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**CYBER ATTACK INVESTIGATION COMMITTEE**

**MEETING**

**MINUTES**

A meeting of the Cyber Attack Investigation Committee of the Suffolk County Legislature was held hybrid in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 16, 2023.

**Members:**

Legislator Anthony A. Piccirillo, Chairman  
Legislator Kevin McCaffrey  
Legislator Jason Richberg  
Legislator Robert Trotta  
Legislator Jim Mazzearella  
Legislator Sarah Anker (Excused)

**Also in Attendance:**

William Duffy - Counsel to the Legislature  
Frank Tassone - Clerk/Suffolk County Legislature  
Hope Clark - Deputy Clerk/Suffolk County Legislature  
Honorable Richard Donaghue - Special Counsel  
All Other Interested Parties

**Minutes Taken By:**

Gabrielle Severs - Court Stenographer

1 (The meeting was called to order at 9:01 a.m.)  
2

3 **CHAIRMAN PICCIRILLO:**

4 Good morning, everyone. The special committee on  
5 investigations into the cyber attack will come to order.  
6 Good morning, Mr. Clerk.  
7

8 **CLERK TASSONE:**

9 Good morning, Mr. Chairman.  
10

11 **CHAIRMAN PICCIRILLO:**

12 Can I have a roll call, please.  
13

14 (The roll was called by Clerk Tassone.)  
15

16 **CHAIRMAN PICCIRILLO:**

17 Present.  
18

19 **LEG. MAZZARELLA:**

20 Present.  
21

22 **LEG. ANKER:**

23 (Excused.)  
24

25 **LEG. TROTTA:**

26 Here.  
27

28 **LEG. RICHBERG:**

29 Present.  
30

31 **P.O. MCCAFFREY:**

32 Here.  
33

34 **LEG. ANKER:**

35 (Excused.)  
36

37 **CHAIRMAN PICCIRILLO:**

38 Legislator Anker has an excused absence this morning.  
39

40 **CLERK TASSONE:**

41 Five.  
42

43 **CHAIRMAN PICCIRILLO:**

44 Thank you, Mr. Clerk. If we could all please rise for the  
45 Pledge of Allegiance, and stay standing for a moment of  
46 silence, lead by Legislator Trotta.  
47

48 (Pledge of Allegiance)  
49

50 (Moment of Silence Observed.)  
51

52 Thank you. Any correspondence, Mr. Clerk?  
53

54 **CLERK TASSONE:**

55 All correspondence has been distributed accordingly, Mr.  
56 Chairman.

1 **CHAIRMAN PICCIRILLO:**

2 Thank you. I do have one card this morning before I begin  
3 our proceedings today. I'm sorry if I mispronounce your  
4 name, but looks like Douglas Rosenbroch. Come on up,  
5 Douglas. Come right up to the podium. You have three  
6 minutes, sir.

7  
8 **MR. ROSENBRUCH:**

9 Good morning. I didn't think I was going to be speaking  
10 right out of the gate, but my comments are -- I have been a  
11 computer programmer analyst for 35 years. I retired from  
12 county DOIT two and a half years ago, and I can recommend  
13 retirement to everybody. But I have got to say this about  
14 my experience. I was with county DOIT for 15 years, and  
15 I'm also like a self-loathing government employee. I'm  
16 cynical about everything government, okay? But I never,  
17 ever was failed to be amazed by the hardworking people that  
18 I was working -- everybody really approached everything  
19 very professionally, worked hard, and from day one to my  
20 last day, I was always amazed at the graceful way that  
21 people handle pressure of the work.

22  
23 So to that point, I think with my 35 years of insight into  
24 -- the failure here is not with one individual. The  
25 failure really is with -- a symptom of the way I.T. is  
26 approached. I.T. should never be a single solo effort by  
27 one programmer: Did I get that right? Did I code this  
28 right or not? It would be better served as a collaborative  
29 effort, but government and industry can't really approach  
30 it that way because it piles on tremendous additional  
31 expense.

32  
33 I would just say this: The culprit here is the miscreant  
34 criminals that did this attack that continue to seem -- I  
35 could be mistaken, but I don't recall that I've heard  
36 anybody that has done an attack on this level having been  
37 identified, indicted, prosecuted, and convicted. The  
38 problem is there, and really international level law  
39 enforcement, why can't you -- how does one guy -- we're  
40 application programmers. We say okay, we need this in real  
41 property, and then to have to pile on having to also defend  
42 against this level of calamity is not something that really  
43 falls on an individual at the application level or even the  
44 systems level.

45  
46 So to that end, and I'll say this -- I am here to hear Mr.  
47 Schlusser's comments and -- but I would say this: In my  
48 35 years, I have worked for a lot of I.T. people, managers,  
49 and I have to say that Pete is probably one of the best  
50 I've ever worked for because of the engineering skills that  
51 he brings to the table for this, and he is -- I always  
52 consider him -- I always look at everything I did in my  
53 employment with the county as a taxpayer first, and I would  
54 say that having Pete on the payroll is really -- his  
55 skills, his talents, and his abilities are really a credit  
56 to the county and should be regarded as such. Thank you.

1  
2 **CHAIRMAN PICCIRILLO:**

3 Thank you very much for your time today. I want to thank  
4 everyone for being here.

5 At this time, I would like to call forward Mr. Peter  
6 Schlusser to the desk. You could have a seat, sir.

7  
8 Just some ground rules for today's hearing. The witness is  
9 going to be giving a five-minute opening statement, and  
10 then I'm going to turn it over to special counsel to take  
11 it from there.

12  
13 Mr. Schlusser, before you sit down, actually, I'm going to  
14 swear you in first, okay?

15  
16 Please raise your right hand. Do you swear or affirm that  
17 the testimony you are about to give to the this committee  
18 shall be the truth, the whole truth, and nothing but the  
19 truth, so help you God.

20  
21 **MR. SCHLUSSLER:**

22 I shall, sir.

23  
24 **CHAIRMAN PICCIRILLO:**

25 Thank you, sir. Mr. Clerk, please signify that the witness  
26 answered in the affirmative.

27  
28 **CLERK TASSONE:**

29 He did so, Mr. Chairman, in the affirmative.

30  
31 **CHAIRMAN PICCIRILLO:**

32 Thank you, sir. At this time, I turn it over for 25  
33 minutes to the Honorable Richard Donaghue. Mr. Donaghue.

34  
35 **HON. DONAGHUE:**

36 Thank you, Mr. Chairman. Mr. Schlusser, I know you  
37 prepared an opening statement. You have five minutes to  
38 present that.

39  
40 **MR. SCHLUSSLER:**

41 Thank you. I come here today without counsel, a subpoena,  
42 or scores of consultants. I'm here with truth, facts, and  
43 an unwaivering willingness to support to support the  
44 committee's investigation. I will start off by stating two  
45 facts. If a chief information security officer and a cyber  
46 attack remediation plan were in place, we would not be here  
47 today. If the existing county DOIT leadership acknowledged  
48 the numerous red flags in my repeated e-mail warnings and  
49 calls, we would not be here today. Without the fanfare of  
50 an orchestrated political theater, I have previously  
51 submitted to this committee my report outlining numerous  
52 and repeated failings of the DOIT leadership. This, in my  
53 opinion, will clearly demonstrate that the ransomware  
54 encryption attack unequivocally could and should have been  
55 prevented had appropriate actions been taken by the Suffolk  
56 County Department of Information Technology leadership and

1 my insistent warnings been heeded. These failings are  
2 indicative of what I call "technical elitism."  
3 Additionally, and for absolute clarity, the Suffolk County  
4 Clerk did not have any visibility or responsibility of any  
5 of the centrally controlled Suffolk County cyber security  
6 systems that are administered and monitored by DOIT.  
7

8 Since I was unceremoniously removed from my office on  
9 December 21 with absolutely no due process, I am somewhat  
10 hampered by the lack of access to my notes, e-mails, and  
11 supporting consensus of my staff, so it is important to  
12 recognize I prepared this report and will be answering your  
13 questions to the best of my recollection without the  
14 resources that are normally graciously afforded others.  
15

16 The ongoing personal maligning of my character by the  
17 county executive with mischaracterizations, confiscation of  
18 truth, is not only unprofessional but should be a chilling  
19 warning to all civil servants that this type of abhorrent  
20 behavior is allowed, then all employees will be subject to  
21 similar vilification. The tactic of character  
22 assassination can only lead one to include this is merely a  
23 means to use me as a scapegoat and deflect from the DOIT  
24 leadership failures and errors.  
25

26 I looked forward to the county executive reciting exactly  
27 what he stated on December 21 to the world under oath to  
28 this committee. I feel confident the committee will follow  
29 the facts and not the background noise generated by the  
30 county executive's public relations machine.  
31

32 There were at least 60 red flag malware notifications  
33 between February and Septemeber 8, 2022. These  
34 notifications were generated by the DOIT  
35 centrally-controlled cyber security monitoring systems  
36 including the Palo Alto Cortex endpoint protection. Yet  
37 after numerous e-mails by me, no solutions nor guidance was  
38 offered on why these red flag notifications were occurring  
39 with such frequency. I felt the urgency was on such a  
40 level that I had asked then County Clerk Pascale to  
41 personally contact the district attorney's office in an  
42 effort to motivate DOIT leadership into addressing our  
43 concerns as soon as possible. There was an FBI warning on  
44 June 21 of a possible ransomware attack, yet DOIT  
45 leadership did not offer guidance let alone demonstrate any  
46 involvement or strategy. No follow-up was ever received.  
47 The denial of the county clerk's request to purchase the  
48 Palo Alto departmental firewall by the DOIT commissioner on  
49 June 9 of 2022 that was already on the premises, having  
50 such in use certainly would have contained the malware  
51 propagation.  
52

53 As as a result of the denial, the firewall was sent back to  
54 Palo Alto, and the DOIT deputy commissioner, Ari McKenzie,  
55 subsequently stated the county clerk would be next in line  
56 with the implementation of an alternate firewall solution

1 after the district attorney. This never occurred.  
2

3 Throughout 2022, there were weekly cyber security meetings  
4 chaired by the DOIT commissioner, Scott Mastelon, for  
5 which, according to my designee, nothing was ever discussed  
6 nor identified of any urgency. Dell submitted a report on  
7 October 6, 2022, to the DOIT leadership that clearly  
8 indicated there were almost 700 malware variants in various  
9 highly sensitive areas of the county for years; yet how the  
10 malware penetrated the county's network is unknown.  
11

12 There were three separate severe events that occurred  
13 between August 22 and September 1 that in hindsight clearly  
14 indicated an active cyber attack. Had any one of these  
15 events been understood by DOIT leadership as a result of my  
16 repeated e-mails, the same conclusion would have been  
17 crystal clear. On September 7, I had sent an e-mail to Ari  
18 McKenzie, deputy commissioner, quote: "Asking status of my  
19 request to view the network traffic from the Palo Alto is a  
20 means to try to figure out what's going on. I can't  
21 emphasize this enough. This is extremely time sensitive."  
22 No response was received; 24 hours, the attack occurred.  
23

24 The ransomware encryption attack first occurred on the  
25 Suffolk County systems on September 8, 2022 not the County  
26 Clerk systems, which were not attacked until two hours  
27 later. Recognizing that an attack was occurring by myself,  
28 the county clerk disconnected all its systems from the  
29 outside networks at 11:14 a.m. I then personally notified  
30 DOIT leadership of the same; however, the same leadership  
31 did not disconnect its systems four to five hours later  
32 that day. I call this "technical PTSD." Thank you.  
33

34 **CHAIRMAN PICCIRILLO:**

35 Thank you, Mr. Schlussler. Now I recognize the Honorable  
36 Richard Donaghue.  
37

38 (Examination by the Honorable Richard Donaghue.)  
39

40 Q Thank you, Mr. Schlussler. Good morning, sir. You and  
41 I have met before, correct?

42 A Correct.

43 Q And, in fact, you agreed to be interviewed as part of  
44 the committee's investigation, correct?

45 A Yes, sir.

46 Q And in addition to subjecting yourself to the  
47 interviews, you also prepared a report of approximately 130  
48 pages that you submitted to the committee, correct?

49 A Yes, and it's actually 157 pages.

50 Q 157, thank you. So that report, you provided several  
51 months ago, right, sir?

52 A Correct.

53 Q So let me just step back and try to do an overview at  
54 this point. What is your current position?

55 A My current position is I'm the director of information  
56 technology at the county clerk's office.

1 Q You are currently suspended from that position?

2 A I am currently suspended as of December 21 on  
3 administrative leave with pay.

4 Q But you still hold that title and that position,  
5 correct?

6 A Correct.

7 Q Could you just give us, very basically, an explanation  
8 of your background and qualifications to hold that  
9 position?

10 A Certainly. I worked for a public utility called Long  
11 Island Lighting Company in 1982 to 2001 in various  
12 capacities but including working in the information  
13 technology space. In 2001, I was solicited for a position  
14 to work at the county clerk's office as an I.T. director  
15 based upon my experience with the Long Island Lighting  
16 Company. My experience goes back roughly 25 years in  
17 information technology, 40 years in public service, public  
18 utility, or, if you will, the government itself.

19  
20 My undergrad degree is in industrial technology, but I have  
21 an advanced programs certificate and I've been involved in  
22 technology on a working level with fingers to the keyboard  
23 up to the managerial level into the director level with  
24 over 25 years, and that would include quality assurance of  
25 I.T. systems, and that's an important aspect to understand  
26 because that required me to have a wide knowledge of all  
27 aspects of information technology where I can audit other  
28 organizations to understand where their shortcomings are in  
29 regards to processes and procedures.

30 Q Very good. Thank you. So you've been the I.T. director  
31 for the clerk's for more than 20 years?

32 A Correct.

33 Q And how did the team at the I.T. shop in the clerk's  
34 office change over those two decades?

35 A It grew tremendously. When I first arrived, there were  
36 only three folks on staff, very young folks at the time,  
37 and it increased to approximately a dozen individuals, and  
38 it included -- my responsibilities morphed from just not  
39 only supporting the county clerk but in addition to real  
40 property tax services and the comptroller. So initially, I  
41 was hired to handle all the aspects of the county clerk,  
42 but it expanded out significantly.

43 Q And are you familiar with the county I.T. staffs that  
44 operate in the different departments around the county?

45 A Yes, I am.

46 Q You are familiar with their staffing and their  
47 structure?

48 A Yes.

49 Q And just generally how is the -- what you call "DOIT,"  
50 that's Department of Information Technology, correct?

51 A Yes.

52 Q And approximately what's the size and what are the  
53 responsibilities of DOIT?

54 A DOIT, I believe, has well over 100 employees, if I'm  
55 not mistaken, and they are generally tasked with what I  
56 would call "infrastructure," responsibility

1 centrally-controlled infrastructure, that being defined as,  
2 let's say, e-mail such as systems at payroll and network  
3 and all aspects of cyber security so they typically would  
4 have what I call the non-process generated-type activities.  
5 It's the foundation to support the other ancillary areas.

6 Q And so the other departments around the county also  
7 have their own -- in most instances, have their own I.T.  
8 teams, correct?

9 A A lot do.

10 Q Such as the police department, for instance?

11 A The police department certainly has its own, and the  
12 legislature has a small piece of it, and they have all have  
13 various degrees of sizes of technical support, if you will,  
14 based upon what the process requires. In other words, the  
15 reason why you have this disparate type decentralized  
16 functional type I.T. organization is to support the  
17 uniqueness of those special areas. For instance, County  
18 Clerk supports the title community. DOIT wouldn't know  
19 anything about the title community, but since the subject  
20 matter experts are in that county clerk, you would have the  
21 technology there to support it. That would be the same  
22 with the police, the district attorney, so on and so forth.

23 Q So each department has their own mission and their own  
24 I.T needs as a result?

25 A Correct.

26 Q Is it fair to envision this sort of as a hub-and-spoke  
27 relationship with DOIT being the hub and these other I.T.  
28 departments being around in their own areas working to  
29 support their own teams and missions but closely with DOIT?

30 A Correct, with the foundation being the responsibility  
31 of DOIT.

32 Q And what was the relationship between DOIT and the  
33 clerk's office team that you led in the early 2020s?

34 A The working relationship was always phenomenal. It was  
35 very collaborative; in fact, there were no lines, so to  
36 speak. We crossed boundaries at all times because we  
37 recognize the fact of the matter, we all had the same  
38 mission is to keep the technology moving.

39 Q I'd like to ask you a little bit about security. We've  
40 all heard the term "firewalls." I think people generally  
41 have a notion of what a firewall is designed to do. Can  
42 you explain to us how the firewalls were architected within  
43 Suffolk County?

44 A Well, Suffolk County has a perimeter firewall, which  
45 encapsulates all departments, which basically all traffic  
46 leaving and coming to the county goes through this  
47 perimeter firewall. This perimeter firewall is maintained  
48 by DOIT. You would have from there departmental firewalls  
49 on the local level such as the district attorney, the  
50 police, the county clerk, so on and so forth to give you  
51 that additional control of if there's a cataclysmic event  
52 to prevent a blast radius that destroys everything, it  
53 would just encapsulate itself into one particular area.  
54 In theory, that's how it's supposed to be set up. It  
55 wasn't necessarily completely set up that way in the  
56 county. Each of the departments had firewalls, but they



1 weren't integrated with necessarily the perimeter firewall,  
2 which I, in my opinion -- I'm not a cyber security  
3 expert -- you have to have that integration of the  
4 perimeter firewall with your departmental firewalls to the  
5 desktops so that you have communication of what's going on  
6 at all levels so that you can make -- the machine could  
7 make an adequate determination if an attack or something  
8 abhorrent was happening, it would shut down these local  
9 areas. Now that's the perfected model; that's certainly  
10 not the model that was in place.

11 Q Understood, and we'll get into some more detail on the  
12 firewalls shortly. In addition to firewalls, are there  
13 also other components of a cyber security system that ought  
14 to be in place?

15 A Absolutely.

16 Q Such as what?

17 A You should have a thing called "Tenable." Tenable  
18 would run vulnerability reports on your system. You would  
19 have threat detection, which basically is endpoint  
20 detection, determining looking at the local desktop to  
21 ensure that there's no behavior that is outside the norm.  
22 You should have all the data collected from the firewalls  
23 and all the security logs from your servers. All that data  
24 should be placed in a data lake or a SIEM, as they would  
25 call it, so that that data can be analyzed with all these  
26 different servers and all these firewalls and all the  
27 endpoints in such a way you can apply some artificial  
28 intelligence, and that's high level, so I'll bring it down  
29 to apply some intelligence to connecting dots if something  
30 is going on.

31 You should have another thing called "Varonis," which  
32 actually looks at active directory which is your security  
33 for your entire network to ensure that accounts aren't  
34 getting created on a whim, privileges aren't escalated  
35 without a human being. So you should have that in place as  
36 well, and there's a lot of other little tools that you put  
37 in place, but the key takeaway here, security is just not a  
38 firewall alone. It's not having McAfee or Cortex on an  
39 endpoint alone. It's a basket of numerous tools that have  
40 to be understood.

41 Now, in addition to that, you should have what they call a  
42 "SOC," a security operation center, that are eyes on the  
43 glass, on the P.C. to look at all these systems 24/7.

44 Q Thank you. So you mentioned first, Tenable,  
45 T-E-N-A-B-L-E. Did the county have that back in 2022?

46 A Yes.

47 Q You mentioned Varonis, V-A-R-O-N-I-S. Did the county  
48 have that?

49 A Yes.

50 Q I believe you mentioned McAfee. That's McAfee  
51 Antivirus Software, right?

52 A Yes. I was using it as an example. We don't  
53 necessarily have that. We use Cortex.

54 Q So Cortex, can you explain to us what Cortex is?

55 A It is what McAfee is, but it's a flavor of Palo Alto  
56 and Cortex is an endpoint protection, if you will; an

1 endpoint being defined as a laptop, a P.C., or any device  
2 that's connected to the county network that Cortex --  
3 there's many flavors of it dependent upon what your  
4 purchase, but the key here is that you would have an  
5 ability to have any behavior on the local level with Cortex  
6 transmitted to this SIEM that I mentioned before, this data  
7 lake, that, in theory, would you give you some sense of  
8 what is going on within your network as a whole. It's a  
9 wholistic look at your network, and that works with  
10 firewalls as well.

11 Q And you mentioned the SIEM, that's S-I-E-M, and the  
12 acronym is Security Incident and Event Management, correct?

13 A That is correct.

14 Q Okay. So this is all part of a larger network of  
15 software and hardware that helps provide cyber security for  
16 the county or any large organization, correct?

17 A Correct.

18 Q Now Cortex that you mentioned, that is a Palo Alto  
19 product, right?

20 A Yes.

21 Q And that was widely deployed in the clerk's office in  
22 2021, correct?

23 A Correct.

24 Q And, in fact, it was widely deployed across the county  
25 in 2021?

26 A My understanding.

27 Q In a press conference on December 21, 2022, the county  
28 executive said, quote, "The county I.T. leadership had no  
29 eyes on and no ability to monitor the clerk environment,"  
30 close quote. In your view, is that statement correct?

31 A That's absolutely incorrect just by lending itself to  
32 to the fact that Cortex was in our environment which is  
33 managed by the Department of Information Technology.  
34 Tenable, those reports, are run -- or executed, if you  
35 will, by the Department of Information Technology, so they  
36 absolutely had access on that level, and I just want to  
37 point out one other aspect. They had full administrative  
38 enterprise access to our networks in September of 2021,  
39 which was subsequently truncated, if you will, for lack of  
40 a better term, in October of 2022 at DOIT's hands, so they  
41 had complete access to the full network unequivocally  
42 across the boards.

43 Q There's been a some public discussion of a cyber health  
44 checkup for the county that took place in 2019. Did the  
45 clerk's office participate in that program?

46 A I have no knowledge of that; in fact, the first time I  
47 ever heard of it was reading about it in Newsday.

48 Q And as part of that cyber health checkup, there was a  
49 tabletop exercise that also took place in 2019. Did the  
50 clerk's office participate in that?

51 A No, I'm not aware of that.

52 Q You mentioned Cortex. The Cortex system, I think you  
53 indicated, sits on end products such as laptops and  
54 desktops, correct?

55 A Correct.

56 Q And when Cortex finds something such as malware, what

1 does it do?  
2 A Several things. It reports back to the  
3 centrally-controlled, what they call, console that is  
4 managed by DOIT personnel. That console will give details  
5 of what that attack is. Now in addition to that, in  
6 parallel, it will send out a notification to me in my case,  
7 and it will do it to the leadership in the other areas as  
8 well, to indicate that there's some sort of malware or some  
9 sort of event that occurred on a particular device.  
10 There's a lot of technical, if you will, narrative after  
11 that that unless you're a cyber security individual --  
12 well-versed, I might say because it's very sophisticated  
13 these days, basically Greek. You really don't know what  
14 you're looking at. It says "attack," this time, and this  
15 machine, and that's it.  
16 Q And when you say it reports out, it sends you an actual  
17 e-mail, correct?  
18 A Yes. It sends out an e-mail to me and my staff, my  
19 technical staff.  
20 Q And those Cortex alert e-mails would go to you but they  
21 would also go directly to the security team at DOIT?  
22 A Absolutely.  
23 Q So you would receive that information, that report at  
24 the same time?  
25 A Correct.  
26 Q And in addition to detecting malware, Cortex is  
27 designed to also detect things such as suspicious activity?  
28 A Correct.  
29 Q And it issues a similar report, right?  
30 A Correct.  
31 Q Can you explain to us what the iron key folder was?  
32 A Iron key is a military grade hardware device that we  
33 would store passwords on. The purpose of using that  
34 particular device -- as I mentioned, it's military grade --  
35 it's encrypted, and it's encrypted in such a way that it's  
36 not readable, it's not human readable. So these iron keys,  
37 they were distributed to the staff so that we would share  
38 our passwords on those devices, and I might add that they  
39 are remotely controlled in such a way that we can destroy  
40 them if it is lost, and they're rendered useless after five  
41 attempts to try to get into the device itself, so it's a  
42 pretty secure device.  
43 Q So in any system, it is it is necessary to store  
44 credentials, passwords, and IDs in some location, correct?  
45 A Correct.  
46 Q And when you talk about this device, we're basically  
47 talking about a thumb drive, right?  
48 A Correct.  
49 Q And you can plug it in and unplug it?  
50 A Correct.  
51 Q And was that a security decision made at the clerk's  
52 office that that was on these encrypted devices a secure  
53 way to store those credentials?  
54 A Yes.  
55 Q You mentioned the FBI communications in June of 2022 --  
56 I believe it was June 21 -- there was an e-mail chain that

1 I know you've seen and the committee has seen. Do you know  
2 what, if anything, DOIT did following that communication  
3 with the FBI to determine whether there was actually a  
4 ransomware or malware attack being staged against the  
5 county?

6 A I never received any further communication other than  
7 put the DOIT team in touch with New York State.

8 Q I think you have heard there has been some speculation  
9 by the county executive and others about Bitcoin mining  
10 having somehow contributed to the cyber attack, correct?

11 A Yes.

12 Q Do you have any reason to believe that Bitcoin mining  
13 was related to the cyber attack?

14 A In no way shape or form is it.

15 Q I believe you said you were removed on December 21 of  
16 2022?

17 A Correct.

18 Q And you've been suspended since that time?

19 A Correct.

20 Q Have you been given any indication as to why you've  
21 been suspended?

22 A No.

23 Q All right. Thank you, sir.

24  
25 **MR. DONOGHUE:**

26 With that, I'm going to turn this back to the chairman so  
27 the members of the committee can ask questions.

28  
29 **CHAIRMAN PICCIRILLO:**

30 Thank you, Mr. Donoghue. The chair now recognizes  
31 Legislator Mazzarella.

32  
33 **LEG. MAZZARELLA:**

34 Thank you, Mr. Chairman.

35  
36 (Examination by Legislator Mazzarella)

37  
38 Q Good morning, Mr. Schlussler.

39 A Good morning.

40 Q Thank you for being here with us. On page five of your  
41 report, you say that DOIT has full, unequivocal, sole  
42 administrative centralized control of all Suffolk County  
43 cyber-related equipment. What did you mean by that?

44 A I have -- the cyber security systems that I had  
45 mentioned to Mr. Donoghue a moment ago, I have absolutely  
46 no insight to any consoles that would allow me to evaluate  
47 any cyber security incidents, any abnormal traffic, nor do  
48 I have any access to any of the behavior aspects. So the  
49 control is a hundred percent with DOIT.  
50 Now, I have asked on numerous occasions to have only  
51 read-only access to these type of systems in an effort to  
52 help with the analysis that was falling short. With my  
53 numerous e-mails that I was sending over to the DOIT team  
54 and the leadership, it quickly and apparently became  
55 crystal clear to me that the technology was beyond a human  
56 beings understanding on how to interpret what was going on.

1 The leadership did not seem to be engaged in any way,  
 2 shape, or form. The cyber security team were doing the  
 3 best they could with the tools that they had and the  
 4 training they didn't have so that I was just trying to  
 5 assist these folks in a mechanism in such a way that I can  
 6 help analyze; however, I was rebuffed on several occasions  
 7 on having access to the systems, in particular, two  
 8 examples: When I had asked to have our security data and  
 9 the county clerk's data coming from the servers put into  
 10 that SIEM that I was mentioning before, that data lake, so  
 11 they could be analyzed by the security operations center, I  
 12 was told no because I was told they didn't want to do that  
 13 because they didn't want to comingle our data. I asked  
 14 many times for access to the Cortex console, which  
 15 basically means it's just basically a screen that says,  
 16 "This attack occurred on this day and here is information  
 17 associated to it," so I can read it and bring it back the  
 18 team, say, Guys, this this is what it says, let's see what  
 19 we can do to help. I was rebuffed.  
 20 I had the access for one day, and then they said, No, no  
 21 good, and they shut it down. I had asked for access to the  
 22 Palo Alto firewall, and literally on September 7, I wrote  
 23 right to Ari McKenzie saying, I need access to this to  
 24 help. All I want to do is help. I didn't even get a  
 25 response back. So what I mean by "centrally controlled,"  
 26 that whole apparatus is 100 percent centrally controlled by  
 27 DOIT.

28 Q Thank you. On page six of your report, you wrote, "I  
 29 was also informed by the DOIT Deputy Commissioner Ari  
 30 McKenzie in June 2022 that the Suffolk County's Clerk's  
 31 Office Sonic firewall was a passthrough of the Suffolk  
 32 County's Palo Alto edge firewall. Being very alarmed to  
 33 hear such, I asked for how long or why was this the case  
 34 with the response from Ari. I do not know the reason or  
 35 when, which meant that there was no adequate Suffolk County  
 36 level protection at the Suffolk County Clerk's Office  
 37 network and was basically not protected at all." Please  
 38 explain why you were so concerned about this issue?

39 A What he was saying or inferring, because I never did  
 40 get a final answer, it's that perimeter firewall that I  
 41 spoke of earlier that's covering the whole county, he was  
 42 suggesting there was a hole poked through that perimeter  
 43 firewall that the county clerk was not protected with that  
 44 firewall, that the only firewall that was going to be  
 45 protecting the county clerk was this local firewall, the  
 46 SonicWall, and that that is going to be protecting  
 47 ourselves against the World Wide Web.  
 48 What I found very alarming honestly, one, misstatement,  
 49 but, two, is that in the same breath, you're saying it's a  
 50 passthrough. I don't know why or how. I certainly didn't  
 51 authorize it, Pete Schlusser, which makes no sense for  
 52 many reasons, but why wouldn't you know that at that point  
 53 in time recognizing the fact that we were looking for an  
 54 additional firewall, a Palo Alto firewall to replace the  
 55 SonicWall, why would you not treat the urgency immediately  
 56 that moment in time recognizing we had no protection?

1 Instead, he said, Well, okay, I see this happening. We'll  
2 do you right after we're finished with the district  
3 attorney as far as giving you an alternate solution for a  
4 firewall. And I go, Okay, I guess you're the guy in  
5 charge, you know what you're doing. Okay. But in  
6 hindsight, if that is true, it was a passthrough, an  
7 unauthorized passthrough, I can't emphasize that enough,  
8 for the life of me, I cannot understand why the urgency of  
9 having that Palo Alto firewall rejected by the commissioner  
10 at that time, why that wasn't put front and center as a  
11 priority. I don't know why that would have been the case  
12 other than, as I mentioned before, the lack of technical  
13 understanding by the leadership in DOIT because anybody  
14 that had any degree of understanding of the technology,  
15 especially cyber security -- and again, I am not a cyber  
16 security expert. I'm a functionality expert. I can build  
17 systems until the cows come home, but as far as cyber  
18 security, I'm not the guy. I wasn't hired to be that guy.  
19 Ari was supposed to be hired to be that guy, and he said  
20 that so I have to defer. So that's where my alarm went off  
21 saying there's something not good here.

22  
23 **HON. DONAGHUE:**

24 Mr. Schlussler, I appreciate the extensive explanation. We  
25 are a little bit limited on time today. I know you and I  
26 talked about the possibility of having to do another  
27 session so just to make it clear for the record, you are  
28 willing to return and answer additional questions.

29  
30 **MR. SCHLUSSLER:**

31 Absolutely.

32  
33 **HON. DONAGHUE:**

34 Thank you very much. We appreciate just if you could keep  
35 them as direct as possible just so all the legislators have  
36 an opportunity in the time we have. Thank you, sir.

37  
38 Q Also on page six of your report, you say that since you  
39 had taken three attempts to implement the Palo Alto edge  
40 firewall in 2019, 2020, it was my understanding with the  
41 success of that final attempt was based upon what was  
42 inferred to as the relaxing of the firewall rules for the  
43 Suffolk County as a whole with the assumption of  
44 reinstituting the relaxed rules at a later date. Who told  
45 you that there had been this relaxing of firewall rules?

46 A It was inferred. There were three attempts to put the  
47 firewall in place. First two times failed. The third  
48 time, it was a success, and it was inferred that the reason  
49 was that they had relaxed the rules to ensure that that  
50 firewall would be put in place. I would ask those  
51 questions specifically to the folks that implemented the  
52 firewall. I don't have first hand conversational knowledge  
53 of that, but that's what I had heard.

54 Q Do you know if the normal firewall rules were later  
55 reinstated?

56 A I do not.

1 Q Then the talk of relaxing, that concerned you?  
2 A Yes.  
3 Q Why?  
4 A Well, what that means is that the rules that were  
5 originally in place with the previous firewall being Cisco  
6 were no longer in place and that those doors are now open  
7 as opposed to closed.  
8 Q In an e-mail sent at 9:23 a.m., a member of the D0IT  
9 security team advised Brian Bartolomew that there were lots  
10 of people having problems opening their Outlook e-mail,  
11 right?  
12 A Correct.  
13  
14 **HON. DONAGHUE:** Just for reference, this is exhibit number  
15 one in your binder, Mr. Schlussler.  
16  
17 **MR. SCHLUSSLER:** Thank you.  
18  
19 **CHAIRMAN PICCIRILLO:** Yeah, we'll pull that up on the  
20 screen so everybody can see it.  
21  
22 Q And Mr. Bartholomew responded at 9:28 a.m.  
23  
24 **HON. DONAGHUE:**  
25 And again, sir, exhibit one if you start at the back of  
26 that e-mail chain.  
27  
28 **MR. SCHLUSSLER:**  
29 I'm looking for 9:28.  
30  
31 **HON. DONAGHUE:**  
32 It's the bottom of page two.  
33  
34 **MR. SCHLUSSLER:**  
35 Okay. Got it.  
36  
37 Q So if you could please read the highlighted portion of  
38 his response.  
39 A Okay. "I am advising them just to click "okay." We  
40 can investigate what is causing this alert after we are  
41 done with the M.E. I believe they can open Outlook since I  
42 am getting so many e-mails from all over the place."  
43 Q Then another member of the D0IT security team responded  
44 at 10:33, correct?  
45 A Correct.  
46 Q Please read that highlighted portion of his response.  
47 A "I got a Cortex alert as well from my own machine. It  
48 looks like this machine was a remote connection attempt."  
49 Q Same individual sent a follow up e-mail at 11:03,  
50 right?  
51 A Correct.  
52 Q Please read that highlighted portion.  
53 A "According to MITRE, it was an attempt to steal account  
54 names and passwords, attempted to extract credential  
55 material from the security account manager (SAM) database  
56 either through an in-memory technique or through the

1 windows registry where the (SAM) database is stored."

2 Q Then after some communications the next morning, a  
3 member of the clerk's office team asked to go over the Palo  
4 Alto logs, right?

5 A Correct.

6 Q And at 10:29 on August 23, a member of the DOIT team  
7 responded to that request, correct?

8 A Correct.

9 Q Please read the highlighted portion of that response.

10 A "Nick has already initiated contact yesterday with  
11 Cortex regarding this problem. He will contact me, you,  
12 and Brian when they reach out.

13 Q I'd like to ask you about an e-mail chain from  
14 September 7 -- this will be Exhibit number 2 -- the day  
15 before the ransom attack.

16 A Okay.

17 Q At 11:42 that morning, you sent an e-mail to Brian  
18 Bartholomew, correct?

19 A Correct.

20 Q Please read the highlighted portion of that e-mail.

21 A "Please offer status of me seeing the same traffic from  
22 Palo. I can't emphasize this is extremely time sensitive.  
23 We just received just another Cortex alert a couple hours  
24 ago, and I need the tools to diagnose. If access is not  
25 going to be given to me, please let me know so that I can  
26 take the appropriate next steps."

27 Q And Mr. Bartholomew responded at 11:59 a.m. Please  
28 read the highlighted portion of that e-mail.

29 A "We could do a Zoom meeting and get your people access  
30 to Cortex XDR console, firewalls, but because we cannot  
31 limit you just to seeing your traffic, then we cannot give  
32 you individual access. Take that up with management. Any  
33 one of the security group can access both consoles to let  
34 your team review whatever you want in your subnets.  
35 Thanks."

36 Q Then there's some discussion about setting up a Zoom  
37 call, right?

38 A Correct.

39 Q At 2:14 p.m. that day, you sent another e-mail to Mr.  
40 Bartholomew, correct?

41 A Correct.

42 Q Please read that e-mail into the record.

43 A "Brian, we need to deal with this ASAP. Third Cortex  
44 today with the last two being malicious."

45 Q Thank you, sir.

46  
47 **LEG. MAZZARELLA:**

48 That's it from me.

49  
50 **CHAIRMAN PICCIRILLO:**

51 Thank you, Legislator Mazzarella.

52 The chair now recognizes the presiding officer, Legislator  
53 Kevin McCaffrey.

54  
55 **P.O. MCCAFFREY:** I'm not in my usual seat.  
56



(Examination by Presiding Officer McCaffrey.)

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Q Mr. Schlusser, how are you today?  
A Very well. Thank you.  
Q Okay. Let's talk a little bit about the firewalls that was brought up before. You indicated that part of the county's protection against the attack, such as the one we sustained on September 8, 2022, is the firewall system; is that correct?  
A Correct.  
Q And what was the firewall that surrounded the clerk's office environment in September 2022?  
A SonicWall.  
Q And what was the firewall that surrounded the entire county environment in September 8, 2022?  
A Palo Alto.  
Q And do you know how many attempts it took to get the countywide firewall up and running?  
A Three.  
Q And do you know why it took three attempts to get that working?  
A They were having difficulty -- what I understand it to be, there are numerous firewall rules, up to a hundred thousand, perhaps, that the translation of the existing firewall at the time, Cisco, those hundred thousand rules, the translation into Palo Alto's rules was a challenge.  
Q Okay. What was the condition of your SonicWall firewall in September of 2022?  
A End of life.  
Q Okay. And when did we -- I'm just going to ask an aside question. It says, was DOIT aware that the SonicWall had reached its end of life in 2022?  
A Yes.  
Q Okay. And had you set up some alarms along the way to say that -- as this was approaching. It wasn't all of a sudden we looked at the expiration date and said September '22 is the date. When did we know it was reaching its end of life?  
A At the time in 2019, and then unfortunately Covid hit, and then right in 2021, we started getting active with funding and then early in 2022, Judy Pascale made it a priority to have cyber security be the paramount goal and objective, and that's when we pushed forward for the new firewall.  
Q So from '19, when we knew it was going to be end of life, it seems as though we went three years until we hit the critical portion of September '22 to say, hey, we have a problem?  
A Well, it was less than that, but yes, two years.  
Q Okay. What was being done to replace the firewall?  
A Excuse me?  
Q What was being done to replace the firewall?  
A The goal was to purchase a Palo Alto replacement, a departmental firewall so it could integrate with the rest of the Palo Altos, and we secured a proof of concept Palo Alto device and put it onsite in early 2022.

1 Q What is the difference between a physical firewall and  
2 a virtual firewall?

3 A Quite simply put, the physical firewall would allow me,  
4 our organization to view logs, the information that's going  
5 through the firewall. The virtual firewall would not offer  
6 that benefit. It would be lock boxed to the DOIT side  
7 again.

8 Q Why did DOIT not want you to have such a firewall?

9 A They felt that the virtual firewall was more than  
10 sufficient, and they didn't see any cause for me to view  
11 any traffic.

12 Q Let me ask you about the e-mail chain that begins on  
13 June 9, 2022, and it's exhibit three. I think -- can we  
14 pull that up or if you have that, Mr. Schlusser?

15  
16 **HON. DONAGHUE:**

17 Again, reading from the back of the exhibit forward.

18  
19 **MR. SCHLUSSLER:** Thank you.

20  
21 A What time?

22 Q Okay. It's in a June 9, 2022, e-mail. DOIT  
23 Commissioner Scott Mastelon tells the clerk, the  
24 comptroller, and you about certain decisions made by the  
25 I.T. steering committee. You responded on June 10, 2022,  
26 at 8:37 a.m. What was the response about the Palo Alto  
27 firewalls?

28 A I'm sorry. Did you say June 22?

29 Q I'm sorry. June 10, 2022, at 8:37 a.m.?

30 A Let me just make sure I have the right one right here.  
31 8:37. I just wrote "Palo Alto firewalls?" with a question  
32 mark.

33 Q What was Scott Mastelon -- he responded to you at 10:01  
34 a.m. What was his response to your question?

35 A "To clarify, the committee had voted not to approve the  
36 Palo Alto firewalls identified in the Suffolk County's  
37 Working/ Steering Committee Questionnaire submitted with  
38 the title CLK and Computer VXRAIL combined project purch,  
39 EMC VMWARE and Palo Alto Equipment. The NSX licensing was  
40 approved."

41 Q Okay. At 2:52 p.m. the same day, Clerk Judy Pascale  
42 then responded?

43 A Correct.

44 Q Could you read into the record the highlighted portions  
45 of her response?

46 A "The good news is millions of Suffolk records are  
47 online. The bad news is millions of Suffolk records are  
48 online. The county clerk's system house all land records  
49 dating back to 1650 and support over 100 remote and  
50 industry users 24/7. As one of the largest revenue  
51 producers in Suffolk County, this office has transacted  
52 over \$1.2 billion in municipal user fees over the course of  
53 the last two years alone. In 2021, the Suffolk County  
54 clerk remitted 19.8 million to the Suffolk County General  
55 Fund. With this in mind, I am somewhat taken back by the  
56 statement we have not demonstrated an appropriate

1 justification to support this purchase referring to our  
2 request for the VXRAIL Environment and implementation  
3 support as well as the county clerk's carbon black/NSX  
4 firewalls. This is particularly concerning since I am  
5 aware that Palo Alto is in place for other municipalities  
6 and has been recommended as a best industry practice to  
7 mitigate potential cyber threats to our system. Unlike  
8 other departments in Suffolk County, this office has a  
9 broader user base and is frequented by thousands of outside  
10 users around the clock. Moreover, Suffolk's real estate  
11 industries directly tied to my office and any outages or  
12 disruptions will have a tremendous negative impact on the  
13 sale or purchase of homes in Suffolk County.

14 "In addition, the carbon black server endpoint protection  
15 software is critically needed as an additional layer of  
16 protection as the hardware level to prevent catastrophic  
17 damage could a cyber attack occur.

18 "As an elected official, I have the fiduciary  
19 responsibility to protect the public records of the  
20 constituency I've been sworn to represent. Cyber crime is  
21 consistent, ongoing, real threat. I'm sure you know that,  
22 should such an attack occur against county clerk's systems,  
23 the residual consequences will be devastating and, perhaps,  
24 beyond repair.

25 "I respectfully request that additional consideration be  
26 made to my request for the implementation of the best  
27 safeguards currently available on the market to maximally  
28 protect the county clerk's systems against all potential  
29 imminent threats."

30 Q And Commissioner Mastelon responded at 5:35 that same  
31 day, correct?

32 A Correct.

33 Q And could you read into the record the highlighted  
34 portion of his response?

35 A "Thank you for your e-mail. I would like to clarify  
36 that the county recently has Palo Alto technology in place,  
37 and the clerk is able to leverage that technology to  
38 support your security needs without having to purchase the  
39 additional components outlined in your request.  
40 Appropriate justification was not provided as why clerk is  
41 not able to leverage these existing security technologies.

42 Q And finally on June 13, 2022, at 9:21 a.m., you  
43 responded to just the clerk and Comptroller and other  
44 people in their organizations, correct?

45 A Correct.

46 Q And can you please read your entire response into that  
47 record?

48 A "For absolute technical clarity in regards to the Palo  
49 Alto Firewall: Suffolk County has one main fiscal Palo  
50 Alto firewall hardware that protects the county as a whole,  
51 which may be software zoned and extended to individual  
52 departments to work as a lightweight departmental firewall;  
53 however, this is not best practice, which is to augment  
54 the existing Suffolk County Palo Alto firewall with a  
55 separate departmental Palo Alto firewall for critical  
56 departments. This is a best practice as stated by Palo

1 Alto, which I agree with. New York City, Nassau, Suffolk  
2 County Police Department have this very same  
3 infrastructure. Suffolk County does not have cyber  
4 insurance; hence, an independent analysis of what the  
5 appropriate infrastructure for Suffolk County has not been  
6 performed, which also led to the decision to purchase the  
7 departmental firewalls as best practice. There are Suffolk  
8 County cyber security intrusion reports, which have not  
9 been made available by DOIT which elevates the risk of the  
10 unknown.

11 Q Let me kind of -- as someone who is not a technical  
12 expertise as you but somewhat familiar with the  
13 operation -- so we had a Palo Alto firewall that was for  
14 the whole county, and then additionally, there was Palo  
15 Alto firewalls that could be configured for each one of the  
16 departments. Now in your response, you are saying that  
17 that is not sufficient for you.

18 A What I'm suggesting is that I want to get Palo Alto  
19 hardware firewalls as opposed to a virtual firewall. The  
20 virtual firewall would not allow me to look at the log in  
21 and the security traffic. The physical device would allow  
22 me that visibility. That's the long and short of the  
23 difference.

24 Q Are you aware that other departments were using the  
25 virtual additional Palo Alto firewall?

26 A I was made aware of it after this e-mail, correct.

27 Q So the district attorney was using the same technology  
28 -- today, they're using the Palo Alto firewall, the virtual  
29 firewall in the district attorney's office, which you say  
30 is not sufficient for the clerk's office?

31 A The only reason why it was -- it is a sufficient  
32 technology other than the fact that I felt it was technical  
33 deficiency on the DOIT leadership to understand what they  
34 were looking at, I was just offering another pair of eyes  
35 to look at traffic to help where I felt it was a technical  
36 gap of understanding; that's the only reason.

37 Q I just want to make something clear for the record.  
38 The district attorney then and now has that Palo Alto  
39 virtual firewall in place, which I have to think has got  
40 more sensitive information on their system than the clerk's  
41 office would, and it is sufficient for them then -- it was  
42 sufficient for them then, it is sufficient for them now but  
43 you rejected that?

44 A I didn't reject it. I accepted it.

45 Q No, you -- I thought in here that you said that you  
46 needed that physical firewall and I believe that's what you  
47 said.

48 A I requested that, but after the fact, recognizing it  
49 wasn't getting approved, let's go virtual, and that's why I  
50 sent the physical device back, and then Ari had indicated  
51 to me, McKenzie, that after the DA's implementation, Pete,  
52 you're next. I go, fine, do it.

53 Q Okay. I just want to point out there was a three-year  
54 gap between your end of life and it wasn't until we got at  
55 the end of the life that we had this sense of urgency to  
56 get this done?

1 A No. We had the sense of urgency before that. We had  
2 to get the funding in place to purchase the firewalls.

3 Q My understanding is --

4  
5 P.O. MCCAFFREY: And, Mr. Chairman, I'm sorry for just  
6 asking -- I just want to clarify something.

7  
8 CHAIRMAN PICCIRILLO:

9 The floor is yours, Mr. Presiding Officer.

10  
11 P.O. MCCAFFREY: Thank you.

12  
13 Q My understanding was that the county had purchased this  
14 license and all -- they could simply put you onto that  
15 existing license but that you wanted a separate Palo Alto  
16 license for your firewall?

17 A It was my understanding that they did not have the  
18 funding to put the virtual firewall in place for the county  
19 clerk. It wasn't there. They had the desire, but they  
20 didn't have the means to DOIT.

21 Q I just may disagree with you. We talked about a VXRAIL  
22 which is something that helps with cyber security, correct?

23 A VXRAIL helps in cyber security in what regard?

24 Q Well, my understanding is the VXRAIL connects a lot of  
25 different servers and it gives out the ability to easily  
26 control any intrusions or the connectivity to it makes it a  
27 better way to protect our cyber infrastructure, our I.T.  
28 infrastructure.

29 A I'm not clear on that, to be honest with you.

30 Q Okay. What does a VXRAIL do?

31 A A VXRAIL is a server base that is what they would call  
32 hyper converged, which basically places your server  
33 environment with your storage and your networking into a  
34 single platform. So it makes it from a hardware  
35 perspective a lot more efficient as opposed to having a  
36 separate server, separate network, and separate storage  
37 where you have connectivity between them, and the  
38 communication will be sideways sometimes, so it makes it  
39 difficult to manage. A VXRAIL brings that all together and  
40 allows you to administratively manage your server bases a  
41 lot easier.

42 Q Are there benefits in terms of cyber security by having  
43 that connectivity to a VXRAIL?

44 A I'm not clear. I mean, other than the fact that our  
45 existing -- if this is what we're referring to -- our  
46 existing hardware was end of life, and we're trying to  
47 replace it with newer equipment. You always want newer  
48 equipment, so if that's the question, certainly you always  
49 want the latest equipment but --

50 Q No, I'm just asking is there any cyber security  
51 benefits to having your servers connected to a VXRAIL?

52 A I can't answer that question.

53 Q You don't know?

54 A I wouldn't say yes or no to that, to be honest with  
55 you.

56 Q Okay. And just one other question is -- in your

1 statement, you say that DOIT had complete administrative  
2 access to the clerk's system?

3 A In September 2021, the administrators were given access  
4 to our systems unequivocally and if they --

5 Q Okay. Thank you.

6  
7 **P.O. MCCAFFREY:** Thank you, Mr. Chairman.

8  
9 **CHAIRMAN PICCIRILLO:** Thank you, Mr. Presiding Officer.  
10 The chair now recognizes Legislator Trotta.

11  
12 (Examination by Legislator Trotta)

13  
14 Q You mentioned the Cortex alerts. You know, leading up  
15 to the September 8 attack, how often were you seeing those  
16 alerts?

17 A I saw over 60 of them.

18 Q Now was that in the weeks leading up to that? Did it  
19 increase in severity?

20 A It increased in severity the previous two weeks prior  
21 to the attack, absolutely. They were ongoing since  
22 February of 2022. In particular in February, one  
23 particular day, there were 16 of them.

24 Q Okay. So what was being done about the increase of  
25 severity of those attacks?

26 A That was the challenge: Nothing.

27 Q Were you ever told that the Department of I.T. was  
28 redirecting those to a slack channel and that you probably  
29 wouldn't see them anymore?

30 A I'm not aware of that, no.

31 Q Were those Cortex alerts also being seen by the  
32 Department of Information Technology, DOIT?

33 A I would assume as much because it's their system.

34 Q Okay. So back on December 21 of 2020 when the county  
35 executive said the county I.T. leadership had no eyes and  
36 ability to monitor the clerk in the I.T. environment, that  
37 would either be a lie or he didn't know what he was talking  
38 about. Either way, he was be incompetent or lying; is that  
39 correct?

40 A Well, yeah. I can't infer either, but at the end of  
41 the day, it's his systems.

42 Q Well, if you you said they were increasing by September  
43 8 and you said they were increasing with severity and that  
44 it's your testimony that they are also getting those?

45 A Yes.

46 Q Okay. Thank you very much.

47  
48 **CHAIRMAN PICCIRILLO:**

49 Thank you, Legislator Trotta. The chair recognizes  
50 himself.

51  
52 (Examination by Legislator Piccirillo)

53  
54 Q Good morning, Mr. Schlussler. Thank you for being with  
55 us today. I appreciate your willingness to testify in  
56 front of this committee. Let's move to the day of attack

1 and then the subsequent remediation. On the day of the  
2 ransomware attack, September 8, 2022, what did you and your  
3 team do once you realized that the attack was underway?  
4 A In sum and substance, we disconnected the systems from  
5 all outside network at 11:14 a.m.  
6 Q Anything else?  
7 A Well, there was a whole -- I have a whole log of what  
8 happened that day. If you wish, I can go through.  
9 Q That's okay. I think we can -- you can give that to us  
10 and we'll go through that.  
11 A Okay. It's on page 32 of my report.  
12 Q Yeah, your report was thorough. Thank you. Let's just  
13 keep going. Do you know what DOIT did that day?  
14 A DOIT did not disconnect their systems until four to  
15 five hours later after 11:14. I had spoken to leadership  
16 --  
17 Q Who did you speak to directly?  
18 A Scott Mastelon, Ari McKenzie, Vin Cordiale, Chris  
19 Rizopoulos, John Kennedy. I spoke to a whole load of  
20 people to recognize that something was going on. I  
21 couldn't pinpoint exactly at that point, but at 11:14, we  
22 knew it was real.  
23 Q After the attack, just as after any cyber attack,  
24 there's a remediation process; is that correct?  
25 A Correct.  
26 Q How did that remediation process work in this instance?  
27 A The remediation process worked where I contacted a firm  
28 named Tracepoint to secure their services to analyze  
29 exactly what was happening. Had a meeting with them,  
30 obviously a virtual meeting with them on the phone, at 3:30  
31 that afternoon to discuss what this attack was. They had  
32 identified it as being the ALPHV/BlackCat immediately. I  
33 forwarded that information over to Ari immediately at that  
34 point as well, invited him to come to that telephone  
35 conference to discuss their observations, Tracepoint.  
36 Tracepoint went through the whole litany of details on what  
37 it was, what it did, and what should be the next steps. I  
38 asked them to forward contracts over to our attorneys on  
39 staff at which point they signed off on them on September  
40 9.  
41 We had the Tracepoint team onsite literally that next day,  
42 and they were part of the remediation. They were parallel  
43 working to a team called "Apollo" that the county had  
44 before they let them go to hire Palo Alto. So Apollo was  
45 on the county side, Tracepoint was on the county clerk's  
46 side, county comptroller, and then parallel, they work  
47 together.  
48 Q Staying on the vendors, do you know what vendors were  
49 brought in to help the county with its remediation efforts?  
50 A Apollo, Presidio were two that come to mind, and Dell I  
51 believe.  
52 Q Would Palo Alto Unit 42 and Phoenix 24 also be vendors  
53 that were brought in?  
54 A They weren't brought in at that time. They weren't  
55 brought in until several weeks later.  
56 Q Several weeks later. So the vendors who were brought

1 in to help with the remediation were from the same company  
2 that was supposed to be providing security against such an  
3 attack?

4 A Correct.

5 Q Did that make sense to you?

6 A Not at all.

7 Q Why not?

8 A Well, you're basically auditing yourself. I recognize  
9 that the exploit was at such a level it got through the  
10 firewall in such a way that these notifications were  
11 throwing up red flags all over the place, yet nothing was  
12 being done. So why would I expect that same apparatus of  
13 the team that produced it have the ability to evenhandedly  
14 audit the same? Didn't make sense to me.  
15 I felt honestly comfortable at the point where they -- the  
16 county had hired Presidio/ Apollo because Presidio sort of  
17 knew our network. You know, I didn't know Apollo from a  
18 hole in the wall but recognizing that they were the cyber  
19 security arm, I thought that was a good complement to what  
20 Tracepoint was, so I thought that might work out, but it  
21 appeared it was way beyond Apollo's ability to manage and  
22 certainly beyond Palo Alto's as well, but it seemed to make  
23 sense at that time.

24 Q Thank you. During the remediation period, did you  
25 refuse to grant access to the clerk's office environment to  
26 anyone?

27 A Absolutely not.

28 Q Thank you.

29  
30 CHAIRMAN PICCIRILLO: I'll reserve the balance of my time.  
31 The chair now recognizes the minority leader, Legislator  
32 Richberg.

33  
34 LEG. RICHBERG: Thank you, Mr. Chair.

35  
36 (Examination by Legislator Richberg)

37  
38 Q Good morning, Mr. Schlussler.

39 A Good morning.

40 Q It's still morning, right?

41 A I think it is.

42 Q I have some questions for you about the Palo Alto  
43 report. Have you had the opportunity to read both versions  
44 of the Palo Alto report, the December 20 and April 3  
45 reports?

46 Q I've read the initial three-page report from December  
47 20. The other report, no, I have not. It was too far  
48 redacted so somewhat incoherent to me. I did not have an  
49 opportunity.

50 Q Okay. In those reports, amongst some other things that  
51 are brought up, they talk about something called Log4j and  
52 some problems associated with that; is that correct?

53 A Yes.

54 Q Well, in the first report because you can't really  
55 speak to the second?

56 A Correct.



1 Q Okay. And the clerk's office was notified about the  
2 Log4j vulnerability?  
3 A Perhaps. I don't have access to my e-mail, so I can't  
4 definitively say that, but yes, we were working on the  
5 Log4j.  
6 Q So generally for those folks who are not I.T. specific  
7 -- you know, some of us think it's rings of fire -- can you  
8 explain to us what Log4j is?  
9 A Log4j is a vulnerability to web-based systems that use  
10 this common component called -- it's produced by a  
11 foundation Apache, and it's a software component of these  
12 web-based applications. It's an exploit. Approximately 66  
13 percent of the earth's web-based applications use this.  
14 It's found throughout the county as well including the CGI  
15 IFMS ecosystem, financial ecosystem in addition to VM  
16 Horizon. It's found there as well plus many other areas.  
17 Q So this is something that goes from department to  
18 department, these Log4j. This vulnerability is not just in  
19 one section, it's in multiple sections?  
20 A It could be in many systems across many areas.  
21 Q Did you do any research on the Log4j on your own?  
22 A No, not really because it's a cyber security aspect.  
23 We were fixing it as we went along. It's beyond my  
24 capabilities, as I mentioned earlier. I'm not a cyber  
25 security expert.  
26 Q So who is responsible for remediating the Log4j?  
27 A The technical team that worked for me.  
28 Q Okay. So your technical team?  
29 A Yes, and I did -- in addition to that, we had a VMware,  
30 what they call TAM, that we retained.  
31 Q What's a TAM?  
32 A Technical account manager, and that person we had hired  
33 in September 2021 that would meet with us on a weekly basis  
34 to guide us in all things in regards to VMware to ensure  
35 that everything was where it needed to be. So between our  
36 TAM, VMware TAM, and my technical team, they were  
37 responsible for all the upgrades.  
38 Q So your team was responsible in your office to  
39 remediate the Log4j, but you said you didn't do any  
40 research on the Log4j?  
41 A Not per se. I knew about it. I didn't go down into  
42 the weeds, so to speak.  
43 Q So what steps were taken in the clerk's office  
44 environment to address that?  
45 A To basically patch any necessary systems that had that  
46 exploitation.  
47 Q And so you haven't did any research, posted any  
48 information in reference to Log4j?  
49 A I did not do any research? I'm sorry.  
50 Q You said you haven't done any research. Just to  
51 reiterate, you haven't posted anything on social media or  
52 e-mails or anything in reference to Log4j?  
53 A I'm sure I have. I'm positive I have. I just don't  
54 know why.  
55 Q Okay. And so do you know whether during the process of  
56 recovering from the September 8, 2022 attack, it was

1 discovered that Log4j problem was still widespread across  
2 the county even though it was supposedly remediated?

3 A What date was that? I'm sorry.

4 Q September 8, 2022.

5 A Oh. Yeah. I had an e-mail -- I think it was dated in  
6 July -- from VMware from the TAM that indicated that  
7 everything was in compliance of 2022.

8 Q Okay.

9 A And that's actually part of the report.

10 Q It's part of your report?

11 A Yeah, you'll see it in there.

12 Q Okay. So I just want to double check: Your team was  
13 responsible for the Log4j remediation. You did have a TAM  
14 set of folks who were helping out in the background, and  
15 you might have done research but you're not sure?

16 A Yeah. Research is far reaching to me; known about it,  
17 yes, absolutely.

18 Q Okay.

19

20 **LEG. RICHBERG:**

21 Thank you very much, Mr. Chair.

22

23 **CHAIRMAN PICCIRILLO:**

24 Thank you, Mr. Minority Leader. The chair recognizes the  
25 Presiding Officer for some follow-up questions.

26

27 (Examination by Presiding Officer McCaffrey.)

28

29 Q Thank you. Mr. Schlussler, over here. I just want to  
30 follow up this Log4j vulnerability. So I understand  
31 sometime in December of 2021, U.S. Homeland Security sent  
32 out a notice to everybody warning about this Log4j  
33 vulnerability, and, in fact, it was referred to by the  
34 minority leader, I think you were aware of this Log4j  
35 vulnerability and actually had made comments on social  
36 media about "everyone beware of Log4j vulnerability, if  
37 you don't take care of this, you're going to have  
38 problems."

39 A Okay.

40 Q Other than hiring this TAM -- and I understand there  
41 was a patch that was put out almost right away to say you  
42 need to patch this software to make sure this Log4j  
43 vulnerability is taken care of. Tell me what happened,  
44 what the clerk's office did. Now because maybe I'm  
45 mistaken but the DOIT is saying that you -- it's almost a  
46 separate environment, that you were responsible for  
47 upgrades -- security upgrades to your system. What did you  
48 and or your team do and when did you do it to address the  
49 urgent issue of this Log4j which you have -- that you have  
50 acknowledged was out there? What did you do and when did  
51 you do it?

52 A We put in place any actions that were required to  
53 upgrade and patch any Log4j vulnerability.

54 Q So there was a patch put out right after this  
55 vulnerability was announced. When did you put the patch on  
56 that?

1 A I can't speak to that directly, be honest with you. I  
2 would have to speak to the TAM and the technical team, and  
3 since I don't have any access to any of my e-mails or  
4 notes, I don't know.

5 Q Well, you're saying on social media "you need to take  
6 care of this Log4 vulnerability;" you remember doing that,  
7 right?

8 A No, not really but okay.

9 Q Okay. Well, I don't have it in front of me, but this  
10 is what I'm told is that if I look somewhere, I can find  
11 it.

12 A I'm sure.

13 Q But you can't remember when you said this is urgent,  
14 this is sent out by Homeland Security, you need to fix  
15 this, but you can't remember as the person -- you oversaw  
16 the I.T. infrastructure at the clerk's office, correct?

17 A Sure, yes, correct.

18 Q But you don't remember one of the most important  
19 threats to the cyber security there, you can't remember  
20 what you did or when you did that?

21 A Well, again, I just want to state one thing clearly.  
22 I'm not a cyber security expert, number one; number two, it  
23 absolutely was being remediated sometime in that period of  
24 time being shortly thereafter.

25 Q What is "shortly thereafter?"

26 A Months.

27 Q Months?

28 A Yeah.

29 Q Did you think that that was sufficient to wait several  
30 months when you got an urgent message from --

31 A I wasn't told otherwise. Keep in mind, Mr. McCaffrey,  
32 that we had weekly cyber security meetings with with the  
33 commissioner that would run Tenable reports, that would  
34 identify all the vulnerabilities, and part of those  
35 meetings, the whole point of it was to identify anything  
36 that would urgently need to be remediated, anything that  
37 needed to be done at that point in time.

38 Q So it wasn't brought to your attention that you needed  
39 to remediate this Log4j vulnerability?

40 A Not during those meetings. Not during those weekly  
41 meetings, absolutely not.

42 Q So you were never informed by county D0IT that you  
43 needed to address the issue of the Log4j vulnerability?

44 A No, not at all. No, let me correct that. Not at all  
45 am I saying that. Absolutely, I was absolutely told.

46 Q Then why did you wait several months, and we're  
47 speculating several months because you can't give me a date  
48 -- why did you wait so long to address -- as we're sitting  
49 here right now, do you know when you patched that system?

50 A I would say somewhere in early-mid 2022.

51 Q Why -- if you even addressed it on social media that it  
52 was a vulnerability, why did you wait so long?

53 A I'm not sure what the social media has anything to do  
54 with this, but that's fine.

55 Q Well, I'm just saying that you acknowledged that it's a  
56 problem.

1 A It is a problem. It is a problem from the standpoint  
2 of being told it's a problem.

3 Q But it appears you alerted everybody else but not your  
4 own team to download the patch and fix the problem.

5 A Well, my team was dealing it with every day, every  
6 week, every month, and it's a highly technical process and  
7 it's not easily remediated. Now keep in mind, as I had  
8 mentioned, we had the best in breed VMware technical  
9 account manager working with us, so it wasn't like it was  
10 being ignored, or it wasn't like we weren't working on it.  
11 Every week, we were meeting with this gentleman from VMware  
12 to guide us.

13 Q Help me through this for a minute just so -- there is a  
14 patch, right? They said there's a vulnerability, you need  
15 to put this patch in place. Does it take several months to  
16 put that patch in place?

17 A Depends on the complexity of the system. We have  
18 highly, highly complex systems. Keep in mind, this patch  
19 was for a system for remote access for the title  
20 communities. There was a tremendous amount of demand on  
21 those systems that made it very, very difficult to upgrade.  
22 It's not just hit a button, it's upgraded, it's patched,  
23 and everything is done. It's not that simple.

24 Q So you can't tell me when you put this patch on and  
25 what was involved in it?

26 A Well, it was a patch, patches. I would suggest, as I  
27 mentioned before, in 2022, somewhere in mid-2022 maximum,  
28 probably early, somewhere in there.

29 Q When you did -- you mentioned the Tracepoint report and  
30 that was one that you felt confident because you say that  
31 there is no conflict of interest, and what did that  
32 Tracepoint report say about what the vulnerability was and  
33 how they believe that the breach happened? Was it a Log4j  
34 vulnerability?

35 A Yes.

36 Q Okay. And when did they say they accessed your system?

37 A I believe it was December of 2021.

38 Q Okay. And you waited until several months later to  
39 address the issue of that vulnerability, which you,  
40 yourself, had acknowledged in December?

41 A I had no idea the system was compromised in December  
42 2021 until the report came out in 2022.

43 Q Were you aware that if you didn't patch this and take  
44 immediate action that your system would be vulnerable?

45 A No, because the Palo Alto firewall had in place, in my  
46 understanding, to protect against the Log4j as advertised  
47 on their websites.

48 Q You were aware that Homeland Security said that there's  
49 a vulnerability in this software, that the patches needed  
50 to fix this. No firewall in the world is going to protect  
51 you with that vulnerability. Were you aware of that?

52 A Yes.

53 Q And you took several months to address that and your  
54 own report said that the reason for the breach was the  
55 Log4j vulnerability that wasn't addressed until several  
56 months later?

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A Yes.  
Q Very good.

**P.O. MCCAFFREY:** Thank you, Mr. Chair.

**HON. DONAGHUE:**  
Mr. Chairman, may I ask just two or three follow-ups?

**CHAIRMAN PICCIRILLO:** The chair recognizes Mr. Donaghue.

**HON. DONAGHUE:** Thank you.

(Examination by the Honorable Richard Donaghue.)

Q Sir, just for clarification so that those of us who are not living the technical jargon every day can get a better understanding of this. You mentioned Tenable. Tenable is a software that goes across environments, scans, and looks for problems, right?

A Correct.

Q And was Tenable being used to detect Log4j vulnerabilities across your environment?

A Correct.

Q Who was running the Tenable scans?

A DOIT.

Q You didn't run those Tenable scans yourself?

A I did not.

Q Was it your understanding that DOIT was running those Tenable scans across the county?

A Correct.

Q And in terms of the patches, did your team deploy them when they received them from the manufacturer Apache?

A To the best of my understanding, correct.

Q Do you know after the cyber breach whether there was a finding that Log4j remediation across the county was deficient?

A Please restate that. I'm sorry.

Q Do you know if reviews after the cyber breach revealed that Log4j remediations across the county were deficient?

A Yes.

Q Thank you.

**CHAIRMAN PICCIRILLO:**  
Thank you, Mr. Donaghue. The chair recognizes the minority leader.

**LEG. RICHBERG:** Thank you, Mr. Chair. I just have a quick question. Maybe it's not quick. I apologize.

(Examination by Leg. Richberg.)

Q So, Mr. Schlussler, you have worked for the county for 20 years; am I correct.

A Correct.

Q And so at any point in this conversation about firewalls, what was needed for the clerk's office or the

1 comptroller's office, what you were getting from DOIT or  
2 anyone else, was it ever brought up to reach out to the  
3 legislature, to the government operations folks, individual  
4 legislators, presiding officer, anyone, to say, Hey, look,  
5 we really need this work?

6 A We need the work?

7 Q We need whatever it is, because you --

8 A Firewalls.

9 Q But was it ever brought up to the legislature?

10 A The firewalls?

11 Q Anything?

12 A Well, yeah, obviously firewalls were part of the  
13 equation. I mean, during the capital review?

14 Q No. So I'm asking one of the things that's brought up  
15 multiple times is that there were -- you're saying that you  
16 were rejected, right?

17 A Right.

18 Q And so was there any point in time where it was advised  
19 to the clerk or the comptroller or somebody who was on the  
20 intergovernmental staff, We should just go to the  
21 legislature?

22 A I'm not aware of that, no. I mean, I go to my elected,  
23 at the time, county clerk, and I don't personally reach out  
24 to the legislature.

25 Q Okay. And so was there any point in time to talk to  
26 the individual members of the Steering committee?

27 A Yes.

28 Q And some of which are represented by the legislature?

29 A Yes.

30 Q So you reached out to them individually and said, Hey,  
31 we really need this, this is really important?

32 A No, I did not reach out individually.

33  
34 **LEG. RICHBERG:**

35 Thank you very much, Mr. Chair.

36  
37 **CHAIRMAN PICCIRILLO:**

38 Thank you, Mr. Minority Leader. The chair recognizes  
39 Legislator Trotta.

40  
41 (Examination by Legislator Trotta.)

42  
43 Q Just to follow up on that, your job is not to reach out  
44 to the legislature; your job is to advise the clerk,  
45 correct?

46 A Correct.

47 Q And the clerk -- you read that e-mail before where the  
48 clerk is essentially begging, saying that, you know, we  
49 bring a lot of money in, we should have this material and  
50 they were advised not to.

51 A Correct.

52 Q Correct. Okay. And the county executive again on  
53 December 21, 2022, said the county I.T. leadership had no  
54 eyes on this, no ability to monitor this -- monitor the  
55 clerk I.T. environment. Now if what you're telling us is  
56 true, it would seem to me -- maybe you can agree with me or

1 disagree with me -- that there was an attempt to take the  
2 onus of this problem away from his I.T. department and put  
3 it on the county clerk; is that a fair summary?

4 A Yes.

5 Q Thank you very much.

6  
7 **CHAIRMAN PICCIRILLO:**

8 Thank you, Legislator Trotta. The chair recognizes  
9 himself.

10  
11 (Examination by Chairman Piccirillo.)

12  
13 Q Mr. Schlusser, you said in your opening remarks that  
14 you would not be here if we had a CISO, a chief informaton  
15 security officer; is that correct?

16 A Yes.

17 Q And why do you think that's the case?

18 A A CISO has overall responsibility for the cyber  
19 security posture. They would ensure that there would be  
20 standards, procedures, policies in place that are  
21 structured in such a way that all cyber security events,  
22 requirements of patches are done. That's -- every large  
23 size company, midsize company has one. Government entities  
24 have it. Why we don't don't have one, I don't know -- or  
25 have one at the time.

26 Q Thank you, Mr. Schlusser. Do you know if appointed --  
27 if a CISO was one of the key recommendations in the  
28 information technology risk assessment report provided to  
29 DOIT in January 2020?

30 A Correct, yes.

31 Q Thank you. Did the county have a cyber breach recovery  
32 plan?

33 A No

34 Q Do you know why they didn't have one?

35 A No idea.

36 Q Thank you. Who would have been responsible for  
37 creating such a plan?

38 A CISO.

39 Q Do you believe that the county would have been able to  
40 recover from this attack faster if we had such a plan in  
41 place?

42 A Absolutely.

43 Q Did the county have cyber breach insurance?

44 A No.

45 Q Do you know why not?

46 A No clue.

47 Q Who would have been responsible for obtaining such  
48 insurance?

49 A County Executive, I would assume, and a CISO.

50 Q Do you know why we did not have such insurance?

51 A I suspect because our infrastructure was in such a  
52 sorry state, it wasn't insurable per se; but then again,  
53 anything is insurable but it needed a lot of work and  
54 thereby wasn't practical.

55  
56 **CHAIRMAN PICCIRILLO:**

1 Thank you. That concludes my questions. I will now  
2 recognize Mr. Donaghue.

3  
4 (Examination by Hon. Donaghue.)

5  
6 Q Again, Mr. Schlussler, I know you could talk at length  
7 about these issues, and we have discussed the possibility  
8 that the committee may in the future want to have you come  
9 back and answer additional questions and you are willing to  
10 do that?

11 A Yes.

12 Q Thank you.

13  
14 **HON. DONAGHUE:**

15 Mr. Chairman, I have nothing further.

16  
17 **CHAIRMAN PICCIRILLO:**

18 Thank you very much, Mr. Schlussler, for joining us today  
19 and for your testimony. You are excused, but please  
20 remember if you do come back, you will still be under oath.

21  
22 **THE WITNESS:**

23 Thank you.

24  
25 **CHAIRMAN PICCIRILLO:**

26 Thank you, Mr. Schlussler. And I want to thank committee  
27 for their work. Thank you everybody here today. Thank you  
28 very much.

29  
30 With no other business in front of this committee, we stand  
31 adjourned.

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33 (The committee was adjourned at 10:32 a.m.)  
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# DATE

<hr style="border: 1px solid black;"/> <p><b>'19</b> [1] - 17:45 <b>'22</b> [2] - 17:37, 17:47</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>1</b></p> <hr style="border: 1px solid black;"/> <p><b>1</b> [1] - 6:13 <b>1.2</b> [1] - 18:52 <b>10</b> [2] - 18:25, 18:29 <b>100</b> [3] - 7:54, 13:26, 18:49 <b>10:01</b> [1] - 18:33 <b>10:29</b> [1] - 16:6 <b>10:32</b> [1] - 32:33 <b>10:33</b> [1] - 15:44 <b>11:03</b> [1] - 15:49 <b>11:14</b> [4] - 6:29, 23:5, 23:15, 23:21 <b>11:42</b> [1] - 16:17 <b>11:59</b> [1] - 16:27 <b>13</b> [1] - 19:42 <b>130</b> [1] - 6:47 <b>15</b> [1] - 3:14 <b>157</b> [2] - 6:49, 6:50 <b>16</b> [2] - 1:12, 22:23 <b>1650</b> [1] - 18:49 <b>19.8</b> [1] - 18:54 <b>1982</b> [1] - 7:11</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>2</b></p> <hr style="border: 1px solid black;"/> <p><b>2</b> [1] - 16:14 <b>20</b> [4] - 7:31, 24:44, 24:47, 29:53 <b>2001</b> [2] - 7:11, 7:13 <b>2019</b> [4] - 10:44, 10:49, 14:40, 17:39 <b>2020</b> [3] - 14:40, 22:34, 31:29 <b>2020s</b> [1] - 8:33 <b>2021</b> [10] - 10:22, 10:25, 10:38, 17:40, 18:53, 22:3, 25:33, 26:31, 28:37, 28:42 <b>2022</b> [32] - 5:33, 5:49, 6:3, 6:7, 6:25, 9:45, 10:27, 10:40, 11:55, 12:16, 13:30, 17:8, 17:12, 17:15, 17:28, 17:32, 17:41, 17:56, 18:13, 18:22, 18:25, 18:29, 19:42, 22:22, 23:2, 25:56, 26:4, 26:7, 27:50, 28:27, 28:42, 30:53 <b>2023</b> [1] - 1:12 <b>21</b> [9] - 5:9, 5:27, 5:44, 7:2, 10:27, 11:56, 12:15, 22:34,</p>	<p>30:53 <b>22</b> [2] - 6:13, 18:28 <b>23</b> [1] - 16:6 <b>24</b> [2] - 6:22, 23:52 <b>247</b> [2] - 9:43, 18:50 <b>25</b> [3] - 4:32, 7:16, 7:24 <b>2:14</b> [1] - 16:39 <b>2:52</b> [1] - 18:41</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>3</b></p> <hr style="border: 1px solid black;"/> <p><b>3</b> [1] - 24:44 <b>32</b> [1] - 23:11 <b>35</b> [3] - 3:11, 3:23, 3:48 <b>3:30</b> [1] - 23:30</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>4</b></p> <hr style="border: 1px solid black;"/> <p><b>40</b> [1] - 7:17 <b>42</b> [1] - 23:52</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>5</b></p> <hr style="border: 1px solid black;"/> <p><b>5:35</b> [1] - 19:30</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>6</b></p> <hr style="border: 1px solid black;"/> <p><b>6</b> [1] - 6:7 <b>60</b> [2] - 5:32, 22:17 <b>66</b> [1] - 25:12</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>7</b></p> <hr style="border: 1px solid black;"/> <p><b>7</b> [3] - 6:17, 13:22, 16:14 <b>700</b> [1] - 6:8 <b>725</b> [1] - 1:11</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>8</b></p> <hr style="border: 1px solid black;"/> <p><b>8</b> [9] - 5:33, 6:25, 17:8, 17:15, 22:15, 22:43, 23:2, 25:56, 26:4 <b>8:37</b> [3] - 18:26, 18:29, 18:31</p> <hr style="border: 1px solid black;"/> <p style="text-align: center;"><b>9</b></p> <hr style="border: 1px solid black;"/> <p><b>9</b> [4] - 5:49, 18:13, 18:22, 23:40 <b>9:01</b> [1] - 2:1 <b>9:21</b> [1] - 19:42 <b>9:23</b> [1] - 15:8 <b>9:28</b> [2] - 15:22, 15:29</p>	<p style="text-align: center;"><b>A</b></p> <hr style="border: 1px solid black;"/> <p><b>a</b> [213] - 2:12, 2:45, 3:10, 3:12, 3:15, 3:25, 3:26, 3:28, 3:48, 3:53, 3:55, 4:6, 4:9, 4:41, 4:45, 5:18, 5:22, 5:23, 5:39, 5:44, 5:53, 6:6, 6:15, 6:19, 6:47, 7:10, 7:13, 7:22, 7:26, 7:37, 8:9, 8:12, 8:24, 8:26, 8:39, 8:41, 8:44, 8:51, 8:52, 9:2, 9:13, 9:17, 9:24, 9:27, 9:34, 9:35, 9:36, 9:37, 9:39, 9:41, 9:42, 9:55, 10:1, 10:8, 10:14, 10:18, 10:27, 10:40, 10:43, 10:48, 11:6, 11:9, 11:10, 11:11, 11:29, 11:32, 11:35, 11:39, 11:41, 11:47, 11:51, 11:52, 12:3, 12:45, 12:49, 12:55, 13:5, 13:15, 13:24, 13:31, 13:40, 13:42, 13:49, 13:54, 14:3, 14:6, 14:10, 14:15, 14:16, 14:25, 14:43, 14:44, 14:48, 15:8, 15:47, 15:48, 15:49, 16:2, 16:6, 16:23, 16:29, 16:36, 17:5, 17:23, 17:26, 17:35, 17:41, 17:48, 17:53, 17:55, 18:1, 18:2, 18:8, 18:22, 18:31, 19:6, 19:8, 19:12, 19:17, 19:50, 19:52, 19:54, 19:56, 20:11, 20:13, 20:19, 20:31, 20:35, 20:53, 21:15, 21:21, 21:24, 21:26, 21:30, 21:31, 21:33, 21:34, 21:35, 21:39, 21:40, 21:43, 21:51, 22:28, 22:37, 23:7, 23:19, 23:24, 23:27, 23:29, 23:30, 23:43, 24:9, 24:10, 24:17, 24:19, 25:9, 25:10, 25:11, 25:22, 25:24, 25:29, 25:31, 25:33, 26:13, 26:32, 26:41, 26:45, 26:54, 27:22, 27:47, 27:52, 27:55, 28:1, 28:2, 28:6, 28:13, 28:14, 28:19, 28:20, 28:22, 28:26, 28:33, 28:49, 29:16, 29:18, 29:34, 29:47, 30:49, 31:3,</p>	<p>31:14, 31:18, 31:21, 31:27, 31:31, 31:37, 31:40, 31:49, 31:51, 31:53 <b>A</b> [4] - 1:8, 1:15, 9:45, 9:47 <b>a.m</b> [11] - 2:1, 6:29, 15:8, 15:22, 16:27, 18:26, 18:29, 18:34, 19:42, 23:5, 32:33 <b>abhorrent</b> [2] - 5:19, 9:8 <b>abilities</b> [1] - 3:55 <b>ability</b> [7] - 10:5, 10:29, 21:25, 22:36, 24:13, 24:21, 30:54 <b>able</b> [3] - 19:37, 19:41, 31:39 <b>abnormal</b> [1] - 12:47 <b>about</b> [30] - 3:13, 3:16, 4:17, 8:19, 8:39, 10:47, 11:46, 11:47, 12:9, 13:38, 14:26, 16:13, 16:36, 17:5, 18:12, 18:24, 18:26, 21:21, 22:24, 22:38, 24:42, 24:51, 25:1, 25:41, 26:16, 26:32, 26:36, 28:32, 29:55, 32:7 <b>absence</b> [1] - 2:38 <b>absolute</b> [2] - 5:3, 19:48 <b>Absolutely</b> [1] - 14:31 <b>absolutely</b> [14] - 5:9, 9:15, 10:31, 10:36, 11:22, 12:45, 22:21, 24:27, 26:17, 27:23, 27:41, 27:45, 31:42 <b>accepted</b> [1] - 20:44 <b>access</b> [21] - 5:10, 10:36, 10:38, 10:41, 12:48, 12:51, 13:7, 13:14, 13:20, 13:21, 13:23, 16:24, 16:29, 16:32, 16:33, 22:2, 22:3, 24:25, 25:3, 27:3, 28:19 <b>accessed</b> [1] - 28:36 <b>according</b> [1] - 6:5 <b>According</b> [1] - 15:53 <b>accordingly</b> [1] - 2:55 <b>account</b> [4] - 15:53, 15:55, 25:32, 28:9 <b>accounts</b> [1] - 9:33 <b>acknowledged</b> [4] - 4:47, 26:50, 27:55,</p>	<p>28:40 <b>acronym</b> [1] - 10:12 <b>across</b> [9] - 10:24, 10:42, 25:20, 26:1, 29:18, 29:22, 29:29, 29:35, 29:39 <b>action</b> [1] - 28:44 <b>actions</b> [2] - 4:55, 26:52 <b>active</b> [3] - 6:14, 9:32, 17:40 <b>activities</b> [1] - 8:4 <b>activity</b> [1] - 11:27 <b>actual</b> [1] - 11:16 <b>actually</b> [6] - 4:13, 6:49, 9:32, 12:3, 26:9, 26:35 <b>add</b> [1] - 11:38 <b>addition</b> [9] - 6:46, 7:39, 9:12, 9:41, 11:5, 11:26, 19:14, 25:15, 25:29 <b>additional</b> [9] - 3:30, 8:51, 13:54, 14:28, 19:15, 19:25, 19:39, 20:25, 32:9 <b>additionally</b> [2] - 5:3, 20:14 <b>address</b> [6] - 25:44, 26:48, 27:43, 27:48, 28:39, 28:53 <b>addressed</b> [2] - 27:51, 28:55 <b>addressing</b> [1] - 5:42 <b>adequate</b> [2] - 9:7, 13:35 <b>adjourned</b> [2] - 32:31, 32:33 <b>administered</b> [1] - 5:6 <b>administrative</b> [4] - 7:3, 10:37, 12:42, 22:1 <b>administratively</b> [1] - 21:40 <b>administrators</b> [1] - 22:3 <b>advanced</b> [1] - 7:21 <b>advertised</b> [1] - 28:46 <b>advise</b> [1] - 30:44 <b>advised</b> [3] - 15:9, 30:18, 30:50 <b>advising</b> [1] - 15:39 <b>affirm</b> [1] - 4:16 <b>affirmative</b> [2] - 4:26, 4:29 <b>afforded</b> [1] - 5:14 <b>after</b> [16] - 5:37, 6:1, 11:10, 11:40, 14:2,</p>
---	--	--	--	--

## DATE

15:40, 16:2, 20:26, 20:48, 20:51, 23:15, 23:23, 26:54, 29:34, 29:38  
**afternoon** [1] - 23:31  
**again** [8] - 14:15, 15:25, 18:7, 18:17, 27:21, 30:52, 31:52, 32:6  
**against** [8] - 3:42, 12:4, 13:47, 17:7, 19:22, 19:28, 24:2, 28:46  
**ago** [4] - 3:12, 6:51, 12:45, 16:24  
**agree** [2] - 20:1, 30:56  
**agreed** [1] - 6:43  
**alarm** [1] - 14:20  
**alarmed** [1] - 13:32  
**alarming** [1] - 13:48  
**alarms** [1] - 17:34  
**alert** [4] - 11:20, 15:40, 15:47, 16:23  
**alerted** [1] - 28:3  
**alerts** [3] - 22:14, 22:16, 22:31  
**All** [3] - 1:27, 2:55, 12:23  
**all** [41] - 2:44, 5:19, 5:20, 6:28, 7:26, 7:41, 8:3, 8:12, 8:36, 8:37, 8:40, 8:45, 9:6, 9:22, 9:23, 9:25, 9:26, 9:43, 10:14, 12:42, 13:24, 13:37, 14:35, 15:42, 17:35, 18:48, 19:28, 21:14, 21:39, 23:5, 24:6, 24:11, 25:34, 25:37, 27:34, 27:44, 31:21  
**Allegiance** [2] - 2:45, 2:48  
**allow** [4] - 12:46, 18:3, 20:20, 20:21  
**allowed** [1] - 5:20  
**allows** [1] - 21:40  
**almost** [3] - 6:8, 26:41, 26:45  
**alone** [4] - 5:45, 9:38, 9:39, 18:53  
**along** [2] - 17:34, 25:23  
**ALPHV/BlackCat** [1] - 23:32  
**already** [2] - 5:49, 16:10  
**also** [14] - 3:15, 3:41, 6:47, 8:6, 9:13, 10:49, 11:21, 11:27, 13:29, 14:38, 20:6, 22:31, 22:44, 23:52  
**Also** [1] - 1:22  
**alternate** [2] - 5:56, 14:3  
**Alto** [38] - 5:36, 5:48, 5:54, 6:19, 9:55, 10:18, 13:22, 13:32, 13:54, 14:9, 14:39, 16:4, 17:16, 17:53, 17:56, 18:26, 18:31, 18:36, 18:39, 19:5, 19:36, 19:49, 19:50, 19:54, 19:55, 20:1, 20:13, 20:15, 20:18, 20:25, 20:28, 20:38, 21:15, 23:44, 23:52, 24:42, 24:44, 28:45  
**Alto's** [2] - 17:26, 24:22  
**Altos** [1] - 17:55  
**always** [6] - 3:20, 3:51, 3:52, 8:34, 21:47, 21:48  
**am** [11] - 3:46, 5:9, 7:2, 7:45, 14:15, 15:39, 15:42, 18:55, 19:4, 27:45, 29:53  
**amazed** [2] - 3:17, 3:20  
**amongst** [1] - 24:50  
**amount** [1] - 28:20  
**an** [49] - 2:38, 3:36, 3:43, 4:37, 4:43, 4:50, 5:41, 5:43, 5:56, 6:14, 6:17, 6:27, 6:53, 7:7, 7:14, 7:21, 7:25, 9:7, 9:38, 9:52, 9:56, 10:4, 11:16, 11:18, 11:56, 12:51, 13:53, 14:3, 14:6, 14:36, 15:8, 15:53, 15:56, 16:13, 16:17, 17:30, 18:56, 19:15, 19:18, 19:22, 20:4, 24:2, 24:48, 25:12, 26:5, 27:30, 31:1  
**analysis** [2] - 12:52, 20:4  
**analyst** [1] - 3:11  
**analyze** [2] - 13:6, 23:28  
**analyzed** [2] - 9:25, 13:11  
**ancillary** [1] - 8:5  
**And** [32] - 6:43, 6:46, 7:33, 7:49, 7:52, 8:32, 10:11, 10:24, 10:48, 10:56, 11:16, 11:46, 11:51, 15:22, 15:25, 16:27, 17:11, 17:17, 17:20, 17:30, 17:34, 19:30, 19:33, 19:42, 19:46, 21:56, 25:47, 28:36, 28:38, 30:25, 31:17, 32:26  
**and** [227] - 2:45, 3:12, 3:14, 3:19, 3:29, 3:37, 3:38, 3:41, 3:46, 3:47, 3:49, 3:51, 3:53, 3:55, 3:56, 4:9, 4:18, 4:42, 4:45, 4:48, 4:52, 4:54, 4:56, 5:3, 5:6, 5:10, 5:12, 5:23, 5:24, 5:29, 5:33, 5:54, 6:13, 6:40, 6:49, 6:53, 7:4, 7:8, 7:21, 7:24, 7:25, 7:29, 7:37, 7:40, 7:43, 7:46, 7:52, 7:55, 8:2, 8:3, 8:6, 8:11, 8:12, 8:22, 8:23, 8:26, 8:27, 8:29, 8:32, 8:46, 8:50, 9:11, 9:23, 9:26, 9:28, 9:36, 9:56, 10:9, 10:11, 10:12, 10:15, 10:21, 10:29, 10:36, 10:53, 11:7, 11:14, 11:15, 11:18, 11:20, 11:26, 11:29, 11:35, 11:38, 11:40, 11:44, 11:49, 12:1, 12:9, 12:18, 12:54, 13:3, 13:8, 13:16, 13:17, 13:20, 13:21, 13:22, 13:37, 13:46, 14:4, 14:10, 14:15, 14:19, 14:25, 14:28, 14:48, 15:6, 15:54, 16:6, 16:12, 16:24, 16:29, 17:14, 17:18, 17:36, 17:39, 17:40, 17:41, 17:42, 17:43, 17:55, 17:56, 18:1, 18:10, 18:13, 18:24, 18:38, 18:39, 18:49, 19:2, 19:6, 19:9, 19:11, 19:23, 19:37, 19:43, 19:51, 20:14, 20:21, 20:22, 20:38, 20:41, 20:46, 20:49, 20:50, 20:54, 21:5, 21:14, 21:25, 21:33, 21:36, 21:37, 21:39, 21:46, 22:4, 22:28, 22:35, 22:43, 23:1, 23:2, 23:4, 23:10, 23:37, 23:42, 23:46, 23:50, 23:52, 24:21, 24:44, 24:51, 25:1, 25:11, 25:29, 25:32, 25:36, 25:55, 26:9, 26:14, 26:33, 26:35, 26:40, 26:48, 26:50, 26:53, 27:2, 27:34, 27:46, 28:4, 28:6, 28:23, 28:24, 28:29, 28:31, 28:32, 28:43, 28:53, 29:18, 29:21, 29:31, 29:55, 30:18, 30:23, 30:28, 30:30, 30:47, 30:49, 30:52, 31:2, 31:49, 31:53, 32:7, 32:9, 32:19  
**Anker** [2] - 1:20, 2:38  
**ANKER** [2] - 2:22, 2:34  
**announced** [1] - 26:55  
**another** [6] - 9:31, 14:26, 15:43, 16:23, 16:39, 20:34  
**answer** [4] - 13:40, 14:28, 21:52, 32:9  
**answered** [1] - 4:26  
**answering** [1] - 5:12  
**Anthony** [1] - 1:15  
**Antivirus** [1] - 9:51  
**any** [41] - 2:52, 5:4, 5:45, 6:6, 6:14, 10:1, 10:5, 10:16, 11:43, 12:6, 12:12, 12:20, 12:46, 12:47, 12:48, 13:1, 14:14, 16:32, 18:10, 18:11, 19:11, 21:26, 21:50, 23:23, 25:21, 25:39, 25:45, 25:47, 25:49, 25:50, 26:52, 26:53, 27:3, 29:55, 30:18, 30:25  
**anybody** [2] - 3:36, 14:13  
**anymore** [1] - 22:29  
**anyone** [3] - 24:26, 30:2, 30:4  
**anything** [10] - 8:19, 12:2, 23:6, 25:51, 25:52, 27:35, 27:36, 27:53, 30:11, 31:53  
**Apache** [2] - 25:11, 29:32  
**Apollo** [4] - 23:43, 23:44, 24:16, 24:17  
**apollo** [1] - 23:50  
**Apollo's** [1] - 24:21  
**apologize** [1] - 29:48  
**apparatus** [2] - 13:26, 24:12  
**apparently** [1] - 12:54  
**appeared** [1] - 24:21  
**appears** [1] - 28:3  
**application** [2] - 3:40, 3:43  
**applications** [2] - 25:12, 25:13  
**apply** [2] - 9:27, 9:29  
**appointed** [1] - 31:26  
**appreciate** [3] - 14:24, 14:34, 22:55  
**approach** [1] - 3:29  
**approached** [2] - 3:18, 3:26  
**approaching** [1] - 17:35  
**appropriate** [5] - 4:55, 16:26, 18:56, 19:40, 20:5  
**approve** [1] - 18:35  
**approved** [2] - 18:40, 20:49  
**Approximately** [1] - 25:12  
**approximately** [3] - 6:47, 7:37, 7:52  
**April** [1] - 24:44  
**architected** [1] - 8:42  
**are** [38] - 3:10, 3:55, 4:17, 5:1, 5:6, 5:14, 7:1, 7:28, 7:43, 7:46, 7:52, 7:55, 8:20, 9:12, 9:42, 10:34, 11:39, 14:25, 14:27, 15:6, 15:40, 17:3, 17:23, 18:46, 18:47, 20:7, 20:16, 20:24, 21:42, 22:44, 24:51, 25:6, 29:15, 30:28, 31:20, 31:22, 32:9, 32:19  
**area** [1] - 8:53  
**areas** [8] - 6:9, 8:5, 8:17, 8:28, 9:9, 11:7, 25:16, 25:20  
**aren't** [2] - 9:33, 9:34  
**Ari** [9] - 5:54, 6:17, 13:23, 13:29, 13:34, 14:19, 20:50, 23:18, 23:33  
**arm** [1] - 24:19  
**around** [4] - 7:44, 8:6, 8:28, 19:10  
**arrived** [1] - 7:35  
**artificial** [1] - 9:27  
**As** [1] - 18:50  
**as** [76] - 3:28, 3:53, 3:56, 5:23, 5:43, 5:53, 6:15, 6:43, 7:2, 7:14, 8:1, 8:2, 8:10, 8:24, 8:26, 8:49, 9:16, 9:24, 9:35, 9:52, 10:1, 10:8, 10:10, 10:48, 10:53, 10:56, 11:7, 11:27,

## DATE

11:34, 12:20, 14:3, 14:10, 14:12, 14:17, 14:35, 14:42, 14:43, 15:7, 15:47, 17:7, 17:35, 17:46, 19:3, 19:6, 19:15, 19:16, 19:18, 19:40, 19:50, 19:52, 19:56, 20:7, 20:11, 20:12, 20:19, 21:35, 22:33, 23:23, 23:32, 23:34, 24:22, 25:14, 25:16, 25:23, 25:24, 27:15, 27:48, 28:7, 28:26, 28:46  
**ASAP** [1] - 16:43  
**aside** [1] - 17:31  
**ask** [7] - 8:39, 12:27, 14:50, 16:13, 17:30, 18:12, 29:7  
**asked** [8] - 5:40, 12:50, 13:8, 13:13, 13:21, 13:33, 16:3, 23:38  
**Asking** [1] - 6:18  
**asking** [3] - 21:6, 21:50, 30:14  
**aspect** [3] - 7:25, 10:37, 25:22  
**aspects** [4] - 7:27, 7:41, 8:3, 12:48  
**assassination** [1] - 5:22  
**assessment** [1] - 31:28  
**assist** [1] - 13:5  
**associated** [2] - 13:17, 24:52  
**assume** [2] - 22:33, 31:49  
**assumption** [1] - 14:43  
**assurance** [1] - 7:24  
**At** [2] - 16:17, 16:39  
**at** [71] - 2:1, 3:20, 3:43, 3:52, 4:5, 4:32, 5:32, 6:29, 6:53, 6:56, 7:14, 7:33, 7:36, 8:2, 8:36, 9:6, 9:20, 9:32, 9:43, 10:9, 10:40, 11:14, 11:21, 11:23, 11:51, 13:36, 13:37, 13:52, 14:10, 14:44, 15:8, 15:22, 15:25, 15:44, 15:49, 16:6, 16:27, 17:25, 17:36, 17:39, 18:26, 18:29, 18:33, 18:41, 19:30, 19:42, 20:20, 20:34, 20:35, 20:54, 22:40, 23:5, 23:21, 23:30,

23:33, 23:39, 23:54, 24:6, 24:9, 24:15, 24:23, 27:16, 27:37, 27:44, 29:55, 30:23, 31:25, 32:6, 32:33  
**ATTACK** [1] - 1:1  
**attack** [32] - 2:5, 3:34, 3:36, 4:46, 4:54, 5:44, 6:14, 6:22, 6:24, 6:27, 9:7, 11:5, 11:14, 12:4, 12:10, 12:13, 13:16, 16:15, 17:7, 19:17, 19:22, 22:15, 22:21, 22:56, 23:2, 23:3, 23:23, 23:31, 24:3, 25:56, 31:40  
**Attack** [1] - 1:8  
**attacked** [1] - 6:26  
**attacks** [1] - 22:25  
**attempt** [4] - 14:41, 15:48, 15:53, 31:1  
**attempted** [1] - 15:54  
**attempts** [5] - 11:41, 14:39, 14:46, 17:17, 17:20  
**Attendance** [1] - 1:22  
**attention** [1] - 27:38  
**attorney** [6] - 6:1, 8:22, 8:49, 14:3, 20:27, 20:38  
**attorney's** [2] - 5:41, 20:29  
**attorneys** [1] - 23:38  
**audit** [2] - 7:27, 24:14  
**auditing** [1] - 24:8  
**Auditorium** [1] - 1:10  
**augment** [1] - 19:53  
**August** [2] - 6:13, 16:6  
**authorize** [1] - 13:51  
**available** [2] - 19:27, 20:9  
**aware** [11] - 10:51, 17:31, 19:5, 20:24, 20:26, 22:30, 26:34, 28:43, 28:48, 28:51, 30:22  
**away** [2] - 26:41, 31:2

### B

**B** [1] - 9:45  
**back** [16] - 5:53, 6:53, 7:16, 9:45, 11:2, 12:26, 13:17, 13:25, 15:25, 18:17, 18:49, 18:55, 20:50, 22:34,

32:9, 32:20  
**background** [3] - 5:29, 7:8, 26:14  
**bad** [1] - 18:47  
**balance** [1] - 24:30  
**Bartholomew** [4] - 15:22, 16:18, 16:27, 16:40  
**Bartolomew** [1] - 15:9  
**base** [2] - 19:9, 21:31  
**based** [6] - 7:15, 8:14, 14:41, 25:9, 25:12, 25:13  
**bases** [1] - 21:40  
**basically** [11] - 7:7, 8:45, 9:19, 11:13, 11:46, 13:15, 13:37, 21:32, 24:8, 25:45  
**basis** [1] - 25:33  
**basket** [1] - 9:39  
**be** [56] - 3:9, 3:17, 3:26, 3:28, 3:35, 3:56, 4:9, 4:18, 4:46, 4:49, 5:12, 5:18, 5:20, 5:55, 6:43, 8:21, 8:54, 9:14, 9:24, 9:25, 9:40, 13:1, 13:11, 13:44, 13:46, 14:18, 14:19, 14:50, 16:14, 16:25, 17:23, 17:42, 17:45, 18:6, 19:23, 19:25, 19:51, 20:15, 21:29, 21:38, 21:54, 22:37, 22:38, 23:37, 23:52, 24:2, 25:20, 25:35, 27:1, 27:36, 27:37, 28:44, 31:14, 31:19, 32:20  
**became** [1] - 12:54  
**because** [20] - 3:30, 3:50, 7:26, 8:36, 11:12, 13:12, 13:13, 13:39, 14:13, 16:30, 22:33, 24:16, 24:54, 25:22, 26:44, 27:47, 28:30, 28:45, 30:7, 31:51  
**been** [24] - 2:55, 3:10, 3:36, 4:54, 4:55, 5:1, 6:15, 6:16, 7:21, 7:30, 10:43, 12:8, 12:18, 12:20, 12:21, 14:11, 14:45, 19:6, 19:20, 20:5, 20:9, 31:36, 31:39, 31:47  
**before** [12] - 3:2, 4:13, 6:41, 10:6, 13:10, 14:12, 16:15, 17:6, 21:1, 23:44, 28:27, 30:47

**begging** [1] - 30:48  
**begin** [1] - 3:2  
**begins** [1] - 18:12  
**behavior** [4] - 5:20, 9:21, 10:5, 12:48  
**being** [24] - 4:4, 8:1, 8:27, 8:28, 8:30, 9:35, 10:1, 12:4, 12:40, 13:32, 15:5, 16:44, 17:50, 17:52, 22:24, 22:31, 22:54, 23:32, 24:12, 27:23, 27:24, 28:2, 28:10, 29:21  
**beings** [1] - 12:56  
**believe** [11] - 7:54, 9:50, 11:56, 12:12, 12:15, 15:41, 20:46, 23:51, 28:33, 28:37, 31:39  
**benefit** [1] - 18:6  
**benefits** [2] - 21:42, 21:51  
**best** [9] - 3:49, 5:13, 13:3, 19:6, 19:26, 19:56, 20:7, 28:8, 29:33  
**better** [4] - 3:28, 10:40, 21:27, 29:16  
**between** [7] - 5:33, 6:13, 8:32, 18:1, 20:54, 21:37, 25:35  
**beware** [1] - 26:36  
**beyond** [5] - 12:55, 19:24, 24:21, 24:22, 25:23  
**billion** [1] - 18:52  
**binder** [1] - 15:15  
**bit** [3] - 8:39, 14:25, 17:5  
**Bitcoin** [2] - 12:9, 12:12  
**black** [1] - 19:14  
**black/NSX** [1] - 19:3  
**blast** [1] - 8:52  
**boards** [1] - 10:42  
**boast** [1] - 19:53  
**both** [2] - 16:33, 24:43  
**bottom** [1] - 15:32  
**boundaries** [1] - 8:36  
**boxed** [1] - 18:6  
**breach** [6] - 28:33, 28:54, 29:34, 29:38, 31:31, 31:43  
**breath** [1] - 13:49  
**breed** [1] - 28:8  
**Brian** [4] - 15:9, 16:12, 16:17, 16:43  
**bring** [3] - 9:28,

13:17, 30:49  
**brings** [2] - 3:51, 21:39  
**broader** [1] - 19:9  
**brought** [11] - 17:6, 23:49, 23:53, 23:54, 23:55, 23:56, 24:51, 27:38, 30:2, 30:9, 30:14  
**build** [1] - 14:16  
**Building** [1] - 1:11  
**business** [1] - 32:30  
**but** [54] - 3:4, 3:10, 3:13, 3:16, 3:29, 3:35, 3:47, 4:18, 5:18, 7:4, 7:12, 7:20, 7:39, 7:42, 8:19, 8:29, 8:56, 9:37, 9:55, 10:4, 11:20, 13:49, 13:52, 14:5, 14:17, 14:53, 16:30, 17:49, 20:12, 20:42, 20:48, 21:15, 21:19, 21:49, 22:40, 23:21, 24:18, 24:20, 24:22, 25:4, 25:39, 26:15, 26:45, 27:8, 27:9, 27:13, 27:15, 27:18, 27:54, 28:3, 30:9, 31:52, 31:53, 32:19  
**But** [1] - 28:3  
**button** [1] - 28:22  
**By** [1] - 1:29  
**by** [54] - 2:14, 2:46, 3:17, 3:26, 4:44, 4:55, 5:6, 5:10, 5:16, 5:29, 5:34, 5:37, 5:48, 6:4, 6:15, 6:27, 6:38, 8:48, 10:31, 10:33, 10:35, 11:4, 12:9, 12:36, 12:43, 13:11, 13:25, 13:26, 13:29, 14:9, 14:13, 17:1, 18:24, 18:55, 19:9, 19:56, 20:9, 21:42, 22:12, 22:31, 22:42, 22:52, 24:36, 25:10, 26:27, 26:33, 27:14, 27:42, 29:13, 29:50, 30:28, 30:41, 31:11, 32:4

### C

**calamity** [1] - 3:42  
**call** [13] - 2:12, 4:5, 5:2, 6:32, 7:49, 7:56, 8:4, 9:25, 9:41, 11:3, 16:37, 21:31, 25:30  
**called** [8] - 2:1, 2:14, 7:10, 9:17, 9:31, 23:43, 24:51, 25:10

## DATE

**calls** [1] - 4:49  
**came** [1] - 28:42  
**can** [29] - 3:12, 5:22, 7:27, 8:41, 9:6, 9:25, 9:27, 9:54, 11:39, 11:49, 12:27, 13:5, 13:17, 13:19, 14:16, 15:20, 15:40, 15:41, 16:25, 16:33, 18:13, 19:46, 23:8, 23:9, 25:7, 27:10, 29:16, 30:56  
**Can** [2] - 2:12, 11:31  
**can't** [15] - 3:29, 3:39, 6:20, 14:7, 16:22, 21:52, 22:40, 24:54, 25:3, 27:1, 27:13, 27:15, 27:19, 27:47, 28:24  
**cannot** [3] - 14:8, 16:30, 16:31  
**capabilities** [1] - 25:24  
**capacities** [1] - 7:12  
**capital** [1] - 30:13  
**Caracappa** [1] - 1:9  
**carbon** [2] - 19:3, 19:14  
**card** [1] - 3:2  
**care** [3] - 26:37, 26:43, 27:6  
**case** [4] - 11:6, 13:33, 14:11, 31:17  
**cataclysmic** [1] - 8:51  
**catastrophic** [1] - 19:16  
**cause** [1] - 18:10  
**causing** [1] - 15:40  
**center** [3] - 9:42, 13:11, 14:10  
**centralized** [1] - 12:42  
**centrally** [6] - 5:5, 5:35, 8:1, 11:3, 13:25, 13:26  
**centrally-**  
**controlled** [3] - 5:35, 8:1, 11:3  
**certain** [1] - 18:24  
**certainly** [7] - 5:50, 7:10, 8:11, 9:9, 13:50, 21:48, 24:22  
**certificate** [1] - 7:21  
**CGI** [1] - 25:14  
**chain** [4] - 11:56, 15:26, 16:13, 18:12  
**Chair** [2] - 29:4, 29:47  
**chair** [13] - 12:30, 16:52, 22:10, 22:49, 24:31, 24:34, 26:21, 26:24, 29:9, 29:44, 30:35, 30:38, 31:8  
**chaired** [1] - 6:4  
**Chairman** [7] - 1:15, 2:56, 12:34, 21:5, 22:7, 29:7, 31:11  
**CHAIRMAN** [25] - 2:3, 2:11, 2:16, 2:37, 2:43, 3:1, 4:2, 4:24, 4:31, 6:34, 12:29, 15:19, 16:50, 21:8, 22:9, 22:48, 24:30, 26:23, 29:9, 29:43, 30:37, 31:7, 31:56, 32:17, 32:25  
**chairman** [5] - 2:9, 4:29, 4:36, 12:26, 32:15  
**challenge** [2] - 17:26, 22:26  
**change** [1] - 7:34  
**channel** [1] - 22:28  
**character** [2] - 5:16, 5:21  
**charge** [1] - 14:5  
**check** [1] - 26:12  
**checkup** [2] - 10:44, 10:48  
**chief** [2] - 4:45, 31:14  
**chilling** [1] - 5:18  
**Chris** [1] - 23:18  
**Cisco** [2] - 15:5, 17:25  
**CISO** [5] - 31:14, 31:18, 31:27, 31:38, 31:49  
**City** [1] - 20:1  
**civil** [1] - 5:19  
**clarification** [1] - 29:15  
**clarify** [3] - 18:35, 19:35, 21:6  
**clarity** [2] - 5:3, 19:48  
**Clark** [1] - 1:25  
**clear** [6] - 6:17, 12:55, 14:27, 20:37, 21:29, 21:44  
**clearly** [4] - 4:53, 6:7, 6:13, 27:21  
**clerk** [25] - 2:6, 2:52, 5:55, 6:28, 7:39, 7:41, 8:20, 8:50, 10:29, 13:43, 13:45, 18:23, 18:54, 19:37, 19:40, 19:43, 21:19, 22:36, 30:19, 30:23, 30:44, 30:47, 30:48, 30:55, 31:3  
**CLERK** [4] - 2:8, 2:40, 2:54, 4:28  
**Clerk** [8] - 2:14, 2:44, 4:25, 5:4, 5:40, 6:26, 8:18, 18:41  
**clerk's** [27] - 5:47, 6:56, 7:14, 7:31, 7:33, 8:33, 10:21, 10:45, 10:50, 11:51, 13:9, 16:3, 17:12, 18:48, 19:3, 19:22, 19:28, 20:30, 20:40, 22:2, 23:45, 24:25, 25:1, 25:43, 26:44, 27:16, 29:56  
**Clerk's** [2] - 13:30, 13:36  
**Clerk/Suffolk** [2] - 1:24, 1:25  
**click** [1] - 15:39  
**CLK** [1] - 18:38  
**clock** [1] - 19:10  
**close** [1] - 10:30  
**closed** [1] - 15:7  
**closely** [1] - 8:29  
**clue** [1] - 31:46  
**code** [1] - 3:27  
**collaborative** [2] - 3:28, 8:35  
**collected** [1] - 9:22  
**combined** [1] - 18:38  
**come** [7] - 2:5, 4:41, 14:17, 23:34, 23:50, 32:8, 32:20  
**Come** [2] - 3:4, 3:5  
**comfortable** [1] - 24:15  
**coming** [2] - 8:46, 13:9  
**comingle** [1] - 13:13  
**comments** [3] - 3:10, 3:47, 26:35  
**commissioner** [6] - 5:48, 5:54, 6:4, 6:18, 14:9, 27:33  
**Commissioner** [3] - 13:29, 18:23, 19:30  
**committee** [16] - 2:4, 4:17, 4:51, 5:28, 6:48, 12:1, 12:27, 18:25, 18:35, 22:56, 30:26, 32:8, 32:26, 32:30, 32:33  
**COMMITTEE** [1] - 1:1  
**Committee** [2] - 1:8, 18:37  
**committee's** [2] - 4:44, 6:44  
**common** [1] - 25:10  
**communication** [4] - 9:5, 12:2, 12:6, 21:38  
**communications** [2] - 11:55, 16:2  
**communities** [1] - 28:20  
**community** [2] - 8:18, 8:19  
**Company** [2] - 7:11, 7:16  
**company** [3] - 24:1, 31:23  
**complement** [1] - 24:19  
**complete** [2] - 10:41, 22:1  
**completely** [1] - 8:55  
**complex** [1] - 28:18  
**complexity** [1] - 28:17  
**compliance** [1] - 26:7  
**component** [2] - 25:10, 25:11  
**components** [2] - 9:13, 19:39  
**compromised** [1] - 28:41  
**Comptroller** [1] - 19:43  
**comptroller** [4] - 7:40, 18:24, 23:46, 30:19  
**comptroller's** [1] - 30:1  
**Computer** [1] - 18:38  
**computer** [1] - 3:11  
**concept** [1] - 17:55  
**concerned** [2] - 13:38, 15:1  
**concerning** [1] - 19:4  
**concerns** [1] - 5:43  
**concludes** [1] - 32:1  
**conclusion** [1] - 6:16  
**condition** [1] - 17:27  
**conference** [2] - 10:27, 23:35  
**confident** [2] - 5:28, 28:30  
**configured** [1] - 20:15  
**confiscation** [1] - 5:17  
**conflict** [1] - 28:31  
**connected** [2] - 10:2, 21:51  
**connecting** [1] - 9:29  
**connection** [1] - 15:48  
**connectivity** [3] - 21:26, 21:37, 21:43  
**connects** [1] - 21:24  
**consensus** [1] - 5:11  
**consequences** [1] - 19:23  
**consider** [1] - 3:52  
**consideration** [1] - 19:25  
**consistent** [1] - 19:21  
**console** [4] - 11:3, 11:4, 13:14, 16:30  
**consoles** [2] - 12:46, 16:33  
**constituency** [1] - 19:20  
**consultants** [1] - 4:42  
**contact** [3] - 5:41, 16:10, 16:11  
**contacted** [1] - 23:27  
**contained** [1] - 5:50  
**continue** [1] - 3:34  
**contracts** [1] - 23:38  
**contributed** [1] - 12:10  
**control** [4] - 8:51, 12:42, 12:49, 21:26  
**controlled** [7] - 5:5, 5:35, 8:1, 11:3, 11:39, 13:25, 13:26  
**converged** [1] - 21:32  
**conversation** [1] - 29:55  
**conversational** [1] - 14:52  
**convicted** [1] - 3:37  
**Cordiale** [1] - 23:18  
**correct** [62] - 6:41, 6:44, 6:48, 6:52, 7:5, 7:6, 7:32, 7:50, 8:8, 8:30, 10:12, 10:13, 10:16, 10:17, 10:22, 10:30, 10:54, 10:55, 11:17, 11:25, 11:30, 11:44, 11:45, 11:48, 11:50, 12:10, 12:17, 12:19, 15:44, 15:51, 16:5, 16:7, 16:8, 16:18, 16:19, 16:38, 16:40, 16:41, 17:9, 17:10, 18:43, 19:31, 19:32, 19:44, 19:45, 20:26, 21:22, 22:39, 23:24, 23:25, 24:4, 24:52, 27:16, 27:17,

## DATE

- 27:44, 29:23, 29:33, 29:53, 29:54, 30:45, 31:15, 31:30  
**Correct** [12] - 6:42, 8:25, 10:23, 11:28, 15:12, 15:45, 24:56, 29:20, 29:30, 30:46, 30:51, 30:52  
**correspondence** [2] - 2:52, 2:55  
**Cortex** [23] - 5:36, 9:38, 9:53, 9:54, 9:56, 10:2, 10:5, 10:18, 10:32, 10:52, 10:56, 11:20, 11:26, 13:14, 15:47, 16:11, 16:23, 16:30, 16:43, 22:14, 22:31  
**Could** [2] - 7:7, 18:44  
**could** [17] - 2:44, 3:35, 4:6, 4:54, 9:6, 13:3, 13:11, 14:34, 15:37, 16:29, 17:54, 19:17, 19:33, 20:15, 21:14, 25:20, 32:6  
**couldn't** [1] - 23:21  
**Counsel** [2] - 1:23, 1:26  
**counsel** [2] - 4:10, 4:41  
**county** [69] - 3:12, 3:14, 3:53, 3:56, 4:47, 5:17, 5:26, 5:30, 5:47, 5:55, 6:9, 6:28, 6:56, 7:14, 7:39, 7:41, 7:43, 7:44, 8:6, 8:20, 8:46, 8:50, 8:56, 9:45, 9:47, 10:2, 10:16, 10:24, 10:27, 10:28, 10:44, 12:5, 12:9, 13:9, 13:41, 13:43, 13:45, 17:15, 18:48, 19:3, 19:22, 19:28, 19:36, 19:50, 20:14, 21:13, 21:18, 22:34, 22:35, 23:43, 23:45, 23:46, 23:49, 24:16, 25:14, 26:2, 27:42, 29:29, 29:35, 29:39, 29:52, 30:23, 30:52, 30:53, 31:3, 31:31, 31:39, 31:43  
**County** [28] - 1:9, 1:24, 1:25, 4:56, 5:3, 5:5, 5:40, 6:25, 8:17, 8:43, 8:44, 12:42, 13:35, 13:36, 14:43, 18:51, 18:53, 18:54, 19:8, 19:13, 19:49, 19:54, 20:2, 20:3, 20:5, 20:8, 31:49  
**County's** [3] - 13:30, 13:32, 18:36  
**county's** [2] - 6:10, 17:7  
**countywide** [1] - 17:18  
**couple** [1] - 16:23  
**course** [1] - 18:52  
**Court** [1] - 1:30  
**covering** [1] - 13:41  
**Covid** [1] - 17:39  
**cows** [1] - 14:17  
**created** [1] - 9:34  
**creating** [1] - 31:37  
**credential** [1] - 15:54  
**credentials** [2] - 11:44, 11:53  
**credit** [1] - 3:55  
**crime** [1] - 19:20  
**criminals** [1] - 3:34  
**critical** [2] - 17:47, 19:55  
**critically** [1] - 19:15  
**crossed** [1] - 8:36  
**crystal** [2] - 6:17, 12:55  
**culprit** [1] - 3:33  
**current** [2] - 6:54, 6:55  
**currently** [3] - 7:1, 7:2, 19:27  
**cyber** [45] - 2:5, 4:45, 5:5, 5:35, 6:3, 6:14, 8:3, 9:2, 9:13, 10:15, 10:43, 10:48, 11:11, 12:10, 12:13, 12:43, 12:44, 12:47, 13:2, 14:15, 14:17, 17:42, 19:7, 19:17, 20:3, 20:8, 21:22, 21:23, 21:27, 21:42, 21:50, 23:23, 24:18, 25:22, 25:24, 27:19, 27:22, 27:32, 29:34, 29:38, 31:18, 31:21, 31:31, 31:43  
**CYBER** [1] - 1:1  
**Cyber** [2] - 1:8, 19:20  
**cyber-related** [1] - 12:43  
**cynical** [1] - 3:16
- 
- ### D
- 
- DA's** [1] - 20:51  
**damage** [1] - 19:17  
**data** [9] - 9:22, 9:23, 9:24, 9:25, 10:6, 13:8, 13:9, 13:10, 13:13  
**database** [2] - 15:55, 16:1  
**date** [5] - 14:44, 17:36, 17:37, 26:3, 27:47  
**dated** [1] - 26:5  
**dating** [1] - 18:49  
**day** [18] - 3:19, 3:20, 6:32, 13:16, 13:20, 16:14, 16:39, 18:41, 19:31, 22:23, 22:41, 22:56, 23:1, 23:8, 23:13, 23:41, 28:5, 29:16  
**days** [1] - 11:13  
**deal** [1] - 16:43  
**dealing** [1] - 28:5  
**decades** [1] - 7:34  
**December** [13] - 5:9, 5:27, 7:2, 10:27, 12:15, 22:34, 24:44, 24:46, 26:31, 28:37, 28:40, 28:41, 30:53  
**decentralized** [1] - 8:15  
**decision** [2] - 11:51, 20:6  
**decisions** [1] - 18:24  
**defend** [1] - 3:41  
**defer** [1] - 14:20  
**deficiency** [1] - 20:33  
**deficient** [2] - 29:36, 29:39  
**defined** [2] - 8:1, 10:1  
**definitively** [1] - 25:4  
**deflect** [1] - 5:23  
**degree** [2] - 7:20, 14:14  
**degrees** [1] - 8:13  
**Dell** [1] - 23:50  
**dell** [1] - 6:6  
**demand** [1] - 28:20  
**demonstrate** [2] - 4:53, 5:45  
**demonstrated** [1] - 18:56  
**denial** [2] - 5:47, 5:53  
**department** [6] - 8:10, 8:11, 8:23, 25:17, 25:18, 31:2  
**Department** [7] - 4:56, 7:50, 10:33, 10:35, 20:2, 22:27, 22:32  
**departmental** [7] - 5:48, 8:48, 9:4, 17:54, 19:52, 19:55, 20:7  
**departments** [10] - 7:44, 8:6, 8:28, 8:45, 8:56, 19:8, 19:52, 19:56, 20:16, 20:24  
**dependent** [1] - 10:3  
**depends** [1] - 28:17  
**deploy** [1] - 29:31  
**deployed** [2] - 10:21, 10:24  
**Deputy** [2] - 1:25, 13:29  
**deputy** [2] - 5:54, 6:18  
**designed** [2] - 8:41, 11:27  
**designee** [1] - 6:5  
**desire** [1] - 21:19  
**desk** [1] - 4:6  
**desktop** [1] - 9:20  
**desktops** [2] - 9:5, 10:54  
**destroy** [1] - 11:39  
**destroys** [1] - 8:52  
**detail** [1] - 9:11  
**details** [2] - 11:4, 23:36  
**detect** [2] - 11:27, 29:21  
**detecting** [1] - 11:26  
**detection** [2] - 9:19, 9:20  
**determination** [1] - 9:7  
**determine** [1] - 12:3  
**determining** [1] - 9:20  
**devastating** [1] - 19:23  
**device** [10] - 10:1, 11:9, 11:32, 11:34, 11:41, 11:42, 11:46, 17:56, 20:21, 20:50  
**devices** [2] - 11:38, 11:52  
**diagnose** [1] - 16:24  
**did** [54] - 3:27, 3:34, 3:52, 4:29, 5:4, 5:45, 6:31, 7:33, 9:45, 10:44, 12:2, 12:43, 13:1, 13:39, 17:30, 17:37, 18:8, 18:28, 21:17, 23:2, 23:13, 23:14, 23:17, 23:26, 23:37, 24:5, 24:24, 24:48, 25:21, 25:29, 25:47, 25:49, 26:13, 26:44, 26:47, 26:48, 26:50, 26:55, 27:20, 27:29, 27:46, 27:48, 27:52, 28:29, 28:31, 28:36, 29:27, 29:31, 30:32, 31:31, 31:50  
**Did** [4] - 9:47, 10:49, 22:18, 31:43  
**didn't** [16] - 3:9, 13:4, 13:12, 13:13, 13:24, 13:50, 18:10, 20:44, 21:20, 22:37, 24:17, 25:39, 25:41, 28:43, 29:26, 31:34  
**Didn't** [1] - 24:14  
**difference** [2] - 18:1, 20:23  
**different** [3] - 7:44, 9:26, 21:25  
**difficult** [2] - 21:39, 28:21  
**difficulty** [1] - 17:22  
**direct** [1] - 14:35  
**directly** [4] - 11:21, 19:11, 23:17, 27:1  
**director** [4] - 6:55, 7:14, 7:23, 7:30  
**directory** [1] - 9:32  
**disagree** [2] - 21:21, 31:1  
**disconnect** [2] - 6:31, 23:14  
**disconnected** [2] - 6:28, 23:4  
**discovered** [1] - 26:1  
**discuss** [2] - 23:31, 23:35  
**discussed** [2] - 6:5, 32:7  
**discussion** [2] - 10:43, 16:36  
**disparate** [1] - 8:15  
**disruptions** [1] - 19:12  
**distributed** [2] - 2:55, 11:37  
**district** [8] - 5:41, 6:1, 8:22, 8:49, 14:2, 20:27, 20:29, 20:38  
**Do** [3] - 29:38, 31:39, 31:45  
**do** [43] - 3:2, 4:16, 6:53, 8:9, 8:41, 11:1, 11:7, 12:1, 12:12, 12:47, 13:12, 13:19, 13:24, 13:34, 14:2, 14:26, 14:54, 14:56, 16:29, 17:17, 17:20, 20:52, 21:30, 23:3, 23:13, 23:48, 25:21, 25:39, 25:49, 25:55, 26:48, 26:50, 26:51, 27:49, 27:53, 29:34, 31:17, 31:26, 31:34,

## DATE

31:50, 32:10, 32:20  
**does** [5] - 3:39, 11:1,  
 20:3, 21:30, 28:15  
**doing** [3] - 13:2,  
 14:5, 27:6  
**DOIT** [54] - 3:12,  
 3:14, 4:47, 4:52, 5:6,  
 5:23, 5:34, 5:42, 5:44,  
 5:48, 5:54, 6:4, 6:7,  
 6:15, 6:30, 7:49, 7:53,  
 7:54, 8:18, 8:27, 8:29,  
 8:31, 8:32, 8:48, 11:4,  
 11:21, 12:2, 12:7,  
 12:41, 12:49, 12:53,  
 13:27, 13:29, 14:13,  
 15:8, 15:43, 16:6,  
 17:31, 18:6, 18:8,  
 18:22, 20:9, 20:33,  
 21:20, 22:1, 22:32,  
 23:13, 23:14, 26:45,  
 27:42, 29:25, 29:28,  
 30:1, 31:29  
**DOIT's** [1] - 10:40  
**don't** [18] - 3:35,  
 9:52, 11:13, 13:50,  
 14:11, 14:52, 21:53,  
 25:3, 25:53, 26:37,  
 27:3, 27:4, 27:9,  
 27:18, 30:23, 31:24  
**donaghue** [1] - 32:2  
**DONAGHUE** [10] -  
 4:35, 14:23, 14:33,  
 15:14, 15:24, 15:31,  
 18:16, 29:6, 29:11,  
 32:14  
**Donaghue** [10] -  
 1:26, 4:33, 6:36, 6:38,  
 12:45, 29:9, 29:13,  
 29:44, 32:4  
**done** [12] - 3:36,  
 15:41, 17:50, 17:52,  
 20:56, 22:24, 24:12,  
 25:50, 26:15, 27:37,  
 28:23, 31:22  
**DONOGHUE** [1] -  
 12:25  
**Donoghue** [1] -  
 12:30  
**doors** [1] - 15:6  
**dots** [1] - 9:29  
**double** [1] - 26:12  
**Douglas** [2] - 3:4, 3:5  
**down** [5] - 4:13, 9:8,  
 9:28, 13:21, 25:41  
**download** [1] - 28:4  
**dozen** [1] - 7:37  
**drive** [1] - 11:47  
**due** [1] - 5:9  
**Duffy** [1] - 1:23  
**during** [5] - 24:24,

25:55, 27:40, 30:13

---

### E

---

**E** [2] - 9:45  
**e** [31] - 4:48, 5:10,  
 5:37, 6:16, 6:17, 8:2,  
 11:17, 11:18, 11:20,  
 11:56, 12:53, 15:8,  
 15:10, 15:26, 15:42,  
 15:49, 16:13, 16:17,  
 16:20, 16:28, 16:39,  
 16:42, 18:12, 18:22,  
 19:35, 20:26, 25:3,  
 25:52, 26:5, 27:3,  
 30:47  
**e-mail** [23] - 4:48,  
 6:17, 8:2, 11:17,  
 11:18, 11:56, 15:8,  
 15:10, 15:26, 15:49,  
 16:13, 16:17, 16:20,  
 16:28, 16:39, 16:42,  
 18:12, 18:22, 19:35,  
 20:26, 25:3, 26:5,  
 30:47  
**e-mails** [8] - 5:10,  
 5:37, 6:16, 11:20,  
 12:53, 15:42, 25:52,  
 27:3  
**each** [3] - 8:23, 8:56,  
 20:15  
**earlier** [2] - 13:41,  
 25:24  
**early** [5] - 8:33,  
 17:41, 17:56, 27:50,  
 28:28  
**early-mid** [1] - 27:50  
**earth's** [1] - 25:13  
**easier** [1] - 21:41  
**easily** [2] - 21:25,  
 28:7  
**ecosystem** [2] -  
 25:15  
**edge** [2] - 13:32,  
 14:39  
**efficient** [1] - 21:35  
**effort** [4] - 3:26, 3:29,  
 5:42, 12:51  
**efforts** [1] - 23:49  
**either** [4] - 15:56,  
 22:37, 22:38, 22:40  
**elected** [2] - 19:18,  
 30:22  
**elevates** [1] - 20:9  
**elitism** [1] - 5:2  
**else** [3] - 23:6, 28:3,  
 30:2  
**EMC** [1] - 18:39  
**emphasize** [3] -  
 6:21, 14:7, 16:22

**employee** [1] - 3:15  
**employees** [2] -  
 5:20, 7:54  
**employment** [1] -  
 3:53  
**encapsulate** [1] -  
 8:53  
**encapsulates** [1] -  
 8:45  
**encrypted** [3] -  
 11:35, 11:52  
**encryption** [2] -  
 4:54, 6:24  
**end** [9] - 3:46, 10:53,  
 17:32, 17:37, 17:45,  
 20:54, 20:55, 21:46,  
 22:40  
**End** [1] - 17:29  
**endpoint** [6] - 5:36,  
 9:19, 9:39, 9:56, 10:1,  
 19:14  
**endpoints** [1] - 9:27  
**enforcement** [1] -  
 3:39  
**engaged** [1] - 13:1  
**engineering** [1] -  
 3:50  
**enough** [2] - 6:21,  
 14:7  
**ensure** [5] - 9:21,  
 9:33, 14:49, 25:34,  
 31:19  
**enterprise** [1] -  
 10:38  
**entire** [3] - 9:33,  
 17:14, 19:46  
**entities** [1] - 31:23  
**Environment** [1] -  
 19:2  
**environment** [11] -  
 10:29, 10:32, 17:12,  
 17:15, 21:33, 22:36,  
 24:25, 25:44, 26:46,  
 29:22, 30:55  
**environments** [1] -  
 29:18  
**envision** [1] - 8:26  
**equation** [1] - 30:13  
**Equipment** [1] -  
 18:39  
**equipment** [4] -  
 12:43, 21:47, 21:48,  
 21:49  
**errors** [1] - 5:24  
**escalated** [1] - 9:34  
**especially** [1] - 14:15  
**essentially** [1] -  
 30:48  
**estate** [1] - 19:10  
**evaluate** [1] - 12:46

**even** [4] - 3:43,  
 13:24, 26:2, 27:51  
**evenhandedly** [1] -  
 24:13  
**event** [2] - 8:51, 11:9  
**Event** [1] - 10:12  
**events** [3] - 6:12,  
 6:15, 31:21  
**ever** [8] - 3:17, 3:50,  
 5:46, 6:5, 10:47,  
 22:27, 30:2, 30:9  
**every** [6] - 28:5, 28:6,  
 28:11, 29:16, 31:22  
**everybody** [6] - 3:13,  
 3:18, 15:20, 26:32,  
 28:3, 32:27  
**everyone** [3] - 2:4,  
 4:4, 26:36  
**everything** [7] - 3:16,  
 3:18, 3:52, 8:52,  
 25:35, 26:7, 28:23  
**exactly** [3] - 5:26,  
 23:21, 23:29  
**Examination** [12] -  
 6:38, 12:36, 17:1,  
 22:12, 22:52, 24:36,  
 26:27, 29:13, 29:50,  
 30:41, 31:11, 32:4  
**example** [1] - 9:52  
**examples** [1] - 13:8  
**excuse** [1] - 17:51  
**Excused** [3] - 1:20,  
 2:23, 2:35  
**excused** [2] - 2:38,  
 32:19  
**executed** [1] - 10:34  
**executive** [6] - 5:17,  
 5:26, 10:28, 12:9,  
 22:35, 30:52  
**Executive** [1] - 31:49  
**executive's** [1] - 5:30  
**exercise** [1] - 10:49  
**exhibit** [4] - 15:14,  
 15:25, 18:13, 18:17  
**Exhibit** [1] - 16:14  
**existing** [7] - 4:47,  
 17:24, 19:41, 19:54,  
 21:15, 21:45, 21:46  
**expanded** [1] - 7:42  
**expect** [1] - 24:12  
**expense** [1] - 3:31  
**experience** [3] -  
 3:14, 7:15, 7:16  
**expert** [5] - 9:3,  
 14:16, 25:25, 27:22  
**expertise** [1] - 20:12  
**experts** [1] - 8:20  
**expiration** [1] - 17:36  
**explain** [5] - 8:42,  
 9:54, 11:31, 13:38,

25:8  
**explanation** [2] - 7:7,  
 14:24  
**exploit** [2] - 24:9,  
 25:12  
**exploitation** [1] -  
 25:46  
**extended** [1] - 19:51  
**extensive** [1] - 14:24  
**extract** [1] - 15:54  
**extremely** [2] - 6:21,  
 16:22  
**eyes** [5] - 9:42,  
 10:29, 20:34, 22:35,  
 30:54

---

### F

---

**fact** [11] - 6:43, 8:35,  
 8:37, 10:24, 10:32,  
 10:46, 13:53, 20:32,  
 20:48, 21:44, 26:33  
**facts** [3] - 4:42, 4:45,  
 5:29  
**failed** [2] - 3:17,  
 14:47  
**failings** [2] - 4:52,  
 5:1  
**failure** [2] - 3:24,  
 3:25  
**failures** [1] - 5:24  
**fair** [2] - 8:26, 31:3  
**falling** [1] - 12:52  
**falls** [1] - 3:43  
**familiar** [3] - 7:43,  
 7:46, 20:12  
**fanfare** [1] - 4:49  
**far** [4] - 14:3, 14:17,  
 24:47, 26:16  
**faster** [1] - 31:40  
**FBI** [3] - 5:43, 11:55,  
 12:3  
**February** [3] - 5:33,  
 22:22  
**feel** [1] - 5:28  
**fees** [1] - 18:52  
**felt** [6] - 5:39, 18:9,  
 20:32, 20:35, 24:15,  
 28:30  
**fiduciary** [1] - 19:18  
**figure** [1] - 6:20  
**final** [2] - 13:40,  
 14:41  
**finally** [1] - 19:42  
**financial** [1] - 25:15  
**find** [1] - 27:10  
**finding** [1] - 29:35  
**finds** [1] - 10:56  
**fine** [2] - 20:52,  
 27:54

## DATE

**fingers** [1] - 7:22  
**finished** [1] - 14:2  
**fire** [1] - 25:7  
**firewall** [65] - 5:48, 5:53, 5:56, 8:41, 8:44, 8:47, 9:1, 9:4, 9:38, 13:22, 13:31, 13:32, 13:40, 13:43, 13:44, 13:45, 13:54, 14:4, 14:9, 14:40, 14:42, 14:45, 14:47, 14:50, 14:52, 14:54, 15:5, 17:8, 17:11, 17:14, 17:18, 17:23, 17:25, 17:28, 17:44, 17:50, 17:52, 17:54, 18:1, 18:2, 18:3, 18:5, 18:8, 18:9, 19:50, 19:52, 19:54, 19:55, 20:13, 20:19, 20:20, 20:25, 20:28, 20:29, 20:39, 20:46, 21:16, 21:18, 24:10, 28:45, 28:50  
**Firewall** [1] - 19:49  
**firewalls** [24] - 8:40, 8:42, 8:48, 8:56, 9:4, 9:12, 9:22, 9:26, 10:10, 16:30, 17:5, 18:27, 18:31, 18:36, 19:4, 20:7, 20:15, 20:19, 21:2, 29:56, 30:8, 30:10, 30:12  
**firm** [1] - 23:27  
**first** [9] - 3:53, 4:14, 6:24, 7:35, 9:44, 10:46, 14:47, 14:52, 24:54  
**fiscal** [1] - 19:49  
**Five** [1] - 2:41  
**five** [6] - 4:9, 4:37, 6:31, 11:40, 12:40, 23:15  
**five-minute** [1] - 4:9  
**fix** [3] - 27:14, 28:4, 28:50  
**fixing** [1] - 25:23  
**flag** [2] - 5:32, 5:38  
**flags** [2] - 4:48, 24:11  
**flavor** [1] - 9:55  
**flavors** [1] - 10:3  
**floor** [1] - 21:9  
**folder** [1] - 11:31  
**folks** [7] - 7:36, 13:5, 14:51, 25:6, 26:14, 30:3  
**follow** [7] - 5:28, 5:46, 15:49, 26:25, 26:30, 29:7, 30:43  
**follow-up** [2] - 5:46,

26:25  
**follow-ups** [1] - 29:7  
**following** [1] - 12:2  
**for** [81] - 2:44, 2:45, 3:11, 3:14, 3:48, 3:50, 3:51, 4:3, 4:4, 4:8, 4:32, 5:3, 6:4, 6:9, 7:10, 7:13, 7:31, 8:10, 8:17, 9:33, 10:15, 10:39, 10:44, 12:40, 13:14, 13:20, 13:21, 13:33, 13:51, 13:53, 14:3, 14:8, 14:27, 14:42, 15:14, 15:29, 17:43, 18:10, 19:2, 19:5, 19:26, 19:35, 19:55, 20:5, 20:13, 20:15, 20:17, 20:30, 20:37, 20:41, 20:42, 21:5, 21:16, 21:18, 22:54, 24:42, 25:6, 25:26, 25:27, 25:37, 26:13, 26:25, 26:46, 28:13, 28:19, 28:54, 29:15, 29:19, 29:52, 29:56, 31:18, 31:36, 31:47, 32:18, 32:19, 32:27  
**For** [1] - 19:48  
**form** [2] - 12:14, 13:2  
**forth** [2] - 8:22, 8:50  
**forward** [5] - 4:5, 5:26, 17:43, 18:17, 23:38  
**forwarded** [1] - 23:33  
**found** [3] - 13:48, 25:14, 25:16  
**foundation** [3] - 8:5, 8:30, 25:11  
**four** [2] - 6:31, 23:14  
**Frank** [1] - 1:24  
**frequented** [1] - 5:39  
**frequented** [1] - 19:9  
**from** [38] - 3:11, 3:19, 4:11, 5:8, 5:23, 6:19, 6:28, 7:1, 7:38, 8:48, 9:22, 9:23, 13:9, 13:34, 15:42, 15:47, 15:55, 16:13, 16:21, 16:48, 17:45, 18:17, 21:34, 23:4, 24:1, 24:17, 24:46, 25:17, 25:56, 26:6, 27:30, 28:1, 28:11, 29:32, 30:1, 31:2, 31:40  
**front** [4] - 14:10, 22:56, 27:9, 32:30  
**full** [3] - 10:37, 10:41, 12:41

**functional** [1] - 8:16  
**functionality** [1] - 14:16  
**Fund** [1] - 18:55  
**funding** [3] - 17:41, 21:2, 21:18  
**further** [2] - 12:6, 32:15  
**future** [1] - 32:8

## G

**Gabrielle** [1] - 1:30  
**gap** [2] - 20:36, 20:54  
**gate** [1] - 3:10  
**General** [1] - 18:54  
**generally** [4] - 7:49, 7:55, 8:40, 25:6  
**generated** [3] - 5:29, 5:34, 8:4  
**generated-type** [1] - 8:4  
**gentleman** [1] - 28:11  
**get** [12] - 3:27, 9:11, 11:41, 13:24, 13:40, 16:29, 17:17, 17:20, 20:18, 20:56, 21:2, 29:16  
**getting** [6] - 9:34, 15:42, 17:40, 20:49, 22:44, 30:1  
**give** [8] - 4:17, 7:7, 8:50, 10:7, 11:4, 16:31, 23:9, 27:47  
**given** [3] - 12:20, 16:25, 22:3  
**gives** [1] - 21:25  
**giving** [2] - 4:9, 14:3  
**glass** [1] - 9:43  
**go** [12] - 11:20, 11:21, 14:4, 16:3, 20:49, 20:52, 23:8, 23:10, 23:44, 25:41, 30:20, 30:22  
**goal** [2] - 17:42, 17:53  
**God** [1] - 4:19  
**goes** [4] - 7:16, 8:46, 25:17, 29:18  
**going** [19] - 3:9, 4:9, 4:10, 4:13, 6:20, 9:30, 10:8, 12:26, 12:56, 13:44, 13:46, 16:25, 17:30, 17:45, 18:4, 23:13, 23:20, 26:37, 28:50  
**goings** [1] - 9:5  
**Good** [4] - 12:39,

22:54, 24:38, 24:39  
**good** [12] - 2:4, 2:6, 2:9, 3:9, 6:40, 7:30, 12:38, 13:21, 14:21, 18:46, 24:19, 29:2  
**Got** [1] - 15:35  
**got** [6] - 3:13, 15:47, 20:39, 20:54, 24:9, 27:30  
**government** [6] - 3:15, 3:16, 3:29, 7:18, 30:3, 31:23  
**graceful** [1] - 3:20  
**graciously** [1] - 5:14  
**grade** [2] - 11:32, 11:34  
**grant** [1] - 24:25  
**Greek** [1] - 11:13  
**grew** [1] - 7:35  
**ground** [1] - 4:8  
**group** [1] - 16:33  
**guess** [1] - 14:4  
**guidance** [2] - 5:37, 5:45  
**guide** [2] - 25:34, 28:12  
**guy** [5] - 3:39, 14:4, 14:18, 14:19  
**Guys** [1] - 13:18

## H

**H** [1] - 1:10  
**Had** [1] - 6:14  
**had** [53] - 4:55, 5:40, 6:17, 8:37, 8:56, 10:28, 10:36, 10:37, 10:41, 12:44, 13:3, 13:8, 13:20, 13:21, 13:56, 14:14, 14:39, 14:45, 14:49, 14:53, 17:32, 17:34, 18:35, 20:13, 20:50, 20:55, 21:1, 21:13, 21:19, 22:1, 22:35, 23:15, 23:29, 23:31, 23:41, 23:43, 24:16, 24:43, 25:29, 25:32, 25:45, 26:5, 26:35, 27:32, 28:7, 28:8, 28:40, 28:41, 28:45, 30:53, 31:14, 31:40  
**half** [1] - 3:12  
**hampered** [1] - 5:10  
**hand** [2] - 4:16, 14:52  
**handle** [2] - 3:21, 7:41  
**hands** [1] - 10:40  
**happened** [3] - 23:8,

26:43, 28:33  
**happening** [3] - 9:8, 14:1, 23:29  
**hard** [1] - 3:19  
**hardware** [7] - 10:15, 11:32, 19:16, 19:50, 20:19, 21:34, 21:46  
**hardworking** [1] - 3:17  
**has** [23] - 2:38, 2:55, 3:36, 7:54, 8:11, 8:12, 8:23, 8:44, 12:1, 12:8, 12:41, 16:10, 18:51, 19:6, 19:8, 19:36, 19:49, 20:5, 20:38, 20:39, 27:53, 31:18, 31:23  
**have** [107] - 2:12, 3:2, 3:5, 3:10, 3:13, 3:41, 3:48, 3:49, 4:6, 4:37, 4:50, 4:54, 5:4, 5:50, 6:16, 6:41, 7:20, 7:26, 8:4, 8:7, 8:12, 8:15, 8:20, 8:41, 8:48, 9:3, 9:5, 9:17, 9:19, 9:22, 9:31, 9:35, 9:39, 9:41, 9:45, 9:48, 9:53, 10:4, 10:5, 10:46, 12:8, 12:12, 12:20, 12:44, 12:45, 12:48, 12:50, 13:4, 13:8, 14:11, 14:20, 14:35, 14:36, 14:52, 17:42, 17:47, 18:8, 18:14, 18:30, 18:56, 19:12, 19:18, 20:2, 20:3, 20:8, 20:39, 21:17, 21:20, 21:37, 23:7, 24:13, 24:42, 24:43, 24:47, 24:48, 25:3, 25:53, 26:13, 26:15, 26:37, 26:49, 27:2, 27:3, 27:9, 28:17, 29:47, 29:52, 30:49, 31:24, 31:25, 31:31, 31:34, 31:36, 31:39, 31:43, 31:47, 31:50, 32:7, 32:8, 32:15  
**haven't** [3] - 25:47, 25:50, 25:51  
**having** [15] - 3:36, 3:41, 3:54, 5:49, 9:38, 12:10, 13:7, 14:9, 14:26, 15:10, 17:22, 19:38, 21:35, 21:42, 21:51  
**he** [12] - 3:51, 4:29, 5:27, 13:39, 13:41, 14:1, 14:19, 18:33, 22:37, 22:38

DATE

**He** [1] - 16:11  
**health** [2] - 10:43, 10:48  
**hear** [2] - 3:46, 13:33  
**heard** [5] - 3:35, 8:40, 10:47, 12:8, 14:53  
**hearing** [1] - 4:8  
**heeded** [1] - 5:1  
**held** [1] - 1:9  
**Help** [1] - 28:13  
**help** [9] - 4:19, 12:52, 13:6, 13:19, 13:24, 20:35, 23:49, 24:1  
**helping** [1] - 26:14  
**helps** [3] - 10:15, 21:22, 21:23  
**hence** [1] - 20:4  
**her** [1] - 18:45  
**here** [21] - 2:26, 2:32, 3:24, 3:33, 3:46, 4:4, 4:41, 4:42, 4:46, 4:49, 9:37, 10:4, 12:40, 13:16, 14:21, 18:30, 20:45, 26:29, 27:49, 31:14, 32:27  
**hey** [1] - 17:47  
**Hey** [2] - 30:4, 30:30  
**high** [1] - 9:28  
**highlighted** [8] - 15:37, 15:46, 15:52, 16:9, 16:20, 16:28, 18:44, 19:33  
**highly** [4] - 6:9, 28:6, 28:18  
**Highway** [1] - 1:11  
**him** [2] - 3:52, 23:34  
**himself** [2] - 22:50, 31:9  
**hindsight** [2] - 6:13, 14:6  
**hire** [1] - 23:44  
**hired** [5] - 7:41, 14:18, 14:19, 24:16, 25:32  
**hiring** [1] - 26:40  
**his** [9] - 3:54, 3:55, 15:38, 15:46, 18:34, 19:34, 22:41, 31:2  
**hit** [3] - 17:39, 17:46, 28:22  
**hold** [2] - 7:4, 7:8  
**hole** [2] - 13:42, 24:18  
**home** [1] - 14:17  
**Homeland** [3] - 26:31, 27:14, 28:48  
**homes** [1] - 19:13  
**Hon** [1] - 32:4

**HON** [10] - 4:35, 14:23, 14:33, 15:14, 15:24, 15:31, 18:16, 29:6, 29:11, 32:14  
**honest** [3] - 21:29, 21:54, 27:1  
**honestly** [2] - 13:48, 24:15  
**Honorable** [5] - 1:26, 4:33, 6:35, 6:38, 29:13  
**Hope** [1] - 1:25  
**Horizon** [1] - 25:16  
**hours** [5] - 6:22, 6:26, 6:31, 16:23, 23:15  
**house** [1] - 18:48  
**how** [14] - 3:39, 6:9, 7:33, 7:49, 8:42, 8:54, 12:56, 13:33, 13:50, 17:3, 17:17, 22:15, 23:26, 28:33  
**however** [3] - 6:30, 13:6, 19:53  
**hub** [2] - 8:26, 8:27  
**hub-and-spoke** [1] - 8:26  
**human** [3] - 9:35, 11:36, 12:55  
**hundred** [3] - 12:49, 17:23, 17:25  
**hybrid** [1] - 1:9  
**hyper** [1] - 21:32

I

**I** [239] - 2:12, 3:2, 3:3, 3:9, 3:10, 3:11, 3:12, 3:13, 3:14, 3:16, 3:18, 3:20, 3:23, 3:27, 3:33, 3:34, 3:35, 3:46, 3:47, 3:48, 3:49, 3:51, 3:52, 3:53, 4:3, 4:5, 4:22, 4:32, 4:36, 4:41, 4:44, 4:50, 5:2, 5:8, 5:9, 5:12, 5:26, 5:28, 5:39, 5:40, 6:17, 6:20, 6:29, 6:32, 6:35, 6:41, 7:2, 7:10, 7:13, 7:20, 7:27, 7:35, 7:40, 7:45, 7:54, 7:55, 8:4, 8:40, 9:2, 9:47, 9:50, 9:52, 10:6, 10:36, 10:46, 10:52, 11:12, 11:34, 11:38, 11:56, 12:1, 12:6, 12:8, 12:15, 12:44, 12:45, 12:48, 12:50, 12:53, 13:4, 13:5, 13:6, 13:8, 13:10, 13:11, 13:12, 13:13,

13:17, 13:19, 13:20, 13:21, 13:22, 13:23, 13:24, 13:25, 13:28, 13:33, 13:34, 13:39, 13:40, 13:48, 13:50, 14:1, 14:4, 14:7, 14:8, 14:11, 14:12, 14:15, 14:16, 14:18, 14:20, 14:25, 14:50, 14:52, 14:53, 14:56, 15:39, 15:41, 15:47, 16:22, 16:24, 16:25, 17:22, 18:13, 18:30, 18:31, 18:55, 19:4, 19:18, 19:25, 19:35, 20:1, 20:18, 20:26, 20:32, 20:34, 20:35, 20:37, 20:39, 20:44, 20:45, 20:46, 20:48, 20:49, 20:52, 20:53, 21:6, 21:21, 21:44, 21:52, 21:54, 22:17, 22:33, 22:40, 22:55, 23:7, 23:8, 23:9, 23:15, 23:19, 23:20, 23:27, 23:32, 23:37, 23:50, 24:8, 24:12, 24:15, 24:17, 24:19, 24:20, 24:41, 24:42, 24:47, 24:48, 25:3, 25:24, 25:29, 25:41, 25:49, 25:53, 26:5, 26:12, 26:29, 26:30, 26:34, 26:40, 27:1, 27:3, 27:4, 27:9, 27:10, 27:21, 27:31, 27:45, 27:50, 28:7, 28:26, 28:37, 28:41, 29:7, 29:27, 29:47, 29:48, 29:53, 30:13, 30:22, 30:23, 30:32, 31:24, 31:49, 31:51, 32:1, 32:6, 32:15, 32:26  
**I'd** [2] - 8:39, 16:13  
**I'll** [3] - 3:46, 9:28, 24:30  
**I'm** [39] - 3:3, 3:15, 4:10, 4:13, 4:42, 6:55, 7:54, 9:2, 10:51, 12:26, 14:16, 14:18, 15:29, 16:55, 17:30, 18:28, 18:29, 19:21, 20:18, 21:5, 21:29, 21:44, 21:50, 22:30, 25:24, 25:49, 25:53, 26:3, 26:44, 27:10, 27:12, 27:22, 27:53, 27:55, 29:37, 30:14, 30:22  
**I've** [5] - 3:35, 3:50, 7:21, 19:20, 24:46

**I.T** [23] - 3:25, 3:26, 3:48, 7:14, 7:25, 7:30, 7:33, 7:43, 8:7, 8:16, 8:24, 8:27, 10:28, 18:25, 21:27, 22:27, 22:35, 22:36, 25:6, 27:16, 30:53, 30:55, 31:2  
**idea** [2] - 28:41, 31:35  
**identified** [4] - 3:37, 6:6, 18:36, 23:32  
**identify** [2] - 27:34, 27:35  
**IDs** [1] - 11:44  
**If** [2] - 2:44, 23:8  
**if** [37] - 3:3, 4:45, 4:47, 7:18, 7:54, 8:13, 8:51, 9:7, 9:29, 9:56, 10:34, 10:39, 11:10, 11:40, 12:2, 14:6, 14:34, 14:54, 15:25, 15:37, 16:24, 18:14, 21:45, 21:48, 22:4, 22:42, 26:36, 27:10, 27:51, 28:43, 29:38, 30:55, 31:14, 31:26, 31:27, 31:40, 32:20  
**IFMS** [1] - 25:15  
**ignored** [1] - 28:10  
**immediate** [1] - 28:44  
**immediately** [3] - 13:55, 23:32, 23:33  
**imminent** [1] - 19:29  
**impact** [1] - 19:12  
**implement** [1] - 14:39  
**implementation** [4] - 5:56, 19:2, 19:26, 20:51  
**implemented** [1] - 14:51  
**important** [4] - 5:11, 7:25, 27:18, 30:31  
**in** [201] - 1:9, 1:22, 3:40, 3:47, 3:52, 4:14, 4:26, 4:29, 4:46, 4:48, 4:52, 5:41, 5:50, 5:55, 6:8, 6:13, 6:43, 6:46, 7:11, 7:12, 7:16, 7:17, 7:20, 7:21, 7:28, 7:33, 7:39, 7:44, 8:7, 8:14, 8:20, 8:28, 8:33, 8:35, 8:54, 8:55, 9:2, 9:10, 9:14, 9:24, 9:27, 9:35, 9:37, 9:41, 9:45, 10:7, 10:21, 10:24, 10:25, 10:27, 10:30, 10:32, 10:38, 10:40, 10:44,

10:45, 10:46, 10:47, 10:49, 10:50, 11:5, 11:6, 11:7, 11:26, 11:35, 11:39, 11:43, 11:44, 11:49, 11:55, 12:7, 12:14, 12:51, 13:1, 13:5, 13:7, 13:30, 13:49, 13:53, 13:56, 14:4, 14:5, 14:13, 14:36, 14:40, 14:47, 14:50, 15:5, 15:6, 15:8, 15:15, 15:56, 16:34, 16:55, 17:12, 17:15, 17:28, 17:32, 17:39, 17:40, 17:41, 17:56, 18:22, 18:36, 18:51, 18:52, 18:53, 18:55, 19:5, 19:8, 19:13, 19:36, 19:39, 19:44, 19:48, 20:16, 20:20, 20:29, 20:39, 20:45, 21:2, 21:18, 21:23, 21:42, 21:56, 22:3, 22:18, 22:19, 22:20, 22:22, 22:36, 22:55, 23:26, 23:49, 23:53, 23:54, 23:55, 24:1, 24:10, 24:18, 24:54, 25:15, 25:18, 25:19, 25:20, 25:29, 25:33, 25:34, 25:38, 25:43, 25:48, 25:52, 26:5, 26:7, 26:11, 26:14, 26:31, 26:33, 26:52, 27:9, 27:23, 27:31, 27:37, 27:50, 28:7, 28:8, 28:15, 28:16, 28:18, 28:25, 28:27, 28:28, 28:40, 28:41, 28:42, 28:45, 28:49, 28:50, 29:31, 29:55, 30:18, 30:25, 30:49, 31:13, 31:20, 31:21, 31:27, 31:29, 31:40, 31:51, 32:8, 32:30  
**In** [5] - 7:13, 9:12, 19:14, 23:4, 24:50  
**in-memory** [1] - 15:56  
**Incident** [1] - 10:12  
**incidents** [1] - 12:47  
**include** [2] - 5:22, 7:24  
**included** [1] - 7:38  
**including** [3] - 5:36, 7:12, 25:14  
**incoherent** [1] - 24:48  
**incompetent** [1] -



## DATE

- 22:38  
**incorrect** [1] - 10:31  
**increase** [2] - 22:19, 22:24  
**increased** [2] - 7:37, 22:20  
**increasing** [2] - 22:42, 22:43  
**independent** [1] - 20:4  
**indicate** [1] - 11:8  
**indicated** [6] - 6:8, 6:14, 10:53, 17:6, 20:50, 26:6  
**indication** [1] - 12:20  
**indicative** [1] - 5:2  
**indicted** [1] - 3:37  
**individual** [8] - 3:24, 3:43, 11:11, 15:49, 16:32, 19:51, 30:3, 30:26  
**individually** [2] - 30:30, 30:32  
**individuals** [1] - 7:37  
**industrial** [1] - 7:20  
**industries** [1] - 19:11  
**industry** [3] - 3:29, 18:50, 19:6  
**infer** [1] - 22:40  
**inferred** [3] - 14:42, 14:46, 14:48  
**inferring** [1] - 13:39  
**information** [12] - 4:45, 6:55, 7:12, 7:17, 7:27, 11:23, 13:16, 18:4, 20:40, 23:33, 25:48, 31:28  
**Information** [5] - 4:56, 7:50, 10:33, 10:35, 22:32  
**informaton** [1] - 31:14  
**informed** [2] - 13:29, 27:42  
**infrastructure** [8] - 7:56, 8:1, 20:3, 20:5, 21:27, 21:28, 27:16, 31:51  
**initial** [1] - 24:46  
**initially** [1] - 7:40  
**initiated** [1] - 16:10  
**insight** [2] - 3:23, 12:46  
**insistent** [1] - 5:1  
**instance** [3] - 8:10, 8:17, 23:26  
**instances** [1] - 8:7  
**instead** [1] - 14:1  
**insurable** [2] - 31:52, 31:53  
**insurance** [4] - 20:4, 31:43, 31:48, 31:50  
**integrate** [1] - 17:54  
**integrated** [1] - 9:1  
**integration** [1] - 9:3  
**intelligence** [2] - 9:28, 9:29  
**interest** [1] - 28:31  
**Interested** [1] - 1:27  
**intergovernmental** [1] - 30:20  
**international** [1] - 3:38  
**interpret** [1] - 12:56  
**interviewed** [1] - 6:43  
**interviews** [1] - 6:47  
**into** [15] - 2:5, 3:23, 5:42, 7:23, 8:53, 9:11, 11:41, 13:9, 16:42, 17:26, 18:44, 19:33, 19:46, 21:33, 25:41  
**intrusion** [1] - 20:8  
**intrusions** [1] - 21:26  
**investigate** [1] - 15:40  
**investigation** [2] - 4:44, 6:44  
**INVESTIGATION** [1] - 1:1  
**Investigation** [1] - 1:8  
**investigations** [1] - 2:5  
**invited** [1] - 23:34  
**involved** [2] - 7:21, 28:25  
**involvement** [1] - 5:46  
**iron** [3] - 11:31, 11:32, 11:36  
**Is** [1] - 8:26  
**is** [130] - 3:24, 3:25, 3:33, 3:38, 3:42, 3:49, 3:51, 3:54, 4:8, 5:11, 5:18, 5:20, 5:22, 6:10, 6:19, 6:21, 6:54, 6:55, 7:20, 7:49, 8:16, 8:38, 8:41, 8:47, 9:19, 9:21, 9:30, 9:32, 9:37, 9:54, 9:55, 9:56, 10:4, 10:8, 10:12, 10:13, 10:14, 10:18, 10:30, 10:32, 11:3, 11:5, 11:26, 11:32, 11:40, 11:43, 12:14, 12:49, 13:16, 13:18, 13:24, 13:26, 13:46, 13:49, 14:6, 15:4, 15:14, 15:40, 16:1, 16:22, 16:24, 17:8, 17:37, 18:1, 18:46, 18:47, 19:4, 19:5, 19:9, 19:15, 19:20, 19:37, 19:40, 19:53, 19:56, 20:11, 20:17, 20:18, 20:30, 20:31, 20:41, 20:42, 21:3, 21:9, 21:22, 21:24, 21:31, 21:45, 21:50, 21:56, 22:38, 23:24, 24:41, 24:52, 25:8, 25:9, 25:17, 25:18, 25:26, 26:16, 26:43, 26:45, 27:10, 27:13, 27:14, 27:25, 28:1, 28:13, 28:23, 28:31, 28:50, 29:17, 30:7, 30:15, 30:31, 30:43, 30:44, 30:48, 30:55, 31:3, 31:15, 31:53  
**Island** [2] - 7:11, 7:15  
**issue** [4] - 13:38, 26:49, 27:43, 28:39  
**issues** [2] - 11:29, 32:7  
**it** [148] - 3:28, 3:30, 4:10, 4:11, 4:32, 5:11, 7:37, 7:38, 7:42, 8:12, 8:21, 8:26, 8:34, 8:52, 9:8, 9:25, 9:28, 9:52, 9:55, 10:3, 10:24, 10:47, 11:1, 11:2, 11:6, 11:7, 11:15, 11:16, 11:18, 11:29, 11:40, 11:43, 11:49, 11:56, 12:14, 12:54, 13:17, 13:18, 13:21, 13:51, 14:6, 14:27, 14:40, 14:46, 14:48, 15:20, 15:35, 15:47, 15:53, 16:48, 17:17, 17:20, 17:22, 17:35, 17:37, 17:41, 17:45, 17:46, 17:49, 17:54, 17:56, 18:6, 20:26, 20:31, 20:32, 20:35, 20:41, 20:42, 20:44, 20:48, 20:52, 20:54, 21:17, 21:25, 21:26, 21:34, 21:38, 21:47, 22:18, 22:20, 23:22, 23:32, 23:37, 24:9, 24:13, 24:20, 24:21, 24:22, 24:41, 24:47, 25:20, 25:23, 25:35, 25:41, 25:56, 26:2, 26:5, 26:11, 26:16, 26:33, 26:48, 26:51, 27:9, 27:11, 27:22, 27:35, 27:38, 27:51, 28:1, 28:3, 28:5, 28:9, 28:10, 28:15, 28:21, 28:25, 28:26, 28:33, 28:37, 29:28, 30:2, 30:7, 30:9, 30:18, 30:56, 31:3, 31:24, 31:52, 31:53  
**It** [6] - 7:35, 8:54, 11:14, 17:31, 21:19, 28:1  
**it's** [42] - 6:49, 8:5, 8:54, 9:38, 9:39, 9:55, 10:8, 11:12, 11:34, 11:35, 11:36, 11:41, 13:15, 13:40, 13:49, 18:13, 18:22, 22:33, 22:41, 22:44, 23:11, 25:7, 25:10, 25:11, 25:14, 25:16, 25:19, 25:22, 25:23, 26:10, 26:45, 27:55, 28:2, 28:6, 28:7, 28:22, 28:23, 29:48  
**It's** [3] - 15:32, 24:40, 25:12  
**its** [6] - 6:28, 6:31, 8:11, 17:32, 17:37, 23:49  
**itself** [4] - 7:18, 8:53, 10:31, 11:41
- 
- ## J
- 
- January** [1] - 31:29  
**jargon** [1] - 29:16  
**Jason** [1] - 1:17  
**Jim** [1] - 1:19  
**job** [2] - 30:43, 30:44  
**John** [1] - 23:19  
**joining** [1] - 32:18  
**Judy** [2] - 17:41, 18:41  
**July** [1] - 26:6  
**June** [12] - 1:12, 5:44, 5:49, 11:55, 11:56, 13:30, 18:13, 18:22, 18:25, 18:28, 18:29, 19:42  
**Just** [3] - 15:14, 25:50, 30:43  
**just** [45] - 3:33, 4:8, 6:53, 7:7, 7:38, 7:49, 8:53, 9:37, 10:31, 10:36, 13:4, 13:15, 14:27, 14:34, 14:35, 15:39, 16:23, 16:31, 17:30, 18:30, 18:31, 19:43, 20:34, 20:37, 20:53, 21:5, 21:6, 21:21, 21:50, 21:56, 23:12, 23:23, 25:18, 25:53, 26:12, 26:29, 27:21, 27:55, 28:13, 28:22, 29:7, 29:15, 29:47, 30:20  
**justification** [2] - 19:1, 19:40
- 
- ## K
- 
- Keep** [1] - 28:18  
**keep** [5] - 8:38, 14:34, 23:13, 27:31, 28:7  
**Kennedy** [1] - 23:19  
**Kevin** [2] - 1:16, 16:53  
**key** [5] - 9:37, 10:4, 11:31, 11:32, 31:27  
**keyboard** [1] - 7:22  
**keys** [1] - 11:36  
**kind** [1] - 20:11  
**knew** [4] - 17:45, 23:22, 24:17, 25:41  
**know** [38] - 4:36, 8:18, 11:13, 12:1, 13:34, 13:50, 13:52, 14:5, 14:11, 14:25, 14:54, 16:25, 17:17, 17:20, 17:37, 19:21, 21:53, 22:14, 22:37, 23:13, 23:48, 24:17, 25:7, 25:54, 25:55, 27:4, 27:49, 29:34, 29:38, 30:48, 31:24, 31:26, 31:34, 31:45, 31:50, 32:6  
**knowledge** [3] - 7:26, 10:46, 14:52  
**known** [1] - 26:16
- 
- ## L
- 
- L** [1] - 9:45  
**lack** [3] - 5:10, 10:39, 14:12  
**lake** [3] - 9:24, 10:7, 13:10  
**land** [1] - 18:48  
**laptop** [1] - 10:1  
**laptops** [1] - 10:53  
**large** [2] - 10:16, 31:22  
**larger** [1] - 10:14  
**largest** [1] - 18:50  
**last** [3] - 3:20, 16:44, 18:53  
**later** [9] - 6:27, 6:31,

## DATE

14:44, 14:54, 23:15, 23:55, 23:56, 28:38, 28:56  
**latest** [1] - 21:49  
**law** [1] - 3:38  
**layer** [1] - 19:15  
**lead** [2] - 2:46, 5:22  
**leader** [3] - 24:31, 26:34, 29:45  
**Leader** [2] - 26:24, 30:38  
**leadership** [19] - 4:47, 4:52, 4:56, 5:24, 5:42, 5:45, 6:7, 6:15, 6:30, 10:28, 11:7, 12:54, 13:1, 14:13, 20:33, 22:35, 23:15, 30:53  
**leading** [2] - 22:14, 22:18  
**least** [1] - 5:32  
**leave** [1] - 7:3  
**leaving** [1] - 8:46  
**led** [2] - 8:33, 20:6  
**LEG** [11] - 2:19, 2:22, 2:25, 2:28, 2:34, 12:33, 16:47, 24:34, 26:20, 29:47, 30:34  
**Leg** [1] - 29:50  
**Legislative** [1] - 1:10  
**legislator** [1] - 2:38  
**Legislator** [20] - 1:15, 1:16, 1:17, 1:18, 1:19, 1:20, 2:46, 12:31, 12:36, 16:51, 16:52, 22:10, 22:12, 22:49, 22:52, 24:31, 24:36, 30:39, 30:41, 31:8  
**legislators** [2] - 14:35, 30:4  
**Legislature** [5] - 1:9, 1:10, 1:23, 1:24, 1:25  
**legislature** [7] - 8:12, 30:3, 30:9, 30:21, 30:24, 30:28, 30:44  
**lending** [1] - 10:31  
**length** [1] - 32:6  
**less** [1] - 17:49  
**let** [9] - 5:45, 6:53, 16:25, 16:33, 18:12, 18:30, 20:11, 23:44, 27:44  
**let's** [5] - 8:2, 13:18, 17:5, 20:49, 22:56  
**Let's** [1] - 23:12  
**level** [16] - 3:36, 3:38, 3:42, 3:43, 3:44, 5:40, 7:22, 7:23, 8:49, 9:28, 10:5, 10:36, 13:36, 19:16, 24:9  
**levels** [1] - 9:6  
**leverage** [2] - 19:37, 19:41  
**license** [3] - 21:14, 21:15, 21:16  
**licensing** [1] - 18:39  
**lie** [1] - 22:37  
**life** [8] - 14:8, 17:29, 17:32, 17:38, 17:46, 20:54, 20:55, 21:46  
**Lighting** [2] - 7:11, 7:15  
**lightweight** [1] - 19:52  
**like** [9] - 3:4, 3:15, 4:5, 8:39, 15:48, 16:13, 19:35, 28:9, 28:10  
**limit** [1] - 16:31  
**limited** [1] - 14:25  
**line** [1] - 5:55  
**lines** [1] - 8:35  
**litany** [1] - 23:36  
**literally** [2] - 13:22, 23:41  
**little** [4] - 8:39, 9:36, 14:25, 17:5  
**living** [1] - 29:16  
**load** [1] - 23:19  
**loathing** [1] - 3:15  
**local** [5] - 8:49, 9:8, 9:20, 10:5, 13:45  
**location** [1] - 11:44  
**lock** [1] - 18:6  
**log** [2] - 20:20, 23:7  
**Log4** [1] - 27:6  
**Log4j** [29] - 24:51, 25:2, 25:5, 25:8, 25:9, 25:18, 25:21, 25:26, 25:39, 25:40, 25:48, 25:52, 26:1, 26:13, 26:30, 26:32, 26:34, 26:36, 26:42, 26:49, 26:53, 27:39, 27:43, 28:33, 28:46, 28:55, 29:21, 29:35, 29:39  
**logs** [3] - 9:23, 16:4, 18:4  
**Long** [2] - 7:10, 7:15  
**long** [4] - 13:33, 20:22, 27:48, 27:52  
**longer** [1] - 15:6  
**look** [7] - 3:52, 9:43, 10:9, 20:20, 20:35, 27:10, 30:4  
**looked** [2] - 5:26, 17:36  
**looking** [5] - 9:20, 11:14, 13:53, 15:29, 20:34  
**looks** [4] - 3:4, 9:32, 15:48, 29:18  
**lost** [1] - 11:40  
**lot** [9] - 3:48, 8:9, 9:36, 11:10, 21:24, 21:35, 21:41, 30:49, 31:53  
**lots** [1] - 15:9  
**lying** [1] - 22:38

---

**M**

---

**M.E** [1] - 15:41  
**machine** [5] - 5:30, 9:6, 11:15, 15:47, 15:48  
**made** [8] - 11:51, 17:41, 18:24, 19:26, 20:9, 20:26, 26:35, 28:21  
**mail** [23] - 4:48, 6:17, 8:2, 11:17, 11:18, 11:56, 15:8, 15:10, 15:26, 15:49, 16:13, 16:17, 16:20, 16:28, 16:39, 16:42, 18:12, 18:22, 19:35, 20:26, 25:3, 26:5, 30:47  
**mails** [8] - 5:10, 5:37, 6:16, 11:20, 12:53, 15:42, 25:52, 27:3  
**main** [1] - 19:49  
**maintained** [1] - 8:47  
**make** [9] - 9:6, 9:7, 14:27, 18:30, 20:37, 24:5, 24:14, 24:22, 26:42  
**makes** [4] - 13:51, 21:26, 21:34, 21:38  
**malicious** [1] - 16:44  
**maligning** [1] - 5:16  
**malware** [8] - 5:32, 5:50, 6:8, 6:10, 10:56, 11:8, 11:26, 12:4  
**manage** [3] - 21:39, 21:40, 24:21  
**managed** [2] - 10:33, 11:4  
**management** [1] - 16:32  
**Management** [1] - 10:12  
**manager** [3] - 15:55, 25:32, 28:9  
**managerial** [1] - 7:23  
**managers** [1] - 3:48  
**manufacturer** [1] - 29:32  
**many** [8] - 10:3, 13:14, 13:52, 15:42, 17:17, 25:16, 25:20  
**mark** [1] - 18:32  
**market** [1] - 19:27  
**Mastelon** [5] - 6:4, 18:23, 18:33, 19:30, 23:18  
**material** [2] - 15:55, 30:49  
**matter** [2] - 8:20, 8:37  
**maximally** [1] - 19:27  
**maximum** [1] - 28:27  
**may** [4] - 19:51, 21:21, 29:7, 32:8  
**Maybe** [1] - 29:48  
**maybe** [2] - 26:44, 30:56  
**Mazzarella** [4] - 1:19, 12:31, 12:36, 16:51  
**MAZZARELLA** [3] - 2:19, 12:33, 16:47  
**McAfee** [4] - 9:38, 9:50, 9:55  
**MCCAFFREY** [6] - 2:31, 16:55, 21:5, 21:11, 22:7, 29:4  
**McCaffrey** [5] - 1:16, 16:53, 17:1, 26:27, 27:31  
**McKenzie** [6] - 5:54, 6:18, 13:23, 13:30, 20:51, 23:18  
**me** [36] - 5:23, 5:37, 6:53, 7:26, 11:6, 11:18, 12:46, 12:55, 14:8, 16:11, 16:21, 16:25, 16:48, 17:51, 18:3, 18:10, 18:12, 18:30, 20:11, 20:20, 20:22, 20:51, 24:14, 24:48, 25:27, 26:16, 26:43, 27:9, 27:44, 27:47, 28:13, 28:24, 30:56, 31:1  
**mean** [5] - 12:43, 13:25, 21:44, 30:13, 30:22  
**means** [5] - 5:23, 6:20, 13:15, 15:4, 21:20  
**meant** [1] - 13:35  
**mechanism** [1] - 13:5  
**media** [4] - 25:51, 27:5, 27:51, 27:53  
**medial** [1] - 26:36  
**meet** [1] - 25:33  
**MEETING** [1] - 1:3  
**meeting** [6] - 1:8, 2:1, 16:29, 23:29, 23:30, 28:11  
**meetings** [5] - 6:3, 27:32, 27:35, 27:40, 27:41  
**member** [4] - 15:8, 15:43, 16:3, 16:6  
**Members** [1] - 1:14  
**members** [2] - 12:27, 30:26  
**Memorial** [1] - 1:11  
**memory** [1] - 15:56  
**mentioned** [17] - 9:44, 9:47, 9:50, 10:6, 10:11, 10:18, 10:52, 11:34, 11:55, 12:45, 14:12, 22:14, 25:24, 28:8, 28:27, 28:29, 29:17  
**mentioning** [1] - 13:10  
**merely** [1] - 5:22  
**message** [1] - 27:30  
**met** [1] - 6:41  
**mid-2022** [1] - 28:27  
**midsize** [1] - 31:23  
**might** [4] - 11:12, 11:38, 24:20, 26:15  
**military** [2] - 11:32, 11:34  
**million** [1] - 18:54  
**millions** [2] - 18:46, 18:47  
**mind** [5] - 18:55, 23:50, 27:31, 28:7, 28:18  
**mining** [2] - 12:9, 12:12  
**minority** [3] - 24:31, 26:34, 29:44  
**Minority** [2] - 26:24, 30:38  
**minute** [2] - 4:9, 28:13  
**MINUTES** [1] - 1:6  
**minutes** [3] - 3:6, 4:33, 4:37  
**Minutes** [1] - 1:29  
**mischaracterization** [1] - 5:17  
**miscreant** [1] - 3:33  
**mispronounce** [1] - 3:3  
**mission** [2] - 8:23, 8:38  
**missions** [1] - 8:29  
**misstatement** [1] - 13:48  
**mistaken** [3] - 3:35,

## DATE

7:55, 26:45  
**mitigate** [1] - 19:7  
**MITRE** [1] - 15:53  
**model** [2] - 9:9, 9:10  
**moment** [3] - 2:45, 12:45, 13:56  
**Moment** [1] - 2:50  
**money** [1] - 30:49  
**monitor** [4] - 10:29, 22:36, 30:54  
**monitored** [1] - 5:6  
**monitoring** [1] - 5:35  
**month** [1] - 28:6  
**months** [10] - 6:51, 27:26, 27:27, 27:30, 27:46, 27:47, 28:15, 28:38, 28:53, 28:56  
**more** [5] - 7:31, 9:11, 18:9, 20:40, 21:35  
**Moreover** [1] - 19:10  
**morning** [15] - 2:4, 2:6, 2:9, 2:38, 3:2, 3:9, 6:40, 12:38, 12:39, 16:2, 16:17, 22:54, 24:38, 24:39, 24:40  
**morphed** [1] - 7:38  
**most** [2] - 8:7, 27:18  
**motivate** [1] - 5:42  
**move** [1] - 22:56  
**moving** [1] - 8:38  
**MR** [9] - 3:8, 4:21, 4:40, 12:25, 14:30, 15:17, 15:28, 15:34, 18:19  
**Mr** [52] - 2:6, 2:9, 2:44, 2:52, 2:55, 3:46, 4:5, 4:13, 4:25, 4:29, 4:33, 4:36, 6:35, 6:40, 12:30, 12:34, 12:38, 12:45, 14:24, 15:15, 15:22, 16:27, 16:39, 17:3, 18:14, 21:5, 21:9, 22:7, 22:9, 22:54, 24:34, 24:38, 26:21, 26:24, 26:29, 27:31, 29:4, 29:7, 29:9, 29:44, 29:47, 29:52, 30:35, 30:38, 31:13, 31:26, 32:2, 32:6, 32:15, 32:18, 32:26  
**much** [9] - 4:3, 14:34, 22:33, 22:46, 26:21, 30:35, 31:5, 32:18, 32:28  
**multiple** [2] - 25:19, 30:15  
**municipal** [1] - 18:52  
**municipalities** [1] -

19:5  
**My** [1] - 6:55  
**my** [49] - 3:10, 3:14, 3:19, 3:23, 3:47, 3:52, 4:48, 4:51, 4:52, 5:1, 5:8, 5:10, 5:11, 5:13, 5:16, 6:5, 6:15, 6:18, 7:15, 7:16, 7:20, 7:38, 9:2, 10:26, 11:6, 11:18, 12:52, 14:20, 14:40, 15:47, 16:55, 19:11, 19:26, 21:3, 21:13, 21:17, 21:24, 23:11, 24:30, 25:3, 25:23, 25:36, 27:3, 28:5, 28:45, 29:33, 30:22, 32:1  
**myself** [1] - 6:27

### N

**N** [2] - 9:45, 9:47  
**name** [1] - 3:4  
**named** [1] - 23:28  
**names** [1] - 15:54  
**narrative** [1] - 11:10  
**Nassau** [1] - 20:1  
**necessarily** [3] - 8:55, 9:1, 9:53  
**necessary** [2] - 11:43, 25:45  
**need** [13] - 3:40, 13:23, 16:24, 16:43, 26:42, 27:5, 27:14, 27:36, 28:14, 30:5, 30:6, 30:7, 30:31  
**needed** [9] - 19:15, 20:46, 25:35, 27:37, 27:38, 27:43, 28:49, 29:56, 31:53  
**needs** [2] - 8:24, 19:38  
**negative** [1] - 19:12  
**network** [13] - 6:10, 6:19, 8:2, 9:33, 10:2, 10:8, 10:9, 10:14, 10:41, 13:37, 21:36, 23:5, 24:17  
**networking** [1] - 21:33  
**networks** [2] - 6:29, 10:38  
**never** [6] - 3:16, 3:26, 6:1, 12:6, 13:39, 27:42  
**new** [1] - 17:43  
**New** [3] - 1:11, 12:7, 20:1  
**newer** [2] - 21:47  
**news** [2] - 18:46,

18:47  
**Newsday** [1] - 10:47  
**next** [6] - 5:55, 16:2, 16:26, 20:52, 23:37, 23:41  
**Nick** [1] - 16:10  
**No** [7] - 13:20, 21:50, 27:44, 30:14, 31:33, 31:46  
**no** [38] - 5:9, 5:37, 5:46, 6:22, 8:35, 9:21, 10:28, 10:29, 10:46, 10:51, 12:14, 12:22, 12:46, 13:12, 13:20, 13:35, 13:51, 13:56, 15:6, 20:45, 21:1, 21:54, 22:30, 22:35, 24:47, 25:22, 27:8, 28:31, 28:41, 28:45, 28:50, 30:22, 30:32, 30:53, 30:54, 31:35, 31:44, 32:30  
**noise** [1] - 5:29  
**non** [1] - 8:4  
**non-process** [1] - 8:4  
**nor** [3] - 5:37, 6:6, 12:47  
**norm** [1] - 9:21  
**normal** [1] - 14:54  
**normally** [1] - 5:14  
**Not** [1] - 27:44  
**not** [84] - 3:24, 3:28, 3:42, 4:46, 4:49, 5:4, 5:18, 5:29, 5:45, 6:25, 6:26, 6:31, 7:38, 7:55, 9:2, 9:10, 9:37, 9:38, 10:51, 11:36, 13:1, 13:34, 13:37, 13:43, 13:55, 14:15, 14:18, 14:21, 14:56, 16:24, 16:55, 18:5, 18:8, 18:35, 18:56, 19:40, 19:41, 19:53, 20:3, 20:5, 20:8, 20:11, 20:17, 20:20, 20:30, 21:17, 21:29, 21:44, 22:30, 23:14, 24:6, 24:7, 24:27, 24:47, 24:48, 25:6, 25:18, 25:22, 25:24, 25:41, 25:49, 26:15, 27:8, 27:22, 27:40, 27:41, 27:44, 27:53, 28:3, 28:7, 28:22, 28:23, 29:16, 29:27, 29:48, 30:22, 30:32, 30:43, 30:50, 31:14, 31:45, 31:50  
**notes** [2] - 5:10, 27:4

**nothing** [5] - 4:18, 6:5, 22:26, 24:11, 32:15  
**notice** [1] - 26:32  
**notification** [1] - 11:6  
**notifications** [4] - 5:32, 5:34, 5:38, 24:10  
**notified** [2] - 6:29, 25:1  
**notion** [1] - 8:41  
**now** [15] - 6:35, 9:41, 10:18, 12:30, 12:50, 15:6, 16:52, 20:38, 20:42, 22:10, 22:18, 24:31, 27:49, 30:55, 32:1  
**Now** [5] - 9:9, 11:5, 20:16, 26:44, 28:7  
**NSX** [1] - 18:39  
**number** [4] - 15:14, 16:14, 27:22  
**numerous** [7] - 4:48, 4:51, 5:37, 9:39, 12:50, 12:53, 17:23

### O

**O** [1] - 9:47  
**oath** [2] - 5:27, 32:20  
**objective** [1] - 17:43  
**observations** [1] - 23:35  
**Observed** [1] - 2:50  
**obtaining** [1] - 31:47  
**obviously** [2] - 23:30, 30:12  
**occasions** [2] - 12:50, 13:6  
**occur** [2] - 19:17, 19:22  
**occurred** [6] - 6:1, 6:12, 6:22, 6:24, 11:9, 13:16  
**occurring** [2] - 5:38, 6:27  
**October** [2] - 6:7, 10:40  
**of** [230] - 1:8, 1:10, 2:45, 2:48, 2:50, 3:10, 3:21, 3:23, 3:25, 3:42, 3:48, 3:49, 3:50, 4:42, 4:49, 4:52, 4:56, 5:2, 5:4, 5:5, 5:10, 5:11, 5:13, 5:16, 5:17, 5:19, 5:21, 5:44, 5:47, 5:49, 5:53, 5:56, 6:6, 6:9, 6:14, 6:15, 6:18, 6:30, 6:43, 6:47, 6:55, 7:2,

7:8, 7:24, 7:26, 7:27, 7:41, 7:50, 7:53, 8:3, 8:12, 8:13, 8:17, 8:26, 8:31, 8:37, 8:41, 8:51, 8:56, 9:3, 9:5, 9:13, 9:36, 9:39, 9:55, 10:3, 10:7, 10:14, 10:33, 10:35, 10:38, 10:39, 10:40, 10:43, 10:46, 10:47, 10:48, 10:51, 11:5, 11:8, 11:9, 11:10, 11:33, 11:55, 12:15, 12:27, 12:40, 12:42, 12:48, 12:51, 13:28, 13:31, 13:41, 14:8, 14:12, 14:14, 14:26, 14:38, 14:41, 14:42, 14:43, 14:45, 14:53, 15:1, 15:8, 15:10, 15:25, 15:32, 15:37, 15:43, 15:46, 16:3, 16:6, 16:9, 16:20, 16:21, 16:28, 16:33, 17:6, 17:24, 17:27, 17:28, 17:29, 17:32, 17:35, 17:38, 17:45, 17:47, 17:55, 18:17, 18:45, 18:46, 18:47, 18:50, 18:52, 19:9, 19:13, 19:15, 19:19, 19:26, 19:34, 20:4, 20:9, 20:11, 20:15, 20:22, 20:26, 20:34, 20:36, 20:54, 20:55, 21:1, 21:24, 21:42, 21:46, 22:17, 22:22, 22:23, 22:24, 22:25, 22:27, 22:30, 22:32, 22:34, 22:40, 22:56, 23:1, 23:7, 23:11, 23:19, 23:36, 23:42, 24:12, 24:16, 24:30, 24:44, 25:7, 25:11, 25:13, 25:55, 26:7, 26:9, 26:10, 26:14, 26:31, 26:34, 26:36, 26:37, 26:43, 26:49, 27:3, 27:6, 27:9, 27:18, 27:23, 27:34, 27:35, 27:43, 28:2, 28:17, 28:20, 28:31, 28:37, 28:39, 28:51, 29:15, 29:17, 29:31, 29:33, 30:12, 30:14, 30:22, 30:26, 30:28, 30:49, 31:2, 31:22, 31:27, 31:53, 32:30  
**off** [3] - 4:44, 14:20, 23:39  
**offer** [3] - 5:45,

## DATE

16:21, 18:5  
**offered** [1] - 5:38  
**offering** [1] - 20:34  
**office** [26] - 5:8, 5:41, 6:56, 7:14, 7:34, 8:33, 10:21, 10:45, 10:50, 11:52, 16:3, 17:12, 18:51, 19:8, 19:11, 20:29, 20:30, 20:41, 24:25, 25:1, 25:38, 25:43, 26:44, 27:16, 29:56, 30:1  
**Office** [2] - 13:31, 13:36  
**Officer** [5] - 17:1, 21:9, 22:9, 26:25, 26:27  
**officer** [4] - 4:45, 16:52, 30:4, 31:15  
**official** [1] - 19:18  
**often** [1] - 22:15  
**Oh** [1] - 26:5  
**okay** [15] - 3:16, 3:40, 4:14, 14:1, 14:5, 15:39, 17:5, 17:27, 18:22, 23:9, 24:50, 26:8, 26:18, 26:39, 27:8  
**Okay** [26] - 10:14, 14:4, 15:35, 15:39, 16:16, 17:30, 17:34, 17:50, 18:41, 20:53, 21:30, 21:56, 22:5, 22:24, 22:34, 22:46, 23:11, 25:1, 25:28, 25:55, 26:12, 27:9, 28:36, 28:38, 30:25, 30:52  
**on** [98] - 1:11, 2:4, 3:4, 3:30, 3:36, 3:41, 3:43, 3:54, 5:8, 5:27, 5:38, 5:39, 5:43, 5:48, 5:49, 6:6, 6:17, 6:20, 6:24, 6:25, 7:2, 7:22, 7:36, 8:22, 8:49, 8:50, 9:5, 9:11, 9:18, 9:30, 9:34, 9:38, 9:42, 9:43, 10:5, 10:8, 10:27, 10:29, 10:36, 10:53, 11:9, 11:33, 11:38, 11:52, 12:15, 12:40, 12:50, 12:56, 13:6, 13:7, 13:16, 13:22, 13:28, 14:25, 14:38, 15:19, 16:6, 17:8, 18:12, 18:25, 19:12, 19:27, 19:42, 20:33, 20:40, 21:29, 22:34, 23:11, 23:20, 23:30, 23:36, 23:38, 23:39,

23:45, 23:48, 25:4, 25:21, 25:33, 25:40, 25:51, 26:35, 26:55, 27:5, 27:51, 28:10, 28:17, 28:20, 28:24, 28:47, 30:19, 30:43, 30:52, 30:54, 31:3  
**On** [1] - 23:1  
**once** [1] - 23:3  
**one** [33] - 3:2, 3:19, 3:24, 3:27, 3:39, 3:49, 5:22, 6:14, 8:53, 10:37, 13:20, 13:48, 15:15, 15:25, 16:33, 17:7, 18:30, 18:50, 19:49, 20:15, 21:56, 22:22, 25:19, 27:18, 27:21, 27:22, 28:30, 30:14, 31:23, 31:24, 31:25, 31:27, 31:34  
**ongoing** [3] - 5:16, 19:21, 22:21  
**online** [2] - 18:47, 18:48  
**only** [9] - 5:18, 5:22, 7:36, 7:39, 12:50, 12:51, 13:44, 20:31, 20:36  
**onsite** [2] - 17:56, 23:41  
**onto** [1] - 21:14  
**onus** [1] - 31:2  
**open** [2] - 15:6, 15:41  
**opening** [4] - 4:9, 4:37, 15:10, 31:13  
**operate** [1] - 7:44  
**operation** [2] - 9:42, 20:13  
**operations** [2] - 13:11, 30:3  
**opinion** [2] - 4:53, 9:2  
**opportunity** [3] - 14:36, 24:43, 24:49  
**opposed** [3] - 15:7, 20:19, 21:35  
**or** [42] - 3:28, 3:43, 4:16, 4:42, 5:4, 5:46, 7:18, 9:7, 9:24, 9:38, 10:1, 10:16, 10:34, 11:8, 12:4, 12:14, 13:2, 13:33, 13:34, 13:39, 13:50, 15:56, 18:14, 19:11, 19:13, 21:26, 21:54, 22:37, 22:38, 25:51, 25:52, 26:48, 27:3, 27:20, 28:10, 29:7, 29:56, 30:1, 30:19, 30:56,

31:24  
**orchestrated** [1] - 4:50  
**order** [2] - 2:1, 2:5  
**organization** [3] - 8:16, 10:16, 18:4  
**organizations** [2] - 7:28, 19:44  
**originally** [1] - 15:5  
**other** [23] - 7:27, 8:5, 8:6, 8:14, 8:27, 9:13, 9:36, 10:37, 11:7, 12:6, 14:12, 19:5, 19:8, 19:43, 20:24, 20:32, 21:44, 21:56, 24:47, 24:50, 25:16, 26:40, 32:30  
**Other** [1] - 1:27  
**others** [2] - 5:14, 12:9  
**otherwise** [1] - 27:31  
**ought** [1] - 9:13  
**our** [19] - 3:3, 5:42, 10:32, 10:38, 11:38, 13:8, 13:13, 18:4, 19:1, 19:7, 21:27, 21:44, 21:45, 22:4, 23:38, 24:17, 25:35, 31:51  
**ourselves** [1] - 13:47  
**out** [23] - 3:10, 6:20, 7:42, 10:37, 11:6, 11:16, 11:18, 16:12, 20:53, 21:25, 24:20, 26:14, 26:32, 26:41, 26:50, 26:54, 27:14, 28:42, 30:2, 30:23, 30:30, 30:32, 30:43  
**outages** [1] - 19:11  
**outlined** [1] - 19:39  
**outlining** [1] - 4:51  
**Outlook** [2] - 15:10, 15:41  
**outside** [4] - 6:29, 9:21, 19:9, 23:5  
**over** [16] - 4:10, 4:32, 7:24, 7:34, 7:54, 12:53, 15:42, 16:3, 18:49, 18:52, 22:17, 23:33, 23:38, 24:11, 26:29  
**overall** [1] - 31:18  
**oversaw** [1] - 27:15  
**overview** [1] - 6:53  
**own** [11] - 8:7, 8:11, 8:23, 8:28, 8:29, 15:47, 25:21, 28:4, 28:54

## P

**P.C** [2] - 9:43, 10:1  
**p.m** [2] - 16:39, 18:41  
**P.O** [6] - 2:31, 16:55, 21:5, 21:11, 22:7, 29:4  
**page** [6] - 12:40, 13:28, 14:38, 15:32, 23:11, 24:46  
**pages** [2] - 6:48, 6:49  
**pair** [1] - 20:34  
**Palo** [42] - 5:36, 5:48, 5:54, 6:19, 9:55, 10:18, 13:22, 13:32, 13:54, 14:9, 14:39, 16:3, 16:22, 17:16, 17:26, 17:53, 17:55, 18:26, 18:31, 18:36, 18:39, 19:5, 19:36, 19:48, 19:49, 19:54, 19:55, 19:56, 20:13, 20:14, 20:18, 20:25, 20:28, 20:38, 21:15, 23:44, 23:52, 24:22, 24:42, 24:44, 28:45  
**parallel** [3] - 11:6, 23:42, 23:46  
**paramount** [1] - 17:42  
**part** [9] - 6:43, 10:14, 10:48, 17:6, 23:42, 26:9, 26:10, 27:34, 30:12  
**participate** [2] - 10:45, 10:50  
**particular** [6] - 8:53, 11:9, 11:34, 13:7, 22:22, 22:23  
**particularly** [1] - 19:4  
**Parties** [1] - 1:27  
**Pascale** [3] - 5:40, 17:41, 18:41  
**passthrough** [4] - 13:31, 13:50, 14:6, 14:7  
**passwords** [4] - 11:33, 11:38, 11:44, 15:54  
**patch** [14] - 25:45, 26:41, 26:42, 26:53, 26:54, 26:55, 28:4, 28:14, 28:15, 28:16, 28:18, 28:24, 28:26, 28:43  
**patched** [2] - 27:49, 28:22

**patches** [4] - 28:26, 28:49, 29:31, 31:22  
**pay** [1] - 7:3  
**payroll** [2] - 3:54, 8:2  
**penetrated** [1] - 6:10  
**people** [8] - 3:17, 3:21, 3:48, 8:40, 15:10, 16:29, 19:44, 23:20  
**per** [2] - 25:41, 31:52  
**percent** [3] - 12:49, 13:26, 25:13  
**perfected** [1] - 9:9  
**performed** [1] - 20:6  
**perhaps** [3] - 17:24, 19:23, 25:3  
**perimeter** [7] - 8:44, 8:47, 9:1, 9:4, 13:40, 13:42  
**period** [2] - 24:24, 27:23  
**person** [2] - 25:32, 27:15  
**personal** [1] - 5:16  
**personally** [3] - 5:41, 6:29, 30:23  
**personnel** [1] - 11:4  
**perspective** [1] - 21:35  
**Pete** [4] - 3:49, 3:54, 13:51, 20:51  
**peter** [1] - 4:5  
**phenomenal** [1] - 8:34  
**Phoenix** [1] - 23:52  
**phone** [1] - 23:30  
**physical** [5] - 18:1, 18:3, 20:21, 20:46, 20:50  
**PICCIRILLO** [25] - 2:3, 2:11, 2:16, 2:37, 2:43, 3:1, 4:2, 4:24, 4:31, 6:34, 12:29, 15:19, 16:50, 21:8, 22:9, 22:48, 24:30, 26:23, 29:9, 29:43, 30:37, 31:7, 31:56, 32:17, 32:25  
**Piccirillo** [3] - 1:15, 22:52, 31:11  
**piece** [1] - 8:12  
**pile** [1] - 3:41  
**piles** [1] - 3:30  
**pinpoint** [1] - 23:21  
**place** [24] - 4:46, 9:10, 9:14, 9:35, 9:37, 10:44, 10:49, 14:47, 14:50, 15:5, 15:6, 15:42, 19:5, 19:36, 20:39, 21:2, 21:18,

## DATE

- 24:11, 26:52, 28:15, 28:16, 28:45, 31:20, 31:41  
**placed** [1] - 9:24  
**places** [1] - 21:32  
**plan** [4] - 4:46, 31:32, 31:37, 31:40  
**platform** [1] - 21:34  
**Please** [5] - 4:16, 15:46, 16:20, 16:27, 29:37  
**please** [12] - 2:12, 2:44, 4:25, 13:37, 15:37, 15:52, 16:9, 16:21, 16:25, 16:42, 19:46, 32:19  
**Pledge** [2] - 2:45, 2:48  
**plug** [1] - 11:49  
**plus** [1] - 25:16  
**podium** [1] - 3:5  
**point** [14] - 3:23, 6:54, 10:37, 13:52, 20:53, 23:21, 23:34, 23:39, 24:15, 27:35, 27:37, 29:55, 30:18, 30:25  
**poked** [1] - 13:42  
**Police** [1] - 20:2  
**police** [4] - 8:10, 8:11, 8:22, 8:50  
**policies** [1] - 31:20  
**political** [1] - 4:50  
**portion** [8] - 15:37, 15:46, 15:52, 16:9, 16:20, 16:28, 17:47, 19:34  
**portions** [1] - 18:44  
**position** [6] - 6:54, 6:55, 7:1, 7:4, 7:9, 7:13  
**positive** [1] - 25:53  
**possibility** [2] - 14:26, 32:7  
**possible** [3] - 5:43, 5:44, 14:35  
**posted** [2] - 25:47, 25:51  
**posture** [1] - 31:19  
**potential** [2] - 19:7, 19:28  
**practical** [1] - 31:54  
**practice** [4] - 19:6, 19:53, 19:56, 20:7  
**premises** [1] - 5:49  
**prepared** [3] - 4:37, 5:12, 6:47  
**Presding** [1] - 26:25  
**present** [4] - 2:17, 2:20, 2:29, 4:38  
**presiding** [2] - 16:52, 30:4  
**Presiding** [4] - 17:1, 21:9, 22:9, 26:27  
**Presidio** [3] - 23:50, 24:16  
**press** [1] - 10:27  
**pressure** [1] - 3:21  
**pretty** [1] - 11:42  
**prevent** [2] - 8:52, 19:16  
**prevented** [1] - 4:55  
**previous** [2] - 15:5, 22:20  
**previously** [1] - 4:50  
**prior** [1] - 22:20  
**priority** [2] - 14:11, 17:42  
**privileges** [1] - 9:34  
**probably** [3] - 3:49, 22:28, 28:28  
**problem** [10] - 3:38, 16:11, 17:48, 26:1, 27:56, 28:1, 28:2, 28:4, 31:2  
**problems** [4] - 15:10, 24:52, 26:38, 29:19  
**procedures** [2] - 7:29, 31:20  
**proceedings** [1] - 3:3  
**process** [8] - 5:9, 8:4, 8:14, 23:24, 23:26, 23:27, 25:55, 28:6  
**processes** [1] - 7:29  
**produced** [2] - 24:13, 25:10  
**producers** [1] - 18:51  
**product** [1] - 10:19  
**products** [1] - 10:53  
**professionally** [1] - 3:19  
**program** [1] - 10:45  
**programmer** [2] - 3:11, 3:27  
**programmers** [1] - 3:40  
**programs** [1] - 7:21  
**project** [1] - 18:38  
**proof** [1] - 17:55  
**propagation** [1] - 5:51  
**property** [2] - 3:41, 7:40  
**prosecuted** [1] - 3:37  
**protect** [5] - 19:19, 19:28, 21:27, 28:46, 28:50  
**protected** [2] - 13:37, 13:43  
**protecting** [2] - 13:45, 13:46  
**protection** [7] - 5:36, 9:56, 13:36, 13:56, 17:7, 19:14, 19:16  
**protects** [1] - 19:50  
**provide** [1] - 10:15  
**provided** [3] - 6:50, 19:40, 31:28  
**providing** [1] - 24:2  
**PTSD** [1] - 6:32  
**public** [6] - 5:30, 7:10, 7:17, 10:43, 19:19  
**pull** [2] - 15:19, 18:14  
**purch** [1] - 18:38  
**purchase** [8] - 5:47, 10:4, 17:53, 19:1, 19:13, 19:38, 20:6, 21:2  
**purchased** [1] - 21:13  
**purpose** [1] - 11:33  
**pushed** [1] - 17:43  
**put** [18] - 9:36, 12:7, 13:9, 14:10, 14:46, 14:50, 17:56, 18:3, 21:14, 21:18, 26:41, 26:52, 26:54, 26:55, 28:15, 28:16, 28:24, 31:2
- 
- ## Q
- 
- qualifications** [1] - 7:8  
**quality** [1] - 7:24  
**question** [7] - 17:31, 18:31, 18:34, 21:48, 21:52, 21:56, 29:48  
**Questionnaire** [1] - 18:37  
**questions** [8] - 5:13, 12:27, 14:28, 14:51, 24:42, 26:25, 32:1, 32:9  
**quick** [2] - 29:47, 29:48  
**quickly** [1] - 12:54  
**quite** [1] - 18:3  
**quote** [3] - 6:18, 10:28, 10:30
- 
- ## R
- 
- R** [1] - 9:47  
**radius** [1] - 8:52  
**raise** [1] - 4:16  
**ransom** [1] - 16:15  
**ransomware** [5] - 4:53, 5:44, 6:24, 12:4, 23:2  
**reach** [5] - 16:12, 30:2, 30:23, 30:32, 30:43  
**reached** [2] - 17:32, 30:30  
**reaching** [2] - 17:37, 26:16  
**read** [15] - 12:51, 13:17, 15:37, 15:46, 15:52, 16:9, 16:20, 16:28, 16:42, 18:44, 19:33, 19:46, 24:43, 24:46, 30:47  
**read-only** [1] - 12:51  
**readable** [2] - 11:36  
**reading** [2] - 10:47, 18:17  
**real** [5] - 3:40, 7:39, 19:10, 19:21, 23:22  
**realized** [1] - 23:3  
**really** [14] - 3:18, 3:25, 3:29, 3:38, 3:42, 3:54, 3:55, 11:13, 24:54, 25:22, 27:8, 30:5, 30:31  
**reason** [7] - 8:15, 12:12, 13:34, 14:48, 20:31, 20:36, 28:54  
**reasons** [1] - 13:52  
**rebuffed** [2] - 13:6, 13:19  
**recall** [1] - 3:35  
**receive** [1] - 11:23  
**received** [5] - 5:46, 6:22, 12:6, 16:23, 29:32  
**recently** [1] - 19:36  
**reciting** [1] - 5:26  
**recognize** [6] - 5:12, 6:35, 8:37, 23:20, 24:8, 32:2  
**recognizes** [10] - 12:30, 16:52, 22:10, 22:49, 24:31, 26:24, 29:9, 29:44, 30:38, 31:8  
**recognizing** [5] - 6:27, 13:53, 13:56, 20:48, 24:18  
**recollection** [1] - 5:13  
**recommend** [1] - 3:12  
**recommendations** [1] - 31:27  
**recommended** [1] - 19:6  
**record** [6] - 14:27, 16:42, 18:44, 19:33, 19:47, 20:37  
**records** [4] - 18:46, 18:47, 18:48, 19:19  
**recover** [1] - 31:40  
**recovering** [1] - 25:56  
**recovery** [1] - 31:31  
**red** [4] - 4:48, 5:32, 5:38, 24:11  
**redacted** [1] - 24:48  
**redirecting** [1] - 22:28  
**reference** [3] - 15:14, 25:48, 25:52  
**referred** [1] - 26:33  
**referring** [2] - 19:1, 21:45  
**refuse** [1] - 24:25  
**regard** [1] - 21:23  
**regarded** [1] - 3:56  
**regarding** [1] - 16:11  
**regards** [3] - 7:29, 19:48, 25:34  
**registry** [1] - 16:1  
**reinstated** [1] - 14:55  
**reinstating** [1] - 14:44  
**reiterate** [1] - 25:51  
**reject** [1] - 20:44  
**rejected** [3] - 14:9, 20:43, 30:16  
**related** [2] - 12:13, 12:43  
**relations** [1] - 5:30  
**relationship** [3] - 8:27, 8:32, 8:34  
**relaxed** [2] - 14:44, 14:49  
**relaxing** [3] - 14:42, 14:45, 15:1  
**remarks** [1] - 31:13  
**remediate** [2] - 25:39, 27:39  
**remediated** [4] - 26:2, 27:23, 27:36, 28:7  
**remediating** [1] - 25:26  
**remediation** [11] - 4:46, 23:1, 23:24, 23:26, 23:27, 23:42, 23:49, 24:1, 24:24, 26:13, 29:35  
**remediations** [1] - 29:39

## DATE

**remember** [6] - 27:6, 27:13, 27:15, 27:18, 27:19, 32:20  
**remitted** [1] - 18:54  
**remote** [3] - 15:48, 18:49, 28:19  
**remotely** [1] - 11:39  
**removed** [2] - 5:8, 12:15  
**rendered** [1] - 11:40  
**repair** [1] - 19:24  
**repeated** [3] - 4:48, 4:52, 6:16  
**replace** [4] - 13:54, 17:50, 17:52, 21:47  
**replacement** [1] - 17:53  
**report** [24] - 4:51, 5:12, 6:6, 6:47, 6:50, 11:23, 11:29, 12:41, 13:28, 14:38, 23:11, 23:12, 24:43, 24:44, 24:46, 24:47, 24:54, 26:9, 26:10, 28:29, 28:32, 28:42, 28:54, 31:28  
**reports** [8] - 9:18, 10:34, 11:2, 11:16, 20:8, 24:45, 24:50, 27:33  
**represent** [1] - 19:20  
**represented** [1] - 30:28  
**request** [7] - 5:47, 6:19, 16:7, 19:2, 19:25, 19:26, 19:39  
**requested** [1] - 20:48  
**required** [2] - 7:26, 26:52  
**requirements** [1] - 31:22  
**requires** [1] - 8:14  
**research** [7] - 25:21, 25:40, 25:47, 25:49, 25:50, 26:15, 26:16  
**reserve** [1] - 24:30  
**residual** [1] - 19:23  
**resources** [1] - 5:14  
**respectfully** [1] - 19:25  
**responded** [9] - 15:22, 15:43, 16:7, 16:27, 18:25, 18:33, 18:42, 19:30, 19:43  
**response** [12] - 6:22, 13:25, 13:34, 15:38, 15:46, 16:9, 18:26, 18:34, 18:45, 19:34, 19:46, 20:16  
**responsibilities** [2] -

7:38, 7:53  
**responsibility** [5] - 5:4, 7:56, 8:30, 19:19, 31:18  
**responsible** [7] - 25:26, 25:37, 25:38, 26:13, 26:46, 31:36, 31:47  
**rest** [1] - 17:54  
**restate** [1] - 29:37  
**result** [3] - 5:53, 6:15, 8:24  
**retained** [1] - 25:30  
**retired** [1] - 3:11  
**retirement** [1] - 3:13  
**return** [1] - 14:28  
**revealed** [1] - 29:38  
**revenue** [1] - 18:50  
**review** [2] - 16:34, 30:13  
**reviews** [1] - 29:38  
**Richard** [5] - 1:26, 4:33, 6:36, 6:38, 29:13  
**Richberg** [4] - 1:17, 24:32, 24:36, 29:50  
**RICHBERG** [5] - 2:28, 24:34, 26:20, 29:47, 30:34  
**right** [29] - 3:5, 3:10, 3:27, 3:28, 4:16, 6:51, 9:51, 10:19, 11:29, 11:47, 12:23, 13:23, 14:2, 15:11, 15:50, 16:4, 16:37, 17:40, 18:30, 24:40, 26:41, 26:54, 27:7, 27:49, 28:14, 29:19, 30:16, 30:17  
**rings** [1] - 25:7  
**rise** [1] - 2:44  
**risk** [2] - 20:9, 31:28  
**Rizopoulos** [1] - 23:19  
**Robert** [1] - 1:18  
**Rogers** [1] - 1:10  
**roll** [2] - 2:12, 2:14  
**Rose** [1] - 1:9  
**Rosenbroch** [1] - 3:4  
**ROSENBROCH** [1] - 3:8  
**roughly** [1] - 7:16  
**rules** [10] - 4:8, 14:42, 14:44, 14:45, 14:49, 14:54, 15:4, 17:23, 17:25, 17:26  
**run** [4] - 9:18, 10:34, 27:33, 29:26  
**running** [3] - 17:18, 29:24, 29:28

## S

**S** [1] - 9:47  
**safeguards** [1] - 19:27  
**said** [20] - 10:28, 12:15, 13:20, 14:1, 14:19, 17:36, 20:45, 20:47, 22:35, 22:42, 22:43, 25:39, 25:50, 27:13, 28:14, 28:48, 28:54, 30:30, 30:53, 31:13  
**sale** [1] - 19:13  
**SAM** [2] - 15:55, 16:1  
**same** [16] - 6:16, 6:30, 8:21, 8:37, 11:24, 13:49, 15:49, 16:21, 18:41, 19:30, 20:2, 20:27, 24:1, 24:12, 24:14  
**Sarah** [1] - 1:20  
**saw** [1] - 22:17  
**say** [26] - 3:13, 3:33, 3:40, 3:46, 3:47, 3:49, 3:54, 8:2, 11:12, 11:16, 12:41, 13:18, 14:38, 17:35, 17:47, 18:28, 20:29, 21:54, 22:1, 25:4, 26:41, 27:50, 28:30, 28:32, 28:36, 30:4  
**saying** [11] - 13:23, 13:39, 13:49, 14:21, 20:16, 26:45, 27:5, 27:45, 27:55, 30:15, 30:48  
**says** [4] - 11:14, 13:15, 13:18, 17:31  
**scans** [4] - 29:18, 29:24, 29:26, 29:29  
**scapegoat** [1] - 5:23  
**SCHLUSSLER** [7] - 4:21, 4:40, 14:30, 15:17, 15:28, 15:34, 18:19  
**Schlussler** [19] - 4:6, 4:13, 4:36, 6:35, 6:40, 12:38, 13:51, 15:15, 17:3, 18:14, 22:54, 24:38, 26:29, 29:52, 31:13, 31:26, 32:6, 32:18, 32:26  
**Schlussler's** [1] - 3:47  
**Schlussler, I** [1] - 14:24  
**scores** [1] - 4:42  
**Scott** [4] - 6:4, 18:23, 18:33, 23:18

**screen** [2] - 13:15, 15:20  
**se** [2] - 25:41, 31:52  
**seat** [2] - 4:6, 16:55  
**second** [1] - 24:55  
**section** [1] - 25:19  
**sections** [1] - 25:19  
**secure** [3] - 11:42, 11:52, 23:28  
**secured** [1] - 17:55  
**security** [48] - 4:45, 5:5, 5:35, 6:3, 8:3, 8:39, 9:2, 9:13, 9:23, 9:32, 9:37, 9:42, 10:15, 11:11, 11:21, 11:51, 12:44, 12:47, 13:2, 13:8, 13:11, 14:15, 14:16, 14:18, 15:9, 15:43, 15:55, 16:33, 17:42, 19:38, 19:41, 20:8, 20:21, 21:22, 21:23, 21:42, 21:50, 24:2, 24:19, 25:22, 25:25, 26:47, 27:19, 27:22, 27:32, 31:15, 31:19, 31:21  
**Security** [4] - 10:12, 26:31, 27:14, 28:48  
**see** [6] - 13:18, 14:1, 15:20, 18:10, 22:29, 26:11  
**seeing** [3] - 16:21, 16:31, 22:15  
**seem** [3] - 3:34, 13:1, 30:56  
**seemed** [1] - 24:22  
**seems** [1] - 17:46  
**seen** [3] - 12:1, 22:31  
**self** [1] - 3:15  
**self-loathing** [1] - 3:15  
**send** [1] - 11:6  
**sending** [1] - 12:53  
**sends** [2] - 11:16, 11:18  
**sense** [7] - 10:7, 13:51, 20:55, 21:1, 24:5, 24:14, 24:23  
**sensitive** [4] - 6:9, 6:21, 16:22, 20:40  
**sent** [9] - 5:53, 6:17, 15:8, 15:49, 16:17, 16:39, 20:50, 26:31, 27:14  
**separate** [7] - 6:12, 19:55, 21:15, 21:36, 26:46  
**September** [20] - 6:13, 6:17, 6:25, 10:38, 13:22, 16:14,

17:8, 17:12, 17:15, 17:28, 17:36, 17:47, 22:3, 22:15, 22:42, 23:2, 23:39, 25:33, 25:56, 26:4  
**Septemeber** [1] - 5:33  
**servants** [1] - 5:19  
**served** [1] - 3:28  
**server** [5] - 19:14, 21:31, 21:32, 21:36, 21:40  
**servers** [5] - 9:23, 9:26, 13:9, 21:25, 21:51  
**service** [1] - 7:17  
**services** [2] - 7:40, 23:28  
**session** [1] - 14:27  
**set** [4] - 8:54, 8:55, 17:34, 26:14  
**setting** [1] - 16:36  
**several** [11] - 6:50, 11:2, 13:6, 23:55, 27:29, 27:46, 27:47, 28:15, 28:38, 28:53, 28:55  
**Several** [1] - 23:56  
**severe** [1] - 6:12  
**severity** [4] - 22:19, 22:20, 22:25, 22:43  
**Severs** [1] - 1:30  
**shall** [2] - 4:18, 4:22  
**shape** [2] - 12:14, 13:2  
**share** [1] - 11:37  
**shop** [1] - 7:33  
**short** [2] - 12:52, 20:22  
**shortcomings** [1] - 7:28  
**shortly** [3] - 9:12, 27:24, 27:25  
**should** [14] - 3:26, 3:56, 4:54, 5:18, 9:17, 9:22, 9:24, 9:31, 9:35, 9:41, 19:22, 23:37, 30:20, 30:49  
**shut** [2] - 9:8, 13:21  
**side** [3] - 18:6, 23:45, 23:46  
**sideways** [1] - 21:38  
**SIEM** [5] - 9:24, 10:6, 10:11, 13:10  
**signed** [1] - 23:39  
**significantly** [1] - 7:42  
**signify** [1] - 4:25  
**silence** [1] - 2:46  
**Silence** [1] - 2:50

## DATE

- similar** [2] - 5:21, 11:29
- simple** [1] - 28:23
- simply** [2] - 18:3, 21:14
- since** [8] - 5:8, 8:19, 12:18, 14:38, 15:41, 19:4, 22:21, 27:3
- single** [2] - 3:26, 21:34
- sir** [13] - 3:6, 4:6, 4:22, 4:25, 4:32, 6:40, 6:45, 6:51, 12:23, 14:36, 15:25, 16:45, 29:15
- sit** [1] - 4:13
- sits** [1] - 10:53
- sitting** [1] - 27:48
- six** [2] - 13:28, 14:38
- size** [2] - 7:52, 31:23
- sizes** [1] - 8:13
- skills** [2] - 3:50, 3:55
- slack** [1] - 22:28
- small** [1] - 8:12
- Smithtown** [1] - 1:11
- So** [13] - 3:23, 6:50, 6:53, 11:43, 22:24, 22:34, 23:44, 25:6, 25:35, 26:30, 27:42, 28:24, 30:14
- so** [76] - 3:46, 4:19, 4:29, 5:11, 7:30, 7:40, 8:3, 8:6, 8:22, 8:23, 8:35, 8:50, 9:5, 9:6, 9:25, 9:28, 9:35, 9:44, 9:54, 10:14, 10:35, 10:40, 11:23, 11:36, 11:37, 11:41, 12:26, 12:48, 13:4, 13:10, 13:17, 13:25, 13:38, 14:20, 14:27, 14:35, 15:20, 15:37, 15:42, 16:25, 17:45, 17:54, 20:13, 20:27, 21:34, 21:38, 21:48, 23:56, 24:12, 24:20, 24:48, 25:3, 25:17, 25:26, 25:28, 25:38, 25:42, 25:43, 25:47, 25:55, 26:12, 26:54, 27:38, 27:48, 27:52, 28:9, 28:13, 29:15, 29:52, 29:55, 30:18, 30:25, 30:30
- SOC** [1] - 9:42
- social** [5] - 25:51, 26:35, 27:5, 27:51, 27:53
- Software** [1] - 9:51
- software** [7] - 10:15, 19:15, 19:51, 25:11, 26:42, 28:49, 29:18
- sole** [1] - 12:41
- solicited** [1] - 7:13
- solo** [1] - 3:26
- solution** [2] - 5:56, 14:3
- solutions** [1] - 5:37
- some** [19] - 4:8, 9:11, 9:27, 9:29, 10:7, 10:43, 11:8, 11:44, 12:8, 16:2, 16:36, 17:34, 24:42, 24:50, 24:52, 25:7, 26:25, 30:28
- somebody** [1] - 30:19
- somehow** [1] - 12:10
- someone** [1] - 20:11
- something** [11] - 3:42, 9:7, 9:29, 10:56, 14:21, 20:37, 21:6, 21:22, 23:20, 24:51, 25:17
- sometime** [2] - 26:31, 27:23
- sometimes** [1] - 21:38
- somewhat** [4] - 5:9, 18:55, 20:12, 24:48
- somewhere** [4] - 27:10, 27:50, 28:27, 28:28
- Sonic** [1] - 13:31
- SonicWall** [5] - 13:46, 13:55, 17:13, 17:27, 17:31
- soon** [1] - 5:43
- sophisticated** [1] - 11:12
- sorry** [8] - 3:3, 18:28, 18:29, 21:5, 25:49, 26:3, 29:37, 31:52
- sort** [4] - 8:26, 11:8, 11:9, 24:16
- space** [1] - 7:13
- speak** [6] - 8:36, 23:17, 24:55, 25:42, 27:1, 27:2
- speaking** [1] - 3:9
- Special** [1] - 1:26
- special** [3] - 2:4, 4:10, 8:17
- specific** [1] - 25:6
- specifically** [1] - 14:51
- speculating** [1] - 27:47
- speculation** [1] - 12:8
- spoke** [3] - 8:26, 13:41, 23:19
- spoken** [1] - 23:15
- staff** [7] - 5:11, 7:36, 11:18, 11:19, 11:37, 23:39, 30:20
- staffing** [1] - 7:46
- staffs** [1] - 7:43
- staged** [1] - 12:4
- stand** [1] - 32:30
- standards** [1] - 31:20
- standing** [1] - 2:45
- standpoint** [1] - 28:1
- start** [2] - 4:44, 15:25
- started** [1] - 17:40
- State** [1] - 12:7
- state** [2] - 27:21, 31:52
- stated** [3] - 5:27, 5:55, 19:56
- statement** [5] - 4:9, 4:37, 10:30, 18:56, 22:1
- stating** [1] - 4:44
- status** [2] - 6:18, 16:21
- stay** [1] - 2:45
- staying** [1] - 23:48
- steal** [1] - 15:53
- steering** [1] - 18:25
- Steering** [2] - 18:37, 30:26
- Stenographer** [1] - 1:30
- step** [1] - 6:53
- steps** [3] - 16:26, 23:37, 25:43
- still** [4] - 7:4, 24:40, 26:1, 32:20
- storage** [2] - 21:33, 21:36
- store** [3] - 11:33, 11:43, 11:53
- stored** [1] - 16:1
- strategy** [1] - 5:46
- structure** [1] - 7:47
- structured** [1] - 31:21
- subject** [2] - 5:20, 8:19
- subjecting** [1] - 6:46
- submitted** [4] - 4:51, 6:6, 6:48, 18:37
- subnets** [1] - 16:34
- subpoena** [1] - 4:41
- subsequent** [1] - 23:1
- subsequently** [2] - 5:55, 10:39
- substance** [1] - 23:4
- success** [2] - 14:41, 14:48
- such** [28] - 3:56, 5:39, 5:50, 8:2, 8:10, 8:49, 9:16, 9:27, 10:53, 10:56, 11:27, 11:35, 11:39, 13:5, 13:33, 17:7, 18:8, 19:22, 24:2, 24:9, 24:10, 31:21, 31:37, 31:40, 31:47, 31:50, 31:51
- sudden** [1] - 17:36
- sufficient** [8] - 18:10, 20:17, 20:30, 20:31, 20:41, 20:42, 27:29
- Suffolk** [27] - 1:9, 4:55, 5:3, 5:5, 6:25, 8:43, 8:44, 12:42, 13:30, 13:31, 13:35, 13:36, 14:43, 18:36, 18:46, 18:47, 18:51, 18:53, 18:54, 19:8, 19:13, 19:49, 19:54, 20:1, 20:3, 20:5, 20:7
- Suffolk's** [1] - 19:10
- suggest** [1] - 28:26
- suggesting** [2] - 13:42, 20:18
- sum** [1] - 23:4
- summary** [1] - 31:3
- support** [11] - 4:43, 8:5, 8:13, 8:16, 8:21, 8:29, 18:49, 19:1, 19:3, 19:38
- supporting** [2] - 5:11, 7:39
- supports** [1] - 8:18
- supposed** [3] - 8:54, 14:19, 24:2
- supposedly** [1] - 26:2
- sure** [7] - 18:30, 19:21, 25:53, 26:15, 26:42, 27:12, 27:53
- Sure** [1] - 27:17
- surrounded** [2] - 17:11, 17:14
- suspect** [1] - 31:51
- suspended** [4] - 7:1, 7:2, 12:18, 12:21
- suspicious** [1] - 11:27
- sustained** [1] - 17:8
- swear** [2] - 4:14, 4:16
- sworn** [1] - 19:20
- symptom** [1] - 3:25
- system** [17] - 9:13, 9:18, 10:52, 11:43, 17:8, 18:48, 19:7, 20:40, 22:2, 22:33, 26:47, 27:49, 28:17, 28:19, 28:36, 28:41, 28:44
- systems** [25] - 3:44, 5:6, 5:35, 6:25, 6:26, 6:28, 6:31, 7:25, 8:2, 9:43, 12:44, 12:51, 13:7, 14:17, 19:22, 19:28, 22:4, 22:41, 23:4, 23:14, 25:9, 25:20, 25:45, 28:18, 28:21
- 
- ## T
- 
- T** [1] - 9:45
- T-E-N-A-B-L-E** [1] - 9:45
- table** [1] - 3:51
- tabletop** [1] - 10:49
- tactic** [1] - 5:21
- take** [8] - 4:10, 16:26, 16:32, 26:37, 27:5, 28:15, 28:43, 31:1
- takeaway** [1] - 9:37
- Taken** [1] - 1:29
- taken** [5] - 4:55, 14:39, 18:55, 25:43, 26:43
- talents** [1] - 3:55
- talk** [6] - 11:46, 15:1, 17:5, 24:51, 30:25, 32:6
- talked** [2] - 14:26, 21:21
- talking** [2] - 11:47, 22:37
- TAM** [8] - 25:30, 25:31, 25:36, 26:6, 26:13, 26:40, 27:2
- tasked** [1] - 7:55
- Tassone** [2] - 1:24, 2:14
- TASSONE** [4] - 2:8, 2:40, 2:54, 4:28
- tax** [1] - 7:40
- taxpayer** [1] - 3:53
- team** [26] - 7:33, 8:33, 11:21, 12:7, 12:53, 13:2, 13:18, 15:9, 15:43, 16:3, 16:6, 16:34, 23:3, 23:41, 23:43, 24:13, 25:27, 25:28, 25:36, 25:38, 26:12, 26:48, 27:2, 28:4, 28:5, 29:31
- teams** [2] - 8:8, 8:29

## DATE

**technical** [18] - 5:2, 6:32, 8:13, 11:10, 11:19, 14:12, 19:48, 20:11, 20:32, 20:35, 25:27, 25:28, 25:32, 25:36, 27:2, 28:6, 28:8, 29:16  
**technique** [1] - 15:56  
**technologies** [1] - 19:41  
**technology** [15] - 6:56, 7:13, 7:17, 7:20, 7:22, 7:27, 8:21, 8:38, 12:55, 14:14, 19:36, 19:37, 20:27, 20:32, 31:28  
**Technology** [5] - 4:56, 7:50, 10:33, 10:35, 22:32  
**telephone** [1] - 23:34  
**tell** [2] - 26:43, 28:24  
**telling** [1] - 30:55  
**tells** [1] - 18:23  
**Tenable** [10] - 9:17, 9:44, 27:33, 29:17, 29:21, 29:24, 29:26, 29:29  
**tenable** [1] - 10:34  
**term** [2] - 8:40, 10:40  
**terms** [2] - 21:42, 29:31  
**testify** [1] - 22:55  
**testimony** [3] - 4:17, 22:44, 32:19  
**than** [9] - 7:31, 12:6, 14:12, 17:49, 18:9, 20:32, 20:40, 21:44, 26:40  
**Thank** [30] - 2:44, 4:25, 4:32, 4:41, 6:32, 6:40, 12:30, 12:34, 15:17, 18:19, 21:11, 22:5, 22:7, 22:9, 22:46, 23:12, 24:24, 24:28, 26:24, 26:29, 29:44, 29:47, 30:38, 31:8, 31:26, 31:31, 31:36, 32:1, 32:23, 32:26  
**thank** [32] - 2:52, 3:2, 3:56, 4:3, 4:36, 6:35, 6:50, 7:30, 9:44, 12:23, 12:40, 13:28, 14:34, 14:36, 16:45, 16:51, 17:4, 19:35, 22:49, 22:54, 24:34, 26:21, 29:4, 29:11, 29:41, 30:35, 31:5, 32:12, 32:18, 32:27  
**thanks** [2] - 16:35, 32:26  
**that** [352] - 3:17, 3:20, 3:23, 3:27, 3:30, 3:34, 3:35, 3:36, 3:42, 3:46, 3:49, 3:50, 3:54, 4:16, 4:25, 4:38, 4:53, 5:6, 5:14, 5:19, 5:40, 5:49, 6:7, 6:12, 6:13, 6:27, 6:32, 6:48, 6:50, 7:1, 7:4, 7:8, 7:24, 7:26, 7:43, 8:1, 8:20, 8:33, 8:51, 8:52, 8:55, 9:3, 9:5, 9:6, 9:10, 9:13, 9:21, 9:23, 9:25, 9:33, 9:35, 9:36, 9:39, 9:41, 9:42, 9:45, 9:48, 9:53, 10:2, 10:4, 10:6, 10:7, 10:9, 10:15, 10:18, 10:21, 10:30, 10:32, 10:36, 10:44, 10:45, 10:46, 10:48, 10:49, 10:50, 10:51, 11:3, 11:5, 11:8, 11:9, 11:11, 11:23, 11:32, 11:33, 11:35, 11:37, 11:38, 11:39, 11:51, 11:52, 11:56, 12:2, 12:12, 12:18, 12:26, 12:41, 12:43, 12:44, 12:46, 12:52, 12:53, 12:55, 13:3, 13:4, 13:5, 13:10, 13:12, 13:15, 13:26, 13:30, 13:35, 13:40, 13:42, 13:43, 13:44, 13:46, 13:49, 13:52, 13:53, 13:56, 14:6, 14:7, 14:9, 14:10, 14:11, 14:14, 14:18, 14:19, 14:20, 14:38, 14:41, 14:45, 14:48, 14:49, 14:51, 14:53, 15:1, 15:4, 15:6, 15:9, 15:19, 15:26, 15:46, 15:52, 16:7, 16:9, 16:17, 16:20, 16:25, 16:28, 16:32, 16:39, 16:42, 17:5, 17:6, 17:9, 17:11, 17:14, 17:20, 17:24, 17:31, 17:35, 17:49, 18:6, 18:9, 18:12, 18:14, 19:5, 19:21, 19:25, 19:30, 19:36, 19:37, 19:46, 19:50, 20:13, 20:15, 20:16, 20:17, 20:18, 20:22, 20:24, 20:32, 20:38, 20:43, 20:45, 20:46, 20:48, 20:51, 20:55, 21:1, 21:13, 21:14, 21:15, 21:17, 21:22, 21:29, 21:31, 21:39, 21:43, 21:44, 21:52, 21:54, 22:1, 22:18, 22:26, 22:27, 22:28, 22:30, 22:36, 22:38, 22:43, 22:44, 23:3, 23:8, 23:9, 23:10, 23:13, 23:20, 23:21, 23:24, 23:26, 23:31, 23:33, 23:34, 23:41, 23:43, 23:50, 23:53, 23:54, 24:2, 24:5, 24:9, 24:10, 24:12, 24:13, 24:18, 24:19, 24:20, 24:23, 24:50, 24:52, 25:4, 25:9, 25:17, 25:27, 25:29, 25:30, 25:32, 25:33, 25:35, 25:44, 25:45, 26:1, 26:3, 26:6, 26:41, 26:45, 26:46, 26:49, 26:52, 26:56, 27:1, 27:6, 27:10, 27:20, 27:23, 27:29, 27:32, 27:33, 27:36, 27:37, 27:38, 27:42, 27:44, 27:45, 27:49, 27:51, 27:55, 28:16, 28:21, 28:23, 28:30, 28:31, 28:33, 28:39, 28:43, 28:44, 28:48, 28:49, 28:51, 28:53, 28:54, 28:55, 29:15, 29:18, 29:28, 29:35, 29:37, 29:39, 30:15, 30:22, 30:43, 30:47, 30:48, 31:1, 31:3, 31:13, 31:15, 31:19, 31:20, 31:21, 31:39, 32:8, 32:10  
**That** [4] - 8:21, 10:13, 11:4, 32:1  
**that's** [26] - 7:25, 7:50, 8:54, 9:9, 9:28, 10:2, 10:11, 11:15, 13:41, 14:20, 14:53, 16:48, 17:43, 18:4, 20:22, 20:36, 20:46, 20:49, 21:48, 23:9, 26:9, 27:54, 30:14, 31:17, 31:22  
**That's** [2] - 9:50, 10:31  
**The** [18] - 2:1, 2:14, 4:8, 5:47, 10:28, 11:33, 13:2, 18:5, 18:48, 22:10, 23:27, 24:31, 24:47, 25:27, 29:9, 29:44, 31:8, 32:33  
**the** [619] - 1:8, 1:9, 1:10, 1:23, 2:4, 2:5, 2:44, 3:5, 3:10, 3:17, 3:20, 3:21, 3:24, 3:25, 3:33, 3:37, 3:43, 3:49, 3:50, 3:51, 3:53, 3:54, 3:56, 4:6, 4:17, 4:18, 4:25, 4:26, 4:29, 4:33, 4:43, 4:47, 4:48, 4:49, 4:52, 4:53, 4:55, 5:3, 5:5, 5:10, 5:13, 5:16, 5:21, 5:23, 5:26, 5:27, 5:28, 5:29, 5:34, 5:36, 5:39, 5:41, 5:47, 5:48, 5:49, 5:50, 5:53, 5:54, 5:55, 5:56, 6:1, 6:4, 6:7, 6:9, 6:10, 6:16, 6:19, 6:22, 6:24, 6:25, 6:28, 6:30, 6:35, 6:38, 6:44, 6:46, 6:48, 6:55, 6:56, 7:12, 7:14, 7:15, 7:18, 7:22, 7:23, 7:30, 7:31, 7:33, 7:36, 7:39, 7:40, 7:41, 7:43, 7:44, 7:49, 7:52, 8:4, 8:5, 8:6, 8:10, 8:11, 8:14, 8:16, 8:18, 8:19, 8:20, 8:21, 8:22, 8:27, 8:30, 8:32, 8:33, 8:34, 8:37, 8:38, 8:40, 8:42, 8:46, 8:49, 8:50, 8:55, 8:56, 9:1, 9:3, 9:4, 9:6, 9:9, 9:10, 9:11, 9:20, 9:21, 9:22, 9:23, 9:26, 9:37, 9:42, 9:43, 9:45, 9:47, 10:2, 10:4, 10:5, 10:11, 10:16, 10:21, 10:24, 10:27, 10:29, 10:32, 10:33, 10:35, 10:41, 10:42, 10:44, 10:46, 10:49, 10:52, 11:2, 11:7, 11:21, 11:24, 11:31, 11:37, 11:41, 11:51, 11:55, 12:1, 12:3, 12:4, 12:7, 12:9, 12:10, 12:13, 12:26, 12:27, 12:30, 12:44, 12:48, 12:52, 12:53, 12:54, 12:55, 13:1, 13:2, 13:3, 13:7, 13:9, 13:11, 13:14, 13:17, 13:20, 13:21, 13:29, 13:30, 13:31, 13:33, 13:34, 13:36, 13:41, 13:43, 13:44, 13:45, 13:47, 13:49, 13:53, 13:54, 13:55, 14:2, 14:4, 14:8, 14:9, 14:11, 14:12, 14:13, 14:14, 14:17, 14:18, 14:24, 14:26, 14:27, 14:35, 14:36, 14:39, 14:40, 14:42, 14:43, 14:44, 14:46, 14:47, 14:48, 14:49, 14:51, 14:54, 15:1, 15:4, 15:5, 15:8, 15:19, 15:25, 15:32, 15:37, 15:41, 15:42, 15:43, 15:55, 15:56, 16:1, 16:2, 16:3, 16:6, 16:9, 16:14, 16:15, 16:20, 16:21, 16:24, 16:26, 16:28, 16:33, 16:42, 16:44, 16:52, 17:5, 17:6, 17:7, 17:8, 17:11, 17:14, 17:17, 17:24, 17:25, 17:26, 17:27, 17:31, 17:34, 17:36, 17:37, 17:39, 17:42, 17:43, 17:47, 17:50, 17:52, 17:53, 17:54, 17:55, 18:1, 18:3, 18:4, 18:5, 18:6, 18:9, 18:12, 18:17, 18:23, 18:24, 18:26, 18:30, 18:35, 18:36, 18:38, 18:39, 18:41, 18:44, 18:46, 18:47, 18:50, 18:52, 18:53, 18:54, 18:55, 19:2, 19:3, 19:10, 19:12, 19:14, 19:16, 19:18, 19:19, 19:23, 19:26, 19:27, 19:28, 19:33, 19:36, 19:37, 19:38, 19:43, 19:48, 19:50, 19:54, 20:4, 20:6, 20:9, 20:12, 20:14, 20:15, 20:19, 20:20, 20:21, 20:22, 20:24, 20:27, 20:28, 20:29, 20:30, 20:31, 20:32, 20:33, 20:36, 20:37, 20:38, 20:40, 20:48, 20:50, 20:51, 20:55, 21:1, 21:2, 21:9, 21:13, 21:17, 21:18, 21:19, 21:20, 21:24, 21:25, 21:26, 21:37, 21:44, 21:48, 21:49, 22:2, 22:3, 22:14, 22:15, 22:18, 22:20, 22:21, 22:24, 22:26, 22:27, 22:31, 22:34, 22:35, 22:36, 22:40, 22:41, 22:49, 22:56, 23:1, 23:3, 23:4, 23:23, 23:30, 23:32, 23:36, 23:37, 23:41, 23:42, 23:43, 23:45, 23:48, 23:49, 23:56,



## DATE

24:1, 24:9, 24:11,  
24:13, 24:14, 24:15,  
24:18, 24:24, 24:25,  
24:30, 24:31, 24:42,  
24:43, 24:44, 24:46,  
24:54, 24:55, 25:1,  
25:4, 25:13, 25:14,  
25:21, 25:26, 25:37,  
25:39, 25:40, 25:42,  
25:43, 25:55, 25:56,  
26:2, 26:6, 26:9,  
26:13, 26:14, 26:24,  
26:33, 26:44, 26:45,  
26:48, 26:55, 27:2,  
27:15, 27:16, 27:18,  
27:19, 27:32, 27:34,  
27:35, 27:43, 27:53,  
28:1, 28:4, 28:8,  
28:17, 28:19, 28:29,  
28:32, 28:33, 28:39,  
28:41, 28:42, 28:45,  
28:46, 28:49, 28:50,  
28:54, 29:13, 29:16,  
29:24, 29:29, 29:31,  
29:32, 29:33, 29:34,  
29:35, 29:38, 29:39,  
29:44, 29:52, 29:56,  
30:2, 30:3, 30:6, 30:9,  
30:10, 30:12, 30:13,  
30:14, 30:19, 30:20,  
30:23, 30:24, 30:26,  
30:28, 30:38, 30:44,  
30:47, 30:52, 30:53,  
30:54, 31:1, 31:3,  
31:17, 31:18, 31:25,  
31:27, 31:31, 31:39,  
31:43, 32:7, 32:8  
**THE** <sup>[1]</sup> - 32:22  
**theater** <sup>[1]</sup> - 4:50  
**their** <sup>[18]</sup> - 7:28,  
7:46, 8:7, 8:23, 8:28,  
8:29, 15:10, 19:44,  
20:40, 22:33, 23:14,  
23:28, 23:35, 28:47,  
32:27  
**them** <sup>[18]</sup> - 11:40,  
14:35, 15:39, 20:41,  
20:42, 21:37, 22:17,  
22:23, 22:29, 23:29,  
23:30, 23:38, 23:39,  
23:44, 29:31, 29:32,  
30:30  
**Then** <sup>[2]</sup> - 15:1, 16:2  
**then** <sup>[22]</sup> - 3:41, 4:10,  
5:20, 5:40, 6:29,  
13:20, 15:43, 16:31,  
16:36, 17:39, 17:40,  
17:41, 18:42, 20:14,  
20:38, 20:41, 20:42,  
20:50, 23:1, 23:46,  
27:46, 31:52  
**theory** <sup>[2]</sup> - 8:54,  
10:7  
**There** <sup>[3]</sup> - 5:32,  
20:7, 28:20  
**there** <sup>[43]</sup> - 3:38,  
4:11, 5:43, 6:3, 6:8,  
6:12, 7:35, 8:21, 8:35,  
8:48, 9:12, 10:48,  
11:56, 12:3, 12:8,  
13:35, 13:42, 14:45,  
14:46, 15:9, 17:23,  
20:14, 20:53, 21:19,  
21:42, 21:50, 22:23,  
23:7, 25:16, 26:11,  
26:40, 26:50, 26:54,  
27:19, 28:13, 28:28,  
28:31, 29:34, 30:15,  
30:18, 30:25, 31:1,  
31:19  
**there's** <sup>[12]</sup> - 8:51,  
9:21, 9:36, 10:3,  
10:43, 11:8, 11:10,  
14:21, 16:36, 23:24,  
28:14, 28:48  
**thereafter** <sup>[2]</sup> -  
27:24, 27:25  
**thereby** <sup>[1]</sup> - 31:54  
**These** <sup>[1]</sup> - 5:1  
**these** <sup>[18]</sup> - 5:33,  
5:38, 6:14, 8:27, 9:8,  
9:25, 9:26, 9:43,  
11:13, 11:36, 11:52,  
12:51, 13:5, 19:41,  
24:10, 25:11, 25:18,  
32:7  
**they** <sup>[53]</sup> - 7:55, 8:3,  
8:12, 8:56, 9:24, 9:41,  
10:35, 10:40, 11:3,  
11:20, 11:37, 11:38,  
13:3, 13:4, 13:11,  
13:12, 13:13, 13:20,  
13:21, 14:49, 15:41,  
16:12, 18:9, 18:10,  
20:33, 21:14, 21:17,  
21:19, 21:31, 22:4,  
22:21, 22:42, 22:43,  
22:44, 23:39, 23:42,  
23:44, 23:46, 23:54,  
24:15, 24:18, 24:51,  
25:30, 25:36, 28:33,  
28:36, 29:32, 30:50,  
31:34  
**They** <sup>[6]</sup> - 10:37,  
17:22, 23:31, 23:42,  
28:14, 31:19  
**they're** <sup>[2]</sup> - 11:40,  
20:28  
**thing** <sup>[3]</sup> - 9:17, 9:31,  
27:21  
**things** <sup>[5]</sup> - 11:2,  
11:27, 24:50, 25:34,  
30:14  
**think** <sup>[14]</sup> - 3:9, 3:23,  
8:40, 10:52, 12:8,  
18:13, 20:39, 23:9,  
24:41, 25:7, 26:5,  
26:34, 27:29, 31:17  
**third** <sup>[2]</sup> - 14:47,  
16:43  
**this** <sup>[109]</sup> - 2:38, 3:2,  
3:13, 3:27, 3:33, 3:34,  
3:36, 3:40, 3:42, 3:46,  
3:47, 3:51, 4:5, 4:17,  
4:32, 4:51, 4:52, 5:12,  
5:19, 5:22, 5:28, 6:1,  
6:21, 6:32, 6:54, 8:15,  
8:26, 8:46, 8:47, 10:6,  
10:14, 11:14, 11:46,  
12:26, 13:16, 13:18,  
13:23, 13:33, 13:38,  
13:45, 14:1, 14:45,  
15:14, 15:40, 15:48,  
16:11, 16:14, 16:22,  
16:43, 17:35, 18:51,  
18:55, 19:1, 19:4,  
19:8, 19:53, 19:56,  
20:2, 20:26, 20:55,  
20:56, 21:13, 21:45,  
22:56, 23:26, 23:31,  
25:10, 25:13, 25:17,  
25:18, 26:30, 26:32,  
26:34, 26:37, 26:40,  
26:42, 26:49, 26:54,  
27:6, 27:9, 27:13,  
27:14, 27:15, 27:39,  
27:54, 28:11, 28:13,  
28:15, 28:18, 28:24,  
28:43, 28:49, 28:50,  
29:17, 29:55, 30:5,  
30:31, 30:49, 30:54,  
31:2, 31:40, 32:30  
**This** <sup>[1]</sup> - 13:16  
**thorough** <sup>[1]</sup> - 23:12  
**those** <sup>[23]</sup> - 7:34,  
8:17, 10:34, 11:20,  
11:38, 11:53, 14:50,  
15:6, 17:25, 22:15,  
22:25, 22:28, 22:31,  
22:44, 24:50, 25:6,  
27:34, 27:40, 28:21,  
29:15, 29:26, 29:28  
**though** <sup>[2]</sup> - 17:46,  
26:2  
**thought** <sup>[3]</sup> - 20:45,  
24:19, 24:20  
**thousand** <sup>[2]</sup> - 17:24,  
17:25  
**thousands** <sup>[1]</sup> - 19:9  
**threat** <sup>[2]</sup> - 9:19,  
19:21  
**threats** <sup>[3]</sup> - 19:7,  
19:29, 27:19  
**three** <sup>[12]</sup> - 3:5, 6:12,  
7:36, 14:39, 14:46,  
17:19, 17:20, 17:46,  
18:13, 20:53, 24:46,  
29:7  
**three-page** <sup>[1]</sup> -  
24:46  
**three-year** <sup>[1]</sup> - 20:53  
**through** <sup>[10]</sup> - 8:46,  
13:42, 15:56, 18:5,  
23:8, 23:10, 23:36,  
24:9, 28:13  
**throughout** <sup>[2]</sup> - 6:3,  
25:14  
**throwing** <sup>[1]</sup> - 24:11  
**thumb** <sup>[1]</sup> - 11:47  
**tied** <sup>[1]</sup> - 19:11  
**time** <sup>[28]</sup> - 4:3, 4:5,  
4:32, 6:21, 7:36,  
10:46, 11:14, 11:24,  
12:18, 13:53, 13:56,  
14:10, 14:25, 14:36,  
14:48, 16:22, 17:25,  
17:39, 18:21, 23:54,  
24:23, 24:30, 27:24,  
27:37, 30:18, 30:23,  
30:25, 31:25  
**times** <sup>[4]</sup> - 8:36,  
13:14, 14:47, 30:15  
**title** <sup>[5]</sup> - 7:4, 8:18,  
8:19, 18:38, 28:19  
**to** <sup>[386]</sup> - 1:23, 2:1,  
2:5, 3:5, 3:9, 3:13,  
3:17, 3:19, 3:23, 3:34,  
3:41, 3:46, 3:49, 3:51,  
3:56, 4:3, 4:5, 4:6,  
4:9, 4:10, 4:13, 4:17,  
4:33, 4:37, 4:43, 4:51,  
5:10, 5:11, 5:13, 5:19,  
5:20, 5:22, 5:23, 5:26,  
5:27, 5:40, 5:42, 5:47,  
5:53, 6:5, 6:7, 6:17,  
6:19, 6:20, 6:31, 6:43,  
6:46, 6:48, 6:53, 7:8,  
7:11, 7:14, 7:22, 7:23,  
7:25, 7:26, 7:28, 7:29,  
7:37, 7:39, 7:41, 8:5,  
8:16, 8:21, 8:26, 8:28,  
8:35, 8:38, 8:39, 8:41,  
8:42, 8:46, 8:50, 8:52,  
8:54, 9:3, 9:4, 9:12,  
9:14, 9:20, 9:29, 9:33,  
9:40, 9:41, 9:43, 9:54,  
10:2, 10:5, 10:6,  
10:29, 10:31, 10:32,  
10:36, 10:38, 10:41,  
11:2, 11:5, 11:6, 11:7,  
11:8, 11:18, 11:20,  
11:21, 11:26, 11:27,  
11:31, 11:37, 11:41,  
11:43, 11:53, 12:3,  
12:10, 12:12, 12:13,  
12:20, 12:26, 12:45,  
12:46, 12:48, 12:50,  
12:51, 12:53, 12:55,  
12:56, 13:1, 13:4,  
13:7, 13:8, 13:12,  
13:13, 13:14, 13:17,  
13:19, 13:21, 13:23,  
13:24, 13:32, 13:44,  
13:46, 13:54, 14:18,  
14:19, 14:20, 14:26,  
14:27, 14:28, 14:39,  
14:42, 14:46, 14:49,  
14:51, 15:7, 15:39,  
15:53, 15:54, 16:3,  
16:7, 16:13, 16:17,  
16:24, 16:25, 16:30,  
16:31, 16:33, 16:39,  
16:43, 17:17, 17:20,  
17:22, 17:23, 17:30,  
17:34, 17:42, 17:45,  
17:47, 17:50, 17:52,  
17:53, 18:4, 18:6,  
18:8, 18:10, 18:33,  
18:34, 18:35, 18:49,  
18:54, 19:1, 19:6,  
19:7, 19:11, 19:16,  
19:19, 19:20, 19:26,  
19:27, 19:35, 19:37,  
19:38, 19:41, 19:43,  
19:48, 19:51, 19:52,  
19:53, 20:6, 20:18,  
20:19, 20:20, 20:33,  
20:35, 20:37, 20:39,  
20:51, 20:53, 20:55,  
21:2, 21:6, 21:18,  
21:20, 21:25, 21:26,  
21:27, 21:29, 21:35,  
21:39, 21:40, 21:43,  
21:45, 21:46, 21:51,  
21:54, 22:2, 22:4,  
22:15, 22:18, 22:21,  
22:28, 22:36, 22:55,  
22:56, 23:9, 23:14,  
23:15, 23:17, 23:19,  
23:20, 23:28, 23:31,  
23:33, 23:34, 23:35,  
23:38, 23:43, 23:44,  
23:49, 23:50, 24:1,  
24:2, 24:5, 24:13,  
24:14, 24:19, 24:21,  
24:22, 24:25, 24:43,  
24:48, 24:55, 25:3,  
25:8, 25:9, 25:15,  
25:17, 25:29, 25:34,  
25:35, 25:38, 25:42,  
25:44, 25:45, 25:48,

## DATE

25:50, 25:52, 26:12, 26:16, 26:29, 26:32, 26:33, 26:37, 26:41, 26:42, 26:47, 26:48, 26:52, 27:1, 27:2, 27:3, 27:5, 27:14, 27:19, 27:21, 27:29, 27:35, 27:36, 27:37, 27:38, 27:39, 27:43, 27:48, 27:53, 28:4, 28:12, 28:15, 28:21, 28:38, 28:46, 28:50, 28:53, 29:21, 29:33, 30:2, 30:3, 30:4, 30:9, 30:19, 30:20, 30:22, 30:24, 30:25, 30:30, 30:43, 30:44, 30:50, 30:54, 30:56, 31:1, 31:28, 31:39, 32:8, 32:9, 32:26  
**today** [12] - 3:3, 4:3, 4:41, 4:47, 4:49, 14:25, 16:44, 17:3, 20:28, 22:55, 32:18, 32:27  
**today's** [1] - 4:8  
**together** [2] - 21:39, 23:47  
**told** [8] - 13:12, 14:44, 22:27, 27:10, 27:31, 27:45, 28:2  
**too** [1] - 24:47  
**took** [5] - 10:44, 10:49, 17:17, 17:20, 28:53  
**tools** [4] - 9:36, 9:39, 13:3, 16:24  
**touch** [1] - 12:7  
**Tracepoint** [8] - 23:28, 23:35, 23:36, 23:41, 23:45, 24:20, 28:29, 28:32  
**traffic** [8] - 6:19, 8:45, 12:47, 16:21, 16:31, 18:11, 20:21, 20:35  
**training** [1] - 13:4  
**transacted** [1] - 18:51  
**translation** [2] - 17:24, 17:26  
**transmitted** [1] - 10:6  
**treat** [1] - 13:55  
**tremendous** [3] - 3:30, 19:12, 28:20  
**tremendously** [1] - 7:35  
**Trotta** [8] - 1:18, 2:46, 22:10, 22:12,

22:49, 30:39, 30:41, 31:8  
**TROTTA** [1] - 2:25  
**true** [2] - 14:6, 30:56  
**truncated** [1] - 10:39  
**truth** [5] - 4:18, 4:19, 4:42, 5:18  
**try** [3] - 6:20, 6:53, 11:41  
**trying** [2] - 13:4, 21:46  
**turn** [3] - 4:10, 4:32, 12:26  
**two** [15] - 3:12, 4:44, 6:26, 7:34, 13:7, 13:49, 14:47, 15:32, 16:44, 17:49, 18:53, 22:20, 23:50, 27:22, 29:7  
**type** [5] - 5:19, 8:4, 8:15, 8:16, 12:51  
**typically** [1] - 8:3

### U

**U.S** [1] - 26:31  
**unauthorized** [1] - 14:7  
**unceremoniously** [1] - 5:8  
**under** [2] - 5:27, 32:20  
**undergrad** [1] - 7:20  
**understand** [7] - 7:25, 7:28, 14:8, 17:22, 20:33, 26:30, 26:40  
**understanding** [14] - 10:26, 12:56, 14:13, 14:14, 14:40, 20:36, 21:3, 21:13, 21:17, 21:24, 28:46, 29:17, 29:28, 29:33  
**understood** [3] - 6:15, 9:11, 9:40  
**underway** [1] - 23:3  
**unequivocal** [1] - 12:41  
**unequivocally** [3] - 4:54, 10:41, 22:4  
**unfortunately** [1] - 17:39  
**uniqueness** [1] - 8:17  
**Unit** [1] - 23:52  
**unknown** [2] - 6:10, 20:10  
**unless** [1] - 11:11  
**unlike** [1] - 19:7  
**unplug** [1] - 11:49

**unprofessional** [1] - 5:18  
**until** [9] - 6:26, 14:17, 17:46, 20:54, 23:14, 23:55, 28:38, 28:42, 28:55  
**unwaivering** [1] - 4:43  
**up** [25] - 3:4, 3:5, 5:46, 7:23, 8:54, 8:55, 15:19, 15:49, 16:32, 16:36, 17:6, 17:18, 17:23, 17:34, 18:14, 22:14, 22:18, 24:11, 24:51, 26:25, 26:30, 30:2, 30:9, 30:14, 30:43  
**upgrade** [2] - 26:53, 28:21  
**upgraded** [1] - 28:22  
**upgrades** [3] - 25:37, 26:47  
**upon** [4] - 7:15, 8:14, 10:3, 14:41  
**ups** [1] - 29:7  
**urgency** [6] - 5:39, 6:6, 13:55, 14:8, 20:55, 21:1  
**urgent** [3] - 26:49, 27:13, 27:30  
**urgently** [1] - 27:36  
**us** [16] - 7:7, 8:42, 9:54, 11:31, 12:40, 22:55, 23:9, 25:7, 25:8, 25:33, 25:34, 28:9, 28:12, 29:15, 30:55, 32:18  
**use** [5] - 5:23, 5:50, 9:53, 25:9, 25:13  
**used** [1] - 29:21  
**useless** [1] - 11:40  
**user** [2] - 18:52, 19:9  
**users** [2] - 18:50, 19:10  
**using** [5] - 9:52, 11:33, 20:24, 20:27, 20:28  
**usual** [1] - 16:55  
**utility** [2] - 7:10, 7:18

### V

**V** [1] - 9:47  
**V-A-R-O-N-I-S** [1] - 9:47  
**variants** [1] - 6:8  
**various** [3] - 6:8, 7:11, 8:13  
**Varonis** [2] - 9:31, 9:47

**vendors** [4] - 23:48, 23:52, 23:56  
**versed** [1] - 11:12  
**versions** [1] - 24:43  
**very** [21] - 3:19, 4:3, 7:7, 7:30, 7:36, 8:35, 11:12, 13:32, 13:48, 14:34, 17:4, 20:2, 22:46, 26:21, 28:21, 29:2, 30:35, 31:5, 32:18, 32:28  
**Veterans** [1] - 1:11  
**view** [4] - 6:19, 10:30, 18:4, 18:10  
**vilification** [1] - 5:21  
**Vin** [1] - 23:18  
**virtual** [11] - 18:2, 18:5, 18:9, 20:19, 20:20, 20:25, 20:28, 20:39, 20:49, 21:18, 23:30  
**visibility** [2] - 5:4, 20:22  
**VM** [1] - 25:15  
**VMWARE** [1] - 18:39  
**VMware** [6] - 25:29, 25:34, 25:36, 26:6, 28:8, 28:11  
**voted** [1] - 18:35  
**vulnerabilities** [2] - 27:34, 29:22  
**vulnerability** [22] - 9:18, 25:2, 25:9, 25:18, 26:30, 26:33, 26:35, 26:36, 26:43, 26:53, 26:55, 27:6, 27:39, 27:43, 27:52, 28:14, 28:32, 28:34, 28:39, 28:49, 28:51, 28:55  
**vulnerable** [1] - 28:44  
**VXRAIL** [10] - 18:38, 19:2, 21:21, 21:23, 21:24, 21:30, 21:31, 21:39, 21:43, 21:51

### W

**wait** [4] - 27:29, 27:46, 27:48, 27:52  
**waited** [1] - 28:38  
**wall** [1] - 24:18  
**want** [18] - 4:3, 10:36, 13:12, 13:13, 13:24, 16:34, 18:8, 20:18, 20:37, 20:53, 21:6, 21:47, 21:49, 26:12, 26:29, 27:21, 32:8, 32:26

**wanted** [1] - 21:15  
**warning** [3] - 5:19, 5:43, 26:32  
**warnings** [2] - 4:48, 5:1  
**was** [175] - 1:9, 2:1, 2:14, 3:9, 3:14, 3:17, 3:18, 3:20, 5:8, 5:37, 5:39, 5:43, 5:46, 5:49, 5:53, 6:5, 6:22, 6:27, 7:13, 7:41, 8:32, 8:34, 9:8, 9:10, 9:52, 10:21, 10:24, 10:32, 10:39, 10:47, 10:48, 11:31, 11:51, 11:52, 11:56, 12:3, 12:13, 12:52, 12:53, 12:55, 12:56, 13:4, 13:6, 13:10, 13:12, 13:19, 13:29, 13:31, 13:33, 13:35, 13:37, 13:39, 13:41, 13:42, 13:43, 13:44, 13:45, 14:6, 14:19, 14:40, 14:41, 14:46, 14:48, 14:49, 15:48, 15:53, 17:6, 17:11, 17:14, 17:26, 17:27, 17:31, 17:35, 17:37, 17:45, 17:49, 17:50, 17:52, 17:53, 18:9, 18:26, 18:33, 18:34, 18:39, 19:40, 20:13, 20:14, 20:26, 20:27, 20:31, 20:32, 20:34, 20:35, 20:41, 20:53, 21:13, 21:17, 21:46, 22:18, 22:24, 22:26, 22:27, 22:37, 22:38, 23:3, 23:7, 23:12, 23:20, 23:22, 23:29, 23:31, 23:37, 23:44, 23:45, 24:2, 24:9, 24:11, 24:19, 24:20, 24:21, 24:47, 25:1, 25:35, 25:38, 25:56, 26:1, 26:2, 26:3, 26:5, 26:7, 26:12, 26:33, 26:41, 26:50, 26:54, 26:55, 27:23, 27:29, 27:35, 27:45, 27:52, 28:5, 28:9, 28:19, 28:20, 28:25, 28:26, 28:30, 28:32, 28:33, 28:37, 28:41, 28:54, 29:21, 29:24, 29:28, 29:34, 29:35, 29:56, 30:2, 30:9, 30:18, 30:19, 30:25, 31:1, 31:27, 31:51, 32:33  
**Was** [1] - 29:28

## DATE

- wasn't** [14] - 8:55, 14:10, 14:18, 17:35, 20:49, 20:54, 21:19, 27:31, 27:38, 28:9, 28:10, 28:55, 31:52, 31:54  
**way** [17] - 3:20, 3:25, 3:30, 8:55, 9:27, 11:35, 11:39, 11:53, 12:14, 13:1, 13:5, 17:34, 21:27, 22:38, 24:10, 24:21, 31:21  
**we** [70] - 2:44, 3:40, 4:46, 4:49, 8:36, 8:37, 9:52, 9:53, 11:32, 11:37, 11:39, 13:19, 13:53, 13:56, 14:24, 14:36, 15:39, 15:40, 16:23, 16:29, 16:30, 16:31, 16:43, 17:7, 17:30, 17:36, 17:37, 17:40, 17:43, 17:45, 17:46, 17:47, 17:55, 18:13, 18:56, 20:13, 20:54, 20:55, 21:1, 23:4, 23:9, 23:21, 23:41, 25:4, 25:23, 25:29, 25:30, 25:32, 26:52, 27:32, 28:8, 28:10, 28:11, 28:17, 30:5, 30:6, 30:7, 30:31, 30:48, 30:49, 31:14, 31:24, 31:40, 31:50, 32:7, 32:30  
**We** [4] - 14:34, 21:21, 25:23, 30:20  
**we'll** [4] - 9:11, 14:1, 15:19, 23:10  
**we're** [7] - 3:39, 11:46, 14:2, 21:45, 21:46, 27:46, 27:48  
**we've** [1] - 8:39  
**web** [3] - 25:9, 25:12, 25:13  
**Web** [1] - 13:47  
**web-based** [3] - 25:9, 25:12, 25:13  
**websites** [1] - 28:47  
**weeds** [1] - 25:42  
**week** [2] - 28:6, 28:11  
**weekly** [4] - 6:3, 25:33, 27:32, 27:40  
**weeks** [4] - 22:18, 22:20, 23:55, 23:56  
**Well** [10] - 14:1, 17:49, 21:24, 22:40, 22:42, 24:54, 27:9, 27:21, 27:55, 28:26  
**well** [19] - 7:54, 8:44, 9:36, 10:10, 11:8, 11:12, 15:4, 15:47, 17:4, 19:3, 23:7, 23:34, 24:8, 24:22, 25:14, 25:16, 27:5, 28:5, 30:12  
**well-versed** [1] - 11:12  
**went** [4] - 14:20, 17:46, 23:36, 25:23  
**were** [58] - 4:46, 5:32, 5:34, 5:38, 6:3, 6:8, 6:12, 6:26, 7:35, 8:35, 8:42, 11:37, 12:15, 13:2, 13:38, 13:53, 14:46, 14:54, 15:4, 15:6, 15:9, 17:22, 20:24, 20:34, 22:3, 22:15, 22:21, 22:23, 22:27, 22:31, 22:42, 22:43, 23:42, 23:48, 23:50, 23:53, 23:56, 24:1, 24:10, 24:18, 25:4, 25:23, 25:36, 25:43, 26:14, 26:34, 26:46, 26:52, 27:42, 28:11, 28:48, 29:39, 30:1, 30:12, 30:15, 30:16, 30:50  
**Were** [2] - 28:43, 28:51  
**weren't** [4] - 9:1, 23:54, 28:10  
**What** [3] - 18:26, 18:34, 26:3  
**what** [81] - 5:2, 5:27, 6:54, 7:49, 7:52, 7:55, 8:4, 8:14, 8:32, 8:41, 9:16, 9:41, 9:54, 9:55, 10:3, 10:8, 10:56, 11:3, 11:5, 11:13, 11:31, 12:2, 12:43, 12:56, 13:18, 13:25, 13:39, 13:48, 14:5, 14:41, 14:53, 15:4, 15:40, 17:11, 17:14, 17:22, 17:27, 17:50, 17:52, 18:1, 18:21, 18:33, 20:4, 20:18, 20:33, 20:46, 21:23, 21:30, 21:31, 21:45, 22:24, 22:37, 23:2, 23:7, 23:13, 23:29, 23:31, 23:36, 23:37, 23:48, 24:19, 25:8, 25:30, 25:43, 26:43, 26:44, 26:47, 26:50, 27:10, 27:20, 27:25, 27:53, 28:25, 28:31, 28:32, 29:56, 30:1, 30:55  
**What's** [1] - 25:31  
**what's** [3] - 6:20, 7:52, 9:5  
**whatever** [2] - 16:34, 30:7  
**when** [23] - 7:35, 10:56, 11:16, 11:46, 13:8, 13:35, 16:12, 17:30, 17:37, 17:43, 17:45, 22:34, 26:48, 26:50, 26:55, 27:13, 27:20, 27:30, 27:49, 28:24, 28:29, 28:36, 29:32  
**where** [11] - 7:27, 7:28, 14:20, 16:1, 20:35, 21:37, 23:27, 24:15, 25:35, 30:18, 30:47  
**whether** [3] - 12:3, 25:55, 29:34  
**which** [27] - 6:5, 6:26, 8:44, 8:45, 9:2, 9:19, 9:31, 9:32, 10:32, 10:39, 13:14, 13:35, 13:51, 19:51, 19:53, 20:1, 20:6, 20:8, 20:9, 20:29, 20:39, 21:22, 21:32, 23:39, 26:49, 28:39, 30:28  
**whim** [1] - 9:34  
**who** [12] - 14:44, 20:11, 23:17, 23:56, 25:6, 25:26, 26:14, 29:15, 29:24, 30:19, 31:36, 31:47  
**whole** [12] - 4:18, 10:8, 13:26, 13:41, 14:43, 19:50, 20:14, 23:7, 23:19, 23:36, 27:35  
**wholistic** [1] - 10:9  
**why** [30] - 3:39, 5:38, 8:15, 12:20, 13:33, 13:38, 13:50, 13:52, 13:55, 14:8, 14:10, 14:11, 15:3, 17:20, 18:8, 19:40, 20:31, 20:49, 24:7, 24:12, 25:54, 27:46, 27:48, 27:51, 27:52, 31:17, 31:24, 31:34, 31:45, 31:50  
**wide** [1] - 7:26  
**Wide** [1] - 13:47  
**widely** [2] - 10:21, 10:24  
**widespread** [1] - 26:1  
**will** [22] - 2:5, 4:44, 4:53, 5:12, 5:20, 5:28, 7:18, 8:13, 9:56, 10:35, 10:39, 11:4, 11:6, 11:7, 11:10, 16:11, 16:14, 19:12, 19:23, 21:38, 32:1, 32:20  
**William** [2] - 1:10, 1:23  
**willing** [2] - 14:28, 32:9  
**willingness** [2] - 4:43, 22:55  
**windows** [1] - 16:1  
**wish** [1] - 23:8  
**with** [78] - 3:14, 3:23, 3:24, 3:25, 3:53, 4:42, 5:9, 5:17, 5:39, 5:56, 7:3, 7:15, 7:22, 7:23, 7:43, 7:46, 7:55, 8:22, 8:27, 8:29, 8:30, 9:1, 9:4, 9:25, 10:5, 10:9, 12:3, 12:7, 12:26, 12:40, 12:49, 12:52, 13:3, 13:34, 13:43, 14:2, 14:40, 14:43, 15:5, 15:41, 16:10, 16:32, 16:43, 16:44, 17:40, 17:54, 18:31, 18:37, 18:55, 19:54, 20:1, 20:12, 21:21, 21:22, 21:29, 21:33, 21:47, 21:54, 22:43, 22:54, 23:29, 23:30, 23:49, 24:1, 24:52, 25:33, 27:1, 27:32, 27:54, 28:5, 28:9, 28:11, 28:51, 30:56, 31:1, 32:30  
**within** [2] - 8:42, 10:8  
**without** [4] - 4:41, 5:13, 9:35, 19:38  
**Without** [1] - 4:49  
**witness** [2] - 4:8, 4:25  
**WITNESS** [1] - 32:22  
**words** [1] - 8:14  
**work** [10] - 3:21, 7:14, 19:52, 23:26, 23:46, 24:20, 30:5, 30:6, 31:53, 32:27  
**worked** [7] - 3:19, 3:48, 3:50, 7:10, 23:27, 25:27, 29:52  
**Working** [1] - 18:37  
**working** [10] - 3:18, 7:12, 7:22, 8:28, 8:34, 17:21, 23:43, 25:4, 28:9, 28:10  
**works** [1] - 10:9  
**World** [1] - 13:47  
**world** [2] - 5:27, 28:50  
**Would** [1] - 23:52  
**would** [60] - 3:28, 3:33, 3:47, 3:53, 4:5, 4:46, 4:49, 5:50, 5:55, 6:16, 7:24, 7:56, 8:3, 8:20, 8:21, 8:48, 8:53, 9:8, 9:18, 9:24, 10:4, 10:7, 11:20, 11:21, 11:23, 11:33, 11:37, 12:46, 13:55, 14:11, 14:50, 18:3, 18:5, 18:6, 19:35, 20:20, 20:21, 20:41, 21:31, 22:33, 22:37, 24:12, 25:33, 27:2, 27:33, 27:36, 27:50, 28:26, 28:44, 30:56, 31:14, 31:19, 31:36, 31:39, 31:47, 31:49  
**wouldn't** [4] - 8:18, 13:52, 21:54, 22:29  
**wrote** [3] - 13:22, 13:28, 18:31
- 
- X**
- 
- XDR** [1] - 16:30
- 
- Y**
- 
- Y** [1] - 1:9  
**yeah** [5] - 22:40, 26:11, 26:16, 27:28, 30:12  
**Yeah** [3] - 15:19, 23:12, 26:5  
**year** [1] - 20:53  
**years** [14] - 3:11, 3:12, 3:14, 3:23, 3:48, 6:9, 7:16, 7:17, 7:24, 7:31, 17:46, 17:49, 18:53, 29:53  
**Yes** [3] - 6:45, 11:54, 24:53  
**yes** [29] - 6:49, 7:45, 7:48, 7:51, 9:46, 9:49, 9:52, 10:20, 11:18, 12:11, 15:2, 17:33, 17:49, 21:54, 22:45, 25:4, 25:29, 26:17, 27:17, 28:35, 28:52, 29:1, 29:40, 30:27, 30:29, 31:4, 31:16, 31:30, 32:11

## DATE

**yesterday**<sup>[1]</sup> - 16:10  
**yet**<sup>[4]</sup> - 5:36, 5:44,  
6:9, 24:11  
**York**<sup>[3]</sup> - 1:11, 12:7,  
20:1  
**You**<sup>[8]</sup> - 9:17, 9:47,  
10:52, 11:55, 21:53,  
22:14, 24:17, 26:13  
**you**<sup>[300]</sup> - 2:44,  
2:52, 3:2, 3:5, 3:39,  
3:56, 4:3, 4:6, 4:13,  
4:14, 4:16, 4:17, 4:19,  
4:25, 4:32, 4:36, 4:37,  
4:41, 6:32, 6:35, 6:40,  
6:43, 6:47, 6:48, 6:50,  
7:1, 7:4, 7:7, 7:18,  
7:30, 7:43, 7:46, 7:49,  
8:13, 8:15, 8:20, 8:33,  
8:39, 8:42, 8:48, 8:50,  
9:3, 9:5, 9:6, 9:18,  
9:22, 9:27, 9:31, 9:35,  
9:36, 9:41, 9:44, 9:50,  
9:54, 9:56, 10:4, 10:7,  
10:11, 10:18, 10:34,  
10:39, 10:52, 11:10,  
11:13, 11:16, 11:20,  
11:23, 11:31, 11:46,  
11:49, 12:1, 12:8,  
12:12, 12:15, 12:20,  
12:23, 12:30, 12:34,  
12:40, 12:41, 12:43,  
13:28, 13:38, 13:52,  
13:55, 14:2, 14:3,  
14:5, 14:25, 14:27,  
14:34, 14:36, 14:38,  
14:45, 14:54, 15:1,  
15:17, 15:25, 15:37,  
16:11, 16:13, 16:17,  
16:31, 16:32, 16:34,  
16:39, 16:45, 16:51,  
17:3, 17:4, 17:6,  
17:17, 17:20, 17:34,  
18:8, 18:12, 18:14,  
18:19, 18:24, 18:25,  
18:28, 18:33, 18:44,  
19:21, 19:33, 19:35,  
19:42, 19:46, 20:12,  
20:16, 20:17, 20:24,  
20:29, 20:43, 20:45,  
20:46, 21:11, 21:14,  
21:15, 21:21, 21:29,  
21:37, 21:40, 21:47,  
21:48, 21:55, 22:1,  
22:5, 22:7, 22:9,  
22:14, 22:15, 22:27,  
22:28, 22:42, 22:43,  
22:46, 22:49, 22:54,  
23:2, 23:3, 23:8, 23:9,  
23:12, 23:13, 23:17,  
23:48, 24:5, 24:24,  
24:28, 24:34, 24:42,  
24:43, 24:54, 25:7,  
25:21, 25:39, 25:47,  
25:50, 25:51, 25:55,  
26:15, 26:21, 26:24,  
26:29, 26:34, 26:37,  
26:41, 26:45, 26:46,  
26:47, 26:48, 26:49,  
26:50, 26:51, 26:55,  
27:1, 27:5, 27:6,  
27:13, 27:14, 27:15,  
27:18, 27:19, 27:20,  
27:29, 27:30, 27:38,  
27:42, 27:46, 27:47,  
27:48, 27:49, 27:51,  
27:52, 27:55, 28:3,  
28:14, 28:24, 28:29,  
28:30, 28:38, 28:39,  
28:43, 28:48, 28:51,  
28:53, 29:4, 29:11,  
29:17, 29:26, 29:34,  
29:38, 29:41, 29:44,  
29:47, 29:52, 30:1,  
30:7, 30:15, 30:30,  
30:35, 30:38, 30:47,  
30:48, 30:56, 31:5,  
31:8, 31:13, 31:14,  
31:17, 31:26, 31:31,  
31:34, 31:36, 31:39,  
31:45, 31:50, 32:1,  
32:6, 32:8, 32:9,  
32:12, 32:18, 32:19,  
32:20, 32:23, 32:26,  
32:27  
**you'll**<sup>[1]</sup> - 26:11  
**you're**<sup>[12]</sup> - 11:11,  
11:14, 13:49, 14:4,  
14:5, 20:52, 24:8,  
26:15, 26:37, 27:5,  
30:15, 30:55  
**you've**<sup>[4]</sup> - 7:30,  
12:1, 12:18, 12:20  
**young**<sup>[1]</sup> - 7:36  
**your**<sup>[62]</sup> - 3:3, 4:3,  
4:16, 5:12, 6:54, 7:8,  
9:4, 9:18, 9:23, 9:32,  
9:33, 10:3, 10:8, 10:9,  
10:30, 12:40, 13:28,  
14:38, 15:15, 16:29,  
16:31, 16:34, 17:27,  
18:34, 19:35, 19:38,  
19:39, 19:46, 20:16,  
20:54, 21:16, 21:32,  
21:33, 21:40, 21:51,  
21:56, 22:44, 22:55,  
23:2, 23:12, 25:21,  
25:28, 25:38, 26:10,  
26:12, 26:47, 26:48,  
27:38, 28:3, 28:36,  
28:44, 28:53, 29:22,  
29:28, 29:31, 30:43,  
30:44, 31:13, 32:19  
**yours**<sup>[1]</sup> - 21:9  
**yourself**<sup>[4]</sup> - 6:46,  
24:8, 28:40, 29:26

---

## Z

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**zoned**<sup>[1]</sup> - 19:51  
**Zoom**<sup>[2]</sup> - 16:29,  
16:36