.

17 Q Did she have any supervisory experience?

18 A I think that her job at Marquette.

19 Q I'm talking about Marilyn.

20 A Oh, Marilyn.

21 Q Yes. Was she ever begin any supervisory

22 responsibilities?

23 A Well, I think Marilyn had several good

24 qualifications to be the head of the block grant.

25 Q Sir, did Marilyn have any supervisory experience?

1 A Yes.

2 Q Tell me what supervisory experience did Marilyn have

3 that you know of? .

4 A Well, first of all she worked at SDC. I think she

5 had some people that were under her. She wasn't the

6 head of the agency but she wasn't at the bottom.

7 Q Was she a supervisor there?

8 A I'm not completely sure what she did but it was my

9 impression that she had some supervisory experience

10 there. Within the office junior employees like, for

11 example, Kimberly when she came on, interns would

12 work under Marilyn. I looked at her role as a

13 member of the block grant committee that at least

14 sometimes with the alderman who are very busy with

15 other things they'd come in and some of them would

16 take their keys from her and that was a supervisory

17 leadership role. (Conquered).

18 Q How many people reported to Marilyn before she left

19 the Mayor's office?

20 A Formally it was a staff level position like any

21 other staff level position other than chief of

22 staff. We didn't break it down by this person, this

23 person.

24 Q So she didn't have anybody?

25 A Not formally but I think the question is with

1 supervisory talent has to do with leadership and on
2 some issues she-'s.

3 Q So answer my question, Mr. Norquist. While she was
4 staff assistant she didn't have many supervisory
5 responsibilities; is that correct? Just a simple
6 answer.

7 MR. PINES: It's asked and answered
8 now twice.

9 Q Go ahead, sir.

10 A I don't agree with that.

11 Q Who reported to Marilyn Figueroa in 1999?

12 A It's not a question of having a flow chart where
13 three people report to one and that one reports to
14 somebody else. She took leadership on issues which
15 I think qualifies somebody to have supervisory, a
16 supervisory role.

17 Q So in response to my answer, you are not able to
18 tell me who, if anyone, reported to Marilyn Figueroa
19 in 1999 from the people within the office?

20 A Well, it would depend on the issues. I mean if you
21 have an issue where she was the lead person on it,
22 the entire staff could report to her on a given
23 issue.

24 Q Tell me how many issues do you recall where people
25 reported to Marilyn Figueroa. Name them?

1 A Well, yeah. I would say that on block grant issues,
2 block grant funding issues.
3 Q Who reported to Marilyn?
4 A They didn't report to her in a formal employee sense
5 but her opinion would have been the most important
6 one because she was most familiar with it and if
7 somebody else on the staff had a block grant issue,
8 they'd work with her on it, clear it with her on it.
9 And the same thing with agencies. When DCD,
10 Department of City Development, they're involved
11 with block grant funding both internally and
12 externally. They had to deal with Marilyn because
13 she was the one that was right in the middle of the
14 action.
15 Q Very good. Do you know Mr. Gillis?
16 A Yes, Jeff Gillis.
17 Q How long have you known Jeff Gillis?
18 A I've known him since he worked for Henry Maier, so
19 1984.
20 Q In 1999 was Mr. Gillis working for you?
21 A He was working to do some consulting with the
22 campaign.
23 Q Was Mr. Gillis present at any of the meetings that
24 took place after January 4th of 2000 related to
25 Marilyn Figueroa?

1 A No. Not to my knowledge. Not meetings that I was
2 involved in at least.
3 Q Do you know if he was involved in any meetings?
4 A No.
5 Q All right. The meetings that were attended by your
6 wife, do you know how many meetings she attended
7 after January 4th, 2000?
8 A Meetings that -- I'm sorry, read that --
9 Q To deal with the Marilyn Figueroa potential problem.
10 A You'd have to read that question back.
11 Q The question is how many meetings did your wife
12 attend after January 4th of 2000?
13 MR. PINES: Attend with whom?
14 MR. ARELLANO: With you, with
15 Christofferson, with Shindell, with Mr. Soika.
16 A The only meetings that I can remember my wife
17 attending would have been meetings that we had with
18 our attorney.
19 Q How many meetings did your wife attend where
20 Mr. Soika was present?
21 A I don't know, maybe one or two.
22 Q How many meetings did she attend where
23 Mr. Christofferson was present?
24 A Between when and when?
25 Q From January 4th, 2000 to the present.

1 MR. PINES: On any topic?

2 MR. ARELLANO: Regarding

3 Marilyn Figueroa.

4 A With Christofferson maybe one more than Soika, maybe
5 three. I really don't specifically remember. In
6 Soika's case he wouldn't have been at the meeting
7 for the entire length of the meeting.

8 MR. TOKUS: I'm going to pose an
9 objection at this point if indeed the question
10 refers to post-complaint meetings.

11 Q Do you recall which meetings Ms. Mudd attended with
12 respect to Marilyn Figueroa or anything related to
13 her complaints?

14 A No.

15 Q All right.

16 MR. ARELLANO: Well, I think that's
17 all we have. (Adjourning at 6:18 P.M.)

STATE OF WISCONSIN)
COUNTY OF DANE) ss.

3 I, TAUNIA NORTHOUSE, a Registered Diplomat Reporter
4 and Notary Public in and for the State of Wisconsin, do
5 hereby certify that the foregoing deposition was taken
6 before me at the offices of ^ firm, Attorneys at Law,
7 ^ address, City of ^ city, County of ^ county, and State
8 of Wisconsin, on the ^ day day of ^ month 2002, that it
9 was taken at the request of the ^ request, upon verbal
10 interrogatories; that it was taken in shorthand by me, a
11 competent court reporter and disinterested person,
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15 the deponent's testimony; that the appearances were as
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17 was taken pursuant to ^ pursuant; that said
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19 testify the truth, the whole truth, and nothing but the
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21 Dated ^ , 2002.

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Norquist

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