

ARIZONA GAME AND FISH DEPARTMENT  
5000 WEST CAREFREE HIGHWAY  
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW  
RAY SCHWEINSBURG  
January 25, 2010

Individuals present at the Interview on 1-25-2010:

Marty Fabritz, Arizona Game and Fish Department, Ombudsman,  
Interviewer  
Craig McMullen, Arizona Game and Fish Department, Wildlife  
Manager, Interviewer  
Ray Schweinsburg, Employee

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Transcribed By:  
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## PROCEEDINGS

1

2 MR. MCMULLEN: We have been doing all of them,  
3 Ray -- or today is January 25th, Marty, Craig, Ray  
4 Schweinsburg. We have been doing all of them, I don't know,  
5 however many dozen we have done, interviews, but we have  
6 done all of them under Garrity Warning or Garrity  
7 Admonishment. Are you familiar with what Garrity is? Well,  
8 we have got --

9 MR. FABRITZ: Read that, and then we will put it  
10 in later. It is straightforward. Basically, it allows you  
11 to talk to us in an administrative fashion, and anything  
12 that you say can't be used against you criminally. It  
13 sounds rough, but that is how we have operated on this whole  
14 thing. We just needed to follow up with you.

15 MR. SCHWEINSBURG: What does this mean? I can  
16 talk to you guys or no?

17 MR. MCMULLEN: Yes.

18 MR. FABRITZ: Yeah, it does.

19 MR. SCHWEINSBURG: If I do what?

20 MR. FABRITZ: The essence of this is this  
21 paragraph says --

22 MR. MCMULLEN: Let's just do like we have done the  
23 whole time and just read it out loud.

24 MR. FABRITZ: Okay. All right, Ray. We are  
25 conducting an internal investigation involving matters that

1 will be discussed shortly. This is an Administrative  
2 Investigation. You do not have the right to have legal  
3 counsel present during the interview, nor will you be  
4 advised of Constitutional Rights. You are ordered to  
5 cooperate fully with this investigation. You are ordered to  
6 respond completely and truthfully to all questions posed to  
7 you during the investigation. Failure to respond completely  
8 and truthfully to all questions will be considered  
9 misconduct.

10 As set forth in Garrity versus New Jersey 385 US  
11 493 and the line of cases which follow, any responses given  
12 during this Administrative Investigation cannot be used  
13 against you in a subsequent criminal investigation. You are  
14 instructed not to discuss your interview or this  
15 investigation with any Arizona Game and Fish Department  
16 employee while the investigation is pending.

17 And the statement that you sign is that I have  
18 read the above statements, and I understand the orders given  
19 to me about this investigation. I understand my obligation  
20 to cooperate fully with the investigation. I understand my  
21 obligation to completely and truthfully answer every  
22 question. I further understand that I have been ordered not  
23 to discuss this investigation with any Game and Fish  
24 Department employee while this investigation is pending.

25 Does that make sense? And I will give you a copy.

1 MR. SCHWEINSBURG: Do you know what the date is?

2 MR. MCMULLEN: Yeah, it is January 25th, 2010. I  
3 have been writing nine.

4 MR. FABRITZ: I am still having problems with that  
5 one, too. When you leave, I will get you a copy of this.

6 RAY SCHWEINSBURG,  
7 pursuant to Garrity Warning, was examined and testified as  
8 follows:

9 EXAMINATION

10 BY MR. MCMULLEN:

11 Q. So, basically, as you are well aware, Marty, Gary,  
12 and I have been tasked with completing the internal  
13 investigation, Administrative Investigation, into the  
14 capture and recapture and eventual euthanization of Macho B.  
15 And we are at the final stages of just pulling together a  
16 few loose ends.

17 And your loose end relates to a recollection that  
18 Bill Van Pelt had that sometime in the early days of 2009,  
19 around January 2009 or something, about there, maybe early  
20 February of 2009, that you had come to him and asked if  
21 he -- if we did, in fact, have a permit that would cover the  
22 Department for the capture of a jaguar. Do you recall going  
23 to him for that?

24 A. Yes.

25 Q. Do you recall what it was that spurred you to want

1 to ask that question?

2 A. Sure. Thorry came in, asked me if we incidentally  
3 or accidentally or whatever you want to say, catch a jaguar,  
4 can we would put a radio collar on him? I didn't know the  
5 answer. So I came down -- I was going to come down to. On  
6 the way, I ran into Larry and Gary, and I asked them that  
7 question. And they said, well, if we have a jaguar already  
8 caught, it just makes sense to put the collar on him.

9 MR. FABRITZ: It does or doesn't?

10 THE WITNESS: Does. So -- but after that, I got  
11 to thinking, well, I better go talk to Van Pelt. I was  
12 going to go talk to Terry. Terry wasn't in, so I went and  
13 talked to Van Pelt. Van Pelt told me, yeah, we are covered  
14 under, what is it, the Work Plan, I think he said. The  
15 Jaguar Work Plan, if there is an incidental take, we can put  
16 a radio on him. So I thought okay.

17 Q. BY MR. MCMULLEN: So the question that came to you  
18 was should we put a collar on if we caught one?

19 A. Yeah. I was ABC that day. I didn't know the  
20 answer.

21 Q. ABC is Acting Branch Chief?

22 A. Yeah. I didn't know the answer.

23 Q. Yeah.

24 A. So I came down here. Both Larry and Gary said,  
25 and there were other people there, I don't know who, but

1 they all said, yeah, it is kind of dumb if we don't do that,  
2 because we already caught him. So in retrospect, probably  
3 not the best idea. But then I went and checked with Bill to  
4 make sure, and he said, yeah, we are covered under the --  
5 whatever it was -- Work Plan, Jaguar Work Plan. I think  
6 that's what the ESA document said, or the permit, or  
7 something. I think he said Work Plan.

8 Q. Okay. That's really the only question we had. We  
9 were wondering what sort of information input to you caused  
10 you to want to go ask the question of Bill. Do you recall  
11 anything else? Is there anything -- any other discussion?

12 A. No. No. At that time, it seemed like a good  
13 idea --

14 Q. Yeah.

15 A. -- to everybody. From the highest to the lowest.

16 Q. Yeah.

17 A. But I think Larry said, well, I didn't even know  
18 that. He asked me the question, is it listed? I said, I  
19 don't know if it is listed or not. He didn't know if it was  
20 listed or not. So I went to check on that just so that --  
21 and when Bill told me, yes, we are covered under the plan,  
22 no harm, no foul.

23 Q. You got the answer then?

24 A. Yeah.

25 Q. Okay. Was there any other thing that had we --

1 you probably might have anticipated at some point we would  
2 ask you to come and talk to us. I don't know if you did or  
3 not. That is an assumption on my part?

4 A. I figured you guys had already written me off as  
5 involved in this.

6 Q. During the course of the time when you were under  
7 the understanding that the investigation was going on, was  
8 there anything that was floating around in the back of your  
9 mind that you thought you would need to remember to tell us  
10 or anything like that?

11 A. Well, I would like to -- I never went and checked  
12 what the Jaguar Plan said. Does the Jaguar Plan cover us,  
13 Work Plan?

14 Q. Well, we are working that out. We believe it  
15 does. We believe it did, and we had communication with the  
16 Fish and Wildlife Service after the capture, original  
17 capture of Macho B, that confirmed that we did.

18 A. So this whole thing to me is a mystery, because I  
19 didn't go and get the plan and read it, but Bill, I trust  
20 Bill to know what he's talking about.

21 Q. Sure. Is there anything that you can think of  
22 that we might need to know or should know about the original  
23 capture of Macho B or recapture?

24 A. No.

25 Q. Yeah.

1           A.    The whole thing to me seems strange because right  
2    after Macho B was captured, everything -- everyone was  
3    taking credit for it. It was in the newspapers. Everyone  
4    was saying, oh, wonderful. Ra-ra, we did a good thing.  
5    Macho B died. Then everyone was saying this was a bad idea.  
6    But because -- had Macho B lived, it seems to me that the  
7    issue is not catching Macho B, because had he lived, nobody  
8    would have -- Fish and Wildlife, nobody would have  
9    questioned what we were doing, nobody.

10                So it is kind of dumb to me to be questioning  
11    whether the issue is, in my mind, capturing Macho B. The  
12    issue really was after he was captured, was he handled  
13    properly? And that's a different -- but the capture thing,  
14    had he lived, we would look like --

15           Q.    We could be gleaning information off him today?

16           A.    And the border, you know, I am trying to work on  
17    the border issues, and geez, that would have been so  
18    valuable. It is just --

19           Q.    It sounds like that was the extent of your  
20    knowledge or any discussions prior to capture?

21           A.    That's mine, what I know about it, and I was --  
22    you know, I had to get an answer that day.

23           Q.    Yeah.

24           MR. FABRITZ: Well, you jumped through a couple  
25    hoops to get the best answer you could. So you did a good

1 job.

2 THE WITNESS: That's what I did. I just think, it  
3 seems to me, logically, that the capture is not the issue  
4 because had he lived, we would be looking good as a  
5 Department. So I don't know whether that helps or doesn't  
6 help. That is just my reactional thinking for it.

7 MR. MCMULLEN: Okey doke. I think that is good.  
8 That is all we had, Ray. Sorry to interrupt your Branch  
9 meeting.

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CERTIFICATE

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I, Tammy Gillett, do hereby certify that the foregoing 9 pages were transcribed by me; that I was then and there a Certified Reporter in and for the County of Maricopa, State of Arizona, and that the foregoing pages contain a full, true, and accurate transcript of all the digitally recorded and/or taped proceedings, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto, and have no interest in the outcome.

DATED at Phoenix, Arizona, this 4th day of March, 2010.

TAMMY GILLETT  
Certified Reporter  
No. 50430

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<p>mean 2:15 meeting 9:9 mind 7:9 8:11 mine 8:21 misconduct 3:9 mystery 7:18</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p>need 7:9,22 needed 2:14 never 7:11 New 3:10 newspapers 8:3 nine 4:3</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p>obligation 3:19,21 oh 8:4 okay 2:24 5:16 6:8 6:25 Okey 9:7 Ombudsman 1:8 operated 2:13 ordered 3:4,5,22 orders 3:18 original 1:22 7:16 7:22 outcome 10:11</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p>pages 10:3,5 paragraph 2:21 part 7:3 parties 10:10 PEAK 1:22 Pelt 4:18 5:11,13 5:13 pending 3:16,24 people 5:25 permit 4:21 6:6 Phoenix 1:2,23 10:12 plan 5:14,15 6:5,5 6:7,21 7:12,12,13 7:19 point 7:1 posed 3:6 present 1:7 3:3</p>	<p>prior 8:20 probably 6:2 7:1 problems 4:4 proceedings 2:1 10:7 properly 8:13 pulling 4:15 pursuant 4:7 put 2:9 5:4,8,15,18 P.O 1:23</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p>question 3:22 5:1,7 5:17 6:8,10,18 questioned 8:9 questioning 8:10 questions 3:6,8</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p>radio 5:4,16 ran 5:6 Ray 1:4,10 2:3,3,24 4:6 9:8 Ra-ra 8:4 reactional 9:6 read 2:9,23 3:18 7:19 really 6:8 8:12 recall 4:22,25 6:10 recapture 4:14 7:23 recollection 4:17 recorded 10:7 related 10:9 relates 4:17 remember 7:9 Reporter 1:24 10:4 10:14 Reporters 1:22,22 respond 3:6,7 responses 3:11 retrospect 6:2 right 2:24 3:2 8:1 Rights 3:4 rough 2:13</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p>saying 8:4,5 says 2:21</p>	<p>Schweinsburg 1:4 1:10 2:4,15,19 4:1 4:6 sense 3:25 5:8 Service 7:16 set 3:10 shortly 3:1 sign 3:17 skill 10:8 Sorry 9:8 sort 6:9 sounds 2:13 8:19 spurred 4:25 SQUAW 1:22 stages 4:15 State 10:5 statement 3:17 statements 3:18 straightforward 2:10 strange 8:1 subsequent 3:13 sure 5:2 6:4 7:21</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p>take 5:15 talk 2:11,16 5:11 5:12 7:2 talked 5:13 talking 7:20 Tammy 1:24 10:2 10:14 taped 10:7 tasked 4:12 tell 7:9 Terry 5:12,12 testified 4:7 thing 2:14 6:25 7:18 8:1,4,13 think 5:14 6:5,7,17 7:21 9:2,7 thinking 5:11 9:6 Thorry 5:2 thought 5:16 7:9 time 2:23 6:12 7:6 today 2:3 8:15 told 5:13 6:21 transcribed 1:23</p>	<p>10:3 transcript 1:4 10:6 true 10:6 trust 7:19 truthfully 3:6,8,21 trying 8:16</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p>understand 3:18,19 3:20,22 understanding 7:7</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p>valuable 8:18 Van 4:18 5:11,13 5:13 versus 3:10</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p>want 4:25 5:3 6:10 Warning 2:6 4:7 wasn't 5:12 way 5:6 went 5:12 6:3,20 7:11 WEST 1:1 Wildlife 1:9 7:16 8:8 WITNESS 5:10 9:2 wonderful 8:4 wondering 6:9 work 5:14,15 6:5,5 6:7 7:13 8:16 working 7:14 writing 4:3 written 7:4</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <p>yeah 2:18 4:2 5:13 5:19,22,23 6:1,4 6:14,16,24 7:25 8:23</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p>1-25-2010 1:7</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>2009 4:18,19,20 2010 1:5 4:2 10:13</p>	<p>25 1:5 25th 2:3 4:2 26158 1:23</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>385 3:10</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p>4th 10:12 493 3:11</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p>5000 1:1 50430 1:25 10:15</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p>602/956-0732 1:24 602/956-7618 1:24</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p>85068 1:23 85086 1:2</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p>9 10:3</p>
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