

Sworn Statement of Thomas E. Gardner:

From June 2008 to September 2009 I worked within the Inspector General's Office as an Investigative Specialist aboard the Combat Center.

May 2009: My supervisor the Base Inspector General, Mr. David Gill was assigned to investigate allegations brought against our Provost Marshal's Office (PMO).

During the course of this investigation, I directly assisted Mr. Gill by contacting/scheduling witnesses, escorting witnesses to his office, collecting statements and on one occasion downloaded some photographs Gill thought pertinent at our base Criminal Investigative Division (CID).

Throughout his entire investigation, Gill spoke openly and with numerous parties of what he was discovering and how he could utilize such data in order to "Nail Scarselli" and "Sandpaper Major Scarselli's ass". At times he would ramble on how he as the Base Inspector General would be getting out the "Turpentine and sandpaper for PMO". On several occasions, and in a negative tone, Mr. Gill would comment that the Major was Italian, from New York City and that his days of being the "God Father" were about to end. Mr. Gill would sit back and in a raspy voice do a Marlon Brando (God Father) impersonation.

June 2009: Mr. Gill stated that Major Scarselli had a gambling addiction and would prove the Major had borrowed money from a subordinate Marine within his charge.

After Gill interviewed SSgt Baker; I do not recall when the interview was conducted. Gill stated that he had made a "deal" with the SSgt by telling him that his Chain of Command was going to let him "take the fall" and that he "should give us further information in order to substantiate the allegations brought against others."; that the SSgt "should not take all the heat." From what I witnessed, SSgt Baker agreed and provided further data against Major Scarselli.

After Gill interviewed SSgt Brookins; I do not recall when this interview was conducted. Gill exited his office and boasted to me that he had the SSgt scared, shaking and commented negatively about his weight. Most of us simply patronized Gill by agreeing with him (often), smiled and returned to whatever we were doing.

My perception from the beginning was that Gill was on a witch-hunt and had already begun to manipulate the outcome of his assigned investigation. Gill was very interested in any information against Major Scarselli, MGySgt Humbertson and Mr. James Daily.

Most of Gill's inappropriate comments were while his assigned investigation was ongoing; well before turning it in to our Staff Judge Advocate (SJA) for the purpose of legal review. Gill had a bias and bitter opinion throughout and his comments were a clear violation of the personnel's privacy.

During his investigation; I do not recall the date, Mr. Gill discovered that Colonel Quoss had falsified his Marine Corps Martial Arts Program (MCMAP) belt. Gill would brief us throughout the day when he corresponded with the Colonel (then forward deployed) and whenever he would discover additional information about this matter. The base IG staff knew Colonel Quoss fairly well; he was the previous G-7 and he and his staff had shared the facility with us, building 1447 on Sturgis Street. After days of corresponding via e-mail and a few telephone calls, Mr. Gill told us that Colonel Quoss "in fact admitted falsifying his MCMAP belt" and had asked if Gill "was disappointed in him?" Mr. Gill told me that he "would let the Colonel slide" and "that he could sandpaper him if he wanted to".

In the end, Gill advised Colonel Quoss to either have his current MCMAP belt removed from his record or get the appropriate training/certification so it would be legitimate. I do not recall other personnel Mr. Gill had discovered falsifying Marine Corps training but am certain he had kept this information out of his final investigation submitted to the Commanding General. Additionally, I do not know how this was tied to PMO or who had falsely certified Colonel Quoss's MCMAP belt.

Our section began to see Gill was sweeping some of his findings "under the rug" and we were frustrated that he was voicing such personal information within our passageway and aboard the Combat Center.

June 2009: Mr. Gill stepped out of his office, into the main passageway and in a loud tone stated, "I got him, I'm going to sandpaper Scarselli's ass". Gill also stated what should happen to Major Scarselli and the other Marines that faced allegations by saying Major Scarselli, Master Gunnery Sergeant Humbertson should be reduced in rank and forced to retire and Mr. Jim Daily be fired. Anyone else (such as but not limited to SSgt's Baker and Brookins) should receive Non-Judicial Punishment (NJP). To my knowledge this is exactly what has transpired thus far. It makes one wonder if their fates were decided long before Gill's investigation was complete; perhaps before it even began.

Directly within the main passageway of building 1447, Sturgis Street facing Mr. Gill were I and Joseph Dunn our Readiness Coordinator. Within their office's and within close proximity,

west side of the building were GySgt Walker and Tina Paulson. Within their office's on the east side of the building were Colonel Tim Green, Jim Sanderson and Susana Garcia; base G-7 who at the time shared the facility with us. I distinctly remember the hatch to the G-7 being latched fully open. I am certain Mr. Dunn heard what Gill had said but do not know if the other personnel on deck had heard him.

After Gill's outburst, Mr. Dunn turned about and returned to his office and I asked to speak with Mr. Gill. We entered his (Gill's) office, closed the door and I confronted him that he had just openly voiced a substantiated decision and their punishment before he had even completed his assigned investigation. He had also gone against our Inspector General of the Marine Corps Investigations and Assistance Manual by stating what should happen in terms of punishment to DOD Personnel.

That Inspector General Representatives are strictly prohibited in reference to recommending forms of reprimand/punishment; IG's simply report findings of fact by means of Unfounded, Substantiated or Not-substantiated. This policy is often reiterated at all Inspector General training and at our annual IGMC Symposiums. Not recommending punishment, being fair, objective and impartial is something Gill often reminded us of but did not practice what he preached. Gill often spoke of personnel aboard the base that he had "sandpapered".

After I confronted Mr. Gill, he stated that he did not make a written statement, nor did he place anything in the form of an e-mail thus the perception was that it never happened. I joked as if I tape recorded him by speaking into my shirt "Test 1-2" but Gill did not find that amusing. Also, I asked him, "What if personnel from the G-7 heard what he had just said?", "PMO falls under the G-7 and the Marines facing allegations would certainly use his comments in their defense." Our meeting ended on the note that it was simply my word against his. I opened the door, placed the latch down so it would remain open and exited Gill's office.

June/July 2009: After my conversation with Mr. Gill regarding his outburst, he began to work at night as he (Gill) would tell us the next day that he was in the office until 0200, 0300 and so forth. I wondered if he was concerned I would see or hear something further regarding inappropriate investigative practices.

To my knowledge, Gill interviewed 80 to 90 persons by himself and the staff found that odd. I distinctly recall asking him if I could interview some of the personnel from PMO as I was new on the job and had just completed some of my IG training. I do not

recall exactly what Mr. Gill said but he made it clear that no one else would interview personnel regarding this case.

August 2009: Mr. Gill completed his investigation and I personally delivered it to the Staff Judge Advocate for legal review. This investigation was returned to us in approximately 1 week much faster than our normal 8 to 10 month waiting period; I found that interesting and out of the ordinary. Gill's office keeps a detailed logbook for reference; some case files are out for over one year.

August 2009: The investigation regarding PMO was returned to us with approximately three typed pages of errors. The document was formal correspondence; it included a routing sheet and was signed by LtCol Rhesa Ashbacher the base SJA. Mr. Gill appeared defensive about his mistakes and quickly went to work in order to rectify. Within a few days I delivered Gill's revised investigation to the SJA and she endorsed it as legally sufficient.

August 2009: The investigation was delivered to the Command Suite for our CG's endorsement and at this point was considered complete.

August 2009: Our office attended a five day IGMC Symposium in San Diego. On the last evening we went to a cookout right outside our billeting area. When I arrived late due to PT Gill began to boast of his recent investigation of our base PMO. He spoke of what a "mess PMO was", "how large the case file was" and so forth. That same evening, Gill stated to me that he had told one of the Senior Investigators, Mr. Warren Worth that on our base he as the Inspector General would often recommend punishment for substantiated allegations against DOD personnel. Gill told me that Worth had attempted to correct him; reminding him that we as IG representatives never recommend punishment only report what is discovered by means of Unfounded, Substantiated or Not-Substantiated. I was embarrassed and frustrated that Mr. Gill had again voiced this, especially here at a symposium hosted by the Inspector General of the Marine Corps. During the week, we had just attended a series of investigations and assistance classes.

I do not know if other persons within the cookout area had heard Gill; there were approximately ten persons there when I arrived. I distinctly recall persons in close proximity of Gill's boasting were: Cindy Edwards, Col Hodges, Warren Worth, GySgt Walker and Joseph Dunn.

September 2009: Mr. Gill and I attended traffic court for a third party ticket he reported. Afterwards, we toured through PMO and said hello to some of the Military Police Officers one being Gunnery Sergeant Montes (during the investigation SSgt Montes). We congratulated the GySgt on his recent promotion,

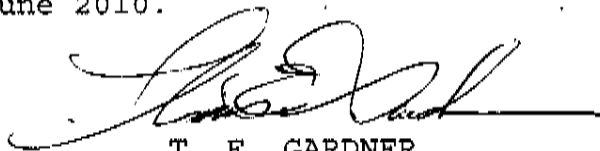
shook his hand and exited the building. As we walked away, Gill told me "Yea, I could have sandpapered Montes but let him slide", "I could have gotten him too". I do not know what he let GySgt Montes "slide" on and again wondered what other information Gill had swept under the rug.

At this point, I never confronted Gill any further regarding his investigation of PMO as the matter was moot and the word from other IG staff members was that he (Gill) thought me (Gardner) to be "insubordinate" and "disrespectful".

September 2009: I quit my position as an Investigative Specialist. While not the sole reason; Gill's inappropriate investigation of our PMO was a large factor in my decision. Before I departed, I asked Mr. Gill for a business card, he shook my hand, gave me my last day off with pay and said I could count on a positive recommendation regarding future employment.

December 2009: I contacted the base IG's office in order to relay happy holidays and was told by Gill's staff that "I (Gardner) was insubordinate, unprofessional and that they were not allowed to mention my name."

I state under penalty of perjury that the foregoing is true and correct; executed on 10 June 2010.



T. E. GARDNER