

July 15, 2020

Ethics Complaint with Illegal Conduct

State Ethics Commission
Enforcement Division
One Ashburton Place, Room 619
Boston, MA 02108-1501

This complaint regards the conduct of Mark Ryan who is the Chairman of the Norwood Airport Commission (NAC). Mr. Ryan has been on the NAC for over 20 years. Ryan is also the Superintendent of the Town of Norwood Department of Public Works and the Town Engineer. Ryan uses his full time Norwood town position and his NAC position interchangeably.

1. Ryan holds NAC meetings at his Town DPW offices to conceal activity.
2. Ryan uses town resources to pay for private projects.
3. Ryan has done engineering plans and work for private companies, using town funds and resources, for over 10 years.
4. Ryan diverts federal, state and local funds for private entities and projects.
5. Ryan granted a lease of airport land in 2007, against federal law regarding airport land. Ryan did the engineering work for this private lease of airport land and used local funds to improve this airport land, and adjoining private land, exempting the lease from any town taxes.
6. Ryan amended the 2007 lease in 2010, against federal law, allowing the private entity to sub lease the airport land. Ryan has refused to disclose the rents paid by the sub lease tenant, Verizon Communications.
7. Ryan and NAC members have a long history of retaliation against companies and individuals at the airport.

The initial matter involves the RFP issued to lease airport land called the ABC ramp, issued on April 3, 2019.

The Norwood Airport Commission has been cited 2 times for violations of federal law by the FAA regarding FAA grant assurances, on April 11, 2008 and again on November 2, 2018.

Definitions

- A. Flight Level Norwood, LLC. (FLN)** This is the monopoly fuel provider at the Norwood Airport. In 2008 they purchased the entire airport operations and sole fuel supplier business. This is not to be confused with Flight Level Aviation. On January 1, 2017 Alan Radlo purchased 100% of FLN, in secret. **No public announcement was made.** To conceal this event Ryan started meeting away from the airport with FLN members, attorneys and others, at his DPW office to plan and conduct airport business.
- B. Flight Level Aviation.** An entity operating at the Norwood Airport, without a commercial permit, unregistered in the Commonwealth, conduction business as the headquarters of Flight Level Aviation, which runs numerous airport operations in Rhode Island and other locations.
- C. Mark Ryan. Town of Norwood employee, Town Engineer, DPW Superintendent.**

Norwood Airport Commission Chairman. Appointed 20 years ago to the NAC by the BOS.

- D. Russ Maguire. Norwood Airport Manager. Town of Norwood employee. Answers to the NAC, Ryan.**
- E. Kevin Shaughnessy. Past NAC member, Town of Norwood Employee, Norwood Light Department.**
- F. Fixed Base Operator (FBO). An airport business that conduct fixed airport operations, including fueling of aircraft, hanger rental, etc.**

In Executive Session on March 12, 2014, without any public notice, Ryan (NAC) awarded FLN LLC an additional five-year lease to the ABC ramp. BEH had been requesting space at the airport since 2010. The meeting agenda does not list the ABC ramp, leases or any FLN lease extensions.

FACTS

- 1. On April 13, 2020 NAC Chairman Mark Ryan appeared in front of the Norwood Planning Board. The video can be found here:**
<http://173.13.93.5:1500/CablecastPublicSite/show/10422?channel=3>
 - A. The planning Board agenda lists a site plan review, construction of a 7,200 SF hanger, 125 Access Road, Norwood Memorial Airport, Mark Ryan, Engineer/Applicant. Ryan is the NAC Chairman, Town Engineer and DPW Superintendent. He is not the applicant for the hangar project. FLN is. Why would he present a site plan review for a private company.
 - B. 125 Access Road is the address of FLN. On 8-14-2019 FLN was awarded the bid for the ABC lease with Hangar. Ryan presented the hangar plan for FLN, including the FLN letterhead plan, etc. No one from FLN appeared at this hearing. He used engineering he had prepared as the town engineer.
 - C. The meeting lists “Mark Ryan Engineer/Applicant. Ryan is not the applicant, Flight Level is.
2. On March 20, 2019 the “Town of Norwood” applied to the conservation commission for an extension on the special order of conditions for the ABC hangar. This process was never listed for discussion in any NAC public meeting. The application is for the “Town of Norwood”, Norwood Engineering Department, ABC hangar. The town of Norwood never has constructed any hangar at the Norwood Airport. FLN owners Alan Radlo had been meeting with Ryan and others at the DPW yard to hide their actions.
3. On April 3, 2019 Norwood airport manager Russ Maguire sent out an email regarding an RFP for the ABC ramp at the airport. This town owned ramp was improved with federal funding and has been the subject of secret actions, a pending Federal complaint, a pending FAA final decision regarding violations of federal law and numerous discussion on the airport stretching back to 2010. This detailed RFP was never listed or discussed at any NAC public meeting from January 1, 2016 until the sudden RFP on April 3, 2019. This RFP contained approximately 50 pages of detailed terms and conditions. These conditions are not part of the approved Norwood Airport General rules and regulations. From thin air a detailed RFP was sent out to lease a ramp area which has been the subject of intense scrutiny since 2008. When did the deliberations take place for the

Norwood Airport Commission to produce this detailed RFP?

4. On April 26, 2019 I sent a detailed list of questions regarding the ABC RFP to the Town Manager Tony Mazzucco. I requested documents listed in the RFP along with numerous questions. My questions were based on the fact the RFP details are not included in airport rules and regulations and never discussed or voted on at any NAC public meeting prior. How could these detailed terms and conditions suddenly appear without years of secret deliberations?
5. On April 30, 2019 I went to the Norwood Town Hall and requested a copy of the extensive file regarding the ABC RFP. This file and the associated meetings, conditions and terms were never discussed at any NAC public meeting or agenda. Members of the NAC had submitted numerous plans, applications and other documents. Members of the NAC had attended meetings of the Norwood Conservation Commission in their official NAC capacity. These actions by NAC members were never noticed on NAC public agendas or meeting minutes. I received a copy of the extensive Conservation Commission file via U.S. mail on May 20, 2019.
6. On May 1, 2019 I sent a letter to the Norwood Board of Selectmen. No response was received. On May 1, 2019 I received a letter from Catherine Carney. This letter was in response to my April 26th letter. Mrs. Carney failed to answer the majority of my questions or provide requested items. Without copies of the referenced items (IE. The detailed).
7. On May 1, 2019 Flight Level submitted a bid for the ABC lease. The Bid was NOT from FLN. Peter Eichleay, FLN president, submitted the bid as FLN, LLC. This was incorrect. Eichleay lists the 9 locations Flight Level runs, this does not include FLN or Norwood. Eichleay mixes Flight Level with FLN throughout the RFP bid. Part of the ABC bid involved submitting financial information for the bidder. Eichleay submits a financial report for Flight Level not FLN. Ryan is aware of this however the NAC and FLN operate under a secret Joint Defense Agreement, against BEH.
8. On May 1, 2019 I sent a letter to the Massachusetts Department of Transportation outlining my concerns regarding the ABC RFP. Essentially ignored.
9. No public discussion or notice was ever made by the NAC regarding the detailed planning, meetings and hearings that were discovered after the RFP was issued, which concerned the design or conservation commission involvement in this RFP. Multiple appearances at meetings by NAC members as well as numerous reports were never mentioned in any NAC agenda or meeting minutes. Based on the detailed deliberations conducted in secret around 2017 members of the NAC have been conducting deliberations without any public notice, approved agenda or minutes.
10. At the May 8, 2019 NAC public meeting, found here:
<http://173.13.93.5:1500/CablecastPublicSite/show/9775?channel=3> beginning at 43:00 minutes, NAC Commissioner Sheehan, while discussing the RFP put out by the NAC for leasing airport property (Lots ABC) stated that the lease RFP "Was discussed 2 years ago", Mr. Sheehan went on to state "I went through my other minutes, we actually discussed this in our January and February meeting with counsel I think Mr. Bateman was his name, to prepare the lease, so it was discussed then, so this misinformation that was supplied to the Board of Selectmen to somehow say this is a rushed process is so wrong the Board of Selectmen understood that". This is not true.

11. At the May 8, 2019 NAC public meeting Commissioner Sheehan mocked this process and questions without any sincere effort to help the public understand this RFP. The NAC also voted to approve this RFP although it had been out in public for over a month and never approved by the NAC. Mr. Sheehan further claimed discussion had been ongoing in past Executive Session or open session NAC meetings. A review of the last 3 years minutes and agendas does not support this claim. It appears the NAC, based on the statements by Mr. Sheehan, has conducted business in Executive Session without proper notice, a violation of the Open Meeting Law.

A review of the NAC agenda and meeting minutes beginning January 11, 2017 to the present do not show any discussion regarding the RFP for Lot's ABC. No Executive Session agenda lists Lot's ABC lease RFP for consideration. The January and February 2017, 2018, and 2019 NAC meeting agenda and minutes do not show any discussion regarding the Lots ABC RFP. Mr. Bateman is not listed in any NAC meeting minutes as being present from January 11, 2017 to the present. The statements by Commissioner Sheehan appear to either expose secret NAC meetings or discussion not recorded (or noticed) in accordance with the Open Meeting Law. In fact there are few if any NAC Attorneys listed on meeting minutes although at many meetings an attorney for the NAC is present.

When was the ABC RFP discussed in any public NAC meeting or Executive Session? There are no NAC agenda or meeting minutes, including any Executive Session agenda or minutes which show notice or discussion of the ABC RFP. This is the first NAC meeting that the ABC RFP was ever discussed or noticed.

NAC members and members of FLN had been meeting in secret at the DPW offices of Ryan for years, discussing in part hangars, etc. See the Deposition testimony included.

12. On May 10, 2019 the ABC RFP was changed again via addendum.
13. On May 20, 2019 I sent another letter to the Board of Selectmen regarding my concerns on the ABC RFP. My letter made clear I was disputing the RFP and the process.
14. At the May 30, 2019 NAC meeting found here:
<http://173.13.93.5:1500/CablecastPublicSite/show/9851?channel=3> Beginning at 6:00 minutes, NAC Chairman Ryan states in part the following; "On April 26 BEH sent a letter with 27 comments and questions about that RFP (ABC), the Airport Commission along with our attorney addressed those". There is no record of any meeting between the NAC and any attorney to address my letter of April 26, 2019. The Airport Commission has not noticed any meeting to address the ABC RFP or answer questions. Detailed deliberations must have taken place in secret regarding the changes to the ABC RFP.

When did these deliberations take place?

Ryan goes on to state in part: "On May 8th we had an NAC meeting and voted to change the terms of the lease from 30 years to 20 years so on May 10th amendment #2 was issued changing the lease term from 30 years to 20 years". This statement is incorrect. No vote was taken to change the lease term. No vote was ever taken prior to May 8, 2019 regarding the ABC RFP. No vote or public discussion was ever taken prior to the ABC RFP being put out on April 3, 2019. On May 8,

2019 the NAC voted for the first time to put out an RFP for the ABC area which had already been put out on April 3, 2019. The April 3, 2019 ABC RFP was for a term of 30 years. Without any public notice it is clear deliberations were conducted by someone at some time to change the RFP voted on at the May 8, 2019 meeting.

15. On June 20, 2019 I sent another letter to the FAA regarding the ABC RFP.
16. On June 29, 2019 I sent another letter to the Norwood BOS. I outlined the secret meetings conducted by Ryan and others
17. On August 14, 2019 the NAC awarded the ABC RFP to Flight Level Norwood, LLC.
18. On August 23 and August 21, Eichleay and Maguire arranged one of many secret meetings regarding airport operations. No public notice or discussion was made regarding the meeting conducted.
19. On September 13, 2019 Eichleay emailed Maguire, Ryan and Sheehan regarding an extension on the permit with DEP for the ABC hangar project. Evidently Ryan had also performed permitting with DEP for FLN and the ABC hangar.
20. On September 18, 2019 Maguire writes the Norwood Conservation agent on behalf of Eichleay and FLN. Why?
21. On November 14, 2019 Ryan exchanges communication with Radlo (See the Radlo, FLN synopsis below) regarding the ABC hanger.
22. On January 12, 2017 NAC Chairman Mark Ryan filed a NOI (Notice of intent) for the hanger on Lots ABC. This action is not listed in NAC meeting or agenda. On March 1, 2017 a memorandum was issued by Epsilon which revised a July 20, 2016 wetlands memo. This document contains a detailed report from Epsilon Associates regarding environmental permitting for the ABC hanger construction. Epsilon Associates references work conducted on June 2, 2016 regarding wetlands delineation for the hanger project. None of these actions are shown in NAC agenda or meeting minutes. No reference is made as to the source of funds for these detailed studies and operations. This package includes a detailed abutters list which does not include BEH. BEH is an abutter with a multi-million dollar facility on the airport. This detailed memo was never listed in any NAC agenda or minutes. On April 19, 2017 a detailed order of conditions was issued for the ABC hanger project, this order was extended on March 20, 2019. In February of 2017 the Town Engineering department prepared a detailed document titled "Norwood Memorial Airport Hanger Development Project". No NAC meeting minutes or agenda mention these actions.

There are numerous references, votes and payments, to Epsilon Associates in 2016 under several AIP projects that do not include the proposed hanger construction by the Town of Norwood. On May 11, 2016 a payment is made to Epsilon for \$4,600 to do Wetland Flagging for the proposed Lots ABC hanger. The source of the funds paid to Epsilon is not noted. There were ongoing AIP projects currently which did not include a hanger project

on ABC. The NAC has never built a hanger or discussed a hanger in any public meeting.. The Town was cited recently for diverting prior AIP funds to Epsilon. On September 8, 2010 the NAC used AIP funds from a Taxi way reconstruction project to pay Epsilon illegally for non-AIP work. Ironically the airport was using AIP funding to illegally remove airport land from airport use without FAA notice or approval. The Manager knew on March 15, 2010 he needed FAA approval for the release of airport land for non-aviation use. The airport did not receive FAA approval but chose to ignore this law and sub lease airport property to Verizon communications to park trucks, creating a safety hazard which still exists for airport operations.

Who authorized and paid for the extensive engineering and environmental report prepared by Epsilon Associates from February 2017 and wetlands analysis done on June 2, 2016? Epsilon Associated conducted work regarding the illegal lease of airport land by the NAC in 2010. The NAC was cited in November of 2018 for diverting federal funds on an airport project to pay Epsilon Associates. Who paid for the detailed Notice of Intent (NOI), conducted by Epsilon Associates in February of 2017?

When did the NAC deliberate or discuss the extensive terms and conditions of the ABC RFP issued on April 3, 2019. Out of thin air the NAC published an RFP with no public knowledge prior and no public discussion. Mr. Sheehan references meetings or discussion which is not listed in any agenda or minutes.

23. On April 5th and April 19, 2017, Norwood Airport Manager, Russ Maguire, and NAC Chairman, Mark Ryan, appeared in front of the Norwood Conservation Commission regarding Airport Lots ABC. No NAC Airport minutes or Agenda mention this activity which was ongoing in secret. Ryan states in part, "All the revenue we generate at Norwood Airport doesn't go to Norwood Airport it goes back to the Town of Norwood General fund. All the revenue that comes into Norwood comes in and then how it works, police, fire, schools, conservation committee, we're all benefit of that. So, it's good for the town of Norwood, good for the airport". This contradicts both State and Federal grant assurances and is a lie. All airport revenue must stay with the airport under state and federal law.
24. On April 5, 2017 and again on April 19, 2017, the Norwood Conservation Commission agenda lists appearances by NAC members as follows:
 1. Notice of intent. Town of Norwood DPW representing Town of Norwood, Access Road, Norwood MA.
 2. Notice of intent. Epsilon Associates representing Norwood Airport Commission, project location 125 Access Road. Norwood, MA.
 3. Sign order of conditions (Town approval-state denial) Norwood Airport Commission project location 125 Access Road. Norwood, MA.
 4. On April 5, 2017 and again on April 19, 2017, the Norwood Conservation Commission minutes list appearances by NAC members as follows:
 - Mark Ryan, Norwood Airport Commission, Town Engineer, Director of Public works.
 - Russ Maguire, Airport Manager.

None of the appearances by NAC members (Ryan and Maguire) are shown on any NAC Agenda or

meeting minutes. No discussion is made regarding the extensive work completed for the conservation filing by the NAC on any agenda or meeting minutes for the NAC. Work all done in secret for FLN.

The presentations by Ryan and Maguire are proposals by the “Norwood Airport Commission”. When were these detailed plans and leases discussed? Who conducted deliberations? It was actually for FLN. Ryan obtained extensive conditions regarding the approval from conservation. Without these detailed terms and conditions it is impossible to understand the RFP and its restrictions. These orders from the Conservation Commission were never made public at any NAC meeting.

25. On April 12, 2017 Ryan completed engineering for the proposed Lot ABC hangar, Norwood Memorial Airport. He signs the plan as the Town Engineer.
26. On June 1, 2017 FLN submits their yearly commercial permit application to the NAC. This application is fraudulent. Alan Radlo had purchased FLN as of December 31, 2016. He is not listed on the FLN Commercial permit application although required. Radlo owns no part of Flight Level Aviation, which is based at Norwood Airport, holds no commercial permit and is not registered in Massachusetts. Ryan knew this having met in secret with Radlo and other FLN staff at this DPW offices. Ryan and FLN had been meeting in secret at the Norwood DPW offices to discuss the hangar.

VERIZON AIRPORT LAND LEASE BY MARK RYAN

SPEIGEL/VERIZON LEASE.

- A. On 7-1-2007 a lease of airport property was given. It was for 20 years total. The entire lease was 4 pages including signatures. Leasing airport land for non-aviation use is illegal and a violation of the grant assurances. Clearly the licensed airport manager knew this.
- B. The lease prohibited anything but parking cars. No sub lease was allowed. No buildings. Contrary to later claims the land was not segregated from the airport property. Just look at Google Earth prior to 2007 and you will see the dirt taxi way to this airport property.
- C. Possibly federal and state funds were used to build a barrier wall around the entire property to segregate and improve the property for the lessee. In 2007/2008 the NAC had a violation of federal grant assurances in part which was regarding leases.
- D. While the federal violations were being addressed by the NAC/Manager with FAA they were also taking steps to change the lease and allow sub lease to Verizon.
- E. The NAC/Manager made promises to include subordination language in all future leases in 2009, including the proposed sub lease through Spiegel to Verizon. The NAC/Manager told Spiegel/Verizon they would have to include subordination language in the proposed illegal sub lease. When Spiegel/Verizon complained they took it out. The master plan for the airport was to purchase with FAA funds the adjoining parcels of the Spiegel lease area. While telling the FAA that was the plan the NAC/Manager were leasing the airport land to Spiegel for up to 20 years. Misleading the FAA.
- F. NAC member Tom Wynne was on the planning which had to approve the Verizon plan on the airport property in 2010. Wynne it appears never told anyone he was dealing with this on both boards and suddenly recused himself without explanation from the Spiegel sub lease project. This was a big story in 2010. He approved the airport lease.

- G. When asked in 2013 who from FAA had approved the illegal conversion of airport land Airport Manager Maguire stated he was told by the FAA that they never had to apply for this conversion. This was not true. Maguire had applied in 2010 and 2012 for release and not received approval. When asked the FAA would not confirm his claims.
- H. **No one from the town or NAC appears to have reviewed or approved the sub lease of airport property to Verizon. A sub lease in part of airport land.**
- I. **No one it appears knows how much Verizon is paying Spiegel for the airport property as the figures have been blacked out. Verizon pays no taxes on the airport property they sub lease.**
- J. **Verizon does not provide any insurance binder to the town of Norwood for operations they conduct on the airport property. All other airport tenants must provide insurance listing the town of Norwood except Verizon.**
- K. Verizon/Spiegel placed light poles in the airport runway protection zone. Although an engineer commented on this obvious hazard to the airport nothing was done.

FLIGHT LEVEL NORWOOD, LLC. ALAN RADLO, PETER EICHLEAY, ARR AVIATION LLC.

- 27. The RFP issued by the NAC is impossible for anyone to comply with other than FlightLevel Norwood, LLC. (FLN) No entity on the Norwood Airport has any ramp space in which to accommodate the terms and conditions outlined in the RFP. The ABC RFP is impossible for anyone other than Flight Level Norwood, LLC. to comply with. The NAC requires that the lessee, at the request of the NAC, 2 times per year, must remove all aircraft from the ABC tie down, relocating all aircraft to another area at no cost to the town. The Lessee would need to have approximately 94,000 SF of usable tie down space on the airport to relocate the ramp tenants. Flight Level Norwood, LLC controls approximately 80-90% of the available ramp area at the airport. Flight Level Norwood, LLC. controls all the available apron area at the airport.
- 28. In May 2018 Flight Level submitted a bid to the Rhode Island Airport Corporation to manage 4 Rhode Island FBO's. Flight level claims it owns the FBO operations at the Norwood Airport, this is false. Flight Level claims it is based at the Norwood Airport. This is false. The RFP bid lists Russ Maguire the Norwood Airport Manager as a reference. Flight Level was awarded the bid by RI.
- 29. Alan Radlo purchased full ownership of FLN LLC on December 31, 2016. As of January 2018, NAC members referred to Radlo as "the owner" but still were not certain who owned FLN LLC. *Radlo stated he met Ryan and Sheehan at the Norwood Airport Commission "Highway Department's offices". The NAC has no offices at the Norwood DPW building. NAC Chairman Mark Ryan is the Superintendent of the Norwood Highway Department. NAC Chairman Ryan uses his role as the Norwood DPW Superintendent to shield deliberations.

According to FlightLevel Attorney Nicholas Burlingham (Deposition of March 8, 2018. Page #14-16) ARR Aviation and ARR II Aviation does not hold any beneficial or equity interest in any other FlightLevel

entity. The ARR entities own 100% of the equitable interest in FlightLevel Norwood, LLC. WHO HAS BID ON THE RFP, WHAT COMPANT, WHAT INFORMATION HAS BEEN PROVIDED BY WHAT COMPANY? The bid package intertwines both FlightLevel Norwood, LLC with Flight Level Aviation in numerous instances of the bid.

In May of 2018 FlightLevel Aviation submitted another RFP response for aviation services to the Rhode Island Airport Corporation. There are numerous statements in this bid which are inconsistent with the statements by numerous individuals and the commercial permit at Norwood airport. The bid claims FlightLevel "Owns over 120,000 SF of aircraft hangers, terminal space and offices, controls over 10 acres of ramp consisting of over 125 aircraft tie downs, and operates a full service aircraft maintenance avionics and fueling business (At Norwood, KOWD). THIS BID ALSO INCLUDES RUSS MAGUIRE AS A REFERENCE. MR MAGUIRE IS THE MANAGER OF THE NORWOOD AIRPORT AND A MUNICIPAL EMPLOYEE.

30. On December 31, 2016 FLN was sold to Alan Radlo who had formed ARR Aviation and ARR Aviation 2, LLC. Radlo essentially purchased the entire Norwood Airport operation, fuel sales, etc. No public notice or discussion was ever done regarding this transaction. Ryan and the NAC were in the middle of a pending Federal suit scheduled for trial on December 10, 2018. FLN was embroiled in litigation and the NAC had a pending FAA investigation. Radlo details numerous meetings held at the DPW offices of Ryan.
31. Radlo assumed all the leases at the airport between FLN and the town. No public notice was given. Radlo and ARR never provided any information to the NAC regarding their company or ownership, etc. in public.
32. Radlo began attending private meetings with Mark Ryan at the DPW offices with counsel and others to discuss the airport and hangers, etc. All airport subjects which were never on any NAC public meeting agenda. Radlo believed the DPW offices or Ryan were the NAC offices.
33. Radlo discussed building hangars with Ryan who was using town resources to plan the hangars for FLN, in secret.
34. Airport Manager Maguire stated on June 25, 2018, under oath, he was unsure who owned what regarding FLN.
35. NAC Commisisoner and Town employee Kevin Shaughnessy claimed he was unsure what Radlo owned.
36. FLN/FL attorney Nicholas Burlingham attended secret meetings at the DPW offices with Ryan and others.
37. On January 10, 2018 Ryan introduced Alan Radlo at the NAC public meeting, thanking his for his commitment to the airport. Radlo had owned FLN for over a year with no public disclouse, while attending secret meetings with Ryan and others at the DPW garage.

Michael Sheehan Deposition.

3-27-18

Page #99- Met Alan Radlo within the last 6 months (October 2017). Met at DPW Conference room, meeting called by NAC Chairman Mark Ryan. (NAC does not meet at the DPW conference room. Ryan is the Superintendent of the DPW, meeting not posted for the public and no minutes maintained). Recalls being told Radlo involved in FLN but no notification. Not aware of any

Approval by NAC of Radlo acquiring FLN, Present at the DPW meetings, Burlingham, Radlo, Eichleay, Ryan and Sheehan.

Ryan Deposition

7-18-2018.

Page #375. MET RADLO ABOUT A YEAR AGO. AROUND JULY 2017. (So he approved the FLN FY2018 Commercial permit which did not list RADLO as any owner but he met with him as having ownership interest). MET RADLO AT HIS OFFICE IN THE DPW.

Page #376. DOES NOT RECALL RADLO TELLING HIM HE OWNED FLN. Exhibit # 540. Introduced Radlo at the January 10, 2018 NAC meeting as the "OWNER" of FLN. Did not recall or know ownership interest by Radlo.

Page # 382-384. Radlo owns FLN and Eichleay gave a Guaranty for S and T realty trust only, not FLN.

Page #385. Exhibit 541. NAC GIVES HANGER TENANTS ON LOT 5, LEASE EXTENSIONS ON LOT'S 6 AND 7, AIP RAMPS. FLN NOW HAS LEASE EXTENSIONS ON LOTS 5,6,7, AND HANGER TENANTS ON LOTS 5 HAVE LEASE EXTENSIONS ON LOTS 6,7. 6 AND 7 ARE AIP RAMPS WHICH NOW HAVE FURTHER LEASE EXTENSIONS.

Page #367-371. FLN first commercial permit in 2008, Ryan was on the NAC. FLN assumed all the rights of the prior FBO. Assumed control of most of the leased space on the Airport in 2008. Did not know Eichleay was 26 years old at the time of the FLN 2008 first FBO permit. 2 years out of college. No commercial aviation experience. Never run an FBO. Does not recall NAC requiring any proof of any funds, no trade references, was a newly formed company. Does not recall asking FLN for any kind of guaranty for the LEASES OR FBO.

Page # 372. From FLN presentation all seemed to have some kind of aviation experience. Does not recall requiring any verification of claims by FLN in 2008, No resume.

Eichleay Deposition.

3-28-2018

Page # 273. Exhibit 205. When Eichleay signed the Guaranty agreement he owned no Equitable interest in Flight Level Norwood.

5-31-17

Page #14 ARR entities acquired all of the interest of Flight Level Norwood, LLC.

Maguire Deposition

6-25-2018

Page # 405-407 Exhibit 484. This is all that was submitted in 2007-2008 by FLN for their initial FBO commercial permit application. This contradicts the letter to FAA (Exhibit 547) from Ryan on Page #6. He details why they approved the FLN 2007 FBO permit based on things they did not have.

Not sure who owns what when asked about Eichleay and fake Guaranty.

Page #448. Aware the Commercial permit FLN submitted in 2017 did not list Alan Radlo, the owner.

Page # 449-451. Claims he became aware of this after a Public records request. At some point

became aware Radlo owns FLN. ACCORDING TO BURLINGHAM DEPOSITION ON 3-8-18, Page #29. Burlingham says he reported the fake FY 2018 Commercial permit application to Maguire about 6 months ago (approximately October 2017).

Does not recall if financial information requested from ARR Aviation, LLC. IT WAS NOT.

Does not recall any financial statement from Radlo or ARR.

Page #451, DID NOT REQUEST A PERSONAL GUARANTEE FROM RADLO.

Page #451. ASKED IF EICHLEAY GAVE PERSONAL GUARANTEE REGARDING FL OBLIGATIONS TO THE NAC. YES. ASKED IF HE IS AWARE EICHLEAY OWNS NO PART OF FL NORWOOD, LLC. NOT SURE AS THE DYNAMICS OF THE COMPANY HAVE CHANGED.

Kevin Shaughnessy Deposition

3-19-18

Page #110 -114. Became aware of Radlo within the past year. Met him at a Flight Level function. Still not aware of the extent of Radlo ownership of Flight Level. Does not recall if Manager ever provided any information about Radlo.

5-30-2018

Page 224-225 No idea what was provided by Flight Level in 2008 for initial FBO application.

Nick Burlingham Attorney for FLN Deposition

3-8-18

Page #19. Eichleay owns no equitable interest in Flight Level Norwood, LLC.

Page #27-33. Exhibit #44. Flight Level filed a FY 2018 Commercial permit application on June 1, 2017. It was not correct. It failed to list Radlo or ARR Aviation (Done intentionally).

Page #29. Burlingham says he reported the fake FY 2018 Commercial permit application to Maguire about 6 months ago (approximately October 2017).

Page #30. DOES NOT RECALL IF HE REPORTED TRANSFER OF FLIGHT LEVEL TO ARR WITH THE NAC.

4-19-2018

Page #350. After Fee brought it to his attention about Radlo and ARR owning FLN he submitted a letter to the NAC. Does not recall providing anything to NAC regarding ARR owning FLN.

Page # 352. NAC directed Flight Level Norwood to provide financials (Not Radlo or ARR). NAC did not direct Radlo to provide any financials.

Page #355. Radlo and ARR are providing no information regarding their ownership of FLN. ARR Aviation, LLC ARR Aviation 2 LLC own 100% of Flight Level Norwood Aviation LLC, CORRECT.

Page # 379-383. Recalls secret meetings with Radlo at the DPW building, with Radlo within the last 6 months (Approximately October 2017). Present were Radlo, Eichleay, NAC Chairman Ryan, Vice Chairman Sheehan. Meetings never noticed to the public. Discussed Airport, runway projects, had a power point presentation.

Radlo Deposition

10-29-18

Page #23. Did not invest in any other Flight Level companies other than Flight Level Norwood.

Page #28. Never had any discussions with NAC, FAA or DOT prior to investing in FLN.

Page #31. Sole member and Manager of the ARR Aviation, LLC.

Page #35. Understood the investment companies that he was the sole holder of were investing in a master lease that Flight Level had with the Norwood Airport Commission.

Page #44, Flight Level Norwood, LLC is currently the 100% owner and beneficiary of the EAC Realty trust, EAC Realty Trust II, S and T Realty Trust of Norwood and EAC Realty Trust IV.

Page # 55. Thought there was a Federal Suit that involved the Town of Norwood and Flight Level. (Flight Level Norwood is not a party to any Federal Litigation with BEH). Although, according to the Moss Deposition there is a Joint Defense agreement between Flight Level Norwood and the NAC/Town of Norwood.

Page # 59. He controls 100% of the Flight Level Norwood Leases. He owns 100% of the stock and no one holds any other ownership interest in Flight Level Norwood, LLC.

Page # 63-64. First met NAC members on September 6, 2017 at a party in the Flight Level hanger at Norwood Airport. (Contradicted by deposition testimony of Sheehan and Ryan).

Page # 71-73. Exhibit 542. Does not understand why letter advising NAC of ownership is dated March 13, 2018 when it happened in 2016.

Page #73-73. Exhibit 559. Not aware if he was ever asked to provide personal financial statement. Never asked to provide tax returns, Never asked to provide a personal guaranty, No information regarding ARR or ARR 2 Aviation ever provided to NAC. Understood Flight Level provided information.

Page # 77. Not aware and never provided personal financial information (Alan Radlo) to the NAC.

Page # 79. Exhibit 540. January 10, 2018 NAC meeting. Ryan states, "Welcome to Alan Radlo, owner of Flight Level, recognized for his commitment to the airport". Page #80. Says he had meetings with Mark Ryan.

ASKS HIS ATTORNEY IF THAT'S PUBLIC INFORMATION (The secret meetings with Ryan).

Page #83. Had at least 2 private meetings with Mr. Ryan. Page #84. SAYS MEETINGS AT THEIR OFFICES, NORWOOD HIGHWAY DEPARTMENT. POSSIBLY 2 OR 3 MEETINGS AT THE HIGHWAY DEPARTMENT. (Note, The NAC does not have offices at the Norwood Highway Department, they have offices at the Norwood Airport where they rent space from Flight Level. Mark Ryan is the Chairman of the NAC, he is also the full time Superintendent of the Norwood Highway Department). These meetings were never recorded or noticed.

Page #98-109. Exhibit #600 includes several letters from Eichleay to various officials and the NAC trying to stop BEH from becoming an FBO.

Reviews various letters with Radlo, 11-17-17: Eichleay to BOS. 12-8-2017, **"It goes without saying that BEH's entry into the fuel business would severely undermine not only our fuel business and planned capital improvement projects but also our aircraft maintenance and real estate business as well" " I am first writing to reiterate my long standing position that the airport cannot support two FBO's". "I know that the enfranchisement of a second commercial fuel vendor at the airport would radically destabilize my company" " Enough is enough, BEH should not be rewarded for its own wrongdoing", In bold all caps to the Norwood Board of Selectmen Eichleay states BEH's FBO application should be denied.**

Page # 112-113. Eichleay states in a letter to the NAC in 2015 "The NAC needs to end this insanity once and for all by acting to invoke its safe harbor single FBO exception"

Page #116-117. Exhibit 601. Flight Level Norwood has no investment in Rhode Island Airports.

Page #118. HAS NOT SEEN THE JOINT DEFENSE AGREEMENT BETWEEN FLIGHT

LEVEL AND NORWOOD.

ADDITIONAL FACTS REGARDING ABC AND RYAN.

The Town was cited in 2008 for violations of federal law by the FAA. In part the violations state the town must "end the practice of awarding long term leases of federally funded ramps that had the effect of granting one party control over the majority of the ramps on the airport", "puts in place a short term ramp leasing permit policy for the airport to assert more control of the federally funded ramps" This RFP violates the FAA orders of 2008 and the current FAA violations pending from November of 2018.

On May 16, 2008, in response to FAA 16-07-03, the Town submitted a Corrective Action Plan (CAP) to the FAA. This plan contains detailed promises by the Town regarding Lot's ABC. The ABC RFP contradicts the promises made by the Town to correct violations from 16-07-03.

As part of the CAP (Corrective Action Plan) to the FAA the NAC (Town of Norwood) stated the following: Concerning Lots ABC (Lease negotiations) the NAC awarded a 5 year lease... This action was taken contrary to vigorous arguments from the lessee which wanted a 20 year lease with options to renew. At that time the Commission (NAC) expressed a redirection of its leasing policy, with a focus on shorter lease terms. The Commission (NAC) also articulated its interest in effectively "Un-encumbering" land so that prospective lessees, other than (the current lessee) may also bid on future leaseholds. The NAC voted to formalize, and further on a broader basis, the actions the NAC had taken on Lots ABC, by affirming a shorter-term leasing policy for all (Emphasis supplied) land it leases at the Airport. In so doing, the NAC expressed an interest in seeking to prevent the granting of one-party control over most of the airport ramps. The current RFP is for 30 years and violates this CAP promise to the FAA. The claims in the May 1 letter under #6 are incorrect. No investment is being placed on the ABC ramp as it would be illegal with pending AIP restrictions. The "Investment" is a claimed hanger NOT located on the ABC ramp.

15. On July 8, 2009 the NAC discussed the lease of ABC to FlightLevel. They acknowledged that "a building cannot be placed there (ABC)". They now demand a hanger be built as part of any ABC lease. Changed for FLN only.

The ABC RFP is impossible for anyone other than Flight Level Norwood, LLC. to comply with. The NAC requires that the lessee, at the request of the NAC, 2 times per year, must remove all aircraft from the ABC tie down, relocating all aircraft to another area at no cost to the town. The Lessee would need to have approximately 94,000 SF of usable tie down space on the airport to relocate the ramp tenants. FlightLevel Norwood, LLC controls approximately 80-90% of the available ramp area at the airport.

16. In 2016 the NAC extended three ramp leases (including two FAA-funded aprons) from 2027 or 2028 to 2050, upon an email request from FLN LLC (FlightLevel Norwood, LLC) with no public notice or discussion and no competitive bidding. Why was this space not put out under an RFP?

The NAC conditioned the FLN LLC lease extensions on "FlightLevel" provides a personal guarantee or letter of credit, provide "adequate spill insurance" and provide a "site plan which will include a fuel site plan stamped and licensed by a licensed engineer or surveyor". None of these new conditions are on the minimum standards for the airport. This action was taken to justify past discrimination toward BEH.

Some other key facts

- According to the prior NAC attorney Brandon Moss, he and the NAC were and have been

operating under a Joint Defense Agreement, regarding FAA complaints, ongoing legal matters concerning a private company, Flight Level Norwood, LLC. and cases in Federal as well as Superior Court.

VIDEO EVIDENCE

4-15-2015 NAC meeting video.

<http://173.13.93.5:1500/CablecastPublicSite/show/6782?channel=3>

Start at 6:30 to 21:30 and 42:30 to 1:06:40

Hutchins says Standards against BEH arbitrary at best.

K. Shaughnessey says NAC did not ask for second FBO. 2nd FBO can not survive

K. Shaughnessey says: If FAA says we should not ask for financials, etc. then we should back off. (Part 16 decision).

Says FAA told them to ask for financials. LIE.

We have to know who we are dealing with.

Sheehan says NAC not asking for personal info. (contradicts lease offer, NAC meeting video of January 2015, asking for Tax returns).

Hutchins asks if all this has been reviewed by Town Attorney (Moss) **Russ says Town Attorney has been involved since day 1 on everything. IE approved all the things NAC is doing?**

BEH Attorney Kelly tries to talk. Sheehan tells her to shut up. Moss was let go from his firm within days of his deposition in 2017.

6-10-2015

<http://173.13.93.5:1500/CablecastPublicSite/show/6912?channel=3>

Tim McCulough present. Offers all BEH Financials, without any waiver or confidentiality, has in hand, K. Shaughnessey says no.

Start at 13:00. to END

Shaughnessey moves to adjourn and cut off Tim. Then Lee steps in.

Excellent meeting and video. Lee Hutchins talks about Court order on FL v. BEH case. Property dispute all set via Court order.

Tim talks at length and Hutchins does as well.

Tim McCulough talks at 28:00 mins. and 29:30

January 14, 2015 NAC meeting.

Start at 15:20. Go to End.

No fuel plan.

No over building the lot. No approval of Business plan.

Fuel system explained.

Many issues covered.

<http://173.13.93.5:1500/CablecastPublicSite/show/6625?channel=3>

10-8-2014 NAC meeting.

<http://173.13.93.5:1500/CablecastPublicSite/show/6457?channel=3>

Hues asks is BEH FBO delayed, Russ responds that is was TABLED in JUNE.

Start 9:00 to 36:00

Start 41:15 to 46:00
Start at 49:00 to 1:05

8-12-2015 NAC meeting.

<http://173.13.93.5:1500/CablecastPublicSite/show/7040?channel=3>

Start 16:50 to 42:30

9-9-2015

<http://173.13.93.5:1500/CablecastPublicSite/show/7073?channel=3>

Start 22:10 to 46:40

9-30-2015

<http://173.13.93.5:1500/CablecastPublicSite/show/7106?channel=3>

5:00 to end.

August 9, 2017

Video attached.

Start at 3:40 to 9:45