

CHARLES BENTLEY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

ASSOCIATION OF COMMUNITY)
ORGANIZATIONS FOR REFORM NOW,))
et al.,)

Plaintiffs,)

vs.)

Case No. 08-4084-CV-NKL

DEBORAH E. SCOTT, et al.,)

Defendants.)

DEPOSITION OF CHARLES BENTLEY

Taken on behalf of the Plaintiffs

June 12, 2008

Court Reporter:

Brenda Orsborn, RPR/CSR/CCR
Missouri CCR No. 914

Exhibit C

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2 manual anywhere. I believe it was around 2004 when we
3 actually put that policy in the general information
4 manual, so --

5 Q. All right. Now, are these -- is the income
6 maintenance manual used to train new caseworkers? No.
7 Strike that.

8 Is the income maintenance manual one of the
9 things that are used to train new caseworkers?

10 A. Some supervisors probably to this day, when
11 they hire a worker and they have that new worker first
12 in their office, say here is your desk. Here is the
13 manual. Read it. Because it's good for people to
14 become familiar with the manual. That's what people
15 did 29 years ago when I was first hired. I did that
16 when I was a Supervisor 1. Sometimes you do that
17 because you don't know -- you're busy doing -- working
18 with your experienced workers, and you've got to have
19 something for this new person to do. Oh, you could
20 learn a lot by reading the manual.

21 So it's not the primary source of the
22 training. The primary source of the training, how
23 they're trained on our policies, is not by reading the
24 manual and/or a trainer or supervisor are reading to
25 them or quoting directly from the manual. New workers

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2 are sent to their basic orientation and their training
3 classes that staff training does, and they are
4 presented training in those training materials.

5 There's a caseworker reference guide that
6 workers -- that people use. So different people train
7 workers. Our new workers probably go to -- let's say
8 they're -- depending on what programs they're doing,
9 if they're doing all the programs, probably up to
10 about six weeks of classroom style training when
11 they're first hired. And that's their primary source
12 of training. They're given training materials that
13 they go back to.

14 And the policy when they're training, they
15 may refer to the manual in the training, but I
16 wouldn't -- I don't know -- I would say the manual is
17 the primary source of their training on our policies.
18 Again, now that it's not a paper book anymore, it's
19 hard to say how big it is, but it would probably be a
20 thousand pages, perhaps. So you don't sit a new
21 person down and say go read this thousand pages and go
22 to work.

23 Q. It doesn't happen any longer?

24 A. I don't think it ever happened. I think
25 that was just something that the supervisors told

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2 their new workers to do to keep them occupied until
3 they -- until it was time to send them to the basic
4 orientation class.

5 MR. CAIRNS: Off the record.

6 (Whereupon, an off-the-record discussion was
7 held.)

8 Q. (By Mr. Cairns) Mr. Bentley, you may have --
9 yeah, we are back on. Mr. Bentley, you may have
10 answered my next question in your previous answer, but
11 if the -- if the voter registration -- let's call it a
12 link for the lack of a better term, was -- was not on
13 that food -- on the food stamp list, how would a
14 caseworker know that that was one of the -- that was
15 one of the forms that it was required to use?

16 A. When they went -- when they went to training
17 on food stamp policy. When they went to the staff
18 training, they would be trained on how to take the
19 food stamp applications, what to do. It would have
20 been covered in that training. That is really how
21 workers learn to do their job, is when they go to
22 training. The way our staff training is based for the
23 last several years is it's not -- it's based on sort
24 of a situational training. They train them on how to
25 do the job. What do you do when someone -- like

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2 starting with food stamps. What do you do when
3 someone comes in to start a food stamp application?

4 You do these things. You offer these things.

5 We now have a FAMIS system, F-A-M-I-S, where
6 it's an online application, or it's an interactive
7 application. The client is generally sitting down
8 with the worker at the computer. We ask the
9 questions, enter the answers into the system. And so
10 when they're being trained on how to take a food stamp
11 application, it would be like, all right, what do you
12 do when the client comes in? You -- when the
13 office -- you start in the FAMIS application work
14 flow. You're ask -- go through asking these
15 questions. You do this. You do this. You then get
16 these forms signed. You offer these pamphlets, these
17 documents: You offer voter registration. And then
18 you print off your interview summary.

19 I don't know what order they train them do
20 these things in, but it -- they're trained on what you
21 do when a person comes in to apply for food stamps. I
22 know it ends with you print off the application
23 summary. You have the applicant review it, go over
24 it, sign it. You explain certain legal rights. You
25 know, you have to report changes. It could be misuse

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2 my assumption is we are training. We have some part
3 of that initial training either in the first basic
4 orientation or that first week of food stamp training
5 where we talk about how the proper way to or
6 techniques to use in interviewing someone to put that
7 person at ease, so you're getting good and accurate
8 information, and you're providing good customer
9 service.

10 Q. Thank you. If you could look at Plaintiffs'
11 Exhibit 3. This is a November 3rd, 2005 e-mail string
12 between Robert Hall and Ken Murdock, who is an
13 election specialist at the Secretary of State's
14 office. And, Mr. Bentley, you're CC'd on Mr. Hall's
15 response, I guess it is, to Mr. Murdock's e-mail. Do
16 you see that?

17 A. Yes.

18 Q. And Gary E. Streumph is also CC'd?

19 A. Uh-huh, yes.

20 Q. Who is Gary Streumph?

21 A. A person who works for Department of Social
22 Services at our warehouse I believe, or in -- we used
23 to have a Division of General Services. I don't know
24 what Mr. Streumph's actual position is.

25 Q. So does the warehouse operation fall under

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Taken on behalf of the Plaintiffs

June 12, 2008

court Reporter:

Brenda Orsborn, RPR/CSR/CCR
Missouri CCR No. 914

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2 purpose are they reviewed?

3 A. For accuracy.

4 Q. When you say "reviewed for accuracy," you're
5 talking about accuracy of the content?

6 A. Yes, and just general typos and things like
7 that. We kind of look at the whole thing.

8 Q. And do you do that before they are
9 promulgated as a policy?

10 A. We do that when the Training Unit sends them
11 to us to review, which is generally before they're put
12 out.

13 Q. And is that standard operating procedure for
14 the Training Unit to send all policies pertaining to
15 training to you before it's put out?

16 A. I can't say how long they've been doing
17 that, but I know that since I have been in this
18 position, any time we have made like a big change in
19 policy -- and they're changing their training
20 material -- they will send it to my unit to read over
21 and make sure it's okay.

22 Q. I think I'll just ask a question. Do you
23 have any memory of seeing an e-mail memo dated June 18
24 of 2007, to all county offices from Janel Luck about
25 materials received from the Secretary of State's

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2 office and that they are to be used to conduct
3 training?

4 A. I wrote a memo like that. I'm not sure if
5 that's the one you're talking about.

6 Q. Okay. If we can find it, you might be able
7 to look at it. I think it's Exhibit 20. Take a look
8 at Plaintiffs' Exhibit 20, please. Did you write this
9 memo?

10 A. Yes, I did.

11 Q. Is this considered policy?

12 A. Yes.

13 Q. It is?

14 A. Or information material. It's more
15 information than -- or it came from the policy unit,
16 but it's not a policy that's in our manual.

17 Q. Right. Now, as the author of this e-mail
18 memo, No. 23, what did you intend by writing, quote,
19 "These materials are provided for use in conducting
20 training on the requirements of the National Voter
21 Registration Act of 1993"?

22 A. It was to tell them to use that CD that came
23 with the letter that they all got, to train.

24 Q. And the implementation guide from Missouri
25 Public Assistance Agencies?

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2 A. Yes.

3 Q. Are you familiar with the implementation
4 guide?

5 A. I've seen it.

6 Q. Well, let me direct your attention to
7 Exhibit 11. Exhibit 11 is the implementation guide
8 for Missouri Public Assistance Agencies. If you could
9 turn to Page 2, the second full paragraph on that
10 page, and the second sentence of that paragraph says,
11 quote, "The opportunity to register should be offered
12 whether the contact is made in person, by telephone,
13 by mail, by e-mail or during a home visit." Do you
14 see that --

15 A. Yes, I do.

16 Q. -- what I just read?

17 A. Uh-huh.

18 Q. Is that consistent with your department's
19 policy?

20 A. No.

21 Q. And how is it inconsistent?

22 A. Because we offer voter registration in
23 person and during home visits, but we don't by
24 telephone, by mail or e-mail.

25 Q. Now, did you intend -- in writing the memo,

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2 which is Exhibit 20, did you understand that the
3 trainers would be using this implementation guide that
4 contains that language that is contrary to your
5 department's policy?

6 A. Yes. This information -- this packet was
7 prepared by the Secretary of State's office. And they
8 had all of their PowerPoint that was on a CD and this
9 packet all made up before they ever met with us. And
10 when they met with us, they had already mailed that,
11 in fact. And we had a conversation about voter
12 registration with individuals from the Secretary of
13 State's office. So they are aware, but they had
14 already published all of their materials.

15 Q. Yes, I understand that, but before you wrote
16 this memo, Exhibit 20, did you understand that there
17 was language in the material that was contrary to
18 department policy?

19 MS. DODGE: I'm going to object to that as
20 asked and answered, but subject to that, you can
21 answer his question.

22 A. Do you want to say it again?

23 MR. CAIRNS: Can you read the question back?

24 (Whereupon the reporter read the question.)

25 A. Yes, but it's not possible for us to do what

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Taken on behalf of the Plaintiffs
June 10, 2008

The Court Reporter:
Ms. Brenda Orsborn, RPR/CSR/CCR
Missouri CCR No. 914
Illinois CSR No. 084-003460

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2 (Whereupon a break was taken.)

3 Q. (By Mr. Cairns) Ms. Morris, I think I only
4 have one more question, and that is, is it the policy
5 of FSD to provide voter registration forms to anyone
6 that walks in the office?

7 A. Without reading the specific policy, I can't
8 tell you what it says.

9 Q. Okay. Without reading the policy, do you
10 have a general idea of what the policy -- of what the
11 policy is?

12 A. Well, as I indicated earlier, I thought that
13 was the policy that if they asked for it, that we
14 would give it to them.

15 Q. Okay. I had forgotten that you said that
16 earlier. All right. So anyone who comes in and asks
17 for voter registration materials, you would give it to
18 them?

19 A. I would, yes.

20 MR. CAIRNS: That's all the questions I
21 have. And so you'll have an opportunity to read and
22 sign.

23 MS. DODGE: And we will do that.

24 MR. CAIRNS: And thank you for your time,
25 and I hope it wasn't too uncomfortable for you in this