

TIMELINE OF EFFORTS TO OBTAIN WITNESS AND VICTIM NAMES AND THEIR STATEMENTS

2/26/20

Meeting with Donna Perry and Tammy Bennett (Dinsmore firm), Laura Douglas, Ellen Hesen, David James, Brent Ackerson, Jonathan Ricketts, David Beyer – all parties pledged full cooperation;

- it was agreed that Beyer would meet with Donna Perry and Tammy Bennett following the meeting to discuss their investigative findings and obtain a list of potential witnesses and victims
- immediately following plenary meeting, Beyer met with Donna Perry and Tammy Bennett but was advised they were not going to provide the names of witnesses or victims

2/27/20

Telephone conference with Donna Perry and Tammy Bennett during which they again refused to provide a list of victims or witnesses

- after extended conversation over their refusal to provide the names of witnesses or victims as well as their written statements, Beyer did capitulate and listen to a verbal overview of the victims had stated; they did state they had interviewed 11 people of which 3 were victims; this overview was of minimal assistance as the facts given were not identifiable with a particular victim
- letter to Donna Perry confirming their refusal to provide a list of persons interviewed, their contact information and a summary of their statements. (Ex 1)

3/2/20

Email from Donna Perry stating: "I forwarded your letter and request to Laura Douglas and Margaret Handmaker, TARC's Interim Co-Executive Directors. I have not yet received a response, but will let you know when I do. Please note that we do not completely agree with your characterization of the meeting or the agreement between the parties, but for now I will not pursue that any further." (Ex 2)

3/10/20

Beyer email to Donna Perry requesting reply to 2/27/20 letter (Ex 3)

3/13/2020

Email from Donna Perry replying to Beyer's 2/27/20 letter in which she stated: "I confirmed with my client today—because we will not be sharing with the Board names of employees we have interviewed, we are not authorized to share the names of the employees with you." (Ex 4)

3/24/20

Ricketts letter to Donna Perry (Ex 5)

- Expresses concerns regarding TARC's failure to follow through with its initial tone of cooperation since February 26th meeting with Donna Perry, TARC co-interim Executive Director Laura Douglas, President James and Councilman Ackerson, among others.
- Requests TARC cooperate with requests for information

4/1/20 – 4/30/20

In person investigative efforts slowed due to COVID 19 restrictions

4/3/20

Email from Ricketts to Donna Perry: "As a follow up to this letter of 3/26, I did not note when the TARC board would reconvene. Would you let me know so I can circle back with you regarding sharing witness names (paragraph 3 of my letter)? Also, while I hope this request isn't intrusive to your work, I wanted to inquire about the completion date of your firm's report. I understand that you have no obligation to tell me this information, but maybe if the report is concluded before the next board meeting, you could also inquire of the board about sharing or authorizing the release of the report to Mr. Beyer." (Ex 6)

4/3/20

Email from Donna Perry stating to Ricketts: "I am copying Matt Golden on your email. I do not know the date of TARC's next scheduled Board meeting. We have a draft of the report, but have not been able to finalize it due to other client demands due to COVID-19. We hope to get it finalized next week. The decision about sharing the witness names or the report is for the Board." (Ex 7)

4/7/20

Matt Golden begins emailing TARC documents to Beyer

- Resolution to hire Risco, contract with company who employed one of victims, employee handbook and EEO materials

6/2/20

Discussions with Matt Golden re interview of TARC employees and Board Members (EX 8)

6/9/20

Begin in person interviews of TARC employees with Matt Golden present (and Laura Douglas present for one of the witness interviews)

6/12/20

Begin teleconference interviews with Board Members with Matt Golden participating

6/12/20

During interview of Chair Mary Morrow, reasserted my request for the names of witnesses and victims along with summaries of their statements; she states that that information will not be provided.

6/18/20

Request to Matt Golden for electronic devices used by Risco; (on 7/14/20 Matt Golden advises that: "You've got our agreement in principle." On 7/17/20, the devices were provided with agreement by Beyer that he would share the results of the forensic examination of the devices. (Ex 9)

6/24/20

Matt Golden provides a document requested during one of the interviews.

7/1/20

Matt Golden provides materials released to WAVE TV open records request.

7/16/20

Following Beyer testimony to GOAC on 7/14/20, Matt Golden initiates conversations about providing some of the information initially requested on 2/26/20; email from Matt Golden setting forth the restrictions for providing the requested information. (Ex 10)

7/17/20

Beyer email to Matt Golden providing 2/27/20 letter to Donna Perry in which Beyer had requested summaries of victim and witness statements (to refute claim that that request had not been previously made). (Ex 11)

7/17 – 7/22

Emails between Beyer and Matt Golden negotiating terms of releasing names of victims and witness names; continuing discussions about TARC's unwillingness to provide summary of witness and victim statement.

7/22/20

Beyer letter to Matt Golden summarizing agreement by which TARC would provide the names of witnesses and victims; Matt Golden asks for additions to agreement; final draft sent. (Ex 12)

7/23/20

Matt Golden provides additional changes to agreement letter re providing names of witnesses and victims and refusal to provide summaries of statements. (Ex 13)

7/24/20

Communications with Matt Golden re his requested changes; communications re refusal to provide a written list of victims and witness names and contact info; stated only would provide verbally; further communications in effort to bridge the disagreement. (Ex 14) A copy of the most recent version of negotiated agreement to obtain the names of witnesses and victims is attached as Exhibit 15.

Stephen B. Pence
Ruth Ann Cox Pence
Stanley W. Whetzel, Jr.
David J. Beyer
Of Counsel

PENCE & WHETZEL

ATTORNEYS-AT-LAW

Hurstbourne Place, Suite 1205
9300 Shelbyville Road
Louisville, Kentucky 40222
(502) 736-6200
Fax: (502) 736-6205
david@pencelegal.com

SENT VIA EMAIL

February 27, 2020

Hon. Donna Perry
PNC Tower
101 S. Fifth Street, Suite 2500
Louisville, KY 40202

Re: Witness List and Investigative Details

Dear Donna,

This is a follow up to our in-person discussions yesterday and the follow up telephone conversation this morning.

Yesterday, a meeting was held in the first-floor conference room at City Hall with the following persons present: Yourself, Tammy Bennett, Laura Douglas, Ellen Heslen, David James, Brent Ackerson, Jonathan Ricketts, Christopher Bush, Jeff Noble and me. During this meeting, we discussed the scope of my investigation, efforts to coordinate investigative efforts, and a pledge of cooperation to my investigation.

It was my understanding that immediately following this meeting I was going to meet with you and your investigator, Attorney Tammy Bennett, to discuss Tammy's investigative findings and obtain a list of potential witnesses to facilitate my investigation; however, I was informed after the plenary meeting with the persons listed above that you were unable to share the names of not only the victims whom have been interviewed but any names of persons interviewed to date. Instead, I was informed that I would have to await the completion of your investigative report and a determination of what names, if any, would be provided to me. After some discussion, it was agreed that you would review my requests for names and summaries of investigative statements last night with the TARC Board Chair and inform me today whether you would provide the names as requested and details of the information provided by each witness.

Today, we held a conference call with you, Tammy and me to follow up on our discussion from late yesterday. Once again, I was informed that you were unwilling to provide me with a list of not only the victims who have been interviewed but also the names of any person interviewed by you or your firm. I reiterated the importance of obtaining that information not only in the spirit

PENCE & WHETZEL, PLLC
ATTORNEYS-AT-LAW

Exhibit 1

February 27, 2020

Page -2-

of cooperation but to facilitate the beginning of my investigation. You stated you would again review my request with the TARC Board and get back to me at some undetermined time in the future.

After some additional discussion, you did tell me that a total of 11 persons had been interviewed of which 3 were potentially considered victims. Following that disclosure, you and Tammy provided a brief overview of some of the investigative findings without identification of the persons who provided what information.

At the conclusion of today's conference call, I reiterated my request that I be provided with a list of persons interviewed, their contact information and a summary of their statements.

Please let me know when you obtain an answer from your client whether you will be sharing the information requested

Sincerely,



David J. Beyer

David Beyer

From: David Beyer
Sent: Monday, March 2, 2020 12:22 PM
To: Jonathan Ricketts Ricketts
Subject: Fwd: Our Discussions Yesterday and Today

FYI.

David J. Beyer
Pence & Whetzel, PLLC
9300 Shelbyville Road, Suite 1205
Louisville, KY 40222
502.435.8892

Begin forwarded message:

From: "Perry, Donna K." <donna.perry@dinsmore.com>
Date: March 2, 2020 at 11:53:41 AM EST
To: David Beyer <David@pencelegal.com>
Cc: "Montfort, Theresa A." <theresa.montfort@dinsmore.com>
Subject: RE: Our Discussions Yesterday and Today

David, on Friday, I forwarded your letter and request to Laura Douglas and Margaret Handmaker, TARC's Interim Co-Executive Directors. I have not yet received a response, but will let you know when I do. Please note that we do not completely agree with your characterization of the meeting or the agreement between the parties, but for now I will not pursue that any further.

Thanks. Donna

Dinsmore

Donna King Perry
Partner

Dinsmore & Shohl LLP • Legal Counsel
101 South Fifth Street
Suite 2500
Louisville, KY 40202
T (502) 581-8085 • F (502) 585-2207

From: David Beyer <David@pencelegal.com>
Sent: Thursday, February 27, 2020 7:33 PM
To: Perry, Donna K. <donna.perry@dinsmore.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>; Christopher Bush <Christopher.Bush@rickettslawoffices.com>
Subject: Our Discussions Yesterday and Today

Dear Donna,

Attached is a brief letter regarding our discussions yesterday and today.

David

David J. Beyer
Pence & Whetzel, PLLC
Hurstbourne Place, Suite 1205
9300 Shelbyville, Road
Louisville, KY 40222
Telephone: (502) 736-6200
Facsimile: (502) 736-6205
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David Beyer

From: David Beyer
Sent: Tuesday, March 10, 2020 10:13 AM
To: Perry, Donna K.
Cc: Jonathan Ricketts
Subject: RE: Our Discussions Yesterday and Today

Good Morning Donna,

I'm following up on my request for the names and contact information of those persons interviewed during your firm's investigation of TARC performed at the request of the Mayor's office. My initial request was made during an in-person meeting at City Hall on February 26, 2020 and was confirmed in writing by letter dated February 27, 2020. You responded by email dated March 2, 2020, that you were awaiting a response from TARC's Co-Executive Directors whether to comply with my request.

Please let me know if you are willing to provide the requested information.

David

David J. Beyer
Pence & Whetzel, PLLC
Hurstbourne Place, Suite 1205
9300 Shelbyville, Road
Louisville, KY 40222
Telephone: (502) 736-6200
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From: Perry, Donna K.
Sent: Monday, March 2, 2020 11:53 AM
To: David Beyer
Cc: Montfort, Theresa A.
Subject: RE: Our Discussions Yesterday and Today

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Thanks. Donna

Dinsmore

Donna King Perry

Partner

Dinsmore & Shohl LLP • Legal Counsel
101 South Fifth Street
Suite 2500
Louisville, KY 40202
T (502) 581-8085 • F (502) 585-2207

From: David Beyer <David@pencelegal.com>
Sent: Thursday, February 27, 2020 7:33 PM
To: Perry, Donna K. <donna.perry@dinsmore.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>; Christopher Bush <Christopher.Bush@rickettslawoffices.com>
Subject: Our Discussions Yesterday and Today

Dear Donna,

Attached is a brief letter regarding our discussions yesterday and today.

David

David J. Beyer
Pence & Whetzel, PLLC
Hurstbourne Place, Suite 1205
9300 Shelbyville, Road
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David Beyer

From: David Beyer
Sent: Friday, March 13, 2020 8:26 PM
To: Jonathan Ricketts Ricketts
Subject: Fwd: Our Discussions Yesterday and Today

Just FYI

David J. Beyer
Pence & Whetzel, PLLC
9300 Shelbyville Road, Suite 1205
Louisville, KY 40222
502.435.8892

Begin forwarded message:

From: "Perry, Donna K." <donna.perry@dinsmore.com>
Date: March 13, 2020 at 5:40:06 PM EDT
To: David Beyer <David@pencelegal.com>
Cc: "Montfort, Theresa A." <theresa.montfort@dinsmore.com>
Subject: RE: Our Discussions Yesterday and Today

David, I confirmed with my client today—because we will not be sharing with the Board names of employees we have interviewed, we are not authorized to share the names of the employees with you.

Let me know if you have questions.
Thanks. Donna

Dinsmore

Donna King Perry
Partner

Dinsmore & Shohl LLP • Legal Counsel
101 South Fifth Street
Suite 2500
Louisville, KY 40202
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From: David Beyer <David@pencelegal.com>
Sent: Tuesday, March 10, 2020 10:13 AM
To: Perry, Donna K. <donna.perry@dinsmore.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Subject: RE: Our Discussions Yesterday and Today

Good Morning Donna,

RICKETTS LAW OFFICES, PLLC

ATTORNEYS AT LAW

JONATHAN S. RICKETTS
Also Admitted: U.S. Court of Appeals
for the Armed Forces

THE RICKETTS BUILDING
4055 SHELBYVILLE ROAD
LOUISVILLE, KENTUCKY 40207
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Fax (502) 896-2362

OF COUNSEL:
CHARLES E. RICKETTS, JR.
Also Admitted: District of Columbia

A. CARL PLATT
Also Admitted: Indiana

CHRISTOPHER D. BUSH

March 24, 2020

Transit Authority of River City (TARC)
Laura Douglas, Interim Director
Marry Morrow, Chair, TARC Board of Directors

c/o Hon. Donna King Perry
Legal Counsel
Dinsmore & Shohl LLP
PNC Tower
101 S. Fifth Street, Suite 2500
Louisville, KY 40202

Re: Louisville Metro Council Investigation Into Allegations of Sexual Harassment and
Other Misconduct at TARC

Donna:

This letter is written out of concern that your client, TARC, by and through its decision makers, is being less than cooperative and collaborative with Metro Council investigator Mr. David Beyer, same being an effort to avoid the expense and distractions associated with the Council's enforcement of its investigative authority granted by KRS § 67C.103.

In the background of this discussion and therefore enclosed with this letter for your file and convenience, should you not already have it, is a fully executed copy of Louisville Metro Council Resolution No. 021 Series 2020, signed by David James, President of the Metro Council, and Greg Fischer, Mayor of Louisville. As you know this Resolution authorized and directed an investigation into allegations of sexual harassment and other misconduct at TARC. As you also know, Mr. Beyer, of Pence and Whetzel, PLLC, is the principal investigator for Metro Council. This office represents the Louisville Metro Council relative to this investigation.

Concerns regarding TARC's failure to follow through with its initial tone of cooperation have grown since our February 26th meeting with you, TARC co-interim Executive Director Laura Douglas, President James and Councilman Ackerson, among others. Specifically, I recall

at that meeting (as do others present at the meeting) that Ms. Douglas offered TARC's full cooperation with Mr. Beyer in the Council's investigation. We also recall agreement from Ms. Douglas in regard to coordinating TARC's investigative efforts with those of Mr. Beyer. I specifically recall discussing the sound reasoning associated with cooperating which included overall efficiencies, non-duplication of efforts, streamlining resources, and the avoidance potential "re-victimization" which could occur through multiple or repeated interviews likely to occur if TARC did not share information and cooperate with Mr. Beyer. Attached is the February 27th letter to you, from Mr. Beyer, which memorialized those discussions. Also attached is your response email, wherein you stated: "...we do not completely agree with your characterization of the meeting or the agreement between the parties, but for now I will not pursue that any further." Your responsive email to Mr. Beyer provided no counter-impressions, nor did it offer *any* explanation or clarification relative to your disagreement. Your response on TARC's behalf left Mr. Beyer with more questions than answers relative to TARC's initial commitment of cooperation.

Since that exchange of correspondence, our understanding is that investigator Mr. Beyer has been met with continued resistance from TARC decision makers, with respect to his investigative efforts. Specifically, Mr. Beyer had sought the names and contact information of those persons interviewed during your law firm's investigation of TARC, performed at the request of the Mayor's office. In an email dated March 13th (also enclosed), you stated "I confirmed with my client today—because we will not be sharing with the Board names of employees we have interviewed, we are not authorized to share the names of the employees with you."

Mr. Beyer also reported another instance of lack of transparency and cooperation which occurred on March 20, 2020: On that date, he was invited by attorney Thomas Clay to participate in a telephonic interview of his client, one of TARC's vendors. Mr. Clay told Mr. Beyer that he had agreed to permit his client to be interviewed by you. However, once the conference call was initiated and Mr. Beyer joined the call, you reportedly objected to Mr. Beyer's participation. You reportedly stated that you were conducting an internal investigation and that you would not agree to Mr. Beyer's being a part of the interview. Mr. Beyer reported that you stated that it is TARC's policy not to permit anyone outside of TARC (i.e. Louisville Metro Council) to participate in its internal investigative efforts. Mr. Beyer reported that, after much discussion back and forth among you, Mr. Clay and Mr. Beyer, you concluded that you were unwilling to go forward with the interview if Mr. Beyer participated. The interview was then canceled and an opportunity to further the investigations was lost.

With this letter we ask that TARC reconsider any policies, positions, or practices which might be seen as directly, or indirectly, interfering with Metro Council's investigation. If TARC has directed any employees to refrain from cooperating with Metro Council's investigation, in any way shape or form, we would urge TARC leadership to consider the directives contained in KRS 61.102 as it might apply to such actions.

Additionally, we ask TARC leadership to recognize that the Louisville Metro Council's Resolution, which opened this investigation, was passed unanimously by the full council, and with the approval of the Mayor. The investigation into TARC is a public mandate, and TARC leadership should reconsider any lack of cooperation and transparency in relation to this investigation. We also ask TARC to recognize that the Metro Council and TARC share common goals, which include protecting victims, assessing the scope of harm that occurred at TARC under the leadership of Mr. Risco, identifying any continuing harm occurring at TARC, and developing ways to improve TARC by assuring victim protection and accountability going forward.

While we understand the delicate nature of the investigation, we suggest TARC and Metro Council explore your client's basis for withholding information from Council's investigator so that the parties might find a mutually acceptable method to share information. It bears noting that Mr. Beyer is a professional investigator, with years-experience handling sensitive matter and adhering to confidences placed in him as an FBI agent. Given his background, and actions in this matter so far, there is every reason to believe that Mr. Beyer is well-equipped and able to handle these sensitive matters in a way that gives due respect to any legitimate concerns TARC might have regarding its employees. Metro Council has directed Mr. Beyer, for example, to work to assure that victim information is protected.

From our perspective, the "non-pursuit" of differences at this stage could cause inefficiencies and other problems down the road. In other words, while your responsive email to Mr. Beyer's February 27th correspondence suggested that you wouldn't (at the time of your email) pursue your disagreement with his understanding of TARC's cooperation, there is no better time than now to have a constructive discussion about the ways in which TARC and the Council can work together to remove or address any barriers that TARC believes it has in cooperating with Council's investigation. Simply put, the citizens and victims lose when we do not work together. For this reason, a good faith dialog regarding methods of cooperation is necessary under these circumstances.

In anticipation of concerns that TARC might have regarding the disclosure of victim information shared under the Kentucky Open Records Act, please recognize that KRS 61.878(1)(a) exempts from disclosure "...records containing information of a personal nature where the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." Thus, the law protects against scenarios where Metro Council is called upon to make victim names public; a scenario which Metro Council has already committed to preventing. As Metro Council clearly stated on the attached resolution, its investigation shall proceed... "while protecting and preserving victims' rights, privacy, and anonymity..." in accordance with the law.

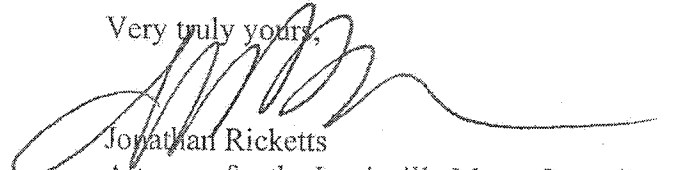
I ask that you please respond to this letter with more than a perfunctory response and identify your thoughts on whether you see any obstacles to TARC's cooperation going forward, so that we might be able to progress in our respective directives in a mutually agreeable and beneficial manner, without the need for resorting to the subpoena process and possible litigation.

No doubt, this would not only assist our respective clients, but would also be in stewardship to the taxpayers.

To the extent that TARC leadership believes that TARC (1) is under no obligation to cooperate with Metro Council's investigation and/or (2) may direct its employees to refrain from cooperating with Metro Council's investigation, we ask that you also please respond to this letter with the basis for TARC's position. Our office can be reached at (502) 896-2303, or by mail at 4055 Shelbyville Road, Louisville, KY 40207, or by email at jricketts@rickettslawoffices.com.

Thanking you in advance for your time and attention to this most important matter, I remain,

Very truly yours,



Jonathan Ricketts
Attorney for the Louisville Metro Council
Government Oversight and Audit Committee

Enclosure: (Resolution 021, Series 2020)

Correspondence between Hon. David Beyer and Hon. Donna Perry

CC: Hon. Brent Ackerson

Hon. David Beyer

David Beyer

From: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Sent: Friday, July 24, 2020 2:05 PM
To: David Beyer
Cc: Christopher Bush
Subject: FW: Follow up corresp

This is the last email correspondence I have from Donna. I have no other correspondence from her.

r/
JR

From: Perry, Donna K. <donna.perry@dinsmore.com>
Sent: Friday, April 03, 2020 11:06 AM
To: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Cc: 'Golden, Matthew' <mgolden@ridetarc.org>; Montfort, Theresa A. <theresa.montfort@dinsmore.com>
Subject: RE: Follow up corresp

Hi, Jonathan.

I am copying Matt Golden on your email. I do not know the date of TARC's next scheduled Board meeting. We have a draft of the report, but have not been able to finalize it due to other client demands due to COVID-19. We hope to get it finalized next week. The decision about sharing the witness names or the report is for the Board.

Thanks, and stay safe. Donna

Dinsmore

Donna King Perry

Partner

Dinsmore & Shohl LLP • Legal Counsel
101 South Fifth Street, Suite 2500, Louisville, KY 40202

T (502) 581-8085 • F (502) 585-2207

From: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Sent: Friday, April 3, 2020 10:54 AM
To: Perry, Donna K. <donna.perry@dinsmore.com>
Cc: Christopher Bush <Christopher.Bush@rickettslawoffices.com>; David Beyer <David@pencelegal.com>
Subject: RE: Follow up corresp

Good morning, Donna.

As a follow up to this letter of 3/26, I did not note when the TARC board would reconvene. Would you let me know so I can circle back with you regarding sharing witness names (paragraph 3 of my letter)? Also, while I hope this request isn't intrusive to your work, I wanted to inquire about the completion date of your firm's report. I understand that you have no obligation to tell me this information, but maybe if the report is concluded before the next board meeting, you could also inquire of the board about sharing or authorizing the release of the report to Mr. Beyer.

Thanks and have a good weekend,

Jonathan

Jonathan S. Ricketts
Ricketts Law Offices, PLLC

David Beyer

From: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Sent: Friday, July 24, 2020 2:05 PM
To: David Beyer
Cc: Christopher Bush
Subject: FW: Follow up corresp

This is the last email correspondence I have from Donna. I have no other correspondence from her.

r/
JR

From: Perry, Donna K. <donna.perry@dinsmore.com>
Sent: Friday, April 03, 2020 11:06 AM
To: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Cc: 'Golden, Matthew' <mgolden@ridetarc.org>; Montfort, Theresa A. <theresa.montfort@dinsmore.com>
Subject: RE: Follow up corresp

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Thanks, and stay safe. Donna

Dinsmore

Donna King Perry

Partner

Dinsmore & Shohl LLP • Legal Counsel

101 South Fifth Street, Suite 2500, Louisville, KY 40202

T (502) 581-8085 • F (502) 585-2207

From: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Sent: Friday, April 3, 2020 10:54 AM
To: Perry, Donna K. <donna.perry@dinsmore.com>
Cc: Christopher Bush <Christopher.Bush@rickettslawoffices.com>; David Beyer <David@pencelegal.com>
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Thanks and have a good weekend,

Jonathan

Jonathan S. Ricketts

Ricketts Law Offices, PLLC

David Beyer

From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Tuesday, June 2, 2020 12:49 PM
To: David Beyer
Subject: Re: Louisville Metro Council Investigation

David,

I don't think this will be a problem at all. I'd like to do this at TARC to minimize operations impact. There's a conference room right next to my work area where we can conduct the conferences. I will be in attendance for them.

Shall we start Tuesday the 9th to accommodate your schedule? Also, can you ballpark me on how long you'd like me to block out for each? I presume no particular order so I'll just tell folks to show where and when.

I'll have the papers with me for expense report and we can sit down thereafter.

Matt

From: David Beyer <David@pencelegal.com>
Sent: Monday, June 1, 2020 11:56 AM
To: Golden, Matthew
Subject: [External Message]Louisville Metro Council Investigation

Matt,

Thank you for your time this morning to discuss the interviews of TARC employees and document needs. As we discussed, attached is a list of the persons I'd like to interview. I'm willing to conduct the interviews at the TARC office, the person's home or business or at my office. It may take several days to conduct all of the interviews. I'd like to begin doing the interviews next week. I'm free to begin the interviews any day next week except for Monday. Please let me know what days and times work best.

Also, I'd like to review the travel records/vouchers and payments made to Kaye Bealer and Ferdinand Risco.

Exhibit 8

I look forward to hearing back from you.

David

David J. Beyer

Pence & Whetzel, PLLC

Hurstbourne Place, Suite 1205

9300 Shelbyville, Road

Louisville, KY 40222

Telephone: (502) 736-6200

Facsimile: (502) 736-6205

Mobile: (502) 435-8892

david@pencelegal.com<mailto:david@pencelegal.com>

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David Beyer

From: David Beyer
Sent: Tuesday, July 14, 2020 3:03 PM
To: Golden, Matthew
Subject: RE: TARC Investigation - Forensic Analysis of Devices

Matt,

This is to confirm our discussion late this morning concerning the electronic devices used by Ferdinand Risco. Per our conversation, you have agreed to turn the devices over to Dan Jackman with Mobile Forensic Solutions at the TARC on Friday, July 17, 2020 at 2 p.m. EDT. Mr. Jackman will take the devices to his business and perform a forensic analysis. The results of that examination will be provided to me in a report. Thereafter, I will share the report with you after I've had an opportunity to review the report.

Throughout this process, Mr. Jackman will ensure the chain of custody is preserved.

Thank you for your cooperation with this request.

David

David J. Beyer
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-----Original Message-----

From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Tuesday, July 14, 2020 9:50 AM
To: David Beyer <David@pencelegal.com>
Subject: Re: TARC Investigation - Forensic Analysis of Devices

You've got our agreement in principle. Just want to talk about how this would work on the information gathering aspect of things.

Exhibit 9

From: David Beyer <David@pencelegal.com>
Sent: Tuesday, July 14, 2020 9:42 AM
To: Golden, Matthew
Subject: [External Message]TARC Investigation - Forensic Analysis of Devices

Good Morning Matt,

This is a follow up to our conversation yesterday during which I reasserted my desire to acquire the electronic communication devices previously used by Ferdinand Risco. I have identified a former law enforcement officer who worked with the FBI Cyber Crimes Task Force which was co-located with the FBI's Regional Computer Forensic Laboratory here in Louisville. Attached is a brief overview of the company and its proprietor. In addition to the information set forth on the attached document, Mr. Jackman has undergone extensive training from the FBI on the forensic analysis of electronic evidence.

I completely trust Mr. Jackman in his ability to extract evidence, if any, that may be on the devices used by Mr. Risco. I also know he has safeguards in place to ensure the chain of custody of the items is preserved. He currently provides his services to several area law enforcement agencies. Under his chain of custody protocols, Mr. Jackman will go to TARC and personally collect the items and secure them in a safe at his business. Mr. Jackman will return the items to TARC after the forensic analysis is completed.

Per our agreement, I will share the findings of the forensic analysis with you.

Please let me know when Mr. Jackman can come to TARC to obtain the items--perhaps we could do it on Friday during our planned 2 p.m. meeting so that you would have an opportunity to meet Mr. Jackman.

David

David J. Beyer

Pence & Whetzel, PLLC

Hurstbourne Place, Suite 1205

9300 Shelbyville, Road

Louisville, KY 40222

Telephone: (502) 736-6200

David Beyer

From: David Beyer
Sent: Thursday, July 16, 2020 4:39 PM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: TARC INVESTIGATION - REQUEST FOR INFORMATION

Matt,

Per our conversation this afternoon, here are the items that I request TARC provide to me:

1. Names and contact information of any witnesses interviewed by or on behalf of TARC;
2. Names and contact information of any victims interviewed by or on behalf of TARC;
3. Report of interviews prepared documenting or summarizing the interviews of both victims and witnesses including any documents, text messages or emails provided by the witnesses or victims.

It is my understanding based on prior conversations with you that the Dinsmore firm has not produced a final report. I am requesting that a copy of their report be provided to me when it is provided to TARC.

It is also my understanding based on our conversation this afternoon that you will send me an email setting forth the parameters for you to provide the items listed above.

David

David J. Beyer
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Facsimile: (502) 736-6205
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Exhibit 10

David Beyer

From: David Beyer
Sent: Friday, July 17, 2020 10:58 AM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: RE: TARC INVESTIGATION - REQUEST FOR INFORMATION
Attachments: 2020 2-27 Ltr to Donna Perry Re Witness List.pdf

Matt,

I'm in receipt of your email. I will respond in greater detail later but wanted to provide you with the attached letter to Donna Perry dated February 27, 2020. In this letter, I specifically requested a summary of the statements of witnesses and victims. Thus, your statement that I have not asked for these in the past is incorrect.

David J. Beyer
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From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Friday, July 17, 2020 8:05 AM
To: David Beyer <David@pencelegal.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Subject: RE: TARC INVESTIGATION - REQUEST FOR INFORMATION

Gentlemen,

See below:

From: David Beyer [<mailto:David@pencelegal.com>]
Sent: Thursday, July 16, 2020 4:39 PM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: [External Message]TARC INVESTIGATION - REQUEST FOR INFORMATION

Matt,

Per our conversation this afternoon, here are the items that I request TARC provide to me:

1. Names and contact information of any witnesses interviewed by or on behalf of TARC;

See below at 2.

2. Names and contact information of any victims interviewed by or on behalf of TARC;

As they indicated, we will share those names with you. However, you have stated that you may/will release the names to others at the conclusion of your report. You stated this may include the entirety of Metro Council. TARC's external counsel made a commitment to protect the anonymity of victims and innocent witnesses and I do not believe that there is a legislative purpose for the release of these names broadly. To break this impasse, I propose providing this information to you now and if you still intend to release the names at the conclusion of your report, you will have a public hearing over the matter at Metro Council and they can publicly vote on the release prior to release of the names. No person, other than you, would receive those names prior to that vote. I would like an opportunity to speak against this action prior to their vote. This will allow you to make sure you did not miss anyone but allow TARC an opportunity to argue for the protection of the victims and witnesses as counsel promised. You indicated you had no objection to this course of action.

3. Report of interviews prepared documenting or summarizing the interviews of both victims and witnesses including any documents, text messages or emails provided by the witnesses or victims.

I will break this down into two parts. First, the documents, text messages and emails that TARC or its investigative counsel received were all given to TARC by Plaintiff's Counsel's office. On June 1, 2020, I confirmed with you that this was the same material you received. If you want to compel again, we can do so. It is not a bad idea as I would like to make sure I have everything you have.

On the interview reports or summaries, this is the first time you have requested these materials. Any such reports are the work product of lawyers for TARC. The release and waiver of the privileges afforded these documents and the impressions contained therein is not something I can advise TARC to do. If you want to subpoena them, I will advise fighting this request vigorously in court. Materials arising from the attorney-client relationship, including an attorney's work product are constitutionally protected.

It is my understanding based on prior conversations with you that the Dinsmore firm has not produced a final report. I am requesting that a copy of their report be provided to me when it is provided to TARC.

When a final report is produced and TARC's board has an opportunity to review the same, it will be released publicly on their vote. You will receive a copy at that time.

It is also my understanding based on our conversation this afternoon that you will send me an email setting forth the parameters for you to provide the items listed above.

You and I have cooperated in every way thus far and I would like to see that cooperation continue. To assist you, you have indicated that you have no problem with me sitting in on your future interviews which I appreciate immensely. It is helping me do my job. Please let me know when those go forward so I can calendar. Allow this email to confirm that you will provide me the forensic products and reports on the cell phone and tablet, will return the same to you after your review, and that your consultant will maintain a chain of custody for those items. Finally, you indicated that you would reach out to Brent and speak to him about any misimpressions your testimony may have resulted in. As you know, TARC and its board have been nothing but cooperative to you in your investigation. I appreciate those commitments in these three areas and will see you today at 2.

David

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David Beyer

From: David Beyer
Sent: Wednesday, July 22, 2020 11:36 AM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: TARC INVESTIGATION - Agreement of Cooperation
Attachments: 2020 7-22 Ltr to Matt Golden.pdf

Matt,

Attached is a letter summarizing our agreement regarding the TARC investigation. Please review and email me a copy acknowledging your agreement.

Thank you.

David

David J. Beyer
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David Beyer

From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Thursday, July 23, 2020 10:13 AM
To: David Beyer
Subject: Fwd: TARC INVESTIGATION - AGREEMENT
Attachments: Beyer Letter signed MJG 7-23-20.pdf

David,

Added a couple notes for clarity. On the texts, I would like to sit down and make sure. The material as provided was in a Confusing format.

Got message on Jackman. Good!

Matt.

Matt Golden

From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Thursday, July 23, 2020 10:08 AM
To: Golden, Matthew
Subject: Fwd: TARC INVESTIGATION - AGREEMENT

Exhibit 13

David Beyer

From: David Beyer
Sent: Friday, July 24, 2020 12:24 PM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: RE: A follow up.

Matt,

As I stated in our brief conversation this morning, I have a noon deadline for a client. We agreed to discuss this issue further as soon as I'm free this afternoon. However, I just saw your email in which you imply that I'm being unreasonable requesting the information in written form. Here are the facts:

On February 26, 2020, I verbally made my request for the names of witnesses and victims along with a request for a summary of their statements. I reiterated my request in a February 27, 2020 letter to Donna Perry. As of the morning of July 14, 2020 (day of GOAC meeting), I had not received that information. In preparation for my interim report to the GOAC and to be fair to you, I again asked you for those three items; you responded that you were unable to provide that information.

Subsequent to my testimony, apparently TARC decided that they would be willing to provide the names (only) subject to terms to which you wanted me to agree. We in turn have exchanged numerous emails in which you asked for certain terms in our agreement. Due to the many emails on this topic, I drafted a letter to you on July 22, 2020, summarizing all of the emails setting forth the agreed terms along with matters still unresolved. You returned that letter to me yesterday morning with penciled additions to which you wanted me to agree. Per our discussion this morning, I will make the changes you suggested and get the document back to you today.

Throughout the past 149 days of my efforts to obtain some basic investigative information, I have sent written requests for the information and assumed that as is the normal course of business the information would be provided in writing to ensure its accuracy and document for all what information had been provided. This morning is the first time you stated that you would only verbally provide the information. As I stated during our call this morning, a written document would not only document what information had been provided but it would insure the accuracy of the information as well as be more efficient. You then proposed that you would provide a written list (but no summaries) if I agreed not to disclose that information to my client. I stated that I was not authorized to unilaterally withhold information from my client.

At the end of our conversation, we agreed to revisit the issue after I was free this afternoon. I certainly intend to call you this afternoon as I promised, however, I wanted to ensure there is no misperception of my efforts to garner the information that was promised at the inception of this investigation during a meeting held on February 25, 2020, with various Metro Council and TARC officials.

You have been very professional in our dealings with each other and I appreciate the cooperation that you have extended. I hope that we can continue to work together in a cooperative manner to ensure that the truth of what occurred can be fully uncovered and incidents like this can be prevented in the future.

David

David J. Beyer
Pence & Whetzel, PLLC
Hurstbourne Place, Suite 1205

Exhibit 14

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-----Original Message-----

From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Friday, July 24, 2020 11:01 AM
To: David Beyer <David@pencelegal.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Subject: A follow up.

Per our discussions, I indicated I would follow up with you. I have cooperatively offered the names you requested and you are indicating now that you want a written list of the names. Tendering a written list of names and their personal contact information to you provides me grave concerns about protecting innocent witnesses and victims--many of whom came forward requesting anonymity--from public disclosure. We are both entities that have Open Records responsibilities. I want to make sure that you and I are in agreement that such a document you are asking me you is protected under the Open Records Act and that we will jointly defend the protection of these individuals, especially victims, until a court of competent jurisdiction orders otherwise.

You have already agreed that no one other than you needs those names, including individual members of your client. I would also, again, suggest you take the names while you consider this.

[https://webmail.ridetarc.org/owa/service.svc/s/GetFileAttachment?id=AAMkADA5ZGQyNjcxLTMxY2QtNGQ4OC04MzEzLTVjNzlhNDQ0ZTM1OQBGAIAAAAAAAAA1LI0yU40tRKd7OLzrrhSpBwAYh%2F%2FkOpTwSouqi7yExZWvAAAAAAEJAAAYh%2F%2FkOpTwSouqi7yExZWvAAACKrAGAAABEgAQAAzvi%2BmDQ85LqJhdEiPvC%2B1%3D&X-OWA-CANARY=iiUvTAjZSUu4fBssWVusH7DftSTF1NciU8yKNpdYyRGB7WxBLsWUVN_iEMQsOtKNGyMhVmyle_c.&retryCount=3]

Matt Golden
INTERIM GENERAL COUNSEL
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App<https://play.google.com/store/apps/details?id=zedTarc.zig.zig>

Stephen B. Pence
Ruth Ann Cox Pence
Stanley W. Whetzel, Jr.
David J. Bever
Of Counsel

PENCE & WHETZEL
ATTORNEYS-AT-LAW

Hurstbourne Place, Suite 1205
9300 Shelbyville Road
Louisville, Kentucky 40222
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Fax: (502) 736-6205
david@pencelegal.com

SENT VIA EMAIL

July 22, 2020

Matt Golden, Interim General Counsel
TARC
1000 West Broadway
Louisville, KY 4020

RE: TARC INVESTIGATION - AGREEMENT OF COOPERATION

Dear Matt:

We have had several emails back and forth regarding our efforts to address some of my investigative requests. I thought for simplicity purposes and clarity I would summarize our agreement and document matters that remain unresolved.

The following is my understanding of our agreement.

TARC has agreed to provide me with the following:

1. Names and contact information of any witnesses interviewed by or on behalf of TARC;
2. Names and contact information of any victims interviewed by or on behalf of TARC.

It is not my intent to list the names of witnesses or victims in my final report with the following caveat—I believe it would be important for clarity and context to identify government officials such as the former TARC Executive Director, current Assistant Executive Director, the Mayor and his Chief of Staff, current and former board members. If the Metro Council seeks the names of witnesses and victims, I will advise you to give and we can discuss the matter further.

- OTHER THAN THOSE OFFICIALS*
3. Regarding my request for any documents, text messages or emails provided by the witnesses or victims, you advised the documents, text messages and emails that TARC or its investigative counsel received were all given to TARC by Plaintiff's Counsel's office and all such material was provided to me on June 1, 2020.

Also, on July 17, 2020, you provided me with the cellphone and two notebook computers previously used by Ferdinand Risco to be forensically examined. These items were provided upon my agreement that I would share the results of the forensic examination with you.

PENCE & WHETZEL, PLLC
ATTORNEYS-AT-LAW

AS SOON AS YOU HAVE HAD A CHANCE TO REVIEW

EXHIBIT 15

July 22, 2020

Page -2-

I have agreed to:

Notify you of upcoming interviews when they are scheduled and the location at which the interview will be conducted. Due to the time constraints I am under to conclude my investigation and our busy professional schedules, I believe it would be unfeasible to coordinate interview dates and locations with you before the interviews are scheduled, and therefore, it would be unfeasible to coordinate interview dates and locations with you. In addition, I have been contacted by former TARC employees who have asked for anonymity and requested that they be interviewed without TARC employees or representatives. Thus, I will honor those requests if made to me by a witness. YOU HAVE ADVISED THAT THERE ARE NONE SET.

Unresolved issue:

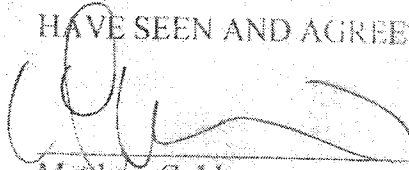
Regarding my request for any summaries or reports prepared following the interviews of victims and witnesses, you claim that material to be work product of lawyers for TARC and that the release and waiver of the privileges afforded these documents and the impressions contained therein is not something you can advise TARC to do. You further advised that if I want to subpoena them, you will advise "fighting this request vigorously in court." While I do not intend to communicate acquiescence to your position, I simply state it in this letter in the event we need to revisit this issue, or we find ourselves attempting to explain to our methodology to the GOAC or Metro Council. As you are aware, the GOAC or Council ultimately has control over this investigation, and they have shown a reluctance to issue subpoenas unless necessary. Our discussion on this topic may become relevant in the future for these purposes. I REITERATE MY REQUEST TO BE HEARD PRIOR TO ANY JURY.

Sincerely,



David J. Beyer

HAVE SEEN AND AGREED TO:



Matthew Golden,
Interim General Counsel

XX FOR ATTORNEY CLIENT MATERIAL

Stephen B. Pence
Ruth Ann Cox Pence
Stanley W. Whetzel, Jr.
David J. Beyer
Of Counsel

PENCE & WHETZEL
ATTORNEYS-AT-LAW

Hurstbourne Place, Suite 1205
9300 Shelbyville Road
Louisville, Kentucky 40222
(502) 736-6200
Fax: (502) 736-6205
david@pencelegal.com

SENT VIA EMAIL

July 16, 2020

Mr. Brent Ackerson, Chair
Government Oversight and Audit Committee
Louisville Metro Council
601 W. Jefferson Street
Louisville, KY 40202

RE: TARC INVESTIGATION

Dear Mr. Ackerson:

Per our conversation this morning, here are the items that I have requested from TARC:

1. Names of any witnesses interviewed by or on behalf of TARC;
2. Names of any victims interviewed by or on behalf of TARC;
3. Report of interviews prepared documenting or summarizing the interviews of both victims and witnesses including any documents, text messages or emails provided by the witnesses or victims.

What TARC has done since Matt Golden began as Interim General Counsel is:

- A. Made the board members available for interview via Zoom with Matt Golden participating;
- B. Made members of the executive leadership team available for interview at the TARC office with Matt Golden participating (and one interview Laura Douglas was also present);
- C. Provided material that was produced to WAVE TV pursuant to an open records request by WAVE TV;
- D. Provided some financial documents pertaining to Ferdinand Risco.

In my testimony on Tuesday, I was very clear that Matt Golden had done items A – D above. I was also clear that I have repeatedly asked for items 1 – 3 above. Those requests have been made to Donna Perry by me on several occasions and Jonathan Ricketts as well (all documented); I also asked Board Chair Mary Morrow for items 1 -3 during a June 12, 2020 interview of her; and, asked Matt Golden on Tuesday morning if TARC was still refusing to provide items 1 -3 to which he stated they were unwilling to do so.

July 16, 2020

Page -2-

As I stated during my testimony, I do not want to conclude my investigation without ensuring that I have spoken to all victims and critical witnesses and obtained all documentation those persons may have. Receiving items 1 -3 will help ensure that all relevant persons have been contacted and interviewed.

TARC through their attorneys have proffered various illogical reasons for not providing items 1 - 3 to include that the Board members themselves don't know the names of the victims (which strikes me as a continuing lack of oversight by the Board—would seem important to know if any of the victims are still employed by TARC and that those victims have been provided with appropriate employee assistance services).

Please let me know if you need any additional information or backup documentation.

Sincerely,



David J. Beyer

Brent Ackerson

From: Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>
Sent: Friday, July 17, 2020 12:54 PM
To: Brent Ackerson
Subject: FW: TARC INVESTIGATION - REQUEST FOR INFORMATION

Categories: Blue category

From: David Beyer <David@pencelegal.com>
Sent: Friday, July 17, 2020 10:49 AM
To: Ackerson, Brent <Brent.Ackerson@louisvilleky.gov>
Subject: FW: TARC INVESTIGATION - REQUEST FOR INFORMATION

CAUTION: This email came from outside of Louisville Metro. Do not click links or open attachments unless you recognize the sender and know the content is safe

FYI. Response I received from Matt Golden this morning (highlighted in green).

David J. Beyer

Pence & Whetzel, PLLC

Hurstbourne Place, Suite 1205

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Louisville, KY 40222

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From: Golden, Matthew <mgolden@ridetarc.org>
Sent: Friday, July 17, 2020 8:05 AM
To: David Beyer <David@pencelegal.com>
Cc: Jonathan Ricketts <Jonathan.Ricketts@rickettslawoffices.com>
Subject: RE: TARC INVESTIGATION - REQUEST FOR INFORMATION

Gentlemen,

See below:

From: David Beyer [<mailto:David@pencelegal.com>]
Sent: Thursday, July 16, 2020 4:39 PM
To: Golden, Matthew
Cc: Jonathan Ricketts
Subject: [External Message]TARC INVESTIGATION - REQUEST FOR INFORMATION

Matt,

Per our conversation this afternoon, here are the items that I request TARC provide to me:

1. Names and contact information of any witnesses interviewed by or on behalf of TARC;

See below at 2.

2. Names and contact information of any victims interviewed by or on behalf of TARC;

As I have indicated, we will share those names with you. However, you have stated that you may/will release the names to others at the conclusion of your report. You stated this may include the entirety of Metro Council. TARC's

external counsel made a commitment to protect the anonymity of victims and innocent witnesses and I do not believe that there is a legislative purpose for the release of these names broadly. To break this impasse, I propose providing this information to you now and if you still intend to release the names at the conclusion of your report, we will have a public hearing over the matter at Metro Council and they can publically vote on the release prior to release of those names. No person, other than you, would receive those names prior to that vote. I would like an opportunity to speak against this action prior to their vote. This will allow you to make sure you did not miss anyone but allow TARC an opportunity to argue for the protection of the victims and witnesses its counsel promised. You indicated you had no objection to this course of action.

3. Report of interviews prepared documenting or summarizing the interviews of both victims and witnesses including any documents, text messages or emails provided by the witnesses or victims.

I will break this down into two parts. First, the documents, text messages and emails that TARC or its investigative counsel received were all given to TARC by Plaintiff's Counsel's office. On June 1, 2010, I confirmed with you that this was the same material you received. If you want to compare again, we can do so; it is not a bad idea as I would like to make sure I have everything you have.

On the interview reports or summaries, this is the first time you have requested these materials. Any such reports are the work product of lawyers for TARC. The release and waiver of the privileges afforded these documents and the impressions contained therein is not something I can advise TARC to do. If you want to subpoena them, I will advise fighting this request vigorously in court. Materials arising from the attorney-client relationship including an attorney's work product are constitutionally protected.

It is my understanding based on prior conversations with you that the Dinsmore firm has not produced a final report. I am requesting that a copy of their report be provided to me when it is provided to TARC.

When a final report is produced and TARC's board has an opportunity to review the same, it will be released publicly on their vote. You will receive a copy at that time.

It is also my understanding based on our conversation this afternoon that you will send me an email setting forth the parameters for you to provide the items listed above.

You and I have cooperated in every way thus far and I would like to see that cooperation continue. To that, you have indicated that you have no problem with me sitting in on your future interviews which I appreciate immensely. It is helping me do my job. Please let me know when those go forward so I can calendar. Allow this email to confirm that you will provide me the forensic products and reports on the cell phone and tablet, will return the same to us after your review, and that your consultant will maintain a chain of custody for those items. Finally, you indicated that you would reach out to Brent and speak to him about any misimpressions your testimony may have resulted in. As you know, TARC and its board have been nothing but cooperative to you in your investigation. I appreciate those commitments in these three areas and will see you today at 2.

David

David J. Beyer
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ATTORNEYS-AT-LAW

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SENT VIA EMAIL

July 22, 2020

Matt Golden, Interim General Counsel
TARC
1000 West Broadway
Louisville, KY 4020

RE: TARC INVESTIGATION – AGREEMENT OF COOPERATION

Dear Matt:

We have had several emails back and forth regarding our efforts to address some of my investigative requests. I thought for simplicity purposes and clarity I would summarize our agreement and document matters that remained unresolved.

The following is my understanding of our agreement.

TARC has agreed to provide me with the following:

1. Names and contact information of any witnesses interviewed by or on behalf of TARC;
2. Names and contact information of any victims interviewed by or on behalf of TARC.

It is not my intent to list the names of witnesses or victims in my final report with the following caveat—I believe it would be important for clarity and context to identify government officials such as the former TARC Executive Director, current Assistant Executive Director, the Mayor and his Chief of Staff, current and former board members. If the Metro Council seeks the names of witnesses and victims, I will advise you to give and we can discuss the matter further.

3. Regarding my request for any documents, text messages or emails provided by the witnesses or victims, you advised the documents, text messages and emails that TARC or its investigative counsel received were all given to TARC by Plaintiff's Counsel's office and all such material was provided to me on June 1, 2020.

PENCE & WHETZEL, PLLC
ATTORNEYS-AT-LAW

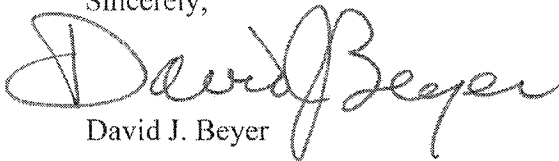
I have agreed to:

Notify you of upcoming interviews when they are scheduled and the location at which the interview will be conducted. Due to the time constraints I am under to conclude my investigation and our busy professional schedules, I believe it would be unfeasible to coordinate interview dates and locations with you before the interviews are scheduled, and therefore, it would be unfeasible to coordinate interview dates and locations with you. In addition, I have been contacted by former TARC employees who have asked for anonymity and requested that they be interviewed without TARC employees or representatives. Thus, I will honor those requests if made to me by a witness.

Unresolved issue:

Regarding my request for any summaries or reports prepared following the interviews of victims and witnesses, you claim that material to be work product of lawyers for TARC and that the release and waiver of the privileges afforded these documents and the impressions contained therein is not something you can advise TARC to do. You further advised that if I want to subpoena them, you will advise "fighting this request vigorously in court." While I do not intent to communicate acquiescence to your position, I simply state it in this letter in the event we need to revisit this issue, or we find ourselves attempting to explain to our methodology to the GOAC or Metro Council. As you are aware, the GOAC or Council ultimately has control over this investigation, and they have shown a reluctance to issue subpoenas unless necessary. Our discussion on this topic may become relevant in the future for these purposes

Sincerely,



David J. Beyer

HAVE SEEN AND AGREED TO:

Matthew Golden,
Interim General Counsel