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CMI, INC.  
CARMERSON RUSOW  
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CREDIT  
BCA TOXICOLOGY

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# MINNESOTA DEPARTMENT OF PUBLIC SAFETY



## Bureau of Criminal Apprehension

1430 Maryland Avenue East • Saint Paul, Minnesota 55106-2802  
Phone: 651.793.7000 • Fax: 651.793.7001 • TTY: 651.282.6555  
www.dps.state.mn.us/bca/



### AFFIDAVIT OF GLENN G. HARDIN

GLENN G. HARDIN, being first duly sworn, deposes and states that:

- Alcohol and Gambling Enforcement
- ARMED/RYI Program
- Bureau of Criminal Apprehension
- Driver and Vehicle Services
- Homeland Security and Emergency Management
- Minnesota State Patrol
- Office of Communications
- Office of Justice Programs
- Office of Traffic Safety
- State Fire Marshal and Pipeline Safety

1. I am the Toxicology Supervisor at the Minnesota Bureau of Criminal Apprehension (BCA).

2. As the Toxicology Supervisor, I oversee the breath testing, blood alcohol, and toxicology sections of the BCA.

3. I am familiar with the BCA's practices of ordering Intoxilyzer 5000EN breath testing instruments from their manufacturer CMI, Inc., a Kentucky corporation, including the purchasing process, the instrument quality control testing process, and the Minnesota Administrative Procedure Act approval process.

4. The source code is written in assembly language and is kept at CMI, Inc. in Owensboro, Kentucky. After the source code is completed, the source code is then compiled into a language that is readable by the Intoxilyzer 5000EN. The compiled code is then programmed onto the EPROM chips, which are installed into the Intoxilyzer 5000EN.

5. The source code is not now, nor has it ever been, in the possession of the BCA.

6. CMI, Inc. has never provided the BCA with the source code for the Intoxilyzer 5000 EN instrument.



NOV-16-2006 13:06  
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CMI, INC.  
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BCA TOXICOLOGY

FURTHER YOUR AFFLIANT SAYETH NOT.

  
GLENN G. HARDIN Date: 8/22/06

Subscribed and sworn to before me  
this 22nd day of August 2006.

  
NOTARY PUBLIC

