

TRANSCRIPTION OF JOE MARTIN ON SEPTEMBER 6, 2007\*

S Mr. Martin, my name is Scott Donald and I have already introduced myself before you were here for the first statement of Dr. Hayes so you know why I'm here. Before I get started with your questions, you understand that what you're saying is being tape-recorded today?

J Yes.

S To that end, if you shrug huh uh or uh huh, I may ask you to give a verbal response. I'm not trying to be rude.

J Okay.

S Can I please have your full name?

J Gilbert Lee Joseph Martin. That is the name on my job \_\_\_\_.

S And Mr. Martin, what is your position?

J I have the title of administrator in charge of athletics in secondary physical education.

S For what, who do you work for?

J Stockton Unified School District.

S How long have you been employed in that position with the Stockton Unified School District?

J Since August 2006.

S As you know sir, we're here asking questions with regards to the transferring of high school students who are playing football to Franklin High School from American Samoa. Do you understand that?

J Yes.

S When was the first time that you ever heard about students transferring from American Samoa to Franklin?

J 1996.

S And what was the context of hearing about it in 1996?

J I was the head football coach at Berkley High School and we were scheduled to play Franklin High School and I was aware that they had American Samoans on their team because I had two American Samoan coaches on my team and we had a strong American Samoan community in Berkley, and they also were related, so I know more about their culture.

S Okay. With regards to Franklin High School since you became the, let's call it, would it be fair to say an athletics director for the system.

J Yes.

- S Since you became the athletic director for the Stockton Unified School District, what was the first thing that you heard about American Samoa football players transferring, not just playing here, but transferring from American Samoa to play here?
- J You're talking about transferring to Franklin or transferring specifically to play football?
- S Transferring to Franklin.
- J Not just strictly to play football?
- S First of all just transferring, right.
- J My first experience would have been in February, I believe, of 07, when I had a group of American Samoan parents and their kids come down to the District office looking for assistance in enrolling them in Stockton Unified.
- S Do you know the names of any of those kids?
- J No.
- S Do you understand were any of those kids actually played football for Franklin High School?
- J They have not played football yet for Franklin High School. They may be enrolled, I understand that they are enrolled in the football team, but they yet to have a game, so they have not played football at Franklin High School.
- S Why were you here, were you actually on campus when this happened?
- J No. They came to the District office. That was my first answer.
- S Why did they come to the District office? Do you know?
- J You would have to ask them.
- S Was anybody from Franklin High School with them at the time they came to the District office?
- J No.
- S Scott Luhn wasn't with them?
- J No.
- S Coach Verner wasn't with them?
- J No.
- S Who did you speak to with regards to that group?
- J The parents.
- S How many different parents did you speak to?
- J Four.
- S And were there four parents for four students?

J Yes.

S And did they come in with an appointment to see you?

J Dropped in, like many other people from all different races, cultures, and ethnic backgrounds stop in the office periodically to see me.

S Did they ask you any questions?

J Yes.

S What were the questions?

J How do we get our kids enrolled in Stockton Unified School District?

S In the District or in the school?

J I'm sure they said Franklin High School, because that was their residency.

S How did you find out that was their residency?

J I took them down to Student Services and I said look at their residencies. They said you would be in the Franklin district.

S What specifically did you look at that gave you the information about their residency?

J I think there was a document. I'm not sure if it was a document or they just told me the address, but the address was in the Franklin district.

D Joe, let me caution you, if you don't remember something, don't guess. You know, you can just say you don't remember.

J Okay.

S Was this encounter with the American Samoan parents with regards to their kids in asking you how they would get enrolled in Franklin High School or the Stockton Unified School District? Something that was a routine, part of your duties?

D I'm not sure. I would object. I don't know what that means.

S Was this the only time you did this or is something you do on a continuous basis?

J This was not the only time I did this.

S Is it something that you do every day?

J That's what I do every day.

S Was it something you had done before but it was sort of unusual?

J No, it was not unusual.

S How did you facilitate what they were asking?

J I took them to Student Services.

S And was Student Services in your office?

J No, Student Services office.

S For Franklin or for the Stockton School District?

J District.

S And what does Student Services do for them?

J Don't know what they all do.

S Anything that you know.

J First process, you get them enrolled into the district.

S Did you have any further conversations with those people again?

J Yes, with one mother.

S Do you remember the name of the mother?

J I know that she was [REDACTED]'s mother.

S [REDACTED]?

J I don't know how you pronounce his last name.

S Do you know if it starts with an M?

J I don't know that.

S What did you talk to [REDACTED] mother with, about the second half?

J When was Coach Jeff coming back from Samoa.

S She asked you that question or you asked her?

J Yeah, she asked me that. She called me.

S Do you know why she was asking that question?

J She was curious as to when he was coming back. He'd left to go to his father's funeral, and she thought I might know since I am in touch with all of the coaches.

S Do you know where she was calling from when she made that phone call?

J A 707 area code, on a cell phone.

S And did she say she was [REDACTED] mother?

J Yes.

- S And she was someone you had met before?
- J I believe I did meet her before.
- S When you had met her before, aside from just showing her where Student Services was, what else did you talk to them about? The very first time you saw them. You showed them where Student Services was, correct?
- J Yes.
- S Did you have any other further contact with them?
- J I'm sure they had all their proper paperwork \_\_\_\_, health services records. I guess, residency records, any records at all that Julie, she's the director of student services, let's make sure to add that. It was \_\_\_\_, that's it. My door is always open to helping with anything.
- S Did you have any concerns with regards to whether or not, strike that, were you told at the time you were introduced to these four students and their parents that they were going to be playing football the following year?
- J I made my own assumption on that.
- S And what was your assumption?
- J My assumption is I saw four kids who looked like athletes. My experience with American Samoans is the majority of American Samoans transfer from American Samoa to America for a better education and they are motivated by wanting to play football.
- S So, you believe that they were probably going to play football? Did you ask them that question?
- J Yes.
- S Why did you ask them the question?
- J Because they looked like four athletes. I would ask anybody who comes into my office that looks like a potential athlete, are you playing for the school.
- S Do you take any steps to ascertain whether or not a student that's approached you, such as these did, are actually eligible?
- J They did not approach me, I approached them and asked them.
- S In any case, whether you approached them or they approached you, once you made contact with them, do you typically take steps to ascertain whether or not students that are going to be playing football the next year are eligible?
- J Yes.
- S What did you do with regards to these students?
- J As I do with all students, I ask any kid who transfers from another district to here first his residency, second his academic eligibility, and then probably going overboard, to fill out a 510/214 CIF form, regardless of its desire to request by CIF, I do it nonetheless.
- S And then what do you do with those 510/214 forms?

J We send them out to CIF, as well as to the prior high school the kids went to.

S When you say we send them, your office sends them?

J I think they initiate them from the site, at Stockton. At Franklin, they would initiate it from Franklin. If it was another school, it would be initiated from that site. It's a principal's job.

S So is it your recollection that with these four students, 510/214 forms were filled out?

J Correct.

S How do you know that?

J I saw them.

S When did you see them?

J Prior to them being sent out \_\_\_\_\_, and then send e-mail to CIF, Pete Saco, who reviews these documents, as we had done the prior year on \_\_\_ knowledge of the \_\_\_ district.

S You came here in 2006?

J Correct.

S These would be the first students that you would have sent documents out to, correct?

J No.

S You sent out documents on others as well?

J Yes.

S Which others?

J You'd have to ask, I would have to see if I have documents. \_\_\_ CIF and back to the site. I'm speaking about any athlete from another district using the 214, 510's, make sure they are in compliance with CIF. I know CIF contacted us back and said you don't have to send those, so I just sent paperwork just to cover our butts on that.

S Why did you think you needed to do that?

J Because I don't want any issues coming up. I want everything legal.

S Has it been your understanding that the CIF has had concerns about transferring students before your meeting here today with regards to American Samoa?

J Before I came...

D Actually, I think you might be crossing a little bit, talking in cross purposes. I think you are still focused on American Samoans and I think Joe's talking about all students that transfer into the district. I want to clear that up.

S If you don't understand a question, though, you let me know.

J I understand the question. I'm responding, I don't direct my actions specifically to one ethnic group, as I said earlier. Anybody could come from outside the district that transfers here. My position is to always to do a 510/214. As to my prior experience in another district, the 510/214, I had an issue with my own son on a transfer, so \_\_\_ athletic director \_\_\_ there, 510/214 whether it was requested or not. That's regardless of ethnic.

S I want to make sure that I understand thought. As far as Franklin High School is concerned and as far as American Samoa football players are concerned, have you sent CIF 214/510 forms, 510/214 forms, to the CIF for any other students, American Samoan only, besides the four that you were talking about?

J No. These were the four that I first encountered who transferred from American Samoa.

S That's right. What I'm asking...

J Prior to this, I had no transfers who came to my District, I mean my office, who were American Samoans. I mean, I'm not qualified to identify who is American Samoan and who isn't American Samoan.

S Well, if you read the residency documents, won't that tell you?

J If they came from Samoa, yes. \_\_\_ sport came from Samoa.

S Right.

J I'm saying that prior to that, I have not had any American Samoans walk into my office and ask me or tell me they are interested in transferring to Stockton.

S And that's my questions, sir, you're familiar with the most recent, these four recent students?

J Yes, sir.

S You don't have any knowledge of past Franklin students, do you?

J No.

S So, let's just focus then right now on the four that you have knowledge about. And that knowledge about those four students was gained by them actually coming to your office, correct?

J Correct.

S And then you ensured that they got down to Student Services, correct?

J Correct.

S Then you made sure that they filled out the 510/214 forms?

J Correct.

S Did you personally make sure that they did that?

J Scott Luhn did, then I reviewed them.

S And then you say that you sent them into the CIF?

J Yes. Scott Luhn sent them into the CIF.

S When did Scott Luhn send them into the CIF?

J I can't remember. I'm sure it was relatively soon thereafter. Scott doesn't hold onto documents. From my experience with him, he is pretty forthright in getting things done and quick.

S So, you reviewed those documents. What were you looking for in them?

J They were complete.

S Do you do any investigation yourself to see whether or not 510's were violated with regards to undue influence?

J No, that's CIF's job.

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Appears something is missing here.

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S When did you first see it?

J I don't know when I first saw this. It looks like he sent it in 2006.

S If you read that, it's dated August 28, 2006. Did you ever talk to Claire Poulmele?

J I think I talked to her on the phone.

S When?

J Sometime in the fall of last year.

S Do you believe it was before or after you received this letter?

J I don't remember if it was before or after.

S Do you remember what you spoke to her about?

J I just wanted to make sure that these kids were not recruited by anybody in our district.

S Okay.

J I know what I was calling her about whether they played varsity football. To find out if they played varsity football. And I also asked her, are you aware of any students from district. Then I asked her for a document, so I probably talked to her before the document.

S You see on this document, it states that the boys in question, [REDACTED], I don't have his specific, okay, [REDACTED], and [REDACTED], according to this letter, did not play football but only rugby in American Samoa. Did you ask that question of Ms. Poulmele?

J Well, the reason I contacted her was, my concern was that we didn't have any kids that prior played varsity football, which I think then would have involved CIF legislation, needed to have documentation letter whether they were eligible or not. I was told they did not. The document verified they did not play varsity football the prior year.

S So, you spoke with her and she said what to you about that?

J She said they didn't, but she would follow up on it. So, I understood she worked for the Department of Education in American Samoa, so I said send it back on your letterhead.

S And it's your understanding that this is the letter she sent in response to that telephone call?

J Yes.

S What's your understanding with regards to the accuracy of this statement that the kids played rugby before?

J By getting a letter on American Samoan Government Department of Education, they not participating and believed the letter unless someone falsified it.

S Do you see where it says Human Resources Department up there?

J Now I do, yes.

S Did you notice that when it first came over?

J This is what I noticed right here.

S And you talked to Claire Poulmele, you testified before this?

J Yes.

S Okay. Did you talk to her after you received this letter?

J I don't remember.

S Aside from the fact that you looked at this letter, you see that it's on American Samoan Government, do you have any reason to believe that the information in here with regards to whether or not the kids played rugby before is correct or not?

J I believe it's correct because I received a document letter request on letterhead.

S There's a reference here to Congressman Richard Pongo.

J Yes.

S Is that somebody you have a relationship with.

J Other than he represented this district, the congressional district.

S When she is referring to your relationship with the congressman, do you know what she is referring to?

J You'd have to ask her.

? Isn't he a republican?

S I don't know. Where did you get Ms. Poulmele's name in the first place?

D If you remember.

J I just contacted the American Samoan Department of Education.

S Why did you contact the Department of Education?

J They would seem to be the ones that would have the largest body.

S Why not contact the former high school and talk to the principal or the coach?

J Because I wanted to go to the governing body, because I understand American Samoa is a relatively small community and this would be, for instance, this would be their district office comparable.

S Wouldn't you expect the coach or the principal to have a better knowledge of kids in their own school rather than someone overseeing all of it?

D I think that is argumentative and the question has been asked and answered.

S This isn't a deposition. It's an investigation. I'm entitled to ask questions.

D Sure. This might be used for something later, so I just want to record my objection.

S You can answer the question.

J I don't know a fair response.

S Do you know who Bob Tuiasosopo is?

J Yes.

S How do you know him?

J Bob's relations, first of all, there are a lot of Tuiasosopos, so the Tuiasosopos are kind of like the Smiths and everybody is related to some extent in Samoa. The old saying is that if one cousin dies, your whole team's going to take the break. So, when I was talking back and forth with regards to the four kids and the 510/214s, I'm talking to a guy and finally I realize he says it's Bob, I say, it's Joe and he says Tuiasosopo, and I said Tuii. His brother was the coach at Berkley High prior to my coming there.

S What was his father's name?

J Mike Tuiasosopo. His cousin is Tuiasosopo \_\_\_\_\_ and there are two other Tuiasosopos \_\_\_\_\_ Tuiasosopos.

S Okay. Sticking with Bob Tuiasosopo, why were you calling back to talk to him?

J Because he was answering the Department of Education's phone. As I understood, in Claire's position.

S Who gave you the contact for Bob Tuiasosopo, that ended up being Bob Tuiasosopo?

J I believe it was the same phone number we had when we contacted Claire the year before, because I asked my secretary to get a hold of the Department of Education in American Samoa and it just so happened we were talking on the phone before I recognized it was Tui.

S So, your very first contact with anybody back in Samoa was with who?

J With Claire.

S And you spoke with her once on the phone?

J I don't remember if it was once or twice.

S After you spoke with Claire, why didn't you follow up with any other contact?

D Like did you or didn't you?

S Why did you?

D It's not clear he did, but...

S Yeah, counsel, my question is pretty simple. I understand from the chronology of things that you first contacted Claire...

J In 06.

S Sure. And that was with regards to who?

J These kids.

S Those three kids?

J Yes.

S Okay. Why did you contact Bob Tuiasosopo as opposed to Claire then...

J I didn't have contact with Bob Tuiasosopo as opposed to Claire.

S Okay.

J I contacted the Department of Education with the phone number that was given to me that we had on file and Bob Tuiasosopo answered the phone.

S What was his role at the Department of Education?

J To be candid, I understood it as he was taking Claire's position or he was working for the Department of Education in some capacity. He picked up the phone. As if I were to call your office and you answered, I would assume you were working for your company.

S Did you ever inquire what his role was there?

J No, I didn't.

S Has he ever sent you any letters on any letterhead?

J To me directly, I don't think so, but I communicated with him on the 510/214s. I'm saying I was working with her office \_\_\_ district correspondence versus the \_\_\_ site.

S So, again, rather than working with the high school principals and coaches, you were working with somebody from the Department of Education on the 510/214s..

- J Correct, I understood that to be more of a site than at a district level and she would filter it down to her sites here. She was the Department of Education person.
- S Does Bob Tuiasosopo have any relation to Franklin High School?
- J I don't know. I mean, other than, I don't even know if he's related to one of the kids who played here last year who was a Tuiasosopo.
- S That's my question.
- J I don't know because there's so many Tuiasosopos.
- S Well, did you ask him if he knew or did he say he had any contact with Franklin High School of any kind?
- J Never came up in conversation with me.
- S How many times did you talk to him?
- J I'll bet I talked to Tui at least four or five times.
- S You call him Tui connotes some kind, makes me think that you have some kind of familiar relationship with him. I mean...
- J All of the Tuiasosopos are Tui \_\_\_\_.
- S Have you met his brother?
- J Yes.
- S Would you consider his brother to be a friend of yours?
- J Not necessarily. It's kind of more a professional contact.
- S Do you know where his brother is now?
- J I know he coaches Division I football. The last contact I think he was at the University of Utah.
- S Have you ever heard of the name Eleimanu Seumaala?
- J One of our coaches is, I think, is a Seumaala.
- S Have you heard the name Eleimanu?
- J No.
- S How about Manu?
- J No.
- S Joe, we kind of skipped over a little bit of this, but before you went to Stockton Unified School District, where did you work?
- J How far back was this?

S Right before, the immediate job before that.

J Berkley High School.

S How long were you at Berkley High School?

J About nine years.

S What was your position there?

J Teacher.

S Anything else?

J I was the athletic director.

S And were you the athletic director for Berkley High School?

J Yes.

S So, were you familiar with the 214/510 forms back then?

J Absolutely.

S It was a different section though, right?

J Yeah, but they were the same legislation, I think. My experience with Berkley High School, that was if an athlete came in get them. I was head football coach, \_\_\_ notified me nine games into the football season that my son and another transfer \_\_, we had lost nine games because he gave us the wrong forms. So, soon thereafter, I became the AD and I figured if they screwed up with my kid, who else did they screw up with, and that's the natural line \_\_\_ all the violations at Berkley High. That's why I think hopefully my reputation would precede me coming here that my first statement was this to school, we won't tolerate cheating, stealing, or lying.

S And with regards to that statement that we will not tolerate anybody who cheats, steals, or lies, have you spoken with the head football coach at Franklin High School with regards to any concerns regarding American Samoa transfers?

J Yes.

S When did you have conversations with them on that subject for the first time?

J Probably when I first met him.

S When was that?

J 06, sometime, I mean, I met Tom back when I played against him in 96.

S Let's talk about...

J When I first came on board here as the senior administrator for athletics.

S What did you ask him?

J It's not what I asked, it's what I told him.

S What did you tell him?

J As I told all football coaches in the district that we will not tolerate anybody who violates any CIF rules.

S Have you ever specifically asked him about concerns regarding the eligibility of American Samoan transfer football players?

J Yes.

S When did you ask him, when did you ask him that?

J I think in 06 when my issue came up that I was concerned when these kids here had played varsity football.

S Okay, when you are saying these kids here, you are referring to [REDACTED], [REDACTED], [REDACTED], and [REDACTED]?

J Yes.

S What did you ask him?

J I asked him if these kids, anybody help them, are they eligible with all forms because these kids came prior to my taking my position and his only concern, I think Tom should at least check just check to make sure they didn't play varsity football. So, all the document that I told him were transfer papers from site, principal said they were eligible to play.

S So you asked him or he asked you to check into that?

J He asked just double check for me, will you, I'm happy to play varsity football \_\_ Tom appreciated that I had a concern for that, because that would have, my understanding, \_\_\_ or something.

S When you asked Tom regarding your concern about these three players, what aside from one of you suggesting to the other that they need to look into whether or not they played varsity football, did you talk about?

J Just to make sure that all of their eligibility, academic, and residency were in compliance with the CIF and the USD rules.

S And did you look at any documents that...let me just get my question out. Did you look at any documents that were offered to show that these three, and we're talking again about [REDACTED] and [REDACTED] were eligible, their transfers were proper?

J And this is a \_\_\_?

S Yes.

J Yeah, I just asked Scott Luhn, I said these kids are all eligible, should we do an eligibility check throughout the district prior to the first football game, of all competitions, to make sure everybody was eligible to play, and I came down here about 2 p.m. on the day of the first game, I think there was the administrator in charge of checking eligibility failed to comply to my satisfaction, so I came down to the district office down here. Asked Scott Luhn to make sure all

of the players were eligible, academically eligible to play. Scott had already assured me that they were all eligible to play.

S How were they deficient?

J They weren't, they were eligible to play?

S No, how, you said you came down on their assistant...

J The assistant principal had not provided with me an eligibility listing he had signed off on and so at that point, I just...

S Who is that person?

J Fran Malone.

S After your initial conference with Mr. Verner, have you had any other conversations with him regarding the eligibility of any of the Samoan players?

J Well, when we first received contact \_\_\_\_, I called Chuck.

C I sent the superintendent a letter and then you called me.

J Right. I think I shared with you that I brought Tom in and asked Tom.

S What did he say?

J He just told me that I asked if recruited, and he said no. He said no undue influence, I don't know how you refer to it, but I said undue influence, and he said no with regards to any of your coaches, any contacts at all, and he said no.

S So, you asked him that just about whether he had made any contacts?

J And his coaches.

S You asked about the coaches? Did you ask about anybody other than coaches or anybody other than the coaches where they had made a contact on behalf of Franklin?

J I asked a lot of people that I had responsibility for to the coaches that are on his staff and him, and he said no.

S Is it your understanding that your responsibility is limited just to the coaches and their staff with regards to undue influence issues?

J Yes.

S What is that understanding?

J That's to be my understanding that \_\_\_\_ search whether the doctor here or anybody else \_\_ if it would be appropriate for me to start looking into everything.

S Whether its, not something you were looking for, have you heard that anybody besides from a coach has recruited American Samoa players to play football at Franklin High School?

- J No, I have not heard anything. The only thing that was brought to my attention is that Joe, we're worried about this person over here contacting \_\_\_\_.
- S Has anybody told you that Jeff Seumaala's mother has contacted football players in American Samoa to play football?
- J No.
- S Has anybody told you that anybody's relative, whether it's a Samoan or, strike that. Has anyone told you that any relatives of any of the players or coaches has contacted American Samoa football players back in American Samoa?
- J No one has ever told me that.
- S I haven't asked you, Joe, do you recall having any conversations with Pete Saco regarding Samoan High School students?
- J I tried to really be forthright with Pete and tell him I have some concerns. I contacted him, contacted him with regards to 510/214s that I sent with these kids that just came into the school district in February. I may have called him to say that I'm sending these over, because I wanted him to know and I didn't want any issues hitting me blindsided on this. I think I contacted Pete after he sent me, or we contacted each other to say what's up on this.
- S Do you recall at any point Pete contacting Scott Luhn about concerns about Franklin High School football players?
- J I don't know about that.
- S Did Scott Luhn ever tell you that he had been contacted by Pete that he had some concerns?
- J You would have to ask Scott.
- S Do you recall sitting down with Pete and talking with him about Franklin High School football players?
- J Pete, Scott, and I sat down and talked about Franklin High School football players, not necessarily from American Samoa.
- S What was the discussion about then?
- J It was regarding an eligibility check on a young man last year prior to the first game and then at the end of the season because two of our coaches here sent some letters to Pete saying this kid was ineligible.
- S Was he?
- J No.

S = Scott Donald  
J = Joe Martin  
D = David Lyon  
C = Chuck Smrt

[\*This transcript is a good-faith effort to determine the actual words used in the interview. Due to the speech volume or dialect of the person being interviewed, the noise in the background, and several persons talking at once, this transcript contains the information that is discernable from the recording that could be supplemented as an infrequent basis by the interview notes of Chuck Smrt.]