

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A. No.
1:15-CV-13647-RGS

BOSTON EXECUTIVE HELICOPTERS, LLC,

Plaintiff,

vs.

FRANCIS T. MAGUIRE, ET AL.,

Defendant.

DEPOSITION of KEVIN J. SHAUGHNESSY

Thursday, July 13, 2017 - 10:06 a.m.

Held at: Pierce & Mandell, P.C.

11 Beacon Street, Suite 800

Boston, Massachusetts 02108

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1	I N D E X	1	P R O C E E D I N G S
2	Witness	2	(Exhibit No 148 pre-marked for
3	KEVIN J. SHAUGHNESSY	3	identification.)
4	Examination by Mr. Fee	4	
5	Examination by Mr. Simms	5	KEVIN J. SHAUGHNESSY,
6		6	first having been satisfactorily
7	E X H I B I T S	7	identified by the production of his driver's
8		8	license and duly sworn by the Notary Public,
9	No. Description Page	9	testified under oath as follows:
10	Exhibit 148 Re-Notice of Deposition 5	10	EXAMINATION
11	Exhibit 149 Letter from Eric Loeffler to Jeff Kohlman dated September 11, 2015 89	11	BY MR. FEE:
12		12	Q. Can you state your name and address for
13	Exhibit 150 Letter from Jeff Kohlman to Eric Loeffler dated September 29, 2015 91	13	the record, please, sir.
14		14	A. Kevin Shaughnessy, 45 Alden Drive,
15	Exhibit 151 Letter from Mark Ryan to Chris Donovan dated May 26, 2015 108	15	Norwood, Massachusetts.
16	Exhibit 152 E-mail from Christopher Donovan to Russ Maguire dated October 13, 2015 112	16	Q. Thank you.
17		17	MR. FEE: Before we get started, usual
18	Exhibit 153 E-mail from Russ Maguire to Kevin Shaughnessy dated July 9, 2014 131	18	stipulations?
19		19	MR. SIMMS: That's fine.
20	Exhibit 154 Letter from Todd Friedenbergl to Russ Maguire dated May 11, 2015 140	20	MR. FEE: Anything else you want to put
21		21	on the record before we get going?
22	Exhibit 155 Letter from Peter Eichleay to Norwood Airport Commission dated January 14, 2015 141	22	MR. SIMMS: No.
23		23	BY MR. FEE:
24	Exhibit 156 Letter from Mary Walsh to Russ Maguire dated January 15, 2015 144	24	Q. Okay. So Mr. Shaughnessy, I'm going to
			show you a document that's been marked as Exhibit

<p style="text-align: right;">Page 6</p> <p>1 148. Have you seen this before?</p> <p>2 A. Yes.</p> <p>3 Q. So is it your understanding that you're</p> <p>4 here today to give deposition testimony in</p> <p>5 connection with a matter pending in the Federal</p> <p>6 District Court entitled Boston Executive</p> <p>7 Helicopters versus Russ Maguire, et al.?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And just -- I'm sorry. Before we</p> <p>10 get going, I should introduce myself. I'm</p> <p>11 Michael Fee. I represent Boston Executive</p> <p>12 Helicopters in that case.</p> <p>13 I'm going to ask a series of questions.</p> <p>14 If you have any lack of understanding about the</p> <p>15 question, if you don't get what I'm asking you,</p> <p>16 if you need me to rephrase it at any time, just</p> <p>17 let me know and I will stop and rephrase the</p> <p>18 question so that you can answer in a way that you</p> <p>19 understand.</p> <p>20 If you want a break at any time to talk</p> <p>21 to counsel or for any reason, let me know and we</p> <p>22 can do that. Okay?</p> <p>23 A. Um-hum.</p> <p>24 Q. You have to answer --</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. You haven't spoken to Mr. Ryan about his</p> <p>2 deposition?</p> <p>3 A. I'm not even aware when his deposition</p> <p>4 is.</p> <p>5 Q. Okay. Can you tell me a little bit about</p> <p>6 your background? Where did you go to school?</p> <p>7 A. I went to Northeastern University. I</p> <p>8 finished in the late '80s. It was an electrical</p> <p>9 engineering power systems option.</p> <p>10 I went to work for the Norwood Light</p> <p>11 Department as a co-op student in 1984, and I've</p> <p>12 been there ever since.</p> <p>13 Q. Okay.</p> <p>14 A. I went to school right around the corner</p> <p>15 here for graduate school.</p> <p>16 Q. Suffolk?</p> <p>17 A. Yes. And that was late '90 -- maybe '97</p> <p>18 or so I got out of there.</p> <p>19 Q. What degree did you get?</p> <p>20 A. MBA.</p> <p>21 Q. So what's your current position at the</p> <p>22 Norwood Light Department?</p> <p>23 A. I'm assistant superintendent.</p> <p>24 Q. And who is the superintendent?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. What have you done to prepare for your</p> <p>3 deposition today?</p> <p>4 A. I met with our attorney.</p> <p>5 Q. And when did you do that?</p> <p>6 A. A few days ago.</p> <p>7 Q. And for how long did you meet?</p> <p>8 A. I would say roughly an hour.</p> <p>9 Q. Did you review any documents?</p> <p>10 A. Yes.</p> <p>11 Q. What documents did you review?</p> <p>12 A. Honestly, I couldn't be very specific.</p> <p>13 Q. You have no recollection of what</p> <p>14 documents you reviewed?</p> <p>15 A. I think if we come across them today, I</p> <p>16 would probably recognize them. I believe there</p> <p>17 were some e-mails.</p> <p>18 Q. Okay. Did you review any deposition</p> <p>19 transcripts of prior depositions in this case?</p> <p>20 A. No, sir. I didn't.</p> <p>21 Q. Have you had any discussions with your</p> <p>22 fellow commissioners regarding prior depositions</p> <p>23 taken in this case?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. James Collins.</p> <p>2 Q. And how long have you been assistant</p> <p>3 superintendent?</p> <p>4 A. About two years.</p> <p>5 Q. Okay. And briefly, can you tell me what</p> <p>6 your duties and responsibilities are?</p> <p>7 A. Well, I'm an electrical engineer. So I</p> <p>8 still work on projects. I'm more administration</p> <p>9 now with budgets and purchase power, any specific</p> <p>10 projects that I'm working on. And pretty much</p> <p>11 everyone in operations works for me.</p> <p>12 Q. And what is the annual budget of the</p> <p>13 Norwood Light Department?</p> <p>14 A. About 50 million.</p> <p>15 Q. Okay. And how many employees does the</p> <p>16 Norwood Light Department have in operations?</p> <p>17 A. Maybe 47. Something like that.</p> <p>18 Somewhere -- I think either 46 or 47.</p> <p>19 Q. Does the Norwood Light Department also</p> <p>20 provide cable?</p> <p>21 A. We have a broadband division.</p> <p>22 Q. What's the relationship between the</p> <p>23 broadband division and the Norwood Light</p> <p>24 Department, if you don't mind me asking?</p>

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<p>1 MR. SIMMS: Objection to the scope. You 2 can answer the question. 3 A. I guess you'd have to rephrase that. 4 What do you mean by the relationship? 5 BY MR. FEE: 6 Q. Is the Norwood broadband a subdivision of 7 the Norwood Light Department? 8 A. We started our broadband division roughly 9 in 2001. If you really -- do you want to know? 10 I can give you the whole background if that's -- 11 it will take a few minutes. 12 Q. No. I'm just curious as to what the 13 relationship is between the two entities. 14 A. So we started -- 15 MR. SIMMS: Wait one second. Is this 16 going to be a lengthy line -- 17 MR. FEE: No. 18 MR. SIMMS: -- so I can just have a 19 standard objection? 20 MR. FEE: I just want a little background 21 on this. That's all. 22 MR. SIMMS: Go ahead. 23 A. So we started our broadband division in 24 early 2000. Mostly because the existing</p>	<p>1 Q. So the 47 employees that you mentioned 2 earlier that are in Norwood Light operations, do 3 they include broadband employees? 4 A. No. The 47 would be all total. I don't 5 know -- I mean, take management out of that. 6 Maybe the broadband is maybe eight or nine 7 people. 8 Q. Okay. 9 A. We would take -- some of the customer 10 service people would be assigned to that group 11 for accounting purposes. 12 Q. Okay. 13 A. So maybe ten or so all together. 14 Q. How long have you lived in Norwood? 15 A. 14 years. 16 Q. And when did you become a member of the 17 Norwood Airport Commission? 18 A. I think about 10 years ago. 19 Q. So in or about 2007? 20 A. That's -- yeah, about. I'd say that's 21 roughly the time frame. 2007 or so. 22 Q. What were the circumstances under which 23 you became appointed to the Norwood Airport -- 24 A. I --</p>
Page 11	Page 13
<p>1 providers weren't willing to provide high speed 2 internet and digital cable for the town. So we 3 put together a business plan and we decided that 4 it was feasible for us to do it. 5 So we went into competition with -- it 6 wasn't Comcast at the time. It was, like, 7 MediaOne. It was an offshoot. It was Adams 8 Russell originally in Norwood. Then several 9 entities purchased it. I think it was MediaOne 10 at the time. 11 So we built our infrastructure. We built 12 the head in. We decided that we would keep it 13 all in our existing building. We looked around, 14 but we kept it. And then we hired staff. We 15 hired people to run it. Technicians. You know, 16 headings, engineers, operation people that were 17 management level. 18 BY MR. FEE: 19 Q. Okay. 20 A. And we started it and we've been pretty 21 successful. 22 If your question is: Do I supervise 23 them? The head of broadband is under me. So I 24 don't know if that's what you're getting at.</p>	<p>1 Q. -- Commission? 2 MR. SIMMS: Just a reminder, let Mr. Fee 3 finish his question, take a moment, and then 4 answer the question. Okay? 5 THE WITNESS: Okay. Sure. 6 A. Can you ask the question again because I 7 forget. 8 BY MR. FEE: 9 Q. So do I. 10 MR. SIMMS: What were the circumstances 11 of your becoming a member of the Norwood Airport 12 Commission? 13 A. I don't know. I guess you'd have to 14 rephrase that. I don't know what you mean. 15 BY MR. FEE: 16 Q. Were you appointed? 17 A. I was -- yeah. The way -- I was 18 appointed by the board of selectmen. 19 Q. And did they solicit you? Did they ask 20 you if you were interested in becoming a member 21 of the Norwood Airport Commission or did they 22 just appoint you? 23 A. No. I sent a letter to John Carroll 24 expressing interest in -- I'm going to say I</p>

<p style="text-align: right;">Page 14</p> <p>1 don't recall the specifics, but I did send a 2 letter expressing interest in serving the town. 3 Q. Okay. And did you express an interest in 4 serving the town on the airport commission or on 5 any board? 6 A. I don't remember. 7 Q. Have you previously spoken to any current 8 member of the board of -- I'm sorry -- the 9 Norwood Airport Commission about serving on the 10 commission? 11 A. No. 12 Q. And did you -- so about 2007 you joined 13 the board. And what, if anything, did you do to 14 familiarize yourself with the work of the 15 commission at that time? 16 A. Russ Maguire gave me a binder with, you 17 know, different information. I also received 18 information from the town Clerk's Office on 19 general -- people that are on different boards in 20 the town. You know, rules, regulations, how the 21 meetings are run. 22 Q. Did you receive training on open meeting 23 law? 24 A. I don't recall.</p>	<p style="text-align: right;">Page 16</p> <p>1 operation of the airport? 2 A. We have rules and regulations and there 3 are grant assurances that apply to the operation 4 of the airport. 5 Q. And how familiar are you with those? 6 A. I would say that I don't -- you know, I 7 was part of it, I think, when -- the last time we 8 approved rules and regulations. I review them 9 when it's necessary. If something comes up, I'll 10 look at them. I expect the manager and our 11 counsel to be more familiar than I am. 12 Q. Okay. I'm going to show you a few 13 documents. The first one is marked as Exhibit 2 14 to the LeBlanc deposition, and it appears to be a 15 document entitled "Norwood Memorial Airport 16 General Regulations revised October 2008." Is 17 that what you're referring to when you said the 18 rules and regulations? 19 A. Yes. I think that's it. 20 Q. And you said you thought you were part of 21 this when these were revised last; is that fair 22 to say? 23 A. Yes. 24 Q. Okay. So you were talking about October</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Do you, as a member of the commission, 2 receive annual training of any kind regarding 3 your service on the commission? 4 A. No. 5 Q. So you do not take an annual course or 6 certification regarding compliance with open 7 meeting law; is that correct? 8 A. Yes, that's correct. 9 Q. And you don't take a course or get 10 certification on an annual basis regarding 11 conflict of interest; is that correct? 12 A. We are required to -- there's an 13 ethics -- it's an online requirement to do it for 14 my job. 15 Q. Right. 16 A. And also it's applied to the airport 17 commission as well. 18 Q. And do you do that annually? 19 A. Yes. 20 Q. Okay. When was the last time you did 21 that online certification for ethics? 22 A. I don't recall. 23 Q. Do you have an understanding of what 24 documents or rules and regulations apply to the</p>	<p style="text-align: right;">Page 17</p> <p>1 2008? 2 A. Yes. 3 Q. Okay. So fair to assume you were on the 4 commission in October 2008 when these rules were 5 promulgated. Do you recall what role, if any, 6 you played in the creation of this document? 7 A. No. 8 Q. Did you play any role? 9 A. I don't recall. 10 Q. Okay. And you say that you rely on the 11 airport manager and town counsel to have a 12 greater familiarity with them than you do; is 13 that fair to say? 14 A. Yes. 15 Q. Okay. Turning your attention now to page 16 30 of Exhibit 2. It's entitled "Attachment A, 17 Norwood Airport Minimum Standards." Have you 18 seen this before? 19 A. Yes. 20 Q. And do you believe that the Norwood 21 Airport minimum standards are something that's 22 binding on the commission? 23 A. I think we try to follow the minimum 24 standards.</p>

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<p>1 Q. Right. But do you believe that these 2 regulations and the minimum standards are rules 3 that the commission must adhere to? 4 A. They're minimum standards. 5 Q. Right. But my question is: Do you 6 believe that these are rules and minimum 7 standards that the commission must adhere to? 8 MR. SIMMS: Objection. Go ahead. 9 A. They're minimum standards. The minimum 10 standards that we would expect. 11 BY MR. FEE: 12 Q. And so your interpretation of the minimum 13 standards are that in certain circumstances you 14 can exceed what these rules say in evaluating 15 requests for permits at the airport; is that fair 16 to say? 17 A. Follow the minimum standards. 18 Q. Understood. But you said that you 19 believe them to be the minimum standards. And my 20 question is: By that, do you mean that the 21 commission is entitled to go beyond the minimum 22 standards in making requests of applicants for 23 permits at the airport? 24 A. We follow the minimum standards. I</p>	<p>1 enterprises from operating at the airport 2 therefore protecting established aeronautic 3 activities and airport patrons." 4 I would intend that to mean we would want 5 to know who we're dealing with when they apply 6 for a permit. 7 Q. Right. And do you believe that the -- 8 there's some discretionary authority on the part 9 of the commission to be able to inquire beyond 10 the specific requirements set forth in the 11 minimum standards? 12 MR. SIMMS: Objection. Asked and 13 answered. Go ahead. 14 A. Yes. 15 BY MR. FEE: 16 Q. So do you believe this current version 17 which I've shown you, and has been marked as 18 Exhibit 2, is the current version of the minimum 19 standards that are used by the commission today? 20 A. The only ones we have, yes. 21 Q. Do you know -- and you said that you were 22 involved in the putting together of these 23 regulations in October of 2008. Do you know if 24 they've ever been revised?</p>
Page 19	Page 21
<p>1 don't -- I guess I'm not following what you're 2 saying. 3 Q. Well, the minimum standards set forth 4 certain things that the commission can request of 5 permit applicants. Correct? 6 A. I believe so. 7 Q. And is it your understanding that the 8 minimum standards are the ceiling or the floor of 9 what might be requested from a prospective permit 10 applicant? 11 A. I'd say -- certainly wouldn't be the 12 maximum. 13 Q. Okay. So you think -- so if you'll buy 14 into my metaphor that it's a ceiling or a floor, 15 you're saying that the minimum standards 16 represent the floor and that the commission is 17 entitled to ask for additional things above and 18 beyond the minimum standards, in your opinion. 19 Is that fair to say? 20 A. Yes. 21 Q. And what is the basis for that opinion? 22 A. That we're trying to do what's best for 23 the airport. If you read them -- "The minimum 24 standards also discourage substandard would-be</p>	<p>1 A. I think I said I don't recall if I was 2 involved. I said I was on the commission when 3 they were enacted. 4 Q. Sorry. I don't mean to mischaracterize 5 your testimony in any way. 6 A. Ask the question again. 7 Q. Sure. Do you know if these regulations 8 have ever been revised? 9 A. I don't recall. 10 Q. Okay. I'm going to show you a document 11 that's been marked as Exhibit 97, and I want you 12 to compare and contrast a little bit. So we can 13 keep them close together. 14 I want to point some things out to you. 15 This is a document that's been marked as Exhibit 16 97 and this is -- I would represent to you that 17 this is the version of the minimum standards that 18 appears currently on the commission's website. 19 And it's slightly different from the one 20 that was marked as Exhibit 2 and appears to be in 21 effect as of October 2008. And the reason that 22 it's slightly different -- and I'll point this 23 out to you because it's language that you just 24 read to me.</p>

<p style="text-align: right;">Page 22</p> <p>1 You said, in the second paragraph, "For 2 the public interest, the application of minimum 3 standards also discourages substandard would-be 4 enterprises from operating on the airport thereby 5 protecting established aeronautical activities 6 and the airport patrons." 7 That's from Exhibit 2. And now on 8 Exhibit 97, I just know that that language is 9 different; is it not? 10 A. It is different. Is that what I just 11 read? 12 Q. You just read to me the second -- the 13 last sentence in the second paragraph of 14 Exhibit 2. And I'm just trying to understand why 15 the version of the minimum standards that's 16 published on the commission's website, and has 17 been marked as Exhibit 97, doesn't have that 18 language? 19 A. I don't know. 20 Q. Do you have any recollection at all of 21 the minimum standards being revised at any time? 22 A. I know that they've been discussed. 23 Q. Okay. By whom? 24 A. I think -- it seems to me they've been --</p>	<p style="text-align: right;">Page 24</p> <p>1 something very similar to this. 2 Q. And do you believe that the FAA 3 assurances are binding on the commission? 4 A. Yes. 5 Q. Okay. And why? 6 A. If we don't follow the grant assurances, 7 I don't think we can apply for grants and so 8 forth. 9 Q. So these are sort of the rules of getting 10 federal funding. Is that fair to say? 11 A. I believe so. 12 Q. So I want to turn your attention to 13 paragraph 22 that appears first on page 10 of 14 Exhibit 3. It's entitled "Economic 15 nondiscrimination." Have you seen this paragraph 16 before? 17 A. I don't recall. 18 Q. Have you ever discussed provisions in the 19 grant assurances with your fellow commissioners 20 as they apply to BEH, Boston Executive 21 Helicopters? 22 A. No. 23 Q. Have you ever discussed in public session 24 the FAA grant assurances as they apply to Boston</p>
<p style="text-align: right;">Page 23</p> <p>1 it's been brought up at meetings. I don't recall 2 changing them or voting to change them. 3 Q. Okay. Would the airport manager be 4 authorized to change these minimum standards 5 without a vote of the commission? 6 A. No. 7 Q. Okay. So it's your understanding that if 8 the minimum standards were to be revised, that 9 would require a vote of the commissioners? 10 A. I believe so. 11 Q. Okay. Other than the Norwood regulations 12 and minimum standards, are there other -- well, 13 you mentioned that you thought the grant 14 assurances were also applicable to your work as a 15 commissioner; is that accurate? 16 A. Yes. 17 Q. So I'm going to show you what's been 18 marked as Exhibit 3. It appears to be grant 19 assurances issued by the FAA. Can you tell me if 20 you've seen those before? 21 A. I've seen -- I can't be sure that it's 22 the specific -- you know, it's dated 3/2014. So 23 that would be March. But I've seen something 24 similar. If it's not exactly this, I've seen</p>	<p style="text-align: right;">Page 25</p> <p>1 Executive Helicopters? 2 A. I don't recall. 3 Q. Have you ever discussed with town 4 counsel -- and I'm referring specifically to 5 Mr. Moss -- the application of federal grant 6 assurances, similar to those that are marked as 7 Exhibit 3, as they apply to Boston Executive 8 Helicopters? 9 MR. SIMMS: Just answer that a yes, no, 10 or I don't remember. 11 A. I don't recall. 12 BY MR. FEE: 13 Q. Okay. Do you believe -- I believe you 14 stated that you thought the grant assurances were 15 binding on the commission. Correct? 16 A. Yes. 17 Q. And so you would agree that paragraph 22 18 regarding economic nondiscrimination is binding 19 on the commission. Correct? 20 A. Yes. 21 Q. Okay. Now, turning your attention now to 22 paragraph 23 of the same document -- it starts on 23 page 12 -- regarding exclusive rights. Have you 24 seen that before?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. I don't recall.</p> <p>2 Q. Did you ever have any discussion</p> <p>3 regarding this portion of the FAA grant</p> <p>4 assurances regarding exclusive rights as it</p> <p>5 applied to Boston Executive Helicopters or</p> <p>6 FlightLevel?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did you ever have -- do you ever recall</p> <p>9 discussing in commission hearings the application</p> <p>10 of paragraph 23 regarding exclusive rights as it</p> <p>11 might apply to Boston Executive Helicopters or</p> <p>12 FlightLevel?</p> <p>13 A. I don't remember.</p> <p>14 Q. Same question with respect to Brandon</p> <p>15 Moss.</p> <p>16 A. No.</p> <p>17 MR. SIMMS: Same instruction.</p> <p>18 BY MR. FEE:</p> <p>19 Q. So at some point did you develop an</p> <p>20 opinion as to whether or not it was advisable for</p> <p>21 the airport to have more than one FBO?</p> <p>22 A. No.</p> <p>23 Q. You've never developed an opinion in that</p> <p>24 regard?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay?</p> <p>2 A. Okay.</p> <p>3 Q. Let me ask you again in a different way.</p> <p>4 Never mind.</p> <p>5 Do you believe there are any other</p> <p>6 documents that are binding on the commission?</p> <p>7 A. You'd have to be more specific.</p> <p>8 Q. Showing you a document that's been marked</p> <p>9 as Exhibit 16. It appears to be Mass. DOT grant</p> <p>10 assurances. Have you ever seen those before?</p> <p>11 A. I'm not sure of these specific ones, but</p> <p>12 I've seen Mass. DOT grant assurances.</p> <p>13 Q. Do you believe that Mass. DOT grant</p> <p>14 assurances apply to the work of the Norwood</p> <p>15 Airport Commission?</p> <p>16 A. Yes.</p> <p>17 Q. And is that because there are state funds</p> <p>18 that are advanced to the Norwood Airport?</p> <p>19 A. Yes.</p> <p>20 Q. And there are rules regarding what</p> <p>21 conduct the airport has to undertake in order to</p> <p>22 be eligible for those grants. Correct?</p> <p>23 A. Yes.</p> <p>24 Q. And I'd represent to you that the DOT</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I've kept an open mind.</p> <p>2 Q. Okay. Have you ever expressed in open</p> <p>3 meeting or otherwise your belief that</p> <p>4 FlightLevel's investment in the airport entitles</p> <p>5 it to preferential treatment with respect to</p> <p>6 leases?</p> <p>7 A. I don't recall.</p> <p>8 Q. So you may have but you just don't</p> <p>9 recall?</p> <p>10 MR. SIMMS: Objection. Go ahead.</p> <p>11 A. Seriously?</p> <p>12 BY MR. FEE:</p> <p>13 Q. Seriously.</p> <p>14 MR. SIMMS: Same objection.</p> <p>15 A. It's the same answer.</p> <p>16 BY MR. FEE:</p> <p>17 Q. Okay.</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay.</p> <p>20 A. I can't remember.</p> <p>21 Q. I'm just trying to clarify your</p> <p>22 testimony. I'm not trying to play word games</p> <p>23 with you.</p> <p>24 A. Well --</p>	<p style="text-align: right;">Page 29</p> <p>1 grant assurances contain similar language</p> <p>2 regarding economic nondiscrimination and</p> <p>3 exclusive use. And I'll just ask you those</p> <p>4 questions again.</p> <p>5 Do you recall at any time discussing the</p> <p>6 Mass. DOT grant assurances with respect to their</p> <p>7 application to BEH or FlightLevel?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you recall at any time</p> <p>10 discussing the Mass. DOT grant assurances with</p> <p>11 Brandon Moss?</p> <p>12 A. No.</p> <p>13 Q. How often do you talk to Brandon Moss?</p> <p>14 A. Usually just at meetings. I think the</p> <p>15 only correspondence that I can remember had to do</p> <p>16 with e-mails. Trying to find -- you know, search</p> <p>17 for e-mails. That was --</p> <p>18 MR. SIMMS: Kevin, he only asked you how</p> <p>19 often do you speak to Brandon Moss.</p> <p>20 THE WITNESS: Got you.</p> <p>21 MR. SIMMS: Just answer that question.</p> <p>22 A. Very infrequently.</p> <p>23 BY MR. FEE:</p> <p>24 Q. Do you speak to him in the context of</p>

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<p>1 commission meetings?</p> <p>2 A. I suppose, yes.</p> <p>3 Q. And do you speak to him in the context of</p> <p>4 executive session at commission meetings?</p> <p>5 A. Yes.</p> <p>6 Q. And do you speak to him outside the</p> <p>7 context of meetings?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And is that discussion that you</p> <p>10 have with him in the form of e-mail or telephone</p> <p>11 calls?</p> <p>12 A. Both.</p> <p>13 Q. Okay. And do you confer with Mr. Moss</p> <p>14 for the purposes of discussing issues relevant to</p> <p>15 BEH?</p> <p>16 A. The e-mails would be -- when they were</p> <p>17 looking for e-mails. I would have to say yes.</p> <p>18 Q. Okay. Does Mr. Moss attend all of the</p> <p>19 Norwood Airport Commission meetings?</p> <p>20 A. No.</p> <p>21 Q. Does he attend most of them?</p> <p>22 A. I'd say -- I don't know.</p> <p>23 Q. Between 2014 and 2015, when consideration</p> <p>24 of BEH's Part 13 and Part 16 Complaint were</p>	<p>1 says -- I'm sorry -- next page. Page 4 of this</p> <p>2 document, top of the page, first bullet.</p> <p>3 It talks about whether the Town of</p> <p>4 Norwood granted an exclusive right to Eastern Air</p> <p>5 Center to operate a fueling facility and sell</p> <p>6 general aviation and jet fuel to the public and,</p> <p>7 in the process, ceding control of the only power</p> <p>8 source to operate a fueling facility on the</p> <p>9 airport ramps to Eastern Air Center and Boston</p> <p>10 Metropolitan Airport, Inc. Do you see that?</p> <p>11 A. In context it says Boston Air Charter</p> <p>12 versus the Norwood Airport Commission?</p> <p>13 Q. Correct.</p> <p>14 A. What was the question again?</p> <p>15 Q. Does this refresh your recollection as to</p> <p>16 the substance of the FAA determination regarding</p> <p>17 Boston Air Charter's Part 16 Complaint?</p> <p>18 A. No.</p> <p>19 Q. So you still don't have any recollection</p> <p>20 about the substance of that Part 16 Complaint?</p> <p>21 A. No.</p> <p>22 Q. Do you know what the result of that Part</p> <p>23 16 Complaint was?</p> <p>24 A. The one that's still ongoing?</p>
Page 31	Page 33
<p>1 predominant, would you say that Mr. Moss attended</p> <p>2 most NAC meetings?</p> <p>3 A. I really don't remember.</p> <p>4 Q. Do you know if Mr. Moss was an active</p> <p>5 participant in the commission's deliberations</p> <p>6 regarding BEH in 2014 and 2015?</p> <p>7 A. Yes.</p> <p>8 Q. You were on the board, were you not, when</p> <p>9 the -- I'm sorry -- the commission when Boston</p> <p>10 Air Charters filed a Part 16 Complaint with the</p> <p>11 FAA; were you not?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And what do you remember about</p> <p>14 that? Do you remember anything about the</p> <p>15 substance of it?</p> <p>16 A. No.</p> <p>17 Q. I'll show you a document that's been</p> <p>18 marked as Exhibit 4. Have you ever seen that</p> <p>19 before?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. So if I just turn your attention</p> <p>22 to the third page of it. Down the bottom of the</p> <p>23 first page which -- I'm sorry -- the third page</p> <p>24 which is entitled "Directors Determination," it</p>	<p>1 Q. No. I'm talking right now about Boston</p> <p>2 Air Charter's 2008 Part 16 Complaint.</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay. Do you recall whether the FAA</p> <p>5 issued a determination or rulings regarding</p> <p>6 Boston Air Charter's Part 16 Complaint?</p> <p>7 A. No.</p> <p>8 Q. Okay. Do you recall participating in any</p> <p>9 way in the drafting of a corrective action plan</p> <p>10 as a result of the Boston Air Charter Part 16</p> <p>11 Complaint?</p> <p>12 A. Nope.</p> <p>13 Q. Is your answer no?</p> <p>14 A. I would say in any way -- I recall that</p> <p>15 there was a complaint, but I recall that we had</p> <p>16 to respond to it. I don't remember the</p> <p>17 specifics.</p> <p>18 Q. Okay. I'll show you a document that's</p> <p>19 been marked Exhibit 36. Tell me if you've seen</p> <p>20 that before.</p> <p>21 Exhibit 36 appears to be a letter from</p> <p>22 Mr. Maguire to the FAA dated January 27, 2010.</p> <p>23 Have you ever seen this before?</p> <p>24 A. I'm reading it now. I don't remember.</p>

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<p>1 Q. Okay. Drawing your attention to the 2 third bullet point where it says -- and it's 3 talking about steps that the Norwood Airport 4 Commission has taken in response to the Part 16 5 Complaint. 6 And the third bullet point says "End the 7 practice of awarding long-term leases of 8 federally funded ramps that have the effect of 9 granting one party control over the majority of 10 the ramps on the airport." 11 Did I read that correctly? 12 A. Yes. 13 Q. Is it your belief or your understanding 14 that after the issuance of the Part 16 ruling in 15 2010 and the FAA's subsequent direction to the 16 NAC that the commission was required to end the 17 practice of awarding long-term leases that would 18 have the effect of granting one party exclusive 19 control over a majority of the federally funded 20 ramps at the airport? 21 MR. SIMMS: Objection. Go ahead. 22 A. You'd have to ask that again. 23 BY MR. FEE: 24 Q. Well, I just read you bullet three --</p>	<p>1 A. Yes. 2 Q. Okay. And that's been for quite some 3 time. Correct? 4 A. I don't know. 5 Q. Well, for the entire time that you've 6 been a member of the commission, FlightLevel has 7 been in control over a majority of the federally 8 funded ramps at the airport. Is that fair to 9 say? 10 A. I think so. 11 Q. Is there any reason to doubt that in your 12 mind? 13 MR. SIMMS: Objection. You can answer. 14 A. I don't -- in my mind, I know that there 15 were two entities and -- so I'm not quite sure 16 when it split up. When they took over some of 17 the other ramps. Eastern Wiggins and Eastern Air 18 Charter. I'm not sure when that all took place. 19 One went out of business. And then, I 20 think, it would be FlightLevel's company that 21 took over -- 22 Q. Right. So -- 23 A. -- spaces. 24 Q. So FlightLevel took over --</p>
Page 35	Page 37
<p>1 A. I remember that. 2 Q. -- which appears to be a directive from 3 the FAA. Would you agree with me on that? 4 A. I heard that. I just want you to ask the 5 question again. 6 Q. Okay. Well, I'm trying to break it down 7 because it was long and I understand that it was 8 convoluted. So I'm going to break it down a 9 little bit. 10 I read you bullet three. 11 A. Um-hum. 12 Q. And my question is: Do you believe that 13 this directive from the FAA was binding on the 14 commission? 15 A. Yes. 16 Q. Okay. And what, if anything, did the 17 commission do to effectuate this directive from 18 the FAA? 19 A. I don't recall. 20 Q. Did it do anything? 21 A. I don't remember. 22 Q. Okay. Do you know who -- would you agree 23 with me that FlightLevel has control over a 24 majority of the ramps at the airport?</p>	<p>1 A. And I'm not sure about lease times and, 2 you know, effectual -- when they would expire. 3 Because some of the leases are long term. 4 Q. Right. But since you've been at the 5 airport, FlightLevel has been the only FBO. 6 Correct? 7 A. Yes. 8 Q. And FlightLevel or Papa Whisky have 9 leasehold interests over a majority of the 10 federally funded ramps at the airport. Correct? 11 A. I believe so. 12 Q. And that's been the case since 13 FlightLevel arrived at the airport. Correct? 14 Because it came -- it assumed all of the leases 15 of its predecessor, Wiggins. 16 A. What I'm saying is that I think 17 FlightLevel came roughly about the same time as 18 me. 19 Q. Okay. Fair enough. 20 At some point did you become aware of the 21 fact that Boston Air Charters was interested in 22 leasing space at the airport? 23 A. Yes. 24 Q. And Boston Air Charters began as -- with</p>

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<p>1 a small operation and later applied to rebuild a 2 hanger that was destroyed by weather; is that 3 correct? 4 A. I think maybe you're mixing Boston Air 5 Charter with -- 6 Q. No. I'm talking about -- did I say 7 Boston Air Charter? I'm sorry. I meant Boston 8 Executive -- 9 MR. SIMMS: I was kind of wondering. 10 BY MR. FEE: 11 Q. My apologize. Boston Executive 12 Helicopters. 13 A. Do you want to ask the other question? 14 Q. Sure. Let me ask you again. So is it 15 your understanding that at some point Boston 16 Executive Helicopters began its operations at the 17 airport and then sought to expand by rebuilding a 18 hanger that had been destroyed by weather? Is 19 that your recollection? 20 A. I -- honestly, I don't know. I know that 21 they bought the -- or they negotiated with Swift 22 Aviation to rebuild the hanger. 23 Q. And do you know when this was? 24 A. I don't remember.</p>	<p>1 A. I don't remember this. 2 Q. Okay. I'm going to show you the next 3 document that's been marked as Exhibit 7. It 4 appears to be an e-mail to Mr. Maguire from 5 Mr. Donovan dated March 12, 2014. 6 I'm looking at Exhibit 7 now. 7 A. Okay. 8 Q. Have you seen this before? 9 A. I don't know. 10 Q. At any point did Mr. Maguire communicate 11 to you or any member of the commission regarding 12 BEH's desire -- stated desire to lease additional 13 ramp space at the airport? 14 MR. SIMMS: Can you read that one back, 15 please. 16 (Whereupon the prior question was read 17 back.) 18 A. At any point at all? Ever? 19 BY MR. FEE: 20 Q. Yes. 21 A. Well, we've been having ongoing 22 negotiations with them for years on space on the 23 west apron. 24 Q. When was the first time that Mr. Maguire</p>
Page 39	Page 41
<p>1 Q. Okay. At some point thereafter, did you 2 become aware of the fact that FlightLevel was 3 interested in leasing additional ramp space at 4 the airport? 5 A. Yes. 6 Q. And when was that? 7 A. I don't remember. 8 Q. Okay. Showing you a document that's been 9 marked as Exhibit 6. It appears to be a letter 10 dated September 1, 2010, to the members of the 11 Norwood Airport Commission of which you are 12 listed as one. Have you seen that before? 13 A. I don't remember. 14 Q. Well, does looking at this document 15 refresh your recollection as to when Boston 16 Executive Helicopters first expressed its 17 interest to the Norwood Airport Commission in 18 leasing space or additional space at the airport? 19 A. It's dated September 1, 2010, so I don't 20 remember it. 21 Q. Is it consistent with your understanding 22 or your recollection that as far back as 2010 23 Boston Executive Helicopters was seeking to lease 24 ramp space at the airport?</p>	<p>1 informed you or any member of the commission that 2 BEH desired to lease additional space at the 3 airport? 4 A. I don't remember. 5 Q. You don't have any recollection of when 6 it first came up as an issue? 7 A. It's been years. 8 Q. Okay. I'm going to show you a document 9 that's been marked as Exhibit 8. This appears to 10 be -- it's a two-page document. It appears to be 11 the agenda for the March 12, 2014, meeting, and 12 then the second page is the executive session 13 meeting minutes. Have you seen this before? 14 A. I don't remember it, but I'm sure I have. 15 Q. Okay. Is it one of the documents -- 16 A. We would have -- 17 Q. I'm sorry. Go ahead. 18 A. We would have approved these minutes. 19 Q. Is this one of the documents that you 20 reviewed with your counsel prior to the 21 deposition? 22 A. I don't remember. 23 Q. Okay. On the first page of Exhibit 8 it 24 sets forth the agenda and it doesn't mention --</p>

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<p>1 I'm sorry. Let me show you the first page. 2 It doesn't mention anything about any 3 FlightLevel leases; does it? 4 A. The tentative agenda items? 5 Q. Correct. 6 A. What doesn't it mention? 7 Q. Anything about FlightLevel leases. 8 A. Correct. This particular thing does not 9 mention anything about FlightLevel leases. 10 Q. Okay. And on the second page in the 11 executive session meeting minutes, it states that 12 "On a motion made by Mr. Shaughnessy and seconded 13 by Mr. Odstrchel, the commission voted 3 to 0 to 14 extend leases on Lot 5, 6, 7, A, B, and C in 15 favor of FlightLevel." Correct? 16 A. In favor of FlightLevel? 17 Q. To lease to FlightLevel those lots. 18 A. Yes. 19 Q. Okay. And at this point in time were you 20 clerk of the commission? 21 A. I don't remember. 22 Q. At what point -- do you know when you 23 became clerk? 24 A. I don't remember.</p>	<p>1 responsibility to prepare meeting minutes or 2 agendas? 3 A. Russ is required to store the minutes. 4 My understanding is I read the minutes and then 5 Russ archives the minutes. That's really what 6 I -- 7 Q. Who prepares the minutes? 8 A. The -- we call her a secretary. She's 9 the clerk. The person who takes the minutes when 10 we're at the meetings. 11 Q. And what's her name? 12 A. Sorry. I don't know. 13 Q. That's okay. Has it been the same person 14 for years? 15 A. No. 16 Q. And who was it in 2014? 17 A. I don't remember. 18 Q. Is it the same person that it is now? 19 A. No. 20 Q. Do you know when it changed? 21 A. No. 22 Q. When that transcriber changed? 23 A. No. 24 Q. So I take it from the minutes that you</p>
Page 43	Page 45
<p>1 Q. Okay. So -- 2 A. It says I was clerk on the minutes. 3 Q. Okay. So as -- 4 A. Can I clarify? 5 Q. Sure. 6 A. You're asking me -- you asked me to read 7 the agenda items for the open meeting? 8 Q. Yes. 9 A. Okay. That was the open session? 10 Q. Correct. And there was no mention -- is 11 there a separate agenda for executive session? 12 A. Typically executive session is to 13 discuss, you know -- to discuss -- we don't have 14 an agenda typically. 15 Q. So there's no public notice issued by the 16 commission regarding the items that are to be 17 discussed in executive session; is that fair to 18 say? 19 A. Not that I'm aware of. 20 Q. And as clerk, what are your duties? 21 A. I -- typically, I don't really do 22 anything extra. I read what I'm supposed to 23 read. 24 Q. So it's not -- as clerk, it's not your</p>	<p>1 were present at this meeting on March 12, 2014; 2 is that fair to say? 3 A. Yes. 4 Q. Okay. And you made the motion to 5 authorize FlightLevel's extension of leases on 6 Lots 5, 6, 7, A, B, and C. Correct? 7 A. Could you repeat that? 8 Q. Sure. You made the motion to extend 9 FlightLevel's leases on Lots 5, 6, 7, A, B and C. 10 Correct? 11 A. Yes. 12 Q. Okay. Do you recall any discussion that 13 took place during the executive session regarding 14 the vote to extend FlightLevel's leases on Lots 15 5, 6, 7, A, B, and C? 16 A. No. 17 Q. Do you recall what, if any, materials you 18 may have reviewed in connection with the decision 19 to extend FlightLevel's leases on lots 5, 6, 7, 20 A, B, and C? 21 A. No. 22 Q. Do you know why the commission voted in 23 May of 2014 to extend FlightLevel's leases on 24 those six lots?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. I don't understand that. Why we did it?</p> <p>2 Q. Yes. Do you have any understanding of</p> <p>3 why the commission took this vote in May of 2014?</p> <p>4 A. To confirm the lease with FlightLevel.</p> <p>5 Q. Okay. And it was in response to</p> <p>6 FlightLevel's request?</p> <p>7 A. Yes.</p> <p>8 Q. And was it made with -- was there any</p> <p>9 discussion regarding the application of the FAA</p> <p>10 ruling issued in 2010 regarding the commission's</p> <p>11 obligation to refrain from granting long-term</p> <p>12 leases to entities that would have control over a</p> <p>13 majority of space on the federally funded ramps?</p> <p>14 A. I don't recall.</p> <p>15 Q. You don't recall discussing at all the</p> <p>16 FAA --</p> <p>17 A. I don't recall discussing it. I don't</p> <p>18 recall the terms of the lease.</p> <p>19 Q. Okay. Do you recall any discussions that</p> <p>20 you may have had with Mr. Eichleay regarding his</p> <p>21 desire for the commission to extend his leases on</p> <p>22 the six lots in May of 2014?</p> <p>23 A. Who?</p> <p>24 Q. Eichleay. Peter Eichleay.</p>	<p style="text-align: right;">Page 48</p> <p>1 our upcoming airport investments." Did I read</p> <p>2 that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. So does this refresh your recollection as</p> <p>5 to the reason why the commission voted as it did</p> <p>6 on March 12, 2014, to extend the six leases for</p> <p>7 FlightLevel?</p> <p>8 A. No.</p> <p>9 Q. Showing you an exhibit that's been marked</p> <p>10 as Exhibit 44. It appears to be a letter from</p> <p>11 Mr. Maguire to Mr. Eichleay dated April 15, 2014,</p> <p>12 confirming the commission's decision to extend</p> <p>13 the leases on Lots 5, 6, 7, A, B, and C. Have</p> <p>14 you ever seen this before?</p> <p>15 A. I don't remember.</p> <p>16 Q. Does it refresh your recollection in any</p> <p>17 way regarding the reason that the commission took</p> <p>18 the March 12, 2014, vote to extend the</p> <p>19 FlightLevel leases on the six lots?</p> <p>20 A. No.</p> <p>21 Q. At this point in time -- and I'm talking</p> <p>22 specifically between March and April 2014 -- did</p> <p>23 you have an opinion regarding the economic</p> <p>24 viability of FlightLevel?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. No.</p> <p>2 Q. Am I saying that incorrectly?</p> <p>3 A. I just didn't catch --</p> <p>4 Q. Okay.</p> <p>5 A. Sorry.</p> <p>6 Q. That's okay. Showing you a document</p> <p>7 that's been marked as Exhibit 40. It appears to</p> <p>8 be a letter dated January 22, 2014, to the</p> <p>9 Norwood Airport Commission from Mr. Eichleay.</p> <p>10 Have you ever seen that before?</p> <p>11 A. I don't recall.</p> <p>12 Q. Does it refresh your recollection in any</p> <p>13 way regarding the reason that the commission took</p> <p>14 the vote on May -- I'm sorry -- on March 12,</p> <p>15 2014, that we've been discussing?</p> <p>16 A. No.</p> <p>17 Q. I'm going to turn your attention to</p> <p>18 Exhibit 41. It appears to be an e-mail from Mr.</p> <p>19 Eichleay to Mr. Maguire. And it says -- and it's</p> <p>20 dated March 5, 2014.</p> <p>21 It says "We are requesting a simple</p> <p>22 letter of intent from the airport commission</p> <p>23 indicating the mutual desire to extend our leases</p> <p>24 such that we have the necessary term to amortize</p>	<p style="text-align: right;">Page 49</p> <p>1 A. I don't remember.</p> <p>2 Q. Did you consider in any way the economic</p> <p>3 situation at the airport and whether or not it</p> <p>4 was a good thing for the airport to extend</p> <p>5 FlightLevel's leases for a long-term basis?</p> <p>6 A. I don't remember.</p> <p>7 Q. You don't remember doing any kind of</p> <p>8 analysis regarding the economic impact of</p> <p>9 extending FlightLevel's leases on the airport?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. The meeting minutes you said are</p> <p>12 prepared by a stenographer and then reviewed by</p> <p>13 the commissioners; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And what level of detail do you</p> <p>16 believe is appropriate for minutes of meetings?</p> <p>17 MR. SIMMS: Objection. Beyond the scope</p> <p>18 and beyond a layperson's testimony. Go ahead.</p> <p>19 MR. FEE: It's a fair question.</p> <p>20 BY MR. FEE:</p> <p>21 Q. Go ahead.</p> <p>22 MR. SIMMS: I'm just making the</p> <p>23 objections.</p> <p>24 A. I can say I believe the detail we've been</p>

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<p>1 doing is sufficient.</p> <p>2 BY MR. FEE:</p> <p>3 Q. And do you recall that the detail that's</p> <p>4 included in the minutes accurately reflects the</p> <p>5 discussions that take place at the meetings?</p> <p>6 A. Yes.</p> <p>7 Q. And do you think that was the case in</p> <p>8 2014 and 2015?</p> <p>9 A. I don't remember.</p> <p>10 Q. Okay. Well, I'm just trying to</p> <p>11 understand if there are things that are discussed</p> <p>12 in the meetings that aren't necessarily reflected</p> <p>13 in the minutes. Does that occur?</p> <p>14 A. We -- in general, we -- we're given the</p> <p>15 minutes before the -- the minutes of the</p> <p>16 meeting -- say we had a meeting last month.</p> <p>17 Before the next meeting, we'd be given the</p> <p>18 minutes to review. We look at them and if we</p> <p>19 have any issues with them or problems, we bring</p> <p>20 it up at the meeting and we ask for corrections.</p> <p>21 And then we table it until the next meeting.</p> <p>22 Q. Okay. And is it generally your practice</p> <p>23 to approve meeting minutes within several months</p> <p>24 of the meeting actually -- the meeting that the</p>	<p>1 ask you --</p> <p>2 I'm aware there's an instance where the</p> <p>3 recording failed. I'm not sure if it was</p> <p>4 specifically that date, but there was one time</p> <p>5 when the -- the woman didn't have the recording</p> <p>6 and it's -- it just kind of -- is that the</p> <p>7 instance you're talking about?</p> <p>8 Q. I'm talking about September 30, 2015.</p> <p>9 A. I couldn't recall that specifically.</p> <p>10 Q. So the one instance that you can recall,</p> <p>11 though, is an instance where the recording device</p> <p>12 failed. Is that your testimony?</p> <p>13 A. Yes.</p> <p>14 Q. And do you know when that was?</p> <p>15 A. I'm -- I don't.</p> <p>16 Q. Do you recall what happened at that</p> <p>17 meeting?</p> <p>18 A. I don't remember specifically when the</p> <p>19 meeting was.</p> <p>20 Q. Just so I understand your testimony. The</p> <p>21 minutes are transcribed by the stenographer,</p> <p>22 given to Russ. Russ gives them to the members of</p> <p>23 the commission prior to the next meeting. A</p> <p>24 discussion ensues and either they're voted on or</p>
Page 51	Page 53
<p>1 minutes are for?</p> <p>2 A. Typically.</p> <p>3 Q. Okay. And are there any instances where</p> <p>4 you can think that meeting minutes are not</p> <p>5 approved within a prompt timely basis?</p> <p>6 A. Yes.</p> <p>7 MR. SIMMS: Objection. Go ahead. You</p> <p>8 can answer.</p> <p>9 BY MR. FEE:</p> <p>10 Q. What example can you think of?</p> <p>11 A. Sometimes there will be corrections.</p> <p>12 Sometimes members who were there for the minutes</p> <p>13 aren't at the next meeting, and we'll typically</p> <p>14 wait for them to be there to approve.</p> <p>15 Q. Are you aware of any instances where</p> <p>16 meeting minutes have remained unapproved for an</p> <p>17 extended period of time?</p> <p>18 A. Can you describe "extended"?</p> <p>19 Q. More than a year.</p> <p>20 A. I'm not aware of that.</p> <p>21 Q. Do you know why there's never been any</p> <p>22 approved minutes for the September 30, 2015,</p> <p>23 meeting?</p> <p>24 A. This would have to be -- I think -- can I</p>	<p>1 tabled and generally approved within a couple of</p> <p>2 months. Is that the usual practice?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. At some point did you become aware</p> <p>5 of the fact that Boston Executive Helicopters had</p> <p>6 filed a Part 13 Complaint with the FAA?</p> <p>7 A. Yes.</p> <p>8 Q. When was that?</p> <p>9 A. I don't remember.</p> <p>10 Q. What's your understanding of what a Part</p> <p>11 13 Complaint is?</p> <p>12 A. I honestly don't remember when it was.</p> <p>13 Q. What's your understanding of what a Part</p> <p>14 13 Complaint is?</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know what a Part 13 Complaint</p> <p>17 is?</p> <p>18 A. He went to the --</p> <p>19 Q. I'm sorry. I'm not asking specifically</p> <p>20 about the BEH complaint. I'm asking in general</p> <p>21 what you understand a Part 13 Complaint to be.</p> <p>22 A. He filed the complaint with the FAA. I</p> <p>23 believe that particular one was being treated</p> <p>24 unfairly or something like that.</p>

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<p>1 Q. Okay. Let me show you Exhibit 10. It 2 appears to be a letter dated June 5, 2014, to Mr. 3 Maguire from the FAA. 4 A. Um-hum. 5 Q. Have you ever seen that before? 6 A. You know, I don't remember. 7 Q. Does looking -- I'm sorry. 8 A. My guess would be -- I'm not going to 9 guess. 10 MR. SIMMS: Go ahead. 11 A. I would guess that this is something I 12 would have seen, but I don't recall it 13 specifically. 14 BY MR. FEE: 15 Q. Okay. 16 MR. FEE: Do you want to break? 17 MR. SIMMS: You might want to look at 18 your cell phone. We can go off the record. 19 MR. FEE: Why don't we take five minutes. 20 (Recess taken at 11:11 a.m.) 21 (Deposition resumed at 11:23 a.m.) 22 (Whereupon the prior question was read 23 back.) 24</p>	<p>1 to advise us. 2 Q. Okay. I'll show you an exhibit that's 3 been marked as Exhibit 12. It appears to be a 4 letter dated July 10, 2014, from the Norwood 5 Airport Commission to the FAA. It's a multi-page 6 document signed by Mr. Wynne. Have you ever seen 7 this before? 8 A. I don't recall. 9 Q. Did you play any role in the preparation 10 of this document? 11 A. I don't remember. 12 Q. Do you know if this document was prepared 13 by town counsel? 14 A. They would have had a role. 15 Q. Do you know if you read this document 16 prior to its being submitted to the FAA? 17 A. I don't remember. 18 Q. Do you recall that previously we were 19 discussing the votes taken in March of 2014 20 regarding the commission's decision to extend the 21 leases for FlightLevel on six lots at the 22 airport; right? 23 A. I recall you asking me questions. 24 Q. Okay. Do you recall that?</p>
Page 55	Page 57
<p>1 BY MR. FEE: 2 Q. So having looked at Exhibit 10, is your 3 recollection that sometime in or about May or 4 June 2014 you became aware of the fact that a 5 Part 13 Complaint had been filed with the FAA by 6 BEH? 7 A. Yes. 8 Q. Okay. And what, if anything, did the 9 commission do in response to the filing of the 10 Part 13 Complaint by BEH? 11 A. I don't remember. 12 Q. Did you discuss it? 13 A. I just don't remember. 14 Q. Okay. You testified earlier that your 15 understanding of a Part 13 Complaint is that it's 16 a complaint filed with the FAA. Correct? 17 A. Yes. 18 Q. And did you seek guidance from town 19 counsel regarding the impact of the filing of a 20 Part 13 Complaint? 21 A. It would seem logical that we would. 22 You're asking me as a commission member? 23 Q. Correct. 24 A. We would expect the manager and counsel</p>	<p>1 A. Did you just ask me questions earlier? 2 Yes. 3 Q. Okay. And do you recall also in March of 4 2014 any discussion amongst the commission 5 regarding BEH's request to lease the west ramp or 6 the west apron? 7 A. Could you ask that again? 8 Q. Sure. Do you recall any discussions in 9 or about March of 2014 regarding BEH's request to 10 lease the west ramp or the west apron? 11 A. I don't recall anything specific. 12 Q. I'm going to turn your attention to page 13 11 of this document. It says "Airport commission 14 lease offer." Do you see that? 15 A. Where on the page is that? 16 Q. It's right in the middle. 17 A. The heading? 18 Q. Yes. 19 A. I see that. 20 Q. Okay. And first paragraph. It says -- 21 in the second sentence, first paragraph under 22 that heading, it says "On March 17, 2014, the NAC 23 offered such a lease to BEH with square footage 24 actually exceeding that which BEH had asserted it</p>

<p style="text-align: right;">Page 58</p> <p>1 had available on FlightLevel's Lot G." 2 Did I read that correctly. 3 A. "On March 17, 2014, the NAC, Norwood 4 Airport Commission, offered such a lease to BEH, 5 Boston Executive Helicopter (Attachment Z) with 6 square footage actually exceeding that which BEH 7 had asserted it had available on FlightLevel's 8 Lot G prior to FlightLevel's challenge to the 9 attempted use of the same by BEH." 10 Q. Right. So I will acknowledge that you 11 read that sentence in its entirety and correctly. 12 A. Okay. 13 Q. So my question is: Does that refresh 14 your recollection regarding whether or not the 15 commission had discussion in March 2014 regarding 16 leasing space to BEH on the west apron? 17 A. I don't recall anything specific. 18 Q. Okay. You see the next sentence where it 19 says "At the NAC's April 9, 2014, meeting BEH 20 refused the west apron lease offer." Do you see 21 that? 22 A. The first sentence of the second 23 paragraph? 24 Q. It's actually the third paragraph under</p>	<p style="text-align: right;">Page 60</p> <p>1 never really finalized. There's been different 2 pieces of that offered over the years. There's 3 been a lot of back and forth lease negotiations 4 that never finalized. 5 Q. Why not? 6 A. I don't know. 7 Q. You don't know? 8 A. Like, there's no agreement. 9 Q. Do you have an opinion as to why that is? 10 A. Couldn't come to an agreement. 11 Q. And do you have an opinion as to why the 12 parties were unable to come to an agreement? 13 A. No. 14 Q. You have no opinion or you just don't 15 want to share it with me? 16 MR. SIMMS: Objection. Go ahead. 17 A. I don't know what -- I don't specifically 18 know why we didn't come to an agreement. 19 BY MR. FEE: 20 Q. Well, you've been on the commission for 21 10 years; right? 22 A. Yes. 23 Q. And you've been dealing with this dispute 24 with BEH for almost as long. Correct?</p>
<p style="text-align: right;">Page 59</p> <p>1 that heading. 2 A. Okay. 3 Q. Do you see that? 4 A. That "NAC's April 9, 2014 meeting -- " 5 Q. Correct. That's the sentence I'm 6 referring you to. Does that refresh your 7 recollection regarding -- strike that. 8 Do you have any recollection whatsoever 9 regarding lease offers made to BEH in or about 10 April -- March or April of 2014? 11 A. When you put the stipulation of times, I 12 don't -- 13 Q. Okay. What, if anything, do you remember 14 about the NAC's lease offer discussions with BEH? 15 MR. SIMMS: You mean over the years? 16 Like the last three years? 17 MR. FEE: Yes. He doesn't -- 18 A. We've offered specific areas. You're 19 talking about the west apron? 20 BY MR. FEE: 21 Q. Talking about anything. Give me what 22 your full recollection of what -- 23 A. We've offered square footage of the west 24 apron for lease, and it's the terms -- we've</p>	<p style="text-align: right;">Page 61</p> <p>1 A. Um-hum. 2 Q. And over the course of time, you've noted 3 that there have been various lease offers -- 4 MR. FEE: Let's take a break. 5 (Pause.) 6 MR. SIMMS: Do you want to start that 7 question anew? 8 BY MR. FEE: 9 Q. So you've been on the commission for 10 10 years. You've been having these disputes with 11 BEH over an extended period of time. You have 12 testified that you made various lease offers and 13 that for some reason, the parties were unable to 14 come to an agreement. 15 And my question was: Why? What is your 16 opinion as to why the parties were unable to 17 reach an agreement on a lease offer? 18 MR. SIMMS: Objection. Go ahead. 19 A. My opinion is they just can't agree for 20 various reasons. 21 BY MR. FEE: 22 Q. What are those reasons? 23 MR. SIMMS: Same objection. Go ahead. 24 A. Not enough space. Won't comply with</p>

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<p>1 requests for information. Simple things like</p> <p>2 financial statements or some kind of personal</p> <p>3 guarantee was another reason.</p> <p>4 BY MR. FEE:</p> <p>5 Q. Anything else?</p> <p>6 A. I -- you know, I'm sure if you remind me,</p> <p>7 I might --</p> <p>8 Q. Well, let's break it down. Let's talk</p> <p>9 about the "not enough space component." Is it</p> <p>10 your understanding that in or about March of 2014</p> <p>11 the apron -- west apron offer was for a roughly</p> <p>12 6,000-square-foot portion of the west apron?</p> <p>13 A. It's a -- I'm not specific about the</p> <p>14 footage, but that sounds about right.</p> <p>15 Q. Roughly 83-by-83. Correct?</p> <p>16 A. Okay.</p> <p>17 Q. And that would be about 10 percent of the</p> <p>18 total square footage of the west apron. Correct?</p> <p>19 A. I think that's -- I think that's correct.</p> <p>20 Q. And did you recall any discussion or</p> <p>21 deliberation amongst the commissioners as to the</p> <p>22 reason that it was appropriate to offer 10</p> <p>23 percent of the west apron space?</p> <p>24 A. I think it had to do with space for</p>	<p>1 the reason that a smaller percentage was being</p> <p>2 offered to BEH. Is that fair to say?</p> <p>3 A. It's -- I believe the west apron is one</p> <p>4 of the few places that the airport still</p> <p>5 controls. The airport being the town. It still</p> <p>6 controls tie-downs and so forth.</p> <p>7 Q. Because every other ramp is leased to</p> <p>8 FlightLevel. Correct?</p> <p>9 A. That is one of the few places that the</p> <p>10 airport controls. I couldn't be -- I'm not sure</p> <p>11 if there aren't other places that the airport</p> <p>12 controls, but that's significant space there for</p> <p>13 the Town of Norwood.</p> <p>14 Q. And what use does the Town of Norwood put</p> <p>15 that space to?</p> <p>16 MR. SIMMS: Currently?</p> <p>17 MR. FEE: Currently.</p> <p>18 A. I believe it's tie-down space.</p> <p>19 BY MR. FEE:</p> <p>20 Q. How about in 2014?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. And so did -- do you have any</p> <p>23 recollection of BEH stating to the commission</p> <p>24 that the offered space was too small to conduct</p>
Page 63	Page 65
<p>1 planes while they waited to be fueled or</p> <p>2 something like that. So there was enough</p> <p>3 space -- someone drew up a section where they</p> <p>4 said if there was -- these are the size planes</p> <p>5 that come into the airport.</p> <p>6 If there were several of them lined up,</p> <p>7 they could wait here to be fueled.</p> <p>8 Q. Okay. Just so I understand. Your</p> <p>9 testimony is that you think the west apron is put</p> <p>10 to other uses in addition to the proposed use for</p> <p>11 BEH. Is that what you're saying?</p> <p>12 MR. SIMMS: Objection. Go ahead.</p> <p>13 A. You'd have to ask that again.</p> <p>14 BY MR. FEE:</p> <p>15 Q. So the BEH lease offer in March of 2014</p> <p>16 is for roughly 6,000 square feet. Correct?</p> <p>17 A. Yes.</p> <p>18 Q. And that's a little bit less than the</p> <p>19 entire square footage of the west apron.</p> <p>20 Correct?</p> <p>21 A. It's considerably less.</p> <p>22 Q. Considerably less. And your</p> <p>23 understanding was that there were other uses to</p> <p>24 which the west apron was being put, and that's</p>	<p>1 an FBO?</p> <p>2 A. I believe that was the reason for not</p> <p>3 accepting.</p> <p>4 Q. Okay. Do you recall that BEH</p> <p>5 communicated that to the commission?</p> <p>6 A. I don't know the specifics.</p> <p>7 Q. Do you recall that the commission did</p> <p>8 anything to evaluate BEH's statement that a 6,000</p> <p>9 square-foot portion of the west apron was not</p> <p>10 sufficient to conduct FBO operations?</p> <p>11 A. I don't.</p> <p>12 Q. Do you recall the commission doing any</p> <p>13 analysis or evaluating any criteria in order to</p> <p>14 independently determine whether or what amount of</p> <p>15 space was required to conduct an FBO operation?</p> <p>16 A. I don't think that this was specific to</p> <p>17 FBO. I think it was -- it had to do with space</p> <p>18 to fuel aircraft.</p> <p>19 Q. Right.</p> <p>20 A. So I don't know what -- my belief is that</p> <p>21 one of the reasons was that it needed space so</p> <p>22 that if there were planes that needed to be</p> <p>23 fueled, transient aircraft -- in other words,</p> <p>24 craft that doesn't normally have a tie-down or</p>

<p style="text-align: right;">Page 66</p> <p>1 is, you know, kept at Norwood Airport -- they</p> <p>2 would have a place to wait to be fueled.</p> <p>3 Q. What's your understandings of what an FBO</p> <p>4 is?</p> <p>5 A. It's a fixed-base operator.</p> <p>6 Q. What does that mean?</p> <p>7 A. For instance, FlightLevel has a terminal.</p> <p>8 They not only operate aircraft. In that case,</p> <p>9 fixed wing. They also repair facilities. They</p> <p>10 have a staff. They provide fueling. They</p> <p>11 maintain people to do that. That type of thing.</p> <p>12 Q. And was it your understanding that the</p> <p>13 difference between being a standard commercial</p> <p>14 operator at the airport and being an FBO is the</p> <p>15 ability to sell fuel to other people. Is that a</p> <p>16 fair statement?</p> <p>17 A. Could you repeat that?</p> <p>18 Q. Yes. Is it your understanding that the</p> <p>19 difference between a -- being a commercial</p> <p>20 operator at the airport and an FBO operator is</p> <p>21 that an FBO operator has the ability to sell fuel</p> <p>22 to third parties. Correct?</p> <p>23 A. That's one of the differences.</p> <p>24 Q. And the other difference is that it can</p>	<p style="text-align: right;">Page 68</p> <p>1 purpose of Mr. Donovan's request was that -- so</p> <p>2 that he could conduct FBO operations at -- in</p> <p>3 that space. Correct?</p> <p>4 A. I just -- I don't know what else to say.</p> <p>5 Q. You can answer yes or no or I don't</p> <p>6 understand the question.</p> <p>7 A. I just answered the question.</p> <p>8 Q. Well, I'm asking it a different way.</p> <p>9 A. I understood that the space needed on</p> <p>10 that ramp was for transient aircraft to park to</p> <p>11 wait while they were presumably going to be</p> <p>12 fueled remotely, I guess, by BEH when they were</p> <p>13 able to do that.</p> <p>14 Q. When they're able to do that pursuant to</p> <p>15 an FBO license?</p> <p>16 A. Pursuant to them getting, you know, a</p> <p>17 permit for their tanks and getting all that done</p> <p>18 and providing the information that was requested</p> <p>19 so they could become an FBO.</p> <p>20 Q. Right. So just so we're clear. I'm not</p> <p>21 trying to beat a dead horse here. But the space</p> <p>22 on the west ramp that was offered in March of</p> <p>23 2014, you understood that it was in connection</p> <p>24 with BEH's effort to become an FBO and fuel</p>
<p style="text-align: right;">Page 67</p> <p>1 do aircraft maintenance?</p> <p>2 A. That's one of the things that an existing</p> <p>3 FBO does.</p> <p>4 Q. Anything else?</p> <p>5 A. I just said what they do.</p> <p>6 Q. Okay. I'm trying to understand -- we're</p> <p>7 talking about space needs; right? And I asked</p> <p>8 you whether there was any criteria or evaluation</p> <p>9 that the commission went through in determining</p> <p>10 whether or not the 6,000 square-foot parcel on</p> <p>11 the west apron that was offered to BEH was</p> <p>12 sufficient; right? Do you recall me asking you</p> <p>13 that question?</p> <p>14 A. Do you recall me stating that the reason</p> <p>15 that we said X amount of square feet is because</p> <p>16 we were under the impression, through Mr.</p> <p>17 Donovan, that he needed space to line up for</p> <p>18 fueling? And that was -- and I said that we</p> <p>19 looked at -- it would be two or three aircraft</p> <p>20 would be able to park in that roughly 6,000</p> <p>21 square feet --</p> <p>22 Q. Right.</p> <p>23 A. -- waiting to be fueled.</p> <p>24 Q. And the purpose -- you understood the</p>	<p style="text-align: right;">Page 69</p> <p>1 transient aircraft on the west apron; right?</p> <p>2 A. You asked me in general terms what I</p> <p>3 remember. Now, you're making it specific. I</p> <p>4 don't remember when it was. In general terms,</p> <p>5 that the smaller -- the 6,000 -- my recollection</p> <p>6 is that it was for transient aircraft to park or,</p> <p>7 you know, to wait while they were fueled.</p> <p>8 Q. By BEH?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Presumably by BEH.</p> <p>12 Q. And at some point the amount of space</p> <p>13 that was being offered to BEH increased from</p> <p>14 6,000 to 11,000 square feet of the west apron.</p> <p>15 Correct? Approximately. Do you have any</p> <p>16 recollection of that?</p> <p>17 A. I know it increased. I don't know the</p> <p>18 specifics of the numbers. That sounds reasonable</p> <p>19 to me.</p> <p>20 Q. Okay. And do you know when that</p> <p>21 occurred? The increase in offer from 6,000 to</p> <p>22 11,000.</p> <p>23 A. No.</p> <p>24 Q. Do you recall why the increase offer</p>

<p style="text-align: right;">Page 70</p> <p>1 occurred or was made?</p> <p>2 A. I think that -- I think it had to do with</p> <p>3 the size of potential transient aircraft that --</p> <p>4 if you took the largest aircraft that could</p> <p>5 possibly be there because of the runway size and</p> <p>6 if you lined several of them up, that would be,</p> <p>7 you know, suitable for that. That's my</p> <p>8 recollection.</p> <p>9 Q. Okay. And is it your recollection that</p> <p>10 Mr. Donovan communicated concerns regarding the</p> <p>11 size of aircraft that he was intending to fuel</p> <p>12 required a larger amount of the west apron or was</p> <p>13 that just a conclusion that the commission came</p> <p>14 to on its own?</p> <p>15 A. I don't remember.</p> <p>16 Q. Okay. Do you recall at any time after</p> <p>17 the offer of the 11,000 square foot of space on</p> <p>18 the west apron that the commission increased that</p> <p>19 number again?</p> <p>20 A. I believe that we authorized the</p> <p>21 chairman, and probably Mr. Maguire or someone</p> <p>22 else, to kind of negotiate without our -- without</p> <p>23 us being there.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Do you think it was at or about this time</p> <p>2 we're talking about in March of 2014?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Is it -- okay.</p> <p>5 Showing you a document that's been marked</p> <p>6 as Exhibit 123. I want to direct your attention</p> <p>7 to a couple of things. This is regular meeting</p> <p>8 minutes taken on June 11, 2014. And down the</p> <p>9 bottom of the page, it talks about BEH lease/FBO</p> <p>10 interest. Do you see that?</p> <p>11 A. BEH lease/FBO interest.</p> <p>12 Q. Can you read that section. I'll ask you</p> <p>13 some questions about it.</p> <p>14 A. Next to that it says "Josh --"</p> <p>15 MR. SIMMS: Not out loud. Just read this</p> <p>16 section to yourself and when you're done, let</p> <p>17 Mr. Fee know.</p> <p>18 A. I've read it.</p> <p>19 BY MR. FEE:</p> <p>20 Q. Okay. So the heading at the top</p> <p>21 indicates that you were in attendance at this</p> <p>22 meeting. Do you recall being at this meeting?</p> <p>23 A. I do.</p> <p>24 Q. Okay. And so --</p>
<p style="text-align: right;">Page 71</p> <p>1 A. So I do believe there was an increase in</p> <p>2 the size of that.</p> <p>3 Q. With respect to these three -- or the two</p> <p>4 offers that you've described and perhaps this</p> <p>5 third that was communicated by Mr. Maguire and</p> <p>6 Mr. Ryan, was it the commission's practice to</p> <p>7 take votes in connection with these lease offers</p> <p>8 or was it something that was just negotiated</p> <p>9 informally?</p> <p>10 A. You're talking about the third one?</p> <p>11 Q. I'm talking about all three of them. Do</p> <p>12 you know if there were votes taken with respect</p> <p>13 to each of those lease offers or was it just</p> <p>14 something that was communicated informally?</p> <p>15 A. I don't recall.</p> <p>16 Q. Okay. Do you recall that at some point</p> <p>17 BEH submitted an FBO application to the Norwood</p> <p>18 Airport Commission?</p> <p>19 A. I don't know if there's a specific FBO</p> <p>20 application. I know that in their yearly</p> <p>21 commercial permit they listed FBO as -- in their</p> <p>22 page.</p> <p>23 Q. Do you know when that was?</p> <p>24 A. I don't.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. I should say I had to have been there.</p> <p>2 It says "On a motion by Mr. Sheehan, seconded by</p> <p>3 Mr. K. Shaughnessy --"</p> <p>4 Q. Right. That's you; right?</p> <p>5 A. Yeah, I must have been there.</p> <p>6 Q. So that section that you read said "On a</p> <p>7 motion by Mr. Sheehan and seconded by Mr. K.</p> <p>8 Shaughnessy, the commission voted 6 to 2 by</p> <p>9 verbal acknowledgement to table the discussion."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. Does that refer to the discussion</p> <p>13 regarding BEH's FBO?</p> <p>14 A. I don't remember.</p> <p>15 Q. What does it refer to? As you sit here</p> <p>16 today, can you tell me what you think it refers</p> <p>17 to?</p> <p>18 A. What we were speaking about?</p> <p>19 Q. Yes.</p> <p>20 A. I don't remember.</p> <p>21 Q. The heading says "BEH Lease/FBO</p> <p>22 Interest." And then it talks about Mr. Sheehan</p> <p>23 requesting a motion to table the matter based on</p> <p>24 a complaint letter received by the commission but</p>

<p style="text-align: right;">Page 74</p> <p>1 not yet read and discussed." Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you think that that complaint letter</p> <p>4 refers to the Part 13 Complaint that had been</p> <p>5 previously filed by BEH?</p> <p>6 A. Yes.</p> <p>7 Q. And so the next thing that happens,</p> <p>8 according to these minutes, is that Mr. Sheehan</p> <p>9 makes a motion, and you second, to table further</p> <p>10 discussion. And my question is: Is that</p> <p>11 regarding both the lease and the FBO request?</p> <p>12 A. I don't remember what we were discussing.</p> <p>13 Q. Well, it cites at the top BEH lease/FBO</p> <p>14 interest; right?</p> <p>15 A. Yes.</p> <p>16 Q. So would it be fair to infer that's the</p> <p>17 topic that is being tabled?</p> <p>18 A. I would guess that's -- we're talking</p> <p>19 about something -- one of those two things. But</p> <p>20 once again, I don't recall so I can't</p> <p>21 specifically say.</p> <p>22 Q. I'm just asking as you sit here today and</p> <p>23 you read these minutes -- and they're minutes of</p> <p>24 your meeting that were approved, and a meeting at</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Can you ask that again?</p> <p>2 Q. Yes. I'm asking you if the third</p> <p>3 sentence in this section where it says "All were</p> <p>4 reminded that the issue had been tabled" -- I'm</p> <p>5 asking you whether that refers to the immediately</p> <p>6 preceding vote in which the commission voted 6 to</p> <p>7 2 to table all discussion?</p> <p>8 A. I'm not sure how to answer that. If</p> <p>9 you're asking me to guess what we were talking</p> <p>10 about, I mean, you could -- would it make sense</p> <p>11 that it was about the lease or -- yeah. But I</p> <p>12 don't specifically remember what we were speaking</p> <p>13 about.</p> <p>14 Q. I appreciate that you don't remember</p> <p>15 specifically what was being discussed at this</p> <p>16 time. You can -- anyone can read this language</p> <p>17 and interpret it in a variety of different ways.</p> <p>18 My reason for asking you this question is that</p> <p>19 you're a member of the commission.</p> <p>20 When you read this, what does it mean to</p> <p>21 you? That's what I'm asking.</p> <p>22 A. What -- again, I will just kind of -- as</p> <p>23 a way of explanation, in my mind when we receive</p> <p>24 the complaint -- and I don't believe that I had</p>
<p style="text-align: right;">Page 75</p> <p>1 which you were present, and a meeting at which</p> <p>2 you participated and voted -- as you sit here</p> <p>3 today, is it your understanding that in June of</p> <p>4 2014 the commission voted to table discussion</p> <p>5 regarding BEH's lease and FBO application?</p> <p>6 MR. SIMMS: Objection. Asked and</p> <p>7 answered. Go ahead.</p> <p>8 A. I don't know how much clearer I can be.</p> <p>9 This was over three years ago. I believe I was</p> <p>10 at the meeting. I don't specifically remember</p> <p>11 what we were speaking about. I do believe it was</p> <p>12 tabled because of the Part 16 Complaint.</p> <p>13 BY MR. FEE:</p> <p>14 Q. Okay. And the next sentence in that</p> <p>15 section says "There was additional discussion</p> <p>16 between NAC, Mr. Donovan, Mr. Fox regarding the</p> <p>17 west apron lease, and all were reminded that the</p> <p>18 issue have been tabled." Did I read that</p> <p>19 correctly?</p> <p>20 A. Yes.</p> <p>21 Q. And is that sentence referring to the</p> <p>22 immediately preceding sentence in which a vote</p> <p>23 was taken to table all discussion regarding FBO</p> <p>24 and lease issues with respect to BEH?</p>	<p style="text-align: right;">Page 77</p> <p>1 read this complaint -- we would have tabled any</p> <p>2 discussion simply to ask the manager and counsel</p> <p>3 to look at the complaint or allow us to read it</p> <p>4 before we continue in case it had anything to do</p> <p>5 with what we were discussing with BEH.</p> <p>6 Q. Right.</p> <p>7 A. That's in general terms. I don't</p> <p>8 specifically remember.</p> <p>9 Q. That's fair enough. And so after some</p> <p>10 point in time, the members read and discussed the</p> <p>11 Part 13 Complaint. And Mr. Wynne, with aid of</p> <p>12 counsel, submitted a response letter to the FAA.</p> <p>13 Correct?</p> <p>14 A. You showed me that. Yes.</p> <p>15 Q. Right. And so that document that we</p> <p>16 talked about was dated July 2014; is that</p> <p>17 correct? If you recall.</p> <p>18 A. I --</p> <p>19 Q. I can show it to you.</p> <p>20 A. I take your word for it. It seems like</p> <p>21 it would be after this meeting.</p> <p>22 Q. Is it fair to say that sometime</p> <p>23 between -- I'm going to show you Exhibit 12 just</p> <p>24 to refresh your recollection regarding</p>

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<p>1 Mr. Wynne's response letter and the date of it.</p> <p>2 A. July 10, 2014.</p> <p>3 Q. So between June and July of 2014, is it</p> <p>4 fair to infer that all of the members of the</p> <p>5 commission had read the complaint and that the</p> <p>6 commission had responded to the FAA regarding the</p> <p>7 allegations in the Part 13 Complaint?</p> <p>8 MR. SIMMS: Objection.</p> <p>9 A. I -- I believe that I would have read it.</p> <p>10 BY MR. FEE:</p> <p>11 Q. Okay. And so after the commission had an</p> <p>12 opportunity to read the complaint and had</p> <p>13 responded to the complaint, what, if anything,</p> <p>14 did it do with respect to BEH's continued</p> <p>15 interest in leasing space on the west apron and</p> <p>16 acquiring an FBO permit?</p> <p>17 A. I don't believe it had -- in my personal</p> <p>18 opinion, from my -- you're asking me what I --</p> <p>19 what the commission thought or what I thought?</p> <p>20 Q. No. I'm asking you what you thought.</p> <p>21 A. I don't think it had any bearing on --</p> <p>22 Q. This is my question. After July, when</p> <p>23 the commission has responded to the FAA Part 13</p> <p>24 Complaint, what, if anything, did it do next in</p>	<p>1 something specific that's voted on, I just don't</p> <p>2 remember this three years ago.</p> <p>3 Q. Okay.</p> <p>4 MR. FEE: It's noon. Can we take a half</p> <p>5 an hour and pick it up after that?</p> <p>6 MR. SIMMS: Sure.</p> <p>7 (Recess taken at 12:01 a.m.)</p> <p>8 (Deposition resumed at 12:55 p.m.)</p> <p>9 BY MR. FEE:</p> <p>10 Q. We were talking earlier about some of the</p> <p>11 impediments that you identified as being the</p> <p>12 reason that the parties were unable to agree on a</p> <p>13 lease space for the west ramp. And we talked a</p> <p>14 little bit about the space issue.</p> <p>15 And you also mentioned that there were</p> <p>16 requests for financial information that you</p> <p>17 thought were not responded to in a full fashion;</p> <p>18 is that right?</p> <p>19 A. One of the -- there were requests for a</p> <p>20 financial statement. Eventually, we -- I believe</p> <p>21 the issue with the financial statement was</p> <p>22 keeping them confidential. Also, we never</p> <p>23 really -- I don't know when it started and when</p> <p>24 it ended.</p>
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<p>1 order to act on the FBO or lease request being</p> <p>2 made by BEH?</p> <p>3 A. I don't remember anything specific.</p> <p>4 Q. Okay. You know that in June 2014 there</p> <p>5 was a vote taken for all discussion to be tabled</p> <p>6 regarding the FBO and lease interest of BEH;</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. And at some point thereafter did that</p> <p>10 discussion become untabled?</p> <p>11 A. Yes.</p> <p>12 Q. When?</p> <p>13 A. I don't remember.</p> <p>14 Q. Okay. Do you know if there was a</p> <p>15 specific vote that was taken by the NAC to</p> <p>16 untable discussion regarding BEH's FBO request</p> <p>17 and lease interest?</p> <p>18 A. I don't even really -- I mean, untable</p> <p>19 and table, that's just for the meeting. You</p> <p>20 know, if it gets on the agenda again, I suppose</p> <p>21 that it's no longer tabled.</p> <p>22 In my mind, table means we're tabling it</p> <p>23 for now. I don't know that there's any specific</p> <p>24 "we're going to untable this." Unless it's</p>	<p>1 But in general terms, we were looking for</p> <p>2 some financial information on BEH. Chris and his</p> <p>3 people were reluctant to provide that, even in</p> <p>4 executive session. And I think the solution was</p> <p>5 to have a third party, agreeable to both the</p> <p>6 airport commission and BEH, look at the financial</p> <p>7 information and kind of okay it.</p> <p>8 Q. Was it your understanding that the</p> <p>9 commission was requiring financial information to</p> <p>10 satisfy that BEH could perform under the -- its</p> <p>11 FBO obligations?</p> <p>12 A. The information would allow us to look</p> <p>13 and see who they were, what they did, and if they</p> <p>14 could -- if they would be able to operate as --</p> <p>15 Q. As an FBO?</p> <p>16 A. Yes.</p> <p>17 Q. And also, was the financial information</p> <p>18 designed to give the commission comfort that BEH</p> <p>19 could perform under a lease?</p> <p>20 A. I don't believe -- and this is me. In my</p> <p>21 mind, the -- BEH had made it known that they</p> <p>22 would pay the lease up front. So I don't think</p> <p>23 that was really -- whether they could pay the</p> <p>24 lease or not wasn't an issue.</p>

<p style="text-align: right;">Page 82</p> <p>1 But to be an FBO -- and myself, I looked 2 at other places. You know, municipal airports. 3 I -- Google -- and started looking at what would 4 be a requirement for other municipal airports 5 kind of like Norwood. What they would be looking 6 for, and this typically was on the request list. 7 Q. What typically was on the list? 8 A. Financial statements. 9 Q. Okay. 10 A. To find out who they were, what they did. 11 I also found out it was typical that the airports 12 would be looking for an FBO or a second FBO. Not 13 someone looking to become an FBO without 14 solicitation. Which doesn't really matter, I 15 guess. 16 But in my mind, that was something that, 17 once we looked at it, we could say, yup, they 18 can -- they're capable of acting as an FBO. 19 Q. So I'm going to break down your answer a 20 little bit because we're talking about the 21 financial information that you thought was 22 pertinent to performing as an FBO, and then you 23 mentioned something about whether or not the 24 airport solicited an FBO.</p>	<p style="text-align: right;">Page 84</p> <p>1 Is that what you're saying? 2 A. Not all instances. But in many cases, 3 that was what I saw. 4 Q. Okay. All right. And so was it -- in 5 your opinion, then, was it reasonable to take the 6 example of airports that were requesting FBOs and 7 utilize the same general financial information 8 requests for BEH? 9 A. I think that -- this is just me. I was 10 comfortable -- it was something I would want to 11 look at before I even -- before I checked it out. 12 It was something I wanted to see. 13 And I think because it became an issue, I 14 then wanted to see if this is an unusual request. 15 That's why I looked into it. 16 Q. And was it your understanding that the 17 minimum standards required or allowed you to 18 request certain financial disclosure from any FBO 19 applicant? 20 A. Yes. 21 Q. Okay. And was your position that the -- 22 strike that. 23 At some point -- 24 A. Could I get back to that?</p>
<p style="text-align: right;">Page 83</p> <p>1 Can you expound on that a little bit? 2 I'm not sure I understand what you were saying 3 about -- 4 A. When I was looking at what other airport 5 commissions -- other general aviation airports 6 looked for -- this is just me. 7 Q. Yes. I understand. 8 A. Financial statements were common. But 9 typically when I saw that, it would be in 10 airports -- going out for request, for proposal 11 for someone to be -- 12 Q. I see. 13 A. Someone -- that they were looking for an 14 FBO. Not -- in this case Norwood necessarily 15 wasn't looking for a second FBO. It was BEH 16 applying, unsolicited, to be an FBO. 17 Q. So if I understand you correctly, in your 18 research on what financial information might be 19 requested of a prospective FBO, you were looking 20 at examples of other airports where they were 21 putting out requests for -- or requests for 22 solicitation or bids for people to become FBOs. 23 And as part of that, they listed various 24 financial information that's typically requested.</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Sure. 2 A. I don't know that I checked the minimum 3 standards in relation to that. To me it was just 4 a reasonable request, as a member of the airport 5 commission, to decide -- or one of the criteria 6 should be that if someone wants to be an FBO on 7 Norwood Airport. 8 Q. Okay. And at this time -- and are we 9 talking in or about 2014/2015 roughly? 10 A. This has been going on a long time. I 11 really couldn't say for sure. 12 Q. When did you first start discussing with 13 Mr. Donovan and BEH the issues surrounding the 14 provision of financial documentation to support 15 his FBO request? 16 A. I don't recall. 17 Q. You may recall that in 2014, Mr. Sheehan, 18 at the meetings, often stated his expertise in 19 real estate, suggested that requiring personal 20 guarantees and letters of credit might be 21 appropriate in this circumstance. Do you recall 22 Mr. Sheehan saying things like that in meetings 23 in 2014? 24 A. Yes. I couldn't be sure it's 2014, but</p>

<p style="text-align: right;">Page 86</p> <p>1 in meetings I do recall Commissioner Sheehan 2 requesting that. 3 Q. And was it your understanding or did you 4 agree with his suggestion that requiring personal 5 guarantees or irrevocable letters of credit was 6 an appropriate way to proceed with respect to 7 BEH's FBO request? 8 A. I remember asking the town manager and -- 9 to talk to counsel to see if that was a 10 reasonable request. And in general, I think the 11 town counsel believed it was. 12 Q. Okay. And so you acted on -- 13 MR. SIMMS: I'm sorry. The town manager? 14 THE WITNESS: Town counsel. 15 MR. SIMMS: Can you read that back? I 16 may be wrong. Mr. Shaughnessy's prior answer, 17 please. 18 A. Airport manager, I meant to say. 19 MR. SIMMS: Thank you. 20 A. And airport manager -- 21 MR. FEE: Let her read it back, and then 22 you can correct it. 23 (Whereupon the prior answer was read 24 back.)</p>	<p style="text-align: right;">Page 88</p> <p>1 financial information and its confidentiality. 2 Correct? 3 A. Yes. 4 Q. Do you recall what BEH's objection was to 5 providing confidential information to the -- 6 confidential financial information to the airport 7 commission? 8 A. I will say one of the issues was just 9 that he didn't want it to be -- wanted it to be 10 kept secret, I guess. 11 Q. He didn't want it to become a public 12 record. 13 A. That would make sense. 14 Q. And because -- was it your understanding 15 that any information submitted to the Norwood 16 Airport Commission would be immediately subject 17 to a public records request? 18 A. No. 19 Q. Was it your understanding that 20 information submitted to the Norwood Airport 21 Commission would be shielded from a public 22 records request? 23 A. It was my understanding at the time that 24 in executive session we didn't have to disclose</p>
<p style="text-align: right;">Page 87</p> <p>1 BY MR. FEE: 2 Q. Is there something about that that you'd 3 like to change? 4 A. Yes. I meant to say airport manager. 5 I've never discussed airport matters with the 6 town manager. 7 Q. Okay. So you came to the conclusion, 8 based on advice from town counsel, that requiring 9 an irrevocable letter of credit and a personal 10 guarantee was an appropriate ask for a 11 prospective FBO; is that fair to say? 12 A. Yes. 13 Q. Okay. And you acted on that believe as 14 you proceeded through 2015/2016 in connection 15 with the commission's discussions with BEH. 16 Correct? 17 A. I don't remember the exact time frame, 18 but the personal letter of guarantee was a 19 continual topic, I think. 20 Q. It still is; right? 21 A. I don't think it is anymore. 22 Q. Okay. At some point -- you mentioned 23 earlier that there was some disagreement 24 regarding the confidentiality or disclosing</p>	<p style="text-align: right;">Page 89</p> <p>1 that. Subsequently, I'm not sure what counsel 2 decided. 3 Q. Okay. So eventually some arrangement was 4 made with respect to the provision of financial 5 information; is that correct? 6 A. I couldn't tell you when, but yes. 7 Q. And did that involve the third party 8 analysis of BEH's financial situation? 9 A. Yes. 10 Q. Okay. 11 (Exhibit No. 149 marked for 12 identification.) 13 BY MR. FEE: 14 Q. I'll show you a document that's been 15 marked as Exhibit 149. It appears to be a letter 16 from Eric Loeffler, an attorney at Hinshaw & 17 Culbertson, to Jeff Kohlman, a principal at 18 Aviation Management Consulting Group. And it's 19 dated September 11, 2015. 20 And I note that Brandon Moss is a cc on 21 this letter. Have you ever seen this before? 22 A. I don't remember this letter. 23 Q. Okay. The second sentence in the first 24 paragraph says "On Wednesday September 9, 2015,</p>

<p style="text-align: right;">Page 90</p> <p>1 the Norwood Airport Commission scheduled a 2 special meeting for September 30, 2015, to 3 address BEH's proposal to provide an irrevocable 4 standby letter of credit in lieu of a guarantor 5 on the proposed lease agreement for the west 6 apron parcel A. 7 "The NAC also requested that your 8 third-party review of BEH's financial information 9 be expedited so that they may consider your 10 recommendations at the September 30th meeting." 11 Did I read that sentence correctly? 12 A. Yes. 13 Q. Okay. Does that comport with your 14 recollection of events occurring in September of 15 2015 regarding the commission's instructions to 16 BEH on disclosure of financial information? 17 A. I don't remember. 18 Q. Okay. Do you remember at some point the 19 commission agreeing that the financial 20 information reviewed by the third party could be 21 submitted to the NAC in lieu of a more detailed 22 and non-private disclosure? 23 A. Eventually the -- we agreed to allow this 24 third party to look at their financial</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Do you remember at some point being 2 provided by town counsel or the airport manager 3 with the report of the third-party consultant? 4 A. Yes. I remember there was a report. 5 Q. Okay. And does this refresh your 6 recollection as to what that report consisted of? 7 Strike that. 8 Is this the report? 9 A. I believe it's the report. 10 Q. Okay. So do you -- is it fair to say 11 that you received this in or about September of 12 2015? 13 A. I would think that I would have read it 14 by at least October. 15 Q. Well, I just refer your -- I refer you to 16 Exhibit 149 where Mr. Loeffler says to 17 Mr. Kohlman that "NAC has asked for your 18 expedited report so that it can consider it at 19 the September 30 meeting." Do you see that in 20 Exhibit 149? 21 A. I do. 22 Q. And then the report is dated September 23 29. Correct? 24 A. It is.</p>
<p style="text-align: right;">Page 91</p> <p>1 information. 2 Q. And that -- 3 A. Financial statements. 4 Q. And that you would be satisfied by the 5 third party's review; is that fair to say? 6 A. I believe that was the agreement. 7 Q. And do you know why -- you say 8 "eventually." Do you know why that was 9 contentious? 10 A. I don't remember. 11 Q. Do you know why it was difficult to agree 12 on that result? 13 A. Again, I don't remember. 14 Q. Okay. 15 (Exhibit No. 150 marked for 16 identification.) 17 BY MR. FEE: 18 Q. I'll show you a document that's been 19 marked as Exhibit 150. It appears to be a letter 20 dated September 29, 2015, from Mr. Kohlman, 21 K-O-H-L-M-A-N, at Aviation Management Consulting 22 Group, to Mr. Loeffler and Mr. Moss. Have you 23 ever seen this before? 24 A. I don't remember this letter.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. And so do you think that you received 2 this report prior to the September 30th meeting? 3 A. I have no recollection of receiving it. 4 That's -- I mean, if it was mailed on September 5 29th, I couldn't tell you. I couldn't say if 6 they got it before the meeting or not. 7 Q. So you're not sure if you had it before 8 the September 30th meeting? 9 A. I have no way of knowing. 10 Q. Do you think you would have had it for 11 the October 2015 meeting? 12 A. I don't know for sure but I -- based on 13 these dates, I would say that I would have had 14 it. 15 Q. And did the commission discuss this 16 document during either the September or October 17 meetings? 18 A. I don't remember. 19 Q. If it did, would it be reflected in the 20 minutes? 21 A. Anything discussed in either open or 22 executive session would be -- I would think would 23 be in the minutes. 24 Q. Okay. Do you recall what your reaction</p>

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<p>1 was to reading the third-party report regarding 2 BEH's financial capabilities? 3 A. No. 4 Q. Do you recall at some point being 5 satisfied with the financial disclosure made by 6 BEH? 7 A. I believe we accepted this in lieu of 8 what we had originally asked for. This was the 9 agreement. I believe we were -- we said okay. 10 That's fine. 11 Q. So you had originally asked for financial 12 statements and bank statements and all kinds of 13 financial information that would establish the -- 14 or satisfy the commission that BEH could perform 15 its obligations as an FBO. Correct? 16 A. Me personally? 17 Q. No. The commission. I'm sorry. 18 A. There were -- financial statements were 19 requested. I think that's one with -- this 20 was -- 21 Q. Right. 22 A. -- referring to -- 23 Q. Yes. 24 A. The lease brought in other requests. You</p>	<p>1 company is doing or the stability and whether 2 they would be a good FBO, I guess, on the 3 airport. 4 The request on the lease part of it -- 5 and Michael Sheehan had more experience with 6 that -- was different. A little bit different 7 than the simple FBO request. 8 Q. And what was different about it? What 9 additional information was requested with respect 10 to the lease? 11 A. I believe that -- like you said before, 12 the personal guarantee. It eventually evolved 13 into insurance in lieu of -- possibly in lieu of 14 the personal guarantee to make sure that we were 15 comfortable if there was an accident or something 16 that -- potential cleanup, for instance. 17 The liability wouldn't be on the airport 18 or the Town of Norwood. It would be -- 19 Q. So the personal guarantee and the spill 20 insurance were in -- required in connection with 21 further lease negotiations; is that accurate? 22 A. I believe the personal guarantee first 23 came up with the lease negotiations. 24 Q. Okay. So just so I'm clear. The</p>
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<p>1 know, bank statements and so forth. 2 Q. Okay. Are you saying that there was 3 different financial requirements with respect to 4 the lease and the FBO or was it all the same 5 thing? 6 A. I don't really remember. I think there 7 were some other issues with the lease. You know, 8 the FBO -- I guess it's all kind of together. 9 Because, you know, in order to -- in order for 10 BEH to operate the way they projected they were 11 going to operate, they wanted the space on the 12 ramp. 13 So to me it's all kind of tied together. 14 Q. Right. So your understanding is that the 15 provision of the financial information pertained 16 to both the FBO application and the lease 17 negotiations; is that accurate? 18 A. Some of it. The financial statements, to 19 me, were more about the original request. By 20 "financial statements," I mean income statement, 21 balance sheet, cash flow. Typical things that 22 any business would have on, at least, a quarterly 23 basis. 24 And that's how you compare how well a</p>	<p>1 document that I've shown you as Exhibit 150 is 2 the Kohlman financial report. After receipt and 3 review of that, were you and -- you say you can't 4 remember if the commission discussed it or not, 5 but were you satisfied at that point in time that 6 BEH had satisfied its financial disclosure 7 obligations with respect to the FBO? 8 A. I would have to say I don't remember. I 9 know at some point I was. I don't remember when 10 that was. 11 Q. Okay. But you don't know if -- I mean, 12 was there anything in addition to the information 13 that was provided by the third-party financial 14 reviewer that was still outstanding in September 15 or October of 2015? 16 A. I don't know. I don't remember. Because 17 to me, it would make sense that if I did have a 18 problem, I would have asked for more information 19 and he could have possibly provided it. 20 Q. Right. So if you weren't satisfied with 21 the financial disclosure provided in October of 22 2015, you would have asked and it would have been 23 reflected in the meeting minutes? 24 A. You know what? In my mind, when we would</p>

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<p>1 receive something like this, I would read it. If</p> <p>2 there were any questions, you know, I wouldn't</p> <p>3 discuss it with anyone until we got to the</p> <p>4 meeting, except possibly counsel.</p> <p>5 I don't remember speaking to Brandon</p> <p>6 specifically about this, but I think at the</p> <p>7 meeting I would have -- asked which would be</p> <p>8 recorded in the minutes if I did.</p> <p>9 Q. Right.</p> <p>10 A. You know, to the airport manager and</p> <p>11 to -- it wasn't always Brandon as counsel. But</p> <p>12 it was, you know, does this meet what we're</p> <p>13 looking for?</p> <p>14 Q. And you say at some point you were</p> <p>15 satisfied that the financial disclosure by BEH</p> <p>16 was sufficient for the airport commission to</p> <p>17 grant an FBO?</p> <p>18 A. The -- we agreed to let this consultant</p> <p>19 tell us that it was sufficient. And so at some</p> <p>20 point, I took the consultant at their word.</p> <p>21 Q. Okay. I'm going to show you a document</p> <p>22 that's been marked as Exhibit 13, and it appears</p> <p>23 to be the Boston Executive Helicopters' business</p> <p>24 plan dated July 9, 2014. Have you seen that</p>	<p>1 Q. And so the business plan was, in your</p> <p>2 mind, designed to be something other than a</p> <p>3 projection of what an FBO operation would look</p> <p>4 like?</p> <p>5 A. It should include --</p> <p>6 MR. SIMMS: Objection to form. Go ahead.</p> <p>7 A. Okay. It should include the projections</p> <p>8 as well as existing business.</p> <p>9 BY MR. FEE:</p> <p>10 Q. And is it your understanding that the</p> <p>11 information provided in Exhibit 150 provided that</p> <p>12 financial information regarding the existing</p> <p>13 business?</p> <p>14 A. I don't remember exactly.</p> <p>15 Q. Okay. So between -- I'm sorry. Go</p> <p>16 ahead. I didn't mean to interrupt you.</p> <p>17 A. This would be a year before what you're</p> <p>18 asking?</p> <p>19 Q. I'm comparing now Exhibit 13 with Exhibit</p> <p>20 150. Exhibit 13 is dated July 9, 2014. Exhibit</p> <p>21 15 is dated September 29, 2015. So, yes, a</p> <p>22 little over a year.</p> <p>23 So my question to you is: Between the</p> <p>24 two of these documents --</p>
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<p>1 before?</p> <p>2 A. I would say that I remember looking at a</p> <p>3 business plan. I don't know if there was several</p> <p>4 versions of it but -- probably. I can't</p> <p>5 specifically -- I can't say this was the one, but</p> <p>6 I did look at a business plan for BEH.</p> <p>7 Q. At some point did you become satisfied</p> <p>8 that BEH had submitted a sufficient business plan</p> <p>9 for the granting of an FBO?</p> <p>10 A. The information contained in the business</p> <p>11 plan was more projective instead of -- what I was</p> <p>12 looking for was their existing business to --</p> <p>13 also, what they planned on doing.</p> <p>14 But I don't believe this contained any of</p> <p>15 the existing information that I would have been</p> <p>16 looking for to see how they do business on a</p> <p>17 daily basis.</p> <p>18 Q. But it was -- well, it was a new FBO.</p> <p>19 Correct?</p> <p>20 A. It's an existing company.</p> <p>21 Q. But it was applying to be a new FBO.</p> <p>22 Correct?</p> <p>23 A. They were applying to be an FBO at</p> <p>24 Norwood Airport.</p>	<p>1 A. Close to a year and a half.</p> <p>2 Q. Okay. Between these two documents, did</p> <p>3 the commission become satisfied that BEH had</p> <p>4 submitted sufficient financial and business</p> <p>5 information for granting of an FBO?</p> <p>6 MR. SIMMS: Objection.</p> <p>7 A. I don't think that this would be an</p> <p>8 all-inclusive type of -- to be an FBO, there was</p> <p>9 more things involved.</p> <p>10 BY MR. FEE:</p> <p>11 Q. Okay.</p> <p>12 A. I was certainly not satisfied with the</p> <p>13 business plan. And I was not satisfied initially</p> <p>14 because we didn't have any financial information</p> <p>15 when they first gave it to us.</p> <p>16 Q. I understand the business plan that I've</p> <p>17 shown you that's been marked as Exhibit 13 had</p> <p>18 several prior versions; right? Which I think you</p> <p>19 testified to. That you thought there were prior</p> <p>20 versions.</p> <p>21 A. I didn't know how many versions there</p> <p>22 were. So I couldn't say if this was the one. If</p> <p>23 I had seen this specifically before. I don't --</p> <p>24 Q. I would represent to you that there are</p>

<p style="text-align: right;">Page 102</p> <p>1 no further or additional business plans prepared 2 by BEH than Exhibit 13. 3 A. Okay. 4 Q. So just for the purposes of our 5 discussion, you said that you reviewed this on 6 July -- on or about July of 2014. Were you 7 unsatisfied at that point in time regarding the 8 disclosure included in this final version of the 9 business plan? 10 A. I don't have any recollection of when I 11 reviewed the plan. I do remember looking at a 12 business plan. 13 Q. Okay. 14 A. It could have been -- I don't remember 15 the time frame. I remember that I was not 16 satisfied with the business plan as containing 17 all the information that I thought we should have 18 on the airport. 19 Q. But you're not certain that you were 20 dissatisfied with Exhibit 13 or some prior 21 iteration thereof. Correct? 22 A. I don't remember. 23 Q. Okay. So I'm just trying to figure out 24 at what point did BEH satisfy the commission that</p>	<p style="text-align: right;">Page 104</p> <p>1 recommendations of the third-party consultant 2 that's in Exhibit 150. Correct? 3 A. Norwood -- 4 Q. The airport commission. 5 A. The airport commission. 6 Q. I didn't mean you personally. Is that 7 fair to say? 8 A. The airport commission, in order to try 9 and get something done, in my mind, reluctantly 10 agreed. But we agreed to do something which I 11 feel was going above and beyond what we normally 12 would do or should do. But to keep things -- to 13 try and get something completed, we did allow a 14 third-party. And eventually -- and I don't know 15 the time frame -- we accepted it. 16 Q. So after the September 29, 2015, 17 third-party financial report was given to the 18 commission, were there any other additional 19 financial requirements that the commission 20 communicated to BEH regarding its FBO request? 21 A. You're talking about financial statements 22 again? 23 Q. Any kind of financial disclosure or any 24 kind of additional information.</p>
<p style="text-align: right;">Page 103</p> <p>1 it had provided all of the necessary financial 2 information and business disclosure in order to 3 justify the issuance of an FBO? Do you know when 4 that happened? 5 A. So, in general terms -- I'm not really 6 answering your question, but when someone -- when 7 I'm looking at this business -- and it's been a 8 long time since I've done that. But in my mind, 9 the business plan is good. 10 I mean, if you were going to borrow money 11 from me, I'd want to look at your business plan. 12 What do you plan to do? And as a commissioner, I 13 want to know who you are, what you're doing now. 14 And then I want to know what you plan to do. 15 So I never got a good indication of what 16 are you doing now? I know you have a hanger. I 17 know you have space. I don't spend a lot of time 18 in the airport, but I don't see a lot of things 19 going on. I want to know what you're doing now 20 as a company, and that doesn't give it to me. 21 And that's why we wanted -- or I wanted 22 more information. Someone else got to look at 23 it. I didn't. 24 Q. But you agreed to accept the</p>	<p style="text-align: right;">Page 105</p> <p>1 A. I don't remember specifically. I know 2 there were -- with the lease there became more 3 sticking points. 4 Q. Yes. 5 A. You mentioned personal guarantee. 6 Q. Yes. 7 A. I think that kind of turned -- there was 8 always an insurance requirement, but I think at 9 some point, even though Michael and several 10 others -- the personal guarantee was a pretty 11 common thing in leases. 12 It was my understanding that the owner of 13 BEH was a -- I can't think of his name. 14 Q. Moshay (phonetic)? 15 A. Moshay had communicated to other people 16 on the commission -- maybe Mark Ryan was one of 17 them -- that they'd be willing to give a personal 18 guarantee. So in their mind, if that's the case, 19 and you're the owner, why can't you just do that? 20 And then I think maybe even in a meeting 21 at some point, it became, well, all right, if we 22 can't get this personal guarantee, what is that 23 really going to do for us? It was -- I'm just 24 talking about me. In my mind it was, well,</p>

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<p>1 what's the liability? Why -- is there some other 2 way to make this process continue? 3 And I started to think about what could 4 be the town -- the airport be potentially 5 responsible for if this company dissolved or 6 decided they didn't want to meet an obligation? 7 And I wasn't too worried about fuel as 8 far as selling and giving us our money. I 9 thought as long as they're there, we'll get our 10 flowage fees or whatever. 11 But I was worried -- one of the things I 12 thought about was if there was a leak. There is 13 some wetlands down there. What would it cost to 14 clean that up if that were a problem? Then it 15 turned into how much would that be and how much 16 insurance. 17 So that -- I think the personal guarantee 18 kind of evolved -- in my mind evolved into more 19 of an insurance or that type of thing. 20 Q. And that was more in connection with the 21 lease or was that part of the FBO discussion as 22 well? 23 A. I think -- 24 MR. SIMMS: In his view?</p>	<p>1 a big deal. 2 Q. Okay. 3 (Exhibit No. 151 marked for 4 identification.) 5 BY MR. FEE: 6 Q. So I'm showing you a document that's been 7 marked as Exhibit 151. It appears to be a letter 8 dated May 26, 2015, from Mark Ryan to BEH 9 regarding release of a volatile and inflammable 10 fluids license. The first paragraph says: 11 "Congratulations! We've been notified by 12 the Norwood Fire Chief, Anthony Greeley, that 13 Boston Executive Helicopter's (BEH) underground 14 fuel storage facility was inspected on May 14, 15 2015, and that the facility was issued final 16 approval by both Chief Greeley and Fire 17 Prevention Lieutenant Paul Butters. 18 "We've also been notified that the 19 Volatile and Inflammable Fluids license, approved 20 in January 2013, was subsequently released to 21 your company by the Norwood Board of Selectman." 22 Did I read that correctly? 23 A. I wasn't following along with you, but 24 I'll take your word that you read it correctly.</p>
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<p>1 A. In my view, the lease always seemed to be 2 a sticking point. However, I don't think the 3 commission was -- in my mind, for a long time 4 now, it's been how do you plan to -- this way 5 that you're going to fuel, this fuel plan, seemed 6 to be -- for whatever reason, we don't have it. 7 I don't even think that -- even now I 8 don't know if the tanks are permitted or -- I 9 know for a long time they weren't. Even though 10 we kept talking about it, it was never finally 11 permitted by whoever -- the fire chief or 12 whoever. 13 But that's kind of where we were -- but 14 the lease -- I think -- I don't know that you 15 have to have the lease to be an FBO. I don't 16 think that was -- I think it was more these other 17 things that were holding it back. 18 Q. Is there some doubt in your mind as to 19 whether or not the tanks are fully permitted? 20 A. I think they are. The fact that they 21 don't have this fuel flowage -- I mean, the 22 whole, how this is going to operate, how you're 23 going to fuel the plan, I just -- I keep 24 wondering why? I don't understand why it's such</p>	<p>1 Q. Thanks. I appreciate that. 2 So did you receive this letter? Did you 3 receive a copy of this letter? 4 A. I don't remember this. It would make 5 sense that it would have been in the packet for 6 the airport commission. 7 Q. Does it refresh your recollection as to 8 whether or not BEH's underground fuel storage 9 facility is fully licensed by the -- or inspected 10 and licensed by the fire department and -- 11 A. It looks like it's been approved by the 12 fire department, but I don't know if it's -- in 13 fact, I don't think it's being used. Which has 14 always -- in my mind, a question of why? So it 15 is not fully -- 16 MR. SIMMS: Kevin, just answer the 17 question. 18 THE WITNESS: Okay. 19 MR. SIMMS: All he asked you was does 20 this refresh your recollection that the VIF 21 license has been issued by the fire chief? 22 THE WITNESS: All right. 23 MR. SIMMS: Not the use, not when it's 24 going to be used. Just the license.</p>

<p style="text-align: right;">Page 110</p> <p>1 THE WITNESS: All right.</p> <p>2 MR. SIMMS: Does it refresh your</p> <p>3 recollection or not?</p> <p>4 A. It appears that it's been approved by the</p> <p>5 fire chief.</p> <p>6 BY MR. FEE:</p> <p>7 Q. Okay. And so -- as of May 26, 2015; is</p> <p>8 that correct?</p> <p>9 A. The letter is dated May 26, 2015.</p> <p>10 Q. Okay. I want to follow up with what you</p> <p>11 were starting to talk about. Is there any -- in</p> <p>12 your mind, as a member of the commission, is</p> <p>13 there any other outstanding item that -- other</p> <p>14 than the fueling plan, which we'll discuss, is</p> <p>15 there any other outstanding item that's required</p> <p>16 from BEH with respect to its operational --</p> <p>17 disclosure regarding its operations as an FBO?</p> <p>18 A. I'm not aware of any.</p> <p>19 Q. Okay. So we talked about the personal</p> <p>20 guarantee, how that evolved into an insurance</p> <p>21 item.</p> <p>22 A. In my mind.</p> <p>23 Q. In your mind. What about the irrevocable</p> <p>24 letter of credit? What was your understanding of</p>	<p style="text-align: right;">Page 112</p> <p>1 BY MR. FEE:</p> <p>2 Q. Okay.</p> <p>3 (Exhibit No. 152 marked for</p> <p>4 identification.)</p> <p>5 BY MR. FEE:</p> <p>6 Q. Showing you a document that's been marked</p> <p>7 as Exhibit 152. It appears to be an e-mail chain</p> <p>8 between Mr. Donovan and Mr. Maguire in or about</p> <p>9 October of 2015. And we discussed this earlier,</p> <p>10 and I asked you whether you could recall when you</p> <p>11 first become aware of BEH's desire to conduct FBO</p> <p>12 operations at the Norwood Airport. And you said</p> <p>13 you couldn't remember.</p> <p>14 And I just want to draw your attention to</p> <p>15 the very last paragraph of the first e-mail,</p> <p>16 which is from Mr. Donovan to Mr. Maguire in which</p> <p>17 he says -- and I quote -- "I also plan on</p> <p>18 expanding my permit further in coming months to</p> <p>19 pursue aircraft repair. I will keep you posted</p> <p>20 on the situation. My desire down the road is to</p> <p>21 become a full-service FBO here at Norwood</p> <p>22 Airport."</p> <p>23 Did I read that correctly.</p> <p>24 A. The last sentence?</p>
<p style="text-align: right;">Page 111</p> <p>1 the commission's request for an irrevocable</p> <p>2 letter of credit?</p> <p>3 A. Similar to the personal guarantee. It</p> <p>4 was -- in my mind, it was a standard lease</p> <p>5 requirement.</p> <p>6 Q. Is it your understanding that a standard</p> <p>7 lease requirement would -- a standard lease would</p> <p>8 require both a personal guarantee and an</p> <p>9 irrevocable letter of credit or is it one or the</p> <p>10 other?</p> <p>11 MR. SIMMS: Objection. Go ahead.</p> <p>12 A. I don't know.</p> <p>13 BY MR. FEE:</p> <p>14 Q. Okay. Were you deferring to Mr. Sheehan</p> <p>15 with respect to that type of judgment?</p> <p>16 A. I would listen to Mr. Sheehan, but I</p> <p>17 would accept the town counsel's advice.</p> <p>18 Q. Okay. And did town counsel advise you</p> <p>19 whether -- if both an irrevocable letter of</p> <p>20 credit and a personal guarantee were appropriate</p> <p>21 to request in connection with the lease for BEH?</p> <p>22 MR. SIMMS: Yes. No. I don't recall.</p> <p>23 A. I don't remember.</p> <p>24</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. And up above it says that -- or at least</p> <p>4 it indicates that Mr. Maguire asked Mr. Donovan</p> <p>5 if he was comfortable sharing his e-mail with the</p> <p>6 airport commission. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, do you recall seeing this</p> <p>9 e-mail?</p> <p>10 A. No.</p> <p>11 Q. Does it refresh your recollection as to</p> <p>12 when you first become aware of BEH's intent and</p> <p>13 desire to become an FBO at Norwood?</p> <p>14 A. No.</p> <p>15 Q. And I asked you this earlier and I'll ask</p> <p>16 you one more time. Can you tell me, in general</p> <p>17 terms, when you first became aware of BEH's</p> <p>18 interest to become an FBO?</p> <p>19 A. No.</p> <p>20 Q. Okay.</p> <p>21 THE WITNESS: Will this be a good time to</p> <p>22 take a break?</p> <p>23 MR. FEE: Sure. No problem.</p> <p>24 (Recess taken at 1:38 p.m.)</p>

<p style="text-align: right;">Page 114</p> <p>1 (Deposition resumed at 1:45 p.m.)</p> <p>2 BY MR. FEE:</p> <p>3 Q. I'm going to show you a couple of</p> <p>4 documents just to close the loop on this topic</p> <p>5 which we're discussing which is the financial</p> <p>6 disclosure. This is a document that's been</p> <p>7 marked as Exhibit 128. It appears to be a letter</p> <p>8 dated January 22, 2014, to Mr. Donovan from Mr.</p> <p>9 Maguire.</p> <p>10 Have you seen this before?</p> <p>11 A. I don't remember this letter but --</p> <p>12 Q. It appears to be a list of financial</p> <p>13 information that the Norwood Airport Commission</p> <p>14 is going to require from Mr. Donovan in</p> <p>15 connection with BEH's application for an FBO and</p> <p>16 lease of additional space at Norwood Airport.</p> <p>17 And it lists six items. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And so even though you don't</p> <p>20 remember receiving this, do you have any reason</p> <p>21 to believe that this letter doesn't reflect the</p> <p>22 intent of the commission in January of 2014 as to</p> <p>23 what it was requiring from BEH in terms of</p> <p>24 financial disclosure?</p>	<p style="text-align: right;">Page 116</p> <p>1 statement, but certainly these -- I remember</p> <p>2 these issues.</p> <p>3 Q. Okay. And so did this -- the nature of</p> <p>4 these financial requests evolve over time?</p> <p>5 A. I think they all seem pretty -- these</p> <p>6 requests, I think, were always pretty standard.</p> <p>7 It doesn't look like there's anything -- nothing</p> <p>8 jumps out at me as different.</p> <p>9 Q. Okay. I'm going to show you a document</p> <p>10 that's been marked as Exhibit 49. It's an e-mail</p> <p>11 trail between Russ and Chris Donovan, and I want</p> <p>12 to draw your attention to the second page of this</p> <p>13 e-mail that includes an April 30, 2014, e-mail</p> <p>14 from Russ to Chris.</p> <p>15 A. Is this prior to the last --</p> <p>16 Q. This is April 30th, and the one I showed</p> <p>17 you previously is January 22nd.</p> <p>18 A. Same year?</p> <p>19 MR. SIMMS: Same year.</p> <p>20 A. All right.</p> <p>21 BY MR. FEE:</p> <p>22 Q. And you remember I asked you whether or</p> <p>23 not these financial requests evolved over time.</p> <p>24 You said you thought that they were pretty</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Do you want me to read it or --</p> <p>2 Q. Sure. If you want to read it, that's</p> <p>3 fine. My question is -- and I'm asking not</p> <p>4 necessarily the specifics of the letter, but</p> <p>5 whether you have any reason to believe that this</p> <p>6 doesn't reflect the intentions of the commission</p> <p>7 in January of 2014?</p> <p>8 A. No. I don't think the manager would</p> <p>9 write a letter on his own. I think that -- I'd</p> <p>10 say no. I don't have any reason to believe.</p> <p>11 Q. So we can rely on this as a definitive</p> <p>12 statement by the commission in January of 2014 as</p> <p>13 to what it was going to require in terms of</p> <p>14 financial disclosure; is that fair to say?</p> <p>15 A. You know, if you want me to read it, I</p> <p>16 will.</p> <p>17 Q. Please.</p> <p>18 A. Okay. What was the question again, Mike?</p> <p>19 Q. I think it was: Is this a definitive</p> <p>20 statement regarding the intent of the commission</p> <p>21 in January of 2014 as to what financial documents</p> <p>22 it was requiring from BEH in connection with its</p> <p>23 FBO and lease requests.</p> <p>24 A. I don't know if it's a definitive</p>	<p style="text-align: right;">Page 117</p> <p>1 similar or you didn't recall there being much</p> <p>2 evolution.</p> <p>3 A. I don't think they were all financial</p> <p>4 requests on that letter.</p> <p>5 Q. Yes.</p> <p>6 A. They were just different things. But</p> <p>7 you're specifically interested in financial?</p> <p>8 Q. Yes. I'm specifically interested in</p> <p>9 financial requests.</p> <p>10 A. All right.</p> <p>11 Q. And so I'm going to -- I'm showing you a</p> <p>12 document that has been marked as Exhibit 49 and</p> <p>13 ask you, as of April 30, 2014, does this reflect</p> <p>14 the definitive statement from the commission as</p> <p>15 to what it was going to require from BEH in terms</p> <p>16 of financial disclosure to support its FBO and</p> <p>17 lease requests?</p> <p>18 A. I can't speak for everyone but these --</p> <p>19 on this e-mail, which I don't recall, I don't</p> <p>20 know -- I don't think I would have been included.</p> <p>21 It asks for a balance sheet for BEH's</p> <p>22 most recent quarter to include BEH's detailed</p> <p>23 assets, liabilities, and net worth; an income</p> <p>24 statement that includes all BEH income and</p>

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<p>1 expense accounts for the past two years; a cash 2 flow analysis.</p> <p>3 These are three of the most -- the three 4 most common financial statements that any 5 business would have, in my opinion, speaking for 6 me. I would have wanted these at this point. I 7 think I said, or like you said, eventually we 8 agreed to another solution to keep things going 9 but --</p> <p>10 Q. Would you agree with me that the 11 categories of financial documentation requested 12 in Exhibit 128 are much less detailed and much 13 less specific than the financial documents 14 described in Exhibit 49?</p> <p>15 A. Could you ask me that again, Mike?</p> <p>16 Q. Yes. Would you agree with me that the 17 financial documents described in Exhibit 128 are 18 much less specific and much less detailed than 19 the items described in Exhibit 49?</p> <p>20 A. Could I -- there's more than -- it's more 21 than a yes or no here.</p> <p>22 Q. Okay. Feel free.</p> <p>23 A. It's not as detailed, but number one 24 would include the number one on your letter</p>	<p>1 Wait for a question.</p> <p>2 BY MR. FEE:</p> <p>3 Q. And so I asked you whether you would 4 agree with me that the April iteration is a much 5 more specific and detailed request. Correct?</p> <p>6 A. I think it's an explanation. I'm going 7 to say the same thing again. I'm sorry. It's an 8 explanation of number one of the previous -- of 9 the letter. In the context of this, I don't know 10 if it was asked. What does number one entail? 11 This would be the answer. That's all I can tell 12 you.</p> <p>13 I wasn't part of that, I don't believe.</p> <p>14 And in my mind, those three things are explaining 15 number one from the letter.</p> <p>16 Q. But there are also additional items that 17 are explained in Exhibit 49. Correct? 18 Additional items that are not included in Exhibit 19 128.</p> <p>20 A. Oh. I was just looking at this first 21 thing. Let me read this.</p> <p>22 Q. Sure.</p> <p>23 A. What's the question again?</p> <p>24 Q. I think I asked: Would you agree with me</p>
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<p>1 dated --</p> <p>2 Q. You can just call it Exhibit 128.</p> <p>3 A. Exhibit 128. The one would be these 4 things. So that's just explaining -- someone 5 could have said, "What do you mean?" These would 6 be the -- what that means.</p> <p>7 Q. So you think Exhibit 49 is a more 8 specific explanation of the more general 9 categories that were identified in Exhibit 128?</p> <p>10 A. Very specific to number one of --</p> <p>11 Q. Correct. How about the rest of it?</p> <p>12 A. That would only include that one. These 13 three things are financial statements.</p> <p>14 Q. Right. But there is -- we talked about 15 Exhibit 128 being, as of January 2014, the 16 commission's statement as to what type of 17 financial information it was going to be 18 requiring; right?</p> <p>19 And then in August -- I'm sorry -- in 20 April of 2014, Russ sends a much more detailed 21 and specific note to Chris saying what financial 22 information is going to be required.</p> <p>23 A. So you're asking me --</p> <p>24 MR. SIMMS: There's no question pending.</p>	<p>1 there are additional items in Exhibit 49 that are 2 not included in Exhibit 128?</p> <p>3 A. The list -- yeah. I don't think that 4 these lists match exactly. No.</p> <p>5 Q. So just to answer my question. Would you 6 agree with me that there are additional items 7 included in Exhibit 49 that are not listed in 8 Exhibit 128?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know why? Do you know why the 11 commission elected to request additional 12 information of a financial nature in April of 13 2014?</p> <p>14 A. First of all, those letters aren't from 15 the commission, so I don't know why.</p> <p>16 Q. Do you know why Mr. Maguire -- strike 17 that.</p> <p>18 You told me that Mr. Maguire wouldn't 19 write a letter without the authorization of the 20 commission. Correct?</p> <p>21 A. I don't believe -- I don't know. I don't 22 believe he would write a formal -- these are 23 e-mails, first of all. So, you know, a position 24 that would be signed by the chairman, I believe</p>

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<p>1 that's different than explanatory -- these 2 e-mails are explaining things. 3 Q. Okay. So do you think that the -- an 4 e-mail from the airport manager has less weight 5 or effect than a formal letter from the chairman? 6 Is that, in your mind -- 7 A. You asked me what I thought the 8 commission -- as a commissioner, I don't have 9 a -- I don't know what input I had in his 10 e-mails. 11 Q. Let's go back. This is an e-mail from 12 Mr. Maguire. And you told me earlier that you 13 thought Mr. Maguire would not communicate a 14 substantive position without the commission's 15 approval. Correct? 16 A. He's the airport manager. As such, he, 17 on a daily basis, would work and do things 18 without my knowledge or most of the board's 19 knowledge. 20 Q. Would you agree that the airport manager 21 is the agent of the commission? 22 A. He runs the airport. He certainly would 23 wait for our advice. And then if we vote on 24 things, he would act, I guess.</p>	<p>1 A. I know it was in 2014. 2 Q. Okay. Do you have any insight as to 3 whether or not the filing of the Part 13 4 Complaint had any influence whatsoever on 5 additional financial requirements that were being 6 asked of BEH? 7 A. With respect to your letters, that's 8 different. There's nothing that I read in those 9 two exhibits that I hadn't heard many times. To 10 me, that's -- because it's listed, doesn't mean 11 it hadn't been expressed or required. 12 Q. I'm asking a little different question. 13 And that is: Can you explain to me, if at all, 14 what change the airport commission took with 15 respect to BEH's FBO and lease requests as a 16 result of the filing of the Part 13 Complaint? 17 A. For me, speaking for myself, I had no 18 change in my -- other than waiting to hear from 19 counsel about what exactly the complaint was and 20 how it affected what we were doing, it had no 21 bearing. 22 Q. And you've heard, have you not -- because 23 there's a variety of letters from Mr. Moss in 24 connection with the Part 16 Complaint process --</p>
Page 123	Page 125
<p>1 Q. But the airport manager speaks on behalf 2 of the commission, does he not, on a daily basis? 3 A. I don't believe he speaks on my behalf. 4 Q. But does he speak on behalf of the 5 commission or on behalf of himself when he's 6 communicating these types of issues that are 7 described in Exhibit 49? 8 A. I believe he's acting as the airport 9 manager. 10 Q. How, if at all, do you believe that the 11 communications of the airport manager bind the 12 airport commission? 13 MR. SIMMS: Objection. Go ahead. 14 A. I don't know. 15 BY MR. FEE: 16 Q. Okay. So did you have any insight as to 17 why, in April of 2014, the airport manager 18 elected to request several categories of 19 additional financial information that had not 20 been previously requested in January of 2014? 21 A. I don't know. 22 Q. You will recall that the Part 13 23 Complaint of BEH was filed in or about April of 24 2014. Correct?</p>	<p>1 that BEH is litigious and adversarial and that 2 the airport commission is entitled to take 3 actions to protect itself against that. Do you 4 recall that at all? 5 A. You're saying the town counsel has 6 expressed to the commission that -- 7 Q. Has expressed to the FAA. 8 A. Has expressed to the FAA? I don't 9 remember that language. You know -- 10 Q. Do you believe that over the course of 11 the past four years that BEH's conduct with 12 respect to the commission has been litigious and 13 adversarial? 14 A. Chris is just doing what he thinks is 15 best for his company. 16 Q. Right. But at the same time it involves 17 a significant expenditure of airport time and 18 resources to deal with his requests; right? 19 MR. SIMMS: Objection. Go ahead. 20 A. I don't think it requires a great deal of 21 my time, additional time. So, I mean, I 22 imagine -- are you asking about the e-mail stuff 23 or -- 24 MR. SIMMS: If you're not sure what's</p>

<p style="text-align: right;">Page 126</p> <p>1 being asked, ask Mr. Fee to restate the question</p> <p>2 because this is a pretty important point. Okay?</p> <p>3 THE WITNESS: Okay.</p> <p>4 A. Please restate the question.</p> <p>5 BY MR. FEE:</p> <p>6 Q. Sure. I want to make sure I phrase this</p> <p>7 correctly. Over the course of the last several</p> <p>8 years, have you formed an opinion regarding</p> <p>9 whether BEH's conduct is unnecessarily</p> <p>10 confrontational with respect to the commission?</p> <p>11 A. Not really.</p> <p>12 Q. Well, you're a regular attendee at</p> <p>13 meetings. Correct?</p> <p>14 A. I would say yes. I missed a few, but I</p> <p>15 try to make it. My job sometimes prevents me</p> <p>16 from going.</p> <p>17 Q. And those meetings are videotaped; are</p> <p>18 they not?</p> <p>19 A. They have been, I would say, for several</p> <p>20 years on Norwood Public Access.</p> <p>21 Q. Right. And the interactions between the</p> <p>22 commission and Mr. Donovan and his</p> <p>23 representatives has often been harsh; has it not?</p> <p>24 A. Sometimes there's, you know, exchanges</p>	<p style="text-align: right;">Page 128</p> <p>1 BY MR. FEE:</p> <p>2 Q. Okay. So it's your -- is it your belief,</p> <p>3 then, that the filing of the Part 13 Complaint in</p> <p>4 2014 had no impact whatsoever on the commission's</p> <p>5 actions with respect to BEH's FBO request and</p> <p>6 lease request?</p> <p>7 A. It had no effect on my judgment or my --</p> <p>8 I believe it was actually dropped very quickly.</p> <p>9 I don't think it even lasted very long.</p> <p>10 Q. The Part 13 Complaint was dropped in</p> <p>11 November of 2014, but then a Part 16 Complaint,</p> <p>12 which is a more detailed document, was filed</p> <p>13 later in 2015. Just --</p> <p>14 A. So you asked me about 13. So I'd say it</p> <p>15 didn't have any effect on me.</p> <p>16 Q. How about the Part 16 Complaint?</p> <p>17 A. Once again, it's going to run its course.</p> <p>18 Q. How about the fact that -- strike that.</p> <p>19 You know that you're named individually</p> <p>20 as a defendant in this lawsuit. Correct?</p> <p>21 A. I'm not quite sure how it still effects</p> <p>22 me individually. I thought a lot of it was -- I</p> <p>23 don't know.</p> <p>24 MR. SIMMS: Just answer the question --</p>
<p style="text-align: right;">Page 127</p> <p>1 that -- you know, opinions of one person or</p> <p>2 another, but I wouldn't say harsh.</p> <p>3 Q. Would you agree with me that Mr. -- I'm</p> <p>4 sorry -- BEH filed a Part 13 Complaint with the</p> <p>5 FAA, then he filed a Part 16 Complaint with the</p> <p>6 FAA. They filed a lawsuit in superior court</p> <p>7 regarding a public records request given to the</p> <p>8 Norwood Airport Commission; filed a lawsuit in</p> <p>9 superior court, that was subsequently removed to</p> <p>10 federal court, that involved claims of</p> <p>11 retaliation and economic discrimination as well</p> <p>12 as a variety of other interactions.</p> <p>13 And would you describe that for me as</p> <p>14 being the normal course of relations that the</p> <p>15 airport commission has with its vendors or its</p> <p>16 people that are at the airport?</p> <p>17 MR. SIMMS: Objection. Go ahead.</p> <p>18 A. Not to be flippant, but I've been on for</p> <p>19 10 years and it seems to be the normal -- there</p> <p>20 was a company before, you asked me about, Boston</p> <p>21 Air Charter. And it seemed to be a similar type</p> <p>22 of back and forth, and it's the same thing right</p> <p>23 now.</p> <p>24</p>	<p style="text-align: right;">Page 129</p> <p>1 A. I honestly don't remember.</p> <p>2 MR. SIMMS: -- that's asked. Just that</p> <p>3 question.</p> <p>4 THE WITNESS: Okay.</p> <p>5 A. What's the question again?</p> <p>6 BY MR. FEE:</p> <p>7 Q. You know that you're named individually</p> <p>8 as a defendant in that lawsuit?</p> <p>9 A. I know I was.</p> <p>10 Q. And is it your testimony that being named</p> <p>11 as a defendant in a lawsuit had no impact</p> <p>12 whatsoever on your judgment regarding BEH's FBO</p> <p>13 and lease requests?</p> <p>14 A. It certainly didn't.</p> <p>15 Q. Okay. Now, I asked you earlier about</p> <p>16 town counsel's representations to the FAA that</p> <p>17 BEH's adversarial and litigious conduct justified</p> <p>18 the commission in taking steps to protect itself</p> <p>19 from that kind of behavior. Do you remember I</p> <p>20 mentioned that?</p> <p>21 A. Can you repeat that question?</p> <p>22 Q. Sure. Do you remember I mentioned</p> <p>23 earlier that town counsel, in its communications</p> <p>24 to the FAA, stated that BEH's adversarial and</p>

<p style="text-align: right;">Page 130</p> <p>1 litigious conduct justified the commission 2 protecting itself from that type of behavior? Do 3 you recall I said that? 4 A. Yeah. I think you did say that earlier. 5 Q. Is that consistent with your recollection 6 of communications from town counsel to the FAA? 7 A. I don't even know what this is referring 8 to within the complaint. I'm sorry. I don't 9 remember it. 10 Q. Was it your understanding that as a 11 result of the actions taken by Chris -- by BEH, 12 i.e., filing lawsuits against the Norwood Airport 13 Commission, that the commission could take a more 14 cautious view of his applications for FBO or 15 lease requests? 16 A. No. To me, I would be probably more 17 likely to ask counsel for advice since we were in 18 that situation, which I think I said, when the 19 Part 13 was filed. It looked like I was the one 20 who either seconded or made a motion to table 21 something. 22 It would be because we just wanted to 23 find out -- where are we -- give us some advice 24 on what's going on. And that's kind of how I</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Right. And the date of this e-mail is 2 what? 3 A. Wednesday, July 9, 2014. 4 Q. And it's referencing a business plan 5 dated July 2, 2014; right? 6 A. Say that again. 7 Q. The "re:" line or the subject matter of 8 your e-mail says "BEH Business Plan, July 2, 9 2014"; right? 10 A. That's what it says. 11 Q. So my question is: Is this e-mail that 12 you're referring to Exhibit 13 or some prior 13 iteration of the business plan? 14 A. Well, it says "Business plan, July 2, 15 2014." And the one you're showing me says July 16 9, 2014. 17 Q. So I'm asking you if you remember -- does 18 your e-mail refer to Exhibit 13 or does it refer 19 to some prior iteration of the business plan? 20 A. I don't know. 21 Q. In the second paragraph you say, "I also 22 believe that this matter has been tabled. This 23 means that a majority of the NAC has to vote to 24 discuss this in any form."</p>
<p style="text-align: right;">Page 131</p> <p>1 handled it. 2 Q. So you defer to counsel to guide your 3 approach or the commission's approach to the 4 pending FAA matters? 5 A. Yes. 6 MR. SIMMS: Objection. Go ahead. 7 (Exhibit No. 153 marked for 8 identification.) 9 BY MR. FEE: 10 Q. Showing you a document that's been marked 11 as 153. It appears to be an e-mail from you to 12 Russ Maguire dated July 9, 2014. Have you ever 13 seen this before? 14 A. Looks like it's from me. 15 Q. Do you recall sending it? 16 A. I honestly don't. 17 Q. Second paragraph says, "I also -- " 18 First paragraph says, "There's financial 19 information, financial statements that I want to 20 see." 21 And you say, "What I see is projected." 22 Do you know what that refers to? 23 A. The business plan, like I explained 24 before, is a projected plan.</p>	<p style="text-align: right;">Page 133</p> <p>1 Did I read that correctly? 2 A. Yes. 3 Q. So it was your belief in July of 2014 4 that discussion of FBO requests and lease 5 requests from BEH were still tabled. Correct? 6 A. Something was tabled. 7 Q. Well, you say -- 8 A. I'm talking about the -- in this 9 statement I'm talking about the financial 10 information. 11 Q. I thought I heard you testify earlier 12 that the -- consideration of the -- 13 A. Could I ask you a question before you 14 continue? 15 Q. Sure. 16 A. Was this right after -- remember you 17 asked me before about a vote? A 6 to 2 vote? 18 Q. Yes. 19 A. Was this immediately after that? 20 Q. No. I think that -- 21 MR. FEE: Off the record. 22 (Discussion off the record.) 23 BY MR. FEE: 24 Q. So you asked me a question. We went off</p>

<p style="text-align: right;">Page 134</p> <p>1 the record. We discussed it.</p> <p>2 And so my last question to you was: Is</p> <p>3 it your understanding that as of July 9, the</p> <p>4 commission's consideration of BEH's FBO and lease</p> <p>5 requests were still tabled; is that correct?</p> <p>6 A. You know, I don't remember specifically</p> <p>7 what I was talking about there. It says</p> <p>8 "tabled," so it's --</p> <p>9 Q. Well, you say, "I believe this matter has</p> <p>10 been tabled."</p> <p>11 I know, as you sit here today, you may</p> <p>12 not know what you were referring to, but does</p> <p>13 that --</p> <p>14 A. It looks like, in the previous sentence</p> <p>15 or the previous paragraph, I'm talking about</p> <p>16 balance sheet, income statement, cash flow</p> <p>17 analysis, bank records. So then I continue with</p> <p>18 "-- this matter has been tabled."</p> <p>19 It makes me think it's something to do</p> <p>20 with that, but I specifically don't know.</p> <p>21 Q. As of July 9, 2014, your understanding</p> <p>22 was that the discussion regarding the financial</p> <p>23 disclosure from BEH was tabled. And you go on,</p> <p>24 in the next sentence, to say, "This means that a</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Do you recall if any commission member</p> <p>2 subsequently made a vote to untable?</p> <p>3 A. I don't remember what was tabled, and I</p> <p>4 don't remember subsequently what happened.</p> <p>5 MR. SIMMS: You were asked if you</p> <p>6 remember better now than you did this morning.</p> <p>7 Great. If your testimony is the same, you've</p> <p>8 answered the question.</p> <p>9 BY MR. FEE:</p> <p>10 Q. So I showed you Exhibit 123 this morning.</p> <p>11 You can take a look at that bottom paragraph</p> <p>12 again where it says "BEH lease/FBO interest."</p> <p>13 There was a vote to table that discussion; all</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And so in the most recent document that I</p> <p>17 showed you, Exhibit 153, you say, "I understand</p> <p>18 that this matter has been tabled. And this means</p> <p>19 that a majority of the NAC has to vote to discuss</p> <p>20 this in any form."</p> <p>21 And my question to you is: The matter</p> <p>22 that you're discussing with 153, the vote, that</p> <p>23 was taken and memorialized in Exhibit 123?</p> <p>24 A. Again, I don't remember specifically.</p>
<p style="text-align: right;">Page 135</p> <p>1 majority of the NAC has to vote to discuss this</p> <p>2 in any form."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. In your mind, did that mean that an</p> <p>6 affirmative vote needed to be taken by the NAC in</p> <p>7 order to put this matter, the financial</p> <p>8 disclosure of BEH, back on the table?</p> <p>9 A. I think -- and I can --</p> <p>10 MR. SIMMS: Go ahead.</p> <p>11 A. I think I'm probably referring to</p> <p>12 something that was voted on. And once something</p> <p>13 is voted on, in order to reconsider it, you</p> <p>14 typically have to have, you know, a majority or</p> <p>15 it might even be, like, a two thirds or something</p> <p>16 like that to relook at it if it's not something</p> <p>17 on the agenda.</p> <p>18 In other words, if we don't have</p> <p>19 something on the agenda, I think the way, in my</p> <p>20 mind, it works is that you can bring it up; and</p> <p>21 then people in the commission, president of the</p> <p>22 commission, would have to vote to kind of</p> <p>23 reconsider or talk about it if it's not on the</p> <p>24 agenda.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. Okay. Is it fair to say that your</p> <p>2 discussion in 153 refers to BEH?</p> <p>3 A. I can't say for sure because I'm talking</p> <p>4 about Jeff Adler and RFP. So I can't say for</p> <p>5 sure.</p> <p>6 Q. You don't know whether the first sentence</p> <p>7 in the second paragraph of your e-mail refers to</p> <p>8 BEH or not. Is that your testimony?</p> <p>9 A. Say it again.</p> <p>10 Q. You don't know whether the first sentence</p> <p>11 in the second paragraph of the e-mail that's been</p> <p>12 marked as Exhibit 153 refers to BEH or not. Is</p> <p>13 that your testimony?</p> <p>14 A. I just don't remember. If you're asking</p> <p>15 me to guess --</p> <p>16 Q. I'm not asking you to guess.</p> <p>17 A. I don't specifically remember this. So I</p> <p>18 mean --</p> <p>19 Q. I understand that you don't remember</p> <p>20 sending the e-mail, but you said that it's --</p> <p>21 that you recall that you have no reason to doubt</p> <p>22 that you did send this. Correct?</p> <p>23 A. I don't doubt that I sent it.</p> <p>24 Q. Okay. And it has one -- first</p>

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<p>1 paragraph -- that clearly is talking about BEH; 2 right? 3 A. Yes. 4 Q. And the first sentence of the second 5 paragraph you're not sure if it's referring to 6 BEH or not as you sit here today? 7 A. I don't know what was tabled 8 specifically. And as I look back at this, it 9 looks like, you know, under the heading that it 10 would have something to do with, you know, what 11 we were talking about under that heading. 12 Q. Okay. 13 A. BEH lease or FBO interest, but I don't 14 remember. 15 Q. If any matter before the commission was 16 tabled, would that be the subject of a vote? 17 A. I think in order to table a matter, it 18 would typically be voted on. 19 Q. And that vote would typically be 20 reflected in the minutes; would it not? Any 21 vote's reflected in the minutes. Correct? 22 A. It should be. 23 Q. So if any matter was tabled, any matter 24 other than a BEH-related item was tabled in</p>	<p>1 meetings. 2 MR. SIMMS: He's only asking you if 3 that's a fair inference. That's a different 4 question than "Do you recall specifically what 5 happened?" 6 A. Yes, I would think that's a fair 7 inference. Sure. 8 BY MR. FEE: 9 Q. Thanks. 10 (Exhibit No. 154 marked for 11 identification.) 12 BY MR. FEE: 13 Q. Showing you a document that's been marked 14 as Exhibit 154. It appears to be a letter from 15 the FAA to Russ Maguire dated May 11, 2015. Have 16 you ever seen this before? 17 A. I don't remember it. 18 Q. Okay. Do you remember any discussion 19 between the FAA and the airport commission 20 regarding requests to approve FlightLevel lease 21 extensions? 22 A. Do you want me to read this letter? 23 Q. Sure. My question has nothing -- it's 24 not related to that letter.</p>
Page 139	Page 141
<p>1 April, May, June, July of 2014, that would be 2 reflected in the minutes; would it not? 3 A. Yes. I don't know specifically what we 4 were talking about, but a matter was tabled. 5 Q. And as you look at Exhibit 123, you can't 6 tell me specifically what was being tabled as a 7 result of that vote? 8 A. No. 9 MR. SIMMS: Objection. Asked and 10 answered. Go ahead. 11 A. No. 12 BY MR. FEE: 13 Q. You don't know? 14 A. I believe that was the time when there 15 was quite a few members of the commission. It 16 was when we had the extra commissioners, so it 17 could have been anything. 18 Q. Well, I mean, come on. It says in the 19 heading "BEH lease/FBO interest." Is it fair to 20 assume that all the language that occurs after 21 that bold-faced heading on Exhibit 123 refers to 22 the BEH lease/FBO interest? Is that a fair 23 inference? 24 A. Like I said, I don't remember these</p>	<p>1 A. Can you ask it again? 2 Q. Do you recall any discussions by the 3 commission regarding FAA -- requests for the FAA 4 to approve FlightLevel lease extensions? 5 A. No, I don't remember. 6 Q. Do you recall ever being informed that 7 the FAA had taken a position regarding the 8 approval of FlightLevel lease extensions that had 9 been previously voted by the commission? 10 A. I don't remember. 11 Q. Okay. 12 (Exhibit No. 155 marked for 13 identification.) 14 BY MR. FEE: 15 Q. I'm showing you a document that's been 16 marked as Exhibit 155. It appears to be a letter 17 from Mr. Eichleay to the airport commission dated 18 January 14, 2015, and it's entitled "Prospective 19 Second FBO." Have you ever seen this before? 20 A. I don't remember this. 21 Q. Do you remember at any time Eichleay or 22 any member of FlightLevel communicating to the 23 commission their position that a second FBO at 24 Norwood Memorial Airport would be detrimental to</p>

<p style="text-align: right;">Page 142</p> <p>1 the airport?</p> <p>2 A. No. I don't remember him --</p> <p>3 Q. At any time -- maybe I phrased that too</p> <p>4 specifically. Do you remember at any time</p> <p>5 FlightLevel taking the position that a single FBO</p> <p>6 at the airport was preferable?</p> <p>7 A. I don't know if -- his position, I think,</p> <p>8 from a business standpoint would be he would</p> <p>9 prefer not to have a second FBO. That would be</p> <p>10 my impression.</p> <p>11 Q. But did he ever communicate that to you?</p> <p>12 A. No.</p> <p>13 Q. In your recollection, Mr. Eichleay or</p> <p>14 FlightLevel representatives never communicated to</p> <p>15 the commission their position that only a single</p> <p>16 FBO should be at Norwood Memorial Airport?</p> <p>17 A. I don't remember that. This letter</p> <p>18 appears to say that, but I don't specifically</p> <p>19 remember that. No.</p> <p>20 Q. So you don't remember seeing this letter.</p> <p>21 You don't remember Mr. Eichleay communicating to</p> <p>22 the commission his position that a single FBO is</p> <p>23 preferable. Is that -- you don't remember any of</p> <p>24 that at any time?</p>	<p style="text-align: right;">Page 144</p> <p>1 FlightLevel and BEH.</p> <p>2 Q. Did you ever have any meetings with Peter</p> <p>3 Eichleay regarding --</p> <p>4 A. No.</p> <p>5 Q. -- anything involving the airport?</p> <p>6 A. No.</p> <p>7 Q. Do you know if any members of the</p> <p>8 commission met with Peter Eichleay regarding</p> <p>9 issues at the airport outside of open session?</p> <p>10 A. I'm not aware of any meetings with Peter</p> <p>11 Eichleay.</p> <p>12 Q. Okay.</p> <p>13 (Exhibit No 156 marked for</p> <p>14 identification.)</p> <p>15 BY MR. FEE:</p> <p>16 Q. Showing you 156. It appears to be a</p> <p>17 letter from Mary Walsh at the FAA to Mr. Maguire</p> <p>18 dated January 15, 2015. Can you take a look at</p> <p>19 this and let me know if you've ever seen it</p> <p>20 before?</p> <p>21 A. I don't specifically remember. But, you</p> <p>22 know, once again, I must have seen it.</p> <p>23 Q. Okay. Would it be the general practice</p> <p>24 of the airport manager to share communications</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I know that in general he would not want</p> <p>2 a second FBO.</p> <p>3 Q. How do you know that?</p> <p>4 A. His behavior at the meetings. It's -- to</p> <p>5 him it's business, I guess.</p> <p>6 Q. Right. So your general impression of</p> <p>7 Mr. Eichleay's demeanor was that he would prefer</p> <p>8 not to have competition; is that fair to say?</p> <p>9 A. I would say yes.</p> <p>10 Q. Okay. And he's protecting his business</p> <p>11 because he's the only FBO at Norwood, and the</p> <p>12 approval of a second FBO would constitute a</p> <p>13 competition to him. Correct?</p> <p>14 A. I don't know that -- I mean, you're</p> <p>15 asking me to tell you what he thinks.</p> <p>16 Q. Right.</p> <p>17 A. In general terms, I did say that I think</p> <p>18 that he wouldn't prefer it, but I don't know.</p> <p>19 Q. I'm wondering what that impression is</p> <p>20 based upon, and you mentioned his general</p> <p>21 demeanor at meetings. I'm wondering if there's</p> <p>22 anything else.</p> <p>23 A. He's opposed to pretty much -- it seems</p> <p>24 like there's not a great relationship between</p>	<p style="text-align: right;">Page 145</p> <p>1 from the FAA with the commissioners?</p> <p>2 A. It would be in our package.</p> <p>3 Q. And so do you recall at any time</p> <p>4 discussing in open session or executive session</p> <p>5 the substance of the letter that's been marked as</p> <p>6 Exhibit 156?</p> <p>7 A. I don't recall.</p> <p>8 Q. So turning your attention to page 2,</p> <p>9 third paragraph down, where it says "The FAA is</p> <p>10 concerned that the Town of Norwood Airport</p> <p>11 Commission actions do not support Boston</p> <p>12 Executive Helicopters with an opportunity as a</p> <p>13 second fixed-base operator at the airport.</p> <p>14 "Such actions would be inconsistent with</p> <p>15 the airport's federal obligations and could</p> <p>16 result in a formal federal investigation."</p> <p>17 Did I read that correctly?</p> <p>18 A. I wasn't following along, but I believe</p> <p>19 you did.</p> <p>20 Q. Okay. Is it consistent with your</p> <p>21 understanding that in January of 2015 the FAA was</p> <p>22 expressing concern to the NAC regarding its</p> <p>23 actions with respect to BEH's FBO request?</p> <p>24 A. This is not a simple answer. To me,</p>

<p style="text-align: right;">Page 146</p> <p>1 they're responding to, I believe, a sitting 2 commission member's allegations. So if they were 3 true -- which I would contend that they're not -- 4 then, at least in my opinion, I could see why 5 Mary Walsh would want an explanation. 6 Q. Right. And so that request for 7 information was communicated to the NAC in or 8 about January of 2015. Correct? 9 A. This letter is dated January 15. I 10 imagine I would have gotten it shortly 11 thereafter. 12 Q. And do you know -- was the substance of 13 this discussed in any open or executive session? 14 A. I don't remember. 15 Q. Do you know -- I'm sorry. Go ahead -- 16 did you -- 17 A. I just don't know. 18 Q. Do you know if -- what actions, if any, 19 the NAC took in response to the letter that's 20 been marked as Exhibit 156? 21 A. I believe that the manager was 22 instructed, along with counsel, to respond. 23 Q. Okay. And you said -- it was your 24 testimony that the -- or your belief that</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. I'll take it back. 2 Showing you a document that's been marked 3 as Exhibit 76 to the Eichleay deposition. It 4 appears to be a letter from Peter Eichleay to the 5 Norwood Board of Selectmen dated September 23, 6 2015. Have you ever seen this before? 7 A. I don't specifically recall it, but I 8 believe I have. 9 Q. Okay. And do you recall at this point in 10 time, in September of 2015, that Eichleay and 11 FlightLevel were raising serious objections to 12 the issuance of an FBO license for BEH? 13 A. Could you repeat that? 14 Q. Yes. Do you recall in or about September 15 of 2015 Eichleay and FlightLevel were raising 16 serious objections to the issuance of an FBO 17 license for BEH? 18 A. You know, to a specific time -- like I 19 said, I believe that they've always been opposed 20 to it. I don't know specifically -- you know, 21 this seems like a formal position, but I believe 22 they've never been in favor of it. 23 Q. Well, it's a three-page letter outlining 24 all the reasons Peter Eichleay thinks that the</p>
<p style="text-align: right;">Page 147</p> <p>1 Mr. Hues' allegations were inaccurate; is that 2 right? 3 A. Some of them were. I don't remember all 4 of the allegations. 5 Q. Well, did you feel that in January of 6 2015 the NAC was giving BEH a fair opportunity to 7 become a second fix-based operator at Norwood 8 Airport? 9 A. Yes. 10 Q. But Mr. Hues didn't believe that. 11 Correct? 12 A. I don't know what Mr. Hues believed. 13 (Exhibit No. 157 marked for 14 identification.) 15 BY MR. FEE: 16 Q. Showing you an exhibit that's been marked 17 as Exhibit 157. It appears to be a letter dated 18 February 12, 2015, from Timothy McCulloch at 19 Hinshaw & Culbertson to Mark Ryan, yourself, 20 Mr. Maguire, and Mr. Moss. Have you ever seen 21 this before? 22 A. I don't specifically recall this but, 23 once again, I'm sure I would have received it in 24 a package from the manager.</p>	<p style="text-align: right;">Page 149</p> <p>1 FBO should be denied; right? 2 MR. SIMMS: Objection. Go ahead. 3 A. It's a three-page letter. 4 BY MR. FEE: 5 Q. And the substance is Eichleay and 6 FlightLevel's objection to the board issuing an 7 FBO to BEH; right? 8 A. I suspect that's what it is. I didn't -- 9 that's what you're telling me so -- 10 Q. Well, if you want to peruse it, that 11 would be great. 12 A. Okay. Some of it's about their ongoing 13 dispute between the two leaseholds. It seems to 14 be about -- 15 MR. SIMMS: There's not a question 16 pending. All you're going to do is peruse the 17 document. 18 A. So ask me the question. 19 BY MR. FEE: 20 Q. I originally described this. I thought 21 it was a noncontroversial statement -- but maybe 22 not -- as a three-page letter from FlightLevel to 23 the board of selectmen expressing its objection 24 to the issuance of an FBO to BEH. Is that a fair</p>

<p style="text-align: right;">Page 150</p> <p>1 assessment of the letter?</p> <p>2 A. No.</p> <p>3 Q. It's not? What is it?</p> <p>4 A. To me, it's a list of grievances that</p> <p>5 they have with --</p> <p>6 Q. Okay. Well --</p> <p>7 MR. SIMMS: That who has? You didn't</p> <p>8 finish the answer.</p> <p>9 A. A list of grievance that FlightLevel has</p> <p>10 with BEH, at least the part I read.</p> <p>11 BY MR. FEE:</p> <p>12 Q. Let me direct your attention to the</p> <p>13 second paragraph -- I'm sorry -- second page,</p> <p>14 fourth paragraph down. "While FlightLevel's</p> <p>15 court date with BEH is more than a year away, the</p> <p>16 town needs to understand that BEH's behavior</p> <p>17 represents an immediate, continuous, and ongoing</p> <p>18 threat to the airport and provides the NAC with</p> <p>19 independent and incontestable grounds, both to</p> <p>20 reject its FBO application and to evict</p> <p>21 Christopher Donovan outright from the airport."</p> <p>22 Did I read that correctly?</p> <p>23 A. I think you did.</p> <p>24 Q. Now, you said you thought you got this in</p>	<p style="text-align: right;">Page 152</p> <p>1 like that.</p> <p>2 Q. Okay.</p> <p>3 (Exhibit No. 158 marked for</p> <p>4 identification.)</p> <p>5 BY MR. FEE:</p> <p>6 Q. I will give you Exhibit 156 to look at</p> <p>7 side by side with Exhibit 158 which appears to be</p> <p>8 a letter from the airport commission executed by</p> <p>9 Mr. Ryan on or about March 6, 2015. Have you</p> <p>10 seen Exhibit 158 before?</p> <p>11 A. I believe I have.</p> <p>12 Q. Okay.</p> <p>13 A. But I don't specifically remember it.</p> <p>14 Q. But you describe this as being a response</p> <p>15 of the commission to Exhibit -- I'm sorry --</p> <p>16 A. Attorney Fee, it says "Response to FAA</p> <p>17 letter dated January 15, 2015."</p> <p>18 Q. So Exhibit 158 is the commission's</p> <p>19 response to Exhibit 156; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And you think you saw this before,</p> <p>22 but you're not sure?</p> <p>23 A. Well, you know, I don't recall it, but it</p> <p>24 would have absolutely went in our package, and we</p>
<p style="text-align: right;">Page 151</p> <p>1 or about September of 2015. Did you have -- did</p> <p>2 the commission have any communications with any</p> <p>3 member of the board of selectmen regarding the</p> <p>4 substance of this letter?</p> <p>5 A. I did not have any.</p> <p>6 Q. Do you know if Mr. Ryan had any</p> <p>7 communications regarding the substance of this</p> <p>8 letter with the board of selectmen?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know if Mr. Maguire had</p> <p>11 communications?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Do you recall any discussions in</p> <p>14 open or executive session regarding Mr.</p> <p>15 Eichleay's position that the NAC should outright</p> <p>16 deny the FBO application and evict Christopher</p> <p>17 Donovan from the airport?</p> <p>18 A. I never discussed that.</p> <p>19 Q. Your testimony is that the commission</p> <p>20 never discussed in open or executive session</p> <p>21 Peter Eichleay's demand that the NAC deny his FBO</p> <p>22 application and evict Christopher Donovan from</p> <p>23 the airport. Is that your testimony?</p> <p>24 A. I don't remember that. Any discussion</p>	<p style="text-align: right;">Page 153</p> <p>1 would have approved the letter.</p> <p>2 Q. Okay. You would have approved it before</p> <p>3 it was sent or after it was sent?</p> <p>4 A. I believe we would have had an</p> <p>5 opportunity to look at this before it was sent.</p> <p>6 Q. Is that the general practice of the</p> <p>7 commission? If there's a significant piece of</p> <p>8 correspondence that's going out to the FAA or</p> <p>9 some other agency that generally it's drafted and</p> <p>10 then reviewed by commissioners prior to its being</p> <p>11 forwarded. Is that the practice?</p> <p>12 A. I think something of this level would be.</p> <p>13 Other things that -- the manager would just be</p> <p>14 directed to handle on his own.</p> <p>15 Q. Okay. So do you recall any discussion in</p> <p>16 open or executive session regarding the</p> <p>17 substances of Exhibit 158?</p> <p>18 A. I don't recall anything specific.</p> <p>19 Q. Just directing your attention to page 3</p> <p>20 of Exhibit 158. Third paragraph -- third full</p> <p>21 paragraph. It says "Subsequently, at its June</p> <p>22 11, 2014, public meeting, the airport commission</p> <p>23 voted to table further negotiations regarding</p> <p>24 both BEH's lease and fixed-base operator</p>

<p style="text-align: right;">Page 154</p> <p>1 interest."</p> <p>2 Did I read that correctly?</p> <p>3 A. I believe you did.</p> <p>4 Q. Now, does that refresh your recollection</p> <p>5 regarding our prior discussion with respect to</p> <p>6 the June 11, 2014, meeting minutes? And does</p> <p>7 this refresh your recollection as to exactly what</p> <p>8 was tabled as a result of that vote?</p> <p>9 A. I mean, this states exactly what was</p> <p>10 tabled. I don't remember it.</p> <p>11 MR. SIMMS: That's all you were asked.</p> <p>12 BY MR. FEE:</p> <p>13 Q. Do you have any reason to believe that</p> <p>14 the description contained in the third paragraph</p> <p>15 on page 3 of Exhibit 158 is incorrect?</p> <p>16 A. The whole paragraph?</p> <p>17 Q. No. The first sentence that I read.</p> <p>18 A. Do I believe it's incorrect or do I have</p> <p>19 any reason to believe?</p> <p>20 Q. Any reason to believe.</p> <p>21 A. I have no reason to believe it's</p> <p>22 incorrect.</p> <p>23 (Exhibit No. 159 marked for</p> <p>24 identification.)</p>	<p style="text-align: right;">Page 156</p> <p>1 A. I don't remember.</p> <p>2 BY MR. FEE:</p> <p>3 Q. How come you don't agree with that</p> <p>4 statement?</p> <p>5 A. I've already explained why I would want</p> <p>6 the financial information. It's not simply a way</p> <p>7 of protecting from financial risk. I'd want to</p> <p>8 know what your company is. What they do.</p> <p>9 Q. Okay. So you had a different view of the</p> <p>10 financial request rationale than town counsel as</p> <p>11 expressed in his May 16, 2015, letter. Correct?</p> <p>12 A. Yes.</p> <p>13 (Exhibit No. 160 marked for</p> <p>14 identification.)</p> <p>15 BY MR. FEE:</p> <p>16 Q. I'm showing you a document that's been</p> <p>17 marked as Exhibit 160. It appears to be a letter</p> <p>18 dated March 27, 2015, from Mr. McCulloch to</p> <p>19 Brandon Moss regarding Boston Executive</p> <p>20 Helicopters. Have you ever seen this before?</p> <p>21 A. I imagine I have. I don't specifically</p> <p>22 remember it, but I strongly suspect it was in our</p> <p>23 information for the airport.</p> <p>24 Q. On the second page, Mr. McCulloch lists</p>
<p style="text-align: right;">Page 155</p> <p>1 BY MR. FEE:</p> <p>2 Q. Sir, I'm showing you a document that's</p> <p>3 been marked as Exhibit 159. It appears to be a</p> <p>4 letter dated March 16, 2015, from Mr. Moss to</p> <p>5 Mr. McCulloch at Hinshaw & Culbertson. Have you</p> <p>6 ever seen this before?</p> <p>7 A. I don't recall it; but once again, I'm</p> <p>8 sure that I must have got it in my package.</p> <p>9 Q. Second page, all the way down at the</p> <p>10 bottom. It says -- and this is from Mr. Moss,</p> <p>11 town counsel, to counsel for BEH in March of 2015</p> <p>12 -- "The requested financial information from BEH</p> <p>13 is simply a way of protecting (the NAC) and the</p> <p>14 aeronautical community operating on the airport</p> <p>15 from financial risk."</p> <p>16 Did I read that correctly?</p> <p>17 A. You did.</p> <p>18 Q. Okay. So was this a letter that you saw</p> <p>19 before it was sent or was it given to you after</p> <p>20 the fact?</p> <p>21 A. I don't remember the letter. I don't</p> <p>22 entirely agree with that statement but --</p> <p>23 MR. SIMMS: He's only asking -- just</p> <p>24 answer the question you're asked, please.</p>	<p style="text-align: right;">Page 157</p> <p>1 in bullet points references to various items of</p> <p>2 financial information that have been requested by</p> <p>3 the NAC. Do you see that?</p> <p>4 A. Um-hum.</p> <p>5 Q. So it's three months business statements,</p> <p>6 balance sheet, income statement, cash flow</p> <p>7 statement, personal guarantee and credit report,</p> <p>8 Dun and Bradstreet credit report, certificate of</p> <p>9 good standing, and proof of insurance.</p> <p>10 And is it your understandings that in</p> <p>11 March of 2015 the NAC was requesting all of these</p> <p>12 financial disclosures?</p> <p>13 A. I don't remember.</p> <p>14 Q. Do you see how in each bullet point after</p> <p>15 the specific financial item is listed there's a</p> <p>16 parenthetical, all caps. It says "Not in minimum</p> <p>17 standards." Do you see that?</p> <p>18 A. Yeah. There's a -- in parentheses after</p> <p>19 several of the statements, if not all.</p> <p>20 Q. And so was it your understanding that at</p> <p>21 this point in time Boston Executive Helicopters</p> <p>22 was communicating to the Norwood Airport</p> <p>23 Commission that it felt that the requests for</p> <p>24 financial information was beyond the scope of</p>

<p style="text-align: right;">Page 158</p> <p>1 what was allowed under the minimum standards?</p> <p>2 A. I don't know what they thought.</p> <p>3 Q. Okay. The letter you said you thought</p> <p>4 was part of your packet; right?</p> <p>5 A. Um-hum.</p> <p>6 Q. And so you would have read this document</p> <p>7 at some point in or about March of 2015?</p> <p>8 A. I'd image, yeah.</p> <p>9 Q. And so you were aware of BEH's position</p> <p>10 that many of the financial requests being made by</p> <p>11 the NAC were not part of the minimum standards;</p> <p>12 is that correct?</p> <p>13 A. They made a statement that they're not in</p> <p>14 the minimum standards.</p> <p>15 Q. Did you disagree with that?</p> <p>16 A. I take them at their word. It may not</p> <p>17 be. I don't know.</p> <p>18 Q. And so did you have a discussion, either</p> <p>19 in open or executive session, regarding BEH's</p> <p>20 position that the commission was asking it for</p> <p>21 more financial disclosure than was authorized</p> <p>22 under the minimum standards?</p> <p>23 A. Minimum standards -- ask that again.</p> <p>24 Q. Was there -- I'm sorry. Was there any</p>	<p style="text-align: right;">Page 160</p> <p>1 this type of financial information as being --</p> <p>2 strike that.</p> <p>3 Let me try that again.</p> <p>4 As a member of the commission, you were</p> <p>5 aware that BEH believed that the commission</p> <p>6 lacked authority to request financial items that</p> <p>7 were beyond the scope of the minimum standards.</p> <p>8 Correct?</p> <p>9 A. No, I don't believe that.</p> <p>10 Q. Well, I showed you a document that's been</p> <p>11 marked as Exhibit 158. It's a letter from -- I'm</p> <p>12 sorry -- 160, which is a letter from BEH's</p> <p>13 counsel --</p> <p>14 A. Um-hum.</p> <p>15 Q. -- to the commission, and you said that</p> <p>16 you thought you'd read it. Correct?</p> <p>17 A. I think I probably read it.</p> <p>18 Q. So you were aware of BEH's position that</p> <p>19 the NAC's request for financial disclosure not</p> <p>20 included in the minimum standards was beyond the</p> <p>21 authority of the commission?</p> <p>22 A. No. You're asking me to infer something.</p> <p>23 If you're asking me if I believe we had the</p> <p>24 authority --</p>
<p style="text-align: right;">Page 159</p> <p>1 discussion, either in open or executive session,</p> <p>2 regarding the fact that BEH was communicating to</p> <p>3 the NAC that it believed the financial requests</p> <p>4 were beyond the scope of what's allowed under the</p> <p>5 minimum standards?</p> <p>6 A. I don't remember any specific discussion</p> <p>7 like that.</p> <p>8 Q. Okay. Do you remember having any</p> <p>9 discussion with town counsel about that</p> <p>10 particular position being taken by BEH?</p> <p>11 A. Again, I don't remember anything</p> <p>12 specific.</p> <p>13 Q. Did you form an opinion, as a member of</p> <p>14 the commission, regarding BEH's position that it</p> <p>15 was beyond the authority of the commission to</p> <p>16 request financial disclosure that was not</p> <p>17 specifically listed in the minimum standards?</p> <p>18 A. You asked me if I believe the commission</p> <p>19 has the ability to ask --</p> <p>20 Q. I think I asked your understanding as a</p> <p>21 member of the commission. Did you form an</p> <p>22 opinion, your own opinion, as a member of the</p> <p>23 commission, as to whether or not BEH's position</p> <p>24 that the commission lacked authority to ask for</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. No. I'm asking you if you understand</p> <p>2 BEH's position. So there's a letter --</p> <p>3 A. You tell me what BEH's position is then.</p> <p>4 Q. It's in the letter.</p> <p>5 A. Where?</p> <p>6 Q. Okay. I'll step back. It's okay.</p> <p>7 The letter that's been marked as 160 has</p> <p>8 several bullet points describing financial</p> <p>9 information that was requested by the NAC; right?</p> <p>10 A. Let me -- to shortcut you. That does not</p> <p>11 say that they believe that we don't have the</p> <p>12 authority to ask for it. This says they're not</p> <p>13 in the minimum standards.</p> <p>14 Q. Fair enough. Let me restate the</p> <p>15 question. You're aware that BEH's position was</p> <p>16 that request of certain financial information was</p> <p>17 not in the minimum standards?</p> <p>18 A. I suppose I would have been at the time.</p> <p>19 I don't specifically recall that.</p> <p>20 Q. And so did you form --</p> <p>21 A. To get to the -- it was -- I always</p> <p>22 thought it was -- the reason that they weren't</p> <p>23 giving us the information was because of the not</p> <p>24 wanting to disclose it in public. I never</p>

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<p>1 realized that it was for another reason. To me, 2 it was always "We just don't want to let anyone 3 else see it." 4 I didn't think it was because -- for any 5 other reason. 6 Q. Okay. So you didn't form an opinion as 7 to whether or not it was beyond the scope of your 8 authority as a commission to request this type of 9 financial information? 10 A. I never formed an opinion other than I 11 thought we had the authority to ask for it. 12 Q. And that authority was based on what? 13 A. Like I said, I previously looked at 14 what -- it was -- I believe, and I could be 15 wrong, but I believe that it's an unusual thing 16 for a company to request to be an FBO on an 17 airport this size without -- usually it's an RFP 18 or something like that. 19 So I started to take a little bit of a 20 look at it. And that was one of the things that, 21 in my mind, I would have wanted to look at 22 anyway, but it seemed like almost all of them 23 asked for that type of information. Just to see 24 who the company was and what they did and how --</p>	<p>1 May 26, 2015. Again, is this the type of 2 communication that would be shared with the 3 commission in its regular meeting packet? 4 A. I believe it would have been in our 5 package. 6 Q. Do you recall seeing this letter 7 specifically? 8 A. I don't recall this letter specifically. 9 Q. Okay. 10 (Exhibit No. 162 marked for 11 identification.) 12 BY MR. FEE: 13 Q. Showing you 162. Another letter from Mr. 14 McCulloch to Mr. Moss dated June 17, 2015. Have 15 you seen this before? 16 A. I would believe this would be a similar 17 thing that would have been included in our 18 package. 19 Q. Do you have any specific recollection of 20 seeing this before? 21 A. No. Well, I mean, you know, in vague -- 22 I know this was talked about, but I don't 23 specifically remember when. 24 Q. And it involves the requirement of spill</p>
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<p>1 Q. But we talked before about the minimum 2 standards, and you agreed that the commission was 3 bound by them. Correct? 4 A. Those minimum standards are put out by 5 the commission. 6 Q. Right. And they're obligated to follow 7 them; are they not? 8 A. I think we used them as a guideline. 9 Q. So there's a certain amount of discretion 10 that's allowed under the minimum standards? 11 A. I believe that we were -- I was within my 12 authority personally to ask for financial 13 statements if you want to become an FBO. 14 Q. Does it say somewhere in the minimum 15 standards that the commission has the authority 16 to deviate from the actual words or specific 17 items included? 18 A. I don't know. 19 Q. Okay. 20 (Exhibit No. 161 marked for 21 identification.) 22 BY MR. FEE: 23 Q. Showing you 161. It appears to be a 24 letter from Mr. McCulloch to Mr. Moss dated</p>	<p>1 insurance; right? 2 A. Spill coverage, yeah. 3 Q. And that was one of the issues that you 4 described earlier that may have evolved as a 5 substitute for a personal guarantee? 6 A. I would say that was definitely part of 7 it. 8 Q. And do you know for sure whether or not 9 the commission voted to take spill insurance in 10 lieu of the personal guarantee? 11 A. I don't remember and I don't think it 12 would have been just specifically spill 13 insurance. I think it would have been, you know, 14 overall insurance. I think the spill insurance 15 would have been part of it. 16 Q. So let me be more general in my question. 17 Do you recall at any time the commission taking a 18 vote to allow BEH to provide insurance in lieu of 19 a personal guarantee in support of its FBO 20 application? 21 A. I don't specifically remember that, but I 22 don't believe we were waiting for that. So I 23 imagine that's not something we're looking for. 24 Q. At what point did it cease to become an</p>

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<p>1 issue?</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you know why it ceased to become an</p> <p>4 issue?</p> <p>5 A. I could speculate.</p> <p>6 MR. SIMMS: Don't speculate.</p> <p>7 BY MR. FEE:</p> <p>8 Q. Don't speculate.</p> <p>9 MR. SIMMS: If you don't know, that's</p> <p>10 your answer.</p> <p>11 A. Yeah. I think I --</p> <p>12 MR. SIMMS: You were about to say, "I</p> <p>13 could speculate."</p> <p>14 A. Well, I could say what I said before.</p> <p>15 BY MR. FEE:</p> <p>16 Q. Which is? Just remind me. I'm sorry.</p> <p>17 I'm thick sometimes.</p> <p>18 A. Well, you just said it. That it was in</p> <p>19 lieu of a personal guarantee.</p> <p>20 Q. Okay. And was it recent that it was</p> <p>21 determined that insurance was a suitable</p> <p>22 substitute for personal guarantee?</p> <p>23 A. Again, I don't remember when.</p> <p>24 Q. You know, I attended a NAC meeting not</p>	<p>1 application, became satisfied?</p> <p>2 A. I don't know.</p> <p>3 Q. And you don't know if that was in 2017 or</p> <p>4 2016 or 2015?</p> <p>5 A. I would suspect -- I don't know for sure,</p> <p>6 so I can't say.</p> <p>7 BY MR. FEE:</p> <p>8 Q. Do you know -- I mean, was there a formal</p> <p>9 vote taken by the commission to determine that</p> <p>10 everything had been submitted by BEH that was</p> <p>11 required for an FBO with the exception of the</p> <p>12 fueling plan?</p> <p>13 A. I don't recall.</p> <p>14 Q. If there was a vote taken regarding FBO</p> <p>15 status for BEH, that would be reflected in the</p> <p>16 minutes; would it not?</p> <p>17 A. I would think. I mean, we've had lots</p> <p>18 of, you know, discussions with -- about BEH in</p> <p>19 the past many years so --</p> <p>20 Q. So what's your understanding of what is</p> <p>21 required in the fueling plan?</p> <p>22 A. I would expect that they would show their</p> <p>23 building. They would show their -- you know, the</p> <p>24 drawing would be an engineered drawing showing</p>
Page 167	Page 169
<p>1 too far in the past, and it was communicated to</p> <p>2 Mr. Donovan and BEH that all of the prior</p> <p>3 requirements had been satisfied for the issuance</p> <p>4 of an FBO. Is that your understanding?</p> <p>5 A. I think we're waiting for the fueling</p> <p>6 plan.</p> <p>7 Q. With the exception of the fueling plan,</p> <p>8 all of the other requirements that had previously</p> <p>9 been communicated to him were now satisfied. Is</p> <p>10 that fair to say?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And do you know when the</p> <p>13 commission made the determination that all of</p> <p>14 those prior requirements had been satisfied?</p> <p>15 A. I don't recall when that was.</p> <p>16 Q. Was it in 2017?</p> <p>17 A. I don't know. I mean, this is -- we're</p> <p>18 still waiting. To me, we're still waiting for --</p> <p>19 you know, it's not finished.</p> <p>20 Q. I understand you're waiting for a fueling</p> <p>21 plan, but my question is different. My question</p> <p>22 is: When was it determined by the commission</p> <p>23 that all of the other requirements that had been</p> <p>24 previously communicated to BEH, regarding his FBO</p>	<p>1 their buildings, the taxiway in, the exact</p> <p>2 location of the tanks, how they propose to fill</p> <p>3 the tanks, where they would park a tanker, when</p> <p>4 they would park it.</p> <p>5 There are some taxiway or object-free</p> <p>6 areas which I personally would be willing to try</p> <p>7 and work out somehow. I know it would affect</p> <p>8 some of the other hangers, but if that's the</p> <p>9 sticking points, then I think -- I'd like to</p> <p>10 think that could somehow be worked out.</p> <p>11 They need to make sure that they're not</p> <p>12 going to -- I know there's some issues with the</p> <p>13 neighboring leasehold.</p> <p>14 Q. Between F and G?</p> <p>15 A. We're trying to hopefully work something</p> <p>16 out that wouldn't be required or be a hindrance.</p> <p>17 But generally, how are you going to fill your</p> <p>18 tanks? And, you know, they're going to have</p> <p>19 mobile fuelers, I assume.</p> <p>20 If the lease on the ramp is finalized,</p> <p>21 that's primarily maybe where they would fuel, you</p> <p>22 know, planes and so forth. That's -- I think</p> <p>23 that the fueling plan provided by FlightLevel</p> <p>24 should give them a -- kind of like a template to</p>

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<p>1 follow, if that makes sense. I think that's been 2 made available. 3 Q. And when was the fueling plan requested 4 or provided by FlightLevel? 5 A. Recently. This year. 6 Q. And what was the reason for asking 7 FlightLevel to provide that? 8 A. I don't remember. 9 Q. Was that a vote of the commission? 10 A. I don't remember. 11 Q. Was it on advice of counsel? 12 A. I don't remember. 13 Q. Were you on the board when FlightLevel 14 initially came to the airport? 15 A. You know, I -- it always seems like 16 they've been there, but I couldn't say that for 17 sure. 18 Q. Do you have any recollection of 19 evaluating their FBO request? 20 A. I don't. 21 Q. Have you had any occasion to look at the 22 materials that FlightLevel submitted in 23 connection with its FBO request back in 2008? 24 A. I don't remember that.</p>	<p>1 incident with snow removal, and then FlightLevel 2 put up some barriers. They're not Jersey 3 barriers, but they're -- you fill these barriers 4 to the -- at the -- kind of like lease line. 5 And that proceeded into, you know, a 6 dispute between whether they were allowed to put 7 them up or -- there was some kind of ongoing 8 dispute on some letter that the previous tenant 9 had provided access to the leased area, and did 10 it carry over to the existing tenant and so 11 forth. 12 But as far as I'm aware, it's still 13 ongoing. 14 Q. And was it your understanding -- were you 15 on the commission when both FlightLevel and BEH 16 came before the board and presented their various 17 arguments about this issue? 18 A. Yes. 19 Q. Okay. And as a result of that 20 presentation -- first of all, when was that? Was 21 it in the winter? 22 A. Yeah. It would have been in the winter. 23 Q. Winter of 2015? 24 A. It could have been. I don't really</p>
Page 171	Page 173
<p>1 (Exhibit No. 163 marked for 2 identification.) 3 BY MR. FEE: 4 Q. Mr. Shaughnessy, I've shown you 163. It 5 appears to be a letter dated July 17, 2015, from 6 Mr. McCulloch to Mr. Moss. Have you ever seen 7 this one before? 8 A. It would fall under the same category. 9 It must have been in our packet. I don't recall 10 it specifically. 11 Q. Okay. Do you recall, as a member of the 12 commission, dealing with some unpleasantness 13 between FlightLevel and BEH regarding the 14 erection of barriers between Lots F and G? 15 A. I'm aware of the incident. I believe 16 there's ongoing litigation. 17 Q. Do you know what gave rise to that 18 incident? 19 A. Yeah. 20 Q. Was it in connection with some snow 21 removal? 22 A. Do you want me to describe what I -- 23 Q. Sure. That would be great. Thanks. 24 A. So my recollection is that there was some</p>	<p>1 remember exactly when it was. 2 Q. But you recall them coming before the 3 board? 4 A. Sure. 5 Q. And do you recall what conclusion the 6 board or the commission drew from those 7 presentations? 8 A. I think when it was all said and done, we 9 decided to let them -- it wasn't for us to decide 10 this type of lease disagreement, and they were 11 going to proceed -- I think they had already kind 12 of gone the litigation route. So we decided to 13 let that take its own course. 14 Q. Okay. You directed them to settle their 15 dispute in civil court? 16 A. I don't know if -- I think we simply -- 17 yeah. Or we decided not to get involved and it 18 wasn't our -- really, our position was it wasn't 19 ours to settle. We didn't have that authority. 20 Q. Okay. 21 (Exhibit No. 164 marked for 22 identification.) 23 BY MR. FEE: 24 Q. I'm going to show you a meeting agenda</p>

<p style="text-align: right;">Page 174</p> <p>1 that has been marked as Exhibit 164. It appears</p> <p>2 to be a meeting agenda for September 30, 2015.</p> <p>3 And the third bullet point under "Old Business."</p> <p>4 It says "Update. FlightLevel Norwood, Lot G</p> <p>5 environmental spill. Potential executive</p> <p>6 session, purpose five.</p> <p>7 "To investigate charges of criminal</p> <p>8 misconduct or to consider the filing of criminal</p> <p>9 complaints." Do you see that?</p> <p>10 A. Um-hum. I do see it.</p> <p>11 Q. Do you know what that refers to?</p> <p>12 A. The -- I believe it refers to -- there</p> <p>13 was a video of what I believe to be Mr. Donovan</p> <p>14 and someone who works for him tipping over these</p> <p>15 barriers that I spoke about that had a</p> <p>16 potentially hazardous liquid in them.</p> <p>17 Q. And when did that occur?</p> <p>18 A. I imagine it was around this time frame.</p> <p>19 Q. If I said to you that the conduct that</p> <p>20 you're describing occurred in February of 2015,</p> <p>21 would that surprise you?</p> <p>22 A. It would. I'd have to think about what</p> <p>23 the criminal complaint was. Maybe you could tell</p> <p>24 me. I don't remember.</p>	<p style="text-align: right;">Page 176</p> <p>1 Norwood police detective. I don't know how long</p> <p>2 that took.</p> <p>3 Q. Okay. So that would be the only reason</p> <p>4 that you can think of there might be some delay?</p> <p>5 A. I don't remember.</p> <p>6 Q. Okay.</p> <p>7 (Exhibit No. 165 marked for</p> <p>8 identification.)</p> <p>9 BY MR. FEE:</p> <p>10 Q. 165. It appears to be a document</p> <p>11 previously marked as Exhibit 45. It's a letter</p> <p>12 dated May 1, 2014, from Mr. Donovan to the State</p> <p>13 Ethics Commission. Have you ever seen this</p> <p>14 before?</p> <p>15 A. No -- well, actually, I think we may have</p> <p>16 looked at this the other day. That would have</p> <p>17 been the first time I had seen it.</p> <p>18 Q. Do you recall --</p> <p>19 MR. SIMMS: Do you want to -- so the</p> <p>20 record is clear, do you want to say who the "we"</p> <p>21 is?</p> <p>22 THE WITNESS: I'm sorry.</p> <p>23 MR. SIMMS: Without going into detail</p> <p>24 about the discussions.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. I'm asking you what your understanding of</p> <p>2 this -- and as far as I can tell, your testimony</p> <p>3 was that it was about tipping over barriers.</p> <p>4 A. That's what I -- I shouldn't have said</p> <p>5 that.</p> <p>6 Q. Well, you don't know what it was?</p> <p>7 A. I'm looking at September 30th, and you</p> <p>8 said it was the winter. So it probably couldn't</p> <p>9 have been that.</p> <p>10 Q. That's my question. I'm wondering why</p> <p>11 there was such a gap of time between the actual</p> <p>12 conduct and then the commission's decision to</p> <p>13 investigate it as --</p> <p>14 A. I'm going to take back what I said. I</p> <p>15 don't remember specifically. I think that -- I</p> <p>16 don't remember any other things that we would</p> <p>17 have looked at other than that. That's the only</p> <p>18 incident I remember.</p> <p>19 Q. Right. And you don't recall why there</p> <p>20 was such a gap in time between the actual events</p> <p>21 at issue and the decision of the board to hold an</p> <p>22 executive session for the purposes of</p> <p>23 investigating charges of criminal misconduct?</p> <p>24 A. There was an ongoing investigation by a</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Adam Simms, counsel, showed it to me the</p> <p>2 other day.</p> <p>3 BY MR. FEE:</p> <p>4 Q. Okay. Thank you for sharing that.</p> <p>5 It talks about an ethics commission</p> <p>6 complaint filed against you by Mr. Donovan.</p> <p>7 Correct?</p> <p>8 A. That's what it says.</p> <p>9 Q. And do you recall the circumstances of</p> <p>10 this event?</p> <p>11 A. I remember getting a call from someone</p> <p>12 from the ethics commission probably around this</p> <p>13 time frame.</p> <p>14 Q. And what transpired?</p> <p>15 A. He asked me several questions. I never</p> <p>16 knew who it was that filed the -- they don't let</p> <p>17 you know. So just finding out a few days ago</p> <p>18 that it was Chris. They just asked me questions</p> <p>19 about -- it had do with --</p> <p>20 I was on the Norwood Basketball</p> <p>21 Association Executive Committee, and we run a</p> <p>22 fundraiser every year. Chris was asked to</p> <p>23 donate. And so they told me that you really</p> <p>24 shouldn't ask anyone on the airport to donate</p>

<p style="text-align: right;">Page 178</p> <p>1 money. So I never did it again nor did he</p> <p>2 donate, by the way.</p> <p>3 Q. So I'm clear. Is it your testimony that</p> <p>4 the first time you learned that Mr. Donovan had</p> <p>5 filed the ethics commission complaint was when</p> <p>6 you met with Mr. Simms recently?</p> <p>7 A. Yes. I suspected because one of the</p> <p>8 questions was specific to Mr. Donovan. It was an</p> <p>9 e-mail, but I didn't know. I mean, it could have</p> <p>10 been from anyone really.</p> <p>11 Q. Okay. But you didn't know for sure that</p> <p>12 Mr. Donovan was the person who had filed the</p> <p>13 ethics complaint until recently?</p> <p>14 A. It never really came to anything so I</p> <p>15 didn't give it much thought. It was just kind of</p> <p>16 a "don't do that" type of a thing.</p> <p>17 Q. Okay.</p> <p>18 MR. FEE: Can we take five minutes?</p> <p>19 MR. SIMMS: Sure.</p> <p>20 (Recess taken at 3:18 p.m.)</p> <p>21 (Deposition resumed at 3:28 p.m.)</p> <p>22 (Exhibit No. 166 marked for</p> <p>23 identification.)</p> <p>24</p>	<p style="text-align: right;">Page 180</p> <p>1 happened.</p> <p>2 Q. And so these events occurred in or about</p> <p>3 February of 2015? Is that your recollection?</p> <p>4 A. I would have to -- I don't remember. But</p> <p>5 based on this, I would say yes.</p> <p>6 Q. And do you recall when the barriers were</p> <p>7 erected that you mentioned?</p> <p>8 A. I don't.</p> <p>9 Q. Was it at or about the same time?</p> <p>10 A. It would make sense that it was before</p> <p>11 this.</p> <p>12 Q. Okay. I'm going to show you Exhibit 139.</p> <p>13 Take a look at that, and let me know after you've</p> <p>14 read it.</p> <p>15 A. What's the question?</p> <p>16 MR. SIMMS: There's no question.</p> <p>17 BY MR. FEE:</p> <p>18 Q. I just said take a look at Exhibit 139,</p> <p>19 and let me know when you've read it.</p> <p>20 A. I read it. Just kind of perused it.</p> <p>21 Q. Okay. I'll ask some general questions.</p> <p>22 So 139 appears to be a letter dated July 19,</p> <p>23 2013, from Mr. Maguire to Mr. Donovan. And it</p> <p>24 suggests or it says:</p>
<p style="text-align: right;">Page 179</p> <p>1 BY MR. FEE:</p> <p>2 Q. We were talking earlier about the conduct</p> <p>3 giving rise to the criminal investigation, and</p> <p>4 there was some lack of clarity as to when the</p> <p>5 actual events occurred that were the subject</p> <p>6 matter of the October executive session meeting.</p> <p>7 So I'm showing you a document that's been</p> <p>8 marked as Exhibit 166. It appears to be the</p> <p>9 business meeting minutes from February 11, 2015.</p> <p>10 And on the second page under "Correspondence,"</p> <p>11 there's a bullet point that says "Discussed</p> <p>12 notice of trespass, cease and desist about</p> <p>13 snowfall.</p> <p>14 "Mr. Ryan asked that Mr. Donovan and Mr.</p> <p>15 Eichleay come to an agreement together. This is</p> <p>16 a dispute over lease of easement. Gets settled</p> <p>17 in superior court. Can't decide it here."</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Does that refresh your recollection as to</p> <p>21 the events that took place between FlightLevel</p> <p>22 and Boston Executive Helicopters?</p> <p>23 A. It puts the time frame better. I don't</p> <p>24 think I -- I think I understand more or less what</p>	<p style="text-align: right;">Page 181</p> <p>1 "As a matter of record, during its</p> <p>2 monthly public meeting held Wednesday, July 17,</p> <p>3 2013, the NAC met with your company, Boston</p> <p>4 Executive Helicopters, to specifically resolve</p> <p>5 two outstanding matters. These involved --"</p> <p>6 And number two, "BEH's fueling plans and</p> <p>7 procedures with respect to the TOFA and the</p> <p>8 abutting interest of others."</p> <p>9 And it says "As for the second concern,</p> <p>10 identifying BEH's fueling plan, at Wednesday's</p> <p>11 meeting your company delivered to the airport</p> <p>12 commission documents that now more</p> <p>13 comprehensively address BEH's fueling plans and</p> <p>14 procedures especially with respect to the TOFA</p> <p>15 and the abutting property interests of others."</p> <p>16 My question is: Is it your belief and</p> <p>17 understanding that as of July 2013, BEH had</p> <p>18 submitted to the commission sufficient</p> <p>19 documentation to resolve any questions that the</p> <p>20 commission had regarding fueling plans and the</p> <p>21 TOFA?</p> <p>22 A. I don't recall that at all. I think</p> <p>23 we've been looking for that for years. Do you</p> <p>24 have a copy of it?</p>

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<p>1 Q. I'm asking you about Exhibit 139.</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you recall seeing this letter?</p> <p>4 A. Once again, I don't remember the letter</p> <p>5 specifically.</p> <p>6 Q. Do you recall being at the meeting where</p> <p>7 BEH presented additional information regarding</p> <p>8 its plans to fuel and with respect to the TOFA?</p> <p>9 A. I don't.</p> <p>10 Q. Do you have any reason to believe that</p> <p>11 this letter from Mr. Maguire to Mr. Donovan did</p> <p>12 not express the intent of the commission?</p> <p>13 A. I don't believe I've ever seen a fueling</p> <p>14 plan, if that's what you're asking me.</p> <p>15 Q. I'm asking if you have any reason to</p> <p>16 believe there's anything inaccurate about this</p> <p>17 letter.</p> <p>18 A. Because I don't believe I've ever seen a</p> <p>19 comprehensive fueling plan, I would say that it's</p> <p>20 not accurate.</p> <p>21 Q. Okay. So it's a letter from Mr. Maguire</p> <p>22 to Mr. Donovan dated July 19, 2013. Correct?</p> <p>23 A. It is.</p> <p>24 Q. And you believe that there's something</p>	<p>1 few questions.</p> <p>2 A. I guess I'm ready. I've seen a bigger</p> <p>3 copy of this.</p> <p>4 Q. If you have trouble reading it at all, I</p> <p>5 have a magnifying glass. And just let me know if</p> <p>6 you need -- if it's in any way difficult to --</p> <p>7 A. Thank you.</p> <p>8 Q. -- answer my question.</p> <p>9 So earlier I asked you if FlightLevel had</p> <p>10 provided a fueling plan, and you said yes.</p> <p>11 Correct?</p> <p>12 A. Correct.</p> <p>13 Q. And is this the plan that was provided by</p> <p>14 FlightLevel in or about February of 2017?</p> <p>15 A. I believe it is.</p> <p>16 Q. Okay. And do you know if this plan --</p> <p>17 who reviewed this plan on the commission?</p> <p>18 A. This was given to -- I imagine it was</p> <p>19 given to Russ Maguire and then we were given it.</p> <p>20 Q. So it was presented to the full</p> <p>21 commission. Was it part of your packet at some</p> <p>22 point?</p> <p>23 A. Yes.</p> <p>24 Q. And did the commission vote to approve</p>
Page 183	Page 185
<p>1 inaccurate about it. Is that fair to say?</p> <p>2 A. I can't be sure because I don't know what</p> <p>3 "respect to TOFA" means. So it could be</p> <p>4 accurate. In my mind, I'm thinking that I</p> <p>5 haven't seen a fueling plan. So that could be</p> <p>6 inaccurate, but I can't say for sure it's</p> <p>7 inaccurate.</p> <p>8 Q. Do you know what TOFA is?</p> <p>9 A. Yeah. Object-free area taxiway.</p> <p>10 Q. And you don't recall the meeting in which</p> <p>11 BEH presented information regarding its plans for</p> <p>12 fueling in the TOFA?</p> <p>13 A. I'm sorry. I don't.</p> <p>14 Q. Okay.</p> <p>15 (Exhibit No. 167 marked for</p> <p>16 identification.)</p> <p>17 BY MR. FEE:</p> <p>18 Q. I'm going to show you a document that's</p> <p>19 been marked as Exhibit 167. It appears to be a</p> <p>20 fueling restriction plan for Lot G at Norwood</p> <p>21 Airport prepared for FlightLevel dated February</p> <p>22 14, 2017.</p> <p>23 We talked about this a little bit before.</p> <p>24 If you could study it for a minute, I just have a</p>	<p>1 it?</p> <p>2 A. I don't remember.</p> <p>3 Q. Okay. Do you know if there was anything</p> <p>4 communicated to FlightLevel with respect to what</p> <p>5 should be shown on the plan?</p> <p>6 A. I don't. I -- no, I don't.</p> <p>7 Q. Who determined that FlightLevel should</p> <p>8 submit a fueling restriction plan?</p> <p>9 A. It came up at a meeting recently, but I</p> <p>10 don't remember the specifics.</p> <p>11 Q. Was it advised by counsel?</p> <p>12 A. I don't believe it was.</p> <p>13 Q. Okay. And you're not sure what</p> <p>14 requirements for the plan were communicated to</p> <p>15 FlightLevel; is that correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. So do you know if -- just looking</p> <p>18 at the plan, can you tell me if it indicates the</p> <p>19 location or the size of fuel tanks?</p> <p>20 A. I -- it doesn't appear to show -- I</p> <p>21 believe it shows where the fueling area is. I</p> <p>22 don't see the size of the fueling tanks on this</p> <p>23 plan.</p> <p>24 Q. Does it show all fixed structures?</p>

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<p>1 A. Can you --</p> <p>2 Q. All fixed structures within the area</p> <p>3 depicted?</p> <p>4 MR. SIMMS: Objection. Go ahead.</p> <p>5 A. You'd have to be more specific.</p> <p>6 BY MR. FEE:</p> <p>7 Q. Well, does it show -- I mean, it clearly</p> <p>8 shows buildings. Correct?</p> <p>9 A. Yes.</p> <p>10 Q. But does it show other structures like</p> <p>11 light poles and hydrants and security cameras and</p> <p>12 things of that nature? Other fixed structures.</p> <p>13 A. This plan shows what it shows. I don't</p> <p>14 see any hydrants.</p> <p>15 Q. Okay.</p> <p>16 A. I see gates. I see setbacks and where</p> <p>17 the buildings are.</p> <p>18 Q. Right. It just shows buildings.</p> <p>19 A. Taxiways.</p> <p>20 Q. In terms of fixed structures, it only</p> <p>21 shows buildings. Is that fair to say?</p> <p>22 A. There were a lot -- there's some detail</p> <p>23 on this that I wouldn't be able to tell what it</p> <p>24 is, but it seems to be lacking some of the things</p>	<p>1 that's where they refuel the -- they put the</p> <p>2 mobile fuelers.</p> <p>3 Q. Okay.</p> <p>4 A. It doesn't specifically say mobile</p> <p>5 fuelers.</p> <p>6 Q. Okay. Does it show where the mobile</p> <p>7 fuelers park?</p> <p>8 A. I don't see any specific note that says</p> <p>9 parking for mobile fuelers.</p> <p>10 Q. Is there any delineation between where</p> <p>11 jet fuel is stored and where avgas is stored or</p> <p>12 is it all just one big -- is it all the same?</p> <p>13 MR. SIMMS: Objection. Beyond the scope.</p> <p>14 Go ahead.</p> <p>15 A. I don't see anything specific to avgas or</p> <p>16 jet fuel on the plan.</p> <p>17 BY MR. FEE:</p> <p>18 Q. Does it show the self-fueling cabinet</p> <p>19 that FlightLevel has?</p> <p>20 A. It's not labeled, but I believe it does.</p> <p>21 Q. Where is it?</p> <p>22 A. Is that the square right under the</p> <p>23 arrows?</p> <p>24 Q. Which page are you on? Can you just mark</p>
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<p>1 you mentioned.</p> <p>2 Q. Does it show where mobile fuelers are</p> <p>3 filled?</p> <p>4 A. It shows the refueling area where the</p> <p>5 tanks are.</p> <p>6 Q. But does it show where the mobile fuelers</p> <p>7 are filled? Does it specify that?</p> <p>8 A. I think that's the refueling area, but I</p> <p>9 don't know.</p> <p>10 Q. There's no note about what happens in the</p> <p>11 refueling area. It's just marked.</p> <p>12 A. I think because I have a general</p> <p>13 knowledge of the -- I've seen it happen before.</p> <p>14 I kind of have an idea what happens, but maybe</p> <p>15 that's why I think it's a refueling area.</p> <p>16 Q. I see that it's designated refueling</p> <p>17 area. But feel free to educate me because I am</p> <p>18 by no means an expert on reading plans. But I</p> <p>19 see where it says refueling area, but I don't see</p> <p>20 a specific designation of where mobile fuelers</p> <p>21 are to be filled.</p> <p>22 And that's my question. Am I missing</p> <p>23 that or is that missing from the plan?</p> <p>24 A. It is -- unless the refueling area means</p>	<p>1 it, please.</p> <p>2 A. It doesn't say that, but I'm just saying</p> <p>3 "I think."</p> <p>4 Q. So you've just marked it with a circle.</p> <p>5 Just put a 1 on that. That is designating where</p> <p>6 you think the self-fueling cabinet is located.</p> <p>7 Okay.</p> <p>8 Does this show anything about the --</p> <p>9 strike that.</p> <p>10 What about the FlightLevel fueling box?</p> <p>11 Is that clearly indicated on the plan?</p> <p>12 A. I don't know what a --</p> <p>13 Q. FlightLevel fueling box.</p> <p>14 A. What's a fueling box?</p> <p>15 Q. Good question. You don't know what a</p> <p>16 fueling box is?</p> <p>17 A. No.</p> <p>18 Q. Okay. Do you know -- does this show TOFA</p> <p>19 and OFA gate lanes?</p> <p>20 MR. SIMMS: Same objection. Go ahead.</p> <p>21 A. I see taxiways labeled on gate 3 and gate</p> <p>22 2. I see the taxiway at the end of gate 2 is</p> <p>23 labeled. It doesn't say what it is. I think</p> <p>24 it's C maybe.</p>

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<p>1 BY MR. FEE:</p> <p>2 Q. Does this designate in any way the scope</p> <p>3 of the easement that's between lots F and G?</p> <p>4 Does it address that issue at all?</p> <p>5 A. No, I don't believe it does.</p> <p>6 Q. Okay. Does it show the location of</p> <p>7 aircraft on Lots X, Y, or Z or A, B, and C?</p> <p>8 A. I don't see any aircraft located on</p> <p>9 either plan.</p> <p>10 Q. Okay. And so it doesn't show how --</p> <p>11 A. I'm sorry. It does say airplane parking</p> <p>12 on Lot 6.</p> <p>13 Q. Where? I'm sorry which -- can you just</p> <p>14 point to it?</p> <p>15 A. Airplane parking, and below that it says</p> <p>16 helicopter use.</p> <p>17 Q. Can you just put a 2 where you're</p> <p>18 pointing?</p> <p>19 A. Sure. So you're talking about the</p> <p>20 airplane parking?</p> <p>21 Q. Right. So you've designated with a 2 the</p> <p>22 area on the plan you feel indicates where</p> <p>23 airplanes are parked for -- during fueling;</p> <p>24 right?</p>	<p>1 A. I don't know.</p> <p>2 Q. Do you know if it was approved or</p> <p>3 reviewed by the FAA?</p> <p>4 A. I don't know.</p> <p>5 Q. So is it your understanding that the only</p> <p>6 body that you know reviewed or approved this is</p> <p>7 the commission?</p> <p>8 A. Yes.</p> <p>9 Q. And is it your belief that this is in</p> <p>10 compliance with all the NAC rules and</p> <p>11 regulations?</p> <p>12 A. It certainly is a fueling plan that shows</p> <p>13 us how they're going to, at least, fill their</p> <p>14 tankers.</p> <p>15 Q. Okay.</p> <p>16 A. It gives the setbacks from the buildings,</p> <p>17 but that's what the red is. The 25 feet you're</p> <p>18 supposed to maintain. And it's an engineered</p> <p>19 drawing so the boundaries are -- have been</p> <p>20 surveyed.</p> <p>21 Q. Okay.</p> <p>22 MR. FEE: All right. I have no further</p> <p>23 questions. Do you have any?</p> <p>24 MR. SIMMS: I might.</p>
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<p>1 A. No. It just says airplane parking.</p> <p>2 Q. Okay. So that doesn't mean that that's</p> <p>3 where airplanes will be fueled; right?</p> <p>4 A. Right.</p> <p>5 Q. Okay.</p> <p>6 A. I don't know what it means. That's</p> <p>7 awfully small print.</p> <p>8 Q. Okay. Well, I'm happy to give you -- do</p> <p>9 you need the magnifying glass?</p> <p>10 A. No. It's just as I look, I see more</p> <p>11 areas where it says airplane parking.</p> <p>12 Q. That's great. Circle them and put a 2</p> <p>13 next to them.</p> <p>14 But so we're clear, you're not sure</p> <p>15 whether that indicates where airplanes are fueled</p> <p>16 or just parked.</p> <p>17 A. It's not specific. I don't think that --</p> <p>18 I think you can fuel. I don't think they have to</p> <p>19 get next to the -- when you have mobile fuelers,</p> <p>20 I think the mobile fuelers go to the planes.</p> <p>21 Q. Okay. All right. Was this plan approved</p> <p>22 by the fire chief?</p> <p>23 A. I don't know.</p> <p>24 Q. Was it reviewed by the fire chief?</p>	<p>1 EXAMINATION</p> <p>2 BY MR. SIMMS:</p> <p>3 Q. Just a few follow-ups. Exhibit 139,</p> <p>4 which you were asked about just a few minutes</p> <p>5 ago, the bottom of page 1 states "Following your</p> <p>6 company's presentation Wednesday, the NAC</p> <p>7 approved the continuation of your company's</p> <p>8 hanger construction and fuel farm installation."</p> <p>9 Did I read that correctly.</p> <p>10 A. Yes.</p> <p>11 Q. And that letter from Mr. Maguire to Mr.</p> <p>12 Donovan is dated July 19, 2013. Correct?</p> <p>13 A. Correct.</p> <p>14 Q. Now, with respect to the drawings that</p> <p>15 the commission is looking for currently, that</p> <p>16 would be with respect to the as-built, completed</p> <p>17 structures. Meaning, BEH's hanger and fuel farm</p> <p>18 as actually built. Correct?</p> <p>19 A. Correct.</p> <p>20 Q. While we're on that subject, take a look,</p> <p>21 if you would, at what's marked Ryan Exhibit 147,</p> <p>22 the airport commission meeting minutes still in</p> <p>23 draft from June 15, 2017. Page 2, there was a</p> <p>24 discussion -- correct -- of Mr. Donovan or BEH</p>

<p style="text-align: right;">Page 194</p> <p>1 providing the requested fuel plan to the</p> <p>2 commission. Correct?</p> <p>3 A. Correct.</p> <p>4 Q. And there is an entry that states as</p> <p>5 follows "Mr. Fee indicated that BEH will provide</p> <p>6 the plan to the NAC. This is the last document</p> <p>7 necessary for approval of the FBO permit."</p> <p>8 Did I read that correctly.</p> <p>9 A. You did, and that's my understanding.</p> <p>10 Q. Back to what we marked as Exhibit 164,</p> <p>11 the agenda from September 2015. With respect to</p> <p>12 the trespass issues involving and the Jersey</p> <p>13 barriers involving FlightLevel and BEH, did the</p> <p>14 commission ever sanction -- that is assess any</p> <p>15 penalty or anything like that -- against BEH</p> <p>16 stemming from this particular matter?</p> <p>17 A. No.</p> <p>18 Q. Did the commission ever threaten to</p> <p>19 suspend or revoke BEH's commercial permit</p> <p>20 stemming from anything to do with this -- what's</p> <p>21 reflected in the agenda minutes from September</p> <p>22 2015?</p> <p>23 A. No.</p> <p>24 Q. I'll start with you. Did you, Mr.</p>	<p style="text-align: right;">Page 196</p> <p>1 former commission member Oulton Hues registered</p> <p>2 with the FAA. Exhibit 156. Do you recall being</p> <p>3 asked some questions about that earlier today?</p> <p>4 A. I do.</p> <p>5 Q. What action, if any, did the Federal</p> <p>6 Aviation Administration take against the</p> <p>7 commission stemming from Mr. Hues' complaint?</p> <p>8 A. There was a letter from Mary Walsh that</p> <p>9 Attorney Fee showed me, but I don't think there</p> <p>10 was any other action after that.</p> <p>11 Q. That's what I'm getting at. So we went</p> <p>12 over 156. That's the letter Mr. Fee showed you.</p> <p>13 Correct?</p> <p>14 A. Yes.</p> <p>15 Q. Other than this one letter, did the FAA</p> <p>16 take any other administrative action against the</p> <p>17 commission as a result of the complaint filed by</p> <p>18 Oulton Hues against the commission?</p> <p>19 A. No.</p> <p>20 Q. How long have you known Chris Donovan</p> <p>21 approximately? I don't need an exact month and</p> <p>22 year.</p> <p>23 A. Seven or eight years.</p> <p>24 Q. Did you know Mr. Donovan prior to your</p>
<p style="text-align: right;">Page 195</p> <p>1 Shaughnessy, ever file an application for a</p> <p>2 criminal complaint against BEH for any matter</p> <p>3 whatsoever?</p> <p>4 A. No.</p> <p>5 Q. As far as you know, did any member of the</p> <p>6 Norwood Airport Commission ever file an</p> <p>7 application for a criminal complaint against BEH</p> <p>8 or Mr. Donovan in connection with any matter that</p> <p>9 you're aware of?</p> <p>10 A. No.</p> <p>11 Q. What about Mr. Maguire? Same question.</p> <p>12 A. I'm not aware of any instance that he --</p> <p>13 Q. None that you're aware of?</p> <p>14 A. None that I'm aware of.</p> <p>15 Q. So just to close this loop. With respect</p> <p>16 to the Jersey barrier incident as it's sort of</p> <p>17 been referred to involving FlightLevel and BEH,</p> <p>18 whether it actually occurred in the winter of</p> <p>19 2015 or sometime around that period, did the</p> <p>20 commission take any action adverse to BEH's</p> <p>21 interest stemming from this particular incident?</p> <p>22 A. No.</p> <p>23 Q. You were asked some questions, I think</p> <p>24 this was after lunch, about the complaint that a</p>	<p style="text-align: right;">Page 197</p> <p>1 being appointed to the commission?</p> <p>2 A. No.</p> <p>3 Q. Have you had any dealings, personally or</p> <p>4 professionally, with Mr. Donovan other than in</p> <p>5 your capacity as a member of the airport</p> <p>6 commission?</p> <p>7 A. No.</p> <p>8 Q. In the seven or eight years that you have</p> <p>9 known Mr. Donovan, have the two of you ever had,</p> <p>10 what you would call, a heated argument? Yelling,</p> <p>11 raised voices. Just the two of you one-on-one?</p> <p>12 A. No.</p> <p>13 Q. That's never happened. Correct?</p> <p>14 A. No.</p> <p>15 Q. Would you describe the nature of your</p> <p>16 relationship as professionally civil? Cordial?</p> <p>17 A. It's just a -- yeah. I see him at these</p> <p>18 meetings.</p> <p>19 Q. And that's it?</p> <p>20 A. Yeah, typically. I should say I've seen</p> <p>21 him on the airport.</p> <p>22 Q. On occasion?</p> <p>23 A. Yeah.</p> <p>24 MR. SIMMS: I'm all set.</p>

<p style="text-align: right;">Page 198</p> <p>1 MR. FEE: I have no further questions. 2 (Whereupon the deposition was adjourned 3 at 4:07 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 200</p> <p>1 E R R A T A S H E E T 2 I, KEVIN J. SHAUGHNESSY, do hereby 3 certify that I have read the foregoing transcript 4 of my testimony, and further certify that said 5 transcript is a true and accurate record of my 6 testimony (with the exception of the following 7 corrections listed below): 8 Page Line Correction/Reason 9 ----- 10 ----- 11 ----- 12 ----- 13 ----- 14 ----- 15 ----- 16 ----- 17 ----- 18 ----- 19 20 Signed under the pains and penalties 21 of perjury this day of , 2017. 22 23 24 KEVIN J. SHAUGHNESSY</p>
<p style="text-align: right;">Page 199</p> <p>1 COMMONWEALTH OF MASSACHUSETTS 2 PLYMOUTH, SS. 3 4 I, Kimberley J. Bouzan, Professional 5 Court Reporter and Notary Public in and for the 6 Commonwealth of Massachusetts, do hereby certify 7 that KEVIN J. SHAUGHNESSY, the witness whose 8 deposition is hereinbefore set forth, was duly 9 sworn by me and that such deposition is a true 10 record, to the best of my ability, of the 11 testimony given by the witness. 12 I further certify that I am neither 13 related to nor employed by any of the parties in 14 or counsel to this action, nor am I financially 15 interested in the outcome of this action. 16 In witness whereof, I have hereunto 17 set my hand and seal this 17th day of July, 2017. 18 19 20 21 22 Notary Public 23 My commission expires: 24 August 27, 2021</p>	

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