

EXHIBIT 37

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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OFFICE OF INVESTIGATIONS

INTERVIEW

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IN THE MATTER OF: :

INTERVIEW OF :



-----x

NC

Friday, May 17, 2002

Conference Room

4300 Winfield Road

Warrenville, Illinois

The above-entitled interview was conducted
at 9:15 a.m.

BEFORE:

SCOTT LANGAN Investigator

EXHIBIT 37
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3 - 2001 - 055

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1 ALSO PRESENT:

2 MR. ROBERT HELFRICH

3 Senior Counsel, Nuclear

4 Exelon Generation

5 4300 Winfield Road

6 Warrenville, Illinois

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P-R-O-C-E-E-D-I-N-G-S

(9:15 A.M.)

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2
3 SPECIAL AGENT LANGAN: For the record,
4 this is an interview of [REDACTED], spelled [REDACTED]
5 [REDACTED] Today's date is Friday, May 17th, 2002. The time
6 is approximately 9:15 a.m. The location of the
7 interview is the conference room on the fifth floor at
8 4300 Winfield Road, Warrenville, Illinois 60555, the
9 offices of Exelon Nuclear.

10 Present at the interview are myself, Scott
11 Langan, Special Agent with the United States Nuclear
12 Regulatory Commission, Office of Investigations,
13 Region III. Also present is Mr. Robert Helfrich,
14 legal counsel for Exelon Nuclear which we'll now refer
15 to as Exelon.

16 Mr. Helfrich, could you please spell your
17 last name for the record?

18 MR. HELFRICH: Certainly. It's H-e-l-f-r-
19 i-c-h.

20 SPECIAL AGENT LANGAN: As agreed, this
21 interview is being recorded by court reporter Rita
22 Langley.

23 The subject matter of the interview is in
24 regards to an employment discrimination complaint
25 filed by Mr. Oscar Shirani spelled S-h-i-r-a-n-i,

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1 filed with the NRC against Exelon which is an NRC
2 licensee, for terminating Mr. Shirani in retaliation
3 for raising safety concerns.

4 [REDACTED] could you please raise your
5 right hand?

6 [REDACTED]
7 called as a witness herein, having been first duly
8 sworn, was examined and testified as follows:

9 SPECIAL AGENT LANGAN: Is Mr. Helfrich
10 acting as your personal representative today?

11 [REDACTED] No, company counsel.

12 SPECIAL AGENT LANGAN: Okay. Mr.
13 Helfrich, who do you work for?

14 [REDACTED] Yes, I'm employed with Exelon
15 in the business services company in the law
16 department, and work primarily with the Exelon Nuclear
17 organization.

18 SPECIAL AGENT LANGAN: Do you represent
19 any other Exelon employees in regards to this matter?

20 [REDACTED] No, I don't. Not personally.
21 No one has retained me individually. I'm a company
22 counsel and I've appeared in other interviews with
23 management employees. As you know, it's the company's
24 policy to offer the assistance of inside counsel in
25 situations like this. I've discussed what I think is

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1 the focus of your interview today with [REDACTED] not
2 seeing any conflict that would prevent me from, as
3 company counsel, accompanying her during the interview
4 today.

5 If anything were to arise that would
6 suggest that there might be a conflict that would
7 prevent me from going forward, I'll let you know, let
8 her know. We can stop the interview and address it at
9 that time.

10 SPECIAL AGENT LANGAN: [REDACTED]
11 understanding all this information introduced, do you
12 want Mr. Helfrich present today?

13 [REDACTED] Yes.

14 SPECIAL AGENT LANGAN: Okay. Two basic
15 background questions. Date of birth?

16 [REDACTED] [REDACTED]

17 SPECIAL AGENT LANGAN: Social Security
18 Number?

19 [REDACTED]

20 SPECIAL AGENT LANGAN: A phone number to
21 reach you at work?

22 [REDACTED] [REDACTED]

23 SPECIAL AGENT LANGAN: Your current
24 residence?

25 [REDACTED]: [REDACTED]

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[REDACTED]

SPECIAL AGENT LANGAN: And a phone number to reach you at your residence?

[REDACTED]

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SPECIAL AGENT LANGAN: Are you currently employed by Exelon?

[REDACTED] Yes, I am.

SPECIAL AGENT LANGAN: And what division are you employed by?

[REDACTED]

SPECIAL AGENT LANGAN: Okay. And what are you employed as?

[REDACTED] The [REDACTED]

10

[REDACTED]

SPECIAL AGENT LANGAN: Okay. And for approximately how long have you served in that role?

[REDACTED] Since, the [REDACTED] has been since [REDACTED]

SPECIAL AGENT LANGAN: Okay. And prior to that, what did you do?

[REDACTED] I was the [REDACTED] for Exelon.

SPECIAL AGENT LANGAN: Okay. And for approximately how long did you do that?

[REDACTED]: From [REDACTED] through

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[REDACTED]

SPECIAL AGENT LANGAN: Okay. And prior to that, where did you work?

[REDACTED] I worked for [REDACTED]

SPECIAL AGENT LANGAN: Okay. And what did you work as?

[REDACTED] I was the director of [REDACTED] for their [REDACTED] division for the country.

SPECIAL AGENT LANGAN: Okay. And for approximately how long did you do that?

[REDACTED] For approximately three years.

SPECIAL AGENT LANGAN: Okay. How long have you been in the [REDACTED]

[REDACTED] 21 years.

SPECIAL AGENT LANGAN: Okay. And do you have any degrees, certifications?

[REDACTED] Yes, sir. I'm a CPA and I have an MBA.

SPECIAL AGENT LANGAN: Have you received any training in 10 CFR 50.5 or .7? It deals with discrimination against an employee for raising safety concerns?

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[REDACTED]: No, I have not.

SPECIAL AGENT LANGAN: Okay. Are you familiar with an individual by the name of Oscar Shirani?

[REDACTED]: Yes, sir.

SPECIAL AGENT LANGAN: Okay. At one point, did he work for you?

[REDACTED]: Yes, he did.

SPECIAL AGENT LANGAN: Are you aware, in any of your dealings with Mr. Shirani, of him raising safety concerns related to a GE Nuclear audit back in 1997?

[REDACTED]: Only what he made me aware of.

SPECIAL AGENT LANGAN: Okay. And what did he make you aware of?

[REDACTED]: He indicated that he had worked for the nuclear group at one point in his career and that he did an audit that was somewhat controversial, or he felt it was controversial, that management and a vendor had reviewed the findings and both had disagreed with him but he felt very strongly that he was right.

SPECIAL AGENT LANGAN: Okay. At any time, did he mention [REDACTED] in regards to that matter and any subsequent matters related to that?

1 [REDACTED] He did mention his name, that
2 he was part of management that didn't agree with his
3 conclusions on that review.

4 SPECIAL AGENT LANGAN: Did he mention that
5 [REDACTED] was mad at Oscar?

6 [REDACTED]: He thought that [REDACTED] was
7 influencing the direction of his career after nuclear.

8 SPECIAL AGENT LANGAN: Okay. You say that
9 he thought that, did he ever provide any proof to you
10 that that was the case?

11 [REDACTED] No, he did not.

12 SPECIAL AGENT LANGAN: Okay. So,
13 everything that he discussed with you was his opinion?

14 [REDACTED] Yes, sir.

15 SPECIAL AGENT LANGAN: Okay. In your
16 dealings in this realm regarding this matter, at any
17 time, did you get any independent indication that, in
18 fact, [REDACTED] was influencing Mr. Shirani's career?

19 [REDACTED] No, sir.

20 SPECIAL AGENT LANGAN: Okay. Did you ever
21 talk to [REDACTED] regarding Oscar Shirani?

22 [REDACTED] No, sir.

23 SPECIAL AGENT LANGAN: At any time, did
24 you ever hear from any other source, from Oscar, that
25 [REDACTED] was angry or upset with Mr. Shirani because

1 of his role in the audit?

2 [REDACTED] No.

3 SPECIAL AGENT LANGAN: Did Oscar talk to
4 you about any subsequent activities related to it; for
5 instance, a stop work authority or a followup auditing
6 done?

7 [REDACTED] He did indicate that there was
8 a followup audit that was undertaken and he had
9 volunteered to perform that review and was not
10 selected.

11 SPECIAL AGENT LANGAN: All right. Did he
12 give you a reason, what he thought the reason was why
13 he wasn't selected?

14 [REDACTED] He thought he was not selected
15 because the original findings had not been followed up
16 on.

17 SPECIAL AGENT LANGAN: Okay. Again, did
18 he raise any indication that there was involvement by
19 Exelon management to, that there was a form of
20 retaliation against him because he had raised the
21 original concerns?

22 [REDACTED] He did not use the word
23 retaliation. He just felt that he was not being
24 allowed to do his responsibilities because they didn't
25 like the first set of findings.

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1 SPECIAL AGENT LANGAN: Okay. And did you
2 hear from any other source other than Oscar a similar
3 story?

4 [REDACTED]: No, I did not.

5 SPECIAL AGENT LANGAN: Okay. At any time,
6 did Oscar raise to your attention some work he did on
7 an audit that he conducted on Holtec International US
8 Tool and Die?

9 [REDACTED]: No, sir.

10 SPECIAL AGENT LANGAN: How about otherwise
11 known as a dry cask storage project?

12 [REDACTED]: No, sir.

13 SPECIAL AGENT LANGAN: Okay. Did Oscar,
14 how did Oscar describe his relationship with David
15 Helwig?

16 [REDACTED]: I don't recall him ever
17 describing his relationship with [REDACTED] to me.

18 SPECIAL AGENT LANGAN: Did he ever
19 indicate to you that [REDACTED] had it in for him or did
20 not like him?

21 [REDACTED]: He thought that [REDACTED] was
22 influencing his career going forward in some way.

23 SPECIAL AGENT LANGAN: Okay. Did he
24 elaborate on that?

25 [REDACTED]: Not really. He just thought it

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1 had something to do with that audit and the findings
2 related to that audit.

3 SPECIAL AGENT LANGAN: Did he provide any
4 proof to you why he felt that?

5 [REDACTED] No, he did not.

6 SPECIAL AGENT LANGAN: Okay. And again,
7 I'll just ask just one more time. [REDACTED] did at
8 no time discuss Oscar with you?

9 [REDACTED]: No.

10 SPECIAL AGENT LANGAN: Okay.

11 [REDACTED] In fact, I didn't know [REDACTED]
12 [REDACTED] I had never met him.

13 SPECIAL AGENT LANGAN: Okay. At what
14 point in time did you come in first contact with
15 Oscar?

16 [REDACTED] My very first contact was
17 through the telephone. He called me at home prior to
18 me starting at Exelon to introduce himself and offer
19 his support.

20 SPECIAL AGENT LANGAN: Okay. How would
21 you describe the tone of the conversation?

22 [REDACTED] Very nice. Very nice.

23 SPECIAL AGENT LANGAN: When you came on,
24 what was Oscar's position?

25 [REDACTED] He was a principal auditor.

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1 SPECIAL AGENT LANGAN: Okay. And just so,
2 just some background on that, what was a principal
3 auditor then?

4 ~~_____~~ A principal auditor is
5 somewhere in between a senior and a manager level.
6 It's someone that has a little bit more responsibility
7 than a senior which can lead certain exercises but
8 does not have the types of management responsibilities
9 that go with a full-fledged manager. They generally
10 don't do the hiring and firing. They generally don't
11 participate in other managerial types of activities
12 like scheduling and staffing.

13 SPECIAL AGENT LANGAN: Okay. And when you
14 came on, in your dealings with Oscar, did he have, was
15 he qualified to perform the role he was performing for
16 internal audit?

17 ~~_____~~ The principal audit title, he
18 had carried with him from his previous job. And we
19 had not clearly defined, when I first got here, what
20 the distinction in those roles would be. I would say
21 to you that he was, in my mind, functioning as a
22 senior auditor more than a principal auditor.

23 SPECIAL AGENT LANGAN: And those were
24 actually, the duties he performed were senior auditor
25 duties?

1 [REDACTED] Yes, sir.

2 SPECIAL AGENT LANGAN: Okay. Not
3 necessarily principal auditor duties as they would be
4 defined?

5 [REDACTED] Yes, sir, because in my
6 opinion, a principal auditor would, more often than
7 not, lead the engagement, and he was not the lead on
8 most of the engagements that he performed in the
9 internal audit group.

10 SPECIAL AGENT LANGAN: Did he actually
11 perform as a lead at any time?

12 [REDACTED] Not to my, I don't recall.

13 SPECIAL AGENT LANGAN: When, with his, do
14 you know his background, his training and experience
15 and education?

16 [REDACTED] I know some of what he had told
17 me.

18 SPECIAL AGENT LANGAN: Okay. Was he
19 qualified as a senior auditor?

20 [REDACTED] Yes, he was.

21 SPECIAL AGENT LANGAN: Okay. And just,
22 and maybe so we can kind of flush out the title aspect
23 of this, as he was performing duties which were actual
24 senior auditor duties, was there a reason why he kept
25 the principal auditor title?

1 [REDACTED] It was my understanding that
2 Exelon, as a company, keep very positive towards their
3 employees and they did not feel that it was, I guess
4 the right thing to do to make him come off that title.
5 So, they didn't want to demote his title. He had
6 indicated it was very important to him, so when he
7 came over, they let him keep the title.

8 SPECIAL AGENT LANGAN: Okay. Now, and you
9 agreed in that?

10 [REDACTED] I had no say in that. That was
11 an agreement made before I started at Exelon.

12 SPECIAL AGENT LANGAN: Are you aware of
13 who was involved with that decision?

14 [REDACTED] Actually, no. I would
15 speculate that it was a combination of human resources
16 and probably [REDACTED] but I don't know. I wasn't
17 involved in that decision.

18 SPECIAL AGENT LANGAN: When you, [REDACTED]
19 as being [REDACTED]

20 MS. CAYA: Yes, sir.

21 SPECIAL AGENT LANGAN: Okay. In your
22 dealings with Oscar, around your time period working
23 with him, how did the job title and position, what did
24 that mean to Oscar, from your point of view? From
25 your dealings with him?

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1 [REDACTED] I believe it was extremely
2 important to him. He hung a lot of weight not
3 necessarily on the type of work he was doing or
4 whether it was fulfilling but more what the level was
5 and what the title was.

6 SPECIAL AGENT LANGAN: Okay. And with
7 that, is it fair to say, and correct me if I'm wrong,
8 that that would be a consistent principle of his
9 throughout your dealings with him? Consistent belief
10 of his?

11 [REDACTED] I believe so. That would be my
12 opinion.

13 SPECIAL AGENT LANGAN: When you came in to
14 [REDACTED] was one of the first sets of
15 responsibilities or duties that was assigned to you to
16 basically create an [REDACTED]

17 [REDACTED] Yes, sir:

18 SPECIAL AGENT LANGAN: Okay. And in doing
19 that, at any time, did human resources get charged
20 with the responsibility to assess the grade structures
21 or pay structures for the positions in [REDACTED]
22 [REDACTED] They did, but it was much
23 further into the year. In other words, it was only
24 after we had done a strategic performance assessment
25 and determined what the framework of audit should be

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1 that I pulled them into the equation and said, okay,
2 now, here are the numbers of people I think I'm going
3 to have and these are the types of levels. Can you
4 help me define the job descriptions to be consistent
5 across Exelon and help me do the levelizing.

6 SPECIAL AGENT LANGAN: When you first came
7 in and became aware of the qualifications of the
8 people ([REDACTED]) do you recall what Oscar's grade
9 structure was or pay level?

10 [REDACTED] The actual level is confusing
11 to me because he had indicated that he had come over
12 as a Level 4. And at some point, it had been bumped
13 down to a Level 3 because HR had evaluated all of the
14 levels in the finance department. However, this was
15 told to me by Oscar. I had no knowledge, HR never
16 came to me and said, by the way, we're going to
17 reevaluate everybody in finance and we're letting you
18 know this is happening. I was not aware of any of
19 that.

20 SPECIAL AGENT LANGAN: Was this done
21 before you came on?

22 [REDACTED] I think so. I'm just not sure
23 of the timing. I just know from conversations with
24 him that at some point in his career at Exelon, he was
25 a 4, and at some point, it went down to a 3. And I

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1 believe it had to do with a corporate-wide
2 reevaluation of levels and sinking them up so that a
3 principal auditor in the nuclear group is the same as
4 a principal auditor in the internal audit group just
5 the same as a, you know, principal auditor in the
6 delivery organization.

7 SPECIAL AGENT LANGAN: Did he state why he
8 was moved down from a 4 to a 3? Did he give you a
9 reason why?

10 [REDACTED] No.

11 SPECIAL AGENT LANGAN: At any time, did he
12 indicate to you that he lost pay or benefits because
13 of that?

14 [REDACTED] No, he did not lose any pay nor
15 any benefits because of it.

16 SPECIAL AGENT LANGAN: Okay. How do you
17 know that?

18 [REDACTED] Because he told me that he did
19 not have any pay decrease, that it was just the title.
20 Well, it was not even the title, it was just the
21 level.

22 SPECIAL AGENT LANGAN: And just so I'm
23 clear, at any time prior to his termination, did Mr.
24 Shirani get demoted or deal with a pay cut?

25 [REDACTED] No, he did not, to the best of

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1 my knowledge.

2 SPECIAL AGENT LANGAN: Okay. You never
3 ordered or authorized a pay reduction?

4 [REDACTED] No, I did not.

5 SPECIAL AGENT LANGAN: Did you ever become
6 aware of Oscar having an opportunity to work back in
7 the nuclear group after you had started with internal
8 audit?

9 [REDACTED] No.

10 SPECIAL AGENT LANGAN: Okay. How did you
11 and Oscar get along? How would describe your
12 relationship?

13 [REDACTED] I thought we got along very
14 well. However, I've subsequently found out that he
15 didn't perceive it as such, but I thought we got along
16 great..

17 SPECIAL AGENT LANGAN: Okay. Did he ever
18 raise, did he raise concerns to you regarding racism
19 or EEOC type matters?

20 [REDACTED]: Not until his recent
21 allegations.

22 SPECIAL AGENT LANGAN: Okay. Did you ever
23 have any conversations with [REDACTED] regarding Oscar?

24 [REDACTED] When I first started with
25 Exelon prior to even, actually my start date, [REDACTED]

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1 called me at home and had indicated that there were
2 three people (b) would like me to talk to and sort of
3 had me working before I was on the payroll. The first
4 person was Bob McDonald who was the chief risk
5 officer, and (b) thought it would be helpful if I
6 chatted with him and started to develop a relationship
7 with him. The second person was the current acting
8 director of internal audit. And since he was
9 scheduled to be gone before I got here, (b) thought it
10 would be helpful for me to sort of pick his brain and
11 get some understanding of the department and the
12 company.

13 And the third person was Oscar Shirani,
14 and (b) had indicated that he was somebody working in
15 internal audit, and that (b) thought it would be
16 helpful for me to just chat with him and sort of get
17 the lay of the land before I got there.

18 SPECIAL AGENT LANGAN: And you did that?
19 You talked to all those individuals?

20 (b) I did.

21 SPECIAL AGENT LANGAN: Okay. Did you ever
22 speak with George Hertz in regards to Oscar?

23 (b) That was the gentleman who was
24 the director of (b) and we did
25 not discuss Oscar to the best that I can recall.

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1 SPECIAL AGENT LANGAN: Okay. How about
2 Tim Makras?

3 [REDACTED]: Tim Makras is a senior manager
4 with Arthur Andersen, and I had no conversations with
5 him regarding Oscar until I got to Exelon. And then,
6 those conversations were relative to Oscar's
7 performance.

8 SPECIAL AGENT LANGAN: Okay. And when you
9 talked about his performance, what issues were, who
10 brought up the issues?

11 [REDACTED]: I generally solicited from Tim
12 regularly the performance of both Oscar and the other
13 seniors and individuals working on the job in the
14 internal audit department. So, I don't recall if he
15 came to me or if I solicited it from him.

16 SPECIAL AGENT LANGAN: Okay. What did you
17 guys discuss in relation to Oscar?

18 [REDACTED]: We discussed the need for Oscar
19 to get a broader depth of internal audit experience.
20 His main experience to date had been in the
21 operational types of audits, and that in order for his
22 career to move forward and develop, that we thought he
23 should get some more experience in the financial
24 internal controls area and possibly the IT systems
25 area. We also discussed Oscar's ability to lead

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1 audits and Tim did not feel that he was really ready
2 to take on the lead role on some of these reviews.

3 SPECIAL AGENT LANGAN: Okay. And what
4 reason did he give for his feeling or his judgment
5 that Oscar wasn't ready?

6 [REDACTED] Audits consistently need to be
7 based on fact. Auditors cannot speculate or shouldn't
8 give their opinions on something, and Oscar had a
9 tendency to draw conclusions that were not necessarily
10 always based on the facts of the situation. And Tim
11 was concerned that that logic flow of here are the
12 facts in A, here are the facts in B, and the
13 conclusion drawn by C was not necessarily supported by
14 that fact structure.

15 Being in a leadership role on a review,
16 that could be problematic because you have less
17 experienced folks working for you who are going to
18 take your lead and may not challenge your thought
19 process on that.

20 SPECIAL AGENT LANGAN: In regards to 7c
21 discussions about Oscar needed to get more experience
22 or broadening, if I can use the term, did [REDACTED]
23 [REDACTED] for Oscar or on-the-job activities to do
24 that?

25 [REDACTED] We started to identify some

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1 audits that would be more financial in nature for him
2 to hop on. I don't recall if he was able to do any of
3 those before he left, but I know we had gone through
4 the audit plan and tried to pick out ones that I
5 thought would not, you know, throw him in the deep end
6 on it but he could participate and move more into the
7 financial role.

8 SPECIAL AGENT LANGAN: Not as a lead
9 auditor but just as a participant in this thing?

10 [REDACTED] Yes, sir.

11 SPECIAL AGENT LANGAN: When, during that
12 process you just described, did you involve Oscar in
13 this or informed him of this?

14 [REDACTED] At his ~~(mid-year review)~~ we
15 did talk about the need to broaden his experience, so
16 he was informed at that time.

17 SPECIAL AGENT LANGAN: Okay. Did he agree
18 with you?

19 [REDACTED] Yes.

20 SPECIAL AGENT LANGAN: Since we brought up
21 his mid-year, how was his mid-year performance
22 appraisal?

23 [REDACTED] I didn't think it was bad. I
24 thought there were areas that he needed to improve on
25 if he wanted to continue to develop and move up in the

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1 audit group. But his overall performance was on
2 track.

3 SPECIAL AGENT LANGAN: Okay. And did [REDACTED]

4 [REDACTED]
5 [REDACTED] I did.

6 SPECIAL AGENT LANGAN: Okay. Did he
7 disagree with [REDACTED]

8 [REDACTED] [REDACTED]
9 [REDACTED]

10 SPECIAL AGENT LANGAN: Okay. You said in
11 the process. Was there a time where he would disagree
12 with it?

13 [REDACTED] I believe subsequent when he
14 was applying for the manager or the principal manager
15 slot, he did disagree then with the assessment.

16 SPECIAL AGENT LANGAN: Okay. How is his
17 temperament and professionalism while he worked?

18 [REDACTED] Generally, in front of me, his
19 temperament was very good. He would do things that I
20 would hear about behind the scenes that I believe
21 reflected a different temperament than what I saw.

22 SPECIAL AGENT LANGAN: At one point, did
23 you involve or inform Oscar when [REDACTED] a
24 summer intern as to who the candidates were?

25 [REDACTED] I did.

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1 SPECIAL AGENT LANGAN: Okay. And did any
2 issue come out of that?

3 [REDACTED] Oscar raised an issue later on
4 in one of these allegations regarding those interns.

5 SPECIAL AGENT LANGAN: Okay. Now, is this
6 an EEOC issue he raised?

7 [REDACTED] Yes, sir.

8 SPECIAL AGENT LANGAN: Okay. And how was
9 that resolved? At the time, how was that resolved?

10 [REDACTED] We never did get an intern at
11 all, but for reasons unrelated to that.

12 SPECIAL AGENT LANGAN: Okay. Did you,
13 Oscar, and [REDACTED] meet regarding this situation?

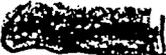
14 [REDACTED] It wasn't specifically
15 regarding the intern situation. So, in subsequent
16 conversations with [REDACTED] he did bring it into the
17 conversation but the meeting wasn't for the focus of
18 the intern selection.

19 SPECIAL AGENT LANGAN: Okay. And just, at
20 what point was there, was it your plan that a summer
21 intern would be hired and perhaps assigned to Oscar to
22 give him managerial experience?

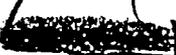
23 [REDACTED] Yes, sir. Supervisory
24 experience.

25 SPECIAL AGENT LANGAN: Supervisory

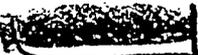
1 experience.

2  Yes. We, Exelon works closely
3 with a group called College Bound that helps under-
4 privileged minority teenagers and college students.
5 And we were hoping to select an intern from that
6 group. And being that Oscar was the only Exelon
7 employee, we thought we'd tag that person up with him,
8 both for, because we wanted him to work with an Exelon
9 person but also because this would give him the
10 opportunity to lead someone and get more supervisory
11 experience which was one of the areas in his mid-year
12 evaluation that we said needed some continued work.

13 SPECIAL AGENT LANGAN: Okay. Do you know
14 approximately when you came up with that plan? *

15  It was shortly after the mid-
16 year evaluation. I think it was around June.
17 Somewhere in the June time frame.

18 SPECIAL AGENT LANGAN: Okay. *Did you
19 advice Oscar that that was your intent was to do that? *

20  Yes.

21 SPECIAL AGENT LANGAN: Okay. How did he
22 respond to you?

23  He thought the idea was
24 wonderful.

25 SPECIAL AGENT LANGAN: Okay. Although the

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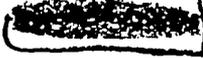
1 idea never actually got implemented but that was for
2 business related reasons unrelated to this?

3  The idea never got implemented
4 because Oscar's schedule over the summer was such that
5 he was going to be in work for two weeks, then he was
6 taking vacation for, I believe, two weeks. Then he
7 was going to be back for a week and then he was going
8 to go to a mechanical engineering seminar which had
9 been pre-approved for several weeks. And I had a
10 concern that when you bring an intern on, that it has
11 to be a very meaningful and worthwhile experience and
12 you don't want them copying and you don't want them
13 sitting there.

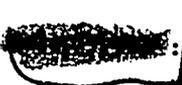
14 And given the eight-week window that we
15 had, I believe he was going to be gone five of those
16 eight weeks. And I didn't think that that would have
17 been an effective internship for whoever we might
18 select because they would essentially be alone. And
19 we could probably give them some task to do while he
20 was gone, but it wouldn't have the mentoring effect
21 that we were trying to, you know, get out of this
22 exercise.

23 SPECIAL AGENT LANGAN: I'm going to read
24 a quote that's actually attributed to Oscar/eventually
25 to you. See if you're familiar with the quote. At

1 any point, did you ever tell Oscar, "If you're not
2 happy with this company, why don't you leave like I
3 left? Why are you staying here and give yourself a
4 headache?" Do you recall that?

5  No, sir.

6 SPECIAL AGENT LANGAN: At what point did
7 Oscar have to reapply in the internal audit division?

8 : During the months of June and
9 July, 

10 which was an evaluation of the entire internal audit
11 department, both the ComEd group of folks located here
12 in Chicago and the structure in the west and the folks
13 in the east and Philadelphia Electric and the
14 structure in the east. That exercise took about two,
15 two and a half months to complete. We interviewed 63
16 senior management folks, talked about just a whole
17 host of, you know, what should be the strategy, the
18 direction of the department, working practice
19 communications.

20 And at the end of that, after
21 understanding what the objectives and goals of the
22 company were and how we should align internal audit
23 department, we came up with a structure for the
24 organization. At that time, HR was brought in to help
25  define some of the job description from the levels.

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1 And then, we posted all of those positions internally
2 at Exelon. I believe, I could have the timing wrong
3 but I believe it was in the August-September time
4 frame.

5 SPECIAL AGENT LANGAN: Okay. When you
6 said you were talking to all those different managers,
7 these are across different lines at Exelon?

8 [REDACTED] Yes, sir.

9 SPECIAL AGENT LANGAN: Okay. All right.
10 So, you get to a point where you define your structure
11 and you put out these vacancy announcements. Did all
12 the people that were currently in internal audit
13 Exelon people have to reapply?

14 [REDACTED] Yes, sir.

15 SPECIAL AGENT LANGAN: Okay. Did any of
16 the people that reapplied across out of internal audit
17 not qualify for a job?

18 [REDACTED] Yes, sir.

19 SPECIAL AGENT LANGAN: How many
20 approximately?

21 [REDACTED] Four of the six were not
22 selected.

23 SPECIAL AGENT LANGAN: Okay. Why were the
24 four of the six not selected?

25 [REDACTED] I used basically seven criteria

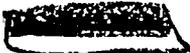
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1 that I used across the board for most of my
2 interviewing. Technical experience and technical
3 ability, industry experience, communication skills
4 which involved written, verbal, and inter-personal,
5 problem-solving ability, creativity and innovation,
6 and leadership-teamwork. Leadership more if they were
7 leading reviews and teamwork more if they were at the
8 staff or senior level.

9 Without going individually, I would
10 generally say that the four of the six fell short in
11 more than two of those categories or three of those
12 categories.

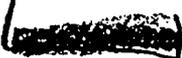
13 SPECIAL AGENT LANGAN: Did any of the four
14 of the six not have a direct financial background, for
15 example, a CPA?

16  I believe three of the four did
17 not have a CPA.

18 SPECIAL AGENT LANGAN: Okay. Did anybody
19 who did not have a CPA or equivalent type of training
20 still qualify?

21 : No.

22 SPECIAL AGENT LANGAN: We're only talking
23 about approximately six people here total?

24  Yes, sir.

25 SPECIAL AGENT LANGAN: Okay. Do you

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1 recall Oscar, did Oscar reapply for his principal
2 auditor position?

3 [REDACTED] Yes, sir.

4 SPECIAL AGENT LANGAN: Okay. Now, and
5 just so we're clear here, after the structure was
6 created, principal auditor was actually a different
7 role than the one that was currently being done by
8 Oscar?

9 [REDACTED] Yes.

10 SPECIAL AGENT LANGAN: Okay. And just so
11 I'm clear, correct me if I'm wrong, Oscar is actually
12 performing the duties of a senior auditor, not a
13 principal/manager auditor of audit, I guess would be
14 the better --

15 [REDACTED] And I think there would even be
16 some discussion around whether he was even doing a
17 senior role because he was not principally leading
18 those reviews. Seniors generally lead the review.
19 And most of the reviews, if I recall, he was part of
20 the team but not the leader of the team.

21 SPECIAL AGENT LANGAN: Okay. And just so
22 I'm clear, he was considered to be qualified as a
23 senior auditor?

24 [REDACTED] I believe on operational
25 reviews, he was very qualified to be a senior auditor.

1 I'm not sure (I would have let him lead a review) of a
2 financial internal controls review because he had very
3 limited, if any, experience on the financial auditing
4 side.

5 SPECIAL AGENT LANGAN: And so I'm clear,
6 internal auditing is not just financial audits, it
7 could also be operational based audits?

8 [REDACTED] It's generally financial
9 audits, operational audits and IT systems auditing.

10 SPECIAL AGENT LANGAN: Were there or is
11 there a place for an individual with Oscar's
12 background in internal audit?

13 [REDACTED] Yes, there is.

14 SPECIAL AGENT LANGAN: Okay. And what
15 position would that be?

16 [REDACTED] Well, I would suspect that he
17 could be still a senior in internal audit, but we'd
18 use him in that role more on the operational types of
19 reviews and then let him participate as a team member
20 on the financial internal reviews until he got up to
21 speed to lead those.

22 SPECIAL AGENT LANGAN: Okay. Now, when
23 the structure was put into place and the announcements
24 went out, how were the employees informed that they
25 would have to reapply?

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1 [REDACTED] I personally talked to all six
2 individuals, told them what the positions were going
3 to look like, told them what the structure was going
4 to look like. And then, I believe HR, but I'm
5 speculating, also told them that these were the time
6 frames that they were going to be posted. And then,
7 HR sent me in an email a time line which I forwarded
8 to all six individuals which indicated this is the
9 posting period so you need to get your application in
10 by this date. This is the decision making period.
11 This is when you'll be notified.

12 SPECIAL AGENT LANGAN: So, everything was
13 above table, so to speak, everything was laid out for
14 the employees?

15 [REDACTED] Yes, sir.

16 SPECIAL AGENT LANGAN: Okay. And that was
17 the standard way you dealt with this?

18 [REDACTED] Yes, sir.

19 SPECIAL AGENT LANGAN: Did you deviate
20 from that practice with Oscar?

21 [REDACTED] No, sir.

22 SPECIAL AGENT LANGAN: Okay. Did you at
23 any time hold extra meetings with Oscar to encourage
24 him to apply for different positions or for a position
25 in particular?

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[REDACTED] Somewhere in between the mid-year evaluation and the final decision, he came to me and told me he was interested in the manager slot. And we had a very heartfelt discussion on his ability to get that and the criteria I was looking for and where I thought his strengths were and where I thought he needed some improvement in order to get that position.

SPECIAL AGENT LANGAN: Now, and just so I'm clear, on the vacancy announcement that went out for the manager position, it states the minimum qualifications?

[REDACTED] Yes, sir, there's a job description attached.

SPECIAL AGENT LANGAN: Okay. Did you, at any time, point that out, the qualifications for that position to Oscar?

[REDACTED] Yes.

SPECIAL AGENT LANGAN: Okay. And when you did that, how did the discussion flow?

[REDACTED] Well, I think his main point of interest was did he have to have each and every single qualification on there to get it, or if you had eight out of ten, could you still possibly get it?

SPECIAL AGENT LANGAN: Okay. How did you

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1 respond to him?

2 ~~_____~~ (You know, these are the
3 criteria that we laid out. And while I generally
4 looked to get the best candidate that you can and you
5 aim for the ten of the ten that I felt that there was
6 some room for movement in there and that it was
7 possible to not have ten out of the ten criteria or 12
8 out of 12, whatever it was, and possibly still get
9 that position. But that I was clearly going to go for
10 the best athlete that I could get.)

11 SPECIAL AGENT LANGAN: (And you made that
12 clear to him?)

13 ~~_____~~ Yes, sir.

14 SPECIAL AGENT LANGAN: (Did you approach
15 him at any time to apply for any other positions in
16 internal audit?)

17 ~~_____~~ (I encouraged him to apply for
18 every position below that level also.)

19 SPECIAL AGENT LANGAN: Okay. (And did he?)

20 ~~_____~~: No, he did not.

21 SPECIAL AGENT LANGAN: Did you, in fact,
22 and correct me if I'm wrong, on multiple occasions
23 advise him to put in for as many positions as he
24 could?)

25 ~~_____~~: We did.

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1 SPECIAL AGENT LANGAN: Okay. We being
2 who?

3 [REDACTED] I believe he also had some
4 conversations with human resources who suggested that
5 just as a backup, he might want to also apply for the
6 senior slot in case he didn't get the manager slot.

7 SPECIAL AGENT LANGAN: And how do you know
8 that?

9 [REDACTED]: Martha Garza indicated to me
10 that she had those discussions with him.

11 SPECIAL AGENT LANGAN: And who is, what
12 role is she?

13 [REDACTED] I believe she's the director of
14 human resources as a representative to the finance
15 department for HR.

16 SPECIAL AGENT LANGAN: Did Oscar ever
17 indicate to you what positions he was actually going
18 to apply for? X

19 [REDACTED] Yes.

20 SPECIAL AGENT LANGAN: And what position
21 or positions were those?

22 [REDACTED] The principal manager slot.

23 SPECIAL AGENT LANGAN: Okay. X Did he
24 indicate to you why he was not going to apply for the
25 senior auditor position? X

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1 [REDACTED] Yes, he did.

2 SPECIAL AGENT LANGAN: And what reason did
3 he give you?

4 [REDACTED]

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10 SPECIAL AGENT LANGAN: Did he give you any
11 other reasons why he was not going to apply for a
12 senior auditor?

13 [REDACTED] No.

14 SPECIAL AGENT LANGAN: And just so I am
15 clear, he never did apply for the senior auditor
16 position?

17 [REDACTED] No, he did not.

18 SPECIAL AGENT LANGAN: In fact, and
19 correct me if I'm wrong, is the only position he did
20 apply for the manager position?

21 [REDACTED] Yes, sir.

22 SPECIAL AGENT LANGAN: Okay. Was he
23 qualified for that position?

24 [REDACTED] I do not believe he was
25 qualified for that position.

1 SPECIAL AGENT LANGAN: Okay. Based on the
2 minimum qualifications expected for the job or
3 required for the job?

4 [REDACTED] Right.

5 SPECIAL AGENT LANGAN: And he did not have
6 those minimum qualifications?

7 [REDACTED] He had some. He had some of
8 those minimum qualifications, but based on the minimum
9 qualifications and also based on [REDACTED]
10 [REDACTED] with those six categories that really
11 reflect those same qualifications, I felt that he was
12 not qualified for that position.

13 SPECIAL AGENT LANGAN: Did he actually
14 apply for it?

15 [REDACTED] The --

16 SPECIAL AGENT LANGAN: Manager position.

17 [REDACTED]: Yes, sir.

18 SPECIAL AGENT LANGAN: Okay. And did
19 other people apply for that position, for the manager
20 position?

21 [REDACTED] In our east location, there is
22 also a manager position and two people applied for
23 that slot. Actually, two of the incumbents and I
24 believe one other person who was, it's just an Exelon-
25 wide, those positions were posted Exelon-wide, applied

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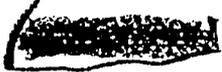
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1 for that. On the west, I don't recall exactly but I
2 believe that Oscar was the only one that applied for
3 the manager's position.

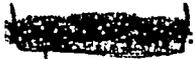
4 SPECIAL AGENT LANGAN: Okay. Did you fill
5 that position?

6  I did. ~~X~~ There were two of them
7 and I filled them. ~~X~~

8 SPECIAL AGENT LANGAN: Okay. When he
9 applied for one, maybe I'm not clear, did he apply
10 only for the west division or did he apply for both?

11  Yes, he did. Well, there's two
12 in the west and one in the east and he applied for
13 whichever one he could get in the west.

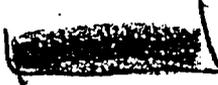
14 SPECIAL AGENT LANGAN: Okay. And did he
15 get selected for that, for any of them in the west?

16  No, he did not.

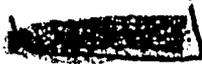
17 SPECIAL AGENT LANGAN: Okay. Did other
18 people get selected?

19  Yes, sir, they did.

20 SPECIAL AGENT LANGAN: Okay. And were
21 there, did they rate and rank higher than Oscar?

22  Yes, sir.

23 SPECIAL AGENT LANGAN: Okay. Was it even
24 close?

25  No, sir, it wasn't even close.

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1 SPECIAL AGENT LANGAN: When you, how was
2 Oscar informed that he did not get selected?

3 [REDACTED] I had a meeting with him. X

4 SPECIAL AGENT LANGAN: Okay. X A one-on-one
5 meeting or was there a witness to the meeting? X

6 [REDACTED] If I recall correctly X Martha
7 Garza was also in that meeting at my request X

8 SPECIAL AGENT LANGAN: Okay. And what
9 happened during that meeting?

10 [REDACTED] X He was actually fairly calm and
11 we indicated that he had not been selected and I went
12 through with a lot of specificity of exactly why he
13 was not selected and what, you know, what criteria I
14 thought he had some really strong points on, but what
15 criteria I thought he needed work to eventually get a
16 manager slot. X

17 SPECIAL AGENT LANGAN: [REDACTED]

18 [REDACTED]
19 [REDACTED] X Actually, he didn't. His
20 request was that if he wasn't where he should be
21 today, would I hold the position open for a year and
22 not fill it and let him grow into it recognizing that
23 he did not have all the skills that he needed. X

24 SPECIAL AGENT LANGAN: X And how did you
25 respond to him when he offered that suggestion? X

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1 [REDACTED] Had this been a department that
2 was already up and running and there was already all
3 positions filled, I told him I would have considered
4 that. But given the fact that all the positions were
5 going to be relatively new people, that I needed a
6 strong manager in that role to help me transition the
7 internal audit department and that I wasn't going to
8 be able to do that. X

9 SPECIAL AGENT LANGAN: Okay. X And were you
10 telling him the truth when you said that? X

11 [REDACTED] X Yes, I was. It would not have
12 been a idea if I had a department that was running
13 like clockwork and we were already, you know, doing
14 all the right things that we needed to be doing. But
15 this was a department that was significantly broken
16 and we were revamping the entire thing. And out of
17 the, you know, 27 or so positions, you know, 90
18 percent of them were going to be new folks and it just
19 wouldn't have been a great idea to have an open
20 position. I needed a solid manager in there to help
21 me get this department going. X

22 SPECIAL AGENT LANGAN: X Now, at the point
23 in time where you're having this discussion, did you,
24 was it too late for him to apply for the senior
25 auditor position? X

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1 [REDACTED] I believe technically according
2 to the time line, it was too late. But I believe we
3 offered him the ability to go back and do it if he
4 wanted to reconsider.

5 SPECIAL AGENT LANGAN: Okay. And just so
6 I'm clear on this, and correct me if I'm wrong, are
7 you telling me that you had actually, ~~were~~ were going to
8 allow an exception to the technical rule and allow him
9 to go ahead and reapply for the senior auditor
10 position? *

11 [REDACTED] I believe, and you'd have to
12 validate this with Martha Garza, but I believe that
13 she was considering letting him go back since he had
14 not put his application in in the required time frame,
15 that she was considering allowing him to go back and
16 reapply.

17 SPECIAL AGENT LANGAN: And did she
18 actually, did that actually go through? Was he
19 allowed to do this?

20 [REDACTED] I believe he was allowed, but
21 he never took advantage of that opportunity.

22 SPECIAL AGENT LANGAN: Okay. Why do you
23 believe it was allowed first?

24 [REDACTED] I was in a meeting with Martha
25 subsequent to the initial conversation ~~(when he was)~~ *

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1 told that he didn't get the position. And he
2 indicated again his reasons why he thought he should
3 get it and why he didn't want the senior. And Martha
4 suggested that it had already been affirmed that he
5 wasn't going to get the principal manager and she
6 thought that he should really reconsider whether the
7 senior slot might be open.

8 And then, we had a discussion around
9 salary because we have quarterly bonuses at Exelon and
10 annual bonuses at Exelon. And while it's true that
11 his base was up near the top of the range, I had the
12 ability to reward him through the annual incentive
13 program and the quarterly incentive program so that we
14 could keep him whole in his mind where he needed to be
15 from a salary perspective. We also indicated to him
16 that the bands and the monetary parameters are
17 reviewed annually or, you know, every other year by
18 HR.

19 And it was quite possible that even though
20 he was at the top of the band or near the top of the
21 band, that in a year from now, that band might
22 broaden. And so, he would have more room to get
23 additional monetary gains.

24 SPECIAL AGENT LANGAN: Okay. And how did
25 he respond to you?

1 [REDACTED] He said that Martha and I would
2 both not be willing to do what we were asking him to
3 do. X

4 SPECIAL AGENT LANGAN: So, he didn't
5 believe you?

6 [REDACTED] He believed us. He just didn't
7 feel that he should, what he felt was step back a
8 level.

9 SPECIAL AGENT LANGAN: Okay. So, does
10 this speak toward his title again?

11 [REDACTED] Yes.

12 SPECIAL AGENT LANGAN: Okay. All right.
13 So, and maybe we can go into this just a little bit.
14 X When you had this discussion with him and you
15 discussed the monetary aspect and everything else, in
16 his response back to you, does he actually address,
17 does he raise any more monetary concerns or does he
18 address more of a job position, job title concerns
19 here? X

20 [REDACTED] X It was actually both. While he
21 understood that I could give him the quarterly and the
22 annual bonuses which would help him, you know, if he
23 was topped out in the bad, he didn't love that idea.
24 He still was wrestling with, you know, he couldn't get
25 a set percent increase, for instance, if the annual X

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1 increase was three percent. He probably was not going
2 to be able to get that full three percent because it
3 would top him over the top of the band.

4 So, he did wrestle with that and just
5 couldn't, wasn't willing to accept that. But he was
6 also not willing to accept that his title would go
7 backwards, what he felt was backwards.

8 SPECIAL AGENT LANGAN: Okay. Did you talk
9 to him about that issue?

10 ~~REDACTED~~ I did. There was really two
11 parts of that issue. One part is that he really was
12 not functioning as a principal manager, and though I
13 understand that it's a difficult thing to have that
14 role and that title, when he made the decision to move
15 throughout the organization, he did not necessarily
16 have the skill set and the qualifications to have that
17 job and that title in this new place where he was at
18 which was internal audit. You know, so, I think that
19 he understood it but just didn't agree with it.

20 SPECIAL AGENT LANGAN: And he let you know
21 that?

22 ~~REDACTED~~ Yes.

23 SPECIAL AGENT LANGAN: At any, and is it
24 during that time when he was encouraged to go ahead
25 and apply for the senior auditor position again?

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[REDACTED] Yes.

SPECIAL AGENT LANGAN: And his response was?

[REDACTED] I don't know that he responded.

SPECIAL AGENT LANGAN: Okay. Was he given a window of time to reapply at that point?

[REDACTED] I don't know.

SPECIAL AGENT LANGAN: Okay. Based on your dealings with him and your knowledge of his work quality and experience in ^(his mid-year) would he have been a real candidate for the senior auditor position?

[REDACTED] Yes, I think he would have been a good candidate for the senior auditor position.

SPECIAL AGENT LANGAN: At any time, what happens next after [§] you have that last meeting with him? ^{*}

[REDACTED] He does a whole host of things where he starts to contact other folks in the organization to plead his case on why he should be a principal auditor.

SPECIAL AGENT LANGAN: Okay. And approximate time frame we're talking about here?

[REDACTED] I don't exactly recall but I believe it was the September time frame.

SPECIAL AGENT LANGAN: Okay. Did you, in

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1 your dealings with Oscar, encourage him after this
2 whole principal auditor/ senior auditor vacancy
3 announcement then, did you talk to him about trying to
4 place him in any other positions within Exelon?

5 [REDACTED]: Martha encouraged him, I
6 believe, to check the employment and I don't know what
7 it's called but it's a database that we have Exelon-
8 wide that lists all the open positions and she
9 encouraged him to take a look and see if there was
10 anything out there that he was interested in.

11 SPECIAL AGENT LANGAN: Are you aware if he
12 ever took advantage of that?

13 [REDACTED] At some point, I heard much
14 earlier before he came to internal audit that he knew
15 that that job placement thing was out there and that
16 he had been considering another position in this audit
17 to take the audit position instead. But at this point
18 in time, I don't know that he exercised his ability to
19 do that.

20 SPECIAL AGENT LANGAN: Are you aware of
21 anybody ever reducing his ratings on his performance
22 appraisal?

23 [REDACTED] No.

24 SPECIAL AGENT LANGAN: Have you ever done
25 that to him?

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1 [REDACTED] No.

2 SPECIAL AGENT LANGAN: Have you at any
3 time spoken with people outside of Exelon regarding
4 Oscar Shirani?

5 [REDACTED] The only person I might have
6 and I can't exactly recall is security spoke with the
7 city of [REDACTED] police department because Oscar
8 made some inflamed remarks. And they spoke to the
9 police departments in the geographic location [REDACTED]
10 [REDACTED] and where [REDACTED]
11 And I believe somebody from this police department did
12 call me and just asked me a couple of questions.

13 SPECIAL AGENT LANGAN: Okay. And we'll
14 get into that in a minute. At any time, did an
15 individual by the name of [REDACTED] contact you in
16 regards to Oscar?

17 [REDACTED] No.

18 SPECIAL AGENT LANGAN: Okay. How about
19 [REDACTED]

20 [REDACTED] No.

21 SPECIAL AGENT LANGAN: Okay. Have you had
22 any conversations with any of those two individuals
23 regarding Oscar?

24 [REDACTED] I don't know who those
25 individuals are.

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1 SPECIAL AGENT LANGAN: Did you have a
2 lunch with Oscar where you had discussed with him, and
3 I'm going to quote Oscar quoting you allegedly, "You
4 are an engineer. What are you doing in a financial
5 group, Oscar? I have a \$3.4-million-dollar project
6 and you are making this much money. I have to hire 30
7 people. I don't really know how to afford your
8 salary."?

9 [REDACTED]: No.

10 SPECIAL AGENT LANGAN: Okay. Have you
11 talked to anybody at Sargent & Lundy regarding Oscar
12 Shirani? When I say have you talked with, not
13 necessarily you initiated but they, you had a
14 conversation with anybody from Sargent & Lundy
15 regarding Oscar?

16 [REDACTED]: What is Sargent & Lundy?

17 SPECIAL AGENT LANGAN: Okay. That would
18 be a company.

19 [REDACTED]: No.

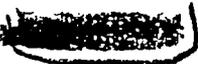
20 SPECIAL AGENT LANGAN: Okay. How about
21 Karaman Consultants?

22 [REDACTED]: No.

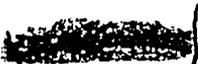
23 SPECIAL AGENT LANGAN: How about
24 Engineering Management Specialists?

25 [REDACTED]: No.

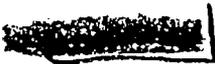
1 SPECIAL AGENT LANGAN: Any representatives
2 at the Nupic, N-u-p-i-c? You have to answer.

3  No.

4 SPECIAL AGENT LANGAN: Any representatives
5 from ASME, A-S-M-E?

6  No.

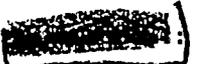
7 SPECIAL AGENT LANGAN: Okay. At any time,
8 have you been involved in a scheme to blackball Oscar
9 from gaining employment?

10  No.

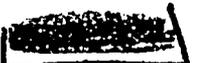
11 SPECIAL AGENT LANGAN: Have you at any
12 time harassed Oscar?

13  No.

14 SPECIAL AGENT LANGAN: Have you at any
15 time intimidated Oscar?

16  No.

17 SPECIAL AGENT LANGAN: Did you ever have
18 a conversation with Myra Burgess regarding Oscar
19 Shirani?

20  No, I don't know who that is.

21 SPECIAL AGENT LANGAN: Okay. In your
22 contacts with human resources in regards to Oscar, did
23 the subject matter of your contacts with human
24 resources change as you got closer to October, the end
25 of October?

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1 [REDACTED] Well, I don't think the subject
2 matter changed at all. It was around gainful
3 employment.

4 SPECIAL AGENT LANGAN: For Oscar?

5 [REDACTED]: Right.

6 SPECIAL AGENT LANGAN: Okay. ~~X~~ Did you have
7 a meeting with Oscar to discuss the end of his
8 employment, his termination? ~~X~~

9 [REDACTED] Yes.

10 SPECIAL AGENT LANGAN: Okay. 76

11 Approximately when did that occur?

12 [REDACTED] I don't recall. I would say it
13 was probably in the ~~X~~ September-October time frame ~~X~~ since
14 ~~X~~ I had that same conversation ~~X~~ with the other
15 individuals ~~X~~ who were not selected ~~X~~

16 SPECIAL AGENT LANGAN: Okay. And what was
17 the purpose ~~X~~ of the meeting with Oscar? ~~X~~

18 [REDACTED] ~~X~~ It was to inform him of some of
19 the placement things that we offer here at Exelon, the
20 time frame, his package, you know, his benefits,
21 everything, the exit paperwork and that kind of stuff. ~~X~~

22 SPECIAL AGENT LANGAN: And in that
23 conversation, were there any witnesses to this
24 conversation?

25 [REDACTED] ~~X~~ I believe Martha Garza was

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there as well. X

SPECIAL AGENT LANGAN: X And during this meeting, did you also discuss with him that for the next couple of months he could, next two months or so, he could continue to come to the office to use the resources of Exelon toward gaining employment elsewhere?

[REDACTED] X I don't believe that we fully committed to that. X I believe that Exelon looks at it on an individual by individual basis.

SPECIAL AGENT LANGAN: Okay. X Was that presented to Oscar that he could do that or was it not? X

[REDACTED] X I don't believe we got that far with Oscar. There was some concern over his, there was some growing concern over his behavior. X

SPECIAL AGENT LANGAN: Okay. And why don't we go in to that a bit? What would create this growing concern?

[REDACTED] He booked a meeting with [REDACTED] on [REDACTED] calendar without [REDACTED] and then [REDACTED] asked [REDACTED] to attend. [REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

SPECIAL AGENT LANGAN: Okay. And so I'm clear, this is at the Chicago downtown office?

MS. CAYA: Yes, sir.

SPECIAL AGENT LANGAN: Okay. The first meeting you had with [REDACTED] Oscar and yourself, was there anybody else present?

[REDACTED] (No, sir.

SPECIAL AGENT LANGAN: Okay. What was, approximately when did that meeting occur?

[REDACTED] Again, I would guess in the September-October time frame. It was after all the postings. It was after my initial meeting where he had been told that he was not selected which was at the AT&T building. And it was sometime after that time frame.

SPECIAL AGENT LANGAN: Okay. And what was the purpose of the meeting?

MS. CAYA: Oscar said the purpose of the meeting was that he wanted to talk to [REDACTED] about his career at Exelon.

SPECIAL AGENT LANGAN: Okay. And what was

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1 discussed during the meeting?

2 [REDACTED] (Oscar came in with a laundry
3 list of about eight or ten different things and he
4 sort of bounced around throughout the conversation.
5 You know, just a whole host of reasons on why he
6 should be retained, why we weren't being fair to him.
7 You know, how hard his life had been and how he had
8 been offered some promotions in the past with other
9 companies and his wife wouldn't move. It was really
10 all over the board but it was around employment.)*

11 SPECIAL AGENT LANGAN: (When he discussed
12 why he felt he wasn't being treated fairly, what were
13 the reasons he gave for that?)*

14 [REDACTED] (There was about five or six
15 different reasons. The first reason was that [REDACTED]
16 just lied to him and that [REDACTED] had brought him over
17 under false pretenses, that [REDACTED] had told him he would
18 be a vice president within a very short period of
19 time.)*

20 SPECIAL AGENT LANGAN: How did [REDACTED]
21 respond to that?

22 [REDACTED] indicated that [REDACTED] had
23 never had that conversation with him. And while [REDACTED]
24 told him that [REDACTED] was great for
25 opportunities because of the exposure that you got to

1 the entire company in financial, operational and
2 systems, and because of the exposure you got to senior
3 management, that she had never promised him any
4 specific level or any specific opportunity.

5 SPECIAL AGENT LANGAN: And did he respond
6 back to that at all?

7 [REDACTED] He disagreed.

8 SPECIAL AGENT LANGAN: Okay. And go
9 ahead, go on, I cut you off. I'm sorry.

10 [REDACTED] Another reason that he referred
11 to that he wasn't going to get employment was cause I
12 didn't like him, that I was personally out to get him. X

13 SPECIAL AGENT LANGAN: Well, wait. How
14 did you respond to that?

15 [REDACTED] You know, I took it very
16 personally. I was hurt by that remark because I just
17 don't believe that to be true. And I told him I
18 didn't believe that to be true and that I thought I
19 had clearly outlined for him what his strengths were,
20 but where his areas of improvement were. And then, I
21 was going to work with him going forward but that I
22 could not at this time give him the principal manager
23 position.

24 SPECIAL AGENT LANGAN: Did [REDACTED] weigh
25 in at any time during this part of the conversation?

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1 [REDACTED] weighed in in that it was
2 [REDACTED] decision and that [REDACTED] was not willing to
3 override that decision and micro-manage. Since I had
4 gone through this lengthy exercise of restructuring
5 the department, [REDACTED] knew it wasn't just a flipping
6 decision. I mean, we had been working on this for
7 three or four months and that [REDACTED] was just not willing
8 to impose, you know, [REDACTED] over
9 that decision. *

10 SPECIAL AGENT LANGAN: Go ahead, you were
11 saying number three.

12 [REDACTED] The third was he did refer back
13 to [REDACTED] that [REDACTED] had a plot to ruin his career
14 at Exelon. And we didn't have much conversation about
15 that because I didn't know what he was talking about
16 and had never met [REDACTED] And [REDACTED] didn't
17 seem to know what he was talking about either. *

18 SPECIAL AGENT LANGAN: Okay. During this
19 conversation, did he say that he was being terminated
20 because he raised safety concerns in the past?

21 [REDACTED] No, he just said [REDACTED] had a
22 plot to ruin his career.

23 SPECIAL AGENT LANGAN: Okay. Did he tell
24 you the plot?

25 [REDACTED] No.

1 SPECIAL AGENT LANGAN: Okay. Go ahead.
2 Were there any more?

3 [REDACTED] I think that might have been
4 it. I think that's all he referred to in that
5 conversation.

6 SPECIAL AGENT LANGAN: Okay. Now, how did
7 you guys end the meeting with him?

8 [REDACTED] in generally
9 gracious style, just let him sort of talk and talk and
10 talk. For most of the hour, I would say that [REDACTED]
11 and I didn't say very much and we just let Oscar sort
12 of vent. And then, you know, [REDACTED] said thank you and
13 we exited.

14 SPECIAL AGENT LANGAN: Okay. And you said
15 that there would be a meeting that would follow at
16 some point where it would, between you, Martha and
17 him. Why don't you go in this in details as to how
18 that meeting got called?

19 [REDACTED] Oscar asked if he could meet
20 with me and I agreed. And I called Martha to join me
21 since at this point, I did not think it would be a
22 good idea for me to meet with him one on one without
23 somebody else there.

24 SPECIAL AGENT LANGAN: Okay. Now, he
25 already knows that he's being terminated?

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1 [REDACTED]: Yes, he does.

2 SPECIAL AGENT LANGAN: Okay.

3 [REDACTED]: And he wanted to revisit again
4 why he didn't get the principal manager slot. And so,
5 we started at the beginning and again went through the
6 job description and the criteria, his mid-year
7 evaluation, which by the way was not just me. There
8 were some additional performance evaluations that had
9 been given to him by other managers that supported
10 this evaluation. So, it was an aggregation of all the
11 evaluations that had been given. And we just ran
12 through the whole scenario again. X

13 And he gave his reasons why he thought he
14 should be, which were primarily around that he could
15 get there. His abilities, you know, he would work on
16 the four things that we had talked about that he
17 specifically needed to work on and that he felt like
18 that he could get there. And then, Martha indicated,
19 that was the meeting where she indicated he might want
20 to consider looking at the senior slot again. And he
21 went into the conversation about the salary and the
22 topping out and that he was the breadwinner and then
23 the level and we were asking him to step backwards. X

24 SPECIAL AGENT LANGAN: Okay. Did he ever,
25 at any point, did anybody get angry during the

1 meeting?

2 [REDACTED] He did get angry. And at one
3 point, he talked to Martha and said that she should be
4 ashamed of herself because [REDACTED] and she
5 should take his side.

6 SPECIAL AGENT LANGAN: Okay. Because

7 [REDACTED] --
8 [REDACTED]

9 SPECIAL AGENT LANGAN: Okay. How did
10 Martha respond to him?

11 [REDACTED] Martha's skin turned bright
12 red. She was visibly, extremely angry but kept her,
13 I believe, her temper very much in check because she's
14 probably been trained as an HR professional to do so.
15 And she calmly said that the [REDACTED] had
16 nothing to do with this conversation and that this
17 conversation was based on a certain set of skills that
18 had been outlined in a job description, and her
19 [REDACTED] had no relevance to the conversation
20 whatsoever.

21 SPECIAL AGENT LANGAN: How did he respond
22 back to it?

23 [REDACTED]: He said that he thought she was
24 out to get him because we think he's a terrorist.

25 SPECIAL AGENT LANGAN: Okay. And this

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1 conversation occurred after September 11th of 2001?

2 [REDACTED] Yes, sir, it did.

3 SPECIAL AGENT LANGAN: Okay. And how did
4 you guys respond to that statement?

5 [REDACTED] At that point, I stood up and
6 exited the office and asked [REDACTED] to call
7 security because he stood when he said that and Martha
8 and I were sort of getting a little bit shaken. *

9 SPECIAL AGENT LANGAN: Okay. Did he have
10 a heated tone in this conversation with you?

11 [REDACTED] Very heated tone.

12 SPECIAL AGENT LANGAN: And did he use any
13 non-verbal cues to go with his verbal conversation
14 with you?

15 [REDACTED] Just, I believe just standing
16 up.

17 SPECIAL AGENT LANGAN: Okay. So, you went
18 out. You had [REDACTED] call security.

19 [REDACTED] Yes, sir.

20 SPECIAL AGENT LANGAN: Who is [REDACTED]

21 [REDACTED]

22 [REDACTED] His name is [REDACTED]

23 At that time, [REDACTED] name I believe was [REDACTED]

24 I'm not sure if [REDACTED] had [REDACTED] somewhere in
25 there it changed.

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1 SPECIAL AGENT LANGAN: Do you know how to
2 spell that last name?

3

4

5 SPECIAL AGENT LANGAN: That's [REDACTED] first
6 name?

7

[REDACTED] Yes, sir.

8

SPECIAL AGENT LANGAN: Okay.

9

[REDACTED] And [REDACTED]

10 [REDACTED] And then [REDACTED] and [REDACTED] last name is

11 [REDACTED] and I can't remember if [REDACTED] was [REDACTED]
12 or [REDACTED] at that point in time.

13

SPECIAL AGENT LANGAN: So, did [REDACTED] call

14

security?

15

MS. CAYA: Yes, sir, [REDACTED] did.

16

SPECIAL AGENT LANGAN: Okay. After you

17

went and kind of told [REDACTED] instructed [REDACTED] to call

18

security, where did you go next?

19

[REDACTED] (I walked back in the office

20

because I didn't want to leave Martha alone with him

21

because I was worried. And Martha was talking very

22

calmly and just trying to calm him down? *

23

SPECIAL AGENT LANGAN: Okay. Did he calm

24

down?

25

[REDACTED]: He did seem to calm down, yes.

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1 SPECIAL AGENT LANGAN: Okay. Then, what
2 happened?

3 [REDACTED] Two gentlemen from security
4 arrived and one of them came in and spoke to him. I
5 believe Martha stepped out and I stepped out. And
6 then, they came out of my office together. They
7 walked back to Oscar's cubicle area and he started
8 packing up some of his stuff. ✓

9 SPECIAL AGENT LANGAN: Okay. And did he,
10 in fact, pack up all of his stuff?

11 [REDACTED] He kept on stopping and saying
12 he didn't understand why he wasn't allowed to just sit
13 there. And the security guard explained to him that
14 his behavior was starting to concern us. Plus, prior
15 to this point, he had been coming in to work and using
16 some of the things available to him at work
17 inappropriately. For example, he had, wrote a very
18 long email and sent it out using our email system to
19 just a host of people including Mr. John Rowe, the
20 CEO.

21 SPECIAL AGENT LANGAN: And what makes the
22 email, is there anything that was contained in the
23 email that was inappropriate?

24 [REDACTED] Well, it was more, it was his
25 opinion to the email, and so nothing was inappropriate

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1 in the email. I think using the company email system
2 in that nature was probably not all that appropriate.

3 SPECIAL AGENT LANGAN: Did he do anything
4 else?

5 [REDACTED] He had been getting meetings
6 with various individuals within the organization to
7 express his views and his opinions but I don't know
8 that I think that was inappropriate. He has every
9 right to, you know, talk to different people and do
10 whatever he wanted to do.

11 SPECIAL AGENT LANGAN: Did he take his
12 belongings with him that day?

13 [REDACTED] No, he did not take everything
14 with him. He took some stuff with him.

15 SPECIAL AGENT LANGAN: Okay. And is there
16 a reason why he didn't take it all with him at that
17 point in time?

18 [REDACTED] I believe he had trained in and
19 couldn't carry the boxes. Security offered to pack
20 them up and mail them to his house and he opted to
21 leave them there and come back at some point in time
22 with his car.

23 SPECIAL AGENT LANGAN: Okay. And is that
24 what happened? They were left there for him to come
25 back to later?

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1 [REDACTED] Yes. Well, the agreement that
2 we made was that someone from our building services
3 would bring his packed up boxes down to the first
4 floor of Bank One and meet him on the first floor of
5 Bank One primarily because we weren't sure, there was
6 no parking in Bank One. So you'd have to pull up in
7 front of the building, so they thought it just would
8 be easier than trying for him to lug boxes four blocks
9 down the street in downtown.

10 SPECIAL AGENT LANGAN: . Okay. And so, was
11 he escorted off the property at that point in time?

12 [REDACTED] He was.

13 SPECIAL AGENT LANGAN: Okay. Did you
14 have, were there any subsequent dealings with Oscar at
15 Exelon?

16 [REDACTED] His badge and some of his
17 materials were taken at that point in time. He tried
18 to --

19 SPECIAL AGENT LANGAN: Taken or turned
20 over to security?

21 [REDACTED] Turned over to security. He
22 tried to get back into the building through the
23 security personnel at Bank One, who, he didn't have a
24 valid ID so they wouldn't let him. My understanding -

25 -

1 SPECIAL AGENT LANGAN: Is that that same
2 day?

3 [REDACTED] No, no. At a different point
4 in time. And this is speculation, I sort of heard
5 through the grapevine that he created a scene in the
6 Bank One lobby trying to get by their security guards.

7 SPECIAL AGENT LANGAN: Okay. And you
8 heard a rumor?

9 [REDACTED] Yes.

10 SPECIAL AGENT LANGAN: And that rumor, did
11 you hear anything about, did he actually try to get
12 past security or was he just in the lobby?

13 [REDACTED] No, he tried to get by
14 security.

15 SPECIAL AGENT LANGAN: Did Oscar, are you
16 aware of Oscar contacting any of, at that point, the
17 current employees?

18 [REDACTED] Yes.

19 SPECIAL AGENT LANGAN: Okay. And how did
20 he try to contact them?

21 [REDACTED] He called [REDACTED] several
22 times. He did put out an email and I'm not sure if it
23 was before he left, in those groups of emails he was
24 sending or afterwards to the members of ACES which is
25 American Society of Asian Americans or something like

1 that or Exelon --

2 SPECIAL AGENT LANGAN: It's within Exelon?

3 [REDACTED] Yes, Exelon. And then he was
4 calling various individuals to try to get meetings
5 with various individuals about retaining his
6 employment.

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7 SPECIAL AGENT LANGAN: Are you aware of
8 him at any time sending an email to [REDACTED]
9 warning [REDACTED] to watch out?

10 [REDACTED]: Yes.

11 SPECIAL AGENT LANGAN: Okay. How are you
12 aware of it?

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1 [REDACTED]
2 SPECIAL AGENT LANGAN: And how did you
3 respond to that?

4 [REDACTED] I told [REDACTED] that [REDACTED] should
5 probably inform HR and get some guidance from them on
6 that.

7 SPECIAL AGENT LANGAN: Okay. Did [REDACTED] do
8 that?

9 [REDACTED] Yes.

10 SPECIAL AGENT LANGAN: Okay. And what was
11 the guidance?

12 [REDACTED] I think they told [REDACTED] that [REDACTED]
13 should cease communications with him.

14 SPECIAL AGENT LANGAN: Okay. What was the
15 official reason given for his termination?

16 [REDACTED] I believe the official reason
17 is that he was not selected for the position that he
18 applied for.

19 SPECIAL AGENT LANGAN: Okay. And correct
20 me if I'm wrong, was he terminated because he raised
21 safety concerns?

22 [REDACTED] No.

23 SPECIAL AGENT LANGAN: Well, I should say
24 was that the real reason why he was terminated was
25 because he raised safety concerns in the past?

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[REDACTED] No.

SPECIAL AGENT LANGAN: Was he only given a business reason for his termination?

[REDACTED] Yes.

SPECIAL AGENT LANGAN: Okay. Did you receive any instructions on how to deal with Oscar after his employment ended?

[REDACTED] The only instructions I received was that security called me and informed me

SPECIAL AGENT LANGAN: Okay. Now, was this something that you requested or is this something that security did initiate on its own?

[REDACTED] Security initiated on its own based on his behavior that day.

SPECIAL AGENT LANGAN: Okay. The day he tried to re-enter?

[REDACTED] No, the day that he was exited from the building.

SPECIAL AGENT LANGAN: Are you, okay. At any time, did you have [REDACTED] send a message to Oscar

1 to stop sending emails or harassing you or anybody
2 else, otherwise you're going to sue him?

3 [REDACTED] I don't recall.

4 SPECIAL AGENT LANGAN: With his reapplying
5 or applying for the managerial positions though, [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 [REDACTED] Yes.

9 SPECIAL AGENT LANGAN: Okay. So, if he
10 didn't get the position, is there somebody else that
11 decides he's terminated or is he terminated out of
12 default of not applying for anything else?

13 [REDACTED] Correct.

14 SPECIAL AGENT LANGAN: Correct to which
15 one?

16 [REDACTED] Because he didn't apply to
17 anything else, there was no other option.

18 SPECIAL AGENT LANGAN: Okay. And thus,
19 that is the business reason why he was terminated?

20 [REDACTED] Yes.

21 SPECIAL AGENT LANGAN: Okay. At any time,
22 have you or anyone you're aware of in Exelon made any
23 attempt to keep him from getting employed anywhere?

24 [REDACTED] Not to my knowledge.

25 SPECIAL AGENT LANGAN: Okay. Why don't we

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1 go off the record?

2 (Off the record at 10:30 a.m.)

3 (On the record at 10:40 a.m.)

4 SPECIAL AGENT LANGAN: We're back on the
5 record after a brief discussion in regards to an
6 organization chart which is titled Exelon Internal
7 Audit Services. There is no date on the chart. It's
8 got a page number of 30 on it.

9 Referring to this organization chart, what
10 was your expectation of the principal manager
11 positions and then how has the organization filled in
12 since its creation?

13 [REDACTED] The principal slot in Philly
14 and the manager slot in Chicago had very defined
15 criteria or job description qualifications around
16 them. The primary ones were from a technical
17 perspective, I wanted folks that had financial,
18 operational and systems experience.

19 And the main reason for that is because I
20 wasn't going to have one manager do all financial
21 audits and one manager do all operational audits. But
22 in fact, these two managers in Chicago and this
23 principal in Philly were going to have a pool of
24 seniors underneath them that were going to do what we
25 call integrated audits which would have some

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1 financial, some operational or only financial and only
2 operational, maybe some general IT controls like
3 system access.

4 So, I was looking for people that had a
5 breadth and depth of experience across all three of
6 those sort of functional disciplines. I also wanted
7 people that had very solid supervisory, a proven track
8 record of supervisory experience.

9 Not only were the managers in Chicago
10 going to have, you know, five or six people
11 respectively, but they were going to be all new folks
12 which is, you know, a little bit harder. They weren't
13 going to know, some of them may not know Exelon unless
14 they came from somewhere else in the Exelon
15 organization, may not know the industry, aren't going
16 to know the key players or, you know, where to go and
17 what to do. So, it's different than a department
18 that's up and running and just functioning along. So,
19 I wanted those folks to have really strong supervisory
20 leadership skills.

21 The third major criteria was
22 communication. I wanted them to have excellent
23 verbal, written and interpersonal skills. One of the
24 main themes when we did the strategic performance
25 assessment was no one from audit ever talks to us. We

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1 never see them. We don't know what you do. We don't
2 know how the audits get on the plan. We don't know
3 how you do the risk assessment, it's this big surprise
4 and you show up. And so, I felt that there was a need
5 for much better communicators in my group to get out
6 and meet with people in the company and let them even,
7 they don't have to like it but at least understand
8 what our role is.

9 The other thing I was really looking for
10 was creativity and innovation. This was a new audit
11 department and I don't propose that I can think of
12 everything and that I know everything. And so, I was
13 looking for folks that brought different experiences
14 and different backgrounds to the table to help me
15 think through, you know, what are the best things for
16 Exelon and what is the best way to structure this
17 department.

18 SPECIAL AGENT LANGAN: ([REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] I did. One of the manager
22 slots was filled by a gentleman that has I think 11 or
23 12 years of internal audit experience. He has a dual
24 degree in accounting and computer science. He had
25 been an IT auditor at one point in his career at ComEd

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1 and then had left and done other things and had come
2 back.

3 He also had been both a financial and an
4 operational auditor. He had, I believe about six
5 years of managerial experience and had worked on,
6 while he, after he left ComEd, he had gone with a
7 public accounting firm. So, he had both public
8 accounting experience and a private industry
9 experience. And in his public accounting experience,
10 had also worked with other utilities.

11 The other manager slot was filled with a
12 gentleman from Sarah Lee Corporation. He also had, I
13 believe, nine or ten years of experience, both public
14 accounting again and private. Had also worked at
15 McDonalds in his career and Alberto Kovler. Had
16 financial operational experience and also had been a
17 manager for several years, so had a proven track
18 record of leading folks.

19 The principal manager slot in Philadelphia
20 has not yet been filled. Several people have applied
21 but do not have that breadth and depth of technical
22 and supervisory and communications and innovative
23 experience. And so, we have yet to fill that
24 position.

25 SPECIAL AGENT LANGAN: And just so I'm

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1 clear, Oscar has, and correct me if I'm wrong, Oscar
2 an operational background?

3 [REDACTED] Yes, sir.

4 SPECIAL AGENT LANGAN: Okay. Does he have
5 a financial background?

6 [REDACTED] No. Not to my knowledge.

7 SPECIAL AGENT LANGAN: And IT, okay. Did
8 he make you aware that he had a financial background?

9 [REDACTED] No.

10 SPECIAL AGENT LANGAN: Does he have an IT
11 background?

12 [REDACTED] No.

13 SPECIAL AGENT LANGAN: Okay. And thus,
14 eliminating him from qualifying for that part of the
15 criteria?

16 [REDACTED] Correct. As for the technical
17 ability where I thought he had some really good solid
18 process auditing experience which is the operational
19 area, he had not performed to my knowledge any at all
20 financial audits or very few. And then, no system
21 audits that I'm aware of.

22 SPECIAL AGENT LANGAN: How about
23 managerial experience?

24 [REDACTED] I am not aware of any
25 managerial experience with the exception of what Oscar

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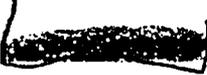
1 himself told me. He told me before he came to Exelon,
2 he had some managerial experience running a
3 department.

4 And he said while at Exelon, he did have
5 a position at one point in time where he had five
6 contractors working for him. And I'm not sure if
7 this, where this is in the chronology of events but he
8 said he had five contractors working for him and he
9 was a manager and he gave up that job because he
10 didn't want to commute. K

11 SPECIAL AGENT LANGAN: Okay. Did he put
12 that in his application for the position?

13  I don't recall. I don't
14 recall. But within the internal audit department, he
15 had not supervised, I don't think he had supervised
16 any jobs. Or if he had, they were very few. And so,
17 I had not seen that proven track record of supervisory
18 experience. C

19 SPECIAL AGENT LANGAN: How about his
20 communication skills?

21  I thought his verbal
22 communication skills were fine and his inter-personal
23 skills were okay. I thought he needed some
24 improvement in his written skills. He was working
25 with, I believe, an outside consultant to help his

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1 written communications skills and [REDACTED]

2 [REDACTED] 7C

3 [REDACTED]

4 SPECIAL AGENT LANGAN: At the time of his
5 application for the position, were his written skills
6 of a managerial level that you were looking for?

7 [REDACTED] I don't believe so. That to me
8 is sort of a, one of my very specific criteria. I
9 think that an audit report is my only deliverable that
10 sometimes folks see. And so, I'm a very strong
11 believer that you have to be very good at your written
12 communication skills. And I did not think he was at
13 the level he needed to be.

14 SPECIAL AGENT LANGAN: Okay. Bob, do you
15 have anything?

16 MR. HELFRICH: No, thank you.

17 SPECIAL AGENT LANGAN: Okay. [REDACTED] 7C
18 have I threatened you in any manner or offered you any
19 rewards in return for your statements today?

20 MS. CAYA: No, sir.

21 SPECIAL AGENT LANGAN: Have you given your
22 statements freely and voluntarily?

23 [REDACTED] Yes, sir. 7C

24 SPECIAL AGENT LANGAN: Is there anything
25 further you'd care to add for the record?

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~~_____~~ No, sir.

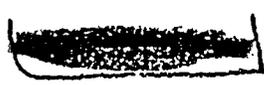
SPECIAL AGENT LANGAN: That being the case, we are off the record.

(Whereupon the interview was concluded at 10:45 a.m.)

CERTIFICATE

This is to certify that the attached proceedings before the United States Nuclear Regulatory Commission in the matter of:

Name of Proceeding: Interview of



76

Docket Number: N/A

Location: Warrenville, Illinois

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission taken by me and, thereafter reduced to typewriting by me or under the direction of the court reporting company, and that the transcript is a true and accurate record of the foregoing proceedings.

js/ Rita Langley
Rita Langley
Official Reporter
Neal R. Gross & Co., Inc.

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EXHIBIT 37
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