

1 Solutions prior to conducting business with them?

2 A. Me personally, no. Our staff personnel Amy
3 Golabiewski, would have been the person who would have
4 done that.

5 Q. Would you have been alerted to the results of that
6 credit report?

7 A. Sometimes, sometimes not. In this case she never
8 said anything to me regarding any instance of any kind.

9 Q. So, does Technisource do business with companies who
10 have a suspect credit rating?

11 A. I don't work for Technisource any more. So it is
12 hard to answer that as Technisource.

13 Q. Did Technisource, when you were engaged with them and
14 employed by them, do business with companies that had
15 suspect credit ratings?

16 A. Generally speaking, no. But occasionally we would do
17 it under a guideline where they had to make a pre-payment.
18 In other words, if we knew that they were going to have a
19 \$50,000 staffing bill, sometimes we would ask for half of
20 it up front.

21 Q. Okay. Did you ask for half of it up front in this
22 case?

23 A. Not that I recall.

24 Q. Okay. Now, you mentioned a minute ago that it was
25 not good business for an employee to work for another

1 entering into business with IRP Solutions?

2 MR. KIRSCH: Objection, relevance and foundation.

3 THE COURT: Sustained as to foundation.

4 Q. (BY MR. BANKS) Does Technisource have a policy that
5 governs how they enter into business with clients?

6 A. I don't know a specific policy, because I haven't
7 worked there in over six years, but they did have a
8 program that was sent to account managers to be able to
9 tell them what they were responsible for to make sure they
10 went through the due diligence to find out whether the
11 people were viable customers.

12 Q. And do you recall what type of due diligence it was?
13 You were an account manager; correct?

14 A. That's correct.

15 Q. Do you recall what that process was?

16 A. Well, I had to get a Dun & Bradstreet number. I had
17 to report it to the people. I had to give them all of the
18 information regarding the account, including telephone
19 numbers, site of business. Usually had to provide a
20 website for the business. Any of the relevant pieces, and
21 who the executive management staff was, for any business
22 we did business with.

23 Q. So it is safe to say, from -- that there was a policy
24 in place, and unless those -- is it safe to say there was
25 a policy in place?

1 A. Again, I never saw a written policy that stated
2 exactly what to do for a business, other than what I was
3 told for my part to be able to process to go to our
4 accounts person, who was Amy.

5 Q. But somebody else, would you agree, was making
6 decisions on whether or not the company is creditworthy or
7 not; correct?

8 A. That, I agree.

9 Q. At any time did Mr. Banks or any other representative
10 from IRP speak to somebody else within that credit
11 approving entity within Technisource?

12 A. I know Kim Carter, at that time, Kim Pillas was
13 spoken to regarding viability of the company.

14 Q. Okay. Now a minute ago you testified you were
15 influenced by who IRP was dealing with; correct?

16 A. That's correct.

17 Q. And would you agree that every company that does
18 business with Technisource is engaged in some sort of
19 business activity or they wouldn't be coming to
20 Technisource; correct?

21 A. Yes, business activity. But some people develop
22 software. Some people are manufacturers. So it varies in
23 activities. So the answer is they are in some kind of
24 business.

25 Q. And how do you evaluate, say, a manufacturing

1 company, whether or not they would be a viable company?

2 A. Usually you go through credit histories. Then you
3 also see if they have viable products, and you try to get
4 references on if they are paying bills.

5 Q. Okay. During your interactions with IRP, who did the
6 majority of your conversations -- the majority of your
7 conversation was had -- you were engaged with who the
8 majority of time when dealing with IRP?

9 A. Well, the consultant people, Mr. Banks, and the
10 secretary's name, who initiated the conversation to start
11 with, who I do not remember the name of. It may come back
12 to me if you said it, but I do not remember the name.

13 Q. But you remember the name Mr. Barnes?

14 A. Yes, I do. I can also tell you Mr. Shannon's name if
15 you like.

16 Q. Did you have a conversation with Mr. Shannon?

17 A. I did.

18 Q. Did Mr. Shannon provide you with any information
19 about what was going on at the NYPD?

20 MR. KIRSCH: Objection, hearsay.

21 THE COURT: Overruled.

22 THE WITNESS: Could you restate the question.

23 Q. (BY MR. BANKS) Did Mr. Shannon provide you with any
24 information about what was going on with IRP at the New
25 York City Police Department?

1 A. No, he did not.

2 Q. Okay. Did you know Mr. Shannon was a retired veteran
3 of the NYPD?

4 A. Yes, I did.

5 Q. Did the fact that he was engaged with IRP Solutions
6 in their endeavor to do business at NYPD influence you in
7 any way to do business?

8 A. It had some bearing, yes.

9 Q. Okay.

10 MR. BANKS: No further questions from me, Your
11 Honor.

12 THE COURT: All right. Mr. Walker?

13 **CROSS-EXAMINATION**

14 **BY MR. WALKER:**

15 Q. Hello, Mr. Hayes.

16 A. Hello.

17 Q. Let's rewind to the beginning of your testimony when
18 you were talking with Mr. Kirsch. You relayed that you
19 were told by Mr. Banks in regards to the NYPD that the
20 software was going to be sold very quickly at NYPD?

21 A. That's correct.

22 Q. And you also said that in regards to NYPD and DHS,
23 that the deal -- we were close and that deal would finally
24 be closing, and all things would go forward from that
25 point. Is that also correct?