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COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

_____)
STATE OF OHIO, ex relatione,))
MARK W. MILLER, et al.,))
Plaintiffs))
vs.)	CASE NO:
)	A070710
HAMILTON COUNTY BOARD OF)	
COUNTY COMMISSIONERS, et al.,)	
Defendants.)	
_____)

Deposition of: KRISTEN J. ERWIN

Pursuant to: Subpoena

Date and Time: Friday, May 16, 2008
12:18 p.m.

Place: Rendigs, Fry, Kiely & Dennis
One West Fourth Street
Suite 900
Cincinnati, Ohio 45202

Reporter: Monna McCormick, RPR, CRR, CLR
Notary Public - State of Ohio

COPY

1 Q. And you indicate you also had a follow-up
2 telephone call to David Pepper?

3 A. Yes.

4 Q. When did that occur?

5 A. I do not recall.

6 Q. Can you put it relative to your telephone
7 call with Pat Dewine versus your meeting with Todd
8 Portune?

9 A. I phoned David Pepper to say I'd met with
10 Todd Portune in regards to the potential support from
11 the county for the film commission.

12 Q. Did David know you were meeting with Todd
13 Portune before you met with him?

14 A. I do not know.

15 Q. Do you recall, would this have been
16 shortly after your meeting with Todd Portune that
17 you recall --

18 A. I don't recall when it was, but it was
19 after the meeting with Todd.

20 Q. So your call was to -- it was simply to
21 say, FYI, I met with Todd Portune to talk about
22 trying to get county funding for the film
23 commission, correct?

24 A. Yes.

25 Q. I'm a little lost. Simply, you called

1 David Pepper to say, I've met with Todd to try to
2 lobby for funding, but your call to Pat Dewine was
3 more of a lobbying effort, this is what the film
4 commission is about.

5 I'm wondering why the difference between
6 lobbying Pat Dewine or just a report to David
7 Pepper. Was he already supportive of the funding
8 for the film commission?

9 A. He was more familiar with our efforts. I
10 mean, I had met him initially at city council -- on
11 city council.

12 Q. You met him at a city council meeting?

13 A. I met him when he was on city council. He
14 had supported it. Pat Dewine did not, when he was at
15 the city.

16 Q. So you would have lobbied David Pepper
17 when he was on the city council for the film
18 commission?

19 A. And Pat Dewine.

20 Q. Is that the first time that you met either
21 David Pepper or Pat Dewine, when they were on
22 council, I guess?

23 A. Yes.

24 Q. And so your conversation -- so what did
25 David Pepper say during your telephone call with

1 him?

2 A. He thought it was great that I had set up a
3 meeting with Todd, and wanted to know how I thought
4 it went. And I thought Todd was receptive and
5 supportive, and I hoped that he would be as well.

6 Q. And what did David Pepper indicate in
7 terms of your desire that he would be supportive?

8 A. He thinks the film -- he thought the film
9 commission could have a great economic impact on the
10 community and he thought it was a strong
11 organization. And beyond that, I don't know.

12 Q. With respect to David Pepper, how well do
13 you know David Pepper?

14 A. He's a friend.

15 Q. When did you first meet him?

16 A. Film commission fundraiser, many years ago.

17 Q. You ever support him politically?

18 A. I believe I personally gave him a \$100
19 donation several years ago at an event I attended.

20 Q. When he was running for city council?

21 A. I don't remember what he was running for.
22 I just remember paying to go to the event.

23 Q. Any other political support?

24 A. Not that I recall.

25 Q. Do you recall being on a -- supporting him

1 on a birthday party fundraiser when he was running
2 for county commissioner?

3 A. I don't recall.

4 (Deposition Exhibit 4 was marked for
5 identification.)

6 BY MR. HARTMAN:

7 Q. Handing you what's been marked as
8 Exhibit 4, which is a document taken off the
9 website of davidpepper.com, which appears to be
10 his campaign website when he was county
11 commissioner, it indicates a 35th birthday bash
12 held on June 8th, apparently, 2006. And it's
13 announcing it. And has a list of people who are
14 supportive, et cetera.

15 Down at the bottom, it includes a Kristen
16 Erwin. Now, are you aware of another Kristen
17 Erwin in the town or in the county?

18 A. No.

19 Q. Does this refresh your recollection in
20 terms of supporting other political activities?

21 A. Yes, it does.

22 Q. So --

23 A. I did not recall.

24 Q. Did not recall what?

25 A. I did not recall this until you refreshed

1 my memory.

2 Q. I just want to make sure that that is you
3 and that's another support that you had with respect
4 to David Pepper for his campaign, correct?

5 A. Yes.

6 MR. STEVENSON: What number are we on?

7 MR. HARTMAN: This is 4.

8 BY MR. HARTMAN:

9 Q. Do you have regular communications with
10 Commissioner Pepper relative to the film commission
11 and its operation?

12 A. We communicate with all the local and state
13 legislators.

14 Q. Right. I'm asking regularly. For
15 example, you know, it's my understanding that David
16 Pepper is one of your friends on your Facebook page,
17 but that the other commissioners are not.

18 I'm wondering if there is more
19 communication going on there.

20 MR. GORA: That's not a question. Could
21 you rephrase that for me? Not that it has to
22 do with this.

23 BY MR. HARTMAN:

24 Q. Yeah. You have a Facebook page, correct?

25 A. Yes.

1 MR. GORA: Are we going to talk about
2 MySpace next? What does this have to do with
3 it?

4 So I'm going to ask you to rephrase it.
5 And if the suggestion is that it's illegal to
6 contribute to political campaigns -- I don't
7 know where we're going. So could you rephrase
8 the question for me?

9 BY MR. HARTMAN:

10 Q. The question is, you have a Facebook page,
11 do you not?

12 A. Yes.

13 Q. On Facebook, you can have various friends
14 identified on your Facebook --

15 A. Yes.

16 Q. -- correct? And these are people that you
17 communicate with through the Internet, correct?

18 A. I don't use the Facebook page, honestly.

19 Q. You don't use your Facebook?

20 A. I have one, but I rarely am there.

21 Q. Let me ask you this. Prior to today's
22 deposition, did you talk to David Pepper about this
23 deposition?

24 A. Only that I had a deposition, and nothing
25 further beyond that.

1 Q. Okay. Did you tell Todd Portune that you
2 had a deposition?

3 A. Todd Portune -- actually, Kathy Binns
4 actually called and said, we've been subpoenaed. And
5 I said, I'm not going to talk about it. And that was
6 my contact with his office.

7 Q. Why would Kathy Binns call you to tell you
8 that you had been subpoenaed?

9 A. She had been.

10 Q. Why would Kathy Binns call you and report
11 to you that she had been subpoenaed?

12 A. I believe she called because there was a
13 cameraman there and she thought they might call me
14 also after that happened.

15 Q. A cameraman where?

16 A. At the Hamilton County commissioner's
17 office, unrelated to this. Beyond that, I told her I
18 couldn't talk to her at this point. And there was no
19 further conversation on that phone call.

20 Q. When did this call take place from Kathy
21 Binns?

22 A. The day she was given a subpoena. I don't
23 remember the day.

24 Q. And get this straight. Did you call David
25 Pepper and tell him that you had been subpoenaed, or

1 did he call you to tell you that?

2 A. Neither. I've just spoken to him. He's a
3 friend.

4 Q. Did you ever date him?

5 A. Yes.

6 Q. Can you give me a time period?

7 A. It was maybe 2002.

8 Q. Just for that year?

9 A. No.

10 Q. I was looking for the end.

11 MR. GORA: Objection.

12 BY MR. HARTMAN:

13 Q. I was expecting the ending date.

14 MR. GORA: Why don't you just ask? That
15 is an improper question, the way you said it.

16 MR. HARTMAN: She can answer.

17 MR. GORA: No, she can't.

18 MR. HARTMAN: She said 2002. I'm saying
19 is it for --

20 MR. GORA: You said what year. She said
21 2002. And you said a whole year.

22 MR. HARTMAN: I believe I asked what time
23 period.

24 A. What's the question?

25 BY MR. HARTMAN:

1 Q. Just the time period -- the time period,
2 month and year to month and year with which you
3 dated.

4 A. I -- it was less than four months. And I
5 don't remember what months they were.

6 Q. Somewhere in 2002 approximately?

7 A. Yes.

8 Q. Did you ever have any conversations with
9 anybody associated with the Northern Cincinnati
10 Conventions and Visitors Bureau about funding for
11 the film commission?

12 A. Yes.

13 Q. Who?

14 A. Mark Schutte, I believe his name is.

15 Q. Do you know his position with the North
16 Cincinnati Convention and Visitors Bureau?

17 A. I believe he's the executive director.

18 Q. When did you have this conversation?

19 A. When I heard there was a possibility of the
20 film commission getting support from the county that
21 would be allocated to the Cincinnati Northern CVB and
22 then potentially to us, I invited him to lunch to
23 introduce myself.

24 Q. You said when, I heard that the funding
25 from the county might come to the film commission