

United States v. GHISLAINE MAXWELL, 20 Cr. 330 (AJN)

Paul Kane Q&A

Objectives GX 761

Rule 803(6)

- Record made at or near the time by --- or from information transmitted by --- someone with knowledge
- Kept in the course of a regularly conducted activity of a business
- Making the record was the regular practice of that activity

BACKGROUND

Question	Answer	Rule
Mr. Kane, where do you work?	Professional Children's School	
What is Professional Children's School?		
What is your title?	Director of Finance	
How long have you worked there?	2019	
What did you do before that?	Chief Admin Officer at international preschools from 2009 to 2019	
Are those private schools?	Yes	
What are your responsibilities?	All financial oversight, archives, financial aspects of enrollment	
In that capacity, are you familiar with the normal business practices of Professional Children's School?	Yes	
Are you familiar with the business practices regarding student files?	Yes	
Are you familiar with how those practices worked in the early 1990s? How?	Through archives and conversations with other employees who have been there longer	
What are student files?	PCS keeps a permanent file on each student	
Does PCS regularly maintain student files?	Yes	
How are those records maintained?	Electronically	
How did it work in the 1990s?	Paper	
What happened to paper files?	Digitized in about 2011/12	
What sort of information is contained in the student record?	Transcript, college recs, admissions info	
Are those records regularly put in the student file at the time they are created?	Yes	

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Were they in the 1990s?	Yes	
How long are student records kept?	6 years	
Are those records kept in the ordinary course of business?	Yes	
What happens at the end of that time?	Destroyed	
Are they always purged from the file at the completion of that time?	No	
I am handing you what has been marked for identification as GX 761 . Do you recognize this document?	Yes	
Without saying any names, what is it?	Application	
Did you review this prior to today?	Yes	
How? [Did you compare it with the records from PCS's files database]	This student's electronic file is digitized	
Is this a true and accurate copy of the document at PCS?	Yes	
Government offers 761		

- These are business records
 - Admissions records:
 - Business records. Doesn't matter whether student or school actually put the information on the school's form.
 - In any event, "made" by school when received and relied on in ordinary course of business – adopted business records doctrine.
 - If must: offering for fact of application, and for the state-of-mind statement that JE was going to pay for her tuition. Not offered for truth: not saying he was actually going to do it.

EXTRA FOUNDATION [if necessary]

Question	Answer	Rule
Mr. Kane, a few more questions about this document		
Where does the form come from?	PCS	
Who fills out the application?	The student	
When an application is received by PCS, what happens?		
Is PCS in the regular practice of receiving and maintaining applications for admission?		
What efforts does PCS make to verify the information on the application?	[confirm with Kane]	

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Does PCS regularly rely on this information to make admissions decisions?	Yes	
Does PCS make admissions decisions in the ordinary course of business?	Yes	
After PCS makes admissions decisions, do these applications remain in their records?	Yes	
Where are they kept?	In the student file – there is no admissions file	

REVIEW

Question	Answer	Rule
Directing your attention to page 1, what grade is the student applying for?	12	
Where did the student attend high school previously? Where is that located?	WPB, Florida	
Why did the student leave?	Moved to New York	
Turning to page 2, Section E, who is listed as the person with financial responsibility for this applicant?	JE	Not offered for truth but for state of mind
Does the applicant expect to apply for financial assistance?	No	
Turning to page 3, Section H, how did the student say she became interested in PCS?	Referred by the president of admissions at Julliard	
Finally, turning to section K, who signed this application?		