

AFFIDAVIT BY GARY HILLBERRY

(1)

Dated: January 18, 2005

Subject: My Business relationship with IRP Solutions Corp. Colorado Springs, Colorado

In November or December 2003, I received a phone call from Customs Special Agent in Charge Jeff Copp Denver, Colorado. SAIC Copp told me that he had received a call from a David Banks with a company in Colorado Springs who is looking for one or two retired Customs Agents to work on a contractual basis to review and advise on law enforcement software his company was developing.

I contacted David Banks and a luncheon meeting was scheduled to discuss my interest to work for IRP Solutions. I met David Banks and Gary Walker at J. Alexander's Restaurant near Park Meadows Mall. Gary Walker introduced himself as President and Davis Banks as Chief Operations Officer for IRP Solutions. I provided them with my resume and explained my law enforcement background. They gave me a general overview of their law enforcement software application. They offered me contractual employment at \$65 per hour plus travel expenses.

They invited me to visit the Corporate Office on December 15, 2003. Also, they asked me to recommend another retired Customs Agent and ask this individual to also visit the office on December 15, 2003.

On December 15, 2003 retired Customs Agent Wayne Pinkstaff and I traveled to Colorado Springs to attend the pre-arranged meeting at IRP Corporate Office. Upon arriving we met with David Banks. He re-iterated what the Company was about and what would be expected from us. He provided us with a contract to review, sign and return at a future date. We also spoke briefly with Gary Walker during this visit.

During this meeting David Banks told us that they have also engaged the services of retired FBI Agents John Epke and Dwayne Fuselier. The meeting concluded and we were invited to attend the Office Christmas luncheon in the Conference room.

I subsequently contacted John Epke and Dwayne Fuselier to discuss their understanding of the program that we had been contracted for.

On or about January 6, 2004, John Epke, Dwayne Fuselier and I traveled to the IRP Solutions Office to review the IRP software program CICL and provide subject matter expertise to assist them in understanding law enforcement terminology and procedures. I returned my signed contract and received an executed copy. Wayne Pinkstaff did not attend this meeting. In fact, Wayne Pinkstaff subsequently ceased involvement in this effort because of other employment opportunities.

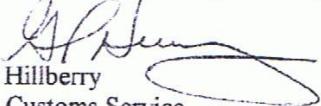
From January 2004 through October 2004, I attended a number of meetings at the IRP Office and also completed certain assignments requested of me and submitted bi-monthly billing statements as directed in the contract. On one occasion, I provided a detail sample report of a typical Customs import fraud investigation as requested so that IRP could dissect the sample to understand law enforcement forms and procedures so they could modify the CICL software to accommodate issues discussed in the sample report.

From January 6, 2004, each time I visited the Office I was with John Epke and Dwayne Fuselier. On a number of occasions we confronted David Banks about not being paid. David always seemed sincere and would state that he is an honorable man and that we will be paid in full, and in fact, we would receive additional compensation because of the delay in being paid.

On numerous occasions, the three of us would discuss the pay issue in private. We decided that IRP Solutions truly had a viable law enforcement product and appeared to be moving forward to acquire state and federal law enforcement contracts for their product, so we decided to continue to assist in the effort.

Attached is a copy of my signed contract, bi-monthly billing statements for hours billed and copies of e-mails sent to or received from IRP Solutions.

If you should additional questions of me, please do not hesitate to call.


Gary Hillberry
U. S. Customs Service
Special Agent in Charge, retired
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11/18/05

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/03/2005

On January 19, 2005, Federal Bureau of Investigation (FBI) Special Agent (SA) John W. Smith received a United States First Class Mail package from GARY HILLBERRY (HILLBERRY), U.S. Customs Service Special Agent in Charge, retired, 5372 South Holland Street, Littleton, CO 80123, home/work telephone number 303/933-4916, cellular telephone number 303/944-4157. The following is a summary of item included in the package:

- (1) - Affidavit of HILLBERRY concerning his relationship with IRP SOLUTIONS (IRP).
- (2) - IRP Independent Contractor Agreement signed by HILLBERRY.
- (3) - IRP Confidentiality and Ownership Agreement signed by HILLBERRY.
- (4) - Email correspondence between HILLBERRY and DAVID BANKS (BANKS) of IRP.
- (5) - Article about IRP in policemag.com's February 2004 issue.
- (6) - Email message between BANKS and HILLBERRY. Attached to the email are copies of HILLBERRY's IRP timesheets totaling 141 hours.

All items received in the package from HILLBERRY are attached and made a part hereto.

Investigation on 01/27/2005 at Colorado Springs, Colorado

File # 196D-DN-63228-DJS Date dictated (not dictated)

by SA John W. Smith/jwsQb 9

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From: colorado.springs.denver@fbi.gov [SAVE SENDER](#)

To: sachillret@aol.com,

cc :

Date: **Tue, January 11, 2005, 16:42:00**

Subject: **IRP Request**

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Gary,

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Thanks for meeting with us last week. Below is a letter listing items requested. I faxed this same letter to John and Dwayne. Please call me at 719/329-6572 with any questions.

John W. Smith

Mr. Gary Hillberry,

This letter serves as a voluntary request for you to provide the following information based on your relationship with IRP Solutions (IRP). If you voluntarily wish to participate in the investigation, please forward the below requested information to Special Agent John W. Smith, 265 Parkside Drive, Suite 200, Colorado Springs, Colorado 80910. If you have any questions please contact Special Agent Smith at 719/329-6572. Due to the sensitive nature of the investigation, it is requested that you and legal counsel maintain confidentiality as to your discussions and participation with the FBI.

- Written chronology of your interactions with IRP.
- Copies of all invoices submitted to IRP and information as to how documentation was forwarded, i.e. via mail, email, common carrier, etc.
- Copies of the time reporting cards submitted to IRP and information as to how the time reporting cards were forwarded, i.e. via mail, email, common carrier, etc.
- Copies of all electronic communications with IRP.
- Copies of all "hard copy" communications with IRP and information as to how the documentation was forwarded, i.e. via mail, email, common carrier, etc.
- Copy of any contract you signed with IRP.
- Copies of any and all litigation paperwork you have filed against IRP.

DBB 1/12/05

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