

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 PETER PENA,)
5)
6 Plaintiff,)
7 vs) No. 05 C 3571
8)
9 A&C LANDSCAPING, INC., an)
10 Illinois corporation; Earth)
11 INC., an Illinois)
12 corporation; THOMAS KANZLER,)
13 Individually; GEORGE KANZLER,)
14 Individually; JAMES SNYDER,)
15 Individually; and BRUCE)
16 LARSON, individually,)
17)
18 Defendants.)

19 The deposition of RICHARD HOUSTON called
20 for examination pursuant to notice and pursuant to
21 the Federal Rules of Civil Procedure for the United
22 States District Courts pertaining to the taking of
23 depositions taken before JO ANN LOSOYA, Certified
24 Shorthand Reporter and Notary Public within and for
25 the County of Cook and State of Illinois at 1048
26 Ogden Avenue, Downers Grove, Illinois, on the 7th
27 day of March at the hour of 11:15 o'clock A.M.

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1 APPEARANCES:
2 THE THOLLANDER LAW FIRM
3 MR. DAVID C. THOLLANDER
4 1048 Ogden Avenue

4 Suite 200
Downers Grove, Illinois 60515
(630) 971-9195
5 Appeared on behalf of the Plaintiffs;
6
7 FERLEGER LAW OFFICES
MR. ERIC P. FERLEGER
1771 C Dewes Street
8 Glenview, Illinois 60026
(847) 729-1050
9 Appeared on behalf of the Defendants.

10

11

ALSO PRESENT:

12

Mr. Bruce Larson

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REPORTED BY: JO ANN LOSOYA

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CSR LICENSE: 084-002437

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1 EXAMINATION
2 Witness Page Line

3 RICHARD HOUSTON

4 By Mr. Thollander 6 6

5 By Mr. Ferleger 24 2

6 By Mr. Thollander 53 2

7 By Mr. Ferleger 56 18

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E X H I B I T S

11 (No exhibits marked.)

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1 (Witness sworn)

2 MR. THOLLANDER: Let the record reflect

3 that this is the discovery deposition of Richard

4 Houston taken pursuant to subpoena and in

5 conformance with the rules of the United States

6 District Court, Northern District of Illinois,

7 Eastern Division, and the applicable Federal Rules

8 of Civil Procedure.

9 Mr. Houston, I'm running around here

10 and I'm kind of running of breath. During the

11 course of the next hour, hour and a half, I'm going

12 to ask you a series of questions concerning a

13 matter that's presently pending before Judge Zagel

14 entitled Pena vs. A & C Landscaping, et al. I

15 suspect you have been through this process probably

16 more times than I've ever thought of. To the

17 extent you haven't or to the extent you need

18 clarity, I'm going to give you some instructions.

19 No. 1, the court reporter is here to
20 transcribe your testimony. Uh-hums, uh-huhs,
21 movement of the hands and head are not
22 transcribable. To the extent you understand the
23 question, please answer it in English, audible, so
24 we have a clear understanding of your testimony

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1 here today. If I ask a question and you answer it,
2 it will be presumed that you understood the
3 question and answered accurately and honestly to
4 the best of your ability. If at any time you don't
5 understand a question, so state that and I'll
6 endeavor to rephrase it or withdraw it or whatever
7 the case may be. I don't think this deposition
8 will last very long. It may. Under the rules I'm
9 entitled to depose you for seven hours. It will
10 not last seven hours. If it does, we're in
11 trouble.

12 THE WITNESS: I have been in ones longer
13 than that.

14 MR. THOLLANDER: I am sure you have. I
15 have been in several days of depositions. Those
16 are always fun. To the extent you need a break,
17 whether it be for coffee, coke, pop, cigarette,
18 whatever, let me know and we will endeavor to
19 accommodate you. Before we begin, do you have any
20 questions?

21 THE WITNESS: No.

22
23
24

1 WHEREUPON:

2 RICHARD HOUSTON,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified as follows:

5 E X A M I N A T I O N

6 BY MR. THOLLANDER:

7 Q. Could you please state your name,

8 spelling your last name for the record?

9 A. Richard W. Houston, H-O-U-S-T-O-N.

10 Q. Mr. Houston, are you presently employed?

11 A. I'm self-employed.

12 Q. And are you employed by your own

13 company?

14 A. I'm a private investigator.

15 Q. How long have you been a private

16 investigator?

17 A. Eight years.

18 Q. And are you employed -- do you have your

19 own private company or do you simply go by your

20 name?

21 A. My name. I'm a sole proprietor.

22 Q. Are you licensed -- presumably you're

23 licensed by the state or federal agency?

24 A. I'm licensed in the State of Illinois.

1 Q. That's through the Illinois Department

2 of Professional Regulation?

3 A. It is.

4 Q. And prior to being self-employed as a
5 private investigator, where were you employed, if
6 at all?

7 A. I was employed at the Federal Bureau of
8 Investigations.

9 Q. FBI?

10 A. Yes.

11 Q. How long were you with the FBI?

12 A. 25 years.

13 Q. In what capacity were you employed by
14 the FBI?

15 A. Special agent.

16 Q. During the course of those 25 years,
17 were you always a special agent?

18 A. Yes.

19 Q. Does the Bureau have variations as to
20 what a special agent does, in other words,
21 sub-departments or certain areas that one would be
22 assigned to?

23 A. Yes.

24 Q. And during those 25 years, were you

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1 assigned to any particular division or section?

2 A. 18 years organized crime.

3 Q. Would that be the last 18 years of your
4 25-year career or the first 18?

5 A. The last 18.

6 Q. Did you have any particular geographic
7 area that you were assigned out of over these
8 18 years?

9 A. Chicago.

10 Q. All 18 years?

11 A. Yes, Northern District of Illinois.
12 Q. And prior to the 18 years in the
13 organized crime -- is it a division or section, is
14 there any title to that?
15 A. Squad.
16 Q. Those remaining seven years or prior
17 seven years, were you in any squad or division?
18 A. I was in the Washington field office
19 from 1972 to 1978.
20 Q. And were you involved in any particular
21 section or squad?
22 A. White collar crime and then later on
23 organized crime.
24 Q. I would presume over --

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1 A. There's one other division. I was in
2 Atlanta from 1971 to 1972.
3 Q. '71 to '72?
4 A. Yes.
5 Q. What did you do in Atlanta?
6 A. General criminal.
7 Q. I would presume as an FBI agent for
8 25 years, you went through various training and
9 educational courses and seminars and that type of
10 thing; correct?
11 A. Yes.
12 Q. Can you give us an idea of the training
13 you received over the course of your career with
14 the FBI?
15 A. There were numerous in-services
16 involving various aspects of organized crime. The
17 FBI actually had their own casino and you could
18 spend two weeks learning, you know, because

19 organized crime is supported basically by gambling
20 or a large portion of their income is gambling.
21 You could actually go to casino school for two
22 weeks so those sort of things. A lot of seminars
23 on labor racketeering.
24 Q. What about investigator courses or

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1 training?
2 A. Well, basically most of the organized
3 crime training was in-house.
4 Q. Now, did you have any training in
5 negotiating, hostage negotiating?
6 A. No, I am not a hostage negotiator.
7 Q. The overall training you have received
8 you have testified was organized crime type of
9 training. What about any other training that
10 you --
11 A. I have a Master's Degree in forensic
12 science from George Washington University.
13 Q. What kind of courses did you have to
14 take in getting a Master's Degree in forensic
15 science?
16 A. I don't know. I would have to go back
17 and look at the record.
18 Q. That's fine. I understand. With
19 respect -- we have talked about briefly, very
20 perfunctory, your training with the FBI over the
21 course of 25 years. You mentioned education.
22 Let's go that route for a minute. Can you give us
23 an idea of your educational background?
24 A. I have a Bachelor of Science Degree from

- 1 Southern Illinois University in accounting, and I
2 have a Master's in forensic science from George
3 Washington University in Washington, D. C.
4 Q. Any other degrees?
5 A. No.
6 Q. How about any certifications?
7 A. No.
8 Q. At some point in the past have you had
9 an opportunity to speak with anyone concerning this
10 matter, the Pena litigation involving A & C
11 Landscaping?
12 A. I'm familiar with it.
13 Q. At some point in time did you have an
14 opportunity to speak with Bruce Larson who is
15 sitting to my right?
16 A. Yes, I met Mr. Larson.
17 Q. How many times have you met Mr. Larson?
18 A. Once.
19 Q. Where was that?
20 A. I met him at the Omega Restaurant on
21 Route 59.
22 Q. Do you know what town or municipality
23 that's located in?
24 A. I think it is West Chicago. I can look.

- 1 Q. If you have something that would refresh
2 your recollection, that would be ideal.
3 A. West Chicago.

4 Q. Do you recall when that meeting
5 occurred?

6 A. July the 5th, 2007.

7 Q. Do you recall what time that meeting
8 occurred?

9 A. Approximately 2:00 o'clock in the
10 afternoon.

11 Q. How is it that you came to meet
12 Mr. Larson at that time?

13 A. A gentleman of our common acquaintance
14 said that he might have some information for me
15 regarding Operating Engineers Local 150.

16 Q. And were you doing any activities for
17 the FBI that spawned or caused you to have the need
18 or desire to speak with Mr. Larson?

19 A. At this particular time, I was actually
20 working for the Chicago Crime Commission as an
21 investigator and I was charged with looking at
22 corruption in the collar counties around Cook
23 County in Illinois.

24 Q. Now, did you -- in courting or having a

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1 meeting with Mr. Larson, how is it that that
2 meeting was confirmed and took place? In other
3 words did you call him up and say hey, let's talk,
4 I want to meet?

5 A. Yes, that's exactly what happened.

6 Q. Do you recall when you spoke with him
7 the first time? I presume it was telephonically,
8 correct?

9 A. Correct. I didn't bring that section of
10 my billing sheet with me but I would say

11 approximately a week before that. That's my best
12 recollection.

13 Q. How many phone conversations did you
14 have with Mr. Larson prior to the meeting in July
15 of '07?

16 A. One.

17 Q. Do you recall what you said to
18 Mr. Larson and what he said to you?

19 A. I identified who I was and I said I'm a
20 friend of so and so's and he suggested that I call
21 you and we discuss this thing and he said fine and
22 we set up a time for July 5th.

23 Q. When you contacted Mr. Larson to
24 coordinate or discuss the possible meeting, what

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1 exactly if you recall did you say that the purpose
2 of the meeting was going to be?

3 A. I wanted to discuss the possible payoffs
4 to 150 officers regarding this Pena incident, if
5 that's a good way of characterizing it.

6 Q. Certainly fine by me.

7 A. Okay.

8 Q. Now, at that phone conversation, that
9 first conversation, apparently the only phone
10 conversation, Mr. Larson agreed to meet with you;
11 correct?

12 A. Correct.

13 Q. Did he say anything telephonically over
14 the phone other than sure, let's meet?

15 A. Not that I recall.

16 Q. Ultimately you had that meeting in July
17 of '07; correct?

18 A. Correct.

19 Q. Who was in attendance at this meeting?

20 A. Just me and Mr. Larson.

21 Q. Did you sit at one of the tables at the

22 Omega Restaurant?

23 A. Yes, we did, on the north side of the

24 restaurant -- no, on the south side.

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1 Q. Fair enough. Can you tell me what you

2 said to Mr. Larson and Mr. Larson said to you?

3 A. I have my notes, if you would like.

4 Q. If that would refresh your recollection,

5 that would be wonderful.

6 A. As I recall --

7 MR. FERLEGER: Excuse me.

8 THE WITNESS: No problem.

9 MR. FERLEGER: I would ask if he does

10 have notes that they be copied and shared unless

11 there's something there that is confidential,

12 Mr. Larson is in the room and I certainly think

13 that there is nothing privileged about what he's

14 got in his notes if Mr. Larson in the room told him

15 these things.

16 MR. THOLLANDER: Do you have a problem

17 with that, Mr. Houston?

18 THE WITNESS: I do not.

19 MR. THOLLANDER: Afterwards we will make

20 copies.

21 BY MR. THOLLANDER:

22 Q. Can you indicate or tell us what

23 Mr. Larson said to you during this meeting?

24 A. Well, it regarded as I recall and I

1 think my notes reflect that it regarded a hearing
2 that was held by Local 150 regarding a grievance, I
3 think a grievance hearing would be a good way of
4 characterizing it. And as I recall the Pena
5 Brothers had this grievance filed against Earth
6 Incorporated for approximately \$125,000. That
7 figure sticks in my mind. They were entitled to
8 this grievance hearing to be before the three
9 gentlemen at Local 150 to try to resolve the issue,
10 and Mr. Larson and I discussed this meeting. Do
11 you want me to go on?

12 Q. Please do. Now, when you say the
13 meeting, are you referring to the meeting involving
14 the Penas and this grievance?

15 A. Correct.

16 Q. Okay.

17 A. It was my understanding that everybody
18 was there and the three individuals representing
19 150 were Steven Cisco, C-I-S-C-O, and two other
20 gentlemen, one by the name of Bob Darling,
21 D-A-R-L-I-N-G, and Chuck August. And Mr. Larson
22 indicated to me that when he walked in the room and
23 he saw these three individuals sitting there, he
24 knew the fix was in.

1 Q. Now, what did he mean -- well, what did
2 the fix mean to you?

3 A. That these three gentlemen were going to

4 take a payoff in order to lower this grievance, the
5 amount of settlement.

6 Q. Continue on, if you will, as to what
7 Mr. Larson indicated to you.

8 A. He said any time you saw these three
9 people in a grievance hearing, you knew that they
10 were going to get paid and you're probably going to
11 win it.

12 Q. Did Mr. Larson indicate to you what he
13 believed the amount of the payoff was?

14 A. \$5,000 each in cash.

15 Q. Did Mr. Larson indicate to you where the
16 money came from?

17 A. He said the money came from Dave
18 Snelton, S-N-E-L-T-O-N I believe.

19 Q. Do you know who Dave Snelton is?

20 A. I have never been exactly clear on that
21 because I think he represented some sort of board
22 that they all belong to or association.

23 Q. When you say "they," are you referring
24 to the companies?

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1 A. Yes, the companies. Earth being one of
2 those companies.

3 Q. Okay.

4 A. And Mr. Larson went on to say that -- I
5 asked him specifically if Earth paid the money and
6 he said no. He said that Earth was okay with going
7 to the Labor Board and he said Snelton paid the
8 money because this association they had that they
9 all were members of did not want this case to go to
10 the labor board. And that they were -- I don't

11 know if it's a good word or not -- that Earth was
12 basically a bystander in this. That was basically
13 the text of the conversation.

14 Q. Were there any discussions concerning
15 A & C Landscaping and their involvement in this
16 grievance procedure?

17 A. A & C?

18 Q. And A & C Landscaping, did that company
19 come up in your conversation with Mr. Larson?

20 A. I don't recall it nor do I have it in my
21 notes.

22 Q. How long was this meeting with
23 Mr. Larson?

24 A. Probably 45 minutes to an hour. We had

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1 a couple of glasses of -- I forget what he was
2 drinking. I was drinking ice tea, some sort of
3 iced beverage.

4 Q. Did you take notes during this meeting?

5 A. I did.

6 Q. Did you take notes during the meeting in
7 front of Mr. Larson?

8 A. I did.

9 Q. And Mr. Larson knew as far as you can
10 tell that you were taking notes; correct?

11 A. I was writing on a table that we were
12 sitting at.

13 Q. Fair enough. What did you say to
14 Mr. Larson with respect to his comments to you
15 about this, this fix and the payoff?

16 A. Just like any good investigator, I write
17 down what the person says, you know, and I try to
18 get him to expand on it.

19 Q. Did Mr. Larson indicate who he felt all
20 the monies went to? In other words, you identified
21 three individuals. Was there any discussion or
22 identification by Mr. Larson as to other
23 individuals receiving money?
24 A. No. It was basically just that

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1 particular meeting or whatever you want to call it,
2 grievance hearing.
3 Q. Did Mr. Larson indicate where the money
4 came from, this \$15,000 that Mr. Snelton allegedly
5 gave to these three individuals?
6 A. He did not. He specifically indicated
7 he didn't know.
8 Q. Did you ask Mr. Larson how is it he knew
9 the amount of money that was distributed to these
10 individuals?
11 A. I did. And he said that had been his
12 past experience.
13 Q. Did you ask any questions as to what he
14 meant by past experience?
15 A. I did.
16 Q. What did he say?
17 A. He indicated that it was commonly known
18 in the trades that if these three people showed up
19 at the hearing, that was going to be the cost of --
20 Q. Their vote?
21 A. -- of the deal, yeah. And he never
22 indicated to me that he had ever made one of these
23 payoffs. It was rumored or known in the business
24 that that's what it costs.

1 Q. Did you have any discussions with
2 Mr. Larson as to how it is these three individuals
3 were selected for the grievance process or
4 procedure?

5 A. I don't specifically recall if we got
6 into that or not. I think we all have our ideas
7 but I cannot say that I really recall that.

8 Q. I understand. Now, what, if anything,
9 did you say -- I think I asked this question but
10 forgive me, I'll ask it again. In light of this
11 revelation and the information that was being given
12 to you by Mr. Larson, did you say anything in
13 response to his statements?

14 A. Well, I mean we discussed it thoroughly
15 in the 45 minutes or the hour that we were there
16 and it was obvious that his version of events was
17 that Snelton did this and that that's where we were
18 going. I made it plain to him that I was -- in the
19 course of this, that this would be turned over to
20 the FBI, that they had an ongoing investigation
21 against 150, and I knew it because I started it,
22 and they may contact him at some point in time.

23 Q. Fair enough. Do you know if the FBI did
24 contact Mr. Larson?

1 A. I'm not aware if they did.

2 Q. Presumably you passed this information
3 along to the powers that be?

4 A. I did.

5 Q. Did you have an opportunity to further
6 investigate the allegations or contentions that
7 Mr. Larson made to you in July of '07?

8 A. I did not.

9 Q. Presumably you passed this information
10 along to the Chicago Crime Commission?

11 A. Yes and they, in turn, passed it along
12 to the FBI which would have been the chain of
13 events or custody if you wish; and once it is
14 turned over to the FBI, then you step away from it.

15 Q. Sure. Understand. Did Mr. Larson
16 indicate to you why it was that the individuals
17 were going to receive \$5,000 versus some other
18 denomination or some other amount of money?

19 A. Just that that was known to be what it
20 cost.

21 Q. Fair enough.

22 A. The cost of doing business so to speak.

23 Q. Do you know the outcome of that
24 grievance?

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1 A. It is my understanding that the Penas
2 lost the grievance and it was settled for something
3 like \$25,000 as opposed to \$125,000.

4 Q. Fair enough. Based upon Mr. Larson's
5 statements to you, did you speak with anyone -- any
6 other individual relative to these claims? In
7 other words, did you speak with Mr. Darling?

8 A. I did not speak with any of those three
9 people.

10 Q. Fair enough. Did Mr. Larson indicate to

11 you how it is that Mr. Snelton got \$15,000, in
12 other words, where he may have retrieved this
13 money?

14 A. He alluded that he didn't know.

15 Q. Do you know if Mr. Larson has made
16 similar claims to other individuals relative to the
17 facts that he told you in July of '07?

18 A. It is my -- yes, I do to answer it that
19 way.

20 MR. THOLLANDER: I have nothing further.

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1 EXAMINATION

2 BY MR. FERLEGER:

3 Q. My name is Eric Ferleger and I represent
4 Bruce Larson, Earth Inc. and A & C Landscaping, Tom
5 Kanzler, George Kanzler and James Snyder, and I'm
6 going to ask you questions that may not be the same
7 that counsel asked you.

8 A. Okay.

9 Q. Do you know Joe Ward?

10 A. I do.

11 Q. How do you know him?

12 A. I was introduced by my brother-in-law.

13 Q. What is your brother-in-law's name?

14 A. Johnny or John Gitzinger,

15 G-I-T-Z-I-N-G-E-R.

16 Q. And is John Gitzinger involved in the
17 union?

18 A. He's a member of Local 150. He's a

19 crane operator.
20 Q. For what company?
21 A. Now he's working for Central.
22 Q. Central what?
23 A. Central I guess Crane. I don't know.
24 They're out of Cicero.

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1 Q. And how many years ago did your
2 brother-in-law Mr. Gitzinger introduce you to Joe
3 Ward?
4 A. To make it perfectly clear so it's not
5 misleading here, my brother-in-law came to me and
6 said Mr. Ward was having some problems in his bid
7 to become the president of Local 150, and that some
8 of these problems, that he had knowledge of some
9 criminal acts that had been -- that had taken
10 place.
11 Q. Your brother-in-law had knowledge or Joe
12 Ward had knowledge?
13 A. Joe Ward had knowledge and he asked if
14 as a favor would I talk to Joe and some of his
15 friends regarding these issues.
16 Q. And the original question was how long
17 ago did you meet him?
18 A. February of '07.
19 Q. And correct me if I'm wrong, there was a
20 union election pending at that time; is that
21 correct?
22 A. That is correct.
23 Q. That union election took place in the
24 spring of 2007; is that correct?

1 A. Summer I believe.

2 Q. Summer?

3 A. Yes.

4 Q. And how if at all did John Gitzinger
5 have an association with Joe Ward if you know?

6 A. He was close friends with one of the --
7 with another crane operator that was very close to
8 Joe in this election group.

9 Q. Who was that?

10 A. Steve Mullen. M-U-L-L-E-N. Knowing my
11 background, Steve -- and I had met Mr. Mullen
12 previously to this at a social event a couple of
13 years before that. Knowing my background, he asked
14 Johnny if I would assist and Johnny asked me.

15 Q. Could I ask you your age?

16 A. I'm 62 years old.

17 Q. When you retired from the FBI -- Strike
18 that.

19 After 25 years, did you retire from
20 the FBI?

21 A. I did.

22 Q. Voluntarily?

23 A. I did.

24 Q. And you receive a pension from the

1 federal government?

2 A. I do.

3 Q. And did you have any physical

4 limitations that caused you to retire at that
5 point?

6 A. No.

7 Q. And since that time, you have been
8 acting as a private investigator for your own self?

9 A. Well --

10 MR. THOLLANDER: I object. It
11 mischaracterizes the nature --

12 MR. FERLEGER: Strike the question.

13 BY THE WITNESS:

14 A. No, I work for -- I ran the -- for
15 example, I was hired by the International
16 Brotherhood of Teamsters to run their
17 anti-corruption program and I worked for them for
18 six years, the Teamsters being out of Washington,
19 D. C.

20 BY MR. FERLEGER:

21 Q. And that began after you retired from
22 the FBI?

23 A. It did.

24 Q. And did that encompass the majority of

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1 your time?

2 A. For those six years, yes.

3 Q. And so that was approximately eight
4 years ago that you started that?

5 A. No, that started in 2000 and went to
6 2006.

7 Q. It is approximately eight years ago?

8 A. Yeah, you're right.

9 MR. THOLLANDER: From the start.

10 THE WITNESS: From when it started,

11 yeah.

12 MR. FERLEGER: That's what I meant.

13 BY MR. FERLEGER:

14 Q. And did you work in Illinois or in

15 Washington D. C. or both?

16 A. In Chicago.

17 Q. Did you have other customers besides

18 that body?

19 A. Yes, I wasn't limited to the Teamsters.

20 Q. And you indicated that in this instance

21 you were hired by the Chicago Crime Commission as

22 an investigator in regard to corruption in the

23 collar counties in Illinois; is that correct?

24 A. That's correct.

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1 Q. When was that engagement commissioned?

2 A. Let's see, May of 2006 I think was when

3 we started.

4 Q. When you say the word "we", is that a

5 euphemism or are there other individuals that

6 joined with you in this process?

7 A. There were other individuals.

8 Q. Are they FBI agents or private

9 investigators such as yourself?

10 A. Private investigators.

11 Q. How if at all were you chosen for that

12 job?

13 A. Chicago Crime Commission?

14 Q. Yeah.

15 A. My best friend is the president, the way

16 most jobs are gotten in this country.

17 Q. That's a fair statement. And subsequent

18 to your retirement from the FBI in the year 1999 or

19 2000, did you have requests from the Chicago Crime
20 Commission to do other types of services for their
21 agency?

22 A. No, I didn't in May of 2006 when I went
23 to work for them. I worked for -- the Teamsters
24 came up with this anti-corruption program.

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1 Do you want to go off the record? I
2 don't know if you need all this on the record.
3 What do you guys want to do? You can hear it and
4 if you want to put it on the record --
5 MR. THOLLANDER: Keep it on the record.
6 THE WITNESS: Okay. Ever see the
7 movie -- I can't ask the questions. The movie
8 "Casino" was based on a case that was conducted
9 here in Chicago and Las Vegas and Kansas City, and
10 it involved the investing of monies in Las Vegas
11 casinos by organized crime figures from Chicago and
12 Kansas City. They, in turn, skimmed the profits
13 out of these casinos in the form of cash and
14 brought it back to Chicago. I was one of the case
15 agents on that case and this case lasted almost
16 eight years. So not only did I become somewhat
17 known around the country as a labor racketeering
18 expert, I became very well known to the Teamster's
19 Union because we convicted their president at the
20 time, Roy Williams, of corruption. I don't know
21 the specific charges but it is a RICO case. Alan
22 Dorfman was one of the individuals involved. Joey
23 Lombardo, it was his first conviction. Dorfman was
24 ultimately murdered. But I became known as a

1 Teamster expert so this attorney approached James

2 Hoffa around the year 2000 and he said --

3 BY MR. FERLEGER:

4 Q. James Hoffa Junior?

5 A. Yes, Junior, and he said I wanted -- and

6 they sit down and they said we would like to clean

7 up the Teamsters. The Teamsters are still under

8 court-ordered supervision, which costs them about

9 \$20 million a year. They have to pay for it. So

10 this attorney, he's out of New Jersey, he proposes

11 that he puts together a team and we'll go back and

12 see how good this court-ordered supervision is

13 doing because the Teamsters are clean; therefore,

14 they should be able to come out from underneath

15 this and save themselves a lot of money.

16 So they put 16 people together that

17 had worked Teamsters around the country in the FBI

18 and we put this team together and we at the

19 direction of Mr. Hoffa went out and looked at all

20 of the Teamster locals to see if there was still

21 organized crime involvement. In a lot of parts of

22 the country, there wasn't any.

23 Q. This was the engagement that you began

24 in the year 2000?

1 A. That's correct.

2 Q. You were one of the 16 individuals that

3 were chosen by the panel/lawyer and/or James Hoffa

4 Junior to participate in this analysis; is that
5 correct?

6 A. That's correct. Because of my
7 reputation, they felt that would be a benefit to
8 the team. When I told them something was true
9 regarding Teamsters, it would be more apt to be
10 believed.

11 Q. Prior to May of 2006, what, if anything,
12 did you have to do with International Local 150 in
13 the Chicago area?

14 A. Nothing.

15 Q. Prior to that date, would it be fair to
16 suggest that you had no knowledge about any
17 activities relating to that local?

18 A. I had no knowledge of the day-to-day
19 activities. I certainly knew that one of the prior
20 presidents had had his house blown up and
21 immediately left town for Arkansas; and by working
22 organized crime in Chicago, I was well aware of
23 their affiliations with organized crime and some of
24 the individuals that hang around Local 150.

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1 Q. Who was that president?

2 A. The president?

3 Q. The one that had his house blown up.

4 A. Oh, I would have to look his name up but
5 he did and it was in about 1984, '85.

6 Q. And what local crime figures, if any --

7 Strike that.

8 Fast forward to the year 2000 and
9 tell me what, if anything, you knew about local
10 crime or crime figures associated with

11 International Local 150 in this area from 2000
12 prior to your engagement in May of 2006?
13 A. It was not a point of interest to me. I
14 just told you what I knew. I did know that there
15 was some organized crime figures around there.
16 Q. But that dates back to the '80s; is that
17 correct?
18 A. Correct.
19 Q. And you never got personally involved in
20 any capacity, professionally, privately,
21 personally, or otherwise until May of 2006; is that
22 a fair statement?
23 A. Well, actually I didn't get personally
24 involved until February 2007.

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1 Q. When you were engaged by the Chicago
2 Crime Commission in May of 2006, what was your
3 engagement? What was the encompassing nature of
4 your engagement? What were you asked to do?
5 A. To do a study regarding political or
6 let's just make it a corruption study of the collar
7 counties to see if they were being properly
8 addressed by the United States Attorney's Office in
9 Chicago because so much focus had been directed on
10 Cook County, the Crime Commission wanted a private
11 study done to see how they were doing in the collar
12 counties.
13 Q. And did that lead you prior to
14 February 2007 to any information or knowledge of
15 any crimes in Local International 150?
16 A. It did not.
17 Q. Am I correct in suggesting that it was
18 not until February of 2007 when your brother-in-law

19 John Gitzinger asked you to get involved in some
20 fashion, that was the first time that you had any
21 specific relationship to any form of investigation
22 to Local International 150?

23 A. Yes.

24 Q. Were you hired by anyone in February

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1 of 2007 to perform investigative services or any
2 other type of services?

3 A. No.

4 Q. Who, if anyone, directed your engagement
5 and/or services?

6 A. The FBI.

7 Q. How if at all did the FBI direct you to
8 provide services if you weren't hired by them?

9 A. I facilitated the meeting between the
10 gentlemen that came to visit me and the FBI.

11 Q. Was that gentleman Joe Ward?

12 A. He was one of them.

13 Q. Who else?

14 A. Roger Nielson -- is that his last name?
15 He was the training center director -- and James
16 Miller.

17 Q. Who were they?

18 A. They were part of the -- they were
19 officers of Local 150 at one time. Miller was
20 the -- let's see, he was the assistant to the
21 president. Joe Ward was the secretary/treasurer.
22 And Roger Allen, let me correct that, A-L-L-E-N,
23 I'm sorry, he was director for the training
24 facility for Local 150.

1 Q. And were they running for office?

2 A. They were.

3 Q. How did the FBI become involved in this?

4 A. The things they told me appeared to be
5 criminal in nature, and I called a good friend of
6 mine who used to sit behind me in the FBI and he's
7 now the supervisor of organized crime and I said
8 John, I think you ought to hear this.

9 Q. And the gentleman you alluded to as
10 John, the supervisor of the FBI?

11 A. John Mallul, M-A-L-L-U-L.

12 Q. Did he request that you further engage
13 yourself in investigative processes at the time you
14 presented Joe Ward, James Miller, and Roger Allen
15 to him?

16 A. No.

17 Q. Subsequent to February 2007, who if
18 anyone paid to engage your services in any capacity
19 for any reason to investigate any type of crime at
20 Local 150?

21 A. Chicago Crime Commission.

22 Q. Was this a separate engagement unique
23 from the original engagement in May of '06?

24 A. No. The information that was given to

1 us in this 150 issue certainly fell well within the
2 parameters of corruption in collar counties.

3 Q. Were you paid a flat sum, a per diem, a

4 per job, how were you paid by the Chicago Crime
5 Commission?

6 A. I billed by the hour.

7 Q. And was that irrespective of whether you
8 spent ten hours or a hundred hours a week?

9 A. No. I billed per hour that I worked.

10 Q. I understand that. Did you have a cap
11 on how much time you could expend?

12 A. No.

13 Q. You billed X dollars for Y time
14 irrespective of how much time that involved; is
15 that correct?

16 A. That is correct.

17 Q. Who else if anyone besides the three
18 gentlemen you mentioned, Ward, Miller, and Allen,
19 did you speak with that suggested there were crimes
20 being committed at Local 150?

21 A. I talked to a retired individual in
22 Indiana. I don't recall his name now. He had a
23 touch of Alzheimer's.

24 Q. A senior moment?

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1 A. No, he really was -- he had some
2 problems. Basically, it was ancient history. I
3 didn't do that much. I didn't have to once I
4 turned it over to the FBI.

5 Q. What, if anything, did the FBI do in
6 conjunction with your investigation, if you know?

7 A. There's a current Grand Jury
8 investigation, a Federal Grand Jury investigation.

9 Q. Was the individual that you alluded to
10 in your responses to Mr. Thollander that caused you

11 to meet with Bruce Larson, was that Joe Ward?

12 A. Yes.

13 Q. Was there anyone else involved in that
14 introduction besides Joe Ward?

15 A. No.

16 Q. So when you referred to a common
17 acquaintance, that was who you meant; is that
18 correct?

19 A. Yes.

20 Q. What preliminary information, if any,
21 did you have in your possession or control before
22 you telephoned Bruce Larson for this meeting?

23 A. Joe told me that Bruce had told him that
24 there was a payoff regarding this grievance hearing

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1 involving the Penas and he said you ought to hear
2 it.

3 Q. Did you review any documents?

4 A. No.

5 Q. Did you examine any --

6 A. I take that back. I may have reviewed a
7 few of -- a transcript of some sort of hearing or
8 something. I don't recall exactly what the
9 documents were. But I was familiar with the case.
10 I had familiarized myself enough with the case that
11 I could be conversant in it.

12 Q. Did you read any pleadings in the
13 lawsuit?

14 A. Not that I know of.

15 Q. If you read a transcript, do you know
16 where the transcript had been generated?

17 A. Any materials I got, I got off Joe Ward.

18 Q. So you don't recall -- do you have a

19 copy of what you reviewed?
20 A. I don't have it with me but I do have a
21 copy at home.
22 Q. I would ask that you submit that to
23 respective counsel. If it is expensive or costs
24 you \$10 to reproduce, we, of course -- I, of

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1 course, would be willing to pay that price. I'm
2 not sure if I gave you my card, but I would like to
3 do that right now on the record and ask to get a
4 copy of it.
5 A. Do you have any problem with that?
6 MR. THOLLANDER: No.
7 BY MR. FERLEGER:
8 Q. Do you know when if at all Bruce Larson
9 allegedly told this information to Joe Ward?
10 A. I do not.
11 Q. Do you know how if at all Bruce Larson
12 allegedly communicated this information to Joe
13 Ward?
14 A. It was my perception it was in person.
15 Q. Do you know when the grievance involving
16 the Pena Brothers took place?
17 A. I do not. That's something I may have
18 in my notes but I don't off the top of my head.
19 Q. Not in the notes that we're going to
20 copy here today, other notes?
21 A. Yeah, of the material we just referred
22 to that I'm going to furnish.
23 Q. How many -- Strike that.
24 Correct me if I'm wrong, prior to

- 1 February of 2007, you had never met Joe Ward?
- 2 A. I can't correct you. I met him in
- 3 February of 2007.
- 4 Q. That is correct then?
- 5 A. That is correct.
- 6 Q. And you were never hired in any capacity
- 7 for any reason at any time in any fashion by Joe
- 8 Ward; is that correct?
- 9 A. That is correct.
- 10 Q. Other than the Chicago Crime Commission,
- 11 did anyone else retain you to do investigative
- 12 services relating to the Pena Brothers?
- 13 A. No.
- 14 Q. Have you done any investigative work as
- 15 to Bill Dugan?
- 16 A. No.
- 17 Q. Have you done any investigative work
- 18 relating to Steve Cisco?
- 19 A. Other than the Chicago Crime Commission.
- 20 Q. Including Chicago Crime Commission.
- 21 A. Yes. Well, I mean this all was turned
- 22 over to the FBI.
- 23 Q. That's the first time Cisco's name was
- 24 mentioned other than you said he was one of the

- 1 panelists at the grievance.
- 2 A. Correct.
- 3 Q. What about Bill Dugan?

4 A. After it became known that I was helping
5 these gentlemen, it was not unusual to get a phone
6 call from somebody saying did you hear this or do
7 you know that or is the FBI looking at this, which,
8 in turn, I would turn it over to the FBI. So, Bill
9 Dugan, Steve Cisco and Sweeney -- I am searching --
10 Jim Sweeney are certainly individuals that I
11 received information on and, in turn, turned it
12 over to the FBI.

13 Q. Who were those people?

14 A. It would be like 150 members or
15 something like that.

16 Q. Dugan, Cisco, and Sweeney?

17 A. Uh-hum.

18 Q. Did you ever hear that Steve Cisco
19 bought an entertainment unit for his basement with
20 the \$5,000 he was allegedly paid?

21 A. No.

22 Q. Was that the first time you ever heard
23 that?

24 A. It is news to me what he did with the

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1 money.

2 Q. Did Joe Ward ever discuss Dave Snelton
3 with you before -- during the course of this
4 investigation?

5 A. First time I ever heard the name Dave
6 Snelton was from Mr. Larson.

7 Q. Do you recognize Mr. Larson as you sit
8 here today?

9 A. I do.

10 Q. Did you ever meet with Mr. Thollander

11 before today?
12 A. One time.
13 Q. And where was that?
14 A. In this office.
15 Q. When was that?
16 A. I would have to go back and look. I
17 don't recall.
18 Q. Less than six months ago?
19 A. Probably, yeah, late summer I would say,
20 of 2007.
21 Q. What brought you here?
22 A. Joe Ward asked me to come over here and
23 meet Pete Pena and what's the football player's
24 name, a former fullback for the Bears. I can't

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1 think of his name now.
2 Q. Roland Harper?
3 A. Roland Harper, yeah, and we met with
4 Mr. Thollander.
5 Q. Had you ever met Roland Harper before
6 that?
7 A. No.
8 Q. Did you ever meet Peter Pena before
9 that?
10 A. No.
11 Q. Ever met either one of them since then?
12 A. No.
13 Q. Spoke with them on the phone?
14 A. Not that I recall.
15 Q. Do your services for the Chicago Crime
16 Commission continue as we sit here today?
17 A. No.
18 Q. When did that engagement cease?

- 19 A. December of 2007.
- 20 Q. Are you in any fashion or capacity
- 21 further engaged to represent anyone involved in the
- 22 investigation of Local 150 --
- 23 A. No.
- 24 Q. -- at the present time?

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- 1 A. No. I better clarify that. I have been
- 2 engaged by a contractor in his lawsuit to be the
- 3 investigator in his lawsuit against Chuck August.
- 4 Q. Against who?
- 5 A. Chuck August.
- 6 Q. Who gave you Bruce Larson's phone
- 7 number?
- 8 A. Joe Ward.
- 9 Q. When you phoned Bruce Larson, was it on
- 10 a cell phone, if you know?
- 11 A. It was either my cell phone or my office
- 12 phone.
- 13 Q. And you called him on his cell phone?
- 14 A. It was my understanding, yes.
- 15 Q. Did you identify yourself?
- 16 A. I did.
- 17 Q. And he knew who you were when you
- 18 identified yourself?
- 19 A. Yes.
- 20 Q. Did he know -- did he say or indicate
- 21 that he had known of you prior to the phone call?
- 22 A. He indicated he was expecting my call.
- 23 Q. And you said that your telephonic
- 24 communication was not substantive, just scheduling

1 of the meeting; is that correct?

2 A. I certainly introduced myself. I said
3 this is Dick Houston, Joe Ward's friend, the
4 retired FBI agent, and he suggested we get
5 together.

6 Q. Bruce Larson suggested you get together?

7 A. I said that as in meaning Joe suggested
8 we get together and talk.

9 Q. And Bruce Larson was receptive to that;
10 is that correct?

11 A. Yes.

12 Q. You got together approximately a week
13 later at Omega Restaurant in West Chicago; is that
14 correct?

15 A. Yes.

16 Q. You informed him in the phone call what
17 the purpose of the meeting was?

18 A. No.

19 Q. You didn't discuss the purpose of the
20 meeting until you actually met with him; is that
21 correct?

22 A. Yes.

23 Q. Now, if there was a payoff to Steve
24 Cisco, Bob Darling, and Chuck August, why would

1 there have been a subsequent settlement of the
2 grievance?

3 A. As I understand it -- Are you asking me

4 to speculate?

5 Q. I'm asking you to explain to me if there
6 was a payoff, why would they not have just won the
7 case?

8 MR. THOLLANDER: I'm going to object.

9 You are asking him to speculate or guess as to what
10 went on beyond --

11 MR. FERLEGER: Strike the question.

12 BY MR. FERLEGER:

13 Q. Bruce Larson indicated he had no actual
14 knowledge of a payoff; is that correct?

15 A. His I think almost exact words were when
16 I walked in the room, I knew the fix was in.

17 Q. That would be at the grievance hearing;
18 is that correct?

19 A. That is correct.

20 Q. And did you probe that further?

21 A. Certainly.

22 Q. Your testimony earlier was that Bruce
23 said he knew the fix was in and then I'm going to
24 paraphrase what you said, these three people will

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1 take a payoff and they would win. I guess that
2 means the people that paid them off; is that
3 correct?

4 A. What he said was, he said if you saw
5 these three individuals, meaning Cisco, Darling,
6 and August, as the panel, you knew the fix was in
7 because they're -- it was intimated that these guys
8 have taken payoffs in the past, and that's who Bill
9 Dugan would send in to take care of a problem like
10 this, knowing that they would take money.

11 Q. And where did the sum of \$5,000 each

12 come from?

13 A. That came from Mr. Larson.

14 Q. That's what he said they were paid?

15 A. Yes.

16 Q. But he didn't know who the source of --

17 Strike that.

18 Did he say the source of payment was

19 Dave Snelton?

20 A. Yes, he did.

21 Q. But he didn't know where Dave Snelton

22 got the money?

23 A. That's what he said.

24 Q. Was this conversation recorded?

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1 A. It was not. That's against Illinois

2 law.

3 Q. Is it?

4 MR. THOLLANDER: But not federal law.

5 THE WITNESS: No, it's not.

6 BY MR. FERLEGER:

7 Q. During these discussions, you never

8 heard any reference to A & C Landscaping; is that

9 correct?

10 A. What I said is I don't recall it. Again

11 I would speculate that that's one of the companies

12 that probably was in this grievance but I do not

13 personally recall that. I recall Earth

14 Incorporated because of my prior experience and

15 knowledge of Earth Incorporated.

16 Q. I'm sorry. Did you just suggest you had

17 prior experience with Earth Incorporated?

18 A. I had prior knowledge.

19 Q. Prior knowledge of what?
20 A. We had an interest in Earth Incorporated
21 from an FBI standpoint because they were thought to
22 be organized crime associated.
23 Q. And when was that?
24 A. In the '90s.

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1 Q. And did it have anything to do with the
2 indictment of Thomas Kanzler?
3 A. It does not. It has to do with a car
4 accident in the late 1990s with an associate of
5 Joseph Lombardo who then turned over a card that
6 said he was president of Earth Incorporated. And
7 his name is Chris Spina, S-P-I-N-A, which from a
8 FBI standpoint made us curious.
9 MR. FERLEGER: Counsel, I need to take a
10 break to talk to Mr. Larson.
11 MR. THOLLANDER: Okay.
12 MR. FERLEGER: I would ask for a brief
13 five to ten minutes.
14 (Whereupon, a break in the
15 proceedings was taken.)
16 MR. FERLEGER: I have a few more
17 questions.
18 MR. THOLLANDER: Okay.
19 BY MR. FERLEGER:
20 Q. Did you ever meet with Joe Ward at JC
21 George's in Countryside, Illinois? It's a
22 restaurant.
23 A. I don't think so. I know where JC
24 George's is but I don't think I ever met Joe there.

1 Q. Have you ever been to that restaurant
2 before?

3 A. I have.

4 Q. Were you at that restaurant when
5 Mr. Ward was there?

6 A. I don't think so.

7 Q. So you never sat at a table adjoining
8 Joe Ward when he had a meeting with Bruce Larson;
9 is that correct?

10 A. Yes.

11 Q. Prior to July 5th, 2007 you had never
12 met Bruce Larson before; is that correct?

13 A. That is correct.

14 Q. Have you ever seen him anywhere before
15 that?

16 A. Not that I know of.

17 Q. Did Mr. Larson ever expressly state that
18 he knew, in fact, that there was a payoff of \$5,000
19 to each of the three gentlemen you alluded to,
20 Cisco, August and --

21 MR. THOLLANDER: And Darling.

22 MR. FERLEGER: -- and Darling?

23 MR. THOLLANDER: I'm going to object.

24 The deponent has answered it repeatedly.

1 MR. FERLEGER: I don't think so.

2 MR. THOLLANDER: He's also quoted your
3 client as to what he said. You can go ahead and

4 answer again if you want, Mr. Houston.

5 THE WITNESS: He certainly intimidated
6 that he knew there was a payoff.

7 BY MR. FERLEGER:

8 Q. He never said those words; is that
9 correct?

10 A. No. Did he say specifically I know that
11 Dave Snelton paid them off? No, he did not.

12 Q. When you say he intimidated that, other
13 than what you have already testified to, what else,
14 if anything, did he say that you haven't informed
15 us on this date?

16 A. Nothing. I have told you everything
17 that he stated was said -- as I recall was said in
18 the conversation.

19 MR. FERLEGER: I have no further
20 questions.

21 MR. THOLLANDER: I have got a few,
22 Mr. Houston. Bear with me.

23
24

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1 EXAMINATION

2 BY MR. THOLLANDER:

3 Q. Previously you have testified that you
4 were aware of -- you had prior knowledge of Earth
5 Inc. You mentioned Chris Spina having presented a
6 business card indicating he was president of Earth
7 back in the '90s?

8 A. Yes.

9 Q. Who is Chris Spina?

10 A. Chris Spina was a -- is a guy that grew

11 up in the Grand Avenue neighborhood, one of a large
12 family. He lived across the street of Joey
13 Lombardo when he was growing up. He became -- Joey
14 took him under his wing, helped him along in life.
15 In turn, Chris Spina was Joey Lombardo's driver for
16 a number of years, worked for the City of Chicago,
17 was fired for driving Joey Lombardo around on City
18 of Chicago time and ultimately won that court suit
19 and was hired back. He is a known organized crime
20 associate.

21 Q. Had there been other known organized
22 crime associates that had been involved with Earth
23 Inc. to your knowledge?

24 A. Not to my knowledge. But that

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1 particular issue brought it -- it brought Earth
2 Inc. to our attention.

3 Q. You previously quoted Mr. Larson as to
4 what he said to you, and I wrote it down as, I'm
5 quoting you quoting Mr. Larson: I knew the fix was
6 in. Is that the exact quote to your recollection
7 as to what Mr. Larson said to you relative to the
8 Pena Brothers' grievance?

9 A. Yes.

10 Q. Did Mr. Larson indicate to you whether
11 other individuals knew the fix was in?

12 A. No.

13 Q. Did you have any discussion as to what
14 the Kanzlers knew relative to this grievance and
15 the fix being in?

16 A. No.

17 Q. Did Mr. Larson indicate who else was in
18 attendance at the grievance other than himself and

19 these three individuals?

20 A. Well, obviously Dave Snelfon and it was

21 my impression that Tom Kanzler was there.

22 Q. Now, you have testified that Mr. Larson

23 indicated when you called him that he was expecting

24 your call. Did he indicate to you why it was he

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1 was expecting your call?

2 A. Because he and Joe Ward had a previous

3 conversation about whether or not he would meet

4 with me.

5 Q. Was it your impression that Mr. Larson

6 wanted to speak with you relative to the crime

7 issue involving Local 150?

8 A. I don't know if he wanted to but he was

9 willing to.

10 Q. Good correction. Thank you. You

11 mentioned Chuck August. Who is Chuck August?

12 A. He's a -- I don't know if he's a 150

13 business agent now but he's in McHenry County, he

14 has some issues going up there. One specifically,

15 a bribery case.

16 Q. Involving Local 150?

17 A. This was a -- not specifically, no.

18 Q. The individual sitting to my right,

19 Mr. Larson, is the same individual that met with

20 you at Omega in West Chicago; correct?

21 A. Correct.

22 Q. There's no question in your mind that

23 it's the same individual; correct?

24 A. Yes. I didn't ask to see his driver's

1 license but that's the individual that I met with.

2 Q. Fair enough. Do you know if Mr. Larson
3 took notes relative to your meeting?

4 A. I didn't see him take any.

5 Q. Did Mr. Larson indicate to you whether
6 he had other discussions other than with Mr. Ward
7 relative to the Pena Brothers grievance and the fix
8 being in?

9 A. No.

10 Q. Did Mr. Larson indicate to you who else
11 he believed knew the fix was in?

12 A. Obviously Dave Snelton.

13 Q. Other than the four individuals
14 involved, did he indicate anyone else?

15 A. No.

16 MR. THOLLANDER: I have nothing further.

17 E X A M I N A T I O N

18 BY MR. FERLEGER:

19 Q. Did you ever meet with Steve Cisco to
20 discuss this purported payoff?

21 A. I never met Steve Cisco.

22 Q. How about Chuck August?

23 A. No.

24 Q. How about Dave Snelton?

1 A. No.

2 Q. And how about Mr. Darling?

3 A. No.

4 MR. FERLEGER: I have no further
5 questions.

6 MR. THOLLANDER: Nothing.

7 Mr. Houston, I think you know how
8 this works. You have the right to reserve your
9 signature to review the transcript. You're shaking
10 your head so I suspect you want to reserve your
11 signature.

12 THE WITNESS: Yeah, I would like to
13 review the transcript.

14 MR. THOLLANDER: Let the record reflect
15 that signature is reserved. We'll order it regular
16 and mini.

17 MR. FERLEGER: I'll take a copy and I
18 would like to on the record get a copy of the notes
19 that you brought with you that we discussed
20 earlier.

21 THE WITNESS: Do you want a copy of my
22 diary for that day?

23 MR. FERLEGER: If you have it with you.

24 THE WITNESS: I do. I also have the

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1 billing sheet.

2 MR. THOLLANDER: I don't know if he's
3 entitled to the billing sheet.

4 MR. FERLEGER: He's offering it.

5 THE WITNESS: It is up to you. It
6 doesn't say anything other than that I interviewed
7 Bruce Larson, general manager of Earth, Inc., an
8 excavating company in Bensenville.

9 MR. FERLEGER: I would like to see that.

10 MR. THOLLANDER: If you would pass those

11 down, I'll have my staff copy them.
12 THE WITNESS: It says regarding bribes
13 to 150 officials, just exactly what we talked
14 about, and these four sheets and hang on a minute,
15 I think I brought the right one.
16 MR. FERLEGER: July 5th.
17 (Tendered.)
18 MR. THOLLANDER: Wonderful, thank you.
19 (WHEREUPON, discussion was had
20 off the record.)
21 MR. THOLLANDER: Nothing attached but I
22 want on the record what was given to Mr. Ferleger.
23 Several documents have been given to Mr. Ferleger
24 pursuant to his request and in furtherance of the

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1 authorization of the deponent; namely, a calendar
2 indicating -- purportedly indicating a call and a
3 phone number of Bruce Larson, a billing sheet
4 relative to certain activities pertaining to the
5 July 6th meeting -- 5th meeting, and then notes of
6 that meeting with Mr. Larson entailing four pages.
7 Signature is reserved. Type it up.

8 (WHEREUPON, which were all the
9 proceedings had in the above
10 entitled cause.)

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1 UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF ILLINOIS)
2 EASTERN DIVISION)
STATE OF ILLINOIS)
3 COUNTY OF COOK)

4 The within and foregoing deposition of
5 the witness, Richard Houston, was taken before JO
6 ANN LOSOYA, C.S.R., Notary Public, in the City of
7 Chicago, County of Cook and State of Illinois and
8 there were present at the taking of said deposition
9 counsel as previously set forth.

10 The said witness was first duly sworn
11 and was then examined upon oral interrogatories.
12 The questions and answers were taken down in
13 shorthand by the undersigned and
14 computer-transcribed under my personal direction.

15 The within and foregoing is a true,
16 correct and complete record of all of the questions
17 asked of and answers made by the said witness at
18 the time and place hereinabove referred to.

19 The signature of the witness was not
20 waived and the deposition was submitted to the
21 deponent per copy of the attached letter. Pursuant
22 to Rule 30(e) of the Rules of Civil Procedure of
23 the United States District Courts, if the deponent
24 does not appear to read and sign the deposition

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12 RICHARD HOUSTON _____ DATE _____
Correction Sheet Pages _____ of _____

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1 UNITED STATES OF AMERICA)
NORTHERN DISTRICT OF ILLINOIS)
2 EASTERN DIVISION)
STATE OF ILLINOIS)
3 COUNTY OF COOK)
4
5 PETER PENA,)
Plaintiff,)
6 vs) No. 05 C 3571
7)
A&C LANDSCAPING, INC., an)
8 Illinois corporation; Earth)
INC., an Illinois)
9 corporation; THOMAS KANZLER,)
Individually; GEORGE KANZLER,)
10 Individually; JAMES SNYDER,)
Individually; and BRUCE)

11 LARSON, individually,)
12)
12 Defendants.)

13 ILLINOIS RULE 207 (a) STATEMENT BY WITNESS

14 I hereby certify that I have read the
15 foregoing transcript of my deposition given at the
15 time and place aforesaid, and I do again subscribe
and make oath that the same is a true, correct and
16 complete transcript of my deposition so given as
aforesaid, and includes changes, if any, so made by
17 me.

18 _____
RICHARD HOUSTON

19

20 SUBSCRIBED AND SWORN TO
21 before me this _____ day
of _____, A.D. 2008.

22

23 _____
Notary Public

24

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1 March 13, 2008

2 Richard Houston
6150 River Bend Place
3 Lisle, Illinois
Richardwhouston@aol.com

4

In Re: Pena v. A&C Landscaping
5 Deposition Taken: 3-7-08

6 Dear Mr. Houston:

7 Your deposition taken in the above-entitled cause
has been transcribed and is ready for review.

8 Please read the attached deposition transcript,
note any typographical or court reporter errors on
9 the errata page provided, sign the witness
certificate and have the same notarized, returning
10 the original to our offices at 8 West Monroe
Street, Suite 1407, Chicago, Illinois for
11 distribution to all interested parties.

12 As provided for under Rule 207(A) of the Supreme
Court Rules, if after 28 days you do not read and
13 sign the transcript, your signature will be waived
and the transcript will then be used as though
14 signed.

15 Should you have any questions regarding this
matter, please contact our office at your
16 convenience at (312) 346-0911.

17

Sincerely,

18

Jo Ann Losoya, CSR

19

cc: Mr. David Thollander, Mr. Eric Ferleger

20

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23

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