

1 BENJAMIN G. TRANE,
2 called as a witness on his own behalf,
3 being first duly sworn by the Court, was
4 examined and testified as follows:

5 DIRECT EXAMINATION
6 BY MS. SCHAEFER:

7 Q. Would you please state your name
8 and spell your last name for the record.

9 A. Benjamin G. Trane, T-r-a-n-e.

10 Q. And are you the Defendant in this
11 action.

12 A. Yes.

13 Q. How old are you?

14 A. Thirty-nine.

15 Q. What's your birthdate?

16 A. Xxxx xx, xxxx.

17 Q. Where do you reside?

18 A. In Idaho.

19 Q. Who do you reside with?

20 A. My wife and five kids.

21 Q. How long have you lived in Idaho?

22 A. Two years in February.

23 Q. Where did you live prior to that?

24 A. Keokuk, Iowa.

25 Q. What took you back to Idaho?

1 A. When the school shut down, we did
2 not own the property. So when we didn't
3 pay our rent, we were evicted and we
4 basically had no place to go, so we went
5 and stayed with my parents.

6 Q. And my understanding is that the
7 home that you were living in was part of
8 the Midwest Academy property?

9 A. Correct.

10 Q. How long had you been in Keokuk?

11 A. I moved to Keokuk in the fall of
12 2002.

13 Q. Where are you originally from?

14 A. I was born in Utah and spent most
15 of my time between near Provo and by St.
16 George, which is by Las Vegas.

17 Q. So obviously, that begs the
18 question, how did someone from Utah end up
19 in Keokuk, Iowa?

20 A. During college I started--I was
21 part of a startup company that did
22 marketing for troubled teens, placing them
23 in schools across the country. So I had
24 extensive traveling. I mean, I'd been
25 across the country to different schools

1 and programs, treatment centers and such.

2 And through that process--and I
3 also worked at a treatment center--and
4 fell in love with working with troubled
5 teens, seeing them come in with problems
6 and going home healthy and happy. It was
7 something that just attracted me. I loved
8 seeing families come back together and
9 people being happy.

10 And so in that process, I had the
11 opportunity to start looking for a school
12 in the central of the United States.
13 There's not--there are a lot of private
14 boarding schools and therapeutic boarding
15 schools on the east coast. There is a ton
16 on the west coast. And there's very, very
17 little resources in the Midwest.

18 So in the fall I drove all the way
19 from Eau Claire, Wisconsin, down to Corpus
20 Christi, Texas, looking at many different
21 locations, trying to find a community that
22 was full of good people and that would
23 make for a good company. Because that's
24 one of the things you have to have, is a
25 good pool of people to work with the kids.

1 So I'm trying to think when it was.
2 It was in--it had to have been in the
3 summer of 2002. I was coming back from
4 Ohio. Actually, I wasn't at work at this
5 point. I was traveling back to Cedar
6 City, Utah, where I was going to school,
7 and stopped in Keokuk. It was getting
8 late, and we were--me and my friend that I
9 was with, we were tired and we tried to
10 find a hotel, and there was no hotels.

11 So we spent the night by the
12 Mississippi River, thinking that would be
13 cool, like Huck Finn and Tom Sawyer. And
14 it was the worst night of my life. It was
15 like 100 degrees, and anytime you'd roll
16 the windows down, the mosquitos would eat
17 us alive. So we were very excited to get
18 out of Keokuk.

19 But coming through the next
20 morning, we saw the old middle school for
21 sale. And I took down the number and
22 called on it a couple weeks later and came
23 out and looked at the old middle school
24 for a potential placement and got to know
25 Mayor Dave Gudgel and then Jane Babcock,

1 who was the Superintendent of the schools
2 and kind of told them what we were looking
3 at doing and got some input.

4 We looked into the structure of the
5 middle school. And over about a month of
6 time of inspecting it, there was too much
7 asbestos in it. There was quite a bit of
8 problems fundamentally with the building.
9 So probably after about a three-month
10 conversation of that, it kind of died out.

11 And we found a high school that
12 was--they were building a new high school
13 so the old high school was coming up for
14 sale in Juneau, Wisconsin. And I went up
15 there and kind of--everything started
16 falling in place for us to place the
17 school up there. And with a year-round
18 school, there was a statute in the state
19 of Wisconsin that schools have to let out
20 for two months out of the year. And that
21 wouldn't really work with a year-round
22 private school.

23 And right during that time, Dave
24 Gudgel called me back up and said the
25 county home is coming up for sale. You

1 need to come take a look at it. So I came
2 back down, looked at the county home, and
3 it was absolutely perfect for what we
4 wanted to do. And so over the next
5 months, we purchased it and started making
6 arrangements to renovate it, to open it
7 for a school.

8 Q. So what came to be known as Midwest
9 Academy was the old county home?

10 A. Correct.

11 Q. And where is that located?

12 A. 2416 340th Street, right across
13 from the airport in just the county.

14 Q. And just north of town?

15 A. Just north of town.

16 Q. Now, you indicated you were going
17 to school at the time all this was
18 happening. Where were you going to
19 school?

20 A. Southern Utah University.

21 Q. And I believe that's the same
22 Southern Utah University that played the
23 Iowa Hawkeyes last night.

24 A. I didn't know that.

25 Q. In basketball. Where is that

1 located?

2 A. In Cedar City, Utah.

3 Q. What had you been studying?

4 A. I initially went for pre-med. I
5 wanted to be a doctor, pediatrics, you
6 know, primarily. That's kind of what I
7 wanted to do from the beginning. But as I
8 started working at the residential
9 treatment center, I fell in love actually
10 with that work.

11 And it was right when the internet
12 started coming alive, and I knew that that
13 was going to be a large portion of this
14 type of education and business, so I
15 changed my emphasis to computer science
16 and business administration.

17 Q. And when were you going to Southern
18 Utah University?

19 A. I started in 1999, and I left
20 school actually with three classes left
21 because of how this all came about. So I
22 needed a Spanish class, a business
23 administration class, and a humanities
24 class to get my diploma.

25 Q. And you would have left school in

1 2002?

2 A. Correct.

3 Q. With no degree?

4 A. No degree. My philosophy was you
5 go to college to get a job. And when a
6 job that I loved presented itself that was
7 the purpose of the education.

8 Q. And it was during your academic
9 career that you began working in treatment
10 centers with kids?

11 A. Before. I started working at a
12 treatment center when I was 17, in 1996,
13 and continued to work there and at
14 marketing. I worked two jobs while I went
15 to college.

16 Q. When you were working at these
17 other treatment centers, what kinds of
18 positions did you hold?

19 A. I kind of did all. I mean, so in
20 the business there's, like, night staff,
21 at night they watch the halls. There's
22 dorm staff that work with the kids
23 primarily during the day. So primarily
24 that's what I was at first. I worked with
25 the students. Back then you worked

1 twenty-four hours shifts. So we'd come in
2 at 7:00 in the morning and leave the next
3 7:00. So I'd arrange my college schedule
4 so I'd take classes Monday, Wednesday,
5 Friday, and then that would allow me to
6 work Tuesday, Thursday, Saturday. So I
7 could work full time and still go to
8 school.

9 So I did that for a year--or some
10 years. And then my senior year of
11 college, I had to take classes five days a
12 week, so I went to night staff. So I'd
13 work three or four nights during the week
14 and then go and do school during the day
15 and then do the marketing at night.

16 Q. How many different treatment
17 centers have you worked at?

18 A. The one I worked at had two
19 different facilities, so I worked at both
20 facilities.

21 Q. When you say treatment center, what
22 kind of treatment centers were they?

23 A. So in, I guess, teen education
24 there's like regular schools like public
25 high schools and private schools where

1 kids go to school during the day and they
2 go home at night. And then there's
3 residential schools, kind of like Hogwarts
4 or Oak Hills up in Chicago where kids will
5 go there. It's purely education but they
6 reside on campus. So after school is
7 done, they can play. It's kind of like a
8 college dorm setting.

9 Then you start having like either a
10 military school where there's an academic
11 component and then some type of character
12 building. And then the military is more
13 military. And then that's where a
14 therapeutic boarding school comes in. So
15 you'll have the education, but then you'll
16 have some typical therapeutic program, not
17 so much therapy like what people think in
18 sitting down and talking to a therapist,
19 but, you know, some type of programming
20 and skill building that would go along
21 with the books, you know, the education,
22 education.

23 And then after that, there's like
24 the behavior modification schools, which
25 is kind of what Dr. Grassian was talking

1 about as the aversive therapy, where it is
2 purely trying to break behavior. Like, if
3 you do something bad, you get a very bad
4 consequence. There's no education. I
5 mean it's purely trying--like a wilderness
6 program, where it's an instant
7 consequence, you know, if you don't build
8 a fire, you're cold. If you don't make a
9 bed, you sleep on the ground. I mean,
10 it's purely behavioral, trying to change
11 behavior.

12 And then after that, you'll have a
13 residential treatment center, which
14 instead of the focus being on education,
15 it's more on the therapy like with a lot
16 of the kids we've been kind of talking
17 about, like sitting with a therapist,
18 going over emotional, mental issues,
19 specifically on mental health, then
20 behavior, then academics. So it's a
21 change in the emphasis on what you are
22 needing and what you are wanting.

23 Q. And the treatment centers that you
24 would have been working at during school
25 was an actual residential treatment

1 center?

2 A. Yes. So all the students had a
3 therapist that they met with. There was
4 groups that they attended every day. I
5 mean, it was therapeutic first, behavior
6 second, and then education third.

7 Q. And so your position would have
8 been more like that of Cheyenne Jerred's?

9 A. For the last year.

10 Q. And you said that during that
11 summer of 2002, you were out looking
12 around at various schools or centers?

13 A. Yes. So through the marketing
14 program and stuff that we were running, I
15 mean there was a huge need--just today
16 there is a huge need for mental health.
17 There is a huge underservicing of kids,
18 especially teenagers with mental health
19 issues. It's vast. I mean, very few kids
20 are getting the help they need.

21 And so there was a huge hole in the
22 Midwest. So through some of the data that
23 we collected, you know, we thought it
24 would be a very good idea to find
25 something in the Midwest so parents

1 weren't having to send their kids out to
2 the west coast or to the east coast.

3 Q. So were you looking more at a
4 residential treatment facility or were you
5 looking more at a therapeutic boarding
6 school?

7 A. No. Just with what I prefer, is
8 more just the therapeutic boarding school
9 where you're having your good education
10 and type of programming, skill building,
11 to help with the kids, especially because
12 I'm not a therapist. I didn't have a
13 degree in that. I mean, it's something
14 that I could easily manage with where I
15 was at.

16 Q. And so during the summer of 2002,
17 you and your friend were looking at
18 various places?

19 A. No. That was just a pure accident.
20 We were traveling back from Ohio together
21 and just came across Keokuk, I mean,
22 purely coincidence; fate, is what Jane
23 called it.

24 Q. So your overnight in Keokuk, which
25 didn't sound very pleasant--

1 A. No.

2 Q. --kind of caused you to think about
3 opening up a school in the Midwest?

4 A. No. I'd already been looking.
5 Yeah, I'd looked at facilities in Texas,
6 Arkansas, Missouri, Illinois, Wisconsin,
7 Minnesota, Texas. I mean, I'd already
8 spent considerable time looking at many
9 different locations.

10 Q. So you already knew this was
11 something you wanted to do?

12 A. Yes.

13 Q. And it was when you spent the night
14 here that you found out about the sale of
15 the middle school?

16 A. Correct.

17 Q. And through the course of lengthy
18 conversations, that did not pan out?

19 A. No.

20 Q. So you looked somewhere else and
21 then something opened here?

22 A. Yes.

23 Q. So when did you officially move
24 into what comes to be known as Midwest
25 Academy?

1 A. So I moved into the building in--I
2 can't remember if it was December of 2002
3 or January of 2003, in that wintertime is
4 when I started living in the building.

5 Q. Was it just you?

6 A. Yeah, for a while. It was pretty
7 wild.

8 Q. Was the school open at this point
9 or were you just working on getting it
10 ready to open?

11 A. Nope. The county kind of left-- If
12 you think about going in a scary, psych
13 hospital, because that's kind of what they
14 used it for--I mean, that's what it looked
15 like when we took it over. I lived in the
16 psych rehab room, is where I stayed.

17 Q. Was anyone with you at this time?

18 A. We had a-- I was a minority
19 partner. Brian Vaifanua was the majority
20 partner.

21 Q. When you say minority and majority
22 partner, referring to what?

23 A. There was a group of four of us
24 that put it together, two kind of silent
25 partners, and then me and Brian came out

1 to open and run the school.

2 Q. And how do you spell Brian's last
3 name for the benefit of the court
4 reporter?

5 A. V-a-i-f-a-n-u-a, I hope.

6 Q. That's close anyway?

7 A. Close.

8 Q. And so you two were doing this as a
9 mutual project together?

10 A. Yeah, I worked with him previously.

11 Q. And then there were two other
12 silent partners?

13 A. Yeah.

14 Q. What was their purpose?

15 A. Finance and then they had a
16 boarding school up in Montana. So I mean,
17 we were going to siphon a few of their
18 students from them to kind of get the ball
19 rolling, because it's really hard to start
20 a school without some leadership. So I
21 mean, having some students that have kind
22 of been down the road a little longer,
23 where you can start it and kind of get the
24 ball rolling instead of starting from
25 scratch.

1 Q. Now, obviously your wife testified
2 yesterday. When did the two of you get
3 married?

4 A. We opened the school in June, late
5 June, and we got married May 30th, so a
6 month before we opened the school.

7 Q. And that would have been 2003?

8 A. 2003.

9 Q. And it officially opened in June?

10 A. Yeah. It took about five, six
11 months to renovate the downstairs floor,
12 to get it ready.

13 Q. You said that you were the minority
14 partner and Brian--I'm not even going to
15 try to say his last name--was the majority
16 partner. What were your positions or
17 roles going to be in the school?

18 A. He was the director. I was the
19 assistant director. But anytime you start
20 a new business, I mean you're kind of
21 every position. I mean, me and Layani did
22 night watch; we did dorm parent; we
23 cooked; we did maintenance. With my
24 background in IT, I built the whole
25 network and computer system for the

1 school. So I mean it was all hands on
2 deck pretty much.

3 Q. And was that true of Brian as well?

4 A. Not as much.

5 Q. Was he more involved in just
6 getting the program and everything up and
7 running?

8 A. Yeah. And I mean, he'd come help
9 with the day-to-day stuff as well.

10 Q. When you first opened, were the
11 three of you the only staff that you had?

12 A. No. I mean, we ended up in the
13 first--within the first three or four
14 weeks, we hired about 12 people, because
15 that's what it would take, bare minimum,
16 to have one student there. And then as
17 you start growing--I mean, I think that
18 bought us probably a month, two months,
19 and then we started hiring more and more
20 as needed.

21 Q. When did your first students
22 arrive?

23 A. [REDACTED] came late June. So we had one
24 student for a couple weeks. And then we
25 got a few of the transfer students from

1 Montana, and that I think brought us up to
2 close to 10. And then in August we
3 started taking new students.

4 Q. So [REDACTED] was your first student?

5 A. Yes.

6 Q. Was she one of these transfers from
7 the Montana school?

8 A. I can't remember where [REDACTED] came
9 from truthfully.

10 Q. But she came in late June, and then
11 soon the transfers from the school that
12 the partners owned came in?

13 A. Yes.

14 Q. From 8 to 10?

15 A. Yep.

16 Q. And then from there you started
17 taking in new students?

18 A. Yep.

19 Q. When you hired your 12 people, what
20 sorts of people were you hiring?

21 A. You had to have dorm parents, so we
22 had three or four dorm parents, because
23 you have to staff it twenty-four hours a
24 day for seven days a week; a couple night
25 staff to stay awake all night. I don't

1 think we hired a cook right off the bat,
2 but we had to get some kitchen staff, a
3 maintenance. I mean, so you have the
4 whole gamut of staff to run a large
5 facility.

6 Q. How many teachers did you hire?

7 A. I think at first we only had two.
8 They might have even been part time at
9 first. But we grew way quicker than we
10 anticipated as well. I mean, our growth
11 was probably three or four times faster
12 than we anticipated.

13 Q. But in those initial few months,
14 you only had maybe a dozen to 15 students?

15 A. No. Just in the first couple
16 months. I think by December we were at 50
17 kids.

18 Q. Did you determine that two part-
19 time teachers was not enough?

20 A. Oh, yes. So academically, we
21 obviously started ramping up our
22 academics. And with that-- When we first
23 came, when we decided the treatment
24 center, the old residential treatment that
25 it was, was going to be the place where we

1 were going to start the boarding school,
2 I'd already had a relationship with Jane
3 Babcock, who was the superintendent, and
4 Lowell Junkins was economic development,
5 and Dave Gudgel, so they introduced us to
6 the people in the state, because you have
7 to come in and figure out what licensing,
8 what are your requirements to open a
9 business.

10 Q. Okay. I'm going to stop you right
11 there. You're getting ahead of me.

12 So from the time you opened in June
13 of 2003 with just a handful of students,
14 you progress to 50 by the end of the year?

15 A. Yes.

16 Q. And I'm assuming that in addition
17 to teachers, you were continually hiring
18 new staff?

19 A. Correct.

20 Q. What were Brian's duties as the
21 director when you first began?

22 A. He just oversaw the program, what
23 we were doing, training.

24 Q. And as assistant director, you were
25 just everything else?

1 A. Yeah. I mean, like I said, when we
2 were small-- I loved the work. I mean,
3 with Midwest Academy it wasn't a job.
4 It's a lifestyle. And so I mean, we lived
5 in the building. I mean, our whole lives
6 rotated in and out of the building with
7 the kids. I mean, when you live in that
8 tight of quarters, I mean, it's like
9 family. So I mean, you're constantly--I
10 mean, it's not like you go home at night.
11 You're constantly intertwined.

12 Q. Were you and Layani still living at
13 Midwest Academy?

14 A. We lived inside the building for
15 the first two years. I mean, so we had
16 150 or 160 students probably by the time
17 we moved out.

18 Q. And obviously you heard your wife
19 testify yesterday, it was in that area
20 known as the horseshoe?

21 A. Yeah, the horseshoe.

22 Q. At this time you didn't have any
23 children though?

24 A. No.

25 Q. Did Brian also live on campus?

1 A. Yeah. He lived on site. He built
2 the house, the house that we eventually
3 moved into, because he had five kids. So
4 I mean, he built the house pretty quickly
5 right off--you know, within months or
6 within the first year at least of being
7 open.

8 Q. So you and Layani lived in the
9 school, and Brian lived with his family in
10 the residence that later became yours?

11 A. Yes.

12 Q. At some point did Brian step away
13 from Midwest Academy?

14 A. Yes. In 2007, I mean, his daughter
15 was on *American Idol*. He was kind of
16 wanting to retire and kind of get--stop
17 working as much anyway. So we parted
18 ways, and he moved back--I can't remember
19 if it was to Arizona or Nevada or Utah.
20 He moved west and I took control of the
21 company.

22 Q. Now, how did that work with your
23 silent financial partners?

24 A. We bought them out.

25 Q. When you say "we," who do you mean?

1 A. Well, we bought them out, and then
2 Brian left, and then I took over his
3 shares.

4 Q. So prior to 2007, you and Brian had
5 already taken complete ownership of the
6 school?

7 A. It all happened within just a few
8 months.

9 Q. So you two buy out the two silent
10 partners, and then he leaves and you buy
11 him out?

12 A. Yeah. There was some other issues
13 and stuff but, yeah, we mutually parted
14 ways and he signed over all his interest
15 in the company.

16 Q. At that point did you own the
17 building?

18 A. No.

19 Q. Who owned the buildings that
20 Midwest Academy was in?

21 A. Initially, it was a limited family
22 partnership, and then sometime later it
23 changed to a company called Midwest
24 Twister.

25 Q. Midwest-- Excuse me?

1 A. Midwest Twister.

2 Q. Like a tornado?

3 A. Tornado, yes.

4 Q. Okay. Were these companies that
5 you were involved in?

6 A. No.

7 Q. So you leased the buildings?

8 A. Correct.

9 Q. And when I say "you," was it you
10 personally who leased the buildings, or
11 was it Midwest Academy?

12 A. Midwest Academy did.

13 Q. And was it its own separate
14 corporate structure or business structure?

15 A. Yes, it was an LLC.

16 Q. And did you continue to lease the
17 buildings up to the time the school
18 closed?

19 A. Yes. I mean, we were always in
20 talks of wanting to purchase. I mean,
21 there was back and forth. I mean, the
22 ownership of the property kind of went
23 back on some of their agreements. I mean,
24 we were supposed to purchase the land much
25 earlier. And when that time came, they

1 didn't want to. I mean, so it was a fight
2 back and forth for a number of years until
3 in 2015, we finally nailed it down to
4 purchase the building so we would own the
5 property as well.

6 Q. So in 2015 you bought the property?

7 A. On contract. I mean, it wasn't
8 ours. We still had to make payments. But
9 at the end of those payments, we would own
10 the building.

11 Q. So it wasn't as though you had a
12 mortgage?

13 A. We did have a mortgage every month,
14 yes.

15 Q. And who did you buy it on contract
16 from?

17 A. Midwest Twister.

18 Q. And is that who you paid your
19 mortgage to?

20 A. Yes.

21 Q. So they were the landlord and the
22 lender?

23 A. Yes.

24 Q. And did that property revert back
25 to them when the school closed?

1 A. Yes. They evicted us after we
2 couldn't make payments.

3 Q. And you couldn't make payments
4 because the school closed?

5 A. Correct.

6 Q. Is it fair to say that the school
7 continued to grow from the time you opened
8 in 2003 up and through 2015?

9 A. No. So when we first opened, it
10 was during the big--I mean, it was the
11 anti-recession. I mean, up until 2007,
12 the economy was doing really, really well.
13 So I mean, everybody could get loans,
14 everybody had, you know, money to pay for
15 a residential school.

16 So I mean, we grew up to about 292
17 students from 2005 to 2007. I mean, we'd
18 fluctuate from maybe 250 to almost 300
19 students and a couple hundred staff. I
20 mean, it was--we were one of the largest
21 boarding schools in the country.

22 And then when the recession hit,
23 our numbers started dipping, you know, 10
24 to 15 kids a month until it--I think we
25 bottomed out at 40 to 50 students, and

1 then it slowly went back up to about 80 to
2 100 is where we stayed after that.

3 Q. Is that about how many students you
4 would have had in late 2015?

5 A. Yes.

6 Q. And how did students come to be at
7 Midwest Academy?

8 A. Most of them came word of mouth.
9 Somebody they knew from work or something,
10 you know, they'd heard about us some way,
11 or the internet. And they would call our
12 admissions. We had an admissions
13 coordinator that took care of all the
14 admissions. They'd go through a fairly
15 extensive interview and application. And
16 if all that looked, you know, fairly
17 normal and within boundaries, they'd send
18 them a contract and we'd start making
19 arrangements for them to come to the
20 school.

21 Q. What sort of students would come to
22 Midwest Academy?

23 A. I mean, typically--and it's
24 changed. I mean, over fifteen years
25 teenagers have changed. I mean, there's

1 been dramatic shifts in the dynamics of
2 teenagers in that time period. But I
3 mean, typical behavior is they're
4 struggling academically; they're
5 struggling in the home; there's some type
6 of relationship issues; there's
7 dishonesty; mental health issues; drug
8 abuse, and drug abuse has increased
9 dramatically in the last ten years;
10 emotional stress and issues.

11 I mean, it's a fairly wide variety
12 of issues that the kids are typically
13 dealing with now. Very promiscuous
14 behavior. I mean, we've started seeing,
15 you know, kids getting involved in high-
16 risk sexual activity at far earlier ages
17 than what it was ten years ago.

18 So I mean, there's quite a swath of
19 issues that typical students would come in
20 with.

21 Q. And who would generally seek
22 admission of these students?

23 A. Parents primarily. I mean,
24 grandparents too. I mean, most of the
25 time kids are--I mean, parents just get

1 worn out. After kids are sneaking out,
2 you know, multiple nights. The parents
3 aren't sleeping anymore. I mean, it's
4 causing distress in the homes. It's
5 causing a lot of problems on siblings.
6 Siblings are scared, sometimes for their
7 life, because of the anger, the violence,
8 and some of the things happening in the
9 home. And parents get to a point where
10 they're forced to do something, and they
11 have to start looking for some type of
12 assistance. Because I mean, most of the
13 kids, I mean truthfully, if they didn't do
14 something would either be dead or in jail.
15 I mean, that's the path that they were on.

16 Q. So it's fair to say that these were
17 kids that had issues that at some point
18 the parents knew they were just ill
19 equipped at that point to handle?

20 A. Yeah. Most of the parents didn't
21 know everything. It was like the tip of
22 the iceberg. They'd get, you know--they'd
23 see the natural effects of them in the
24 home, but usually once they got to the
25 school, all of a sudden all these other

1 issues started--you know, would come out
2 that they didn't know about or nobody knew
3 about.

4 Q. Sometimes was placement at Midwest
5 Academy the result of some sort of
6 juvenile court order?

7 A. We didn't take adjudicated kids.
8 But a lot of times what would happen is if
9 kids were involved in court services, they
10 would just say, either you find placement
11 or we'll find placement. So parents would
12 obviously want their kids not in the
13 juvenile system because once--I mean, the
14 percentage of kids being successful once
15 they go into the juvenile system is fairly
16 low, and the alternate is much higher,
17 much better. So they would obviously try
18 to do some type of private instead of the
19 public.

20 Q. And you were here when [REDACTED]
21 [REDACTED] testified; correct?

22 A. Correct.

23 Q. Isn't that what she sort of
24 described as occurring with Bxxxxxx?

25 A. Correct.

1 Q. I'm assuming that while this was
2 your calling, you could not run the school
3 based on good intentions alone, could you?

4 A. As far as financially?

5 Q. Yes.

6 A. Yeah.

7 Q. How did the services you provided--
8 who paid for all of this?

9 A. It was private. I mean, it's
10 private pay. We looked-- There's grants
11 and stuff for kids. Once they get in
12 trouble, there's money. And there's money
13 for kids that are doing exceptional.
14 There's nothing for kids in the middle,
15 and there's really no help for prevention.
16 And so we were always trying to find some
17 type of government funding, some type of
18 grants, something to help parents, because
19 it's a lot of money.

20 I mean, if you just look at
21 daycare. I mean, times that by twenty-
22 four hours a day, seven days a week. I
23 mean, to have placement is an expensive
24 venture. And most schools like what we
25 are, are 7 to 14 thousand dollars a month.

1 And for me that was always a bitter pill
2 to swallow, because you're talking about
3 sacred money. I mean, this is parents'
4 retirement. It's kid's college savings.
5 And so our philosophy always at the school
6 was, what's the lowest we can run to
7 survive? So we always kept our tuition
8 down to make it manageable.

9 I mean, I'm sure everybody knows
10 somebody that has a kid that's struggling.
11 And I don't know if some of them have
12 died. And I mean, if you're in a position
13 to help somebody, it's so hard to say no.
14 I mean, if you have the ability to save a
15 kid's life, and it's between, oh, but I
16 need \$5,000.00 a month or you save them, I
17 mean, I hated that situation.

18 And so we would always put, I mean,
19 the kids first. I mean, we had to charge
20 enough to survive, and so our tuition
21 ranged anywhere from, like, 3,500 when we
22 started to 4,990 when we ended, but no
23 kids paid that. I mean, average tuition
24 was about 2,700, 2,800 a month.

25 Q. So you charged significantly less a

1 month than some of these other schools
2 that you said were 7 to 14 thousand?

3 A. By far.

4 Q. And you attempted to offset that
5 money with grants? How would those grants
6 offset the money?

7 A. We never found any. I mean we--
8 because in this industry, you can make a
9 lot of money. There are schools like what
10 we were that are making anywhere from
11 500,000 to a million a month. And when we
12 were running, up and running, and we had
13 quite a few students, we actually had
14 people come in and try to buy us. And
15 they'd put together little groups that
16 wanted to come buy us. And when they
17 looked at our finances, they laughed and
18 walked away. They said, we'll ever touch
19 a school that doesn't make at least
20 \$500,000 a month. And so I mean, it's an
21 interesting industry because of that.

22 Q. So you would always try to find a
23 way to help a family who maybe couldn't
24 even afford the 3,500 to 5,000?

25 A. Yes. Any kid we never-- So if kids

1 came into the school and they ran out of
2 money, we never kicked them out. They
3 could stay until finished. Because, like
4 I said, I mean, kicking some kid out to
5 the curb that's going to go overdose on
6 drugs, that's a hard thing to sleep at
7 night if you're doing that.

8 Q. At the tail end of--let's go with
9 2015. What was the structure as far as
10 the staff of Midwest Academy?

11 A. So at that point, I mean, we had
12 around 80 students and right around
13 probably 70 to 75 staff. And that's--we
14 always kept our staff ratios much higher
15 than most residential places anyway. I
16 mean, most of the residential placements
17 in the state run about a 1 to 8, 1 to 16
18 at night ration, and we were always
19 typically 1 to 4 during the day. I mean,
20 we had very, very high staff to student
21 ratios. And we were starting to
22 transition.

23 We started seeing all the data.
24 We'd collect mass amounts of data. I
25 mean, in this business, I mean, you'd

1 collect data in everything, dynamics of
2 family, where they're from, you know, from
3 the kids and the issues that they're
4 having. We'd collect massive amounts of
5 data, so we knew kind of where things were
6 coming from and what was going on.

7 And one of things that we started
8 seeing is when we first opened as a
9 therapeutic boarding school, only maybe 20
10 percent of the kids needed, like, a
11 therapist. It was a very low number. So
12 we only had like one therapist. But as we
13 started growing in late maybe 2012, we
14 started seeing that number of about, you
15 know--going from 20 to 30 percent, started
16 getting to 30 to 50 percent of kids
17 needing more mental health counseling.

18 And we started seeing that that
19 wasn't just a blip. It was an actual--it
20 was changing. They dynamics of students
21 and teenagers were changing. So it was
22 going more of a therapeutic nature anyway,
23 so we started bolstering up the
24 therapeutic component, the clinical
25 component of the school to the point that

1 we were going to start transitioning to a
2 residential treatment center. So we were
3 going to have a residential treatment
4 center and the boarding school to follow
5 up with that.

6 Q. And as far as the, for lack of a
7 better word, corporate structure,
8 obviously as the owner you would have been
9 at the top of the structure?

10 A. Yes. I always thought it would be
11 nice to be the one in control, to have
12 that. But anybody who has been in that
13 position, they learn very quickly that
14 that's a lonely and crappy seat to sit on.
15 And so I mean, I actively tried to
16 actually get some of the staff to become
17 owners so they'd have a more vested
18 interest, but never got the response or
19 whatever we needed to make that happen.

20 Q. And underneath you as the owner
21 would have been--directly underneath you
22 would have been whom?

23 A. So the directors--I mean, the
24 school had--it was large. So we had like
25 the academics, so we had an academic

1 director. Then we had the program
2 director and then, you know, the clinical
3 director, and then the director over
4 parents and trainings that way. I mean,
5 so we had a fairly large administrative
6 team of all the people who were over
7 their, you know, specific departments.

8 Q. Now, for quite a period of time you
9 were the program director; correct?

10 A. Correct.

11 Q. And who would be under the program
12 director?

13 A. So there were assistants. I mean,
14 we always had an assistant director or two
15 assistant directors. Then we'd have,
16 like, the family reps were kind of the
17 next level down, and then the dorm parents
18 and the night staff.

19 Q. And so the program director was
20 responsible for the boarding setting?

21 A. Yeah. The program, the levels
22 part, the living aspect of it.

23 Q. They weren't necessarily involved
24 at all in the clinical portion?

25 A. No. But I mean, we had enough

1 admin meetings. We had an admin meeting
2 every week so everybody could coordinate
3 what was going on. Because I mean,
4 there's a lot going on. I mean, when
5 you're feeding, you know, two to three
6 hundred people a day, three times a day, I
7 mean, it's large. So I mean, there's
8 quite a few people involved.

9 Q. How long were you the program
10 director?

11 A. From like 2007 to somewhere around
12 2012. I was a huge control freak and I
13 would micromanage, and all the staff knew
14 I micromanaged a lot. I was always trying
15 to make things better. And they finally
16 kind of sat me down, all of them, and did
17 an intervention with me and said, if you
18 don't let us do our jobs and give up some
19 of the reins, we're going to kill you.
20 And so I had to take a long look and
21 started handing over some of that.

22 Q. Who would have taken over in 2012
23 as the program director?

24 A. Shasta Heidbreder and James Paulus.

25 Q. For the benefit of the court

1 reporter, I'm going to ask you to spell
2 the last names of both of those folks.

3 A. I don't know Shasta's. H-i-e-d-b-
4 r-e-e-d-e-r? Something close to that.

5 Q. And Jim Paulus? How do you spell
6 his last name?

7 A. James Paulus, P-a-u-l-u-s, I
8 believe.

9 Q. So they were co-directors?

10 A. It was a director and assistant
11 director.

12 Q. How long did Shasta stay as
13 director?

14 A. She always kept her--when she
15 wasn't the program director, she was the
16 director over students. She's one of the
17 finest staff I've ever seen working with
18 kids. It was probably late 2014.

19 Q. Who became program director after
20 Shasta?

21 A. So when we started seeing that we
22 were going take a more residential
23 treatment approach, we split a director.
24 So Ray Forrester, who was a clinician and
25 was a master's level therapist; and, then

1 Devon Dade was the--they were kind of co-
2 directors. And then we had a clinical
3 director in Mike Davis.

4 Q. So it would have been in 2014 where
5 you were starting to kind of separate the
6 program from the clinical part?

7 A. They were always separate. And
8 they were far more separate before that.
9 This is when we started integrating them
10 together.

11 Q. So in 2014 it was Ray Forrester and
12 Devon Dade?

13 A. Correct.

14 Q. And Mr. Forrester was a clinician?

15 A. Correct.

16 Q. And then it was Mike Davis who
17 would have come in as your program--or
18 excuse me--your clinical director?

19 A. Correct.

20 Q. Did both of those individuals, Mr.
21 Forrester and Mr. Dade, then remain the
22 program directors until the end?

23 A. No. Ray, after about six or seven
24 months, he was like, I can't do the
25 administrative part of this and do the

1 therapy and counseling that he needed. So
2 he was, like, I need to just step down and
3 be a therapist. And we just kept it as
4 Mike Davis as the clinical director, and
5 Devon Dade as the program director, along
6 with Shasta as the parent director. I
7 mean, there was quite a few people that
8 could put in input.

9 Q. And did Jim step down as the
10 assistant director in 2014?

11 A. He left before that. I don't know
12 when he left, but it was before that.

13 Q. Okay. So then it remained Shasta
14 until Ray Forrester and Devon Dade took
15 over?

16 A. Correct.

17 Q. And the Mr. Forrester decided this
18 is way too much, and I just want to be a
19 clinician?

20 A. Correct.

21 Q. Would Devon Dade then have remained
22 the director until it closed?

23 A. Correct.

24 Q. So in addition to overseeing the
25 family reps and the dorm parents and the

1 night staff and all those folks, what
2 other things and decision making did the
3 program director have?

4 A. I mean you've got--you oversee all
5 the kids and their programs. So I mean
6 there's assemblies, activities. Devon
7 also did seminars for the students. I
8 mean, so integrating the program aspect of
9 it, the character-building program, I
10 mean, is tons of administrative work. I
11 mean, there is a ton of work that goes
12 along with that, so I mean he stayed
13 extremely busy.

14 Q. And so when you refer to the
15 program, you're talking about that
16 additional component in a boarding school
17 that deals with that character building
18 portion?

19 A. Correct, the skill-building part of
20 it.

21 Q. And that would be the part that the
22 program director oversaw?

23 A. Correct.

24 Q. You also had your clinical
25 division, for lack of a better word. Now,

1 Mike Davis testified. He didn't come in
2 until later on. Prior to him coming
3 aboard, how many clinicians did you have?

4 A. Jim Posz, he was the ex-I don't
5 what. He was high up at DHS, and he
6 retired from the Department of Human
7 Services and came out and started working
8 for us privately because he loved doing,
9 you know, the therapy with the kids in the
10 groups.

11 And then we had throughout the
12 time--I mean, typically, we had two
13 therapists and maybe one more part time.
14 But as I explained, in a therapeutic
15 boarding school that type of psychotherapy
16 isn't--that's not a focus. That's not
17 something that is truthfully even needed
18 most of the time. But as we started
19 seeing need arise, well that was an option
20 kids could have. So as that need started
21 rising, it just got bigger and bigger.

22 Q. And so at some point, as we've
23 heard through the testimony, I believe Jim
24 Posz retired?

25 A. He retired.

1 Q. Mike Davis comes aboard who's a
2 clinician. You already have Ray
3 Forrester. Jane Riter comes aboard, and
4 then miscellaneous other folks, you know,
5 master's levels who were working on their
6 practicums or what have you?

7 A. Correct. Ray came a little bit
8 later. Mike was there. He took directly
9 over. And then we still had two--I can't
10 remember if we had one more full time. I
11 don't know what Juliann Dorothy was. I
12 can't remember if she was full time or
13 part time. And then we had another
14 nighttime therapist that would come in and
15 just do some groups.

16 But shortly after that, yes, they
17 were both gone. And Jane came aboard, Ray
18 came aboard, Aaron Parks came aboard, so
19 we had four full-time licensed clinicians
20 and then eventually two other master level
21 counselors.

22 Q. And you also added specific
23 chemical dependency counselors?

24 A. We also had chemical dependency. I
25 mean, that was kind of an integrated thing

1 that we always offered, because that's
2 something that the kids typically dealt
3 with anyway. So we'd always had a very
4 good chemical dependency program.

5 Q. Then you mentioned a parent
6 director. What is that person's
7 responsibility?

8 A. So we did trainings with the
9 parents too. Because what you find is you
10 could take a student out of their
11 environment where they're struggling and
12 not succeeding, we could do the best job
13 in the world, and they could turn around
14 and be super successful with us, but you
15 put them back in the same environment and
16 90 percent of the time if something
17 doesn't change in the home, they revert
18 back to old behavior within six months.

19 And so helping the parents create a
20 different environment in the home is
21 truthfully as important as helping the
22 kids do well at the program. So we had a
23 very, very extensive parent integration at
24 the school. We expected them to come,
25 take classes, the same seminars that the

1 kids go through, they would come and
2 attend those. We would have little
3 workshops. They had--in between the
4 seminars the parent director would go over
5 homework. They had homework assignments
6 every week to work on in the home. I
7 mean, so there was about between a 40- and
8 52-week program for the parents as well
9 that they had work every week that they
10 needed to report back on.

11 Q. And that's something that the
12 parent director would be responsible for?

13 A. Yes.

14 Q. When did that parent director
15 position develop?

16 A. It was always there. It's just
17 people filling in and doing it. The reps
18 would take parts of it. The therapists
19 sometimes would take parts of it. And you
20 finally get to a point where it needs to
21 be more specified, and so we just kind of
22 made it its own, and Layani was helping me
23 with the seminars anyway, so it made a
24 very good fit for her because she had so
25 much interaction with the parents that it

1 made a very smooth transition for them.

2 Q. So in 2015, Layani would have been
3 the parent director?

4 A. It was a little earlier than that.
5 I don't remember when.

6 Q. But at that time she would have
7 been the individual?

8 A. Correct.

9 Q. And then obviously you had an
10 academic director?

11 A. Yeah. We always had an academic
12 director.

13 Q. I know you started out with two
14 teachers that you weren't sure if they
15 were full or part time. In 2015 how many
16 teachers did you have?

17 A. We had 14 in the academic
18 department.

19 Q. Did you say 14?

20 A. Fourteen.

21 Q. And my understanding is most of the
22 academic was an online-type program?

23 A. So when we first started, I found--
24 I looked around for a computer-assisted
25 curriculum is what it's called, and we

1 found one called Switched-On Schoolhouse,
2 and it was the best program available when
3 we got it. And so it has all the
4 curriculum with videos, worksheets. I
5 mean, it's a self-contained unit to where
6 kids can watch videos of people teaching.
7 And I mean, it's a good--it's not the
8 greatest. Like, there's better stuff now.
9 But when we got it, it was by far the best
10 program out there.

11 But anytime--I come from--my whole
12 family is in education. And you can't
13 just have kids do work online. I mean,
14 you can but there has to be that element
15 of teaching. And so we'd hire teachers,
16 and a lot of times what would happen is
17 we'd get, like, retired teachers from the
18 area, teachers of the year, like Marsha
19 Ramaker, some of the best. I mean, I wish
20 I would have had as good of teachers as we
21 were able to find, some of these retired
22 teachers: Jim Vandenberg, Jim Schneider,
23 Gretchen Kirchner. I mean, we had just
24 fantastic academic teachers, Tom Ohmett
25 (phonetic), Jack Turner. I mean, it was

1 awesome for them to come in and just love
2 to spend time with the kids.

3 So what they would do is it was a
4 hybrid. Because kids can learn, and when
5 they get stuck is when they need the help.
6 And so what we started developing is this
7 hybrid system where kids could work at
8 their own pace, and then when they got
9 stuck they could go--there was tutors and
10 teachers there to help assist them get
11 through where they're stuck and then start
12 moving on.

13 And so our kids were averaging
14 almost two years of school in a year. I
15 mean, as Mxxxxx testified, she got done--
16 she was a year and a half ahead of where
17 she was supposed to be. And so we had a
18 tremendous amounts of kids come in that
19 were scoring far below where they should
20 have been and being able to catch up or
21 get ahead through the academic program.

22 And a lot of that is because of
23 that, the system that we created where
24 they could move as fast as they wanted,
25 and then when they needed help they had

1 these fantastic teachers there to teach
2 one on one the principles and stuff that
3 they had.

4 Q. How many hours a day did kids
5 generally spend in school?

6 A. So the schedule was eight. So I
7 mean, we tried to do right around four
8 hours in the morning and four hours in the
9 afternoon. And so they would go in two-
10 hour increments. And so they'd go two
11 hours, take a break, come back two hours,
12 go to lunch, go two hours in the
13 afternoon, take a break, go two hours.

14 And how we worked it is one of the
15 things that we found that causes ADHD and
16 some of the attention deficit problems is
17 when kids are having to switch gears a
18 lot. So they'll go for something for half
19 an hour, change, and have to change
20 directions again in a half an hour, change
21 directions again in half an hour. It
22 creates that lack of being able to focus
23 on one thing.

24 And what we found through just some
25 of the statistics is that we give two

1 classes at a time. They can delve in deep
2 into those classes, and their retention
3 goes up and their progression through the
4 class goes up. So not only were they
5 getting done with the classes quicker,
6 they were retaining and scoring better.

7 So they would have two classes at a
8 time that they could work on, and they
9 could delve in, sit down and really delve
10 in and focus on these classes in these
11 two-hour blocks to get it done.

12 Q. So it was different than the normal
13 public school structure where you might
14 have six or seven classes a day?

15 A. Yes.

16 Q. So they only had two classes at a
17 time. How long did the classes last?

18 A. So a typical class is just like in
19 a normal curriculum, like you have a
20 year's worth of curriculum. That would be
21 digitized, so they'd have ten units and as
22 they went through the ten units that was
23 equivalent to a year's worth of work.

24 Q. And they could do those classes
25 kind of at their own pace?

1 A. Correct. And so, like, what we
2 found too is a lot of the kids were
3 scoring--because we did placement tests
4 with them when they first came in, and
5 what we found is that a lot of them were
6 scoring far below where they were supposed
7 to.

8 Because what has happened in
9 education is with the No Child Left
10 Behind, which is good in theory, what ends
11 up happening in the practicality of it is
12 if kids aren't meeting the requirements,
13 it looks poorly on the institution. So
14 what was happening is kids were getting
15 passed up to the grade without getting the
16 competency.

17 So we'd have kids, you know,
18 getting passed from third to fourth to
19 fifth to sixth grade, so they'd look like
20 transcript-wise they'd be going into the
21 seventh grade, but in the placement
22 testing they'd be testing at a third or
23 fourth grade level, because they were just
24 kind of getting passed through instead of
25 actually learning the material.

1 So what we did to offset that is we
2 changed the philosophy. Instead of just
3 going through to pass, they had to get A's
4 or B's. They had to learn the material.
5 So the kids would have to score an A or a
6 B comprehensively through the class so
7 that they retained the information.

8 And what happens with that, it's
9 like math builds upon math. So if you
10 have holes down in the bottom, if you
11 don't know algebra, there's no way you're
12 going to do trig. So if they could go
13 back and fill in some of these holes, what
14 we found is some of these kids that were
15 like Dxxx that had been avoiding school,
16 as soon as they started feeling smart
17 again, they loved school and then they
18 would just buckle down and you could--
19 that's when that turn came, when you'd
20 start filling in some of those gaps, where
21 they were getting negative reinforcement
22 at home, that you're not smart, you're
23 stupid, you know, you're not good at
24 school. They started feeling successful
25 in school. They started seeing that, man,

1 I'm getting A's and B's. I've never got
2 A's and B's. And then they started
3 seeing-- I'm sorry if I'm talking super-
4 fast.

5 THE COURT REPORTER: That's okay.
6 It's the length, not the speed.

7 A. But they started seeing that they
8 were good at things, and all of a sudden
9 the curve would start coming up, and
10 that's when they would take off and do
11 really well academically.

12 Q. And so you were really seeking to
13 achieve academic excellence by requiring
14 them to have an A or a B in order to
15 actually get credit for that class?

16 A. Correct. And what Dr. Grassian was
17 saying with those therapeutic techniques,
18 especially the cognitive behavioral
19 theory, where how you think affects your
20 actions. So if kids think they're dumb,
21 typically their actions follow suit. And
22 when they start feeling smart, their
23 actions start following that line and they
24 start doing better in school, not only
25 behaviorally but academically.

1 Q. And at the academy, kids could get
2 their high school diploma; correct?

3 A. Correct. So going back, when we
4 first came in, we went up to the Board of
5 Education and said, we're going to start a
6 private boarding school. What licensing,
7 what things do we need to do? And we kind
8 of told them what we were doing, and they
9 said, you don't need--there's no
10 licensing, there's nothing-- You really
11 don't have to do anything. I mean, there
12 are no requirements. They said if you
13 want to get licensed as a private,
14 accredited with the State of Iowa school,
15 you can do that. But in speaking with
16 Jane Babcock, we decided that it would be
17 better to do a joint venture with the
18 Keokuk School District to where our kids
19 could have access to those sports, the
20 activities, all the extracurriculars, and
21 it would be counted as a home school in
22 that program, because we already were in
23 the process of getting nationally
24 accredited. So we were always nationally
25 accredited with Northwest Accreditation

1 school and programs, which switched over
2 to AdvancED out of Iowa. So we had a
3 national accreditation for our academics.
4 But having this dual enrollment allowed
5 us, especially at first, the school
6 district sent out a guidance counselor and
7 then special education. So they took care
8 of all the IEPs and the special education
9 out at the school

10 Q. And it also allowed the older
11 students who achieved higher levels to be
12 able to play sports at Keokuk High School?

13 A. Correct. Our kids played sports at
14 Keokuk almost every year in multiple
15 sports, and plays, and I mean there was a
16 number of activities that they
17 participated in with the local student
18 body, which we thought was very good to
19 integrate--have some type of integration
20 as well.

21 Q. And that helped some of those kids
22 on the upper levels transition back into
23 more mainstream schools; correct?

24 A. Correct.

25 Q. Let's go to the program, the

1 character-building program. How did the
2 system--the level system that we've heard
3 a lot of information about, how did that
4 come to be? How was that selected to be
5 the system that you used?

6 Q. Any type of program has levels.
7 Schools, you start out in the first grade
8 and you go to the twelfth grade. In
9 college, you start out as a freshman and
10 you become a senior. When you go to a
11 job, you start out at this level and you
12 can progress to this level. Leveling is--
13 I mean, that is just a fact of--any good
14 institution is going to have benchmarks to
15 show success and achievement.

16 And so at the places, the treatment
17 centers that we did work at, there was, I
18 mean, a level system that we just kind of
19 used because that's what was--what we
20 knew. So we came up, you know, with the
21 six-level system that coordinated with the
22 cognitive behavioral theory, and
23 especially dialectical behavioral theory.

24 So cognitive is the process of your
25 thoughts affect your behavior. So the

1 thought processes that you have affect
2 what choices you are going to make. And
3 so if you have negative thought processes,
4 they typically that results in more
5 negative behavior; more positive goes to
6 more positive.

7 And then dialectical behavioral
8 theory, which is more specific to what we
9 did, is the theory where there's kind of a
10 Y in the road. There's two different
11 decisions that can be made. Sometimes
12 they're opposing, sometimes they're not,
13 and coming up with a skill set to look at
14 this Y and say, "I'm going to choose this
15 one over this one because."

16 And so in that process, there's
17 four stages. Mindfulness is the first
18 one; distress tolerance, interpersonal
19 effectiveness; and, emotional regulation.

20 And so the first one, mindfulness,
21 is knowing where you're at. So in a jury
22 room, we don't see people running around.
23 We don't see you guys just walking around.
24 You know that there's a set of rules
25 because of the situation that we're in,

1 and you learn the rules and you start
2 following the rules of where you're at.
3 The mindfulness, being mindful of your
4 surroundings and what the expectations of
5 you are.

6 Distress tolerance is more of being
7 in an uncomfortable situation. So in your
8 situation last week when we were doing
9 trial--or jury selection, uncomfortable.
10 I sat on a jury for a murder trial a few
11 years ago. It's not like, man, I'm so
12 excited to have two weeks of my life
13 sitting in a chair for the next-- So in a
14 distressful situation, how do you learn to
15 cope with that, and how do you learn to
16 fight through that instead of running away
17 or--

18 MS. TIMMINS: Objection, Your
19 Honor. This is--

20 THE COURT: Sustained. We need to
21 get more question and answer and focused.

22 Q. (By Ms. Schaefer) You indicated
23 that the level system was something that
24 you and Brian had developed together?

25 A. No. There's no new--this is not a

1 new system. I mean, this is the
2 acceptable model for almost any type of
3 residential program.

4 Q. Was this the model that would have
5 been used in the centers that you had
6 worked in before?

7 A. This is-- I've never seen a place
8 that doesn't use this model.

9 Q. So you didn't recreate the wheel?

10 A. No. We did adjust it. I mean,
11 nothing is a perfect fit. So I mean, we
12 put in a level system, and then we started
13 adding and creating the structure part of
14 it through trial and error, what worked,
15 what doesn't, what is needed, what's not.

16 Q. So is the purpose of all the rules
17 that we heard the kids testifying to, the
18 walking in a straight line, and not
19 talking without getting permission first.
20 Are all of those part of that mindfulness?

21 A. Yes. And we had a ton of rules.
22 But the rules-- You've got to understand
23 what they are. If you guys ever did that
24 exercise in school where you write the
25 steps of making like a peanut butter and

1 jelly sandwich. There might be 20 steps
2 to make a peanut butter and jelly
3 sandwich. The same thing is true of the
4 rules. Even though there were a lot of
5 rules, most of the rules are strictly
6 common sense. I mean, they're not--it's
7 not like these are way-outside-the-line
8 rules. I mean, raise your hand when
9 you're in the classroom. I mean, they are
10 very basic things. But because of the
11 students that we were working with, you
12 had to spell out every single thing,
13 because they would test every single
14 thing, you know. And so we had to kind of
15 get specific on, you know, if a student
16 passed gas, as opposed to a student
17 getting up and passing gas on somebody
18 else. Is that the same thing, or is that
19 just a little bit different?

20 And so kids would push this. So I
21 mean even though there's a huge list of
22 these rules, they are very common sense.
23 So I mean, it's not like you have to
24 remember all these things. Most of it
25 kids did without even thinking. I mean,

1 most of this--and that's why when these
2 kids testified, you can see that. They
3 knew the rules. I mean, it was very basic
4 in understanding. I mean, even though
5 there was a lot of them, I mean, it was
6 very common sense rules.

7 Q. What was the purpose of handing out
8 consequences when those rules were
9 violated?

10 A. So the base fundamental nature of
11 cognitive behavioral therapy is having
12 consequences immediately. So you don't go
13 weeks without saying, well, I did that and
14 I didn't get a consequence for it. As
15 soon as the behavior happens, you can say,
16 this is what happens, this is what the
17 consequence is. Do you like that
18 consequence? Was it positive or negative?
19 Positive; then keep making those
20 decisions.

21 If it's negative--and that's where
22 the little forms came in. This is what I
23 did; this is what I'm going to do next
24 time so it doesn't happen again. And what
25 it does is it starts training your brain

1 to start thinking and getting your
2 subconscious to work for you. So if I'm
3 doing this and it's not working for me,
4 the next time stop before I do it and
5 think, maybe I want to have a different
6 consequence so I'm going to make a
7 different decision.

8 Q. And your primary consequence was
9 loss of points; correct?

10 A. Correct.

11 Q. And my understanding, as has been
12 testified to, in order to level up, you
13 have to continue to get points?

14 A. Correct.

15 Q. And the more negative things you
16 do, you get points taken away and it will
17 take you longer to level up?

18 A. Correct.

19 Q. What was the purpose of increasing
20 all of those privileges through the
21 levels?

22 A. That's basic positive
23 reinforcement. I mean, that's if I make a
24 good decision, I get a reward. And so to
25 get from Level 1 to Level 2 took seven

1 days. If a kid was good for seven--well,
2 one kid did it in six. I mean, it wasn't
3 this horrific process. I mean, the kids
4 could get anywhere from, like, 24 program
5 points and then up to 72 points a week
6 academically. So I mean, they could
7 average, you know, 30, 35 points a week
8 just on what they were getting, not
9 including the extra of like service
10 projects, seminar points. I mean, they
11 got points a lot of different ways. So it
12 wasn't a real hard process to get to Level
13 2.

14 So I mean, when they're talking
15 about it was so hard to get-- I mean, it's
16 really not hard to get to Level 2. If
17 kids were staying on Level 1, I mean, most
18 of the time it was a very active choice,
19 or their skill set was so low that it was
20 going to take a while to build it up.

21 I mean, like being 400 pounds
22 overweight. It's going to take months and
23 months and months to get down to a point
24 where you can actually really start
25 exercising. So I mean, some of the kids

1 came in emotionally, extremely overweight,
2 and it took a little bit of time of
3 working out every day, working on those
4 muscles, to build enough muscle to where
5 they could get up. But typically, it
6 wasn't--it's not a hard process to get
7 Level 2.

8 Q. We've heard a lot of testimony
9 about the OSS rooms. What was the purpose
10 of the OSS rooms?

11 A. Like the clinical team said, I
12 mean, it's changing environment. Changing
13 environment is huge. By taking somebody
14 out of an aggressive, escalated
15 environment, that naturally de-escalates.
16 So a lot of what we trained the staff to
17 do is de-escalation techniques. The CPI,
18 Crisis Prevention Institute, the trainings
19 that we did, that's primarily what the
20 training is about, is de-escalation.

21 So when a kid is at a high
22 escalation, how do we de-escalate them?
23 Like Dr. Grassian said, if the person
24 doing it is causing the inflammation, the
25 problem, the escalation, the staff would

1 remove themselves and find another staff
2 to come in to try to de-escalate that
3 situation. So removing them from the
4 escalated environment is the first key
5 thing.

6 Getting them in a place where
7 there's not a lot of stimulus where they
8 can start calming down is the key. And
9 then supporting them with the clinical
10 team, with peer mentoring. Peer mentoring
11 truthfully is one of the best ways to de-
12 escalate kids. Kids have heard it from
13 adults a lot. When a peer is saying
14 something to them, I mean it does carry a
15 little more credence, especially for these
16 newer students. So having these upper
17 level mentors and stuff like that come in
18 and be able to talk, calm them down,
19 reassure them, made all the difference in
20 the world. So I mean, that was the main
21 focus, the first part of OSS.

22 When we first opened, OSS really
23 wasn't--there were no timetables behind
24 it. The rooms were actually carpeted,
25 really nice, had nice chairs in them. And

1 as kids got violent and started breaking
2 things, we started learning that if things
3 were nice, kids were actually physically
4 hurting themselves.

5 They'd punch stuff and break
6 wrists; they'd kick things and break toes.
7 And so the harder--like, eventually it
8 just turned into the concrete rooms. And
9 after we did that, there was virtually no
10 harming as far as breaking--you know,
11 because kids aren't going to punch a
12 cement wall, because they know it's going
13 to break their wrist. They punch a
14 sheetrock wall because they know they can
15 punch through it. So that part just kind
16 of naturally helped self-injury go down.
17 But having them go in and settle down.

18 In 2005, DHS gave us the
19 regulations in the Iowa Code of a
20 comprehensive residential facility and
21 said, even though there's no licensing
22 that you need or fall under, these are the
23 regulations of the kind of a treatment
24 center or a residential facility like
25 yours. And so it has a description of

1 rooms that you can make with certain
2 sizes, certain dimensions, all the things
3 that are specified by the State. So we
4 redid our rooms that way.

5 And that's when--there's a twenty-
6 four hour rule for theirs. So we adopted
7 a twenty-four hour rule. And--

8 MS. SCHAEFER: Mr. Trane, I'm going
9 to stop you there, because I think the
10 Court thinks this is a good time to take a
11 break.

12 THE COURT: Well, no. You started
13 out with a question on the purpose of the
14 OSS room, and then we're talking about DHS
15 investigations. Again, we just need to go
16 more question and answer and stick to
17 that. Maybe it will speed things along a
18 bit.

19 Why don't we take about ten minutes
20 then, okay?

21 (A recess was taken at 3:05 p.m.)

22 (In open court, outside the
23 presence of the jury, in the presence of
24 the Court, the Defendant, and counsel at
25 3:20 p.m.)

1 THE COURT: Everyone-- The record
2 should reflect-- Hold it. Hold it. Okay.
3 We've got to watch the talking. And the
4 next thing is, if anybody is using a
5 cellphone here, texting or anything,
6 you've got to stop texting, anything like,
7 checking the internet. Just stop.

8 All right. All counsel are present
9 and the Defendant. And again, I just want
10 to reiterate, the question-and-answer
11 thing keeps the record better. Also, Mr.
12 Landon, I think it's fair to say is having
13 trouble keeping up. It's very important
14 that the record be made properly. I think
15 he's having trouble with the responses and
16 almost cramping up.

17 So if we could keep it more
18 question and answer, I think we'll have a
19 better record. Otherwise, he's going to
20 wear out here real fast, okay?

21 You may bring in the jury.

22 (In open court, in the presence of
23 the jury, the Court, the Defendant, and
24 counsel at 3:22 p.m.)

25 THE COURT: The jury has now been

1 seated in the courtroom.

2 Ms. Schaefer, you may proceed.

3 CROSS-EXAMINATION (Resumed)

4 BY MS. SCHAEFER:

5 Q. Mr. Trane, when we left off before
6 break, we were talking about the OSS rooms
7 and their purpose. We've heard a lot of
8 testimony about structure and sitting in
9 structure. What does that mean?

10 A. So the spirit of the law in it is
11 to sit calmly. Like all of us have been
12 sitting throughout the day, sitting
13 calmly.

14 What we found is that kids would
15 test the boundaries, you know,
16 continually. So they started kind of
17 whittling it down to, I mean, how many
18 ways can you actually just sit? I mean,
19 there's only so many ways you can sit.
20 And the kids have demonstrated five ways
21 that they were sitting. I mean, legs out
22 like this (indicating), legs straight,
23 Indian style, up against their chest, one
24 other way like this (indicating), like
25 they did. I mean, just sitting calmly is

1 structure, I mean, is the principle behind
2 it.

3 So if you're just sitting calmly.
4 And if you need to move or whatever, just
5 make it known that you're--I mean, because
6 kids would move-- I mean, it wasn't like
7 this (indicating) and you couldn't move
8 your head or anything like that. It was
9 just sitting calmly.

10 Q. And was part of the purpose of
11 sitting calmly for what could be
12 considered an extended period of time, was
13 that to teach them self-control?

14 A. Yes. So with skill-building, if
15 somebody is out of control, how do you get
16 self-control? You practice. Just like if
17 you're out of shape, you work out, and
18 you're not instantly good overnight. It's
19 like a muscle that has to be worked, and
20 so it takes a little time to do that.

21 And so for the kids in there, for
22 them to calm down and to be able to sit--
23 and realistically, every hour they were up
24 and moving, and every two hours there was
25 breaks. I mean, it wasn't like sitting--

1 they talk about twenty-four hours, but
2 you're only really sitting for an hour,
3 two max, if you don't ask to walk around
4 or get up.

5 I mean, so it's not these long,
6 long extended periods of time. It's
7 sitting calmly, you know, getting your
8 breaks, calmly eating your lunch, getting
9 your breaks, you know, calmly taking your
10 shower, you know, prep. I mean, they'd
11 get their beds between 8 and 9 o'clock at
12 night, and at 7 or--between usually around
13 8 to 8:30 the beds would be taken. I
14 mean, so there was a 12-hour period there
15 where they were in their beds.

16 And so I mean, it wasn't like they
17 were sitting like statues (indicating) the
18 whole--I mean, it was every couple hours,
19 you know, every hour they were getting up,
20 walking around.

21 Q. For a period of up to twenty-four
22 hours; correct?

23 A. Just because it was, like I said,
24 building muscle. If you can stay calm,
25 you know, for a six- or eight-hour period

1 with breaks and stuff like that, you're
2 building that muscle to be able to stay
3 calm now for eight hours during school.
4 And so it's just a building process of
5 building those muscles, helping them gain
6 control and stay in control for periods of
7 time.

8 Q. They were fed in OSS?

9 A. Correct.

10 Q. Three meals a day?

11 A. Correct and a snack.

12 Q. When did they get their snack?

13 A. Just at mid-afternoon between lunch
14 and dinner or between dinner and shutdown.

15 Q. And did those meals consist
16 primarily of some sort of sandwich and
17 then fruit and some beverage?

18 A. Yeah. I mean, they were getting
19 between 1800 and 2500 calories a day with
20 the meals.

21 Q. And would you agree that they were
22 fed different meals than what the other
23 students had outside of OSS?

24 A. At different times. I mean, that
25 was something that was very fluid. I

1 mean, for a period of time-- They loved
2 peanut butter and jelly sandwiches. The
3 kids at the school love PB&Js. I mean,
4 they would eat them; they would ask for
5 them for instead of the salad bar if they
6 could make it PB&Js. They loved it.

7 So one of the things to help with
8 OSS, because it is a finger food, it made
9 a lot of sense to give them something like
10 that that, you know, high calorie, fairly
11 filling with peanut butter and bread, and
12 then milk and fruit. It was a good meal
13 for OSS because they couldn't hurt
14 themselves, and it was a fairly healthy
15 meal.

16 But sometimes, you know, in OSS
17 they would get the normal meals. I mean,
18 that wasn't like--that was something that
19 changed periodically and many times over
20 the fifteen years.

21 Q. Is it fair to say that everything
22 at Midwest Academy would evolve?

23 A. Yes.

24 Q. You've talked a lot about being
25 driven by data that you would accumulate

1 over the years to try to not only fix but
2 to keep the program consistent with
3 student needs?

4 A. To stay relevant. I mean, in a
5 business like we're in, you have to stay
6 relevant. If you're not growing and
7 progressing with the needs of the day,
8 then you're going to die. You're going to
9 be out of business.

10 Q. What was the average age of a
11 Midwest Academy student?

12 A. Fifteen.

13 Q. And you did take students younger
14 than that, didn't you?

15 A. Correct.

16 Q. As young as 12?

17 A. Correct.

18 Q. How often did you do that?

19 A. Not very often. I mean, they were
20 the exception. And typically we would
21 deny them. I mean, it was--parents would
22 have to beg and plead, or there was no
23 other option usually in that situation.

24 Q. And you're familiar with Bxxxxxx [REDACTED]
25 and Dxxx [REDACTED] correct?

1 A. Correct.

2 Q. And they were both 12 years old
3 when they entered Midwest Academy?

4 A. Yes.

5 Q. You testified earlier about the
6 admissions process. Was it the same for a
7 12 year old?

8 A. The process was the same, but if
9 they had more issues, Tara would get more
10 feedback from either the clinical team or
11 myself or other people to see if they were
12 a good fit.

13 Q. And is that something that would
14 have been done with Bxxxxxx [REDACTED] and Dxxx
15 [REDACTED] due to their age?

16 A. Yeah. I don't remember Dxxx [REDACTED]
17 as much, but Bxxxxxx [REDACTED] initially was
18 denied because of his age, some of the
19 immaturity issues. And Ms. [REDACTED] looked
20 around, couldn't afford anything else,
21 didn't have any other options, and
22 pleaded, begged that her son was either
23 going to get taken away from her or he'd
24 come to us. So we gave him like a trial
25 basis, you know, come in and let's try

1 things out and see if things will work.

2 Q. And you don't specifically remember
3 having to approve Dxxx [REDACTED]?

4 A. No.

5 Q. Did you do that with Bxxxxxx [REDACTED]?

6 A. Yes.

7 Q. When you would do that, were you
8 prepared or did you-- Strike that. Did
9 you prepare the parents of those younger
10 children that the program may initially be
11 more difficult for someone who's so much
12 younger?

13 A. Yes. So anytime we have more
14 immaturity issues--and we had a 15 year
15 old that was extremely immature that this
16 same conversation came up with. The more
17 immature students--the program typically
18 took--I mean, at the end it was a ten-
19 month mean average of the stay. And so it
20 would take right around a year to finish
21 the program.

22 But students in their situation, I
23 would always tell the parents, you're
24 looking at least eighteen to twenty-four
25 months, because that first six to nine

1 months to a year, they're just going to
2 struggle on Level 1 and 2. They're not
3 going to make tremendous progress because
4 of the immaturity. I mean, you're going
5 to run into these issues where it's going
6 to be a little while. So we'd have to
7 make accommodations maybe to have them
8 come visit before they earned the
9 privilege or phone calls. So they were
10 made aware that exceptions would be made
11 if that was the case.

12 Q. And we've heard a lot of testimony
13 that Bxxxxxx and Dxxx really struggled
14 with the program, didn't they?

15 A. Bxxxxxx more than Dxxx. Dxxx could
16 do the program easily. I mean, as has
17 been testified, he knew the rules inside
18 and out. When he wanted to do it, he
19 could easily do it. His came from more
20 willful, like, screw you, I'm not going to
21 do it, is where his problems came in.

22 Bxxxxxx struggled. He was--I mean,
23 if you could compare it to being out of
24 shape, he was as out of shape as you could
25 be. I mean, it took him--to be able to

1 even get moving, it took a while.

2 Q. And you told Mrs. [REDACTED] as early as
3 November of 2014 that this might not be
4 the place for him; correct?

5 A. Yes. I mean, the clinical team--I
6 mean, we'd talk every week. I mean, he
7 was--it wasn't that he was just struggling
8 in the program, Bxxxxxx had zero skills.
9 He could barely hold a conversation for
10 the first couple months. I mean, you
11 couldn't even have a conversation with
12 him.

13 And he had never been told no. So
14 if he wanted something, he would just go
15 do it. And if you got in his way,
16 violence would come up. I mean, he had
17 just never been told no. And so when
18 you're running into those two--you know,
19 where you have a really hard time
20 communicating and you're seeing the
21 excessive behavior, I mean, it was taxing
22 on the staff. I mean, he was consuming
23 hours upon hours of one-on-one staff time,
24 multiple staff, therapists. I mean, he
25 was consuming just a huge amount of

1 resources.

2 So we did have that conversation
3 that, you know, [REDACTED], if things don't
4 improve, get a Plan B ready. So she was
5 working on a Plan B in November.

6 Q. And he did improve for a period of
7 time, didn't he?

8 A. Bxxxxxx, especially in my opinion,
9 started doing better. He started learning
10 to communicate. He started using yes
11 ma'am and, you know, manners. He started
12 asking for things. I mean, so from where
13 he started to where he got to was
14 significant improvement.

15 Even though--I mean, if he was
16 underwater, he started out at 1,000 feet
17 below. I mean, even if he got to 500
18 feet, he's still below level, but it's a
19 significant improvement from how deep he
20 was. So there was--I mean, especially in
21 the communication. His communication
22 started improving significantly.

23 Q. And he did have visits from his
24 mom; correct?

25 A. Correct.

1 Q. Didn't he have one, I believe, in
2 December?

3 A. I thought he had two. His mom came
4 to Elements 2 where they get to see them,
5 and I thought his mom came to PW-1 and saw
6 him. And that's a two-day seminar where
7 they work together.

8 Q. Did his improvement correlate with
9 seeing his mom?

10 A. No. He didn't care about-- I mean,
11 honestly, that wasn't his huge motivation
12 in my opinion. I never saw him be, like,
13 I'm going to work so I can see my mom. I
14 mean, the first thing he said to his mom
15 is, when are you going to buy me an
16 iPhone? I mean, it wasn't like this--it
17 wasn't like a normal, like, relation. I
18 mean, it was more, what are you going to
19 give me type of thing.

20 Q. And Bxxxxxx really struggled with
21 physical aggression; correct?

22 A. Bxxxxxx was--anytime he didn't get
23 his way he was physical.

24 Q. Now, by this time you had stepped
25 away as program director; correct?

1 A. Correct.

2 Q. What was your position?

3 A. I facilitated the seminars, and I
4 was the little Dutch boy. I mean, I
5 plugged holds wherever they were needed.
6 I mean, I still spent time. I was in OSS
7 every single day. I did tons of
8 activities. If staff, if somebody fell
9 through, I would fill in. I mean, I
10 filled in. I took many, many parent phone
11 calls to kind of put out fires and deal
12 with situations.

13 Q. So you just kind of filled in where
14 needed?

15 A. Correct.

16 Q. But doing the parent seminars was
17 your primary responsibility?

18 A. Yeah.

19 Q. Did you see Bxxxxxx and Dxxx in
20 OSS?

21 A. Yes.


22 Q. And when you went into OSS, what
23 was your goal?

24 A. Like the therapist, I would go
25 down. My first question is: Are you

1 okay? Do you need anything? You know,
2 what needs do you have? What do you need?

3 I'm cold. Can we get him a
4 sweater? Or whatever. I mean, just to
5 make sure the basic things were being met.
6 And then I would sit and have a
7 conversation with every one of the kids.
8 What can we do to get you out? Why are
9 you in here and what--you know, what's
10 causing this?

11 Because what happens, typically, is
12 people that are in escape--they're trying
13 to escape something, so they run to
14 something. That's true typically of
15 alcohol and any type of substance as well.
16 You're trying to stay away from something,
17 so this action takes place.

18 And for those two especially, they
19 were avoiding something, so they would go
20 in there. What are you avoiding? Is
21 there something we can do about it? And,
22 like, with Bxxxxxx we gave him a peer
23 mentor. So no staff could give him
24 consequences. The only person that could
25 give him consequences was , and just

1 so he could really have one-on-one
2 mentoring and kind of keep him moving
3 which, in my opinion, worked.

4 I mean, like I said, there was vast
5 improvement, especially communication-wise
6 with him and even following the rules to
7 some extent.

8 Q. Did you provide counseling to the
9 boys?

10 A. Skill building. I mean, all the
11 kids that needed--they all had therapists,
12 so they could go talk to their therapists
13 for therapy needs and stuff like that.
14 But I mean, I spoke at length with most
15 kids in the program.

16 Q. Did you have concerns about the
17 length of time that Bxxxxxx and Dxxx were
18 spending in OSS?

19 A. Absolutely. I don't know any sane
20 person that wouldn't. I mean, OSS was
21 meant to be a short stay and kind of get
22 things moving, which it was for most kids.
23 But like Dr. Grassian was saying with,
24 like, incongruent behavior, where people
25 will start making a choice that is the

1 opposite of what you would expect, that
2 became their safe zone, so that's where
3 they would choose to be instead of being
4 with the family, which doesn't make sense.

5 I mean, when you're looking at it,
6 it's like, that's not a rational decision.
7 But they got a lot of attention in OSS,
8 both of which craved attention. They got
9 to screw around and do whatever they
10 wanted, which wasn't the case like in the
11 classroom having to sit and do school,
12 both of which, both of them did not like
13 school. Both of them thought they were
14 very poor at school. And when you're told
15 you're not smart, do you really want to be
16 in a situation where you're being
17 reinforced that you're not smart every
18 day?

19 And so I mean, there was some
20 things that were driving them there
21 because they were getting positive things
22 in there too, and sometimes even negative
23 attention is attention, which kids seek.

24 Q. What sorts of efforts were made to
25 do something in an alternative for Bxxxxxx

1 and Dxxx, since obviously OSS wasn't doing
2 what it was designed to do?

3 A. Well, as Gary testified to, Gary
4 was wonderful at working with the kids,
5 especially in those situations. I mean,
6 how he said that we didn't know what he
7 was doing, I knew Gary was giving the kids
8 treats. I knew he--because you've got to
9 understand at the school if some kid gets
10 something, everybody knows about it in,
11 like, two seconds. If somebody does
12 something, everybody knows about it in,
13 like, two seconds. If a staff swears,
14 everybody would tell me, you better watch
15 out; he was swearing. We get consequences
16 when we swear, what's his consequence? I
17 mean, there was no secrets at Midwest
18 Academy. There was too many eyes.

19 But he did a very fine job of
20 working with him and trying to get him
21 out, helping him out, taking him out,
22 bribing him out as far as that goes.

23 Q. Had you noticed the weight loss of
24 Bxxxxxxx and Dxxx?

25 A. Yes.

1 Q. Did you become concerned about it?

2 A. Not with Dxxx. Dxxx was
3 overweight. I mean, losing weight for him
4 was a very healthy thing. And a lot of
5 kids came in-- Stats--I mean, most
6 teenagers now, between 60 and 70 percent
7 of teenagers now are overweight or obese.
8 I mean, being overweight is the norm now,
9 not the other.

10 So when kids would come in and they
11 sleep, chronotherapy, they get a well-fed
12 diet, and they exercise for a couple hours
13 every day a good workout, you're going to
14 see physical improvement. So kids that
15 were overweight would lose weight. Kids
16 that were a little underweight typically
17 were gaining weight. I mean, the boys
18 typically were putting on anywhere from 10
19 to 30 pounds in the first, you know, three
20 to six months. I mean, the boys were--I
21 mean, they were amazing truthfully. I
22 mean, they would get in such good shape,
23 and they took a real pride in that. So
24 Dxxx losing a little weight and gaining
25 some muscle wasn't a concern at all for

1 me.

2 Q. What about Bxxxxxxx?

3 A. Bxxxxxxx started--I mean, Bxxxxxxx
4 was overweight too. I mean, I don't know
5 if those pictures were the best pictures
6 of that, but Bxxxxxxx was overweight. I
7 mean, I think he was like 4 foot 8, and I
8 think the average weight for somebody that
9 tall is, like, from 85 to 92 pounds is
10 where he should have been on the weight
11 scale. So I mean, he was a good, at
12 least, 15 to 20 pounds overweight. So
13 losing a little weight I don't think was
14 unhealthy for him either.

15 Q. At what point did you decide--I
16 know you'd had the conversation with Ms.
17 [REDACTED] in November. At what point were you
18 deciding Bxxxxxxx really needs something
19 more than we can give him?

20 A. So in December and the first part
21 of January, there was improvement. And in
22 January he started falling off again. And
23 that's when he defecated and was urinating
24 in the room and being, you know, far more
25 aggressive with the kids. And that's when

1 Mike Davis and the clinical team decided,
2 you know, you need to put an end to that.

3 To get kids placed in another
4 facility is not this process (indicating
5 by snapping fingers) where you snap your
6 fingers and they're gone. Sometimes to
7 get placement in a psychiatric facility
8 could take three to six months. I mean,
9 this is not something that is a quick
10 process. And that's why early, we were
11 like you need to have a Plan B ready in
12 case something happens where, you know, we
13 need the pull the trigger or something
14 like that.

15 And so in February, Mike Davis--you
16 have to have a referral. So that letter
17 that you saw him read is part of the paper
18 trail that you have to create to get kids
19 admitted either into a psych ward or a
20 mental institution, hospital stay, or into
21 some type of residential treatment center.
22 So Dr. St. Hill I believe was involved in
23 that. Mike Davis, the nursing staff
24 started putting the paperwork together to
25 get him out, and that was in mid-February,

1 I think.

2 Q. And you had made Ms. [REDACTED] aware of
3 that; correct?

4 A. Yes. And she promised me that she
5 was doing her part to get placement.

6 Q. Were you ever able to confirm that?

7 A. Just what she would tell me on the
8 phone.

9 Q. Did you ever have concerns about
10 their safety and well-being in OSS?

11 A. No. I mean, when kids would start,
12 like the clinical team said, when they
13 start hurting themselves, like they
14 brought up [REDACTED] when she started drawing
15 a mural--she'd cut her arm and start
16 writing on the wall with blood. I mean,
17 right after that we got them admitted. I
18 mean, when they started having those
19 extreme behaviors, it was getting them
20 admitted into a hospital, and then they
21 needed to do the psychological evaluations
22 and neuro-evaluations from there.

23 Q. But wouldn't you agree there were
24 probably--there was cause for concern with
25 Bxxxxxx and Dxxx spending so much time if

1 they weren't getting any school work done?

2 A. Yes and no. They weren't doing
3 school before. You can't force somebody
4 to do school. You can't force people in
5 public to do school. You can't force
6 people to do things. That's the purity of
7 it. If somebody is refusing to do school
8 all the time, there is nothing you can do
9 about it. You can keep offering it, you
10 can make alternatives, you can give them
11 paper school.

12 I mean, we tried everything
13 possible to help accommodate academics.
14 If they choose not to do it, as Dr.
15 Grassian would say, this is the problem,
16 but there's a behavioral thing that's
17 causing this problem. So you can't solve
18 the academic problem until you solve the
19 behavioral problem, and that sometimes
20 takes a while. But once kids typically
21 would get doing better with their
22 behavior, the academic would take care of
23 itself.

24 Q. So you said you went down to OSS
25 every day. How much time would you spend?

1 A. I bet I would spend on average at
2 least an hour to an hour and a half to two
3 hours every--seven days a week, every day
4 I was at the facility that kids were in
5 OSS.

6 Q. Who was responsible for passing out
7 meals?

8 A. So at mealtime they would ask--they
9 would radio down and say we have so many
10 kids in OSS. They would make the meals
11 and bring them down to the OSS.

12 Q. So it was just whatever staff was
13 on duty?

14 A. Yes.

15 Q. And kind of like school work, if
16 they chose not to eat that was their
17 decision?

18 A. Most of the kids ate. I mean, kids
19 would get mad sometimes, and they would
20 throw their food. But that was more,
21 like, they were aggravated about something
22 so they would--like the picture you saw,
23 you saw all the little boats in the window
24 that they would slide up into the window.
25 I mean, yes they would destroy their food,

1 smear their food, and refuse their food
2 sometimes.

3 Q. But it's fair to say you were not
4 in OSS most of the time?

5 A. No.

6 Q. Were you the one who would be
7 handing out consequences or placing kids
8 in OSS?

9 A. No.

10 Q. Who placed kids in OSS?

11 A. So in the family if kids were
12 starting to get in trouble, they would get
13 a consequence. They would fill out their
14 consequence and go back about their day.
15 If they got a lot of consequences, they
16 would be writing these, and then there was
17 in-school suspension first. So the kids--
18 and there hasn't been a whole lot of talk
19 about that, but in-school suspension was
20 first. And then if kids weren't doing
21 well in in-school suspension, then they
22 would go to out-of-school suspension.

23 Q. What's the difference between OSS
24 and ISS?

25 A. Places sometimes. I mean, kids

1 would still do school in in-school
2 suspension. And then if they were being
3 disturbing or whatever and the behavior
4 would continue in ISS, then they would go
5 to OSS. Kids typically didn't go right to
6 OSS unless there was some type of--I mean,
7 there was an imminent threat.

8 Q. And would that have been the case
9 with Bxxxxxx and Dxxx?

10 A. Yes. I mean, even though Dxxx--I
11 mean, they were saying all these little
12 consequences. He would get so loud and
13 belligerent that, I mean, it was a huge
14 distraction. It wasn't this little, minor
15 thing. I mean, he would have meltdowns.

16 Q. And he would be extremely
17 disruptive?

18 A. Yes.

19 Q. Did you know when they ate?

20 A. The schedule was very--part of,
21 like, a dietician, like the dietary
22 therapy system is eating kind of very--
23 getting on a good schedule. So the kids--
24 I mean, there was a strict schedule of
25 when you ate.

1 Q. But you had no way of knowing if
2 Dxxx ate or Bxxxxxxx ate, did you?

3 A. Unless I was there.

4 Q. And again, you weren't responsible
5 for usually putting them in OSS?

6 A. No.

7 Q. Did you ever give out those sorts
8 of consequences?

9 A. Sometimes, yes. I mean, every once
10 in a while if somebody did something in
11 front of me or if I saw a fight. I mean,
12 granted in the whole years we were there,
13 I mean there was really only two fights.
14 I mean, there was sometimes a sucker punch
15 or something like that, but it would get
16 stopped immediately. But if it was
17 something like that, I mean, obviously
18 you'd go right to OSS.

19 Q. But in the last couple of years,
20 that just wasn't something that you
21 routinely did?

22 A. No. I mean, even the whole time I
23 was there, that was very, very rare.

24 Q. That was left to staff?

25 A. Correct.

1 Q. So did you always know how long
2 someone had been in OSS?

3 A. No.

4 Q. Again, you didn't know if they were
5 eating their meals if they were given to
6 them?

7 A. No. But in the shift notes, I
8 mean, we kept records on everything. And
9 there were shift notes that I would read,
10 typically every night or every morning to
11 see what was going on for the day.

12 Q. Did any other staff member bring
13 you concerns about Bxxxxxx and Dxxx's
14 weight loss?

15 A. No. The nurse took care of the--
16 We had a full-time nurse and sometimes
17 more than that. And the nurse did weigh-
18 ins every month and kept track of that
19 part of their program. So if kids were
20 going under the charts that she followed,
21 like, we'd give them Ensures or give them
22 extra food or something like that to bump
23 up their calories, because the kids worked
24 out really hard. So I mean, they consumed
25 a lot of calories. And some of the kids

1 were just growing boys and they could eat
2 a lot. So if there was any variation that
3 got red flagged, something would be done
4 about it.

5 Q. But that's not something you would
6 have handled directly?

7 A. No. Nurse Ivy took care of all
8 that.

9 Q. Did Bxxxxxxx and Dxxx ever complain
10 to you about the amount of food they were
11 getting or not getting?

12 A. They would say they were hungry,
13 but how the body works is if you're used
14 to eating a lot and go down to, like,
15 2,000 calories initially you're going to
16 feel hungry, even though you're really
17 not.

18 I mean, so every kid coming in that
19 was used to eating whenever they wanted,
20 that first thirty days there's a
21 transition period to where you feel hungry
22 even though you're really--your body is
23 getting what it needs.

24 When I was in jail for thirty days,
25 that's what it was. I went through that

1 same process. I mean, I was hungry but I
2 was getting the food I needed. So it
3 takes a while for your body to adjust to
4 the different structure and schedule.

5 Q. And you had no reason to believe
6 that they weren't being adequately fed?

7 A. They had the diet. I mean, they
8 were eating.

9 Q. I want to move on to some of the
10 other issues that have been testified to.

11 We've heard a lot about this body
12 image exercise that the girls had
13 testified to. What was--what prompted you
14 to do that exercise?

15 A. Okay, because this has been blown
16 so far out of proportion. What happened
17 was I was walking down the hall, and there
18 was a girl crying, sobbing in the hall.
19 Gxxxx, what's wrong? And it took her a
20 minute to compose herself. And one of the
21 girls had been fat shaming her, telling
22 her that she was fat, she was ugly; no
23 matter how much weight she lost, she was
24 never going to be pretty; she was never
25 going to be skinny, and statements like

1 that. It was very, very--I mean, the
2 student who did it was very, very
3 vindictive and mean.

4 And this girl came in and she was
5 very overweight, and she'd lost, I think
6 like 50 pounds, and she was very proud of
7 losing weight. She was very proud about,
8 you know, the progress she was making. So
9 to get punched like that verbally crushed
10 her. I mean, I think that would with most
11 girls that age.

12 And so I just asked just some basic
13 questions of what was happening, what was
14 going on. And she just says, I'm never
15 going to look like her. And I was just
16 like, Gxxxx, you'll never look like her
17 even if you lost "X" amount of weight.
18 And she said, what do you mean? And I'm
19 like, people have different body types. I
20 was like, all boys don't have the same
21 body types. I mean, some are big and
22 broad and thick; some are super-small and
23 skinny; some are in between.

24 I mean, girls are the same way.
25 Some girls are very stringy and tall; some

1 are short and a little more portly. I
2 mean, there's different body types. And
3 she's, like, I don't understand what
4 you're saying. So I said, let me go print
5 off body types and I'll give you some
6 papers, and you can kind of see where you
7 sit.

8 So I don't know if it was within a
9 few days. I can't remember what website
10 had a little diagram of different body
11 types, and then I just copied and pasted
12 in people who have that body type from
13 that same website; foods that you could
14 eat, like some diet stuff; and, especially
15 exercise. These are the exercises that,
16 you know, go along with where you're at
17 for these body types. I went and handed
18 them to Gxxxx, and that was it.

19 A couple days later, because at the
20 school if somebody gets something,
21 everybody hears about it, you know, a
22 couple other girls are like, hey, could I
23 get those same papers you gave Gxxxx?
24 That's fine. So I printed off a couple
25 more and gave them to them.

1 The next day or some days after
2 that, some lower levels were, like, can we
3 have those same papers? That's fine. So
4 I gave them the papers. And then they
5 said, well, there's no mirrors on the
6 wing. How are we supposed to look at
7 ourselves? So I thought that's a fair
8 enough question.

9 So the uniform room has mirrors in
10 it, and it's really the only place lower
11 levels could go to where it was a safe
12 environment where they could have a
13 mirror. So I let them go up to the
14 mirror--to the uniform room. They went
15 in, looked at themselves real quickly and
16 came out.

17 And then one of the lower levels
18 said--because I don't know if you saw
19 pictures of their uniforms. I mean,
20 they're very modest. They're big, heavy
21 sweaters, pants and stuff like that. And
22 one of the girls said, is it all right if
23 I take my sweater off? And I'm, like,
24 you're in a private room. If that's what
25 you choose to do, so be it.

1 So the next--you know, a couple
2 days later all the girls' hands went up.
3 Can I do that same thing? And so that
4 happened three or four times where kids
5 would ask for these papers, and I gave
6 them to them, and then allowed them to go
7 to the uniform room to look in the mirror.

8 Q. How often did it happen?

9 A. Like I said, it was three or four
10 times over maybe a two-month period or
11 something like that.

12 Q. So it wasn't something that you had
13 ever done before?

14 A. I've never done that before, no.

15 Q. And the girls went up as a group?

16 A. Yes.

17 Q. And the girls went into the uniform
18 room individually?

19 A. Correct.

20 Q. The girls went in individually
21 alone?

22 A. Yes.

23 Q. Did you ever go into the room?

24 A. No.

25 Q. And then you would--and they had

1 already had this information that you had
2 given them, or you would give it to them
3 when they came out?

4 A. Yeah. I'd just set it on the
5 table, because they all couldn't go in at
6 once. So the ones that were waiting would
7 sit and talk.

8 Q. And this would have been in a
9 public area; correct?

10 A. So where it happened was-- If you
11 remember the diagram, there's the hallway
12 for the dorms, the med room sits right
13 here (indicating), and then the room would
14 be right here (indicating). So I mean,
15 it's within 12, maybe 15 feet of the med
16 room and the hallway and the doorways from
17 the administrative wing, the stairways
18 from the upstairs. So I mean, there was
19 constantly staff moving in and out. Two
20 of the times the nurse was in the med room
21 doing charts and then doing meds. So I
22 mean, there was other people walking
23 around.

24 Q. And you didn't have a camera
25 stashed in there anywhere, did you?

1 A. No.

2 Q. That was one of the few places,
3 public places, that there wasn't a camera,
4 wasn't it?

5 A. No. There was lots of places in
6 the school that didn't have cameras. I
7 mean, most of the hallways didn't have
8 cameras. Most of the cameras that were up
9 weren't turn on or working anyway. I
10 mean, usually, I guess in the downstairs
11 hallways, the OSS had cameras, the
12 cafeterias had cameras, and the front
13 office had a camera.

14 Q. Any time when you were doing this
15 exercise with these students, were you
16 doing that in any way to meet some sort of
17 gratification on your part?

18 A. No. I mean, truthfully it was very
19 annoying. I mean, it's not something I
20 was, like, I am so excited to go do, you
21 know, give these kids these things.
22 Because, I mean, it took about fifteen to
23 twenty minutes to get the group through.
24 I mean, I did have better things to be
25 doing, but when kids are asking

1 specifically and, you know, really asking
2 for something, I mean, if it means a lot
3 to them, fifteen, twenty minute, I can
4 easily fit that in.

5 Q. And it was purely on a voluntary
6 basis?

7 A. Yes.

8 Q. Did you ever tell them that they
9 had to get naked?

10 A. No. I don't know where that came
11 from. That word in all of this has just
12 come up in the courtroom. I had never
13 heard that before.

14 Q. Did you tell them that they could
15 take off clothing if they chose to?

16 A. Yes. One of the lower levels just
17 said, can I remove some of the clothing to
18 see? And because you're in a private room
19 and the door is closed, there's total
20 privacy, I said yes.

21 Q. And your sole purpose in doing this
22 was just to help some of the students with
23 any body image issues that they might
24 have?

25 A. Yeah. That's the whole reason we

1 didn't have mirrors for lower levels, is
2 the world we live in is total image. Look
3 at all the magazines. Do people really
4 look like what people look like on TV and
5 in the magazines?

6 So when these teenagers are getting
7 these false images of this is what I
8 should be looking like, this is what I
9 should be wearing, it creates a very
10 negative psyche, and it starts causing
11 problems. Eating disorders come from
12 that. I mean, there's a ton of other
13 mental illness that comes from that.

14 So being able to identify really,
15 this is what a real body looks like; this
16 is what my body type is, I think is a very
17 healthy thing, especially for teenage
18 girls that are struggling with that
19 anyway.

20 Q. And again, you didn't do this to
21 fulfill some sort of sexual gratification
22 of yours?

23 A. No.

24 Q. In hindsight, would you continue to
25 do that exercise?

1 A. No. I mean, it sounds bad. I
2 mean, all this stuff has been--I mean, it
3 sounds horrible. They make it sound
4 horrible when it was just this simple--
5 started out as just giving some kids some
6 information to kind of help them see who
7 they are and maybe to help them get over
8 some of these body issues that they were
9 having.

10 Q. Because you never had any female
11 staff assist you, did you?

12 A. No, because it was a common area
13 and people were constantly coming and
14 going.

15 Q. If you had to do it all over again,
16 would you?

17 A. No.

18 Q. We also heard testimony about this
19 sexual survey that was passed out that the
20 kids were asked to complete. What was the
21 purpose in that survey?

22 A. So once a year I would teach a
23 marriage and family class in February. So
24 I think I started doing it in 2010 of
25 keeping stats, when kids became sexually

1 active, how many partners and stuff like
2 that. Because part of the conversation we
3 would have in the class with the parents
4 and the kids is, especially for teenagers,
5 when you start engaging in sexual acts,
6 there's a possibility of getting pregnant.
7 And so when teenagers are bringing kids,
8 it affects the child and it affects the
9 parents, because now all of a sudden
10 they're grandparents and they have to
11 start taking care of it.

12 So the conversation is about, you
13 know, some of these sexual decisions, even
14 though it's a personal choice, it affects
15 generations. It affects the top
16 generation and the generation below you,
17 and truthfully it affects two generations
18 below them because of, you know, sometimes
19 parents aren't good parents as teenagers.
20 So not only does it affect the child, it
21 affects how the children raise their
22 children.

23 And so gathering information on
24 this to kind of see what's happening, why
25 it's happening, is there something we can

1 do differently to kind of help educate the
2 kids in a more effective manner to keep it
3 from happening, was--is the purpose of
4 that survey.

5 In the last two years before that,
6 we added some of the questions about the
7 masturbation because we started seeing
8 some of these younger kids that were
9 prepubescent getting involved in
10 pornography at 8 to 10. And when you
11 start having prepubescent kids getting
12 involved with pornography, you have to ask
13 the question why?

14 Typically, pornography is a self-
15 stimulation or it's a stimulation--you
16 know, something that stimulates sexual
17 desire. So kids that are prepubescent
18 that don't have those desires, why are
19 they getting into that? Why are they, you
20 know--is it just--you know, are they
21 experimenting? Are they curious?

22 So trying to figure out what is
23 causing this different trend, because
24 there's a lot of studies out there that
25 talk about the earlier kids get into

1 pornography, not only is there sexual
2 deviancy and issues, there's increased
3 violence. I mean, there's a whole bunch
4 of issues that start coming that they're
5 seeing are starting to come from that, so
6 just to get some information to start
7 addressing this change in the teenage
8 dynamic.

9 Q. And was this the only kind of
10 survey that you would ask students to do?

11 A. No. There's--we did anger
12 managements surveys, drug surveys,
13 dynamics of the home, if you come from a
14 divorced home. I mean, we gathered
15 information on everything.

16 And like with this survey, when I
17 get--so I would give it to the staff, the
18 staff would hand them out. It was
19 anonymous. I'd get the information back.
20 I would take it up. My secretary usually
21 would record it, and then I would dispose
22 of it and get rid of it.

23 And the surveys that they found
24 were actually just thrown in the trash a
25 year before, and two days before the raid

1 at the school they showed up in the
2 seminar room. And when the staff were
3 cleaning it, they said, what are these?
4 They brought them to the front and I'm,
5 like, those are the surveys from a year
6 ago that were thrown in the trash. And I
7 just took them up in the office and put
8 them with the rest of the surveys.

9 But we have--I mean, we have stacks
10 of surveys of education: where did kids
11 go to school afterwards; did they complete
12 high school; did they complete college. I
13 mean, we kept data on about every aspect
14 of kids pre, post, and while they were at
15 the school.

16 Q. And again, those surveys just in
17 general were a way to help you continue to
18 evolve the program to meet student needs?

19 A. Yeah. It's purely just data driven
20 to see what are kids dealing with today as
21 opposed-- Like, when I first started the
22 surveys, girls were losing their virginity
23 at 15 and a half, boys at 15. The last
24 year it was 12 and a half and 12. So
25 over, you know, a five- or six-year period

1 you're seeing these huge shifts in the
2 dynamics of teenagers.

3 So I mean, having to adjust the
4 program, the therapy part, I mean, there's
5 a lot of adjustments that need to be made
6 to start working with those issues that
7 are arising.

8 Q. I lost my train of thought. I'm
9 sorry. And specifically, with the sexual
10 survey, you wanted that information for
11 this particular class that you taught to
12 parents and children?

13 A. Yeah. Because it went over STIs,
14 sexually-- It used to be STDs--STIs now.
15 It went over a lot of the physical part of
16 relationships, but also the other, like,
17 social part of relationships, the
18 emotional parts of relationships. It was
19 about building, like, a collective of a
20 family and then how do you have
21 appropriate relationships, you know,
22 between partners or husband and wife.

23 So having all that data helped
24 show, like, if you're very promiscuous,
25 the odds of you getting an STI are this,

1 and some of these STIs will affect you,
2 like herpes you'll have the rest of your
3 life. So if you're making these high-risk
4 decisions now, it will affect not only
5 you, but your partner and possibly your
6 children.

7 Q. And all of these surveys were
8 anonymous?

9 A. Correct.

10 Q. Did both boys and girls fill them
11 out?

12 A. Correct.

13 Q. And again, was the use of this
14 survey in any way to gratify some sexual
15 interest that you had?

16 A. No. Just the opposite actually.
17 It's a--it causes you harm looking at
18 those. I mean, I don't know any parent
19 who'd look at that and not start feeling
20 sick to your stomach of seeing what
21 teenagers, you know, are getting into.

22 I mean, when you see, you know,
23 kids having upward of 20 to 30 sexual
24 partners before they are, you know, 15 or
25 whatever, I mean it is disturbing

1 information.

2 Q. Were you the only staff that handed
3 out that survey?

4 A. I didn't hand them out. I would
5 have the staff. Because like I said, I
6 wanted it--I don't want any information on
7 who did it. So I would give it to the
8 staff and I would leave, because staff
9 would pick them up and then give them to
10 me.

11 Q. So you didn't stick around when
12 students were filling them out?

13 A. No, because that's not fair to an
14 anonymous survey.

15 Q. The only identifier would be
16 whether it was a female or a male?

17 A. Yeah, just the information they had
18 and their age and stuff.

19 Q. And is that true of all the surveys
20 that you did?

21 A. Some of them weren't. Some of them
22 weren't anonymous, like educational ones
23 and stuff like that. I mean, so it just
24 depended on the content of what it was,
25 whether we wanted to track, you know,

1 specific people. Or if it was actions,
2 typically it was anonymous. But if it
3 was, like, data that we needed for people
4 or where they're going, we'd have names.

5 Q. As part of your position, did you
6 take students on various activities?

7 A. Yeah. I did a lot of activities.

8 Q. That included service projects?

9 A. Yes.

10 Q. And I believe your wife testified
11 yesterday that those would be both on and
12 off campus?

13 A. Correct.

14 Q. You weren't the only staff that did
15 that; correct?

16 A. No. Tons of staff did service
17 projects, from normal dorm staff to family
18 reps, to teachers sometimes would take
19 them. I mean, virtually almost anybody
20 did service projects.

21 Q. And you also took students with you
22 to run errands?

23 A. Yes. So I'm the king of double-
24 dipping, as my family calls it. I
25 multitask. So if I'm driving somewhere

1 and I have an hour to get to Quincy and an
2 hour back, I would always try to double-
3 dip. So I'd be either be on the phone
4 doing some type of, like, calls with
5 parents or something. Of if kids needed,
6 like, stuff I would take kids so I could
7 talk to the kids, give them an experience,
8 you know.

9 Because in my position-- To have
10 somebody in a high position take interest
11 in you is wonderful. Some of my most
12 wonderful experiences in, you know,
13 elementary was I got to go eat lunch with
14 the principal one time, and that just had
15 this huge effect on me.

16 And, you know, when somebody of
17 importance takes an interest in somebody,
18 I mean, that's a huge boost not only for
19 morale and esteem, but you feel that love
20 and connection, and that's something that
21 we really tried to reinforce at the
22 school. So any time I could get something
23 like that where I would have just wasted
24 down time, I would always try to take
25 advantage of that.

1 Q. And sometimes those errands would
2 be just things for the school; correct?

3 A. Most of the time. Like the kids
4 like Aldi milk. So I would go get milk
5 once to twice a week. So every time I
6 would go there, I'd take two kids and we'd
7 to Aldi. We'd buy some treats or
8 something and we'd get milk and take it
9 back to the kitchen.

10 Q. But other times did errands have
11 to--were they run for specific students?

12 A. Yeah. So a lot of times we'd get
13 students that came in with nothing. So
14 maybe they were a runaway and they got
15 picked up and they got brought to the
16 school, and they have nothing. So I would
17 have to go down and get all the sizes of
18 clothes of what they are, and then run to
19 usually Walmart or a couple of different
20 stores and buy all the little things that
21 they needed so that they'd have
22 necessities and clothing for the school.

23 Q. And that included, like, hygiene
24 items and anything that they would need?

25 A. I've bought everything you can

1 imagine for both boys and girls.

2 Q. And sometimes those trips would
3 just be for fun; right?

4 A. Yes. I mean, we'd do activities.
5 I mean, kids--so Level 3s would get two
6 activities a month. Level 4s would get
7 two off-ground activities and four on-
8 ground activities. Levels 5s would get
9 three off-grounds and four on-grounds, and
10 then Level 6s got everything plus an extra
11 co-ed activity a month.

12 Q. And sometimes that would include
13 taking people shopping?

14 A. Yeah. So if they were Level 3
15 typically and up, if they needed stuff I'd
16 run them down so they could pick out--I
17 mean, kids like picking out their own
18 things. They could pick out like a watch
19 or the journals or toiletries. We had a--
20 in our commissary we had basic--all the
21 toiletries, the basic stuff, and parents
22 could send in stuff, but a lot of parents
23 didn't. So at Level 3 when they could get
24 more of those things, of course they're
25 going to want to go get more higher

1 quality, if you want to call it that, or
2 more designer name stuff.

3 Q. And sometimes you would take them
4 shopping at the mall?

5 A. Not terribly-- Rarely. I mean,
6 that typically was an activity but, yes.
7 So we would take--you know, go to the
8 mall. And it wasn't just the mall, and
9 there was other stores that we'd typically
10 go to before that or after that. But kids
11 would like to go to the mall, especially
12 upper levels to get cool clothing, you
13 know, not Walmart clothing, I mean, was
14 what they called it. They wanted, like,
15 personal Buckle clothing or some type of
16 more brand name clothing.

17 Q. Because my understanding is once
18 you got up to those higher levels, the
19 uniform was really just for school?

20 A. Yeah. I mean, Level 4s still had
21 to wear their uniform most of the day, but
22 Level 5s and 6s, I mean, there started to
23 be more free time and stuff to where they
24 could change out.

25 Q. And so they didn't want to wear the

1 stuff from Walmart?

2 A. No.

3 Q. And so you would take them
4 shopping?

5 A. Yes.

6 Q. Did you do that with both boys and
7 girls?

8 A. Yes.

9 Q. Did you do that as an integrated
10 trip, or was it usually the girls would go
11 one time, the boys would go another?

12 A. Most of the time it was an
13 integrated trip, truthfully. I mean, most
14 of the time when we were at the mall, it
15 was an integrated trip.

16 Q. And when you would take them to,
17 especially taking them to a mall, would it
18 be just you or would it be multiple staff?

19 A. It would depend. If we had more
20 than 12 kids, more than what you could fit
21 in a van, then you would have to take
22 another staff with another car. But
23 typically, if you could fit them in a
24 vehicle, you could go by yourself unless
25 you wanted to take somebody else, like

1 Layani would come sometimes or I'd bring
2 some of my kids or stuff like that.

3 Q. And on some of those occasions,
4 some of the young ladies that you would
5 take shopping would go into Victoria's
6 Secret?

7 A. Well, you'd go to the mall like--
8 kids went to Victoria's Secret-- So in the
9 fifteen years, and the thousands of trips
10 that I've done, I think twice did kids go
11 to Victoria's Secret.

12 And so we were at the mall. They
13 went to the jewelry--Claire's, or the
14 jewelry store. They went to three or four
15 other different stores looking at stuff.
16 And then they would ask, is there--I mean,
17 could I go get a bra from here instead of
18 one from Target or Walmart or something
19 like that? And we were at the mall and--
20 I mean, at the time I didn't see a real
21 big difference between buying a bra at
22 Walmart as buying a bra at Victoria's
23 Secret. So I would say, yes, go get what
24 you need.

25 Q. And were you assisting them in

1 picking any of that out?

2 A. No. That was purely on them.

3 Q. You needed to just keep them within
4 eyesight?

5 A. Yes.

6 Q. And then who paid?

7 A. So some of the home interns had
8 money. But most of them, like, from
9 Levels, basically, 1 to 6, I was the
10 money. So when they were ready to pay, I
11 would go pay and we'd walk out.

12 Q. So they would just tell you, hey,
13 we're ready to go, and you would go in and
14 pay?

15 A. Yes.

16 Q. Again, looking in hindsight, do you
17 see how people could construe that as a
18 bit peculiar?

19 A. Yes. I mean, doing--buying stuff
20 like that all the time, I mean, I think I
21 grew numb, because I bought tons of bras
22 and tons of other stuff like that at
23 Walmart on a weekly basis. I mean, I was
24 continually buying stuff like that for the
25 school and the students. So I think you

1 kind of get numb to the fact. But, yeah,
2 looking from an outsider looking in, I
3 mean it looks horrible.

4 Q. And again, if that was a decision
5 that you could make again, would you do it
6 differently?

7 A. Yeah. I mean, I would definitely
8 arrange for a female to go do those.

9 Q. And were you doing that, when the
10 girls were in Victoria's Secret, was that
11 gratifying in you some sexual desire that
12 you might have had?

13 A. I don't know of any husband or
14 father when kids want to go into stores
15 like that, it's pretty much the most
16 uncomfortable thing in the world.

17 Q. And on any of those shopping trips,
18 was Kxxxxxxx [REDACTED] a part?

19 A. Yeah. The first time that ever
20 happened was on her birthday. We went
21 down--she wanted sushi, and the only sushi
22 place that's close is in Quincy. And I
23 had made trips to Sam's Club, so we just
24 integrated a trip for the school. And I
25 can't remember who she took, but she

1 picked a friend to go. We went down, ate,
2 went and got the stuff at Sam's. They
3 needed some stuff at the mall. We went to
4 the mall. And I'm trying to remember if
5 she even went into the store because she
6 was on the phone with her sister, I mean,
7 for a good portion of after lunch.

8 Q. Which friend did she take?

9 A. I can't remember who it was.

10 Q. And she was on the phone most of
11 the time?

12 A. Yes.

13 Q. That was her special birthday
14 treat?

15 A. Well, no. I mean, she had--she was
16 a Level 3. She had the privilege for
17 phone calls.

18 Q. Did her friend go in?

19 A. I can't remember truthfully. I
20 know she had to have because they wanted
21 to go there. Somebody wanted to go there,
22 so obviously either one of them or both of
23 them went in and got something.

24 Q. So one of the girls asked to go in?

25 A. Yes. Yeah, it was always their

1 choice. I mean, they got to choose what
2 stores in the mall they went to.

3 Q. But you don't know which one?

4 A. Who asked?

5 Q. Yeah.

6 A. No, I can't remember.

7 Q. Did one of them purchase something?

8 A. I don't even remember that
9 truthfully.

10 Q. Did they go into other stores that
11 day?

12 A. Yes. I do remember them buying
13 jewelry at--if it's Claire's--I can't
14 remember if it's Claire's or one of the
15 other little jewelry, you know, teenage
16 jewelry stores.

17 Q. And you indicated that you had only
18 taken students where you recall them going
19 to Victoria's Secret a couple of times?

20 A. Yes.

21 Q. Did other staff take kids shopping
22 as well?

23 A. Yes.

24 Q. To the mall?

25 A. Yes.

1 Q. So it wasn't as though this was a
2 unique activity to you?

3 A. No. But I mean, it didn't happen--
4 going to mall was--I mean, that wasn't a
5 real regular activity. Most of the time
6 it was more like bowling, boating, movies,
7 you know, some type of other activity. I
8 mean, that wasn't one that was done a lot.

9 Q. Most of the shopping you would have
10 done would have been, like, the Sam's Club
11 and the Walmart?

12 A. Yes.

13 Q. Let's talk about Kxxxxxx [REDACTED]
14 My understanding is she entered Midwest
15 Academy in January of 2015?

16 A. Correct.

17 Q. And did you meet her at intake?

18 A. I don't remember. I tried to go
19 over and meet with the kids either the day
20 they got there when they were first coming
21 in or within that first twenty-four hours
22 try to go down and say, this is who I am
23 if you need something. I mean, just to
24 give them another outlet, because that's a
25 hard transition. I mean, getting shifted,

1 especially from an environment where
2 there's usually very little or no
3 boundaries to something that's very
4 structured. I mean, it's a tough
5 transition. So any support I tried to
6 make.

7 Q. Do you recall specifically meeting
8 her that day?

9 A. I don't.

10 Q. During those first few months, did
11 you have a lot of interaction with
12 Kxxxxxxx?

13 A. Very little. I mean, I tried to
14 get around to every student at least once
15 or twice a month to have some interaction
16 with them. I mean, not extensive but I
17 mean at least some interaction with them.

18 But I can't remember how early on,
19 within the first two or three months of
20 Kxx being there, some statements were made
21 concerning foster care and her parents
22 that forced me to get involved. Anytime
23 law enforcement or DHS typically is
24 involved, I get involved, just for the
25 nature of it.

1 Q. When would that have occurred?

2 A. I don't remember exactly the
3 details. I mean, it was within--it was
4 March, maybe April, something right around
5 in there.

6 Q. So in the spring of 2015?

7 A. Yes.

8 Q. And is that when you started having
9 a little bit more interaction with her?

10 A. Yes. Just because of the
11 statements that were made. I mean, it
12 forced me to get more involved in
13 gathering information and doing follow up.

14 Q. When you say "gathering
15 information," that would have been from
16 Kxxxxxxx?

17 A. Yes.

18 Q. And it was around this time that
19 she would have gone up to the CPC?

20 A. I don't know how long it took
21 between her statements and going to the
22 CPC, Child Protective Center.

23 Q. And was that all the result of the
24 same thing?

25 A. Yes, yes.

1 Q. Other than seeking to get
2 information from her, I'm assuming to
3 forward on to someone else, did you have
4 any other interactions with her?

5 A. No. Just, like I said, the
6 support. Just because of the statements,
7 I mean I-- Other students in the past have
8 had similar experiences, so to offer any
9 support I could.

10 Q. And you wouldn't have been her
11 family rep at this time?

12 A. No.

13 Q. Who was her family rep at this
14 time?

15 A. Callie Peterson was, I think,
16 initially her family rep.

17 Q. And while all this was going with
18 the CPC and everything else, Callie would
19 have been her rep?

20 A. Yes.

21 Q. Now, you've heard Kxxxxxx testify
22 that shortly after the CPC visit, which I
23 believe she said was late spring, that you
24 had--that the CPC wanted her to go back up
25 there a third time?

1 A. Yes.

2 Q. To get some sort of physical
3 examination?

4 A. A forensic interview.

5 Q. And that part of that was to find
6 out if there were any identifiable
7 markings on her body?

8 A. I believe that was part of it.

9 Q. You didn't go to that, did you?

10 A. No.

11 Q. Was this something Kxx wanted to
12 do?

13 A. She was very reluctant on the first
14 one. And then agreed to go back a second
15 time, and the third one she refused.

16 Q. Now, you heard her testify last
17 week that in lieu of that refusal, that
18 you volunteered to do that examination in
19 lieu of the CPC. Do you recall that?

20 A. I don't--

21 Q. Do you recall her testifying to
22 that?

23 A. Yes, I do.

24 Q. Did you ever take Kxxxxxx up to the
25 seminar room to look for marks or scars or

1 anything else on her body?

2 A. No.

3 Q. Did you ever have occasion to ask
4 her to take pictures of any of these marks
5 or scars?

6 A. No. Anything like that would have
7 been passed on to the nurse.

8 Q. So the incident that she described
9 in late spring where you had her go to, I
10 believe, the second floor of the seminar
11 building to take pictures of these marks
12 didn't happen?

13 A. It never happened. I have no
14 knowledge of that.

15 Q. Was Callie still her rep at that
16 time?

17 A. When did she say it happened?

18 Q. I believe her testimony was late
19 spring?

20 A. I don't-- During that time, Mike--
21 I don't know when the transition between
22 Mike and Callie happened. It was sometime
23 in that springtime area, May, June--May,
24 something right around there.

25 Q. Why was Callie removed as her

1 family rep?

2 A. So therapists have client
3 privilege, so there's information that--
4 like, if a student is in a therapy
5 session, there's information that cannot
6 be passed on to parents. And so in the
7 process of that--

8 MS. TIMMINS: Objection. Your
9 Honor, can we approach?

10 (A side-bar conference was held off
11 the record.)

12 Q. (By Ms. Schaefer) You were saying
13 that Callie--you were discussing why
14 Callie was removed as Kxx's rep. Was
15 there a specific reason why?

16 A. So because of that we decided to
17 separate the family rep from any type of
18 counseling, so she could feel comfortable
19 talking to a therapist privately about
20 private matters or whatever just like any
21 other student in the school. But the
22 program aspect of it, she could talk to
23 the family rep about all the program
24 stuff, which would allow the family rep to
25 communicate back with the aunt. So there

1 was no conflict of interest in information
2 being passed to the aunt.

3 Q. And Mike--I believe it was Mike
4 Holker?

5 A. Yes.

6 Q. He was not in any way a counselor?
7 He was only a family rep?

8 A. Yes.

9 Q. And Kxxxxxxx and her parents--when
10 you say her parents, do you mean her aunt
11 and uncle?

12 A. Yes. Kxx had biological parents
13 that lost custody, and she went to a
14 foster care for a while, and then went to
15 live with her aunt and uncle who adopted
16 her. So her custodial parents were her
17 aunt and uncle.

18 Q. And so you were just trying to
19 avoid issues where--of really putting
20 Callie in the middle of something?

21 A. Yes, because that's what was
22 happening. There was--Layani used the
23 word triangulation. There was kind of a
24 pitting between the family rep and the
25 counselor causing friction to the Mom. So

1 to avoid that, we just made a change.

2 Q. And that would have been at some
3 point around late spring where all this
4 other stuff was going on with Kxxxxxx?

5 A. Correct.

6 Q. Was your contact at this point
7 still fairly limited to any information
8 gathering for other folks?

9 A. Yeah, and just support. So what
10 she testified, I think, is 100 percent
11 accurate, once or twice a month.

12 Q. At some point did you become her
13 family rep?

14 A. So Mike Holker sometime in July was
15 offered another--like a job that he felt
16 was better for his family, and so we
17 started transitioning his caseload. And
18 through the meetings and stuff with the
19 caseworkers, trying to place all his
20 students on other people's caseload, two
21 students kind of came up that really
22 nobody wanted, Mxxxx [REDACTED] and
23 Kxxxxxx [REDACTED]. And so we were kind of
24 at an impasse on what to do. And instead
25 of, I guess, kicking them out of the

1 school or finding something else out, I
2 mean eventually they got put on my
3 caseload.

4 Q. And you didn't ordinarily carry a
5 very high family rep caseload, did you?

6 A. No. I typically didn't have a
7 caseload. Only like in exceptional cases
8 where somebody had been passed around,
9 like if they'd had multiple family reps
10 and the parents were frustrated, or very
11 special circumstances where, you know,
12 needs would come up because of certain,
13 you know, stuff with a student is when I
14 would get involved. So I had two boys on
15 my caseload at that time, and I took the
16 two girls.

17 Q. And you took Mxxxxx [REDACTED] and
18 Kxxxxxxx sort of at the same time?

19 A. Yeah, within probably a week of
20 each other.

21 Q. And that was sometime in July?

22 A. My recollection is the first week
23 in August.

24 Q. Because did it take time to staff
25 everybody out?

1 A. Yeah. And Mike didn't leave until
2 then. So Mike continued to take care of
3 those responsibilities until the
4 transition was made.

5 Q. Now, obviously your contact with
6 Kxxxxxxx would have increased when you
7 became her family rep?

8 A. Yeah. So I mean, typically reps
9 would spend between one and two hours a
10 week with their caseload so obviously, I
11 mean, time would increase.

12 Q. When you did meet with Kxxxxxxx,
13 what was the focus of your conversations?

14 A. Really the focus changed from-- The
15 initial statements that I was dealing with
16 her with in the beginning really switched
17 to where almost 100 percent of our
18 conversations were based on her academics.
19 And she did not like her aunt and uncle.
20 I mean, there was virtually no
21 relationship. She didn't want anything to
22 do with them.

23 So at this point, I mean, she's
24 almost 17. So we're looking--she's just--
25 she's about to vote up to Level 3. She

1 voted up to Level 3 about a week after I
2 took her on my caseload. And so we're
3 starting to look down into the future
4 within, you know, four to six months she's
5 going to be transitioning home. There is
6 no home. So we need to start finding a
7 place for her to stay, college for her to
8 attend. So I mean, primarily what we
9 discussed is the goals and stuff at the
10 program, to get moving through it, and
11 then education and placement of where
12 she's going to stay.

13 Q. Did you provide her with
14 counseling?

15 A. All of-- Because of going to the
16 CPC they recommended continued counseling,
17 specific counseling and stuff that Jane
18 Riter provided. So Kxx had Jane Riter as
19 a therapist the whole time that she would
20 still meet with on top ours.

21 So like I said, most of our
22 conversations were more program and
23 logistics of education, aftercare, and
24 stuff like that.

25 Q. And she had made it clear as far as

1 transitioning out of the program that she
2 was not going to go back to her aunt and
3 uncle?

4 A. Yes.

5 Q. What was her goal?

6 A. What she wanted was to go live with
7 her sister. That was her main goal, is to
8 go live with her sister who was at college
9 in--away. So I mean, that was the No. 1.
10 But in talking with her--and her sister
11 wasn't in the best parental role. I mean,
12 you know, a typical college kid is not in
13 the most healthy environment for a 17, 18
14 year old to be in. So conversations of
15 that came up and--you know, you're going
16 to have to be a little more mature and
17 say, is this the best environment for me,
18 or do we need to look at something else?

19 I mean, she talked about going back
20 to live with her biological parents. She
21 talked about living with her grandpa. She
22 talked about staying at the school

23 MS. TIMMINS: Objection. Your
24 Honor, at this point I'll object to
25 hearsay as to what Kxxxxxx talked about.

1 THE COURT: Ms. Schaefer, a
2 response?

3 MS. SCHAEFER: I was just going to
4 tell Mr. Trane to not do that.

5 THE COURT: Okay. I'm sorry. Go
6 ahead.

7 Q. (By Ms. Schaefer) Was it your
8 understanding that she did not have much
9 of a relationship with her biological
10 parents?

11 A. My understanding was she'd had
12 almost zero contact with her biological
13 parents for a number of years.

14 Q. And so was part of your goal in
15 transitioning her out to help maybe get
16 some contact going and build that
17 relationship to see if that would be a
18 viable option?

19 A. Yes. So from the very get-go, I
20 reached out to the biological parents and
21 got them kind of on board on the program,
22 what she was doing, how she was doing, and
23 set up a phone call for her for that, and
24 then setting up contact with her grandpa
25 and her sister so that there was as much

1 family support--because the program is
2 about family and family support. So the
3 whole purpose was, if she doesn't want
4 this relationship, we need to get as much
5 family support in as possible to support
6 her.

7 Q. When you met with Kxxxxxx, did you
8 always have a second?

9 A. Yes.

10 Q. And who chose the second?

11 A. Typically, the person did. I mean,
12 at first because Bxxxxx and Kxx were on my
13 caseload, I would take them out together,
14 which they were agreeable to and we could
15 do--I mean, it was just more time saving
16 for me. Because, I mean, the other family
17 reps got more, like, on-wing contact with
18 the kids. One of the reasons Kxx said
19 that, you know, you guys wouldn't want Mr.
20 Ben to be your family rep is because I
21 didn't get to do the day-to-day stuff--

22 MS. TIMMINS: Objection.

23 Speculation.

24 THE COURT: Overruled. Go ahead.

25 A. They didn't get the same attention.

1 Like, I could not give the same attention
2 that other family reps did. So a lot of
3 my, like, work with them was based around
4 my schedule. So it was a little more
5 erratic. It wasn't as, like, sit down. I
6 mean, it wasn't as scheduled. I'd come
7 grab them in between, like, seminars or
8 I'd come and grab them in between things,
9 or if we needed to talk I'd take them to
10 Aldi to get milk and try to kill two birds
11 with one stone. So it was different that
12 way. But at first, yes, Bxxxxx and Kxx
13 for probably the first month I would take
14 them two together.

15 Q. And then it came to be known to you
16 that they didn't really like one another?

17 A. Yeah. Kxx hated Bxxxxx.

18 Q. So then Kxx would choose her
19 second?

20 A. Yes.

21 Q. Did you ever go into the girls'
22 wing to see Kxxxxxx in the dorms?

23 A. I don't recall that. But I mean, I
24 did go to the wing to check on kids if
25 stuff was needed.

1 Q. And I'm referring specifically to
2 the incident that Kxxxxxx testified to
3 last week that you, shortly after
4 shutdown, went into the room when all the
5 other girls were asleep?

6 A. And typically the reason I don't do
7 that is like they've testified, when I
8 would go into a room it would cause some
9 managed chaos. Everybody would want to
10 talk. So especially at times when kids
11 were trying to shut down, I would try to
12 stay away from those areas just to make it
13 easier on the staff.

14 Q. And the incidents that Kxxxxxx
15 described last week, did those happen?

16 A. That never happened.

17 Q. On the rare occasion you would be
18 on the girls' wing, what would it be for?

19 A. A variety of things, whether I was
20 dropping off things that they needed or, I
21 mean, if there was housekeeping issues
22 that needed to be talked about.

23 Q. But did you ever go into the room--
24 the sleeping rooms when the girls were
25 there lights out?

1 A. No. Like I said, I would try--in
2 times when they were trying to be quiet, I
3 mean, I was a distraction so I tried to
4 help the staff as much as possible not to
5 create chaos.

6 Q. And again, on that particular
7 night, you would not or did not go into
8 the room and have private interactions
9 with Kxxxxxxx?

10 A. No.

11 Q. And did you put your hand under the
12 blankets, down her shorts, and digitally
13 penetrate her?

14 A. No.

15 Q. Was there ever an occasion where
16 when she had risen up a little bit in
17 levels that you would have asked to talk
18 to her and brought her off of the girls'
19 wing?

20 A. Typically, if I was on the wing
21 when they were on the wing for that, you
22 know, period, either their talk time, hug
23 time, you know, during prep time, I would
24 pull the kids--I would have them get out
25 of the room and go talk to them in the

1 hallway.

2 Q. And did you ever do that with
3 Kxxxxxxx?

4 A. I don't recall. Could it have
5 happened? Absolutely.

6 Q. And I'm referring specifically to
7 the incident that Kxxxxxxx testified to
8 last week where she said she was a dorm
9 parent (sic), I believe, and that you
10 asked to speak with her and took her down
11 to the sofas at the end of the hallway.
12 Do you recall that?

13 A. I don't. Because what I heard her
14 testify to was that before I was her rep,
15 and she didn't get Level 3 to be a dorm
16 leader until a week after I took her on.
17 I mean that-- No.

18 Q. Would you have had reason to talk
19 to her about anything at that time of
20 night if you weren't her family rep?

21 A. No.

22 Q. Did you take her to the end of the
23 hallway to the sofas?

24 A. No.

25 Q. Did you give her a hug?

1 A. I don't remember that interaction
2 at all.

3 Q. Did you place her hand on your
4 groin?

5 A. No.

6 Q. So it's your testimony that that
7 did not happen?

8 A. Yes. That did not happen.

9 Q. Was there ever an occasion where
10 Kxxxxxx would have been at your home?

11 A. I did not remember. I still have--
12 that is a very foggy memory. I do
13 remember Layani making cinnamon rolls and
14 the girls getting cinnamon rolls but that
15 is a--I mean, it is a very foggy memory.
16 That is not something that I remember.

17 I do remember the kids coming out
18 and giving--you know, getting cinnamon
19 rolls, but I have very little memory other
20 than that.

21 Q. So you do remember having a
22 conversation with Kxxxxxx and Mxxxx [REDACTED]
23 [REDACTED] that day?

24 A. Yes.

25 Q. Do you remember having, I believe

1 it was described as a goal-setting session
2 with them at a picnic table or something
3 in front of the residence?

4 A. That's typically--I mean, typically
5 during the summer months, that's where I
6 would go do goal setting, to get the kids
7 outside, especially during good weather.
8 We'd go out and sit at the picnic table,
9 do our goals, write the stuff down.

10 Q. And is the picnic table, like,
11 right in front of the house?

12 A. If the front of the building is
13 right here (indicating) our house is right
14 here (indicating), the picnic table is
15 just in between them.

16 Q. So it's not like it sits right out
17 in front of the front stoop?

18 A. Oh, no. No, it's a little ways
19 away.

20 Q. So you do remember Layani making
21 cinnamon rolls?

22 A. I do.

23 Q. Do you remember taking the girls to
24 the house to get cinnamon rolls?

25 A. Vaguely. Going in grabbing

1 cinnamon--like I said, eating cinnamon
2 rolls and coming out. I vaguely remember
3 that.

4 Q. How long would they have been in
5 the house?

6 A. Eat cinnamon rolls and leave.

7 Q. So just a few minutes?

8 A. Yeah, maybe ten minutes.

9 Q. And you said Layani was there?

10 A. Yes.

11 Q. Who else was there?

12 A. Our kids.

13 Q. Did Kxxxxxxx ever go to the
14 basement?

15 A. I don't remember that at all.

16 Q. Would you have went to the basement
17 with her?

18 A. No. And truthfully at that time
19 our basement had flooded, and it was a
20 disaster down there. So I mean, it
21 definitely wouldn't have been a place
22 anyway.

23 Q. So nobody really went down there?

24 A. No.

25 Q. It wasn't until later in the fall

1 when Layani was fixing it up for the
2 holidays?

3 A. Well, I mean-- I'm trying to think
4 when we got the carpet out. I mean, we
5 had to tear everything out of the
6 basement. A lot of the records and stuff
7 in our basement had to be moved. I mean,
8 we had a tremendous amount of student
9 files and stuff, old from ten years plus
10 down in that area, so all of those had to
11 be moved. It was a mess. It was a huge
12 mess.

13 Q. And do you recall when this would
14 have occurred?

15 A. The flood?

16 Q. No. When you would have had Mxxxx
17 and Bxxxxx come over-- Excuse me. I was
18 wanting to make them two different people.
19 When Mxxxx and Kxxxxxx would have gone to
20 the house for cinnamon rolls?

21 A. It was within that--it was right
22 when I took them over, like, when they
23 came on my caseload, so the first week in
24 August.

25 Q. So you are saying you don't

1 remember her going to the basement?

2 A. No.

3 Q. Did you go to the basement?

4 A. No.

5 Q. You don't recall taking her to the
6 storage room and walking up behind her and
7 putting your hand down her pants?

8 A. No.

9 Q. Did that happen?

10 A. No, it did not happen.

11 Q. Again, where were your wife and
12 kids?

13 A. I mean, the kids were--everybody
14 was upstairs.

15 Q. You would take Kxxxxxxx for service
16 projects, wouldn't you?

17 A. I went back and looked at all-- We
18 had a thing called the merit system, and
19 it kept track of everything that kids did.
20 They did reflections at night and had
21 journals. And, I mean, it has basically
22 every bit of information about the kids in
23 it, from day-to-day activities to how they
24 felt, health, I mean everything.

25 So I went back and looked, and I

1 took Kxxxxxxx on four service projects the
2 entire time she was in the program.

3 Q. Were those before or after you were
4 family rep?

5 A. Only one of them was after, so
6 three of them were before I was her family
7 rep and then one after.

8 Q. Do you remember what those service
9 projects were?

10 A. A couple of them. We--like has
11 been said, we had some little condos down
12 on the river and some staff lived in them.
13 We had a couple of them that we kept open
14 for parents, so when parents would come
15 they could stay for free, because
16 typically that's one of the most expensive
17 parts of coming down is room and, you
18 know, board. And they have little
19 kitchenettes and stuff in them. So it
20 would keep costs down.

21 So typically, the kids whose
22 parents were going to stay in there, we
23 would take them down to either clean
24 before or after or both just to kind of--

25 Q. So at least one of the service

1 projects was cleaning the condos?

2 A. One of them was.

3 Q. Do you recall what the other three
4 were?

5 A. One of them was the seminar room.
6 And the only other one I remember was we
7 washed and waxed the boat.

8 Q. And again, were there always
9 multiple people involved?

10 A. Yes.

11 Q. On the service project to the
12 seminar room, when people are cleaning
13 that how many do you ordinarily take?

14 A. 8 to 12.

15 Q. It's my understanding, at least
16 from the pictures and the descriptions,
17 it's a fairly sizable area; correct?

18 A. Yeah. So you have to have at least
19 8 to 12, because even with that it takes
20 about an hour to clean. It's just--it's a
21 big place.

22 Q. Did you ever take Kxxxxxx to clean
23 the seminar room with just her and one or
24 two other people?

25 A. No.

1 Q. You heard her describe last week
2 several incidents that would have occurred
3 in the seminar room. Did any of those
4 incidents happen?

5 A. No. And to be accused of something
6 that you've fought your whole life to stop
7 is just the most horrible feeling in the
8 world. I've been around abused kids.
9 That's what I've dealt with from alcohol
10 and all sorts of different abuse. And
11 it's the worst thing in the entire world.
12 And to be accused of something that you
13 hate is just the most horrible thing you
14 can do. That's--I would never do that.
15 I'd never put myself in a position to do
16 that.

17 Q. So you didn't take her to the
18 seminar room and have her perform oral sex
19 on you?

20 A. No.

21 Q. You did not take her up to the
22 second floor of the seminar room and have
23 her masturbate you?

24 A. No.

25 Q. Did you ever take her to the

1 upstairs second floor of the seminar room
2 and have intercourse with her?

3 A. No.

4 Q. Did you ever videotape yourself
5 having any sort of sexual relations with
6 her?

7 A. No.

8 Q. Were you ever alone with her?

9 A. No.

10 Q. What about when she went with you
11 to take Mxxxxx [REDACTED] to the hospital?

12 A. Anytime we--anytime there was
13 always--if you were picking kids up or
14 taking kids to the hospital, there were
15 always two other kids, as opposed to one,
16 dropped off or picked up.

17 Q. So when you would have driven
18 Mxxxxx to the hospital, there would have
19 been two students, not just Kxxxxxx?

20 A. Yes. And the State would have
21 record of all that. Everything where the
22 kids went and who they went with they have
23 every bit of those records. Every day we
24 kept track of every minute where the kids
25 were at. They have all those records in

1 their possession, so they can pinpoint
2 every day, who was with who, and where
3 they were at.

4 Q. Now, we've heard some students say
5 that they heard you or saw you take Kxx
6 out of class. If you did that, where
7 would you take her?

8 A. When kids wanted to talk, like,
9 privately, like, Gary and some of the
10 clinicians would say, there was a little
11 round table right outside the classroom
12 where it was visual, so there was another
13 staff in visual, that you could go talk
14 and have a more private conversation if
15 you didn't want other people hearing. Or
16 if you were in the gym, you could sit on
17 one side of the gym where everybody was on
18 the other side of the gym, and you could
19 have a more private conversation.

20 Q. So any private conversations that
21 you would have had with Kxxxxxx would have
22 been of that nature?

23 A. Yes.

24 Q. So alone in that you would be
25 segregated from the rest of the group, but

1 there would still be other people there?

2 A. Yeah, by sound only. You were
3 always within visual sight.

4 Q. Now, you testified that at some
5 point you were working with Kxxxxxxx on
6 setting some goals for what she would do
7 once she left the program; correct?

8 A. Correct.

9 Q. When would that have been when you
10 really started talking about those things
11 in earnest?

12 A. As soon as I got her on my
13 caseload. I was very goal oriented with
14 all my kids.

15 Q. And was it a frequent thing that
16 family could come visit for holidays?

17 A. Yes.

18 Q. And you had testified just a little
19 bit ago that you were working with Kxxxxxxx
20 on fostering that relationship with her
21 biological parents that she didn't have?

22 A. Yes.

23 Q. Did that include working to set up
24 a visit with some of her other family
25 members, not her aunt and uncle, for

1 Thanksgiving?

2 A. For Thanksgiving we have a huge
3 day. We cook a ton of food. I mean, it's
4 just a fun day for families to come and be
5 with their kids. I mean, it's just a huge
6 family day. And at first Kxxxxxx wanted
7 her biological parents, her grandpa, and
8 her sister to come. So we started working
9 on making arrangements for all of them to
10 come and spend the day with her and
11 potentially to take her off grounds if she
12 was a Level 4 and everything worked out.

13 Q. Was that something that happened
14 often?

15 A. Every holiday, every two months.

16 Q. When I say "that," for someone who
17 just reached Level 4, for her to have an
18 off-ground visit like that?

19 A. Yeah. Typically, if there was--
20 like under the circumstances they'd spend
21 like the first day--if you were worried
22 about conflict, you'd have them spend the
23 first day on grounds just to make sure
24 everything was good, because you don't
25 want a huge blow-up. So typically you'd

1 have the on-grounds first, and then if
2 everything went well an off-grounds.

3 Q. And she was-- Her aunt and uncle
4 were still her custodial parents?

5 A. Yes.

6 Q. Did they have to approve that?

7 A. Yes. Everything had to be ran
8 through the aunt and uncle.

9 Q. And so you had approached them with
10 this idea of having her bio-parents,
11 sister, grandpa come for Thanksgiving?

12 A. Yeah. I mean, because initially at
13 first the aunt was not real--like, she
14 wasn't real supportive of, especially bio-
15 mom and dad and sister because of the
16 nature of their relationship. It wasn't--
17 they didn't have real healthy
18 relationships, is how she explained it.
19 It wasn't, like, real good and healthy.
20 So it took some time to kind of work
21 through that and start setting up these to
22 where we could start building a more
23 healthy relationship.

24 Q. And was Kxxxxxxx aware that she
25 might get the opportunity to go off site?

1 A. Yes.

2 Q. How far in advance of Thanksgiving
3 were these plans being made?

4 A. A month, four to six weeks.

5 Q. Because neither--none of these
6 folks were local, were they?

7 A. No.

8 Q. And so arrangements would have to
9 be made?

10 A. Yes.

11 Q. At some point did you advise
12 Kxxxxxxx that she would not be going off
13 site?

14 A. No. What happened first is once we
15 made arrangements and everybody confirmed
16 they were coming, Kxx started having
17 second thoughts and saying, I don't want
18 my bio-parents to come and I don't want my
19 grandpa to come; I only want my sister to
20 come.

21 So we started having a discussion,
22 being like, well they've already been
23 invited, you've already--I mean, things
24 are already rolling. I mean, it's not
25 real good now that you cancel. I mean,

1 that doesn't help the relationship. And
2 so there started to be some friction
3 because of that issue.

4 And after that the aunt told me
5 that she did not want her going off
6 grounds, period. If they wanted to come
7 on grounds, fine, where there was some
8 support, but no off grounds. And she said
9 that--whether she'd heard or whatever,
10 that her and Kxxxxxx were maybe making
11 plans to run away. So there was some
12 concern on putting them in a position to
13 make that easier for them to do.

14 Q. And so again, you couldn't allow
15 Kxx to go off site unless her aunt
16 approved?

17 A. Yes.

18 Q. And so after hearing this from the
19 aunt, did you advise Kxxxxxx she was not
20 going off site?

21 A. Yes. I told her that she would not
22 be going off grounds, and she just said,
23 well, then cancel the whole visit. I
24 don't want them coming at all. And I
25 said, before you make a rash decision like

1 that, take a day or so to think about it.
2 And I don't know if it was the next day or
3 the day after, she said I do not want the
4 visit. So I called and canceled the
5 visit.

6 Q. Was Kxxxxxxx pretty angry?

7 A. Kxxxxxxx's anger wasn't like an
8 explosive anger. It was more of like an
9 inner rage.

10 Q. So was it clear to you that she was
11 upset?

12 A. Yeah. She didn't want to have
13 anything to do with me after that.

14 Q. Did she appear to be angry at you?

15 A. Oh, she was very angry at me.

16 Q. How far before Thanksgiving would
17 this have occurred?

18 A. That was on the 17th, 18th or 19th.
19 It was the week before Thanksgiving.

20 Q. And was it soon after that that--
21 and when I say soon, within a few days--
22 that Kxxxxxxx received this major incident
23 report?

24 A. And she was--there was stuff
25 leading up before that. I mean, there was

1 other actions and stuff before this
2 happened.

3 Q. So she was venting her anger?

4 A. Yes.

5 Q. And it culminated in her major
6 incident report?

7 A. Yes.

8 Q. And that was for suicidal behavior?

9 A. So when an upper level starts
10 having suicide ideology or making--like,
11 saying they're having those thoughts,
12 typically what we do is we'll drop them
13 down a level so they don't have all these
14 responsibilities, not to stress them out
15 even more. So you take them out of the
16 situation they're in, put them on life
17 buddy to where they have a support system,
18 and you take away those responsibilities
19 so they have--they're not stressed out;
20 they have a support system in place.

21 Q. And prior to this, she was a Level
22 4; correct?

23 A. She just barely voted up within, I
24 don't know, a week or two before that.

25 Q. And so you dropped her down to a

1 Level 3?

2 A. Yes.

3 Q. And I believe she was--she
4 testified there was like a life buddy--

5 A. Yes.

6 Q. --system? What does that mean?

7 A. So any time somebody would be put
8 on suicide watch or something, they would
9 have at least one student assigned to
10 them, so they would be with them all the
11 time to help them in case they were
12 thinking about hurting themselves. They'd
13 have a support system already in place.

14 Q. And did that involve her sleeping
15 out in the hallway?

16 A. Yes. And then they would sleep
17 right in front of the night watch so they
18 could keep an eye on them to make sure
19 they weren't self-harming.

20 Q. Did you and Kxxxxxx have any
21 contact between the day you told her she
22 was not going--or the day she told you, if
23 I can't go off, I'm not going--or I don't
24 want a visit at all, and when she had the
25 suicidal issue?

1 A. No. My family was coming into
2 town, so we were trying to get everything
3 ready for them. And I don't know--I don't
4 remember when exactly my parents got
5 there. But we'd only get to see my
6 family, like, once or twice a year. I
7 mean, so to have my parents come out for
8 Thanksgiving was a fairly big deal for me,
9 so we were trying to get stuff ready.

10 And then Thanksgiving, I typically
11 cooked all the food on the holidays, or
12 would help. So I mean, Thanksgiving time
13 for me was--I had a vast amount of
14 responsibilities and stuff to get ready
15 for.

16 Q. So between the time of Kxxxxxxx
17 cancelling her visit and the time she
18 receives that major incident report, which
19 I believe was November 23rd-- Does that
20 sound about right?

21 A. Yeah.

22 Q. --you didn't have a whole lot of
23 contact with her?

24 A. No. Like I said, she didn't want
25 anything to do with me anyway.

1 Q. What about after her major incident
2 report and to when the allegations were
3 made on December 1st? Had you had any
4 contact with her?

5 A. I don't believe I did. I think I
6 went down to check on her or something
7 like that, and she didn't want anything to
8 do with me, so I mean, you can't force
9 people. So once they're in that position,
10 you just say, well, when you're ready just
11 let the staff know.

12 Q. And then after the allegations were
13 made, obviously she was removed from the
14 school?

15 A. Yes.

16 Q. Did you ever have any other contact
17 from her?

18 A. No. In January I started receiving
19 text messages and voice mails saying I
20 need you to call me right now; I'm having
21 problems; please, you're the only person
22 that can help me; please talk to me,
23 something like that. And I called the
24 Sheriff's department and DHS and said,
25 she's reaching out, would you please do

1 something about it?

2 And then I got text messages,
3 threatening text messages, that if I
4 didn't call her back she'd do something--
5 I can't remember what she said--she'd do
6 something to me, or something along those
7 lines. And, again, I made another call.

8 Q. And at the time did you have any
9 idea that she was working with law
10 enforcement?

11 A. No.

12 Q. From the time Kxxxxxxx left to
13 January 28th, which was I think is what
14 law enforcement refers to as the raid, did
15 the school just kind of go back to where
16 it had been?

17 A. For the most part.

18 Q. Back to its normal routine?

19 A. Yes.

20 Q. At least until law enforcement
21 arrived on January 28th?

22 A. Yes.

23 Q. Did you know they were coming?

24 A. No. Not like that anyway. Because
25 of the nature of the work--I mean, our

1 work is definitely a controversial
2 business. And anytime you have that,
3 there's people that are for you and
4 against you. And so I mean, over the past
5 years we'd have people call in fake
6 allegations. We had somebody come in and
7 take pictures of students and Photoshop
8 bruises on them and send them to DHS.
9 We've had numerous things like that. The
10 disgruntled staff took paperwork, doctored
11 the paperwork, and sent it to all the
12 agencies, and that's when the FBI and DHS
13 came a prior spring.

14 So I knew with allegations and
15 stuff coming, I mean, people-- I would
16 hope somebody would go and investigate. I
17 mean, with some of the crazy things that
18 were put out there, I'd hope they're doing
19 their job.

20 So I was expecting some people to
21 come in, look at things, make sure
22 everything was all right, like what DHS
23 has done in the past, what law enforcement
24 has done. I mean, law enforcement was at
25 our facility constantly. I mean, they

1 were in our OSS constantly.

2 So I mean, I was expecting some
3 response. I wasn't expecting them to come
4 in and shut down the school and send all
5 our kids home. No. I wasn't expecting
6 that at all.

7 Q. And from that time, that's when you
8 returned to Idaho?

9 A. Well, we-- It was a mess. The kids
10 rioted after this raid. They rioted and
11 tore the school apart. They were told not
12 to listen to the staff. I mean the kids--
13 I mean, it was pandemonium. And the kids
14 weren't all taken out.

15 So we had to keep staff on for
16 another four or five days afterwards
17 trying to get these kids placed and get
18 them to their homes. I mean, it was an
19 absolute nightmare.

20 And then we had to clean the
21 building up. We had to do all the
22 paperwork. We had to get all the
23 transcripts ready. I mean, it was-- You
24 can't shut down a business like that
25 without-- I mean, there's a whole pile of

1 other stuff, paperwork and stuff that had
2 to be done.

3 Q. When did the school officially
4 close its doors?

5 A. A few days-- I don't know the exact
6 date, a few days after. Once we got all
7 the kids out of the building. I mean, I
8 don't know when we officially closed, but
9 when all the students were gone. We
10 finished up all our paperwork and tried to
11 get everything ready for the kids so
12 they'd be successful at home.

13 Q. So shortly after the searches were
14 done by law enforcement?

15 A. Yes.

16 Q. And is that when you and Layani and
17 the kids returned to Idaho?

18 A. Layani took the kids out February
19 7th or something like that, so within a
20 week or so, ten days afterwards, and then
21 I came back-- I mean, I was back and forth
22 for the next two months.

23 Q. Just kind of tying up loose ends?

24 A. Uh-huh (in the affirmative).

25 Q. And did that include dealing with

1 the properties that were owned and
2 everything else?

3 A. Yes.

4 Q. And you for the most part have been
5 in Idaho since then?

6 A. Correct.

7 Q. You said you were from Utah.
8 What's the connection to Idaho?

9 A. My whole family moved up to Idaho
10 while we were out here.

11 MS. SCHAEFER: I don't have any
12 other questions.

13 THE COURT: Counsel approach.

14 (A side-bar conference was held off
15 the record.)

16 THE COURT: Ladies and gentlemen,
17 what we'll do is we'll adjourn for the
18 day. Please remember the admonitions I
19 previously gave you. Keep an open mind,
20 don't discuss the case with anyone, no
21 internet searches.

22 What we're going to do--and, again,
23 I want to start at 8:30 tomorrow morning
24 with the cross-examination if that's okay
25 with everybody. Again, I appreciate you

1 again for staying late on a lot of these.
2 It's very much appreciated. We'll start a
3 little bit early tomorrow and, again, try
4 and get all the testimony in. Again,
5 there may be a gap in there when we have
6 to take up some legal matters, but that
7 will give you time when you don't have to
8 be sitting around waiting. Again, have a
9 good evening.

10 (A recess was taken at 5:15 p.m. on
11 December 20, 2017, to reconvene at 8:30
12 a.m. on December 21, 2017.)

13 (Continued in Volume VIII.)
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