

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY, FLORIDA
CASE NO.: 2019-CA-3579-O

ORLANDO APOPKA AIRPORT
ASSOCIATION, INC., a Florida
corporation,
Plaintiff,
vs.

ASS MONKEY, LLC, a Florida
limited liability company,

Defendant.

_____/

Deposition of: JOEL KAGAN
Date Taken: October 27, 2021
Time: 10:14 a.m. - 5:20 p.m.
Taken By: The Defendant
Location: Regus
111 North Orange Avenue
Orlando, Florida 32801
Reported By: Emily W. Andersen, RMR CRR FPR
Stenograph Shorthand Reporter
and Notary Public, State of
Florida at Large

A P P E A R A N C E S:

Lewis Van Alstyne III, Esquire
Van Alstyne Law, PLLC
722 Woodward Street
Orlando, Florida 32803
(407) 776-9096
Lva@vanalstynelaw.com

On behalf of the Plaintiff,

Christian Smed, Esquire
Christian D. Smed, P.A.
941 West Morse Boulevard
Suite 100
Winter Park, Florida 32789
(407) 644-2978
Chris@smedlawfirm.com

On behalf of the Defendant.

Also Present:

Laura Smed
Lawrence Albrecht

I N D E X

	Page
Deposition of JOEL KAGAN	
Direct Examination by Mr. Smed	8
Cross-Examination by Mr. Van Alstyne	153
Redirect Examination by Mr. Smed	179
Recross-Examination by Mr. Van Alstyne	183
Certificate of Oath	185
Certificate of Reporter	186

1	E X H I B I T S		
2			Page
3	Joint		
4	Marked For Identification		
5	Exhibit No. 137	2021 Florida Limited Liability Company Annual Report for Intelligent Design, Ltd. Co.	17
6	Exhibit No. 138	Licensee Details	17
7	Exhibit No. 139	Apopka Airport Architectural Review Board 2018 Summary Report	18
8	Exhibit No. 140	List of Construction Requirements	25
9	Exhibit No. 141	Architectural Guidelines	27
10	Exhibit No. 142	Memo, Greg Kelsoe	30
11	Exhibit No. 143	Member Revision Log to Proposed ARB Guidelines, September 2, 2015 Review	33
12	Exhibit No. 144	Orlando Apopka Airport Association, Board of Directors Meeting Minutes dated September 2, 2015	35
13	Exhibit No. 145	Orlando Apopka Airport Architectural Guidelines and Procedures, Revision September 2015	37
14	Exhibit No. 146	E-mail Correspondence dated January 3, 2016	44
15	Exhibit No. 147	Orlando Apopka Airport Architectural Guidelines and Procedures, Revision January 2016	46
16	Exhibit No. 148	Orlando Apopka Airport Association, Board of Directors Meeting Minutes dated January 6, 2016	52
17	Exhibit No. 149	Orlando Apopka Airport Association, Board of Directors Meeting Minutes dated September 4, 2018	55

1	Exhibit No. 150	Orlando Apopka Airport Architectural Guidelines and Procedures, Revision September 2018	58
2			
3	Exhibit No. 151	City of Apopka Certificate of Occupancy	66
4	Exhibit No. 152	Correspondence from Azam to Albrecht dated May 29, 2018	71
5			
6	Exhibit No. 153	E-mail Correspondence from Heekin to Kagan dated June 4, 2018	75
7	Exhibit No. 154	Orlando Apopka Airport Association, Board of Directors Meeting Minutes dated June 5, 2018	86
8			
9	Exhibit No. 155	Architectural Review Form	90
10			
11	Exhibit No. 156	E-mail Correspondence from Jordan to Heekin dated June 6, 2018	93
12	Exhibit No. 157	Composite; E-mail Correspondence, Bates OAA-00423 - 00428	95
13			
14	Exhibit No. 158	Kagan Text Exchange with Albrecht	97
15	Exhibit No. 159	E-mail Correspondence, Bates OAAA-00312 - 00314	99
16	Exhibit No. 160	Correspondence from Kagan to Marsh dated June 14, 2018	101
17	Exhibit No. 161	Correspondence from Kagan to Albrecht dated June 16, 2018	104
18			
19	Exhibit No. 162	Orlando Apopka Airport Association, Board of Directors Meeting Minutes dated July 10, 2018	108
20			
21	Exhibit No. 163	E-mail Correspondence from Heekin to Kagan dated July 16, 2018	110
22			
23	Exhibit No. 164	Correspondence from Jordan to Ass Monkey, LLC, dated October 2, 2018	115
24			
25			

1	Exhibit No. 165	Correspondence from Azam	118
2		to Ass Monkey, LLC,	
3	Exhibit No. 166	dated October 31, 2018	
4		E-mail Correspondence	120
5		from Jordan to Kagan	
6	Exhibit No. 167	dated November 12, 2018	
7		E-mail Correspondence	122
8		from Kagan to Heekin	
9	Exhibit No. 168	dated November 5, 2018	
10		Memorandum from Kagan to	124
11		Board of Directors dated	
12	Exhibit No. 169	November 5, 2018	
13		Orlando Apopka Airport	128
14		Association, Board of	
15		Directors Meeting	
16		Minutes dated November	
17	Exhibit No. 170	6, 2018	
18		Memorandum from Kagan to	131
19		Marsh dated November 6,	
20	Exhibit No. 171	2018	
21		E-mail Correspondence	133
22		from Van Alstyne to Smed	
23	Exhibit No. 172	dated September 30, 2021	
24		Orlando Apopka Airport	139
25		Association, Board of	
		Directors Meeting	
		Minutes dated December	
	Exhibit No. 173	4, 2018	
		City of Apopka Permit	141
	Exhibit No. 174	Detail	
		E-mail Correspondence	144
		from Kagan to Bass dated	
	Exhibit No. 175	February 23, 2019	
		Orlando Apopka Airport	146
		Association, Board of	
		Directors Meeting	
		Minutes dated March 7,	
	Exhibit No. 176	2019	
		Correspondence dated	148
	Exhibit No. 177	March 11, 2019	
		Orlando Apopka Airport	149
		Association, Board of	
		Directors Meeting	
		Minutes dated July 2,	
	Exhibit No. 178	2019	
		Composite; Photographs	153
	Exhibit No. 179	Correspondence from	165
		Kagan to Albrecht dated	
		August 1, 2018	

1	Exhibit No. 180	E-mail Correspondence	170
2		from Kagan to Azam dated	
		November 29, 2018	
3	Exhibit No. 181	ARB Non-Compliance	172
		Summary Snapshot, Ass	
		Monkey, Lot 27 - 28	
4	Exhibit No. 182	Mesco Building Solutions	173
		Drawings	

S T I P U L A T I O N S

It is hereby stipulated by and between counsel for the respective parties that the reading and signing of the deposition be waived.

1 THE CERTIFIED STENOGRAPHER: Would you raise
2 your right hand, please.

3 THE WITNESS: (The witness complies.)

4 THE CERTIFIED STENOGRAPHER: Do you solemnly
5 swear that the testimony you are about to give will
6 be the truth, the whole truth, and nothing but the
7 truth so help you God?

8 THE WITNESS: I do.

9 JOEL KAGAN,
10 having first been duly sworn, testified under oath as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. SMED:

14 Q. Good morning. My name is Christian Smed. I am
15 the attorney for the defendant in this action, Ass
16 Monkey, LLC.

17 Would you please state your name?

18 A. Joel R. Kagan.

19 Q. And what is your current address?

20 A. 8512 Sunset Willow Court, Orlando, 32835.

21 Q. Are you familiar with the Orlando Apopka
22 Airport?

23 A. I am familiar.

24 Q. And if I refer to them as OAA, will you
25 understand who I am talking about throughout this

1 deposition?

2 A. OAA?

3 Q. Yes.

4 A. If you refer to them as OAA, I will respond to
5 that, but I don't usually hear it called by that.

6 That's fine.

7 Q. What do you hear it called by, just Orlando
8 Apopka Airport?

9 A. Orlando Apopka or X04 is the airport
10 designator.

11 Q. X04.

12 Are you familiar with the Orlando Apopka
13 Airport Association?

14 A. I am.

15 Q. And if I refer to them as the association
16 during this deposition, will you understand who I am
17 speaking about?

18 A. Sure.

19 Q. And do you understand that Ass Monkey, LLC, is
20 the defendant in this lawsuit?

21 A. I understand that.

22 Q. Are you -- do you understand that Ass Monkey,
23 LLC, owns two units at the Orlando Apopka Airport?

24 A. That's my understanding.

25 Q. And are you aware of the units or the lot

1 numbers?

2 A. Yes.

3 Q. And what are those numbers?

4 A. My understanding is they are 27 and 28.

5 Q. Do you have any knowledge about the litigation
6 that's going on between the plaintiff, Orlando Apopka
7 Airport Association, and the defendant, Ass Monkey, LLC?

8 A. I am aware of that litigation.

9 Q. Have you read the complaint, the actual lawsuit
10 in the action?

11 A. No.

12 Q. Have you ever been involved in any other
13 lawsuits where you were called to testify or where you
14 were a party?

15 A. No.

16 Q. Do you -- have you ever lived in the state of
17 Illinois?

18 A. No.

19 Q. Have you ever had your deposition taken before?

20 A. Not that I recall.

21 Q. Is that a yes or a no?

22 A. It's I don't recall that I've ever had a
23 deposition taken before.

24 Q. Okay. If you don't understand the question,
25 again, just please ask me to rephrase or whatnot.

1 A. Sure.

2 Q. Are you taking any medications or otherwise
3 that could affect your testimony today?

4 A. No.

5 Q. Are you currently employed?

6 A. Yes, self-employed.

7 Q. And who do you work for? Do you work for
8 yourself or a company?

9 A. Myself, my company.

10 Q. And what is the name of your company?

11 A. Intelligent Design Limited. And I'm --

12 Q. Go ahead. I'm sorry.

13 A. And I also am a president of a foundation.

14 Q. What foundation is that?

15 A. The Jack Kagan Foundation.

16 Q. Okay. What does the foundation do generally?

17 A. Its mission is to help those that have
18 disabilities in the military, veterans, also adopted and
19 orphaned kids, as well as medical needs for children and
20 helping the community in different ways that the
21 organization feels necessary.

22 Q. With Intelligent Design, what is your position?

23 A. I am the owner, principal.

24 Q. And what do you do at Intelligent Design?

25 A. We are consultants for the entertainment

1 industry, typically location-based entertainment.

2 Q. And is that computer work or is it another type
3 of work?

4 A. It was -- we have agreements and have been
5 previously working with two major clients, Universal
6 Studios and Sony Pictures Entertainment.

7 Q. Okay. Do you own any lots or units at the
8 Orlando Apopka Airport?

9 A. Yes.

10 Q. Which units or unit do you own?

11 A. Number three.

12 Q. And how long have you owned number three?

13 A. I believe it was 2005.

14 Q. Are you aware that the association has a board
15 of directors?

16 A. Yes.

17 Q. Do you know the current members on the board of
18 directors?

19 A. Most of them, I would say.

20 Q. Have you ever served on the board of directors?

21 A. Yes.

22 Q. And what was the period of your tenure?

23 A. I believe it was 2015.

24 Q. And how long were you on the board, more than
25 one year?

1 A. I was on the board for one year as a director.

2 Q. As a director. And when you were on the board,
3 were you ever the head of a committee?

4 A. Yes.

5 Q. And which committee?

6 A. The architectural review board. I was chairman
7 for the architectural review board.

8 Q. And how long were you chairman of the
9 architectural review board?

10 A. During my tenure as a director and subsequent
11 to that, I served on behalf of the board as a volunteer,
12 and I think it was up until 2019, I believe.

13 Q. Have you ever served as an officer? You were a
14 director, but have you ever served as an officer of the
15 board of directors?

16 A. No. I was not called an officer as I
17 recollect, no.

18 Q. Never the president, vice-president?

19 A. No.

20 Q. Secretary or treasurer?

21 A. No.

22 Q. And you were appointed as a director. Is that
23 how that occurred?

24 A. I was elected --

25 Q. Elected.

1 A. -- to the board, and I was assigned, nominated
2 or however it worked as the architectural review board
3 chairman.

4 Q. Have you ever represented to anyone that you
5 were the president of the association?

6 A. No.

7 Q. Are you familiar with the association's
8 governing documents, such as the declaration, articles
9 of incorporation, and by-laws?

10 A. Yes, in general.

11 Q. Do you know the last time that you reviewed
12 them?

13 A. Years ago.

14 Q. Do you know -- can you explain to me the
15 difference -- in terms of the project that the defendant
16 has going, can you explain to me the difference between
17 a change and an alteration?

18 A. Not clearly.

19 Q. Do you know or believe that the actions he is
20 taking were improvements to the units?

21 A. That question doesn't have enough information
22 to answer properly.

23 Q. Did he make improvements to the building that
24 was on property 27 or 28 originally?

25 A. I can't answer that because it's not really an

1 accurate assessment of what transpired.

2 Q. Is an improvement an addition?

3 A. Possibly.

4 Q. Could an improvement be a modification?

5 A. Possibly.

6 Q. In what situations could an alteration be an
7 addition and/or modification?

8 A. Can you put it in context with respect to this,
9 this issue?

10 Q. I'm trying to understand if there's differences
11 between alteration and changes. Do you believe there's
12 a difference between alteration and changes?

13 A. There could be.

14 Q. Could be in what situation?

15 A. I would like you to be more specific so I can
16 understand the relevance of the question.

17 Q. Unfortunately in these situations, it's sort of
18 a one-way deposition where I have to ask you the
19 questions, so if you could please just answer them.

20 Do you believe that there is a difference
21 between a change and an alteration?

22 A. I'm not sure.

23 Q. Are you aware that the declaration generally
24 precludes alterations or changes to an exterior wall of
25 one of the buildings or hangars?

1 A. Which declaration are you speaking of?

2 Q. I am talking about the declaration of
3 condominium for the Orlando Airport Association --
4 Orlando Apopka Airport Association.

5 A. And would you repeat the question, please?

6 Q. The question -- the question was, are you aware
7 as to whether the declaration generally precludes an
8 owner from -- precludes them from making a change or
9 alteration to an exterior wall of the hangar without
10 advance written approval from the board?

11 A. My understanding is that changes or
12 modifications to an exterior would require an approval
13 from the board.

14 Q. Do you work out of the airport?

15 A. I have an office there.

16 Q. Okay. Do you use that address as your business
17 address?

18 A. That and my home address, both. I have an
19 office in my home.

20 Q. Is your corporation or limited partnership
21 company, is it in any way affiliated with the airline
22 industry or airplane business?

23 A. Not the airline industry or the airplane
24 business. I have a second company that's Intelligent --
25 that's called ID Air that owns an aircraft. That's an

1 entity that owns that aircraft. That's the only
2 relationship.

3 Q. If I could just show you this document.
4 (Joint Exhibit No. 137 was marked for
5 identification.)

6 BY MR. SMED:

7 Q. What is this document?

8 A. It appears to be a summary of my hangar report
9 from some entity that has provided this. I imagine the
10 State of Florida.

11 Q. And what year is this from?

12 A. It's signed January 27, 2021.

13 Q. Thank you.

14 A. Electronically.

15 MR. SMED: And I'll have this marked, please.

16 (Joint Exhibit No. 138 was marked for
17 identification.)

18 MR. SMED: Thank you.

19 BY MR. SMED:

20 Q. Once you get a chance to look at it, will you
21 tell me what it is?

22 A. This appears to be an old -- a history or a --
23 it's a printout of my general contracting license
24 agreement or certification from the State of Florida.

25 Q. Do you currently work as a general contractor?

1 A. I have a general contracting license. I use
2 those skills in my work at -- in an ancillary basis.

3 MR. SMED: Could you mark this, please?

4 (Joint Exhibit No. 139 was marked for
5 identification.)

6 BY MR. SMED:

7 Q. Have you seen this document before?

8 A. Yes.

9 Q. And do you know who prepared it?

10 A. I believe I prepared this.

11 Q. And you prepared it in 2018 as a summary
12 report?

13 A. It appears that way, yes.

14 Q. What exactly is a summary report?

15 A. In general, I prepare or have prepared
16 documents to report to the architectural review board --
17 from the architectural review board to the board of
18 directors at the airport on an infrequent or random
19 basis or as required.

20 Q. When you have an issue coming up before the
21 board, did you, prior to the board meeting, provide them
22 a report that could be distributed to the board in
23 advance of the meeting?

24 A. At times. When it was appropriate, I would
25 informally e-mail or discuss relevant issues that were

1 applicable to the airport to board members, yes.

2 Q. So the ARB approved various lots; 47, 61, 75,
3 76 and 106.

4 A. The ARB preliminarily reviews and provides the
5 recommendations for approval to the board who
6 subsequently approves it completely or otherwise.

7 Q. And in coming to your -- going through your
8 approval process, are there any documents that you would
9 refer to in making those decisions?

10 A. Numerous documents.

11 Q. Would -- are you familiar with a document
12 called the ARB guidelines?

13 A. Yes.

14 Q. And do you utilize that document in making your
15 recommendations?

16 A. Yes, in consort with other documents.

17 Q. What other documents?

18 A. The documents that would be provided by the
19 applicant.

20 Q. And do you know if the application that the
21 applicant provides you requires the attachment or
22 inclusion of any particular documents along with the
23 application?

24 A. Yes.

25 Q. And what documents would those be?

1 A. I can't remember all of them, but there's
2 whatever is required to be able to have the ARB evaluate
3 what they are planning to and proposing to modify,
4 change or construct.

5 Q. Can you help me understand on this -- on
6 document Exhibit 139, the ARB recommendations? If you
7 could please read the first -- from the first bullet
8 under ARB recommendations and stop at --

9 A. The first bullet under here?

10 Q. Yes.

11 A. Okay. City of Apopka -- (reading sotto voce.)
12 Okay.

13 Q. And can you read the -- I meant the rest of the
14 bullet as well? Thank you.

15 A. You want me to read it?

16 Q. Sure.

17 A. Read it out loud?

18 Q. You can read it to yourself.

19 A. Okay.

20 Q. The portion that you -- the first portion that
21 you just read, are those issues contained in the -- do
22 you recall if they were contained in any version of the
23 ARB guidelines?

24 A. As I recall, the ARB guidelines state, from
25 recollection, that there's a parallel and separate path

1 between the city and the architectural review board and
2 the board, and you proceed at your own risk because they
3 are separate.

4 This document was generated to try to
5 acknowledge to the board that there may be some room for
6 clarification and help in that direction.

7 Q. And my question was, if I could repeat it to
8 you: Are any of these first bullets that you read to
9 yourself, are these items contained in the ARB
10 guidelines that would guide you in whether the approval
11 or not was warranted?

12 A. Yes.

13 Q. All of them?

14 A. Well, reduce or eliminate conflicts between the
15 city permitting versus ARB guidelines is not a bullet
16 that would be in the ARB. It's a recommendation.

17 Hangar floor elevation standards is discussed,
18 if I can -- if I recall. Setbacks are discussed.
19 Owner/builder requirements are discussed. Drainage is
20 discussed. Structural engineering, I'm not sure how
21 it's proposed in the ARB from recollection. And the
22 next two are not in the recommendations.

23 Q. Moving on on that document, starting with where
24 it states, the second large bullet, update or add ARB
25 guidelines for -- could you explain to me what -- if you

1 could take a look and just read through those to
2 yourself and let me know exactly what the purpose of
3 listing these is?

4 A. As previously, the ARB guidelines would be
5 revised based upon knowledge gained in experience and
6 information and clarification. And that was the
7 recommendations here put forth for potentially looking
8 at updates to the ARB guidelines for the next -- I
9 believe this was one of my last documents before I left
10 the post or the assignment, however it's termed.

11 Q. Do you know if any of these items here on that
12 bullet that you just read through, if they are on -- it
13 says add ARB guidelines for this. So I assume this is a
14 recommendation as to various things, issues to put on
15 the guidelines or you'd like to see looked into.

16 Do you know if any of these ended up being
17 adopted?

18 A. I don't know.

19 Q. Do you know of any that clearly aren't in the
20 ARB guidelines?

21 A. That I -- that are not in the ARB guidelines?

22 Q. Would that be all of them at that time?

23 A. No. There's a discussion about all of the
24 floors, the setbacks, the eaves, the sump, the storm
25 drainage, and there's a discussion about the ARB

1 application. Whether all those bullets are involved or
2 not below that, I'm not sure.

3 Q. And when you say update -- it says update or
4 add ARB guidelines. Was the purpose of some of these
5 recommendations to update them or clarify them in some
6 manner?

7 A. I believe clarify. For example, the floor
8 elevation that was -- as I recall, back then there was a
9 new city engineer that was much more involved in the
10 drainage and the elevations of the floors at the Apopka
11 airport and looking for more information.

12 Q. Do you know who that official was?

13 A. I don't know his name. I know who it was back
14 then. I don't recall his name.

15 Q. Did you -- did you have any involvement in
16 drafting the 2012 version of the ARB guidelines?

17 A. No.

18 Q. Did you have any involvement in drafting or
19 writing the 2015 version of the ARB guidelines?

20 A. Yes.

21 Q. Did you have any involvement with the drafting
22 or writing of the 2016 version of the ARB guidelines?

23 A. Yes.

24 Q. And the same question for the 2018 version?

25 A. I believe so.

1 Q. Did anyone assist you in that?

2 A. Assist me, yes, from a standpoint that we would
3 review prior to the revision within the applicable board
4 members -- or as applicable back then. I couldn't tell
5 you exactly who was referred to. But most of those,
6 before revisions, would be discussed prior to bringing
7 them to the board.

8 Q. And were they thereafter, in order to approve
9 them, was there a process after the discussion?

10 A. Yes.

11 Q. And what was that process?

12 A. Well, the discussion would be informal and then
13 there would be a formal discussion at board meetings,
14 and then there would be reviews and feedback, and it
15 either went back for another revision or it got approved
16 or it got disapproved.

17 None of those ones that you mention that I
18 remember was rejected. They were just redlined and said
19 come back and we'll approve them or review them again
20 for approval.

21 Q. Was a vote by the board of directors required
22 to adopt any one of these guidelines?

23 A. You'll have to ask the board for that. I'm not
24 really sure. I would expect that it was, but I'm not
25 knowledgeable about all the administrative details at

1 that level.

2 Q. Didn't the ARB guidelines include an
3 application --

4 A. Yes.

5 Q. -- process?

6 A. Yes. And the application had an ARB signature
7 and a board signature, as I recall. So maybe I was
8 confused by your question.

9 Q. Do you know if any one of your suggestions to
10 the board was adopted by a vote?

11 A. Which suggestions?

12 Q. Any suggestions that you made to the board
13 during your tenure to change -- let's say it's a
14 setback. Do you know if the board of directors voted on
15 that, to adopt it?

16 A. The ARB guidelines were drafted, the ARB
17 guidelines were reviewed, and the ARB guidelines were
18 voted on.

19 Q. So all issues contained therein were voted on
20 by the board of directors or they wouldn't make it into
21 the ARB guidelines?

22 A. That's my understanding from the drafts. The
23 drafts may have been modified, if I'm answering the
24 question clearly enough.

25 (Joint Exhibit No. 140 was marked for

1 identification.)

2 BY MR. SMED:

3 Q. Have you seen this document before?

4 A. I'm not sure yet.

5 Q. Take an opportunity to read it to yourself
6 then.

7 A. It's familiar. Do I exactly remember this
8 specific document? I had many documents, so I can't
9 really point this out as one of the specific ones that I
10 note concisely, but it looks familiar to some of the
11 documents that I used prior to drafting the ARB
12 guidelines originally.

13 Q. Do you know if that document was provided to
14 you at the time you bought your unit?

15 A. It was 2005, and I can't exactly recall. There
16 were some documents provided to me. I can't recall what
17 they were, but it's quite a while ago.

18 Q. When you purchased your unit, do you recall if
19 they had architectural review board guidelines?

20 A. They had guidelines.

21 Q. And do you know how those guidelines were
22 adopted?

23 A. No.

24 Q. Do you know if you -- in drafting the 2015
25 version, if you updated or clarified any of these bullet

1 pointed issues in drafting those guidelines?

2 A. My recollection is I reviewed many documents
3 that were referenced or applicable at the time, and
4 clarified, enhanced, and adopted them that were
5 consistent with the original intent is my recollection.

6 Q. And that original intent, to your knowledge,
7 where did that stem from?

8 A. Various documents that were existing from the
9 online website or they had a forum, from the covenants
10 that were the city documents, from the developer, from
11 whatever was handed to me, as well as reviewing any
12 other references, third-party information that I could
13 find that was applicable to that particular issue.

14 MR. SMED: If I could mark this, please.

15 (Joint Exhibit No. 141 was marked for
16 identification.)

17 BY MR. SMED:

18 Q. Take a look at this document, please.

19 A. Okay.

20 Q. And can you tell me what that document is?

21 A. From what it says, it's Orlando Apopka Airport
22 Architectural Guidelines, August 29, 2012.

23 Q. And as you testified, you didn't have anything
24 to do with the drafting of the 2012 version?

25 A. I'm not -- I'm not sure, honestly. I don't

1 recall that I had.

2 This looks like something I could have done,
3 but I honestly can't recall.

4 Q. I think there's a third page there.

5 A. This potentially looks like an early, early,
6 early draft that I could have done early to help the
7 board, but -- but I can't really be sure. I apologize.

8 Q. Do you believe -- just to clarify further, do
9 you believe that these were the 2012 architectural
10 guidelines?

11 A. They look like they were part of them, but I
12 can't recall what was available back then. I was not
13 actually in the country at that time.

14 Q. Where were you located?

15 A. In Japan.

16 Q. Did you ever do any work between Japan -- on
17 this, for the ARB, of course, did you work from Japan?

18 A. No, no. I was relocated to Japan in 2012 as I
19 recall. I can't tell you the exact month.

20 Q. If you could look on the first page, in bold it
21 says general outside appearance. Could you please read
22 out loud that paragraph?

23 A. Sure. "The best way to describe the general
24 appearance guidelines is to provide examples. Reference
25 'A' displays a sample hangar. Notice the design and

1 coloring of the siding, roof, trim, and landscaping.
2 These items are standard and when used would fully fall
3 within the architectural guidelines.

4 "Of course owners who wish to build or remodel
5 will wish to select a contractor of their own choice.
6 However, please see Reference 'A' for a list of
7 contractors that have completed work on airport property
8 in the past. It may give owners a place to start."

9 Q. And if you could look to the bottom of the page
10 where it states "Note 1," if you could please read that?

11 A. "These guidelines do not replace those items
12 that may be required by the county building department
13 for permitting service. If any contradiction arises the
14 county building department requirements take precedent."

15 Q. Can you explain to me what that means in the
16 context of the ARB guidelines and any cooperation or
17 conflict with the city enforcing any particular item?

18 A. I don't believe I wrote this. I can't really
19 tell you the intent here. I would have to refer to
20 what's said in the later architecture guidelines that I
21 participated in.

22 Q. Do you know if this was similar to the 2015
23 version? Did it have language that --

24 A. My recollection -- if you have the document, we
25 can look at it, but there was language in there that

1 said that. There may have been some language in there,
2 I believe, that referred to the city, yes.

3 Q. And in your 2016 -- I want to say in the 2016
4 version of the ARB guidelines -- I'll just strike that.

5 MR. SMED: If I could have this marked?

6 (Joint Exhibit No. 142 was marked for
7 identification.)

8 BY MR. SMED:

9 Q. Do you know if the -- do you know who the
10 developer of the OAA was?

11 A. The developer of the airport --

12 Q. Yes.

13 A. -- was Jim Thompson, to my knowledge. Whether
14 he had a partner or others, I'm not sure.

15 Q. Do you know if he provided any ARB guidelines
16 to the initial buyers when he handed over the
17 development?

18 A. My recollection, there were some. The
19 specifics of those and how they were handed over or who
20 gave it, what they looked like, it's 2005. I couldn't
21 really tell you.

22 Q. I'll hand you this. Are you familiar with this
23 document?

24 A. Not right offhand.

25 Q. Do you know if this was one of the documents

1 that you utilized in preparing the 2015, '16 or '18
2 versions of the ARB guidelines?

3 A. This document does not look familiar to me.

4 Q. Who is Greg Kelsoe?

5 A. Greg Kelsoe is a hangar owner. He's been on
6 the board. He's currently not on the board, to my
7 understanding. He also was in charge of, I guess,
8 communications or something like that, the website. I'm
9 not sure if he was involved in the forum or not.

10 Q. Did you commission this document to get input
11 from members of the board or others?

12 A. This document?

13 Q. Yes.

14 A. I am not familiar with this, from my
15 recollection, this document. Have I seen it before in
16 the past? It's not familiar to me. I can see -- I can
17 understand a lot of the things that they are saying on
18 here from just perusing it over, but I'm not -- I have
19 no recollection that I used this or had intimate
20 knowledge of this document.

21 Q. With regard --

22 A. It doesn't have a date on it or I don't know
23 where it came from. Is there any information about
24 that?

25 Q. With regard to the ARB guidelines, are those

1 guidelines simply guidelines or suggestions or are they
2 rules that are enforceable?

3 A. They are requirements that were approved by the
4 board of directors, from my understanding.

5 Q. Do you know if they provided any notice to the
6 unit owners prior to adopting the various issues that
7 are included in the guidelines?

8 A. Can you be a little bit more specific?

9 Q. Yes. Before the board voted on any issue that
10 you may have recommended or in consort with unit owners
11 or the board -- let me start over so I can try to
12 clarify.

13 To go back to my prior question, do you believe
14 that the guidelines are rules?

15 A. I don't know how to answer that except that the
16 requirements in the guidelines were provided and
17 approved by the board of directors.

18 Q. Do you believe that the guidelines were mere
19 suggestions?

20 A. No. There may be indications within the
21 guidelines that had suggestions, but generally they were
22 requirements.

23 Q. How would I tell the difference between a
24 suggestion or a guideline and a rule?

25 A. Yeah, if one had specific information versus

1 one gave the applicant some leeway, and I'm not sure if
2 there's one or the other in there -- I mean, if there's
3 any guidelines that give them leeway. I would have to
4 review the document.

5 Yeah, they are guidelines.

6 MR. SMED: Can I have this marked, please?

7 (Joint Exhibit No. 143 was marked for
8 identification.)

9 BY MR. SMED:

10 Q. Can you read that or is it too small?

11 A. No, it's okay.

12 Q. Did you prepare this document?

13 A. I believe I did.

14 Q. And it appears that various individuals gave
15 their comments and then you reviewed it for a proposed
16 action item?

17 A. It was used for a discussion, as I recall, from
18 the opinions of these individuals based upon --

19 Q. Go ahead. I'm sorry.

20 A. -- a draft.

21 Q. And I've marked in highlighter for you, if you
22 can go to the first column, just directly to the left of
23 that highlight, could you read that out loud, please?

24 A. At setbacks?

25 Q. Yes.

1 A. "Setbacks. Don't see where an owner can
2 utilize a setback if there will never be another
3 adjacent hangar, up to association property."

4 "I did not add any --" is that all?

5 Q. I'm sorry. I wanted you to read that, thank
6 you, the second column.

7 A. Oh, the second column, read that?

8 Q. Yes, the highlighted.

9 A. "I did not add any language regarding setbacks
10 since I believe it the city's responsibility to police
11 this for construction. Worth clarifying. Also, it
12 might be worthwhile to add language specifying 'after
13 award of the certificate of occupancy' and at no time
14 would any usage by the owner that would impact the
15 easement or encroach in any manner. Discuss."

16 Q. So, in short, do you believe that the city is
17 in charge of setbacks?

18 A. Not at the airport.

19 Q. And can you explain why this is your testimony?

20 A. ARB guidelines and the association guidelines
21 specify what the setbacks were based upon the needs in
22 the developing area. And it was anointed during the
23 course of the history of the airport, which is separate
24 and distinct from what the city's requirements are.

25 Q. Did anyone -- anyone at the building department

1 at the City of Apopka ever tell you that the city -- the
2 city's building code governed setbacks?

3 A. No.

4 Q. Do you recall what the setbacks were at the
5 airport?

6 A. My recollection is five feet in the rear and
7 three feet or so on the sides. And there's allowances
8 for setbacks if it's an adjacent -- I believe there are
9 some. If there's a corner lot or something, there may
10 be some allowance, but it was a case-by-case basis. But
11 basically, for the population, in the guidelines I
12 believe it said five and three.

13 Q. Aside from corner lots, do you know of any
14 other hangars out at the airport that have larger
15 setbacks than the three feet?

16 A. Not immediately. There may be, but I don't
17 recall any.

18 (Joint Exhibit No. 144 was marked for
19 identification.)

20 BY MR. SMED:

21 Q. Just take a look at that, please.

22 A. Okay.

23 Q. If you could look on the first page at the
24 bottom, there's a headnote entitled architectural
25 review, and beneath it the bullet says discussion

1 guidelines.

2 Could you please read out loud from
3 architectural review through before financial report at
4 the bottom?

5 A. Sure. By the way, I may have to take a call.
6 My wife went to Japan last night and stayed up, and when
7 she arrives, she may call me.

8 Q. No problem.

9 A. Okay. "Architectural review. Discussion:
10 Guidelines. Joel reviewed latest draft guidelines and
11 presented them to board. Motion: Guidelines. To
12 approve guidelines as submitted with additional
13 builder's risk insurance requirement language. By:
14 Architectural review committee."

15 Seconded: Architectural -- "Seconded by:
16 Architectural review committee. Vote: Unanimous by
17 members present."

18 Q. So at this board meeting there was a discussion
19 regarding proposed guidelines and thereafter a vote to
20 adopt them by the board?

21 A. My recollection of this was that the
22 architectural guidelines were already previously
23 approved. This was a revision proposal to change the
24 specific builder's risk requirements selective to that.

25 Q. What is builder's risk insurance?

1 A. When an individual at the airport is putting an
2 application to build, they need to show that they have
3 builder's risk insurance that covers the builder's risk,
4 the liability requirements during the construction
5 phase. Generally, lenders and/or -- lenders require
6 that, as well as the board.

7 Q. Doesn't it generally just cover materials and
8 the like as opposed to general liability?

9 A. I would have to review the statute.

10 (Joint Exhibit No. 145 was marked for
11 identification.)

12 BY MR. SMED:

13 Q. Can you please tell me what this document is?

14 A. It's the black and white copy of the
15 architectural guidelines that are identified on the
16 front as revision, September 2015.

17 Q. Did you draft the revisions to this document?

18 A. I drafted the revisions to this document.
19 However, there's no revision sheet here attached. The
20 revision sheet is the last page, and it's not included
21 in this document, but it refers to revisions in
22 September of 2015.

23 Q. And if you could please turn to page 2 and
24 there's a box at the top. If you could please read that
25 note?

1 A. "These guidelines do not replace those
2 standards and compliance criteria set by city/county
3 building departments and other government agencies for
4 permitting and usage. If any contradiction arises, the
5 permitting governing body takes precedent."

6 Q. Can you tell me what that means with regard to
7 the guidelines being enforced by the association?

8 A. I think it's a generic statement that suggests
9 that they are the governing body for a certificate of
10 occupancy. So if there's some contradiction that would
11 preclude them from issuing a certificate of occupancy,
12 their rules would take precedent. Typically, structural
13 or some other issues like that.

14 Q. But not setbacks?

15 A. You know, it's generic here. There's been no
16 real issue that's come up that I knew of before, before
17 writing this. And setbacks would -- it would have been
18 discussed, I would imagine, if there was a contradiction
19 that was brought up by a member in the term of that, but
20 I don't know that that would have been an issue that
21 would have taken precedent.

22 Q. If the ARB guidelines provided for roughly
23 three-foot side setbacks and a five-foot rear setback,
24 and the city code provided for roughly five-foot
25 setbacks, would the city's five-foot setback trump the

1 three-foot?

2 A. I'm speculating, but I would say no because it
3 was consistent with the ARB guidelines that were
4 separate and distinct for how the development was
5 generated and provided.

6 Q. Have you ever contacted or spoken with anyone
7 at the City of Apopka building code -- department who
8 told you simply that the setback was going to be
9 five-foot, and that's what they would issue their CO --

10 A. No.

11 Q. -- based upon?

12 A. No.

13 Q. If the city requires --

14 A. Never leading up to this document that we're
15 talking about.

16 Q. What about thereafter?

17 A. There was discussions about setbacks, but there
18 was no precedent set one way or the other. There was
19 discussion between the city and the airport.

20 Q. Do you know if the city ever granted a
21 certificate of occupancy for five-foot setbacks?

22 A. I think that might have been -- I think they
23 might have granted it to Ass Monkey, but I'm not sure.

24 Q. Do you know why they did that rather than --

25 A. I have no idea if it's done. I never followed

1 up to see if they got a certificate of occupancy.

2 Q. But you were in contact with the city building
3 department on more than several occasions with regard to
4 requesting the city not to grant him a CO until he had
5 complied with various guidelines?

6 A. That's not accurate.

7 Q. Did you ever speak with anyone at the building
8 -- City of Apopka building department, such as Ray
9 Marsh?

10 A. Yes.

11 Q. And did you discuss units -- the project going
12 on in units 27 and 28?

13 A. Yes.

14 Q. What was the substance of that discussion?

15 A. They were all written down and all of the
16 noncompliance issues that the ARB observed and including
17 setbacks. And it was more of acknowledge --
18 acknowledgement of these issues rather than requesting
19 anything aside from being aware of what the situation
20 was.

21 Q. Did they take any positions that differed from
22 the ARB?

23 A. If they did, they didn't acknowledge it
24 outright to me.

25 Q. Stepping back a little bit, what is a setback?

1 A. A setback is where the construction of the --
2 where the structure is set back against the property
3 line of the lot.

4 Q. Now, does the building have to be flush up
5 against the setback distance or can it be -- if it's
6 three feet off of the side, I'm saying, does the side of
7 the building have to be right on that three feet or
8 could they build inside?

9 A. There needs -- the standard is to separate
10 structures from one another and give a clearance between
11 the buildings. That is a standard. The setback for the
12 front is at zero lot line.

13 Q. And the sides would be at the plus three?

14 A. Right.

15 Q. I'm looking at page 5 on the 2015 revision.
16 And midway through the page, it says X04 Architectural
17 Guidelines and Governing Authority Permitting. Could
18 you read that first paragraph aloud?

19 A. "New hangar construction, interior
20 modifications, and/or structural changes are examples of
21 development that requires City of Apopka permitting and
22 approval to proceed. The city and county, where
23 applicable, authorities govern the compliance and safety
24 standard necessary to construct or modify facilities as
25 applicable. During construction official inspections

1 take place that lead to a certificate of occupancy or
2 other applicable approvals. Owner is responsible to
3 obtain all necessary permits. Authority permitting
4 process is separate and distinct from obtaining Apopka
5 Airport Architectural Review and Approval."

6 Q. So in accordance with this paragraph, is it
7 correct to say that you could get your certificate of
8 occupancy, but still need the approval of the Orlando
9 Apopka Airport ARB or the board?

10 A. Could you say that again, please?

11 Q. In accordance with that paragraph that you just
12 read aloud --

13 A. Yes.

14 Q. -- is it true that you could obtain from the
15 City of Apopka a certificate of occupancy and still not
16 be in compliance with the ARB guidelines?

17 A. I don't think that that concludes that.

18 Q. Then what does that -- what does that mean?

19 A. That authority permitting -- the authority
20 permitting process with the City of Apopka is separate
21 and distinct from obtaining Apopka Airport architectural
22 review and approval.

23 Q. Is there any type of inspection or other work
24 that's done by the architectural review board that is in
25 excess of what the city requires to satisfy its

1 inspections leading to a CO?

2 A. They are separate and distinct and at the
3 discretion of the ARB based upon each design and hangar
4 as put forth on the application. Some may be more
5 complex than others.

6 Q. And in 2015, were the setbacks the same as you
7 stated before, roughly three, three and a half?

8 A. In my recollection, the setbacks were the same
9 from the time I, you know, purchased my lot to the
10 current time. And I wasn't aware of all of the issues
11 from the hangars before that, before I came on, that
12 were already constructed.

13 Q. Okay. Can you flip through this and see if you
14 can point me to setbacks?

15 A. Not specifically. It doesn't appear.

16 Oh, sorry. Page 1, "Architectural guidelines
17 are also in place for building setbacks, interface to
18 utilities, easements, interior and exterior drainage,
19 building height/pitch of roofs."

20 Q. Does the city or the ARB govern the safety
21 aspects concerning construction on the units?

22 A. I think both.

23 Q. What does the ARB guidelines -- what are the
24 ARB guidelines with regard to their role in safety at
25 the airport?

1 A. Pragmatic and prudent observation of design and
2 construction.

3 (Joint Exhibit No. 146 was marked for
4 identification.)

5 BY MR. SMED:

6 Q. Please look at that.

7 A. Sure. Okay.

8 Q. And could you tell me what this is, please?

9 A. It seems like it's an e-mail from me based upon
10 some proposed revisions to the ARB guidelines. One was
11 painting or over spray; the other one was cutting off
12 water, power, et cetera, to adjacent hangars.

13 Q. Just right there, could you tell me if that --
14 were these additions to the guidelines?

15 A. They were proposed additions. I can't recall
16 if they were adopted and put in. This refers to that
17 revision page being incorporated. So it seems to me in
18 recollection now from discussing this one, which didn't
19 have the revision page, that because this was September,
20 this was 2016, January, that the revision page may have
21 been incorporated into the next revision that may or may
22 not have been adopted.

23 I know there was a revision page adopted.
24 Whether these two items got incorporated, I would have
25 to look at the updated version of that.

1 Q. And when do you believe that that -- you know,
2 the sheet with the changes that was at the rear of the
3 guidelines, do you know when that went into -- what
4 version did it go into initially?

5 A. I thought it was the 2015, but it may have been
6 a later version.

7 Q. Would that be 2015 or '16?

8 A. I'm not sure.

9 Q. I'm saying another date in '15 or --

10 A. Yeah, there may have been -- it seems like the
11 2015 may have been revised, it looks like. I don't know
12 if there's an earlier version than September 2015. And
13 then this was -- or it's the same version that got
14 updated and included the construction, building
15 insurance requirements. So I would have to go back and
16 kind of review to see the evolution of that unless you
17 have it.

18 So I can't clearly answer your question. It
19 seems like it was -- from this e-mail, this was proposed
20 in January 2016. If there was -- these got adopted and
21 the revision got adopted, it was probably in the next
22 version.

23 Q. And would those items, let's say in the first
24 paragraph, these would be changes to the guidelines?

25 A. These are proposed.

1 Q. Proposed changes?

2 A. Yes, just informal discussion. We would have
3 to go to the guidelines and the meeting minutes to see
4 if they got adopted.

5 My recollection is I can't remember if they --
6 I remember the issues. I can't remember if we adopted
7 them into language. It seems like I proposed them.

8 Q. And they were trying to adopt them at the next
9 meeting?

10 A. I think so. January 3rd. There's a meeting on
11 a Tuesday. I don't know if it would be a January
12 meeting or a February meeting.

13 (Joint Exhibit No. 147 was marked for
14 identification.)

15 BY MR. SMED:

16 Q. If you could please take a look at that and let
17 me know what that is, if you recognize it.

18 A. It looks like a January '16 revision of the
19 architectural guidelines. Okay.

20 Q. If I could direct your attention to the first
21 page, please. There's four paragraphs, and I'm pointing
22 you to the bottom, to the fourth paragraph.

23 A. Okay.

24 Q. If you could please read that aloud?

25 A. This, "Architectural guidelines --

1 Q. Yes, sir.

2 A. -- are also in place for building setbacks,
3 interface to utilities, easements, interior and exterior
4 drainage, building height/pitch of roofs, color and
5 upkeep standards. Below are 'general guidelines' that
6 address the main topics although designs, features,
7 special considerations from an Owner that are not
8 clearly delineated below should be presented to the ARB
9 Committee and Association Board since they have some
10 discretion for approval."

11 Q. Can you give me some examples of considerations
12 that are not in the guidelines but are the purview of
13 the ARB?

14 A. Some windows, landscaping, skylights, doors,
15 and other considerations of that nature. Side
16 fiberglass material change versus a stone, for example.

17 Q. And those items that I -- that you just
18 mentioned, just so we're clear, they are not in the
19 guidelines, but they would be issues that would be
20 discussed with the owner upon request?

21 A. Typically when the applications come in, it's
22 an interactive relationship with the ARB and the owner,
23 and it's quite -- the history is quite informal with
24 each owner leading up to submission for a recommendation
25 to the board for approval from the ARB.

1 So there's numerous discussions that typically
2 go on in an informal basis, and then there's also
3 communications of exchanges of e-mails leading up to a
4 review.

5 Q. And on Exhibit 16, page 2, if I could direct
6 you to the top of that note and if you could read that?

7 A. Is this Exhibit B?

8 Q. No, it's not. It's not Exhibit B. It was
9 Exhibit B to his complaint.

10 A. Exhibit -- this is Exhibit 16? It says 147, so
11 I just want to make sure I'm in the right place.

12 Q. On page -- pardon me -- page 3. Wait, it's
13 page 2, but -- I'm sorry. The cover sheet isn't
14 counted, so it's page 2 in the note.

15 A. Okay. And the note, read the note?

16 Q. Yes, please.

17 A. "These guidelines do not replace those
18 standards and compliance criteria set by city/county
19 building departments and other government agencies, for
20 example, OSHA, for permitting and usage. If any
21 contradiction arises, the permitting governing body
22 takes precedent."

23 Q. And if I could direct you to the top of page 6,
24 please, the first paragraph, and this seems like it's
25 similar to the 2015 version that you read aloud; is that

1 correct?

2 A. I'll have to read it.

3 Q. Just --

4 A. "Guidelines and Governing Authority
5 Permitting." We've read this before.

6 Q. That's what I was asking. Thank you.

7 And this has an architectural review form on
8 the second to last page, page 10, and back on page 6,
9 there's architectural review procedural guidelines.

10 And my question is: Does this architectural
11 review form require the submission of any particular
12 document, drawing, schematic for the building of the
13 hangar by a unit owner?

14 A. Yes, it is, whether or not there's a list here
15 that says specific what needs to be done, I'd have to
16 review the documents, but there's obviously an inherent
17 requirement to be able to present to the board and the
18 architectural review what they're proposing.

19 Q. How does the unit owner obtain that list?

20 A. I'd have to review these.

21 They submit their drawings, their construction
22 drawings, construction duration estimate,
23 materials...(reading sotto voce.)

24 They describe it and they submit drawings, a
25 design package. I'm sure it alludes to that somewhere

1 in here, but I'll have to review it to find out exactly.

2 Q. Do you recall sending Ass Monkey, Mr. Albrecht,
3 correspondence with various lists of documents?

4 A. Yes.

5 Q. Did those -- was there one -- more than one
6 letter sent to Mr. Albrecht in this regard?

7 A. Possibly. I believe there were a number of
8 correspondence.

9 Q. Do you know if the lists were changing
10 throughout that process?

11 A. Possibly.

12 Q. Is that common with the ARB?

13 A. It depends on the documents that we have to
14 review. We had very limited documents to review. They
15 were changing and they were -- the documents submitted
16 were changing and they were not formally submitted in a
17 lot of ways, and we had to also get documents solicited
18 from the city.

19 Q. So you went to the city, and what documents did
20 you retrieve?

21 A. We asked for the drawings.

22 Q. Did they provide you --

23 A. They couldn't provide it initially. They lost
24 them. And then they came back and sometime later
25 submitted some drawings that I don't know if they were

1 complete or not. So we had various documents that we
2 received.

3 Q. Do you know if you corresponded with Ass Monkey
4 and told them that their application wasn't correct at
5 that point?

6 A. I don't know if I said those words, but we had
7 dialogue between Ass Monkey. And also, the company that
8 helps management for the association had probably more
9 discussions with them than I did. I'm not sure.

10 Q. And on the last page there is sort of an errata
11 sheet that shows the changes that were made during --

12 A. Right.

13 Q. -- what periods. I mean, I meant to say during
14 various periods.

15 A. Yes, that's the document revision and sheet
16 history.

17 Q. Do you know, with that document revision
18 history, do they put items that were clarifications
19 and/or some sort of change or alteration in the
20 guidelines?

21 A. I don't know if there's any set rules here, but
22 you can see that there's various ones here. One is
23 typos, one is additions to the page. So I think it's an
24 open forum in terms of tracking the modifications for
25 the revision history there.

1 Q. Thank you.

2 (Joint Exhibit No. 148 was marked for
3 identification.)

4 BY MR. SMED:

5 Q. Could you please look at that document?

6 A. Okay. Thank you.

7 Q. Could you tell me what this document is,
8 please?

9 A. It's the meeting minutes from the board of
10 directors of the Apopka Airport Association dated
11 January 6, 2016.

12 Q. And if I could direct your attention to page 2,
13 it's numbered in the upper right-hand corner.

14 And on page 2, with regard -- if I direct you
15 to the bottom, basically the fourth sentence up where it
16 says "discussed enforcement powers." Could you please
17 read that aloud? You can read the whole section if you
18 like, to put it in context.

19 A. "Standards, Compliance and Enforcement,
20 Discussion: Joel reported on documentation submitted
21 previously. Discussed standards for skirting on
22 building and proposed guidelines. Discussed lighting as
23 a related ARB issue and safety issue. Discussed
24 enforcement powers and options available to the Board.
25 Joel suggested adoption of rules and enforcement

1 policy."

2 Q. With regard to that last sentence that you
3 read, can you tell me the substance of what the
4 discussion was regarding enforcement powers?

5 A. To my recollection, we were discussing the
6 exterior facade, as we call them, the skirting on the
7 building. And I think that that was the -- that and the
8 lighting issues.

9 Leading up to this, I recall that the skirting
10 on the exterior on the buildings were not in good shape
11 in a lot of places. They were faded or needed paint or
12 needed replacement, and I was trying to work with the
13 board to figure out ways that we could assist the hangar
14 owners to get that up to cosmetic and architectural
15 standard for the airport.

16 Those included, but weren't limited to, can we
17 hire somebody in a common denominator to assist in some
18 way that would go around and help them. Were there
19 other options that we had, such as fines or
20 notifications that we could advise them to try to help.
21 So there was an open discussion about those types of
22 requirements.

23 Q. And on page 3 at the top, it says, Action item:
24 Jim to meet with attorney to discuss enforcement
25 options, ability to adopt rules, and ability to collect

1 fines.

2 Was this enforcement conversation or discussion
3 an ongoing conversation or was it relatively limited?

4 A. With regard to this item, Jim took the action
5 item, and I honestly don't know that there was -- what
6 the outcome may or may not have been.

7 Q. If I go back up to page 2 of 3 to the section
8 starting with communications. "Discussion:
9 Communications -- Greg. New ARB restrictions posted on
10 website." Do you recall what those ARB restrictions
11 were?

12 A. I don't, but I can infer that it was
13 potentially what we were proposing about the paint over
14 spray and the utilities and water.

15 Q. Do you remember if that -- if the board of
16 directors' vote occurred on those issues prior to their
17 adoption?

18 A. Well, didn't we -- didn't we acknowledge that
19 this was approved in one -- the guidelines, on one of
20 these?

21 Q. I just didn't know what the new ARB
22 restrictions were.

23 A. I think he's -- he's using kind of
24 wordsmithing, that I believe he probably posted the new
25 guidelines because he was in charge of the website.

1 That's what I think it meant.

2 Q. And with regard to the "Architectural Review.
3 Discussion: Guidelines including over spray and
4 utilities reviewed," do you know if that was ever
5 adopted?

6 A. It seems to, because these guidelines have the
7 revision in there and we talked about the discussion
8 relating to that, so there should be some
9 acknowledgement. And that was consistent with this
10 January 3rd letter.

11 Q. That they wanted to adopt it. Is that the line
12 you are referring to?

13 A. That we brought it up, but I -- I have no clear
14 recollection of it, of the details of this, aside from
15 what you are showing me.

16 (Joint Exhibit No. 149 was marked for
17 identification.)

18 BY MR. SMED:

19 Q. Can you please look at that and tell me what
20 that is?

21 A. It looks like the meeting minutes of the Apopka
22 Airport Association for September 4, 2018.

23 Q. And if I could direct you to the architectural
24 review section on the bottom of page 1, the last bullet
25 point where it says "Motion: Architectural Guidelines,"

1 could you read that, please? It follows over to the
2 next page a little bit.

3 A. "To approve and amend guidelines requiring lot
4 owners to provide copy of contractor's liability" and
5 name -- name association -- "and name association as
6 additional insured with minimum \$1 million of coverage."

7 Q. And after that it was motion by Eric Strong,
8 second by Jan Potter, and vote: "Unanimous by members
9 present"?

10 A. It says contingency approval.

11 Q. I'm looking --

12 A. Yes, by Eric, then second by Jan, and then
13 unanimous by members present. Vote was unanimous.

14 Q. Do you know when you had or was there a
15 discussion regarding the contractor's liability
16 insurance prior to this vote?

17 A. My recollection about this issue is that it was
18 a revision of what was existing in place, and we reduced
19 the amount of limits and we clarified to make sure if it
20 wasn't in there previously -- and I can't recall -- to
21 make sure that they -- that it was clear that the
22 contractor's insurance named the association as an
23 additional insured.

24 Q. Do you know if there was notice provided to the
25 unit owners prior to this vote?

1 A. I believe there is -- it was there. I believe
2 it was there as a requirement. Where we pointed it out
3 or where it is or what the requirement is, I'm not sure,
4 honestly.

5 Q. And this is the first time that contractor's
6 liability insurance was approved, correct, and inserted
7 in the guidelines?

8 A. Not that I recall. I think there's always been
9 an inherent requirement for that, if not specifically
10 stated, because that's a statute of the Florida law that
11 they have to have that insurance.

12 Whether those limits is what the issue was,
13 because I think the limits in the statute are less than
14 what we might have required. I can't remember the
15 limits.

16 Q. And on the second page there, there's a
17 discussion with regard to doors, and you discussed the
18 general requirement for doors, it's stated.

19 And do you know if guidelines regarding the
20 doors were ever adopted and incorporated into the
21 guidelines?

22 A. I don't know if explicitly, but by reference
23 and probably by the plat, the drawings of the
24 developer's plat and governing documents with the city
25 with the inherent use of -- of an airport, so I would

1 defer to those documents.

2 For this meeting, I don't know what that
3 discussion of doors was.

4 Q. Would you generally have been included in that
5 since it was your -- your -- the ARB was essentially
6 you, correct, there weren't other members?

7 A. There were adjunct members that I would refer
8 to that were not particularly named as a committee, but
9 this was brought up by others. I don't know what it was
10 related to, what requirement it was. This is generic.

11 Sorry. It could have been side of building,
12 front doors, I don't know.

13 (Joint Exhibit No. 150 was marked for
14 identification.)

15 BY MR. SMED:

16 Q. I'll hand this to you. Can you tell me --

17 A. It's been a while since I've seen this.

18 Q. Can you tell me what that is?

19 A. It's appears to be a 2018 revision,
20 September 2018 revision of the Apopka Airport
21 Guidelines, Architectural Guidelines and Procedures, a
22 black-and-white copy.

23 And there's an architectural review form in the
24 back that has someone's signature on there, but the rest
25 of it is blank and there's no revision sheet.

1 Q. If you could look at page 8? The pages are in
2 the lower --

3 A. Correct, page 8.

4 Q. I don't know if we're looking at the same
5 thing. My page 8 says architectural guidelines,
6 Document Revision Sheet History.

7 I apologize. It was page 7.

8 A. Sure. Same document?

9 Q. Yes, sir.

10 A. Okay. It's page 7, revision. And we were
11 referring to 8, but it's 7 now?

12 Q. Yes.

13 A. Okay.

14 Q. And the revision sheet history is numbered.
15 Could you go down to number 6 and read that to me,
16 please?

17 A. September 17th, 2018, pages 10, 11, "Updated
18 Insurance section: Reduced builder's risk insurance
19 from a minimum of 500K to 250K minimum. Added section
20 on contractor's insurance including minimum insurance
21 limits and inclusion of OAAA as additional insured with
22 an ACCORD certificate evidencing coverage."

23 Q. From that, do you believe that that was the
24 first time the contractor's liability insurance was
25 added?

1 A. No. I think because it's a Florida statute and
2 this is a requirement inherent to the State of Florida,
3 as a requirement, it was probably a clarification to
4 help the owners understand what their obligations were.

5 Q. Prior to this, what were the obligations?

6 A. The same. I think to clarify, the naming of
7 the association was probably the clarification here, not
8 the --

9 Q. Where did you -- oh, add the OAAA as an
10 additional insured. Is that what you are referring to?

11 A. Yes, sir.

12 Q. Do you recall what the contractor's liability
13 insurance minimums were?

14 A. I think they were higher because I recall a
15 discussion about this that -- with the board, whether it
16 was informal and/or formal, that it didn't need to be
17 that high and it may be encumbering unnecessarily the
18 applicants.

19 Q. Just some general questions that you could look
20 at the '18 version or from memory, if you recall, but do
21 you know if the ARB guidelines limit a roof to one peak
22 specifically?

23 A. Do what?

24 Q. Do the ARB guidelines limit a building to
25 having one roof peak?

1 A. By virtue of the setback requirements, it would
2 require that.

3 Q. Explain that to me.

4 A. If you have a setback requirement of three feet
5 on the sides, then a building has to be separate from
6 another building.

7 Q. Yes.

8 A. So there would be two peak requirements.

9 Q. For two separate buildings; correct?

10 A. Yeah, but they would be --

11 Q. Does it -- I mean, but what about on one
12 building?

13 Is his building -- do you believe it's one
14 building or two?

15 A. The peak requirements are 12:2 for a single or
16 a double -- a single or a large -- whether it's a single
17 or a large building, the requirements are the same.

18 Q. Is there any specific limit as to the facade,
19 the way that a building looks at a frontal elevation in
20 the guidelines?

21 A. Just some elevation cosmetic requirements.

22 Q. Do you know if they require -- with regard to
23 setback, is a building required to be centered on the
24 lot?

25 A. By the setbacks, it's zero on the front,

1 typically three on the sides, and five on the back. So
2 it would not be centered on the lot. It would be
3 centered on the lot with the lot line in the front zero.

4 Q. Okay. To your knowledge, with regard to
5 builder's risk insurance, can you get an amount that is
6 greater than the value of the materials on the project?

7 A. I would assume you can purchase a builder's
8 risk insurance policy for whatever value you like, that
9 is, as long as it covers the minimum.

10 Q. The what? I'm sorry.

11 A. The minimums.

12 Q. Thank you. Do you know if the ARB guidelines
13 preclude the use or putting up of signs on your hangar?

14 A. I can't remember the details of the signage. I
15 had discussions with the ARB about signs that are placed
16 on a lot for sale, but I don't know that there's a
17 prohibited requirement for the signs or a standard right
18 now, but that would be -- that would certainly be over
19 the auspices of the board of directors and the ARB to
20 review and ensure that it meets approval.

21 Q. Does the ARB regulate drainage issues?

22 A. It regulates the guidelines for the drainage
23 requirements.

24 Q. Does the ARB have the authority to place
25 guidelines upon the interior of a hangar?

1 A. Yes.

2 Q. And what type of regulations would that be?

3 A. I'll give you an example. The drainage for
4 containment for oil and -- that would be one. Some
5 requirements, yes.

6 Q. With regard to signs, if the Apopka Air
7 District Code permitted signage, however limited, would
8 that be permitted on a hangar at the Orlando Apopka
9 Airport?

10 A. I'll defer that to the board.

11 Q. So you just don't know about signage?

12 A. Well, I don't know if they permitted it and if
13 it's on a hangar. I really haven't dealt much with
14 that.

15 Q. During your tenure, you didn't really deal with
16 signs?

17 A. No, not really. I did with the signage, as I
18 mentioned, for the lots. They asked me about some
19 standards for the lots and some guidelines that we can
20 adopt or what we should do for a lot for sale.

21 Q. On a vacant lot for sale?

22 A. Yes. That was the only real issue I dealt with
23 on that.

24 MR. SMED: It's like 12:15 right now. Are we
25 going to take a little bit of a break? And then I

1 can hopefully -- hold on one second.

2 (Discussion off the record.)

3 BY MR. SMED:

4 Q. Do you know if the developer was able to hand
5 over the development to the association without any
6 architectural guidelines?

7 A. Well, my understanding is inherent to the
8 development with the city. As it states here, there are
9 plats and drawings for compliance that is handed off --
10 that is established by the developer. That becomes part
11 of the basis and foundation for the guidelines. So it's
12 with the city, whatever the plat and the drawings stated
13 at the city would be also.

14 Q. The initial guidelines?

15 A. Yes, and it would evolve from there.

16 Q. Do you remember when your tenure as the ARB
17 chairman, when it terminated?

18 A. I have an e-mail somewhere. I believe that I
19 notified them, and I'm going to say it was circa late
20 2018, maybe early 2019. And I would -- I would not
21 necessarily attend, you know, routinely, meetings after,
22 say, 2015, '16. If they would notify me with
23 correspondence or if an issue came up or an application,
24 I would react to that.

25 So my answer is I think late 2018, 20 -- early

1 2019, but I can find out more specifically if you
2 needed.

3 MR. SMED: Okay. I think we'll take a break
4 now. Go off the record.

5 (A luncheon recess was taken from 12:16 p.m.
6 until 1:18 p.m.)

7 MR. SMED: Let's go back on the record, please.

8 BY MR. SMED:

9 Q. Now, while you were the ARB chairman, you were
10 very involved in the process with Ass Monkey with regard
11 to their building project and then trying to get
12 approval; correct?

13 A. Working with them to work towards approval,
14 yes.

15 Q. And when did you receive the initial copy of
16 his plans?

17 A. My recollection is the first time I saw it was
18 sitting in his hangar with him and Dave Larson; that we
19 were reviewing his plans that were never submitted at
20 that time to the association. We were just reviewing it
21 at his hangar, first time.

22 Q. Did you have the application form --

23 A. No.

24 Q. -- prior to that time?

25 A. No.

1 Q. And I don't know -- I'm sorry if I misstated
2 what you said.

3 Do you know the approximate date or --

4 A. I think it was circa June of 2018, but that's
5 kind of my recollection. I would have to go back and
6 look at the exact dates.

7 Q. Okay. I think you --

8 MR. SMED: Actually, we can mark this, please.

9 (Joint Exhibit No. 151 was marked for
10 identification.)

11 BY MR. SMED:

12 Q. If I could have you look at that and tell me
13 what that is, please.

14 A. It looks like a City of Apopka Certificate of
15 Occupancy dated August 26, 2019.

16 Q. You previously testified that you thought that
17 your tenure with the ARB ended in '18, but I thought at
18 one point you said maybe '18 or '19?

19 A. Right.

20 Q. Do you know if you were still on the ARB when
21 this was issued?

22 A. This is the first time I have seen this. There
23 may have been some hearsay about it, but I never had any
24 validation or saw this.

25 And I'm not exactly sure when I ended my -- my

1 date, but I just recalled it seemed to be early 2019.

2 Q. What does it take to get a CO from the City of
3 Apopka? What is their process?

4 A. Well, there's an application and they do
5 inspections and a review.

6 Q. And is it that the ARB does other inspections?

7 A. The ARB has other guidelines since the
8 beginning of the development that has stayed in force
9 and been improved upon with respect to clarity over the
10 years.

11 Q. So when you say clarity, there's been no new
12 guidelines?

13 A. Pretty much the guidelines are what they were
14 from the beginning when I built my hangar in 2005.

15 There's been clarifications like, for example,
16 what the insurance requirements might be, to clarify it,
17 but no substantive changes that I see.

18 Q. When you built your hangar, did you have to get
19 approval from the ARB or whatever committee at that
20 time?

21 A. Yes. It was mostly the developer, though.
22 There was no real huge association board of directors.
23 The developer was the board of directors so he had kind
24 of omnipotent oversight, if you can understand that.

25 Q. Did he give you something in writing telling

1 you you had approval or met with --

2 A. You know, I can't remember. He gave me -- he
3 didn't give me anything in writing that I couldn't do it
4 that I recall, either.

5 Q. So that's a little bit different than now.

6 A. Yes. We adopted a more -- with the association
7 in place, and I don't know what year they really -- the
8 developer changed to the board of directors and the
9 first officers, but it evolved as you would expect in a
10 more, you know, clear and formal process.

11 Q. Whenever I say something about your tenure, I'm
12 not talking about after the date that you, you know,
13 terminated your relationship, just on that, on the
14 ARB --

15 A. Okay.

16 Q. -- just for purposes of these questions.
17 Have you seen -- strike that.

18 Did you -- did you watch and keep an eye on the
19 construction that was going on on lots 27 and 28?

20 A. Not religiously.

21 Q. How often did you --

22 A. If I was available there, I would take a look
23 at here and there, but I was more interested in engaging
24 the owner than seeing what was going on because that was
25 already in process.

1 Q. Have you seen the inside of the building as it
2 currently stands?

3 A. No.

4 Q. Have you seen any photos of the building?

5 A. Inside?

6 Q. Inside or out.

7 A. Well, I drive by the outside and I see the
8 building outside.

9 Q. But have you seen any photos?

10 A. No.

11 Q. Do you have an understanding of how the
12 buildings are structurally standing?

13 A. I think I have a general understanding of how
14 the buildings are structurally standing.

15 Q. And I mean, as one unit, do you have an idea of
16 how Ass Monkey put that together, how it was built by
17 his -- by Mesco?

18 A. Are you talking about the building on lot 27 or
19 are you talking about the building on lot 28?

20 Q. I'll say on 27 and 28. Do you believe that
21 they are attached?

22 A. I've seen them physically attaching it. At the
23 time that they were doing the welding and attaching, I
24 observed that.

25 Q. And was -- if I called them girders, the big

1 I-beams that wrap around, were they welding those
2 together or were they welding other sides?

3 A. From my observations, there were two structural
4 buildings that they -- they had what we'll call steel
5 tabs or plates that they would cut and they would apply
6 to each building and weld it in the field.

7 Q. Is there a problem with that in your opinion?

8 A. From my opinion, if there was an engineered
9 design, if there were specifications and tolerances and
10 weld techniques played out and an engineering drawing
11 that said these come together as one, and they were
12 approved and they were installed by certified welders
13 that are compliant with the procedures, then I would not
14 have a problem.

15 Q. Do you think that the city -- I would assume
16 that the City of Apopka inspected the structural nature
17 of the buildings; correct?

18 A. I don't know, but I would be surprised because
19 I never saw any drawings.

20 Q. Do you know if a structural engineer ever came
21 to the premises --

22 A. I don't know.

23 Q. -- to --

24 A. I don't know.

25 Q. -- evaluate it?

1 A. I don't know.

2 (Joint Exhibit No. 152 was marked for
3 identification.)

4 BY MR. SMED:

5 Q. Now, isn't it true that you had the plans prior
6 to June 5, 2018?

7 A. Not that I -- if that was the date that I met
8 with Ass Monkey, I am not sure I had any plans because
9 I've never felt that I had a full set of plans that
10 represented what the intentions were to build.

11 Q. Okay. If you could take a look at that, and
12 just generally, tell me what that is?

13 A. Attorneys at law, attorneys at law,
14 professional organization, a mail delivery to Ass
15 Monkey, May 29, 2018... has informed us that Ass
16 Monkey... (reading sotto voce.)

17 Q. Okay. So this is a letter from the attorney;
18 correct?

19 A. Yes.

20 Q. And isn't it true that this letter basically
21 outlines some issues with the unit owners, the way that
22 -- the manner in which they were proceeding on various
23 items?

24 A. Right. It says "a unit owner shall make no
25 changes or alterations to any exterior wall, windows,

1 structural or loading bearing walls or color of any
2 exterior wall or awning without first obtaining approval
3 in writing from the association board of directors."

4 So that's one paragraph out of this whole thing
5 that leads to that.

6 Q. If you went up one paragraph, could you read
7 that, please, where it starts with members?

8 A. "Members of the board visited Unit 28 and Unit
9 27 this week and discovered that the exterior of Unit 28
10 is being modified to expand the hangar onto Unit 27.
11 Upon inspection it was noted that footers had been laid
12 and concrete is being poured as we speak. The expansion
13 appears to combine the two units by constructing one
14 large hangar with a single roofline. The construction
15 plans raise several legal concerns for the Association,
16 and demand is hereby made that the use be discontinued
17 immediately such time that the Association has reviewed
18 and approved the modification." Okay.

19 Q. And so, it says -- basically, it appears that
20 the attorney had a copy of the construction plans prior
21 to June, at least on May 29th, if not earlier?

22 A. Where does it say that?

23 Q. On the paragraph that I had you read above the
24 exterior wall, second to last paragraph on the first
25 page.

1 A. There is no allusion that I see that suggests
2 that they had the drawings.

3 Q. It says "The construction plans raise several
4 legal concerns," so I assumed that they were looking at
5 the plans.

6 A. Construction plans. Maybe they were looking at
7 -- I don't know, because this -- I think this was
8 probably before I got involved, but...

9 Q. Did you get involved before the lawyers?

10 A. I believe that this went out probably in
11 parallel to them acknowledging and telling me what was
12 going on with that; that they started construction and
13 they didn't have approval. So I'm not real clear on the
14 timeline, but that was my recollection.

15 But it also says that they could have -- if he
16 had plans on the site, he's obligated to put plans on
17 the permit site. They could have had plans there. But
18 the first time I ever saw plans that I remember is
19 sitting down in his hangar with himself and his
20 representative. That's my recollection.

21 Q. But you don't know exactly what date that was?

22 A. I probably do from my documents that I reviewed
23 after that meeting.

24 We came to some understanding of what was going
25 to happen, and I documented that to Ass Monkey and I

1 documented it to the board, a copy. So there is a
2 record of that date.

3 Q. On the second page of the letter, on the second
4 paragraph that starts the alterations and improvements,
5 it says it "appears to violate the 10 foot side setback
6 requirements in place for the condominium."

7 A. "The proposed path of construction appears to
8 violate the 10 foot side setback requirements in place
9 for the condominium as set forth in the land use plan
10 approved by" the City of Orlando [sic].

11 I don't know if that's a typo, but there's
12 another mistake over here that says that it appears that
13 they were constructing a single roofline, which they
14 didn't, so I guess maybe there's some inferences or
15 typos here or just errors. I'm not sure.

16 Q. How do you define roofline? Wouldn't that be a
17 single roofline if you went up and down and up and down?

18 A. The expansion appears to combine the two units
19 by constructing one large hangar with a single roofline.
20 That's what I'm referring to.

21 Q. And could you define a single roofline?

22 A. One structure, one roofline that has a
23 designated pitch, that has a designated peak.

24 Q. When did you first see the construction
25 project?

1 A. I think -- I can't remember if it was before
2 the meeting that I had at his hangar or at that meeting,
3 but I just recall being advised by a phone call or
4 e-mail or something, if I could take a look at this.

5 And it may have been that on an off-day that I
6 came to look at it, then met him, or if it was the same
7 day I met him. But it was right within that period of
8 time, within days or so, that I became aware of it. So
9 I think it was after the date of this letter.

10 Q. Was it in May or April?

11 A. I think it was June.

12 Wait a second. I think it was June, June
13 something. I can probably give you the exact date with
14 a little research.

15 I alluded to it in some of the documents you
16 probably have, when I wrote the letter after my meeting,
17 and the letter after our meeting states the date that I
18 was there to Ass Monkey.

19 (Joint Exhibit No. 153 was marked for
20 identification.)

21 BY MR. SMED:

22 Q. Can you tell me what this is?

23 A. This looks like an e-mail from me regarding
24 some of my observed issues. "I took a look at the
25 drawings and have a number of concerns as you do."

1 This seems like some of my first
2 post-impressions of when I first looked at the building,
3 whether or not -- so June 4th.

4 So I imagine, I don't know the exact date,
5 probably subsequent to this that I was supplied a copy
6 of the drawings or whatever drawings were available.

7 Q. Doesn't it say, "Okay, you got my attention. I
8 took a look at the drawings"?

9 A. Yeah. In other words, somebody would have
10 supplied me a set of drawings.

11 Q. And that would have been on the 4th, June 4th
12 or before?

13 A. June 4th, I would say. Let me see. Is there a
14 previous one that's set?

15 So this appears to be the circa date when I
16 first saw the drawings and I looked at the drawings and
17 probably prior to my meeting with Ass Monkey.

18 Wait a second. I'm just not sure. It may have
19 been post that day.

20 Q. You spoke with Ray Marsh at the city building
21 department; correct?

22 A. I tried to. I eventually got ahold of him, I
23 believe.

24 Q. It says "I've discussed."

25 A. "I've discussed this with a ... city official

1 today and left messages for Ray Marsh." That's what I
2 did.

3 Q. Do you recall what county or city official you
4 spoke with?

5 A. I think the assistant to Mr. Marsh.

6 Q. And do you remember the substance of that
7 conversation?

8 A. I was -- the message was I wanted to talk to
9 him because of some noncompliance issues, that we didn't
10 receive an application or that I found out was going on
11 with some construction without -- without ARB
12 approval -- without board of directors approval is kind
13 of my recollection.

14 Q. And did you contact Cindy Nielson, the chief
15 plan examiner at Orange County?

16 A. "Cindy Nielson, chief plan examiner at Orange
17 County. Discussion regarding relationship of City of
18 Apopka to Orange County with respect to the approval and
19 ARB compliance. In short, confirmed that the City has
20 unilateral authority."

21 Q. What was your understanding of that?

22 A. With their permit, they have authority that is
23 separate and distinct from the ARB guidelines.

24 Q. So if it has unilateral authority, were they
25 saying that the ARB didn't have any authority?

1 A. No, not at all. They are saying that we're
2 separate and distinct and that the guidelines that the
3 ARB and the development for the airport have are
4 different and distinct from the city. That's, you know,
5 not necessarily complete. It's just there's some
6 distinctions there that they point out; that their
7 permit requirements may be different.

8 Q. What was the substance of the discussion?

9 A. I mean, from what I remember it's just --
10 during that time, there was construction that moved
11 ahead without association approval and a review. So I'm
12 sure that was the basis of the discussion.

13 Q. And you contacted David Moon, the director of
14 planning and zoning for the City of Apopka?

15 A. I probably talked to him and others. "David
16 Moon, director of planning/zoning. Reviewed the items I
17 outline above. He said he would look into it, but I
18 also took the liberty on behalf of the city to invite
19 him or an alternate official from the city to attend the
20 Tuesday meeting."

21 That was probably the meeting -- the Tuesday
22 meting.

23 "I felt this would be the way to cut through a
24 number of the compliance issues I've outlined, get
25 immediate and direct feedback, but most of all engage

1 the city. Another reason would be to start the path
2 toward resolving the disconnect between airport and city
3 regarding a number of the conflicts that are in effect."

4 Q. What was that disconnect between the airport
5 and the city regarding the number of conflicts?

6 A. Well, I mean, the theme has been that the
7 Apopka airport -- the Orlando Apopka Airport has
8 architectural guidelines that are required to be adhered
9 to. They may be different than what the city requires,
10 and those two can conflict.

11 So it would be much better for the association
12 and the city to work in consort better and communicate
13 better.

14 Q. And back to our little analogy with regard to
15 setbacks. If the setbacks are 3 foot for the ARB,
16 roughly, and 5 foot for the city, does the city
17 unilaterally control that issue?

18 A. No. That would be the -- the requirement of
19 the architectural review guidelines would set precedent
20 for that.

21 Q. And have people building hangars gotten their
22 -- gotten their COs with 3 foot as opposed to 5 foot, in
23 your experience?

24 A. On the side or the back or what?

25 Q. The side. The rear is 5 foot, but the side.

1 A. Not in my time during the architectural
2 chairmanship.

3 However, there's probably instances where -- I
4 mentioned to you a corner lot. They have allowed them
5 some leeway with respect to the property line.

6 Q. You contacted several individuals at the
7 municipal level. What was your -- what was the purpose
8 of you contacting them specifically regarding 27 and 28?

9 A. I observed a number of non-compliance issues.
10 The building had started construction without approval.
11 There was issues that we weren't even aware of. We
12 never saw the drawings early on, until just the eleventh
13 hour after construction started. So it was prudent of
14 me to make that aware to the city as well.

15 Q. And you felt if they combined the buildings,
16 I'll just say with a single gutter and a downspout, that
17 that would constitute one single building?

18 A. There were no drawings to reflect that.

19 Q. If you look at the observed issues and proposed
20 resolution, the third bullet point down, you state "If
21 that is the case, I feel they should each independently
22 meet all the requirements of a single hangar."

23 A. There were a number of things going on at that
24 time, and I'm -- and I believe -- I can't remember if
25 this is before or after the meeting with Ass Monkey.

1 But with the meeting with Ass Monkey, we were receptive
2 to try to work out a solution.

3 And I believe we worked out a solution when I
4 left that meeting whereby he would comply with the
5 architectural review guidelines setback, which he
6 acknowledged, and he would move the hangar, which would
7 not cause him a lot of pain and grief at that time,
8 because only the slab was done. He would have been able
9 to meet the guidelines and we would have allowed him to
10 have the two separate buildings meeting the setback
11 requirements and then put a breezeway in. That was kind
12 of how we walked away, and that was --

13 Q. So you're basically saying move it back three
14 feet to the side?

15 A. Move it back to the setback requirements. The
16 slab was still there. They can do that. It was a
17 simple thing to do at that time.

18 Q. But he would have had -- so part of that slab
19 would have been in the breezeway you're referring to?

20 A. No, no. There would be -- there would be two
21 hangars as it is right now. He'd move to meet -- he'd
22 move to meet the setback and we would allow him an
23 exception to put a connection in between, a breezeway.
24 That would have been the exception.

25 Q. So not a breezeway from the front to back; a

1 breezeway going east/west, I think that is, on that --

2 A. Correct.

3 Q. -- taxiway?

4 A. That's right. That was kind of the initial
5 idea.

6 Q. Where would that leave the foundation that was
7 poured?

8 A. I remember the foundation. He would have to
9 modify some of the anchor bolts that were already there,
10 and he understood that, to my understanding.

11 Q. Was the concrete poured at that time?

12 A. The slab was poured.

13 Q. And so that slab, was that flush up against the
14 other building?

15 A. Pretty much. Not flush up against it, but I'm
16 going to say ten inches or something, whatever that gap
17 was.

18 Q. And then with regard to ARB, do they govern
19 doors on the hangar?

20 A. They have the -- they have the ability to
21 review doors on the hangars, yes.

22 Q. And are there specific doors or requirements
23 that you can advise me of?

24 A. Looking for consistency with respect to the
25 development, and the consistency is to have a hangar

1 that allows the ingress and egress of aircraft. And
2 they have hangars that allow -- doors that are also
3 allowed for individual ingress and egress inside and out
4 of the hangars.

5 Q. So all doors don't have to permit the entry of
6 a nominally-sized aircraft?

7 A. The front should have an airport hangar door
8 that allows the ingress and egress of an aircraft. That
9 is the intention.

10 Q. And in his case, he has a hangar door, correct,
11 on the hangar to the left?

12 A. Right.

13 Q. I think it's 28, reversed.

14 And now he also has a door on the -- I guess
15 it's --

16 A. 27.

17 Q. 27, thank you. On 27, he has a door on 27?

18 A. Yes.

19 Q. And if that was just for him to enter into the
20 hangar, would that be consistent with the guidelines?

21 A. At the time, no. It's identified as
22 noncompliant at the time.

23 Would there have been an exception if we
24 reviewed it? Possibly, but we didn't get that far.
25 I'll volunteer that.

1 Q. When does -- when does the ARB, you know,
2 determine whether to grant an exception or variance?

3 A. Typically prior to making a disposition to the
4 board, when the ARB chairman interacts and works in good
5 faith with the individual that is proposing a change,
6 modification, alteration or something that would be
7 applicable to their lot and hangar. And during the
8 course of that preliminary review, we would go over
9 details. That was never a viable option with Ass Monkey
10 for whatever reason.

11 Q. What was your reason that you felt you couldn't
12 deal with Lawrence or Ass Monkey?

13 A. It was obfuscation and it was a lack of good
14 faith communication in my opinion.

15 Q. Do you know David Larson other than in passing
16 on this project?

17 A. I met him maybe once or twice when he used to
18 own a hangar at the airport. I looked at his aircraft
19 before. I was interested in his aircraft, not to
20 purchase, but interested in the aircraft.

21 So I think I met him briefly once just as an
22 acquaintance and part of the airport. That was all.
23 That was my only interaction with him prior to that date
24 that I met him at Ass Monkey's hangar.

25 Q. Do you recall that he -- that Mr. Larson had

1 been advising the board, as well as ARB, that he had
2 submitted an application and plans prior to the end of
3 May 2018?

4 A. My understanding from the history before I
5 became involved and seeing some other documents was
6 there was indication that someone, whether it was him or
7 not, supposedly tried to submit or submitted or
8 suggested they submitted to the association some
9 documents, whatever means. Was it through the e-mail or
10 was it through the website, I just don't know. I never
11 received it. The board indicated they never had
12 reception of that.

13 So there was some indications about that, but
14 that was history that I'm not really familiar with, just
15 from hearsay. I never received anything, any formal
16 submittals that I recollect.

17 Q. Were you at the -- do you know if you were at
18 the June 5, 2018, board meeting where --

19 A. Oh, go ahead. June 15th?

20 Q. June 5th.

21 A. June 5th.

22 Q. May 29th was the letter from the lawyer.
23 June 4th was the e-mail.

24 A. Was that June 5th meeting when David Larson
25 presented on behalf of Ass Monkey some other sets of

1 drawings?

2 Q. One second. I'm going to answer that. One
3 second.

4 (Joint Exhibit No. 154 was marked for
5 identification.)

6 BY MR. SMED:

7 Q. These are the meeting minutes from 6/5/2018, if
8 you could take a look at them, please.

9 A. Okay.

10 Q. And do you recall if David -- I'm sorry.

11 A. Okay. I'm trying to recall my timeline,
12 because I thought it might be at the hangar the 5th, but
13 this suggests it may have been earlier in May, probably.

14 Q. I was going to ask if you --

15 A. This is the meeting minutes from June 5th. I
16 believe I was not in physical attendance, but in
17 probably telephone attendance at this meeting.

18 Q. Okay. In looking down, I believe we were
19 reading an architectural review. Could you please read
20 from the bullet?

21 A. Sure. "Discussion: Unit 27/28: New hangar
22 construction. Owner of lot 27/28 present to discuss" --
23 "present to discuss lack of approval.
24 Builder/consultant presented e-mails that he claims to
25 be evidence that he reached out" to "the association."

1 Okay.

2 "Joel spoke to the owner via phone and
3 discussed distinction between single building versus two
4 distinct buildings." Okay.

5 "Discussed roofline and doors. Asima suggested
6 owner submit the formal request to committee along with
7 high-resolution plans. Discussed association records
8 indicating unpaid assessments and property violations.
9 Discussed fire sprinkler system requirements.
10 Mr. Larson to submit application and plans."

11 This is maybe a different meeting than I was
12 first thinking about.

13 Q. On the issues -- on the issue of the fire
14 sprinkler suppression system requirements as well as the
15 interior restrooms being ADA compliant, do you remember
16 deferring to the city on those two issues?

17 A. Most likely. They are clear. We want to make
18 sure that they are present, but the city issues the
19 permit requirement for the fire sprinkler system and
20 does the inspection for those.

21 Q. Do you recall if the day after 6/5 and this
22 board meeting, Ass Monkey submitting an application and
23 a full set of plans?

24 A. I don't know if this -- if it was this meeting,
25 but my recollection of the sequence of events were that

1 we met at his hangar.

2 Q. And was that your first involvement, because
3 you said when "I" got involved. I just saw you -- I
4 envisioned you from somehow at the outset, but you said
5 when "I" got involved. Was that after the lawyer?

6 A. I believe so, but I'm not sure if that was in
7 consort with that. If they sent this letter out, I did
8 not review it before it went out. That's what I can
9 tell you. Whether my opinions or input was part of
10 that, that could be.

11 But the sequence that I remember is that I was
12 advised about a construction starting without
13 application, all right, involvement with the ARB or the
14 association. I potentially went by before that time,
15 but we set up a meeting with Ass Monkey and I attended
16 that meeting with him and his associate, David Larson.

17 That was my real first understanding or
18 involvement intimately with that design. I may have
19 looked at the plans prior to that and had some face
20 value observations, but that was the first time I
21 started looking at it. Walking into it, I knew what a
22 lot of issues were, and it was pretty evident about the
23 non-compliance issues and the lack of approval and
24 review.

25 So we had a discussion there. The discussion

1 suggested that he would move the hangar slab and
2 construct it in compliance with the setbacks. And we
3 talked about a breezeway, and he would submit the design
4 for a breezeway because I acknowledged to him we would
5 probably be able to approve a breezeway and keep those
6 buildings separate.

7 Since that time, after that occurred and after
8 I acknowledged those in an e-mail to him, I believe, and
9 to the board of what the agreements were, the next step
10 that I remember is that there was a board meeting and
11 Mr. Larson was there. I don't know if Mr. Albrecht was
12 there because I was on the phone, as I recall. And they
13 were presenting another set of plans.

14 And the other set of plans showed, it looked
15 like, one building, and everybody seemed to be pretty
16 happy about that. But as you dig down into the plans
17 that they submitted, it was apparent, and I pointed out
18 subsequently and documented in a letter to the board and
19 to Mr. Albrecht, that this appeared to be what I'll call
20 a false elevation that suggested there was one unit
21 facade, but when in actual reality there were two
22 buildings behind it. And I pointed that out.

23 So just to get to your question about the
24 application, after that I believe that they suggested
25 they were going to go and make a formal application to

1 -- what's the name of the project management company,
2 Matt Jones' company? Specialty Management, and make a
3 formal application. And that's kind of how I remember
4 the sequence.

5 MR. SMED: We can mark this, please.

6 (Joint Exhibit No. 155 was marked for
7 identification.)

8 BY MR. SMED:

9 Q. Take a look and tell me what that document is.

10 A. Right. This was, I think, when they went to
11 Specialty Management subsequent to this meeting; that I
12 believe either Ass Monkey, Mr. Albrecht or David Larson
13 went down to Specialty Management and submitted this
14 application and some documents.

15 Q. Is that application complete?

16 A. Well, it's just not complete because there's
17 nothing behind it, and there's -- but this --

18 Q. And doesn't it say beneath proposed
19 changes/additions, it's marked addition; correct?

20 A. Well, the date was 6/9 and then changed to 6/6.

21 The details, "50 by 50 addition to hangar 28,
22 same color, same eave height, will have faux finish
23 stone on the front to match."

24 "Addition meets all the requirements on the
25 list of architectural guidelines. No balconies. No

1 exterior protrusions. Apron will match existing aprons
2 including yellow paint line."

3 So what is the question?

4 Q. The question -- my question actually was going
5 to be, beneath where it's marked X as addition, a couple
6 paragraphs above from where you were reading on the
7 description --

8 A. Yeah.

9 Q. -- it says "Please describe the proposed
10 changes/additions in detail. Attach a plot plan or
11 drawing if it would be helpful to the description."

12 So you only have to attach a plot plan if it
13 would be helpful to the description, just subjectively?

14 A. This has no signature. It has inaccurate
15 information about what was submitted, and it suggested
16 it might be an addition, which may or may not be
17 noncompliant at the time because they have to provide
18 enough drawings for us to evaluate it.

19 But -- so this is a document with a form that
20 wasn't the architectural guidelines document that was in
21 force at the time.

22 Q. But you recall that they were supposed to go
23 over to Specialty Management to obtain an application;
24 correct?

25 A. I remember they were supposed to go over there

1 to submit an application.

2 Q. And do you see --

3 A. But -- but these are published online. It's
4 always been online. They are available to all the
5 owners, and so that's the segue to be able to obtain
6 those documents and fill them out.

7 There was -- the reason to go over the
8 Specialty Management was exceptional in my opinion.
9 They could have done it e-mail or however.

10 Q. I mean, could -- do you know if Specialty
11 Management provided Ass Monkey with the wrong --

12 A. No idea.

13 Q. -- application?

14 A. No idea.

15 Q. That they might have given him the 2012
16 guidelines and application?

17 A. No idea, no idea. I'm just looking at this
18 now.

19 In terms of that, I recall looking at this way
20 back then, but those guidelines since the inception have
21 been online, available, and updated accordingly. And I
22 don't know what transpired, who went over there. I
23 wasn't involved in that.

24 Q. You never received a contact from -- directly
25 from Specialty Management advising you that they had --

1 A. Well, we discussed it.

2 Q. Were the plans given to you by Specialty
3 Management?

4 A. Some plans were given to me.

5 Q. Was that -- did you get hard copies or was it
6 via e-mail?

7 A. I can't remember. Probably e-mail.

8 (Joint Exhibit No. 156 was marked for
9 identification.)

10 BY MR. SMED:

11 Q. Can you tell me what this apparent e-mail is?

12 A. Okay, I guess. I'm not sure of the dates here.
13 Okay.

14 Q. So did Mr. Albrecht provide you with a copy of
15 the plans and documents, an extra set?

16 A. Not that I recall.

17 Q. Do you ever remember receiving the rolled up,
18 full-sized plan?

19 A. No, I did not, that I recall. Most of, if not
20 everything, was in e-mail.

21 Q. Did you have another meeting after that to
22 review what he submitted at that time on, I believe, the
23 6th?

24 A. I had one meeting. I'm trying to focus in on
25 what the date was, at Ass Monkey's hangar, 28.

1 And then after, we agreed to the breezeway.
2 There was a change. And it says here he dropped off the
3 plans to Specialty Management. He dropped off the
4 application and plans to Specialty Management.

5 I remember that Ass Monkey, Mr. Albrecht and I,
6 agreed to a meeting, a follow-up meeting, after they
7 presented a change from what we kind of verbally agreed
8 to would be a breezeway.

9 I was supposed to meet him at the FBO to
10 discuss the plans that were noncompliant with the faux
11 elevation, and I had some recommendations for him that
12 we might be able to move forward.

13 And that may be where I'm alluding to the
14 follow-up meeting. He never showed up. I never got a
15 call.

16 Q. And do you remember the date of that meeting,
17 proposed meeting?

18 A. It's in the documents, and I'm sure we'll be
19 able to find it here.

20 Q. Was it shortly after the meeting that occurred
21 on June 5th?

22 A. I'll have to wait to see what the date was. I
23 have notes specific to that and you probably have a copy
24 of that, so I won't make a guess.

25 Q. Did you ever pick up any plans from Specialty

1 Management on this --

2 A. Not that I recall.

3 Q. -- case?

4 A. He may have handed me some at the time, I just
5 don't remember. But I remember doing everything
6 electronically.

7 (Joint Exhibit No. 157 was marked for
8 identification.)

9 BY MR. SMED:

10 Q. So you said there was this discussion and there
11 was a question about someone receiving an application.
12 Attached to there -- you can count them, but I believe
13 there's five e-mails that he sent. Do you remember
14 receiving any of those e-mails?

15 A. No, and I wouldn't have received it because I
16 don't -- not addressed on this e-mail, anyway.

17 Q. Not on that e-mail, but on the front page of
18 it, I think you're listed as one of the recipients?

19 A. Right. I remember receiving this when it got
20 sent out by Matt Jordan on June 6th. I remember seeing
21 this, yes. But for the actual e-mails that's attached,
22 I wouldn't have got a copy of those.

23 Q. You wouldn't have been -- if it went through
24 the website --

25 A. There's a communications director that manages,

1 along with Specialty --

2 Q. Mr. Kelsoe?

3 A. -- along with Specialty Management that
4 coordinates those things on behalf of the board.

5 Q. Did Mr. Kelsoe ever give you any plans
6 submitted as stated in those five e-mails by Mr. Larson?

7 A. The discussion I had with Mr. Kelsoe was clear
8 and distinct; that he acknowledged that he -- in my
9 recollection, he never received these e-mails. He never
10 recalls receiving any plans, and he basically did not
11 receive these is his statements to me.

12 Q. Do you recall if Mr. Larson brought -- brought,
13 you know, like proof or read receipts requested that the
14 documents were, in fact --

15 A. I wasn't involved in any of that. I'm just
16 going by what I hear from the other people that were
17 involved in this. And at these times, October 2020 --
18 2017, there was nothing on my plate that had anything to
19 do with 27 -- lot 27 or 28 until the following year.
20 And then there was -- I just wasn't involved in that
21 issue.

22 Q. Okay. I'm talking about, was it 6/4?

23 MRS. SMED: 6/5 was the meeting.

24 BY MR. SMED:

25 Q. How did applications and documents get to you

1 in this process? Let's say they are submitted through
2 the website. Mr. Kelsoe would get that e-mail, I
3 assume. And how are the plans and --

4 A. Specialty Management is the project management,
5 along with the communications director, and plans are
6 generally submitted to them. That's been the --

7 Q. And how do you receive them?

8 A. Specialty Management would generally send them
9 to me and notify me that there's an application.

10 Q. Do you have -- did you have, on the website, a
11 form on the website? Did you have any access to a drop
12 box?

13 A. I wasn't involved in the website except for a
14 participant and observer. But my understanding was that
15 the architectural guidelines were published on there and
16 accessible, and whether -- I don't recall that they had
17 a drop box or not.

18 Q. Did Ass Monkey ever ask you what it would take
19 to get a vote on the breezeway proposal?

20 A. I'm not sure.

21 (Joint Exhibit No. 158 was marked for
22 identification.)

23 BY MR. SMED:

24 Q. This is over time, but do you remember this
25 text exchange or thread with Ass Monkey, Mr. Lawrence --

1 Mr. Albrecht?

2 A. Yes, if it's representative of everything, I
3 guess.

4 MR. SMED: Just for the record, this document
5 is Bates stamped.

6 THE WITNESS: Excuse me?

7 MR. SMED: This document is Bates stamped down
8 in the corner. I believe I received it from Mr. Van
9 Alstyne.

10 THE WITNESS: Okay. Yes, I'm familiar with the
11 content of this.

12 BY MR. SMED:

13 Q. And just quickly, there's a couple texts from
14 you on 11/17/18, so I assume you were still chairing the
15 ARB?

16 A. Yes. Yes, I remember he went to Spain and he
17 was mentioning that he was there and wasn't available
18 until sometime later.

19 Q. And one of the arguments that he makes here in
20 the last text thread was that the board wants to admit
21 the only issue is the roofline. And why was he
22 incorrect?

23 You're laughing, but why was --

24 A. Well, there were so many issues, but he's right
25 here. You may want to ask him, because I can't speak

1 for him.

2 Q. To your recollection, what were all the other
3 issues other than the roofline?

4 A. In exceptional detail, those are documented in
5 all of my notes to the board and to Ass Monkey, numerous
6 noncompliance issues, as there's probably too many to go
7 into right now that we refer to in those documents.
8 I'll be happy to go into each one if you like, if you
9 point them out.

10 Q. We talked a little bit about this.

11 MR. SMED: We can mark that.

12 (Joint Exhibit No. 159 was marked for
13 identification.)

14 BY MR. SMED:

15 Q. On the first page, looking down there appears
16 to be an e-mail from you on June 13, 2018, at 11:38 a.m.
17 Please also include -- you said: Please also include
18 acknowledgement that a hangar door that will accommodate
19 the ingress/egress of an aircraft similar to the other
20 hangars at X04 will be provided.

21 We talked a little bit about the
22 ingress/egress. Is that actually articulated in the
23 guidelines?

24 A. It's referred to in terms of the front page
25 where we read earlier where there's standards and

1 requirements to meet for the architecture guidelines.

2 Q. So that would be something that wasn't
3 expressed, but that would be something the board or --
4 the board or the ARB would have to take a further look
5 at?

6 A. Well, as I mentioned, if it was a presented
7 exception or not, but this was discussed with Ass Monkey
8 at the time and -- yes. So kind of in context of this
9 document, it would seem like it was right after our
10 meeting and Ass Monkey is requesting, you know, before
11 it spends a lot of money, you know, what is the vote
12 going to be and he's asking about the hangar door.

13 But once again, I'm asking for design
14 information, what's going to happen, you know, for your
15 drawings, because there was no compliance with respect
16 to the hangar door at that time.

17 Q. In your experience, does the board -- does the
18 board approve or have a vote to approve someone moving
19 forward with their building project after they've
20 already received their CO from the city?

21 A. You're asking can they move forward after they
22 have a CO?

23 Q. He has a CO from the city that we presented
24 right here, and I'm asking you, in your experience, have
25 you approved -- have the ARB approved that it was ARB

1 compliant after the city issued someone their CO?

2 A. Not during my tenure as chairman that I'm aware
3 of, and not that I am aware of at any other time, but I
4 don't have personal knowledge of the history before me.

5 MR. SMED: Please take a look at that letter
6 and tell me what that is.

7 (Joint Exhibit No. 160 was marked for
8 identification.)

9 THE WITNESS: Sure. Okay.

10 BY MR. SMED:

11 Q. Can you tell me what that is, generally?

12 A. This seems to be a document that I generated on
13 June 14, 2018, to Mr. Ray Marsh who was the
14 representative of the building department, I believe,
15 for the City of Apopka. It is a letter to Mr. Marsh
16 subsequent to my meeting with Ass Monkey regarding what
17 was believed to be an agreement in kind to accommodate
18 some of the concerns of the architecture review board
19 and the board of directors of the association.

20 Q. It says "Our meeting was amicable." Was this a
21 second meeting? Do you recall a meeting that occurred
22 on or about June 12, 2018?

23 A. You'll have to tell me more because I can't
24 recall that meeting.

25 Q. If you look below the bullet points on the

1 first page --

2 A. Yes.

3 Q. -- it says the meeting was amicable with the
4 owner, the owner's contractor, and I.

5 A. Right.

6 Q. Do you recall if that's referring to early June
7 or sometime in May or --

8 A. That was referring to when I -- my
9 interpretation, my understanding is because it alludes
10 to the owner and the owner's contractor, the only time I
11 was with them together, the only time was at the meeting
12 I had at hangar 28.

13 Q. Were you writing this letter to attempt to
14 interfere with Ass Monkey's permitting process with the
15 city?

16 A. No. It would not interfere.

17 Q. Have you written many pieces of correspondence
18 on different projects to the city or Mr. Marsh?

19 A. In all my time on the board in architectural
20 review, there didn't ever seem to be a need except for
21 this.

22 Q. And what was the exact need, per se?

23 A. Well, the need is because of the conflicts,
24 that he moved forward without approval, because of the
25 noncompliance issues with the ARB guidelines, and that

1 may be different than what the city required. It
2 warranted some communication.

3 Q. So any issues regarding a conflict between the
4 ARB and the city doesn't necessarily involve Ass Monkey
5 per se, does it?

6 A. I'm not sure I understand the question.

7 Q. Well, if there's a conflict between the
8 distance and setbacks, I think you're trying to resolve
9 them or remedy it in some way, apparently, in this
10 letter or over time.

11 But what the city does in their code and the
12 ARB code, in conflict, that doesn't necessarily involve
13 a decision by Mr. Albrecht for his business?

14 A. Okay.

15 Q. My question was, does that -- does that involve
16 Ass Monkey, the fact that the city code has five foot
17 and the ARB has three feet? That would be a different
18 issue than just 27 and 28; correct?

19 A. I'm really don't understand what you're -- what
20 you're getting at.

21 Q. Is there a conflict between setbacks between
22 the City of Apopka and the ARB?

23 A. At this time, for this particular issue, there
24 was.

25 Q. Did the city --

1 A. Well, the issue was he had a -- he was -- it's
2 noted that there's distinctions between the city
3 permitting requirements and the ARB guidelines. It's
4 very clear. I pointed it out many times.

5 And there was -- they proceeded prior to
6 getting approval. So there was not due diligence done
7 on behalf of the owner to be able to ensure that he met
8 the architectural guidelines.

9 Q. Do you know if you responded to Ass Monkey
10 prior to writing this letter to Mr. Ray Marsh?

11 A. Responded? Wasn't that the previous exchange
12 that we had here? That was the 12th.

13 MR. SMED: Let me mark my next one.

14 (Joint Exhibit No. 161 was marked for
15 identification.)

16 BY MR. SMED:

17 Q. So this is dated --

18 A. So I think these were back to back, but what's
19 the question then?

20 Q. The question was, did you contact Mr. Marsh
21 prior to writing Ass Monkey? And it appears that the
22 date of the first letter was June 14th, 2018, and this
23 is 16 June 2018.

24 A. This, Ass Monkey and myself had exchanges and
25 meetings, and by this document you've presented to me,

1 we were clear that we were discussing the issues.

2 Then subsequent to that, I noted and wrote to
3 Mr. Ray Marsh, probably in tandem to Ass Monkey, but I
4 probably didn't get this out until June 16th, to be
5 clear. And I probably -- whether it's timing or some
6 strategy back then, I don't know, but I was clearly
7 discussing these issues with Ass Monkey prior to that,
8 from this document here.

9 And I think this -- go ahead.

10 Q. Go ahead.

11 A. No, no, I was just following up. That was a
12 question that I was anticipating.

13 Q. On page 3 of the letter dated June 16th of 2018
14 to Ass Monkey, where would I find this list of
15 structural and architectural plans that's listed here,
16 one through eight, if I needed them?

17 A. As I mentioned before, we work with individuals
18 that apply for application to be able to evolve and
19 understand information that's maybe not available or not
20 provided to be able to work through it. So in order for
21 us to kind of understand better, I provided a list here
22 of what we felt needed to be completed.

23 So, for example, the materials management plan
24 is clearly on the application form. The waste
25 management form is clearly on the form. The copy of the

1 certificate of builder's risk is clearly in the
2 guidelines.

3 It's obvious that our -- we laid out that
4 "details, illustration, and/or drawings," to be able to
5 understand what they're building for the storm drainage
6 is on there to make sure that it doesn't -- that it
7 complies with the noninterference and undermining of
8 other lots. The details, illustrations for the sump I
9 need is mentioned in the architectural review
10 guidelines. Illustrations, drawings, and buildings that
11 enable an understanding of design/colors, obviously
12 clearly in the architectural guidelines.

13 And you have to understand what the building
14 looks like and how the footprint is of the architectural
15 elevation drawings to make sure it meets the setback
16 requirements and it meets the elevation standards and
17 the pitch, which is all in the architectural guidelines.

18 So to answer your question, it's my assessment
19 that all of these bullet items are required by the
20 architecture guidelines and stated accordingly.

21 Q. Prior to this, do you know if he was ever -- if
22 Ass Monkey was ever provided with a list of documents to
23 submit that differed from this?

24 A. You'll have to ask him. Not to my knowledge.
25 That he -- I had no involvement at that time, but once

1 again --

2 Q. What do you mean you had no involvement? You
3 wrote him this letter.

4 A. Before this, meaning -- I'm not sure I
5 understand.

6 Q. I meant after -- I think I mean after you had
7 your first meeting with him and there were certain
8 issues, you were -- David Larson came. You had five
9 e-mails, but nobody got any plans.

10 Was a list or something like that to clarify
11 provided to Ass Monkey so they would know exactly?

12 A. Yes, I mentioned to you the architecture
13 guidelines. It specifies all those things.

14 Q. But do they specify drawings or --

15 A. These are -- there's a management plan, a waste
16 plan, and it talks about all of the drawings that need
17 to -- architecture guidelines for building setbacks,
18 interface. They have to depict that, the interior,
19 exterior drainage, building height, pitch of roof,
20 color.

21 We can go in here and look and find the sump
22 details that are required to see if -- to determine what
23 the sump is, the sump container, storm drain runoff.

24 Q. But does it say that you have to provide plans?

25 A. You have to provide the plans. Otherwise, how

1 can you have an application?

2 And it's clear on the architecture guidelines
3 that, upon completion, submit a copy of the ARB form to
4 include applicable drawings in an electronic format.

5 Q. Do you know if -- taking you back, way back a
6 little bit to 2012. Do you know if the 2012 version
7 required all of these specified items?

8 A. In my opinion from when I built it and the
9 original documents from what was provided is a basis to
10 be able to provide all of the drawings and illustrations
11 so that the -- they can review and concur that, yes,
12 those are required. How other would you be able to show
13 that unless there was an affidavit? And I don't know
14 that they were looking for an affidavit. They were
15 looking for the plans.

16 (Joint Exhibit No. 162 was marked for
17 identification.)

18 THE WITNESS: Okay.

19 BY MR. SMED:

20 Q. Could you tell me what that is, please?

21 A. It's the Orlando Apopka Airport Association
22 board of directors meeting minutes dated July 10th,
23 2018.

24 Q. And do you see -- if I could direct you to page
25 2, it's under the architectural review section starting

1 on the first page, but directing your attention to the
2 second page where there's a bullet, "Discussion: Lot
3 27/28." Could you please read the next, that bullet?

4 A. "SMC to work with Joel on drafting letter to
5 lot owner."

6 Q. If you could read the paragraph prior to that?

7 A. "Joel on phone. Owner is looking for
8 preliminary approval of elevation and floor plan.
9 Discussed amendment previously passed by declarant to
10 allow access blocked by backflow. Board is in favor of
11 conceptually approving elevation with single roof."

12 Q. And what would be a single roof?

13 A. In context of this particular item?

14 Q. Yes, just generally defining a single roof, and
15 then -- and then in this particular case.

16 A. We talked about that earlier. One building
17 with a particular identified pitch and a peak.

18 Q. Could it have more than one pitch?

19 A. In context of the architectural review and the
20 guidelines, no.

21 Q. And then you said previously the action item on
22 Lot 27/28, "SMC to work with Joel on drafting a letter
23 to the lot owner."

24 A. Right.

25 Q. Did you do that?

1 A. I don't know what SMC is.

2 Q. Specialty Management Company?

3 A. Oh. Now, in context, I think that this is -- I
4 believe what this is, is what I discussed earlier, the
5 sequence whereby they were presenting drawings that
6 inferred that there was an elevation with a single roof,
7 which I term as the faux elevation. And I think that's
8 what this is.

9 So the initial appearance suggested that they
10 may have been compliant with one roof at a single pitch,
11 but in further review, I drafted a letter that tried to
12 clarify what we understood to Ass Monkey and why we felt
13 it was noncompliant.

14 (Joint Exhibit No. 163 was marked for
15 identification.)

16 THE WITNESS: Okay.

17 BY MR. SMED:

18 Q. I was going to tell you it's in reverse
19 chronology.

20 A. Yes, I just noticed that. This is subsequent
21 to the last exhibit. This is earlier than this last
22 exhibit that we talked about. This is July -- wait,
23 July 16th, subsequent to that -- I'm sorry -- subsequent
24 to the last document.

25 Okay. I remember this.

1 Q. All right. Take a look at two and three.

2 A. Which one?

3 Q. I was just going to say take a look at page 2
4 and page 3. I'm going to start on page 3.

5 A. So this is -- let me see -- July 16th.

6 Q. On the back page that you were just skimming
7 through, is that an e-mail to you from Matt Jordan?

8 A. Yes.

9 Q. And was he following up on whether to write a
10 letter to Ass Monkey or not?

11 A. Right.

12 Q. I'm sorry. Per the board's action item?

13 A. Right.

14 Q. And Matt Jordan, on the second page at the top,
15 he's basically checking up on the same thing, just
16 following up to see if the letter should be sent?

17 A. Okay. What's the question?

18 Q. And then on page 1, it appears to be an e-mail
19 dated Monday, July 16th, from Mr. James Heekin to you,
20 which is two paragraphs. And on the second paragraph it
21 says "I don't believe further communication from you,"
22 meaning to you, Mr. Kagan, "on the topic is needed at
23 this point. I am copying Greg Kelsoe on this
24 correspondence in the event his recollection of the
25 board's actions on the matter differs from mine."

1 My question is, do you know how Mr. Heekin came
2 to the conclusion that no further communications were
3 warranted at that time from you?

4 MR. VAN ALSTYNE: Object to form.

5 MR. SMED: You can answer.

6 THE WITNESS: So, as stated before about the
7 sequence of events here, when it was presented by
8 David Larson at this meeting, conceptually, the
9 board and Jim Heekin, representative, I guess had a
10 discussion. I believe I was on the phone, but I
11 wasn't sure, at this meeting.

12 They were talking about the front being one
13 hangar, if you would look at it. They presented a
14 drawing and said it's one hangar, one roof, and
15 would that be acceptable.

16 Mr. Heekin said that would be acceptable, and
17 because of the -- now the two buildings together,
18 because of the setbacks, they would potentially
19 mitigate that larger setback with some landscaping
20 or something like that is kind of what he was
21 alluding to.

22 In reality, as the drawings were reviewed, it
23 was clear that it wasn't one building. They didn't
24 change the pitch, they didn't change the roof. They
25 were having the faux elevation there and everything

1 was the same in the back, and that wasn't
2 acceptable.

3 So that's kind of how the exchanges evolved,
4 and you're seeing that over time until I wrote the
5 letter of noncompliance and what we understood that
6 they were presenting.

7 BY MR. SMED:

8 Q. The letter that had the list of items including
9 drawings that said numbers one through eight, do you --
10 when you were with the ARB, did you send that type of
11 list to any unit owner that was seeking approval?

12 A. I'm sure I -- whether or not in that list, at
13 times in my letters to other owners, there were
14 definitely responses to them to -- probably more
15 independent, to provide the sump or provide this drawing
16 or provide further clarification. So I did that on a
17 routine basis.

18 Q. When Mr. Heekin basically told you not to write
19 the letter, in your experience or knowledge with the
20 board, would one board member make that decision or
21 would that be the board working in consort?

22 A. Where did he say --

23 Q. On the second -- the second paragraph there,
24 the two-liner.

25 A. "I don't believe further communication from you

1 on the topic is needed at this point. I'm copying Greg
2 Kelsoe on this correspondence in the event his
3 recollection of the board's actions on the matter
4 differs from mine."

5 Okay. And the question is, is that protocol?

6 Q. Yes, protocol. It seems like he unilaterally
7 decided not to send the letter for whatever reason,
8 maybe previously in your testimony? And I'm wondering
9 if that is appropriate protocol or would he usually sit
10 down with the board and that decision would be made
11 after it's an action item on the minutes?

12 A. From what I assess here is that based upon
13 their understanding of what was presented in the board
14 meeting, that they had a concept design that they
15 discussed with a representative of Ass Monkey, and they
16 made it clear that a full set of plans would be
17 submitted to the ARB before construction could take
18 place.

19 And what I mentioned earlier is at that time,
20 they -- I guess Mr. Heekin, and I'm not speaking for
21 him, but my inference based upon what happened
22 subsequent to that and the understanding of what the
23 real design was from what they were proposing
24 conceptually was not in consort with what Mr. Heekin was
25 feeling from his knowledge. And we subsequently

1 clarified that and also documented in the letter that I
2 clarified to Ass Monkey and the board about the design.

3 So at the time, he was suggesting no further
4 communication. Whether that was a standard protocol or
5 not, I'm not sure that I -- that I know that it's a
6 standard or not from previous history of my involvement
7 with the board.

8 Q. When you were on the board, did you ever have
9 an action item that you simply didn't take action on or
10 decided it was unnecessary prior to re-discussing it
11 with the board?

12 A. In general, I don't recall.

13 (Joint Exhibit No. 164 was marked for
14 identification.)

15 THE WITNESS: Okay.

16 BY MR. SMED:

17 Q. This is a letter to Ass Monkey from Brett
18 Jordan -- Matt Jordan at -- he calls it Great
19 Communities, but Specialty Management Company?

20 A. Correct.

21 Q. And looking down where it states before the
22 bullet points, "minimum insurance limits for the general
23 contractor shall be as follows: Commercial general
24 liability, 1 million each occurrence; automobile
25 liability (any, hired, non-owned), 1 million; workers'

1 compensation (as applicable), 1 million each accident."

2 Is commercial general liability in the ARB
3 guidelines?

4 A. I'd have to look at it, but they're state
5 requirements, federal -- State of Florida requirements.

6 What we did do is -- in spite of that, as we
7 spoke earlier, one of the revisions clarified that, and
8 I think that that's why Mr. Matt Jordan is referring to
9 him on that because it was at the time revised or about
10 to be revised, as I remember, just to clarify.

11 Q. Was it revised to have automobile liability in
12 \$1 million and workers' compensation in \$1 million?

13 A. I infer that it is, but I'd have to check.

14 Q. If these guidelines were revised or amended
15 while a project was already proceeding, would the new
16 guidelines be applicable to someone in the process of
17 their project, a unit owner?

18 A. These weren't new guidelines to my
19 understanding with the history. It was a clarification
20 of what needed to be done under the state guidelines,
21 statutes, and I'm bringing it to the attention of what
22 the obligations were of the applicants.

23 Q. So we're talking about state regulations and
24 city regulations, so I'm trying --

25 A. This is about the --

1 Q. Insurance?

2 A. -- insurance for the contractors, and that's
3 what this is applicable to.

4 Q. But --

5 A. The people coming on the property and working,
6 they have to know.

7 Q. Are you aware if Ass Monkey or Lawrence
8 Albrecht is a general contractor, a licensed general
9 contractor?

10 A. I have never been provided anything that
11 suggests -- to my recollection, there was no
12 notification what his management plan was, no
13 notification of any insurance, no notification of any
14 liability, no notification of any ACCORD certificate
15 that was provided to us naming the association. There
16 was no real engagement with us much at all.

17 Q. And I'm not -- you might have answered this
18 question, but it wasn't clear to me.

19 So if a unit owner is building and the
20 insurance requirements change during the course of that
21 project that's been initiated, not necessarily just
22 these types of insurance --

23 A. Sure.

24 Q. -- but any change, such as builder's
25 insurance --

1 A. I think I know where you're going. Well, there
2 was a change, and I don't know if it occurred during the
3 course of his -- his situation.

4 But builder's risk, as I mentioned before, my
5 recollection is it did change and the requirements of
6 the amount of builder's risk was reduced. So if
7 somebody was building during that time and had, say,
8 half a million dollars, and it was a quarter-million
9 dollars, they would certainly have the availability to
10 reduce their amount so that it reduces their premium, if
11 that answers your question.

12 Q. Yes, it does. Thank you.

13 (Joint Exhibit No. 165 was marked for
14 identification.)

15 BY MR. SMED:

16 Q. Do you recall seeing this document?

17 A. I remember the document. I don't know that I
18 actually saw it, but I know about it.

19 Now, what date is this? October 31, 2018.

20 Okay.

21 I remember about this. I don't know if I
22 actually saw it though, but I remember.

23 Q. And on the second page, isn't it true that it
24 appears that the attorney told him that he's violating a
25 ten-foot side setback requirement?

1 A. Did we see that before? Where is that at?

2 Q. That was in the first letter.

3 A. Before this, the first page?

4 Q. No, no, no, the first --

5 A. Yes, the first letter, and I pointed out that
6 may have been -- here it is again. It says: Appears to
7 violate the ten-foot side setback requirements in place
8 for the condominium as set forth in the land use plan
9 approved by the City of Apopka. Okay. I see that.

10 Q. And that is not correct, the ten-foot side
11 setbacks requirements?

12 A. Well, "In addition, the proposed path of
13 construction appears to violate the ten-foot side
14 setback requirements in place for the condominium." I
15 really don't know what she might be referring to, if
16 it's a setback for the building or she had some
17 knowledge of other things that have to do with
18 construction path. So I couldn't tell you if this is in
19 error, alluding to something different, or it's a typo,
20 but it seems to be alluding to a proposed path of
21 construction.

22 Q. And this letter, if you look at the very last
23 line on the second page, it was carbon copied to the
24 City of Apopka building division, attention Ray Marsh.

25 A. Yes.

1 Q. Did you ever discuss this letter with Mr. Marsh
2 or anyone at the city?

3 A. No, I didn't.

4 (Joint Exhibit No. 166 was marked for
5 identification.)

6 THE WITNESS: Are these all one document?

7 BY MR. SMED:

8 Q. I believe it's an e-mail chain.

9 A. I recall a lot of this.

10 Q. You don't have to read the whole thing.

11 A. Well, I want to make sure I answer you as
12 honestly and forthright as possible.

13 Q. Thank you.

14 On the second page, on November 1, 2018, at
15 12:46 p.m., it appears that you wrote an e-mail to Matt
16 Jordan at Specialty Management, and in paragraph -- it
17 says "Hello Matt. Two items: It's important that we
18 receive a response from SM regarding my inquiry below."
19 And two, "Believe it's easier for you to get me than it
20 is vice versa. If you can connect with me, I'd
21 appreciate it. I'd like to understand in detail who you
22 spoke with at the city, and the details so we can
23 piggyback with the following onto that conversation."

24 Did he respond and do you know the substance of
25 who he talked to and the substance of that conversation?

1 A. I don't. He talks to the city and he has
2 contacts there on, I guess, courtesy discussions with
3 the airport, as well as probably specific items like
4 this that come up.

5 And I'm just trying to remember what this was
6 about because it was in November, but we were probably
7 still in the heat of battle with trying to get
8 information from the city. We had -- from Ass Monkey.
9 We still had no plans that were subsequent to the
10 concept provision drawings that he provided, as Matt
11 Jordan outlined in another exhibit you presented.

12 I wanted to get a copy of the permitted plans.
13 We've had piecemeal information. We had no real
14 confidence in what we were getting or not getting. And
15 so when Matt went there, my issue was to understand more
16 about what Ass Monkey is doing, who was the contractor
17 of record, what was in the permit plans.

18 Can you get a set of the permit plans so we
19 know what he says he's going to build to the city? And
20 also to discuss the -- what they propose is a five-foot
21 setback on the sides instead of what -- why -- what's
22 the requirements for that?

23 So it was just to understand more if Matt
24 discussed any of that or how we could obtain this
25 further information because Ass Monkey was not

1 forthcoming.

2 Q. Just on here in bold it said "myself," "ARB,
3 myself." Were you -- do you view yourself -- did you
4 view yourself as the quote, unquote --

5 A. As the chairman. As the chairman. There was
6 adjunct people that I always confer with on the board
7 that weren't officers.

8 Q. So when you wrote that --

9 A. I don't know this that was bold or why it's
10 bold, if that's a copy or the original.

11 Q. But really, was it yourself because you were
12 the chairman and there's --

13 A. I'm saying here the architectural review board,
14 me, sent a letter to the city on behalf of the
15 architectural review board, which was the letter you
16 showed me earlier to Ray Marsh.

17 Is there something I'm missing in your
18 question?

19 Q. No, no. Thank you.

20 (Joint Exhibit No. 167 was marked for
21 identification.)

22 THE WITNESS: Okay.

23 BY MR. SMED:

24 Q. What is this, please? Is it an e-mail?

25 A. Sorry. It's an e-mail, November 5, 2018, from

1 myself to a number of the members, not all; a few of the
2 members of the board of directors at that time.

3 Q. In the second paragraph you made a
4 recommendation to obtain, I guess, "drawings submitted
5 to the City of Apopka back in February for permitting
6 and meet with Ray Marsh to clarify the design/build
7 intent."

8 A. Yes.

9 Q. Did you meet with Mr. Marsh on that issue?

10 A. I did not meet with Mr. Marsh subsequent to
11 this on that issue on a one-to-one basis, no.

12 Q. Did you meet with Mr. Marsh at a board meeting
13 or other meeting?

14 A. We met at a collective -- we met with the city
15 to not -- to work out how we could better work together
16 later on, subsequent to the Ass Monkey issues, to
17 clarify requirements between the city, to see if we
18 could better coordinate permitting and architectural
19 review, if there was a better way to do things.

20 So after this, I did not meet with him
21 personally. He was not -- if I remember, not open to
22 really meeting in that way, more of a collective team to
23 meet.

24 Q. But aren't you referring to clarifying the
25 design/build intent of Ass Monkey? Wasn't that the --

1 A. I didn't have drawings that I felt represented
2 what he was trying to do and I didn't know what the city
3 had. So I wanted to get a copy of what the city might
4 have and to see -- and coordinate with what I had with
5 respect to what the city had. That was my intent.

6 Q. How did the city respond to that request?

7 A. Submit an application for the documents.

8 (Joint Exhibit No. 168 was marked for
9 identification.)

10 BY MR. SMED:

11 Q. Can you tell me what this is, please?

12 A. This appears to be the attachment to the
13 previous exhibit, 167. That would have been attached to
14 this e-mail.

15 Q. Can I see that really quickly, that last one?
16 Thank you.

17 So looking at page 2, in the first paragraph
18 there was -- on October -- it states on "October 2,
19 2018, board meeting, the ARB provided a status report
20 which included lot 27/28. The report summarized history
21 and noted the updated letter dated 1, August, 2018 went
22 out to the owner. The ARB advised to date there has
23 been no formal application submitted and the owner
24 intent was not clear."

25 So in reading your review, as of October 2nd,

1 there simply was not any application submitted to the
2 ARB board?

3 A. Subsequent documents presented to me on these
4 exhibits, it was clear that we were repeatedly
5 requesting to understand what the design was and the
6 intent. The design was evolving from -- he started
7 construction. We had an agreement and an understanding,
8 the concept of a breezeway may be acceptable.

9 It changed from there to a concept which he
10 provided with a single pitch, and which was not actually
11 what was observed as the concept; that it was behind
12 there was two buildings, but not a single building.

13 The evolution, no management plan, no
14 contractor information, no insurance information,
15 varying drawings were being presented. We asked for a
16 full set. We asked for the management plans so we could
17 understand.

18 It was quite a number of months since -- it's
19 November now -- when I first got involved and I wanted
20 to come and lay out what I felt the chronology of items
21 were so I could understand it myself.

22 And the paragraph that you are pointing out
23 advised that there was no formal application, kind of
24 summarized our understanding to date that we still
25 haven't had the cooperation of the defendant.

1 Q. Now, you requested or ordered plans from the
2 city. Did you receive them?

3 A. They were said to be lost.

4 Q. Said to be lost?

5 A. I have an e-mail from them stating that they
6 were lost.

7 However, subsequent to that, they did provide,
8 which were three drawings, as I remember, which to me
9 were a set of three drawings, as I remember, and I can't
10 remember if they were architectural or structural, but
11 there were only three drawings that they provided to me
12 that were obviously not a full set of drawings that the
13 city could make any type of assessment for permitting
14 purposes. However, they probably had it, but may have
15 lost it. But what I got was not anything different than
16 what I saw.

17 Q. Wouldn't it be in the permitting box that he
18 had on the property?

19 A. We're not allowed to go into the permitting
20 box.

21 Q. Did you ask him to go into the permit box?

22 A. Who?

23 Q. Ray Marsh.

24 A. Oh, no. I actually went into the permitting box
25 earlier and was advised that I wasn't supposed to go

1 into there, so I did not go into there again. And I'm a
2 general contractor and I was not aware of that.

3 Q. Would -- how would you characterize the city's
4 code enforcement at the OAA?

5 A. I think some others are better to answer that
6 that are more directly involved with it. I really don't
7 get involved with it. I hear that they --

8 Q. Who would those individuals be?

9 A. Well, I don't think there's any one specific
10 because, you know, we're volunteers. The membership is
11 volunteers. So how the city does the code enforcement,
12 I don't really know.

13 Q. But it seems like you work hand-in-hand with
14 them?

15 A. There's two different things you're talking
16 about, in my opinion. One is permitting, which is
17 totally different and distinct from code enforcement.
18 So code enforcement is they can drive by and they can
19 observe things. They can ask for something if they
20 don't think it's correct. So that's not anything I
21 really deal with.

22 Q. Well then, as you mentioned, what about
23 permitting?

24 A. Well, permitting is different than code
25 enforcement. Compliance with the permitting

1 requirements is a code, but enforcement of the code is
2 subsequent to, in my opinion, of something being built
3 and already in place and occupied.

4 Q. Well, my client was -- you know, he had a
5 permit and he was trying to work through that process
6 and inspections to work for his -- his CO, but
7 apparently, the permitting of the -- excuse me.

8 Isn't it true that there were conflicts between
9 the ARB's guidelines and the city that were causing
10 problems in dealing with 27 and 28?

11 MR. VAN ALSTYNE: Object to form.

12 THE WITNESS: I think that that's an
13 understatement.

14 BY MR. SMED:

15 Q. So there's huge conflicts between the -- or
16 substantial conflicts between the city and --

17 A. No. Huge conflicts between the ARB guidelines
18 and what he was building without approval, without
19 compliance.

20 (Joint Exhibit No. 169 was marked for
21 identification.)

22 BY MR. SMED:

23 Q. Tell me what this is, please.

24 A. Okay. It's another board of directors meeting
25 minutes dated November 6, 2018. Okay.

1 Q. On the first page at the bottom in the
2 architectural review section, second bullet point --

3 A. Discussion, 27 and 28?

4 Q. Correct. It says "Joel reported on discussion
5 with City of Apopka building department and letter to
6 city presented to the board."

7 Who did you speak with at the city?

8 A. This would have been the phone call with Ray
9 Marsh, as I recall, subsequent to some of the other
10 documents that we discussed.

11 Q. And what was the substance of that telephone
12 call?

13 A. I think just giving an update where we were
14 making no headway with respect to Ass Monkey, and the
15 items here, "discussed update from attorney and letter
16 from attorney to lot owner." I guess I would have
17 mentioned that we asked him -- that he was asked to
18 stop, demand to stop.

19 "Discussed legal representation and potential
20 costs," and that, you know, we were incurring probably
21 potential legal litigation going forward if something
22 doesn't get resolved, is my recollection.

23 And "discussed injunction proceeding process"
24 and that was -- if that was something happening, and I
25 don't know if that was me discussing that or somebody

1 else. I guess it was me, but I don't know.

2 Q. What was Ray Marsh's response to you?

3 A. Well, if I can summarize that, in short, he
4 says we're not involved in any of that is pretty much
5 what his response was, in summary. I don't remember all
6 the little details, but that's pretty much what I got of
7 the gist of the conversation.

8 Q. And then on the second page of three, an action
9 item for 27, 28, the last one in that section, it says
10 "Joel to talk with Asima on plan to meet with lot
11 owner."

12 A. Okay.

13 Q. Did you ever have that meeting with Ass Monkey?

14 A. He didn't show up.

15 Q. So this was 11/6/2018.

16 A. Right. And I made plans with Ass Monkey to
17 meet and -- plans to meet with the lot owner. I had a
18 plan to meet with Ass Monkey, and it was to meet at the
19 FBO, and I believe that was the time that they are
20 referring to here, if my timeline is correct. I don't
21 know that I had any other plans to meet with Ass Monkey
22 except for that one plan, but he didn't show up.

23 Q. And do you recall the date of the meeting that
24 he didn't -- that he failed to show for?

25 A. It's documented here. I'm not sure of the

1 date. We have some texts back and forth or a summary.
2 I think one of these showed when that was.

3 This was three years ago. I apologize.
4 There's a lot of information here that I didn't recall
5 for years. I can find that out pretty easily.

6 (Joint Exhibit No. 170 was marked for
7 identification.)

8 THE WITNESS: Didn't we see this already? I
9 know what it is.

10 BY MR. SMED:

11 Q. It's some cut and paste, I think.

12 A. Yes.

13 Q. It's not the same.

14 A. Right, right. It's just a summary to Ray.
15 Okay.

16 Q. So is this the memorandum to the City of Apopka
17 building and planning, Mr. Ray Marsh?

18 A. Yes, now that I recall. The reason I may have
19 written this is because he may have asked me for some of
20 the issues that were specific to what they would be
21 permitting, as I recall, the main issue that I was
22 concerned with, rather than the whole laundry list of
23 everything that might not be compliant with the ARB
24 guidelines. So I think that's why I sent this, on his
25 request.

1 Q. You say in paragraph two at the bottom,
2 "Structural design and engineering: The plans that were
3 made available to the ARB have evolved, and incomplete,
4 although all raise questions regarding the manner in
5 which two separate buildings are joined, engineered, and
6 structural compliant both internally and externally."

7 Isn't the structural issue related to that
8 really the purview of the city as opposed to the ARB?

9 A. As the ARB chairman and a volunteer, it's my
10 obligation to review as much as I can and observe as
11 much as I can with respect to the safety, the cosmetic,
12 the architectural, and the operational plans that are
13 underway and submitted.

14 My observations at that time gave me grave
15 concern from a structural standpoint of -- from an
16 architectural review guideline standpoint, it was
17 non-compliant because of many things, including the
18 setbacks.

19 From a structural standpoint, in reviewing what
20 I saw, the design, if they allowed it -- if we allowed
21 it to go forward, it did not have any engineering
22 drawings, structural plans, design details of how these
23 buildings were going to be attached, how they would be
24 engineering compliant, how they would meet the
25 requirements of the windloading.

1 But that wasn't even a concern because we --
2 they should have been a part, but he was moving forward
3 and applying these and having work going on absent of
4 any of the issues associated with the project, the
5 association, and the development.

6 Q. Were you advised by Mr. Marsh or anybody at the
7 city that prior to them issuing the CO, that a
8 structural engineer would be evaluating the project?

9 A. No, not prior to.

10 What was the question, prior to or what are you
11 asking?

12 Q. I asked whether anyone at the city, Ray Marsh
13 or otherwise, advised you that a structural engineer
14 would be going to 27 and 28 to conduct an evaluation?

15 A. I would expect that they would have somebody.
16 There may have been some discussions about that in
17 passing. However, I don't know what transpired,
18 honestly. I wasn't in consort with all of the
19 inspections, what they did, and nobody reported to me on
20 what was found or not found or any conclusions that they
21 made. We were pretty much separate.

22 (Joint Exhibit No. 171 was marked for
23 identification.)

24 THE WITNESS: My main issue was the
25 noncompliance issues, but it's to observe and note

1 the observations that I was concerned with, was what
2 Ray Marsh was soliciting from me, as well as my
3 voluntary information.

4 BY MR. SMED:

5 Q. Could you please tell me what this is? It
6 looks like an e-mail, and I think at the top it may have
7 been forwarded on by Mr. Van Alstyne.

8 A. Okay. I remember this.

9 Q. Who are Tom Adams, I guess, and Karen Dakel?

10 A. These are engineers, architects -- architects,
11 I believe, that have provided other drawings for other
12 owners to the city for the lot owners at the airport.

13 In preparation for my meeting with Ass Monkey
14 that he didn't show up to, what I did was tried to come
15 to a proposal and a solution that would be amicable to
16 both of us, the ARB and the board, that I could present
17 to the board after presenting to Ass Monkey.

18 What that was was a -- because we knew that he
19 had a facade, and so I solicited the help of Mr. Adams
20 to help me quickly design what he would think might be a
21 solution to be able to generate a single pitch roof. So
22 we had drawn -- I had drawn and I had with me a sketch
23 that would show how he could revise the roofline to
24 compile it -- combine it and make it one, along with the
25 faux front that he had.

1 So that way it would be one building, complete,
2 with a roof of all the same pitch and one roof that
3 matches the elevation that he proposed, although the
4 setback would still be different because it would be
5 much further. Jim Heekin earlier proposed we could live
6 with that by putting in some landscape and plants and
7 things like that.

8 So that's kind of what Tom Adams -- I forget
9 the name of his company, honestly.

10 Q. Do you know if you ever provided a copy of that
11 sketch or those drawings to Ass Monkey?

12 A. He never showed up. He never saw them.

13 Q. Do you know if they've been produced during the
14 course of this litigation?

15 A. What do you mean, produced during the course of
16 the litigation?

17 Q. Provided over to the other side, to the
18 defendant?

19 A. I'm not sure. I'm not sure if they came up, if
20 it was relevant or not. It was -- it really wasn't
21 distributed. It was just my drawing.

22 Q. Did you ever present those drawings to the
23 board?

24 A. Not to the board. I may have noted or shown
25 them to individuals, but I can't remember.

1 MR. VAN ALSTYNE: Do you want the Bates number
2 for them or was that a rhetorical question?

3 THE WITNESS: What's that? I'm sorry.

4 MR. SMED: Now I just got lost.

5 MR. VAN ALSTYNE: Do you want -- you asked him
6 for the drawings. Do you want the Bates number for
7 those drawings?

8 MR. SMED: That would be great.

9 MR. VAN ALSTYNE: Okay. OAAA240. And it's
10 one, two, three pages. I didn't print it out.

11 THE WITNESS: I'm going to take a quick break.
12 Is that all right?

13 MR. SMED: Absolutely.

14 MR. VAN ALSTYNE: Sorry. It starts at 239.

15 (Brief recess.)

16 BY MR. SMED:

17 Q. You mentioned a meeting where Ass Monkey never
18 showed. How was that meeting coordinated?

19 A. My recollection is me directly with him.

20 Q. Via e-mail?

21 A. Yeah, and texting and -- and I think even -- I
22 think I may allude to it in the exchanges we have in one
23 of these. I'm not sure if that included it or not, the
24 texting back and forth to him and I. That may have
25 included something there, but I'm not sure.

1 But it was pretty clear. He acknowledged it,
2 was aware of it, and failed to come. I wouldn't have
3 sat there at the FBO.

4 Q. Did he do that in writing, that he would come?

5 A. My recollection, yes.

6 Q. Are you able to send your texts? Are you able
7 to retrieve those texts? I don't believe they've been
8 produced.

9 A. Well --

10 MR. VAN ALSTYNE: We don't have them, too.

11 THE WITNESS: I don't know if it was an e-mail
12 or text or what, but specifically, we set up a
13 meeting. I can't recall if it was in e-mail, it was
14 verbal or if it was something else, but I
15 remember --

16 BY MR. SMED:

17 Q. Most of your communications were in writing was
18 my understanding. Did you follow up with him after the
19 meeting?

20 A. I followed up with the board at that time. I
21 think it was so far along, and it was obvious to me that
22 there was no cooperation on the other side. I didn't
23 see any reason to, as my recollection.

24 MR. SMED: Do you know if those documents were
25 produced?

1 MR. VAN ALSTYNE: What?

2 MR. SMED: Him setting up this meeting.

3 MR. VAN ALSTYNE: No. We just looked at his
4 phone. His phone ends with the same text that ends
5 here, I think; right?

6 THE WITNESS: I believe so. I have to review
7 them.

8 MR. VAN ALSTYNE: I don't know if there's a
9 phone call.

10 MR. SMED: Please check your e-mail, maybe
11 subsequent to the depo, and --

12 THE WITNESS: Sure.

13 MR. VAN ALSTYNE: -- let Mr. Van Alstyne know.

14 THE WITNESS: And I wish I -- what's the date?
15 We'll just look again. If we have a minute, I'll
16 just see.

17 MR. SMED: Take your time.

18 THE WITNESS: My last text to him -- my last
19 text to him was 1:23 on November 16th is my last
20 text. His last text to me was 1:41 on the same
21 date.

22 Actually, is this one on here? Yeah, this is
23 on here. Cruise tomorrow, Thanksgiving. How does
24 Tuesday the 27th or after that work for you? Have a
25 nice holiday.

1 Hello, back from Spain. I am leaving for the
2 week-long family cruise tomorrow for Thanksgiving.
3 How does Tuesday the 27th or after that work for
4 you?

5 I can be reached via phone anytime. Not sure
6 at this time if I will be in Florida at the time.

7 So he was proposing Tuesday the 27th. We
8 probably talked by phone.

9 MR. SMED: Was that of November?

10 THE WITNESS: That was 11/17.

11 BY MR. SMED:

12 Q. 11/17. Thank you.

13 A. So there may have been that. There may have
14 been some conversations because he said he is open to
15 talk. I have -- you know, back then we were trying to
16 work it out, work things out.

17 (Joint Exhibit No. 172 was marked for
18 identification.)

19 BY MR. SMED:

20 Q. Did you ever contact the city and ask or
21 request that they stop inspections on Ass Monkey's job?

22 A. No.

23 That was one that I had that I gave back to
24 you.

25 Q. That was a new one.

1 A. This is a new one. I thought you gave it back
2 to me.

3 Q. Can you tell me what it is? It appears to be a
4 board of directors meeting.

5 A. Yeah, 12/4, December 4, 2018, board of
6 directors meeting minutes. Okay.

7 Q. On the second page in the architectural review
8 section it says "Discussion: 27, 28." On the second
9 item it says "Alternate design discussed." Can you tell
10 me what that -- what was discussed, what design?

11 A. Well, it's possible that I might have mentioned
12 to them about the -- it might have been one or two
13 things. It might have been following up on the concept
14 of the facade that he had or it could have been me
15 talking to them, actually, about what I might have
16 proposed to Ass Monkey as an alternative discussion when
17 he didn't show up. So it could be either one of those
18 two.

19 Q. Who is Doug Bankston, do you know?

20 A. Doug Bankston works for the City of Apopka and
21 he is also a pilot. I think he sits on the board, but I
22 don't know what his position is -- the city commission,
23 I think. "Doug Bankston requested opportunity to review
24 the matter and investigate further."

25 Q. Did you ever get a response from Mr. Bankston?

1 A. I really didn't. I wasn't involved with
2 Mr. Bankston. This would be somebody else discussing
3 it.

4 Sometimes he sat in on the board meetings, and
5 he probably sat in on this one and was maybe interested
6 in what was going on. So I wasn't the one to work with
7 him directly. I did have a few discussions with him
8 personally when I saw him once in a while, but I didn't
9 really talk about that issue.

10 Q. Have you spoken with him since you were no
11 longer on the ARB?

12 A. No.

13 (Joint Exhibit No. 173 was marked for
14 identification.)

15 BY MR. SMED:

16 Q. Will you tell me what this is?

17 A. Don't know yet.

18 It appears to be a document I'm not familiar
19 with. That is from the City of Apopka, and it looks
20 like it's applicable to the permit that was issued to
21 Ass Monkey and has the financial -- the activities
22 involved with respect to inspections, I guess, or
23 activities with respect to the administrative process,
24 and generally some notes that are highlighted here by
25 counsel and other miscellaneous information of the

1 description of the items associated with the property.

2 Q. If I could direct your attention to page 2 in
3 the notes, it's 2/20/19.

4 So am I correct in saying that you were still
5 on ARB?

6 A. I would expect, yes, so it might have been
7 later on in 2019. I would have to research when I asked
8 to be replaced. I don't know that they had a
9 replacement in process real quick.

10 Q. Can you please read that?

11 A. "Per Richard Earp was contacted by Joel Kagan
12 and requested that the building department stop all
13 inspections or work at this lot. Per Ray Marsh this
14 request has been denied."

15 So we talked about this earlier. If I -- if I
16 did that, it might have been accurate, but I have no
17 recollection of that, but I would think it would be a
18 futile request anyway.

19 Q. And on page 3 at the top, there's another note.
20 I believe it's dated 12/5. Can you please read that?

21 A. "Joel Kagan, president," which is an inaccurate
22 statement, "of homeowners association for the airport
23 has requested copies of the plans for this job. The
24 building official Ray Marsh has advised that he is not
25 allowed to remove the plans from the site or take the

1 plans out of the permit box. These are not his plans
2 and the only way we would allow this is if the owner or
3 license holder of the contractor gave them a notarized
4 letter allowing them to do this."

5 I don't remember all the details of this. I
6 remember him telling me that I was -- I remember trying
7 to get the plans from the city, making a formal request,
8 submitting that request, paying a dollar or whatever it
9 was, the amount, and they telling me it was lost and not
10 having plans. I may have got those before this time
11 period. But I did go into the box at one time because I
12 thought I was allowed to, and I don't know what that
13 time period was.

14 But I acknowledged to Mr. Ray Marsh that I did
15 take a look at plans to see what -- what the city was
16 having because I didn't have any. But that's when he
17 advised me that I wasn't allowed to go in there, and
18 that was the first time I knew about that.

19 Q. What did you learn from the plans when you
20 looked at them?

21 A. I don't remember that there was anything that I
22 really learned at that point. I don't know if they had
23 a full set. There is no revelation I can offer to you.

24 Q. How long did you go over the plans at that
25 time?

1 A. Briefly, very briefly.

2 Q. Was anyone with you when you were going over
3 the plans?

4 A. No, no. And it was just open the box, pull
5 them out and look at them. And I was -- I saw that
6 there were things I noticed as a few notes or the
7 inspection sheet, what I thought -- as I remember, the
8 inspection sheet from the city when they started to fill
9 things out, but I don't know any details about it except
10 for that. It seemed to be an inspection sheet.

11 Q. You don't recall what any of that stated?

12 A. No. I learned something from Mr. Marsh.

13 Q. Who is Mr. Bass?

14 A. I don't know. I might know, but it doesn't
15 sound familiar to me.

16 Q. Do you remember sending an e-mail to him on
17 February 23, 2019?

18 A. February 23, 2019? Is he with the city or
19 something?

20 (Joint Exhibit No. 174 was marked for
21 identification.)

22 THE WITNESS: Okay.

23 BY MR. SMED:

24 Q. Now, do you recall who Mr. Bass is?

25 A. I recall writing this. I really don't know

1 him. Pretty much, I may have been referred to him by
2 someone to reach out and see what he says. Okay.

3 Q. So on here, as apparently you just read, you
4 wanted to discuss hangar 27 and 28 in the bullet points
5 on your proposed agenda?

6 A. Right.

7 Q. And did this meeting occur?

8 A. This meeting occurred.

9 Q. And who was present at the meeting?

10 A. A number of people, the board members and
11 particular board members and representatives of the
12 city.

13 Q. Was it a formal board meeting or just --

14 A. Informal meeting.

15 Q. And what was discussed about 27 and 28?

16 A. Well, the intent of the -- the core intent of
17 the meeting was after all of these months dealing with
18 this issue with Ass Monkey, the intent was to try to get
19 some better relationship and communication of the
20 permitting process and the review process of what the
21 ARB guidelines are in the association and what the city
22 does so there's no future conflicts like this.

23 So in response to the 27 and 28, there were
24 core issues that contributed and catalyzed these to the
25 forefront with respect to what some of the conflicts

1 were in terms of noncompliance with ARB guidelines and
2 how we might best communicate and mitigate this in the
3 future. And the core issues were around 27 and 28 in
4 terms of what those brought to the forefront in terms of
5 the communication with the city.

6 Q. Do you know if those conflicts between the city
7 and the airport still exist?

8 A. I haven't been on the board since 2019, but I
9 think we got a good -- a result of the meeting was that
10 the city agreed, prior to issuance of a future permit,
11 they would want a notarized letter from the ARB
12 association that the plans were reviewed and approved
13 prior to them allowing a permit to be issued. That was
14 the agreement that we walked away with.

15 (Joint Exhibit No. 175 was marked for
16 identification.)

17 THE WITNESS: Okay.

18 BY MR. SMED:

19 Q. Can you tell me what this is, please?

20 A. Another board of directors meeting for March
21 7th meeting, 2019.

22 Q. And if you look at page one where it says
23 airport ARB, there's an action item for the
24 architectural review board, and it says "Joel Kagan to
25 send Ray Marsh ARB guidelines and checklist. Letter

1 from board for sign-off on permits."

2 The second one, "Action Item: List to Issue
3 CO: Joel Kagan to send Ray Marsh a list of items they
4 may be able to require prior to issuance of CO."

5 Did you send him any information, documents or
6 a list prior to Ass Monkey's CO being issued?

7 A. I thought we saw this here before to Ray Marsh,
8 this one here. But this is before this, so those were
9 the issues. If I sent another one, I would have to go
10 look to see if I --

11 Q. So this may have been that?

12 A. Yes, yes, but the dates are different, if those
13 dates are right.

14 Q. November 6, 2018.

15 A. And this is March.

16 Q. Of 2019?

17 A. Right. I believe I sent him a letter or notes
18 or e-mail that may have summarized some of the same
19 things from that meeting. I believe so. But this is,
20 right here, consistent with what I mentioned earlier to
21 you about a letter for the board to sign off on permits.

22 He wanted a -- what was the document? Kind of
23 a template, I think, of what would be the documents that
24 the association would have to be able to send to the
25 building department that says we reviewed and approved

1 the plans.

2 Q. Okay.

3 (Joint Exhibit No. 176 was marked for
4 identification.)

5 BY MR. SMED:

6 Q. Is that the letter that you may have been -- or
7 memo you may have been referring to?

8 A. It may have been. It's not addressed. I would
9 have thought I would have addressed it to him.

10 Q. Do you see a date in the lower right-hand
11 corner?

12 A. Yes. So I believe this is probably the
13 follow-up letter, yes.

14 Q. What is the date of this?

15 A. It was probably an attachment. 11, March.
16 Okay.

17 Q. 2019?

18 A. Yes. So this is -- from my belief and
19 recollection is this would be what I sent to him.

20 Q. And this outline that you have here on the
21 March 11th letter memo probably was an attachment to an
22 e-mail. This is specific to Ass Monkey, LLC, lot 27 and
23 28; correct?

24 A. This is specific to Ass Monkey, lot 27 and 28.

25 Q. Did the board approve that letter being sent?

1 A. Not to my recollection, but these are similar
2 with the history of items that I made available to the
3 board and subsequent/previous letters documented to both
4 Ass Monkey and the board; maybe less, maybe more, I'm
5 not sure, but there's been a consistent theme
6 throughout.

7 Q. What's been consistent? I'm sorry.

8 A. Noncompliance issues from the -- pretty much
9 from the issues associated with 2012, previous, before
10 the architectural guidelines, all the way here.

11 No questions on this?

12 Q. No, I just wanted to know that it was directed
13 and sent out.

14 (Joint Exhibit No. 177 was marked for
15 identification.)

16 THE WITNESS: Okay. This is July 2, 2019,
17 meeting minutes from the board of directors of the
18 association -- airport association for Apopka.

19 BY MR. SMED:

20 Q. I think I might have gotten them out of order.
21 Let me see the July 2nd.

22 I'm going to hand you back Defendant's
23 Exhibit 177, and on here there's an architectural review
24 section, and the second bullet point discusses hangar
25 27, 28 legal update.

1 A. Okay.

2 Q. Could you read that, please?

3 A. Doug reported -- who is Doug?

4 Q. Is it Bankston?

5 A. Doug -- I guess, because he's not listed on
6 here. Let me see.

7 Doug reported on lots 27, 28 application for
8 sprinkler -- must have been Doug Bankston because it's
9 talking about the sprinkler system. Application for
10 sprinkler system has been submitted. This is July 2,
11 2019.

12 Dave reminded Doug the city earlier indicated
13 that they would have structural engineering performed
14 prior to issuing CO. Doug to check with the building
15 department. Okay.

16 Q. So there was, in fact, some notice that a
17 structural engineer was going to do an analysis or
18 evaluation of the 27/28 project?

19 A. It appears from this note, from what Dave said
20 to -- in the meeting, but I wasn't in attendance at this
21 meeting and I don't believe I was acting in any capacity
22 at that time for the association. If I was, I didn't
23 attend this meeting that I recall.

24 Subsequent to this deposition, would you like
25 me to notify exactly when I gave notification that I was

1 finished with the ARB? Would that be helpful?

2 Q. That would be greatly appreciated. Thank you
3 for offering. We've sort of narrowed it down going
4 along the path, but thank you.

5 Do you know if Ass Monkey ever provided you
6 with any proof of builder's risk insurance?

7 A. Not to my knowledge. And that is not to say
8 that he might have. I just can't -- I just can't
9 recall.

10 Q. Do you know whether the current ARB or board
11 still considers or does consider the structure on 27 and
12 28 to be unsafe?

13 A. I have no discussion with anybody on that and I
14 don't know that they ever considered it unsafe. There
15 was just unknowns, design drawings, things, that's all.

16 Q. Do you know if the airport -- the OAA, if it
17 has any -- maybe outside of the ARB guidelines, if it
18 has any particular rules that the unit owners are
19 required to comply with?

20 A. I'm not sure I understand what that might be.

21 Q. Let me just --

22 A. I kind of understand what you are asking, but
23 I'm not sure.

24 Q. I'm asking -- what I'm trying to determine is
25 whether guidelines are enforceable or not, and

1 similarly, whether there are rules that are enforceable.
2 I'm trying to determine if a guideline is a rule which
3 would be enforceable.

4 MR. VAN ALSTYNE: Objection to the form of the
5 question.

6 THE WITNESS: I think that it's just not clear
7 to me how I can answer that honestly.

8 BY MR. SMED:

9 Q. Are the architectural guidelines enforceable to
10 your knowledge?

11 A. I would think because we're here, because
12 that's -- they are written and required as guidelines,
13 they should be enforceable.

14 Q. Do you know if the ARB guidelines are a part of
15 the governing documents for the condominium?

16 A. You know, there's a lot of governing documents
17 to the condominium. In my review of when I generated
18 the original architectural guidelines, I literally
19 reviewed all of those documents, and if they were
20 relevant and applicable to the existing guidelines, I
21 would have included those.

22 Q. My question was -- is I just wanted to know if
23 you had an idea as to whether the architectural
24 guidelines were actually part of the governing
25 documents, and I'll limit that to the declaration,

1 articles of incorporation, and bylaws?

2 A. I'm not really familiar with those right now.
3 It's so many years ago that I even looked at those. I
4 really don't know.

5 Q. You didn't review the full-sized plans, I
6 believe you testified.

7 Do you know if Ass Monkey built what was on the
8 full-sized plans?

9 A. No idea. No idea.

10 MR. SMED: Give me one more second. I think
11 I'm almost done.

12 I believe I've completed my time. Thank you
13 very much.

14 (Deposition Exhibit No. 178 was marked for
15 identification.)

16 CROSS-EXAMINATION

17 BY MR. VAN ALSTYNE:

18 Q. So if I refer to the association or the airport
19 from now on, I'm talking about the Orlando Apopka
20 Airport Association, Inc. --

21 A. Yes.

22 Q. -- and the defendant, Ass Monkey, LLC, when I
23 say Monkey.

24 A. Okay. Understood.

25 Q. And when we refer to the architectural review

1 board and the architectural review committee or to the
2 ARB and the ARC, they are -- for your intents and
3 purposes, those are all the same thing; right?

4 A. Correct.

5 Q. Tell me a little bit about you. You're a
6 licensed general contractor --

7 A. Okay.

8 Q. -- is that correct?

9 A. Yes.

10 Q. And what is some of your, I guess, relevant
11 training or experience relating to construction and
12 design and analysis of the issues that we have here?

13 A. I first had my license -- my general contractor
14 license in 1989, and I applied for that and took the
15 test.

16 But my relevant experience leading up to that
17 was a lot of the design and engineering that I did
18 offshore with underwater robotic vehicles and deep
19 diving systems, and it kind of qualified me for being
20 able to qualify for the -- to sit for the test. There
21 was a whole list of things I had to provide for that.

22 But my history with construction is in design
23 engineering over a number of years that evolved. I
24 worked offshore. I worked in the advanced -- advanced
25 systems group with Oceaneering International to design a

1 new type -- different types of equipment for underwater
2 robotic systems. I worked offshore with Southern
3 Platforms in deep-diving systems.

4 I followed up and worked with Universal Studios
5 and Sony Pictures to be able to work in evaluating ride
6 and show systems that have life-safety implications, as
7 well as the facilities that have construction and design
8 applications that interface with facilities and
9 buildings.

10 I worked -- I have a patent for the Assistive
11 Disability System, the ADA system for the ride system at
12 Men in Black in Universal Studios that allows a guest to
13 load and unload onto a ride vehicle at the same time as
14 it takes for any other guest that is nondisabled.

15 I designed a number of -- had designed a LEED
16 Energy Star building in Winter Garden. I designed and
17 built a three-story home in Stuart, Florida, as a
18 three-story octagonal shaped house. I've been involved
19 in engineering at Universal Studios. I worked at the
20 maintenance engineering department as a maintenance
21 engineer at Florida -- Florida Power & Light at the
22 St. Lucie nuclear power plant.

23 Q. All right. So when it comes to analysis of
24 metal buildings that exist at the airport, your
25 experience and your training makes you qualified to

1 analyze those drawings and those designs in order to
2 determine how they are constructed?

3 A. I was responsible for the construction of my
4 building, hangar number three at the Apopka airport, and
5 I believe from my recollection I pulled the permit on
6 that.

7 But I am not a degreed engineer. I've done
8 engineering work and construction and technical issues,
9 you know, most of my adult life, so that kind of gives
10 me background and general experience.

11 Q. Okay. And for this particular case, a lot of
12 the documents you've seen today dated 2018 or some
13 earlier, 2016 -- for most of these documents we're
14 looking at, like 2018, 2019, so going back three and a
15 half years or so, so it's fair to say that your memory
16 might be a little foggy on some of these details?

17 A. Right. With COVID and the year that we lost on
18 that, not to mention the documents span almost a year,
19 you know.

20 Q. And we were actually supposed to take your
21 deposition last year; right?

22 A. Right.

23 Q. Yes, and we didn't.

24 And today, you're testifying as the former ARB
25 chairman; correct?

1 A. Correct.

2 Q. And are you testifying on behalf of the
3 association?

4 A. I'm not representing the association, no.

5 Q. You're a unit owner and former chairperson?

6 A. Right, right.

7 Q. Yeah. So I think earlier in the deposition,
8 Mr. Smed was asking you about whether Monkey made
9 alterations or improvements, and there is some language
10 that correlates in the declaration, some of the language
11 is alterations, improvements, changes --

12 A. Right.

13 Q. -- modifications.

14 Isn't it true that Monkey has performed all of
15 those iterations of that terminology?

16 A. That's correct.

17 Q. Regarding the ARB guidelines, what are they
18 for, generally, in your mind?

19 A. Standardization, safety, consistency, and
20 operational safety.

21 Q. What's the typical process for approval of an
22 ARB application?

23 A. Well, within my tenure?

24 Q. Yes.

25 A. It would be -- I would be notified that there's

1 an applicant that is requesting construction of a hangar
2 or a modification of some sort of a hangar. And they --
3 Specialty Management would notify me and send me the
4 application, along with the applicable documents.

5 And from a personal standpoint it would be a
6 period of time that I would review the documents, and on
7 the application, there's basically -- the process is to
8 say preliminarily approved, approved, or not approved.
9 So it's leading up to a time of evaluation with the
10 owner or entity, if it's an owner or entity, whereby I
11 can submit my recommendation to the board.

12 So in that period of time, I've typically been
13 engaged with the owners over the issues associated with
14 what might be deficient, what might not be compliant,
15 what might need to change. Those might involve a number
16 of issues interior-wise or exterior-wise or
17 architecture-wise.

18 It's clear that they have obligations for
19 permitting, but absent of that, there's still a review
20 in terms of, you know, operation, safety, architectural
21 standards that I might observe from a standard -- from a
22 -- personally from myself observing what was going on
23 with their plans and talking to them.

24 Q. Do you recognize the hangar in Exhibit 178?

25 A. I do.

1 Q. And what --

2 A. Hangars.

3 Q. Yes. Which hangars are those?

4 A. This is lot 27 and 28, Ass Monkey.

5 Q. And those pictures are what appears to be one
6 building on two lots?

7 A. Yes.

8 Q. And --

9 A. It's connected, two buildings on -- say that
10 question again? I'm not sure.

11 Q. Does it appear that we're looking at one
12 building sitting on two lots?

13 A. It appears that the building is connected.

14 Q. Okay.

15 A. Yes.

16 Q. And this first page of the two-page exhibit,
17 what is the first page? What are we looking at? What
18 elevation?

19 A. The elevation is the front of the building from
20 the taxiway where the ingress and egress for aircraft
21 would normally be.

22 Q. And where is the electrical panel on it?

23 A. It appears to be on -- well, it is on hangar 28
24 on the front wall there.

25 Q. And turn to the next page. What is that a

1 photograph of?

2 A. That's the rear of the building.

3 Q. And from that photograph, can you tell if the
4 roof pitches are different?

5 A. Very clearly different.

6 Q. Okay.

7 A. You can tell from the front, also.

8 Q. Yes. And then -- are you okay over there?

9 MR. ALBRECHT: Yeah, don't worry about me.

10 MR. VAN ALSTYNE: You're doing a lot of
11 fidgeting over there and talking.

12 BY MR. VAN ALSTYNE:

13 Q. On Exhibit 143 -- let's find 143. There it is.
14 You were asked to read the highlighted portion
15 of that.

16 A. Yes.

17 Q. Now, these are all just notes; is that correct?

18 A. This is after the draft was submitted to the
19 ARB members.

20 Q. So the only thing -- these are just notes?

21 A. As a matter of fact, it says notes from -- this
22 is a board -- so these are notes that were our own notes
23 and notes from individuals.

24 Q. And so these don't actually get -- the only
25 thing that matters in your mind are the final

1 architectural guidelines?

2 A. These are kind of discussions about all those
3 issues.

4 Q. Okay. Do we have Exhibit 146 somewhere over
5 here maybe? Did you put them in even/odd?

6 A. I put them -- a lot of them I put together in
7 what they were, not the sequence, sorry. 140?

8 Q. 146. Actually, let me go to 147. It should be
9 the guidelines.

10 A. Here's 145.

11 Q. The January 2016 guidelines.

12 A. Are you sure? Here you go. We have them here.

13 Q. This is it, Exhibit 147 right here, the
14 January 2016 guidelines.

15 Now, at the end of that there is a revision
16 log; correct?

17 A. Correct.

18 Q. And the September 2015 and the January 2016
19 guidelines were both reviewed and approved by the board;
20 is that correct?

21 A. That's correct.

22 Q. And then the January 2016 guidelines, the
23 revision log, would you classify these -- would you
24 classify these changes as nonsubstantial?

25 A. Yes.

1 Q. A lot of them say right on it, it's a typo or
2 verbiage change?

3 A. Right.

4 Q. So would you classify those as minor changes?

5 A. Yes.

6 Q. And there was some talk regarding general
7 contractor's insurance or general liability insurance.

8 And isn't it common on construction projects
9 for the owner or the property owner to see a copy of the
10 general contractor's liability insurance?

11 A. Yes.

12 Q. And isn't it common sometimes that those limits
13 exceed statutory requirements?

14 A. Yes.

15 Q. Exhibit 149, September 2014.

16 A. December 14th?

17 Q. September.

18 A. September 4th, 1st, 5th.

19 Q. September 4th?

20 A. September 4th. I don't see it. I see
21 September 6th. September 4th -- here it is, this one.

22 Q. Yes.

23 A. Okay.

24 Q. 149.

25 (Discussion off the record.)

1 MR. VAN ALSTYNE: Going back on the record.

2 BY MR. VAN ALSTYNE:

3 Q. So Exhibit 149, how many other hangars or ARB
4 reviews are on this particular set of meeting minutes?

5 A. Besides 27, 28, there's one, two, three, four.

6 Q. So the board does have additional hangars other
7 than Monkey's to review and approve?

8 A. Routinely, yes.

9 Q. And typically, the other hangars do get
10 approval or no?

11 A. There's a discussion with each one here.
12 Sometimes they come in and discuss issues that they want
13 to potentially do.

14 Q. Yes.

15 A. And then there's applications, also.

16 Q. Okay.

17 A. So there's a variety of reasons why there would
18 be discussion, but there's usually ongoing discussions
19 about different hangars, yes.

20 Q. And usually -- does the board get or the ARB,
21 does it usually get a complete application?

22 A. Yes, the board will get an application after a
23 review process or consideration for approval.

24 Q. Okay. Let's put that one back.

25 Exhibit 151 is a certificate of occupancy. Can

1 a unit owner get a certificate of occupancy even with
2 noncompliant issues or non-approval from the ARB?

3 A. The ARB does not issue a certificate of
4 occupancy. They approve.

5 Q. Can a unit owner get a certificate of occupancy
6 from the city even if it's non -- not in compliance with
7 the condo board or the association?

8 A. It looks like it did, yes.

9 Q. Can a unit owner get a certificate of occupancy
10 even with ARB violations?

11 A. Yes.

12 Q. Okay. Let's go to another exhibit.

13 Now, in this exhibit --

14 A. 152.

15 Q. -- they were talking about construction plans.

16 A. Right.

17 Q. In the context of this paragraph, could
18 construction plans mean non-tangible plans or drawings?

19 MR. SMED: Object as to form.

20 MR. VAN ALSTYNE: You asked him to interpret
21 what construction plans meant, so I'm just trying to
22 clarify from someone else's letter what they could
23 mean.

24 THE WITNESS: And so the question again?

25 BY MR. VAN ALSTYNE:

1 Q. So this paragraph mentioned construction plans;
2 right?

3 A. Right.

4 Q. Could that mean construction plans as tangible
5 drawings that you can hold?

6 A. Sure.

7 Q. Could that mean construction plans that are a
8 general plan of moving forward?

9 A. Sure.

10 Q. So it could be interpreted two ways?

11 A. Right.

12 Q. So in Exhibit 153, I think there was some
13 mention about whether or not you had construction
14 drawings in May 2018 or June of 2018.

15 Whether or not you received construction
16 drawings in May 2018 or June 2018, isn't the end result
17 the same, that Monkey still never received approval?

18 A. Yes.

19 (Deposition Exhibit No. 179 was marked for
20 identification.)

21 MR. SMED: What number is that?

22 THE CERTIFIED STENOGRAPHER: 179.

23 BY MR. VAN ALSTYNE:

24 Q. Does Exhibit 179 -- Mr. Kagan, does Exhibit 179
25 refresh your recollection of anything --

1 A. Yes.

2 Q. -- pertaining to this?

3 A. Yes.

4 Q. Did you draft this letter?

5 A. I did.

6 Q. Does the letter outline noncompliance issues
7 with hangars 27 and 28?

8 A. It does.

9 Q. Does the letter reference the proposed roof
10 plan?

11 A. Yes.

12 (Brief interruption.)

13 BY MR. VAN ALSTYNE:

14 Q. So on this Exhibit 179, you talk about
15 receiving some submittals from Monkey?

16 A. Correct.

17 Q. And you reviewed and analyzed those submittals
18 including what appears to be a front elevation plan?

19 A. Correct.

20 Q. Plan view and roof plan?

21 A. Right.

22 Q. And what was your recommendation to the board
23 based on reviewing those plans, specifically regarding
24 the front elevation and the roof?

25 A. Is there something in here that I should read

1 or is it something I reviewed?

2 Q. I think just to refresh what you were thinking
3 about at the time you wrote this letter.

4 A. Can I recap this letter a bit? It's kind of a
5 document after the subsequent board meeting that
6 discussed the concept of the front elevation that was
7 proposed by Ass Monkey in the meeting that was a
8 concept; that the board was looking at it from a concept
9 standpoint and acknowledged that they needed to submit
10 all the documents and all of the drawings, but they
11 would consider that concept as it evolved.

12 And I reviewed it along with the drawings that
13 were submitted and all the other documents that were
14 submitted by Ass Monkey. I reviewed it and determined
15 for the elevation of this building it was unacceptable
16 because there was -- it appeared to be from their
17 drawings that were provided to the board and Specialty
18 Management, that it was still two buildings with two
19 roof pitches that were not the same and in front of it
20 is a faux elevation. The design concept and the
21 approach was pretty good, but the design drawings that
22 they provided were clear that it wasn't a fully executed
23 single building.

24 The other thing I'd like to note on here, just
25 for the previous, is that we talked about earlier

1 builder's risk, and I wasn't sure if Ass Monkey
2 submitted a builder's risk policy or not. And I see
3 here they did submit it, because I went through -- and
4 also along with the front elevation and the building
5 drawings that they submitted, reviewed kind of a status
6 of where they were with respect to their overall general
7 application submittals at that time.

8 Q. So at this time, was the application complete
9 or incomplete?

10 A. Incomplete.

11 Q. And it was incomplete regarding, I guess, what
12 is outlined on the fourth page?

13 A. Right.

14 Q. Site survey, parking -- full set of permitted
15 drawings, sump capture, storm drain runoff, outside
16 lighting.

17 A. Right.

18 Q. And, of course, the roof pitch; is that
19 correct?

20 A. Correct, setbacks.

21 Q. Setbacks.

22 A. They submitted builder's risk, but that needed
23 as an additional named insured the association.

24 Q. Looking at -- let's put this back. We'll go to
25 160. All right. That's not the one we're going to go

1 to. I'm trying to use existing exhibits.

2 MR. SMED: I think your top one is flipped.

3 BY MR. VAN ALSTYNE:

4 Q. Now, looking back at Exhibit 147, January 2016
5 guidelines, what does it say right here on page 6?

6 A. "At the discretion of the lot owner, he/she or
7 their entity may file for a building permit in parallel
8 with, or prior to, obtaining the Association Board of
9 Director/Architectural Review Board approval, however,
10 they shall proceed at their own risk."

11 Q. Isn't that what Monkey did in this case,
12 proceeded at his own risk?

13 A. Yes.

14 Q. And what's the next sentence say?

15 A. "A building permit authorizing construction or
16 modification in compliance with the City, County, and/or
17 State or other applicable standards does not ensure
18 Orlando Apopka Airport Association ARB approval."

19 Q. And isn't that what happened here, that the
20 unit owner received a building permit without ARB
21 approval?

22 A. Correct.

23 Q. We can put that back.

24 Per Exhibit 175, the action item there, can you
25 read that?

1 A. "Action Item: Architectural Review Board:
2 Joel Kagan to send Ray Marsh ARB guidelines and
3 checklist. Letter from board for sign-off on permits."

4 Q. And Exhibit 176 is the letter that you were
5 directed to send?

6 A. Correct.

7 Q. I don't have any other questions on that one.
8 (Deposition Exhibit No. 180 was marked for
9 identification.)

10 BY MR. VAN ALSTYNE:

11 Q. So Exhibit 180, what does that appear to be?

12 A. It appears to be the --

13 Q. And I'll just say this is a composite exhibit.
14 First the pictures are in black and white, and then the
15 pictures are in color.

16 A. Right. This appears to be an e-mail from me,
17 November 29, 2018, of photographs that I took of lot 27,
18 28, under construction.

19 Q. Is there any text on that e-mail?

20 A. Oh, yes. It's a note to Asima and Jim.

21 Q. Who is Asima?

22 A. Asima is the association's general legal
23 counsel.

24 Q. And who is Jim?

25 A. Jim Heekin is the president of the association.

1 Q. Okay. What does your e-mail say?

2 A. My e-mail said -- November 29th. "Mr. Albrecht
3 did not show up at the FBO at 3:00 p.m. today. At 3:20
4 I went to his hangar to attempt to meet with him and it
5 was shut. There was no one there and the workers that
6 were present an hour earlier had left."

7 Q. So is that the day that you were supposed to
8 have a meeting with Mr. Albrecht?

9 A. Yes, because I remember he wasn't there. I
10 went to his hangar and observed the construction in
11 progress and took pictures of it and sent that along
12 with my note to Asima and Jim Heekin.

13 Q. And was that the day you were going to give him
14 the redlined drawing that you had prepared?

15 A. Yes. I wanted to -- I think it was always the
16 intent to try to come to an understanding and agreement
17 with Ass Monkey so it would be a win-win situation, as I
18 specifically said in one of those documents before.

19 Q. Yes. And you're not Monkey's architect or
20 anything. You were just doing this in order to try to
21 reach a conclusion.

22 A. It was a sketch to try to come to a compromise
23 between us.

24 Q. But it wasn't your job to come up with a
25 design?

1 A. No.

2 MR. SMED: Is that e-mail Bates stamped?

3 MR. VAN ALSTYNE: No, it was -- I think I
4 probably --

5 MR. SMED: Can I get a copy of that?

6 MR. VAN ALSTYNE: I just redacted a bunch of
7 it, so it's just pictures.

8 MR. SMED: I know the pictures. I'm looking
9 for the e-mail so that I could see it.

10 MR. VAN ALSTYNE: I'll send you a copy of it.

11 MR. SMED: Thank you.

12 MR. VAN ALSTYNE: And at the airport -- I don't
13 remember if this exhibit was presented, but I'll
14 present this as the next one.

15 (Deposition Exhibit No. 181 was marked for
16 identification.)

17 THE WITNESS: Okay.

18 BY MR. VAN ALSTYNE:

19 Q. Do you recall drafting this?

20 A. I do.

21 Q. Did we already review this?

22 A. It looks like we did.

23 MR. SMED: I think so.

24 THE WITNESS: It may be a different document,
25 but I believe we did review this.

1 MR. SMED: I believe we did.

2 THE WITNESS: It may have been in a different
3 form.

4 MR. SMED: It wasn't in blue letterhead.

5 MR. VAN ALSTYNE: And this one has a Bates
6 stamp on it.

7 THE WITNESS: Okay.

8 BY MR. VAN ALSTYNE:

9 Q. Does this --

10 A. I may have drafted it.

11 Q. And what's the date on this?

12 A. March 1st, 2019.

13 Q. Does this summarize the conditions of the
14 deficient hangar at the time you wrote the letter?

15 A. Well, this is months and months after I first
16 started looking at it, and at the time it represented a
17 list of noncompliance issues, yes.

18 MR. VAN ALSTYNE: And this is the last exhibit.

19 (Joint Exhibit No. 182 was marked for
20 identification.)

21 BY MR. VAN ALSTYNE:

22 Q. Do you recognize those drawings?

23 A. I've seen these drawings, yes.

24 Q. Are those the metal building drawings for
25 Monkey's hangar?

1 A. They are. They are the structural drawings
2 from the manufacturer of the building.

3 Q. Okay. And can you identify the roof pitch on
4 any of those drawings?

5 A. Yes. On the third, fourth, and fifth drawings,
6 it's delineated the pitch to be 1:12.

7 Q. What about the second page?

8 A. Second page. The second page has it also.
9 Yes. All pages except the cover have 1:12.

10 Q. So the drawings for the hangar has the pitch
11 that's inconsistent with the ARB guidelines?

12 A. Yes.

13 Q. Has there always been a pattern or scheme of
14 construction at the airport?

15 A. Of course, yes.

16 Q. Does Monkey's hangar fit in with that pattern
17 or scheme?

18 A. No.

19 Q. Have the ARB guidelines always been posted
20 online?

21 A. To my knowledge since they were -- my original
22 2015, yes, and the other versions before that, yes.

23 Q. And architectural approval, is that always
24 required before constructing a new hangar unless you
25 proceed at your own risk?

1 A. That's correct.

2 Q. And did the ARB ever recommend to the board or
3 to your knowledge did the board ever grant Monkey's
4 approval?

5 A. Never.

6 Q. Did the board ever give -- to your knowledge,
7 did they approve modifications to units 27 and 28?

8 A. No.

9 Q. In your opinion, did Monkey have every
10 opportunity to stop work and work with the association
11 to come up with an agreed-upon design, but he did not?

12 A. That is unfortunate and true.

13 Q. And so does it appear in your opinion that
14 Monkey proceeded forward with construction without
15 hearing from the board or seeking a final answer from
16 them?

17 MR. SMED: Object as to form.

18 THE WITNESS: Can you repeat that?

19 BY MR. VAN ALSTYNE:

20 Q. Sure. In your opinion, did Monkey proceed
21 forward with construction without waiting for a final
22 answer from the board?

23 A. He proceeded at his own risk, without effective
24 interaction for the applicant process, review process,
25 and went forward on his own. It was inconsistent with

1 what I was used to, for sure.

2 Q. And in your opinion, is Monkey's building still
3 noncompliant to this day?

4 A. There is a list I have there that I brought
5 over previously, and I don't know that there's any --

6 Q. For example, the roof, is that noncompliant?

7 A. Noncompliant.

8 Q. And is the pitch of the roof noncompliant?

9 A. The pitch, the peak, I'm not sure if the eaves
10 are compliant, and many of the other items I listed as
11 well.

12 Q. And just to kind of explain the significance of
13 a difference in roof pitch of 1 in 12 versus 2 in 12, it
14 doesn't take a rocket scientist to know one means one
15 inch of rise every 12 inches of run?

16 A. I think -- exactly, so the slope and the angle
17 looks different.

18 Q. And if you have, for example, a 30-foot run --

19 A. Right.

20 Q. -- and the difference between a one and a two
21 would be one inch, so that would be 30 inches --

22 A. Right.

23 Q. -- of difference --

24 A. Right.

25 Q. -- over a 30-foot run?

1 A. Right, one foot to 30.

2 Q. One inch to -- yes. So therefore, the shape of
3 the roof is noncompliant?

4 A. The shape of the roof is noncompliant with the
5 architectural guidelines.

6 Q. And to your knowledge is at least one of the
7 setbacks noncompliant?

8 A. Yes. The pitch and the peak are noncompliant,
9 and the eave is probably noncompliant, but I don't know
10 the exact elevation of the eave.

11 Q. What about drainage, is that compliant?

12 A. No, that's not compliant.

13 Q. I'm sorry?

14 A. No, that's not compliant.

15 Q. And does drainage for Monkey's building drain
16 to the alleyway as opposed to draining to the front?

17 A. It drains to the back. The hangar is supposed
18 to be front, is my recollection.

19 There's a lot more issues about drainage
20 because the drainage needs to be calculated based upon
21 the volume of water that is held in the roof. And
22 typically when I review those, I have confidence that
23 the civil engineer has reviewed that for -- typically,
24 it's generally -- I think it's like the hundred year
25 storm requirement, once in a hundred years, the storm

1 requirement to make sure it handles the storm drainage,
2 the volume of it.

3 And also, our requirements are to the front,
4 for the front of the building to be able to drain into
5 the storm drainage system.

6 Q. The airport storm drainage system --

7 A. The airport drainage.

8 Q. -- as opposed to draining on the dirt and
9 potentially causing a washout --

10 A. Correct.

11 Q. -- or draining into an adjacent hangar?

12 A. And undermining it, yes. To my knowledge,
13 that's still noncompliant.

14 Q. And the skirting around the facade of the
15 building, is that a requirement or recommendation of the
16 ARB?

17 A. It's an architectural guideline requirement.
18 It's an aesthetic issue associated with the
19 architectural guidelines.

20 Q. And to your knowledge, does Monkey's building
21 have the recommended or required skirting?

22 A. No.

23 MR. VAN ALSTYNE: Okay. I don't have anything
24 else.

25 MR. SMED: Give me one moment.

REDIRECT EXAMINATION

BY MR. SMED:

Q. Would you consider a roof to be a wall on a building?

A. That's an unusual question, but the nomenclature is different.

Q. And when you say it's an architectural requirement, do you mean "rule" by that?

A. It's a guideline that is set by the architectural review committee and approved by the board.

Q. Can you put a -- can you build a building other than a hangar on OAA property at one of the units or lots?

A. Going forward?

Q. Since the dates of the guidelines we looked at from, let's say, 2016 or 2018.

A. The guidelines that -- during my tenure?

Q. During your tenure, correct.

A. Can you build a building other than a hangar, is that the question?

Q. Correct.

A. My -- nobody has applied for that. Would there be an exception? I don't know.

For example, if a governmental agency came up

1 and asked us for that, we would consider it. So right
2 now, it's a case-by-case basis, I would say. For
3 example, there was some talk at some time if the police
4 wanted a helicopter pad or something like that.

5 Q. Would you agree that many of the things that
6 you require during this process are not expressly
7 provided for in the ARB guidelines? I'll call it the
8 brochure, so to speak.

9 A. The architectural guidelines has been an
10 evolving document since the beginning that I've been
11 there, and it will continue to evolve based upon issues
12 that come up.

13 Q. And those issues, they are not always minor,
14 are they? Aren't they sometimes substantive?

15 A. Well, in the beginning in the architectural
16 guidelines, it talks about the intent, and I don't think
17 it can cover every single base that would ever come up.
18 So there's an intent there, and that's kind of how they
19 have people volunteer to be able to review and help the
20 membership and the new applicants work through them.

21 Q. And doesn't that brochure, the architectural
22 guidelines, basically say that these are general
23 guidelines?

24 A. I'm not sure if that language is specific in
25 there about that.

1 Q. With regard to drainage, do you have any
2 knowledge whether the drainage in this project has
3 interfered with any of its neighbors or caused harm to
4 any other unit?

5 A. Since I left, I am not aware of that. However,
6 the design of that is not intended for a brief history.
7 It's intended for a history that covers all kinds of
8 environmental conditions.

9 Q. And to your knowledge, did unit 28 which had a
10 hangar constructed, do you know if that had skirting on
11 it when Ass Monkey purchased the property?

12 A. I'm not sure.

13 Q. If you drain to the rear of the property, can
14 that make it into the OAA's drainage or sewer system?
15 Isn't that part of --

16 A. What happened is the OAA drainage system is in
17 the development system, the infrastructure, and it's
18 typically all in the taxiways. So the fronts of the
19 buildings, the taxiways have a storm drainage system
20 that ultimately feeds itself into the retainage areas of
21 the property. So the intent is for all of the gutters
22 and anything that comes out from the buildings, it has
23 the substantial volume of surface area to be able to
24 hold the water in a large storm situation that occurs
25 only like once every hundred years, for example. And

1 I'm not quoting the exact --

2 Q. I understand.

3 A. So then we asked everybody and the guidelines
4 make sure that it goes to the front where the concrete
5 is and we slope it down to the drainage of the
6 infrastructure of the common areas.

7 Q. Don't the hangars generally have the same
8 gutters and downspouts, oversized?

9 A. That's evolved over the years. When I came in,
10 when they first started doing it, some of the designs
11 were not as efficient as others, and some of the
12 preexisting ones don't hold up as well as the others.
13 So there's --

14 Q. Well, let's say there's a double unit lot where
15 somebody built it with no false front, just a hangar
16 door, everything you would expect, and I assume two
17 downspouts towards the front, if it's a double hangar,
18 as opposed to a single hangar?

19 A. Well, like for instance, my hangar has gutters
20 on each side and one, two, three downspouts that come
21 into an underground --

22 Q. French drain?

23 A. No, an underground pipe that pours out
24 underground to the common area drain system. Other
25 people have that similar type drain system with multiple

1 drains, gutters, downspouts that come on top of the
2 ground onto the front of the hangar slab skirt and drain
3 openly into the taxi areas and gutter storm drainage
4 system.

5 Q. Did you work on lot or unit 87, do you recall?

6 A. Do you have a name for that person?

7 Q. I don't, but the question is -- the question
8 is, is it -- aren't there at least a few buildings with
9 a 1:12-pitch at the airport?

10 A. Not that I know of, from my recollection.

11 Q. If there is, would they have gone through the
12 same ARB procedures for approval?

13 A. You know, there's a lot of hangars built way
14 before I even built my hangar. So back then, the
15 developer, if there's one out there, I don't know of it,
16 but there may be some other concessions he made, but I
17 have no idea.

18 MR. SMED: All right. I think I am finished.

19 THE WITNESS: Thank you very much.

20 MR. VAN ALSTYNE: I've got one more question.

21 RECROSS-EXAMINATION

22 BY MR. VAN ALSTYNE:

23 Q. In your opinion, did Monkey make a change or
24 alteration to any exterior wall?

25 A. Yes.

1 MR. VAN ALSTYNE: Okay. That's it. No further
2 questions.

3 THE CERTIFIED STENOGRAPHER: Read or waive?

4 MR. VAN ALSTYNE: So she's asking if you want
5 to read the pre-published version of the transcript
6 before it gets finalized for any errors or
7 inconsistencies or if you just want to waive that.

8 THE WITNESS: I would like to read it with --
9 I'm kidding. No interest.

10 THE CERTIFIED STENOGRAPHER: I'll take that as
11 a waiver.

12 Do you want this transcribed?

13 MR. SMED: Yes, we'll order.

14 THE CERTIFIED STENOGRAPHER: And do you want a
15 copy?

16 MR. VAN ALSTYNE: Yes, please.

17 (The deposition was concluded at 5:20 p.m.)

18

19

20

21

22

23

24

25

CERTIFICATE OF OATH

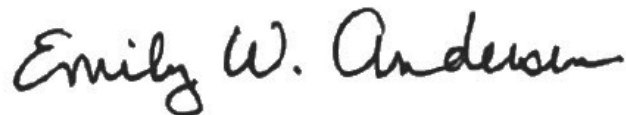
STATE OF FLORIDA:
COUNTY OF SEMINOLE:

I, Emily W. Andersen, RMR CRR FPR, Stenograph
Shorthand Reporter, certify that JOEL KAGAN appeared
before me via videoconference on October 27, 2021 and
was duly sworn.

WITNESS my hand and official seal this 8th day of
November, 2021.

Identification:

Produced Identification
Florida Driver's License



EMILY W. ANDERSEN,
Notary Public State of Florida
Commission No. GG 258112
Expires October 14, 2022

CERTIFICATE OF REPORTER

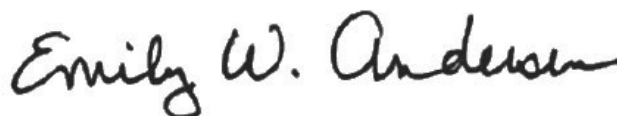
STATE OF FLORIDA:

COUNTY OF SEMINOLE:

I, Emily W. Andersen, RMR CRR FPR, Stenograph Shorthand Reporter, certify that I was authorized to and did stenographically report the foregoing deposition of JOEL KAGAN; that the review of the transcript was requested; and that the foregoing Pages, 4 through 184, inclusive, are a true and complete record of my stenograph notes.

I further certify that I am not a relative or employee of any of the parties, nor am I a relative or counsel connected with the parties' attorneys or counsel connected with the action, nor am I financially interested in the outcome of the action.

DATED this 8th day of November, 2021.



Emily W. Andersen, RMR CRR FPR
Stenograph Shorthand Reporter

&	124 6:5	155 5:9 90:6	17th 59:17
& 155:21	128 6:7	156 5:10 93:8	18 4:6 31:1 60:20
0	12:15 63:24	157 5:12 95:7	66:17,18
00312 5:15	12:16 65:5	158 5:13 97:21	180 7:1 170:8,11
00314 5:15	12:2 61:15	159 5:14 99:12	181 7:2 172:15
00423 5:13	12:46 120:15	15th 85:19	182 7:4 173:19
00428 5:13	12th 104:12	16 5:18,22 31:1	183 3:5
1	13 99:16	45:7 46:18 48:5,10	184 186:6
1 6:25 29:10 43:16	131 6:9	64:22 104:23	185 3:6
55:24 56:6 111:18	133 6:11	160 5:15 101:7	186 3:6
115:24,25 116:1,12	137 4:3 17:4	168:25	19 66:18
116:12 120:14	138 4:5 17:16	161 5:17 104:14	1989 154:14
124:21 176:13	139 4:6 6:12 18:4	162 5:18 108:16	1:12 174:6,9 183:9
10 5:20 49:8 59:17	20:6	163 5:21 110:14	1:18 65:6
74:5,8	14 5:16 101:13	164 5:22 115:13	1:23 138:19
100 2:9	185:15	165 6:1,24 118:13	1:41 138:20
101 5:15	140 4:8 25:25 161:7	166 6:2 120:4	1st 162:18 173:12
104 5:17	141 4:9 6:15 27:15	167 6:4 122:20	2
106 19:3	142 4:9 30:6	124:13	2 4:11,13 5:23 6:22
108 5:18	143 4:10 33:7	168 6:5 124:8	37:23 48:5,13,14
10:14 1:17	160:13,13	169 6:7 128:20	52:12,14 54:7
10th 108:22	144 4:11 6:16 35:18	16th 105:4,13	108:25 111:3
11 6:20 59:17	145 4:14 37:10	110:23 111:5,19	124:17,18 142:2
148:15	161:10	138:19	149:16 150:10
11/17 139:10,12	146 4:16 6:17 44:3	17 4:3,5	176:13
11/17/18 98:14	161:4,8	170 6:9 7:1 131:6	2/20/19 142:3
11/6/2018 130:15	147 4:17 46:13	171 6:11 133:22	20 64:25
110 5:21	48:10 161:8,13	172 6:12 7:2 139:17	2005 12:13 26:15
111 1:19	169:4	173 6:15 7:4 141:13	30:20 67:14
115 5:22	148 4:19 6:20 52:2	174 6:16 144:20	2012 23:16 27:22
118 6:1	149 4:21 6:21 55:16	175 6:17 146:15	27:24 28:9,18
11:38 99:16	162:15,24 163:3	169:24	92:15 108:6,6
11th 148:21	14th 104:22 162:16	176 6:20 148:3	149:9
12 6:3 101:22	15 45:9	170:4	2014 162:15
176:13,13,15	150 5:1 58:13	177 6:21 149:14,23	2015 4:11,13,15
12/4 140:5	151 5:3 66:9 163:25	178 6:23 153:14	12:23 23:19 26:24
12/5 142:20	152 5:4 71:2 164:14	158:24	29:22 31:1 37:16
120 6:2	153 3:4 5:5 6:23	179 3:5 6:24 165:19	37:22 41:15 43:6
122 6:4	75:19 165:12	165:22,24,24	45:5,7,11,12 48:25
	154 5:7 86:4	166:14	64:22 161:18
			174:22

2016 4:16,18,21 23:22 30:3,3 44:20 45:20 52:11 156:13 161:11,14,18,22 169:4 179:17 2017 96:18 2018 4:7,23 5:2,5,6 5:9,11,16,18,20,22 5:24 6:2,3,5,6,9,10 6:14,25 7:2 18:11 23:24 55:22 58:19 58:20 59:17 64:20 64:25 66:4 71:6,15 85:3,18 99:16 101:13,22 104:22 104:23 105:13 108:23 118:19 120:14 122:25 124:19,21 128:25 140:5 147:14 156:12,14 165:14 165:14,16,16 170:17 179:17 2019 1:3 6:17,19,20 6:23 13:12 64:20 65:1 66:15 67:1 142:7 144:17,18 146:8,21 147:16 148:17 149:16 150:11 156:14 173:12 2020 96:17 2021 1:16 4:3 6:12 17:12 185:6,7 186:11 2022 185:15 22707 185:12 186:16 23 6:17 144:17,18 239 136:14	25 4:8 250k 59:19 258112 185:14 26 66:15 27 1:16 4:9 7:3 10:4 14:24 17:12 40:12 68:19 69:18,20 72:9,10 80:8 83:16 83:17,17,17 96:19 96:19 103:18 128:10 129:3 130:9 133:14 140:8 145:4 145:15,23 146:3 148:22,24 149:25 150:7 151:11 159:4 163:5 166:7 170:17 175:7 185:6 27/28 86:21,22 109:3,22 124:20 150:18 27th 138:24 139:3 139:7 28 7:3 10:4 14:24 40:12 68:19 69:19 69:20 72:8,9 80:8 83:13 90:21 93:25 96:19 102:12 103:18 128:10 129:3 130:9 133:14 140:8 145:4,15,23 146:3 148:23,24 149:25 150:7 151:12 159:4,23 163:5 166:7 170:18 175:7 181:9 29 5:5 7:2 27:22 71:15 170:17 29th 72:21 85:22 171:2 2nd 124:25 149:21	3	162:18	
		3 4:16 48:12 53:23 54:7 79:15,22 105:13 111:4,4 142:19 30 4:9 6:12 176:18 176:21,25 177:1 31 6:2 118:19 32789 2:10 32801 1:20 32803 2:4 32835 8:20 33 4:10 35 4:11 3579 1:3 37 4:14 3:00 171:3 3rd 46:10 55:10	6	6 4:20 5:11 6:9,10 48:23 49:8 52:11 59:15 128:25 147:14 169:5 6/4 96:22 6/5 87:21 96:23 6/5/2018 86:7 6/6 90:20 6/9 90:20 61 19:2 644-2978 2:10 66 5:3 6th 93:23 95:20 162:21
		4	7	7 6:19 59:7,10,11 71 5:4 722 2:4 75 5:5 19:2 76 19:3 776-9096 2:5 7th 146:21
		4 4:23 5:6 6:14 55:22 140:5 186:6 407 2:5,10 44 4:16 46 4:17 47 19:2 4th 76:3,11,11,13 85:23 162:18,19,20 162:21	8	8 3:4 59:1,3,5,11 8512 8:20 86 5:7 87 183:5 8th 185:7 186:11
		5	9	90 5:9 93 5:10 941 2:9 95 5:12 97 5:13 99 5:14
		5 5:8 6:5,6 41:15 71:6 79:16,22,25 85:18 122:25 50 90:21,21 500k 59:19 52 4:19 55 4:21 58 5:1 5:20 1:17 184:17 5th 85:20,21,24 86:12,15 94:21		

a	109:21 111:12 114:11 115:9,9 130:8 146:23 147:2 169:24 170:1 186:9 186:10	45:20,21 46:4,6 55:5 57:20 68:6	airline 16:21,23 airplane 16:22,23 airport 1:4 4:6,11 4:14,17,19,21 5:1,7 5:18 6:7,12,17,21 8:22 9:8,9,13,23 10:7 12:8 16:3,4,14 18:18 19:1 23:11 27:21 29:7 30:11 34:18,23 35:5,14 37:1 39:19 42:5,9 42:21 43:25 52:10 53:15 55:22 57:25 58:20 63:9 78:3 79:2,4,7,7 83:7 84:18,22 108:21 121:3 134:12 142:22 146:7,23 149:18 151:16 153:18,20 155:24 156:4 169:18 172:12 174:14 178:6,7 183:9
a.m. 1:17 99:16	actions 14:19 111:25 114:3	adopting 32:6	airbrecht 2:15 5:4 5:14,17 6:24 50:2,6 89:11,19 90:12 93:14 94:5 98:1 103:13 117:8 160:9 171:2,8
ability 53:25,25 82:20	activities 141:21,23	adoption 52:25 54:17	alleyway 177:16
able 20:2 49:17 64:4 81:8 89:5 92:5 94:12,19 104:7 105:18,20 106:4 108:10,12 134:21 137:6,6 147:4,24 154:20 155:5 178:4 180:19 181:23	actual 10:9 89:21 95:21	adult 156:9	allow 81:22 83:2 109:10 143:2
absent 133:3 158:19	ada 87:15 155:11	advance 16:10 18:23	allowance 35:10
absolutely 136:13	adams 134:9,19 135:8	advanced 154:24 154:24	allowances 35:7
acceptable 112:15 112:16 113:2 125:8	add 21:24 22:13 23:4 34:4,9,12 60:9	advise 53:20 82:23	allowed 80:4 81:9 83:3 126:19 132:20 132:20 142:25 143:12,17
access 97:11 109:10	added 59:19,25	advised 75:3 88:12 124:22 125:23 126:25 133:6,13 142:24 143:17	allowing 143:4 146:13
accessible 97:16	addition 15:2,7 90:19,21,24 91:5 91:16 119:12	aesthetic 178:18	
accident 116:1	address 8:19 16:16 16:17,18 47:6	affect 11:3	
accommodate 99:18 101:17	additional 36:12 56:6,23 59:21 60:10 163:6 168:23	affidavit 108:13,14	
accord 59:22 117:14	additions 44:14,15 51:23 90:19 91:10	affiliated 16:21	
accurate 15:1 40:6 142:16	address 8:19 16:16 16:17,18 47:6	agencies 38:3 48:19	
acknowledge 21:5 40:17,23 54:18	addressed 95:16 148:8,9	agency 179:25	
acknowledged 81:6 89:4,8 96:8 137:1 143:14 167:9	adhered 79:8	agenda 145:5	
acknowledgement 40:18 55:9 99:18	adjacent 34:3 35:8 44:12 178:11	ago 14:13 26:17 131:3 153:3	
acknowledging 73:11	adjunct 58:7 122:6	agree 180:5	
acquaintance 84:22	administrative 24:25 141:23	agreed 94:1,6,7 146:10 175:11	
acting 150:21	admit 98:20	agreement 17:24 101:17 125:7 146:14 171:16	
action 8:15 10:10 33:16 53:23 54:4	adopt 24:22 25:15 36:20 46:8 53:25 55:11 63:20	agreements 12:4 89:9	
	adopted 11:18 22:17 25:10 26:22 27:4 44:16,22,23	ahead 11:12 33:19 78:11 85:19 105:9 105:10	
		ahold 76:22	
		air 16:25 63:6	
		aircraft 16:25 17:1 83:1,6,8 84:18,19 84:20 99:19 159:20	

allows 83:1,8 155:12 allude 136:22 alluded 75:15 alludes 49:25 102:9 alluding 94:13 112:21 119:19,20 allusion 73:1 aloud 41:18 42:12 46:24 48:25 52:17 alstyne 2:3,3 3:4,5 6:11 98:9 112:4 128:11 134:7 136:1 136:5,9,14 137:10 138:1,3,8,13,13 152:4 153:17 160:10,12 163:1,2 164:20,25 165:23 166:13 169:3 170:10 172:3,6,10 172:12,18 173:5,8 173:18,21 175:19 178:23 183:20,22 184:1,4,16 alteration 14:17 15:6,11,12,21 16:9 51:19 84:6 183:24 alterations 15:24 71:25 74:4 157:9 157:11 alternate 78:19 140:9 alternative 140:16 amend 56:3 amended 116:14 amendment 109:9 amicable 101:20 102:3 134:15 amount 56:19 62:5 118:6,10 143:9	analogy 79:14 analysis 150:17 154:12 155:23 analyze 156:1 analyzed 166:17 anchor 82:9 ancillary 18:2 andersen 1:21 185:5,13 186:4,17 angle 176:16 annual 4:4 anointed 34:22 answer 14:22,25 15:19 32:15 45:18 64:25 86:2 106:18 112:5 120:11 127:5 152:7 175:15,22 answered 117:17 answering 25:23 answers 118:11 anticipating 105:12 anybody 133:6 151:13 anytime 139:5 anyway 95:16 142:18 apologize 28:7 59:7 131:3 apopka 1:4 4:6,11 4:14,17,19,21 5:1,3 5:7,18 6:7,12,15,17 6:21 8:21 9:8,9,12 9:23 10:6 12:8 16:4 20:11 23:10 27:21 35:1 39:7 40:8 41:21 42:4,9,15,20 42:21 52:10 55:21 58:20 63:6,8 66:14 67:3 70:16 77:18 78:14 79:7,7 101:15 103:22	108:21 119:9,24 123:5 129:5 131:16 140:20 141:19 149:18 153:19 156:4 169:18 apparent 89:17 93:11 apparently 103:9 128:7 145:3 appear 43:15 159:11 170:11 175:13 appearance 28:21 28:24 110:9 appeared 89:19 167:16 185:5 appears 17:8,22 18:13 33:14 58:19 72:13,19 74:5,7,12 74:18 76:15 99:15 104:21 111:18 118:24 119:6,13 120:15 124:12 140:3 141:18 150:19 159:5,13,23 166:18 170:12,16 applicable 19:1 24:3,4 27:3,13 41:23,25 42:2 84:7 108:4 116:1,16 117:3 141:20 152:20 158:4 169:17 applicant 19:19,21 33:1 158:1 175:24 applicants 60:18 116:22 180:20 application 19:20 19:23 23:1 25:3,6 37:2 43:4 51:4 64:23 65:22 67:4	77:10 85:2 87:10 87:22 88:13 89:24 89:25 90:3,14,15 91:23 92:1,13,16 94:4 95:11 97:9 105:18,24 108:1 124:7,23 125:1,23 150:7,9 157:22 158:4,7 163:21,22 168:7,8 applications 47:21 96:25 155:8 163:15 applied 154:14 179:23 apply 70:5 105:18 applying 133:3 appointed 13:22 appreciate 120:21 appreciated 151:2 approach 167:21 appropriate 18:24 114:9 approval 16:10,12 19:5,8 21:10 24:20 41:22 42:5,8,22 47:10,25 56:10 62:20 65:12,13 67:19 68:1 72:2 73:13 77:12,12,18 78:11 80:10 86:23 88:23 102:24 104:6 109:8 113:11 128:18 157:21 163:10,23 164:2 165:17 169:9,18,21 174:23 175:4 183:12 approvals 42:2 approve 24:8,19 36:12 56:3 89:5 100:18,18 148:25
--	--	--	--

163:7 164:4 175:7 approved 19:2 24:15 32:3,17 36:23 54:19 57:6 70:12 72:18 74:10 100:25,25 119:9 146:12 147:25 158:8,8,8 161:19 179:10 approves 19:6 approving 109:11 approximate 66:3 april 75:10 apron 91:1 aprons 91:1 arb 4:10 7:2 19:2,4 19:12 20:2,6,8,23 20:24 21:9,15,16 21:21,24 22:4,8,13 22:20,21,25 23:4 23:16,19,22 25:2,6 25:16,16,17,21 26:11 28:17 29:16 30:4,15 31:2,25 34:20 38:22 39:3 40:16,22 42:9,16 43:3,20,23,24 44:10 47:8,13,22 47:25 50:12 52:23 54:9,10,21 58:5 60:21,24 62:12,15 62:19,21,24 64:16 65:9 66:17,20 67:6 67:7,19 68:14 77:11,19,23,25 78:3 79:15 82:18 84:1,4 85:1 88:13 98:15 100:4,25,25 102:25 103:4,12,17 103:22 104:3 108:3 113:10 114:17	116:2 122:2 124:19 124:22 125:2 128:17 131:23 132:3,8,9 134:16 141:11 142:5 145:21 146:1,11,23 146:25 151:1,10,17 152:14 154:2 156:24 157:17,22 160:19 163:3,20 164:2,3,10 169:18 169:20 170:2 174:11,19 175:2 178:16 180:7 183:12 arb's 128:9 arc 154:2 architect 171:19 architects 134:10 134:10 architectural 4:6,9 4:14,17 5:1,9 13:6 13:7,9 14:2 18:16 18:17 21:1 26:19 27:22 28:9 29:3 35:24 36:3,9,14,15 36:16,22 37:15 41:16 42:5,21,24 43:16 46:19,25 49:7,9,10,18 53:14 55:2,23,25 58:21 58:23 59:5 64:6 79:8,19 80:1 81:5 86:19 90:25 91:20 97:15 102:19 104:8 105:15 106:9,12,14 106:17 108:25 109:19 122:13,15 123:18 126:10 129:2 132:12,16 140:7 146:24	149:10,23 152:9,18 152:23 153:25 154:1 158:20 161:1 169:9 170:1 174:23 177:5 178:17,19 179:7,10 180:9,15 180:21 architecture 29:20 100:1 101:18 106:20 107:12,17 108:2 158:17 area 34:22 181:23 182:24 areas 181:20 182:6 183:3 arguments 98:19 arises 29:13 38:4 48:21 arrives 36:7 articles 14:8 153:1 articulated 99:22 aside 35:13 40:19 55:14 asima 87:5 130:10 170:20,21,22 171:12 asked 50:21 63:18 125:15,16 129:17 129:17 131:19 133:12 136:5 142:7 160:14 164:20 180:1 182:3 asking 49:6 100:12 100:13,21,24 133:11 151:22,24 157:8 184:4 aspects 43:21 ass 1:8 5:23 6:1 7:3 8:15 9:19,22 10:7 39:23 50:2 51:3,7 65:10 69:16 71:8	71:14,15 73:25 75:18 76:17 80:25 81:1 84:9,12,24 85:25 87:22 88:15 90:12 92:11 93:25 94:5 97:18,25 99:5 100:7,10 101:16 102:14 103:4,16 104:9,21,24 105:3 105:7,14 106:22 107:11 110:12 111:10 114:15 115:2,17 117:7 121:8,16,25 123:16 123:25 129:14 130:13,16,18,21 134:13,17 135:11 136:17 139:21 140:16 141:21 145:18 147:6 148:22,24 149:4 151:5 153:7,22 159:4 167:7,14 168:1 171:17 181:11 assess 114:12 assessment 15:1 106:18 126:13 assessments 87:8 assigned 14:1 assignment 22:10 assist 24:1,2 53:13 53:17 assistant 77:5 assistive 155:10 associate 88:16 associated 133:4 142:1 149:9 158:13 178:18 association 1:4 4:12,19,22 5:7,19
--	---	---	---

6:7,13,18,21 9:13 9:15 10:7 12:14 14:5 16:3,4 34:3,20 38:7 47:9 51:8 52:10 55:22 56:5,5 56:22 60:7 64:5 65:20 67:22 68:6 72:3,15,17 78:11 79:11 85:8 86:25 87:7 88:14 101:19 108:21 117:15 133:5 142:22 145:21 146:12 147:24 149:18,18 150:22 153:18,20 157:3,4 164:7 168:23 169:8,18 170:25 175:10 association's 14:7 170:22 assume 22:13 62:7 70:15 97:3 98:14 182:16 assumed 73:4 attach 91:10,12 attached 37:19 69:21 95:12,21 124:13 132:23 attaching 69:22,23 attachment 19:21 124:12 148:15,21 attempt 102:13 171:4 attend 64:21 78:19 150:23 attendance 86:16 86:17 150:20 attended 88:15 attention 46:20 52:12 76:7 109:1 116:21 119:24	142:2 attorney 8:15 53:24 71:17 72:20 118:24 129:15,16 attorneys 71:13,13 186:9 august 6:25 27:22 66:15 124:21 auspices 62:19 authorities 41:23 authority 41:17 42:3,19,19 49:4 62:24 77:20,22,24 77:25 authorized 186:4 authorizing 169:15 automobile 115:24 116:11 availability 118:9 available 28:12 52:24 68:22 76:6 92:4,21 98:17 105:19 132:3 149:2 avenue 1:19 award 34:13 aware 9:25 10:8 12:14 15:23 16:6 40:19 43:10 75:8 80:11,14 101:2,3 117:7 127:2 137:2 181:5 awning 72:2 azam 5:4 6:1 7:1	81:13,15,25 92:20 104:18,18 105:6 108:5,5 111:6 113:1 123:5 131:1 136:24 139:1,15,23 140:1 149:22 156:14 163:1,24 168:24 169:4,23 177:17 183:14 backflow 109:10 background 156:10 balconies 90:25 bankston 140:19 140:20,23,25 141:2 150:4,8 base 180:17 based 12:1 22:5 33:18 34:21 39:11 43:3 44:9 114:12 114:21 166:23 177:20 180:11 basically 35:11 52:15 71:20 72:19 81:13 96:10 111:15 113:18 158:7 180:22 basis 18:2,19 35:10 48:2 64:11 78:12 108:9 113:17 123:11 180:2 bass 6:16 144:13,24 bates 5:12,15 98:5 98:7 136:1,6 172:2 173:5 battle 121:7 beams 70:1 bearing 72:1 beginning 67:8,14 180:10,15	behalf 2:6,12 13:11 78:18 85:25 96:4 104:7 122:14 157:2 belief 148:18 believe 12:13,23 13:12 14:19 15:11 15:20 18:10 22:9 23:7,25 28:8,9 29:18 30:2 32:13 32:18 33:13 34:10 34:16 35:8,12 45:1 50:7 54:24 57:1,1 59:23 61:13 64:18 69:20 73:10 76:23 80:24 81:3 86:16 86:18 88:6 89:8,24 90:12 93:22 95:12 98:8 101:14 110:4 111:21 112:10 113:25 120:8,19 130:19 134:11 137:7 138:6 142:20 147:17,19 148:12 150:21 153:6,12 156:5 172:25 173:1 believed 101:17 beneath 35:25 90:18 91:5 best 28:23 146:2 better 79:11,12,13 105:21 123:15,18 123:19 127:5 145:19 big 69:25 bit 32:8 40:25 56:2 63:25 68:5 99:10 99:21 108:6 154:5 167:4 black 37:14 58:22 155:12 170:14
	b		
	b 4:1 48:7,8,9 back 23:8,13 24:4 24:15,19 28:12 32:13 40:25 41:2 45:15 49:8 50:24 54:7 58:24 62:1 65:7 66:5 79:14,24		

blank 58:25 blocked 109:10 blue 173:4 board 4:7,12,19,22 5:7,19 6:6,7,13,18 6:21 12:14,17,20 12:24 13:1,2,6,7,9 13:11,15 14:1,2 16:10,13 18:16,17 18:17,21,21,22 19:1,5 21:1,2,5 24:3,7,13,21,23 25:7,10,12,14,20 26:19 28:7 31:6,6 31:11 32:4,9,11,17 36:11,18,20 37:6 42:9,24 47:9,25 49:17 52:9,24 53:13 54:15 60:15 62:19 63:10 67:22 67:23 68:8 72:3,8 74:1 77:12 84:4 85:1,11,18 87:22 89:9,10,18 96:4 98:20 99:5 100:3,4 100:17,18 101:18 101:19 102:19 108:22 109:10 112:9 113:20,20,21 114:10,13 115:2,7 115:8,11 122:6,13 122:15 123:2,12 124:19 125:2 128:24 129:6 134:16,17 135:23 135:24 137:20 140:4,5,21 141:4 145:10,11,13 146:8 146:20,24 147:1,21 148:25 149:3,4,17 151:10 154:1	158:11 160:22 161:19 163:6,20,22 164:7 166:22 167:5 167:8,17 169:8,9 170:1,3 175:2,3,6 175:15,22 179:11 board's 111:12,25 114:3 body 38:5,9 48:21 bold 28:20 122:2,9 122:10 bolts 82:9 bottom 29:9 35:24 36:4 46:22 52:15 55:24 129:1 132:1 bought 26:14 96:12 boulevard 2:9 box 37:24 97:12,17 126:17,20,21,24 143:1,11 144:4 break 63:25 65:3 136:11 breezeway 81:11 81:19,23,25 82:1 89:3,4,5 94:1,8 97:19 125:8 brett 115:17 brief 136:15 166:12 181:6 briefly 84:21 144:1 144:1 bringing 24:6 116:21 brochure 180:8,21 brought 38:19 55:13 58:9 96:12 146:4 176:4 build 29:4 37:2 41:8 71:10 121:19 123:6,25 179:12,20	builder 21:19 86:24 builder's 36:13,24 36:25 37:3,3 59:18 62:5,7 106:1 117:24 118:4,6 151:6 168:1,2,22 building 7:4 14:23 29:12,14 34:25 35:2 38:3 39:7 40:2 40:7,8 41:4,7 43:17 43:19 45:14 47:2,4 48:19 49:12 52:22 53:7 58:11 60:24 61:5,6,12,13,14,17 61:19,23 65:11 69:1,4,8,18,19 70:6 76:2,20 79:21 80:10,17 82:14 87:3 89:15 100:19 101:14 106:5,13 107:17,19 109:16 112:23 117:19 118:7 119:16,24 125:12 128:18 129:5 131:17 135:1 142:12,24 147:25 150:14 155:16 156:4 159:6,12,13 159:19 160:2 167:15,23 168:4 169:7,15,20 173:24 174:2 176:2 177:15 178:4,15,20 179:4 179:12,20 buildings 15:25 41:11 53:10 61:9 69:12,14 70:4,17 80:15 81:10 87:4 89:6,22 106:10 112:17 125:12	132:5,23 155:9,24 159:9 167:18 181:19,22 183:8 built 67:14,18 69:16 108:8 128:2 153:7 155:17 182:15 183:13,14 bullet 20:7,9,14 21:15,24 22:12 26:25 35:25 55:24 80:20 86:20 101:25 106:19 109:2,3 115:22 129:2 145:4 149:24 bullets 21:8 23:1 bunch 172:6 business 16:16,22 16:24 103:13 buyers 30:16 bylaws 153:1
c			
c 2:1 ca 1:3 calculated 177:20 call 36:5,7 53:6 70:4 75:3 89:19 94:15 129:8,12 138:9 180:7 called 9:5,7 10:13 13:16 16:25 19:12 69:25 calls 115:18 capacity 150:21 capture 168:15 carbon 119:23 case 1:3 35:10,10 80:21 83:10 95:3 109:15 156:11 169:11 180:2,2 catalyzed 145:24			

cause 81:7 caused 181:3 causing 128:9 178:9 centered 61:23 62:2,3 certain 107:7 certainly 62:18 118:9 certificate 3:6,6 5:3 34:13 38:9,11 39:21 40:1 42:1,7 42:15 59:22 66:14 106:1 117:14 163:25 164:1,3,5,9 185:1 186:1 certification 17:24 certified 8:1,4 70:12 165:22 184:3 184:10,14 certify 185:5 186:4 186:8 cetera 44:12 chain 120:8 chairing 98:14 chairman 13:6,8 14:3 64:17 65:9 84:4 101:2 122:5,5 122:12 132:9 156:25 chairmanship 80:2 chairperson 157:5 chance 17:20 change 14:17 15:21 16:8 20:4 25:13 36:23 47:16 51:19 84:5 94:2,7 112:24 112:24 117:20,24 118:2,5 158:15 162:2 183:23	changed 68:8 90:20 125:9 changes 15:11,12 15:24 16:11 41:20 45:2,24 46:1 51:11 67:17 71:25 90:19 91:10 157:11 161:24 162:4 changing 50:9,15 50:16 characterize 127:3 charge 31:7 34:17 54:25 check 116:13 138:10 150:14 checking 111:15 checklist 146:25 170:3 chief 77:14,16 children 11:19 choice 29:5 chris 2:11 christian 2:8,8 8:14 chronology 110:19 125:20 cindy 77:14,16 circa 64:19 66:4 76:15 circuit 1:1,1 city 5:3 6:15 20:11 21:1,15 23:9 27:10 29:17 30:2 34:16 35:1,1 38:2,24 39:7 39:13,19,20 40:2,4 40:8 41:21,22 42:15,20,25 43:20 48:18 50:18,19 57:24 64:8,12,13 66:14 67:2 70:15 70:16 74:10 76:20 76:25 77:3,17,19	78:4,14,18,19 79:1 79:2,5,9,12,16,16 80:14 87:16,18 100:20,23 101:1,15 102:15,18 103:1,4 103:11,16,22,25 104:2 116:24 119:9 119:24 120:2,22 121:1,8,19 122:14 123:5,14,17 124:2 124:3,5,6 126:2,13 127:11 128:9,16 129:5,6,7 131:16 132:8 133:7,12 134:12 139:20 140:20,22 141:19 143:7,15 144:8,18 145:12,21 146:5,6 146:10 150:12 164:6 169:16 city's 34:10,24 35:2 38:25 127:3 civil 177:23 claims 86:24 clarification 21:6 22:6 60:3,7 113:16 116:19 clarifications 51:18 67:15 clarified 26:25 27:4 56:19 115:1,2 116:7 clarify 23:5,7 28:8 32:12 60:6 67:16 107:10 110:12 116:10 123:6,17 164:22 clarifying 34:11 123:24 clarity 67:9,11	classify 161:23,24 162:4 clear 47:18 55:13 56:21 68:10 73:13 87:17 96:7 104:4 105:1,5 108:2 112:23 114:16 117:18 124:24 125:4 137:1 152:6 158:18 167:22 clearance 41:10 clearly 14:18 22:19 25:24 45:18 47:8 105:6,24,25 106:1 106:12 160:5 client 128:4 clients 12:5 code 35:2 38:24 39:7 63:7 103:11 103:12,16 127:4,11 127:17,18,24 128:1 128:1 collect 53:25 collective 123:14 123:22 color 47:4 72:1 90:22 107:20 170:15 coloring 29:1 colors 106:11 column 33:22 34:6 34:7 combine 72:13 74:18 134:24 combined 80:15 come 24:19 38:16 47:21 70:11 121:4 125:20 134:14 137:2,4 163:12 171:16,22,24 175:11 180:12,17
--	--	--	--

182:20 183:1 comes 155:23 181:22 coming 18:20 19:7 117:5 comments 33:15 commercial 115:23 116:2 commission 31:10 140:22 185:14 committee 13:3,5 36:14,16 47:9 58:8 67:19 87:6 154:1 179:10 common 50:12 53:17 162:8,12 182:6,24 communicate 79:12 146:2 communication 84:14 103:2 111:21 113:25 115:4 145:19 146:5 communications 31:8 48:3 54:8,9 95:25 97:5 112:2 137:17 communities 115:19 community 11:20 company 1:8 4:4 11:8,9,10 16:21,24 51:7 90:1,2 110:2 115:19 135:9 compensation 116:1,12 compile 134:24 complaint 10:9 48:9 complete 51:1 78:5 90:15,16 135:1	163:21 168:8 186:6 completed 29:7 105:22 153:12 completely 19:6 completion 108:3 complex 43:5 compliance 7:2 38:2 41:23 42:16 48:18 52:19 64:9 77:19 78:24 80:9 88:23 89:2 100:15 127:25 128:19 164:6 169:16 compliant 70:13 87:15 101:1 110:10 131:23 132:6,17,24 158:14 176:10 177:11,12,14 complied 40:5 complies 8:3 106:7 comply 81:4 151:19 composite 5:12 6:23 170:13 compromise 171:22 computer 12:2 concept 114:14 121:10 125:8,9,11 140:13 167:6,8,8 167:11,20 conceptually 109:11 112:8 114:24 concern 132:15 133:1 concerned 131:22 134:1 concerning 43:21 concerns 72:15 73:4 75:25 101:18	concessions 183:16 concisely 26:10 concluded 184:17 concludes 42:17 conclusion 112:2 171:21 conclusions 133:20 concrete 72:12 82:11 182:4 concur 108:11 conditions 173:13 181:8 condo 164:7 condominium 16:3 74:6,9 119:8,14 152:15,17 conduct 133:14 confer 122:6 confidence 121:14 177:22 confirmed 77:19 conflict 29:17 79:10 103:3,7,12 103:21 conflicts 21:14 79:3 79:5 102:23 128:8 128:15,16,17 145:22,25 146:6 confused 25:8 connect 120:20 connected 159:9,13 186:9,9 connection 81:23 consider 151:11 167:11 179:3 180:1 consideration 163:23 considerations 47:7,11,15 considered 151:14	considers 151:11 consistency 82:24 82:25 157:19 consistent 27:5 39:3 55:9 83:20 147:20 149:5,7 consort 19:16 32:10 79:12 88:7 113:21 114:24 133:18 constitute 80:17 construct 20:4 41:24 89:2 constructed 43:12 156:2 181:10 constructing 72:13 74:13,19 174:24 construction 4:8 34:11 37:4 41:1,19 41:25 43:21 44:2 45:14 49:21,22 68:19 72:14,20 73:3,6,12 74:7,24 77:11 78:10 80:10 80:13 86:22 88:12 114:17 119:13,18 119:21 125:7 154:11,22 155:7 156:3,8 158:1 162:8 164:15,18,21 165:1,4,7,13,15 169:15 170:18 171:10 174:14 175:14,21 consultant 86:24 consultants 11:25 contact 40:2 77:14 92:24 104:20 139:20 contacted 39:6 78:13 80:6 142:11
---	---	---	---

contacting 80:8 contacts 121:2 contained 20:21,22 21:9 25:19 container 107:23 containment 63:4 content 98:11 context 15:8 29:16 52:18 100:8 109:13 109:19 110:3 164:17 contingency 56:10 continue 180:11 contracting 17:23 18:1 contractor 17:25 29:5 102:4,10 115:23 117:8,9 121:16 125:14 127:2 143:3 154:6 154:13 contractor's 56:4 56:15,22 57:5 59:20,24 60:12 162:7,10 contractors 29:7 117:2 contradiction 29:13 38:4,10,18 48:21 contributed 145:24 control 79:17 conversation 54:2 54:3 77:7 120:23 120:25 130:7 conversations 139:14 cooperation 29:16 125:25 137:22 coordinate 123:18 124:4	coordinated 136:18 coordinates 96:4 copied 119:23 copies 93:5 142:23 copy 37:14 56:4 58:22 65:15 72:20 74:1 76:5 93:14 94:23 95:22 105:25 108:3 121:12 122:10 124:3 135:10 162:9 172:5 172:10 184:15 copying 111:23 114:1 core 145:16,24 146:3 corner 35:9,13 52:13 80:4 98:8 148:11 corporation 1:5 16:20 correct 42:7 49:1 51:4 57:6 58:6 59:3 61:9 65:12 70:17 71:18 76:21 82:2 83:10 90:19 91:24 103:18 115:20 119:10 127:20 129:4 130:20 142:4 148:23 154:4,8 156:25 157:1,16 160:17 161:16,17 161:20,21 166:16 166:19 168:19,20 169:22 170:6 175:1 178:10 179:19,22 correlates 157:10 corresponded 51:3 correspondence 4:16 5:4,5,10,12,14 5:15,17,21,22 6:1,2	6:4,11,16,20,24 7:1 50:3,8 64:23 102:17 111:24 114:2 cos 79:22 cosmetic 53:14 61:21 132:11 costs 129:20 counsel 7:8 141:25 170:23 186:9,9 count 95:12 counted 48:14 country 28:13 county 1:2 29:12 29:14 38:2 41:22 48:18 77:3,15,17 77:18 169:16 185:3 186:2 couple 91:5 98:13 course 28:17 29:4 34:23 84:8 117:20 118:3 135:14,15 168:18 174:15 court 1:1 8:20 courtesy 121:2 covenants 27:9 cover 37:7 48:13 174:9 180:17 coverage 56:6 59:22 covers 37:3 62:9 181:7 covid 156:17 criteria 38:2 48:18 cross 3:4 153:16 crr 1:21 185:5 186:4,17 cruise 138:23 139:2 current 8:19 12:17 43:10 151:10	currently 11:5 17:25 31:6 69:2 cut 70:5 78:23 131:11 cutting 44:11
d			
d 2:8 3:1 dakel 134:9 date 1:16 31:22 45:9 66:3 67:1 68:12 71:7 73:21 74:2 75:9,13,17 76:4,15 84:23 90:20 93:25 94:16 94:22 104:22 118:19 124:22 125:24 130:23 131:1 138:14,21 148:10,14 173:11 dated 4:13,16,20 4:23 5:4,6,8,11,16 5:17,20,22,23 6:2,3 6:5,6,8,10,12,14,16 6:19,20,22,24 7:1 52:10 66:15 104:17 105:13 108:22 111:19 124:21 128:25 142:20 156:12 186:11 dates 66:6 93:12 147:12,13 179:16 dave 65:18 150:12 150:19 david 78:13,15 84:15 85:24 86:10 88:16 90:12 107:8 112:8 day 75:5,7 76:19 87:21 171:7,13 176:3 185:7 186:11			

days 75:8 deal 63:15 84:12 127:21 dealing 128:10 145:17 dealt 63:13,22 december 6:14 140:5 162:16 decided 114:7 115:10 decision 103:13 113:20 114:10 decisions 19:9 declarant 109:9 declaration 14:8 15:23 16:1,2,7 152:25 157:10 deep 154:18 155:3 defendant 1:9,18 2:12 8:15 9:20 10:7 14:15 125:25 135:18 153:22 defendant's 149:22 defer 58:1 63:10 deferring 87:16 deficient 158:14 173:14 define 74:16,21 defining 109:14 definitely 113:14 degreed 156:7 delineated 47:8 174:6 delivery 71:14 demand 72:16 129:18 denied 142:14 denominator 53:17 department 29:12 29:14 34:25 39:7 40:3,8 76:21	101:14 129:5 142:12 147:25 150:15 155:20 departments 38:3 48:19 depends 50:13 depict 107:18 depo 138:11 deposition 1:15 3:3 7:9 9:1,16 10:19,23 15:18 150:24 153:14 156:21 157:7 165:19 170:8 172:15 184:17 186:5 describe 28:23 49:24 91:9 description 91:7,11 91:13 142:1 design 4:5 11:11,22 11:24 28:25 43:3 44:1 49:25 70:9 88:18 89:3 100:13 106:11 114:14,23 115:2 123:6,25 125:5,6 132:2,20 132:22 134:20 140:9,10 151:15 154:12,17,22,25 155:7 167:20,21 171:25 175:11 181:6 designated 74:23 74:23 designator 9:10 designed 155:15,15 155:16 designs 47:6 156:1 182:10 detail 6:15 91:10 99:4 120:21	details 4:5 24:25 55:14 62:14 84:9 90:21 106:4,8 107:22 120:22 130:6 132:22 143:5 144:9 156:16 determine 84:2 107:22 151:24 152:2 156:2 determined 167:14 developer 27:10 30:10,11 64:4,10 67:21,23 68:8 183:15 developer's 57:24 developing 34:22 development 30:17 39:4 41:21 64:5,8 67:8 78:3 82:25 133:5 181:17 dialogue 51:7 differed 40:21 106:23 difference 14:15,16 15:12,20 32:23 176:13,20,23 differences 15:10 different 11:20 68:5 78:4,7 79:9 87:11 102:18 103:1 103:17 119:19 126:15 127:15,17 127:24 135:4 147:12 155:1 160:4 160:5 163:19 172:24 173:2 176:17 179:6 differs 111:25 114:4 dig 89:16	diligence 104:6 direct 3:4 8:12 46:20 48:5,23 52:12,14 55:23 78:25 108:24 142:2 directed 149:12 170:5 directing 109:1 direction 21:6 directly 33:22 92:24 127:6 136:19 141:7 director 13:1,2,10 13:14,22 78:13,16 95:25 97:5 169:9 directors 4:12,20 4:22 5:8,19 6:6,8 6:13,18,22 12:15 12:18,20 13:15 18:18 24:21 25:14 25:20 32:4,17 52:10 54:16 62:19 67:22,23 68:8 72:3 77:12 101:19 108:22 123:2 128:24 140:4,6 146:20 149:17 dirt 178:8 disabilities 11:18 disability 155:11 disapproved 24:16 disconnect 79:2,4 discontinued 72:16 discovered 72:9 discretion 43:3 47:10 169:6 discuss 18:25 34:15 40:11 53:24 86:22 86:23 94:10 120:1 121:20 145:4 163:12
---	---	---	--

<p>discussed 21:17,18 21:19,20 24:6 38:18 47:20 52:16 52:21,22,23 57:17 76:24,25 87:3,5,7,9 93:1 100:7 109:9 110:4 114:15 121:24 129:10,15 129:19,23 140:9,10 145:15 167:6</p> <p>discusses 149:24</p> <p>discussing 44:18 53:5 105:1,7 115:10 129:25 141:2</p> <p>discussion 22:23,25 24:9,12,13 33:17 35:25 36:9,18 39:19 40:14 46:2 52:20 53:4,21 54:2 54:8 55:3,7 56:15 57:17 58:3 60:15 64:2 77:17 78:8,12 86:21 88:25,25 95:10 96:7 109:2 112:10 129:3,4 140:8,16 151:13 162:25 163:11,18</p> <p>discussions 39:17 48:1 51:9 62:15 121:2 133:16 141:7 161:2 163:18</p> <p>displays 28:25</p> <p>disposition 84:3</p> <p>distance 41:5 103:8</p> <p>distinct 34:24 39:4 42:4,21 43:2 77:23 78:2,4 87:4 96:8 127:17</p> <p>distinction 87:3</p>	<p>distinctions 78:6 104:2</p> <p>distributed 18:22 135:21</p> <p>district 63:7</p> <p>diving 154:19 155:3</p> <p>division 119:24</p> <p>document 17:3,7 18:7 19:11,14 20:6 21:4,23 26:3,8,13 27:18,20 29:24 30:23 31:3,10,12 31:15,20 33:4,12 37:13,17,18,21 39:14 49:12 51:15 51:17 52:5,7 59:6,8 90:9 91:19,20 98:4 98:7 100:9 101:12 104:25 105:8 110:24 118:16,17 120:6 141:18 147:22 167:5 172:24 180:10</p> <p>documentation 52:20</p> <p>documented 73:25 74:1 89:18 99:4 115:1 130:25 149:3</p> <p>documents 14:8 18:16 19:8,10,16 19:17,18,22,25 22:9 26:8,11,16 27:2,8,10 30:25 49:16 50:3,13,14 50:15,17,19 51:1 57:24 58:1 73:22 75:15 85:5,9 90:14 92:6 93:15 94:18 96:14,25 99:7 106:22 108:9 124:7</p>	<p>125:3 129:10 137:24 147:5,23 152:15,16,19,25 156:12,13,18 158:4 158:6 167:10,13 171:18</p> <p>doing 69:23 95:5 121:16 160:10 171:20 182:10</p> <p>dollar 143:8</p> <p>dollars 118:8,9</p> <p>door 83:7,10,14,17 99:18 100:12,16 182:16</p> <p>doors 47:14 57:17 57:18,20 58:3,12 82:19,21,22 83:2,5 87:5</p> <p>double 61:16 182:14,17</p> <p>doug 140:19,20,23 150:3,3,5,7,8,12,14</p> <p>downspout 80:16</p> <p>downspouts 182:8 182:17,20 183:1</p> <p>draft 28:6 33:20 36:10 37:17 160:18 166:4</p> <p>drafted 25:16 37:18 110:11 173:10</p> <p>drafting 23:16,18 23:21 26:11,24 27:1,24 109:4,22 172:19</p> <p>drafts 25:22,23</p> <p>drain 107:23 168:15 177:15 178:4 181:13 182:22,24,25 183:2</p>	<p>drainage 21:19 22:25 23:10 43:18 47:4 62:21,22 63:3 106:5 107:19 177:11,15,19,20 178:1,5,6,7 181:1,2 181:14,16,19 182:5 183:3</p> <p>draining 177:16 178:8,11</p> <p>drains 177:17 183:1</p> <p>drawing 49:12 70:10 91:11 112:14 113:15 135:21 171:14</p> <p>drawings 7:4 49:21 49:22,24 50:21,25 57:23 64:9,12 70:19 73:2 75:25 76:6,6,8,10,16,16 80:12,18 86:1 91:18 100:15 106:4 106:10,15 107:14 107:16 108:4,10 110:5 112:22 113:9 121:10 123:4 124:1 125:15 126:8,9,11 126:12 132:22 134:11 135:11,22 136:6,7 151:15 156:1 164:18 165:5 165:14,16 167:10 167:12,17,21 168:5 168:15 173:22,23 173:24 174:1,4,5 174:10</p> <p>drawn 134:22,22</p> <p>drive 69:7 127:18</p> <p>driver's 185:10</p>
---	---	--	--

drop 97:11,17 dropped 94:2,3 due 104:6 duly 8:10 185:6 duration 49:22	east 82:1 eave 90:22 177:9 177:10 eaves 22:24 176:9 effect 79:3 effective 175:23 efficient 182:11 egress 83:1,3,8 99:19,22 159:20 eight 105:16 113:9 either 24:15 68:4 90:12 140:17 elected 13:24,25 electrical 159:22 electronic 108:4 electronically 17:14 95:6 elevation 21:17 23:8 61:19,21 89:20 94:11 106:15 106:16 109:8,11 110:6,7 112:25 135:3 159:18,19 166:18,24 167:6,15 167:20 168:4 177:10 elevations 23:10 eleventh 80:12 eliminate 21:14 else's 164:22 emily 1:21 185:5,13 186:4,17 employed 11:5,6 employee 186:8 enable 106:11 encroach 34:15 encumbering 60:17 ended 22:16 66:17 66:25 ends 138:4,4	energy 155:16 enforceable 32:2 151:25 152:1,3,9 152:13 enforced 38:7 enforcement 52:16 52:19,24,25 53:4 53:24 54:2 127:4 127:11,17,18,25 128:1 enforcing 29:17 engage 78:25 engaged 158:13 engagement 117:16 engaging 68:23 engineer 23:9 70:20 133:8,13 150:17 155:21 156:7 177:23 engineered 70:8 132:5 engineering 21:20 70:10 132:2,21,24 150:13 154:17,23 155:19,20 156:8 engineers 134:10 enhanced 27:4 ensure 62:20 104:7 169:17 enter 83:19 entertainment 11:25 12:1,6 entitled 35:24 entity 17:1,9 158:10,10 169:7 entry 83:5 environmental 181:8 envisioned 88:4 equipment 155:1	eric 56:7,12 errata 51:10 error 119:19 errors 74:15 184:6 esquire 2:3,8 essentially 58:5 established 64:10 estimate 49:22 et 44:12 evaluate 20:2 70:25 91:18 evaluating 133:8 155:5 evaluation 133:14 150:18 158:9 event 111:24 114:2 events 87:25 112:7 eventually 76:22 everybody 89:15 182:3 evidence 86:25 evidencing 59:22 evident 88:22 evolution 45:16 125:13 evolve 64:15 105:18 180:11 evolved 68:9 113:3 132:3 154:23 167:11 182:9 evolving 125:6 180:10 exact 28:19 66:6 75:13 76:4 102:22 177:10 182:1 exactly 18:14 22:2 24:5 26:7,15 50:1 66:25 73:21 107:11 150:25 176:16 examination 3:4,4 3:5,5 8:12 153:16
--	---	--	--

179:1 183:21 examiner 77:15,16 example 23:7 47:16 48:20 63:3 67:15 105:23 176:6,18 179:25 180:3 181:25 examples 28:24 41:20 47:11 exceed 162:13 exception 81:23,24 83:23 84:2 100:7 179:24 exceptional 92:8 99:4 excess 42:25 exchange 5:13 97:25 104:11 exchanges 48:3 104:24 113:3 136:22 excuse 98:6 128:7 executed 167:22 exhibit 4:3,5,6,8,9 4:9,10,11,14,16,17 4:19,21 5:1,3,4,5,7 5:9,10,12,13,14,15 5:17,18,21,22 6:1,2 6:4,5,7,9,11,12,15 6:16,17,20,21,23 6:24 7:1,2,4 17:4 17:16 18:4 20:6 25:25 27:15 30:6 33:7 35:18 37:10 44:3 46:13 48:5,7,8 48:9,10,10 52:2 55:16 58:13 66:9 71:2 75:19 86:4 90:6 93:8 95:7 97:21 99:12 101:7 104:14 108:16	110:14,21,22 115:13 118:13 120:4 121:11 122:20 124:8,13 128:20 131:6 133:22 139:17 141:13 144:20 146:15 148:3 149:14,23 153:14 158:24 159:16 160:13 161:4,13 162:15 163:3,25 164:12,13 165:12 165:19,24,24 166:14 169:4,24 170:4,8,11,13 172:13,15 173:18 173:19 exhibits 125:4 169:1 exist 146:7 155:24 existing 27:8 56:18 91:1 152:20 169:1 expand 72:10 expansion 72:12 74:18 expect 24:24 68:9 133:15 142:6 182:16 experience 22:5 79:23 100:17,24 113:19 154:11,16 155:25 156:10 expires 185:15 explain 14:14,16 21:25 29:15 34:19 61:3 176:12 explicitly 57:22 expressed 100:3 expressly 180:6	exterior 15:24 16:9 16:12 43:18 47:3 53:6,10 71:25 72:2 72:9,24 91:1 107:19 158:16 183:24 externally 132:6 extra 93:15 eye 68:18	144:18 federal 116:5 feedback 24:14 78:25 feeds 181:20 feel 80:21 feeling 114:25 feels 11:21 feet 35:6,7,15 41:6 41:7 61:4 81:14 103:17 felt 71:9 78:23 80:15 84:11 105:22 110:12 124:1 125:20 fiberglass 47:16 fidgeting 160:11 field 70:6 fifth 174:5 figure 53:13 file 169:7 fill 92:6 144:8 final 160:25 175:15 175:21 finalized 184:6 financial 36:3 141:21 financially 186:9 find 27:13 50:1 65:1 94:19 105:14 107:21 131:5 160:13 fine 9:6 finer 53:19 54:1 finish 90:22 finished 151:1 183:18 fire 87:9,13,19 first 8:10 20:7,7,9 20:20 21:8 28:20 33:22 35:23 41:18
		f	
		facade 53:6 61:18 89:21 134:19 140:14 178:14 face 88:19 facilities 41:24 155:7,8 fact 96:14 103:16 150:16 160:21 faded 53:11 failed 130:24 137:2 fair 156:15 faith 84:5,14 fall 29:2 false 89:20 182:15 familiar 8:21,23 9:12 14:7 19:11 26:7,10 30:22 31:3 31:14,16 85:14 98:10 141:18 144:15 153:2 family 139:2 far 83:24 137:21 faux 90:22 94:10 110:7 112:25 134:25 167:20 favor 109:10 fbo 94:9 130:19 137:3 171:3 features 47:6 february 6:17 46:12 123:5 144:17	

45:23 46:20 48:24 57:5 59:24 65:17 65:21 66:22 68:9 72:2,24 73:18 74:24 76:1,2,16 87:12 88:2,17,20 99:15 102:1 104:22 107:7 109:1 119:2 119:3,4,5 124:17 125:19 129:1 143:18 154:13 159:16,17 170:14 173:15 182:10 fit 174:16 five 35:6,12 38:23 38:24,25 39:9,21 62:1 95:13 96:6 103:16 107:8 121:20 flip 43:13 flipped 169:2 floor 21:17 23:7 109:8 floors 22:24 23:10 florida 1:2,4,8,20 1:22 2:4,10 4:3 17:10,24 57:10 60:1,2 116:5 139:6 155:17,21,21 185:3 185:10,14 186:2 flush 41:4 82:13,15 focus 93:24 foggy 156:16 follow 94:6,14 137:18 148:13 followed 39:25 137:20 155:4 following 96:19 105:11 111:9,16 120:23 140:13	follows 8:11 56:1 115:23 foot 38:23,23,24,25 39:1,9,21 74:5,8 79:15,16,22,22,25 103:16 118:25 119:7,10,13 121:20 176:18,25 177:1 footers 72:11 footprint 106:14 force 67:8 91:21 forefront 145:25 146:4 foregoing 186:5,6 forget 135:8 form 5:10 49:7,11 58:23 65:22 91:19 97:11 105:24,25,25 108:3 112:4 128:11 152:4 164:19 173:3 175:17 formal 24:13 60:16 68:10 85:15 87:6 89:25 90:3 124:23 125:23 143:7 145:13 formally 50:16 format 108:4 former 156:24 157:5 forth 22:7 43:4 74:9 119:8 131:1 136:24 forthcoming 122:1 forthright 120:12 forum 27:9 31:9 51:24 forward 94:12 100:19,21 102:24 129:21 132:21 133:2 165:8 175:14	175:21,25 179:15 forwarded 134:7 found 77:10 133:20 133:20 foundation 11:13 11:14,15,16 64:11 82:6,8 four 46:21 163:5 fourth 46:22 52:15 168:12 174:5 fpr 1:21 185:5 186:4,17 french 182:22 front 37:16 41:12 58:12 61:25 62:3 81:25 83:7 90:23 95:17 99:24 112:12 134:25 159:19,24 160:7 166:18,24 167:6,19 168:4 177:16,18 178:3,4 182:4,15,17 183:2 frontal 61:19 fronts 181:18 full 71:9 87:23 93:18 114:16 125:16 126:12 143:23 153:5,8 168:14 fully 29:2 167:22 further 28:8 100:4 110:11 111:21 112:2 113:16,25 115:3 121:25 135:5 140:24 184:1 186:8 futile 142:18 future 145:22 146:3,10	g gained 22:5 gap 82:16 garden 155:16 general 14:10 17:23,25 18:1,15 28:21,23 37:8 47:5 57:18 60:19 69:13 115:12,22,23 116:2 117:8,8 127:2 154:6,13 156:10 162:6,7,10 165:8 168:6 170:22 180:22 generally 11:16 15:23 16:7 32:21 37:5,7 58:4 71:12 97:6,8 101:11 109:14 141:24 157:18 177:24 182:7 generate 134:21 generated 21:4 39:5 101:12 152:17 generic 38:8,15 58:10 getting 103:20 104:6 121:14,14 gg 185:14 girders 69:25 gist 130:7 give 8:5 29:8 33:3 41:10 47:11 63:3 67:25 68:3 75:13 96:5 153:10 171:13 175:6 178:25 given 92:15 93:2,4 gives 156:9 giving 129:13 go 11:12 32:13 33:19,22 45:4,15
--	--	---	--

46:3 48:2 53:18 54:7 59:15 65:4,7 66:5 84:8 85:19 89:25 91:22,25 92:7 99:6,8 105:9 105:10 107:21 126:19,21,25 127:1 132:21 143:11,17 143:24 147:9 161:8 161:12 164:12 168:24,25 god 8:7 goes 182:4 going 10:6 14:16 19:7 39:8 40:11 63:25 64:19 68:19 68:24 73:12,24 77:10 80:23 82:1 82:16 86:2,14 89:25 91:4 96:16 100:12,14 110:18 111:3,4 118:1 121:19 129:21 132:23 133:3,14 136:11 141:6 144:2 149:22 150:17 151:3 156:14 158:22 163:1 168:25 171:13 179:15 good 8:14 53:10 84:4,13 146:9 167:21 gotten 79:21,22 149:20 govern 41:23 43:20 82:18 governed 35:2 governing 14:8 38:5,9 41:17 48:21 49:4 57:24 152:15	152:16,24 government 38:3 48:19 governmental 179:25 grant 40:4 84:2 175:3 granted 39:20,23 grave 132:14 great 115:18 136:8 greater 62:6 greatly 151:2 greg 4:9 31:4,5 54:9 111:23 114:1 grief 81:7 ground 183:2 group 154:25 guess 31:7 74:14 83:14 93:12 94:24 98:3 112:9 114:20 121:2 123:4 129:16 130:1 134:9 141:22 150:5 154:10 168:11 guest 155:12,14 guide 21:10 guideline 32:24 132:16 152:2 178:17 179:9 guidelines 4:9,10 4:14,17 5:1 19:12 20:23,24 21:10,15 21:25 22:4,8,13,15 22:20,21 23:4,16 23:19,22 24:22 25:2,16,17,17,21 26:12,19,20,21 27:1,22 28:10,24 29:3,11,16,20 30:4 30:15 31:2,25 32:1 32:1,7,14,16,18,21	33:3,5 34:20,20 35:11 36:1,10,10 36:11,12,19,22 37:15 38:1,7,22 39:3 40:5 41:17 42:16 43:16,23,24 44:10,14 45:3,24 46:3,19,25 47:5,12 47:19 48:17 49:4,9 51:20 52:22 54:19 54:25 55:3,6,25 56:3 57:7,19,21 58:21,21 59:5 60:21,24 61:20 62:12,22,25 63:19 64:6,11,14 67:7,12 67:13 77:23 78:2 79:8,19 81:5,9 83:20 90:25 91:20 92:16,20 97:15 99:23 100:1 102:25 104:3,8 106:2,10 106:12,17,20 107:13,17 108:2 109:20 116:3,14,16 116:18,20 128:9,17 131:24 145:21 146:1,25 149:10 151:17,25 152:9,12 152:14,18,20,24 157:17 161:1,9,11 161:14,19,22 169:5 170:2 174:11,19 177:5 178:19 179:16,18 180:7,9 180:16,22,23 182:3 gutter 80:16 183:3 gutters 181:21 182:8,19 183:1	h h 4:1 half 43:7 118:8 156:15 hand 8:2 30:22 52:13 58:16 64:4 127:13,13 148:10 149:22 185:7 handed 27:11 30:16,19 64:9 95:4 handles 178:1 hangar 16:9 17:8 21:17 28:25 31:5 34:3 41:19 43:3 49:13 53:13 62:13 62:25 63:8,13 65:18,21 67:14,18 72:10,14 73:19 74:19 75:2 80:22 81:6 82:19,25 83:7 83:10,11,20 84:7 84:18,24 86:12,21 88:1 89:1 90:21 93:25 99:18 100:12 100:16 102:12 112:13,14 145:4 149:24 156:4 158:1 158:2,24 159:23 171:4,10 173:14,25 174:10,16,24 177:17 178:11 179:13,20 181:10 182:15,17,18,19 183:2,14 hangars 15:25 35:14 43:11 44:12 79:21 81:21 82:21 83:2,4 99:20 159:2 159:3 163:3,6,9,19 166:7 182:7 183:13
--	---	---	--

happen 73:25 100:14 happened 114:21 169:19 181:16 happening 129:24 happy 89:16 99:8 hard 93:5 harm 181:3 head 13:3 headnote 35:24 headway 129:14 hear 9:5,7 96:16 127:7 hearing 175:15 hearsay 66:23 85:15 heat 121:7 heekin 5:6,11,21 6:4 111:19 112:1,9 112:16 113:18 114:20,24 135:5 170:25 171:12 height 43:19 47:4 90:22 107:19 held 177:21 helicopter 180:4 hello 120:17 139:1 help 8:7 11:17 20:5 21:6 28:6 53:18,20 60:4 134:19,20 180:19 helpful 91:11,13 151:1 helping 11:20 helps 51:8 high 60:17 87:7 higher 60:14 highlight 33:23 highlighted 34:8 141:24 160:14	highlighter 33:21 hire 53:17 hired 115:25 history 17:22 34:23 47:23 51:16,18,25 59:6,14 85:4,14 101:4 115:6 116:19 124:20 149:2 154:22 181:6,7 hold 64:1 165:5 181:24 182:12 holder 143:3 holiday 138:25 home 16:18,19 155:17 homeowners 142:22 honestly 27:25 28:3 54:5 57:4 120:12 133:18 135:9 152:7 hopefully 64:1 hour 80:13 171:6 house 155:18 huge 67:22 128:15 128:17 hundred 177:24,25 181:25	108:17 110:15 115:14 118:14 120:5 122:21 124:9 128:21 131:7 133:23 139:18 141:14 144:21 146:16 148:4 149:15 153:15 165:20 170:9 172:16 173:20 185:9,9 identified 37:15 83:21 109:17 identify 174:3 iii 2:3 illinois 10:17 illustration 106:4 illustrations 106:8 106:10 108:10 imagine 17:9 38:18 76:4 immediate 78:25 immediately 35:16 72:17 impact 34:14 implications 155:6 important 120:17 impressions 76:2 improved 67:9 improvement 15:2 15:4 improvements 14:20,23 74:4 157:9,11 inaccurate 91:14 142:21 inception 92:20 inch 176:15,21 177:2 inches 82:16 176:15,21	include 25:2 99:17 99:17 108:4 included 32:7 37:20 45:14 53:16 58:4 124:20 136:23 136:25 152:21 including 40:16 55:3 59:20 91:2 113:8 132:17 166:18 inclusion 19:22 59:21 inclusive 186:6 incomplete 132:3 168:9,10,11 inconsistencies 184:7 inconsistent 174:11 175:25 incorporated 44:17 44:21,24 57:20 incorporation 14:9 153:1 incorrect 98:22 incurring 129:20 independent 113:15 independently 80:21 indicated 85:11 150:12 indicating 87:8 indication 85:6 indications 32:20 85:13 individual 37:1 83:3 84:5 individuals 33:14 33:18 80:6 105:17 127:8 135:25 160:23
	i		
	idea 39:25 69:15 82:5 92:12,14,17 92:17 152:23 153:9 153:9 183:17 identification 4:3 17:5,17 18:5 26:1 27:16 30:7 33:8 35:19 37:11 44:4 46:14 52:3 55:17 58:14 66:10 71:3 75:20 86:5 90:7 93:9 95:8 97:22 99:13 101:8 104:15		

industry 12:1 16:22,23 infer 54:12 116:13 inference 114:21 inferences 74:14 inferred 110:6 informal 24:12 46:2 47:23 48:2 60:16 145:14 informally 18:25 information 14:21 22:6 23:11 27:12 31:23 32:25 91:15 100:14 105:19 121:8,13,25 125:14 125:14 131:4 134:3 141:25 147:5 informed 71:15 infrastructure 181:17 182:6 infrequent 18:18 ingress 83:1,3,8 99:19,22 159:20 inherent 49:16 57:9,25 60:2 64:7 initial 30:16 64:14 65:15 82:4 110:9 initially 45:4 50:23 initiated 117:21 injunction 129:23 input 31:10 88:9 inquiry 120:18 inserted 57:6 inside 41:8 69:1,5,6 83:3 inspected 70:16 inspection 42:23 72:11 87:20 144:7 144:8,10 inspections 41:25 43:1 67:5,6 128:6	133:19 139:21 141:22 142:13 installed 70:12 instance 182:19 instances 80:3 insurance 36:13,25 37:3 45:15 56:16 56:22 57:6,11 59:18,18,20,20,24 60:13 62:5,8 67:16 115:22 117:1,2,13 117:20,22,25 125:14 151:6 162:7 162:7,10 insured 56:6,23 59:21 60:10 168:23 intelligent 4:4 11:11,22,24 16:24 intended 181:6,7 intent 27:5,6 29:19 123:7,25 124:5,24 125:6 145:16,16,18 171:16 180:16,18 181:21 intention 83:9 intentions 71:10 intents 154:2 interaction 84:23 175:24 interactive 47:22 interacts 84:4 interest 184:9 interested 68:23 84:19,20 141:5 186:10 interface 43:17 47:3 107:18 155:8 interfere 102:14,16 interfered 181:3 interior 41:19 43:18 47:3 62:25	87:15 107:18 158:16 internally 132:6 international 154:25 interpret 164:20 interpretation 102:9 interpreted 165:10 interruption 166:12 intimate 31:19 intimately 88:18 investigate 140:24 invite 78:18 involve 103:4,12,15 158:15 involved 10:12 23:1,9 31:9 65:10 73:8,9 85:5 88:3,5 92:23 96:15,17,20 97:13 125:19 127:6 127:7 130:4 141:1 141:22 155:18 involvement 23:15 23:18,21 88:2,13 88:18 106:25 107:2 115:6 issuance 146:10 147:4 issue 15:9 18:20 27:13 32:9 38:16 38:20 39:9 52:23 52:23 56:17 57:12 63:22 64:23 79:17 87:13 96:21 98:21 103:18,23 104:1 121:15 123:9,11 131:21 132:7 133:24 141:9 145:18 147:2 164:3	178:18 issued 66:21 101:1 141:20 146:13 147:6 issues 18:25 20:21 22:14 25:19 27:1 32:6 38:13 40:16 40:18 43:10 46:6 47:19 53:8 54:16 62:21 71:21 75:24 77:9 78:24 80:9,11 80:19 87:13,16,18 88:22,23 98:24 99:3,6 102:25 103:3 105:1,7 107:8 123:16 131:20 133:4,25 145:24 146:3 147:9 149:8,9 154:12 156:8 158:13,16 161:3 163:12 164:2 166:6 173:17 177:19 180:11,13 issuing 38:11 133:7 150:14 item 29:17 33:16 53:23 54:4,5 109:13,21 111:12 114:11 115:9 130:9 140:9 146:23 147:2 169:24 170:1 items 21:9 22:11 29:2,11 44:24 45:23 47:17 51:18 71:23 78:16 106:19 108:7 113:8 120:17 121:3 125:20 129:15 142:1 147:3 149:2 176:10 iterations 157:15
--	--	---	--

j	149:14 173:19	147:22 151:22	131:9 133:17
jack 11:15	jones 90:2	154:19 156:9 161:2	135:10,13 137:11
james 111:19	jordan 5:11,23 6:3	167:4 168:5 176:12	137:24 138:8,13
jan 56:8,12	95:20 111:7,14	180:18	139:15 140:19,22
january 4:16,18,20	115:18,18 116:8	kinds 181:7	141:17 142:8
17:12 44:20 45:20	120:16 121:11	knew 38:16 88:21	143:12,22 144:9,14
46:10,11,18 52:11	judicial 1:1	134:18 143:18	144:14,25 146:6
55:10 161:11,14,18	july 5:20,22 6:22	know 12:17 14:11	149:12 151:5,10,14
161:22 169:4	108:22 110:22,23	14:14,19 18:9	151:16 152:14,16
japan 28:15,16,17	111:5,19 149:16,21	19:20 22:2,11,16	152:22 153:4,7
28:18 36:6	150:10	22:18,19 23:12,13	156:9,19 158:20
jim 30:13 53:24	june 5:6,8,11,16,18	23:13 25:9,14	172:8 176:5,14
54:4 112:9 135:5	66:4 71:6 72:21	26:13,21,24 29:22	177:9 179:24
170:20,24,25	75:11,12,12 76:3	30:9,9,15,25 31:22	181:10 183:10,13
171:12	76:11,13 85:18,19	32:5,15 35:13	183:15
job 139:21 142:23	85:20,21,23,24	38:15,20 39:20,24	knowledge 10:5
171:24	86:15 94:21 95:20	43:9 44:23 45:1,3	22:5 27:6 30:13
joel 1:15 3:3 8:9,18	99:16 101:13,22	45:11 46:11,17	31:20 62:4 101:4
36:10 52:20,25	102:6 104:22,23	50:9,25 51:3,6,17	106:24 113:19
87:2 109:4,7,22	105:4,13 165:14,16	51:21 54:5,21 55:4	114:25 119:17
129:4 130:10	k	56:14,24 57:19,22	151:7 152:10
142:11,21 146:24	kagan 1:15 3:3 5:6	58:2,9,12 59:4	174:21 175:3,6
147:3 170:2 185:5	5:13,16,17,21 6:3,4	60:21 61:22 62:12	177:6 178:12,20
186:5	6:5,9,16,24 7:1 8:9	62:16 63:11,12	181:2,9
joined 132:5	8:18 11:15 111:22	64:4,21 66:1,3,20	knowledgeable
joint 4:2 17:4,16	142:11,21 146:24	68:2,7,10,12 70:18	24:25
18:4 25:25 27:15	147:3 165:24 170:2	70:20,22,24 71:1	l
30:6 33:7 35:18	185:5 186:5	73:7,21 74:11 76:4	l 7:7
37:10 44:3 46:13	karen 134:9	78:4 84:1,15 85:10	lack 84:13 86:23
52:2 55:16 58:13	keep 68:18 89:5	85:17 87:24 89:11	88:23
66:9 71:2 75:19	kelsoe 4:9 31:4,5	92:10,22 96:13	laid 72:11 106:3
86:4 90:6 93:8 95:7	96:2,5,7 97:2	100:10,11,14 104:9	land 74:9 119:8
97:21 99:12 101:7	111:23 114:2	105:6 106:21	landscape 135:6
104:14 108:16	kidding 184:9	107:11 108:5,6,13	landscaping 29:1
110:14 115:13	kids 11:19	110:1 112:1 115:5	47:14 112:19
118:13 120:4	kind 45:16 54:23	117:6 118:1,2,17	language 29:23,25
122:20 124:8	66:5 67:23 77:12	118:18,21 119:15	30:1 34:9,12 36:13
128:20 131:6	81:11 82:4 90:3	120:24 121:19	46:7 157:9,10
133:22 139:17	94:7 100:8 101:17	122:9 124:2 127:10	180:24
141:13 144:20	105:21 112:20	127:12 128:4	large 1:22 21:24
146:15 148:3	113:3 125:23 135:8	129:20,25 130:1,21	61:16,17 72:14

74:19 181:24 larger 35:14 112:19 larson 65:18 84:15 84:25 85:24 87:10 88:16 89:11 90:12 96:6,12 107:8 112:8 late 64:19,25 latest 36:10 laughing 98:23 laundry 131:22 laura 2:14 law 2:3 57:10 71:13 71:13 lawrence 2:15 84:12 97:25 117:7 laws 14:9 lawsuit 9:20 10:9 lawsuits 10:13 lawyer 85:22 88:5 lawyers 73:9 lay 125:20 lead 42:1 leading 39:14 43:1 47:24 48:3 53:9 154:16 158:9 leads 72:5 learn 143:19 learned 143:22 144:12 leave 82:6 leaving 139:1 leed 155:15 leeway 33:1,3 80:5 left 22:9 33:22 77:1 81:4 83:11 171:6 181:5 legal 72:15 73:4 129:19,21 149:25 170:22	lenders 37:5,5 letter 50:6 55:10 71:17,20 74:3 75:9 75:16,17 85:22 88:7 89:18 101:5 101:15 102:13 103:10 104:10,22 105:13 107:3 109:4 109:22 110:11 111:10,16 113:5,8 113:19 114:7 115:1 115:17 119:2,5,22 120:1 122:14,15 124:21 129:5,15 143:4 146:11,25 147:17,21 148:6,13 148:21,25 164:22 166:4,6,9 167:3,4 170:3,4 173:14 letterhead 173:4 letters 113:13 149:3 level 25:1 80:7 lewis 2:3 liability 1:8 4:4 37:4,8 56:4,15 57:6 59:24 60:12 115:24 115:25 116:2,11 117:14 162:7,10 liberty 78:18 license 17:23 18:1 143:3 154:13,14 185:10 licensed 117:8 154:6 licensee 4:5 life 155:6 156:9 light 155:21 lighting 52:22 53:8 168:16	limit 60:21,24 61:18 152:25 limited 1:8 4:3 11:11 16:20 50:14 53:16 54:3 63:7 limits 56:19 57:12 57:13,15 59:21 115:22 162:12 line 41:3,12 55:11 62:3 80:5 91:2 119:23 liner 113:24 list 4:8 29:6 49:14 49:19 90:25 105:14 105:21 106:22 107:10 113:8,11,12 131:22 147:2,3,6 154:21 173:17 176:4 listed 95:18 105:15 150:5 176:10 listing 22:3 lists 50:3,9 literally 152:18 litigation 10:5,8 129:21 135:14,16 little 32:8 40:25 56:2 63:25 68:5 75:14 79:14 99:10 99:21 108:6 130:6 154:5 156:16 live 135:5 lived 10:16 llc 1:8 5:23 6:1 8:16 9:19,23 10:7 148:22 153:22 load 155:13 loading 72:1 located 28:14 location 1:19 12:1	log 4:10 161:16,23 long 12:12,24 13:8 62:9 139:2 143:24 longer 141:11 look 17:20 22:1 27:18 28:11,20 29:9,25 31:3 35:21 35:23 44:6,25 46:16 52:5 55:19 59:1 60:19 66:6,12 68:22 71:11 75:4,6 75:24 76:8 78:17 80:19 86:8 90:9 100:4 101:5,25 107:21 111:1,3 112:13 116:4 119:22 138:15 143:15 144:5 146:22 147:10 looked 22:15 30:20 76:2,16 84:18 88:19 89:14 138:3 143:20 153:3 179:16 looking 22:7 23:11 41:15 56:11 59:4 73:4,6 82:24 86:18 88:21 92:17,19 99:15 108:14,15 109:7 115:21 124:17 156:14 159:11,17 167:8 168:24 169:4 172:8 173:16 looks 26:10 28:2,5 45:11 46:18 55:21 61:19 66:14 75:23 106:14 134:6 141:19 164:8 172:22 176:17
---	--	--	--

lost 50:23 126:3,4,6 126:15 136:4 143:9 156:17 lot 7:3 9:25 31:17 35:9 41:3,12 43:9 50:17 53:11 56:3 61:24 62:2,3,3,16 63:20,21 69:18,19 80:4 81:7 84:7 86:22 88:22 96:19 100:11 109:2,5,22 109:23 120:9 124:20 129:16 130:10,17 131:4 134:12 142:13 148:22,24 152:16 154:17 156:11 159:4 160:10 161:6 162:1 169:6 170:17 177:19 182:14 183:5,13 lots 12:7 19:2 35:13 63:18,19 68:19 106:8 150:7 159:6 159:12 179:14 loud 20:17 28:22 33:23 36:2 lower 59:2 148:10 lucie 155:22 luncheon 65:5 lva 2:5	122:24,25 124:14 126:5 134:6 136:20 137:11,13 138:10 144:16 147:18 148:22 170:16,19 171:1,2 172:2,9 mails 48:3 86:24 95:13,14,21 96:6,9 107:9 main 47:6 131:21 133:24 maintenance 155:20,20 major 12:5 making 16:8 19:9 19:14 84:3 129:14 143:7 management 51:8 90:1,2,11,13 91:23 92:8,11,25 93:3 94:3,4 95:1 96:3 97:4,4,8 105:23,25 107:15 110:2 115:19 117:12 120:16 125:13,16 158:3 167:18 manages 95:25 manner 23:6 34:15 71:22 132:4 manufacturer 174:2 march 6:19,20 146:20 147:15 148:15,21 173:12 mark 18:3 27:14 66:8 90:5 99:11 104:13 marked 4:3 17:4,15 17:16 18:4 25:25 27:15 30:5,6 33:6,7 33:21 35:18 37:10	44:3 46:13 52:2 55:16 58:13 66:9 71:2 75:19 86:4 90:6,19 91:5 93:8 95:7 97:21 99:12 101:7 104:14 108:16 110:14 115:13 118:13 120:4 122:20 124:8 128:20 131:6 133:22 139:17 141:13 144:20 146:15 148:3 149:14 153:14 165:19 170:8 172:15 173:19 marsh 5:16 6:10 40:9 76:20 77:1,5 101:13,15 102:18 104:10,20 105:3 119:24 120:1 122:16 123:6,9,10 123:12 126:23 129:9 131:17 133:6 133:12 134:2 142:13,24 143:14 144:12 146:25 147:3,7 170:2 marsh's 130:2 match 90:23 91:1 matches 135:3 material 47:16 materials 37:7 49:23 62:6 105:23 matt 90:2 95:20 111:7,14 115:18 116:8 120:15,17 121:10,15,23 matter 111:25 114:3 140:24 160:21	matters 160:25 mean 33:2 42:18 51:13 61:11 69:15 78:9 79:6 92:10 107:2,6 135:15 164:18,23 165:4,7 179:8 meaning 107:4 111:22 means 29:15 38:6 85:9 176:14 meant 20:13 51:13 55:1 107:6 164:21 medical 11:19 medications 11:2 meet 53:24 80:22 81:9,21,22 94:9 100:1 123:6,9,10 123:12,20,23 130:10,17,17,18,18 130:21 132:24 171:4 meeting 4:12,20,22 5:8,19 6:8,13,18,22 18:21,23 36:18 46:3,9,10,12,12 52:9 55:21 58:2 73:23 75:2,2,16,17 76:17 78:20,21 80:25 81:1,4,10 85:18,24 86:7,15 86:17 87:11,22,24 88:15,16 89:10 90:11 93:21,24 94:6,6,14,16,17,20 96:23 100:10 101:16,20,21,21,24 102:3,11 107:7 108:22 112:8,11 114:14 123:12,13 123:22 124:19
m			
mail 4:16 5:5,10,12 5:14,21 6:2,4,11,16 7:1 18:25 44:9 45:19 64:18 71:14 75:4,23 85:9,23 89:8 92:9 93:6,7,11 93:20 95:16,17 97:2 99:16 111:7 111:18 120:8,15			

128:24 130:13,23 134:13 136:17,18 137:13,19 138:2 140:4,6 145:7,8,9 145:13,14,17 146:9 146:20,21 147:19 149:17 150:20,21 150:23 163:4 167:5 167:7 171:8 meetings 24:13 64:21 104:25 141:4 meets 62:20 90:24 106:15,16 member 4:10 38:19 113:20 members 12:17 19:1 24:4 31:11 36:17 56:8,13 58:6 58:7 72:7,8 123:1,2 145:10,11 160:19 membership 127:10 180:20 memo 4:9 148:7,21 memorandum 6:5 6:9 131:16 memory 60:20 156:15 men 155:12 mention 24:17 156:18 165:13 mentioned 47:18 63:18 80:4 100:6 105:17 106:9 107:12 114:19 118:4 127:22 129:17 136:17 140:11 147:20 165:1 mentioning 98:17 mere 32:18	mesco 7:4 69:17 message 77:8 messages 77:1 met 68:1 71:7 75:6 75:7 84:17,21,24 88:1 104:7 123:14 123:14 metal 155:24 173:24 meting 78:22 midway 41:16 military 11:18 million 56:6 115:24 115:25 116:1,12,12 118:8,8 mind 157:18 160:25 mine 111:25 114:4 minimum 56:6 59:19,19,20 62:9 115:22 minimums 60:13 62:11 minor 162:4 180:13 minute 138:15 minutes 4:13,20,23 5:8,20 6:8,14,19,22 46:3 52:9 55:21 86:7,15 108:22 114:11 128:25 140:6 149:17 163:4 miscellaneous 141:25 missing 122:17 mission 11:17 misstated 66:1 mistake 74:12 mitigate 112:19 146:2 modification 15:4,7 72:18 84:6 158:2	169:16 modifications 16:12 41:20 51:24 157:13 175:7 modified 25:23 72:10 modify 20:3 41:24 82:9 moment 178:25 monday 111:19 money 100:11 monkey 1:8 5:23 6:1 7:3 8:16 9:19 9:22 10:7 39:23 50:2 51:3,7 65:10 69:16 71:8,15,16 73:25 75:18 76:17 80:25 81:1 84:9,12 85:25 87:22 88:15 90:12 92:11 94:5 97:18,25 99:5 100:7,10 101:16 103:4,16 104:9,21 104:24 105:3,7,14 106:22 107:11 110:12 111:10 114:15 115:2,17 117:7 121:8,16,25 123:16,25 129:14 130:13,16,18,21 134:13,17 135:11 136:17 140:16 141:21 145:18 148:22,24 149:4 151:5 153:7,22,23 157:8,14 159:4 165:17 166:15 167:7,14 168:1 169:11 171:17 175:9,14,20 181:11 183:23	monkey's 84:24 93:25 102:14 139:21 147:6 163:7 171:19 173:25 174:16 175:3 176:2 177:15 178:20 month 28:19 months 125:18 145:17 173:15,15 moon 78:13,16 morning 8:14 morse 2:9 motion 36:11 55:25 56:7 move 81:6,13,15,21 81:22 89:1 94:12 100:21 moved 78:10 102:24 moving 21:23 100:18 133:2 165:8 multiple 182:25 municipal 80:7
			n
			n 2:1 3:1 7:7 name 8:14,17 11:10 23:13,14 56:5,5,5 90:1 135:9 183:6 named 56:22 58:8 168:23 naming 60:6 117:15 narrowed 151:3 nature 47:15 70:16 necessarily 64:21 78:5 103:4,12 117:21 necessary 11:21 41:24 42:3 need 37:2 42:8 60:16 102:20,22,23

106:9 107:16 158:15 needed 53:11,12 65:2 105:16,22 111:22 114:1 116:20 167:9 168:22 needs 11:19 34:21 41:9 49:15 177:20 neighbors 181:3 never 13:18 34:2 39:14,25 65:19 66:23 70:19 71:9 80:12 84:9 85:10 85:11,15 92:24 94:14,14 96:9,9 117:10 135:12,12 136:17 165:17 175:5 new 23:9 41:19 54:9,21,24 67:11 86:21 116:15,18 139:25 140:1 155:1 174:24 180:20 nice 138:25 nielson 77:14,16 night 36:6 ninth 1:1 nomenclature 179:6 nominally 83:6 nominated 14:1 non 7:2 80:9 88:23 115:25 132:17 164:2,6,18 noncompliance 40:16 77:9 99:6 102:25 113:5 133:25 146:1 149:8 166:6 173:17	noncompliant 83:22 91:17 94:10 110:13 164:2 176:3 176:6,7,8 177:3,4,7 177:8,9 178:13 nondisabled 155:14 noninterference 106:7 nonsubstantial 161:24 normally 159:21 north 1:19 notarized 143:3 146:11 notary 1:22 185:14 note 26:10 29:10 37:25 48:6,14,15 48:15 133:25 142:19 150:19 167:24 170:20 171:12 noted 72:11 104:2 105:2 124:21 135:24 notes 94:23 99:5 141:24 142:3 144:6 147:17 160:17,20 160:21,22,22,23 186:7 notice 28:25 32:5 56:24 150:16 noticed 110:20 144:6 notification 117:12 117:13,13,14 150:25 notifications 53:20 notified 64:19 157:25	notify 64:22 97:9 150:25 158:3 november 6:3,5,6,8 6:10 7:2 120:14 121:6 122:25 125:19 128:25 138:19 139:9 147:14 170:17 171:2 185:7 186:11 nuclear 155:22 number 12:11,12 50:7 59:15 75:25 78:24 79:3,5 80:9 80:23 123:1 125:18 136:1,6 145:10 154:23 155:15 156:4 158:15 165:21 numbered 52:13 59:14 numbers 10:1,3 113:9 numerous 19:10 48:1 99:5 o o 1:3 7:7 oaa 5:13 8:24 9:2,4 30:10 127:4 151:16 179:13 181:16 oaa's 181:14 oaaa 5:15 59:21 60:9 oaaa240 136:9 oath 3:6 8:10 185:1 obfuscation 84:13 object 112:4 128:11 164:19 175:17 objection 152:4 obligated 73:16	obligation 132:10 obligations 60:4,5 116:22 158:18 observation 44:1 observations 70:3 88:20 132:14 134:1 observe 127:19 132:10 133:25 158:21 observed 40:16 69:24 75:24 80:9 80:19 125:11 171:10 observer 97:14 observing 158:22 obtain 42:3,14 49:19 91:23 92:5 121:24 123:4 obtaining 42:4,21 72:2 169:8 obvious 106:3 137:21 obviously 49:16 106:11 126:12 occasions 40:3 occupancy 5:3 34:13 38:10,11 39:21 40:1 42:1,8 42:15 66:15 163:25 164:1,4,5,9 occupied 128:3 occur 145:7 occurred 13:23 54:16 89:7 94:20 101:21 118:2 145:8 occurrence 115:24 occurs 181:24 oceanengineering 154:25 octagonal 155:18 october 1:16 5:23 6:2 96:17 118:19
---	--	---	--

124:18,18,25 185:6 185:15 odd 161:5 offer 143:23 offering 151:3 offhand 30:24 office 16:15,19 officer 13:13,14,16 officers 68:9 122:7 official 23:12 41:25 76:25 77:3 78:19 142:24 185:7 offshore 154:18,24 155:2 oh 34:7 43:16 60:9 85:19 110:3 126:24 170:20 oil 63:4 okay 10:24 11:16 12:7 16:16 20:11 20:12,19 27:19 33:11 35:22 36:9 43:13 44:7 46:19 46:23 48:15 52:6 59:10,13 62:4 65:3 66:7 68:15 71:11 71:17 72:18 76:7 86:9,11,18 87:1,4 93:12,13 96:22 98:10 101:9 103:14 108:18 110:16,25 111:17 114:5 115:15 118:20 119:9 122:22 128:24,25 130:12 131:15 134:8 136:9 140:6 144:22 145:2 146:17 148:2,16 149:16 150:1,15 153:24 154:7 156:11 159:14	160:6,8 161:4 162:23 163:16,24 164:12 171:1 172:17 173:7 174:3 178:23 184:1 old 17:22 omnipotent 67:24 once 17:20 84:17 84:21 100:13 106:25 141:8 177:25 181:25 ones 24:17 26:9 51:22 182:12 ongoing 54:3 163:18 online 27:9 92:3,4 92:21 174:20 open 51:24 53:21 123:21 139:14 144:4 openly 183:3 operation 158:20 operational 132:12 157:20 opinion 70:7,8 84:14 92:8 108:8 127:16 128:2 175:9 175:13,20 176:2 183:23 opinions 33:18 88:9 opportunity 26:5 140:23 175:10 opposed 37:8 79:22 132:8 177:16 178:8 182:18 option 84:9 options 52:24 53:19,25 orange 1:2,19 77:15,16,18	order 24:8 105:20 149:20 156:1 171:20 184:13 ordered 126:1 organization 11:21 71:14 original 27:5,6 108:9 122:10 152:18 174:21 originally 14:24 26:12 orlando 1:4,20 2:4 4:11,14,17,19,21 5:1,7,18 6:7,12,17 6:21 8:20,21 9:7,9 9:12,23 10:6 12:8 16:3,4 27:21 42:8 63:8 74:10 79:7 108:21 153:19 169:18 orphaned 11:19 osha 48:20 outcome 54:6 186:10 outline 78:17 148:20 166:6 outlined 78:24 121:11 168:12 outlines 71:21 outright 40:24 outset 88:4 outside 28:21 69:7 69:8 151:17 168:15 overall 168:6 oversight 67:24 oversized 182:8 owned 12:12 115:25 owner 11:23 16:8 21:19 31:5 34:1,14 42:2 47:7,20,22,24	49:13,19 68:24 71:24 86:22 87:2,6 102:4,10 104:7 109:5,7,23 113:11 116:17 117:19 124:22,23 129:16 130:11,17 143:2 157:5 158:10,10 162:9,9 164:1,5,9 169:6,20 owner's 102:4,10 owners 29:4,8 32:6 32:10 53:14 56:4 56:25 60:4 71:21 92:5 113:13 134:12 134:12 151:18 158:13 owns 9:23 16:25 17:1
p			
p 2:1,1 7:7 p.a. 2:8 p.m. 1:17 65:5,6 120:15 171:3 184:17 package 49:25 pad 180:4 page 3:3 4:2 28:4 28:20 29:9 35:23 37:20,23 41:15,16 43:16 44:17,19,20 44:23 46:21 48:5 48:12,12,13,14,23 49:8,8,8 51:10,23 52:12,14 53:23 54:7 55:24 56:2 57:16 59:1,3,5,7,10 72:25 74:3 95:17 99:15,24 102:1 105:13 108:24 109:1,2 111:3,4,4,6			

111:14,18 118:23 119:3,23 120:14 124:17 129:1 130:8 140:7 142:2,19 146:22 159:16,16 159:17,25 168:12 169:5 174:7,8,8 pages 59:1,17 136:10 174:9 186:6 pain 81:7 paint 53:11 54:13 91:2 painting 44:11 panel 159:22 paragraph 28:22 41:18 42:6,11 45:24 46:22 48:24 72:4,6,23,24 74:4 109:6 111:20 113:23 120:16 123:3 124:17 125:22 132:1 164:17 165:1 paragraphs 46:21 91:6 111:20 parallel 20:25 73:11 169:7 pardon 48:12 park 2:10 parking 168:14 part 28:11 64:10 81:18 84:22 88:9 133:2 152:14,24 181:15 participant 97:14 participated 29:21 particular 19:22 27:13 29:17 49:11 103:23 109:13,15 109:17 145:11 151:18 156:11	163:4 particularly 58:8 parties 7:8 186:8,9 partner 30:14 partnership 16:20 party 10:14 27:12 passed 109:9 passing 84:15 133:17 paste 131:11 patent 155:10 path 20:25 74:7 79:1 119:12,18,20 151:4 pattern 174:13,16 paying 143:8 peak 60:21,25 61:8 61:15 74:23 109:17 176:9 177:8 people 79:21 96:16 117:5 122:6 145:10 180:19 182:25 performed 150:13 157:14 period 12:22 75:7 143:11,13 158:6,12 periods 51:13,14 permit 6:15 73:17 77:22 78:7 83:5 87:19 121:17,18 126:21 128:5 141:20 143:1 146:10,13 156:5 169:7,15,20 permits 42:3 147:1 147:21 170:3 permitted 63:7,8 63:12 121:12 168:14 permitting 21:15 29:13 38:4,5 41:17	41:21 42:3,19,20 48:20,21 49:5 102:14 104:3 123:5 123:18 126:13,17 126:19,24 127:16 127:23,24,25 128:7 131:21 145:20 158:19 person 183:6 personal 101:4 158:5 personally 123:21 141:8 158:22 pertaining 166:2 perusing 31:18 phase 37:5 phone 75:3 87:2 89:12 109:7 112:10 129:8 138:4,4,9 139:5,8 photograph 160:1 160:3 photographs 6:23 170:17 photos 69:4,9 physical 86:16 physically 69:22 pick 94:25 pictures 12:6 155:5 159:5 170:14,15 171:11 172:7,8 piecemeal 121:13 pieces 102:17 piggyback 120:23 pilot 140:21 pipe 182:23 pitch 43:19 47:4 74:23 106:17 107:19 109:17,18 110:10 112:24 125:10 134:21	135:2 168:18 174:3 174:6,10 176:8,9 176:13 177:8 183:9 pitches 160:4 167:19 place 29:8 42:1 43:17 47:2 48:11 56:18 62:24 68:7 74:6,8 114:18 119:7,14 128:3 placed 62:15 places 53:11 plaintiff 1:6 2:6 10:6 plan 74:9 77:15,16 91:10,12 93:18 105:23 107:15,16 109:8 117:12 119:8 125:13 130:10,18 130:22 165:8 166:10,18,20,20 planning 20:3 78:14,16 131:17 plans 65:16,19 71:5 71:8,9 72:15,20 73:3,5,6,16,16,17 73:18 85:2 87:7,10 87:23 88:19 89:13 89:14,16 93:2,4,15 94:3,4,10,25 96:5 96:10 97:3,5 105:15 107:9,24,25 108:15 114:16 121:9,12,17,18 125:16 126:1 130:16,17,21 132:2 132:12,22 142:23 142:25 143:1,1,7 143:10,15,19,24 144:3 146:12 148:1 153:5,8 158:23
---	---	---	--

164:15,18,18,21 165:1,4,7 166:23 plant 155:22 plants 135:6 plat 57:23,24 64:12 plate 96:18 plates 70:5 platforms 155:3 plats 64:9 played 70:10 please 8:2,17 10:25 15:19 16:5 17:15 18:3 20:7 27:14,18 28:21 29:6,10 33:6 33:23 35:21 36:2 37:13,23,24 42:10 44:6,8 46:16,21,24 48:16,24 52:5,8,16 55:19 56:1 59:16 65:7 66:8,13 72:7 86:8,19 90:5 91:9 99:17,17 101:5 108:20 109:3 122:24 124:11 128:23 134:5 138:10 142:10,20 146:19 150:2 184:16 pllc 2:3 plot 91:10,12 plus 41:13 point 26:9 43:14 51:5 55:25 66:18 78:6 80:20 99:9 111:23 114:1 129:2 143:22 149:24 pointed 27:1 57:2 89:17,22 104:4 119:5 pointing 46:21 125:22	points 101:25 115:22 145:4 police 34:10 180:3 policy 53:1 62:8 168:2 population 35:11 portion 20:20,20 160:14 position 11:22 140:22 positions 40:21 possible 120:12 140:11 possibly 15:3,5 50:7,11 83:24 post 22:10 76:2,19 posted 54:9,24 174:19 potential 129:19,21 potentially 22:7 28:5 54:13 88:14 112:18 163:13 178:9 potter 56:8 poured 72:12 82:7 82:11,12 pours 182:23 power 44:12 155:21,22 powers 52:16,24 53:4 pragmatic 44:1 pre 184:5 precedent 29:14 38:5,12,21 39:18 48:22 79:19 preclude 38:11 62:13 precludes 15:24 16:7,8	preexisting 182:12 preliminarily 19:4 158:8 preliminary 84:8 109:8 premises 70:21 premium 118:10 preparation 134:13 prepare 18:15 33:12 prepared 18:9,10 18:11,15 171:14 preparing 31:1 present 2:14 36:17 49:17 56:9,13 86:22,23 87:18 134:16 135:22 145:9 171:6 172:14 presented 36:11 47:8 85:25 86:24 94:7 100:6,23 104:25 112:7,13 114:13 121:11 125:3,15 129:6 172:13 presenting 89:13 110:5 113:6 134:17 president 11:13 13:18,18 14:5 142:21 170:25 pretty 67:13 82:15 88:22 89:15 130:4 130:6 131:5 133:21 137:1 145:1 149:8 167:21 previous 76:14 104:11 115:6 124:13 149:3,9 167:25 previously 12:5 22:4 36:22 52:21	56:20 66:16 109:9 109:21 114:8 176:5 principal 11:23 print 136:10 printout 17:23 prior 18:21 24:3,6 26:11 32:6,13 54:16 56:16,25 60:5 65:24 71:5 72:20 76:17 84:3 84:23 85:2 88:19 104:5,10,21 105:7 106:21 109:6 115:10 133:7,9,10 146:10,13 147:4,6 150:14 169:8 probably 45:21 51:8 54:24 57:23 60:3,7 73:8,10,22 75:13,16 76:5,17 78:15,21 80:3 86:13,17 89:5 93:7 94:23 99:6 105:3,4 105:5 113:14 121:3 121:6 126:14 129:20 139:8 141:5 148:12,15,21 172:4 177:9 problem 36:8 70:7 70:14 problems 128:10 procedural 49:9 procedures 4:15,18 5:2 58:21 70:13 183:12 proceed 21:2 41:22 169:10 174:25 175:20 proceeded 104:5 169:12 175:14,23
--	--	---	--

<p>proceeding 71:22 116:15 129:23</p> <p>process 19:8 24:9 24:11 25:5 42:4,20 50:10 65:10 67:3 68:10,25 97:1 102:14 116:16 128:5 129:23 141:23 142:9 145:20,20 157:21 158:7 163:23 175:24,24 180:6</p> <p>produced 135:13 135:15 137:8,25 185:9</p> <p>professional 71:14</p> <p>progress 171:11</p> <p>prohibited 62:17</p> <p>project 14:15 40:11 62:6 65:11 74:25 84:16 90:1 97:4 100:19 116:15,17 117:21 133:4,8 150:18 181:2</p> <p>projects 102:18 162:8</p> <p>proof 96:13 151:6</p> <p>properly 14:22</p> <p>property 14:24 29:7 34:3 41:2 80:5 87:8 117:5 126:18 142:1 162:9 179:13 181:11,13,21</p> <p>proposal 36:23 97:19 134:15</p> <p>propose 121:20</p> <p>proposed 4:10 21:21 33:15 36:19 44:10,15 45:19,25 46:1,7 52:22 74:7 80:19 90:18 91:9</p>	<p>94:17 119:12,20 135:3,5 140:16 145:5 166:9 167:7</p> <p>proposing 20:3 49:18 54:13 84:5 114:23 139:7</p> <p>protocol 114:5,6,9 115:4</p> <p>protrusions 91:1</p> <p>provide 18:21 28:24 50:22,23 56:4 91:17 93:14 107:24,25 108:10 113:15,15,16 126:7 154:21</p> <p>provided 17:9 19:18 26:13,16 30:15 32:5,16 38:22,24 39:5 56:24 92:11 99:20 105:20,21 106:22 107:11 108:9 117:10,15 121:10 124:19 125:10 126:11 134:11 135:10,17 151:5 167:17,22 180:7</p> <p>provides 19:4,21</p> <p>provision 121:10</p> <p>prudent 44:1 80:13</p> <p>public 1:22 185:14</p> <p>published 92:3 97:15 184:5</p> <p>pull 144:4</p> <p>pulled 156:5</p> <p>purchase 62:7 84:20</p> <p>purchased 26:18 43:9 181:11</p> <p>purpose 22:2 23:4 80:7</p>	<p>purposes 68:16 126:14 154:3</p> <p>purview 47:12 132:8</p> <p>put 15:8 22:7,14 43:4 44:16 51:18 52:18 69:16 73:16 81:11,23 161:5,6,6 163:24 168:24 169:23 179:12</p> <p>putting 37:1 62:13 135:6</p> <p>q</p> <p>qualified 154:19 155:25</p> <p>qualify 154:20</p> <p>quarter 118:8</p> <p>question 10:24 14:21 15:16 16:5,6 16:6 21:7 23:24 25:8,24 32:13 45:18 49:10 89:23 91:3,4,4 95:11 103:6,15 104:19,20 105:12 106:18 111:17 112:1 114:5 117:18 118:11 122:18 133:10 136:2 152:5,22 159:10 164:24 179:5,21 183:7,7 183:20</p> <p>questions 15:19 60:19 68:16 132:4 149:11 170:7 184:2</p> <p>quick 136:11 142:9</p> <p>quickly 98:13 124:15 134:20</p> <p>quite 26:17 47:23 47:23 125:18</p>	<p>quote 122:4</p> <p>quoting 182:1</p> <p>r</p> <p>r 2:1 8:18</p> <p>raise 8:1 72:15 73:3 132:4</p> <p>random 18:18</p> <p>ray 40:8 76:20 77:1 101:13 104:10 105:3 119:24 122:16 123:6 126:23 129:8 130:2 131:14,17 133:12 134:2 142:13,24 143:14 146:25 147:3,7 170:2</p> <p>reach 145:2 171:21</p> <p>reached 86:25 139:5</p> <p>react 64:24</p> <p>read 10:9 20:7,13 20:15,17,18,21 21:8 22:1,12 26:5 28:21 29:10 33:10 33:23 34:5,7 36:2 37:24 41:18 42:12 46:24 48:6,15,25 49:2,5 52:17,17 53:3 56:1 59:15 72:6,23 86:19 96:13 99:25 109:3 109:6 120:10 142:10,20 145:3 150:2 160:14 166:25 169:25 184:3,5,8</p> <p>reading 7:8 20:11 49:23 71:16 86:19 91:6 124:25</p> <p>real 38:16 63:22 67:22 73:13 88:17</p>
--	---	---	--

114:23 117:16 121:13 142:9 reality 89:21 112:22 really 14:25 24:24 26:9 28:7 29:18 30:21 63:13,15,17 68:7 85:14 103:19 119:15 122:11 123:22 124:15 127:6,12,21 132:8 135:20 141:1,9 143:22 144:25 153:2,4 rear 35:6 38:23 45:2 79:25 160:2 181:13 reason 79:1 84:10 84:11 92:7 114:7 131:18 137:23 reasons 163:17 recall 10:20,22 20:22,24 21:18 23:8,14 25:7 26:15 26:16,18 28:1,3,12 28:19 33:17 35:4 35:17 44:15 50:2 53:9 54:10 56:20 57:8 60:12,14,20 68:4 75:3 77:3 84:25 86:10,11 87:21 89:12 91:22 92:19 93:16,19 95:2 96:12 97:16 101:21,24 102:6 115:12 118:16 120:9 129:9 130:23 131:4,18,21 137:13 144:11,24,25 150:23 151:9 172:19 183:5	recalled 67:1 recalls 96:10 recap 167:4 receipts 96:13 receive 65:15 77:10 96:11 97:7 120:18 126:2 received 51:2 85:11 85:15 92:24 95:15 96:9 98:8 100:20 165:15,17 169:20 receiving 93:17 95:11,14,19 96:10 166:15 reception 85:12 receptive 81:1 recess 65:5 136:15 recipients 95:18 recognize 46:17 158:24 173:22 recollect 13:17 85:16 recollection 20:25 21:21 27:2,5 29:24 30:18 31:15,19 35:6 36:21 43:8 44:18 46:5 53:5 55:14 56:17 65:17 66:5 73:14,20 77:13 87:25 96:9 99:2 111:24 114:3 117:11 118:5 129:22 136:19 137:5,23 142:17 148:19 149:1 156:5 165:25 177:18 183:10 recommend 175:2 recommendation 21:16 22:14 47:24 123:4 158:11	166:22 178:15 recommendations 19:5,15 20:6,8 21:22 22:7 23:5 94:11 recommended 32:10 178:21 record 64:2 65:4,7 74:2 98:4 121:17 162:25 163:1 186:6 records 87:7 recross 3:5 183:21 redacted 172:6 redirect 3:5 179:1 redlined 24:18 171:14 reduce 21:14 118:10 reduced 56:18 59:18 118:6 reduces 118:10 refer 8:24 9:4,15 19:9 29:19 58:7 99:7 153:18,25 reference 28:24 29:6 57:22 166:9 referenced 27:3 references 27:12 referred 24:5 30:2 99:24 145:1 referring 55:12 59:11 60:10 74:20 81:19 102:6,8 116:8 119:15 123:24 130:20 148:7 refers 37:21 44:16 reflect 80:18 refresh 165:25 167:2	regard 31:21,25 38:6 40:3 43:24 50:6 52:14 53:2 54:4 55:2 57:17 61:22 62:4 63:6 65:10 79:14 82:18 181:1 regarding 34:9 36:19 53:4 56:15 57:19 75:23 77:17 79:3,5 80:8 101:16 103:3 120:18 132:4 157:17 162:6 166:23 168:11 regulate 62:21 regulates 62:22 regulations 63:2 116:23,24 regus 1:19 rejected 24:18 related 52:23 58:10 132:7 relating 55:8 154:11 relationship 17:2 47:22 68:13 77:17 145:19 relative 186:8,8 relatively 54:3 relevance 15:16 relevant 18:25 135:20 152:20 154:10,16 religiously 68:20 relocated 28:18 remedy 103:9 remember 20:1 24:18 26:7 46:5,6,6 54:15 57:14 62:14 64:16 68:2 73:18 75:1 77:6 78:9
---	---	---	---

80:24 82:8 87:15 88:11 89:10 90:3 91:25 93:7,17 94:5 94:16 95:5,5,13,19 95:20 97:24 98:16 110:25 116:10 118:17,21,22 121:5 123:21 126:8,9,10 130:5 134:8 135:25 137:15 143:5,6,6 143:21 144:7,16 171:9 172:13 reminded 150:12 remodel 29:4 remove 142:25 repeat 16:5 175:18 repeatedly 125:4 rephrase 10:25 replace 29:11 38:1 48:17 replaced 142:8 replacement 53:12 142:9 report 4:4,7 17:8 18:12,14,16,22 36:3 124:19,20 186:5 reported 1:21 52:20 129:4 133:19 150:3,7 reporter 1:21 3:6 185:5 186:1,4,18 representation 129:19 representative 73:20 98:2 101:14 112:9 114:15 representatives 145:11 represented 14:4 71:10 124:1 173:16	representing 157:4 reput 21:7 request 47:20 87:6 124:6 131:25 139:21 142:14,18 143:7,8 requested 96:13 126:1 140:23 142:12,23 186:6 requesting 40:4,18 100:10 125:5 158:1 require 16:12 37:5 49:11 61:2,22 147:4 180:6 required 18:19 20:2 24:21 29:12 57:14 61:23 79:8 103:1 106:19 107:22 108:7,12 151:19 152:12 174:24 178:21 requirement 36:13 49:17 57:2,3,9,18 58:10 60:2,3 61:4 62:17 79:18 87:19 118:25 177:25 178:1,15,17 179:8 requirements 4:8 21:19 29:14 32:3 32:16,22 34:24 36:24 37:4 45:15 53:22 61:1,8,15,17 61:21 62:23 63:5 67:16 74:6,8 78:7 80:22 81:11,15 82:22 87:9,14 90:24 100:1 104:3 106:16 116:5,5 117:20 118:5 119:7 119:11,14 121:22 123:17 128:1	132:25 162:13 178:3 requires 19:21 39:13 41:21 42:25 79:9 requiring 56:3 research 75:14 142:7 resolution 80:20 87:7 resolve 103:8 resolved 129:22 resolving 79:2 respect 15:8 67:9 77:18 80:5 82:24 100:15 124:5 129:14 132:11 141:22,23 145:25 168:6 respective 7:8 respond 9:4 120:24 124:6 responded 104:9 104:11 response 120:18 130:2,5 140:25 145:23 responses 113:14 responsibility 34:10 responsible 42:2 156:3 rest 20:13 58:24 restrictions 54:9,10 54:22 restrooms 87:15 result 146:9 165:16 retainage 181:20 retrieve 50:20 137:7	revelation 143:23 reverse 110:18 reversed 83:13 review 4:6,11 5:9 13:6,7,9 14:2 18:16 18:17 21:1 24:3,19 26:19 33:4 35:25 36:3,9,14,16 37:9 42:5,22,24 45:16 48:4 49:7,9,11,16 49:18,20 50:1,14 50:14 55:2,24 58:23 62:20 67:5 78:11 79:19 81:5 82:21 84:8 86:19 88:8,24 93:22 101:18 102:20 106:9 108:11,25 109:19 110:11 122:13,15 123:19 124:25 129:2 132:10,16 138:6 140:7,23 145:20 146:24 149:23 152:17 153:5,25 154:1 158:6,19 163:7,23 169:9 170:1 172:21,25 175:24 177:22 179:10 180:19 186:5 reviewed 14:11 25:17 27:2 33:15 36:10 55:4 72:17 73:22 78:16 83:24 112:22 146:12 147:25 152:19 161:19 166:17 167:1,12,14 168:5 177:23
--	--	---	--

reviewing 27:11 65:19,20 132:19 166:23 reviews 19:4 24:14 163:4 revise 134:23 revised 22:5 45:11 116:9,10,11,14 revision 4:10,15,18 5:2 24:3,15 36:23 37:16,19,20 41:15 44:17,19,20,21,23 45:21 46:18 51:15 51:17,25 55:7 56:18 58:19,20,25 59:6,10,14 161:15 161:23 revisions 24:6 37:17,18,21 44:10 116:7 rhetorical 136:2 richard 142:11 ride 155:5,11,13 right 8:2 30:24 41:7,14 44:13 48:11 51:12 52:13 62:17 63:24 66:19 71:24 75:7 81:21 82:4 83:12 88:13 90:10 95:19 98:24 99:7 100:9,24 102:5 109:24 111:1 111:11,13 130:16 131:14,14 136:12 138:5 145:6 147:13 147:17,20 148:10 153:2 154:3 155:23 156:17,21,22 157:6 157:6,12 161:13 162:1,3 164:16 165:2,3,11 166:21	168:13,17,25 169:5 170:16 176:19,22 176:24 177:1 180:1 183:18 rise 176:15 risk 21:2 36:13,24 36:25 37:3,3 59:18 62:5,8 106:1 118:4 118:6 151:6 168:1 168:2,22 169:10,12 174:25 175:23 rmr 1:21 185:5 186:4,17 robotic 154:18 155:2 rocket 176:14 role 43:24 rolled 93:17 roof 29:1 60:21,25 107:19 109:11,12 109:14 110:6,10 112:14,24 134:21 135:2,2 160:4 166:9,20,24 167:19 168:18 174:3 176:6 176:8,13 177:3,4 177:21 179:3 roofline 72:14 74:13,16,17,19,21 74:22 87:5 98:21 99:3 134:23 roofs 43:19 47:4 room 21:5 roughly 38:22,24 43:7 79:16 routine 113:17 routinely 64:21 163:8 rule 32:24 152:2 179:8	rules 32:2,14 38:12 51:21 52:25 53:25 151:18 152:1 run 176:15,18,25 runoff 107:23 168:15	scheme 174:13,17 scientist 176:14 se 102:22 103:5 seal 185:7 second 16:24 21:24 34:6,7 49:8 56:8,12 57:16 64:1 72:24 74:3,3 75:12 76:18 86:2,3 101:21 109:2 111:14,20 113:23,23 118:23 119:23 120:14 123:3 129:2 130:8 140:7,8 147:2 149:24 153:10 174:7,8,8 seconded 36:15,15 secretary 13:20 section 52:17 54:7 55:24 59:18,19 108:25 129:2 130:9 140:8 149:24 see 22:15 29:6 31:16 34:1 40:1 43:13 45:16 46:3 51:22 67:17 69:7 73:1 74:24 76:13 92:2 94:22 107:22 108:24 111:5,16 119:1,9 123:17 124:4,15 131:8 137:23 138:16 143:15 145:2 147:10 148:10 149:21 150:6 162:9 162:20,20 168:2 172:9 seeing 68:24 85:5 95:20 113:4 118:16 seeking 113:11 175:15
--	--	--	--

seen 18:7 26:3 31:15 58:17 66:22 68:17 69:1,4,9,22 156:12 173:23 segue 92:5 select 29:5 selective 36:24 self 11:6 seminole 185:3 186:2 send 97:8 113:10 114:7 137:6 146:25 147:3,5,24 158:3 170:2,5 172:10 sending 50:2 144:16 sent 50:6 88:7 95:13,20 111:16 122:14 131:24 147:9,17 148:19,25 149:13 171:11 sentence 52:15 53:2 169:14 separate 20:25 21:3 34:23 39:4 41:9 42:4,20 43:2 61:5,9 77:23 78:2 81:10 89:6 132:5 133:21 september 4:11,13 4:15,23 5:2 6:12 37:16,22 44:19 45:12 55:22 58:20 59:17 161:18 162:15,17,18,19,20 162:21,21 sequence 87:25 88:11 90:4 110:5 112:7 161:7 served 12:20 13:11 13:13,14	service 29:13 set 38:2 39:18 41:2 48:18 51:21 71:9 74:9 76:10,14 79:19 87:23 88:15 89:13,14 93:15 114:16 119:8 121:18 125:16 126:9,12 137:12 143:23 163:4 168:14 179:9 setback 25:14 34:2 38:23,25 39:8 40:25 41:1,5,11 61:1,4,23 74:5,8 81:5,10,15,22 106:15 112:19 118:25 119:7,14,16 121:21 135:4 setbacks 21:18 22:24 33:24 34:1,9 34:17,21 35:2,4,8 35:15 38:14,17,23 38:25 39:17,21 40:17 43:6,8,14,17 47:2 61:25 79:15 79:15 89:2 103:8 103:21 107:17 112:18 119:11 132:18 168:20,21 177:7 sets 85:25 setting 138:2 sewer 181:14 shape 53:10 177:2 177:4 shaped 155:18 sheet 37:19,20 45:2 48:13 51:11,15 58:25 59:6,14 144:7,8,10	short 34:16 77:19 130:3 shorthand 1:21 185:5 186:4,18 shortly 94:20 show 17:3 37:2 108:12 130:14,22 130:24 134:14,23 140:17 155:6 171:3 showed 89:14 94:14 122:16 131:2 135:12 136:18 showing 55:15 shown 135:24 shows 51:11 shut 171:5 sic 74:10 side 38:23 41:6,6 47:15 58:11 74:5,8 79:24,25,25 81:14 118:25 119:7,10,13 135:17 137:22 182:20 sides 35:7 41:13 61:5 62:1 70:2 121:21 siding 29:1 sign 147:1,21 170:3 signage 62:14 63:7 63:11,17 signature 25:6,7 58:24 91:14 185:12 186:16 signed 17:12 significance 176:12 signing 7:8 signs 62:13,15,17 63:6,16 similar 29:22 48:25 99:19 149:1 182:25	similarly 152:1 simple 81:17 simply 32:1 39:8 115:9 125:1 single 61:15,16,16 72:14 74:13,17,19 74:21 80:16,17,22 87:3 109:11,12,14 110:6,10 125:10,12 134:21 167:23 180:17 182:18 sir 47:1 59:9 60:11 sit 114:9 154:20 site 73:16,17 142:25 168:14 sits 140:21 sitting 65:18 73:19 159:12 situation 15:14 40:19 118:3 171:17 181:24 situations 15:6,17 sized 83:6 93:18 153:5,8 sketch 134:22 135:11 171:22 skills 18:2 skimming 111:6 skirt 183:2 skirting 52:21 53:6 53:9 178:14,21 181:10 skylights 47:14 slab 81:8,16,18 82:12,13 89:1 183:2 slope 176:16 182:5 sm 120:18 small 33:10 smc 109:4,22 110:1
--	---	--	--

smed 2:8,8,14 3:4,5 6:11 8:13,14 17:6 17:15,18,19 18:3,6 26:2 27:14,17 30:5 30:8 33:6,9 35:20 37:12 44:5 46:15 52:4 55:18 58:15 63:24 64:3 65:3,7,8 66:8,11 71:4 75:21 86:6 90:5,8 93:10 95:9 96:23,24 97:23 98:4,7,12 99:11,14 101:5,10 104:13,16 108:19 110:17 112:5 113:7 115:16 118:15 120:7 122:23 124:10 128:14,22 131:10 134:4 136:4 136:8,13,16 137:16 137:24 138:2,10,17 139:9,11,19 141:15 144:23 146:18 148:5 149:19 152:8 153:10 157:8 164:19 165:21 169:2 172:2,5,8,11 172:23 173:1,4 175:17 178:25 179:2 183:18 184:13 smedlawfirm.com 2:11 snapshot 7:3 solemnly 8:4 solicited 50:17 134:19 soliciting 134:2 solution 81:2,3 134:15,21	solutions 7:4 somebody 53:17 76:9 118:7 129:25 133:15 141:2 182:15 someone's 58:24 sony 12:6 155:5 sorry 11:12 33:19 34:5 43:16 48:13 58:11 62:10 66:1 86:10 110:23 111:12 122:25 136:3,14 149:7 161:7 177:13 sort 15:17 51:10,19 151:3 158:2 sotto 20:11 49:23 71:16 sound 144:15 southern 155:2 spain 98:16 139:1 span 156:18 speak 40:7 72:12 98:25 129:7 180:8 speaking 9:17 16:1 114:20 special 47:7 specialty 90:2,11 90:13 91:23 92:8 92:10,25 93:2 94:3 94:4,25 96:1,3 97:4 97:8 110:2 115:19 120:16 158:3 167:17 specific 15:15 26:8 26:9 32:8,25 36:24 49:15 61:18 82:22 94:23 121:3 127:9 131:20 148:22,24 180:24	specifically 43:15 57:9 60:22 65:1 80:8 137:12 166:23 171:18 specifications 70:9 specifics 30:19 specified 108:7 specifies 107:13 specify 34:21 107:14 specifying 34:12 speculating 39:2 spends 100:11 spite 116:6 spoke 76:20 77:4 87:2 116:7 120:22 spoken 39:6 141:10 spray 44:11 54:14 55:3 sprinkler 87:9,14 87:19 150:8,9,10 st 155:22 stamp 173:6 stamped 98:5,7 172:2 standard 29:2 41:9 41:11,24 53:15 62:17 115:4,6 158:21 standardization 157:19 standards 21:17 38:2 47:5 48:18 52:19,21 63:19 99:25 106:16 158:21 169:17 standing 69:12,14 standpoint 24:2 132:15,16,19 158:5 167:9	stands 69:2 star 155:16 start 29:8 32:11 79:1 111:4 started 73:12 80:10 80:13 88:21 125:6 144:8 173:16 182:10 starting 21:23 54:8 88:12 108:25 starts 72:7 74:4 136:14 state 1:22 8:17 10:16 17:10,24 20:24 60:2 80:20 116:4,5,20,23 169:17 185:3,14 186:2 stated 43:7 57:10 57:18 64:12 96:6 106:20 112:6 144:11 statement 38:8 142:22 statements 96:11 states 21:24 29:10 64:8 75:17 115:21 124:18 stating 126:5 status 124:19 168:5 statute 37:9 57:10 57:13 60:1 statutes 116:21 statutory 162:13 stayed 36:6 67:8 steel 70:4 stem 27:7 stenograph 1:21 185:5 186:4,7,18 stenographer 8:1,4 165:22 184:3,10,14
---	---	---	---

stenographically 186:5 step 89:9 stepping 40:25 stipulated 7:8 stone 47:16 90:23 stop 20:8 129:18,18 139:21 142:12 175:10 storm 22:24 106:5 107:23 168:15 177:25,25 178:1,5 178:6 181:19,24 183:3 story 155:17,18 strategy 105:6 street 2:4 strike 30:4 68:17 strong 56:7 structural 21:20 38:12 41:20 70:3 70:16,20 72:1 105:15 126:10 132:2,6,7,15,19,22 133:8,13 150:13,17 174:1 structurally 69:12 69:14 structure 41:2 74:22 151:11 structures 41:10 stuart 155:17 studios 12:6 155:4 155:12,19 subjectively 91:13 submission 47:24 49:11 submit 49:21,24 85:7 87:6,10 89:3 92:1 106:23 108:3 124:7 158:11 167:9	168:3 submittals 85:16 166:15,17 168:7 submitted 36:12 50:15,16,25 52:20 65:19 85:2,7,8 89:17 90:13 91:15 93:22 96:6 97:1,6 114:17 123:4 124:23 125:1 132:13 150:10 160:18 167:13,14 168:2,5,22 submitting 87:22 143:8 subsequent 13:10 76:5 90:11 101:16 105:2 110:20,23,23 114:22 121:9 123:10,16 125:3 126:7 128:2 129:9 138:11 149:3 150:24 167:5 subsequently 19:6 89:18 114:25 substance 40:14 53:3 77:6 78:8 120:24,25 129:11 substantial 128:16 181:23 substantive 67:17 180:14 suggested 52:25 85:8 87:5 89:1,20 89:24 91:15 110:9 suggesting 115:3 suggestion 32:24 suggestions 25:9,11 25:12 32:1,19,21 suggests 38:8 73:1 86:13 117:11	suite 2:9 summarize 130:3 173:13 summarized 124:20 125:24 147:18 summary 4:7 7:3 17:8 18:11,14 130:5 131:1,14 sump 22:24 106:8 107:21,23,23 113:15 168:15 sunset 8:20 supplied 76:5,10 supposed 91:22,25 94:9 126:25 156:20 171:7 177:17 supposedly 85:7 suppression 87:14 sure 9:18 11:1 15:22 20:16 21:20 23:2 24:24 26:4 27:25 28:7,23 30:14 31:9 33:1 36:5 39:23 44:7 45:8 48:11 49:25 51:9 56:19,21 57:3 59:8 66:25 71:8 74:15 76:18 78:12 86:21 87:18 88:6 93:12 94:18 97:20 101:9 103:6 106:6 106:15 107:4 112:11 113:12 115:5 117:23 120:11 130:25 135:19,19 136:23 136:25 138:12 139:5 149:5 151:20 151:23 159:10 161:12 165:6,9	168:1 175:20 176:1 176:9 178:1 180:24 181:12 182:4 surface 181:23 surprised 70:18 survey 168:14 swear 8:5 sworn 8:10 185:6 system 87:9,14,19 150:9,10 155:11,11 155:11 178:5,6 181:14,16,17,19 182:24,25 183:4 systems 154:19,25 155:2,3,6
t			
t 4:1 7:7,7 tabs 70:5 take 22:1 26:5 27:18 29:14 35:21 36:5 38:12 40:21 42:1 46:16 63:25 65:3 67:2 68:22 71:11 75:4 86:8 90:9 97:18 100:4 101:5 111:1,3 114:17 115:9 136:11 138:17 142:25 143:15 156:20 176:14 184:10 taken 1:16,18 10:19,23 38:21 65:5 takes 38:5 48:22 155:14 talk 77:8 130:10 139:15 141:9 162:6 166:14 180:3 talked 55:7 78:15 89:3 99:10,21			

109:16 110:22 120:25 139:8 142:15 167:25 talking 8:25 16:2 39:15 68:12 69:18 69:19 96:22 112:12 116:23 127:15 140:15 150:9 153:19 158:23 160:11 164:15 talks 107:16 121:1 180:16 tandem 105:3 tangible 164:18 165:4 taxi 183:3 taxiway 82:3 159:20 taxiways 181:18,19 team 123:22 technical 156:8 techniques 70:10 telephone 86:17 129:11 tell 17:21 24:4 27:20 28:19 29:19 30:21 32:23 35:1 37:13 38:6 44:8,13 52:7 53:3 55:19 58:16,18 66:12 71:12 75:22 88:9 90:9 93:11 101:6 101:11,23 108:20 110:18 119:18 124:11 128:23 134:5 140:3,9 141:16 146:19 154:5 160:3,7 telling 67:25 73:11 143:6,9	template 147:23 ten 82:16 118:25 119:7,10,13 tenure 12:22 13:10 25:13 63:15 64:16 66:17 68:11 101:2 157:23 179:18,19 term 38:19 110:7 termed 22:10 terminated 64:17 68:13 terminology 157:15 terms 14:15 51:24 92:19 99:24 146:1 146:4,4 158:20 test 154:15,20 testified 8:10 27:23 66:16 153:6 testify 10:13 testifying 156:24 157:2 testimony 8:5 11:3 34:19 114:8 text 5:13 97:25 98:20 137:12 138:4 138:18,19,20,20 170:19 texting 136:21,24 texts 98:13 131:1 137:6,7 thank 17:13,18 20:14 34:5 49:6 52:1,6 62:12 83:17 118:12 120:13 122:19 124:16 139:12 151:2,4 153:12 172:11 183:19 thanksgiving 138:23 139:2	theme 79:6 149:5 thing 59:5 72:4 81:17 111:15 120:10 154:3 160:20,25 167:24 things 22:14 31:17 80:23 96:4 107:13 119:17 123:19 127:15,19 132:17 135:7 139:16 140:13 144:6,9 147:19 151:15 154:21 180:5 think 13:12 28:4 38:8 39:22,22 42:17 43:22 46:10 51:23 53:7 54:23 55:1 57:8,13 60:1,6 60:14 64:25 65:3 66:4,7 69:13 70:15 73:7 75:1,9,11,12 77:5 82:1 83:13 84:21 90:10 95:18 103:8 104:18 105:9 107:6 110:3,7 116:8 118:1 127:5 127:9,20 128:12 129:13 131:2,11,24 134:6,20 136:21,22 137:21 138:5 140:21,23 142:17 146:9 147:23 149:20 152:6,11 153:10 157:7 165:12 167:2 169:2 171:15 172:3,23 176:16 177:24 180:16 183:18 thinking 87:12 167:2	third 27:12 28:4 80:20 174:5 thompson 30:13 thought 45:5 66:16 66:17 86:12 140:1 143:12 144:7 147:7 148:9 thread 97:25 98:20 three 12:11,12 35:7 35:12,15 38:23 39:1 41:6,7,13 43:7 43:7 61:4 62:1 81:13 103:17 111:1 126:8,9,11 130:8 131:3 136:10 155:17,18 156:4,14 163:5 182:20 time 1:17 14:11 22:22 26:14 27:3 28:13 34:13 43:9 43:10 57:5 59:24 65:17,20,21,24 66:22 67:20 69:23 72:17 73:18 75:8 78:10 80:1,24 81:7 81:17 82:11 83:21 83:22 88:14,20 89:7 91:17,21 93:22 95:4 97:24 100:8,16 101:3 102:10,11,19 103:10,23 106:25 112:3 113:4 114:19 115:3 116:9 118:7 123:2 130:19 132:14 137:20 138:17 139:6,6 143:10,11,13,18,25 150:22 153:12 155:13 158:6,9,12 167:3 168:7,8
---	--	---	--

173:14,16 180:3 timeline 73:14 86:11 130:20 times 18:24 96:17 104:4 113:13 timing 105:5 today 11:3 77:1 156:12,24 171:3 told 39:8 51:4 113:18 118:24 tolerances 70:9 tom 134:9 135:8 tomorrow 138:23 139:2 top 37:24 48:6,23 53:23 111:14 134:6 142:19 169:2 183:1 topic 111:22 114:1 topics 47:6 totally 127:17 tracking 51:24 training 154:11 155:25 transcribed 184:12 transcript 184:5 186:5 transpired 15:1 92:22 133:17 treasurer 13:20 tried 76:22 85:7 110:11 134:14 trim 29:1 true 42:14 71:5,20 118:23 128:8 157:14 175:12 186:6 trump 38:25 truth 8:6,6,7 try 21:4 32:11 53:20 81:2 145:18 171:16,20,22	trying 15:10 46:8 53:12 65:11 86:11 93:24 103:8 116:24 121:5,7 124:2 128:5 139:15 143:6 151:24 152:2 164:21 169:1 tuesday 46:11 78:20,21 138:24 139:3,7 turn 37:23 159:25 twice 84:17 two 9:23 12:5 21:22 44:24 61:8,9,14 70:3 72:13 74:18 79:10 81:10,20 87:3,16 89:21 111:1,20 112:17 113:24 120:17,19 125:12 127:15 132:1,5 136:10 140:12,18 159:6,9 159:12,16 163:5 165:10 167:18,18 176:20 182:16,20 type 12:2 42:23 63:2 113:10 126:13 155:1 182:25 types 53:21 117:22 155:1 typical 157:21 typically 12:1 38:12 47:21 48:1 62:1 84:3 158:12 163:9 177:22,23 181:18 typo 74:11 119:19 162:1 typos 51:23 74:15	u u 7:7 ultimately 181:20 unacceptable 167:15 unanimous 36:16 56:8,13,13 underground 182:21,23,24 undermining 106:7 178:12 understand 8:25 9:16,19,21,22 10:24 15:10,16 20:5 31:17 60:4 67:24 103:6,19 105:19,21 106:5,13 107:5 120:21 121:15,23 125:5,17 125:21 151:20,22 182:2 understanding 9:24 10:4 16:11 25:22 31:7 32:4 64:7 69:11,13 73:24 77:21 82:10 85:4 88:17 97:14 102:9 106:11 114:13,22 116:19 125:7,24 137:18 171:16 understatement 128:13 understood 82:10 110:12 113:5 153:24 underwater 154:18 155:1 underway 132:13 unfortunate 175:12	unfortunately 15:17 unilateral 77:20,24 unilaterally 79:17 114:6 unit 12:10 26:14,18 32:6,10 49:13,19 56:25 69:15 71:21 71:24 72:8,8,9,10 86:21 89:20 113:11 116:17 117:19 151:18 157:5 164:1 164:5,9 169:20 181:4,9 182:14 183:5 units 9:23,25 12:7 12:10 14:20 40:11 40:12 43:21 72:13 74:18 175:7 179:13 universal 12:5 155:4,12,19 unknowns 151:15 unload 155:13 unnecessarily 60:17 unnecessary 115:10 unpaid 87:8 unquote 122:4 unsafe 151:12,14 unusual 179:5 update 21:24 23:3 23:3,5 129:13,15 149:25 updated 26:25 44:25 45:14 59:17 92:21 124:21 updates 22:8 upkeep 47:5 upper 52:13
--	--	---	--

usage 34:14 38:4 48:20 use 16:16 18:1 57:25 62:13 72:16 74:9 119:8 169:1 usually 9:5 114:9 163:18,20,21 utilities 43:18 47:3 54:14 55:4 utilize 19:14 34:2 utilized 31:1	verbal 137:14 verbally 94:7 verbiage 162:2 versa 120:20 version 20:22 23:16,19,22,24 26:25 27:24 29:23 30:4 44:25 45:4,6 45:12,13,22 48:25 60:20 108:6 184:5 versions 31:2 174:22 versus 21:15 32:25 47:16 87:3 176:13 veterans 11:18 viable 84:9 vice 13:18 120:20 videoconference 185:6 view 122:3,4 166:20 violate 74:5,8 119:7 119:13 violating 118:24 violations 87:8 164:10 virtue 61:1 visited 72:8 voce 20:11 49:23 71:16 volume 177:21 178:2 181:23 voluntary 134:3 volunteer 13:11 83:25 132:9 180:19 volunteers 127:10 127:11 vote 24:21 25:10 36:16,19 54:16 56:8,13,16,25 97:19 100:11,18	voted 25:14,18,19 32:9 vs 1:7	way 15:18 16:21 18:13 28:23 36:5 39:18 53:18 61:19 71:21 78:23 92:19 103:9 108:5 123:19 123:22 135:1 143:2 149:10 183:13 ways 11:20 50:17 53:13 165:10 we've 49:5 121:13 151:3 website 27:9 31:8 54:10,25 85:10 95:24 97:2,10,11 97:13 week 72:9 139:2 weld 70:6,10 welders 70:12 welding 69:23 70:1 70:2 went 24:15 36:6 45:3 50:19 72:6 73:10 74:17 88:8 88:14 90:10,13 92:22 95:23 98:16 121:15 124:21 126:24 168:3 171:4 171:10 175:25 west 2:9 82:1 whatnot 10:25 white 37:14 58:22 170:14 wife 36:6 willow 8:20 win 171:17,17 windloading 132:25 windows 47:14 71:25 winter 2:10 155:16
v		w	
vacant 63:21 validation 66:24 value 62:6,8 88:20 van 2:3,3 3:4,5 6:11 98:8 112:4 128:11 134:7 136:1,5,9,14 137:10 138:1,3,8 138:13,13 152:4 153:17 160:10,12 163:1,2 164:20,25 165:23 166:13 169:3 170:10 172:3 172:6,10,12,18 173:5,8,18,21 175:19 178:23 183:20,22 184:1,4 184:16 vanalstynelaw.com 2:5 variance 84:2 variety 163:17 various 19:2 22:14 27:8 32:6 33:14 40:5 50:3 51:1,14 51:22 71:22 varying 125:15 vehicle 155:13 vehicles 154:18	viewed 137:14 138:13 viewing 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 137:14 138:13 viewpoint 13		

wise 158:16,16,17 wish 29:4,5 138:14 witness 8:3,3,8 98:6,10 101:9 108:18 110:16 112:6 115:15 120:6 122:22 128:12 131:8 133:24 136:3 136:11 137:11 138:6,12,14,18 139:10 144:22 146:17 149:16 152:6 164:24 172:17,24 173:2,7 175:18 183:19 184:8 185:7 wondering 114:8 woodward 2:4 words 51:6 76:9	works 84:4 140:20 worry 160:9 worth 34:11 worthwhile 34:12 wrap 70:1 write 111:9 113:18 writing 23:19,22 38:17 67:25 68:3 72:3 102:13 104:10 104:21 137:4,17 144:25 written 16:10 40:15 102:17 131:19 152:12 wrong 92:11 wrote 29:18 75:16 105:2 107:3 113:4 120:15 122:8 167:3 173:14	z zero 41:12 61:25 62:3 zoning 78:14,16
wordsmithing	x	
54:24 work 11:7,7 12:2,3 16:14 17:25 18:2 28:16,17 29:7 42:23 53:12 65:13 79:12 81:2 105:17 105:20 109:4,22 123:15,15 127:13 128:5,6 133:3 138:24 139:3,16,16 141:6 142:13 155:5 156:8 175:10,10 180:20 183:5	x 3:1 4:1 91:5 x04 9:9,11 41:16 99:20	
	y	
worked 14:2 81:3 154:24,24 155:2,4 155:10,19 workers 115:25 116:12 171:5 working 12:5 65:13 113:21 117:5	yeah 32:25 33:5 45:10 61:10 76:9 91:8 136:21 138:22 140:5 157:7 160:9 year 12:25 13:1 17:11 68:7 96:19 156:17,18,21 177:24 years 14:13 67:10 131:3,5 153:3 154:23 156:15 177:25 181:25 182:9 yellow 91:2	

FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under
rule 1.330(d)(4).

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.