

1 (Thereupon, a partial transcript was
2 requested to be transcribed.)

3 CHRISTINE HOUSTON,
4 called as a witness on behalf of the Respondent,
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. COX:

8 Q. Would you identify yourself, please.

9 A. Christine Houston.

10 Q. All right. How are you employed?

11 A. I work for the Kansas Department of Health and
12 Environment, the breath alcohol program.

13 Q. What is your capacity with the breath alcohol program?

14 A. I'm a supervisor.

15 Q. And how long have you been a supervisor?

16 A. Since September of 2008.

17 Q. Did you have some capacity with an -- and I'm going to
18 use the abbreviation in the interest of time, Kansas
19 Department of Health and Environment, I'm going to call
20 it KDHE. Did you have some connection with KDHE before
21 September of 2008?

22 A. Yes. I started with KDHE in the breath alcohol program
23 as a laboratory improvement specialist in October of
24 2001 and worked until 2004 and then went up to the
25 tuberculosis lab and worked as microbiologist until

1 of 2008?

2 A. I don't have the printouts, no.

3 Q. Are you aware of that happening?

4 A. Yes.

5 Q. How is it that you have come by that information?

6 A. I requested that information from the Olathe Police
7 Department.

8 Q. And do you have the information about what happened on
9 February 11th with respect to Machine No. 2576?

10 A. I don't have the printout but I looked at them.

11 Q. Okay. Tell me what your take is on what happened.

12 A. Basically he did four tests. Two on Instrument
13 80-002576 and then two more on 80-002575 and three of
14 the tests had what we considered to be ghost readings
15 and one did not.

16 Q. All right. Do you have an opinion as to what happened?

17 A. There's several things that could have happened. One
18 of the reasons that a possible ghost reading could
19 happen is that the temperature of the sample chamber
20 itself is low or lower than it should be but that would
21 have been seen on an inspection at CMI. Another issue
22 could have been that there was something floating
23 around.

24 Q. Let me stop you there. Did CMI catch that on their
25 check?

1 A. No. There was no reference as to a cell chamber
2 temperature fluctuation or operator anything of that
3 sort on the work repair sheet.

4 Q. And we have a couple of those. Maybe I can get those
5 out. They are there. They are at the tail end. I'm
6 going to hand you previously what has been marked as --
7 I don't know whether these are complete but I'm going
8 to hand you Plaintiff's Exhibit No. 8 and 9. Are
9 either one of those documents what you just now
10 referred to?

11 A. Plaintiff's Exhibit No. 9 would be.

12 Q. Okay. Now, Ms. Houston, you were indicating what other
13 problems there might have been. You indicated one was
14 low temperature of the sample chamber. You indicated
15 CMI ruled that out?

16 A. Correct.

17 Q. What else could it have been?

18 A. There could have been debris in the sample chamber,
19 which is very unlikely with such a new instrument and
20 the fact that there is a screen put in place to ensure
21 that but that could have been another cause.

22 Q. What else could it have been?

23 A. The operator.

24 Q. All right. Tell me about that.

25 A. Since we don't require that the officers wait the