

GLEND A WOFFORD 9/4/2012

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ANAKA HUNTER, )  
)  
Plaintiff, )  
) Case No. 4:12-cv-4-ERW  
vs. )  
)  
BOARD OF TRUSTEES, SALEM )  
PUBLIC LIBRARY, et al., )  
)  
Defendants. )

DEPOSITION OF GLENDA WOFFORD  
TAKEN ON BEHALF OF PLAINTIFF  
SEPTEMBER 4, 2012

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BOARD OF TRUSTEES, SALEM )  
PUBLIC LIBRARY, et al., )  
)  
Defendants. )

THE DEPOSITION OF GLEND A WOFFORD,  
produced, sworn, and examined on Tuesday, September 4,  
2012, at 10:05 a.m. of that day, pursuant to Notice to  
Take Deposition at the Offices of Midwest Litigation  
Services, 901 N. Pine Street, in the City of Rolla, County  
of Phelps, State of Missouri, before Monnie S. Mealy,  
Certified Shorthand Reporter, Registered Professional  
Reporter, Certified Court Reporter #0538, and Notary  
Public, in a certain cause now pending in the United  
States District Court, Eastern District of Missouri,  
Eastern Division, wherein the parties are as above set  
forth; taken on behalf of the Plaintiff.

1 A P P E A R A N C E S

2

3 For Plaintiff:

4 Mr. Grant R. Doty  
ACLU - Staff Attorney  
5 454 Whittier Street  
St. Louis, MO 63108  
6 (314) 652-3114

7

For Defendants:

8

Mr. Matt Cologna  
9 Baird, Lightner, Millsap & Harpool  
1901-C South Ventura Avenue  
10 Springfield, MO 65804-2700  
(417) 887-0133

11

12

13 SIGNATURE INSTRUCTIONS: Read and sign, waive presentment.

14 EXHIBIT INSTRUCTIONS: Original exhibits were attached to  
the original transcript.

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21 Court Reporter:

22 Monnie S. Mealy, Missouri CCR #0538, RPR, CSR  
Midwest Litigation Services  
23 3432 W. Truman Boulevard, Suite 207  
Jefferson City, MO 65109  
24 (573) 636-7551

25

1           IT IS HEREBY STIPULATED AND AGREED by and between  
2 counsel for the Plaintiff and counsel for the Defendants  
3 that this deposition may be taken in shorthand by Monnie  
4 S. Mealy, CCR #0538, CSR, RPR, a Certified Court Reporter,  
5 Certified Shorthand Reporter, and Registered Professional  
6 Reporter, and afterwards transcribed into typewriting; and  
7 the signature of the witness is expressly retained.

8   \* \* \* \* \*

9   GLEND A WOFFORD,  
10 being first duly sworn to testify the truth, the whole  
11 truth, and nothing but the truth, testified as follows:

12   DIRECT EXAMINATION

13 BY MR. DOTY:

14           **Q     Good morning, Ms. Wofford. We met briefly as**  
15 **you came in. My name is Grant Doty, and I am one of the**  
16 **two attorneys -- actually, three attorneys for Ms. Anaka**  
17 **Hunter. Have you been deposed before?**

18           A     Not that I can remember.

19           **Q     Okay. No. It's not a problem. It's not a**  
20 **problem. Hopefully, it shouldn't -- hopefully, it won't**  
21 **be painful. There's a lot of subjects, so I can't promise**  
22 **how long it will go. But hopefully it will be pretty**  
23 **straightforward.**

24           A     Okay.

25           **Q     A couple ground rules on depositions if you've**

1 not been deposed before is, we have our reporter over  
2 here. And she's taking words. And so where sometimes,  
3 you know, we're going to have a nice conversation, and  
4 like a normal conversation, you might want to nod or shake  
5 your head, she's not going to be able to take that down.  
6 So it's really important that my questions are verbal and  
7 your answers are verbal. Does that make sense?

8 A Uh-huh.

9 Q And the problem is uh-huh might be huh-uh on the  
10 court reporter's -- you have to say -- you do have to say  
11 yes or no. Is that all right?

12 A Yes.

13 Q Fair enough?

14 A Yes.

15 Q The other thing that is a ground rule is that  
16 I'm going to ask my questions, and, you know, we're going  
17 to get into some fairly technical subjects here. And my  
18 technical knowledge and your technical knowledge, you  
19 know, are probably different. And so in that being  
20 different, it's really important that you understand my  
21 question.

22 And if my question is not clear, please ask  
23 because we're going to assume and the court reporter's  
24 going to assume that if you answer yes or no to one of my  
25 questions, it's going to be assumed that you understood

1 that question.

2 A Okay.

3 Q Fair enough? Okay. Actually, I can't promise  
4 how long this is going to take, but we're free to take  
5 breaks, so, you know, if you're tired, I think we're  
6 probably going to -- because we're starting at ten, we're  
7 probably going to have a lunch break in here. When you  
8 think it's a good time for a lunch break, you just let us  
9 know. Okay?

10 A Okay.

11 Q If it's in the middle of the question, generally  
12 what's going to happen is I'm going to have you answer  
13 that question. And then after that question is answered,  
14 then you can talk with your attorney or whatever you'd  
15 like to do.

16 A Okay.

17 Q I think that's basically it. What is your title  
18 with the -- for the --

19 A Library Director.

20 Q Library Director. Okay. And how long have you  
21 been in that position?

22 A I've worked at the library for 37 years, but  
23 I've not held that position that long. And I really can't  
24 tell you the date that I took that position.

25 Q Okay.

1 A I've been at it for several years now.

2 Q More than ten years, you think?

3 A Yes.

4 Q Okay. So, certainly, in 2010, you were the  
5 Library Director when these issues came up?

6 A Yes.

7 Q What were you before the Library Director?

8 A I was a Co-Librarian for a while.

9 Q Okay?

10 A Two librarians together. And then I was just an  
11 Assistant.

12 Q Good. All right.

13 MR. DOTY: Can you could mark this?

14 (Exhibit 1 was marked for identification.)

15 Q (By Mr. Doty) I'm handing you what has been  
16 marked as Exhibit 1. Could you look it over for just a  
17 minute? Have you seen this document before?

18 A Yes.

19 Q Okay. And what is it?

20 A It's stating that we were going to meet today  
21 and that you have questions on 15 points here that you're  
22 going to be asking me about.

23 Q Perfect. Okay. Good. Now, this is the -- you  
24 see it's marked as Amended? It's the Amended Notice?

25 A Okay. Yes.

1 Q Did you see the original one that was sent on  
2 August 10th?

3 A I -- I really don't know which one I saw.

4 Q All right. Fair enough.

5 A What was amended on it?

6 Q Just the date.

7 A Okay.

8 Q And the location. So the subjects are the same.  
9 I was just wondering whether or not you've had a chance to  
10 review all those 15 subjects that are --

11 A Yes.

12 Q Okay. Good. Okay. As you can see, this is a  
13 Deposition Notice to the Board of Trustees. And one of  
14 the obligations when a corporate entity or a body of --  
15 you know, that's not a person is going to be deposed is  
16 they have to designate someone to testify on their behalf.  
17 Have you been designated by the Board to testify --

18 A Yes.

19 Q -- on these 15 subjects?

20 A Yes.

21 Q Okay. And you're prepared to testify on each of  
22 those today?

23 A Yes.

24 Q Okay. Great. So what I'm going to do is I'm  
25 going to go down topic by topic. Generally, the way this

1 works is when I finish the topic, I'm not coming back.

2 Okay?

3 A Okay.

4 Q There's going to be some overlap. We're going  
5 talk about Net Sweeper, and then we're going to move on  
6 down and we're going to talk about your work with Net  
7 Sweeper, so there's going to be some overlap.

8 A Okay.

9 Q What I want to call your attention to is the  
10 first block, which is, Authenticating the documents  
11 produced by the Defendants in their initial disclosures in  
12 their response to the Plaintiff's First Request for  
13 Production. Are you designated by the Board to testify on  
14 that behalf?

15 A Yes.

16 Q Okay. And you're prepared to do so?

17 A Yes.

18 Q Okay. What I want to do is, if it's okay with  
19 counsel and it's okay with you, I have a lot of documents.  
20 And I think we're going to cover a lot of those documents  
21 as I go through those topics, and we're going to authenticate  
22 them as we get to them. And then at the end when we  
23 figure out which ones you haven't authenticated, I'm going  
24 to come back and authenticate, you know, this one, this  
25 one, this one. Is that okay with you?

1 A That's fine.

2 MR. DOTY: And is that okay with you, Matt?

3 MR. COLOGNA: that's fine.

4 Q (By Mr. Doty) I think that's more efficient, and  
5 then we won't be overwhelmed with stack of papers. So  
6 let's talk about Topic 2. Topic 2 is, I'm going to read  
7 it from the Deposition Notice, The organization --  
8 organizational and management relationship between the  
9 Board and the -- the library employees. You're going to  
10 hear the same questions over. Are you designated to  
11 testify on their behalf?

12 A Yes.

13 Q And you're prepared to do so?

14 A Yes.

15 Q All right. Great. Is there an organizational  
16 chart that exists of the library and the Library Board?

17 A Can you explain what you're asking?

18 Q Like a chart that shows -- you know, has like  
19 boxes and says Library Board and then has a line down that  
20 says Library Director and has a line down --

21 A No.

22 Q You don't have -- nothing exists?

23 A No.

24 Q Okay. Do you have anything that's not a chart  
25 but describes the various positions and relationships

1 **between the Board and the library employees?**

2 A We have a -- a web site that has our Library  
3 Board members listed.

4 **Q Okay.**

5 A But I don't believe it's designated President --  
6 or points out the President of the Board and the Secretary  
7 and the Treasurer. It's just a list of them.

8 **Q Does that web site also list the employees of  
9 the library?**

10 A I don't believe it does.

11 **Q Okay. Does this web site -- do you -- I mean,  
12 do you happen to know the web address?**

13 A [www.salempubliclibrary.lib.mo.us](http://www.salempubliclibrary.lib.mo.us).

14 MR. DOTY: Did you get that?

15 THE COURT REPORTER: Yes.

16 **Q (By Mr. Doty) Okay. Does that also describe the  
17 relationship between the Board and the employees? Is the  
18 Board in charge of the library?**

19 A The Board oversees the employees. And I oversee  
20 the -- the Board oversees me, and I oversee the employees  
21 and the running of the library.

22 **Q Okay. Does the Board hire you?**

23 A Yes.

24 **Q The Board hires you. Do you hire the employees?**

25 A Yes.

1 Q Can the Board fire the employees?

2 A They never have.

3 Q Okay.

4 A I suppose they could if they wanted to.

5 Q Do you have the authority to fire?

6 A Yes.

7 Q Would you have to go to the Board and get their  
8 approval?

9 A I would get their approval, yes.

10 Q Okay. Okay. Besides the web site which lists  
11 the Board members, is there any other thing that is  
12 written that describes the Board -- the employees or the  
13 relationship between the Board and the library?

14 A We have bylaws.

15 Q Okay.

16 A I don't know if that really answers what you're  
17 asking. That does list the responsibilities of the  
18 employees and various runnings of the library. It does  
19 not list, per se, each Board member's name.

20 Q Okay. The bylaws, does it describe the  
21 relationship between the Board and the library?

22 A Without having one in front of me, I can't -- I  
23 don't know -- I don't know exactly what you're asking, I  
24 guess.

25 Q Well, you described how the Board --

1 A We're not -- we have a nine-member Board.

2 Q Okay. Go ahead.

3 A That we meet once a month. I -- is this what  
4 you want?

5 Q Yes. This is good. Yeah. That's good.

6 A We meet once a month. I have financial records  
7 to gather for them. I make the agenda and we discuss  
8 monthly what happens at the library.

9 Q Okay. I think we're going to get -- Topic 2  
10 does talk about the meetings a little bit.

11 A Okay.

12 Q So I just want to -- and that's fine. Like I  
13 said, there's going to be some overlap.

14 A Okay.

15 Q But I'm really talking about the organizational  
16 and management relationship. And I think if I heard you  
17 correctly, you said the Board supervises you?

18 A Uh-huh.

19 Q And then you supervise the employees?

20 A Correct.

21 Q Who is the President of the Board? You said  
22 that's not on the web site.

23 A No. Dr. Wayne Bertz.

24 Q And how do you spell Bertz?

25 A B-e-r-t-z.

1 Q And you said there's a secretary?

2 A Yes. Roseanne Bray.

3 Q And how do you spell her last name?

4 A B-r-a-y.

5 Q Okay. And you said there's a Treasurer --

6 A Uh-huh.

7 Q -- that's not probably listed on the web site.

8 What's his or her name?

9 A William Hubbs.

10 Q And how do you spell that?

11 A H-u-b-b-s.

12 Q Okay.

13 A And a Vice President, Ruth Ann Parker.

14 Q Okay. Are there any other titles on the Board?

15 A Not titles. There are members.

16 Q Is there five more members?

17 A There's nine total, yes.

18 Q Okay. Are you a member?

19 A No. I'm the Director.

20 Q Okay. So there's not any -- you don't sit on

21 the Board either in an official or ex officio manner?

22 A No.

23 Q Is there any other -- like the Mayor, is he ex

24 officio --

25 A No.

1 Q -- or any others? okay. You said you've been  
2 in this position for at least ten years?

3 A Yes.

4 Q Did any of these folks that are currently on the  
5 Board, were they on the Board when you were hired?

6 A Yes. I believe they were. Ten years ago.

7 Q It's it -- do the Board members rotate?

8 A Off and on, yes.

9 Q Do they --

10 A I think Will -- Will is new. A couple of the  
11 our other ones are new. Some goes off, and we've replaced  
12 them. They rotate.

13 Q Okay. Do they ever rotate back?

14 A Yes. I think they have.

15 Q Can you give me an example? Has Wayne Bertz,  
16 has he rotated on and off?

17 A No.

18 Q Bray, Roseanne Bray?

19 A No.

20 Q You said William Hubbs, he's new?

21 A He's new.

22 Q How about Ruth Ann Parker?

23 A She's been on for a while.

24 Q Okay.

25 A And I'm not even for sure how long Will's been

1 on.

2 Q Has the Library Director ever been an ex officio  
3 member?

4 A No.

5 Q And has there ever been an ex officio member in  
6 the time that you're aware of?

7 A No.

8 Q All right. Go down to the library employees,  
9 how many librarian employees do you have?

10 A There's four besides myself, so five total.

11 Four -- how many of those four -- actually, are you  
12 full-time?

13 A Yes.

14 Q You are full-time. Are the other four part-time  
15 or full-time?

16 A I have one that works five and a half hours a  
17 week, and I have two that work -- one works 30 -- between  
18 30 and 35 hours a week. Two of them work between those  
19 hours.

20 Q And what does the fourth one work?

21 A Three hours a week. And that's a janitorial  
22 position.

23 Q Okay. And so those -- the -- are you calling  
24 the people who work 30 to 35 full-time?

25 A Right.

1 Q What are their names?

2 A Carol Henry and Kate McBride.

3 Q Okay. Have -- were they there in the library in  
4 2010 when these things were --

5 A Yes.

6 Q How about the part-time person? What's that  
7 person's name?

8 A Kathy Benton. And she was not that I recall.

9 Q Okay. Did she replace someone?

10 A Yes.

11 Q Who did she replace?

12 A Karen Gordon.

13 Q And why did Karen leave?

14 A She had a busy summer with kids in college  
15 moving, and she was going to be gone a lot.

16 Q Okay. okay.

17 (Exhibit 2 was marked for identification.)

18 Q (By Mr. Doty) I'm handing you what has been  
19 marked Exhibit 2. You can look it over for just a second.  
20 Do you recognize this document?

21 A Yes, I do.

22 Q And what is it?

23 A That's the bylaw of the library.

24 Q Are these bylaws current?

25 A They were amended in the spring of 2012. And --

1 Q And you were looking at -- you were looking at  
2 the second page of the --

3 A Yes.

4 Q Okay. To find that out?

5 A Yes.

6 Q Okay.

7 A So they're pretty current.

8 Q I mean, have you amended them since spring of  
9 2012?

10 A Let me check something, and I'll tell you. I  
11 think these are the last amendments, yes.

12 Q Okay. What are you looking for to determine  
13 what makes it the most recent?

14 A We changed -- the age of children used to read,  
15 Children must be 18 or accompanied by their parent, and we  
16 changed it to 17 and that was because of the CIPA.

17 Q Can you --

18 A Page 22.

19 Q Okay. Great. Page 22. And you're looking at  
20 what paragraph of the --

21 A 24.

22 Q So you changed 18 to 17?

23 A Right.

24 Q And because of CIPA, you said?

25 A Yes.

1           **Q**     **There have been two changes since the events of**  
2     **2010 happened. There was -- it looks like on page 2,**  
3     **there was an amendment in winter of 2011 and then a change**  
4     **in spring of 2012?**

5           **A**     **Okay. I know that we added something about**  
6     **county. We had -- we charge a county fee. And we've**  
7     **charged that since, I think, 2002 or something. And we --**  
8     **it -- the amount was not in the bylaws, so we added that**  
9     **amount.**

10          **Q**     **Is that a change in 2011 or '12? Do you recall?**

11          **A**     **I think it was 2011.**

12          **Q**     **Okay.**

13          **A**     **We added it on.**

14          **Q**     **What page is that?**

15          **A**     **Page 8.**

16          **Q**     **Okay. Any other changes that happened than**  
17     **those two changes since the events of 2010?**

18          **A**     **We probably revised the -- and added a line on**  
19     **chat -- chat. Let me -- I'm doing this by memory. And my**  
20     **mind's not real good, so let me -- my memory is not real**  
21     **good, I should say. I believe we added No. 10, There will**  
22     **be no instant messaging or chatting.**

23          **Q**     **And that's on what page are you pointing to?**

24          **A**     **24, No. 10.**

25          **Q**     **Okay.**

1           A     And we changed the language. We used to have  
2 disks, and we added thumb drives and flash drives and just  
3 kind of updated verbiage.

4           **Q     And it will be outdated next week.**

5           A     Probably.

6           **Q     No. I'm just -- how long do you keep an archive**  
7 **of these old bylaws?**

8           A     We just amend them, add to. And that goes back  
9 to whatever date is on there.

10          **Q     So if I asked for the bylaws as they existed**  
11 **after the winter of 2004 edits, could you produce**  
12 **something like that?**

13          A     It would probably take some time. But I don't  
14 have like a hard copy. We just add to --

15          **Q     Right.**

16          A     -- and print it off and replace it. It would be  
17 probably in the minutes of the Board meeting what was  
18 amended.

19          **Q     Okay. Do you keep digital copies of each of**  
20 **these as they're edited, or do you just overwrite it?**

21          A     We update it, make corrections and save it.

22          **Q     As a new -- as a new file?**

23          A     Yes.

24          **Q     And where -- where do these bylaws reside? Is**  
25 **it on a work -- a particular work computer?**

1 A Yes. The office computer.

2 Q Okay. An office computer. So if I was to ask  
3 for those, if I was to ask your attorney, what words would  
4 I use to describe to get those bylaws, say, as it existed  
5 after the amendments of 2008?

6 A We have a spiral bound copy of it that's  
7 up-to-date. And you can come in and ask for it, and we  
8 can hand it to you.

9 Q The 2008 version?

10 A No. Like I said, I don't -- we update it when  
11 we amend it.

12 Q Okay.

13 A So an old copy, I don't know that I have.

14 Q You don't have an electric -- what I was trying  
15 get at is do you have the electronic version from 2008?

16 A No.

17 Q You do not?

18 A No.

19 Q Okay. Let's talk about document retention.

20 A Okay.

21 Q What's the -- when you retain a document, how  
22 long do you retain documents for?

23 A It varies on what kind of document it is.

24 Q Okay. Say the Bylaws, how long would you retain  
25 them?

1 A We keep this copy of bylaws forever, and we  
2 would just amend it.

3 Q I'm talking about the old -- because I'm trying  
4 find out which bylaws existed when this happened in 2010.  
5 And that would be -- if you look at page 2, would that be  
6 the amended summer of 2008 bylaws?

7 A Repeat your question.

8 Q So I'm looking at this, so the events that  
9 happened regarding Ms. -- Ms. Hunter happened in 2010?

10 A Yes.

11 Q Which bylaws would have been in effect when that  
12 happened?

13 A 2008.

14 Q Okay. So how do I go about getting a copy of  
15 those bylaws as they existed at that time?

16 A We would have to pull the current ones and go  
17 back through the minutes to 2008 because when I amend the  
18 bylaws, it goes through the Board.

19 Q Okay. So you're saying you don't retain the  
20 electronic copies?

21 A No.

22 Q Okay. The Board supervises you. You supervise  
23 the employees. Does anybody supervise the Board?

24 A No.

25 Q Okay. Is the Board elected?

1 A Appointed.

2 Q And they're appointed by?

3 A The Council, the City Council and the Mayor.

4 Q And then when they leave, is there like an -- is  
5 there an election that gets the re --

6 A No.

7 Q -- is reappointed by the Board?

8 A Recommendations are given, and the Council and  
9 the Mayor take in consideration the names given.

10 Q Okay. And who does the recommendations?

11 A Well, the Board or -- or staff. Just we try to  
12 find somebody that would be an asset to the Board,  
13 library, you know, education, library oriented.

14 Q Okay. All right. Well, that's all I have on  
15 Topic 2.

16 A Okay.

17 Q So we're going to go to Topic 3, and I'm going  
18 to read it from the Deposition Notice, which is Exhibit 1.  
19 And it reads, Board policies, practices and customs,  
20 including communications among Board members and between  
21 Board members and library employees setting and following  
22 meeting agendas and the function of those Board meetings.  
23 Are you designated to testify on that?

24 A Yes.

25 Q And are you prepared to testify on that?

1 A Yes.

2 Q Okay. All right. What's the main way that the  
3 Board communicates with each other?

4 A I'm not for sure exactly what you're asking.  
5 They meet in the Board room, and we go through the agenda,  
6 and they talk amongst themselves.

7 Q So one way to communicate is in person?

8 A Correct.

9 Q So they meet --

10 A Once a month.

11 Q -- at the Board meeting?

12 A Unless there's a special meeting called or  
13 something like that.

14 Q So they do the monthly meetings?

15 A Yes.

16 Q And they have special meetings?

17 A Yes.

18 Q How often do they have special meetings?

19 A They set the tax levy hearing once a year, which  
20 is a special meeting. If there's a concern with the  
21 building or something, there's special meetings.

22 Q Do they -- do they publicize that meeting?

23 A Yes, they do.

24 Q Okay. What was the last special meeting that  
25 you recall?

1 A About last week, I think, the 28th or something.

2 Q And what was the subject of that meeting?

3 A Real estate.

4 Q Real estate. Okay. Do you remember a special  
5 meeting about Ms. Hunter?

6 A No.

7 Q Okay. Now, you say they meet in person. That's  
8 one way they communicate with each other?

9 A Yes.

10 Q Meetings, special meetings. Was there anything  
11 besides meetings and special meetings and they would  
12 communicate in person?

13 A Not that I'm aware of.

14 Q How else do they communicate when they're not at  
15 a Board meeting?

16 A You would have to ask them. I -- I don't think  
17 they meet other than a Board meeting. Occasionally,  
18 there's a phone poll when they can meet to call a special  
19 meeting for, say, times or whatever.

20 Q So phone. So they talk on the phone. Is it one  
21 -- one Board member to another, or do they have like a  
22 conference call and they all get on the phone call?

23 A No. Conference call. I would probably be the  
24 one calling the Board members saying, We need to have a  
25 special meeting, can you meet this time or this time and

1 try to poll them to get there.

2 Q Okay. Do they e-mail each other or --

3 A I can't answer that. I don't know.

4 Q Okay. You're -- okay. How would we go about  
5 finding that out, if they e-mail each other?

6 A I would say you'd have to ask the Board members.

7 Q Now, you're designated to testify on their  
8 behalf today?

9 A Yes.

10 Q You're just not sure whether or not they ever  
11 e-mail?

12 A Yes. I'm not sure.

13 Q Do they ever do written mail to each other?

14 A Not that I'm aware of.

15 Q Okay. So we have in person. There's phones.  
16 You're not sure about e-mail.

17 A Correct.

18 Q Snail mail, you're not -- you're not certain?

19 A I'm not certain.

20 Q Okay. Is there any other way that they  
21 communicate with each other?

22 A Not that I'm aware.

23 Q Okay. So now let's talk about communications  
24 between the Board members and library employees.

25 A Okay.

1           Q     When the Board communicates with the library  
2 employees, do they only communicate to you and then expect  
3 you to communicate, or do they have another way of  
4 communicating to all the employees?

5           A     It would be through me.

6           Q     Okay.

7           A     Unless they would happen to pop in for some  
8 reason. But, typically, on a day-to-day basis, no. They  
9 may come in and check out a book and say hi to the  
10 employees. But as far as dealing with the other  
11 employees, I don't know that they do.

12          Q     Okay. So they -- it's possible they could  
13 communicate in person by coming to the library talking?

14          A     It's possible. Yes. Uh-huh.

15          Q     Are you aware of them e-mailing?

16          A     No, I'm not.

17          Q     Okay. Do you know if they call the employees?

18          A     No, I'm not.

19          Q     Okay. Do they ever write letters or  
20 communications, like written communication, Your -- you  
21 know, your retirement plan is changing, and they write  
22 that to them on paper?

23          A     No.

24          Q     Okay. And then the other communication -- any  
25 other method of communication you --

1 A Not that I'm aware of.

2 Q So when you communicate with the Board because  
3 you're saying the Board communicates with you, so you're  
4 the one employee that they do that. How do they  
5 communicate with you?

6 A They can call.

7 Q Okay.

8 A And at the meetings. So --

9 Q Okay. So in person at the meetings?

10 A Uh-huh.

11 Q Do they stop in the library as well when they  
12 check out books and communicate with you?

13 A Yes.

14 Q Okay. And then they phone you?

15 A Yes.

16 Q Do they ever e-mail you?

17 A The Board minutes are e-mailed to me. That  
18 wasn't always the case, but it -- depending on the  
19 Secretary at the time.

20 Q The Board's Secretary, you said, was Ms.  
21 Roseanne Bray?

22 A That's correct.

23 Q She's the one that keeps the minutes?

24 A Yes.

25 Q So then she e-mails you those?

1 A Yes.

2 Q Does she send it just to you, or does she send  
3 it to all the Board members and you?

4 A No. She sends it to me. And then I forward it  
5 to the newspaper office where it goes in the paper. And  
6 then I make copies of it for the Board.

7 Q Okay. So you're not one of many. You're just  
8 one individual that's sent --

9 A (Witness nods head.)

10 Q And any other e-mails besides the Board meeting  
11 minutes that are mailed to you through e-mail?

12 A Occasionally, a member might e-mail me saying  
13 that they can't make it to the meeting, but nothing other  
14 than that.

15 Q Okay. So besides the Board meeting minutes and  
16 communication to you that they cannot make a meeting,  
17 there's no other time they would e-mail you?

18 A Huh-uh.

19 Q Okay. Do they ever write you snail mail?

20 A No.

21 Q Okay. When you get the e-mail minutes or they  
22 e-mail that they can't make a meeting, what e-mail address  
23 do they send that to do?

24 A GlendaBrown1@gmail.com.

25 Q Okay. Okay. This might be good time to ask

1 this question. Your name's changed -- your name changed.

2 It's Wofford now?

3 A That's correct.

4 Q And it was Brown at one point?

5 A That's correct.

6 Q Just so we see it in documents because I have  
7 seen the Glendabrown1@gmail address.

8 A Uh-huh.

9 Q When MOREnet communicates with you -- when did  
10 it change from Brown to Wofford?

11 A My e-mail never changed from Brown to Wofford.  
12 My name changed in '09.

13 Q Okay. And any other communication methods at  
14 the library between you and the Board?

15 A No.

16 Q Okay. So we're still on subject and moving on  
17 to the issue of setting and following the meeting agendas.  
18 You said earlier -- do you set the agenda?

19 A I -- yes.

20 Q Can you tell me how that process works?

21 A We have the reading of the minutes of the  
22 previous meetings. Is this what type of --

23 Q Yes. Well, just how do you -- when you sit down  
24 to draft the agenda, tell me what -- how you do that month  
25 to month.

1           A     I -- any issues that we've had or any issues  
2     that are coming up or any programs that we're having, any  
3     old business, it just gets put on the agenda. If somebody  
4     asks to be put on the agenda, then we have that -- their  
5     names added.

6           **Q     Okay. So you draft them?**

7           A     Yes.

8           **Q     And when you draft them, do you have the minutes  
9     from the last meeting in front of you?**

10          A     Yes.

11          **Q     What else do you have in front of you?**

12          A     Sometimes I have the library's newsletter so I  
13     can get dates and times of programs. Sometimes I make  
14     notes of things to put on the agenda. And I have those  
15     notes there. And other than that, not a whole lot.

16          **Q     Okay. So the minutes from the previous meeting,  
17     a newsletter, notes. Where do you maintain those notes?**

18          A     Usually on Post-its stuck on my desk.

19          **Q     Okay. Do you have like a computer file that you  
20     save things to, notes, things to bring up at the next  
21     meeting?**

22          A     No.

23          **Q     Okay. Do you keep those notes?**

24          A     No.

25          **Q     Do you archive those? You don't have a document**

1 retention policy regarding those notes?

2 A No.

3 Q No. So you draft them. does somebody review  
4 them before they get published?

5 A What do you mean by published?

6 Q Maybe I should go back. After you now have  
7 drafted an agenda, what do you do with that agenda?

8 A I print it out.

9 Q Okay. So that's fine.

10 A Unless somebody asks to be put on it or  
11 something else comes up, and then I go ahead and add that  
12 and get rid of the old one.

13 Q Okay. Do you send it to the Board and say, Does  
14 this look okay before I go final?

15 A No.

16 Q Okay. Is there complaint box in the library  
17 where someone can say, I want to be on the agenda?

18 A There is not a complaint box. If somebody wants  
19 to be on the agenda, all they have to do is ask.

20 Q They ask you. Are you the person they ask, or  
21 do they have to --

22 A Yes. I'm the one that does the agenda. They  
23 can ask me. They can ask other employees, and they can  
24 tell me, and I would add their name. I mean, it's not  
25 just me that they would have as to ask, but I'm the one

1 that adds the names to the agenda. I'm the one that makes  
2 the agenda.

3 Q Does the Board ever say to you, I want to add an  
4 item to the agenda that's not on there now?

5 A I don't ever recall them asking that.

6 Q So it's now -- you're now done with it. What do  
7 you -- what do you do with the printed agenda?

8 A I take it to the Board members. I have it on my  
9 desk. Maybe I wait until the last minute to print it out  
10 in case something would happen to come up that needs to be  
11 added. I usually print it out the day of the meeting.  
12 And I give it to the Board.

13 Q Okay. That's a good thing. How -- so you print  
14 it out the day before. How soon before that day you print  
15 it do you draft the agenda?

16 A I may start working on it that week.

17 Q Okay.

18 A I don't always just sit down and do it all at  
19 one time.

20 Q All right. Do you post -- do you send it to the  
21 newspaper, the agenda?

22 A No.

23 Q Do you send it to the Board members before they  
24 come to the meetings, or do they see it --

25 A No.

1           **Q     Okay. Do you post it in the library for**  
2 **patrons?**

3           A     I post a notice of the meeting on our bulletin  
4 board. It's not that specific agenda. It's a notice.  
5 And it tells -- it has this little section on what we  
6 discussed, you know, financial -- I can't even remember  
7 exactly what all it has on there. The date and the time.  
8 And it's open to the public.

9           **Q     Okay.**

10          A     It's posted on our web site, also, the day of  
11 the meeting.

12          **Q     The agenda is or the --**

13          A     The notice.

14          **Q     So the agenda is not posted on your web site?**

15          A     There is -- in the notice, there's a small  
16 section that has part of the agenda or whatever, you know.  
17 It doesn't break it down specifically.

18          **Q     So if I went to the web site today, would I see**  
19 **what the agenda is going to be for the -- for that summary**  
20 **of the agenda?**

21          A     No. You would see that there's going to be a  
22 Board meeting.

23          **Q     A Board meeting. Okay.**

24          A     Uh-huh.

25          **Q     The Board meeting is every month. Is it on a**

1 particular day every month?

2 A The second Thursday at six, unless it's a  
3 holiday or I'm unable to make that meeting or -- then we  
4 change it to a different day.

5 Q Do you move it to another week on a Thursday?

6 A Yes. Usually, yes. Special meetings are  
7 sometimes other than Thursdays, but --

8 Q This bulletin board that you spoke of posted the  
9 notice in the library?

10 A Yes.

11 Q As you walk in the library, where would it be  
12 located?

13 A As soon as you walk in the front doors, it will  
14 be immediately to your right.

15 Q And on that, it has the notice of the meeting?

16 A Yes.

17 Q Thursday, 6 p.m.?

18 A Yes.

19 Q And it has some description of what will be  
20 discussed?

21 A Yes.

22 Q Like budget or something?

23 A Yes.

24 Q Okay. Does it show the minutes from the  
25 meeting?

1 A No. It's in the paper, though, the minutes are.

2 Q The minutes are published in the -- which  
3 newspaper is this?

4 A Salem News Record.

5 Q Salem News Record. Okay. Do you keep the  
6 agendas?

7 A They're on the computer. Yes.

8 Q Okay. And what would I need to do to ask for  
9 those descriptive enough that you would be able to produce  
10 certain agendas for me?

11 A The month and the year.

12 Q Month and the year. Okay. How soon does a  
13 citizen need to ask to be on the agenda before they can be  
14 added to it?

15 A I've added them pretty quickly. So the day  
16 before.

17 Q Day before. Okay. So let's go to the actual --  
18 the actual meeting and the conduct of the meeting. Who  
19 runs these -- who runs the Board meetings?

20 A President.

21 Q So right now, that's Mr. Wayne Bertz?

22 A Correct.

23 Q Was he the -- was he the President in 2010?

24 A No. Ruth Ann Parker.

25 Q Ms. Parker was. Okay. How does the Board

1 **President run the meeting?**

2 A Off the agenda? Is that what you mean?

3 **Q Yes, yes. I mean, do they feel -- they follow**  
4 **the agenda?**

5 A Yes.

6 **Q Okay. Does it have a Pledge of Allegiance at**  
7 **the beginning to say, We're starting it now?**

8 A There's no pledge. He normally opens the  
9 meeting, The Salem Public Library Board's open, and we go  
10 from there.

11 **Q Okay. Now, the -- the nine -- nine members, you**  
12 **said?**

13 A Yes.

14 **Q Okay. How many usually show up?**

15 A It varies. We always have a quorum, or we don't  
16 have a meeting.

17 **Q Then what's your -- what the definition of a**  
18 **quorum for this --**

19 A Five.

20 **Q Five and you will have a quorum?**

21 A Yes.

22 **Q Are the employees required to attend the**  
23 **meeting?**

24 A No.

25 **Q Could they attend?**

1 A No.

2 Q Are you ever required to attend?

3 A Yes.

4 Q And you attend those?

5 A Yes.

6 Q So the Board President then takes the agenda,  
7 and they -- do they just go item by item?

8 A Basically, yes.

9 Q Okay. And is there an not an element to the  
10 order, basically?

11 A No. Not really.

12 Q I mean, throw in wrenches and skip a subject  
13 that he doesn't like or --

14 A No.

15 Q He just follows what the agenda is?

16 A Yes.

17 Q Okay. Does the agenda -- and I don't have an  
18 agenda in front of me. Does it have references to voting?  
19 Are there votes that are to occur?

20 A They approve or -- some things, yes.

21 Q Okay. Do they follow like Robert's Rules of  
22 Order or some sort of Parliamentary procedures?

23 A Yes.

24 Q Do you know which one they follow?

25 A I think it's Sunshine Law, Rules -- and Robert's

1 Rules of Order.

2 Q Okay. Does the library agenda -- you said  
3 citizens can get on it and speak. Does -- is there like  
4 an open mic period where even if they're not on the  
5 agenda, citizens can raise issues at this meeting?

6 A Normally, there's not any citizens.

7 Q That was my next question. That was my next  
8 question. You have nine Board members. You attend. How  
9 many folks usually attend the meetings?

10 A Typically, none.

11 Q When was the last time you remember someone  
12 showing up?

13 A Here lately, we've been discussing real estate  
14 and foundation. So the last couple meetings have not been  
15 typical. And we've had a guest. Before that, we had two  
16 show up. It was after Anaka was at the meeting.

17 Q Is this the one that Anaka showed up or after?

18 A After.

19 Q After Anaka. And what were the two -- were the  
20 two on the agenda to speak?

21 A No.

22 Q Okay. So they just showed up?

23 A They just showed up.

24 Q And did they speak?

25 A No.

1 Q Were they supportive of Anaka or supportive of  
2 the library or not --

3 A They didn't speak.

4 Q They just didn't speak. Okay. We've talked  
5 about adding a citizen to the agenda. Who was the last  
6 citizen that asked to speak?

7 A Anaka.

8 Q And before that, do you remember anyone?

9 A We've had guests from the Ozark Community  
10 Foundation of the Ozarks that was on the agenda. We've  
11 had insurance agents come in that's been on the agenda.  
12 Citizens at large, I don't recall any.

13 Q So if I ask for the agenda for that November  
14 meeting in which Ms. Hunter spoke, her name was on the  
15 agenda as someone who was going to speak that time?

16 A Yes.

17 Q So you knew this was --

18 A Yes.

19 Q Okay. Are the meetings -- is there a  
20 pre-meeting before the meeting happen? Like do the Board  
21 members get together?

22 A The only time that there's a pre-meeting is when  
23 there's a salary committee. And they sometimes meet prior  
24 to the meeting.

25 Q Okay. And you're not invited to something like

1 that?

2 A No.

3 Q Okay. Is the meeting audiotaped?

4 A No.

5 Q Okay. Is it videotaped?

6 A No.

7 Q And who takes notes? I think you answered  
8 earlier this, but --

9 A The Secretary.

10 Q Does she know shorthand, or does she just kind  
11 of get general --

12 A I don't look at her notes. I -- I can't answer  
13 that.

14 Q You get the -- the --

15 A Electronic version of her notes.

16 Q Does she ask you to edit those to update  
17 something?

18 A Occasionally, she will ask if she has gotten the  
19 verbiage -- or the -- like a company name or something  
20 correct.

21 Q Okay. And then do you correct it? Do you type  
22 in the document and send it back to her or --

23 A I don't send it back to her. I -- I would  
24 correct it then and say, This is how it reads. Is this  
25 the way you want it? And then she'll say yes, and then I

1 send it off --

2 Q Okay. And we'll talk about sending it on.

3 A -- off to the newspaper. That's where I sent  
4 it.

5 Q Did you do that for any of the November or  
6 December meetings, make edits based on what the person  
7 sent you?

8 A Not that I can remember.

9 Q Okay.

10 A I usually don't edit them.

11 Q Do you know Ms. Roseanne Bray's e-mail?

12 A No. It's in the computer, but I don't know.

13 Q You don't know what it is. Okay. Is it a -- do  
14 you have a Salem Library -- you use e-mail?

15 A Yes.

16 Q Do you have like an e-mail that -- vanity e-mail  
17 for the library that says, you know, Ms.Brown@Salempublic  
18 library.org?

19 A No.

20 Q And no one has it? No Board member has it?

21 A I have one e-mail address, and that's the one  
22 you have.

23 Q Okay. Going into closed session, not a  
24 pre-meeting, but a closed session, does the Board do that?

25 A Yes.

1 Q And what do they go into closed session for?

2 A Real estate, typically.

3 Q Anything else?

4 A Litigation.

5 Q Do you go into those, or is it just the Board?

6 A I do go in.

7 Q You go in. Unless it's your salary?

8 A Unless it's my salary.

9 Q Okay. How do they go into closed session?

10 A They use the Sunshine Law. Then they vote to go  
11 in and take a poll of everybody and --

12 Q And all votes are reflected in the minutes?

13 A Yes.

14 Q Okay. As they're going down the agenda items,  
15 who -- who declares what follow-up needs to be done?

16 A The Board does.

17 Q The Board does. Okay. So they'll say, We want  
18 to revisit this next month?

19 A Right.

20 Q Or do they task you and say, We want you to  
21 research this and come back to us on a particular subject?

22 A Yes.

23 Q Did you ever do that? Did you ever identify a  
24 follow-up?

25 A If they tell me, yes.

1 Q But you independently, you attend a meeting and  
2 you say, We need -- we'll follow this up next meeting?

3 A No. They basically do that.

4 Q Okay.

5 A I'm just there -- they make the decisions.

6 Q So Ms. Bray or the Secretary sends you the  
7 electronic copy of the agenda -- excuse me -- of the  
8 minutes. Do you save those on your computer?

9 A I believe they are there.

10 Q Okay. And so if someone wanted to ask, they  
11 would just need to identify the month?

12 A And year.

13 Q Month and year. Okay. You send them to the  
14 newspaper?

15 A That's correct.

16 Q Do you send them anywhere else?

17 A No.

18 Q How do the Board members get the meeting  
19 minutes?

20 A I run copies of them.

21 Q And -- okay. And do you mail it to them or --

22 A No. They get it at the Board meeting.

23 Q The next -- the subsequent meeting?

24 A After I get them, they get them the next  
25 meeting.

1 Q Okay. And they get that along with the agenda  
2 for that particular meeting?

3 A Correct.

4 Q Okay. That's all I have for Subject 3. Topic  
5 4, the library's policies, practices and customs regarding  
6 compliance with the Children's Internet Protection Act and  
7 the Missouri equivalent, Missouri Revised Statute 182.826  
8 and 12.827. Are you designated to testify on that  
9 subject?

10 A Yes.

11 Q And are you prepared to do so?

12 A Yes.

13 Q Okay. Can you tell me what written policies the  
14 library has regarding CIPA compliance?

15 A They're right here is our polices.

16 Q Okay.

17 A We have -- we have our Public Access Micro  
18 Computer Policy.

19 Q Now, you're pointing to the bylaws?

20 A I am.

21 Q And so what page is that micro --

22 A 22.

23 Q Okay.

24 A And then we have the Computer Use Age Waiver  
25 Form. It's a Appendix C, page 40.

1 Q Anything else?

2 A No. Not that I see at this time.

3 Q Okay. Earlier in this deposition, you commented  
4 that the Computer Use Policy was amended in the last two  
5 versions to change the age from 18 to 17.

6 A That's correct.

7 Q Okay. And you said that was in response to  
8 CIPA?

9 A Yes.

10 Q Was that a CIPA change? What happened? How did  
11 CIPA get changed to caused you to make that change?

12 A I'm not for sure how CIPA -- why CIPA changed  
13 it. I was at a meeting where State Library personnel was  
14 at, and -- and small talk at the meeting, they said that  
15 CIPA had changed the age, dropped -- lowered it a year.  
16 So when I found that out, then we changed our policies.

17 Q Do you recall any other recent CIPA changes?

18 A No.

19 Q And besides what you just pointed to in the  
20 bylaws, is there anything else written in any library  
21 document regarding your CIPA policies?

22 A We have to sign off that we're CIPA compliant  
23 through grants and things through the State and MOREnet.

24 Q Why don't we -- why don't we go there? What  
25 does it mean to be CIPA compliant? When you say you're

1 signing off that you're CIPA compliant, what are you  
2 signing that?

3 A We have a filter. We have policies, waiver,  
4 computer polices, Internet policies.

5 Q Anything else?

6 A Not that I can think of at this time.

7 Q Okay. You said that you have a filter and then  
8 you have policies?

9 A Yes.

10 Q Okay. So let's talk about the filter. Is it  
11 any kind of filter or a specific kind of filter?

12 A We -- we get our filter through MOREnet, which  
13 works with the State Library most -- I'm not saying all.  
14 Most libraries in the State of Missouri use MOREnet, and  
15 it was a package that they provide to libraries. And  
16 that's the way we went.

17 Q Okay. Do you know what CIPA requires you to  
18 filter?

19 A Pornography, nudity, I think.

20 Q Pornography, nudity.

21 A Uh-huh.

22 Q Anything else?

23 A Without looking at the CIPA compliance form, I  
24 cannot say anything else. I don't recall anything in  
25 particular.

1 MR. COLOGNA: Do you want to take a minute?

2 We've been going about an hour.

3 MR. DOTY: Yeah.

4 (Break in proceedings.).

5 Q (By Mr. Doty) We just took a small break. We  
6 were talking about Topic 4, which was CIPA, and I had  
7 asked you about your written policies, and you identified  
8 those in your bylaws.

9 You talked about the need to filter out porn and  
10 nudity. Those are visual depictions of porn and nudity?

11 A Yes.

12 Q Does -- does CIPA cover textual descriptions of  
13 porn or nudity?

14 A I'm sure they -- yes. I'm sure they do.

15 Q Okay. So you -- for the library to comply with  
16 CIPA, it has this affirmative obligation to have a filter?

17 A Yes.

18 Q Okay. Does it have an obligation regarding  
19 unfiltering?

20 A We can take filters off if it's an adult.

21 Q Okay. Now, I heard you say can.

22 A Uh-huh.

23 Q Is it an obligation to take it off, or is it a  
24 choice to take it off?

25 MR. COLOGNA: Objection. Calls for a legal

1 conclusion.

2 Q (By Mr. Doty) I'm just trying get a -- which  
3 happens. We object, and then you answer the question.  
4 You get to answer the question. I wonder about your  
5 policy. In other words, is it --

6 A All -- all computers are filtered. And they're  
7 all out in the open. Children come in, walk past. The  
8 computers are right in the middle of the library, so we  
9 have them all filtered.

10 Q Okay.

11 A We can unlock them at request.

12 Q Again, you use the word can again. I'm talking  
13 about CIPA. What's your CIPA responsibility in terms of  
14 unblocking?

15 MR. COLOGNA: Objection. Calls for a legal  
16 conclusion.

17 A We will unblock for an adult.

18 Q (By Mr. Doty) Okay. How many computers do you  
19 have in your library?

20 A For the public, there are eight.

21 Q Eight. Are any of them designated as an adult  
22 computer?

23 A No.

24 Q So they're all -- they're all physically in the  
25 same place?

1 A Yes.

2 Q Okay. And what is your policy regarding the  
3 State statutes that are like CIPA, that are CIPA-like?

4 A I'm not for sure exactly what you're asking. We  
5 try to comply. We do try to -- we do what we can to  
6 comply with CIPA and State statute.

7 Q And what do you do to do that, to comply?

8 A We have technology plans. We have filters. We  
9 have written computer policies.

10 Q Let's go through each of those. You said the  
11 technology -- what kind of plan?

12 A A technology plan. The State requires that we  
13 have a technology plan and it's the equipment we have.  
14 And when we think we can upgrade and when, you know, we  
15 have Tech Atlas, which is --

16 Q What was that one?

17 A It's called Tech Atlas.

18 Q Tech Atlas.

19 A It tells what operating system is on each  
20 computer and how many megs of memory and that type thing.

21 Q How does that tech plan help you become CIPA  
22 compliant?

23 A I'm not for sure that the tech plan actually  
24 helps you become CIPA compliant. It's just a requirement  
25 by the State. CIPA compliant is the computer use forms

1 and the filter.

2 (Exhibit 3 was marked for identification.)

3 Q (By Mr. Doty) Okay. Okay. So I'm handing you  
4 what is marked as Exhibit 3. Can you tell me what -- do  
5 you recognize this document?

6 A Yes.

7 Q Can you tell me what it is?

8 A It's a document stating -- migrating to Net  
9 Sweeper. It's a filter that tells -- it's a -- as with  
10 Smart Filter that shows configuration and the minimum  
11 level of filtering that are -- sites that are blocked.

12 Q Okay. And what's the date on the bottom there?

13 A 3/12/09.

14 Q Do you recall, was this about the time that they  
15 migrated to Net --

16 A Net Sweeper.

17 Q -- Sweeper? Okay. So you said CIPA compliance  
18 regarding porn and nudity?

19 A Yes.

20 Q Let's look at these topics here. On the bottom  
21 of the first column, what topic is a default?

22 A At the very bottom on the first column, it's  
23 Humor.

24 Q Humor. Okay. Does CIPA require the library to  
25 block Humor?

1 A No.

2 Q Okay. Does it ever require you to block humor?

3 A No.

4 Q Okay. Did CIPA ever require you to block  
5 alcohol?

6 A No.

7 Q Which of these categories -- there's 28 of them  
8 by my count. Which one of these does CIPA require your  
9 library to filter?

10 A I would say adult image, pornography, and I'm  
11 not for sure about profanity.

12 Q Okay. Does Missouri law require you to block  
13 anything else that you just didn't list there?

14 A Not that I can recall.

15 Q We're going to talk about these categories  
16 later, so we'll keep this exhibit here. We talked about  
17 written policies for CIPA compliance. Do you have any  
18 unwritten policies?

19 A To be CIPA compliant?

20 Q Yes.

21 A Unwritten? No.

22 Q Unwritten practices or customs, any ways of  
23 doing things that --

24 A There's things posted that if you're an adult,  
25 17 or older, and you experience a web site that's blocked

1 that we will unblock it for you.

2 Q Those signs are posted above the computers or --

3 A Yes.

4 Q Okay.

5 A Our policy -- our computer policy is to post  
6 them by the computers, also.

7 Q The ones that you listed from the bylaws?

8 A Yes.

9 Q Any other policies that --

10 A No. But again, those are polices, so that's --  
11 (Exhibit 4 was marked for identification.)

12 Q (By Mr. Doty) I'm handing you what is marked  
13 Exhibit 4. Is this the sign that you were talking about?

14 A Yes.

15 Q Okay.

16 A It had been changed to 17. At the time, though,  
17 that was it.

18 Q Okay. Do the signs now reflect it as 17?

19 A Yes.

20 Q Okay. Now, you said signs. Are you just  
21 talking plural of this one sign, or are there other signs  
22 up I'm not aware of?

23 A There's this sign. And then the sign in the  
24 bylaws. There's a Public Access Micro Computer Policy,  
25 22.

1 Q Page 22?

2 A Yes.

3 Q Is that a sign, or is it just a policy?

4 A It's the policy. We've got it laminated and  
5 it's against the wall so they can see it.

6 Q Okay.

7 A So you can take it as a sign or a policy. I'm  
8 not sure.

9 Q Okay. It's a sign of a policy. Okay. What are  
10 the consequences if you don't follow CIPA?

11 MR. COLOGNA: Objection. Calls for a legal  
12 conclusion.

13 A I've never not complied with CIPA.

14 Q (By Mr. Doty) Okay.

15 A So I'm not for sure what kind of problems I  
16 would run into.

17 Q Okay.

18 A I know that I would not be able to receive  
19 grants and different things through the State. But as far  
20 as -- legally, I don't know what would happen.

21 Q Okay. We're done with Topic 4. So Topic 5 is  
22 the Library's Public Access Micro Computer Policy and the  
23 practices and customs regarding the enforcement of that  
24 policy. Are you designated for that subject?

25 A Yes.

1 Q Are you prepared to talk about it?

2 A Yes.

3 Q Okay.

4 (Exhibit 5 was marked for identification.)

5 Q (By Mr. Doty) I'm handing you Exhibit 5. Do you  
6 recognize that?

7 A Yes.

8 Q Okay. What is it?

9 A It's the Public Access Micro Computer Policy of  
10 the Salem Public Library.

11 Q And it's says page 22 at the bottom?

12 A Yes.

13 Q It is from the bylaws?

14 A Yes.

15 Q Okay. All right. Paragraph 2, it talks about  
16 the individual orientation session as needed. Does as  
17 needed mean it doesn't happen very often, or is it really  
18 something that everyone does take prior?

19 A It doesn't happen very often because most of the  
20 generation now know how to run a computer.

21 Q Okay.

22 A If it's -- most times, it's an older adult  
23 that's never handled a computer at all.

24 Q Okay. Happens sometimes?

25 A Sometimes. Uh-huh. They'll come in and want to

1 know how -- can they get on and can we help them get an  
2 e-mail address so they can correspond with relatives or  
3 something.

4 Q So it's less on the policy. It's more on the  
5 issue of how the Internet works and how to type in web  
6 addresses and stuff?

7 A Right.

8 Q Okay. All right. Let's look at paragraph 6.  
9 Can you take a second to read that?

10 A Uh-huh.

11 Q Okay. All right. So this is talking about  
12 monitoring of minors, correct?

13 A Correct.

14 Q Okay. It says here that the library personnel  
15 cannot provide full-time monitoring of waived minors?

16 A Right.

17 Q That waiver means parents have allowed them to  
18 use the Internet?

19 A Yes.

20 Q Okay. So you can't do full-time monitoring. Is  
21 there part-time monitoring of non-waived -- excuse me --  
22 of waived minors?

23 A When you walk by to shelve books or something  
24 and you just happen to glance off or over, you know, if  
25 you see a chat box, you know that they're -- and that's a

1 policy of the library that there's no chatting, that, you  
2 know, you can see that on the screen. But, no, we don't  
3 see what they're doing. We don't specifically monitor,  
4 sit with them or anything like that.

5 Q So if you saw nudity, if you saw them on some  
6 site that had nudity --

7 A And it would be strictly by accident if we saw  
8 it.

9 Q Right. Okay. That's -- we're talking about  
10 waived minors. Would that same sort of monitoring  
11 happen for adults, too?

12 A If we walked by and saw that, yes, because we --  
13 we don't want pornography to come up for the minors to  
14 see.

15 Q Or chat?

16 A Or chat.

17 Q Okay.

18 A And that's library policy, not CIPA or anything.

19 Q All right. So let's talk about this. It says,  
20 Those found to be using -- accessing sites using  
21 electronic mail, chat room and other forms of direct  
22 electronic communication to engage in offensive,  
23 disturbing, potentially harmful or illegal communication  
24 or hacking, their -- their Internet rights would be  
25 revoked. So let's talk about each of these. Offensive.

1     **What -- what communications, either through electronic**  
2     **mail or chat rooms or accessing sites, are offensive that**  
3     **they would lose their rights?**

4           A     Pornography, nudity.

5           **Q     Anything else?**

6           A     None that I know of. I mean, like I said, we  
7     don't monitor them. We don't see what they're doing. So  
8     it would have to be something that would catch our eye  
9     immediately.

10          **Q     Okay. So offensive, a KKK site, would that --**  
11         **would that be offensive?**

12          A     No.

13          **Q     Okay. Disturbing. What does disturbing mean?**

14          A     Nudity.

15          **Q     Anything else besides nudity?**

16          A     No.

17          **Q     Porn as well? Porn and nudity?**

18          A     That might -- that's classified as coming  
19     together.

20          **Q     Okay. The next one, potentially harmful. What**  
21         **does that mean?**

22          A     Well, if I saw somebody -- and like I said, I  
23     don't know what they're doing, but -- and I've never  
24     kicked anybody off for this, but, you know, it would be  
25     potentially harmful if you saw somebody that was bringing

1 up sites of bomb making or something. But like I said,  
2 I've never done anything with that. I've never seen  
3 anybody do it.

4 **Q Okay. So potentially harmful would be bomb**  
5 **making. Anything else?**

6 A No.

7 **Q And/or illegal communications. What is illegal**  
8 **communications?**

9 A I would call -- illegal communications would be  
10 somebody that was a terrorist type whatever communicating  
11 back and forth. And, again, I've never seen anybody view  
12 anything like that.

13 **Q And the only way you'd do that, you say, was by**  
14 **walking by and looking at the screen?**

15 A Yes.

16 **Q Do you have a way of monitoring back -- back in**  
17 **your office seeing what the computer is looking at?**

18 A No. I mean, I -- we get reports from MOREnet.  
19 I don't really look at them much anymore. I used to quite  
20 often, but not anymore. It would just be the URL to  
21 different sites. But like I said, I don't even look at  
22 them anymore.

23 **Q When did you stop looking at those reports?**

24 A When it switched to the Net Sweeper.

25 **Q Okay. Did the -- the reports that you talk**

1 about, did it have the web site -- did it categorize the  
2 web site for you? Did it say porn?

3 A It gave the web site.

4 Q Just the address?

5 A Yes. And it's been so long since I've looked at  
6 one, I really can't even tell you what all it says. It  
7 gives you the date and the time and the web site. And I  
8 don't even know if it classifies it. I'm sorry.

9 Q So according to paragraph 6, you have offensive,  
10 disturbing, potentially harmful and illegal  
11 communications. And you've said that means porn and  
12 nudity, bomb making or terrorist communications. Is there  
13 anything else that would fall under this category that  
14 would risk a minor waived student?

15 A Chatting. We don't allow chatting.

16 Q Chatting. And is your concern about chatting  
17 pornography?

18 A No. It was just a policy that we put into place  
19 back several years ago because we had incidents where the  
20 kids would get out of school and they would almost knock  
21 down patrons to get to the computer so they could sit and  
22 chat beside each other. So, I mean, it's an educational  
23 facility.

24 Q It's operational. It wasn't content based?

25 A Correct.

1           Q     Okay. All right. All right. On page 2 of this  
2     Exhibit 5, paragraph 18 talks about patrons misusing the  
3     equipment. Can you give me some -- what do you mean by  
4     misusing equipment?

5           A     Pounding the keyboard or, you know, the -- the  
6     mice are -- have cords on them. You know, we don't want  
7     somebody to misuse the equipment.

8           Q     So you're talking about physical misuse?

9           A     Right.

10          Q     When you said misuing the equipment, is  
11     accessing a web site that you don't want them to access a  
12     chat, is that considered misuing the equipment?

13          A     Yes.

14          Q     Okay. Is accessing porn misusing the equipment?

15          A     Yes.

16          Q     Okay. Accessing bomb making equipment? Or  
17     accessing bomb making instructions?

18          A     Bomb making. It's not misusing it. It's just  
19     disturbing.

20          Q     Disturbing. So like bomb making web sites, does  
21     CIPA require you to filter them?

22          A     No.

23          Q     Okay. Does Missouri State require you to filter  
24     that?

25          A     Not that I'm aware of.

1 Q Okay. So let's go down to paragraph 18. Use of  
2 the Internet is a privilege which may be revoked by the  
3 library at any time for abusive conduct. Why don't you  
4 read it silently to yourself, and then I'll ask you a few  
5 questions? Okay. So I'm assuming this paragraph 18  
6 applies to adult patrons as well, not just minors?

7 A Yes.

8 Q Okay. So it says the use of the Internet system  
9 is a privilege, which may be revoked by the library at any  
10 time for abusive conduct. Now, this says revoked by the  
11 library. Who would revoke it?

12 A Employees.

13 Q Okay. Does the Board have to revoke it, or  
14 would it just be the employees?

15 A It would be the -- the Board oversees what I do.  
16 If we revoke somebody from using the computer after being  
17 warned -- they're warned once, and then the second time if  
18 they're caught, then they're -- that's when they're  
19 revoked. If they have a problem with that, they can  
20 always be put on the agenda to bring it before the Board.

21 Q Okay. Now, you say employees. Did each -- you  
22 mentioned you have four employees?

23 A Uh-huh.

24 Q One was janitorial. I'm assuming that person  
25 doesn't have any ability. Do the other three have the

1 ability to revoke the privileges?

2 A If they're doing something they're not supposed  
3 to, yes.

4 Q Okay. It's not -- you're not reserved to do  
5 that task?

6 A No.

7 Q Okay. All right. And it says for doing it for  
8 abusive conduct. And now lets go to conduct. It says,  
9 Such conduct will include, but is not limited to, and I'm  
10 going to state some things here, by placing unlawful  
11 information on the system. What can you tell me about  
12 that?

13 A If they would do something to our Desktop or  
14 change -- we've never had it happen, so it's hard to -- if  
15 somebody tried to change stuff on the computer, you know,  
16 tried to go in and change our setting or, you know -- I --  
17 I don't know what to tell you.

18 Q I'm just going to come up with this. Do you  
19 have the screen savers where the screen will go blank?

20 A Uh-huh.

21 Q So if someone put up a screen saver that had  
22 something different, would that be, in your mind, changing  
23 the computer?

24 A Yes. That would be changing the computer.

25 Q But you've never had anybody do that?

1 A Not really.

2 Q Okay. The use of obscene, abusive or otherwise  
3 objectional language in public or private messages. Let's  
4 talk about obscene. What is obscene language that would  
5 subject a person to having their privileges revoked?

6 A Something with huge, foul language that the kids  
7 could see, pornography, anything that -- that somebody  
8 could walk by and it would stand right out. Is that what  
9 you're asking?

10 Q Well, I mean, it says obscene language, so does  
11 porn fit into that?

12 A It can be pretty -- yes.

13 Q So textual porn?

14 A Yes.

15 Q Porn that is a text?

16 A Right.

17 Q Okay. Okay. Abusive. What is abusive language  
18 in public or private messaging?

19 A Foul -- I mean, you can describe a picture, a  
20 pornography picture and put the description into words.  
21 Does that clarify that?

22 Q Anything else besides porn -- pornographic --  
23 textual porn?

24 A No, not really.

25 Q Does hate speech fall under abusive?

1 A Not really.

2 Q Okay. Otherwise objectional language?

3 A No.

4 Q I'm talking about what otherwise objectional  
5 language means.

6 A We're talking about, again, if you saw a -- a  
7 graphic pornographic picture and somebody was describing  
8 the act, that would be what I would call that.

9 Q So if someone e-mailed to someone and said  
10 shit --

11 A No. That's not what I'm talking about.

12 Q That's not objectionable?

13 A No.

14 Q If someone put in an e-mail, pardon my language,  
15 fuck, would that be objectionable?

16 A If it was large enough, yes, that -- that people  
17 could see it. I mean, this kind of thing you're normally  
18 -- if you're walking by, you don't see it. I'm sure a lot  
19 of people put that in their e-mail messages. If we don't  
20 see it, then we don't object to it because we don't know  
21 what's there. We don't monitor it.

22 Q Okay.

23 A If we see that, now if somebody is typing in  
24 large letters that -- then, yes, we'll make -- you can't  
25 do this.

1 Q What about racial epitats, the "N" word? Is  
2 that -- is that either obscene, abusive or otherwise  
3 objectional language to you that would fall under this?

4 A No.

5 Q So that's fine?

6 A Yeah.

7 Q Okay. Now, is says in either public or private  
8 messages. So tell me what a public message would be.

9 A If somebody uses the word, types a message and  
10 puts it on the computer and they left it for the public to  
11 see.

12 Q What if a -- do your Salem computers -- does it  
13 have like comments unders the stories where you're allowed  
14 to post?

15 A Online, yes, I think it is.

16 Q Okay. So if somebody goes to your library and  
17 posts a comment online and uses the word, you said fuck,  
18 would that -- and it's posted online, are they -- in  
19 paragraph 18, would they risk having their privileges  
20 revoked?

21 A I would not know if they did that on our  
22 computer. You know, probably they would not have it  
23 revoked because I would not know that they did it at our  
24 computer because I don't monitor it that closely.

25 Q Okay. What if they did? What if they came to

1     **you and said, I just posted a story to the Salem --**

2           A     I would ask them not to be using that kind of  
3     language.

4           **Q     Is that the first warning that they would get?**

5           A     No. Their warning would be pornography or  
6     pictures of pornography up on a computer or chatting. Or  
7     if we asked them to do something -- I think, for instance,  
8     we had a lady -- at the time, we did not allow flash  
9     drives and things in our computer. And she had one in.

10           And staff saw that it was in the computer, and  
11     she went over and asked her to remove it, that it wasn't  
12     allowed. And then she became verbally abusive in the  
13     library with her. And she removed it. And as soon as she  
14     turned her back, she stuck it back in.

15           She went over and asked her to remove it again.  
16     Then she became verbally abusive and she was told she  
17     couldn't use the computers. That type of thing.

18           **Q     Still looking at 18 here. I'm a little**  
19     **confused, so I'm hoping you can clarify this. After we**  
20     **talked about the language, we talked about obscene,**  
21     **abusive and otherwise objectional language in public or**  
22     **private messages. And there's subsequent to that**  
23     **chatting, instant messages and pornography.**

24           I'm afraid -- I'm confused in your mixing of the  
25     issue of pornography and words. I want to untangle it so

1 that when I -- if I point to this transcript, I want to be  
2 able to say, She's talking about words here, and here  
3 she's talking about pictures. So I'm just talking about  
4 words now because -- obscene, abusive and otherwise  
5 objectionable language.

6 A Okay.

7 Q So you identified one word so far that is  
8 objectionable to you, the "F" word?

9 A Correct.

10 Q The racial epitat, the "N" word, that's not  
11 objectionable. What words would run afoul of this -- this  
12 right here?

13 A I can't think of any right off.

14 Q How is a person reading this to know when they  
15 type an e-mail to their friend or their brother or their  
16 mother that they're not crossing the line of obscene,  
17 abusive or otherwise objectionable? How do they know  
18 that?

19 A I don't know that they would. And we wouldn't  
20 know what they'd be typing to their parents or girlfriends  
21 or whoever because, like I said, we -- we do not have a  
22 program that we can see what they're typing.

23 Q Do the patrons know that?

24 A Probably not.

25 Q Let's go to chatting. We talked about chatting.

1 Your concern with chatting was -- is operational in terms  
2 of it was just causing too many people in the library?  
3 It's not content, the issue of chatting?

4 A No.

5 Q Okay. Instant messaging?

6 A That's the same thing.

7 Q I don't even know what that is. Okay. Instant  
8 message and chatting. The same concerns that you had --

9 A Yes.

10 Q Okay. Pornography, this is visual?

11 A Yes.

12 Q Okay. Pornograph is a CIPA requirement?

13 A Yes.

14 Q Okay. And that last paragraph -- last sentence  
15 in that paragraph 18, the Salem Public Library, in caps,  
16 will be the sole arbitor in what constitutes abusive  
17 conduct?

18 A Yes.

19 Q Okay. Who is that?

20 A That would be the staff and Board.

21 Q Okay. So the library, the first sentence of  
22 this, may revoke it, that's the employees. And this  
23 bottom part in terms of what is abusive would be the  
24 Board. Has the Board ever opined on what is abusive?

25 A Have they what?

1 Q Have they ever made an opinion, articulated what  
2 is abusive conduct?

3 A No.

4 Q And has the library ever articulated what is  
5 abusive conduct other than what is listed here in 18?

6 A No.

7 Q Okay. We'll go to 19. Actually, back to 18.  
8 You said they get a warning and then get revoked after the  
9 second time?

10 A Yes.

11 Q How many people have had their Internet  
12 privileges revoked even for a short period?

13 A I have a list. I don't know. There's probably  
14 -- completely revoked or just warned?

15 Q You said you give them a warning the first time,  
16 right?

17 A Right.

18 Q You keep a list of who's been warned?

19 A Yes.

20 Q Okay. And then you have a -- is the same list  
21 of --

22 A We have a list of warnings and we have a list of  
23 who has been actually kicked off.

24 Q Okay. Do you have that list with you?

25 A I don't have -- I didn't bring anything with me.

1 Q No. That's okay. I didn't ask you to bring it.  
2 I just thought -- you mentioned a list, and I thought you  
3 pointed. So I --

4 A No. I don't have --

5 Q Okay.

6 A I talk with my hands. Sorry.

7 Q What would I need -- if I wanted to see that  
8 list, what would I ask for?

9 A The list of people who have been terminated from  
10 the library computers.

11 Q Okay. Terminated?

12 A Or kicked off or --

13 Q And if I asked for that list, I'd get the  
14 warnings and the revoked?

15 A If you wanted both.

16 Q I could have them. Okay. So do you have a  
17 sense of the numbers, how many folks have been revoked for  
18 abusive conduct?

19 A There's probably 10 to 15.

20 Q Okay.

21 A And, again, that's just an estimate.

22 Q No. That's a fair estimate. And the warnings,  
23 do you have a sense of how many?

24 A Probably 30, 25, 30.

25 Q Okay. And they get it revoked. You said they

1 could go to the Board and appeal? Is that what would  
2 happen?

3 A They could appeal to the Board.

4 Q Okay. Has anybody ever appealed to the Board?

5 A No.

6 Q Okay. All right. Now we're done with Topic 5.  
7 And Topic 6 is the library's subscription to MOREnet for  
8 2007 to the present. We deposed MOREnet last week, so I  
9 think I have most of these things. I'm just going to sort  
10 of talk about them.

11 A Okay.

12 Q Are you designated to testify on this?

13 A Yes.

14 Q And are you prepared to do so?

15 A Yes.

16 Q Okay. When you got your MOREnet subscription --  
17 what do you get for that subscription?

18 A We get access to the Internet. We get our  
19 filtering. They also have technical support, updates.  
20 That's what we get.

21 Q Okay. Sounds reasonable.

22 A We get the databases, too.

23 Q Like what would be a database exactly?

24 A GALE -- GALE-based, educational -- G-A-L-E,  
25 newspapers, that type thing.

1 Q It sounds -- with my phone -- is it like a  
2 bundle? Do you get a bundle of these things? Do you get  
3 to pick --

4 A It's a package.

5 Q It's a package. Okay. Could you just get  
6 access to the Internet and not get a filtering system?

7 A The filter is separate.

8 Q Okay. So the database, is that --

9 A That comes with the package.

10 Q Okay. You super-sized the plan. No. I'm  
11 sorry. How many licenses do you get?

12 A One for every computer.

13 Q Okay.

14 A Even the office computers in circulation, so  
15 every computer is filtered. You get one package that  
16 covers all of them.

17 Q How many total computers -- you said nine? You  
18 have nine?

19 A Well, we have eight public. We have three  
20 online catalogues. We have two circulation. We have one  
21 database and we have one web database. We have an office  
22 computer. We have a Board computer. And a laptop.

23 Q Okay. Okay. And MOREnet deals with all the  
24 computers?

25 A Yes.

1 Q They provide access. They provide the filtering  
2 and databases on it as well?

3 A Yes.

4 Q Okay. Okay. Let's talk about the filter  
5 portion of that MOREnet subscription.

6 A Okay.

7 Q All right. We earlier looked at what I think  
8 was Exhibit No. 3, which talked about the transition to  
9 Net Sweeper, correct?

10 A Yes.

11 Q And that happened on April 1st of 2009; is that  
12 correct?

13 A Yes.

14 Q Okay. What did you have before that?

15 A Smart Filter.

16 Q How was that different than Net Sweeper?

17 A I really can't tell you.

18 Q Okay. And why can't you tell me? You don't  
19 remember?

20 A It was a filter that MOREnet had researched and  
21 had used. And we knew that CIPA -- MOREnet complied with  
22 the State and we felt comfortable with whatever MOREnet  
23 chose. And they chose to move from Smart Filter to Net  
24 Sweeper. And I don't know if it had something to do with  
25 pricing. I -- that's the best answer I can give you.

1 Q That's a good enough answer. I mean, obviously,  
2 we're interested in what happened in 2010. I just wanted  
3 to know maybe the genesis of the change to Net Sweeper.  
4 At the bottom of this Exhibit 3, it talks about  
5 customizing your filter and how you can go about adding  
6 blocked sites. Do you see thta?

7 A Yes.

8 Q And it goes onto the second page as well. Do  
9 you recall doing this process to add blocked web sites to  
10 the normal default positions?

11 A I have added blocked sites.

12 Q Okay. Can you tell me when you did that?

13 A When I did it, I can't recall the day and time  
14 or year. I added some genealogy sites. I've added  
15 Conservation sites. I've added just various sites.

16 Q I just want to make sure my question -- these  
17 are sites you unblocked, correct? Or did you  
18 intentionally block them?

19 A No. I unblocked them.

20 Q Unblocked them.

21 A I'm sorry. I misunderstood your question.

22 Q No. That's all right. I figured you may have  
23 misunderstood, so -- okay. You unblocked them. And I'm  
24 looking at Exhibit 3 here. This is MOREnet telling you  
25 how you can add sites to be blocked?

1           A       The only thing that I've ever added would be a  
2 chat.

3           Q       Okay. You didn't go to a web site and -- if you  
4 turn the page, it looks like it says cut and paste certain  
5 URLs or key words into this database and send it to us,  
6 and then we will block extra things for you?

7           A       No.

8           Q       You've not done that?

9           A       No.

10          Q       Okay. Good. So you started with Net Sweeper as  
11 your filter provided by MOREnet in April of 2009?

12          A       Yes.

13          Q       Okay. Do you know if Net Sweeper resides on  
14 your computer, or does it go through the server of  
15 MOREnet?

16          A       Through the server.

17          Q       At MOREnet. Okay. Does Net -- does MOREnet  
18 provide you a filter called Sentry Guard?

19          A       No.

20          Q       Okay. What is Sentry Guard?

21          A       Centurian Guard?

22          Q       Centurian Guard. What is Centurian Guard?

23          A       Well, it's no longer available. But it's -- we  
24 used to have it. It was a software that you could put on  
25 your computer so a patron could not come in and change

1 things to your hard drive, your C drive. It would -- they  
2 might be able to get in there and put something on the  
3 Desktop or something. But once you shut the computer  
4 completely down and bring it back up, it would restore it  
5 to its original state.

6 Q Okay. So this is not a filter, Centurian --

7 A No.

8 Q Okay. Was that something that MOREnet provided  
9 as part of its subscription?

10 A No.

11 Q It was something separate?

12 A Yes.

13 Q Centurian Guard, was it installed on each of the  
14 computers?

15 A That we could get it installed on when we  
16 purchased a new one.

17 Q Okay. And you don't use Centurian Guard  
18 anymore?

19 A No.

20 Q And when did -- when did that stop?

21 A When they quit making it.

22 Q Okay. Do you know when that was?

23 A No. I'm sorry. I don't.

24 Q Okay. All right.

25 A We use Deep Freeze, which is the same thing,

1 basically.

2 Q Okay. Deep Freeze?

3 A Uh-huh.

4 Q Okay. And Deep Freeze is installed on each of  
5 your computers?

6 A Yes.

7 Q Okay. When we were talking to MOREnet, we  
8 talked about this Sentry Guard. They were talking about  
9 the effect that this would have on the filtering that they  
10 provide. They weren't certain. Do you have a manual for  
11 Sentry Guard or Centurian Guard?

12 A We don't have it anymore, so I doubt if I have  
13 it anywhere.

14 Q Do you have a manual for Deep Freeze?

15 A I have probably some paperwork on Deep Freeze.

16 Q Okay. What would -- what would I need to ask  
17 your attorney descriptive to get everything you have on  
18 Deep Freeze?

19 A It's something that would not -- I mean, just  
20 ask for it, and we have it.

21 Q Okay. Smart Filter. You know longer use Smart  
22 Filter, the one you had to --

23 A No.

24 Q So do you have any manuals that exist on that  
25 one?

1 A No.

2 Q Okay. Do you have manuals on Net Sweeper?

3 A Just what was provided by MOREnet.

4 Q Okay. What do I need to ask for to get what you  
5 have on Net Sweeper?

6 A Training on filters.

7 Q Training on filters?

8 A Uh-huh.

9 Q Is there a manual?

10 A There is a -- a -- what do you call it? A slide  
11 presentation type thing.

12 Q Okay. Walking you through steps to do certain  
13 things?

14 A Yes.

15 Q What sort of things did the slides show you to  
16 do?

17 A Just what each screen would look like if you  
18 went to -- if you wanted to block or unblock or password  
19 -- it told you about passwords and just the general things  
20 in the software.

21 Q Do you keep it in a binder or a box or  
22 something?

23 A I keep it in a file.

24 Q A file. So if we ask for the Net Sweeper file,  
25 that would include those things, the slide show and --

1           A     If it's in the file with the filter, yeah. I  
2 could pull it.

3           Q     Okay.

4           A     I could pull it.

5           Q     Okay. How often do you renew your MOREnet  
6 subscription?

7           A     Once a year.

8           Q     Okay.

9                   (Exhibits 6 and 7 were marked for  
10 identification.)

11          Q     (By Mr. Doty) So I've handed you what we're  
12 marking as Exhibit 6 and Exhibit 7. Do you recognize  
13 these documents?

14          A     Yes.

15          Q     Okay. And let's talk about 6 first. What is  
16 that?

17          A     It's a -- some sort of a renewal.

18          Q     And what's the date on the e-mail or --

19          A     The date on it is April the 6th, 2009.

20          Q     Okay. And then Exhibit 7?

21          A     Is also a service renewal dated April the 6th,  
22 2010.

23          Q     Okay. Is this how you renew your prescription  
24 -- your subscription to MOREnet?

25          A     Yes.

1 Q Okay. So it's just an e-mail. And then you  
2 respond that you're renewing?

3 A Yes.

4 Q Okay. What do you pay total? Is it by year or  
5 by month?

6 A It's by year. We go by the package size.

7 Q Okay. Does package mean -- a pack size, is that  
8 the number of computers?

9 A Uh-huh. Well, number of Internet accessible  
10 computer devices 1 through 500. So we would hit through  
11 there so that would be \$34.

12 Q Per --

13 A Per year.

14 Q Is that per computer per year, or is that --

15 A That's the package -- annual cost per pack. It  
16 was \$34 for the filtering package.

17 Q Again, I'm --

18 A That's just the filter.

19 Q This is just the filter. What is the pack? Is  
20 the pack a --

21 A Let me clarify what you're asking. Are you  
22 asking me what the total package with MOREnet is which  
23 would consist of Internet, databases and filtering, or are  
24 you just directing your question to the filter?

25 Q Well --

1 A Because this page here is just the filter.

2 Q All right. So 6 and 7, you're only renewing the  
3 filter?

4 A The filter.

5 Q Okay. Does the subscription to the Internet  
6 access happen at a different time every year?

7 A It comes basically at the same time each year.

8 Q Okay. Okay. Let's talk about what the cost is  
9 because I'm looking at Exhibit 6 and 7. I know what a  
10 pack is. I mean, it says pack size, ten. Does that mean  
11 ten computers in a pack or, is this something --

12 A It is -- if you look at the first block, it says  
13 total number of Internet accessible computing devices, 1  
14 through 500. So that's where we we would go because we  
15 have 16 or whatever.

16 Q Okay.

17 A so pack size -- so I guess our pack size is ten.  
18 And it costs \$34 a yaer.

19 Q Okay. Because I just look at each one says pack  
20 size ten. Even the over 7,500 on the next page, it says  
21 pack is ten. I'm not sure --

22 A And I'm not for sure what that means.

23 Q Okay. Do you know how much you spend -- the  
24 library spends each year in MOREnet? Do you have an idea?

25 A In general, it's over \$2,000.

1           **Q    And that's for the whole thing? That's for the**  
2 **access --**

3           A    That's for the whole thing.

4           **Q    Okay.**

5           A    They may pay more next year because we've added  
6 and upgraded --

7           **Q    Okay. Have you ever considered an alternative to**  
8 **MOREnet?**

9           A    Couldn't afford it.

10          **Q    Is that what it is? Cost?**

11          A    Yes.

12          **Q    Which one did you consider? I mean, did you**  
13 **have another --**

14          A    No.

15          **Q    You didn't -- okay.**

16          A    No. Other libraries had and they said it's just  
17 -- there's no comparison in the -- what you get for the  
18 price.

19          **Q    Okay. I just like Comcast. I don't know who**  
20 **the Internet provider is. But down in -- who is the**  
21 **Internet provider in Salem for citizens?**

22          A    There's Fidelity Internet. There's cable  
23 companies. I mean, there's several.

24          **Q    But it's just expensive?**

25          A    Yes.

1 Q All right. Do you like MOREnet as a subscriber?

2 A Yes.

3 Q Okay. I'm done with Topic 6.

4 MR. DOTY: Do you want to take a -- I mean,  
5 we're moving pretty decently. I'm not especially troubled  
6 by the fact that we have nine more to go given what I'm  
7 looking at the subjects are.

8 MR. COLOGNA: Yeah. We can go off the record  
9 for a second.

10 (Break in proceedings.)

11 Q (By Mr. Doty) All right. Now on Topic No. 7,  
12 which is the Net Sweeper ICF service that the library  
13 currently employs through its MOREnet subscription. Are  
14 you designated to speak on that?

15 A Yes.

16 Q Great. And are you prepared to do so?

17 A Yes.

18 Q Perfect. All right. So MOREnet started  
19 providing Net Sweeper in April of 2009?

20 A Yes.

21 Q Okay. If you recall, Exhibit No. 3, and it  
22 lists there the default categories blocked. Did you make  
23 -- did you accept those defaulted categories, or did you  
24 ask to have any of them removed?

25 A I believe I accepted the minimal level of

1 filtering.

2 Q Okay. So you accepted those 28 categories?

3 A Yes.

4 Q Okay. Earlier, you told me you've added chat.

5 Is chat on that list?

6 A No.

7 Q Did you add chat at this time?

8 A I don't thinkn so.

9 Q Okay. Did you add any web sites to be blocked?

10 Not categories, but web sites.

11 A Not that I can recall.

12 Q Okay. Did you ask any web sites at this time of

13 the subscription in April of 2009 be specificlally

14 unblocked when the subscription to Net Sweeper started?

15 A No. Not at this time.

16 Q Okay. But you later did ask -- you mentioned

17 later the Conservation site?

18 A Yes. When I realized that things were being

19 blocked.

20 Q And you didn't want them blocked?

21 A Correct.

22 Q Okay. And so were they specific -- were they

23 categories, or were they web sites that you decided to

24 unblock?

25 A They were web sites that patrons had given me to

1 unblock.

2 Q Okay. Okay. You didn't unblock -- did you ever  
3 unblock a category, any of those 28 specific categories?

4 A Not categories, no.

5 Q Okay. All right. When did you change from 28  
6 categories to something less than 28 categories?

7 A At one point, and I can't remember what point  
8 that was, we noticed that things were being blocked. And  
9 I added not categories, though. They were just web sites  
10 to be unblocked.

11 Q Okay.

12 A And what I -- I've always gone with the minimal  
13 level. So when MOREnet would change to doing an upgrade  
14 or anything, and if -- we -- we always stayed with the  
15 minimum.

16 So whenever they would change something, and if  
17 they went beyond these to something else, then that's what  
18 we changed.

19 Q Okay. Could you have unblocked humor as a  
20 category?

21 A Yes.

22 Q Okay. And you could have unblocked alcohol?

23 A Yes.

24 Q Okay. But you didn't -- you didn't at this  
25 point?

1 A Didn't have any problem with it. No, I didn't.

2 Q Okay.

3 (Exhibit 8 was marked for identification.)

4 Q (By Mr. Doty) Okay. All right. I'm handing you  
5 what we're marking as Exhibit 8. Can you look it over for  
6 me? Do you recognize this document?

7 A Yes, I do.

8 Q Okay. Can you tell us what it is?

9 A It's a document with MOREnet asking how to allow  
10 a web site that had been blocked.

11 Q Okay. You said it was an e-mail?

12 A Yes.

13 Q Craig Nichols, he's an employee of MOREnet?

14 A Yes.

15 Q Okay. Is he like technical support?

16 A Yes.

17 Q Okay. And you were asking what was the --

18 A My question, I am trying to add a web site so  
19 the filtering software would allow the URL, but cannot  
20 seem to achieve this task. Can you tell me what I need to  
21 do?

22 Q Okay. What's the date of this exchange?

23 A February 25th, 2010.

24 Q And it ended -- or at least this page ends on  
25 the 26th?

1 A Yes.

2 Q Okay. At the bottom of page 1, Mr. Nichols  
3 e-mails you at 2:59 in the afternoon. And -- and what  
4 does he ask?

5 A He said, It appears you have an old standard of  
6 categories selected, which is about double what our  
7 current default filtering is normally set to for your  
8 library. Do you want me to change this as well?

9 Q And what did you --

10 A I said, If you don't mind, I would love for you  
11 to reset the categories because I didn't realize they had  
12 been changed.

13 Q So you had 28 categories, and he was saying  
14 perhaps you -- that's double what is necessary?

15 A Correct.

16 Q And so a changed happened in February?

17 A Correct.

18 Q All right. Do you know what categories he added  
19 or what categories he --

20 A No.

21 Q Okay. Is there a reason you didn't ask which  
22 ones were unblocked?

23 A There's no reason why I didn't ask, no.

24 Q Okay. Do you remember -- so we had one change.  
25 We went from 28 categories blocked to some other category

1     **number. Do you recall any other time when your number of**  
2     **categories changed?**

3           A     It may have changed in 2011 when they redid the  
4     -- and I don't have that paperwork in front of me.

5           **Q     What happened in 2011?**

6           A     They went from more blocked sites to fewer  
7     blocked -- categories, I should say. Fewer blocked  
8     categories.

9           **Q     And did you -- what year did you say that**  
10    **happened?**

11          A     2011.

12          **Q     Okay. Do you recall, did it have to do with**  
13    **alternative lifestyles? Does that ring a bell?**

14          A     And, you know, I can't tell you what it had to  
15    do with.

16          **Q     Okay.**

17          A     And at that time, I think we did add chatting to  
18    it.

19          **Q     Okay. So you had --**

20          A     I took their default settings and added  
21    chatting.

22          **Q     Okay.**

23                   **(Exhibit No. 9 was marked for identification.)**

24          **Q     (By Mr. Doty) So we're handing you what is**  
25    **marked as Exhibit 9. Do you recognize this document?**

1 A Yes.

2 Q And what is this document?

3 A This is MOREnet's Host Internet content  
4 filtering order form.

5 Q Okay. Is this what you were talking about?

6 A Yes.

7 Q Okay. So this is where you had -- how many  
8 categories now were blocked as the --

9 A Two -- five categories, and the one I added  
10 would be six.

11 Q Okay. And this says, To address CIPA  
12 compliance. Read where it says, I understand.

13 A I understand that my default MOREnet will  
14 activate the following content category blocks in Internet  
15 sweeper that are among those designed to address CIPA  
16 compliance and security practices.

17 Q And what are the five categories?

18 A Adult imaging, pornography, viruses, proxy and  
19 anemon (ph.) size or whatever and these tech terms.

20 Q Yes. And then you added one?

21 A Yeah.

22 Q And which one did you add?

23 A Web chat.

24 Q Okay. You didn't check any of the others?

25 A No.

1 Q Okay. Did you consider any others?

2 A No.

3 Q So this happened. And when did you sign this  
4 document?

5 A 8/1/11.

6 Q Okay. Do you know if there's been any changes  
7 to your Internet filtering from the signing of this  
8 document to where we are today?

9 A Not that I'm aware of.

10 Q Okay. So we're still talking on Topic 7, and  
11 we're talking about the Net Sweeper. We've talked about  
12 categories. Now let's talk about web sites, specific web  
13 sites. You've testified that you've never added a site to  
14 be filtered?

15 A No. Not that I can remember.

16 Q Okay. Have you added -- have you -- and you  
17 just testified that you had sites that you've wanted to  
18 get past the filters?

19 A Correct. Unblock.

20 Q Unblock. Were these unblocks permanent or  
21 temporary?

22 A I've had both.

23 Q Okay. And you can do both?

24 A Yes.

25 Q Okay. We're going to talk about the procedure,

1 I think, for doing that. But this is a starting point.

2 Is that the account change log? Is that where you would  
3 see those changes?

4 A Uh-huh.

5 Q Okay. So could you permanently or  
6 temporarily --

7 A Temporarily is right from -- like if a patron  
8 was sitting at a computer and they experienced a site that  
9 was blocked, they could bring it to our attention, and we  
10 could go over and -- and change it right there.

11 Q From their -- from their --

12 A Where they're sitted -- or seated.

13 Q Okay. So this way -- example would be if I come  
14 across a site that's blocked, like the Missouri  
15 Conservation site that we talked about --

16 A Correct.

17 Q -- and you came over to my -- you would unblock  
18 it at my computer?

19 A Yes.

20 Q Would it be unblocked for the other computers  
21 around, or was it just for that one computer?

22 A It would be unblocked for that computer.

23 Q Okay. That's the temporary?

24 A That's the temporary.

25 Q All right. Permanent, how do you do that?

1           A     I usually go in with a list and go to the  
2 MOREnet and either ask for help to do it because I don't  
3 do it very often, or they have a web site that you can go  
4 in and add each site, the whole URL, and accept it to be  
5 unblocked.

6           **Q     Can you unblock a category either permanently or**  
7 **-- or temporarily? So now you have five, six categories**  
8 **blocked?**

9           A     Yes.

10          **Q     Could you go in and say, I want to unblock chat?**

11          A     I would probably call MOREnet and ask them to do  
12 it.

13          **Q     Okay. It could be done. It's just --**

14          A     I'm sure it could be.

15          **Q     Okay. Okay. We're just talking about the**  
16 **MOREnet service. You mentioned reports?**

17          A     Yes.

18          **Q     Okay.**

19                    **(Exhibit 10 was marked for identification.)**

20          **Q     (By Mr. Doty) I'm handing you what is marked**  
21 **Exhibit 10. Do you recognize this document?**

22          A     Yes.

23          **Q     Okay. And can you tell us what it is?**

24          A     It's an e-mail document from MOREnet. It looks  
25 like a content filtering with user name and password, too,

1 modifiers, cart filtering options.

2 Q And this is dated April 30th, 2009?

3 A Correct.

4 Q And it's addressed to you?

5 A It is.

6 Q Okay. So you said there's 28 categories?

7 A Yes.

8 Q At the very boeeom of this page, it says,  
9 Reports?

10 A Yes.

11 Q Okay. Can you read that for me? No. Just read  
12 it to yourself. You said earlier you did get reports?

13 A Yes.

14 Q Okay. What did these reports tell you that you  
15 remember?

16 A I have them sent daily. And to be honest, I  
17 don't look at them much anymore. They tell you the IP  
18 address, the date and time and the web site. Other than  
19 that, I can't tell you a whole lot.

20 Q Does it tell you if it was blocked or not  
21 blocked?

22 A I -- I haven't looked at them in a long time. I  
23 don't know.

24 Q Okay. On the second page, it talks about  
25 trarining. Classes are available. Did you ever take a

1     **training class?**

2           A     I have taken training classes, yes.

3           **Q     Okay. Was that an online training course?**

4           A     Now they are. Yeah. Yeah.

5           **Q     Okay. Okay. What classes have you taken?**

6           A     I don't know all of them. When we first got the  
7 filtering software, I did take a class on the product at  
8 the time. And I have the slides, which I think you've  
9 asked for.

10          **Q     Okay. All right. And those slides that we**  
11 **talked about, that was the class?**

12          A     Yes.

13          **Q     Okay. Did any of the other employees at the**  
14 **library take this class?**

15          A     Not the ones that are -- no.

16          **Q     We're going to get to the issue of how one**  
17 **unblocks the sites and who can do it. Are you the only**  
18 **one that does it at the library, or do the others do it as**  
19 **well?**

20          A     Other employees do the ones -- the temporary  
21 ones.

22          **Q     That's where you go to the terminal?**

23          A     Uh-huh.

24          **Q     Okay. Yes? Is that correct? Yes?**

25          A     Yes.

1 Q Okay. If it was a permanent unblock, would you  
2 have to do that?

3 A I'd take care of those, yes.

4 Q Okay. All right. Because it says here -- do  
5 you see the user name on the first page, 3206?

6 A Yes.

7 Q Is that your user name?

8 A Yes.

9 Q Okay. And I assume it has the password blocked  
10 out there?

11 A Yes.

12 Q Okay. And then you have 3206 PM. Do the other  
13 employees in your library know that code and the password?

14 A They know 3206.

15 Q Okay. And what does PM stand for?

16 A I've never used that one, so I don't know.

17 Q Okay. But -- so -- and you could have one of  
18 your employees get online and make changes?

19 A Yes.

20 Q But they don't. They just do the ones at the  
21 terminal?

22 A Correct.

23 Q Okay. When they get to the terminal, do they  
24 have to insert this 3206 number?

25 A Yes, they do.

1 Q Okay. So they have to know the password in  
2 order to accomplish it?

3 A Yes.

4 Q By doing the web one -- the web base for the  
5 permanent unblock, is there any different code?

6 A There's a different web site that you go to  
7 through MOREnet.

8 Q Okay. But do the other employees, could they --  
9 if you gave them permission --

10 A Yes.

11 Q -- there's nothing that precludes them from  
12 doing it?

13 A No. They're just --

14 Q But they don't?

15 A They don't. They don't -- if -- if I gave them  
16 all the information, yes, they could do that.

17 Q All right. All right. All right. That's all I  
18 have for Topic No. 7. Topic No. 8 is the library's  
19 policies, practices and customs regarding the selection of  
20 categories and web sites to block.

21 A Okay.

22 Q All right. What were your written -- what are  
23 the library's written policies regarding what categories  
24 to block?

25 A I'm not for sure that there are any written

1 policies on what to block, other than what CIPA requires  
2 us to block.

3 Q Okay. Is there any written policies regarding  
4 what category you should block?

5 A No.

6 Q Okay. If you go to the bylaws, which are --  
7 excuse me -- which is Exhibit 2, in page 3 of the bylaws  
8 is the statement intellectual freedom. Does that affect  
9 the considerations that go into selecting what categories  
10 to block or unblock?

11 A Repeat your question.

12 Q Oh, no. I just -- this topic has to do with  
13 your policies regarding your selection of categories.

14 A Correct.

15 Q And we've already said you had 28 categories  
16 when it started.

17 A Right. Now --

18 Q At some point, you maybe cut it in half, some  
19 number because of -- Nick suggested that you drop it,  
20 right? I mean --

21 A We always started with the minimal amount.  
22 Every time that we had a renewal, I always went with the  
23 minimum. And I'm not for sure how that one was changed.  
24 But it was -- to my knowledge, I did know that it wasn't  
25 anything but the bare minimum.

1 Q Because earlier you said -- you testified -- you  
2 said we could have removed humor from the list.

3 A Right.

4 Q It was on their list. We could have removed it.  
5 But you chose not to?

6 A It was the minimum.

7 Q But you chose not to?

8 A Right.

9 Q And all I'm trying get at is what analysis do  
10 you -- what is your policies regarding considering what  
11 categories to block or unblock? And you said CIPA.

12 A CIPA. That's the only one.

13 Q That's written?

14 A Uh-huh.

15 Q And do you have any other polices that makes you  
16 say, Ah, we're going to add chat, we're going to add chat?

17 A Well, that -- that was the -- we added chat.  
18 Yes, we did.

19 Q So that's not written. That's some sort of  
20 unwritten practice or custom?

21 A Yes.

22 Q And that is based on what analysis?

23 A The analysis of the children, you know -- or not  
24 just children. People just taking advantage of the  
25 computers and whatever.

1 Q Okay. But not deleting humor was just a -- a  
2 non-choice?

3 A Correct.

4 Q Okay. When you face renewal every year on that  
5 April time frame -- remember, you got those e-mails every  
6 April?

7 A Yes.

8 Q Do you reconsider each of the categories that  
9 you've chosen to block? Is that the time that you do  
10 that?

11 A That is at the time I do that, yes.

12 Q As a librarian, do you do that at other times?

13 A If there is a category the patrons are wanting  
14 unblocked that is a blocked category, I would do it at  
15 another time.

16 Q Okay. But you would consider it -- when someone  
17 comes to you with a web site that's blocked, do they know  
18 what category is blocking it?

19 A It will say -- when the blocked page comes up,  
20 it says why it is blocked.

21 Q Okay. So if it's humor, back in 2009 --

22 A Right.

23 Q -- it would have popped up and said, This page  
24 is blocked because of humor?

25 A Then I would see that -- try to get that

1 unblocked.

2 Q And you'd say -- as a librarian, is that a  
3 consideration? You say, I'm seeing what's being blocked?  
4 Is that what the reports were for from MOREnet that you  
5 would get on a daily basis, so the librarian could assess  
6 what people were trying to look at and what may or may not  
7 be able to be seen?

8 A Yes.

9 Q Are you considering any of your five -- six  
10 categories now that you have blocked, are you considering  
11 unblocking any of those?

12 A No.

13 Q Okay. At the time -- let's go back to April of  
14 2009 when you had those 28 categories. Did you ever have  
15 time to consider unblocking any of those categories?

16 A Not categories.

17 Q Okay. Just web sites?

18 A Just web sites.

19 Q Okay. Do you remember people coming to you with  
20 a particular category that popped up and they were  
21 complaining about it?

22 A Genealogy, I think was a category that I -- or a  
23 -- I actually went into the web sites. I had a list of  
24 web sites.

25 Q Okay. So genealogy is not one of the 28

1 categories, though, is it?

2 A No.

3 Q I'm wondering --

4 A And I'm not for sure why they were blocked.

5 Q The geneology one, you don't remember what it  
6 popped up under?

7 A I'm not sure why Conservation was blocked.

8 Q Okay. Okay. Not because of CIPA?

9 A No.

10 Q Because CIPA doesn't require it?

11 A No.

12 Q Okay. Great. Let's go Topic No. 9. Topic No.  
13 9 is the library's policies, practice and customs  
14 concerning library patrons' request to access a web site  
15 that is blocked by the filtering system. Are you  
16 designated to testify?

17 A Yes.

18 Q And you're prepared to do so?

19 A Yes.

20 Q All right. We talked about patrons sitting at  
21 one of your eight terminals. And if a web site is somehow  
22 filtered, do they get notice?

23 A Yes.

24 (Exhibit 11 was marked for identification.)

25 Q (By Mr. Doty) So I'm handing you what is marked

1 Exhibit 11. If you thumb through it, you'll see it's just  
2 different web sites that have been blocked. It's -- do  
3 you recognize this?

4 A This stack of pages?

5 Q Well, this -- I assume this is --

6 A Oh, yes. It's the general -- yeah. That's what  
7 comes up when a site's blocked.

8 Q Okay. So this is on the screen that someone --

9 A Yes.

10 Q Okay. Great. Is this -- and at the very bottom  
11 left, it says, Powered by Net Sweeper?

12 A Yes.

13 Q Okay. Is this what comes up today?

14 A Yes.

15 Q I mean, if I were to go down to your library,  
16 the same sort of thing would come up?

17 A Yes.

18 Q Okay. So what happens if I get to the site, I'm  
19 a patron and I click that disabled filter? What would  
20 happen if I click that?

21 A You would come up to a user name and password.

22 Q Okay. So this is not a way that a patron gets a  
23 around the system. Someone has to come to --

24 A Yes. Correct.

25 Q So contact your Internet administrator if you

1 require access to this site. So then the patron then  
2 walks to -- is there a sign that says, I'm the Internet  
3 Administrator? Or is it just a librarian?

4 A It's just whoever is at the circulation desk.

5 Q Okay. So they walk over to the circulation  
6 desk. Then what happens?

7 A Then employees go over to that web site.

8 Q Okay.

9 A And unblock it if it's not a pornography  
10 generated web site.

11 Q Okay. So they being the employee now comes  
12 over. And you said any one of your employees can do --

13 A Cleaning and --

14 Q -- can do it. So it's not required that you be  
15 in the library at the time?

16 A No, It's not.

17 Q So they then -- so I want to access this  
18 greatdreams.com site.

19 A Okay. So I -- you would go get somebody, a  
20 staff personnel. They would go up. They would sit down.  
21 They would click Disable Filtering. Another screen would  
22 come up. There will be a pull-down little menu asking how  
23 long. The employee would ask, you know, is there a  
24 certain length of time? I think it goes from a minute to  
25 an hour. They said, Oh, I only need to be on it for 20

1 minutes, and you put 20 minutes. Or if they say, Oh,  
2 we're going to go to be on here for quite a while, then  
3 you go to the max and put an hour.

4 **Q Max is an hour?**

5 A Uh-huh.

6 **Q Okay. This is --**

7 A And that's technically how long you sign up for  
8 is hour time slots. If there's nobody waiting, then you  
9 can stay on for longer, but --

10 **Q If there's no one waiting for --**

11 A A computer.

12 **Q Okay.**

13 A Sometimes our computers are full and we have  
14 people that are waiting to get on.

15 **Q Patrons sign up for a computer, and do they sign  
16 up for a period of time?**

17 A They -- when they sign whatever, it's for an  
18 hour.

19 **Q An hour?**

20 A And we tell them that. Unless nobody's waiting,  
21 and then they can stay on longer.

22 **Q If someone is waiting --**

23 A They have an hour. They get an hour.

24 **Q Okay. Okay.**

25 **(Exhibit 12 was marked for identification.)**

1 Q (By Mr. Doty) So we're on Exhibit 12, which is  
2 that e-mail. And you don't -- I mean, did this person  
3 e-mail you directly, or is this an e-mail that's produced  
4 by the Net Sweeper?

5 A I think it -- I'm not for sure. But I would  
6 think it would come up through Net Sweeper.

7 Q Do you -- do you get e-mails every day?

8 A No.

9 Q When was the last e-mail like that that you got?

10 A I can't tell you. I don't know. It's been a  
11 year or two or three. I mean, I -- and it may have been  
12 when they up -- did a change in their -- in their software  
13 because I haven't had one like this in quite a while.  
14 Well, probably since 2009.

15 Q So this is not a way that a person who reaches a  
16 blocked site gets it unblocked?

17 A Today, no.

18 Q They would have to get this screen -- and now  
19 I'm turning back to Exhibit 11, and that's the screen that  
20 they look at?

21 A Yes.

22 Q And they would need to come to a librarian and  
23 do that?

24 A Yes.

25 Q So when the librarian clicks disable filter,

1 that's a thing they do this temporarily?

2 A Yes.

3 Q When they click that -- well, it says occult in  
4 this case. So here's an occult.

5 A That's what the category that Net Sweeper gave  
6 it, yes.

7 Q When they click disable filtering, do they have  
8 the option -- skip that. I'm just going to -- I'm going  
9 to go on. What does modify settings mean? Do you know  
10 what -- if I click that, what happens?

11 A I'm not for sure.

12 Q Okay. And then enable filtering?

13 A I've never enabled it to go back after -- I've  
14 disabled it for them to do their searching or research or  
15 whatever. And they're usually on it for whatever period,  
16 and I've never gone back in and enabled it.

17 Q It wouldn't make sense to enable it from a  
18 blocked page, would it?

19 A No.

20 Q Is that just a way of adding a blocked page?

21 A And I've never done that, so I'm not for sure  
22 what it does.

23 Q Okay. So the thing that your employee -- you or  
24 your employees would do would be to click disable filter?

25 A Disable. Disable.

1 Q Okay. Do you do this? Do you go to the  
2 computers, too, or just your employees?

3 A I have, yes.

4 Q Okay.

5 A I don't do it real often, but, yes, I do do it.

6 Q All right. So this topic talks about the  
7 policies, practices and customs of their request. So now I  
8 go to the -- to a staff member, and I tell them I want a  
9 web site blocked?

10 A Unblocked.

11 Q Unblocked. I want it unblocked. Do they ask  
12 questions of the patron?

13 A They ask them how long they want them unblocked  
14 for.

15 Q Just the time?

16 A Yeah.

17 Q Just the time.

18 A They probably look to see what the category is.  
19 If it's pornography, then they won't unblock it. But  
20 anything else, they will.

21 Q Okay. Subject to the policies of the library.  
22 You've listed those policies. Do your librarians follow  
23 those policies?

24 A (Witness nods head.)

25 Q Okay.

1 A Yes.

2 Q When they click this disable filtering site --  
3 do you see this -- we're just looking at this one, it's  
4 www.greatdreams.com, slash, and there's some subcategory  
5 there?

6 A Yes.

7 Q What's the policy regarding unblocking one page  
8 in a web site versus unblocking for a great --

9 A That should unblock that site, this we address.

10 Q You mean up to the first slash mark? So it  
11 should unblock http: www.greatdreams.com, slash, and  
12 everything should be unblocked?

13 A It should be.

14 Q Can a person -- when you get into that, when  
15 your employee or you go to that web site, are you able to  
16 modify the H -- the URL on the screen?

17 A I've never modified -- I've just -- whatever web  
18 site they have, I go in here and disable it. And then  
19 that web site is there on that page that you disable, and  
20 I'll just click on it and it allows them to go to that  
21 site.

22 (Exhibit 13 was marked for identification.)

23 Q (By Mr. Doty) Okay. What is the -- let's --  
24 let's -- I'm handing you what we're marking as Exhibit 13.  
25 Do you recognize what I've handed you?

1           A       It looks a little different. I don't actually  
2 recognize this one.

3           Q       Okay. Do you see where it says Disabled  
4 Filtering there at the very bottom?

5           A       Uh-huh. There's a drop-down menu.

6           Q       Okay. That gives you the time limits. Is there  
7 -- although you don't recognize this document?

8           A       No, I don't.

9           Q       Does it give you those same options, Disable  
10 Filtering all web sites, just this web site?

11          A       Yes, it does.

12          Q       It does give you that. So even though you don't  
13 recognize this document, that's when the person is going  
14 -- this is at the terminal?

15          A       It does have Add Category there. But I've never  
16 done that.

17          Q       Okay. So you have the employee come over. This  
18 prompt comes up. Do you see the first one?

19          A       Uh-huh.

20          Q       Okay. See where it specified www.playboy.com  
21 and then slash?

22          A       Uh-huh.

23          Q       It doesn't have the web page on Playboy,  
24 correct? Like it doesn't have Ms. -- Ms. January.htp?

25          A       Correct.

1           Q     So this means to the person -- if you unblock it  
2     as the librarian, it would allow this person to look at  
3     everything at Playboy.com?

4           A     That's my assumption, yes, because it is this  
5     web site.

6           Q     The site. Not web page. And a page would be --  
7     well, what would signal to you that it was a page versus a  
8     web site?

9           A     An additional link would take you to different  
10    parts of that web site.

11          Q     So if it had like page and then said HTML,  
12    that's a page versus a web site?

13          A     The address is the web site.

14          Q     Okay.

15          A     And you can go from -- sometimes there's little  
16    arrows and it will say next page or -- you know, it will  
17    take you onto a different page.

18          Q     Okay.

19          A     Did that answer your question?

20          Q     It did. But I'm wondering, is there ever a time  
21    when would you just allow someone to see one page within a  
22    particular site?

23          A     I would not do that intentionally.

24          Q     Okay. Okay. All right. What is the policy and  
25    practice with selecting either the web site or the

1 category?

2 A Typically, if people are blocked, they'll say,  
3 This web site is blocked. And then we unblock that web  
4 site.

5 Q Okay.

6 A And that's -- we do what we're asked to do.

7 Q Okay. So if pornography comes up, that's a CIPA  
8 concern?

9 A I would not unblock that category.

10 Q You would not unlock Playboy?

11 A No.

12 Q Okay. What if it came off a web site and it was  
13 characterized as humor? Would you unblock the whole  
14 category for a period of time for that patron?

15 A Yes.

16 Q You would. Okay. And -- and what would be the  
17 reason that you would do that versus just unlock the web  
18 site? What's the analysis that goes through your head or  
19 your employee's head in getting the category unblocked,  
20 not the site?

21 A It would be what the patron asked for.

22 Q And the patron knows -- knows that. I mean, as  
23 a patron, when you -- when they sit down and you sit down  
24 and log in and put in the password, are they allowed to  
25 watch --

1           A     Well, they're standing right there, sitting  
2 there. Some people have the decency to turn their head  
3 and not look. And others don't.

4           Q     I mean, do you turn to them and say, Do you want  
5 the whole category unblocked, or do you just want this web  
6 site unblocked?

7           A     I just usually unblock the web site. We don't  
8 ask them if they want the whole category.

9           Q     And then you hit submit and it's done?

10          A     Correct.

11          Q     What is the analysis you go through in terms of  
12 determining what duration you want unblocked? You said it  
13 goes through this exhibit, which is 13, and you say it  
14 goes to a maximum of one hour?

15          A     We usually just ask the patient what -- how long  
16 do you think you want to be on here? 30 minutes? An  
17 hour? Sometimes they say five minutes is long enough, or  
18 sometimes they say, I'm going to be here for a while.  
19 I'll say, Oh, I'll just put you in there for an hour.

20          Q     Is there a default in your mind what you're  
21 going to do? Is default an hour?

22          A     Well, that's their time span on a computer, but  
23 it's -- you know, we could take it down to an hour every  
24 time, but the if the person is not on that computer for an  
25 hour, then somebody else could come in.

1 Q And access that same site that was unblocked?

2 A Right.

3 Q Is that a problem if it's a CIPA site?

4 A No.

5 Q What happens if you do unblock something for an  
6 hour? Not -- not pornography. You know, you unblock it  
7 for an hour and then it brings them to another web site  
8 that's blocked. And they come back. Do they have to go  
9 back, then, to the librarian?

10 A If it's past that time, it would -- I would  
11 assume it would go back. That's never happened. But say,  
12 for instance, you came in and wanted to have a site  
13 unblocked, say, for 30 minutes and you left that site.  
14 And if it's past the 30 minutes, I would say that it  
15 should be blocked again. But if you came back 15 minutes  
16 later and you're still under that, you should be able to  
17 go back in.

18 Q That was my -- okay. So a couple questions  
19 here. If I leave th web site and come back, as long s I'm  
20 in the time period, I should be able to access it?

21 A Correct.

22 Q The second question, I get a web site unblocked  
23 Playboy.com and then later I visit Penthouse.com and I  
24 have to go get that unblocked, too. Does the unlocking of  
25 a second web site affect the unblocking of the previous

1 **web site?**

2 A Not that I'm aware of. That would be more of a  
3 MOREnet question.

4 **Q Okay.**

5 A Not that I'm aware of.

6 **Q Okay. So it could bounce back and forth?**

7 A Correct.

8 **Q Okay. All right. So even though you didn't**  
9 **recognize this Exhibit 13, is there any other thing that a**  
10 **-- your -- you or your librarians would see in terms of**  
11 **these clicks in it disabling once it was sent there from**  
12 **this page, Exhibit 11?**

13 A No.

14 **Q Okay. Good all right.**

15 (Exhibit 14 was marked for identification.)

16 **Q (By Mr. Doty) I'm handing you what is marked as**  
17 **Exhibit 14. Do you recognize this?**

18 A Yes.

19 **Q Okay. Can you tell us what it is?**

20 A It is correspondence by e-mail from Craig  
21 Nichols from MOREnet. I had a filter question. I called  
22 for assistance, and he was walking me through the steps it  
23 would take to unblock it.

24 **Q Okay.**

25 A For URL.

1 Q Okay. And he sent you some -- and this e-mail  
2 includes some screen shots of -- of a program?

3 A Yes.

4 Q Okay. Do you recognize those screen shots?

5 A Yes.

6 Q Okay. Is this the permanent unblocking -- is  
7 this the -- are these the screen shots you, as the  
8 Director of the library, would see if you wanted to  
9 permanently unblock a web site?

10 A Yes.

11 Q And you've permanently unblocked web sites?

12 A Yes.

13 Q Okay. To unblock -- excuse me. Have you  
14 unblocked web sites, meaning, you know, the entire  
15 Conservation web site or entire genealogy web site, or do  
16 you just unblock pages within a web site?

17 A I'm assuming I am blocking -- I am unblocking  
18 the whole web site.

19 Q Okay. What makes you decide -- again, we're  
20 talking about policies, practices and customs for a patron  
21 who says, My web site's being blocked and I don't want it  
22 blocked, to decide to permanently unblock it or to  
23 temporarily unblock it?

24 A Temporary unblocking one is if they're sitting  
25 at the computer and they want on there right then.

1 Permanently unblocking is a list of the web sites so I can  
2 go in and go through these steps because I don't do it  
3 there at public computers.

4 Q This is what you do at your own desk?

5 A Yes.

6 Q Okay. And -- and that's good. I just want to  
7 know, when you -- you know, when you had a decision --  
8 someone says, My web site or sites are being blocked, I  
9 would like this unlocked, the librarian can say, We're  
10 going to temporarily unblock it or permanently unblock.  
11 What analysis do you do in making that decision?

12 A If it's a web site that I think that will be  
13 accessed on a regular basis, then, yes, I will do it  
14 permanently versus somebody that's just going to do it a  
15 one-time thing.

16 Q So it's the popularity of the site that is the  
17 determining factor?

18 A It could be. I don't think there's a rigid  
19 schedule that I go by. But, for instance, this particular  
20 one was the Missouri Conservation web site.

21 Q That's what this E-mail from Mr. Craig Nichols  
22 was in response to?

23 A Yes.

24 Q And you wanted to unblock a Conservation web  
25 site?

1           A       I know the patron would probably be on there  
2 numerous times as well as other patrons in this area are  
3 interested in. So I would unblock it permanently because  
4 there's nothing that -- I mean, it's --

5           **Q       What other factors do you use to consider**  
6 **permanently versus temporarily unblocking a web site? Or**  
7 **-- I'm using web site, but, I mean, it would be the**  
8 **category you block. Do you do it at the terminal versus**  
9 **do it --**

10          A       If someone gives me the list. And that  
11 particular one was given to me. I had the URL that I go  
12 in and unblock it permanently, which is a big thing, you  
13 know, because a lot of times, I'm in the process of doing  
14 other things, and I won't have time to sit down  
15 immediately and go in and permanently unblock stuff.

16                 I'll do it temporarily. But if you give me that  
17 web site, I'll do it later. Do it temporarily for a while  
18 and then have it permanently unblocked. But as far as  
19 subject matter, there's not a process. If it's not  
20 pornography or it's not a CIPA problem, I would -- could  
21 unblock categories Or web pages, sites.

22          **Q       So you -- earlier when we looked at Exhibit 3,**  
23 **you identified three of the categories which were CIPA**  
24 **concerns.**

25          A       I remember seeing that document at one time.

1 Q Okay. So earlier, you had said that on this  
2 list, the only ones that were CIPA concerns were  
3 pornography?

4 A That I recognized.

5 Q Right. What were the three?

6 A Adult image pornography.

7 Q And you were uncertain about one?

8 A Correct.

9 Q So any of the other categories --

10 A Now that I see the other, I know that the  
11 fishing virus and -- that are on there, also. But the  
12 ones that stood out in my mind was the providing adult  
13 images permanently or --

14 Q So the decision tree on deciding whether to  
15 permanently or temporarily unblock, your first thing was  
16 if others want to look at the web site, it was more  
17 popular, and the thing you said was if it was a -- if they  
18 give you the e-mail address?

19 A Right. So I --

20 Q The web site address.

21 A I want to permanently unblock what they really  
22 want. I don't want to affect the -- what was that web  
23 site again? If they hand me something that I can look  
24 back and make sure I have it correct.

25 Q If they say like occult is a problem and it

1 keeps blocking all my web sites, is that all you need to  
2 permanently unblock occult?

3 A If there's no chatting -- if they're not  
4 chatting on that particular web site, yes, I could -- I  
5 could unblock it.

6 Q So what other factors are you going consider in  
7 either temporarily or permanently blocking it?

8 A No other factors.

9 Q Okay. Looking at -- back at Exhibit 14 and the  
10 screen shots that Mr. Nichols gave you, we're talking  
11 about the process of unblocking permanently. And is it a  
12 difficult process or easy process? I mean, how many  
13 clicks are we talking here? Click one, click two, enter  
14 URL, correct?

15 A It's not a real difficult process if you have  
16 the correct URL, take the time to go into this web site  
17 and start --

18 Q So if we sat you down at a computer right now  
19 and had you block it, it would take you how much time to  
20 unblock that? I have the stop watch. Go.

21 A It would take me a while because I don't do this  
22 real often. But it should take a normal person a matter  
23 of a couple minutes.

24 Q All right. And when you temporarily unblock it  
25 and you go to that actual terminal to unblock that one

1 computer for one user for a temporary period of time, how  
2 long does that take?

3 A Thirty seconds.

4 Q Thirty seconds. If that?

5 A If that. I mean --

6 Q All right. That's all I have for Topic No. 9.

7 Are you hanging in there?

8 A I'm hanging in here.

9 MR. DOTY: Okay. No. I don't --

10 MS. WOFFORD: Do you want to take a break or --

11 MR. COLOGNA: I'll leave that up to you. Well,  
12 let's take a short break.

13 (Lunch recess.)

14 (Exhibit 15 was marked for identification.)

15 Q (By Mr. Doty) So we're on Topic No. 10 --

16 A Okay.

17 Q -- which is Library -- the policies, practices  
18 and customs concerning making changes to the Salem Public  
19 Library's Internet content filtering account as reflected  
20 in the Salem Public Library's filtering content change log  
21 provided by Defendants in their initial disclosures.

22 Okay. I'm handing you what is marked Exhibit

23 15. Do you recognize this?

24 A I think I've seen a copy of it before.

25 Q Okay. And what is that?

1           A     It is the Salem Public Library Internet Content  
2 Filtering Account Change Log.

3           Q     Is this something that you -- you have in your  
4 office as a report or something else?

5           A     It looks like something that I'm -- it looks  
6 like a report that can be accessed, but I haven't.

7           Q     So you're -- this is not something you see?

8           A     Regularly, no.

9           Q     Okay. 3206 in the user name on the User Name  
10 column starts off with some names, Wall R., Wall R. and  
11 then it comes down to 3206. That's your user account?

12          A     3206. Yes.

13          Q     Okay. Do you know how this was produced for us?  
14 Did you produce it?

15          A     No, I did not.

16          Q     Didn't produce it. Okay. Go to the third page,  
17 second entry there, it says URL -- it's for May 11th,  
18 2009, at 4:17.

19          A     Uh-huh.

20          Q     Excuse me. 14:17, which I understand is 2:17 in  
21 the afternoon, 3206 made a change, and it says URL list,  
22 added a URL, www.missourilottery.com to deny change to  
23 allow URL list. Do you know what that means?

24          A     Looks like we added the Missourilottery.com to  
25 the -- it was denied, and we allowed it to --

1 Q You allowed it. Okay. And that's permanent?

2 A Yes.

3 Q There's no time after that. There's no time  
4 after that, so you allowed that?

5 A Yeah.

6 Q Okay. If you go to the next page, May 14th,  
7 2009 at 8:31 in the morning. The first is 8:31. It says,  
8 Disabled filtering from the category New URL --

9 A Uh-huh.

10 Q -- for 3,600 seconds, so for an hour.

11 A I see that, but I don't know what it's in  
12 regards to. It doesn't say.

13 Q Well, it disables -- I mean, the new URL  
14 category was not going to be filtering for the next hour?

15 A That's what it looks like. Yes.

16 Q Okay. Is there a way to figure out if it's the  
17 time -- does that mean it was done at a terminal, or was  
18 that done on the web for you?

19 A It looks like it's done on the web for me at  
20 8:31, if that's a.m.

21 Q Yeah. It's a.m.

22 A But I don't know what it's in regards to.

23 Q New URL is one of the categories that you  
24 initially blocked in April of 2009? If you go to Exhibit  
25 3, do you see a category called New URL?

1 A Yes.

2 Q Okay. So you -- on this day, May 14th of 2009,  
3 you unblocked that entire category for a period of an  
4 hour --

5 A Okay.

6 Q -- is that true?

7 A Evidently, it is.

8 Q Okay. So this log --

9 A This is back in 2009. I can't remember. I'm  
10 sorry.

11 Q Oh, no. No. But 3206 is you?

12 A Yes. Yes.

13 Q Okay. Okay. And one hour is the maximum you  
14 could have unblocked it if you did the temporary unblock?

15 A (Witness nods head.)

16 Q You could have permanently unblocked it like the  
17 Missouri Lottery?

18 A Right.

19 Q But in this case, you just temporarily did it?

20 A Right.

21 Q Okay. Is there a way to determine for temporary  
22 blocks which of the eight computers you're unblocking it  
23 for from looking at this list?

24 A It would probably be the IP address.

25 Q Okay. And do you -- do you have a list of which

1 computer?

2 A Yes.

3 Q You do have that. And what would I need to ask  
4 for that?

5 A IP addresses for -- for the computers.

6 Q IP. Okay. Okay. Is there a reason -- if you  
7 -- let's go to -- I can't find the page because there's no  
8 page number on it. Would you go to the dates that start  
9 May of 2010?

10 Okay. And would you turn back one page? And  
11 you see May at the bottom, May 14th at the very bottom of  
12 that page?

13 A Uh-huh.

14 Q Do you know why this log is missing March and  
15 April and part of May? It's missing like two and a half  
16 months of data.

17 A No, I do not.

18 Q Okay. Would there ever be a time where you  
19 would go two and a half months without logging onto the  
20 computer --

21 A No.

22 Q -- and make changes --

23 A Not logging onto the computer. We log onto  
24 computers every day.

25 Q But you would not make changes for two and a

1 half months for the filtering. Have you ever gone two and  
2 a half months without someone asking to make a change?

3 A Oh, sure.

4 Q Is that possible?

5 A Sure. Yes.

6 Q So February 26th to May 14th, there was no  
7 log-ons?

8 A It's possible. Yes.

9 Q Okay. All right. Okay. Can you turn to the  
10 next page? Do you see there's a gap there from May 14th  
11 until August 18th?

12 A Yes.

13 Q So there's -- there was three months without a  
14 report -- two months without a report, and then you had a  
15 couple of May 14th. And then the next one was August.  
16 Again, that's possible that you didn't --

17 A That's possible.

18 Q Okay. Would you go to the -- back one -- back  
19 one more page, the one that had the February on the top?

20 A Okay.

21 Q Okay. Do you recall the e-mails that you  
22 exchanged with Nicholas Craig -- Craig Nichols with  
23 MOREnet about unblocking the Conservation web site?

24 A Yes. Uh-huh.

25 Q And that was the time that he told you you had

1 extra categories that you were blocking?

2 A Right.

3 Q Okay. So would you look there on the 26th? Do  
4 you see the insert there by Nichols CT?

5 A Yes. Uh-huh.

6 Q Is that -- he made some changes there?

7 A Yeah.

8 Q It looks like some category selection?

9 A Yes.

10 Q It's not clear what he did about those  
11 categories, but he did something?

12 A Yes.

13 Q And after that, there was a 3206 log-in, and  
14 there's some references there to obituaries,  
15 obitcentral.com, rootsweb.com?

16 A Yes.

17 Q Was that -- and this is, you know, a policy  
18 change. Is that you following the instructions that were  
19 on Exhibit 14 that he had sent you to make permanent  
20 changes?

21 A Yes.

22 Q Okay. So you knew how to do the permanent  
23 changes there?

24 A Yes.

25 Q Okay. On those IP addresses, which are signed

1 up for particular computers for the patrons to use --

2 A Yes.

3 Q -- when a patron comes in and is assigned to a  
4 computer --

5 A They choose the computer they want to sit at.

6 Q Okay. It's not -- you're not -- are you able to  
7 go back and figure out based on the IP address what they  
8 looked at?

9 A I've never done that before. I guess it's  
10 possible to do that.

11 Q It's possible. Okay. What are the hours of the  
12 library?

13 A We're open Monday, Tuesday, Wednesday and Friday  
14 from ten until five. Thursdays, from ten till seven. And  
15 Saturdays, from ten until one.

16 Q Okay. So if there are web sites visited at 8  
17 p.m. --

18 A 8 p.m. of a night?

19 Q -- at night, that would be someone from the  
20 library staff --

21 A Yes.

22 Q -- that was doing that?

23 A Probably, yes.

24 Q Do you ever check out library web sites that --  
25 or web sites that patrons are interested in trying to see

1     **whether or not they're appropriate or not?**

2           A     If -- you mean -- would you clarify? Do you  
3     mean if it's something that's been blocked?

4           **Q     Yes.**

5           A     No. I -- I haven't gone in. If it's something  
6     other than pornography, I let them in.

7           **Q     Okay. So --**

8           A     Or chat. I don't let them in chat rooms.  
9     But --

10          **Q     Do other employees -- again, we find times that**  
11     **are after the closing of the library that visits certain**  
12     **web sites. Those aren't to check to see -- to verify**  
13     **that, you know, web sites are appropriate or otherwise?**

14          A     No.

15          **Q     Okay. All right. And that's all I have for**  
16     **Topic 10. Topic 11 is the Board's Responses to the**  
17     **Plaintiff's Complaint Made at the Board Meeting on**  
18     **November 8th, 2010. Are you designated for that topic?**

19          A     Yes.

20          **Q     Okay. And are you prepared to talk about it?**

21          A     Yes.

22                     (Exhibit 16 was marked for identification.)

23          **Q     (By Mr. Doty) We've marked Exhibit 16. Do you**  
24     **recognize this document?**

25          A     Yes, I do.

1 Q And what is it?

2 A It is the November 8th, 2010, Library Board  
3 meeting minutes from the Salem Public Library.

4 Q Okay. Earlier, you described how these minutes  
5 are produced. The secretary types them and sends them to  
6 you?

7 A Uh-huh.

8 Q You sometimes make some changes. Do you recall  
9 having made any changes to this one?

10 A I do not.

11 Q Okay. And this got published in the newspaper?

12 A I believe it did.

13 Q Is there a reason why it wouldn't have been  
14 published in the newspaper?

15 A The newspaper just started requesting our  
16 minutes. And I'm not for sure when they started doing  
17 that.

18 Q They did what? I'm sorry.

19 A Requesting our minutes so they could publicize  
20 it. It's not been a -- a thing that's happened for --  
21 ever since I've been there.

22 Q Okay. So it's a new thing?

23 A Yes.

24 Q All right. All right. So Ms. Hunter requested  
25 through you to get on the agenda?

1 A Yes.

2 Q Okay. And tell me what she did when -- tell me  
3 what she said to the Board when she came on November 10th  
4 in the November meeting. What was her complaint?

5 A Well, this is what I remember. She had concerns  
6 that library staff did not treat everybody the same. That  
7 was one of her concerns.

8 She had a concern that we charged county  
9 residents a membership fee. And she had concerns that she  
10 couldn't get into web site -- web sites were being blocked  
11 that she wanted to view by our filter.

12 Q Okay. And how did she describe web sites that  
13 she said were being blocked by your filter?

14 A As I recall, she was saying -- she said -- and  
15 this is just from memory. She was doing research on  
16 Native American -- Native Americans, particularly, women,  
17 and the sites were being blocked. And I'm sure she had  
18 more to say, but that's what I recall.

19 Q You said at the beginning she said not everyone  
20 was being treated the same. What -- what were the -- what  
21 was the distinction?

22 A She thinks that staff treat the poor differently  
23 than those that were more wealthy.

24 Q Okay. So that was one of her complaints. Was  
25 that separate from the filtering complaint? Or did you

1 take it as one complaint?

2 A She was voicing all complaints at the meeting,  
3 so I take it it was more than -- I think she was addressing  
4 everything she had a complaint with.

5 Q Okay. How long was her presentation, if you  
6 call it that, or her talk?

7 A I would say 45 minutes to an hour, maybe.  
8 Somewhere around in there. I didn't time her, but it was  
9 lengthy.

10 Q Did they ask -- did it take that long because  
11 there was questions asking her, What do you mean we treat  
12 you differently? Or was it literally just a talk, start  
13 to finish, 45 to 60 minutes?

14 A As I recall, it was pretty much a talk.

15 Q Okay. Now, what time does the meeting start at  
16 night? You said 6 p.m.?

17 A Uh-huh.

18 Q Okay. So no one interrupted her?

19 A Not that I recall. They may have asked her to  
20 clarify something. I don't know. I don't recall. That's  
21 been two years ago.

22 Q Okay. What was the response from the Board to  
23 her complaint?

24 A To her?

25 Q To her, you know, list of complaints and things

1     **that she brought up at this meeting.**

2           A     They basically listened to everything that she  
3     had to say. And then after she was done, they said that  
4     they would -- they thanked her for coming and voicing her  
5     concerns. And they would look at it and, you know --

6           **Q     And -- they would look at it and what?**

7           A     Come to a decision.

8           **Q     What was the decision? What were the -- what**  
9     **was the decision?**

10          A     It was decided to keep the filtering software to  
11     be CIPA compliant. And it's Board policy on the \$40 since  
12     we are a Municipal Library District and that the city  
13     patrons pay a library tax, a voted library tax that we  
14     would continue to charge the County residents, which do  
15     not pay.

16          **Q     Ms. Hunter is not a county resident?**

17          A     No, she's not. She's not.

18          **Q     She was concerned about county residents paying**  
19     **that fee, though?**

20          A     Yes. It is based on property tax and --  
21     personal property tax.

22          **Q     So the Board basically listened --**

23          A     Uh-huh.

24          **Q     -- and thanked her? The meeting notes says**  
25     **here, The -- the library strives to treat everyone fairly**

1 and assured Mr. Brand --

2 A Uh-huh.

3 Q Is he a Board member?

4 A Yes.

5 Q Is he still a Board member?

6 A Yes.

7 Q Okay. Was he the President at the time?

8 A No. Ruth Ann Parker was.

9 Q Okay. So Brand was just a member?

10 A Yes.

11 Q Stating, Our library strives to treat everyone  
12 fairly, and he assured Ms. Hunter the Library Board would  
13 look closely at her concerns and make any changes deemed  
14 necessary?

15 A Yes.

16 Q So were any changes or votes made at that  
17 meeting in November?

18 A Any votes? I don't think there was a vote. I  
19 think they came to a general consensus that we had to keep  
20 the filtering and the county fees.

21 Q And they did that at the November meeting? They  
22 didn't wait until the December meeting to do that?

23 A I can't remember. I'm sorry. I can't remember.

24 Q I just -- it says here, The Board will look  
25 closely at her concerns, so I didn't know whether or not

1     **there was a perception that the Board would consider it**  
2     **and then come back to it or -- that look closely was --**

3           A     I think -- I can't -- I -- I think they talked  
4     about it a little bit that night about the County fees and  
5     the CIPA -- the filtering, and they came to a consensus  
6     that they needed to keep those.

7           **Q     Keep --**

8           A     The filtering and the County fees.

9           **Q     Okay. And the filtering they were keeping was**  
10    **CIPA compliant filtering. That's what they wanted? CIPA**  
11    **compliant filtering?**

12          A     Through MOREnet, yes.

13          **Q     Okay. Was there any expectation that you would**  
14    **come back to the Board to report anything about the**  
15    **filtering or do further research?**

16          A     I knew it was CIPA compliant because that's why  
17    we got that. And as far as research, I had talked to  
18    MOREnet, and I think that's in my notes somewhere, about  
19    concerns about sites -- Native American sites that were  
20    blocked and that I was trying to get specific web sites so  
21    I could have them permanently unblocked. But I was not  
22    given -- given those web sites. So --

23          **Q     Now, at this time, did you -- scratch that.**  
24    **Where would these notes be regarding your talk to MOREnet?**

25          A     Here. Can I borrow yours? Can I borrow your

1 notes?

2 MR. COLOGNA: That's fine.

3 A Oh, I talked to him on 12/8 -- or 12/9,  
4 actually.

5 Q (By Mr. Doty) So that's December 9th?

6 A Yes.

7 Q Is that your log where you talk about all your  
8 interactions with Ms. -- Ms. Hunter?

9 A Yes. Yes.

10 (Exhibit 17 was marked for identification.)

11 Q (By Mr. Doty) Okay. We'll come to that in a  
12 minute. So I've passed you what has been marked Exhibit  
13 17. Do you recognize this document?

14 A Yes, I do.

15 Q And what is that?

16 A It's the December 9th, 2010, minutes of the  
17 Salem Public Library Board.

18 Q Okay. Can you go down to the old business?  
19 Now, we don't have the agenda in front of us. We have to  
20 ask for that. We're going to ask for that agenda. But  
21 the fact that this mentions it in the meeting, does that  
22 mean it would have been on your agenda?

23 A Yes.

24 Q So you planned on talking about the filtering?

25 A I -- yes. I wanted to let the Board know that I

1 had contacted MOREnet.

2 **Q Okay. Had they tasked you to do that at this**  
3 **last meeting? I mean, did you think that was a mission of**  
4 **yours or an objective?**

5 A I thought -- I don't -- I think -- they did not  
6 tell me to do that, to the best of my knowledge. One of  
7 the things that came about -- I believe somebody called  
8 saying they were from the Salem Public Library called  
9 MOREnet and tried to get some sites unblocked and they  
10 were not from the Salem Public Library.

11 **Q Okay.**

12 A And so MOREnet contacted me to find out what all  
13 that was about.

14 **Q So this old business is really about something**  
15 **that happened -- it's not old business. It's something**  
16 **new?**

17 A Well, we've been talking about web sites, Native  
18 American web sites. So it would still be old business.

19 **Q Okay. Okay. And is it from the old business**  
20 **from Ms. Hunter's talk at this previous meeting?**

21 A Yes. Yes.

22 **Q Okay. All right. And so what did you -- what**  
23 **did you report to the Board?**

24 A I believe -- like I said, this is December 9th,  
25 2010. It seems like I was letting them know that we had

1 had calls regarding Native American sites being blocked  
2 from different people. How they knew that, I'm not for  
3 sure.

4 And I contacted MOREnet to let them know that  
5 there is sites and asked them if there was a reason why  
6 they were being classified as occult. And I told them I  
7 didn't have any of the specific web sites because I  
8 didn't. And then I also told them about this person that  
9 called. I mean, it was a general topic.

10 **Q So you asked them what were the reasons it was**  
11 **being classified as occult. What did they say?**

12 A Well, they didn't have the web sites. I said,  
13 There's Native American web sites. And without having the  
14 actual URL, it's hard to find -- say why. I tried to get  
15 Anaka to produce these for me so I could have them  
16 unblocked and find out. But she said it was a right of  
17 privacy.

18 **Q You said you asked MOREnet why is Native**  
19 **American web sites classified as occult. I'm curious what**  
20 **their answer was.**

21 A And I -- I don't think they knew because -- I  
22 think it's the filter that puts the -- that classifies  
23 them, not MOREnet for him to know. So I don't know that  
24 he knew the answer.

25 **Q So you --**

1 A But there I am putting words in his mouth.

2 So --

3 Q You didn't feel like he had an answer. You  
4 finished the conversation?

5 A I feel like he did not have an answer.

6 Q Okay. All right. You knew occult was not CIPA  
7 required?

8 A Correct. I knew that, which is why I was going  
9 to unblock her sites for her when she requested them to be  
10 unblocked.

11 Q It was occult, right? I mean, that is the  
12 category. You didn't need to know the site. You just  
13 needed to know it was occult. Right? You could just  
14 unblock occult?

15 A I could have and I did unblock her sites for her  
16 under the heading of occult. And criminal intent, I  
17 think, was one of the other ones. I'm not for sure.

18 Q Criminal intent is not CIPA blocked. That's not  
19 a reason to block?

20 A Correct.

21 Q Okay. So you could have unblocked the entire  
22 criminal intent?

23 A If she would have asked me to, I -- she asked me  
24 to unblock -- she couldn't understand why they were  
25 blocked, which I couldn't tell her why they were blocked

1 because I don't put the categories on the web sites. I  
2 just purchased the filtering software.

3 And I did unblock those sites temporarily for  
4 her. And staff also unblocked sites for her when I wasn't  
5 there.

6 Q Correct me if I'm wrong, what I heard you say,  
7 though, was that you could have given her access to the  
8 sites that she wanted by completely unblocking the occult,  
9 completely unblocking criminal intent, it wouldn't have  
10 violated CIPA, and she would have been able to access all  
11 her web sites?

12 A If they were all categorized that way. I'm not  
13 for sure all of her sites were categorized that way. And  
14 if she would have asked to have the category unblocked.

15 Q So you said categories you knew that were  
16 blocking her were the occult, criminal intent. And was  
17 there another one?

18 A I can't remember another one.

19 Q Okay. So just -- the ones you recall are occult  
20 and criminal intent?

21 A Correct.

22 Q Okay. Neither of those two were CIPA required?

23 A Correct.

24 Q Okay. Now, at the second paragraph -- second  
25 sentence or third sentence, Glenda will contact the Legal

1 Department at Missouri State Library's Office to learn  
2 what the appropriate response to these concerns should be  
3 with regard to unblocked web sites while working within  
4 the parameters of MOREnet's filter system.

5 A Uh-huh.

6 Q So is that a task that you were given at this  
7 December meeting?

8 A I told them that I would contact MOREnet -- or  
9 the State Library's Legal Department.

10 Q Okay. So you, in effect, tasked yourself with  
11 this?

12 A Yes.

13 Q Was there an expectation that you would report  
14 back to the Board with the results of that talk?

15 A I don't know if I -- it was to report back to  
16 them or not. It was part of my job to contact them and go  
17 from there.

18 Q Okay. Did you report back to the library in  
19 response to this, Glenda will contact the Legal  
20 Department?

21 A I'm not -- I don't have the January minutes.  
22 I'm not for sure if I did report back to them or not.

23 Q Would you have reported at that January  
24 meeting --

25 A I would have.

1 Q -- the subsequent January? Okay. Would it also  
2 be on the agenda for the January meeting?

3 A If the topic would come up, yes.

4 Q Okay. And we just need to ask -- that's what we  
5 would ask for, the agenda for the January meeting --

6 A Yes.

7 Q -- and then the minutes resulting from the  
8 January meeting?

9 A Yes.

10 Q Okay. The December minutes, the secretary sent  
11 it to you. Did you make any -- of your own edits?

12 A No.

13 Q Okay. So did you, in fact, contact the Legal  
14 Department at the Missouri State Library's Office?

15 A I contacted the attorney on retainer for the  
16 Missouri Public Library Directors.

17 Q Okay. Is the Missouri State -- there's a woman  
18 whose name I've seen in e-mails, Ms. Reeding -- Ms.  
19 Redding?

20 A Barbara Reeding.

21 Q Barbara Reeding?

22 A Yes.

23 Q Good librarian's name.

24 A Yes.

25 Q Did you contact her?

1 A I have talked to her a couple different times.

2 Q Okay.

3 A She contacted me after she had received calls  
4 from Anaka.

5 Q She did. Okay.

6 A Yes.

7 Q That's where I saw her name.

8 A Yes.

9 Q Okay. That's not what you were talking about in  
10 this -- that's not what is addressed here in the old  
11 business?

12 A That's kind of vague there. I don't think it  
13 was, no.

14 Q Okay. All right. What did -- as a result of  
15 your discussion here with the Legal Department, did you  
16 make any policy changes?

17 A No. No policy changes.

18 Q Okay. And you're not certain whether or not you  
19 reported back to the Board with --

20 A No, I'm not.

21 Q Okay. We've actually bled over from Topic 11 to  
22 Topic 12, I'm seeing here. I'm going to summarize Topic  
23 11, which is the response to the -- Ms. Hunter's  
24 complaints at the November meeting.

25 And correct me if I'm wrong, they made -- they

1 decided to keep the filtering system and keep the \$40 fee,  
2 and they declared that they had treated people -- they  
3 were treating people fairly?

4 A They -- yes.

5 Q Were there any changes that happened because of  
6 Ms. Hunter's complaints?

7 A I told the Board that we would try to be more  
8 observant and try -- and if we were treating people  
9 differently, we didn't think we were, but we'd try to be  
10 more aware.

11 Q Is this the issue of poor versus more affluent  
12 patrons?

13 A Yes.

14 Q Okay. Did you -- in the time after that, did  
15 you -- did you find an example of, Oh, now I see what  
16 she's talking about? Was there a difference in treatment  
17 or not?

18 A No.

19 Q Okay. So Topic 12, which I will read just  
20 because I've been doing it for all of them, the discussion  
21 at the meeting of December 9th with respect to the entry  
22 in the Board meeting minutes, Old Business, Glenda  
23 discussed filtering issues with MOREnet all the way  
24 through working within the parameters of MOREnet's  
25 filtering system. Okay. And when you say parameters of

1 **MOREnet's filtering system, What does the parameters mean?**

2 A I believe that is where I discussed with the  
3 Board that I would continue to unblock any sites that  
4 needed to be unblocked.

5 **Q Did you talk about categories?**

6 A Not specifically categories. They realized that  
7 to be CIPA compliant, of course, you couldn't have the  
8 pornography and that type coming up. So that was the only  
9 major category that -- you know, the nudity and the  
10 pornography. And -- and I told them that I would unblock  
11 -- we would continue to unblock the web sites as she  
12 requested.

13 **Q How did the Board -- what were the options**  
14 **available to the Board regarding filtering? What were the**  
15 **-- if it had a menu of options, what were the options?**

16 A Filtering versus not filtering?

17 **Q Okay. That's what I'm asking. Yeah. Filtering**  
18 **versus filtering.**

19 A And to be CIPA compliant, we filter. And there  
20 are so many grants and things that -- that we would not be  
21 able to pursue if we did not filter with CIPA compliance.

22 **Q Okay. So you saw it as filter or not filter.**  
23 **Was there any consideration of altering the filtering**  
24 **categories and somewhere in between? Or did the Board**  
25 **just say, Ms. Hunter, we can't not filter, we have to**

1 **filter?**

2 A I think they said that we -- to be compliant, we  
3 had to filter. But -- and I believe -- well, here I -- I  
4 believe they asked for if her sites were unblocked when  
5 she requested them, and I believe she said yes.

6 **Q Okay.**

7 A So I think they thought that the problem was  
8 taken care of there.

9 **Q The level of technical expertise that the Board**  
10 **members have, how would you -- is it very technical? Are**  
11 **they technically savvy or not?**

12 A We have educators, retired educators, so I think  
13 they would be pretty savvy. But then again, it just  
14 depends on if you have -- like I said, they're retired.  
15 So a lot of them are. Some of them are still teaching.

16 It's hard to say how technical they are because  
17 I'm not around them on a day-to-day basis, so I'm not for  
18 sure.

19 **Q You talked about Ms. Hunter coming forward and**  
20 **saying, you know, unblock a category versus the sites.**

21 MR. COLOGNA: Objection. Misstates prior  
22 testimony.

23 **Q (By Mr. Doty) You said earlier that you tried**  
24 **get Ms. Hunter to give you web sites?**

25 A Yes.

1 Q You knew that they were -- occult was blocking  
2 her sites, and you knew that criminal intent was blocking  
3 her sites?

4 A Correct.

5 Q The Board was concerned about CIPA compliance,  
6 yet those categories were not CIPA. They weren't related  
7 to CIPA, correct?

8 A Correct.

9 Q Why didn't the Board just unblock occult and  
10 unblock criminal intent?

11 A I don't think that they said that. They asked  
12 me to -- I told them I would continue to unblock her web  
13 sites that she wanted to view.

14 Now, there could have been humor in one of those  
15 web sites or there could have been something else. But  
16 those categories did not come up.

17 Q But you knew at that meeting that none of the  
18 CIPA sites were blocking her -- her web sites? Porn  
19 wasn't blocking it and whatever the other ones were.

20 A I'm not for sure what all of the web sites she  
21 -- she was trying to get into. Personally, I'm not the  
22 only person that unblocks sites for her, so I can't say  
23 that those are the only categories.

24 Q But unblocking those categories that I just  
25 listed, the occult and criminal intent, was not something

1 the Board considered on November or December?

2 A I don't think -- well, they didn't talk about  
3 categories versus web sites. And I'm not for sure that  
4 they understood that -- that there were categories and web  
5 sites. I don't know that they saw the distinction  
6 between. They just knew that that's why it was being  
7 blocked.

8 Q You knew th distinction as the Library Director,  
9 but you're not certain if the Board did?

10 A Correct.

11 Q And that's for 12. All right. Topic 13 is  
12 Salem Public Library's policies, practices and customs  
13 concerning the discipline of library patrons who break the  
14 rules -- who break library rules. Are you prepared to  
15 testify on that?

16 A Yes.

17 Q Okay. And you are designated to do so?

18 A Yes.

19 Q Okay. So earlier, we talked about the micro  
20 computing -- computer access policy.

21 A Correct.

22 Q And that someone could have their privileges  
23 revoked.

24 A Correct.

25 Q What other policies, practices and customs do

1 **you have regarding breaking of library rules?**

2 A We revoke somebody's privileges of using the  
3 computer. Is this what you're wanting in regards to the  
4 computers?

5 **Q Well, we can talk about computers, and then I**  
6 **want to expand that a little bit. But sure.**

7 A Verbal abuse. Patrons have been -- one was  
8 kicked off the computer because she was not allowed to do  
9 something on there that she wanted to do or put a device  
10 on it that she wasn't allowed to put in. And she got very  
11 verbal. So she no longer could use the library.

12 **Q The library or the computer?**

13 A The computer. The computer because that --

14 **Q Does she still come to the library?**

15 A Yes.

16 **Q Okay. What other --**

17 A One gentleman has been restricted from the  
18 computer because he printed a big bunch of stuff, and it's  
19 a quarter a page to print. It's posted. You sign your  
20 Computer User Agreement, and it states in there it's a  
21 quarter a page. And he printed a stack, and he wasn't  
22 going to pay for anything. So he no longer can use the  
23 computer.

24 Let's see. Chatting. If you chat, you're  
25 warned once. If they're caught again chatting, then they

1 use -- they lose their privileges.

2 Pornography is the other thing. If a picture  
3 pops up of somebody nude, then they're asked to -- or  
4 they're told that those web sites aren't allowed. And if  
5 they get caught again, then they're off the computers. So  
6 they get a warning. And then if they get caught again,  
7 they're off.

8 **Q How do they get in if there's a filter on porn?**

9 A It comes up -- filters are not what they're all  
10 cracked up to be. I mean, you can say they're filtered  
11 and things slip through. You can get a -- an e-mail  
12 attachment or whatever. And I'm not for sure. I'm not a  
13 filtering expert or a techie person, so I can't answer  
14 that. But filters are not always true.

15 **Q Is it over-filtering and under-filtering both?**

16 A Yes. It's -- I mean, filters are just --  
17 they're there to try to do what they're there to do. But  
18 nothing's foolproof. Nothing is foolproof. You can have  
19 a lock on the door and somebody can still get in.

20 **Q Do you have a list of rules that are not related**  
21 **to the computer -- we've talked about the ones that are in**  
22 **the bylaws and the and the various computer policies. Do**  
23 **you have non-computer rules for the library?**

24 A Non --

25 **Q Computer rules.**

1           A     -- computer rules. We had -- I mean, you come  
2 in -- if you have overdues, you need to clear up your  
3 account before you check out anything else.

4           **Q     Is that a written policy or just a -- just a way**  
5 **to do business?**

6           A     I think it's in the policy somewhere.

7           **Q     And by policy, you mean -- is it in the bylaws**  
8 **or something different?**

9           A     Yeah. Yeah.

10          **Q     Okay.**

11          A     You have to be in good standing.

12          **Q     What other policies or practices do you have**  
13 **regarding discipline of patrons who break the rules?**

14          A     If somebody comes in and damages a book,  
15 depending on the damages, whether they have pay for the  
16 book or pay a minimal damage cost or if somebody removes a  
17 bar code, they have to pay for that bar code. If somebody  
18 loses a -- a case off of a movie, then they need replace  
19 the case.

20                   I can't think of anything else that comes right  
21 to my mind. We live outside the city limits. You pay --  
22 to check out, you may come in and use the library,  
23 research the -- our reference materials or sitting inside  
24 the library and read or trade paperbacks as far as that.  
25 We have a paperback exchange. But to check out or use our

1 Internet services, then they have to become a member.

2 **Q When a library patron breaks a rule, computer or**  
3 **otherwise, how is that -- how is that -- is that -- how is**  
4 **that monitored or documented?**

5 A If it's a computer, we have a piece of paper  
6 that we just jot -- we try to jot their name and date and  
7 what the problem was. Sometimes if we're really busy, we  
8 get the date and the name, but maybe not the category.  
9 But -- and by category, I mean chatting or pornography.  
10 As far as breaking other rules --

11 **Q Let's stick on that for just a second. So on**  
12 **computers there, it -- how would you describe it? Is it a**  
13 **notebook or a log?**

14 A We have a piece of paper, and then we put it on  
15 -- on a computer in case something would happen to the  
16 piece of paper or it would get picked up and lost. We  
17 have -- we have it on the computer, also.

18 **Q Okay. And how has this piece of paper or now on**  
19 **computer, how long is that maintained?**

20 A It's kept forever.

21 **Q Okay. And what do I need to ask for to get that**  
22 **document?**

23 A Computer warnings and kick-offs, I guess. I  
24 can't come up with the words. But yeah.

25 **Q If I ask the for computer warnings and**

1 **kick-offs, you'll know what I mean?**

2 A I'll know what you're looking for. And the  
3 staff will, too.

4 **Q And it's by date so we can ask for a certain**  
5 **period of time?**

6 A It's not a real big one, big list. It's just --  
7 both are under two pages.

8 **Q Okay. Okay. I had interrupted you. You were**  
9 **talking about the computer, and you were listing other**  
10 **violations that are not computer-related.**

11 A Basically, if -- if you have a library fine, you  
12 have to pay it before you can check out again. If -- if  
13 you have an overdue notice, then you -- or an overdue  
14 item, we give notice. We give three calls and we give a  
15 final statement. And on the final statement, it says, You  
16 have these books out. They're overdue. This is the  
17 title. This is how much it is to replace them. If these  
18 aren't returned within a couple weeks and taken care of,  
19 you will be sent over to a collection agency.

20 **Q Okay.**

21 A And we send them to a collection agency.

22 **Q Is that also if someone loses a CD case or a DVD**  
23 **case or --**

24 A No. This is if you have items out, checked out.

25 **Q Okay. And you track that how? Is it when a**

1 patron comes to try to check out a book and you scan or  
2 whatever you do, does it pop up and say, Do not loan?

3 A It just says account balance or items out or  
4 overdue items.

5 Q Those are maintained on the computer?

6 A Yes.

7 Q Is there a certain notebook that lists those  
8 deficiencies and other problems?

9 A I keep a log of who I send the final statements  
10 to. I have a notebook -- not a notebook, a file folder.

11 Q For the collection agency?

12 A Yes. Who I sent final notices to and sent it to  
13 collections.

14 Q Okay. What about other library violations? How  
15 do you track -- keep track of those?

16 A I'm trying to think of another library  
17 violation.

18 Q Well, you -- if you give an example that maybe  
19 someone is rude to a patron and -- a patron is rude to the  
20 -- you know, not computer-related or not --

21 A We've had one instance of somebody hitting  
22 somebody over the head with a book. I -- I called --  
23 there was a little confrontation there. And I separated  
24 them. I had one outside and one inside. The police were  
25 called -- was called. And by the time the police got

1 there, the one gentleman had left. And I just documented  
2 that incident.

3 **Q And where do you document that? Where do you**  
4 **document --**

5 A I put it in the computer.

6 **Q Okay. On a separate -- separate file?**

7 A Yeah. Yes.

8 **Q All right. All right. Any other policies,**  
9 **practices or customs regarding library violations?**

10 A None that I can think of.

11 **Q Okay. Before we get to 14, because it kind of**  
12 **transitions into 14, at what point do you maintain a log**  
13 **on a particular patron on their actions and actions with**  
14 **you in the library?**

15 A I guess if I see it might pose a problem or if  
16 the police were involved. For instance, I called the  
17 police with the one gentleman. And I -- our library was  
18 broke into one time and the police was called, so we had  
19 to have a report on it.

20 **Q One is if the police are called, and the second**  
21 **one is if, quote, it might pose a problem. What does pose**  
22 **a problem mean?**

23 A Somebody wanting to file a complaint or  
24 something. And I have -- I give out a -- a Board name and  
25 phone number. And I'll usually make a note of that so I

1 can, you know, refresh my memory if something would come  
2 up with that.

3 Q I think I'm following you. You said file a  
4 complaint. I lost you on the Board phone number. What's  
5 the Board phone number?

6 A If they want to -- to file a complaint against  
7 the library or staff, I give them the President of the  
8 Library Board because they oversee us.

9 Q I understand. So you're saying if someone comes  
10 to you and says, I don't -- I have a complaint about the  
11 library. And that's why would you start a log on them?

12 A Yes.

13 Q Okay. Any other reason why you might start a  
14 log on someone besides filing a complaint? What other --  
15 what otherwise would pose a problem come up with?

16 A If somebody would call and had a fall on the  
17 premises or something, I would jot down a name and the  
18 date of the incident.

19 Q Okay. What else?

20 A I can't think of any.

21 Q Okay. So might pose a problem is what you  
22 define as filing a complaint, falling or if the police  
23 were involved?

24 A Or if there was a threat. If there's threats, I  
25 would make note of it.

1 Q Okay. And you've had people fall in the library  
2 before?

3 A Outside.

4 Q Okay. And you've logged that?

5 A Yes.

6 Q Okay. And you've had people file complaints  
7 before?

8 A None -- none that I can recall.

9 Q Okay. So that's not one you would do a -- pose  
10 a problem. So we have fall. How about threats? Have you  
11 had threats?

12 A We've had conversations with people that could  
13 be taken as threats. Yes.

14 Q Okay. And you've made a log of those?

15 A Yes.

16 Q I want to go back to the filing a complaint.  
17 You were very specific in terms of what would happen. You  
18 would give them the phone number of the Board. It sounded  
19 so concrete that you had done that before. But you've  
20 never done that before?

21 A I did it for a Danielle Berry. And I've got a  
22 note here to the -- she asked for a complaint form. And I  
23 told her I didn't have a complaint form as such, but I  
24 would be happy to give her the name of the President of  
25 the Library Board she could talk to.

1 Q So did you start a log on Danielle Berry?

2 A Yes.

3 Q Is that that sheet right there that you're  
4 pointing to?

5 A Yes, it is.

6 Q Any other thing that might pose a problem  
7 besides filing a complaint, fall or threats?

8 A At this time, I can't think of any. It's not on  
9 the written -- there's nothing written that you have to,  
10 you know, file a -- or take notes. It's just if it seems  
11 necessary.

12 Q And those things you listed to me, those four  
13 things, the filing a complaint, following threats, and the  
14 police get involved is when it seems necessary for you as  
15 the Librarian to take notes?

16 A Yes.

17 Q That's all I have on 13. 14 is a log of notes  
18 regarding Plaintiff's complaint produced by Defendants in  
19 their initial disclosures and other logs on other library  
20 patrons. And you're design --

21 MR. COLOGNA: Can we go off the record just real  
22 quick?

23 MR. DOTY: Yeah.

24 (Break in proceedings.)

25 (Exhibit 18 was marked for identification.)

1 Q (By Mr. Doty) Okay. So I'm handing you what has  
2 been marked Exhibit 18. Do you recognize this document?

3 A Yes, I do.

4 Q Okay. Can you look at -- look over all the  
5 pages? Because as we talked on the record, there was two  
6 documents produced somewhat similar. And I just -- I want  
7 to talk about this one that I've handed you.

8 A Okay.

9 Q Okay. Okay. Can you tell us what it is?

10 A It is electronic notes that I have taken  
11 starting with October the 28th, 2010, regarding incidents  
12 that happened at the library.

13 Q That first one you mentioned, the first entry  
14 which is October 28th, is that one related to Ms. Hunter  
15 in any way?

16 A It is.

17 Q Okay. And how is it related to Ms. Hunter?

18 A Ms. Hunter was in the library at the time. The  
19 -- a patron, Danielle Berry, had come into the library and  
20 was missing -- was returning items that had missing bar  
21 codes.

22 And I told her she would have to replace the bar  
23 code that was missing. And she wasn't real happy with  
24 that and didn't have money at the time and was going to  
25 proceed to get onto the computer.

1           And it's our policy you have to be in good  
2 standing. I told her that that needed to be paid for. I  
3 said, but -- her book at the time was not due. And I  
4 said, If you want, you may take the item back and log onto  
5 the computer because I hadn't checked it in. And when she  
6 had the money to replace the bar code before the book was  
7 due if she wanted to come back and pay for it at that  
8 time, she could.

9           Well, she became -- became pretty vocal and --  
10 and had a big disturbance in the library. And Anaka was  
11 there, offered to pay the dollar. She refused the dollar,  
12 and that's how that -- she became involved.

13           **Q     Okay. The fine was a dollar?**

14           A     It was -- to replace the bar code, yes.

15           **Q     Okay. And Ms. Hunter was just trying to be a**  
16 **nice person?**

17           A     Correct.

18           **Q     And that's how her name got entered in this?**

19           A     Correct.

20           **Q     All right. Was this document -- is it a running**  
21 **list of all problems or -- and just when you produced**  
22 **this, you only produced ones that had Anaka's name in it?**

23           A     It's -- yes. It's -- this is the ones that just  
24 have incidents that deal with Anaka.

25           **Q     Okay. So when you produced this, did you have**

1 to cut other people's problems out, hitting people over  
2 the head with books and whatnot?

3 A No. This document is only documents that  
4 pertain with anything that has Anaka to do with it.

5 Q Okay. So like this file, what was this file  
6 named? Anaka?

7 A It's not named anything. It's just some little  
8 notes. It probably is in my computer under Anaka, Anaka  
9 Hunter, just so I know what it is. I'm not for sure what  
10 the correct heading for my file is, but --

11 Q And this is the first entry for Ms. Hunter on  
12 the 28th of October?

13 A Yes.

14 Q 28th of October, 2010?

15 A Yes.

16 Q What -- earlier, we talked about you would start  
17 a log like this if it might pose a problem or get police  
18 involved?

19 A Correct.

20 Q What was -- which category does this fall under  
21 here?

22 A Well, it started out as a log for Danielle Berry  
23 with Anaka's name in it.

24 Q Okay. Okay. So this wasn't an attempt -- this  
25 was not something wrong with Ms. Hunter at this point?

1 A No. This first entry, no.

2 Q Okay.

3 A But then --

4 Q The next day?

5 A The next day when I got the call from Barbara  
6 Reeding that Anaka had called her regarding this incident,  
7 that's when I put it all together.

8 Q Okay. All right. So -- I'm not sure this is  
9 piecing it all together. Would you say Danielle Berry is  
10 poor? I mean, is she someone who maybe Ms. Hunter was  
11 speaking about when she went to the Board to say you treat  
12 people different?

13 A And I can't answer that. I have --

14 Q You don't know whether she's poor or not?

15 A I have no idea.

16 Q So the very next day, Mrs. Reeding from the  
17 State Library calls you?

18 A That's correct. Yes.

19 Q Regarding the incident that happened before?

20 A Yes.

21 Q Okay. SO, again, I'm still -- which category is  
22 this fitting under? Is it calling the police? I mean, is  
23 police an issue at this point?

24 A No, it is not. She wanted a complaint form.

25 Q Okay. And where does that say that?

1           A     After a short time, Danielle returned wanting a  
2     complaint form. I gave her the President of the Library  
3     Board, Ruth Ann Parker, along with her phone number. She  
4     called Ruth Ann Parker the same day. I got verification  
5     of that. This all happened when I was trying to wait on  
6     another customer, Carol Davis, which overheard everything  
7     and thought the ordeal was uncalled for. Ruth Ann Parker  
8     confirmed the conversation with Carol Davis.

9           Q     Okay. So she thought it was uncalled for by --  
10    you were uncalled for?

11          A     No.

12          Q     All right. Anaka was uncalled for?

13          A     The conversation with Danielle Berry.

14          Q     Danielle was uncalled for, her -- her  
15    interaction with you?

16          A     Yes.

17          Q     So the next day happens, and this is related to  
18    the first one. She's -- Ms. Redding represents that Ms.  
19    Hunter has called?

20          A     The call -- Barbara Reeding took the call from  
21    Anaka Hunter.

22          Q     Okay. Is that common for the State Library  
23    folks to call you?

24          A     If there's a -- if somebody calls them, yeah.

25          Q     It is. So that's not a problem --

1 A No. Oh, no.

2 Q -- from your perspective?

3 A Oh, no.

4 Q Had she called and that incident with Danielle  
5 Berry not have happened, would have you started a log?

6 A On Anaka?

7 Q Yes.

8 A At that point, no.

9 Q Okay. Okay. The next entry, two days later, it  
10 looks like, November 1st, 2010, Anaka Hunter asked to be  
11 put on the Library Board agenda?

12 A Correct.

13 Q Okay. Why are we continuing to log these  
14 things? Is this normal?

15 A If there's a continued complaint about  
16 something, yes.

17 Q Okay. Okay. Anaka asked for help navigating  
18 our web site and asked what our mission statement was.  
19 You said she was in a good mood and pleasant?

20 A That's on the statement. Yes.

21 Q Yes. Are all these notes your notes?

22 A Yes. Well, I typed all these notes in. No,  
23 they're not all my notes. Some of them are staff notes.

24 Q Okay. Was there like an APB, an All Points  
25 Bulletin, any time we have an interaction with Ms.

1 Hunter, we want to write down what she does?

2 A Repeat that, please.

3 Q Was there -- was there -- at some point, was  
4 there guidance to all the librarians, everyone, the  
5 employees that any time Ms. Hunter interacts with you, we  
6 are going to log what she does and says?

7 A That was never said. No.

8 Q Okay. Was it implied?

9 A Only if there was an occasion or an issue or a  
10 problem that came up.

11 Q So help navigating the web site, that's a  
12 problem, and that needs to be logged and that her mood was  
13 good and pleasant?

14 A Where is that? She wanted -- I think at that --  
15 that day, she was navigating our web site and could not  
16 find our mission statement on it. So the Board was  
17 bringing that to my attention that there wasn't a mission  
18 -- she couldn't find the mission statement.

19 Q Is that -- is that normal to log when your  
20 patrons come in and say --

21 A Probably not. But seeing that we had a problem  
22 a couple days before that, staff thought maybe they would  
23 let me know that she came in again and -- and was --  
24 couldn't find our mission statement.

25 Q So that's Karen Gordan?

1 A Yes.

2 Q She's the one that notified you. She's one that  
3 logged it?

4 A I'm not for sure if it was Karen that gave me  
5 that note or if it was the other staff that was working  
6 with Karen. I don't know who gave me that note.

7 Q And now, the second page, I see entries on the  
8 8th -- two on the 8th, 9th, two on the 10th, two on the  
9 12th, two on -- three on the 13th. Is this normal? Is  
10 this normal to be tracking what a patron in your library  
11 does when they come to the library?

12 MR. COLOGNA: Objection. Vague.

13 Q (By Mr. Doty) Do you have any other logs like  
14 this on any other patron where every day you're writing  
15 down what they -- their mood?

16 A I kept a pretty good log on a staff member one  
17 time.

18 Q Okay. What did that staff member do, I want to  
19 say, to deserve that? But what was the impetus for  
20 tracking of that staff member's --

21 A Activities that were not job-related.

22 Q Which are what?

23 A Selling Avon during library hours on library  
24 time. I can't -- and I can't even think of -- that was  
25 years ago.

1 Q So that was an employee -- that was in terms of  
2 you were the supervisor --

3 A Yes.

4 Q -- and you were tracking what your employee  
5 does?

6 A Yes.

7 Q No. I'm talking about a patron and your patron  
8 comes in and you're like, Their mood is good.

9 A I've never -- I've never incurred any incidents  
10 like this before.

11 Q Okay. And that's -- and what -- at what -- at  
12 some point, you're deciding to log, and I'm interested, as  
13 I said in the earlier point when you're concerned about a  
14 patron, what are why your policies and practice? I'm  
15 trying to figure out what is the policy and practice of  
16 tracking with Ms. Hunter?

17 A I guess when I decided to start tracking her was  
18 when she called the State Library after she got -- became  
19 involved by contacting the State Library with complaints  
20 on what happened with our library patrons and the  
21 Internet, the Native American web sites and the County  
22 resident fees and --

23 Q How many current patrons are you now tracking  
24 like this?

25 A How many current patrons am I not tracking? Not

1 tracking.

2 Q Now tracking. How many patrons have a similar  
3 log like this?

4 A I would say that she's the only one.

5 Q Okay. Prior and after?

6 A This lengthy of a log, I've logged the incident  
7 between the two made gentleman and the fight. I've  
8 logged, oh, an incident where somebody fell. I've logged  
9 a couple incidents.

10 And this Danielle Berry, hers happens to be on  
11 the same one because it became kind of one. But the daily  
12 concerns, I thought they needed to be logged.

13 Q How do you envision using this log?

14 A I did it just for my personal use, my personal  
15 documentation as the Director, as my role as Director.

16 Q And you could see doing a log like this in the  
17 future?

18 A Yes. If it -- if there was an incident that --  
19 like this one, yes.

20 Q If you go to the next to the last page, which is  
21 the fine entry and -- on this exhibit that we're looking  
22 at, which is Exhibit 18 --

23 A Okay.

24 Q -- and it ends on 12/9/10?

25 A Correct.

1 Q That's the final entry on this log?

2 A Yes.

3 Q Okay. Does this log continue after 12/9/10?

4 A There is another log that started like this one.

5 And I believe I saved it as -- not just save it. A

6 different category by mistake. So there is another entry.

7 Q Okay.

8 A At least one entry, I should say.

9 (Exhibit 19 was marked for identification.)

10 Q (By Mr. Doty) I've handed you what has been  
11 marked as Exhibits 19. Can you look that over for me? Do  
12 you recognize this?

13 A Yes. Yes.

14 Q And -- and what is this document?

15 A A continuation of the previous document.

16 Q Okay.

17 A I think if you look at the two documents, the

18 last two pages, you'll see that everything's the same

19 until you get down to the date 12/9/10 at 5:17. That

20 document -- that entry was not on Exhibit 19.

21 Q Okay. And what have -- what were the entries  
22 made after that?

23 A The entries after that was another entry that

24 was made on 12/9 when I placed a call to Clifford Jadwin

25 to file a report. He was the Chief of Police at the time.

1           **Q**     Okay. So looking at 19, on 12/9, there is an  
2     **entry in there at 5:17 p.m.?**

3           **A**     No. That's the one that I had said that was  
4     omitted from this document.

5           **Q**     Okay. I'm sorry. So you -- that one was  
6     **deleted?**

7           **A**     Yes.

8           **Q**     Did that --

9           **A**     And -- and the ones that are on Exhibit 19 from  
10    when I called -- where I called Mr. Jadwin on down is not  
11    on Exhibit 18.

12          **Q**     So from the of point you calling the police,  
13    **that one is not on Exhibit 18?**

14          **A**     Correct.

15          **Q**     Okay. And then you called -- you called the  
16    **police, the Chief of Police. They send someone over to**  
17    **your library?**

18          **A**     Yes.

19          **Q**     And then -- then the log ends later that day?

20          **A**     Yes.

21          **Q**     Is that also the night of the Board meeting?

22          **A**     Probably. Let me look at my minutes and see  
23    when is the Board meeting. December -- yes. I believe  
24    that is, December the 9th, yes.

25          **Q**     Why did the log end?

1           A       The log ended because I did not receive any more  
2       calls from any tribesmen. I think that's what some of  
3       them referred to themselves as. Anaka never came into  
4       the library again. So phone calls ceased. Incidents  
5       ceased. So I had no -- no need to make a log entry.

6           **Q       So the last entry you have was Ms. Hunter coming**  
7       **into the library on December 2nd?**

8           A       Yes.

9           **Q       And as far as your log goes, she's never come**  
10       **back?**

11          A       Correct.

12          **Q       Okay. So the police -- you called the police on**  
13       **the 9th?**

14          A       Correct.

15          **Q       Your log ends on the 9th?**

16          A       Correct.

17          **Q       Do you know what the police did?**

18          A       They just took a -- my statement along with  
19       library personal Kate McBride's statement as to the phone  
20       calls and things that we had been receiving.

21          **Q       Okay.**

22          A       I just wanted a record of --

23          **Q       You gave them this log, too?**

24          A       Yes.

25          **Q       So this log marked Exhibit 18? At least 18,**

1 probably?

2 A It was -- yes.

3 Q 18 or 19?

4 A I'm sure it was -- I'm sure it was the 18 one.

5 I mean, I have a copy of a report, not with me, but --

6 Q Okay.

7 A And it has attached what I gave. So --

8 Q And so the log then ended?

9 A Yes.

10 Q And that's it? There's no other -- there's no  
11 other subsequent documents?

12 A Correct.

13 Q All right. So we're done with Topic 14, which  
14 is this log. And now we're going to go on to the  
15 interaction that you had with Jadwin and Farrar.

16 A Farrar.

17 Q Farrar. So Topic 15 is -- and it's our last  
18 one. Facts concerning the call to Clifford Jadwin on  
19 December 9th, 2010, to quote, file a report with respect  
20 to the incidents with the Plaintiff and Native American  
21 Tribesmen and the discussion with Lieutenant Marty Farrar,  
22 which is F-a-r-r-a-r, at the library on December 9th,  
23 2010. Are you designated to speak on that topic?

24 A Yes.

25 Q Okay. And you're prepared to do so?

1 A Yes.

2 Q Okay. What was Lieutenant Farrar's --

3 A Farrrrar.

4 Q -- Farrar's position? Do you know?

5 A He worked for the Salem Police Department. And

6 I don't know if -- other than that what he's -- I don't

7 know if he was a deputy or if -- I don't know what

8 department he worked in.

9 Q That's fine. Clifford Jadwin, you said, was  
10 Chief of Police at the time?

11 A Yes.

12 Q And he's no longer --

13 A No, he's not.

14 Q So the Lieutenant comes to the library, and they  
15 come and talk to you and Kate. What's Kate's last name?

16 A McBride.

17 Q McBride. Is she still at the library?

18 A Yes, she is.

19 Q And she is still in her position?

20 A Yes.

21 Q What's her position?

22 A She catalogs and does programming.

23 Q Okay. It says, I gave him all of the files  
24 collected to date. And by files collected to date, what  
25 do those files include? You're holding up Exhibit 18?

1 A 18.

2 Q 18 or 19?

3 A Yes.

4 Q Any other files?

5 A No.

6 Q Okay. You didn't you give him books that  
7 Ms. Hunter signed out over the last year, a list of books?

8 A No. I have no idea what she checked out.

9 Q Do you maintain those records?

10 A No, I do not.

11 Q Okay. What did he tell you in response to  
12 your --

13 A He filed the report. He said he'd keep it on  
14 file. I -- I just wanted to let him become aware of the  
15 phone calls and the e-mail and things that -- that we were  
16 getting like from the different people, some of them  
17 sounding a little threatening, and I wanted to have a  
18 report on file.

19 Q Okay. A report on Ms. Hunter? Did you want a  
20 report on Ms. Hunter?

21 A Not necessarily. Just the whole incident as a  
22 whole. The -- how it came about, the -- the -- I think  
23 the Native American topic, if I should call it that, with  
24 the Tribesmen calling, I think it was all about the  
25 filtering.

1 I wanted them to be aware of the filtering issue  
2 that we had at the library and about the different Native  
3 Americans that were calling with complaints and threat --  
4 threatening complaints.

5 Q That's the strong -- you're talking about the  
6 threatening ones. Those are logged in this?

7 A Yes. There's a --

8 Q Stronghawk?

9 A Yeah. There's a Stronghawk and a Tommy Joe  
10 and --

11 Q And you felt those -- those interactions, Tommy  
12 Joe and Stronghawk were threatening?

13 A When somebody says about to explode on you, the  
14 library, you know, yeah, that's kind of -- you don't know  
15 what they meant by that.

16 Q Okay. Do you know if the Lieutenant then  
17 contacted Ms. Hunter?

18 A No. I do not know.

19 Q Okay.

20 A I never did hear back from -- from the Police  
21 Department at all.

22 Q Did you find it interesting that she never came  
23 back to the library after that?

24 A I did find it a little interesting that -- or  
25 strange that she never did come back in. I figured she

1 had gone elsewhere. Maybe purchased her own computer. I  
2 didn't know.

3 Q Did it bother you that she didn't come back?

4 A Did it bother me?

5 Q Yes.

6 A No.

7 Q How many other people have you called the police  
8 on?

9 A On the two gentlemen that --

10 Q Which are --

11 A The one that one hit the other in the back of  
12 the head. I called the police on that. I called the  
13 police when the gentleman broke into the library.

14 Q When you say broke in, was this like after  
15 hours?

16 A Yes, yes.

17 Q Okay. Did they steal stuff?

18 A Yes.

19 Q Okay. Did they catch them?

20 A Yes.

21 Q Yes, they did. Good. Okay.

22 A Let's see. I guess that would be the times.

23 Q Have you called the police on anyone since  
24 Ms. Hunter on -- in December of 2010?

25 A No.

1 Q Okay. All right. So I tell you what we're  
2 going to do. Remember at the beginning I said we're going  
3 to go through documents at the end just to authenticate  
4 the documents?

5 A Okay.

6 Q So we -- we've been through a lot. And what's  
7 going to happen is our court reporter is going to take  
8 these that have been marked and they're going to be  
9 attached to your deposition.

10 A Okay.

11 Q Fair enough?

12 A Right.

13 Q And then we're just going to number a lot of  
14 documents. And what we're doing is trying have you  
15 authenticate them since you've produced them. You're  
16 going to tell us what those documents are. Okay?

17 A Okay.

18 (Break in proceedings.)

19 Q (By Mr. Doty) All right. We're back on the  
20 record. We're now going to go back to Topic 1, which was  
21 authenticating. And these are documents which we didn't  
22 get to during the deposition.

23 A Okay.

24 (Exhibit 20 was marked for identification.)

25 Q (By Mr. Doty) All right. So I'm handing you

1 what's been marked as Exhibit 20.

2 A Okay.

3 Q And can you tell me what that is?

4 A It's the Salem Public Library Public Access  
5 Micro Computer User Agreement.

6 Q Okay. And it's got a page number at the bottom  
7 24?

8 A 24.

9 Q And that's from the bylaws?

10 A Yes.

11 (Exhibit 21 was marked for identification.)

12 Q (By Mr. Doty) Okay. Great. Thank you. I'm  
13 handing you what's marked as Exhibit 21.

14 A It's that's the Salem Public Library Appendix C  
15 Waiver -- Library Card Age Waiver Form.

16 Q Okay. And this also -- is this from the bylaws  
17 as well?

18 A From the bylaws. It's page 39.

19 Q And has this changed with the age -- you said  
20 it's 17 now?

21 A The library card has not -- age has not changed.  
22 It's the computer.

23 Q Okay. So this has to do with the computer --  
24 this is not even with the computer --

25 A The computer is the next page on this same

1 attachment.

2 Q Okay.

3 A Exhibit, I should say, and it's page 40.

4 Q Okay.

5 A And the age did change to 17.

6 Q Okay. And that's in the most recent update?

7 A Yes.

8 Q Okay. And then the last page?

9 A Is a Non-Internet Access Computer Use Waiver  
10 Form.

11 (Exhibit 22 was marked for identification.)

12 Q (By Mr. Doty) Okay. All right. All right. I'm  
13 handing you what is marked Exhibit 22.

14 A This is a note to myself from an employee, Kate  
15 McBride, concerning incidents -- an incident at the  
16 library.

17 Q Okay. And what are the dates on the notes from  
18 Mrs. McBride?

19 A December the 9th, 2010.

20 Q Okay.

21 A One was dated -- or time was 11:51 a.m., and the  
22 second one was December 9th at 5:17 p.m.

23 Q And you got both these notes when Ms. McBride  
24 gave them to you?

25 A It was on my December -- yes.

1 Q And did these make it into the log?

2 A The first one did. Yes. I believe they did.  
3 (Exhibit 23 was marked for identification.)

4 Q (By Mr. Doty) Okay. I'm handing you what is  
5 marked as Exhibit 23.

6 A Announcement sent to general membership on  
7 Internet content filtering.

8 Q And what's the date on that?

9 A Thursday, January 22nd, 2009.

10 Q Okay. Is this something you received from  
11 MOREnet?

12 A I -- it looks like general announcement, yes.

13 Q How do you get these general announcements?

14 A A lot of times, they come through e-mail.

15 Q Okay.

16 A Sometimes they're mailed, but --

17 (Exhibit 24 was marked for identification.)

18 Q (By Mr. Doty) Okay. I'm handing you what is  
19 marked Exhibit 24. Can you tell me what that is?

20 A This is a fax that I transmitted to you. It's  
21 documents that you had asked the library to produce, and I  
22 faxed them to you.

23 Q Okay. This is part of the Sunshine Act? This  
24 is the Sunshine Act request made before the lawsuit was  
25 filed?

1 A Yes.

2 Q And you recognize it as faxing it to me?

3 A Yes.

4 (Exhibit 25 was marked for identification.)

5 Q (By Mr. Doty) Okay. Okay. I'm handing you  
6 Exhibit 25. Can you tell me what that is?

7 A It is Public Access -- Computer Access by  
8 Minors. It's a form that we sent in to the State saying  
9 that we had an Internet usage policy and we're CIPA  
10 compliant.

11 Q Or compliant to the State equivalent of CIPA?

12 A Yes.

13 Q Okay. And is that your signature on it?

14 A Yes, it is.

15 Q Okay. Okay. And what's the date?

16 A January 8th, 2003.

17 Q Okay. Do you do this every year?

18 A Yes, I do.

19 Q Okay. Do you have to maintain these for other  
20 years as well?

21 A We have them -- as long as you have E-Rate, this  
22 form has to be filled out and sent in.

23 (Exhibit 26 was marked for identification.)

24 Q (By Mr. Doty) Okay. And I'm handing you what is  
25 marked Exhibit 26.

1           A     It is the general -- Children's Internet  
2 Protection Act, FCC Consumer Act.

3           Q     Is this a document that you have in your  
4 records? Do you have a CIPA folder that you maintain it  
5 in?

6           A     I have a CIPA folder.

7           Q     Okay. All right. By the way, is that document  
8 in that CIPA folder?

9           A     I -- I believe it is.

10          Q     Okay.

11          A     At this point, I don't know if it was in that  
12 folder, but it looks like it is a document that would go  
13 in that folder.

14                   (Exhibit 27 was marked for identification.)

15          Q     (By Mr. Doty) Okay. Thanks. I've given you  
16 what is marked Exhibit 27.

17          A     This is Anaka Hunter's Public Access Micro  
18 Computer User Agreement form where she has signed it.

19          Q     We identified the earlier form, but it was  
20 blank. This one is signed by the Plaintiff in this case?

21          A     Yes.

22          Q     And you recognize it?

23          A     Yes.

24                   (Exhibit 28 was marked for identification.)

25          Q     (By Mr. Doty) Okay. All right. I'm giving you

1     **what is marked as Exhibit 28.**

2           A     Exhibit 28 is our sign-in sheet for our  
3     computers.

4           **Q     Okay.**

5           A     And it is from July 5th, 2010 until December the  
6     6th, 2010, it looks like.

7           **Q     Okay. And that's the last time Ms. Hunter would**  
8     **have returned?**

9           A     The 2nd she was here.

10          **Q     You're pointing to what page?**

11          A     The last page, December the 2nd, 2010, at 12:15.

12          **Q     Okay. And that's actually the last log we had**  
13     **of her as well, so --**

14          A     That's the one I see.

15          **Q     Okay. Great. Do you have a document like this**  
16     **still that you maintain when people sign onto the**  
17     **computer?**

18          A     We do have documents like this, yes.

19                     (Exhibit 29 was marked for identification.)

20          **Q     (By Mr. Doty) Okay. I'm giving you what is**  
21     **marked as Exhibit 29.**

22          A     It looks like the Salem Public Library ticket  
23     notes with MOREnet, I would say.

24          **Q     Is this something you maintain?**

25          A     I did not give you this, no.

1 Q Okay.

2 MR. COLOGNA: It -- I mean, it -- we obtained  
3 that from MOREnet, I believe.

4 MR. DOTY: Okay.

5 MR. COLOGNA: And sent it as part of -- it was  
6 still necessary to disclose, I think, in Rule 26. But I  
7 don't think it's something that the library --

8 Q (By Mr. Doty) You can't authenticate it. Fair  
9 enough. That's why we do this.

10 A But that's what it looks like.

11 (Exhibit 30 was marked for identification.)

12 Q (By Mr. Doty) Okay. Fair enough. Okay. I'm  
13 handing you Exhibit 30, what we've marked as Exhibit 30.  
14 Can you tell me what that is?

15 A Looks like it came out of our CREU manual for  
16 retention of records.

17 Q And is this the -- is this the schedule which  
18 you are to retain documents in the library?

19 A It looks like it is, yes.

20 (Exhibit 31 was marked for identification.)

21 Q (By Mr. Doty) Okay. All right. I'm handing you  
22 what is marked as Exhibit 31.

23 A This looks like some e-mail correspondence I had  
24 received from different patrons wanting web sites  
25 unblocked.

1 Q Okay. But you no longer receive these e-mails?

2 A No. I haven't -- I -- that was -- no. I think  
3 the last one was in 2009.

4 (Exhibit 32 was marked for identification.)

5 Q (By Mr. Doty) Okay. Okay. I'm handing you what  
6 is marked as Exhibit 32.

7 A Looks like some phone bills.

8 Q Okay.

9 A And --

10 Q I think if you skip -- right there.

11 A And the report I -- incident report to the  
12 police station.

13 Q Okay. You're on page -- hang on just a second.  
14 Okay. The phone bills, the first 17 pages. And then what  
15 you're looking at is the Salem Police Department incident  
16 report?

17 A Correct.

18 Q Is this -- did they give you a copy of their  
19 report that they filed?

20 A They did not. I requested it recently --

21 Q Okay.

22 A -- so I would have a copy.

23 Q Okay. Okay. And can you thumb through that?  
24 Is this what you provided them that's the actual copy of  
25 the log?

1 A Yes. I signed it at the end.

2 Q Okay. And then it includes some notes there  
3 from --

4 A Kate McBride, an employee.

5 Q And that was also given to the police?

6 A Yes.

7 Q And then the very last page?

8 A Is a document that Anaka had handed to me at one  
9 point.

10 Q Okay. And you gave that to the police as well?

11 A Yes.

12 Q And from looking at that, is this what you  
13 recall you gave the police?

14 A Yes.

15 Q Everything is in it? Okay. Great.

16 A I don't remember the phone bills being in it,  
17 but --

18 Q Okay.

19 MR. COLOGNA: I don't think those were part of  
20 the incident report. I think maybe they were -- they were  
21 both responsive to the same.

22 Q (By Mr. Doty) I asked to figure out when you  
23 called the police.

24 A Oh, okay.

25 (Exhibit 33 was marked for identification.)

1           Q     **(By Mr. Doty) So -- all right. I'm now giving**  
2     **you what has been marked as Exhibit 33.**

3           A     This is personal notes that I retained and an  
4     incident that happened at the library regarding two  
5     patrons where the police was called and an incident where  
6     a patron had complained against one of my employees.

7           Q     **Okay. Is the first one the hitting the guy over**  
8     **the head with the book?**

9           A     Yes, yes.

10          Q     **So these are two examples of logs that you**  
11     **maintained on other --**

12          A     Yes.

13          Q     **Are there any others besides these two?**

14          A     There may have been one where a person fell  
15     outside the building.

16                     (Exhibit 34 was marked for identification.)

17          Q     **(By Mr. Doty) Okay. Okay. All right. I'm**  
18     **going to give you what's marked as Exhibit 34.**

19          A     This is Court records where a patron had broken  
20     into the library and was apprehended. And this is court  
21     records.

22          Q     **Okay. Okay. And the police gave you those**  
23     **records? That's how you got a hold of them?**

24          A     The police or the attorney. I'm not for sure.

25                     (Exhibit 35 was marked for identification.)

1 Q (By Mr. Doty) Okay. I'm handing you what is  
2 marked Exhibit 35. Is this your handwriting?

3 A This is my handwriting. This was my personal  
4 notes that I was going through as I was reading the  
5 lawsuit.

6 Q Okay.

7 A Just --

8 Q Great.

9 (Exhibit 36 was marked for identification.)

10 Q (By Mr. Doty) I'm handing you what is Exhibit  
11 36.

12 A This is a copy, it looks like, of the CREU plan.

13 Q Okay. What is a CREU manual?

14 A It's just a manual that we use in the process of  
15 reading materials from the library.

16 Q Does CREU stand for something, C-R-E-U or --

17 A It probably does, but I cannot tell you.

18 Q It doesn't mean like your crew of your staff or  
19 anything?

20 A No.

21 Q Okay. Great.

22 (Exhibit 37 was marked for identification.)

23 Q (By Mr. Doty) I'm handing you what is marked 37.

24 A This is an Internet content filtering service  
25 for MOREnet changes of the vendor.

1 Q And you're an addressee on this e-mail?

2 A I am.

3 Q And you received this e-mail back in March?

4 A March 16th, 2009.

5 Q And you maintained this?

6 A Yes.

7 Q And where do you keep this in your --

8 A My office.

9 Q Is it a MOREnet file?

10 A Yes.

11 (Exhibit 38 was marked for identification.)

12 Q (By Mr. Doty) 38?

13 A This is an e-mail to myself sent from Rebecca  
14 Wall from MOREnet.

15 Q Now, it's not sent from -- you said sent to your  
16 -- oh, to --

17 A To myself.

18 Q You sent -- Rebecca sent it -- no. You sent it  
19 to Rebecca?

20 A Yes. I sent it to Rebecca. Sorry.

21 Q Okay. Okay.

22 A To Rebecca at MOREnet from myself.

23 Q Okay. And you're picking an option that she's  
24 giving you in terms of --

25 A Yes. Two options, and I chose A.

1 Q Okay. Great. And, again, you maintain that  
2 file --

3 A Yes.

4 Q -- in your MOREnet file?

5 (Exhibit 39 was marked for identification.)

6 Q (By Mr. Doty) All right. Document 39?

7 A It's an e-mail to MOREnet from myself.

8 Q Okay. So you sent this to MOREnet?

9 A Yes.

10 Q Is info@more.net, is that like the tech support  
11 or --

12 A Information desk. And the date of that is  
13 December 10th, 2010.

14 (Exhibit 40 was marked for identification.)

15 Q (By Mr. Doty) Okay. Document 40 -- Exhibit 40.

16 Excuse me.

17 A It's an e-mail to -- to me from MOREnet, Eric  
18 from MOREnet in response to a filtering question.

19 Q Okay. And the date on that?

20 A December 10th, 2010.

21 Q It's responding to your earlier -- it's  
22 responding to the --

23 A Yeah. They're together, kind of.

24 Q 40 is responding to your e-mail, Exhibit 39.

25 (Exhibit 41 was marked for identification. )

1 Q (By Mr. Doty) Exhibit 41.

2 A E-mail to -- from me to Constance Stickney.  
3 Subject is the MOREnet content filtering service renewal.  
4 And it was a response that was required from myself.

5 Q You had earlier authenticated two previous  
6 renewals for 2009 to 2010. This is the same, April --

7 A This is April 21st, 2011.

8 Q Okay. All right.

9 (Exhibit 42 was marked for identification.)

10 Q (By Mr. Doty) 42?

11 A There is from Constance to undisclosed  
12 recipients on the MOREnet -- changes to MOREnet filtering  
13 categories --

14 Q And then the --

15 A -- asking our -- our action.

16 Q Okay. And we actually -- the second page, is  
17 that the response you mailed back to Ms. Stickney?

18 A Yes, it is.

19 Q Okay. And we've already authenticated that one  
20 as taking the five default categories and adding the web  
21 chat?

22 A The web chat.

23 (Exhibit 43 was marked for identification.)

24 Q (By Mr. Doty) Okay. And last, that is Exhibit  
25 43.

1           A       It looks like the Net Sweeper Web Administrative  
2 Guide.

3           **Q       Okay. And do you maintain this manual?**

4           A       I don't think I do.

5                   MR. DOTY: Okay. All right. You've been very,  
6 very patient. Thank you for all that. Unfortunately, I  
7 have to pass it over.

8                   MR. COLOGNA: I'll try to -- try to make this  
9 quick. I just want -- I don't really have any questions.  
10 I just want to go on record that Exhibit 18, which  
11 Defendants produced to Plaintiffs, I believe, pursuant to  
12 Rule 26 disclosures and/or Request for Production of  
13 Documents, Exhibit 19 is missing a second page that should  
14 have been there that was not included, I think, due to a  
15 copying error in our office.

16                   The second page of Exhibit 19 should look  
17 exactly the same as the second page of Exhibit 18. And  
18 the two are only different, m-- I think it was discussed  
19 earlier as to the -- the last entry on the second to last  
20 page and then further down on Exhibit 19.

21                   I've got copies of both entries for you that  
22 we'll go ahead and tender to you. And I apologize for the  
23 error. And feel free to check that against the electronic  
24 versions that were provided and give me a call if there's  
25 any problem. And I'm sorry about that.

1 MR. DOTY: No. No problem at all.

2 MR. COLOGNA: No questions.

3 MR. DOTY: Thank you.

4 THE COURT REPORTER: What do you want to do  
5 about signature?

6 MR. COLOGNA: We will read and sign.

7 THE COURT REPORTER: And do you want a copy of  
8 the transcript?

9 MR. COLOGNA: Yes.

10 THE COURT REPORTER: Okay.

11 (Witness excused.)

12 (The foregoing deposition was concluded at  
13 4:30 p.m. on September 4, 2012.)

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1 MIDWEST LITIGATION SERVICES

2 September 17, 2012

3 Mr. Matt Cologna  
Baird, Lightner, Millsap & Harpool  
4 1901-C South Ventura Avenue  
Springfield, MO 65804-2700

5  
IN RE: ANAKA HUNTER vs. BOARD OF TRUSTEES, SALEM  
6 PUBLIC LIBRARY, et al. Case No.  
4:12-cv-4-ERW

7  
Dear Mr. Matt Cologna,

8  
9 Please find enclosed your copies of the deposition of  
10 GLEND A WOFFORD taken on September 4, 2012 in the  
above-referenced case. Also enclosed is the original  
signature page and errata sheets.

11 Please have the witness read your copy of the  
12 transcript, indicate any changes and/or corrections  
desired on the errata sheets, and sign the signature  
page before a notary public.

13  
14 Please return the errata sheets and notarized  
15 signature page to Mr. Grant R. Doty for filing prior to  
16 trial date.

17  
18 Sincerely,

19  
20  
21 Monnie S. Mealy, Missouri CCR #0538, RPR, CSR

22  
23 Enclosures

24  
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1 ERRATA SHEET

Witness Name: GLENDА WOFFORD

2 Case Name: ANAKА HUNTER vs. BOARD OF TRUSTEES, SALEM

PUBLIC LIBRARY, et al. Case No.

3 4:12-cv-4-ERW

Date Taken: SEPTEMBER 4, 2012

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5 Page # \_\_\_\_\_ Line # \_\_\_\_\_

6 Should read: \_\_\_\_\_

7 Reason for change: \_\_\_\_\_

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22 Should read: \_\_\_\_\_

23 Reason for change: \_\_\_\_\_

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25 Witness Signature: \_\_\_\_\_

1 STATE OF \_\_\_\_\_ )

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3 COUNTY OF \_\_\_\_\_ )

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5 I, GLENDА WOFFORD, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this \_\_\_\_ day of \_\_\_\_\_,

15 20\_\_\_\_, at \_\_\_\_\_.

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GLENDА WOFFORD

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NOTARY PUBLIC

24 My Commission Expires:

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1

ERRATA SHEET

Witness Name: GLENDa WOFFORD

2

Case Name: ANAKA HUNTER vs. BOARD OF TRUSTEES, SALEM  
PUBLIC LIBRARY, et al. Case No.

3

4:12-cv-4-ERW

Date Taken: SEPTEMBER 4, 2012

4

5 Page # 41 Line # 1

6 Should read: Yes

7 Reason for change: \_\_\_\_\_

8

9 Page # 76 Line # 22

10 Should read: Work Computer

11 Reason for change: Not Board

12

13 Page # 107 Line # 13

14 Should read: not cleaning

15 Reason for change: \_\_\_\_\_

16

17 Page # 168 Line # 16

18 Should read: So Anaka

19 Reason for change: Not the Board

20

21 Page # 191 Line # 15

22 Should read: Weeding

23 Reason for change: not Reading

24

25 Witness Signature: Glenda Wofford

1 STATE OF Missouri )

2

3 COUNTY OF Dent )

4

5 I, GLENDa WOFFORD, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this 15<sup>th</sup> day of November,

15 2012, at Salem, MO.

16

17

18

19

Glenda Wofford

20

GLENDa WOFFORD

21

22

Shericia J Cook

23

NOTARY PUBLIC

24

My Commission Expires: 6-10-13

SHERICIA J. COOK  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI  
DENT COUNTY  
COMMISSION # 09504721  
MY COMMISSION EXPIRES 6-10-2013

25