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

TRANSCRIPT OF INTERVIEW
August 10, 2009
TOM JONES

Individuals present at the Interview on 8-10-09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department, Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife Manager, Interviewer
Tom Jones

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1 MR. HOVATTER: We're on. This is on. Okay. I'm
2 going to worry about --
3 All right. What we're doing, Tom, is we're
4 going to -- because of the way everything, the timing of
5 everything that occurred, we never really have dug into
6 the details on the full gamut of how we got up to the
7 capture, original capture and then all the things that
8 happened afterwards. And a part of that was because by
9 the time we realized we had some of these allegation from
10 non-department people started popping up in the media --
11 MR. JONES: Yeah.
12 MR. HOVATTER: We realized that there was no
13 way -- we needed to do an investigation to get at the
14 allegations, whether we believed they were true or not.
15 We also realized that if we did the investigation there
16 was no way publicly anybody was ever going to accept that
17 it was unbiased and fair.
18 MR. JONES: Sure.
19 MR. HOVATTER: So we called for that outside
20 investigation. Well, at the same time we clammed up. We
21 said, well, we can't then bring all of these different
22 folks who were part of that together to hash this out
23 without potentially compromising the investigation in the
24 minds of an investigator or the minds of a jaundiced
25 public.

1 MR. JONES: Sure.

2 MR. HOVATTER: You know, essentially getting

3 everybody in the room to get their stories straight is how

4 it probably would have been perceived. So as a result we

5 never dug into this thing. [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 MR. JONES: Holy smokes.

11 MR. HOVATTER: [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 MR. JONES: You don't have the information.

19 Sure.

20 MR. HOVATTER: So we now -- so we had also had

21 waited until all of the -- all of the principal folks that

22 the Service was interested in to be interviewed by the

23 Service so that we didn't potentially also generate a

24 sense that we had, again, somehow compromised the

25 investigation. So they were comfortable with us taking

1 this approach and interviewing folks after the fact.
2 We had done -- we have -- we are trying very
3 hard to keep the two investigations separate. I've
4 not -- I have not asked anybody any questions about what
5 they told the Feds. I have had folks show up here with
6 copies of statements they gave to the Feds and I've said I
7 don't want them. I dearly would love to have them. I
8 just don't think it's smart for us to do that and
9 potentially have that information bleed over. And it may
10 be that I'll wish later on that we had done that but
11 eventually we will get access to all of that. But what I
12 have been doing is wanting to get with our folks to know
13 what we knew and what we know about what we did as a
14 Department.
15 And I'm doing this -- as a result of that,
16 what I am doing is I'm doing this under Garrity. What
17 I'm -- while I have not -- I entered this with the
18 expectation that how we portrayed what had happened was
19 true, we also have to conduct the investigation from the
20 perspective of being unpleasantly surprised. So the way
21 to both protect our employees' rights and also to leave us
22 the opportunity should something unfortunate come to light
23 to, in fact, protect the Department's interest I have done
24 this under a Garrity warning. So I have been reading
25 everybody --

1 MR. JONES: What does that mean?
2 MR. HOVATTER: Well, Garrity, and let me read
3 this to you because it's fairly self-explanatory. And
4 you're not the first person that hasn't -- I mean, I have
5 heard the term, always heard the term Garrity.
6 MR. JONES: At first I thought you said you were
7 going to be doing it under Gary.
8 MR. HOVATTER: In my previous life we didn't do
9 these types -- everything we did in my previous life was
10 either done under Miranda warning for criminal
11 investigation, or you didn't do it, or it was so informal
12 as to not be useable. Garrity is different. Garrity is
13 an administrative approach that protects an employee's
14 rights also --
15 MR. JONES: Okay.
16 MR. HOVATTER: -- on criminal law. So let me
17 read this and then if you have any questions, you and I
18 both sign this at the end of this, but it's -- okay. Date
19 is the 10th, okay. Interviewer, Gary Hovatter and Marty
20 Fabritz, Craig McMullen.
21 We are conducting an internal investigation
22 involving matters that will be discussed shortly. This is
23 an administrative investigation. You do not have the
24 right to have legal counsel present for any interview nor
25 will you be advised of constitutional rights. You are

1 ordered to cooperate fully with this investigation. You
2 are ordered to respond completely and truthfully to all
3 the questions posed to you during the investigation.
4 Failure to respond completely and truthfully to all
5 questions will be considered misconduct.
6 As set forth in Garrity versus New Jersey,
7 385 US 493 and the line of cases which follow, any
8 responses given during this administrative investigation
9 cannot be used against you in a subsequent criminal
10 investigation. You are instructed not to discuss your
11 interview or this investigation with any Arizona Game and
12 Fish Department employees while the investigation is
13 pending.
14 And then the statement that you and I sign,
15 it reads, "I have read the above statements and I
16 understand the orders given to me about this
17 investigation. I understand my obligation to cooperate
18 fully with the investigation. I understand my
19 obligation to completely and truthfully answer every
20 question. I further understand that I have been ordered
21 not to discuss this investigation with any Game and Fish
22 Department employees while this investigation is pending."
23 Do you have any questions about that?
24 MR. JONES: No.
25 MR. HOVATTER: It's sounded to me, since we

1 started doing this, fairly self-explanatory, and so far
2 it's proven to be so, but, again, it's not a process that
3 I was familiar with before I started doing this. And you
4 will get a copy of this.
5 MR. JONES: Okay.
6
7 TOM JONES,
8 pursuant to Garrity Warning, was examined and testified as
9 follows:
10 EXAMINATION
11 BY MR. HOVATTER:
12 Q. Okay. And it may be more than one question now
13 that I think about but probably no more than two, but if
14 you want to take notes or something. Oh, shot. I forgot
15 to put your last name on there.
16 MR. FABRITZ: I'll do it.
17 Q. BY MR. HOVATTER: Okay. Christina Akins, do
18 you -- what's your memory of having a conversation with
19 her about e-mails that she had received related to this
20 thing?
21 A. You know, I don't recall a whole lot. And I
22 don't recall a whole lot simply because she hasn't given
23 me a whole lot of detail. I knew that she got e-mails or
24 e-mail, and I don't even know which it is, from Emil
25 McCain. I'm assuming that is who you are talking about.

1 And I don't remember what the content was and I remember
2 that -- well, I don't even remember the timing. So at one
3 point in time I advised her not to communicate with Emil
4 but that was after the Department started getting into all
5 this business and we were told to be careful who we were
6 talking to. And clearly, it was important that she not
7 talk to Emil.
8 But I know that she got correspondence from
9 him before that because she had made friends with him
10 about a year ago.
11 Q. Yeah. Well, go ahead.
12 A. Had corresponded with him periodically. But the
13 content of an e-mail, I don't have any recollection.
14 Q. Tom, for our purposes really that's -- that's not
15 particularly important.
16 A. Okay.
17 Q. If you had, it would be great but it's really
18 not.
19 A. Yeah.
20 Q. And the other part of the question is, did
21 she -- was she in some way prompted by you or someone else
22 to come and tell you about these or was this something
23 that she --
24 A. No.
25 Q. This was self-initiative on her part?

A. Yeah, Christina is, if nothing else, she's an exceedingly gregarious individual. She's always engaging conversation. She's a great people person. So that kind of correspondence, she wouldn't hesitate to say, hey, I got an e-mail from Emil about the jaguar, blah, blah, blah. I wouldn't have to prompt her and I wouldn't have prompted her because that's -- you know, I wouldn't have asked her about her own business, her own e-mails.

MR. MCMULLEN: So whenever -- do you remember the context of like when she alerted to you the fact that she had some e-mail correspondence from Emil? Was it during the public information gathering request?

THE WITNESS: That's what I meant when I said I don't remember the chronology of this. I really don't recall, Craig, because it was -- I had known that she knew Emil for a long time, so the fact that she was getting some correspondence with him didn't really mean anything until the point at which I knew the Department was investigating in some way or at least gathering information, and that's the point at which I advised her not to communicate with Emil.

Q. BY MR. HOVATTER: Did she -- and, again, of course the beauty of this is asking people to think back four or five months.

A. Right. And I can barely remember this morning

so.

Q. Tom, how did you -- had you -- did you have any dealings with Emil? Because I'm wondering how -- because you said you knew that she had that communication. She's very gregarious but was there any particular reason why the fact that she had had these communications with Emil that you remember coming to light? Or was that because of her coming to you to talk to you and tell you she had these?

A. I'm not sure I follow the question.

Q. Well, I guess the way that you answered indicated that, one way to interpret that was you had some knowledge before she came and talked to you about having these communications with Emil.

A. I have never met Emil and I've only heard about him, and the reason I knew about her relationship with Emil, relationship, I say that loosely.

Q. No. Understood.

A. Is because last winter when we first started our bullfrog project in the Painted Blanca area, she was down there doing field work on her own and she met Emil at a stop tank. And they got to talking and he asked her where she was camping, and I forgot what she said. And he said, why don't you come up to Ruby, there are some cabins up there you can stay in. So that was my first hint that she

had met this guy. And to be honest, I thought, Christina, you don't need to be just bumping into some guy out in the middle of nowhere and him inviting you over to a cabin. But as it turned out, staying at Ruby turned out to be a really good thing.

Q. That seemed to be quite a base camp operation for a lot of our folks.

A. Yeah. It was warm. I was down there once when it was in the winter and it was just freezing outside so I was delighted to have a floor to sleep on in a cabin. So from that point on I knew that she was in contact with this guy named Emil. And, in fact, I didn't even know who he was or what he did. And then I found out later on that he had been doing some lion work or something in that area, and then I found out that he was the guy that was putting out camera traps. And then it started coming together because I had heard the name before and never really made the connection.

Q. And, Tom, again, when she came back to talk to you about the fact that she had these Emil e-mails -- I don't know how many times I've had to say that the last couple of weeks -- had these e-mails from Emil, did she indicate to you that there was something about the tone and language in his e-mails that concerned her?

A. Not that I recall. I do remember that after the

1 jaguar was trapped and collared she got an e-mail from him
2 and that was, we collared a jaguar and this is where it
3 was last time -- because I remember he was in Spain.
4 Q. Yeah.
5 A. And, in fact, I had talked to Bill Van Pelt
6 because I was interested in the jaguar too. I work in
7 southeastern Arizona. Everyone thinks it's cool. And we
8 were right there where the jaguar was trapped. We were
9 doing our work. And I remember Bill telling me that Emil
10 was in Spain tracking the jaguar. And then Christina told
11 me she got an e-mail from him saying we're tracking the
12 jaguar and this is really cool. And other than that --
13 MR. HOVATTER: You guys got anything?
14 MR. MCMULLEN: That's all I had.
15 Q. BY MR. HOVATTER: Yeah. Tom, again, I
16 apologize --
17 A. No thumb screws?
18 Q. You waiting this long, and I was serious when I
19 said there wasn't a whole lot to this but I, wanting to
20 tie, make sure I got every loose end tied or potential
21 loose end tied.
22 A. I understand. I figured. I work with
23 Christina. I knew she knew Emil. Perfect. Okay.
24 Q. Hey, not your project, you weren't working it,
25 but from -- is there anything about this, understand that

we still have -- nobody has put all of this together and announced what we think, the real sequence of events --

A. Yeah.

Q. -- and how all of this came together, but is there any part of this when you -- when you first heard that we had captured that animal, was there any part of that that gave you pause, anything that made you think anything unusual about it?

A. Not at all. My first reaction was I knew that Thorry was down there doing work and I thought, holy smokes. This is just cool as hell.

Q. That's what we all thought.

A. And, in fact, I saw Thorry a few days later and the first thing I said to him was, hey, rock star, how's it going, because who catches a jaguar?

Q. Well, so far only one guy.

A. Yeah. But, you know, I had been talking to Bill Van Pelt about the jaguar stuff for the last few years because, like I said, I work in southeastern Arizona, all things tropical are neat.

Q. Well, I mean, the jag conservation, they established years ago the number one priority for jaguar conservation on the border was to try to get a collar on a jaguar.

A. Yeah. Sure. And what an opportunity. This was

unbelievable, but it wasn't -- you know, I sort of figured that's not too surprising I guess if we're doing work down there. But I remembered wondering, and I'm sure others have wondered this too, if we had been doing lion and bear work down there for so long and the jaguar avoided the traps all that time, why did it get caught now? But then you hear about failing health and kidney problems and it kind of makes sense. Well, I can't catch my own prey, here's some pretty easy stuff right here.

Q. Miss a step.

A. Yeah. I mean, that's my interpretation. I'm not a jaguar biologist.

Q. And well, the thing is since you operate down in that area I thought I would ask.

A. I was excited.

Q. Do you know Michelle Crabb at all?

A. Is she the young lady who was working with Thorry?

Q. Yeah.

A. I have seen here around the research branch but I don't know her. I don't think I've ever met her either.

Q. And all right. I'm done.

A. Okay.

Q. Tom, again, thank you for your time. Again, I really -- your time is valuable to me and I apologize for

1 keeping you hanging that way.
2 (Recording ended.)
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11 I, Karen M. Niemtschk, do hereby certify that the
12 foregoing 15 pages constitute a full, true, and accurate
13 transcript of all proceedings had in the above matter, all
14 done to the best of my skill and ability.
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